

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISISON  
November 3, 2021**

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

Present:           Tim Felton  
                      Geoff Fournier  
                      Jason Frankot  
                      Ruth Krueger  
                      John Ross  
                      Matthew Thompson  
                      Michael Healy, City Planner

Absent:            Angela DesMarais

- 1)       APPROVAL OF AGENDA – Motion to approve as amended– Fournier/Felton (6-0).
- 2)       APPROVAL OF MINUTES – October 6, 2021 – Motion to approve the minutes as presented – Frankot/Fournier (6-0).
- 3)       NEW BUSINESS

None.

- 4)       PUBLIC HEARINGS

A. Sign Variances for Two Wall Signs at 340 Airport Road

Mr. Healy presented the staff report. The Applicant is requesting a sign variance to allow more than 200 square feet of signage at a property in the Industrial District. The Applicant would like to add two wall signs to their hangar located at the Fleming Field Airport. The subject building is located on a 14-acre parcel with multiple other buildings. The City Code states that the maximum amount of signage allowed on a single parcel within the Industrial District is 200 square feet. The property already exceeds the allowed amount of signage on a single parcel due to there being five different buildings on a single parcel. The Applicant is requesting to add two signs totaling 178.5 square feet to their building. The building does not have any signage at this time. Prior to 2009, each building in the industrial district was allowed to have up to 200 square feet of signage. When the sign code was overhauled in 2009, the code language was changed to limit the amount of signage on a per property basis as opposed to a per building basis. Under the current code, new properties with multiple principal structures must receive a Conditional Use Permit for a Planned Unit Development. A sign plan would then be reviewed and approved as part of the process. The subject property and its multiple principal structures were constructed in 1942 when no such standards were in place. Staff recommends approval of the variance, subject to conditions.

Chair Ross inquired if the sign code was amended to allow one sign per property in an attempt to create signage similar to what is in the Bridgepoint Business Park. Mr. Healy stated it was possible but noted that many of the large Bridgepoint buildings were approved with sign variances or Planned Unit Developments.

Commissioner Frankot asked Staff to clarify the locations of the proposed signs. Mr. Healy stated that one sign would face the parking lot off of Airport Road and the other would face the tarmac. Commissioner Frankot

asked if the proposed sign would be lit or animated. Mr. Healy shared that the proposed sign did not include any lights or animation.

Commissioner Felton asked Staff to clarify the measurements for the signs listed in the staff report. Mr. Healy stated that there was a typo in the staff report and that each sign would be approximately 7 feet tall by 12 feet 9 inches wide.

Chair Ross opened the public hearing.

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

Chair Ross closed the public hearing.

Motion to recommend approval of the sign variance at 340 airport Road, subject to the conditions in the staff report- Krueger/Frankot (6-0).

#### B. Planned Unit Development for a Holiday Station Store at 1214 Southview Boulevard

Mr. Healy shared the staff report. The Applicant is proposing to replace the existing Kaposia Convenience Center with a Holiday Gas Station. The proposed Holiday Gas Station would be located on the existing Kaposia Convenience Center property and would incorporate three vacant EDA lots adjacent to the convenience center and the alley between the vacant lots and the convenience center. The City's Economic Development Authority has entered into a Development Agreement with the Applicant, contingent upon Planning/Zoning approvals. The Applicant is seeking a Conditional Use Permit (CUP) for a Planned Unit Development (PUD); a CUP to have accessory buildings that are larger than 200 square feet; a CUP for an accessory building that is taller than the principal building; a CUP to modify the existing electronic message center sign; and a CUP to operate a gasoline service station with a convenience store with some exterior display and a 24-hour car wash. The Applicant would like the City to vacate the part of the existing alley that lies between the convenience store and the vacant lots. The Applicant would then combine all of the lots into one parcel. The Applicant would remodel the interior of the existing convenience store to turn it into a Holiday Station Store. The existing attached car wash would be converted into retail space to expand the size of the store and a new freestanding car wash building would be built to the east of the convenience store. The Applicant would reformat the fueling area and add new fuel pumps and a larger canopy over the new pumps.

The project will require approval by PUD due to the number of variances needed for the development. The project requires a variance from the following standards: parking lot setbacks, the number of accessory buildings allowed at one site, the location of the accessory buildings in relation to the road, the total footprint of the accessory buildings, and the proposed signage at the property. In addition, the alley must be vacated in order for the development to go forward as proposed. There are numerous utility companies that have private overhead utilities in the existing alley. These utilities will need to be relocated in order for the alley to be vacated and for new easements to be put into place. At this time, Staff have not received information about the relocation of these utilities so Staff cannot recommend approval of the PUD. Staff provided several conditions of approval if the Planning Commission wishes to recommend approval of the project.

Commissioner Frankot asked if the numbers showing the price of gas would be allowed to stay lit 24 hours a day. Mr. Healy stated that the listed gas prices are currently allowed to be lit 24 hours a day and that this would remain the same. Commissioner Frankot asked what part of the sign would be required to be turned off at night. Mr. Healy explained that the changing electronic text screen would be required to be turned off at night.

Commissioner Felton noted that staff was hesitant to have the application move forward due to a logistics concern between the Applicant and the utility companies. Commissioner Felton asked about the information that stands to be gained by tabling the item. Mr. Healy explained that per discussions with the City Engineer, the proposed utility plan shows a utility configuration that Xcel Energy would not allow, leading to questions about whether the project would be possible. Commissioner Felton asked how this was relevant to making a zoning decision on the application. Mr. Healy explained that the City has an obligation to protect the interests of the private utilities. Commissioner Felton shared he did not think there was a reason to table the item. Mr. Healy stated that going forward with an application that does not have a concrete utility plan creates a situation where important details can get missed.

Commissioner Frankot asked if the commissioners could add a condition of approval that the Applicant must have an approved utility plan. Mr. Healy stated that the proposed conditions of approval already included a similar condition. Even with this condition, the City Engineer and the Public Works Director are not yet comfortable with the project being approved with conditions.

Chair Ross asked if the Fire Department or City Engineer had considered dead-ending the alley as a member of the public had suggested in the letter in the packet. Mr. Healy shared that per a conversation with the City Engineer, there is no support for dead-ending the alley due to the issues it causes for snowplowing, trash removal, and fire truck access.

Casey Beaton, Holiday Superstores, LLC, was present to speak on the application. Mr. Beaton listed the 4 utility companies that have private utilities within the easement and shared that they had stated they have no concerns with moving the utilities out of the easement. Mr. Beaton stated that the alleyway truck movement depiction does show a vehicle wheelbase that is consistent with that of a fire truck, snowplow, or garbage truck.

Chair Ross asked the Applicant about the proposed hours for the car wash. Mr. Beaton deferred to Steven Linn, Linn Companies, to answer the question. Mr. Linn clarified that Linn Companies would be a franchisee of Holiday. Mr. Linn stated that the technology for car washes has improved, and the proposed car wash would be quieter than the existing one. Mr. Linn also pointed out that a 'wing wall' had been engineered for the north entrance wall to the car wash to reduce the amount of noise that would travel north. Mr. Linn shared with the commissioners that Holiday gas stations are open 24 hours a day so it would be a disservice to its customers who travel or work late at night or early in the morning to prohibit carwashes between 10:00 PM and 6:00 AM.

Chair Ross asked the Applicant about lighting at the property between 10:00 PM and 7:00 AM. Mr. Linn shared that they have dimmed their signs at other Holiday stations in residential areas during the evening hours. Mr. Linn pointed out that Kwik Trip and other competing businesses did not have lighting restrictions placed on their signage.

Commissioner Fournier commented that the comparison to Kwik Trip was inaccurate because Kwik Trip is not adjacent to residential properties, whereas the subject property is. Commissioner Fournier asked the applicant if any of his other properties located in residential areas had a car wash and if complaints had been received from neighboring property owners. Mr. Linn explained that two of his properties in residential districts have car washes and electronic message signs that operate 24 hours a day with virtually no issues.

Chair Ross asked about what would happen to the Kaposia Convenience station located kitty corner to the main Kaposia Convenience site. Mr. Linn explained that his interest was in the main Kaposia Convenience site, assuming it could be brought up to modern standards. The kitty corner site would be razed after the main Kaposia Convenience site was redeveloped. Chair Ross asked how soon construction would start. Mr. Linn

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replied that they would start construction as soon as they could get permits with the hope of opening in the spring.

Commissioner Frankot asked when the sale would take place. Mr. Linn explained that the sale was contingent on the utility issues being worked out, the City approving the project, and the alley being vacated.

Chair Ross asked Mr. Linn if he was opposed to the alley being dead ended. Mr. Linn stated that they would be opposed to that due to logistics.

Chair Ross asked Mr. Healy if his recommendation had changed based on the information the Applicant provided about the utilities at the site. Mr. Healy explained that the recommendation comes down to the concerns about the utilities and the alley.

Chair Ross opened the public hearing.

Mike Gore, 148 13<sup>th</sup> Avenue South, asked if there were any proposed modifications to the entrance on 13<sup>th</sup> Avenue and stated that the existing entrance often caused traffic jams in front of his home. Gas tanker trucks often sit in front of his home and driveway. Mr. Gore shared that the existing sign at Kaposia Convenience is very bright and permeates into his house, causing him to need to keep the shades down. Mr. Gore also shared the importance of decreasing the noise from the speakers at night. Finally, Mr. Gore shared he can hear the existing car wash from his property. Mr. Gore encouraged the Applicant to consider the neighbors with their proposal.

Natalie Gore, 148 13<sup>th</sup> Avenue South, shared that the existing hedges help block out the light that reaches their property. Ms. Gore shared the current owner has blacked out the lights on the side of the building that reaches her property. Ms. Gore shared that she would like to have the new hedges continue to block the light from the site. Ms. Gore questioned if the customers would pay at the pump or if customers would pay inside and the attendant would use an intercom to communicate with the customer, which can be quite loud. Ms. Gore shared her concerns about hearing the intercom noise. Ms. Gore echoed her husband's concern about the gas tank trucks parking in front of their house and the traffic on 13<sup>th</sup> Avenue South.

Commissioner Frankot asked Ms. Gore if she noticed increased traffic along 13<sup>th</sup> Avenue South after the reconstruction of Southview Boulevard. Ms. Gore stated that she had noticed a significant increase in traffic because of the project.

Hank Jandrich, 108 13<sup>th</sup> Avenue South, shared that he was sympathetic to the lighting concerns that neighbors have. Mr. Jandrich asked why the alley between 12<sup>th</sup> Avenue South and 13<sup>th</sup> Avenue South was being closed and if there would be a sound barrier to prevent noise from traveling to residential properties north of the gas station. Mr. Jandrich shared that he does not want to see Southview Boulevard become heavily industrialized like the area around Kwik Trip. Chair Ross informed Mr. Jandrich that the plan was to have the alley be re-routed to exit onto 12<sup>th</sup> Avenue South as opposed to Southview Boulevard. Mr. Healy explained that part of the Holiday site would be used as an access to the alley from 12<sup>th</sup> Avenue South.

Marla Eckl, 140 12<sup>th</sup> Avenue South, shared that her property does not have a privacy fence and would prefer if a privacy fence was constructed near her property instead of the proposed hedges. Mr. Linn stated that they would be more than happy to put a fence between their property and Ms. Eckl's property. Ms. Eckl shared her concerns about ruffraff being present at the site if the gas station operates 24 hours a day. Ms. Eckles asked the Applicant if rerouting the alley would result in tankers and garbage trucks driving onto 12<sup>th</sup> Avenue South. Mr. Beaton explained that a garbage trucks and fire engines would be using the alley onto 12<sup>th</sup> Avenue South, but not

tankers. Ms. Eckl asked how close the alley would be to her property. Mr. Healy shared that the alley would be setback 4.5 feet from Ms. Eckl's property line.

Sandra Dodson, 137 12<sup>th</sup> Avenue South, stated she would like to see a buffer between the Holiday property and the neighboring properties to preserve the residential character of the area.

Chair Ross asked Mr. Healy if he had received any additional correspondence. Mr. Healy stated that he had not received any additional correspondence beyond the letter that was in the packet and the letter that was provided to the commissioners prior to the meeting.

Chair Ross closed the public hearing.

Commissioner Felton shared that he was against tabling the item because he did not feel that receiving additional utility information would impact the outcome of their zoning decision. Commissioner Felton encouraged the group to consider what would happen to the site if the Applicant does not purchase the site.

Commissioner Krueger stated that aging gas stations are a liability and shared that she viewed the new gas station as an enhancement. Commissioner Krueger suggested evaluating the traffic control on Southview Boulevard. Mr. Healy responded that Southview Boulevard is a county road, so the county makes decisions about driveway access and traffic lights. Mr. Healy stated that the County is very strict about access onto Southview Boulevard.

Commissioner Frankot commented on the other alley vacations along Southview Boulevard, noting that while it took individuals some time to adjust to the new access initially, the new access seems to work well.

Commissioner Thompson stated that he agreed with Commissioners Felton and Krueger that the project would be an enhancement to the site and hoped that the applicant would take the residents' concerns into consideration.

Commissioner Fournier stated that he hoped the Applicant would be willing to work with the neighbors. Commissioner Fournier encouraged the Applicant to come forward to respond to the concerns that had been shared. Mr. Beaton stated that he heard the concerns that had been raised. Mr. Beaton explained that Holiday has different controls in place that allow for reduced lighting levels at their properties. Mr. Beaton shared that Holiday has guidelines in place regarding where vendors can park to avoid disrupting residential neighborhoods.

Commissioner Felton reiterated that there were positive and negative aspects of the project that the commissioners must weigh when they make their decision about the application.

Chair Ross asked what the process would be to increase the allowable hours for lighting at the site. Mr. Healy explained that any changes would be processed as a PUD amendment which would involve another public hearing being held. Mr. Healy reminded the commissioners that conditions can always be removed from a CUP approval, but new conditions can never be added.

Commissioner Felton asked Mr. Healy what would happen if the Applicant were to violate the conditions of their PUD-CUP. Mr. Healy stated that if there is a violation of the CUP, the property owner would be sent a code enforcement letter to make them aware that they are in violating of their CUP and to provide them with the opportunity to correct the violation. If after multiple citations the business is still in violation of their CUP and no effort is being made to correct the violation, the City Council could hold a hearing to revoke the CUP.

Motion to recommend approval of the Site Plan and Conditional Use Permit for a Planned Unit Development for a Holiday Station Store at 1214 Southview Boulevard, subject to the conditions listed in the staff report and the additional requirements that a privacy fence would be added along the property line of 140 12<sup>th</sup> Avenue South, the lighting at the site be dimmed between 10:00 PM and 7:00 AM, and that the applicant must have a sound study performed to determine that the car wash meets the state standards for noise pollution- Frankot/Fournier (6-0).

5) OTHER BUSINESS

A. Fence Discussion

Mr. Healy requested feedback from the commissioners about chain link fences. Mr. Healy explained that the city code's list of acceptable fencing material includes chain link, but the code does not specify if the fences can be wrapped in other material. Staff has received multiple inquiries about wrapping existing chain link fences with tarps or designated fence wrap materials that effectively turn the fences into privacy fences. Staff would like feedback from the commissioners about whether they feel the existing ordinance supports allowing this type of material and whether they would want to see the code amended to formally allow fence wrap.

Commissioner Felton suggested not allowing fence wrapping until the City has more information about the types of fence wrap materials that are available.

Commissioner Frankot asked if these materials were able to be used long term. Mr. Healy explained that privacy slats are durable and specifically designed to last long term. Fence wrap often lasts longer than a tarp but is likely less durable than privacy slats.

The consensus was that the code should not be interpreted to allow fence wrapping under the current language. The existing language may be revisited in the future.

6) ADJOURNMENT

Motion to adjourn- Frankot/Fournier (6-0).