

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISISON**  
**March 4, 2020**

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

Present:

Stephanie Yendell  
Angela DesMarais  
Tim Felton  
Justin Humenik  
Ruth Krueger  
Matthew Thompson  
Michael Healy, City Planner  
Monika Mann, Community Development Support Specialist

Absent: Jason Frankot

- 1) APPROVAL OF AGENDA – Motion to approve the agenda as presented –DesMarais/Thompson (6-0)
- 2) APPROVAL OF MINUTES – January 8, 2020 – Motion to approve the minutes as presented – Huminek/ Krueger (6-0)
- 3) NEW BUSINESS
  - A) Rules of Order

Motion to adopt Planning Commission Resolution 2020-03 approving the Planning Commission Rules of Order-Thompson/Huminek (6-0).

B) Election of Officers

Chair Yendell invited nominations for the Office of Chairperson. Commissioner Krueger nominated Stephanie Yendell. After three successive calls and no further nominations came from the floor a unanimous ballot was cast for Stephanie Yendell for the Office of Chairperson (6-0).

Chair Yendell invited nominations for the Office of Vice Chairperson. Commissioner DesMarais nominated Commissioner Krueger. Commissioner Krueger nominated Commissioner DesMarais. Commissioner Krueger declined the nomination for Vice Chair. Commissioner DesMarais accepted to nomination for Vice Chair. After three successive calls and no further nominations came from the floor a unanimous ballot was cast for Angela DesMarais for the Office of Vice Chairperson (6-0).

4) PUBLIC HEARINGS

A) PC Case #2020-08: Twin City Hide/Twin City Tanning- Site Plan Review and PUD Amendment- 491-501 Malden Street.

Mr. Healy provided background on Twin City Hide/Twin City Tanning. Twin City Hide/ Twin City Tanning received a Planned Unit Development (PUD) approval in 2015 to overhaul the site. The PUD has allowed the businesses to upgrade their facilities one building at a time while still continuing to operate. A PUD extension

was granted in 2019 to allow the business an additional three years to complete the development. Phases 1 and 2 have already been completed. The applicant is seeking site plan review for Phase 3. The applicant is also requesting amendments to their original PUD approval to allow roof-mounted mechanical equipment, to remove the sidewalk requirement, to reduce landscaping requirements and to change the orientation of one of the buildings.

The applicant has proposed a 45,626 square foot processing facility. The proposed building will be located roughly 20 feet away from the existing processing building until the old processing facility is demolished. The proposed warehouse will be 50 feet in height, which is the maximum allowable height in the Industrial District. The applicant proposed placing a large piece of mechanical equipment on the roof which would exceed the maximum allowable height and will require a PUD amendment.

According to code, the project is required to have 49 overstory trees on the site. The property has been landscaped on the streets surrounding the parking lots and by the detached warehouse. The property does not have room for additional landscaping. The required number of overstory trees can be modified based on the soil conditions or other conditions beyond the control of the owner with approval from the Planning Commission and City Council. Additionally, the applicant is requesting the City waive the requirement that the cost of the landscaping onsite be equal to at least 20% of the total project cost. The City Council is allowed to do so when a project is valued at more than \$1 million. The applicant's project is valued at over \$5 million.

Chair Yendell asked if there was precedent in the City Code for landscaping on impervious surfaces such as roofs. Mr. Healy stated there was not. Chair Yendell asked about the potential for green roofs to help mitigate the urban heat island effects and manage stormwater runoff. Mr. Healy explained that the property met the landscaping requirements, but the roof would not be an acceptable space for the required overstory trees. Mr. Healy further explained the property has a proposed stormwater pond which would take care of stormwater requirements for the site.

Mr. Healy stated the site will need nine (9) additional stalls in Phase V or the applicant will need to obtain a shared parking agreement or request a PUD amendment for reduced parking requirements. An easement is required for the site in case the two business every separated. The proposed building is in the Floodplain District. This district has additional height requirements in case of flooding, however since it is a redevelopment site that is not possible. The City Engineer has reviewed the Applicant's proposal and believes the plan should be approved so long as the Applicant ensures that the finished floor of their building is at least at the 705 elevation.

Several items were identified during the site plan review which require a PUD amendment in order to move forward. The items include the proposed roof-mounted mechanical equipment, the pedestrian circulation plan, and the orientation of the Phase III building. Staff recommended approval of the site plan and PUD approval subject to conditions of approval laid out in the staff report

Chair Yendell provided background on the pedestrian circulation plan requirement. The Commissioners had concerns about workers' safety as they made their way from the parking area to the rest of the facility. To ease concerns, the condition for a pedestrian circulation plan was added to the PUD approval. Commissioner Huminek explained the vagueness of the pedestrian circulation plan was a result of the vague project designs that were presented at the time of the PUD approval.

Chair Yendell asked about the result of the odor monitoring. Ms. Mann explained the site is monitored for Hydrogen Sulfide and the site stays within acceptable levels. Mr. Healy explained that the site is required to submit an odor mitigation plan which would be approved by the odor consultant.

## Planning Commission Minutes

March 4, 2020

Page 3 of 7

Commissioner Huminek asked for clarification about the flood barrier requirements for the property according to the flood fringe requirements. Mr. Healy explained that cities get their floodplain ordinance from the Department of Natural Resources (DNR) which is based on best practices.

Paul Rogosheske of Rogosheske, Rogosheske & Atkins, Dick Gunderson of Gunderson Construction and Doug Baker of Twin City Hide came forward to speak to the application.

Chair Yendell asked where the employee entrance was located. Mr. Gunderson explained the location was on the west side of the building. The employees at the Tannery enter from the sidewalks at the south of the Property. The employees at the existing processing building (Twin City Hide) walk over to the building from the parking lot. Commissioner Yendell asked if semis would cross the path where pedestrian would walk. Mr. Gunderson confirmed they would because of the location of the loading docks. Chair Yendell asked about pedestrian control. Mr. Gunderson suggested pedestrian striping could be added to the lot. Mr. Healy confirmed the condition would state that the applicant must paint the parking lot to create a pedestrian way.

Commissioner Krueger raised concerns about the proposed pedestrian walk being covered when it snows. Mr. Gunderson explained the entire lot is shoveled when it snows because the facility is open 24-hours a day.

Mr. Gunderson added that the roof of the building was designed to pond water until it can be slowly released into the holding pond. The new processing building can hold rainwater which will be used for hide processing.

Commissioner Krueger asked if it would be possible to add trees to the holding pond area. Mr. Gunderson explained there is not area to add trees to the holding pond area because trees would interfere with the stormwater utilities that lead to the pond.

Commissioner Thompson asked what the distance between the railroad tracks and the proposed building was. Mr. Gunderson explained the railroad tracks follow the property line at the east side of the property.

Chair Yendell asked for clarification on whether the 20-foot gap between buildings would be an issue because the new section of the building had already been constructed. Mr. Gunderson explained there would not be an issue when the new facility is built and the snow load would be properly distributed.

Commissioner Huminek asked for the diameter of the roof-mounted mechanical equipment. Mr. Gunderson stated it would be 24 inches. Mr. Gunderson stated that the 20-foot high stack is a worst-case scenario for odor mitigation but it could be lower due to the decreased amount of open water processing in the new facility.

Chair Yendell opened the public hearing

No one was present to speak on the item and no correspondence had been received.

Chair Yendell closed the public hearing.

Commissioner Thompson stated his support for not requiring additional landscaping.

Commissioner Krueger acknowledged the scale of the landscaping work that had already been completed at the site.

Chair Yendell clarified she was satisfied with the earlier green roof answer.

Chair Yendell asked for comments from the Commissioners on the roof-mounted mechanical equipment. Commissioner Krueger spoke in favor of the equipment, particularly because of its purpose to reduce odor. Commissioner Huminek also shared his support for the roof-mounted equipment.

Commissioner Thompson asked about the height I-494 in relation to the Twin City Hide and Twin City Tanning buildings. Mr. Healy stated that the highway is the high spot to the north of the building. Twin City Hide and Twin City Tanning would need to do their best to screen the equipment regardless of the fact that the highway is above the building.

Chair Yendell asked for comments on the building's orientation and the flood fringe ordinance requirements. No one spoke on the items. Chair Yendell asked if there were any additional pedestrian improvements the commissioners would want to see on the property. No one spoke to the item.

The Commissioners recommended approval of the site plan and Planned Unit Development amendments with the condition of striping the parking lot pavement for pedestrians.

Motion to approve as presented- Thompson/ DesMarais (6-0)

B) PC Case #2020-09: Rayme and Katherine Tindell – 140 2<sup>nd</sup> Avenue South – Consider three variances for the conversion of a single-family home into a duplex.

Ms. Mann provided background on the property. The existing house at 140 2<sup>nd</sup> Avenue South was built in 1907 on a 5,000 square foot lot. Despite the property being structurally a duplex with an upstairs unit and a downstairs unit, the property is considered to be a single-family home according to the property tax assessor. While the property may have previously been grandfathered as a duplex, the property lost its grandfathered status when the property became classified as a single-family home. The property would need three variance in order to be converted: a 2,500 square foot lot size variance, a 20-foot lot width variance and an off-street parking space variance. Staff found practical difficulties in complying with the lot size and lot width requirements but did not find the same for the off-street parking space variance because the site had room to create a fourth off-street parking space if part of fence, a shed and a few small trees were removed.

Commissioner Felton asked what the practical difficulties were for the lot size and lot width variances. Ms. Mann walked the commissioners through the practical difficulties test that was applied to the case. Mr. Healy added there were multiple duplexes in the neighborhood also on 40-foot wide lots. Commissioner Felton asked if the other houses were grandfathered. Mr. Healy confirmed that the other duplexes were never converted to single-family homes and were therefore still grandfathered. Commissioner Felton asked if any property on a 40-foot wide lot could claim practical difficulties. Mr. Healy explained that this scenario is unique because of how the property was setup. Commissioner Felton stated that he did not see any practical difficulties.

Commissioner Krueger stated she had a hard time seeing how the driveway and garage could be used for a duplex without removing the trees, fence and shed.

Mr. Healy clarified that the property had an interior staircase, but it does not connect the two units. The property has one downstairs unit located off the entry way and a separate upstairs unit which is accessed by an internal staircase.

## Planning Commission Minutes

March 4, 2020

Page 5 of 7

The applicant, Rayme and Katherine Tindell, came forward to speak on the request. Mr. Tindell explained they purchased the house from his grandparents who had purchased the home as a duplex. The owners shared the safety concerns they had while living in the single-family home that was set up as a duplex.

Commissioner Huminek asked about the applicant's objection to creating an off-street parking space. Mr. Tindell stated he was not totally adverse to the idea but he would need time in order to create a fourth parking space.

Chair Yendell open the public hearing.

Staff received correspondence from two residents. Brian Engle, 147 2<sup>nd</sup> Avenue South, stated in an email that he had an issue with the off-street parking variance. He also shared concerns about the property having out-of-state landlords. He stated in the email that the request should be denied. Mr. Healy received a call from Tony Zaworski at 128 2<sup>nd</sup> Avenue South. Mr. Zaworki stated he had lived on the block since 1967 and that 140 2<sup>nd</sup> Avenue South had not been rented out as duplex since the late 1960s. Mr. Zarworski stated he is opposed to the applicant's request because of the parking variance. He also stated concerns about the landlords living out-of-state and the potentially resulting lack of maintenance.

Ted Thompsen, 109 3<sup>rd</sup> Avenue South, shared his frustrations with the state of parking in the neighborhood and specifically his frustrations with the parking situation at a converted duplex property adjacent to his property.

Brian Engle, 147 2<sup>nd</sup> Avenue South, reiterated his concerns with the parking variance and his desire to feel safe in the neighborhood.

Ira Longen, 140 7<sup>th</sup> Avenue South, stated he was in support of the variances as long as the owners brought the property up to code.

Chair Yendell closed the public hearing.

Chair Yendell asked staff if the owners had already obtained a rental license. Ms. Mann confirmed they had not. Chair Yendell asked if the owners could be apply for a renal license after a decision had been made about the variances. Ms. Mann confirmed that was the case. Mr. Healy added that the Commissioners had the ability to add a condition that the owners cannot apply for a rental license until the property owners create a parking stall or put up a cash escrow to guarantee the building of the parking stall.

Commissioner Huminek asked how long rental licenses were valid for. Ms. Mann stated rental licenses need to be renewed annually.

Chair Yendell asked how an additional parking space would affect the lot coverage percentage. Ms. Mann stated the site would not exceed the allowable lot coverage if a parking stall were added at the rear of the property. Mr. Healy explained that the lot coverage requirement is a maximum of 75% lot coverage for the whole property and 25% coverage of the required front yard.

Commissioner Krueger stated that the house was a duplex and it had been used a duplex which led her to support the variance.

Chair Yendell asked staff what year the property lost its duplex status. Mr. Healy stated staff did not have that information. Chair Yendell asked if there was a tax advantage for selling the property as a single-family home. Mr. Healy stated there might have been an advantage by the tax.

Commissioner Felton stated that the site requires multiple variances and the commission should not go backward to allow something that is clearly not allowed.

Commissioner Huminek stated he is in favor of allowing the property to be a duplex provided parking is added to the property. Commissioner Huminek asked the applicants if there was a plan for local property maintenance. Mrs. Tindell stated they planned on using a management company as well as paying for lawn services from a local provider.

Chair Yendell shared her support for the lot size and lot width variance because the property was built as a duplex. She also stated she would require a fourth off-street parking space, if not immediately then in a timely manner.

Commissioner Felton ask if the approval would set a precedent for other cases where the owners want to convert a single-family on a 40-foot lot into a duplex. The commissioners discussed the practical difficulties of the site.

Mr. Healy stated that this case would not set a precedent and previous approvals of this type had been made by the City Council when the approval is consistent with the neighborhood. Mr. Healy also explained the change to the test that is used for variance approvals from an undue hardship to a practical difficulty.

Commissioner Huminek shared that building code protects from owners purchasing a single-family home to turn into a duplex.

Commissioner Huminek made a motion to approve the lot size and lot width variances, while denying the off-street parking variance, upon the condition that a fourth off-street parking space must be added by November of 2020.

Commissioner Felton asked for clarification if the owner could get a rental license before they created the off-street parking stall. Mr. Healy explained that the condition was currently worded so that the owners must build an off-street parking space or put up a cash escrow equal to the cost of building a parking space as a way to require the space gets built.

Commissioner Thompson asked about the accountability of the parking space being built. Mr. Healy explained that the cash escrow creates accountability if the applicants want the money back.

Motion to approve the lot size and lot width variance while denying the off-street parking variance, upon the condition that a fourth off-street parking space must be added by November of 2020. – Huminek/ DesMarais (5-1)

C) PC Case #2020-10: Farmers' Market Interim Use Permit- 1151 Southview Boulevard- A request for an Interim Use Permit (IUP) for seasonal farmers' market.

Ms. Mann presented the request for an Interim Use Permit (IUP) for a seasonal farmers' market at 1151 Southview Boulevard. South St. Paul has held its farmers' market in the parking lot behind Wakota Federal Credit Union for the past 7 years. Based on the success of the market and the willingness of Wakota Federal Credit Union to host the market again, staff have requested a 5-year IUP for a seasonal farmers' market at the site. The market would be on Wednesdays from 2:00 PM until 6:00 PM from June to October each year.

Planning Commission Minutes

March 4, 2020

Page 7 of 7

Chair Yendell asked if the city had received any complaints about the farmers' market. Ms. Mann shared an email from Nathan Corbin, 1115 Southview Boulevard, who stated that farmers' market vendors and customers were illegally parking on his lot. Mr. Healy stated staff had suggested to Mr. Corbin that he could put up "no parking", "customer parking only" or "no farmers' market parking" signs to prevent this from happening.

Commissioner DesMarais stated she was all for the farmers' market.

Chair Yendell opened the public hearing.

No additional correspondence had been received and no one was in attendance to speak on the item.

Chair Yendell closed the public hearing.

Motion to approve as presented- DesMarais/Thompson (6-0)

5) OTHER BUSINESS

Chair Yendell welcomed Commissioner Thompson to the Planning Commission. Mr. Healy stated that the Planning Commission had two new commissioners which were appointed on March 2, 2020. Commissioner Frankot would be joining the Planning Commission in April.

6) ADJOURNMENT

Motion to adjourn- DesMarais/ Felton (6-0).