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

**WebEx Meeting**

For the Public

Join by phone: 1-312-535-8110
Access Code: 286 535 318#

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

### Roll Call

1. **Agenda**

2. **Minutes**
   A. May 6, 2020

3. **New Business**
   None

4. **Public Hearings**
   B. Public Hearing for zoning applications submitted by AVM Group LLC related to a proposed industrial development at 121 Hardman Court.

5. **Other Business**
   A. Annual Planning Commission Report

6. **Adjournment**

---

Nex: Planning Commission Meeting: July 8, 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 COMMITTEE
May 6, 2020

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

Present: Angela DesMarais
Jason Frankot
Justin Humenik
Ruth Kueger
Matthew Thompson
Michael Healy, City Planner

Absent: Tim Felton
Stephanie Yendell

1) APPROVAL OF AGENDA – Motion to approve the agenda as presented – Humenik/DesMarais (5-0).

2) APPROVAL OF MINUTES – March 4, 2020 – Motion to approve the minutes as presented – DesMarais/ Humenik (5-0).

3) NEW BUSINESS

None.

4) PUBLIC HEARINGS

A) PC Case #2020-13: City of South St. Paul - 125 3rd Avenue North – Reception Hall Ordinance Amendment.

Mr. Healy presented a proposed ordinance amendment to establish formal zoning standards for reception halls that would also allow reception halls in historic buildings in residential districts. The ordinance amendment was initiated by the City Council in January of 2020 but due to the technical nature of the ordinance, it took staff some time to have the item ready. Mr. Healy stated that the public hearing for this item was only for an ordinance amendment, not for a particular application. Mr. Healy stated that if an application came in after this ordinance was changed, a separate public hearing would be required.

The City Code defines a “reception hall” as a space that is rented out for private events. Mr. Healy explained that some business have reception halls as part of their business, but the City Code lacks information about how to handle scenarios where a “reception hall” is the primary use of a property. Previously, reception hall-type businesses had been approved by a conditional use permit in situations where the business’s use was similar enough to other uses in a district. Mr. Healy explained that this is not a best practice because if a City wants a certain type of use to be allowed, it should be reflected in the code.

The City Council discussed the proposed ordinance at their January 13, 2020 work session. South St. Paul has a number of historic “ethnic halls” from the early 1900’s. The City has two surviving, fully intact ethnic halls: the Croatian Hall and the Serbian Home. The Serbian Home lost its “grandfathering” in the 1980’s. Around this time, a number of the ethnic halls were rezoned to R-2, Single-and-Two- Family residential, making their use non-conforming. The R-2 district only allows certain uses such as churches, charitable and philanthropic
organizations and school uses to operate receptions halls. Previous owners of the Serbian Home, a nonprofit board, obtained a Conditional Use Permit in 1996 to operate an ethical cultural center/museum which could host up to 12 events a year as long as there was no alcohol was served. In recent years, the ethnic/cultural center disbanded due to financial issues and the home was purchased by a new owner. The new owner would like to operate a for-profit reception hall. This is not an allowable use in the R-2 District.

The City Council was open to the idea of a for-profit reception hall/community space operating in the Serbian Home as long as alcohol was not sold to the general public. The City Council directed staff to create an ordinance which would allow historic building to be used as a reception hall with the goal of helping preserve historic buildings.

The proposed ordinance amendment would define “reception or meeting hall”; allow for reception or meeting halls that are not part of a church, school, charitable organization or other allowed use when contained within an existing building on the National Register of Historic Places as a Conditional Use in the R-1, R-2, R-3 and R-4 districts; and would allow “reception or meeting halls” in a district where “entertainment and amusement” uses are allowed. The proposed ordinance would also rename the “Public Halls” use in the General Business District to “reception or meeting halls”. Staff recommends adding “receptions or meetings halls” to the existing parking requirements for places of assembly.

Vice Chair DesMarais opened the public hearing.

Commissioner Thompson asked for clarification about the parking requirement. Mr. Healy acknowledged that the Serbian Home does not have adequate parking for a reception hall use. Mr. Healy explained that the code would require one (1) off-street parking space for every three (3) seats. A property is not required to have its parking stalls at the site and could purchase a separate property for parking or share parking with another site after a lease was put into place. Mr. Healy reiterated that if the Serbian Home came forward with a Conditional Use Permit proposal that would be heard at a different meeting with its own public hearing.

Alex Stojmenovic, the owner of the Serbian Home, shared with the Planning Commission that it would not be feasible for him to turn the property into a residential home so he believed that turning his property into a reception hall was the best way to preserve the building.

Vice Chair DesMarais closed the public hearing.

Motion to approve as presented: Thompson/ DesMarais (5-0)

5) OTHER BUSINESS

A) An Update on Hardman Triangle Plan and Concord Street Mixed-Use Districts.

Mr. Healy explained that he would be providing an update on the Hardman Triangle Plan and the mixed-use districts along Concord Street. The Hardman Triangle is a triangular piece of land bound by Grand Avenue, Hardman Avenue and Concord Street. The area was part of the historic Stockyards which were phased out in the 20th Century. While the rest of the industrial district moved towards Light Industrial uses, the Hardman Triangle continued with its traditional industrial uses. In 2019, the City Council imposed a moratorium on the Hardman Triangle so the Hardman Triangle study could be completed.
Planning Commission Minutes
May 6, 2020
Page 3 of 4

The Comprehensive Plan and our Zoning map will play an important role in the redevelopment of this area. While the 2030 Comprehensive Plan called for light industrial uses in the Hardman Triangle, the 2040 Comprehensive Plan calls for mixed-uses. This 2040 Comprehensive Plan should be approved by the Met Council and in place by the end of the year. In addition to the Comprehensive Plan steering this area towards mixed use, Concord Street is slated to be redone over the next couple of years. The newly improve Concord Street would encourage walkability with sidewalks and bike lanes. This type of walkability can spur mixed-use development.

South St. Paul’s zoning map has two mixed-use districts: The Concord Gateway Mixed Use District and the North Concord Mixed Use District. The Concord Gateway Mixed-Use District (CGMU) is located along Concord Street and Concord Exchange. In 2002, the City hired a consultant to do a small area plan for this part of the City. This study spurred the creation of the Concord/Grand Gateway Streetscape and Redevelopment Plan which envisioned this area acting as the “main street downtown” for the City. The Concord Gateway Mixed Use District was created to encourage this type of development. This area did not develop as intended but shows potential for development today.

In 2004, the City Council created the North Concord Mixed Use District (NCMU) in response to the concerns about the proliferation of used car lots in the area. The Council created a committee of resident and business owners to help study the area. The Council decided to create a clone of the Concord Gateway Mixed Use District that explicitly forbids car sales lots. The area has not changed much since the enactment of the ordinance. The area is zoned in a way which only allows “downtown main street” development despite such zoning not fitting the nature of the corridor.

The City Council has shown an interest in these topics and requested that Staff facilitate a discussion about how to move forward with doing better planning for the Concord Street corridor. Staff created a workplan that breaks down planning in the corridor into 4 major projects. The Hardman Triangle takes the highest priority, especially since the moratorium on the area expires this month.

The Hardman Triangle Plan brings forward a vision of what the City wants to have happen with the Hardman Triangle. Many of the uses in this area are “grandfathered”, meaning that they can continue unless market pressure drives them out or the City purchases their land. The first portion of the project will involve changing the zoning code and zoning map from this area. Staff will need input from the City Council and the Planning Commission in order to bring forward changes. Staff have recommended an in-person, joint meeting between the Planning Commission and City Council to start this process.

Commissioner Thompson asked for what the action plan would look like going forward and shared his concern that the mixed-use district scaring off developers. Mr. Healy explained that plans and goals that are too convoluted or vague can scare developers off as developers do not like uncertainty. A well-written code, consistent, and transparent code will not scare off developers even if some of the zoning concepts are complicated. Healy explained that the City now employs a dedicated economic development professional, Community Development Director, Ryan Garcia, who helps to explain the code to developers. This is not a position that the City has had in the past. Staff’s objective is to find a way to rezone the Hardman Triangle that does not conflict with the other mixed-use districts.

Commissioner Frankot asked if there was a good way to redevelop an area without causing problems in a different area of the City. Mr. Healy responded that it depends on what the goals of a City are. Mr. Healy shared that he feels that many of South St. Paul’s struggles with redevelopment have to do with the vagueness of the City Code because consistent standards aid in development. Mr. Healy noted that South St. Paul is well poised for future development.
Commissioner Krueger shared her excitement for the future of the Hardman Triangle.

Commissioner Thompson asked when the Hardman Triangle Redevelopment Plan was created. Mr. Healy stated that the project was commissioned in 2019 with the final product being delivered to the City in January of 2020.

Commissioner Frankot shared his excitement for the project and asked about a timeline for the project. Mr. Healy stated he hoped to have the zoning rules ready by the end of the summer. The rest of the development would depend on how the City wants to handle the development of the project. The City has already purchased about 1/5th of the Hardman Triangle and is slated to purchase more properties. If the City owns most of the properties, the City is able to better articulate how the process will go. Mr. Healy reminded that group that the process is not an overnight process and would take a number of years to complete.

6) ADJOURNMENT

Motion to adjourn- Thompson/ Kruger (4-0).
AGENDA ITEM 4.A
South St. Paul Planning Commission

Prepared By:
Monika Mann, Community Development Support Specialist

Meeting Date:
6/3/2020

Reviewed By:
Michael Healy, City Planner

Item Description:

ACTION REQUESTED
A motion recommending the approval or denial of the proposed rezoning of 1003 15th Avenue North from R-1: Single Family to R-2: Single-and-Two-Family Residence District.

BACKGROUND/ DISCUSSION

Application

The applicant, John-Paul Pineiro, is requesting the following:

1. The rezoning of his residential property at 1003 15th Avenue North from “R-1 Single Family Residential District” to “R-2 Single-and-Two-Family Residence District” to allow the future conversion of the property into a duplex.

If the rezoning is approved, the property meets all other zoning requirements to be converted to a duplex such as parking and lot size requirements. The Applicant would still need to obtain building permits prior to starting any construction projects.

Review Timeline

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

Application Submittal: May 1, 220
Planning Commission: June 3, 2020
Tentative City Council Meeting for First Reading of Ordinance: June 15, 2020
Tentative City Council Meeting for Second Reading of Ordinance: June 29, 2020
60-Day Review Deadline: June 30, 2020
Background

The subject property, 1003 15th Avenue North, is located in the R-1 District at the corner of Hawley Avenue and 15th Avenue North (See Attachment A). The R-1 District is a low-density residential zoning district that only allows single-family homes and does not allow duplexes. The City has a second low-density residential zoning district, the R-2 District, which allows both single-family homes and duplexes.

The subject property is located in a low-density residential neighborhood right on the border between an area that is zoned R-1 and an area that is zoned R-2 (See Attachment B). The four properties located to the immediate west of the subject property (on the same block) are zoned R-2 and all of the properties to the south of the subject property (across the street) are also zoned R-2. These properties have been zoned R-2 since the 1980’s. The properties to the North and to the East of the subject property are zoned R-1 and have been zoned R-1 since the 1980’s. Because the subject property is located next to existing R-2 zoned properties (some of which are already duplexes), it would not be considered “spot zoning” to rezone the subject property to R-2. The subject property is a border property and the City can legally zone it either R-1 or R-2 since it will be consistent with neighboring properties under either zoning.

The Applicant is requesting for his property to be rezoned so he can eventually convert the property into a duplex. The Applicant’s home has four (4) bedrooms and three (3) bathrooms. Per the Applicant, each level of the house already has a separate entryway. The applicant has stated that minimal interior renovations and no exterior renovations would be needed to convert the property into a duplex. In addition, the home has an existing 3-car garage with an oversized driveway that is large enough to park at least four (4) additional cars and possibly more. The Applicant states that he intends to live at the property as an owner-occupier for the foreseeable future and is only looking to rent out one unit if the home is converted to a duplex (See Attachment D for the Applicant’s narrative). The Applicant has stated that he would be responsible for any property maintenance.

What Would a Change to R-2 Zoning Mean for this Property?

As previously stated, the R-2 zoning district allows both single-family homes and duplexes. Small lots are generally only allowed to have single family homes while medium-sized and large lots are permitted to have duplexes. City Code Section 118-122 lists performance standards for properties that are zoned R-2 (See Attachment E). Section 118-122(e) lists the lot size and width requirements for two-family dwellings in the R-2 district. To create a new duplex in the R-2 district or to convert an existing single-family home into a duplex, a property must comply with the following lot size requirement:

- **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.

Properties in the R-2 district are subject to the parking requirements found in Section 118-354 – Off Street Parking Required:

- One-family and two-family residences: Two spaces per dwelling unit, but not to exceed four per dwelling unit.

The subject property is 11,250 square feet in area and 75 feet in width which exceeds the lot size and lot width requirements for converting a single-family home to a duplex in the R-2 district. The property has at
least seven (7) off-street parking stalls which greatly exceeds the requirement that a duplex have at least four (4) parking stalls.

Comprehensive Plan Guidance

The City is in a transitional phase between its 2030 and 2040 Comprehensive Plans. The City has completed and submitted its 2040 Comprehensive Plan to the Metropolitan Council for approval. The City will adopt the new 2040 plan once it has been approved by the Metropolitan Council plan and it should be in place by the end of the summer. Until the 2040 plan is approved, the “future land use map” from the 2030 plan (See Attachment C) is still required to be the governing document when evaluating rezoning decisions. Per State Law, the City is not legally allowed to approve a rezoning unless the rezoning complies with the official adopted “future land use map.” In addition to the land use map, however, the Comprehensive Plan also provides policy direction. The City may look to both the 2030 Comprehensive Plan and the 2040 Comprehensive Plan for policy direction in evaluating the proposed rezoning. This section will explore the policy guidance that is present in each document and how elements of that guidance could potentially be used to justify either approval or denial of the rezoning request.

In Support of Approval

Both the 2030 and 2040 Comprehensive Plans guide the subject property for “low density residential use.” “Low density residential use” is defined in both Comprehensive Plans as single-family detached homes AND low density attached units such as duplexes and twin homes. Both the R-1 and the R-2 zoning districts are considered low-density residential zoning districts. Rezoning the subject property from R-1 to R-2 would not change the density of the land use at the property and would be consistent with the future land use plan guidance for the property.

Both the 2030 and 2040 plans promote the need for a diverse range of housing types. The 2040 plan specifically mentions that there is an identified need for more twin homes and townhomes. Additionally, the 2040 plan states that the City has a goal of amending the zoning and subdivision ordinance to allow for the construction of diverse housing types (See Attachment G). One of the planned “actions” contained within the 2040 plan is that the City “will amend zoning and subdivision ordinances to allow for the construction of diverse housing types in a wider variety of zoning districts throughout the City.”

In Support of Denial

The City has a longstanding policy of promoting the development of new high value “move-up” single-family homes. The 2030 Comprehensive Plan (written in 2008) specifically emphasizes that the City wants to see development of new houses that are valued at $250,000 or greater. These “move-up” properties are viewed as being important to have in town to prevent residents from leaving for newer suburbs to find this type of housing. The City has traditionally viewed “move-up” housing as being an important component of a diverse housing stock.

The 2030 Comprehensive Plan has a “Housing” goal specifically related to move-up housing. This goal (See Attachment F) is to “encourage different forms of housing types, including more opportunities for life cycling housing and “move-up” single-family housing, in order to provide housing that meet a variety of needs”. The new 2040 Comprehensive Plan does not specifically mention “move-up” housing but does still recommend that South St. Paul seek opportunities to diversify its housing stock. The 2030 Comprehensive Plan also encourages maintaining large lots when available so they can be used to create future “move-up” housing. Again, this specific guidance is not present in the new 2040 plan.
The subject property has an estimated building value of $229,100 with a land value of $69,100 for a total estimated value of $290,200. The most recent sale price for the property $309,900 which would put this property in the category of “move-up” housing. Additionally, the subject property is 11,250 square feet in size whereas most properties in South St. Paul are between 4,000 and 7,500 square feet. Both of these items contribute to the property’s being considered a “move-up” property.

The City could potentially justify a denial of the rezoning request by citing policies promoting “move-up” single-family housing. If the subject property were rezoned and converted to a duplex, it would no longer be a “move-up” single family home.

Discussion

As previously stated, the subject property is a “border property” that sits between properties that are currently zoned R-1 and properties that are currently zoned R-2. The City is essentially being asked whether it is appropriate to slightly shift the border. The City’s Code and Comprehensive Plan treat both single-family homes and duplexes as “low density residential” land uses which are viewed as generally being compatible when located in the same neighborhood.

The Planning Commission is asked to evaluate the Comprehensive Plan’s potentially conflicting goals and give a recommendation to the City Council.

Staff Recommendation

This decision is a “judgement call” on the part of the City’s policymakers. This is a legislative decision and the City Council has broad authority to make either an approval or a denial decision here as long as that decision can be justified. There is support in the comprehensive plan’s land use chapter to justify an approval of the rezoning request. The City considers both single-family homes and duplexes to be low-density residential uses and that is what this neighborhood is guided towards, low-density residential uses. Additionally, the “Housing” chapter calls for promoting a diverse housing stock by identifying areas in the City that are appropriate for various different types of housing.

At the same time, there is language in the “Housing” chapter to potentially support a denial. The City’s 2030 Comprehensive Plan heavily promoted the idea that the City should be working to develop “move-up” single family homes which are worth $250,000 and up. If the City Council is concerned that this rezoning could result in the loss of a desirable “move-up” single-family home, they could use this rationale to justify denial of the request.

The Planning Commission is asked to weigh in on the matter and advise the City Council. Staff would note that all that is being considered at this time is a rezoning. The Applicant is not requesting any Conditional Use Permits or Variances and he has indicated that he does not have a firm timeline for when he might move forward with converting the property into a duplex.
Motion to Approve/Deny

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

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:
   - Motion to recommend approval of the rezoning of 1003 15\textsuperscript{th} Avenue North from R-1 to R-2.

B. **Denial.** If the Planning Commission does not favor the proposed application, the following should be recommended for denial
   - Motion to recommend denial of the rezoning of 1003 15\textsuperscript{th} Avenue North from R-1 to R-2.

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

1. Does the rezoning comply with the comprehensive plan? *Yes or No? Why?*
2. Will the rezoning be detrimental to surrounding properties? *Yes or No? Why?*
3. Does the rezoning endanger public health, safety, or welfare? *Yes or No? Why?*

**ATTACHMENTS**
A. Site Location Map
B. Zoning Map and Zoomed-In Zoning Map Showing the Subject Property
C. 2030 Comprehensive Plan Land Use Map and Definitions of Land Use Category
D. Applicant’s Narrative
E. Relevant Excerpts from R-2, Single-and-Two Family Residence District
F. Relevant Policy Excerpts from the 2030 Comprehensive Plan
G. Relevant Policy Excerpts from the 2040 Comprehensive Plan
H. Written Comments Received for Public Hearing
ATTACHMENT C
2030 COMPREHENSIVE PLAN LAND USE MAP AND DEFINITIONS OF LAND USE CATEGORIES

Future Land Use
Subject Property is Steered Towards “Low Density Residential”
(See Definition of “Low Density Residential” on Next Page)
## LAND USE

**TABLE 5.02**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LDR:</strong> Low Density Residential &lt;br&gt;(1-5 units per gross acre)</td>
<td>Low-Density Residential allows single-family detached homes and low density attached units such as duplexes and twin homes. The corresponding zoning districts are R-1: Single Family Residential and R-2: Duplex Residence. Low Density Residential development ranges from 1 to 5 units per acre. The Metropolitan Council equivalent is &quot;Single Family.&quot;</td>
</tr>
<tr>
<td><strong>MDR:</strong> Medium Density Residential &lt;br&gt;(6-12 units per gross acre)</td>
<td>Medium-Density Residential includes attached housing (townhomes and small apartment buildings), smaller lot detached townhomes, and manufactured housing (mobile homes) within the 1 existing manufactured home park (Healy Park). Single family and duplex units are not allowed within this land use category. The corresponding zoning districts are R-3: Duplex Residential, R-3: General Residence, and MH: Mobile Home District. Medium Density Residential ranges from 6 to 12 units per acre. The Metropolitan Council equivalent is part of &quot;Multi-Family Residential.&quot;</td>
</tr>
<tr>
<td><strong>HDR:</strong> High Density Residential &lt;br&gt;(13+ units per gross acre)</td>
<td>High Density Residential includes dwellings other than single family detached houses at densities from 13-20 units in the base zoning district, such as; larger attached townhomes, apartments, and condominiums generally in a stacked or attached configuration. Densities above 20 units are possible through Planned Unit Developments (PUD's) or as Conditional Uses (CUP's). The Metropolitan Council equivalent is part of &quot;Multi-Family Residential.&quot;</td>
</tr>
<tr>
<td><strong>MU-R:</strong> Mixed-Use Residential (75%+ residential) &lt;br&gt;(Min. 10 units per gross acre)</td>
<td>Arrangement of uses including residential, office and commercial. MU-R areas are special areas for mixed use where the majority of the property is guided for residential development. Areas of MU-R include: South Concord, portions of property or the west side of Concord Exchange, the west side of Concord Street by Bryant Avenue, and the west side of Concord Street by Birch Avenue. Densities above 20 units are possible through Planned Unit Developments (PUD's) or as Conditional Uses (CUP's). A minimum of 75% of the property in this area would be residential in nature.</td>
</tr>
<tr>
<td><strong>MU-C:</strong> Mixed-Use Commercial &lt;br&gt;(Min. 20% residential) &lt;br&gt;(Min. 10 units per gross acre)</td>
<td>Arrangement of uses including residential, office and commercial. MU-C areas are guided for mixed use where the majority of the property is guided for commercial development; however approximately 20 percent of the property guided for MU-C would be developed for residential development.</td>
</tr>
<tr>
<td><strong>COM:</strong> Commercial</td>
<td>Includes retail sales/services, restaurants, hotels/motels, and for-profit entertainment/recreational facilities as well as general office buildings.</td>
</tr>
<tr>
<td><strong>OR:</strong> Office-Research*</td>
<td>May include such uses as general office buildings, office-showrooms, research and development facilities, real estate offices, banks, and medical clinics. Office-research areas may include retail sales as part of a mixed office/office-research/retail sales Planned Unit Development (PUD).</td>
</tr>
<tr>
<td><strong>LI:</strong> Light Industrial*</td>
<td>Includes office-showroom, office-warehouse, warehousing and storage, assembly and light manufacturing, and offices. Retail sales are also permitted as an accessory use on light industrial sites. Light Industrial uses are found throughout BridgePoint Business Park (the area bordered by Concord Street on the west, the Mississippi River on the east, and I-494 on the south) and also some properties south of I-494 in high visibility areas. Metropolitan Council equivalent is part of &quot;Industrial.&quot;</td>
</tr>
<tr>
<td><strong>I:</strong> Industrial*</td>
<td>Includes anything that could go into a light industrial area, as well as some remaining general industrial uses such as the large warehouse manufacturing, warehouses and storage. Industrial uses are generally located to the south of I-494 and east of Concord Street. The Metropolitan Council equivalent is part of &quot;Industrial.&quot;</td>
</tr>
<tr>
<td><strong>AIR:</strong> Airport</td>
<td>Public or Private airports and related activities including the restricted land or buffer area where development is prohibited. The airport area in South St. Paul is the entire Fleming Field Municipal Airport area. The Metropolitan Council equivalent is &quot;Airports.&quot;</td>
</tr>
<tr>
<td><strong>IN:</strong> Institutional*</td>
<td>Includes educational facilities at all levels, cemeteries, religious facilities, social or health care facilities (excluding clinics), and administrative or service installations at all levels of government. Metropolitan Council equivalent is &quot;Institutional.&quot;</td>
</tr>
<tr>
<td><strong>P:</strong> Parks &amp; Recreation* &lt;br&gt;(includes existing and proposed park)</td>
<td>Parks and Recreation (P) areas are city and school district owned public parks and recreation lands. These spaces differ from Open Space as the P classification is primarily for active recreation activities improved with ballfields, playgrounds, sports/exercise equipment, and may include trail corridors and picnic areas. The Metropolitan Council equivalent is &quot;Parks and Recreation.&quot;</td>
</tr>
<tr>
<td><strong>OS:</strong> Open Space* &lt;br&gt;(public and private)</td>
<td>The Open Space (OS) classification applies to lands guided for future permanent public or private open space and is intended to provide for the preservation of sensitive natural areas and protection and enhancement of habitat diversity. Open Space differs from Parks and Recreation (P) as the DS classification includes passive natural areas that typically do not include planned facilities or programs as found in a typical city park or school district recreation area. Open Space lands may include trails, picnic areas, public fishing, resource protection or buffer areas, preservation of unaltered land in its natural state for environmental or aesthetic purposes, and the DNR boat launch area. Metropolitan Council equivalent is &quot;Open Space.&quot;</td>
</tr>
<tr>
<td><strong>WET:</strong> Wetlands</td>
<td>Wetlands included in the National Wetlands Inventory (NWI). By definition, all Wetlands are considered to be in use. Metropolitan Council equivalent is &quot;Wetlands.&quot;</td>
</tr>
<tr>
<td><strong>W:</strong> Open Water</td>
<td>Permanently flooded open water, rivers and streams, not including wetlands or periodically flooded areas. In South St. Paul the majority of this area is the Mississippi River. By definition, all Open Water is considered to be &quot;in use.&quot; Metropolitan Council equivalent is &quot;Open Water.&quot;</td>
</tr>
<tr>
<td><strong>ROW:</strong> Right-of-Way</td>
<td>Public or private rights-of-way within the city including all existing and reserved or platted city, county, state, and federal right-of-way. This includes rights-of-way for roads, transit and/or pedestrian rights-of-way whether by easement or by fee. By definition, all Right-of-Way is considered to be &quot;in use.&quot; Metropolitan Council equivalent is &quot;Right-of-Way.&quot;</td>
</tr>
</tbody>
</table>

*The 1998-1999 comp plan categories for Industrial High Performance, Industrial Medium Performance, Office Research Light Industrial, Special Residential; South St. Paul Comprehensive Plan Page 69
ATTACHMENT D
APPLICANT’S NARRATIVE

To Whom it may concern,

My name is John Paul Pinoieiro and I am a twenty-four-year-old Marine Corps veteran. When I left the service last year, I wanted to settle down. I began a long and hard search throughout the twin cities for a good home, and after many months I discovered my current home on 15th Ave N. When I first toured the home, I had instantly fallen in love with its old-world charm and grand outward appearance. Once I moved in, I became fond of the neighborhood and the city of South Saint Paul as a whole. South Saint Paul, to me, appears “untouched” by the hustle and bustle of the world and has its own style and charm, a last little slice of classic Americana if you will.

I am writing this to respectfully ask the council members to re-zone my house from R-1 single family to R-2, as I have plans to eventually turn this house into a duplex. I know the good members of the council have quite a lot to consider before allowing a re-zoning, such as the 20-year plan for the city, street parking, traffic etc. but I believe I can alleviate all concerns. First off, I would like to clarify that I plan to live at this property for the foreseeable future. I like this area a lot and would just rent out any additional unit. Concerning property upkeep, any maintenance will be done by myself as I plan to reside on the property. As far as parking, there should be no issue with cars parked permanently on the street on any side of the house. The property comes with a three-car garage and a drive way big enough to park 5 additional cars. In terms of the outward appearance of the home, it will not change. Each level of the house has its own entryway, bathroom and sleeping areas. There will be no new doors, decks or stairwells added to the exterior. In addition, hardly any changes will be necessary in the interior of the home. After reviewing “Sec. 118-122. - R-2, single- and two-family residence district” of the city code, I believe I meet all lot size requirements as well. My overall goal with this request is to become a thriving, active member of this community and additionally provide someone else an opportunity to live in this wonderful city at an affordable price.

Please see the attached pictures taken from Zillow and I will be happy to answer any questions at the council meetings.

-Thank You

John-Paul Pinoieiro
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 (c) 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.

ATTACHMENT F
RELEVANT POLICY EXCERPT FROM THE 2030 COMPREHENSIVE PLAN

Goal: Encourage different forms of housing types, including more opportunities for life cycle housing and move-up style single family housing, in order to provide housing that meets a variety of needs.

Policies:
1. Identify areas in the City appropriate for diverse housing types: attached and detached townhouses, cottage homes, cluster developments, senior housing developments, and mixed-use housing developments.
2. Assist and encourage developers of diverse housing types to develop available land within the City.
3. Maintain zoning and subdivision ordinances allowing for the construction of diverse housing types.
4. If necessary make changes to the zoning regulations to accommodate these goals.
5. Identify opportunities for increasing lot sizes in order to reduce density and provide sites for the construction of larger homes or multiple units.
6. Expand the range of housing options in and around the Southview and Marie area.
7. Identify areas suitable for dwellings for higher income families.
   a. Explore the potential of the North Stickney Area (west of Stickney Avenue, north of Wilson Avenue, south of Bircher Avenue) to accommodate new larger homes for higher income families.
   b. Explore the potential of the Butler Avenue area (west of 19th Avenue along Butler Avenue to Highway 52) to encourage single family housing development. Explore whether zoning changes would be appropriate for this area.
ATTACHMENT G
RELEVANT POLICY EXCERPTS FROM THE 2040 COMPREHENSIVE PLAN

Purpose: Encourage a range of high-quality housing options to meet the needs of the varying demographics of South St. Paul.

Goal 6.5: Promote safe, affordable and high-quality housing options for all.

Policy 6.5.1: Support housing development opportunities that will yield high-quality community amenities.

Policy 6.5.2: Support housing development opportunities that will yield a diverse array of housing affordability options.

Policy 6.5.3: Encourage partnerships with programs that reduce the home improvement and maintenance cost burden for low-income households.

Policy 6.5.4: Encourage partnerships with programs that reduce the cost burden for first-time homebuyers looking to purchase a home in the community.

Policy 6.5.5: Evaluate opportunities to add flexibility in the City's zoning ordinances that would allow for greater housing diversity and quality.

Policy 6.5.6: The City and South St. Paul HRA will also work with the Dakota County Community Development Authority, Minnesota Housing Finance Agency, and Metropolitan Council to assist in meeting the City housing goals.

| Action 6.4: Amend zoning and subdivision ordinances to allow for the construction of diverse housing types in a wider variety of zoning districts throughout the City. | 5-10 (years) |
ATTACHMENT H
WRITTEN COMMENTS RECEIVED PRIOR TO MAY 28th

NOTE: These comments were all received prior to the publication of the Planning Commission packet. Additional written comments that may be submitted after the packet's publication will be shared with the Planning Commission during the public hearing.

Comment #1 (submitted via email on 5/24/20)

My name is David Gerson. I am the owner of 1035 Summit Ave, South St Paul, MN 55075 and am a very close neighbor to the property that is requesting a rezoning.

I am 100% opposed to this rezoning request. Please deny his request to change the zoning.

I purchased my property because of the fabric of the neighborhood which is maintained by the existing zoning requirements.

It will significantly negatively impact my enjoyment of my property if the fabric of my neighborhood is lowered to change through the changing of zoning.

In addition, rezoning of this property will decrease my property value and those of our other neighbors. Of course, allow the rezoning will significantly increase the property value of the requester, however, it will be at the cost of lowering the value of our neighboring properties.

I am 100% opposed to this rezoning request. Please deny the request.

Please respond that you have received this email.

Thank you,

David Gerson
1035 Summit Avenue

Comment #2 (submitted via email on 5/25/20)

We are not able to be on the hearing June 3rd but would like to express our concern about rezoning 1003 15th Avenue North. We live on 16th Ave North. We have lived here for over 50 years. There are presently two duplexes across the street from us that were built and grandfathered in before we lived here. When the owners lived in their duplexes and rented the the other apartment all was good. Once the duplexes were owned by absentee landlords we experienced difficulties. There were numerous police calls because of parties, problems with tenants, parking, burning in the yard, renting as a triplex when zoned as a duplex, and whatever else that we don't have knowledge about might be in the city police call files. Because of our experiences over the last 50 years, we would not support the change in zoning for this property. Even if the current request is for an owner occupied duplex, that situation is not required in the rezoning and in time it may not be owner occupie.

Mike and Nancy Leitch
1015 16th Avenue North
Comment #3 (submitted via email on 5/27/20)

As long term homeowners of 957 16th Avenue North, we disagree with John Paul Pineiro's request to turn his house into a duplex:

1. He is not a long term homeowner - he has lived in his house less than one year.

2. We have enough renters in the neighborhood and as everyone knows, they do not pay property taxes and therefore have nothing to lose - you can check out police calls to the area around us.

3. You can also check out the view from our picture window. The 'duplex' of 1000 16th Avenue North which has always been an eyesore with its overabundance of cars, vans, trucks, boats, and various non working vehicles. They have a 3 car garage too, yet have never been able to park any vehicles in it because it is so full of crap.

4. John Paul Pineiro's house is next door to the duplex, so our view from our picture window will be his garage and driveway also. I do not want to look at another parking lot of renters.

5. If we wanted to live in a neighborhood of renters, we would move to E St Paul, or W St Paul. I worked 2 jobs to be able to 'move up' to the North End of South St Paul which used to be considered a great area to live in.

6. Long term homeowners improve and maintain the neighborhood. We pay the taxes, maintain our properties and suffer the most when a neighborhood goes downhill. South St Paul is really slipping, don't let the North End go too.

Christine and Mark Tuft
957 16th Avenue North
AGENDA ITEM 4B
South St. Paul Planning Commission

Prepared By:
Michael Healy, City Planner

Item Description:
Public Hearing for Site Plan Review, a Conditional Use Permit, and Variances for a Proposed Industrial Development at 121 Hardman Court

Meeting Date:
6/3/2020

Reviewed By:
Ryan Garcia, Community Development Director

ACTION REQUESTED
A motion recommending approval or denial of a Site Plan, Conditional Use Permit, and Variances for a proposed industrial development at 121 Hardman Court.

BACKGROUND/DISCUSSION

OVERVIEW

Application

The Applicant, AVM Construction has submitted an application seeking the following:

2. A Conditional Use Permit for Exterior Storage
3. A Variance to allow more than 30% lot coverage by impervious surfaces in the Shoreland Overlay District.  
The Applicant is seeking roughly 75% lot coverage by impervious surfaces.
4. A Variance to waive the requirement that parking lots over 3,000 square feet must include landscaped parking islands.

Review Timeline

Application Submittal: May 4, 2020
Planning Commission: June 3, 2020
Tentative City Council Meeting: June 15, 2020
60-Day Review Deadline: July 3, 2020

Background

The subject property is a 2.43-acre light industrial zoned lot located at the end of a cul-de-sac in the Bridgepoint Business Center industrial park. It is one of the few remaining shovel-ready vacant lots in the industrial park. There is another vacant lot to the immediate east of the subject property. Both vacant properties are currently owned by the South St. Paul Economic Development Authority and the Applicant has a purchase agreement. The Economic Development Authority (EDA) is an arm of the City of South St.
Paul that handles economic development activities. The Applicant will purchase the subject property from the City’s EDA if they are successful in obtaining the planning/zoning approvals that they are requesting.

Per Community Development Direct Ryan Garcia, the subject property was originally part of a plan to develop a small professional office park. The South St. Paul real estate market is not especially attractive to professional offices, however, and the Economic Development Authority has decided to also market the remaining vacant properties to light industrial businesses seeking office/warehouse and manufacturing spaces. The light industrial zoning district allows offices, warehouses, and enclosed manufacturing facilities as permitted uses. Exterior storage is allowed in the light industrial zoning district but requires a Conditional Use Permit and approval by the City Council.

The Applicant, a construction company, is seeking to build a 21,200 square foot multi-suite office/warehouse building. The Applicant will occupy the eastern-most suite of the new building themselves. They then plan to lease out three (3) suites which will each be 5,200 square feet. They would like to have an exterior storage area which they will use themselves and will also make available to their tenants.

Zoning Summary

The property is located in the I-1 Light Industrial Zoning District. This is a new zoning district that was created last year. In late 2019, all of the existing industrial areas north of Interstate 494 were rezoned to this new zoning district which does not allow heavy industrial uses.

The I-1 zoning district allows “offices” and “warehousing and distribution in an enclosed building with permanent walls and roof” as permitted uses. This is primarily what the Applicant is proposing to do with the property. The I-1 zoning district requires that anyone seeking to build a new structure or substantially alter an existing structure go through “site plan approval.”

The I-1 district also allows limited exterior storage with a Conditional Use Permit (with some caveats):

(d) Uses by conditional use permit. The following uses or other uses deemed to be similar shall require a conditional use permit:

(4) Exterior storage (not as a principal use) subject to the following:
(a) exterior storage use shall be incidental to an approved use on the same site
(b) exterior storage shall be screened from adjacent properties and public view and shall meet the required performance standards of section 118-240
(c) the City may impose reasonable conditions on the exterior storage such as, but not limited to, maximum lot coverage, height, and type of the exterior storage.

The subject property is located between the Mississippi River and the river bluffs which means that it is in the Mississippi River Corridor overlay which carries some special rules relating to environmental protection and preservation of scenic views. Additionally, the subject property is within 300 feet of the edge of the Mississippi River which means that it is subject to regulation under the City’s Shoreland Overlay District zoning rules. Properties within the Shoreland Overlay District cannot have impervious surface coverage greater than 30%. The Applicant is seeking a variance to this requirement and has noted that it is likely not possible to build the type of industrial development that the EDA is seeking to attract with a 30% impervious surface coverage limit.
Site Conditions

As previously stated, the subject property is a 2.43-acre lot at the end of a cul-de-sac. The Union Pacific railroad tracks run to the immediate east of the property. The Mississippi River Trail (MRT), a national bike trail that is being developed to run north-south through the entire country, runs past the property on the other side of the railroad tracks.

The property is relatively flat and was set up in its current configuration as part of the City's redevelopment of the old stockyard areas. There is an existing cluster of trees along the south property line and a second existing cluster of trees along the east property line. The cluster of trees along the east property line is thick enough to screen the property from the river and the bike trail, at least during summer "leaf-on conditions."

Comprehensive Plan Guidance

The 2030 and 2040 Comprehensive Plans steers the subject property towards light industrial development. The Comprehensive Plan's "Critical Area Plan" (which contains policies relating to the river area) states that this part of the community falls within the "Urban Mixed District:"

**Urban Mixed District:** The urban mixed district (CA-UM) includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space. The CA-UM district must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

Within the "urban mixed district," the City expects there to continue to be fairly intensive commercial and industrial development. The Comprehensive Plan states the following:

*Future land uses within the corridor will continue to be commercial and industrial in nature, with the addition of river recreational areas (Figure 10.3). The Future Land Uses within the MNRRA area are based on the overall land use plan noted in the Land Use Chapter of the Comprehensive Plan. The City's Future Land Use plan would have more intensive types of industrial uses (exterior storage, manufacturing, processing, etc.) being located away from the actual riverfront and away from Interstate 494.*

The proposed development is "light industrial" which is the type of industrial development that the comprehensive plan contemplates allowing in the area near the river. The presence of exterior storage is something that will need to be carefully looked at as part of this application. The comprehensive plan speaks to the importance of mitigating the visual impact of exterior storage and preventing it from being visible from the river (and bike paths/parks along the river) and Interstate-494.
SITE PLAN REVIEW

General Overview of Compliance with Zoning Requirements

The property is on a cul-de-sac which means that the curved property line fronting the street is the "front property line." The rear property line is the property line opposite the front property line which, in this case, is a 10-foot line drawn across the southeast corner of the lot per the City's definition of a rear lot line.

**Lot line, rear, means the boundary of a lot that is opposite to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.**

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>1 acre</td>
<td>2.43 acres</td>
</tr>
<tr>
<td>Lot width</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Lot Coverage (bldg.)</td>
<td>20% min – 40% max</td>
<td>20%</td>
</tr>
<tr>
<td>Landscape Lot Area</td>
<td>15% Min.</td>
<td>25%</td>
</tr>
<tr>
<td>Impervious Surface Coverage (Shoreland)</td>
<td>30% max</td>
<td>75%</td>
</tr>
<tr>
<td></td>
<td>(Does Not Comply, Variance Requested)</td>
<td></td>
</tr>
</tbody>
</table>

**Building Setbacks:**

<table>
<thead>
<tr>
<th></th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard (any street frontage)</td>
<td>30 feet</td>
<td>Roughly 55 feet to corner of building</td>
</tr>
<tr>
<td>Side yard</td>
<td>20 ft</td>
<td>Roughly 64 feet from west side property line</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Roughly 56 feet from east side property line</td>
</tr>
<tr>
<td></td>
<td></td>
<td>125 feet from south side property line</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 ft</td>
<td>Over 80 feet from line drawn across southeast</td>
</tr>
<tr>
<td></td>
<td></td>
<td>corner opposite the front property line</td>
</tr>
</tbody>
</table>

**Parking Setbacks:**

<table>
<thead>
<tr>
<th></th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard (any street frontage)</td>
<td>20 ft.</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>10 ft.</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10 ft.</td>
<td>Over 10 feet from line drawn across southeast</td>
</tr>
<tr>
<td></td>
<td></td>
<td>corner opposite the front property line</td>
</tr>
</tbody>
</table>

**Exterior Storage Area Setbacks:**

<table>
<thead>
<tr>
<th></th>
<th>Required by Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>20 feet</td>
<td>Over 20 feet from line drawn across southeast</td>
</tr>
<tr>
<td></td>
<td></td>
<td>corner opposite the front property line</td>
</tr>
<tr>
<td>Side</td>
<td>20 feet</td>
<td>20 feet from south property line</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40 feet from west property line</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Roughly 32 feet from east property line</td>
</tr>
</tbody>
</table>

| Floodplain                            | No               |
| Shorland                               | Yes              |
| MNRRA                                  | Yes              |
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 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. Additionally, walls that are visible from a public street, park, or public view from adjacent properties must be at least 75% Class I or II materials.

In addition to the material requirements, the architectural standards ordinance also contains the following design mandates which are directly relevant for industrial projects:

- No wall that faces a public right of way, parks, the public view from adjacent properties or a residential use or district may have an uninterrupted length exceeding 100 feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

- Large, uninterrupted expanses of a single material may not be permitted, unless the design is obviously superior to the intent of this chapter as determined by the city council.

The Applicant is proposing to have all of the building facades consist entirely of Class I and Class II materials. The “front” of the building, which will face North, will consist of two different colors of burnished block (a Class II material) and glass windows (a Class I material). The west façade, which will face a public street, will consist partially of burnished block and glass windows and partially of rock-faced block (a Class II material). The east façade, which will face a public park and bike trail, will use the same materials as the west façade. The southern wall, which will face the outdoor storage area, is proposed to be rockface block with several loading doors. The Applicant has taken steps to ensure that the two facades which face public streets and parks (the east and west) both have changes in building materials that prevent there from being any uninterrupted stretches of wall exceeding 100 feet which do not have some variation to create visual interest.

The project complies with the Code’s architectural standards.

Building Height and Size

The proposed one-story building will be 23’ 4” in height which is well below the maximum allowed height of 50 feet in the I-1 zoning district. The Floor Area Ratio (the total floor area divided by the size of the property) is almost exactly .2 which is the minimum Floor Area Ratio for new development in the I-1 zoning district.

Trash Enclosure

The Applicant is proposing to have an exterior trash handling area at the far southern end of their property. The dumpsters are proposed to be screened with a rock-faced block trash enclosure which will be roughly 7’ 4” in height. The trash handling area is proposed to be 10 feet from the southern property line which is the minimum setback requirement for an accessory structure.
Landscaping

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 I-1 Light 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 25% of the lot being landscaped which complies with the total landscaping area 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 property has a perimeter of 1,300 feet and would therefore "require" nineteen (19) overstory trees. The Applicant is proposing to have 19 overstory trees.

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 has not yet provided a valuation of their landscaping in relation to their construction budget. This will need to be provided prior to the City Council meeting.

The Applicant’s preliminary landscape plan shows the removal of all of the existing trees along the eastern property line and the replacement of this wooded area with a turfgrass lawn. Later in this memo, Staff will explain why these trees need to be preserved and why this should be a condition of approval for any Variances or Conditional Use Permits that are granted for this project. This part of the landscape plan will need to be revised.

Parking

The City Code has different parking requirements depending on how much of the building is “office” versus how much is “industrial/warehouse.”

1. The office component “requires” one (1) parking stall per 300 square feet of office space

2. The Industrial/Warehouse component “requires” one (1) parking stall per 2 warehouse employees OR one (1) parking stall per 2,000 square feet, whichever is greater.

The Applicant has indicated that they anticipate the building being 1/3 office space and 2/3 warehouse. With this configuration, the 7,066 square foot office portion will require 23.5 parking stalls. The 14,133 square foot warehouse component will require seven (7) parking stalls. This is a total of 31 parking stalls. The Applicant is proposing a 42-stall parking lot so the project will exceed the minimum requirements for parking stall quantity.

The zoning code requires that large parking lots must provide one (1) 200 square foot planting island in the parking lot for each 3,000 square feet beyond the first 3,000 square feet. This requirement is in place for all commercial, industrial, and multi-family residential properties that have parking lots larger than 6,000 square feet. The Applicant’s parking lot area is roughly 15,000 square feet in size so they would need to provide four (4) planting islands under the ordinance. They have requested a variance and the waiver of this requirement.
Lighting

The City's glare ordinance states the following:

Sec. 118-245. - Lighting, lighting fixtures, and glare.

(a) In all districts, any lighting used to illuminate an off-street parking area or other structure or area shall be so arranged or designed as to deflect light away from any adjoining residential use or zone or from the public streets. Direct sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of light shall be hooded or controlled so as not to light adjacent property; bare lightbulbs shall not be permitted in view of adjacent property or a public street. No light or combination of lights which cast light onto a public street shall exceed one footcandle as measured from the centerline of said street, nor shall any light or combination of lights which cast light on residential property exceed 0.4 footcandle as measured at the property line.

The Applicant has submitted a photometric plan but the plan only includes lighting measurements at the edge of improved surfaces and does not include measurements at the property lines. An updated photometric plan will need to be provided as part of the building permit submittal.

Signage

The Applicant has not submitted a sign plan for Staff review. A sign plan will need to be submitted and sign permits will need to be obtained prior to the installation of any signage.

Mississippi River Corridor Zoning Rules

The proposed development does not impact steep slopes and is well within the parameters governing allowable height for building construction in the Mississippi River Corridor. The Mississippi River corridor zoning district does, however, have rules in place regarding tree preservation which are relevant for this application:

Sec. 118-167. - Mississippi River Corridor zoning.

(8) Preservation of vegetation and trees

a. The development shall be located in such a manner so as to minimize removal of vegetation and alteration of the natural topography.

b. The applicant shall demonstrate that there are no feasible or prudent alternatives to cutting trees on the site, and if trees are cut, the density of trees shall be restored to that which existed before development, but in no case shall the applicant be required to increase the density above ten trees per acre. The applicant shall demonstrate that all grading which takes place shall be conducted in a manner that preserves the root aeration zone and stability of existing trees and provides an adequate watering area equal to at least one-half of each tree’s crown cover.

c. The selective cutting of trees greater than four inches in diameter may be permitted when the cutting is appropriately spaced and stated so that a continuous natural cover is maintained.
d. Clearcutting shall not be permitted on the slope or faces of bluffs and within 40 feet of established blufflines.

Staff views it as being absolutely essential that the existing cluster of trees along the east property line be preserved during the development process. These trees screen the development from the Mississippi River and bike trail and allow trail users to enjoy a more natural setting. Because this will be an industrial development with a significant amount of outdoor storage, it is very important that it be screened from the bike trail to be consistent with the zoning code and the comprehensive plan. Staff would note that, because the Applicant is requesting a Variance and a Conditional Use Permit, the City is able to assign relevant conditions to the approval which may include tree preservation requirements that go “above and beyond” what is listed in Section 118-167 of the City Code.

Staff would note that the Applicant is not proposing to develop the area where the existing trees are located along the east property line and this area is, in fact, completely covered by a drainage and utility easement. Still, the Applicant is currently showing the trees being removed and replaced by a turfgrass lawn on their landscape plan. The landscape plan will need to be revised and the trees will need to be protected during construction to ensure that they are not damaged/destroyed by grading and site work.

The existing trees are mature and provide good screening. If the Applicant were to remove these and plant new trees, the new trees would likely be much smaller and would take many years to provide screening to the property.

**VARIANCES**

**Impervious Surface Coverage Variance**

State Law requires that cities adopt “Shoreland Ordinances” to protect all land within 1,000 feet of the edge of a lake and within 300 feet of the edge of a river. These ordinances typically are designed to regulate aesthetics and protect water quality within the body of water by preventing excessive runoff. Typically, the Minnesota Department of Natural Resources (DNR) is involved with assisting cities in developing these ordinances and (per State Law) the City then needs the DNR’s written permission any time they want to amend their Shoreland Ordinance. Typically, the DNR wants these ordinances to be structured in alignment with best practices and they have a model ordinance which they constantly update. The City is required to invite the DNR to provide comments during the public hearing for any Conditional Use Permit or Variance that is requested in a Shoreland area.

South St. Paul has a bare-bones Shoreland Ordinance (Code Section 118-169) that appears to have been developed independently by the City without the DNR’s involvement. Per DNR Land Use Specialist Dan Petrik, this is not uncommon in river cities that have developable land adjacent to the river but no significant lakes. The DNR is recommending that, sometime in the next few years, South St. Paul undertake an update of their Shoreland Ordinance to bring it into alignment with best practices. In the meantime, we should administer the Shoreland Ordinance “as-written.” One of the rules in South St. Paul’s Shoreland Ordinance is that properties within 300 feet of the Mississippi River cannot be more than 30% covered by impervious surfaces that water cannot get through (paved surfaces, gravel surfaces, buildings, etc.). The subject property’s eastern property line is located roughly 160 feet from the edge of the Mississippi River. Roughly ½ of the proposed building, ½ of the parking lot, and ½ of the outdoor storage area will be within 300 feet of the river. The Applicant is proposing to develop the property with 75% coverage by impervious surfaces and has requested a variance from the 30% limit.
The DNR declined to submit formal comments in response to this application but Dan Petrik, DNR Land Use Specialist, shared the following informal comments/advice with City Staff:

I would encourage you to work with the Applicant and Planning Commission to minimize the amount of impervious surface within the part of the property within the Shoreland zone. Ask the questions:

- Is all of the proposed impervious surface really needed? Why, justify it. It looks like there might be two to three parking spaces for each cubicle/office shown in the building plans.
- Can parking and vehicle access lanes be reconfigured to pull the structure and/or impervious surface away from the Shoreland part of the property?
- Has the developer really looked at this site and tried to design with the Shoreland in mind or have they just presented their typical plan/approach that they do on all sites and expect the city to grant a variance?
- Are they proposing any mitigation such as infiltration, shoreland buffer, impervious surface, anything else?

The Applicant and the EDA were not aware that this property was located within the Shoreland Overlay District during the early stages of planning this development. Unfortunately, South St. Paul’s Shoreland Overlay District area has never been mapped and it does not appear on the City’s official zoning map. This “missing zoning map layer” has recently been flagged by City Staff as something that needs to be corrected. The property’s Shoreland status was noticed by the Zoning Administrator during his initial review of the plans after much of the site planning had already been completed.

Staff would note the following in regards to the variance request:

1. The Applicant is correct (see their narrative) that it would be difficult/impossible to develop an industrial project on a 2.43 acre site with a 30% impervious surface limit. Industrial users typically need more impervious surfaces (due to trucking/loading facilities and exterior storage areas) than professional office users.

2. Impervious surface coverage could be reduced by eliminating the exterior storage area. The Applicant has indicated that they likely will not move forward with their project without the exterior storage area.

3. Staff believes that if this variance is approved, a condition of approval should be preserving the visual buffer of the established cluster of trees along the east property line. These trees need to be protected during development.

4. The Applicant is going to need to reduce the size of the exterior storage area and increase the size of the existing infiltration pond to comply with the City’s stormwater requirements (see the section of this memo discussing the Engineer’s comments). This will reduce the impervious surface coverage at least somewhat from what is shown on the preliminary plans.
Parking Island Variance

The Zoning Code’s parking ordinance includes the following language:

Sec. 118-353. - Design and maintenance of off-street parking areas.

(g) Planting islands. For each additional 3,000 square feet or a portion thereof of parking area beyond the first 3,000 square feet, one planting island of identical size to the neighboring parking space, but not less than 200 square feet, shall be installed within the interior of the parking lot, unless otherwise approved by the city engineer. All planting islands installed shall have six-inch integral concrete curb and gutter around the entire perimeter, and a landscaped interior.

The Applicant’s parking lot will be roughly 15,000 square feet in size (this calculation does not include the exterior storage area or the truck loading area behind the building). Under the ordinance, the Applicant is required to provide four (4) landscaped 200 square foot planting islands within their parking lot. The Applicant has requested a variance from this requirement and would like the requirement waived.

Staff would note the following in regards to this variance request:

- The Code requires parking islands for all types of development with large parking lots. It is required for residential, commercial, and industrial development.

- Some industrial project developers have gotten projects approved in the Bridgepoint Industrial Park without parking islands in the past. Typically, this has been part of a “Planned Unit Development” approval where the City agrees to look at a project holistically and waive certain aspects of the zoning code to allow an overall “good project that benefits the community” to move forward.

- The Planning Commission and City Council should reflect on whether it is the intent of the Code to require parking islands for industrial development.
  - If the policymakers believe that the Code does intend for industrial development to include parking islands, Staff would recommend denial of this variance. There does not appear to be a practical difficulty in this situation that is unique to this specific industrial development.
  - If the policymakers believe that the Code’s intent was to require parking islands only for commercial and residential projects (which have higher aesthetic standards in general) and that the requirement being in place for industrial development is mostly “accidental,” it would be appropriate to approve this variance.

- Parking islands can sometimes make it slightly more difficult to do snow removal, depending on how they are placed.

- The four (4) landscaped islands together would be 800 square feet which is approximately .7% of the site. Including the islands would slightly reduce the impervious surface coverage on the property.
Variance Analysis

The Planning Commission is asked to look at the two variances using the variance analysis criteria that is laid out in the City Code. The Planning Commission should evaluate each of the two variances separately as they are not necessarily related.

If the Planning Commission wishes to recommend approval of the one or both of the two variances, they should adopt a finding that:

a. That the variance is in harmony with the general purpose and intent of the ordinance.
b. That the terms of the variance are consistent with the Comprehensive Plan.
c. That economic considerations are not the reasoning for the variance.
d. That the Property Owner proposes to utilize the property in a reasonable manner.
e. That the plight of the property is not due to the circumstances created by the property owner.
f. The variance will not alter the essential character of the neighborhood.

If the Planning Commission wishes to recommend denial of one or both of the proposed variances, they should adopt a finding that the variance(s) fails to satisfy at least one of the six (6) variance criteria.

CONDITIONAL USE PERMIT

Overview of the Rules for Exterior Storage in the I-1 District

As previously stated, the I-1 district allows exterior storage with a Conditional Use Permit so long as conditions are met:

(e) Uses by conditional use permit. The following uses or other uses deemed to be similar shall require a conditional use permit:

(5) Exterior storage (not as a principal use) subject to the following:
(d) exterior storage use shall be incidental to an approved use on the same site
(e) exterior storage shall be screened from adjacent properties and public view and shall meet the required performance standards of section 118-240
(f) the City may impose reasonable conditions on the exterior storage such as, but not limited to, maximum lot coverage, height, and type of the exterior storage.

The performance standards for exterior storage laid out in section 118-240 (referenced above) are as follows:

Sec. 118-240. - Exterior storage.

(b) In nonresidential districts, exterior storage of personal property may be permitted by conditional use permit, provided that any such property is so stored for purposes relating to a use of the property permitted by this Code and will not be contrary to the intent and purpose of this chapter. The City will determine, prior to the issuance of a conditional use permit, that the proposed use of land for exterior storage will conform to the following performance criteria:

(1) Outdoor storage items shall be placed within an enclosure approved by the city engineer.
(2) The enclosure shall be made of a material suitable to the building and the items to be stored.
(3) The enclosure and storage area shall not encroach into any established front building setback area or other required setbacks.

(4) The enclosure and storage area shall not interfere with any pedestrian or vehicular movement.

(5) The storage area shall not take up required parking spaces or landscaped areas.

(6) The surface of the storage area shall be approved by the city engineer.

(7) The proposed use conforms with the criteria for considering a conditional use permit set forth in section 118-40 of this Code.

Staff Analysis of Conditional Use Permit Request

The Applicant is proposing the following:

1. The Applicant is seeking to have a roughly 11,610 square foot outdoor storage area.

   This seems like potentially an “appropriate” amount of outdoor storage for a 21,200 square foot building. Staff would note that this large outdoor storage area does factor into the impervious surface variance request. Staff would also note that the size of the proposed outdoor storage area will need to be at least slightly reduced due to an Engineering requirement that the existing stormwater pond be expanded.

2. The Applicant is seeking to surface the outdoor storage area with recycled millings (this is a semi-improved surface which is a slightly upgraded version of a gravel or lass V surface)

   The surfacing of outdoor storage areas must be approved by the City Engineer. The City Engineer has stated that she will not approve recycled millings as a surfacing material. The outdoor storage area will need to be paved.

3. The Applicant is seeking permission to store items outdoors that are as tall as fifteen (15) feet.

   The I-1 district code states that the Conditional Use Permit can include restrictions on the height of items being stored outdoors. The Planning Commission and City Council will need to evaluate the proposed screening and decide whether 15 feet is an appropriate allowance to grant.

4. The Applicant is proposing to store primarily construction related equipment, fleet vehicles, and storage containers in the exterior storage area.

   These seem like appropriate items for the City to allow to be stored here. Nothing that is proposed for storage outdoors would be potentially harmful to the river if were rain to fall on it and then go into the river as runoff.

5. The Applicant is seeking to screen the outdoor storage area with a 5-foot tall earth berm to the west and coniferous trees that are being placed to screen the outdoor storage area from the west and northwest view.

   Section 118-240 requires the outdoor storage area to be placed within an enclosure approved by the City Engineer. The Applicant is seeking to use natural screening (berm and trees) instead of man-made screening such as fencing or walls. This seems appropriate given the fact that the exterior storage area is not contiguous with the building so a wall cannot be extended from the building to provide screening.
Staff would note that, as proposed, the screening plan is not sufficient. The Applicant is proposing to plant two (2) Norway Spruce trees along the western side of the exterior storage area which, at 45 feet in length, is one tree per 22.5 feet. Vegetative screening through evergreen trees generally must have “tighter” spacing than one tree per 22.5 feet in order to be effective. In terms of the height of the trees, Norway Spruce are relatively fast growing and can eventually reach significant heights (115-180 feet tall). The young trees that would be planted, however, would be 6 feet in height initially.

The Applicant is proposing to plant six (6) Norway Spruce trees along the southern boundary of the exterior storage area which, at 258 feet length, is one tree per 43 feet. Again, this is not “tight” enough spacing to be effective screening. The Applicant has noted that the property to the south is S & S tree Service and that they currently have a large amount of exterior storage along the shared property line. Staff reviewed this with the City Attorney and would note that the fact that S & S has existing outdoor storage along the property line is not relevant and does not negate the screening requirement for the Applicant. The City needs to make the reasonable assumption that many of the properties in the Bridgpoint area may someday redevelop. The S and S property may redevelop someday into a new business without exterior storage. It would not be fair to that property owner to allow the Applicant to place improperly screened storage against the property line as part of this project simply because it will not cause issues today. Additionally, Staff would note that much of the existing vegetation along the southern property line is proposed for removal as part of this project. It is unclear how many of the existing trees on the shared property line are on the S and S property and how many are on the Applicant’s property.

The Applicant is not proposing any screening along the eastern side of the exterior storage area. This is the most important part of the screening plan since the bike trail and the Mississippi River are just across the railroad tracks from the exterior storage area. Staff would note that it is possible that the existing trees along the east property line will sufficiently screen the exterior storage area, at least during leaf-on conditions. It may be appropriate to also require some coniferous trees along the eastern boundary of the outside storage area to provide year-round screening.

As proposed, the outdoor storage area may be partially visible from the cul-de-sac. This is a consequence of the way that the property is laid out. The building itself will provide some screening but the western part of the exterior storage area will likely still be at least somewhat visible. Staff would recommend potentially requiring that the line of coniferous trees along the western side of the exterior storage area extend up to the rear of the building.

Staff is prepared to recommend storage of the outdoor storage CUP only if the site plan is revised to add additional coniferous vegetative screening along the western end of the exterior storage area and the southern end of the outdoor storage area. Coniferous vegetative screening should be required along the eastern end of the exterior storage issue if the Applicant is unable to demonstrate that the existing trees along the property line will provide screening during leaf-off conditions.

Staff would recommend that the Planning Commission and the City Council require one of the two screening standards listed below:

1. The Norway Spruce coniferous trees must be placed no more than 15-feet apart “on center.” This will not provide immediate and consistent screening and may never provide full screening but will likely provide reliable 75% screening in the future as the trees grow.
2. The Norway Spruce coniferous trees must be placed no more than 8-10 feet apart "on center." This will come closer to providing 100% screening as the trees grow.

The Planning Commission and City Council are asked to review the request for 15-foot-tall items in the exterior storage area. The proposed berming will be 5 feet in height and the trees being planted will start out at 6 feet in height and with spacing between them. Are the policymakers comfortable with having the items that are stored outdoors poking up beyond the screening for the next several years while the trees grow?

It is standard in many Minnesota communities to collect a 125% letter of credit or escrow, based on the estimated landscaping costs, to ensure that required landscaping is installed. This letter of credit or escrow is typically released upon inspection one year after the plantings have been installed (the Applicant must replace any required plantings that have died before receiving their escrow refund). This is something that the City could consider requiring for this project since the vegetation's survival is essential for screening. Staff is recommending that this requirement be added to the approval.

The Planning Commission and City Council are asked to review the Comprehensive Plan and Zoning Code and evaluate the Conditional Use Permit using the following lens:

Sec. 118-40. - Conditional use permits.

(d) Standards for approving a conditional use permit. The planning commission shall make the following affirmative determinations before a conditional use permit may be recommended for approval by the city council:

(1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.

(2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.

(3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.

(4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.

(5) That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

(6) In residential districts, certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as the city council may deem proper. The uses may represent "buffer" uses for those areas lying between residential dwellings and nonresidential uses.

(7) In consideration of an application, the following standards shall apply:

b. Industrial districts. Certain uses may be considered generally unsuitable in industrial districts because of conditions that would tend to discourage other industrial development in the vicinity; these conditions may include noise, vibrations, dust, glare, unsightliness, or similar nuisances. Certain other industrial land uses are considered generally inappropriate because they represent underutilization of land, which, in turn, means a low tax return from land that under fuller development would be contributing needed revenue to the city's tax base.

If the Planning Commission intends to recommend approval of the Conditional Use Permit, it should (at a minimum) be with the condition that the site plan and screening plan be revised with the final plans subject to approval by Staff.
The Planning Commission also has the option of:

A. Recommending denial if they feel that the Conditional Use Permit criteria are not met.
B. Tabling this part of the application and requesting more information and a revised screening plan.
C. Recommending a condition that requires the Applicant to bring a revised site plan and screening plan to the Planning Commission or City Council instead of having it be reviewed by Staff.

COMMENTS FROM OTHER DEPARTMENTS

City Engineer

The City Engineer has provided a comment letter which is included as Attachment H.

Many of the Engineering conditions are fairly standard and can be addressed without affecting the site plans. One of the comments, however, is quite significant and will have an impact on the design of the project. As stated at the beginning of this Staff report, the EDA originally prepared this site several years ago for the development of an office park. In making those preparations, they made assumptions about how the sites would be developed (how much impervious surface coverage the offices would require) and sized the area’s stormwater ponds accordingly. Because the subject property is now being developed as an industrial property with a much higher level of impervious surface coverage, the existing stormwater ponds are undersized to handle the anticipated runoff. Additionally, State-mandated stormwater management standards are updated from time to time and, in the year 2020, the City is required to use different and stricter standards than what were in place when the ponds were originally built.

The Applicant is going to need to increase the size of the stormwater pond that is on the western end of the property. This will likely mean that they will need to decrease the size of the exterior storage area so that there is room for the larger pond. The Applicant will also need to grant the City a drainage and utility easement over the new pond area.

Staff believes that the revisions to the site plan will be relatively minor and can be handled administratively at the Staff level. However, if the Planning Commission and/or City Council are not comfortable with this approach, they can require that revised site plans be prepared and submitted for review by the Planning Commission and/or City Council.

STAFF RECOMMENDATION

Staff believes that, overall, this is a good project that is largely compliant with the intent of the Zoning Code and the Comprehensive Plan but the plans will need to be revised prior to the issuance of any building permits.

Staff would only recommend approval of the planting island variance if the City’s policymakers believe that this standard was not intended to be applied to industrial developments. As previously stated, there is nothing unique about this project’s parking lot relative to other industrial developments in this zoning district. Staff is prepared to recommend approval of the Site Plan, Variance for Impervious Surface Coverage, and Conditional Use Permit with the following conditions:
Planning/Zoning Conditions

1.) The conditions of this approval are based on the plan-set dated April 17, 2020 which were prepared by Rosa Architectural Group Inc.

2.) No grading, site work, tree removal, or building construction may occur prior to the issuance of construction permits by City Staff.

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

4.) The Applicant shall submit revised site plans showing those changes that are necessary to meet stormwater management requirements. The revised site plans shall be subject to review and approval by the Zoning Administrator and City Engineer.

5.) The Applicant is given permission to provide screening for the outdoor storage area by means of berming and coniferous vegetation but additional coniferous vegetation is required beyond what is shown on the landscaping plan dated 4/16/2020. The Applicant shall update the exterior storage area vegetative screening plan to meet the screening requirements recommended by the Planning Commission (this condition will be updated once the Planning Commission gives their recommendation). The final screening plan is subject to review and approval by the Zoning Administrator.

6.) Prior to the issuance of any permit for land alteration, the applicant shall provide a financial guarantee (letter of credit or escrow payment) in the amount 125% of the estimated cost to install the required screening trees.

7.) The security shall be maintained for at least one (1) year after the date that the last landscape materials have been planted. Upon a showing by the applicant and such inspection as may be made by the City, that portion of the security may be released by the City equal to one hundred twenty-five (125) percent of the estimated cost of the landscape materials which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the applicant’s responsibility to remove and replant landscape materials which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of replanting said landscape materials, the entire security may be released.

8.) No more than 75% of the property may be covered by impervious surfaces.

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

10.) The Applicant shall be required to substantially maintain the existing trees along the east property line. The landscape plan must be revised to show this. The Applicant shall prepare a plan for protecting these trees during construction which must be submitted as part of the building permit submittal and approved by the Zoning Administrator. If the Applicant is proposing any tree removal in this area, it shall require the submittal of a tree removal plan which must be reviewed and approved by the Zoning Administrator. Tree removal along the eastern property line shall only be permitted if it is determined to be consistent with the terms of the Mississippi River Corridor zoning rules and it is determined that it will not reduce the level of screening, during leaf-on conditions, that is provided on the subject property itself to screen the building and exterior storage area from the bike trail & the river.
11.) If any trees along the east property line are damaged or destroyed during construction without the approval of the Zoning Administrator, the Applicant shall be responsible for replacing them at a rate of 2:1. Replacement deciduous trees must be at least two and one half (2.5) caliper inches. Replacement coniferous trees shall be no less than six (6) feet high. This requirement may be waived, subject to the Zoning Administrator’s discretion, if the trees that were damaged/destroyed were an invasive species.

12.) The exterior storage area may be no larger than the 45’ x 258’ area that is shown on the site plan dated April 17, 2020. The size of the exterior storage area may decrease as a result of the changes that will need to be made to the site plan to accommodate stormwater management requirements.

13.) The exterior storage area must be paved with a hard surface. The final surfacing material is subject to review and approval by the City Engineer.

14.) Items stored in the exterior storage area will be allowed to be no taller than fifteen (15) feet, measured from the finished grade of the paved surface of the exterior storage area.

15.) The type of materials stored in the exterior storage area shall be substantially consistent with what was outlined in the Applicant’s narrative. No hazardous materials or waste/garbage/debris may be stored in the exterior storage area. No materials that would constitute a significant threat to the health of the river through stormwater runoff may be stored in the exterior storage area.

16.) A mechanical equipment screening plan shall be submitted as part of the building permit submittal. All ground-mounted and building-attached mechanical equipment shall be screened according to the standards contained within Code Section 118-9. All roof-mounted mechanical equipment shall be screened according to the standards contained within Code Section 118-242.

17.) The facility must comply with all of the City Code’s performance standards relating to odor, noise, glare, refuse handling, etc.

18.) An updated photometric plan shall be submitted as part of the building permit submittal. All lighting must conform with the standards of the City’s glare ordinance.

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

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

21.) Curbing shall be required around all parking lot areas unless this requirement is modified by the City Engineer.

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

23.) The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
24.) The Conditional Use Permit will terminate if improvements have not substantially begun within 1 year from the date of approval. The violation of any condition of approval may result in the termination of the Conditional Use Permit, following a hearing by the City Council.

25.) The Variance(s) will terminate if improvements have not substantially begun within 1 year from the date of approval.

Building Department Conditions

26.) 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.

Engineering Department Conditions

27.) The Applicant shall address the sixteen (16) conditions of the City Engineer’s letter dated May 18, 2020. These conditions must be addressed prior to building permit issuance.

Attachments

A- Site Location Map
B- Aerial Photograph of Subject Property
C- Photographs of Subject Property
D- Site and Building Plans
E- Landscape Plan
F- Photometric Plan
G- Applicant’s Narrative
H- City Engineer’s Letter
Attachment C
Photographs of Subject Property

Photograph of Subject Property Taken from Cul-de-Sac (Looking South towards S and S Tree Service)

Photograph of Subject Property Taken from Cul-de-Sac (Looking Southeast)
Aerial Photograph of Existing Cluster of Trees Between Property and River/Bike Trail

Photograph of Cluster of Trees Between Property Line and River/Bike Trail
Attachment D
Site and Building Plans
ATTACHMENT F
Photometric Plan
ATTACHMENT G
APPLICANT'S NARRATIVE

AVM Group LLC

City of South St. Paul
Attn: Michael Healey
125 Third Avenue North
South St. Paul, MN 55075

Re: 121 Hardman Court

Dear Mr. Healey,

Enclosed please find our completed Planning and Zoning Application as well as our check for $2,000.00 for the Site Plan Review Application Fee, Variance Application Fee and the CUP Application Fee and Escrow Deposit.

Site Plan Review

We are proposing to develop the site at 121 Hardman Court into a 21,200 s.f. office/warehouse structure with 4 suites. AVM Construction will occupy the eastern suite and we are marketing the remaining space as (3) 5,200 s.f. office/warehouse spaces. We anticipate the tenants will require approximately 1/3 office space and 2/3’s warehouse. Normal business operations will be Monday – Friday from 6am - 6pm with some weekend activity as needed. We anticipate the number of employees occupying the site on a daily basis to be approximately 5-8 persons per suite with clients adding another 2-3 occupants per suite.

Variance Request

We are applying for a variance to the Shoreland District requirement of sites within 300 feet of the Mississippi River that only 30% of the site can be covered in impervious surfaces. We have reviewed Sec. 118-169 Shorlands Zoning and confirmed we comply with all of the requirements accept the 30% impervious.

As part of our agreement with the City of South St. Paul we are required to construct a building at least 21,150 sf in size. The breakdown for available impervious surfaces is:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site 2.4 acres x 43,560</td>
<td>104,544 sf</td>
</tr>
<tr>
<td>30% requirement</td>
<td>31,363 sf</td>
</tr>
<tr>
<td>min building size</td>
<td>21,150 sf</td>
</tr>
<tr>
<td>remaining impervious</td>
<td>10,213 sf</td>
</tr>
</tbody>
</table>

The remaining 10,213 sf does not give us enough area to provide adequate parking and access to the warehouse for our light industrial tenant spaces. We also want to provide outdoor storage for our tenants (see CUP narrative) to provide an attractive location for recruitment of long-term business to this site. We have a storm water retention pond located on the west side of our site and we are controlling runoff with curb/gutter and storm sewers for both the paved areas and the roof. We have a drainage easement on the east side of our site that will be maintained and the perimeter of the site will be seeded/sod and plantings.

We believe this proposal meets the vision of the Bridgepoint Industrial Park and request a variance to Sec. 118-169.(d)(2)b.3.
CUP Request

We are applying for a Conditional Use Permit for outdoor storage on the south side of this site. We have reviewed Sec. 118-240 - Exterior Storage and confirmed we comply with all of the requirements. Currently the site to the south of us has trees at the border and the tenant has storage bins for landscaping materials. Our screening of the outdoor storage area includes a 5' high earth berm to the west as well as coniferous trees placed to screen the outdoor storage area from the west and northwest view. Our trash containers will be enclosed in a masonry structure with screened fencing.

The outdoor storage area will primarily be used for:

- Trailer parking (flattened and enclosed)
- Enclosed Connex boxes (pods)
- Temp Office Trailers
- Construction equipment
- Fleet Vehicles

AVM Group LLC requirement for tenants is the maximum height of any item stored outdoors does not exceed 15'. The surface area of the outdoor storage will be recycled millings and will be maintained same as the biuminous surfaces.

We believe this proposal meets the vision of the Bridgepoint Industrial Park and is consistent with the business in the immediate vicinity of this development. We request a Conditional Use Permit for outdoor storage be granted for this site.

Please review our application and contact us with any questions or comments.

Sincerely,

Andrew B. Biggs
Member
Mobile 651-900-2657
andyb@avm-construction.com

Michael C. Klon
Member
Mobile 612-246-6391
mikek@avm-construction.com
May 18, 2020

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

RE: AVM GROUP BUILDING - 121 HARDMAN COURT
CITY OF SOUTH ST. PAUL

Michael:

We have reviewed the submittal package for the proposed AVM Group Building development at 121 Hardman Court. The submittal documents contained a survey, Grading, Drainage & Erosion Control Plan, Landscape plan, site plan and architectural sheets. In addition, a storm water management report was provided. We have the following comments:

Grading, Drainage, and Erosion Control Plan
1. Add inlets on the northeast driveway curb and move both driveway inlets to the property line to minimize site runoff onto the city street.
2. Lower the inlet top elevation of 698.6 in the northwest corner of the parking lot or raise the upstream curb elevations to ensure proper drainage of the parking lot.
3. Add spot elevations along the property line to the north of the site to ensure drainage to the street or east drainage easement. Add spot elevations to the south property line to ensure drainage to the pond.
4. Add silt fence to the plan to encompass the site grading area.
5. Show the location of the rock construction entrance on the plan.
6. Show inlet protection at the two catch basins in the Hardman Count cul-de-sac. The type used must have an overflow inlet.
7. No water service valve was shown on the survey or proposed plan. The applicant should verify an existing valve does exist or a valve must be added to the proposed water service at the property line.

Site Plan
1. We would recommend the driveway width be reduced to the standard maximum of 22 feet wide face-of-curb to face-of-curb.
2. The applicant is proposing a gravel/millings outdoor storage area south of the building. If outdoor storage is allowed, the area should be paved to prevent ongoing sediment loss from the site and into the storm sewer.

Storm Water Calculations
The applicant has indicated that the site is draining into two regional storm water ponds that were installed for treatment and rate control when the street was built. They further state that their site improvements are below the impervious percentage included in the original calculations. They indicated for those reasons no storm water improvements are needed. While the site is below the original site impervious percentage of the original calculations there have been changes to the storm water design events used in the modeling and also changes in the City’s storm water requirements.
We recommend the following:

1. The 2017 recheck of the original calculations using the larger ATLAS 14 100-year storm event show an increase in the peak pond elevation from 697.18 to 698.00. The top of curb elevation adjacent to the pond is only around 697.5 based on the survey so the pond will be overflowing into the street during a 100-year storm event. In addition, it appears a peak elevation of 698.0 would result in ponding outside of the easement area on the open lot to the west of the pond. For those reasons the existing pond should be expanded or an additional pond should be added to lower the 100-year peak elevation to the original design elevation of 697.18. The existing pond easement would need to be expanded to cover the final pond area if the existing pond is expanded.

2. The new impervious surface created by the development is of sufficient size that abstraction of storm water on the site (Infiltration) is necessary under the current City storm water requirements and the NPDES permit requirements. The amount of abstraction should equal 1.1 inches of runoff from the impervious surfaces. Infiltration is likely not feasible based on note 13 of the survey, but the applicant must implement to the maximum extent practical other volume reduction techniques as listed in the City's stormwater management design standards.

General Comments

1. The applicant must provide a Storm Water Pollution Prevention plan for review and approval by the City.
2. A National Pollution Discharge Elimination System (NPDES) permit will need to be obtained for the project. Documentation of the permit approval will be required prior to any work.
3. A standard detail sheet should be added to the plan that includes storm sewer, watermain, sanitary sewer, and parking lot/sidewalk details for review and approval.
4. The fire chief should review the site for circulation and fire protection.
5. If stormwater pond is expanded, revise the drainage and utility easement to accommodate the new pond area.

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,

Sue Polka, P.E.
City Engineer
AGENDA ITEM 5.A

2019 ANNUAL REPORT
CITY OF SOUTH ST. PAUL
PLANNING COMMISSION

PURPOSE
This report provides relevant information about the Commission’s activities and fulfills the requirements of City Code 101-22 which specifies that the South St. Paul Planning Commission is to submit to the City Council an annual report of its work during the preceding year.

2019 PLANNING COMMISSION MEMBERS
Isaac Contreras
Angela DesMarais
Tim Felton
Justin Humenik
Ruth Krueger – Vice Chair
Jason Pachl
Stephanie Yendell - Chairperson

BACKGROUND – SUMMARY
The Planning Commission reviewed 26 cases/actions during 2019. Large projects for the year included a conditional use permit for the renovation of 710 19th Avenue by the South St. Paul School District, to house their Adult Basic Education programming and a 40,000 square foot event space at the Fifth Avenue Shopping Center. Other notable cases included the creation of the light industrial district and the submittal of the 2040 Comprehensive Plan to the Met Council.

CONDITIONAL USE PERMITS (CUP)

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>South St. Paul Rod and Gun Club – 600 Gun Club Road, CUP to Alteration to the Northern, five (5) year CUP</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>Northern Battery 1111 Concord Street South, Minor Amendment to Site Plan changes to the site plan include the additional pavement for a driveway extending from the street to the east and some additional parking spaces to the east of the current driveway.</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>N/A</td>
</tr>
<tr>
<td>Wescott Auto Sales 1100 Concord Street South, CUP rear of the building to be used for Auto Sales in rear of the parking lot limited to five (5) vehicles</td>
<td>D</td>
<td>AC (3-2)</td>
<td>AC (5-0)</td>
</tr>
<tr>
<td>BThree, LLC dba Altus Materials, 1199 Concord Street South, CUP/Site Plan, exterior storage above ground diesel tank / fueling station</td>
<td>D</td>
<td>AC (3-1-1)</td>
<td>D (5-2) Changed to IUP</td>
</tr>
<tr>
<td>Kings Transport-Quality Trucking, 497 Farwell Avenue, CUP-Truck and Trailer Repair</td>
<td>AC</td>
<td>AC (4-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>Westside Transport-434 Farwell Avenue,</td>
<td>AC</td>
<td>AC</td>
<td>AC</td>
</tr>
</tbody>
</table>
### INTERIM USE PERMITS (IUP)

<table>
<thead>
<tr>
<th>Case</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delacy Automotive – 528 Concord Exchange South - 1 year IUP for temporary auto sales</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>Robert Brown III Car &amp; Motorcycle Show – 1725 Henry Avenue (Fleming Field Airport) – 5 year IUP</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>South St. Paul Rod and Gun Club-600 Gun Club Road, Rifle range firing structure</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>South St. Paul Rod and Gun Club-600 Gun Club Road, temporary 5 stand firing structure</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>BThree, LLC dba Altus Materials, 1199 Concord Street South, IUP/Site Plan, exterior storage above ground diesel tank / fueling station</td>
<td>AC</td>
<td>AC (7-0)</td>
<td>AC (7-0)</td>
</tr>
<tr>
<td>Danner, LLC-843 Hardman Avenue South, Marly Danner, IUP for temporary rock crushing operation – 4 year extension</td>
<td>AC</td>
<td>AC (3-1)</td>
<td>D (5-1)</td>
</tr>
</tbody>
</table>

A=Approval, AC=Approval w/conditions, D=Denial, T=Table

### MISCELLANEOUS CONSIDERATIONS

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC Rules of Order</td>
<td>A</td>
<td>A (7-0)</td>
<td>N/A</td>
</tr>
<tr>
<td>Elect Chair (Stephanie Yendell)</td>
<td>N/A</td>
<td>A (7-0)</td>
<td>N/A</td>
</tr>
<tr>
<td>Elect Vice-Chair (Ruth Krueger)</td>
<td>N/A</td>
<td>A (7-0)</td>
<td>N/A</td>
</tr>
<tr>
<td>2018 Annual Planning Commission Report</td>
<td>A</td>
<td>A (4-0)</td>
<td>Accepted</td>
</tr>
</tbody>
</table>

A=Approval, AC=Approval w/conditions, D=Denial, T=Table

### PLANNING STUDIES AND ORDINANCE CONSIDERATIONS

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Update (Draft)</td>
<td>A</td>
<td>A (7-0)</td>
<td>A (6-0)</td>
</tr>
<tr>
<td>Mandatory Minimum # Off-street parking stalls ordinance.</td>
<td>A</td>
<td>A (4-0)</td>
<td>Tabled to Work Session</td>
</tr>
</tbody>
</table>

A=Approval, AC=Approval w/conditions, D=Denial, T=Table
### 2019 Planning Commission Annual Report

**Page 3**

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Industrial District</td>
<td>A</td>
<td>A (4-0)</td>
<td>A (6-0)</td>
</tr>
<tr>
<td>Comprehensive Plan Submittal to Metropolitan Council</td>
<td>A</td>
<td>A (5-0-1)</td>
<td>A (7-0)</td>
</tr>
</tbody>
</table>

*A=A=Approval, AC=Approval w/conditions, D=Denial, T=Table*

### PLANNED UNIT DEVELOPMENTS (PUD) / PLATS / SUBDIVISIONS

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wakota North Final Plat – 680 Verderosa</td>
<td>AC</td>
<td>AC (4-0)</td>
<td>AC (6-0)</td>
</tr>
<tr>
<td>Twin City Hide/ Twin City Tanning PUD Extension – 491-501 Malden Street</td>
<td>AC</td>
<td>AC (5-1)</td>
<td>AC (7-0)</td>
</tr>
</tbody>
</table>

*A=A=Approval, AC=Approval w/conditions, D=Denial, T=Table*

### SITE PLAN REVIEWS

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interstate Development-2020 Brand-285 Hardman Avenue South – Site Plan Review and Lot Combination</td>
<td>A</td>
<td>A (5-0)</td>
<td>A (7-0)</td>
</tr>
</tbody>
</table>

*A=A=Approval, AC=Approval w/conditions, D=Denial, T=Table*

### VARIANCES

<table>
<thead>
<tr>
<th>Case:</th>
<th>Staff Recommendation</th>
<th>Planning Commission Action</th>
<th>Council Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of SSP/R. Dahl – 1823 Wentworth – driveway with variance</td>
<td>A</td>
<td>A (7-0)</td>
<td>A (7-0)</td>
</tr>
<tr>
<td>Tim &amp; Lori Felton -6C7-9th Ave North-Variance for 5 feet fence in front yard</td>
<td>D</td>
<td>A (5-1)</td>
<td>A (6-0)</td>
</tr>
<tr>
<td>Arleen Frazer-Fehr-1407 Outlook Avenue-25 foot rear setback variance</td>
<td>A</td>
<td>A (4-0)</td>
<td>A (7-0)</td>
</tr>
<tr>
<td>Carl &amp; JoAnn Goltermann-Variance-Lot split/Combination-137-147 18th Avenue North</td>
<td>A</td>
<td>A (4-0)</td>
<td>A (7-0)</td>
</tr>
</tbody>
</table>

*A=A=Approval, AC=Approval w/conditions, D=Denial, T=Table*
PLANNING COMMISSION MEETINGS

Regular Meetings
In the year 2019, the Planning Commission held 11 regular meetings. The attendance record of current members is provided below. All absences were noted to staff or the Chair prior to the meetings.

Regular Meetings

<table>
<thead>
<tr>
<th>Name</th>
<th>Present</th>
<th>Absent</th>
<th>% Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Isaac Contreras</td>
<td>10</td>
<td>1</td>
<td>90%</td>
</tr>
<tr>
<td>Angela DesMarais</td>
<td>10</td>
<td>1</td>
<td>90%</td>
</tr>
<tr>
<td>Tim Felton</td>
<td>9</td>
<td>2</td>
<td>81%</td>
</tr>
<tr>
<td>Justin Humenik</td>
<td>8</td>
<td>3</td>
<td>72%</td>
</tr>
<tr>
<td>Ruth Krueger</td>
<td>9</td>
<td>2</td>
<td>81%</td>
</tr>
<tr>
<td>Jason Pachl</td>
<td>10</td>
<td>1</td>
<td>90%</td>
</tr>
<tr>
<td>Stephanie Yendell</td>
<td>7</td>
<td>4</td>
<td>63%</td>
</tr>
</tbody>
</table>

DEVELOPMENT AND BUILDING PERMITS
Permits were issued in calendar year 2019 for a total of eight (8) building permits for new residential housing units, all of which were single-family homes. Two homes were demolished in 2019. There were 615 building permits during the year with the largest number of permits coming from reroofing, doors/windows and alternations/remodels.

<table>
<thead>
<tr>
<th>Year</th>
<th>Building Permits for new residential units</th>
<th>Single Family</th>
<th>Duplex/Townhome</th>
<th>New Residential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>2018</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>2017</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>2016</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>2015</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>2014</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>2013</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>2012</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>2011</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>