

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Canadian Pacific Railway, File # 17-215-822, has applied for a conditional use permit for elevation of a building on piles rather than fill to be above the regulatory flood protection elevation under the provisions of § 61.501 of the Saint Paul Legislative Code, on property located at 1000 Shop Road, Parcel Identification Number (PIN) 03-28-22-32-0005, legally described as Section 3 Town 28 Range 22 Ex Area In Lease 82316 The Fol; Part Of Nw 1/4 Of Sw 1/4 Swly Of C M St P & P Rr R/w In Sec 3 Tn 28 Rn 22; 032822320006, SECTION 3 TOWN 28 RANGE 22 THAT PART OF THE FOLLOWING WHICH LIES NLY OF THE N L OF GOVT LOT 5 SEC 4 TN 28RN 22 & NLY OF THE N L OF SW 1/4 OF SW 1/4 OF SEC 3 TN 28 RN 22 AN IRREGULAR SHAPED PARCEL FKA LEASE NO.82316 LYING SWLY OF RR COS HUMP YARD ELY OF PIGS EYE RUN RUN FROM NW COR OF SEC 10 SE TO SE COR OF NE 1/4 OF NW 1/4 OF SEC 10 BEING PART OF SECS 3 & 4 TN 28 RN 22; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 7, 2017, 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 new office building for the radio department. The new building will have approximately 3,700 finished square feet elevated to the Regulatory Flood Protection Elevation (RFPE, elevation of 708.8') and approximately 1,900 square feet of new garage at grade (705.7'). The Base Flood Elevation (BFE, or 100-year flood) for the site has been calculated at 706.8'.
2. The garage and exterior foundation walls will be constructed to the FP-3 or FP-4 floodproofing standards. The garage is designed to flood internally, and required automatic openings are provided to allow movement of water and equalization of hydrostatic pressure. The remainder of the building will be elevated on fill within the foundation walls. The foundation walls will be anchored to helical piles.
3. §72.74 lists standards for conditional uses in the FF flood fringe district. Subsections (a) through (d) 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*

moved by _____

seconded by _____

in favor _____

against _____

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 and 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, the Minnesota State Building Code, and FEMA Technical Bulletin 10-01. Storage may be allowed in the garage of the proposed building, provided all stored materials are removed in times of flooding. 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 should be a condition

of approval.

4. §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 conformance 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 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 a new building within an existing railyard facility. The area is characterized by flat topography. While soils and geology of the area have long supported railyard operations and associated structures, the proposed building is to be constructed on helical piles to ensure sufficient foundational support.
 - (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The proposed building 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 will replace an existing building, which is to be demolished, and will not create significant additional demand for water supply or sanitation capability.
 - (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 and Shop 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 structure will be built to FP-3 or FP-4 wet floodproofing standards. In times of flooding, the building will be evacuated per the applicant's flood response plan. The applicant is self-insured.
 - (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 is 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 will be constructed of floodproof materials, and any

items stored below the RFPE will be removed in times of flooding. The proposed building 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 is part of an existing facility which is located within the flood fringe.
 - (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.
5. §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.* Subject to meeting the standards listed in §72.74, this proposed use is in conformance 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 is replacing an existing building that will be demolished, and 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. The proposed facility will be served by Childs and Shop Roads. The use is not expected to generate additional traffic.
 - (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 proposed facility is consistent with the existing industrial character of the immediate neighborhood.
 - (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 use is industrial in nature, and will not impede improvement of surrounding properties for allowed uses.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met. Subject to the acceptance by the Department of Safety and Inspections of a flood response plan for the proposed building and certification of plans by a registered engineer or architect, the use conforms to all applicable regulations of the I2 general industrial district, RC2 river corridor district, and the FF flood fringe district.

NOW, THEREFORE, BE IT RESOLVED, by 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 elevation of a building on piles rather than fill to be above the regulatory flood protection elevation. at 1000 Shop Road is hereby approved with the following conditions.

1. Site plan approval. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
2. A flood response plan including the proposed building shall be accepted by the Department of Safety and Inspections, and the applicant shall conduct operations consistent with said plan
3. At or prior to building permit review, the plans for the proposed structure must be certified by

a registered engineer or architect as consistent with the applicable requirements of §72.74 of the Saint Paul code, the Minnesota State Building Code, and FEMA Technical Bulletin 10-01.

4. After construction, the applicant shall submit to the zoning administrator the required elevation certification certifying the as-built elevation of the proposed building, and as-built plans certified by a registered professional engineer or architect as consistent with the applicable requirements of §72.74 of the Saint Paul code, the Minnesota State Building Code, and FEMA Technical Bulletin 10-01.

1Request for Continuance

Date: 12/6/2017

Dan Edgerton, Chair
Zoning Committee
City of St. Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 17-215-889

Dear Mr. Edgerton:

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of consideration of the application in this zoning file, which is presently scheduled before the Zoning Committee on 12/7/17

I understand that a continuance before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for December 15th, 2017, will also be continued.

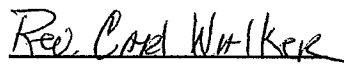
I request that the Zoning Committee continue consideration of this application to December 21, 2017. I understand that the Planning Commission would then be scheduled to make their decision on December 29, 2017.

I am aware of and understand the statutory requirements found in Minn. Stat. § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 to February 3, 2018, to accommodate the continuance I am requesting.

Sincerely,



Signature of Applicant or
Applicant's duly appointed
representative.



Printed name of Applicant
Applicant's duly appointed
Representative.

ZF # 17-215-889

December 4, 2017

Anthony Johnson
City Planner
Planning & Economic Development
25 West 4th Street
Suite 1400
Saint Paul, Minnesota 55102
Tony.johnson@ci.stpaul.mn.us

RE: Morning Star Redevelopment @ 739 Selby Avenue

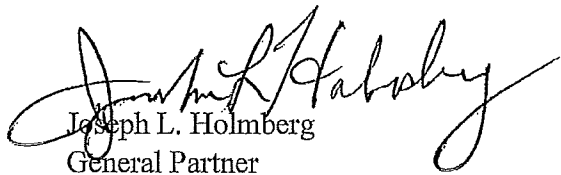
Dear Mr. Johnson,

I am writing on behalf of Selby Grotto LP to express our full support of the rezoning application for the planned redevelopment at 739 Selby Avenue. Selby Grotto LP owns the commercial space and apartment building at 755 Selby Avenue, directly adjacent to the proposed development and has been a part of the Selby Avenue neighborhood for over ten years.

Selby Grotto LP believes that the Morning Star Redevelopment, to include a newly constructed Morning Star Baptist Church and a new Senior Living center will meet the growing needs in the Summit University District. Not only will it provide a new facility for a church that has been an anchor in the neighborhood since 1981, it will provide much needed Senior Housing for our aging population. Additionally, the redevelopment will provide employment opportunities within the area.

We respectfully request that the Rezoning Committee, Planning Commission and City Council support the rezoning of 739 Selby Avenue in Saint Paul, Minnesota.

Best regards,


Joseph L. Holmberg
General Partner