City of South St. Paul
Planning Commission Agenda

Wednesday, February 3, 2021
7:00 p.m.

Please be advised that the regular meeting location is City Hall Council Chambers located at 125 3rd Ave. N., South St. Paul, but pursuant to Minn. Stat. 13D.021, under the current emergency declaration due to the COVID-19 health pandemic, some or all of the Planning Commission members may participate in remote locations using WebEx. City Hall is open so any members of the public wishing to monitor the meeting or participate in the meeting may do so either in-person at City Hall or electronically by logging in as follows:

**WebEx Meeting**
For the Public
Join by phone: 1-312-535-8110
Access Code: 177 425 9102#

Members of the public wishing to participate in the meeting with video should email City Planner Michael Healy at least two (2) hours prior to the meeting to request a link to the WebEx meeting. He can be reached at mhealy@southstpaul.org.

**Roll Call**

1. **Agenda**

2. **Minutes**
   A. January 6, 2021

3. **New Business**

4. **Public Hearings**
   A. Public Hearing for Rezonings to Implement 2040 Comprehensive Plan
   B. Public Hearing for Temporary Concrete/Asphalt Recycling Operation Ordinance and Interim Use Permit
   C. Public Hearing for Ordinance Amendment Regarding Trash Enclosures

5. **Other Business**
   A. Final Plat for "The Yards" Addition.
   B. Discussion on Consultant Team Selection for North Concord Mixed-Use Zoning District Update Project

6. **Adjournment**

Next Planning Commission Meeting: March 3, 2021

This meeting is being taped by Town Square Television (NDC4): phone: 651-451-7834 web: www.townsquare.tv
Replays can be viewed on Government Channel 19 on the Thursday following the meeting at 1:00 p.m. & 7:00 p.m.
MEETING CALLED TO ORDER BY CHAIR ROSS AT 7:00 P.M.

Present: Angela DesMarais  
Tim Felton  
Jason Frankot  
Ruth Krueger  
John Ross  
Matthew Thompson  
Michael Healy, City Planner

Absent: Justin Humenik

1) APPROVAL OF AGENDA – DesMarais/Frankot (5-0)

2) APPROVAL OF MINUTES – December 2, 2020 – Motion to approve the minutes as presented – DesMarais/Ross (5-0).

3) NEW BUSINESS

None

4) PUBLIC HEARINGS

A) Public Hearing for Variances Related to a Deck Addition at 600 Concord Street North

Mr. Healy presented the staff report. The applicant is George Tirado on behalf of Las Islas. Spanish language translation was provided by a paid translator. During the spring and summer of 2020, the applicant built a large, roofed deck addition onto the restaurant without proper permitting. The building official discovered the deck addition in September of 2020 and issued a “Stop Work” and “Do Not Occupy” orders. The deck addition is not safe and does not meet the Zoning Code, Building Code or Fire Code. The applicant must remove the addition unless the City Council grants variances from the Zoning Code and the applicant receives a building permit and corrects the numerous code issues with the structure.

The subject property is a complicated site. The property is 60 feet deep at its widest point. The property contains a 16 to 20-foot-tall river bluff with a 50% slope. There are railroad tracks to the east of the site that are at the base of the bluff. The subject property is zoned North Concord Mixed Use, NCMU. In addition, the property is also located in the Shorelands District, which limits building height and the amount of impervious surface coverage a site can have. The property is also located in the Mississippi River Critical Corridor Overlay district which has rules about the impacts to river bluffs. The restaurant and original deck were built in 1970 and are “grandfathered” as they do not meet the setback, building material, or impervious surface requirements of the NCMU district. Under state law, nonconformities can be maintained, repaired, improved, and replaced, but not expanded.

Staff has determined that six variances and a site plan approval are needed in order for the applicant to use their deck:
• Site Plan review for a deck addition.
• A rear setback variance to allow a rear setback of 2.9 feet instead of 20 feet.
• A variance from the requirement that nonconforming buildings expanded by between 10% and 50% of their total floor area or assessed value must come into partial compliance with the NCMU district architectural and site design requirements. **The deck addition expands the floor area of the building by approximately 12%.**
• A variance from the Mississippi River Critical Corridor Area (MRCCA) requirement that all structures must be setback at least 40 feet from bluff lines. **The deck hangs over a bluff and is supported by posts that are installed into the bluff.**
• A variance from the Shoreland District rules that properties within 300 feet of the Mississippi River cannot exceed 30% coverage by impervious surfaces. **The property is at nearly 100% coverage by impervious surfaces following the addition.**
• A variance from the MRCCA requirement that retaining walls built into bluffs must be wood or natural stone or similar. **The applicant is proposing a concrete retaining wall to support a set of stairs.**
• A variance from the parking ordinance which requires restaurants to provide one (1) parking stall for every 3 restaurant seats. **The 700 square foot addition has added new seating and no additional parking is required.**

In addition to zoning issues, the site has Building and Zoning code issues. The deck should have been designed and built by a licensed architect, a licensed structural engineer, and a licensed soils engineer. The applicant built the deck and then hired a licensed architect and structural engineer after the fact. The Building Official has determined at least 17 structural issues with the deck that will need to be corrected.

Staff recommended approval of all 6 variances subject to the conditions stated in the staff report.

Chair Ross asked if the investigation into the building had resulted in finding additional areas that may be out of compliance, such as handicap accessibility. Mr. Healy explained that the architects review of the building would identify those issues.

Chair Ross asked if the applicant had given a reason for not obtaining a permit or the variance approval prior to starting construction. Mr. Healy stated that the applicant did not give him an explanation.

Chair Ross asked if the applicant intended to use the deck as a smoking patio. Mr. Healy stated he was unsure of the intended use for the deck. Mr. Healy stated the applicant told him that the additional outdoor seating was for COVID-19.

Commissioner Felton queried if the applicant or the property owner was responsible for obtaining permits and paying fines or fees. Mr. Healy explained that renters cannot apply for building permits or land use approvals without the consent of the property owner.

Commissioner Felton asked if there were fines that were levied for this project. Mr. Healy explained that in these scenarios, the building permit fee is usually doubled instead of fining the owner. Commissioner Felton asked if any monetary action would be taken against the property owner for their numerous illegal structures. Mr. Healy stated there was not. He went on to explain that the process to bring the deck into compliance would be very expensive because the deck was built incorrectly and would be much costlier to fix than if it was built properly in the first place.
Commissioner Felton asked if the City would be liable if someone were injured on the property because the structure was built without a permit. Mr. Healy explained that he reviewed the case with the City Attorney. Per this conversation, because staff sent the applicant letters ordering him not to use the deck, the property owner would be liable if someone were injured on the deck after the owner had been ordered not to use it.

Commissioner Felton asked if the City would have been liable if someone had been injured on the deck before the City was aware of the illegally deck addition. Mr. Healy stated that he did not believe the City would be liable.

Commissioner Felton asked if the applicant leased the property with the understanding of the zoning restrictions on the site. Mr. Healy stated that the zoning at the site is extremely complicated and it was unlikely that the applicant understood it; however, it is the responsibility of the owner to reach out to the City if they have questions.

Commissioner Felton asked if the gravel parking lot was up to code and if the site would need to be paved. Mr. Healy explained that the gravel parking at the site was grandfathered. Mr. Healy stated that paving the parking lot could be added as a condition.

Commissioner Felton asked why the City was pursuing these variances now if the NCMU district would be overhauled in the next year or two. Mr. Healy explained the NCMU update would include modified design standards for new buildings and may change how existing buildings are treated. The deck that was being discussed this evening is not visible from the street and is not an architectural feature. The only relationship to the NCMU standards is that the deck expanded the floor area of the building by 10% and in turn requires the building to be brought into compliance with the district standards. The City did not unilaterally create the MRCCA and Shoreland standards, these are based on Statute and overseen by the Minnesota Department of Natural Resources, but the City has the authority to grant variances from them.

Chair Ross asked the applicant if he would be able to comply with all 17 conditions. Mr. Tirado stated that it was his mistake to build the deck in this way and that he would comply with all 17 conditions.

Chair Ross asked Staff to confirm that substantial improvements would be made within one year of approval date. Mr. Healy explained that the applicant had one year to hire professionals, create all the necessary plans, obtain a building permit, and start working on the deck. If the applicant did not take all of these actions, the applicant would need to take down the deck. Mr. Tirado stated he was confused by this requirement. Mr. Healy reexplained the conditions under which the variance approval would expire.

Chair Ross opened the public hearing.

Mr. Healy stated he had spoken with a neighbor who was concerned about safety, but that the neighbor decided not to submit comments after learning the applicant would be required to get a building permit and submit professional plans.

No one was present to speak on the item nor had any correspondence been received.

Chair Ross closed the public hearing.

Chair Ross asked how many spaces were in the north parking lot. Mr. Healy stated there were likely zero code conforming spaces. To the best of staff’s knowledge, the north parking lot is used for loading/unloading and possibly for employee parking.
Chair Ross asked if the applicant would be addressing the erosion control issues on-site. Mr. Healy stated the City Engineer wanted paving or another structure at the edge of the parking lot to prevent further issues. As part of the approval, the applicant’s team needed to design a structure and the City engineer must approve it.

Commissioner Thompson commented that the NCMU district standards have been disregarded in a number of projects and so it would be difficult to require those standards to be enforced in this project. Mr. Healy cautioned that adding other requirements such as paving, or window additions may make the project more trouble than its worth.

Commissioner Felton stated that he did not feel that COVID-19 was a valid reasoning for adding a deck. Commissioner Felton stated that he believed the history of non-compliance at the site will likely be an indicator of how compliant the applicant is with the conditions. Commissioner Felton shared his concerns that if all the variance requests are granted, it would be hard to deny multiple variance requests for other properties in the area in the future.

Chair Ross stated that if the commission were to recommend denial, findings would need to be adopted that the practical difficulties were caused by the applicant himself, the variances are inconsistent with the comprehensive plan or that the variances are inconsistent with the city ordinances.

Commissioner Krueger stated that the commissioners can focus on the fact that permits were not obtained in a timely manner or the commissioners can look to create a vision for North Concord. Commissioner Krueger shared her experience with one of the previous businesses that occupied the property and the value of the river view from the property. She shared that she hoped there was a way to grant the variances and give the applicant a chance.

Chair Ross asked for the commissioners’ opinions on whether or not a condition should be added to require the applicant to add windows. Commissioner Krueger stated she was hesitant to add any more requirements that would further increase the cost of the project for the applicant.

Commissioner Frankot asked if the changes to Concord Street would create additional space in front of the property. Mr. Healy stated the building and its parking lot have a zero-foot setback and so there is no way to include landscaping without the parking lot being too narrow to fit parking. While the reconstruction of Concord Street would not affect the site, the street would be more pedestrian friendly with sidewalks on both sides and designated parking stalls in front of the property.

The commissioners further discussed design standards for the site.

Motion to approve the site plan and the six (6) variances as presented, subject to the conditions in the staff report- Krueger/Thompson (5-1) (Felton).

5) OTHER BUSINESS

Mr. Healy shared that the City had received a $30,000 grant from Dakota County to study the NCMU district and to create a new vision for the corridor. Staff would be releasing a Request for Proposal for a consultant during January and anticipate selecting a consultant for the project in February.
6) ADJOURNMENT

Motion to adjourn- DesMarais/Frankot (6-0).
AGENDA ITEM 4.A
South St. Paul Planning Commission

Prepared By:
Michael Healy, City Planner

Meeting Date:
2/3/2020

Item Description:
Public Hearing Regarding Proposed Rezoning Actions to Implement Elements of the 2040 Comprehensive Plan

ACTION REQUESTED
A motion recommending the approval or denial of the proposed rezoning actions.

BACKGROUND/ DISCUSSION

Application

The applicant, the City of South Saint Paul, is proposing rezoning actions in three (3) different parts of the community to implement components of the 2040 Comprehensive Plan’s “Future Land Use Plan.”

Review Timeline

Rezoning requires approval of an ordinance amendment and a resolution. Per City Code, all ordinances must be reviewed by the City Council at two (2) separate meetings before adoption.

Application Submittal: N/A
Planning Commission: February 3, 2021
Tentative City Council Meeting for First Reading of Ordinance: February 16, 2021
Tentative City Council Meeting for Second Reading of Ordinance: March 1, 2021
60-Day Review Deadline: N/A

Background

The City of South St. Paul is required by State Statute to adopt a 20-year Comprehensive Plan and update it every 10 years. The City adopted its new 2040 Comprehensive Plan at the end of 2019, including a future land use map that shows what the City wants its land use to look like in 20 years. Often, parcels will be guided differently than the existing land use. For example, a property that is currently a gas station may be guided by the future land use map as high-density housing.

This guiding is significant because the City is legally obligated to adhere to its future land use map when making zoning decisions. If the Comprehensive Plan calls for properties to be guided in a way that is inconsistent with the City’s zoning map, the City should be actively rezoning those properties so that the two maps align with each other. In some cases, this involves rezoning a property to an existing zoning district that clearly fits what was intended by the Comprehensive Plan. In other cases, the Comprehensive Plan may
call for rezoning or redevelopment that falls outside of the City’s existing zoning code. This may mean that the City must conduct a zoning study and/or make changes to its zoning code before it can move forward with a rezoning. In some cases, an entirely new zoning district needs to be created.

It is appropriate to implement rezoning actions shortly after a new Comprehensive Plan has been adopted, especially when there is an obvious zoning district that can/should be assigned to a parcel to make it consistent with the Comprehensive Plan map.

South St. Paul’s Comprehensive Plan and Mixed-Use Development

The 2040 Comprehensive Plan guides a large portion of the City towards mixed-use development. This includes the majority of the Concord Street corridor, much of the Southview Boulevard and Marie Avenue area, and an area along Bryant Avenue.

The City has several existing zoning districts that are either by name or by implication, considered mixed-use zoning districts:

1. The Concord Gateway Mixed-Use (CGMU) Zoning District is a mixed-use zoning district targeted for redeveloping Concord Exchange as a traditional downtown main street. The standards are geared towards that specific street.

2. The North Concord Mixed-Use (NCMU) Zoning District is a zoning district created to facilitate redevelopment of North Concord as a mixed-use area. The standards are geared towards that specific street and a zoning study is going to be undertaken in 2021 to update the standards.

3. The C-1 Retail Business district is the zoning district that is in place along Southview Boulevard and Marie Avenue and on a handful of parcels scattered throughout the City’s residential neighborhoods. The C-1 district is not intentionally labeled as mixed-use and is primarily a commercial zoning district but it allows apartment houses with a Conditional Use Permit.

4. The GB General Business district is the zoning district along South Concord and Concord Street near Interstate 494. It is not a designated mixed-use district and is primarily a commercial/industrial zoning district but it allows dwelling units in any building with a Conditional Use Permit.

Proposed Rezoning Actions

City Staff is proposing rezoning actions that would affect 3 different areas within the community:

1. 139 Grand: The 2040 Comprehensive Plan calls for the Hardman Triangle (the triangular block bounded by Hardman Avenue, Grand Avenue, and Concord Street) to be mixed-use. 139 Grand Avenue (Twin Cities Pallet) should be rezoned from GB to NCMU to be consistent with the Comprehensive Plan as well as the Hardman Triangle small area plan that was completed in early 2020. The rest of the block is already zoned consistently with those two plans. The three other parcels that are zoned GB in the Hardman Triangle are guided as commercial/industrial office uses, so that GB zoning designation is appropriate.

2. 1443 Concord Street: The 2040 Comprehensive Plan calls for 1443 Concord Street south to be mixed-use. The property is currently zoned Mobile Home, but it contains a commercial building and abuts
commercial properties with the GB zoning classification. The parcel should be rezoned GB to better align with the Comprehensive Plan and to be consistent with the zoning in the area.

3. Richmond Street and Concord Street Parcels: The 2040 Comprehensive Plan calls for 390 Richmond Street East, 1129 Concord Street South, 1199 Concord Street South, 1201 Concord Street South, and 1301 Concord Street South to be mixed-use. Currently, most of these parcels have two zoning classifications, with the western half of each parcel zoned GB and the eastern half zoned Industrial. The eastern half of these properties should be rezoned to GB so that the entire parcel carries one zoning classification. The zoning would then align with the Comprehensive Plan and the zoning will be consistent with the existing zoning in the area which is GB.

*At some point in the next 5-10 years, the City plans to undertake a zoning study to create a new mixed-use zoning district on South Concord that is tailored to a specific redevelopment vision. Until that time, GB zoning, which is technically mixed-use, should be left in place along the corridor.*

**Staff Recommendation**

Staff recommends approval of an ordinance amendment that would implement the proposed rezoning actions, consistent with the 2040 Comprehensive Plan.

**Motion to Recommend Approval or Denial**

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:

- Motion to recommend approval of the rezoning of the subject properties either as presented, or with modifications.

B. **Denial.** If the Planning Commission does not favor the proposed application, the following should be recommended for denial:

- Motion to recommend denial of the rezoning of the subject properties.

The Planning Commission should be prepared to explain their rationale for the recommendation so this can be shared with the City Council. The Planning Commission should consider the following criteria:

1. Does the rezoning comply with the comprehensive plan? Yes or No? Why?
2. Will the rezoning be detrimental to surrounding properties? Yes or No? Why?
3. Does the rezoning endanger public health, safety, or welfare? Yes or No? Why?
ATTACHMENTS
A. Current Zoning Map
B. 2040 Comprehensive Plan Future Land Use Map
C. Map Showing Proposed Rezoning Actions
The Future Land Use map is a representation of various maps and ordinances that make up the City of St. Paul zoning code. Percentage of Acreage is calculated from county parcel data. Results are representations and not to be used for purposes other than zoning. For details, information pertaining to a specific property or zoning district, please contact the City of St. Paul Planning Department at http://www.southstpaul.org/
ATTACHMENT C
MAPS SHOWING PROPOSED REZONING ACTIONS

Rezone 139 Grand Avenue to "NCMU"
Rezone 390 Richmond Street, 1129 Concord Street South, 1199 Concord Street South, 1201 Concord Street South, and 1301 Concord Street South as "GB"
**Prepared By:**
Michael Healy, City Planner/Zoning Administrator

**Meeting Date:**
2/3/2021

**Item Description:**
Public Hearing for Ordinance Amendment and Interim Use Permit for Temporary Asphalt/Concrete Recycling Operations as Part of the Concord Street Reconstruction Project

**Reviewed By:** Sue Polka, City Engineer

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### ACTION REQUESTED

A motion recommending approval or denial of the proposed ordinance amendment and interim use permit.

### BACKGROUND/DISCUSSION

#### Application

The Applicant, the City of South St. Paul, is seeking two approvals:

1. An Ordinance Amendment to allow temporary asphalt/concrete recycling facilities on public land as a component of public improvement projects with an Interim Use Permit.

2. An Interim Use Permit to allow a temporary asphalt/concrete recycling facility on the vacant EDA-owned property at the northeast corner of Concord Street and Grand Avenue for the Concord Street reconstruction project.

#### Review Timeline

- **City Council Worksession Discussion:** January 11, 2021
- **Planning Commission:** February 3, 2021
- **Tentative City Council Meeting for First Reading of Ordinance:** February 16, 2021
- **Tentative City Council Meeting for Second Reading of Ordinance:** March 1, 2021
- **60-Day Deadline:** Not applicable

#### Background

The City of South St. Paul will begin construction of the “Concord Street Improvements Project” in 2021. Concord Street pavement will be rehabilitated between Interstate-494 and Armour Drive and completely reconstructed between Armour Drive and the City’s northern border with Saint Paul. The project is
scheduled to be advertised in March with a bid opening in mid-April. Construction is anticipated to start in late May or early June.

At the City Council’s January 11th worksession, the City Engineer reviewed the upcoming bidding process and facilitated a conversation with the City Council regarding an opportunity to reduce the cost of the construction project by roughly $200,000. Per the City Engineer:

- Concord Street is paved with concrete. The existing concrete pavement can be removed, crushed and re-used (recycled) as aggregate base for the proposed bituminous roadway. If the City allows the Contractor to crush the concrete in close proximity to the project, the City could conceivably realize lower bids as the concrete would not have to be hauled to an offsite facility. The Contractor would save both on hauling costs and re-purchasing the aggregate material from a crushing facility.

- The City’s EDA owns 2.21 acres of vacant land at the northeast corner of Grand Avenue and Concord Street, directly adjacent to the road project. If the City were to allow a temporary concrete-recycling operation to locate on that vacant land as part of the road project, it would eliminate the need to haul concrete away from the construction site for off-site crushing.

- The City Engineer believes that the City will see bids come in roughly $200,000 lower if temporary asphalt/concrete recycling is allowed as part of the project.

Per the City Engineer, it is common to have temporary crushing operations as a component of major road projects. Fairly recently, MnDOT set up a temporary crushing operation on their property at the intersection of Concord Street and Interstate-494 because they were undertaking a major highway construction project near South St. Paul and needed to crush concrete. MnDOT is able to establish temporary concrete-crushing operations on their own land without City approvals because they have special authority granted to them by the State of Minnesota. The City of South St. Paul can permit itself to incorporate temporary concrete crushing into its road construction projects but, per the City Attorney, it will require a new ordinance and an Interim Use Permit.

The City Council asked that the ordinance and Interim Use Permit be brought to the Planning Commission and City Council for a public hearing and formal review.

**Ordinance Amendment**

The Zoning Code treats concrete crushing as a “use” and currently only allows that use in the City’s I-Industrial and I-1 Light Industrial zoning districts. In those two districts, concrete crushing is only permitted with an Interim Use Permit and is only allowed temporarily. It must be part of a land reclamation plan and surcharging operation that is set up to prepare a building pad for the construction of a new building. The Code does not list any other circumstances where concrete crushing is currently allowed.

If the City wants to move forward with allowing temporary asphalt/concrete recycling as a component of public improvement projects, Staff and the City Attorney have prepared an ordinance that would do the following:

1. Allow temporary asphalt/concrete recycling in all zoning districts if it is part of an approved public improvement project.
2. Require an Interim Use Permit which would terminate when the public improvement project is complete. This will ensure that there is a public hearing for each project and it gives the neighbors a chance to provide input.

3. Only allow this type of asphalt/concrete recycling operation on public land (land owned by the City or another governmental agency).

4. Only allow materials directly related to the public improvement to be crushed at the temporary recycling operation site. This is different than most crushing operations which generate additional income for the operator by welcoming crushable material from all over the Twin Cities.

The City will have the opportunity to assign ‘case-by-case’ conditions to each temporary asphalt/concrete recycling operation through the Interim Use Permit process. These conditions, which will vary depending on the unique characteristics of each site, can include hours of operation restrictions, noise restrictions, dust control, erosion control, site access, and other similar logistical considerations.

The draft ordinance is included as Attachment A.

**Interim Use Permit**

**Overview**

If the new ordinance is approved, the City will become eligible for an Interim Use Permit to allow asphalt/concrete recycling as part of the Concord Street Improvement project. As previously mentioned, the City Engineer is proposing to offer the vacant lot at the northeast corner of Grand Avenue and Concord Street as a crushing site for the successful contractor.

The City would be holder of the Interim Use Permit and the City’s EDA will remain the landowner. The City would allow the Contractor to make use of the site and utilize the City’s Interim Use Permit. The contractor will be required to abide by the conditions that have been placed on the Interim Use Permit and they will be monitored by the City Engineer and other City Staff. If the Contractor is found to be in violation of the conditions and is unable or unwilling to correct their violations, the Interim Use Permit can be revoked and the temporary asphalt/concrete recycling operation will need to be discontinued.

With or without concrete crushing, the road construction project will generate significant noise impacts and aesthetic impacts. There is going to be a large amount of heavy equipment stored throughout the Concord Street corridor and there are also going to be construction materials stored throughout the corridor. The City Engineer does not believe that the concrete crushing operation will significantly affect the aesthetics of the project area since the crushing site will simply look like yet another area where large amounts of equipment and construction materials are being stored.

**Recommended Conditions of Approval**

The overall road construction project is going to be fairly noisy and the City Code allows construction activities to operate between 7 AM and 10 PM on weekdays and 9 AM and 9 PM on weekends and holidays. These hours can be extended with authorization from the City Council. The concrete crushing operation may generate more noise than other construction activities so Staff is recommending that its hours of operation be more strictly limited. Staff is recommending that concrete crushing only be permitted between 7 AM and 6 PM on weekdays and 9 AM and 6 PM on weekends so it does not disturb residents during the evening.
When MnDOT set up a temporary crushing operation in South St. Paul for their Interstate-494 project, the project generated a large number of complaints about dust leaving the site and landing on the windshields of cars at nearby dealerships. MnDOT did not have dust control protocols in place for their crushing operation and that is why there were so many issues. The City Engineer is recommending an approval condition in the Interim Use Permit that requires dust mitigation (generally accomplished by wetting down the materials that are being crushed).

The Contractor will be responsible for setting up and running the asphalt/concrete recycling operation. They will need to design a setup that “works” based on what equipment they are planning to use and their anticipated schedule. The City is not preparing a site plan for the asphalt/concrete recycling operation or determining how the site will be accessed at this point in time. The Interim Use Permit will require the Contractor to submit a site plan and access plan for review and approval by the City Engineer. All equipment and material storage will be required to maintain at least 10-foot setback from adjacent private properties and the Contractor will also be responsible for developing a plan to protect the mature trees on the subject property from being damaged by the recycling operation.

**Interim Use Permit Review Criteria**

Per Section 118-41 of the City Code, Interim Use Permits may be granted if the following criteria are met:

1. The use conforms to the zoning regulations;
   
   *The use will conform to the zoning regulations if the proposed ordinance allowing asphalt/concrete recycling operations as a component of public improvement projects is approved.*

2. The date or event that will terminate the use can be identified with certainty;
   
   *The use will terminate upon completion of the Concord Street Improvement Project.*

3. Permit of the use will not impose additional costs on the city if it is necessary for the city to take the property in the future; and
   
   *The City already owns the property through its EDA.*

4. The user agrees in writing to any conditions that the city council deems appropriate for permission of the use.
   
   *City Staff will ensure that the chosen contractor is aware of the conditions and agrees in writing to follow the conditions.*

**Discussion**

Whether or not the new ordinance should be adopted is a policy decision. The City stands to save a significant amount of money by allowing temporary asphalt/concrete recycling operations as part of public improvement projects. Asphalt/Concrete recycling operations do, however, generate noise and aesthetic impacts. As previously stated, the City Engineer believes that the core components of major road projects already generate enough noise and aesthetic impacts that adding a concrete crushing operation does not significantly affect the impact that is felt by the community.

If the new ordinance is adopted, Staff believes that the proposed site is a good fit for a temporary asphalt/concrete recycling operation and Staff believes that the proposed Interim Use Permit conditions will ensure that the asphalt/concrete recycling operation does not generate unacceptable amounts of dust or noise.
Staff supports the proposed ordinance but its passage is ultimately a policy decision. If the Planning Commission and City Council approve the ordinance amendment, Staff recommends approval of the Interim Use Permit with the following conditions:

1. **Submitted Plans.** The conditions of this approval are based on the following plans:
   a. Crushing and Staging Site Drawing dated 1/12/2021 prepared by City Engineer, Sue Polka.
   b. City Engineer’s Narrative dated 1/14/2021 prepared by City Engineer, Sue Polka.

2. **Ownership of Interim Use Permit.** The Interim Use Permit will be held by the City of South St. Paul. The City’s authorized contractor for the Concord Street Improvements Project will be permitted to utilize the Interim Use Permit to establish and operate a temporary asphalt/concrete recycling operation on the subject property. The City’s authorized contractor will be required to sign the Interim Use Permit and agree to abide by its conditions.

3. **Site Plan for Asphalt/Concrete Recycling Operation.** The City’s authorized contractor shall be responsible for developing a site plan for the temporary asphalt/concrete recycling operation. The site plan, which shall include a site access plan, shall be subject to review and approval of the City Engineer.

4. **Hours of Operation.** The asphalt/concrete recycling operation shall only be allowed to operate between 7:00 AM and 6:00 PM on weekdays. It shall only be allowed to operate between 9:00 AM and 6:00 PM on weekends and holidays.

5. **Dust Mitigation.** Dust mitigation will be required. The City’s authorized contractor shall submit a dust mitigation plan which is subject to review and approval by the City Engineer.

6. **Erosion Control.** The asphalt/concrete recycling operation shall adhere to all conditions of the Concord Street Improvement Project’s NPDES permit.

7. **Setback from Adjacent Private Properties.** All storage of equipment and construction materials shall be set back at least ten (10) feet from the property lines of 134 Hardman Avenue (Long Cheng-Hmong Livestock and Meat Processing Plant) and 201 Concord Street North (Concord Fresh Meat).

8. **Protection of Existing Mature Trees.** The City’s authorized contractor shall be responsible for developing a tree preservation plan to protect the site’s existing mature trees throughout the time that the site is used as a temporary asphalt/concrete recycling operation. This plan is subject to review and approval by the City Engineer.

9. **Only Concord Street Improvement Project Materials Processed at Subject Property.** Only materials directly relating to the Concord Street Improvement Project may be crushed or stored at the subject property.

10. **Termination of Interim Use Permit.** The Interim Use Permit shall terminate automatically upon completion of the Concord Street Improvements Project. Per the City Code, the violation of any condition of the Interim Use Permit may terminate the Interim Use Permit, following a hearing by the City Council.
11. **Restoration of the Site.** The site shall be restored within six (6) months of the cessation of asphalt/concrete recycling operations. The level of restoration shall be subject to review and approval by the City Engineer.

**ACTION NEEDED**

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission wishes to recommend approval of the proposed Ordinance and Interim Use Permit, the following action should be taken:
   - Motion to recommend approval of the proposed Ordinance and Interim Use Permit, subject to the conditions laid out in the Staff report.

B. **Denial.** If the Planning Commission wishes to recommend denial of the proposed Ordinance and Interim Use Permit Amendment:
   - Motion to recommend denial of the proposed Ordinance and Interim Use Permit.

If the recommendation is denial, the Planning Commission should adopt a finding that the Applicant’s proposal fails to meet the Code’s requirements for Interim Use Permits. *If the proposed ordinance is not adopted, the finding can simply be that the Interim Use Permit does not conform to zoning regulations.*

**ATTACHMENTS**

A- Proposed Ordinance  
B- Site Location Map for Interim Use Permit  
C- Photographs of Site  
D- Crushing and Staging Site Drawing  
E- City Engineer’s Narrative
AN ORDINANCE ENACTING SOUTH ST. PAUL CITY CODE SECTION 118-205 TO ALLOW TEMPORARY ASPHALT/CONCRETE RECYCLING OPERATIONS IN SUPPORT OF PUBLIC IMPROVEMENT PROJECTS

The City Council of the City of South St. Paul does ordain:

SECTION 1. ENACTMENT. South St. Paul City Code Section 118-205 is hereby enacted as follows:

Sec. 118-205 Temporary Asphalt/Concrete Recycling for Public Improvement Projects

A temporary asphalt/concrete recycling use may be permitted in any zoning district as a component of an approved public improvement project. The use shall require an Interim Use Permit and shall be subject to the following requirements:

(a) The temporary asphalt/concrete recycling operation must be located upon public land.

(b) The use must be part of an approved public improvement project and shall terminate at the completion of that project.

(c) Only materials directly related to the public improvement project may be recycled on the public land. No outside materials may be brought to the public land for crushing or storage.

(d) The City may place conditions on the Interim Use Permit relating to hours of operation, noise, dust control, erosion control, site access, and other logistical considerations as deemed appropriate.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The proposed ordinance would allow public improvement projects to include temporary asphalt/concrete recycling operations that support the project. The asphalt/concrete recycling operations would require an Interim Use Permit and would need to be located on public land.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.
ATTACHMENT B
SITE LOCATION MAP FOR INTERIM USE PERMIT

Subject Property
ATTACHMENT C
PHOTOGRAPHS OF SITE

On Grand Avenue Looking North

On Concord Street Looking East
January 14, 2021

Michael Healy
City Planner
125 3rd Avenue N.
South St. Paul, MN  55075

RE:  REQUEST FOR INTERIM USE PERMIT FOR CONCRETE CRUSHING
     CONCORD STREET IMPROVEMENT PROJECT
     CITY OF SOUTH ST. PAUL

Michael:

Staff is requesting an Interim Use Permit (IUP) for rock crushing on the EDA property located at the northeast corner of Concord Street and Grand Avenue. The IUP would allow the successful Concord Street Improvement Project contractor to utilize the site for crushing concrete which will be removed from the existing Concord Street roadway to be used for aggregate base for the newly constructed roadway. The request includes the following:

- All concrete to be crushed would be from the Concord Street project only.
- The contractor will provide a site plan showing operations and site access to be approved by the City Engineer.
- The contractor will crush only between the hours of 7:00am to 6:00pm.
- Dust mitigation will be required.
- All erosion control measures required by the project’s NPDES permit will be closely monitored.
- The site will be restored within 6 months of crushing operation close out.

Sincerely,

Sue Polka, P.E.
City Engineer
ACTION REQUESTED

A motion recommending approval or denial of proposed zoning ordinance amendment regarding the design standards for trash enclosures.

BACKGROUND/DISCUSSION

Application

The Applicant, the City of South St. Paul, has proposed the following:

1. An ordinance amendment updating the design standards for trash enclosures.

Review Timeline

City Council Work Session Discussion: December 14, 2020
Planning Commission: February 3, 2021
Tentative City Council Meeting for First Reading of Ordinance: February 16, 2021
Tentative City Council Meeting for Second Reading of Ordinance: March 1, 2021

Background

At the December 18th Work Session, Staff facilitated a discussion about trash enclosure design standards. Earlier in December, the Subway Restaurant located at 166 Concord Exchange began constructing a trash enclosure on their property. The property is grandfathered to not have a trash enclosure and has previously stored their dumpsters openly in their parking lot. Due to a misunderstanding about permitting requirements and design standards, the applicant began constructing a new trash enclosure out of a composite decking material known as Trex.

Subway was issued a “Stop Work” order because Trex material does not comply with the strict design standards for trash enclosures along Concord Exchange. All trash enclosures along Concord Exchange must use the same exterior materials as the main building and must be built with a roof. The Subway building has a brick exterior so a trash enclosure would need to be built with brick. Subway has stated that a brick
enclosure is too expensive and that they will not build a trash enclosure at all unless they can use the composite decking material.

The City Code has two different standards for trash enclosures:

1. On Concord Exchange and North Concord, all trash enclosures must be built out of the same materials as the principal structure and must match the color of the principal structure. They also must have a roof.

2. Everywhere else in the City, trash enclosures must be constructed out of concrete or another incombustible material. They must be painted or surfaced to be “attractive and neat-appearing.” No roof is required so long as the dumpsters have covers.

Feedback from City Council

Staff received the following feedback from the City Council at the December 18th Work Session:

- Composite decking material dumpster enclosures should be allowed citywide except for new buildings on Concord Exchange and possibly new buildings on North Concord.

- New businesses on Concord Exchange in the CGMU district should still be required to have trash enclosures that match the exterior materials of the main building. Businesses in the NCMU district along Concord Street North should possibly still have this requirement (this will be studied along with the rest of the North Concord design standards later this year).

- Existing businesses on Concord Exchange and North Concord should be allowed to use composite decking material to construct trash enclosures if they currently store their dumpsters outside without an enclosure.

- Trash enclosures should not be required to have a roof as long as the dumpsters have a cover.

- Staff should consult the Fire Department to see whether there are any issues with allowing composite decking material trash enclosures.

Feedback from Fire Department

Staff consulted the Assistant Fire Chief to determine if there were additional safety standards that should be considered when adding composite decking material as an allowed material as all dumpster enclosures are required to be constructed out of incombustible materials. Staff received the following feedback from the State Fire Marshal Division:

- Many communities require dumpster enclosures. Some require noncombustible construction while others allow enclosures out of various combustible materials (wood, typical fencing materials, etc.). The purpose is probably more for appearance and visual shielding rather than fire concerns.

- If the city decides to allow composite deck material for a trash enclosure, the following standards are recommended:
- The enclosure (and dumpsters) should be at least ten (10) feet from the main building; if placed closer or against the building, sprinkler protection would be required.

- The enclosure should be open on the top to allow heat to escape. Once there are walls and a roof, the enclosure becomes a structure and triggers new and more complicated Fire Code requirements.

**Proposed Ordinance**

With the above feedback in mind, Staff are proposing the following changes:

- Allowing composite decking material enclosures citywide except for the CGMU and NCMU districts.

- Allowing existing buildings in the NCMU and CGMU districts that have “grandfathered” exterior trash storage to come partially into compliance with the ordinance by constructing trash enclosures out of composite decking material.

- Adding a setback requirement for composite decking material trash enclosures if the principal building the trash enclosure is serving is not sprinklered.

- Removing the requirement for trash enclosures to have a roof in the CGMU and NCMU districts as long as the dumpsters are covered.

- Clearly stating that trash enclosures require a permit.

**Staff Recommendation**

Staff recommends that the Planning Commission recommend approval the proposed ordinance amendment.

**Required Action**

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission wishes to recommend approval of proposed ordinance, the following action should be taken:

   - Motion to recommend approval of the proposed trash enclosure design standards ordinance amendment, either as presented or with modifications.

B. **Denial.** If the Planning Commission wishes to recommend denial of the proposed ordinance, the following action should be taken:

   - Motion to recommend denial of the proposed trash enclosure design standards ordinance amendment.

**Attachments**

A- Existing Code Rules for Trash Enclosures
B- Pictures of Composite Decking Material Trash Enclosures
C- Proposed Ordinance Amending Standards
ATTACHMENT A
EXISTING CODE RULES FOR TRASH ENCLOSURES

Sec. 118-125. - CGMU, Concord Gateway mixed-use district.

(h) Building and architectural provisions.

(7) All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

(11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

Sec. 118-126. - C-1, retail business district.

(f) Trash or garbage disposal. For any commercial building constructed after December 16, 1968, there shall be no exterior incineration, and any trash storage shall be completely screened from view by a trash enclosure. This trash enclosure shall be constructed of concrete or other incombustible material and shall be painted or surfaced to be attractive and neat-appearing. The trash enclosure need not be covered or roofed, but all trash within uncovered enclosures must be stored in covered receptacles. Manufactured containers specifically designed for trash storage and removal may be used provided they are covered and maintained in a neat, attractive manner and remain adequately painted.

Sec. 118-127. - NCMU, North Concord mixed-use district.

(7) All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

(11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure, totally screened from view by the principal building, or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

Sec. 118-240. - Exterior storage.

(c) In all districts, all waste, refuse, or garbage shall be kept in an enclosed building or properly stored in a closed container designed for such purposes; except for one-family and two-family homes, said container shall be noncombustible of a type as required in the C-1, business district (see subsection 118-126(e)). The owner of vacant land shall be responsible for keeping such land free of refuse and weeds.

(g) All solid waste material, debris, refuse, garbage, junk or similar material shall be kept within tightly closed containers designed for such purpose. The containers shall be stored within a building or dumpster enclosure, or otherwise screened from view between days of scheduled pickup; except for one-family or two-family residences for which containers may be stored within four feet the front line of the principal structure between days of scheduled pickup.
ATTACHMENT B
PICTURES OF COMPOSITE DECKING MATERIAL TRASH ENCLOSURES

Trex ® Composite Material

Covrit ® Composite Material
AN ORDINANCE AMENDING DESIGN STANDARDS FOR TRASH ENCLOSURES

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-125 is hereby amended as follows:

Sec 118-125.- CGMU, Concord Gateway mixed-use district.

(h) Building and architectural provisions.

(7) All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building except for properties that have legal nonconforming exterior trash handling. These properties are permitted to bring their trash handling into partial compliance by constructing a trash enclosure out of composite decking material. Trash enclosures constructed of composite decking material must be placed at least 10 feet away from the principal building unless the principal building is equipped with sprinklers.

(11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

SECTION 2. AMENDMENT. South St. Paul City Code Section 118-126 is hereby amended as follows:

Sec. 118-126. - C-1, retail business district.

(f) Trash or garbage disposal enclosures.

(1) For any commercial building constructed after December 16, 1968, there shall be no exterior incineration, and any trash storage shall be completely screened from view by a trash enclosure.

(2) Trash enclosures shall be constructed of composite decking material or concrete or other another incombustible material and shall be painted or surfaced to be attractive and neat-appearing. Trash enclosures constructed of composite decking material must be at least 10 feet away from the principal building unless the principal building is equipped with sprinklers.

(3) Trash enclosures need not be covered or roofed, but all trash within uncovered enclosures must be stored in covered receptacles. Manufactured containers specifically designed for trash storage and removal may be used provided they are covered and maintained in a neat, attractive manner and remain adequately painted. Trash enclosures constructed of composite decking materials may not be covered or roofed.
SECTION 3. AMENDMENT. South St. Paul City Code Section 118-127 is hereby amended as follows:

Sec. 118-127. - NCMU, North Concord mixed-use district.

(g) **Building and architectural provisions.**

(7) All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building except for properties that have legal nonconforming exterior trash handling. These properties are permitted to bring their trash handling into partial compliance by constructing a trash enclosure out of composite decking material. Trash enclosures constructed of composite decking material must be placed at least 10 feet away from the principal building unless the principal building is equipped with sprinklers.

(11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure, totally screened from view by the principal building, or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

SECTION 4. AMENDMENT. South St. Paul City Code Section 118-240 is hereby amended as follows:

Sec. 118-240. - Exterior storage.

(c) In all districts, all waste, refuse, or garbage shall be kept in an enclosed building or properly stored in a closed container designed for such purposes; except for one-family and two-family homes, said container shall be noncombustible of a type as required in the C-1, business district (see subsection 118-126(ef)). The owner of vacant land shall be responsible for keeping such land free of refuse and weeds.

SECTION 5. AMENDMENT. South St. Paul City Code Section 106-56 is hereby amended as follows:

Sec. 106-56. - Permits; application.

An owner or an authorized agent of the owner who intends to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment the installation of which is regulated by this chapter, or any person wishing to construct, enlarge, alter, repair, move, demolish, or change a building or structure, including, without limitation, new construction, garages, decks, sheds (120 square feet or larger), roof replacement, soffit, fascia, gutters, siding, windows, doors, interior remodeling, fences, trash enclosures, concrete work, asphalt, sheetrock, stucco work, retaining walls more than four feet tall, or cause any such work to be done, shall first make application to the building official and obtain the required permit. The application shall be, on forms provided by the city, filed in the office of the city engineer and contain or be accompanied by the following information:

SECTION 6. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The proposed ordinance amends the existing design standards for trash enclosures to allow composite decking material trash enclosures under certain circumstances.
SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _______________________

Published: _______________________

____________________________________
Christy Wilcox, City Clerk
ACTION REQUESTED
A motion recommending approval or denial of “The Yards Addition” final plat.

BACKGROUND/ DISCUSSION

OVERVIEW

Application

The Applicant, Ben Beard on behalf of the Beard Group Inc., has submitted an application seeking final plat approval of “The Yards Addition,” a component of their proposed multi-family residential project at the northwest corner of Grand Avenue and Concord Exchange.

Review Timeline

- **Application Submittal:** January 4, 2021
- **Planning Commission:** February 3, 2021
- **Tentative City Council Meeting:** February 15, 2021
- **60-Day Review Deadline:** March 4, 2020

Background

The subject property is located at the northwest corner of Concord Exchange and Grand Avenue. The site currently hosts an office building (which will be torn down as part of the redevelopment) and a City-owned 2-tiered surface parking lot. The Applicant has partnered with the City’s EDA and is proposing to redevelop the site with two (2) market rate apartment buildings in two phases. The first phase will be a 154-unit apartment building located on the southern portion of the subject property.

The Applicant obtained a Preliminary Plat approval and a Conditional Use Permit for a Planned Unit Development (CUP/PUD) approval on December 21, 2020. The Applicant is now moving forward with the final plat of “The Yards Addition” which will reformat the subject property into two buildable lots and an outlot. The outlot is comprised of land that was split off from Grand View Park, a City park that is located up the bluff from the proposed development.
PUD Approval

The subject property is zoned CGMU-1-Concord Gateway Mixed-Use Subdistrict 1. The Conditional Use Permit for a Planned Unit Development that was approved in December granted the following flexibility from the CGMU-1 zoning standards:

a. **Exterior Building Materials.** The Phase I building is granted flexibility from the exterior building material rules of the CGMU district. The building materials shown in the architectural plans dated 11/2/2020 are approved, at the ratios presented. Any major change to the exterior building materials from what is shown in said plans shall require the approval of the City Council.

b. **Signage.** The building shall be permitted to have up to 205 square feet of signage, as shown on the architectural plans dated 11/2/2020. The signage shall be permitted to be installed at the height shown on those plans. The wall signage is not required to fit within 3-foot-wide horizontal bands and may be shaped in the manner shown on the plans. The inlaid wall sign at the corner of Grand Avenue and Concord Exchange is approved to be installed in the size and manner as shown on the plans.

c. **Building Setbacks.** The building is permitted to deviate from the build-to-line requirements along the Grand Avenue frontage as shown on the approved plans. At least the first 50 feet of the building along Grand Avenue, starting at the intersection, must be within 30 feet of the front property line, consistent with what is shown on the plans. The building shall not be required to meet the build-to-line requirements along either street at the intersection and that portion of the building shall be permitted to be constructed with setbacks consistent with the approved plans.

d. **Lighting.** The building’s private lighting shall be permitted to cast up to 2 footcandles of light into the public right-of-way along Concord Exchange, as shown on the approved photometric plan. The building shall be permitted to have LED strips along the rooftop and sidewalk on the east and south building elevations as shown on the architectural plans and this strip shall be exempted from the CGMU district’s rule that all exterior lighting must be downcast.

e. **Bluff Impact.** The building shall be permitted to be built over the small bluff in the middle of the property. The 40-foot bluffline setback is waived for the small bluff. The Applicant shall be permitted to disturb the large bluff on the western end of the site in the manner proposed by the Civil Plans dated 12/16/2020 provided that vegetative clearing of the bluff is kept to the minimum amount needed to implement the project. A continuous tree cover must be left in place along the large bluff but the Applicant shall not be required to replace the vegetation that is removed. Final tree removal plans are subject to the review and approval of the Zoning Administrator and City Engineer. No tree removal shall be permitted and no retaining walls shall be installed in the large bluff until the City Engineer has reviewed and approved final construction plans and has determined that the work will not destabilize the bluff or harm adjacent properties.

f. **Building Façade Bays.** The CGMU district standard that requires building facades to be divided into similar bays of roughly equal width between 20 and 40 feet is waived for this project.

g. **First Floor Elevations.** The CGMU district standard that requires first floor elevations of all buildings containing residential uses on the ground floor to be at least two and one half feet above the adjacent street level in the front yard is waived for this project.

h. **Visual Relief When a Building Façade Exceeds 50 Feet.** The project is approved to have building facades that are consistent with the architectural plans dated 11/2/2020. The green walls
along Concord Exchange are approved as a façade treatment for the parking structure for the Phase I building.

i. **Code Section 118-267 Multifamily Residential, Townhouses, and Cluster Developments.** This Code section is waived in its entirety for this project.

j. **Parking Supply.** Flexibility is granted from the Code’s parking requirements. The Applicant shall provide at least one (1) dedicated parking stall for each bedroom in the building. The twelve (12) 1-bedroom plus den units will be considered 1-bedroom units for this calculation.

k. **Parking Design.** The area between the Grand Avenue sidewalk and the small surface parking lot at the southern end of the site is approved to be landscaped by overstory trees, as shown on the Landscape Plan dated 12/16/2020. The small surface parking lot does not need to be screened in accordance with the CGMU standards and is permitted to be built without internal landscape islands. The large surface parking lot is permitted to be built with a 0-foot setback from the shared property line between Lot 1 and Lot 2 of “The Yards Addition.” The large parking lot does not need to conform exactly to the CGMU requirements regarding landscaping island size and tree placement so long as the large parking lot and its landscaping are installed in accordance with the approved site plans and landscaping plan.

l. **Density.** The project’s overall density shall not exceed the 60-unit per acre density limit imposed by the comprehensive plan. However, the density shall be permitted to be spread across the parcels that constitute the project site and individual parcels may exceed that density. For the purposes of calculating the project’s density, the .09 acres that are being dedicated as right-of-way through “The Yards Addition” plat shall be included in the base size of the project site.

### Consistency with Preliminary Plat

The preliminary plat for “The Yards Addition” called for the subject property to be platted into two buildable lots, one for each apartment building. The preliminary plat approval called for right-of-way dedication and new drainage and utility easements.

The preliminary plat did not show “Outlot A” but that is because the lot split that created it had not yet taken place when the preliminary plat was being prepared. There was no legal description for Outlot A to include in the preliminary plat. The legal description of Outlot A became available in mid-December and the was included in the CUP/PUD approval. The addition of the outlot was referenced in the Staff memo for the preliminary plat and CUP/PUD.

Per the City Attorney, Outlot A is inconsequential since it is not buildable and its inclusion in the plat is part of the City’s ongoing efforts to clean up property line issues in this part of the community. The final plat is substantially consistent with the preliminary plat.

### Easements

There are easements that are relevant to the final plat approval.

1. The Applicant is being required to plat 10-foot drainage and utility easement along the property lines.

2. The Applicant will need to provide easements over the portions of the new public sidewalks along Concord Exchange that do not fit in the right-of-way.
**Development Agreement**

The Applicant is required to enter into a developer’s agreement with the City to ensure that the public improvements are completed correctly and to ensure that all of the project’s many complexities are handled adequately (i.e. skyway removal, Concord Exchange streetscape improvements, etc.). The City Council approved a draft development agreement at their December 21, 2020 meeting and authorized the City Attorney to finalize the agreement prior to signature.

**Park Dedication**

South St. Paul requires park dedication whenever land is being subdivided in order to create a new buildable lot on a property where park dedication has not taken place in the past. The City has the option to require any subdivider of residential land to donate 10% of their property to the City for conversion to a public park. If the subdivision is in an area where the City does not want/need a park, a cash-in-lieu fee is collected instead of a land donation. The subject property is not located in an area where the City needs a public park. Therefore, this project will need to pay a park dedication fee. This fee will be calculated by the City Attorney and included in the development agreement.

The Applicant will be providing streetscape improvements along Concord Exchange outside of their project area as a component of this development. The development agreement will address the fact that the City will be forgoing the collection of some fees in order to compensate the Applicant for the cost of these improvements.

**COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**

**City Engineer**

No comments at this time.

**Dakota County Plat Commission**

The Dakota County Plat Commission approved the preliminary plat and final plat simultaneously on November 18, 2020.

**STAFF RECOMMENDATION**

Staff recommends approval of the final plat as it is substantially consistent with the approved preliminary plat.

**REQUIRED ACTION**

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission wishes to recommend approval of the development application because they find that it is consistent with the approved preliminary plat, the following action should be taken:
• A motion recommending approval of the Final Plat of “The Yards Addition.”

B. **Denial.** If the Planning Commission wishes to recommend denial of the development application because they feel that the final plat is not consistent with approved preliminary plat, the following action should be taken:

• A motion recommending denial of the Final Plat of “The Yards Addition.”

If the Planning Commission were to recommend denial, the motion should include the rationale behind the denial.

**Attachments**

A- Site Location Map  
B- Aerial Photograph of Subject Property  
C- Preliminary Plat  
D- Final Plat  
E- Approved Site Plan  
F- Dakota County Plat Commission Comments Letter
Attachment B
AERIAL PHOTOGRAPH OF SUBJECT PROPERTY
Attachment C
APPROVED PRELIMINARY PLAT

THE YARDS ADDITION

GENERAL SITE NOTES

CONTRACTOR SHALL FIELD DETERMINE LOCATIONS AND DIMENSIONS OF STRUCTURES AND OTHER CONSTRUCTION ITEMS TO THE SATISFACTION OF THE CITY. THE CONTRACTOR SHALL PROVIDE ACCURATE DIMENSIONS AND LOCATIONS OF ALL ITEMS REQUIRED FOR COMPLIANCE WITH CODES.

ALL DIMENSIONS SHOWN TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

BUILDING DIMENSIONS REFER TO THE OUTSIDE FACE OF BUILDINGS UNLESS OTHERWISE NOTED.

SYMBOLS, ALL DIMENSIONS STAY 3/8" IF NOT OTHERWISE NOTED.

ALL CURB EROSION SHAL 5/8" UNLESS OTHERWISE NOTED.

ALL CURB AND GUTTERS TO BE 8" UNLESS OTHERWISE NOTED.

A EA IN DETAIL SHEETS SPECIFIED ITEMS TO BE CONSTRUCTED AT ALL CLEARANCES OF ENCROACH.
November 18, 2020

City of South St. Paul
125 Third Ave. North
South St. Paul, MN 55075

Re: THE YARDS

The Dakota County Plat Commission met on November 12, 2020, to consider the Choose an item. of the above referenced plat. The plat is adjacent to CSAH 14 (Grand Ave./3rd St. N.) and is therefore subject to the Dakota County Contiguous Plat Ordinance.

The proposed site includes a redevelopment project for an apartment building with 154 units for phase 1 and 110 units for phase 2. The right-of-way needs along CSAH 14 are 60 feet of half right of way. As discussed, the area includes many existing buildings and meeting the future right-of-way needs can be difficult. The right of way dedication should include a minimum of two feet behind the sidewalk with no structures including steps in the right of way area, which is shown on the plat. The site includes an access at Veterans Memorial Drive. Restricted access should be shown on the plat along all of CSAH 14 except for the one access opening. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars.

The Plat Commission has approved the preliminary and final plat and will recommend approval to the County Board of Commissioners.

Traffic volumes on CSAH 14 are 5,400 ADT and are anticipated to be 7,600 ADT by the year 2030. These traffic volumes indicate that current Minnesota noise standards for residential units could be exceeded for the proposed plat. Residential developments along County highways commonly result in noise complaints. In order for noise levels from the highway to meet acceptable levels for adjacent residential units, substantial building setbacks, buffer areas, and other noise mitigation elements should be incorporated into this development.

No work shall commence in the County right of way until a permit is obtained from the County Transportation Department and no permit will be issued until the plat has been filed with the County Recorder’s Office. The Plat Commission does not review or approve the actual engineering design of proposed accesses or other improvements to be made in the right of way. Nothing herein is intended to restrict or limit Dakota County’s rights with regards to Dakota County rights of way or property. The Plat Commission highly recommends early contact with the Transportation Department to discuss the permitting process which reviews the design and may require construction of highway improvements, including, but not limited to, turn lanes, drainage features, limitations on intersecting street widths, medians, etc.
Please contact Gordon McConnell regarding permitting questions at (952) 891-7115 or Todd Tollefson regarding Plat Commission or Plat Ordinance questions at (952) 891-7070.

Sincerely,

[Signature]

Todd B. Tollefson
Secretary, Plat Commission

c: Ben Beard, Beard Group Inc.
AGENDA ITEM 5B
South St. Paul Planning Commission

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<th>Prepared By:</th>
<th>Meeting Date:</th>
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<tr>
<td>Michael Healy, City Planner</td>
<td>2/3/2021</td>
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<td>Discussion on Consultant Team Selection for North Concord Mixed-Use Zoning District Update Project</td>
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**ACTION REQUESTED**

Staff is seeking to gauge whether any Planning Commissioners are interested in assisting with consultant team selection. Up to three (3) Planning Commissioners can potentially participate in the selection process.

**BACKGROUND/ DISCUSSION**

**Background**

In 2020, Staff submitted a grant application to Dakota County for a Statewide Health Improvement Project (SHIP) grant for $30,000 to fund a zoning study to update the North Concord Mixed Use Zoning district. The City has been planning this zoning study since at least 2013 and it has been included in the Capital Improvement Plan (CIP) as a “future study” for the past several years. The goal of the study is to update the North Concord Mixed-Use zoning district standards to better align with the community’s redevelopment goals and with market realities. This will help prepare the corridor for redevelopment after the Concord Street reconstruction project is completed in 2022.

The grant application was successful and Dakota County has awarded South St. Paul the full $30,000 that was requested. The grant requires a 10% match which will be an in-kind contribution of City Staff time since City Planner Michael Healy will oversee the project.

**Request for Proposal**

The City released a Request for Proposal (RFP) on January 12th and is seeking a qualified consultant who can assist the City with the zoning study. Consultant teams will need to submit their project proposals by no later than Wednesday, February 17th. The RFP has been distributed widely and the City expects to receive multiple proposals.

Staff reviewed the RFP process with the City Council at their January 11th worksession meeting and asked the Council to provide direction on how the City should choose a consultant team for the project. The City Council directed Staff to create a process for reviewing the proposals and invite the Planning Commission to participate in selecting a consultant team.
Staff’s Plan for Reviewing Proposals

Proposals are due at noon on Wednesday, February 17th. Community Development Department Staff will review the proposals on Thursday and Friday and will identify either two (2) or three (3) proposals that are considered the strongest.

During the early part of the week of February 25th, a selection committee will gather to review the selected proposals. This gathering can be either in-person or virtual, depending on the comfort level of the group. This committee will be comprised of Councilmember Lori Hanson, City Staff, and up to three (3) members of the Planning Commission who are interested in participating.

The City could invite the selected consultants to give presentations in front of the selection committee (either in-person or virtual) or a final decision on selecting a consultant could be made based solely on the proposal document itself. Generally, Staff would advise that the consultants be invited in for a presentation because it is very important to confirm that the consultant is the right “personality match” for working with the community.

The City Council will receive the recommendation of the selection committee at their meeting on March 1st and can enter into a contract with the selected consultant at that time. The project will kickoff as soon as the contract has been finalized.

Planning Commission Feedback Sought

Staff is seeking Planning Commission feedback on the proposed review process and looking for volunteers if any Planning Commissioners would like to be involved in the selection committee. It will require a time commitment of several hours:

- Reading the two (2) or three (3) strongest proposal documents
- Gathering with the selection committee to discuss the proposals and potentially to interview the consultant teams.

Attachments

A- North Concord Mixed Use District Update Request for Proposal
REQUEST FOR PROPOSAL

NORTH CONCORD MIXED-USE ZONING DISTRICT UPDATE

Corridor Vision and Zoning Ordinance Update

CITY OF SOUTH ST. PAUL, MN

DUE DATE: February 17, 2021, 12 p.m.

COMMUNITY DEVELOPMENT DEPARTMENT
January 12, 2021
# NORTH CONCORD MIXED-USE ZONING DISTRICT UPDATE

## PURPOSE OF REQUEST

1. Management of the Project
2. Project Needs
3. Sharing of Information
4. References
5. Maximum Project Budget

## DESCRIPTION OF PROPOSALS

1. Task 1 – Project Management
2. Task 2 – Issue Identification
3. Task 3 – Public Participation
4. Task 4 – Development of Corridor Vision
5. Task 5 – Development of Ordinance Amendment

## DESCRIPTION OF CITY RESPONSIBILITIES

7. Anticipated Deliverables

## PROJECT SCHEDULE

7. Consultant Provided Schedule

## SUBMITTAL REQUIREMENTS

8. General Information
9. Letter of Submittal Inclusions
9. Minimum Proposal Requirements

## EVALUATION REQUIREMENTS

10. Submission Deadline

## CONTRACT
PURPOSE OF REQUEST

The City of South St. Paul seeks to enter into a contract with a consultant to provide consulting services to help develop a cohesive vision for the North Concord corridor and to update the existing North Concord Mixed-Use (NCMU) Zoning District development standards to implement that vision. The North Concord corridor primarily consists of land that is directly adjacent to Concord Street North in the parts of South St. Paul that are north of Grand Avenue.

BACKGROUND

North Concord Street

“North Concord” describes a roughly 2.2 mile section of Concord Street in South St. Paul that lies between Annapolis Street E. (the City’s northern border with Saint Paul) and Grand Avenue. Existing development along the corridor consists primarily of small commercial and industrial buildings, some of which date back to the early 1900’s, as well as a number of scattered single-family homes. The City of South St. Paul recently undertook a turnback project and all of North Concord, which has been State Highway 156, was transferred from MnDOT’s jurisdiction to the City’s.

The turnback project involves millions of dollars in infrastructure improvements that are designed to lay the foundation for a safe, walkable, mixed-use neighborhood along Concord Street North. The existing street is laid out like a highway and has numerous missing sidewalk sections and car-oriented aesthetics that are discouraging to pedestrians. The new street, which will be completed in 2022, will have sidewalks and bikeable shoulders as well as generally improved aesthetics. The street will be designed so that it is easier to cross and is less of a barrier to bicyclists and pedestrians seeking to reach the Mississippi River.

The City anticipates that the street improvements will make land adjacent to Concord Street much more attractive to developers, entrepreneurs, and families looking for an interesting/walkable place to live. With that in mind, the City wants to make sure that the right development standards are in place to facilitate redevelopment and help this corridor thrive. Most of the corridor is already zoned “North Concord Mixed-Use (NCMU),” which is a form-based commercial/residential mixed-use district. However, the zoning standards that are in place today are not realistic and are not conducive to new development. There has not been any new development on the corridor since the current development standards were implemented in 2004.

The existing NCMU standards are in place because the City wanted to steer the North Concord corridor towards “mixed-use development” in 2004 but did not have the time or the budget to undertake a zoning study to create a vision for the corridor or draft development standards that were tailored to the area. Instead, the City copied the existing form-based mixed-use zoning rules from its planned downtown district. North Concord is very different than a downtown area and it has challenging topography and narrow parcels which are difficult to build on. The corridor is constrained by river bluffs and the Union Pacific railroad tracks. The existing NCMU zoning standards have created a situation where every existing building on the corridor is lawful nonconforming with limited expansion options and almost every development project is unbuildable without variances or PUD flexibility.

The purpose of this project is to develop a cohesive vision for the North Concord corridor and update the NCMU zoning standards to establish more development-friendly standards so that a walkable neighborhood that supports active living can develop along North Concord after the new street is completed.

Mississippi River Corridor Critical Area

The project area is located within the Mississippi River Corridor Critical Area (MRCCA), a State-mandated environmental protection overlay zoning district. The MRCCA program is overseen by the Minnesota DNR and administered locally in accordance with “City Code Section 118-167 Mississippi River Corridor Zoning” and “Chapter 10 Critical Area Plan” of the City’s 2040 Comprehensive Plan.
The City’s existing MRRCA ordinance is several decades old and does not align with the State’s new standards, which were recently adopted. The DNR is assisting a handful of river-adjacent communities with updating their MRCCA ordinance each year and the City of South St. Paul is scheduled to update its ordinance in 2023. This update is compulsory and the City’s new ordinance will need to meet the State’s new standards.

The existing MRRCA ordinance has a number of development standards relating to bluff impacts and the updated MRCCA ordinance will include refinement of those standards. Because of the presence of river bluffs on both the east and the west side of Concord Street North, most future development projects in the corridor will include some type of bluff impact.

The goal of the “North Concord Corridor Vision and Zoning Ordinance Update” is to create clear, consistent, and realistic mixed-use zoning standards for the North Concord corridor to facilitate redevelopment. It will not be possible to reach this goal without addressing some of the unresolved land use tension between the NCMU district’s economic development goals and the MRCCA district’s bluff impact avoidance goals. The Minnesota DNR and the Friends of the Mississippi advocacy group are both considered stakeholders in the project area and the City anticipates inviting both organizations to participate in this project.

Concord/Grand Gateway Streetscape and Redevelopment Plan

In 2003, the City hired a consultant to develop a small area plan for the redevelopment of Concord Exchange, the City’s original downtown main street which was mostly torn down in the 1970’s as part of a large-scale urban renewal project. Despite having a similar name, Concord Exchange is an entirely different street than Concord Street and the two roads run parallel to each other.

The 2003 small area plan, known as the “Concord/Grand Gateway Streetscape and Redevelopment Plan,” called for the creation of a form-based mixed-use zoning district along Concord Exchange with traditional main-street aesthetics. This new zoning district, the Concord Gateway Mixed Use (CGMU) zoning district, was implemented in 2003. The small area plan and the zoning rules were repurposed in 2004 and copied almost word-for-word in order to create the North Concord Mixed Use (NCMU) zoning district. The consultant team should review the 2003 plan to understand the context of the existing NCMU zoning rules.

Hardman Triangle Small Area Plan and Market Study

A triangular-shaped superblock known as the “Hardman Triangle” is located at the northeast corner of Grand Avenue and Concord Street in South St. Paul. A portion of this block is currently zoned “North Concord Mixed Use” (NCMU) and the block is considered part of the “North Concord” corridor whereas everything south of the block is “South Concord.” The block is populated with heavy industrial legacy businesses and buildings that date back to the era when this part of the community hosted the largest stockyards in the country.

The City has a longstanding goal of redeveloping the Hardman Triangle and the City’s EDA owns several parcels on the superblock. The City’s redevelopment goals are complicated, however, because some of the legacy businesses have substantial and very valuable “grandfather rights” as lawful nonconforming businesses. Some of the legacy businesses generate significant nuisance side effects relating to odor and aesthetics which makes it unlikely that any part of the superblock will redevelop while the businesses continue to operate.

The Hardman Triangle is NOT part of the scope of this Corridor Vision and Zoning Ordinance Update project, the City views the Hardman Triangle as being a separate project. The City completed a small area plan and market study for the Hardman Triangle superblock in 2019 and is currently assessing “next steps” regarding implementation of the small area plan. The consultant team will be expected to review the 2019 Hardman Triangle Plan because it provides context regarding South St. Paul’s real estate market as well as insight into the City Council’s aesthetic preferences regarding new buildings along Concord Street.
GENERAL PROJECT DESCRIPTION

Management of the Project:

City Planner Michael Healy will be the project manager for the project. Michael will be the first point of contact on behalf of the City of South St. Paul and will work closely with the consultant team.

Michael Healy
Community Development Department
South St. Paul City Hall
125 3rd Ave. N.
South St. Paul, MN 55075
Office Phone: 651-554-3217
Email: mhealy@southstpaul.org

Project Needs:

The City is soliciting proposals from firms to provide assistance in accomplishing two goals:

1. Developing a cohesive vision for the North Concord corridor.
2. Drafting an ordinance amendment to update the North Concord Mixed-Use (NCMU) zoning district development standards to implement the new vision.

The City does not expect or desire that a formal small area plan be developed for the North Concord corridor. The City anticipates that the “corridor vision” will be a short purpose statement that outlines the aesthetic goals and development goals for the corridor and gives an overview of what values will be in place for development in the corridor (i.e. how does the City balance the needs of the business community, current and future city residents and corridor residents, and environmental concerns regarding the river and the bluffs). Once completed, the corridor vision will provide the foundation for the update to the NCMU ordinance.

The existing NCMU ordinance takes a form-based approach to development regulation and is based on design principles laid out in the previously mentioned 2003 small area plan, the “Concord/Grand Gateway Streetscape and Redevelopment Plan.” The City anticipates that revisions to the NCMU Code will include an update of the list of allowed uses as well as a comprehensive update of the form-based site design and building design standards. Many of the design standards laid out in the existing NCMU ordinance, such as the exterior building materials requirements, appear to be out of alignment with what the market can support in South St. Paul. The consultant team should include individuals with urban design experience who can advise the City on ways to revise the NCMU development standards to be more realistic and allow cost-effective development and redevelopment without sacrificing good design.

Sharing of Information:

The consultant shall host a permanent ftp site (i.e. Dropbox or Google Drive) to allow the project management team to share and receive files between agencies.

References:

City Code Section 118-127 North Concord Mixed-Use Zoning District and other City Codes (available via City website)

City Code Section 118-167 Mississippi River Corridor Zoning (available via City website)
2003 Concord/Grand Gateway Streetscape and Redevelopment Plan (available via City website)

DNR Model Ordinance for Planned 2023 MRRCA Ordinance Update (https://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/lo cal-government-administration.html)

2040 Comprehensive Plan (available via City website)

2019 Hardman Triangle Small Area Plan and Market Analysis (available via City website)

Maximum Project Budget:

The City has secured a $30,000 SHIP grant from Dakota County to fund the project and the City is seeking a consultant that can work within a “not to exceed” budget of $30,000.

The consultant is asked to approach the budget and project scope with the understanding that City Staff resources are available, as needed, to support the consultant team. City Planner Michael Healy anticipates being highly involved in the project. The City’s “Community Development Specialist,” Monika Mann, can also be deployed as needed in support of the project.

DESCRIPTION OF PROPOSALS

1. The proposal text shall be concise, effective, and relevant for communicating the consultant team’s approach to the project. Please limit your response to no more than fifteen (15) pages total. Additional drawings or information ancillary to the proposal shall be placed in an Appendix at the back of the proposal, and will not be counted against the page limit.

2. Proposals shall be prepared on 8-1/2” x 11” format, with sequentially numbered pages throughout the report or by section. Exhibits and/or layouts may be on 11” x 17” folded format. Larger figures/layouts, CDs, etc., shall be carefully considered as needed before including this content within the proposal. All exhibits should be succinct and relevant to the RFP requirements.

3. The City shall not be liable for any pre-contractual expenses incurred by the consultant in the preparation of their proposals. Consultants shall not include any such expenses as part of their proposals.

Pre-contractual expenses are defined as expenses incurred by the consultant in:
   a. Preparing its proposal in response to this RFP;
   b. Submitting that proposal to the City;
   c. Negotiating with the City on any matter related to this RFP;
   d. Any other expenses incurred by the consultant prior to the date of execution of the proposed agreement.

4. Any exceptions to the requirements in this RFP must be included in the proposal submitted by the consultant. Segregate such exceptions as a separate element of the proposal under the heading “Exceptions and Deviations.”
5. By submitting a proposal, the consultant represents that they have thoroughly examined and became familiar with the work required under this RFP and that they are capable of performing quality work to achieve the objectives of the City.

DESCRIPTION OF CORRIDOR VISION AND NCMU ZONING CODE UPDATE TASKS AND DELIVERABLES

The consultant will be required to furnish all labor, materials, transportation, supplies, equipment, etc. necessary for the completion of the following work:

PROJECT ORIENTATION AND ISSUE/OPPORTUNITY IDENTIFICATION

Task 1 - Project Management:

1.1 The project manager shall ensure that deliverables are on time and regular phone/e-mail communication with the City project manager is provided throughout the project. The consultant selected shall provide a schedule with associated tasks and deliverables.

1.2 The project manager shall coordinate with any sub-consultants as necessary to complete all of the deliverables stated below.

1.3 The project manager shall provide a schedule of work tasks required/completed with monthly updates. The City shall be billed monthly throughout the duration of the project, no later than ten (10) days after the completion of each month. All invoices shall clearly define the percentage of project completion and the percentage of project billed to date for each work task and the total project.

1.4 The consultant shall assist the City in developing content for a project page that will be hosted on the City’s website.

1.5 Consultants shall comply with the City’s Standard Agreement for consulting services as shown in the Attachments.

Task 2 – Issue Identification

2.1 The consultant team will join City Staff on a tour of the corridor and review the land use challenges and opportunities that have already been identified by City Staff.

2.2 The consultant team and City Staff will facilitate a joint worksession with the Planning Commission and City Council to review the status of the corridor and identify strengths, weaknesses, opportunities, and threats that will affect the project.

PUBLIC AND AGENCY INVOLVEMENT

Task 3 – Public Participation

3.1 The consultant will work with City Staff and Dakota County Staff to prepare a public engagement plan. Per Dakota County SHIP grant guidelines, the engagement plan should be developed in collaboration with the County and, if applicable, should include ways to involve representatives from target populations such as seniors and low-income and diverse populations. The City anticipates having a moderate amount of public engagement for this project.
3.2 As needed, the consultant shall attend and prepare presentation materials for up to three (3) City Council meetings/work sessions and/or Planning Commission meetings at the City (may be held jointly).

3.3 The consultant team shall facilitate at least one (1) open house-type event. Depending on the status of the Covid-19 pandemic, this event may need to be held virtually or with a virtual component.

3.4 The consultant team shall assist City Staff in preparing an informational mailing about the project to send to the owners of affected properties. The consultant team shall assist City Staff in preparing a survey to assess community preferences regarding the future of the North Concord Corridor.

CORRIDOR VISION PREPARATION

Task 4 – Development of Corridor Vision

4.1 Based upon input given by the Planning Commission, City Council, and the community, the consultant team shall prepare a "corridor vision." This short document will outline the aesthetic goals, development goals, and general values that will be in place for the City’s planned redevelopment of the North Concord corridor as a mixed-use district. City Staff will bring the corridor vision to the City Council for review and approval to ensure that there is full ownership of the project before the draft ordinance amendment is finalized and brought forward for formal review.

ORDINANCE AMENDMENT PREPARATION

Task 5 – Development of Ordinance Amendment

5.1 The consultant team, in collaboration with City Staff, will prepare a draft ordinance amendment to update the NCMU zoning district code to reflect the goals laid out in the corridor vision and incorporate input collected during public engagement and City Council/Planning Commission meetings.

5.2 The consultant team will provide logistical support to City Staff while the ordinance amendment goes through the formal review and approval process (one Planning Commission meeting and a first and second reading at two separate City Council meetings). The consultant team is not expected to attend these meetings but shall assist City Staff in revising the draft ordinance based on any feedback received from the policymakers during the course of the formal review process.

Task 6 – Development of Graphics Depicting the Revised Design Standards

6.1 The 2003 “Concord/Grand Gateway Streetscape and Redevelopment Plan” includes a graphic depicting the CGMU/NCMU zoning district site design standards and a second graphic depicting the CGMU/NCMU zoning district building design standards. If needed, the consultant team will prepare revised graphics that reflect the changes that have been made to the NCMU design standards.
DESCRIPTION OF CITY RESPONSIBILITIES

1. Public outreach via website / newsletter and local news media.
2. Corridor orientation for consultant team.
4. Public participation mailing lists and envelopes.
5. Presentations to the Planning Commission, City Council, and other impacted stakeholders

*The $30,000 Dakota County SHIP grant requires that the City provide at least a 10% match. The City is planning to provide this with an “in-kind” contribution of Staff time. City Staff will be a strong and involved partner in completing this project.

ANTICIPATED DELIVERABLES

- Corridor Vision (See 4.1)
- Ordinance Amendment to Update the North Concord Mixed-Use Zoning District (see 5.1 & 5.2)
- Graphics Illustrating Revised Site and Building Design Standards (see 6.1)

PROJECT SCHEDULE

The following is the desired schedule for the project:

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP Released</td>
<td>January 12, 2021</td>
</tr>
<tr>
<td>Proposals received by the City</td>
<td>February 17, 2021</td>
</tr>
<tr>
<td>City Council Approved Consultant Selection</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Execution of Contract with the City</td>
<td>Ideally on March 1, 2021 but no later than March 15, 2021</td>
</tr>
<tr>
<td>Authorization to proceed</td>
<td>After Execution of Contract</td>
</tr>
<tr>
<td>Project Kickoff and Advancement</td>
<td>Immediately after Contract Execution</td>
</tr>
<tr>
<td>Completion of Corridor Vision</td>
<td>On or Before June 15, 2021</td>
</tr>
<tr>
<td>Completion of Draft Ordinance Amendment</td>
<td>On or Before August 6, 2021</td>
</tr>
<tr>
<td>Review of Ordinance Amendment by Planning Commission</td>
<td>September 1, 2021</td>
</tr>
<tr>
<td>First Reading of Ordinance Amendment by City Council</td>
<td>September 20, 2021</td>
</tr>
<tr>
<td>Second Reading of Ordinance Amendment by City Council and Approval of Ordinance Amendment</td>
<td>October 4, 2021</td>
</tr>
<tr>
<td>Completion of Graphics Illustrating Code Regulations</td>
<td>October 18, 2021</td>
</tr>
</tbody>
</table>

*The SHIP grant requires that all reimbursable consultant work be completed by October 31, 2021. The project schedule listed above is the City’s preference. If necessary, however, the scope of this project can be modified so that the consultant team completes all required tasks and generates deliverables prior to October 31, 2021 and City Staff then takes the ordinance amendment through the formal review and approval process without continued support from the consultant.

Consultant Provided Schedule:

The consultant selected shall provide a schedule with associated tasks and deliverables. See aforementioned description of services and deliverables.
SUBMITTAL REQUIREMENTS

General Information:

1. **Addenda/Clarifications.** Any changes to this RFP will be made by the City through a written email addendum. No verbal modification will be binding.

2. **Contract Award:** Issuance of this RFP and receipt of proposals do not commit the City to the awarding of the contract. The City reserves the right to postpone opening for its own convenience, to accept or reject any or all proposals received in response to this RFP, to negotiate with other than the selected consultant, should negotiations with the selected consultant be terminated, to negotiate with more than one consultant simultaneously, or to cancel all or part of this RFP.

   **City Rights:** The City may investigate the qualifications of any consultant under consideration, require confirmation of information furnished by the consultant, and require additional evidence of qualifications, to perform the work described in this RFP. The City reserves the right to:

   a. Reject any or all proposals if such action is in the public interest;
   b. Cancel the entire Request for Proposals;
   c. Issue a subsequent Request for Proposals;
   d. Remedy technical errors in a Request for Proposals process;
   e. Appoint evaluation committees to review the proposals;
   f. Establish a short list of consultants eligible for interview after evaluation of proposals;
   g. Negotiate with any, all, or none of the RFP consultants; and
   h. Reject and replace one or more subcontractors.

3. **Independent Price Determination:** Applicants are held legally responsible for their information and budget. Applicants are not to collaborate, for the purpose of restricting competition, with other applicants or competitors in developing proposals and budgets.

4. **Independent Contractor Status:** The consultant will be an independent consultant; nothing contained in any contract awarded shall be construed to create the relationship of employer and employee between City and the consultant. The consultant is not entitled to receive any of the benefits by City employees and is not eligible for workers’ or unemployment compensation benefits. The consultant understands that no withholding or deduction for state or federal income taxes, FICA, FUTA, or otherwise, will be made from payments due the consultant and that it is the consultant’s sole obligation to comply with the applicable provisions of all federal and state tax laws.

5. **Contract Type:** A contract will be executed between the City and a prime consultant firm. In the case of a project team of multiple consultants, a prime consultant firm shall be responsible for subcontracting with the other consultant firms. There will be no legal relationship with the City and the subcontracting consultant firms. The prime and subcontracting consultant firms shall be responsible in providing the required submission information via a single proposal.
Letter of Submittal Inclusions:

1. Name, address, phone number, and email from the firm’s client representative;
2. Acknowledgement of receipt of RFP addenda, if any;
3. Name, title, address, telephone, fax numbers, and email address, of contact person during the period of evaluation;
4. A statement to the effect that the proposal shall remain valid for a period of not less than 120 days from the date of submittal; and
5. Signature of a person authorized to bind the offering firm to the terms of the proposal.

Minimum Proposal Requirements:

1. Briefly describe the project understanding and approach used by your firm. Give a brief description of issues you believe significant on this project; how you intend to use existing information to help limit project costs; any unique options to be pursued for this project; and a brief outline of your project approach.

Key Personnel:

a. Project Manager: Provide a description of the Project Manager and their qualifications for this project and a detailed list of previous projects worked on with the firm that are relevant to the project. If it is possible that more than one project manager will be assigned to various specialty areas, please provide multiple descriptions.

b. Key Support Personnel: Provide a brief list of key personnel that will be assigned to this project. Identify the areas of expertise for project personnel and experience working with project managers on previous projects.

2. Previous experience with zoning studies and preparation of mixed-use development standards. Describe previous projects that the Project Team has completed.

3. Sub-consultants. Describe the name and location of other sub-consultants that would be used by the firm for the project. Identify the approximate percentage of the work that would be performed by each of these firms. Describe previous projects on which the consultant and sub-consultants have collaborated.

4. Fee Estimate. Provide an estimate of the total project costs per the defined scope of work. The fee estimate shall be broken into work tasks with an hourly estimate of time required by each project personnel or sub-consultant. Any allowances for project costs, such as mileage or indirect office costs should be identified. The actual fee will be based on hourly and reimbursable costs with a not-to-exceed maximum contract amount.
The fee proposal shall be structured as follows:

<table>
<thead>
<tr>
<th>Task</th>
<th>Project Manager</th>
<th>Descending order of responsibilities →</th>
<th>Sub-consultants</th>
<th>Expenses (Total mileage, etc.)</th>
<th>Total Hours</th>
<th>Cost per Task</th>
<th>Total Cost per Deliverable</th>
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<tr>
<td>1. (Ex. Planning)</td>
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<td>Descending task per proposal ↓</td>
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5. Statement of Compliance: The consultant will need to include a Statement of Compliance to the terms identified for Standard Assurances, and Insurance Terms.

6. Conflict of Interest. The Consultant must identify any potential conflict of interest it may have providing the services contemplated by this RFP.

7. Other information you believe may be valuable in reviewing the qualifications of your firm/team.

EVALUATION REQUIREMENTS

A review of each proposal by the City will identify the consultant firm that most closely meets the needs for the project. Upon review of the proposals, top candidate firm(s) may be asked to make a presentation and be interviewed by the selection committee.

Factors to be considered by the selection committee will include, but not be limited to the following:

1. Qualifications and experience of the firm relating to previous similar projects.
2. Project Team – qualifications and experience of the Project Manager and key staff proposed to work on the project, experience on previous similar projects, and availability of the key staff members.
3. Grasp of project requirements – the firm’s analysis, interview preparation (if needed) and level of interest.
5. Responsiveness – compatibility between consultant and the member agencies, general attitude, ability to communicate with each of the agencies.
6. Fee estimate – understanding total project cost and cost control measures identified.
SUBMISSION DEADLINE

Four (4) copies of the proposal and one (1) electronic copy (.pdf format) shall be submitted by 12:00 p.m., local time, on February 17, 2021, to the address given below:

Michael Healy
Community Development Department - Planning Division
South St. Paul City Hall
125 3rd Ave. N.
South St. Paul, MN 55075 Office
Phone: 651-554-3217
Email: mhealy@southstpaul.org

Questions regarding this RFP and the project should be directed to Michael Healy at 651-554-3217 (mhealy@southstpaul.org). Late proposals may not be accepted at the City’s discretion.

CONTRACT

The term of the contract to be awarded under this RFP will be from the date executed by all parties until services are complete. The City will prepare a contract with the selected Consultant. The City will use its standard contract terms and conditions, which are available upon request. The selected Consultant must be willing to sign a contract that will incorporate the RFP plus attachments, the response to the request for proposal and any other terms negotiated by the parties.

ATTACHMENTS

A- Zoning Map Showing North Concord Mixed-Use Zoning District in Dark Purple

B- South St. Paul Standard Agreement for Consulting Services
This Zoning map is a representation of various maps and ordinances that make up the City of South St. Paul zoning code. Percentage of Acreage is calculated from county parcel data. Results are representational and not to be used for purposes other than zoning. For detail information pertaining to a specific property or zoning district, please contact the City of South St. Paul Planning Department at http://www.southstpaul.org/