

**MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
September 4, 2019**

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

Present: Angela DesMarais
Tim Felton
Justin Humenik
Ruth Krueger
Jason Pacht
Peter Hellegers, City Planner

Absent: Isaac Contreras
Stephanie Yendell

- 1) APPROVAL OF AGENDA – Motion to approve the agenda as presented –DesMarais/ Felton (5-0)
- 2) APPROVAL OF MINUTES – July 3, 2019 – Motion to approve the minutes as presented Pacht/DesMarais (5-0)
- 3) NEW BUSINESS

There was no new business to discuss at the time of the meeting.

4) PUBLIC HEARINGS

A) PC Case #2019-12: 2020 Brand Solutions, 285 Hardman Avenue, South St. Paul, MN 55075 – A request for site plan approval and lot combination for the construction of a 45,052 square foot building on previously platted lots.

Mr. Hellegers explained the applicant is looking for site plan review for two addresses which would be combined into one lot. The site is the last vacant site from the old Armour and Company meat packing plant. The applicant is looking to build a 45,000 square foot building that would house 2020 Promotions, a local business that is looking to expand while remaining in South St. Paul. Staff recommended approval of the site plan with suggestions to the applicant including moving a pond for stormwater runoff, number of windows and private sidewalk connection to the public sidewalk that is along Hardman Avenue. The applicant had made changes based on staff's recommendations and the changes were reflected in the Commissioner's packet. Mr. Hellegers also noted that the plans included the combination of the underlying parcels.

Vice Chair Krueger opened the public hearing.

Victoria Perbix, Interstate Development (applicant), was in attendance to answer any questions.

Commissioner Humenik asked about the developer's openness towards moving the existing pond. Ms. Perbix noted they are very open towards it.

Vice Chair Krueger asked if there were plans to build at the back of the lot. Ms. Perbix stated that there were no plans for 2020 to use that spot. She noted that the lot could be used by another tenant in the future or by 2020 if they wanted to expand further in the future.

Vice Chair Krueger closed the public hearing.

Motion to approve as per staff recommendation – Felton/DesMarais (5-0)

B) PC Case #2019-13: BThree, 1199 Concord St. S, South St. Paul, MN 55075 – A request for a Conditional Use Permit (CUP) for exterior storage trucks and for a 5,000 gallon above ground diesel tank.

Mr. Hellegers noted that the proposed CUP is for exterior storage of trucks and an above ground diesel fuel tank. The property was formerly a construction yard with exterior storage. The applicant has cleaned up the site since taking ownership. The applicant is looking to add a stormwater pond on-site, truck parking stalls and a 5,000 gallon tank for fueling in the middle of the site. The lot has two zoning districts: General Business and Industrial. The future land use has the site guided for mixed use. The proposed use conflicts with the comprehensive plan future land use. Therefore, staff recommends denial of the CUP and recommended an interim use permit as better way to accommodate the use while keeping the property in line with the future land use.

Commissioner Pachl asked if Mr. Hellegers had conveyed to the applicant that an interim use permit (IUP) would be a better fit for this scenario. Mr. Hellegers stated that he had. Commissioner Pachl noted the difficulty of the situation, particularly for the property owner due the City's comprehensive plan.

Commissioner Felton clarified if the case could be approved as an IUP that evening or if it would require a different session. Mr. Hellegers stated that the application must be approved or denied as presented (CUP) so an IUP could not be approved that evening.

Vice Chair Krueger asked if the above-ground fuel tank was consistent with uses in the area. Mr. Hellegers noted there were other above-ground fuel tanks in the Industrial Zoning District as well as on another parcel that was split between two districts.

Vice Chair Krueger noted she was not in favor of the silver maple. Mr. Hellegers noted staff had suggested coniferous trees instead of silver maples for the landscape plan, which would provide additional screening.

Vice Chair Krueger opened the public hearing.

The applicant, Tim Becken of BThree, spoke the history of the site, his vision of the site for BThree and the need for the CUP. Mr. Becken noted that they had received a zoning letter from the City prior to their purchase of the site.

Commission Pachl asked about the letter the applicant received from the City. The applicant explained that he had received a typical zoning letter.

Commissioner Humenik noted that that the applicant knew that he would need a CUP for the activities that were proposed onsite.

Mr. Becken explained that he believed that he would not need an additional CUP unless significant changes were made and reiterated his position.

Vice Chair Krueger asked the applicant to share his other connection to the area. The applicant explained that he also owns Cemstone. BThree would transport the cement made by Cemstone to various worksites.

Bobby Schlieske, Bestway Inc. at 1201 Concord Street South, spoke in support of the applicant's and spoke to the issue of future land use for the area.

Scott Dirtzu, D and D Land at 1129 Concord Street South, spoke in favor of the business.

Mr. Hellegers shared correspondence he had received inquiring whether or not the applicant was going to pave and curb the site with the improvements that had been made. The applicant would be required to do so.

Vice Chair Krueger closed the public hearing.

Commissioner Felton asked about the causation for the requirement of the CUP. Mr. Hellegers explained that the applicant began working through the engineering department but the applicant did not come in for a CUP. The zoning letter the applicant received stated that the site needed a CUP for certain specified uses which included exterior storage. There was miscommunication or misunderstanding about the applicants need to come in for the CUP. Mr. Hellegers reiterated that an IUP was recommended by staff since it would have a termination point which would still allow consistency with the future land use plan for the area whereas a CUP would run with the property without termination and would therefore be in conflict with the future land use plan.

Commissioner DesMarais inquired if the 2040 comprehensive plan differed solely at the rear of the property. Mr. Hellegers explained that the site is listed as mixed-use commercial in the 2030 comprehensive plan and changed to mixed-use in the 2040 comprehensive plan. The zoning had not changed and would eventually need to be changed to be consistent with the mixed-use from the future land use plan.

Vice Chair Krueger noted that approving the site plan would require amending the 2040 Comprehensive plan or changing the zoning code.

Commissioner Pachl voiced his support for the business but noted that he did not want to amend the comprehensive plan.

Commissioner Felton asked if an interim use permit would require an amendment to the comprehensive plan. Mr. Hellegers stated that it would not since it would be an interim use.

Commissioner DesMarais asked Mr. Hellegers to discuss the difference between an IUP and a CUP.

Commissioner Humenik stated he was not comfortable with going against the comprehensive plan and that an IUP is much more appropriate for the property.

Commissioner DesMarais asked if the applicant was open to an IUP. Mr. Becken noted that a CUP would be preferred.

Motion to approve as per the conditions recommended in the staff report – Pachl/ Krueger (3-1-1).

B) PC Case #2019-14: Lodge Properties, 1541-1549 5th Avenue South – A request for a Conditional Use Permit (CUP) for a day care use that could accommodate up to 121 children on the site.

Mr. Hellegers explained the applicant proposed a day care with up to 121 children at the site. The shopping center has previously hosted day care facilities. The applicant is looking to use the space at the southern end of the property for a day care. The building has previous had CUPs for a day care but none of the CUPs have been for that number of children.

Commissioner Humenik asked if the CUP was required for the day care itself or the number of children. Mr. Hellegers explained it is for the use but a new CUP is needed due to the number of children that would be at the proposed day care.

Vice Chair opened the public hearing.

The applicant, Tony Lodge, came forward to speak on the request. Mr. Lodge reiterated the history of the site and its use. He explained that he wanted the CUP for the building to accommodate as many kids as it might be used for.

Vice Chair Krueger asked if there were any requirements for outdoor play spaces. Mr. Lodge confirmed that there was and spoke to the playground that was available on the site as well as future outdoor space options.

Commissioner Humenik noted that the narrative the applicant submitted had stated 150 children on-site whereas the CUP was for 121 children. The applicant stated that he knew this but had rounded up to 150 in his narrative. This was based on the number of facilities that were available.

Vice Chair Krueger asked if the applicant had done a market study to see if child care was needed in that area. Mr. Lodge stated he had not but that South St. Paul is an area that is in need of more day cares.

Vice Chair Krueger closed the public hearing.

Motion to approve as presented – DesMarais/ Humenik- (5-0).

5) OTHER BUSINESS

Mr. Hellegers provided an update on the IUPs for the South St. Paul Gun and Rod Club. The club has turned in all the request information.

A work session was held in the prior month regarding minimum parking requirements for the minimum number of stall that are required. There would be an additional work session on this topic after this planning meeting was adjourned.

6) ADJOURNMENT

Motion to adjourn- Humenik/Felton (5-0).