

city of saint paul
planning commission resolution
file number
date

WHEREAS, Canadian Pacific Railway, File # 18-134-557, has applied for a conditional use permit for a building addition not elevated on fill above the regulatory flood protection elevation in the flood fringe district under the provisions of § 72.41, § 72.73, § 72.74 of the Saint Paul Legislative Code, on property located at 1000 Shop Road, Parcel Identification Number (PIN) 10.28.22.11.0003, legally described as Registered Land Survey 504 Tract B & A 50 Ft Wide R/R R/W across the NE 1/4 of sec 10, 28, 22 & adj to nely Line of sd Tract; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 17, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant proposes to construct a 5,800 square foot addition to the existing retarder tower building, with a footprint of approximately 1,550 square feet. The lowest floor of the proposed addition will consist of 3 areas:
 - Area A: A vestibule and elevator lobby elevated on a floodproof foundation with a finished floor elevation at the Regulatory Flood Protection Elevation (RFPE, elevation of 708.8')
 - Area B: A hallway and stairwell with a lowest elevation of approximately 707.3'
 - Area C: A storage area at an elevation of 705.8' (ground level).
2. The foundation and Area C of the proposed building addition will be constructed of flood-resistant materials, and Area C of the proposed building addition will be equipped with automatic openings in at least two walls for the purpose of equalizing hydrostatic pressure in times of flooding.
3. The lowest level of the existing retarder tower building is built at grade (705.8') and consists of a garage, shop, mechanical room, office, locker room and restroom. The building is of flood-resistant masonry construction and is structurally consistent with floodplain code requirements. The use of the garage is consistent with floodplain regulations; the use of the remainder of the

moved by _____
seconded by _____
in favor _____
against _____

existing lowest level of the retarder building for office space, and the associated interior improvements, are legally nonconforming. No alterations or improvements to the interior of the lowest level of the existing building are proposed. Proposed external improvements consist of new exterior cladding and removal of an existing doorway.

4. §72.74 lists standards for conditional uses in the FF flood fringe district. Subsections (a) through (e) are applicable to the proposed project:

(a) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(1) Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.

(2) Specific standards for above grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:

a. A minimum area of "automatic" openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of intervention.

b. That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.

(b) Basements, as defined in §72.14, shall be subject to the following:

(1) Residential basement construction shall not be allowed below the regulatory flood protection elevation except as authorized in subsection (e) of this section.

(2) Nonresidential basements may be allowed below the regulatory flood-protection elevation, provided the basement is protected in accordance with subsection (c) or (e) of this section.

(c) All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be structurally dry floodproofed in

accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State Building Code. This shall require making the structure watertight, with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.

- (d) The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood protection elevation by alternative methods which meet the requirements of subsection (a) above. Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.*
- (e) When the Federal Emergency Management Agency has issued a letter of map revision-fill (LOMR-F) for vacant parcels of land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation provided the structure meets the following provisions:
 - (1) No floor level or portion of a structure that is below the regulatory flood protection elevation shall be used as habitable space or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by floodwaters. Habitable space shall be defined as any space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space, and similar areas are not considered habitable space.*
 - (2) For residential and nonresidential structures, the basement floor may be placed below the regulatory flood protection elevation subject to the following standards:
 - a. The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation.*
 - b. Any area of the structure placed below the regulatory flood protection elevation shall meet the "reasonably safe from flooding" standards in the Federal Emergency Management Agency (FEMA) publication entitled "Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding," Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically section 72.33(g), the applicant shall submit documentation that the structure is designed and built in accordance with either the "Simplified Approach" or "Engineered Basement Option" found in FEMA Technical Bulletin 10-01.*
 - c. If the ground surrounding the lowest adjacent grade to the structure is not at or above the regulatory flood protection elevation, then any portion of the structure that is below the regulatory flood protection elevation must be***

floodproofed consistent with any of the FP-1 through FP-4 floodproofing classifications found in the Minnesota State Building Code.

These standards can be met. The applicant has proposed a building consistent with the requirements of this section. As a condition of approval, the applicant should provide building and foundation plans consistent with those supplied with the application, as well as a record of as-built condition for the building, signed by a registered professional engineer or architect and verifying consistency with the applicable requirements of §72.74 of the Saint Paul code and the Minnesota State Building Code. Completion of a Saint Paul floodplain application and submission of an elevation certificate should also be conditions of approval. Review and acceptance by the Department of Safety and Inspections of an updated flood response plan for the CP Rail Pig's Eye yard that incorporates the proposed building addition and provides for removal of hazardous materials in times of flooding should also be a condition of approval

5. §72.32 lists thirteen (13) factors to be considered in evaluating applications for conditional use permits in the FF flood fringe district:
 - (a) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the city.* Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the City's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed addition is to an existing building located in a large industrial area, and will not significantly alter river valley views. The proposed building is will not result in air or water quality impacts.
 - (b) *The importance of the services provided by the proposed facility to the community.* This finding is not applicable. The proposed building will be part of an existing facility.
 - (c) *The ability of the existing topography, soils, and geology to support and accommodate the proposed use.* The proposed use is an addition to an existing building within an existing railyard facility. The area is characterized by flat topography. Soils and geology of the area have long supported railyard operations and associated structures.
 - (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The proposed building addition is to be located in an existing railyard; the area is industrial in character, and does not contain significant biological communities. Impacts of the proposed building will not extend beyond the immediate area.
 - (e) *The proposed water supply and sanitation systems and the ability of those to prevent disease, contamination, and unsanitary conditions.* The area is already served by adequate water supply and sanitation systems. The proposed building addition will utilize existing water supply and sanitation system.
 - (f) *The requirements of the facility for a river-dependent location, if applicable.* The proposed building is part of an existing railyard facility that is located within the river corridor.

- (g) *The safety of access to the property for ordinary vehicles.* Safe access to the site is available via Childs Road, Pig's Eye Road, and Warner Road.
 - (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.* The proposed building addition will be built to FP-3/FP-4 wet and FP-1/FP-2 dry floodproofing standards. In times of flooding, the building will be evacuated per the applicant's flood response plan. The applicant is self-insured. Review and acceptance by the Department of Safety and Inspections of an updated flood response plan for the CP Rail Pig's Eye yard that incorporates the proposed building addition and provides for removal of hazardous materials in times of flooding should also be a condition of approval.
 - (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.* The proposed encroachments are of limited footprint and located in the flood fringe where impacts on flood flows are negligible.
 - (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.* The proposed building addition will be located in the flood fringe, where the velocity of flood flow is generally minimal.
 - (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.* The proposed building addition will be constructed of floodproof materials, and any items stored below the RFPE will be removed in times of flooding. The proposed building addition will also be located in the flood fringe, where velocity of flood flows is generally minimal.
 - (l) *The availability of alternative locations or configurations for the proposed use.* The proposed building addition is part of an existing facility which is located within the flood fringe. The proposed use also must be located in proximity to the humping facility.
 - (m) *Such other factors as are relevant to the purposes of this chapter.* The factors and findings enumerated and described herein adequately evaluate the proposed use for the purposes of this chapter.
6. §61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed use is in compliance with the Saint Paul Comprehensive Plan and the City's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are to an existing facility located in a large industrial area, and will not significantly alter river valley views. The proposed building addition will not result in air or water quality impacts.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Vehicular access to the site is via Childs/Pigs' Eye Road or via Warner Road.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use is not proposed to change. The existing and

proposed use are consistent with the industrial character of the immediate neighborhood and do not endanger the public health, safety, or general welfare.

- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use is not changing and is consistent with other allowed uses in the surrounding industrial district.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed use is conformance with all applicable regulations on the districts in which it is located.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Canadian Pacific Railway for a conditional use permit for a building addition not elevated on fill above the regulatory flood protection elevation in the flood fringe district is hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The applicant shall provide building and foundation plans consistent with those supplied with the application, as well as a record of as-built condition for the building, signed by a registered professional engineer or architect and verifying consistency with the applicable requirements of §72.74 of the Saint Paul code and the Minnesota State Building Code.
3. The applicant shall complete a Saint Paul floodplain application and submit an elevation certificate. This condition shall be deemed fulfilled upon final acceptance of same by the Zoning Administrator.
4. Review and acceptance by the Department of Safety and Inspections of, and operations consistent with, an updated flood response plan for the CP Rail Pig's Eye yard that incorporates the proposed building addition and provides for removal of hazardous materials in times of flooding.

The draft resolutions for ZF #18-126-865 Twin Cities German Immersion School variances and ZF #18-117-556 Twin Cities German Immersion School site plan review will be available next week. Both cases will be before the Planning Commission on January 25, 2019.