

ZONING COMMITTEE STAFF REPORT

FILE NAME: 364 Minnehaha CUP

FILE # 21-294-388

APPLICANT: Urban Roots MN

HEARING DATE: September 9, 2021

TYPE OF APPLICATION: Conditional Use Permit

LOCATION: 364 Minnehaha Avenue E, between Arkwright St. and Westminster St.

PIN & LEGAL DESCRIPTION: 32.29.22.22.0133; Lots 1 – 6 and 11 – 16, Block 2, Warren & Winslow's Addition

PLANNING DISTRICT: 5

PRESENT ZONING: RT1

ZONING CODE REFERENCE: § 65.771; § 61.501

STAFF REPORT DATE: September 2, 2021

BY: Bill Dermody

DATE RECEIVED: August 16, 2021

60-DAY DEADLINE FOR ACTION: October 14, 2021

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- A. **PURPOSE:** Conditional use permit (CUP) for agriculture.
- B. **PARCEL SIZE:** 86,089 square feet + right-of-way
- C. **EXISTING LAND USE:** Agriculture and vacant
- D. **SURROUNDING LAND USE:**
Single-family residential to the east (R4), vacant/undeveloped to the north and south (RT1), and railroad to the west and northwest (I1).
- E. **ZONING CODE CITATION:** § 65.771 establishes a definition and standards for agriculture uses, including requiring a CUP in residential, traditional neighborhood, and business districts if over one (1) acre. § 61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** The site has been used in recent years for agriculture of less than one (1) acre. It was rezoned from RM2 medium-density multiple-family residential district to RT1 two-family residential district after 1975 – possibly in 1994 to implement the Railroad Island Area Plan.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen Community Council provided a letter that supports the proposed use.
- H. **FINDINGS:**
1. The application requests approval for expanded agriculture use at 364 Minnehaha Avenue E, a vacant/undeveloped area accessed via a gravel driveway from the nearby western terminus of Minnehaha Avenue. The proposed use includes gardens, orchards, bee hives, a hoop house, and storage sheds. It had previously occupied less than 1 acre, and is now proposed to occupy 2+ acres.
 2. Zoning Code § 65.771 lists standards for agricultural uses:
 - a. *Approval of a site plan showing the location of all growing plots, sheds, structures, and fencing, with contact information for a site manager. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the zoning administrator with the site plan or raised planting beds with soil barriers and clean, imported soil will be required. This standard can be met through site plan review.*
 - b. *In residential, traditional neighborhood, and business districts, an agriculture use having an area greater than one (1) acre requires a conditional use permit. This standard is met through this application, if approved.*
 - c. *The use shall be subject to the minimum property maintenance standards (chapter 34) and noise regulations (chapter 293) of the city. This standard will be met.*
 - d. *Keeping of any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements. This standard is met. No animals other than bees are proposed.*
 - e. *The use shall be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement. This standard will be met.*

- f. *Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.* This standard can be met. Storage sheds are proposed for this purpose.
 - g. *When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the agriculture use shall be removed. This requirement may be enforced through the provisions in chapter 45 for nuisance abatement.* This standard can be met.
3. Zoning Code § 61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan in Map LU-2 2040 Land Use designates the site as Urban Neighborhood, which allows for the use.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed use provides adequate ingress and egress via the gravel driveway connected to Minnehaha Avenue.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed agriculture use will not be detrimental to the area if conducted consistent with city nuisance codes.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This area, which is on a hillside adjacent to a railway, can be used for agriculture uses without impeding the normal and orderly development and improvement of surrounding property.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. RT1 regulations will be abided by.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for the proposed expanded agriculture use at 364 Minnehaha Avenue E subject to the following additional conditions.
1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the Zoning Administrator with the site plan.
 2. Any tools, equipment, and material must be stored and concealed within an enclosed, secured structure.
 3. When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the agriculture use shall be removed.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only
File # 21-294388
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Name Urban Roots MN - Hayley Ball
(must have ownership or leasehold interest in the property, contingent included)
Address 463 Maria Ave, Ste. 207 City St. Paul State MN Zip 55106
Email hayleyball@urbanrootsmn.org Phone 651-470-5476
Name of Owner (if different) Housing Redevelopment Authority Email Claire.Petry@ci.stpaul.mn.us
Contact Person (if different) _____ Email _____
Address 25 W. Fourth Street, Suite 100 City St. Paul State MN Zip 55102

PROPERTY INFO

Address/Location Rivoli St. E. & Minnehaha Ave. E.
PIN(s) & Legal Description Lots 1 Thru 6 & Lots 11 Thru 16, Blocks 2 & 3, Warren Winslows Addition
(attach additional sheet if necessary)
Lot Area 1-6 & 11-16, Block 3 Current Zoning RT 1 & R4

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Zoning Code Section(s) 65.771 for the following use or purpose:
Agriculture

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions for the use. If you are requesting modification of any standards or conditions for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Zoning Code § 61.502. Attach additional sheets if necessary.

The site current meets all the applicable standards and conditions for Agricultural use. The use of the property is conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance to surrounding neighbors. There is no additional lighting on the site, after growing season, the area is cover cropped to control dust and through careful crop planning and rotation we maintain soil health and avoid erosion. All work on the site is done between the hours of 8 AM - 6 PM, Monday - Saturday to ensure there is no nuisance to surrounding neighbors.

The hoop house for season extension is properly permitted. The onsite bee hives are also permitted through the City of St. Paul with an updated permit on file annually. We also provide adequate fencing and signage indicating bees are on site for public awareness.

All tools, equipment, and material are stored and concealed within enclosed, secured structures. The structures that equipment are stored in do not exceed an area greater than ten (10) percent of the parcel. All gardening equipment used is limited to that which is commonly used for household gardening. Urban Roots also conducts annual soil lead test showing that lead levels are less than one hundred (100) parts per million.

Required site plan is attached
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature Hayley Ball Date 7/22/21

Mimelaha Ave. East

Rivoli Street

Community Garden #1
30' x 38'

Upper Orchard 143' x 50'

Road (Dirt)

Small Garden
30' x 45'

Hill side Native Prairie
Restoration

383' x 40'

Hilltop Garden
Area

287' x 154'

Shed
5x8

Gravel
Bed Tree
Nursery
20' x 10'

10x10
Beehive

5 foot
tall fence
w/ signage

Rasp
berries
8' x 30'
Trellises

Community Garden #2
145' x 30'
Has 4 foot fencing

Lower Orchard
175' x 25'

Shed
10' x 6'

Outdoor Garden
30' x 150'
Has 6 foot fencing

Hoophouse,
30' x 45'

Road (Dirt)



Payne-Phalen

COMMUNITY COUNCIL

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

April 28, 2021

VIA EMAIL

Michele Swanson Program Administrator
Year-Round Star Grant Program
c/o St. Paul Planning & Economic Development Department
25 West 4th Street, 1400 City Hall Annex
St. Paul, MN 55102

RE: Application for Year-Round Star Grant by Urban Roots

Dear Michele:

I am writing to you on behalf of the Board of Directors of the Payne-Phalen Community Council. The Board of Directors met in regular session, online on Tuesday, April 27, 2021. There was an item on the published agenda for review and discussion of the application for a Year-Round Star Grant by Urban Roots for a Water Box and enhanced water infrastructure at Rivoli Garden. Hayley Ball, Executive Director of Urban Roots made a short presentation about the organization, their programs, and she explained how this water box and infrastructure is critical to advancing the organizations work and production at the Rivoli Garden site. Most importantly, Hayley explained how enhanced productivity that comes from these improvements will expand their ability to run relevant programming within the community and beyond.

The purpose of the grant application was presented and discussed, and opportunity was given for questions and feedback from the general public as well as the Board of Directors. Everyone involved had very favorable comments and enthusiastic encouragement for Hayley. ***Our Board of Directors voted to support Urban Roots' application for a Year-Round Star Grant.***

Please include this letter in the file for the application by Urban Roots. Thank you in advance for taking the position of the Payne-Phalen Community Council into full consideration as you make your decision.

Sincerely,

Jack Byers,
Executive Director

cc. Neighborhood Star Board
Council President Amy Brendmoen, Ward 5
Hwa Jeong Kim, Ward 5 Legislative Aide
Hayley Ball, Executive Director, Urban Roots
Skyler Hawkins, Market Garden Program Manager, Urban Roots
Rebecca Nelson, President, Board of Directors
PPCC Board of Directors



FILE #21-294-388 | Aerial Map
Application of Urban Roots MN

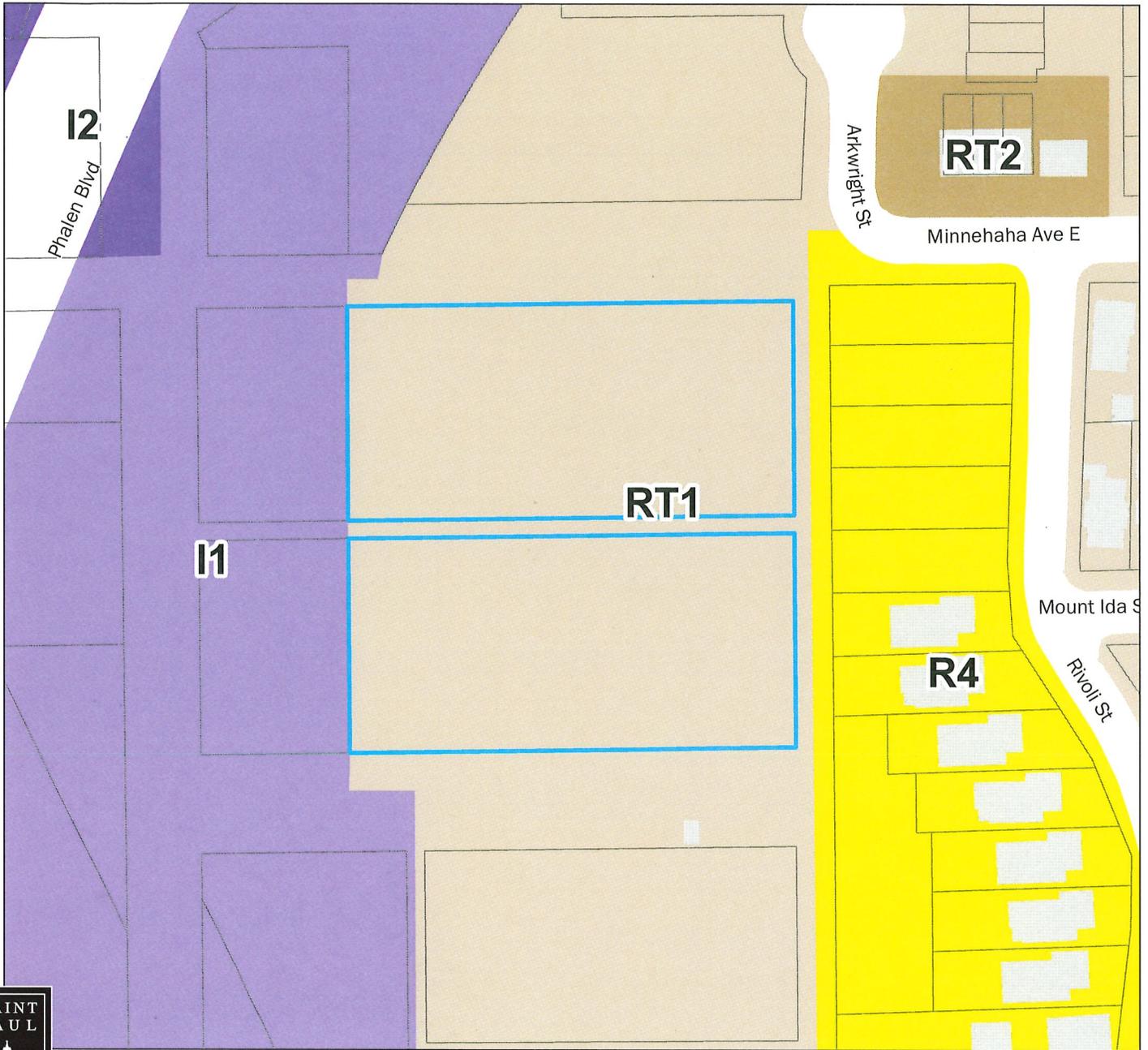
Application Type: CUP
Application Date: August 16, 2021
Planning District: 5

Subject Parcel(s) Outlined in Blue

Parcel Boundary

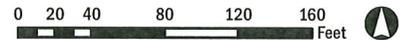


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FILE #21-294-388 | Zoning Map Application of Urban Roots MN

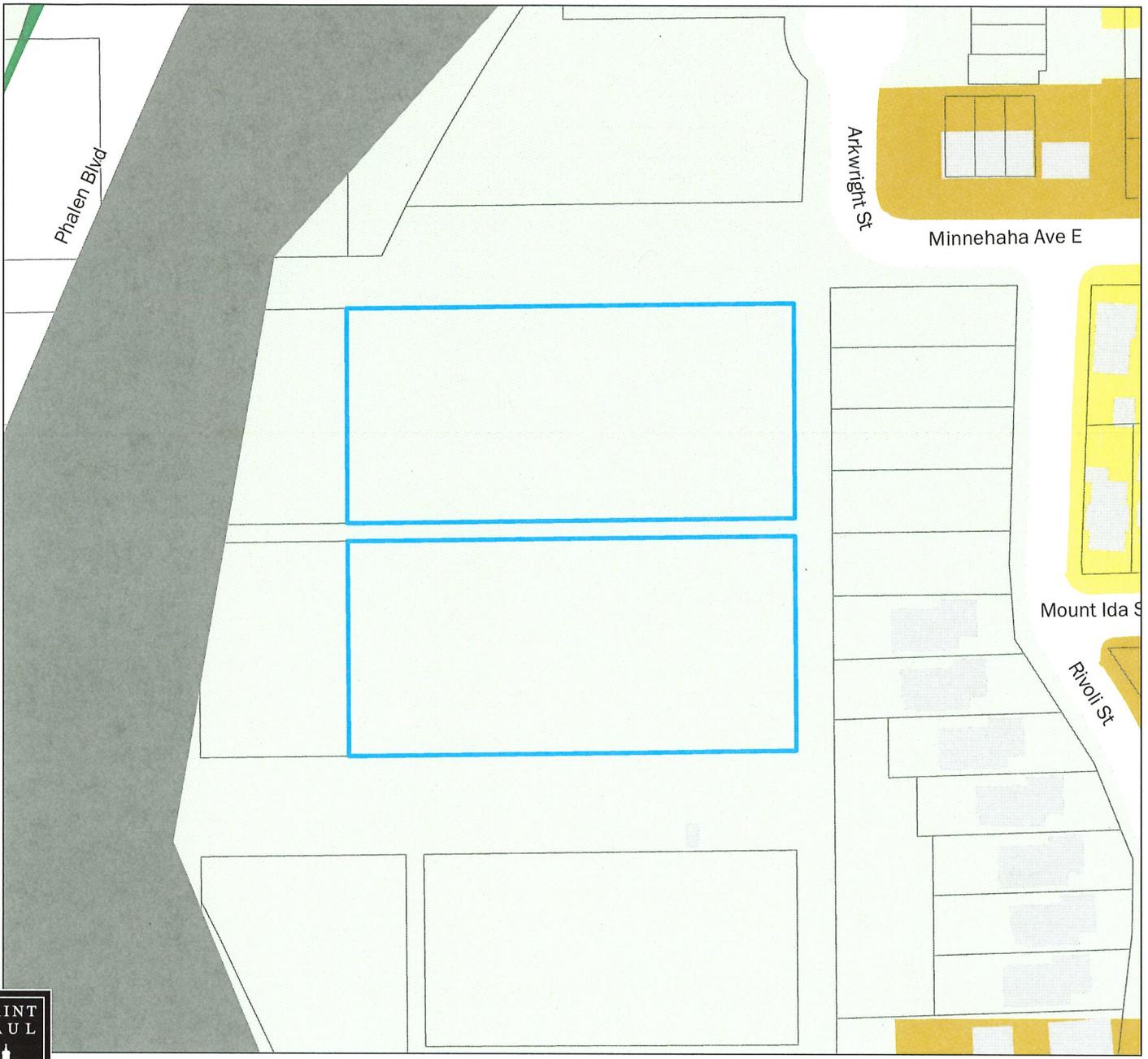
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Subject Parcel(s) Outlined in Blue

Parcel Boundary	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	



FILE #21-294-388 | Existing Land Use Map
Application of Urban Roots MN

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Subject Parcel(s) Outlined in Blue

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|---------------------------|--------------------------------|--------------------------------|--------------|
| Parcel Boundary | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |