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| <p><b>Chair:</b><br/>Tim Felton</p> <p><b>Commissioners:</b><br/>Geoff Fournier<br/>Tyler Fehrman<br/>James Hart<br/>Andrew Hoffman<br/>Ruth Krueger<br/>Brienne Miller</p>   |  <p><b>City of South St. Paul<br/>Planning Commission Agenda</b></p> <p><b>Wednesday, November 6, 2024<br/>7:00 p.m.</b></p> | <p>City of South St. Paul<br/>125 Third Avenue North<br/>South St. Paul, MN 55075<br/>Phone: (651) 554-3217<br/>Fax: (651) 554-3271<br/><a href="http://www.southstpaul.org">www.southstpaul.org</a></p> |
| <p>Hearing assistance PA system is available – if you need a hearing assistance unit please notify City staff before the meeting.<br/>(If you use the hearing assistance PA system, please remove your hearing aid so it does not cause a feedback problem)</p>   |   |  |
| <p><b>Roll Call</b></p>   |   |  |
| <p><b>1. Agenda</b></p>   |   |  |
| <p><b>2. Minutes</b></p> <p>A. October 2, 2024</p>  |   |  |
| <p><b>3. New Business</b></p>   |   |  |
| <p><b>4. Public Hearings</b></p> <p>A. Conditional Use Permit for Adult Daycare in the 5<sup>th</sup> Avenue Plaza Shopping Center</p> <p>B. Conditional Use Permits and PUD Amendment for United Rentals at 587 Verderosa Avenue</p> <p>C. Ordinance Establishing Zoning Regulations for Cannabis Businesses</p> |   |  |
| <p><b>5. Other Business</b></p>   |   |  |
| <p><b>6. Staff Updates</b></p>  |   |  |
| <p><b>7. Adjournment</b></p>  |   |  |

Next Planning Commission Meeting: December 4, 2024

This meeting is being taped by Town Square Television (NDC4): phone: 651-451-7834 web: [www.townsquare.tv](http://www.townsquare.tv)  
Replays can be viewed on Government Channel 18/798 HD on the Saturday following the meeting at 3:00 p.m. & 9:00 p.m.

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISSION**  
**October 2, 2024**

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

Present:

Tim Felton  
Tyler Fehrman  
James Hart  
Andrew Hoffman  
Brienne Miller  
Michael Healy, Planning Manager

Absent:

Geoff Fournier  
Ruth Krueger

- 1) APPROVAL OF AGENDA - Motion to approve as presented– Fehrman/Miller (5-0).
  - 2) APPROVAL OF MINUTES –September 4, 2024 –Motion to approve as presented–Hoffman/ Fehrman (5-0).
  - 3) NEW BUSINESS
- None
- 4) PUBLIC HEARINGS

A. Interim Use Permit for a Temporary Building at Twin City Hide

Mr. Healy shared the staff report. The Applicant is Twin City Hide. The Application is related to an existing temporary building located at 491 Malden Street. Twin City Hide and Tanning has been implementing a multi-phase reconstruction of their facility after receiving a Conditional Use Permit for a Planned Unit Development approval in 2017. In 2022, Twin City Hide received an Interim Use Permit for a temporary building that is comprised of three 720 sq. ft. trailers that are pushed together. The temporary building functions as a breakroom and office for the business while construction of a new permanent building with these facilities is completed. The Interim Use Permit approval from 2023 will expire on December 31<sup>st</sup> of 2024 and a new Interim Use Permit is needed for the trailer building to remain on the site. Twin City Hide and Tanning has completed most of the redevelopment plan and only has one building left to tear down and one new building to construct. Their Planned Unit Development approval was extended in 2023 and the business now has until May 31, 2026 to start construction on the final building. The expiration date for the Interim Use Permit does not line up with the approved PUD extension and so the Applicant is requesting an Interim Use Permit extension to line up the dates in the two approvals.

The project has been delayed several times and recent delays were related to the state-of-the-art equipment and odor mitigation systems in the new facility which required additional time to ensure proper operation. This has delayed the final phase of the project as the old hide processing building cannot be demolished until the new

Planning Commission Minutes

October 2, 2024

Page 2 of 2

hide processing building is operational. Staff is recommending approval of the interim use permit which will now have an expiration date that aligns with the approved PUD plan's extended timeline.

Commissioner Hart asked Mr. Healy what would happen if the project needed another extension and if there is a maximum amount of time an Interim Use Permit can run for. Mr. Healy explained the code does not have a maximum duration for an Interim Use Permit. Interim Use Permits are reviewed on a case-by-case basis. Commissioner Hart asked for clarification on if this extension was the first or second extension request of the Interim Use Permit. Mr. Healy clarified that it was the first extension request.

Paul Rogosheske, Erich Pugh, and Dick Gunderson were all present to speak to the application. Mr. Rogosheske asked the Planning Commission to approve the Interim Use Permit request as the temporary trailers are needed to offer office, breakroom, and locker room space while the new facility is being constructed. Mr. Rogosheske explained that the delays to the project started during COVID. More recently, the delays have been related to needing to have technicians from Europe come over to address installation and software issues with the state-of-the-art equipment. Mr. Rogosheske stated that the plan was to demolish the final building before the end of the year.

Chair Felton asked Mr. Rogosheske if he was aware of the conditions for the Interim Use Permit and if there were any objections to any of the conditions. Mr. Rogosheske stated that he had no issue with any of the conditions.

Chair Felton opened the public hearing.

No one was present to speak on the application and no correspondence was received prior to the public hearing.

Chair Felton closed the public hearing.

Motion to recommend approval of the Interim Use Permit for a temporary building at 491 Malden Street-Fehrman/Hoffman (5-0)

5) OTHER BUSINESS

None.

6) STAFF UPDATES

None.

7) ADJOURNMENT

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



## AGENDA ITEM 4.A

### South St. Paul Planning Commission

|  |                                   |
|--|-----------------------------------|
| <b>Prepared By:</b><br>Michael Healy, Planning Manager   | <b>Meeting Date:</b><br>11/6/2024 |
| <b>Item Description:</b><br>Public Hearing for a Conditional Use Permit for an Adult Daycare in the 5 <sup>th</sup> Avenue Plaza Shopping Center |                                   |

#### **ACTION REQUESTED**

A motion recommending approval or denial of a conditional use permit for an adult daycare in the 5<sup>th</sup> Avenue Plaza Shopping Center.

#### **BACKGROUND/ DISCUSSION**

##### **OVERVIEW**

##### **Application**

The Applicant, Our New Home Elder Day Center LLC, is seeking to operate an adult day care facility in Suite 1515C 5<sup>th</sup> Avenue South of the 5<sup>th</sup> Avenue Plaza Shopping Center.

##### **Review Timeline**

**Application Submittal:** October 4, 2024

**Planning Commission:** May 1, 2024

**Tentative City Council Meeting:** May 20, 2024

**60-Day Review Deadline:** June 5, 2024

##### **Background**

The 5<sup>th</sup> Avenue Plaza shopping center is a 40,000 square foot commercial-retail building that contains a variety of different tenants. A large retail space on the northern end of the building was vacated earlier this year when Frazier Wellness Services relocated to Marie Avenue. Since their departure, the property owner has reconfigured the building to create additional rentable tenant spaces. The Applicant is proposing to move an adult daycare into a 1,650 square foot space that has been assigned the address of 1515C 5<sup>th</sup> Avenue South.

## **Applicant's Proposed Business Model**

The proposed business would be operated by Helio and Patricia De La Torre who state that they have experience with caring for seniors. Per their narrative:

- This is not a medical facility and there will be no beds or patient services. The clients will be elders/seniors who are mostly self-sufficient and are looking for daytime activities and social interaction.
- The business would primarily be staffed by Helio and Patricia De La Torre and their daughter.
- They are looking to start with 15 program participants but may eventually seek to grow the program to somewhere around 35 participants.
- Snacks and beverages will be provided but there will be no cooking or serving meals.

## **Zoning and Comprehensive Plan Guidance**

The subject property is zoned C-1 Retail Business and guided "commercial" in the 2040 Comprehensive Plan. In this zoning district. "Adult day care facility" is a conditional use and requires a conditional use permit.

Prior to 2020, the City Code did not contain zoning rules for day cares. The Planning Commission and City Council approved several child daycare and adult daycare businesses prior to 2020 by adopting a finding that they were similar to a school and approving a conditional use permit for an "other use that is deemed by the city council to be similar in purpose and character" as a use that is allowed in the zoning district. In 2020, the City Code was updated to officially list daycare uses in the City Code. Adult daycares were added as a conditional use in all of the City's commercial zoning districts and industrial zoning districts.

## **Relevant City Code**

The following 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.

## **Statewide Regulations for Adult Day Cares**

Adult day cares are licensed at the State level by the Department of Human Services and many rules for these licenses are laid out in State Statute (see links below for more information):

- There are basic training requirements for employees: [9555.9680 - MN Rules Part](#)
- There are staffing ratio requirements which are tied to the functionality level of the participants: [9555.9690 - MN Rules Part](#)
- There are service and program requirements: [9555.9710 - MN Rules Part](#)

- There are safety requirements: [9555.9720 - MN Rules Part](#)
- There are limits on how many adults can be served in an adult daycare center and these limits are tied to the size and configuration of the space: [9555.9730 - MN Rules Part](#)

In addition to licensing requirements, all new daycares must comply with State Building Code requirements. The State Building Code requires at least 35 square feet of space per daycare participant. The architect who is handling the conversion of Suite 1515C into a daycare space provided the Building Official with a code analysis. The project architect is stating that the space can only accommodate 33 daycare participants under the State Building Code with the way it is currently configured.

### **Tenant Mix in 5<sup>th</sup> Avenue Plaza**

The existing tenant mix in the shopping center is eclectic and includes a child daycare, multiple restaurants, a specialty grocery store, a caterer, and a dance school. Most tenant spaces are currently occupied.

### **Surrounding Land Uses**

**North:** Properties directly to the north of the site are currently vacant and guided High Density Residential and zoned R-4: Multiple Family Residential.

**East:** Properties directly east of the site are developed with 8-12 unit apartment buildings and are guided as High Density Residential and zoned R-4: Multiple Family Residential.

**South:** Directly to the south of the subject property is an industrial building that is located in the City of Inver Grove Heights.

**West:** Properties to the west of the site are located in Inver Grove Heights and developed with commercial buildings and apartment buildings.

### **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.

## COMMENTS FROM OTHER DEPARTMENTS

### Police Department and Fire Department

Police Chief Brian Wicke and Fire Marshal Terry Johnson provided comments that are summarized below:

- There are some county and state licensed facilities in town that draw a disproportionately large number of resources from the Police Department and Fire Department.
- A well-run adult daycare should not cause any problems and could be an asset to the community. If the center is not well-run, however, the top concerns would be understaffing, under-trained staff members, and an undue number of medical responses by the Fire Department if the facility is taking on clients who are more challenging than what they are prepared to handle.
- The City should structure this conditional use permit in such a way that we have options to review the conditional use permit at the local level and revoke the permit if there are problems that cannot be resolved through the State licensing program.

## 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” forever and transfer if the property changes hands. A conditional use permit typically can only be terminated if a condition is violated, and the City Council votes to revoke the conditional use permit.

City Staff certainly hopes that this daycare is a great new local business which will provide a valuable care option for families living in the community. The Planning Department worked with the Police Department, the Fire Department, and the City Attorney’s office to draft a set of approval conditions that should provide the City with adequate protections if there are problems with the business. Specifically:

- The City only wants to see a State-licensed adult daycare center in this location and does not want to allow any type of unregulated quasi-daycare business that does not have a State license. The daycare will not be allowed to begin operations until the Planning Department has been provided with a copy of the State license.
- The project architect has indicated that the space can only safely accommodate 33 daycare participants. A conditional use permit amendment (and probably a building permit) will be needed if the Applicant wants to reconfigure the space in the future and/or expand into another adjacent suite in the 5<sup>th</sup> Avenue Plaza building to further grow the size of the program.
- The Applicant needs to adhere to any staffing ratio requirements, training requirements, and limits on the number of program participants that are imposed by their license or State Statute.

Some of these “conditions of approval” are going to be redundant with approval conditions that are part of the State license from the Department of Human Services. The benefit of placing the conditions directly in the conditional use permit is that the City will have a degree of local control and can revoke the conditional use permit if there are violations. The City does not control the State license and only has the ability to report license violations to the State and request an investigation.

## 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. **Application (Helio De La Torre)** **dated 10/4/2024**
  - b. **Narrative (Patricia and Helio De La Torre)** **dated 10/7/2024**
  - c. **Floorplan Sketch** **Undated**
2. **Compliance with Building Code and Fire Code Requirements.** The Applicant shall comply with any applicable requirements in the State Building Code and State Fire Code for this type of use. A building permit is required to establish this use in Suite 1515C in the 5<sup>th</sup> Avenue Plaza Shopping Center.
3. **State License Required.** The Applicant is required to acquire and maintain a State license for an adult daycare operation from the Minnesota Department of Human Services. A copy of this license must be provided to the Zoning Administrator before daycare operations may begin. In future years, the Applicant must provide the Zoning Administrator with an updated copy of the license upon request.
4. **Maximum Number of Participants.** The total number of daycare participants served shall not exceed what is permitted under the State license. Additionally, a conditional use permit amendment shall be required if the total number of daycare participants is proposed to exceed 33 adults, which is the maximum number of the participants that the project architect's code analysis shows that the Applicant's space can support under the State Building Code with its proposed floorplan.
5. **Staffing Ratio and Staff Training.** The Applicant shall adhere to any staffing ratio requirements and staff training requirements imposed by the Minnesota Department of Human Services and/or State Statute.
6. **No overnight accommodations.** There shall be no overnight accommodations provided at the adult daycare. The business may only operate between the hours of 5 AM and 10 PM.
7. **Compliance with Noise Ordinance.** The adult daycare must comply with the City Code's noise ordinance.
8. **Scope of Conditional Use Permit.** This conditional use permit for an adult daycare shall only apply to the specific suite in the 5<sup>th</sup> Avenue Plaza Shopping Center that is being proposed for use as an adult daycare by the Applicant.
9. **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 Requested

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 a, the following action should be taken:
  - A. Motion to recommend approval of a conditional use permit for an adult day care at the 5<sup>th</sup> Avenue Plaza Shopping Center.
2. Denial. If the Planning Commission wishes to recommend denial of the conditional use permit, the following action should be taken:
  - B. Motion to recommend denial of a conditional use permit for an adult day care at the 5<sup>th</sup> Avenue Plaza Shopping Center.

*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 CUP criteria.*

## ATTACHMENTS

- A. Site Location Map
- B. Proposed Adult Daycare Location
- C. Applicant's Narrative
- D. Floorplan and Code Analysis Excerpt

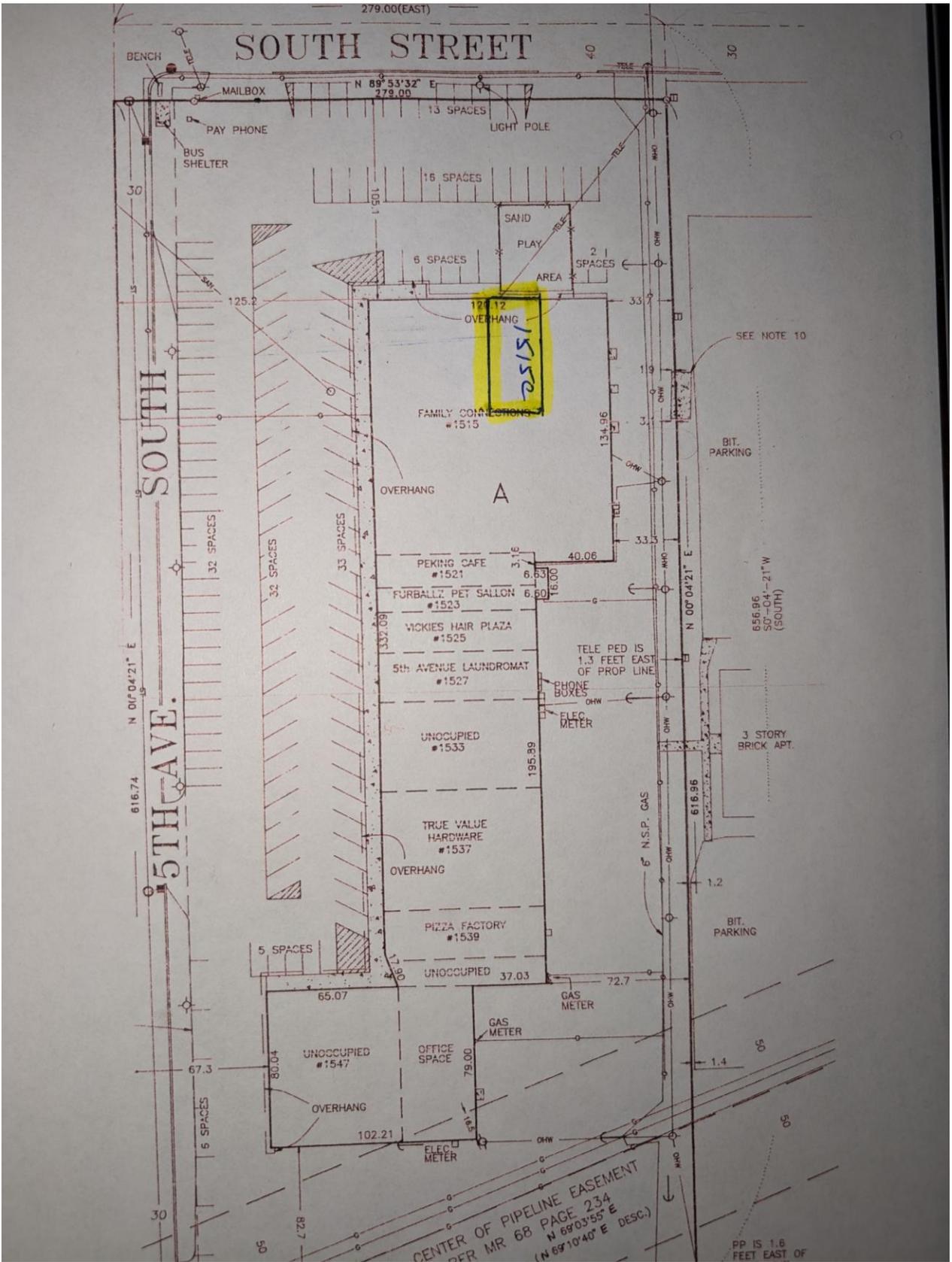
ATTACHMENT A  
SITE LOCATION MAP



ATTACHMENT B  
PROPOSED ADULT DAYCARE LOCATION



Proposed Adult Daycare in Suite 1515C is Outlined in Red



**ATTACHMENT C**  
**APPLICANT'S NARRATIVE**

October 7,

2024

City of South Saint Paul,

We are Patricia and Helio De La Torre. We are hoping for approval for an Adult Daycare operation in the 5<sup>th</sup> Avenue Plaza. It will be for elders/seniors that are largely self sufficient, folks looking for daytime activities and interaction with others. This is not a medical facility, there will be no beds or patient type services. There is some evaluation of participants mental and physical ability, to ensure proper care and involvement is maintained.

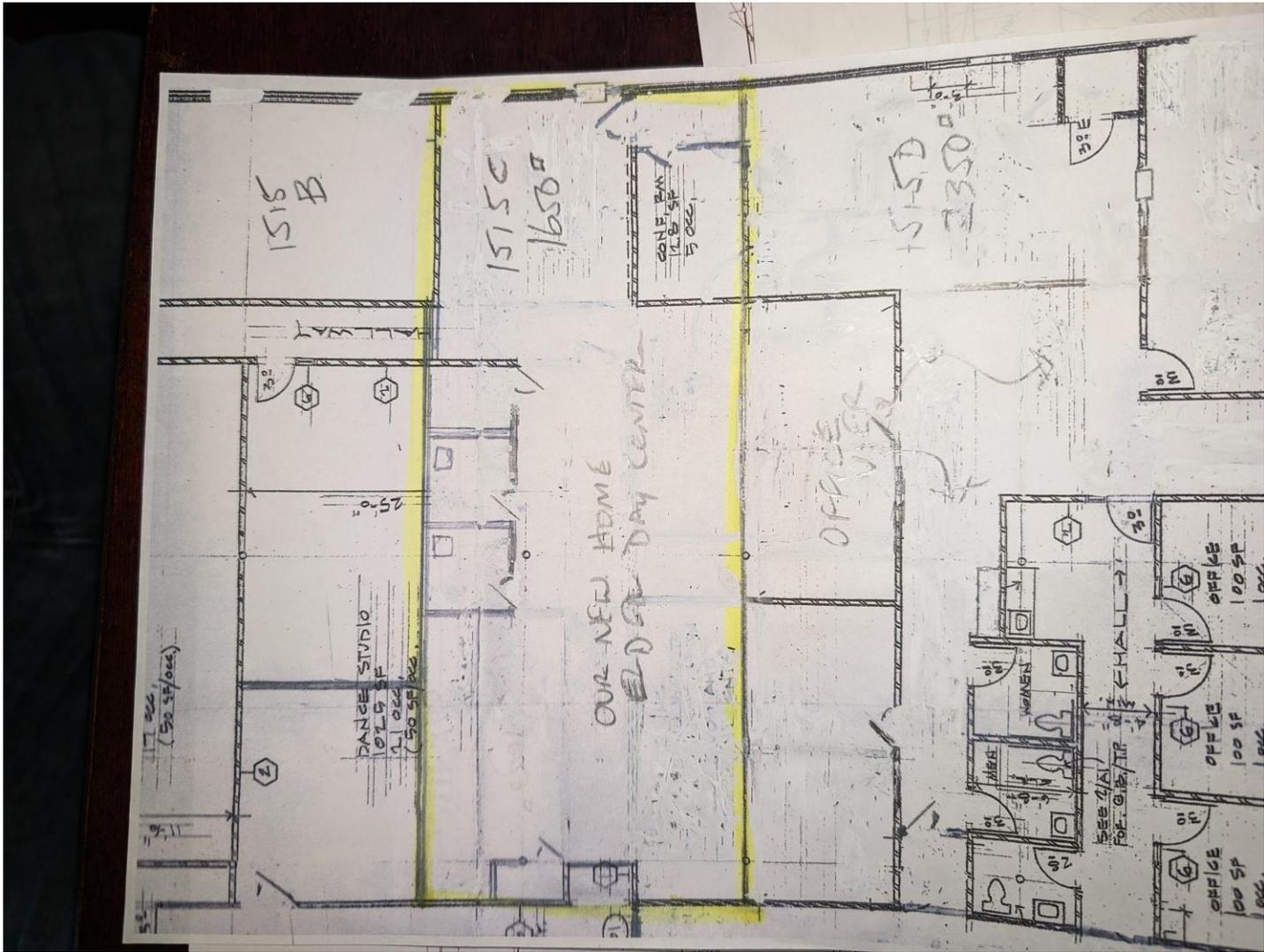
We have been involved with seniors for many years, both with family and others. This is our chance to expand and grow in our own facility. Mainly it will be staffed by us, and our daughter. If we continue to grow, our staffing needs will grow as well. We anticipate about 15 participants to begin, but have decided to acquire space for around 35 people. We will not be cooking or serving meals, but will provide snacks and beverages.

This entire business is largely overseen by state regulations, and they are involved with the layout and design of the space. We have excellent people involved with regulations and requirements expected of us, and are excited to continue on our journey.

Thank you so much for considering this request. We look forward to providing a valuable service for South St. Paul, as well as the surrounding area. Be well.

Patricia and Helio De La Torre

ATTACHMENT D  
FLOORPLAN AND CODE ANALYSIS EXCERPT



# Code Analysis:

**Minnesota State Building Code 2020 Edition**

**Minnesota Accessibility Code 2020 Edition**

## Occupancy Classification:

Assembly - Dance Studios – A-3 Occupancy

Business - Professional Service – B Occupancy

Adult Day Care Facility -Day Services – E Occupancy

## Occupant load Per Occupancy

Assembly – 63 occupants

Business – 48 occupants

Day Care Facility – 33 occupants

## Occupancy Separation – Required

A to E Occupancy – No separation required

B to E Occupancy - 1 hour required for sprinkled building

Fire Protection: Fully Sprinkled Building, open on three sides

Max Allowed distance of travel = \_\_\_\_\_ 250 l.f.

Max calculated distance of travel – not exceeded, ,

see plan for distances

Type of Construction – Type III B (existing)



# AGENDA ITEM 4.B

## South St. Paul Planning Commission

|  |                                   |
|--|-----------------------------------|
| <b>Prepared By:</b><br>Michael Healy, Planning Manager   | <b>Meeting Date:</b><br>11/6/2024 |
| <b>Item Description:</b><br>Public Hearing for Zoning Approvals for United Rentals at 587 Verderosa Avenue |                                   |

### **ACTION REQUESTED**

A motion recommending approval or denial of an amendment to the Conditional Use Permit for a Planned Unit Development, site plan, and conditional use permits for United Rentals at 587 Verderosa Avenue.

### **BACKGROUND/ DISCUSSION**

#### **OVERVIEW**

##### **Application**

The Applicant is United Rentals Realty, LLC. United Rentals is a construction equipment rental company that currently operates in South St. Paul at 555 Hardman Avenue South. They are seeking to expand their South St. Paul business operations and want to lease the property across the street at 587 Verderosa Avenue to operate a second facility. Both properties are owned by the “Danner Family Limited Partnership.”

The Applicant is seeking to amend the subject property’s Conditional Use Permit for a Planned Unit Development to revise the conditional use permit for exterior storage and the approved site plan. They are also seeking a conditional use permit for an “open sales lot that is incidental to an approved use on the same site” which is needed to rent out construction equipment.

##### **Review Timeline**

- Application Submittal:** October 10, 2024
- Planning Commission:** November 6, 2024
- City Council:** November 18, 2024
- 60-Day Review Deadline:** December 9, 2024

##### **Background**

The subject property at 587 Verderosa Avenue was recently developed with a new 17,200 square foot building, a large paved exterior storage yard, and a screening fence. The development approval was granted in 2023 and the site was originally intended to be the new home of local road construction company “Danner

Inc.” Danner Inc. was proposing to relocate their business from their longstanding home at 843 Hardman Avenue South to the subject property. The development approval that they secured in 2023 essentially allowed them to move their entire business model to Verderosa Avenue including a contractor’s operation, a contractor’s yard, vehicle repairs for the public, and retail fuel sales to the public.

City Staff learned earlier this year that Danner Inc. will not be relocating to 587 Verderosa Avenue. The future of the road construction business is uncertain following the passing of its longtime operator Marlon Danner in June of 2024. The Danner family owns land in numerous communities as the “Danner Family Limited Partnership” and they operate other types of businesses besides the road construction business. One part of their overall business model is real estate development and property management. They are an industrial landlord, and they lease out properties that they own to a variety of commercial tenants.

The subject property previously served as a dump for the Saint Paul Union Stockyards and was essentially unbuildable when it was purchased by the Danner Family Limited Partnership in 2016 due to the soil being full of construction waste, animal waste, and other buried garbage. Danner partnered with the City and with the Minnesota Department of Employment and Economic Development (DEED) and obtained a \$1,565,526 grant to help clean up the site and make it suitable for development. Because the subject property had a multitude of challenges that made it almost impossible to develop in accordance with the City Code, one of the approvals granted in 2023 was a Conditional Use Permit for a Planned Unit Development which granted flexibility from some provisions of the Zoning Ordinance. Danner was granted flexibility from front yard setback requirements and the requirement that all new developments have a Floor Area Ratio (FAR) of at least 0.2 along with some additional minor zoning flexibility. A full analysis of the property’s many challenges and the zoning flexibility that was granted can be found in the City Council packet from February 6, 2023 which can be accessed here:

<http://www.southstpaul.org/AgendaCenter/ViewFile/Agenda/02062023-1187>

The project received a minor PUD amendment on July 17, 2023, which allowed additional setback flexibility for the parking lot.

### **Summary of Proposed Business Operations**

The Applicant is proposing to operate a construction equipment rental operation on the subject property with the following characteristics:

- They will store aerial lifts, forklifts, skid steers, excavators, and towable machinery in the exterior storage yard. These items will be available for rent by the public.
- They will use the building on the subject property as an office and they will service their rentable vehicles and equipment in the building’s service bays.
- There will be approximately 15 employees at the subject property.
- They anticipate having roughly 15 customers visit each day.
- The proposed hours of operation are 7 AM to 4 PM.

## How is the Current Proposal Different than What was Approved in 2023?

The development approval that Danner was granted in 2023 for the subject property was very specific in terms of its “conditions of approval.” The approved site plan reflected the unique type of business operation that Danner wanted to have at the property. Many site plan elements that were approved in 2023 no longer make sense with United Rentals proposing to take over the property to run an entirely different type of business:

- Danner was proposing to operate a retail fuel sales business with two gas station canopies and underground fuel tanks. *This is not part of the Applicant’s proposal, and they want to eliminate the gas station canopies and the underground fuel tanks from the development. They want to have above-ground fuel tanks on the property that they would use only to fuel their own fleet.*
- Danner was proposing to store 15-foot-tall piles of crushed gravel and other roadbuilding materials in the exterior storage yard. They were required to construct enclosures to keep the piled materials from interfering with the property’s stormwater management plan. *The Applicant is not planning to store piles of material and wants to eliminate the enclosures from the site plan.*
- Danner was proposing to provide vehicle repair services to the public. *This is not part of the Applicant’s business model.*
- The conditional use permit that Danner was granted for exterior storage limits equipment heights to 20 feet. *The Applicant has some equipment that is as tall as 40 feet that they want to keep in the exterior storage yard. They are proposing to only store tall equipment in one specific area which is set back away from Verderosa Avenue.*

The Danner Family Limited Partnership acted as their own general contractor in developing the subject property. After they determined that they were not going to move their existing “Danner Inc.” business to Verderosa Avenue, they elected not to complete construction of the fuel canopies or the material pile enclosures. This means that technically the property is out of compliance with its approved site plan and a site plan amendment is required.

## Zoning and Comprehensive Plan Designation

The Verderosa Avenue property is zoned I-1 Light Industrial and falls within two environmental overlay districts. It is located in the Mississippi River Critical Corridor area and the eastern part of the property is located within the Shoreland overlay district.

The 2040 Comprehensive Plan guides the property towards being “Light Industrial.” Additionally, the property is located in an area that the plan identifies as being the “front door” of the community due to its visibility from Interstate 494. There is a need for special attention to the aesthetics of the property when viewed from Interstate 494.

The Applicant’s proposed business could be allowed on the subject property, with the City Council’s approval:

- Office-warehouses are a permitted use in the I-1 district.

- Exterior Storage is allowed in the I-1 district but requires a conditional use permit. *The Applicant will need to amend the exterior storage plan to allow the storage yard to be used as proposed.*
- “Open sales lot incidental to an approved use on the same site” is allowed but requires a conditional use permit. *This is needed to allow the rental of stored vehicles and equipment.*

The Applicant is seeking to operate a business that is very similar to their existing business across the street at 555 Hardman Avenue South. Both properties were zoned I-Industrial until 2019 when all the industrial properties north of Interstate 494 were rezoned to the newly created I-1 Light Industrial zoning district.

In terms of the status of adjacent properties:

| <b>Direction</b>                        | <b>Existing Use</b>                              | <b>Existing Zoning</b> | <b>Comp Plan Guidance</b> |
|---|--|------------------------|---------------------------|
| <b>West</b>                             | Pomp’s Tire                                      | I-1 Light Industrial   | Light Industrial          |
| <b>North<br/>(across Verderosa Ave)</b> | Sanimax and United Rentals                       | I-1 Light Industrial   | Light Industrial          |
| <b>East</b>                             | Railroad Tracks and Mississippi River Bike Trail | I-1 Light Industrial   | Light Industrial          |
| <b>South</b>                            | Interstate 494                                   | NA                     | Right-of-way              |

### **Relevant City Code and Planning Documents**

The following zoning code sections are relevant to this review:

- Section 118-9 of the City Code establishes architectural requirements for industrial developments.
- Section 118-40 of the City Code governs Conditional Use Permits.
- Section 118-132 of the City Code regulates Planned Unit Developments
- Section 118-134 of the City Code regulates the I-1 Light Industrial zoning district.
- Section 118-167 of the City Code regulates the Mississippi River Corridor zoning overlay district.
- Section 118-199 of the City Code regulates fences.
- Section 118-243 of the City Code regulates landscaping requirements and financial guarantees.
- Section 118-351 through 118-355 of the City Code regulates parking and loading.

## General Overview of Compliance with Zoning Requirements

The table below provides an overview of what parts of the site and building plan comply with the City Code and what parts of the plan received PUD flexibility in 2023:

| Requirements                           | Required by Code   | Provided  |
|--|--|---|
| Lot area                               | 1 acre   | 6.79 acres  |
| Lot Coverage By Buildings              | 20% min-40% max  | <b>5.8%</b><br><b>Received PUD Flexibility from .2 Minimum Floor Area Ratio (FAR) Requirement</b> |
| Landscape Lot Area                     | 15% min  | 31.5%   |
| <b>Building Setbacks:</b>              |  |   |
| Front yard (From any frontage)         | 30 feet  | Over 30 feet  |
| Side Yard                              | 20 feet  | Over 20 feet  |
| Rear yard                              | 20 feet  | Over 20 feet  |
| <b>Parking Setbacks:</b>               |  |   |
| Front yard (any street frontage)       | 20 feet  | <b>Approximately 10 feet (received PUD flexibility to be as close as 7 feet)</b>                  |
| Rear yard                              | 10 feet  | At least 10 feet  |
| Side Yard                              | 10 feet  | <b>Received PUD flexibility to be 5 feet from west side property line</b>                         |
| <b>Exterior Storage Area Setbacks:</b> |  |   |
| Front                                  | Not allowed in any established front building setback area | <b>Located closer to Verderosa Avenue than the principal building (Received PUD flexibility)</b>  |
| Rear                                   | 20   | 38 feet   |
| Floodplain                             |  | No  |
| Shoreland                              |  | Yes   |
| MRCCA                                  |  | Yes   |

## Landscaping

Landscaping was installed in 2024 in accordance with the development approvals that were granted in 2023. The Applicant is not proposing to make any changes to the approved landscaping plan.

Staff visited the property on October 30<sup>th</sup> and observed that many of the shrubs and trees that are outside the fence line appear to be dead or dying. Additionally, there are several areas that appear to be dirt which are supposed to be seeded with MnDOT seed mix 35-221 which includes native plantings that can survive in a dry area. The weather has been very dry for months and it is unclear whether plant materials that were installed in 2024 have been consistently watered. The Applicant will need to work with the property owner to replace any required landscaping that has died and will need to put down seed to establish permanent turf in the dirt areas to prevent soil erosion. The City is holding a \$7,500 landscape escrow for the development that will not be released until all the landscaping has been installed for one full year and all dead plants have been replaced at the end of that year.

## **Building Design**

The Applicant is not proposing to make any changes to principal building. They are proposing to remove the fuel canopies from the site plan. The fuel canopies required PUD flexibility when they were approved in 2023 so their removal from the site plan will bring the overall development closer to zoning code compliance.

## **Parking**

For Planned Unit Developments, the City Council makes “case by case” determinations regarding whether proposed parking is adequate. The site plan is showing 26 striped stalls for employee and customer vehicles in addition to a very large unstriped blacktop area where rentable equipment and vehicles will be stored. The Applicant is only anticipating having 15 employees and 15 total customers each day so the proposed parking should be more than adequate.

## **Lighting**

The Applicant has not proposed any changes to the site’s approved lighting and photometric plan.

## **Dumpster Enclosure**

A block trash enclosure has already been constructed on the subject property.

## **Fence**

The subject property’s 2023 development approval called for a 6-foot vinyl privacy fence to be placed around the exterior storage yard to provide screening for stored equipment. A fence permit was issued on December 13, 2023 and the fence was built during the summer of 2024. There were two issues with the privacy fence that was constructed:

1. The approved site plan called for privacy fencing around the storage yard but left the building area without fencing so it would be visible from Verderosa Avenue with a high level of curb appeal. The fence that was initially built surrounded the entire property and blocked views of the new building from the street. *The property owner has remedied this by removing half of the pickets from the fence section in front of the building to transform the vinyl fence into a decorative transparent fence.*
2. There is a buried sewer line at the east end of the exterior storage yard which is in a public utility easement. The 2023 approval required two gates to be installed in the fence over the sewer line so that Public Works can access the line if there is a blockage and it needs to be serviced. The developer accidentally built the fence without these gates. *The Applicant is proposing to fix this situation and will coordinate with the City Engineer and Public Works Director to install gates in the fence.*

## **Missing Concrete Ribbon Gutter**

The 2023 development approval included a drainage and grading plan that was reviewed and approved by the Engineering Department. Per the as-built site plan that the Applicant has submitted, a concrete ribbon gutter in the parking lot that was shown on the approved plan was not installed. The City Engineer believes that this will create stormwater management issues at the property and the Applicant needs to work with the property owner to correct this error and install the concrete ribbon gutter. Concrete work is more

difficult during the winter and the Applicant will likely want to wait until Spring of 2025 to build the concrete gutter. City Staff recommends giving the Applicant and developer until June 30, 2025 to complete the work.

### **Status of Development Agreement and Need for Additional Escrow**

The Danner Family Limited Partnership was required to enter into a development agreement with the City before they could obtain a building permit to develop the site in 2023. The developer agreed in writing to build the development a certain way. As previously mentioned, the fence was not built correctly and the concrete ribbon gutter was not installed correctly. Technically, the developer is in breach of the development agreement because of these errors. The Staff recommendation is that the City require the developer or the Applicant to supply a cash escrow to ensure that these errors are corrected. All escrowed funds will be returned once the work has been completed and is inspected and approved by City Staff.

City Staff would recommend that the Applicant or developer be required to supply an escrow in the amount of \$20,000 or 125% of the estimated cost to complete the improvements, whichever is less. The Applicant will need to work with a qualified third-party contractor to get an estimate if they want to go that route.

### **Aboveground Fuel Tanks**

The Applicant is proposing to have three aboveground fueling tanks at the subject property to fuel their own fleet of vehicles and equipment. Two of the tanks would be 1,000-gallon tanks and one of the tanks would be a 500 gallon tank. Aboveground fuel tanks are allowed in the I-1 zoning district with criteria:

1. Tanks that are larger than 2,000 gallons require a conditional use permit. *None of the proposed tanks are large enough to require a conditional use permit.*
2. Per Section 118-9:

*“Equipment screening.* Equipment used for mechanical, processing, bulk storage tanks, or equipment used for suppressing noise, odors and the like that protrudes from a side of a building or is located on the ground adjacent to a building must be screened from public view as much as practical with materials matching the design of the building. Where miscellaneous exterior equipment cannot be fully screened with matching building materials, landscaping may be used as additional screening.”

The tanks are shown on the proposed site plan as being very close to the Verderosa right-of-way but placed behind the 6-foot tall privacy fence. Per the Applicant, the tanks will be 5 ½ feet tall so they would be screened by the fence. However, there is a 2-foot-tall pump that mounts on the top of the tanks and that would protrude slightly over the fence.

The Applicant has indicated that they are willing to move the pumps closer to the building and away from the fence along Verderosa Avenue if the Planning Commission requests it. Staff believes this proposal is worth discussing but would note that the area by the building is not fully screened and the fencing that is in front of the building is 50% transparent. The tanks may be better screened if they remain in their current location.

## CONDITIONAL USE PERMITS

### Conditional Use Permit for Exterior Storage

Exterior storage requires a conditional use permit in all zoning districts. The CUP is typically used to regulate the following:

1. *Screening of the storage area.* The Applicant is proposing to keep the subject property's approved screening plan intact without any alterations. This means that the site will continue to be screened primarily with a 6-foot-tall vinyl privacy fence. The visual impact of the storage area from I-494 and the Mississippi River has been softened by planting many trees along the south and east property lines.
2. *Surfacing of the storage area.* The Applicant is proposing to maintain the paved surface that was installed for the storage area.
3. *Location of Stored Materials.* The Conditional Use Permit will state that exterior storage shall be limited to the areas shown as storage areas on the approved site plan.
4. *Type of Stored Materials.* Historically, the City has regulated this by approving storage of the type of materials that is substantially consistent with what is outlined in the Applicant's narrative. Most of the exterior storage at this property will be construction equipment and trucks. The CUP also notes that the exterior storage of hazardous materials is prohibited.
5. *Height of Stored Materials.* In their narrative, the Applicant asks for permission to store equipment that will be up to 9 feet tall along Verderosa Avenue. They are seeking permission to store equipment that is up to 40 feet tall in the rear part of the property. They have drawn a red line on their site plan indicating where the taller item storage would begin, roughly 87 feet back from the parking lot's curbline along Verderosa Avenue.

The eastern end of the proposed exterior storage yard is on top of two major sanitary sewer lines which are located within a platted utility easement. Back in 2023, the Public Works Director and City Engineer agreed to let the developer build the exterior storage yard on top of the City's sewer line(s) but only if the items stored in this area are highly portable and can be easily relocated if there is a need to access the area to service the sewer lines. No shelving or non-portable storage can be located in this area. There will need to be signage to mark the easement area so that employees do not accidentally violate the rules for exterior storage on the easement. Additionally, the fencing error mentioned earlier will need to be corrected and gates need to be installed in the easement area so Public Works has consistent access.

The staff recommendation includes draft conditions to regulate the exterior storage use. The Planning Commission should discuss the Applicant's request for a 40-foot height limit for stored items and review Staff's proposed conditions.

### Conditional Use Permit for an Incidental Open Sales Lot

The I-1 Light Industrial district allows an "open sales lot incidental to an approved use on the same site" with a conditional use permit. This is slightly different than the language in the I-Industrial zoning district which allows "exterior storage and open sales lots in conjunction with an approved use" with a conditional use

permit. As previously stated, the subject property and the other United Rentals property across the street at 555 Hardman Avenue South were both zoned I-Industrial until 2019.

The intent of the language in both zoning districts appears to be to preventing a standalone open sales lot from operating in the light industrial district on a surplus piece of land. The industrial zoning districts do not allow retail sales as a principal use, and vehicle dealerships are not allowed in the industrial zoning districts. The City wants to see industrially zoned land fully developed with buildings and industrial operations. Any open sales lot component should be in support of an industrial business.

The City has historically considered United Rentals' existing operation at 555 Hardman Avenue South to be an office-warehouse with exterior storage. The business looks and functions in a similar manner to a contractor's operation with a contractor's yard but instead of the Applicant's business using the stored equipment itself, the stored equipment is rented out to the public and to third-party contractors. Staff is comfortable using this same zoning analysis that has been used in the past to recommend approval of the rental component of the proposed business operation as an incidental open sales lot.

### **Extinguishing Unneeded Conditional Use Permits**

The 2023 approval that was granted to Danner Inc. included conditional use permits that are no longer needed. Danner Inc. was going to operate a gas station with vehicle repairs and many of the approvals given in 2023 and "conditions of approval" were tied to the unique features of these uses. The conditional use permits related to the gas station use and the vehicle repair shop use should all be extinguished because they do not align with how the Applicant is proposing to use the property. The Applicant can always seek additional conditional use permits in the future if their business plan evolves.

### **Conditional Use Permit Review Criteria**

Conditional Use Permits and Conditional Use Permit Amendments should be reviewed through the lens of the criteria outlined in the City Code and generally should be approved if they meet the criteria:

- (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 districts, there is additional criteria to be considered:

*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.*

Additionally, the Planning Commission is asked to consider the following factors when evaluating a Planned Unit Development request:

- (1) That the proposed use will not be detrimental to the health, safety, morals, or general welfare of the city.*
- (2) That said use is fully consistent with the purposes of Chapter 118-132 PUD, Planned Unit Development and the comprehensive municipal plan.*

## **DISCUSSION**

The Danner Family Limited Partnership has delivered a high-quality development project with a high level of curb appeal. Staff believes that this development is an overall “win” for the City since the site was an almost unbuildable dump before the development took place. The Applicant is not requesting any additional PUD flexibility and is proposing to surrender some of the PUD flexibility that was granted to Danner in 2023 for their proposed retail fuel operation. The only significant “ask” that the Applicant is making that goes beyond the 2023 approval is to have 40-foot-tall pieces of construction equipment in the exterior storage yard. Danner was limited to having 20-foot-tall pieces of construction equipment in the yard and this height limit was imposed in part because the storage yard has a small front yard setback and the City does not want large equipment looming over Verderosa Avenue. The Applicant is trying to address this concern by proposing a site plan that restricts tall equipment to being stored towards the rear of their site in the area that is closest to Interstate 494.

Some questions that the Planning Commission may want to consider as they review this application:

1. Is it acceptable for the Applicant to store pieces of construction equipment that are up to 40 feet in height in the rear part of the exterior storage yard?
2. Would the Planning Commission like to see the aboveground fuel tanks moved towards the building or is it acceptable for them to be up against the privacy fence even though the pump apparatus will protrude above the top of the fence?
3. Does the Planning Commission feel that the proposed “conditions of approval” listed at the end of this report establish appropriate guardrails for this type of business operation?

## **STAFF RECOMMENDATION**

Staff recommends approval of an amendment to the subject property’s Conditional Use Permit for a Planned Unit Development, Conditional Use Permit for an Incidental Open Sales Lot, and Site Plan with the following conditions:

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

- |  |                       |
|--|-----------------------|
| a. <b>Application (United Rentals Realty, LLC)</b>                                 | <b>dated 10/10/24</b> |
| b. <b>Narrative (Alan Mcloughlin)</b>  | <b>Undated</b>        |
| c. <b>Original Approved Site Plan Sheet C400 (Kimley Horn)</b>                     | <b>dated 8/21/23</b>  |
| d. <b>As-Built Site Plan Sheet EX-1 (Kimley Horn)</b>                              | <b>dated 10/10/24</b> |
| e. <b>Site Corrections Plan and Exterior Storage Plan Sheet EX-2 (Kimley Horn)</b> | <b>dated 10/10/24</b> |
| f. <b>Approved Utility Plan Sheet C600 (Kimley Horn)</b>                           | <b>dated 8/21/23</b>  |
| g. <b>Landscaping Plan Sheets L100 and L101 (Kimley Horn)</b>                      | <b>dated 8/21/23</b>  |

- |   |                       |
|---|-----------------------|
| h. <b>Approved Grading and Drainage Plan Sheet C500 (Kimley Horn)</b> | <b>dated 8/21/23</b>  |
| i. <b>Lighting and Photometric Plan (Rouzer Group)</b>                | <b>dated 6/14/23</b>  |
| j. <b>Floor Plan Sheet A2 (Lampert Architects)</b>                    | <b>dated 3/3/22</b>   |
| k. <b>Stormwater Management Plan (Kimley Horn)</b>                    | <b>dated 10/13/22</b> |
| l. <b>Building Elevations Sheet A4 (Lampert Architects)</b>           | <b>dated 3/3/22</b>   |

2. **Status of Previous Conditional Use Permits.** All previous conditional use permits applying to the subject property are hereby terminated as part of this approval and any conditions that are still relevant will be incorporated into this approval document. The Applicant and property owner acknowledge and agree that the previous conditional use permits are terminated, and hereby waive any rights related to the previous conditional use permits.

3. **PUD Flexibility.** The base zoning district for the Conditional Use Permit for a Planned Unit Development (PUD) is the I-1 Light Industrial Zoning District. The development shall follow the standards of that zoning district except that the following PUD flexibility is granted:

- a. **Floor Area Ratio (FAR) Requirement.** The development shall be permitted to have less than a .2 FAR provided that the site is developed and used in a manner consistent with the approved plans with the amount of building coverage shown on those plans.
- b. **Parking Lot Setbacks.** The parking lot shall be allowed to be constructed with a 7-foot setback from the north property line as shown on the approved plans, provided that landscaping and screening is installed and maintained in accordance with those plans and the additional conditions listed below. The parking lot shall be allowed to be constructed with a 5-foot setback from the west side property line.
- c. **Exterior Storage Setbacks.** The exterior storage yard may be located in some locations that are in front of established building setback areas so long as the exterior storage yard's size and location is consistent with its depiction in the approved site plan and so long as landscaping and screening is installed and maintained in accordance with those plans.
- d. **Parking Lot Landscape Island Requirement.** The zoning requirement from Section 118-353 that states that the parking lot must have a minimum number of landscaped islands based on total size is waived.
- e. **Impervious Surface Regulations.** The development shall not be required to strictly follow the Shoreland overlay district requirement that lots within 300 feet of the Mississippi River cannot have more than 30% coverage by impervious surfaces. Instead, the Applicant has been allowed to design their project so that no more than 30% of the overall plat and project site in the Shoreland area is impervious. No private impervious surfaces may be installed on the subject property in the Shoreland area aside from those depicted on the approved site plan.
- f. **Signage Allowance.** There is a lawful-nonconforming billboard on the subject property that is controlled by a third party and consumes the property's entire signage allowance.
  - i. The property may have up to 200 square feet of additional total site signage, not counting the lawful nonconforming billboard sign. The signage shall be designed in accordance with the sign regulations of the I-1 zoning district.
  - ii. Unless the existing billboard is removed, the property shall not be allowed to have another freeway-oriented pylon sign.

4. **Conditional Use Permit for Exterior Storage.** The CUP/PUD includes a conditional use permit for exterior storage with the following conditions:
- a. **Surfacing Material.** The exterior storage area must be paved with a hard surface. The final surfacing material is subject to review and approval by the City Engineer.
  - b. **Curbing.** Curbing is required around the entire exterior storage yard. The final design of the curbing is subject to review and approval by the City Engineer.
  - c. **Type of Items allowed.** The type of items stored in the exterior storage area shall be limited to construction machines and equipment including aerial lifts, forklifts, skid steers, excavators, and towable machinery.
  - d. **Maximum Height of Stored Equipment and Materials.** There are two storage areas shown on the approved exterior storage plan which are clearly delineated by a red line on Sheet EX-2, the site corrections and exterior storage plan. Items in the storage area along Verderosa Avenue shall have a height limit of 9 feet. Item in the storage area that is further back on the site shall have a height limit of 40 feet.
  - e. **Location of Exterior Storage.** Exterior storage shall be limited to the areas shown on the exterior storage plan.
  - f. **Screening Required.** The Applicant shall be required to maintain a 6-foot privacy fence around the exterior storage area and aboveground storage tanks as shown on the approved site plan. This fence shall be vinyl unless a different fencing material is explicitly approved by the City Council. The Applicant shall plant trees in accordance with the approved landscaping plan to provide buffering along the east property line and the south property line.
  - g. **Location of Screening Fence.** The fence shall generally not be allowed to move closer to the two front property lines along Verderosa Avenue than what is shown on the approved site plan. However, the final location of the eastern fence line is subject to review and approval by the Public Works Director. The Public Works Director may allow the fence line to be moved further east if it is deemed necessary to protect the utilities buried in the utility easements.
  - h. **Gates Required for Fence in Easement Area.** The Applicant shall install two gates in the fence at both the north and south ends of the City's utility easement on the eastern portion of the site. The final size and design of the gates is subject to review and approval by the City Engineer and Public Works Director and the City must have the ability to open the gates at any time to access the utility lines buried in the easement. This fence was built incorrectly in 2024 and the required gates must be installed by no later than June 30, 2025. An escrow will be held until this work is completed (see Condition #7). Until the gates have been installed, the Applicant must provide the City with access to the utility easement area via the exterior storage yard and existing entrances.
  - i. **Restriction on Type of Storage Permitted Over North-South Utility Easements.** Only vehicles and highly portable equipment that can be easily moved may be stored in this area. The easement area must be cleared within one business day of the Applicant receiving notification from the City that there is a need to access the easement area. No shelving or other permanent or semi-permanent structures may be installed in the easement area. The Public Works Director may establish a weight limit for vehicles and equipment stored in this area.
  - j. **Applicant Shall Install Boundary Marker Signs to Mark the Utility Easement Area.** The Applicant shall be responsible for installing boundary marker signs at the north and south ends of

the exterior yard to mark the western boundary line of the utility easement area. The signs must inform employees of the storage restrictions that are present in the utility area. The final design of the signs and language that is placed on the signs is subject to the review and approval of the Public Works Director. The signs must be installed prior to the start of exterior storage operations. These signs must be maintained and replaced if they fall into disrepair or become unreadable.

- k. **Equipment Repairs to Take Place Inside Building.** There shall be no exterior repair or dismantling of vehicles and equipment.
5. **Conditional Use Permit for an Open Sales Lot That is Incidental to an Approved Use On the Same Site.** The CUP/PUD includes a conditional use permit for an open sales lot with the following conditions:
    - a. **Scope.** The approved exterior storage yard will also function as an open sales lot. Only construction machines and equipment that are part of the Applicant's approved office-warehouse and exterior storage operation may be offered for lease or for sale at the property in the open sales lot.
    - b. **No motor vehicle sales permitted.** Motor vehicle sales are not an allowed use in the I-1 Light Industrial zoning district. For the purposes of this condition, the sale of surplus construction machines and equipment that is no longer being rented shall not constitute motor vehicle sales. At no point shall the business engage in vehicle sales that require a dealer's license.
  6. **Compliance with City Code's Performance Standards.** The facility must comply with all of the City Code's performance standards relating to odor, noise, dust, glare, refuse handling, etc.
  7. **Status of Development Agreement.** The City will allow the development agreement to remain with the developer, but the developer is currently in default of the agreement because no gates were installed in the fence and the concrete ribbon gutter was not installed in the parking lot. The Applicant or developer shall establish an additional escrow to ensure that these items are addressed before the Applicant may commence operations at the subject property. The escrow shall either be for \$20,000 or 125% of the estimated cost to complete the work, whichever is less.
  8. **Landscaping Requirements.** The Applicant shall maintain landscaping that is consistent with the approved landscaping plan which shall include overstory trees for screening and buffering and decorative low-to-earth vegetation along the north property line outside of the privacy fence. All landscaping that has died since installation in 2024 must be replaced and areas that appear to be dirt must have turf established in accordance with the approved landscaping plan. Minor changes to the landscaping plan may be approved by the Zoning Administrator provided that the same number of trees is maintained.
  9. **Landscaping Guarantee.** The property owner established a \$7,500 landscaping guarantee prior to obtaining their building permit. The security shall be maintained for at least one (1) year after the date that the last landscape materials have been planted. After one year has passed, the Applicant or the property owner must replace any required landscape materials that are not alive or are in an unhealthy state. Once the City has confirmed that the replacements have been installed, the entire security may be released.
  10. **Mechanical Equipment Screening.** 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.
  11. **Lighting.** All lighting shall be compliant with City Code Section 18-245. Light sources shall be hooded or controlled so as not to light adjacent property.

12. **Trash Enclosure Required if there is Exterior Trash Handling.** All dumpsters stored outside of the building must be in an approved trash enclosure that meets zoning requirements.
13. **Termination of the Conditional Use Permit for a Planned Unit Development.** Unless an extension is granted by the City Council, this Conditional Use Permit for a Planned Unit Development and all of the conditional use permits contained within the approval will terminate if improvements have not substantially begun within one year of the date of approval. The violation of any condition of approval in the conditional use permit(s) may result in the termination of the conditional use permit(s), following a hearing by the City Council.

### **Engineering Requirements**

14. **Installation of Concrete Ribbon Gutter.** The as-built site plan dated 10/10/24 indicates that a concrete ribbon gutter shown on the approved grading and drainage plan was not constructed. The concrete ribbon gutter must be constructed by no later than June 30, 2025. An escrow will be held until this work is completed (See Condition #7).

### **ATTACHMENTS**

- A. Site Location Map
- B. Applicant's Narrative
- C. Photographs of Subject Property
- D. Original Approved Site Plan for Danner Inc.
- E. As-Built Site Plan
- F. Applicant's Site Corrections Plan and Exterior Storage Plan
- G. Approved Landscaping Plan
- H. Approved Lighting and Photometric Plan
- I. Approved Grading and Drainage Plan
- J. Approved Utility Plan
- K. Approved Floor Plan
- L. Approved Building Elevations
- M. Resolution 2023-13 Approving Danner CUP/PUD
- N. Public Hearing Notice

ATTACHMENT A  
SITE LOCATION MAP



**ATTACHMENT B**  
**APPLICANT'S NARRATIVE**

City of South St. Paul  
Attn: Michael Healy, City Planning Manager  
125 3<sup>rd</sup> Avenue North  
South St. Paul, MN 55075

Dear Mr. Healy,

This letter is submitted in support of United Rentals Realty, LLC, d/b/a United Rentals' (the "**Applicant**") proposal for development. Applicant submits the attached application to request an Amendment to the existing Conditional Use Permit originally approved by City Resolution No. 2023-13, and subsequently amended by City Resolution No. 2023-107, which in short permits the Property, as defined below, to be operated for truck stop, exterior storage, office and warehouse purposes (the "**CUP**").

Applicant proposes to lease that certain real property located at 587 Verderosa Avenue, South St. Paul, MN, and as legally described on the attached **Exhibit A** (the "**Property**"), from the property owner – Danner Family Limited Partnership ("**Owner**"). The Applicant is requesting an amendment to the CUP in order to expand its current operations located at the neighboring 555 Hardman Ave South, South St Paul, MN 55075, which operates as a rental company to the general public for equipment and tools offering a fleet of top-tier machines and equipment to help with construction and roadside projects. Specifically, the equipment stored on site would include: aerial lifts, forklifts, skid steers, excavators, and towable machinery. Further, all equipment stored along Verderosa Avenue will be stored by Applicant at "stowed height" which provides for a maximum height of 9 feet. Applicant proposes storing all other equipment along the Southern fence line not to exceed a maximum height of 40 feet.

Applicant's use will also include ancillary office space, a maintenance shop to repair returned equipment, and three (3) above ground tanks and related improvements needed to adequately provide fuel on site to the equipment inventory prior to renting the equipment out to the public. The fuel tanks stored on site will be limited to a total of three (3) above ground double wall fuel tanks. The fuel tanks stored on site would include: one (1) 500 gallon double wall tank containing gasoline fuel; one (1) 1,000 gallon double wall tank containing on road diesel fuel; and one (1) 1,000 gallon double wall tank containing off road diesel fuel. All fuel tanks are proposed to be stored as depicted on the attached proposed site plan and behind the fencing improvements on site along the northern property line.

In addition to the above, Applicant notes that included on the proposed site plan, Applicant, along with the Owner, have proposed to properly construct the appropriate gates needed to provide the city with access to the city utility easement area located along the Eastern portion of the Property. In the event the CUP amendment is granted, Applicant will commit to storing only moveable vehicles within this area of the Property as marked on the site plan for easy access in the event city needs to access the utilities located within the easement area.

The proposed industrial use is best described as an open sales / rental operation with accessory office, warehouse, and exterior storage. Such use will require approximately 15 employees, and

anticipates approximately 15 customers on any given day. The proposed hours of operation is from 7:00 am to 4:00 pm.

Additionally, please see the current conditions included on the CUP for which the Applicant would be requesting be removed or revised, if an amendment were to be approved<sup>1</sup>:

- Exterior storage restrictions;
- Maximum height restrictions on exterior storage items;
- Restrictions against leasing of vehicles and / or trailers;
- Restrictions against above ground fueling tanks;
- Removal of all requirements associated with the construction of containment facilities for raw materials, as raw materials will not be used in the newly proposed development.

The property at issue is currently zoned I-1 Light Industrial and falls within two environmental overlay districts. It is located within the Mississippi River Critical Corridor area and the eastern part of the property is located within the Shoreland overlay district. Before Applicant can invest the time and money into creating plans for this new development and execute a lease agreement with Owner, Applicant must first determine if the City of South St. Paul would agree to grant Applicant a Conditional Use Permit for its proposed use.

Sincerely,

Rentals Realty, LLC

By: /s/ Alan McLoughlin

Its: Manager, Design & Construction

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<sup>1</sup> Applicant is of course open to discussing any additional reasonable restrictions on the listed items to be removed, and / or the removal of any currently permitted uses within the CUP in exchange for being permitted to operate its planned use at the Property.

**ATTACHMENT C  
PHOTOGRAPHS OF SUBJECT PROPERTY**



**View of Building from North While Standing on Verderosa Avenue**



**Privacy Fence and Landscaping Along North Property Line**



**Privacy Fence and Landscaping Along East Property Line**



**Some Trees Outside of Fence Appear to be Dead or Dying**



**View of Proposed Exterior Storage Yard While Standing on a Hill South of Subject Property**



**View of Storage Yard and New Building While Standing on a Hill South of Subject Property**



**Dying Trees and Exposed Dirt Along North Fence Line**



**New Building and Trash Enclosure**



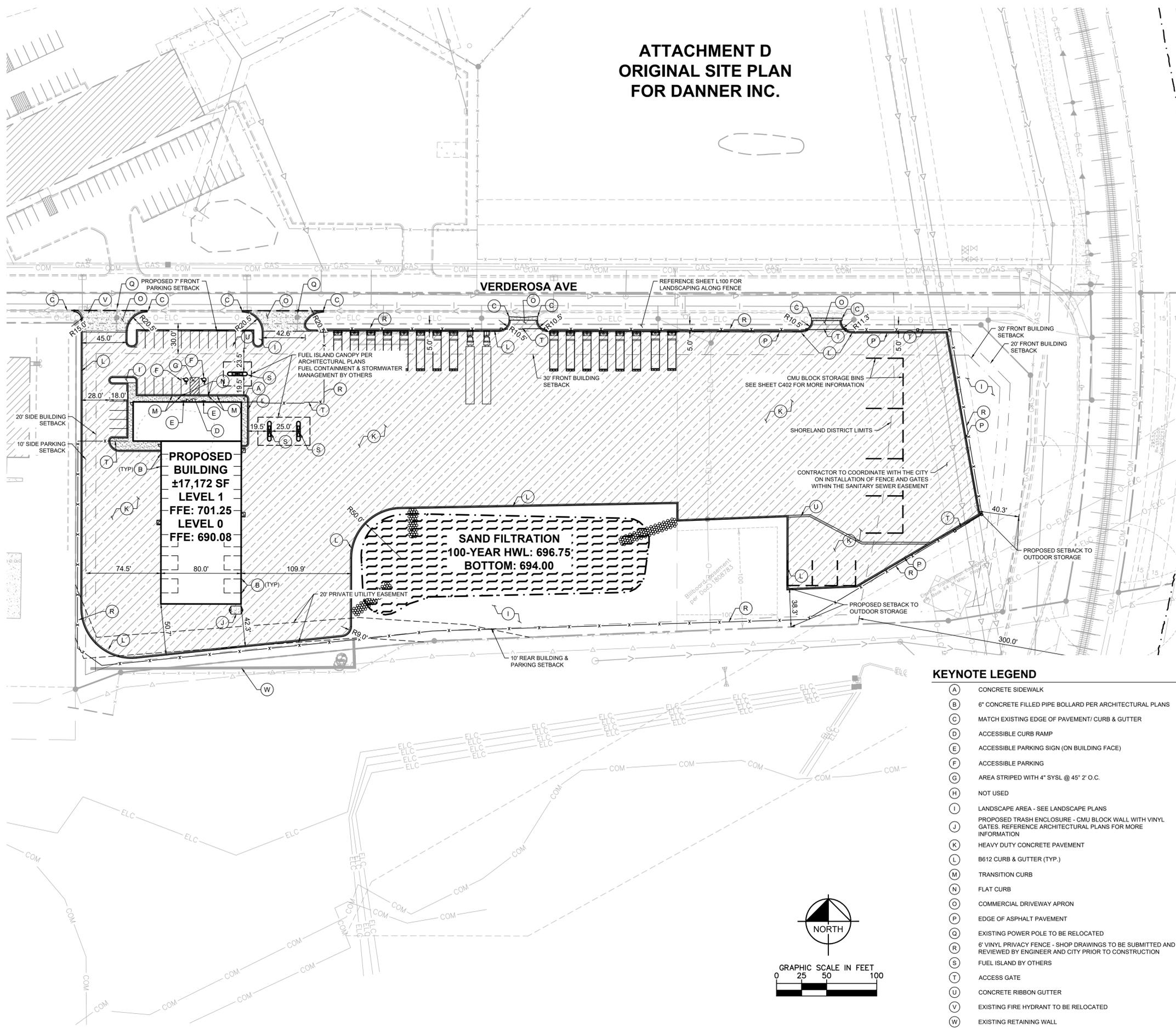
**New Building as Viewed from a Hill South of Subject Property**



**Existing Exterior Storage Yard at United Rentals Property Across Street at 555 Hardman Avenue South**

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# ATTACHMENT D ORIGINAL SITE PLAN FOR DANNER INC.



### LEGEND

|  |                                     |
|--|-------------------------------------|
|  | PROPERTY LINE                       |
|  | PROPOSED FENCE                      |
|  | SETBACK LINE                        |
|  | RETAINING WALL                      |
|  | PROPOSED CURB AND GUTTER            |
|  | PROPOSED HEAVY DUTY ASPHALT         |
|  | PROPOSED STANDARD DUTY ASPHALT      |
|  | PROPOSED CONCRETE PAVEMENT          |
|  | PROPOSED STORMWATER MANAGEMENT AREA |
|  | PROPOSED CONCRETE SIDEWALK          |

### PROPERTY SUMMARY

| DANNER FAMILY ADDITION 2 LOT 1 |                      |
|--------------------------------|----------------------|
| TOTAL PROPERTY AREA            | 295,912 SF (6.79 AC) |
| PROPOSED IMPERVIOUS AREA       | 202,835 SF (4.66 AC) |
| PROPOSED PERVIOUS AREA         | 93,077 SF (2.14 AC)  |
| TOTAL DISTURBED AREA           | 281,045 SF (6.45 AC) |

### ZONING SUMMARY

|                   |   |
|-------------------|---|
| EXISTING ZONING   | I-1, INDUSTRIAL DISTRICT                |
| PROPOSED ZONING   | I-1, INDUSTRIAL DISTRICT (PUD)          |
| PARKING SETBACKS  | SIDE/REAR = 10'<br>ROAD = 20'           |
| BUILDING SETBACKS | FRONT = 30'<br>SIDE = 20'<br>REAR = 20' |

### BUILDING DATA SUMMARY

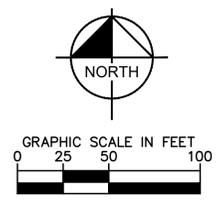
| AREAS             |  |
|-------------------|--|
| PROPOSED PROPERTY | 295,912 SF (6.79 AC)                     |
| BUILDING AREA     | 17,172 SF (5.80% OF TOTAL PROPERTY AREA) |

### PARKING

|                             |                        |
|-----------------------------|------------------------|
| REQUIRED PARKING            | N/A - PUD              |
| PROPOSED PARKING            | 26 SPACES @ 1.51 RATIO |
| ADA STALLS REQ'D / PROVIDED | 2 STALLS / 2 STALLS    |

- ### SITE PLAN NOTES
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
  - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
  - ALL INNER CURBED RADII ARE TO BE 3' AND OUTER CURBED RADII ARE TO BE 6' UNLESS OTHERWISE NOTED. STRIPED RADII ARE TO BE 5'.
  - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
  - SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY PIONEER ENGINEERING, DATED 01/13/2022.  
KIMLEY-HORN ASSUMES NO LIABILITY FOR ANY ERRORS, INACCURACIES, OR OMISSIONS CONTAINED THEREIN.
  - TOTAL LAND AREA IS 6.79 ACRES.
  - PYLON / MONUMENT SIGNS SHALL BE CONSTRUCTED BY OTHERS. SIGNS ARE SHOWN FOR GRAPHICAL & INFORMATIONAL PURPOSES ONLY. CONTRACTOR TO VERIFY SIZE, LOCATION AND ANY REQUIRED PERMITS NECESSARY FOR THE CONSTRUCTION OF THE PYLON / MONUMENT SIGN.
  - CONTRACTOR SHALL REFERENCE ARCH / MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
  - NO PROPOSED LANDSCAPING SUCH AS TREES OR SHRUBS, ABOVE AND UNDERGROUND STRUCTURES, OR OTHER OBSTRUCTIONS SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHTS OF WAY UNLESS SPECIFICALLY NOTED ON PLANS OTHERWISE.
  - REFERENCE ARCHITECTURAL PLANS FOR DUMPSTER ENCLOSURE DETAILS.
  - REFER TO FINAL PLAT OR ALTA SURVEY FOR EXACT LOT AND PROPERTY BOUNDARY DIMENSIONS.
  - ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
  - ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
  - ALL PARKING STALLS TO BE 9' IN WIDTH AND 18' IN LENGTH UNLESS OTHERWISE INDICATED.
  - THERE ARE 0 ACRES OF WETLAND IMPACTS.

- ### KEYNOTE LEGEND
- |     |  |
|-----|--|
| (A) | CONCRETE SIDEWALK  |
| (B) | 6" CONCRETE FILLED PIPE BOLLARD PER ARCHITECTURAL PLANS  |
| (C) | MATCH EXISTING EDGE OF PAVEMENT/ CURB & GUTTER   |
| (D) | ACCESSIBLE CURB RAMP   |
| (E) | ACCESSIBLE PARKING SIGN (ON BUILDING FACE)   |
| (F) | ACCESSIBLE PARKING   |
| (G) | AREA STRIPED WITH 4" SYSL @ 45° 2' O.C.  |
| (H) | NOT USED   |
| (I) | LANDSCAPE AREA - SEE LANDSCAPE PLANS   |
| (J) | PROPOSED TRASH ENCLOSURE - CMU BLOCK WALL WITH VINYL GATES. REFERENCE ARCHITECTURAL PLANS FOR MORE INFORMATION |
| (K) | HEAVY DUTY CONCRETE PAVEMENT   |
| (L) | B612 CURB & GUTTER (TYP.)  |
| (M) | TRANSITION CURB  |
| (N) | FLAT CURB  |
| (O) | COMMERCIAL DRIVEWAY APRON  |
| (P) | EDGE OF ASPHALT PAVEMENT   |
| (Q) | EXISTING POWER POLE TO BE RELOCATED  |
| (R) | 6" VINYL PRIVACY FENCE - SHOP DRAWINGS TO BE SUBMITTED AND REVIEWED BY ENGINEER AND CITY PRIOR TO CONSTRUCTION |
| (S) | FUEL ISLAND BY OTHERS  |
| (T) | ACCESS GATE  |
| (U) | CONCRETE RIBBON GUTTER   |
| (V) | EXISTING FIRE HYDRANT TO BE RELOCATED  |
| (W) | EXISTING RETAINING WALL  |



ISSUED FOR CONSTRUCTION

DANNER FAMILY ADDITION 2

PREPARED FOR DANNER INC.

SOUTH ST. PAUL MN

**SITE PLAN**

SHEET NUMBER **C400**

DATE: 08/21/2023

REVISIONS

DATE: 08/21/2023

TSS BY

KHA PROJECT 160448000

DATE 08/21/2023

SCALE AS SHOWN

DESIGNED BY MJS

DRAWN BY JDT

CHECKED BY WDM

PROPERTY LINE

PROPOSED FENCE

SETBACK LINE

RETAINING WALL

PROPOSED CURB AND GUTTER

PROPOSED HEAVY DUTY ASPHALT

PROPOSED STANDARD DUTY ASPHALT

PROPOSED CONCRETE PAVEMENT

PROPOSED STORMWATER MANAGEMENT AREA

PROPOSED CONCRETE SIDEWALK

PROPERTY LINE

PROPOSED FENCE

SETBACK LINE

RETAINING WALL

PROPOSED CURB AND GUTTER

PROPOSED HEAVY DUTY ASPHALT

PROPOSED STANDARD DUTY ASPHALT

PROPOSED CONCRETE PAVEMENT

PROPOSED STORMWATER MANAGEMENT AREA

PROPOSED CONCRETE SIDEWALK

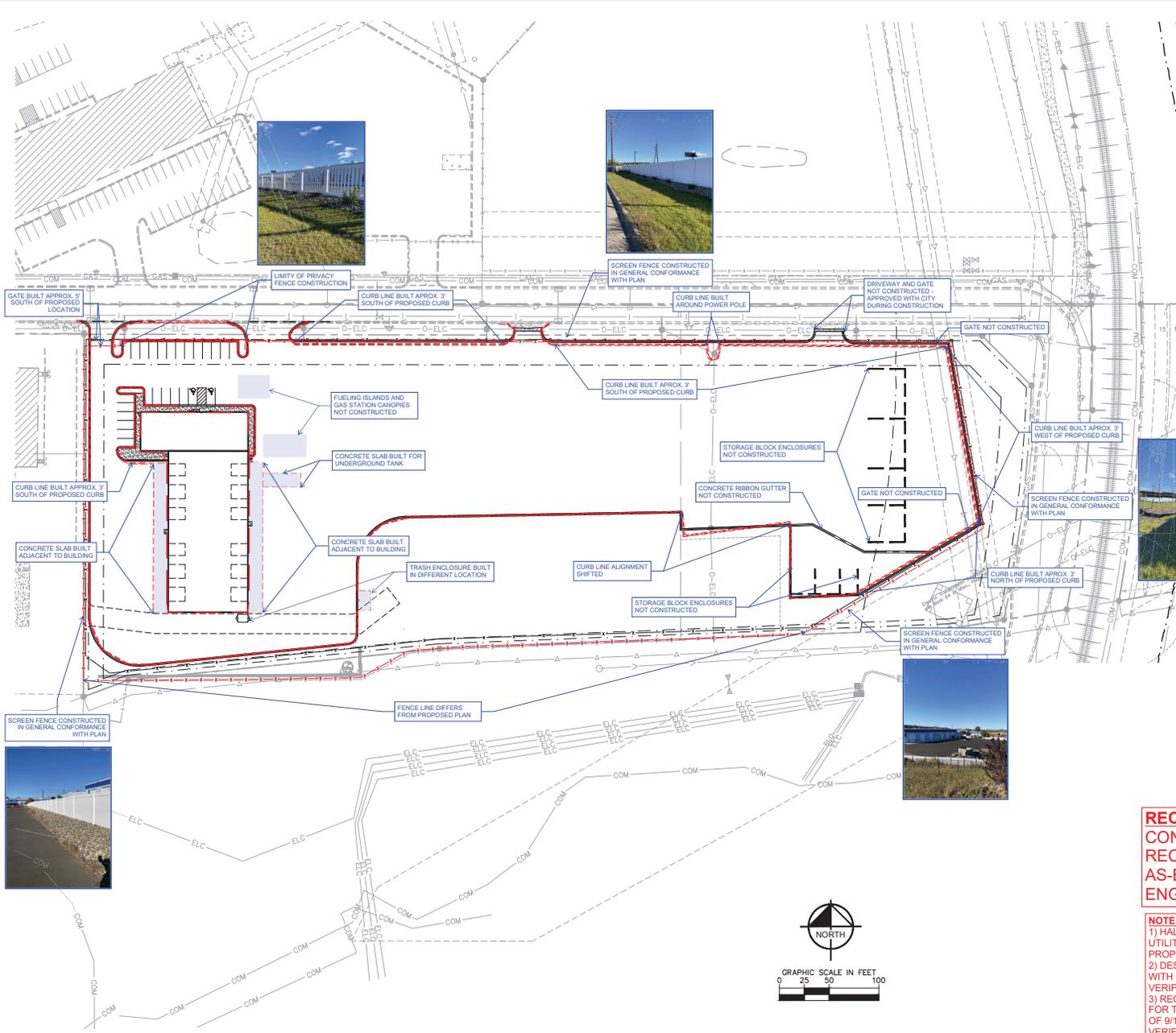
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MATTHEW J. SOREKSON, P.E.  
DATE: 08/23/2023 LIC. NO. 59721

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767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114  
PHONE: 651-454-1197  
WWW.KIMLEY-HORN.COM

# ATTACHMENT E As-Built Plan

K:\TWC\_LDEV\Danner Inc\Verdictosa - South St Paul\3 Design\CAD\PlanSheets\C4-AS\_BUILT-SITE PLAN.dwg October 10, 2024 - 4:10pm  
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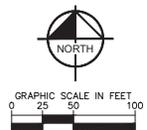


**LEGEND**

|  |                          |
|--|--------------------------|
|  | PROPERTY LINE            |
|  | PROPOSED FENCE           |
|  | SETBACK LINE             |
|  | RETAINING WALL           |
|  | PROPOSED CURB AND GUTTER |
|  | AS-BUILT CONDITION       |

**RECORD PLAN INFORMATION:**  
**CONTRACTOR: DANNER INC**  
**RECORD DRAWINGS BY: KIMLEY-HORN**  
**AS-BUILT SURVEY BY: PIONEER ENGINEERING, PA**

**NOTES:**  
 1) HALF-TONED INFORMATION INCLUDING, BUT NOT LIMITED TO, UTILITY LOCATIONS AND ELEVATIONS SHOWN HERON, IS PROPOSED PER THE IMPROVEMENT PLANS.  
 2) DESIGN INFORMATION THAT IS CROSSED OUT AND REPLACED WITH RED-TONED DATA REFLECTS THE AS-CONSTRUCTED, FIELD VERIFIED, CONDITION.  
 3) RECORD DRAWING INFORMATION SHOWN HERON PREPARED FOR THE PURPOSE OF DEPICTING CONSTRUCTED SITEWORK AS OF 9/10/2024. NO OTHER STRUCTURES HAVE BEEN LOCATED OR VERIFIED.

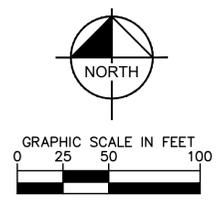
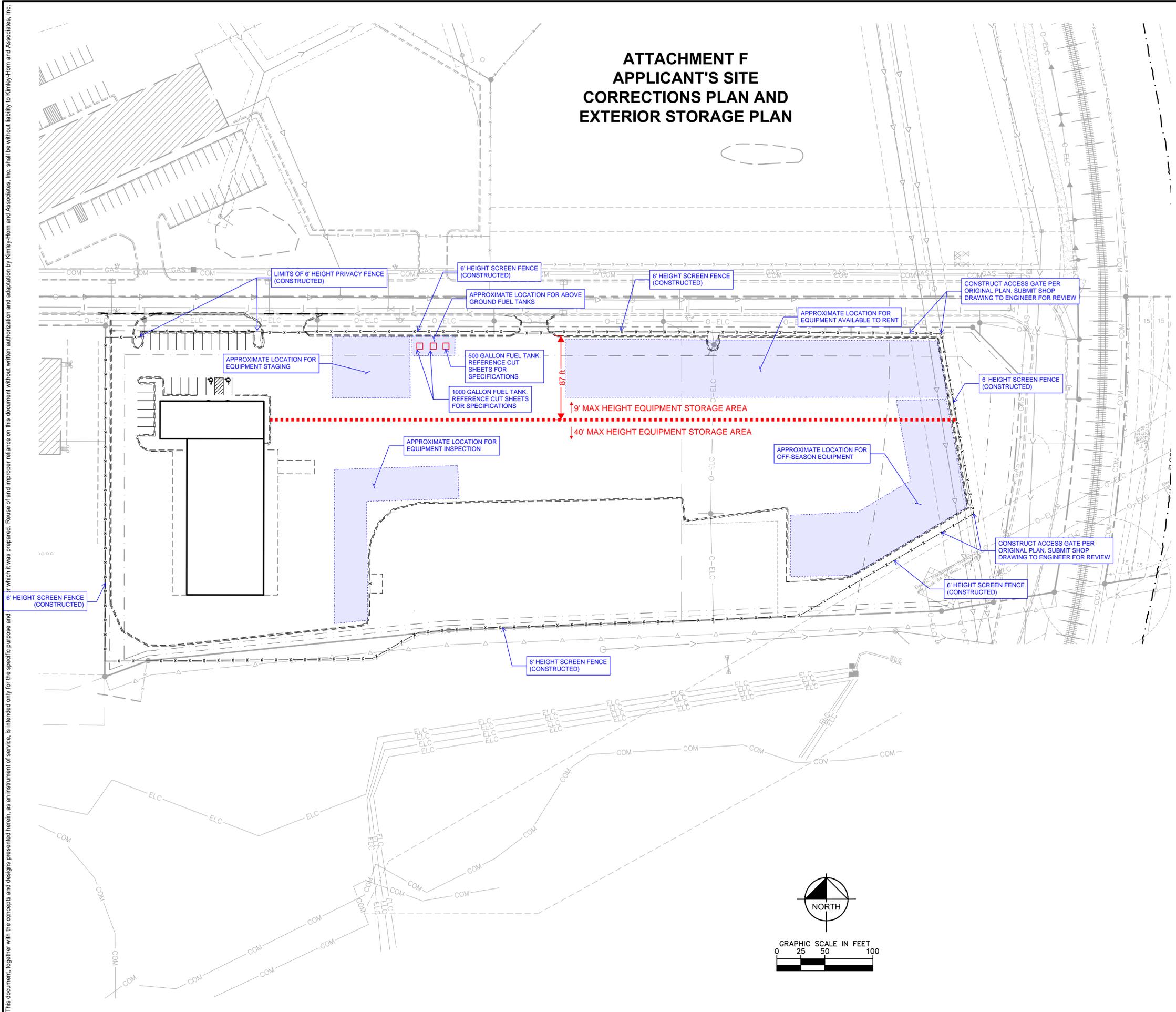


|   |
|---|
| <p>© 2022 KIMLEY-HORN ASSOCIATES, INC.<br/>         717 ELSTREE STREET, SUITE 100, ST. PAUL, MN 55114<br/>         PHONE: (612) 454-1197<br/>         WWW.KIMLEY-HORN.COM</p> |
| <p><b>AS-BUILT SITE PLAN</b></p>  |
| <p><b>DANNER FAMILY ADDITION 2</b><br/>         PREPARED FOR<br/> <b>DANNER INC.</b><br/>         SOUTH ST. PAUL, MN</p>  |
| <p>SHEET NUMBER<br/> <b>EX-1</b></p>  |

# ATTACHMENT F APPLICANT'S SITE CORRECTIONS PLAN AND EXTERIOR STORAGE PLAN

| LEGEND |                          |
|--------|--------------------------|
|        | PROPERTY LINE            |
|        | EXISTING FENCE           |
|        | SETBACK LINE             |
|        | EXISTING CURB AND GUTTER |

K:\TWC\_LDEV\Danner Inc\Verdosa - South St Paul\3 Design\CAD\PlanSheets\C4-SITE CORRECTIONS-SITE PLAN.dwg October 10, 2024 - 5:16pm



**Kimley»Horn**  
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PHONE: 651-452-4197  
WWW.KIMLEY-HORN.COM

**SITE  
CORRECTIONS  
PLAN**

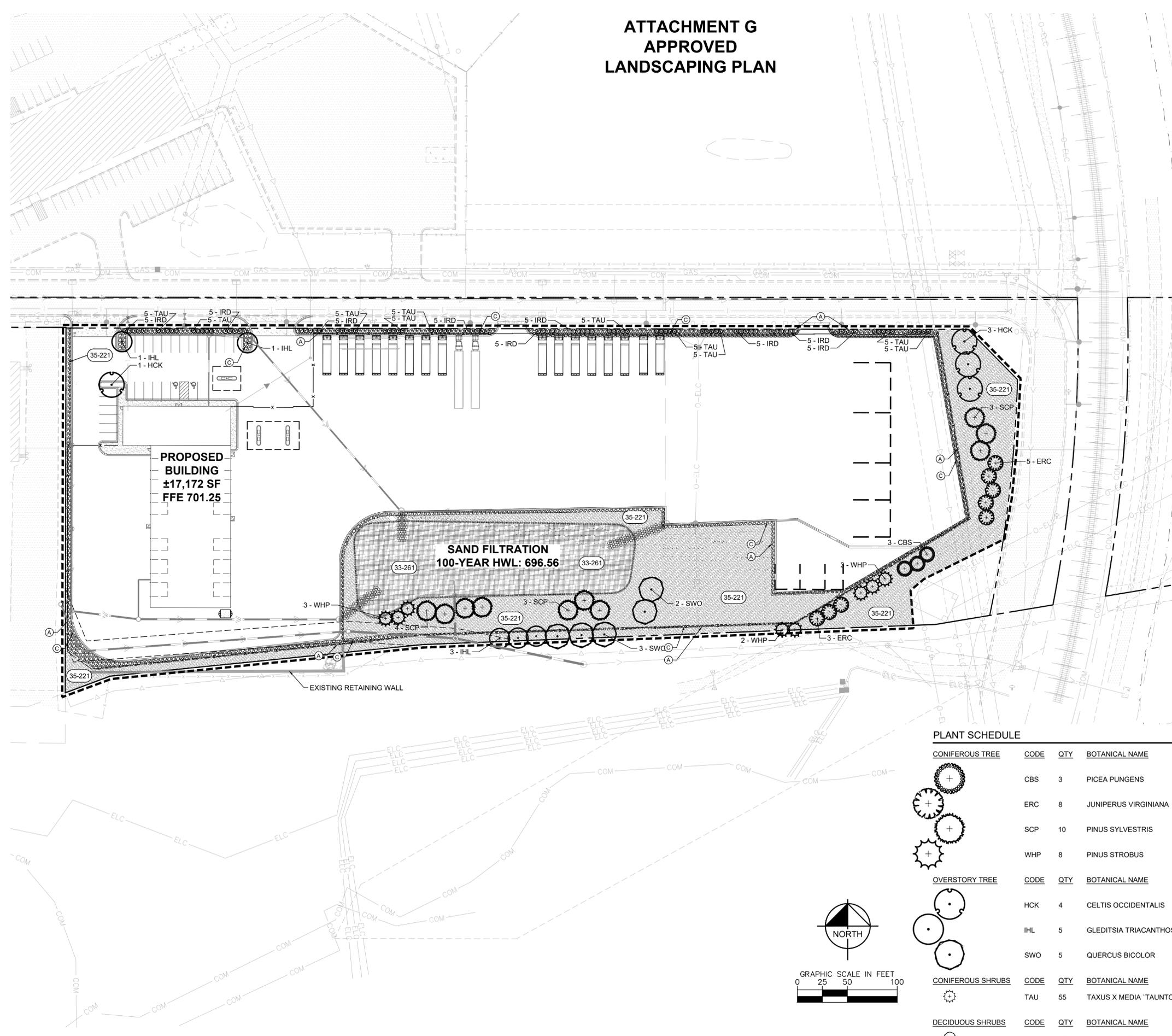
DANNER FAMILY  
ADDITION 2  
PREPARED FOR  
DANNER INC.  
SOUTH ST. PAUL MN

SHEET NUMBER  
**EX-2**

K:\TWC\_LDEV\Danner Inc\Verdosa - South St Paul\3 Design\CAD\PlanSheets\L1-LANDSCAPE PLAN.dwg August 22, 2023 - 12:34pm

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# ATTACHMENT G APPROVED LANDSCAPING PLAN



### LANDSCAPE LEGEND

- EXISTING DECIDUOUS TREE (TYP.)
- EXISTING CONIFEROUS TREE (TYP.)
- EXISTING SHRUB (TYP.)
- EDGER (TYP.)
- APPROXIMATE LIMITS OF SOD / IRRIGATION, SOD ALL DISTURBED AREAS (TYP.)
- SEED / SOD EDGE (TYP.)
- ROCK MULCH (TYP.)
- SEED WITH MNDOT 33-261 SEED MIX WITH EROSION CONTROL MEASURES
- SEED WITH MNDOT 35-221 SEED MIX WITH EROSION CONTROL MEASURES
- PRIVACY FENCE - OWNER TO CONFIRM TYPE AND HEIGHT

### SEEDING KEYNOTES

- (33-261)** SEED WITH MNDOT 33-261: STORMWATER SOUTH & WEST SEED MIX WITH EROSION CONTROL MEASURES (TYP.)
- (35-221)** SEED WITH MNDOT 35-221: DRY PRAIRIE GENERAL SEED MIX WITH EROSION CONTROL MEASURES (TYP.)

### LANDSCAPE KEYNOTES

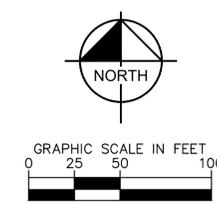
- (A)** EDGER (TYP.)
- (B)** DOUBLE SHREDDED HARDWOOD MULCH (TYP.)
- (C)** ROCK MULCH (TYP.)

### LANDSCAPE SUMMARY

|                           |  |
|---------------------------|--|
| LANDSCAPE AREA REQUIRED:  | 44,367 SF = TOTAL SITE AREA x 15%                  |
| LANDSCAPE AREA PROVIDED:  | 295,760 SF x 15%                                   |
| OVERSTORY TREES REQUIRED: | 36 TREES = TOTAL SITE PERIMETER / 70               |
| OVERSTORY TREES PROVIDED: | 2,505 LF / 70<br>43 OVERSTORY AND CONIFEROUS TREES |
| SCREENING REQUIRED:       | LOT TO BE SCREENED FROM I-494                      |
| SCREENING PROVIDED:       | SEE PLAN   |

### PLANT SCHEDULE

| CONIFEROUS TREE   | CODE | QTY | BOTANICAL NAME                                | COMMON NAME             | CONT     | CAL/SIZE  |
|-------------------|------|-----|---|-------------------------|----------|-----------|
|                   | CBS  | 3   | PICEA PUNGENS                                 | COLORADO SPRUCE         | B & B    | 6' HT.    |
|                   | ERC  | 8   | JUNIPERUS VIRGINIANA                          | EASTERN RED CEDAR       | B & B    | 6' HT.    |
|                   | SCP  | 10  | PINUS SYLVESTRIS                              | SCOTCH PINE             | B & B    | 6' HT.    |
|                   | WHP  | 8   | PINUS STROBUS                                 | WHITE PINE              | B & B    | 6' HT.    |
| OVERSTORY TREE    | CODE | QTY | BOTANICAL NAME                                | COMMON NAME             | CONT     | CAL/SIZE  |
|                   | HCK  | 4   | CELTIS OCCIDENTALIS                           | COMMON HACKBERRY        | B & B    | 2.5" CAL. |
|                   | IHL  | 5   | GLEDITSIA TRIACANTHOS VAR. INERMIS 'IMPERIAL' | IMPERIAL HONEYLOCUST    | B & B    | 2.5" CAL. |
|                   | SWO  | 5   | QUERCUS BICOLOR                               | SWAMP WHITE OAK         | B & B    | 2.5" CAL. |
| CONIFEROUS SHRUBS | CODE | QTY | BOTANICAL NAME                                | COMMON NAME             | CONT     | SPACING   |
|                   | TAU  | 55  | TAXUS X MEDIA 'TAUNTONII'                     | TAUTON YEW              | #5 CONT. | 5' O.C.   |
| DECIDUOUS SHRUBS  | CODE | QTY | BOTANICAL NAME                                | COMMON NAME             | CONT     | SPACING   |
|                   | IRD  | 45  | CORNUS SERICEA 'ISANTI'                       | ISANTI REDOSIER DOGWOOD | #5 CONT. | 5' O.C.   |



ISSUED FOR CONSTRUCTION

**DANNER FAMILY  
ADDITION 2  
PREPARED FOR  
DANNER INC.**

SOUTH ST. PAUL  
MN

LANDSCAPE PLAN

KHA PROJECT  
160448000

DATE  
08/21/2023

SCALE  
AS SHOWN

DESIGNED BY  
CFK

DRAWN BY  
CFK

CHECKED BY  
RAH

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*Mitchell L. Coeber*  
MITCHELL L. COEBER, P.L.A.  
DATE: 08/21/2023 LIC. NO. 96522

2022 KIMLEY-HORN AND ASSOCIATES, INC.  
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114  
PHONE: 651-454-1977  
WWW.KIMLEY-HORN.COM

**Kimley-Horn**

REVISIONS

DATE

NO.

TSS

BY

08/21/2023

DATE

08/21/2023

REVISIONS

NO.

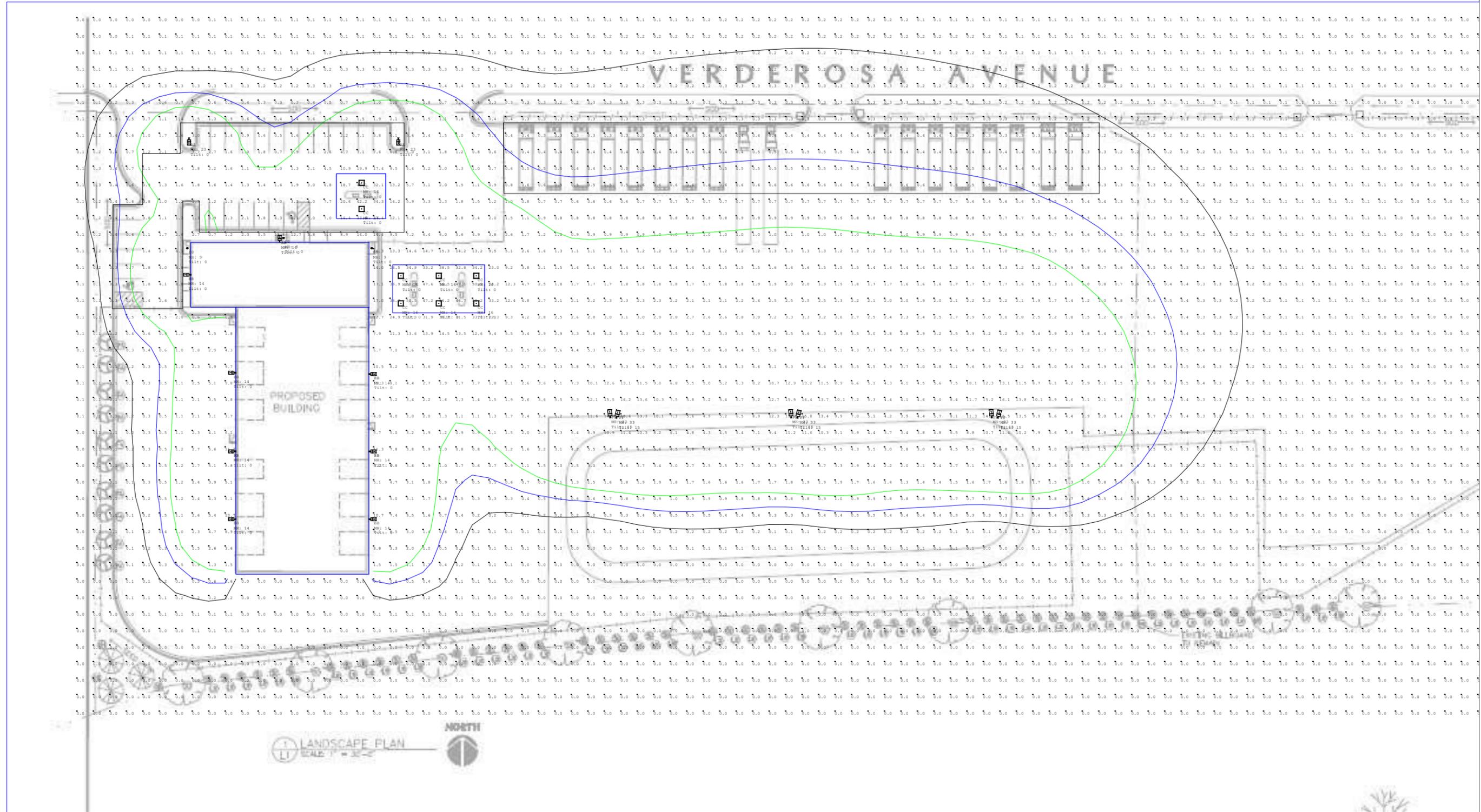
DATE

08/21/2023

REVISION

# ATTACHMENT H

## APPROVED LIGHTING AND PHOTOMETRIC PLAN



Scale: 1 inch= 30 Ft.

The Lighting Analysis, energy analysis and/or visual simulation, which may be provided by ROUZER, represents an anticipated prediction of lighting system performance based on the information provided. It is not a guarantee of performance. ROUZER does not warrant or represent that the information provided is accurate, complete, or that the lighting system will be installed or operated in accordance with the information provided. ROUZER is not responsible for any lighting system performance issues that may arise from the use of the information provided. The lighting design is subject to change without notice. The lighting design is based on the information provided and is not a guarantee of performance. The lighting design is based on the information provided and is not a guarantee of performance. The lighting design is based on the information provided and is not a guarantee of performance.

Scale: as noted  
 Date: 6/14/2023  
 Filename: Danner Truck Service AGI  
 Drawn By: Eric Nephew

Job Name: Danner Truck Service Lighting Layout Version A

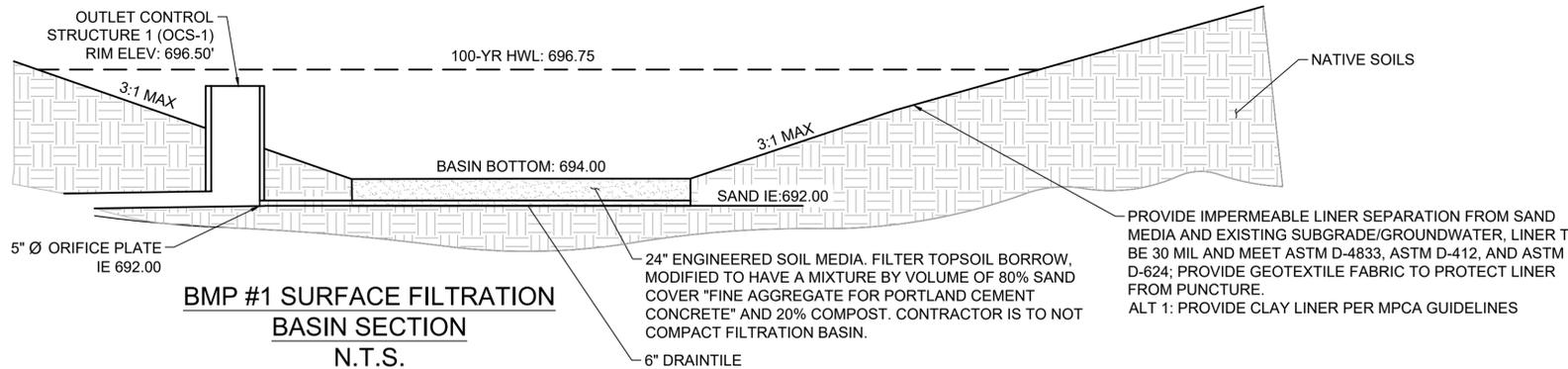
Prepared For: Crescent



Filename: C:\Users\EricRouzer\Group\Rouzer\Inside - Rouzer\Inside Documents\RAB\Rouzer Layouts\Erics AGI\Danner Truck Service AGI



# ATTACHMENT I APPROVED GRADING AND DRAINAGE PLAN



### LEGEND

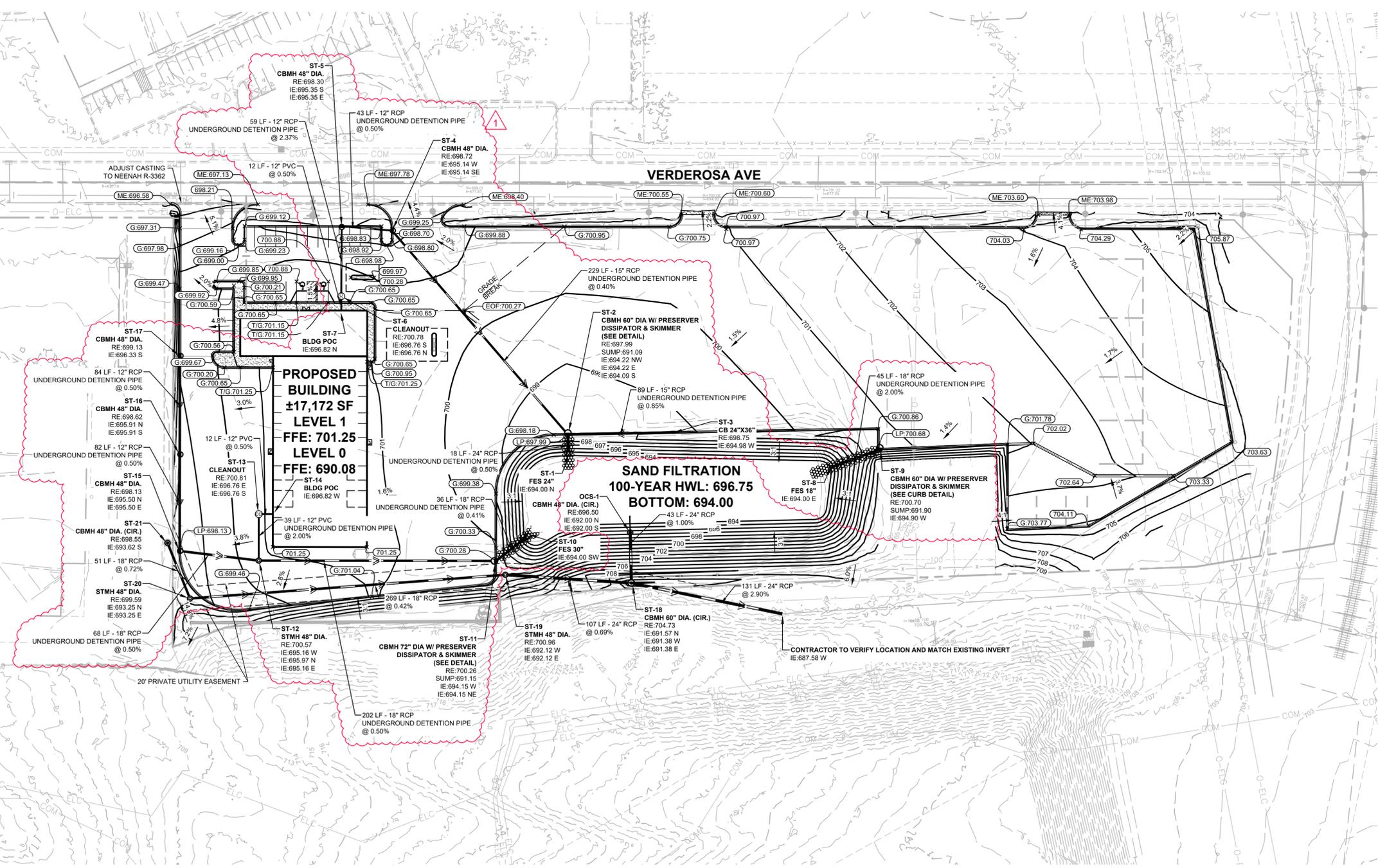
|  |  |
|--|--|
|  | PROPERTY LINE  |
|  | EXISTING CONTOUR   |
|  | PROPOSED CONTOUR   |
|  | PROPOSED STORM MANHOLE (SOLID CASTING)                   |
|  | PROPOSED STORM MANHOLE (ROUND INLET CASTING)             |
|  | PROPOSED STORM MANHOLE/ CATCH BASIN (CURB INLET CASTING) |
|  | PROPOSED STORM SEWER CLENOUT                             |
|  | PROPOSED FLARED END SECTION                              |
|  | PROPOSED RIPRAP  |
|  | PROPOSED STORM SEWER                                     |
|  | PROPOSED STORM SEWER                                     |
|  | PROPOSED SPOT ELEVATION                                  |
|  | PROPOSED HIGH POINT ELEVATION                            |
|  | PROPOSED LOW POINT ELEVATION                             |
|  | PROPOSED GUTTER ELEVATION                                |
|  | PROPOSED TOP OF CURB ELEVATION                           |
|  | PROPOSED FLUSH PAVEMENT ELEVATION                        |
|  | MATCH EXISTING ELEVATION                                 |
|  | PROPOSED EMERGENCY OVERFLOW                              |
|  | PROPOSED DRAINAGE DIRECTION                              |
|  | PROPOSED ADA SLOPE                                       |

### GRADING PLAN NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF SOUTH ST. PAUL, SPECIFICATIONS AND BUILDING PERMIT REQUIREMENTS.
- CONTRACTOR TO CALL GOPHER STATE CALL ONE @ +1-800-252-1166- AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATION/CONSTRUCTION FOR UTILITY LOCATIONS.
- STORM SEWER PIPE SHALL BE AS FOLLOWS:  
RCP PER ASTM C-76  
HDPE: 0" - 10" PER AASHTO M-252  
HDPE: 12" OR GREATER PER ASTM F-2306  
PVC SCH. 40 PER ASTM D-1785  
STORM SEWER FITTINGS SHALL BE AS FOLLOWS:  
RCP PER ASTM C-76, JOINTS PER ASTM C-361, C-990, AND C-443  
HDPE PER ASTM 3212  
PVC PER ASTM D-3034, JOINTS PER ASTM D-3212
- CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
- SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF EXISTING PAVEMENT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
- CONTRACTOR SHALL EXCAVATE DRAINAGE TRENCHES TO FOLLOW PROPOSED STORM SEWER ALIGNMENTS.
- GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION AND LEAVE STREET READY FOR SUBBASE.
- ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF OFF THE CONSTRUCTION SITE.
- REFER TO THE UTILITY PLAN FOR SANITARY SEWER MAIN, WATER MAIN SERVICE LAYOUT AND ELEVATIONS AND CASTING / STRUCTURE NOTATION.
- CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OF PAVEMENTS AND CURB AND GUTTER WITH SMOOTH UNIFORM SLOPES TO PROVIDE POSITIVE DRAINAGE.
- INSTALL A MINIMUM OF 6" CLASS 5 AGGREGATE BASE UNDER CURB AND GUTTER AND CONCRETE SIDEWALKS.
- UPON COMPLETION OF EXCAVATION AND FILLING, CONTRACTOR SHALL RESTORE ALL STREETS AND DISTURBED AREAS ON SITE. ALL DISTURBED AREAS SHALL BE RE-VEGETATED WITH A MINIMUM OF 4" OF TOPSOIL.
- ALL SPOT ELEVATIONS/CONTOURS ARE TO GUTTER / FLOW LINE UNLESS OTHERWISE NOTED.
- GRADING FOR ALL SIDEWALKS AND ACCESSIBLE ROUTES INCLUDING CROSSING DRIVEWAYS SHALL CONFORM TO CURRENT ADA STATENATIONAL STANDARDS. IN NO CASE SHALL ACCESSIBLE RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPES EXCEED 2%. IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPES EXCEED 5%. IN NO CASE SHALL ACCESSIBLE PARKING STALLS OR AISLES EXCEED 2% (1.5% TARGET) IN ALL DIRECTIONS. SIDEWALK ACCESS TO EXTERNAL BUILDING DOORS AND GATES SHALL BE ADA COMPLIANT. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ADA CRITERIA CANNOT BE MET IN ANY LOCATION PRIOR TO PAVING. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR A.D.A COMPLIANCE ISSUES.
- MAINTAIN A MINIMUM OF 0.5% GUTTER SLOPE TOWARDS LOW POINTS.
- CONTRACTOR TO PROVIDE 3" INSULATION BY 5' WIDE CENTERED ON STORM PIPE IF LESS THAN 4" OF COVER IN PAVEMENT AREAS AND LESS THAN 3' OF COVER IN LANDSCAPE AREAS.
- ALL STORM SEWER CONNECTIONS SHALL BE GASKETED AND WATER TIGHT INCLUDING MANHOLE CONNECTIONS.
- ALL STORM SEWER PIPE SHALL BE AIR TESTED IN ACCORDANCE WITH THE CURRENT PLUMBING CODE.
- MAINTAIN A MINIMUM OF 1.25% SLOPE IN BITUMINOUS PAVEMENT AREAS, 0.5% SLOPE IN CONCRETE PAVEMENT AREAS.
- CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "INFALL CURB" WHERE PAVEMENT DRAINS TOWARD GUTTER, AND "OUTFALL" CURB WHERE PAVEMENT DRAINS AWAY FROM GUTTER.

CONSTRUCTION SHALL ADHERE TO THE GUIDELINES LISTED IN THE RESPONSE ACTION PLAN AND CONSTRUCTION CONTINGENCY PLANS DATED MARCH 1, 2017 & FEBRUARY 25, 2021

K:\TWC\_LDEVDanner Inc\Verdosa - South St Paul\3 Design\CAD\Plan\Grading Plan.dwg August 22, 2023 - 12:29pm  
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



|                          |       |            |                         |  |                      |
|--------------------------|-------|------------|-------------------------|--|----------------------|
| KHA PROJECT<br>160448000 | DATE  | 08/21/2023 | ISSUED FOR CONSTRUCTION | DANNER FAMILY<br>ADDITION 2<br>PREPARED FOR<br>DANNER INC. | SOUTH ST. PAUL<br>MN |
|                          | SCALE | AS SHOWN   |                         |  |                      |
| DESIGNED BY              | MJS   |            | REVISIONS               | DATE   | BY                   |
| DRAWN BY                 | JDT   |            |                         |  |                      |
| CHECKED BY               | WDM   |            | M/DLI COMMENTS          | NO.  | TSS                  |
|                          |       |            |                         |  |                      |
|                          |       |            |                         |  | 08/21/2023           |

**Kimley»Horn**

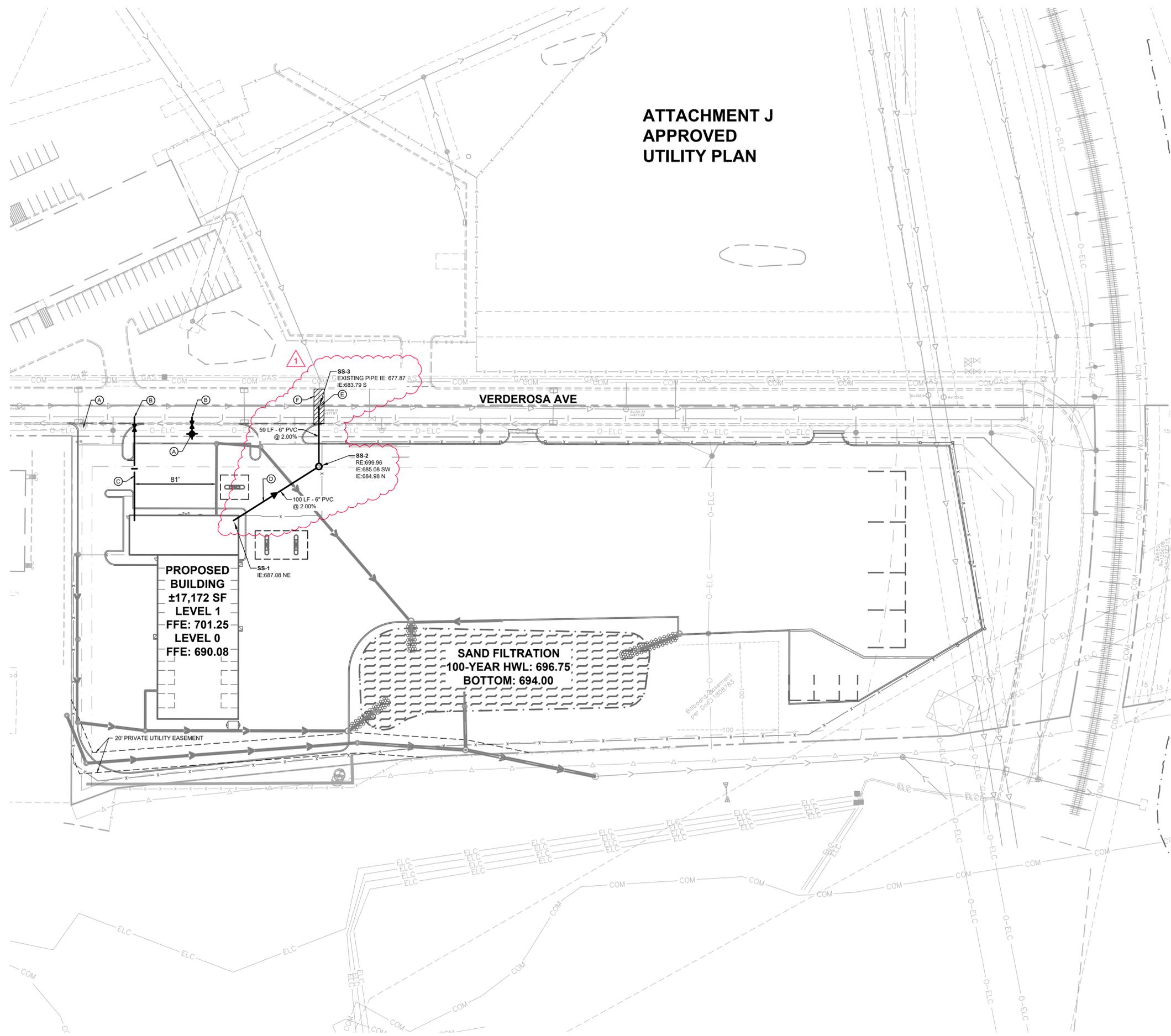
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787 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114  
PHONE: 651-454-4197  
WWW.KIMLEY-HORN.COM

MATTHEW J. SORENSON, P.E.  
MN LIC. NO. 59721

**GRADING & DRAINAGE PLAN**

SHEET NUMBER  
**C500**

# ATTACHMENT J APPROVED UTILITY PLAN



| LEGEND   |          |                        |
|----------|----------|------------------------|
| EXISTING | PROPOSED |                        |
|          |          | GATE VALVE             |
|          |          | HYDRANT                |
|          |          | REDUCER                |
|          |          | TEE                    |
|          |          | SANITARY SEWER MANHOLE |
|          |          | SANITARY CLEANOUT      |
|          |          | WATERMAIN              |
|          |          | SANITARY SEWER         |
|          |          | STORM SEWER            |
|          |          | STORM SEWER            |
|          |          | ELC                    |
|          |          | UNDERGROUND ELECTRIC   |
|          |          | COM                    |
|          |          | TELEPHONE              |
|          |          | GAS MAIN               |

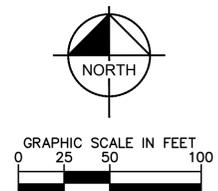
### UTILITY PLAN NOTES

- ALL FILL MATERIAL IS TO BE IN PLACE, AND COMPACTED BEFORE INSTALLATION OF PROPOSED UTILITIES.
- SANITARY SEWER PIPE SHALL BE AS FOLLOWS:  
8" PVC SDR35 PER ASTM D-3034, FOR PIPES LESS THAN 12' DEEP  
8" PVC SDR26 PER ASTM D-3034, FOR PIPES MORE THAN 12' DEEP  
6" PVC SCHEDULE 40 PER ASTM D-1785  
DUCTILE IRON PIPE PER AWWA C150
- WATER LINES SHALL BE AS FOLLOWS:  
6" AND LARGER, PVC C-900 PER ASTM D 2241  
CLASS 200 UNDER COUNTY ROADS, OTHERWISE CLASS 150  
4" AND LARGER DUCTILE IRON PIPE PER AWWA C150  
SMALLER THAN 3" PIPING SHALL BE COPPER TUBE TYPE "K" PER ANSI 816.22 OR PVC, 200 P.S.I., PER ASTM D1784 AND D2241.
- MINIMUM TRENCH WIDTH SHALL BE 2 FEET.
- ALL WATER JOINTS ARE TO BE MECHANICAL JOINTS WITH RESTRAINTS SUCH AS THRUST BLOCKING, WITH STAINLESS STEEL OR COBALT BLUE BOLTS, OR AS INDICATED IN THE CITY SPECIFICATIONS AND PROJECT DOCUMENTS.
- ALL UTILITIES SHOULD BE KEPT TEN (10') APART (PARALLEL) OR WHEN CROSSING 18" VERTICAL CLEARANCE (OUTSIDE EDGE OF PIPE TO OUTSIDE EDGE OF PIPE OR STRUCTURE).
- CONTRACTOR SHALL MAINTAIN A MINIMUM OF 7'-5" COVER ON ALL WATERLINES.
- IN THE EVENT OF A VERTICAL CONFLICT BETWEEN WATER LINES, SANITARY LINES, STORM LINES AND GAS LINES, OR ANY OBSTRUCTION (EXISTING AND PROPOSED), THE SANITARY LINE SHALL BE 50CM, 40 OR 300 WITH MECHANICAL JOINTS AT LEAST 10 FEET ON EITHER SIDE OF THE CENTER LINE OF THE CROSSING. THE WATER LINE SHALL HAVE MECHANICAL JOINTS WITH APPROPRIATE FASTENERS AS REQUIRED TO PROVIDE A MINIMUM OF 18" VERTICAL SEPARATION. MEETING REQUIREMENTS OF ANSI A21.10 OR ANSI Z1.11 (AWWA C-151) (CLASS 50).
- LINES UNDERGROUND SHALL BE INSTALLED, INSPECTED AND APPROVED BEFORE BACKFILLING.
- TOPS OF MANHOLES SHALL BE RAISED AS NECESSARY TO BE FLUSH WITH PROPOSED PAVEMENT ELEVATIONS, AND TO BE ONE FOOT ABOVE FINISHED GROUND ELEVATIONS, IN GREEN AREAS, WITH WATERTIGHT LIDS.
- ALL CONCRETE FOR ENCASEMENTS SHALL HAVE A MINIMUM 28 DAY COMPRESSION STRENGTH AT 3000 P.S.I.
- EXISTING UTILITIES SHALL BE VERIFIED IN FIELD PRIOR TO INSTALLATION OF ANY NEW LINES.
- REFER TO INTERIOR PLUMBING DRAWINGS FOR TIE-IN OF ALL UTILITIES.
- CONTRACTOR IS RESPONSIBLE FOR COMPLYING TO THE SPECIFICATIONS OF THE CITY OF SOUTH ST. PAUL AND/OR STATE OF MN WITH REGARDS TO MATERIALS AND INSTALLATION OF THE WATER AND SEWER LINES.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- CONTRACTOR IS RESPONSIBLE FOR ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES.
- CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR INSTALLATION REQUIREMENTS AND SPECIFICATIONS.
- CONTRACTOR SHALL REFERENCE ARCH / MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
- BACKFLOW DEVICES (DDCV AND PRZ ASSEMBLIES) AND METERS ARE LOCATED IN THE INTERIOR OF THE BUILDING. REF. ARCH / MEP PLANS.
- ALL ONSITE WATERMANS AND SANITARY SEWERS SHALL BE PRIVATELY OWNED AND MAINTAINED.
- ALL WATERMAIN STUBOUTS SHALL BE MECHANICALLY RESTRAINED WITH REACTION BLOCKING.
- CONSTRUCTION REQUIREMENTS AND MATERIALS SHALL BE PER CITY OF SOUTH ST. PAUL SPECIFICATION AND STANDARD PLATES.

### KEYNOTE LEGEND

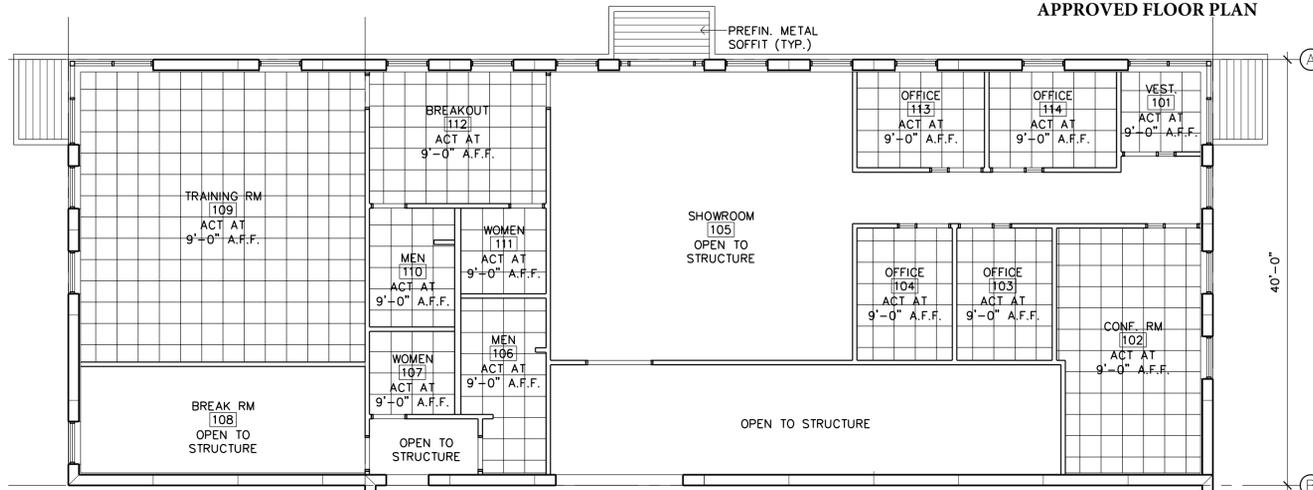
- (A) RELOCATE FIRE HYDRANT
- (B) WET TAP EXISTING WATERMAIN WITH GATE VALVE
- (C) 6" COMBINED WATER SERVICE
- (D) SANITARY SEWER SERVICE
- (E) CORE DRILL AND CONNECT TO EXISTING STRUCTURE
- (F) PATCH AT SANITARY CONNECTION, MATCH EXISTING PAVEMENT SECTION PER CITY OF SOUTH ST. PAUL SPECIFICATIONS

CONSTRUCTION SHALL ADHERE TO THE GUIDELINES LISTED IN THE RESPONSE ACTION PLAN AND CONSTRUCTION CONTINGENCY PLANS DATED MARCH 1, 2017 & FEBRUARY 25, 2021



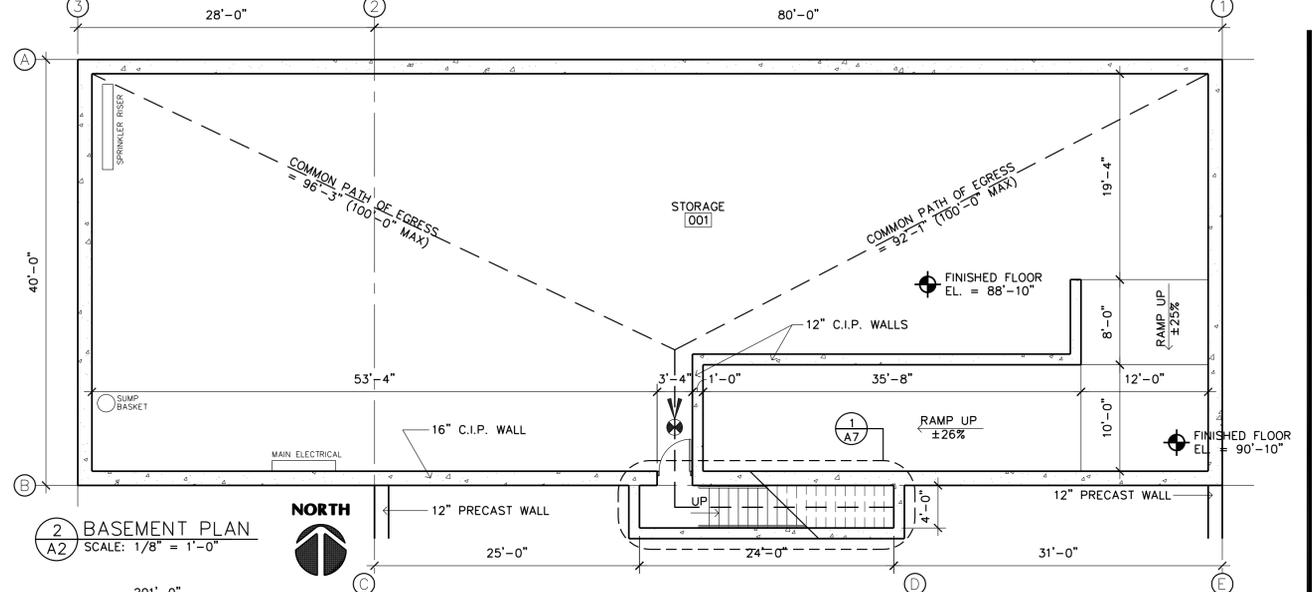
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|                             | KHA PROJECT: 160448000<br>DATE: 08/21/2023<br>SCALE: AS SHOWN<br>DESIGNED BY: MJS<br>DRAWN BY: JDT<br>CHECKED BY: WDM                     |
| UTILITY PLAN                | ISSUED FOR CONSTRUCTION<br><b>DANNER FAMILY ADDITION 2</b><br>PREPARED FOR<br><b>DANNER INC.</b><br>SOUTH ST. PAUL, MN                    |
| SHEET NUMBER<br><b>C600</b> | TSS<br>08/21/2023<br>DATE<br>REVISIONS<br>No.   |

ATTACHMENT K  
APPROVED FLOOR PLAN

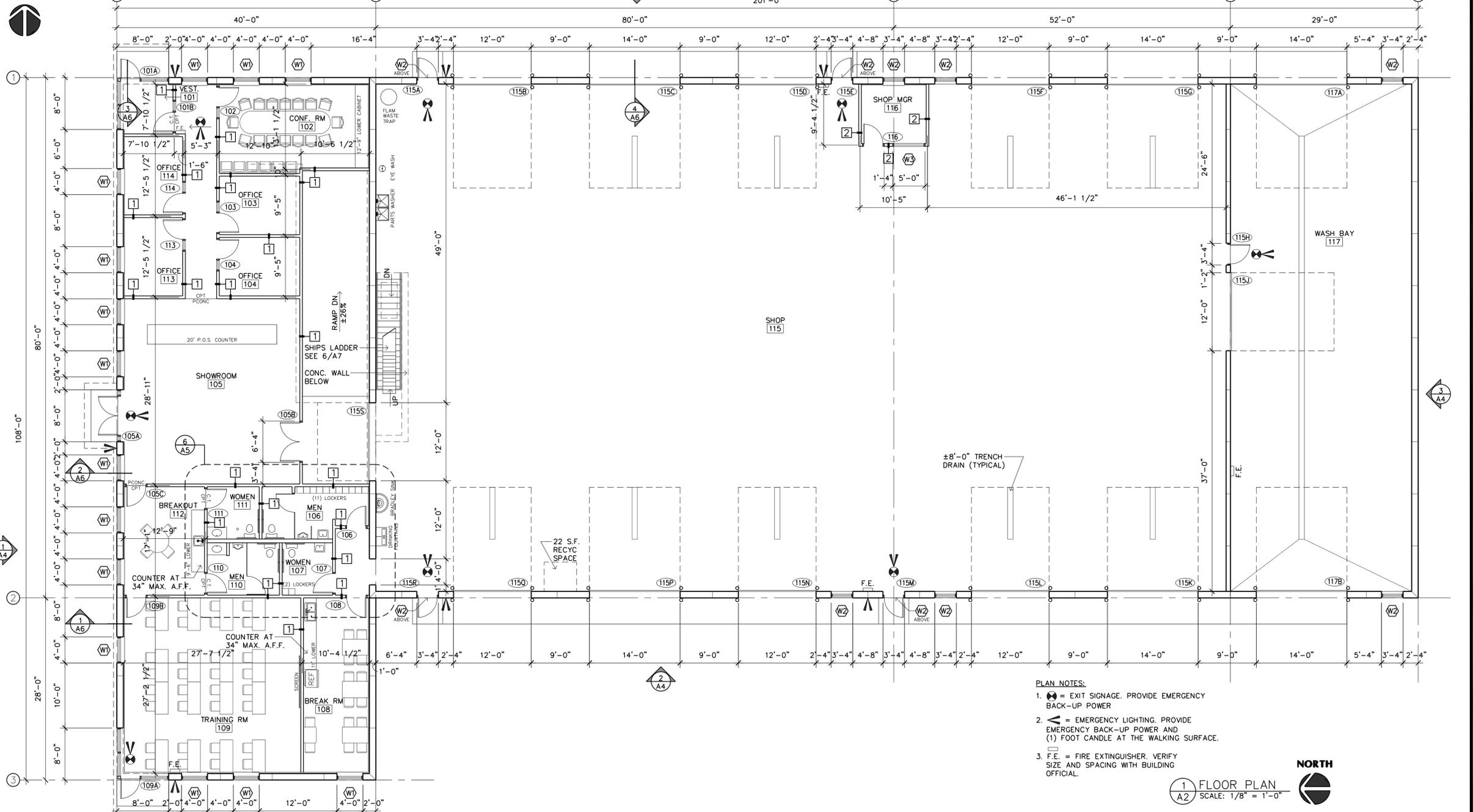


1. REFLECTED CEILING PLAN IS FOR APPROXIMATE GRID PLACEMENT ONLY. VERIFY LOCATION OF ALL DIFFUSERS, SPRINKLER HEADS, LIGHTS, ETC. WITH APPROPRIATE DESIGN BUILD CONTRACTOR

3 REF. CEILING PLAN  
SCALE: 1/8" = 1'-0"

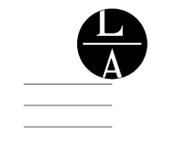


2 BASEMENT PLAN  
SCALE: 1/8" = 1'-0"



- PLAN NOTES:
- EXIT SIGNAGE. PROVIDE EMERGENCY BACK-UP POWER
  - EMERGENCY LIGHTING. PROVIDE EMERGENCY BACK-UP POWER AND (1) FOOT CANDLE AT THE WALKING SURFACE.
  - F.E. = FIRE EXTINGUISHER. VERIFY SIZE AND SPACING WITH BUILDING OFFICIAL.

1 FLOOR PLAN  
SCALE: 1/8" = 1'-0"



LAMPERT ARCHITECTS

420 Summit Avenue  
St. Paul, MN 55102  
Phone: 763.755.1211 Fax: 763.757.2849  
lampert@lampert-arch.com

ARCHITECT 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 UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE  
LEONARD LAMPERT  
PRINT NAME  
13669  
LICENSE NO.  
3/3/22  
DATE

DANNER TRUCK SERVICE  
South St. Paul, Minnesota

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Leonard Lampert Architects Inc.  
Project Designer: JAMES B  
Drawn By: JRB  
Checked By: LL  
Revisions

3/3/22 ISSUE FOR PERMIT

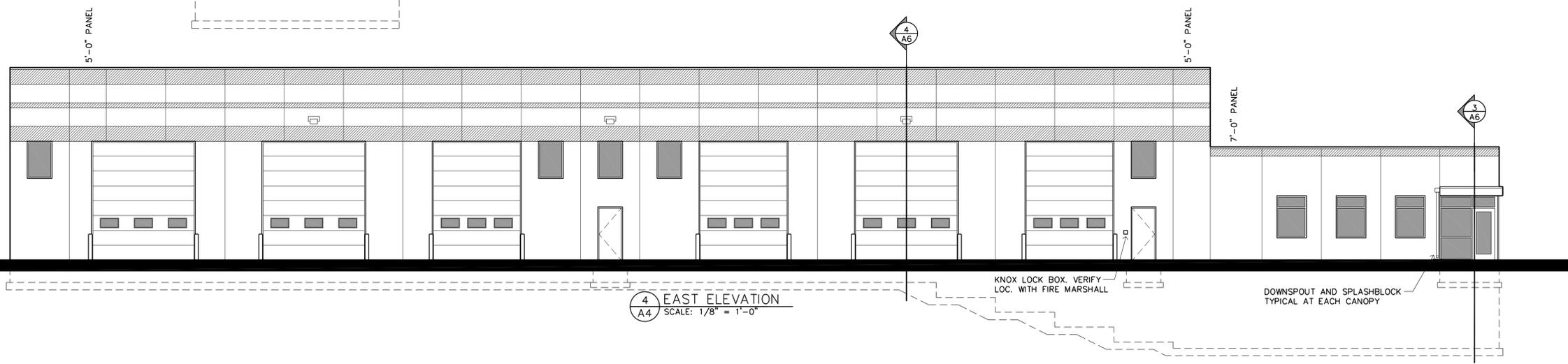
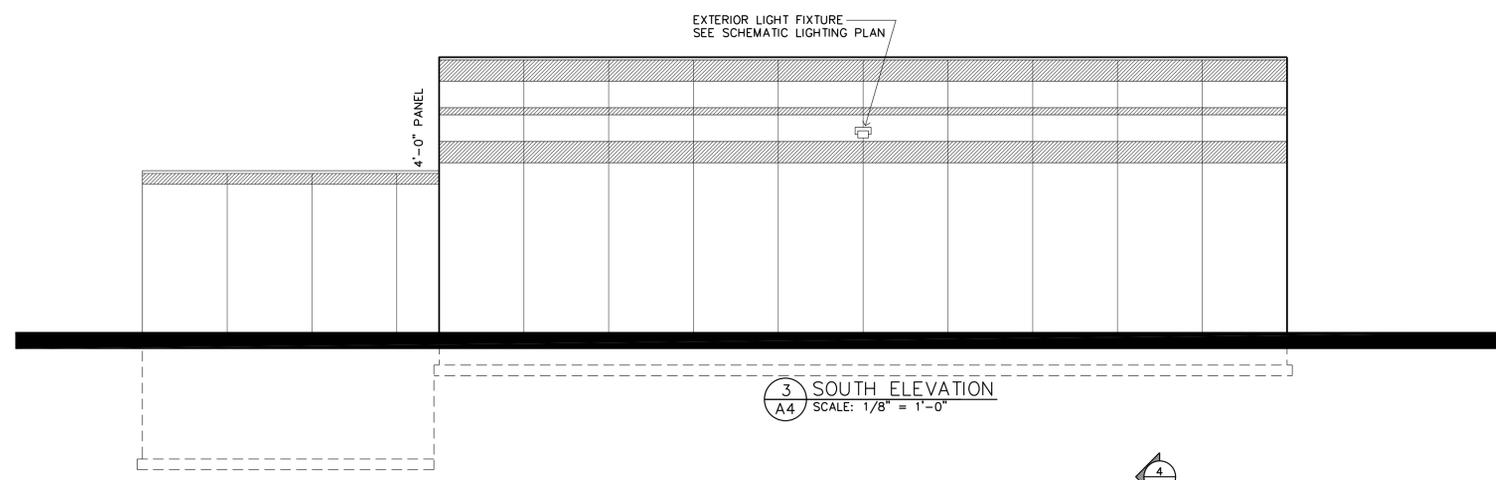
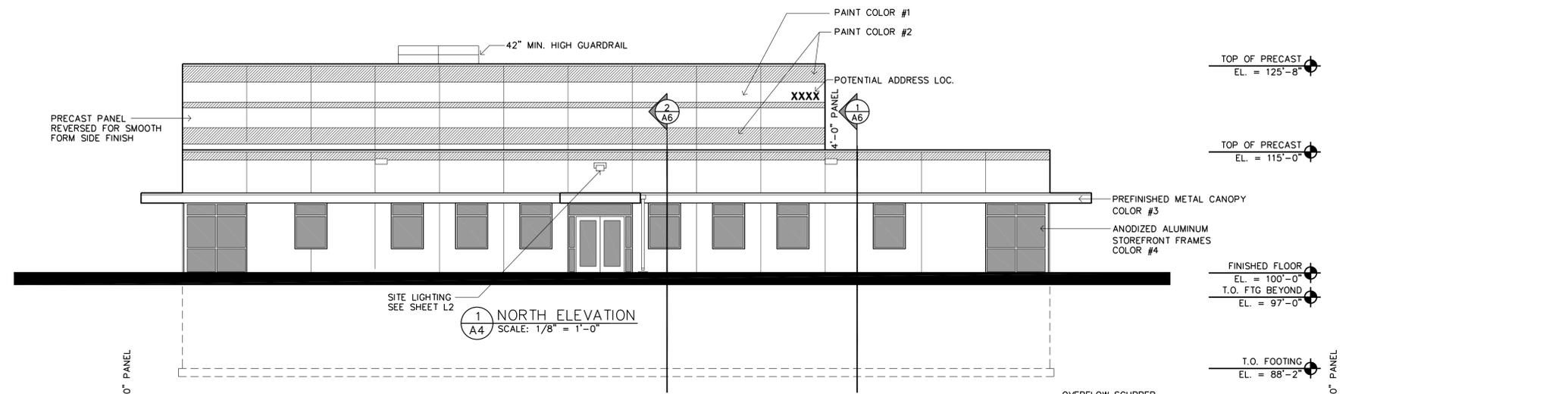
FLOOR PLANS  
REFLECTED  
CEILING PLAN

Sheet Number

A2

Project No. 191003-3

# ATTACHMENT L APPROVED BUILDING ELEVATIONS



LAMPERT ARCHITECTS

420 Summit Avenue  
St. Paul, MN 55102  
Phone: 763.755.1211 Fax: 763.757.2849  
lampert@lampert-arch.com

ARCHITECT 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 UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE  
LEONARD LAMPERT  
PRINT NAME  
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LICENSE NO.  
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DATE

DANNER TRUCK SERVICE  
South St. Paul, Minnesota

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Leonard Lampert Architects Inc.  
Project Designer: JAMES B  
Drawn By: JRB  
Checked By: LL  
Revisions

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|--------|------------------|
| 3/3/22 | ISSUE FOR PERMIT |
|        |                  |
|        |                  |
|        |                  |

BUILDING ELEVATIONS

Sheet Number

A4

Project No. 191003-3

Filename: DANNER TRUCK SERVICE\CURRENT\DANNER TRUCK SERVICE-A4

**ATTACHMENT M  
RESOLUTION 2023-13  
APPROVING DANNER CUP/  
PUD**

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

**CERTIFICATION**

The undersigned, City Clerk of the City of South St. Paul, Minnesota (the City), hereby certifies as follows:

Attached hereto is a true and correct copy of Resolution No. 2023-13 duly adopted by the City Council of the City at a lawful meeting duly called on February 6, 2023, at which meeting a quorum was present and acting throughout, which resolution remains in full force and effect in the form which adopted.

WITNESS my hand and the corporate seal of the city this 6th day of February, 2023.

  
\_\_\_\_\_  
City Clerk

*Seal*

City of South St. Paul  
Dakota County, Minnesota

**RESOLUTION NO. 2023-13**

**A RESOLUTION APPROVING A PRELIMINARY PLAT, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, CONDITIONAL USE PERMITS AND A SITE PLAN FOR DANNER INC. DEVELOPMENT ON VERDEROSA AVENUE**

**WHEREAS**, the City received an application from Danner Family Limited Partnership requesting the following approvals:

- Preliminary Plat approval for “Danner Family Addition 2”
- A Site Plan Review for a 17,200 square foot office-warehouse building with a 4,320 square foot basement.
- A Conditional Use Permit for exterior storage
- A Conditional Use Permit for truck/vehicle repair
- A Conditional Use Permit for a limited “truck stop” use that will consist primarily of retail fuel sales.
- A Conditional Use Permit for accessory buildings larger than 200 square feet.
- A Conditional Use Permit for a Planned Unit Development to allow flexibility from Floor Area Ratio (FAR) requirements, parking lot landscape island requirements, Shoreland overlay impervious surface regulations, accessory building regulations, and setback requirements for parking lots and exterior storage yards.

**WHEREAS**, the subject property is located on Verderosa Avenue directly east of 575 Hardman Avenue South (“the Property”); and is legally described as follows:

(See Exhibit A)

**WHEREAS**, the Planning Commission held a public hearing on the application at their December 7, 2022 meeting, preceded by notice as required by law; and

**WHEREAS**, the Planning Commission recommended Approval (5 –0) of the application at their December 7, 2022 meeting; and

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

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

1. Facts. The facts found by the Planning Commission as stated in the amended Planner's report dated December 15, 2022 regarding this matter are hereby adopted and included herein by reference including the following attachments:
  - a. Danner Inc.'s Existing Property at 843 Hardman Avenue South
  - b. Proposed Development Site on Verderosa Avenue
  - c. Photographs of Proposed Development Site
  - d. Existing Conditions
  - e. Applicant's Narrative
  - f. Proposed Preliminary Plat
  - g. Site and Building Plans
  - h. Exhibit Showing Potential Future Trail Facility and Cost Estimate
  - i. City Engineer's Letter
  - j. MnDOT Comment Letter
  
2. Findings.
  - A. The City Council determines that the proposed Conditional Use Permits are consistent with the following criteria:
    - i. That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
    - ii. 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.
    - iii. 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.
    - iv. That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
    - v. 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.
    - vi. That the proposed use will not discourage other industrial development in the vicinity.
    - vii. That the proposed use is not an inappropriate underutilization of land.

B. The City Council determines that the proposed Planned Unit Development amendment is consistent with the following criteria:

- i. The proposed use will not be detrimental to the health, safety, morals, or general welfare of the city.
- ii. The proposed development is fully consistent with the purposes of Chapter 118-132 PUD, Planned Unit Development and consistent with the comprehensive municipal plan.

C. The City Council approves the Preliminary Plat, Site Plan, Conditional Use Permit for a Planned Unit Development amendment, and Conditional Use Permits subject to the following conditions:

### **Planning/Zoning Conditions**

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

- |   |                       |
|---|-----------------------|
| a. <b>Application (Danner Family Partnership)</b>                                     | <b>dated 10/24/22</b> |
| b. <b>Narrative (Danner Inc.)</b>   | <b>dated 3/2/22</b>   |
| c. <b>Revised Preliminary Plat for Danner Family Addition 2 (Pioneer Engineering)</b> | <b>dated 12/9/22</b>  |
| d. <b>Removals Plan Sheet C200 (Kimley Horn)</b>                                      | <b>dated 10/13/22</b> |
| e. <b>Erosion Control and Sediment Plan Phase I Sheet C300 (Kimley Horn)</b>          | <b>dated 10/13/22</b> |
| f. <b>Erosion Control and Sediment Plan Phase I Sheet C301 (Kimley Horn)</b>          | <b>dated 10/13/22</b> |
| g. <b>Site Plan Sheet C400 (Kimley Horn)</b>  | <b>dated 10/13/22</b> |
| h. <b>Site Plan Calculations Sheets C401 &amp; C403 (Kimley Horn)</b>                 | <b>undated</b>        |
| i. <b>Exterior Storage Plan Sheet C402 (Kimley Horn)</b>                              | <b>dated 10/13/22</b> |
| j. <b>Utility Plan Sheet C600 (Kimley Horn)</b>                                       | <b>dated 10/13/22</b> |
| k. <b>Landscaping Plan Sheets L100 and L101 (Kimley Horn)</b>                         | <b>dated 10/13/22</b> |
| l. <b>Grading and Drainage Plan Sheet C500 (Kimley Horn)</b>                          | <b>dated 10/13/22</b> |
| m. <b>Schematic and Lighting Plan Sheet L2 (Lampert Architects)</b>                   | <b>dated 3/3/22</b>   |
| n. <b>Floor Plan Sheet A2 (Lampert Architects)</b>                                    | <b>dated 3/3/22</b>   |
| o. <b>Building Elevations Sheet A4 (Lampert Architects)</b>                           | <b>dated 3/3/22</b>   |
| p. <b>Fuel Canopy Drawings (Lampert Architects)</b>                                   | <b>dated 3/23/22</b>  |
| q. <b>Stormwater Management Plan (Kimley Horn)</b>                                    | <b>dated 10/13/22</b> |
| r. <b>Future Verderosa Trail Exhibit &amp; Cost Estimate (Pioneer Engineering)</b>    | <b>dated 11/21/22</b> |

2. **Status of Prior Zoning Approvals on Subject Property.** There were three resolutions passed in 2016 granting development approvals to the subject property, however there were

no substantial improvements to the property since the approvals. The Interim Use Permit granted by Resolution #2016-183 expired in 2019. The Conditional Use Permits and Conditional Use Permit for a Planned Unit Development granted in Resolutions #2016-180 and #2016-182 are hereby terminated as part of this approval.

3. **Building Permit Required.** The review and approval of the site improvements pursuant to the requirements of the City's adopted building and fire codes shall be in addition to the site plan review process. The site plan approval process does not imply compliance with the requirements of these codes.
4. **No Site Work Without Construction Permits.** No grading, fence construction, sign installation, or other site work may commence prior to the issuance of applicable construction permits by City Staff. Unless otherwise approved by the City Council, no building permits, fence permits, or sign permits shall be issued until the final plat has been recorded, the development agreement has been signed and executed, and all required securities have been established.
5. **Revised Civil Plans Needed.** The approved preliminary plat which is dated 12/9/2022 includes right-of-way dedication along the eastern property line of Lot 1, Block 1 that is not reflected on the other civil plans. The other civil plans shall be corrected prior to building permit submittal.
6. **PUD Flexibility.** The base zoning district for the Planned Unit Development (PUD) Conditional Use Permit is the I-1 Light Industrial Zoning District. The development shall follow the standards of that zoning district except that the following PUD flexibility is granted:
  - a. **Floor Area Ratio (FAR) Requirement.** The development shall be permitted to have less than a .2 FAR provided that the site is developed and used in a manner consistent with the approved plans with the amount of building coverage shown on those plans.
  - b. **Parking Lot Setbacks.** The parking lot shall be allowed to be constructed with a 7-foot setback from the north property line as shown on the approved plans, provided that landscaping and screening is installed and maintained in accordance with those plans and the additional conditions listed below.
  - c. **Exterior Storage Setbacks.** The exterior storage yard may be located in some locations that are in front of established building setback areas so long as the exterior storage yard's size and location is consistent with its depiction in the

approved site plan and so long as landscaping and screening is installed and maintained in accordance with those plans.

- d. **Parking Lot Landscape Island Requirement.** The zoning requirement from Section 118-353 that states that the parking lot must have a minimum number of landscaped islands based on total size is waived.
  - e. **Impervious Surface Regulations.** The development shall not be required to strictly follow the Shoreland overlay district requirement that lots within 300 feet of the Mississippi River cannot have more than 30% coverage by impervious surfaces. Instead, the Applicant has been allowed to design their project so that no more than 30% of the overall plat and project site in the Shoreland area is impervious. No private impervious surfaces may be installed on the subject property in the Shoreland area aside from those depicted on the approved site plan.
  - f. **Signage Allowance.** There is a lawful-nonconforming billboard on the subject property that is controlled by a third party and consumes the property's entire signage allowance.
    - i. The property may have up to 200 square feet of additional total site signage, not counting the lawful nonconforming billboard sign. The signage shall be designed in accordance with the sign regulations of the I-1 zoning district.
    - ii. Unless the existing billboard is removed, the property shall not be allowed to have another freeway-oriented pylon sign.
  - g. **Number of Accessory Buildings.** The property shall be permitted to have two accessory buildings, a canopy over each of the sets of fueling islands.
  - h. **Location of Accessory Buildings.** The property shall be permitted to have a fuel canopy that is placed in the front yard between Verderosa Avenue and the principal structure, as shown on the approved plans.
7. **Conditional Use Permit for Exterior Storage.** The CUP/PUD includes a conditional use permit for exterior storage with the following conditions:
- a. **Surfacing Material.** The exterior storage area must be paved with a hard surface. The final surfacing material is subject to review and approval by the City Engineer.
  - b. **Curbing.** Curbing is required around the entire exterior storage yard. The final design of the curbing is subject to review and approval by the City Engineer.

- c. **Type of Materials allowed.** Unless explicitly authorized elsewhere in this approval resolution, the type of materials stored in the exterior storage area shall be limited to fleet vehicles and construction equipment as well as piles of construction material such as gravel and sand. No hazardous materials or waste/garbage may be stored in the exterior storage area. No materials that would constitute a significant threat to the health of the Mississippi River through stormwater runoff may be stored in the exterior storage area.
- d. **Maximum Height of Stored Equipment and Materials.** No fleet vehicle or piece of construction equipment stored in the exterior storage area may exceed a maximum height of 20 feet. No pile of construction materials stored in the exterior storage area may exceed a maximum height of 15 feet.
- e. **Additional Regulations for Piles of Construction Material.** Piles of construction material may only be stored in those areas that are called out on the exterior storage plan Sheet C402 as being set up for this purpose. The Applicant shall install and maintain permanent containment facilities to prevent the stored piles of construction materials from interfering with stormwater management or causing erosion issues. The final design of these containment facilities is subject to review and approval by the City Engineer.
- f. **Location of Exterior Storage.** Exterior storage shall be limited to the areas shown on the Sheet C402 as an exterior storage yard with additional restrictions on the area that is shaded blue and labelled Outdoor Storage/Parking Area:
  - i. Exterior storage may only take place within the fenced-in secure yard shown on the approved plans. The striped parking lot area outside of the fenced-in yard shall be limited to the parking of employee and customer vehicles and shall not in any way be considered an exterior storage area.
  - ii. Storage of construction equipment and materials shall only be allowed east of the building. The paved area west of the building and directly behind the building shall be limited to the parking of vehicles and trailers (including the proposed trailer which will store used tires).
- g. **Screening Required.** The Applicant shall be required to maintain a 6-foot privacy fence around the exterior storage area as shown on the approved site plan. This fence shall be vinyl unless a different fencing material is explicitly approved by the City Council. The Applicant shall plant trees in accordance with the approved landscaping plan to provide buffering along the east property line and the south property line.



- b. **Vehicle Repair Performed in Enclosed Building.** All vehicle repair shall take place within an enclosed building. If any vehicle painting takes place, the painting facility must comply with all Building Code requirements and the odors must be fully contained to the subject property.
  - c. **Restrictions on Exterior Storage for this Use.** There shall be no exterior storage of automotive parts or vehicle repair debris. There shall be no exterior storage of vehicles awaiting repairs that are unlicensed or that meet the City Code's definition of a junk vehicle. Exterior storage of used tires shall be limited to one full trailer load of 40 tires. The trailer loaded with tires shall be stored in a confined area adjacent to the shop that is inside the fenced-in storage yard and not visible from Verderosa Avenue.
9. **Conditional Use Permit for a Limited Truck Stop Use.** The CUP/PUD includes a conditional use permit for a limited truck stop use with the following conditions:
- a. **No Above-Ground Fueling Tanks.** Fuel tanks shall be underground tanks. Above ground fuel tanks shall not be permitted.
  - b. **Limit on Number of Pumps.** No more than six pumps may be provided on the site without an amendment to this conditional use permit.
  - c. **Number and Location of Public-Serving Fuel Pumps.** Without an amendment to this conditional use permit, no more than two fuel pumps may be in front of the building outside of the secure yard.
  - d. **No Convenience Store.** Without an amendment to this conditional use permit, there shall be no general retail sales of food, groceries, and other merchandise and items not related to services normally required by a motor vehicle.
  - e. **No Truck-Stop Amenities Beyond Fuel Sales.** It shall require an amendment to this conditional use permit to add any additional truck stop amenities beyond fuel sales. This would include amenities such as commercial food service, public shower facilities, or any support facilities that would allow a truck driver to spend the night on the property.
  - f. **No Overnight Accommodations.** Without an amendment to this conditional use permit, there shall be no overnight accommodations provided on the subject property. This shall include customers sleeping in the building or sleeping in their trucks.

- g. **No Overnight Parking of Trucks and Trailers Owned by the General Public.** Without an amendment to this conditional use permit, there shall be no overnight storage of trucks and trailers that are owned by the general public or independent owner-operators. Only trucks and trailers owned by the Applicant and affiliated contractors may be parked at the property between 10 PM and 5 AM unless the vehicle is being actively fueled at the public-serving fuel pumps or the vehicle is on-site to receive service at the truck/trailer repair operation. The City may require the Applicant to provide a list of the trucks and trailers being stored overnight at the property to demonstrate compliance with this condition.
10. **Conditional Use Permit for Accessory Structures over 200 Square feet in Size.** The CUP/PUD includes a conditional use permit for accessory structures over 200 square feet in size with the following conditions:

  - a. The Applicant may install freestanding canopies over the two sets of fueling islands. The size, design, and placement of the canopies shall be consistent with the submitted plans.
11. **Compliance with City Code's Performance Standards.** The facility must comply with all of the City Code's performance standards relating to odor, noise, dust, glare, refuse handling, etc.
12. **Development Agreement.** The Applicant shall enter into a development agreement with the City. No building permits, fence permits, or sign permits shall be released before the development agreement has been signed and executed and all required securities have been established.
13. **Cash Payment and Construction Easement Instead of Sidewalk or Trail Construction.** Verderosa Avenue is a sidewalk gap that is called out in the City's Bicycle and Pedestrian Master Plan. The Subdivision Ordinance authorizes the construction of a sidewalk or other pedestrian way as a condition of platting. Applicant and City agree that proposed sidewalk/trail is best built on the north side of Verderosa Avenue as part of a future sidewalk or trail project and therefore the Applicant has agreed to pay the City \$63,290.22 to cover the future construction of a sidewalk or trail along Verderosa Avenue. Applicant shall also grant the City a 10-foot wide construction easement over a portion of a property that they own at 555 Hardman Avenue South to support a future sidewalk or trail project on the north side of the street, as shown on the "Future Verderosa Trail Exhibit" dated 11/21/22 that was prepared by Pioneer Engineering. No building permits shall be released until the \$63,290.22 has been paid and the City has a signed and recordable construction easement over 555 Hardman Avenue South in a format that has been deemed acceptable by the City Attorney.

14. **Landscaping Requirements.** The Applicant shall install and maintain landscaping that is consistent with the approved landscaping plan which shall include overstory trees for screening and buffering and decorative low-to-earth vegetation along the north property line outside of the privacy fence. Minor changes to the landscaping plan may be approved by the Zoning Administrator provided that the same number of trees is maintained.
15. **Landscaping Guarantee.** The Applicant shall establish a \$7,500 landscaping guarantee prior to obtaining their building permit. The security shall be maintained for at least one (1) year after the date that the last landscape materials have been planted. After one year has passed, the Applicant must replace any required landscape materials that are not alive or are in an unhealthy state. Once the City has confirmed that the replacements have been installed, the entire security may be released.
16. **Stormwater Maintenance Agreement.** The Applicant shall enter into a stormwater maintenance agreement with the City.
17. **Mechanical Equipment Screening Plan.** 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.
18. **Lighting and Photometric Plan.** A lighting and photometric plan that shows all lighting proposed for the building, the fueling canopies, and the exterior storage yard shall be submitted at time of building permit. All lighting shall be compliant with Code Section 118-245.
19. **Trash Enclosure Required if there is Exterior Trash Handling.** All dumpsters stored outside of the building must be in an approved trash enclosure that meets zoning requirements.
20. **SAC Fees.** The Applicant will be required to make a Sewer Access Charge (SAC) payment consistent with Metropolitan Council requirements at time of building permit.
21. **Address MnDOT Comments.** The Applicant shall address the comments in the MnDOT comments letter and satisfy any requirements that have been imposed by MnDOT.
22. **Preliminary Plat Approval Expiration.** The preliminary plat approval shall expire within two years of the date of approval unless a final plat application has been submitted or an extension has been granted by the City Council.

23. **Termination of the Conditional Use Permit for a Planned Unit Development.** Unless an extension is granted by the City Council, this Conditional Use Permit for a Planned Unit Development and all of the conditional use permits contained within the approval will terminate if improvements have not substantially begun within two years from the date of approval. The violation of any condition of approval in the conditional use permit(s) may result in the termination of the conditional use permit(s), following a hearing by the City Council.
24. **Final Plat Required.** A final plat shall be required. Unless otherwise approved by the City Council, no building permits, fence permits, sign permits, or other construction permits shall be issued for the proposed project until the final plat has been approved and recorded with Dakota County.

#### **Engineering Conditions**

25. **City Engineer's Letter.** The Applicant shall address the five (5) comments in the City Engineer's Letter dated November 30, 2022.
26. **Erosion Control Escrow.** The Applicant shall establish an erosion control escrow in an amount consistent with the City's adopted fee schedule.

Adopted this 6<sup>th</sup> day of February, 2023.



City Clerk

#### **Exhibits**

- A- Legal Description
- B- City Engineer's Letter (dated November 30, 2022)

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Current Legal Description:**

Parcel 1:

That part of the following described land which lies West of the hereinafter described railway strip and which lies East of a line which is parallel with and distant 1015.00 feet East of the West line of said Government Lot 7:

That part of Government Lot 7 in Section 26, Township 28, Range 22, lying southerly of the following described line:

Commencing at the Southwest corner of said Government Lot 7; thence North, assumed bearing, along the west line of said Government Lot 7, a distance of 150 feet to the point of beginning of the line to be described; thence East a distance of 1679.5 feet, more or less, to the water edge of the Mississippi River, and there terminating; Excepting Therefrom a strip of land 50 feet wide, being 25 feet on each side of the center line of the main track of the Chicago, Rock Island and Pacific Railway Company, as the said main track is staked out and located (said strip having been conveyed by George A. Peirson and Victoria N. Peirson, his wife to Chicago, Rock Island and Pacific Railway Company by deed bearing date of June 15, 1920, by which said deed the Chicago, Rock Island and Pacific Railway Company is not to receive any riparian rights.)

Parcel 1A:

That part of the North 20 acres of Government Lot 6, Section 26, Township 28 North, Range 22 West, Dakota County, Minnesota which lies West of the West line of that 50.00 foot wide strip of former Chicago, Rock Island and Pacific Railway Company right-of-way; which lies North of the north line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-78; and which lies East of a line which is parallel with and distant 1015 feet East of the West line of Government Lot 7 in said Section 26.

Except Parcel 201B of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-139.

Parcel 2:

That part of Government Lot 7 in Section 26, Township 28, Range 22, lying Southerly of the following described line:

Commencing at the Southwest corner of said Government Lot 7; thence North, assumed bearing, along the West line of said Government Lot 7, a distance of 150 feet to the point of beginning of the line to be described; thence East a distance of 1,679.5 feet, more or less, to the water edge of the Mississippi River, and there terminating;

Excepting therefrom a strip of land 50 feet wide, being 25 feet on each side of the center line of the main track of the Chicago, Rock Island and Pacific Railway Company, as the said main track is staked out and located (said strip having been conveyed by George A. Peirson and Victoria N. Peirson, his wife, to Chicago, Rock Island and Pacific Railway Company by Deed bearing date of June 15, 1920, by which said Deed the Chicago, Rock Island and Pacific Railway Company is not to receive any riparian rights;

And further excepting therefrom all that part contained within the following: that part of Government Lot 6 and Government Lot 7 of said Section 26 described as follows: Commencing at the Southwest corner of said Government Lot 7; thence on an assumed bearing of North, along the West line of said Government Lot 7, a distance of 120.00 feet; thence East a distance of 75.22 feet to the point of beginning of the land to be described; thence South 00 degrees 06 minutes 22 seconds West a distance of 360.11 feet; thence South 44 degrees 31 minutes 08 seconds East a distance of 71.17 feet; thence South 89 degrees 08 minutes 38 seconds East a distance of 290.03 feet; thence North 00 degrees 06 minutes 22 seconds East a distance of 415.19 feet; thence West a distance of 340.00 feet to the point of beginning;

And further excepting therefrom all that part contained within MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-78;

And further excepting therefrom;

That part of the following described land which lies West of the herein after described railway strip and which lies East of a line which is parallel with and distant 1,015.00 feet East of the West line of said Government Lot 7;

That part of Government Lot 7 in Section 26, Township 28, Range 22, lying Southerly of the following described line:

Commencing at the Southwest corner of said Government Lot 7; thence North, assumed bearing, along the West line of said Government Lot 7, a distance of 150 feet to the point of beginning of the line to be described; thence East a distance of 1,679.5 feet, more or less, to the water edge of the Mississippi River, and there terminating; Excepting therefrom a strip of land 50 feet wide, being 25 feet on each side of the center line of the main track of the Chicago, Rock Island and Pacific Railway Company, as the said main track is staked out and located (said strip having been conveyed by George A. Peirson and Victoria N. Peirson, his wife, to Chicago, Rock Island and Pacific Railway Company by Deed bearing date of June 15, 1920, by which said Deed the Chicago, Rock Island and Pacific Railway Company is not to receive any Riparian rights.

Resolution 2023-13

February 6, 2023

Page 14 of 15

Parcel 3:

That part of the North 20 Acres of Government Lot 6, Section 26, Township 28 North, Range 22 West, Dakota County, Minnesota, lying Northerly, Northeasterly and Easterly of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-140 excepting therefrom that 50.00 foot wide strip of former Chicago, Rock Island and Pacific Railway Company right-of-way; and further excepting therefrom all that part contained within the following:

That part of Government Lot 6 and Government Lot 7, of Section 26, Township 28 North, Range 22 West, Dakota County, Minnesota, described as follows: Commencing at the Southwest corner of said Government Lot 7; thence on an assumed bearing of North, along the West line of said Government Lot 7, a distance of 120.00 feet; thence East a distance of 75.22 feet to the point of beginning of the land to be described; thence South 0 degrees 06 minutes 22 seconds West a distance of 360.11 feet; thence South 44 degrees 31 minutes 08 seconds East a distance of 71.17 feet; thence South 89 degrees 08 minutes 38 seconds East a distance of 290.03 feet; thence North 0 degrees 06 minutes 22 seconds East a distance of 415.19 feet; thence West a distance of 340.00 feet to the point of beginning.

Further excepting the following:

That part of the North 20 acres of Government Lot 6, Section 26, Township 28 North, Range 22 West, Dakota County, Minnesota which lies West of the West line of that 50.00 foot wide strip of former Chicago, Rock Island and Pacific Railway Company right-of-way; which lies North of the North line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-78; and which lies East of a line which is parallel with and distant 1,015 feet East of the West line of Government Lot 7 in said Section 26. Dakota County, Minnesota.

**Proposed Legal Description:**

Lot 1, Block 1, Danner Family Addition 2, Dakota County, Minnesota.

**EXHIBIT B**  
**CITY ENGINEER'S LETTER (Dated November 30, 2022)**



*City of South St. Paul*

Engineering Department

November 30, 2022

Michael Healy  
City Planner

RE: DANNER VERDEROSA RELOCATION  
PLAN REVIEW  
CITY OF SOUTH ST. PAUL

Michael:

We have reviewed the plan submittal for the Danner Verderosa Relocation. A majority of the comments outlined in the previous review letter dated March 23, 2022 have been addressed by plan changes or have been resolved through discussion between the applicant and City staff.

1. The applicant shall provide the manufacturers analysis and sizing recommendations for the ST-2, ST-8, and ST-10 prior to ordering and installation of the structures.
2. A detail of the overflow swales should be added to the plan.
3. An Engineer signed retaining wall design must be submitted for the retaining wall as the height exceeds 4 feet.
4. The future maintenance of the storm pipe routing the adjacent west property owners' water around the site will be excessively costly and difficult with the current alignment relative to the retaining wall. The storm line alignment should be revised to run in front of the wall with sufficient distance between the storm line and the retaining wall to allow excavation without impacting the retaining wall.
5. The applicant has indicated they will be coordinating an easement with the adjacent west property owner for the storm pipe. A copy of the recorded easement must be provided to the City.

At this time we would recommend approval conditioned on the engineering comments listed above and any additional comments from other City departments.

Sincerely,

Lee Elfering, P.E.  
Interim City Engineer

# ATTACHMENT N



## City of South St. Paul

125 Third Avenue North  
South St. Paul, MN 55075

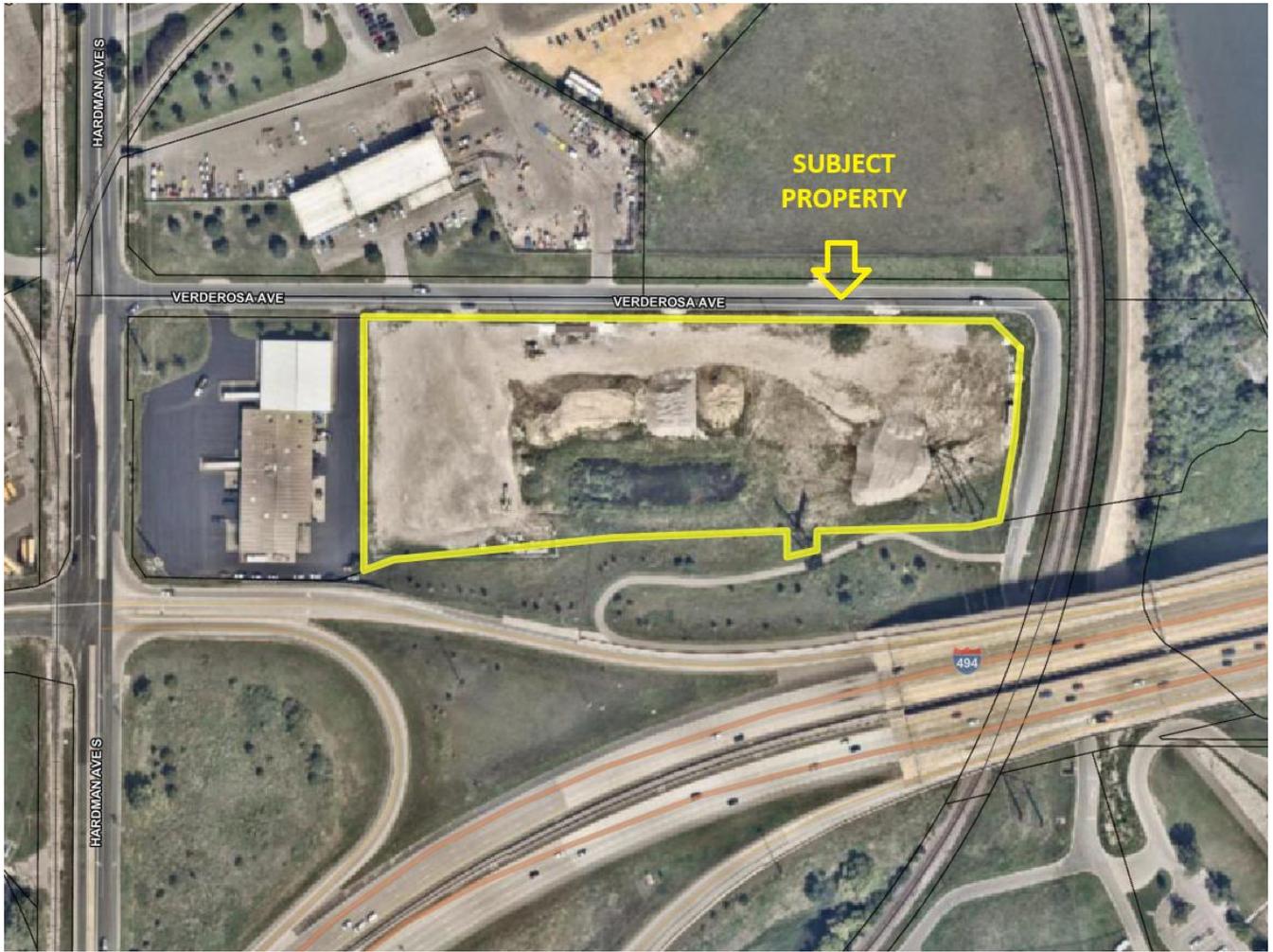
[www.southstpaul.org](http://www.southstpaul.org)

## Notice of Public Hearing

|   |   |
|---|---|
| <b>Applicant(s):</b>                          | United Rentals Realty, LLC  |
| <b>Request:</b>                               | <p>The Applicant is seeking to conduct a construction vehicle and equipment rental operation at 587 Verderosa Avenue which is located across the street from their existing rental operation at 555 Hardman Avenue South. They have submitted a development application and are requesting the following City approvals:</p> <ol style="list-style-type: none"><li>1. An amendment to the subject property's conditional use permit for a planned unit development, conditional use permit for exterior storage, and approved site plan.</li><li>2. A conditional use permit for an open sales lot that is incidental to an approved use on the same site. <i>This is needed to allow vehicles and equipment stored on the property to be rented out.</i></li></ol> |
| <b>Subject Property</b>                       | 587 Verderosa Avenue  |
| <b>Public Hearing Time and Location:</b>      | <p>City Hall, Council Chambers, 125 Third Avenue North, South St. Paul<br/><b>Wednesday, November 6<sup>th</sup>, 2024 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: City Planner<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 6<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 which includes a site plan and renderings of the proposed building will be posted to the City's website by Friday, November 1<sup>st</sup> as part of the Planning Commission packet. It can be accessed using the following link:

<https://www.southstpaul.org/agendacenter>



**Map Showing Subject Property at 587 Verderosa Avenue**



## AGENDA ITEM 4.C

### South St. Paul Planning Commission

|  |                                   |
|--|-----------------------------------|
| <b>Prepared By:</b><br>Michael Healy, Planning Manager   | <b>Meeting Date:</b><br>11/6/2024 |
| <b>Item Description:</b><br>Public Hearing for an Ordinance Establish Zoning Regulations for Cannabis Businesses |                                   |

#### **ACTION REQUESTED**

A motion recommending approval of an ordinance establishing zoning regulations for cannabis businesses, either as presented or with modifications.

#### **BACKGROUND/ DISCUSSION**

##### **OVERVIEW**

##### **Application**

The Applicant is the City of South St. Paul.

*The City Council discussed regulations for cannabis businesses at their May 28, 2024 Worksession and provided City Staff with early policy direction about how to approach this issue. The Office of Cannabis Management (OCM) released a model ordinance this past summer and City Staff used the model ordinance and Council direction to draft zoning rules for cannabis businesses in South St. Paul. The City Council reviewed the draft ordinance at their October 28<sup>th</sup> Worksession and asked City Staff to move forward with bringing it to the Planning Commission “as written” for a public hearing.*

##### **Background**

In 2022, the Minnesota State Legislature passed a law which legalized the sale of lower-potency hemp-derived edibles that contain THC. This includes drinks like THC seltzers as well as gummies and other edible products. Currently, businesses that want to sell this type of product simply must register with the State of Minnesota to operate legally. There are over 4,000 lower-potency hemp edible businesses registered throughout Minnesota. Hat Trick Liquors, Big Discount Liquors, Kwik Trip, Sam’s Tobacco, Sam’s Mini-Mart, Bugg’s Bar, Knowlan’s Grocery Store, and South Tobacco are all currently registered with the State to sell lower-potency hemp-derived edibles in South St. Paul.

In 2023, the Legislature passed a law which legalized adult-use recreational cannabis and established the “Office of Cannabis Management (OCM)” to regulate the sale of cannabis. Minnesotans who are over the age of 21 are now legally able to use cannabis, but it will not be legal for stores to sell cannabis until a

statewide licensing system “goes live” at some point in 2025 after OCM completes its rulemaking process. Cannabis sales are already lawfully taking place on some Indian reservations in Minnesota.

All cannabis business licensing will be handled at the State level by OCM. This is different than alcohol and tobacco which are licensed at the local level with guidance from the State. OCM is requiring cities to “register” cannabis retail businesses at the local level which is different than licensing but does provide some level of local oversight for these businesses. State Statute also allows cities to use their zoning codes to regulate the “time, place, and manner” in which cannabis businesses can operate. This means that cities can decide which zoning districts will allow cannabis businesses and can also decide to place restrictions on these businesses either through fixed performance standards or by requiring a conditional use permit for cannabis businesses and placing “case by case” conditions on each business.

## **State Mandates**

To provide all Minnesota adults who are over 21 with access to legal cannabis, the State Legislature and OCM have put several mandates in place that provide a framework for how cities can regulate cannabis businesses:

- The State has created 13 different license types for cannabis businesses. Each municipality must allow each type of business somewhere in the community.
- Every community must allow at least one (1) cannabis retail business to operate in city limits for each 12,500 residents. OCM has decided that cities must “round up” which means that South St. Paul must allow at least two (2) cannabis retail businesses.
- Communities may require minimum distances between cannabis businesses and certain other land uses. Communities may require cannabis businesses to be:
  - Up to 1,000 feet away from all grade schools and high schools.
  - Up to 500 feet from play features in parks that attract children, such as ballfields and playgrounds.
  - Up to 500 feet from licensed daycares.
  - Up to 500 feet from licensed residential treatment facilities.
  - A minimum distance from other cannabis businesses.
- Cities that want to limit the hours of operation for cannabis retail businesses must allow these businesses to at least be open between 10 AM and 9 PM.
- Cities are capped at what fees they can charge for registration of cannabis retail businesses.
- Cities can adopt a moratorium on new cannabis businesses while they study the issue and prepare a cannabis zoning ordinance and a cannabis registration ordinance but the moratoriums must expire by January of 2025. *South St. Paul has a moratorium currently in place that will expire on January 1<sup>st</sup>. Even*

*though OCM likely will not begin licensing cannabis businesses until April or May of 2025, the City should try to get a cannabis ordinance “on the books” prior to the expiration of the moratorium.*

This past summer, OCM released a model ordinance and provided cities with guidance about how this new type of business could be regulated. OCM has updated the model ordinance several times since its initial release and many cities have waited to move forward with drafting cannabis ordinances until OCM’s rulemaking is closer to concluding and the final rules have become clearer. Because rulemaking is still taking place, it is possible that cities may have to update their cannabis ordinances again in 2025 after OCM completes the rulemaking process.

### **City Council Policy Direction at May 28<sup>th</sup> Worksession**

The City Attorney facilitated a discussion with the City Council at the May 28, 2024 Worksession regarding cannabis businesses. At that time, the City Council provided the City Attorney and City Staff with the following guidance:

- Cannabis businesses should be restricted to the “down the hill” mixed-use and industrial areas along Concord Exchange and Concord Street.
- The City should adopt a cap on the number of cannabis retail businesses and should not allow more of these businesses than is required based on the community’s population.
- Cannabis businesses should require a conditional use permit so the City can place “case by case” performance standards on each cannabis business.

The City Attorney and the Planning Manager have worked together to prepare a cannabis registration ordinance and a cannabis zoning ordinance that reflect the direction that was given by the City Council in May, new guidance from OCM, and “best practices” that have emerged as other Minnesota cities have begun drafting their cannabis ordinances.

### **Role of the Planning Commission in Developing Cannabis Business Regulations**

The Planning Commission is asked to hold a public hearing for the draft cannabis zoning ordinance and provide the City Council with a recommendation. The City must adopt cannabis regulations to be compliant with State Statute, so it is not feasible to simply leave the zoning code “as-is.” The Planning Commission is asked to either recommend approval of the draft ordinance as presented or to recommend changes.

The Planning Commission is only being asked to weigh in on the zoning aspects of regulating cannabis businesses. The City Council is also considering a cannabis registration ordinance which will establish procedures for registering cannabis businesses, administering proof-of-age compliance checks, and suspending a registration if there is noncompliance. As part of the registration ordinance, the City Council will decide whether to place a cap on the total number of cannabis retail businesses that can operate in South St. Paul.

### **Status of Lower-Potency Hemp-Derived Edibles Within the New Regulatory Framework**

As previously mentioned, South St. Paul businesses are currently allowed to sell lower-potency hemp-derived edibles if they register with the State. Several local businesses have taken advantage of this to diversify their business operations including all of SSP’s tobacco stores and liquor stores, Kwik Trip, and

Bugg's Bar. Knowlan's Grocery Store has registered with the State to sell lower-potency hemp-derived edibles, but it is unclear if they have stocked any products.

Lower-potency hemp-derived edibles have proven to largely be a "non-issue" for the South St. Paul community and City Staff is not aware of any significant problems being caused by edibles being sold at local businesses as an "accessory use." Hemp is fundamentally different than cannabis because it is legal at the federal level and can be bought and sold using credit cards and standard banking procedures. This means that businesses that sell hemp products do not have to handle sales with an "all cash" model like most cannabis businesses and are less likely to be the target of crimes where robbers are searching for cash.

When OCM begins issuing licenses for cannabis in 2025, they will begin also requiring a license for lower-potency hemp edible sales and this will provide these businesses with additional oversight. Per guidance from OCM, State Statute guarantees some types of businesses the right to sell lower-potency hemp-derived THC beverages regardless of their zoning district. For instance, liquor stores and bars/restaurants are allowed to sell THC beverages as part of their liquor license. OCM does not consider a lower-potency hemp derived edible retailer to be the same thing as a cannabis retailer and hemp businesses do not "count towards" the minimum of 2 cannabis retail businesses that South St. Paul must allow.

Many Minnesota cities are going the route of treating the sale of lower-potency hemp-derived edibles the same as the sale of 3.2% beer when it comes to zoning regulations. In South St. Paul and many other Minnesota communities, retail businesses (such as gas stations and grocery stores) are allowed to offer 3.2% beer for retail sale if it is an "accessory use" and is not their main business. SSP requires full liquor stores to get a conditional use permit and adhere to buffering requirements from schools and churches but does not impose these requirements on a retail business that only wants to have a shelf of 3.2% beer. City Staff believes that this would be a good model for regulating lower-potency hemp derived edibles in South St. Paul. This approach would maintain the "status quo" that has been in effect since lower-potency hemp-derived edibles were legalized in 2022.

It is unclear how popular lower-potency hemp-derived edibles will remain once actual cannabis is widely available for sale in 2025. According to some industry watchers, other states that have fully legalized cannabis have generally seen the market for hemp-derived edibles shrink because it is viewed by consumers as an inferior product in the same manner that 3.2% beer is viewed by many beer drinkers as an inferior product to full-strength beer.

### **Summary of Draft Cannabis Zoning Ordinance**

- Cannabis businesses are only allowed in the "down the hill" mixed-use and industrial zoning districts- CGMU (Concord Gateway Mixed Use), MMM (Mixed Markets and Makers), I (Industrial), and I-1 (Light Industrial).
  - The two mixed-use districts, MMM and CGMU, will allow cannabis retail businesses along with "craft production" businesses where a cannabis product is manufactured and sold on-site. This is the same approach that is taken with breweries which are allowed in both districts as long as they have a taproom or retail operation. Cannabis businesses will not be allowed in the MMM-1 subdistrict which is the northern end of Concord Street North which is largely low-density residential housing.
  - The I and I-1 allow cultivation, manufacturing, and wholesaling of cannabis products as well as some on-site retail if it is accessory to cultivation or manufacturing. This is consistent with how

these two districts treat breweries and other manufacturing. Both districts already allow retail sales counters as an accessory use.

- All four districts will allow cannabis testing facilities with a conditional use permit. *These are essentially just labs that do quality control testing.*
- All cannabis businesses require a conditional use permit. Hours of operation for each business can be established as part of the conditional use permit.
- Lower-potency hemp derived edible retailers are allowed as an “accessory use” in all of the City’s zoning districts that allow retail and restaurant uses. *This will maintain the “status quo” that has been in effect since 2022.*
- All cannabis businesses must be at least 750 feet from a school. *This is how the City already regulates liquor stores. This is currently a moot point because there are no schools “down the hill.”*
- All cannabis businesses must be at least 500 feet from a playground or athletic field in a public park.
- All cannabis businesses must be at least 500 feet from each other.
- The distance requirements will not apply to businesses that just sell lower-potency hemp-derived edibles as an accessory use (i.e. Hat Trick Liquor and Sam’s Tobacco which are only 300 feet from each other)
- Industrial cannabis businesses in the industrial zoning districts only must adhere to the distance requirement for schools. *The City likely does not want to block an industrial cannabis operation that meets all other zoning rules from opening in the industrial park if it is a good fit for a site just because it is slightly closer than 500 feet to the DNR Boat Launch Park or Wildflower Levee Park.*
- The draft ordinance would prohibit people operating a cannabis business or hemp-derived edible business as a home occupation. The only exception to this rule is that a licensed “cannabis event organizer” may office out of their home. A cannabis event organizer is an office worker who plans temporary cannabis events and this is the same as any other “work from home” office job.
- Cannabis businesses and hemp-derived edible businesses with a cultivation or manufacturing component shall submit an odor management and air filtration plan which will be evaluated as part of the conditional use permit review. Cannabis odors must be undetectable at the property line.
- Outdoor commercial cultivation of cannabis is prohibited due to odor concerns.
- Cannabis businesses that do cultivation or manufacturing are prohibited from operating in multi-tenant buildings. *Per the City Attorney, this has been an issue in other states because multi-tenant buildings typically have HVAC system setups that can lead to odor contamination between units if one unit has a cannabis cultivation or manufacturing business in it.*
- Cannabis retail businesses must operate and maintain a closed-circuit television surveillance system. The system must operate for 24 hours per day, seven days per week, and visually record all sales areas and all points of exit and entry.

- State Statute requires the City to allow Temporary Cannabis Sales Events but the City gets to decide which zoning districts will allow them and the City gets to decide whether cannabis can be consumed at these events.
  - The draft ordinance would allow these events “down the hill” in the CGMU district and the MMM-2, MMM-3, and MMM-4 districts.
  - The draft ordinance would not allow cannabis to be consumed at these events.

## COMMENTS FROM OTHER DEPARTMENTS

The Planning Department sent the draft ordinance out to the other City departments for review and collected comments that are summarized below:

### Police Department

The Police Department has reviewed the draft ordinance and is comfortable with the ordinance moving forward. The Police Department is recommending that the City proceed cautiously with temporary cannabis events and prohibit on-site consumption of cannabis at these events.

### Fire Department

The Fire Department has some concerns about large indoor grow facilities and will need to learn more about how other states have regulated sprinkler requirements for these facilities. *The Fire Department will be invited to review any proposed facility as part of the conditional use permit*

## DISCUSSION

The relevant City departments have all reviewed the draft cannabis business zoning ordinance and believe that it will create an effective regulatory framework for dealing with this issue. There are some regulatory tools that the State Statute would technically allow that City Staff is not recommending:

- The State Statute allows cities to require a 500-foot setback from licensed daycares. *The City does not track in-home daycares and this would be logistically challenging to enforce. It is likely a moot point because cannabis businesses are only being allowed “down the hill” in areas where there are no single-family homes that could be turned into in-home daycares and there are currently no daycare centers. Daycare centers locating in a commercial area generally expect to have commercial businesses as neighbors.*
- The State Statute allows cities to require a 500-foot setback from residential treatment facilities. *The City does not track residential treatment facilities and this would be logistically challenging to enforce. State-licensed residential care facilities are completely prohibited in the MMM, CGMU, I, and I-1 zoning districts where cannabis businesses will be located so this is likely a moot point.*

The draft ordinance does not allow cannabis businesses to operate in the GB-General Business zoning district because that district is currently being evaluated as part of the South Concord Zoning Study that launched in August. The area zoned GB along South Concord that is zoned GB includes many single-family homes. Final decisions about the “use list” for the GB zoning district will be made in mid-2025 when the zoning study concludes.

## **NEXT STEPS**

If the Planning Commission is ready to provide a recommendation at this meeting, the City Council will likely move forward with a first reading of both the cannabis zoning ordinance and the cannabis business registration ordinance at their November 18<sup>th</sup> meeting. A second reading would be held in December so that the ordinances can be placed “on the books” prior to the expiration of the citywide moratorium on cannabis businesses in January. State Statute does not allow for the moratorium to be extended.

## **ACTION REQUESTED**

The City must adopt cannabis business regulations to comply with State Statute. The Planning Commission is asked to provide a recommendation on whether the draft ordinance should be approved “as presented” or with modifications.

## **LINKS**

Office of Cannabis Management (OCM) Model Ordinance:

[mn.gov/ocm/assets/Minnesota OCM LG Guide tcm1202-627967.pdf](https://mn.gov/ocm/assets/Minnesota_OCM_LG_Guide_tcm1202-627967.pdf)

League of Minnesota Cities FAQ about Cannabis Business Regulations:

<https://www.lmc.org/resources/adult-use-cannabis-what-cities-need-to-know/>

## **ATTACHMENTS**

- A. Zoning Map
- B. Draft Cannabis Zoning Ordinance



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

**Ordinance No. 14XX**

**AN ORDINANCE ESTABLISHING ZONING RULES FOR CANNABIS BUSINESSES**

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

**SECTION 1. AMENDMENT.** South St. Paul City Code Section 118-249 is hereby amended as follows:

**Sec. 118-249. Home occupations and home offices.**

(c) *Prohibited home occupations.* The following uses are never allowed as home occupations:

- (1) Flea markets.
- (2) General retail or wholesale operations that allow walk-in customers.
- (3) Restaurants, cafés, and similar types of commercial food service.
- (4) Manufacturing or machine shops.
- (5) Repair, service, building, rebuilding, or painting of motor vehicles, including trucks and boats.
- (6) Junkyards, motor vehicle salvage operations, and recycling processing centers.
- (7) The sale, lease, trade, or transfer of firearms and/or ammunition.
- (8) Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- (9) Sexually oriented land uses.
- (10) Commercial kennels.
- (11) Body art establishments.
- (12) Cannabis businesses, except that an entity in possession of a cannabis event organizer license issued under Minnesota Statutes, Chapter 342 shall be permitted as a home office.
- (13) A lower-potency hemp edible business as defined in Chapter 118-278.
- ~~(14)~~ Any use that involves any type of exterior storage of equipment, goods, or materials, except that personal passenger vehicles used in the home occupation may be parked on site.
- ~~(15)~~ Any use that involves hazardous materials or activities.

- (~~1416~~) Any use that produces light, glare, noise, odor, electrical interference, or vibration that will in any way have an objectionable effect upon adjacent or nearby property or right-of-way.

**SECTION 2. ENACTMENT.** South St. Paul City Code Section 118-278 is hereby enacted as follows:

**Sec. 118-278 Cannabis Businesses**

- (a) *Purpose.* The purpose of this section is to establish reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, hemp businesses, and temporary cannabis events, as allowed by State Statute.
- (b) *Definitions.* The definitions of words and phrases contained in Minn. Stat. § 342.01 and the Rules promulgated by the Office of Cannabis Management shall apply to this section unless defined differently herein. The following words and phrases shall have the meanings stated:

*Cannabis business.* A commercial enterprise involved in cultivating, processing, distributing, or selling cannabis for recreational or medical use. For zoning purposes, "cannabis business" pertains to the land use activity at a site, not the state-issued license.

*Cannabis cultivation.* Planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts for recreational or medical use.

*Cannabis delivery service.* A person or entity that purchases cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis and lower-potency hemp edible businesses and transports and delivers those products to customers.

*Cannabis retailers.* An entity that acquires, possesses, transfers, sells, dispenses, or distributes medical or recreational cannabis, products containing cannabis, and related supplies and products to the public.

*Cannabis or lower-potency hemp edible manufacturing.* An entity that creates cannabis concentrate and manufactures cannabis products and hemp-derived consumer products for recreational or medical public consumption; an entity that purchases hemp and artificially derived cannabinoids to make hemp concentrate, and manufactures artificially derived cannabinoids and hemp edibles for public consumption; an entity that packages and labels lower-potency hemp edibles for sale to customers; an entity that sells hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses.

*Cannabis testing facility.* A facility licensed to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products.

*Cannabis transporter.* An entity that transports immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from a cannabis business to a cannabis business.

*Cannabis wholesaler.* An entity that obtains, stores, and sells or otherwise transfers medical or recreational cannabis or hemp seeds, plants, flower, or other products for the purpose of resale or other transfer to a cannabis business, but not to consumers.

*Lower-potency hemp edible business.* A lower-potency hemp edible manufacturer, lower-potency hemp edible retailer, or any business that produces, manufactures, transports, or sells lower-potency hemp edible products. All lower-potency hemp edible businesses must be licensed by the State of Minnesota prior to operation.

*Lower-potency hemp edible retailer.* An entity that possesses, transfers, sells, dispenses, or distributes lower-potency hemp edible products and related supplies and products.

*On-site consumption, cannabis.* On-site consumption of cannabis shall be allowed accessory to a cannabis retailer with an on-site consumption endorsement from the State of Minnesota. Such on-site consumption must comply with all regulations under Minnesota Statutes, Chapter 342, and rules adopted pursuant to the chapter. Smoking, including smoking for the purpose of the sampling of products, is prohibited within the indoor area of any on-site consumption use established under this chapter.

*On-site consumption, lower-potency hemp edible products.* On-site consumption of lower-potency hemp edible products shall be allowed accessory to a lower-potency hemp edible retailer. Such on-site consumption must comply with all regulations under Minnesota Statutes, Chapter 342, and rules adopted pursuant to the chapter.

*Temporary Cannabis Event.* An event lasting no more than 4 days at which cannabis products, cannabis flower, lower-potency hemp edibles, and hemp-derived consumer products may be sold and for which the organizer has a cannabis event organizer license issued by the Office of Cannabis Management.

(c) *Cannabis Businesses in South St. Paul Zoning Districts.*

- (1) A cannabis business or lower-potency hemp edible business shall only be allowed in a zoning district if that type of business is explicitly listed as being a permitted, conditional, or accessory use in the district.
- (2) Outdoor commercial cultivation of cannabis and hemp is prohibited.

- (3) Proposed cannabis businesses and lower-potency hemp-derived edible businesses that have a cultivation or manufacturing component shall submit an odor management and air filtration plan which will be evaluated as part of the conditional use permit process. Odors from the operation must not be discernable beyond the property line.
- (4) A cannabis business that has a cultivation or manufacturing component must be located within a freestanding building and shall not be allowed to occupy a space in a multitenant building.
- (5) Cannabis retailers must operate and maintain a closed-circuit television (CCTV) surveillance system. The CCTV video surveillance system must operate for 24 hours per day, seven days per week, and visually record all sales areas and all points of exit and entry. This requirement shall not apply to a business that is only selling lower-potency hemp-derived edibles as an accessory use.
- (6) Cannabis cultivation businesses shall provide adequate security in accordance with state licensing requirements. This may include fencing, lighting, alarms, door and window locks, and/or secure storage and waste.

(d) *Buffering.* A cannabis business shall not be located within:

- (1) 750 feet of an elementary or secondary school (K-12 grades)
- (2) 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (3) 500 feet of another cannabis business, measured by a line from the nearest point on the property boundary line of the property on which the existing business is located to the nearest property boundary line of the property on which a business is proposed to be located.

(e) *Exceptions to the buffering requirement.*

- (1) The buffering requirement shall not apply to an existing licensed and registered cannabis retailer in operation if one of the uses that triggers a buffering requirement commences operation within the buffer area.
- (2) Cannabis businesses located in the I-1 Light Industrial and I-Industrial zoning districts shall not be required to observe the 500-foot buffer from public parks or the 500-foot buffer from other cannabis businesses.
- (3) The buffering requirement shall not apply to a non-cannabis business that sells lower-potency hemp-derived edibles as an accessory use.

(f) *Temporary Cannabis Events*. The following restrictions shall be in effect for temporary cannabis events:

- (1) Temporary cannabis events shall only be allowed in the CGMU-1, CGMU-2, MMM-2, MMM-3, and MMM-4 zoning subdistricts.
- (2) The event may last no longer than four (4) days or 96 hours.
- (3) The event must comply with any buffering requirements that apply to cannabis businesses in the underlying zoning district.
- (4) Consumption or use of cannabis at or on the property of a temporary cannabis event is prohibited.

**SECTION 3. AMENDMENT.** South St. Paul City Code Section 118-8 is hereby amended as follows:

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

*Office uses* means the commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These shall include, but are not limited to, banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, cannabis event organizers' offices, and similar uses.

**SECTION 4. AMENDMENT.** South St. Paul City Code Section 118-125 is hereby amended as follows:

**Sec. 118-125. CGMU, Concord Gateway mixed-use district.**

- (b) *Permitted uses*. Within either the CGMU-1 or CGMU-2 subdistricts, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area:
- (1) Accessory store, apparel.
  - (2) Altering, pressing and repair of wearing apparel.
  - (3) Appliance store.
  - (4) Art gallery.
  - (5) Bakery.
  - (6) Banks and other financial institutions without drive-through facilities.
  - (7) Barbershop.
  - (8) Beauty shop.
  - (9) Body art establishment (defined and regulated by section 118-276).
  - (10) Bookstore.

- (11) Cafe, cafeteria, restaurant, or delicatessen, without drive-through facilities.
  - (12) Camera store.
  - (13) Candy, nut or confectionery store.
  - (14) Club or lodge, private.
  - (15) Copy service or printing service.
  - (16) Craft production, including the production of alcoholic beverages, cannabis products, and lower-potency hemp edibles.
    - a. Must include a retail/eating/drinking/tasting component that is open to the public and occupies a minimum of ten percent of usable space. This space must front the street at the ground floor level or have a well-marked and visible entrance at the ground floor level.
    - b. All production, processing, and distribution activities except for the loading of finished products onto trucks are to be conducted within an enclosed building.
    - c. Craft production of alcoholic beverages shall require a conditional use permit for off-sale or on-sale liquor.
    - d. Craft production of cannabis products and lower-potency hemp edibles shall require a conditional use permit.
- (c) *Accessory uses.* Within the CGMU-1 or CGMU-2 subdistricts, the following uses shall be permitted accessory uses:
- (1) Off-street parking of automobiles for patrons or employees of a permitted use.
  - (2) Off-street loading areas as regulated herein.
  - (3) Signs, fences, and decorative landscape features as regulated herein.
  - (4) Customary uses incidental to the principal use as determined by the city council.
  - (5) Off-sale 3.2 percent malt liquor sales (licensed pursuant to chapter 6 of the City Code)
  - (6) Lower-potency hemp edible retailer.
  - (7) Cannabis transportation and delivery accessory to a cannabis business provided there is no on-site delivery vehicle fleet.
- (d) *Conditional uses, CGMU-1.* Within the CGMU-1 subdistricts, no structure or land may be used for any of the following uses except by conditional use permit:
- (1) On-sale and off-sale liquor establishments as regulated by this Code.
  - (2) Amusement or entertainment, as defined and regulated by this Code.
  - (3) Church.
  - (4) Medical uses (for animals).
  - (5) Residential dwelling units within the same building as nonresidential uses, if provisions for parking, security, noise, odors, and other related issues affecting the

residential units can be shown to be handled adequately and in keeping with the best interests of the residents.

- (6) Theaters.
- (7) Schools, public or private.
- (8) Adult day care facility.
- (9) Child day care facility.
- (10) Parking ramps or parking garages.
- (11) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the CGMU district, and if such buildings can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.
- (12) Any permitted use or any other conditional use, if 10,000 square feet or more in gross floor area, if such use can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.
- (13) Pet grooming and pet training provided that:
  - a. Unless expressly allowed by the conditional use permit, all activity must take place within a completely enclosed building with odor and sound control except for the walking of dogs. No outdoor kenneling shall be permitted.
  - b. There shall be no overnight kenneling of customers' pets and no animal may be present inside the business between the hours of 10:00 p.m. and 6:00 a.m. unless their owner is also present.
  - c. Any outdoor off-leash exercise/relief area that is provided shall be entirely enclosed by a fence. Pets may not be off-leash in these areas between the hours of 8:00 p.m. and 7:00 a.m.
- (14) Cannabis retailer
- (15) Cannabis testing facility
- (16) Cannabis cultivation of up to 15,000 square feet of plant canopy when accessory to a cannabis dispensary or craft production facility producing cannabis products or lower-potency hemp edible products.
- (14) Other uses determined by the city council to be similar in purpose and character to other permitted or conditional uses in this district.

**SECTION 7. AMENDMENT.** South St. Paul City Code Section 118-126 is hereby amended as follows:

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

- (d) *Accessory uses.* The following accessory uses shall be permitted:

- (1) Off-street parking and loading, signs, fences, and decorative landscape features, as regulated herein.
- (2) Temporary construction buildings and storage as may be approved by the zoning administrator.
- (3) Customary uses incidental to the principal use as may be approved by the zoning administrator.
- (4) Residential garage as allowed in the R-1 and R-2 districts.
- (5) Off-sale 3.2 percent malt liquor sales (licensed pursuant to chapter 6 of the City Code)
- (6) Lower-potency hemp edible retailer.

**SECTION 5. AMENDMENT.** South St. Paul City Code Section 118-127 is hereby amended as follows:

**Sec. 118-127. MMM, mixed markets and makers district.**

(c) *Table 1. Permitted, Conditional and Accessory Uses.*

| Table 1 Principal Use   | MMM1     | MMM2     | MMM3     | MMM4     | Notes |
|---|----------|----------|----------|----------|-------|
| Single family detached dwelling   | P        | X        | X        | X        |       |
| Two family dwelling   | P        | X        | X        | X        |       |
| Three-family dwelling   | P        | X        | X        | X        |       |
| Multi-family dwelling (four or more units)  | C        | P        | P        | P        |       |
| Mixed residential and commercial building   | C        | P        | P        | P        |       |
| Live-work unit  | P        | P        | P        | P        | (f)   |
| Adult day care facility   | C        | P        | P        | P        |       |
| Auto repair   | C        | C        | X        | C        |       |
| Auto sales, leasing, and rental (may include service)   | X        | X        | X        | C        | (f)   |
| Body art establishment that offers body art procedures other than micropigmentation and cosmetic tattooing (defined and regulated by Section 118-276) | C        | P        | P        | P        |       |
| Child day care facility   | P        | P        | P        | P        | (f)   |
| Catering  | C        | P        | P        | P        |       |
| <u>Cannabis retailer</u>  | <u>X</u> | <u>C</u> | <u>C</u> | <u>C</u> |       |
| <u>Cannabis testing facility</u>  | <u>X</u> | <u>C</u> | <u>C</u> | <u>C</u> |       |
| Churches, chapels & other worship buildings   | P        | P        | P        | P        |       |
| Contractor operations with no exterior storage or overnight parking of fleet vehicles & trailers  | P        | P        | P        | P        |       |
| Craft production  | C        | P/C      | P/C      | P/C      | (f)   |

|  |          |          |          |          |     |
|--|----------|----------|----------|----------|-----|
| Essential services   | P        | P        | P        | P        |     |
| Funeral Homes and Mortuaries   | C        | P        | P        | P        |     |
| Gasoline service station   | X        | C        | X        | C        |     |
| General retail business (within a building)  | P        | P        | P        | P        |     |
| General service business (within a building)   | P        | P        | P        | P        |     |
| Health club, dance studio or similar uses  | P        | P        | P        | P        |     |
| Hotel or motel   | X        | P        | P        | P        |     |
| Indoor commercial recreation   | X        | C        | C        | C        |     |
| Medical or dental clinic   | C        | P        | P        | P        |     |
| Municipal buildings & uses   | P        | P        | P        | P        |     |
| Museum, library, theater & similar uses  | C        | P        | P        | P        |     |
| Office   | P        | P        | P        | P        |     |
| On-sale, off-sale liquor, beer or wine establishments  | C        | C        | C        | C        |     |
| Parking ramps, garages & surface lots  | X        | C        | C        | C        |     |
| Pet boarding, kenneling, training & grooming   | C        | C        | C        | C        | (f) |
| Public & private parks & playgrounds   | P        | P        | P        | P        |     |
| Reception or meeting hall  | X        | C        | C        | C        |     |
| Recording studio   | C        | P        | P        | P        |     |
| Restaurant, cafe, coffee shop, cafeteria or deli   | C        | P        | P        | P        |     |
| School, public or private  | C        | P        | P        | P        |     |
| Small wireless facility (see Sec. 54-402)  | P        | P        | P        | P        |     |
| Veterinary Clinic  | C        | P        | P        | P        |     |
| <b>Accessory Uses</b>  |          |          |          |          |     |
| Car washes (accessory to gas station)  | X        | C        | X        | C        |     |
| Drive thru facilities  | X        | C        | X        | C        | (f) |
| Exterior storage for contractor operations and craft production  | X        | C        | X        | C        | (f) |
| Fences, signs, & decorative landscape features   | P        | P        | P        | P        |     |
| Garages & accessory structures (see Sec. 118-208)  | P        | P        | P        | P        |     |
| Home occupation (see Sec. 118-249)   | P        | P        | P        | P        |     |
| Commercial indoor storage  | X        | C        | X        | C        | (f) |
| Off-sale 3.2 percent malt liquor sales (licensed pursuant to Chapter 6 of the City Code)                           | P        | P        | P        | P        |     |
| <u>Lower-potency hemp edible retailer</u>  | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |     |
| Off-site storage for contractor operations   | X        | C        | X        | C        | (f) |
| Off-street parking and loading   | P        | P        | P        | P        |     |
| Outdoor display/sales (no vehicles, boats or trailers)   | X        | C        | C        | C        | (f) |
| <u>Cannabis cultivation of up to 15,000 square feet of plant canopy when accessory to a cannabis dispensary or</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>C</u> |     |

|   |   |   |   |   |     |
|---|---|---|---|---|-----|
| <u>craft production facility producing cannabis products or lower-potency hemp edible products.</u>   |   |   |   |   |     |
| Vehicle Rental  | X | C | X | C | (f) |
| P = Permitted Use   |   |   |   |   |     |
| C = Conditional Use   |   |   |   |   |     |
| X = Prohibited Use  |   |   |   |   |     |
| Note: Uses marked with an (f) have special performance standards that are unique to the MMM district which are listed in subdivision (f) of this section. |   |   |   |   |     |

(f) *Performance standards for specific uses.* In addition to performance standards found elsewhere in the City Code, the following performance standards are in effect for a number of specific uses in the MMM district:

(5) *Craft production.*

- a. Must include a retail/eating/drinking/tasting component that is open to the public and occupies a minimum of ten percent of usable space. This space must front the street at the ground floor level or have a well-marked and visible entrance at the ground floor level.
- b. All production and processing activities are to be conducted within an enclosed building. Distribution activities except for the loading of finished products onto trucks must be conducted within an enclosed building unless otherwise allowed by conditional use permit.
- c. May include accessory exterior storage by conditional use permit, subject to the provisions outlined in this section.
- d. Craft production of alcoholic beverages shall require a conditional use permit for off-sale or on-sale liquor.

e. Craft production of cannabis products and lower-potency hemp edibles shall require a conditional use permit.

ef. Any craft production use with a gross floor area that is greater than 15,000 square feet shall require a conditional use permit. This requirement shall not apply to craft production uses that are considered general retail uses such as bakeries and butcher shops.

**SECTION 6. AMENDMENT.** South St. Paul City Code Section 118-129 is hereby amended as follows:

**Sec. 118-129. I, industrial district.**

(c) *Uses by conditional use permit or interim use permit.* The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments:

- (1) Armories, convention halls and similar uses.
- (2) Automobile, truck and other vehicle repair.

(3) Cannabis cultivation

(4) Cannabis retailer when accessory to a cannabis or lower-potency hemp edible manufacturing business or cannabis cultivation business.

(5) Cannabis or lower-potency hemp edible manufacturing.

(6) Cannabis wholesaler.

- (~~7~~ 3) Commercial kennels, animal hospitals.
- (~~8~~ 4) Child day care facility when located within the same building as the principal use and provided only for employees of the principal use.
- (~~9~~ 5) Exterior processing on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue north of vacated Malden Street from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.
- (~~10~~ 6) Exterior storage (not as a principal use).
- (~~11~~ 7) Exterior storage and open sales lot in conjunction with an approved use on the same site.
- (~~12~~ 8) Exterior storage and processing of wood chips, accessory to an approved business, provided a detailed screening, parking, driveway, storage, and display plan for the wood chip processing and storage area and all off-street parking and driveway area is implemented, consistent with current city codes, subject to the city council review and approval.
- (~~13~~ 9) Exterior storage as a principal use on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue, north of vacated Malden Street, from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.
- (~~14~~ 10) Exterior storage or exterior processing as a principal use on industrial zoned property described as follows:

That part of Government Lots 5 and 6, section 26, Township 28 N., Range 22 W., and that part of Government Lot 11, section 35, Township 28 N., Range 22 W., (Part of which as formerly platted as "South Saint Paul Syndicate Park No. 2, Dakota County, Minnesota" according to the plat thereof on file and of record in the office of the county recorder and now vacated), described as follows:

Commencing at the northwest corner of said section 35; thence southerly, along the west line of said Government Lot 11, a distance of 300.00 feet of the northerly line of Maltby Street as dedicated in said "South Saint Paul Syndicate Park No. 2, Dakota County, Minnesota," thence on a assumed bearing of N 89 degrees 13'32" E., along said northerly line of Maltby Street, a distance of 672.63 feet to the point of beginning of the tract to be described; thence N 2 degrees 11'13" W a distance of 714.32 feet; thence N 78 degrees 24'28" E a distance of 1,210.62 feet; thence N 61 degrees 11'38" E to the westerly shore line of the Mississippi River; thence southerly, along said westerly shore line to its intersection with the easterly extension of said northerly line of Maltby Street; thence westerly, along said northerly line of Maltby Street and its easterly extension to the point of beginning (old MWCC sewage settling pond property).

Such uses shall expire and not be available after December 31, 2009.

- (~~15~~ ~~11~~) Hotel or motel.
- (~~16~~ ~~12~~) Laundry and dry cleaning processing plants (not retail).
- (~~17~~ ~~13~~) Metal clad building.
- (~~18~~ ~~14~~) Other uses deemed by the city to be similar to those set forth in this subsection and consistent with the purpose set forth in subsection (a) of this section.
- (~~19~~ ~~15~~) Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494 and south of Grand Avenue.
- (~~20~~ ~~16~~) Private and business schools.
- (~~21~~ ~~17~~) PWS antenna.
- (~~22~~ ~~18~~) PWS tower.
- (~~23~~ ~~19~~) Restaurants.
- (~~24~~ ~~20~~) Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.
- (~~25~~ ~~21~~) Spur tracks.
- (~~26~~ ~~22~~) Structures of any type over 50 feet in height.
- (~~27~~ ~~23~~) Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.
- (~~28~~ ~~24~~) Temporary structures.
- (~~29~~ ~~25~~) Truck stop.
- (~~30~~ ~~26~~) Veterinary clinic.
- (~~31~~ ~~27~~) Wholesaling.

(e) *Accessory uses.*

- (1) Bars and taverns located within a hotel or motel.
- (2) Dwelling units for security purposes.
- (3) Mini-storage facilities (not as a permitted principal use).
- (4) Off-street parking and loading, signs, fences and decorative landscape features as regulated herein.
- (5) Parking garage for public and/or employee use.
- (6) Retail outlet sales counter; provided that retail outlet floorspace cannot exceed ten percent of total building floorspace for that business.
- (7) Temporary construction buildings and storage during construction of the principal use as may be approved by the city engineer.
- (8) Cannabis transportation and delivery accessory to a cannabis business.
- (9) Lower-potency hemp retailer that is accessory to a retail use that is allowed in the I district or accessory to a restaurant, bar, or tavern.

**SECTION 7. AMENDMENT.** South St. Paul City Code Section 118-134 is hereby amended as follows:

**Sec. 118-134. I-1, light industrial district.**

- (d) *Uses by conditional use permit.* The following uses or other uses deemed to be similar shall require a conditional use permit:
- (1) Adult day care facility.
  - (2) Automobile, truck and other vehicle repair.
  - (3) Cannabis cultivation
  - (4) Cannabis retailer when accessory to a cannabis or lower-potency hemp edible manufacturing business or cannabis cultivation business.
  - (5) Cannabis or lower-potency hemp edible manufacturing
  - (6) Cannabis wholesaler
  - ~~(7 3)~~ Child day care facility.
  - ~~(8 4)~~ Commercial kennels, animal hospitals, dog/pet daycare or lodging.
  - ~~(9 5)~~ Enclosed mini-storage facilities.
  - (10 6) Exterior storage (not as a principal use) subject to the following:
    - a. Exterior storage use shall be incidental to an approved use on the same site.
    - b. Exterior storage shall be screened from adjacent properties and public view and shall meet the required performance standards of section 118-240.
    - c. The city may impose reasonable conditions on the exterior storage such as, but not limited to, maximum lot coverage, height, and type of the exterior storage.
  - (11 7) Open sales lot incidental to an approved use on the same site.
  - (12 8) Hotel or motel.
  - (13 9) Laundry and dry cleaning processing plants (not retail).
  - (14 10) On-sale liquor.
  - (15 11) Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494.
  - (16 12) Pet cremation.
  - (17 13) PWS antenna.
  - (18 14) PWS tower.
  - (19 15) Restaurants.
  - (20 16) Schools: Private, business, and vocational schools.
  - (21 17) Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.
  - (22 18) Spur tracks.

- (~~23~~ ~~19~~) Structures of any type over 50 feet in height.
- (~~24~~ ~~20~~) Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.
- (~~25~~ ~~21~~) Temporary structures.
- (~~26~~ ~~22~~) Truck stop.
- (~~27~~ ~~23~~) Veterinary clinic.
- (~~28~~ ~~24~~) Wholesaling.
- (~~29~~ ~~25~~) Exterior processing of wood chips, accessory to a permitted or conditional use and subject to the required performance standards in section 118-134(d)(4).

(f) *Accessory uses.*

- (1) Restaurants located within a hotel or motel.
- (2) Dwelling units for security purposes.
- (3) Off-street parking and loading, signs, fences and decorative landscape features as regulated herein.
- (4) Parking garage for public and/or employee use.
- (5) Retail outlet sales counter.
- (6) Temporary construction buildings and storage during construction of the principal use subject to City approval.
- (7) Cannabis transportation and delivery accessory to a cannabis business.
- (8) Lower-potency hemp retailer that is accessory to a retail use that is allowed in the I-1 district or accessory to a restaurant, bar, or tavern.

**SECTION 8. 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 establishes zoning regulations for cannabis businesses.

**SECTION 9. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

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

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

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