1. Open Meeting And Welcome

2. Roll Call
3. Approval Of Agenda
4. Approval Of April 28, 2020 Regular Meeting Minutes
   Documents:
   
   ITEM 4_PC 04-28-2020 DRAFT.PDF

5. Open To The Public
6. Public Hearings
   A. Planning Case 20-007: Ink Partnership – Variance At 1000 Labore Industrial Court
   Documents:
   
   ITEM 6A_PLANNING CASE 20-007.PDF

7. New Business
8. Old Business
9. Reports
   A. Council Liaison
   B. Planning Commissioners
   C. Staff

10. Next Regular Meeting: June 23, 2020
11. Adjourn Meeting
REGULAR MEETING
OF THE
VADNAIS HEIGHTS PLANNING COMMISSION
APRIL 28, 2020

OPEN MEETING AND WELCOME
Chairperson Evan Cordes called the Regular Meeting of the Vadnais Heights Planning Commission to order at 7:00 p.m. on April 28, 2020.

ROLL CALL
Evan Cordes, Chairperson Present
Linda Bigelbach Present
Edward Caillier Present
Brian Carnes Present
Curt Cooper Present
Martin Jokinen, Vice Chairperson Present
Joseph Stumph Present
Jerry Moynagh, First Alternate Present
Terri Dresen, Second Alternate Present
Also present: Nolan Wall, Planning/Community Development Director; Deputy City Clerk Peggy Aho; Councilmember Patricia Youker; and Jeff Melcoch, Cable Producer.

APPROVAL OF AGENDA
Upon motion by Commissioner Jokinen, seconded by Commissioner Carnes, it was
“RESOLVED, to approve the April 28, 2020, Regular Meeting Agenda as presented.”
Ayes – 7
Nays – 0
The motion carried.

APPROVAL OF MINUTES
Upon motion by Commissioner Cooper, seconded by Commissioner Carnes, it was
“RESOLVED, to approve the minutes of the March 24, 2020, Regular Meeting as corrected.”
Ayes – 6
Nays – 0
Abstain – 1 (Bigelbach)
The motion carried.

Upon motion by Commissioner Cooper, seconded by Commissioner Bigelbach, it was
“RESOLVED, to approve the minutes of the April 15, 2020, Special Meeting as corrected.”

Ayes – 7  Nays – 0

The motion carried.

OPEN TO THE PUBLIC

Chairperson Cordes opened the floor to the public at 7:08 p.m. for questions and comments on items not on the agenda.

As no one wished to address the Commission, Chairperson Cordes closed the meeting to the public at 7:08 p.m.

PUBLIC HEARINGS

A. Case 20-004: Gasparre Westwood Park, LLC – Zoning Code Amendment

Planning/Community Development Director Wall shared that the applicant is requesting amendments to City Code Chapter 38, Article III, Division 4 concerning the Residence Three (R-3) District. The applicant owns and operates the Westwood Park Apartments located at 669 County Road D. The development contains two buildings with 48 total units on approximately three acres. The applicant is requesting a zoning code amendment to allow construction of an ancillary rental office/residential unit on their property. Planning/Community Development Director Wall said the proposed Ordinance 742 adds “ancillary building as part of a multi-family residential development” as a conditional use in the R-3 District, with several conditions:

- Only one such building is allowed on the property.
- Uses are limited to offices, one residential unit, attached garage/storage, and community facilities.
- Building height is limited to 35’ or no greater than the adjacent apartment buildings.
- Exterior materials have to match the existing apartment buildings.
- Size limited to 5,000 SF.
- Building setback 10’ from property boundary lines.

Wall clarified the proposed request does not approve the actual construction of a building on the subject property but creates the opportunity to pursue it further. As proposed, if approved, the property owner is required to submit separate conditional use permit and site plan applications prior to construction. Wall also clarified that approval of this request does not approve construction of a building and would require approval by the City Council.

Commissioner Caillier inquired how the defined conditions were developed and if these conditions are similar to other cities that have this type of Ordinance in their codes. Wall responded the City’s R-4 zoning district is for mobile housing developments and they
have community facilities as part of those developments such as laundry facilities and storm shelters and that staff was working with the applicant on what they want to include. He said the City wants to see reinvestment in these communities and stated this allowance would be one way to have onsite management and ensure the property is well managed.

Steve Perillo, President of MGM Property Management, and applicant representative, said his firm manages several thousand units within the Twin Cities’ area as well as Rochester and St. Cloud areas and all have onsite rental offices on all of their sites. He said these offices build harmonious relationships with residents and shows that management staff are visible onsite. He noted no one currently lives onsite and that having on onsite office and living unit would be very beneficial to the development.

Commissioner Carnes confirmed the owner would own the parcel and the individual living onsite would work for the management company. Mr. Perillo said staff working in the office would be an employee of MGM Property Management and the owner owns the property as well as Westwood Park and that Westwood Park staff would work and live within the residence. Wall said one of the conditions regarding the individual living onsite requires them to be a current employee of the property management or leasing company, it can’t be someone just renting the space. Commissioner Bigelbach clarified that one person or a family that would live there or would the employees rotate in and out. Mr. Perlough said one person would live onsite who is an employee of the company but that in the future could that change, it will always be available for staff.

Commissioner Cordes asked for clarification on the community facility for residence and if the area could be used as a lounge for residents. Wall confirmed that was correct, stating a laundry facility or community room is typically something residents want and would add value to the development.

Mr. Perillo confirmed onsite management is standard in the industry and noted other properties actually construct a separate building to provide more onsite staff.

Chairperson Cordes opened the public hearing at 7:23 p.m. and outlined the public testimony process in the virtual meeting format.

As no one wished to address the Commission, Chairperson Cordes closed the public hearing at 7:25 p.m.

Upon motion by Commissioner Cooper, seconded by Commissioner Caillier, it was “RESOLVED to recommend approval of a draft Ordinance Amending Chapter 38, Article III, Division 4, Section 38-155 of the City Zoning Code, Concerning Conditional Uses in the Residence Three (R-3) District.

Subject to the following conditions:

1. Only one such building is allowed on the property.
2. Uses are limited to offices, one residential unit, attached garage/storage, and community facilities.
3. Building height is limited to 35’ or no greater than the adjacent apartment buildings.
4. Exterior materials have to match the existing apartment buildings.
5. Size limited to 5,000 SF.
6. Building setback 10’ from property boundary lines.”

Chairperson Cordes referred to Lines 25-26 regarding attached garage/storage space and shared concerns about potential abuse by others who would use this to provide additional outdoor garages and clarified that the garage would be used only for a company vehicle or employee who lives their use it for their personal vehicle parking.

Commissioner Carnes suggested adding language that refers to attached parking that would address that concern and not allow the garage to be used as additional storage.

Chairperson Cordes suggested language about keeping single or double stall garage space to limit. Wall said staff could provide language that states garage would be associated with the office and residential dwelling unit and not allow construction of 5,000 square feet of attached garages and would request the City Attorney to draft language amendments for consideration by City Council.

Commissioner Cordes suggested language that limits the size of the attached garage to be supplemental to the property management rather than additional garage space for residential use. Wall said he would suggest that additional condition to the City Attorney and have a discussion with the applicant.

Upon motion by Chairperson Cordes, seconded by Commissioner Jokinen, it was “RESOLVED to amend the motion to incorporate language limiting the garage sizes as determined by City Attorney, staff, and applicant input.”

Commissioner Carnes said he did not believe this language gave the applicant the right to construct anything as approval and that they would still had to go to the Planning Commission and City Council for approval. Wall confirmed that was the case but noted approval of the draft ordinance amendment not having limitations would allow an applicant to come forward with a conditional use permit application to add reasonable conditions.

Ayes – 7   Nays – 0

Amended motion carried.

Ayes – 7   Nays – 0

The main motion as amended carried.
B. Case 20-005: Davis Group Real Estate Services Group, LLC – Variances and Site Plan Review at 3590 Arcade Street

Planning/Community Development Director Wall shared that the applicant/property owner is requesting setback variances and a site plan review to construct a parking lot expansion at the Midwest ENT property. The subject property is an undeveloped remnant parcel from the park-and-ride facility to the east and was recently purchased by the applicant from the Metropolitan Council. The applicant also owns and developed (in 2018) the Midwest ENT medical-office building on the adjacent parcel to the west. The proposed parking lot expansion is intended to be utilized by employees and for overflow. The surrounding area includes Wal-Mart to the north; Summit Orthopedics to the south; Metropolitan Council park-and-ride facility to the east; and Midwest ENT to the west. No adverse impacts to surrounding properties are anticipated. Wall stated no adverse impacts to the existing traffic patterns in the surrounding area are anticipated. He said that the proposed project would add 51 parking spaces for use by the adjacent medical-office building. The existing parking lot contains 53 spaces and was compliant with the applicable standards when developed. The proposed parking lot will be utilized by employees and for overflow. The parking lot grade, surfacing, striping will be required to meet the applicable City Code standards and will be reviewed in greater detail as part of the building permit process.

Wall noted that the sidewalk in the area will be extended around the east and north sides of the existing building. A new curb cut is proposed from the existing private/shared driveway, which is mostly used as a secondary access point for the surrounding uses. Wall noted that the proposed project remove all existing vegetation on the subject property and the Landscape Plan includes 14 deciduous and coniferous major/over-story trees, which is compliant with the required amount based on the applicable standard above. In addition, the applicant is proposing to temporarily remove five existing trees along the northern property boundary line to allow for construction of the storm sewer connection and then they will be re-planted. Wall noted that VLAWMO and SEH both expressed concerns about the proposed plantings within the bio-filtration basin and recommend that the trees be relocated to other areas of the site. The City Center District requires that plantings are one-third conifers and two-thirds deciduous of certain species, and the proposed Landscape Plan is not entirely compliant with the applicable ratios, required species, or planting sizes. Staff has included a condition that requires the proper coniferous-to-deciduous ratio and planting sizes in a revised landscape plan. However, the species match those allowed for the original development, as part of the PUD Overlay process, and should be allowed as proposed.

Mark Davis, applicant, thanked the Planning Commission for reviewing and considering their application and shared that Midwest ENT is a very busy clinic and a productive health facility for their clients and the need for additional parking is important. He said they were currently leasing from TCO and were entering into a bid process to acquire land to better meet their patients’ needs.

Commissioner Jokinen left the meeting at 7:41 p.m.
Wall confirmed the stormwater management plan was reviewed by VLAWMO and SEH and they are confident the project is compliant with all regulations.

Chairperson Cordes opened the public hearing at 7:42 p.m.

As no one wished to address the Commission, Chairperson Cordes closed the public hearing at 7:43 p.m.

Upon motion by Commissioner Cooper, seconded by Commissioner Carnes, it was

“RESOLVED to recommend approval of the proposed rezoning, final planned unit development plan, and site plan requests, based on the following findings of fact:

1. The proposed project will be integrated into the adjacent development and adds parking capacity for employees and overflow, if needed.

2. The proposed use is a permitted accessory use in the applicable zoning district and is compliant with the comprehensive plan.

3. The subject property is likely too small to support a viable, stand-alone development and the proposed parking lot setbacks closely match those approved for the adjacent development under the PUD Overlay process.

4. The proposed project will not alter the essential character of the area

Subject to the following conditions:

1. A development agreement amendment between the property owner, and all others with interests in the subject property, shall be entered into with the City, to be recorded at the applicant’s cost with the offices of the Ramsey County Recorder and/or Register of Titles, prior to issuance of a building permit.

2. A grading permit in compliance with all applicable code standards shall be submitted prior to commencement of any construction activities on the subject property, to be reviewed/approved administratively.

3. A stormwater operation and maintenance agreement between the property owner, and all others with interests in the subject property, shall be entered into with the City, to be recorded at the applicant’s cost with the offices of the Ramsey County Recorder and/or Register of Titles, within six (6) months of completion of the proposed project.

4. The off-street parking lot and driveways shall be constructed and operated in compliance with the applicable code standards, to be reviewed/approved administratively as part of the building permit.

5. Retaining walls in excess of four (4) feet in height shall require engineering design, to be reviewed/approved administratively as part of the building permit.

6. A photometric lighting plan shall be submitted for inclusion in a subsequent development agreement amendment.

7. The landscape plan shall be revised to comply with the required standards and agency/department comments, to be included in a subsequent development agreement amendment.

8. The property owner shall re-plant any vegetation removed to construct the required utility connections.
9. The subject parcel shall be combined with the adjacent parcel to the west, to be recorded at the applicant’s cost with the offices of the Ramsey County Recorder and/or Register of Titles.

10. Compliance with the conditions included in SEH’s memorandum, dated 04/16/2020.

11. Compliance with the conditions included in VLAWMO’s memorandum, dated 04/16/2020.

12. Compliance with the conditions included in the Fire Chief’s memorandum, dated 04/15/2020.

13. Compliance with the conditions included in the Director of Public Works/City Engineer memorandum, dated 04/21/2020.

Ayes – 7 Nays – 0 Absent – 1 (Jokinen)

The motion carried.

NEW BUSINESS

None.

OLD BUSINESS

None.

REPORTS

A. Council Liaison

Councilmember Patricia Youker had nothing to report.

B. Planning Commissioners

None.

C. Staff

Planning/Community Development Director Wall shared that the At Home Apartment project will be before the City Council on May 5 and will include the normal public hearing process. He said that residents are encouraged to submit emails or sign up for public testimony timeslot. Wall noted that staff received a letter from the Metropolitan Council approving the land use amendment relating to that project and said that the delay was due to errors in the final plan that had to be corrected before any amendments could be considered. He shared that staff have not seen a noticeable decrease in building permit activity due to the current pandemic and said that the City is seeing the same number of roofs, decks, windows, and apartments projects permits as planned but noted that the Luther Cadillac dealership project has been delayed a bit while they wait to start construction. He said there will be some slow down likely due to a backlog of permits from residents doing home projects now as more residents are home during this time.
Commissioner Cooper asked for an update regarding the Hy-Vee project on Highway 61. Wall said the project was located on Highway 61 and County Road E in Gem Lake and Hy-Vee acquired the site few years ago and demolished the existing buildings but had no current timetable for construction. He explained how Vadnais Heights annexed a portion of that site to Gem Lake to help provide a cleaner building process and noted construction will likely not happen this spring as planned due to the current circumstances and that it is within Gem Lake.

NEXT MEETING

Planning/Community Development Director Wall said the next meeting would be held May 26, 2020.

ADJOURN MEETING

Upon motion by Commissioner Caillier, seconded by Commissioner Cooper, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Cathy Sorensen, *TimeSaver Off Site Secretarial, Inc.*
Memorandum:

TO: Chair Cordes and Planning Commission Members
FROM: Nolan Wall, Planning/Community Development Director
DATE: May 26, 2020
SUBJECT: Staff Report: Planning Case 20-007

Variance: 1000 Labore Industrial Court
Ink Partnership

Description of the Request
The applicant/property owner is requesting a variance from the applicable standards for construction of a new driveway on the subject property. City Code Chapter 38, Article II, Section 38-38(a) allows departures from the literal provisions of the Code by the granting of a variance.

Discussion
The City is using its quasi-judicial authority when considering action on zoning requests and has limited discretion; a determination regarding whether or not the request meets the applicable code standards is required.

Action Timeline

<table>
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<tr>
<th>Received</th>
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<th>60-day Deadline</th>
<th>Extension</th>
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<td>04/27/2020</td>
<td>06/26/2020</td>
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The application and supporting materials were received on April 22 and the applicant was notified in writing on April 24 that the application was incomplete. Upon receipt of the required additional materials, the request was determined to be complete on April 27. In accordance with Minnesota Statutes Section 15.99, the required 60-day action deadline is June 26, 2020.

Development Summary
Site Size: 2.07 Acres (90,169 SF)
Zoning District: Industrial
Existing Land Use: Industrial
Adjacent Existing Land Uses: North/South/West: Industrial
East: Undeveloped
Future Land Use: Industrial
Adjacent Future Land Uses: North/South/East/West: Industrial
Wetlands: Western portion of the subject property
**Background**
The subject property contains an existing office-warehouse building. The existing driveway from Labore Industrial Court serving the main building entrance and parking lot is located on the adjacent unaddressed parcel to the east, which was recently sold by the applicant/property owner to the property owner of 3235 Labore Industrial Court. As a result, a new driveway is required to provide direct access to the subject property in close proximity to the existing driveway.

**Analysis**
The request in this case includes the following analysis:

**Comprehensive Plan**
The subject property is guided “Industrial” in the 2040 Comprehensive Plan. The existing use is permitted within the applicable zoning district.

**Variance**
According to City Code Chapter 38, Article IV, Section 38-610(b)(8):

> Distance between curb cuts. Driveway access curb opening on a public street except for single-family, two-family and townhouse dwellings shall not be located less than 40 feet from one another.

The proposed driveway is approximately 15 feet from the existing driveway to the east and requires a 25-foot variance from the applicable 40-foot separation standard. When considering the proposed variance requests in this case, the City is required to find that:

1. **The requests are in harmony with the general purposes and intent of the ordinance and comprehensive plan and the applicant proposes to use the property in a reasonable manner.**

   The existing use is permitted in the Industrial District and compliant with the 2040 Comprehensive Plan.

2. **The applicant establishes there are practical difficulties with complying with the ordinance due to circumstances that are unique to the property, which are not created by the applicant or based on economic considerations.**

   The existing development is currently served by two driveways from Labore Industrial Court, but was developed across two parcels. The easterly driveway is located on an adjacent property formerly owned by the applicant/property owner, which was recently sold to the adjoining property owner to the east. Therefore, direct access to the existing building’s main entrance/parking lot was eliminated and an easement was not negotiated as part of the land transaction. The applicant/property owner is requesting the variance in order to re-establish their own access in close proximity to their former access. The existing building’s location and parking lot orientation are practical difficulties that do not allow a new driveway to meet the 40-foot separation standard from the existing driveway.

   The driveway separation standard is intended to provide ample space between driveways to allow for appropriate sightlines and reduce potential turning movement conflicts. Labore Industrial Court is a cul-de-sac serving only five industrial properties and has very low traffic volumes. The benefit of resolving the access issue outweighs the potential safety concerns, in staff’s opinion.
3. **The requests will not alter the essential character of the locality.**

The proposed driveway will not alter the essential character of the area.

**Agency/Department Review**
Due to the limited scope of the proposed request in this case, no formal comments were submitted by any applicable agencies/departments.

**Public Hearing Notice**
City Code Chapter 38, Article II, Sections 38-38(c) requires a public hearing notice be published in the official newspaper and mailed to property owners within 350 feet of the subject property at least ten (10) days prior to the date of the hearing. The required notice was published in the May 7 edition of the Vadnais Heights Press and mailed to surrounding property owners on May 15.

**Recommended Commission Action**
Staff recommends approval of the proposed variance request, based on the following findings of fact:

1. The existing uses are permitted in the Industrial District and are compliant with the 2040 Comprehensive Plan.
2. The existing driveway serving the main building entrance/parking lot is located on an adjacent parcel that was recently sold to an adjoining property owner and an access easement was not established.
3. The existing building’s location and parking lot orientation are practical difficulties that do not allow a new driveway on the subject property to meet the 40-foot separation standard from the existing driveway.
4. Labore Industrial Court is a cul-de-sac serving only five industrial properties and has low traffic volumes, which mitigates any potential traffic safety issues resulting from the location of the proposed driveway access.
5. The proposed driveway establishes direct access to the subject property in close proximity to the former access and will not alter the essential character of the area.

Subject to the following conditions:

1. A zoning permit shall be submitted prior to commencement of any construction activities on the subject property, to be reviewed/approved administratively.
2. The driveway apron shall be constructed of concrete, including curb and gutter.
3. Bituminous removal shall be at least two-feet-wide, using proper saw-cutting.
4. The driveway shall be constructed in compliance with the applicable code standards, to be reviewed/approved administratively as part of the zoning permit.
5. The property owner shall re-plant any vegetation removed to construct the driveway, to be reviewed/approved administratively.

**Action Requested**
Following the public hearing, the Planning Commission may consider the following actions:

1. Recommend **approval** of the proposed variance request, based on the findings of fact, with conditions.

**OR**
2. Recommend *denial* of the proposed variances request, based on the findings of fact determined by the Planning Commission.

*OR*

3. *Table* the request and advise staff to extend the application review period an additional 60 days, in compliance with Minn. Stat. Sec. 15.99.

Attachment(s):
- Aerial site map
- Site photos
- Applications, including supporting materials
- Public Hearing Notice
Existing Condition
VARIANCE APPLICATION
The City of Vadnais Heights
800 East County Road E • Vadnais Heights, MN 55127
Phone: 651.204.6015 • Fax: 651.204.6100
www.cityvadnaishights.com

Applicant: INK PARTNERSHIP
Address: 1000 LABORE INDUSTRIAL CT
City: V.H. State: MN Zip: 55110
Phone: 651-288-2865 Cell: 612-720-3549 E-mail: KKRUGER@SANDSP.COM

Fee Owner: INK PARTNERSHIP KEN KRUGER
Address: 1000 LABORE INDUSTRIAL CT
City: V.H. State: MN Zip: 55110
Phone: 651-288-2865 Cell: 612-720-3549 E-mail: KKRUGER@SANDSP.COM

Property Address: 1000 LABORE INDUSTRIAL CT
Legal Description of Property (attach separate sheet if necessary): 33. 30. 29. 34.0024

ATTACHED
Zoning: INDUSTRIAL Land Use Designation: IND/WAREHOUSE
Present Use of Property: BUSINESS/WAREHOUSE
Description of Variance Request: ADD A PARKING LOT ACCESS TO CURRENT LOT (WITHIN 40' OF EXISTING ACCESS)

City Code Section: 38-610 - OFF STREET PARKING
(b) - STAIR-DRIVEWAY DESIGN (b) - DISTANCE BETWEEN CURBS

Applicant's Signature Date

Property Owner's Signature (if different from applicant) Date
3) REVIEW STANDARDS

1) REASONABLENESS — INK PARTNERSHIP WOULD LIKE ACCESS TO IT'S PARKING LOT ON IT'S OWN PROPERTY.

2) UNIQUENESS — THE CURRENT PARKING LOT WAS DEVELOPED ACROSS 2 SEPARATE PARCELS. THE SALE OF PARCEL 33.30.22.34.0025 ELIMINATED ACCESS TO 33.30.22.34.0024 INK PARTNERSHIP DOES HAVE EASEMENT ON CURRENT ACCESS. WE DESIRE OUR OWN ACCESS.

3) WILL NOT ALTER LOCAL CHARACTER.
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vadnais Heights City Planning Commission will meet and conduct a public hearing on Tuesday, May 26, 2020 at 7:00 p.m. at City Hall, 800 E. County Road E, to consider a Variance Application submitted by INK Partnership, LLP, to create a curb cut closer than permitted.

The legal Parcel Identification Number is 333022340024, Ramsey County, Minnesota.

The subject property is located at 1000 Labore Industrial Court, Vadnais Heights.

Anyone wishing to be heard in regard to this matter will be given an opportunity at this time. The application is available for public review at City Hall during normal business hours. Questions or comments should be directed to Nolan Wall, Planning and Community Development Director, at 651-204-6027 or nolan.wall@cityvadnaisheights.com.

FOR THE PLANNING COMMISSION OF THE CITY OF VADNAIS HEIGHTS

Kevin P. Watson
City Administrator

Dated: May 7, 2020