ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** B Three LLC **FILE #** 18-032-865
2. **APPLICANT:** B Three LLC **HEARING DATE:** March 15, 2018
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 2145 Childs Road,
5. **PIN & LEGAL DESCRIPTION:** 092822110001, Port Authority Plat No 3 Lots 2 And Lot 3 Blk 5
6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** I2, FF
7. **ZONING CODE REFERENCE:** §61.501, §72.73, §72.74
8. **STAFF REPORT DATE:** March 8, 2018 **BY:** Josh Williams
9. **DATE RECEIVED:** February 28, 2018 **60-DAY DEADLINE FOR ACTION:** April 29, 2018

A. **PURPOSE:** Conditional use permit for construction of a building in the flood fringe (FF) elevated on an alternative to fill

B. **PARCEL SIZE:** 202,554 sq. ft. (4.65 acres)

C. **EXISTING LAND USE:** Industrial (I2, FF)

D. **SURROUNDING LAND USE:**

North, East, and South: Industrial and railroad (I2, FF)

West: Mississippi River

E. **ZONING CODE CITATION:** §72.73 states that any structure in the FF flood fringe district not elevated on fill requires a conditional use permit; §72.74 lists standards for conditional uses in the FF flood fringe district; §61.501 lists general conditions that must be met by all conditional uses.

F. **HISTORY/DISCUSSION:** There is no prior zoning history for the address. The parcel has been in industrial use since at least 1964.

G. **PARKING:** Parking requirements for industrial uses are calculated based on gross floor area (GFA) of buildings. The proposed structure meets the definition of a building and requires a conditional use permit for elevation on an alternative to fill in the flood fringe. However, loading areas (of which the building is entirely composed) are excluded from GFA calculations, and therefore the proposed building does not result in additional required off-street parking for the subject property.

H. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, the District 1 Council had not provided a recommendation on this application.

I. **FINDINGS:**

1. The applicant proposes to construct a new building with a roof and one wall to shelter a rail loading/unloading area that is part of an existing industrial operation. The building will have one partial wall, and will be approximately 2,200 square feet in area. Existing grade at the building site is approximately 701.0'. A small existing building will be removed. The proposed structure will be constructed of steel on concrete piers. The top of the concrete piers will be at 7' above grade, or approximately 708.0' elevation. Base Flood Elevation (BFE, or 100-year flood) and the Regulatory Flood Protection Elevation (RFPE) for locations in the Mississippi River floodplain are determined based on the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS). The FIS provides BFE and RFPE at periodic mapped river cross-sections. The nearest downstream cross-section to the proposed building site is cross-section E. The BFE for this cross-section is 706.6', and the RFPE is 708.8'. A construction materials located at or below the RFPE meet the FP-3 or FP-4 floodproofing standard.
2. The building will be constructed of steel on elevated concrete peers, meeting FP-3 or FP-4 floodproofing standards. The building will have a wall on only one side, allowing free movement of water and equalization of hydrostatic pressure.
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 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.

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, and the Minnesota State Building Code, and a completed Saint Paul floodplain application verifying the base flood elevation (BFE) and regulatory flood plain application (RFPE) for the site. No new storage or activities are proposed as part of the proposed building, and an updated flood response plan is not needed.

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 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 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 industrial 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 concrete piers to ensure sufficient foundational support and anchoring of the structure.

   (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 industrial facility; 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 not have any new sanitary or water supply connections, but will also not create any 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 industrial 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.

   (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 not be in use.

   (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 is anchored on concrete piers. 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 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 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 Road. The proposed building will not change the use of the existing facility, and 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 impeded 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 certification of plans and as-built conditions 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.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for construction of a building in the (FF) flood fringe on an alternative to fill subject to the following additional condition(s):

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. 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, and the Minnesota State Building Code.
3. 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, and the Minnesota State Building Code.

4. The applicant shall submit a Saint Paul floodplain application, and a community official shall sign said application verifying that the proposed development is in conformance will all applicable floodplain standards prior to the issuance of a building permit for the proposed structure.

CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

PD=1

Zoning Office Use Only
File # 18-032865
Fee
Initial Hearing Date
3-15-18
092822110001

APPLICANT

Name B Three LLC.
Address 1400 Cannon Circle Ste 10
City Faribault St. MN Zip 55021 Daytime Phone (651) 905-8105
Name of Owner (if different) St. Paul Port Authority
Contact Person (if different) Greystone Construction Phone (952) 496-2227

PROPERTY LOCATION

Address / Location 2145 Childs Road
Legal Description
(attach additional sheet if necessary) Current Zoning I2 / RC1 FW

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 72, Section 63, Paragraph d of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

The Proposed Rail cover will be elevated by concrete piers to meet floodplain requirements, the foundations have been designed by LS Engineers.

☐ Required site plan is attached

Applicant's Signature [signature] Date 2/27/18 City Agent 2-28-18 pdd

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SCALE IN FEET
0 30' 60'
1 inch = 30 feet

PROPERTY DESCRIPTION

Lots 2 and 3, Block 5, PORT AUTHORITY PLAT No. 3, Ramsey County, Minnesota.

NOTES

1. Subject property's address is 2145 Childs Road, Saint Paul, its property identification number is 052822110001.
2. The bearing system is based on the North line of Lot 2, Block 5, Port Authority Plat No. 3 which is assumed to bear North 80 degrees 26 minutes 17 seconds East.
3. Field work was completed 07/15/2015.
4. The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.
5. No specific title search for existence or non-existence of recorded or unrecorded easements has been conducted by the surveyor as a part of this survey. Only easements per the recorded plat are shown.
6. The gross area of the subject property is 4.7882 Acres or 208,575 square feet.

AREAS

AREA A = 55,382 Square Feet or 1.2714 Acres
AREA B = 93,066 Square Feet or 2.1365 Acres
AREA C (Railroad Spur) = 11,430 Square Feet or 0.2624 Acres
AREA D = 48,697 Square Feet or 1.1179 Acres
TOTAL = 208,575 Square Feet or 4.7882 Acres

BENCHMARK

The vertical datum is based on assumed datum.

Benchmark #1
TNH Lot 3, Block 5, PORT AUTHORITY PLAT No. 3. Elevation = 704.02

Benchmark #2
TNH Lots 2 and 3, Block 5, PORT AUTHORITY PLAT No. 3. Elevation = 704.05

SURVEYOR'S CERTIFICATE

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

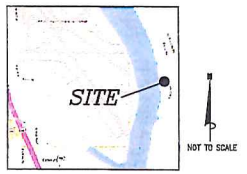
Signed this 7th day of February, 2018

Marcus F. Hampton MN Lic. No. 47481

LEGEND

- IRON FOUND
- SUMP
- CATCH BASIN
- ELECTRIC METER
- GUARD POST
- MANHOLE
- SWITCH
- HYDRANT
- GATE VALVE
- RE — TOP OF CASTING
- INV — INVERT ELEVATION
- ×000 — EXISTING ELEVATION
- POWER POLE
- GUY WIRE
- BLOCK WALL
- ASPHALT SURFACE
- CONCRETE SURFACE
- 1000 — EXISTING CONTOURS
- STORM SEWER
- OHP — OVERHEAD POWER LINE
- RAILROAD TRACKS
- FENCE

VICINITY MAP

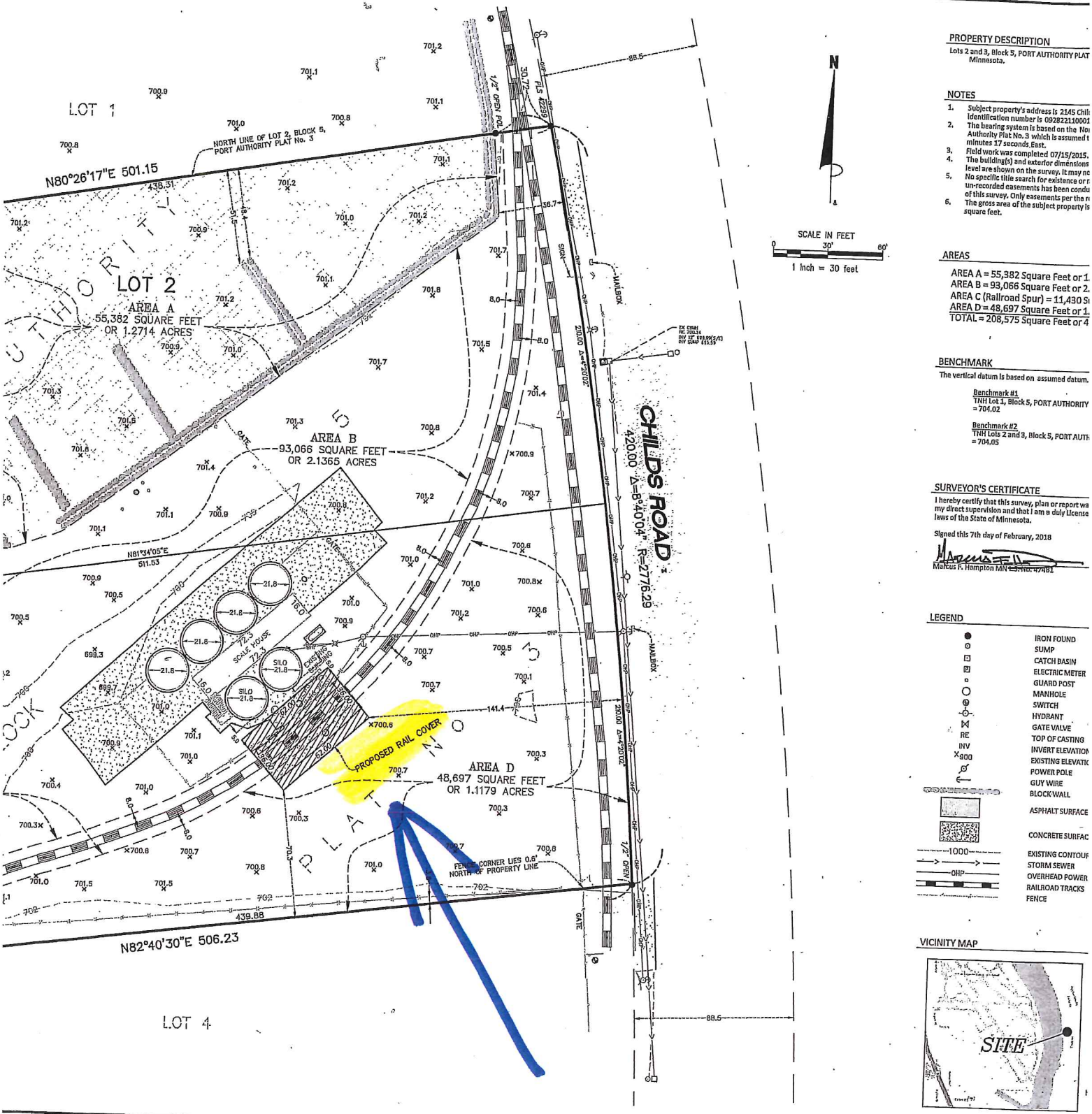


James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

2145 CHILDS ROAD SITE
ST. PAUL, MINNESOTA
CERTIFICATE OF SURVEY
FOR
GREYSTONE CONSTRUCTION
500 S. MARSCHALL ROAD, SUITE 300, SHAKOPEE, MN 55379

DRAWN BY MFH
DATE 02/07/2018
REVISIONS

CAD FILE 23188-10.dwg
PROJECT NO. 23188-10
FILE NO. 1-18-006
SHEET 1 OF 1



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= 704.05

SURVEYOR'S CERTIFICATE

I hereby certify that this survey, plan or report wa
my direct supervision and that I am a duly License
laws of the State of Minnesota.

Signed this 7th day of February, 2018

Marcus F. Hampton MN Lic. No. 47481

LEGEND

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- SUMP
- CATCH BASIN
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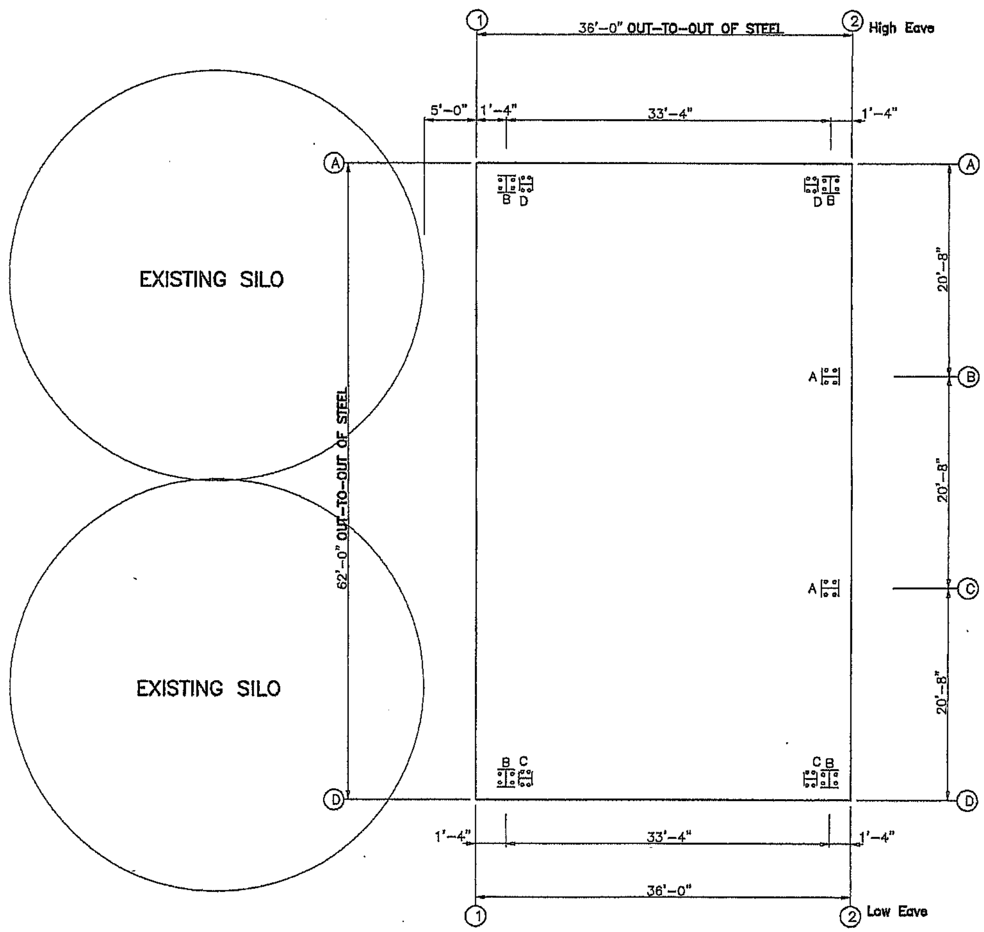
VICINITY MAP



ANCHOR BOLT PLAN
NOTE: All Base Plates @ 107'-0" (U.N.)

o Dia= 3/4"

ANCHOR BOLT SUMMARY				
Qty	Locate	Dia (in)	Type	Proj (in)
o 8	Endwall	3/4"	F1554	3.00
o 16	Frame	3/4"	F1554	3.00
o 16	WindCol	3/4"	F1554	3.00

ANCHOR BOLT PLAN

GENERAL NOTES

1. THE SPECIFIED ANCHOR ROD DIAMETER ASSUMES F1554 GRADE 36 UNLESS NOTED OTHERWISE. ANCHOR ROD MATERIAL OF EQUAL DIAMETER MEETING OR EXCEEDING THE STRENGTH REQUIREMENTS SET FORTH ON THESE DRAWINGS MAY BE UTILIZED AT THE DISCRETION OF THE FOUNDATION DESIGN ENGINEER. ANCHOR ROD EMBEDMENT LENGTH SHALL BE DETERMINED BY THE FOUNDATION DESIGN ENGINEER.
2. METAL BUILDING MANUFACTURER IS NOT RESPONSIBLE FOR PROJECT FOUNDATION DESIGN. THE FOUNDATION DESIGN IS THE RESPONSIBILITY OF A REGISTERED PROFESSIONAL ENGINEER, FAMILIAR WITH LOCAL SITE CONDITIONS.
3. ALL ANCHOR RODS, FLAT WASHERS FOR ANCHOR RODS, EXPANSION BOLTS, AS WELL AS ALL CONCRETE/MASONRY EMBEDMENT PLATES ARE NOT BY METAL BUILDING MANUFACTURER.
4. THIS DRAWING IS NOT TO SCALE.
5. FINISHED FLOOR ELEVATION = 100'-0" UNLESS NOTED OTHERWISE.
6. "SINGLE" CEE COLUMNS SHALL BE ORIENTED WITH THE "TOES" TOWARD THE LOW EAVE UNLESS NOTED OTHERWISE.
7. ANCHOR RODS ARE REQUIRED ONLY IN THE QUANTITIES SPECIFIED. BASEPLATES MAY BE FABRICATED WITH MORE HOLES THAN NEEDED FOR THIS PROJECT.
8. THE ANCHOR BOLT LOCATIONS PROVIDED BY METAL BUILDING MANUFACTURER SATISFY PERTINENT REQUIREMENTS FOR THE DESIGN OF THE MATERIALS SUPPLIED BY THE METAL BUILDING MANUFACTURER. PLEASE NOTE THAT THESE REQUIREMENTS MAY NOT SATISFY ALL ANCHOR BOLT CONCRETE EDGE DISTANCE REQUIREMENTS DEPENDING ON THE DETAILS OF THE FOUNDATION DESIGN. BECAUSE FOUNDATION DESIGN IS NOT WITHIN THE METAL BUILDING MANUFACTURER'S SCOPE OF WORK, IT IS THE RESPONSIBILITY OF THE QUALIFIED PROFESSIONAL DESIGNING THE FOUNDATION TO MAKE CERTAIN THAT SUFFICIENT CONCRETE EDGE DISTANCE IS PROVIDED FOR THE ANCHOR BOLTS IN THE DETAILS OF THE FOUNDATION DESIGN.

ISSUE	DWN	CKD	ENG	DATE
ANCHOR BOLT	NBS	DXR	ATH	1-10-18
PERMIT	NBS	DXR	ATH	1-10-18
REVISED ANCHOR BOLT	NBS	DXR	ATH	2-15-18
REVISED PERMIT	NBS	DXR	ATH	2-15-18

NUCOR BUILDING SYSTEMS

PROJECT NAME
CEMSTONE RAIL CANOPY
2145 CHILDS ROAD, SAINT PAUL, MN 55106

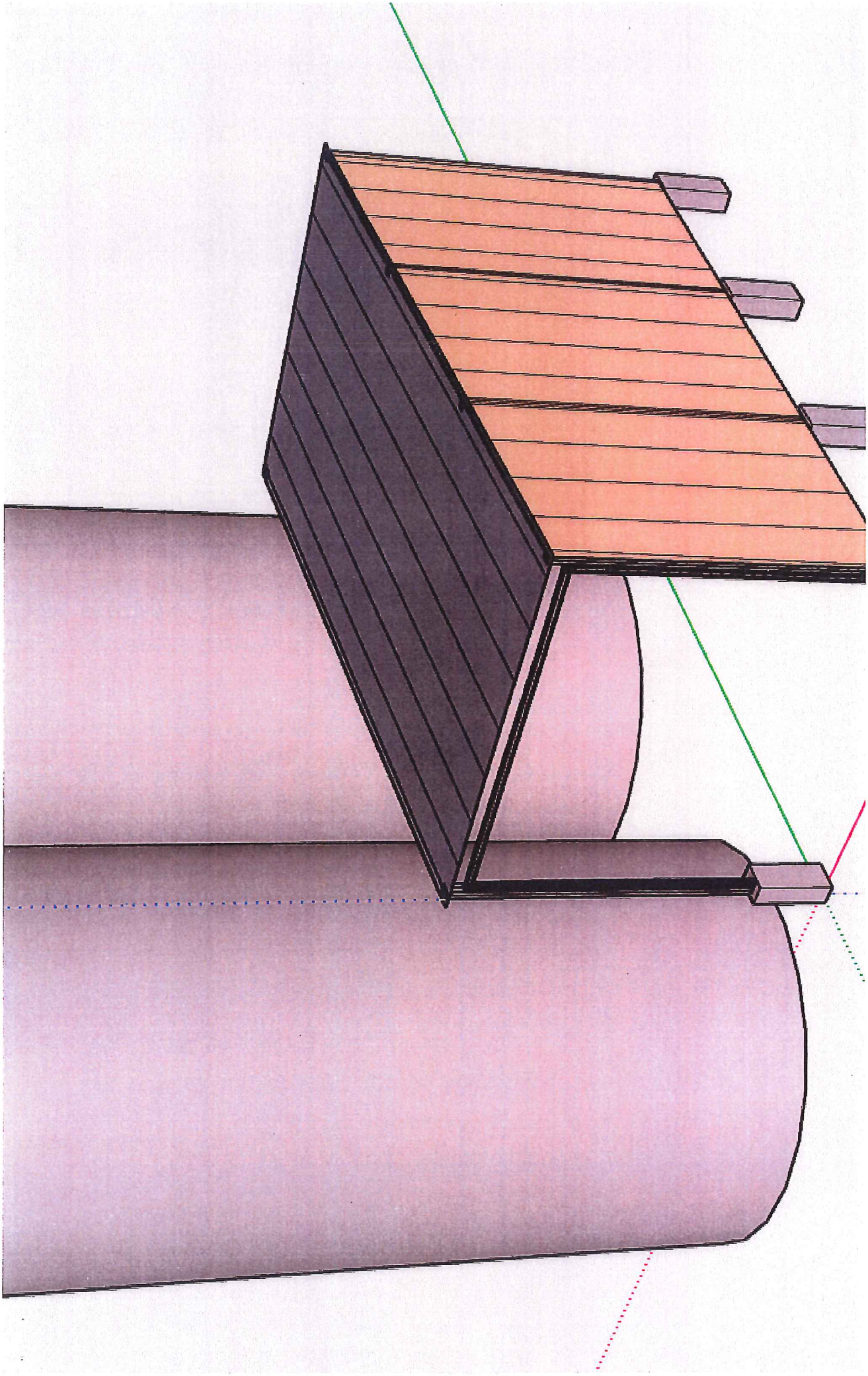
CUSTOMER NAME
GREYSTONE CONSTRUCTION
SHAKOPEE, MN 55379

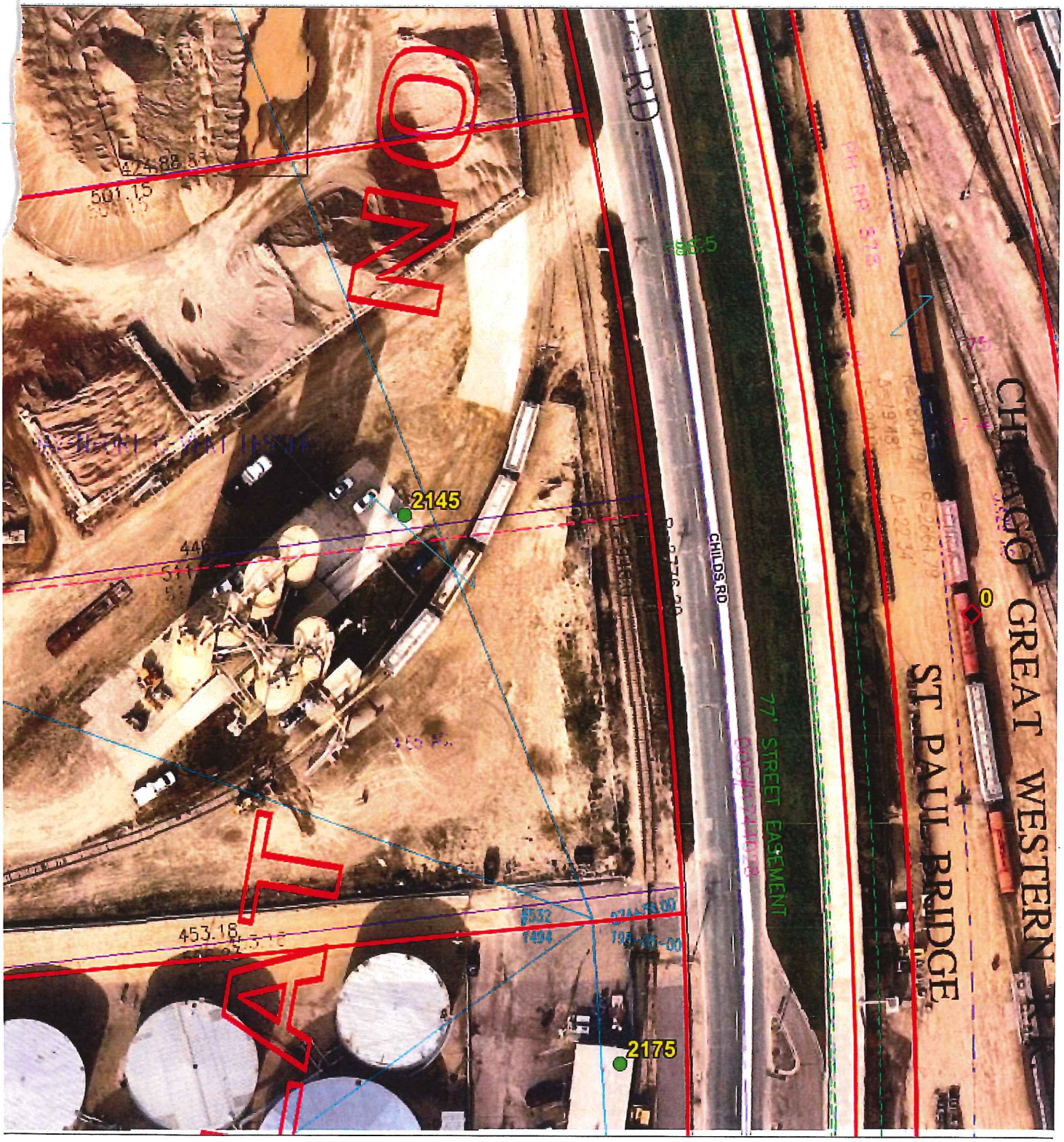
JOB NUMBER
W17V0933A

SHEET TITLE

I, Ryan Douglas Oliver, certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.
Ryan Douglas Oliver
Date 2/15/18
Registration No. 54230

SHEET
F1 of 2





n: 44.933, -93.046 **USNG:** 15T VK 963504 755468

0 82.5 165 330 495 660 Feet

FILE NAME: B Three LLC

APPLICATION TYPE: CUP

FILE #: 18-032865 DATE: 2/28/2018

PLANNING DISTRICT: 1

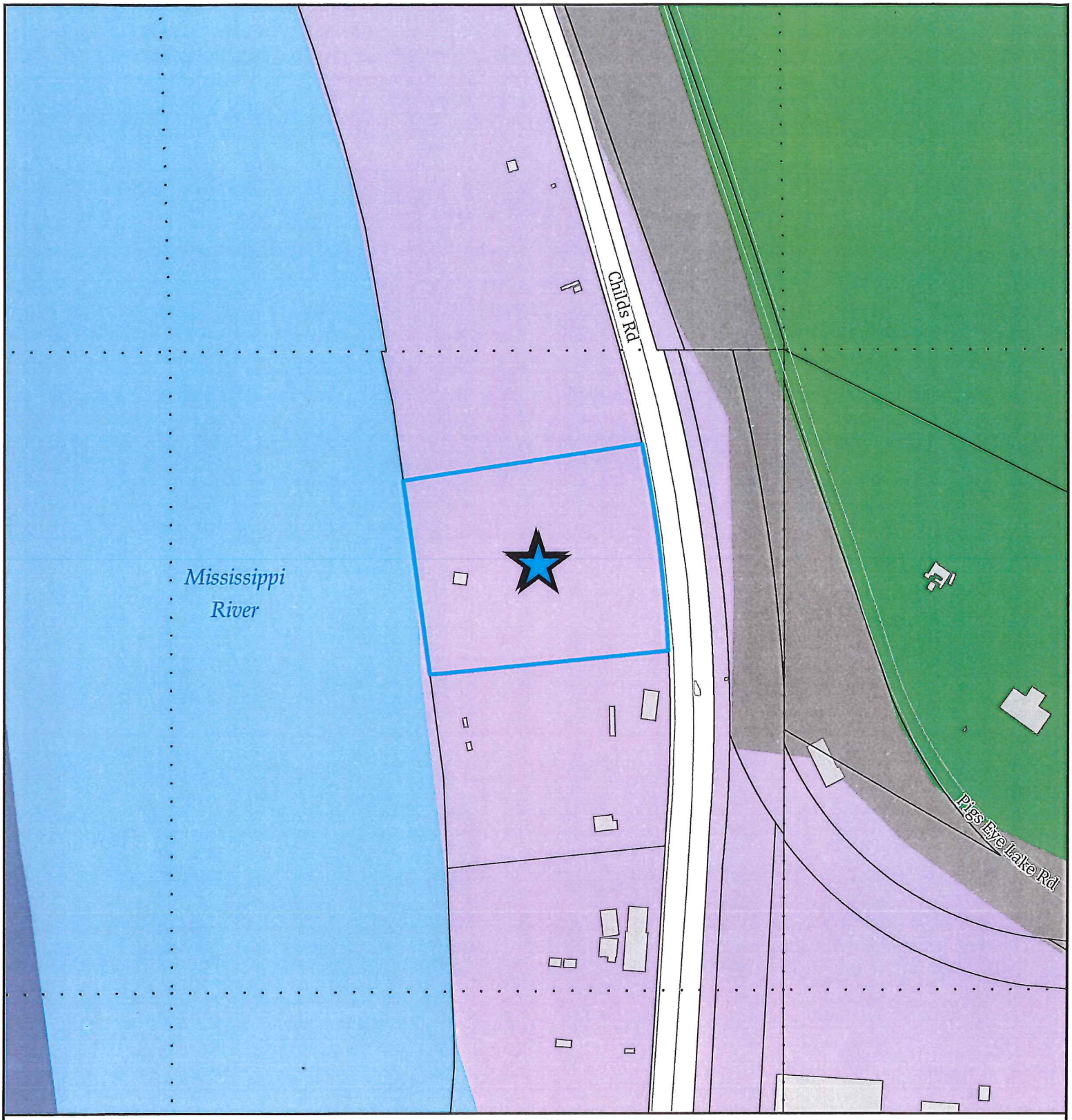
ZONING PANEL: 23

Aerial

Subject Parcels

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



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APPLICATION TYPE: CUP

FILE #: 18-032865 DATE: 2/28/2018

PLANNING DISTRICT: 1

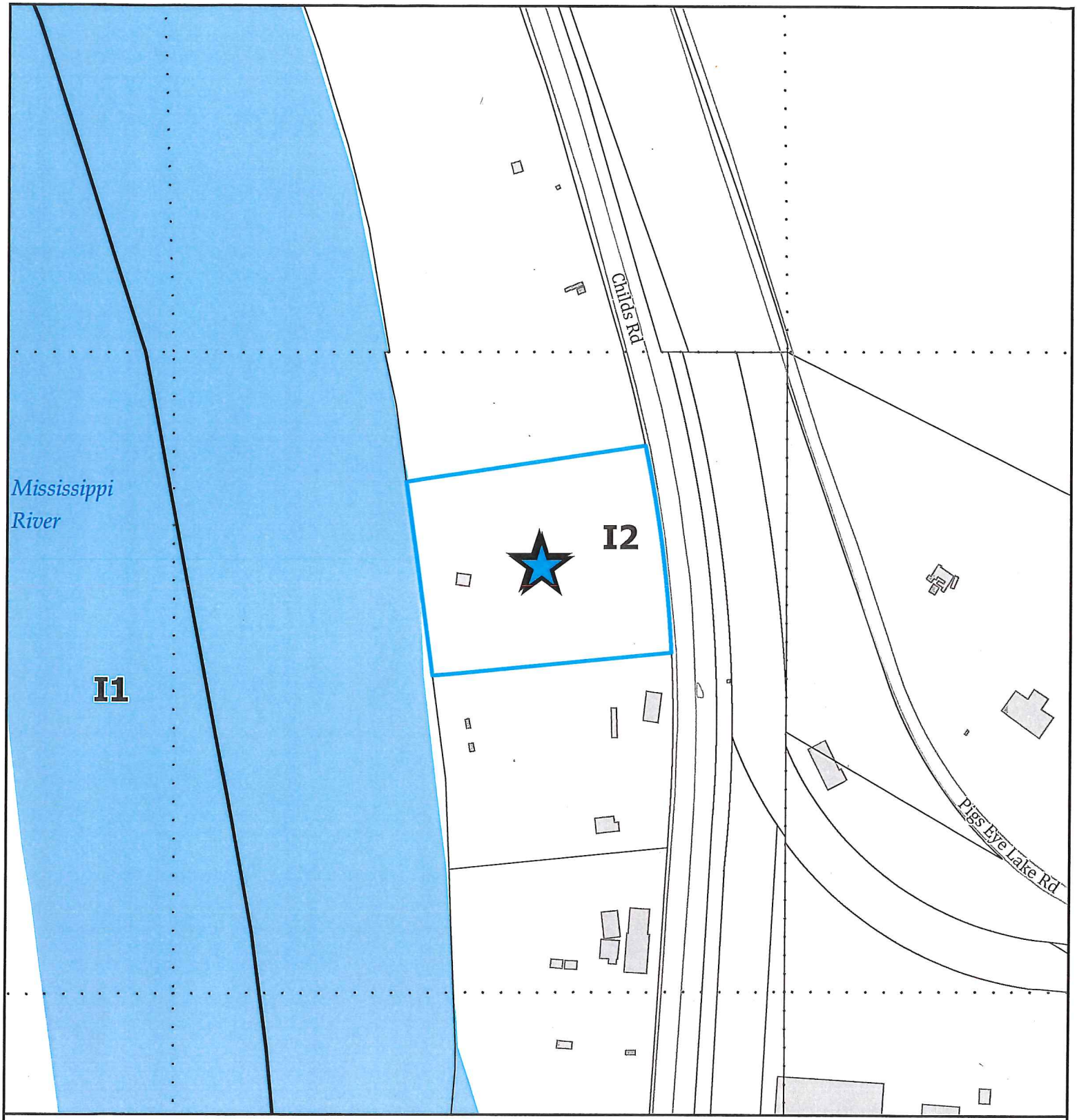
ZONING PANEL: 23

Land Use

- Industrial and Utility
- Park, Recreational or Preserve
- Railway
- Airport
- Water
- Subject Parcels
- Section Lines

N
W
E
S

Saint Paul Department of Planning and Economic Development and Ramsey County



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PLANNING DISTRICT: 1

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Zoning

Subject Parcels

Section Lines

N
W
E
S

Saint Paul Department of Planning and Economic Development and Ramsey County