

ZONING COMMITTEE STAFF REPORT

FILE # 14 322163

1. **APPLICANT:** Devon Industrial Group **HEARING DATE:** 9/11/14
 2. **TYPE OF APPLICATION:** Site Plan Review
 3. **LOCATION:** 966 Mississippi River Blvd S
 4. **PIN & LEGAL DESCRIPTION:** 172823130002 Auditors Subdivision No 87 All Of Lot 1 Blk 1 & That Part Of Lot 3 Blk 1 Lying Nly Of A 7 Course Line Desc In Doc No# 2087758 All In Ford Motor Co First Add & In Sd Aud Sub No 87 The Fol Ex N 500 Ft Of W 328 Ft Of The E 999.4 Ft Meas From El Of Sec 17 Tn
 5. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** I1
 6. **ZONING CODE REFERENCE:** 61.402.d
 7. **STAFF REPORT DATE:** 9/3/14 **BY:** Tom Beach
 8. **DATE RECEIVED:** 8/21/14 **DEADLINE FOR ACTION:** 10/20/14
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- A. **PURPOSE:** When the Planning Commission approved the site plan for decommissioning of the Ford plant site, they added a condition limiting the hours of decommissioning activities to Monday through Friday 7:00 AM to 6 PM. The applicant is requesting that this condition be modified allow some decommissioning activities on Saturdays from 7:00 AM to 6 PM.
- B. **PARCEL SIZE:** The entire Ford Plant site east of Mississippi River Blvd covers 122 acres. The work shown on the approved site plan covers an area of 67 acres where the existing buildings and surrounding pavement are located. The rest of the site is a paved parking lot at the north end of the site, baseball fields and lawn. No changes are shown on this site plan for these areas.
- C. **EXISTING LAND USE:** The car manufacturing facility that was previously on the site is currently being demolished / decommissioned.
- D. **SURROUNDING LAND USE:**
North: Commercial, multi-family residential, single-family residential (T2, B2, RM2, RM3, R4)
East: Commercial, multi-family residential (T2, RM2)
South: Park, single-family residential (R1, R3)
West: Park, industrial and Mississippi River (R1, I1)
- E. **ZONING CODE CITATION:** Section 61.402.c lists 11 findings that must be met before a site plan can be approved. (These conditions can be found in the Planning Commission's original resolution. See attached.)

The planning commission ... may impose such reasonable conditions and limitations in granting approval of a site plan... as are determined to be necessary to fulfill the spirit and purpose of the zoning code, to ensure compliance, and to protect adjacent properties. (Section 61.107)

(Most site plans are approved at a staff level. Staff adds conditions and also acts on requests

to modify conditions on those site plans. But in this case, the Planning Commission approved the site plan and so the request to modify the condition limiting hours is being heard by the Planning Commission.)

- F. **DISTRICT COUNCIL RECOMMENDATION:** District 15 did not send a formal recommendation on the application. The Community Organizer sent an email to staff that they “will not be weighing in on this one.... It seems the general consensus of the immediate neighbors is that they are fine with Saturday hours, but wanted to know the change was being made.” (See attached email from District 15.)

G. **FINDINGS:**

1. In December 2013, the Planning Commission approved a site plan for decommissioning of the Ford plant, including removal of all of the buildings and most of the paving. (See attached resolution.) No one testified in opposition to the site plan. At that time it was assumed that these activities would have little or no impacts on area property owners and residents. But to minimize any possible impacts, including dust and noise, the Planning Commission placed the following condition on their approval of the site plan:

“All decommissioning related activity must be limited to the hours of 7:00AM to 6:00 PM Monday through Friday. Truck traffic entering or exiting the site must be limited to 8:00 AM to 4:00 PM Monday through Friday. No decommissioning related activity or truck traffic is permitted outside of these hours or on Saturday or Sunday. This is consistent with the hours proposed by Ford in their application.”

2. Decommissioning activities have been underway since mid-2013.

In that time, all of the buildings have been demolished down to the floor slabs and rail, ties along with ballast have been removed, areas of asphalt have been broken up and removed, sediment control measures have been initiated, areas of concrete slabs have been broken up and removed, and abate asbestos has begun.

Work will continue on asbestos abatement, breaking up and removing concrete slabs. Work will start on removing foundations, pits and trenches, crushing concrete, filling shafts, grading and seeding the site.

Crushing concrete on-site was permitted as part of the site plan approved by the Planning Commission and the applicant's current request includes concrete crushing on Saturdays. Crushing would be done in the center of the site. Based on the City's experience in the past with other on-site concrete crushing operations, it is not anticipated that dust or noise will impact nearby properties or residents.

3. The City has not received any complaints about the decommissioning activities.
4. Devon Industries is requesting that the hours of most decommissioning activities be extended to include Saturdays from 7:00 AM to 6:00 PM. Specifically, their request says:

“The activities that would be performed on a Saturday would be a continuation of demolition work taking place during the Monday thru Friday time frame. Examples of work to include actions and activities included in the original application such as soil excavation and grading, removing of concrete slabs and foundations. However, as a courtesy, the start of any extraneous activities, such as concrete thumping and hammering would not start on a Saturday until after 9:00 AM.”

"There is no request to modify the hours of truck traffic which would remain Monday through Friday 8:00 to 4:00 PM."

"This request is being made to maintain the overall project schedule, which is a shared goal of Ford Motor Company and the City of Saint Paul. A risk that may impact the project timing includes a winter shut down being proposed by the contractor due to the fact that excavating in winter conditions is not productive."

The applicant stated that decommissioning activities may not occur every Saturday. However, the applicant wants the flexibility to work on Saturdays when needed to maintain the project schedule.

5. A condition that permits some decommissioning activities on Saturdays as requested by the applicant is sufficient "to fulfill the spirit and purpose of the zoning code, to ensure compliance, and to protect adjacent properties" as required by Section 61.107.

It is also consistent with "protection of adjacent and neighboring properties" and ensuring that "abutting property and/or its occupants [are not] unreasonably affected" as required by Section 61.402.c.

- H. **STAFF RECOMMENDATION:** Based on the findings above, the staff recommends that the Planning Commission modify the condition limiting hours of demolition activities to state:

"All decommissioning related activity must be limited to the hours of 7:00AM to 6:00 PM Monday through Saturday. Truck traffic entering or exiting the site must be limited to 8:00 AM to 4:00 PM Monday through Friday. The start of any extraneous activities, such as concrete crushing, thumping and hammering must not start on Saturday until after 9:00 AM. No decommissioning related activity or truck traffic is permitted outside of these hours or on Sunday."

Request to
modify hours
of decommissioning

Steve Bill
966 South Mississippi River Boulevard
St. Paul, MN 55116
June 26, 2014

Tom Beach
Zoning Specialist
City of Saint Paul
375 Jackson Street, Suite 230
St. Paul, MN 55101

RE: Ford Plant demolition at 966 Mississippi River Boulevard South - Hours of operation

Dear Mr. Beach:

This letter is to request a change to the Master Site Plan permit for the Ford Plant File # 12 210553. The City of Saint Paul Planning commission resolution file 12-82 item 12 of the conditions states "The *Hours of Operation*: All decommissioning related activity must be limited to the hours of 7:00AM to 6:00 PM Monday through Friday. Truck traffic entering or exiting the site must be limited to 8:00 AM to 4:00 PM Monday through Friday. No decommissioning related activity or truck traffic is permitted outside of these hours or on Saturday or Sunday. This is consistent with the hours proposed by Ford in their application."

Ford Motor Company is requesting a change to the hours of operation from Monday through Friday 7:00AM to 6:00PM to Monday through Saturday 7:00AM to 6:00PM. There is no request to modify the hours of Truck traffic which would remain Monday through Friday 8:00AM to 4:00PM. The activities that would be performed on a Saturday would be a continuation of the demolition work taking place during the Monday thru Friday time frame. Examples of work to include actions and activities included in the original application such as soil excavation and grading, removing of concrete slabs and foundations. However, as a courtesy, the start of any extraneous activities, such as concrete thumping and hammering would not start on a Saturday until after 9am.

This request is being made to maintain the overall project schedule, which is a shared goal of Ford Motor Company and the City of Saint Paul. A risk that may impact the project timing includes a winter shut down being proposed by the contractor due to the fact that excavating in winter conditions is not productive. In an attempt to maintain the project schedule the ability to work Saturdays would allow the flexibility to recover a portion of the time lost due to this winter shut down.

These requested work hours are in alignment with city policy and consistent with other projects in the St. Paul area such as City of Saint Paul Union Depot, Light Rail project, Hazelden Treatment Center, and Metro State University parking ramp.

Sincerely,

Steve Bill

Steve Bill
Project Manager
Ford Land

city of saint paul
planning commission resolution
file Number 12-82
date December 28, 2012

original resolution
approving site plan
for Ford
decommissioning

WHEREAS, Devon Industrial Group, File # 12 210553, has submitted a site plan for review under the provisions of Sec. 61.400 of the Saint Paul Legislative Code, for the demolition of the Ford Motor Assembly Plant on property located at 966 Mississippi River Blvd S, legally described as Auditors Subdivision No 87 All Of Lot 1 Blk 1 & That Part Of Lot 3 Blk 1 Lying Nly Of A 7 Course Line Desc In Doc No# 2087758 All In Ford Motor Co First Add & In Sd Aud Sub No 87 The Fol Ex N 500 Ft Of W 328 Ft Of The E 999.4 Ft Meas From El Of Sec 17 Tn ; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 20, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings as required under the provisions of §61.402(c) that the site plan is consistent with:

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The Saint Paul Comprehensive Plan Land Use chapter identifies the Ford property as one the city's "Opportunity sites for future development..." (Land Use 1.54) and as a "Mixed Use Corridor" (Generalized 2030 Future Land Use map). Demolition of the previous use on the property that will prepare the site for redevelopment is consistent with its land use designation, and consistent with the Mississippi River Corridor Plan (2002) objective of providing "new neighborhoods" in the river corridor to create connections to the river. (page 7 – Strategy 3)

The Comprehensive Plan encourages clean up and reuse of former industrial, brown field properties which "restores and enhances the city's employment and property tax base." (Land Use page 29) Demolition of the current structures will facilitate this process and position the site for redevelopment.

Removal of the structures will be followed by grading and seeding with native seed mixes to control erosion and manage stormwater, consistent with Water Resource Management Strategy 2.13 "Continue to use site plan as an opportunity to improve surface water management on proposed developments" and 2.18 "Encourage the use of native vegetation for appropriate land uses."

moved by Perrus
seconded by _____
in favor Unanimous
against _____

2. *Applicable ordinances of the City of Saint Paul.*

Since the site plan does not include any new development, many of the typical standards for site plan review do not apply. The site plan will meet City standards related to the rate of stormwater run-off and erosion/sediment control

Section 61.402.e gives the City the authority to require a Security Agreement to ensure that site work is completed as shown on the approved site plan. The Zoning Administrator has determined that a Security Agreement structured as follows is sufficient to ensure that work is completed:

Ford Motor must submit a Security Agreement in the form of a Performance Bond before permits will be issued for work included in all phases of the decommissioning activities referenced under the master site plan, including removal of the paved parking areas on the site. The initial Bond amount will be \$7.5 million. Once work for Phases 1 and 2 (removal of buildings, structures, slabs and foundations) has been completed, inspected and approved by the City, the amount of the Bond will be reduced to \$5 million. Once work covered by Phase 3 (site restoration, grading and seeding for areas disturbed in Phases 1 and 2) has been completed, inspected and approved by the City, the amount of the Bond will be reduced to \$1 million. Once the final decommissioning work (removal of pavement and site restoration for the north 37 acres of the site of the site) has been completed, inspected and approved by the City, the Bond will be released.

The site work is expected to take almost three years to complete. However, based on Section 61.015, the approval of Ford's site plan will be valid as long as they obtain a permit for the work within two years and then work is proceeding.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

Ford is conducting environmental investigations and cleanup on the property under the regulatory oversight of the Minnesota Pollution Control Agency (MPCA)'s Voluntary Investigation and Cleanup (VIC) and Petroleum Brownfields (PB) Programs. MPCA will approve a Construction Contingency Plan that Ford will follow and consult during the removal of buildings, slabs and foundations. The removal of the buildings, slabs, and foundations will allow Ford to complete the sub-slab soil investigation and any necessary soil cleanup, in accordance with work plans reviewed and approved by the MPCA. The MPCA will review the sub-slab soil data and other pertinent information to ensure that any soil conditions requiring remediation are completed in accordance with applicable standards. Provided Ford abides by and completes the VIC and BP programs to the satisfaction of the MPCA, no environmentally sensitive areas will be impacted. The area of disturbance for site decommissioning is on built up, impervious surfaces.

None of the buildings slated for demolition are historically designated. In 2007, Ford hired Hess, Roise and Company to conduct a historic assessment of the property and buildings. The resulting report, titled "Ford Motor Company Twin Cities Assembly Plant: An Assessment of Significance and Eligibility", concluded that repeated alterations to the original plant structure

meant that “its integrity is too compromised for the property to qualify for either [listing in the National Register of Historic Places or designation by the Saint Paul Heritage Preservation Commission]”. Ford has identified certain elements of the original structure to be removed and saved for reuse in the redevelopment, including a few lighting fixtures and an exterior frieze.

Stormwater from the site drains to Hidden Falls. Ford’s submittal includes an analysis of the impact of the demolition and site restoration on Hidden Falls. It concludes that the work will improve Hidden Falls in two ways. First, it will reduce the peak rates of stormwater and provide a more uniform rate of flow. Second, the proposed vegetation will improve the quality of water going to Hidden Falls.

The west half of the site is located in the Saint Paul River Corridor. The proposed changes to the site include removing hard surface area and constructing measures to improve water quality. This is consistent with preserving and improving this environmentally sensitive area.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The final grading after the demolition will improve surface water drainage. Temporary measures, such as sediment ponds, will be required during demolition while the site is torn up.

The west facade of the Main Assembly Building will be kept up as long as possible so that it can act as a sound and sight buffer along Mississippi River Boulevard. Fabric will be attached to the fence around the site to act as a visual screen during demolition. Once the demolition is finished and ground cover has been established, the screen will be taken down.

It is not anticipated that sound from concrete crushing or other demolition activities will be a significant problem for the surrounding area.

The concrete crushing operation and demolition will be watered as needed to ensure that dust does not impact neighboring properties.

The demolition of the existing structures will improve views and light.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The site plan is consistent with this finding. The concrete crushing operation will be located approximately 1200’ from the nearest residential property.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan is consistent with this finding. Most of the existing buildings, pavement and infrastructure on the Ford Motor plant site will be removed. After the site is graded, a layer of

soil will be put down and low- maintenance ground cover will be planted.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

According to a Traffic Study submitted by Ford:

- A total of 90 vehicles a day will come to the site (60 cars and 30 trucks). This is less traffic than what the Ford plant generated when it was in operation. (At that time up to 700 cars and 138 trucks accessed the site everyday. Of these, 200 cars and 18 trucks used the Ford/Cretin driveway and the rest used other driveways including one on Mississippi River Blvd.)
 - All traffic into and out of the site will use the existing driveway at Ford and Cretin. The only exception would be if Ford Parkway was closed due to construction, etc. In that case, traffic would use the driveway on Mississippi River Blvd at the south end of the site.
 - Trucks would use Ford Parkway to get to a truck route – either east on Ford to Snelling or west on Ford and across the bridge to Minneapolis.
8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan is consistent with this finding.

The site plan will improve the current stormwater drainage. The site is currently almost entirely paved. The site plan calls for covering the site with soil and groundcover which will slow the rate of stormwater run off. Stormwater infiltration ponds will be created and these will allow stormwater to infiltrate into the ground instead of going into the sewer system.

Sanitary sewers that are no longer needed will be abandoned, capped and cut of at the property line.

Public Works Sewers Engineering staff has reviewed the site plan and approved it for sewers and stormwater drainage subject to a few minor technical revisions.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

All disturbed areas on the site will be seeded with MnDOT low-maintenance seed mixes to establish ground cover. Five different will be used, depending on the specific site conditions (dry, pond etc)

The site will be enclosed by a fence to secure the site. A fabric screen will be attached to the fence. The west wall of the Main Assembly Building will be left up as long as possible to act as a screen along Mississippi River Boulevard.

Workers will park on a portion of the existing paved area at the north end of the site.

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan is consistent with this finding. The demolition site will meet applicable standards for accessibility. Public sidewalks and rights-of-way around the site will be maintained to provide a continuous route for pedestrians, including the disabled and bicyclists.

11. *Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."*

The site plan is consistent with this finding. The site plan includes a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP calls for:

- Temporary stormwater quality measures, including silt fence, inlet protection, dust control, a rock construction entrance and a truck wheel washing facility. Two temporary sediment ponds will be constructed to minimize sediment leaving the site during construction. Disturbed areas will be stabilized if they are inactive for more than 14 days.
- Permanent stormwater management system, including grassed swales, one wet stormwater pond and two dry ponds that will discharge to the existing storm sewer systems and ultimately to the Mississippi River. The plan identifies a person who will be responsible for the long term operation.

The Capitol Region Watershed District approved plans for the demolition on December 19, 2012. The project will need to meet their standards for temporary and permanent stormwater management measures.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Devon Industrial Group for a site plan review for the demolition of the Ford Motor Assembly Plant at 966 Mississippi River Blvd S is hereby approved subject to the following conditions:

1. *Concrete crushing* Before any on-site concrete crushing begins, Ford Motor must obtain a Case Specific Beneficial Use Determination from the MPCA and temporary sediment basins must be in place and functional.
2. *Traffic* Truck traffic generated by the demolition and restoration work must use designated Truck Routes and be handled as specified in the Traffic Impact Study submitted by Ford Motor. This study assumes that concrete crushing will occur on-site. If Ford does not receive approval for on-site crushing, a new Traffic Impact Study must be submitted and approved by Public Works Traffic Engineering before permits are issued for the work shown on the approved site plan.

Traffic for the project will use the entrance at Ford Parkway and Cretin Avenue unless events

such as street construction make this impossible. In the event the Ford Parkway access cannot be used, traffic will use the existing entrance on Mississippi River Blvd located at the southwest corner of the site and travel north to Ford Parkway.

3. *Repair streets* Ford will be responsible for repairing any damage to Ford Parkway and adjacent streets, sidewalks, curbs and driveways caused by trucks or equipment from the demolition and restoration.
4. *Fence* The site must be enclosed with existing or new fence and a visual screen as shown on the approved site plan until site restoration is completed. A "Certificate of Liability Insurance" is required for installing barbed wire on the fence.
5. *Signs* Signs or other graphics (including any on the visual screen) must comply with City sign regulations. A separate review and permit is required for any signs.
6. *Ground cover* Ground cover and any other landscaping must be established as shown on the approved site plan and maintained in good condition per Section 63.115.c.
7. *Approvals by other agencies* Ford must obtain approvals for the demolition and restoration from all other agencies having jurisdiction, including but not limited to the Capitol Region Watershed District and the Minnesota Pollution Control Agency. Work must be performed as specified in these approvals.
8. *Inspection and reports* Ford Motor must maintain a record on site of all inspections for viewing by City inspectors. An electronic version of the inspection record must be submitted to City staff on a weekly basis.

Ford must also submit to the City a written monthly summary on the progress of work and of site conditions, including erosion and sediment control measures. This summary must be prepared by a certified environmental professional.
9. *Project contact person* Ford must designate and maintain throughout the term of the project a site representative to field questions and complaints from the public and must make this person's name and contact information available to the city and the public before permits are issued for the work shown on the approved site plan. The City will similarly designate a contact person. Both contacts will be identified on the city's web site on the "Ford Demolition" page.
10. *Parking Lot Removal* The 37 acres of paved parking areas on the north side of the site shall be removed as the final stage of decommissioning work. Preliminary plans for their removal shall be submitted to the City of Saint Paul for review within five (5) years from issuance of this Master Site Plan, unless extenuating circumstances, such as Acts of God, force majeure, or approvals by other government agencies, are deemed by the Zoning Administrator to justify a delay in their removal. Removal of the parking lots will be conducted under application and approval for a site plan specific to that work, and all of the work encompassed under that site plan shall be completed by July 2019.

11. *Security Agreement* Ford Motor must submit a Security Agreement in the form of a Performance Bond before permits will be issued for work included in all phases of the decommissioning activities referenced under the master site plan, including removal of the paved parking areas on the site. The initial Bond amount will be \$7.5 million. Once work for Phases 1 and 2 (removal of buildings, structures, slabs and foundations) has been completed, inspected and approved by the City, the amount of the Bond will be reduced to \$5 million. Once work covered by Phase 3 (site restoration, grading and seeding for areas disturbed in Phases 1 and 2) has been completed, inspected and approved by the City, the amount of the Bond will be reduced to \$1 million. Once the final stage of decommissioning work (removal of pavement, grading, erosion/sediment control measures and revegetation for the north 37 acres of the site) has been completed under an approved site plan and been inspected and approved by the City, the Bond will be released.
12. *Hours of Operation* All decommissioning related activity must be limited to the hours of 7:00AM to 6:00 PM Monday through Friday. Truck traffic entering or exiting the site must be limited to 8:00 AM to 4:00 PM Monday through Friday. No decommissioning related activity or truck traffic is permitted outside of these hours or on Saturday or Sunday. This is consistent with the hours proposed by Ford in their application.

Beach, Tom (CI-StPaul)

From: Kathy Carruth <hdc@visi.com>
Sent: Monday, August 25, 2014 9:48 AM
To: Beach, Tom (CI-StPaul)
Subject: Fwd: RE: RE: Ford Plant Request

Tom,

Sounds like the City's notification should be sufficient. The HDC will not be weighing on this one.

If you read the emails below, it seems the general consensus of the immediate neighbors is that they are fine with Saturday hours, but wanted to know the change was being made.

Thanks so much,

Kathy

Kathy Carruth
Executive Director
Highland District Council
651.695.4005
hdc@visi.com
www.highlanddistrictcouncil.org
Like Us On Facebook! Highland District Council
<="" a="">

----- Original Message -----

Subject: RE: RE: Ford Plant Request

Date: Mon, 25 Aug 2014 14:16:00 +0000

From: Amy M. Salmela <Salmela@ptslaw.com>

To: Kathy Carruth <hdc@visi.com>, Tia Anderson <tia.l.anderson@hotmail.com>, Frank Jossi
<frankjossi@comcast.net>

That should be sufficient, I think.

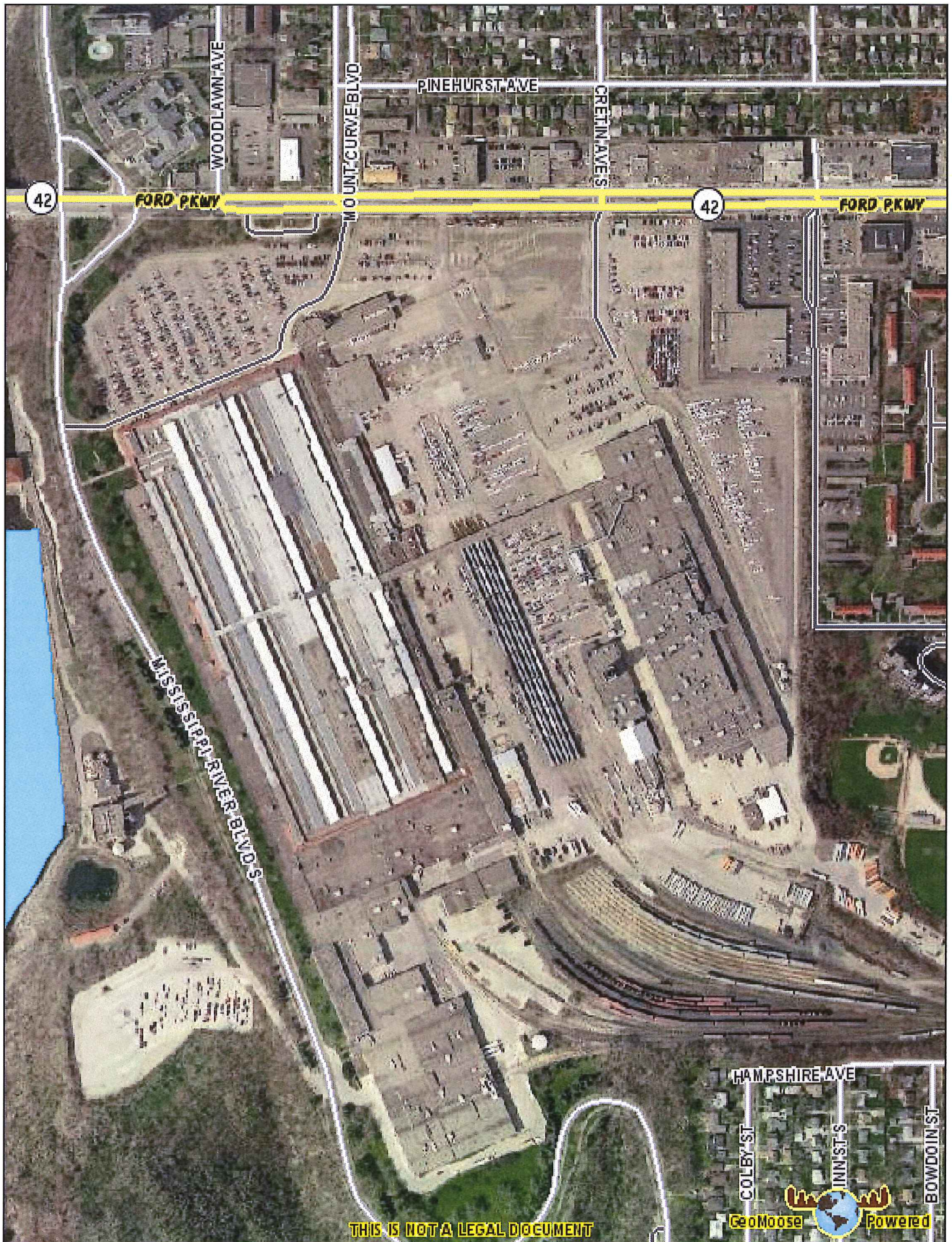
I had a chance to mention this to a couple other neighbors this weekend, and each had the same response as the two others last week: Happy to know about the change but have no problem with it.

Amy



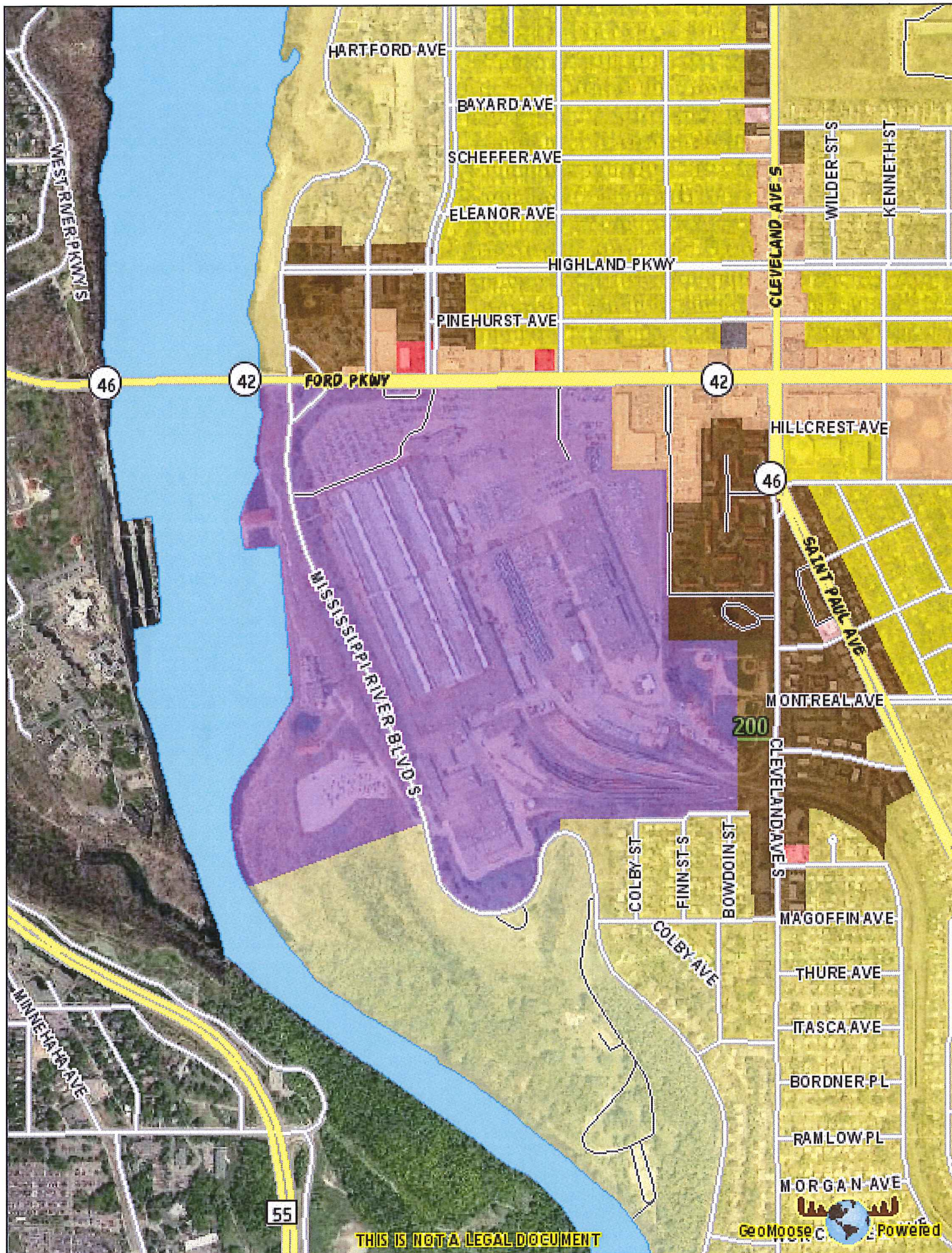








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