

Meeting is also available on Comcast Ch. 16 and streaming vod.maplewoodmn.gov

AGENDA
CITY OF MAPLEWOOD
PLANNING COMMISSION
7:00 P.M. Tuesday, August 16, 2022
City Hall, Council Chambers
1830 County Road B East

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**
 - 1. July 19, 2022 Planning Commission Meeting Minutes
- E. PUBLIC HEARING**
 - 1. Conditional Use Permit and Wetland Buffer Waiver Resolution, Xcel Energy, 1555 Century Avenue North
- F. NEW BUSINESS**
 - 1. Zoning Code – Land Use Table Discussion
- G. UNFINISHED BUSINESS**
 - None
- H. COMMISSION PRESENTATIONS**
- I. STAFF PRESENTATIONS**
 - None
- J. VISITOR PRESENTATIONS – 3 minute time limit per person**
- K. ADJOURNMENT**

WELCOME TO THIS MEETING OF THE PLANNING COMMISSION

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the matter.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask the audience if there is anyone present who wishes to comment on the proposal.
5. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium and speak clearly. Give your name and address first and then your comments.
6. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public discussion portion of the meeting.
7. The Commission will then discuss the proposal. No further public comments are allowed.
8. The Commission will then make its recommendation or decision.
9. All decisions by the Planning Commission are recommendations to the City Council. The City Council makes the final decision.

“Welcome to the meeting of the Maplewood Planning Commission. It is our desire to keep all discussions civil as we work through difficult issues tonight. If you are here for a Public Hearing or to address the Planning Commission, please familiarize yourself with the Policies and Procedures and Rules of Civility, which are located near the entrance. At the podium please state your name and address clearly for the record.”

Revised: 02/18

Ellen Paulseth, Finance Director, and Steve Love, Public Works Director, presented the Capital Improvement Plan 2023-2027 and answered questions from the Commission.

Chairperson Arbuckle opened the public hearing.

There were no speakers for this item.

Chairperson Arbuckle closed the public hearing.

Commissioner Sukolsky moved to approve the draft 2023-2027 Capital Improvement Plan.

Seconded by Commissioner Dahm

Ayes – All

The motion passed.

The item is tentatively scheduled to go to Council for approval on December 12, 2022

2. Conditional Use Permit and Setback Variance Resolution, HAB Automotive, 47 Century Avenue North

Michael Martin, Assistant Community Development Director, presented the Conditional Use Permit and Setback Variance Resolution, HAB Automotive, 47 Century Avenue North and answered questions from the Commission.

Jessed Jacobson, HAB Automotive, addressed the commission and answered questions from the Commission.

Chairperson Arbuckle opened the public hearing.

There were no speakers for this item.

Chairperson Arbuckle closed the public hearing.

Commissioner Desai moved to approve a resolution for a conditional use permit and a setback variance permitting an auto maintenance garage business to be located at 47 Century Avenue North.

Seconded by Commissioner Ige

Ayes – All

The motion passed.

The item is tentatively scheduled to go to Council for approval on August 08, 2022

3. Conditional Use Permit Resolution, NeuroRestorative, 822 McKnight Road

Elizabeth Hammond, Planner, presented the Conditional Use Permit Resolution, NeuroRestorative, 822 McKnight Road and answered questions from the Commission.

Steve Miller, NeuroRestorative, addressed the commission and answered questions from the Commission.

Sharon Berlin, NeuroRestorative, addressed the commission and answered questions from the Commission.

Chairperson Arbuckle opened the public hearing.

The following individuals addressed the commission in opposition of the project:

John Erickson, 2206 Matterhorn Lane, Saint Paul MN 55119

Jeff Thomsen 832 McKnight Road South, Maplewood MN 55119

Joann Waid 2315 Timber Trail East, Maplewood MN 55119

Donald Bateman 2239 Matterhorn Lane, Saint Paul MN 55119

Connie Thomsen 832 McKnight Road South, Maplewood MN 55119

Steve Miller and Sharon Berlin, NeuroRestorative, addressed the concerns of the residents and provided additional information to the Commission

Chairperson Arbuckle closed the public hearing.

Commissioner Desai moved to approve a conditional use permit resolution for a residential group home at 822 McKnight Road, subject to certain conditions of approval, and adding to the conditions that: 1) there be no parking related to the site on McKnight Rd N and 2) the applicant provide a parking plan to staff for approval prior to going to Council for approval.

Seconded by Commissioner Ige Ayes – All

The motion passed.

The item is tentatively scheduled to go to Council for approval on August 08, 2022

F. NEW BUSINESS

1. Election of Officers (No Report)

Commissioner Sukolsky moved to elect Paul Arbuckle as Chairperson and Tushar Desai as Vice-Chairperson of the Planning Commission.

Seconded by Commissioner Dahm Ayes – All

The motion passed.

G. UNFINISHED BUSINESS

None

H. COMMISSION PRESENTATIONS

None

I. STAFF PRESENTATIONS

1. Concept Plan Review, 3090 Southlawn Drive (No Report)

Michael Martin, Assistant Community Development Director, presented the Concept Plan Review, 3090 Southlawn Drive, and answered questions from the Commission.

Patrick Brama, Enclave Companies, addressed the Commission and answered questions.

This item is for informational purposes only; no action is required.

J. VISITOR PRESENTATIONS

None

K. ADJOURNMENT

Chairperson Arbuckle adjourned the meeting at 9:42 p.m.

DRAFT

PLANNING COMMISSION STAFF REPORT

Meeting Date August 16, 2022

REPORT TO: Melinda Coleman, City Manager

REPORT FROM: Michael Martin, AICP, Assistant Community Development Director

PRESENTER: Michael Martin, AICP, Assistant Community Development Director

AGENDA ITEM: Conditional Use Permit and Wetland Buffer Waiver Resolution, Xcel Energy, 1555 Century Avenue North

Action Requested: Motion Discussion Public Hearing

Form of Action: Resolution Ordinance Contract/Agreement Proclamation

Policy Issue:

Xcel Energy is requesting city approval of a conditional use permit, wetland buffer waiver, and a public vacation of an easement in order to construct improvements to its gas plant located at 1555 Century Avenue North. The planning commission is being asked to review the conditional use permit and wetland buffer variance.

Recommended Action:

Motion to approve a resolution for a conditional use permit and a wetland buffer waiver permitting Xcel Energy's gas plant improvements at its site located at 1555 Century Avenue North.

Fiscal Impact:

Is There a Fiscal Impact? No Yes, the true or estimated cost is \$0

Financing source(s): Adopted Budget Budget Modification New Revenue Source
 Use of Reserves Other: N/A

Strategic Plan Relevance:

Community Inclusiveness Financial & Asset Mgmt Environmental Stewardship
 Integrated Communication Operational Effectiveness Targeted Redevelopment

The city deemed the applicant's application complete on August 5, 2022. The initial 60-day review deadline for a decision is October 4, 2022. As stated in Minnesota State Statute 15.99, the city is allowed to take an additional 60 days if necessary to complete the review.

Background:

Xcel Energy is requesting city approval of a conditional use permit, wetland buffer waiver, and a public vacation of an easement in order to construct improvements to its gas plant located at 1555 Century Avenue North. The improvements would include:

- Improve the existing stormwater routing, storage, and discharge systems on-site while implementing precautions to decrease the risks associated with any liquid propane storage

tank failure.

- Replace existing propane loading facilities with new facility located to the north of existing compound. The new facility will increase operational safety and efficiency at the plant.
- Install new fire suppression system with a connection to a proposed water line in Century Ave.
- Install new compressors, pumps, additional fire and gas detection systems, and electrical equipment to support the new equipment.

Conditional Use Permit

The facility at this site dates back to the 1950s, predating the city's current requirements. The city's ordinance now requires a conditional use permit for public and private utilities which can be located within any zoning district. The use of the property will be consistent with what has historically been on this site. The bulk of the proposed work will occur within the existing footprint of the facilities on site.

The applicant will be expanding the site's footprint by about 30,000 square feet to the northeast in order to construct a new propane loading facility. This new area will include an 8-foot tall chain link fence running along the perimeter of the site, which will match the existing fence on site.

The applicant's plans indicate that 85 trees will be removed due to this project. City ordinance requires that the applicant either plant 85 new trees or pay into the City's tree fund.

Wetland Buffer Waiver

Ramsey-Washington Metro Watershed District has reviewed and approved the applicant's wetland delineation. Wetland 1 is identified as incidental (manmade wetland with no wetland buffer requirements), Wetland 2 is identified as a Manage B wetland (50-foot minimum, 75-foot average wetland buffer), and Wetland 3 is identified as a Manage A wetland (75-foot minimum, 100-foot average wetland buffer). The applicant's wetland delineation is attached to this report.

The applicant is requesting a waiver from the wetland buffer requirements for the expansion of the existing utility due to site constraints and new code requirements. The expansion will require the filling of the incidental wetland (Wetland 1), grading to within 50 feet of the Manage B wetland (Wetland 2), and grading to within 30 feet of the Manage A wetland (Wetland 3). The proposal requires a 25-foot wetland buffer waiver for encroachments to the Manage B wetland and a 70-foot wetland buffer waiver for encroachments to the Manage A wetland.

Staff is recommending approval of the wetland buffer waiver subject to the recommendations contained in the Environmental Review attached to this report.

Public Vacation of an Easement

The applicant is requesting the public vacation of an easement that was originally taken for a road extension related to a proposed development in the late 1970s. This road extension was never constructed and the development occurred with a different layout that didn't utilize this easement area for roadway purposes. The easement area does not contain any public utilities. The Engineering Department has no concerns with the proposed easement vacation.

Department Comments*Engineering*

Please see Jon Jarosch's engineering report, dated August 8, 2022, attached to this report.

Environmental

Please see Shann Finwall and Carole Gernes' environmental report, dated August 5, 2022, attached to this report.

Fire and Building

No comments.

Commission Review

August 15, 2022: The environmental and natural resources commission will review this project.

August 16, 2022: The planning commission will hold a public hearing and review this project.

Citizen Comments

Staff surveyed the 82 surrounding property owners within 500 feet of the proposed site for their opinion about this proposal. Staff did not receive any comments.

Reference Information*Site Description*

Campus Size: 19.73 acres
Existing Land Use: Gas Plant

Surrounding Land Uses

North: City of Maplewood Open Space
East: Vacant and Commercial Properties in the City of Oakdale
South: Railroad Tracks and Rolling Hills Manufactured Home Park
West: Ramsey County Open Space

Planning

Existing Land Use: Utility
Existing Zoning: Light Manufacturing

Attachments:

1. Conditional Use Permit and Wetland Buffer Waiver Resolution
2. Public Vacation of an Easement Resolution
3. Overview Map
4. 2040 Future Land Use Map
5. Zoning Map
6. Wetland Map

7. Applicant's Narrative
8. Site Plan
9. Delinated Wetlands
10. Tree Preservation Plan
11. Existing Public Easement
12. Applicant's Plans (separate attachment)

CONDITIONAL USE PERMIT AND WETLAND BUFFER WAIVER RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

- 1.01 Xcel Energy has requested approval of a conditional use permit to allow for improvements to its existing gas plant.
- 1.02 The applicant has also requested approval of a wetland buffer waiver of 25 feet from the Manage B wetland on-site and 70 feet from the Manage A wetland on-site.
- 1.03 The property is located at 1555 Century Avenue North and is legally described as:

Real property in the City of Maplewood, County of Ramsey, State of Minnesota, described as follows:

That part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 29 North, Range 22 West, described as follows, to wit: Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 24; thence West along the North line of said Southeast Quarter of the Northeast Quarter, a distance of 33 feet to a point in the West line of East County Line Road as now located and established, said point being the point of beginning of the land herein described; thence Southerly along said West line of East County Line Road a distance of 287.52 feet, more or less, to a point distant 94 feet Northwesterly, measured at right angles from the center line of the most Northerly main track; thence Southwesterly parallel with said center line of said most Northerly main track a distance of 1043.58 feet; thence Northerly along a line forming an angle of 115 degrees 54 minutes with an extension of the last described course, a distance of 649.8 feet, more or less, to the said North line of the Southeast Quarter of the Northeast Quarter; thence East along the North line of said Southeast Quarter of the Northeast Quarter a distance of 970.20 feet to the point of beginning. (Abstract Property)

The Southeast quarter of the Northeast quarter of the Northeast quarter of Section 24, Township 29, Range 22 except the East 49.5 feet.
(Torrens Property, Certificate of Title No. 517771)

(PIN 24-29-22-11-0005)

Section 2. Standards.

- 2.01 City Ordinance Section 44-1092(1) requires public and private utilities have a conditional use permit.
- 2.02 City Ordinance Section 18-221(e)(2)(J) allows the city council to waive wetland buffer requirements for public or semi-public utilities.
- 2.03 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards.

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

2.04

Wetland Buffer Waiver Standards. City Ordinance Section 18-221(e)(2)(J) states that the City Council must base approval of a Waiver on the following nine standards.

1. The city may only allow the construction of public utilities through buffers where there is no other practical alternative.
2. Before the City Council acts on the waiver, the Environmental and Natural Resources Commission and the Planning Commission shall make a recommendation to the City Council. The city shall hold a public hearing for the waiver. The city shall notify the property owners within 500 feet of the property for which the waiver is being requested at least ten days before the hearing.
3. Utility corridors shall not be allowed near endangered or threatened species.
4. Utility corridors, including any allowed maintenance roads, shall be as far from the wetland as possible.
5. Utility corridor construction and maintenance shall protect the wetland and buffer and avoid large trees as much as possible.
6. The city shall not allow the use of pesticides or other hazardous or toxic substances in buffers or wetlands; however, in some situations the use of herbicides may be used if prior approval is obtained from the administrator.

7. The owner or contractor shall replant utility corridors with appropriate native vegetation, except trees, at preconstruction densities or greater after construction ends. Trees shall be replaced as required by city ordinance.
8. Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than to the road which is parallel to the wetland edge. If parallel roads are necessary they shall be no greater than 15 feet wide.
9. The City Council, upon recommendation of the administrator, may require additional mitigation actions as a condition of granting the waiver.

Section 3. Findings.

- 3.01 The proposal meets the specific conditional use permit standards.
- 3.02 The proposal meets the specific wetland buffer waiver standards.

Section 4. City Review Process

- 4.01 The City conducted the following review when considering this conditional use permit and wetland buffer waiver requests.
1. On August 15, 2022, the environmental and natural resources commission reviewed this project and the wetland buffer waiver request. The environmental and natural resources commission recommended that the city council _____ this resolution.
 2. On August 16, 2022, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council _____ this resolution.
 3. On September 12, 2022 the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

- 5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:
1. All construction shall follow the site plan approved by the City.
 2. The proposed construction must be substantially started within one year of Council approval or the permit shall become null and void. The Council may extend this deadline for one year.
 3. The City Council shall review this permit in one year.
 4. Any fence over six feet tall requires a building permit issued by the city.

5. Meet all requirements of Jon Jarosch's Engineering Plan Review, dated August 8, 2022.
6. Meet all requirements of Shann Finwall and Carole Gernes' Environmental Review, dated August 5, 2022.
7. Receive approval from the City's Minor Construction 15-Day Review process for the design of the project.

_____ by the City Council of the City of Maplewood, Minnesota, on September 12, 2022.

PUBLIC VACATION OF AN EASEMENT RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 Xcel Energy has petitioned the Maplewood City Council to vacate an unused public easement that crosses the site at 1555 Century Avenue North.

1.02 The easement is legally described as:

A permanent easement for public purposes, over, across and through the South thirty three (33) feet of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 29, Range 22, Ramsey County, Minnesota.

1.03 A hearing notice on said petition was published in the City of Maplewood's official newspaper and written notice was mailed to the property owners within 500 feet of this unplatted property.

1.04 On September 12, 2022, the City Council held a hearing on such petition, at which time all persons for and against the granting of said petition were heard.

Section 2. Standards

2.01 Minnesota state statute requires that no vacation shall be made unless it appears in the interest of the public to do so.

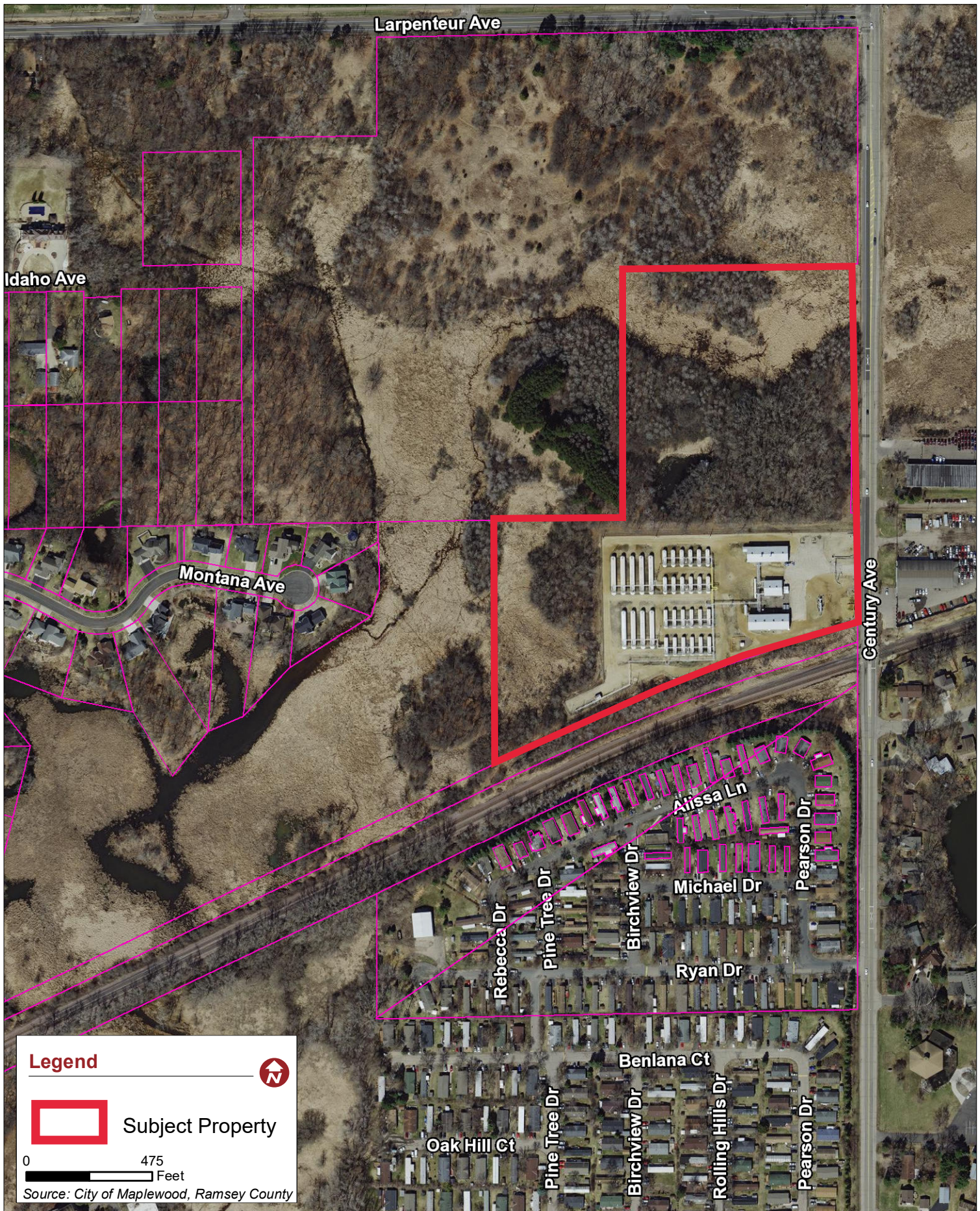
Section 3. Findings.

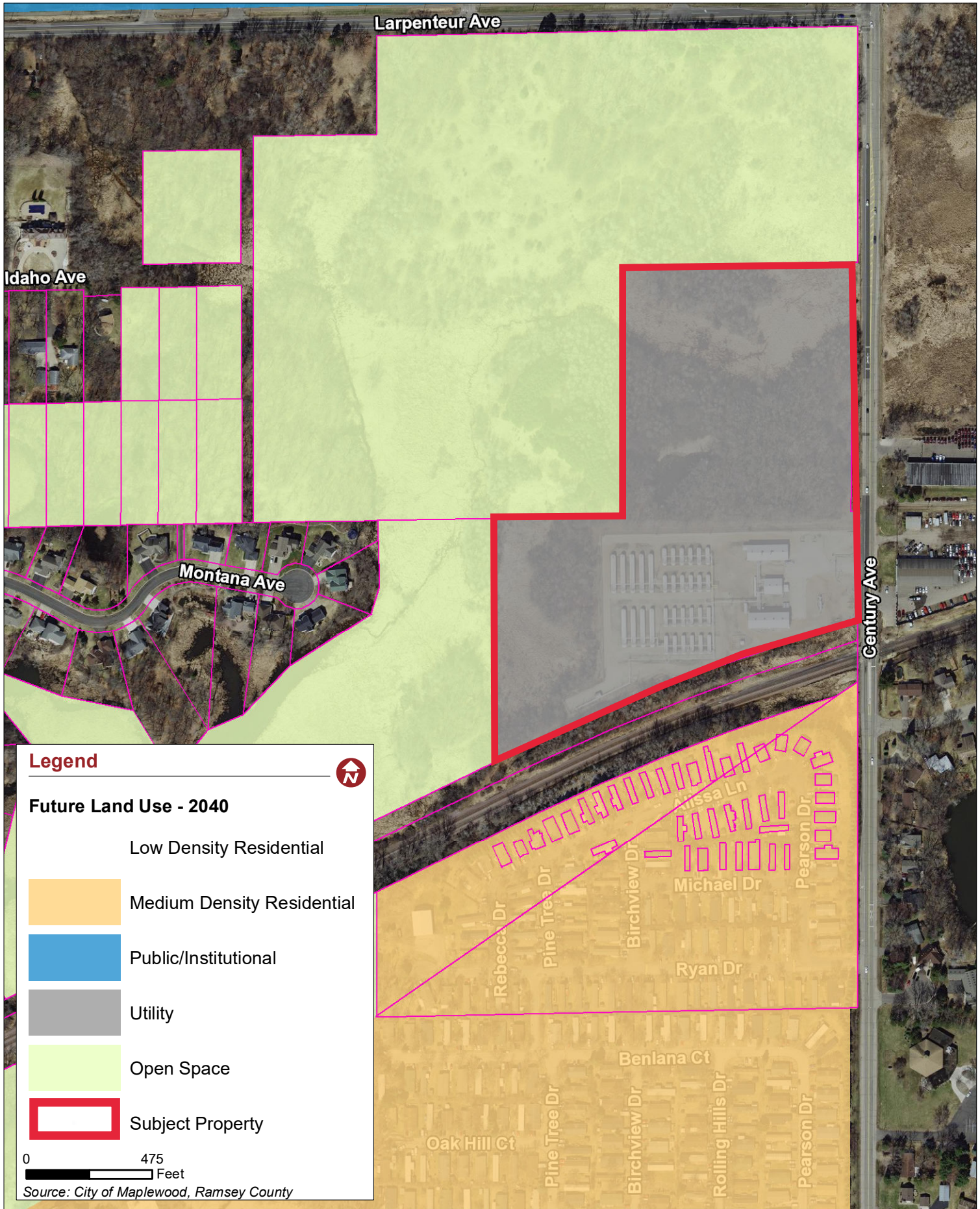
3.01 The Maplewood City Council makes the following findings:

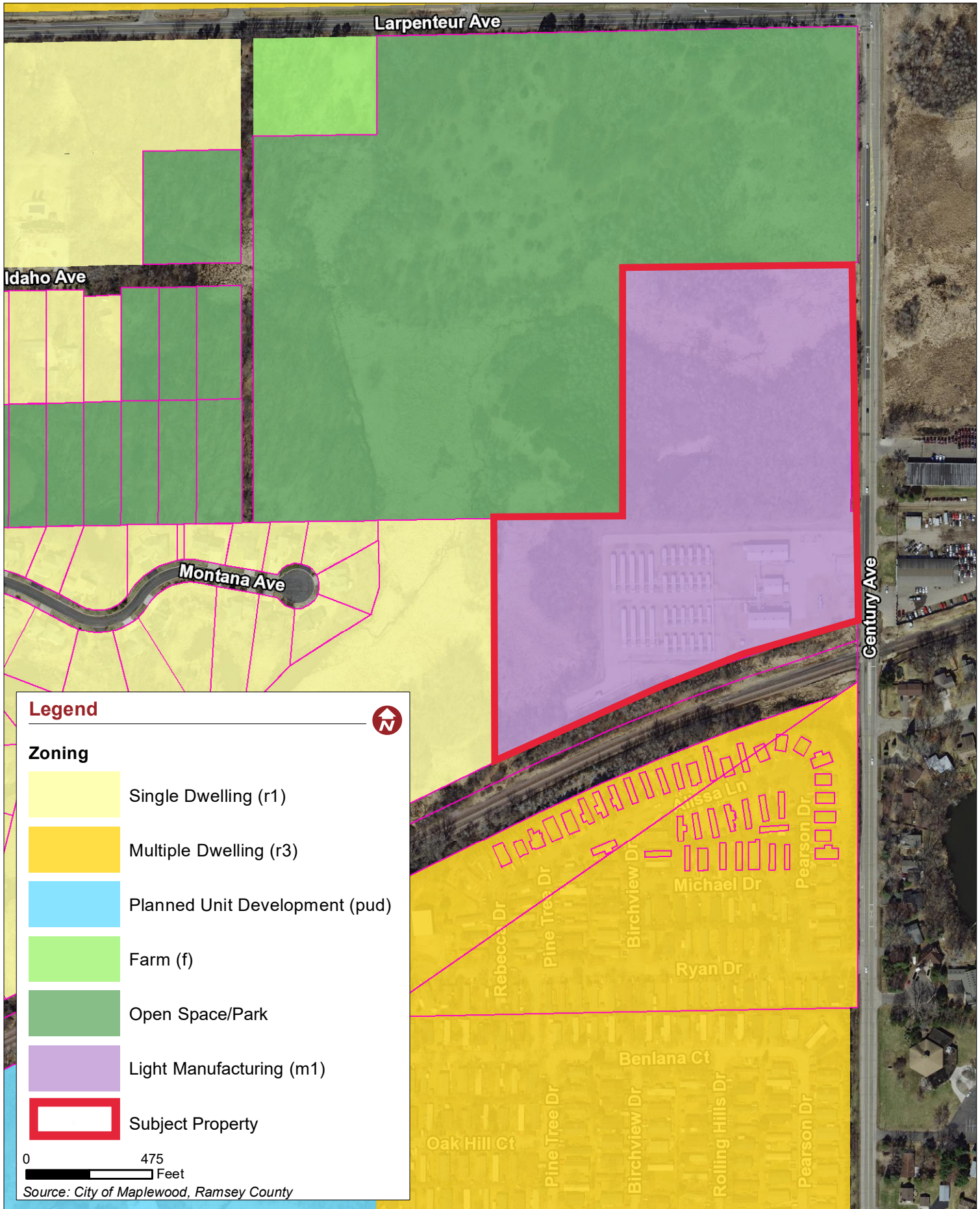
1. There is no anticipated public need for the described unused public easement.
2. The vacation is not counter to the public interest.

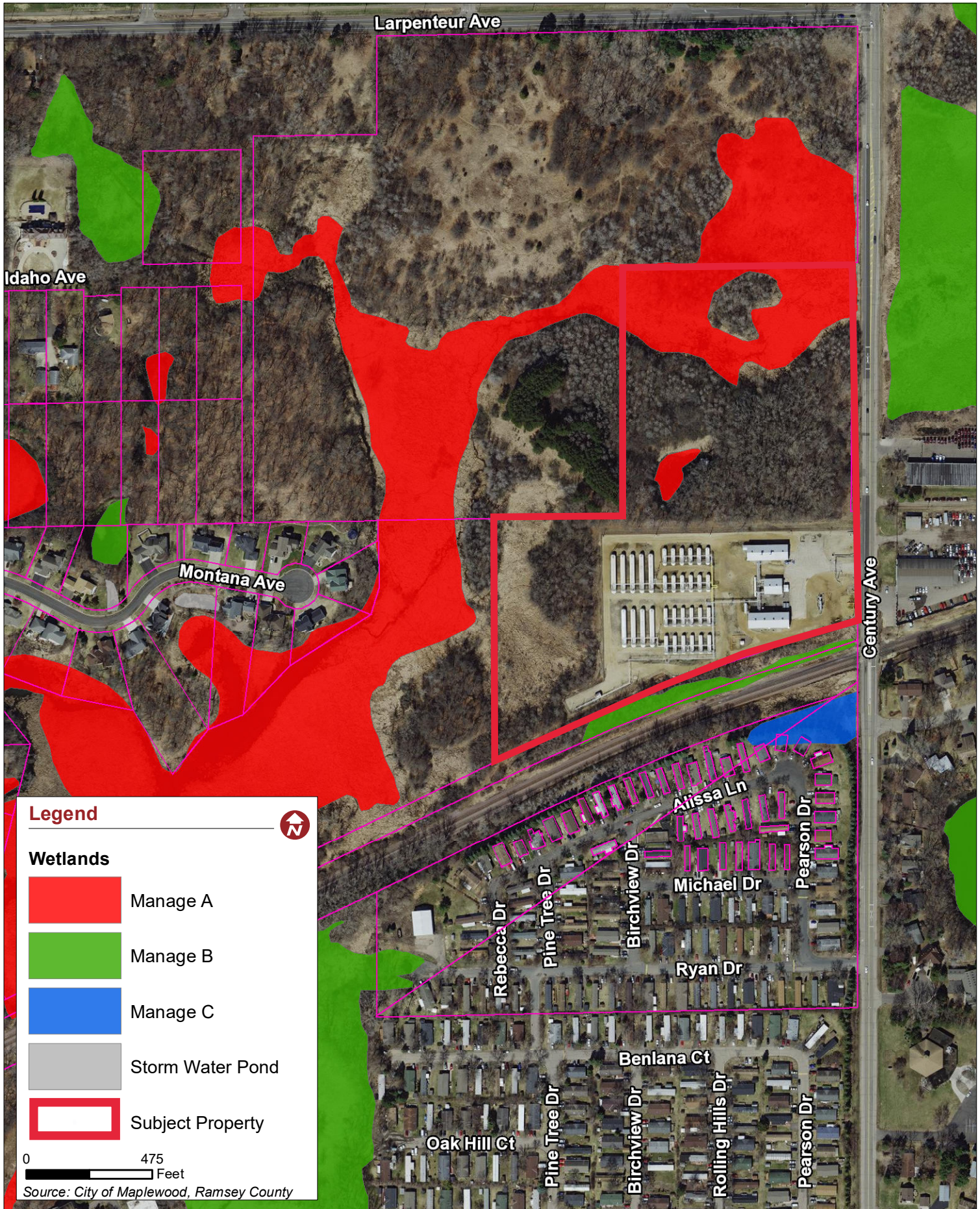
4.01 Therefore, the city council is in favor of the vacation of the above-described unused public easement.

_____ by the City Council of the City of Maplewood, Minnesota, on September 12, 2022.









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Minneapolis, MN 55401

1-800-895-499
xcelenergy.com



July 19, 2022

Michael Martin,
Assistant Community Development Director
1902 County Road B E
Maplewood, MN 55109

RE: Maplewood Plant Safety Improvements
Conditional Use Permit
Wetland Setback and Fence Height Variance
Woodlot Alteration
Vacation of Easement
Community Design Review Board

Dear Mr. Martin,

Please find this letter of intent and application materials for the Conditional Use Permit for the NSP (Xcel Energy) Maplewood Gas Plant located at 1555 Century Ave N. with a Parcel ID number of 24-29-22-11-0005. The plant stores propane which can be inserted into the natural gas system during periods of peak demand in the winter. The plant has been in service since the 1950's prior to the incorporation of the City of Maplewood. The plant is an essential service and is a critical part of Xcel Energy gas supply system. NSP is investing to enhance safety upgrades and improve plant operations. Improvements include:

- Improve the existing stormwater routing, storage, and discharge systems on site while implementing precautions to decrease the risks associated with any liquid propane storage tank failure.
- Replace the existing propane loading facilities with a new facility located to the north of the existing compound. The new facility will increase operational safety and efficiency at the plant.
- Install a new fire suppression system with a connection to a proposed water line in Century Ave.
- Install new compressors, pumps, additional fire and gas detection systems, and electrical equipment to support the new equipment.

The improvements identified are required to bring the site into compliance with National Fire Prevention Association (NFPA) codes and design standards. The improvements are intended to provide longer term reliability, provide modern plant automation, and bring the facility up to Code per NFTA 59 and NFTA 70. The design life of the plant will be a minimum of 20 years.

The project include built in redundancies with duplicates of each major mechanical piece of equipment; re-grading the existing fenced compound to convey water to the detention pond that will treat stormwater and act as a containment basin if there is a tank leak; a new fire suppression system with new piping along with new water main connections to the existing water supply system; the propane loading facility will be rebuilt in a new location with above grade piping to easily monitor the condition of the propane transfer system; new storage systems, process systems, boiler systems, plant air systems, cooling systems, instruments and controls and life safety systems are also proposed.

The property is located on Century Ave approximately ¼ mile south of Larpenteur Ave. E. and abuts the Union Pacific Railroad to the south. The property is zoned Light Industrial and includes wetland and forest to the west and north. Adjacent uses to the west and north include forested and undeveloped property owned by the City and Ramsey County. Residential uses are located to the south of the RR



tracks and to the west of the Ramsey County and Maplewood property. To the east are commercial properties and undeveloped land

Wetlands: Several delineated wetlands have been identified on site and a wetland boundary and type was approved by the Ramsey Washington Metro Watershed District (22-06 WCA), see attached. Three wetlands were identified and classified: Wetland I – Incidental; Wetland 2 – Manage B; and Wetland 3 - Manage A. Due to site constraints and new code requirements a variance to wetland setbacks is requested.

Woodlot Alteration Permit: Attached for your review is the tree Inventory Due to the amount of existing woodland on the site, Xcel is proposing to pay into the City's tree fund.

Community Design Review Board: Attached for processing is CDRB application for your processing

Construction Timing: Construction Timing: Our intent is to start construction of the propane loading facilities immediately after receiving approval of our application and permits. The fire suppression system, grading and new equipment will be installed in 2023 and 2024.

Conditional Use Permit: The proposed plant improvements would be located, designed, maintained, constructed, and operated to be in conformity with the City's comprehensive plan (Utility Use) and Code of Ordinances (Zoned Light Industrial). The use would not change the existing or planned character of the surrounding area. The surrounding residential uses are buffered by the Maplewood and Ramsey County parcels and the RR tracks. The use would not depreciate property values. The use would not involve any activity, process, materials, equipment, or methods of operation that would be dangerous, hazardous, detrimental, disturbing, or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage water run-off, vibration, general unsightliness, electrical interference, or other nuisances. The proposed project will improve the existing environmental conditions on the sited and plant operations. The plant improvements will not change existing vehicular traffic or change the existing access point on Century Ave. The proposed plant improvements are served by adequate public facilities and services, including streets, police, and fire protection. Improvements will add new drainage structures, water systems to be used for fire protection. The improvements will not affect public schools or parks. With the exception of a new water supply, which Xcel Energy will pay for there are no additional public facilities or services requested. Through the use of sensitive design, the Maplewood Plant will maximize the preservation of and incorporate the site's natural and scenic features into the development design. The use would cause minimal adverse environmental effects. The proposed facility is an essential service an integral part of the natural gas system for the City of Maplewood and surrounding communities.

Vacation of Easement: Xcel Energy is requesting that the Easement for public purposes in favor of the City of Maplewood as contained in Quit Claim Deed dated March 27, 1979, recorded August 19, 1980, Document No. 2087450 in Ramsey County be vacated to allow for the construction of the Propane Fueling Facility.

Wetland Setback Variance: Xcel Energy is requesting a variance to the wetland setback requirements. The requested variance are shown on the attached plans and include a reduction of the Type A Wetland Buffer of 100' and from the Type B Wetland Buffer of 75'. As noted earlier, the project scope includes mechanical and site plan upgrades that will bring the property into compliance with National Fire Prevention Association (NFPA) codes and design standards. Efforts to minimize the impacts to the

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wetlands and forest included relocating the storm detention pond to avoid wetlands, pulling back proposed pond outfalls so that they do not encroach within the wetlands, and adjusting the grading plan.

Fence Height Variance: Xcel Energy is proposing to construct an 8' tall chain link security fence around the perimeter of the new propane loading facility and will update the existing fence during a subsequent project. The proposed fence meets current security standards for this type of facility. The fence will be constructed with 1" mesh spacing which along with the height is intended to inhibit climbing. For safety and security purposes the mesh fencing provides first responders and Xcel Energy employees to assess site conditions prior to entering the facility.

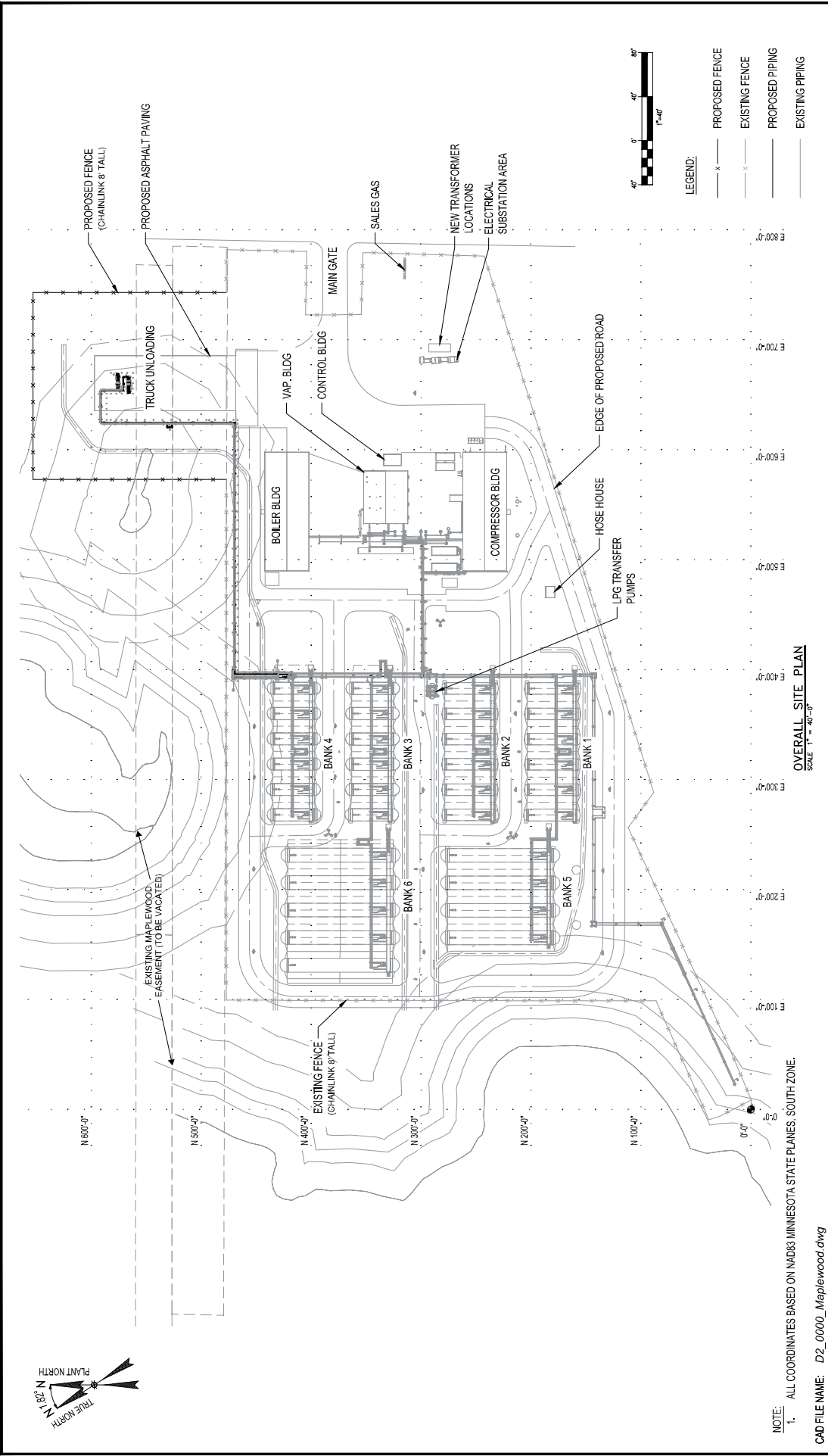
The proposed plan is in harmony with the purpose and intent of the Comprehensive Plan guiding as a utility use and Light Industrial zoning classification. The Maplewood Plant requires significant mechanical and site plan changes to bring it into the compliance with current NFPA codes. The NFPA code has specific standards for site grading within the tank farm and volume requirements for capturing any spills that may occur. The code also has dimensions setbacks from any building on site to the propane loading facility. To meet the NFPA code grading activities needed to extend into the wetland buffer. The proposed improvements provide the safeguards to continue operating the plant into the future. The improvements also provide environmental benefits by filtering the rainwater runoff and controlling erosion.

Thank you for your consideration in accepting and reviewing our application. Xcel is committed to providing safe and reliable energy to our customers and we look forward to discussing our proposal in greater detail with you.

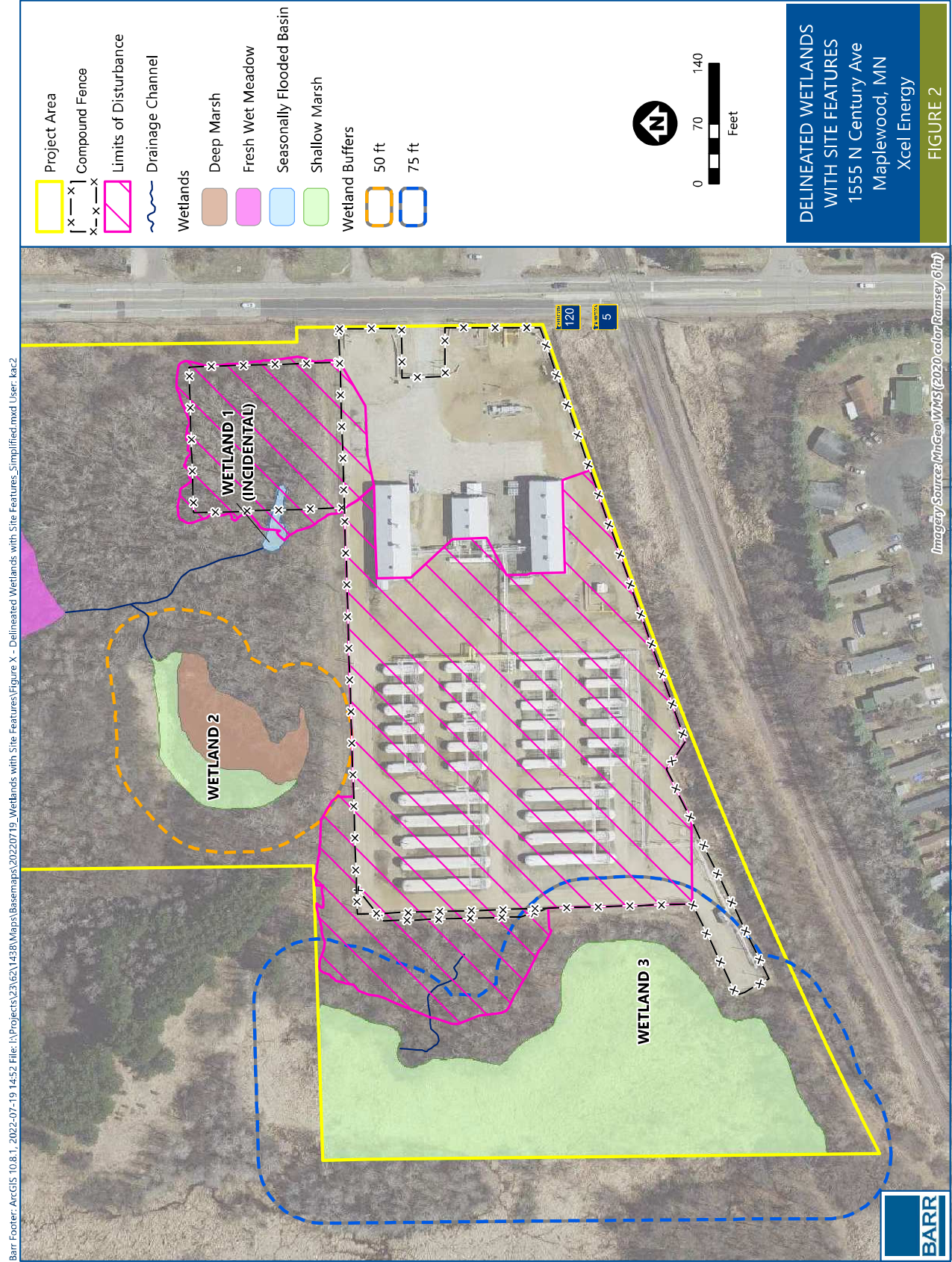
Regards,

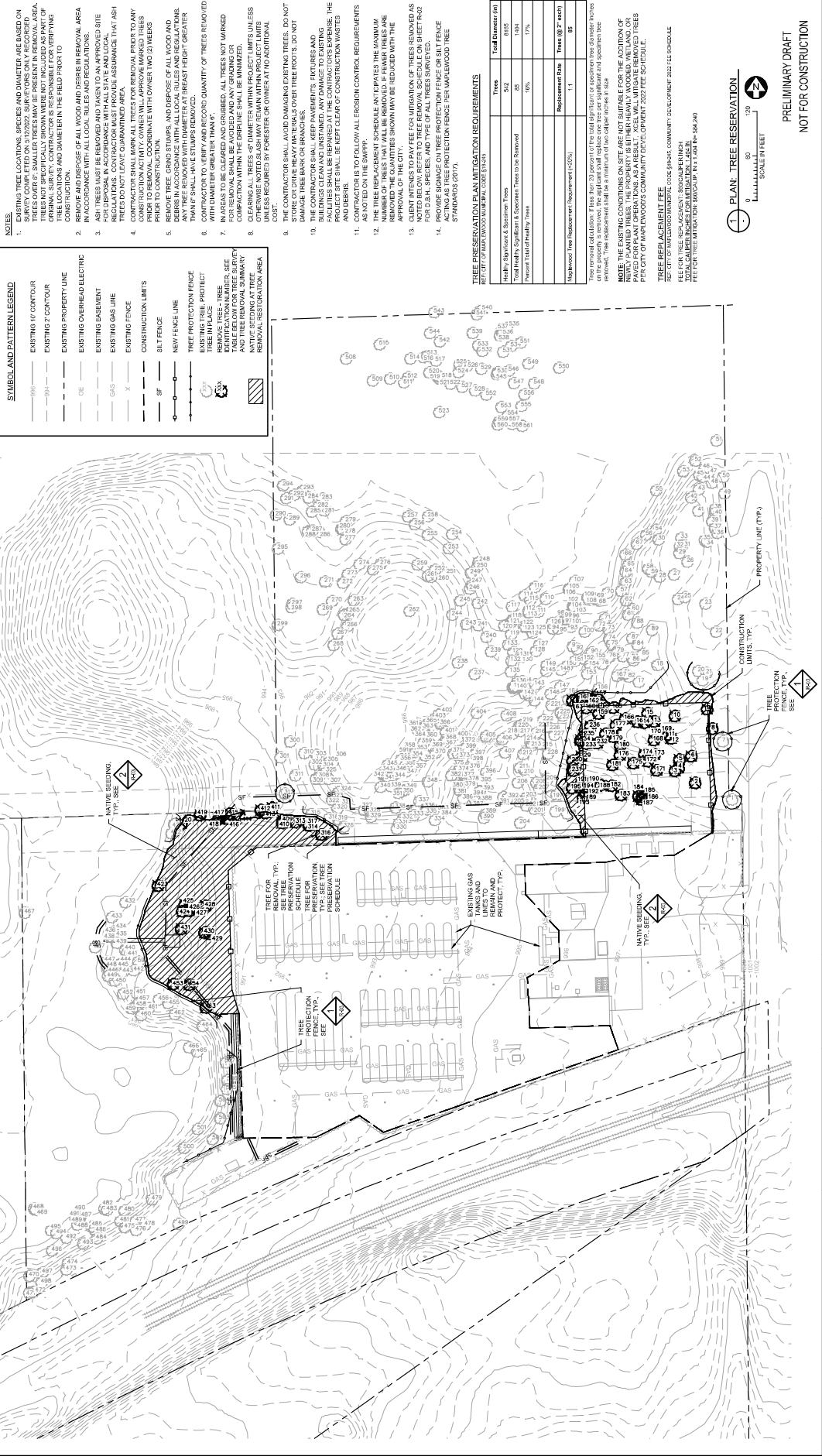
A handwritten signature in black ink that reads 'Brian Sullivan'.

Brian Sullivan
Siting and Land Rights
P: 612.330.5925 | C:612.366.0234 | F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com



| | | | | | |
|---|--|--|--|---|--|
| | | MAPLEWOOD PROPANE PLANT OVERALL SITE PLAN | | DRAWING 0100 | |
| AMPOS EBC 441 HILLS ROAD, SUITE 100, ROSS, MN 55050 (952) 933-3595 | | SERVICE CENTER: NORTHERN STATES POWER COMPANY LOCATION: | | DIVISION: NORTH CITY/COUNTY: MAPLEWOOD/RAIMSEY TYPE: FACILITY | |
| HISTORY | | REVISIONS | | BY DATE | |
| DRAWN BY: NDA DESIGNED BY: JE CHECKED BY: JE APPROVED BY: | | NO. DESCRIPTION A ISSUED FOR BID | | NDA 06/22/22 | |
| IN SERVICE DATE: | | | | | |





- SYMBOL AND PATTERN LEGEND**
- EXISTING 1/2 CONTOUR
 - EXISTING 2 CONTOUR
 - EXISTING PROPERTY LINE
 - EXISTING OVERHEAD ELECTRIC
 - EXISTING BASEMENT
 - EXISTING GAS LINE
 - EXISTING FENCE
 - CONSTRUCTION LIMITS
 - SET FENCE
 - NEW FENCE LINE
 - TREE PROTECTION PERMITS
 - TREE INFILTRATION PROTECT
 - REMOVE TREE - TREE PRESERVATION SCHEDULE
 - TABLE BELOW FOR TREE SURVEY AND TREE REMOVAL SUMMARY
 - REMOVAL RESTORATION AREA

- NOTES:**
1. EXISTING TREE CONDITIONS, SPECIES AND DIAMETER ARE BASED ON TRACES OVER 1" SMALLER TREES MAY BE PRESENT IN REMOVAL AREA. TREES NOT SPECIFICALLY SHOWN WERE NOT FOUND AS PART OF THE TREE SURVEY. TREE LOCATIONS AND DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION.
 2. ASH TREES MUST BE REMOVED AND TAKEN TO AN APPROVED SITE FOR DISPOSAL IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS. IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.
 3. ASH TREES MUST BE REMOVED AND TAKEN TO AN APPROVED SITE FOR DISPOSAL IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS. TREES DO NOT LEAVE GUARANTEED AREA.
 4. CONTRACTOR SHALL MARK ALL TREES FOR REMOVAL PRIOR TO ANY CONSTRUCTION. CONTRACTOR SHALL COORDINATE WITH OWNER TWO WEEKS PRIOR TO CONSTRUCTION.
 5. REMOVE TREE, GRIND STUMPS, AND DISPOSE OF ALL WOOD AND BRANCHED MATERIALS TO A DEEPENED AREA AT LEAST 10 FEET FROM ANY TREE REMOVED WITH DIAMETER AT BREAST HEIGHT GREATER THAN 1" SHALL HAVE STAMPS REMOVED.
 6. CONTRACTOR SHALL MAINTAIN RECORD QUANTITY OF TREES REMOVED AND THE LOCATION OF REMOVAL.
 7. IN AREAS TO BE CLEARED AND GRUBBED, ALL TREES NOT MARKED FOR REMOVAL SHALL BE AVOIDED AND ANY GRUBBING OR REMOVAL SHALL BE AVOIDED. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING ALL TREES OF DIMENSIONS WITHIN PROJECT LIMITS UNLESS OTHERWISE NOTED. ASH MAY REMAIN WITHIN PROJECT LIMITS UNLESS OTHERWISE NOTED BY FORESTER OR OWNER AT NO ADDITIONAL CHARGE.
 8. CONTRACTOR SHALL AVOID DAMAGING EXISTING TREES. DO NOT STUMP OR DRIVE HEAVY MATERIALS OVER TREE ROOTS. DO NOT DAMAGE TREE BARK OR BRANCHED. FOR USES AND BUILDINGS CLEAN AND UNSTAINED. ANY DAMAGE TO EXISTING FACILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING UP CONSTRUCTION WASTES AND DEBRIS.
 9. CONTRACTOR IS TO FOLLOW ALL EROSION CONTROL REQUIREMENTS AS NOTED ON THE SWPPP.
 10. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES THAT ARE REMOVED. THE QUANTITIES SHOWN MAY BE REDUCED IF FEWER TREES ARE REMOVED THAN SHOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES REMOVED. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES REMOVED. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES REMOVED.
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 14. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES REMOVED. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES REMOVED. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TREES REMOVED.

TREE PRESERVATION AND REMOVAL REQUIREMENTS

PER CITY OF MAPLEWOOD MUNICIPAL CODE 11.05.01

| Tree | Total Diameter (in) |
|--|---------------------|
| Healthy Saplings & Specimen Trees | 5-12 |
| Tree Health Significant & Specimen Trees to be Removed | 05 |
| Percent Total of Healthy Trees | 10% |
| Replacement Ratio | 1:1 |
| Maplewood Tree Replacement Requirement (LSD%) | 05 |

Tree removal calculation: If less than 20 percent of the total diameter of specimen trees is removed, tree replacement shall be a minimum of two (2) trees for each specimen tree removed.

NOTE: THE EXISTING CONDITIONS ON SITE ARE NOT SUITABLE FOR THE ADDITION OF NEW PLANTED TREES. THE PROPERTY IS EITHER HEAVILY WOODED, WELAND, OR OTHERWISE NOT SUITABLE FOR THE ADDITION OF NEW PLANTED TREES. THE CITY OF MAPLEWOOD MUNICIPAL CODE DEVELOPMENT 2022 TREE SCHEDULE.

TREE REPLACEMENT FEE
 SEE CITY OF MAPLEWOOD MUNICIPAL CODE 11.05.01.01 COMMUNITY DEVELOPMENT 2022 TREE SCHEDULE
 FEE FOR TREE REPLACEMENT: \$1000 PER INCH
 TOTAL REPLACEMENT FEE: \$1000 PER INCH
 FEE FOR TREE REPLACEMENT: \$1000 PER INCH

| | | | | |
|--|--|--|---|--|
| | MAPLEWOOD PHASE II FIRE SUPPRESSION TREE PRESERVATION PLAN | | DRAWING R-01 | |
| | PRELIMINARY DRAFT NOT FOR CONSTRUCTION | | PROJECT: 4801038238 CITY/COUNTY: MENOTA HEIGHTS/DAKOTA | |
| HISTORY DRAWN BY: AMW DESIGNED BY: BARR CHECKED BY: BHD APPROVED BY: BHD IN SERVICE DATE: | | REVISIONS NO. DESCRIPTION A ISSUED FOR REVIEW B | | DATE 06/21/2022 06/21/2022 06/21/2022 |
| BARR 4300 MARKE FORTITE DRIVE MINNEAPOLIS, MN 55455 Ph: 612-434-2277 Fax: 612-434-2277 www.barr.com | | SERVICE CENTER: NORTHERN STATES POWER COMPANY DIVISION: NORTH CITY/COUNTY: MENOTA HEIGHTS/DAKOTA | | TYPE: |

This Indenture, Made this 27th day of MARCH, 1979,
between Gladys Block, also known as Gladys E. Block, a single person

of the County of Ramsey and State of Minnesota
part X of the first part, and

City of Maplewood, a municipal
corporation under the laws of the State of Minnesota, party of the second part,

Witnesseth, That the said party X of the first part, in consideration of the sum of
One Dollar and other good and valuable considerations ~~RECOVER~~
to her in hand paid by the said party of the second part, the receipt whereof is
hereby acknowledged, does hereby Grant, Bargain, Quitclaim, and Convey unto the said party of
the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being
in the County of Ramsey and State of Minnesota, described as follows, to-wit:

A permanent easement for public purposes, over, across and through the South thirty
three (33) feet of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 29,
Range 22, Ramsey County, Minnesota.

NO DELINQUENT TAXES
AND TRANSFER ENTERED

AUG 15 1980

LOU McKENNA, DIRECTOR
Dep. of Property Taxation, Ramsey Co., MN
By Plucey

CONVEYANCE OF LAND DESCRIBED BY THIS
INSTRUMENT IS HEREBY APPROVED AND IS
ENTITLED TO RECORDING AND SUBDIVIDING.

William C. Cass
WILLIAM C. CASS, ENGINEERING DEPARTMENT
CITY OF MAPLEWOOD

To Have and to Hold the Same, Together with all the hereditaments and appurtenances there-
unto belonging or in anywise appertaining, to the said party of the second part, its successors and
assigns, Forever.

In Testimony Whereof, The said party 27th of the first part has hereunto set her
hand the day and year first above written.

Gladys E. Block
Gladys E. Block, a single person
Gladys E. Block

State of Minnesota, } ss.
County of Ramsey

The foregoing instrument was acknowledged before me
this 27th day of MARCH, 1979.

Audrey J. [Signature]
Notary Seal: AUDREY J. [Signature]
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Exp. May 12, 1983

by Gladys E. Block, a single person
(Name of Person Acknowledged)
OR
(Signature of Person Taking Acknowledgement)
(Title or Rank)

2087450

AUG 19 9 25 AM '80



DEVELOPMENT CODE UPDATE

TO: City of Maplewood Planning Commission
FROM: Rita Trapp and Natalie Brown, Consulting Planners
DATE: August 10, 2022
SUBJECT: Zoning Code – Land Use Table Discussion
MEETING DATE: August 16, 2022

In 2022 one of the focuses of the development code update process is on reviewing and updating the permitted, conditional, and prohibited uses. The zoning code is currently structured with each zoning district having its own list of permitted, conditional, and prohibited uses as is appropriate to the district. One often has to review multiple zoning districts to understand what is allowed as a district may refer to a list in a different district. To assist with a comprehensive review, uses across all of the districts have been compiled into a series of tables for Planning Commission review:

- Principal Uses for Agriculture and Residential Districts
- Principal Uses for Non-Residential Districts
- Accessory Uses for Agriculture and Residential Districts
- Accessory Uses for Non-Residential Districts

Each of the tables is structured similarly with a list of uses on the left and an existing or proposed definition for that use on the far right if available or needed. Under the districts a “P” is used to signify a permitted use and a “CUP” is used when the list is considered conditional. A column was also included for questions or comments from Staff and the consultant team.

After compiling the tables, Staff and the consultant team began to make suggested revisions for Planning Commission consideration. These revisions are shown in red. Revisions included changes to use names, consolidation of uses that are duplicative, suggested changes to where uses are allowed, and suggested definitions or revisions to existing definitions. Commissioners are asked to review the proposed changes, as well as to confirm that where uses are allowed continues to be appropriate.

In addition to the tables for permitted and conditional uses, a table was created regarding prohibited uses. This table was created because some districts specifically list prohibited uses (shown as “PR” in the table). This practice of specifically listing prohibited uses is not generally a best practice as it creates confusion about what happens if a use is not listed in the zoning code. Traditionally, a use that is not listed in the code is considered prohibited. However, if there is a list of prohibited uses in some districts, then it is unclear what not having a use listed in that district means. Planning Commission discussion is requested about modifying the code to handle prohibited uses differently.

During the review process Staff and the consultant team identified the following four specific uses that would benefit from additional Planning Commission discussion:

Related Commercial Uses

Currently the code has two uses called related commercial uses and supportive commercial uses in the CO district (see below for definitions). Input from the Planning Commission was desired about the need for these uses, whether the uses as defined address what is needed today, and whether these uses should be also considered in other districts. The consultant team has had experience with this type of use being considered an accessory use for senior housing, hospitals, and manufacturing as well as offices.

- *Related commercial uses*, including incidental services, such as restaurants, pharmacies and retail sales which serve primarily the occupants and patrons of the permitted office *use*, when conducted within the same building. *Related commercial uses* shall not exceed 25 percent of the total net floor area of the building.
- *Supportive commercial uses*. The following freestanding *uses* may be permitted upon approval by the city council of a special exception: specialty or gift stores, office supply, ticket agency, travel service, opticians and similar *uses*. The *uses* provided for in this subsection may be the sole *use* of a particular property or building or may be combined with any permitted or conditional *uses* allowed in the district, upon compliance with the necessary special exception or special *use* procedures.

Storage Uses

Currently the code has a number of different uses related to indoor and outdoor storage. An example of this can be found in the BC district under conditional uses: *“Interior storage or warehouses, the exterior storage, display, sale or distribution of goods or materials, but not including a junkyard, salvage automobile, or other wrecking yard. The city may require screening of such uses pursuant to the screening requirements of subsection (6)a. of this section.”* The Planning Commission is being asked to consider breaking these uses into multiple, clearer use types. An example of ways that this could be accomplished would be the following:

Principal Uses

- **Scrap, salvage, or junk yard.** Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris.
- **Storage and sale of machinery and equipment.** The storage and sale of machinery and equipment, including but not limited to trailers, motorcycles, boats, and farm implements.

- **Storage facility, personal.** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
- **Storage yard** means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Accessory Uses

- **Outdoor display** means an outdoor arrangement of the products a business sells outside of the building the business occupies.
- **Outdoor storage** means the storage of personal or business property for a period greater than 24 hours outside of an enclosed building.

Metal storage building

The City Code has provisions for metal storage buildings in a number of locations throughout the code. It was felt that it was appropriate during this process to revisit the provisions to make sure they were still appropriate for the City. The following is from Section 12-5:

Sec. 12-5. - *Metal storage buildings.*

(a) It shall be unlawful to erect a *metal storage building* in the city which is of a design commonly referred to as a pole barn or *agri-building*, unless such *building* would be:

(1) Located in a F farm residence district;

(2) A *metal storage building* commonly used as a backyard storage shed;

(3) Located in an M-1 light manufacturing or M-2 heavy manufacturing district and substantially screened so as to be 80 percent opaque as viewed from residentially zoned land or streets. If the screening is removed or dies and is not replaced, the city council may require removal of the *building*. If the value of the *building* exceeds \$25,000.00, the city council shall allow at least a five-year amortization period; or

(4) Located in a BC business commercial district and approved with a conditional use permit as required in [section 44-512\(b\)\(6\)](#).

(b) Special architectural design and nonmetal decorative modifications may be required by the city.

(c) Should any dispute arise over the classification of a proposed *metal building*, the director of community development shall determine whether the proposed *metal building* fits into the

pole barn category. Appeals of the director's decision shall be made to the city council for a determination of the *building* type.

(d) The city council may grant variances to the requirements of this section. All variances must follow the requirements provided in Minnesota State Statutes.

(e) A rezoning shall not be approved unless any *metal storage building* on the site complies with the requirements of this section.

The following is from the BC District as noted in item (4) above:

a. No more than 20 percent of the building would be visible from streets or the highest topographical point of the nearest residential lot lines.

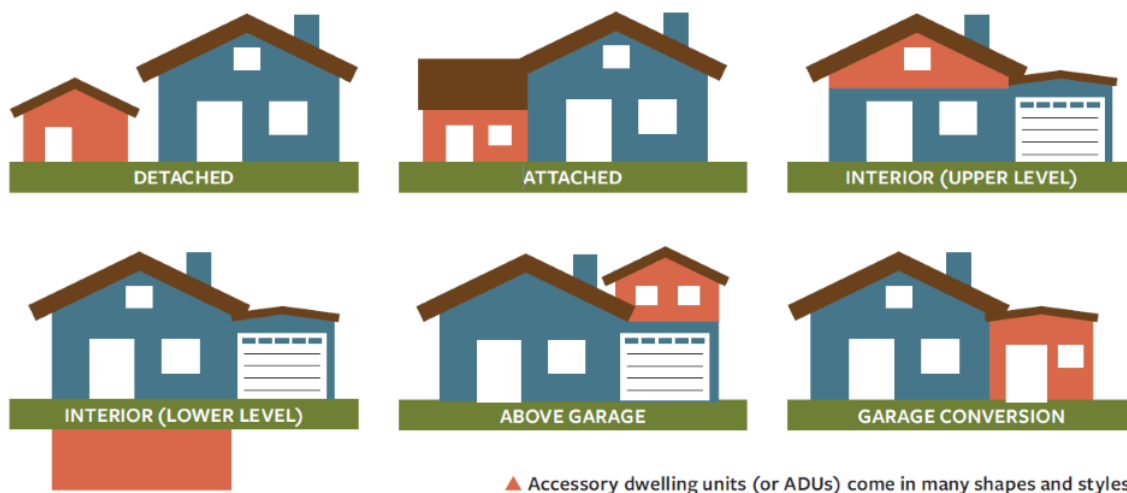
b. The building would not be of lesser quality than surrounding development. If the screening is removed or dies and the owner does not replace it, the city council may require that the owner remove the building. If the value of the building exceeds \$25,000.00, the city council shall allow at least a five-year amortization period.

Secondary Dwellings

Currently the Mixed Use District allows secondary dwellings as a conditional use permit. Secondary dwellings are defined as an additional dwelling unit located within and subordinate to the principal dwelling on a single-dwelling lot, designed for a single occupant or small family. As part of this use review process, the Planning Commission is being asked to discuss whether a secondary dwelling should be considered for more districts other than Mixed Use. Secondary dwellings, which are more commonly referred to as accessory dwelling units (ADUs) today, are being allowed more broadly in many communities. To facilitate discussion on this topic, below is additional background on ADUs.

An accessory dwelling unit (ADU) is a self-contained residential unit with its own living room, kitchen, and bathroom. ADUs are permanent installations that are legally part of a larger property that includes a standard single-family house. This housing is designed to be flexible to meet family needs, and can generate rental income for the homeowners. ADUs can sometimes be referred to as: carriage or coach houses, accessory apartments, backyard cottages, secondary dwelling units, granny flats, mother-in-law suites, second suites or garden apartments. These units may be located inside the principal building on a lot or may be located in a detached accessory building on the same parcel.

The images below show the potential ways that ADUs can be constructed on a property. There are two general classifications of accessory dwelling units. Attached ADUs are those that are either located within the principal structure, such as in the basement or attic, or those that are in an addition that is part of a principal structure expansion. Detached ADUs are those that are located in an accessory structure on the site.



Accessory Dwelling Units are being explored across the country as a means to addressing family needs as well as housing affordability and availability challenges. ADUs can address lifecycle housing needs as people can age in place and families are able to provide independent housing that is less expensive than what could be obtained in a senior living facility. Generally, ADUs have been preferred in existing residential neighborhoods as they expand housing options without significantly altering the character of the existing neighborhood. Where rentals are allowed, homeowners are also able to earn income that can pay other household expenses.

While there are a variety of benefits to ADUs, it is important to recognize that there are financial barriers that may impact the feasibility of ADUs being constructed. For example, while an ADU may be less expensive than a new single family home, as a lot does not need to be purchased, the cost to construct the ADU may still prevent it from being a truly affordable housing option. It should also be noted that financing may also be challenging as currently most financial institutions do not include potential rental income as part of the underwriting. In addition, it is difficult to find comparable sales for the purposes of determining the ADU value.

When communities consider allowing ADUs there is generally a set of standards also established. Some of the common topics that the City may want to explore include: maximum number of ADUs per lot, ADU size limit, setbacks, parking, number of occupants, ownership/rental, independent sale of an ADU, and water/sewer connections.