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AGENDA
CITY OF MAPLEWOOD
PLANNING COMMISSION
7:00 P.M. Tuesday, August 15, 2023
City Hall, Council Chambers
1830 County Road B East

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. June 20, 2023 Planning Commission Meeting Minutes

E. PUBLIC HEARING

1. Conditional Use Permit Amendment and Setback Variance Resolution, Former Venburg Tire Building Addition, 3001 Highway 61

F. NEW BUSINESS

1. Election of Officers (No Report)

G. UNFINISHED BUSINESS

None

H. COMMISSION PRESENTATIONS

I. STAFF PRESENTATIONS

None

J. VISITOR PRESENTATIONS – 3 minute time limit per person

K. ADJOURNMENT

WELCOME TO THIS MEETING OF THE PLANNING COMMISSION

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the matter.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask the audience if there is anyone present who wishes to comment on the proposal.
5. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium and speak clearly. Give your name and address first and then your comments.
6. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public discussion portion of the meeting.
7. The Commission will then discuss the proposal. No further public comments are allowed.
8. The Commission will then make its recommendation or decision.
9. All decisions by the Planning Commission are recommendations to the City Council. The City Council makes the final decision.

“Welcome to the meeting of the Maplewood Planning Commission. It is our desire to keep all discussions civil as we work through difficult issues tonight. If you are here for a Public Hearing or to address the Planning Commission, please familiarize yourself with the Policies and Procedures and Rules of Civility, which are located near the entrance. At the podium please state your name and address clearly for the record.”

Revised: 02/18

DRAFT MINUTES
MAPLEWOOD PLANNING COMMISSION
7:00 P.M. Tuesday, June 20, 2023
City Hall, Council Chambers
1830 County Road B East

A. CALL TO ORDER

A meeting of the Commission was held and called to order at 7:01 p.m. by Chairperson Arbuckle

B. ROLL CALL

Paul Arbuckle, Chairperson	Present
Tushar Desai, Vice Chairperson	Present
Frederick Dahm, Commissioner	Present
John Eads, Commissioner	Absent
Allan Ige, Commissioner	Present
Tom Oszman, Commissioner	Present
Lue Yang, Commissioner	Present

Staff Present: Michael Martin, Assistant Community Development Director
Elizabeth Hammond, Planner

C. APPROVAL OF AGENDA

Commissioner Desai moved to approve the agenda as presented.

Seconded by Commissioner Yang Ayes – All

The motion passed.

D. APPROVAL OF MINUTES

1. April 18, 2023 Planning Commission Meeting Minutes

Commissioner Ige moved to approve the April 18, 2023 Planning Commission Meeting Minutes as submitted.

Seconded by Commissioner Dahm Ayes – All

The motion passed.

E. PUBLIC HEARING

1. Conditional Use Permit Amendment Resolution, Kline Nissan Additions, 3090 Maplewood Drive North

Michael Martin, Assistant Community Development Director, presented the Conditional Use Permit Amendment Resolution, Kline Nissan Additions, 3090 Maplewood Drive North, and answered questions from the Commission.

Pam Guilfoile, Kline Nissan, addressed the commission and answered questions.

Chairperson Arbuckle opened the public hearing.

There were no speakers on this item.

Chairperson Arbuckle closed the public hearing.

Commissioner Desai moved to approve a resolution for a conditional use permit amendment approving two building additions to be constructed at 3090 Maplewood Drive North.

CONDITIONAL USE PERMIT AMENDMENT RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 Jack Grotkin, RJ Ryan Construction Inc., on behalf of Kline Nissan has requested approval of a conditional use permit amendment to construct two building additions associated with the service and parts function of the car dealership.

1.02 The property is located at 3090 Maplewood Drive and is legally described as:

PIN: 03-29-22-33-0022 – Tract “A”, Registered Land Survey No. 15, on file in the office of the Registrar of Titles within and for said County, except that part lying easterly of a line beginning at a point on the north line of said Tract 1494.91 feet west of the northeast corner of said Tract; thence southeasterly at an angle of 56 degrees, 43 minutes with said north line 445.39 feet; thence at an angle of 79 degrees 39 minutes to the right 188.7 feet to a point on the south line of said Tract 1303.88 feet west from the southeast corner of said Tract, Ramsey County, Minnesota. Torrens Certificate Number: 171003.

Section 2. Standards.

2.01 City Ordinance Section 44-637 requires a Conditional Use Permit for motor vehicle maintenance garages and car washes.

2.02 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City’s Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit request.

1. On June 20, 2023, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve this resolution
2. On July 10, 2023, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions: (additions are underlined and deletions are crossed out):

1. All construction shall follow the site plan approved by the city and date-stamped June 1, 2023. The director of community development may approve minor changes.
2. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
3. The applicant shall not load or unload vehicles on public right-of-way.
4. Cars can only be parked on designated paved surfaces.
5. The City Council shall review this permit in one year.
6. All repair, assembly, disassembly and maintenance shall occur within an enclosed building, except minor maintenance. Minor maintenance shall include work such as tire replacement or inflation, adding oil or wiper fluid replacement.

- 7. Water from car wash shall not drain onto a public street or access. A drainage system shall be installed, subject to the approval of the city engineer.
- 8. All trash, waste materials and obsolete parts shall be stored within an enclosed trash container.
- 9. ~~The City Council shall review this permit in one year.~~

Seconded by Commissioner Ige

Ayes – All

The motion passed.

This item will go to the city council on July 10, 2023.

2. Conditional Use Permit Amendment Resolution, M-Health Fairview/St. John’s, 1575 Beam Avenue East

Elizabeth Hammond, Planner presented the Conditional Use Permit Amendment Resolution, M-Health Fairview/St. John’s, 1575 Beam Avenue East, and answered questions from the Commission.

Danielle Gathje, M-Health Fairview, addressed the commission and answered questions.

Chairperson Arbuckle opened the public hearing.

There were no speakers on this item.

Chairperson Arbuckle closed the public hearing.

Commissioner Yang moved to approve a resolution for a conditional use permit amendment, approving a 7,000-square-foot addition to the existing St. John’s Hospital campus to be constructed at 1575 Beam Avenue, subject to conditions of approval.

CONDITIONAL USE PERMIT AMENDMENT RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 M-Health Fairview has requested approval of a conditional use permit amendment.

1.02 The property is located at 1575 Beam Avenue East and is legally described as:

PIN: 032922130014 – The Southwest Quarter of the Northeast Quarter of Section 3, Township 29 North, Range 22 West, Ramsey County, Minnesota, according to the Government Survey thereof except the following parcels:

The East 40.00 feet of said Southwest Quarter of the Northeast Quarter lying northerly of the South 660.00 feet thereof.

Commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter, being the center of said Section 3, said point being marked by a Ramsey County monument; thence along the west line of said Southwest Quarter of the Northeast

Quarter, North 00 degrees 01 minutes 40 seconds East, assumed basis of bearing, a distance of 703.29; thence on a bearing of East 437.93 feet to the point of beginning; thence continuing on a bearing of East 264.24 feet; thence on a bearing of South 124.13 feet; thence on a bearing of West 264.24 feet; thence on a bearing of North 124.13 feet to the point of beginning.

Subject to easements of record.

Section 2. Standards.

2.01 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.

1. The use would be located, designed, maintained, constructed, and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment, or methods of operation that would be dangerous, hazardous, detrimental, disturbing, or cause a nuisance to any person or property because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit amendment request.

1. On June 20, 2023, the planning commission held a public hearing. City staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve this resolution.

- 2. On July 10, 2023, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff. The planning commission recommended that the city council approve this resolution.

Section 5. City Council

5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions: (additions are underlined and deletions are crossed out):

- 1. All construction shall follow the approved plans, date-stamped June 2, 2023. The planning staff may approve minor changes.
- 2. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void.
- 3. The city council shall review this permit in one year.
- 4. The property owner shall maintain at least 1,252 parking spaces on the hospital campus. Parking spaces shall be at least 9.5 feet wide; employee parking may be 9 feet wide.

Seconded by Commissioner Dahm Ayes – All

The motion passed.

This item will go to the city council on July 10, 2023.

3. Lot Size and Setback Variance Resolution, 1759 Phalen Place

Elizabeth Hammond, Planner presented the Lot Size and Setback Variance Resolution, 1759 Phalen Place, and answered questions from the Commission.

Jodi Andrews, property owner, addressed the commission and answered questions.

Chairperson Arbuckle opened the public hearing.

The following individuals addressed the commission regarding the project:

- Nora Slawik, 1756 East Shore Dr N
- Kim Schmidt, 1800 Phalen Place
- Douglas Watnemo 1777 Phalen Place

Chairperson Arbuckle closed the public hearing.

Commissioner Ige moved to approve a lot size and rear yard setback variance resolution for the property located at 1759 Phalen Place, subject to certain conditions of approval.

VARIANCE RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

- 1.01 Jodi Andrews (property owner) has requested a variance to the required minimum lot size standards and rear yard setback requirement to construct a residential dwelling on the existing property at 1759 Phalen Place.
- 1.02 A variance is requested to allow a lot area of 4,783.71 square feet and lot widths of 48.66 feet and 86.78 feet.
- 1.03 A variance is requested to allow a rear yard setback of 9.2 feet.
- 1.04 The property located at 1759 Phalen Place is legally described as:

PIN: 162922430041

Lot 18 and 19, Block 3, Kavanagh & Dawson's Addition to Lakeside Park, Ramsey County, Minnesota, except that part lying Westerly of the following described line: Commencing at a point on the North line of Lot 19, 110 feet East of the Northwest corner of said Lot 19; thence Southerly to a point on Southerly line of Lot 18, 65 feet Northeasterly of Southwesterly corner of said Lot 18.

Section 2. Standards.

- 2.01 Variance Standard. City Ordinance Section 44-13 refers to a state statute that states a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean: (1) the proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic conditions; (3) the variance if granted, will not alter the essential character of the locality.

Section 3. Findings.

- 3.02 The lot size and rear yard setback variance request meet the required standards for a variance. Staff finds:
 1. That the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic conditions;
 2. That the proposed use is reasonable; and
 3. That the variance will not alter the essential character of the locality; and
 4. That the need for a variance is in harmony with the general purposes and intent of this ordinance; and
 5. That the variance is consistent with the comprehensive plan.

Section 4. City Review Process

- 4.01 The City conducted the following review when considering the variance requests.
 1. On June 20, 2023, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve this resolution.
 2. On July 10, 2023, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The city council hereby _____ the resolution. Approval of the application is based on the findings outlined in section 3 of this resolution and is subject to the following conditions of approval:

1. The proposed construction will meet all local, regional, and state requirements.
2. The property owner will submit a tree preservation plan to the environmental planner.
3. The property owner will submit a grading plan to the assistant city engineer and work with the environmental planner, if necessary, to incorporate stormwater management best practices.
4. The property owner shall submit a building permit for the new home to be reviewed by the city prior to construction.

Seconded by Commissioner Oszman

Ayes – All

The motion passed.

This item will go to the city council on July 10, 2023.

- 4. Nuway Alliance, 2000 White Bear Avenue North**
 - a. Comprehensive Plan Amendment Resolution**
 - b. Zoning Map Amendment Ordinance**
 - c. Conditional Use Permit Resolution**

Michael Martin, Assistant Community Development Director, presented the Nuway Alliance, 2000 White Bear Avenue North Comprehensive Plan Amendment Resolution, Zoning Map Amendment Ordinance, and Conditional Use Permit Resolution and answered questions from the Commission.

John Miller, Nuway Alliance, addressed the commission and answered questions.

Chairperson Arbuckle opened the public hearing.

There were no speakers on this item.

Chairperson Arbuckle closed the public hearing.

Commissioner Oszman moved to approve an amendment to the 2040 Comprehensive Plan's Future Lane Use Map to re-guide the project parcel located at 2000 White Bear Avenue from Institutional to Commercial.

COMPREHENSIVE PLAN AMENDMENT RESOLUTION

Resolution approving the comprehensive plan amendment re-guiding the property 2000 White Bear Avenue North from Institutional to Commercial.

Be it resolved by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

- 1.01 John Miller, of Nuway Alliance, has requested approval of a comprehensive plan amendment.
- 1.02 The property is located at 2000 White Bear Avenue North and is legally described as:

That part of the West 620 feet of the North 438 feet of the North half of the Southwest Quarter and of the West 620 feet of the South 235.8 feet of the Northwest Quarter all in Section 14, Township 29, Range 22, Ramsey County, Minnesota, according to the government survey thereof, described as follows:

Commencing at the northwest corner of said Southwest Quarter of Section 14, Township 29, Range 22; thence South 0 degrees 11 minutes 56 seconds East, assumed bearing, along the west line of said Southwest Quarter, a distance of 43.00 feet to the point of beginning of the property to be described; thence continuing South 0 degrees 11 minutes 56 seconds East, along said west line, a distance of 395.01 feet to the point of intersection with the south line of the North 438 feet of said North half of the Southwest Quarter; thence North 89 degrees 24 minutes 19 seconds East, along said south line of the North 438 feet, a distance of 620.02 feet to the point of intersection with the east line of the West 620 feet of said North half of the Southwest Quarter; thence North 0 degrees 11 minutes 56 seconds West, along said east line of the West 620 feet, a distance of 358.00 feet; thence North 17 degrees 09 minutes 12 seconds West a distance of 57.00 feet; thence North 27 degrees 03 minutes 22 seconds West a distance of 128.50 feet; thence South 89 degrees 59 minutes 56 seconds West a distance of 62.00 feet; thence North 0 degrees 0 minutes 04 seconds West, parallel with the west line of said Northwest Quarter, a distance of 145.50 feet to the point of intersection with the north line of said South 235.8 feet of the Northwest Quarter; thence South 89 degrees 24 minutes 19 seconds West, along said north line of the South 235.8 feet, a distance of 167.70 feet; thence South 75 degrees 13 minutes 47 seconds West, a distance of 140.91 feet; thence southwesterly a distance of 35.11 feet along a tangential curve concave to the southeast, having a radius of 50.00 feet and a central angle of 40 degrees 13 minutes 47 seconds; thence South 35 degrees 0 minutes 0 seconds West, tangent to the last described curve, a distance of 23.92 feet; thence southwesterly and southerly a distance of 91.63 feet along a tangential curve concave to the southeast, having a radius of 150.00 feet and a central angle of 35 degrees 0 minutes 0 seconds; thence South 0 degrees 0 minutes 04 seconds East, tangent to the last described curve and parallel with the west line of said Northwest Quarter, a distance of 76.72 feet to the south line of said Northwest Quarter; thence South 0 degrees 11 minutes 56 seconds East, parallel with the west line of said Southwest Quarter, a distance of 43.00 feet; thence South 89 degrees 24 minutes 19 seconds West, parallel with the north line of said Southwest Quarter, a distance of 110.00 feet to said point of beginning and there terminating.

Subject to the rights of the public for White Bear Avenue (C.S.A.H No. 65) and easements of record.

Section 2. Criteria.

- 2.01 The 2040 Comprehensive Plan states the document may require amending due to a property owner request to change land use designation to allow a proposed development or redevelopment.
- 2.02 The 2040 Comprehensive Plan amendment process follows the same City identified the public hearing process as the major update process used to develop the 2040 Comprehensive Plan. Amendments are required to submit and gain approval from the Metropolitan Council.

Section 3. Findings

3.01 The requested amendment would meet various amendment criteria outlined in the 2040 Comprehensive Guide Plan.

Section 4. City Review Process

4.01 The City conducted the following review when considering this amendment request.

1. On June 20, 2023, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve this resolution.
2. On July 10, 2023, the city council discussed the comprehensive plan amendment. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The above-described comprehensive plan amendment is _____ based on the findings outlined in section 3 of this resolution. Approval is subject to, and only effective upon, the following conditions:

1. Review and approval of the Metropolitan Council as provided by state statute.
2. The development must further comply with all conditions outlined in City Council Resolution No. _____ for a conditional use permit _____ by the Maplewood City Council on July 10, 2023.

Seconded by Commissioner Desai

Ayes – All

The motion passed.

Commissioner Oszman moved to approve an ordinance amending the City's zoning map to rezone the property from F, farm residence, to CO, commercial office.

AN ORDINANCE REZONING THE PROPERTY AT 2000 WHITE BEAR AVENUE FROM F, FARM RESIDENCE DISTRICT, TO CO, COMMERCIAL OFFICE DISTRICT

The City Of Maplewood, Minnesota, Ordains:

Section 1.

1.01 The 2000 White Bear Avenue property is hereby rezoned from F, farm residence district, to CO, commercial office district.

1.02 The property is legally described as:

That part of the West 620 feet of the North 438 feet of the North half of the Southwest Quarter and of the West 620 feet of the South 235.8 feet of the Northwest Quarter all in Section 14, Township 29, Range 22, Ramsey County, Minnesota, according to the government survey thereof, described as follows:

Commencing at the northwest corner of said Southwest Quarter of Section 14, Township 29, Range 22; thence South 0 degrees 11 minutes 56 seconds East, assumed bearing, along the west line of said Southwest Quarter, a distance of 43.00 feet to the point of beginning of the property to be described; thence continuing South 0 degrees 11 minutes 56 seconds East, along said west line, a distance of 395.01 feet to the point of intersection with the south line of the North 438 feet of said North half of the Southwest Quarter; thence North 89 degrees 24 minutes 19 seconds East, along said south line of the North 438 feet, a distance of 620.02 feet to the point of intersection with the east line of the West 620 feet of said North half of the Southwest Quarter; thence North 0 degrees 11 minutes 56 seconds West, along said east line of the West 620 feet, a distance of 358.00 feet; thence North 17 degrees 09 minutes 12 seconds West a distance of 57.00 feet; thence North 27 degrees 03 minutes 22 seconds West a distance of 128.50 feet; thence South 89 degrees 59 minutes 56 seconds West a distance of 62.00 feet; thence North 0 degrees 0 minutes 04 seconds West, parallel with the west line of said Northwest Quarter, a distance of 145.50 feet to the point of intersection with the north line of said South 235.8 feet of the Northwest Quarter; thence South 89 degrees 24 minutes 19 seconds West, along said north line of the South 235.8 feet, a distance of 167.70 feet; thence South 75 degrees 13 minutes 47 seconds West, a distance of 140.91 feet; thence southwesterly a distance of 35.11 feet along a tangential curve concave to the southeast, having a radius of 50.00 feet and a central angle of 40 degrees 13 minutes 47 seconds; thence South 35 degrees 0 minutes 0 seconds West, tangent to the last described curve, a distance of 23.92 feet; thence southwesterly and southerly a distance of 91.63 feet along a tangential curve concave to the southeast, having a radius of 150.00 feet and a central angle of 35 degrees 0 minutes 0 seconds; thence South 0 degrees 0 minutes 04 seconds East, tangent to the last described curve and parallel with the west line of said Northwest Quarter, a distance of 76.72 feet to the south line of said Northwest Quarter; thence South 0 degrees 11 minutes 56 seconds East, parallel with the west line of said Southwest Quarter, a distance of 43.00 feet; thence South 89 degrees 24 minutes 19 seconds West, parallel with the north line of said Southwest Quarter, a distance of 110.00 feet to said point of beginning and there terminating.

Subject to the rights of the public for White Bear Avenue (C.S.A.H No. 65) and easements of record.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning to CO, commercial office district would result in a development compatible with the surrounding development type and intensity.
2. The rezoning would be consistent with the intent of the zoning ordinance and the comprehensive guide plan.
3. The rezoning would be consistent with public health, safety, and welfare.

2.02 This ordinance is subject to the following conditions:

1. Metropolitan Council approval of Resolution No. _____ for a comprehensive plan amendment _____ by the Maplewood City Council on July 10, 2023.
2. The project must further comply with all conditions outlined in City Council Resolution No. _____ for a conditional use permit _____ by the Maplewood City Council on July 10, 2023.

Section 3. This ordinance is effective upon publication in the city's official newspaper.

Seconded by Commissioner Desai

Ayes – All

The motion passed.

Commissioner Oszman moved to approve a resolution for a conditional use permit for Nuway Alliance at 2000 White Bear Avenue for an adult residential treatment center.

CONDITIONAL USE PERMIT RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 John Miller, of Nuway Alliance, has requested a conditional use permit to operate an adult residential treatment center.

1.02 The property is located at 2000 White Bear Avenue North and is legally described as:

That part of the West 620 feet of the North 438 feet of the North half of the Southwest Quarter and of the West 620 feet of the South 235.8 feet of the Northwest Quarter all in Section 14, Township 29, Range 22, Ramsey County, Minnesota, according to the government survey thereof, described as follows:

Commencing at the northwest corner of said Southwest Quarter of Section 14, Township 29, Range 22; thence South 0 degrees 11 minutes 56 seconds East, assumed bearing, along the west line of said Southwest Quarter, a distance of 43.00 feet to the point of beginning of the property to be described; thence continuing South 0 degrees 11 minutes 56 seconds East, along said west line, a distance of 395.01 feet to the point of intersection with the south line of the North 438 feet of said North half of the Southwest Quarter; thence North 89 degrees 24 minutes 19 seconds East, along said south line of the North 438 feet, a distance of 620.02 feet to the point of intersection with the east line of the West 620 feet of said North half of the Southwest Quarter; thence North 0 degrees 11 minutes 56 seconds West, along said east line of the West 620 feet, a distance of 358.00 feet; thence North 17 degrees 09 minutes 12 seconds West a distance of 57.00 feet; thence North 27 degrees 03 minutes 22 seconds West a distance of 128.50 feet; thence South 89 degrees 59 minutes 56 seconds West a distance of 62.00 feet; thence North 0 degrees 0 minutes 04 seconds West, parallel with the west line of said Northwest Quarter, a distance of 145.50 feet to the point of intersection with the north line of said South 235.8 feet of the Northwest Quarter; thence South 89 degrees 24 minutes 19 seconds West, along said north line of the South 235.8 feet, a distance of 167.70 feet; thence South 75 degrees 13 minutes 47 seconds West, a distance of 140.91 feet; thence southwesterly a distance of 35.11 feet along a tangential curve concave to the southeast, having a radius of 50.00 feet and a central angle of 40 degrees 13 minutes 47 seconds; thence South 35 degrees 0 minutes 0 seconds West, tangent to the last described curve, a distance of 23.92 feet; thence southwesterly and southerly a distance of 91.63 feet along a tangential curve concave to the southeast, having a radius of 150.00 feet and a central angle of 35 degrees 0 minutes 0 seconds; thence South 0 degrees 0 minutes 04 seconds East, tangent to the last described curve and parallel with the west line of said Northwest Quarter, a distance of 76.72 feet to the south line of said Northwest Quarter; thence South 0 degrees 11 minutes 56 seconds East, parallel with the west line of said Southwest Quarter, a distance of 43.00 feet; thence South 89 degrees 24 minutes 19 seconds West,

parallel with the north line of said Southwest Quarter, a distance of 110.00 feet to said point of beginning and there terminating.

Subject to the rights of the public for White Bear Avenue (C.S.A.H No. 65) and easements of record.

Section 2. Standards.

- 2.01 City ordinance section 44-473 requires a conditional use permit for convalescent hospitals.
- 2.02 City ordinance section 44-1092 requires a conditional use permit for state-licensed residential programs.
- 2.03 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.
1. The use would be located, designed, maintained, constructed, and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
 2. The use would not change the existing or planned character of the surrounding area.
 3. The use would not depreciate property values.
 4. The use would not involve any activity, process, materials, equipment, or methods of operation that would be dangerous, hazardous, detrimental, disturbing, or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
 5. The use would not exceed the design standards of any affected street.
 6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools, and parks.
 7. The use would not create excessive additional costs for public facilities or services.
 8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
 9. The use would cause minimal adverse environmental effects.

Section 3. Findings.

- 3.01 The proposal meets the specific conditional use permit standards.

Section 4. City Review Process

- 4.01 The City conducted the following review when considering this conditional use permit request.
1. On June 20, 2023, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding

property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve this resolution.

- 2. On July 10, 2023, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

- 1. Any exterior improvements to the building or site require approval via the city’s design review process and requirements.
- 2. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
- 3. The city council shall review this permit in one year.
- 4. Provide the city with a copy of its state license to operate an adult residential treatment program.
- 5. Any increase in residents above 120 will require an amendment of this permit.
- 6. The applicant shall provide on-site staffing 24 hours a day and 365 days a year.

Seconded by Commissioner Desai

Ayes – All

The motion passed.

This item will go to the city council on July 10, 2023.

F. NEW BUSINESS
None

G. UNFINISHED BUSINESS
None

H. COMMISSION PRESENTATIONS
None

I. STAFF PRESENTATIONS
None

J. VISITOR PRESENTATIONS
None

K. ADJOURNMENT

Chairperson Arbuckle adjourned the meeting at 8:24 p.m.

Seconded by Commissioner Ige

Ayes – All

The motion passed.

DRAFT

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PLANNING COMMISSION STAFF REPORT

Meeting Date August 15, 2023

REPORT TO: Melinda Coleman, City Manager

REPORT FROM: Michael Martin, AICP, Assistant Community Development Director

PRESENTER: Michael Martin, AICP, Assistant Community Development Director

AGENDA ITEM: Conditional Use Permit Amendment and Setback Variance Resolution, Former Venburg Tire Building Addition, 3001 Highway 61

Action Requested: Motion Discussion Public Hearing

Form of Action: Resolution Ordinance Contract/Agreement Proclamation

Policy Issue:

Gries Architectural Group, on behalf of Maplewood Toyota, proposes a 2,400-square-foot building addition at 3001 Highway 61. This building addition would add a photo booth and service bays to the existing building, which provides overflow vehicle maintenance service for Maplewood Toyota – located approximately 0.3 miles south. This property is for internal use only; no general public or customers will be on-site. To move forward, the applicant needs city council approval of a conditional use permit amendment, a building setback variance and design review

Recommended Action:

Motion to approve a resolution for a conditional use permit amendment and setback variance approving a building addition at 3001 Highway 61.

Fiscal Impact:

Is There a Fiscal Impact? No Yes, the true or estimated cost is \$0

Financing source(s): Adopted Budget Budget Modification New Revenue Source
 Use of Reserves Other: N/A

Strategic Plan Relevance:

Community Inclusiveness Financial & Asset Mgmt Environmental Stewardship
 Integrated Communication Operational Effectiveness Targeted Redevelopment

The city deemed the applicant's application complete on August 1, 2023. The initial 60-day review deadline for a decision is September 30, 2023. As stated in Minnesota State Statute 15.99, the city is allowed to take an additional 60 days if necessary to complete the review.

Background:

Conditional Use Permit Amendment

Article II, Section 44-637 of the city code requires a conditional use permit to operate a motor

vehicle maintenance garage and to construct a building closer than 350 feet to an adjacent residential district within the light manufacturing (M-1) district. In 2004, the city council approved a CUP allowing Venburg Tire to construct the existing building and operate a motor vehicle maintenance garage. Since that time, Maplewood Toyota has purchased this building and is proposing a building addition which would add a photo booth and service bays to the existing building.

Staff is unaware of any neighborhood concerns regarding the use of this property. Staff did inspect this property and found that the site's trash receptacles are not being kept within the enclosure as required by ordinance. Also, additional screening should be required along the west property line. As part of the property's 2004 approvals, screening was required on the west side of the property. Still, as the vegetation has matured, it is not meeting the ordinance requirements of six feet tall and 80 percent opaque to provide year-round screening. The applicant should be required to keep the trash receptacles in the enclosure and provide a landscaping plan for staff approval that adds four coniferous trees near the west property line.

Setback Variance

The proposed building addition will extend 60 feet westward from the existing building coming within 154 to the nearest residential property line. The addition requires a 196-foot variance. In 2004, the city approved a 130-foot variance.

The site's size and shape were dictated by the realignment of County Road D in the mid-2000s. Staff is comfortable with the variance request as the proposal is in keeping with the spirit and intent of the ordinance, and there are practical difficulties in making reasonable modifications to the site that are related to the operation of this site.

Design Review

Building Elevations

The building addition is oriented towards the rear and will be constructed with insulated precast concrete wall panels to match the existing building. No changes are proposed to the front elevation of the building or to the site's circulation or access drives. While an existing light pole will be replaced with building-mounted lighting, there will be no changes to the site's overall photometric plan – the applicant will continue to be required to meet the city's lighting ordinance requirements. As mentioned earlier in this report, the applicant will be required to submit a landscape plan showing the addition of four coniferous trees near the west property line.

Department Comments

Engineering – Jon Jarosch

The applicant shall obtain a grading/erosion control permit, along with a storm sewer permit for the proposed work. All conditions of these permits shall be met.

Building Official – Randy Johnson

The proposed building is required to meet the minimum requirements of the Minnesota State Building Code

Board and Commission Review

Community Design Review Board

August 15, 2023: The community design review board (CDRB) will review this project.

Planning Commission

August 15, 2023: The planning commission will hold a public hearing and review this project.

Citizen Comments

Staff sent public hearing notices to the 87 surrounding property owners within 500 feet of the proposed site and invited property owners to share their opinions about this proposal. Staff received the following comments.

1. We have six condominiums. That face southeast, overlooking the Vanburg building. We feel that any addition facing our condo's will take away from any view still left to us. When the leaves disappear in the fall, what are we left with but the view of buildings. In our opinion, this parcel of land is too small for an addition to this building. In addition, we will be losing, much needed, existing green space. If necessary, they could build on the other side of the building, closer to highway 61. (Mario Cocchiarella, 1256 County Road D East #102)

Reference Information

Site Description

Project Area: 2.14 acres
Existing Land Use: Motor Vehicle Maintenance Garage

Surrounding Land Uses

North: County Road D and Shopping Center
East: Highway 61
South: Maplewood Toyota Storage Lot
West: Townhomes

Planning

Existing Land Use: Commercial
Existing Zoning: M1 – Light Manufacturing

Previous Approvals

On July 12, 2004, the city council approved the CUP for Venburg Tire. The council also approved a variance to have less than a 350-foot setback from residential property, a parking lot setback variance, a lot division and design plans.

Attachments:

1. Conditional Use Permit Amendment and Setback Variance Resolution
2. Design Review Resolution
3. Overview Map
4. 2040 Future Land Use Map
5. Zoning Map
6. Applicant's Narrative

7. Site Plan
8. Building Elevation
9. Applicant's Plans (separate attachment)

CONDITIONAL USE PERMIT AMENDMENT AND SETBACK VARIANCE RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 Gries Architectural Group, on behalf of Maplewood Toyota, has requested approval of a conditional use permit amendment and a setback variance to construct a building addition.

1.02 The applicant has also requested approval of a setback variance of 196 feet.

1.03 The property is located at 3001 Highway 61 and is legally described as:

PIN: 04-29-22-14-0113 – That part of the north 409.50 feet of the east 500.00 feet of the South Half of the Northeast Quarter of Section 4, Township 29, Range 22, Ramsey County, Minnesota, lying northerly of a line drawn from a point on the east line of said Northeast Quarter of Section 4 distant 235.77 feet south of the northeast corner of said South Half of the Northeast Quarter of Section 4 to a point on the west line of said east 500.00 feet of the South Half of the Northeast Quarter of Section 4 distant 115.53 feet south of the northwest corner of said east 500.00 feet of the South Half of the Northeast Quarter of Section 4.

Section 2. Standards.

2.01 City Ordinance Section 44-637 requires a Conditional Use Permit for motor vehicle maintenance garages and buildings closer than 350 feet to an adjacent residential district.

2.02 City Ordinance Section 44-512(8) requires auto maintenance garages have a 350-foot setback from any property the city is planning for residential use.

2.03 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

2.04 Variance Standard. City Ordinance Section 44-13 refers to state statute which states a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic conditions.

Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

3.02 The proposal meets the specific variance standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering these conditional use permit amendment and setback variance requests.

1. On August 15, 2023, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council _____ this resolution.
2. On August 28, 2023, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions: (additions are underlined and deletions are crossed out):

1. All construction shall follow the site plan that the city stamped ~~February 3, 2004~~ August 1, 2023. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started, or the proposed use utilized within one year of council approval, or the permit shall become null and void. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.
4. The applicants shall submit a ~~revised~~ landscape plan, prior to the issuance of a building permit, providing four additional a six foot tall ~~and 80 percent opaque landscaped coniferous trees as screening~~ for the abutting property to the west as required by the code.
5. ~~The applicants shall sign a maintenance agreement with the owners of Gulden's and the city for the upkeep of the private roadway.~~ A copy of any executed amendments to the maintenance agreement between the 2999 and 3001 Highway 61 properties shall be submitted to the city.
6. Outdoor ~~tire~~ storage is not allowed by this permit. All ~~tires~~ auto parts and non-operable vehicles shall be kept inside the building or within a screening enclosure. Operable vehicles are permitted to be kept in the parking lot within marked parking spaces.
7. The potential for excessive noise from this business is a concern of neighbors. The operator shall take care to keep doors closed to prevent nuisance noise from affecting residential neighbors. The city council shall review this during its periodic reviews of this permit. The city shall notify the operator of complaints for corrections should there be noise problems.
8. The property owner shall keep all trash receptacles on site inside the required enclosure.

_____ by the City Council of the City of Maplewood, Minnesota, on August 28, 2023.

DESIGN REVIEW RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 1.01 Gries Architectural Group, on behalf of Maplewood Toyota has requested approval design review to construct a building addition/.

1.02 The property is located at 3001 Highway 61 and is legally described as:

PIN: 04-29-22-14-0113 – That part of the north 409.50 feet of the east 500.00 feet of the South Half of the Northeast Quarter of Section 4, Township 29, Range 22, Ramsey County, Minnesota, lying northerly of a line drawn from a point on the east line of said Northeast Quarter of Section 4 distant 235.77 feet south of the northeast corner of said South Half of the Northeast Quarter of Section 4 to a point on the west line of said east 500.00 feet of the South Half of the Northeast Quarter of Section 4 distant 115 .53 feet south of the northwest corner of said east 500.00 feet of the South Half of the Northeast Quarter of Section 4.

Section 2. Site and Building Plan Standards and Findings.

2.01 City ordinance Section 2-290(b) requires that the community design review board make the following findings to approve plans:

1. That the design and location of the proposed development and its relationship to neighboring, existing or proposed developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood; that it will not unreasonably interfere with the use and enjoyment of neighboring, existing or proposed developments; and that it will not create traffic hazards or congestion.
2. That the design and location of the proposed development are in keeping with the character of the surrounding neighborhood and are not detrimental to the harmonious, orderly and attractive development contemplated by this article and the city's comprehensive municipal plan.
3. That the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures and colors.

Section 3. City Council Action.

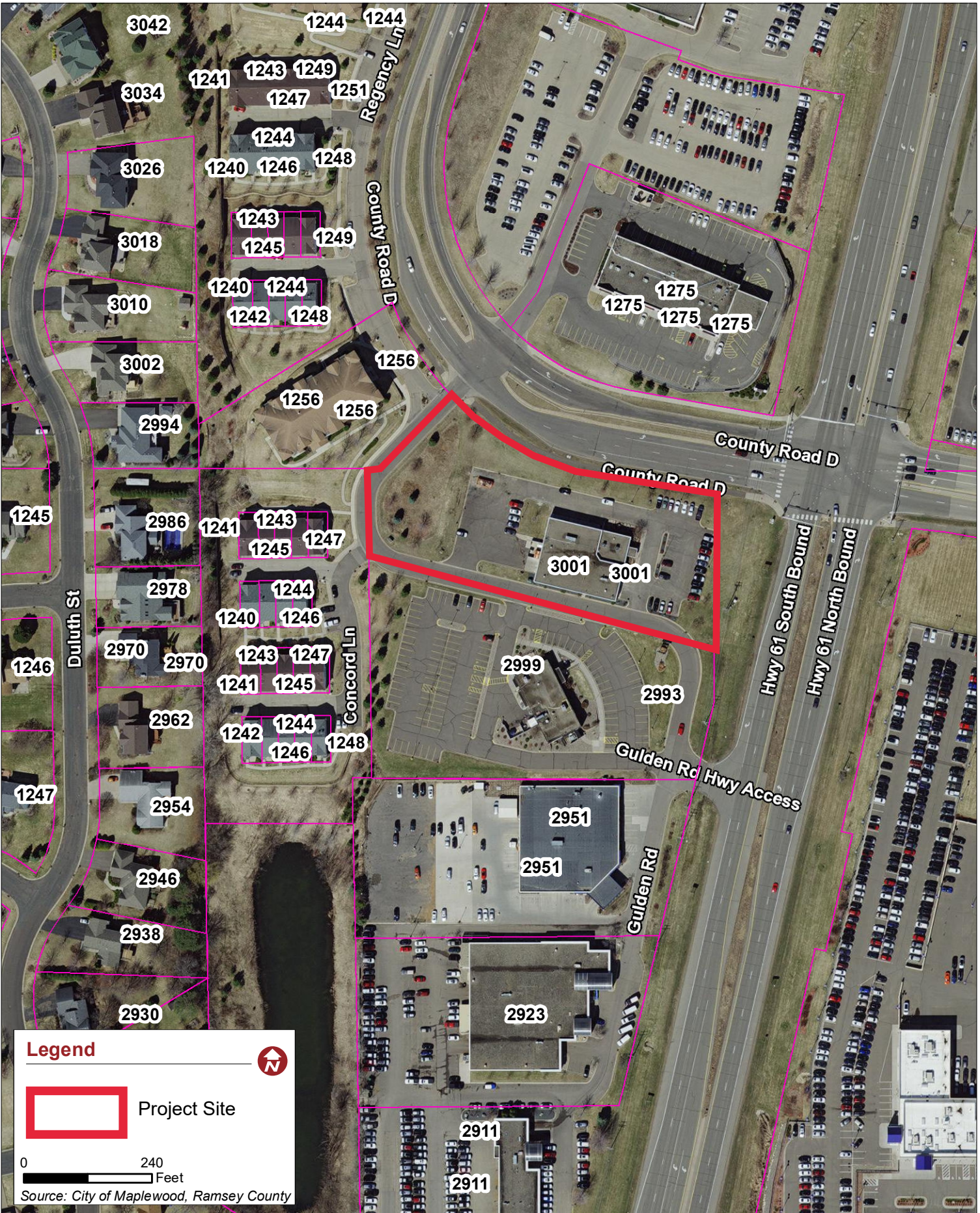
3.01 The above-described site and design plans are hereby approved based on the findings outlined in Section 3 of this resolution. Subject to staff approval, the site must be developed and maintained in substantial conformance with the design plans date-stamped August 1, 2023. Approval is subject to the applicant doing the following:

3.02

1. Obtain a conditional use permit amendment from the city council for this project.

2. Repeat this review in two years if the city has not issued a building permit for this project.
3. All fire marshal, city engineer and building official requirements must be met.
4. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.
5. Prior to the issuance of a building permit, the applicant shall submit for staff approval the following items:
 - a. Submit a landscape plan showing the addition of four coniferous trees near the west property line.
 - b. The applicant shall provide the city with a cash escrow or an irrevocable letter of credit for all required exterior improvements. The amount shall be 150 percent of the cost of the work.
6. The applicant shall complete the following before occupying the building:
 - a. Replace any property irons removed because of this construction.
 - b. Provide continuous concrete curb and gutter around the parking lot and driveways.
 - c. Install all required landscaping and an in-ground lawn irrigation system for all landscaped areas.
7. If any required work is not done, the city may allow temporary occupancy if:
 - a. The city determines that the work is not essential to public health, safety or welfare.
 - b. The above-required letter of credit or cash escrow is held by the City of Maplewood for all required exterior improvements. The owner or contractor shall complete any unfinished exterior improvements by June 1 of the following year if occupancy of the building is in the fall or winter or within six weeks of occupancy of the building if occupancy is in the spring or summer.
8. All work shall follow the approved plans. The director of community development may approve minor changes.

_____ by the City Council of the City of Maplewood, Minnesota, on August 28, 2023.





Legend



Future Land Use - 2040

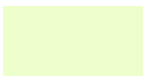
Low Density Residential



Medium Density Residential



Commercial



Open Space



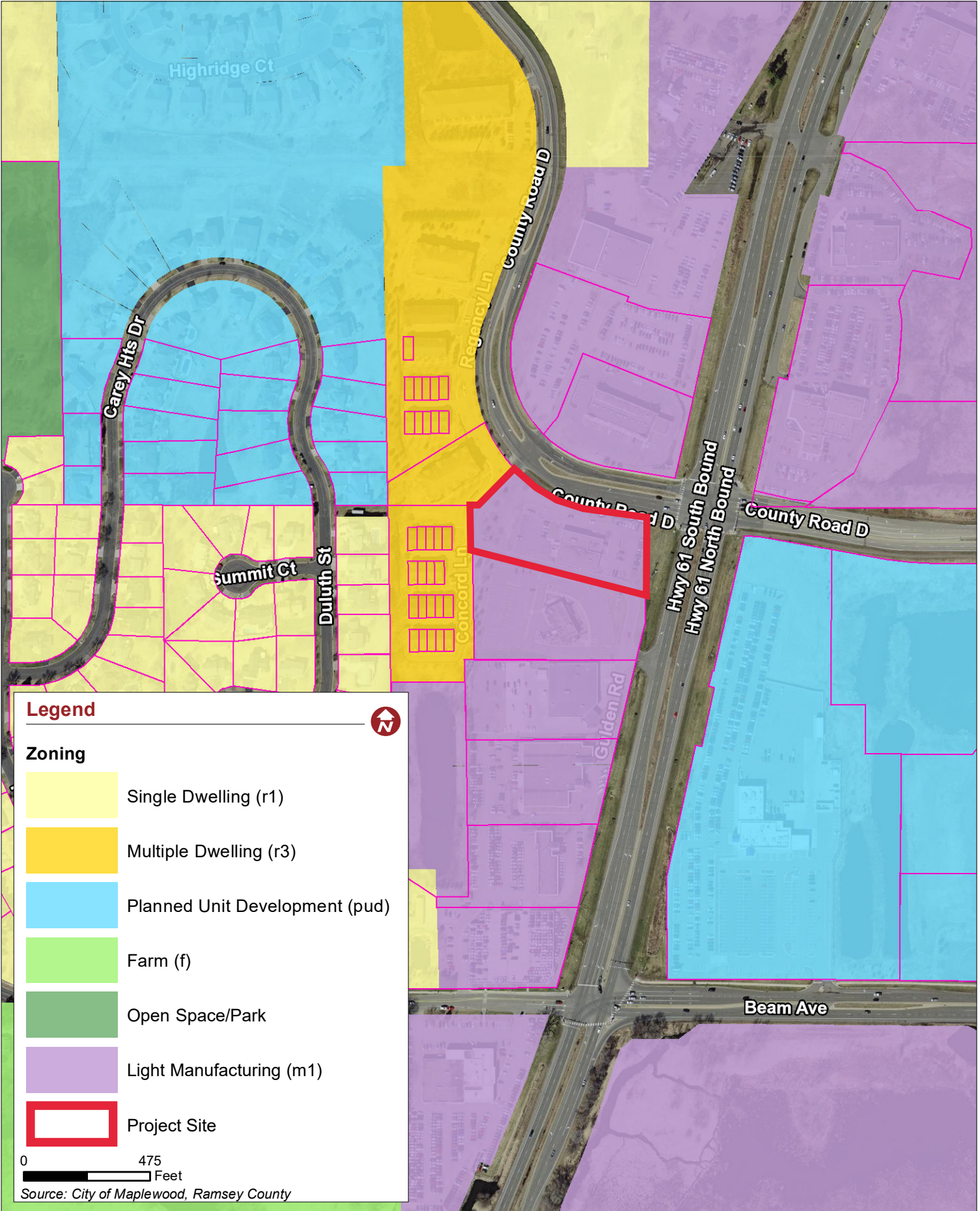
Park



Project Site

0 475 Feet

Source: City of Maplewood, Ramsey County



Legend



Zoning

- Single Dwelling (r1)
- Multiple Dwelling (r3)
- Planned Unit Development (pud)
- Farm (f)
- Open Space/Park
- Light Manufacturing (m1)
- Project Site

0 475
 Feet

Source: City of Maplewood, Ramsey County

**VENBURG TIRE BUILDING ADDITION
PROJECT NARRATIVE**

July 14, 2023 rev. 7/25/2023

- Location:** 3001 US HWY 61, Maplewood, MN
- Applicant:** Gries Architectural Group Inc
- Owner:** Maplewood Toyota
2873 Maplewood Dr., Maplewood, MN 55109
Contact: Steve McDaniels
- Zoning:** M1 – Light Industrial
- Proposal:** This project consists of a 2,400 s.f. photo booth and service bay building addition to an existing building that serves overflow vehicle maintenance service from Maplewood Toyota approximately 0.3 miles south.
- The exterior of the building addition will match the existing building with insulated precast concrete wall panels and sectional overhead door.
- Indoor photo booth area will facilitate the preparation of digital internet display advertising of its vehicles.
- Operations:** Site operations will remain similar to existing. This property is for internal use only, no general public or customers are onsite.
- Employment:** No additional employees will be added by this building addition.
- Signage:** No additional exterior signage will be added.
- Lighting:** Building addition will require removal of one (1) existing light pole, our assumption is the new building mounted lighting will replace the removed pole mounted fixture. Building mounted lighting will be in conformance with City of Maplewood Codes.
- Parking:** No additional parking or changes to current parking are required. Need for parking is for 10 employees and vehicles in for service which is met with existing parking arrangement.
- Traffic Impacts:** Existing curb cuts and site circulation to remain as existing.
- Hazards:** We do not feel there will be any negative impacts on neighboring properties due to noise, dust, odors, hazards, or lighting.
- Variance:** A variance application is submitted to meet an ordinance to have less than a 350-foot setback from residential property. Apartment/Condo properties west and southwest of the proposed building addition (across Gulden Road) are 154-feet and 175-feet from the NW and SW corners of the proposed building addition.

Practical difficulties:

- The Owner proposes to maintain the existing property and current business operation in a reasonable manner.
- The property/business operation is currently complying with a prior approved variance to have less than a 350-foot setback from residential property.

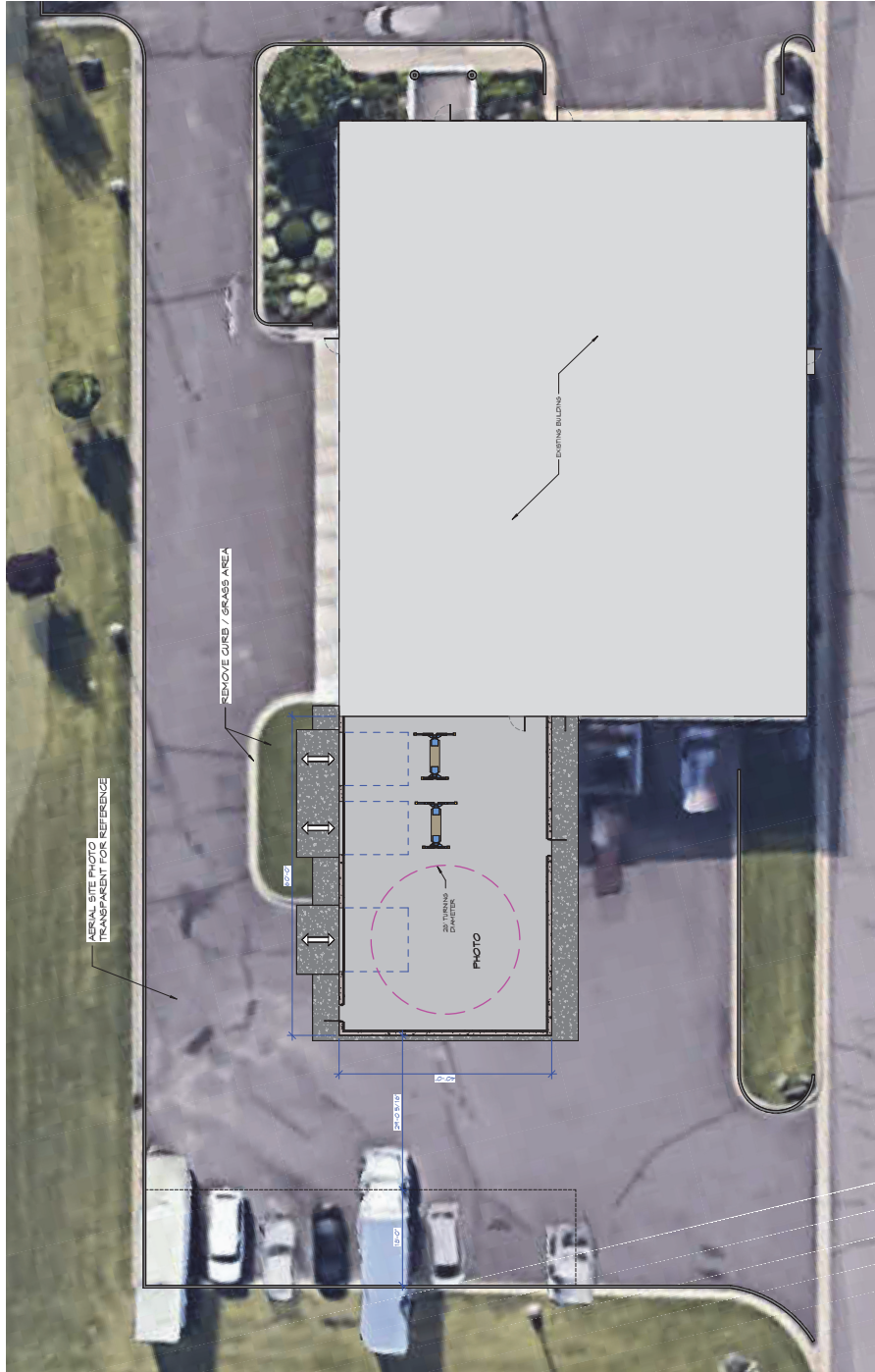
Uniqueness:

- Addition to existing building as proposed is the most efficient use of the property and current business operation. Other areas on the site are currently utilized for parking and internal site circulation, landscaping, and setback requirements. There is nothing physically unique to this particular property aside from maintaining the current business operation and expanding the building into underutilized/landscape areas contiguous to the existing building.

Essential character:

- The variance if granted will not alter the essential character of the locality.

<p>www.gries.com 500 North Central Street Maplewood, MN 55129 Phone: 651-222-0445 Fax: 651-222-0445</p>	<p>Gries Architectural Group Inc.</p>	<p>EXISTING BUILDING ALTERATIONS AT: MAPLEWOOD SERVICE - VENBURG TIRE MAPLEWOOD, MINNESOTA</p>	<p>DATE: 07/12/2023 JOB: 23-002 D. BY: JAS REV: _____</p>
			<p>A-0.1</p>



ARCHITECTURAL SITE PLAN
 1" = 10'-0"



 <p>Gries Architectural Group Inc.</p> <p>15000 Grand Ave. Suite 115 Maplewood, MN 55127 Phone: 651-222-4465 www.griesdesign.com</p>	<p>EXISTING BUILDING ALTERATIONS AT: MAPLEWOOD SERVICE - VENBURG TIRE MAPLEWOOD, MINNESOTA</p>	<p>DATE: 04/16/2023 JOB: 23-012 D. BY: JTB REV:</p>	<p>A-4.1</p>
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