

**WEST ST. PAUL COMMITTEE OF ADJUSTMENTS**  
Regular Meeting

The regular meeting of the West St. Paul Committee of Adjustments was called to order by Chair Green on Tuesday, December 15, 2020 at 6:35 pm at the Municipal Center, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

**Roll Call:** Samantha Green, Morgan Kavanaugh, Peter Strohmeier, Dan McPhillips, Lisa Stevens, Maria Franzmeier, Tori Elsmore  
**Also Present:** Melissa Sonnek, City Planner; Sharon Hatfield, Administrative Specialist; Amanda Johnson, City Attorney; John Justen Council Liaison

**Adopt Minutes:** Minutes from the December 17, 2019 meeting were approved with no changes.

**PUBLIC HEARINGS**

**COA Case 20-01 - Three Variances to Allow for the Construction of a New Commercial Building, including a Reduction in Minimum Side-yard Building Setback, Reduction in Minimum Parking Stall Depth and to allow a Trash Enclosure in the Side-Yard adjacent to the Street at 1365 Robert St. - Linn Investments Properties, LLC**

Sonnek began by saying that the developer wished to tear down the existing Perkins building, and build a new self-service laundromat facility at just over 4,700 square feet. The first variance request was to allow for the reduction of the side yard building setback adjacent to the street. The minimum is 20 feet; the applicant is requesting a variance of 10 feet. The proposed location of the new building is very close to what exists today and the location of the building is likely due to the elevation of the site. Elevation of the site decrease north to south. The intent of the B4 10-foot setback ordinance was for pedestrians and motorists to be able to see around the building and therefore, see larger big box stores. City staff believe that the position of the building does preserve the visibility from the Robert St. and Emerson Ave. intersection. The second variance request is for the reduction of the minimum parking stall depth. The applicant is requesting a reduction to 18 feet (with the minimum being 20 feet.) The City has allowed this type of variance before, specifically when the situation allows the car in the back or the front to overhang the curb. City staff does believe that this request is reasonable. The third variance request is to allow a trash enclosure on the side yard adjacent to the street. With the oddly shaped lot, there is no true rear yard. Thus, it has no rear yard for the trash enclosure. For this reason, City staff believes that the variance request is a reasonable one. Sonnek reminded the Commission of the criteria for granting a variance: harmony with the ordinance intent of zoning code, consistency with the Comp Plan and, the establishment of practical difficulties. Practical difficulties are met if the property will be used in a reasonable manner and if the plight of the property due to a situation that is unique, and not created by the site plan. The plan must also not change the essential character of the neighborhood. There are also restrictions to keep in mind. Economic considerations alone do not constitute practical difficulties. A variance cannot be granted for a use that would not be allowed in the zoning code.

Sonnek said that the Committee of Adjustments may impose conditions on a variance. The conditions must be directly related or bear a rough proportionality to the impact created by the variance. City staff does believe that the lot has met practical difficulties with the lot shape, lack of rear yard, the curved side yard, the elevation change north to south, and the proximity to the 4-way intersection. The applicant will use the property in a reasonable manner and will not alter the essential character of the neighborhood.

Sonnek reminded the Commission that the variances are contingent on the site plan and approval of City Council. Sonnek asked if there were any questions and said that the applicants were also present to answer questions as well. McPhillips asked about the plans for the sidewalks on Emerson Avenue. Sonnek said that was a great question. The area was identified by the Bike/Ped Plan as an area for sidewalks. However, in the last reconstruction of Emerson, part of the reason the sidewalk was not included is that the City did not receive Safe Routes to School funding. There was also resident “pushback” against the sidewalk at the time. McPhillips wondered if the City would be “boxed in” if somewhere in the future if the City were to receive funding and the 10-foot setback did not allow for new sidewalk. Sonnek said that this would be addressed in the site plan review. Along with the 10-foot setback, the plat is dedicating 10 feet of utility and drainage easement and some right of way. With this, there should be enough room for a 5-foot boulevard and a 5-foot sidewalk. McPhillips remarked that the trash enclosure looks like it will be in a tough spot for accessibility. He added that with the Comp Plan in mind, the City has been moving buildings forward. This building is staying back. Sonnek said that the B4 shopping district does allow for a setback of up to 90 feet in the front yard. B1 B2 and B3 districts are a bit more restrictive in bringing the buildings closer to the street. These zones have a maximum setback of 30 feet. If the Commission chooses to align the B4 with the other districts and the Comp Plan, it is something that can be tackled in the future. Regarding the trash enclosure, the trash haulers should be able to do a ninety degree back up and dispose of the trash. Sonnek said the applicant could explain this further. Sonnek confirmed that the applicant is compliant with the front yard building setback with the 90-foot maximum setback. The Commission can ask nicely to change the setback, but not require it.

Steve Linn, the executive officer of Linn Companies, introduced himself to the Commission. One of the divisions of the company is Tumble Fresh Clean Laundry. He said that one of the biggest challenges with all of the laundromat sites is safety. The sites need to be designed such that the parking is very visible and open to the street. There are a lot of people who do laundry late in the evening. Tumble Fresh is open until 1 am and is open again at 5 am. Customers need to be able to park in front and be visible from inside the store at night. If the building were pushed up to the street and all of the parking were in the back, a safety standard would be created. He would not develop the building if this were required. His company has backed out of locations in St. Paul where this was a requirement. The particular site is a very challenging one; they are excited to be there. It is a great location for their use. Regarding the trash enclosure, they have similar situations in other locations. The dumpsters are two-yard dumpsters and are rolled out. They have a front loader. The architect, Brady Busselman of Sambatek, said that the key thing to note is that the dumpster is a roll-out container. In a common scenario; trash haulers maneuver through two-way drive aisles at 90 degrees. They do not need to pull in to lift the dumpster. Green asked why the dumpster could not be located in the southwest corner of the parking lot. Sonnek said if the trash enclosure were put in the southwest corner, the resulting parking stalls would encroach on the 20-foot setback. The relocation of the parking stalls would need a variance as well. Busselman added that the steep grades coming off of Emerson Avenue on the drive aisle were upwards of 4 percent; rolling out a dumpster and trying to keep it in place in the southwest corner would be challenging. Kavanaugh asked about the possibility of MnDOT closing one of the accesses on Robert Street to the site. Sonnek said that she was planning to talk about this during the site plan discussion. MnDOT informed the City on Monday morning that they are planning to require the closure of the Robert Street access. The applicant and staff are working to find a happy medium with MnDOT. The access is critical to the site. The closure would cause the applicant’s interest to dissolve. Kavanaugh asked the applicant about the front yard parking and the safety measures that are being put in place for the site. Linn said that he currently has nine locations; they have extensive security systems with cameras covering the interior and the exterior of the property. Local police departments have access to the cameras. The doors lock and unlock

automatically; there are alarm systems that are triggered. Motion detectors and message repeaters indicate when the laundromat is closing. They have had great success with their security systems. Kavanaugh asked how the closure would affect the site. Linn said that it would make the site unbuildable. He will follow up with MnDOT and try to address their concern. Franzmeier asked Linn if the building could be turned 180 degrees so that it faces Emerson Avenue. Linn confirmed that this situation would be a “deal breaker.” Franzmeier suggested that the Commission continue the variance request; the plans change because of the access closure on Robert Street. Busselman said that the applicant has not conceded to MnDOT’s request to close the access. There are some other issues. The site has shared access with the business to the south. Closing the access would also affect the property to the south. If MnDOT were to close the entire access, the restaurant would lose access to public right of way. Busselman said the Fire Marshall will have problems with emergency access with the closure. He related that MnDOT negotiated other closures very recently with the Robert Street construction and created this situation.

Green asked Sonnek to comment on the MnDOT record and on how often they change their minds with recommendations. Sonnek said that she was very surprised MnDOT had such strong wording with their review. With two other projects, their comments had been very minimal. She has not seen any closures of access points with MnDOT until now; Dakota County has done this before. The Lucky China closure to 18 feet may be considered a “taking.” It may not be in their purview to require this. The City Attorney, Amanda Johnson, confirmed this. However, she said that the City should not weigh in [on this situation] in terms of any recommendation made in this meeting. MnDOT still owns Robert Street. It is in MnDOT’s jurisdiction to make the judgement calls on the closures. Linn said that he wants to move forward assuming that the access will still be on Robert Street. If the access is removed, this project will likely go away. Sonnek said that this application is contingent upon all the other applications. The variance will be contingent on City Council approval. This will be put in front of City Council until January 11. There will be more clarification on what will happen by then with the Robert Street access. Green asked the City Attorney if the Commission could move forward on the variance request with the uncertainty of the Robert Street closure. The attorney said that at this point, the Commission would look at the site as it exists now. The Robert Street access is there now. The Commission would make determinations based on the information it has today.

Green opened the Public Hearing up at 7:15 pm. With no calls, Green closed the Public Hearing. Green opened the discussion to Commission members. She asked if there were a motion on the Variance for Reduction in Side Yard (Emerson) Building Setback. Kavanaugh said that he is “hung up” on this variance. The discussion may have to wait for the site plan review. Regarding the side yard variance, there seems to be other ways in which the building could be configured. The trash enclosure could also be moved further away from the street. He is comfortable with the parking variance. The Commission has granted this before. Regarding the parking in the front, generally speaking, is something that the City does not want, per the Comp Plan. McPhillips commented about the retaining wall on the northwest; he wondered a fence would be needed on top of it. He also wondered if this would affect the pedestrian/bike aisle. He asked if the fence would screen the trash enclosure. Sonnek said that if a retaining wall were over 4 feet tall, it would require a fence for safety reasons. The trash enclosure would require screening per code. The retaining wall would be within the property line and the dedicated right of way would not be affected. Busselman said that the wall varies in height and that the grading plan that was submitted with the application shows the elevations. Around the trash enclosure, the wall is about 4 feet high. The site there is below Emerson Avenue. It runs to about 7 feet high adjacent to the building in the northwest corner of the building, and runs down to about 5 feet high toward the middle of the building to where it

ends about halfway between the building and Robert Street. There will be a fence at the top of the wall. The set back and the retaining wall are on the site as Sonnek stated. Busselman addressed the question about rotating the building. If the building were rotated, the length of the building with the double bay parking would be wider than the lot dimensions. Stevens asked about the parking minimums and if the applicant was interested in having less parking. Winn said that the short answer is no. Their site on Larpenner Avenue and 35 E, has about 36 parking spots and their St. Cloud site has similar parking. Some of the sites have low 20s. The busiest days for the laundromats are Sundays. On those days, customers take up all of the parking.

**Franzmeier make a motion to approve the Variance for Reduction in Minimum Parking Stall Depth per the conditions recommended by City Staff as well as the added condition that the approval of the variance is dependent on receiving all necessary approvals from all appropriate parties. Stevens seconded the motion.**

**Votes-7 ayes/0 nays. The motion carried.**

**McPhillips make a motion to approve the Variance for Reduction in Side Yard (Emerson) Building Setback with the condition that adequate room is still left for the option of a future sidewalk and/or bike path. Elsmore seconded the motion.**

**Votes-4 ayes/3 nays. The motion carried.**

**McPhillips make a motion to approve the Variance for Trash Enclosure in Side Yard Adjacent to a Street (Emerson) as long as it has a fence around it and it is recessed down from the grade.**

**The motion died for lack of a second.**

**Kavanaugh made a motion to deny the variance.**

**Franzmeier seconded the motion.**

**Sonnek asked for a clarification on the motion and the reasoning behind denial the variance. She asked if the Commissioners thought the trash receptacle can be placed elsewhere on the site.**

**Kavanaugh said that the variance does not meet practical difficulties. Johnson asked the Commission to further elaborate on the practical difficulties. Kavanaugh referenced 3B and said the situation should not be created by the property owner. The applicant just wants the trash receptacle there. The applicant is choosing the receptacle to be located there and there are other places it could be placed. They are not meeting 3B.**

**Votes-5 ayes/2 nays. The motion carried.**

**COA Case 20-02 Four Variances to Allow for the Reconstruction of an Existing Commercial Building, including a Reduction in Minimum Parking Stalls, Increase in Maximum Front-Yard Building Setback, Reduction in Minimum Rear-Yard Parking Setback and Increase in Maximum Side-Yard (Adjacent to Street) Building Setback at 1820 Robert St- Bobby and Steve's Auto World**

Sonnek described the teardown and reconstruction and expansion of Bobby and Steve's. The new site will contain all of the options of the current site: minor auto repair, gas station with the convenience store, and the car wash. The first variance is a request to reduce the minimum required off-street parking stalls. Sonnek presented a breakdown of the stalls required for each use. The minimum would be 51 stalls. The applicant can accommodate 36 stalls on the site. They are in discussions to acquire a 10-stall parking agreement with a neighboring property. It leaves the site 5 stalls short of the minimum. Due to the small size of the site, City Staff believes the applicant has done a good job in creating as much parking for this site plan. Dan Noyes of SRa Architects, representing Bobby and Steve's Auto world, introduced himself to the Commission. Bobby and Steve's are currently in discussion for a parking agreement with Lowes and a verbal agreement has been made for 15 stalls. Sonnek said that if the applicant is able to prove shared parking within 100 feet of the lot, the variance would not be needed. Noyes said that the variance can now be "taken off the table." Green asked Noyes if they were asking for the shared parking agreement only because it was a city requirement, or because the applicant needed more parking. Noyes said that the applicant is trying to comply with City Code; the site is "tight" and the applicant does think that the current number of parking stalls is adequate. The employee parking would be the remote parking; first they planned to park at Culvers. Now it will be Lowes.

Sonnek said the next variance is for an increase in the allowable maximum front yard building setback. The maximum is up to 30 feet. In order to preserve the existing bus top, as well as 22 foot 2-way drive aisle, the building had to be setback an additional 7 feet.

The next variance is the request to allow the reduction in the minimum rear yard parking setback. The minimum setback is 10 feet. The reduction to 3 feet was necessary to accommodate the parking on site.

The last variance is a request to increase the maximum side yard building setback adjacent to the street. Sonnek related that the original intent for the requirement is unique to auto uses. The gas stations were to be up to the street with the fuel pumps on the side of the building or to the rear. The site has accomplished this. However, being a corner lot, the site has two fronts. It makes the side yard setback (0-20 feet) hard to accomplish. Both the building and the canopy exceed the 20-foot setback. City staff believes that the intent of the ordinance is still present within the site plan. Sonnek listed what staff believed to be the practical difficulties for the site: the small lot size, the corner lot, the location of the existing bus stop and the elevation change to the north. To the north of the sight is some significant grade change and an existing retaining wall. Sonnek said that City Staff recommends approval of the (now) three variances; they do meet practical difficulties standard. Green asked about the withdrawn variance. She asked Sonnek if the applicant's request would be approved under the new parking guideline recommendations put forth by the Commission recently. Sonnek said that by cutting the square footage in half, it is likely their proposed parking would meet the minimums. McPhillips asked if there were plans for sidewalks on the east side of Marie. Sonnek said that the applicant has submitted updated plans that include a sidewalk on the north side of Marie Avenue. Kavanaugh asked if the sidewalk would connect to the Culver's parking lot. Sonnek said there might be a small gap with the new proposed sidewalk. Kavanaugh asked if keeping the bus stop was creating a "domino effect," and

causing the variance requests. Noyes confirmed this and said that keeping the bus stop in its current location was the driving factor in the variances. Stevens asked about the east side; is there a difference in grade. Noyes said there is a small difference in grade. A small retaining wall will be needed in this area. Franzmeier had a question about the east side variance. She would like to know about the snow removal. Noyes said that the general practice for Bobby and Steve's is to remove all snow from the lot. They do not push it to a piling area.

With no other questions from the Commission, Green opened the meeting to Public Hearing at 7:58 pm. As there were no comments from the public, Green brought the discussion back to the Commission. Kavanaugh said that he is more comfortable with the variances as Sonnek has explained them. He said that the applicant is not trying to fit a bigger building into a small site; if it were not for the bus stop, the building would fit the site. Sonnek confirmed this to be an accurate statement.

**Franzmeier made a motion to approve the variance to increase the maximum front-yard setback contingent on the necessary approvals.**

**Kavanaugh seconded the motion.**

**Votes-7 ayes/0 nays. The motion carried.**

**McPhillips made a motion to approve the reduction in Minimum rear yard parking setback.**

**Stevens seconded the motion.**

**Votes-7 ayes/0 nays. The motion carried.**

**Franzmeier made a motion to increase the Maximum side yard adjacent to the street.**

**McPhillips seconded the motion.**

**Votes-7 ayes/0 nays. The motion carried.**

**New Business – None**

**New Business – None**

**A motion was made to adjourn the Committee of Adjustments.**

**Votes-7 ayes/0 nays. The motion carried.**

**The meeting adjourned at 8:00 pm.**

**Respectfully submitted,**

**Sharon G. Hatfield**