

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISSION**  
**November 5, 2022**

MEETING CALLED TO ORDER BY CHAIR THOMPSON AT 7:00 P.M.

Present:       Angela DesMarais  
                  Tim Felton  
                  Geoff Fournier  
                  Jason Frankot  
                  Ruth Krueger  
                  James Hart  
                  Matthew Thompson  
                  Ryan Garcia, City Administrator  
                  Michael Healy, City Planner  
                  Monika Mann, Associate Planner

Absent:       None

- 1)       APPROVAL OF AGENDA – Motion to approve as presented – Hart/Fournier (7-0).
- 2)       APPROVAL OF MINUTES – October 5, 2022 – Motion to approve the minutes as presented – Krueger/Fournier (7-0).
- 3)       NEW BUSINESS  
  
          None.
- 4)       PUBLIC HEARINGS  
  
          A. 118 9<sup>th</sup> Street South Shed Variance

Ms. Mann presented the staff report. The Applicant is Terry Seivert. He is requesting two variances to allow a shed to be constructed in his rear yard at 118 9<sup>th</sup> Street South. The entire rear yard of the subject property is a drainage and utility easement. Two different sections of the city code prohibit structures from being placed in drainage and utility easements. The Applicant will need a variance from the subdivision ordinance and the accessory structure ordinance in order to be able to place the shed in the rear yard of the property. It is very unusual for a property to have drainage and utility easements that encumber an entire yard area of a property. In the case of the subject property and the surrounding properties, there are large drainage and utility easements over these properties because the area the neighborhood is in is a natural drainage way for water in rain events. The drainage and utility easements in the rear yard of the property create a practical difficulty for the homeowner as he does not have the ability to place a shed anywhere in his rear yard without the variances. Staff reviewed the proposal with the City Engineer who stated she was fine with the placement of the proposed shed so long as the shed is elevated to allow drainage to flow around and underneath the shed. Staff recommend approval of the proposed variances.

The Applicant, Terry Seivert, was present to speak on the application.

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Chair Thompson asked the Applicant if he was familiar with the conditions listed in the staff report and would be able to follow through with the conditions. The Applicant confirmed that he was familiar with the conditions and would be able to meet them.

Chair Thompson opened the public hearing.

No correspondence had been received prior to the meeting.

Chair Thompson closed the public hearing.

Commissioner Krueger asked if a rain garden could be added to the subject property if there were drainage issues that arose as a result of the shed being constructed. Ms. Mann explained that based on the nature of the drainageway, a rain garden would likely not provide the type of assistance needed to allow water to move through the drainage way. Mr. Healy added that the City is the easement-owner and does have the ability to authorize additional stormwater infrastructure in the easement if it is deemed necessary.

Chair Thompson reopened the public hearing.

Jonathan Nelson, 114 9<sup>th</sup> Street South, spoke in favor of the variance.

Chair Thomson closed the public hearing.

Motion to recommend approval of the proposed variances to allow a shed to be constructed in a drainage and utility easement at 118 9<sup>th</sup> Stret South- Felton/DesMarais (7-0)

### B. Water Treatment Plant Development Application

Ms. Mann shared the staff report. The City is requesting a preliminary plat, a final plat, a Planned Unit Development, Site Plan review and a Conditional Use Permit for an Essential Service to allow a new water treatment facility to be constructed at 405 Kaposia Boulevard. Staff have reviewed the preliminary and final plat which would subdivide the parcel that encompasses the existing well house the city's archery range, and a section of the school district's practice fields into two new parcels. One of the parcels would contain the existing wellhouse, the new water treatment facility, and the updated archery range. The other parcel would encompass just the school district's practice fields and would allow the practice fields to be turned over to the school district so they have complete control of their practice fields. The preliminary and final plat are consistent with the requirements for a preliminary and final plat. A site plan is required for the project because the project involves the construction of a new institutional use. The site plan meets the site design standards for an institutional use in the R-2 district. In addition to a site plan review, two conditional use permits are required for the project. One conditional use permit is for the Planned Unit Development which would allow the site to have two principal buildings on one parcel. The other conditional use permit is for an essential service. Essential services are a conditional use the R-2 district.

Commissioner Hart asked about parking for full time staff members at the new water treatment facility. Ms. Mann stated that to her knowledge, the facility would not have full-time staff members at the site.

Commissioner Frankot commented on the popularity of the archery range between September and November and questioned whether 5 parking spaces would be adequate for the site. Mr. Healy shared that the City Council had encouraged the City Engineer to study adding a sidewalk along Kaposia Boulevard as part of this project. Mr. Healy commented that if the City were to add more parking to the site, it would likely be at the expense of the archery space. Commissioner Frankot asked if the size of the archery range would decrease as a result of this project. Ms. Mann stated that the number of lanes at the site would remain consistent with what is currently there.

Chair Thompson queried whether there would still be trash handling at the site for the archery range users if no exterior trash handling is proposed for the site. Ms. Mann clarified that no exterior trash handling had been proposed for the new water treatment facility, but that the archery range would continue to have trash receptacles available for park users.

Commissioner Krueger commented that she was surprised that the practice fields belonged to the City and not the school district. Ms. Mann explained that the high school, the practice fields, and wellhouse #3 were developed prior to having GIS mapping tools that show parcel boundaries and property owner information, so it is likely that the school district just assumed that they owned the property where their practice fields are located. The subdivision of the current parcel will be a step forward in getting the practice fields into the school district's ownership.

Commissioner Felton asked if staff received any feedback from individuals that live near the site. Mr. Healy explained that the City Council tasked the City Engineer with doing public engagement for the project. The City Engineer would be retiring at the end of the week and had shared with Mr. Healy that she had been unable to conduct public engagement for the project prior to her departure. The new City Engineer would be responsible for conducting public engagement for the project in the near future.

Commissioner Felton asked if the lighting on the new building would impact the neighboring properties. Mr. Healy shared that the photometric plan that was provided for the project shows that any lighting onsite would not leave the property. Commissioner Felton asked staff if there would be any sounds associated with the water treatment facility. Mr. Healy stated that he would defer to the representative from SEH to answer that question. Chair Thompson encouraged the representative to hold off on answering the question until all questions for City staff had been addressed.

Commissioner Felton asked staff if the project and the request for a recommendation was premature given that no neighborhood engagement had been done for the project. Mr. Healy shared that the City Engineer was the project manager and chose to structure the process in the way that she felt was appropriate and did receive City Council feedback while doing so. Commissioner Felton asked what would happen in the event the Planning Commission recommends approval of the application, only to get to the neighborhood meeting and find that many of the neighbors were opposed to the project. Mr. Healy explained that the purpose of the application before the Planning Commission was to address the zoning components of the project. Commissioner Felton commented that the process for a project like this typically involves public comments being received and addressed at the Planning Commission meeting, followed by the Planning Commission providing a recommendation to the City Council on the application. Mr. Healy stated that the City followed the exact same procedure with this project that they follow for any zoning project. This procedure includes sending out notices to the property owners that live within 350 feet of the project site with information about the zoning requests and ways to provide feedback on the application. Mr. Healy shared that staff has not received any feedback on the application.

Commissioner Krueger shared that she appreciated that the City is working to address the water quality issues.

Chair Thompson commented that the project would result in a large change in the landscaping of the site and asked about the replacement plan. Mr. Healy stated that the landscaping plans include new trees along Kaposia Boulevard. Mr. Healy stated that the new facility would be placed further back in the site where there is existing vegetation, and presumably the location is based on the distance that the new water treatment facility needs to be from the existing wellhouse.

Chair Thompson opened the public hearing.

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Brian Hare from SEH was present to answer questions.

Commissioner Kruger asked if the water treatment facility would give off a noise. Mr. Hare stated the water treatment facilities they design are designed to meet city noise requirements. Mr. Hare shared that he lives next to a water treatment facility in Robbinsdale and that he does not hear any noise from the facility.

Commissioner Thompson asked if the water treatment facility would treat for anything other than radium. Mr. Hare explained that the driver of the project is the radium treatment. The facility would likely treat for other things that water is typically treated for.

Mr. Hare stated that SEH had requested that the City Engineer review the trees at the site to see if there were any trees worth protecting. Many of the trees were in poor condition and were deemed not worth preserving. The existing trees would be replaced with trees that are more aesthetically pleasing.

Jeremy Gerten, 319 11<sup>th</sup> Street South, inquired about the size of the water treatment facility and the large range in project cost. Mr. Gerten suggested moving the archery range to Kaposia Landing to allow for the new water treatment facility to be moved further into the site away from the road.

Mr. Hare explained that the city plans to leave the archery range on site due to the familiarity and convenience of the current location. Mr. Hare explained that the larger building is needed to accommodate the treatment filter and the ancillary rooms. Mr. Hare speculated that the project may be funded using federal dollars that are allocated for water treatment.

Ryan Garcia, City Administrator, explained the construction costs were estimated and the project had not yet been out to bid so the project cost was not final. Mr. Garcia shared the City is seeking state and federal funds for the project, in addition to the funding available through the city's water utility fund. Mr. Garcia reiterated the City does need to construct this facility to address the radium levels in the City's water which is documented as being out of compliance with the Department of Health's standards.

Chair Thompson asked if any correspondence had been received about the project. Ms. Mann stated that staff had not received any correspondence on the item.

Chair Thompson closed the public hearing.

Commissioner Felton asked staff if there would be an opportunity for the planning commission to review the application again in the future if the Planning Commission voted to recommend approval of the application that evening. Ms. Mann explained that the Planning Commission would not review the application again unless there were substantial changes to the project. Mr. Healy stated that as long as the project is substantially consistent with what is proposed, there would be no need for the project to receive additional review by the Planning Commission. Mr. Healy explained that the way the conditions of approval were written, any major changes would need to be approved by the City Council. The Planning Commission could change the language of the approval to require that any substantial changes be reviewed by the Planning Commission in addition to the City Council.

Chair Thompson commented that he would like to see more people using the archery range. Commissioner Krueger shared the history of the archery range. Mr. Garcia shared that the parks and recreation master plan would be updated in 2023 and encouraged individuals with feedback about the archery range or other parks to get involved with the plan update.

Motion to recommend approval of the Preliminary Plat, Final Plat, a Conditional Use Permit for a Planned Unit Development, a Conditional Use Permit for an Essential Service, and a Site Plan Review for a new water treatment facility at 405 Kaposia Boulevard- Krueger/Fournier (6-1) (Felton).

C. Rezoning Related to Emerson Emilia Place Subdivision

Mr. Healy presented the staff report. In April of 2022, the City approved a preliminary plat for a two-lot subdivision in preparation for a second phase of the Drover apartments. The proposed second phase of the Drover project, the Vaquero, will have roughly 170 units and would include the premium amenities that will be found at “The Yards” apartments. There are several title complications for the site which has delayed the project. One of the items that needs to be addressed to move the project forward is to fix the zoning of the parcels that will become Lot 2 in the Emerson Emilia Place subdivision. In order to fix the zoning, all of the lots that are within the area of the Emerson Emilia Place plat need to be zoned GGMU. About half of the parcels within the boundaries of the plat are currently zoned CGMU. The other parcels are zoned R-4. The application before the Planning Commission would rezone any of the parcels currently zoned R-4 within the boundaries of the proposed Emerson Emilia Place plat to CGMU so all of the parcels have the same zoning. Staff recommend approval of the rezoning.

Commissioner Thompson asked what would happen to Veterans Memorial Drive when the Vaquero is constructed. Mr. Healy stated that many of the details of the second phase are still being worked out. At this time, the plan for Veterans Memorial Drive is to make the street a dead-end street that still provides access to the Nan Mckay Building and the Grand Hill Condominiums.

Mr. Garcia came forward to speak to the application. Mr. Garcia explained the EDA and the City have already begun working through some of the title complications with the site. Mr. Garcia shared that it was good practice to have a single site have consistent zoning.

Commissioner Krueger asked about the success of the Drover. Mr. Garcia shared that the 68-unit, market rate apartment building was fully occupied within 6 months of completion and has successfully kept up full occupancy.

Chair Thompson opened the public hearing.

No correspondence had been received prior to the meeting and no one was present to comment on the application.

Chair Thompson closed the public hearing.

Motion to recommend approval of an ordinance rezoning the land in the Emerson Emilia Place Subdivision from R-4 Multifamily Residential to Concord Gateway Mixed Use Subdistrict 1- Frankot/Fournier (7-0).

5) OTHER BUSINESS

Mr. Healy shared the City Hall renovation project has been moving forward and that the Planning Commission would hopefully be back in the City Council Chambers for their December meeting.

6) ADJOURNMENT

Motion to adjourn- Felton/Hart (7-0).