

## 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, January 19, 2021 at 6:32 pm at the Municipal Center, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

**Roll Call:** Samantha Green, Morgan Kavanaugh, Dan McPhillips, 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 15, 2020 meeting were approved.

### **PUBLIC HEARINGS**

#### **COA Case 20-03 - A Variance Application to Allow for an Increase in the Maximum Side Yard Car Wash Building Setback at 1949 Robert Street South - Crew Carwash, Inc.**

Sonnek introduced the project and the application, then said that the proposed building will be in the same spot as the current building; the shape of the building will change to a long rectangular shape as opposed to a square. Because each auto use is so unique, each of their respective buildings have their own setbacks. The northern side yard carwash setback allowance is no more than 10 feet; the applicant is requesting a setback of 66 feet. (It is a variance of 56 feet.) The variance request would allow for a reduced drive aisle along the northern side of the site as well as reduced amount of impervious space. The variance would also make additional landscaping possible on the site. Keeping in mind with what the Commission approved with the Bobby and Steve's site, the intent of the auto code was to have the building come up to the front of the street with the gas pumps and parking and vacuums to the side and the rear. The proposed site plan is able to meet the intent; with the exception of the side yard setback. The variance request can be attributed somewhat to the fact that the code for the car wash and other auto uses was written in the 1960's and 1970's. Building site plans have been improved. Designs have changed from a wider building and a self-serve, self-wash type of service, to an automatic wash where cars can drive through the building single file for an assembly line style wash service. The applicant has submitted a second site plan for which no variance request is needed. It includes a canopy along the northern side of the building. The canopy is 10 by 58 feet. Because canopies are counted in the auto use design, they can be counted into the setback. The added canopy does not add any functionality to the operation of the carwash. The applicant is willing to incorporate the canopy into the design if it is the preferred option of the two site plans. The added canopy would limit the available landscaping space. Sonnek reminded the Committee that variances can only be granted: when they are in harmony with the original intent of the ordinance, consistent with the Comprehensive Plan, and when the applicant has established practical difficulties in complying

with the code. In terms of practical difficulties in relation to variances, the Committee must consider: if the property will be used in a reasonable manner; if the plight of the property owner is due to a situation that is unique to the property and not created by the property; and if the site would alter the essential character of the neighborhood. Economic considerations alone do not constitute as practical difficulties. Moreover, variances cannot be granted for uses that would not be permitted in the zoning district. The Committee of Adjustments can impose conditions when granting a variance; the conditions however, must be directly related or bear proportionality to the impact created by the variance. Sonnek said, in review, that City Staff believes that the following items contribute to the site's practical difficulties: the significant change in car wash design since code adoption and the abnormally large and wide size of the lot particularly in relation to the nearby B3 lots. The proposed site lot is 1.4 acres. In comparison, Bobby and Steve's at 1820 Robert St, Holiday 1845 Robert, and the Tires Plus at 1973 Robert are all at the .8-acre lot size. Regarding the variance criteria, Sonnek went on to say that City Staff believes the applicant will use the property in a reasonable manner (automotive related use.) The proposal will not alter the essential character of the neighborhood, and is in harmony with ordinance language. Lastly, the proposal is consistent with the Comp Plan. The area was guided for mixed use and the site will be made more pedestrian-friendly by bringing the building up to the street and by installing more landscaping and pedestrian features. City Staff recommends that the Committee of Adjustments approve the variance request subject to findings of fact, the conditions of the approval of the site plan, and that the variance is for carwash setbacks only.

Green asked for clarification on the two site plan applications. Sonnek said that there are two site plans on the table. One of the plans complies with code and would not require a variance that includes the added canopy on the northern side. The canopy has some consequences; it extends to the 7-10-foot mark. There will be less room for landscaping and incorporate a wider drive aisle. Without the variance, the drive aisle will be 30 feet; with the variance, the drive aisle will be shrunk down to 25 feet.

McPhillips asked about the variance and if it would remain with the property. Sonnek said that this was correct; the variance would remain with the carwash. If a restaurant came into the space, the proposed setback would not be applied. The conditional use would still be required for the carwash use.

Kavanaugh asked about the additional landscaping with the variance request. Sonnek said that the requested additional landscaping was not planned out as far as specifics. Justin Furr, Director of Real Estate from Crew Carwash, said that with the 10 x 58-foot canopy, the site would have a 30-foot drive aisle to the north of the building. There would be 7 feet of landscape buffer between the site and the adjacent property to the north. The alternate plan increases the landscape buffer to 12 feet and decreases the drive aisle to 25 feet. Crew Carwash is able to do this with the variance; the canopy would not be required.

Kavanaugh asked if the canopy was functional in any way. Furr said that the only purpose of the canopy was to meet the code; it does not have any other purpose. Kavanaugh asked Sonnek to elaborate on the code compliance for corner lots. Sonnek said that there are a couple different plans that call for buildings to be brought up to the street and specifically that corner lots be anchored to the corner and leave open space to the side. In this case, it would be the north side and to the rear. With the size of the lot in combination with the proposed building being a “longer and skinner building style,” the application requires a variance to avoid any additional canopy.

McPhillips asked Furr if the variance is granted, and he has more space to the north, if he intends to put in more greenery. Furr said yes, there would be five more feet to install more plantings and the variance would decrease the pervious area of the site. Furr said to keep in mind that there is a building to the north that is right on the lot line. Furr suggested putting trees to the east or west where they would be more visible instead of putting them right against the building wall. Green asked Sonnek if the City were asking for a vast decrease in the number of trees and shrubs than is typical. Sonnek confirmed this and that it would be the benefit of granting the variance. The applicant could install more green space on the site.

With no more questions from the Committee, Green opened the Public Hearing at 6:51 pm. With no questions or comments from the public, Green closed the Public Hearing and brought the discussion back to the Committee.

Green said that she personally does not want to impede on the landscaping of this application, especially with the “crazy reduction of trees on the site plan.” The awning, “just to be there, is doing more harm than good.” She would accept a motion to grant the variance. Kavanaugh echoed Green’s comments by saying it will be an improvement to the City to grant the variance. The Committee could investigate how in the future to avoid odd situations where complying with the code somehow makes the project worse. He is fine with the variance request.

**Franzmeier made a motion to approve the variance setback per the alternate plan (no northern canopy), contingent upon subsequent plan application review. Kavanaugh seconded the motion.**

**Votes-5 ayes/0 nays. The motion carried.**

**NEW BUSINESS- NA**

**OLD BUSINESS-NA**

**The meeting adjourned at 6:56 pm.**

**Respectfully submitted,  
Sharon G. Hatfield**