# ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Canadian Pacific Railway Retarder Tower Addition

**FILE #** 18-134-557

BY: Josh Williams

2. **APPLICANT:** Canadian Pacific Railway

**HEARING DATE:** January 17, 2019

- 3. TYPE OF APPLICATION: Conditional Use Permit
- 4. LOCATION: 1000 Shop Road,
- 5. **PIN & LEGAL DESCRIPTION:** 102822110003, Registered Land Survey 504 Tract B & A 50 Ft Wide R/r R/w Across The Ne 1/4 Of Sec 10 28 22 & Adi To Nelv Line Of Sd Tract

6. PLANNING DISTRICT: 1 PRESENT ZONING: 12/FF

7. **ZONING CODE REFERENCE:** §61.501, §72.41, §72.73, §72.74

8. STAFF REPORT DATE: January 10, 2019

9. DATE RECEIVED: December 28, 2018 60-DAY DEADLINE FOR ACTION: February 26, 2019

- A. **PURPOSE:** Conditional use permit for a building addition not elevated on fill above the regulatory flood protection elevation in the flood fringe district
- B. PARCEL SIZE: 32.48 acres
- C. **EXISTING LAND USE:** Industrial/railyard (I2/FF)
- D. SURROUNDING LAND USE:

North: Railway/Road/Park (I2/R1)

East: Railway/Road/Park (I2/R1)

South: Railyard (I2)

West: Railyard (I2)

- 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; §72.41 lists conditions related to nonconforming uses and structures in the floodplain.
- F. **PARKING**: The gross floor area (GFA) of the proposed building addition is approximately 5,800 square feet, and requires a minimum of six new off-street parking spaces (the zoning code requires one off-street parking space per 1,000 sq. ft. GFA for industrial uses). The existing building is approximately 3,725 square feet GFA, requiring 4 off-street spaces for a total requirement of 10. The site plan provided shows 10 off-street parking spaces.
- G. **HISTORY/DISCUSSION:** Multiple conditional use permits have been granted for structures within the railyard, which is comprised of multiple parcels. The most recent CUP was for an office building in 2017.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council had not made a recommendation as of the date of this staff report.

# I. FINDINGS:

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 prosed 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 consistent with floodplain code requirements. The use of the

garage is consistent with floodplain regulations; the use of the remainder of the existing lowest level of the retarder building is 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 (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.
- (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

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 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.
- (I) 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

Zoning Committee Staff Report, Zoning File #18-134-557 January 10, 2019 Page 5 of 5

this chapter.

- 5. §61.501 lists five standards that all conditional uses must satisfy:
  - (n) (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.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a building addition not elevated on fill above the regulatory flood protection elevation in the flood fringe district subject to the following additional 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.

# SAINT PAUL

## **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=	Zoning Office Use Only File #: 18 - (3455)
	Fee:

#102822110003

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PROPERTY LOCATION

Name Patrick Mooney	Email patrickL_mooney@cpr.ca
Address 126 South 6th Street #700	
City Minneapolis State MN Zip 5540	2
Name of Owner (if different) Canadian Page	
Contact Person (if different)	Phone
1000 Shop Road - Northeast Address/Location of Highway 61 and Lower After	
Legal Description	
Cu	<sub>Irrent Zoning</sub> Industrial - I2
(attach additional sheet if necessary)	

TYPE OF PERMIT:	Application is he	reby made for a Conc	ditional Use Permit und	ler provisions of
	Chapter 72	, Section <u>74</u>	, Paragraph <u>2</u>	, 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 building addition structure shall be elevated on piles with surrounding foundation wall at perimeter base. The entry finished floor elevation will be 2'-0" above the FEMA base flood elevation with encroachment. The storage area on first floor shall be at existing grade and shall allow for flood waters to pass through via vents located along the foundation wall. The Structural engineer is working on calculations to verify resistance against uplift and hydro pressures. A Flood Response Plan is included in this submittal.

Required Site Plan is	attached			
Applicant's Signature	Putt	MANY	Date <u>    2   20   18   City Agent</u>	Rev 9/4/14

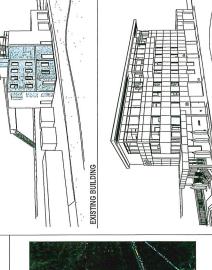
Retarder Tower Addition 1000 SHOP ROAD, ST. PAUL, MINNESOTA

# **12/27/18 CUP SUBMIT**









GENERAL NOTES:

- ALL CONSTRUCTION SHALL MEET ALL APPLICABLE CODES AND MOST STRI - DIMENSIONS GIVEN FOR MASONRY ON ARCHITECTURAL DRAWINGS, ARE OTHERWISE NOTED. - DIMENSION FOR STUD WALLS ARE TO FACE OF STUD ARE TO FACE OF BLOCK UNLESS STATED OTHERWISE.

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Refarder Tower Addition Canadian Pacific Railway

SHEET INDEX

SHEET INDEX:

www.hdrinc.com 763.591.5456 esso.Freeberg@hdrInc.com

STRUCTURAL ENGINEER: HDR, Inc.

Jesse Freeberg, P.E.

612.290,6523 brlan@mdgarchitects.com

GENERAL CONTRACTOR: TBD 701 XENIA AVENUE SOUTH SUITE 600 GOLDEN VALLEY, MN 55416

LANDSCAPE ARCHITECT: TBD

GEOTECHNICAL ENGINEER: TBD

SITE LOCATION MAP:

PROJECT SUMMARY:

ARCHITECTURAL SHEETS ISSUED FOR REFERENCE ONLY VA KENEM SOBNILLYI



100 YEAR FLOOD PLAN

CANADIAN PACIFIC

ST. PAUL

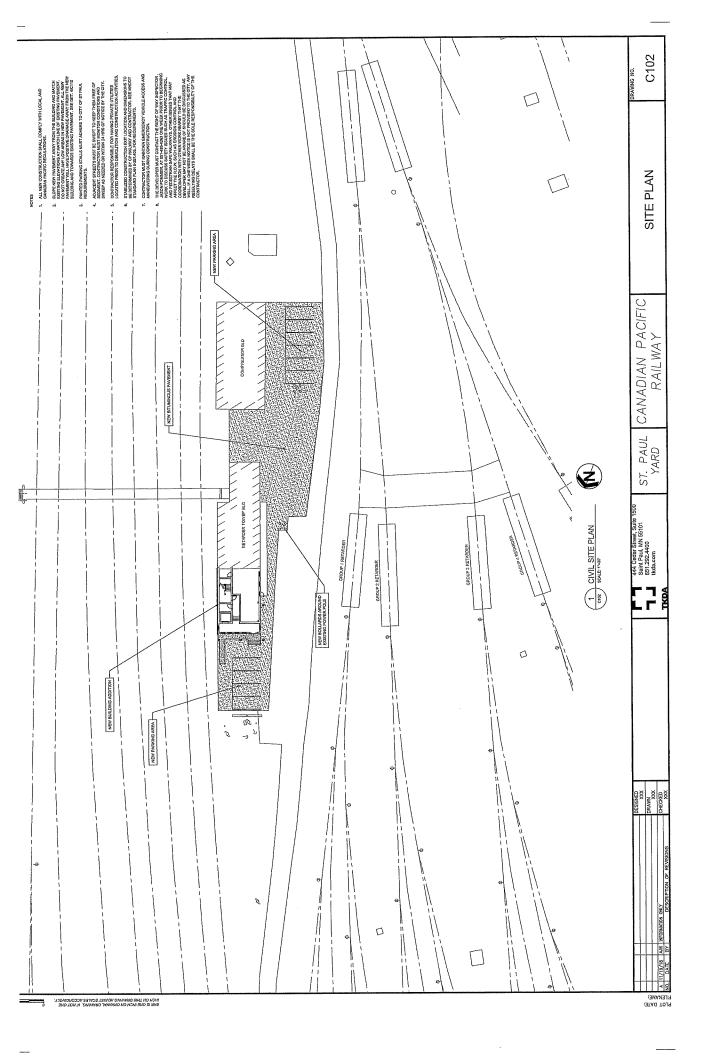
100 YEAR FLOOD PLAN SCALE: MONE

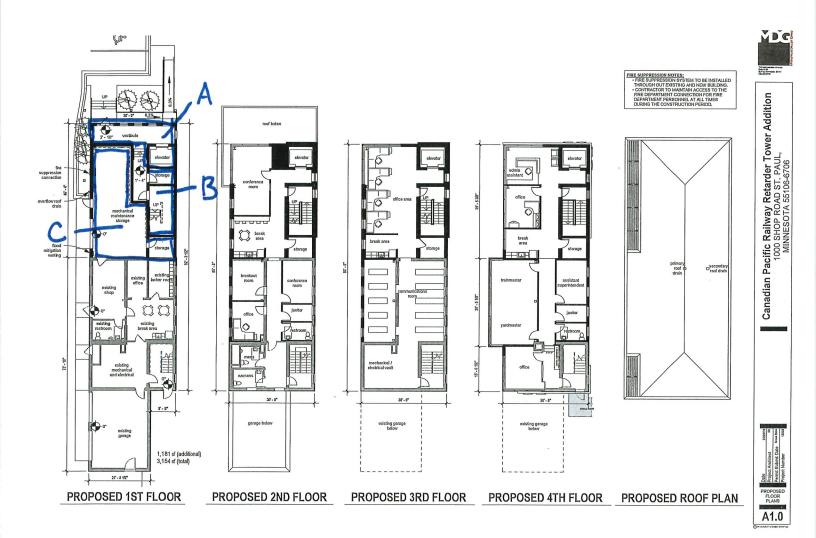
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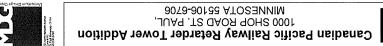
PROJECT SITE

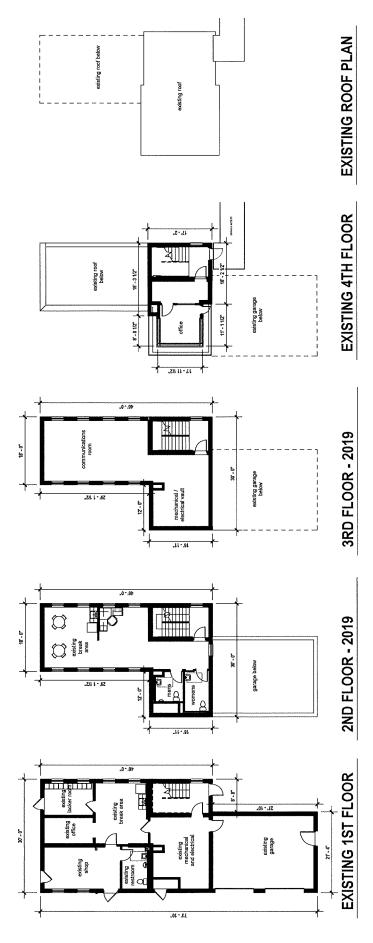
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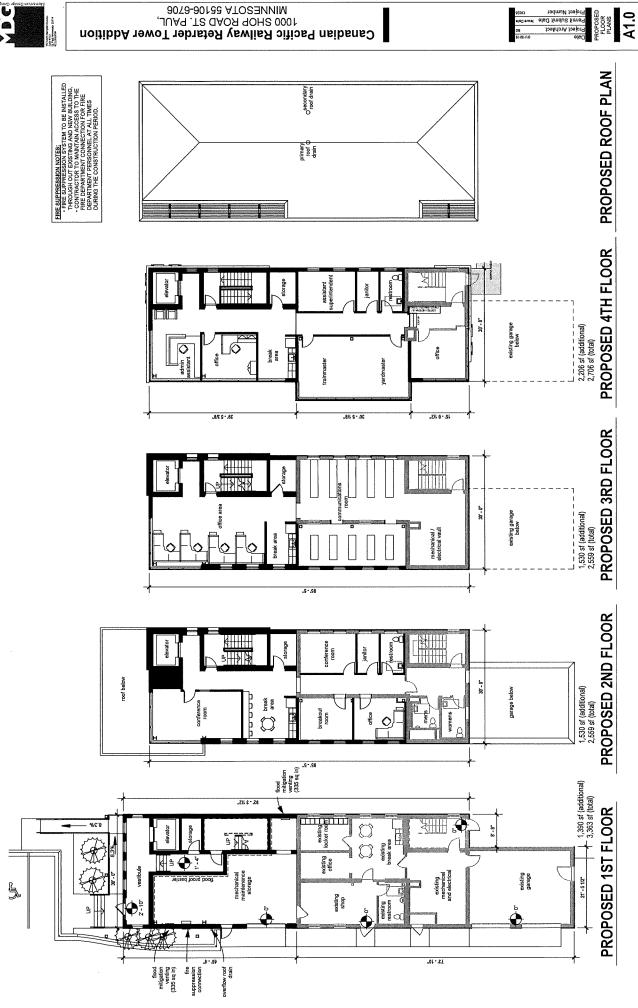
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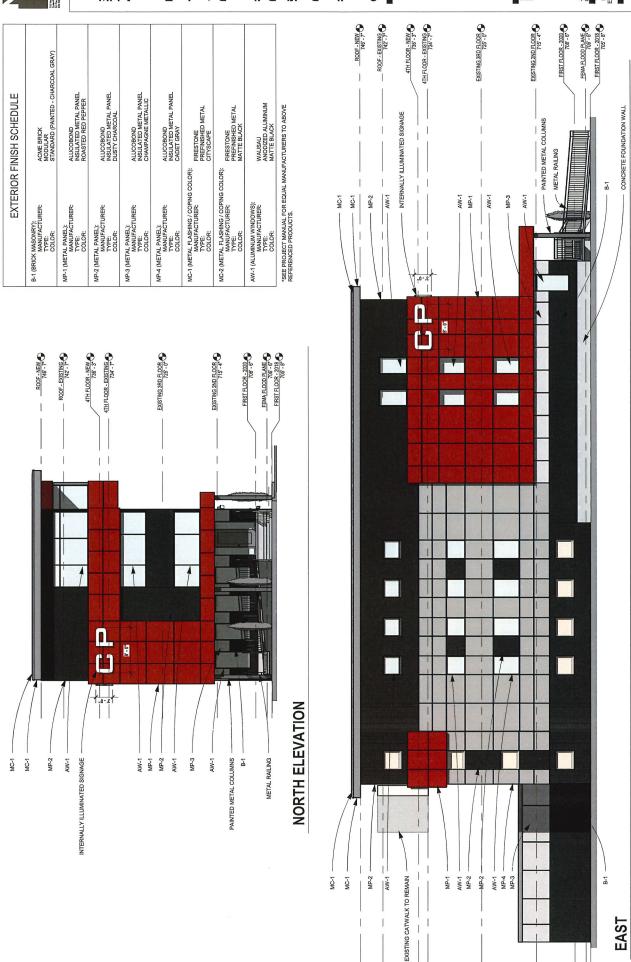


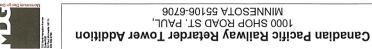


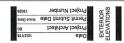


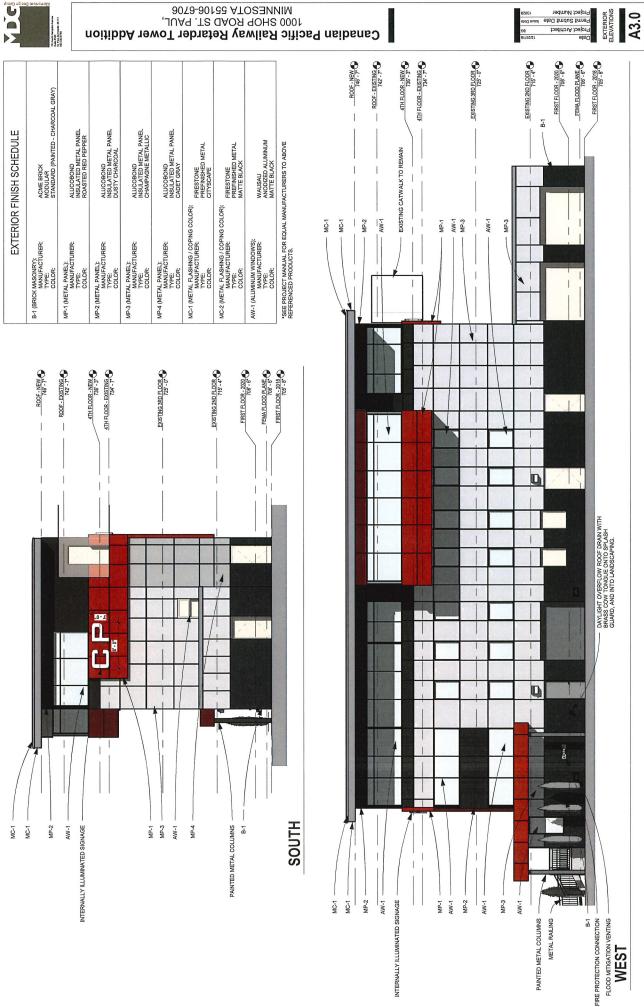




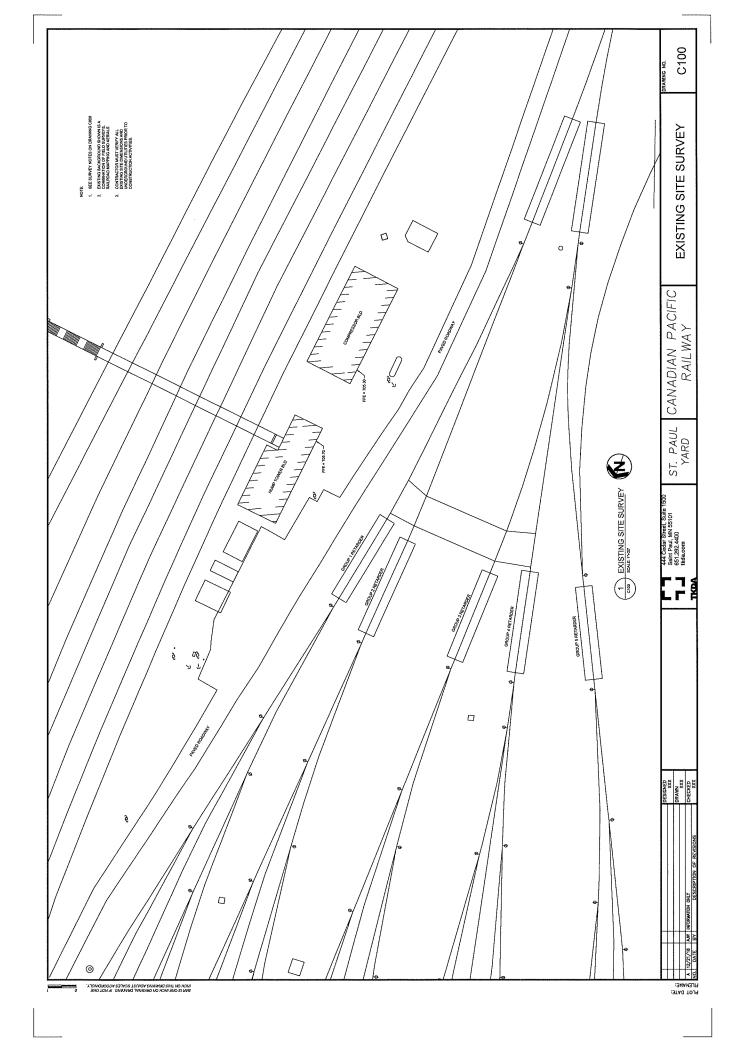


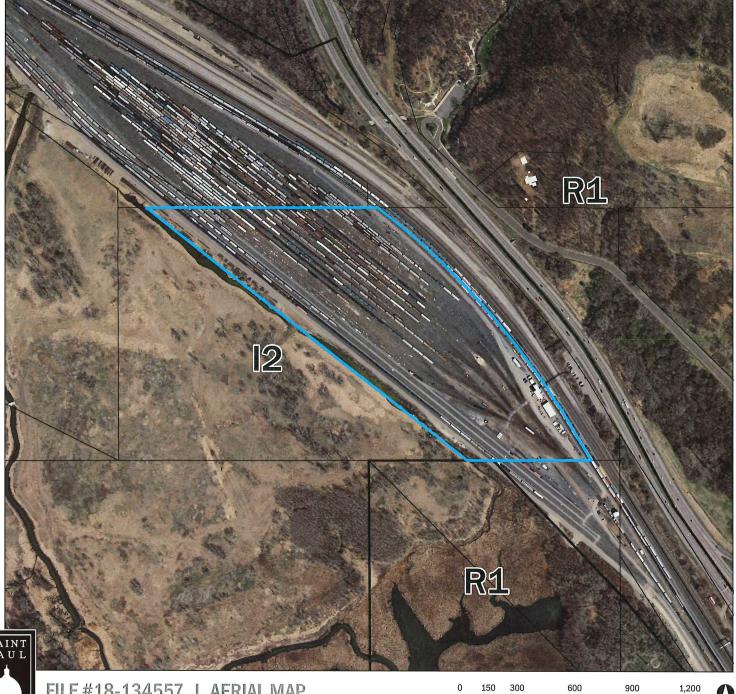










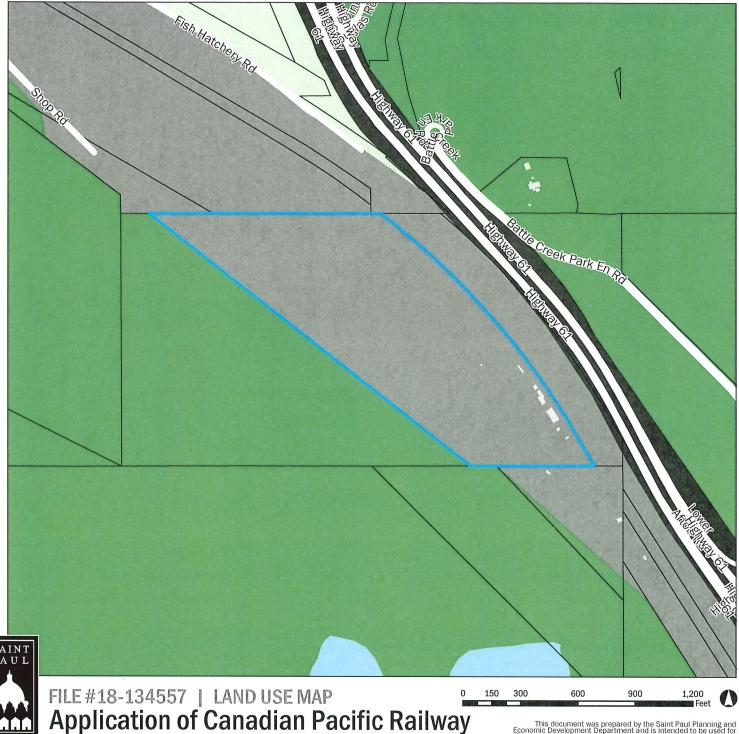


# FILE #18-134557 | AERIAL MAP Application of Canadian Pacific Railway

Application Type: Conditional Use Permit Application Date: December 27, 2018 Planning District: 1

Subject Parcel Outlined in Blue

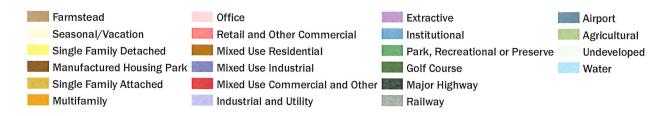
This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

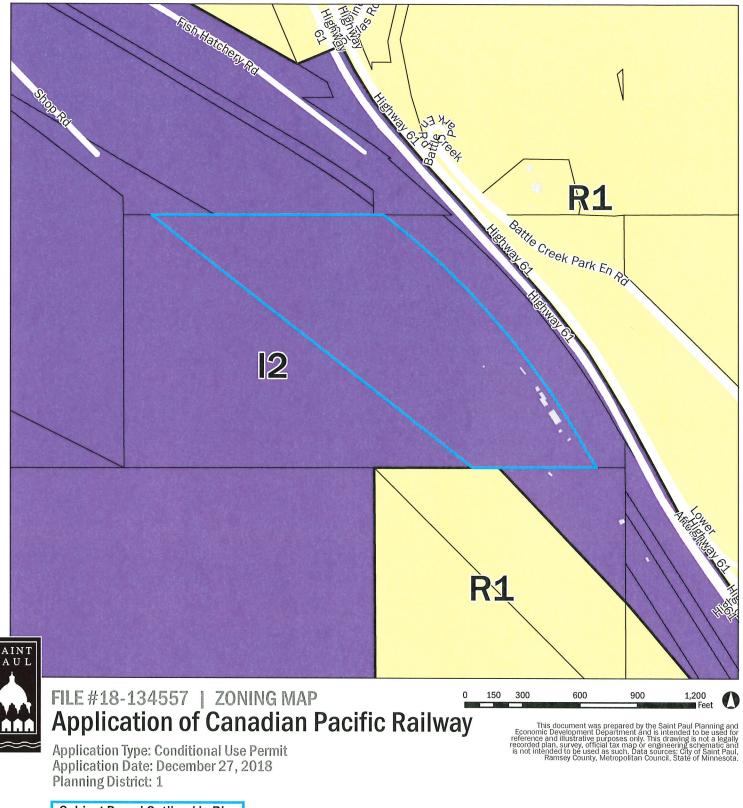


Application Type: Conditional Use Permit Application Date: December 27, 2018

Planning District: 1

# Subject Parcel Outlined in Blue





# Subject Parcel Outlined in Blue

RL One-Family Large Lot RM3 Multiple-Family BC Community Business (converted) 13 Restricted Industrial R1 One-Family T1 Traditional Neighborhood B2 Community Business F1 River Residential R2 One-Family T2 Traditional Neighborhood B3 General Business F2 Residential Low R3 One-Family T3 Traditional Neighborhood B4 Central Business F3 Residential Mid R4 One-Family T3M T3 with Master Plan B5 Central Business Service F4 Residential High RT1 Two-Family T4 Traditional Neighborhood III Transitional Industrial F5 Business RT2 Townhouse T4M T4 with Master Plan // ITM IT with Master Plan F6 Gateway RM1 Multiple-Family OS Office-Service I1 Light Industrial VP Vehicular Parking RM2 Multiple-Family **B1** Local Business I2 General Industrial PD Planned Development CA Capitol Area Jurisdiction