

WEST. ST. PAUL COMMITTEE OF ADJUSTMENTS

The regular meeting of the West St. Paul Committee of Adjustments was called to order by Chair Kavanaugh on Tuesday, May 21, 2019 at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

ROLL CALL

Lisa Stevens; Maria Franzmeier; Dan McPhillips; Morgan Kavanaugh, Chair; Samantha Green; Derek Leuer.

Absent:

Peter Strohmeier has an excused absence.

Also Present:

Melissa Sonnek, Community Development Coordinator; Ben Boike, City Planner; John Justen, City Council Liaison

Adopt minutes:

August 2, 2018 and April 16, 2019 minutes were approved.

PUBLIC HEARINGS

[COA Case #19-03- Variances to allow for the Construction of a New Retail Building at 1720 Livingston Ave, Including Front Building Setback Allowing Parking in the Front Yard, and Allowing a Trash Enclosure in the Front Yard- Patrick Elgin](#)

Community Development Coordinator Sonnek presented the variances requested by applicant Patrick Elgin for the proposed new retail building at 1750 Livingston Ave. This property is part of the Town Center II project; nearby buildings include Raising Canes, and Q'doba.

There are three requested variances:

1. To allow parking in the front lot. Zoning code does not allow parking in the front yard.
2. To increase the maximum front yard building setback and
3. To allow a trash enclosure in the front.

Sonnek reviewed the criteria for granting a variance.

The criteria include:

- The variance being in harmony with the general purpose and intent of the ordinance;
- The variance be consistent with the Comprehensive Plan and;
- The variance established there are practical difficulties in compliance with the zoning ordinance.

Sonnek related that City staff said that the variance request meets the practical difficulties criteria; the location of the parking lot creates practical difficulties in complying with the city code. The applicant proposes to utilize the property in a reasonable manner by constructing a retail building in a business district. The variance does not alter the neighborhood/business district. Staff recommends the variance with the following conditions: the applicant apply for and obtain all applicable sign and building permits, and the approval of the variances contingent upon Council approval of the site plan.

Commissioner Franzmeier asked if there was discussion regarding building on the existing parking instead of building on the “grass piece.” City Planner Boike replied that economics concerns cannot justify a variance; however based on the way other business on lots on Livingston Avenue, the lot in the front matches the rest of the adjoining businesses. There are signage opportunities for Robert Street, and the plan takes advantage of the existing infrastructure. Chair Kavanaugh asked about any environmental impact of the variance. Sonnek replied there is none; she would review the landscaping plan and the review of the Environmental Commission later in the meeting.

Patrick Elgin of North Oaks, MN, came before the committee to talk about the possibility of “flip-flopping” the plan and cited problems with the topography of the site. If the parking lot were to be located at the lower elevation of the site, there would be problems for handicapped people to access building. Secondly, the topography of the alley was would need to be changed as well. The scope of the project would need to be extended into the alleyway if the variance were not granted. Commissioner McPhillips asked if Elgin was comfortable with the east-west access for the garbage trucks. Elgin replied yes.

The commission talked about alternative location for the trash enclosure. The original location was in the northern part of the property. With staff input, the enclosure was relocated. (There is a storm sewer located in the northern part of the plan.) The commission talked about having additional screening for the trash enclosure. Kavanaugh said the topography concerns fulfilled the variance request requirements in regards to practical difficulties.

ON MOTION to APPROVE for the Construction of a New Retail Building at 1720 Livingston Ave, Including Front Building Setback Allowing Parking in the Front Yard, and Allowing a Trash Enclosure in the Front Yard-by Commissioner Leuer, seconded by Commissioner Green.

Discussion followed the motion. McPhillips proposed amending the motion to approve the first two variances and deny the variance regarding the location of the trash enclosure. Boike said that the commission could approve all the variances and change the location of the enclosure during the site plan approval process. McPhillips withdrew this amendment. Motion approved 6-0.

NEW BUSINESS : No new business

OLD BUSINESS : No old business

ADJOURNMENT:

ON MOTION TO ADJOURN by Commissioner Stevens, seconded by Commissioner Green. Commissioners RESOLVED to ADJOURN the May 21, 2019 meeting of the Committee of Adjustments at 7:19 PM. Motion approved 6-0.