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Memorializing a City Council decision to grant the appeal of Julia McColley and West 7<sup>th</sup>/Fort Road Federation from a Planning Commission decision to deny the appeal regarding a zoning administrator's Statement of Clarification for a truck dispatching yard and maintenance facility at 560 Randolph Ave.

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WHEREAS, on December 16, 2025, FCC Environmental Services, LLC (FCC) wrote to the Zoning Administrator's office in the Department of Safety and Inspection (DSI) requesting a Statement of Clarification to operate a waste dispatch center at 560 Randolph Avenue in St. Paul as a use similar to a Public Works Yard or Maintenance Facility (Sec. 66.521), Parcel Identification Number (PIN) 12.28.23.32.0016, legally described as Section 12, Town 28, Range 23 A, 24,300 MOL square feet lease located on ...Govt. Lot 4 in Section 12 TN 28 RN 23; and

WHEREAS, on January 10, 2025, the zoning administrator issued a Statement of Clarification (#24-102442) determining that FCC's proposed use at 560 Randolph Avenue was similar in character and impact to a public works yard or maintenance facility as specified under Sec. 61.106 of the Saint Paul Zoning Code; and

WHEREAS, the zoning administrator also found that FCC met the following required conditions:

- (a) the use is similar in character to one (1) or more of the principal uses permitted;
- (b) that the traffic generated on such use is like one (1) or more of the principal uses permitted;
- (c) that the use is not first permitted in a less restrictive zoning district;
- (d) that the use is consistent with the Comprehensive Plan; and

WHEREAS, on January 16, 2025, Julia McColley on behalf of the West 7<sup>th</sup> and Fort Road Federation (the Appellant) submitted an appeal to the Planning Commission disputing the factual findings and required conditions made by the zoning administrator.

AND, WHEREAS, the said appeal was duly noticed for a public hearing before the Commission's Zoning Committee ("Committee") on February 13, 2025; and

WHEREAS, on February 13, 2025, the Committee conducted the public hearing where all persons interested in the said application were afforded the opportunity to present testimony either in-person at the hearing or by the prior submission of written testimony for the record; and

WHEREAS, upon the conclusion of the hearing and based upon all the records and testimony presented including a staff report dated January 23, 2025, which recommended denial of the appeal and is also incorporated and adopted herein by reference, the Committee, for the reasons set forth in the PED staff report duly moved to recommend to the Commission that the appeal be denied; and

WHEREAS, on February 21, 2025, the Commission took up the recommendation of the Committee and, following deliberation regarding the application and its accompanying recommendation, the Commission denied the appeal, as set forth in Commission Resolution No. 25-9 which is also incorporated herein by reference.

AND, WHEREAS, on March 3, 2025, pursuant to Leg. Code § 61.702(a), the Appellant, under Zoning File No. 25-005-778, duly filed an appeal from the Commission's February 21, 2025, decision regarding the statement of clarification and requested a public hearing before the City Council ("Council"): and

WHEREAS, a public hearing on the said appeal was noticed under Council file No. APC 25-2 and set on for hearing before the City Council for March 19, 2025 which was duly published on March 5, 2025 and,

WHEREAS, on March 19, 2025, the Council conducted a public hearing on the Appellant's appeal where all persons interested were afforded the opportunity to be heard; and,

WHEREAS, at the conclusion of the hearing and based upon all the records and testimony presented, the Council, at the close of the public hearing, duly considered the matter; and

WHEREAS, the Commission's recommendation at Resolution No. 25-9 notwithstanding, the Council declined to find that the application of West 7th/Fort Road Federation for an appeal of the Zoning Administrator's decision to issue a Statement of Clarification that a proposed solid waste truck dispatch center and maintenance facility is similar to a public works yard or maintenance facility at 560 Randolph Avenue; and by this Resolution, the Council hereby memorializes its reasons for this action;

WHEREAS, state law<sup>1</sup> requires an agency to state in writing the reasons for a denial of a written request relating to zoning; and

WHEREAS, FCC Environmental Services, LLC submitted a written request related to zoning;

WHEREAS, this writing only memorializes the reasons for the denial as required by statute;  
NOW, THEREFORE,

BE IT RESOLVED that the record reflects that the Council of the City of Saint Paul's reasons to deny the Zoning Administrator's Statement of Clarification regarding a similar-use determination, were as follows:

1. Planning Commission made an error in fact when it found that the proposed use is "similar in character to one or more of the principal uses permitted in the district when it failed to consider the significant differences in daily traffic between the proposed use of this facility and average daily traffic near a Public Works yard.
2. The Planning Commission made an error in fact when it failed to address whether FCC's estimated vehicle impact is comparable to a Public Works yard. This use is estimated to generate a minimum of 150 vehicle trips per day, including 36 trash trucks departing and returning each day). There was no discussion of nor evidence presented to show that a Public Works yard experiences anything close to that level of daily traffic volume.
3. The Planning Commission made an error when it centered its discussion on an irrelevant distinction between a public and private corporation, while omitting discussions of the critical differences in traffic that make one use very dissimilar to another.
4. FCC argues that the proposed use is comparable with other permitted uses in the district, such as bus or taxi parking; but the impact of garbage trucks is simply different

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<sup>1</sup> Minnesota Statute 15.99 subdivision 2 says "[i]f an agency denies [a written request related to zoning], it must state in writing the reasons for the denial at the time that it denies the request."

than that of buses or taxis by nature of the type of cargo they haul, the noise and smells they emit, and the fact that garbage trucks are an order of magnitude heavier than buses, taxis or the service vehicles that come in and out of a public works yard on a regular basis. The impact on pedestrians, cyclists and on the roadways are simply different with garbage trucks than with other lighter vehicles. These issues were not discussed by the Planning Commission in error.

5. The Planning Commission made errors when it found the proposed Use is Consistent with the Comprehensive Plan when the Comprehensive Plan designates 560 Randolph as part of the Randolph-W. 7th/Schmidt Neighborhood Node, and the Planning Commission failed to consider it as such. Several Land Use policies related to Neighborhood Nodes directly conflict with the addition of a large-scale garbage refueling facility, including two of the principles under Policy LU 30,<sup>2</sup> prioritizing, pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety, and clustering neighborhood amenities to create a vibrant critical mass.
6. In addition, Land Use Policies 31, 32, and 33 conflict with the addition of a large-scale garbage refueling facility in the following ways:
  - a. *Policy LU-31. Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.*
  - b. *Policy LU-32. Establish or enhance open space close to Neighborhood Nodes, such as public parks, publicly-accessible private open spaces, and school playgrounds.*
  - c. *Policy LU-33. Promote amenities that support those who live and work in Neighborhood Nodes, including frequent transit service, vibrant business districts, a range of housing choices, and neighborhood-scale civic and institutional uses such as schools, libraries and recreation facilities.*

The emphasis in these Land Use Policies from the Comprehensive Plan is clearly on walkability, pedestrian safety and neighborhood scale amenities, none of which is compatible with a regional trash truck refueling facility. When considering these policies, the Planning Commission committed an error and FCC's proposed use is not consistent with the 2040 Comprehensive Plan.

7. City Council found that the Planning Commission made errors in procedure when the City staff failed to provide the complete record of public testimony to the Planning Commission and the Planning Commission failed to consider the complete record. The missing record included 19 of 27 (or 70%) of the letters submitted to the Planning Commission and the opening statement of the W. 7th/Fort Road Federation's opening statement to the Zoning Committee which laid out their main argument for their appeal.

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<sup>2</sup> *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*

1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*
2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
3. *Cluster neighborhood amenities to create a vibrant critical mass.*
4. *Improve access to jobs by prioritizing development with high job density.*

NOW, THEREFORE, BE IT RESOLVED, based upon all files, reports, and testimony in the matter, the Council hereby finds the errors noted above in the Commission's facts, findings, and procedure with respect to the Commission's decision to deny the appeal of Julia McColley and West 7<sup>th</sup>/Fort Road Federation, the Council accordingly hereby grants the appeal. AND,

BE IT FINALLY RESOLVED, that the City Clerk provide a copy of this memorialization resolution to Appellant, Julia McColley and West 7<sup>th</sup>/Fort Road Federation, the Applicant, FCC Environmental Services, LLC, the Planning Commission, and to planning administrator Robinson and zoning administrator Diatta.