

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
February 3, 2021

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

Present: Angela DesMarais (Arrived at 7:03 PM)
 Jason Frankot
 Justin Humenik
 Ruth Krueger
 John Ross
 Matthew Thompson
 Michael Healy, City Planner
 Sue Polka, City Engineer
 Monika Mann, Community Development Support Specialist

Absent: Tim Felton

- 1) APPROVAL OF AGENDA – Humenik/Frankot (5-0)
- 2) APPROVAL OF MINUTES – January 6, 2021 – Motion to approve the minutes as presented – Krueger/Thompson (5-0).
- 3) NEW BUSINESS

None

- 4) PUBLIC HEARINGS

A) Public Hearing for Rezoning to Implement the 2040 Comprehensive Plan

Mr. Healy presented the staff report. The City is proposing to rezone a number of properties to be consistent with the 2040 Comprehensive Plan. The City adopted its 2040 Comprehensive Plan in 2020. This plan includes a future land use map that shows each parcel and its proposed use in 20 years. The City is legally obligated to adhere to its future land use map when making land use decisions and the City should always strive to align its zoning map with its future land use map.

Both the 2030 and 2040 Comprehensive Plans guide most of Concord Street towards “mixed-use.” The City has 4 existing mixed-use districts: the Concord Gateway Mixed-Use District, the North Concord Mixed-Use District, the Commercial Retail District, and the General Business District. The City is proposing to rezone 7 properties to align the properties with the Mixed-Use designations found in the 2040 Comprehensive Plan. The properties and their proposed zoning changes are as follows:

- 139 Grand Avenue- Rezone from General Business to North Concord Mixed Use.
- 1443 Concord Street South- Rezone from Mobile Home to General Business.
- 390 Richmond Street East- Rezone from Industrial to General Business.
- 1129 Concord Street South- Rezone from Industrial and General Business to General Business.
- 1199 Concord Street South- Rezone from Industrial and General Business to General Business.

- 1201 Concord Street South- Rezone from Industrial and General Business to General Business.
- 1301 Concord Street South- Rezone from Industrial and General Business to General Business.

Chair Ross asked Mr. Healy to clarify if the rezoning could be done in-house without approval from the Metropolitan Council. Mr. Healy explained that rezonings can be done without the permission from the Metropolitan Council as long as the rezoning matches the comprehensive plan.

Chair Ross opened the public hearing.

Mr. Healy shared that he had spoken to a number of the affected property owners and discussed some of their concerns. None of the businesses wished to go on record with their comments.

Susan Murr, 1403 Concord Street South, asked Staff if the proposed zoning changes would affect the Healy Mobile Home Park. Mr. Healy explained that the zoning of the property would be left untouched.

Motion to recommend approval of an ordinance amendment that would implement the proposed rezoning actions, consistent with the 2040 Comprehensive Plan. - Thompson/DesMarais (6-0).

B) Public Hearing for Temporary Concrete/Asphalt Recycling Operations Ordinance and Interim Use Permit

Mr. Healy presented the staff report. The City is seeking two approvals: An ordinance amendment to allow temporary asphalt/concrete recycling facilities on public land as a component of public improvement projects with an Interim Use Permit and an Interim Use Permit to allow a temporary asphalt /concrete recycling facility on the vacant EDA-owned property at the northeast corner of Concord Street and Grand Avenue for the Concord Street reconstruction project.

The City will begin construction of the “Concord Street Improvements Project” in May or June 2021. Pavement will be rehabilitated between Interstate 494 and Armour Avenue and Armour Avenue and Annapolis Street. Road rehabilitation will include taking the existing concrete from the road, crushing it, and returning it to the site to use it as a base for new concrete that will be laid. In January, the City Engineer brought to a city council work session the opportunity to potentially reduce the cost of the project by up to \$200,000 by crushing concrete near the project site. The City owns the proposed crushing site adjacent to the road project. Per the City engineer, this is a fairly common practice.

The zoning code would need to be amended because concrete/rock crushing is currently only allowed as an interim use in the I-Industrial and LI- Light Industrial Districts when part of a land reclamation plan with a surcharging option. The zoning code does not list any other circumstances where concrete crushing is allowed within city limits. The proposed ordinance amendment would allow temporary asphalt/concrete recycling in all zoning districts, if the asphalt/concrete is for a public improvement project. An interim use permit would be required and would terminate when the public project is complete. The use would only allow asphalt/recycling operations on public land and only materials directly related to the public improvement could be crushed at the temporary site.

If the ordinance is approved, the City would be eligible for an Interim Use Permit. The City would hold the permit and allow a contractor to use the site at the northeast corner of Grand Avenue and Concord Street. If any of the Interim Use Permit conditions are violated, the permit would be revoked, and the contractor would need to crush the concrete off-site. Staff recommends a number of conditions including limited hours of operation, dust mitigation requirements, setback requirements and tree protection requirements.

Chair Ross asked if the property would also be used as a staging area during the Concord Street reconstruction. Ms. Polka stated that the site was not large enough to accommodate both a crushing operation and other equipment that would be staged. Ms. Polka shared that if the property were not used for concrete crushing, the site or other EDA owned sites may be used for staging.

Chair Ross asked if there were dust control procedures in place if dust from the concrete crushing operation were to leave the site. Ms. Polka stated that any tracking from any material during construction is required to be cleaned up by the contractor per the stormwater permit for the project.

Commissioner Thompson asked if staff was confident that the site was large enough for a crushing operation. Ms. Polka stated that she had spoken to multiple contractor who had stated that the site would be large enough for a crushing operation.

Chair Ross asked if there were any contaminated soils on the site that would affect the project. Ms. Polka stated that environmental investigations had been done for the project and no contaminated material was anticipated.

Commissioner Krueger shared her concerns about the length of time that the rock crushing would occur and the amount of material that would be crushed on-site. Ms. Polka explained that the rock crushing operation would likely last 4-6 months over the 2-year span of the project. Commissioner Krueger asked Staff if they had received correspondence from any of the neighboring properties about the proposed rock crushing. Mr. Healy explained that a notice was sent to all properties within 350 feet of the proposed site as is required by law. No comments were received on the item.

Commissioner Krueger shared her concerns about the impacts to the surrounding properties if rock crushing were allowed at the site.

Commissioner Frankot asked if all of the rock crushing would be done in phases or if all of the rock crushing would be completed at one time. Ms. Polka explained that the rock crushing would only happen during the construction season.

Chair Ross opened the public hearing.

No correspondence had been received, nor was anyone present to speak on the item.

Chair Ross closed the public hearing.

Commissioner Thompson asked about the radius of the dust that resulted from a MNDOT rock crushing operation near Interstate 494 a number of years ago. Mr. Healy stated that he was unsure. Ms. Polka stated that the MNDOT project did not include any dust control practices, whereas this project would include a number of practices.

Motion to recommend approval of the proposed Ordinance and Interim Use Permit, subject to the conditions laid out in the Staff report. - Frankot/ Thompson (5-1) (Krueger).

C) Public Hearing for Ordinance Amendment Regarding Trash Enclosures

Ms. Mann presented the staff report. In December of 2020, the Subway on Concord Exchange began constructing a trash enclosure out of a composite decking material. The property was issued a “Stop Work” order because composite decking material does not meet the standards for a trash enclosure in the Concord Gateway Mixed Use District. Currently, the City has two sets of standards for trash enclosures: one that applies to the Concord Gateway Mixed Use District (CGMU) /North Concord Mixed Use (NCMU) District and one that applies to all other districts. Trash enclosure located in the Concord Gateway or North Concord Mixed Use District are required to match the exterior material of the principal building and to have a roof. Trash enclosures in all other zoning districts need to be constructed of a non-combustible material and need to be “neat-appearing.” No roof is required as long as the dumpster being enclosed has a roof.

Staff brought the item to the December 18th City Council work session. The City Council gave staff feedback that they were in favor of allowing composite decking material for properties in the NCMU or CGMU district that were grandfathered to not have their trash enclosed and for all other districts in the City. New businesses in the CGMU or NCMU district would still be required to build a trash enclosure that matches the external material of the principal building; however, the trash enclosure itself would not be required to have a roof as long as the dumpster has a roof. As Staff looked to rewrite the ordinance, they reached out to the Fire Marshall to determine if any safety standards needed to be considered. The State Fire Marshall recommended that a setback be added for composite decking material trash enclosures if the building the enclosure serves does not have a fire sprinkler system.

The proposed ordinance includes the feedback that Staff received from the City Council and the Fire Marshall. In addition, Staff has proposed a performance standard that would clearly require any businesses to apply for a fence permit when they construct a trash enclosure.

Commissioner Frankot commented that a composite decking board trash enclosure would look nicer than having the trash containers in the parking lot as they are today.

Commissioner Thompson asked if Subway could apply for a zoning approval such as a variance to allow a composite decking material instead of amending the ordinance. Ms. Mann explained that the proposed ordinance would allow composite decking material to be used for trash enclosures city wide. Mr. Healy shared that it was common for cities to re-evaluate their building code as new materials, such as composite decking material, come onto the market. Mr. Healy stated that the item could not be processed as a variance because the application would not pass the practical difficulties test. Mr. Healy explained that the ordinance amendment would help bring properties that are grandfathered to have their trash outside of a trash enclosure into partial compliance by allowing an attractive and budget friendly material for trash enclosures.

Chair Ross opened the public hearing.

No correspondence had been received, nor was anyone present to speak on the item.

Chair Ross closed the public hearing.

Motion to recommend approval of the proposed trash enclosure design standards ordinance amendment as presented. – Frankot/ Krueger (6-0).

5) OTHER BUSINESS

A) Final Plat for “The Yards” Addition

Mr. Healy presented the staff report. The City approved a preliminary plat and a Conditional Use Permit for a Planned Unit Development for the Beard Group in December of 2020. The applicant is required by City Code to bring the final plat before the Planning Commission and City Council for approval. Per the City attorney, the final plat is substantially consistent with the approved preliminary plat.

Chair Ross asked why the Dakota County Plat Commission could approve the preliminary plat and final plat before a legal description was created for the project. Mr. Healy explained that the County Plat Commission focuses on access spacing and right-of-way dedication if a project site abuts a county road, so the Commission did not need to have a legal description to approve the preliminary and final plats.

Chair Ross opened the public hearing.

Mr. Healy explained that the final plat did not require a public hearing.

Chair Ross closed the public hearing.

Motion to approve the final plat as presented. - Thompson/DesMarais (6-0).

B) Discussion on Consultant Team Selection for North Concord Mixed-Use Zoning District Update Project

Mr. Healy shared that the City had secured a \$30,000 grant from Dakota County to hire a consultant to help update the "North Concord Mixed Use" Zoning district. The City released a Request for Proposal on January 12th. Proposals are due on February 17th. Community Development Staff will review the submitted proposal and have a selection committee review the top proposals. To encourage community involvement, the members of the City Council and Planning Commission have been invited to be a part of the selection committee. Commissioners Thompson, Krueger, and Frankot volunteered to be a part of the selection committee.

C) Other Announcements

Mr. Healy shared that two of the Planning Commissioners' seats expired on March 1, 2021. Mr. Healy thanked the commissioners for their service and updated the commission that there were five applicants for the two seats.

6) ADJOURNMENT

Motion to adjourn- DesMarais/Thompson (6-0).