

WEST. ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Kavanaugh on Tuesday, January 16 at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

ROLL CALL

Commissioners Present: McPhillips, Nelson and Chair Kavanaugh.

Absent:

Leuer, Ramsay

Also Present:

Assistant Community Development Director Ben Boike, Community Development Coordinator Melissa Sonnek, City Council Liaison Anthony Fernandez, City Attorney Korrine Land.

ADOPT MINUTES

ON MOTION of Commissioner McPhillips, seconded by Commissioner Nelson, RESOLVED to approve the West St. Paul Planning Commission regular meeting minutes of November 21, 2017 as presented.

Ayes: 3 Nays: 0

PUBLIC HEARINGS

Case #17-17 - Application For A Conditional Use Permit To Allow Minor Auto Repair (Car Audio Installation) In A B3 District At 1166 Robert St. – Francisco Solures (CONT from Dec 19th meeting)

The subject property consists of a two-story 5,500 sq. ft. commercial building. Adjacent properties to the north and south consist of commercial uses. Adjacent properties to the east consist of single-family homes. Adjacent properties to the west consist of commercial property and multi-family apartment buildings. The subject property and adjacent properties to the north and south are zoned B3, General Business. Section 153.141 of the Zoning Ordinance requires a Conditional Use Permit to allow Minor Auto Repair in the B3, General Business District (listed uses in the B2 District are also allowed in the B3 District).

The applicant is proposing to lease roughly 1,000 sq. ft. of the building, including a single stall garage space at the rear of the building to install car audio equipment. The front 2500 sq. ft. of the main level will continue to be occupied by retail users. The floral shop is still currently occupying that space. In addition, a 2,000 sq. ft. martial arts studio occupies the second floor.

The Building Official reviewed the proposed change in use of the rear 1,000 sq. ft. for and it does not trigger sprinkling of the building since its under 2,000 sq. ft., however the change in use may require fire separation between the proposed car audio installation Use and the retail Use at the front of the building. Staff is recommending a condition of approval that the applicant consult with the Building Official prior to occupancy.

Based on the discussion at the December 19, 2017 meeting, Staff is recommending approval with all the previous conditions with the addition of sound proofing of the garage as a requirement that must be approved by the City Planner. As discussed, should the Council approve the CUP, failure to abide by any of the approved conditions may result in revocation of the CUP by Council.

Per request of the Planning Commission, Staff has invited the property owner to attend the meeting to discuss the application. Staff extended the application review an additional 60 days for the city to render a decision. The new deadline to render a decision is March 22, 2018.

Commissioner McPhillips asked owner Carlos Rivera, what assurances there will be that soundproofing will be followed.

Carlos Rivera 3647 Cedar ave mpls stated that he does not want anyone to be disturbed by the business.

Chair Kavanaugh asked what the sound proofing process would entail

Rivera replied that it would be an expense and a process that would be handled by the business owner.

Commissioner McPhillips expressed that there should be a noise level maximum that could not be exceeded even during the acceptable hours.

Chair Kavanaugh agreed and added that he still does not think that the use is defined in the code and would still not be allowed in the district.

ON MOTION by Commissioner McPhillips, seconded by Commissioner Nelson to approve Case #17-17 - Application For A Conditional Use Permit To Allow Minor Auto Repair (Car Audio Installation) In A B3 District At 1166 Robert St. – Francisco Solures with the condition that a maximum noise

level be added to the list of conditions. Motion approved 2-1. (Kavanaugh dissenting)

This item will go before City Council on January 22nd.

Case #18-01 – Application For A Conditional Use Permit To Allow On-Sale Liquor In A B3, General Business District At 1709 Robert St. - Qdoba Restaurant Coperation

Coordinator Sonnek presented the staff report. The subject property site consists of a newly constructed building. Surrounding properties are all varying levels of the commercial land use, but all fall within the commercial land use category. The property to the north of the site is Talecris Plasma Resources, the property to the east is Wells Fargo Bank, to the south is Raising Cane's Chicken, and to the West of the site is Vector Marketing. The subject property and adjacent properties to the North and South are zoned B3 – General Business. The adjacent property to the east is zoned industrial. The adjacent property to the west is zoned B4 – Shopping Center. Section 153.156(F) of the Zoning Ordinance requires a Conditional Use Permit to allow the operation of an on-sale liquor establishment in the B3 – General Business District. As with many of their other restaurants, Qdoba is looking to add beer and liquor to supplement their existing menu. Hours of sales would be 10:30 am-10:30 pm and the restaurant will employ a total of 33 people, with roughly 5-8 employees working at any one time. There are 111 shared parking stalls for this development as a whole (including the future unknown retail/restaurant retailer). For all three buildings on this site, City Code requires 89 total parking stalls.

Kate Becker, attorney representing Qdoba, was present to answer questions.

Commissioner Nelson asked if most other Qdoba restaurants serve liquor.

Becker replied that they do.

ON MOTION by Commissioner Nelson, seconded by Commissioner McPhillips to approve Case #18-01 Application For A Conditional Use Permit To Allow On-Sale Liquor In A B3, General Business District At 1709 Robert St. - Qdoba Restaurant Coperation. Motion approved 3-0.

Case #18-02 – Application For A Conditional Use Permit To Allow A Telecommunications Tower In A B3 District At 1400 Robert St. (Augustana Lutheran Church) – Buell Consulting, Inc.

Assistant Director Boike presented the staff report. Buell Consulting is requesting a Conditional Use Permit (CUP) to construct a cell tower in a B3, General Business District at 1400 Robert St. (Augustana Lutheran Church). After the public notices for the review of this item were distributed, City Staff decided to hire a 3rd party engineer to review the application, specifically the applicant's justification as to why they are unable to co-locate on the 44 Moreland Ave. tower. (City Code requires co-location of towers within a ½-mile radius of the proposed site, if possible.) The third party review will take additional time to complete. Therefore, City Staff has extended the 60-day review period, and is recommending that the Planning Commission continue the public hearing to the February 20th, 2018 meeting.

ON MOTION by Commissioner Nelson, seconded by Commissioner McPhillips to continue Case #18-02 – Application For A Conditional Use Permit To Allow A Telecommunications Tower In A B3 District At 1400 Robert St. (Augustana Lutheran Church) – Buell Consulting, Inc. Motion approved 3-0.

Case #18-03 – Rezoning Applications For 110 Crusader Ave. W., 1962 Stryker Ave, 1990 Stryker Ave To A Planned Residential Development – Net Ministries

Assistant Director Boike presented the staff report. NET Ministries is requesting a rezoning to a Planned Residential District zoning classification for three parcels under its ownership:

- 1) 110 Crusader Ave W. (main campus) would change from R1, Single Family Residential to underlying R4, Multiple Family Residential,
- 2) 1990 Stryker Ave would change from R1, Single Family to underlying R2, Two Family, and
- 3) 1962 Stryker Ave would not change its underlying zoning district, but would be included as part of the PRD campus.

110 Crusader Ave serves as NET Ministries' national office as well as training center for their youth ministry. Both 1962 Stryker and 1990 Stryker are utilized by NET Ministries as "off-site" homes for its training staff. Adjacent properties to the north are occupied by a church and single-family homes, adjacent parcels to the east are occupied by single-family homes and multi-family homes, adjacent properties to the south are occupied by single-family homes and the County Northern Service Center, and adjacent properties to the west are occupied by single-family homes. The subject properties and adjacent properties to the north, south and west are zoned R1-C, Single-family. Adjacent properties to the east are zoned single-family and R4, Multiple Family.

Net Ministries provides missionary training to college-age students who desire to serve on mission teams throughout the United States. NET temporarily houses students in a dorm-type setting on-site at 110 Crusader Ave W. In addition, NET currently owns 4 residential properties in which it houses training staff: 76 Crusader Ave W. (single family home located on the main campus, 1962 Stryker Ave, 1990 Stryker Ave, and 1924 Bidwell St.) A map showing the location of NET Ministries' main campus and the relevant houses is attached. The Use of the single-family homes as temporary housing for the training staff presents inconsistencies with the Rental Dwelling Ordinance as well as the Zoning Ordinance. As a result, Staff and Council have had many discussions with NET Ministries President, Mark Berchem, as well as the NET Ministries Board regarding the following:

- 1) Allowing up to 10 occupants to reside in each of the four single-family homes (Code only allows up to 3 unrelated individuals to reside in a single-family home).
- 2) Requiring rental licenses for each of the four single-family homes.
- 3) Violations of the Rental Density requirement which limits the number of single family rentals to 10% per block. As a result, Council discussed a plan to bring NET Ministries into compliance with both the Rental Dwelling Ordinance (resolving rental licenses and the rental density issues) and the occupancy requirements.

The plan includes rezoning three of the parcels, 110 Crusader W. (includes the home at 76 Crusader), 1962 Stryker and 1990 Stryker to a PRD, Planned Residential Development.

- 110 Crusader would change from R1, Single-family zoning to R4, Multifamily zoning. The R4 zone would allow NET flexibility with density in the main building or by adding buildings, as it would allow up to 223 units total for this property. They currently house about 100 students at one time in a dorm-type setting.
- 1990 Stryker would change from R1, Single-family zoning to R2, Twofamily zoning. The property is large enough to accommodate a duplex use and is located on a dead-end street, minimizing the impact to surrounding properties.
- 1962 Stryker would remain R1, Single-family zoning. It is important to note that the plan noted in the 12/11/17 memo to Council anticipated rezoning 1962 Stryker from R1 to R2, similar to 1990 Stryker. However, after further review by Staff and the City Attorney, given the more visible location of this corner property and its proximity to other single-family uses, we now recommend that this property remains zoned R1. It is being included in the PRD because it is still in the same ownership as NET's

main campus at 110 Crusader and the PRD will allow the additional condition that it can house up to 10 occupants.

It is important to note that NET Ministries has a right of first refusal to purchase 2010 Stryker Ave. Upon acquiring 2010 Stryker, the plan requires NET Ministries to purchase the vacant parcel behind 2010 Stryker (owned by the City) and then rezoning both parcels to R2, Two-family, thereby creating a larger R2 District along with 1990 Stryker.

The existing Land Use Map currently calls for “Semi-public” uses for 110 Crusader and 1990 Stryker since both parcels were tax exempt, and 1962 Stryker is designated as “Single-family”. As discussed during the Comp Plan Update, Staff and the Planning Commission recommended amending the Land Use Plan to remove the “Semi-public” use as a category and use the underlying land use category. As a result, Staff will amend the proposed Land Use Plan accordingly by changing both 110 Crusader and 1990 Stryker from “Single-family” to “Multiple-family” to be consistent with the proposed rezoning.

Chair Kavanaugh asked if the existing use was getting complaints from the neighborhood or any police calls to the subject properties.

Assistant Director Boike replied that there hadn’t been any complaints or police contacts. These changes are being made due to rental license ordinance changes from 2015. Property owners did not have to have a rental license if they were not collecting rent (which was the case with Net Ministries) but that was being taken advantage of by some landlords.

Mark Berchem with Net Ministries addressed the Commission to summarize the organization’s needs and plan to consolidate these rental properties into a contiguous campus. Net Ministries recruits college-age people who want to do a year of mission working with junior and senior high school students around the country. Net ministries has been in West St Paul since 1992.

Chair Kavanaugh opened the public hearing at 7:30 pm.

Steve Aden who lives on Crusader ave, addressed the Commission. He noted the increased traffic on their street due to closing off Stryker. With Net Ministries there has been no noise complaints but he does see a lot of traffic by van, bus, walkers, etc. He asked how dorms were allowed in an R-1 district.

Assistant Director Boike replied that Net Ministries was grandfathered in as a school that would allow dorms. There exists CUP language now for such uses in an R-1 district.

Aden, have they talked to the neighborhood and City about purchasing these properties. How can they purchase these single family homes and use them for this type of density.

Assistant Director Boike replied that the City cannot stop Net Ministries from purchasing properties.

Kori Land convent exception could house up to 10 people in each place. Net Ministries has not tried to get around any ordinances or plans, they have been very cooperative and honest during this process.

Assistant Director Boike added that invitations to come to this meeting were sent out to neighboring properties within 350' of the 3 parcels.

Aden asked what happens if Net Ministries leaves these properties.

Assistant Director Boike replied the rezoning on the 3 homes is contingent upon Net Ministries use and would return to their original zoning. The main campus would remain R-4 and would be available for redevelopment through the planning process.

David Groppe spoke in support of Net Ministries and their mission.

Debbie Howlett asked if the multi family homes would only be able to sell as a multi family.

Assistant Director Boike replied that a buyer could come in and use it in the same way.

Chair Kavanaugh closed the public hearing at 7:46 pm.

ON MOTION by Commissioner McPhillips, seconded by Commissioner Nelson to approve Case #18-03 – Rezoning Applications For 110 Crusader Ave. W., 1962 Stryker Ave, 1990 Stryker Ave To A Planned Residential Development – Net Ministries. Motion approved 3-0.

This item will go before City Council on January 22nd.

Case #18-04 - Multiple Zoning Applications For The Southview Square Shopping Center Including: Site Plan For The Construction Of A New Building Addition And Modifications To The Existing Parking Lot And Existing Building, Conditional Use Permit To Allow A Used Merchandise Store And A Drive-Through Lane, And Preliminary/Final Plat To Combine The Existing Parcels Into One Lot, All Located In A B4 District At 1857-1917 Robert St. – SASCO Investments LLLP

Assistant Director Boike presented the staff report. SASCO Investments LLLP is requesting multiple applications to modify the exterior of the shopping center, modify the parking lot, allow a Used Merchandise Store, and Plat to existing five parcels into one lot. SASCO Investments LLLP is requesting multiple applications to modify the exterior of the shopping center, modify the parking lot, allow a Used Merchandise Store, and Plat to existing five parcels into one lot. The subject properties are currently zoned B4, Shopping Center. The adjacent property to the north is zoned B4, Shopping Center, adjacent properties to the south and west are zoned B3, General Business, and adjacent properties to the east are zoned R1, Single Family.

The Zoning Code requires a Conditional Use Permit to allow a Used Merchandise Store and a Drive-through Lane. The applicant has a letter of intent with Goodwill to relocate the existing West St. Paul store just north of Menards to the north end of the shopping center (space formerly occupied by Telecris). The proposal includes the construction of a 4,550 sq. ft. addition to the existing shopping center to provide needed square footage for storage/processing and for a drive-through donation drop-off area. Total proposed square footage, including the existing building for the store is 20,718. In addition, to public donations, Goodwill also relies on deliveries from commercial vehicles. As a result, the proposed addition includes a loading berth (see site plan analysis for more info). According to the applicant, types of delivery vehicles and timing will vary throughout the week. Since the subject property is not located directly adjacent to residential uses, Staff does not see the need to restrict delivery hours.

The submitted plans do not address exterior trash enclosures. With the exception of one trash enclosure behind Chipotle, the remainder of trash bins on-site (behind the shopping center) are not located in trash enclosures. As a result, Staff is recommending a condition of approval that the applicant to revise the site plan to include trash enclosures for all trash bins. Said trash enclosures shall adhere to Section 153.032(F)(6).

Staff recommends approval of the site plan subject to the following conditions:

1. Council approval of the corresponding Conditional Use Permit and Plat applications.

2. The applicant shall apply for all applicable building and sign permits.
3. All rooftop mechanicals shall be property screened according to Section 153.032(F)(5).
4. Upon application of a building permit, the applicant shall revise the site plan to include the following:
 - a. Add trash enclosures for all exterior trash containers. Said trash enclosures must adhere to Section 153.032(F)(6). Elevations must be provided.
 - b. Include drive aisle width dimensions for all drive aisles. All two-way drive aisles must meet the minimum width requirement of 22 feet.
 - c. Extend the parking stall depths to the required 20 feet for the two rows of parking behind the southern building.
 - d. Include small bike racks near the front of the shopping center.
 - e. Include a decorative fence similar to the fencing recently installed as part of the Robert St. project between the public sidewalk and the parking lot along Robert St.
5. Upon application of a building permit, the applicant shall revise the landscape plan to include the following:
 - a. Provide adequate screening of the loading berth from the Marie Ave right-of-way.
 - b. Include at least one over-story tree in each of the proposed raised concrete islands.
 - c. Include an irrigation plan for all newly landscaped areas.
6. The applicant shall work with Staff to provide appropriate pedestrian connections to the shopping center from both Marie Ave and Robert St.
7. The applicant shall adhere to the recommendations of the City Civil Engineer per the attached memo dated January 9, 2018.
8. The applicant shall adhere to the recommendations provided by MnDOT.

Staff recommends approval of the CUP to allow a used merchandise store subject to the following conditions:

1. Council approval of the corresponding Site Plan and Plat applications.

Staff recommends approval of the CUP to allow a drive-through subject to the following conditions:

1. Council approval of the corresponding Site Plan and Plat applications.

Staff recommends approval of the preliminary/final plat subject to the following conditions:

1. Council approval of the corresponding Site Plan and Conditional Use Permit applications.

2. The plat shall be recorded at the County within one year and prior to the submittal of a building permit.

Applicant Kathy Anderson addressed the commission and stated that she believes the rooftop units will not be an issue going forward. She also mentioned that they don't have any room to enclose the dumpsters that are in the rear of the building due to keeping the lane open for emergency access. She suggested screening visibility to the back lane and keep the dumpsters where they are. There is a steep hill in the back that will also aid in screening from view. Decorative fence request along Robert Street, remodeling is an expensive endeavor and is cost prohibitive.

Chair Kavanaugh asked if that was a requirement for other developments.

Assistant Director Boike replied that it was a requirement for the Hobby Lobby development. It's a recommended condition to have some consistency with the aesthetic of the rest of Robert Street. It is not a code requirement.

Chair Kavanaugh asked if the applicant saw an issue with the parking near the Goodwill donation end of the buildings and questioned if that would create issues in the parking lot.

Anderson responded that each stall is critical to leasing and that area could be used for staff parking. Losing more stalls would be detrimental to the potential lessees of the building.

Chair Kavanaugh asked if it became a problem in the future if they could address it through the CUP process.

Assistant Director Boike replied that it would be best to address it now while it's before the commission than try to bring it back later.

Jeff Horsefed, leasing the building. He recommended keeping the parking there and addressing it in the future if it becomes a problem.

Commissioner Nelson asked if there was an employee entrance on that end so it would become a natural employee parking lot.

Commissioner McPhillips asked why the entrance isn't lined up with across the street.

Anderson stated that the owners remember there being a reason why it could not be lined up.

Steve Shalor stated he thinks it's something to do with utilities.

Commissioner McPhillips stated concern for the entrance there for customers.

Anderson said the new site plan is better for trucks but worse for customers.

Assistant Director Boike stated it was an engineering recommendation. The new plan is moving the issue into the parking lot rather than the middle of an intersection.

Shalor discussed irrigation for the new landscaped islands. The cost for underground irrigation would be a lot and he proposed hiring a truck to come around and water the island landscaping.

Chair Kavanaugh summarized the requests from the applicants. They are requesting that the decorative fencing not be a condition of approval, the rooftop mechanical new units will be enclosed and old ones remain as is, use the new trash enclosure to screen the dumpsters behind the building, and request that the parking near Goodwill remain as is and be addressed if issues arise it will be addressed by building management.

Applicants asked about the curbed islands in the parking lot and if there had to be storied trees placed there. They are concerned about blocking storefronts and the possibility of that being a negative factor for potential lessees.

Assistant Director Boike stated that 1 tree per island is a requirement but that it would be reasonable in the storefront islands to keep it to shrubs to address the issue.

Chair Kavanaugh opened the public hearing at 8:40 pm.

Kate Mertz, 358 Betty Lane, addressed the commission. She suggested moving the entrance to the parking lot near Chipotle and Goodwill down to create more designated parking that would be for those two establishments. As it is right now the entrance acts as a barrier for parking for those two very busy establishments.

Chair Kavanaugh closed the public hearing at 8:44 pm.

Chair Kavanaugh thanked the applicants for taking on this redevelopment.

Commissioner McPhillips thinks the North entrance needs to be addressed. He suggested potentially making it 3 lanes for a designated left turn lane to help with stacking vehicles in that area.

ON MOTION by Commissioner Nelson, seconded by Chair Kavanaugh to approve Case #18-04 with the amended conditions that a curb island be added every 20 stalls, enclosed trash be added and used to screen existing dumpsters behind the building, any new rooftop mechanical be screened according to code, that decorative fencing be removed as a condition, and that the north intersection will remain as is. Motion approved 3-0.

This item will go before City Council on January 22nd.

Case #18-05 – Zoning Ordinance Amendment, Sections 153.380 And 153.051 Relating To Accessory Structures – City Of West St. Paul

Assistant Director Boike presented the staff report. The City Council is recommending that the Ordinance amending Sections 153.380 & 381 be reviewed by the Planning Commission which would allow larger accessory structures on parcels exceeding 4 acres in size in the R1 Districts, excluding single and two family uses, through a Conditional Use Permit. The proposed amendment is a result of a request from an existing Church that would like to build a 40 x 60 foot outdoor pavilion (2400 sq. ft.). The Zoning Ordinance does not currently allow anything larger than 1,000 sq. ft. in the R1 Districts.

Chair Kavanaugh suggested they limit this to non-enclosed structures.

Chair Kavanaugh opened the public hearing at 9:01 pm.

No comments.

Chair Kavanaugh closed the public hearing at 9:01

ON MOTION by Commissioner Nelson, seconded by Commissioner McPhillips to recommend approval of Case #18-05 – Zoning Ordinance Amendment, Sections 153.380 And 153.051 Relating To Accessory Structures with addition of a limit to non-enclosed structures – City Of West St. Paul. Motion approved 3-0.

This item will go before City Council on January 22nd.

NEW BUSINESS

No new business

OLD BUSINESS

No old business

OTHER

Assistant Director Boike stated that the election of officers should have been on this agenda but seeing as there are only 3 members he would recommend pushing that item out until February when they have the full body of 5 members present.

ON MOTION by Commissioner McPhillips, seconded by Commissioner Nelson to continue the election of officers to the February meeting. Motion approved 3-0.

ADJOURNMENT:

ON MOTION by Commissioner Nelson, seconded by Commissioner McPhillips, Commissioners RESOLVED to ADJOURN the January 16, 2018 regular meeting of the Planning Commission at 9:04 PM. Motion approved 3-0.

Sarah Hedder
Recording Specialist