City of South St. Paul
Planning Commission Agenda

Wednesday, March 4, 2020
7:00 p.m.

Chair:
Stephanie Yendell
Vice-Chair:
Ruth Krueger
Commissioners:
Angela DesMarais
Tim Felton
Jason Frankot
Justin Humenik
Matthew Thompson

Roll Call

1. Agenda

2. Minutes
   A. February 5, 2020

3. New Business
   A. Rules of Order
   B. Election of Officers

4. Public Hearings
   A. PC Case#2020-08-491-501 Malden Street- Twin City Hide/ Twin City Tanning- Site Plan Review and PUD Amendment.
   B. PC Case#2020-09-140 2nd Ave South- Rayme and Katherine Tindell - A variance request to convert a single-family home into a duplex in the R-2 District.
   C. PC Case#2020-10-125 3rd Ave N- City of South St. Paul- An IUP for a seasonal farmers’ market at 1151 Southview Boulevard.

5. Other Business
   None

6. Adjournment

Next Planning Commission Meeting: April 1, 2020

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.
MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISSION  
February 5, 2020

MEETING CALLED TO ORDER BY VICE CHAIR KRUEGER AT 7:00 P.M.

Present:  
Isaac Contreras  
Angela DesMarais  
Tim Felten  
Justin Hnienik  
Ruth Krueger  
Jason Pachl  
Michael Healy, City Planner  
Ryan Garcia, Economic and Community Development Director

Absent: Stephanie Yendell

1) APPROVAL OF AGENDA — Motion to approve the agenda as presented – Pachl/ Contreras (6-0)

2) APPROVAL OF MINUTES – January 8, 2020 – Motion to approve the minutes as presented – Contreras/ Huminek (6-0)

3) NEW BUSINESS

Mr. Healy introduced himself to the Planning Commission and spoke to his background as the City Planner/ Zoning Administrator at the City of Big Lake.

4) PUBLIC HEARINGS

A) PC Case #2020-04: Southview Shopping Center Variance- 221-225 13th Avenue South- A request for a setback variance for parking along Southview Boulevard and 13th Avenue South.

Mr. Healy provided background on the Southview Shopping Center Variance. He explained that the case is unique in that the applicant is not seeking a new project, but rather correcting an issue that arose during a street reconstruction project. During the Southview reconstruction project, the County closed off one of the parking lot access points and eliminated 20 or so parking stalls. New parking stalls were created in the place of the abolished stalls; however, the new stalls were created in the required setback. The applicant has requested 2 setback variances to allow the new parking areas to remain in place along 13th Avenue and Southview Boulevard.

A representative of the applicant, Michael Couri, came forward to speak to his client’s request to formally legalize the redesigned parking lot and its setbacks.

Vice Chair Krueger opened the public hearing

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

Vice Chair Krueger closed the public hearing.
Planning Commission Minutes  
February 5, 2020  
Page 2 of 5

Motion to approve as presented - Pachl/ Felton (6-0)

B) PC Case #2020-05: South St. Paul Open Foundation – 1725 Henry Avenue – Consider an amendment to an Interim Use Permit to allow a single day event at Hangar 3.

Mr. Healy spoke to the applicant’s request for a hanger dance in the Commemorative Air Force (CAF) hanger at the South St. Paul Airport. The planning case memo was originally written for an Interim Use Permit (IUP) for a one day event. Staff discovered in the days leading up to the Planning Commission meeting that the CAF has an IUP for two hanger dances a year through 2031. Based on the new information, the city attorney recommended amending the existing IUP to allow a third hanger dance in 2020 instead continuing the item as a standalone IUP.

The applicant, Mark Duffy, spoke to the request.

Vice Chair Krueger asked if the applicant would need to return for an addition IUP amendment if they had a desire for a third dance hanger in 2021. Mr. Healy explained the applicant would need to but the Planning Commissioners have the opportunity to recommend a permanent change to the IUP. The applicant noted that there was interest in amending the IUP to allow a third hanger dance every year.

Vice Chair Krueger opened the public hearing.

No correspondence had been received nor was anyone present to speak.

Vice Chair Krueger closed the public hearing.

Commissioner Pachl requested clarification regarding whether the CAF would be able to have another event if the IUP was amended and the South St. Paul Open Foundation backed out of their event. Mr. Healy confirmed that would be the case. Commissioner Pachl followed up by asking if specifics could be added to the IUP. Mr. Healy explained specifications could be added.

Commissioner Pachl requested clarification regarding whether the notification for the event was sent to residents of Inver Grove Heights given their previous frustrations with events at the site. Mr. Healy explained that the notice was sent out to all property owners in the area, including the Inver Grove Heights residents.

Commissioner Pachl pointed out the public hearing notice only informed the neighbors that there would be a single new hangar dance in 2020 and that amending the IUP to allow a third hangar dance every year would be a much larger proposal than what had been noticed. Mr. Healy agreed with that assessment and advised that the Planning Commission probably should not amend the IUP to allow a third dance every year without holding a new public hearing with a more accurate public hearing notice. The Commissioners agreed that, at this time, they would only be recommending that Council amend the Interim Use Permit to allow a third dance in 2020. A future amendment could be more far-reaching.

Motion to approve as amended - Felton/ DesMarais (6-0)

C) PC Case #2020-02: South Street Flats LLC- 300 South Street- A request for Preliminary Plat and a Conditional Use Permit for a Planned Unit Development.

Mr. Garcia provided background on the applicant’s request for a Preliminary Plat and Conditional Use Permit for a Planned Unit Development for the property at 300 South Street. The proposed development would create 13 individual townhome lots and one common lot out of the five existing lots at the site. The site is zoned R-4.
and is required by the Metropolitan Council to have at least 13 units per acre. The development would create 13 townhome units with access off of South Street.

Mr. Garcia explained that a Planned Unit Development (PUD) allows for flexibility from the typical requirements this kind of development would be subject to. Because the site is an infill site, a PUD is necessary for the project to work on this site. Staff recommendations included a revised landscaping plan to show how the building would be landscaped, information about buffering between the neighboring properties, reducing the radius of the road, a lighting plan for in the parking area, revised elevation plans showing all 13 units and material selection for the building. Staff recommends approval of the preliminary plat and the conditional use permit for a Planned Unit Development.

Commissioner Contreras asked for clarification on the mixed unit requirement set forth in Section 118- 267. Mr. Garcia explained that in the ordinance, there is a unit mix standard which states no more than 50% of the units can be two bedroom units. Mr. Garcia explained this ordinance is one of the reasons that the applicant has requested a Conditional Use Permit for a Planned Unit Development.

Commissioner Contreras asked if the applicant would provide revised plans showing the laundry room inside the housing space. Mr. Garcia explained that one of the conditions of approval include the submittal of a revised floor plan, building elevations and site plan prior to final plat approval.

Commissioner Contreras clarified if the Planning Commission needs to see the revised plans before moving forward. Mr. Garcia explained that the item could be tabled by the Planning Commission subject to seeing additional plans before acting on the recommendation. Mr. Garcia emphasized that city staff feel comfortable recommending approval without seeing the revision prior to council.

The applicant, Dick Braun, spoke to Commissioner Contreras’s concerns presented and affirmed that a new draft incorporating the changes recommend by staff was in the works.

Commissioner Contreras asked for clarification if the pond on the Northwest corner was a stormwater pond. Mr. Braun explained that the pond was dry pond. Commissioner Contreras asked if that was where snow would be kept. Mr. Braun stated he would need to talk to the City engineer about that.

Commissioner Contreras asked if a new homeowners association would be created or an existing association would be used. Mr. Braun stated that a new homeowner’s association would be created for South St. Flats.

Vice Chair Krueger opened the public hearing.

Mr. Garcia stated he had received a telephone call from the property owners at 226 South Street West regarding how far the building would be from their property line and would the driveway interfere with the enjoyment of their property. As a result of the call staff have recommended a landscaping buffer between the neighboring property and the proposed development. Vice Chair Krueger also noted the email from the resident regarding water drainage.

Lavonne Francis, 245 Ash Street W, spoke to concerns that some of the neighbors had including fencing between the proposed and the neighboring properties, the height of the building and how that would affect privacy, the effects of lighting on the neighboring properties, traffic on the property, water runoff and whether the units would be purchased or rented.

Vice Chair Krueger closed the public hearing.
Mr. Braun noted that townhomes could be either rented or owned. Mr. Braun addressed Mrs. Francis's concerns regarding the intention to have trees between the development and the neighboring properties. Mr. Braun stated that there would be 150 feet between the proposed development and neighboring properties along Ash Street to protect the neighbor's privacy. A lighting plan had not been fully determined but there were a variety of lighting options. A fence would be added between the proposed development and the property directly to the East. Finally, the applicant had worked closely with the City Engineer to address the water drainage issues.

Vice Chair Krueger clarified what the next steps were and what safeguards were in place if concerns arose. Mr. Garcia explained that the Preliminary Plat and PUD are separate items. If the Planning Commission recommends approval, the item would go to the City Council on February 18th for their approval of the preliminary plat. The next item would be a final plat which would go only to the City Council but not the Planning Commission. Mr. Garcia reminded the Planning Commissioners that they are allowed to table an item until they receive the information they want. Mr. Healy provided insight into the Planned Unit Development process.

Commissioner Huminek asked if the development would meet the minimum density requirements of the 2030 Comprehensive Plan. Staff confirmed it would. Commissioner Huminek strongly recommended that the developer take the neighbor's concerns into account going forward.

Christopher Francis, 245 Ash Street West, asked for confirmation that the developer had purchased the land so the project would not fall through as the previous project had. Mr. Braun confirmed he had.

Mr. Braun responded to additional questions and concerns the commissioners presented.

Motion to approve as presented- Contreras/ Huminek (5-1)

D) PC Case#2020-06: City of South St. Paul- 125 3rd Avenue North- A Code Amendment to the Concord Gateway Mixed Use District.

Mr. Healy elaborated on the proposed amendments to the Concord Gateway Mixed Use District (CGMU). The CGMU district has two sub-districts: CGMU-1 and CGMU-2. At the January 13th workshop, City Council decided they would like to see body art establishments allowed in the CGMU district. Other proposed changes to the district include allowing veterinary clinics with a CUP, requiring a CUP for schools and churches and prohibiting drive-through uses in the CGMU-1 while continuing to allow them in the CGMU-2. The proposed changes would not create any non-conformities and would help nurture a craft economy in the district.

Commissioner Felton confirmed that only 2 body art establishments allowed in town. Mr. Healy confirmed that was the case and that it could not be changed by the Planning Commission because the restriction was set forth through licensing.

Vice Chair Krueger asked why churches and schools would require a conditional use permit. Mr. Garcia explained that many of the lots are not prepared to handle the parking that would be needed for those uses and requiring a conditional use permit would help to regulate this. Vice Chair Krueger asked if the ordinance amendment would impact existing churches. Mr. Garcia explained that the CGMU district does not have any existing churches.

Vice Chair Krueger opened the public hearing.
Mr. Healy stated he had received correspondence requesting more information about the proposed changes but did not receive any feedback on the proposed changes.

No one was present to speak on the item.

Vice Chair Krueger closed the public hearing.

Motion to approve as amended—Contreras/DesMarais (6-0).

5) OTHER BUSINESS

Mr. Healy presented an update on the Comprehensive Plan. The Metropolitan Council is requiring the city to make additional changes to the Comprehensive plan that was submitted in December, which is standard procedure.

Commissioner Felton thanked Commissioner Pachl for his time serving on the Planning Commission.

6) ADJOURNMENT

Motion to adjourn—Contreras/Pachl (6-0).
AGENDA ITEM 3A
South St. Paul Planning Commission

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<tr>
<td>Adoption of Planning</td>
<td>Michael Healy,</td>
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<td>Commission Rules of</td>
<td>City Planner</td>
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**ACTION REQUESTED**

Consider Adoption of Planning Commission Rules

The Planning Commission adopts rules governing the operation of the group each year. The attached Rules of Order are the same formal rules of order the Planning Commission has adopted for the last few years.

Staff recommend that the Planning Commission adopt PC Resolution 2020-03 approving the South St. Paul Planning Commission Rules of Order.
ADOPTING PLANNING COMMISSION RULES OF ORDER

WHEREAS, the City Code requires that the Planning Commission adopt rules of order to govern how the commission conducts their meetings; and

WHEREAS, on March 4, 2019 the Planning Commission reviewed the Planning Commission Rules of Order and considered approval of the rules of order; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:


Adopted this 4th day of March, 2020.

______________________________
Chair

ATTEST:

______________________________
City Planner
South St. Paul Planning Commission
Rules of Order

March 4, 2020

SECTION 1 MEETINGS

1.1 TIME Regular meetings shall be held on the first Wednesday of each month at 7:00 p.m., unless otherwise agreed to and so stated in the Agenda. When the regular meeting day falls on a legal holiday, the meeting shall be rescheduled to the Tuesday before the meeting date, Thursday following the meeting date, or the following Wednesday.

1.2 SPECIAL MEETINGS Special meetings may be called by the Chair or the City Planner.

1.3 PLACE Meetings shall be held at the South St. Paul City Hall, 125 Third Avenue North. Upon a majority vote of the Members, special meetings may be held at a location convenient to the matter under consideration.

1.4 PUBLIC All meetings and hearings, records, and minutes are open to the public.

1.5 QUORUM Four Members shall constitute a quorum for the transaction of business. When a quorum is not present, the Chair may adjourn the meeting or hold the meeting for the purpose of hearing interested parties on items on the agenda. No final or official action shall be taken at such a meeting, however, the facts and information gathered at such a meeting may be taken as a basis for action at a subsequent meeting at which a quorum is present.

1.6 VOTE Voting shall be by voice vote, except as otherwise stated herein. Members shall voice votes on each issue, which shall be recorded. All Members, except Staff Members, have the right to vote.

SECTION 2 ORGANIZATION

2.1 MEMBERSHIP “Members” refers to all members of the Planning Commission.

The Planning Commission shall consist of seven Members appointed by the City Council and may be removed by a five-sevenths vote of the Council. Members shall be appointed for terms of four years and until their successors are appointed or qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of official duties, taken an oath to faithfully discharge the duties of office. All members shall serve without compensation.
2.3 **ELECTION OF OFFICERS**  At the March meeting each year, the Members shall elect from its membership a Chair and a Vice-Chair by secret ballot. Each Member shall cast a ballot for Chair. If no one receives a majority of votes, the balloting shall continue until one Member receives majority support. The Vice-Chair shall be elected from the remaining Members by the same procedure.

If the Chair retires, the Vice-Chair becomes Chair. If both Chair and Vice-Chair retire, new Officers are elected at the next meeting. If the Chair and Vice-Chair are absent from a meeting, the Members shall elect a temporary Chair by voice vote.

The Commission may create and fill such other offices as it may determine.

2.4 **TENURE OF OFFICERS**  The Chair and Vice-Chair take office immediately following their election and hold office until their successors are elected and assume office.

2.5 **DUTIES OF OFFICERS**  The Chair, or in the absence of the Chair, the Vice-Chair presides at meetings, appoints committees, and performs other duties as may be ordered by the Members.

The Chair conducts meetings so as to keep them moving as rapidly and efficiently as possible and reminds the Members, witnesses, and applicants to discuss only the matter at hand.

**SECTION 3 STAFF SUPPORT**

3.1 **SECRETARY**  The Secretary is responsible for recording the minutes and keeping records of actions.

3.2 **CITY PLANNER**  The City Planner shall approve all items placed on the agenda. Approval is given only when all required data has been submitted by the applicant, and when the application fee and required information are submitted by the required deadline for the meeting. Upon receipt of an application or request for an item to appear on the agenda, the City Planner shall determine as to whether all necessary information and exhibits have been submitted. If the submitted information is deficient, the City Planner shall notify the applicant of the deficiencies.

Upon approval of the agenda, the City Planner shall forward copies of the application and supporting documentation to the appropriate Staff Members.
Written Staff reports are required from the City Planner. Written Staff reports may be submitted by any other City Department, including the Building Official, Engineering Department, and Fire Department.

The City Planner shall prepare the final agenda and assemble the packet of material ("the Packet") for the meetings. The Packet shall contain the application and or application narrative, Staff reports and all other relevant information. The Packets shall be mailed to the Members and Staff Members no later than the Thursday preceding the next meeting or personally delivered by the Friday preceding the next meeting.

The City Planner shall be available for consultation with any applicant by appointment.

SECTION 4 PROCEDURE

4.1 PARLIAMENTARY PROCEDURE Parliamentary procedure governed by Robert Rules of Order shall be followed at meetings. At special meetings and when useful, the Members may hold group discussions not following any set parliamentary procedure, unless motions are before the Members.

4.2 PURPOSE OF HEARING The purpose of a hearing is to collect information and facts in order for the Members to make decisions or to develop a recommendation for the City Council.

4.3 HEARING PROCEDURE At hearings, the following procedure shall be followed on each matter:

a. The Chair shall identify the case to be heard.

b. The Chair may call upon the appropriate Staff Member to summarize the reports contained in the packets. A Staff Member from each Department that submitted a report should be present, when possible.

c. The Chair shall ask the applicant to come forward and be heard on the application.

d. Interested persons may address the Members regarding the particular matter, after providing their full name and address.

e. After all new facts and information have been heard, the hearing shall be closed and interested persons shall not be heard again unless the hearing is reopened and unless all interested parties are given an opportunity to be heard again. Upon completion of the hearing on each matter, the Members shall discuss the matter and render a decision.

4.4 OTHER MATTERS Matters for discussion that do not appear on the agenda are considered and discussed by the Members only when initiated and presented by Staff or other Member, and shall be placed at the end of the regular agenda.
SECTION 5 MISCELLANEOUS

5.1 SUSPENSION OF RULES The Members may suspend any of these rules by majority vote.

5.2 AMENDMENTS These Rules of Order may be amended at any regular or special meeting by a vote of six (6) Members.

5.3 REVIEW At the March meeting of each year these Rules of Order shall be adopted by the Members.

5.4 ORIENTATION All new Members shall receive an orientation by the appropriate City Staff Members. At that time, the new Members shall be given a copy of the South St Paul Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, Zoning Map, the Rules of Order and any other relevant information necessary to carry out their duties and responsibilities.
**AGENDA ITEM 3B**
South St. Paul Planning Commission

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<td>Election of Planning Commission Officers.</td>
<td>Michael Healy, City Planner</td>
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**ACTION REQUESTED**

**Consider Adoption of Planning Commission Rules**

The Planning Commission Rules of Order state that each year the Planning Commission is to elect Officers. The Planning Commission has typically had two officers; the Chair and Vice-Chair. However, the Rules state that the Planning Commission could also elect additional officers should they so choose. The Chair will typically lead the meeting and the Vice-Chair will fill that role if the Chair is absent. Planning Commission Officers serve the position for the year and/or until officers can be elected for the following year.

Staff recommends that the Planning Commission elect officers for 2020 and adopt PC Resolution 2020-04 approving the 2020 Planning Commission Officers.
City of South St. Paul  
Dakota County, Minnesota  

PLANNING COMMISSION  
RESOLUTION NUMBER 2020-04  

ADOPTING PLANNING COMMISSION OFFICERS  

WHEREAS, the Planning Commission rules of order state that each year the Planning Commission shall elect its officers; and  

WHEREAS, on March 4, 2020, the Planning Commission reviewed the Planning Commission Rules of Order and considered election of Planning Commission Officers for Chair and Vice-Chair for 2020; and  

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:  

1. Approval of ________________ as Planning Commission Chair for the period of March, 2020 through March, 2021.  

2. Approval of __________ as Planning Commission Vice-Chair for the period of March, 2020 through March, 2021  

Adopted this 4th day of March, 2020.  

__________________________________  
Chair  

ATTEST:  

__________________________________  
City Planner
AGENDA ITEM 4A
South St. Paul Planning Commission

Prepared By:
Michael Healy, City Planner

Meeting Date:
3/4/2020

Item No.
PC2020-08

Item Description:
Public Hearing for a PUD Amendment and Site Plan Review for Twin Cities Hide and Tanning.

Reviewed By:
Ryan Garcia, Community Development Director

ACTION REQUESTED
A motion recommending approval or denial of a PUD Amendment and Site Plan for Twin Cities Hide and Tanning.

BACKGROUND/DISCUSSION

OVERVIEW

Application

The Applicant, Twin Cities Hide and Tanning, has submitted an application requesting the following:

1. A PUD Amendment to allow roof-mounted mechanical equipment that exceeds the maximum permitted height for the Industrial zoning district, revise the pedestrian improvement requirement of the original PUD, and allow a slight reconfiguration of site design.
2. Site Plan Review for construction of “Phase 3” which is a roughly 46,000 square foot processing center.

Background

Twin Cities Hide and Twin Cities Tanning are two interrelated businesses located on adjacent parcels at 491 Malden Street and 501 Malden Street respectively. Both businesses are owned by the same parent company, TCH Realty Inc. Twin Cities Tanning has road frontage on two streets-Clinton Street and Malden Street- while Twin Cities Hide is completely landlocked but has access to Malden Street through an easement across the Twin Cities Tanning property. The two companies obtained a Planned Unit Development/Conditional Use Permit in 2017 that would allow them to phase in improvements to their properties. The “master plan” enshrined in the PUD contemplated redevelopment taking place in five (5) phases which were originally set to all take place prior to May 2020. The Applicant obtained a PUD extension in 2019 and now has until 2023 to finish the improvements.

Phase I of the PUD plan, which was completed in 2017, was the construction of a 30,000 square foot detached warehouse for wet hides. Phase II, which was completed in 2019, was the demolition of the 17,000
square foot attached warehouse that was located at the northern end of the site. Phase III, which is now in review, is the construction of a 45,817 square foot processing facility on the site of the recently demolished warehouse. Future phases will include the demolition of the existing processing facility and its replacement with a new attached warehouse.

This current application is for two things:

1. **Site Plan Review.** The original 2017 PUD approval was just for the “bones” of the redevelopment. The Applicant had not completed final plans for any of their buildings aside from the detached warehouse. The City chose to approve the “bare bones” PUD plan with the condition that each subsequent phase would need to come in for a site plan review and the Applicant would need to provide detailed plans at that time.

2. **PUD Amendment.** As the Applicant has fleshed out their plans, they have made several “tweaks” to their project which require amendments to the CUP/PUD in order to move forward:
   a. The Applicant wishes to install a 20-foot tall piece of mechanical equipment on the roof of the proposed new processing facility. This will exceed the permitted height for the Industrial district.
   b. The Applicant does not wish to install a sidewalk or other pedestrian improvement to connect Clinton Avenue to Twin Cities Hide. A condition requiring future pedestrian improvements was baked into the original PUD approval.
   c. The Applicant has retooled their site design and is proposing a processing facility with a slightly different size and shape than what was approved in 2017. The proposed facility is slightly smaller than the 45,817 square foot building that was previously approved and it is oriented differently to better facilitate truck movements. It has also become clear that the Applicant will not be able to fully comply with the flood fringe district requirement that the entire building be raised to an elevation of 705 through the use of fill AND that the fill must extend for 15 feet in all directions beyond the building. The building itself will be raised on fill to that 705 elevation but it is not possible to meet that 15-foot requirement due to the “tightness” of the site and location of existing buildings. The Applicant’s plan is consistent with the original PUD approval but Staff feels that the deviations from the flood fringe requirements should be more clearly spelled out in the approval to remove all ambiguity and prevent confusion and delays during the building permit review.

**Site Characteristics**

Twin Cities Hide and Twin Cities Tanning, when taken together, sit on roughly 10.4 acres. The property is currently developed with single-story industrial buildings along the eastern side of the property. As previously stated, Twin City Hide occupies the northern parcel and Twin City Tanning occupies the southern parcel. The two companies have a common wall along the property line separating Twin City Hide from Twin City Tanning. The northern half of the site, where the proposed processing facility will be located, is bounded by railroad tracks on either side.

**Zoning Summary**

The site is zoned I: Industrial. It is subject to the code requirements of the Industrial zoning district as well as the architectural standards of Section 118-9 that apply to commercial and industrial buildings in the
Industrial district. The Industrial district allows or manufacturing, warehousing, and distribution within an enclosed building with permanent walls and roof.

The site lies within the Mississippi River Critical Corridor Area (MNRRRA) and is subject to the standards outlined in the overlay district that governs that area. The site is also within FEMA Flood Zone AE and is subject to the requirements for Flood Fringe uses.

There is some ambiguity in the zoning code regarding the extent of the City’s “Shoreland Overlay District” which is a zoning district intended to protect the aesthetics and water quality of lakes and rivers in accordance with state laws. The City’s Shoreland Ordinance states that the Shoreland rules, which severely limit impervious surface coverage and building height, are in effect for all properties within 300 feet of the river or within the landward extent of the floodplain districts. In spite of this language referencing floodplain areas that are deeper into the city than 300 feet, it does not appear that the City has enforced the Shoreland standards for properties further than 300 feet from the edge of the river. City Staff reached out to the Minnesota DNR for clarification regarding the Shoreland program rules, which are derived from State Statute. The DNR stated that it appears that the City adopted its Shoreland Ordinance without a DNR review and that there do appear to be some confusing inconsistencies in the South St. Paul ordinance. The DNR is advising that it does not appear to be in keeping with the intent of the Shoreland Ordinance to apply it to properties that are thousands of feet away from the river, as the subject property is. They noted that the subject property is only in the flood fringe district due to elevation and that most of the properties between the subject property and the river are not in the 100-year floodplain. They are advising that the City need not enforce the Shoreland standards for this project. In the future, the City should work with the DNR to “clean up” the Shoreland Ordinance code language to eliminate the inconsistencies and ambiguity.

**Summary of Existing PUD Flexibility**

The existing PUD (approved in 2017 and extended in 2019) granted the following flexibility from the zoning ordinance:

1. Allowed greater lot coverage by buildings than the 40% that is generally allowed in the Industrial zoning district. **Allowed up to 44.6% coverage.**

2. Allowed multiple principal structures on a single lot.

3. Allowed the somewhat unusual arrangement of having buildings on two parcels that feed into each other with a 0-foot setback along a common wall.

4. Allowing development in an area below the regulatory flood protection elevation with some flexibility being granted from standard code provisions.

**PHASE III PROCESSING FACILITY SITE PLAN REVIEW**

**Proposed Building**

As previously stated, the Applicant has slightly amended their plan for the new processing facility. The new proposal calls for a roughly 45,626 square foot processing facility that will face due west, just as the existing buildings to the south currently do. The previously approved building was roughly 200 square feet larger and
was angled somewhat to the southwest. The Applicant has indicated that the revised design works better for site flow and trucking.

The proposed building will have minimal setbacks from the east and north property lines. Both property lines butt up against rail sidings which, in the Industrial zoning district, means that a 0-foot property line setback would be allowed.

The proposed building will be located roughly 20 feet away from the existing processing building to the south, the building that will be demolished as “Phase IV” of the plan. The Applicant has indicated that they need to keep the two buildings at least 20 feet apart due to building code requirements regarding snow load when two (2) adjacent commercial/industrial buildings have roots at dramatically different heights. When the Applicant has demolished the old processing facility, Phase V (the final phase) will be the construction of a new office and warehouse in its place. The new office and warehouse will “fill the gap” and will eliminate that 20 feet of separation. The buildings will all flow into one another at that point. The Applicant has indicated that this will allow them to create a sealed system and better prevent odors from escaping the property.

**Building Architecture**

City Code Section 118-9 lays out architectural requirements for various types of buildings. The Code divides exterior building materials into five (5) different classes and requires different types of buildings to utilize materials from specific classes. Industrial and warehouse buildings in the part of the I-Industrial district where the subject property is located are required to utilize at least two (2) different Class I or Class II building materials and the exterior facades must be at least 60% composed of these two materials.

The Applicant is proposing to have the entire façade consist of architecturally precast textured concrete panels which are considered a Class II material and there will be glass windows on three walls (all but the southern wall which will eventually be directly adjacent to the wall of the new attached warehouse building after the completion of Phase V). Transparent glass is considered a Class I material. The precast panels will be primarily one color with a color band added to increase visual interest.

The Applicant’s proposal appears to satisfy the Code requirements. Staff would note that the Planning Commission and City Council do have the right to request additional information regarding the precast panels or request to see a material sample if there are concerns regarding the proposal. Less quality concrete precast panels, what the Code calls “industrial grade concrete precast panels,” are only considered a Class IV material and would not satisfy the requirements of the ordinance.

The Applicant has indicated that the new building’s exterior materials will be very similar to the detached warehouse that was built in Phase I. A photograph of the detached warehouse is included as Exhibit G.

**Building Height**

The proposed warehouse building will be 50 feet in height when measured from the finished floor to the top of the parapet. This is the maximum allowable height in the Industrial zoning district without a Conditional Use Permit. The Applicant is proposing to place a piece of large mechanical equipment on the roof that will exceed the maximum allowable height and will require PUD flexibility (this request will be reviewed more thoroughly elsewhere in this memo).
Landscaping

The subject property has relatively little “green space” available for landscaping. There are essentially two locations where landscaping can take place: the area adjacent to the two public streets and the area surrounding the proposed retention pond on the northern end of the property.

The Code states that, in all zoning districts, landscaping shall be provided on all required front and side yards. The Code states that properties in the Industrial zoning district must present a detailed landscaping plan prepared by a landscape architect or other qualified individual. The plan must show that at least 15% of the parcel is landscaped and should include overstory trees, understory trees, and appropriate plants and shrubs. The Applicant’s site plan has 15.8% of the lot being landscaped which complies with that standard. In addition to the 15% requirement, the Code specifically states that in the Industrial zoning district:

1. The minimum number of overstory trees is the perimeter of the lot divided by 70. The subject properties have a perimeter of 3,430 feet and would therefore “require” forty-nine (49) overstory trees. The Code states that this requirement can be modified by the City at the request of the owner if the requirements are deemed impracticable due to soil conditions, water tables, or other conditions beyond the control of the owner. The Applicant installed 22 overstory trees, 9 ornamental trees, and 46 shrubs as part of “Phase I.” These plantings are all located near the street in the areas surrounding the parking lots and detached warehouse. The Applicant is not proposing to install any new trees or shrubs along with Phase III. They are proposing to landscape the area around the retention pond with MnDOT-approved turfgrass that is specially designed for retention pond areas but do not plan to install any trees or shrubs in that area.

2. The cost of the landscaping must be equal to at least 2% of the total project cost. The Code states that the City Council can waive this requirement for projects valued at more than $1 million. The Applicant’s project is valued at over $5 million and they have requested the waiver of this requirement.

The Planning Commission is asked to react to the Applicant’s request that they not be required to install any additional trees or shrubs and give a recommendation to the City Council. Staff would note that the only location where additional tree installation could occur would be in the area around the retention pond. This area is potentially visible from Interstate 494. A previous version of the landscape plan that was presented to the City in 2017 did show Dogwood shrubs around the pond.

Parking

Historically, this property has had very little formal delineated parking and in its previous format before the redevelopment (as recently as 2017), employee parking was basically a “free for all” on several paved undelineated surfaces scattered throughout the site. The PUD approval required that this parking situation be upgraded. Per earlier staff memos, the property will “require” 119 parking stalls once all of the improvements authorized by the PUD approval are completed. Phase I included the creation of 88 delineated parking stalls in two (2) separate parking areas. Phase III will result in the creation of an additional twenty-two (22) delineated parking stalls which will bring the site total to 110. When the Applicant comes in for approval of “Phase V,” they will need to include a plan to stripe an additional nine (9) parking stalls OR they will either need to obtain an off-site parking agreement or request that flexibility from the parking ordinance be added to their PUD approval.
Easements

As previously stated, Twin Cities Hide does not have street frontage and is accessible only through Twin Cities Tanning. Both properties are currently under the same ownership but there is no guarantee that this will remain the case long-term. Access and utilities for Twin Cities Hide cross over the Twin Cities Tanning property. The Applicant will need to put easements in place to ensure that the access and utilities are protected if the two properties ever fall into separate ownership. This was a condition of the original PUD approval and the City Engineer has laid out what will be required in his conditions letter which is included as an attachment to this memo.

Flood Fringe Requirements

The floodplain regulations require that buildings in the Flood Fringe area shall be protected from flooding by elevating the building on fill so that the lowest floor (including the basement floor) is at or above the regulatory flood protection elevation. The required elevation in this area is 705.

The Code reads as follows:

Sec. 118-171. - Floodplain districts.

(e) Flood Fringe district (FF).

(2) Standards for flood fringe permitted uses.

a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

Technically, the Code requires that the raised fill extend for 15 feet in all directions beyond the building. This is not possible for this project since the proposed building is close to property lines, railroad tracks, and existing buildings. There is not room to implement that type of grading. The old Twin Cities Hide buildings predate the City’s floodplain regulations and are built at low elevations that would not be allowed today. The Applicant is slowly “fixing” the site by tearing down the nonconforming buildings and replacing them with new buildings that are elevated on fill. The Applicant has stated that they cannot comply with the 15-foot requirement. Additionally, the Applicant’s proposed loading dock will be at a slightly lower elevation than 705. The Code states that a Conditional Use Permit approval is needed for any project that will not comply with the floodplain conditions.

The City Engineer has reviewed the Applicant’s proposal and believes that the Applicant is doing their best to meet the spirit of the ordinance and improve their site’s level of compliance with the floodplain regulations. He is advising that the City approve PUD flexibility as part of the CUP/PUD so long as the Applicant ensures that the finished floor of their building itself is at least at the 705 elevation.
PUD AMENDMENT

There are several items that were identified during site plan review which require a PUD amendment in order to move forward. These are either items that would normally require a Variance or a CUP or they are items that were required under the 2017 PUD approval that the Applicant wishes to modify.

Mechanical Equipment Height

The building is proposed to be 50 feet in height which is the maximum height allowed in the zoning district. Building heights in excess of 50 feet require a Conditional Use Permit. Section 118-273 of the Zoning Code states that rooftop mechanical equipment may extend up to 10 feet beyond the maximum permitted height of a building. Code section 118-242 states that rooftop mechanical equipment must be screened:

Sec. 118-242. - Screening.

(f) Mechanical equipment (as defined in the state building code) located on the roof of any building and visible from the street level or from adjacent properties shall be screened with a material approved by the city engineer and designed to blend harmoniously with the building’s facing materials. Where a building has exposure to a building with higher elevation, mechanical equipment on the roof shall be totally screened or enclosed with a material, approved by the city engineer, designed to blend with the roof surface material.

The Applicant is proposing to place a very large “scrubber” on top of the roof of the building. They have stated that the equipment will work better if it is located on the roof versus being on the ground. Additionally, there is no good spot on the site to place the equipment were it to be on the ground. Per the Applicant, this device will play a major role in achievement of the project’s odor mitigation goals. The scrubber is expected to be roughly 18’ by 30’ in size (540 square feet) but the Applicant is still in the process of designing the equipment and does not have a final design at this time. The scrubber itself will be roughly 9 feet in height which falls within the allowable “extra height” for rooftop equipment BUT the scrubber will have a 20-foot tall attached smokestack adjacent to it. The top of the smokestack will be roughly 70 feet above the finished floor of the building. It would require a Conditional Use Permit or PUD flexibility to allow the smokestack to achieve this height.

The screening of this mechanical equipment is important because the roof of this building is very visible from Interstate 494 which is located just a few hundred feet to the north. The interstate is elevated in this area and users can look out and see the tops of the buildings in this industrial area. The Applicant is proposing to screen the scrubber on all four (4) sides by installing metal panels which will be color-clad to complement the building. The metal panels will extend roughly 9 feet above the roof. The metal panels will not screen the top 10 feet of the smokestack. The top 11 feet of the smokestack is relatively narrow and not especially visually intrusive.

Please see Attachment D for building elevations showing the proposed screening panels and Attachment E for schematics showing the expected design of the roof-mounted scrubber.

Building Orientation and Elevation

As previously stated, the Applicant has re-oriented the Phase III building and slightly altered its shape and size. In order to keep the PUD approval documentation clean and consistent, Staff is recommending that the
CUP/PUD be amended to specifically state that the altered design (which deviates from the approved 2017 master plan) be approved.

As previously stated, the site is not going to be able to 100% comply with the flood fringe requirement that the fill on which the building will rest be extended out for 15 feet beyond the building and that the fill be no more than one (1) foot below the required regulatory flood protection elevation of 705. Staff is advising that the PUD be amended to specifically authorize the City Engineer and City Planner to allow flexibility from this requirement during review of the building permit. The earlier PUD approval and Staff memo allude to flexibility from the flood fringe ordinance but do not make it entirely clear how much flexibility is being granted.

**Pedestrian Circulation Plan**

The 2017 CUP/PUD approval states that Twin Cities Hide should revise their site plans to provide sidewalks and pedestrian ways throughout their site to provide access to the Twin Cities Hide facility. It appears that this language was added as somewhat of an “afterthought” as this is a heavy industrial site and there are not public sidewalks along either of the streets that provide access to Twin Cities Hide and Twin Cities Tanning. There is no language in the Industrial district zoning code which would automatically require sidewalks or pedestrian improvements for this type of development. The PUD ordinance does state that pedestrian circulation plans are required for PUD projects but does not provide specific performance standards for what those plans need to entail.

The Applicant has already made some pedestrian improvements to their site as part of Phase I. The Applicant installed sidewalks at the southern end of their site to provide access to Twin Cities Tanning and the new Twin Cities Hide detaché warehouse. They do not think it is feasible to extend sidewalks up to the northern end of the site. The only place where a sidewalk could conceivably be placed is along the northern property line. It is unclear whether this location would be viable or whether it would conflict with utilities and drainage.

The Applicant is requesting that the PUD be amended to clearly state that they are not being required to provide additional pedestrian improvements beyond what was completed alongside the Phase I improvements. Staff believes that this is a reasonable request but would ask that the Planning Commission review the site plan and discuss whether additional pedestrian access would be beneficial or necessary.

**Discussion**

Overall, what is being proposed is substantially consistent with the original 2017 PUD approval aside from a few new elements. The Planning Commission is asked to weigh in on:

1. Is the proposed landscaping sufficient? Does the Applicant need to add additional overstory trees to their landscape plan?

2. Is the roof-mounted mechanical equipment proposal acceptable? Is the proposed screening sufficient?

3. Does the Planning Commission see any issues with the minor revisions to the building orientation or the clarification regarding enforcement of the flood fringe ordinance?

4. Does the Planning Commission feel that it is necessary to require additional pedestrian improvements that would provide additional access to the northern part of the property?
PUD approvals are discretionary and the City is not obligated to approve flexibility from its zoning standards. That being said, Staff believes that the proposed changes are reasonable.

**DNR Comments**

The DNR reviewed the proposal because the site is in the Mississippi River Corridor Critical Area. They submitted a “no comment” response.

**STAFF RECOMMENDATION**

Planned Unit Development approvals are completely “discretionary” and the City is not obligated to approve the proposed changes. That being said, Staff believes that the proposal is reasonable and the overall redevelopment will increase the aesthetics and functionality of the site while also providing odor mitigation. Staff recommends approval of the planned unit development amendment and site plan with the following conditions:

**Planning/Zoning Conditions**

1.) The Applicant shall adhere to all of the conditions of all previous CUP/PUD approvals (City Council Resolutions #2017-102, #2017-146, and #2019-187) except that the following additional PUD flexibility shall be granted:

   a. The Applicant shall not be required to install any additional sidewalks or pedestrian infrastructure beyond what may be required by the Building Code or Fire Code.

   b. The Applicant shall be permitted to install a roof-mounted scrubber system which exceeds the maximum allowed building height for the Industrial district. The scrubber system, including the smokestack, may extend no more than 20 feet beyond the top of the building. The scrubber itself must be fully screened in compliance with the approved building plans. The topmost ten (10) feet of the scrubber’s smokestack does not need to be screened.

   c. The Applicant will be permitted to reorient the Phase III processing facility building in the manner proposed by the site plan dated 1/23/2020.

   d. The Applicant must adhere to the flood fringe requirement that the building be placed on fill so that the lowest floor of the building is at or above the regulatory flood protection elevation. Some flexibility will be allowed from the requirement that the fill extend 15 feet out from the building. The loading dock shall be permitted to have a slightly lower elevation that the regulatory flood protection elevation. Final elevations for the site’s grading will be subject to the review and approval of the City Engineer.

2.) The Applicant shall submit revised plans at time of building permit to comply with any conditions imposed by this approval.

3.) The Applicant shall update the landscaping plan to meet any requirements imposed by the Planning Commission or City Council.

4.) Per the original PUD approval, the building permit submittal shall include an odor mitigation plan that is subject to review and approval by the City and its consultants. The Applicant is required to maintain an escrow to support additional monitoring of odors during the time that they are temporarily using their
detached warehouse for wet hide storage. This escrow was established at the time of the Phase I improvements and must continue to be maintained.

5.) The Applicant will be required to make a Sewer Access Charge (SAC) payment consistent with Metropolitan Council requirements at time of building permit.

6.) The Applicant shall submit a financial security to ensure compliance with their approved gracing plan and stormwater management plan, consistent with Code Section 110-82. The terms of the financial security shall be established by the City Engineer.

7.) Any new signage will require a sign permit.

8.) The Applicant shall be responsible for obtaining any required approvals from other agencies such as the Minnesota DNR, MnDOT, and Dakota County.

9.) The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

Building Department Conditions

10.) A building permit is required prior to the start of any construction activities. The review and approval the site improvement pursuant to the requirements of the City’s adopted building and fire codes shall be in addition to the site plan review process. The site plan approval process does not imply compliance with the requirements of these codes.

11.) Occupancy of the new building will be approved and allowed only when the building is given its final inspection. Nothing will be allowed in the building prior to that time. There will be no temporary certificate of occupancy.

12.) Phase IV of the redevelopment project, the teardown of the existing processing facility, may not proceed until a demolition permit has been obtained from the Building Department.

Engineering Conditions

13.) The Applicant shall address the eighteen (18) conditions of the City Engineer’s letter dated February 26, 2020. These conditions must be addressed prior to building permit issuance.

ATTACHMENTS

A- Site Location Map
B- Aerial Photograph Showing Subject Properties
C- Approved PUD Master Site Plan from 2017
D- Site and Building Plans
E- Proposed Roof-Mounted Mechanical Equipment
F- Landscape Plan
G- Photograph of Completed Phase I Warehouse Building
H- City Engineer’s Letter (Dated 2/26/2020)
I- Applicant’s Narrative
J- Previously Approved PUD Resolutions
ATTACHMENT A
SITE LOCATION MAP

491-501 Malden St-Twin City Hide

October 25, 2019

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.
TWIN CITY HIDE - EMISSION CONTROL

[ CECCO HEE-DUAL $575,000 + INSTALLATION ]

PROPOSED ROOF-MOUNTED MECHANICAL EQUIPMENT

ATTACHMENT F

2/14/20
PHOTOGRAPH OF COMPLETED PHASE I WAREHOUSE BUILDING

ATTACHMENT G
February 26, 2020

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

RE: TWIN CITY HIDE NEW WAREHOUSE
    CITY OF SOUTH ST. PAUL

Dear Mr. Healy:

We have reviewed the submittal package for the proposed Twin City Hide new warehouse. As you are aware, this warehouse expansion is the 3rd phase of the overall site modifications for the site. With the previous overall site approvals our review comments are largely based on ensuring the development meets the conditions and design guidelines that have been accepted. Our comments are relative to the current phase of the improvements.

Survey
1. The Twin City Hide and Tan site encompasses two separate parcels, currently owned by the same entity. An access easement exists over the southerly most parcel to provide access to the northerly parcel and a small utility easement, however several segments of the utilities and the stormwater BMP’s that serve both parcels are not covered by easements. The applicant should provide cross easements for any storm line, sanitary line, watermain line, or storm water BMP that is on one property and serves the other property.

Existing Conditions
1. The location of STWH 5 is not clearly defined on the plan and it appears a pipe is missing between STWH 5 and the CB to the east or the flow direction of an existing pipe is shown incorrectly. The applicant should verify the existing utility routing is shown clearly and correctly.

Site Plan
1. The applicant should provide a parking plan for the overall site including handicapped parking to document compliance with ADA requirements.

Grading Plan
1. Provide High Water Level (HWL) for the stormwater pond on the north end of the site.
2. Denote the location and elevation of the stormwater pond emergency over flow (EOF). In addition, the location of the secondary discharge point from Pond 1P “Filtration Basin” included in the HydroCAD report should be noted on the plan.
3. The grading plan indicated the unpaved areas will be restored with seed or sod. Portions of the slope between the new building south wall and the existing building north wall are relatively steep 3:1 (H:V). More detail should be provided for restoration requirements on these slopes to ensure erosion is controlled.
Storm Water Pollution Prevention Plan

1. There is a note on sheet C3-2 that reads "convert CB to San MH with solid cover lid" and inlet protection is being provided around the structure. Clarification should be provided as to the current and future intent for this structure for City approval.

2. The SWPPP sheets should designate the hard (impervious surfaces) vs. green (permeable) areas of the site. Shade bituminous areas.

3. Denote the areas of steep slopes on the SWPPP.

4. The name of the SWPPP preparer along with documentation of their certification should be provided on the plan.

5. It does not appear that the existing sand filtration areas can be isolated or taken off-line during construction. After stabilization of the site the filtration areas functionality must be tested to ensure the systems are working as designed.

Utility Plan

1. The storm water calculations indicate the outlet structure of the pond must be modified to achieve the required rate control for the site. Please provide detail on this modification.

2. A note should be added that the watermain must be pressure tested and bacteria tested to the City’s standards and all tests witnessed by City staff. The new main must stay isolated from the system until all testing has passed.

3. Add a note that the sanitary sewer service must be pressure tested per City standards and tests witnessed by City staff.

Storm Water Calculations

1. The drainage calculations have been reviewed for continuity with the original submittal and the improvements that have occurred throughout the various phases. The most recent submittal appeared to be accurate and a summary was provided that documented rate control requirements were being met. However, only the HydroCAD results from the 100-year storm event were provided in the last submittal. A complete report should be provided that contains all required storm events. As noted in a previous comment the final building plans will need to be reviewed to ensure compliance with what was submitted in the drainage calculations.

General Comments

1. There is over one acre of disturbance for the redevelopment and therefore a National Pollution Discharge Elimination System (NPDES) permit will need to be obtained. Documentation of the permit approvals will be required prior to any work.

2. The applicant should provide a financial security to ensure compliance with the Storm Water Management Plan and SWPPP requirements. The amount required is $3,000/disturbed acre. These funds shall be used for compliance inspections and to address any remedial work necessary to achieve SWPPP compliance on the site.

3. The storm water calculations indicated that stormwater from the roof of the new building will be rate controlled and a portion of the water reused for processes within the facility. Review of the completed building plans must be completed to ensure the improvements match the conditions of the model to ensure compliance with the approved storm water management plan.
From an engineering standpoint I would recommend approval by the City contingent on the above referenced comments and corresponding final engineering review and approval. All comments must be addressed prior to the issuance of any permits and/or the start of construction.

Sincerely,

Lee Elfering, P.E.
City Engineer
Narrative from the petitioner

- **Type of business/activity.** - Hide processing facility.
- **Expected activities on the site.** - Receive, process, store and shipment of hides.
- **Number of employees.** - 20 employees.
- **Number of anticipated customers at any one time.** - 2 customers.
- **Hours of operation.** - 24 hours.
- **Odor mitigation of the processing building.**

In addressing the odor mitigation system for TC Hide new processing building the owner will include the following in their building design.

- The unloading of fresh hides will be done within the building’s interior dock doors, overhead doors will be closed when not in use.
- TC Hide will be installing a multi-stage-chemical-scrubber (roof mounted) with a capacity to clean the building air and maintain negative pressure within the building.
Twin City Hide – New Processing Plant

February 19, 2020

We are applying for a Planned Unit Development / Conditional Use permit amendment for the following conditions:

- The new Twin City Hide processing building will be 50’ tall, which is the maximum height for the zoning district.

- Per the code, rooftop mechanical equipment is allowed to exceed the maximum allowed building height by up to 10 feet provided that the mechanical structure does not cover more than 15% of the roof (it does not.)

- Per the PUD, we are required to provide odor mitigation which may require a roof mounted scrubber. This equipment is 40'6" long, 8'11" high, 16'10" wide. There will be a 24' round stack located on the end of this equipment that will be 20' above the roof. This equipment potentially can be reduced in size by upgrades in new equipment for fresh hide processing which could reduce the volume of air to be treated. The dimensions above represent a worst-case design.

- We will be screening this equipment on (4) sides to a height of 9 feet.
ATTACHMENT J

PREVIOUSLY APPROVED PUD RESOLUTIONS (ORIGINAL AND 2 AMENDMENTS)

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2017-102

A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT / CONDITIONAL USE PERMIT FOR THE REDEVELOPMENT OF THE SITE AT 491-501 MALDEN STREET

WHEREAS, the City received an application from Gunderson Construction on behalf of Twin City Hide and TCH Realty, Inc. for a Planned Unit Development to allow phased redevelopment of the hide processing operation on the site at 491-501 Malden Street and legally described as follows:

(See Attached Exhibit A)

WHEREAS, the Planning Commission held a public hearing on the application at their May 3, 2017 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the application at their May 3, 2017 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. Facts. The facts found by the Planning Commission as stated in the Planner’s report regarding this matter are hereby adopted and included herein by reference.

2. Findings. The City Council determines that the proposed Planned Unit Development will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code. Additionally, the request is in harmony with the purpose and intent of the ordinance and the terms are consistent with the Comprehensive Plan.

3. Planned Unit Development/Conditional Use Permit. The proposed Planned Unit Development for the phased redevelopment of the site and Conditional Use Permit for development within the Flood Fringe area would include the development of a stand-alone 30,000 s.f. warehouse, demolition of existing facility, development of a new 46,000 s.f. processing facility, and development of an attached 35,000 s.f. warehouse
Resolution No. 2017-102
May 15, 2017
Page 2 of 6

is hereby approved for the property at 491-501 Malden Street subject to the following conditions:

A) Compliance with Plan Submittals. The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Engineering Department:

   a) Application / Narrative (Gunderson / TCH, Pope) dated 04/03/2017
   b) Civil Plans (Loucks, Pope) dated 04/03/2017
   c) Site / Architectural Plans (Pope) dated 04/03/2017

B) Project Phasing. The project consists of several phases of development including:

   1) Phase 1 – construction of a 30,000 s.f. detached warehouse
   2) Phase 2 – demolition of the existing 17,000 s.f. warehouse
   3) Phase 3 – construction of a new 46,000 s.f. processing facility
   4) Phase 4 – demolition of the existing 35,000 s.f. processing facility
   5) Phase 5 – construction of a new 35,000 s.f. attached warehouse

All phases of the proposed development shall be completed within 3 years from the date of approval of this PUD by the City or the applicant must return to the City to amend the PUD.

C) Building Permits Required. Building permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.

D) Sign Permits Required. The applicant shall file the necessary sign permit application and supplementary material as necessary and shall be subject to the review and approval of the City Planner.

E) Revised Plans.

   a) Revised plans should be submitted for changes to the site plans and/or landscape plans. No architectural plans were submitted for any phase beyond the warehouse in Phase 1. Architectural plans, floor plans, civil plans, landscaping plans including a detailed planting schedule, fence/screening plans, and photometric plans shall be required at the time of Site Plan review. The applicant shall submit revised architectural plans noting materials, heights, and percentage of different materials.

   b) Plans shall include location of sidewalks and pedestrian ways. Provide sidewalk/pedestrian way through the site to provide pedestrian access to the Twin City Hide facility.

   c) The current plans show that utilities serving the Twin City Hide site do not follow existing easements. Easements or utility locations shall be corrected to ensure that access to these utilities is protected.

   d) The site does not show a sufficient number of parking spaces to comply with City Code. If a variation from the parking standards is requested through the Planned Unit Development, then the applicants must show how they will provide sufficient
parking to accommodate the facility. This analysis should demonstrate whether the gap in parking is present during normal shifts or just during periods where shifts may overlap. The applicants shall provide the City with revised plans demonstrating how the site will accommodate additional parking on site, a shared parking agreement to meet the parking requirements, or some combination of those elements.

F) Screening/Fencing. Dumpsters shall be screened in accordance with City Code, such screening is subject to the review and approval of the City Planner. Any exterior storage (if approved through the application) shall be screened by landscaping or screening. Barbed wire security fence is prohibited.

G) Approvals from other agencies. The applicant shall obtain all necessary approvals from other applicable agencies such as MnDNR, MnDOT, and Dakota County.

H) Flood Protection / Flood-Proofing. As an industrial property in the Flood Fringe area the Flood plain regulations require that the buildings shall be protected from flooding by elevating the floor levels equal to the height of the regulatory flood protection, designed to flood internally and according to FP-1 or FP-2 standards from the Building Code or other means as allowed under the Floodplain ordinance.

I) Additional Odor Monitoring During Temporary Warehouse Use. The applicant shall provide an escrow which would be used for the City to perform additional odor monitoring around the proposed facility during the temporary use of the 30,000 s.f. warehouse for wet hides storage. The amount of the escrow shall be established by the City in consultation with their Odor Consultant and shall be sufficient to cover the cost to the City for the additional odor monitoring of the warehouse during the temporary use. If during the odor monitoring the City determines that the facility is in violation of the odor ordinance, then the applicant will be required to install odor mitigation to bring the facility into compliance with the odor ordinance.

J) Odor Mitigation. The applicant shall provide the City with an odor mitigation plan that shall be reviewed and approved by the City, the odor mitigation plan shall be required prior to issuance of building permits.

K) Stormwater Maintenance Agreement. The applicant will need to maintain their stormwater system to ensure that it functions properly. A stormwater maintenance agreement will be required and an escrow for the stormwater maintenance improvements is required prior to issuance of building permits.

L) Compliance with Laws and Approvals. The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

M) Review of the Planned Unit Development / Conditional Use Permit. The Planned Unit Development / Conditional Use Permit will be reviewed in approximately 1 year to determine compliance with the PUD / CUP.

N) Termination of the Planned Unit Development / Conditional Use Permit. The Planned Unit Development / Conditional Use Permit will terminate if improvements have not
Resolution No. 2017-102
May 15, 2017
Page 4 of 6

substantially begun within 1-year from the date of approval of the PUD/CUP. The violation
of a condition of approval shall terminate the PUD/CUP. The property must be continually
operated for the use specified in the PUD/CUP to remain valid. If the property is not used
for the use listed in this PUD/CUP for a period of 1-year then the PUD/CUP shall terminate.

Adopted this 15th day of May, 2017

[Signature]
City Clerk
RESOLUTION NO. 2017-146

A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT FOR THE PROPERTY AT 491/501 MALDEN STREET

WHEREAS, the City received an application for a Planned Unit Development Amendment from Twin City Hide for the property located at 491/501 Malden Street and legally described as follows:

See Attached Exhibit A

WHEREAS, the Planning Commission held a public hearing on the application at their August 2, 2017 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the Planned Unit Development Amendment (6-1) subject to certain conditions of approval at their August 2, 2017 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. **Facts.** The facts found by the Planning Commission as stated in the Planner’s report regarding this matter are hereby adopted and included herein by reference.

2. **Determination.** The City Council determines that the Planned Unit Development Amendment will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code.

3. **Planned Unit Development Amendment.** The Planned Unit Development Amendment for the property at 491/501 Malden Street, South St. Paul, Dakota County, Minnesota, is hereby granted, subject to the following conditions:

   A. **Conditions from Previous Approvals.** The conditions from the Planned Unit Development adopted through Resolution No. 2017-102 shall remain in effect except as specifically amended below:

   B. **Parking Setback.** The PUD is amended to allow for a 20’ parking setback variance to the site plan as amended. The applicant shall incorporate low landscaping or other
Resolution No. 2017-146
August 21, 2017
Page 2 of 4

buffering between the additional 11 parking spaces and the curb subject to approval of the City Planner.

C. Compliance with Plan Submittals. The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department.

1) Application (Gunderson/TCH, Pope) dated 06/05/2017
2) Site / Architectural Plans (Pope) dated 06/05/2017

D. Compliance with Laws and Approvals. The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

Adopted this 21st day of August, 2017.

Christy M. Wilcox
City Clerk
RESOLUTION NO. 2019-187

A RESOLUTION APPROVING AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR THE REDEVELOPMENT OF THE SITE AT 491 – 501 MALDEN STREET

WHEREAS, the City received an application from Twin City Hide for a requesting a three-year extension ("the Amendment") to the Planned Unit Development, approved and amended by the South St. Paul City Council via Resolution 2017- 102 and Resolution 2017-146, respectively ("the PUD"), for a site located at 491 - 501 Malden Street ("the Property"); and legally described as follows:

(See Exhibit A)

WHEREAS, the Planning Commission held a public hearing on the application at their December 11, 2019 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission recommend Approval (5 – 1) of the application at their December 11, 2019 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South St. Paul, Minnesota as follows:

1. **Facts.** The facts found by the Planning Commission as stated in the Planner’s report regarding this matter are hereby adopted and included herein by reference.

2. **Findings.** The City Council finds that the Amendment to the PUD will not be detrimental to the health, safety, morals, or general welfare of the city and that the Amendment to the PUD is fully consistent with the purposes of the Zoning Ordinance and Comprehensive Municipal Plan.

3. **Amendment to the Planned Unit Development.** The City Council approves of a three-year extension to the previously approved Planned Unit Development, with all phases of development to conclude not later than May 15, 2023, subject to the following conditions:

   1) **Compliance with Application Materials.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, and narratives on file with the Community Development Department and submitted by the applicant and/or its representatives and dated 8/24/2019.
2) **Continued Compliance with Previous PUD Approvals.** Other than the extension to the completion date for the PUD, the site shall continue to remain in compliance with all terms and conditions found in the Planned Unit Development/Conditional Use Permit approved through City Council Resolutions No. 2017-102, 2017-129 and 2017-146.

Adopted this 16th day of December, 2019.

[Signature]

City Clerk
AGENDA ITEM 4B
South St. Paul Planning Commission

<table>
<thead>
<tr>
<th>Prepared By:</th>
<th>Meeting Date:</th>
<th>Item No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monika Mann, Community Development Support Specialist</td>
<td>3/4/2020</td>
<td>PC2020-09</td>
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</tbody>
</table>

| Item Description: |
| Public Hearing for Variances to allow the conversion of a single-family home at 140 2nd Avenue South into a duplex |
| Tindell Variance |
| 140 2nd Ave South |

<table>
<thead>
<tr>
<th>Reviewed By:</th>
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</tr>
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<tbody>
<tr>
<td>Michael Healy, City Planner</td>
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</tbody>
</table>

ACTION REQUESTED
Consider a lot size, lot width and parking variances for a duplex at 140 2nd Avenue South.

BACKGROUND/DISCUSSION
Application

The Applicants, Rayme and Katherine Tindell, have submitted an application requesting the following:

1. A lot size variance to allow a duplex on a 5,000 square foot lot. Code requires any two-family dwellings in the R-2 district to be on a lot that is at least 7,500 square feet (for lots that were platted prior to May 1, 1967 like the subject property was).
2. A lot width variance to allow a duplex on a 40 foot wide lot. Code requires any two-family dwelling in the R-2 District to be on a lot that is at least 60 feet wide if the lot was platted prior to May 1, 1967.
3. A variance for one off-street parking stall. Code required two off-street parking spaces per dwelling unit. The property has 3 off-street parking spaces.

Background

The R-2 zoning district, where the subject property is located, does allow duplexes. However, it sets a minimum lot size requirement for new duplexes and for the conversion of existing single-family homes into duplexes. The subject property does not meet the lot size requirements for being converted into a duplex.

The subject property is described by the tax assessor as being a single-family home and was listed as a single-family home on recent City “point of sale” documents. However, the property is structurally set up as a duplex with an upstairs and a downstairs unit. Each unit has separate bathroom, kitchen and sleeping facilities. The house was built in 1907. The applicants purchased the home in 2012 and utilized the house as a single family home despite the property being structurally a two-family home at the time it was purchased. It is possible that this property was once “grandfathered” as a lawful nonconforming duplex (one of the neighbors has stated that it was used as a duplex up until the late 1960’s) but that grandfathering would have been lost when the property was converted into a conforming single-family home. The Applicants have recently moved to Florida and now wish to rent out the home as a duplex.
Three (3) variances are needed in order for the property to be converted into a duplex without making any new improvements to the property. A 2,500 square foot lot size variance and a 20-foot lot width variance are needed for the property to be converted without full compliance with the lot size requirements for a two-family dwelling in the R-2 District. Additionally, the property only has three (3) off street parking spaces at this time, two (2) in a detached garage and one (1) in the driveway leading to the garage. The Code states that two (2) spaces are required per unit so a two-unit duplex would require four (4) off-street parking spaces. It does appear that a fourth off-street parking stall could be constructed on the site by extending the driveway but this would require the removal of a chain link fence, several trees, and an existing garden shed. The Applicant has requested a one-stall parking variance and is seeking permission to convert the home into a duplex without extending the driveway to create that extra parking stall.

Staff Site Visit

Staff visited the site on 02/11/2020. During the visit, staff noted that while the property is classified as single-family home, the property is structurally a two unit home with each unit having a separate entrance, bathroom, kitchen and sleeping facilities. Each unit locks in such a way to bar the other unit access to their unit. The building shares a common basement which can be accessed by either unit without entering the other unit.

The rear of the property has a two-car garage and a one car driveway. The driveway could be extended further to fit two cars upon the removal of a chain link fence, a small shed and a handful of small trees.

Background Regarding Code Requirements

The majority of home sites in South St. Paul were platted prior to the establishment of a zoning code and much of the City’s housing stock was constructed before that time. South St. Paul’s first zoning code was enacted in November of 1948. The zoning code in 1948 had a general residential zoning district which would have applied to this property and required lots in that district to be at least 5,000 square feet with a 40-foot lot width. The zoning code changed on May 1, 1967 to require dwelling lots to be at least 9,000 square feet with a 75-foot width, unless it was platted before the day the ordinance was enacted. The current code specifies that lots platted prior to May 1, 1967 must be at least 7,500 square feet and at least 60-foot width in order to be used as a duplex. Smaller lots can only be used for single-family homes under the current ordinance. All of the existing duplexes on lots smaller than 7,500 square feet are considered “grandfathered.” The City Code is extremely permissive in regards to grandfathered duplexes and states that they are not fully considered nonconforming and can be improved and expanded so long as no additional dwelling units are added. Most cities do not afford nonconforming uses expansion rights.

Off-street parking requirements mandate that owners provide enough parking for a particular use. Two (2) parking spaces per residential dwelling unit is a fairly standard requirement throughout the metro area. Standard required parking space dimensions are nine (9) feet wide by 18 feet long. Any additional parking created on the subject property would need to comply with the following Code requirements:

- Off-street parking, structures of any type, buildings, or other improvements shall cover no more than 75 percent of the lot areas. The landscaped portion of the lot shall not be less than 25 percent of the entire lot as a result of permitted encroachments on required yards. (Code Section 118-198)
Location. All required off-street parking shall be located on the same lot as the principal building served unless otherwise approved by the city engineer. No driveway or off-street parking area shall be located closer than two feet from an adjacent lot zoned or used for residential purposes (Code Section 118-353)

Minimum driveway area. In residential districts, no more than 25 percent of the required yard area shall be surfaced or utilized for driveway or vehicle parking space (Code Section 118-352)

Formal Findings of Fact for Variance

1.) The subject property is located in the R 2 District. The R-2 district allows duplexes as a permitted use.
2.) The subject property is located in Hepburn Park subdivision, which was platted in 1886.
3.) The house was built in 1907 and is structurally set up as a duplex with a potential dwelling unit (bedrooms, kitchen, and bathroom) on the first floor and a second potential full dwelling unit on the second floor. Each potential dwelling unit has its own lockable access to the outdoors.
4.) At some point, the property began being used as a single-family home. The tax assessor lists it as a single-family home and recent point of sale documents also state that it is being utilized as a single-family home.
5.) The lot size requirements for a newly created two-family home in the R-2 District is 9,000 square feet with a 75-foot lot width. However, the R-2 District ordinance grants lot size flexibility for two-family homes on lots that were platted prior to May 1, 1967. The lot size requirement for those lots is 7,500 square feet with a 60-foot width.
6.) The subject property is only 40 feet wide and 5,000 square feet so it does not qualify for a conversion to a duplex.
7.) Parking is required at a rate of two spaces per dwelling unit.
8.) Section 118-352 states that each parking space shall not be less than nine feet wide and 18 feet in length.
9.) The minimum number of spaces required for the subject property to be in compliance is 4 off-street spaces.
10.) The site has three off-street spaces; two are enclosed in the garage and one spot is in the property’s driveway leading up to the garage. The Applicant has stated that the existing driveway is wide enough to fit two vehicles in emergency situations such as during a snow event although it is very “tight.” Staff would agree that this appears to be the case but would note that the Code has dimensional requirements for parking spaces and the driveway does not qualify to be counted as two (2) parking spaces.
11.) The property to the immediate north of the subject property (136 2nd Ave. South) is a “grandfathered” duplex on a 5,000 square foot, 40-foot-wide lot. Additionally, there are two (2) other duplexes on 5,000 square foot, 40-foot-wide lots also located on the same block as the subject property at 112 2nd Avenue South and 113 3rd Avenue South. It appears that the block’s grandfathered duplexes do meet the parking requirement and each provides at least four (4) off-street parking stalls.
12.) There is street parking on both sides of the street on 2nd Avenue South.

Discussion

Staff believes that there are legitimate practical difficulties that merit granting the lot size and lot width variances to allow the structure to be utilized as a duplex. As previously stated, the home is already structurally set up as a duplex. The “flow” of the property is not conducive to being a functional single-family home. The upper floor and the lower floor function as completely separate units and have their own access to the outdoors. It would not be safe for parents to live on one floor and have children living on the other floor. The children would be able to gain access to the outdoors without supervision.
Staff does not believe that the issues with the property’s parking supply reach the same level of practical difficulty. It does appear that there is room on the site to construct a code-conforming driveway extension that would solve the parking issue. The Applicant has stated that he does not wish to remove the shed or the trees and he does not wish to extend the driveway. This is a “judgement call” on the part of the Planning Commission and City Council regarding whether the barriers to constructing the driveway extension (trees, fence, and shed) are sufficient to justify a variance. Staff is not able to give a recommendation of approval for the parking variance and is therefore recommending denial.

The Planning Commission is asked to evaluate the variances through the lens laid out in the City Code. Staff has completed a draft analysis which can be revised if the Planning Commission wishes to recommend approval of the parking variance:

a. That the variance is in harmony with the general purpose and intent of the ordinance

The general purpose and intent of the ordinance appears to be to only allow single-family homes to be converted to duplexes if the lot is a sufficient size to accommodate the increased intensity of use. However, the ordinance is specifically set up to allow existing duplexes on nonconforming lots to continue indefinitely and even be expanded in size. The subject home is structurally a duplex and would likely be considered grandfathered were it not for its conversion to a single-family home use sometime in the last 100 years. Per the Code, single- and two-family homes should be built with at least two parking spaces per dwelling units under the assumption that two adults live in each dwelling unit. The parking supply variance does not appear to be in harmony with the purpose and intent of the ordinance since it is possible to add a fourth stall and bring the subject property into compliance with the ordinance relatively easily.

b. That the terms of the variance are consistent with the Comprehensive Plan

The 2030 Comprehensive Plan acknowledges a need for affordable housing and additional housing units despite the lack of available vacant land for the construction of new units. The variance for this property would create new affordable units without needing to utilize the limited vacant land that is available.

The 2030 comprehensive plan does call for decreasing parking requirements in the area around Southview and Marie (where the subject property is located) but the goal is primarily related to mixed-use and commercial uses. The Comprehensive plan does not offer any specific guidance regarding parking requirements for duplexes or single-family homes and should therefore be interpreted as supporting the status quo.

c. That economic considerations are not the reasoning for the variance

The practical difficulties are a result of the age and the size of the parcel rather than economic considerations. The parcel was platted in 1886, long before the City of South St. Paul had an established zoning code. Therefore, it is unreasonable to expect the site to be able to conform to the 9,000 square foot lot size standard which was put in place in 1967.

The need for a parking variance is not solely motivated by economic considerations but economic considerations do appear to be a major factor. There would be costs involved with readying the site and constructing a driveway addition. The Applicant is seeking to leave the property in its existing state.

d. That the Property Owner proposes to utilize the property in a reasonable manner

The neighborhood is characterized by single-and two-family homes on lots of the same size as the subject property. The Single-and-Two-Family district intends for housing within the district to be both single-family homes and two-family homes. Therefore, the Property Owner proposes to utilize the property in a reasonable manner. Most of the houses in this neighborhood were built before the City adopted a zoning code and therefore were “grandfathered” with whatever parking supply they may have had at the time of
the zoning code's adoption. It appears that most of the houses in the neighborhood do comply with off-street parking requirements.

e. That the plight of the property is not due to the circumstances created by the property owner

The practical difficulties are a result of the age of the house and its construction as a duplex at a time before the zoning code had minimum lot size requirements. The parcel was platted in 1886, long before the City of South St. Paul had an established zoning code. Therefore, it is not reasonable to expect the site to be able to conform to the 7,500 square foot lot size standard which was put in place in 1967.

The issues relating to parking were not created by the owner. The current parking configuration was already in place when the owner purchased the property in 2012. It does not appear that this property has ever had four (4) formal off-street parking spaces despite having likely been a duplex at some point during its history.

STAFF RECOMMENDATION

Staff believes there to be a strong case for a variance to alleviate practical difficulties related to lot size and lot width and therefore recommends approval of the lot size and lot width variance. Staff does not find a strong case for practical difficulty for the parking variance and cannot recommend approval of that variance. The Planning Commission will need to weigh in regarding whether the parking variance should be recommended for approval.

1.) A building permit must be obtained prior to the start of any construction activities.
2.) The Applicant must obtain the appropriate rental license before renting out any units at the property.
3.) The property must remain compliant with all federal, state and local laws and ordinances and all prior City Approvals.
4.) The variance will be reviewed in approximately 1 year to determine compliance with these conditions of approval.
5.) The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of a condition of approval shall may result in the termination of the variance, following a hearing by the City Council.
6.) Any other conditions determined by the Planning Commission and City Council to be relative to the application and necessary for approval.

If the Planning Commission chooses to recommend denial of the parking variance but approval of the duplex conversion lot size variances, the following conditions should be added to the approval:

7.) The applicant must construct a fourth off-street parking space. The new space must meet zoning requirements relating to setbacks, must be surfaced with an approved hard surface material, and a permit must be obtained before construction.
8.) The Applicant shall not be permitted to obtain a rental license for the second unit until either the fourth parking stall has been constructed OR the Applicant has provided the City with a cash escrow equal to the full cost of constructing the parking improvement to guarantee its completion. The escrow shall be an amount established by the City Engineer. The City shall reserve the right to revoke the rental license for the second unit or utilize the cash escrow to complete the required improvement if the new parking stall is not constructed by November 1st, 2020.
ATTACHMENTS
   A-  Site Location Map
   B-  Aerial Photograph Showing Subject Property
   C-  Site Photo of the Proposed Duplex
   D-  Site Photo of Parking at the Rear of the Property
   E-  Relevant Excerpts from R-2 Residential Zoning Ordinance
   F-  Public Comment
ATTACHMENT D
PHOTOGRAPH OF EXISTING OFF-STREET PARKING AND TREES AND SHED THAT BLOCK CONSTRUCTION OF DRIVeway ADDITION
ATTACHMENT E
RELEVANT EXCERPTS FROM R-2, SINGLE AND TWO-FAMILY RESIDENCE DISTRICT

Sec. 118-122. - R-2, single- and two-family residence district.

(a) Permitted uses. Within the R-2 district, no structure or land shall be used except for one or more of the following uses, except as otherwise permitted by this chapter:

(1) Principal and accessory uses permitted in the R-1 district;
(2) Duplex or twin home (see subsection (e) of this section); and
(3) A PWS antenna located entirely inside a building or structure.

(b) Uses by conditional use permit. Within the R-2 district, the following uses shall be by conditional use permit only:

(1) All uses allowed by a conditional use permit in the R-1 district; and
(2) Home occupations as defined in this chapter.

(c) Building height requirements. Within the R-2 district, the permitted building height, width, and area shall be as regulated in the R-1 district.

(d) Lot requirements; single-family dwellings. The requirements shall be the same as specified in section 118-121(d) to all single-family dwellings in the R-1 district.

(e) Lot requirements; two-family dwellings. The following minimum lot and building requirements shall apply to all two-family dwellings in the R-2 district whether the two-family homes are newly constructed or are newly created by remodeling an existing structure which was previously not a two-family dwelling:

(1) Lot area, width, and depth. No two-family dwelling shall be erected on a lot having less than 9,000 square feet of area and having less than 75 feet in width except that a building may be constructed on a lot platted prior to May 1, 1967, provided there is not less than 60 feet of frontage, and 7,500 square feet of area.

(2) Percent of land use. The two-family dwelling and accessory buildings on any lot shall not cover more than 35 percent of the area of the lot.

(3) Access to unit. Each unit of the two-family dwelling shall have a separate access to the outside of the dwelling or to a common hallway or entryway.

(4) Inspection and license. Each rental unit within a two-family dwelling shall be inspected in accordance with article VII of chapter 106 of this Code prior to occupancy.

(5) Separate bathroom, kitchen, sleeping area. Each dwelling unit must have a separate bathroom, kitchen and sleeping area.

(6) Miscellaneous. The requirements of sections 118-121(d)(2) and (d)(4) — (6) shall apply to two-family dwellings.

(f) Off-street parking, loading and unloading berths. Within the R-2 district, the provisions of article VII of this chapter shall apply.

(g) Prohibited uses. The following uses are prohibited because they are not compatible with the purposes of the R-2 residence district: PWS towers and antennas, except as permitted under subsections (a) and (b) of this section and small wireless facilities located outside of the right-of-way.

**Public Comment #1:** Submitted via email on February 27, 2020

**From:** Brian Engle <[redacted]>

**Subject:** application for Rayme and Katherine Tindell, for variances for duplex

**Date:** February 27, 2020 at 12:13:22 PM CST

**To:** mhealy@southstpaul.org

My name is Brian Engle. I own the house across from the owners of 140 2nd Ave so. Off street parking would be an issue for me, as the lots are only 40 feet wide and don’t afford allot of on street parking in front of homes in the area. Also them being out of town landlords as their address suggests in their application, is going to be a problem for the community. Most families have 2 if not 3 vehicles and i don’t own the street in front of my house, but it sure would be nice when i have company if they didn’t have to walk a block to park. Also people want to feel safe in their neighborhood, they want to know their neighbors. If i wanted to live in a multi family rental neighborhood, i wouldn’t have bought a home here. Deny the variances and keep these neighborhood lots that are less than 7500 sf single family. Thank You for hearing me.

**Public Comment #2:** Communicated via phone call with City Planner Michael Healy on February 28, 2020

A summary of the phone call:

- The caller was Tony Zaworski who lives at 128 2nd Avenue.
- Mr. Zaworski stated that he has lived on the block since 1967.
- He stated that the subject property has not been rented out as a duplex since the late 1960’s. It has been used as a single-family home for the last 50 years.
- He stated that he is opposed to the Applicant’s request because of the parking variance. He stated that there are already issues with on-street parking on this block due to the close proximity of the high-rise housing complex.
- He stated that he has concerns about the landlords living out-of-state. He stated that there are already issues with other rental properties on this block having poorly maintained yards.
- He stated that the subject property is poorly maintained at present. He is opposed to allowing the owners to further intensify the rental use.
- He has concerns about whether it is advisable to extend the driveway to provide a fourth parking stall. He thinks that this might lead to cars being parked too close to the neighboring property’s bedroom windows.
- He believes that if the City does allow the duplex conversion, they should require the Applicant to pay some amount of money to convert a street spot in front of the property into dedicated parking for the property. Healy advised Mr. Zaworski that, to the best of his knowledge, this is not something currently offered by the City of South St. Paul except in the case of residents in need of handicapped parking.
AGENDA ITEM 4C
South St. Paul Planning Commission

Prepared By:
Monika Mann, Community Development Support Specialist

Meeting Date: 3/4/2020
Item No. PC2020-10

Item Description:
Public Hearing for an Interim Use Permit for a Farmers’ Market at 1151 Southview Boulevard until October 2024.

Farmer’s Market IUP
PID: 36-48800-06-260

Reviewed By: Michael Healy, City Planner

ACTION REQUESTED
Consider an interim use permit for a seasonal farmers’ market on the property at 1151 Southview Boulevard in the parking lot behind Wakota Federal Union. The Interim Use Permit would run for 5 years (through October 2024).

BACKGROUND/DISCUSSION
Application

The Applicant, the City of South St. Paul itself, has submitted an application requesting the following:

1. A 5-year Interim Use Permit for a seasonal farmers’ market on the property at 1151 Southview Boulevard.

Background

South St. Paul participates in a network of farmers’ markets put on by the Saint Paul Farmer’s Market/Saint Paul Grower’s Association. South St. Paul’s Farmers’ Market had previously been held the market on the west side of 7th Avenue North adjacent to Central Square in South St. Paul. However, that area serves as parking for the high school and Central Square which required the Farmers’ Market to relocate to across the street every September when school came into session. After a one-year absence, the Farmers’ Market returned in 2013 at a new location in the parking lot behind the Wakota Federal Credit Union on 12th Avenue South.

In 2015, the City received an Interim Use Permit (IUP) to host the Farmers’ Market at Wakota Federal Union for five years (2015-2019). Based on the success of the location and the positive response from the community, the City is applying for an IUP to continue hosting the Farmer’s Market at Wakota Federal Union for another 5 years (through 2024). The IUP will terminate after the last day of the Farmers’ Market in October of 2024. The market will run from 2:00 PM to 6:00 PM starting in June and running until late October.
Why is an Interim Use Permit Required?

Interim Use Permits are a way to regulate temporary uses of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use. Interim Use Permits allow conditions to be added to the approval of a zoning item to regulate the use and to mitigate any potential negative impacts of the use.

Discussion

The Planning Commission is asked to evaluate the Interim Use Permit through the following lens:

a. That the use conforms to the zoning regulations.
   
   *Farmer’s Markets are listed as an interim use in the C-1, Retail Business District.*

b. That the date or event that will terminate the use can be identified with certainty.
   
   *The Interim Use Permit will terminate after the last day of the Farmers’ Market in October of 2024.*

c. 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
   
   *The Farmers’ Market is a temporary and seasonal setup that will not create any lasting impact to the site.*

d. The user agrees in writing to any conditions the city council deems appropriate for the use
   
   *The City agrees to comply with any conditions the City Council deems appropriate for the farmers’ market.*

**STAFF RECOMMENDATION**

Staff recommend approval of the proposed Interim Use Permit with the following conditions:

1.) **Sales Limited to Designated Area.** No selling or displaying shall occur outside of designated areas.

2.) **Applicant Responsible for Clean-up.** The applicant shall be responsible for all clean-up activities.

3.) **License Required for Food Vendors.** The food vendors must obtain the necessary licenses from the Minnesota Department of Health (MDH) before the applicant and/or food vendor business can begin conducting business in the city. The food vendor must also keep the MDH license in good standing.

4.) **Food Vendors Limited to the Dates of the Farmers’ Market.** The Food Vendors shall be limited to operation at the location of the Farmers’ Market and shall only operate on the dates and times that the Farmer’s Market will be operational. On those dates when a South St. Paul Community event is being held following or in conjunction with the Farmer’s Market, the Food Vendors shall be allowed to continue operating at the site until the conclusion of the South St. Paul community event.

5.) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state and local laws and ordinances and all prior City approvals.

6.) **Term of the Interim Use Permit.** The term of the Interim Use Permit shall be from June 1, 2020 through October 31, 2024.

7.) **Termination of the Interim Use Permit.** The violation of a condition of approval may result in termination of the Interim Use Permit, following a hearing by the City Council. If the property is not used or
improvements substantially begun within one (1) year of the granting of the Interim Use Permit, the Interim Use Permit may be terminated following notification from the City.

ATTACHMENTS

A- Site Location Map
B- Aerial Photograph Showing Subject Property
C- Site Photos of Farmers’ Market Location
D- Relevant Excerpts from Section 118-126- C-1, retail business district
ATTACHMENT B
AERIAL PHOTOGRAPH SHOWING FARMERS’ MARKET LOCATION (IN RED)
ATTACHMENT D
RELEVANT EXCERPTS FROM SECTION 118-126- C-1, RETAIL BUSINESS DISTRICT

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

(c) Interim uses. The following interim uses shall be permitted:

(1) Outdoor display or sales (vehicle sales are not permitted by this provision) which are accessory to a permitted use in the C-1 district, provided:
   a. The outdoor display and sales are kept on private property (except as provided in subsection f.).
   b. The outdoor display and sale items must be removed at the close of business and stored inside the building when the business is closed. The outdoor display and sale items must not be permanently attached to the ground, building, or any other surface.
   c. The outdoor display and sales items are kept well maintained so as not to present a nuisance to the neighborhood.
   d. The outdoor display and sales should not occupy required parking or access aisles.
   e. The outdoor display and sales are for items typically carried for sale inside the principal building.
   f. "Sidewalk" sales may be located on city right-of-way provided:
      1. "Sidewalk" sales may be held twice per year and are limited to ten calendar days per year.
      2. The outdoor display and sales must not obstruct a driveway or public sidewalk, trail, road, or other public right-of-way. A minimum width of four feet must be maintained to prevent obstruction of city sidewalks and pedestrian ways.
      3. The outdoor display and sales are only located on the street frontage directly adjacent to the building which the "sidewalk" sale is for.
      4. The outdoor display and sales must be located behind the curb and in such a manner as to prevent obstructing access to vehicles using on-street parking.
      5. Properties that would like to hold a "sidewalk" sale are not required to obtain an interim use permit but shall be required to register the occurrence and the dates for the occurrence with the city planner prior to holding the sale.

(2) Farmers' markets and seasonal garden centers.