

AGENDA
NEW BRIGHTON PLANNING COMMISSION
REGULAR MEETING

TUESDAY, MAY 17, 2011
7:00 P.M.

1. Call to Order:

2. Roll Call:

_____ Bruce Howard	_____ James Alvey	_____ Michael Shardlow	_____ Verne McPherson
_____ Steve Danger	_____ Vacant	_____ Erin Nichols Matkaiti	

3. Agenda Review

4. Approval of Minutes

(A) April 19, 2011

5. Report on Council Action: Gina Bauman, City Council Member

6. Public Hearings

(A) Continuation: Donald Wyland and Carol Noren request a Special Use Permit to allow operation of a pet cremation business out of an existing industrial building located at 15 2nd AVE SE.

(B) Pratt Ordway Properties requests a Planned Unit Development Amendment and Special Use Permit to allow construction of an outdoor dining area for the corner tenant of Building E, located at the northwest corner of 5th AVE NW and 5th ST NW (County Road E2 Extension) at 500 5th AVE NW.

(C) SilverCrest Properties LLC requests a Planned Residential Development Amendment for Meadowood Shores, located at 2100 Silver Lake Road, to allow erection of a wall sign.

7. Announcements:

(A) Welcome new Commissioner, Michael Shardlow.

8. Adjourn: _____

** A Quorum of the City Council may be present.*

Not Approved

PLANNING COMMISSION PROCEEDINGS

Regular Meeting – April 19, 2011 7:00 p.m.

Present: Chairperson Bruce Howard, Commissioners, James Alvey, Steve Danger, Verne McPherson, and Erin Nichols-Matkaiti

Absent: None

Also Present: Janice Gundlach-City Planner, Councilmember David Phillips, and Katie Bruno-Office Assistant.

Agenda Review: The agenda was presented and approved.

Minutes: Minutes from February 15, 2011 were presented and approved.

Council Action: Councilmember Phillips reported the library being relocated at the New Brighton Community Center will be called the New Brighton Library. A request was submitted to Clearwire asking them to rebuild the tower in Freedom Park as approved. Councilmember Phillips reminded the residents that the City is accepting applications for Advisory Commissioners.

Public Hearing:

(A) Pratt Ordway Properties requests a Special Use Permit to allow an amendment to the existing Comprehensive Sign Plan for Main Street Village, 500 5th AVE NW, specifically to allow a larger tenant sign for the corner tenant space of Building E.

City Planner Gundlach reported the applicant is requesting a Special Use Permit to allow an amendment to a previously approved, and amended, comprehensive sign plan for Main Street Village. This specific request would allow a larger wall sign for the corner tenant of Building E, which is the retail building located at the corner of 5th AVE NW and County Road E2. The current sign plan allows for a 28 SF wall sign. The proposed amendment would be to allow a 48 SF sign for the corner tenant of Building E, as this corner tenant is considered a major tenant in that it encompasses the largest space in the building. The original sign plan dates back prior to 2005. The sign plan has been amended at least three times since its adoption. The comprehensive sign plan procedure is such that developers can cater sign plans to meet specific needs in redeveloped and shopping center areas, however any time a change is requested it must be reviewed and approved through the Special Use Permit process.

Staff recommends approval of the Special Use Permit, amending the Comprehensive Sign Plan for Main Street Village, subject to the following condition:

1. A 48 SF sign shall be permitted for the corner tenant of Building E only when that corner tenant occupies more than one tenant space/suite, specifically occupying suites 104, 105, and 107 as illustrated on the suite layout provided.

Commissioner Nichols-Matkaiti questioned whether the amendment amends the actual sign plan.

Ms. Gundlach responded the resolution outlining the Special Use approval is attached to the written sign plan. Commissioner Danger questioned if the sign is lighted. Ms. Gundlach responded the sign is lighted on the street sign only.

Not Approved

Chairperson Howard opened the Public Hearing at 7:09 pm.

Motion by Commissioner McPherson, seconded by Commissioner Alvey to close the Public Hearing.

5 Ayes, 0 Nays, Public Hearing was closed at 7:10 pm.

Chairperson Howard commented the request seems reasonable. Commissioner Danger and Nichols-Matkaiti agreed.

Motion by Commissioner Alvey, seconded by Commissioner McPherson to approve the staff recommendation as follows;

Staff recommends approval of the Special Use Permit, amending the Comprehensive Sign Plan for Main Street Village, subject to the following condition:

1. A 48 SF sign shall be permitted for the corner tenant of Building E only when that corner tenant occupies more than one tenant space/suite, specifically occupying suites 104, 105, and 107 as illustrated on the suite layout provided.

5 Ayes, 0 Nays, Motion Carried.

- (B) Donald Wyland and Carol Noren request a Site Plan and Special Use Permit to allow a 20' x 25' addition to an existing industrial building at 15 2nd AVE SE and to permit operation of a pet cremation business.

City Planner Gundlach reported the applicant is requesting a Special Use Permit and Site Plan to allow construction of a 20' x 25' addition at 15 2nd AVE SE, and to permit operation of a pet cremation business. The site contains a small stand alone building, measuring 39' x 25', formerly used as an auto body shop. The improvements include re-orientation of some parking stalls at the east end of the site and modifications to the existing building, including removal of the service bays and associated overhead doors. The applicant will install one overhead door to the east façade of the addition to allow interior unloading if necessary, plant 9 trees around the perimeter of the site, and install rain gardens in the front yard in accordance with Rice Creek Watershed District rules. The applicants appeared before the Planning Commission and City Council in January of this year. The former request was for a multi-tenant industrial building at the corner of 3rd ST SW and Old Highway 8 SW

Building and parking setbacks, building height, floor area ratios, # of parking stalls, and exterior building materials were examined and found to comply with the requirements of the I-1, Light Industrial zoning district. One minor issue exists where parking lot was paved illegally by the prior owner within the 40' front yard setback. Staff recommends this parking area is removed to comply with parking setbacks, which the applicant has agreed to do.

The I-1, Light Industrial district standards do not list "pet cremation" as a permitted use. Section 6-050(2) states any use, except residential, may be permitted through a Special Use Permit. The cremations would be conducted using a retort (not an incinerator). The retort is of "hot hearth" technology meaning only heat vapors escape through the roof stack. The applicant has provided information indicating the retort's emissions are low enough that an MPCA permit isn't necessary and that it doesn't produce any odors.

Not Approved

Staff considered the proposed use in accordance with the special use standards of Section 8-130.

In summary, we find the standards are met based on the following:

- The technical information provided indicates very low emissions, no odors, and no discernable smoke.
- The site is located in a primarily industrial neighborhood, with the nearest residence being 330' to the north, which is separated by a railroad.
- Pets can be dropped off indoors if necessary.
- On-site parking is adequate to support the proposed use.
- All other zoning district standards are met.

13 notices were sent out, 5 inquiries expressing opposition were received. The following concerns were expressed by the public:

- Odors, emissions, and general environmental concerns
- “not in my backyard”
- Lowering of property value because of proximity to crematory
- Too close to residential uses & parks
- Traffic
- Parking

Staff's general thoughts with regard to public concerns include:

- Any denial has to be based on a tangible negative impact to the public.
- Emissions will be regulated by the MPCA, which are low enough that a permit won't be required.
- Odors will be prohibited through the Special Use Permit.
- The railroad provides a buffer to the nearest residential uses.
- Nearest park is 800' – 1000' away.
- Traffic and parking will be much less than what could occur with many of the permitted industrial uses (like warehousing and manufacturing).
- Inquiries to other Cities that have cremation uses indicate no problems.
- It's also important to note that this use was previously approved at a different location, which was adjacent to residential uses.

Staff recommends the City Council approve the request, subject to the following ten conditions :

- Site plan is developed in accordance with the submitted survey.
- The parking lot area lying within the 40' front yard setback is removed.
- The Landscape Plan is implemented as proposed.
- The Special Use Permit shall permit pet cremation only, which allows ancillary retail sale of cremation/memorial products for pets.
- All State and County air emissions & environmental permits that are applicable are obtained & submitted to the City in conjunction with the required building, mechanical, and electrical permits.
- The Building Official & Fire Marshall inspect the facility following installation of the retort & prior to opening for business.
- Only one retort/cremation machine is permitted on site.
- Unclaimed ashes are disposed of in a lawful manner.
- No odors from the operation are detectable at the property line.

Not Approved

- Any expansion requires review of an amendment to the Special Use Permit.

Commissioner McPherson questioned if the prior approved site is operational. Ms. Gundlach responded the applicant chose not to operate in that location.

Councilmember Phillips questioned if parking stall #1 would need to be moved to meet the 40 foot setback, additionally Councilmember Phillips expressed concern with the two way traffic on a 16' width drive aisle. Ms. Gundlach explained the 16' width was approved as part of the initial development of the property in 2006.

Chairperson Howard opened the Public Hearing at 7:24 pm

Mr. Torklidson, residing at 128 New Brighton Rd. questioned where the pets will come from, and how many pets will be cremated. Additional concern was expressed related to regulation. Mr. Torklidson stated he really does not want the business in the neighborhood.

Brian Jorgenson, residing at 1978 Thom Dr. reported he visited a pet cremation facility in Edina, MN. Photos of the Edina site were displayed, it was noted that the site is completely surrounded by industry. Mr. Jorgenson displayed photos of the proposed New Brighton site for comparison.

Mr. Jorgenson also stated he feels this business could negatively affect his property values in the area.

Joey Torklidson, residing at 2010 Thom Dr. questioned if the 350' radius may have missed some properties, as it appears to be awkwardly shaped. Concern was expressed with the regulation of odors. Mr. Torklidson commented that he does not feel the railroad provides an adequate buffer. Hours of operation were questioned.

Richard Kotoski, is a property owner of two lots on Thom Dr. expressed concern with falling property values as well. Another concern was with the notification process. Ms. Gundlach confirmed notice was published on the local newspaper. Mr. Kotoski stated he has worked with a crematorium in the past, and there are measurable odors emitted.

Paul Gritzman, residing at 173 2nd Ave SE commented that a 350' notification is not adequate for this type of request, and would have preferred a sign at the proposed site announcing the Public Hearing.

Mr. Gritzman expressed concern with property values.

Brenda Holden, residing at 1881 Beckman, Arden Hills questioned how the MPCA would regulate the emissions if they do not have a permit. Ms. Holden also commented that the railroad will not serve as a buffer, also noted was the proposed landscaping plan with the 9 trees, does not provide adequate screening. Ms. Holden would like to require a permit from Rice Creek Watershed District be obtained prior to issuance of a building permit.

Al Fimon, residing at 280 1st St SE reported he was not notified of the proposed project, and commented he was originally unaware his property was not zoned residential. Mr. Fimon reported he is not in favor of the project.

John Fenske, residing at 138 2nd Ave SE commented he is not completely opposed to the request, and questioned how the original building was ever approved.

The applicant Skip Wyland introduced himself and his wife Carol Noren. Mr. Wyland explained the drop off process, stating that the animals will be cremated individually. A brief explanation of the retort machine was offered, noting only the pet is placed in the retort. It was clarified that the retort is different than an incinerator, and that the retort is all electronically controlled.

There are no odors emitted, because of the high temperature of 1500 degrees. A letter authored by an environmental engineer reporting that the design minimized emissions produced in the exhaust stack, in fact below the state threshold and do not require a permit from the state. Carbon monoxide levels are less than a barbeque grill, freight train, or wood burning stove.

Not Approved

Mr. Wyland addressed the concerns related to declining property values, stating the railroad, trees and service road provide a buffer, indicating he would be willing to plant taller trees.

Commissioner Danger questioned the process for unloading of pets. Mr. Wyland indicated there are two access points for entry.

Councilmember Phillips expressed concern with the driveway, noting it would be very difficult to access the rear garage, and suggested the Planning Commission continue to work with the applicant to correct site plan issues.

Commissioner Howard questioned the expectation of number of pets. Mr. Wyland responded perhaps two per day.

Commissioner Nichols-Matkaiti questioned storage options. Mr. Wyland indicated a deep freezer would be on site.

Commissioner Danger questioned the disposal of ashes. Mr. Wyland responded the majority of clients will request their remains be returned to them. Arrangements have been made for those who do not as well.

Richard Kotoski cautioned the commission that the business will strive to be profitable, and that will result in increased traffic. Mr. Kotoski does not consider the railroad an adequate buffer.

Paul Gritzman questioned if 2-3 clients per day would be profitable. Mr. Wyland responded it would currently.

Ms. Holden questioned the recalibration process. Mr. Wyland reported a service contract warrants fine tuning every 500 burns, and every 2000 burns the machine is serviced.

Mr. Wyland reported typical hours would be 9:00 am-5:00 pm, with occasional evening appointments.

Ms. Gundlach reported the RCWD enforces their own regulations, the City does require the applicant obtain a permit from RCWD, improvements can be made simultaneously.

Chairperson Howard questioned who is responsible for enforcement of the rain gardens. Ms. Gundlach reported the RCWD monitors the installation and maintenance.

Commissioner McPherson questioned whether other businesses in the area have restrictions on their hours of operations. Ms. Gundlach reported many of the industrial businesses are permitted to operate 24 hours per day, 7 days per week. Ms. Gundlach stated the planning commission can further restrict hours of operation through the special use permit.

Councilmember Phillips reported concern with access and turn around options with the planned addition, and suggested possibly building the addition to the south.

Ms. Gundlach reported the site was approved in 2005; the applicant in 2006 amended the request, and received approval. The amendments were approved, still keeping the 16' drive aisles. The parking stalls are parallel stalls, allowing drive aisles widths of 16'-18'.

Commissioner McPherson questioned the setback requirements for industrial zoned properties. Ms. Gundlach responded the set back is 15', which would not allow for an addition to the south.

Ms. Gundlach did note that an office showroom only requires 5 stalls, and suggested stall 6 could be removed.

Chairperson Howard stated the planning commission will not be able to approve the request because of the site plan issue. Commissioner McPherson suggested included additional screening as well.

Commissioner Danger stated he would like the planning commission to submit to the City Council a plan that will be approved.

Motion by Commissioner McPherson, seconded by Commissioner Danger to table the item and continue the Public Hearing to the May 17, 2011 planning commission meeting.

Not Approved

5 Ayes, 0 Nays, Public Hearing continued until the May 17, 2011 meeting.

(C) Vicki Van Dale requests a Special Use Permit to allow operation of a doggie day care business out of an existing industrial building located at 1561 Old Highway 8 NW.

City Planner Gundlach reported the applicant is Vicki Vale Dale the property owner and owner of the existing business, Accurate Press, located within the building. The property is located at 1561 Old Hwy 8 NW, zoned MX, Mixed Use, located within an industrial area. The request is for a Special Use Permit, which would permit a doggie day care business, including ancillary retail sales, daytime and overnight boarding, grooming, and training. The applicant will initially start by offering daytime boarding of animals no larger than 20 lbs. and ancillary retail sales, then progress into the other services listed if the business is successful. The request includes use of approximately 2,000 SF of existing indoor floor area. Also included is an outdoor fenced-in area for use by dogs. Staff has recommended the outdoor area utilizes a privacy fence to screen the area from traffic from the north and south, along Old Highway 8 NW. The applicant would be able to use chain-link fencing from the east, along 14th ST NW.

In order to make an approval recommendation to the City Council, the Commission must consider the special use standards of Zoning Code Section 8-130. In summary, staff finds the proposed use to meet the special use criteria, based on the following:

- The outdoor area would be screened from Old Highway 8 NW.
- No residential uses are nearby or adjacent.
- Industrial uses are mostly impacted, but still at least 200' away.
- The area already has high traffic, creating substantial noise.
- Adequate parking is provided on site and the uses within the building would be compatible.

Staff recommends the City Council approve the request, subject to the following two conditions:

- The outdoor area is completed fenced-in as shown on the plan provided, with a privacy fence implemented along Old Highway 8 NW and along the northern frontage. A chain-link fence would be allowed along 14th ST NW. The fence must be at least 6' high, but no higher than 8'.
- Animals may not be kept in the same area as the sprinkler riser to ensure it is accessible at all times by the Fire Marshal.

Chairperson Howard opened the Public Hearing at 8:45 pm.

Commissioner Danger questioned how many dogs the applicant would care for. Ms. Van Dale responded she expects 10-12, possibly up to 18, dogs will weigh no more than 40 pounds.

Commissioner Nichols-Matkaiti asked if the fencing will go below ground. Ms. Van Dale confirmed, stating it is a safety issue. Ms. Van Dale reported they are currently looking at various fence height options. City Planner Gundlach reported industrial districts are allowed 8 foot fences, noting a building permit would be required for a fence higher than 6 feet.

Commissioner Nichols-Matkaiti questioned if there will be boarding services. Ms Van Dale would like to offer crate free boarding in the future.

Not Approved

Motion by Commissioner Danger seconded by Commissioner Nichols-Matkaiti to close the Public Hearing.

5 Ayes, 0 Nays, Public Hearing was closed at 8:53 pm.

Chairperson Howard questioned whether a 6 foot fence would be adequate to restrain dogs. Ms. Gundlach noted the option to go up to 8 feet is available.

Motion by Commissioner Danger seconded by Commissioner McPherson to approve staff recommendation.

5 Ayes, 0 Nays, Motion Carried

Commissioner Danger expressed his gratitude to Councilmember Phillips for his service as liaison to the Planning Commission.

Adjournment:

Motion by Commissioner Alvey, seconded by Commissioner McPherson to adjourn the meeting.

5 Ayes, 0 Nays, Motion Carried

Meeting adjourned at 9:07 PM



MEMO

DATE: May 13, 2011
To: Planning Commission
FROM: Janice Gundlach, City Planner JG
SUBJECT: Follow-up Information on SP2011-007

Rather than prepare another Planning Report, this memo will serve as an update on the issues that were raised at the April 19th Planning Commission meeting concerning Donald Wyland and Carol Noren's request for a Special Use Permit and Site Plan to operate a pet cremation business at 15 2nd AVE SE.

Each issue is bulleted below with an explanation on what has occurred since the last meeting:

➤ **SITE PLANNING CONCERNS**

Council member Phillips expressed concerns regarding the proposed addition, parking lot functionality, handicap accessibility, and overall concern the site was being overbuilt with the proposed addition. The applicants have evaluated their needs and have withdrawn their request for a Site Plan approval to permit the addition. The applicants feel their needs can be adequately met within the confines of the existing 25' x 39' building. Thus, the site will function as it functions today, which is in compliance with parking standards. The applicants would still proceed with removal of the two overhead doors facing north and replace those doors with a window and doorway as previously described.

➤ **LOCATIONS OF SIMILAR BUSINESSES & THEIR IMPACTS ON RESIDENTIAL AREAS**

Several comments were made at the April public hearing concerning the proposed pet cremation use existing too close to residential uses. One example in the City of Edina was shared; however that business was located in an industrial park. The applicant provided a list of the licensed crematories in the State of Minnesota. Staff located these addresses in Google Earth to determine if any of the sites were in residential areas. Staff was able to locate at least 5 examples: 2 in Minneapolis, 1 in Minnetrista, 1 in Brooklyn Park, and 1 in the City of Duluth. While there were others, these examples were the best representations of crematories in residential areas in that the Google Earth

photos clearly showed residential housing nearby. Staff contacted all 5 communities to inquire if any complaints were received regarding these uses. The Cities of Minneapolis, Minnetrista, and Duluth responded and reported no complaints. Staff specifically inquired about odor and all three communities reported no odor incidents. It should be noted that all 5 of these facilities are human crematories, which use retorts much larger than the applicant is proposing and would have much greater emissions and opportunities for odor.

Because all 5 of these examples were human crematories, staff wanted to locate a pet crematory near a residential area to determine if any odor or any other incidents have occurred. Staff located a business call Forever Friends in Green Bay, Wisconsin. This business has two single family homes to the direct north (approximately 100' away), a day care and restaurant to the east, and other single family homes and commercial uses to the south. Staff inquired with the City of Green Bay, who issued a Special Use Permit in 2002. The business is going on its 9th year and no complaints have been filed with the City. Staff then inquired with the operator to determine what their experience has been with regard to pet cremations. This operator uses almost the exact same technology the applicants wish to use, except Forever Friends uses a 400 lbs max machine (the applicant's machine has a max weight of 200 lbs). This operator conducts 4,000 pet cremations a year and has never experienced odor issues or any other mechanical incidents. This operator acknowledged the biggest concern is with storage of the animals in advance of the cremation. This operator uses a walk-in freezer but indicated a deep freeze, as proposed by the applicant, would be sufficient.

➤ **HOW DOES THE MPCA DETERMINE WHETHER OR NOT A PERMIT IS REQUIRED & WHAT ARE THE MPCA STANDARDS**

Staff inquired with an environmental engineer at Barr Engineering on what the MPCA process is for determining whether or not a permit is required for any emissions created by the retort. The MPCA accepts manufacturer information regarding emissions to determine if the levels produced are below the threshold for requiring a permit. These manufacturer specifications are signed off by a licensed engineer. The engineer at Barr indicated this is an acceptable practice in the industry and is not abused. Staff also requested a 3rd party stack analysis, which was provided and is discussed further on in this memo.

The MPCA's biggest concern isn't necessarily what is coming out of the stack, but rather what is the temperature at the time it is released from the stack and the velocity by which it propels up into the air. This is because if the stack emission is hot enough and buoyant enough, once released into the atmosphere it will dissolve with enough air to not cause health or environmental impacts. If the emission isn't hot enough or released at an adequate velocity, there will be downwash, which then has the potential to cause harm by humans breathing the emission in or building mechanical systems sucking the emission in.

The applicant provided an MPCA publication from May of 1998 that outlines the requirements for waste combustors that do not require permits from the MPCA. There are essentially three components. The applicant has indicated per the manufacturer specifications that their proposed machine, BL200, will meet these standards. This information was supplied to the City's environmental engineer, who reviewed it and provided comments. The applicant provided some additional information at the request of Mr. Gantzer, to confirm their retort will comply with the Class IV waste combustor rules. Staff has proposed conditions of approval that require conformance with the Class IV waste combustor standards. Staff also recommends a condition of approval related to the stack height and that it not exceed 1' above the peak of the roof, and that it is constructed on the south-sloping pitch of the roof. This stack standard is important as it directly relates to meeting the temperature and buoyancy requirements the MPCA imposes.

➤ **WHAT SPECIFICALLY ARE THE EMISSIONS**

There have been inquiries regarding what specifically is coming out of the stack. The applicant provided a 3rd party stack test that was performed on the exact same retort the applicant wishes to install (BL200). This machine and test was conducted in the state of New York in 2007. Page 6 of that analysis provides several details regarding the air samples that were collected. Specifically, Carbon Dioxide, Oxygen, and Nitrogen are listed. Also measured is "particulates". The individual particulates are not listed, only simple measurements of the amounts of particulates are listed. Per Mr. Gantzer's comments, the particulates are the biggest concern with regard to health and environmental impacts. There isn't any scientific reason to determine what specific particulates exist because the amounts are so low they won't cause health impacts. The MPCA doesn't require these particulates to be analyzed because their amounts are too low to cause concern.

➤ **HOW WILL ODOR BE REGULATED**

There is no state or federal agency that regulates odor. The MPCA, MN Department of Health, nor the EPA regulates odor. City Zoning Code Section 6-390(8) states "any use established in an Industrial or Business District shall operate in a way so as to prevent the emission of odorous matter of such quality as to be readily detectable beyond the lot line of the site on which such use is located". The applicant will be required to meet this standard.

In the event an odor incident occurs, there is a scientific method to determining how odorous something is and what can be done to mitigate that odor. The applicant has been advised of this process and is prepared to undergo odor testing in the event odor issues arise. The City does have the option to criminally cite the owner for violation of Zoning Code Section 6-390(8) if odor issues are

identified. However, based on the manufacturer specifications and staff research of other crematories it is highly unlikely odor will be problematic.

➤ **HOW MANY CREMATIONS WILL BE DONE PER DAY**

The applicant indicated at the last public hearing that it is anticipated that 3 cremations would occur per day at the beginning, working up to 20 – 30 cremations per week. The proposed retort is limiting itself in that, once hot, is only capable of cremating 75 lbs / hour with a 200 lbs max per cremation. At max weight, this would allow 600 lbs to be cremated in a typical 8 hour day or 3, 200 lb pets. To provide another example of what the proposed retort could handle in a single day: take the average weight of a dog at approximately 35 lbs, allowing approximately 2 dogs to be cremated per hour, times 8 hours, equals 16 dogs. Obviously, many more cats could be cremated in a single day. One should also factor in the amount of time it takes to keep the retort hot enough to run properly, which likely would decrease the amount of cremations that could be done per day. Nonetheless, there isn't an ability to cremate an infinite number of animals per day.

➤ **WHAT IS THE FUEL SOURCE FOR THE EQUIPMENT**

Natural gas

➤ **WHAT IF THE EQUIPMENT MALFUNCTIONS**

The retort is completely computerized so as to prevent the machine from malfunctioning. The applicant has indicated the manufacturer, with the sale of the retort, will provide instruction and warranty work. The applicant also intends to contract with a company out of White Bear Lake, who services a variety of cremation machines.

➤ **HAVE THE RICE CREEK WATERSHED DISTRICT (RCWD) REQUIREMENTS BEEN MET**

The prior owner neglected to follow-through on obtaining a permit from the Rice Creek Watershed District. Prior to purchasing the property, the applicant inquired with the RCWD to determine if any outstanding issues existed. The RCWD informed the applicant they'd have to implement the rain gardens originally proposed. The seller escrowed this money at closing with the intent to meet RCWD rules. If the seller does not follow through, the applicant is prepared to implement the rain gardens himself and has included this on the landscaping plan that was submitted last month. Staff discussed these issues with the RCWD, who indicated they are pursuing this as a "compliance issue" and will not require a new permit from the applicant.

➤ **WHAT ARE THE VISUAL IMPACTS TO THE NORTH & HOW CAN THEY BE MITIGATED**

Concerns were raised at the last public hearing regarding screening the proposed business from the residential uses to the north. This includes managing pet drop-offs in a manner where the residences to the north will not have to see a dead pet, as well as screening the stack. The applicant has indicated that pets will be brought into the building from the access door on the south façade of the building. Also, the applicant proposed to install the necessary stack on the south side of the pitched roof. It is anticipated the stack will not extend any higher than 1' above the peak height of the roof, meaning the neighbors to the north will be minimally impacted from a visual standpoint.

The applicant has also indicated they will plant 6' evergreen pines along the northern lot line. If required the applicants would be willing to install a fence. Staff finds that visually the site will be improved with removal of the overhead doors. Staff is supportive of 6' tall evergreens spaced appropriately along the northern boundary of the site for added visual screening.

➤ **WHAT ARE THE HOURS OF OPERATION**

The applicant indicated at the public hearing last month, hours of operation would typically be consistent with regular business hours but they'd also like the ability to be open late on occasion to serve families after work/school hours. Staff would recommend hours of operation, such as 9 am – 6pm Monday – Friday, with a 9pm closing time allowed once per week.

➤ **WHERE/HOW WILL THE PETS BE UNLOADED**

Most pets will be brought to the site by their owners, one at a time and by appointment only. They would be brought into the building from the south side. Pets will not be trucked to the site in mass.

➤ **HOW WILL THE PETS BE STORED PRIOR TO CREMATION**

The applicant intend to use a deep freeze.

➤ **WHAT ABOUT UNCLAIMED ASHES**

The applicant indicated at the public hearing last month that the majority of people claim their pet's ashes, which is the reason they choose this option for their pet's disposal. However, some will not want the ashes back. Under that scenario the applicant will lawfully dispose of the ashes at a farm for use as fertilizer.

➤ **HOW MANY EMPLOYEES WILL THE BUSINESS HAVE**

The applicant has indicated they intend to run a small family business, employing only themselves.

SPECIAL USE PERMIT CRITERIA

Based on the new information gathered since the last Planning Report in April, staff has updated the Special Use Permit standards of Zoning Code Section 8-130 below (staff responses in *italics*):

(1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed retort will not create any offensive odors, emissions or smoke that is detrimental to public health and safety.

(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Staff finds that the proposed cremation business will not be any more injurious to the use or enjoyment of property than the previous automotive repair and sales use. The applicant intends to remove the overhead doors facing north, which staff finds will have a positive aesthetic impact. The majority of the proposed stack will not be visible and traffic to the property will decrease, also having a positive impact on the area. This property is located within an established industrial area such that this specific use will not have any further negative impacts on property value.

(3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This property is within an established industrial area. The surrounding area is nearly fully developed, thus the business will not impede orderly development.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

All existing utilities and access roads will be adequate. With implementation of the rain gardens on the front yard, drainage conditions will improve on site.

(5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

The proposed business would occupy an existing building that was approved in 2006 and found to meet all applicable development regulations. Per the staff recommended conditions of approval, all other applicable regulations will be met.

STAFF RECOMMENDATION

To conclude, staff finds that all the information gathered and analyzed regarding the proposed use suggests it will not have any tangible negative impact to the public health and safety. With implementation of the staff recommended conditions outlined in the attached resolution, staff recommends approval of the Special Use Permit.

ATTACHMENTS

- A – Resolution
- B – Applicant Updated Narrative
- C – Public Comments (received since last Planning Report)
- D – Google Maps of other Crematories
- E – Email from City Environmental Consultant dated 5-11-2011
- F – Independent Stack Analysis from Middleport, NY
- G – MPCA Publication RE Class IV Combustors (no permit requirement)
- H – Manufacturer Information on Proposed Retort
- I – Planning Report & Exhibits dated 4-13-2011

**RESOLUTION
PLANNING COMMISSION
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Donald Wyland & Carol Noren on behalf of Pets Remembered to permit operation of a pet cremation business at the existing building located at 15 2nd AVE SE, and

WHEREAS, the procedural history of the application is as follows:

1. An application for a Special Use Permit and Site Plan was received on April 1, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on April 19, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission tabled action on April 19th to allow gathering of additional information.
4. The applicant withdrew their request for a Site Plan on May 13, 2011.
5. The Planning Commission continued the public hearing on May 17, 2011 and all parties were given the chance to freely speak.
6. The Planning Commission recommended the City Council approve the Special Use Permit, subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Special Use Permit (SP2011-007):

1. The property is zoned I-1, Light Industrial.
2. The property is guided in the Comprehensive Plan for Light Industrial.
3. The applicant has proposed to operate a pet cremation business, including the sale of ancillary pet cremation/memorial merchandise, out of the existing building located at 15 2nd AVE SE.
4. Zoning Code Section 6-050(2) allows approval of any use through Special Use Permit within the I-1, Light Industrial, so long as the use is neither residential nor deemed heavy.
5. The Planning Commission reviewed the proposal in accordance with the following Special Use Permit conditions of Zoning Code Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

- e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
- 9. The Planning Commission found all Special Use Permit criteria of Section 8-130 to be met due to the following:
 - a. The proposed location is in a primarily industrial area with no residential uses directly adjacent.
 - b. Adequate parking will be provided on site and traffic to the site will decrease.
 - c. The cremation services will be for pets only.
 - d. The site is used and immediately surrounded by other industrial uses.
 - e. The applicant has provided manufacturer specifications on the proposed retort which states that emissions are below MPCA permitting guidelines and there are no odors emitted into the air.
 - f. The applicant will be making improvements to the building and site, which will have an overall positive impact to the area.
 - g. Numerous crematories are located in and near residential areas and do not pose any negative impacts.

NOW THEREFORE BE IT RESOLVED, that based upon the above findings of fact the application for a Special Use Permit (SP2011-007) is hereby recommended to the City Council for approval, subject to the following conditions:

- 1. The Landscape Plan is implemented in accordance with the submitted plan. Additionally, 6' evergreens spaced every 10' shall be planted along the northerly, east/west property boundary and the rain gardens shall be installed per the RCWD rules.
- 2. The Special Use Permit shall permit pet cremation only, which includes the ancillary retail sale of cremation/memorial products for pets.
- 3. The applicant obtains all necessary air emissions and environmental permits and submits those permits (if required) to the City in conjunction with required building, mechanical, and electrical permits.
- 4. The City Building Official and Fire Marshal inspect the facility following completed installation of the retort and in advance of opening for business.
- 5. Only one cremation machine may be permitted within the building, at the maximum weight shall be 200 lbs. The applicant shall install the machine represented to the City through this review (BL200).
- 6. Unclaimed ashes are managed in a lawful manner.
- 7. No odors shall be detectable at or beyond the property line.
- 8. The proposed retort shall quality as a Class IV waste combustor per the MPCA guidelines.
- 9. The necessary stack shall not exceed a height of 1" above the peak of the existing roof. The necessary stack shall comply with MPCA rules concerning ambient air pollution concentrations.
- 10. Patrons of the business shall carry pets into the building from the southern building access door so as to limit view of dead pets from the north.
- 11. The following hours of operation shall be honored: Monday – Friday 9 am to 6pm, Saturday 9am – noon, and closed Sunday. The business may be open until 9pm one day per week at the owner's discretion, but not Saturday or Sunday.
- 12. Any expansion shall require review and approval of an amendment to this Special Use Permit.

Adopted this 19th day of April.

Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Follow-up from April Planning Commission Meeting Re: *Pets Remembered Crematory*

Following the April 19th Planning Commission meeting, where parking concerns were brought forth, we have decided to work with the existing footprint of 15 2nd Ave South. We will put the crematory in the existing building, not adding an addition and, therefore, we will not change the parking stall numbers that are in place.

We would like to plant six-foot evergreen pines on the north side of the property as an added level of visual blocking. We prefer trees over a fence because of the green value, as well as less maintenance and upkeep with trees. We lend to the Planning Commission to give us guidance on this issue, and although our preference is trees, we will install a fence if directed to.

The 12 inch stack (18 inch diameter) will be placed in the southeast corner of the roof on the side of the industrial park. There is currently a stack there now for the garage heater that is in place.

No permits or licenses to operate a pet crematory are required from the Minnesota Pollution Control Agency (MPCA) or from the United States Environmental Protection Agency (USEPA).

If the equipment to be installed meets (and it does), the May 1998 MPCA Fact Sheet titled "The Ban on Small, On Site Incinerators" there is no permit necessary from the MPCA.

The criteria include:

- A) Emissions not to exceed 20% opacity.
- B) Combustors must be equipped with afterburners that maintain flue gasses at 1200 degrees Fahrenheit for at least .3 seconds.
- C) Ash must be stored and transported in a way that avoids its becoming airborne.

See Minn.R. 7011-1215 and Minn.R. 7007.0250

As stated, the above criteria are met.

Federal Rules do not require crematories to obtain air permits per 40 CFR part 60, "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Other Solid Waste Incineration Units.

The Minnesota Department of Health was asked as recently as January 6, 2011 to evaluate a project of a human crematory install as to the environmental effects.

With consideration to the criteria set forth in Minn. R. 4410.1100, sup6, the MDH found that the (crematory) Project did not demonstrate that, because of the nature or location had the potential for significant environmental effects. The MDH found that the nature of the project is not unique. The human crematories are located in a variety of places. In Minnesota:

11 are in cemeteries

37 are near water

9 are in residential areas

27 are located near residential areas

34 are right in funeral homes (most of which are located in residential areas)

1 is in a medical facility (Mayo Clinic)

With consideration to the criteria set forth in Minn. R. 44101700, sup7, the MDH found that the evidence does not show that the crematory project may have the potential to cause significant environmental effects. MDH found that any potential effects that can be reasonably expected to occur from this project were negligible.

The MDH found that ongoing public regulatory authority will be able to address any significant potential effects that can be reasonably anticipated.

Based on information from the MPCA, the USEPA and crematory emission testing from published sources, the MDH found that the evidence does not show that the crematory project may have the potential for significant environmental effects.

Janice Gundlach

From: Pellegrin, Vince [vince.pellegrin@metc.state.mn.us]
Sent: Monday, May 02, 2011 3:54 PM
To: Grant Fernelius; Janice Gundlach; holdenbj24@aol.com; david.grant@ci.arden-hills.mn.us
Cc: Dean Lotter; Howard, Bruce; josephtokildson@edinarealty.com
Subject: Re: Pet cremation business in New Brighton

By all means. Please feel free to forward to whoever you think is appropriate. I fully understand some of these issues are fairly technical in nature. I would be pleased to receive any engineering reports that are available that address these issues.

Thanks

Sent from my HTC on the Now Network from Sprint!

----- Reply message -----

From: "Grant Fernelius" <Grant.Fernelius@newbrightonmn.gov>
Date: Mon, May 2, 2011 3:07 pm
Subject: Pet cremation business in New Brighton
To: "Pellegrin, Vince" <vince.pellegrin@metc.state.mn.us>, "Janice Gundlach" <Janice.Gundlach@newbrightonmn.gov>, "holdenbj24@aol.com" <holdenbj24@aol.com>, "david.grant@ci.arden-hills.mn.us" <david.grant@ci.arden-hills.mn.us>
Cc: "Dean Lotter" <Dean.Lotter@newbrightonmn.gov>, "Howard, Bruce" <bruce.howard@metc.state.mn.us>, "josephtokildson@edinarealty.com" <josephtokildson@edinarealty.com>

Vince,

We have received your latest email. I believe City staff has made a reasonable effort to respond to your questions and comments. I would encourage you to attend the Planning Commission meeting on May 17th. Would you mind if we shared the content of this email with both the New Brighton Planning Commission and the City Council? Please advise. Thanks.

Grant Fernelius
Community Development Director
City of New Brighton
803 Old Highway 8 NW
New Brighton, MN 55112

Direct: 651-638-2057
Email: grant.fernelius@newbrightonmn.gov
City's Website: www.newbrightonmn.gov

From: Pellegrin, Vince [mailto:vince.pellegrin@metc.state.mn.us]
Sent: Monday, May 02, 2011 2:34 PM
To: Janice Gundlach; holdenbj24@aol.com; david.grant@ci.arden-hills.mn.us
Cc: Dean Lotter; Grant Fernelius; Howard, Bruce; 'josephtokildson@edinarealty.com'
Subject: RE: Pet cremation business in New Brighton

Ms. Gundlach,

I have reviewed your response as well as your planning reports dated 1/13/11 and 4/13/11. My comments are in orange below.

5/11/2011

From: Janice Gundlach [<mailto:Janice.Gundlach@newbrightonmn.gov>]
Sent: Thursday, April 21, 2011 4:20 PM
To: Pellegrin, Vince; holdenbj24@aol.com; david.grant@ci.arden-hills.mn.us
Cc: Dean Lotter; Grant Fernelius
Subject: RE: Pet cremation business in New Brighton

Mr. Pellegrin,

Thank you for your comments. I will forward them to the Planning Commission. You may have heard from some of your neighbors that the Planning Commission tabled the request on Tuesday so that additional work could be done on the site plan. The Commission specifically didn't address many of the cremation concerns you and your neighbors have. However, I suspect this will be the primary discussion point at the next public hearing scheduled for May 17th. I would encourage you to attend. Also, I want to clarify a few things with regard to your comments. My comments are in red below:

From: Pellegrin, Vince [<mailto:vince.pellegrin@metc.state.mn.us>]
Sent: Thursday, April 21, 2011 11:42 AM
To: 'holdenbj24@aol.com'; 'david.grant@ci.arden-hills.mn.us'
Cc: Janice Gundlach; Dean Lotter
Subject: Pet cremation business in New Brighton

Hello Brenda and David,

The purpose of this communication is to share my concern for the pet cremation business that is being established in New Brighton just a few hundred feet from my residence on Thom Drive. I was unable to attend the New Brighton planning commission meeting this past Tuesday night. Ms. Gundlach said that she was recommending approval of this item by the Planning Commission and felt that in all likelihood it would be approved. I don't believe I said in all likelihood the request would be approved. My recommendation is to approve the request; however there is a public process involved and public testimony is included. The purpose of the hearing is to hear from the neighbors and address issues raised. Often times requests are amended in an effort to address public concerns, which is why I would encourage everyone to attend and be part of the process. I am told by Ms. Gundlach that my concerns must be specific.

With all due respect, I know what you said to me. In fact, I checked my notes from our conversation. You said that this item met all the necessary criteria, which I can see from your planning report you state is the case. It even has a page that is dated (in this case April 19) for the chairperson to sign when it is adopted. I thought the word "likelihood" sort of softened what you actually said to me. My notes say, and the clear impression that I got from you was, that since all the criteria was met you saw "no reason" that this item would not be approved by the Planning Commission.

Furthermore I cannot agree with your staff response in the "Special Use Permit Analysis" section Of the Planning Report. These are subjective opinions of New Brighton Planning Staff, not objectively determined facts.

So, specifically:

1. What are the gaseous and particulate emissions, and their respective levels from this facility? Not as stated by the manufacturer of the equipment but by a more objective/independent source. Ms. Gundlach tells me that there are no MPCA regulations covering this equipment or business.

What I stated was that based on the emissions information provided by the manufacturer, the emission types and levels are below the threshold for having to obtain an MPCA permit. I provided the manufacturer specifications to an environmental consultant the City uses, Barr Engineering, who preliminarily indicated that it's very likely this facility won't require MPCA permits. We are seeking more detailed information on emissions and will share that information at the Planning Commission meeting next month.

5/11/2011

I hope that the emission information that you reference is not from tests that have been performed or paid for by the manufacturer of this equipment. The manufacturer clearly has a vested interest in understating the actual emission levels. In your 1/13/11 Planning report there is a FAQ that references tests performed by "independent testing agencies". Can these test reports be supplied? These tests must be from the same model number equipment using the same fuel that will be used.

2. What happens should the equipment malfunction? Has there been a failure modes and effects analysis?

The applicant has indicated that when they purchase the equipment they also purchase a maintenance and service plan. Routine inspections are done and the machine is completely computerized to shut down in the event of a problem.

I appreciate the owners diligent maintenance efforts. I would expect nothing less. It does them no good if the machine is out of service. What I am talking about is the fact that equipment breaks and malfunctions in spite of the best maintenance efforts. This happens all the time! What are the possible consequences when this equipment malfunctions? Also, I see that the manufacturer of this equipment recommend that the mounting floor be 6 inch thick concrete. I see nowhere in your documents where it says the floor of the building is 6 inch thick concrete

3. What is the fuel that is used to operate the equipment?

Natural
gas

4. What odors will be emitted from this facility? How will the ash from this activity be processed?

The manufacturer's information states there no odors are emitted. We have also asked for more detailed information on this will share that information next month.

I'm sorry the manufacturer's statement is one thing but as I indicated before they have a vested interest in saying there are no odors. I know enough about combustion chemistry that to say there is "no odor" is simply impossible. Is there any chemical enhancement of the combustion process?

5. How many "bodies" will be processed per week and at what time of day?

The applicant has indicated that initially they hope to perform 2 – 4 pet cremations a day and up to 6 or 8 a day over time. They plan to be open 9am – 5pm Monday thru Friday but also would like the ability to occasionally be open later to accommodate a family after work and school hours. The applicant has indicated that the machine they plan to use is only capable of cremating 75 lbs/hour, which is limiting in and of itself. Also, the machine can only accommodate 200 lbs at a time, which is half the size of a human crematory.

This appears to be unlimited! This says to me that they can do as many as they want to, or can do, whenever they want to!!

6. Since this is an "industrial area" of New Brighton there are no New Brighton residents affected, at least within the statutory 350ft. notification requirement. Only Arden Hills residents are affected. That is, why should the New Brighton Planning Commission/City Council be responsive to Arden Hills residents?

I have advised the Planning Commission that concerns of Arden Hills residents should be weighed equally to New Brighton residents.

Your instructions to the Planning Commission are commendable but the political realities are obvious. It would be naïve to think that the New Brighton Planning Commission would decide in favor of Arden Hills residents over a New Brighton business owner. Arden Hills residents have no recourse with the New Brighton Planning Commission or City Council for that matter.

7. I am troubled by the fact that New Brighton residents that are 358 feet from the facility have not been

5/11/2011

notified. This seems to be "picking the nit". If I were a New Brighton resident and found out that I missed the notification requirement by 8 feet, I would be upset with the City of New Brighton.

The mailing was done in accordance with State Statute and is also consistent with Arden Hills's public notification policies. I only noticed that New Brighton residents were 358' away when another person raised your same concern, nearly a week after the mailing went out. There was no deliberate attempt to keep New Brighton residents out of the loop; rather I was merely following the law.

Yes you have complied with the statutory requirement of a 350 ft. radius. However, in my opinion you have not been reasonable. I see from the 1/13/11 Planning Report that this facility was originally applied for at a location off Old Hwy 8. In looking at that Planning Report there were several New Brighton residents and business well with the 350ft radius. Why has this facility suddenly moved to an area where only Arden Hills residents are within the 350ft. radius?

I hope you are doing well. I look forward to hearing from you on this situation. I can be reached during the day at 612-349-7511.

**Best Regards,
Vince Pellegrin**

5/11/2011

Janice Gundlach

From: Janice Gundlach
Sent: Friday, May 06, 2011 8:48 AM
To: 'Paul Gruetzman'
Subject: RE: Pet cremation

Thanks for your inquiry Paul. We've asked the applicant for this same information. So far, the closest location where they are using the exact same equipment is in Green Bay, Wisconsin. This business is called Forever Friends Pet Cremation and the address is 645 Heyrman Street. Coincidentally, a single family home is adjacent to this business. I plan on making a formal inquiring to the City of Green Bay early next week in preparation for the Planning Commission meeting on May 17th. The applicant has provided numerous addresses of human crematories in residential areas (with residential uses directly adjacent). I plan to follow up on these to determine if there have ever been odor complaints and will provide those findings at the Planning Commission meeting. Generally speaking, what I'm learning is odor is certainly an issue with an incinerator but with the technology planned to be used here odor is nonexistent. Nonetheless, we are concerned about this too. The existing Zoning Code provisions prohibit detectable odors at or beyond the property boundary. This business will have to comply with that if it is approved. If for some reason there are odors, the City will have the ability to revoke the special use permit for violation of an odor condition of the special use permit. Because odor is fairly subjective, we plan to write an odor condition that will require odor testing in the event a complaint is received (to confirm what the odor is and that it in fact is coming from the crematory). There is a lab in the metro called St. Croix Sensory, Inc, which specializes in odor. We will require the applicant to use St. Croix Sensory, Inc. or a firm very similar for the testing (at their expense). The City has experience with this company and has found their work very professional. The applicants have been advised of this requirement and do not object.

I hope this information is helpful and should you have further questions please do not hesitate to contact me.

From: Paul Gruetzman [mailto:paulgruetzman@usfamily.net]
Sent: Thursday, May 05, 2011 7:00 PM
To: Janice Gundlach
Subject: Pet cremation

I know they said it won't create any smell but many of us still have concerns about the smell produced and I was wondering if there is a list of those using the same unit as proposed so I could check them out myself?
Thanks Paul

5/6/2011

Janice Gundlach

From: BRIAN JORGENSEN [brianjorgenson@msn.com]
Sent: Friday, April 15, 2011 12:21 PM
To: david.grant@ci.arden-hills.mn.us; holdenbj24@aol.com; jill.hutmacher@ci.arden-hills.mn.us; meagan.beekman@ci.arden-hills.mn.us; kotoski@hotmail.com; Janice Gundlach; Dave Jacobsen; joeytorkildson@edinarealty.com; jmk@fidcouns.com; janejorgenson@hotmail.com
Subject: New Brighton crematorium

Dave

I spoke with Janice Gundlach who is the city of New Brighton planner. Janice told me that she had recommended approval for a pet crematorium at 15 2nd ave SE in New Brighton.

In the course of our conversation I was told that 13 notices were sent out to inform potential neighbors. The notices were sent out to any properties located within 350' of the proposed business location. The notices are informing us of the business owners request for a site plan and special use permit

Of those 13 notices 4 went to Arden Hills property owners and 9 to New Brighton property owners. It appears that that of those 13 property locations a total 0 New Brighton family households will be impacted. 4 Arden Hills homeowners and potential homeowners (Kotoski vacant lots) are within the 350' range, and other Thom Drive residents will also be affected.

We are very upset that this location is being considered for a crematorium. We pay substantial taxes and are concerned about how the location of this crematorium could affect our home values. There are 2 vacant lots within view of the proposed crematorium location and we have concerns that the value of those lots and the new homes going in will be diminished.

This area is having a positive impact on our community with new homes and young families with children. I feel that having a crematorium so close to our homes would negatively affect the health and welfare of our neighborhood

The thought of having a crematorium within sight of our porch while grilling on our deck, would cause substantial impairment in the enjoyment of our property. and it could be an environmental issue with toxins from the incineration. I think this area is having a positive impact on our community with new homes and young families with children

I also question how much research has been done regarding the environmental and health issues regarding a crematorium so close to a residential area. We have many small children living in homes close to the proposed crematorium location. What type of research has been done and I think a copy of the research should be provided to all the neighbors on Thom Drive.

Why would the city of New Brighton choose to allow a crematorium within 350' of a residential area.

I strongly oppose the site plan and special use permit to permit operation of a pet cremation business at 15 2nd av se in New Brighton.

Sincerely,

Brian and Jane Jorgenson

4/15/2011

Paul Gruetzman
173-2nd Ave. SE

New Brighton, MN 55112-7854 (651) 633-5722 42 years at this address

Issues of concern for the special use permit for 15 2nd Ave. SE as a pet cremation business.

Until recently, "SE" has been a very quiet and pleasant place to live and bring up a family. The area is surrounded by 4 parks (one with a beach), hiking trails, and open nature areas. These all help make SE a good place to live. On the down side, several of the recent home purchases are being rented out as collage housing. This has added extra traffic and noise to the point we have all taken a new concern on any other negative changes to this area.

The location of this proposed facility is in a small industrial area that is in the middle of parks and homes that has been there for a long time. Although not ideal, things have not been a great problem in the past. BUT in the last 5 years, incoming businesses more often than not have added a lot of traffic and do not seem to care as much about keeping up the appearance of their facilities. Go take a look for your self. Would you like to live by this? This too will need to be addressed.

AND now, I can't imagine anyone wishing to have a cremation business close to their home. Would you? That becomes an issue for those wishing to sell their homes because buyers will just go some place else, unless they don't care because they plan to rent it out.... Just making the problem listed above even worse.

Points that must be addressed:

- It belongs in an area where the traffic will not go through a residential area.
- Should be on a major road. It is not an easy place to find. As it is, we have **enough** trucks and cars going round and round our neighborhood looking for the businesses that are already here.
- Should not be close to homes
- Should not be by Parks.
- Even today, much of the traffic on 1st street is too fast between Cleveland and New Brighton Road. They act as the side streets all have stop signs and don't watch for walkers and bikers.
- They should be encouraged to reconsider their first location west of 35w with the other factories or continue their search.

Thanks Paul



"Client Satisfaction is the Key"

233 34th Ave. S.
White Park, MN 56387
1.866.685.8054
320.253.2700
320.253.0025 fax

www.keystonedb.com

April 18, 2011

Pets Remembered
Skip Wyland
15 2nd Ave. SE
New Brighton, MN 55112

Dear Skip:

Good luck with your new business Pets Remembered. There should be no issue with the location and placement of the pet crematory.

I have worked on over 125 funeral home projects in the Midwest and with most recent projects, a number of them have an "adult" crematory and are located at or near a residential community.

It seems the residents' concerns are usually mercury emissions released from adult crematory. First of all, pets do not have mercury within their body, therefore zero emissions. Mercury is usually associated with adult teeth fillings and mercury fillings have gradually decreased over the past 20 years and been replaced with porcelain fillings, to the point that mercury fillings are basically non-existent anymore. The people just have to be educated on this and their fear will subside.

My real concern, and this is where the general public should be concerned, is the transition from incandescent light bulbs to fluorescent light bulbs. I don't believe the general public knows how to or takes the time to properly disposed of used fluorescent light bulbs. This will become a real concern in the near future.

Again, any negative emissions from a pet crematory are non-existent. If I can be of any further assistance, please contact me at 320.253.2700

Respectfully,
Keystone Design Build, Inc

Russ Karasch
Owner



Cremation Systems, Inc.

7205 - 114th Avenue North Largo, Florida 33773 USA
1-800-622-5411 727-541-4666 Facsimile 727-547-0669
email: sales@blcremationsystems.com www.blcremationsystems.com

April 18, 2011

Pets Remembered
Mr. Skip Wyland
1978 Neal Street
Red Wing, MN 55066

Dear Mr. Wyland:

As you know from doing your due diligence on cremation equipment, B&L Cremation Systems Inc. has installations in every state and 45 countries worldwide.

Our environmental acceptance is due to our design that minimizes the emission produced at the exhaust stack. In fact we are below the threshold limit of Minnesota's Air Quality Department and do not require a permit to operate.

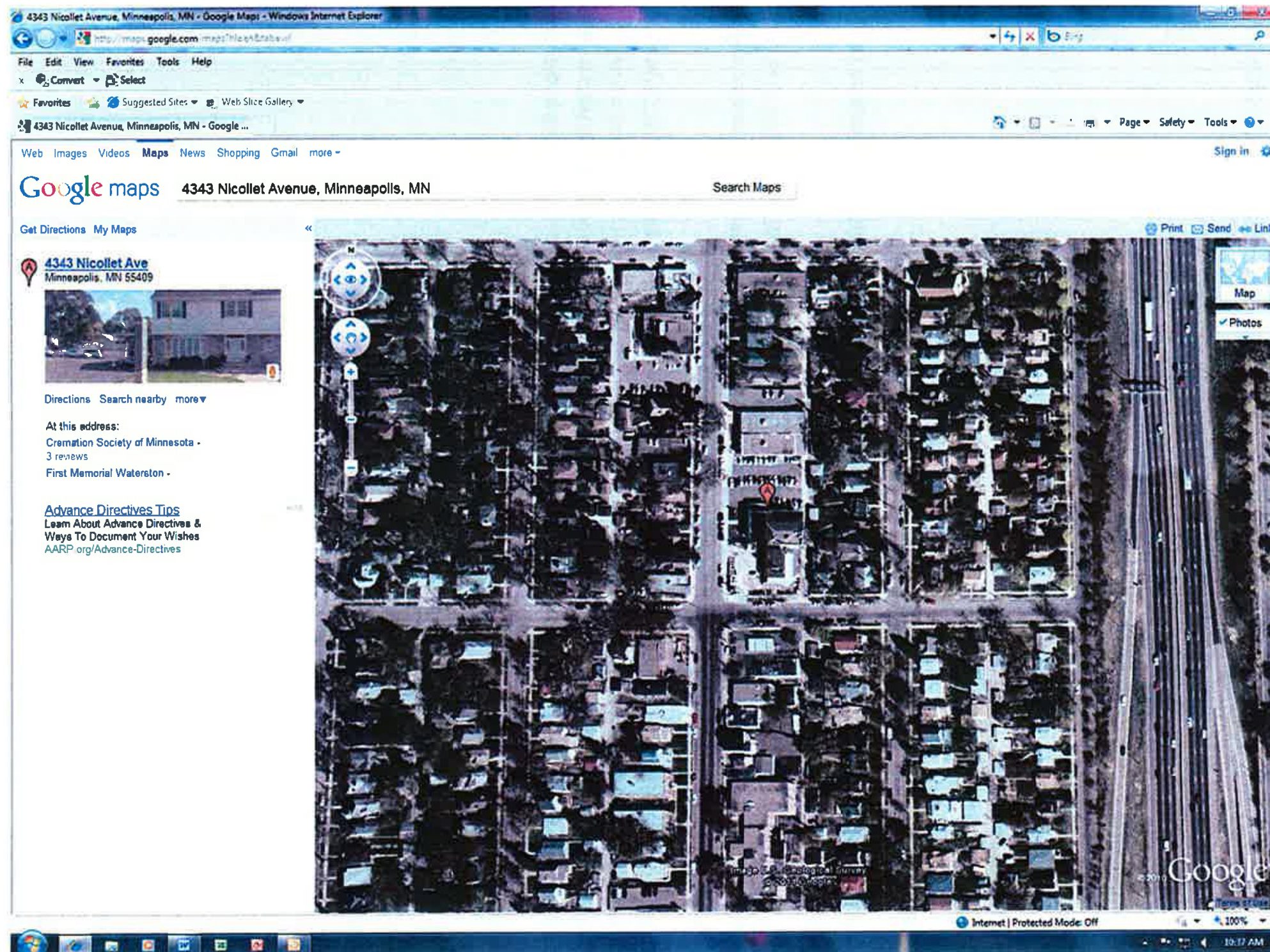
Emission tests performed by independent laboratories have shown that the Particulate & Carbon Monoxide produced by our equipment are far less than a Bar B-Que, a freight train or even a wood burning stove. I'm sure that once the local residents realize that you're not endangering their families or their property value, they will go on with their lives and not even realize you're operating in their area.

Sincerely,

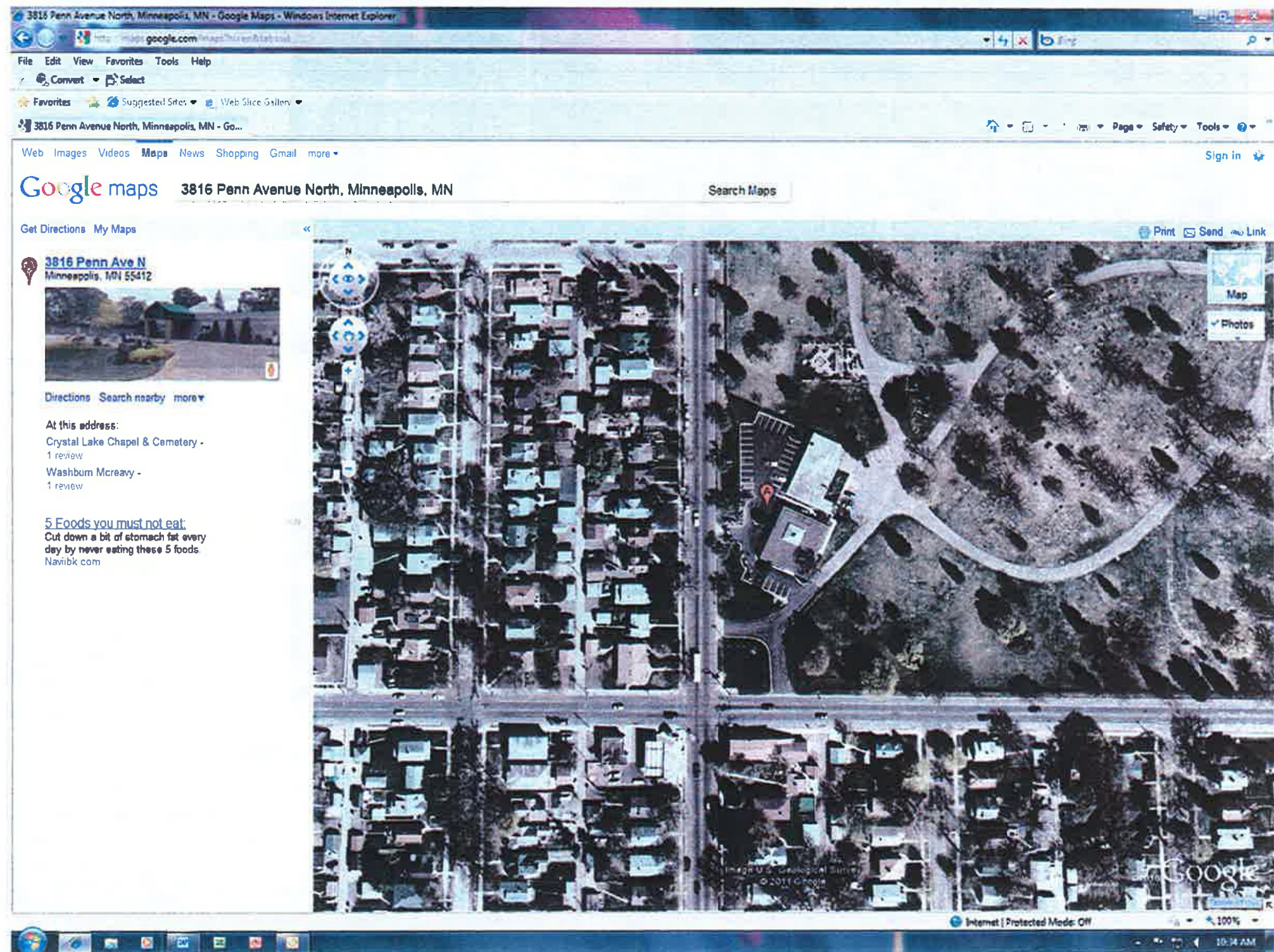
Dr. Steve Looker,
President

World's Largest Independent Cremation Equipment Manufacturer

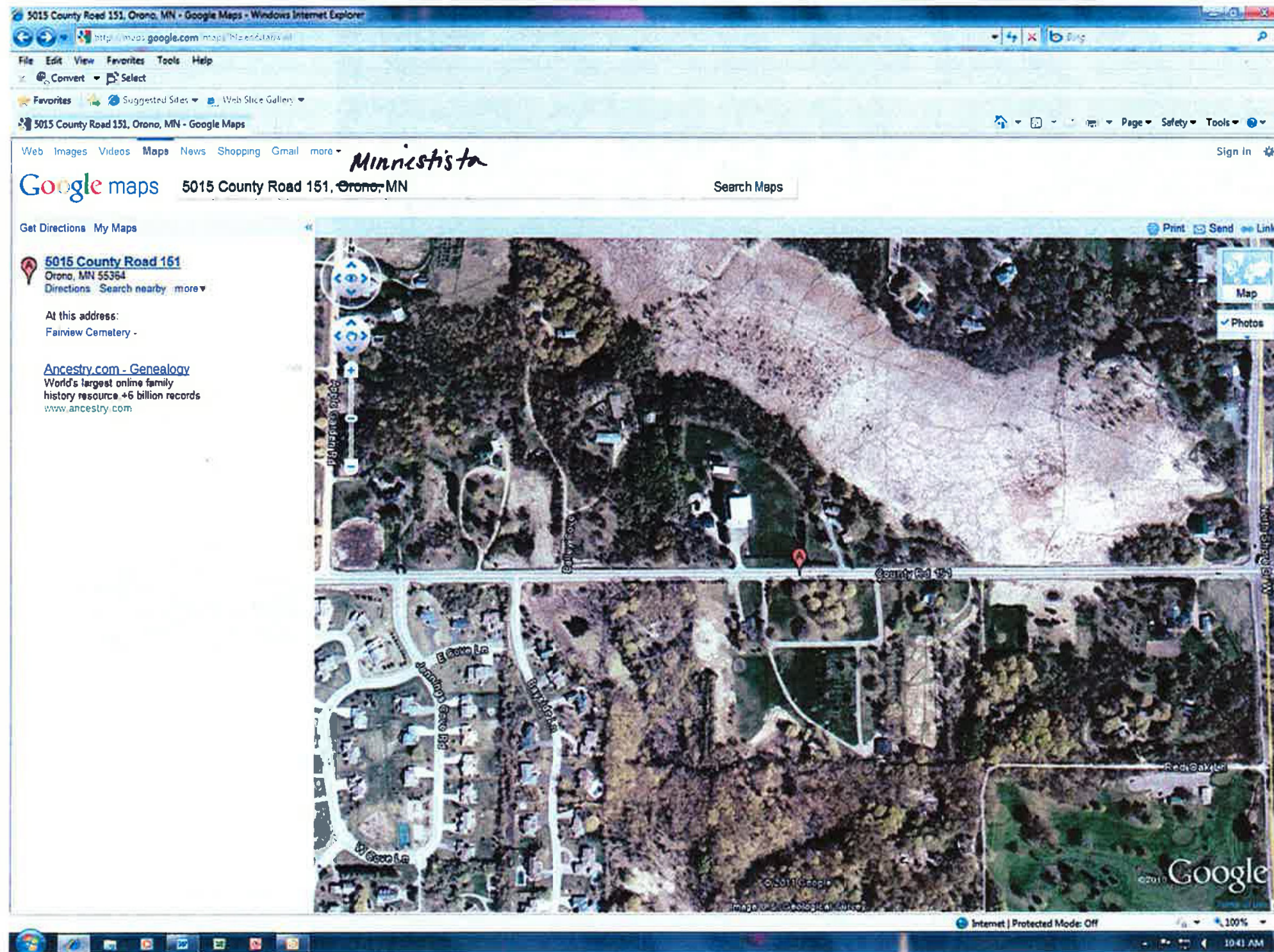
Metropolitan Crematory - no complaints



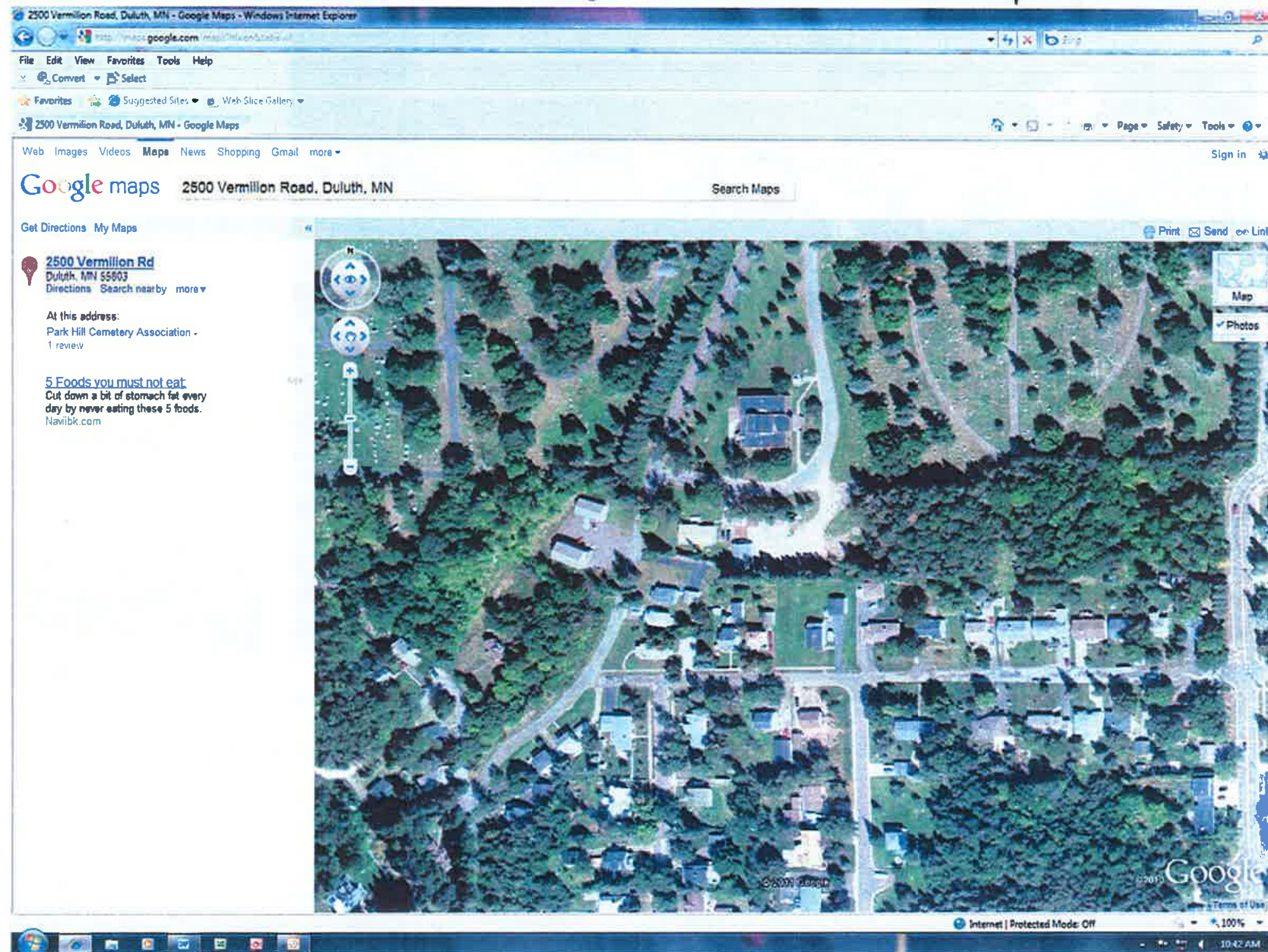
Washburn-McReavy Crystal Lake Crematory - no complaints



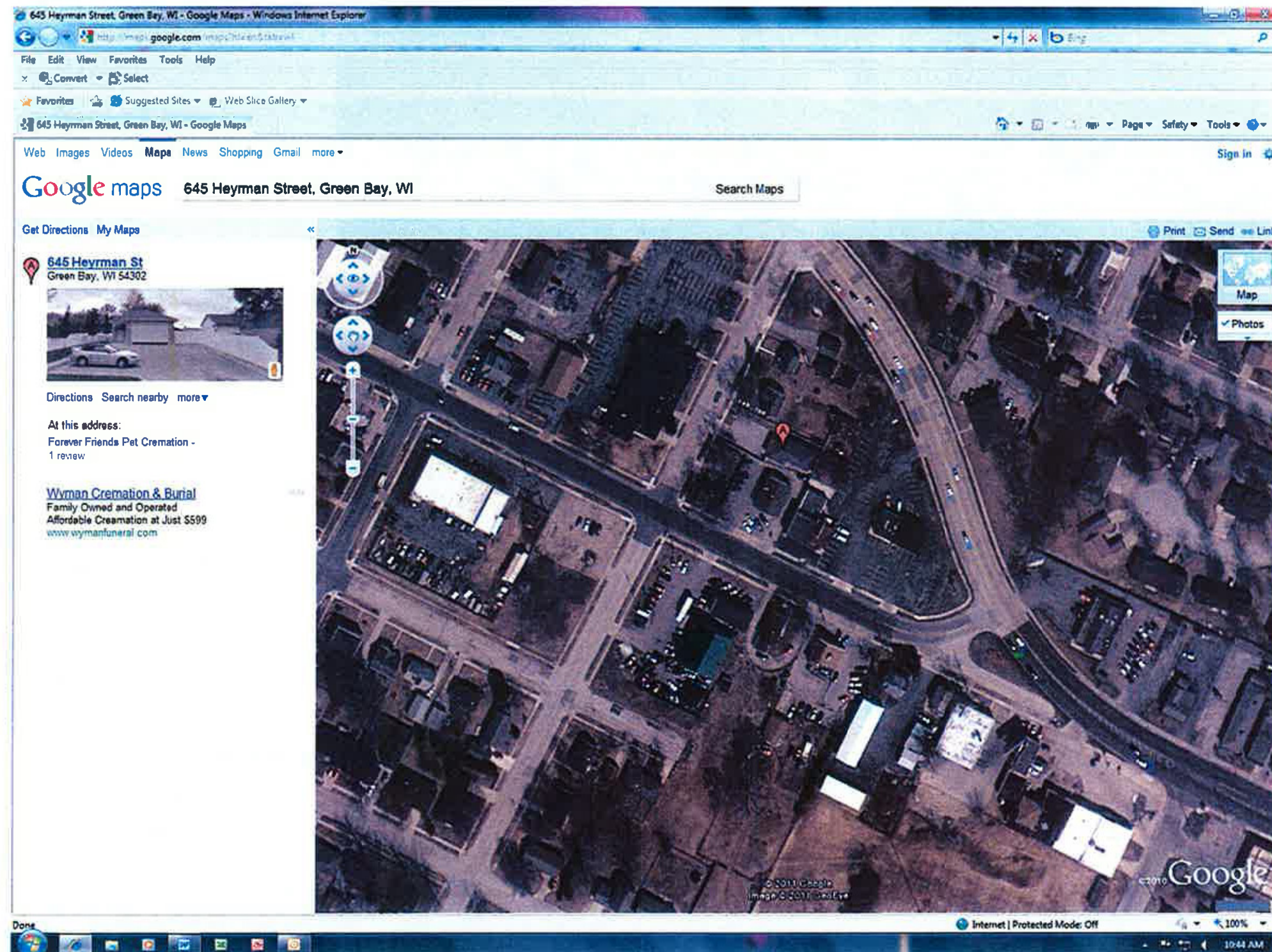
Fairview Cemetery Association - no complaints



Park Hill Cemetery Association - no complaints



Forever Friends Pet Cremation - no complaints



Janice Gundlach

From: Charles Gantzer [CGantzer@barr.com]
Sent: Wednesday, May 11, 2011 5:13 PM
To: Janice Gundlach
Subject: Re: Stack Test

Janice,

The 2007 stack test information was limited to air flow rate determinations, water contents, gas concentrations (oxygen and carbon dioxide), and particulate emission rates. There was no indication of odor measurements or of hazardous air pollutant measurements.

The particulate emission rates and the air flow rate determinations could be used to model particulate matter concentrations in the vicinity of the proposed pet cremation facility. However, this is no apparent need to do this modeling.

To better evaluate the potential of the proposed pet cremation facility to comply with various State requirements, it may prudent to have the proposer provide some additional information. The information request list is a follows:

Fuel Type.

Just for clarification, it would be desirable to know the fuel that will be used at the crematory. I assume that it will be natural gas, but we should know for sure.

Heat Generation Rate.

One method by which the MPCA classifies incinerators/combustors is by heat generation rate. It would be nice to know the heat generation rate in BTUs per hour for the proposed crematory. I have not seen such information.

Residence Time in Afterburner.

The MPCA requires a crematory to maintain flue gases at 1,200 F for at least 0.3 seconds. I have seen information suggesting that the proposed equipment will meet the temperature target, but I do not remember seeing any residence time information.

Stack Height.

The State has developed stack height requirements under Minn. Rules 7011.1235, Subpart 1. If the proposed crematory does not meet the State's stack height requirements, then the proposer may be required to obtain a permit from the MPCA.

The required minimum stack height is a function of building's dimensions or the dimensions of building close to the crematory. Below is a quote describing how the required minimum stack height is determined:

"The exit height of the stack at a Class IV waste combustor shall be equal to or greater than $H + 0.5L$ where H is the building height and L is the lesser of the building height or the maximum projected width of the building.

The building which gives the greatest value for $H + 0.5L$ shall determine the stack exit height. All buildings nearby the stack shall be considered in determining stack exit height.

Maximum projected width is the longest diagonal distance of the building footprint. The stack is considered to be nearby a building if it is within five times the lesser of the building height or building width."

5/12/2011

Thus, as a minimum, we need to be provided with the planned stack height, building length, building width, and building height.

Stack Diameter.

I have seen stack diameters of 12 inches cited several times. We should confirm the planned stack diameter for the proposed crematory. However, this will only be important if air quality modeling or odor modeling is required.

Hope the above helps.

Charlie Gantzer

Charles J. Gantzer, Ph.D.

Senior Environmental Scientist
Minneapolis office: 952.832.2946
mailto:CGantzer@barr.com
www.barr.com

resourceful. naturally.

From: Janice Gundlach <Janice.Gundlach@newbrightonmn.gov>
Date: Wed, 11 May 2011 09:40:55 -0500
To: Dan Fetter <DFetter@barr.com>, Charles Gantzer <CGantzer@barr.com>
Cc: Grant Fernelius <Grant.Fernelius@newbrightonmn.gov>
Subject: Stack Test

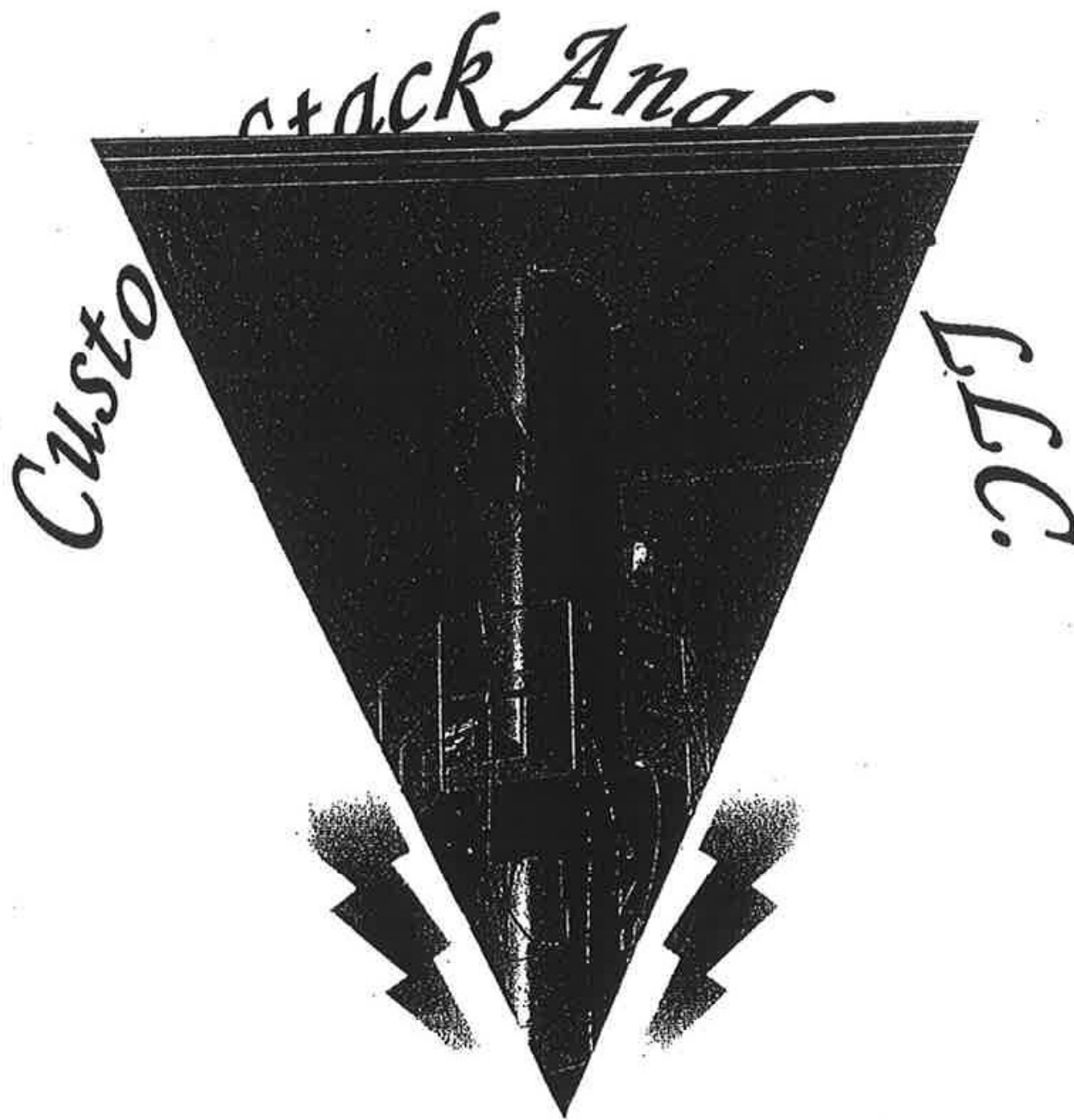
Hey Dan and Charlie,

I left Charlie a voicemail yesterday inquiring if he could review a stack test I received regarding the pet cremation use we are dealing with. I'm sorry this is such short notice, but unfortunately the applicant didn't provide this information until yesterday and I need to have a written report prepared for the Planning Commission by Friday. What I'm wondering is if someone at Barr could review the stack test to verify some information the applicant has provided to the City stating the proposed retort used for pet cremations will not have any detrimental environmental or health impacts. Some of the information I'm looking for is:

- Confirmation the MPCA won't require a permit (see additional info the applicant provided regarding the MPCA's stance on incinerators)
- What is actually coming out of the stack and at what amounts
- Does anything coming out of the stack pose a health threat

The stack test attached to this email was performed in Middleport, New York in 2007 on the exact same machine the applicants are proposing to install. Let me know if this is something you can review in the next couple of days. Again, sorry for the short notice but any information you can provide would be helpful. Thanks.

5/12/2011



**Ridge Animal Hospital
3493 Stone Rd
Middleport, New York 14105**

Report

**Performed Velocity, Temperature, Moisture and
Particulate Emissions Testing**

Sampling performed on the Incinerator Outlet

**Middleport, NY.
Test Date: 6/14/07-6/15/07**

**Ridge Animal Hospital
3493 Stone Rd
Middleport, New York 14105**

Report

**Performed Velocity, Temperature, Moisture and
Particulate Emissions Testing**

Sampling performed on the Incinerator Outlet

Middleport, NY.

Test Date: 6/14/07-6/15/07


**James K. Gray
Custom Stack Analysis, LLC.**

REPORT CERTIFICATION

Custom Stack Analysis, LLC. has used its professional experience and best professional efforts in performing this compliance test. I have reviewed the results of these tests and to the best of my knowledge and belief they are true and correct.

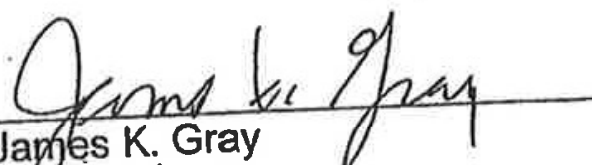

James K. Gray
Date: 7/13/07

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Calibration Data	3

EXECUTIVE SUMMARY

Custom Stack Analysis, LLC. conducted emissions sampling using USEPA Methods 1-5. Testing was conducted for velocity, temperature, moisture and particulate emissions on the incinerator outlet on June 14th and June 15th, 2007. The testing was conducted for compliance purposes. The Custom Stack Analysis, LLC. test crew consisted of Mr. Jeff Pittman, Mr. Jim Gray, Mr. Joe Crowe and Mr. Edward Kirkpatrick. The testing procedures were coordinated by Mr. Gary McCarthy from Ridge Animal Hospital.

A description of the testing protocol is included on pages 3-4. All testing calculations are located on pages 7-9. Appendix 1 includes field test data. Appendix 2 contains laboratory data from Custom Stack Analysis, LLC. Appendix 3 contains calibration data for equipment used on test day. Test results are located on page 2.

Test Results

6/14/07 - 6/15/07

Particulate/ Nox/ CO

	<u>Run #1</u>	<u>Run #2</u>	<u>Run #3</u>	<u>Avg.</u>
Stack Gas Velocity (ft/sec)	30.15	29.04	32.90	
Standard Cubic Feet an Hour	28,990	28,975	29,475	
Actual Cubic Feet per Minute	1,420	1,368	1,549	
Moisture %	9.90%	10.50%	8.90%	
Isokinicity %	96.80%	94.90%	95.50%	
Carbon Dioxide %	8.20%	8.20%	8.10%	
Oxygen %	10.20%	10.30%	10.30%	
Nitrogen %	81.60%	81.50%	81.60%	
Particulate (Lbs /hr)	0.19948	0.04335	0.02749	0.09011
Particulate (GR /dscf)	0.04817	0.01047	0.00653	0.02172
Particulate (lbs /dscf)	6.88E-06	1.50E-06	9.32E-07	3.10E-06
Particulate (GR/DSCF @ 7% O2)	0.06257	0.01373	0.00856	0.02829
Particulate (GR/DSCF @ 12% O2)	0.04007	0.00879	0.00548	0.01811

METHOD 1

Sample and velocity traverses for stationary sources.

To aid in the representative measurement of pollutant emissions and/ or total volumetric flow rate from a stationary source, a measurement site where the effluent stream is flowing in a known direction is selected, and the cross-section of the stack is divided into a number of equal areas. A traverse point is then located within each of these equal areas.

METHOD 2

Determination of stack gas velocity and volumetric flow rate.

The average gas velocity in a stack is determined from the gas density and from measurement of the average velocity head with a Type S (Stausscheibe or reverse type) pitot tube.

METHOD 3

Gas analysis for the determination of dry molecular weight.

This method is applicable for determining carbon dioxide and oxygen concentrations and dry molecular weight of a sample from a gas stream of a fossil-fuel combustion process.

METHOD 4

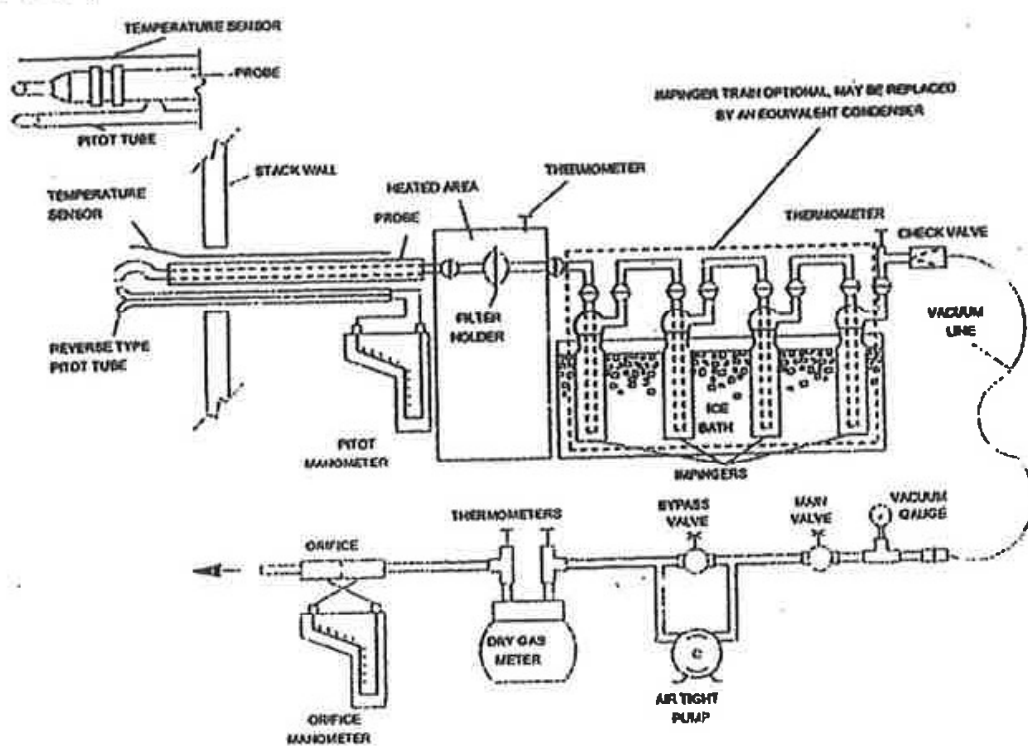
Determination of moisture content in stack gases.

A gas sample is extracted at a constant rate from the source. It is determined either volumetrically or gravimetrically.

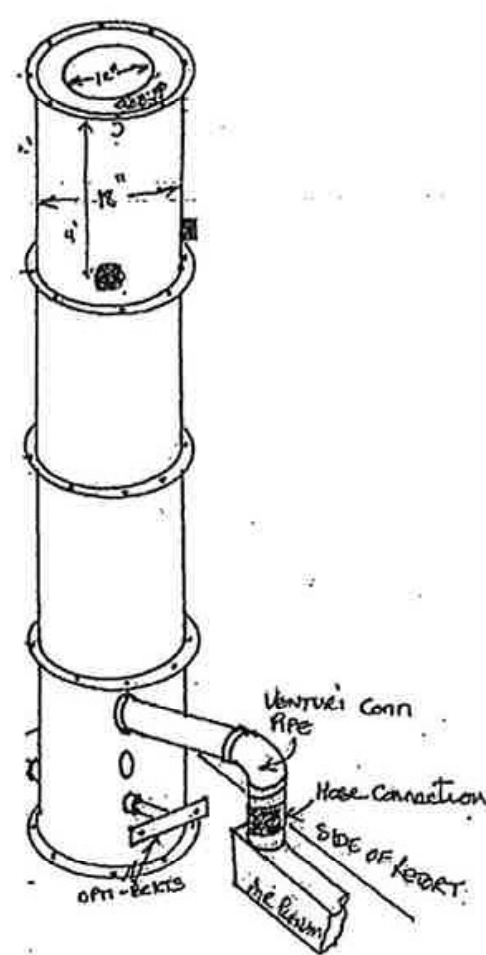
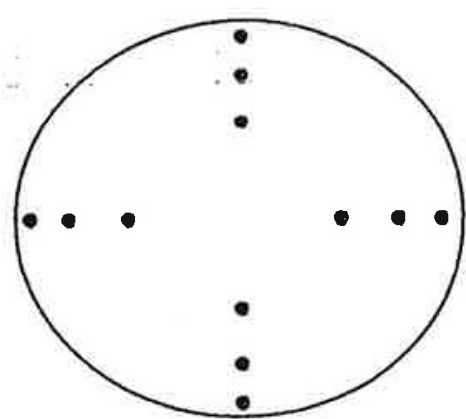
METHOD 5 TESTING DESCRIPTION

Particulate samples were collected following EPA Methods 1-5. Three 60 minute test repetitions were performed. The equipment used for testing consisted of a Burrell Model B orsat Analyzer and a Custom Stack Analysis Stack Train Sampler (EPA type). A type "S" pitot and a heated sampling probe were used with the sampling train. All equipment was calibrated in the laboratory prior to the test. The sampling nozzle and the pitot tubes were measured on the day of the test. All calibrations can be found in the appendix. The dust laden gases are passed through a heated pyrex probe and a heated glass four inch filter holder containing Gelman Type A-E fiberglass filter media. The gases leaving the filter were collected in a series of four impingers packed in ice. The first, third, and fourth impingers were the modified Greenburg-Smith type and the second one was a standard Greenburg-Smith type. The first and second impinger contained 100 ml of distilled water. After leaving the third and fourth empty impingers the gases passed through a "Drierite" column containing about 500 grams of calcium sulfate (CaSO_4) desiccant to remove any remaining water vapor. The dry gas then passed through the hose portion of the umbilical cord to a Custom Stack Analysis Model #3000 "Stacksampler" module. In the module the gas was moved through the system by a leakless air pump to a Rockwell 175-S dry test meter. The dry test meter exhausted to a calibrated orifice to measure the flow rate of the gases passing through the sampling apparatus. A type "S" pitot tube was attached to the sheath of the heated probe and nozzle. The orifice pressure taps and the pitot tube were connected to a Dwyer dual 10 inch combination inclined-well type manometer. One half of the manometer measured the orifice differential pressure (ΔH) and the other half measured the flue gas velocity head (ΔP). The temperature of the flue gas was measured by a type "K" thermocouple connected to a Marlin Digital Temperature controller. The CO_2 and O_2 levels were analyzed using a Bacharach Fyrite.

5 Sampling System



Location of Sampling Points



Location:	Incinerator	
Upstream	4'	
Downstream	10'	
Stack Diameter	12"	Inches
Sample Point #		
1	0.5	Inches
2	1.8	
3	3.6	
4	8.4	
5	10.2	
6	11.5	

CALCULATIONS

Outlet

	RUN#1	RUN#2	RUN#3	
1. Vm (std)	44.74	43.86	44.87	$VM = \frac{17.64 \cdot PBAR + 13.6}{Tm} \cdot Y$
Vm (std)	Volume of gas collected, corrected to standard conditions, cuft.	RUN#1 44.74	RUN#2 43.86	RUN#3 44.87
Vm	Volume of gas sampled at meter box, cuft.	45.75	44.26	45.62
17.64	Standard temperature, 528 Rankine / std pressure, 29.92.	17.64	17.64	17.64
Tm	Average dry gas meter temperature, + 480 Rankine.	537	530	534
Pbar	Barometric pressure, inches of mercury (Hg)	29.85	29.85	29.85
ΔH	Average pressure differential across orifice.	2.1	2.1	2.1
13.6	Specific gravity of mercury.	13.6	13.6	13.6
Y	Calibration factor of meter box.	0.999	0.999	0.999

	RUN#1	RUN#2	RUN#3	
2. Vw (std)	4.91	5.13	4.41	$Vic = \frac{P \cdot H_2O}{M \cdot H_2O} \cdot \frac{R \cdot Tstd}{Pstd} = K2 \cdot Vic$
Vic	Volume of water and silica collected.	RUN#1 104.1	RUN#2 106.6	RUN#3 83.6
P H2O	Density of water, 0.002201 lb/ml.	0.002201	0.002201	0.002201
M H2O	Molecular weight of water, 18.01 lb/lb-mole.	18.01	18.01	18.01
R	Ideal gas constant, 21.85 in. hg - ft ³ /R-lb-mole.	21.85	21.85	21.85
Tstd	Standard absolute temperature, 528 R.	528	528	528
Pstd	Standard absolute pressure, 29.92 in. Hg.	29.92	29.92	29.92
K2	0.0471 ft ³ / ml.	0.0471	0.0471	0.0471

	RUN#1	RUN#2	RUN#3	
3. Bws	0.0988	0.1047	0.0894	$\frac{Vw(std)}{Vm(std) + Vw(std)}$
Bws	Water vapor in the gas stream, proportion.	RUN#1 0.0988	RUN#2 0.1047	RUN#3 0.0894
Vw(std)	Volume of water vapor in the gas sample, scf.	4.91	5.13	4.41
Vm(std)	Volume of gas sampled at meter box, scf.	44.74	43.86	44.87

	RUN#1	RUN#2	RUN#3	
4. Md	29.72	29.724	29.708	$0.44 (\%CO_2) + 0.32 (\%O_2) + 0.28 (\%N_2) + \%CO$
Md	Dry molecular weight, lb / lb-mole.	RUN#1 29.72	RUN#2 29.724	RUN#3 29.708
0.44	Molecular weight of CO2 divided by 100.	0.44	0.44	0.44
0.32	Molecular weight of O2 divided by 100.	0.32	0.32	0.32
0.28	Molecular weight of N2 or CO divided by 100.	0.28	0.28	0.28

Co2, O2, N2, and CO are in percent by volume, dry basis.

	RUN#1	RUN#2	RUN#3	
5. Ms	28.56	28.50	28.66	$Md \cdot (1-Bws) + M \cdot H_2O \cdot (Bws)$
Ms	Molecular weight of gas, wet basis, lb / lb-mole.	RUN#1 28.56	RUN#2 28.50	RUN#3 28.66
M H2O	Molecular weight of water, 18 lb / lb-mole.	18	18	18

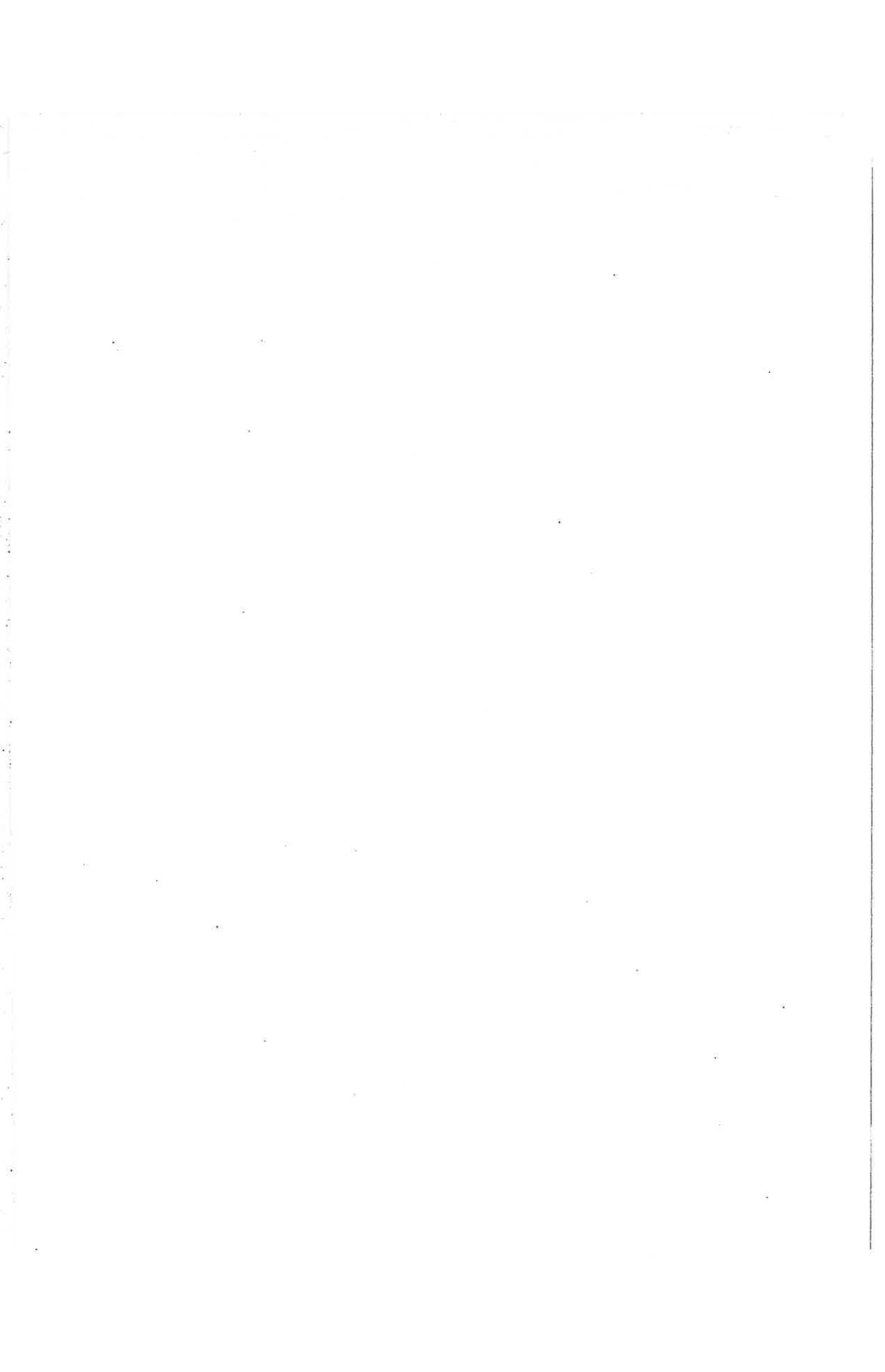
		RUN #1	RUN #2	RUN #3				
6.	Vs	30.15	29.04	32.90	=	$85.49 \cdot C_p \sqrt{\frac{\Delta p}{P_s} \frac{T_s + 460}{M_s}}$		
	Vs	= Average stack gas velocity, ft / sec.			=	<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>
						30.15	29.04	32.90
	85.49	= Pitot tube constant, ft / sec.			=	85.49	85.49	85.49
	Cp	= Pitot tube coefficient, dimensionless.			=	0.84	0.84	0.84
	ΔP	= Velocity head of stack gas, avg. sq ft.			=	0.3282	0.3227	0.3445
	Ts	= Temperature of stack gas, + 460 (Rankine).			=	1386	1327	1503
	Ps	= Absolute stack gas pressure, barometric + static.			=	29.66	29.66	29.66
	Ms	= Molecular weight of stack gas, wet basis.			=	28.56	28.50	28.66

		<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>				
7.	ACFM	1420	1368	1549	=	$\text{Stack Area} \cdot 60 \cdot V_s$		
	Vs	= Average stack gas velocity, ft / sec.			=	<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>
						30.15	29.04	32.90
		<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>				
8.	Isokinicity	96.9	95.0	95.5	=	$\frac{K_4 \cdot T_s \cdot V_{mstd}}{P_s \cdot V_s \cdot A_n \cdot \text{Min} \cdot (1 - Bws)}$		
	K4	= 0.09450 for English units.			=	<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>
						0.0945	0.0945	0.0945
	Ts	= Stack temperature + 460 R.			=	1386	1327	1503
	Vmstd	= Volume of gas collected, scf.			=	44.74	43.86	44.87
	Ps	= Stack pressure, inches Hg.			=	29.66	29.66	29.66
	Vs	= Stack velocity, ft / sec.			=	30.15	29.04	32.90
	An	= Area of the sampling nozzle, cuft.			=	0.0012514	0.0012514	0.0012514
	Min.	= Minutes of test			=	60	60	60
	Bws	= Water vapor in the gas stream, proportion.			=	0.0988	0.1047	0.0894

		<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>					
9.	Lbs/Hr	0.20	0.04	0.03	=	<div> $\frac{Mn}{Vm\ std} \cdot scfh$ </div>			
	$2.205 \cdot E-6$	=	Conversion from mg to lbs.			=	<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>
	Mn	=	Weight gain of filter and wash minus blank.			=	139.8	29.8	19
	scfh	=	Standard stack volumetric flow rate.			=	28993	28977	29477
	Vm std	=	Volume of air sampled at stp.			=	44.74	43.86	44.87

		<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>					
10.	Gr/Dscf	0.0481	0.0105	0.0065	=	<div> $\frac{Mn}{Vmstd}$ </div>			
	0.0154	=	Conversion to grains from mg.			=	<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>
	Vm std	=	Volume of air sampled at stp.			=	44.74	43.86	44.87
	Mn	=	Weight gain of filter and wash minus blank.			=	139.8	29.8	19

		<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>					
11	SCFH	28993	28977	29477	=	<div> $\frac{3600 \cdot (1 - Bws) \cdot Vs \cdot A}{Ts \cdot Pstd} \cdot \frac{Tstd \cdot Ps}{Pstd}$ </div>			
	3600	=	Seconds per hour.			=	<u>RUN #1</u>	<u>RUN #2</u>	<u>RUN #3</u>
	Bws	=	Water vapor in the gas stream, proportion.			=	0.0988	0.1047	0.0894
	A	=	Area of stack in sq ft.			=	0.785	0.785	0.785
	Tstd	=	Standard absolute temperature, 528 R.			=	528	528	528
	Pstd	=	Standard absolute pressure, 29.92 in. Hg.			=	29.92	29.92	29.92
	Ts	=	Temperature of stack gas, + 460 (Rankine).			=	1386	1327	1503
	Ps	=	Absolute stack gas pressure, barometric + static.			=	29.65	29.65	29.65
	Vs	=	Average stack gas velocity, ft / sec.			=	30.15	29.04	32.90



TEST DATA

COMPANY NAME
ADDRESS
CITY
STATE
ZIP

Ridge Animal Hospital

TEST METHODS	
CREW MEMBERS	
LOCATION	
SOURCE	
CONTROL	

Jim G, Joe C, Jeff P

**Outlet
Incinerator**

	RUN #1	RUN #2	RUN #3
DATE	6/14/07	6/15/07	6/16/07
TIME	1337-1441	746-850	1009-1112
RUN LENGTH (min)	60	60	60
VOLUME (cubic feet)	45.745	44.259	45.621
Y FACTOR	0.999	0.999	0.999
BAROMETRIC	29.65	29.65	29.65
METER TEMP. (R)	537	530	534
STACK TEMP. (R)	1386	1327	1503
AVERAGE ^P	0.3282	0.3227	0.3445
AVERAGE ^H	2.1	2.1	2.1
IMPINGER VOLUME	75.9	86.1	74.4
SILICA VOLUME	28.2	22.7	19.1
PITOT COEF.	0.84	0.84	0.84
STATIC PRESSURE	0.1	0.1	0.1
STACK AREA	0.785	0.785	0.785
NOZZLE SIZE (sq/ft)	0.00125137	0.00125137	0.00125137
CARBON DIOXIDE	8.2	8.2	8.1
OXYGEN	10.2	10.3	10.3
NITROGEN	81.6	81.5	81.6
WEIGHTS			
INITIAL PROBE #1	101681.6	107376.4	116842.9
POST PROBE #1	101691.7	107389.8	116854.2
TOTAL	10.1	13.4	11.3
INITIAL PROBE #2	101681.5	107376.2	116842.8
POST PROBE #2	101691.6	107389.6	116854.1
TOTAL	10.1	13.4	11.3
AVG Probe Weight	10.1	13.4	11.3
INITIAL FILTER #1	51109.7	51083	51283.8
POST FILTER #1	51239.6	51099.4	51291.7
TOTAL	129.9	16.4	7.9
INITIAL FILTER #2	51109.6	51082.8	51283.7
POST FILTER #2	51239.4	51099.5	51291.5
TOTAL	129.8	16.7	7.8
AVG Filter Weight	129.85	16.55	7.85
INITIAL ACE. BLANK	103897.45	103897.45	103897.45
POST ACE. BLANK	103897.6	103897.6	103897.6
TOTAL	0.15	0.15	0.15

TEST RESULTS

	OUTLET		
	RUN #1	RUN #2	RUN #3
VM (std)	44.74	43.86	44.87
VW (std)	4.91	5.13	4.41
BWS	0.089	0.105	0.089
MD	29.72	29.724	29.708
MS	28.661989	28.486977	28.661165
VS (ft/sec)	30.45	29.04	32.90
SCFH	28993	28977	29477
ACFM	1420	1368	1549
DCFM	483	483	491
ISOKINETIC %	96.9	95.0	95.5
PARTICULATE			
LBS/HR	0.1892576	0.0433138	0.0274589
GR/DSCF	0.0481187	0.0104633	0.0065209
LBS/DSCF	0.000006874	0.000001495	0.000000332

Vm (std) = Volume of gas sampled at standard conditions.

Vw (std) = Volume of water vapor collected at standard conditions.

Bws = Stack moisture content.

MD = Determination of dry molecular weight of stack gas.

Ms = Determination of stack gas molecular weight.

Vs = Average gas stack velocity. (ft/sec.)

ACFM = Actual cubic feet per minute of gas velocity.

DCFM = Dry standard cubic feet per minute of gas velocity.

Lbs/Hr = Pounds per Hour.

Gr/Dscf = Grains per dry standard cubic feet.

Custom Stack Analysis, LLC
Method 5

PLANT Bridge Animal Hospital
FURNACE Animal Incinerator

DATE 6-14-07
BY Joe Crowe
"Y" 999

BAROMETER (P) 29.65 AMBIENT TEMP 76° ASSUMED MOISTURE
ORIFICE ID. 0.04 PROBE NO. 4P-1 FILTER NO. HEATER NO. NOZZLE DIA. 4.29

13:37

14:11

14:07

14:41

TEST METER		METER		COND	FILTER	PROBE	STACK	STACK	VACUUM	ORIFICE	VEL	TIME
TEMP (°F)		TEMP (°F)		TEMP	HEATER	TEMP	TEMP	PRESS.	"Hg	"H ₂ O	HEAD	
(°F)		IN	OUT	°F	TEMP °F	°F	°F (Ts)	(Ps)		(ΔH) (Fm)	(ΔP)	(Sec)
Start	412.717	78		66	244	259	826	.10	8.0	X	X	0
1	415.82	78		66	235	245	780		8.0	1.3	.00	5
2	419.78	78		65	236	245	887		8.5	2.4	.11	10
3	423.84	77		65	239	249	933		8.5	2.4	.12	15
4	427.28	77		64	235	250	915		6.0	1.5	.08	20
5	430.28	78		65	231	251	966		7.5	1.9	.10	25
6	434.694	78		64	243	253	975		8.0	2.1	.11	30
Start	434.894	77		64	231	241	970		8.5	X	X	
1	438.61	77		65	229	249	973		8.5	2.2	.12	35
2	442.63	77		63	230	250	982		8.5	2.4	.13	40
3	446.52	77		59	227	250	980		8.5	2.2	.12	45
4	450.75	76		57	229	249	1008		8.0	2.6	.14	50
5	454.67	76		61	221	255	1022		8.5	2.2	.12	55
6	458.462	76		60	228	248	1025		8.0	2.0	.11	60

pitot

Custom Stack Analysis, LLC
Method 5

EST NO. 2 PLANT Ridge Animal Hospital
ANALYST Animal Engineer

DATE 6-15-05

BY Joe Crowe

BAROMETER (P) 29.65 AMBIENT TEMP 84° ASSUMED MOISTURE

"Y" 999

ORIFICE ID. 0.04 PROBE NO. 4P-1 FILTER NO. HEATER NO. 15 NOZZLE DIA. 4.79

	CUMULATIVE VOLUME (Vol)	METER TEMP (Tm)		COND TEMP °F	FILTER HEATER TEMP °F	PROBE TEMP °F	STACK TEMP °F (Ts)	STACK PRESS. (Ps)	VACUUM "Hg	ORIFICE "H2O (ΔH) (Fm)	VEL HEAD (ΔP)	TIME
		IN	OUT									
7:44	Start	476.055	70		64	245	280	552	.10	7.0	X	X
	1	479.62	70		57	246	254	576		7.0	X	X
	2	483.08	70		56	246	255	714		8.0	1.8	.07
	3	487.02	70		57	246	255	742		8.5	2.0	.08
	4	490.26	70		57	247	257	905		7.0	2.2	.10
	5	493.98	70		58	245	259	925		8.5	1.7	.08
	6	497.625	70		58	241	265	958		8.5	2.1	.11
8:20	Start	497.625	70		59	237	240	892		8.5	2.2	.12
	1	501.48	70		61	242	248	897		9.0	X	X
	2	505.37	70		61	247	250	968		9.0	2.3	.12
	3	509.13	70		60	247	249	990		9.5	2.5	.13
	4	512.91	70		61	247	250	1002		8.0	2.0	.11
	5	516.52	70		63	240	252	1015		8.5	2.1	.12
	6	520.314	70		64	241	250	997		7.0	1.8	.10
										8.5	2.1	.12

TIME 44.259											
AVERAGE	70			****	*****	*****					
INTEGRATED GAS SAMPLE				AVG	N ₂ = 81.5	867	MAX	2.1		60	
CO	8.5	8.1	8.0	8.2	CONDENSATE COLLECTED						MINUTES
CO	10.0	10.5	10.5	10.3	DRIERITE	FINAL	INITIAL	TOTAL			
					IMPINGER	866.7	844.0	22.7			
					IMPINGER CATCH	286.1	200.	86.1			
FILTER WT	PROBE WASH WT			GRAND TOTAL			108.8				
GRASS				LEAK RATE @.002" Hg = 9.5							
TAPE				STACK AREA (As) 9850 ft ²							
NET				AVG SQ RT ΔP .3227							
TOTAL PARTICULATE WT (Mn)				142							

Pitot OK

Custom Stack Analysis, LLC. Method 5

TEST NO. 3 PLANT Ridge Animal Hospital

DATE 6-15-07

LOCATION *Animal Engineer*

BY Joe Crome

BAROMETER (P_r) 29.65

AMBIENT TEMP 84°

ASSUMED MOISTURE

"y" 999

COPIE NO. 0011

PROBE NO. 4p-

FILTER NO.

HEATER NO. 17 NOZZLE DIA. 428

TEST	METER	METER	COND	FILTER	PROBE	STACK	STACK	VACUUM	ORIFICE	VEL	TIME
POINT	VOLUME	TEMP (Tm)	TEMP	HEATER	TEMP	TEMP	PRESS.	"Hg	"H ₂ O	HEAD	
	(Vn)	IN	OUT	°F	TEMP °F	°F (Ts)	(Ps)		(ΔH) (Fm)	(ΔS)	
Start	628.944	74		67	240	243	780	.10	6.0	X	0
1	572.52	73		65	250	249	913		6.0	1.9	.09
2	536.13	74		63	247	252	1105		6.0	1.9	.10
3	539.81	74		64	246	251	1079		7.0	2.0	.12
4	543.51	74		64	248	254	1101		6.0	1.9	.11
5	547.48	74		61	246	254	1087		7.5	2.2	.13
6	551.014	74		60	247	252	1078		6.0	1.9	.11
Start	551.014	74		60	239	245	1049		8.0	X	X
1	554.98	74		58	239	257	1071		8.0	2.3	.13
2	559.02	74		59	245	265	1072		8.0	2.4	.14
3	562.95	74		59	245	261	1069		7.5	2.1	.12
4	566.74	75		61	244	263	1067		7.5	2.2	.13
5	570.43	75		62	243	257	1067		6.0	1.9	.11
6	574.565	75		62	243	255	1066		8.0	2.4	.14

Good pitot

Lab Data Sheet For Bridge Animal Hospital Date 6-12-07 By Joe Crowe

Moisture Weights

Impinger Number

	Box	1	2	3	4	5	6	Drierite
Gross		652.1	612.1	499.2				896.0
Tare	6	602.3	590.7	494.5				867.8
Net		49.8	21.4	4.7				28.2

Test 1

Initial Imp ML = 2.00

Impinger Total = 75.9 Total = 104.1

	Box	1	2	3	4	5	6	Drierite
Gross		644.1	629.5	509.9				866.7
Tare	15	604.5	596.4	496.5				844.0
Net		39.6	33.1	13.4				22.7

Test 2

Impinger Total = 86.1 Total = 108.8

	Box	1	2	3	4	5	6	Drierite
Gross		617.8	651.1	500.6				822.6
Tare	17	595.5	615.8	478.8				803.5
Net		17.3	35.3	21.8				19.1

Test 3

Impinger Total = 74.4 Total = 93.5

	Box	1	2	3	4	5	6	Drierite
Gross								
Tare								
Net								

Test 4

Impinger Total = Total =

Scale Serial # _____

Conditions	Temp/RH	Barometric
Initial	68° - 58%	28.79
Post	67° - 74%	28.70

Lab Data Sheet For Ridge Animal Hospital

Date 6-22-07 By JPW Pelt

Probe Weight

No.	Test	Temp/RH	Barometric	Time/Date	Gross	Temp/RH	Barometric	Time/Date	Tare	Net
	1	67°/62%	28.82	8:52/6-25	101691.7	67°/55%	28.70	8:12/6-22	101681.6	10.1
	1	68°/60%	28.85	15:07/6-25	101691.6	69°/58%	28.73	14:27/6-22	101681.5	10.1
									AVG	10.1
	2	67°/62%	28.82	8:54/6-25	107389.8	67°/55%	28.70	8:14/6-22	107376.4	13.4
	2	68°/60%	28.85	15:08/6-25	107389.6	69°/58%	28.73	14:29/6-22	107376.2	13.4
									AVG	13.4
	3	67°/62%	28.82	8:57/6-25	116854.2	67°/55%	28.70	8:15/6-22	116842.9	11.3
	3	68°/60%	28.85	15:10/6-25	116854.1	69°/58%	28.73	14:30/6-22	116842.8	11.3
									AVG	11.3
	4									
	4									
									AVG	

Total PM Weight _____

Lab Data Sheet For Ridge Animal Hospital Date 6-22-07 By JAN Patton

Filter Weight

No.	Test	Temp/RH	Barometric	Time/Date	Gross	Temp/RH	Barometric	Time/Date	Tare	Net
957	1	67°/55%	28.70	8:17/6-22	51239.6	68°/50%	28.61	7:49/5-15	51109.7	129.9
957	1	69°/58%	28.73	14:37/6-22	51239.4	70°/52%	28.63	14:12/5-15	51109.6	129.8
									AVG	129.85
948	2	67°/55%	28.70	8:18/6-22	51099.4	68°/57%	28.61	7:54/5-17	51083.0	16.4
948	2	69°/58%	28.73	14:39/6-22	51099.5	66°/50%	28.53	14:31/5-17	51082.8	16.7
									AVG	16.55
958	3	67°/55%	28.70	8:21/6-22	51291.7	68°/50%	28.61	7:51/5-15	51283.8	7.9
958	3	69°/58%	28.73	14:40/6-22	51291.5	70°/52%	28.63	14:14/5-15	51283.7	7.8
									AVG	7.85
	4									
	4									
									AVG	

Total PM Weight _____

Scale Serial # 08204

Filters weighed to a constant weight, reported to the nearest 0.1 mg. with no more than 0.5 mg or 1 percent difference of total weight less tare weight between two consecutive weighings, with no less than 6 hours of desiccation time between weighings.

C.S.A. Co.
STACK SAMPLER CALIBRATION SHEET

Customer _____ Order No. _____
Date 06/12/07 Serial No. 004 CSA Unit No. 4

Pump OK Pump Oil CHNG Clean Quick Disconnects YES
Manometers OK Dry Test Meter OK Thermometers SEE CAL SHT
Lights OK Electrical Check OK Variac OK
Vacuum Gauge OK Leak Check @ 27" Hg Vacuum NO LEAKS
Remarks 8.0" NO LEAKS

Barometer (Pb) 28.95

K	N	DH	CFw	CFd	Tw	ITd	OTd	TD	t	H	Y
.0158	.0368	0.5	5	5.00	76	76	76	76	12.99	1.974	0.999
.0317	.0737	1.0	5	4.98	76	76	76	76	9.21	1.991	1.001
.0634	.1470	2.0	10	9.95	76	76	76	76	12.95	1.969	1.000
.1268	.2490	4.0	10	9.92	77	76	76	76	9.20	1.994	0.998
.1902	.4310	6.0	10	9.90	77	77	78	78	7.50	1.981	0.997
.2536	.5880	8.0	10	9.80	78	78	78	78	6.50	1.991	1.000

Tolerances H=1.6-1.84-2.1 , Y=0.99-1.00-1.01

$H = (K / (Pb(OTd + 460))) * (((Tw + 460)t) / CFw)^2$

$Y = (CFw Pb (Td \text{ avg.} + 460)) / (CFd (Pb + N) (Tw + 460))$

DH= Orifice pressure drop - in. H₂O

CFw= Volume wet test meter - f³

CFd= Volume dry test meter - f³

Tw= Temp. wet test meter

ITd= Inlet temperature dry test meter

OTd= Outlet temperature dry test meter

Td avg.= Average temperature dry test meter

t= Time - minutes

Pb=Barometer press.

AH=1.983
Y=.999

DIAL THERMOMETER CALIBRATION

Precision Lab Thermometer

Meter Thermometers

Impinger Outlet Thermometer (1)
(2)

ICE WATER

0

ITd 0 OTd 0

0

0

BOILING WATER

0

ITd 0 OTd 0

0

0

STACK DIGITAL TEMPERATURE INDICATORS

NBS TRACABLE FROM FACTORY. 2 UNITS CALIBRATED AGAINST EACH OTHER (PyroMation)

ALL THERMOCOUPLES ARE CALIBRATED BY OVEN FROM 100 TO 500°F AGAINST A CMS LAB THERMOMETER (No. 227-934). ANY THERMOCOUPLE THAT IS MORE THAN ±2% FROM STANDARD IS DISCARDED.

BRECHBUHLER SCALES, INC.

SERVICE DEPARTMENT

Certificate of Inspection

THIS CERTIFIES THAT THE WEIGHING INSTRUMENTS LISTED AT

Custom Stack, 14614 Cenfield St, Alliance Oh 44610

Ohaus ScoutPro SP2001-S/N: 7124111434

Ohaus Adventurer-S/N: 1203240794, Sartorius A2005-S/N: 39080133

HAVE BEEN TESTED ON THIS DATE AND ARE CORRECT BASED ON SPECIFICATIONS
SET FORTH BY FEDERAL AND STATE DEPARTMENT OF WEIGHTS & MEASURES

Ted Cramer #BSI-1475
Certified Technician #

822/262305-99
Certified Weight Traceability #

5/21/07

Date

James H. Hines
Service Manager

Calibration Report	
SUBMITTED BY : Brechbuhler Scales, Inc.	TEMP. : 22.2 C°
OHIO TEST NO. : 2007-130	PRES. : 744.58 mmHg
DATE : 3-20-2007	HUMD. : 40.7 %
SET : Rice Lake Metric Kit, s/n: 3	CLASS : F

Calibration Report	
SUBMITTED BY : Brechbuhler Scales, Inc.	TEMP. : 22.2 C°
OHIO TEST NO. : 2007-130	PRES. : 744.58 mmHg
DATE : 3-20-2007	HUMD. : 40.7 %
SET : Rice Lake Metric Kit, s/n: 3	CLASS : F

Calibration Report	
SUBMITTED BY : Brechbuhler Scales, Inc.	TEMP. : 22.2 C°
OHIO TEST NO. : 2007-130	PRES. : 744.58 mmHg
DATE : 3-20-2007	HUMD. : 40.7 %
SET : Rice Lake Metric Kit, s/n: 3	CLASS : F

[illegible]

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Ohio Department of Agriculture



Governor Ted Strickland
Lieutenant Governor Lee Fisher
Director Robert J. Boggs

Division of Weights and Measures
8995 East Main Street, Building #5 • Reynoldsburg, Ohio 43068-3399
Phone: 614-728-6290 • Fax: 614-728-6424
ODA home page: www.state.oh.us/agr/ • E-Mail: wwwagri@ohio.gov

DIVISION OF WEIGHTS AND MEASURES METROLOGY LABORATORY

[Page 2 of 3]

CALIBRATION REPORT FOR:

OHIO TEST REPORT NO: 2007-130

Laboratory Conditions:

Laboratory environment during testing is maintained in a range of 18 to 23 degrees Celsius, and a relative humidity of 30% to 70%. Deviations from this range are recorded and the effects are analyzed in the calculation of the reported mass values.

Uncertainty statement:

Uncertainties, when not shown on any following page(s), are calculated as no more than 10% of the tolerance on weights less than 10 lb, and no more than 1/3 of the tolerance on weights greater than 10 lb. The uncertainty is calculated by taking the combined root sum square of the uncertainty of the reference standards, the standard deviation of the process and the uncertainty of other known factors and multiplying this value by two (2). This gives a 95% accuracy in measurement process (2 sigma). The user must consider the corrections and uncertainties as reported to determine the overall system uncertainty in use.

Conventional Mass (Also known as "Apparent Mass versus 8.0 g/cm³):

The conventional mass of an item is the mass the item would have weighed in air under conventional conditions defined in OIML IR 33 as follows:
• 20° C; 1.2 kg / m³ air density; 8 000 kg / m³ reference mass density.

- This report relates only to the items mentioned above.
- The effects of magnetism have not been considered on this report.
- Before and after values will not apply to cast iron weights that have been cleaned and repainted before submission to the laboratory for calibration.

Ken Johnson

Weights & Measures Technologist Ken Johnson

3/21/2007

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Ohio Department of Agriculture



Governor Ted Strickland
Lieutenant Governor Lee Fisher
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Division of Weights and Measures
8995 East Main Street, Building #5 • Reynoldsburg, Ohio 43068-3399
Phone: 614-728-6290 • Fax: 614-728-6424
ODA Website: www.ohioagriculture.gov E-Mail: wwwagri@ohio.gov

DIVISION OF WEIGHTS AND MEASURES METROLOGY LABORATORY

[Page 1 of 3]

CALIBRATION REPORT FOR:

Rice lake gram weight kit, ser.# 3; 2-2-1 kilogram; 500-200-200-100-50-20-20-10-5-2-2-1 gram;

Date Received: 3/19/2007

Date Tested: 3/20/2007

Condition of Artifacts: Good

T: 22.2 °C

OHIO TEST REPORT NO: 2007-130

P: 744.58 mmHg

Traceable NO: 822/271908-05; MI-07-02-6604-C;

H: 40.7 %RH



NVLAP CODE: 200420-0:

☐ This report contains data not covered
by the NVLAP Accreditation
if the box is checked

SUBMITTED BY:

Brechtbuhler Scales, Inc.

1424 Scale Street SW
Canton Oh 44706

Fran

Methods and Traceability:

The weights described above have been compared by the State of Ohio and were found to be appropriate for the intended use and to be accurate within Class "F" tolerance as set forth by the National Institute of Standards and Technology (NIST).

The following NIST Standard Operating Procedure (S.O.P.) are used by this lab:

8 Recommended Standard Operations Procedure for Tolerance Testing of Mass Standards by Modified Substitution

Standards and/or check standards were compared to each item submitted. Standards are traceable to NIST (report on file) and are part of a comprehensive measurement assurance program for ensuring continued accuracy and traceability within the level of uncertainty reported by this laboratory.

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Certificate 1750-01

Calibration complies with
ISO/IEC 17025 AND ANSI/NCSL Z540-1



Cert. No.: 1870-1277376

Traceable® Certificate of Calibration for Digital Barometer Module

Instrument Identification:

Model: 23609-208

S/N: 61542879

Manufacturer : Control Company

Standards/Equipment:

Description	Serial Number	Due Date	NIST Traceable Reference
Digital Barometer	W2940009	9/02/06	1000192359
Chilled Mirror Hygrometer	31874/H2048MCR	6/24/06	4588
Digital Thermometer	221197994	9/15/06	4000-1185689
Multimeter	4915082	3/11/06	1000183834

Certificate Information:

Technician: 57

Procedure: CAL-31

Cal Date: 2/16/06

Cal Due: 2/16/08

Test Conditions: 24.0°C 43.0 %RH 1014 mBar

Calibration Data: (New Instrument)

Unit(s)	Nominal	As Found	In Tol	Nominal	As Left	In Tol	Min	Max	±uc	TUR
mb/hPa		N.A.		803.36	801	Y	798	808	1.30	3.8:1
mb/hPa		N.A.		907.82	906	Y	903	913	1.30	3.8:1
mb/hPa		N.A.		1,014.94	1,014	Y	1,010	1,020	1.30	3.8:1
°C		N.A.		24.263	24	Y	23	25	0.580	1.7:1
%RH		N.A.		45.766	44	Y	41	51	1.560	3.2:1

This Instrument was calibrated using Instruments Traceable to National Institute of Standards and Technology.

A Test Uncertainty Ratio of at least 4:1 is maintained unless otherwise stated and is calculated using the expanded measurement uncertainty. Uncertainty evaluation includes the instrument under test and is calculated in accordance with the ISO "Guide to the Expression of Uncertainty in Measurement" (GUM). The uncertainty represents an expanded uncertainty using a coverage factor $k=2$ to approximate a 95% confidence level. In tolerance conditions are based on test results falling within specified limits with no reduction by the uncertainty of the measurement. The results contained herein relate only to the item calibrated. This certificate shall not be reproduced except in full, without written approval of Control Company.

Nominal=Standard's Reading; As Left=Instrument's Reading; In Tol=In Tolerance; Min/Max=Acceptance Range; ±uc=Measurement Uncertainty; TUR=Test Uncertainty Ratio;
Accuracy= $\pm(\text{Max}-\text{Min})/2$

Wallace Berry
Wallace Berry, Technical Manager

Maintaining Accuracy:

In our opinion once calibrated your Digital Barometer Module should maintain its accuracy. There is no exact way to determine how long calibration will be maintained. Digital Barometer Modules change little, if any at all, but can be affected by aging, temperature, shock, and contamination.

Recalibration:

For factory calibration and re-certification traceable to National Institute of Standards and Technology contact Control Company.

CONTROL COMPANY 4455 Rex Road Friendswood, TX 77546 USA
Phone 281 482-1714 Fax 281 482-9440 service@control3.com www.control3.com

Control Company is an ISO 17025 Calibration Laboratory Accredited by (A2LA) American Association for Laboratory Accreditation, Certificate No. 1750-01.
Control Company is ISO 9001 Quality Certified by (DNV) Det Norske Veritas, Certificate No. CERT-01805-AO-HOU.
International Laboratory Accreditation Cooperation (ILAC) - Multilateral Recognition Arrangement (MLA).



Certificate 1750.01

Calibration complies with
ISO/IEC 17025 AND ANSI/NCSL Z540-1

Cert. No.: 3415-1520494

Traceable® Certificate of Calibration for Digital Calipers

Instrument Identification:

Custom Stack Analysis, LLC, 14614 Canfield St NE, Attn: James Gray, Alliance, OH 44601 U.S.A. (RMA:937068)
Model: 62379-531 S/N: Y305936 Manufacturer: Control Company

Standards/Equipment:

Description
Gage Block Set

Serial Number
99146223

Due Date
8/04/07

NIST Traceable Reference
1000208994

Certificate Information:

Technician: 57 Procedure: CAL-05
Test Conditions: 21.5°C 41.0 %RH 1019 mBar

Cal Date: 3/07/07

Cal Due: 3/06/08

Calibration Data:

Unit(s)	Nominal	As Found	In Tol	Nominal	As Left	In Tol	Min	Max	±uc	TUR
in	0.0000	0.0000	Y	0.0000	0.0000	Y	-0.0010	0.0010	0.0003	3.4:1
in	0.1000	0.0980	N	0.1000	0.0995	Y	0.0990	0.1010	0.0003	3.4:1
in	2.0000	1.9980	Y	2.0000	1.9990	Y	1.9980	2.0020	0.0003	>4:1
in	4.0000	3.9985	Y	4.0000	3.9990	Y	3.9960	4.0040	0.0004	>4:1
in	6.0000	5.9980	Y	6.0000	5.9990	Y	5.9940	6.0060	0.0004	>4:1
in depth	2.0000	2.0000	Y	2.0000	2.0005	Y	1.9980	2.0020	0.0003	>4:1
in inside	1.0000	0.9990	Y	1.0000	1.0005	Y	0.9990	1.0010	0.0003	3.2:1

This Instrument was calibrated using Instruments Traceable to National Institute of Standards and Technology. ...
A Test Uncertainty Ratio of at least 4:1 is maintained unless otherwise stated and is calculated using the expanded measurement uncertainty. Uncertainty evaluation includes the instrument under test and is calculated in accordance with the ISO "Guide to the Expression of Uncertainty in Measurement" (GUM). The uncertainty represents an expanded uncertainty using a coverage factor k=2 to approximate a 95% confidence level. In tolerance conditions are based on test results falling within specified limits with no reduction by the uncertainty of the measurement. The results contained herein relate only to the item calibrated. This certificate shall not be reproduced except in full, without written approval of Control Company.

Nominal=Standard's Reading; As Left=Instrument's Reading; In Tol=In Tolerance; Min/Max=Acceptance Range; ±uc=Measurement Uncertainty; TUR=Test Uncertainty Ratio;
Accuracy=±(Max-Min)/2

Wallace Berry
Wallace Berry, Technical Manager

Maintaining Accuracy:

In our opinion once calibrated your Digital Calipers should maintain its accuracy. There is no exact way to determine how long calibration will be maintained. Digital Calipers change little, if any at all, but can be affected by aging, temperature, shock, and contamination.

Recalibration:

For factory calibration and re-certification traceable to National Institute of Standards and Technology contact Control Company.

CONTROL COMPANY 4455 Rex Road Friendswood, TX 77546 USA
Phone 281 482-1714 Fax 281 482-9448 service@control3.com www.control3.com

Control Company is an ISO 17025 Calibration Laboratory Accredited by (A2LA) American Association for Laboratory Accreditation, Certificate No. 1750.01.
Control Company is ISO 9001 Quality Certified by (DNV) Det Norske Veritas, Certificate No. CERT-01805-AQ-HOU.
International Laboratory Accreditation Cooperation (ILAC) - Multilateral Recognition Arrangement (MRA).



Certificate 1750.01

Calibration complies with
ISO/IEC 17025 AND ANSI/NCSL Z540-1

Cert. No.: 1870-1524646

Traceable® Certificate of Calibration for Digital Barometer Module

Instrument Identification:

Custom Stack Analysis, LLC, 14614 Cenfield St NE, Attn: James Gray, Alliance, OH 44601 U.S.A. (RMA:937068)

Model: 23609-208

S/N: 41370014

Manufacturer: Control Company

Standards/Equipment:

Description
Digital Barometer
Chilled Mirror Hygrometer
Digital Thermometer
Multimeter

Serial Number
W2940009
31874/H2048MCR
230181029
49150872

Due Date
9/13/07
7/05/07
11/01/07
3/13/07

NIST Traceable Reference
1000211199
5354
4007-1430153
1000201367

Certificate Information:

Technician: 57

Procedure: CAL-31

Cal Date: 3/10/07

Cal Due: 3/09/08

Test Conditions: 24.0°C 43.0 %RH 1017 mBar

Calibration Data:

Unit(s)	Nominal	As Found	In Tol	Nominal	As Left	In Tol	Min	Max	±uc	TUR
mb/hPa	804.09	799	Y	803.27	799	Y	798	808	1.30	3.8:1
mb/hPa	908.71	906	Y	908.98	906	Y	904	914	1.30	3.8:1
mb/hPa	1,008.09	1,006	Y	1,008.26	1,006	Y	1,003	1,013	1.30	3.8:1
°C	22.326	22	Y	24.290	24	Y	23	25	0.580	1.7:1
%RH	40.379	35	Y	45.272	40	Y	40	50	1.560	3.2:1

This instrument was calibrated using instruments traceable to National Institute of Standards and Technology.

A Test Uncertainty Ratio of at least 4:1 is maintained unless otherwise stated and is calculated using the expanded measurement uncertainty. Uncertainty evaluation includes the instrument under test and is calculated in accordance with the ISO "Guide to the Expression of Uncertainty in Measurement" (GUM). The uncertainty represents an expanded uncertainty using a coverage factor k=2 to approximate a 95% confidence level, in tolerance conditions are based on test results falling within specified limits with no reduction by the uncertainty of the measurement. The results contained herein relate only to the item calibrated. This certificate shall not be reproduced except in full, without written approval of Control Company.

Nominal=Standard's Reading; As Left=Instrument's Reading; In Tol=In Tolerance; Min/Max=Acceptance Range; ±uc=Measurement Uncertainty; TUR=Test Uncertainty Ratio;
Accuracy=±(Max-Min)/2

Wallace Barry
Wallace Barry, Technical Manager

Maintaining Accuracy:

In our opinion once calibrated your Digital Barometer Module should maintain its accuracy. There is no exact way to determine how long calibration will be maintained. Digital Barometer Modules change little, if any at all, but can be affected by aging, temperature, shock, and contamination.

Recalibration:

For factory calibration and re-certification traceable to National Institute of Standards and Technology contact Control Company.

CONTROL COMPANY 4455 Rex Road Friendswood, TX 77546 USA
Phone 281 482-1714 Fax 281 482-9448 service@control3.com www.control3.com

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Control Company is ISO 9001 Quality Certified by (DNV) Det Norske Veritas, Certificate No. CERT-01805-AQ-HOU.
International Laboratory Accreditation Cooperation (ILAC) - Multilateral Recognition Arrangement (MRA).



Certificate 1750.01

Calibration complies with
ISO/IEC 17025 AND ANSI/NCSL Z540-1



Cert. No.: 1870-1524645

Traceable® Certificate of Calibration for Digital Barometer Module

Instrument Identification:

Custom Stack Analysis, LLC, 14614 Cenfirld St NE, Attn: James Gray, Alliance, OH 44601 U.S.A. (RMA:937068)

Model: 23609-208

S/N: 230192592

Manufacturer : Control Company

Standards/Equipment:

Description	Serial Number	Due Date	NIST Traceable Reference
Digital Barometer	-W2940009	9/13/07	1000211199
Chilled Mirror Hygrometer	31874/H2048MCR	7/05/07	5354
Digital Thermometer	230181029	11/01/07	4007-1430153
Multimeter	49150872	3/13/07	1000201367

Certificate Information:

Technician: 57

Procedure: CAL-31

Cal Date: 3/10/07

Cal Due: 3/09/08

Test Conditions: 24.0°C 43.0 %RH 1017 mBar

Calibration Data:

Unit(s)	Nominal	As Found	In Tol	Nominal	As Left	In Tol	Min	Max	±uc	TUR
mb/hPa	804.09	803	Y	803.27	799	Y	798	808	1.30	3.8:1
mb/hPa	908.71	908	Y	908.98	909	Y	904	914	1.30	3.8:1
mb/hPa	1,008.09	1,009	Y	1,008.26	1,009	Y	1,003	1,013	1.30	3.8:1
°C	23.525	23	Y	24.290	24	Y	23	25	0.580	1.7:1
%RH	38.135	37	Y	45.272	43	Y	40	50	1.560	3.2:1

This Instrument was calibrated using Instruments Traceable to National Institute of Standards and Technology.

A Test Uncertainty Ratio of at least 4:1 is maintained unless otherwise stated and is calculated using the expanded measurement uncertainty. Uncertainty evaluation includes the instrument under test and is calculated in accordance with the ISO "Guide to the Expression of Uncertainty in Measurement" (GUM). The uncertainty represents an expanded uncertainty using a coverage factor k=2 to approximate a 95% confidence level. In tolerance conditions are based on test results falling within specified limits with no reduction by the uncertainty of the measurement. The results contained herein relate only to the item calibrated. This certificate shall not be reproduced except in full, without written approval of Control Company.

Nominal=Standard's Reading; As Left=Instrument's Reading; In Tol=In Tolerance; Min/Max=Acceptance Range; ±uc=Measurement Uncertainty; TUR=Test Uncertainty Ratio;
Accuracy=±(Max-Min)/2

Wallace Berry
Wallace Berry, Technical Manager

Maintaining Accuracy:

In our opinion once calibrated your Digital Barometer Module should maintain its accuracy. There is no exact way to determine how long calibration will be maintained. Digital Barometer Modules change little, if any at all, but can be affected by aging, temperature, shock, and contamination.

Recalibration:

For factory calibration and re-certification traceable to National Institute of Standards and Technology contact Control Company.

CONTROL COMPANY 4455 Rex Road Friendswood, TX 77546 USA
Phone 281 482-1714 Fax 281 482-9448 service@control3.com www.control3.com

Control Company is an ISO 17025 Calibration Laboratory Accredited by (A2LA) American Association for Laboratory Accreditation, Certificate No. 1750.01.
Control Company is ISO 9001 Quality Certified by (DNV) Det Norske Veritas, Certificate No. CERT-01805-AQ-HOU.
International Laboratory Accreditation Cooperation (ILAC) - Multilateral Recognition Arrangement (MRA).



Thermometer

Calibration Report

Traceable to NIST and DKD/PTB



Certificate Number 2448.01

This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2005 General Requirements for the Competence of Testing and Calibration Laboratories. This laboratory also meets the requirements of ANSI/NCSL Z540-1-1994 and any additional program requirements in the field of calibration. This accreditation also demonstrates technical competence for a defined scope and the operation of a laboratory quality management system (refer to joint ISO-ILAC-IAF Communiqué dated 18 June 2005).

The instrument described below has been examined and tested in H-B Instrument Company's Calibration Laboratory using controlled constant temperature equipment and NIST and DKD/PTB Traceable Reference Thermometers. In accordance with our calibration procedure LAB-20 which is based in part on NBS Monograph 150, ASTM Method E-77, 3.1.2, 3.1.3, 3.1.4, and 7.2 only, NIST Special publication 819, and the International Temperature Scale ITS-90. Calibration is traceable to NIST and DKD/PTB. For a discussion of accuracy obtainable with such thermometers, see NIST SP 250-23.

This instrument is in good working order and is suitable for calibration. The capillary of the thermometer has been examined under magnification and no discernable capillary irregularities were noted. Strains in the glass revealed by examination under a polarized lens, if any, were judged to be minimal and of no detriment to the function of the instrument.

19-Sep-06

VWR International

1451 North Raddant Road
Batavia IL 60510

Tel: Fax:
Reference No: 1930213

Report No. 314139
Serial No 4A6108
Part No 61099-126
Distributor VWR International
Manufacturer H-B Instrument Company/MW
Item ASTM Thermometer
Range 167/221°F, 0.2° div., Total Imm., 379mm Lth



N.I.S.T. Standard	Instrument Tested	Correction (ITS-90)*	Standard Serial No.	Traceability	Emer. Stem** Temperature
32.00 ° F	32.02 ° F	-0.02	723619	CAL046211	°
168.00 ° F	168.06 ° F	-0.06	723619	CAL046211	°
185.00 ° F	185.08 ° F	-0.08	723619	CAL046211	°
200.00 ° F	200.08 ° F	-0.08	723619	CAL046211	°
220.00 ° F	220.00 ° F	0.00	723619	CAL046211	°
Ambient Air Temperature: 73 ° F					Relative Humidity: 31 %

* Observed instrument readings should be increased by positive numbers or reduced by negative numbers indicated by a minus (-) sign.
** Emergent Stem Temperature relates to PARTIAL IMMERSION thermometers ONLY.

JB JB

The expanded measurement uncertainties associated with our calibration system are $\pm 0.073^{\circ}\text{C}$ from -80 to -1°C , $\pm 0.064^{\circ}\text{C}$ at the ice point in melting ice bath, $\pm 0.066^{\circ}\text{C}$ from 1 to 100°C , $\pm 0.066^{\circ}\text{C}$ from 101 to 200°C , $\pm 0.068^{\circ}\text{C}$ from 201 to 300°C , and $\pm 0.064^{\circ}\text{C}$ from 301 to 400°C . These uncertainties have been calculated using our Work Instruction WI-19 to 22 that utilizes methods found in NIST Technical Note 1297. The reported uncertainty represents an expanded uncertainty expressed at approximately the 95% confidence level using a coverage factor of $k=2$.

Calibrated By

Checked By

H-B Instrument Company
102 West Seventh Avenue, Trappe, PA 19426-0770 USA
Telephone: (610) 489-5500 • Fax: (610) 489-9100
Email Address: cal@hbinstrument.com
Website Address: www.hbinstrument.com

Design Copyright ©HBI 2006 Form 0-592 Rev. 7



Calibration Report

Traceable to NIST and DKD/PTB



Certificate Number 2448.01

The instrument described below has been examined and tested in H-B Instrument Company's Calibration Laboratory using controlled constant temperature equipment and NIST and DKD/PTB Traceable Reference Thermometers. In accordance with our calibration procedure LAB-20 which is based in part on NBS Monograph 150, ASTM Method E-77, 3.1.2, 3.1.3, 3.1.4, and 7.2 only, NIST Special publication 819, and the International Temperature Scale ITS-90. Calibration is traceable to NIST and DKD/PTB. For a discussion of accuracy obtainable with such thermometers, see NIST SP 250-23.

This instrument is in good working order and is suitable for calibration. The capillary of the thermometer has been examined under magnification and no discernable capillary irregularities were noted. Strains in the glass revealed by examination under a polarized lens, if any, were judged to be minimal and of no detriment to the function of the instrument.

This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2005 General Requirements for the Competence of Testing and Calibration Laboratories. This laboratory also meets the requirements of ANSI/NCSL Z540-1-1994 and any additional program requirements in the field of calibration. This accreditation also demonstrates technical competence for a defined scope and the operation of a laboratory quality management system (refer to joint ISO-ILAC-IAF Communique dated 18 June 2005).

08-Aug-06

VWR International

1451 North Raddant Road
Batavia IL 60510

Tel: Fax:
Reference No: 1786516

Report No. 313793
Serial No 4B5200
Part No 61099-046
Distributor VWR International
Manufacturer H-B Instrument Company/MW
Item ASTM Thermometer
Range 18/89°F, 0.2°F Div., Total Imm., ASTM 63F



N.I.S.T. Standard	Instrument Tested	Correction (ITS-90)*	Standard Serial No.	Traceability	Emer. Stem** Temperature
20.000 ° F	19.96 ° F	0.04	723619	CAL046211	°
32.000 ° F	32.04 ° F	-0.04	723619	CAL046211	°
50.000 ° F	50.00 ° F	0.00	723619	CAL046211	°
70.000 ° F	70.02 ° F	-0.02	723619	CAL046211	°
88.000 ° F	87.98 ° F	0.02	723619	CAL046211	°
Ambient Air Temperature: 73 ° F				Relative Humidity:	31 %

Adjusted instrument readings should be increased by positive numbers or reduced by negative numbers indicated by a minus (-) sign.
Emergent Stem Temperature relates to PARTIAL IMMERSION thermometers ONLY.

JB JB

Expanded measurement uncertainties associated with our calibration system are $\pm 0.073^{\circ}\text{C}$ from -80 to -1°C , $\pm 0.064^{\circ}\text{C}$ at the ice point in melting ice bath, $\pm 0.066^{\circ}\text{C}$ from 1 to 100°C , $\pm 0.066^{\circ}\text{C}$ from 101 to 200°C , $\pm 0.068^{\circ}\text{C}$ from 201 to 300°C , and $\pm 0.064^{\circ}\text{C}$ from 301 to 400°C . These uncertainties have been calculated using our Work Instruction WI-19 to 22 that utilizes methods found in NIST Technical Note 1297. The reported uncertainty represents an expanded uncertainty expressed at approximately the 95% confidence level using a coverage factor of $k=2$.

Calibrated By:
Tested By:

H-B Instrument Company
102 West Seventh Avenue, Trappe, PA 19426-0770 USA
Telephone: 1-800-4-TEST-LAB • Fax: (610) 489-9100
Email Address: cal@hbinstrument.com
Website Address: www.hbinstrument.com

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Form 0-592 Rev. 7

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THERMOCOUPLE CALIBRATIONS FOR SOURCE SAMPLING APPARATUS

CALIBRATION DATE 6/12/07 BY [Signature]
 UNIT NO. _____ SERIAL NO. _____ Po 28.75

CALIBRATED IN ICE WATER AND BOILING WATER USING A CMS PRECISION GLASS THERMOMETER NO. 229-034, ASTM NO. 03F FOR ICE WATER AND CMS NO. 229-080, ASTM NO. 06F FOR BOILING WATER.

TC	ICE WATER		IC	BOILING WATER		IC
	PRECISION			PRECISION		
OVEN THERMOCOUPLES						
0-6		32		32		212
0-7				32		212
0-5				32		212
0-6						
0-7						
0-8						
0-9						
STACK THERMOCOUPLES						
2S-1						
2S-2						
2S-3						
3S-1						
3S-2						
3S-3						
4S-1		32		33		212
4S-2				32		212
4S-3				32		212
6S-1						
6S-2						
6S-3						
8S-4						
8S-1						
8S-2						
8S-3						

THERMOCOUPLE TEMPERATURES ARE READ ON THE DTI USED DURING TEST.
 DTI CALIBRATED BY ALTEK 22 TC SOURCE S# 243783 PRIOR TO TC CAL.

THERMOCOUPLE CALIBRATIONS FOR SOURCE SAMPLING APPARATUS

CALIBRATION DATE 6/12/07 BY Act/pt TL
 UNIT NO. _____ SERIAL NO. _____ Pb 28.85

CALIBRATED IN ICE WATER AND BOILING WATER USING A CMS PRECISION GLASS THERMOMETER NO. 229-054, ASTM NO. 63F FOR ICE WATER AND CMS NO. 229-088, ASTM NO. 66F FOR BOILING WATER.

TC	PRECISION	ICE WATER	TC	PRECISION	BOILING WATER	TC
STACK THERMOCOUPLE						
12S-1						
PROBE THERMOCOUPLES						
12P-1						
12P-2						
12P-3						
METER THERMOCOUPLES - UNIT 001						
M-1						
M-2						
METER THERMOCOUPLES - UNIT 002						
M-1						
M-2						
METER THERMOCOUPLES - UNIT 003						
M-1						
M-2						
METER THERMOCOUPLES - UNIT 004						
M-1		32	32	2/2	2/1	
M-2			32		2/2	
METER THERMOCOUPLES - UNIT 16						
M-1						
M-2						
METER THERMOCOUPLES - UNIT 17						
M-1						
M-2						
METER THERMOCOUPLES - UNIT 18						
M-1						
M-2						

THERMOCOUPLE TEMPERATURES ARE READ ON THE OTI USED DURING TEST.
 OTI CALIBRATED BY ALTEK 22 TC SOURCE S# 243703 PRIOR TO TC CAL.

THERMOCOUPLE CALIBRATIONS FOR SOURCE SAMPLING APPARATUS

CALIBRATION DATE 6/12/07 BY AWH/PT III

FACILITY _____

UNIT NO. _____ SERIAL NO. _____ Pb 28.85

CALIBRATED IN ICE WATER AND BOILING WATER USING A CMS PRECISION GLASS THERMOMETER NO. 229-054, ASTM NO. 63F FOR ICE WATER AND CMS NO. 229-068, ASTM NO. 66F FOR BOILING WATER.

TC	ICE WATER		TC	BOILING WATER		TC
	PRECISION			PRECISION		
CONDENSOR THERMOCOUPLES						
C-1		32		32		212
C-2				32		212
C-3				32		212
C-4				32		212
C-5				32		212
PROBE THERMOCOUPLES						
2P-1						
2P-2						
2P-3						
3P-1						
3P-2						
3P-3						
3P-4						
4P-1		32		32		212
4P-2				32		212
4P-3						
4P-4						
6P-1						
6P-2						
6P-3						
6P-4						
8P-1						
8P-2						
8P-3						

THERMOCOUPLE TEMPERATURES ARE READ ON THE DTI USED DURING TEST.
DTI CALIBRATED BY ALTEK 22 TC SOURCE S# 243783 PRIOR TO TC CAL.

Nozzle Calibration Data

Facility: Ridge Animal Hospital Date: 6/14/07
Location: Outlet Source: Incinerator
Method: 1-5 Analyst: Jeff Pittman

Run #1

Mean

.479	.479	.479	.479
------	------	------	------

Run #2

Mean

.479	.479	.479	.479
------	------	------	------

Run #3

Mean

.479	.479	.479	.479
------	------	------	------

Client: Ridge

Pitot Tube Inspection

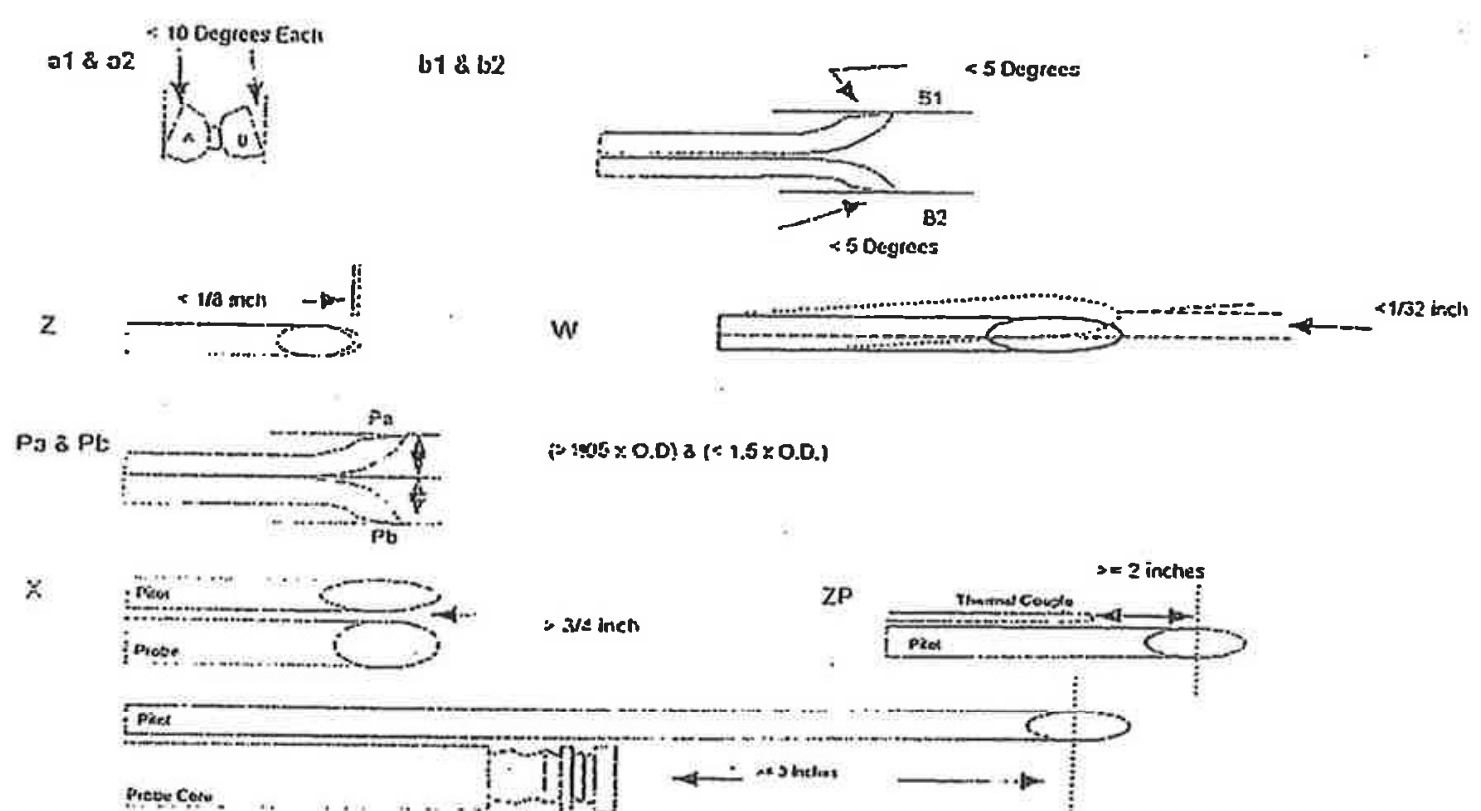
Date: 6/12/07

Probe/Pitot Number	4 P-1	A (Pa + Pb)	.978
Level and Perpendicular	Yes	Zs= A tan Y (< 0.125")	.003
Obstruction?	No	Ws= A tan 0 (< 0.03125")	0
Damaged?	No	D _i (0.1875" < D _i < 0.375")	.374
a ₁ (-10° < a ₁ < +10°)	+1	P _a (1.05 D _i < P _a < 1.5 D _i)	.470
a ₂ (-10° < a ₂ < +10°)	0	P _b (1.05 D _i < P _b < 1.5 D _i)	.468
b ₁ (-5° < b ₁ < +5°)	0	Pa = Pb ± 0.063"	
b ₂ (-5° < b ₂ < +5°)	0		

Probe Minimum Interferences

Y (>= 3.0")	3.75	D _n	
X (> .75")	1.28	X / D _n (>= 1.5")	
Zp (>= .75")			

- Pa Distance between where pitots adjoin to lip of pitot (Must be between 1.05 & 1.50 times O.D. of tubing)
- Pb Distance between where pitots adjoin to lip of pitot (Must be between 1.05 & 1.50 times O.D. of tubing)
- Di Diameter of pitot tube (0.375 inches on all pitots)
- Zs Distance between the lip of the impact and static line along the length of the pitot (Must be <1/8 inch(0.1250))
- Ws Spacing between Pitot tubes where welded together (Must be <1/32 inch (0.0313))
- a1 Angle across opening of Pitot tube from side to side or perpendicular to length of probe (Must be <10 Deg)
- a2 Angle across opening of Pitot tube from side to side or perpendicular to length of probe (Must be <10 Deg)
- b1 Angle across opening of Pitot tube from side to side or perpendicular to length of probe (Must be <5 Deg)
- b2 Angle across opening of Pitot tube from side to side or perpendicular to length of probe (Must be <5 Deg)
- X Distance between side of nozzle and side of pitot tube (Must be >3/4 inch)
- Zp Distance from center of pitot opening back to lip of thermal couple (Must be >=3/4 inch (0.75))
- Y Distance from center of pitot opening back to probe (Must be >=3 inches)





Minnesota Pollution Control Agency

AQ Doc. # 4.10

May 1998 (reformat only)

Facts about The Ban on Small, On-Site Incinerators

The Minnesota Pollution Control Agency estimates that currently some 1,300 small waste combustors (incinerators) are being operated by retailers or other commercial and industrial companies, schools, hospitals, and nursing homes. These small incinerators have not been required to have air emissions permits from the MPCA.

Agency enforcement staff have encountered a number of problems at these incinerators, including the burning of wastes that should have been disposed of separately as hazardous wastes, failure to preheat units and maintain temperatures that will burn wastes cleanly (along with a lack of temperature monitors), lack of training for operators so that they understand the potential pollution associated with burning wastes, and a lack of afterburners (or a failure to use existing afterburners).

MPCA staff estimated that these small, poorly controlled and operated incinerators release large quantities of pollutants, including metals and dioxins. Small incinerators are estimated to be responsible for 93 percent of the dioxin emissions from waste combustors in Minnesota.

In June 1994, new MPCA rules became effective to regulate all waste combustors in the state. Besides placing new requirements on large incinerators, the agency's rule placed a ban on all small waste combustors, with the exception of those at hospitals, crematoria, metals recovery incinerators, or those used for

the disposal of animal carcass or pathological wastes.

The Ban on Small Waste Combustors

The ban is on "Class IV" waste combustors, except for the uses listed above.

As of June 20, 1994, installing a new "Class IV" waste combustor is not allowed.

After January 30, 1996, the rule does not allow the use of a Class IV waste combustor, with the same exceptions.

Class IV hospital or metals recovery waste combustors still allowed will have new requirements and must have MPCA air emissions permits. Animal carcass, pathological waste incinerators, and crematoria need not have permits, but must meet the following performance standards:

- Emissions must not exceed 20 percent opacity;
- Combustors must be equipped with afterburners that maintain flue gases at 1,200° Fahrenheit for at least 0.3 seconds; and
- Ash must be stored and transported in a way that avoids its becoming airborne.

(fact sheet continues on next page)

What is a Class IV Waste Combustor?

A Class IV waste combustor is one that has a heat input from waste only of less than 3 million Btu per hour. The heat input can be obtained from the incinerator's manufacturer. It can also be estimated by using the formula at the end of this fact sheet.

More questions?

For a copy of the MPCA's waste combustor rule, contact the Air Quality Document Coordinator at (651)282-5843. For more information about the rule or provisions, contact Anne Jackson at (651)296-7949.

Calculation to determine heat input from waste

$$\text{Heat input} = (\text{HHV}) \times (\text{R})$$

HHV = the heat value of the waste

Commercial, retail, or institutional waste = 7,000 Btu/lb.

General industrial wastes = 9,000 Btu/lb.

Medical/infectious wastes = 10,000 Btu/lb.

R = the waste input rate, in lbs/hr, as defined by the manufacturer

For example: A grocery store has a waste combustor that is estimated to burn 100 pounds of cardboard in an hour. Using the heat value of commercial waste, the estimated heat input from waste alone is $(100) \times (7,000)$, or 700,000 Btu/hr, which is less than 3 million Btu/hr. This waste combustor is a Class IV and is banned after January 30, 1996.



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"Did You Know"™ Educational Series



Issue No.103-05

A Publication of Matthews Cremation Division

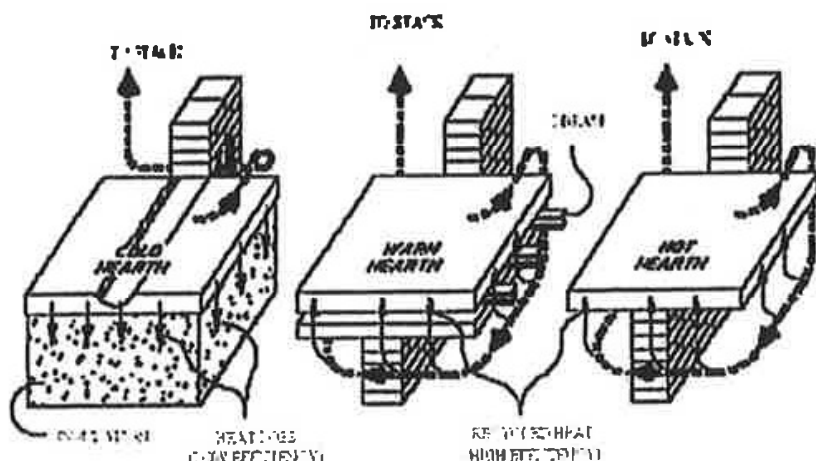
How Hot Is Your Hearth?

Cold hearth, warm hearth, hot hearth: A cremation chamber floor can be any one of these. In cremation equipment, isn't every hearth hot? The difference is a matter of degree (no temperature puns intended).

The *cold hearth* can be found in cremators with an in-line design. The afterchamber in this design is behind the cremation chamber. Heated combustion gases are drawn from the front of the unit toward the back, down and then up through the afterchamber at the back, and then out. With nothing heating its underside, the cold hearth is heated only on its upper face: the cremation chamber floor. Energy is drawn out of the cremation chamber, resulting in poor energy efficiency.

MCD implemented a "warm hearth" design in many of its older models. Part of the afterchamber is

underneath the hearth; A 3" airspace separates the hearth and the afterchamber roof. The hearth (cremation chamber floor), poured onto a flat surface, is supported by several I-beams. This allows heat transfer to the underside of the hearth for more energy efficiency.



MCD's design of today uses hot hearths which were introduced in cremation equipment by MCD over 30 years ago. The hot hearth is really hot because it serves as both the floor of the cremation chamber and the roof of the afterchamber.

Heated by the cremation burner and by combustion of the case, the hot hearth also absorbs heat from the afterchamber beneath, from combustion gases that move under the hearth on their way through the afterchamber. The hot hearth design offers major benefits in three important areas:

Fluid control. Because the entire hearth is hotter, moisture released from the remains vaporizes more rapidly during cremation. A cold hearth can also accumulate heat on its upper cremation chamber floor surface, but that isn't enough to prevent fluid runoff problems.

Thermal efficiency. The hot hearth helps complete successive cremations in less time - each up to 30 minutes faster than the first cremation of the day. Why? If the hearth were not absorbing heat on both its upper and lower surfaces, more of the heat from the cremation process would move out of the afterchamber, rise through the stack, and be lost into the atmosphere. The necessary heat would have to be replenished by more burner activity during each cremation.

Longer refractory life. Refractory expands and contracts when exposed to high temperatures, eventually resulting in wear and spalling (peeling of the refractory surface). A cold hearth's hot surface experiences more stress, expanding and contracting more than its underside. The hot hearth design exposes both surfaces to heat, so the stress of thermal expansion is more evenly spread out over the material. The refractory material lasts longer.

For service, sales or assistance please call (800) 327-2831

A publication of Matthews Cremation Division • 2045 Sprint Boulevard • Apopka, FL 32703

www.matthewscremation.com

Questions or comments may be sent to the address listed above

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Elber Davis

Issue No.127-05

Matthews University

Matthews
UNIVERSITY

"Did You Know"™ Educational Series



A Publication of Matthews Cremation Division

UL LISTING

Is UL listing important?

Yes, it is very important but do not be misled.

You have probably seen the familiar mark of Underwriters Laboratories on dozens of products and equipment, but what does it mean to you and the safety of your staff and facilities?

The UL listing mark means that samples of these products have been tested to international safety standards and found to be reasonably free from foreseeable risk of fire, shock and related hazards.

The UL mark stands for Underwriters Laboratories Inc. a non profit independent organization that was formed in 1894 to help reduce bodily injury, loss of life and property damage. It is important to use a company like UL who is technically expert and independent to evaluate the risks of certain products.

Once a product earns a listing mark, field inspectors from UL make periodic (at least once a quarter) unannounced visits and inspections of the products and factory to verify compliance.

Manufacturers, like ourselves, are concerned with the safety of our products and know smart consumers will look for UL listing on the products they buy.

But it is easy to be misled.

Some manufacturers whose products fail to earn the UL Listing will use misleading language in advertisements and correspondence to confuse and mislead consumers. For example, they might say, "Utilizes UL classified flame control panels".

This would give the impression of UL approval, right? Wrong. This actually means components they buy are approved but the cremator is not, the exhaust stack is not, the burner system is not and so on.

So don't be fooled, ask the question: "Is this cremator UL Listed and what is the listing number?"

It is a question worth asking for the protection of your staff, your facility and your investment.

For service, sales or assistance please call (800) 327-2831

A publication of Matthews Cremation Division • 2045 Sprint Boulevard • Apopka, FL 32703

www.matthewscremation.com

Questions or comments may be sent to the address listed above

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Operating Controls—
Simple, color-coded, pushbutton operation.

Insulation Thickness—
12" of multi-component materials for longest lasting refractory and highest thermal efficiency.

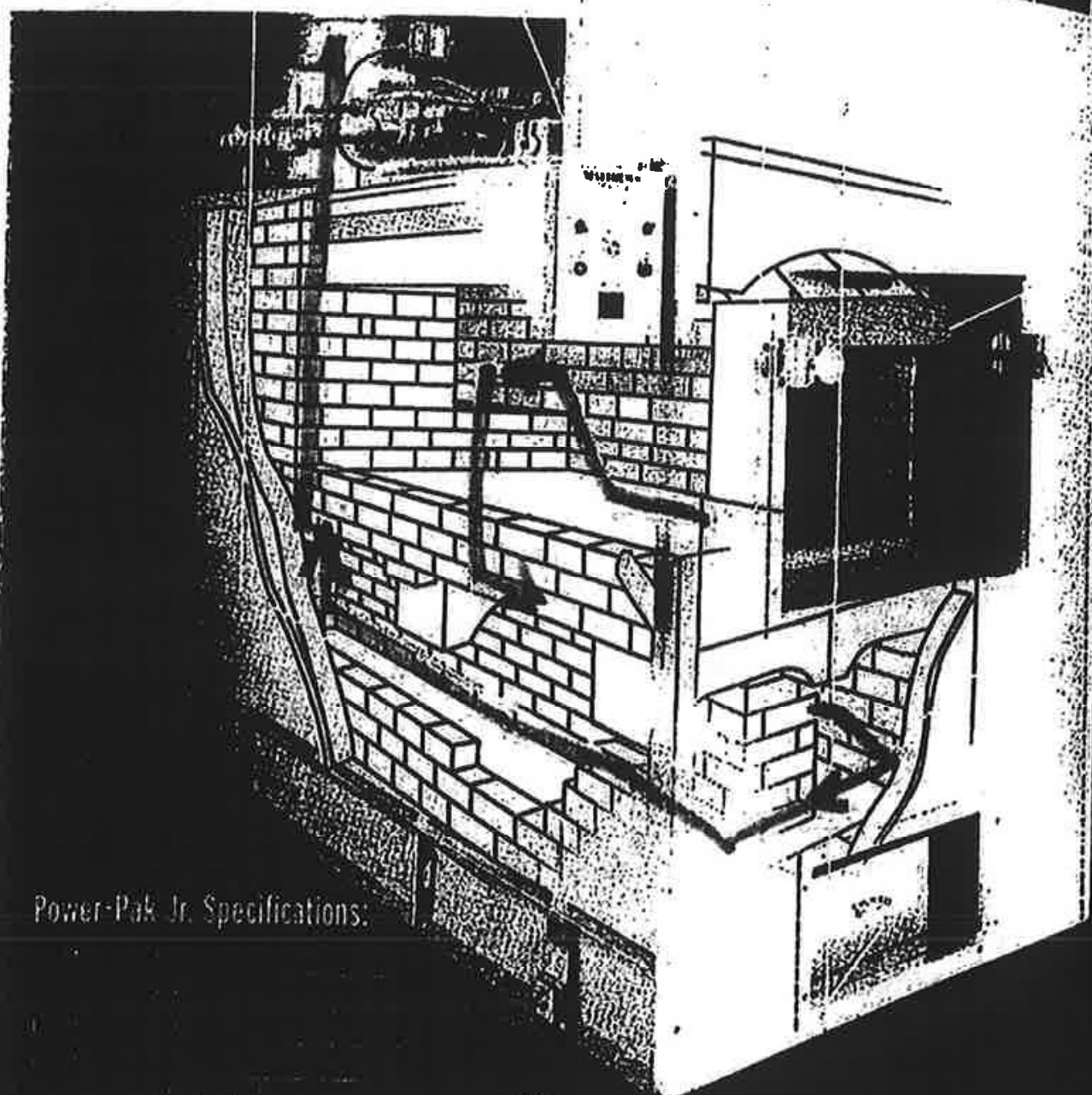
Infinity Stainless Steel Stack—
Non-Corrosive, with 4 1/2" refractory lining for strength, durability and safety.

Retrieval System—
Retrieval of cremated remains is safe and quick with the convenient external collection hopper.

SMOKE BUSTER™ System— Complete combustion of smoke and odor

Cremation Chamber Floor—
Unique "Hot Heart" design eliminates fluid runoff and minimizes fuel consumption.

Loading Door—
Self-locking, self-sealing door opens and closes at the push of a button.



Power-Pak Jr. Specifications:



- 7. Can we expect a refresher course on our crematory as information and education change?** Yes, classes at your facility can be held at the same time we re-calibrate and tune up your equipment. We also offer group-training sessions for associations and State certification.
- 8. Is it possible for one person to operate a retort from beginning to end and how easy is it?** Our systems are fully automated; we have just one main timer, an on/off switch and four other switches that are set to automatic for most cremations. The whole process is temperature controlled from beginning to end for one-person operation.
- 9. What is the average time needed to cremate?** The average time depends on the type and size of the animal or batch load and the temperature of the unit.
- 10. What safety devices are present for over heating?** Our company prides itself as being the only manufacturer offering a fully automatic system based on the temperature of the equipment. As the temperature increases, the system provides the correct amount of air and fuel to prevent overheating while constantly monitoring and regulating itself.
- 11. What is the average cubic feet of gas consumed during an average cremation placement and where are our burners located?** The average fuel consumptions of our systems vary from model to model and are dependent on the amount of cremations being processed and average air temperature. For best estimate contact your sales representative. All of our models have top fired burners.
- 12. What emission guidelines does a retort fall under and do all models meet the emission standards?** The emission guidelines for animal cremation equipment are first set at the Federal level by the EPA. However, the actual compliance and permitting is done by the state, county or city depending which has the more stringent rules. Our equipment has been tested to show compliance by independent testing agencies. Each of our systems has far exceeded these requirements.
- 13. When emission standards are tightened, how hard will it be to make the necessary changes and what type of support and assistance can be expected from your company to aid in meeting the new standards?** If the emission standards are made more stringent, it is possible that our equipment may already meet them. When Florida changed its regulations in 1992 to more stringent regulations, our equipment did not need to be retrofitted like the other manufacturers as it already met the new rules. However, if retrofitting were required, we would offer full assistance to our customers affected by the change.
- 14. What is the stack constructed of and what is the chance of the stack catching on fire?** Our stacks are constructed from steel plate and are fully lined with 3" of insulating

55. There is no need to place our equipment in a sound proof room. Other manufacturers systems can exceed 96 decibels.

21. **What is the average cool down time of the retort and does the retort need to be cooled to a specific temperature before sweeping out the remains?** The cool down period between cremations varies, due to the amount of cremation being processed on any given day. A typical cool down time is about 15 minutes, but could be as long as 30 minutes if many cremations have been processed. With a rear retrieval system the remains can be removed at almost any temperature as the main door needs only to be opened 6" to 8". The remains are then pushed to the rear of the chamber for removal through the side door.
22. **What is the most common maintenance required and how often is it recommended?** The most common maintenance is the yearly tune-up and calibration and should be performed once per year or every 500 cremations, whichever comes first.
23. **How many cremations do we have to perform to schedule preventative maintenance?** Our recommended maintenance is every 500 cremations or annually. Cremation systems vibrate slightly due to the air blowers and can cause changes in the fuel and air input systems. This is why we recommend a system service and re-calibration.
24. **What is the average number of days per year the retort will be out of operation due to maintenance or repairs?** On an average basis no more than 5 days per year should be missed due to maintenance or repairs.
25. **Is there someone local to keep up the maintenance and to call for repairs?** We have 8 service technicians and 5 refractory installers to handle all your repair needs. We operate a 24-hour maintenance hot line and can remedy most problems over the telephone. Should a service call be required we would send the closest available tech to your location.
26. **What type of support services are offered and can someone be reached 24 hours a day?** If a problem occurs with your equipment during our standard work hours, 7am to 5pm Eastern Standard Time, you can call our 800 number for technical support. If you call after hours, you will be instructed to enter your phone number into our digital paging system and a factory-trained technician will return your call to solve the problem within 15 minutes.
27. **Please go into detail about the chamber bricks; i.e. - size comparisons, life and average cost to replace.** An exclusive B&L feature is our use of 6" thick firebrick. Other manufacturers use a 4½" series brick. What this means to the customer is up to 50% more wear before replacement. We expect over 5,000 cremations to be performed prior to a total re-brick.

PLANNING REPORT

DATE: April 13, 2011
CASE: SP2011-007, LP2011-002
SUBJECT: Special Use Permit and Site Plan to Permit a 20' x 25' Addition and Operation of a Pet Cremation Business at 15 2nd AVE SE
APPLICANT: Donald Wyland and Carol Noren

REQUEST & BACKGROUND

The applicant is requesting a Special Use Permit and Site Plan to allow construction of a 20' x 25' addition at 15 2nd AVE SE, and to permit operation of a pet cremation business. The site contains a small stand alone building, measuring 39' x 25', formerly used as an auto body shop. The improvements include re-orientation of some parking stalls at the east end of the site and modifications to the existing building, including removal of the service bays and associated overhead doors. The applicant will install one overhead door to the east façade of the addition to allow interior unloading if necessary, plant 9 trees around the perimeter of the site, and install rain gardens in the front yard in accordance with Rice Creek Watershed District rules.

The applicants appeared before the Planning Commission and City Council in January of this year. The former request was for a multi-tenant industrial building at the corner of 3rd ST SW and Old Highway 8 SW. For a variety of reasons, the applicant has decided to purchase their own building rather than locate in a multi-tenant building. The cremation proposal is identical to the January request in that they would service one pet at a time and use a single retort (of hot hearth technology). The specifications for the retort call for a small, 4' stack to be constructed on the roof, and will produce no visible smoke, only heat vapors, and would be installed by qualified persons who will obtain all state air emissions permits and City electrical and mechanical permits. The retort would be located within the proposed addition and the existing building would be converted for cremation staging, office, and a meeting room.

ATTACHMENTS

A – Resolution
B – Project Location Map
C – Zoning Map
D – Aerial Photo
E – Neighborhood Mailing Map
F – Original Applicant Narrative (from January request)
G – Updated Applicant Narrative
H – Business Brochure
I – Special Use Permit Criteria Worksheet Responses
J – Existing & Proposed Survey
K – Addition Description
L – Elevation Plans for Addition
M – Proposed North Elevation
N – Proposed East Elevation
O – Existing Condition Photos
P – Proposed Landscape Plan

FINDINGS

Section 6-050(2). Specially Permitted Uses in an I-1 District.
Section 8-010. Site Plan Approval.
Section 8-130. Special Use Standards.

SITE CHARACTERISTICS

Location:	15 2 nd AVE SE
Lot Size:	9,220 SF (0.21 acres)
Topography:	Flat
Comprehensive Plan Designation:	LI, Light Industrial
Zoning:	I-1, Light Industrial
Surrounding Land Uses:	
North:	Railroad, City of Arden Hills
South:	Industrial use
East:	Industrial use, vacant land
West:	2 nd AVE SE, industrial use

SITE PLAN ANALYSIS

The applicant is proposing to construct a 20’ x 25’ addition to the east end of the existing 25’ x 39’ building, for a combined size of 59’ x 25’. Any addition to a commercial or industrial building requires review and approval of a Site Plan to ensure all zoning district requirements are met. The following relevant I-1 district standards were examined:

Building Setbacks

<i>Section 6-060</i>	Required	Existing Building	Proposed Addition
Front (2 nd ST SE)	40’	40’	80’
Side (north)	15’	30’	30’
Side (south)	15’	15’	15’
Rear (east)	20’	52’	32’

The table above illustrates that the proposed addition will comply with all required building setbacks.

Parking Setbacks

<i>Section 11-020 (6)</i>	Required	Existing	Proposed
Front	40’	28’	No change
Side (north)	5’	5’	No change
Side (south)	5’	5’	No change
Rear (east)	5’	5’	No change

A review of the existing and proposed parking lot setbacks reveal that a small portion of the existing parking lot encroaches into the required 40’ front yard setback by 12’. Records show that the previous owner paved a driveway at this location that led out to 2nd Ave SE. That owner was required to remove this entire driveway, but it appears a small section was not removed. Staff would recommend the applicant remove this 12’ of parking area encroaching into the 40’ required setback.

Building Height

Section 6-060(6)	Required	Existing	Proposed
	40’	25’ peak height 18.5’ defined height	12’ peak height 10’ defined height

The existing structure is a 1.5 story building and the proposed addition would be 1 story. The existing and proposed building heights are well within the Zoning Code standard of Section 6-060(6), which allows a maximum building height of 40’.

Floor Area Ratio

Section 6-060(5)	Required	Existing	Proposed
	0.4 for 1 story 0.6 for 2 story	0.16	0.21

The table above illustrates the proposed 0.21 floor are ratio is well within the maximum amount established by Zoning Code Section 6-060(5).

Required # of Parking Stalls

The existing building was constructed as an auto body repair business, which calculates parking based on the size of the building as well as the number of service bays within the building. With conversion to pet cremation, the applicant will be eliminating both overhead doors for the service bays and converting the building to a processing/warehouse/office use. Zoning Code Section 11-030(3) lists required parking ratios for a variety of uses, however pet cremation is not a business that is listed. Based on how the applicant proposes to use the building, staff would recommend that either the office/warehouse ratio of 1/300 SF is used or the manufacturing ratio of 1/350 SF is used. Those ratios are as follows:

Office/warehouse: $1,475 \text{ SF} - 10\% = 1,328 \text{ SF} / 300 \text{ SF} = 5 \text{ stalls}$

Manufacturing: $1,475 \text{ SF} - 10\% = 1,328 \text{ SF} / 350 \text{ SF} = 4 \text{ stalls}$

The site contains 6 parallel surface parking stalls. Also, the proposed addition will have an overhead door for access to the warehouse area will the retort will be located. This could count and an additional parking stall, for a total of 7 stalls. As reflected in the calculations above, the site will contain an adequate amount of off-street parking to service a pet cremation business. The layout will also allow patrons to drop their pets off in-doors if needed.

Exterior Building Materials

Zoning Code Section 6-390(12) states that “the exterior treatment on the street side of the structure shall be brick, stone, tilt-up slabs, architectural metal panels, decorative blocks, or the equivalent. The other sides of the structure shall not be raw block”. The applicant is proposes to use beige vinyl siding to match the accent siding pieces on the existing building, which is primarily decorative block. No side of the proposed addition will face the street and the addition is not raw block, staff finds this criterion is met.

Landscaping

The applicant provided a Landscape Plan in accordance with Zoning Code Section 8-010(2). The existing site is primarily turf grass. The applicant is proposing to add 9 trees, of 4 different species, around the perimeter of the site. Additionally, the applicant will be installing the rain gardens in the front yard, which will provide visual interest, that were required of the previous owner by the Rice Creek Watershed District. Staff finds this plan to be satisfactory.

This concludes the Site Plan review. In summary, the proposed 20' x 25' addition meets all setback standards. Staff recommends one condition related to removal of parking lot within the required 40' setback.

SPECIAL USE PERMIT ANALYSIS

The subject property is zoned I-1, Light Industrial. A cremation use is not listed as a use permitted or specially permitted in any of the zoning districts in New Brighton. Zoning Code Section 6-050(2) states that any use may be permitted by the City Council through a Special Use Permit. The exceptions to this are residential uses and uses deemed heavy, which should be located in the I-2, Heavy Industrial district. While the Zoning Code does not provide a definition of “heavy”, City staff has typically considered any outdoor storage use as heavy. Because the applicant is not proposing any outdoor storage, it is appropriate to process a Special Use Permit for the proposed pet cremation use.

Zoning Code Section 8-130 states that no special use may be recommended to the City Council for approval unless the following findings are made (staff responses in *italics*):

(1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Staff finds this criterion to be met. The applicant has provided technical information on the type of equipment used to cremate pets. It appears this equipment will not have a detrimental impact to air quality, in terms of emissions, smoke and odors. The City Building Official and Fire Marshal have reviewed the plans and have no concerns. The applicant will have to obtain all necessary state and local permits in conjunction with installation of the retort.

With regard to protecting the morals, comfort, and general welfare of the public, this site is fairly secluded with no residential uses nearby. As of the date of this report, staff has not received any inquiries regarding this proposed use.

(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

It is of staff's opinion that this criterion is met. As of the date of this report no adjoining or nearby property owners have expressed concern regarding the impact this use will have on adjoining property or the neighborhood. The characteristics of this site are so secluded that it is unlikely it will have any impact on the neighborhood in that all the surrounding users are industrial and patrons will be able to drop their pets off through the rear of the building and indoors.

(3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Staff finds this criterion to be met. This building lies within an established light industrial area that is nearly fully developed.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Staff finds this criterion to be met. The proposed property is mechanically equipped to support the retort needed to conduct cremations. Additionally, existing roads and drainage facilities will not be negatively impacted and adequate parking will be provided on site.

(5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Staff finds this criterion to be met. The proposed site was developed in 2006 – 2007 and meets all requirements of the zoning code. Additionally, as outlined in the Site Plan section of this report, the proposed addition will also meet all requirements of the code. The only outstanding issues are installation of some landscaping and completion of the rain gardens required by Rice Creek Watershed District (which the prior owner was responsible for doing). Lastly, staff would recommend that the portion of driveway along the south side of the building, lying within the 40' front yard, is removed.

STAFF RECOMMENDATION

Staff recommends the Commission recommend approval of the Special Use Permit and Site Plan to the City Council, subject to the following conditions:

1. The Site Plan is developed in accordance with the submitted survey.
2. The parking lot area along the south side of the building, specifically the 12' lying within the 40' front yard setback, is removed.
3. The Landscape Plan is implemented in accordance with the submitted plan.
4. The Special Use Permit shall permit pet cremation only, which includes the ancillary retail sale of cremation/memorial products for pets.
5. The applicant obtains all necessary state and county air emissions and environmental permits and submits those permit to the City in conjunction with required building, mechanical, and electrical permits.
6. The City Building Official and Fire Marshal inspect the facility following completed installation of the retort and in advance of opening for business.
7. Only one cremation machine may be permitted within the building.
8. Any expansion shall require review and approval of an amendment to this Special Use Permit.
9. Unclaimed ashes are managed in a lawful manner.



Janice Gundlach, City Planner

**RESOLUTION
PLANNING COMMISSION
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A SITE PLAN AND SPECIAL USE PERMIT.

WHEREAS, an application has been made by Donald Wyland & Carol Noren on behalf of Pets Remembered to permit operation of a pet cremation business at the existing building located at 15 2nd AVE SE, including construction of a 20' x 25' addition and associated improvements to the existing building, and

WHEREAS, the procedural history of the application is as follows:

1. An application for a Special Use Permit was received on April 1, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on April 19, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission voted to recommend approval on April 19, 2011 subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Site Plan (LP2011-002) and Special Use Permit (SP2011-007):

1. The property is zoned I-1, Light Industrial.
2. The property is guided in the Comprehensive Plan for Light Industrial.
3. The applicant proposes to construct a 20' x 25' addition to the existing industrial building, including other associated building and parking lot improvements.
4. The applicant has also proposed to operate a pet cremation business, including the sale of ancillary pet cremation/memorial merchandise.
5. The Planning Commission reviewed the proposed Site Plan against the I-1, Light Industrial standards of Section 6-060, performance standards of Section 6-390, and parking standards of Chapter 11 of the Zoning Code.
6. The Planning Commission found all Site Plan standards to be met.
7. Zoning Code Section 6-050(2) allows approval of any use through Special Use Permit within the I-1, Light Industrial, so long as the use is neither residential nor deemed heavy.
8. The Planning Commission reviewed the proposal in accordance with the following Special Use Permit conditions of Zoning Code Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

- e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
- 9. The Planning Commission found all Special Use Permit criteria of Section 8-130 to be met due to the following:
 - a. The proposed location is in a primarily industrial area with no residential uses adjacent.
 - b. Adequate parking will be provided on site.
 - b. The cremation services will be for pets only.
 - c. The site will allow for interior unloading of pets if necessary
 - d. The site is used and surrounded by other industrial uses.

NOW THEREFORE BE IT RESOLVED, that based upon the above findings of fact the application for a Site Plan (LP2011-002 and Special Use Permit (SP2011-007) is hereby recommended to the City Council for approval, subject to the following conditions:

- 1. The Site Plan is developed in accordance with the submitted survey.
- 2. The parking lot area along the south side of the building, specifically the 12' lying within the 40' front yard setback, is removed.
- 3. The Landscape Plan is implemented in accordance with the submitted plan.
- 4. The Special Use Permit shall permit pet cremation only, which includes the ancillary retail sale of cremation/memorial products for pets.
- 5. The applicant obtains all necessary state and county air emissions and environmental permits and submits those permit to the City in conjunction with required building, mechanical, and electrical permits.
- 6. The City Building Official and Fire Marshal inspect the facility following completed installation of the retort and in advance of opening for business.
- 7. Only one cremation machine may be permitted within the building.
- 8. Any expansion shall require review and approval of an amendment to this Special Use Permit.
- 9. Unclaimed ashes are managed in a lawful manner.

Adopted this 19th day of April.

Bruce Howard, Planning Commission Chair

ATTEST:

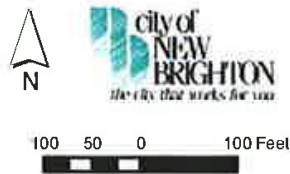
Janice Gundlach, City Planner

Location Map - 15 2nd Ave SE



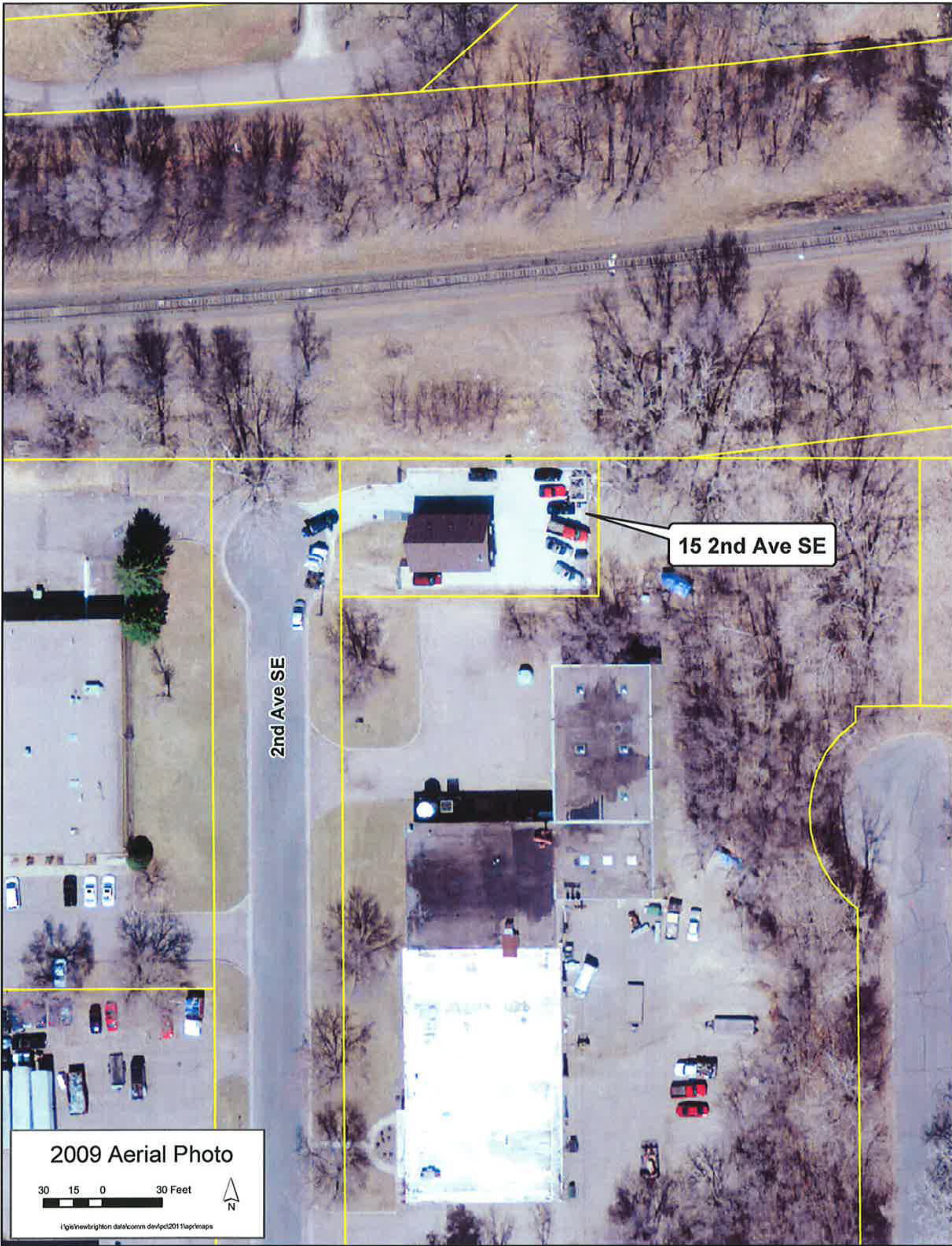


- R-1, Single Family Residential
- R-2, Two Family Residential
- I-1, Light Industrial
- I-2, Heavy Industrial



Current Zoning

15 2nd Ave SE
I-1, Light Industrial



15 2nd Ave SE

2nd Ave SE

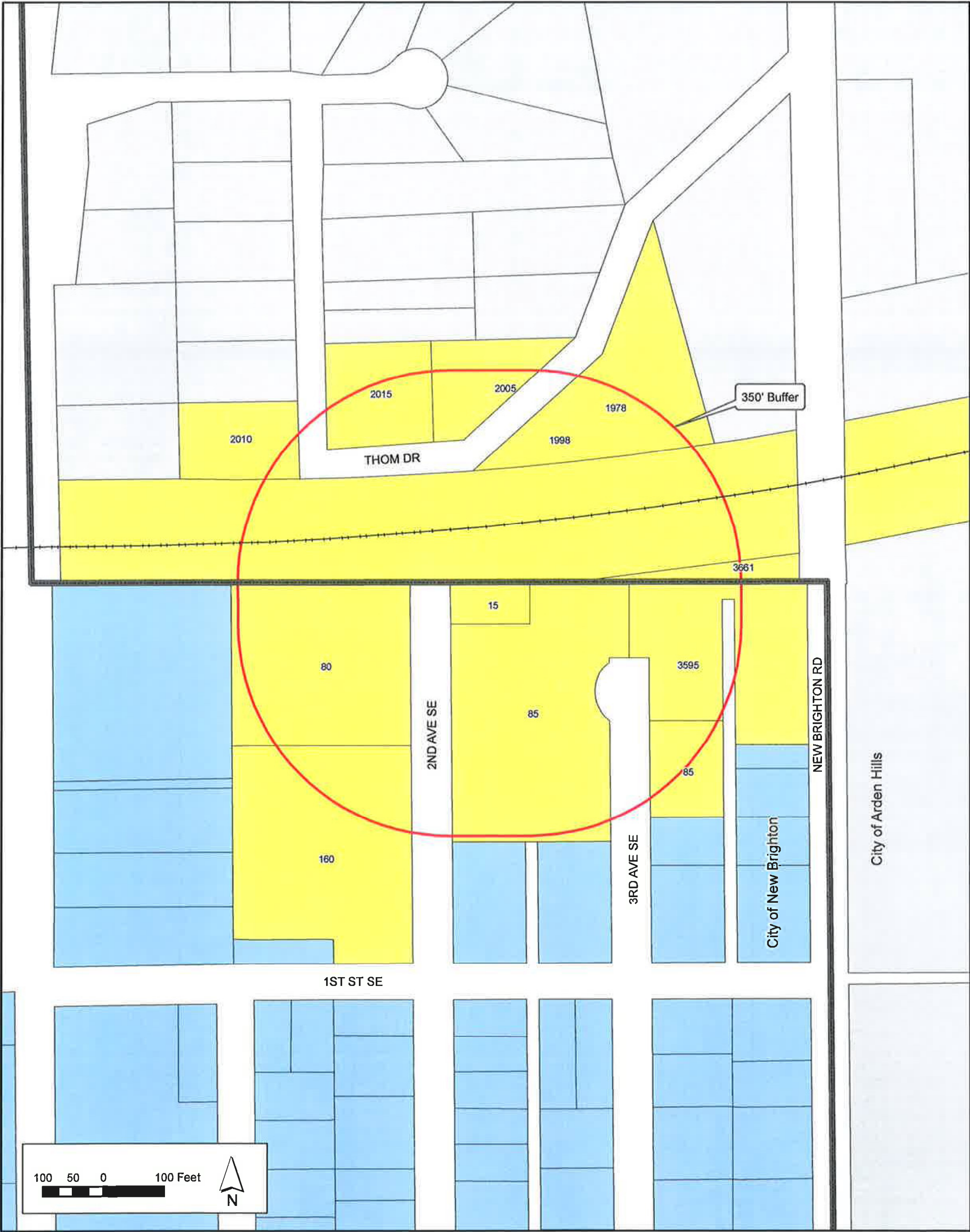
2009 Aerial Photo

30 15 0 30 Feet



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350' Mailing Buffer - 15 2nd Ave SE



December 2010

Skip Wyland & Carol Noren, *Pets Remembered*

Written Narrative explaining your request in detail:

Pets Remembered will provide individual pet cremation services to the community. We will pick up, cremate, and return the ashes of family pets to the owner, veterinarian, or our business affiliates in a 48 hour time frame. In addition to our cremation service, we will provide grief resources to individuals and families, as well as create a comfortable retail environment for pet owners to view and say goodbye to their pet, with the added opportunity to purchase memorial products.

Our customers will be those persons who wish to have the ashes of their pet returned to them in a timely fashion and who expect to be dealt with in a professional/respectful manner to help them process their grief. *Pets Remembered* will cremate each pet individually, guaranteeing to pet owners that their pet's remains exclusively will be contained within the urn we provide. Our quality control procedures ensure there is no co-mingling of remains.

In addition to our customer base of individual/family pet owners, we will also target veterinarians who would benefit from a quicker turnaround time than they currently have for cremains, and we will supply them with merchandising products and grief support materials to assist them in their practices. Continuing Education with respect to processing loss and grief will be provided to veterinarians and their staff. *Pets Remembered* will also set up funeral home affiliates as drop off points for pet owners and assist the funeral home staff with merchandising and grief materials specific to grieving pet owners.

The pet care business is a 45 billion dollar industry in the United States and continues to grow. In the pet cremation industry there are three types of services: communal cremation, incineration and individual private cremation. In the former, the pets are done in masses and in the latter, it is done one pet at a time. As the consumer is becoming better educated and informed, private cremation is becoming more popular. Due to a highly mobile society, the obstacles to pet burial, and the greater importance and care our society is placing on pets lends to great opportunity. Currently, veterinarians have a seven day turn-around for cremains and have not actively explored the additional revenue stream in providing for the needs of grieving pet owners. Funeral directors are looked on as grief and death care professionals, but are hesitant to get into the mechanics and scale of pet cremation. Veterinarians and funeral director affiliates will be served in an economical route fashion to give them 48-hour turn around.

Pet owners will be offered home pick up to make the process as convenient and caring as possible. The number of pet owners who come to our location will be spaced throughout each day and/or week so we will not need many parking spaces simultaneously. We will have package offerings for services, grief materials and memorial products. We also will provide products, displays and support materials to the veterinarians and affiliates at point of sale.

Pets Remembered Request for a Special Use Permit: Update, as of April 1, 2011

Since we first approached the city of New Brighton, in January 2011, the location of our business has changed. Initially, we planned to lease space at 833 3rd Street SW, Suite #2. For a variety of reasons, we have since decided to purchase property rather than lease, and in March we purchased the lot and building located at 15 2nd Avenue SE, New Brighton.

This change in location does not change our business plan, nor our request for a special use permit, although it does give us greater options in terms of serving our customers and creating a welcoming space for those who come to us for the individual cremation of their pet.

Private Cremation

Your pet is placed **alone** in the cremation chamber. Upon completion, your pet's ashes are removed from the chamber, processed and transferred to the pet urn of your choice.

We understand how important your pet is to you and how much trust you place in our hands to cremate and deliver your pet's ashes back to you without any doubt you are receiving your pet's remains. We utilize the same identification process used for humans.

Each pet is issued an identification tag with a unique number that stays with the pet throughout the process, and is included with your pet's remains. We follow a ten-step identification procedure

Pets Remembered is environment conscious and uses a state-of-the-art cremation system with a pollution monitor system that checks and regulates all emissions.



When your pet dies . . .

- ✓ *Pets Remembered* can provide transportation service from the veterinary office, funeral home, or from your residence.
- ✓ Your pet's remains will be returned to you in a timely manner (24 hours if desired).
- ✓ To help you remember your pet, *Pets Remembered* can assist you in choosing a special urn, jewelry, monument or keepsakes.
- ✓ *Pets Remembered* offers grief information and resources, as needed and desired by you.
- ✓ *Pets Remembered* offers packages of services and merchandise to simplify your decision.

Pets Remembered

We are here to assist you when your beloved pet dies. We help you remember your pet through private cremation, grief support, and other products and services.



612-325-8015

Our pets are part of our family and we grieve deeply when they die.

For some older adults, and others who live alone with their pet, a pet may be their best friend.



The death of a pet is often a child's first experience with death. Children rely on adults to see how to openly express their feelings. An adult's response during this time can determine whether a child's first exposure to death will be a positive or negative part of personal development.



Regardless of our age, when our pet dies, it is important to say good-bye, embrace memories of our pet, and find ways to remember our pet. At *Pets Remembered*, we want to assist you during this significant time.

The caring staff at *Pets Remembered* will guide pet lovers through the many choices available for their pet's final arrangements.

We include the following:

- Free pick-up and return to vet or funeral home
- Certificate of cremation
- Walnut-stained, carved urn
- Presentation bag
- Donation made in pet's name

You will be able to choose from the following:

- Pre-need planning
- Grief support books & brochures
- Paper or clay paw print
- Viewing prior to cremation
- Witness to cremation by family and/or friends
- Tribute candles
- Keepsake jewelry and lockets
- Video tribute DVD
- Memento boxes
- Personalized urns
- Garden markers
- Announcement folders
- Portraits and picture collages
- Caskets and viewing baskets

Pets Remembered owners:

Skip Wyland has thirty years of experience working with grieving families and friends through his work as a funeral director and as a sales representative to funeral homes.

Carol Noren's background includes twenty years as a pastor, in addition to work as a hospice chaplain, working extensively with families as they journey through dying and death.

Skip and Carol have loved many pets as members of their family.

Our mission is to provide compassionate services that will enable you to work through your grief and better heal. Our commitment is to assist you in remembering your pet and help to create a lasting memorial.

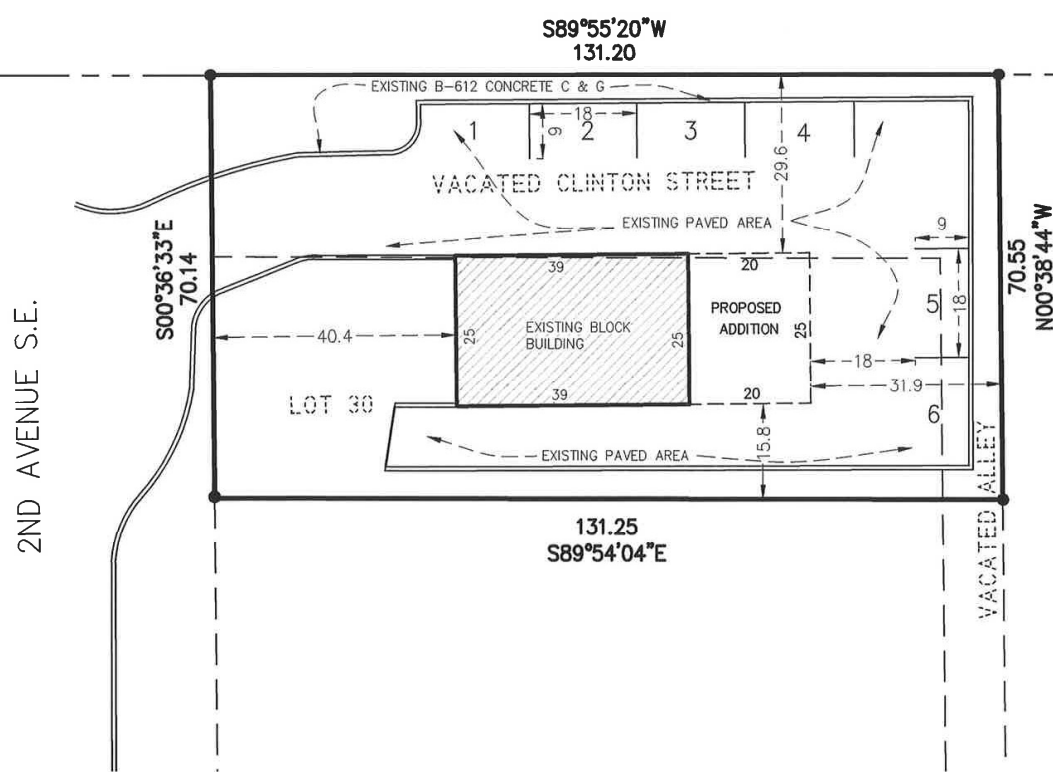


April 1, 2011

Skip Wyland & Carol Noren, *Pets Remembered*

Our responses to the Special Use Permit Criteria Worksheet:

- 1) *Pets Remembered* will offer a valuable service to many pet owners at the time of their pet's death, a service that will cremate the remains of each pet, individually, to ensure pet owners are given the ashes of their pet, and only their pet. The special use permit is specific to the placement of the pet crematory on the site of our business. The existence and operation of the crematory will not be noticeable due to extremely low emissions (see chart) when in operation and no detectable odor. In addition, the decibel level is approximately 55. There is no visible smoke for the retort, only heat vapors.
- 2) Other property owners in the area, whether residential or business, will have no discernable reason to know the pet crematory is in operation due to the factors (re: low emissions, no visible smoke, lack of odor and quiet equipment) listed above. We will serve families one at a time, therefore, we do not anticipate parking or traffic issues. Unloading of the pets to be cremated will be either in the building where the crematory will be housed, or if carried in from outside, it will be out of sight to others in the area given the location of our building, at the end of a dead end street.
- 3) There is no reason why *Pets Remembered* would affect the surrounding property or businesses in a negative manner. In fact, it may increase the visibility of existing businesses, given our customers who we expect to come from the surrounding areas.
- 4) The company we are purchasing our cremation equipment from will obtain state emission permits and will provide instruction for safe and effective installation of the UL Listed equipment, as well as certified training to staff.
- 5) We look forward to partnering with the City of New Brighton in order to meet, and even surpass, all regulations and recommendations with respect to the installation and operation of our pet crematory.



Project No. 11011



© NorthstarMLS.com

The addition would be wood stick structure on the left side, same grade as we are looking at this. It would be 24' x 20', the width of current building and 20' long. It will be sided with matching beige vinyl as you see on this building with chocolate brown fascia and trim, shingles to match. We are adding burgundy shutters to this building as well as the addition to give a warm look. These garage doors will be coming out. The right hand door will be replaced with an entrance door and sidelights. The left hand door will be replaced with a picture window to allow more light into the building. Beige and brown vinyl trim would be added around these fixtures. One of the current brown garage doors would be placed on the east end of the new building.



Design # 91



Page 1 of 2
3/28/2011

Items Selected:

Gable roof w/ 4/12 pitch, standard trusses 2' O.C.
Truss Design Location Zip Code: 55066
2x4 Wall Framing Material
24' Wide X 20' Deep X 8' High
Vinyl Double 4" Lap Siding
- White
7/16" OSB Wall Sheathing
Nova Wrap
12" gable/12" eave overhangs
1/2" OSB Roof Sheathing p nds 3F yr. Oakridge, Driftwood Shingles

4' Shingleover Ridge Vent
White Aluminum Soffit & Fascia
White Premium Roof Edge
White Vinyl Overhead Door Jamb
Materials From Endwall On Front View Not Estimated

Options Selected:

The options you have selected are:
15 LB Roof Felt
2 Rows Granular Ice & Water Barrier

Front View With Open Gable Endwall



Back View



Today's estimated base price: \$2,025.96

The base price includes: 0" Eave/0" Gable Overhangs, Framing Materials,
7/16 OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx
Black Shingles, Pine Fascia, Galvanized Regular Roof Edge,
8" Textured Vertical Hardboard Siding, No Service Doors,
No Overhead Doors, No Windows, or Any Other Options.

Today's estimated price: \$3,528.35

If purchased today, you save: \$212.50

Monthly BIG Card payment: \$99.09

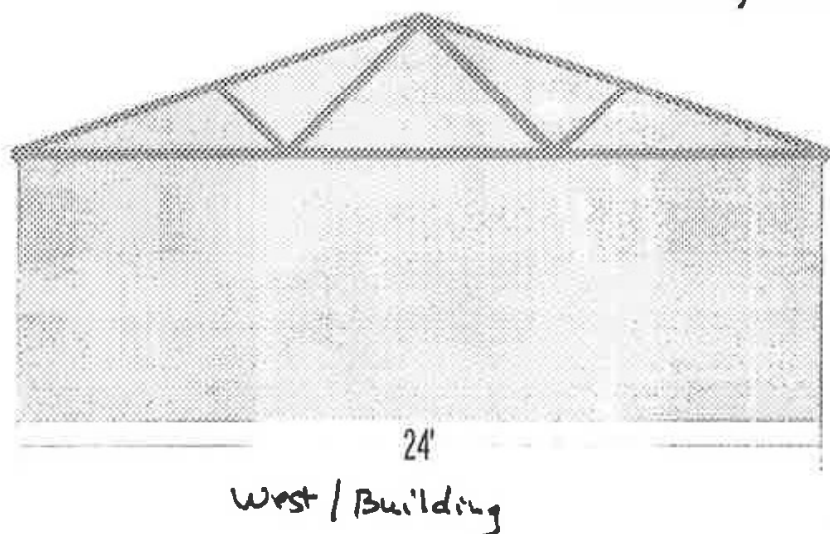
*** Take this sheet to the Building Materials counter to purchase your materials. ***

All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE, THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

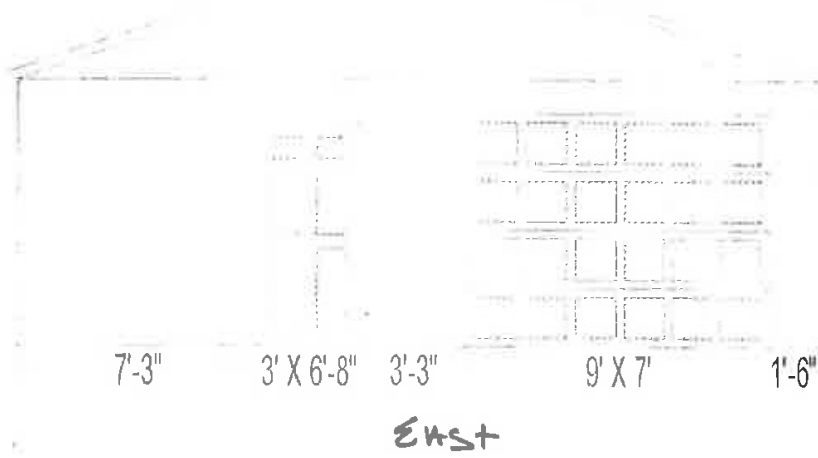
Design # 91



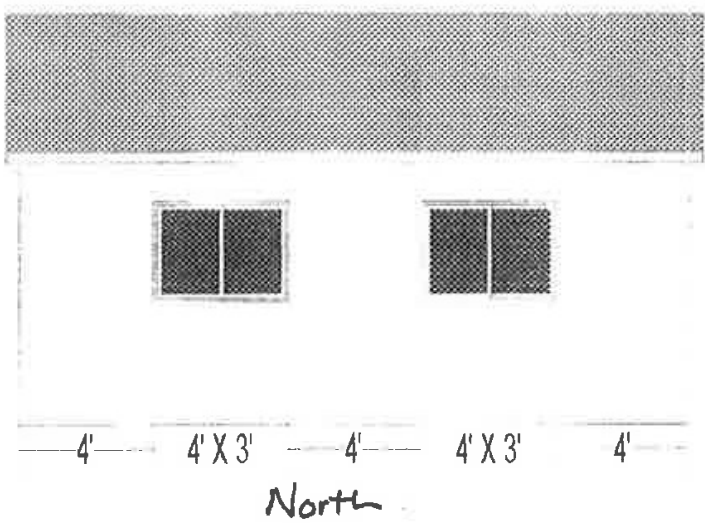
*** Here are the wall configurations for your design.
Illustration May Not Depict All Options Selected



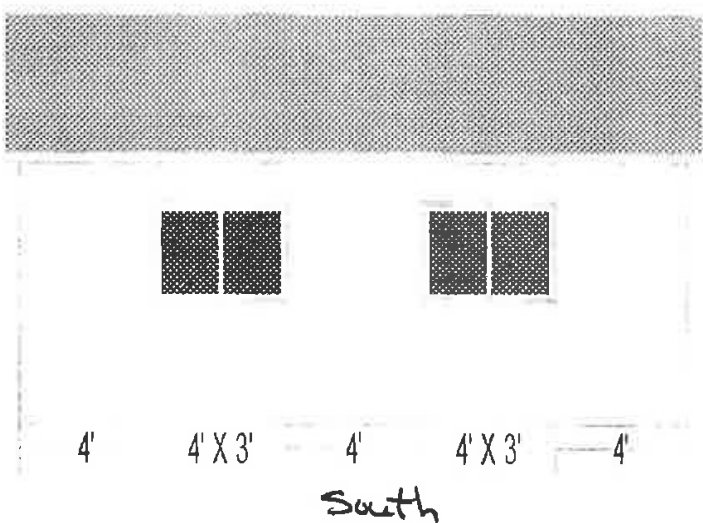
Front View With Open Gable Endwall



- (1) - CM1 6-PANEL STEEL DOOR PH36X80 RH SB
- (1) - 9X7 WHITE INSUL RAISED PNLEZSETTORSN M4SV



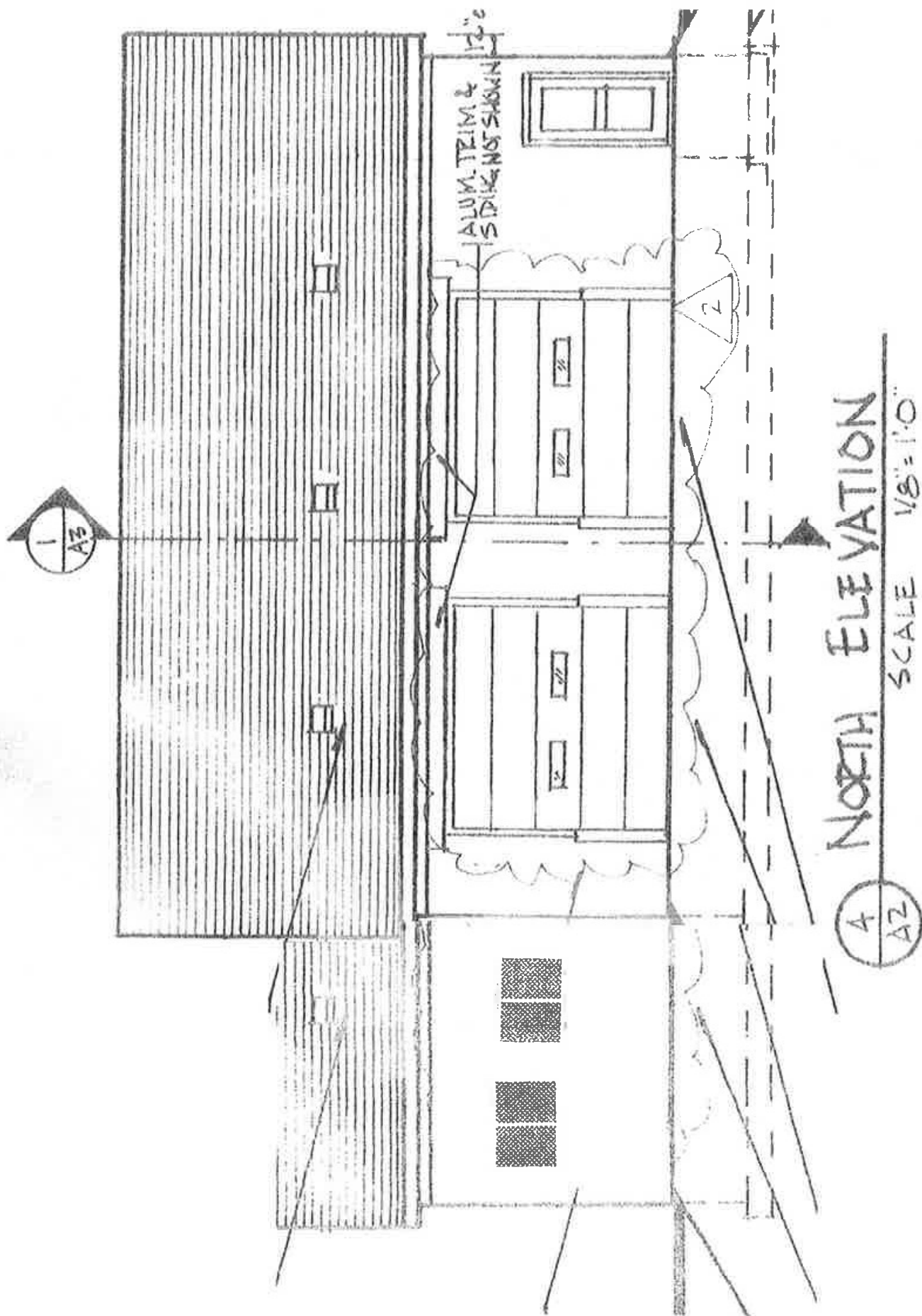
Eave Front View
(2) - 48X36 SELECT 100 SLID IGPC2SG 4030

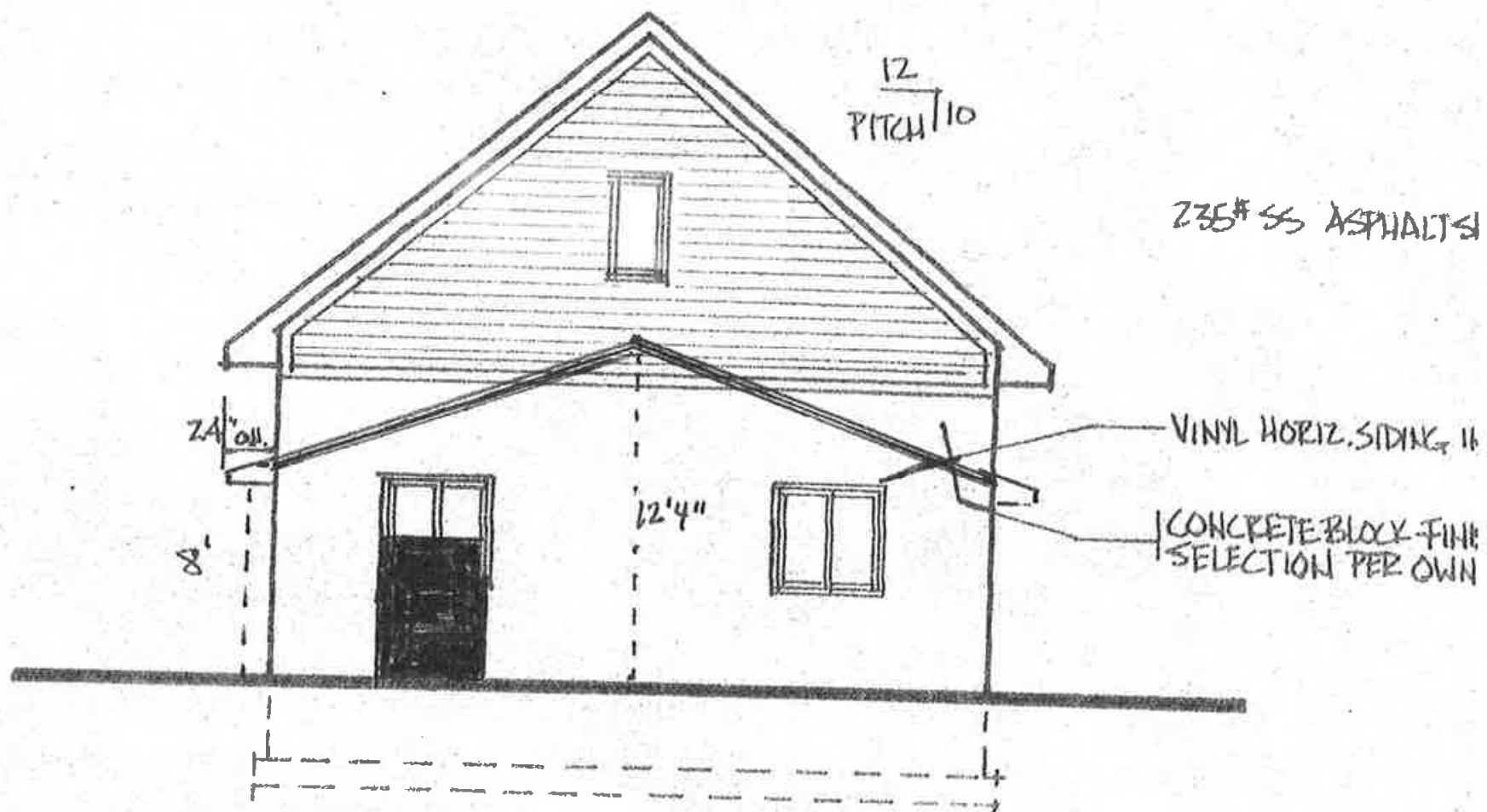


Eave Back View
(2) - 48X36 SELECT 100 SLID IGPC2SG 4030

Building Size: 24 feet wide X 20 feet long X 8 feet high
Approximate Peak Height: 12 feet 4 inches (148 inches)

Menards provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variable in codes and site restrictions, all final plans and material lists must be verified with your local zoning office, architect and/or builder for building design and code compliance. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.





3
 A2

EAST ELEVATION
 SCALE 1/8" = 1'-0"

Parking Characteristics

Detached Garage	Driveway - Concrete
Heated Garage	Insulated Garage

Sale Includes

Building	Business
Fixture/Equipment	Land

Sewer

City Sewer - Connected

Utilities

Electric Common	Heating Common
Hot Water Common	

Water

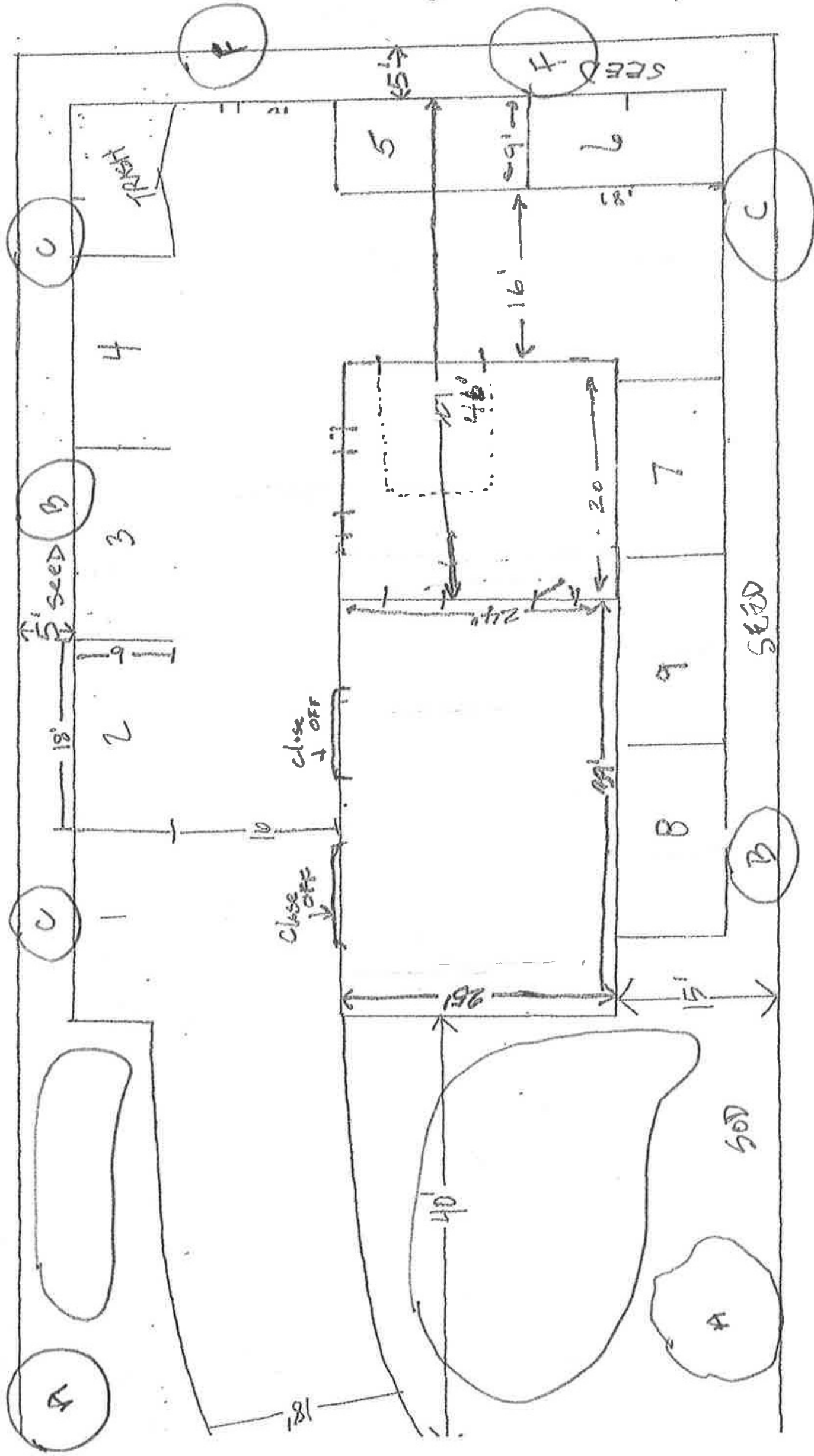
City Water - Connected

Zoning

Business/Commercial	Industrial
---------------------	------------



208x
From
Book



ANTHONY SCHEDULE

Y	KEY	COMMON NAME	BOTANICAL NAME	SIZE	METHOD	REMARKS
	A	SUGAR MAPLE	ACER SACCHARUM	3"φ	BB	
	B	JAPANESE TREE LILAC	SYRINGA AMURENSIS JAPONICA	2"φ	BB	
	C	GRADAPPEL, PRAIRIE FIRE	MALUS 'PRAIRIFIRE'	2"φ	BB	
	D	DWARF KOREAN LILAC	SYRINGA PALIBINIANA	#2	CONT.	
	E	ANTHONY WATERER SPIREA	SPIRACA JAPONICA	#2	CONT.	
	F	COLORADO BLUE SPRUCE	PICEA PUNGENS	5'	BB	

ALL DISTURBED AREAS.

MULCH ALL SHRUB PLANTING AREAS.

MULCH TO ENCOMPASS SHRUBS 3" DEPTH.

MAT TO BE INSTALLED.

G. TO SEPARATE LAWN AND MULCH.

IDE UNDERGROUND IRRIGATION SYSTEM

ALL MODED AREAS & NEW PLANTINGS.

PLANNING REPORT

DATE: May 12, 2011
CASE: PU2011-001, SP2011-009
SUBJECT: Planned Unit Development Amendment and Special Use Permit to permit construction of an outdoor dining patio at 500 5th AVE NW
APPLICANT: Pratt Ordway Properties

REQUEST & BACKGROUND

The applicant is requesting a Planned Unit Development (PUD) Amendment and Special Use Permit to permit construction of a 64 seat outdoor dining patio at 500 5th AVE NW. Specifically, the tenant space proposing outdoor dining is the corner tenant of the building known as Building E within the Main Street Village mixed use development. The existing tenant is Glory Days Sports Bar & Grill, which is located at the northwest corner of 5th AVE NW and 5th Street NW (also known as County Road E2 Extension), with the outdoor dining patio facing this intersection. A PUD Amendment is required as the entire Main Street Village development was approved through a PUD dating back nearly 10 years. Any changes to approved PUD's require review and approval by the Planning Commission and City Council. A Special Use Permit is also required as all outdoor dining areas in B-3 and B-4 zoned property require a Special Use Permit.

Main Street Village is a Planned Unit Development where construction was phased over many years. There is no Planned Unit Declaration on file because at the time of initial construction these Declarations were not prepared. This is only relevant in the fact that staff cannot review such Declaration to determine the terms of the development approval. Staff has researched past files and conditions of approval to ensure this proposal does not conflict with any of the previous approvals.

ATTACHMENTS

A – Resolution
B – Project Location Map
C – Zoning Map
D – Aerial Photo
E – Neighborhood Notification Map
F – Existing Conditions Survey
G – Proposed Patio Site Plan
H – Patio Seating Detail
I – Perspective Drawing (from corner of 5th AVE & 5th ST)
J – Staff Recommended Revised Patio Site Plan
K – Retaining Wall & Fencing Details
L – Photos of Existing Site

FINDINGS

Section 5-340(4). Used Permitted in a B-4 Downtown Business District.
Section 6-390. General Performance Standards.
Section 7-260. Amendments.
Section 8-130. Special Use Standards.

SITE CHARACTERISTICS

Location: 500 5th AVE NW
Lot Size: 55,504 SF (1.3 acres)
Topography: Generally Flat

Comprehensive Plan Designation:	NB, Neighborhood Business
Zoning:	B – 4, Downtown Business
Surrounding Land Uses:	
North:	Retail (post office, multi-tenant commercial)
South:	County Road E2 Extension, Donatelle Plastics (industrial)
East:	5th AVE NW, single family homes
West:	Commercial, office, railroad tracks

PLANNED UNIT DEVELOPMENT AMENDMENT ANALYSIS

Zoning Code Section 7-260 outlines the process through which amendments to previously approved Planned Unit Developments must follow. This Section classifies amendments as either minor or major. Minor amendments must only involve minimal impacts to the overall development and may be approved by City staff. Major amendments include “changes to uses, building location, building size, types and distribution of exterior materials, open space arrangements, landscaping improvements...” Staff determined that the proposed outdoor dining patio impacts open space arrangements and therefore is considered a major amendment.

In accordance with Section 7-260(4), any PUD Amendment must be considered in accordance with the standards of Section 7-230, which are as follows:

- (1) The minimum size for a planned unit development approved under this Article shall be four acres of land area and 30,000 total square feet of gross floor area in the buildings included in the planned unit development.
- (2) The property to be included in the planned unit development shall be in single ownership or under the management or supervision of a central authority, or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Article.
- (3) Uses permitted in a planned unit development shall be those permitted uses, accessory uses, and uses by special permit that are allowed in the zoning classification of the land to be included in the planned unit development. At the time of approval of a planned unit development, the City Council may restrict or expand the uses that would otherwise be allowed in the District.
- (4) A planned unit development shall conform to all applicable sections of Chapter 26 of the City Code and to the Zoning Code except as hereinafter modified or exempted and any amendments to said codes as will be adopted from time to time to better meet the stated purposes of the Chapter.
- (5) Nothing in this Article shall be construed to prohibit the approval of a planned unit development having only a single building.
- (6) Architectural styling shall not be the sole basis for denial of a planned unit development.
- (7) The maximum gross floor area for the sum of all buildings in a project shall not exceed 45 percent of the total land area in the planned unit development. For purposes of determining compliance with this provision, the first two aboveground floors of structures used exclusively for parking of vehicles shall not be included as part of the gross floor area of the development. Subject to approval of the City Council, the gross floor area may be increased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council.
- (8) All buildings shall observe the following setbacks unless otherwise specified by the Council at the time of approval of the planned unit development:
 - A. There shall be a minimum setback of the height of the building, or thirty feet, whichever is greater, from all property lines that form the perimeter of the entire plan of the planned unit development. Subject to approval of the City Council, building setbacks may be decreased from the perimeter setback requirement for any new Planned unit Development if pedestrian linkages to neighboring developments for residents, employees, or shoppers is provided along with an approved streetscape plan with enhanced landscaping.
 - B. There shall be a minimum setback of the height of the building, or sixty feet, whichever is greater, from any property zoned R-1 or R-2. Subject to approval of the City Council, the setbacks referenced in this sub-section may be decreased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council on June 28, 2005.
 - C. There shall be a minimum setback of the height of the building, or sixty feet, whichever is greater, from any public street. Subject to approval of the City Council, the setbacks referenced in this sub-section may be decreased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council on June 28, 2005.
- (9) Any improvement, such as streets, sidewalks, or utilities to be located on or in land dedicated to the public, shall

be ordered and financed in accordance with Sections 25-16 through 25-45 of the City Code.

Staff finds the proposed outdoor dining patio does not impact any of the above 9 standards. In making a recommendation to the City Council, the Planning Commission must consider the following factors of Section 7-240 (staff responses in *italics*):

(1) The consistency of the proposed development with the adopted or proposed comprehensive plan for the City.

The proposed outdoor dining patio would be consistent with the comprehensive plan. Community Business areas are intended to service retail and service needs, including restaurants.

(2) The extent to which the proposed development is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, and sufficiency of drainage and utilities.

Staff finds this criterion to be met. While some revisions to the design of the patio are necessary (discussed below in the Other Applicable Regulations section of this report), an outdoor dining patio for use by a tenant within Main Street Village would meet the intent to create a pedestrian friendly downtown environment. A revised patio design will respect circulation patterns already in place, enhance the visual character of the site when viewed from the corner, and maintain sufficient areas for drainage and utilities.

(3) The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area.

The proposed patio is certainly compatible with the other tenants within the Main Street Village development. Staff is concerned that the patio will not negatively impact residential uses to the east, across 5th Ave NW. As of the date of this report, no public inquiries regarding this request have been made. Staff intends to prohibit ancillary uses on the patio, such as events, bar and server stations so as to decrease noise impacts. Also, existing trees and shrubbery in this area have become quite mature in that they already provide screening. The Commission may want to discuss whether additional screening is necessary. The Public Safety department has indicated a certain amount of openness has advantages in that people can see out and in reducing the likelihood that patrons would engage in undesirable activities. Noting that, staff would not recommend any additional screening.

(4) That the design of the development justifies any exceptions to the standard requirements of the Zoning Code.

There may be some discussion regarding the layout of the patio and what an appropriate setback should be. More details are provided in the Other Applicable Regulations section below. With a slightly revised patio layout, staff finds this criterion to be met.

(5) The sufficiency of each phase of the planned development size, composition and arrangement in order that its construction, marketing, and operation is feasible without dependence upon any subsequent unit.

Not applicable. The applicant would like to construct the patio this summer.

(6) The burden or impact created by the planned development on parks, schools, streets, and

other public facilities and utilities.

The proposed patio will not further impact parks, schools, streets or other public facilities and utilities.

(7) The impact of the planned development on environmental quality and on the reasonable enjoyment of surrounding property.

The proposed patio will allow preservation of a majority of the mature landscaping in the area. Staff believes that with conditions, the proposed patio will not negatively impact the reasonable enjoyment of surrounding property, most notable the residential uses to the east.

To conclude on the PUD Amendment analysis, staff finds that with the implementation of conditions recommended by City staff the proposed patio will meet the factors of Zoning Code Section 7-240.

SPECIAL USE PERMIT ANALYSIS

Zoning Code Section 5-340(4) states that any use allowed by Special Use Permit in the B-3 district shall be permitted by Special Use Permit in the B-4 district. Section 5-240(15) of the B-3 district allows by Special Use Permit "Outdoor dining in conjunction with a licensed food establishment. Adequate screening, fencing and/or other requirements may be imposed to ensure that such use does not have a detrimental impact on the adjoining properties or the general public."

In making a recommendation to the City Council, the Planning Commission shall make the following findings (staff responses in *italics*):

(1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Staff finds this criterion to be met. Based on the conditions recommended by staff, staff finds the proposed outdoor dining patio will not be detrimental to the public and that the patio may have a positive impact on the Main Street Village development.

(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The entire area is nearly fully developed. The biggest potential for impacts is to the residential uses to the east. Staff finds that with the proposed conditions, the patio should not negatively impact the use or enjoyment of this property or the immediate vicinity. Further, traffic along this corridor of 5th AVE NW is already at approximately 7,400 trips per day meaning the traffic itself will diminish any noise impacts the patio might impose on the neighbors.

While traffic during the day may overpower any activity on the proposed patio, nighttime traffic counts are likely much lower. The Commission may want to impose hours of operation to mitigate this negative impact.

(3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Not applicable. The area is fully developed.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Yes, the proposed patio will be served by and not negatively impact existing infrastructure.

(5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

All other applicable regulations are discussed below.

Staff finds that implementation of the staff recommended conditions will create a use that will meet the special use standards of Section 8-130.

OTHER APPLICABLE REGULATIONS

Setbacks: The B – 4 district does not have minimum setback regulations. This zoning district allows the City Council to approve a “general development plan”. However, if there are any changes to a development plan, a Special Use Permit must be considered. Additionally, the PUD allows flexibility with setback standards. The proposed patio layout submitted by the applicant shows a small portion of the patio extending beyond the property boundary. Staff has recommended a slightly revised patio layout that will stay within the property boundary and provide a 4’ clear path on both the 5th ST and 5th AVE sides of the property. This results in a 4’ setback where the existing building is setback approximately 10’. These layouts and proposed setbacks have been revised by all City departments and staff collectively is supportive of this layout.

Section 6-390(3): Chapter 6 of the Zoning Code provides for General Performance Standards that all commercial and industrial properties must meet. The only applicable performance standard is in Section 6-390(3) which requires screening for a parcel used for business where adjacent to a residential district. While the proposed patio is not directly adjacent to a residential use, residential uses do exist across 5th Ave NW. Staff discussed the existing vegetative screening in the PUD analysis above and finds it to be sufficient.

Parking: With the introduction of additional seating for the restaurant, comes a potential for an increased need for parking even though the Zoning Code does not require additional parking. However, the proposed patio will only be usable for approximately four to five months out of the year and one might argue the patio only provides additional seating options and not necessarily increased capacity for the restaurant. Parking for the dinner crowd will most likely be sufficient as the entire Main Street Village development has shared parking and many of the other users are not open during the evening hours. However, there may be parking constraints during the lunch hour. Parking is permitted on 5th Street and on the interior private roads within the development. Parking is prohibited on 5th Avenue where residential homes exist. This satisfies staff that the residences across 5th Avenue will not be negatively impacted by an increased parking demand the patio might create. All other users adjacent are part of the development where shared parking easements exist and the owner will be responsible for managing parking demands.

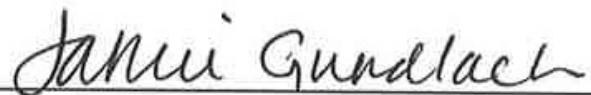
STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend the City Council approve the PUD Amendment and Special Use Permit, subject to the following conditions:

1. The outdoor dining patio shall be revised as illustrated on the Staff Recommended Revised Patio Design to ensure the patio is completely out of the right-of-way and a 4’

clear path on both sides is provided to protect the integrity of the Drainage and Utility Easement.

2. No bar or server stations are permitted on the outdoor dining patio so as to avoid any unnecessary noise.
3. The restaurant's audio entertainment system shall not be part of any exterior audio capabilities the patio might have. Only background music shall be permitted on the patio.
4. Prior to use of the patio, the applicant shall pay the "Exterior Public Seating" fee of \$650 to the Public Safety Department in accordance with liquor license requirements.
5. The applicant shall obtain all necessary permits from the Building Official in association with an increase seating capacity within an assembly area.
6. The applicant will be required to pay additional Sewer Access Charges (SAC) for the increased seating, including but not limited to the Metropolitan Council SAC charges estimated at 2 additional SAC fees for a total of \$4,460.
7. No events are permitted on the outdoor dining patio.
8. Under no circumstances shall the restaurant access door to the patio be propped open.
9. No signage, streamers, banners, balloons or the like may be displayed within the outdoor dining patio, unless allowed through issuance of a Temporary Sign Permit.



Janice Gundlach, City Planner

**PLANNING COMMISSION
CITY OF NEW BRIGHTON
STATE OF MINNESOTA**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A PLANNED UNIT DEVELOPMENT AMENDMENT AND A SPECIAL USE PERMIT.

WHEREAS, an application for an amendment to an existing Planned Unit Development and Special Use Permit has been made by Pratt Ordway Properties to allow construction of an outdoor dining patio at 500 5th AVE NW, and

WHEREAS, the procedural history of the application is as follows:

1. Application of a Planned Residential Development Amendment and Special Use Permit were made on April 29, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on May 17th and all persons present were given an opportunity to be heard.
3. The Planning Commission recommended the City Council approve the request, subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Planned Unit Development Amendment (PU2011-001) and Special Use Permit (SP2011-009):

1. The property is located at 500 5th Ave NW.
2. The property is zoned B – 4, Downtown Business.
3. The property is guided in the New Brighton Comprehensive Plan for CB, Community Business.
4. The property has numerous PUD approvals on file dating back nearly 10 years.
5. The proposed amendment would allow for construction of an outdoor dining patio at the corner of 5th Avenue NW and 5th Street NW, for use by the corner tenant of the building known as Building E.
6. Per the PUD Amendment review criteria of Zoning Code Section 7-260(4), the PUD standards of Section 7-230 were considered and it was determined none of those standards would be impacted by the proposal.
7. Per the PUD Amendment review criteria of Section 7-260(6), the Planning Commission also considered whether or not the proposal would be in conformance with the stated factors of Zoning Code Section 7-240(1–7).
8. Per Zoning Code Section 5-340(4) outdoor dining requires review and approval of a Special Use Permit per the following standards of Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
9. The Planning Commission determined the PUD and Special Use Permit criteria were met based on the following findings:
- a. The proposed patio is consistent with the Comprehensive Plan.
 - b. The revised patio design would meet the intent to create a pedestrian friendly downtown environment, respect existing circulation patterns, and enhance the visual character of the site.
 - c. Conditions are recommended to ensure the proposal is compatible with residential uses nearby.

NOW THEREFORE BE IT RESOLVED that based upon the above Findings of Fact, the application for a Planned Unit Development Amendment (PU2011-001) and Special Use Permit (SP2011-009) are hereby recommended to the City Council for approval, subject to the following conditions:

1. The outdoor dining patio shall be revised as illustrated on the Staff Recommended Revised Patio Design to ensure the patio is completely out of the right-of-way and a 4' clear path on both sides is provided to protect the integrity of the Drainage and Utility Easement.
2. No bar or server stations are permitted on the outdoor dining patio so as to avoid any unnecessary noise.
3. The restaurant's audio entertainment system shall not be part of any exterior audio capabilities the patio might have. Only background music shall be permitted on the patio.
4. Prior to use of the patio, the applicant shall pay the "Exterior Public Seating" fee of \$650 to the Public Safety Department in accordance with liquor license requirements.
5. The applicant shall obtain all necessary permits from the Building Official in association with an increase seating capacity within an assembly area.
6. The applicant will be required to pay additional Sewer Access Charges (SAC) for the increased seating, including but not limited to the Metropolitan Council SAC charges estimated at 2 additional SAC fees for a total of \$4,460.
7. No events are permitted on the outdoor dining patio.
8. Under no circumstances shall the restaurant access door to the patio be propped open.
9. No signage, streamers, banners, balloons or the like may be displayed within the outdoor dining patio, unless allowed through issuance of a Temporary Sign Permit.

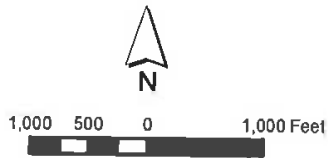
ADOPTED this 17th day of May, 2011.

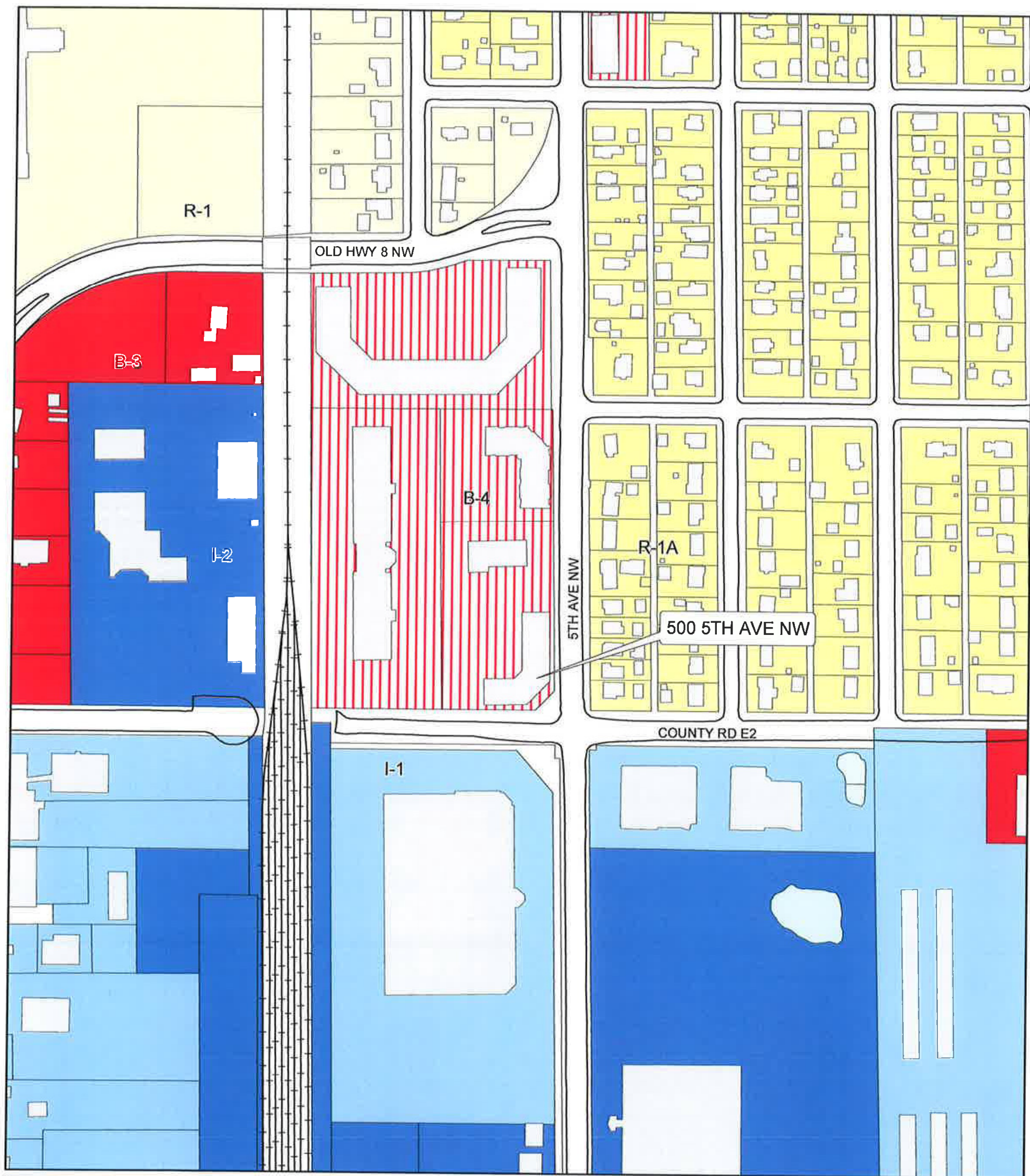
Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 500 5th Ave NW





- B-3, General Business
- B-4, Downtown Business
- R-1, Single Family Residential
- R-1A, Single Family Residential
- I-1, Light Industrial
- I-2, Heavy Industrial



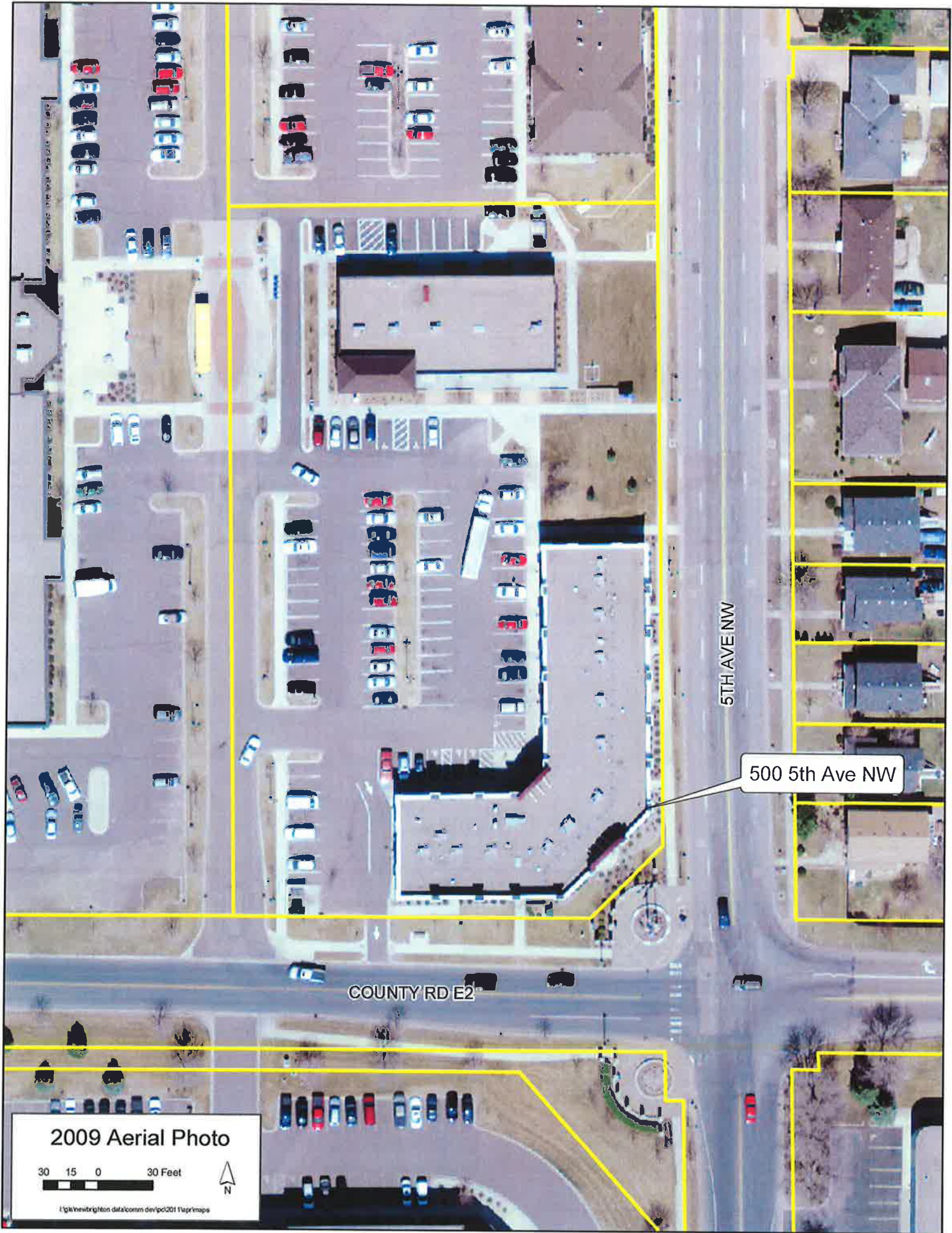
100 50 0 100 Feet

Current Zoning

500 5th Ave NW

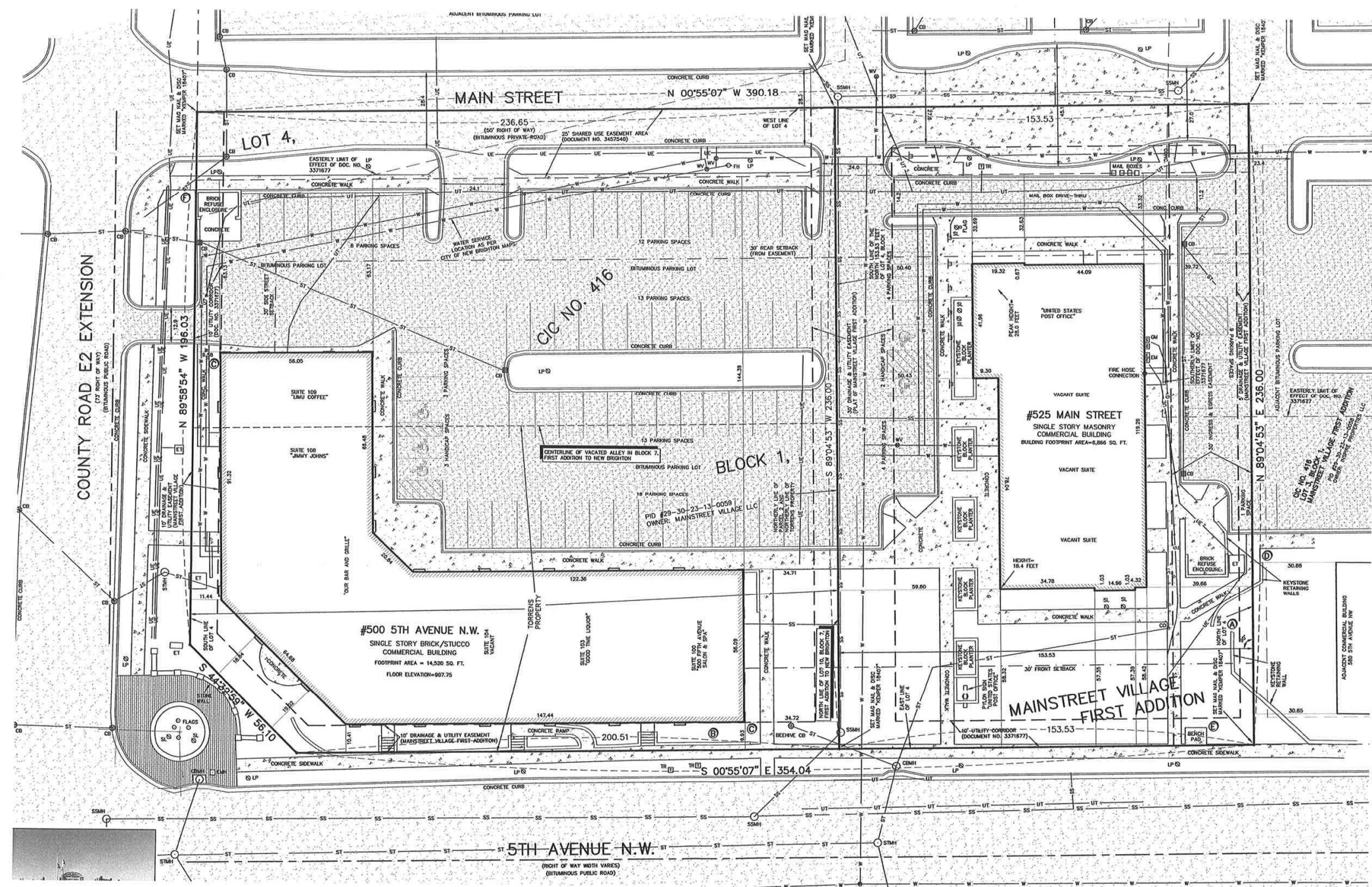
B-4, Downtown Business

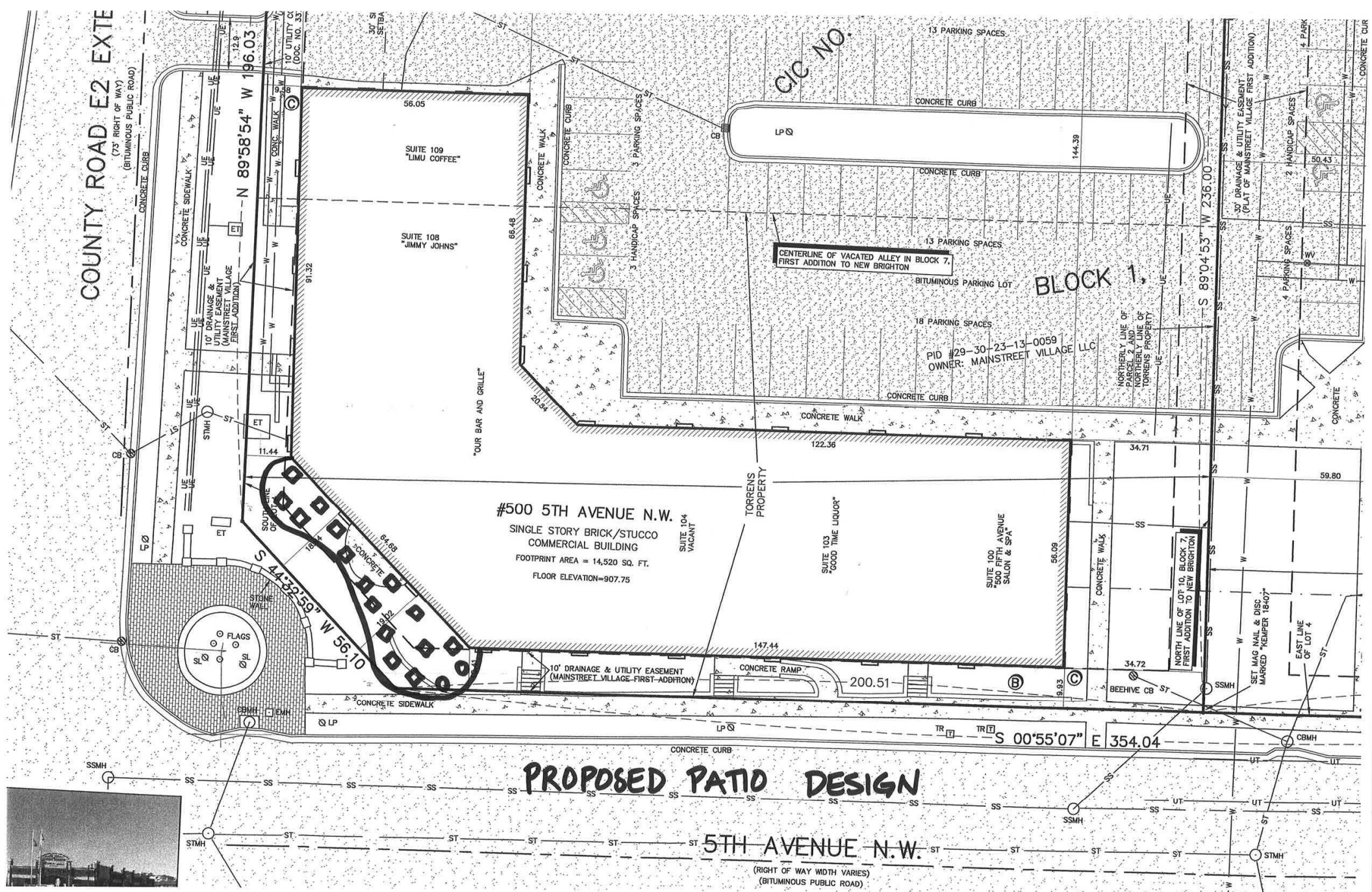
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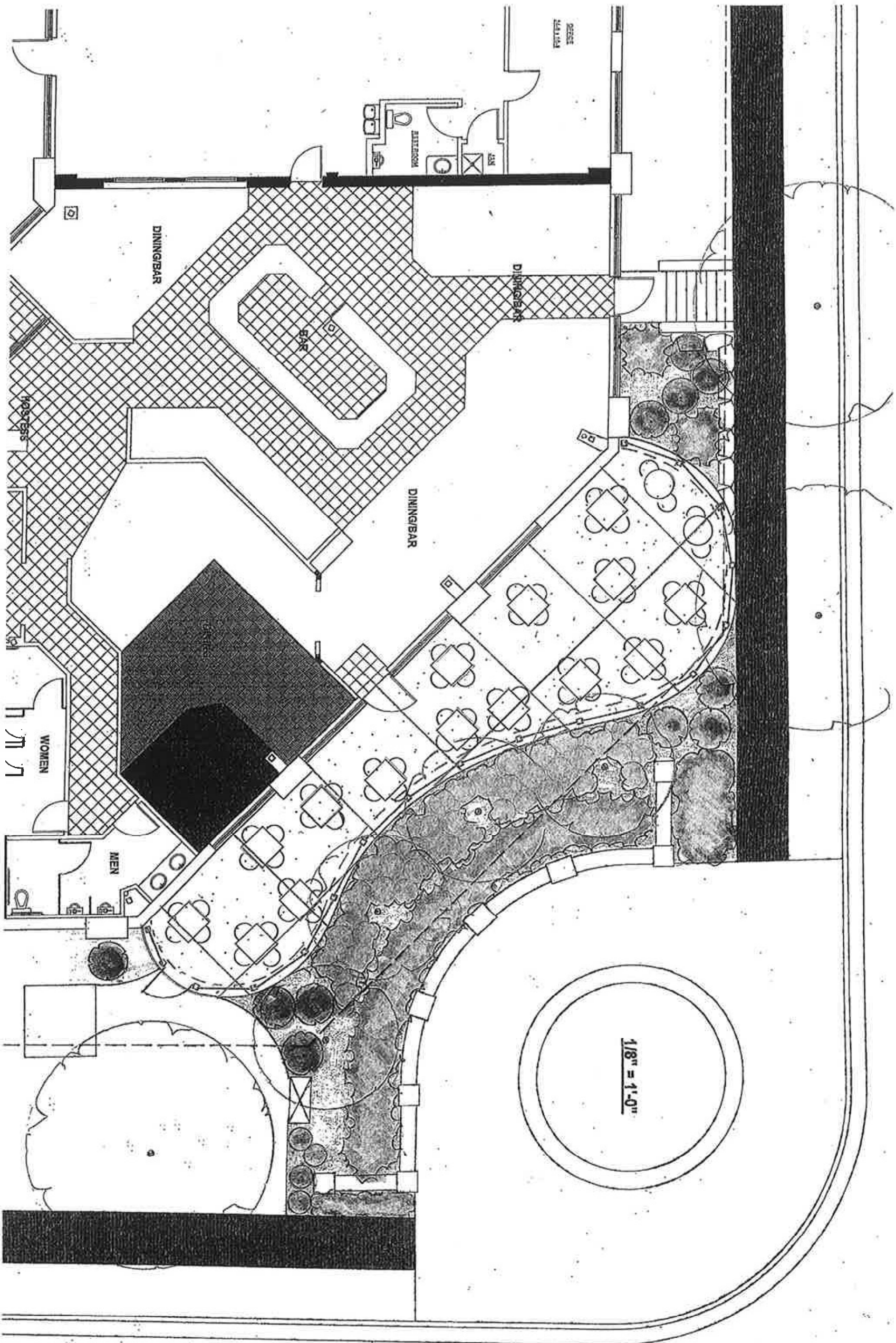


600' Mailing Buffer - 500 5th Ave NW

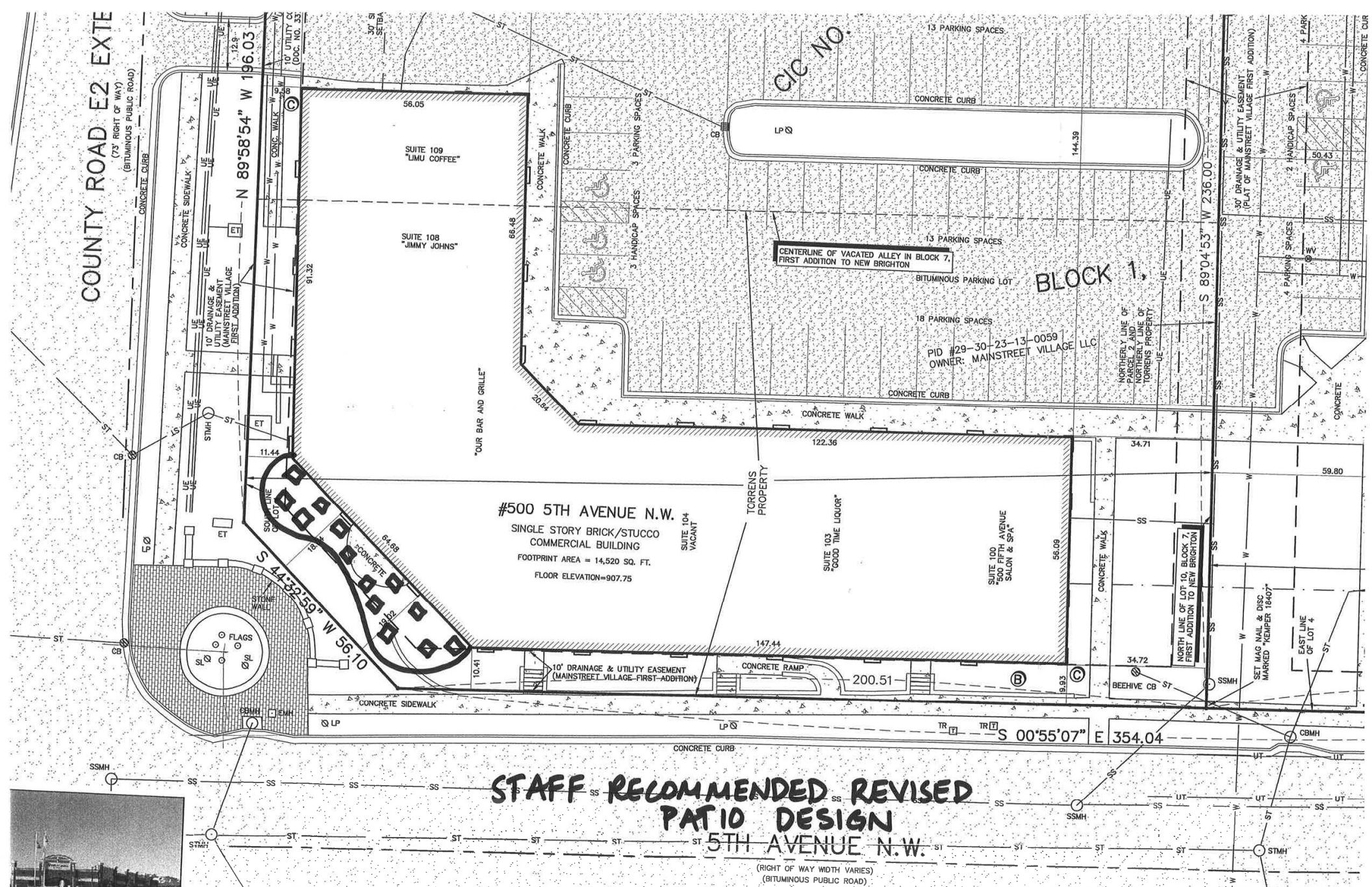


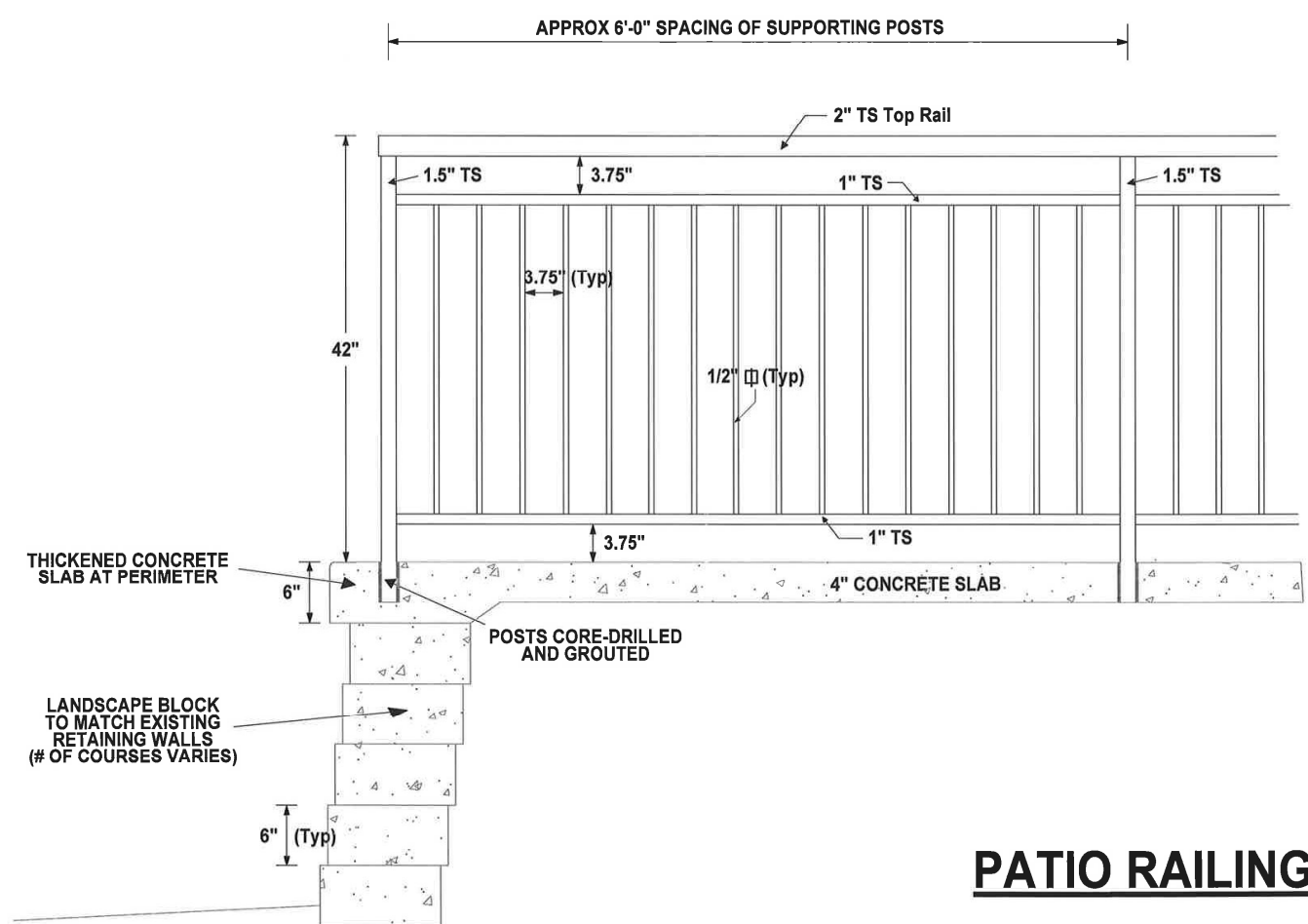












PATIO RAILING DETAILS
1" = 1'-0"













PLANNING REPORT

DATE: May 11, 2011
CASE: RD2011-001
SUBJECT: Planned Residential Development Amendment to allow erection of a wall sign at 2100 Silver Lake Road
APPLICANT: SilverCrest Properties , LLC

REQUEST & BACKGROUND

The applicant is requesting an amendment to a previously approved Planned Residential Development. The specific request would allow erection of a 33 SF wall sign stating “Meadowood Shores Senior Apartments” facing Silver Lake Road. The property is not allowed a wall sign facing Silver Lake Road per Chapter 9 requirements of the Zoning Code as the site does not have frontage on Silver Lake Road. Thus, the only way to permit a sign at this location would be to specifically allow it as part of the Planned Residential Development approval. It should be noted that a ground sign is located along Silver Lake Road, which is there through easement and was negotiated at the time of development and when the City commissioned a project that improved access into these retail sites back in the early 2000’s.

Meadowood Shores received Planned Residential Development (PRD) approval on April 28, 1998 as PRD60. This project allowed for construction of senior, market rate rental apartments. No wall sign was ever proposed or approved as part of that original PRD. The applicant contacted City staff several months ago to inquire about erecting a wall sign just to the left of the main entrance into the building. The applicant was advised that such a sign would not be permitted, but was given the option under existing Sign Code, Chapter 9, Section 9-040(3)(F) to construct signs for identification of entrance and exit doors and directional signs of 4 SF or less. This request suggests Section 9-040(3)(F) of the Zoning Code will not satisfy their needs.

ATTACHMENTS

- A – Resolution
- B – Project Location Map
- C – Zoning Map
- D – Aerial Photo
- E – Neighborhood Notification Map
- F – Applicant Narrative
- G – Proposed Sign
- H – Photos of Existing Building
- I – Report Number 98-091 (regarding original Site Plan approval)
- J – Resolution 98-048

FINDINGS

Section 7-110. Amendments.

SITE CHARACTERISTICS

Location:	2100 Silver Lake Road
Lot Size:	140,261 SF (3.2 acres)
Topography:	Generally Flat
Comprehensive Plan Designation:	CB, Community Business
Zoning:	B – 3, General Business

Surrounding Land Uses:

North:	Commercial (office & animal hospital)
South:	Retail (Cub Foods)
East:	Retail (multi-tenant strip)
West:	Park & Residential (townhomes)

AMENDMENT ANALYSIS

Zoning Code Section 7-110 outlines a procedure for considering amendments to a previously approved Planned Residential Development (PRD). The applicant proposed to erect a 33 SF wall sign on the east façade of the building. No other improvements/changes to the site are proposed.

Section 7-110 identifies two types of amendments: minor and major. Minor amendments do not require review by the Planning Commission or City Council, but major amendments do. Major amendments include any changes to the building. Signs are not specifically mentioned as either minor or major. Staff felt it was better to require review of the proposed sign as a major amendment than to misinterpret the proposed amendment as minor, which only entails a staff level review.

Section 7-110(4) states that all PRD amendments must be considered against the PRD standards of Section 7-060. Those standards are as follows:

- (1) The plan shall be consistent with the stated purposes and intent of the Zoning Code.
- (2) A planned residential development shall conform with Chapter 26 of the City Code and the Zoning Code except as hereinafter modified or exempted and any amendments as will be adopted from time to time to better meet the stated purposes of this Chapter.
- (3) No amendments to this Chapter shall be enacted that may apply to any proposal for a planned residential development for which an application has been received by the City and upon which action is still pending.
- (4) A planned residential development that which shall include only a single type of dwelling unit, such as all detached or all semi-detached shall not be deemed inconsistent with the stated purposes of this Chapter because it contains only a single type of dwelling unit.
- (5) Architectural styling shall not be the sole basis for denial of a planned residential development.
- (6) The maximum ground floor area for the sum of all buildings in the project shall not exceed 25 percent of total land area in the planned residential development.
- (7) There shall be no height limitation for any buildings in a planned residential development except that all buildings and dwelling units shall observe the following setbacks and densities:
 - A. There shall be a minimum setback of the height of the building or 25 feet, whichever is less, from all property lines that form the perimeter of the entire plan of the planned residential development. Subject to approval of the City Council, building setbacks may be decreased from the perimeter setback requirement for any new planned residential development if pedestrian linkages to neighboring developments for residents, employees, or shoppers is provided along with an approved streetscape plan with enhanced landscaping.
 - B. When any property line forming the perimeter of the plan for a planned residential development is in, abuts, or is less than seventy feet from an R-1 or R-2 district, the setback for each building in the planned residential development shall be at least its building height away from said line except where said abutting or adjacent property is publicly owned and is seventy feet or more in width, then the setback shall be a minimum of 25 feet.
 - C. In accordance with, and to better meet the stated purpose of the Planned Residential Development Article of the Zoning Code, the dwelling unit density for a planned residential development within an R-1, R-2, R-3A or R-3B district may be computed on a basis of eighty percent of the required minimum lot area per unit as stipulated for the respective districts in the

Zoning Code. Adjusted densities may be applied to any land within the district that will be developed in accordance with an approved site plan for a planned residential development.

D. In order to provide for the unique characteristics of developments serving the elderly and in recognition of their reduced levels of population and activity, housing developments for elderly persons may have their density calculated on the basis of fifty percent of the minimum lot area per dwelling unit stipulated for the respective districts in this Zoning Code.

(8) There shall be a minimum of two off-street parking spaces per dwelling unit in a planned residential development serviced by a private road. In addition, a minimum of 1/2 space per dwelling unit shall be provided for visitor parking and visitor parking shall be posted "visitor parking only".

(9) More than a single building may be placed on single lot in a planned residential development.

(10) Any and all common open space shall be labeled as such and as to its intent or design function. Provisions for maintenance, ownership, and preservation shall be made in accordance with the provisions of the "Minnesota Condominium Act," Chapter 457, Laws of 1963 (Minnesota Statutes, Sections 515.01 to 515.29).

(11) The final plan shall include the following:

A. All proposed covenant restrictions and easements to run with the land, together with any provisions for release from same;

B. Provisions for dedication of easements for public streets, ways, and facilities;

C. All provisions relating to height, density, bulk, and location of all structures.

All or any of the foregoing may be modified as deemed necessary by the City Council for the preservation of the public health, safety, morals, and general welfare of the residents of the planned residential development and the City.

(12) If the plan for planned residential development is proposed to be built in stages, the final plan shall give all details relative thereto. The City Council may approve or modify, where necessary, any such proposals and may grant temporary variances allowing a greater ground floor area or density in any one stage, provided, that the total ground floor areas and density of the entire planned residential development will not be affected.

(13) The staging of any plan for planned residential development shall include the time for the beginning and completion of each stage. Such timing may be modified by the City Council on the showing of good cause by the owner.

(14) Any improvements, such as streets, sidewalks, or utilities to be located on or in land dedicated to the public, shall be ordered and financed in accordance with Sections 25-16 through 25-45 of the City Code.

(15) The plan and profile of all public facilities, including but not limited to streets, sewer, and water, shall be reviewed and approved by the City prior to the final approval of the plan for the planned residential development.

(16) The plan for planned residential development may include sizing for water supply, sanitary sewers, and storm sewers; the width and type of paving of streets, alleys, sidewalks, public ways, curbs, and gutters; and the width and type of public utility easements and street lighting, which do not meet the standards as provided for in other sections of the City or Zoning Codes. Whenever such a case arises, the City Council may modify these requirements in order to accommodate the plan for planned residential development, provided, that such modification on the advice of the proper City officials will not impair the preservation of the public health, safety, morals, and general welfare of the residents of the planned residential development or of the City.

(17) Where it can be shown that the land proposed for planned residential development has already been platted or a registered land survey filed and that such plat or registered land survey need not be changed to support the proposed project, no platting or replatting shall be necessary if the petitioner can conform to the following requirements:

A. There is at least 200 feet of frontage on a public street.

B. The land is proposed for attached or multi-storied dwelling units.

C. The planned residential development can be served adequately by police and fire vehicles.

(18) When no plat is to be filed according to Section 7-060 (17), the plan for a planned residential development shall still conform to all other sections of this Article.

(19) No building permit shall be granted for any building on land for which a plan for a planned residential development has been approved that does not conform to the final plan.

No sign standards are specified in any of the 19 standards of Section 7-060 outlined above. As mentioned in the Introduction section of this report, Chapter 9 of the Zoning Code regulates signs. With regard to the allowed location of a wall sign, Section 9-080(2) would allow one wall sign per street frontage. The property has approximately 70' of frontage on 27th AVE NW, which is on the west side of the property facing residential uses. However, the applicant does not wish to erect a sign in this location, rather the applicant would like to sign to face Silver Lake Road.

With regard to size, Chapter 9 of the Zoning Code would allow a wall sign measuring 40% of the selected signable area or 200 SF, whichever is less. Based on the large size of the façade, 200 SF is smaller than 40% of the signable area. The applicant is proposing 33 SF, much less than a maximum established in the Zoning Code.

Further, Zoning Code Section 7-110(6) states that amendments to PRD may only be recommended for approval if the proposed amendment is in conformance with the states principles of Section 7-070(2)(A – G), which state (staff responses in *italics*):

- A Consistency of the plan with type, density, height and bulk of surrounding lands and the Zoning Code.
- B. Consistency with the stated principles of the planned residential development.
- C. The plat of the plan and its provisions for public facilities, internal circulation, and recreational spaces.
- D. The adequacy of size and intended function of the open space in common and the provisions for its maintenance and conservation.
- E. The design for the handling of vehicular traffic on abutting or adjacent streets and their role in the comprehensive thoroughfare plan.
- F. The provisions for the servicing and safety of the residents of the planned residential development.
- G. The variation from standard subdivision regulations of the plan.

Lastly, staff has attached the original Site Plan approval conditions and Resolution 98-048, which outlined the basis for approval of the site plan and PRD60. These original approvals and conditions must be considered when determining whether or not to approve the proposed amendment to allow the sign.

In conclusion, staff would recommend the PRD Amendment be approved based on the following points:

- A wall sign would be allowed facing 27th ST NW, however this would impact the residential uses in a negative manner. The applicant could be allowed to “trade” the allowed sign facing 27th ST NW for the Silver Lake Road frontage.
- The proposed sign measures only 33 SF area, when the maximum allowed under the General Business standards is 200 SF.
- Allowance of a wall sign does not conflict with any of the original approval conditions of the site plan or impact the Findings of Fact regarding PRD 60.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommends the City Council approve the Planned Residential Development Amendment, based on the following conditions:

1. The wall sign facing Silver Lake Road is allowed in place of a wall sign that would normally be allowed facing 27th ST NW. No signs shall be permitted on the west side of the building.
2. The area of the sign does not exceed 33 SF, as proposed.
3. Continued compliance with LP337 and PRD60 per Resolution 98-048.

A handwritten signature in black ink, reading "Janice Gundlach", is positioned above a horizontal line.

Janice Gundlach, City Planner

**PLANNING COMMISSION
CITY OF NEW BRIGHTON
STATE OF MINNESOTA**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT AMENDMENT.

WHEREAS, an application for an amendment to an existing Planned Residential Development has been made by SilverCrest Properties LLC to allow construction of a 33 SF wall sign at Meadowood Shores located at 2100 Silver Lake Road, said sign to be erected on the building façade facing Silver Lake Road, and

WHEREAS, the procedural history of the application is as follows:

1. An application for a Planned Residential Development Amendment was made on April 29, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on May 17th and all persons present were given an opportunity to be heard.
3. The Planning Commission recommended the City Council approve the request, subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Planned Residential Development Amendment (RD2011-001):

1. The property is located at 2100 Silver Lake Road.
2. The property is zoned B – 3, General Business.
3. The property is guided in the New Brighton Comprehensive Plan for CB, Community Business.
4. The property previously received Planned Residential Development and Site Plan approval on April 28, 1998 per Resolution 98-048.
5. The proposed amendment would allow for erection of a 33 SF wall sign on the Silver Lake Road building frontage, when Chapter 9 Zoning Code standards would normally allow a sign on the 27th AVE NW façade as that is the side with legal street frontage.
6. Per the PRD Amendment review criteria of Zoning Code Section 7-110, the PRD standards of Section 7-060 were considered and it was determined none of those standards would be impacted by the proposal to erect a 33 SF sign.
7. Per the PRD Amendment review criteria of Section 7-110, the Planning Commission also considered whether or not the proposal would be in conformance with the stated principals of Zoning Code Section 7-070(2)(A – G). The Planning Commission found the proposal to meet these criteria based on the following findings:
 - a. The proposed sign will be placed on the Silver Lake Road frontage, rather than the 27th AVE NW frontage where the property has street frontage and would normally be allowed a wall sign in accordance with Zoning Code Section 9-080(2).
 - b. The proposed sign will measure 33 SF in area, much less than the allowed square footage of 200 SF per Zoning Code Section 9-080(2).
 - c. No other wall signs will be allowed.

NOW THEREFORE BE IT RESOLVED that based upon the above Findings of Fact, the application for a Planned Residential Development Amendment (RD2011-001) is hereby recommended to the City Council for approval, subject to the following conditions:

1. The wall sign facing Silver Lake Road is allowed in place of a wall sign that would normally be allowed facing 27th ST NW. No signs shall be permitted on the west side of the building.
2. The area of the sign does not exceed 33 SF, as proposed.
3. Continued compliance with LP337 and PRD60 per Resolution 98-048.

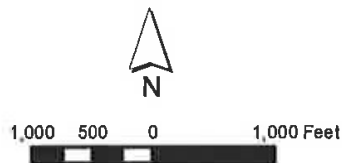
ADOPTED this 17th day of May, 2011.

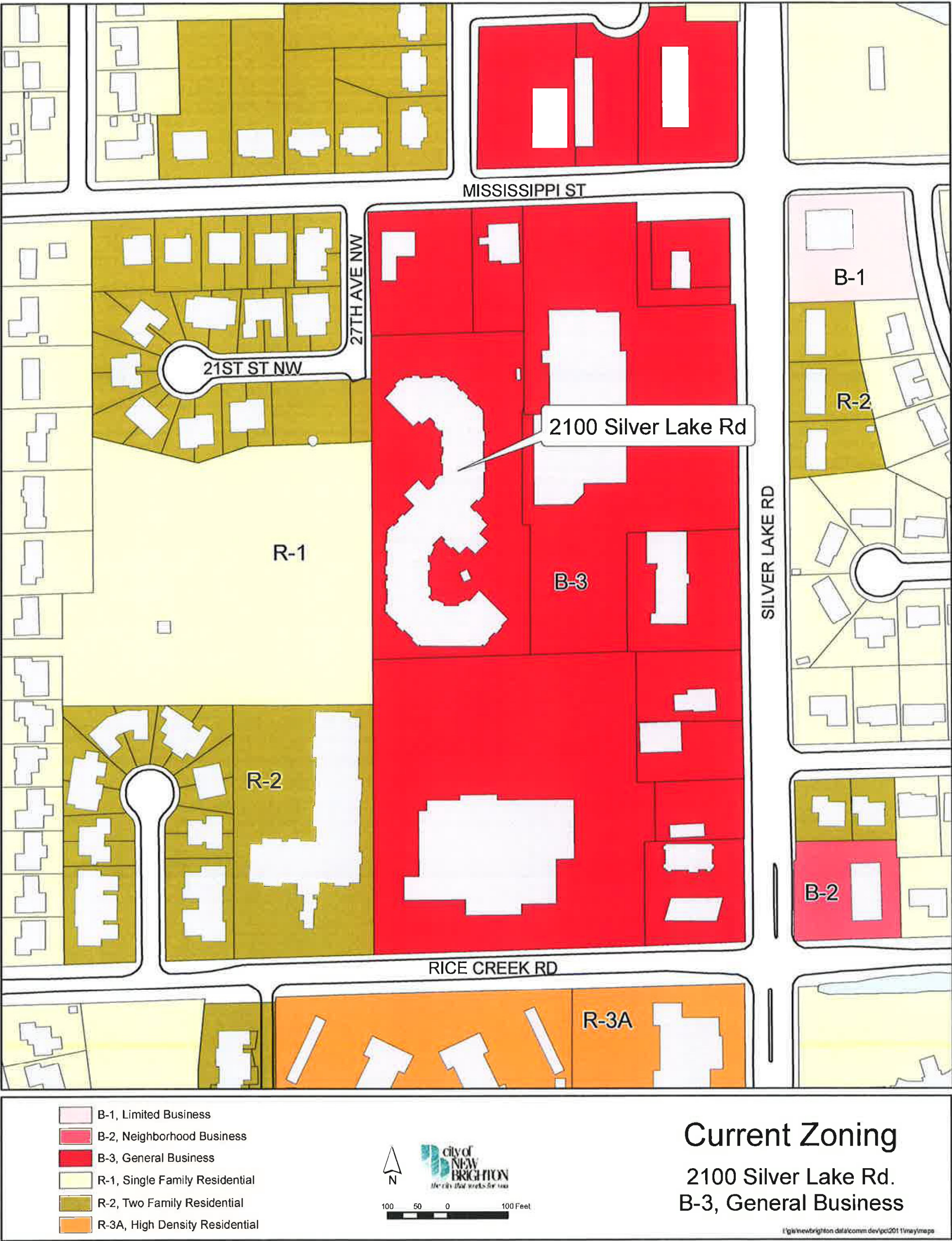
Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 2100 Silver Lake Rd.





MISSISSIPPI ST

SILVER LAKE RD

2100 Silver Lake Rd.

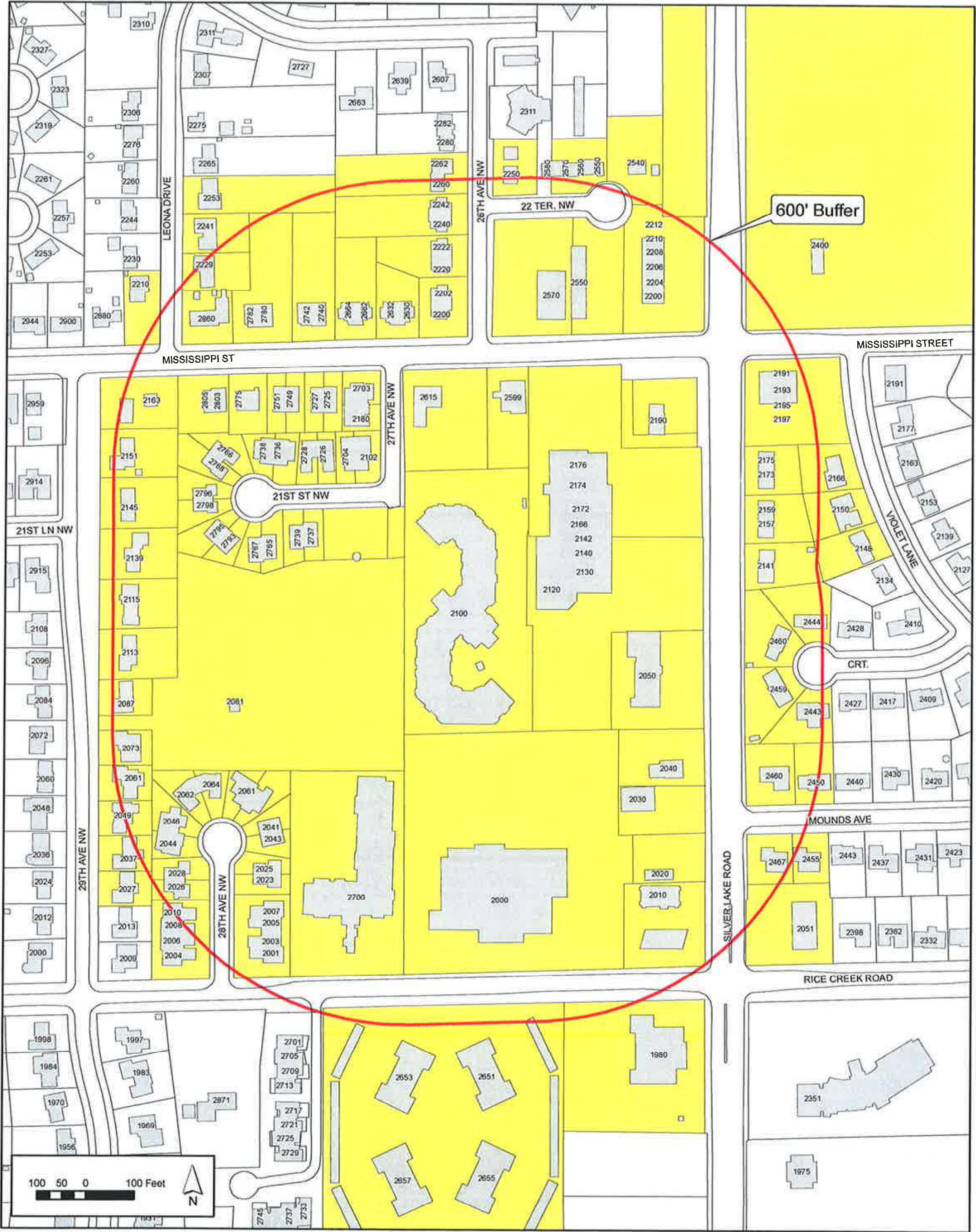
2009 Aerial Photo

60 30 0 60 Feet



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600' Mailing Buffer - 2100 Silver Lake Rd.



Land Use Application

Meadowood Shores Senior Housing Limited Partnership **New Brighton**

Meadowood Shores is a 106 unit senior apartment building constructed in 2000 on the original and now renovated site of Rice Creek Shopping Center. A smaller Rice Creek Shopping Center remains to the east and at the front door of Meadowood Shores and, unfortunately, is a large buffer to visibility from Silver Lake Road. Meadowood Shores has its main entrance off from Silver Lake Road through an easement and through the shopping center parking lot. Its front door sits back approximately 510 feet from Silver Lake Road. Obviously, visibility of the Meadowood Shores' building is poor for drive-by traffic. Drive-by traffic is often the number one reason given for how a prospective resident found out about our apartment buildings (site and signage).

Therefore, in addition to our monument sign on Silver Lake Road and after 10 years of marketing efforts with this building, we additionally need Meadowood Shores to be visible and identified by the car traffic past our internal driveways from local businesses 7 days a week, day and night. Our adjacent neighborhood consists of: to the north of Meadowood Shores are other businesses; to the west is a city park, Meadowood Park, and to the south is Cub Foods, a grocery store. There are no residential neighborhoods that will be affected by this sign.

For identification purposes and to help our marketing efforts long-term, we would like to amend the PRD of Meadowood Shores to be allowed to install a lighted identification sign on the building, above our current "2100" house address, located on the brick at second floor level and to the left of the front door. We feel this sign will give us good and needed identification of the building name and its byline of 'senior apartments' will reinforce to business in the neighborhood and to prospective residents who we are and who we service.

Option 2:

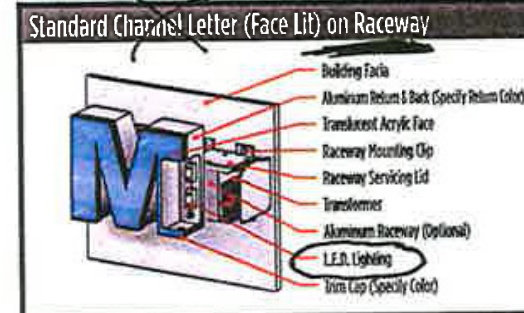
Interior: Exterior

1 1/4" Flat Cut Alum Letters
Stud Mt'd
Painted White

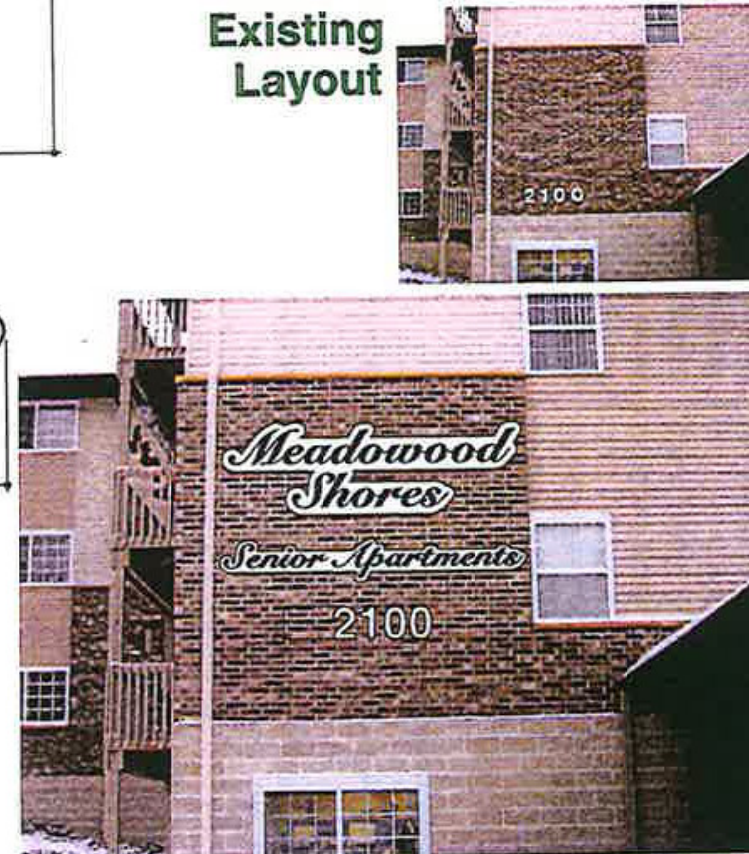
2 Raceway Mounted Face Lit Channel Cabinet
White Plex w/ Trans Vinyl/Digital Print
Color PMS 655



Formed Cabinet Sign



Existing Layout



Drawing Date: 12.30.10

Customer:
Silvercrest Properties

Sales / Project Manager:
Gary Johnson
952.908.9102-GaryJ@Sign-Source.com

Customer Service / Project Manager:

Designer:

Korey McDermott
952.908.9127 - KoreyM@Sign-Source.com

Order / Est. #:
e21563

File Name:
e21563 Silvercrest.ai

File Location:
☐ A-Z ☒ Korey's Mac

Fonts:

Rev: 3.0 | Revision Notes

Rev. 2:

Rev. 3:

Rev. 4:

Rev. 5:

Rev. 6:

Rev. 7:

Rev. 8:

Rev. 9:

Rev. 10:

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Resubmit:

1"=1'
1:12 SCALE
SCALE BAR: 1.00 in.
Formed for 12" x 12" Paper

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MEADOWWOOD
SHORES

2100
PRIVATE
DRIVE

PRIVATE
DRIVE
NO THRU
STREET












REQUEST FOR COUNCIL CONSIDERATION

ITEM DESCRIPTION:	PRD-60, LP-337 G & P PROPERTIES - MEADOW WOOD SHORES	
DEPT. HEAD'S APPROVAL:	Kevin Locke, Director of Community Development 	
MANAGER'S REVIEW/RECOMMENDATION:		
No comments to supplement this report 		Comments attached _____
<p>EXPLANATION/SUMMARY (attach supplemental sheets as necessary)</p> <p>To consider an application for PRD and Site Plan review to replace a portion of the Rice Creek Shopping Center building with a 97 unit, 129,396 square foot, Senior Independent Living facility to be known as Meadow Wood Shores. Approximately 19,520 square feet of the existing shopping center would be preserved and remodeled for the existing businesses in the shopping center. The applicant has submitted concept plans for the remodeling of the shopping center, for the purpose of showing the potential overall site plan.</p> <p>FINDINGS</p> <ul style="list-style-type: none">• Section 8-010, Site Plan Review• Section 7-010, PRD <p>PAST ACTION</p> <ul style="list-style-type: none">• On August 26, 1997, the City Council approved an amendment to the PRD Ordinance to allow the PRD Ordinance to overlay commercial districts adjacent to residential districts, thus permitting residential uses in a commercial district as a PRD, and to allow for a mix of residential and commercial uses.• On November 5, 1997, the Park and Recreation Commission considered the subject application and recommended approval subject to 30 parking stalls being dedicated on the Senior Coop site for park use, that the Planning Commission and City Council consider additional parking for park use, an access trail be constructed by the owner near the east boundary of the park, that the developer provide for a safe and aesthetically appealing pond, and that a final landscape plan be brought back to the commission for review.• On February 10, 1998, the City Council considered LP-331, PL-258 and PRD-59. The applicant subsequently withdrew the request in order to eliminate the 20-unit Alzheimer addition onto the existing Brightondale senior housing facility.• On March 17, 1998, the Planning Commission considered PL-242, LP-337, and PRD-60. The request was tabled for the applicant to submit more detailed plans.• On April 21, 1998, the Planning Commission held a public hearing and recommended approval of PRD-60 and LP-337 subject to conditions. (Vote: 6-0) <p>RECOMMENDATION</p> <p>Motion to WAIVE THE READING AND ADOPT THE ATTACHED RESOLUTION APPROVAL OF PRD-60, SUBJECT TO THE CONDITIONS ON THE FOLLOWING PAGE.</p>		

Motion to RECOMMEND APPROVAL OF LP-337, SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Approval and continuing compliance with PRD-60.**
2. **Approval of a permit by the RCWD.**
3. **Thirty (30) off-street parking stalls located on the north side of the proposed structure shall be designated (by on-site signage) as park parking Monday-Thursday from 6:00 pm. To 8:30 pm. during the months of May-August.**
4. **Restoration of all Meadow Wood park trails which are disturbed during the construction process.**
5. **In order to ensure the livelihood of the plantings on the site, the following changes shall be made to the Landscape Plan: The Autumn Blaze White Ash, Silver Queen Maple and the Autumn Purple Ash that are located within the parking islands, be replaced with Red Linden or Green Spire Linden. Said plans shall be subject to reviewed by the City Forester**
6. **Additional Spruce Trees be added along the northwest property line to provide effective screening of car headlights from cars moving in and out of the garage on the north side of the building.**
7. **The developer work with the neighbors to the north to address any additional landscaping needs.**
8. **The City conveys a 20-foot wide easement for construction of the tunnel that will connect the Meadow Wood Shores and Brightondale facilities.**
9. **Four (4) outdoor parking stalls must be designated as handicap accessible.**
10. **Twenty-two (22) underground parking stalls within the Brightondale facility must be converted to visitor parking stalls.**
11. **Provision of a bond or letter of credit in the amount equal to 100% of the cost to install landscaping, curbing, and paving for the Senior Coop housing facility to ensure that these items are installed per the approved plans.**
12. **The City Engineer and the Police Chief examine the need for a stop sign at the entrance to Meadow Wood Shores and Erickson's.**
13. **A deed restriction be created to restrict access from Meadow Wood Shores to 27th Avenue, unless access to Mississippi Street is eliminated.**
14. **Consideration be given to provide pedestrian linkages from Meadow Wood Shores to the Rice Creek Shopping Center and Erickson's.**


Cary K. Teague, City Planner

RESOLUTION NO.98-048

CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENT PRD-60.

WHEREAS, an application for a PRD has been made by G & P Properties; and

WHEREAS, the procedural history of the application is as follows:

1. An application for a PRD was filed with the City of New Brighton on February 27, 1998.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on March 17, 1998, and all persons present at the hearing were given an opportunity to be heard.
3. On April 28, 1998, the City Council considered PRD-60.

NOW THEREFORE BE IT RESOLVED, the City Council makes the following Findings of Fact in respect to PRD-60:

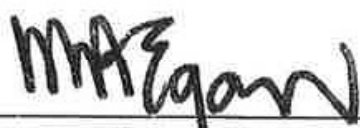
1. The subject property is zoned B-3, General Business.
2. The PRD Ordinance was amended to allow residential uses in a commercial district as a PRD, and to allow the mix of residential and commercial uses as a PRD.
3. The applicant proposes to replace a portion of the Rice Creek Shopping Center building with a 97 unit Senior Housing Coop/Independent Living facility to be known as Meadow Wood Shores.
4. As part of the proposed development, site grades and storm water drainage facilities would be upgraded to help alleviate existing drainage problems in the immediate area.
5. The proposed development would meet with the purpose of the PRD Ordinance in that it would integrate various stages of senior housing (independent living and assisted living), create a life-cycle environment, encourage social interchange, and allow for an efficient use of land and public facilities without creating a detriment to the public health, safety, morals, or general welfare of the community; and

BE IT FURTHER RESOLVED, the application PRD-60 is hereby approved, subject to the following condition:

1. Approval of and continuing compliance with LP-337.

Adopted this 28st day of April, 1998.


Robert Benke, Mayor


Margaret Egan, City Clerk


Mathew Fulton, City Manager