

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISSION  
February 1, 2017**

MEETING CALLED TO ORDER BY COMMISSIONER ROSS AT 7:00 P.M.

Present:       John Ross  
                  Ryan Briese  
                  Tim Felton  
                  Justin Humenik  
                  Ruth Krueger  
                  Jason Pacht  
                  Stephanie Yendell  
                  Peter Hellegers, City Planner

- 1) APPROVAL OF AGENDA – approved as presented – Krueger/Yendell (7-0)
- 2) APPROVAL OF MINUTES for January 4, 2017 – approved as presented – Pacht/Briese (7-0)
- 3) PUBLIC HEARINGS

A) Pedro Sanchez (227 9<sup>th</sup> Street South): Consider a request for a side yard setback variance of 4', which would allow replacement of an attached garage and breezeway with an attached 2-car garage

Mr. Hellegers reported the applicant is seeking the variance to allow for improvements to the structure including removal of the existing 1-car attached garage and breezeway, construction of a new 2-car attached garage in its place, and other improvements to the exterior of the home. Mr. Hellegers noted the side yard and front setbacks would remain the same.

Commissioner Pacht queried as to whether the rear portion of the proposed garage triggers the variance requirement which Mr. Hellegers responded in the affirmative. Commissioner Pacht stated he doesn't see an issue noting the request makes sense.

The applicant's representative reiterated the existing garage and breezeway will be removed to make space for the new 2-car garage. The new garage extends 4' further to the rear bringing it in alignment with the back of the house.

Chair Ross opened the public hearing.

Correspondence was received from a neighboring property owner expressing support of the application adding the applicant has made improvements to the property since acquisition. There was no one in attendance to comment on the application.

Chair Ross closed the public hearing.

Motion to approve a 4' side yard setback variance for a 2-car garage addition for the property at 227 9<sup>th</sup> Street South subject to the conditions noted in the Planner's report – Humenik/Pachl (7-0)

B) MidWest One Bank (835 Southview Blvd.): An application for a Conditional Use Permit and related variances for a 3-stall drive through for a proposed 7,000 s.f., 1-story bank building for the property at 900-920 Southview Blvd. The application calls for vacating the alley through the property and rerouting that portion of the alley out to 10<sup>th</sup> Avenue South

Mr. Hellegers reported on the City acquired 900/920 Southview Blvd. and 145 10<sup>th</sup> Avenue South to create a redevelopment site. The applicant proposes to construct a new bank branch on the .68 acre site which necessitates a number of approvals for consideration:

- Conditional Use Permits for a drive thru and a changeable electronic message center sign on the proposed monument sign
- Site plan approval
- Variances for a 5-foot setback for the southwest corner of the building and 6-foot fence height adjacent to a front yard
- Approval of property combination within the site
- Vacating the alley right-of-way within the site
- New easements to the public for alley access, private easement for access to the garage east of the site and an easement allowing for utility relocation

Mr. Hellegers stated the area is designated a mixed-use and the proposed use is consistent within the area. Mr. Hellegers reviewed the building renderings, materials and site plan noting that the bulk of the building will be located at the corner of 10<sup>th</sup> Avenue South. Discussion ensued regarding the height of the fence between the residential and commercial property. Staff noted the fence will be 6' to provide additional screening of the neighbor at 9<sup>th</sup> Avenue North.

Chair Ross queried as to the traffic pattern and the unregulated exit of traffic to 10<sup>th</sup> Avenue. Mr. Hellegers stated traffic will enter from the east on 9<sup>th</sup> Avenue and exit to the west onto 10<sup>th</sup> Avenue. The two medians serve as a mechanism to divide the parking areas from the through traffic utilizing the drive through. The design keeps bank traffic contained to the site and avoids flow to the alley area.

Commissioner Pachl asked about vacating the alley, the curbing and the 9<sup>th</sup> Avenue North homeowner's ability to access a garage with a boat. Mr. Hellegers reported it does provide vehicle access; however, in the event one needed to maneuver a boat into the garage it might be difficult. Commissioner Pachl stated traffic through the alley this will be better than what was there in the past noting the alley serves the purpose and is a positive for the neighborhood.

Discussion ensued regarding the landscaping in relation to the Southview project streetscaping. Mr. Hellegers noted a number of trees will come down with the Southview Blvd. project. The recommendation is to landscape at the same time as the Southview project.

Commissioner Yendell asked about the fence sightline at 9<sup>th</sup> Avenue South. Mr. Hellegers noted the 2-way traffic and fencing may impact the pedestrian traffic at that location. The bank is willing to work with the neighbor in order to provide adequate screening in addition to provide a clear sightline.

Todd Zwiefelhofer, Elliott Architects addressed the alley and access to the garage immediately north of the 9<sup>th</sup> Avenue parking area. Mr. Elliott reported Ryan Garcia had a conversation with the homeowner; however, he was uncertain if garage access was addressed, but noted a conversation took place with the homeowner regarding the fence. The homeowner is on board with removal of the existing fence and replacing it with a new fence. Plans are to vacate that alley portion dividing 10' to the bank and 10' to the homeowner. The bank would then grant a 10' easement to the homeowner which would extend the driveway out to south end of what will still remain as the alley. The alley width will remain the same; however, the bank is willing to make it wider to give the homeowner adequate access.

Commissioner Pachl queried as to the plans for the existing bank building. Todd Hovland, MidWest One branch manager noted the bank is concentrating on getting into the new facility prior to dealing with the sale of the building. Mr. Hovland stated construction would start in spring/early summer with a 6-7 month construction period.

Chair Ross opened the public hearing.

Mr. Hellegers reported receiving calls from two residents regarding the proposed site of the project, residents had some questions about whether this was at the existing site.

David Hohle, 127 10<sup>th</sup> Avenue South was in attendance to comment on concerns with garbage truck traffic in the alley and the ability to turn around. Mr. Hellegers noted the radius was extended to ensure adequate room for snowplowing, emergency vehicles and truck traffic. Mr. Hohle queried as to whether the new fence is 6' from grade. Mr. Hellegers replied in the affirmative.

The public hearing was closed.

Motion to approve as presented subject to the conditions in the Planners report – Humenik/Krueger (7-0)

C) City of South St. Paul – Consider amending the Comprehensive Plan Future Land Use Map from Light Industrial to Commercial for the property at 425 Concord Street South

Mr. Hellegers reported the property was previously guided as Industrial due to the business park development to the east; however, recently Planning Commission and City Council approved a redevelopment plan for the site that includes a retail component. In order to make the future land use map consistent with the approved development it is deemed appropriate to change the Future Land Use Map for the property at 425 Concord Street South from Light Industrial to Commercial.

Motion to adopt Planning Commission Resolution No. 2017-01 approving a Comprehensive Plan amendment changing the Future Land Use Map from Light Industrial to Commercial for the property at 425 Concord Street South based on the plan for the site – Pahl/Briese (6-0-1), Humenik abstained.

D) City of South St. Paul – Amending the Comprehensive Plan Future Land Use Map from Office Research/Light Industrial to Commercial for the vacant City-owned properties in the BridgePoint Station area, southeast of Grand Avenue East and Concord Street

Mr. Hellegers reported the properties in the Bridgepoint Station area are part of a larger PUD approved in 2003. At the time it was planned that 7 buildings would be constructed on the site; however, only one was built. Since the Planned Unit Development didn't come to fruition, the City purchased the remaining vacant sites. The only other development to occur was the Schadegg/Cherokee project situated on the larger parcel. In order to market the remaining properties for retail use, the EDA/City is requesting an amendment to the Future Land Use Map of the Comprehensive Plan rezoning the properties (including the Burger King parcel) to Commercial.

Chair Ross opened the public hearing.

No comments were received nor was there anyone present to comment on the application.

The public hearing portion of the meeting was closed.

Motion to adopt Planning Commission Resolution No. 2017-02 approving a Comprehensive Plan amendment changing the Future Land Use Map from Office Research/Light Industrial to Commercial for the vacant properties (including Burger King) in the BridgePoint Station area, southeast of Grand Avenue East and Concord Street - Yendell/Krueger (7-0)

E) City of South St. Paul – Approval of an amendment to the Zoning Map; changing the zoning designation from I: Industrial (with PUD overlay) to GB: General Business for the vacant city-owned properties in the BridgePoint station area, southeast of Grand Avenue East and Concord Street

Mr. Hellegers reported the existing properties are zoned Industrial with PUD overlay remnant from the BridgePoint Station development. The proposed change would make the parcels consistent with the adjacent Burger King site so they are all guided for commercial use. Additionally, Mr. Hellegers noted developers have approached the City looking for commercial use sites. The City has directed staff to come forward with changes to make it possible to market more toward those uses.

Chair Ross opened the public hearing.

No comments were received nor was there anyone present to comment on the application.

The public hearing portion of the meeting was closed.

Motion to adopt Planning Commission Resolution 2017-03 approving an amendment to the Zoning Map from I: Industrial to GB: General Business for the properties at 130 Grand Avenue East and 110 BridgePoint Court – Yendell/Pachl (7-0)

F) South St. Paul Rod & Gun Club (600 Gun Club Road): Consider a request for an Interim Use Permit for the use of a semi-trailer as a temporary firing enclosure for the rifle range for a 2-year term

Mr. Hellegers reported the Gun Club initially came before the Planning Commission last fall with three applications requesting Interim Use Permits for temporary structures. An on-site visit by staff that spring had revealed issues with existing structures on the site. The applicants then came forward to deal with the issues in a way that is consistent with code. It was noted the Gun Club's IUP application to use 5 trailers/shipping containers for exterior storage for a 5-year term was approved by both the Planning Commission and City Council. The items continued are the use of semi-trailers for the temporary firing enclosure for the rifle range (2-year term) and the temporary shooting enclosure for the shotgun range (5-year term). The two IUP applications were continued to address whether a converted semi-trailer could be allowed as a temporary building and what would make the structure compliant with code.

The 60-day review deadline was extended 60 days by the city to January 27<sup>th</sup> which is the maximum the City could extend. Thereafter, the applicant requested a 30-day extension to the end of February.

Applicants Don Deeb, Gun Club Manager and Mike Steinmetz, Secretary of the Board at the Gun Club reported the intention was to use the semi-trailer for a 2-year term until the permanent structure could be built. Mr. Steinmetz noted it was the opinion of engineering firm AECOM the trailer and culvert system are a highly acceptable form of safety and noise mitigation. Mr. Deeb stated the trailer is not in use at the time due to weather conditions which has put the schedule behind six months.

Commissioner Ross queried as to whether the Gun Club intends to build a permanent structure. Mr. Deeb responded that the Gun Club is the recipient of a \$156,000 DNR grant for construction of a permanent structure and other improvements and fully intend to move forward with construction of the permanent structure.

Commissioner Yendell expressed concerns with ventilation, the flood plain and tie downs noting no new information has been brought forth to alleviate those concerns.

Chair Ross opened the public hearing.

Mr. Hellegers reported the City of Inver Grove Heights previously submitted a letter stating their reservations asking that the previously agreed upon safety measures (from the approved plan for the permanent structure) are put in place prior to opening. No other correspondence was received and there was no one in attendance to comment on the application.

The public hearing portion of the meeting was closed.

Commissioner Pachl noted he understands the Gun Club's predicament and wants them to succeed; however, raised concerns with precedent setting as use of a trailer for this purpose is not consistent with the standards. Additionally, the situation is unique but the structure doesn't fall into any set category.

Discussion ensued regarding ventilation, toxic exposure and lead levels in the structure. Mr. Deeb stated there is a plan for ventilation, positive air flow and employees will be tested for lead.

Commissioner Humenik stated he has a hard time approving a "building" that is not a building.

Commissioner Briese noted the Gun Club is a specialized site and the proposal is consistent with other ranges that have a specific and limited purpose. Commissioner Briese stated the structure is not visible from outside the property, it's a not-for-profit service that provides a specific service to the community. Testimony we've heard is that it's standard and acceptable at other ranges and industry norm. Finds the uniqueness of it to be enough to consider granting the Interim Use Permit.

Yendell spoke to the fact not using other cities as a precedent because not every city has a building code at all. Other cities have their own zoning laws and building codes to guide how they handle this type of use. The fact remains that the temporary structure is in a flood plain.

Commissioners Felton stated he would be very unhappy if progress to construct a permanent structure hasn't happened in two years.

Motion to deny the application – Yendell/Humenik (2-5)

Motion to approve – Felton/Briese (5-2)

Commissioner Briese stated the uniqueness would preclude this being precedent setting and this type of structure is not appropriate for any other circumstance presented.

3G) South St. Paul Rod & Gun Club (600 Gun Club Road): Consider a request for an Interim Use Permit for a temporary shooting enclosure for the shotgun range on the property for a term of 5 years

Mr. Hellegers provided staff background on the application noting semi-trailer be used in the shotgun 5-stand area. Enclosure has open hole windows and manual door at the end. The trailer structure will be used to protect shooters from the elements in the 5-stand area.

Mike Steinmetz of the Gun Club reported the organization did as they were asked and went back to looked at options in order to change how this works; however, there are no cost effective options. Gun Club knows that this won't meet code but are asking an exception to the Code so

they can use/continue to utilize the structure for this purpose. Mr. Deeb reported the structure is viable with regard to: 1) sturdiness of structure, it's as strong as any building you could build, 2) the structure is mobile in the event of flooding and is street legal 3) the Fire Marshal looked at structure and made a couple of requests to bring it up to Code which have been completed by the Gun Club. It was also noted the structure is safe, not visible from outside the Gun Club property and the noise is contained to the trailer.

Discussion ensued regarding a 2-year vs. 5-year term keeping it in line with the rifle range IUP request. The compromise gives the City the opportunity to revisit the matter after two years to make sure the Gun Club is following through with what they say they will do. Mr. Deeb stated there are no plans to replace the trailer with a permanent structure as it is not cost effective.

No comments were received nor was there anyone present to comment on the application.

Chair Ross asked the applicant if a 2-year term was agreeable to which Mr. Steinmetz responded in the affirmative.

Motion to approve the IUP request to allow a temporary shotgun firing shed for a term of 2 years - Krueger/Briese (5-2)

#### ADJOURNMENT

Chair Ross declared the meeting adjourned at 9:05 P.M. - Briese/Yendell (7-0)