



CITY OF SOUTH ST. PAUL MEETING AGENDA

PLANNING COMMISSION

Council Chambers
125 3rd Avenue North
South St. Paul, MN 55075

Wednesday, May 7, 2025
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. MINUTES:**
 - A. 4.02.2025 Planning Commission Meeting Minutes
- 4. NEW BUSINESS:**
- 5. PUBLIC HEARINGS:**
 - A. Comprehensive Plan Amendment to Update Future Land Use Map Guidance for City-Owned Facilities
 - B. Interim Use Permits for a Temporary Concrete Batch Plant for AVR LLC
- 6. OTHER BUSINESS:**
- 7. STAFF UPDATES:**
 - A. Planner's Update
- 8. ADJOURNMENT**

**MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
WEDNESDAY APRIL 2, 2025**

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

Present: Tyler Fehrman
Tim Felton
Geoff Fournier
Tracy Haye
James Hart
Andrew Hoffman
Brienne Miller
Michael Healy, Planning Manager
Monika Miller, Associate Planner
Deb Griffith, Community Affairs Liaison
Nick Guilliams, City Engineer

Absent: None

- 1) APPROVAL OF AGENDA - Motion to approve as presented– Hoffman/ Miller (7-0).
- 2) APPROVAL OF MINUTES –March 5, 2025 –Motion to approve as presented– Fournier/ Hoffman (7-0).
- 3) NEW BUSINESS

None.
- 4) PUBLIC HEARINGS

A. Ordinance Amendment to Set the Maximum Height for All Detached Garages at 16 Feet

Ms. Miller presented the staff report. The applicant, Jack Pietruszewski is seeking an ordinance amendment to allow detached garages to be up to 16 feet in height, regardless of the roof style. The Applicant would like to construct a detached garage with a shed-style roof that is 14 feet 6 inches tall. Under the current code, the maximum allowable height for a detached garage with a non-hip or gable roof is 16 feet. Garage height rules are a community values and aesthetic decision. Many communities allow larger detached garages than South St. Paul allows today, including cities with similar grid-style development. If the Planning Commission feels the rules today are too restrictive, they could recommend approval of the ordinance as presented to allow detached garages to be up to 16 feet in height regardless of the roof style. If the Planning Commission is more comfortable with a targeted ordinance to address the Applicant's request, they could recommend approval of an ordinance that would allow shed-style roofs to be 15 or 16 feet tall while keeping the height for garages with a flat, mansard or gambrel roof capped at 12 feet tall.

Commissioner Miller asked if the Applicant would still need a conditional use permit if the ordinance amendment was approved. Ms. Miller explained that the conditional use permit request was separate from

the ordinance amendment as a conditional use permit is required to have a detached garage on a property with an attached garage.

Commissioner Fournier noted that the ordinance amendment language stated that a garage cannot exceed one story and asked if the language would still prohibit a dwelling unit from being built on top of a single-story garage. Ms. Miller confirmed it would.

Commissioner Hart asked if the ordinance amendment would change the maximum allowable height for other detached accessory structures such as sheds. Ms. Miller explained that the section of code that is being amended specifically addresses the maximum allowable height for detached garages.

Commissioner Felton asked if staff had any concerns about raising the maximum allowable height for detached garages. Ms. Miller explained that while staff did not provide a formal recommendation, staff feel confident that capping the maximum allowable height for all detached garages at 16 feet would ensure new garages with varying roof styles would match South St. Paul's current development pattern.

Chair Fehrman asked if the Applicant was present. Jack Pietruszewski introduced himself as the owner of 1820 Faber Avenue.

Chair Fehrman asked if any of the Commissioners have questions for Mr. Pietruszewski. There were no questions.

Chair Fehrman opened the public hearing.

No one was present to speak to the matter and no new correspondence had been received prior to the meeting.

Chair Fehrman closed the public hearing.

Commissioner Hart encouraged the commissioners to consider differing the maximum allowable garage height based on the roof style. Commissioner Hoffman noted that mansard and gambrel roofs are uncommon due to their cost and stated that setting different height rules based on the roof style would make the code more difficult to interpret.

Commissioner Haye commented that mansard and flat roofs do not do well in Minnesota under the weight of snow. Commissioner Haye added that it was helpful to know that South St. Paul's standards are more restrictive than the surrounding communities.

Chair Fehrman asked staff to explain the garage height rules in other communities. Ms. Miller walked the commissioners through the attachment in the staff report that laid out the maximum allowable height for detached garages in 12 other local communities.

Chair Fehrman shared he is generally in favor of allowing homeowners to build what they want but that the commission needs to consider the aesthetics of the community.

Chair Fehrman asked the Applicant what his plans were if the request was not approved. Mr. Pietruszewski stated he would move. Chair Fehrman encouraged the Applicant to share more about why he wanted a taller garage with a shed style roof. Mr. Pietruszewski answered that he wanted the shed style roof to store his boat and to complement the style of his existing house.

Commissioner Hart shared his concerns about having South St. Paul go from being the most restrictive on garage height to the most flexible on garage height. Ms. Miller responded that the ordinance as proposed would provide one additional foot of garage height compared to the most restrictive rules in the surrounding communities. Mr. Healy added that the situation was more complicated than other cities simply allowing garages to be 15 or 16 feet tall. Many other cities measure height from the average grade to the average height of the tallest gable which can result in certain garages on slope lots being 22 to 25 feet tall when measured from slab to peak. By capping the maximum allowable height at 16 feet as measured from the floor to the peak of the roof, these loopholes are not an option.

Motion to recommend approval of an Ordinance Amendment to Set the Maximum Height for all Detached Garages at 16 Feet - Hoffman/Haye (6-1) (Hart)

B. Conditional Use Permit Request for a Detached Garage at 1820 Faber Avenue

Ms. Miller presented the staff report. The applicant, Jack Pietruszewski is seeking a Conditional Use Permit to construct a detached garage on his property with an existing attached garage. The proposed detached garage generally complies with the standards for a detached garage, minus the proposed garage's height which the Applicant has applied for a code amendment to address. Staff recommend approval of the conditional use permit subject to the conditions listed in the staff report.

Commissioner Felton asked where the Applicant's property line was in relation to 19th Avenue North. Ms. Miller explained that the Applicant's property line is about 6 feet from the location of the proposed garage. The area between the Applicant's property boundary and the 19th Avenue North right-of-way is unopened alley right-of-way/ part of Simon's Ravine. Commissioner Felton asked who would be responsible for cleaning up any debris or erosion that lands on 19th Avenue North as a result of the project. Mr. Guilliams explained that the Applicant would be responsible for cleaning it up. One of the reasons the City is requiring a geotechnical report as a condition of approval for the project is to ensure the proposed garage would not cause the slope to degrade.

The Applicant, Jack Pietruszewski, came forward to answer any commissioner questions.

Commissioner Felton thanked the homeowner for investing in South St. Paul and asked the homeowner about his plans for the existing attached garage.

Chair Fehrman opened the public hearing.

No one was present to comment on the Application and no new correspondence was received prior to the meeting.

Motion to recommend approval of a conditional use permit for a detached garage at 1820 Faber Avenue, subject to the conditions of approval- Hoffman/Fournier (7-0)

C. Interim Use Permit for a Seasonal Farmers Market at 1151 Southview Boulevard

Mr. Healy presented the staff report. The City is applying for an Interim Use Permit to continue to host a community farmers market in the vacant lot behind Wakota Federal Credit Union. Staff recommend approval of the Interim Use Permit.

Commissioner Haye asked about the condition of the parking lot and how tents were tethered to the ground. Ms. Griffith explained the tents had weights at the corners to ensure they were tethered to the ground. Commissioner Haye asked if Wakota Federal Credit Union is ok with their lot being used on Wednesdays during the summer for the next 5 years. Ms. Griffith confirmed that they were as the property owner signed the Application thereby consenting to the application. Mr. Healy added that the property owner would not be waiving away their rights by agreeing to host the farmers market and could potentially revoke the agreement at any time.

Commissioner Hart asked if additional locations had been considered for the farmers market. Ms. Griffith walked the commissioners through the various locations the farmers market had previously been held and why the current location was chosen.

Ms. Griffith shared the farmers market opening date as well as the various programs that would be offered, including the power of produce (POP) and a community booth.

Chair Fehrman opened the public hearing.

No correspondence had been received prior to the meeting and no one was present to speak on the Application.

Chair Fehrman closed the public hearing.

Motion to recommend approval of the Interim Use Permit for a seasonal farmers market at 1151 Southview Boulevard- Miller/Fournier (7-0)

5) OTHER BUSINESS

A. 2024 Planning Commission Annual Report

Ms. Miller shared the City Code requires that Staff bring to the City Council an annual report summarizing the actions of the Planning Commission from the previous year. The Planning Commission is asked to motion to forward the annual report to the City Council.

Commissioner Miller noted a spelling error.

Motion to forward the 2024 Planning Commission Annual Report to the City Council- Miller/Hoffman (7-0)

6) STAFF UPDATES

Mr. Healy provided a Planner's update on several topics including: the statewide zoning preemption bills, Met Council's approved Regional Framework for the 2050 Comprehensive Plan Update, Metro Transit's Network Now project, Metro Transit's Arterial Bus Rapid Transit Survey, and ways for the Planning Commission to be more involved.

Chair Fehrman shared that he would like to have a Planning Commission Communications portion of the meeting and encouraged the Commissioners to share events or questions.

Commissioner Miller asked about additional Planning Commissioner training opportunities. Mr. Healy explained that there may occasionally be one-off training opportunities and the Minnesota Chapter of the

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April 2, 2025

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American Planning Association hosts an Annual Conference which may be an opportunity for the Planning Commissioners to attend every few years.

Commissioner Hart asked about other forms of communication the City uses besides social media. Mr. Healy explained that the City has a quarterly newsletter that is mailed to all houses every 3 months. The City also has a website and signage at Jefferson Park.

7) ADJOURNMENT

Motion to adjourn- Hoffman/Miller (7-0)



PLANNING COMMISSION AGENDA REPORT

DATE: May 7, 2025
DEPARTMENT: Planning & Zoning
PREPARED BY: Michael Healy, Kori Land
AGENDA ITEM NUMBER: 5.A.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Comprehensive Plan Amendment to Update Future Land Use Map Guidance for City-Owned Facilities

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

City Staff and the City Attorney recommend approval of the proposed comprehensive plan amendment to update the future land use map guidance for City-owned facilities.

OVERVIEW

Application

The Applicant is the City of South St. Paul. *The City Council reviewed this proposed comprehensive plan amendment at a Worksession meeting and requested that it move forward.*

Background

The City of South St. Paul is required by State Statute to adopt a 20-year Comprehensive Plan and update it at least every 10 years. That Plan (including its amendments) is considered to reflect the community's strategic direction through the year 2040. The City adopted its 2040 Comprehensive Plan in October 2020. One of the Plan's tools is a "future land use map." As explained in more detail below, that map depicts how the Plan "guides" each parcel of land in the City. Future land use map guidance is significant because the City is expected to act consistently with its most current Comprehensive Plan when making rezoning decisions. Additionally, the City aspires to approve variances and Planned Unit Developments only if they are substantially consistent with the Comprehensive Plan and to utilize City-owned property only if it is in a manner that is substantially consistent with the Comprehensive Plan.

If the future land use map guides properties in a way that is inconsistent with the City's current strategic direction, the City should be actively working to address that inconsistency. Sometimes, the best way to address the inconsistency is to rezone the property so that it aligns with the future land use map's guiding. Other times, the best way to address the inconsistency is to amend the

future land use map's guiding so that it aligns with current zoning.

City Staff and the City Attorney have identified four inconsistencies between the future land use map and the zoning map that relate to properties that host City-owned facilities. Two of the properties host drinking water wells, one property hosts the City's public works building, and the fourth property is the Doug Woog Ice Arena. City Staff and the City Attorney feel that the current zoning of these parcels better reflects the City's current strategic direction, so that the four inconsistencies would be best addressed with a comprehensive plan amendment to update the future land use map.

Local Control Versus Metropolitan Council Control

The City has local control over the zoning map and can approve zoning changes that are consistent with the most current Comprehensive Plan (as amended). The City only has partial local control over the future land use map. To change the future land use map, the City Council needs to adopt a comprehensive plan amendment and submit the amendment for review by the Metropolitan Council, which is a layer of regional government appointed by the Governor to oversee land-use planning in the 7-County Metropolitan Area. Very basic comprehensive plan amendments like the one being discussed in this staff report can sometimes be approved administratively by Metropolitan Council Staff. More consequential amendments must go through a much more complicated Metropolitan Council review process that can easily take 4-6 months. This is much longer than the 2 months that it takes the Planning Commission and City Council to review a rezoning request.

City Staff recently participated in a focus group with Metropolitan Council Staff and learned that they are open to giving municipalities more flexibility when it comes to City-owned properties that host a municipal facility (well houses, city halls, public works buildings, etc.). Metropolitan Council Staff do not require these properties to be guided strictly as municipal facilities in the future land use map and are fine with these properties being guided the same way as one or more adjacent properties. Handling the future land use map this way can remove zoning barriers and make it easier for the City to make improvements to the municipal facility, lease out surplus space in the facility if a municipal use does not need the space, or even repurpose the property with a private sector use if it is no longer needed for a municipal use.

How do Future Land Use Map Categories Work?

The Land Use Chapter of the 2040 Comprehensive Plan contains the future land use map. Each color on the map corresponds to a future land use category such as "MU-Mixed Use," "COM-Commercial," and "HDR-High Density Residential." Most of the categories are given descriptions. For instance, "COM- Commercial" is described as: *"Includes retail sales/services, restaurants, hotels/motels, and for-profit entertainment/recreational facilities as well as general office buildings."* A few categories are self-explanatory, such as "Railroad" and "Utility," and these categories do not have descriptions listed in the Land Use Chapter.

The City does have the option of guiding a parcel as "Institutional" on the future land use map which means that it is only supposed to be used for institutional uses (i.e. churches, schools,

hospitals, government buildings, cemeteries, etc.). As previously stated, the Metropolitan Council does not require the City to guide municipal uses as “Institutional” and it is better to guide the municipal use as “Commercial,” “Industrial,” or “Mixed-Use” if the use is located in a commercial area, industrial area, or mixed-use area that allows municipal uses. South St. Paul’s City Code allows municipal facilities as a “permitted” use in all its commercial, industrial, and mixed-use zoning districts. The City Code requires a conditional use permit whenever a municipal use is in a residential zoning district and there are also stricter performance standards when a municipal use has residential zoning.

Property #1: The Doug Woog Ice Arena at 141 6th Street East

- Current Zoning: GB-General Business
- Existing Future Land Use Map Guidance: Consists of four (4) parcels. Two (2) are guided “Institutional” and two (2) are guided “Open Space.”
- Proposed Future Land Use Map Guidance: “Commercial”

The Doug Woog Ice Arena building sits on a 7-acre property that straddles four different parcels. Two of the parcels are guided “Open Space” and two of the parcels are guided “Institutional.” The open space guidance does not make sense because these parcels have a building on them (the ice arena) and the City does not expect to remove the building or restore the land as open space. Part of the ice arena building is a large tenant space that the City has historically leased to the South St. Paul School District to use as an alternative high school. The School District terminated its lease in 2019 and moved the alternative high school. The tenant space is currently being used for storage and for some Park Department programming.

The City is the owner of the ice arena building and ultimately controls how the tenant space is used but the use should be consistent with the Comprehensive Plan. There have been intermittent discussions over the past 5 years about repurposing some or all of the tenant space for a private commercial use (i.e. commercial recreation or a food service vendor). The ice arena already has GB-General Business zoning which allows most commercial uses either as permitted uses or with a conditional use permit. However, the guide plan map designation of the property should be shifted to “Commercial” so that the City has the flexibility to work within its zoning code to find a user. There is no real downside to re-guiding the property as “Commercial;” it just gives the City more flexibility to repurpose the vacant space if a reuse opportunity presents itself.

Property #2: Pump House and Well #4 Next to Interstate 494

- Current Zoning: GB- General Business
- Existing Future Land Use Map Guidance: “Right-of-Way”
- Proposed Future Land Use Map Guidance: “Commercial”

This ¼-acre parcel is currently guided “Right-of-Way” (a designation that is not described in the Plan) but it has commercial zoning and hosts a municipal building that contains one of the City’s highest producing drinking water wells. The City has owned this parcel since at least 1944, and it is not part of MnDOT’s Interstate 494 right-of-way even though it is directly adjacent to the right-of-way. MnDOT has suggested that they find the current land use guidance confusing and there is further confusion about what it means to have a parcel guided as “right-of-way” when that property hosts a building instead of a road. An administrative law judge who will preside at a contested-case proceeding involving this parcel scheduled for October 2025 noted in January 2025 that “[t]he nexus between the 2040 Comprehensive Plan amendment and the zoning of the parcel is not also apparent based on the evidence submitted at this time.” As the City Council’s 2022 rezoning decision reflects, a “Commercial” guide plan map designation more closely reflects how this parcel is expected to be used in the future than its current “right of way” designation. Re-guiding the parcel as “Commercial” to align with the future land use map guidance of the abutting Fury Motors property should reduce confusion. It will make it clear that the City intends to have a municipal building on this property indefinitely and intends to keep the property zoned GB-General Business, which is a zoning district that allows municipal buildings as a permitted use.

Property #3: Well House and Well #3, Radium Treatment Plant, and Archery Range on Parcel at Intersection of Wentworth

- Current Zoning: R-2 Single and Two Family Residence
- Existing Future Land Use Map Guidance: “Open Space”
- Proposed Future Land Use Map Guidance: “Institutional”

This 3.03-acre parcel has hosted a municipal well for many decades and that building contains drinking water well #3. The City was recently required to build a radium treatment plant on this parcel to treat the water coming out of well #3 to conform to the Minnesota Department of Health's requirements for water quality. The radium treatment plant is currently under construction. The parcel has also been home to a municipal archery range for many years and the archery range will be re-established after the construction of the radium treatment plant is complete.

The parcel is currently guided "Open Space" in the future land use map. While there is an open space component to the City's use of this property (i.e. the archery range and hillside vegetation), the primary use of the property is the municipal buildings that support the drinking water system. Re-guiding this parcel to "Institutional" will better align with how the City is using, and will continue to use, this piece of land.

Property #4: City's Public Works Garage at 400 Richmond Street East

- Current Zoning: I-Industrial
- Existing Future Land Use Map Guidance: "Institutional"
- Proposed Future Land Use Map Guidance: "Industrial"

The City's Public Works Garage at 400 Richmond Street East was built in the 1970s and is poorly equipped to serve the Public Works Department. The building is too small, it has a poor configuration, it does not comply with ADA rules, and it is not set up with bathroom and locker facilities to support a modern workforce that includes female employees. The City Council has been working with the Legislature to try to get State bonding money to construct a new Public Works building elsewhere in the community, most likely on a City-owned property south of the DNR Boat Launch park. If that happens, the old facility and its 4.66-acre lot will become surplus property that can be sold off to an industrial user and put back on the tax rolls.

The parcel is currently guided "Institutional" which is only consistent when used as a municipal building, a school, a hospital, a church, or a cemetery. It should be re-guided "Industrial" to match its current zoning and match the guidance of the industrial property that is directly adjacent to it. This will give the City flexibility to work with the private sector to reuse or redevelop the property if it is no longer needed for municipal purposes.

Discussion

The Metropolitan Council is very focused on housing production and addressing the State's housing crisis and they take comprehensive plan amendments related to residential housing units

very seriously. The Metropolitan Council is relatively less interested in the kinds of guiding changes for non-residential uses that are being proposed in this request. They want non-residential properties guided accurately so that they can keep track of which properties are not in play for housing development in the next 20 years, but they are very unlikely to offer the City any pushback for changing the future land use map to guide a property from one non-residential land use category to a different non-residential land use category. As previously stated, Metropolitan Council Staff recently told City Staff that they are fine with the City guiding its municipal buildings to match existing zoning and nearby land uses when they are near commercial or industrial areas instead of guiding these buildings as “Institutional.”

City Staff and the City Attorney view the proposed comprehensive plan amendment as a “no-brainer” that will give the City additional flexibility to exercise local control over its own properties.

The proposed minor amendments to the City’s 2040 Comprehensive Plan involve lands that are not contiguous to other local governmental units. A letter from a senior planner for the Metropolitan Council has agreed that the affected parcels are relatively small and are located more than a quarter-mile from adjacent jurisdictions. This means that this comprehensive plan amendment qualifies for an expedited review process and does not require a 60-day comment period where adjacent communities must be invited to review the proposed amendment.

Planning Commission Action

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

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

- Motion to recommend approval the proposed comprehensive plan amendment to update the future land use map guidance for City-owned facilities.

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

- Motion to recommend denial of the proposed comprehensive plan amendment to update the future land use map guidance for City-owned facilities.

The Planning Commission could also recommend only moving forward with some of the proposed re-guiding actions.

SOURCE OF FUNDS

NA

ATTACHMENTS

1. Zoning Map
2. Future Land Use Map
3. Properties Proposed to be Re-Guided

City of South St Paul Zoning Map



City of South St Paul Planning Department
<https://www.southstpaul.org/>

ATTACHMENT 1 ZONING MAP

Zoning Designations

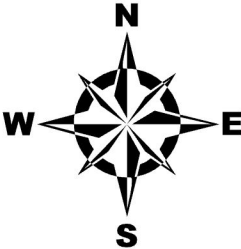
Residential		
	R1 - Single Family	617.54
	R2 - Single and Two Family Residence District	795.46
	R3 - General Residence	31.88
	R4 - Multifamily Residential District	90.19
Commercial		
	C1 - Retail Business District	44.63
	GB - General Business District	145.71
	CGMU1 - Concord Gateway Mixed Use District 1	54.68
	CGMU2 - Concord Gateway Mixed Use District 2	11.09
	MMM1 - Mixed Markets and Makers District 1	6.09
	MMM2 - Mixed Markets and Makers District 2	27.54
	MMM3 - Mixed Markets and Makers District 3	6.39
	MMM4 - Mixed Markets and Makers District 4	10.80
Industrial		
	I - Industrial District	584.06
	I-1 - Light Industrial District	241.32
Other		
	NRDD - North Riverfront Development District	126.14
	MH - Mobile Home	3.43
	RT- Rail Transportation District	91.28
	ROW - Right of Way	
	WAT - Water	
	MRCCA - Mississippi River Corridor Critical Area	
	Airport Safety Zone A	
	Airport Safety Zone B	
	Airport Safety Zone C	
	Primary Surface	
	PUD - Planned Unit Development	
	Shoreland District Overlay	

Acres	Percentage
617.54	21.4%
795.46	27.5%
31.88	1.1%
90.19	3.1%
44.63	1.5%
145.71	5.0%
54.68	1.9%
11.09	.4%
6.09	.2%
27.54	1.0%
6.39	.2%
10.80	.4%
584.06	20.2%
241.32	8.4%
126.14	4.4%
3.43	.1%
91.28	3.2%
Total	2888.21
	100%

0 0.25 0.5 1 Miles

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

MRCCA districts can be found on a separate PDF.



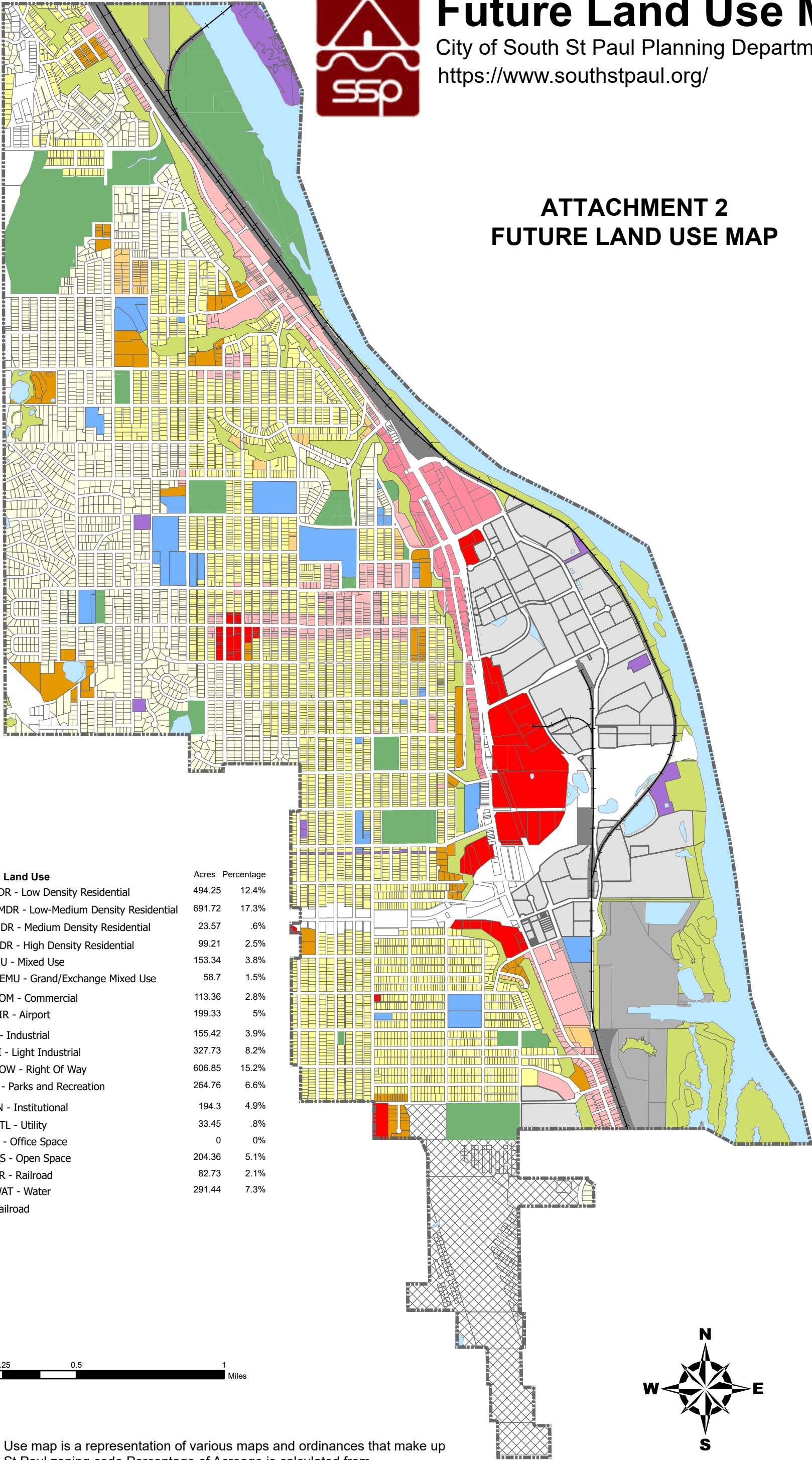
Print Date: Friday, January 17, 2025
Last Updated: September 8, 2023
Prepared by: South St Paul GIS



Future Land Use Map

City of South St Paul Planning Department
<https://www.southstpaul.org/>

ATTACHMENT 2 FUTURE LAND USE MAP



Res. Density Units/Acre	Future Land Use	Acres	Percentage
1-5	LDR - Low Density Residential	494.25	12.4%
6-15	LMDR - Low-Medium Density Residential	691.72	17.3%
6-20	MDR - Medium Density Residential	23.57	.6%
13-60	HDR - High Density Residential	99.21	2.5%
13-60	MU - Mixed Use	153.34	3.8%
25-75	GEMU - Grand/Exchange Mixed Use	58.7	1.5%
	COM - Commercial	113.36	2.8%
	AIR - Airport	199.33	5%
	I - Industrial	155.42	3.9%
	LI - Light Industrial	327.73	8.2%
	ROW - Right Of Way	606.85	15.2%
	P - Parks and Recreation	264.76	6.6%
	IN - Institutional	194.3	4.9%
	UTL - Utility	33.45	.8%
	O - Office Space	0	0%
	OS - Open Space	204.36	5.1%
	RR - Railroad	82.73	2.1%
	WAT - Water	291.44	7.3%
	Railroad		

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

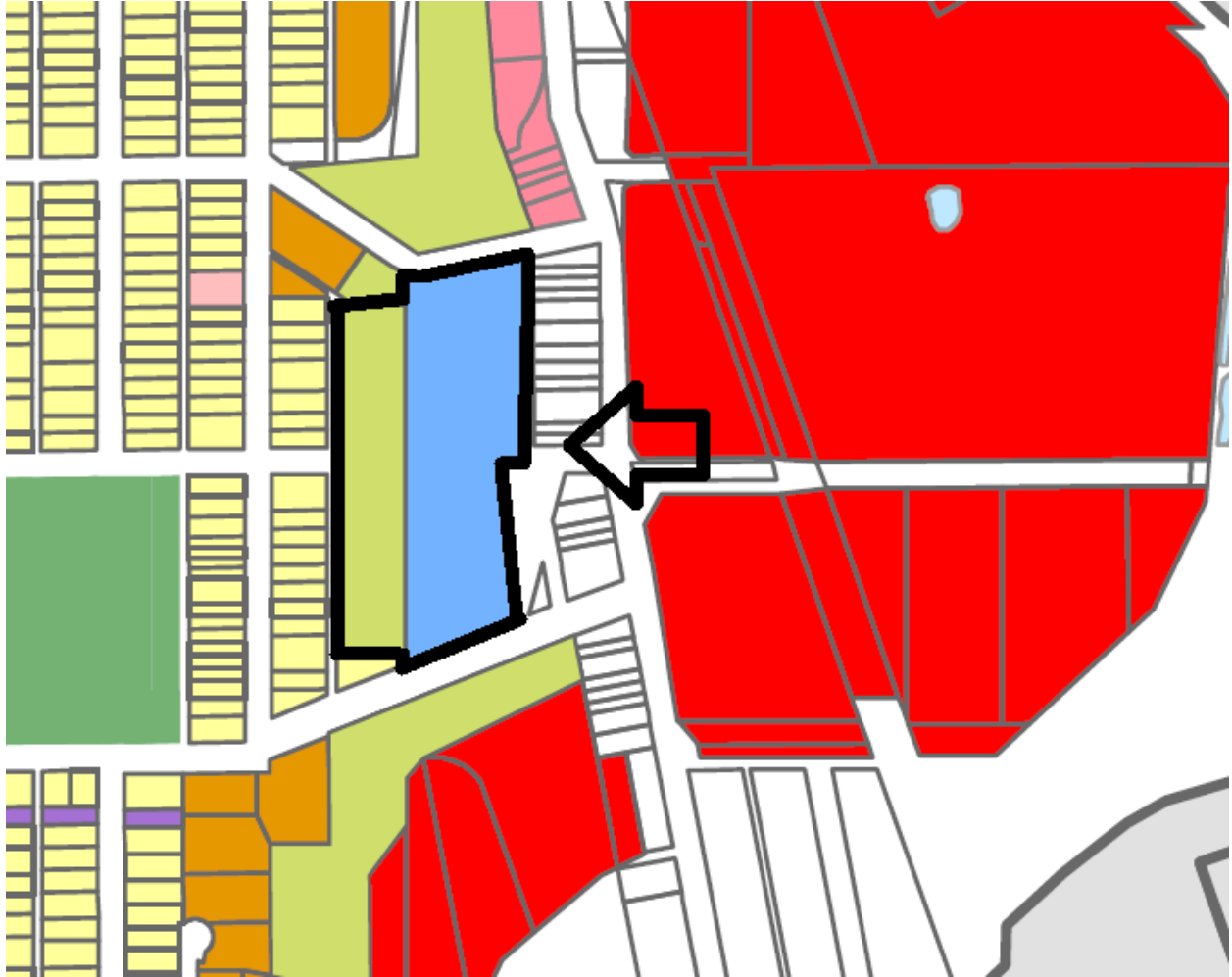
Print Date: Friday, December 16, 2022
Last Updated: December 5, 2022
Prepared by: South St Paul GIS

ATTACHMENT 3

PROPERTIES PROPOSED TO BE RE-GUIDED

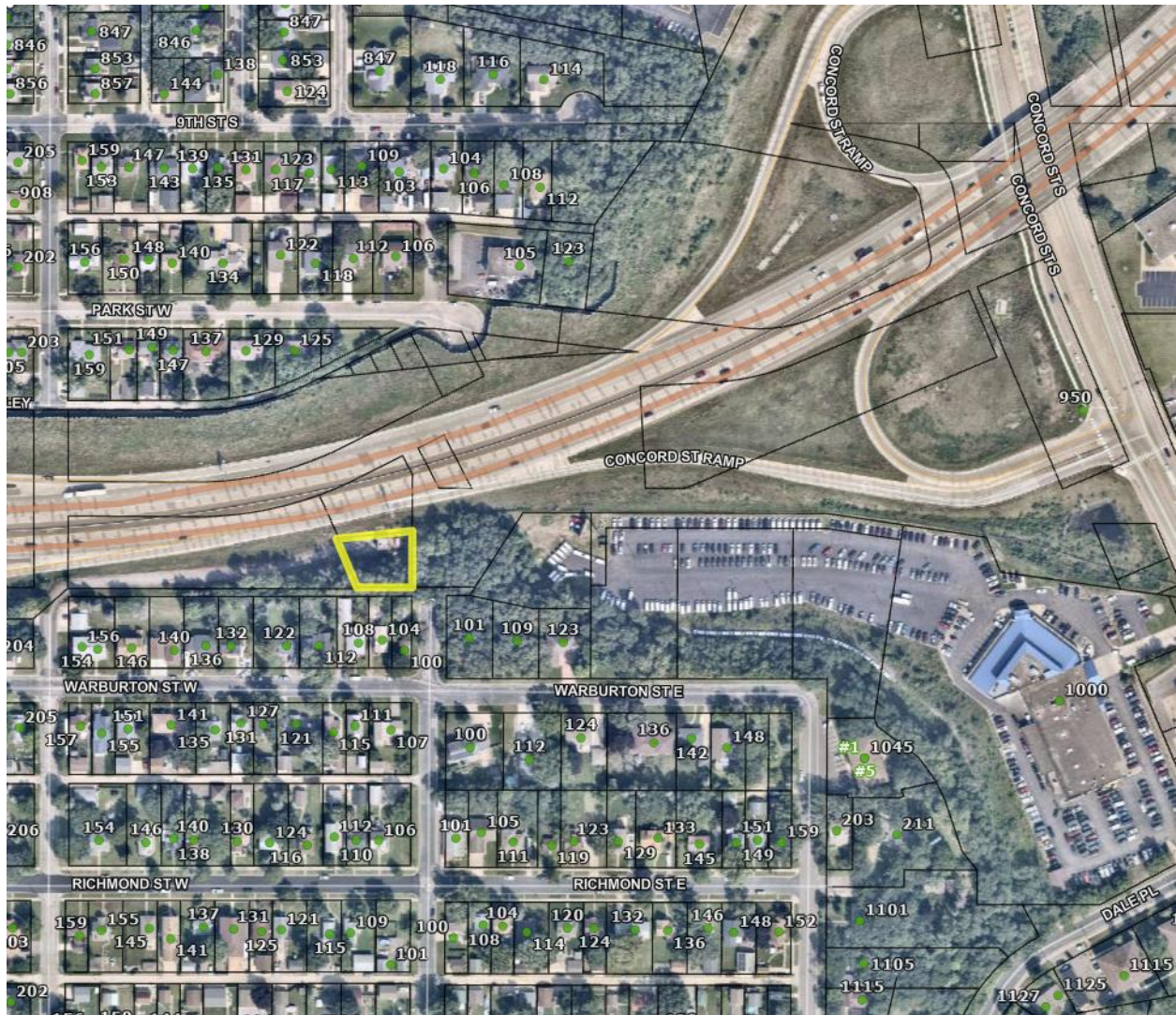


Property #1: Doug Woog Arena at 141 6th Street South

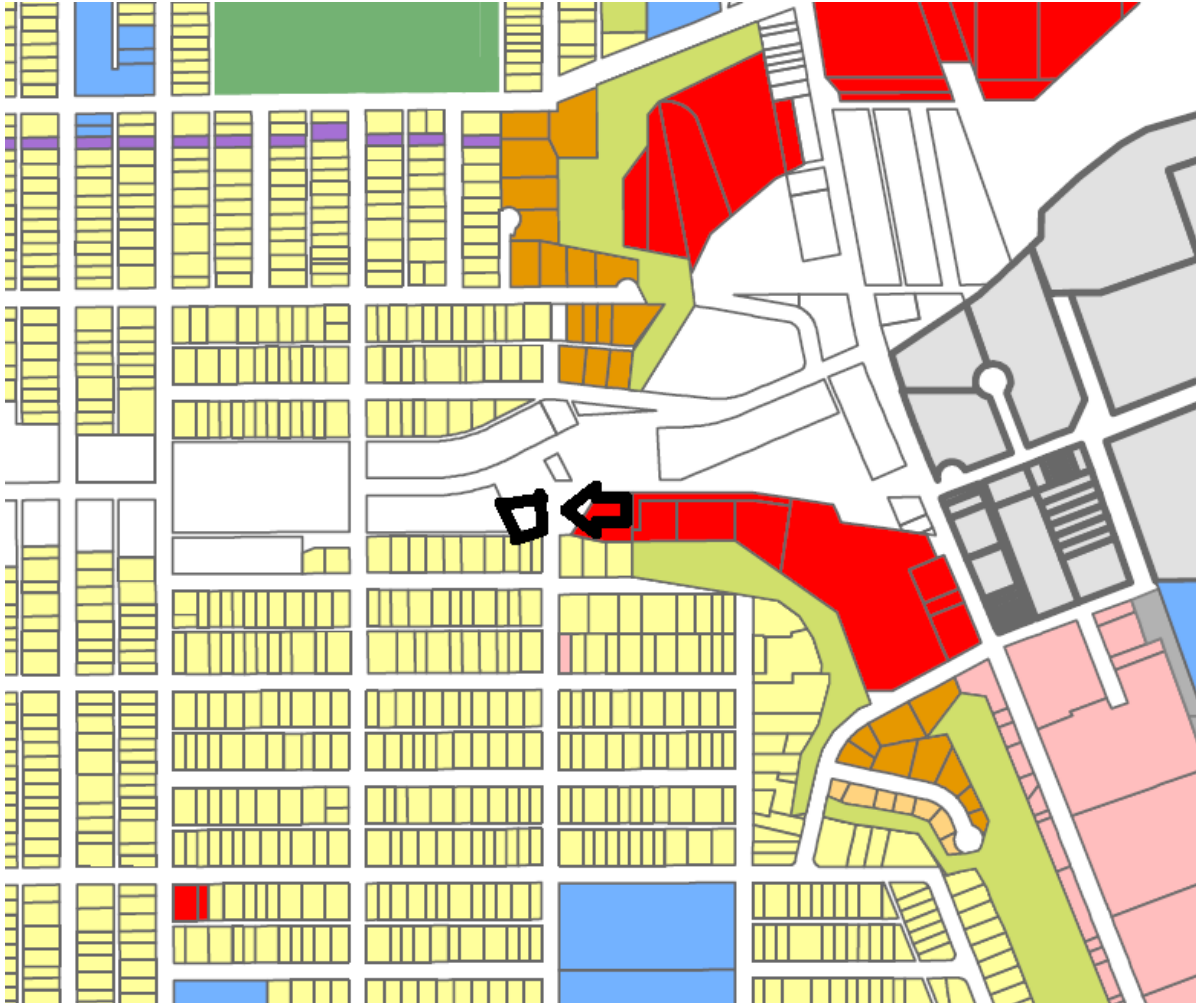


Doug Woog Ice Arena at 141 6th Street East

- Current Zoning: GB-General Business
- Existing Future Land Use Map Guidance: Consists of four (4) parcels. Two (2) are guided “Institutional” and two (2) are guided “Open Space.”
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Property #2: Pump House and Well #4 Next to Interstate 494



Pump House and Well #4 Next to Interstate 494

- Current Zoning: GB- General Business
- Existing Future Land Use Map Guidance: “Right-of-Way”
- Proposed Future Land Use Map Guidance: “Commercial”



Property #3: Well House and Well #3, Radium Treatment Plant, and Archery Range on Parcel at Intersection of Wentworth

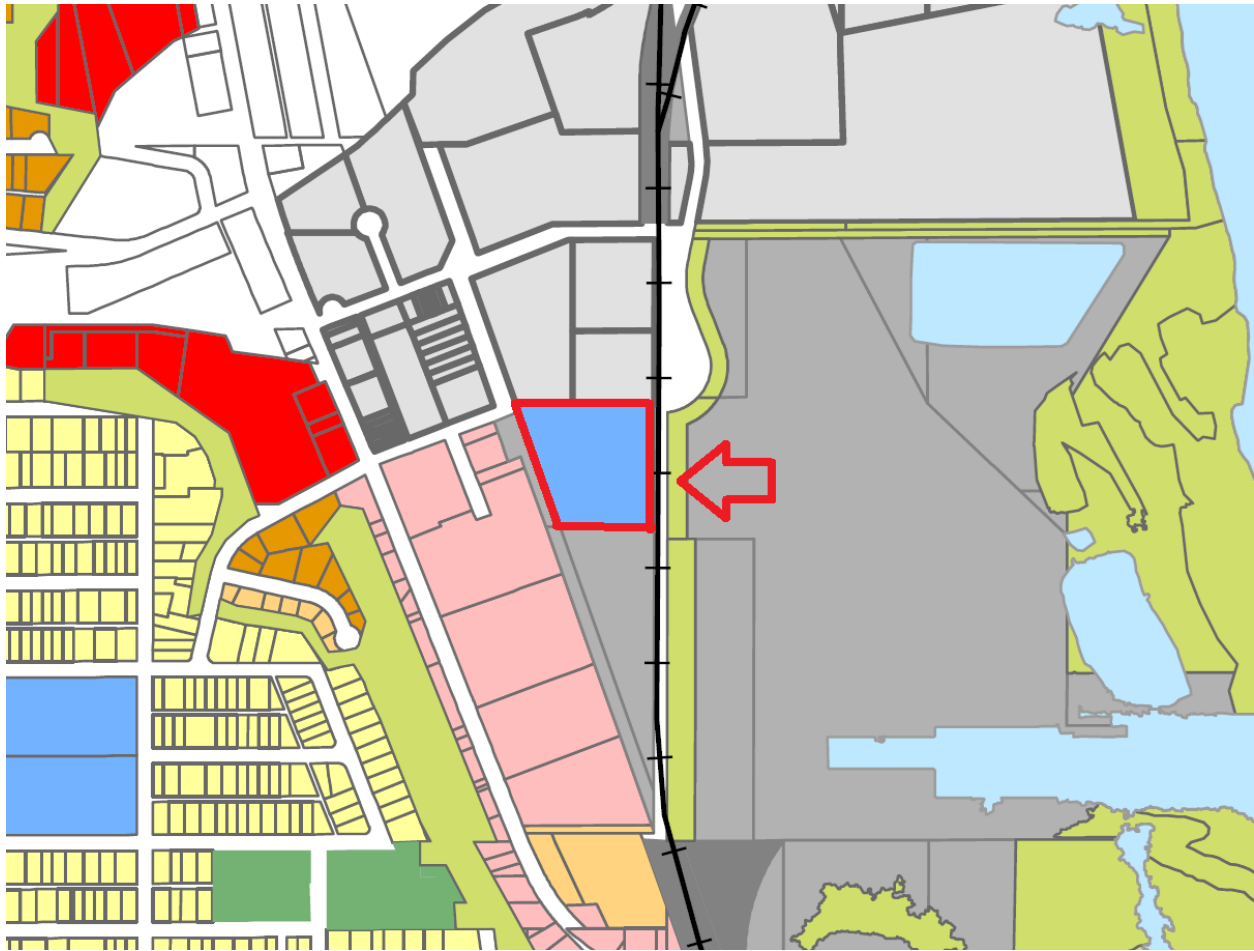


Well House and Well #3, Radium Treatment Plant, and Archery Range on Parcel at Intersection of Wentworth

- Current Zoning: R-2 Single and Two Family Residence
- Existing Future Land Use Map Guidance: "Open Space"
- Proposed Future Land Use Map Guidance: "Institutional"



Property #4: City's Public Works Garage at 400 Richmond Street East



City's Public Works Garage at 400 Richmond Street East

- Current Zoning: I-Industrial
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- Proposed Future Land Use Map Guidance: "Industrial"



PLANNING COMMISSION AGENDA REPORT

DATE:

May 7, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

5.B.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Interim Use Permits for a Temporary Concrete Batch Plant for AVR LLC

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of three interim use permits for a temporary concrete batch plant for AVR LLC.

OVERVIEW

Application

The Applicant, AVR LLC, is seeking to operate a temporary concrete batch plant on a vacant 22.86-acre parcel that is located adjacent to 843 Hardman Avenue South (The “Subject Property”). They have the written consent of the property owner, Danner Family Limited Partnership, and are seeking the following approvals:

1. An Interim Use Permit for a Temporary Building. *The proposed concrete batch plant would be a temporary building that would be hauled in and installed on site for the duration of the interim use permit.*
2. An Interim Use Permit to have a Temporary Building that is 62 feet in height. *An interim use permit is required for any temporary structure in the I-Industrial zoning district that is greater than 50 feet in height.*
3. An Interim Use Permit for Exterior Processing. *Concrete production does not all take place inside an enclosed building and involves storage trailers and conveyor belts that feed raw materials into the concrete batch plant. Exterior processing can be allowed by interim use permit in some parts of the I-Industrial zoning district. Rock crushing that is part of a land reclamation plan is an exterior processing use that is allowed district-*

wide. The proposed concrete batch plant will be utilized to assist with the redevelopment of the subject property and adjacent properties as part of a reclamation plan and Staff believes it is a “similar use.”

Review Timeline

Date Application was Completed: April 23, 2025

Planning Commission: May 7, 2025

Tentative City Council Meeting: May 19, 2025

60-Day Review Deadline: June 22, 2025

Background

Danner Family Limited Partnership owns roughly 34 acres of land along Hardman Avenue South. They own a 9.47-acre parcel with a building on it which has an address of 843 Hardman Avenue South. They also own the Subject Property, which is a 22.86-acre vacant parcel just south of their building. Finally, they own a 1.25-acre outlot on the other side of the railroad tracks from their building. The parcel configuration of the 34-acre property was originally very messy but it was cleaned up to create the current lot and block configuration with the Wakota Addition plat which was recorded in 2015. The vacant parcel is Lot 1, the parcel with the building on it is Lot 2, and the outlot across the railroad tracks is OUTLOT B. The plat also created new road right-of-way and several other outlots which were deeded to the City for open space and other public purposes.

Danner Family Limited Partnership (which has also operated under different names such as Danner Inc.) has owned a large piece of property along Hardman Avenue South since the 1980's. Their original property was roughly 17 acres in size and had issues with soil conditions which prevented the property from being immediately buildable. In 1988, the City approved an interim use permit that allowed Danner to operate a rock crusher as part of a program of reclaiming the site and preparing the land to be buildable. Danner operates a road construction business, and they hauled in material from their road construction projects throughout the metro area, crushed that material at their SSP property, and then piled that material around their SSP property to surcharge the land and stabilize the soil. Interim Use Permits have a defined expiration date but Danner Inc. repeatedly sought a new interim use permit for rock crushing whenever their IUP expired. Each time, they stated that the land still was not buildable and needed additional grading, filling, and surcharging. Danner did build a roughly 16,000 square foot service garage and office building on their SSP property in 1990 to function as their corporate headquarters. After that building's completion, they continued to seek rock crushing interim use permits so that they could prepare the rest of their land for future redevelopment. In 1996, Danner Inc. also obtained an interim use permit to operate a temporary concrete batch plant.

In 1996, Danner Inc. acquired an additional 23.33 acres of land directly east of their existing property from the City of South St. Paul. The land was an old settling pond site which was tied to SSP's former sewage treatment plant. The site had terrible soil conditions and was largely unbuildable in 1996, but the City believed that the land had the potential to be made buildable if

enough grading, filling, and surcharging activity occurred. Danner Inc. proposed to make this happen by expanding the grading, filling, and surcharging activities that they were already undertaking on their adjacent property. The City agreed to sell the 23.33-acre property to Danner Inc. for a nominal fee with the understanding that Danner Inc. would have eight years to grade and fill the property, surcharge it to correct the soil conditions, and turn it into a buildable lot for a redevelopment project that would bring new commercial or industrial buildings to town and add to the property tax base. Under the terms of the original agreement, all this work was supposed to be completed by 2003 (within 7 years) and the property was supposed to be redeveloped by 2011 (within 15 years). Danner Inc. was not able to transform the property into buildable land by 2003 and instead repeatedly returned to the Planning Commission and City Council to ask for new interim use permits to have additional years of rock crushing to grade, fill, and surcharge the overall site.

In late 2019, Danner Inc. sought a new interim use permit for temporary rock crushing as their old interim use permit was about to expire. The City Council denied the request with a 5-1 vote. The consensus of the City Council was that the property owner had twenty-five years to prepare the property for redevelopment and it was not appropriate to grant additional extensions. Furthermore, the City Council voiced a concern that the City may be discouraging the property owner from redeveloping the property by granting interim use permits for highly profitable temporary uses such as rock crushing. The City Council advised Danner Inc. not to request any more interim use permits for temporary uses until they have a real plan for the redevelopment of the property.

What Has Changed Since 2019?

Over the years, Danner Family Limited Partnership has repeatedly come close to reaching a deal to sell their land on Hardman Avenue South to a third-party developer to construct an industrial development. In 2017, the City Council gave a development group called Scannell a Planned Unit Development approval for the construction of a 270,000 square foot FedEx distribution facility on the Danner property. That deal ultimately fell apart. For much of 2022, Danner Family Limited Partnership was under contract to sell their property to a development group called Capital Partners to construct a multi-building industrial park on the subject property. That deal also fell apart.

In 2023 and 2024, City Staff met with the president of Danner Family Limited Partnership, Marlon Danner, to discuss a concept plan that he and his grandson Bryan Chirhart had put together to develop their own multi-building industrial park on Hardman Avenue South. The Danner family's goal is to develop the site themselves and then hold the property long-term so that the buildings can be a continuous source of rental income for the family. Marlon Danner passed away in June of 2024 and Mr. Chirhart is now leading the project on behalf of the family.

Mr. Chirhart has partnered with real estate firm CBRE and they have engaged engineering consultant Kimley Horn to assist them with the development of an industrial park on the subject property. The proposed industrial park will likely feature three large office-warehouse buildings although it is possible that Building #2 and Building #3 will be combined into one very large

building. The development team is working hard to make redevelopment a reality and the City has been supporting these efforts. The City assisted the development team in getting a grant for a Phase 1 environmental assessment. In April of 2025, the City submitted a grant application for the Metropolitan Council's tax base revitalization account and a second grant application for DEED's contamination cleanup program. Additionally, the City was successful in getting federal funds to pay for the extension of Verderosa Avenue to connect to Hardman Avenue and serve this development and the redevelopment of the adjacent MCES parcel that is owned by the City.

What About the Soil Conditions?

The soil conditions on the Danner property are much better than they were 30 years ago because of all the grading, filling, and surcharging that has been done at the property. However, it is still a very challenging site which will cost much more to develop than a regular piece of property with stable soils. The property will likely require expensive "above and beyond" measures such as geo-piers to stabilize the foundation of each building. None of these costs can be recouped by charging higher rents for space in the building and the owner of the building can only charge rents that the market will bear. Because of the soil challenges, it is unclear whether a third-party developer would find it economically viable to acquire and develop the site, even with financial assistance from governmental sources. Danner Family Limited Partnership already owns the land and they do not have any acquisition costs. Also, they are hoping to retain ownership of the buildings long-term, so they are comfortable accepting a lower rate of return on investment than a normal developer. Working with Danner Family Limited Partnership to redevelop this challenging site presents the City with its best opportunity to get meaningful development on this property and help it reach its highest and best use when it comes to jobs and property tax base.

A lot of good was achieved over the past 30 years even if the soil conditions are still not sufficiently improved to build a "normal" building that does not require extraordinary measures such as geo-piers. The Danner property is almost entirely located in the flood fringe district of the Mississippi River floodplain (also known as the 100-year floodplain). Because of all the grading and filling, most of the property has been elevated so that it is above the regulatory flood protection elevation and can be developed without red tape related to FEMA and DNR floodplain regulations.

Status of the Temporary Concrete Batch Plant

Danner Inc. first brought a temporary concrete batch plant to the subject property in 1996 as part of an interim use permit and that same temporary plant is still on the property today. The plant's interim use permit is expired, and it is not currently allowed to operate. City Staff had been working with Mr. Chirhart earlier this year to get the old temporary concrete batch plant deconstructed and removed from the property. However, the development team recently approached the City to ask if it would be possible to keep a temporary concrete plant on the subject property while Danner Family Limited Partnership's redevelopment project is taking place. The new buildings will require a large amount of concrete and having a concrete batch plant on the subject property will bring down construction costs and make it more economically viable to reclaim this very challenging piece of land and implement the proposed redevelopment

project.

The Applicant, AVR LLC, has operated the concrete batch plant on the subject property in recent years. The Applicant apparently had some type of handshake agreement with the late Marlon Danner to operate the concrete batch plant on his land. It is unclear to City Staff exactly what the terms of their handshake agreement were, but this new proposal presents an opportunity to start fresh and for the City to regulate this use appropriately with a new interim use permit and conditions of approval that make it clear what the City's expectations are.

The existing temporary concrete batch plant is blocking the site where the development team wants to construct Building #1 of the proposed redevelopment project. The development team hopes to start site preparation work later this summer, so the old concrete batch plant needs to be out of the way by then. The Applicant is proposing to bring the old concrete batch plant online one last time to use that plant to produce concrete to build a foundation for a new plant. They want to bring in a new modern temporary batch plant to the property and install it in the southeast corner where it will not be in the way of Building #1 or Building #2 of the proposed development. It will still be in the way of Building #3 so it will need to be deconstructed and removed from the site before the final building in the redevelopment project is constructed.

Scope of Proposed New Temporary Concrete Batch Plant Operation

According to the Applicant:

- The concrete batch plant is expected to put out 35,000-50,000 cubic yards of concrete each year. A significant amount of this concrete will be used on-site for the Danner development project but much of it will be transported to other construction sites throughout Dakota County.
- It will cost roughly \$250,000-\$300,000 to demolish the old plant and install a new temporary concrete batch plant in the southeast corner of the subject property. AVR LLC does not believe that this investment will make financial sense unless they can utilize the new plant for at least 2.5 construction seasons, and they are requesting that they be granted an interim use permit that will allow them to operate until November 1, 2027.
- They will have 15-20 employees who are on site each day.
- Most of their trucks will drive on Hardman Avenue directly to the Hardman and I-494 Interchange and will not drive on any local roads other than Hardman Avenue.

- They will follow all applicable city, state, and environmental regulations related to noise, dust, and traffic.
- They will agree to hours of operation restrictions if the City wishes to impose any.
- The plant will operate seasonally between May 1st and November 1st.

Relevant Zoning Code Chapters

- City Code Section 118-41 regulates Interim Use Permits
- City Code Section 118-129 regulates the I-Industrial Zoning District
- City Code Sections 118-165 through 118-177 regulate the Mississippi River Critical Corridor Area (MRCCA)
- City Code Section 118-185 regulates development in the Floodplain Districts.

Zoning and Comprehensive Plan Guidance

The property is zoned I-Industrial which is a general industrial zoning district. However, the property is currently guided “Light Industrial” in the 2040 Comprehensive Plan’s future land use map. The City may or may not want to eventually re-zone the subject property to I-1 Light Industrial. This property is part of the South Concord Corridor Study which is currently taking place. The goal of this study is to determine what the City’s vision is for this corridor and update the future land use map and zoning map accordingly. If the vision ends up calling for general industrial uses to remain in this area, the existing I-Industrial zoning may be appropriate, and the comprehensive plan future land use map may be amended instead of the zoning map.

The I-1 district expressly prohibits concrete plants so this use would no longer be allowed if the subject property were rezoned to I-1 in the future. Because the current future land use guidance for the subject property is “Light Industrial,” the City should not grant any permanent approvals for a concrete plant on this property because that would not align with comprehensive plan guidance. An Interim Use Permit for a temporary use is appropriate and will function as a bridge

to help this property transition to what the City ideally wants it to be, an office-warehouse development.

Zoning Considerations

Interim Use Permit #1- Temporary Building

The subject property is zoned I-Industrial and governed by City Code Section 118-129. “Temporary structures” are listed as an interim use. They are allowed but require an Interim Use Permit. Historically, the City has only been willing to grant interim use permits for temporary buildings in two situations:

1. If there is a project underway to construct or upgrade a permanent building and the temporary building is being used as a short-term solution to support necessary operations while that project is being completed.
2. If the proposed “use” of a property requires a temporary building due to the nature of the use.

The Applicant’s temporary building is proposed to support the development of permanent office-warehouse buildings at the Danner property by providing easier access to concrete during construction.

Interim Use Permit #2- Height of Structure

The I-Industrial district allows buildings and structures to be up to 50 feet tall automatically. An interim use permit for height is required for any temporary building that is going to be taller than 50 feet. The Applicant is proposing a 62-foot-tall building which will require an interim use permit for height. Staff does not have any concerns with this proposed height. There are several industrial structures with a similar or greater height just south of the subject property at Kinder Morgan Dakota Bulk Terminal.

Interim Use Permit #3- Exterior Processing/Similar Use

Not all parts of the concrete production process take place inside of an enclosed temporary building. The proposed use involves storage trailers and conveyor belts that feed raw materials into the concrete batch plant. The I-Industrial zoning district has some areas which allow exterior processing automatically as an interim use and other areas that do not. The I-Industrial district's permitted use and conditional/interim use lists are full of complicated legal descriptions that lay out which parts of the district qualify for various types of uses.

The subject property is not in an area that is automatically allowed to have exterior processing. In fact, the City Code was written explicitly to sunset exterior processing as a principal use on

the subject property on December 31, 2009. The City Code does, however, allow some types of temporary exterior processing anywhere in the I-Industrial district in very specific situations. “Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer” is allowed with an interim use permit. The I District also allows the City Council to approve an interim use permits for a “similar use.”

It is Staff’s belief that today’s proposed concrete batch plant operation is fundamentally different than when Marlon Danner brought the original batch plant to the property in 1996. The original batch plant was truly a principal use that was designed to produce concrete for shipping to off-site projects. The batch plant that is proposed today is an integral part of the reclamation plan for the Danner property and much of the concrete that is produced in this plant will help the Danner redevelopment project come to fruition. Staff believes that this is a “similar use” as rock crushing as part of a reclamation plan and would support granting an interim use permit for exterior processing under the “similar use” provision of the City Code.

MRCCA Regulations

The project does not conflict with any MRCCA regulations. The proposed concrete plant will go into an area that is dirt/gravel today and there will not be any tree removal or impact to any “Primary Conversation Areas” which are environmental resources that are protected by the MRCCA ordinance. The subject property is located within the “Urban Mixed” subdistrict of the Mississippi River Critical Corridor Area (MRCCA) and structures that are taller than 65 feet require a conditional use permit and review by the DNR. Mechanical equipment and stacks are exempt from the height regulations, and it is unclear what the DNR would consider the temporary concrete batch plant since it is not a permanent building and in some ways is just an enormous piece of mechanical equipment. In any case, it is a moot point because the proposed structure is only 62 feet in height and will not trigger the MRCCA height regulations.

Setbacks

The City Code does not establish clear setback requirements for temporary structures, but setback requirements can be imposed “case by case” as part of the Interim Use Permit. Permanent principal buildings are required to be at least 20 feet from rear and side property lines and that seems appropriate here considering that this building will be 62 feet tall and will be located close to the Mississippi River Regional Trail. The Applicant will need to submit a final site plan as part of their building permit application and they will need to verify compliance with the 20 foot setback requirement.

Utilities

The Applicant has indicated that they will need access to City water to operate the concrete plant and will also need an Xcel Energy electrical connection. It is not yet clear to City Staff whether there will be a sewer component to the project and Staff has requested more information. Water will need to be obtained via a metered water source so that the City is paid appropriately for water usage. The Applicant will need to submit a utility plan at time of building permit which

will be subject to review and approval by the City Engineer. If there is a sewer component to their operation, they will need to get a Sewer Access Charge (SAC) determination from the Metropolitan Council and submit that along with their building permit.

Flood Fringe District Considerations

The proposed location of the new temporary concrete batch plant is within the 100-year floodplain in what the City Code calls the “flood fringe” district. This area is regulated by Code Section 118-171. Structures are allowed to be placed in the flood fringe district but there are special construction requirements:

- Structures can be placed on fill so that their lowest floor is above the regulatory flood protection elevation. In this area, that elevation is 705 feet above sea level. If a structure is placed on fill, it can be approved as a “permitted use.”
- The Code does allow buildings to be raised by alternative measures such as stilts, pilings, parallel walls, etc. However, this can only be allowed via a Conditional Use Permit or Interim Use Permit.

Danner Inc. has spent decades grading and filling the property and the current elevation of the land where the concrete plant will be placed is 708 feet above sea level. If the Applicant builds their structure on the existing grade and does not excavate the site, they will comply with flood fringe construction requirements and will not need to import additional fill.

Unmet Performance Standards

Because the proposed use is temporary, it is not feasible for it to comply with all the City Code’s performance standards. Specifically, the proposal will not comply with the minimum .2 Floor Area Ratio requirement, landscaping requirements, building architecture requirements, or paving standards for driveways and parking lots. The proposed batch plant is a temporary and transitional use and the proposed office-warehouse industrial park that Danner Family Limited Partnership is planning to construct is intended to meet all these performance standards.

The Planning Commission and City Council will need to weigh whether the unmet performance standards are an acceptable price to pay for a short-term temporary use that could make a significant difference in helping the Danner redevelopment project move forward. The FAR requirement is intended to ensure that valuable industrial land is not be underutilized and permanent buildings are large enough to add an appropriate amount of value to the property tax base. With a .2 FAR requirement, any property that is being developed with a 1-story building must have a building footprint that covers at least 20% of the lot. Temporary buildings do not add anything to the taxable value of a piece of land so the size of the footprint of the building is not relevant and has no impact on the tax base.

Fee for Impact to the Road System and Ongoing Use of City Staff Time

Permanent buildings pay property taxes which pay for maintenance of the City's infrastructure and for City Staff resources to monitor the use. Temporary buildings do not increase the taxable value of the land that they sit on even though the temporary use will impact municipal infrastructure and typically will have an interim use permit that requires Staff time to monitor. The temporary uses at the Danner property (rock crushing and concrete production) have historically generated large amounts of heavy truck traffic. Even though most of the heavy truck traffic leaving the Danner property has historically used Hardman Avenue to directly access Interstate 494, this traffic has still had an impact on the health of the Hardman Avenue roadway.

The City Council grew concerned in the early 1990's about the impact that temporary uses on the Danner property were having on the health of the roadway. To assuage that concern, Danner Inc. agreed to pay the City an annual fee to account for their impact to the road and the staff time that goes into regulating the temporary uses at their property. This fee was tied to the tonnage of crushed material that was processed on the property each year and the rate and was raised periodically when Danner Inc. came in for a new interim use permit. The fee was most recently raised in 2005 when Danner Inc. agreed to pay 15 cents for each ton of crushed material processed at the site. This generated \$40,000-\$50,000 in annual fees.

City Engineer Nick Guilliams has reviewed the construction cost index between 2005 today and is advising that the 15 cents per ton rate should be raised to 28 cents per ton to account for inflation. The Applicant should be required to enter into the same type of fee agreement that Danner Inc. had during the duration of their temporary crushing activities. Final details of a fee agreement will need to be negotiated with the Applicant. They will not be able to obtain a building permit for the new concrete batch plant until both the Applicant and the City Council have approved and signed the fee agreement and any agreed upon fee for 2025 has been paid.

Interim Use Permit Termination

The Applicant is requesting an interim use permit that will allow them to operate the new concrete batch plant for 2 ½ construction seasons, up until November 1, 2027.

Staff is comfortable with that date but only if the batch plant is utilized in the manner that is proposed, meaning that the proposed Danner Development moves forward, and the batch plant plays an integral role in reclaiming the land by providing on-site access to concrete. Staff believes the Interim Use Permit needs to have multiple events that could trigger termination:

1. The Interim Use Permit can be revoked by the City Council if there is a violation of the conditions of approval.
2. The Interim Use Permit will automatically terminate on November 1, 2027 at the latest, no matter what.

3. The Interim Use Permit will automatically terminate one full year early on November 1, 2026, if the Danner redevelopment project does not move forward. Moving forward will be defined to mean that Danner at a minimum completes a replat that extends the right-of-way for Verderosa Avenue to connect it to Hardman Avenue South.
4. The City needs there to be a formal written lease between Danner Family Limited Partnership and AVR, this new batch plant cannot operate via a handshake agreement like the old batch plant. The interim use permit will terminate if the lease is terminated. The interim use permit will not be transferable.

Interim Use Permit Review Criteria

Per Section 118-41 of the City Code, an Interim Use Permit should only be granted if a project meets the following standards:

1. The use conforms to the zoning regulations;

Temporary structures are listed as being allowed with an Interim Use Permit in the I-Industrial zoning district.

2. The date or event that will terminate the use can be identified with certainty;

The interim use permit will terminate on November 1, 2027 at the latest and will terminate earlier than that if the Danner Family Limited Partnership redevelopment project does not move forward or if there is a lease termination for the concrete batch plant.

3. Permit of the use will not impose additional costs on the city if it is necessary for the city to take the property in the future; and

The temporary building will not impose additional costs on the City if there is a need to take the property in the future. The interim use permit's term is relatively short and the proposed batch plant is being located in a part of the property where it will not interfere with the City's planned extension of Verderosa Avenue. The Applicant will be entering into a fee agreement with the City to account for the additional costs that may be incurred by the City if this type of temporary use is established on the subject property.

4. The user agrees in writing to any conditions that the city council deems appropriate for permission of the use.

A representative for Danner Family Limited Partnership and a representative for AVR LLC will both need to sign the interim use permit and agree to its conditions before the permit will take effect.

Thinking About Conditions of Approval

The retirement of the old batch plant and the installation of a new batch plant will be a fairly complicated undertaking with permitting and site work. Staff is recommending a set of conditions that will regulate the process and ensure that the new plant is operating in a manner that is consistent with the City's expectations. There will be conditions related to permitting, dust control, other potential nuisances, utility usage, and the operation of a washout area for trucks. Staff is also recommending that the Applicant be required to submit a designated haul route plan for review and approval by the City Engineer to ensure that concrete trucks are not routinely driving on local roads that are not built to handle that type of traffic. Planning Commissioners should carefully read the proposed conditions of approval at the end of this document and ask any questions that they might have of City Staff and the Applicant regarding the conditions.

A few things the Planning Commission may want to consider:

1. Staff is not recommending any "hours of operation" restrictions on the concrete batch plant but these could be added to the IUP. The 1996 IUP did restrict hours of operation to Monday through Saturday, 6:30 AM to 9 PM. This condition was not present in subsequent approvals.
2. If the Planning Commission has any concerns about impacts to Mississippi River Trail users, that is something they can discuss with the Applicant.
3. City Staff has drafted Condition #2 with a timeline for sunseting and removing the old batch plant that aligns with the City's understanding of the proposed redevelopment project. City Staff is open to using different dates for Condition #2 if the Applicant and the Property Owner believe that a different timeline would be more workable for removing the old plant from the property.

Discussion

City Staff believes that the proposed temporary concrete batch plant could be a valuable tool in helping the Danner redevelopment project move forward and Staff is supportive of the request. The City does have discretion about whether to allow the proposed use or not since the Applicant is requesting an interim use permit for a "similar use" and they are not meeting many of the performance standards that are required for a permanent development in the I-Industrial district. If the Planning Commission and City Council are not supportive of the proposed use, the application could be denied with the same findings that were made in 2019 when the City Council denied Danner Inc.'s interim use permit for additional years of rock crushing. At that time, the City Council found that the property owner had already exceeded the amount of time

that they were given in their purchase agreement to finish preparing the site for development. They also found that the temporary use would further delay and disrupt the type of redevelopment that the City Council envisioned when they agreed to sell the property to Danner Inc. Because there had been so many extension requests over the years, the City Council also found that the 2019 request was fundamentally inconsistent with the purpose of an Interim Use Permit which is to regulate a temporary use with a definitive end date.

The key difference between 2019 and today is that Danner Family Limited Partnership does now have a redevelopment plan and is actively working to implement that plan. The Planning Commission and the City Council will need to decide whether this is sufficient to adopt different findings than they did in 2019.

Staff Recommendation

Staff recommends approval of the Interim Use Permits, subject to the following conditions:

1. **Compliance with Plans/Submittals.** The site shall be utilized in substantial conformance with the following plans on file with the Planning Department:

1. Application (Joshua Edwards)	April 4, 2025
2. Revised Narrative (Joshua Edwards)	April 7, 2025
3. Photographs of Proposed Temporary Building (Joshua Edwards)	Undated
4. AVR Concrete Plant Site Plan (Joshua Edwards)	Undated
5. ALTA Survey (Egan, Field & Nowak, Inc.)	Undated

2. **Status of Old Temporary Concrete Batch Plant.** The old temporary concrete batch plant on the subject property may only be utilized to produce concrete until July 31, 2025 or until the new plant has been brought online, whichever occurs first. The two concrete batch plants shall not be allowed to operate concurrently. All parts of the old concrete batch plant structure and all support equipment must be removed from the subject property by no later than August 31, 2025. Support equipment that is being reused for the new temporary concrete batch plant must be relocated to be consistent with the new approved site plan by no later than August 31, 2025. A violation of this condition shall be considered a code violation and may result in administrative citations.

3. **Written Lease with Property Owner Required.** The Applicant shall enter into a written lease with the property owner that defines the relationship and acknowledges that both parties are responsible for compliance with the interim use permits. A copy of the written

lease must be provided to the City at time of building permit application.

4. **Location of New Temporary Concrete Batch Plant.** The temporary building and support equipment for the exterior processing use shall be located substantially as it is shown on the submitted site plan. All parts of the operation must be located at least 20 feet from property lines. A final site plan must be submitted at time of building permit that calls out property line setbacks.
5. **Building Permit Required.** A building permit is required for the installation of the new temporary concrete batch plant. The foundation must be engineered and needs to have a professionally designed anchorage system. An anchoring plan shall be submitted along with the building permit and is subject to review and approval by the Building Official.
6. **Maximum Height of Temporary Structure.** The temporary structure shall not exceed a height of 65 feet. This is the maximum height that a structure may be in the MCRAA overlay district without a conditional use permit and review by the DNR and adjacent jurisdictions. An installation plan must be submitted at time of building permit that verifies that this height restriction will be complied with.
7. **Temporary Building and Support Equipment Must Be Installed Above the Regulatory Flood Protection Elevation.** The temporary building is in the flood fringe district and all structures must have their lowest floor above the regulatory flood protection elevation which is 705.0 NAVD88 in this area. All exterior storage and exterior processing must also be located above the regulatory flood protection elevation. The ALTA survey shows that the entire area that is proposed to be used for the temporary concrete batch plant has been raised with fill to an elevation of between 708.0 and 709.0 NAVD88 so the proposal will comply with floodplain regulations if there is no significant excavation of the site as part of construction.
8. **Access Road Required.** A level and unobstructed access road must be kept open at all times so that the Fire Department has sufficient access between Hardman Avenue and the temporary concrete batch plant.
9. **Utility Plan Required.** The Applicant shall submit a utility plan for the temporary building at time of building permit and the permit application shall not be considered complete without this plan. The utility plan is subject to review and approval by the City

Engineer.

10. **Metered Water Source Required.** All city water that is being utilized by the new temporary concrete batch plant must come from a metered water source and this must be part of the utility plan. The Applicant or Property Owner is responsible for paying all utility bills as invoiced by the City by the payment deadline. The Applicant will confirm whether the old concrete batch plant is connected to a metered water source. If it is not, they must track water usage during the time that the plant is being operated in 2025 and must make a payment to the City for that usage.
11. **Sanitary Sewer Charges.** If the temporary cement plant is connected to the sanitary sewer system, the Applicant or Property Owner is responsible for paying a sanitary sewer charge which will be calculated in accordance with City policies. The Applicant or Property Owner is responsible for paying all utility bills as invoiced by the City by the payment deadline.
12. **Sewer Access Charge (SAC) Payment.** If there is going to be any discharge into the sanitary sewer system, the Applicant is responsible for securing a Sewer Access Charge (SAC) determination from the Metropolitan Council and submitting this letter and payment for any SAC charges at time of building permit.
13. **Washout Area Required.** The Applicant shall submit a site plan for a washout area for trucks at time of building permit. The design of the washout area is subject to the review and approval of the City Engineer.
14. **Compliance with MPCA Standards.** The Applicant shall adhere to all MPCA stormwater requirements.
15. **Designated Haul Routes Must be Approved by City Engineer.** The Applicant shall submit a designated haul route plan as part of their building permit submittal and this plan is subject to review and approval by the City Engineer. Concrete trucks serving job sites outside of South St. Paul city limits may not utilize streets that are not part of an approved haul route. Trucks shall comply with all applicable spring load restrictions.

16. **Fee Agreement Required.** The proposed temporary concrete plant and the trucks that serve it will have a significant impact on municipal infrastructure and will require City Staff time to monitor but there will be no increase in the taxable value of the property because no permanent buildings are being constructed. To account for the infrastructure impact of the temporary concrete batch plant, the Applicant must enter into an agreement with the City and must pay an annual fee prior to the start of each year's concrete production operations. The Applicant may not obtain their building permit to install the new concrete batch plant until the Applicant and Property owner have both signed the agreement and the required fee for 2025 has been paid.
17. **Timing of Operations.** Unless otherwise agreed to by the City Council as part of the fee agreement, the plant may only operate between May 1st and November 1st during each construction season.
18. **Maximum Annual Output.** The temporary concrete batch plant shall not be allowed to have an output of more than 50,000 cubic yards of concrete each calendar year unless the City Council agrees to an amendment of the fee agreement to allow additional output. The Applicant shall submit a monthly statement to the Planning Office by the 15th of the month regarding the plant's total output the preceding month.
19. **Dust Control Required.** The Applicant is responsible for dust control. No airborne particulate matter related to concrete production is allowed to leave the site and interfere with trail users on the Mississippi River Regional Trail. If the Applicant does not take necessary steps to control dust, the City may take one or more of the following actions to address the issue:
- a. If any airborne particulate matter is found to be emanating from the plant and affecting air quality and impacting trail users, the Zoning Administrator may require the plant to temporarily suspend operations until a dust control plan can be developed and implemented.
 - b. The Zoning Administrator can issue a warning letter followed by administrative citations which will be sent to the property owner.
 - c. The City can abate the problem and charge all costs back to the property owner.
 - d. The City Council may revoke the Interim Use Permit.
20. **Compliance with Nuisance Ordinances.** The temporary concrete batch plant must not in any way be a public nuisance.

21. **Termination of the Interim Use Permits.** The interim use permits will be terminated upon the occurrence of one or more of the following events:
- a. The Interim Use Permits may be terminated if there is a violation of any condition of the approval, following notice and a hearing by the City Council.
 - b. The Interim Use Permits will expire automatically on November 1, 2027.
 - c. This interim use permit is being approved only because having a temporary concrete batch plant on-site will assist the property owner in redeveloping their property. If the property owner fails to move forward with Phase I of the redevelopment of their property, the Interim Use Permits will automatically expire one year early on November 1, 2026. Re-platting Lot 1, Block 1, and Lot 2, Block 1 of the Wakota Addition to extend a platted public road right-of-way between Hardman Avenue South and the City-owned MCES parcel to the north shall satisfy this condition.
 - d. The Interim Use Permits will automatically terminate if the lease with AVR LLC is terminated.
22. **Interim Use Permits are Non-Transferable.** These Interim Use Permits are related to AVR LLC's use of the property for a temporary concrete batch plant and are non-transferable.
23. **Removal of Temporary Building Following Expiration.** The temporary concrete batch plant must immediately cease operations upon the termination of its interim use permit. The temporary building and all support equipment must be removed from the property within three months of the expiration or revocation of the Interim Use Permit. The Applicant shall be required to obtain a utility disconnect permit for the utility services that they are extending to the temporary building and shall comply with any conditions imposed upon that permit which may require the services to be capped or removed. A violation of this condition shall be considered a code violation and may result in administrative citations.

Required Action

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

1. Approval. If the Planning Commission wishes to recommend approval of the interim use permits, the following action should be taken:
 - Motion to recommend approval of three interim use permits for a temporary concrete

batch plant on the vacant parcel next to 843 Hardman Avenue South.

2. Denial. If the Planning Commission wishes to recommend denial of the interim use permit, the following action should be taken:

- Motion to recommend denial of three interim use permits for a temporary concrete batch plant on the vacant parcel next to 843 Hardman Avenue South.

If the recommendation is denial, the Planning Commission must adopt findings to justify the recommendation.

SOURCE OF FUNDS

NA

ATTACHMENTS

1. Site Location Map
2. Map of Danner Family Limited Partnership's Parcels on Hardman Avenue South
3. Danner Redevelopment Concept Site Plan
4. Danner Building #1 Concept Plan
5. AVR Site Plan
6. Photographs of Existing and Proposed Concrete Batch Plants
7. AVR Project Narrative
8. ALTA Survey
9. Resolution Denying 2019 Rock Crushing IUP Request

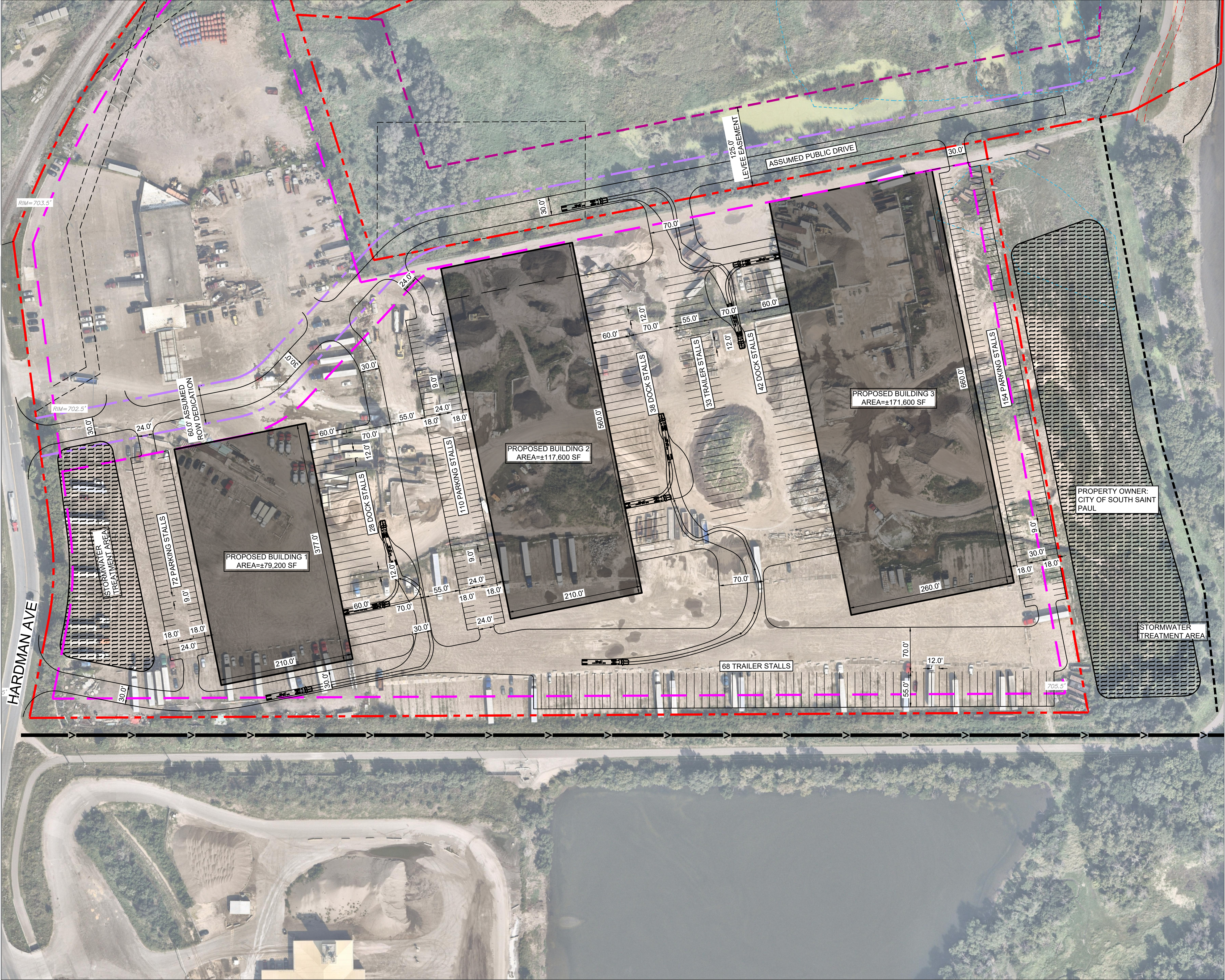
ATTACHMENT 1
SITE LOCATION MAP



ATTACHMENT 2

MAP OF DANNER FAMILY LIMITED PARTNERSHIP'S PARCELS ON HARDMAN AVENUE SOUTH





LEGEND

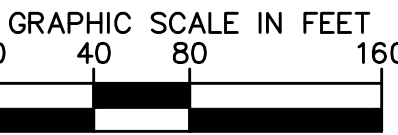
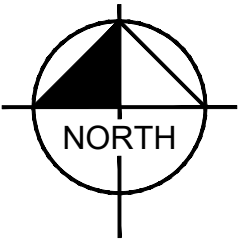
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING LEVEE EASEMENT
- FLOWAGE EASEMENT
- OTHER EASEMENTS
- EXISTING STORM SEWER
- WETLAND
- PROPOSED BUILDING
- BUILDING SETBACK LINE
- EXISTING SPOT ELEVATION

ZONING SUMMARY	
EXISTING ZONING	I-INDUSTRIAL
PROPOSED ZONING	PUD / INDUSTRIAL
RIGHT-OF-WAY DEDICATION	39,004 SF / 0.90 AC
TOTAL PROPERTY AREA	1,091,973 SF / 25.07 AC
TOTAL BUILDING AREA	368,366 SF
FAR	0.34
MINIMUM FAR	0.20
PARKING SETBACKS	SIDE/REAR = 10' FRONT = 20'
BUILDING SETBACKS	FRONT = 30' SIDE = 20' REAR = 20'

ATTACHMENT 3
DANNER
REDEVELOPMENT
CONCEPT SITE PLAN



Know what's below.
Call before you dig.

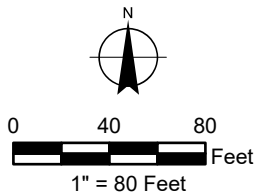


F:\2024\B2402999_03\GIS\B2402999_03.aprx



- Proposed Building
- Stormwater Retention Pond
- Building Setback
- Property Boundary
- Verderosa Avenue Extension

ATTACHMENT 4
DANNER
BUILDING #1
CONCEPT PLAN



Drawing Information

Project No:
B2402999.03

Drawing No:
Redevelopment Plans

Drawn By: ZS
Date Drawn: 6/7/2024
Checked By: IP
Last Modified: 4/4/2025

Project Information

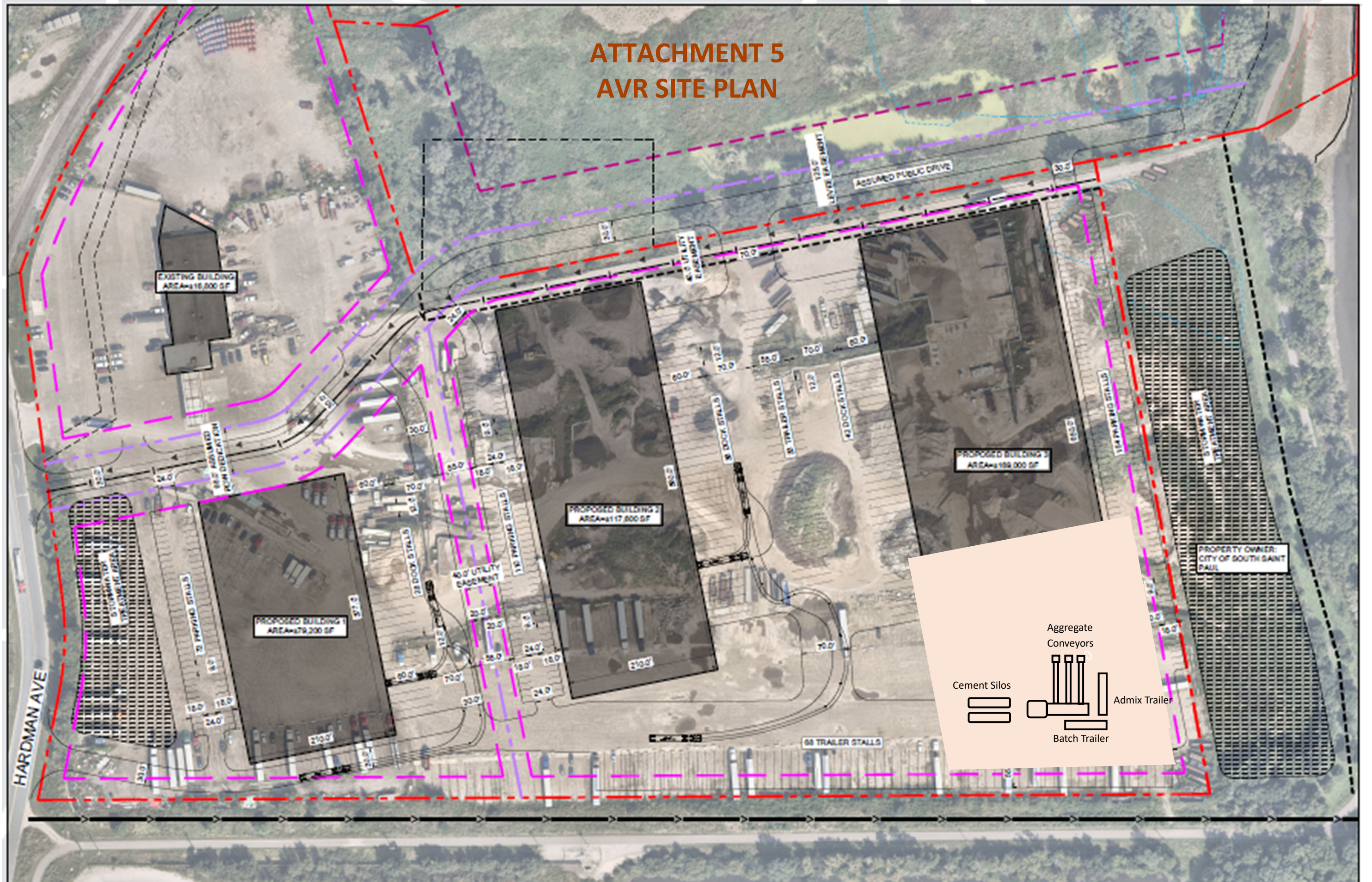
Wakota Crossing

843 Hardman
Avenue South

South St. Paul,
Minnesota

Redevelopment
Plans

ATTACHMENT 5 AVR SITE PLAN



ATTACHMENT 6

PHOTOGRAPHS OF EXISTING AND PROPOSED CONCRETE BATCH PLANTS



EXISTING CONCRETE BATCH PLANT ON SUBJECT PROPERTY (INSTALLED IN 1996)



PROPOSED CONCRETE BATCH PLANT (THIS ONE IS IN ROSEMOUNT)

ATTACHMENT 7
AVR PROJECT NARRATIVE
Interim Use Permit Narrative

Project Title: Temporary Ready-Mix Concrete Plant

Project Address: 843 Hardman Avenue South, South St. Paul, Minnesota

Applicant: AVR, LLC.

Date: 4/7/2025

Term: 2025 Operating Season (5/1/2025-11/1/2025) + additional discussion on continuing until the additional development requires to vacate the property. We would like to ask the council for the ability to produce through the 2027 season. The cost to relocate the plant on the site is roughly 250-300K. 2.5 seasons would allow us to recoup some of this movement cost. If we can't get some assurance that being on site until 2027 is possible, relocating the plant might not make financial sense.

Narrative Description:

This application is for an Interim Use Permit (IUP) for a temporary ready-mix concrete plant currently located at 843 Hardman Avenue South in South St. Paul, Minnesota. The plant is an existing facility on the site and has been operating under previously approved interim use permits as well as expired IUP that we were unaware of.

The ready-mix concrete plant serves a critical role in supporting local and regional construction projects, providing accessible and timely delivery of concrete to job sites throughout the surrounding area. The plant produces 35,000-50,000 cubic yards annually and employs 15-20 employees on site daily. The temporary nature of the plant allows for flexibility in meeting seasonal and project-specific demand without committing the site to permanent development. This facility will also be a crucial part of the proposed Danner development. The on-site concrete plant is going to make it easier for their office-warehouse development project to proceed since it will lower their development costs to have concrete production on-site. By shifting parts of the plant further east, we should be able to produce alongside the proposed road and building development. We are also currently working with the landowner on a more permanent location.

The operation of the plant has been and will continue to be conducted in accordance with all applicable city, state, and environmental regulations, including noise, dust, traffic, and operational hour limitations. Measures are in place to minimize impact on adjacent properties, including dust suppression, noise control practices, and traffic management strategies to ensure

safe and efficient ingress and egress to the site. The ingress and egress from this site is done primarily using the Interstate 494 and Hardman Ave. interchange.

We respectfully request the approval of the Interim Use Permit to allow continued operation of the temporary ready-mix concrete plant at this location through the permitted timeframe. We are committed to maintaining compliance with all permit conditions and working collaboratively with city staff to address any operational concerns.

Thank you for your consideration of this application.

Sincerely,

Joshua J. Edwards, P.E.
Vice President – Aggregates & Engineering
AVR, LLC.
14698 Galaxie Avenue
Apple Valley, MN 55124



GOPHER STATE ONE CALL NOTE:

List of utilities notified per Gopher State One Call Ticket No. 250571097.

COMCAST
CITY OF SOUTH ST. PAUL
CENTURYLINK - CTLOL
MCI
METROPOLITAN COUNCIL (MCES)

MNDOT
SPRINT/COGENT COMMUNICATIONS
MAGELLAN MIDSTREAM PARTNERS
XCEL ENERGY

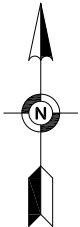
LEGEND:

- FOUND IRON MONUMENT
- SET IRON MONUMENT MARKED WITH LICENSE NUMBER 53536
- ① UNKNOWN MANHOLE
- ② SANITARY MANHOLE
- ③ STORM MANHOLE
- ④ CATCH BASIN
- ⑤ GATE VALVE
- ⑥ HYDRANT
- ⑦ AUTO SPRINKLER
- ⑧ GAS METER
- ⑨ VENT
- ⑩ METAL COVER

- ⊠ ELECTRIC BOX
- ⊡ ELECTRIC PANEL
- ⊢ ELECTRIC METER
- ⊣ HANDHOLE
- ⊤ LIGHT
- ⊥ UTILITY POLE
- ⊦ TELEPHONE MANHOLE
- ⊧ COMMUNICATION BOX
- ⊨ FIBER OPTIC SIGN
- ⊩ SIGN
- ⊪ BOLLARD
- ⊫ RR CROSSBUCK W/ GATE

- 920 EXISTING CONTOUR LINE
- OR TREE
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- GRAVEL SURFACE

- CHAIN LINK FENCE
- GUARDRAIL
- S SANITARY SEWER
- SS STORM SEWER
- W WATERMAIN
- OHW OVERHEAD WIRE
- G UNDERGROUND GAS
- FO UNDERGROUND FIBER OPTIC
- TREELINE
- RETAINING WALL



0 60 120
SCALE IN FEET

ALTA/NSPS
LAND TITLE SURVEY

SURVEY FOR:

Kimley Horn & Associates, Inc

PROPERTY ADDRESS:

843 Hardman Avenue South
South St. Paul, Minnesota 55075

Dakota County Tax PID 36-83200-01-020 & 36-83200-01-010



Egan, Field & Nowak, Inc.
land surveyors since 1872

475 Old Highway 8 NW, Suite 200
New Brighton, Minnesota 55112
PHONE: (612) 466-3300
WWW.EFNSURVEY.COM

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ATTACHMENT 9
RESOLUTION DENYING 2019 ROCK
CRUSHING IUP REQUEST

City of South St. Paul
Dakota County, Minnesota

RESOLUTION NO. 2019-152

A RESOLUTION **DENYING** A PROPOSED INTERIM USE PERMIT FOR A TEMPORARY ROCK CRUSHING OPERATION ON THE PROPERTY AT 843 HARDMAN AVENUE

WHEREAS, the City received an application from Danner Incorporated for an Interim Use Permit for a temporary rock crushing operation located at 843 Hardman Avenue South and legally described as follows:

Lots 1 and 2, Block 1 and Outlot B, WAKOTA ADDITION

WHEREAS, the Planning Commission held a public hearing on the application preceded by notice as required by law at their October 2, 2019 meeting and at the conclusion of the hearing recommend approval of the Interim Use Permit (3-1); and

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

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

Section 1
Recitals

- 1.01 Danner Incorporated, applicant and owner of the property at 843 Hardman Avenue South, by application submitted August 28, 2019 has requested the City Council to:
 - (a) Approve an Interim Use Permit for a temporary rock crushing operation on the property at 843 Hardman Avenue.
- 1.02 The City Council has received and considered information from the Planning Commission, and the public record from a public hearing at the Planning Commission on October 2, 2019.

Section 2
Findings

Based on the information and other facts and circumstances the City Council deems relevant, the City council makes the following findings:

- 2.01 South St. Paul City Code, Chapter 118-129 (c) (22) permits a “temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer”. The applicant has completed surcharging activities at the site within the term of previous interim use permit approvals, and no further surcharging activity is required for the property. City Code does not provide that temporary rock crushing operations are permitted within the City under any other circumstances besides those found in 118-129 (c) (22).
- 2.02 Via previous interim use permit approvals and extensions over the course of the previous 25 years, the applicant agreed to several conditions, including definitive end dates for all rock crushing operations, which dates have all passed. Further extension of end dates would not be consistent with the purpose or intent of an Interim Use Permit.
- 2.03 The City Council conveyed title to the property by deed to the applicant in 1996, with such deed being conditioned on the applicant conducting filling activity at the property “on or before seven years after the date” of said deed and preparing the property for redevelopment “within eight years after completion of the filling” of the property. These dates have all passed.
- 2.04 Extending an interim use of on-site rock crushing would further delay and disrupt the nature of redevelopment that the City Council envisioned when agreeing to convey by deed the subject property to the applicant in 1995.

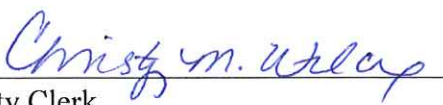
Section 3

Action

Based upon the foregoing, the City Council:

- 3.01 Denies the application for an interim use permit for a temporary rock crushing operation on the property at 843 Hardman Avenue South.

Adopted this 18th day of November, 2019.


City Clerk



PLANNING COMMISSION AGENDA REPORT

DATE:

May 7, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

7.A.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Planner's Update

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

This is just an update and no action is needed.

OVERVIEW

Update on Statewide Zoning Preemption Bills

At the April Planning Commission meeting, City Staff shared with the commission that the Minnesota State Legislature is currently considering bills that would greatly limit local government's ability to use zoning to regulate residential buildings. The bills would instead use preemption to establish new statewide zoning requirements for housing developments and cities would be required to allow the construction of any residential building that meets the statewide standards. The proposed bills would do things such as prohibit cities from having architectural design standards for residential buildings, prohibit cities from requiring off-street parking for residential buildings, require cities to allow at least small multifamily buildings in all neighborhoods, and require cities to approve most residential development projects administratively without a public hearing. The State Legislature considered similar bills during the 2024 session but the bills were ultimately not approved that year. The zoning preemption bills have a large and diverse coalition of backers including builders, realtors, environmentalists, housing advocates, and liberal and conservative think tanks. Similar zoning preemption bills have already been passed in California, Montana, Massachusetts, Maine, and Oregon.

The bills that were being considered in April were modified and combined into one bill which attempted to clear the "State and Local Government" committee of the Minnesota Senate during a hearing on May 1st. The motion failed with 6 NAY votes, 5 AYE votes, and 1 abstention. City Staff will continue to monitor the status of this legislation.

Planning Commissioners and other residents can reach out to their elected officials in the State Legislature with any questions or comments.

South St. Paul's State Representative is Rick Hansen:

- Phone #: 651-296-6826
- Email Address: rep.rick.hansen@house.mn.gov.

South St. Paul's State Senator is Matt Klein:

- Phone #: 651-296-4370
- Emails can be sent using a form on the State Senate website:
<https://www.senate.mn/members/email-form/1235>

SOURCE OF FUNDS

NA

ATTACHMENTS

None