

AGENDA

NEW BRIGHTON PLANNING COMMISSION REGULAR MEETING

**TUESDAY, MAY 20, 2014
7:00 P.M.**

1. Call to Order:

2. Roll Call:

____ **Bruce
Howard**

____ **Erin Nichols
Matkaiti**

____ **Susan
Erickson**

____ **Verne
McPherson**

____ **Steve
Danger**

____ **Marvin Deick**

____ **Paul Banker**

3. Agenda Review

4. Approval of Minutes

(A) April 15, 2014

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

6. Public Hearings

(A) CANCELLED: Joseph Sullivan requests a Variance to allow construction of a 14' x 10' house addition to the western side of the existing home at 980 7th ST NW, at a setback of 26' when 30' is normally required - Request WITHDRAWN.

(B) CONTINUATION: Murlowski Properties, Inc. requests a Special Use Permit to allow construction and implementation of a revised sound mitigation berm and plan on their property located at 2200 Old Highway 8 NW, known as Belair Excavating.

(C) Caleb Wilkins on behalf of Eurotech Auto requests a Site Plan and Nonconforming Use Permit to allow construction of a 26' x 32' open air car port/canopy with 7' breezeway at the northeast corner of the existing building at 480 8th AVE NW.

(D) Evan Staples on behalf of Honest-1 Auto Care requests a Special Use Permit to allow an automotive repair use to be operated out of the existing building located at 2166/2176 Silver Lake Road (known as the former Lowell Auto Parts store).

7. Adjourn: _____

PLANNING COMMISSION PROCEEDINGS

Regular Meeting – April 15, 2014 7:00 p.m.

Present: Chairperson Bruce Howard, Commissioners Paul Banker, Steve Danger, Marvin Deick, Susan Erickson, Erin Nichols-Matkaiti, and Verne McPherson

Absent: None

Also Present: Janice Gundlach-City Planner, and Gina Bauman-Councilmember

Agenda Review: There were no changes to the agenda.

Minutes February 18, 2014:

Motion by Commissioner McPherson, seconded by Commissioner Danger, to approve the February 18, 2014 meeting minutes as presented.

Approved 7-0.

Council Action: Councilmember Bauman explained the Council voted to approve the replacement/renovation of the restrooms and locker rooms at the Community Center. She indicated Pulte Homes has reinstated their intentions to build on the New Brighton Exchange property. Construction of homes and townhomes were anticipated to begin in July, pending approvals from the MPCA. She reported on Thursday, April 17, 2014 at the Shoreview City Hall at 6:30 p.m. there would be a hearing for the Comcast cable franchise. She discussed the franchise negotiation process in further detail and encouraged the public to attend the hearing.

Public Hearing:

- (A) Murlowski Properties, Inc. requests a Special Use Permit to allow construction and implementation of a revised sound mitigation berm and plan on their property located at 2200 Old Highway 8 NW, known as Belair Excavating.

City Planner Janice Gundlach reported that the applicant Murlowski Properties, Inc. was acting on behalf of Belair Excavating, requesting a Special Use Permit to allow for the construction and implementation of a revised sound mitigation berm at 2200 Old Highway 8. Of primary concern, is the residential area on Mississippi Street. The purpose of the Special Use Permit is to consider a revised sound mitigation berm and plan, which is a requirement of their Special Use Permit relating to their aggregate crushing/recycling and yard waste transfer uses approved in 2010. The applicant was given three years to construct the berm with a deadline of October 31, 2013. Due to the location of an Xcel power line easement, a portion of the berm could not be completed to the 926 elevation. To date a 150' gap in the berm exists. The applicant was then granted an extension by the City Council, requiring completion of the berm by June 1, 2014. The applicant has concluded that they cannot build the original berm under Xcel's parameters and have submitted a new plan. The new plan requires consideration of a Special Use Permit and new public hearing. She indicated the revised sound mitigation plan and berm consists of three parts:

- Construct a new, shorter berm directly behind the previously approved, partially constructed berm. The new berm would be located just east of the original berm and span a distance of approximately 60'-70'. This new berm would achieve a peak height of 940 feet. However, the new berm would not be an earth berm or be vegetated; rather the applicant proposes to use crushed recycled base material (material they process on site). This allows the applicant to construct the berm using a conveyor to achieve a 1:1 slope.
- Secondly, the applicant proposes to swap the rubble pile with the processed material pile, moving the rubble pile 700' further east. The rubble pile being moved 700' farther east, and 700' farther away from the residential areas to the west, is significant in that the loud-banging tail-gated trucks dump their loads at the rubble pile. The processed pile produces much less noise.

- Thirdly, the applicant proposes to bisect the rubble pile into two, north-south sections, segregating the areas where gated trucks and non-gated trucks dump rubble loads. The gated trucks would dump at the northern half of the pile at a height of no higher than 25' and the non-gated trucks would dump at a height no higher than 40'.

City Planner Gundlach reported that while staff was reviewing the new plans, additional information has been requested of the applicant to ensure sound goals are met under the revised plan. Staff has since approved a 60-day extension allowing the City to take additional time to review the request. She recommended the Planning Commission open the Public Hearing, take comments from the public and then make a motion to continue this matter to the May 20, 2014 Planning Commission meeting.

Commissioner McPherson asked if the City had a sound expert reviewing this request. City Planner Gundlach indicated the City was working with a sound expert to resolve the issues with the applicant.

Mike Murlowski, Belair Excavating, thanked staff for the thorough report. He believed that he could resolve the issues with the City and welcomed comments from the City's sound expert. He looked forward to sitting down with staff in the coming weeks to ensure that all sound concerns were properly mitigated. He anticipated that Belair Excavating could still meet the City's June 1, 2014 deadline if he received approval in May.

Auren Kerntop, 1140 Rockstone Lane, appreciated the fact that Belair Excavating was willing to put in a berm. He stated he has not had a problem with noise at his home.

Roger Schilling, 1187 Mississippi Street, expressed concern with the sound levels taken from the Belair Excavating property. He had an issue with the dump-truck tailgates banging along with the rear-backup beeping.

Tim Collins, Wenck Associates, discussed how he had measured the sound levels at Belair Excavating. He reported the meter was set to react as a human ear would when the measurements were taken.

Commissioner Danger requested further information on how the sound measurements were taken. Mr. Collins discussed how he completed the measurements at Belair and reported the frequencies were not broken up. It was noted the beeping and tail-gate thumping were linear noises. He reviewed the differences between urban and rural noise levels.

Commissioner Danger questioned if the desired decibel level should be closer to 50 than 56. Mr. Collins provided comment on when measurements were taken at Belair and referred to the Wylie Levels document. He explained how his sound measurements were calculated at the property and how it was impacting the neighboring properties. He reported the surrounding terrain absorbed sound quite nicely.

Commissioner Danger asked if the sound measurement equipment could be taken to the adjacent neighborhood for readings. Mr. Collins believed that reliable samples were taken at the applicant's site.

Commissioner Banker inquired the peak level of noise at the Belair property. Mr. Collins commented he would have to review his reports and could provide the Commission with this information in May.

Commissioner Banker questioned if background noise was taken into effect when the decibel measurements were taken. Mr. Collins stated this was the case.

Chairperson Howard thanked Mr. Collins for his insight and looked forward to reviewing this matter further with staff and the applicant in May.

Motion by Commissioner Danger, seconded by Commissioner Nichols-Matkaiti, to table the Public Hearing to May 20, 2014 at 7:00 p.m.

Approved 7-0.

- (B) Casey Hankinson on behalf of Ryan Companies requests a Preliminary and Final Plat, Preliminary and Final Planned Unit Development, and Site Plan approval to allow construction of a 125,000 SF office building with associated research & development/laboratory and warehouse space on existing Outlots A & F, NEW BRIGHTON EXCHANGE 1ST ADDITION, of which approximately 10 acres of land located at the northeast corner of I-694 and Old Highway 8 NW is proposed to be re-platted into Lot 1, Block 1, NEW BRIGHTON EXCHANGE 2ND ADDITION.

City Planner Janice Gundlach reported the applicant is requesting Planned Unit Development, Plat and Site Plan approvals to allow development of a 10-acre site with a 125,000 SF corporate headquarters, to include office, research and development, and accessory warehouse uses for Cardiovascular Systems, Inc. (CSI). Included in the requests is the

construction of 416 surface parking stalls and approximately 350 feet of public right-of-way to be known as Central Park Boulevard. The request also includes four loading docks, a sidewalk along Old Highway 8 NW and Central Park Boulevard, landscaping, ground and wall signage, and a private outdoor plaza feature at the northwest corner of the building. The applicant would like to start construction as close to June 1st as possible, requiring Preliminary and Final PUD and Preliminary and Final Plat to be considered simultaneously.

City Planner Gundlach indicated the proposed site plan illustrates a future building expansion of up to 75,000 SF and additional area at the north end of the 10-acre site for future surface parking to accommodate the expansion. The proposed expansion is anticipated to occur in the next 5 years. The current proposal does not include approval of the future expansion, but rather the applicant, or future owner, will be required to submit separate PUD and Site Plan applications at that time.

City Planner Gundlach reported the project area is located within the New Brighton Exchange redevelopment area. The City and Ryan (developer), will enter in a Contract for Redevelopment with CSI. The City Council will consider this contract as a separate action item from the land use approvals. The City will then sell the 10-acre project area to CSI, who will own their site and future expansion area. Ryan will build the building and install all site improvements on CSI's behalf.

Staff summarized the main points of the request in further detail and recommends approval of the Preliminary and Final Plat of NEW BRIGHTON 2ND ADDITION, approval of the Preliminary and Final Planned Unit Development, and approval of the proposed Site Plan, subject to the following fourteen (14) conditions outlined in the revised resolution distributed prior to the meeting:

- The property is developed in accordance to the submitted plans and specifications dated 3/27/2014 attached to this report and incorporation of all changes noted herein.
- Any changes to the plans will be considered in accordance with Zoning Code Section 7-260 and if considered "major amendments" will be required to be reviewed by the Planning Commission and City Council after holding a public hearing.
- The applicant enters into a Planned Unit Development Declaration and a Subdivision Agreement.
- Construction must commence by June 30, 2014 (Commencement Date) and the development shall be completed by December 31, 2015 (Compliance Date).
- The Landscape Plan is amended to provide additional hedge screening along the parking areas abutting Old Highway 8 NW. The hedge space shall be decreased to 15'.
- Incorporation of the recommendations of the Interoffice Engineering/Public Works Memo dated 4/10/2014 and attached to this report.
- Incorporation of the recommendations of the Interoffice Forestry Memo dated 4/7/2014 and attached to this report.
- Incorporation of the recommendation of the NBDPS-Fire Division Memo dated 4/10/2014 attached to this report.
- The Plat is subject to review and incorporation of the Ramsey County Surveyor's comments.
- The City Council approves the necessary right-of-way and easement vacations in support of the plat.
- Park dedication fees in the amount of \$122,780 are due prior to the City releasing the plat for recording with Ramsey County.
- Roof top mechanical units are screened from eye level view from streets, open spaces, and adjacent properties.
- Separate Sign Permits are required for all ground and wall signs.
- Slight adjustments to the exterior materials distribution may be administratively approved so long as they are consistent with the original intent and requirements related to primary, secondary, and accent percentages.

Commissioner McPherson asked if the City would have trouble with increased traffic in this area. City Planner Gundlach stated a traffic study was completed a year ago and the City was aware of this concern. She then reviewed the City Engineer's interoffice memo noting a signal may be required at Old Highway 8 and 10th Street. She explained she would forward additional traffic information to the Commission as additional traffic information was gathered by staff.

Commissioner Danger inquired if CSI employees would be coming to the site in shifts or if they would be working onsite from 8:00 a.m. to 5:00 p.m. City Planner Gundlach deferred this question to the applicant. Jim Flaherty, CSI, explained the balance of CSI workers would be arriving at work between 7:00 a.m. and 9:00 a.m.

Chairperson Howard questioned how the CSI development would impact the remainder of Old Highway 8. Community Development Director Fernelius discussed the framework and vision the City had for developing these blocks. He reported that CSI had requested to shift their building and explained how this would impact access to and from the site. He then discussed at length the history of the Northwest Quadrant site.

Commissioner Danger questioned what a park dedication fee was. City Planner Gundlach stated a Park Dedication fee was charged to developers when land was platted. The funds are paid into the park system and can be used for park improvements.

Casey Hankinson, Ryan Companies, stated he was thrilled to be working with the City on the CSI project within the New Brighton Exchange. He reported this was a highly competitive project, noting five other municipalities had been considered for the development. Mr. Hankinson thanked staff for their continued efforts in moving this project forward. Jim Flaherty, Chief Administrative Officer at CSI, stated it had been a pleasure working with the City's staff and Ryan Companies to develop the new corporate campus. He explained that CSI had outgrown its current location and was looking forward to expanding within the City of New Brighton. He then discussed the cutting edge medical technologies that have been created by CSI. He thanked the City for their support and appreciated the Commission's consideration. Commissioner McPherson asked if CSI would have a cafeteria onsite. Mr. Flaherty stated a cafeteria was not in the plans but could be considered in future expansions.

Chairperson Howard requested further information on the sidewalk connections. City Planner Gundlach reviewed the location of the sidewalks along the southerly entrance and Old Highway 8. She reported the City would be speaking with the County to request a crosswalk be installed at Central Park Boulevard.

Motion by Commissioner Danger, seconded by Commissioner Banker to close the Public Hearing.

Approved 7-0.

Motion by Commissioner Danger, seconded by Commissioner McPherson, to approve staff's revised 14 condition recommendation.

Commissioner Nichols-Matkaiti requested further information on the signage. City Planner Gundlach indicated the applicant was requesting flexibility on the wall signs and all signs would be approved by staff through an administrative Sign Permit process. It was noted the sign on the east façade may be up to 120 square feet. This sign was being permitted at this size through the PUD. If the size were to increase, a PUD amendment was necessary for this sign only.

Approved 7-0.

- (C) City of New Brighton requests a Zoning Code Amendment, revising Article 6, Chapter 6, of which revisions relate to permitted uses, building types, and site standards, and also renaming the district from NWQ, Northwest Quadrant to NBE, New Brighton Exchange.

City Planner Janice Gundlach reported City staff is initiating a Zoning Code Amendment impacting Article 6, Chapter 6, of the Zoning Code titled NWQ, Northwest Quadrant zoning district. The proposed amendment impacts items related uses permitted in the district, site standards, and building types. The proposed amendment also renames the district NBE, New Brighton Exchange to coincide with the rebranding effort that occurred in 2011. There are also numerous amendments that relate to the formatting of the ordinance, which became necessary due to the extent of the amendments (renumbering, re-lettering, adding/deleting sections, etc.). The City Attorney has assisted staff in the ordinance rewrite and the draft proposed includes his edits.

City Planner Gundlach stated it is important to acknowledge the original ordinance was drafted and adopted in 2007 and was based upon the principals in the 2005 Northwest Quadrant Framework Plan and Design Guidelines. The framework

plan envisioned a variety of uses, including residential, office and some retail. Over the last seven years, the market has demanded a development pattern slightly different from the original vision and the ordinance aims to correct those inconsistencies while preserving some of the pedestrian-friendly design elements envisioned as part of the original Framework Plan and Design Guidelines.

City Planner Gundlach reported to date, only one project within the New Brighton Exchange redevelopment area was approved without the need for a Planned Unit Development (PUD), and thus conforming to the NWQ zoning district in its entirety. The PUD process has been used to approve projects that deviate in certain areas from the requirements of the NWQ zoning district. The main deviation has been building placement (which is covered under the Site Standards Section 6-710). The PUD has been a useful tool in these instances since the goals of a PUD are somewhat similar to the NWQ Design Guidelines, primarily with regard to pedestrian friendly designs and enhanced landscaping and streetscapes. The proposed re-write is important so that future planners, owners, and redevelopers understand the parameters under which projects have been approved and will be evaluated in the future and help avoid continued reliance on the PUD. Staff recommends adoption of the Ordinance as drafted.

Commissioner Deick asked if 1st Avenue NW adhered to fire safety issues given the fact it was now a dead-end. City Planner Gundlach stated 1st Avenue NW has a cul-de-sac that allows for full turn around movements for fire trucks and other public safety vehicles. She reported the roadway could be extended in the future. Chairperson Howard inquired if the CSI request would have been impacted in any way if this Ordinance was in place prior to their request. City Planner Gundlach explained a great deal of the Ordinance was drafted by staff with the CSI request in mind, but it was not finalized. For this reason, CSI moved forward with their PUD request. She did not believe the project would have changed much, except that a special use permit would have been required instead of a PUD.

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

Approved 7-0.

Motion by Commissioner McPherson, seconded by Commissioner Banker, to approve staff recommendation.

Approved 7-0.

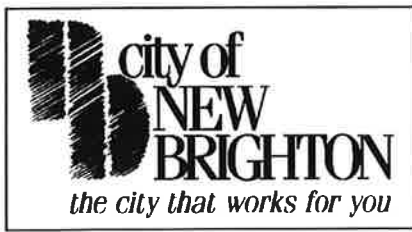
Other Business: None.

Adjournment:

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

7 Ayes, 0 Nays, Motion carried.

Meeting adjourned at 8:47 PM



Community Development Department

MEMORANDUM

DATE: May 14, 2014

TO: Planning Commission

FROM: Janice Gundlach, Planning Coordinator

SUBJECT: Agenda Item 6 (A): Variance for 980 7th ST NW

The variance application submitted on behalf of Joseph Sullivan at 980 7th ST NW has been withdrawn. Because the public hearing notices were mailed to the property owners within 350', there may be interested persons present at the meeting for this item. Staff recommends this item remain on the agenda, but an announcement should be made that the request has been withdrawn by the applicant and the public hearing has been canceled.

For background information, this request was submitted by a contractor on behalf of the resident. Staff explained because of the characteristics of the project the variance request would likely not be supported by City staff. This was because there were alternatives that could accommodate an expanded main-level bedroom, which was the purpose of the project, without the need for a variance. Nonetheless, the contractor submitted the application for the homeowner. City staff then spoke directly to the homeowner to explain that staff would be recommending denial. The homeowner was disappointed as he wasn't interested in the alternative options that wouldn't require a variance. Staff explained to the homeowner that he could still request the variance as the Planning Commission and City Council ultimately make the decision and staff's denial was only a recommendation. The homeowner indicated he wanted additional time to evaluate whether or not to proceed and after a couple of days the contractor stopped into City Hall and indicated their desire to withdraw the request and demanded his plans be returned, which staff did. The application fee was returned in full.

PLANNING REPORT

DATE: May 16, 2014
CASE: SP2014-002
SUBJECT: Special Use Permit concerning sound mitigation efforts at 2200 Old Highway 8 NW
APPLICANT: Murlowski Properties Inc. on behalf of Belair Excavating

REQUEST & BACKGROUND

The applicant is requesting a Special Use Permit to allow implementation of a new sound mitigation plan for the property located at 2200 Old Highway 8 NW, known as Belair Excavating. The sound mitigation plan relates to previous land use approvals from 2010 that permitted the aggregate crushing/recycling and yard waste transfer uses per Resolutions 10-068 and 10-069 (attached). Those previous approvals required construction of a sound mitigation berm north-south along the western property boundary to mitigate on-site noise from spilling over into residential areas to the west. The previously approved berm was to achieve a peak elevation of 926. The previous approval allowed the applicant to take 3 years to construct the berm but unfortunately, due to issues regarding overhead power line easements, the berm cannot be constructed as proposed and the applicant has abandoned that plan in favor of a new plan they believe achieves the same sound mitigation results.

The original berm approved in 2010 will remain as approved and constructed, with the exception of the 130' gap under the transmission line easement area. The revised sound mitigation plan proposes the following additional 3 elements:

1. Construct a new sound barrier directly east of the electrical transmission tower to an elevation of 940 (14' higher than the existing sound berm, with a total height of 40'). The barrier will run north/south continuously a span of 345' – 375' in length. This plan is illustrated on a Site Plan attached to the Wenck sound report. Conceptual cross-sections views of the proposed berm are also attached.
2. Move the rubble dump area approximately 700' to the east (and 700' further away from the residential uses). This results in the processed or crushed material, to be swapped with the rubble pile location.
3. Limit the dump platform for gated trucks in the new rubble dump location to an elevation not to exceed 25'. The applicant intends to bi-sect the rubble dump area into two halves with the non-gated trucks dumping on the north half at an elevation not to exceed 40' and the gated trucks dumping on the south half at an elevation not to exceed 25'.

The northern 230' of the proposed sound berm/barrier would be constructed of compacted rubble. The remaining section of sound barrier, or the southern 130', would be constructed as partially compacted soil at the base (bottom 15'-19') and a manufactured concrete sound barrier (wall) for the top 18'-22'. This berm/barrier construction achieves several goals including: 1) adequately protects the transmission tower, 2) conserves yard space, and 3) allows protection of an existing drainage swales and run-off filtering system. The actual plans for the berm/barrier construction are still somewhat conceptual. The applicant will be working to finalize more detailed plans and those plans must be submitted to the Engineering/Public Works Department for final review and approval (see attached Engineering/Public Works Interoffice Memo).

The 2010 land use approvals, and associated sound mitigation berm, were the result of many complaints that were received from the residential neighborhood to the west, primarily the Rockstone Court neighborhood. There was a broader land use effort at the time to create a legislative means to permit Belair's crushing operation, which had been occurring for years unpermitted. This effort resulted in the creation of the Environmental Constraint Overlay Area zoning district. The standards in this zoning overlay were drafted specifically for Belair's use and based upon a lot of the sound study they had undertaken. The most significant condition within the overlay related to sound, and restricted decibel levels measured at the nearest residential use to 56.5dBA. The 56.5dBA was a decibel level deemed appropriate in 2010, was written into the ordinance, and related to the loudest sound event on Belair's site, which was the bang of a tail gate. For perspective, the average background noise on Rockstone Court, as measured in 2010, was approximately 42 decibels and a sound level change (increase or decrease) of 10 decibels gives the perspective of increasing or decreasing sound by half.

ATTACHMENTS

- A – Resolution
- B – Project Location Map
- C – Zoning Map
- D – Aerial Photo
- E – Neighborhood Notification Map
- F – Applicant Narrative
- G – 5-8-2014 Addendum No. 5 to Sound Mitigation Study (prepared by Wenck for Belair)
- H – Sound Barrier Cross-Section Plans
- I – Barr Email RE Wenck Plan
- J – Interoffice Engineering/Public Works Memo dated 5-12-2014
- K – Resolution 13-087 (time extension on berm)
- L – Resolution 10-068 (original approval of crushing use)
- M – Resolution 10-069 (original approval of yard waste transfer use)
- N – Photos from Rockstone & Mississippi ST Neighborhoods

FINDINGS

Article 7, Chapter 6: Environmental Constraint Overlay Area.
Section 8-130. Special Use Standards.

SITE CHARACTERISTICS

Location:	2200 Old Highway 8 NW
Lot Size:	1,218,163 SF (28 acres)
Topography:	elevated from surroundings but otherwise flat
Comprehensive Plan Designation:	LI, Light Industrial
Zoning:	I – 1, Light Industrial
Surrounding Land Uses:	
North:	City of Mounds View, industrial uses
South:	railroad, Rush Lake, Long Lake Regional Park, industrial uses
East:	industrial uses
West:	Rice Creek/Long Lake Regional Park – residential uses

SPECIAL USE PERMIT ANALYSIS

Because the aggregate crushing/recycling and yard waste transfer uses are specially permitted uses, and because Resolutions 10-068 and 10-069 (attached) conditioned these approvals on construction of a specific sound mitigation berm, any changes require review and approval of a special use permit, which would act as an amendment to the previous approvals.

There are two applicable sections of the Zoning Code that must be considered with regard to the requested Special Use Permit. Section 6-800 allows aggregate crushing and recycling with associated materials storage and yard waste transfer, subject to conditions. Also, Section 8-130 refers to the general health, safety, and welfare standards applicable to all specially permitted uses within the City. A detailed analysis of how the revised sound mitigation plan affects the applicable special use criteria is provided below (staff responses in *italics*):

Section 6-800 (2). Aggregate crushing and recycling with associated materials storage, subject to the following conditions:

A. Noise generated on site shall not exceed the following decibel limits:

1. Measured at the lot line: 100 dBA
2. Measured from the nearest residential use: 56.5 dBA

Addendum No. 5 to the sound Mitigation Plan of December 22, 2008, prepared by Wenck notes that sound at the residential uses to the west in Rockstone Court and Mississippi Street will not exceed 56.5 dBA.

B. Odor shall not be readily detectable beyond the lot line of the site on which such use is located per Section 6-390 (8).

This criterion should not be impacted by the revised sound mitigation plan.

C. Dust-mitigation shall be implemented so as to prevent dust from leaving the site boundaries, as practical. A dust mitigation plan shall be submitted as part of the special use permit process.

There is some concern regarding the new berm being constructed with recycled base material and compacted rubble and the dust that may be generated off the pile. However this berm likely will function much like any of the other piles of processed material on the property and over time will likely not product dust. The applicant has generally mitigated dust well by using a sprinkler system on the main drive into the site and running a water truck throughout the site. Additionally, constructing the new sound barrier with compacted rubble will allow the applicant to use a conveyor and achieve slopes of 1:1 or 1.5:1.

D. Screening methods shall be implemented so as to prevent the use from being visible from residentially zoned property. Any berming efforts must be constructed in a manner to adequately control drainage on site.

Under the revised sound mitigation plan, there may be opportunities to see into Belair's yard through the gap in the original berm. The applicant provided cross sections from 2010, which illustrated that past the berm the piled material was still visible. This will continue under the revised plan.

It may be appropriate to require landscaping on top of the original berm, at least a row of trees or large shrubbery, to help screen the various piles of material stored on the property. It should be noted that in 2010 the Planning Commission recommended landscaping, however the City Council determined it wasn't necessary. Based on the obvious gap in the berm, there may be more interest in landscaping the top of the original berm.

- E. Maximum pile height shall be determined at the time of Special Use Permit consideration. Site characteristics, including adjacent and nearby sites, will be considered to ensure compliance with letter D above.

This criterion is not impacted by the revised sound plan. The new sound barrier will have a total height of 40', the maximum pile height allowed on the site under the existing aggregate recycling/crushing and yard waste transfer special use permits.

- F. No more than 30% of the land area may be occupied by processed and unprocessed piled soils, concrete, and aggregate. This area shall be specified as part of the special use permit process.

The criterion is not impacted by the revised sound mitigation plan. The applicant is required to ensure the area of piled material does not exceed 30% of the area of the site.

- G. The site must have access to a street with a classification of minor arterial or greater either directly, or by private road, or by a street serving only industrial properties. Truck routes to and from the site within the municipal boundary shall not include use of any street with a classification less than minor arterial.

This criterion is not impacted by the revised sound mitigation plan.

- H. Dirt and/or aggregate are not deposited onto a public roadway.

This criterion is not impacted by the revised sound mitigation plan.

- I. Other conditions identified by the City Council.

Not applicable

The above special use analysis specifically applies to the aggregate crushing/recycling operation (approved through Resolution 10-068). However, the applicant is still required to meet the special use criteria applying to the yard waste transfer uses (Resolution 10-069). A separate special use analysis was not provided for the yard waste transfer standards as the affected criteria are the same as the criteria evaluated above. Based on the above analysis, staff finds the revised sound mitigation plan meets the special use criteria of Section 6-800 (2) & (3). The Commission should evaluate the effect and need of requiring landscaping on top of the original berm as a means to help screen the tops of the piles, which are visible beyond the original berm and likely more easily due to the 130' gap.

In addition to the special use criteria of Section 6-800 (2) & (3), the Commission must also find conformance with the following general health, safety, and welfare standards of Section 8-130

(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 intent with the revised sound mitigation plan is to ensure the public health, safety, morals, comfort, or general welfare is not negatively impacted.

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 this criterion to be met. The revised sound mitigation plan aims to decrease sound, thereby improving the enjoyment of surrounding property. Because of the location of the site, many of the internal site operations are not visible. This means the revised sound barrier proposed likely will not be visible by the public.

As previously mentioned herein, when viewed from a distance from the west the tops of the aggregate piles will be visible. The Commission should discuss if landscaping should be implemented on top of the original berm in an effort to screen the piles visible beyond.

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. The surrounding area is nearly fully developed with other industrial uses. The applicant does have expansion opportunities; however the proposed plan will not impede that future expansion and the Commission and Council will have to approve a new special use permit at the time of expansion.

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

This criterion is met. The revised sound barrier will not impact access roads or drainage patterns. However, Public Works/Engineering has expressed concern regarding a storm sewer (see attached interoffice engineering memo). The applicant is being asked to enter into an easement encroachment agreement to protect the pipe from future damage.

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

This criterion is met. The applicant will be required to continue to comply with the approval conditions of Resolutions 10-068 and 10-069, except as modified through this request.

Staff finds the special use standards of Section 8-130 are met.

STAFF RECOMMENDATION

Staff recommends approval of Addendum No. 5 to the Sound Mitigation Plan, subject to the following conditions:

- 1) The revised sound mitigation barrier is constructed consistent with the submitted plans. The applicant further agrees to submit a plan view of the proposed berm/barrier for Engineering/Public Works review and approval.
- 2) Conformance with the recommendations outlined in the Interoffice Engineering Memo dated 5-12-2014.
- 3) Continued compliance with Resolutions 10-068 and 0-069 except as herein modified, allowing non-completion of the original sound mitigation berm to the elevation of 926 within the 130' electrical transmission easement area.
- 4) The applicant obtains any necessary permits from Rice Creek Watershed District and Xcel Energy for implementation of this Addendum N0. 5 to the Sound Mitigation Plan.



Janice Gundlach, City Planner

**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 Murlowski Properties, Inc. on behalf of Belair Excavating, 2200 Old Highway 8 NW, requesting a special use permit, amending previous special use permits per Resolutions 10-068 and 10-068 regarding implementation of a sound mitigation plan/berm.

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

1. An application for a Special Use Permit was received on March 27, 2014.
2. A public hearing notice was published in the New Brighton area *Sun Focus* on April 4, 2014.
3. Public hearing notices were mailed to property owners within 350' of the applicant's property on April 2, 2014.
4. On April 9, 2014 City staff provided the applicant written notice of the City's intent to take an additional 60 days to review the Special Use Permit request, extending the 60 day review period to July 25, 2014.
5. The Planning Commission, pursuant to published and mailed notices, opened the public hearing on April 15, 2014 where interested parties in attendance were heard.
6. The Planning Commission, per City staff's request, tabled action to the May 20, 2014 meeting to allow for additional time and research.
7. A public hearing notice was published in the New Brighton area *Sun Focus* on May 9, 2014.
8. Public hearing notices were mailed to property owners within 350' of the applicant's property on May 7, 2014.
9. The Planning Commission, pursuant to a second published and mailed notice, continued the public hearing on May 20, 2014 where all interested parties were heard.
10. The Planning Commission recommended approval to the City Council on May 20, 2014, subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Special Use Permit (SP2014-002):

1. The property is zoned I – 1, Light Industrial.
2. The property is guided in the New Brighton Comprehensive Plan for LI, Light Industrial.
3. The property is addressed 2200 Old Highway 8 NW and is accessed off a private roadway west from Old Highway 8 NW.
4. The requested Special Use Permit impacts uses previously approved per Zoning Code, Chapter 6, Article 7, Environmental Constraint Overlay Area.

5. The requested Special Use Permit will amend certain conditions of previously approved Special Use Permits per Resolutions 10-068 and 10-069.
6. This request is necessary as conditions number 3 and 8 of Resolution 10-068 and conditions number 4 and 9 of Resolution 10-069 cannot be fully implemented due to restrictions within the electrical transmission line easement running east-west through the applicant's property.
7. The electrical transmission line easement restrictions prevent the applicant from completing the originally approved sound mitigation berm to an elevation of 926 within a 130' wide easement area.
8. The requested Special Use Permit intends to enact a supplemental sound mitigation berm/barrier, referred to as Addendum No. 5 to Sound Mitigation Plan of December 22, 2008, ensuring the criteria of Zoning Code Section 6-800 (2) & (3) remain in compliance.
9. The Planning Commission reviewed the proposal in accordance with the Special Use Permit conditions of Zoning Code Section 6-800(2) and Section 6-800(3), a full analysis of which is provided in the written Planning Report dated 5-16-2014.
10. The Planning Commission reviewed the proposal in accordance with the Special Use Permit criteria of Zoning Code Section 8-130, a full analysis of which is provided in the written Planning Report dated 5-16-2014.
11. The Planning Commission finds the special use criteria of Sections 6-800 and 8-130 are met based on the following:
 - a. The revised berm/barrier plan will ensure decibel levels at the nearby residential neighborhoods on Rockstone Court and Mississippi Street will not exceed 56.5 dBA.
 - b. The applicant will continue to comply with pile storage restrictions related to setback and height standards of Zoning Code Section 6-060 and all other conditions of Zoning Code Section 6-800(2) & (3).

NOW THEREFORE BE IT RESOLVED that based upon the above Findings of Fact the application for a Special Use Permit (SP2014-002) is hereby recommended to the City Council for approval, subject to the following conditions:

1. The revised sound mitigation berm/barrier is constructed consistent with the submitted plans. The applicant further agrees to submit a plan view of the proposed berm/barrier for Engineering/Public Works review and approval.
2. Conformance with the items outlined in the Interoffice Engineering Memo dated 5-12-2014.
3. Continued compliance with Resolutions 10-068 and 0-069 except as herein modified, allowing non-completion of the original sound mitigation berm to the elevation of 926 within the 130' electrical transmission easement area.
4. The applicant obtains any necessary permits from Rice Creek Watershed District and Xcel Energy for implementation of this Addendum N0. 5 to the Sound Mitigation Plan.

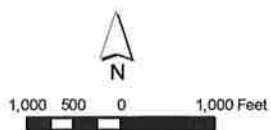
ADOPTED this 20th day of May, 2014.

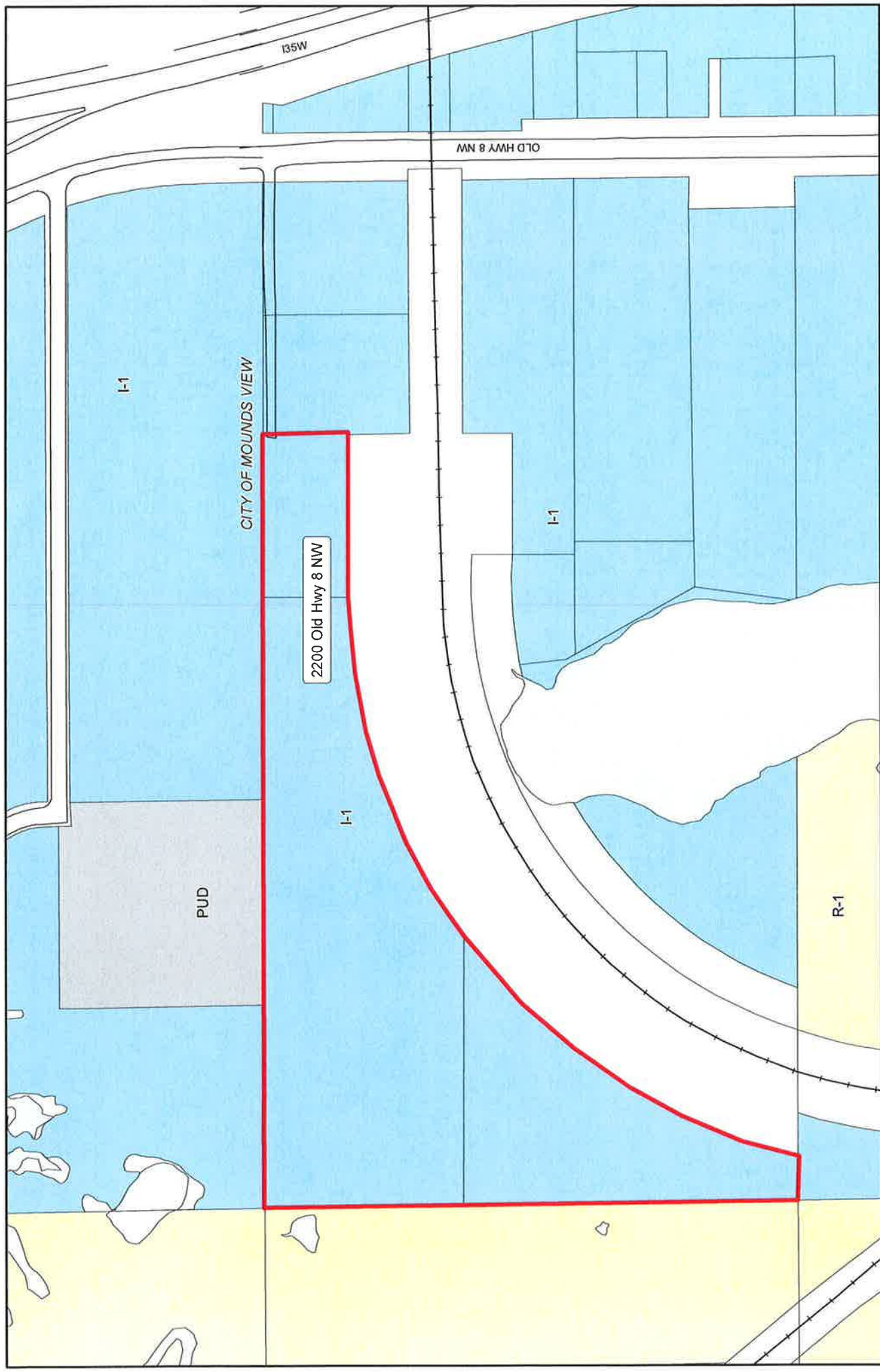
Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 2200 Old Hwy 8 NW





Current Zoning

2200 Old Hwy 8 NW

I-1, Light Industrial



- R-1, Single Family Res.
- I-1, Light Industrial
- PUD, Planned Unit Development



2200 Old Hwy 8 NW

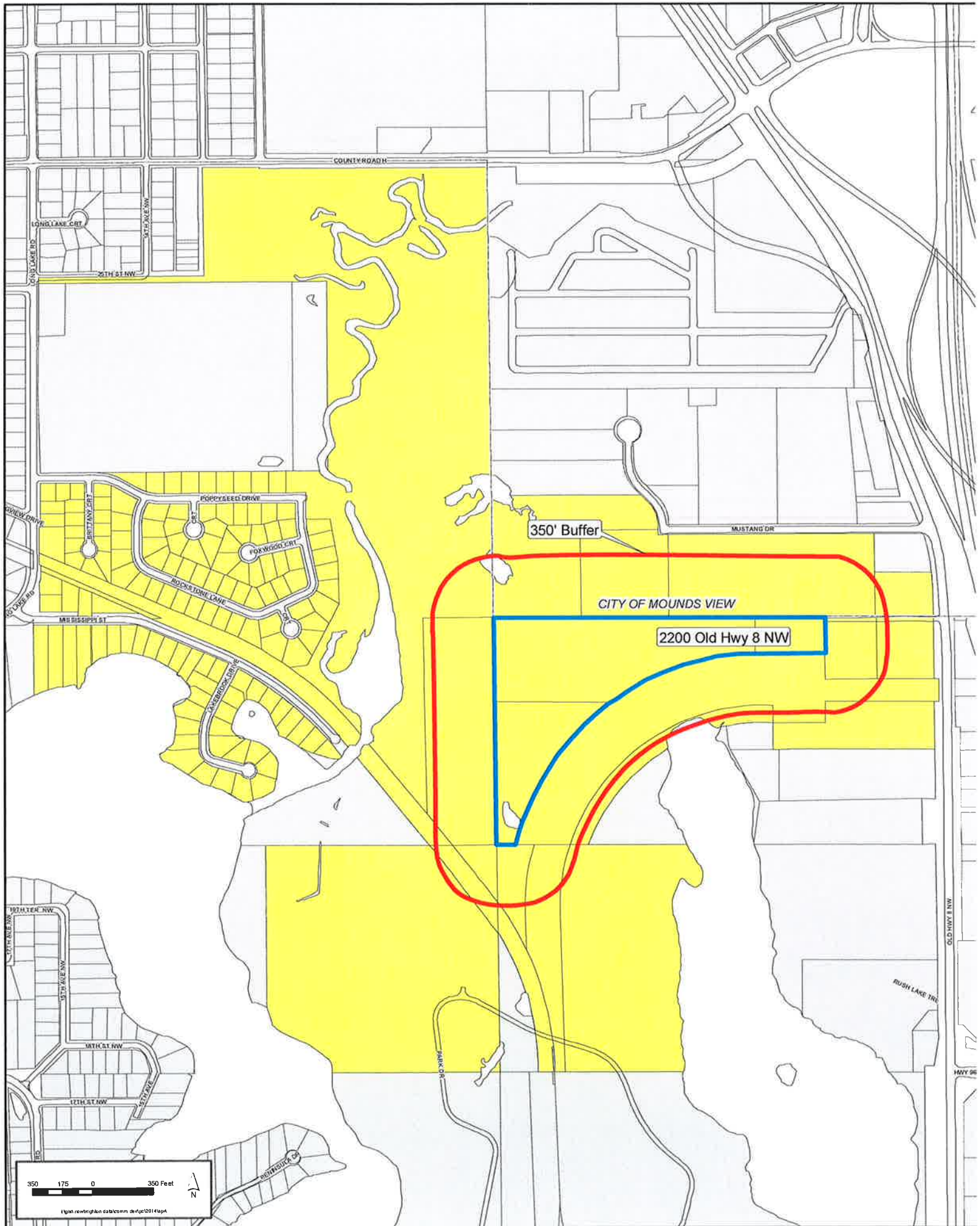
2012 Aerial Photo

100 50 0 100 Feet

North Arrow

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Mailing For 2200 Old Hwy 8 NW



Revised Sound Mitigation Narrative to MPI SUP Land Use Application
dated 27 March 2014

14 May, 2014

To: Janice Gundlach City of New Brighton, MN (City)

Applicant: Michael Murlowski, Murlowski Properties, Inc. (MPI)

Subject: Amended or new Special Use Permit; Revised sound mitigation narrative

Location: 2200 Old Hwy 8 NW New Brighton, MN

On October 26, 2010 the City approved two Special Use Permits for the property owned by MPI at 2200 Old Hwy 8. The SUPs permitted the operation of an aggregate crushing and recycling operation (Res. No. 10-068) and a yard waste transfer facility (Res. No. 10-069). Each of the permits contained conditions relating to the establishment of a berm for sound mitigation purposes. The sound mitigation plans, however, could not be implemented as submitted because of an easement held by Xcel Energy. Consequently, MPI has modified its sound mitigation berm plan and seeks to modify the relevant conditions contained in the existing SUPs.

On 4 November 2013 Murlowski commissioned Wenck Associates Inc. engineering firm to re-evaluate our current sound berm plan. Xcel Energy notified MPI in the spring of 2013 that the original berm configuration/elevations as proposed would not be allowed under the 130' wide Xcel power line easement. As of 31 October 2013 the berm was completed per the original plan with the exception of the 130' Xcel easement area.

On 27 March, 2014 MPI submitted revised sound mitigation plan to City staff. At the subsequent Planning Commission meeting it was determined more study was needed with additional emphasis on both the Rockstone court and the Mississippi street neighborhoods. MPI commissioned Wenck to perform additional sound study, Addendum No. 5. Addendum No. 5 presents a revised sound barrier with dBA levels at or below target goals at all areas. We understand that the City's contracted sound engineer, Barr Engineering, concurs in all respects with Wenck's study and analysis.

Now therefore, MPI proposes implementation the of sound barrier referenced in the attached Wenck report, addendum No. 5 dated 8 May, 2014 and illustrated on the Wenck site plan dated May 2014. As detailed in the report; the option will meet the original sound level dBA goals, which the CNB has previously approved.

The plan will meet the goal of 56.5 dBA. The plan consists of 3 base elements:

1. Construct sound barrier directly east of the Xcel tower to an elevation of 940 (+- 40' in height). The barrier will run north/south continuously approximately 345' to 375' in length
2. Move the rubble dump area app. 700' to the east.
3. Maximum dump platform height for gated trucks not to exceed 25'.

Additional considerations:

1. The new additional sound barrier is proposed to be constructed using a combination of materials thus:
 - a. The north approximately 230 +/- feet to be constructed out of compacted rubble.
 - b. The south approximately 130 feet +/- to be 15 to 19 feet in height with compacted soil. The top 18 to 22 feet constructed with manufactured concrete sound barrier. This will allow MPI to construct within the Xcel easement area at no impact to the Xcel tower and lines. This construction will maintain the minimum 15' separation between the sound barrier top and maximum dump platform height for gated trucks. The barrier location also maintains the integrity and quality of our existing drainage swale run off filtering system in this area.
 - c. MPI is in receipt of Line Drawings and site fill parameters from Xcel Energy. The current sound barrier proposal is within the parameters and tolerances presented on these drawings with no impact to existing grades at the tower. MPI has provided Xcel with our proposed site plan and sound barrier details at the Xcel easement.
2. Once approved MPI anticipates 90 day duration for substantial sound barrier completion. Gated truck dumping at the proposed elevation and east location changes can begin within 7 days of approval.
3. The far south portion of original west berm, the closest to Mississippi St was brought to grade October of 2013. This area will need finish grading and final seeding summer of 2014.
4. Soil/Aggregate stockpile/transfer operations in the far south of site will be conducted from an average work platform of elevation 900. This meets or exceeds the goals of 56.5 dBA. No rubble dumping is proposed in this area. Non-gated trucks will be the goal standard.
5. All yard dedicated heavy equipment will be equipped with "HUSH" back up alarms. This utilizes state of the art technology meeting MPI's sound and safety standards.
6. To accommodate our initial "flip/flop" of crushed aggregate and rubble, the initial crushing may have to be performed close to our west property line. This may be an increase in "crusher hum" sound for the approximate 6 - 8 week period. Subsequent crushing will be moved eastward of existing aggregate stockpiles.

MPI specifically seeks the following:

1. The removal of conditions 5 and 8 of Res. No. 10-068 and removal of conditions 6 and 9 of Res. No. 10-069.
2. Implement and construct the revised sound mitigation plan as shown in the submitted Wenck addendum No. 5 dated 8 May, 2014 and Wenck site plan dated May 2014.

Enclosures:

1. Wenck Associates Inc, report/evaluation, dated 8 May, 2014. Wenck Site Plan dated May 2014.
2. Sound barrier sketch at Xcel easement, dated 10 May, 2014.



Wenck Associates, Inc.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, MN 55359-0249

(800) 472-2232
(763) 479-4200
Fax (763) 479-4242
wenckmp@wenck.com
www.wenck.com

May 8, 2014

Mike Murlowski
BelAir Excavating
2200 Old Highway 8 NW
New Brighton, MN 55112

Re: Addendum No. 5 to Sound Mitigation Plan of December 22, 2008
Recycle Crushing Operation
New Brighton, MN
Wenck Project No. 2284-03

Mr. Murlowski:

This letter presents addendum no. 5 to the December 2008 sound mitigation plan for the recycle crushing operation at the Murlowski Properties, Inc. facility in New Brighton. The purpose of this addendum is to present the evaluation of the revised berm on the tailgate "bang" sound from the facility.

The berm configuration needs to be revised from that described in Addendum 2 to comply with easement setback requirements from the Xcel Energy electrical transmission line that runs across the property. The setback requirements limit the height and effectiveness of the originally proposed berm where the transmission line crosses over.

The City of New Brighton staff raised concerns about the prior plan prepared to address this issue because tailgate "bang" sound could travel through the Xcel easement area and adversely impact the Rockstone Court and Mississippi Street neighborhoods. The City staff also requested the berm construction material types needed for acceptable performance.

The revised facility layout is shown on the attached Figure 1. The gated and non-gated trucks will be segregated and located east of the revised berm which will run north-south on the east side of the Xcel transmission line tower that is in the middle of the Murlowski facility. The revised berm is shown as about 375 feet long and 40 feet above existing grade which is 15 feet above the maximum height of the gated truck area.

The tailgate "bang" was evaluated at the closest Rockstone Court and Mississippi Street residences. This evaluation included two dump locations of the gated trucks as shown on the Figure.

Using the procedure described in Addendum 2, the calculation results for the four configurations are summarized in the following table:

Description	Sound Level, dBA	
	West Dump Location	East dump Location
Extrapolated Tailgate Sound – Rockstone Ct.	56.2	54.6
Extrapolated Tailgate Sound – Mississippi St.	56.2	54.6

Mike Murlowski
BelAir Excavating
May 8, 2014

As shown in the table, the tailgate "bang" sound will be reduced to below the goal of 56.5 dBA.

Although the berm is shown on the east side of the transmission tower, if desired, it may be moved to the west side and immediately adjacent to the tower with no material performance degradation. Also, the length of the berm may be reduced by 30 feet at its north end if desired.

The construction materials for the berm should be solid and non-porous. These could include soil, aggregate, compacted rubble or pre-made, non-porous barrier of wood or concrete.

Thank you for the opportunity to provide this addendum. If you have any questions, please contact me at 763-479-4236.

Sincerely,

WENCK ASSOCIATES, INC.



Timothy J. Colliton, PE, CIH
Principal/Project Engineer



MURLOWSKI PROPERTIES

Proposed Site Layout

Engineers - Scientists
Business Professionals
www.wenck.com

Wenck

1800 Pioneer Creek Center
Maple Plain, MN 55359-0429
1-800-472-2232

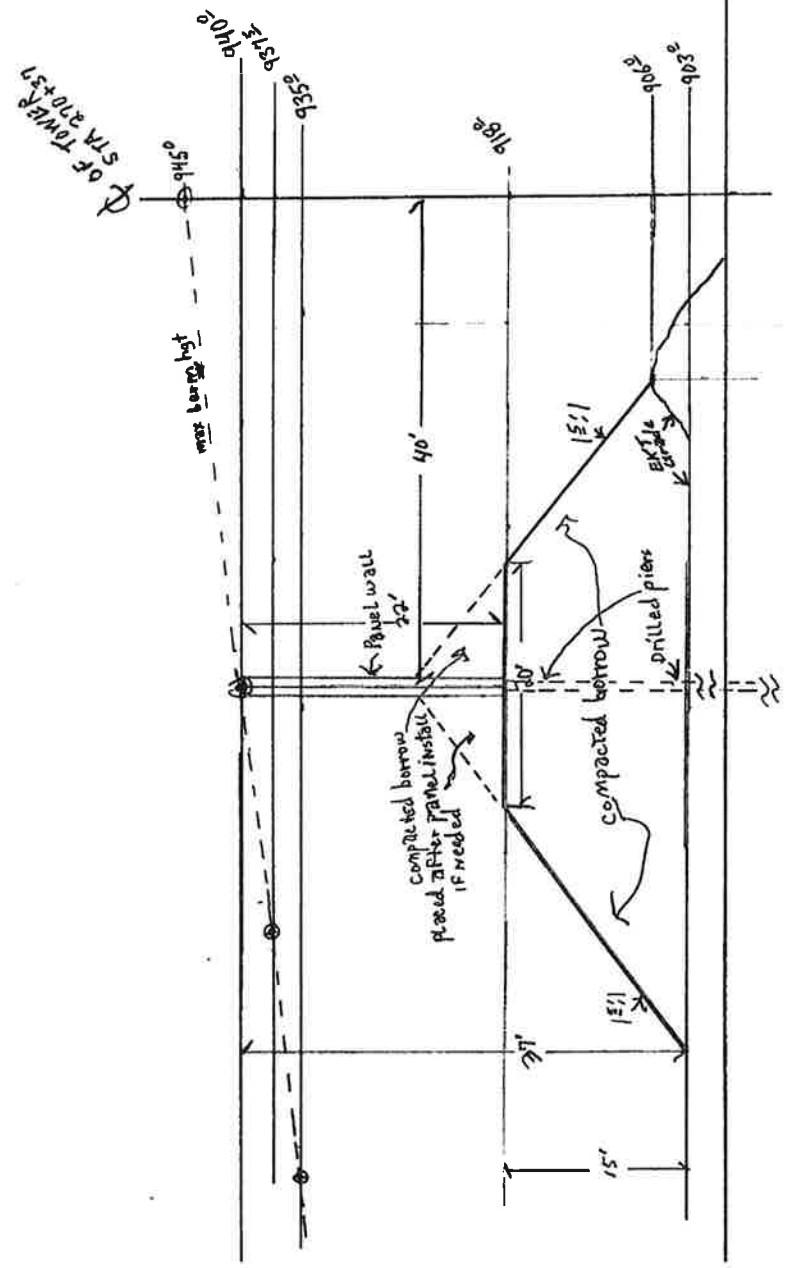
MAY 2014

Figure 1

10' scale
H19905050
051019

8902

APP. TOP OF LANDFILL DEMO DEBRIS



Janice Gundlach

From: Andrew Skoglund <ASkoglund@barr.com>
Sent: Friday, May 16, 2014 1:10 AM
To: Janice Gundlach
Cc: Dan Fetter
Subject: Review of updated barrier proposal

Janice,

I have reviewed the updated plan for the noise barrier. As proposed, it addresses the concerns raised earlier regarding potential exposure of Mississippi Street while maintaining shielding at Rockstone Court. I reviewed the calculations and they are consistent with those performed for earlier proposals. As proposed, the updated layout and associated calculations should yield compliance with the 56.5 decibel limit for both Mississippi Street and Rockstone Court.

BS Engineering Science

Please let me know if you have any questions.

Thanks,
Andrew

Andrew Skoglund
Environmental Specialist
Barr Engineering Co.
4700 West 77th Street
Minneapolis, MN 55435

office: 952.832.2685
toll-free: 800.632.2277
cell: 952.412.5803

askoglund@barr.com
www.barr.com



interoffice

MEMORANDUM

to: Janice Gundlach, City Planner
from: Craig Schlichting, Senior Engineering Supervisor
subject: Murlowski Properties
date: May 12, 2014

The Engineering Department has reviewed the site plan for the proposed stockpile relocation and berm (next to the Xcel tower) on the Murlowski property and we offer the following comments;

1. The disturbed area is larger than an acre and will require a NPDES permit for construction. A storm water pollution prevention plan needs to be prepared including silt fence locations, slope protection (i.e. erosion control blanket), and vegetation recommendations.
2. A portion of the berm is located within a NSP-XCEL transmission line easement. Plans will need to be submitted and approved by NSP-XCEL, as the height separation from the proposed berm to the power lines is proposed to be changed and work is occurring within the easement area. The materials used to create the berm (adjacent to the tower) must be approved by a geotechnical engineer to demonstrate that the slopes will remain in-tact and that vegetation will grow. This area must be seeded no later than 14 calendar days after construction activity.
3. The site is located within Rice Creek Watershed District. The owner must obtain a permit from RCWD or provide correspondence from the watershed indicating approval.
4. All exposed soils that are within 200 feet of the property edge draining to Rice Creek or Rush Lake must complete stabilization activities within 24 hours.
5. The City has a 36" diameter storm sewer pipe that serves as the outlet of Rush Lake that was installed in 1963. It runs from Rush Lake to the north through the Belair property to the northerly City Limits, and it then changes direction to the west and

outlets to Rice Creek. The City believes it has prescriptive easement rights over this pipe. It has been verified to be operational. The City has concerns about the placement of additional material over this pipeline causing the pipes to collapse due to the increased loading. The City is requesting that Belair enter into an easement encroachment agreement allowing Belair, the property owner, to take responsibility for this pipeline should it collapse or fail due to overloading of the pipe. In addition, the existing manholes must also remain accessible and protected. Enclosed you will find a pdf of the general layout of the existing City storm and water pipe network, this is only a guide and the field location of these facilities should be verified.

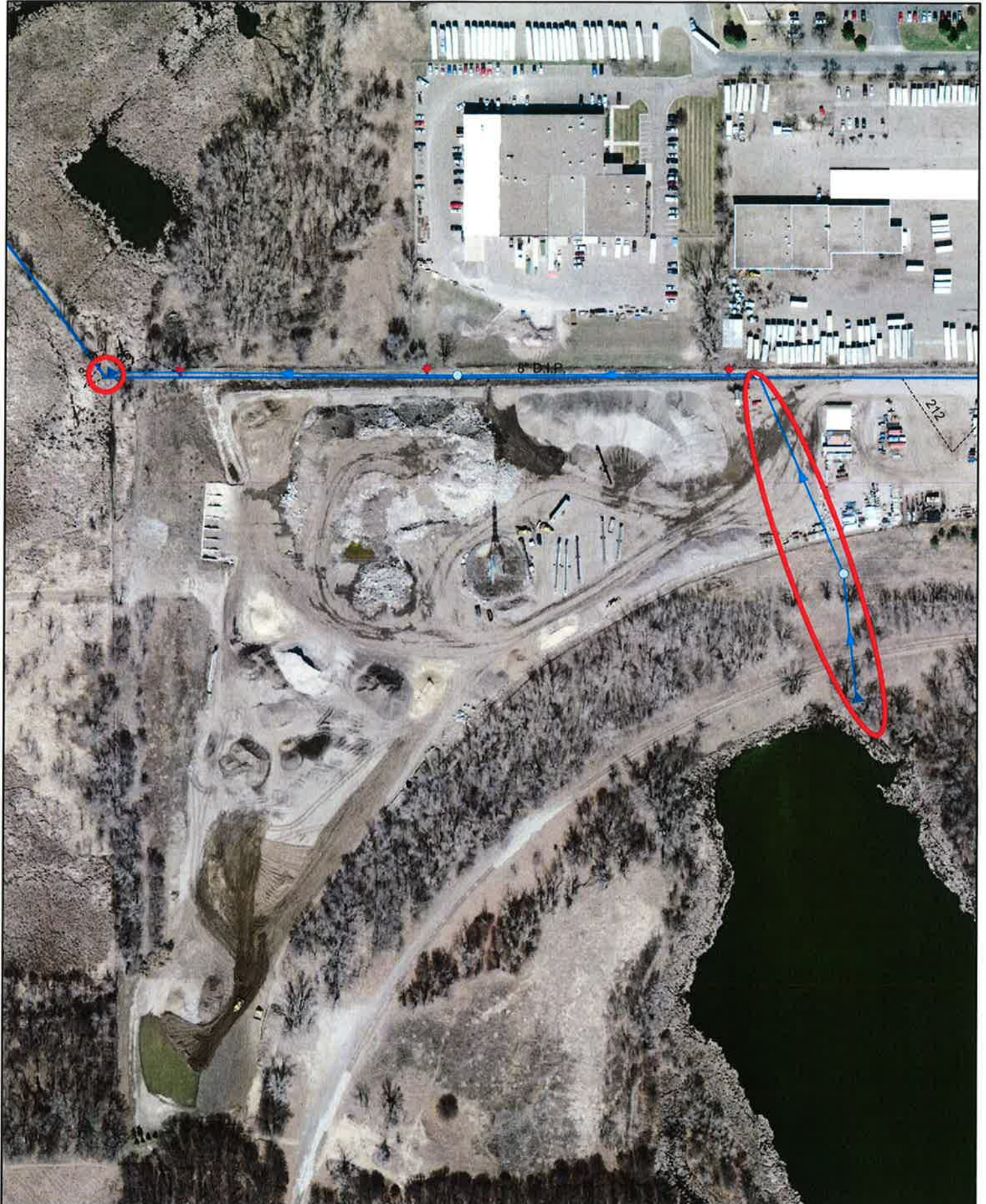
6. No work shall go beyond the chain link fence without written permission of the affected property owners. A portion of the fence on the NW property corner was placed over a water valve. The fence must be re-aligned to allow for maintenance and periodic open/close operations of the valve. Additionally, the existing berm in this area was placed over a City storm sewer line and the apron needs to be exposed to allow for free flow from Rush Lake.
7. During the pile relocation process the drainage swale that discharges at the northwest property corner needs to remain operational including the vegetation and ditch checks.



New Brighton Utilities

210 105 0 210 Feet

1 inch = 200 feet



**RESOLUTION NO.
13-087
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

RESOLUTION approving an extension of a berm completion date required as a condition of approval in Resolutions 10-068 and 10-069 affecting property located at 2200 Old Highway 8 NW.

WHEREAS, on October 30, 2013 Mike Murlowski, on behalf of Belair Excavating, submitted written request for a seven month time extension, to June 1, 2014, concerning a berm completion date required as a condition of two Special Use Permits approved on October 26, 2012 per Resolution 10-068 and 10-069.

WHEREAS, the procedural history of this request is as follows:

1. The City Council approved two special use permits for Belair Excavating, per Resolutions 10-068 and 10-069, on October 26, 2010.
2. The approved Special Use Permits allowed for aggregate crushing/recycling and yard waste transfer at 2200 Old Highway 8 NW, subject to a condition requiring construction of a sound mitigation berm by October 26, 2013.
3. The applicant notified staff via email on October 25, 2013 that the berm was substantially complete, except a 140' section encumbered by an Xcel Energy transmission line easement.
4. On October 30, 2013 the applicant submitted a written request for an extension of the berm completion date to June 1, 2014.

WHEREAS, throughout the course of review of the special use permits in October of 2010, noise from trucks and tail-gate banging was noted as a primary concern. In an effort to mitigate this noise, the applicant proposed to construct a sound mitigation berm to an elevation of 926 (or a height of approximately 25'), and

WHEREAS, the applicant has demonstrated difficulty obtaining the necessary approvals from Xcel Energy to complete the berm per the approved plans and is requesting additional time to work with Xcel Energy and/or prepare and complete an alternative sound mitigation option, and

WHEREAS, the applicant has been advised that by June 1, 2014 the berm as originally proposed or an alternative sound mitigation plan shall be approved and implemented, and

WHEREAS, the applicant understands if the originally approved berm cannot be implemented due to Xcel Energy easement issues, an alternative sound mitigation plan achieving comparable results shall be reviewed and approved by the Planning Commission and City Council through the formal Special Use Permit process within the seven month extension period.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of New Brighton approves the requested term completion date extension to June 1, 2014, subject to the following condition:


1. City staff is allowed onto the property within 10 days following June 1, 2014 to confirm completion.

ADOPTED this 12th day of November, 2013.


Dave Jacobsen, Mayor


Dean R. Lotter, City Manager

ATTEST:


Daniel A. Maiers, Director of Finance
and Support Services / City Clerk

**RESOLUTION NO.
10-068
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Murlowski Properties Inc to allow an aggregate crushing and recycling operation in an I-1, Light Industrial district per the requirements of the Environmental Constraint Overlay Area located at 2200 Old Highway 8 NW, and

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

1. An application for a Special Use Permit was received on September 3, 2010.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on September 21, 2010 and all present were given the chance to freely speak at the hearing.
3. At the September 21, 2010 meeting the Planning Commission continued the discussion to the October 19, 2010 meeting.
4. The Planning Commission, pursuant to published and mailed notices, continued the public hearing on October 19, 2010 and all present were given the change to freely speak at the hearing.
5. The Planning Commission recommended approval of the request subject to conditions.
6. The City Council considered the request on October 26, 2010.

WHEREAS, the Planning Commission and City Council make the following Findings of Fact with respect to the Special Use Permit (SP2010-008):


1. The property is zoned I-1, Light Industrial.
2. The property is guided in the Comprehensive Plan for Light Industrial.
3. The property is eligible to apply for uses under the Environmental Constraint Overlay Area.
4. The applicant has proposed to operate an aggregate crushing and recycling operation at 2200 Old Highway 8 NW.
5. The Planning Commission and City Council considered the proposal in accordance with the Environmental Constraint Overlay Area criteria of Section 7-810(2).
6. The Planning Commission and City Council found the criteria of Section 7-810(2) are met, subject to conditions.
7. The Planning Commission and City Council reviewed the proposal in accordance with the following additional Special Use Permit standards 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.
10. The Planning Commission and City Council found the Special Use Permit criteria of Section 8-130 are met due to the following:
- a. The existing berm is being expanded to mitigate unreasonable sound emanating from the property and to screen the main rubble pile from the residential properties to the west.
 - b. Dust mitigation efforts, including irrigation and a water truck, will be used to control dust.
 - c. A maximum pile height and pile coverage percentage will limit the negative impacts that result from an outdoor storage use.
 - d. Due to environmental constraints, the property cannot be put to other reasonable uses one might find in a Light Industrial zoning district.

NOW THEREFORE BE IT RESOLVED, that based upon the above Findings of Fact the application for a Special Use Permit (SP2010-008) is hereby approved, subject to the following conditions:

- 1. Adoption of an Ordinance establishing an Environmental Constraint Overlay Area.
- 2. Compliance with the conditions outlined in Section 7-810(2) of the Environmental Constraint Overlay Area Ordinance.
- 3. The berm is constructed to an elevation of at least 926 and is shifted to the south to preserve the existing drainage and storm water filtration/erosion systems currently on-site and to not impact the existing underground City watermain.
- 4. Groundcover and plantings for the berm shall be as specified by MnDOT for 1.5:1 slopes. The applicant shall incorporate sumac if feasible.
- 5. The berm shall be constructed within 36 months of City Council approval. The applicant shall make yearly progress by completing 33% of the berm in each year following City Council approval. If material is available, the applicant shall use their best efforts to construct the berm in 24 months.
- 6. A Rice Creek Watershed District permit is obtained and submitted to the City.
- 7. Any changes to the berm height, general location, and groundcover requirements require review and approval of an amendment to the Special Use Permit to ensure sound mitigation and aesthetic goals are met.
- 8. Use of the site is in conformance with the Site Plan prepared by Sathre-Bergquist, Inc, originally dated 7/12/06 with the latest revision date of 7/23/10, and with pile storage subject to the setback and height standards of Zoning Code Section 6-060 and yard coverage limitation of Section 7-810 (2)(F).
- 9. An annual inspection shall occur on or within 30 days of July 15th of the calendar year. The applicant agrees to allow up to 3 additional inspections per year in response to complaints and City staff shall provide advance notice of these inspections.

Adopted this 26th day of October, 2010.


Dave Jacobsen, Mayor


Dean R. Lotter, City Manager

ATTEST:


Daniel A. Maers, Director of Finance and
Support Services / City Clerk

**RESOLUTION NO.
10-069
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Murlowski Properties Inc to allow a yard waste transfer facility in an I-1, Light Industrial district per the requirements of the Environmental Constraint Overlay Area located at 2200 Old Highway 8 NW, and

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

1. An application for a Special Use Permit was received on September 3, 2010.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on September 21, 2010 and all present were given the chance to freely speak at the hearing.
3. At the September 21, 2010 meeting the Planning Commission continued the discussion to the October 19, 2010 meeting.
4. The Planning Commission, pursuant to published and mailed notices, continued the public hearing on October 19, 2010 and all present were given the change to freely speak at the hearing.
5. The Planning Commission recommended approval of the request subject to conditions.
6. The City Council considered the request on October 26, 2010.

WHEREAS, the Planning Commission and City Council make the following Findings of Fact with respect to the Special Use Permit (SP2010-009):

1. The property is zoned I-1, Light Industrial.
2. The property is guided in the Comprehensive Plan for Light Industrial.
3. The property is eligible to apply for uses under the Environmental Constraint Overlay Area.
4. The applicant has proposed to operate yard waste transfer facility at 2200 Old Highway 8 NW.
5. The Planning Commission and City Council considered the proposal in accordance with the Environmental Constraint Overlay Area criteria of Section 7-810(3).
6. The Planning Commission and City Council found the criteria of Section 7-810(3) are met, subject to conditions.
7. The Planning Commission and City Council reviewed the proposal in accordance with the following additional Special Use Permit standards 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.
10. The Planning Commission and City Council found the Special Use Permit criteria of Section 8-130 are met due to the following:
- a. The existing berm is being expanded to mitigate unreasonable sound emanating from the property and to screen the main rubble pile from the residential properties to the west.
 - b. Dust mitigation efforts, including irrigation and a water truck, will be used to control dust.
 - c. A maximum pile height of 12' and maximum volume amount of 400 cubic yards should control negative impacts resulting from the use.
 - d. The confinement area will control blowing debris and odors.
 - e. All material will be transferred off site within 24 hours.
 - f. Due to environmental constraints, the property cannot be put to other reasonable uses one might find in a Light Industrial zoning district.

NOW THEREFORE BE IT RESOLVED, that based upon the above Findings of Fact the application for a Special Use Permit (SP2010-008) is hereby approved, subject to the following conditions:

- 1. Adoption of an Ordinance establishing an Environmental Constraint Overlay Area.
- 2. Compliance with the conditions outlined in Section 7-810(3) of the Environmental Constraint Overlay Area Ordinance.
- 3. The 40' x 40' x 6' concrete confinement area is constructed in accordance with the submitted plan.
- 4. The berm is constructed to an elevation of at least 926 and is shifted to the south to preserve the existing drainage and storm water filtration/erosion systems currently on-site and to not impact the existing underground City watermain.
- 5. Groundcover and plantings for the berm shall be as specified by MnDOT for 1.5:1 slopes. The applicant shall incorporate sumac if feasible.
- 6. The berm shall be constructed within 36 months of City Council approval. The applicant shall make yearly progress by completing 33% of the berm in each year following City Council approval. If material is available, the applicant shall use their best efforts to construct the berm in 24 months.
- 7. A Rice Creek Watershed District permit is obtained and submitted to the City.
- 8. Any changes to the berm height, general location, and groundcover requirements require review and approval of an amendment to the Special Use Permit to ensure sound mitigation and aesthetic goals are met.
- 9. Use of the site is in conformance with the Site Plan prepared by Sathre-Bergquist, Inc, originally dated 7/12/06 with the latest revision date of 7/23/10, including the hand drawn yard waste area drawn by Murlowski Properties Inc., and with pile storage subject to the setback standards of Zoning Code Section 6-060 and yard coverage limitation of Section 7-810 (2)(F).
- 10. An annual inspection shall occur on or within 30 days of July 15th of the calendar year. The applicant agrees to allow up to 3 additional inspections per year in response to complaints and City staff shall provide advance notice of these inspections.
- 11. In the event of a significant rain event while yard waste is present in the yard waste confinement area, applicant will make reasonable efforts to reduce potential stormwater runoff from the yard waste confinement area by covering the confinement area and/or using portable runoff/erosion protection.

Adopted this 26th day of October, 2010.

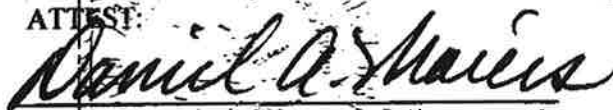


Dave Jacobsen, Mayor

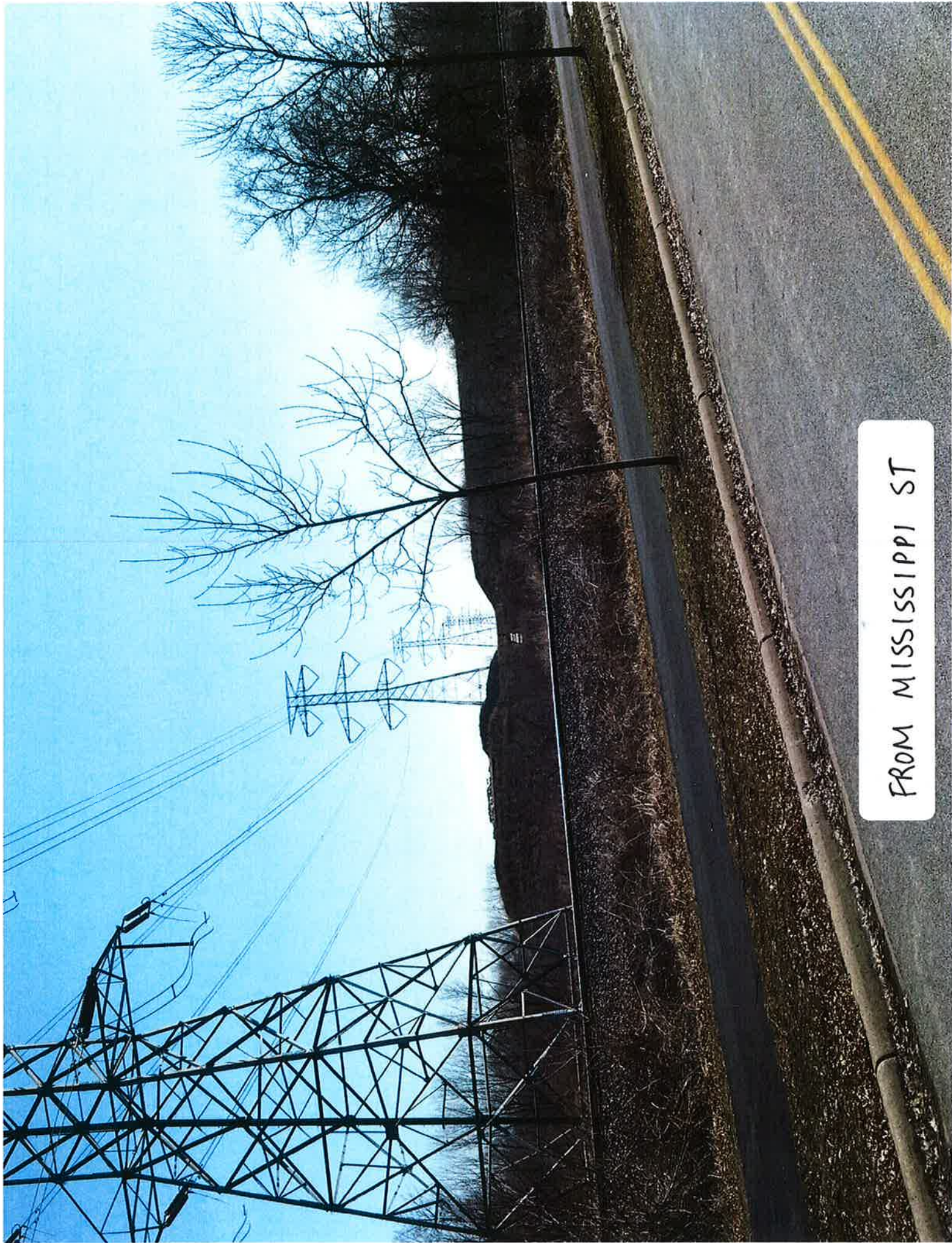


Dean R. Lotter, City Manager

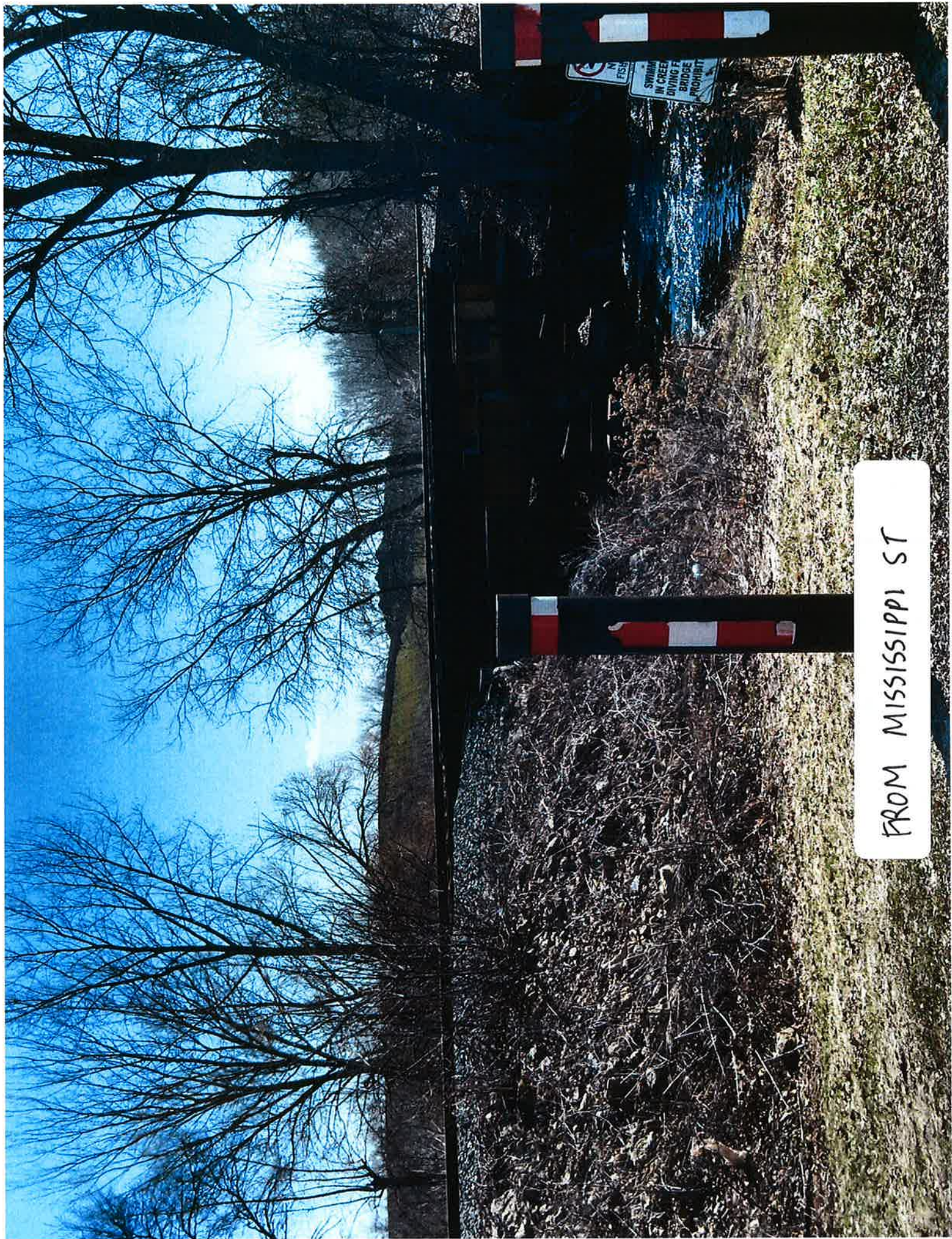
ATTEST:



Daniel A. Maiers, Director of Finance and
Support Services / City Clerk



FROM MISSISSIPPI ST



FROM MISSISSIPPI ST



FROM MISSISSIPPI ST

A photograph of a wooden fence in a wooded area. The fence is made of dark wood and runs across the middle of the frame. Behind the fence, there are many bare trees with dark branches against a bright blue sky. The ground in the foreground is covered with dry leaves and grass. A concrete path is visible on the right side of the image.

FROM ROCKSTONE CT

PLANNING REPORT

DATE: May 16, 2014
CASE: LP2014-003, NC2014-002
SUBJECT: Site Plan and Nonconforming Use Permit to allow construction of a 26' x 32' open air canopy at 480 8th AVE NW
APPLICANT: Caleb Wilkins on behalf of Eurotech Auto

REQUEST & BACKGROUND

The applicant is requesting Site Plan and Nonconforming Use Permit approval to allow construction of a 26' x 32' open air canopy addition to the existing building located at 480 5th AVE NW/Old Highway 8 NW, known as Eurotech Auto. The proposed canopy addition would be constructed at the northeast corner of the building and allow patrons a covered area to drop off and pick up their vehicles. No additional interior square footage is proposed nor is any changes to the existing surface parking lot. In conjunction with the proposed canopy addition, the applicant intends to install 3' of dry stack stone and a new stucco exterior to the eastern and northern facades along with a new paint scheme in a natural beige color.

The applicant initially contacted staff several months ago inquiring about the approval process for this project. A review of existing site conditions was conducted and nonconformities were discovered. Staff then engaged in a conversation with the applicant about decreasing nonconformities, namely the front yard parking lot setback as excess land exists behind the building to accommodate lost parking. The owner was very resistant to any additional improvements to the site, beyond the proposed canopy addition. Staff researched City files and discovered similar nonconformities were allowed to remain in 1984 in connection with a project to expand the building. Based on the approvals from 1984, the applicant's resistance to expand the project scope, and the overall impact of the proposed project, staff abandoned an initial request to decrease nonconformities on the site.

ATTACHMENTS

A – Resolution
B – Project Location Map
C – Zoning Map
D – Aerial Photo
E – Neighborhood Notification Map
F – Applicant Narrative
G – Existing & Proposed Survey
H – Existing Building Elevations
I – Proposed Floor Plan
J – Proposed Eastern/Front Elevation
K – Proposed Perspective (looking southwest)
L – Proposed Perspective (looking west)
M – Resolution 84-53

FINDINGS

Section 8-010. Site Plan Approval.
Section 8-460. Regulations as to Type 4 Nonconformities.

SITE CHARACTERISTICS

Location:	480 5 th Ave NW/Old Highway 8 NW
Lot Size:	40,929 SF (0.94 acres)
Topography:	Generally flat with a berm in the rear yard
Comprehensive Plan Designation:	CB, Community Business
Zoning:	B – 3, General Business
Surrounding Land Uses:	
North:	5 th ST NW, auto service station w/repair
South:	The Mirage bar & restaurant
East:	Old Highway 8 NW, commercial/industrial uses
West:	9 th AVE NW, single family homes

SITE PLAN ANALYSIS

Zoning Code Section 8-010 requires Site Plan approval of all new buildings or structures other than single or double family residences. The purpose of the Site Plan approval is to ensure minimum standards are met. The following applicable site plan issues were examined:

BUILDING SETBACKS	Required	Existing	Proposed
<i>Front (Old Highway 8 NW)</i>	30'	70'	44'
<i>Side Street (5th ST NW)</i>	30'	67'	No Further Encroachment
<i>Rear (9th AVE NW)</i>	30'	108'	No Further Encroachment
<i>Side (south)</i>	0'	0'	No Further Encroachment

The above table illustrates the proposed 26' x 32' canopy addition meets required setbacks.

Building Height

Section 5-250(1) states no structure or building shall exceed two stories or 36' in height, whichever is less. The proposed canopy addition is less than one story and lower in height than the main building, which is 19' in height.

Floor Area Ratio

Section 5-250(3) states the floor area ratio shall not exceed 1.0. The existing building is 7,268 SF and the lot area is 40,929 SF equating to a floor to area ratio of 18%. With the addition of the 832 SF canopy, the floor area ratio rises slightly to 20%, well below the maximum allowed of 100%.

PARKING SETBACKS	Required	Existing	Proposed
<i>Front (Old Highway 8 NW)</i>	30'	5'	No Change
<i>Side Street (5th ST NW)</i>	30'*	10'	No Change
<i>Rear (9th AVE NW)</i>	25'	45'	No Change

<i>Side (south)</i>	5'	0'**	No Change
---------------------	----	------	-----------

*15' was permitted prior to 1982 and can still be permitted by special use permit

**a 0' parking setback is allowed because shared access exists with the neighboring property and the code exempts the setback standard under this scenario

No changes to the parking lot are proposed. As illustrated in the above table, there are several nonconforming parking lots setbacks. Additionally, the site has 4 access points when Section 11-020(8) (G) only permits 2. Lastly, this same section, paragraph A, requires a 50' setback from any access point to an intersection. These nonconformities are discussed in the Nonconforming Use Permit section below.

Required # of Parking Stalls

The proposed canopy addition is not interior space and does not require any additional parking. However, it does impact the parking lot and an analysis should be conducted to confirm adequate parking is available on site.

Zoning Code Section 11-030(3)(K) requires a minimum of 6 parking stalls, plus 1 stall for every 500 SF over 1,000 SF, plus 2 stalls per service bay, plus 1 stall per employee. This equates to the following:

$6 + 13 + 10 + 7$ (staff was unsure how many employees so assumed one per service bay plus 2 for admin) = 36

The parking lot appears to be un-striped. The survey depicts some surface parking stalls and staff calculated how much additional is available but not depicted as stalls on the survey. There are 31 surface parking stalls available, including two stalls under the proposed canopy addition. Additionally, there are at least 5 stalls available indoors, one per service bay. This totals 36 parking stalls, meeting the minimum standard.

Landscaping

The proposed building addition is 26' x 32' or 832 SF. Minimum landscaping requirements only apply to expansions of at least 1,000 SF or the addition of 50 surface parking stalls. No additional parking stalls are proposed to be added. As such, no new landscaping is required.

Exterior Building Materials

The existing building is constructed primarily with rock face painted block. The applicant is proposing to resurface the Old Highway 8 façade and the 5th Street NW façade with a combination of dry stack stone and stucco, as well as construct the proposed canopy with the same stone and stucco. Zoning Code Section 6-390(12) states "the exterior treatment on the street side of the structure shall be brick, stone, tilt-up slabs, architectural metal panels, decorative block, or the equivalent. The other sides of the structure shall not be raw block". While technically not raw block, the existing structure will be made more conforming to this section with the addition of stone and stucco on the street sides of the façade. The exterior materials of the proposed canopy will comply with the exterior materials requirements.

Signage

The applicant made reference in the written narrative to installing a new wall sign on the canopy addition. Only one wall sign is permitted per street frontage. All exterior wall and ground signs shall meet the requirements of Section 9-080 and separate sign permits shall be required.

Interoffice Comments

There were no interdepartmental comments. There was a discussion with Public Safety and Public Works/Engineering regarding the elimination of two of the four access points to the site. These comments were not made a part of the conditions of approval because these four access points were allowed to remain in 1984. Further discussion on this topic is provided in the Nonconforming Use Permit Analysis section below.

NONCONFORMING USE PERMIT ANALYSIS

There are several nonconformities on site including:

- Front and side street yard parking lot setbacks less than 30'
- More than the allowed number of driveway entrances (2 is allowed, 4 exist)
- Driveway entrances less than 50' from a street intersection

Article 4 of Chapter 8 of the Zoning Code requires consideration of a Nonconforming Use Permit when an enlargement, expansion, or extension of any nonconformity is proposed. While the proposed building addition complies with current standards, a Nonconforming Use Permit must still be considered based on the existing nonconformities on site.

Section 8-420 would categorize the nonconformities bulleted above at "Type 4" nonconformities. Section 8-460 states that a Nonconforming Use Permit for Type 4 nonconformities can only be approved if one or more of the following conditions are met (staff responses in *italics*):

- 1) The total number of nonconformities is reduced.

This criterion is not met. No reduction in nonconformities is proposed.

- 2) The impact of any nonconformity upon adjacent premises is reduced to the greatest practical extent.

This criterion is not met. However, one could argue the extent of the nonconformities may be less intrusive with the improvements proposed to the front (eastern) and side street (northern) facades.

- 3) The extent of any nonconformity is reduced where practical.

Staff finds this criterion to be met. When the building was expanded in 1984, a Nonconforming Use Permit was granted to allow the nonconformities noted above to remain. Resolution 84-53 was adopted and is attached for review. Staff finds, based on the scope of this project, there isn't enough justification to require further reductions in nonconformities. However, staff would recommend that the applicant be advised any future expansion to the building's interior footprint would likely force additional reductions in the nonconformities noted. Based on Public Safety and Public Works/Engineering concerns, the closure of the two access points closest to the intersection would be a priority.

Staff finds criterion 3 is met and would recommend approval of the Nonconforming Use Permit as requested.

STAFF RECOMMENDATION

Approve the Site Plan and Nonconforming Use Permit as requested, subject to the following conditions:

- 1) The parking lot is striped to delineate available parking stalls.
- 2) Any exterior wall or ground signs shall obtain a separate Sign Permit.

A handwritten signature in black ink that reads "Janice Gundlach". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Janice Gundlach, City Planner

**RESOLUTION
PLANNING COMMISSION
CITY OF NEW BRIGHTON**

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

WHEREAS, an application has been made by Caleb Wilkins on behalf of Eurotech Auto to consider a Site Plan and Nonconforming Use Permit to allow construction of a 26' x 32' open air canopy to the northeast corner of the existing building at 480 5th AVE NW/Old Highway 8 NW (also known at 408 5th ST NW).

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

1. Application for a Site Plan was received on May 2, 2014.
2. A public hearing notice was published the New Brighton area *Sun Focus* on May 9, 2014.
3. Public hearing notices were mailed to property owners within 350' of the applicant's property on May 7, 2014.
4. The Planning Commission, pursuant to published and mailed notices, held a public hearing on May 20, 2014 and all present were given a chance to freely speak at the hearing.
5. The Planning Commission recommended approval to the City Council on May 20, 2014, subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the proposed Site Plan (LP2014-003) and Nonconforming Use Permit (NC2014-002):

1. The property is located at 480 5th AVE NW/Old Highway 8 NW with 408 5th ST NW also being a valid address.
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 total property area is approximately 40,929 SF or 0.94 acres.
5. The applicant proposes to construct a 26' x 32' open air canopy addition at the northeast corner of the existing building.
6. Additionally, the applicant proposes to install 3' of dry stack stone and stucco exteriors on the north and eastern facades and paint the entire building a natural beige color.
7. No parking lot improvements are proposed.
8. The Planning Commission reviewed Site Plan in accordance with Zoning Code Section 8-010, and found all applicable criteria to be met with regard to building setbacks, building height, floor are ratio, parking setbacks, required number of parking stalls, landscaping, exterior building materials, and signage.
9. The Planning Commission examined the following nonconformities on the property:
 - a. Front and side street yard parking setbacks less than 30'
 - b. More than the allowed number of driveway entrances (2 is allowed, 4 exists)
 - c. Driveway entrances less than 50' from a street intersection

10. The Planning Commission reviewed the Nonconforming Use Permit in accordance with Zoning Code Section 8-460 and found the criteria to be met based on a 1984 Nonconforming Use Permit that allowed the same nonconformities to remain and that the scope of work does not justify additional reductions in nonconformities.
11. The applicant is advised that any future expansion to the building's interior will likely require reductions in nonconformities, with elimination of the two access points closest to the intersection being a priority for traffic safety reasons.
12. The Planning Commission recommended the City Council approve the Site Plan and Nonconforming Use Permit requests.

NOW THEREFORE BE IT RESOLVED that based upon the above findings of fact the application for a Site Plan (LP2014-003) and Nonconforming Use Permit (NC2014-002) is hereby recommended for approval, subject to the following conditions:

1. The parking lot is striped to delineate available parking stalls.
2. Any exterior wall or ground signs shall obtain a separate Sign Permit.

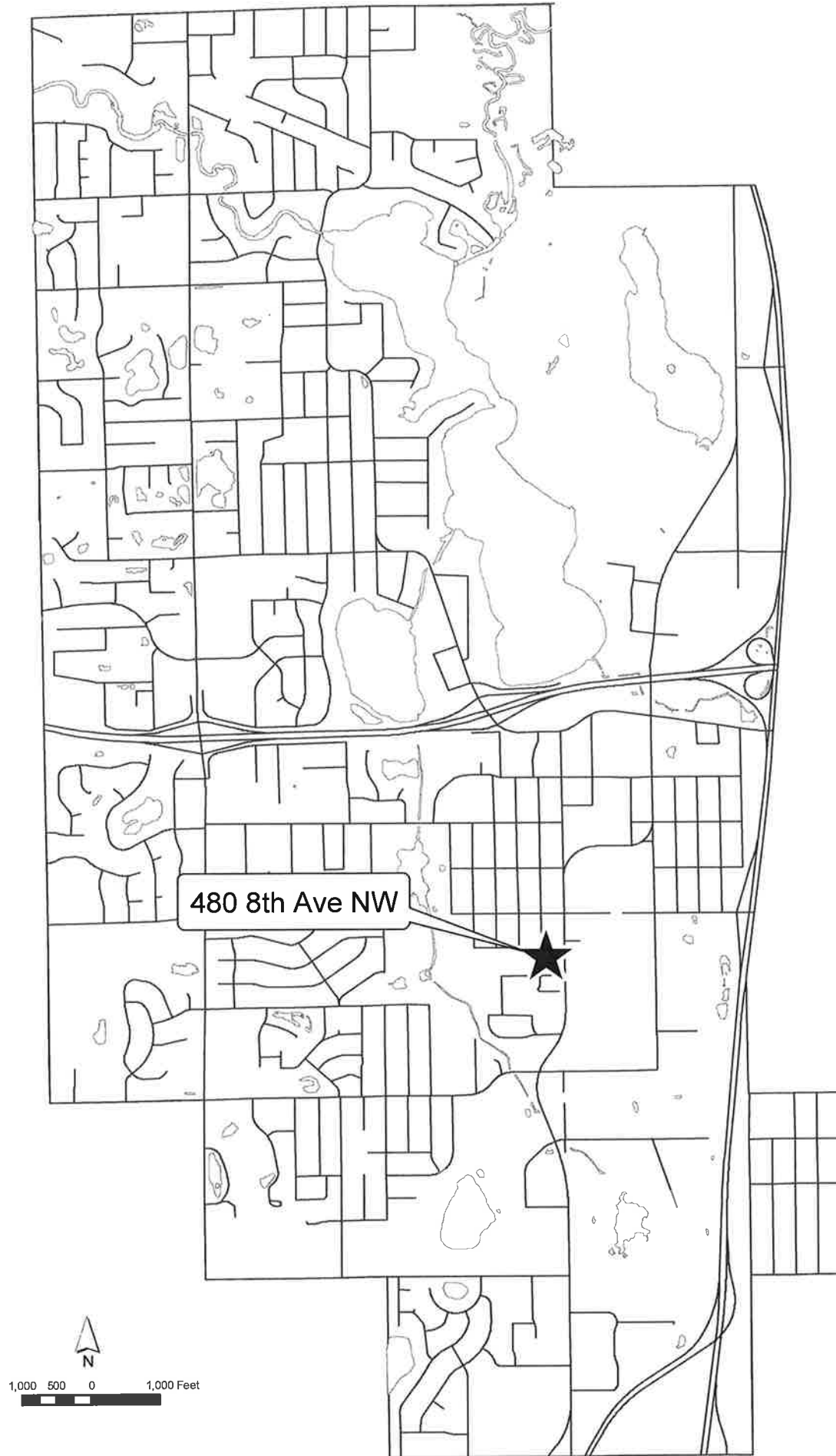
Adopted this 20th day of May, 2014.

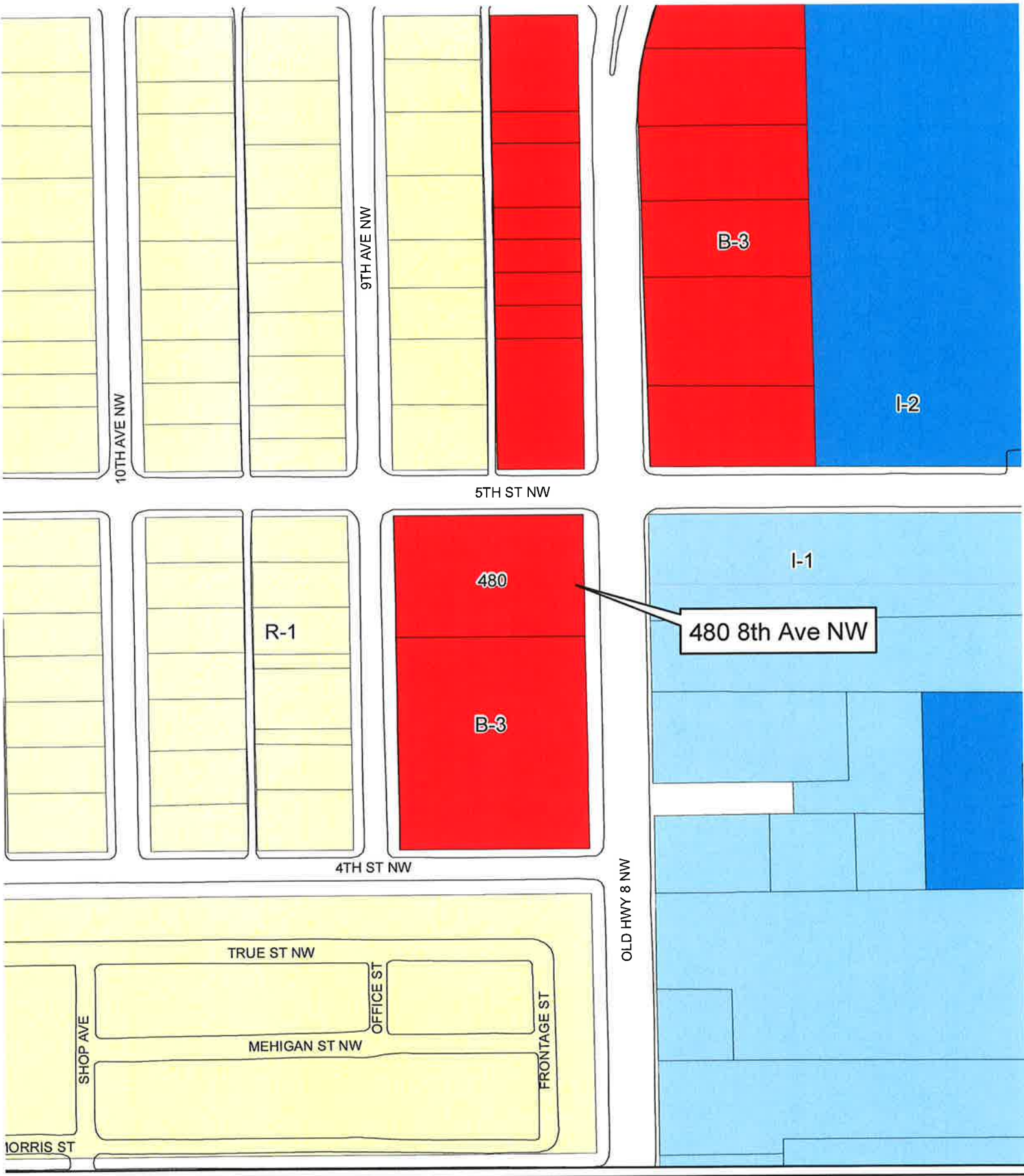
Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 480 8th Ave NW





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



Current Zoning
 480 8th Ave NW
 B-3, General Business



480 8th Ave NW

Old Hwy 8 NW

5th St NW

9th Ave NW

2012 Aerial Photo

20 10 0 20 Feet

North Arrow

Image courtesy of the City of Minneapolis

Mailing For 480 8th Ave NW





Redeeming Restorations LLC
6261 Laurene Avenue
Lino Lakes, MN. 55014
MN. Lic # BC636140
651-253-0022
info@redeemingrestorations.com
www.redeemingrestorations.com

Project: Eurotech Auto – 480 8th Ave NW, New Brighton, MN. 55112

The proposed project at 480 8th Ave NW, New Brighton, MN 55112 is to add a 26ft deep by 32' ft wide open air car port / canopy with 7' wide breezeway to the front of Eurotech Auto. We will also be updating the façade of the building while building the open air car port.

The new façade will consist of a dry stack stone along the lower 3' of the building that will extend 10' along the south facing exterior wall, and along 30' of the north facing exterior wall. The portion of the building above the 3' of dry stack stone will be coated in stucco along with the new open air canopy. The north and south facing walls are also to be coated in a stucco finish in a natural beige color. The exterior wall facing the west behind the building is to be painted to match the stucco colored finish. We will also be adding new signage to the exterior of the car port with lighting.

We are also requesting a non-conforming use permit for the existing parking lot non-conformities. The owner feels it would be to his detriment to give up any parking space in the front of the building. Doing so would impact the amount of clients that he could service on a daily basis. It has been suggested that the owner of the property pave the area behind the building for addition parking to accommodate the existing non-conformity. We find that this option is not viable financially for the business owner as it would add undue cost to the project to re-grade the entire back half of the property, landscape, pave along with security.. It is also a security risk to our client as he has had several break-ins in the storage shed behind the building over the last year. He has added lights and talked to the New Brighton police about it, but it hasn't stopped the continued theft problem behind his building.

Also by removing parking spaces in the front of the building it would add unnecessary complications to his clients and employees by having to walk around the building when dropping their vehicles off. The business owner runs his business trying to accommodate his clients in every way possible including convenience. An example of this is the company's recent upgrade of loaner vehicles for his clientele to use while their vehicles are being serviced.

This is partly the reason behind building the open air car port on the front of the building, to expedite his client's appointment to his business while being able to stay out of the inclement weather that we can have. The majority of the clients that Eurotech Auto

services is of a higher caliber, and so are their vehicles. The car port would give them a safe place to drop off their vehicles in a well lit area, as well as protected from the elements.

Eurotech is a growing thriving business that attracts people from all areas of the metropolitan area such as Wayzata, North Oaks, Woodbury, and Edina. The people that use Eurotech are professionals with a discerning taste in European autos, style, and flair and seek out businesses that will cater to those expectations. A large part of that is curb appeal and first impressions of the store front by portraying a thriving successful trustworthy business. Eurotech is a destination business that brings in a clientele with a income bracket to further patronize other business while in the area.

We believe that this project would benefit the city of New Brighton by continuing to bring the type of clientele Eurotech Auto services to the area, as well as uplift the community and neighborhood in ascetics and property values.

CERTIFICATE OF SURVEY

for EUROTECH AUTO
of 480 OLD HIGHWAY 8 NW
NEW BRIGHTON, MN

PROPERTY DESCRIPTION

Lots 1, 2, 3, 4, 19, 20, 21 and 22, Block 16, MOUND'S VIEW PARK, and also including all adjoining land that accrued to said lots by reason of the vacation of the public alley in said Block 16 as shown by that certain Resolution recorded in Book 255 of Miscellaneous on Page 197 in the office of said Register

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 4/30/14.
- Bearings shown are on an assumed datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared using a Title Commitment prepared by Stewart Title Guaranty Company, File No. 391787, dated effective on 1/10/2013.

LOT AREA:

40,929 sq. ft.
0.94 acres
(EXCLUDING HIGHWAY EASEMENT)

BUILDING AREA:

7,136 sq. ft.
(MAIN LEVEL)

EXISTING ZONING:

Property is currently zoned B-3
(GENERAL BUSINESS)

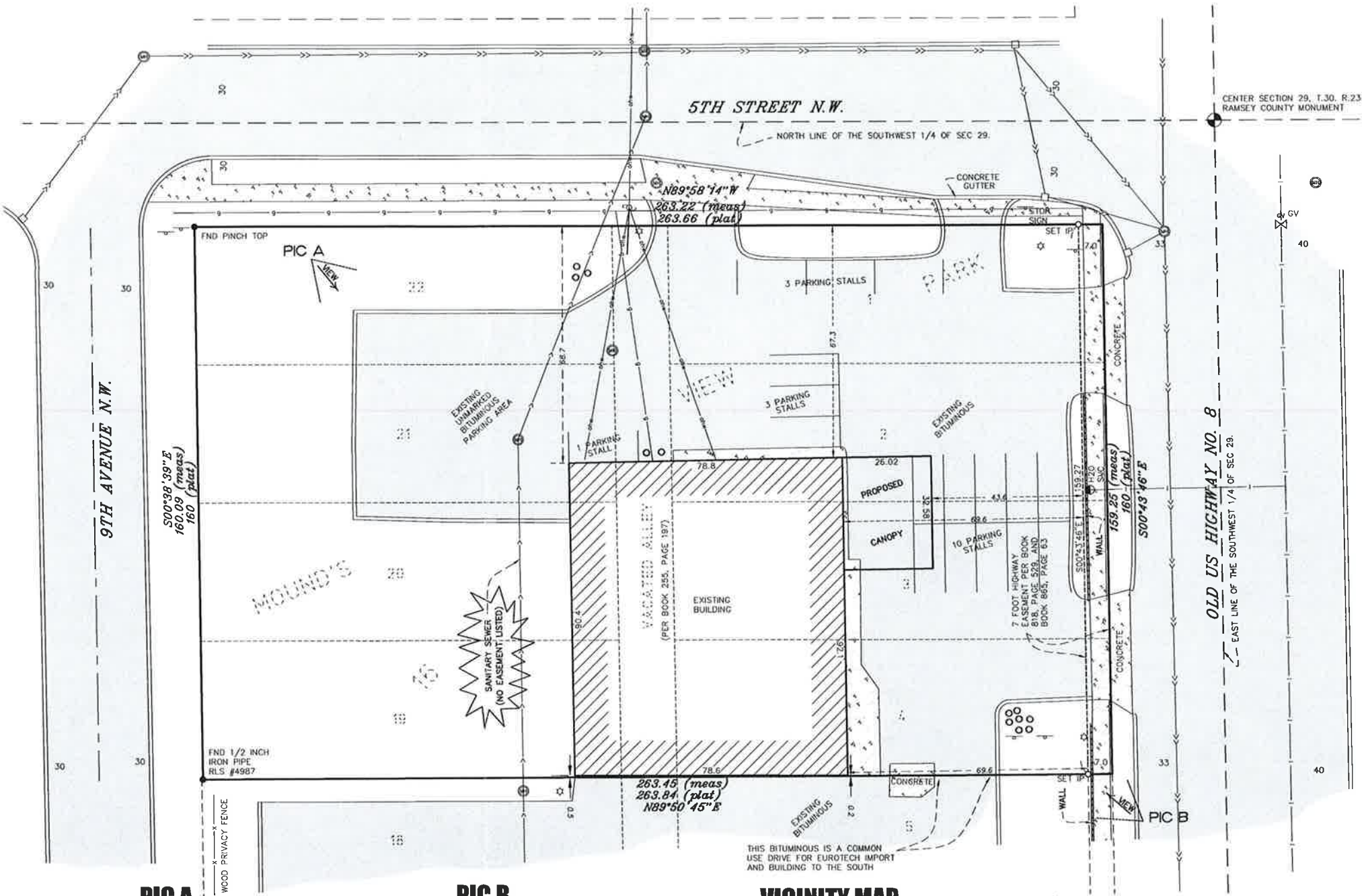
LEGEND

- Denotes 1/2" Iron Monument set RLS #4157B
- Denotes 1/2" Iron Monument found unless otherwise specified
- Denotes Ballard
- Denotes Existing Sign
- Denotes Existing Manhole as Labeled
- Denotes Existing Concrete
- Denotes Existing Light Pole
- Denotes Existing Fire Hydrant
- Denotes Underground Gas Line
- Denotes Existing Watermain
- Denotes Existing Sanitary Sewer
- Denotes Existing Storm Sewer
- Denotes Existing Bituminous

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
Date: 5/1/2014 License No. 4157B

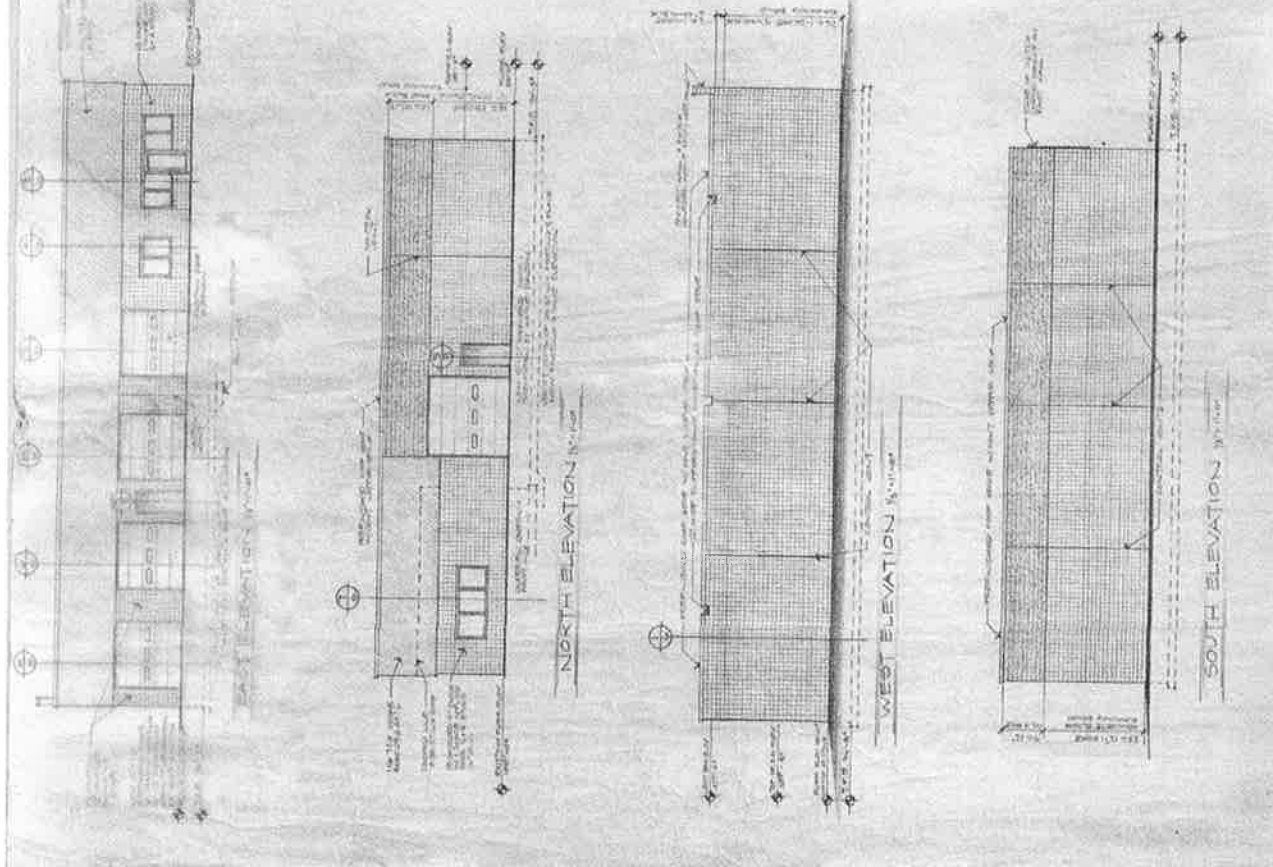
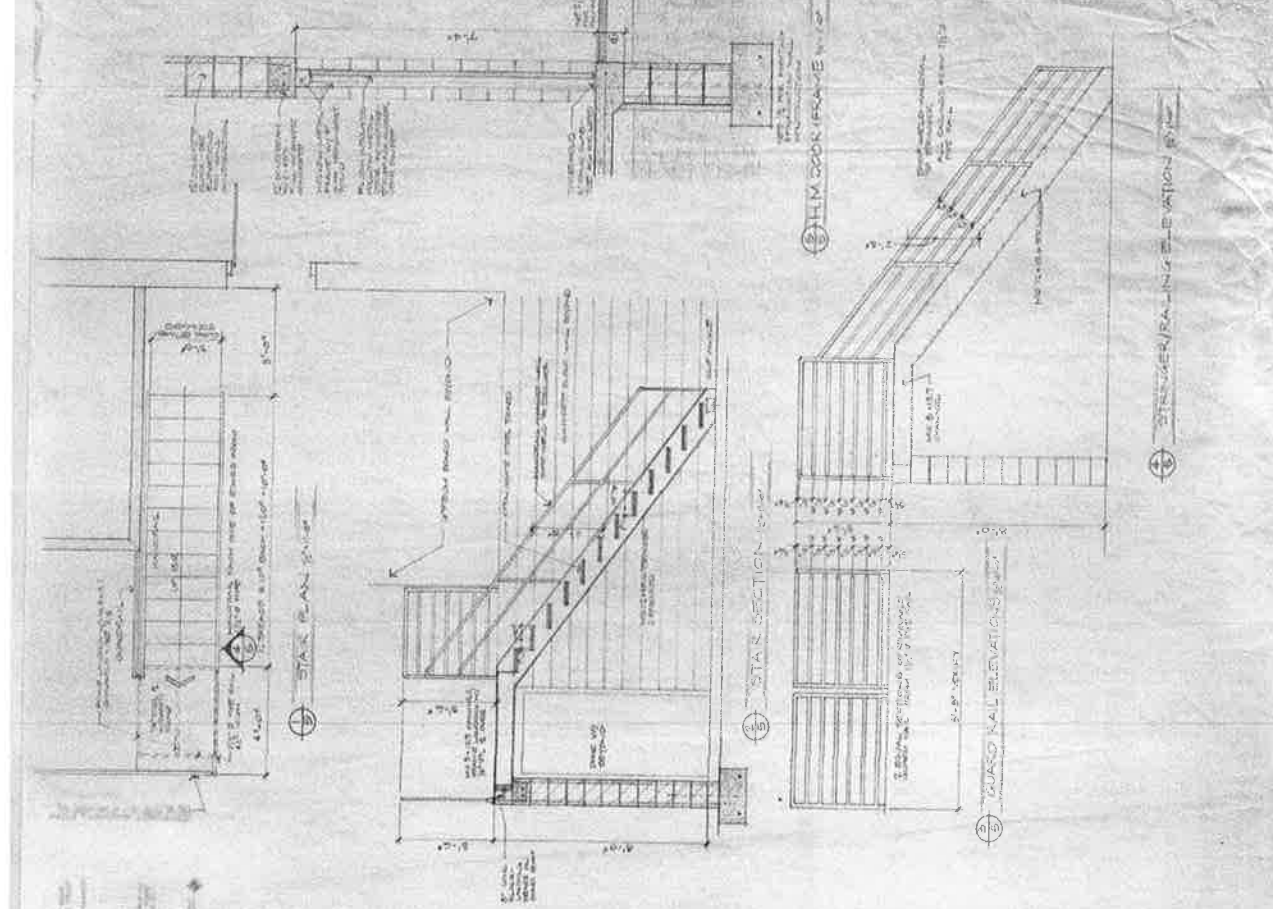
E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

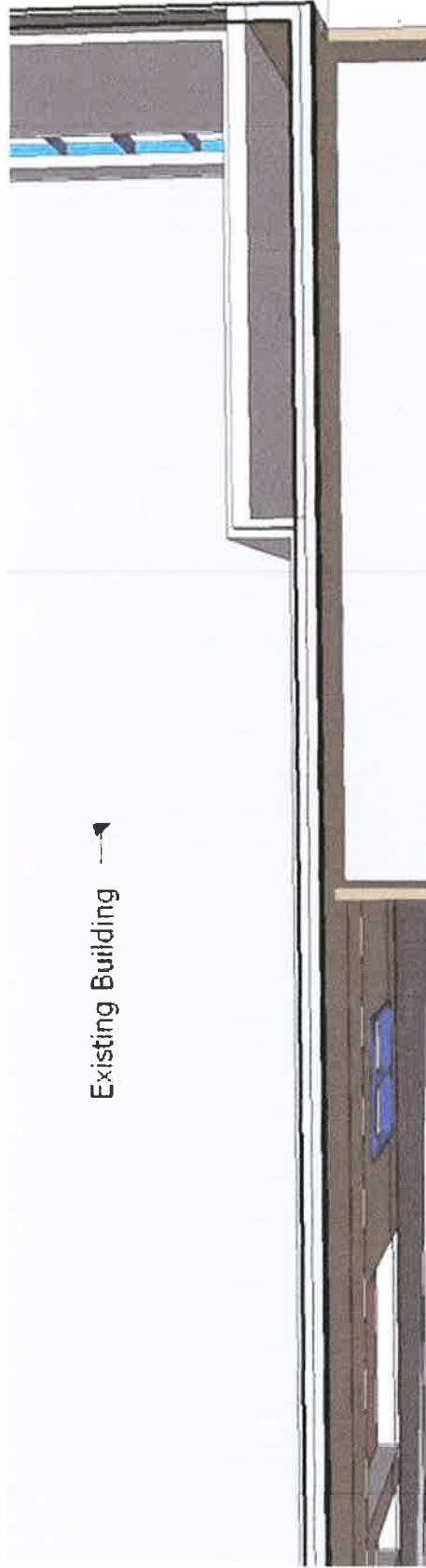


GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

NORTH

DRAWN BY: BAB	JOB NO: 14210BT	DATE: 5/1/2014
CHECK BY: JER	SCANNED	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY





Existing Building

Redeeming Restorations LLC

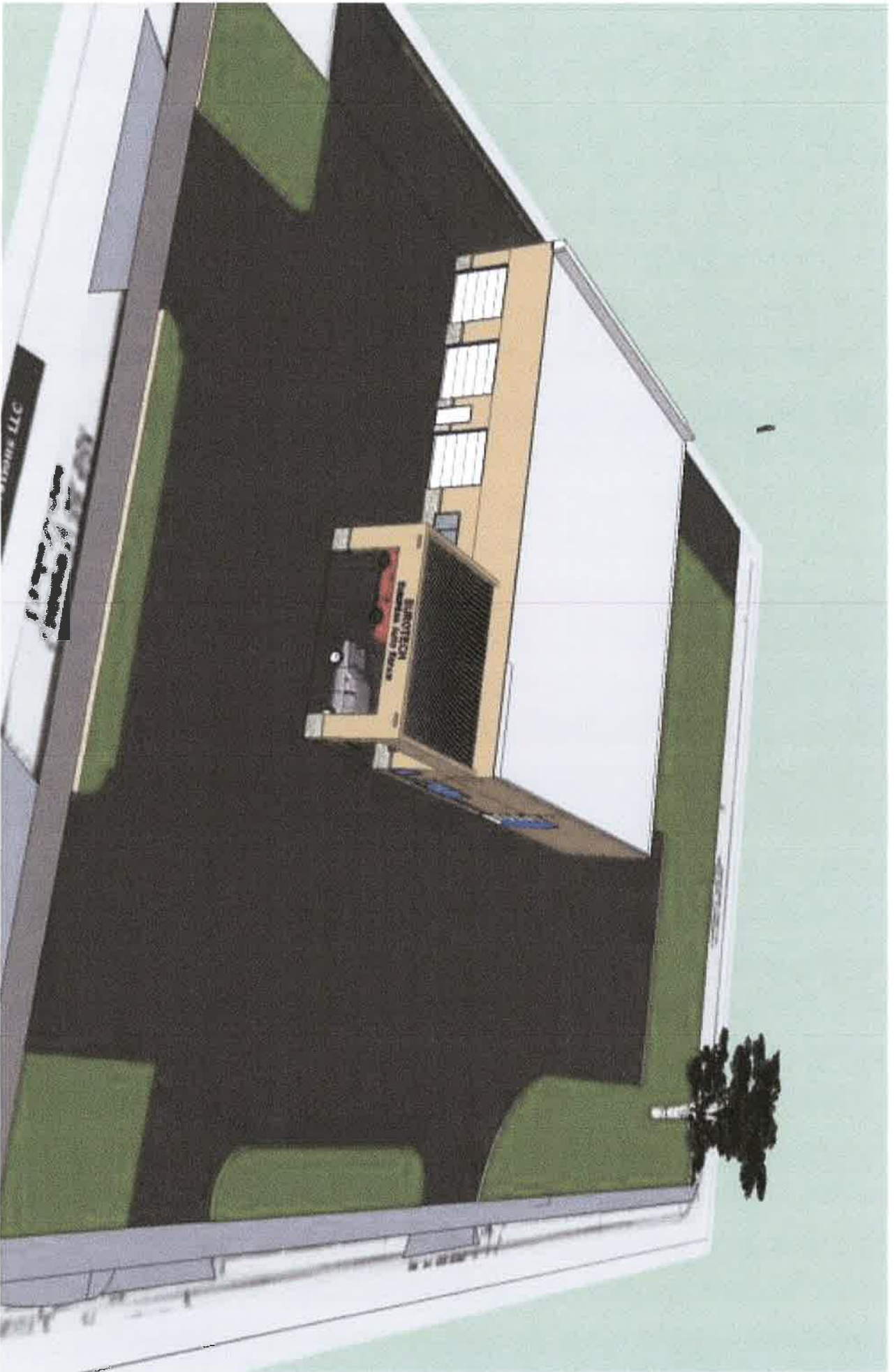
Flat pitch roof, 3 ply with cap
3" slope from existing to front
4 scuppers at front

26' 3 3/16"

32' 7"







RESOLUTION NO. 84-53
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING NON-CONFORMING
USE PERMIT, NC-61.

WHEREAS, an application for a non-conforming use permit, NC-61, has been made by J & B Auto Service to allow for construction of a building addition on a site with Type IV non-conformities; and

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

1. That an application for a non-conforming use permit, NC-61 was filed with the City on April 11, 1984.
2. That the Planning Commission pursuant of published and mailed notices held a public hearing on April 17, 1984.
3. That written comments and analysis of the City Planner were considered and all persons present were given an opportunity to be heard.
4. That the application for non-conforming use permit NC-61 was reviewed by the City Council on April 24, 1984.
5. That the comments and analysis of Staff and the Planning Commission minutes and recommendations were considered.

NOW THEREFORE BE IT RESOLVED by the City Council that the following Findings of Fact are made in respect to NC-61:

1. That the site has the following Type IV non-conformities:
 - a. More than the two allowed driveway entrances.
 - b. Two driveway entrances within 50 feet of a street right-of-way line of a street intersection.
 - c. More than the allowed driveway widths for those driveway entrances on Old Highway #8.
 - d. Less than the required front and side yard landscaping.
 - e. Curbing which does not meet zoning code requirements.
2. That the applicant has done everything practical to reduce the existing non-conformities by:
 - a. Bringing all driveway widths into conformance with the present zoning.
 - b. Increasing the distance of the northern Old Highway #8 entrance from 20 feet to 29 feet from the street intersection.
 - c. Increased the side yard landscaping to 15 feet.
 - d. Replaced all existing curbing with poured in place concrete curbing.
 - e. Provided screening between the outside parking area and the single family homes to the north and west.
 - f. Provided 25 outside parking stalls.
 - g. Extended landscaping on the southeast corner of the lot to the required 30 feet into the setback.

BE IT FURTHER RESOLVED that the City Council hereby approves NC-61.

Adopted this 24th day of April, 1984.


Gregory B. Marcus, Mayor

PLANNING REPORT

DATE: May 14, 2014
CASE: SP2014-003
SUBJECT: Special Use Permit to allow an automotive repair business at 2166/2176 Silver Lake Road
APPLICANT: Evan Staples on behalf of Honest-1 Auto Care

REQUEST & BACKGROUND

The applicant is requesting a Special Use Permit to allow operation of an automotive repair business out of the existing building/storefront at the north end of Rice Creek Shopping Center, specifically 2166/2176 Silver Lake Road, known as the former Lowell's Auto Parts store. The property is zoned B-3, General Business whereby Zoning Code Section 5-240(7) states that "automotive services, service stations, service garages..." are a specially permitted use. The applicant intends to occupy storefront facing Silver Lake Road, as well as renovate the eastern and northern façades of the building. The improvements to the eastern façade include minor changes to the mansard roof line and the addition of two pillars. The improvements to the northern façade consist of removal of the main windows, door, and mansard roof and installation of five new overhead service doors. The proposed build out of the space would include seven service bays facing Mississippi Street and a storefront/lobby/waiting area along Silver Lake Road. Other than the northern and eastern façade renovations, no other exterior improvements are proposed to the site, including to the existing surface parking lot, which is adequate to serve the business's needs.

This portion of Rice Creek Shopping Center has been vacant for at least the last 8 years. The proposed business will have to co-exist with the existing China Tiger restaurant, which would remain. None of the parking or traffic flow patterns will be altered and existing shared parking and access easements will be unaffected.

ATTACHMENTS

- A – Resolution
- B – Project Location Map
- C – Zoning Map
- D – Aerial Photo
- E – Neighborhood Notification Map
- F – Applicant Narrative
- G – Interoffice Engineering Memo
- H – Interoffice Building Inspections Memo
- H – Existing Conditions Survey
- I – Floor Plan (outlined in red)
- J – Floor Plan Detail
- K – Existing Elevations
- L – Proposed Elevations

FINDINGS

Section 5-240. Special Permitted Uses in a B-3 District.

SITE CHARACTERISTICS

Location:	2166 – 2186 Silver Lake Road (northern section of Rice Creek Shopping Center)
Lot Size:	100,188 SF (2.3 acres)
Topography:	flat
Comprehensive Plan Designation:	CB, Community Business
Zoning:	B – 3, General Business
Surrounding Land Uses:	
North:	Mississippi Street, car wash, other retail
South:	Rice Creek Shopping Center (retail)
East:	parking, Silver Lake Road, auto service use
West:	apartments, retail, office

SPECIAL USE PERMIT ANALYSIS

Automotive repair uses are a specially permitted use in the B-3, General Business zoning district per Zoning Code Section 5-240(7). The proposed use would occupy approximately 5,500 SF of existing space in the Rice Creek Shopping Center. Because the applicant is not proposing any expansion to the building's footprint or parking lot, a Site Plan review is not necessary. Additionally, any outdoor storage would be prohibited under B-3 district standards. In order to consider a special use permit, the Planning Commission shall find that the proposed use meets the following special use permit criteria (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 location of the proposed use is within a predominately service commercial retail area, including other automotive uses and a car wash. The applicant's narrative outlines their proposed business plan, which tends to be more compatible with surrounding uses than a typical automotive repair business based on their clientele, the services they provide, and the lobby/waiting area available. Additionally, being no body work would be allowed, the noise generated by the business would be minimal and the exterior doors do not face any residential uses. Because of these reasons, staff finds this criterion to be met.

- 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 this criterion to be met. The proposed use will likely not negatively impact the use or enjoyment of other property in the immediate vicinity in that the characteristics of this business are very similar to the characteristics of surrounding businesses. One could also argue that the proposed use, and the proposed improvements to the building, will have a positive impact in that this area of the Rice Creek Shopping Center has been vacant for years and the introduction of a new use could revitalize the area. The applicant has proposed hours of operation within the written narrative, which consists of 7am – 7pm weekdays, 8am – 4pm Saturday, and closed Sunday. These hours should not have a negative impact to use or enjoyment of surrounding property.

- 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 area is fully developed and future changes likely would only consist of tenant improvements/change-outs to existing spaces. The underlying B-3 zoning exists to accommodate service commercial and retail uses for the community, which the Honest-1 Auto Care use is consistent with. Additionally, the special use permit will impose conditions to the operation to ensure no negative impacts to surrounding uses or businesses result.

- 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 existing parking lot has more than adequate parking to serve the needs and requirements of the proposed use. Based on a 5,500 SF seven service bay operation, the Zoning Code would require approximately 40 parking stalls with approximately 64 parking stalls available in the parking lot off Mississippi Street. Much more additional parking is available in the Silver Lake Road parking lot, even after factoring in the needs of the existing restaurant and retail uses. Additionally, there are shared parking and access easements with the properties to the south (also Rice Creek Shopping Center) and to the west (office building) where there is an access point off Mississippi Street and Silver Lake Road, as well as from private road just west of the adjacent office use. These easements will remain unaffected.

A grading plan has been requested by the Engineering/Public Works Department to ensure the installation of the new overhead doors and driveway aprons on the north façade will drain properly and not negatively impact existing businesses. This grading plan will be required at the time of building permit and must be reviewed and approved by the Senior Engineering Supervisor, Craig Schlichting (see attached Interoffice Memo).

- 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. However, there are several parking lot setback nonconformities on the property worth noting for the record, including:

- Front yard parking lot setback to Silver Lake Road less than 30'*
- Side yard parking lot setback adjacent to the auto repair business at corner less than 5'*
- Side/rear yard parking lot setback to west (Meadowood Shores apartments) less than 5'*

Because this request essentially amounts to a tenant improvement vs a new building and/or an expansion, a nonconforming use permit wasn't required. In the mid-1990's, several improvements were made to the Rice Creek Shopping Center, its parking lot, and its access points, and the Meadowood Shores apartments were constructed. At the time, there was an intent to improve access and circulation and maintain as much of the parking as possible for existing and future tenants. This is likely why these nonconformities have remained over time. Staff finds this project likely doesn't rise to the level whereby major parking lot improvements are appropriate.

The Public Safety Department expressed concern regarding graffiti on the parking lot signage, dumpster enclosure, and on the western wall of the building. Graffiti is a nuisance under City Code Chapter 17. Staff recommends the applicant be required to remove/paint over all the graffiti in connection with this proposal.

Lastly, introduction of an automotive repair business into a multi-tenant building triggers Building Code improvements. The Building Official has prepared a brief memo (see attached) outlining some key topics that will be examined at the building permit phase. This memo is attached as advance notification to the applicant.

To conclude, staff finds the special use permit criteria of Zoning Code Section 8-130 to be met, subject to conditions.

STAFF RECOMMENDATION

Staff recommends approval of the Special Use Permit as requested and subject to the following conditions:

- 1) A grading plan shall be submitted for Engineering/Public Works Department review and approval at the time of building permit. The plan shall depict existing contours, proposed removals of bituminous, concrete, etc. and proposed contours and spot elevations illustrating how the new driveway aprons for the new overhead doors will be installed.
- 2) Existing graffiti on the parking lot signage, trash enclosure, and west wall of the building shall be removed/painted over prior to issuance of a building permit.
- 3) Exterior storage or display is prohibited.
- 4) Occasional overnight parking of vehicles shall not exceed 5 cars, all of which shall be fully operable with current license tabs. Any other vehicles shall be stored indoors overnight.
- 5) Vehicle sales are prohibited.
- 6) Installation of wall or ground mounted signs requires a separate Sign Permit.



Janice Gundlach, City Planner

**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 Evan Staples on behalf of Honest-1 Auto Care requesting a special use permit to allow operation of a automotive services use out of the existing vacate tenant space at 2166/2176 Silver Lake Road, known as the Rice Creek Shopping Center.

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

1. An application for a Special Use Permit was received on May 2, 2014.
2. A public hearing notice was published in the New Brighton area *Sun Focus* on May 9, 2014.
3. Public hearing notices were mailed to property owners within 350' of the applicant's property on May 7, 2014.
4. The Planning Commission, pursuant to published and mailed notices, held a public hearing on May 20, 2014 where all interested parties were heard.
5. The Planning Commission recommended approval to the City Council on May 20, 2014, subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Special Use Permit (SP2014-003):

1. The property is zoned B – 3, General Business.
2. The property is guided in the Comprehensive Plan for CB, Community Business.
3. The property address is 2166/2176 Silver Lake Road, an existing tenant space at the north end of Rice Creek Shopping Center formerly known as the Lowell Auto Parts store.
4. The applicant is proposing to operate a 5,500 SF automotive repair services use (not including body work), consisting of seven service bays facing Mississippi Street and a lobby/waiting area storefront facing Silver Lake Road.
5. The proposal includes renovations to the existing eastern and northern building façades, but no other exterior improvements/changes.
6. In accordance with Zoning Code Section 5-240(7) a special use permit is required for automotive service uses.
7. 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, based on the following findings:
- a. The proposed use is similar to other retail/service commercial uses in the immediate vicinity.
 - b. The overhead service bays face north towards Mississippi Street, away from the nearby residential uses in the area.
 - c. The proposed renovations to the northern and eastern building facades will be an improvement to the building, which has remained vacant for at least the last 8 years, as well as possibly serve to revitalize the area.
 - d. The proposed hours of operation will not have a negative impact on the surrounding area.
 - e. Adequate off-street parking is provided on site.
 - f. The applicant doesn't intend to store any equipment, merchandise, or automobiles outdoors.

NOW THEREFORE BE IT RESOLVED that based upon the above findings of fact the application for a Special Use Permit (SP2014-003) is hereby recommended to the City Council for approval, subject to the following conditions:

- 1. A grading plan shall be submitted for Engineering/Public Works Department review and approval at the time of building permit. The plan shall depict existing contours, proposed removals of bituminous, concrete, etc. and proposed contours and spot elevations illustrating how the new driveway aprons for the new overhead doors will be installed.
- 2. Existing graffiti on the parking lot signage, trash enclosure, and west wall of the building shall be removed/painted over prior to issuance of a building permit.
- 3. Exterior storage or display is prohibited.
- 4. Occasional overnight parking of vehicles shall not exceed 5 cars, all of which shall be fully operable with current license tabs. Any other vehicles shall be stored indoors overnight.
- 5. Vehicle sales are prohibited.
- 6. Installation of wall or ground mounted signs requires a separate Sign Permit.

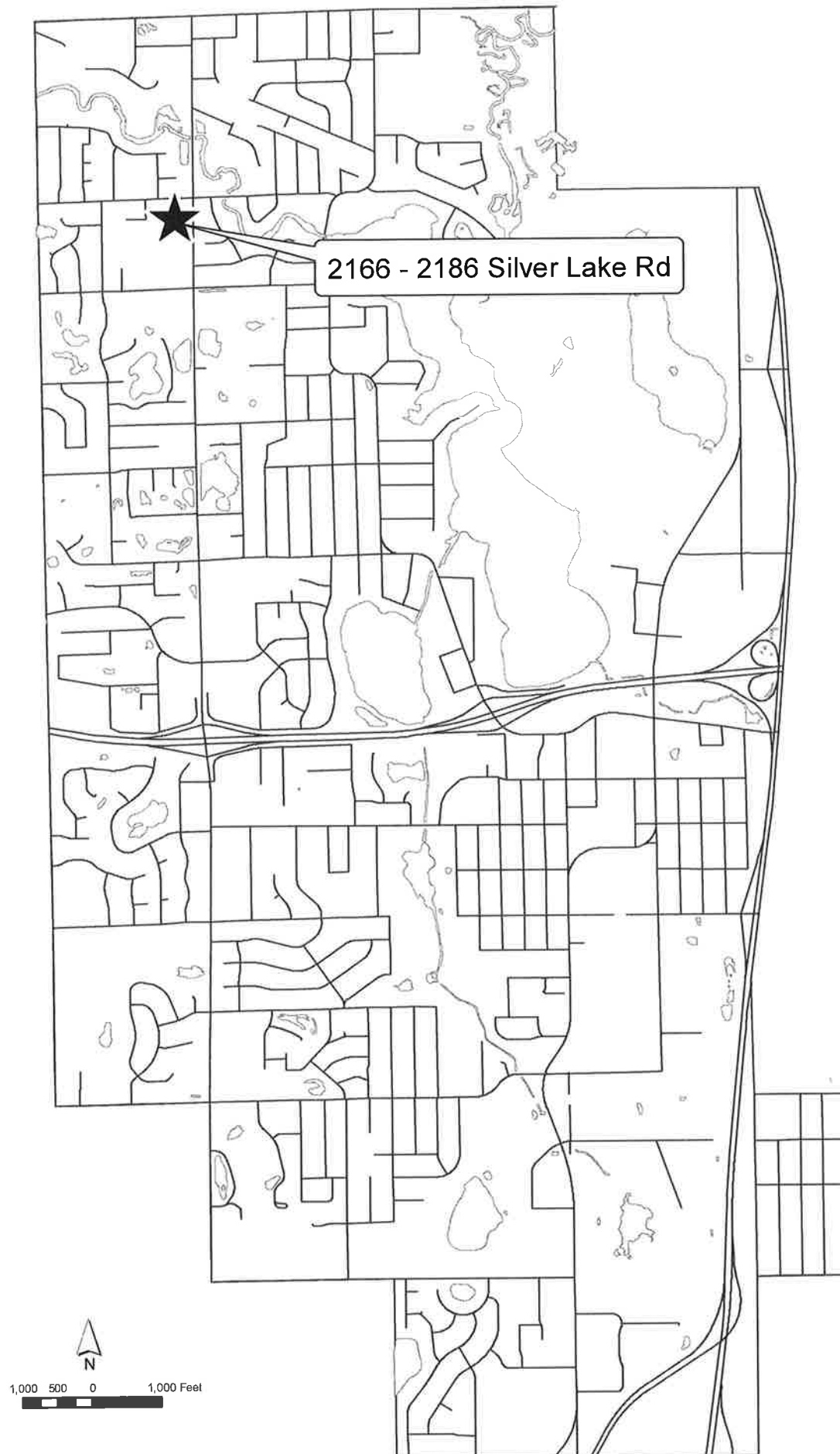
Adopted this 20th day of May, 2014.

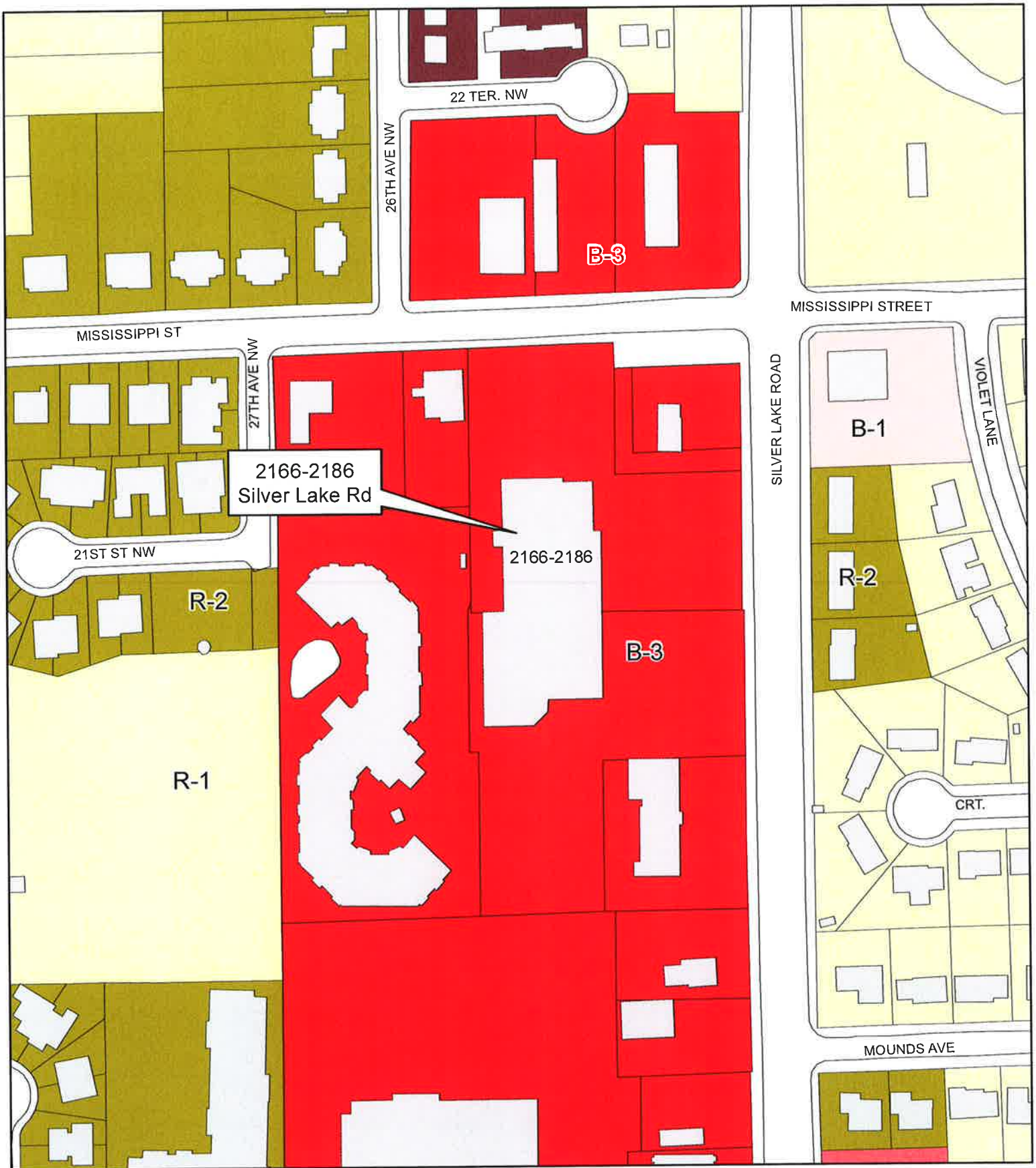
Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 2166 - 2186 Silver Lake Rd.

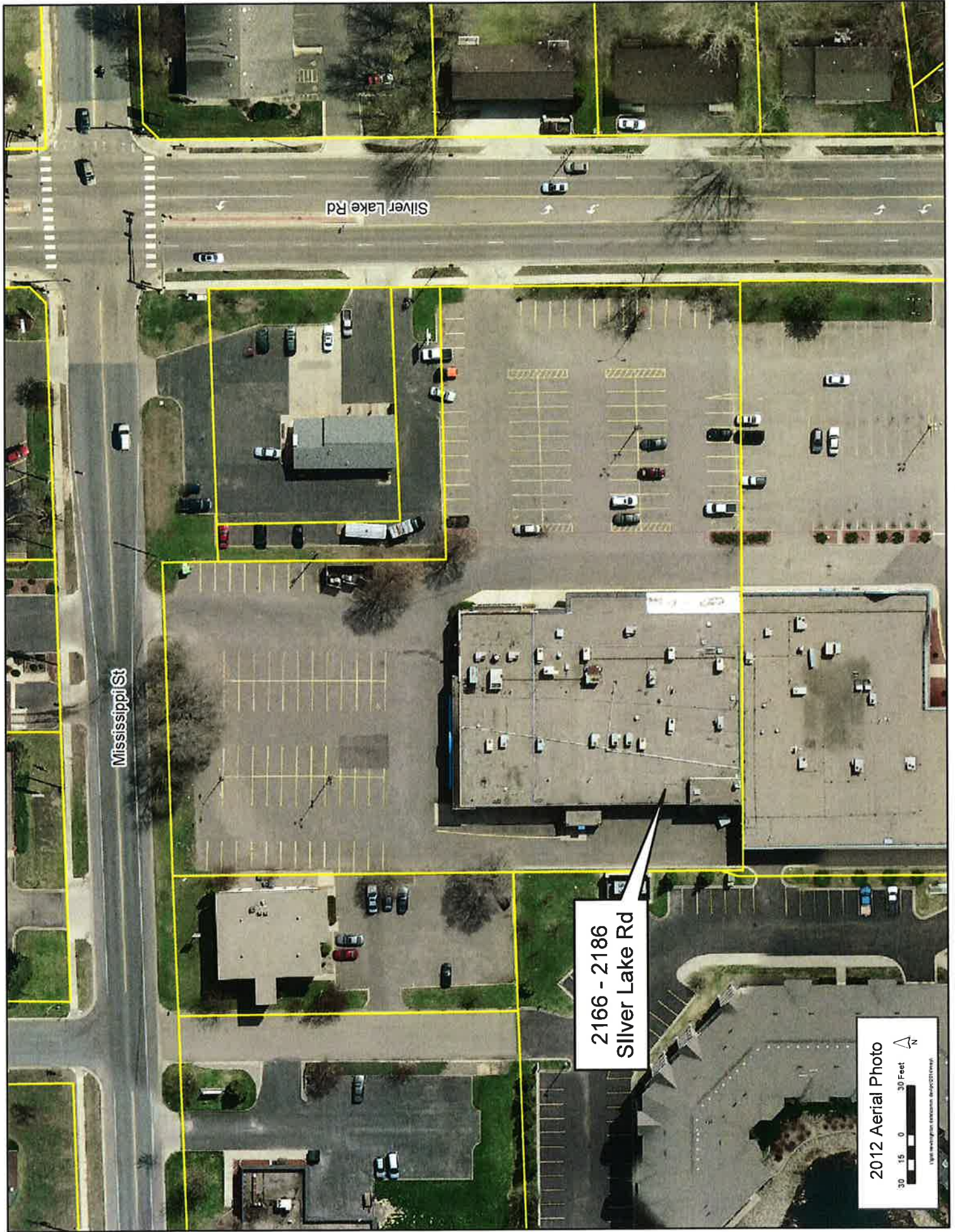




- B-1, Limited Business
- B-2, Neighborhood Business
- B-3, General Business
- R-1, Single Family Residential
- R-2, Two Family Residential
- R-3B, High Density Residential



Current Zoning
2166 - 2186 Silver Lake Rd.
B-3, General Business



2166 - 2186
Silver Lake Rd

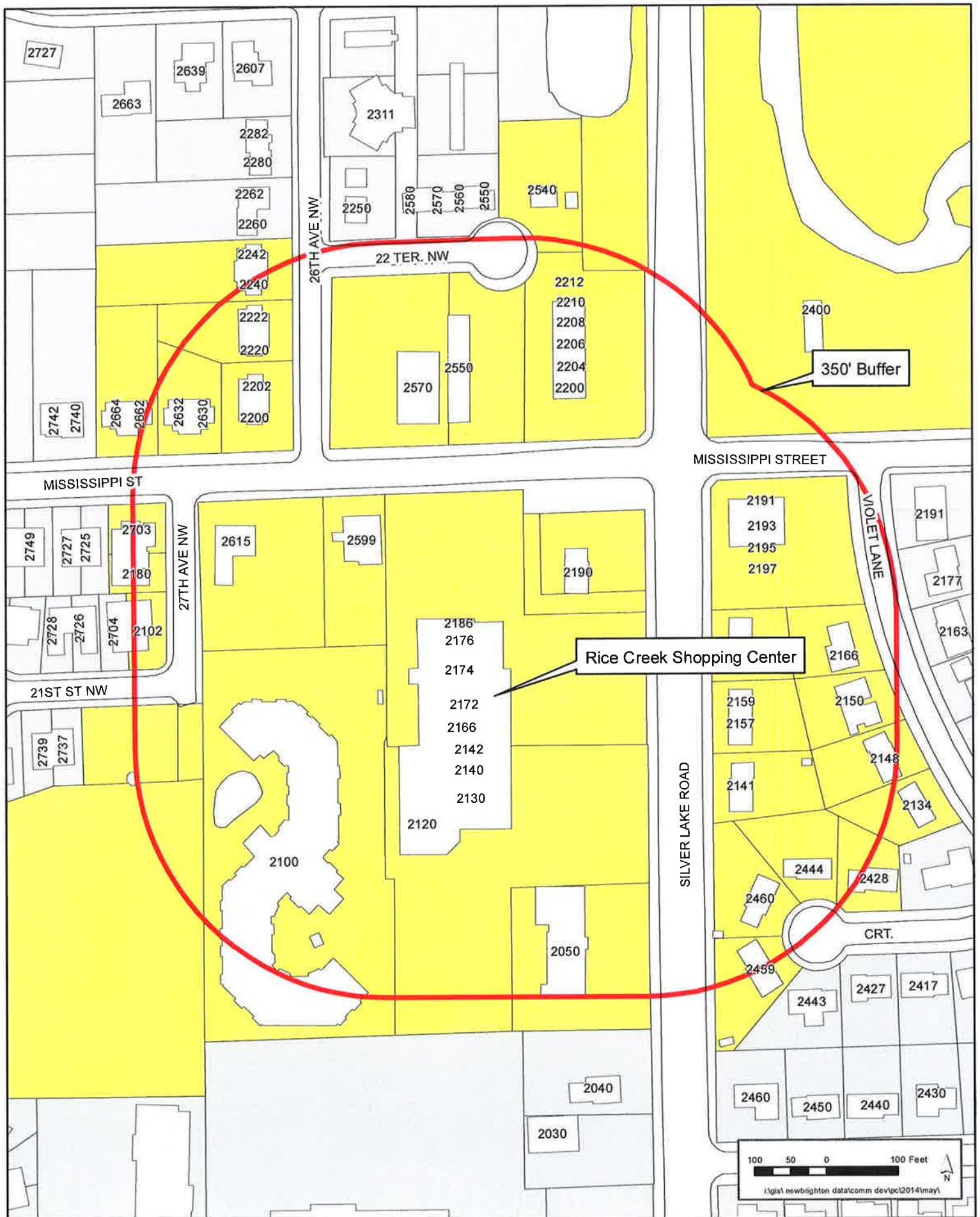
2012 Aerial Photo

30 15 0 30 Feet

North Arrow

Light version of the map is available at: <http://www.mn.gov>

Mailing For 2166/2176/2186 Silver Lake Rd



Narrative for Honest-1 Auto Care

Proposed location at 2166 Silver Lake Road, New Brighton

Why Grant a Special Use Permit for Honest-1?

We have worked extremely well with the other communities where we have opened Honest-1 locations in the last several years, including three other locations in shopping centers. If approved, this will be the thirteenth location we have opened in the metro area with the goal of providing a better experience with auto repair. We are very respectful of the rules and regulations governing auto repair, but more importantly, we want to fit in seamlessly with the development around our locations. We fully understand the connotation of auto repair brings to mind dirty, noisy locations, with broken down cars sitting in the parking lot for weeks on end. This is not our business! The fact that the industry has this reputation actually makes it easier for us to compete. We provide dealership level service, at a lower price, with a better warranty, all while being more respectful of the environment.

We desire to build long-term relationships with our customers and communities. We provide a required service, but we try to do it in the least obtrusive way possible. We recycle the majority of the waste produced, take steps to limit/reduce noise from repair, and always take care to store vehicles in need of repair inside. These factors help maintain the appearance of the neighborhood, while providing a valuable service at the same time. Additionally, given our targeted clientele, we will be bringing high quality traffic to the neighboring business and should add some needed stability to the center.

Honest-1 Background:

Honest-1's locations are looking toward the future of car care by taking the leading role in being eco-friendly. With a growing number of customers concerned about the environment and the increased number of eco-friendly cars on the road, Honest-1 provides trademarked services to decrease emissions and increase mileage like ECO Tune-up® and ECO Oil Change®. On top of being environmentally responsible, Honest-1 is taking an active role in helping consumers invest in the life of their vehicles. Honest-1 executes four eco-friendly actions companywide, including strict recycling of auto materials, pollution prevention, and resource conservation. In addition to its high standards to be environmentally responsible, Honest-1 is committed to all-around quality customer service unprecedented in the auto repair and maintenance industry. Each Honest-1 staff member and technician is thoroughly trained to meet company-set standards, which are designed to make the maintenance process less intimidating for non-auto enthusiasts while providing, upfront honest service. Honest-1 centers are family-friendly, and are characterized by clean and upscale waiting

areas, Internet cafés, children's play areas, leather chairs and couches, HDTV and complimentary beverage stations.

We provide the best warranty in the area, at 3 years / 36,000 miles on all parts and labor, and offer complimentary roadside assistance to all customers that spend more than \$25 with us.

In the Minneapolis MSA, 71% of our customers bringing in vehicles for service are female. Honest-1 Lobby's are designed to be family friendly with upscale features like leather chairs and couches, Internet café, complimentary beverages, large screen TVs, secured children's play areas, and tiled upscale restrooms (Please see attached interior pictures for some of these features). Honest-1 offers a variety of services and products designed to lengthen the life of vehicles while maximizing fuel efficiency and reducing engine emissions in support of the environment. This is enhanced with our own proprietary eco-friendly fluid line. We also have created our own program to ensure that all of our centers are eco-friendly underneath our proprietary ESA program. Lastly, Honest-1 Auto Care offers customer shuttle services to make the experience as painless and convenient as possible.

Background on the Applicant

On February 20th, 2012, I opened the doors to the Honest-1 Auto Care at 10705 University Ave NE, Blaine MN, 55434. We opened with five full time employees and five service bays. The response from the community was overwhelming, and last year we expanded to a nine bay facility with nine full time employees. I'm very proud of the work my guys have done to serve the community, grow the business, and bring jobs to Blaine. We want to recreate this in New Brighton.

I have personally had several poor experiences as a customer of the industry. I never found a facility I could trust. When I caught the shop I was using trying to blatantly con me into redoing work they had done at my last visit, I knew there needed to be a change in the industry. My answer was to open my own shop. It took me a couple years to find the right concept and people, then thankfully I came across Honest-1. Our values and mission are completely aligned.

My background is in finance and accounting. I still haven't learned how to fix a car, and I intend not to. Not knowing helps me identify with the customer to make sure they are getting the best service in the industry.

Target Customers:

Our target market is middle class America and in particular female and ecological conscious consumers. We believe our target customer fits in well with the existing tenants of the center, and we provide a needed service. These customers cannot be without their vehicles. They need them for work, taking their kids to school, shopping etc... Being without their

vehicles for any extended period of time would be a major interruption in their lives and livelihood. This market segment already understands the need for properly maintaining their vehicles and is in search for automotive centers that can not only make this maintenance routine easier, but someone that they can trust to perform these services properly and as environmentally friendly as possible. Our business position is to take advantage of this need and provide the confidence in "Home of Honest Mechanics"™.

We believe strongly in building trust through education and always giving a complete picture of what is going on with a customer's vehicle. We want to build long-term relationship with our customer's and the communities we serve. I believe this is best captured by our corporate slogan, "The Most Important Part is You."

Parking Plan:

Please see the attached overhead color picture that shows the parking on the North and East sides of the business. We will be using primarily the North lot, that has over 60 parking spots not currently being utilized. This more than meets the zoning requirements for our use.

Vehicle Treatment & Storage:

To the extent possible, all vehicles remaining on the property outside of normal business hours will be stored inside. In situations where we have too many vehicles remaining on the property, all vehicles in the parking lot will be in parked in a well lit area of the parking lot, with doors locked and in fully functional condition. Under no circumstances will be storing vehicles for an extended period of time, working on cars outside of the building, or storing unrepaired cars in the lot. We are not in the business of selling or storing vehicles. The vast majority of our business is same day service.

Hours of Operating:

Below are the hours we intend to operate upon opening. At one center in the metro, we have trialed Sunday hours. If we decide to add Sunday hours it would be from 9am to 4pm.

Monday through Friday: 7am to 7pm

Saturday: 8am to 4pm

Sunday: Closed

Construction:

The East facing store front will primarily consist of new exterior signage and a remodeling of the interior. This will serve as the customer entrance and lobby area. We will need to make structural changes to the North side of the building, facing Mississippi. We will be removing the current store front and windows and installing 5 overhead garage doors. All materials will be consistent with the current building design and the color will match the current exterior. We will be making no changes to the West side of the building.

Timeline:

We would like to start construction in late June. Assuming we get approval, we would anticipate the remodel to be completed within 60 days. The majority of this work would be inside, except for the bay door project on the North side. That portion should take approximately 3 weeks. We would like to be open for business by September 1, 2014.

Appendix 1: Interior Pictures of the Blaine Honest-1, owned by applicant.



Appendix 2: Pictures of East side, facing Silver Lake



Appendix 3: Picture of North side. Bays will be added where the Pronto store front is.



Appendix 4: Pictures of West side, which will be untouched. Last two pictures taken from Meadowwood front door to show their current view.





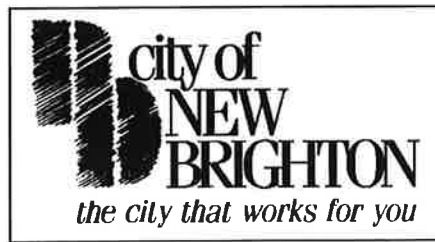
interoffice

MEMORANDUM

to: Janice Gundlach, City Planner
from: Craig Schlichting, Senior Engineering Supervisor
subject: Honest 1 – Auto Care
date: May 12, 2014

The Engineering Department has reviewed the site plan for the proposed Honest-1 Auto Care improvements and we offer the following comments;

1. It is not clear how traffic movement may change with the addition of the overhead doors on the north side of the building. If the parking lot is being re-stripped please show on plan.
2. There is currently a grade drop at the north end of the building. The plans need to show the existing grades, the proposed removals (bituminous, concrete, etc.), and the proposed improvements (i.e. new bituminous for ramping into the drive-ins) with the proposed grading (contours and spot elevations).



Building Inspection Department

INTEROFFICE MEMORANDUM

DATE: 5/14/14

TO: Janice Gundlach, City Planner

FROM: Geven Rabe

SUBJECT: Change of Use for building located at 2166/2176 Silver Lake Road

The building at this address was last an auto parts business, which is considered a B occupancy. The existing building is of B2 construction and is sprinkled though-out.

The proposal is to remodel this tenant space into an auto repair business, which would contain both B & S1 occupancies. This tenant build-out would be next to an existing tenant space which is a restaurant or an A3 occupancy. This requires a 1 hour rated wall separating the A3 from the S1 & B occupancies.

There would also have to be an exhaust air system within the auto repair area along with the heat and ventilation. A CO detection system with additional ventilation would have to be included in the overall design.

From a plumbing perspective, a floor drain system with a flammable waste trap would need to be designed and the plans submitted to the state for review and approval. The bathrooms, customer parking and access to the building would have to be ADA compliant.

A SAC determination will need to be done before a building permit would be issued for this project.

There would also have to be an engineer's design for altering the north wall to install overhead garage door(s).

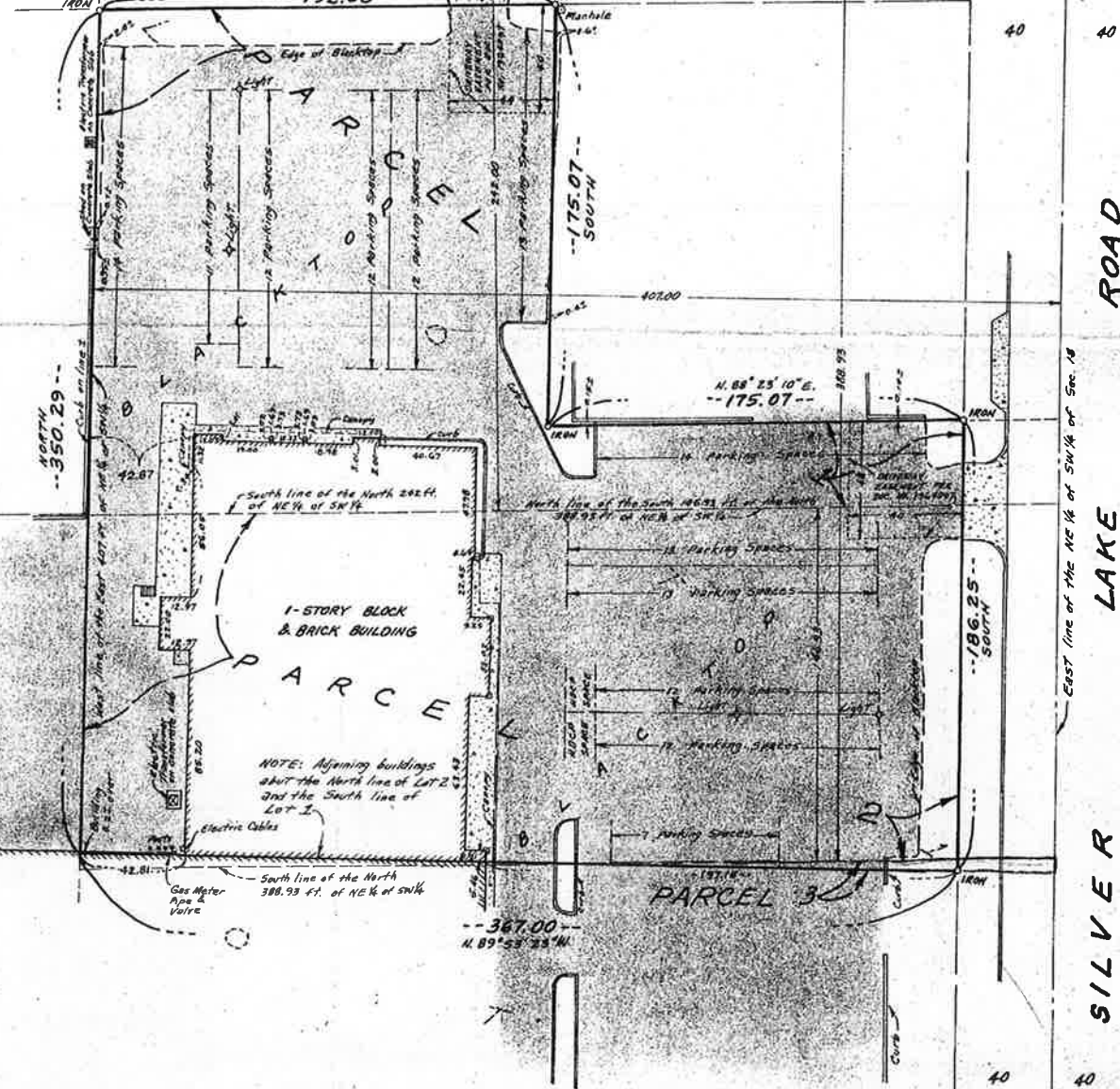
These comments are intended to be informational only and should not be construed as a comprehensive list of all Building Code requirements. A full plan review will be conducted once a building permit has been submitted and additional issues may be discovered at that time.

SCALE: 1"=40'

MISSISSIPPI STREET — 22ND STREET N.W.

North line of NE 1/4 of SW 1/4 of Sec. 18

N. 88° 25' 10" E.
--192.08--



ROAD

LAKE

SILVER

SURVEY FOR: LOWELL R. ZITSLOFF

I hereby certify to Lowell R. Zitsloff and Title Services, Inc., that this is a true and correct survey of:

(Description as contained in Title Services, Inc. Commitment No. C20520.)

Parcel 1: (Torrens)

That part of Lot 1, Block 1, RICE CREEK PLAZA, lying within the East 407 feet of the North 242 feet of the Southwest Quarter, Section 18, Township 30, Range 23, subject to 22nd Street North and Silver Lake Road, according to the U. S. Government Survey.

Parcel 2: (Abstract)

Lot 1, Block 1, RICE CREEK PLAZA, except that part lying within the East 407 feet of the North 242 feet of the Southwest Quarter, Section 18, Township 30, Range 23, and except that part of Lot 1, Block 1, RICE CREEK PLAZA, lying South of the South line of the North 388.93 feet of the Northeast Quarter of the Southwest Quarter of Section 18, Township 30, Range 23, subject to 22nd Street North and Silver Lake Road.

Parcel 3: (Abstract)

That part of Lot 1, Block 1, RICE CREEK PLAZA, lying South of the South line of the North 388.93 feet of the Northeast Quarter of the Southwest Quarter of Section 18, Township 30, Range 23.

And correctly shows the location of all easements, as contained in Title Services, Inc. Commitment No. C20520, except as noted below, all buildings, structures, and improvements on said described property; that there are no visible encroachments onto adjoining properties, streets, or alleys by any of said buildings, structures, or improvements; that there are no visible rights-of-way or easements on said described property other than shown thereon; that there are no party walls or visible encroachments on said described property by buildings, structures, or other improvements situated on adjoining property except as shown on said plat of survey.

Dated this 19th day of March, 1987.

EGAN, FIELD & NOWAK, INC.
Surveyors

by Bruce W. Grivna
Bruce W. Grivna
Minnesota License No. 17253

NOTES: Bearings shown are assumed.

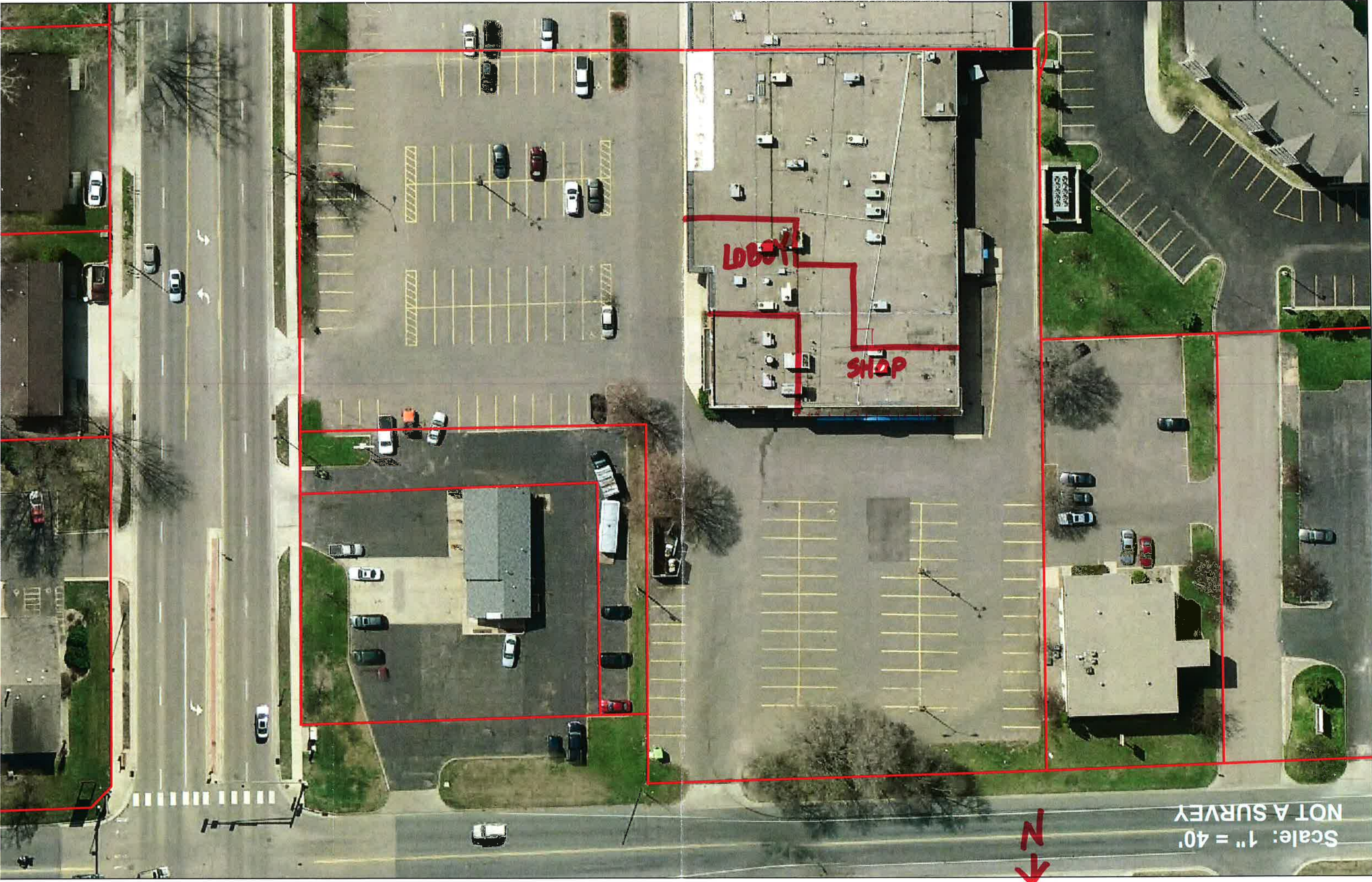
Area of Lot 1, Block 1, RICE CREEK PLAZA is 99,945 square feet or 2.294 acres.

This property is subject to a mutual and reciprocal covenant agreement as per Document No. 1964098.

This property is subject to a reciprocal easement agreement and restrictive covenant agreement as per Document No. 1964099. This Document refers to easements shown on certain colored exhibits. Documents furnished do not show colors, therefore, exact location cannot be determined.

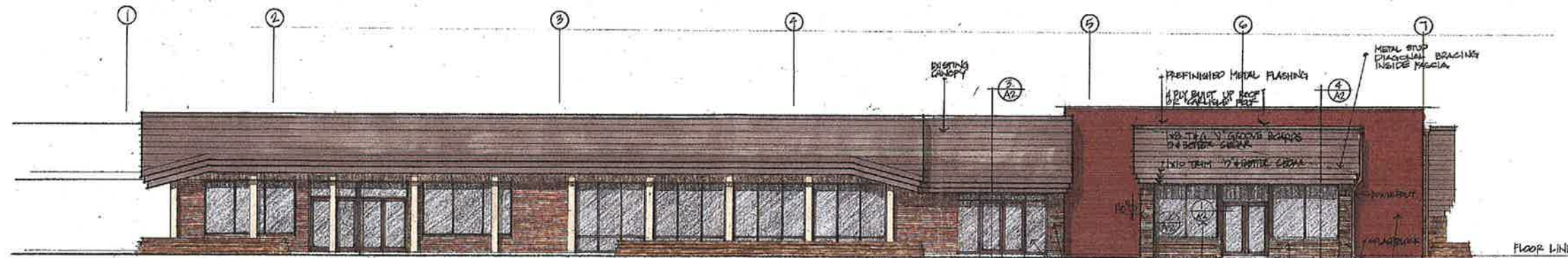
Parcel 3 is subject to certain restrictions as stated in Warranty Deed Document No. 1848978, but Parcel 3 is not affected by the utility easements mentioned therein.

Parcel 2 is subject to certain restrictions as stated in Warranty Deed Document No. 1725910.

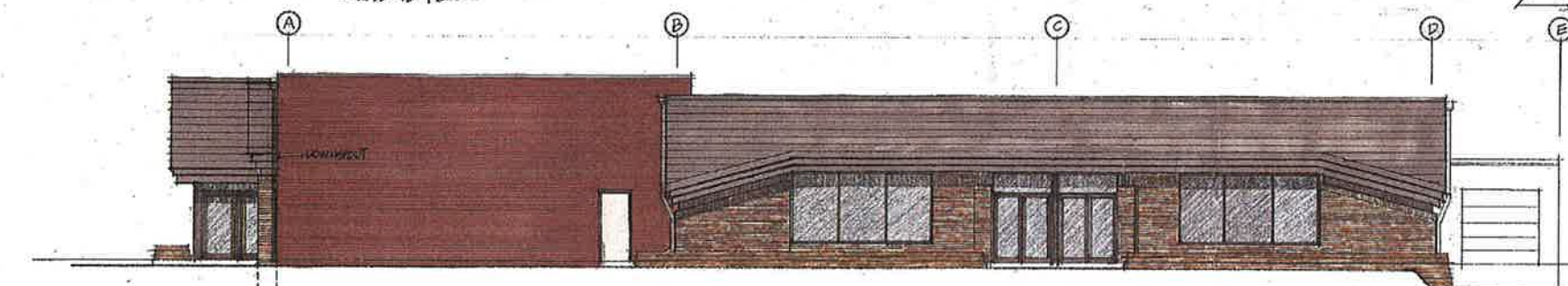


Scale: 1" = 40'
NOT A SURVEY



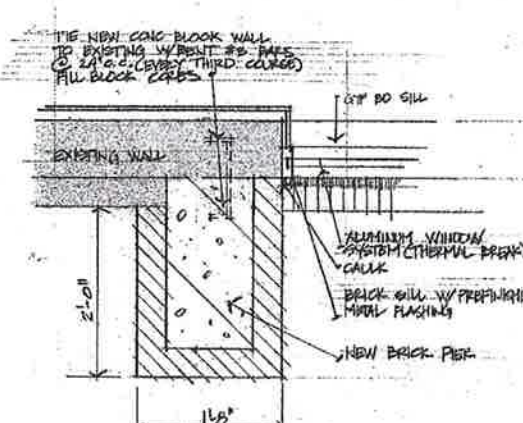
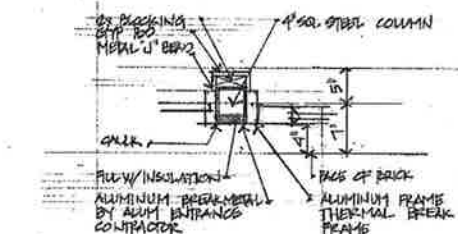


EAST ELEVATION
SCALE: 1/8" = 1'-0"

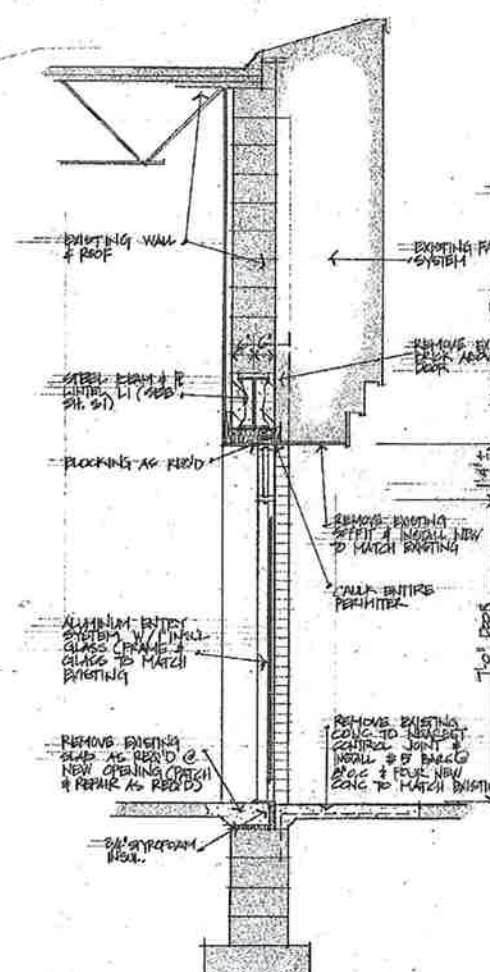


NORTH ELEVATION
SCALE: 1/8" = 1'-0"

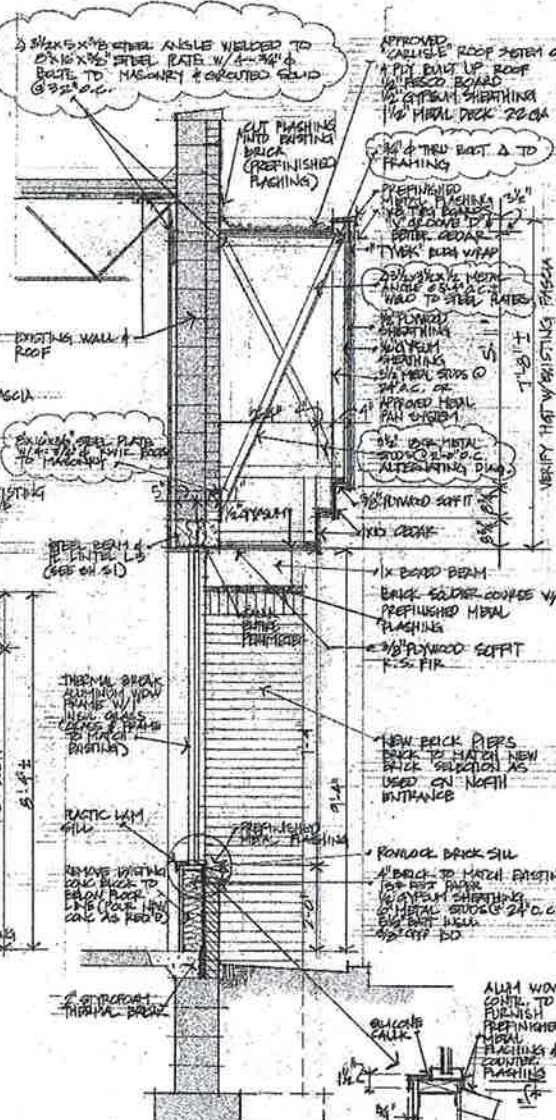
1 WINDOW MULLION DETAIL
SCALE: 1" = 1'-0"



2 BRICK PIER DETAIL
SCALE: 1" = 1'-0"



3 NEW ENTRANCE & EXISTING WALL
SCALE: 1/8" = 1'-0"



4 NEW WINDOWS & EXISTING WALL
SCALE: 1/8" = 1'-0"

BRUCE W. SCHMITT & ASSOCIATES P.A.
319 BARRY AVENUE SOUTH
WAYZATA, MINNESOTA 55391
(612) 476-6222

ARCHITECTS

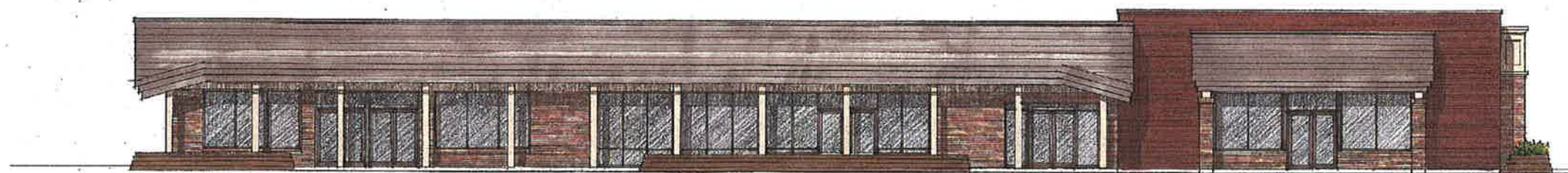
STORE REMODELING FOR
LNR PROPERTIES
New Brighton, Minnesota

JUNE 21, 1988
REVISED: MARCH 6, 1990
REVISED: APRIL 2, 1990
COLORED: MAY 2, 2014

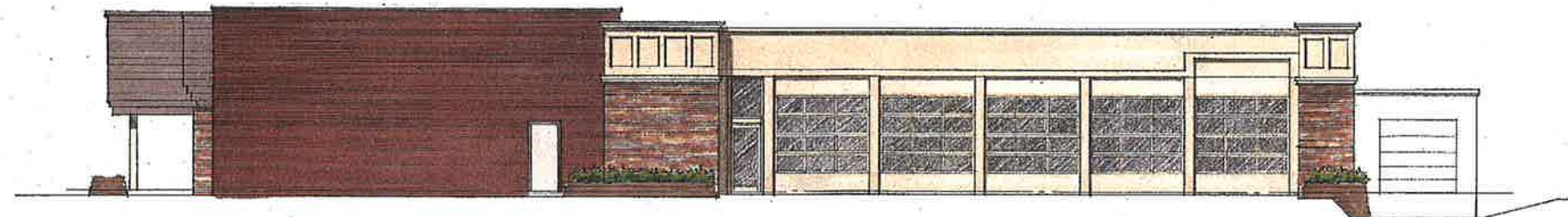
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.
Date 6/27/88 Reg. No. 12459

SHEET No.
A2
OF A2

BS-190(CA)



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



NORTH ELEVATION
SCALE: 1/8" = 1'-0"

BRUCE W. SCHMITT & ASSOCIATES, P.A.
320 MANITOBA AVENUE, SOUTH
WAYZATA, MINNESOTA 55391
(952) 476-6722
ARCHITECTS

STORE REMODELING FOR
LNR PROPERTIES
New Brighton, Minnesota

MAY 7 2014