



February 11, 2025

VIA E-MAIL

Zoning Committee, City of Saint Paul
Planning Commission, City of Saint Paul
1400 City Hall Annex
25 West 4th Street
Saint Paul, MN 55102

Re: Response to Appeal of Statement of Clarification issued in connection with Determination of Similar Use for proposed facility at 560 Randolph Avenue (City File #25-005-778)

Dear Members of the Zoning Committee and Planning Commission:

This letter is submitted on behalf of FCC Environmental Services, LLC (“**FCC**”) in response to the appeal (the “**Appeal**”) filed in connection with the Statement of Clarification issued by the Zoning Administrator (“**Staff**”) of the City of Saint Paul (the “**City**”) for FCC’s proposed waste collection dispatch facility (the “**Facility**”) at 560 Randolph Avenue (the “**Property**”). The Appeal was filed on January 16, 2025 by the West 7th/Fort Road Federation (“**Appellant**”) pursuant to Saint Paul Legislative Code (the “**Code**”) Section 61.701.

The review process followed by Staff in issuing the Statement of Clarification satisfies the standards for a similar use determination set forth in City Code Section 61.106. As discussed below, the issues raised in the Appeal do not present any error on the part of Staff in determining that FCC’s proposed use of the Facility is similar to a public works yard or maintenance facility as outlined in Code Section 66.521. FCC appreciates the opportunity to share additional information and answer any questions the City may have about the proposed Facility. For the reasons stated herein, FCC respectfully requests that the Planning Commission adopt the recommendation of Staff, deny the Appeal, and affirm Staff’s decision to issue the Statement of Clarification in favor of FCC’s Proposed Use (as hereinafter defined).

I. Factual Background

This Facility is part of a new transition for waste collection and disposal in the City. FCC is a globally established solid waste services company that currently serves over twelve (12) million Americans in over thirty-five (35) cities in seven (7) states. Throughout its tenure in the industry, FCC has been dedicated to providing dependable waste collection services, as well as finding new and innovative ways to decrease its contribution to the industry’s carbon footprint. FCC has intentionally moved toward increased use of compressed natural gas (CNG)-fueled vehicles and streamlined operations to limit truck traffic and congestion in the cities in which its fleets operate. On February 29, 2024, FCC was awarded a Solid Waste Collection Services contract (the “**Contract**”) by the City, and is thrilled to be entrusted with the opportunity to expand its operation to Saint Paul. In order to facilitate its services to the City pursuant to the Contract, FCC acquired

the Property due to its convenient location, lot size, and long-standing use by previous owners for companies related to trucking and maintenance. The Property is located within an I1 Light Industrial Zoning District.

As described in its Request (as hereinafter defined), FCC intends to use the Facility as its main operational dispatch and maintenance center for providing waste collection services (the “**Proposed Use**”), and anticipates dispatch of a thirty-six (36) truck fleet to serve over sixty-six thousand (66,000) residential units in the City. The management and dispatch team plans to occupy the existing office space on site, while the existing truck maintenance facility will be repurposed to serve FCC’s fleet, including installation of CNG fueling equipment and dispensing system. Despite minor repurposing, FCC proposes to use the Facility very similarly to the multiple trucking purposes that previously occupied the site, resulting in little anticipated disruption to the surrounding properties and/or traffic.

II. Procedural Background

FCC has submitted a proposed site plan to the City to accommodate necessary zoning approvals required for operation of the Facility. In order to proceed with the site plan, FCC must provide evidence that its Proposed Use is permitted on the Property under the City’s zoning ordinances. Because the Proposed Use is not listed in the Code, FCC submitted a Request for Statement of Clarification on December 16, 2024 (the “**Request**”), asking Staff to determine and issue its finding as to whether the Proposed Use is substantially similar to a public works yard or maintenance facility.¹ Staff issued the Statement of Clarification on January 10, 2025, finding that FCC’s Proposed Use is “similar in character and impact to a public works yard or maintenance facility, a permitted principal use within the I1 Light Industrial zoning district.” This Appeal followed.

III. Staff appropriately determined that the Proposed Use is substantially similar to a permitted use in the I1 Zoning District.

Section 61.106 of the Code sets forth the standards that must be considered by Staff in evaluating a request for a statement of clarification. Specifically, the Code states that Staff “shall make the following findings in determining one use is similar to another:

- (a) That the use is similar in character to one (1) or more of the principal uses permitted.
- (b) That the traffic generated by such use is similar to one (1) or more of the principal uses permitted.
- (c) That the use is not first permitted in a less restrictive zoning district.

¹ See Code § 66.521.

- (d) That the use is consistent with the comprehensive plan.”²

As the Zoning Committee Staff Report dated January 23, 2025 (“**Staff Report**”) confirms, Staff correctly concluded that all four (4) of these standards were satisfied in issuing the Statement of Clarification. While the Appeal attempts to identify various areas of concern with the Proposed Use, the Planning Commission must review the four (4) standards and determine whether Staff erred in determining that the Proposed Use satisfies these criteria. As outlined below, the Proposed Use of the Facility does meet all of the criteria set forth in the Code and, therefore, the Statement of Clarification should be affirmed.

A. The Proposed Use is similar in character to a principal use permitted in the I1 Zoning District.

The Code requires that the Planning Commission consider whether the proposed use is similar in character to one (1) or more of the principal uses permitted in the zoning district in which the subject property lies.³ As previously noted, the Property lies within the I1 Light Industrial Zoning District. This district is intended to accommodate industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way.⁴ Over ninety (90) land uses are permitted within this district, along with an additional number of conditional uses.⁵ While the Proposed Use is not listed in the Code, it is substantially similar in character to a public works yard or maintenance facility, which is permitted within the I1 Zoning District. A “public works yard or maintenance facility” is also undefined in the Code, so Staff appropriately relied upon comparison to similar facilities within the City to determine its character. In the Statement of Clarification, Staff accurately described a comparable public works yard located at 891 Dale Street, which is sometimes referred to as the City’s “Fleet Services,” a division of the Department of Public Works. This facility operates with similar components to FCC’s Proposed Use, including employee offices and parking, fleet parking, fueling stations, and a maintenance garage.⁶ As such, the Proposed Use aligns closely with the functions the City has historically permitted within its public works yards and/or maintenance facilities.

Appellant’s claim that the Proposed Use of the Facility “fundamentally diverge[s] in character and purpose” from a public works yard or maintenance facility is erroneous. Appellant first argues that, because FCC is a private company, it does not share a public works yard’s priority to provide municipal services. To the contrary, FCC has acquired and is repurposing the Property in order to service the Contract awarded by the City, which will service over sixty-six thousand (66,000) residential units. Although the City has chosen a private company to provide its waste collection services, it does not undermine FCC’s dedication to providing this vital municipal service.

² Code § 61.106.

³ Code § 61.106(a).

⁴ Code § 66.512.

⁵ See Code § 66.521.

⁶ See Statement of Clarification, ¶3.

Appellant's further claim that the nature of FCC as a private company will generate environmental and operational impacts unlike a public works yard is factually inaccurate. The Facility and FCC's operations will be subject to the same environmental requirements as any facility undertaking similar vehicle dispatch, fleet maintenance, fueling and administrative functions, whether publicly or privately owned and/or operated. Any such requirements will be reviewed and determined during the site plan approval process.

The Appeal also claims that the Facility's daily operation is "incompatible" with its surroundings and will result in significant external impacts that conflict with the intent of the I1 Zoning District. As noted above, the I1 Zoning District is intended to accommodate industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts *in a detrimental way*.⁷ The nature of a use as potentially "high-traffic" is not itself inconsistent with this intent, as the Code clearly permits a number of high-traffic uses within the district that could cause noise and traffic congestion.⁸ Any argument that fleet-based operations are inconsistent with the district is completely illogical given the permitted uses set forth in the Code, such as a bus garage or taxi dispatch.⁹ It is also not inconsistent with the Code for a permitted industrial use to be in proximity to traditional neighborhood districts. As the Staff Report acknowledges, the Code explicitly recognizes that transitional areas between industrial and residential zones may exist.¹⁰ In fact, Code Section 66.543 contemplates additional development design standards in the I1 Zoning District for portions of land within one hundred fifty (150) feet of a parcel in a residential or traditional neighborhood district. Therefore, the Zoning Code contemplates that some high-traffic uses within the I1 Zoning District may be near traditional neighborhood districts. This fact is not "fundamentally inconsistent with the character or purpose of the district."

The Code clearly considers a public works yard or maintenance facility to be consistent with the intent of the I1 Zoning District as a permitted use. As noted in the Statement of Clarification and Staff Report, public works yards and maintenance facilities in the City have historically included fleet parking and dispatch, fueling stations, and maintenance garages, all of which the Facility proposes to include. Further, the Property is surrounded by designated commercial truck routes,¹¹ designed to accommodate 9- and 10-ton trucks consistent with the City's policy to implement and support transportation improvements in and near industrial areas of regional economic importance.¹² FCC's Proposed Use will not impose any further noise or traffic congestion than is already contemplated on the commercial truck routes surrounding the Property.

⁷ Code § 66.512 (emphasis added).

⁸ See Code § 66.521 (for example, drive-through sales and services; auto convenience market; auto service station; car wash; parking facility; bus garage, station, lot or turnaround; taxi dispatching, maintenance and storage; recycling collection center; recycling drop-off station).

⁹ See Code § 66.521.

¹⁰ Staff Report, Finding 2(a).

¹¹ See 2040 Comprehensive Plan, Map T-15.

¹² See 2040 Comprehensive Plan, Policy T-14.

Finally, Appellant’s argument that the Proposed Use is inconsistent with the “community-oriented vision” for the Property set forth in other city plans is irrelevant to the Planning Commission’s determination of whether the Proposed Use is similar to a permitted use within the I1 Zoning District. For the various reasons described above and in the Statement of Clarification and Staff Report, the Proposed Use is substantially similar in character to a public works yard or maintenance facility, which is permitted in the district in which the Property is located. Reference to future goals for surrounding properties is not required to make this determination.

Notwithstanding, to the extent the Planning Commission considers these claims, “other city plans”—plans adopted through the City Council to address specific topics or geographies¹³—do not supersede the City’s Saint Paul for All: 2040 Comprehensive Plan (the “**Comprehensive Plan**”).¹⁴ As will be discussed in further detail, the Comprehensive Plan clearly contemplates that the Property is currently and will continued to be used for industrial purposes.¹⁵ Therefore, the Proposed Use is not inconsistent with the vision for the Property.

B. The traffic generated by the Proposed Use is similar to a principal use permitted in the I1 Zoning District.

The Code also requires that the Planning Commission consider whether the proposed use will generate traffic similar to one (1) or more of the principal uses permitted in the zoning district in which the subject property is located.¹⁶ As previously mentioned above, the I1 Zoning District permits a number of potentially “high-traffic” uses, such as drive-through sales and services, automobile convenience markets, car washes, parking facilities, bus garages, stations, lots and/or turnarounds, and taxi dispatching, maintenance and storage, to name a few.¹⁷ As described in the Statement of Clarification and Staff Report, the Proposed Use is expected to generate traffic patterns similar to public works yards located elsewhere within the City. Therefore, the Facility’s anticipated traffic impact is similar to a principal permitted use within the I1 Zoning District.

The Statement of Clarification and Staff Report note that the Property was previously used for trucking-related businesses such that the anticipated traffic impact of the Facility is consistent with historical usage of the site.¹⁸ The Appeal claims that the Property’s prior function as a tow-yard involved only four (4) to (6) trucks “operating intermittently.” FCC does not dispute that the Property has been the main operation of a towing service in recent years. However, City Council records indicate that the Property was also used for operation of solid waste hauler vehicles as

¹³ 2040 Comprehensive Plan at 17.

¹⁴ See 2040 Comprehensive Plan at 17; *State ex rel. Neighbors for E. Bank Livability v. City of Minneapolis*, 915 N.W.2d 505, 511 (Minn. Ct. App. 2018).

¹⁵ See 2040 Comprehensive Plan, Maps LU-1, LU-2.

¹⁶ Code § 61.106(b).

¹⁷ See Code § 66.521

¹⁸ See Statement of Clarification, ¶5(b).

recently as 2017.¹⁹ These types of vehicles are engaged in the “hauling of putrescible and non-putrescible solid waste,” including garbage and rubbish.²⁰ This use appears comparable to the waste collection services that FCC will provide pursuant to the Contract. Therefore, Staff’s indication that the Proposed Use is consistent with historical trucking-related usage of the Property was appropriate.

Appellant alleges that the traffic generated by the Proposed Use will be inconsistent with the character of the surrounding area. However, this argument is irrelevant to the Planning Commission’s determination of whether traffic generated by the Proposed Use is similar to a permitted use within the I1 Zoning District. As identified by Staff and described above, the anticipated traffic impact of the Proposed Use is substantially similar to a public works yard or maintenance facility, which is permitted in the district in which the Property is located. Notwithstanding our objection to the consideration of these concerns, any claims that the Facility’s proposed traffic patterns are incompatible with the area’s mixed-use character are misplaced for several reasons. As the Staff Report notes, claims of adverse impacts on the neighborhood remain speculative and are not supported by concrete evidence of safety violations or disruptions to the surrounding areas.²¹

Further, the Property has historically been located within a mixed-use area contemplating industrial, commercial and residential uses, as well as near the Randolph/West Seventh “Neighborhood Center” or “Neighborhood Node.”²² “Neighborhood Nodes” are described as compact, mixed-use areas that provide a variety of neighborhood-scale services, civic and institutional uses, recreational facilities and employment.²³ However, the location of a Neighborhood Node does not itself prohibit industrial uses from being appropriately operated near such a mixed-use area. It would be inconsistent with the intent of the Comprehensive Plan for the Property, which is guided for continued industrial use,²⁴ to be prohibited from operating a permitted use within its zoning district purely because of its proximity to a Neighborhood Node. If all industrial properties located near Neighborhood Nodes are prevented from operating a permitted use, much of the City’s forecasted land use becomes completely illogical. Map LU-2 of the Comprehensive Plan demonstrates that many Neighborhood Nodes are located near or even within industrial-guided districts. Further, the Map indicates that the size of the circle on the map “does not indicate [the] extent of [the] Node,” leaving ambiguity as to the Comprehensive Plan’s intended scope for the Randolph-West Seventh Node.

¹⁹ See City of Saint Paul City Council Minutes at 2 (Nov. 8, 2017).

²⁰ See City of Saint Paul, *Solid Waste Hauler & Vehicle*, <https://www.stpaul.gov/departments/safety-inspections/open-operate-expand-business/business-licenses-and-permits/solid-waste-hauler> (last edited June 10, 2024).

²¹ Staff Report, Finding 2(b).

²² See 2030 Comprehensive Plan, Figures LU-A, LU-B, LU-K; 2040 Comprehensive Plan, Maps LU-1, LU-2.

²³ See 2040 Comprehensive Plan at 48.

²⁴ 2040 Comprehensive Plan, Map LU-2.

Related to the nearby Neighborhood Node, Appellant raises concerns that the Proposed Use is inconsistent with the other city plans related to pedestrians and bicyclists. As previously discussed, other city plans do not supersede the Comprehensive Plan, which guides the Property for continued industrial use. Regardless, the Saint Paul Pedestrian Plan adopted in 2019 (the “**Pedestrian Plan**”) does not identify the Property within a high priority area for walking investments. Rather, the Property and surrounding area is depicted as “medium priority.”²⁵ The Pedestrian Plan acknowledges that the “High Priority Areas” will guide the location of capital investments and identify where walking investments are likely to have the greatest impact on advancing equity and safety goals.²⁶ Further, proposed walking investments include sidewalk infill, sidewalk repair and crossing improvements.²⁷ FCC’s Proposed Use of the Property will in no way impede the City’s ability to make such investments and improvements within the area as desired.

Appellant also flags that City of Saint Paul Bicycle Plan adopted in April 2024 (the “**Bicycle Plan**”) proposes additional bicycle networking around the Property.²⁸ FCC does not dispute that both major and minor bikeways are planned near the Property,²⁹ and welcomes the City’s efforts to invest in additional bicycle safety infrastructure consistent with the Bicycle Plan. However, what the Appeal fails to acknowledge is that the bicycle network currently existing and planned near the Property consists of separated bikeways and paths.³⁰ Separated bikeways and paths provide a space specific for bicycle travel (not traditional sidewalks) that is vertically and horizontally separated from motor vehicle traffic, greatly enhancing safety for bicyclists.³¹ The Bicycle Plan appropriately identifies these separated bikeways and paths as part of the City’s “planned low stress bicycle network,” even with their proximity to multiple commercial truck routes.³² Given the recent adoption of the Bicycle Plan, the City has contemplated the location of this low stress network near the industrial nature of the Property. Additionally, the Comprehensive Plan contemplates proposed bicycle transportation networking and transitways near the Property in the future.³³ FCC’s Facility will not endanger any of these efforts. For these reasons, the Proposed Use is not inconsistent with the “multimodal transportation,” “accessibility,” or “neighborhood connectivity” goals for the surrounding area.

C. The Proposed Use is not first permitted in a less restrictive zoning district.

The third finding the Planning Commission must consider to determine a similar use is that the proposed use is not first permitted in a less restrictive zoning district.³⁴ As Staff identified in the

²⁵ Pedestrian Plan at 27.

²⁶ Pedestrian Plan at 27.

²⁷ Pedestrian Plan at 27.

²⁸ Bicycle Plan, Figure 1.

²⁹ Bicycle Plan, Figure 4.

³⁰ Bicycle Plan, Figures 6, 7.

³¹ Bicycle Plan at 42.

³² Bicycle Plan at 60, Figure 11.

³³ 2040 Comprehensive Plan, Maps T-4, T8.

³⁴ Code § 61.106(c).

Statement of Clarification, the Proposed Use is not described in the Zoning Code. However, it is most similar to a public works yard or maintenance facility, which is not first permitted in a less restrictive zoning district. Section 66.521 demonstrates that a public works yard or maintenance facility is only permitted in the I1 and more restrictive I2 General Industrial and I3 Heavy Industrial Zoning Districts. Therefore, Staff did not err in making this finding.

Appellant's argument that Staff erred in making its finding because the Property is located near a Neighborhood Node is misplaced. The land use restrictions set forth in the zoning ordinances and permitted uses within certain zoning districts are unrelated to the location of the Neighborhood Node. Appellant again argues that other city plans should supersede FCC's right to use the Property for a permitted industrial use under both the Code and the Comprehensive Plan. As previously noted, other city plans do not prevail over the Comprehensive Plan, which guides the Property as industrial. Therefore, claims related to any district or small area plans are unrelated to this standard of Code Section 61.106 and should be rejected.

Additionally, the Staff Report correctly indicates that Appellant's request to reconsider zoning of the Property or conduct a rezoning study is outside the scope of the determination at issue.³⁵ Code Section 61.106 requires Staff, the Zoning Committee and the Planning Commission to make a determination of similar use based on the current zoning requirements set forth in the Code. The City has not received, nor initiated, any formal application or process to rezone the Property. Therefore, any request for a study of the Property should also be rejected.

D. The Proposed Use is consistent with the City's 2040 Comprehensive Plan.

Finally, the Code requires that Planning Commission determine whether the proposed use is consistent with the Comprehensive Plan.³⁶ The Comprehensive Plan provides a "blueprint" for future development both citywide and in particular areas. Based on the applicable guidance for the Property, Staff correctly determined that the Proposed Use is consistent with the Comprehensive Plan's policies and goals for the site. Through the site plan approval process, FCC will ensure proper zoning and infrastructure support for the Facility, offering environmentally and economically efficient, resilient development of the Property.³⁷ The Proposed Use will support and encourage development that maximizes the City's tax base, job creation and/or job retention, and protect current industrial land from conversions to residential or institutional uses unless guided otherwise.³⁸ The Proposed Use aligns with each of these goals.

It is important to note that, in addition to guiding property for a particular use, the Comprehensive Plan identifies more than two hundred (200) draft policies, each of which supports the City's goals and values. These policies are high-level statements intended to guide City decision-making in a

³⁵ Staff Report, Finding 2(c).

³⁶ Code § 61.106(d).

³⁷ 2040 Comprehensive Plan at 39, Policy LU-8.

³⁸ 2040 Comprehensive Plan at 44, Policies LU-45, LU-46.

manner that achieves the goals of the Comprehensive Plan. By citing specific Comprehensive Plan policies, specifically those which relate to neighborhood nodes and opportunity sites located near (but are not within) the Property, the Appeal mischaracterizes the consistency of the Proposed Use with the Comprehensive Plan as a whole. For example, Appellant's argument that the Facility actively contradicts objectives of Parks, Recreation, and Open Space goals in the Comprehensive Plan because it "introduces" industrial operations to the Property ignores the fact that the site has historically been and continues to be zoned for industrial use, and that, notwithstanding this use, the site is adjacent to the existing regional trail system which connects the parks and recreation areas across the City through the St. Paul Grand Round and remains within the corridor for potential additional trails.³⁹ The Proposed Use is not anticipated to affect these features or efforts. As such, the Proposed Use is not wholly inconsistent with the City's goals on this topic.

Despite Appellant's stance that the Proposed Use must align with the policies of the Comprehensive Plan, the Appeal also argues that the Proposed Use's consistency with the Comprehensive Plan is in violation of several other City-adopted plans which should instead control land use of the Property. However, this argument misstates the legal priority and underlying goals of the Comprehensive Plan and should be rejected. FCC does not dispute that industrial land use guidance in the Comprehensive Plan acknowledges other "City of Saint Paul adopted plan[s]," or that aspects of other city plans outline potential goals for redevelopment of the Property and adjacent properties thereto. However, Minnesota law clearly states that:

*[C]omprehensive plans control over small area plans because of the statutory framework of city planning, the history of cities and neighborhoods in city planning, and caselaw guidance detailing a city's role in comprehensive plans.*⁴⁰

Unless stated otherwise, the City's broad power in city planning and adopting comprehensive plans control over other city plans.⁴¹ The language of the Comprehensive Plan is consistent with this precedent, stating that the Comprehensive Plan will prevail in the event of a conflict of policy between the Comprehensive Plan and other plans adopted through the City Council, including, but not limited to, the Mississippi River Corridor Plan adopted in 2002 (the "**MRCP**"), the Great River Passage Plan adopted in 2013 (the "**GRPP**"), the Bicycle Plan, the Pedestrian Plan, and District Plans.⁴² The allegation that the Proposed Use is inconsistent with any of these plans and therefore the Comprehensive Plan undermines the priority of the Comprehensive Plan's guidance. In the event of a conflict in policy, the City has made clear that "the Comprehensive Plan will prevail."⁴³ As documented in the Staff materials related to this Appeal, all of the other city plans referenced

³⁹ 2040 Comprehensive Plan at 114, Map P-3.

⁴⁰ *Neighbors for E. Bank Livability*, 915 N.W.2d at 511. Note that, in the context of this case, the term "small area plan" was used to reference plans for designated land use features. *Id.* at 507. In the Comprehensive Plan, this type of "plan" is referenced as "other city plans." 2040 Comprehensive Plan at 17.

⁴¹ *See id.* at 513.

⁴² *See* 2040 Comprehensive Plan at 17, 238.

⁴³ *See* 2040 Comprehensive Plan at 17.

by Appellant were prepared with reference to outdated, now-decertified comprehensive plans.⁴⁴ Despite the fact that the 2040 Comprehensive Plan was adopted more recently than most, if not all, of the other city plans, Appellant argues that industrial guidance of the Property is an “oversight.” Rather, as the Staff Report acknowledges, this fact supports the conclusion that industrial use of the Property is most consistent with the City’s current goals for the site. Therefore, Staff did not err in determining that the Proposed Use is consistent with the Comprehensive Plan.

Notwithstanding the foregoing, to the extent the Planning Commission considers the other City plans flagged by Appellant, the arguments set forth in the Appeal misrepresent the purpose of these plans. For example, the MRCP indicates that the City supports continuation of industrial uses in appropriate portions of the river corridor.⁴⁵ The MRCP clearly acknowledges that the Property is located near and/or within the terrace topography near the river valley, which is generally characterized by mixed-use commercial and industrial lands, as well as mixed housing.⁴⁶ For the numerous reasons described above, the Proposed Use of the Property is consistent with this characterization. While the surrounding area near the Property is identified as a “Study Area” for potential redevelopment,⁴⁷ the MRCP acknowledges that suggested guidelines for these areas should not be viewed as mandates.⁴⁸ Similarly, the GRPP acknowledges that:

*Until such time as the City purchases any of the sites or areas, or enters into a development agreement for the sites or areas, covered in the vision/concept plans, private property owners may use their properties for any legal use permitted under the current zoning classification, provided that the proposed use meets all applicable conditions and/or standards.*⁴⁹

The Fort Road Development Plan adopted in 2005, which identifies development near and around the Randolph/West Seventh Neighborhood Node, clearly states that the suggestions are intended to depict potential “redevelopment scenarios” to help guide development, but are not meant to foreclose other possible scenarios involving similar land uses and development intensities.⁵⁰ As the Staff Report discusses, the City has not taken any affirmative steps to implement these potential redevelopment scenarios in its most current guidance for the Property,⁵¹ despite the availability of these suggestions for years prior to the current Comprehensive Plan’s adoption. Given this, FCC should not be forbidden from pursuing a permitted use within its current and future guided zoning district purely because these concepts were suggested in the past without any implementation in the interim.

⁴⁴ 560 Randolph Appeal Staff Report Packet, *Comprehensive Plan Summary for 560 Randolph Avenue* (Feb. 7, 2025).

⁴⁵ MRCP at 30.

⁴⁶ MRCP at 17.

⁴⁷ MRCP at 31.

⁴⁸ MRCP at 49.

⁴⁹ GRPP at 5.

⁵⁰ Fort Road Development Plan at 3.

⁵¹ Staff Report, Finding 2(d).

IV. Conclusion

The proposed Facility will result in a mutually beneficial venture between FCC and the City to provide dependable and ecologically-sensitive waste collection services to tens of thousands of St. Paul residents. As demonstrated above, and in the Statement of Clarification, the review process followed by Staff in finding that the Proposed Use is similar to a public works yard or maintenance facility satisfies the four (4) standards for a similar use determination set forth in Code Section 61.106. The Appeal fails to provide any evidence of error in Staff's determination that the Proposed Use complies with the requirements of the Code and the Comprehensive Plan.

Accordingly, FCC respectfully requests that the Zoning Committee recommend, and the Planning Commission decide, to deny the Appeal and affirm Staff's similar use determination for the Proposed Use of the Facility.

Very truly yours,

/s/ Daniel Rumsey

Daniel Rumsey
Regional Vice President
FCC Environmental Services

cc: Joel Blake (via email)
Katherine A. Johnson (via email)