

ZONING COMMITTEE STAFF REPORT

FILE #19-088-143 (PC)
FILE #19-075-478 (SPR)

1. **APPLICANT:** Rohn Industries **HEARING DATE:** 10/24/2019
 2. **TYPE OF APPLICATION:** Site Plan Review
 3. **LOCATION:** 2495 Kasota Ave
 4. **PIN & LEGAL DESCRIPTION:** 202923330007 Auditor's Subdivision No. 64 Subj To Kasota Ave Part N Of Cl Of Sd Ave Of Lot 2
 5. **PLANNING DISTRICT:** 12 – St. Anthony Park Community Council **PRESENT ZONING:** I1
 6. **ZONING CODE REFERENCE:** §61.402 – Site plan review by the Planning Commission
 7. **STAFF REPORT DATE:** ~~40/48/49~~ 10/21/19 **BY:** Amanda Smith
 8. **DATE RECEIVED:** 8-9-19 **DEADLINE FOR ACTION:** 12-7-2019 (Extension letter sent)
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A. **PURPOSE:** Appeal of the Conditional Approval of a Site Plan Review for improvement of an existing vacant lot proposed for outdoor storage.

B. **PARCEL SIZE:** 72,652 square feet (approximately 1.668 acres)

C. **EXISTING LAND USE:** Vacant

D. **SURROUNDING LAND USE:**

North: Railroad, Industrial (I1)

East: Railroad, Minnesota Trunk Highway 280 (I1)

South: Public Works drainage pond, Industrial (I1, I2)

West: Railroad, Industrial (I2)

E. **ZONING CODE CITATION:**

- §61.402(c) – Findings for site plan review and approval

F. **HISTORY/DISCUSSION:**

Rohn Industries (the applicant) is a paper recycling business located at 862 Hersey Street, approximately 1.3 miles south-east of 2495 Kasota. The applicant proposes to pave the currently vacant site located at 2495 Kasota Street for use as a trailer staging area for their current and expanding business operations.

A site plan review committee meeting for the proposed project was held on 8/27/19 and a site plan review conditional approval was issued on 9/16/19. (Reference attached SPR Conditional Approval Letter). A site plan review status memo update was issued on 9/20/19. (Reference attached SPR Status Memo Update). The site plan conditional approval zoning decision was appealed by the St. Anthony Park Community Council on 9/25/19. (Reference attached SAPCC Zoning Appeal). A site plan review 15.99 extension was issued on 9/30/19. (Reference attached SPR 15.99 Extension).

G. **DISTRICT COUNCIL RECOMMENDATION:**

The St. Anthony Park Community Council issued three letters addressed to city staff in opposition

of this project (electronically dated 8/26/19, 8/31/19, and 9/5/19). (Reference attached SAPCC letters). The three letters have been provided to the developer and city site plan review committee staff. On 9/27/19 the district council provided in person to city staff a document entitled "Historic Waters of the Capitol Region Watershed District Ramsey County, Minnesota" by Greg Brick, M.S. (dated November 2008). (Reference attached Historic Waters of the CRWD document).

H. **FINDINGS:** ~~Section 62.108(c)~~ §61.402(c) of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below:

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

The site plan meets this finding.

The proposed development is consistent with the goals and issues as defined in the Saint Anthony Park Community Plan as part of the purview of Water, Soil and Air (pg. 39-57)

- WSA3 seeks to Reduce the input of contaminants to surface waters from Saint Anthony Park. Capping this site with a bituminous surface will limit the amount of water percolating through contaminants underground on the site.

The Development Guidelines for the St. Anthony Park Community Council are supported by the site plan, specifically among the following priorities:

- 3: Green Space: Maintain, enhance, and if possible, create green space on a developed parcel. We encourage going beyond City landscaping and site requirements. The site plan proposed exceeds the tree planting requirements within the zoning code.
- 9: Dark Skies: To the maximum extent possible, keep site lighting from spilling onto adjacent properties and keep it aimed down. The site plan submitted proposes lighting that is aimed downward and does not spill onto adjacent properties.

The 2040 Comprehensive Plan of the City of St. Paul is supported, championing the following points:

- Economic Development – Growing Saint Paul's tax base to maintain and expand the City services, amenities and infrastructure. Developing this lot as a storage site for trailers will allow Rohn Industries to continue to operate within the City of Saint Paul. Improvements on this parcel will be taxable, and will contribute more than the current vacant parcel.
- The parcel has not been identified as a Public water basin, park, wetland, river source nor other public watercourse (pg. 199)
- The parcel has not been identified as a storm sewer or other type of green infrastructure.

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

The site plan meets this finding. Per Legislative Code §66.541 the site plan meets the required conditions for outdoor storage/outdoor use in an I1 zoning district. (Reference attached Site Development Plans and Photometric Plan).

- The site is located approximately 375 feet from the closest residentially zoned parcel which is located to the east of the site and separated by an elevated four-lane highway (MNTH 280). (Reference attached Photos Residential towards site).
- The outdoor storage is enclosed with a six-foot-high chain link fence, and the portion of the outdoor storage that is visible from Kasota Avenue (a thoroughfare) is screened with privacy slat inserts.
- There is no proposed servicing, processing, or manufacturing on-site.

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

An incidental wetland determination application was submitted to city staff on 7/30/19. (Reference attached MN WCA Notice of Decision). The application asserted the area in question reflects wetland characteristics but is an incidental wetland created in an upland for a purpose other than creating a wetland. The applicant's opinion was based on a site visit, historic aerials, soil information, and previous development plans approved by Saint Paul. (Reference attached Sambatek Wetland Determination Memorandum- Online).

In 1986 a stormwater pond was designed, approved by the City, and constructed in the southwest corner of 2495 Kasota Avenue. The state Wetland Conservation Act (WCA) was passed in 1991. The WCA does not regulate impacts of incidental wetlands, defined as wetland areas that the landowner can demonstrate, to the satisfaction of the local government unit (LGU), were created in nonwetland areas solely by actions, the purpose of which was not to create the wetland. This includes stormwater retention improvements which over time may take on wetland characteristics. City staff reviewed the information and found the area in question to be adequately demonstrated as historically upland. Therefore, city staff concurred with the assertion and on 8/23/19 noticed a decision that the area in question is an incidental wetland.

The WCA provides for a specific process to appeal a LGA staff decision pursuant MN Rule 8420.0905. (Reference attached MN Rule 8420.0905). This appeal information was provided to St. Anthony Park Community Council on 9/6/19 after the letter dated 9/5/19 from the district council requested information as it relates to the wetland delineation alteration documentation. Appeals can only be commenced by mailing a petition for appeal, including applicable fee, within 30 calendar days of the date of the mailing of the notice of decision.

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.*

This finding is met.

The applicant voluntarily enrolled in the MPCA's Brownfield Program on 7/2/19. (Reference attached MPCA Voluntary Remediation Program Enrollment). The MPCA issued a No Association Determination letter on 9/10/19. (Reference attached MPCA No Association Determination letter). The MPCA's staff determination was based on the following documents prepared by Landmark Environmental:

- Landmark Environmental Phase I Environmental Site Assessment (4/30/19) (reference online)
- Landmark Environmental Phase II Investigation (6/25/19) (reference online)
- Proposed/Past Action Letter (6/28/19) (reference attached Landmark Environmental NAD Request Letter)

A MPCA No Association Determination letter is a legal determination that the developer is not responsible for the contamination detected at the site, as described in the letter, and that the actions proposed by the developer, as described in the letter, will not alter that determination. The letter contained several conditions and qualifications that must be met for the determination to remain valid.

The developer additionally provided the following documents to the MPCA on 7/2/19 at the date of enrollment, relative to how they will manage environmental activities during construction:

- Response Action Plan (RAP) (7/1/19) (reference online)
- Construction Contingency Plan (CCP) (7/2/19) (reference online)

On 10/17/19 MPCA Brownfields staff issued an approval letter for both the RAP and CCP. (Reference attached MPCA RAP/CCP letter).

The MPCA's Brownfield Program does not have regulatory authority relative to land-use decisions. The role of the Brownfield Program is to make sure that environmental issues are appropriately addressed during construction and redevelopment, for those projects that voluntarily enroll in the Brownfield Program. MPCA staff were provided the three referenced letters submitted by the St. Anthony Park Community Council to the city, outlining their environmental concerns. MPCA staff indicate that they considered the expressed concerns during their review of the project.

The Minnesota Department of Health issued a Letter Health Consultation (LHC) on 10-7-19 addressed to Kathryn Murray and the St. Anthony Park Community Council. (Reference attached MDH Letter Health Consultation). The letter indicated the MDH believes the proposed development at 2495 Kasota does not pose a public health hazard, based on staff's review of environmental reports and comparing site containment levels to environmental criteria.

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 meets this finding. Per Legislative Code §63.114 (visual screens) the site meets the screening requirements.

- Wherever a visual screen is required by this code, it shall be of sufficient height and density to visually separate the screened activity from adjacent property. The screen may consist of various fence materials, masonry walls, earth berms, plant materials or a combination thereof.
- Height regulations for outdoor storage require a minimum of a six-foot fence (§66.541).
- Visual screens shall be located completely within the lot line.
- The land between the screen and the property line shall be landscaped and maintained so that all plant materials are healthy and that the area is free from refuse and debris.

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

This finding is met. Per Legislative Code §63.314 (landscaping) the site meets the

requirement through landscaping and tree plantings.

- On plan sheet L1.01 the developer proposes to plant 16 shade trees, and all undeveloped space are shown as a MNDOT seed mix.
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.*

This finding is met.

MnDOT was provided the site plan based on the proposed project's proximity to MNTH280. MNDOT issued a review letter on 8/30/19 recommending that the city require a traffic study and requiring the applicant to obtain a MnDOT Drainage Permit. (Reference attached MnDOT Review Letter).

The applicant provided a traffic narrative to the city dated 9/26/19. This narrative identified a defined traffic pattern between the main site at 862 Hersey Street and the proposed development at 2495 Kasota Avenue. (Reference attached Rohn traffic narrative). Ingress to the site will be from the east via Energy Park Drive, egress from the site will be towards the ~~west~~ east via Energy Park Drive, and there is no proposed use of MNTH280. Turning movement exhibits for a 53-foot trailer (WB 67) and fire truck were required and provided. (Reference attached turning movement exhibits). The driveway entrance allows adequate space for trucks entering and exiting the site to queue on private property and not public right-of-way. The site plan shows space for 25 trailers, with a projection of 20 truck movements per day.

The applicant noted that they employ their own drivers whom will be made aware of the traffic flow policy. The travel route within the traffic narrative dated 9/26/19 will become the standard operating procedure, and added to the driver's instructions.

The applicant worked with city Public Works staff to design an entrance location based on the proposed traffic pattern. A best practice in the Public Works street design guidelines is to locate driveway entrances 100 feet outside of an intersection, but based on site specific considerations this guideline was not required.

If at a future date the current or new land owner determines that west bound or MNTH280 access is needed the orientation of the driveway would require modification. This modification would require review and approval by the city's Public Works Department.

On 10/17/19 city staff were notified in writing by MnDOT staff that the proposed driveway location at Energy Park Drive is MnDOT right of way, and therefore will require a MnDOT access permit. (Reference attached MnDOT graphic). Ramsey County data available to city staff does not show this area to be MnDOT right-of-way. MnDOT staff additionally indicated they are currently evaluating the intersection of Energy Park Drive and MNTH 280 ramps. There is likely to be a traffic signal installed there in the future, but because MnDOT is still completing their evaluation, MnDOT could not provide information on precisely where and how the equipment will be located and configured. Based on this new information city staff and MnDOT staff have agreed that the access driveway should line up directly opposite the MNTH 280 ramps intersection. City Public Works staff will work with the applicant to review an updated design of the driveway entrance. The site plan will not be approved until it receives approval from city Public Works staff and a MnDOT Access Permit.

Additionally, based on recent MnDOT staff reviews of the Rohn Industries Traffic Narrative, conversations with City staff, and the requirement that city staff will review any future change(s) in operations or use(s) that will affect trip volumes to/from the site, MnDOT is no longer recommending that the city require a traffic impact study for this development.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

This finding is met.

The stormwater system meets City standards for run-off rate control. Changes in stormwater runoff rate are a result of changes in land use and land cover. The city's stormwater rate control standard restricts a site's discharge rate to 1.64 cubic feet per second per acre of disturbed area. This standard is based on mitigating changes in land cover that accelerate the rate of runoff. The modeling appropriately reflected proposed land cover and land use drainage patterns, and proposed stormwater practices to control changes in runoff rate.

The applicant's stormwater engineering report dated 8/9/19 states "the soils on-site are largely contaminated." (Reference attached Sambatek Preliminary Stormwater Management Plan report- Online). A geotechnical report dated 6/21/19 was included as an appendix. (Reference attached geotechnical report Appendix C - online). The geotechnical report describes test pit and soil boring results.

The stormwater engineering report and site plan indicates alternative (non-infiltration) methods to manage stormwater will be employed. This is consistent with the Minnesota Construction Stormwater Permit which prohibits permittees from constructing infiltrating systems where infiltrating stormwater may mobilize high levels of contaminants in soil or groundwater.

Therefore, the infiltration test method, as well as other infiltration requirements including a three-foot buffer, are not relevant given the extent of documented contamination which precludes infiltration as a stormwater management practice.

Final site plan approval will not be granted by city staff until the project shows conformance with MWMO standards. (Reference attached MWMO Letter and MWMO Design Sequence Flow Chart). This approval includes calculations and/or device sizing information showing that a 60% total phosphorus removal is provided by the proposed design. The report and plans must also indicate the specific type of filtration device and include an operation and maintenance plan.

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

This finding is met. Reference line items #5 and #6 of this staff report.

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

This finding is not applicable.

11. *Provision for erosion and sediment control as specified in the "Ramsey Erosion Sediment and Control Handbook."*

The site plan meets this finding. The site plan includes an erosion and sediment control

plan that meets this standard.

I. STAFF RECOMMENDATION:

Based on the findings above, the staff recommends **denial of the appeal and** approval of the site plan to allow outdoor storage at 2495 Kasota Ave., subject to the following conditions:

1. ~~Final approval by the DSI Zoning Division to reflect compliance with MWMO standards.~~
(Staff signed off)
2. ~~Final approval by the Public Works Sewer Division to include a public sewer easement and encroachment permit.~~ *(Staff signed off)*
3. Final approval **of the driveway location** by the Public Works Transportation Planning and Safety Division.
4. Receipt of a MnDOT access permit **for driveway construction**.