



STAFF REPORT

To: Mayor and City Council
Kim Points, City Clerk/Administrator

Date: September 10, 2020

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

RE: Application to Amend Conditional Use Permit for the American Polywater manufacturing facility located at 11222 60th Street North

From: Jennifer Haskamp
Consulting City Planner

Background

The Applicant, Mike Fee, on behalf of American Polywater Corporation (“APC”) has requested an amendment to their Conditional Use Permit for the subject property. The CUP was first issued in 1983 and was later amended in 1996 and 2000 respectively. The existing facility includes approximately 2,842 SF of office, 820 SF of Laboratory space and approximately 20,368 SF of manufacturing and warehouse space. As indicated in the Applicant’s narrative, APC has experienced substantial growth over the last five years and needs additional space to accommodate its operations. The proposed amendment will allow for the expansion of the existing facility on the site to provide additional office, laboratory, staff support, warehousing, and manufacturing space. The proposed amendment is to allow for the expansion of the facility and there are no changes to the use of the property.

Public Hearing

A duly noticed public hearing is scheduled for September 22, 2020 at 6:30 PM to be held via Zoom video conference. Residents and property owners within 1,320-feet (1/4-mile) were sent individual letters notifying them of the public hearing. The call-in number and instructions to join the video conference meeting are provided on the City’s website and members of the public will be invited to provide public testimony regarding the subject application.

Project Summary

Applicant: Mike Fee, Operations Manager	Site Size: 2.68 Acres (PID 3603021330005)
Owner: American Polywater Corporation (APC)	1.5 Acres (PID 3603021330013)
Zoning & Land Use: GB	Request: Amended Conditional Use Permit (CUP) to allow for a 12,150 SF addition (9,000 SF footprint)



Location Description and PIDs:

The subject application includes PID 3603021330005 and PID 3603021330013 which are contiguous and oriented north-south. Both parcels are owned by APC and will be used to support the proposed expansion of the existing building.

The Applicant is requesting an amendment to the existing CUP to allow for the expansion of the existing building located on site. The existing building is located at 11222 60th Street N., PID 3603021330005, and is setback approximately 66-feet from the right-of-way line. As currently configured, the existing facility and all associated improvements are located on the subject parcel. The proposed expansion is on the northerly side of the existing facility and proposed improvements including additional parking and septic system drainfield expansion will be constructed on the adjacent vacant parcel (PID 3603021330013). The proposed facility expansion includes a 9,000 SF footprint expansion and is designed with approximately 3,150 SF of mezzanine space. The total square footage of the expansion area is 12,150 SF which will be used for office, manufacturing and warehousing space. To support the facility addition some site improvements including additional on-site parking, drive aisle improvements and septic system expansion are proposed. There are no significant changes proposed to APC's operations such as hours of operation, business activities, etc., and therefore there are no changes to the existing CUP regarding business use. While the business operations will remain the same the substantial business growth over the last five years has necessitated this request to expand the facility.

Review Criteria

According to the approved Amended CUP, the proposed changes to the operation and the facility requires an amendment to the permit. The City Code addresses amendments to existing CUPs in Section 32-152 that states, "An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit..." As such, the application to amend the CUP is processed accordingly, and the requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. The City Code states the following for consideration when reviewing a Conditional Use Permit (32-141):

"(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety."

(e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required."



Existing Site Conditions

The site is located on 60th Street North which is the highway frontage (service) road to Highway 36. There are two parcels that are subject of the proposed application, PID 3603021330005 is approximately 2.68 acres and is the current location of the APC facility and all site improvements. PID 3603021330013 is contiguous to the subject property and is approximately 1.5 acres. The following summary of each site is provided:

11222 60th Street North (PID 3603021330005)

The existing APC building and all site improvements are located on the parcel. The existing building contains approximately 24,000 square feet and is accessed from a shared driveway on the western edge of the site. The site and building are oriented north-south, with the main entrance and existing parking area located on the eastern façade of the building. There are 30 existing parking stalls on site including 2 handicap accessible stalls. The current parking lot area is split by a truck loading dock area. There are additional site improvements including sidewalks which connect the parking areas to the facility's entrances as well as landscaping at entrances and within medians. Based on GIS and NWI records there are no existing wetlands on site.

Unaddressed (PID 3603021330013)

The subject parcel is approximately 1.5 acres and is currently vacant. Per the existing CUP, the parcel is considered collectively with the existing parcel located at 11222 60th Street North. The parcel's southerly boundary is contiguous to the northerly boundary of 11222 60th Street North. As currently configured, there are no driveways or other access to the subject parcel. The site is sparsely vegetated with some trees along the westerly and southerly border of the property. Based on GIS and NWI records there are no existing wetlands on site.

Comprehensive Plan Review

The site is guided GB in the City's adopted Comprehensive Plan. Land within the GB land use designation is generally described as providing a general mix of commercial businesses. APC has operated on the subject site for several years and is one of the City's long-term existing businesses. This land use designation was created to allow for the continued use of the smaller parcels along the 60th Street N frontage road and Highway 36 corridor for business uses in the City.

Zoning/Site Review

For purposes of the following dimensional review both the southerly parcel (PID 3603021330005) and the northerly parcel (PID 3603021330013) are considered collectively. This is consistent with condition G of the existing CUP that requires both parcels to be considered collectively with respect to APC's operations, facilities and any site improvements.



Dimensional Standards

The following site and zoning requirements in the GB district apply to the subject application:

Dimension	Standard
Lot Size	2.5
Lot Width (frontage on public street)	300'
Lot Depth	150'
Front Yard Setback	65'
Side Yard Setback	20' interior, 65' from street
Rear Yard Setback	30'
Height of Structure	35'
Driveway Setback	5'
Floor Area Ratio	40%
Parking Surfaces or Structures of any type	80%

<p>Lot Area, Frontage, Lot Depth</p>	<p>There are two parcels associated with the subject application, the southerly parcel is approximately 2.68 acres and the northerly parcel is 1.5 acres. Collectively the total site area is approximately 4.18 acres. <i>Parcels zoned and guided GB require a minimum of 2.5 acres and the combined lot acreage meets the minimum lot size requirements.</i></p> <p>The southerly parcel abuts the 60th Street N right-of-way and serves as primary frontage for both parcels. The parcel has approximately 240-feet of frontage/lot width and does not meet the minimum lot frontage requirements. The existing configuration predates the City’s ordinance and is therefore considered a legal nonconforming lot with respect to lot frontage. The northerly parcel does not have frontage on a public street, and is considered collectively with the southerly parcel. <i>As configured the southerly and northerly parcel are considered legal nonconforming lots regarding frontage on a public road.</i> Additionally, APC owns the adjacent westerly parcel and facility and both 11170 and 11222 60th Street N share an access driveway from the right-of-way. It is unclear whether the access driveway includes a permanent access easement, but such area is approximately 33-feet wide which is consistent with historical cartway widths and is assumed to be a permanent access for the APC properties. <i>While the property at 11170 is not included in this application, it should be noted that when considered collectively with the subject property that a “campus” of the buildings is created and the total frontage of the campus is approximately 444-feet which exceeds the minimum lot frontage requirements.</i></p> <p>The southerly parcel is approximately 483’ long oriented north-south, and the</p>
---	---



	<p>northerly parcel approximately 271' long. <i>Both parcels are considered collectively and include approximately 754' of lot depth which exceeds the minimum lot depth requirements.</i></p>
<p>Floor Area and Parking Coverage</p>	<p>Per Section 32-1 Definitions, the Floor area ration of commercial or business buildings is calculated by determining the sum or the gross area of all floors of a building and dividing by the net area of the lot or parcel of land. For purposes of the calculation the total parcel area was used. There is approximately 24,000 square feet of existing building area, and 12,150 square feet of expanded building area for a total of 36,150 square feet. Therefore, the FAR calculation is as follows:</p> <p>36,150 SF gross building area/ 182,081 SF of land area = 19.9% FAR.</p> <p><i>In the GB zoning district, a maximum of 40% FAR is permitted. As proposed, the total FAR is 19.9% and is within the allowed FAR.</i></p> <p>As stated in Section 32-246 the maximum parking surface or structure of any type permitted within the GB zoning district is 80%. As identified on sheet AS101 of the Applicant's submittal there is approximately 35,063 square feet of parking area on site. The calculation is as follows:</p> <p>35,063 square feet of parking area/182,081 SF of land area =19.3%</p> <p><i>As proposed, there is 19.3% of the site dedicated to parking area which is within the permitted parking area percentage.</i></p>
<p>Setbacks</p>	<p>The existing building is located on the southern half of the subject property setback approximately 66-feet from the right-of-way of 60th Street north (front), 30-feet from the easterly property line (side), 110' from the west property line (side) and 420' from the northerly property line of PID 3603021330013. The proposed addition will be constructed on the north façade of the existing building and extends approximately 90' north. As proposed, the addition will maintain the east, west and south yard setbacks and will be setback approximately 330' from the northerly property line. <i>The existing building configuration and the addition meets the City's ordinance requirements.</i></p>
<p>Architectural/Building Plans</p>	<p>The Applicant's architectural plans for the addition are shown on Sheets A-101 through A-201. As shown on the plans, the addition will be constructed and attached to the existing north façade of the structure. The existing building architecture is a simple flat paneled concrete building with minimal articulation. The proposed addition will be consistent and compatible with the character and design of the existing building. <i>As proposed, the architectural design meets the intent of the ordinance and the existing CUP condition K which requires expansions to be of similar materials and colors.</i></p> <p><u>Height</u></p>



	<p>The height of the proposed expansion is approximately 28-feet, which is approximately 5-feet taller than the existing building portion when calculated at grade. The proposed increase in height is associated with a mezzanine floor that will be dedicated to office and support staff functions, while the main floor will remain dedicated to manufacturing and warehousing operations. <i>As proposed, the height of the expansion meets the City's ordinance requirement for height which permits a maximum height of 35' for all structures.</i></p>
<p>Driveway/Circulation:</p>	<p>Sheet AS101 of the Applicant's submitted materials identifies the proposed driveway and circulation improvements. There is an existing shared driveway that provides access to the current operations at 11222 and at 11170 60th Street N. The existing driveway is located on a 33-foot wide strip of land which is consistent with a standard historical cartway width, and no changes are proposed as part of this application. It should be noted that this strip of land is owned by the property located at 6185 Lake Elmo Ave N., and it is assumed that there is a shared access easement. An additional 32 parking stalls are required to support the 12,150 square foot addition, and the new parking area is located north of the proposed addition. To access the new parking area the existing driveway must be extended approximately 95-feet to provide access. As shown on sheet AS101, the proposed parking lot and expanded driveway will be constructed with bituminous surface. <i>The City Engineer is reviewing the proposed configuration and staff will provide an update at the Planning Commission regarding his comments and recommendations, if any.</i></p>
<p>Parking:</p>	<p>There is an existing parking lot onsite that serves the existing building and its operation. There are 30 spaces in the lot which is located to the west of the existing building, and all parking spaces are proposed to remain onsite. To support the facility expansion an addition 32 parking spaces are required. Section 32-374 of the ordinance addresses required spaces. The parking ratios are as follows:</p> <ul style="list-style-type: none"> • Office/Support staff: 1 space per 200 SF • Warehousing/Manufacturing: 1 space per 2000 SF <p>Sheet AS101 of the Applicant's submittal provides a summary of the required parking stalls and identifies 32 additional stalls to support the expansion. <i>The site plan identifies 30 standard stalls and 2 ADA accessible stalls. As designed, the number of stalls meets the City's requirements.</i></p> <p>Section 32-372 (c) of the City Code addresses parking space dimensions and requires all standard spaces to be a minimum of 10 feet by 20 feet and all handicap accessible spaces must be dimensioned at 12 feet by 20 feet. The standards were applied to the expanded parking area which identifies an addition 32 parking spaces with two ADA accessible stalls. All standard parking spaces meet the</p>



	<p>minimum parking stall requirements. The ADA stalls are dimensioned at 10'6" but are designed with a 6' space between the stalls. While such stalls do not meet the 12-foot width, the 6' spacing provides adequate width for the stalls. As designed, the spaces will provide more area than required per the City's ordinance. <i>The expanded parking area design meets the City's ordinance and requirements.</i></p>
<p>Lighting</p>	<p>The Applicant did not submit a lighting plan as part of their application. Staff assumes that some lighting will be necessary and provided in the expansion area and may include wall lights (potentially) and lighting in the parking lot. Section 32-321 of the City's ordinance addresses lighting and requires all lighting to be downcast and/or hooded. All parking lot fixtures may not exceed 25-feet tall. Since the expansion area is surrounded by vacant land and/or other general business uses staff is comfortable that any lighting plan will meet the City's ordinance requirements for footcandles at property lines, however, if needed staff may request a photometric plan to verify that the lighting plan meets the City's ordinance requirements. <i>Staff recommends including a condition that all exterior lighting must meet the City's ordinance regarding fixture style and footcandles at property line and at the right-of-way. Staff would recommend including a condition that a lighting plan be submitted for review and approval by the City staff prior to the commencement of site work.</i></p>
<p>Noise</p>	<p>As stated in the Applicant's narrative there is little to no noise generated as a result of APC's operations. It should be noted that staff is unaware of any complaints regarding noise since APC began operations and would agree that noise is not a major concern of the operations. <i>Staff would note that all operations must comply with the MPCA noise regulations for general business users which is consistent with the City's ordinances and regulations.</i></p>
<p>Landscape Plan</p>	<p>The Landscape Plan is shown on sheet L-101 of the Applicant's plan set. The landscape plan shows attention to buffering along the northerly property line of PID 3603021330013. The proposed planting includes 11 8-foot Scotch Pines, 2- Red Oaks, 2- River Birch, and 2 Autumn Blaze Maple. As proposed staff believes that the proposed northerly buffer planting plan is adequate and meets the City's ordinance requirements of buffering between General Business properties and adjacent rural residential uses. In addition to the buffer planting plan, the Landscape Plan identifies landscaping in the medians and around sidewalks near the addition. The existing landscaping around and near the existing improvements will remain as part of the project. Additionally, the remaining vacant areas of the site will be seeded and planted, including revegetation of the new mound for the septic system located on PID 3603021330013.</p> <p>As proposed, the Landscape Plan as depicted on L-101 meets the requirements of the City's ordinances. <i>Staff would recommend including a condition that the</i></p>



	<p><i>landscaping plan shall be installed within 6-months of completion of the addition. Staff also recommends including a 2-year landscape guarantee be provided for the buffer plantings along the northerly property line.</i></p>
<p>Hours of Operations and Employees</p>	<p>No changes to the hours of operation are proposed as a result of the expansion. The current facility currently operates Monday through Friday from 6:45 AM to 5:00 PM. The additional space will allow for additional staff onsite. Including the expansion area, APC’s initial staff projections at the facility is a total of 34 employees. A breakdown of the staff includes 24 employees dedicated to manufacturing/warehouse 10 office/lab employees. To support the expansion and additional staff the applicant is seeking a permit from Washington County for a new septic system that can handle an additional 300 gallons/day of effluent. With the new septic system, the applicant is predicting they will have approximately 50% headcount growth (50 persons) over the next 10 years. <i>No changes to the hours of operation are proposed, and therefore the existing conditions of the CUP remain unchanged. Staff recommends including a condition that a septic permit must be obtained from Washington County prior to any site work or grading activity commences.</i></p>
<p>Utilities, Septic System & Industrial Effluent</p>	<p>The Applicant indicates in their submittal that the adjacent “A-2” property will be used for the expanded septic system and drainfield area. Sheets AS101 and L101 identify the relocated mound system area north of the expanded parking lot. While the narrative, as well as existing CUP, identify this property as A-2, the adopted Comprehensive Plan identifies the subject parcel (PID 3603021330013) as zoned and guided GB. Condition E of the CUP dated 06/01/00 states that the subject property is A-2 and may be used for future expansion of the APC operations and may including septic improvements, and/or parking, outdoor storage or any other building or structure.</p> <p>As proposed, the location of the relocated septic system meets the conditions of the governing CUP from 2000. Further, staff believes that this site was subsequently reguided GB consistent with the needs of APC in the 2010 Comprehensive Plan. <i>Staff recommends including a condition that the proper permits must be obtained from Washington County for the expansion and relocation of the septic system.</i> It should be noted that the proposed mound system is near the on-site stormwater retention pond based on the plan set. Since the borings and specific site location of the mound system are not identified (only general area) <i>staff recommends including a condition that the City Engineer must review a final site plan identifying the location of both the pond and the drainfield to ensure proper functioning of both systems on site.</i></p> <p>In addition to the wastewater generated from the facility, due to the type of work</p>



	APC performs industrial effluent is collected. As stated within the Applicant's narrative all industrial effluent is collected within the plant and transported to St. Paul for proper disposal, which APC must perform consistent with the permit issued by Metropolitan Council. <i>Staff would recommend including a condition in the amended permit that all industrial effluent must be disposed of consistent with the permit, and that any amendments or adjustments to the permit due to the expansion of the facility shall be obtained and maintained by the Applicant.</i>
--	--

Engineering Standards

The City Engineer is reviewing the subject application and his memo will be provided in advance of the meeting. ***Staff recommends including a condition that the Applicant must address all recommendations and comments contained within the City's Engineer's memo prior to the commencement of site work.***

Other Agency Review

As stated in the Applicant's narrative, they have contacted the Valley Branch Watershed District and have begun their permitting process. Staff recommends including a condition that the Applicant shall be responsible for obtaining all necessary permits from the VBWD prior to commencing work on site. As noted, the Applicant is working with Washington County to obtain the necessary septic system permits to allow for the enlargement and relocation of the drainfield and septic system to accommodate the expansion.

Draft Conditions

The following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

1. The amended Conditional Use Permit is subject to all of the terms and conditions of the original CUP issued for the property in 1983, 1986, 1996 and 2000 except as amended herein.
2. Improvements shall be constructed in accordance with the plans dated August 13, 2020.
3. All requirements and conditions of the City Engineer shall be met and addressed. The City Engineer shall review all updated plans prior to the commencement of any site work. (Date of Engineer's memo to be added prior to approval)
4. The Applicant shall obtain a building permit prior to construction.
5. The Applicant shall submit a lighting plan demonstrating compliance with Section 32-321 of the City's ordinance regarding lighting and glare.
6. The landscape improvements as shown on plan sheet L101 shall be installed within 6-months of building completion.
7. The Applicant shall provide a 2-year landscape guarantee for the plantings along the northerly property line of PID 3603021330013.



8. The Applicant shall obtain all necessary permits from Washington County for the installation of the relocated septic system including drainfield.
9. The Applicant shall be responsible for obtaining all necessary permits and approval from the Valley Branch Watershed District (VBWD) prior to the commencement of any site work.
10. The Applicant shall be responsible for obtaining any other permits from VBWD, Metropolitan Council, MDH, or any other regulatory agency having jurisdiction over the proposed project.

Action requested:

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- . Recommendation to the City Council of Denial with Findings

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- The proposed building expansion conforms to the City's Comprehensive Plan for general business uses in the City.
- The proposed building expansion will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood provided the conditions of the permit are met.
- The proposed building expansion meets the conditions or standards adopted by the city through resolutions or other ordinances, including the governing CUP on the associated property.
- The proposed building expansion will not create additional requirements for facilities and services at public cost beyond the city's normal general business uses.

Attachments

Applicant's Narrative (August 12, 2020)

Conditional Use Permit with Draft Conditions for Consideration – American Polywater Corporation