



# **CITY OF SOUTH ST. PAUL MEETING AGENDA**

## **PLANNING COMMISSION**

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

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Wednesday, November 5, 2025  
7:00 PM

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- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. MINUTES:**
  - A. October 1, 2025 Minutes
- 4. NEW BUSINESS:**
- 5. PUBLIC HEARINGS:**
  - A. Conditional Use Permit for a Reception Hall at 421 Marie Avenue
  - B. Conditional Use Permit for Cannabis Cultivation and Manufacturing at 205 Hardman Avenue South
  - C. Ordinance Updating Zoning Rules for Accessory Parking Lots and Parcels with Multiple Principal Buildings
- 6. OTHER BUSINESS:**
- 7. STAFF UPDATES:**
- 8. ADJOURNMENT**

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISSION  
WEDNESDAY OCTOBER 1, 2025**

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

1) ROLL CALL

Present: Tyler Fehrman  
James Hart  
Tracy Haye  
Andrew Hoffman  
Brienne Miller  
Michael Healy, Planning Manager  
Monika Miller, Associate Planner

Absent: Tim Felton  
Geoff Fournier

2) APPROVAL OF AGENDA –Motion to approve the agenda as presented– Hoffman/Miller (5-0).

3) APPROVAL OF MINUTES – September 3, 2025 –Motion to approve the minutes as presented– Miller/Hoffman (5-0).

4) NEW BUSINESS

None.

5) PUBLIC HEARINGS

A. Comprehensive Plan Amendment to Implement the South Concord Corridor Small Area Plan

Mr. Healy presented the staff report. The Applicant is the City of South St. Paul. The comprehensive plan amendment would implement the recommendations that were found in the South Concord Corridor Small Area Plan. The Planning Commission and City Council reviewed and approved this small area plan in June of 2025. Staff recommend approval of the comprehensive plan amendment.

Commissioner Haye asked about the zoning districts that would be added if the comprehensive plan amendment was approved and whether it was common for cities to have “flex” zoning districts. Mr. Healy explained that the new zoning districts that were shown as part of the presentation were not for review this evening but would come before the Planning Commission in the near future for review. Mr. Healy added that more cities are starting to have “flex” districts to address areas with both commercial and industrial uses.

Commissioner Miller asked how the businesses along I-494 would be impacted if their comprehensive plan guidance changed from “light industrial” to “industrial.” Mr. Healy explained that the 2040 comprehensive plan called for the businesses south of the freeway to be stripped of their industrial zoning and to transition towards light industrial uses. The city’s zoning code still has industrial zoning in this area. The proposed comprehensive

plan amendment would change the guidance for the businesses south of I-494 to keep them designated for industrial use, which matches the current zoning for these businesses.

Commissioner Hart asked if the “institutional” guiding for the City’s public works facility would change. Mr. Healy explained the comprehensive plan amendment that was approved by the Planning Commission and City Council in May changed the guiding of this parcel from “institutional” to “industrial.”

Chair Fehrman opened the public hearing.

No one was present to comment on the Application. Mr. Healy noted the only correspondence he received was the official correspondence from the cities and counties that responded to his request for comments.

Chair Fehrman closed the public hearing.

Motion to recommend approval of the Comprehensive Plan Amendment to Implement the South Concord Corridor Small Area Plan- Hoffman/Hart (5-0)

B. Ordinance Amending the Standards for Impervious Surfaces Near the Mississippi River

Ms. Miller presented the staff report. The Applicant is the City of South St. Paul. The proposed ordinance would implement several changes recommended by the Minnesota Department of Natural Resources to help streamline the ordinance that governs the Mississippi River. In short, the ordinance would repeal the existing Shoreland ordinance and add new impervious surface requirements to the Mississippi River Corridor Critical Area. Staff recommend approval of the proposed ordinance.

Commissioner Haye asked if the FEMA flood hazard designation for 843 Hardman Avenue South could be changed given the grading and filling that has occurred on site. Ms. Miller explained that the property owner would need to work with FEMA to have the property’s flood hazard designation changed to reflect that the property sits above the regulatory flood protection elevation.

Chair Fehrman opened the public hearing.

No one was present to comment on the Application. Ms. Miller shared that the National Park Service provided comments on optional language they would like to see added to clarify how “green space” is defined.

Chair Fehrman closed the public hearing.

Commissioner Hoffman spoke in favor of the ordinance.

Motion to recommend approval of the ordinance to amend the standards for impervious surfaces near the Mississippi River- Miller/Hoffman

6) OTHER BUSINESS

None

7) STAFF UPDATES

A. System Statement for 2050 Comprehensive Plan Update

Mr. Healy stated the Met Council released their System Statement for the 2050 Comprehensive Plan Update in September. The System Statement lays out the minimum requirements that must be included in the city's 2050 comprehensive plan. Mr. Healy explained what the comprehensive plan creation and adoption process would look like.

Commissioner Miller asked if it was common for cities to start over completely when creating a comprehensive plan. Mr. Healy explained that while this was more common in the past, the Met Council's current requirements and tools are similar to those used for the 2040 Comprehensive Plan, so the City does not expect to start over for the 2050 plan.

8) ADJOURNMENT

Motion to adjourn- Hoffman/Miller (5-0)



# PLANNING COMMISSION AGENDA REPORT

**DATE:**

November 5, 2025

**DEPARTMENT:**

Planning & Zoning

**PREPARED BY:**

Michael Healy

**AGENDA ITEM NUMBER:**

5.A.

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## MEETING TYPE

Regular Meeting

## AGENDA ITEM

Conditional Use Permit for a Reception Hall at 421 Marie Avenue

## ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of a conditional use permit for a reception hall at 421 Marie Avenue.

## OVERVIEW

### Application

The Applicant, Nessib Negusse, owns and operates the Hilltop International Cuisine restaurant at 417 Marie Avenue. The Applicant has purchased the 2-story building that is directly adjacent to his restaurant, which has the address 421 Marie Avenue. The Applicant is seeking to turn the first floor of the 2-story building into a reception hall which he will rent out for private events. He is seeking a conditional use permit to establish the new reception hall.

### Review Timeline

***Application Submittal:*** October 8, 2025

***Planning Commission:*** November 5, 2025

***Tentative City Council Meeting:*** November 17, 2025

***60-Day Review Deadline:*** December 7, 2025

### Background

The “Subject Property,” 421 Marie Avenue, is 2,040 square feet in size and the entire property is taken up by the footprint of the building and a small dumpster enclosure. It is one of three small “main street”-style commercial buildings located on the west end of the 400 block of Marie Avenue. The three buildings were constructed in the 1910’s and 1920’s on land that was originally a single platted 40’ x 125’ city lot. The lot was split up into three separate tax parcels and a building was constructed on each parcel. Each building takes up almost its entire parcel and the three buildings all touch each other with no setback between structures.

The three buildings historically were retail buildings under separate ownership. The middle building, 417 Marie Avenue, was renovated and converted to a restaurant in 2019. It was initially a Thai restaurant named “Basil and Sprout” which went out of business in 2021. The Applicant purchased the restaurant space and opened his full-service restaurant "Hilltop International Cuisine" in late 2021. The Applicant also has a caterer’s license and operates a catering company called Amazing Dining Catering (ADS Catering). He provides catered meals for events across the metro and prepares that food in his commercial kitchen at the restaurant and a second commercial kitchen that he has in Saint Paul.

The subject property contains a 2-story building with a first floor retail space and a 2<sup>nd</sup> floor apartment unit above it. The previous owner of the building hired an architect and secured a building permit in 2019 to turn the first floor space into a café. The interior of the retail space was demolished, but the remodel project was never completed. The building sat mostly vacant between 2019-2025 with shower curtains hung up in the windows to block the view of the demolished space. During this time, the previous owner of the building rented out the 2<sup>nd</sup> floor apartment and allowed a mail order bookstore to utilize the first floor space as a storage area for their book inventory. The building had a poor appearance and pieces of the old awning and sign structure were starting to fall down.

The Applicant purchased the subject property in 2024. At the time, he told City Staff that his primary motivation for buying the property was to beautify the building because he felt that its poor appearance was hurting business at his restaurant next door. He secured a building permit to convert the space back into a retail storefront and installed new drywall, new flooring, and other interior finishes. He also repaired the exterior of the building, replaced the shower curtains with drapes, and restored the building to a presentable appearance. The first floor retail space at the subject property has mostly been vacant since the remodel, although it did host a pop-up art gallery earlier this year.

The Applicant recently approached City Staff and shared that he has a new goal for the commercial space on the first floor of his 2-story commercial building. After years of providing catering services, he would like to own and operate his own reception hall that he can rent out for private events. He would prepare food at his restaurant next door and then use his caterer’s license to serve the prepared food in the event space.

## **Site Overview**

The subject property is a 2,040 square foot corner lot with 51 feet of frontage on Marie Avenue and 40 feet of frontage on 5th Avenue South. The 2-story building has a retail storefront with glass windows that face Marie Avenue on the first floor and there is an apartment unit on the second floor. The retail space gets its primary access from a door that is located on the corner of the building at the street intersection. The apartment unit gets its primary access from a door that is located on 5th Avenue South near the property line that is shared with the adjacent single-family home. There is a hallway that connects this secondary door to a staircase that goes up to the apartment unit. People who are in the retail space are able to access the hallway and the 2nd exit door by opening up a door inside the building that separates the two spaces.

## Overview of Proposed Business Operations

Per the Applicant:

- The business would be named “Hilltop Event Center.” It would be a small community-focused reception hall that would be primarily for children’s birthday parties, wedding showers, baby showers, wedding showers, and similar events.
- Events would not start before 8 AM, and they would not go later than 10 PM.
- The reception hall's banquet space will be 1,050 square feet in size. *This number does not include the bathrooms, the sink room, the storage room, or other non-assembly spaces.*
- The Applicant's architect has conducted a code analysis of the 1,050 square foot banquet hall space. The space can hold a maximum of 150 people for a "standing room only" event, which requires 7 square feet of space for each person. *Per the City's Building Official, events with tables and chairs require 15 square feet of space per person, so the largest seated event that can be held in the space is a 70-person event.*
- The Applicant’s restaurant next door does not have a liquor license, and he is not interested in getting a liquor license at this time. Because his restaurant does not have a liquor license, he is not eligible to get a “caterer’s permit with alcohol” to provide alcohol sales at events that he is catering. Regarding the proposed reception hall space:
  - The Applicant would like event attendees to be allowed to bring their own beer and wine to events. *This is up to the City Council and requires a special “Consumption and Display” permit which must be approved each year.*
  - The Applicant would like to have the ability to partner with another catering company that does have a “caterer’s permit with alcohol” that allows them to sell alcohol when they are working at an event.

## Relevant City Code

The following zoning code sections are relevant to this review:

- Section 118-126 of the City Code governs the C-1 Retail Business zoning district.
- Section 118-40 of the City Code governs Conditional Use Permits.

- Section 118-268 governs amusement or entertainment uses
- Sections 118-351 through 118-355 govern off-street parking and loading.

## **Zoning**

The subject property is zoned “C-1 Retail Business” and guided “mixed-use” in the 2040 Comprehensive Plan. In the C-1 zoning district:

- “Cafés, cafeterias, and restaurants” are a permitted use and are automatically allowed.
- Freestanding reception halls are considered an “amusement or entertainment” use which requires a conditional use permit.

Restaurants are allowed to have “party rooms” inside them which they rent out for private events, and this does not require a conditional use permit. Angelo’s Italian Restaurant would be an example of a South St. Paul restaurant with C-1 zoning that has a party room inside the restaurant that can be rented for private events. City Staff initially encouraged the Applicant to work with an architect to combine his two buildings into one restaurant space so that his operation would flow more smoothly, and he would not need a conditional use permit. This would have required combining the two parcels, opening up the wall between the two buildings, and complying with any State Building Code and State Fire Code requirements that are triggered when two “grandfathered” buildings that are 100 years old are combined to create one new building. The Applicant told City Staff that he did explore combining the two buildings into one space, but it would be prohibitively expensive.

## **Southview Hill Small Area Plan and Comprehensive Plan Guidance**

In 2014, the City hired a consultant team and undertook a zoning study to help revitalize the Southview Boulevard and Marie Avenue commercial area. The City Council approved the “Southview Hill Plan” on June 16, 2014. The small area plan inspired many of the goals and policies that were officially adopted when the City approved its 2040 Comprehensive Plan in October of 2020.

Per the small area plan:

- The overwhelming majority of residents want to see more businesses on Southview Boulevard and Marie Avenue, specifically more restaurants. Residents also want the ability to enjoy alcohol at some of those restaurants. *The City Code was updated in 2014 to make it much easier for restaurants to serve alcohol on Southview Boulevard and Marie Avenue. The City Code was updated in 2022 to make it legal to adaptively reuse an existing commercial building as a restaurant without needing a parking variance. The City Code was updated in 2023 to make it easier to construct a new building or add a building addition in the C-1 district without needing a setback variance.*

- Residents want this area to have traditional pedestrian-oriented architecture and attractive streetscapes so that it is pleasant to walk around, and they can visit businesses on foot. They do not want this area to have a sea of parking lots and low walkability. *Southview Boulevard was rebuilt in 2019 by Dakota County with pedestrian-oriented streetscape features. Marie Avenue was rebuilt in 2025 by the City with pedestrian-oriented streetscape features. The previously mentioned code amendments all support traditional pedestrian-oriented architecture and neighborhood walkability.*

The 2040 Comprehensive Plan has numerous goals and policies that relate to this part of Marie Avenue which is guided "mixed use," including the following:

- Goal #4.24: “In the Southview Hill area, emphasize a node of neighborhood mixed use generally located in the area of Southview/Marie and 5th/7th Avenues that will build on the existing mixture walkable residential, commercial, and institutional uses. Promote redevelopment that is walkable, dense, diverse, and is complementary with the pedestrian scale and architectural character.”
- Policy #4.24.1: “Support development and redevelopment of the area where parking is limited by either providing public parking lots that can help accommodate parking for multiple businesses, or by decreasing minimum requirements for parking in this area.”
- Policy #4.24.2: “Utilize the Southview Hill plan as a guide for redevelopment of the area.”
- Policy #4.23.8: “Excessive surface parking interrupts the character of the area and is an inefficient use of land. Emphasize sustainable design that supports walkability and reduces reliance upon surface parking lots. Consider decreasing the required parking minimums, adding community parking lots, or allowing flexibility for increased bicycle parking or other innovative ways of providing transportation access to uses in the area.”

## **Site and Building Plan Review**

The Applicant is not currently proposing to make any changes to the exterior of the building or the overall site.

## **Size of Events**

The Applicant's architect has prepared an architectural code analysis which is provided as an

attachment. The proposed design of the space will include a 1,050 square foot assembly area for use as a banquet hall. The architect has calculated that this space can accommodate 150 people (1 per 7 square feet) for events where everyone will be standing. It is very unlikely that this space will be used very frequently for events where everyone is standing. The Applicant has indicated that he primarily wants to cater to events that will have tables and chairs such as birthday parties, wedding showers, and baby showers. Per Building Official Joe Heimkes, a reception hall space with tables and chairs needs 15 square feet of space for each person in attendance. This means that the space can only accommodate 70-person events when set up with a table and chair configuration.

Based on this analysis, City Staff is recommending that two conditions be placed in the conditional use permit:

1. A condition that restricts the size of events with tables and chairs to 70 people while allowing up to 150 people to attend events where attendees are standing.
2. A condition that requires the Applicant to post the maximum lawful event size on a sign inside the space.

## **Parking**

The subject property is only 2,040 square feet in size and does not have its own parking lot. This is common in the Southview Hill district and is desirable from a land use perspective. Walkable commercial areas generally look and function best if there are shared parking facilities and individual buildings can be built right up to the public sidewalk instead of being set back behind a large surface parking lot. The Applicant's existing restaurant has twelve (12) stalls of off-street parking that have been secured via shared parking agreements with the funeral home across Marie Avenue and the School District offices across 5<sup>th</sup> Avenue. Both of those facilities have large parking lots and their main hours of usage (generally 9 AM to 5 PM) are different than the restaurant's peak hours which are in the evening.

In the C-1 Retail Business zoning district, existing commercial buildings that are 15,000 square feet or less in size may be repurposed for any permitted use, including a restaurant, without requiring a parking variance. This new adaptive reuse code provision, which was added to the City Code in 2022, has been a game-changer for economic development. Prior to the code change, it was usually not possible to start a new business in an existing building in the C-1 district without getting a parking variance. The adaptive reuse code provision only applies to permitted uses. With conditional uses, the Planning Commission and the City Council evaluate transportation needs for each project on a "case by case" basis, considering factors such as number of employees, number of visitors, the hours of operation, availability of on-street parking and shared parking, and availability of bicycle and pedestrian connections.

City Staff would recommend that the Planning Commission and City Council consider taking the same approach with the proposed reception hall that was taken when the historic Serbian Home on 3<sup>rd</sup> Avenue was proposed to be turned into a reception hall in 2020. The City can approve a conditional use permit that allows small events to take place at the reception hall without

additional steps but requires the Applicant to secure an off-street parking facility for any large event that exceeds that number. Staff would recommend that dedicated off-street parking be required for any event that has more than 70 attendees, which is the same number that was used for the Serbian Home approval. For larger events, at least one off-street parking stall should be required for each three attendees, which is the “default” parking requirement in the City Code for large assembly uses.

The Applicant has multiple options for providing off-street parking for attendees going to a larger event:

1. They can enter into an updated parking agreement with the school district or funeral home to provide parking for events that are taking place outside the business hours of those buildings.
2. They can direct event attendees to park in City-owned public off-street parking facilities that are within 500 feet of the reception hall. The City owns a 23-stall public parking lot behind the former B & G Crossing clothing store that currently gets almost no use and could be used for event parking. It is roughly 400 feet from the proposed reception hall.
3. They can secure an off-site parking lot and run a shuttle service to the event.

## **Second Floor Apartment and Basement**

The building has a second floor apartment that currently operates as a short-term rental that is listed on AirBNB. The apartment "meets code" as a residential dwelling unit and has an active rental license. The building also has a basement that is used for storage.

The proposed 1,050 square foot banquet hall space requires two exits because it will have an occupancy that is greater than 50 people. The architect is proposing to meet this requirement by removing the wall and door that separate the retail space from the hallway that connects the apartment unit to its door to the outside. This could potentially make it less pleasant to utilize the apartment unit, since one would need to walk through a hallway that is shared with event guests in order to access the interior stairs up into the dwelling unit.

Some event guests may be tempted to make use of other spaces within the building (i.e. booking the AirBnB room and then letting party guests wander upstairs into the apartment unit as an extension of the event space). The Building Official has requested that a condition of approval be added to the conditional use permit stating that the basement and the second floor apartment cannot be used as part of the event space. The basement can only be used for storage and the apartment can only be used as a residential dwelling unit.

## Trash Enclosure

The property currently has a vinyl fence trash enclosure that was constructed in 2019 when the building was proposed to be converted to a restaurant. Staff visited the property while preparing this report and observed that the gates of the enclosure are damaged and need to be repaired or replaced. This should be a condition of approval for the conditional use permit.

## Surrounding Land Uses

| Direction    | Existing Use                         | Existing Zoning     | Comp Plan Guidance |
|--------------|--------------------------------------|---------------------|--------------------|
| <i>West</i>  | School District Offices              | C-1 Retail Business | Mixed-Use          |
| <i>North</i> | Auto Repair Garage and Funeral Home  | C-1 Retail Business | Mixed-Use          |
| <i>East</i>  | Applicant's restaurant               | C-1 Retail Business | Mixed-Use          |
| <i>South</i> | Single-Family Home (Licensed Rental) | C-1 Retail Business | Mixed-Use          |

## CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permits should be reviewed through the lens of the criteria outlined in the City Code:

- (1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
- (2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
- (3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
- (4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.
- (6) *In Business districts.* Certain uses are considered, as a rule, unsuitable in commercial areas because of inherent characteristics (e.g., traffic hazards, noise, light glare), proximity to residential areas, the fact that they tend not to serve nearby residential areas, or may adversely affect nearby permitted business uses.

Section 118-268 of the City Code also has additional criteria that are in effect for “Amusement

or Entertainment” uses:

- (1) The use is desirable to the public convenience and welfare;
- (2) The use is not detrimental or injurious to the public health, peace, or safety;
- (3) The use is not detrimental or injurious to the character or value of surrounding properties;
- (4) The use has adequate off-street parking facilities;
- (5) The use is served, or can be served, by adequate utility services;
- (6) The hours of operation of the proposed use will not be detrimental to nearby residential uses;
- (7) The use will not stimulate the gathering of large numbers of persons outside the building within which the use is located.

## **DISCUSSION**

Conditional Use Permit review is case-by-case and the City can attach reasonable conditions to the approval. A conditional use permit can be revoked by the City Council if the conditions are not adhered to. Conditional Use Permits run with the land and are inherited by the new owner if the property changes hands. There is no guarantee that the reception hall and the restaurant next door will always be owned and operated as one multi-building business by the same individual, and the “conditions of approval” should be approached with this fact in mind.

Staff has a few observations to frame the discussion:

- The Applicant’s proposal is consistent with the goals of the Southview Hill Plan, which calls for strengthening this commercial area and providing more dining options for residents. This venue could potentially make the restaurant next door stronger and more financially resilient. Empty storefronts suck the life out of a commercial street and this storefront has been empty for many years. It is exciting to see the Applicant investing in a building that has largely been forgotten since 2019.
- The intent of the adaptive reuse provision in the parking ordinance is to allow existing commercial buildings to be reused without requiring a parking variance. It is understood that conditional uses are more intense than "permitted" uses and that is why they necessitate a case-by-case review and do not get automatic access to the adaptive reuse code provision. Staff feels that it is consistent with the intent of the adaptive reuse ordinance to allow a small reception hall (up to 70 persons) without additional red tape. This number fits well because it was what was granted to the Serbian Home in 2020, and it aligns with the proposed event space's maximum capacity for a seated event. If the Planning Commission feels strongly that 70 is too generous and the conditions in this area are substantially different from in the Serbian Home's neighborhood, a different number could be used to define a "small" event (such as 50 or 60 attendees). There is City-owned public parking nearby behind the vacant B & G Crossing building, and it should not be hard for the Applicant to direct his guests to park there if they are attending

a large event.

- Staff would recommend that several permanent operating conditions be placed on the reception hall via the conditional use permit.
  - Hours of operation need to be regulated to prevent the reception hall from being a nuisance to nearby residential neighborhoods. The Applicant is requesting 8 AM to 10 PM hours of operation. The Planning Commission may want to discuss the hours of operation further if there is any discomfort with the proposed hours. Citywide quiet hours start at 10 PM and end at 7 AM.
  - The conditional use permit should include the same alcohol-related conditions that have been added to other conditional use permits for restaurants and reception halls that have been approved in recent years. This includes hiring an on-site security officer for any event that will have more than 100 guests and securing an entertainment license from the City Council before events with alcohol can be held that feature live music, singing, or dancing.
  - The reception hall must follow the noise ordinance and cannot be a public nuisance. The conditional use permit can be revoked if there are repeated violations of the noise ordinance and the City Council determines that the business has become a nuisance.

## STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit with the following conditions:

1. **Approved Plans.** The conditions of this approval are based on the following plans:

|                                                                     |                         |
|---------------------------------------------------------------------|-------------------------|
| a. <b>Application (Nassib Negusse)</b>                              | <b>dated 10/8/2025</b>  |
| b. <b>Narrative (Nassib Negusse)</b>                                | <b>dated 10/8/2025</b>  |
| c. <b>Floor Plan and Code Analysis (J. Sweitzer Architects LLC)</b> | <b>dated 10/28/2025</b> |
2. **Building Permit Required.** The Applicant shall obtain a building permit for a change of use to convert the space from a retail storefront to a reception hall. At time of building permit, the Applicant will provide any materials required by the Building Official for

processing this type of permit application, which shall include an architectural code analysis by a Minnesota-licensed architect. The Applicant shall pay any required sewer access charges.

3. **Certificate of Occupancy Required Before the First Event.** The Applicant may not hold his first event in the reception hall until the Building Official has issued a certificate of occupancy for the new use.
4. **Maximum Number of Attendees at Events.** The Applicant is proposing to create a 1,050 square foot reception hall space for events.
  - a. Seated events with tables and chairs may not exceed 70 attendees. This is based on the State Building Code requirement that requires 15 square feet of space per attendee at a seated event in this type of space.
  - b. Events without tables and chairs where attendees will be standing may not exceed 150 guests. This is based on the State Building Code requirement that requires 7 square feet of space per attendee for an event space at maximum occupancy without tables and chairs.
  - c. A sign must be posted inside the reception hall space stating that the maximum occupancy for seated events is 70 people and the maximum occupancy for “standing room only” events is 150 people.
  - d. Any modifications to the numbers listed above shall require the written approval of the City’s Building Official.
5. **Scope of Conditional Use Permit.** This conditional use permit shall only apply to the first-floor commercial space that is shown on the Applicant’s proposed floor plan. Events may not be held in a way that incorporates the 2<sup>nd</sup> floor apartment unit or the basement. The 2<sup>nd</sup> floor apartment will remain a residential dwelling unit and must be separated from the event space by a lockable door. The basement may only be used as storage.
6. **Parking.** The Applicant must provide off-street parking for any private event that will have more than 70 attendees. For such events, at least one off-street parking stall shall be required for each 3 guests. The Applicant shall present the Zoning Administrator with evidence of adequate off-street parking before they are allowed to host events with more than 70 attendees. This requirement may be satisfied by one or more of the following means:
  - a. The Applicant can provide the Zoning Administrator with evidence of a lease agreement with the owner of a parking lot(s) within 500 feet of the subject property along with evidence that they are requiring guests to park in the leased stalls as part of their rental contract for events with more than 70 guests.
  - b. The Applicant can direct guests to park in City-owned public parking lots within 500 feet of the subject property. The Applicant shall provide the Zoning Administrator with evidence that they are requiring guests to use the public parking

facility as part of their rental contract for events with more than 70 guests.

- c. The Applicant can secure access to an off-site parking lot that is further than 500 feet from the subject property and provide a shuttle service to the event. The Applicant shall provide the Zoning Administrator with evidence of a lease agreement with the owner of the parking lot(s) and evidence that they are requiring guests to park in the off-site parking lot as part of their rental contract for events with more than 70 guests.
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7. **Hours of Operation.** Events may not begin prior to 8 AM and must conclude by 10 PM.
  8. **Compliance with Noise and Nuisance Ordinances.** Excessive violations of the noise ordinance may result in the revocation of the conditional use permit. The City Council, at their sole discretion, shall determine what constitutes excessive violations. In addition to complying with the noise ordinance, the Applicant must not in any way be a public nuisance.
  9. **Alcohol at Events.** The facility shall not include any type of public bar and there shall be no serving of alcohol to the general public. Private events may include alcohol, served only to guests of the event, provided that the alcohol is served by a licensed caterer who holds a caterer's liquor license. The City Council may also choose to allow event guests to bring their own alcohol to events by issuing a consumption and display permit. If a consumption and display permit is granted, the Applicant must comply with any conditions that are placed on that permit.
  10. **Entertainment Licensing for Events with Alcohol.** Prior to hosting any events with alcohol where entertainment will be provided (i.e. live music, dancing, and singing), the Applicant shall obtain any entertainment license that is required for businesses that serve alcohol and have this type of entertainment. This condition shall apply to any events where alcohol is served by a licensed caterer and any events where attendees have been allowed to bring their own alcohol through the issuance of a consumption and display permit.
  11. **On-Site Security Officer Required for Large Private Events with Alcohol.** The Applicant shall be required to provide an on-site security officer for the duration of any private event with over 100 guests where alcohol will be present. Ticketed events are considered private events.
  12. **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within one year from the date of approval. The violation of any condition of approval in the conditional use permit may terminate the conditional use permit(s), following a hearing by the City Council.

## **Action Needed**

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

1. Approval. If the Planning Commission wishes to recommend approval of the conditional use permit, the following action should be taken:
  - Motion to recommend approval of a conditional use permit for a reception hall at 421 Marie.
2. Denial. If the Planning Commission wishes to recommend denial of the conditional use permit, the following action should be taken:
  - Motion to recommend denial of a conditional use permit for a reception hall at 421 Marie.

*If the Planning Commission wants to recommend denial, it will require a finding that the conditional use permit request is not consistent with one of more parts of the City Code's criteria for conditional use permits or "amusement and entertainment" uses.*

## **LINKS**

[Southview Hill Plan \(Approved June 16, 2024\)](#)

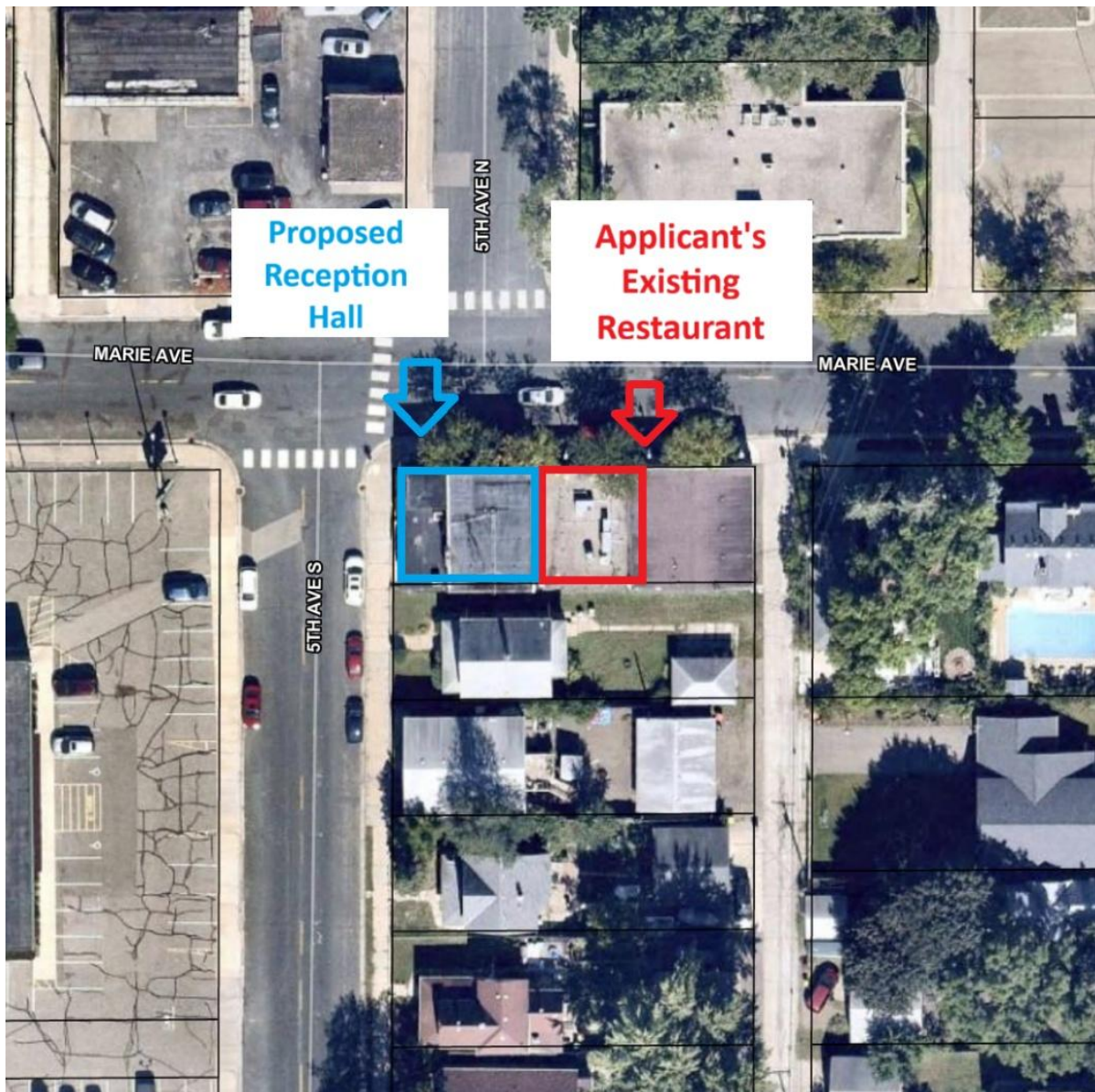
## **SOURCE OF FUNDS**

NA

## **ATTACHMENTS**

1. Site Location Map
2. Photographs of Subject Property
3. Applicant's Narrative
4. Floor Plan and Code Analysis
5. Public Hearing Notice

ATTACHMENT 1  
SITE LOCATION MAP



**ATTACHMENT 2**  
**PHOTOGRAPHS OF SUBJECT PROPERTY**



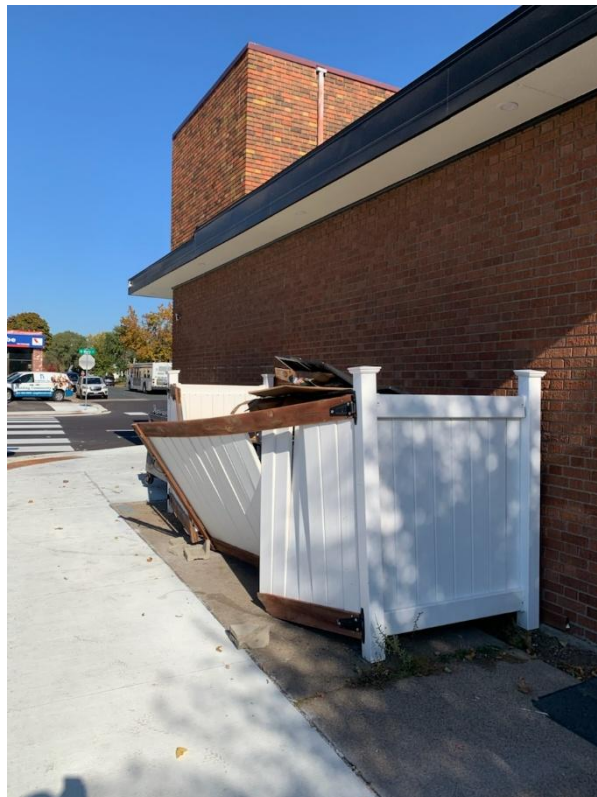
Photograph of Marie Avenue frontage taken by City Staff on October 3<sup>rd</sup>



Google Streetview Photograph from 2022 (Before Applicant Purchased and Renovated 421 Marie)



Secondary Access Door on 5<sup>th</sup> Avenue South



Existing Dumpster Enclosure on 5<sup>th</sup> Avenue South

### ATTACHMENT 3

#### APPLICANT'S NARRATIVE

My name is Nessib Negusse, owner of Hilltop International Cuisine. I am writing to request approval to use part of my building as a small event space (party hall).

Many of my restaurant customers have been asking for a nearby place to host small gatherings such as kids' birthday parties, wedding showers, baby showers, and similar events. Based on this growing demand, I have developed an idea and plan to open a small, community-focused event hall within my property.

This addition will not only serve my neighbors and loyal customers, but it will also help my business grow, create a welcoming community space, and provide opportunities to hire more employees.

I would be very grateful for your consideration and support for this proposal. Please let me know if there are any forms or additional information needed to proceed.

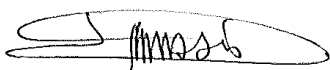
Thank you very much for your time and support.

Warm regards,

Nessib Negusse

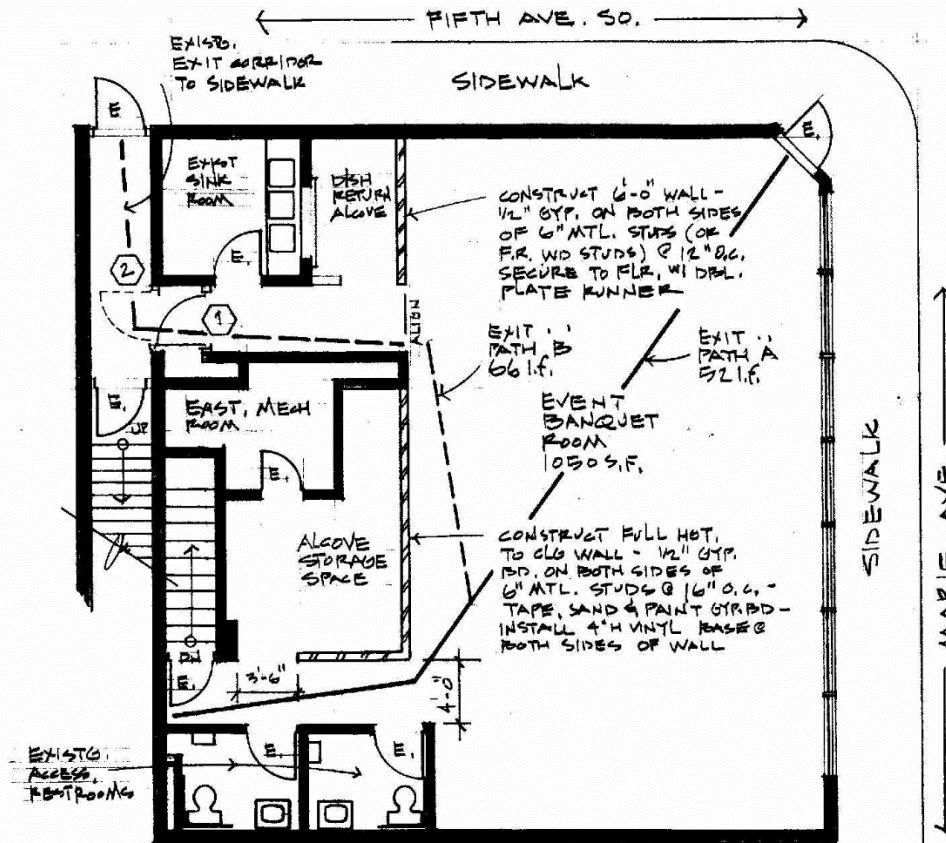
Hilltop International Cuisine

[Your Contact Information]



10/08/2025

# ATTACHMENT 4 PROPOSED FLOOR PLAN AND CODE ANALYSIS



1 FLOOR PLAN  
A1 1/8" = 1'-0"

1 30x60 + 13 1/4" 20 MIN. WD. DOOR AND FRAME W/ (3) 4 1/2" S.G. BUTT STYLE HINGES, AUTOMATIC DOOR CLOSER, LEVER HANDLE STYLE LOCKSET (CLASS ROOM FUNCTION) - STAINLESS STL. FINISH

2 REMOVE EXISTG. DOOR AND FRAME - PATCH WALL @ JAMB & HEAD AS REQ'D. - FINISH TO MATCH EXISTG.

## Code Analysis:

Minnesota State Building Code 2020 Edition  
Minnesota Accessibility Code 2020 Edition

Occupancy Classification:  
Assembly - Banquet Facility - A-2 Occupancy

Occupant Load Per Occupancy:  
Assembly - 150 occupants based on 7 SF/person

Plumbing Fixture Analysis:  
2 Toilets required, 2 toilets supplied  
2 lavatories required, 2 lavatories supplied

Fire Protection: Non-Sprinkled Building, open on two + sides  
Max Allowed distance of travel = 200 L.F.  
Max calculated distance of travel -  
Exit Path A = 52 lin ft.  
Exit Path B = 66 lin ft.  
see plan for distances

Type of Construction - Type III B (existing)

Total Gross Floor Area:  
Gross floor area including stair to basement = 1600GSF  
Assembly (Event Banquet Rm) = 1050sf

Required number of exits per Occupancy  
Assembly - A-2 2 exits required, 2 exits are provided

Glazing shall comply with National Safety Glazing Standards and 2406.4.2 Glazing adjacent to doors, of the MN State Building Code

architecture + product design  
residential - commercial  
and homes

J. Sweitzer  
Architects LLC

www.jweitzerarchitects.com  
jweitzerarchitects.com  
612.220.3283

Certification  
I hereby certify that this plan, specification  
or report was prepared by me or under my  
direct supervision and that I am a duly  
licensed architect or engineer under the  
laws of the State of Minnesota.

13001  
JEFFREY R. SWEITZER  
Jeffrey R. Sweitzer

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J. Sweitzer Architects LLC

Issued  
10-18-29

Hilltop Event Center  
421 Marie Ave.  
So. St. Paul MN  
55075



# City of South St. Paul

125 Third Avenue North  
South St. Paul, MN 55075

[www.southstpaul.org](http://www.southstpaul.org)

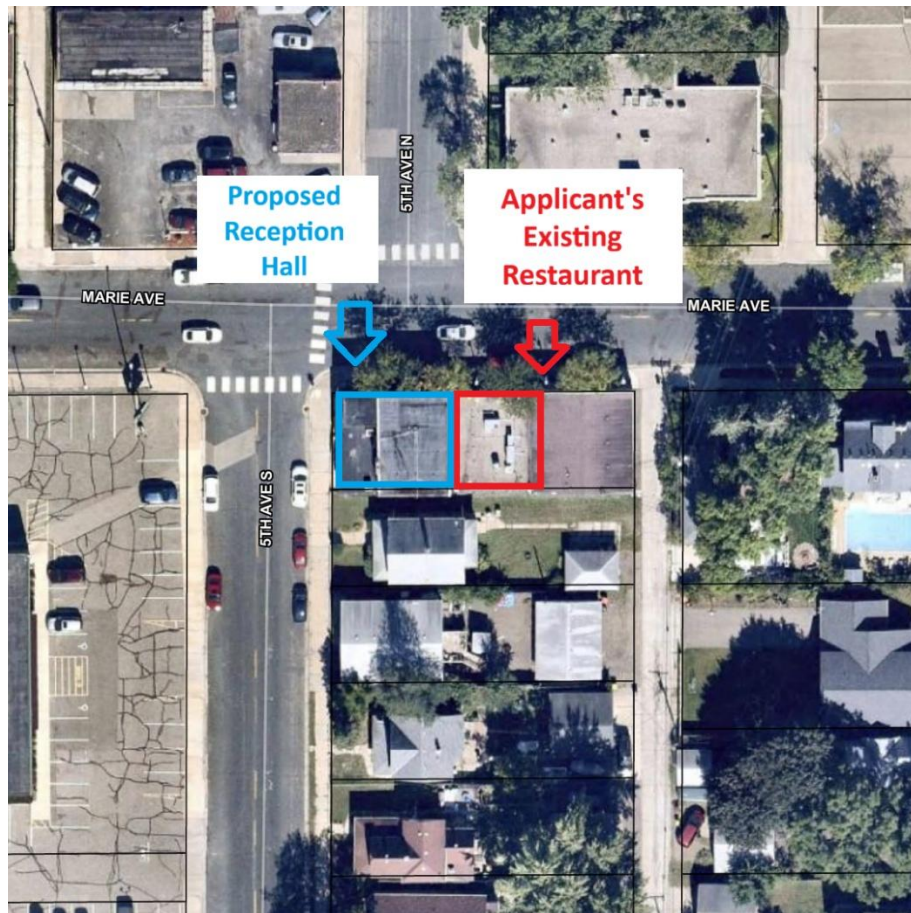
## ATTACHMENT 5 PUBLIC HEARING NOTICE

# **Notice of Public Hearing**

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant(s):</b>                          | Nessib Neguss                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Request:</b>                               | <p>The Applicant owns and operates the “Hilltop International Cuisine” restaurant at 417 Marie Avenue. The Applicant has purchased the 2-story building that is directly adjacent to his restaurant which has the address 421 Marie Avenue. The Applicant is seeking to turn the ground floor of the 2-story building into a reception hall which he will rent out for private events. He is seeking a conditional use permit to establish the new reception hall.</p> <p><i>The subject property is in the C-1 Retail Business zoning district. Freestanding reception halls that are not located inside a restaurant require a conditional use permit for an “amusement and entertainment” use. The Applicant is not structurally combining his two adjacent buildings into one building. Because the reception hall technically is a separate building and will not be inside the Applicant’s restaurant, a conditional use permit is required for the use.</i></p> |
| <b>Subject Property</b>                       | 421 Marie Avenue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Public Hearing Time and Location:</b>      | <p>City Hall, Council Chambers, 125 Third Avenue North, South St. Paul<br/><b>Wednesday, November 5<sup>th</sup>, 2025 at 7:00 P.M.</b><br/>Or as soon thereafter as the matter can be heard.</p> <p>All those interested are encouraged to attend and will be given an opportunity to be heard.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Questions or Comments, Please Contact:</b> | <p>The Planning Commission will also consider oral and written comments that are received prior to the meeting. You can submit your comments:</p> <p>By mail: City of South St. Paul, Attn: Planning Manager<br/>125 Third Avenue North<br/>South St. Paul, MN 55075</p> <p>By phone: (651) 554-3217<br/>By fax: (651) 554-3271<br/>By e-mail: <a href="mailto:mhealy@southstpaul.org">mhealy@southstpaul.org</a></p> <p><u>All written, faxed, or e-mailed comments must be received by the City Planner no later than <b>Noon on Wednesday, November 5<sup>th</sup></b> to be considered by the Planning Commission as part of the public hearing*.</u></p> <p><i>*Please include your name and address as well as the project address</i></p>                                                                                                                                                                                                                       |

*A detailed staff memo analyzing the project be posted to the City’s website by Friday, October 31<sup>st</sup> as part of the Planning Commission packet. It can be accessed using the following link:*

<https://www.southstpaul.org/926/Agendas-Minutes>



**Applicant's Existing Restaurant at 417 Marie Avenue & Proposed Reception Hall at 421 Marie Avenue**



# PLANNING COMMISSION AGENDA REPORT

**DATE:**

November 5, 2025

**DEPARTMENT:**

Planning & Zoning

**PREPARED BY:**

Michael Healy

**AGENDA ITEM NUMBER:**

5.B.

---

## MEETING TYPE

Regular Meeting

## AGENDA ITEM

Conditional Use Permit for Cannabis Cultivation and Manufacturing at 205 Hardman Avenue South

## ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of conditional use permits for cannabis cultivation and cannabis manufacturing at 205 Hardman Avenue South.

## OVERVIEW

### Application

The Applicant, “DW Green Ventures, LLC,” has a tentative lease agreement with the owner of 205 Hardman Avenue South to repurpose the building as a cannabis cultivation and manufacturing facility. The Applicant is seeking the following City approvals for the use of the subject property:

1. A Conditional Use Permit for cannabis cultivation.
2. A Conditional Use Permit for cannabis manufacturing.

### Review Timeline

***Application Submittal:*** October 6, 2025

***Planning Commission:*** November 5, 2025

***Tentative City Council Meeting:*** November 17, 2025

***60-Day Review Deadline:*** December 5, 2025

### Background

The existing 59,274 square foot office/warehouse/distribution facility at 205 Hardman Avenue South (“The Subject Property”) was constructed in 2004. The building was initially constructed by Hoeltkoetter International LLC, a manufacturer and distributor of light fixtures. Hoeltkoetter was operating out of an existing 22,000 square foot building on a neighboring property, and they connected

their old building and their new building with a skyway to form one unified facility that spanned two parcels. The skyway was demolished in 2015 and the two buildings are now under separate ownership.

The building on the subject property was most recently occupied by Polytek, a manufacturer of specialty polymers. The building has been vacant since Polytek relocated to a different facility elsewhere in the Bridgepoint Industrial Park. The subject property is currently owned by “205 Hardman Avenue South LLC” and they are proposing to lease the building to the Applicant.

### **Site Characteristics**

The subject property is roughly 4.92 acres in size and is legally described as Lot 2, Block 1 of the Mississippi Landing 4<sup>th</sup> Addition. The property is located between Hardman Avenue and the Union Pacific railroad tracks. The building sits roughly 117 feet away from the public sidewalk along Hardman Avenue and sits roughly 175 feet away from the rear property line and the railroad tracks. The property is well landscaped. There is a stormwater pond and thick group of trees which limits the view of the building from Hardman Avenue. There is also a row of trees between the subject property and the railroad tracks. A large concrete wall runs along the railroad tracks which is part of the levee system that protects the Bridgepoint Industrial Park from river flooding. On the other side of the concrete wall is the Mississippi River Trail (MRT) and Wildflower Levee Park. The edge of the subject property is roughly 183 feet away from the Ordinary High Water Level (OHWL) of the Mississippi River.

The existing building has a roughly 39,000 square foot footprint. Some parts of the building have a second-floor mezzanine and the tax assessor lists the building as having a total finished square footage of 59,274 square feet.

### **DW Green Ventures LLC’s Proposal for Adaptively Reusing the Subject Property**

The Applicant is proposing to repurpose the existing building via a major interior remodel. They are proposing to construct a series of containment rooms on the 1<sup>st</sup> floor of the facility and each room will house a separate group of cannabis plants. Keeping the plants separate will allow for quality control and will allow for the plants inside one room to be quarantined from the plants in the other rooms if something goes wrong in that room (i.e. illness, bug infestation, etc.).

The Applicant is not currently proposing to make any changes to the outside of the building or the grounds of the facility other than re-striping the parking lot because the existing striping is faded.

### **Scope of the Proposed Cannabis Business**

The Applicant is proposing to use the property as a cannabis cultivation and manufacturing facility:

- They will obtain two (2) licenses from the State of Minnesota, one for cannabis cultivation and one for cannabis manufacturing.

- They will grow cannabis plants inside the building. They will also do manufacturing and processing of cannabis products, secure packaging and storage, and distribution of finished goods to other licensed cannabis businesses.
- They plan to start with 15 employees. Normal hours will be 7 AM to 6 PM Monday through Friday with some weekend plant care, maintenance, and other essential facility functions. The business may eventually grow to 35 employees.
- They are proposing a robust security plan with a video surveillance system, controlled access systems, alarm systems, and secure storage areas.
- They are not seeking to operate a retail storefront, which is something that requires a different conditional use permit from the City and a different license from the State.

## **Zoning and Comprehensive Plan Guidance**

The property is zoned I-1 Light Industrial and guided light industrial in the 2040 comprehensive plan. It is also located in the Mississippi River Critical Corridor Area (MRCCA) overlay district and the Shoreland overlay district.

The I-1 Light Industrial zoning district allows “cannabis cultivation” and “cannabis manufacturing” with a conditional use permit. The State of Minnesota legalized cannabis in 2023 and the new law required cities to allow cannabis businesses. Cities are allowed to use their zoning codes to establish “time, place, and manner” regulations about where and how cannabis businesses can operate. The State allowed cities to place a moratorium on cannabis businesses until January 2025 while studying the issue. The City of South St. Paul adopted new zoning rules for cannabis businesses in December 2024 before its moratorium was set to expire. At the end of this staff memo, there is a link to a City Council memo from 2024 that thoroughly explains SSP’s adopted cannabis zoning rules and the process that was used to arrive at those rules.

In terms of the status of adjacent properties:

| <b>Direction</b>    | <b>Existing Use</b>                               | <b>Existing Zoning</b> | <b>Comp Plan Guidance</b> |
|---------------------|---------------------------------------------------|------------------------|---------------------------|
| <i><b>West</b></i>  | Bridgepoint Business Condos                       | I-1 Light Industrial   | Light Industrial          |
| <i><b>North</b></i> | Manufacturing/Warehousing                         | I-1 Light Industrial   | Light Industrial          |
| <i><b>East</b></i>  | Mississippi River Trail and Wildflower Levee Park | I-1 Light Industrial   | Open Space                |

|                     |                                 |                      |                  |
|---------------------|---------------------------------|----------------------|------------------|
|                     | (across railroad tracks)        |                      |                  |
| <b><i>South</i></b> | Law Office and Office/Warehouse | I-1 Light Industrial | Light Industrial |

## Relevant City Code

The following zoning code sections are relevant to this review:

- Section 118-9 of the City Code establishes architectural requirements for the I-1 zoning district.
- Section 118-40 of the City Code governs Conditional Use Permits.
- Section 118-134 of the City Code governs the I-1 Light Industrial zoning district.
- Section 118-165 through Section 118-177 of the City Code regulate the Mississippi River Corridor zoning overlay district.
- Section 118-184 of the City Code regulates the Shoreland overlay district.
- Section 118-240 of the City Code regulates exterior storage and trash enclosures.
- Section 118-242 of the City Code regulates screening of rooftop mechanical equipment.
- Section 118-278 of the City Code regulates Cannabis Businesses.
- Section 118-351 through 118-355 of the City Code regulates parking and loading.

## Site Plan Review

The Applicant is not proposing to make any changes to the exterior of their building or the property's overall site plan. They plan to re-stripe the 41-stall parking lot because the existing striping is badly faded.

## Parking

The City Code lays out default parking requirements for each land use in the I-1 Light Industrial district. A business can either meet the default requirement or they can submit a parking plan to the Planning Commission and City Council for review. The default requirement for a manufacturing or warehousing facility is that the property must have at least one parking stall for each 2,000 square feet of floor space or one stall for each two employees on maximum shift, whichever is more. The property has roughly 60,000 square feet of floor space, which means the "default" parking requirement is 30 stalls. The Applicant is providing 41 stalls and this exceeds the requirement.

City Staff would highly encourage the Applicant to also consider providing on-site bicycle parking, since some employees may want to commute using the nearby Mississippi River Trail.

## Landscaping

The property has extensive landscaping from when it was developed in 2004 and the landscaping is still in good shape. Maintenance of landscaping should be a requirement of the conditional use permit.

## **Dumpster Enclosure**

The property originally had a wood fence dumpster enclosure, but it has been demolished. The Applicant is tentatively planning to store all dumpsters inside their building. If they do decide that they want to have exterior trash handling in the future, they will need to apply for a zoning permit and build a code-conforming trash enclosure. Wood fencing is not a good material for an industrial trash enclosure as it does not weather well and is susceptible to being damaged during operations. Consistent with current zoning rules, the enclosure should be built of exterior materials that match or complement the building. The conditional use permit should spell out that this either means a masonry trash enclosure or a trash enclosure constructed out of Trex or a similar composite decking material.

## **Lighting**

Sources of light need to be hooded or controlled so as not to light adjacent property. Private lighting may not cast more than 1 footcandle of light onto the centerline of a road. A photometric plan that demonstrates compliance with the footcandle ordinance has been submitted.

## **Signage**

The Applicant has indicated that they want their operation to be discrete and are not planning to provide any site signage other than address signage and directional signage in the parking lot. If they change their mind in the future and want to add signage, they will need to get a permit and meet sign code requirements.

## **Mechanical Equipment**

The Applicant will need to provide a screening/painting plan if they intend to expand the size or footprint of the rooftop mechanical equipment. Any new ground-mounted mechanical equipment will also need to be screened in accordance with code requirements.

## **Odor**

Throughout the Stockyards era of the 1800's and 1900's, South St. Paul had a reputation for smelling bad due to the abundance of agricultural-industrial uses located in the industrial area near the Mississippi River. The Stockyards closed in 2008 following a long decline and the City made odor mitigation a priority in its 2030 Comprehensive Plan which was enacted in 2011. The City has worked diligently over the past 10+ years to tackle lingering odor problems that continue to affect quality of life in South St. Paul:

- The City adopted an odor ordinance in 2014. The odor ordinance establishes objective criteria for determining when a business has created an odor nuisance by becoming what the City Code calls a "Significant Odor Generator." The City utilizes the Nasal Ranger® Field Olfactometer to investigate odor complaints. Any Dilution to Threshold (D/T) reading of "7" or higher on the Nasal Ranger that is taken beyond the property lines of the business causing the odor is

considered a “verified odor complaint” which is automatically considered an odor nuisance and can result in an administrative citation.

- In 2017, the City granted Twin City Hide (a cow hide processing plant) and Twin City Tanning (a tannery) a PUD approval for a master plan to tear down most of their old and outdated buildings and replace them with new buildings with state-of-the-art odor mitigation technology. Twin City Hide and Twin City Tanning have not had a verified odor complaint since 2021, which suggests that their new odor management approach is working well.
- From 2020-2024, the City issued 57 administrative citations to Sanimax USA LLC for verified odor complaints where it was determined during a Nasal Ranger investigation that they violated the odor pollution ordinance. Sanimax USA LLC appealed the citations and disputed the findings. Sanimax USA LLC also unsuccessfully challenged the constitutionality of the City’s odor regulations in federal court. After over four years of litigation, the City and Sanimax reached a settlement agreement on March 17, 2025. Sanimax is still not admitting fault for the 57 code violations, but they have agreed to develop an odor mitigation plan to bring their facility into code compliance. They have already agreed to implement many changes at the facility by fine-tuning existing mechanical equipment and improving existing processes. They are currently working with a third-party consultant on a comprehensive odor study of their facility which should culminate in a set of recommendations for new mechanical equipment that can further mitigate odor.
- In December of 2024, the City adopted its new cannabis zoning ordinance to comply with the State’s January 1<sup>st</sup> deadline for lifting its moratorium on cannabis businesses. All cannabis businesses must get a conditional use permit prior to operating and must submit an odor management plan as part of their conditional use permit application. Per City Code Section 118-278, it is a mandatory performance standard for all cannabis businesses that cannabis odors must not be discernible at the property line.
- The State Legislature passed a new State law in 2023 that gives the Minnesota Pollution Control Agency (MPCA) the authority to develop odor management rules and enforce those new rules in locations throughout Minnesota. The MPCA is still working on rulemaking and has not provided a timeline for when they will complete this process. It is unclear exactly when the MPCA will begin its formal role as an odor regulator, but they have already begun incorporating odor management into their process when they are reviewing air permits for industrial businesses.

The Applicant submitted a preliminary odor management plan as part of their conditional use permit

application. City Staff reviewed the plan in consultation with the City Attorney and the City's odor management consultant. The City has a contract with Charles McGinley, the inventor of the Nasal Ranger®, who resides in the Twin Cities and runs an odor management consulting firm. The review team has the following comments regarding the Applicant's odor plan and some recommendations for "conditions of approval" that should be placed in the conditional use permit:

1. Per the City Code, cannabis odors must not be discernable at any property line. This means that they cannot have a Nasal Ranger® D/T reading of 2 or higher at any property line at any time. This should be enshrined in the conditional use permit. That will allow the conditional use permit to be revoked if there are violations and the Applicant is unable to resolve the violations in a reasonable amount of time. *Per Charles McGinley, facilities in Denver have sometimes been required to accept a limit of 2 on the Nasal Ranger as a condition of getting their permits.*
2. All cannabis waste should be stored inside the building until pickup.
3. In addition to the containment rooms that will be built for cannabis cultivation, the Applicant is proposing to use mechanical equipment to manage cannabis odors. This should be an effective approach as long as they select the right equipment and properly calibrate and maintain that equipment in accordance with industry standards. At time of building permit, they need to submit a final odor mitigation mechanical equipment plan and a maintenance plan. The odor management mechanical equipment needs to be brought online before they can get their certificate of occupancy. They must maintain the equipment in accordance with the maintenance plan or their conditional use permit can be revoked. Upon request, the Applicant must be able to provide City Staff with maintenance records going back 7 years.
4. The Applicant's preliminary odor management plan includes a proposal for how they would handle odor complaints, but their proposed approach assumes that complaints are being submitted to them directly. Their proposal does not appear to comply with the Minnesota Data Practices Act because it depends on them having direct interaction with people who are submitting complaints, and it also relies on the City to connect them with complainants. Under State Law, complainants have the right to remain anonymous. The City needs to handle complaints, not the Applicant. If any neighbors want to voluntarily reach out to the Applicant to discuss odor concerns, they are welcome to do so, but the City needs to handle the formal complaint process. The MPCA may also get involved in the future after they finish rulemaking.
5. The Applicant must fully comply with the odor ordinance and must cooperate with investigations if the City receives complaints about odor emissions that have cannabis characteristics. That cooperation shall include sharing any available records about mechanical equipment performance and process irregularities on the date the alleged odor ordinance

violation occurred.

6. The City should not have to bear full responsibility for monitoring the site for odor ordinance compliance and should require the Applicant to conduct periodic odor monitoring. This is something that the City of Cottage Grove does with the "Leafline Labs" cannabis cultivation and manufacturing facility that is in their city limits. The Applicant should be required to do the following:
  - a. Either an in-house employee or a third-party consultant needs to be trained to use the Nasal Ranger® field olfactometer or a similar device that is approved by the City.
  - b. The Applicant needs to perform a Nasal Ranger® test at all four property lines once a month. The test needs to take place on a day that both cultivation and manufacturing activities are occurring. A written investigation report needs to be filed with the City.
  - c. If there are two months in a row where the odor test reveals a Nasal Ranger® D/T reading of 2 or higher, the Applicant needs to submit a plan for fixing the odor issue in a timely manner.

### **Conditional Use Permit**

The Code states that a Conditional Use Permit must be recommended for approval if the Planning Commission has made the following determinations:

1. That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
2. If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
3. That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
4. That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
5. That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

In industrial zoning districts, additional criteria should be considered:

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

under fuller development would be contributing needed revenue to the city's tax base.

## **Discussion**

The City can attach reasonable “case by case” conditions to a Conditional Use Permit to regulate the use and ensure harmony with surrounding land uses. Conditional Use Permits run with the land and transfer if the property changes hands. The City cannot add any new conditions to the permit after the conditional use permit has been approved. On the other hand, the City does have the ability to revisit the conditional use permit in the future and remove conditions if the business has proven itself and demonstrated that one or more of the conditions are not necessary or are counterproductive. Conditional use permits typically can only be terminated if a condition is violated, and the City Council votes to revoke the conditional use permit after holding a public hearing.

Staff and the City Attorney have prepared a robust set of “recommended conditions of approval” which include conditions that were suggested by various departments and the City’s odor management consultant. If the Applicant abides by all the conditions, this project could be an economic development win for SSP because this cannabis business will bring 15–35 new good-paying jobs to the community and will utilize a building that has been vacant for years and has been challenging to repurpose due to its unusual floorplan. If the Applicant does not abide by the conditions of approval and creates a public nuisance with odor emissions, the City will be in a strong position to revoke the conditional use permit and require the cannabis business to shut down its operations and vacate the premises. This is an entirely different position than the City has been in historically with other odor-generating businesses. The other odor-generating businesses that the City has struggled with in the past did not have conditional use permits that were tied to odor emissions, so the City could not revoke a permit or require the odor-generating processes to cease.

## **Comments from Other Departments**

### ***Police Department***

Their physical security plan appears robust. The South St. Paul Police Department does not have enough experience with this new industry to offer suggestions. The Police Department wants to be part of any conversation about amending the security plan should issues arise.

*City Staff has added a “condition of approval” that requires the Applicant to follow the security plan that they submitted and get the Police Chief’s approval prior to making any changes to the security plan.*

### ***Engineering***

This property was developed in 2004 before it was standard for cities to require a stormwater maintenance agreement to ensure that the property owner is maintaining all the private stormwater management features on the property (i.e. private ponds and pipes). The MPCA has made it clear that they want cities to secure these agreements whenever possible and this is generally a legal requirement for new development. A condition of approval for this conditional use permit should be that the

property owner enters into a stormwater maintenance agreement with the City and that this agreement be recorded against the property.

### ***Building Department***

Building Official Joe Heimkes provided several comments which the Applicant has responded to:

1. They will need to do a complete code analysis on the building and it must be performed by a Minnesota-licensed architect. They are changing the occupancy from a F-2 Low Hazard use to an F-1 Moderate hazard use. They need to prove to us that this use fits into the building and the change in use does not make the building non-code compliant.

*Applicant's Response: We'll make any necessary updates to ensure the manufacturing area is fully code-compliant with F-1 Moderate Hazard use.*

2. We need to know what kind and the volume of hazardous materials they will need on site for processing the cannabis. If the hazardous chemicals exceed allowable quantities, they will need to have them stored in control rooms. This should all be sorted out by the designer (Architect).

*Applicant's Response: The butane (LP-Gas) storage plan for this F-1 occupancy facility has been designed in accordance with NFPA 58 (Liquefied Petroleum Gas Code). The proposed setup includes two 100 lb cylinders for charging the system, with the potential to add two additional cylinders on-site. All cylinders and the extraction system will be housed within a Class I, Division 1 (CID1) room, providing an engineered environment for the safe handling of flammable gases.*

3. Ventilation will need to be designed by an Engineer. Engineering calculations will need to be submitted with an engineer's stamp and signature.

*Applicant's Response: We will be working closely with the architect and engineer to ensure that everything submitted with the building permit aligns with all relevant rules and regulations.*

### **Staff Recommendation**

Staff recommends approval of the two conditional use permits with the following conditions:

1. **Approved Plans.** The conditions of this approval are based on the following plans:

- a. **Application (DW Green Ventures)**
- b. **Narrative (DW Green Ventures)**
- c. **Site Plan (DW Green Ventures)**

**submitted 10/6/2025**  
**Not dated**  
**dated October 2025**

- d. **Preliminary Floor Plans (DW Green Ventures)** dated **October 2025**
- e. **Preliminary Odor Management Plan (DW Green Ventures)** Not dated
- f. **Photometric Plan (Dialux)** dated **5/10/2025**
- g. **Approved Landscaping Plan from 2004(Miller Hanson Partners)** dated **6/24/2004**

2. **Building Permit Required.** The Applicant shall obtain a building permit for a change of use to convert the space from a F2 Low Hazard Use to an F-1 Moderate Hazard Use. At time of building permit, the Applicant will provide any materials required by the Building Official for processing this type of permit application. The Applicant shall provide a SAC determination letter from the Metropolitan Council as part of their building permit application and must pay any required sewer access charges.
  
3. **Architectural Code Analysis Required.** Prior to submitting their building permit for the change of use, the Applicant shall have an architectural code analysis for the new use completed by a Minnesota-licensed architect. This is subject to review and approval by the Building Official.
  
4. **Ventilation System Design.** The ventilation system must be designed by a licensed engineer. Engineering calculations will need to be submitted with an engineer's stamp and signature. This information must all be provided as part of the building permit application. The design of the ventilation system is subject to review and approval by the Building Official.
  
5. **Building and Fire Code Compliance.** The building must be maintained in compliance with all applicable building codes and fire codes. All storage of hazardous materials must comply with applicable codes.
  
6. **Mechanical Equipment Screening.** If the new use will include new or expanded exterior mechanical equipment, a mechanical equipment screening plan shall be submitted as part of the building permit submittal. All ground-mounted and building-attached mechanical equipment shall be screened according to the standards contained within Code Section 118-9. All roof-mounted mechanical equipment shall be screened according to the standards contained within Code Section 118-242.
  
7. **Signage.** No signage shall be installed without the Applicant first obtaining the appropriate sign permit. All new signage shall comply with the South St. Paul City Code.

8. **Certificate of Occupancy Required.** Cultivation and manufacturing of cannabis may not begin until the Building Official has issued a certificate of occupancy for the new use. No certificate of occupancy will be issued until all odor management equipment identified in the odor management plan has been installed and is operational.
9. **State License Required.** No cannabis shall be cultivated, manufactured, processed, or stored on-site until the applicable license(s) are approved by the State of Minnesota Office of Cannabis Management (OCM). The Applicant must provide the City with a copy of its initial OCM license(s) and shall provide the City with a copy of its new license(s) each time there is a renewal. The OCM license(s) must be kept in good standing.
10. **No Exterior Storage.** There shall be no exterior storage of containers, pallets, equipment, or materials unless the Applicant obtains a conditional use permit for exterior storage.
11. **Trash Enclosure Required if Dumpsters are Stored Outdoors.** If the Applicant wants to store dumpsters outside the building, they must obtain a permit and construct a trash enclosure that will fully screen the dumpsters. The enclosure must be built of exterior materials that match or complement the exterior of the principal structure. The Applicant shall use brick, block, or an equivalent non-combustible masonry material to construct the trash enclosure. Alternatively, they may utilize Trex or an equivalent composite decking material to construct the enclosure if it is located at least 10 feet away from any principal building that is not equipped with a sprinkler system.
12. **Stormwater Maintenance Agreement Required.** The owner of the subject property must enter into a stormwater maintenance agreement for the continued maintenance of the private stormwater systems on the subject property (i.e. the private pond and the pipes/structures in the parking lot). The building permit for the change of use shall not be issued until this agreement has been fully executed and recorded against the property.
13. **Maintenance of Approved Landscaping Plan.** A landscaping plan was approved and implemented when the building was constructed in 2004. All required landscaping shown on the "Miller Hanson Partners" landscaping plan dated 6/24/2004 must be maintained unless the Zoning Administrator approves a modified landscaping plan that still meets minimum code requirements and has at least one overstory tree for each 70 feet of lot perimeter.

14. **Security Plan.** The Applicant shall implement the security plan that is outlined in their narrative and shown in their site plan and floor plans. Any changes to the security plan shall require the approval of the Police Chief. The approved plan shall include:

- 24/7 video surveillance covering all interior and exterior access points as required by Minn. Admin. R. 9810.1500 subp. 9:
  - Cameras will allow for clear recording of activity within a radius of at least 20 feet from all entrances and exits.
  - Cameras will allow for the clear identification of all individuals entering and exiting the facility, all limited-access areas, and all restricted-access areas.
  - Cameras will allow for the viewing of all areas where cannabis is stored, packaged and labeled, prepared for transfer, prepared for sale, sold, where samples are collected, or where cannabis waste is destroyed.
  - The facility's video surveillance system is able to produce video files that are stored in a secure place for at least 90 days and saved in an industry standard file format that can be played without the purchase of specialized software or equipment while also recording for an additional eight hours during a power outage.
  - Cameras are capable of recording at a minimum of 15 frames per second and with a minimum resolution of 720p and display an accurate date and time stamp on all recordings that do not obscure the image.
  - Cameras will be permanently affixed to interior and exterior walls.
- Controlled access systems limiting entry to authorized personnel only.
- Alarm systems with monitoring to detect and deter unauthorized access that includes an audible alarm capable of being heard within a 100-foot radius from all facility entrances and exits and is able to be remotely disabled by authorized personnel.
- The facility's alarm system will be monitored by a security company or an employee of the licensed business and is capable of immediately alerting local law enforcement and the business for any unauthorized breaches or a system failure.
- Secure storage areas for all cannabis and cannabis-related products.
- Visitor protocols, requiring all non-employees to be pre-approved, logged, and escorted while on site.
- Existing exterior lighting will be used and maintained as required by Minn. Admin. R. 9810.1500 Subp. 10-11. Security cameras will be equipped with infrared to ensure recording even in low light level areas.
  - Photometric plans have been provided to show lighting allows observers to see and cameras to record activity within a radius of at least 20 ft around all entrances and exits. Exterior lighting will not disturb neighbors and any deficient or inoperable lighting will be repaired within 48 hours of detection.
- Periodic testing and inspection of security measures will occur at least every 90 days as required by Minn. Admin. R. 9810.1500 subp. 3.

15. **No Retail Sales.** Retail cannabis sales shall not be permitted without a conditional use permit for retail sales. The facility is limited to cannabis cultivation and manufacturing. Products that are produced on site may be sold wholesale to other cannabis businesses.
16. **Compliance with Applicable Laws Related to Cannabis.** The Applicant shall comply with all State of Minnesota Laws and Rules relating to cannabis.
17. **Lighting.** All exterior lighting shall be compliant with City Code Section 118-242. Light sources shall be hooded or controlled so as not to light adjacent property.
18. **Compliance with Nuisance Ordinances.** The cannabis and cultivation manufacturing operation must not in any way be a public nuisance.
19. **Indoor Cultivation and Manufacturing Only.** All cultivation and manufacturing of cannabis must take place inside the building.
20. **Storage of Cannabis Waste.** All cannabis waste shall be stored inside the building while awaiting disposal.
21. **Compliance with Cannabis Zoning Ordinance's Odor Control Provision.** The Applicant shall comply with the City's cannabis zoning ordinance which states that odors from a cannabis business must not be discernable beyond the property line. For the purposes of enforcing this provision, the City shall consider any dilution/threshold (D/T) reading of 2 or higher on the Nasal Ranger® Field Olfactometer (or a similar testing device that is approved by the City) that is taken beyond the property line and traced back to the Applicant's facility to be a conditional use permit violation. All readings for enforcement of this provision will be taken by a City employee or a third party contractor who has a certificate of completion as a Nasal Ranger® Inspector or an equivalent level of training on a similar testing device. The City may take one or more of the following actions to correct a violation of this condition:
  - a. The City may issue a compliance letter, followed by administrative citations if the compliance deadline is not met.

- b. The Zoning Administrator may require the facility to temporarily suspend all cannabis manufacturing processes until a plan to resolve the violation has been developed and implemented.
- c. The Zoning Administrator may require the facility to temporarily stop planting new cannabis plants until a plan to resolve the violation has been developed and implemented.
- d. The City Council may revoke the conditional use permit.

22. **Compliance with Odor Ordinance.** The Applicant shall fully comply with the City's odor ordinance. In any instance where the cannabis zoning ordinance is stricter than the odor ordinance, the stricter provision shall be complied with. Regarding odor emissions:

- a. The Applicant shall not create odors or smells which are offensive to another person within the City.
- b. The Applicant shall not allow odor emissions that create a detrimental effect on the property of another person in the City.
- c. The Applicant shall not unreasonably interfere with the enjoyment of life, health, safety, peace, comfort, or property of another person in the City.
- d. If the City receives a complaint about an odor emission that has cannabis-related characteristics, the City may share the complaint with the Applicant. If there is reasonable suspicion that the subject property is the source of the odor complaint, the Applicant shall assist with the investigation of the odor complaint. This assistance shall include sharing any available records relating to mechanical equipment performance or process irregularities at the facility on the date that the alleged odor emission occurred.

23. **Installation and Maintenance of Mechanical Equipment Outlined in Odor Management Plan.** The Applicant must submit a final odor management plan at the time of building permit application. They must also submit a maintenance plan for any filtration systems or other mechanical equipment related to odor management that are identified in the odor management plan. The Applicant shall install all mechanical equipment identified in the odor management plan before they can obtain their certificate of occupancy. The Applicant is responsible for maintaining all equipment in accordance with the maintenance plan. Upon request, the Applicant must provide the City with maintenance records for each piece of odor management mechanical equipment, going back 7 years.

24. **Periodic Odor Monitoring.** The Applicant is responsible for conducting a monthly test utilizing the Nasal Ranger® Field Olfactometer or a similar testing device that is approved by the City. This test may be performed by an employee or a third-party contractor. If the Nasal Ranger® Field Olfactometer is used, the individual conducting the test must have a certificate of completion as a trained Nasal Ranger Inspector and a copy of the certificate of completion

must be provided to the Zoning Administrator. If a different approved device is used, the City must be provided with similar written evidence of adequate training.

- a. A test must take place each calendar month and the test shall take place during a time of day when the facility is conducting both its cannabis cultivation activities and its cannabis manufacturing activities. If there is a calendar month where either cultivation or manufacturing is not taking place, the Applicant shall submit a statement attesting to that fact.
  - b. The individual performing the test must take a reading from a point at each of the four property lines of the subject property. For each reading, they shall record the time, the location of the property line they are standing at, the wind speed and direction, a description of any odor that is present, and the dilution to threshold (D/T) ratio measured by the Nasal Ranger® Field Olfactometer (i.e. non-detect, 2, 4, 7, 15, 30, or 60). If a different approved device is used instead of a Nasal Ranger® field olfactometer, the individual performing the test shall record whatever reading is provided by that device.
  - c. The results of the monthly test must be submitted to the Zoning Administrator within two weeks of the test being completed.
  - d. Deliberate falsification of test results shall be grounds for termination of the conditional use permit.
  - e. If the test results show a D/T reading of 2 or higher at any of the four property lines for two consecutive months, the Applicant shall submit a corrections plan to the Zoning Administrator within one month of the date of the second test.
25. **Compliance with MPCA Requirements, Dakota County Requirements, and Other State Agency Requirements.** The Applicant shall comply with any requirements that are imposed upon them by the Minnesota Pollution Control Agency (MPCA), including but not limited to requirements related to air pollution, odor control, and the handling of hazardous materials. The Applicant shall also comply with any relevant requirements that are imposed upon them by other State agencies and by Dakota County.
26. **Access to Facility.** The Applicant shall provide City Staff with reasonable access to the inside and outside of the facility for the purposes of enforcing the terms of this conditional use permit.
27. **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within one year from the date of approval. The violation of any condition of approval in the conditional use permit may terminate the conditional use permit(s), following a hearing by the City Council.

28. **Timeline for Cessation of Use Following a Termination.** If the conditional use permit is terminated, all cannabis manufacturing activity must cease immediately. Existing cannabis plants inside the building must be removed from the property within two weeks and no new cannabis plants may be planted.

### **Action Needed**

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

1. Approval. If the Planning Commission wishes to recommend approval of the Conditional Use Permits, the following action should be taken:
  - Motion to recommend approval of conditional use permits for cannabis cultivation and cannabis manufacturing at 205 Hardman Avenue South.
2. Denial. If the Planning Commission wishes to recommend denial of the Conditional Use Permits, the following action should be taken:
  - Motion to recommend denial of conditional use permits for cannabis cultivation and cannabis manufacturing at 205 Hardman Avenue South.

*If the recommendation is denial, the Planning Commission must explicitly lay out the rationale behind the denial recommendation. Specifically, they must state how the application fails to comply with City Code criteria for Conditional Use Permits.*

### **LINKS**

[2024 Staff Memo Explaining SSP's Cannabis Zoning Ordinance](#)

[Office of Cannabis Management \(OCM\) Licensing Information Website](#)

### **SOURCE OF FUNDS**

NA

## **ATTACHMENTS**

1. Site Location Map
2. Aerial Photograph
3. Photographs of Subject Property
4. Site Plan
5. Preliminary Floor Plan
6. Security Plan
7. Applicant's Narrative
8. Preliminary Odor Management Plan
9. Approved Landscaping Plan from 2004

ATTACHMENT 1  
SITE LOCATION MAP



ATTACHMENT 2  
AERIAL PHOTOGRAPH



**ATTACHMENT 3**  
**PHOTOGRAPHS OF SUBJECT PROPERTY**



**Google Streetview of Subject Property (Taken May 2022)**



**View of 205 Hardman Avenue South Building from Hardman Avenue (Photo Taken 10/22/25)**



**South Façade of 205 Hardman Avenue South Building (Photo Taken 10/22/25)**

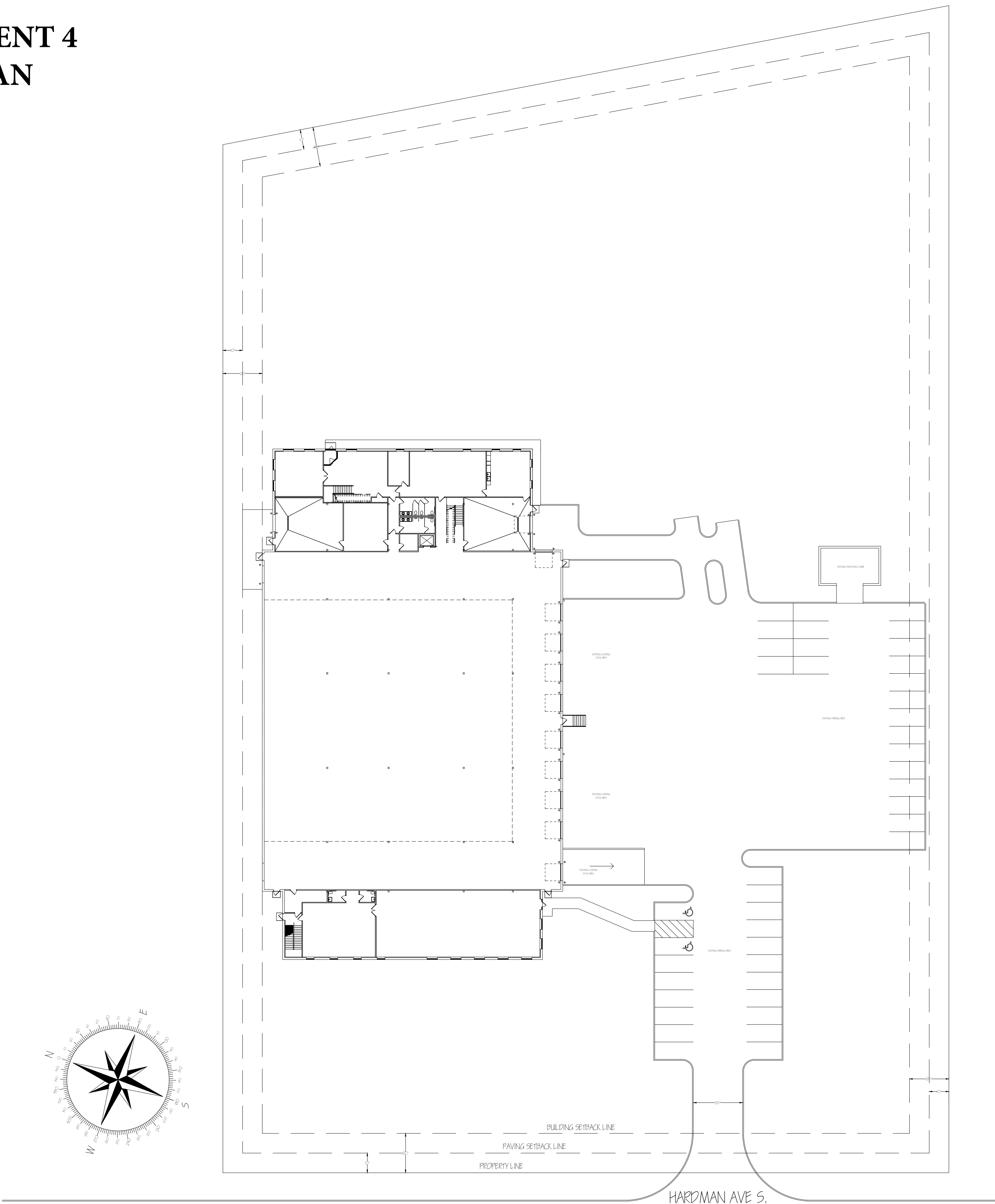


**Demolished Trash Enclosure (Photo Taken 10/22/25)**



**View Looking Towards the River from Subject Property's Parking Lot (Photo Taken 10/22/2025)**

ATTACHMENT 4  
SITE PLAN



MAIN LEVEL  
SITE PLAN

General Notes

This Drawing is for Planning  
Purposes Only.  
Not Intended for Construction.

|     |                 |      |
|-----|-----------------|------|
|     |                 |      |
| No. | Revision/ Issue | Date |

Project Name:

DW GREEN VENTURES

Project Address:

205 HARDMAN AVE S.  
SOUTH ST. PAUL, MN 55075

Section:

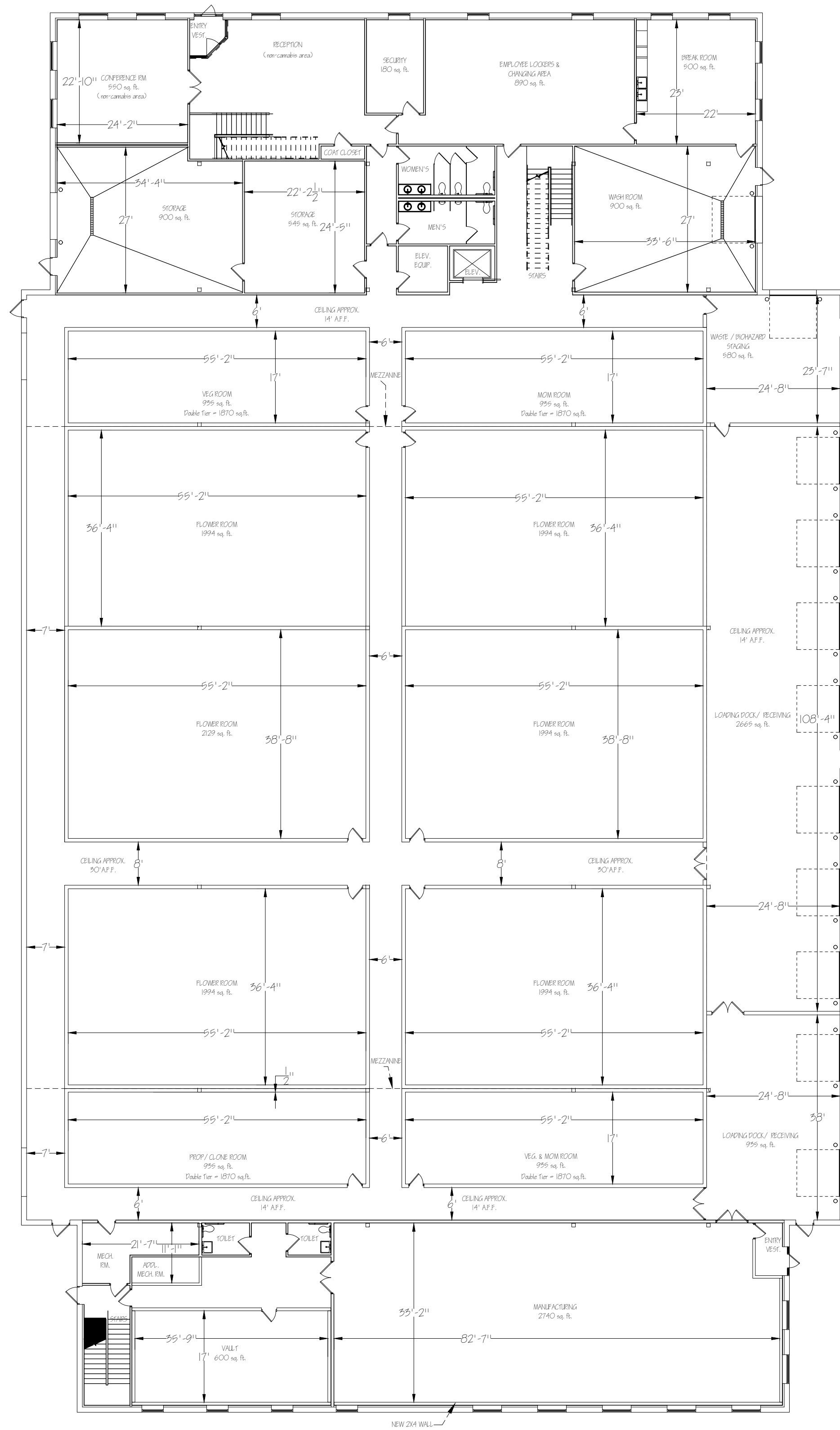
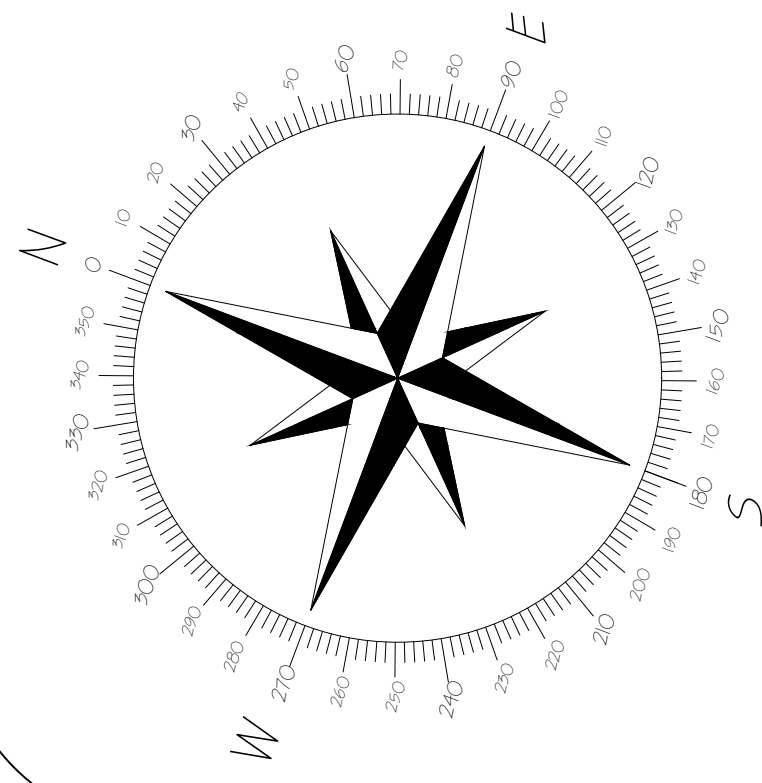
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SITE

ATTACHMENT 5  
PRELIMINARY FLOOR PLAN



MAIN LEVEL

General Notes

This Drawing is for Planning  
Purposes Only.  
Not Intended for Construction.

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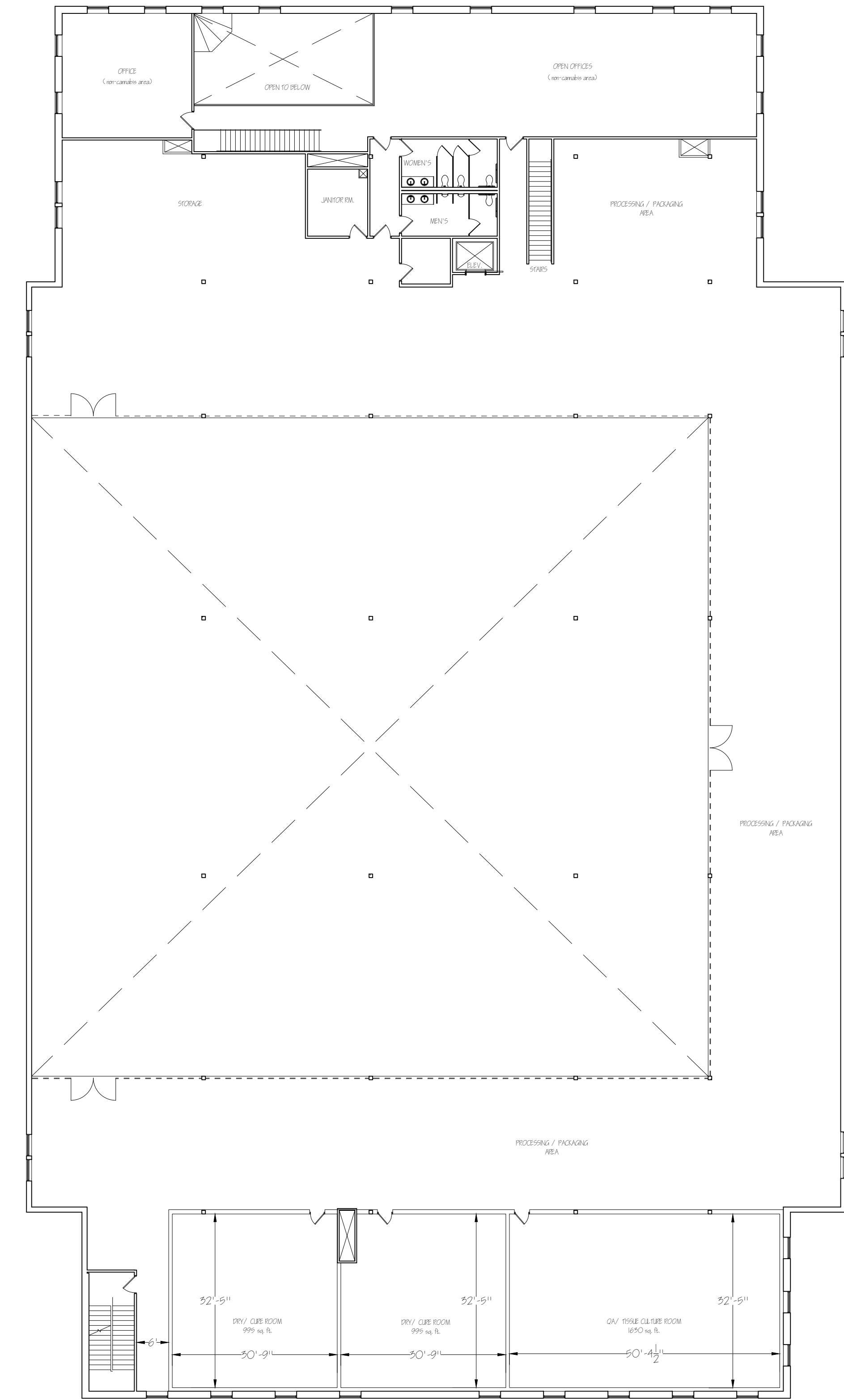
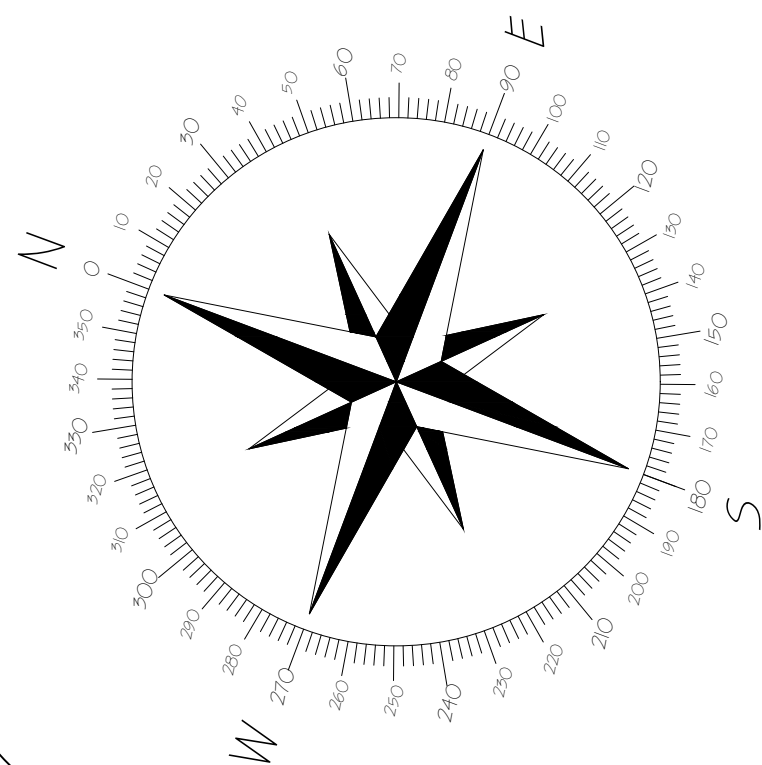
Project Name:

DW GREEN VENTURES

Project Address:

205 HARDMAN AVE S.  
SOUTH ST. PAUL, MN 55075

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| Section:           | Sheet: |
| Date: OCT. 2025    | IN-    |
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SECOND LEVEL

General Notes

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Purposes Only.  
Not Intended for Construction.

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| No. | Revision/ Issue | Date |

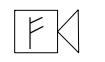
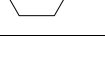
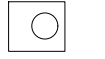
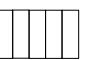
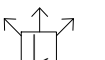
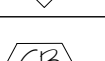
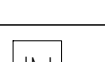
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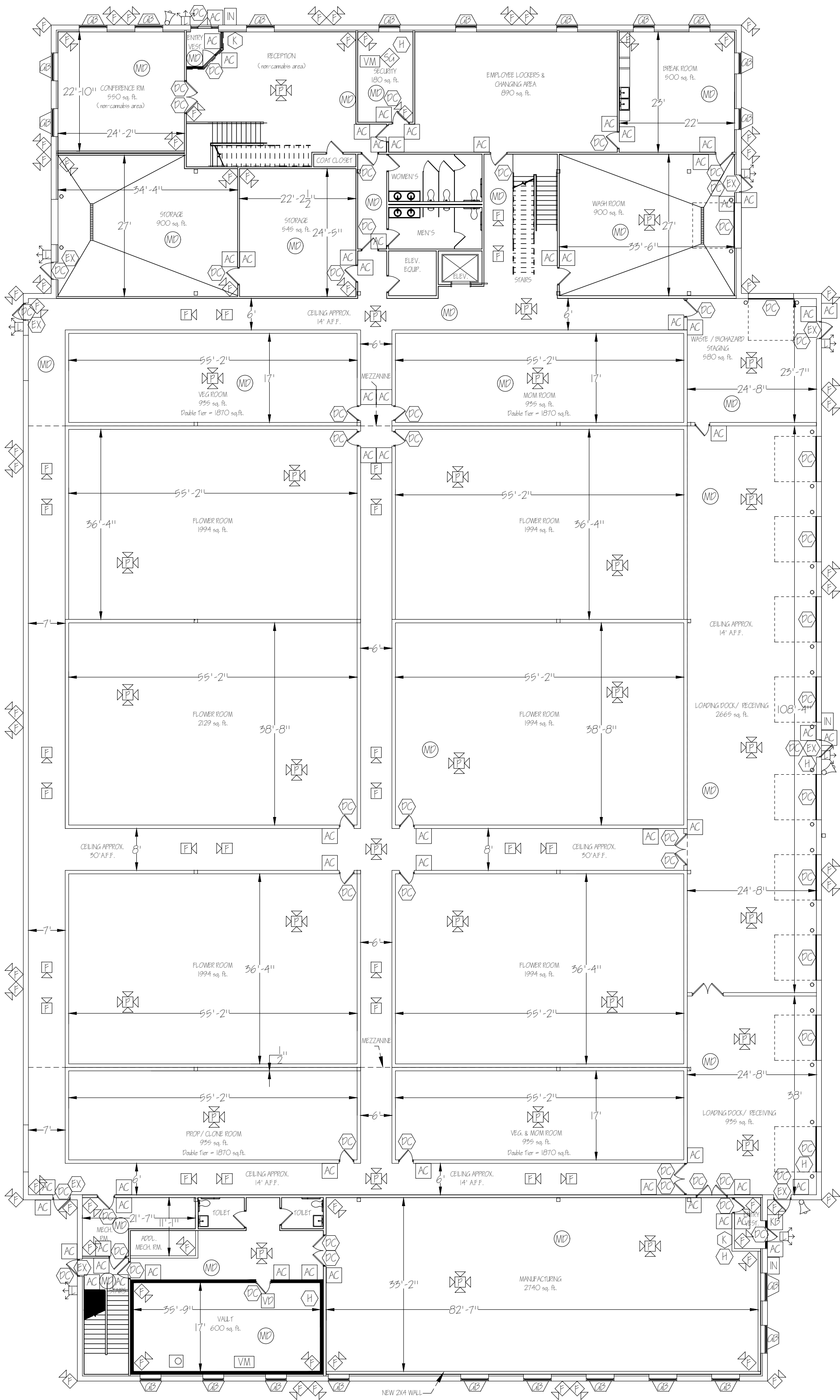
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205 HARDMAN AVE S.  
SOUTH ST. PAUL, MN 55075

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ATTACHMENT 6  
SECURITY PLAN

LEGEND

|                                                                                     |                                                |
|-------------------------------------------------------------------------------------|------------------------------------------------|
|    | FIXED INDOOR / OUTDOOR CAMERA                  |
|    | PANORAMIC 360-DEGREE CAMERA                    |
|    | VIDEO SURVEILLANCE CAMERA MONITOR              |
|    | ALARM ARMING KEYPAD w/ DURESS CODE             |
|    | ALARM MAGNETIC DOOR CONTACTS                   |
|    | ALARM MOTION SENSOR                            |
|    | EMERGENCY HOLD-UP / PANIC ALARM BUTTON         |
|    | AUDIBLE SIREN AT 100' RADIUS W/ REMOTE CONTROL |
|    | ACCESS CONTROL DEVICE (KEY CARD &/ OR PIN)     |
|    | BURGLARY & FIRE-RESISTANT VAULT WALLS          |
|    | BURGLARY & FIRE-RESISTANT VAULT DOOR           |
|    | UL RATED TL-30 SAFE                            |
|    | SECURITY EQUIPMENT STORAGE RACK                |
|    | EXIT ONLY DOOR HARDWARE                        |
|   | OUTDOOR LED SECURITY LIGHTING                  |
|  | SECURITY GUARD STATIONARY POSITION             |
|  | GLASS BREAK ALARM                              |
|  | INTERCOM                                       |
|  | KNOX BOX (KEY SAFE)                            |



MAIN LEVEL  
SECURITY DIAGRAM

General Notes

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|-----|-----------------|------|
| No. | Revision/ Issue | Date |
|     |                 |      |

Project Name:

DW GREEN VENTURES

Project Address:

205 HARDMAN AVE S.  
SOUTH ST. PAUL, MN 55075

Section:

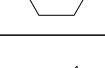
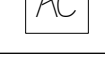
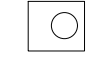
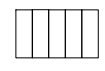
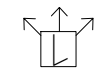
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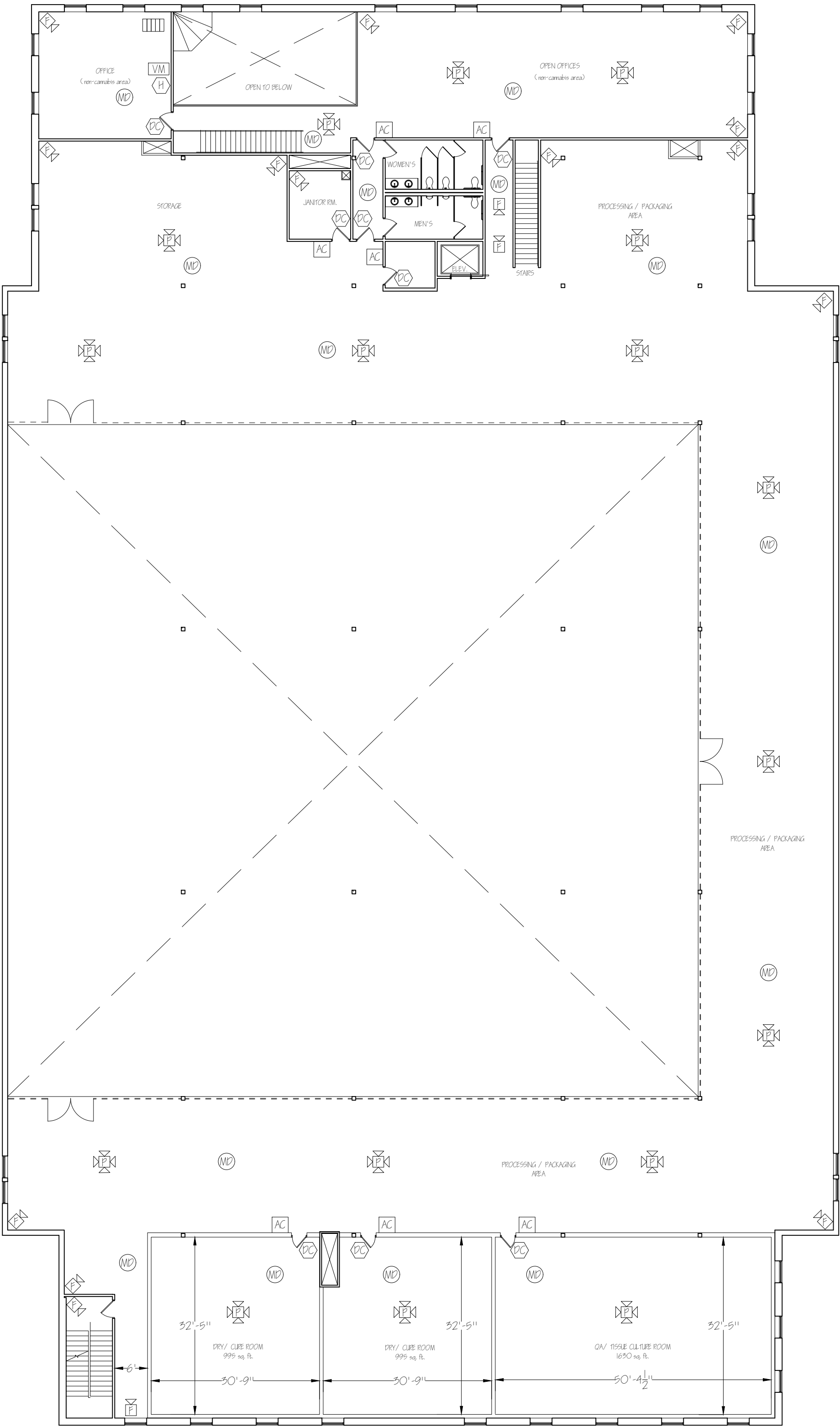
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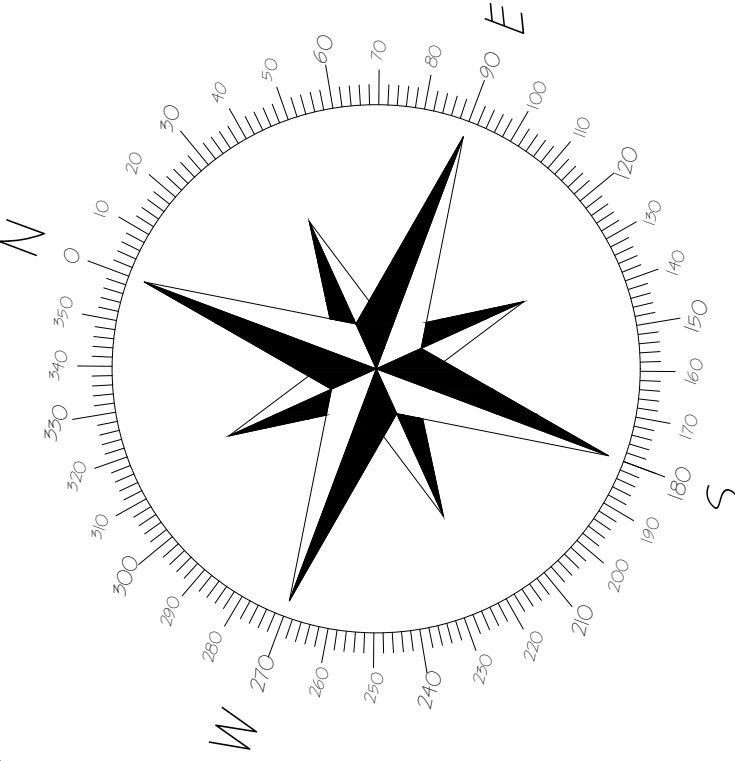
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LEGEND

|                                                                                     |                                                |
|-------------------------------------------------------------------------------------|------------------------------------------------|
|    | FIXED INDOOR / OUTDOOR CAMERA                  |
|    | PANORAMIC 360-DEGREE CAMERA                    |
|    | VIDEO SURVEILLANCE CAMERA MONITOR              |
|    | ALARM ARMING KEYPAD w/ DURESS CODE             |
|    | ALARM MAGNETIC DOOR CONTACTS                   |
|    | ALARM MOTION SENSOR                            |
|    | EMERGENCY HOLD-UP / PANIC ALARM BUTTON         |
|    | AUDIBLE SIREN AT 100' RADIUS w/ REMOTE CONTROL |
|    | ACCESS CONTROL DEVICE (KEY CARD & / OR PIN)    |
|    | BURGLARY & FIRE-RESISTANT VAULT WALLS          |
|    | BURGLARY & FIRE-RESISTANT VAULT DOOR           |
|    | UL RATED TL-30 SAFE                            |
|    | SECURITY EQUIPMENT STORAGE RACK                |
|    | EXIT ONLY DOOR HARDWARE                        |
|   | OUTDOOR LED SECURITY LIGHTING                  |
|  | SECURITY GUARD STATIONARY POSITION             |
|  | GLASS BREAK ALARM                              |
|  | INTERCOM                                       |
|  | KNOX BOX (KEY SAFE)                            |



SECOND LEVEL  
SECURITY DIAGRAM



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Project Name:  
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## **ATTACHMENT 7**

### **APPLICANT'S NARRATIVE**

#### **Proposed Use Narrative - DW Green Ventures**

##### **205 Hardman Ave South, South St. Paul**

The premises are proposed to be utilized as a state-licensed cannabis cultivation and manufacturing facility. Pursuant to Minnesota State Law(s), we will be authorized to produce and sell cannabis and cannabis-related products as permitted within the State of Minnesota and in accordance with all applicable local statutes and ordinances governing cultivation and manufacturing operations.

##### **Expected Activities on Site**

Operations within the premises will consist of the indoor cultivation of cannabis plants, the manufacturing and processing of cannabis products, secure packaging and storage, and the distribution of finished goods to licensed partners. All activities will occur entirely within the enclosed and secured facility. No on-site retail sales to the general public will occur. Administrative, compliance, and related office functions will also be conducted on-site to support licensed operations and ensure adherence to all state and local regulatory requirements.

##### **Employees**

DW Green Ventures anticipates employing approximately 15 employees during the initial phase of operations, with potential expansion to 35 employees as business activity scales. Employee work schedules will be managed to ensure efficient facility operation while minimizing traffic and congestion.

##### **Customers/Visitors**

The facility is not intended to serve the general public. It is expected that no more than 1–3 visitors will be present at any given time, consisting primarily of vendors, scheduled deliveries, or other authorized business-to-business representatives.

##### **Hours of Operation**

The proposed hours of operation are Monday through Friday, 7:00 a.m. to 6:00 p.m., with occasional weekend access by employees as required for plant care, maintenance, or other essential facility functions.

##### **Security**

Security measures will be implemented in full compliance with Minn. Stat. Sec. 342.14, Minn. Admin. R. 9810.1500 and applicable local requirements. The premises will feature a comprehensive security system including:

- 24/7 video surveillance covering all interior and exterior access points as required by Minn. Admin. R. 9810.1500 subp. 9:
  - Cameras will allow for clear recording of activity within a radius of at least 20 feet from all entrances and exits.

- Cameras will allow for the clear identification of all individuals entering and exiting the facility, all limited-access areas, and all restricted-access areas.
- Cameras will allow for the viewing of all areas where cannabis is stored, packaged and labeled, prepared for transfer, prepared for sale, sold, where samples are collected, or where cannabis waste is destroyed.
- The facility's video surveillance system is able to produce video files that are stored in a secure place for at least 90 days and saved in an industry standard file format that can be played without the purchase of specialized software or equipment while also recording for an additional eight hours during a power outage.
- Cameras are capable of recording at a minimum of 15 frames per second and with a minimum resolution of 720p and display an accurate date and time stamp on all recordings that do not obscure the image.
- Cameras will be permanently affixed to interior and exterior walls.
- Controlled access systems limiting entry to authorized personnel only.
- Alarm systems with monitoring to detect and deter unauthorized access that includes an audible alarm capable of being heard within a 100-foot radius from all facility entrances and exits and is able to be remotely disabled by authorized personnel.
- The facility's alarm system will be monitored by a security company or an employee of the licensed business and is capable of immediately alerting local law enforcement and the business for any unauthorized breaches or a system failure.
- Secure storage areas for all cannabis and cannabis-related products.
- Visitor protocols, requiring all non-employees to be pre-approved, logged, and escorted while on site.
- Existing exterior lighting will be used and maintained as required by Minn. Admin. R. 9810.1500 Subp. 10-11. Security cameras will be equipped with infrared to ensure recording even in low light level areas.
  - Photometric plans have been provided to show lighting allows observers to see and cameras to record activity within a radius of at least 20 ft around all entrances and exits. Exterior lighting will not disturb neighbors and any deficient or inoperable lighting will be repaired within 48 hours of detection.
- Periodic testing and inspection of security measures will occur at least every 90 days as required by Minn. Admin. R. 9810.1500 subp. 3.

## **ATTACHMENT 8**

### **PRELIMINARY ODOR MANAGEMENT PLAN**

#### **Odor Mitigation Plan**

Odor mitigation plans illustrating the odor control devices and techniques used to prevent off-site odor detection must be submitted with this application and shall comply with the requirements outlined in the city's general plan.

#### **Name and telephone number of contact person(s) responsible for logging and responding to odor complaints.**

Name: Dusty Wyndhorst  
Telephone: (720) 569-5547

Name: John Harned  
Telephone: (602) 369-8605

Name: Eric Vlosky  
Telephone: (303) 408-4182

#### **Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.**

DW Green Ventures is committed to conducting cannabis activities in a manner to avoid causing odor impacts to the surrounding neighborhood. DW Green Ventures will apply our best efforts to contain and resolve any odor issues and will sustain those efforts any time odor is reported off-site at surrounding residences, businesses and publicly accessible locations. As a good neighbor and responsible member of the community, DW Green Ventures will implement corrective actions as applicable to effectively address and resolve odors.

DW Green Ventures will publicly post facility contact information to facilitate timely responses to any odor complaints. The contact person(s) will receive training from Byers Scientific, one of the world's leading odor mitigation system suppliers, to ensure DW Green Ventures is well-versed in the best use and maintenance of the technology.

#### **City Notification**

DW Green Ventures will notify the City of any odor complaints received within 24 hours. DW Green Ventures will provide the odor tracking system records to the City upon inspections or request and maintain the records for a minimum of 7 years. The City will have access to the site at all times for the purposes of inspecting odor mitigation practices, odor sources, and complaint tracking system records.

#### **Community Notification**

DW Green Ventures will provide property owners located within 500 feet of the Property the above contact information by mail and will promptly notify both the City and neighbors within 500 feet of any changes to this information.

## General Protocol for Complaints

1. Contact person(s) will be available by telephone on a 24-hour basis to respond to calls regarding odor complaints.
2. DW Green Ventures will provide to property owners and residents of properties located within 500 feet of the facility the contact information of the person responsible for responding to odor complaints.
3. If contact person(s) or information changes, the operator will notify the City and property owners within 500 feet of the facility and provide new contact information.
4. DW Green Ventures will notify the City of any odor complaints within 24 hours of receiving such complaints.
5. The contact person(s) will respond to calls in a timely and appropriate manner, within 24 hours of receiving such complaints.
6. Contact person(s) will be properly trained regarding the operation and procedures of the cannabis processing and distribution activities.
7. DW Green Ventures will assess each complaint and implement strategies to effectively reduce odor if corrective action is deemed necessary.
8. The contact person(s) will log and retain for 7 years the information for all received complaints including the following information:
  - a. Contact information of the complainant
  - b. Time of received complaint
  - c. Description, location, and time of detected odor
  - d. Description of activities occurring on-site when a complaint was detected.
  - e. Implemented actions to address the odor complaint.
9. The complaint log will be available upon request to the City.

## Description of Potential Odor Sources

Cannabis processing activities as well as cannabis distribution activities are potential odor sources. Cannabis plants off-gas at a measurable rate. When it comes to cannabis processing, these gases and associated odors can build up and contain objectionable odors.

As published in a March 2021 press release by Byers Scientific, a research team comprised of odor experts reported isolation and identification of the volatile chemical which appears to be primarily responsible for the downwind skunky-like environmental odor complaints which have been commonly reported for commercial cannabis and industrial hemp growing operations(1). The research was able to isolate, identify, measure, and ultimately conclude that the compound 3-methyl-2-butene-1-thiol (i.e., 321 MBT), is the primary source of the traditionally objectionable odor of cannabis. The compound is also the same odorous volatile chemical which has previously been reported to carry responsibility for the skunky-like aroma and flavor defect in light-struck beer.

Historically, the objectionable odor of cannabis has often been tied to terpenes (i.e., unspecified members from among the vast array of naturally occurring volatile hydrocarbons which are more

commonly associated with the familiar aromas of citrus and other fruits, eucalyptus leaves and hydrocarbon solvents, etc.). This reported discovery of the actual link between 'skunky' cannabis and 321 MBT supports the more persuasive expectation of a sulfur component within the chemical profile of the cannabis plant emission.

(1) "Byers Scientific, Iowa State University and Odor Experts Identify Volatile Chemical Compound Responsible for Cannabis Odor Complaints." March 24, 2021.  
<<https://byers-scientific.com/byers-scientific-iowa-state-university-and-odor-experts-identify-volatile-chemical-compound-responsible-for-cannabis-odor-complaints/>>.

### Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment.

DW Green Ventures will utilize Byers Scientific's MT-6 Molecular Filtration System with ASPRA Technology specifically engineered for this facility. The MT-6 Molecular Filtration System with ASPRA Electrostatic Precipitation and Filtration stage is a first-of-its-kind system designed to tackle odor while improving indoor air quality and plant health through the destruction of bioaerosols.

With a focus on compliance, all Byers Scientific equipment comes with its own dedicated website with Cloud-based supervisory control and data acquisition (SCADA) allowing for real-time remote operation, monitoring, and reporting. Moreover, compliance-minded service packages offer comprehensive solutions with 3rd party testing of carbon life, provision of replacement carbon and filters, and third-party odor panel testing to validate system performance.

#### **MT-6 Molecular Filtration System**

Molecular Filtration technology (aka Carbon Scrubbing) is one of the most environmentally friendly and sustainable ways to efficiently trap and sequester fugitive gases and their associated odors by harnessing the power of activated carbon. The Byers MT-6™ Molecular Filtration system is the refinement of activated carbon technology married with state-of-the-art pre-filtration to prolong the life of the carbon and effectively trap odorous gases.

Byers will calculate the appropriate number of MT-6 carbon scrubbers necessary for the facility. The MT-6 carbon scrubbers rely on a physical reaction called adsorption. During this crucial phase, the scrubbers intake odorous gases, and, via adsorption, sequester odor-causing compounds at the molecular level, and then return the scrubbed air to the facility. By continuously scrubbing the interior air while it is inside the facility, MT-6 units remove nearly 100% of odorous gases as they are emitted from the cannabis.

#### **ASPRA Air Purification**

The ASPRA products remove hazardous and polluting substances of all types and sizes PM10, PM2.5, PM1, PM0.1 (ultra-fine dust and nano-particles), such as fine dust, soot, bacteria, viruses, allergens (e.g. pollen), and other aerosols.

Viruses, bacteria, and fungi are biological particles. Inside the device, these particles are passed through an electric field, where 99.4% of all particles 0.30 micron are successfully destroyed where systems are sized appropriately. Subsequently, the viruses, bacteria, other pathogens, and other aerosols (pollutants and virus carriers) such as particulate matter are captured in the open structure static collector (the filter) and permanently removed from the air.

As a result of the ASPRA, the air is effectively purified from aerosols with a very high air purification efficiency (E12 to H13/HEPA classification according to NEN-EN 1822 standard and DIN EN ISO 29463-5:2019 ), without using the conventional HEPA filter. As a result, the ASPRA has 80% less pressure drop/resistance than conventional filters, and therefore substantial energy savings compared to classic filters.

When combining the ASPRA with a properly activated carbon filter, gases and chemicals such as odors and vapors are also removed from the air. As a result, chronic diseases, infection outbreaks, and odor nuisance can be reduced or prevented, among other things.

### **Proposed Specifications**

The proposed odor mitigation system design, as outlined below, can achieve 12+ exchanges per hour given the volume of open-air space in the facility.

### **Byers MT-6™ Molecular Filtration System**

Molecular Filtration System to include molecular, ASPRA, and fan sections. Includes forty-eight (48) carbon cylinders, six (6) Dual 9 30/30 (MERV 9) particulate prefilters (1 every 2 months), two (2) extra cylinders for \*Butane Life Analysis Testing at 6 and 9 months (for one system) and two (2) third party odor panel samples and analysis. Includes 30" convection tube for equal distribution of filtered air.

### **ASPRA - Electrostatic Precipitation and Filtration**

ASPRA removes all types and sizes of Particulate Matter (PM) PM10, PM2.5, PM1, PM0.1 (ultra-fine dust and nanoparticles), such as fine dust, soot, bacteria, viruses, spores, allergens (e.g. pollen), and other bioaerosols.

### **Cloud-based SCADA (IoT) MT-6 Control Panel Upgrade (replaces Byers Control Panel)**

Cloud-based SCADA (IoT) empowers users to remotely monitor and control on-site equipment. Additionally, the platform allows for customized operational reports and preventative maintenance schedules (prefilter replacement reminders, for example).

### **8x8 Overhead Door Air Curtains**

Unheated, 96" wide, stainless steel, (2) 3/4 hp motors, high-efficiency plenum; remote mounted Hand/Off/Auto Selector Switch; Industrial magnetic door switch, 24V transformer; built-in time delay relay; rain shields over motors, drip holes in bottom panel, raised internal control components.

### **Contingency measures to curtail emissions in the event of a continuous public nuisance.**

In the interest of responding rapidly to odor complaints and based on the time-sensitive nature of identifying the odor source, DW Green Ventures invites the public to contact the designated contact person(s) directly with any odor concerns to ensure prompt and conclusive action. DW Green Ventures encourages community participation and commits to identifying the cause of odor so it can continue to improve its system and operating procedures. This will require reporting of the time and specific location of any off-site detection.

For an odor complaint to be considered and addressed, it must identify, at minimum, one of the following: (a) DW Green Ventures' address, (b) DW Green Ventures' name, or (c) perception of odor at a specific location within 500 feet of the boundaries of the Property and must include the date, time, duration, and specific location of the reported odor. DW Green Ventures will accept odor complaints from the City or directly from any other reporting party. If an odor complaint is raised by the same party on more than one occasion and deemed resolved, but the complaining party continues to file unverified odor complaints, no additional action will be required of DW Green Ventures.

At any point, if an odor complaint is deemed resolved, an odor report will be submitted to the City and the reporting party (if contact information was provided).

### **Level 1 Response - Initial Assessment and Corrective Actions**

Once an odor complaint has been received, a designated employee will take the following actions. Within 24 hours after the odor complaint is received, DW Green Ventures will perform an on-site visual inspection to ensure the function and integrity of the following:

1. Facility HVAC system
2. Byers Scientific odor mitigation system
3. Perimeter of facility (including all doors)

If, after the visual inspection is complete, a reasonable cause for the reported odor was found, DW Green Ventures will promptly restore the function and integrity of the odor abatement system and/or repair any equipment or infrastructure. After these responses, if the odor is not detectable at the known or expected reporting location, this odor complaint will be deemed resolved.

If, after the visual inspection is complete, no cause for the reported odor was able to be made, a DW Green Ventures representative will, if the information is available in the odor complaint, contact the reporting party to follow up on the odor complaint to determine if the odor has continued. If the reported odor is not continuing or recurring, DW Green Ventures will not be required to undertake additional assessment and the odor complaint will be deemed resolved.

### **Level 2 Response - Diagnostic Assessment and Corrective Actions**

If, after the Level 1 visual inspection is complete, DW Green Ventures staff observes odors, receives further reports of odors, or the reporting party responds that the reported odor is persisting, DW Green Ventures will, as soon as practicable and within 24 hours:

1. Perform a diagnostic review of the Byers Scientific odor abatement system.
2. Interview staff that were on-site during and before the time of the odor complaint and determine if they performed or observed any actions or circumstances that may have caused or contributed to the reported odor or that may have conflicted with DW Green Ventures' standard operating procedures (SOPs) for odor abatement.
3. If the reporting party is identified in the odor complaint, DW Green Ventures will contact the reporting party, and if the reporting party agrees, DW Green Ventures will dispatch an employee or consultant to the location of the odor complaint to interview the reporting party on the character of the odors and the duration of the reported odor.
4. Record all operational factors during the time of the reported odor – percentage of storage areas that contain harvested cannabis, date/time of last transfer of cannabis, strains of cannabis on-site, status of operations and activities, status of odor abatement system, and weather conditions.
5. Repair or correct any conditions discovered that may cause or contribute to odor from the facility.

If, after this assessment is complete, a cause for the reported odor was able to be identified, the cause is rectified and the odor is not detectable at the reporting location, DW Green Ventures will revise its SOPs to address the condition(s) that resulted in the odor, and report the conclusions of its investigation. DW Green Ventures will then contact the reporting party and inquire about the presence of odor; and may, with the approval of the reporting party, re-visit the location where the odor was observed. If detectable cannabis odor is absent, this odor complaint will be deemed resolved.

If after this assessment is complete, and no cause for the reported odor was able to be made, DW Green Ventures will contact the reporting party, and if possible, visit the location where the reported odor was observed. If detectable cannabis odor is absent, DW Green Ventures will prepare a written report summarizing the Level 2 Diagnostic Assessment but not be required to undertake additional assessments or corrective actions. This odor complaint will be deemed resolved. If odors reoccur in the same or similar location within a seven (7) day period from the date of the initial report, DW Green Ventures will conduct the Level 1 and 2 processes within 24 hours, and if the odor is continuing, and immediately proceed to implement Level 3 protocols.

### **Level 3 Response - Analytical Assessment and Corrective Actions**

If, after the Level 2 is assessment is complete, and if no cause for the reported odor is found in the first 24 hours, and the reported odor continues unabated, within three (3) business days of receipt of the odor complaint DW Green Ventures will:

1. Seek to confirm whether DW Green Ventures is the source of the reported odor, including analysis and consideration of whether other cannabis operations may cause or contribute to the odor. If other cannabis operations are suspected or demonstrated to be a contributing or sole cause, DW Green Ventures will contact these other cannabis operations, share the information with them, and request their cooperation in resolving the odor.

2. If no further conclusions are found from these steps, and DW Green Ventures is unable to identify the potential cause of the reported odor or show evidence that the reported odor has a high likelihood of having other origins, the odor complaint will be determined to be unresolved.
3. In the event the odor is unresolved and is recurring or continuing, DW Green Ventures will immediately undertake additional and continuing efforts reasonably calculated to eliminate odor, such as but not limited to:
  - a. Retain a qualified industrial hygienist, air pollution control engineer, or other qualified company or individual to assist in identifying the source of an odor and methods to control it.
  - b. Confer with appropriate technical professionals to assess, recommend, and implement appropriate responsive corrective actions.
4. If these actions are insufficient to ensure that odors are mitigated, DW Green Ventures will meet and confer with the City, notify and offer to meet with the community, share its conclusions, and review strategies for resolving any unresolved odor complaint. If odors are confirmed to be coming from DW Green Ventures, DW Green Ventures will consider strategies of installation of new odor mitigating technologies, including additional carbon scrubbers within the facility, or other actions that may be reasonably calculated to resolve or moderate the severity of the odors.

#### **Level 4 Response - Comprehensive BACT Analysis and Corrective Actions**

If an odor complaint remains unresolved, and an odor complaint is reported an additional two (2) or more times within a six-month period:

1. If the evidence strongly suggests that DW Green Ventures is the likely source of or a likely contributing source of the reported odors, DW Green Ventures will:
  - a. Commission a comprehensive Best Available Control Technology (BACT) analysis and submit a written report prepared by a qualified City-approved consulting firm, engineering firm, or technician that includes:
    - i. The likely or potential source of the odor.
    - ii. Additional corrective actions, including operational modifications and curtailment, are recommended to eliminate odors.
    - iii. Recommendations for new or revised odor abatement technologies.
    - iv. Installation of continuous air quality monitoring equipment or other analytical tools to monitor, identify and quantify the emissions causing or contributing to odors.
2. If the evidence strongly suggests that DW Green Ventures is not a sole or contributing source of the reported odor, DW Green Ventures will prepare a written report detailing its efforts to identify the source of the odor, its corrective actions, and the evidence that supports the belief that it is not a causal or contributing source and provide that report to the City.

### **For all Odor Complaint Corrective Actions**

In each case, DW Green Ventures will also complete an odor report detailing all efforts taken to resolve the odor and ongoing odor abatement, including specification of any corrective actions. If these actions are effective, DW Green Ventures will continue to maintain all applicable corrective actions, revised SOPs, and any other effective abatement measures described in this Odor Mitigation Plan.

ATTACHMENT 9  
APPROVED LANDSCAPING  
PLAN FROM 2004

PRELIMINARY LANDSCAPE PLAN

1" = 30'-0"

PLANTING LEGEND:

| SYM               | QUAN | COMMON NAME                 | SCIENTIFIC NAME                                 | SIZE      | CONT | COMMENTS     |
|-------------------|------|-----------------------------|-------------------------------------------------|-----------|------|--------------|
| DECIDUOUS TREES   |      |                             |                                                 |           |      |              |
| A                 | 4    | SWAMP WHITE OAK             | <i>Quercus bicolor</i>                          | 2.5" CAL. | B&B  | SPRING DUG   |
| B                 | 9    | SPRING SNOW CRABAPPLE       | <i>Malus X 'Spring Snow'</i>                    | 2" CAL.   | B&B  |              |
| C                 | 13   | AMERICAN LINDEN             | <i>Tilia americana</i>                          | 2.5" CAL. | B&B  |              |
| D                 | 3    | THORNLESS COCKSPUR HAWTHORN | <i>Crataegus crus-galli</i> var. <i>inermis</i> | 2" CAL.   | B&B  |              |
| E                 | 7    | SKYLINE HONEYLOCUST         | <i>Gleditsia triacanthos 'Skycole'</i>          | 2.5" CAL. | B&B  |              |
| CONIFEROUS TREES  |      |                             |                                                 |           |      |              |
| G                 | 2    | BLACK HILLS SPRUCE          | <i>Picea glauca densata</i>                     | 5' HT.    | B&B  |              |
| CONIFEROUS SHRUBS |      |                             |                                                 |           |      |              |
| I                 | 53   | SEA GREEN JUNIPER           | <i>Juniperus chinensis 'Sea Green'</i>          | 36" HGT.  | POT  |              |
| DECIDUOUS SHRUBS  |      |                             |                                                 |           |      |              |
| K                 | 42   | NEON FLASH SPIREA           | <i>Spiraea japonica 'Neon Flash'</i>            | 24" HT.   | POT  |              |
| L                 | 36   | DWARF KOREAN LILAC          | <i>Syringa meyeri 'Palibin'</i>                 | 24" HT.   | POT  |              |
| M                 | 26   | REDTWIG DOGWOOD             | <i>Cornus sericea</i>                           | 24" HT.   | POT  | HEALTHY-FULL |
| N                 | 15   | CHAMPLAIN RED SHRUB ROSE    | <i>Rosa X 'Champlain'</i>                       | 24" HT.   | POT  |              |
| PERENNIALS        |      |                             |                                                 |           |      |              |
| P                 | 57   | HAPPY RETURNS DAYLILY       | <i>Hemerocallis 'Happy Returns'</i>             | 1 GAL.    | POT  |              |
| Q                 | 54   | AUTUMN JOY SEDUM            | <i>Sedum X 'Autumn Joy'</i>                     | 1 GAL.    | POT  |              |

PLANTING NOTES:

NOTIFY THE ARCHITECT OF ANY FIELD DISCREPANCIES FROM THE EXISTING CONDITIONS TO THESE PLANS PRIOR TO WORKING. UNACCEPTABLE WORK SHALL BE RE-DONE AT NO ADDITIONAL COST TO THE OWNER.

PLAN PLANT QUANTITIES TAKE PRECEDENCE OVER SCHEDULE QUANTITIES.

ALL TREES OUTSIDE THE PLANT BEDS SHALL RECEIVE A 4" SHREDDED HARDWOOD MULCH RING AS WELL AS ALL SHRUBS ISOLATED FROM THE FOUNDATION PLANTINGS. MULCH IN SHRUB BEDS WILL BE CONTINUOUS DEPTH OVER WEED BARRIER FILTER FABRIC. PLASTIC WEED BARRIER IS NOT ALLOWED.

ALL PLANT MATERIALS SHALL BE WARRANTED FOR ONE YEAR FROM THE DATE OF WRITTEN ACCEPTANCE BY THE OWNER. THE LANDSCAPE CONTRACTOR IS OBLIGATED TO WATER, TRIM, FERTILIZE, STAKE/GUY/STRAIGHTEN, MULCH AND IF ANY PLANT EXHIBITS MORE THAN 20% OF CANOPY LOSS, BE REPLACED.

ALL PLANTS SHALL BE FERTILIZED UPON PLANTING PER SPECIFICATIONS UNLESS PROOF IN WRITING FROM THE NURSERY GROWER IS PROVIDED INDICATING SUCH ACTION IS NOT NECESSARY.

THE LANDSCAPE CONTRACTOR SHALL REPAIR ANY AND ALL DAMAGE CAUSED BY THEIR OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER OR PROJECT.

ALL DISTURBED AREAS NOT DESIGNATED AS PLANT BEDS SHALL RECEIVE LOAM SOD OVER 4" OF IMPORTED PLANTING SOIL. BUILDING FOUNDATION BACK-FILL IS NOT ACCEPTABLE PLANTING SOIL. PROVIDE SOIL TESTS OF PH PRIOR TO SODDING OPERATIONS TO DETERMINE THE CORRECT FERTILIZATION LEVEL.

ALL SODDED AND PLANTED AREAS, INCLUDING PLANTERS SHALL BE IRRIGATED. LANDSCAPE CONTRACTOR TO PROVIDE AN IRRIGATION PLAN TO THE ARCHITECT FOR REVIEW. LEAD TO HEAD COVERAGE WITH COMMERCIAL GRADE SHAFTS ARE REQUIRED.

NO FIXED SPRAY HEADS ALLOWED. SELF-CLEANING, PRESSURE REGULATED COMMERCIAL GRADE DRIP IRRIGATION IN PERENNIAL BEDS ONLY. DIGITAL MOISTURE SENSOR REQUIRED FOR ALL ZONES. SUBMIT CUT SHEETS FOR ALL PROPOSED PRODUCTS FOR REVIEW.

RETAINING WALL BLOCK PLACED IN THE LANDSCAPE SHALL BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER, 4" ABOVE FINISHED GRADE. MODULAR BLOCK SHALL BE MDOT 6.000 P81 RATED, SALT-TOLERANT, FLAT FACE BLOCK.

PROTECT EXISTING TREES TO REMAIN PER DETAIL 3/1. DAMAGED OR DEAD TREES AT TURNOVER SHALL BE REPLACED WITH FRAMING SPIRE ASH OR CITY APPROVED TREE AT CONTRACTOR EXPENSE.

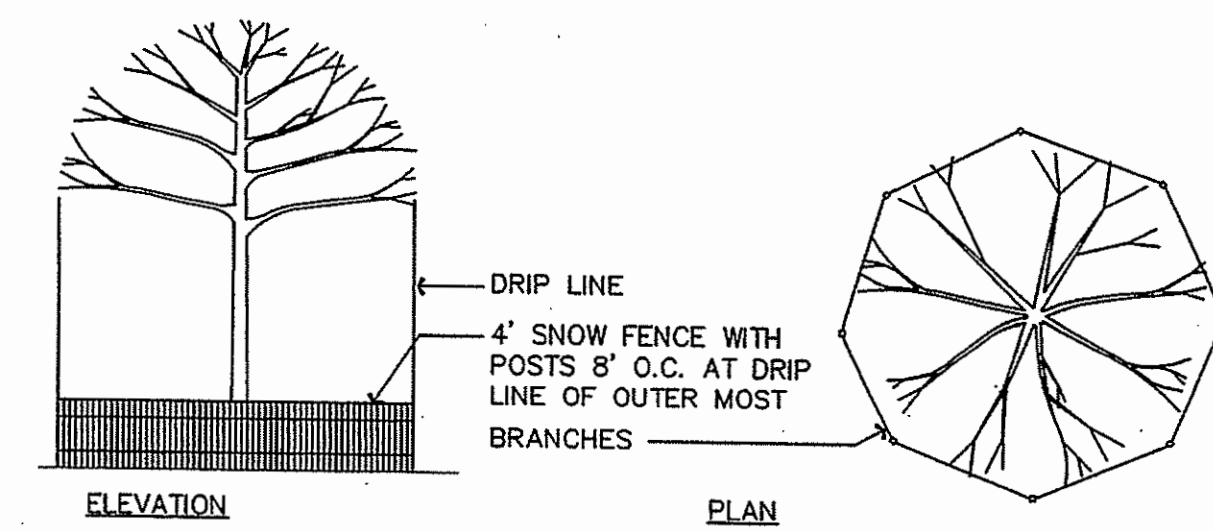
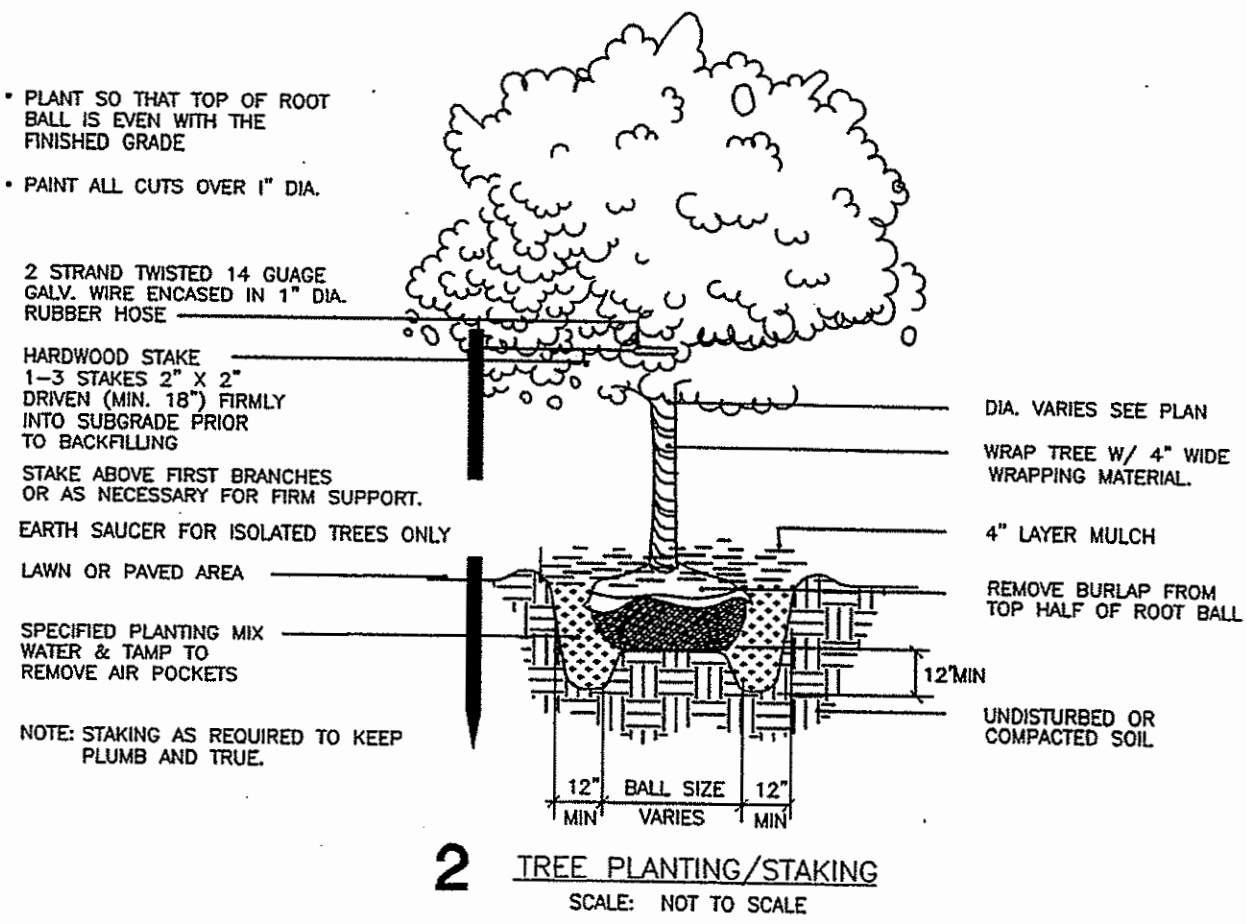
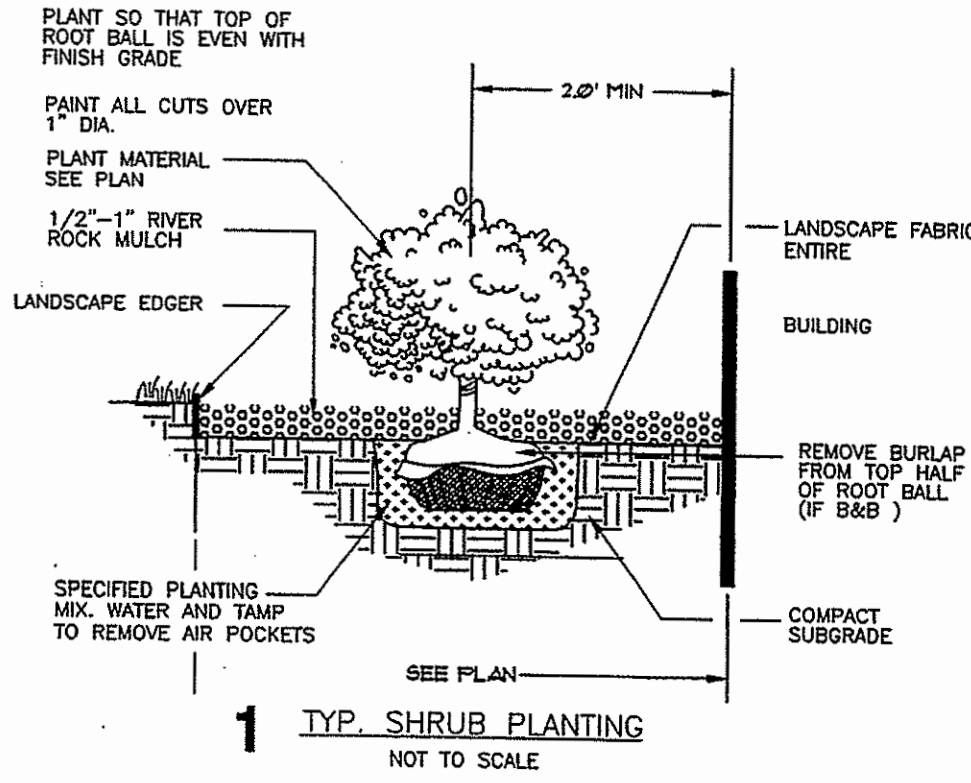
REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING PLANTING, FENCING, WALLS, IRRIGATION, ETC.

LANDSCAPE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS FROM THE SOIL PRIOR TO PLANTING. ALSO, DEEP-TILL ALL PLANTING AREAS NO LESS THAN 18" BELOW GRADE PRIOR TO TOP-DRESSING WITH PLANTING SOIL TO BREAK-UP THE HARD PAN LAYER. IF ANY STANDING WATER IS ENCOUNTERED DURING PLANTING EXERCISES, FOR LONGER THAN 24 HOURS, DE-WATER AND INSTALL A FRENCH DRAIN SYSTEM OF 4" DIA. HOLES, 36" DEEP FILLED WITH FREE-DRAINING AGGREGATE EVERY 2' O.C. IN THE PLANT BED OR TREE PIT.

COORDINATE PLANTING ACTIVITIES WITH UNDERGROUND UTILITIES. CONTACT Gopher State ONE 48 HOURS PRIOR TO DIGGING.

LANDSCAPE CONTRACTOR SHALL SUBMIT (5) COPIES OF THEIR PROPOSED IRRIGATION PLAN WITH PRODUCT CUT SHEETS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. HEAD-TO-HEAD COVERAGE IS REQUIRED. COORDINATE BUILDING LINE STUB REQUIREMENTS WITH THE GENERAL CONTRACTOR. USE COMMERCIAL GRADE COMPONENTS ONLY. IRRIGATE ALL PLANTING SOD AREAS AND SHRUB BEDS. DO NOT IRRIGATE SEEDBED AREAS. DO NOT OVER-SPRAY SIDEWALKS, ROADS OR THE BUILDING.

PLANTING DETAILS:



NOTE: TREE PROTECTION SHALL BE PROVIDED BY CONTRACTOR AS REQUIRED TO ENSURE SURVIVABILITY OF EXISTING TREES TO REMAIN. NO HEAVY EQUIPMENT SHALL BE STORED WITHIN THE TREE DRIP LINE AS DESIGNATED ABOVE.

ISSUE & REVISION  
00 BID SET ISSUED 12/05/03  
FINAL PERMITS SET 4/16/04  
PERMIT/CONSET SET 9/24/04

STRUCTURAL  
DARG, BOLGREN,  
MENK, INC.  
7075 GOLDEN VALLEY RD.  
GOLDEN VALLEY, MN 55007  
P (763) 544-9004

CONTRACTOR  
KRAUS-ANDERSON  
BUILDING DIVISION  
3000 MARSHALL AVE.  
MINNEAPOLIS, MN 55404  
P (612) 752-5000

OWNER  
HOLT KOETTER  
INTERNATIONAL, INC.  
955 HARDMAN AVENUE SOUTH  
SOUTH ST PAUL, MN 55075  
P (612) 752-5000

MILLER HANSON  
PARTNERS  
PHONE: (612) 332-4400  
FAX: (612) 332-4405

HOLT KOETTER  
DISTRIBUTION FACILITY  
205 HARDMAN AVENUE SOUTH  
SOUTH ST PAUL, MINNESOTA 55075

LANDSCAPE PLAN  
PRELIMINARY  
SCALE: 1" = 30'  
NO. 21629  
DATE:

COMM # 0228

LANDSCAPE PLAN  
PRELIMINARY  
SCALE: 1" = 30'  
L1.0



# PLANNING COMMISSION AGENDA REPORT

DATE:

November 5, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

5.C.

## MEETING TYPE

Regular Meeting

## AGENDA ITEM

Ordinance Updating Zoning Rules for Accessory Parking Lots and Parcels with Multiple Principal Buildings

## ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of an ordinance amendment updating rules for accessory parking lots and parcels with multiple principal buildings.

## OVERVIEW

### Applicant

The City of South St. Paul is the Applicant. *The proposed ordinance amendment would address zoning issues that have been identified by the South St. Paul Economic Development Authority (EDA) as barriers to upcoming projects.*

### Background

The South St. Paul Economic Development Authority's purpose is to strengthen the City's economy by supporting business growth, job creation, and redevelopment. The Economic Development Authority (EDA) is a 7-member board which is currently comprised of the same seven members as the City Council. City Administrator Ryan Garcia is the current director of the EDA and its primary staff liaison. The EDA is the official owner of most of the vacant land that is owned by the City which is intended for redevelopment. The EDA evaluates a number of factors when reacting to proposed projects that involve the purchase and redevelopment of a piece of EDA-owned land. The EDA looks at the offered purchase price, the size of any proposed building and its impact on the tax base, the number of jobs that will be created, whether the project will facilitate an expansion that will help retain an existing business, whether the redevelopment project aligns with the City's comprehensive plan and other goals, and whether the project meets Statutory requirements for an EDA project. The EDA is not allowed to sell land to real estate speculators and can only sell land for well-defined projects that are scheduled to commence within one year of the closing date.

Recent conversations between the EDA, private sector businesses, City Staff, and the City Attorney have revealed that there are two aspects of the zoning code that are potential barriers to the EDA's efforts which could be easily resolved with a simple ordinance amendment:

1. Currently, the City Code only allows a parcel to have one principal building. The only way to get around this is to pursue the approval of a conditional use permit for a planned unit development (CUP/PUD), which is a special master plan approval that allows a project to violate normal zoning rules and follow its own set of special zoning rules. PUD projects can generally only be approved if a project provides a public benefit. The City Council has carte blanche authority to approve or deny a PUD project for almost any reason, so many developers are wary of this type of project. One of the EDA's potential private sector redevelopment partners has requested that the City create a conditional use permit process for projects that comply with all zoning rules except that they have more than one principal building on a parcel. Many communities allow multiple non-residential principal buildings to be placed on one parcel with a conditional use permit.

2. Businesses, churches, and schools throughout South St. Paul occasionally need to build an accessory parking lot on a piece of land that is not directly adjacent to their building and might be across a street or alley from their building. Over the years, the City has approved many such projects, but there have never been any clear criteria in the City Code to govern these projects. Under the strictest reading of the City Code, it is unclear if these projects are even fully legal. Historically, the City has usually required anyone who wants to build an independent accessory parking lot to go in front of the Planning Commission and City Council and get some type of interim use permit or conditional use permit. City Staff, the Planning Commission, and the City Council have then essentially "made up" rules for each parking lot project on a case-by-case basis. This causes confusion for property owners and has created a very messy paper trail for some properties that makes it difficult for property owners to fully comply with their approval conditions and difficult for City Staff to require compliance if conditions are not being met. The EDA has at least one upcoming project where the status quo is going to cause zoning difficulties.

City Staff believes that this is a good opportunity to clean up two parts of the City Code that are causing headaches. There is no real advantage to maintaining the "status quo" on these code items.

### **Proposed Ordinance**

Staff and the City Attorney have prepared an ordinance that would do the following:

- Allow multiple non-residential principal buildings to be located on one parcel by conditional use permit in commercial, industrial, and mixed-use zoning districts. A CUP/PUD would still be required for residential projects that have more than one principal building on a single parcel.

- Allow independent accessory parking lots (parking lots that are on a different parcel than the building they serve) to be built with a conditional use permit. These conditional use permits would be subject to the following conditions:
  1. Only commercial, industrial, institutional, and multifamily uses are eligible. Single-family homes, duplexes, and triplexes do not get to build off-site parking lots.
  2. The parking lot needs to be within 500 feet of the principal use.
  3. The parking lot parcel needs to have the same zoning as the principal use, or it needs to be in a zoning district that would allow the principal use (i.e. a commercial business cannot build an off-site parking lot in a residential neighborhood).
  4. The parking lot can only be used for parking. It cannot be used for exterior storage, vehicle sales, or vehicle repair work.
  5. The parking lot needs to meet all applicable code requirements for the zoning district regarding paving, curbing, landscaping, etc.
  6. Independent accessory parking lots are discouraged from being on corner lots. If one is going to be on a corner lot, it needs to have decorative fencing, a low masonry wall, or extensive landscaping to mitigate the negative visual impact on the corner.
  7. The acreage of both parcels shall be included when calculating floor area ratio in zoning districts that have a minimum floor area ratio.
  8. The two parcels need to be in joint ownership and tied together by deed restriction. The parking lot parcel cannot be sold separately without the City's permission unless the parking lot is demolished

### **Staff Recommendation**

Staff recommends approval of the proposed ordinance. There does not appear to be any real advantage to maintaining the "status quo." The proposed zoning rules will create a clearer development approval framework for the EDA and the private sector to operate in when dealing with projects that involve multiple principal buildings on one parcel or an independent accessory parking lot.

### **Action Needed**

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

1. Approval. If the Planning Commission wishes to recommend approval of the ordinance amendment, the following action should be taken:
  - Motion to recommend approval of an ordinance amendment updating zoning rules for accessory parking lots and parcels with multiple principal buildings.
2. Denial. If the Planning Commission wishes to recommend denial of the ordinance

amendment, the following action should be taken:

- Motion to recommend denial of an ordinance amendment updating zoning rules for accessory parking lots and parcels with multiple principal buildings.

## **SOURCE OF FUNDS**

NA

## **ATTACHMENTS**

1. Proposed Ordinance

**City of South St. Paul  
Dakota County, Minnesota**

**Ordinance No. 14XX**

**AN ORDINANCE UPDATING ZONING RULES FOR ACCESSORY PARKING LOTS  
AND PARCELS WITH MULTIPLE PRINCIPAL BUILDINGS**

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

**SECTION 1. AMENDMENT.** South St. Paul City Code Section 118-8 is hereby amended as follows:

**Sec. 118-8. Lots, distances, and definitions.**

*Floor plan, general*, means a graphic representation of the anticipated use of the floor area within a building or structure.

*Independent accessory surface parking lot* means a parking lot that is located on a parcel without a principal building and which is accessory to a principal use that is located on a different tax parcel.

*Frontage* means the width of a lot that abuts a public street or private road.

**SECTION 2. AMENDMENT.** South St. Paul City Code Section 118-128 is hereby amended as follows:

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

~~(q) *Location.* All required off-street parking shall be located on the same lot as the principal building served unless otherwise approved by the zoning administrator in accordance with this section or approved by the city council as part of a parking and circulation plan that is reviewed following the procedures outlined in section 118-352(e). No driveway or off-street parking area shall be located closer than two feet from an adjacent lot zoned or used for residential purposes unless granted an exception by section 118-273.~~

(q) *Location.* Off-street parking is subject to the following:

(1) All required off-street parking shall be located on the same lot as the principal building unless otherwise approved by the zoning administrator in accordance with this section, approved as part of a conditional use permit, or approved by the city council as part of a parking and circulation plan that is reviewed following the procedures outlined in section 118-352(e).

- (2) No driveway or off-street parking area shall be located closer than two feet from an adjacent lot zoned or used for residential purposes unless granted an exception by section 118-273.
- (3) Independent accessory surface parking lots shall require a conditional use permit and must comply with the following performance standards:
- a. Single-family homes, two-family homes, and three-family homes are not eligible for this conditional use permit.
  - b. The independent accessory surface parking lot parcel must be in a zoning district that allows the principal use.
  - c. The independent accessory surface parking lot must be located within 500 feet of the principal use, measured from the nearest property line of each parcel.
  - d. The lot is to be used only for parking of operable passenger motor vehicles of employees, customers or guests of the principal use, who shall be responsible for its maintenance.
  - e. Exterior storage is not allowed.
  - f. Sales of motor vehicles, repair work or servicing of any kind is not allowed.
  - g. The independent accessory surface parking lot must comply with all paving, landscaping, and screening requirements that are applicable to accessory parking lots in the underlying zoning district. Additional requirements may be imposed as part of the conditional use permit based on the parking lot proposal and the character of the area.
  - h. Independent accessory surface parking lots are discouraged from being located on a corner lot and some zoning districts may prohibit this placement. If located on a corner lot, the property lines of the independent accessory parking lot that adjoin the street must be buffered by a low masonry wall, decorative fence, extensive landscaping, or a combination of those treatments.
  - i. The acreage of the independent accessory surface parking lot parcel and the principal use parcel shall both be considered for the purposes of calculating compliance with minimum Floor Area Ratio requirements and any other similar requirements that may exist in an underlying zoning district.
  - j. The independent accessory surface parking lot parcel and the principal use parcel must be in common ownership and shall be tied together by deed restriction, or a comparable legal instrument and the parking lot parcel may not be sold separately without the City's written consent unless the parking lot infrastructure is removed before the sale.
  - k. In lieu of a conditional use permit, the property owner may combine the principal use parcel and the independent accessory surface parking lot parcel through a lot combination or replat if the lots are adjacent to or abutting each other, are in the same zoning district, and are not divided by a road or alley.

1. This section shall not apply to:
  - a. Surface parking lots that are a principal use in zoning districts where they are allowed.
  - b. Parking facilities at the Fleming Field Municipal Airport.
  - c. Public parking lots provided by the City.

**SECTION 3. AMENDMENT.** South St. Paul City Code Section 118-196 is hereby amended as follows:

**Sec. 118-196. Lot provisions.**

~~Except in the case of planned unit developments, as provided for herein, not more than one principal building shall be located on a single lot unless a zoning provision explicitly allows for the co-location of multiple principal buildings on one lot by conditional use permit. Not more than one principal building shall be located on a single lot except as follows:~~

1. A planned unit development may allow for more than one principal building on a single lot in any zoning district.
2. Lots in commercial, industrial, and mixed-use zoning districts may have multiple non-residential principal buildings by conditional use permit.
3. In zoning districts that explicitly allow for the co-location of multiple principal buildings on one lot by conditional use permit.

**SECTION 4. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance updates the zoning rules for accessory parking lots that are located on a different parcel than their principal use. It also establishes a new conditional use permit process for placing multiple non-residential principal buildings on a single lot.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

\_\_\_\_\_  
Deanna Werner, City Clerk