



**City of North St. Paul
Planning Commission
Regular Meeting Agenda**

**May 20, 2021
6:30 PM**

The City of North St. Paul is moving all of its public meetings online effective August 4, 2020. The move to online meeting access via Zoom ensures compliance with the Governor's Emergency Executive Order and face covering mandate while providing our Commission members, staff and residents with safe and comfortable access to public meetings. Access information and links to meetings are available at northstpaul.org. This change to online meeting access will remain in effect until further notice. (Stat. 13D.02 subd. 4)

The May 20, 2021 Zoom meeting can be accessed

via: <https://us02web.zoom.us/j/82140972224?pwd=dDdmRytwVS9leFBvV3lQOUFnOGtYQT09>

(from a PC, Mac, tablet, iPhone or Android device)

Meeting ID: 821 4097 2224

Password: 362656

or by phone at 1-929-205-6099, meeting ID 821 4097 2224, password 362656.

The Planning Commission Zoom meeting will be 'open to the public' to listen in, but will be muted from contributing at all times with the exception of a Public Hearing and open to the public forum.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. Call to Order

II. Roll Call

COMMISSION

Elaine Barton, Commission Chair

Patrick Blees, Commissioner

Erik Brenna, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Lisa Wong, Commission City Council Liaison

Andrew Wise, Commissioner Allan Worm, Commissioner

STAFF

Eric Zweber, Planning Consultant

Lisa Ritchie, Planning Secretary

III. Adopt Agenda

IV. Approval of Minutes

V. Meeting Open to Public

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the Deputy Clerk prior to the meeting; presentations will be limited to 3 minutes. This session will be limited to 15 minutes.

VI. Public Hearings

- A. ZCU-21-3 Conditional Use Permit and Structural Height Variance to Allow T.A. Schifsky & Sons, Inc. to install three (3) new silos and a scale.

VII. Commission Business, Action Items & Recommendations

VIII. Old Business

IX. Reports from Staff

X. Reports from Council Liaison

XI. Reports from Commissioners

XII. Adjournment

The next regularly scheduled Planning Commission meeting is



To

Honorable Mayor Furlong and City Council

Date

May 20, 2021

Agenda Placement # VI.A

Public Hearings

Subject

ZCU-21-3 Conditional Use Permit and Structural Height Variance to Allow T.A. Schifsky & Sons, Inc. to install three (3) new silos and a scale.

Background/Facts

Please review the attached staff report and site plan for the background and facts.

Attachments

1. Schifsky CUP - Staff Report

Respectfully submitted,

Eric Zweber, Sr. Project Manager

MEMORANDUM

Date: 5/14/2021
To: Planning Commissioners
From: Eric Zweber, AICP, City Planner
CC: Scott Duddeck, City Manager
Re: Conditional Use Permit Amendment and Height Variance Request for Three (3) New Silos and a Scale at T.A. Schifsky & Sons (2310 Highway 36 E)

BACKGROUND

T.A Schifsky & Sons, Inc. (Schifsky) operates an asphalt plant, crushing operation, and related uses on the subject property and adjacent properties. The existing operation is a legal nonconforming use. Rob Stangler of Schifsky has submitted an application for a Conditional Use Permit Amendment to facilitate the expansion of their asphalt plant through the addition of three (3) silos, a scale, and associated equipment at 2310 Highway 36 E. The property is zoned MU-3 – Corridor Mixed-Use.

Initially, the applicant requested that the silos be installed with a height at the top of the structure at 60 feet. This 60-foot height would have exceeded the 55-foot height limitation of the MU-3 zoning district and therefore a height variance was included within the public hearing notice. The applicant has since revised height of the silo to 55 feet and therefore the height variance request is no longer needed.

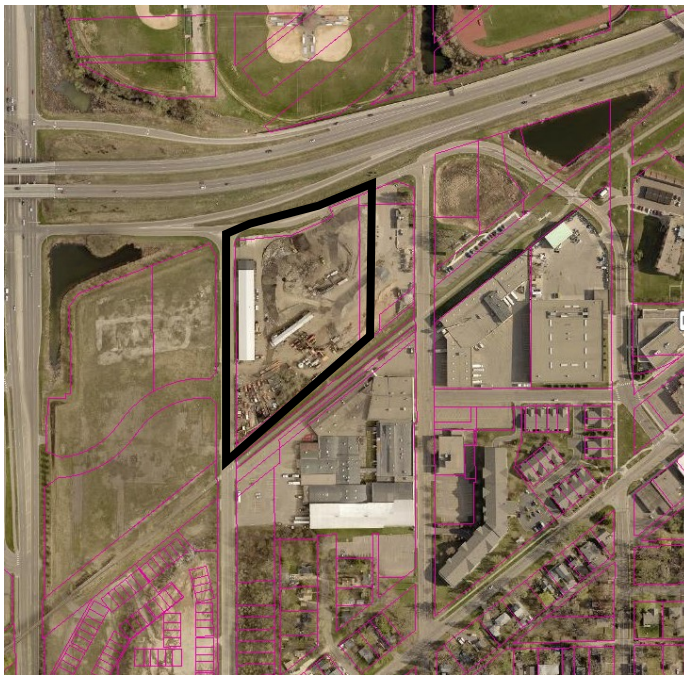


Figure 1: Location Map



Figure 2: Zoning Map

GENERAL STAFF REVIEW

Consistency with the City Plans

- 154.004 (F)(2) Conditional Use Permit Standards (i) The use is in harmony and consistent with the general purposes and intent of the Comprehensive Plan.
- 154.004 (F)(2) Conditional Use Permit Standards (vii) The use is in harmony with the general purposes and intent of this chapter and the zoning district in which the applicant intends to locate the proposed use
- 154.004 (F)(2) Conditional Use Permit Standards (x) If applicable, the proposed use is consistent with officially adopted city plans and overlays

At the Community Cafes that were conducted during the 2040 Comprehensive Plan, “(p)rotect the existing industry in the city” was one of the common themes that was received. The McKnight Employment Center District within the Economic Development Chapter of the 2040 Comprehensive Plan states to “(p)lan for long-term redevelopment of entire (site), but recognize and mitigate the impacts on immediate and short term development.”

The 2040 Comprehensive Plan guides the subject property as Corridor Mixed Use, which encourages the combination of retail development with a variety of housing, offices, live-work

spaces, employment activities, and other complementary uses. As of 2017, Schifsky was the fifth largest employer within North St. Paul with 80 employees. The improvements to Schifsky's asphalt plant will allow them to remain competitive and remain a major employer in the short term. Within the 2040 Comprehensive Plan, the Schifsky site is identified for redevelopment after 2040.

Outdoor Storage is listed as a Conditional Use within the MU-3 Zoning District that the subject property is located in.

Health, Safety, and General Welfare

- *154.004 (F)(2) Conditional Use Permit Standards (ii) The use will not adversely affect the health, safety, or general welfare of the city.*

Schifsky has operated an asphalt plant, crushing operation, and related uses at this site for more than 50 years. The current asphalt construction market requires a variety of different asphalt mixes for a single construction project. The additional silos will allow Schifsky to supply these different asphalt mixes simultaneously. The additional silos will not change the operations affect on the health, safety, and general welfare of the City.

Nonconforming Use

- *154.009 (C) MU-3 Zone Expansion exception. A building permit may be granted to a nonconforming use in the MU-3 zone if all of the following are met:*
- *154.009 (C)(1) The expansion of the use involves an expansion of no more than 10% of the gross floor area of the building;*
- *154.009 (C)(2) The modification of the use consists of an expansion amounting to no more than 10% of the approved gross floor area;*
- *154.009 (C)(3) When the expansion of the use is otherwise consistent with all other sections of this chapter;*
- *154.009 (C)(4) And, when such expansion of the use eliminates an adverse effect or condition which is inconsistent with the MU-3 District or the approved plan for the area, and/or when such modification is determined to result in an improvement consistent with the objectives of the area and the total use of the site, and/or when such modification would lead to a more rapid implementation of the Comprehensive Plan and MU-3 District objectives while providing good aesthetics and functionality during the interim (time period between the nonconforming use and a conforming use of the property).*

Typically, nonconforming use are not allowed to expand but an exception exists within the Zoning Ordinance for existing nonconforming uses within the MU-3 Zoning District, which applies to the Schifsky request. There is no expansion of any of the buildings that exist on the site. There is no increase in the amount of land (gross square footage) occupied by their use. With the clarification that the silos will not exceed 55 feet in height, the proposed increase in the number of silos is consistent with all other provisions of the Zoning Ordinance. Screening

additions and access revisions are discussed later in this staff report which will address adverse effects on the area.

Compatibility with Surrounding Context

- *154.004(F)(2) Conditional Use Permit Standards (iv) The use or appearance of the use is compatible with adjacent properties*
- *154.004(F)(2) Conditional Use Permit Standards (vii) The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land*
- *154.004(F)(2) Conditional Use Permit Standards (ix) The use will not create an intrusion of excessive noise, glare, or general unsightliness*
- *154.010(E)(3) General Architectural requirements (g) Protection of views. Buildings shall be designed and oriented so as not to detract from one another or to unduly restrict views to open spaces, plazas and vistas.*

The site is bounded by 2nd St N to the east, 3rd St N to the west, North St. Paul Dr to the north, and the Gateway Trail (MDNR) right-of-way to the south. Beyond the rights-of-way, light industrial uses are located to the east and south, an indoor storage business is located to the west, and Highway 36 is located to the north. To address the appearance of the operation from the townhomes to the southwest and the Gateway Trail users, Schifsky is proposing 16-foot-tall pre-cast concrete screening wall similar to the wall that exists at the City's Public Works facility. Details of the wall have not been provided. As a condition of approval, staff recommend the submittal of a screening wall detail before the City Council review.

Proposed Uses

- *154.004(F)(2) Conditional Use Permit Standards (iii) The use is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the city*
- *154.004(H)(2) Site Plan Review Standards (h) The proposal is in harmony with the general purposes and intent of this chapter and the zoning district in which the applicant intends to locate the proposal.*
- *154.007(C)(1) Permitted, Conditional, and Interim Uses refers to Table 6 for allowed uses within the residential districts.*

The existing asphalt plant is located in the south-central portion of the site, the crushing operations are located in the north-central and central portions of the site, and the related uses (such as maintenance, offices, and indoor storage) is located along the eastern, northern, and western edges of the site. The asphalt plant is being modified by increasing the one (1) existing silo by adding three (3) new silos, and a scale under the silos, to the southwest of the existing silo. To support the new silos; the oil storage tanks, control room, dryer, bag house, and storage bins are being modified but remain essentially in the same location on the site. The legend and the elevations shown on the site plan indicate that the new silo will not exceed 55 feet in height.

Proposed Lot/Structure Dimensional and Setback Requirements

- *154.007(C)(3) refers to Table 4 for the lot requirements within the residential districts.*

Requirement	MU-3	Proposed Silos and Scale
Minimum Lot Size	<i>35,000 Sq. Ft.</i>	7.19 ac (313,315 Sq. Ft.)
Minimum Lot Width	<i>120 Ft</i>	~590 Ft
Front Yard Setback	<i>25 Ft</i>	~200 Ft
Rear Yard Setback	<i>Zero (0) Ft</i>	~190 Ft
Side Yard Setback	<i>Zero (0) Ft</i>	Five (5) Ft
Maximum Height	<i>Five (5) stories or 55 Ft</i>	55 Ft

The lot meets the size and width requirements for the MU-3 Zoning District. The proposed silos and scale addition would comply with all front, rear, and side yard setback requirements, and would be at the maximum building height limit.

Utilities and Municipal Services

- *154.004(F)(2) Conditional Use Standards (v) The use can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems*
- *154.004(F)(2) Conditional Use Standards (vi) The use will not create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area*
- *154.010(A) Development Standards (9) Utility installations. All on site utility installations shall be placed underground.*

The proposed use will not generate any additional demand on parks, schools, or other similar public facilities.

Landscaping

Schifsky is not proposing any changes to their on-site landscaping. Some existing landscaping may need to be removed to relocate the southern access onto 3rd St N and to install the new screening wall. The screening wall will provide the appropriate buffering from the surrounding rights-of-way and therefore staff is not recommending any additional landscaping.

Screening

- *154.010(E)(3) General Architectural requirements (b) Utilities. Building utility services and structures such as meters, transformers, refuse containers, including dumpsters, ancillary equipment and the like shall be either located inside the principal building, inside an accessory building, or, where outside be entirely screened from off-site views. For new buildings, all utilities shall be underground.*

- *154.010(E)(3) General Architectural requirements (c) Screening of rooftop equipment. All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.*

Schifsky is proposing a 16-foot-tall pre-cast concrete wall along the south half site and about 175 feet along 3rd St N. With the requested relocation of the southern access onto 3rd St N that is discussed later in this staff report, the screening wall along 3rd St N may need to be decreased in length. Staff recommends that the applicant provide a detail of the proposed screening wall before the City Council review this request.

Drainage/Natural Resources

- *154.010(F) Landscaping Standards (9) Drainage, access & utility easements. No landscape material other than grass, or retaining walls, shall be placed within a drainage, access or utility easement. Rock or riprap may be allowed upon review and approval by the Zoning Administrator provided the proposed material does not interfere with drainage, access or utilities.*

There are no major changes to the drainage/natural resources of the site. The proposed conditions of approval includes obtaining the appropriate stormwater and natural resources permits from the applicable agencies including the City, MPCA, and RWMWD.

Streets and Sidewalks

- *154.010(E)(3) General Architectural requirements (e) Pedestrian ways. Buildings shall be designed with proper provision and orientation for a pedestrian system to serve and link development.*

There are no alterations proposed to existing pedestrian ways within the adjacent public rights-of-way.

Parking

- *154.010(J)(3) General Parking Standards. (a) Minimum size regulations. Each space shall contain a minimum area of not less than 180 square feet, exclusive of access drives, a width of not less than nine feet and a depth of not less than 20 feet. Each space shall be adequately served by access drives as determined by the Zoning Administrator. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve. Parking ramps and underground parking may be allowed to have some reduction in the dimensions stated above.*

The applicant is proposing no additionally on-site employees. Their proposed increase in silos will allow them to compete for more construction contracts and serve as a better subcontractor but the increase in the number of silos does substantially increase their day-to-day operations. Schifsky does not propose to change their current parking infrastructure.

Access and Circulation

The application does not propose modifications to the existing accesses to the site. Circulation within the site will change slightly to access the three (3) new silos and scale but the new silos are located immediately southwest of the existing site and therefore changes to the circulation will be relatively minor.

There are currently five accesses to the site: two along 2nd St N to the east, two along 3rd St N to the west, and one along North St. Paul Dr to the north. The two accesses along 2nd St N and two accesses along 3rd St N are both ingress and egress while access onto North St. Paul Dr is an ingress only.

Recently, Anchor Dr was constructed west of 3rd St N. The Anchor Dr centerline is located about 65 feet north of the southern Schifsky access onto 3rd St N. Staff has recommended a condition of approval to relocate the southern access onto 3rd St N to align with the centerline of Anchor Dr. Additionally, because the majority of the site is unpaved, there is a recommendation to pave the accesses to minimize the tracking of sediment onto the City streets.

Architecture

- *154.010(E)(3) General Architectural requirements (f) Pedestrian-oriented design. Building designs are encouraged to make the street enjoyable, visually interesting, and comfortable. Individual buildings should be integrated with the streetscape to bring activity in the building in direct contact with the people on the street.*
- *154.010(E)(14) Building Materials (a) Nonresidential Buildings and Mixed-Use Buildings. These buildings shall be constructed of durable, high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. TABLE 9 lists allowable building materials. When applying these requirements, consideration shall be given to the use, amount, placement and relationship of each material as part of a comprehensive palette of building materials. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front façade.*

No new buildings are proposed as a part of the silo and scale addition and therefore the architectural standards do not apply. Instead, the outdoor storage of the equipment including the three silos are addressed and mitigated through the conditions of approval of the Conditional Use Permit Amendment.

Lighting

There changes are proposed to their existing light fixtures.

Engineering Comments:

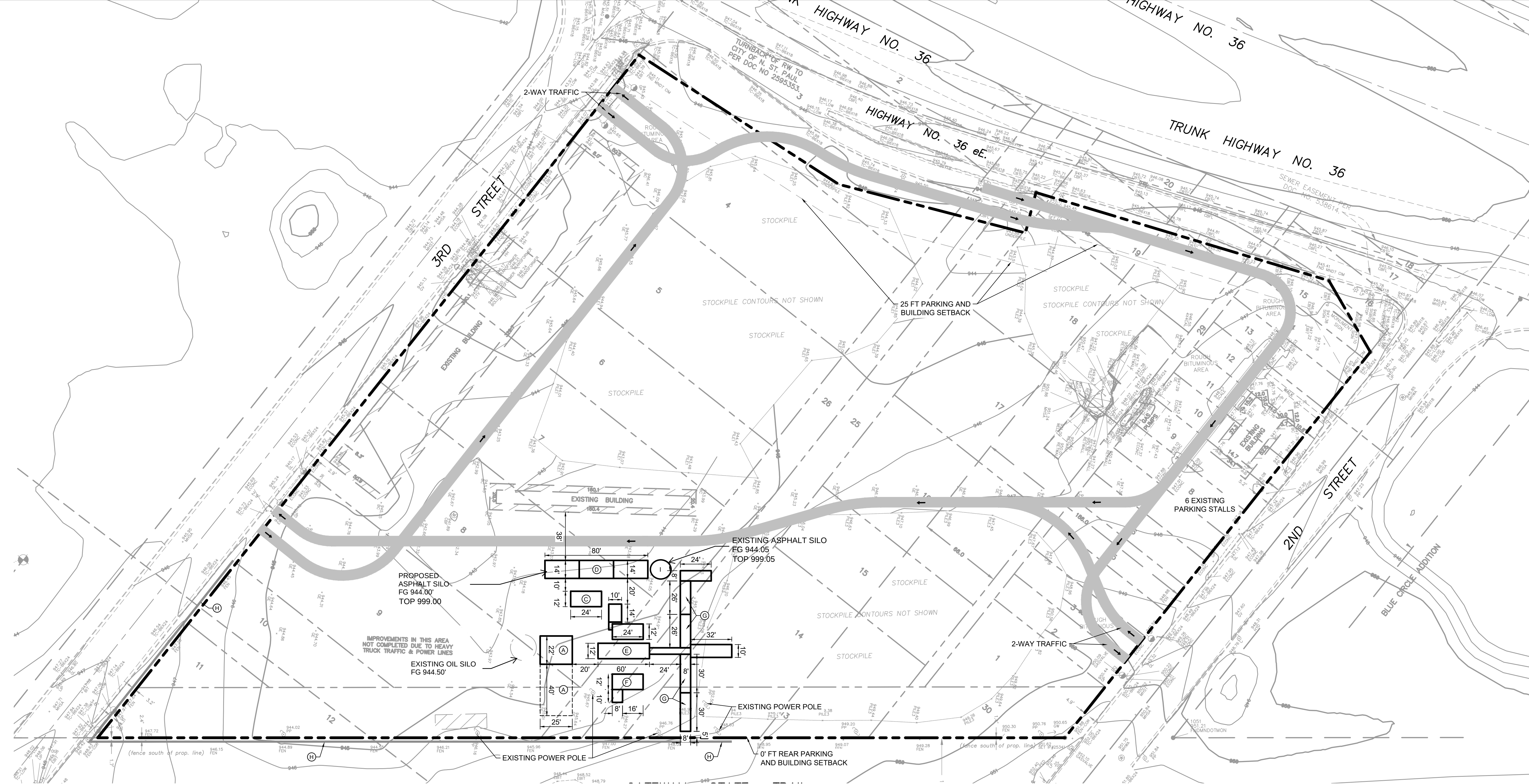
The City Engineer has preliminary reviewed the application. The Engineering concerns are included in the proposed conditions of approval and will be reviewed during the building permit process.

RECOMMENDED ACTION

Based on the findings described in this report, staff recommends the following actions:

Conditional Approval of the requested Conditional Use Permit Amendment to allow for the addition of three (3) silos and a scale to the existing Schifsky operation, subject to the following conditions of approval:

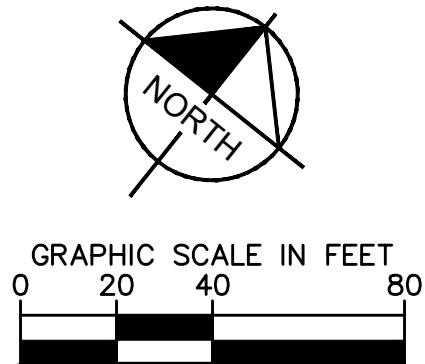
1. Revised set of plans shall be submitted prior to building permit issuance for review addressing comments provided and incorporating any recommended comments as acceptable and necessary.
2. The southern access onto 3rd St N shall be relocated to align with the centerline of the Anchor Dive right-of-way on the west side of 3rd St N.
3. The applicant shall update their site plan to verify paved surfaces at each entrance to minimize sediment tracking on city streets. The failed concrete commercial driveway entrance at the south entrance off 3rd Street shall be replaced with a new commercial apron meeting city standards.
4. The applicant is responsible for and shall provide copies of all applicable permitting for the project prior to grading permit (mass grading) and/or building permit issuance, including but not limited to RWMWD and Minnesota Pollution Control Agency (MPCA) NPDES stormwater construction, City Erosion and Sediment Control Plan, MPCA/Metropolitan Council sanitary sewer extension, and Minnesota Department of Health watermain extension permits, as applicable.
5. Details of the screening wall shall be provided by Wednesday, May 26 in order for this request to be placed on the June 1, 2021 City Council Regular Meeting agenda.
6. The screening wall shall be located on the property of 2310 Highway 36 E.



LEGEND	
	PROPERTY LINE
	PROPOSED FENCE
	SETBACK LINE
	PROPOSED CURB AND GUTTER
	PROPOSED HEAVY DUTY ASPHALT
	PROPOSED STANDARD DUTY ASPHALT
	PROPOSED CONCRETE SIDEWALK

KEYNOTE LEGEND	
(A)	OIL STORAGE TANKS
(B)	CONTROL HOUSE
(C)	CONTROL HOUSE
(D)	PROPOSED ASPHALT SILO (55' TALL) & SCALE
(E)	DRYER
(F)	BAG HOUSE
(G)	STORAGE BINS
(H)	POTENTIAL SCREEN WALL
(I)	EXISTING ASPHALT SILO (55' TALL)

PROPERTY SUMMARY	
T.A. SCHIFSKY REDEVELOPMENT	
TOTAL PROPERTY AREA	313,315 SF (7.19 AC)
PROPOSED IMPERVIOUS AREA	TBD
PROPOSED PERVIOUS AREA	TBD
TOTAL DISTURBED AREA	TBD
ZONING SUMMARY	
EXISTING ZONING	MU3 - CORRIDOR MIX USE
PROPOSED ZONING	MU3 - CORRIDOR MIX USE
PARKING SETBACKS	SIDE/REAR = 0' ROAD = 25'
BUILDING SETBACKS	FRONT = 25' SIDE = 0' REAR = 0'



PRELIMINARY - NOT FOR CONSTRUCTION

T.A. SCHIFSKY
REDEVELOPMENT
PREPARED FOR
T.A. SCHIFSKY
NORTH ST. PAUL
MINNESOTA

SHEET NUMBER
C400

SITE PLAN

KHA PROJECT	160131000
DATE	05/10/2021
SCALE	AS SHOWN
DESIGNED BY	JPB
DRAWN BY	JPB
CHECKED BY	ALC

Kimley»Horn

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REVISIONS		DATE	BY