

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISISON**  
**June 2, 2021**

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

Present:

Angela DesMarais  
Tim Felton  
Geoff Fournier  
Ruth Krueger  
Matthew Thompson  
John Ross  
Michael Healy, City Planner  
Monika Mann, Community Development Support Specialist

Absent: Jason Frankot

- 1) APPROVAL OF AGENDA – Motion to approve as presented- (6-0)
- 2) APPROVAL OF MINUTES – May 5, 2021 – Motion to approve the minutes as presented – Felton/Ross (6-0).
- 3) NEW BUSINESS

None.

- 4) PUBLIC HEARINGS

A) Public Hearing for Conditional Use Permit for Auto Repair at 575 Hardman Avenue South

Mr. Healy shared the staff report. The applicant is Kevin Orthober on behalf of Pomp’s Tire. The site is located at the intersection of the I-494 off ramp and Hardman Avenue South. The applicant is seeking a Conditional Use Permit (CUP) to allow additional space within their existing facility to be used for tire-related vehicle repair. The existing facility has a small service area with two service bays (3,400 sq. ft.), a large retreading facility (13,000+ sq. ft.), and a tire warehouse (9,000 sq. ft). The applicant is proposing to convert their existing retreading facility into additional tire-repair service space. The applicant currently offers tire-related services such as flat repair, alignment, and light mechanical work related to tire repair. The new service space would offer the same services as the existing vehicle repair space. The facility does not offer engine repair or other vehicle repair.

The applicant needs a CUP for the project because while the current vehicle repair operation is “grandfathered”, any new vehicle repair space would require a CUP. The property was built and previously owned by Goodyear Tire Company. Goodyear did not need a CUP because at the time, most uses were allowed in the Industrial District as long as the Planning Commission deemed the use “compatible.” The zoning code changed in 1992 to allow only certain uses in the Industrial district. Vehicle repair was added as a conditional use in the district in 1994. When Pomp’s purchased the building in 2013, they inherited the “grandfathered” status of the service operation. The new service area requires a CUP.

The property has some existing zoning non-conformities that may be able to be addressed as part of this application. The non-conformities include the property having two parcels with a property line that runs through the existing building; the southernmost of the two parcels does not meet the minimum landscaping requirement for a property in the industrial district; the property has fewer trees than would be allowed if it were a new build; the parking lot stalls at the site are not striped; the site does not meet the standard that parking lots must have concrete curbs or wheels stops; the parking lot does not have landscaped islands and there are dumpster stored at the front of the building.

When the City reviews a CUP, there is an opportunity to attach “reasonable conditions” to the business’s operations which could include upgrades to the site. When a property has zoning non-conformities, this is an opportunity to try to address the non-conformities as a part of the CUP. This is done on a case-by-case basis. While it is unrealistic to impose conditions that would bring the site completely into total conformity, the goal is to find a middle ground between being fully compliant and leaving the site as-is. In 2013, Pomp’s submitted a site plan for an approximately 10,000 square foot warehouse addition for their property. As part of the approval for the project, the City Council required Pomp’s to come into partial compliance with the city code by requiring them to remove some of their asphalt parking lot to create additional green space, plant additional trees, and add concrete curbing for any new parking or driveway areas.

The striping plan that was proposed as part of the 2013 approval was never actually implemented. The applicant did submit a striping/curb stop plan as a proposed site improvement for this project. The city code requires the site to have 39 parking stalls. The striping plan the applicant submitted shows 37 striped stalls. The City Council ultimately has the ability to establish the final parking requirement for CUPs as part of their approval. The applicant also submitted a screening plan to enclose their dumpsters. The applicant is proposing to enclose their dumpster with chain link fencing behind the building.

A number of basic site improvements were recommended by City Staff as a part of the approval. Recommended improvements included combining the two parcels, requiring some kind of trash enclosure to be constructed around the dumpsters, and requiring any parking to be striped and wheel guards be installed at the appropriate locations. Staff recommends approval of the CUP subject to these conditions.

Chair Ross noted that he had visited the site and noticed trash sitting outside of the building and not in the trash receptacles. Chair Ross asked if this was allowed exterior storage. Mr. Healy stated that exterior storage was not permitted at the site except through the existing IUP. The IUP was for two semi-trailers that collected tire scraps that were created during the retreading process.

James Mitchell of Pomp’s Tire was in attendance to answer questions about the application.

Commissioner DesMarais asked the applicant to clarify if the existing service bays were moving. Mr. Mitchell explained that the existing service bays would remain, and two new service bays would be created in the existing retreading facility.

Commissioner Felton asked the applicant to clarify if the items being stored outside would be removed. Mr. Mitchell explained that the dumpster would remain outside but would be enclosed. All other materials would be moved inside.

Commissioner DesMarais asked if the trailers that are allowed under the property’s IUP were still at the site. Mr. Mitchell stated that they were no longer at the site.

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Chair Ross asked the applicant if he understood the conditions. Mr. Mitchell stated that he understood the conditions and felt they were appropriate.

Chair Ross asked what type of enclosure was planned for the dumpster. Justin Bohm, general contractor, stated that they planned to use black chain link fencing with black slats.

The commissioners and the applicant discussed the appropriate number of parking spaces for the site based on the number of staff members and customers. Chair Ross suggested 20 striped parking spaces for the site.

Chair Ross opened the public hearing.

No comments had been received prior to the meeting nor was anyone present to speak on the item.

Chair Ross closed the public hearing.

Commissioner Krueger spoke in favor of the application.

Commissioner Felton shared his concern that 20 parking spaces was too few spaces. Commissioner DesMarais suggested 25 parking spaces be striped at the site.

Commissioner Thompson asked if the striping plan needed to include tractor or trailer parking bays. Mr. Healy stated he was not sure.

Motion to recommend approval of the proposed Conditional Use Permit with the amended condition that only 25 parking spaces need to be striped- Thompson/ Fournier (6-0)

B) Public Hearing for a Conditional Use Permit Amendment and Site Plan for a Building Addition and Outdoor Dining Expansion at Stockyard's Tavern and Chophouse at 456 Concord Exchange South.

Mr. Healy presented the staff report. The applicant is Adam McMorrow on behalf of KC LLC. The applicant is seeking a site plan review for a building addition/ parking lot reconfiguration/outdoor dining area expansion and a Conditional Use Permit amendment to the restaurant's existing Conditional Use Permit for On-sale Liquor and the parking requirements for an outdoor dining area. 456 Concord Exchange South received a CUP for on-sale liquor and variances as part of the construction of the Kaposia Club in 2018. The business rebranded in 2021 as the Stockyards Tavern & Chophouse. The applicant is proposing to double the size of its existing outdoor dining area. The owner would like to turn the restaurant into a destination restaurant and so they would like to increase the amenities.

In order to create additional space for the new dining area, part of the existing parking lot would be turned into patio space. The existing 90-degree parking stalls near the proposed patio expansion would become 45-degree parking stalls. Despite the reduction in the number of parking spaces, the number of proposed parking stalls for the site comes fairly close to the number of parking spaces that are required for the site. The City Council has previously stated that they do not want to require additional parking spaces for outdoor dining areas because it is the same patrons that use the indoor and outdoor dining areas. Almost every outdoor dining area has had this requirement waived as part of their CUP or with a variance. Staff is in the process of updating the code to formally waive the parking requirements for any outdoor dining area. Staff recommends approval of the CUP subject to the conditions of approval listed in the staff report.

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Greg Miller, Principal Owner, was present to answer any questions. Mr. Miller spoke about the increased popularity in outdoor dining since the onset of COVID-19 and the need for the increased outdoor dining space.

Commissioner DesMarais asked if the fenced dining area would have a door for entry and exit. Mr. Miller stated that the dining area would have an exit door with a panic bar as is required by the fire code.

Commissioner Krueger shared her experience at the restaurant.

Commissioner Ross asked the applicant their expected start and end date. Mr. Miller explained that they had already purchased all the material needed for the project, they were just waiting on City approval to pull their building permit. Mr. Miller expected the project would be completed by the end of July.

Chair Ross opened the public hearing.

No comments had been submitted prior to the meeting and no one was present to speak on the item.

Chair Ross closed the public hearing.

Commissioner Krueger spoke in favor of the application.

Motion to recommend approval of the Site Plan and Conditional Use Permit Amendment for a building addition and outdoor dining expansion at Stockyards Tavern and Chophouse as presented- Krueger/Felton (6-0).

### 5) OTHER BUSINESS

#### A) North Concord Mixed Use Zoning District Update- Draft Corridor Vision Review

Mr. Healy provided the Planning Commissioners an update on the North Concord Mixed Use District project. The City has been working with Michael Lamb Consulting on the project. The first phase of the project was to get ready to update the code by creating a corridor vision. Based on the feedback that staff received from the Council at the two joint work sessions, Mr. Lamb prepared a corridor vision document. The corridor vision includes an overview of the district, displays the results of the continuum statements that were submitted by the Planning Commissioners and the City Council members, and highlights four-character areas along north Concord Street. Staff was bringing the corridor vision before the Planning Commission to have them advise on whether any changes should be made. The corridor vision would then go to the City Council on June 21st for adoption by resolution. Once it is approved by the City Council, city staff and the consultant would start writing code to implement the corridor vision. Staff anticipate code writing will begin in July.

Chair Ross asked about the best time for the Planning Commission to provide feedback to staff. Mr. Healy explained that if there are any concepts the Planning Commission felt should be added or removed, they should mention it at today's meeting. Concerns about zoning standards and uses that would be allowed in the district should be addressed when staff brings forward an ordinance with new code language for the district.

Chair Ross stated that he liked the idea of the character areas.

Commissioner DesMarais stated that she liked the concepts that were in the corridor vision.

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Chair Ross asked if there were any platting issues similar to the platting issues along Concord Exchange that should be addressed as a part of the project. Mr. Healy explained that this zoning district is located between Wentworth Avenue and Annapolis Street. The area south of Wentworth Avenue is its own district that will be addressed at a later time.

Commissioner Thompson asked if any of the Department of Natural Resources' rules might slow down the process. Mr. Healy explained that one of the challenges is that the City does not control the rules for bluffs and slopes. The City will be required to update its rules on the Mississippi River Critical Corridor Area later this year. Most of the rules will not be a problem for the future development of the area; however, the City will want to negotiate the rules about bluff setbacks in the area. The DNR has indicated they are open to bluff setback adjustments. The intention is to have the new rules for the Mississippi River Critical Corridor Area in place shortly after the new zoning rules for the North Concord Mixed Use district are adopted.

Chair Ross asked if staff had received business or citizen comments on the project. Mr. Healy stated that there were a few properties that were keeping a close eye on the project, but that the city had not received any additional feedback from the business owners.

6) ADJOURNMENT

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