

## **AGENDA**

NEW BRIGHTON PLANNING COMMISSION  
REGULAR MEETING

**TUESDAY, JANUARY 17, 2012**  
**7:00 P.M.**

**1. Call to Order:**

**2. Roll Call:**

_____ <b>Bruce Howard</b>	_____ <b>James Alvey</b>	_____ <b>Michael Shardlow</b>	_____ <b>Verne McPherson</b>
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_____ <b>Steve Danger</b>	_____ <b>Greg Meyers</b>	_____ <b>Erin Nichols Matkaiti</b>
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**3. Agenda Review**

**4. Approval of Minutes**

(A) November 15, 2011

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

**6. Public Hearings**

(A) Bell Lumber and Pole Company requests an amendment to a previously approved Site Plan and Nonconforming Use Permit pertaining to a second story addition and revised surface parking areas at 778 1<sup>st</sup> ST NW.

(B) City of New Brighton requests a Zoning Code Amendment to Chapter 9 of the Zoning Code, specifically Section 9-046, regarding use and display temporary signs.

**7. Adjourn:** \_\_\_\_\_

## PLANNING COMMISSION PROCEEDINGS

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### **Regular Meeting–November 15, 2011 7:00 p.m.**

**Present:** Chairperson Bruce Howard, Commissioners Greg Meyers, Erin Nichols-Matkaiti, James Alvey Michael Shardlow, Verne McPherson and Steve Danger

**Absent:**

**Also Present:** Janice Gundlach-City Planner, Councilmember Gina Bauman, and Katie Bruno-Office Assistant

**Agenda Review:**

No changes

**Minutes:**

Motion by Commissioner Alvey, seconded by Commissioner McPherson to approve the minutes from the October 18, 2011 meeting.

7-0 Motion Carried

**Council Action:** Councilmember Bauman reported that the Council approved the recent request from Barley Johns Brewpub for a solar array, with a few additional requirements relating to the functionality of the solar panels. The Council will continue to review the budget in the coming weeks.

**Public Hearing:**

- (A) Tomco Company Inc. on behalf of Gary and Kristin Johnson request a Special Use Permit to allow a 4.5' encroachment of the front yard setback for construction of a covered entry at 1672 Canyon Lane.

City Planner Gundlach reported that Tomco Company, the owner's contractor, is requesting the special use permit on behalf of the homeowners. The request would allow a 4.5' encroachment of the front yard setback for a covered entry at 1672 Canyon Lane. The actual dimensions are 4.5' x 7.5' (correction from the report). The applicant is in the process of completing other improvements at the home, including new steps, a new railing, and retaining walls, all in support of an improved front entry.

Zoning Code Section 4-040 (3) (B) allows a maximum encroachment of the front yard setback of 6' subject to the following conditions:

- Same exterior colors & materials as the principal structure are used
- The proposed roof properly proportions to the existing roof
- The base is not open in appearance
- Maximum width of the encroachment is 35% of the width of the home

Commissioner Danger asked about restrictions concerning the closing in of the front entry in the future. Planner Gundlach reported that the applicant would have to appear before the planning commission, requesting an amendment to the Special Use Permit prior to doing so.

Chair Howard opened the Public Hearing at 7:07 p.m.

Tom Schiebout representing Tomco reported the proposed improvements will provide greater safety for the homeowners.

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

**7-0 Motion carried**

**The Public Hearing was closed at 7:10 p.m.**

**Motion by Commissioner Danger, seconded by Commissioner Shardlow to approve staff recommendation.**

**7-0 Motion carried**

### **Commission Business**

- (A) Quality Corp. on behalf of Hypro/Pentair Water requests a Site Plan approval to allow a 73' x 43' canopy addition on the rear of the existing building at 375 5<sup>th</sup> Ave NW.

City Planner Gundlach reported that the applicant is requesting Site Plan approval on behalf of the property owner – Hypro/Pentair Water. The Site Plan request would allow construction of a 73' x 43' canopy on the rear of the existing building at 375 5<sup>th</sup> AVE NW. The purpose of the addition is to cover metals recycling containers and prevent water from getting into them and thus not leaking metals-tainted water. The proposed canopy does not impact existing parking stalls or functionality of the surface parking lot and loading dock area.

The proposed peak height of 28.5' is well below the allowed height of 40'. No landscaping is required because the canopy does not constitute usable floor area.

The color of the canopy should ideally match the color of the building. Because of manufacturer specifications, this may not be possible. A dry sprinkler system should be implemented and site drainage patterns must be improved.

City Planner Gundlach stated that no public hearing is required.

Staff recommends the commission recommend the City Council approve the Site Plan, subject to the following three conditions:

- The 73' x 43' canopy shall be constructed in a manner consistent with the proposed plans attached to the Planning Report.
- The color of the canopy shall match the exterior color of the building, if it is possible through the manufacturer.
- The recommendations noted in the interoffice Public Safety, Public Works/Engineering, and Building Official Memos are implemented.

Commissioner McPherson asked if the canopy is flammable. Jim, representing Quality Corporation reported that the canopy fabric is fire retardant. Commissioner McPherson questioned the content of the materials that will be in the containers. It was reported that the chips are primarily aluminum, steel and brass.

Chairperson Howard asked Planner Gundlach to define usable floor space. City Planner Gundlach reported her interpretation of usable floor space would include things such as being fully enclosed and accessible from the interior, including warehouse, manufacturing and dock space.

Commissioner Danger asked the applicant if he has researched snow load issues. Planner Gundlach explained that the applicant will need to obtain a building permit, and the Building Official will review specifications.

Commissioner Alvey questioned the process in the event the canopy deteriorates. City Planner Gundlach reported there is language in the nuisance code to address that issue.

Chairperson Howard questioned if signage would be permitted on the canopy. Planner Gundlach stated that the canopy is in the rear of the building, and signs are permitted on the front and side only.

**Motion by Commissioner McPherson, seconded by Commissioner Alvey to approve staff recommendation.**

**7-0 Motion carried**

### **Adjournment**

Motion by Commissioner Nichols-Matkaiti, seconded Commissioner McPherson to adjourn.

7-0 Motion Carried

Adjourned at 7:26 pm

# **PLANNING REPORT**

**DATE:** January 12, 2012  
**CASE:** Revision to LP2011-005 & NC2011-002  
**SUBJECT:** Revision to Surface Parking Improvements Associated with the 2<sup>nd</sup> Story Office Addition Approved in October of 2011  
**APPLICANT:** Norm Wells Architect PA on behalf of Bell Lumber & Pole

## **REQUEST & BACKGROUND**

The applicant is requesting a revision to a Site Plan and Nonconforming Use Permit approved on October 25, 2011. That request consisted of a second story office addition at 778 1<sup>st</sup> ST NW and associated surface parking improvements. The proposed revision affects the surface parking area only. Specifically, the original approval depicted the addition of 11 new parking stalls to the east of the existing office building. This required the paving of 10,847 SF of site area currently unpaved. The applicant has determined that a better solution to acquiring additional parking would be to remove the existing garage structure to the north of the office building, which opens up the parking lot, provides an additional 18 stalls, and also provides better use and efficiency of existing parking areas. This solution reduces the amount of new paved area from 10,847 SF to 704 SF but provides a net increase of 18 surface parking stalls.

There was some confusion at the October 18, 2011 Planning Commission meeting regarding the extent of nonconformities and why, over the years, they haven't been corrected. As was stated at the meeting, Bell Poll has existed on this site in New Brighton since 1919. This was in advance of New Brighton being incorporated and having adopted a Zoning Code. In an effort to better address the concerns raised at the October 18, 2011 Planning Commission meeting, it should be stated that in order for many of the site layout nonconformities to be eliminated, the entire yard and operations would have to be re-organized so as to meet setbacks. Over the years as requests have come forward, this has not been required as it has been thought to be impractical and would greatly reduce the usable area of the property. This report will only discuss the surface parking lot revisions, and not the complete site history.

## **ATTACHMENTS**

A – Resolution  
B – Project Location Map  
C – Zoning Map  
D – Aerial Photo  
E – Neighborhood Notification Map  
F – Resolution 11-100  
G – Applicant Narrative  
H – Interoffice Public Works/Engineering Memo  
I – Revised Site Plan (includes parking & landscaping)  
J – Council Memo & Attachments from 10/25/2011

## **FINDINGS**

Section 6-150. Lot and Yard Standards.  
Section 6-390. General Performance Standards.  
Section 8-010. Site Plan Approval.  
Section 8-460. Regulations as to Type 4 Nonconformities.  
Chapter 11. Parking Standards.

**SITE CHARACTERISTICS**

Location:	778 1 <sup>st</sup> ST NW	
Lot Size:	Site containing office use:	13.7 AC
	Total site area:	23 AC
Topography:	Generally flat	
Comprehensive Plan Designation:	Business Park	
Zoning:	I – 2, Heavy Industrial	
Surrounding Land Uses:		
North:	heavy industrial	
South:	office, warehouse, heavy industrial	
East:	office, warehouse, post office annex	
West:	manufacturing, warehouse	

**SITE HISTORY**

A detailed site history was provided in the original Planning Report, which is attached and a part of the Council Memo & Attachments from 10/25/2011.

**SITE PLAN ANALYSIS**

The proposed revisions to the Site Plan and Nonconforming Use Permit only affect the surface parking layout. The applicant has stated that Bell Pole is still committed to construct the second story office addition and plans to move forward as soon as they are able. Staff understands the primary reasons for the revisions is to a) avoid very restrictive Rice Creek Watershed District rules for adding a substantial amount of paved area and b) address an existing detrimental structural issue with a detached garage structure. The proposed revision affects the following Site Plan elements:

<b>Parking Setbacks</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front	40'	22'	No change
Side (west)	5'	5'	5'
Side (east)	5'	0'	No change
Rear	5'	0'	No change

The main area impacted by the proposed parking improvements in the westerly lot line. A more defined row of parking will be striped, meeting the required 5' side yard parking lot setback. None of the other lot lines will be impacted by the proposed revision.

**Required # of Parking Stalls**

The proposed office addition, coupled with the existing office square footage, requires 34 parking stalls (more details are provided in the October Planning Report – attached). The original Site Plan provided 11 additional surface parking stalls, whereby the proposed revision provides 18 additional parking stalls. The revised Site Plan also opens up the surface parking area to the north, allowing access and utilization of parking stalls on the north side of the detached garage proposed for demolition, where they were not currently accessible without driving through the pole yard. Thus, adequate parking stalls are proposed under the revised Site Plan.

**Landscaping**

The applicant was not subject to the recently adopted landscaping standards in October of 2011 because the ordinance was not yet adopted. Nonetheless, the applicant was asked to meet the standards, which required the addition of one deciduous tree and eight shrubs. The revised Site Plan depicts proposed landscaping, which includes the addition of two new deciduous trees and 11 shrubs. This complies with the landscaping ordinance.

**Public Works/Engineering Comments**

Public Works has provided a memo, attached to this report. This requires the applicant to submit a grading plan to confirm the drainage of the surface parking area will function as proposed. The applicant is aware of this requirement and will submit the necessary materials to the City Engineer.

Staff concludes the applicable Site Plan standards remain met under the proposed revised Site Plan.

**NONCONFORMING USE PERMIT ANALYSIS**

Specific details of the nonconformities on site and compliance with the Nonconforming Use Permit criteria of Zoning Code Section 8-460 are outlined in the Planning Report dated October 11, 2011 (attached as an exhibit to the Council Memo). The main improvements proposed that impact the extent of the nonconformities are:

- Additional paved area to control dust
- Additional curbing to control surface water runoff

The applicant has proposed to drastically reduce the amount of proposed paved area from 10,847 SF to 704 SF. While this may seem significant with regard to its impact on dust, it likely will result in the same amount of improvement. This is because no vehicles will be required to access the paved parking through the unpaved storage yard, which is required now because the detached garage proposed for removal blocks direct access to parking stalls (cars have to go around – through the unpaved storage yard). Under the proposed revisions, all vehicles will access parking through the most westerly curb cut, which is fully paved to all parking areas.

Additionally, the amount of curbing proposed actually increases slightly under the revised Site Plan. With submission of the grading plan required by Public Works/Engineering, the parking area will handle surface water run off in an appropriate manner and not detrimentally impact neighboring property.

Staff concludes that the Nonconforming Use Permit criteria remain met under the revised Site Plan. It should also be noted that in accordance with the original approval (see condition 4 of Res. 11-100), the applicant will be required to report to City staff, and ultimately the Planning Commission, on whether additional dust control and odor mitigation efforts are practical. This will likely occur in February or March at the latest.

**STAFF RECOMMENDATION**

Recommend the City Council approve the revised Site Plan and Nonconforming Use Permit.



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Janice Gundlach, City Planner

**RESOLUTION  
PLANNING COMMISSION  
CITY OF NEW BRIGHTON**

**RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A REVISION TO A PREVIOUSLY APPROVED SITE PLAN AND NONCONFORMING USE PERMIT PER RESOLUTION 11-100.**

**WHEREAS**, an application has been made by Norm Wells Architect PA on behalf of Bell Lumber & Pole Company to permit a revision to the proposed surface parking area approved in conjunction with a second storage office addition at 778 1<sup>st</sup> Street NW, and,

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

1. A request to revise the approved Site Plan and Nonconforming Use Permit was received on December 30, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on January 17, 2012 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission recommended conditional approval on January 17, 2012.
4. The original Site Plan and Nonconforming Use Permit were considered by the Planning Commission on October 18, 2011 and approved by the City Council on October 25, 2011.

**WHEREAS**, the Planning Commission makes the following Findings of Fact with respect to the revised Site Plan (LP2000-005) and Nonconforming Use Permit (NC2011-002):

1. The property is zoned I – 2, Heavy Industrial.
2. The property is guided in the Comprehensive Plan for Business Park.
3. The applicant previously obtained approval of a Site Plan and Nonconforming Use Permit per Resolution 11-100 adopted by the City Council on October 25, 2011.
4. The Planning Commission considered the revised Site Plan in accordance with I - 2 district standards of Section 6-150, the commercial performance standards of Section 6-390, and the parking standards of Chapter 11 of the Zoning Code.
5. The Planning Commission found all applicable Site Plan standards continue to be met with the revised surface parking layout.
6. As outlined in Resolution 11-100, the Planning Commission recognizes the following nonconformities exist on the site:
  - a. Parking areas less than the required setback.
  - b. Storage areas less than the required setback
  - c. Odor detectable beyond the lot line
  - d. Lack of concrete curbing & bituminous or concrete drive-aisles – i.e. dust
  - e. Fence heights and locations taller than allowed by code
  - f. Exterior building materials along street frontages not meeting Section 6-390 (12).
7. The Planning Commission considered the revised Nonconforming Use Permit in accordance with Section 8-460 (2) and the following criteria:
  - a. The total number of nonconformities is reduced.
  - b. The impact of any nonconformity upon adjacent premises is reduced to the greatest practical extent.
  - c. The extent of any nonconformity is reduced where practical.



8. The Planning Commission found the extent of nonconformities are being reduced to the greatest practical extent by providing a more efficient surface parking area and eliminating a need for vehicles to access paved parking through unpaved drive areas, having a detrimental impact with regard to dust. The Planning Commission also finds the addition of curbing will appropriately manage on-site surface run off and not detrimentally impact neighboring properties.

**NOW THEREFORE BE IT RESOLVED**, that based upon the above Findings of Fact the application for a revised Site Plan (LP2011-005) and Nonconforming Use Permit (NC2000-002) are hereby recommended for approval, subject to the following conditions:

1. The proposed improvements are constructed in a manner consistent with the revised plan.
2. Continued compliance with the conditions of Resolution 11-100, except as modified by this revision.

**Adopted** this 17<sup>th</sup> day of January, 2012.

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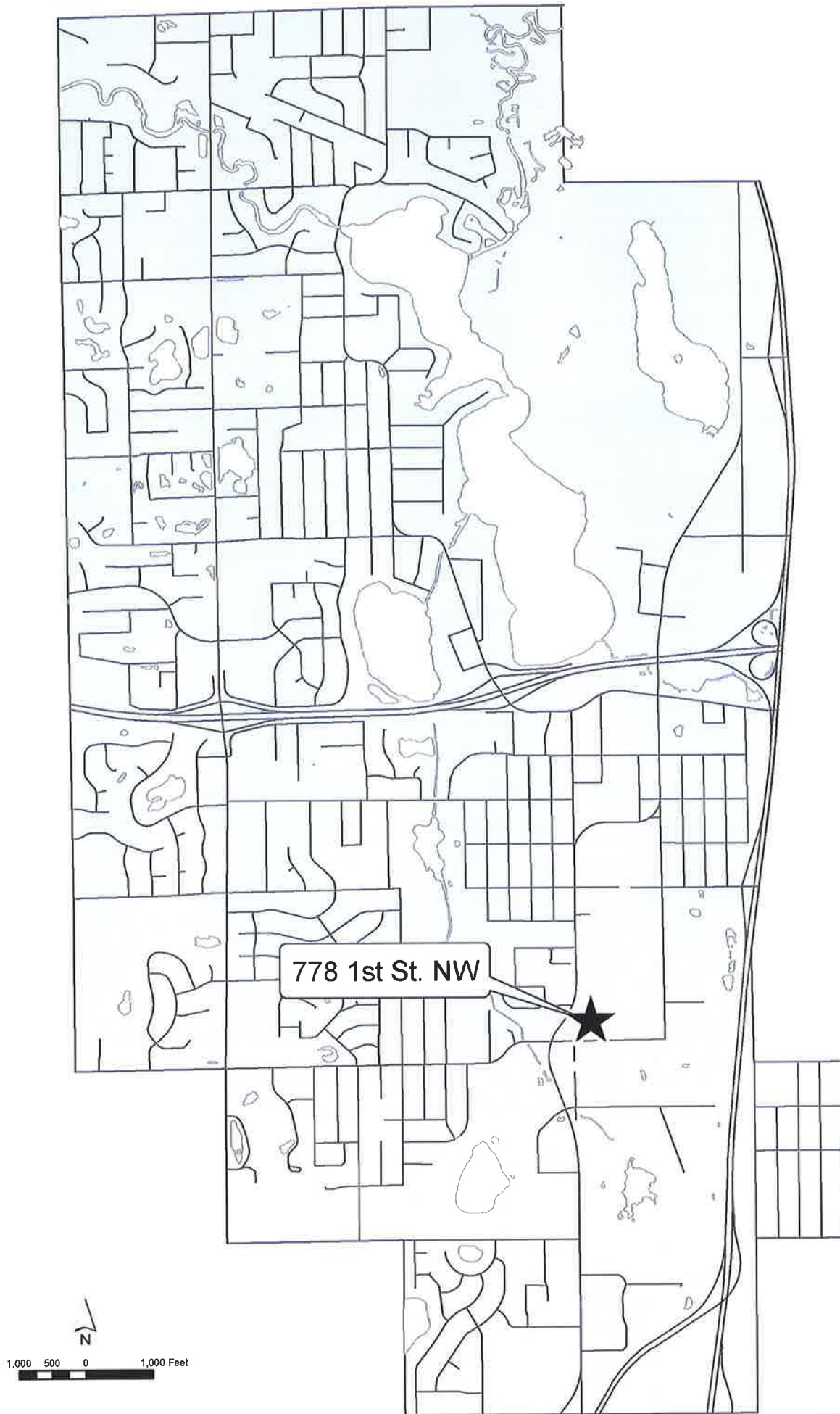
Bruce Howard, Planning Commission Chair

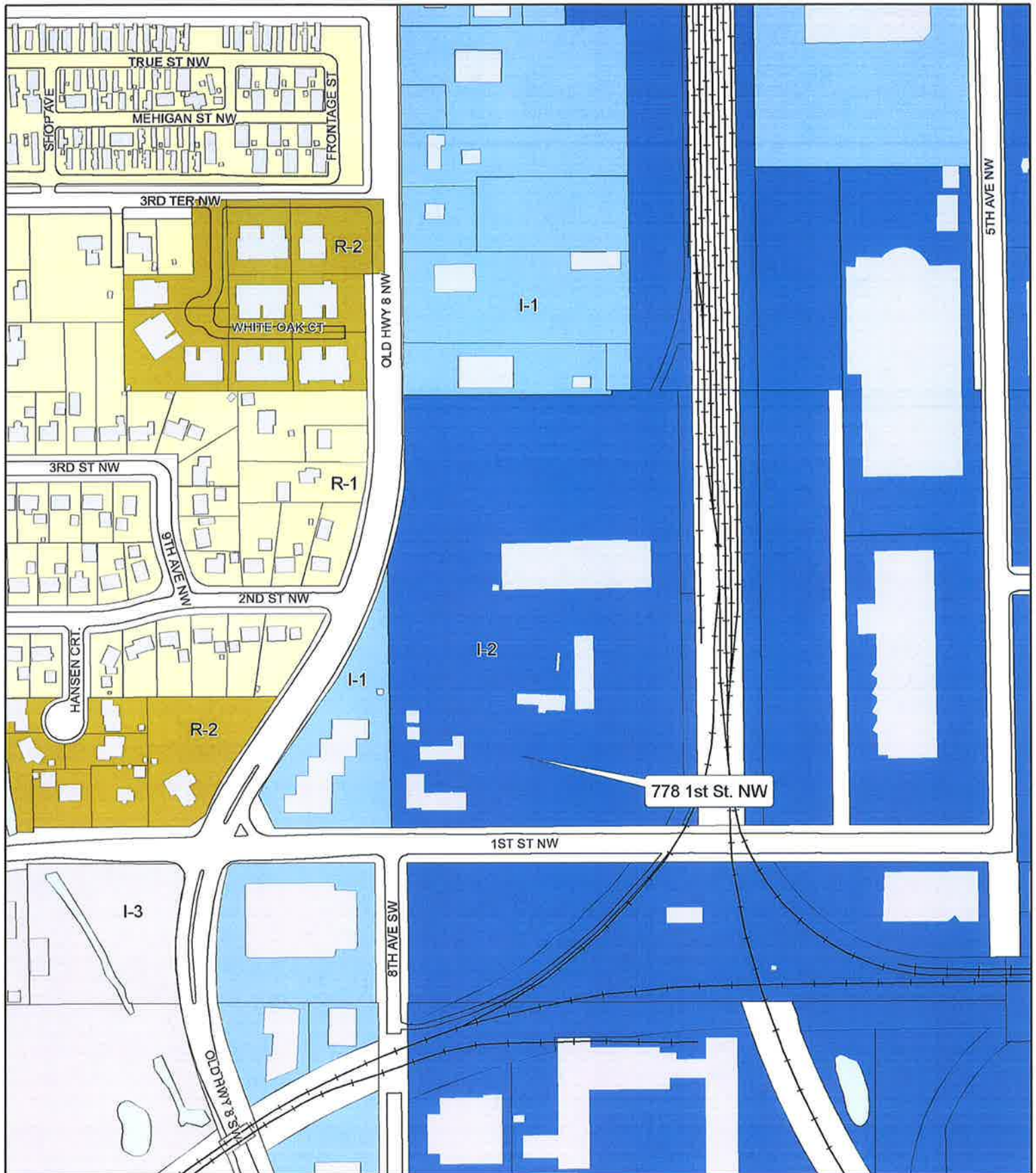
ATTEST:

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Janice Gundlach, City Planner

# Location Map - 778 1st St. NW



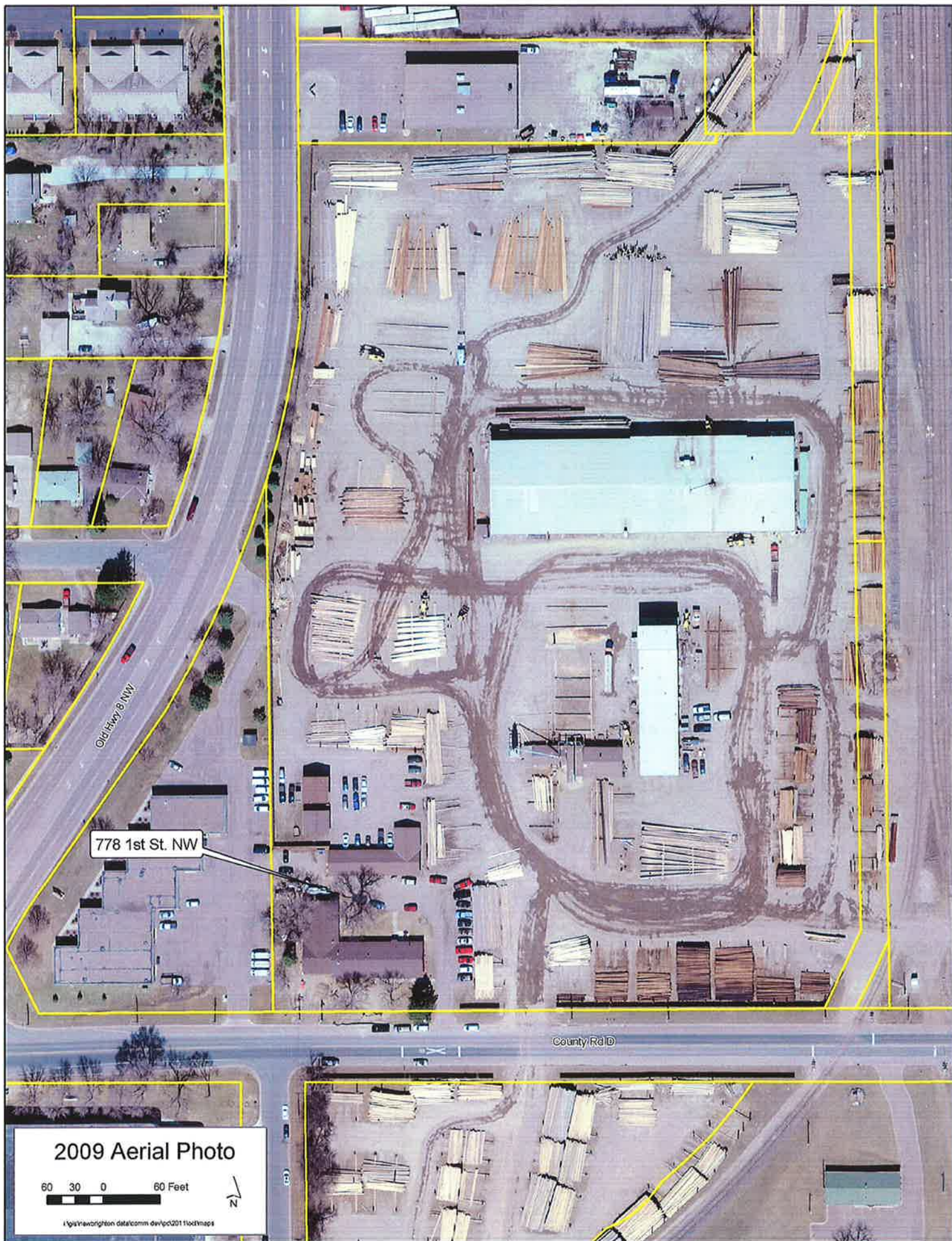


- R-1, Single Family Residential
- R-2, Two Family Residential
- I-1, Light Industrial
- I-2, Heavy Industrial
- I-3, Limited Industrial



**Current Zoning**  
**778 1st St. NW**  
**I-2, Heavy Industrial**





778 1st St. NW

County Rd D

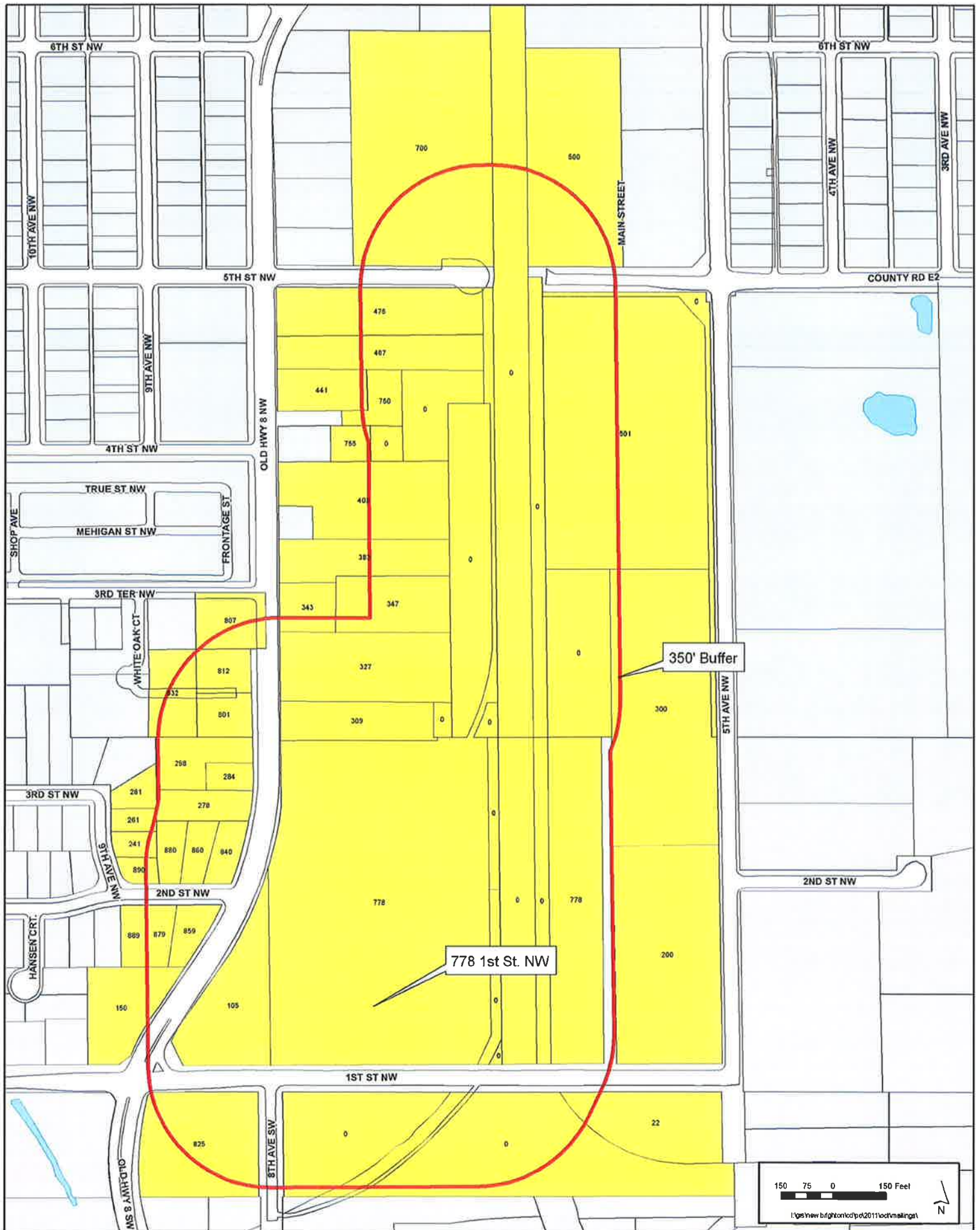
2009 Aerial Photo

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# 350' Mailing Buffer - 778 1st St. NW



**RESOLUTION NO.  
11-100  
STATE OF MINNESOTA  
COUNTY OF RAMSEY  
CITY OF NEW BRIGHTON**

**RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SITE PLAN AND NONCONFORMING USE PERMIT.**

**WHEREAS**, an application has been made by Norm Wells Architect PA on behalf of Bell Lumber & Pole Company to permit construction of a 2,304 SF second story office addition and associated surface parking at 778 1<sup>st</sup> Street NW, and,

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

1. Applications for a Site Plan and Nonconforming Use Permit were received on September 26, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on October 18, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission recommended conditional approval on October 18, 2011.
4. The City Council considered the request on October 25, 2011.

**WHEREAS**, the Planning Commission and City Council make the following Findings of Fact with respect to the Site Plan (LP2000-005) and Nonconforming Use Permit (NC2011-002):

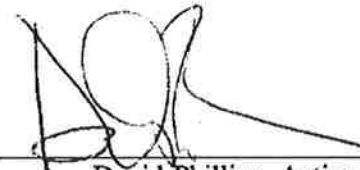
1. The property is zoned I - 2, Heavy Industrial.
2. The property is guided in the Comprehensive Plan for Business Park.
3. The applicant is proposing to construct a 2,304 SF second story office addition above the portion of the building constructed in 2008-2009, including construction of 11 additional surface parking stalls.
4. The Planning Commission and City Council considered the Site Plan in accordance with I - 2 district standards of Section 6-150, the commercial performance standards of Section 6-390, and the parking standards of Chapter 11 of the Zoning Code.
5. The Planning Commission and City Council found all applicable Site Plan standards to be met, subject to installation of additional landscaping as outlined in the conditions of approval.
6. The Planning Commission and City Council determined the following nonconformities exist on the site:
  - a. Parking areas less than the required setback.
  - b. Storage areas less than the required setback
  - c. Odor detectable beyond the lot line
  - d. Lack of concrete curbing & bituminous or concrete drive-aisles - i.e. dust
  - e. Fence heights and locations taller than allowed by code
  - f. Exterior building materials along street frontages not meeting Section 6-390 (12).
7. The Planning Commission and City Council considered the Nonconforming Use Permit in accordance with Section 8-460 (2) and the following criteria:
  - a. The total number of nonconformities is reduced.

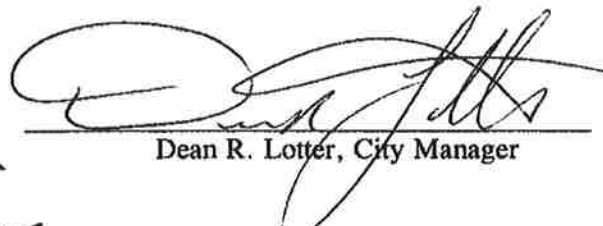
- b. The impact of any nonconformity upon adjacent premises is reduced to the greatest practical extent.
  - c. The extent of any nonconformity is reduced where practical.
8. The Planning Commission and City Council found that the extent of the nonconformities are being reduced to the greatest extent practical due to the applicant's proposal to pave approximately 11,000 SF of parking area, thereby attempting to reduce dust.

**NOW THEREFORE BE IT RESOLVED**, that based upon the above Findings of Fact the application for a Site Plan (LP2011-005) and Nonconforming Use Permit (NC2000-002) are hereby approved, subject to the following conditions:

1. The proposed addition is constructed in a manner consistent with the plans submitted, except as otherwise noted in these conditions.
2. A copy of the applicant's Rice Creek Watershed District permit shall be submitted in conjunction with the building permit request.
3. The applicant shall install one deciduous tree and eight shrubs on site near the office area. The deciduous tree may be planted within the boulevard area. A landscaping plan depicting these plantings shall be submitted at the time of building permit.
4. The applicant studies the use of dust curbing chemicals deeper within the storage yard to mitigate dust during the summer months and study mitigation methods to curb the off-gassing effect polls stored within the yard are having on overall odors and report back to Community Development staff by January 31, 2012 and to the Planning Commission at their regular meeting in February 2012. Examples of off-gassing mitigation methods may include covering or confining the polls and/or reducing the overall stock of polls on site.

Adopted this 25<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
David Phillips, Acting Mayor

  
\_\_\_\_\_  
Dean R. Lotter, City Manager

ATTEST:

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

(Seal)



## Norm Wells Architect PA

623 Seventeenth Avenue NW  
New Brighton, Minnesota 55112  
Telephone 651/631-8798

December 29, 2011

City of New Brighton

Attention: Janice Gundlach, City Planner  
New Brighton City Council  
New Brighton Planning Commission

RE: Bell Lumber and Pole Company  
Proposed Second Floor Office Addition  
Revised Narrative

### PROPOSED PARKING AREA REVISIONS

This narrative is provided to discuss the parking situation at Bell Lumber and Pole. A further analysis of the existing on site parking indicated a totally disjointed parking situation which is inefficient and unsafe. Existing vehicular circulation to two major parking areas provides unsafe traffic patterns on the Site. The solution to these inefficiencies is indicated on the accompanying revised Site Plan. The first thing to notice is that the proposed new parking area to the East of the existing East parking area has been deleted. The addition of this parking area would require additional bituminous paving, additional runoff issues with the overall drainage of the Site, and a lengthy review process with the Rice Creek Watershed District. The proposed revised parking arrangement solves all of these issues and provides a much more cohesive Site parking arrangement.

The existing building North of the Office Building currently used for parking will be demolished. The area below the building is currently unpaved, new bituminous will be placed to match up with the existing bituminous and the two parking areas will be combined into one new central parking area. Removing the existing building allows more efficient parking where the building now stands. Removing the existing building removes impervious roof areas and allows the placement of the new bituminous to exactly replace the existing roof area, thus no additional impervious areas will be added with the removal of the existing building. At the North side of the existing North parking area new bituminous will be placed to allow the new parking area to function as parking areas should function. A net increased area of 704 SF of impervious area is added to the Site, which the existing drainage system is able to handle with no new improvements. The Rice Creek Watershed District Engineers have reviewed, and approved, this parking solution. No Watershed District permit is required for this new parking scheme.

Access to all parking will be from the main driveway to the new parking area. Employees will no longer be required to use the Yard entrance to access the existing North parking area which is currently inaccessible because of the building that is to be demolished. The new North parking area has 53 parking spaces, the existing East parking area has 10 parking spaces, the existing West parking area has 7 parking spaces for a total of 70 parking spaces. The current parking total of the North parking area is 25 vehicles, the existing building scheduled for demolition has a capacity of 10 parking spaces. The new North parking area increases the number of spaces from 35 to 53, an increase of 18 spaces.

Drive aisles in the proposed new North Parking Area are wider than New Brighton's current minimum width of 24 feet to provide more maneuvering space for ease of accessing this new area. The new configuration will allow more efficient snow plowing during the snow season.

With the new parking scheme all of the parking areas currently without concrete curb and gutter will have new curb and gutter. A total of 480 linear feet of B612 concrete curb and gutter will be added to the Site.

### PROPOSED LANDSCAPING REVISIONS

The approved Site Plan included one new tree, a Columnar Maple, in the area of the originally proposed East parking area. This tree has been deleted as there is no need for a tree in this location. What is being proposed is the addition of 2 Autumn Blaze Maple trees along the First Street NW street frontage, in addition to the addition of 15 foundation plantings. This exceeds the requirements placed upon the project when it was originally approved. The increase in foundation plantings is to replace several plantings removed when larger windows and a retaining wall were placed at the East end of the office building earlier in 2011. The selection of Autumn Blaze maples is for the spectacular red/orange fall colors when environmental conditions are favorable to fall colors, and this Maple is one of the hardiest maples for our region.



December 29, 2011

City of New Brighton

Attention: Janice Gundlach, City Planner  
New Brighton City Council  
New Brighton Planning Commission

RE: Bell Lumber and Pole Company  
Proposed Second Floor Office Addition  
Revised Narrative

#### SITE NONCONFORMITIES

Much attention has been given to existing Site Nonconformities during this review process and the review process undertaken for the original Office Building expansion. Bell Lumber and Pole has been a viable business in New Brighton for 102 years. When the business was established, in all probability, there were no Zoning Codes, Site Plan Reviews and other City Governmental restraints on business. As Bell's business expanded, New Brighton expanded, more and more regulation became the norm, some of it beneficial, some not so beneficial. It may seem as if the Site has an inordinate number of nonconforming issues, but if a person realizes how much things have changed in 102 years, the number of existing nonconforming uses is not that great. It is normal for projects to be built that are in compliance with all Zoning Codes at the time of approval and construction, and for a period of time after construction. As Zoning Codes are revised, those complying projects become non-compliant as land use standards are revised.

A major nonconforming issue addressed with this proposal is the lack of concrete curb and gutter at parking areas. This issue is addressed with the addition of 480 linear feet of B612 concrete curb and gutter at the new parking area.

Another major nonconforming issue is the lack of dustless surfaces on parking and driving areas. This issue is addressed with the re-routing of employee traffic to the new dustless parking areas on paved driving surfaces rather than the unpaved surfaces currently being used.

The increased efficiency and safety of the new parking area is not an existing nonconformity, but it is certainly something that will help Bell Lumber and Pole in its day to day operations. Not adding significant amounts of impervious surfaces is also beneficial for obvious environmental reasons.

It is important to realize that not all nonconforming issues can be resolved with the approval of this project. It is also important to understand that all nonconforming issues will never be resolved until either Bell Lumber and Pole totally reorganizes the existing business into something drastically different from what it currently is, or, they sell the property, move to another location, and the land becomes available for redevelopment. In the 102 year history of Bell Lumber and Pole on this Site it can be said that, in general, Bell has been a good neighbor and has provided many employment opportunities to many people in this community.

Respectfully submitted,



Norm Wells



# **interoffice**

## **MEMORANDUM**

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**to:** Janice Gundlach, City Planner  
**from:** Craig Schlichting, Civil Engineer II  
**subject:** Bell Pole  
**date:** January 13, 2012

The Engineering Department has reviewed the site plan for the proposed building addition and onsite parking amendments at Bell Pole and we offer the following comments;

### **Streets-Parking Lot**

1. Rice Creek Watershed District has reviewed the plan, and based on the limited change to the existing drainage patterns and hard surface areas they have waived further review and permitting requirements (see letter from Kate MacDonald at Houston Engineering).
2. It is not currently clear how the drainage patterns will be affected with the addition of curb and gutter. Staff has contacted the architect to request existing survey information. Prior to parking lot construction, the architect has agreed to provide additional survey information. Staff will work with the architect to insure that the final spot elevations of the curb will be designed to discharge storm water to match existing conditions.

Josh,

Based on the review of the submitted information, including the proposed on the drainage map, submitted 11-30-2011 and the narrative submitted 12-5-11 and conversations with the District, the proposed work can occur without any further review from the District. The findings are as follows:

The applicant is proposing to convert a net of approximately 700± S.F. of existing gravel area into bituminous parking lot. The District Engineer finds that this proposed change will:

- Not significantly change the site layout or drainage discharge points;
- Have negligible effect on storm water rates leaving the site (and the District Engineer finds compliance with Rule C.6 requirements).

The proposed work would require a Rule C.5 Water Quality of Volume Control (hereafter Volume) requirement of 0.8-inches over the disturbed impervious area of 700± S.F. Using a 0.9 runoff coefficient, this translates to a Volume requirement of 42 C.F. The applicant is proposing to meet this volume requirement through the previously installed underground infiltration galleries (installed under permit 08-072). As-built surveys indicated that the installed galleries had 908 C.F. of volume. The Volume requirement of the previous work was 838 C.F. Thus, there is enough extra volume capacity to meet the proposed site changes and comply with Rule C.5 requirements.

As stated previously, no further action is required by the District.

If you have any questions, please give me a call.

Kate MacDonald, P.E.

Civil Engineer

**Office:** 763.493.4522 | **Direct:** 763.493.6674 | **Fax:** 763.493.5572

6901 E Fish Lake Rd. , Suite 140 • Maple Grove, MN • 55369

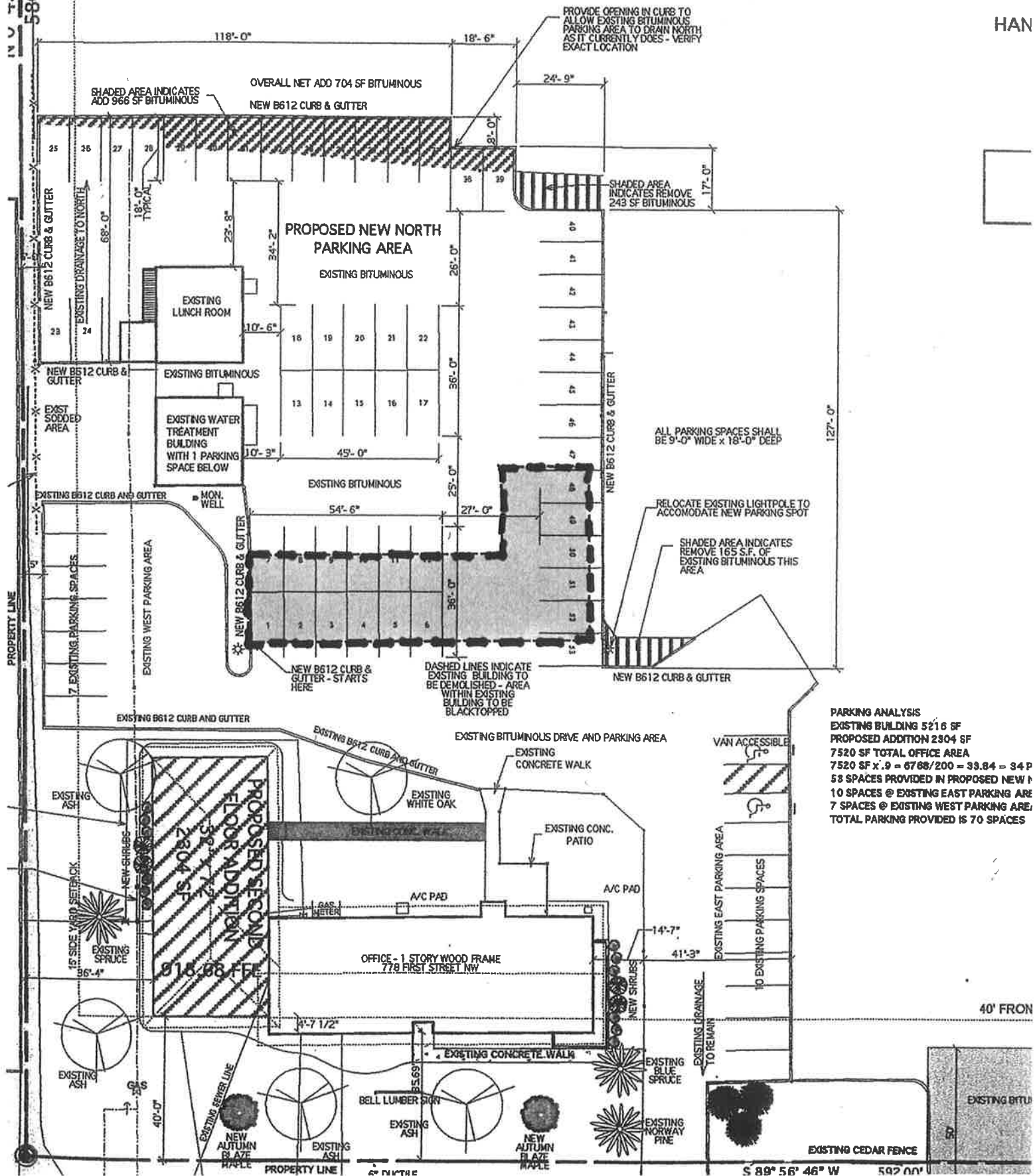
[www.houstoneng.com](http://www.houstoneng.com)

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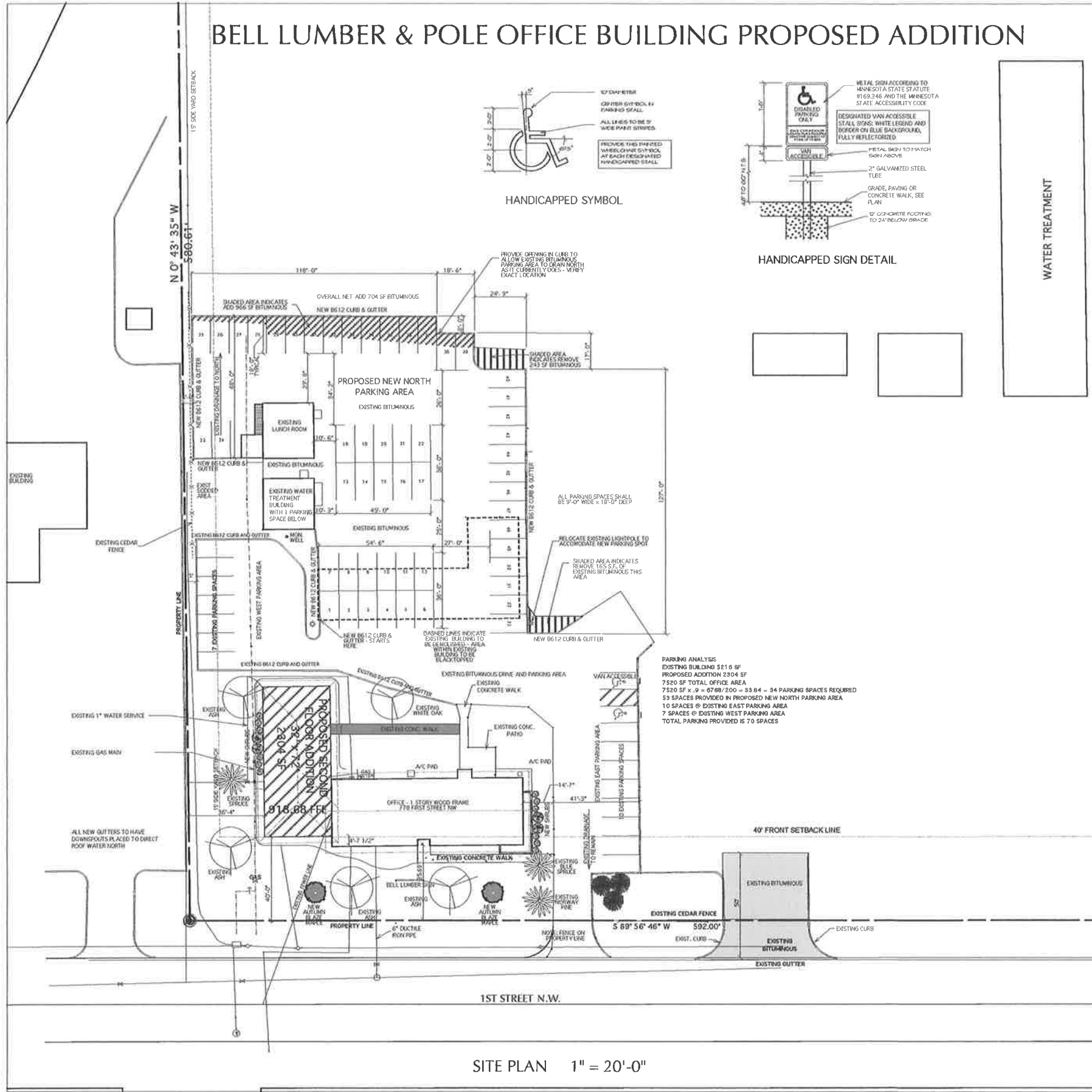
GARAGE STRUCTURE  
TO BE REMOVED

Diagram showing a rectangular structure with dimensions 48" TO 60" N.T.S. and a note 4" indicating a specific measurement or offset.

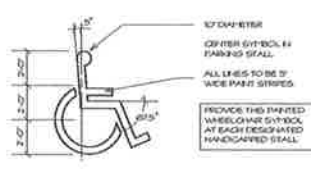
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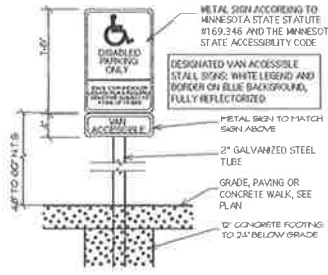
BELL LUMBER & POLE OFFICE BUILDING PROPOSED ADDITION



SITE PLAN 1" = 20'-0"



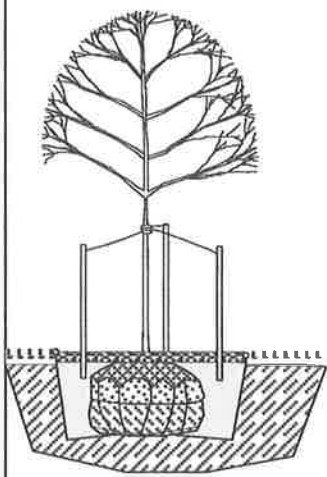
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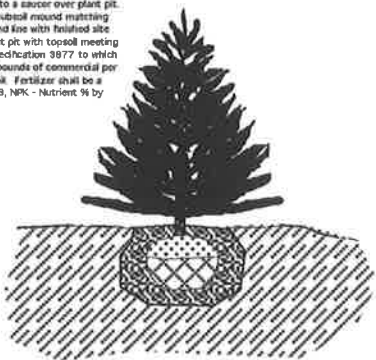
HANDICAPPED SIGN DETAIL



WATER TREATMENT



DECIDUOUS TREE PLANTING DETAIL NO SCALE



PLANTING DETAIL NO SCALE

Landscaping Specifications

The Landscape Contractor shall furnish and install materials as indicated on the Landscape Plan and Planting Schedule. The Landscape Contractor shall be responsible for verifying quantities of materials indicated on the Landscape Plan, prior to submitting a bid.

The Landscape Contractor shall furnish planting soil for installation of plant materials. Planting soil shall be as indicated on tree and shrub details. Planting soil shall be mixed with existing site soil at a rate of one-half planting soil and one-half existing soil when planting nursery stock. A 4" layer of topsoil for sodded areas indicated on the Landscape Plan will be placed by the excavation contractor.

Plant materials shall conform with size and grade standards as set by the American Association of Nurserymen.

Evergreens shall be balled and burlapped (B & B), or in containers. Evergreens shall be trimmed only to remove damaged or broken branches, or to encourage new growth.

Deciduous materials shall be B & B, or in containers during the growing season, bare root during the dormant season, except as noted on the Plan or Planting Schedule. If a root condition is specified, no substitutions will be permitted without prior approval. All plant materials shall be nursery grown. No collected stock shall be used.

Planting procedures shall conform to accepted nursery practices and details indicated on the Plan. Planting pits shall be adequate enough so as not to crowd root structures. Depressions shall be left around each plant to facilitate watering.

All trimming shall be done at the planting site.

Roots of dormant deciduous stock shall be pruned to remove any broken or damaged parts. Large roots shall be pruned to promote callus and subsequent root growth.

B & B and container grown deciduous stock shall be thinned to remove 10% to 15% of the top growth, and any broken branches. Dormant deciduous stock shall be pruned to remove 25% to 30% of top growth, and any broken branches.

The Landscape Contractor shall be responsible for the initial watering of plant materials at the time of planting and subsequent watering while on the Project Site. The Owner shall assume subsequent waterings upon completion of the planting and acceptance of the Work.

The Landscape Contractor shall guarantee all plant materials to be true to variety. Substitutions for designated plant materials will be allowed only with the consent of the Owner.

All plantings shall be guaranteed by the Landscape Contractor for one year or two growing seasons after acceptance by the Owner. The Contractor shall not be responsible for vandalism or other mechanical damage to plant materials during the guarantee period.

The Landscape Contractor shall clean up all debris after planting and remove debris from the Site. No dumping on the Site will be allowed without the expressed consent of the Owner.

The Landscape Contractor shall verify locations of all underground utilities before digging any plant pits.

All lawn areas shall be sodded as indicated on the Landscape Plan. Prior to sodding, all areas shall receive a four (4) inch layer of topsoil. Topsoil will be placed by Excavation Contractor.

The area of the water retention area that is to hold water shall receive a six (6) inch layer of clay. Clay shall be placed by Excavation Contractor at elevation 510 to the bottom of the retention area.

All sodded and landscaped areas shall have an irrigation system.

Planting Schedule

Symbol	Plant Name	Size & Root	Quantity	Remarks
POT	Potentilla, Cold Drop (Potentilla fruticosa 'Cold Drop')	16" Pot	5	
SPREA	Spirea, Japanese Alpinia (Spirea japonica 'Alpinia')	16" Pot	5	
HOSTA	Hosta, Existing at Foundation	12" Pot	5	
MAPLE	Maple, Autumn Blaze (Acer rubrum 'Autumn Blaze')	3" B & B	2	

Norm Wells Architect PA  
623 Seventeenth Avenue NW  
New Brighton, Minnesota 55112  
Telephone (651) 631-8798

**WM**

1. I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer of the State of Minnesota.

NORMA WELLS  
© 2011  
NORM WELLS ARCHITECT PA  
License No. 117170

SITE PLAN LANDSCAPE PLAN SITE DETAILS  
BELL LUMBER & POLE COMPANY  
778 FIRST STREET NW NEW BRIGHTON, MN

Revisions

Date	
Final Issue	
Date Plotted	DECEMBER 28, 2011
Sheet Number	

**A1.0**  
OF 4

## REQUEST FOR COUNCIL CONSIDERATION

**ITEM DESCRIPTION:** Consideration of a Site Plan and Nonconforming Use Permit to allow a second story office addition and associated surface parking at 778 1<sup>st</sup> ST NW.

**DEPARTMENT HEAD'S APPROVAL:** Grant Fernelius, Community Development Director

*GF*

**CITY MANAGER'S APPROVAL:**

**No comments to supplement this report** *J* **Comments attached** \_\_\_\_\_

**15.99 Deadline:** November 25, 2011

**Recommendation:** Adopt the Resolution provided, approving the request subject to conditions.

**Legislative History:** October 18, 2011: The Planning Commission considered the request and held a public hearing. No persons provided testimony in opposition of the project. Bell Lumber & Pole's architect was present and answered questions. The Commission recommended unanimous approval consistent with the staff recommendation.

**Financial Impact:** None

**Explanation:** The applicant is requesting Site Plan and Nonconforming Use Permit approvals to allow construction of a 2,304 SF second story office addition at 778 1<sup>st</sup> ST NW, also known as Bell Lumber & Pole. Also included in the proposed improvements is construction of an additional 11 surface parking stalls, curbing, and pavement of a drive aisle, which would have a dual impact by providing the necessary parking to serve the additional office space and attempting to reduce the overall amount of dust generated on site. The Planning Commission is also seeking implementation of additional landscaping (one tree and eight shrubs), which the applicant has agreed to do.

The addition is proposed to be constructed above the office addition approved in 2008 and constructed in early 2009. The applicant has stated the company has a need for additional offices, which will be provided along with an additional bathroom. There is an extensive history with this site, which is outlined in the Site History section of the Planning Report dated 10/11/2011, which is attached. This information is mainly important with regard to the nonconforming status of this property. There are many nonconformities with this property that result from this business existing in New Brighton for almost 100 years (the company established itself in New Brighton in 1919 and celebrated its 100 year company-wide anniversary this past summer). Over the years, the company has taken various approaches to gradually reduce the impact of their nonconformities.

The Planning Commission discussed the nonconforming nature of this property and determined the proposal to pave a large drive area was the most practical approach to reducing nonconformities, mainly related to dust, at this time. Staff discussed examining further options to reduce dust and odor, which is discussed in the Nonconforming Use section of the attached Planning Report. The Planning Commission has asked the company to examine these issues and report back to City staff by January 31, 2012. It should be noted that unless these issues are addressed as a condition of approval, the City cannot force any improvements later on. The City's greatest leverage is to require reductions in non-



conformities as a condition of project approval. The hope would be that if the company discovers practical solutions to further reduce dust and odor, they will implement them in an effort to be a good neighbor.

The following items are attached: A) Resolution, B) Planning Reports & Exhibits dated 10/11/2011.

**Costs and Funding:** Not applicable

A handwritten signature in cursive script, reading "Janice Gundlach". The signature is written in black ink and is positioned above a horizontal line.

Janice Gundlach  
City Planner





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

**RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SITE PLAN AND NONCONFORMING USE PERMIT.**

**WHEREAS**, an application has been made by Norm Wells Architect PA on behalf of Bell Lumber & Pole Company to permit construction of a 2,304 SF second story office addition and associated surface parking at 778 1<sup>st</sup> Street NW, and,

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

1. Applications for a Site Plan and Nonconforming Use Permit were received on September 26, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on October 18, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission recommended conditional approval on October 18, 2011.
4. The City Council considered the request on October 25, 2011.

**WHEREAS**, the Planning Commission and City Council make the following Findings of Fact with respect to the Site Plan (LP2000-005) and Nonconforming Use Permit (NC2011-002):

1. The property is zoned I – 2, Heavy Industrial.
2. The property is guided in the Comprehensive Plan for Business Park.
3. The applicant is proposing to construct a 2,304 SF second story office addition above the portion of the building constructed in 2008-2009, including construction of 11 additional surface parking stalls.
4. The Planning Commission and City Council considered the Site Plan in accordance with I - 2 district standards of Section 6-150, the commercial performance standards of Section 6-390, and the parking standards of Chapter 11 of the Zoning Code.
5. The Planning Commission and City Council found all applicable Site Plan standards to be met, subject to installation of additional landscaping as outlined in the conditions of approval.
6. The Planning Commission and City Council determined the following nonconformities exist on the site:
  - a. Parking areas less than the required setback.
  - b. Storage areas less than the required setback
  - c. Odor detectable beyond the lot line
  - d. Lack of concrete curbing & bituminous or concrete drive-aisles – i.e. dust
  - e. Fence heights and locations taller than allowed by code
  - f. Exterior building materials along street frontages not meeting Section 6-390 (12).
7. The Planning Commission and City Council considered the Nonconforming Use Permit in accordance with Section 8-460 (2) and the following criteria:
  - a. The total number of nonconformities is reduced.



- b. The impact of any nonconformity upon adjacent premises is reduced to the greatest practical extent.
  - c. The extent of any nonconformity is reduced where practical.
8. The Planning Commission and City Council found that the extent of the nonconformities are being reduced to the greatest extent practical due to the applicant's proposal to pave approximately 11,000 SF of parking area, thereby attempting to reduce dust.

**NOW THEREFORE BE IT RESOLVED**, that based upon the above Findings of Fact the application for a Site Plan (LP2011-005) and Nonconforming Use Permit (NC2000-002) are hereby approved, subject to the following conditions:

1. The proposed addition is constructed in a manner consistent with the plans submitted, except as otherwise noted in these conditions.
2. A copy of the applicant's Rice Creek Watershed District permit shall be submitted in conjunction with the building permit request.
3. The applicant shall install one deciduous tree and eight shrubs on site near the office area. The deciduous tree may be planted within the boulevard area. A landscaping plan depicting these plantings shall be submitted at the time of building permit.
4. The applicant studies the use of dust curbing chemicals deeper within the storage yard to mitigate dust during the summer months and study mitigation methods to curb the off-gassing effect polls stored within the yard are having on overall odors and report back to Community Development staff by January 31, 2012. Examples of off-gassing mitigation methods may include covering or confining the polls and/or reducing the overall stock of polls on site.

**Adopted** this 25<sup>th</sup> day of October, 2011.

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Dave Jacobsen, Mayor

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Dean R. Lotter, City Manager

**ATTEST:**

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

(Seal)



# PLANNING REPORT

**DATE:** October 11, 2011  
**CASE:** LP2011-005, NC2011-002  
**SUBJECT:** Site Plan and Nonconforming Use Permit to Allow 2<sup>nd</sup> Story Office Addition at 778 1<sup>st</sup> ST NW  
**APPLICANT:** Norm Wells Architect PA on behalf of Bell Lumber & Pole

## REQUEST & BACKGROUND

The applicant is requesting Site Plan and Nonconforming Use Permit approvals to allow construction of a 2,304 SF second story office addition at 778 1<sup>st</sup> ST NW, also known as Bell Lumber & Pole. Also included in the proposed improvements is construction of an additional 11 surface parking stalls and pavement of a drive aisle, which would have a dual impact by providing the necessary parking to serve the additional office space and attempting to reduce the overall amount of dust generated on site.

The proposed addition is proposed to be constructed above the office addition recently constructed in 2008. The applicant has stated the company has a need for additional offices, which will be provided along with an additional bathroom. There is an extensive history with this site, which is outlined in the Site History section of this report. This information is mainly important with regard to the nonconforming status of this property.

## ATTACHMENTS

A – Resolution  
B – Project Location Map  
C – Zoning Map  
D – Aerial Photo  
E – Neighborhood Notification Map  
F – Applicant Narrative  
G – Nonconforming Use Permit Standards Worksheet  
H – Certificate of Survey  
I – Sheet A1.0: Site Plan  
J – Sheet A2.0: Proposed Floor Plan  
K – Sheet A3.0: Proposed Building Elevations

## FINDINGS

Section 6-150. Lot and Yard Standards.  
Section 6-390. General Performance Standards.  
Section 8-010. Site Plan Approval.  
Section 8-460. Regulations as to Type 4 Nonconformities.  
Chapter 11. Parking Standards.

## SITE CHARACTERISTICS

Location:	778 1 <sup>st</sup> ST NW
Lot Size:	Site containing office use: 13.7 AC Total site area: 23 AC
Topography:	Generally flat
Comprehensive Plan Designation:	Business Park
Zoning:	I – 2, Heavy Industrial
Surrounding Land Uses:	
North:	heavy industrial
South:	office, warehouse, heavy industrial

East:	office, warehouse, post office annex
West:	manufacturing, warehouse

## **SITE HISTORY**

In an effort to better understand some of the nonconforming issues on the property, staff finds is relevant to address the history of the site. The below are past actions staff researched from city files:

- 1984: The City Council adopted Resolution 84-140, approving a site plan and nonconforming use permit to allow construction of a building. Findings of Fact note the following nonconformities:
  - Lack of screening of outside storage area from public right-of-way.
  - More than the permitted number of curb cuts.
  - Lack of dustless surface and concrete curbing on parking and drive area.
  - Setback of outside storage materials from property boundaries.

Based on the conditions of approval, it appears that the applicant reduced the nonconformities by constructing an 8' fence for screening (which still exists today) and additional crushed rock was added to the site in an effort to mitigate dust. It is not clear whether this building was ever constructed.

- 1986, 1988, & 1999: The City Council adopted Resolutions 86-132, 88-103, & 91-057, approving a Special Use Permit to allow use of a thermal processor on-site in an effort to remediate existing environmental issues. This issue has been closed.
- 1990: The City Council adopted Resolution 90-61 approving a nonconforming use permit to allow construction of a 1,248 SF employee break facility and a 32,500 SF enclosed wood treatment facility. Findings of Fact note the following nonconformities:
  - Lack of bituminous or concrete drive, loading, maneuvering, or parking areas.
  - Lack of concrete curbing.
  - Lack of adequate setbacks for exterior storage.
  - Lack of screening of exterior storage on site south of 1<sup>st</sup> Avenue NW.
  - Emission of odors from wood treating process.

Based on the conditions of approval, it appears that the applicant reduced the nonconformities by adding additional Class 5 in an effort to control dust, and decrease odors by moving the pole treating operations indoors.

- 2008: The City Council adopted Resolutions 08-086 & 08-095, approving a Site Plan and Nonconforming Use Permit to allow construction of 2,240 SF office addition. The nonconformities noted in the September 11, 2008 Planning Report included:
  - Parking areas less than the required setback.
  - Storage areas less than the required setback.
  - Odor detectable beyond the lot line.
  - Lack of concrete curbing & bituminous or concrete drive-aisles – i.e. dust
  - Fence heights and locations taller than allowed by Code.
  - Exterior building materials along street frontages not meeting Section 6-390 (12).

The proposed location of the addition met all Site Plan standards. Through the Nonconforming Use Permit process, the Council allowed using all wood on the building facades facing the street. The Council also required the applicant to pave the first 50' of both access points off 1<sup>st</sup> ST NW in an effort to control dust.

The above history is important in gaining a perspective of what was deemed acceptable in terms of meeting the nonconforming standards of Section 8-460. This information is also important in determining what nonconformities remain today and in evaluating progress made in reducing nonconformities on site. The current nonconforming issues on site are discussed further in the report.

### SITE PLAN ANALYSIS

The applicant is proposed to construct a second story office addition measuring 2,304 SF. The applicant also proposes an expansion of the existing surface parking lot in order to achieve an additional 11 parking stalls. The following outlines the Site Plan standards applicable to the proposed project:

Building Setbacks	REQUIRED	EXISTING	PROPOSED
Front	40'	36' (east/west space) 40' (north/south space)*	No change
Side (west)	15'	36'	No change
Side (east)	15'	300'+	No change
Rear	20'	300'+	No change

\*the proposed addition is above the north/south wing of the building, which meets the 40' front yard setback requirement.

Parking Setbacks	REQUIRED	EXISTING	PROPOSED
Front	40'	22'	22'*
Side (west)	5'	5'	No change
Side (east)	5'	0'	No change
Rear	5'	0'	No change

\*This area is already used for storage of polls at a 22' setback. The applicant proposes to pave the area and stripe it for parking stalls. This area is located behind an existing 8' tall fence but still constitutes maintenance of an existing nonconforming front yard parking lot setback. Parking setbacks less than required by code are identified in the Nonconforming Use Permit section of this report.

### Required # of Parking Stalls

The total office square footage, including the existing building and the proposed addition, equals 7,456 SF. Section 11-030 (3) (AA) requires that off-street parking be provided at a ratio of one stall per 200 SF. Thus, the following amount of off-street parking should be provided:

$$7,456 - 10\% = 6,710 / 200 = 34 \text{ stalls}$$

Currently, 25 surface parking stalls are provided on site. The applicant proposes constructing an additional 11 parking stalls, for a total of 36, 2 stalls in excess of the minimum requirement.

### Floor Area Ratio

Section 6-060 (5) allows a maximum floor area ratio of 0.4 for one-story construction. The total site area is nearly 23 acres. The following buildings exist on site:

Proposed office addition:	2,304
Existing office:	5,152
Lunch room:	1,248 (2 stories)



Water treatment:	624
Building A:	920
Building B:	1,200
Building C:	6,400
Building D:	32,500
TOTAL:	51,596

Based on the lot area and the square footage of structure, the F.A.R. existing on site is as follows:  

$$51,596 / 1,001,880 = 0.051 \text{ F.A.R}$$

With a 0.051 F.A.R. proposed and 0.40 allowed, the site complies with the F.A.R. requirement.

### **Building Height**

The applicant provided proposed building elevations, illustrating the proposed second story office addition. Based on those elevations, the defined height as measured to the midpoint of the tallest peak is 22'. The total height measured to the peak is 26'. Zoning Code Section 6-060 (6) allows for a maximum building height of 40', thus compliant with this requirement.

### **Exterior Building Materials**

Section 6-390 (12) requires that 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 applicant is proposing exterior materials to match the existing office building, which consists entirely of wood. This constitutes a nonconformity.

In 2008 the applicant proposed to include stone on the street side of the façade in order to reduce this nonconformity. However, both the Planning Commission and City Council at that time eliminated that requirement and felt the existing cedar wood material met "the equivalent" language of Section 6-390 (12). Because of that, the applicant has not proposed any other exterior material other than the cedar siding.

### **Landscaping**

The applicant is not proposing any additional landscaping. In 2008 the applicant installed foundation plantings around the addition at that time. Staff reviewed the proposal against the not-yet-adopted landscaping ordinance and determined the following additional landscaping would be required:

- 2 canopy trees (one deciduous, one coniferous). The applicant has proposed one coniferous tree planted within a parking lot island.
- 8 shrubs

The Planning Commission should discuss whether or not they would like to impose the standards of the not-yet-adopted landscaping ordinance. The existing code does require a landscaping plan in conjunction with the Site Plan request, however it is unclear what specific landscaping would be required. It is likely that a requirement of an additional deciduous tree and eight shrubs may be acceptable to the applicant being this is a minimum amount of landscaping. Staff also finds this to be a reasonable request in conjunction with landscaping plan requirement under the Site Plan regulations.

### **Public Safety Comments**

Police and fire reviewed the proposed plans and did not have any comments or concerns.

## **Public Works/Engineering Comments**

Public works/engineering reviewed the proposed plans. They have requested that the applicant submit a copy of their Rice Creek Watershed District permit in advance of issuing a building permit for the proposed addition.

## **NONCONFORMING USE PERMIT ANALYSIS**

Based on review of the current plans and past land use applications, it appears that the following nonconformities exist on site:

- 1) Parking areas less than the required setback.
- 2) Storage areas less than the required setback
- 3) Odor detectable beyond the lot line
- 4) Lack of concrete curbing & bituminous or concrete drive-aisles – i.e. dust
- 5) Fence heights and locations taller than allowed by code
- 6) Exterior building materials along street frontages not meeting Section 6-390 (12).

These nonconformities are classified as Type 4 per Zoning Code Section 8-420. Section 8-460 (2) provides the following regulations as to Type 4 Nonconformities (*staff responses in italics*):

Such permission may be granted only if one or more of the following conditions are met:

A. The total number of nonconformities is reduced.

*The applicant is proposing to pave an additional 10,847 SF of existing non-paved parking and drive areas. This effort will decrease the nonconformity related to dust. Additionally, construction of 11 parking stalls will require the applicant to install some curbing, another nonconformity noted above that will be slightly reduced.*

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

*Over the years, the applicant has been required through the nonconforming use permit process to reduce nonconformities. With the additional area proposed to be paved, staff finds this to be the most practical attempt at this time at further reducing nonconformities.*

*It should also be noted the applicant will be converting an existing pole storage area to parking, which is at a setback less than required by code. This nonconformity will be maintained, however its impact will likely be reduced in that parking will have less of a visual impact than the pole storage.*

C. The extent of any nonconformity is reduced where practical.

*Staff finds the proposed additional pavement aimed at reducing dust is the most practical reduction at this time of reducing the existing nonconformities.*

*However, still today dust and odor complaints are received every summer. Because of this, staff would recommend the applicant investigate use of dust controlling chemicals deeper within the storage yard to further mitigate dust. Staff would also recommend the applicant investigate the impact off-gassing polls stored outdoors within the yard are having on the overall odor impact and what could be done to reduce the storage yard's impact on odor. Examples include covering the polls, reducing the stock of polls onsite, etc. Staff would recommend the applicant be required to report back to the City Council on these two issues by January 31, 2012. The Commission may want to consider requiring this information in advance of approving the current request if there is a desire*

*to see additional improvement related to dust and odor at this time. Unfortunately though, it is unknown at this time if any mitigation methods are practical.*

**STAFF RECOMMENDATION**

1. The proposed addition is constructed in a manner consistent with the plans submitted.
2. A copy of the applicant's Rice Creek Watershed District permit shall be submitted in conjunction with the building permit request.
3. The applicant shall install one deciduous tree and eight shrubs on site near the office area. A landscaping plan depicting these plantings shall be submitted at the time of building permit.
4. The applicant studies the use of dust curbing chemicals deeper within the storage yard to mitigate dust during the summer months and study mitigation methods to curb the off-gassing effect polls stored within the yard are having on overall odors and report back to the City Council on these issues by January 31, 2012. Examples of off-gassing mitigation methods may include covering or confining the polls and/or reducing the overall stock of polls on site.



---

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 Norm Wells Architect PA on behalf of Bell Lumber & Pole Company to permit construction of a 2,304 SF second story office addition and associated surface parking at 778 1<sup>st</sup> Street NW, and,

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

1. Applications for a Site Plan and Nonconforming Use Permit were received on September 26, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on October 18, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission recommended conditional approval on October 18, 2011.

**WHEREAS**, the Planning Commission makes the following Findings of Fact with respect to the Site Plan (LP2000-005) and Nonconforming Use Permit (NC2011-002):

1. The property is zoned I – 2, Heavy Industrial.
2. The property is guided in the Comprehensive Plan for Business Park.
3. The applicant is proposing to construct a 2,304 SF second story office addition above the portion of the building constructed in 2008-2009, including construction of 11 additional surface parking stalls.
4. The Planning Commission considered the Site Plan in accordance with I - 2 district standards of Section 6-150, the commercial performance standards of Section 6-390, and the parking standards of Chapter 11 of the Zoning Code.
5. The Planning Commission and City Council found all applicable Site Plan standards to be met, subject to installation of additional landscaping as outlined in the conditions of approval.
6. The Planning Commission determined the following nonconformities exist on the site:
  - a. Parking areas less than the required setback.
  - b. Storage areas less than the required setback
  - c. Odor detectable beyond the lot line
  - d. Lack of concrete curbing & bituminous or concrete drive-aisles – i.e. dust
  - e. Fence heights and locations taller than allowed by code
  - f. Exterior building materials along street frontages not meeting Section 6-390 (12).
7. The Planning Commission considered the Nonconforming Use Permit in accordance with Section 8-460 (2) and the following criteria:
  - a. The total number of nonconformities is reduced.
  - b. The impact of any nonconformity upon adjacent premises is reduced to the greatest practical extent.
  - c. The extent of any nonconformity is reduced where practical.

8. The Planning Commission found that the extent of the nonconformities are being reduced to the greatest extent practical due to the applicant's proposal to pave approximately 11,000 SF of parking area, thereby attempting to reduce dust.

**NOW THEREFORE BE IT RESOLVED**, that based upon the above Findings of Fact the application for a Site Plan (LP2011-005) and Nonconforming Use Permit (NC2000-002) are hereby recommended for approval, subject to the following conditions:

1. The proposed addition is constructed in a manner consistent with the plans submitted, except as otherwise noted in these conditions.
2. A copy of the applicant's Rice Creek Watershed District permit shall be submitted in conjunction with the building permit request.
3. The applicant shall install one deciduous tree and eight shrubs on site near the office area. A landscaping plan depicting these plantings shall be submitted at the time of building permit.
4. The applicant studies the use of dust curbing chemicals deeper within the storage yard to mitigate dust during the summer months and study mitigation methods to curb the off-gassing effect polls stored within the yard are having on overall odors and report back to the City Council on these issues by January 31, 2012. Examples of off-gassing mitigation methods may include covering or confining the polls and/or reducing the overall stock of polls on site.

**Adopted** this 18<sup>th</sup> day of October, 2011.

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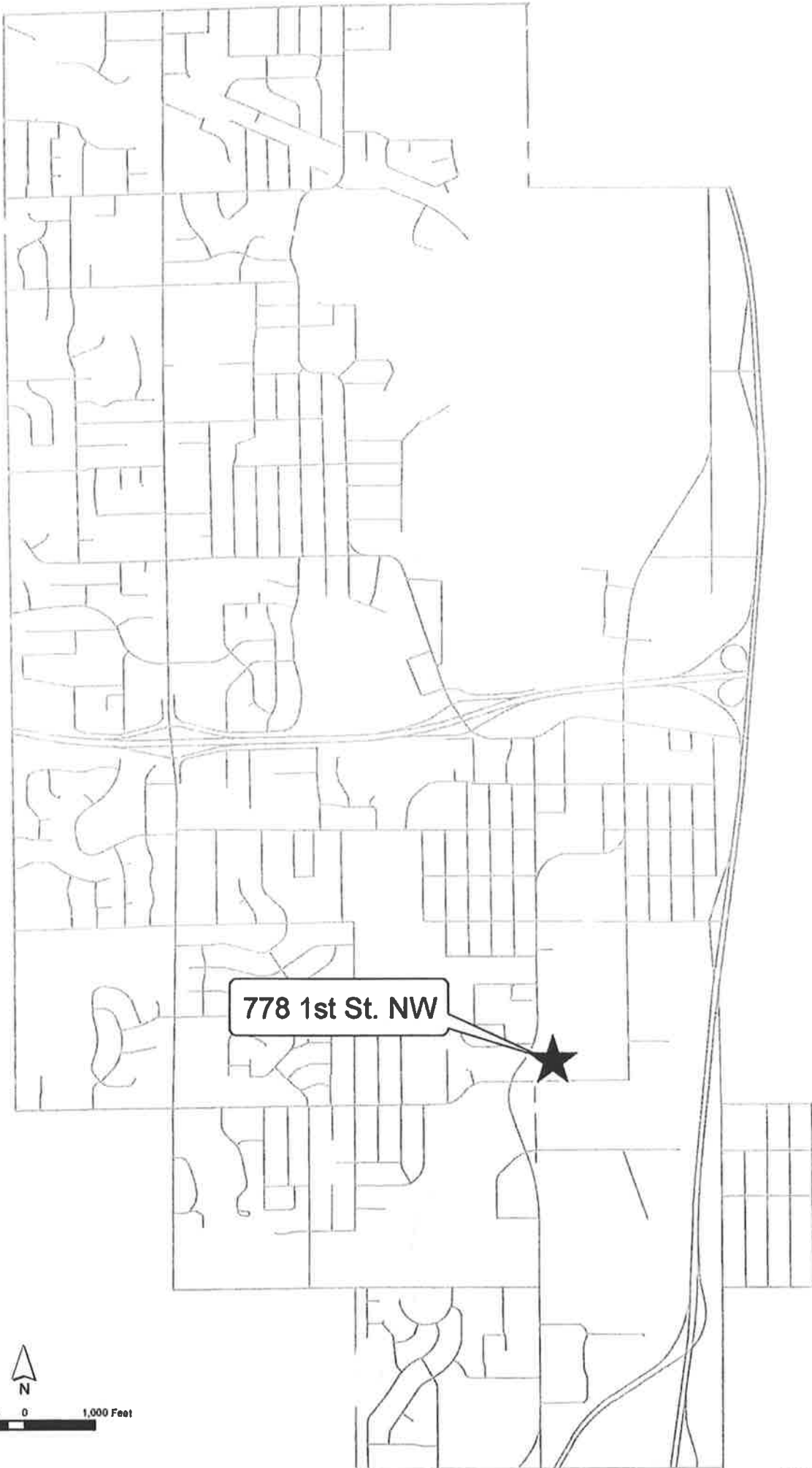
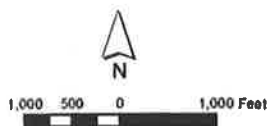
Bruce Howard, Planning Commission Chair

ATTEST:

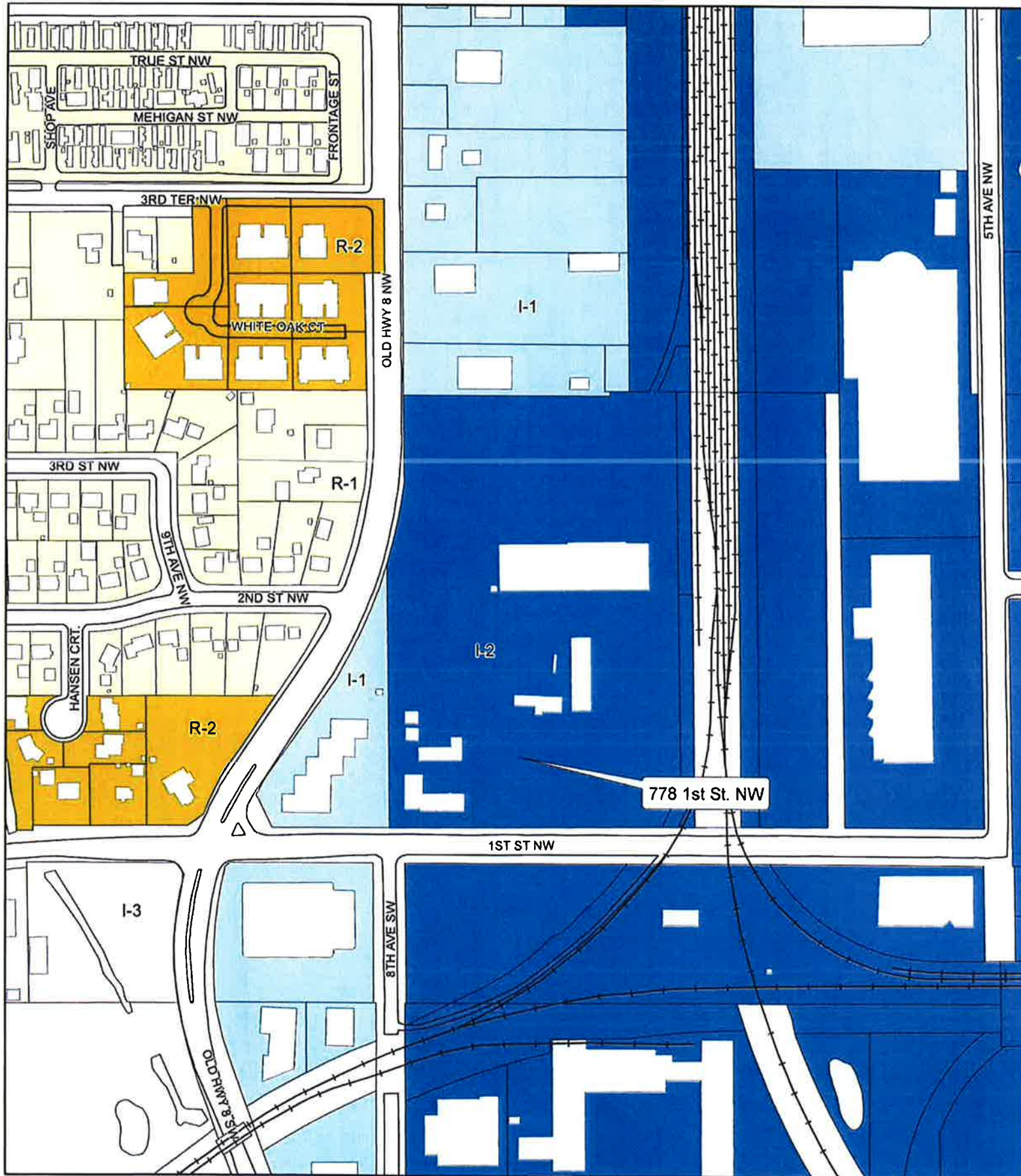
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Janice Gundlach, City Planner

# Location Map - 778 1st St. NW







- R-1, Single Family Residential
- R-2, Two Family Residential
- I-1, Light Industrial
- I-2, Heavy Industrial
- I-3, Limited Industrial

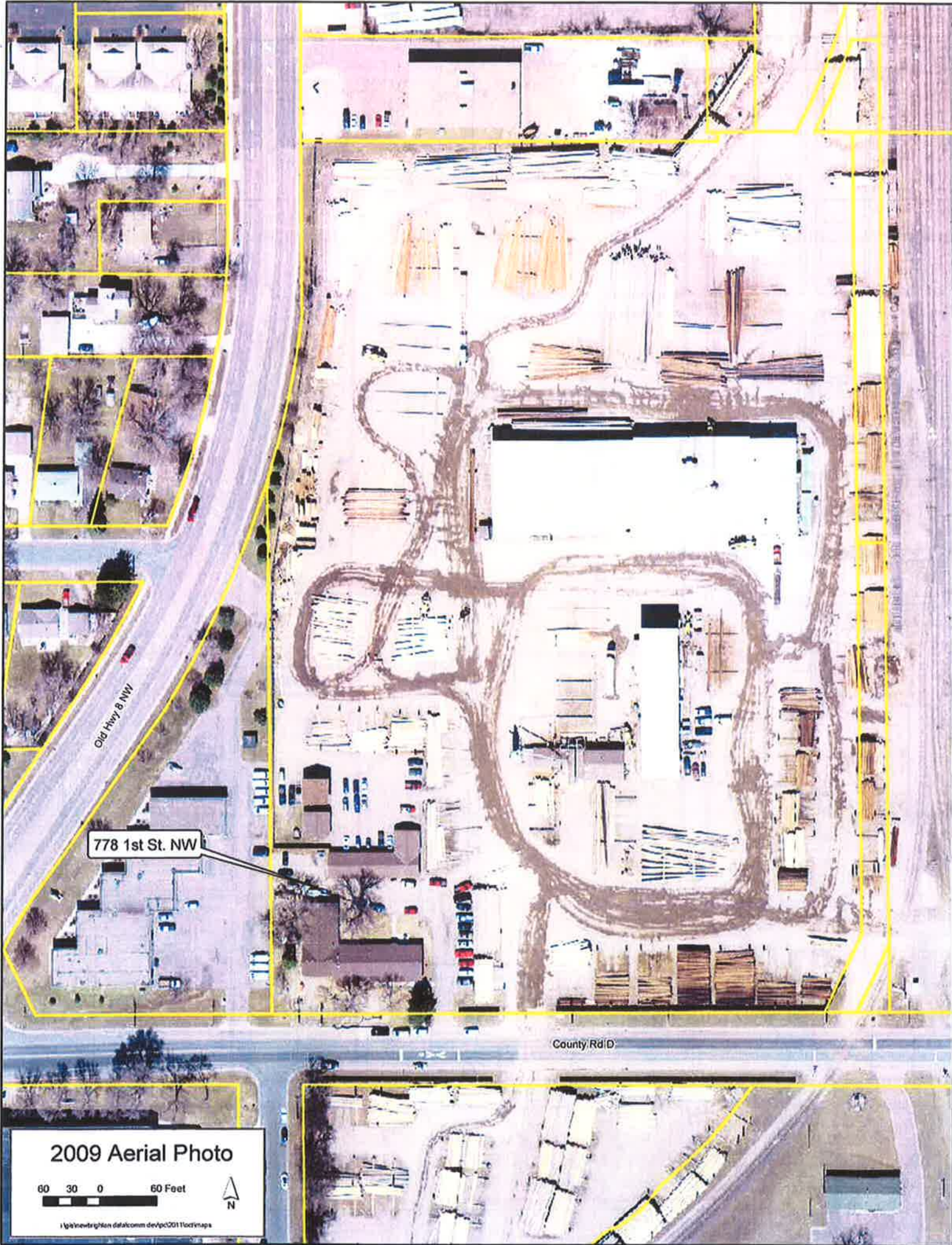


100 50 0 100 Feet

## Current Zoning

778 1st St. NW  
I-2, Heavy Industrial





778 1st St. NW

County Rd D

2009 Aerial Photo

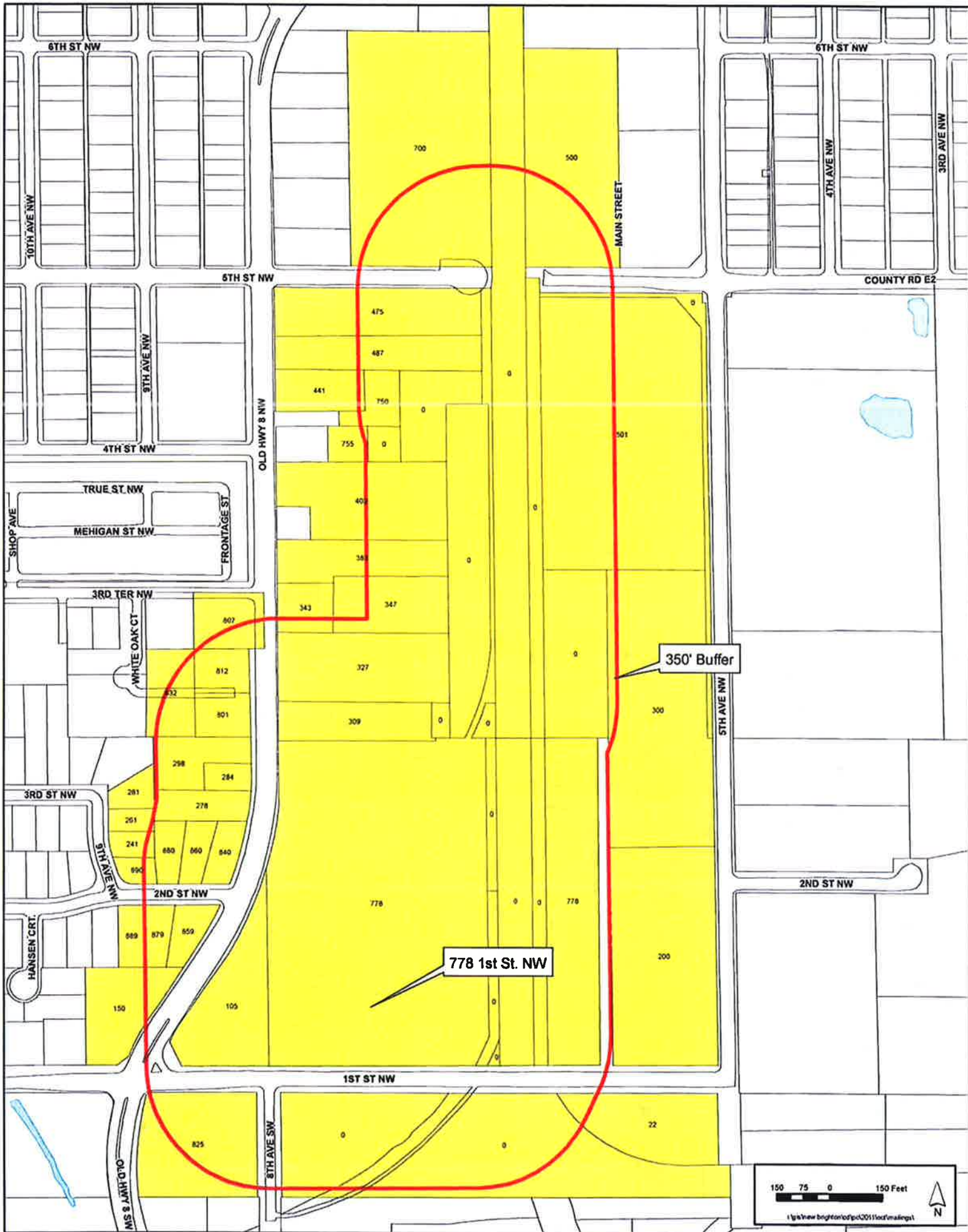
60 30 0 60 Feet



\\gis\newbrighten\_data\com\_dev\pco\2011\001\maps



# 350' Mailing Buffer - 778 1st St. NW





## Norm Wells Architect PA

621 Seventeenth Avenue NW  
New Brighton, Minnesota 55112  
Telephone 651.464.4170

September 26, 2011

City of New Brighton

Attention: Janice Gundlach, City Planner  
New Brighton City Council  
New Brighton Planning Commission

RE: Bell Lumber and Pole Company  
Proposed Second Floor Office Addition

Bell Lumber and Pole Company is proposing to construct a 2304 square foot second floor addition above the existing single story office building addition that was constructed on the West side of the original building in 2009. This proposed addition will be placed on the walls of the 2009 building and will not increase the Site footprint of the existing office building. The proposed second floor will provide offices, a mechanical room and a new toilet room for the occupants of the new space. The proposed second floor will have a stairway that connects with the first floor corridor and the existing entrance/exit on the East side of the first floor which accesses the concrete sidewalk constructed in 2009. None of the existing mature trees and other landscaping features will be disturbed by the construction of the proposed second floor. The existing building has foundation plantings consisting of juniper, hosta, potentilla, spirea, and arborvitae.

The existing building is a wood frame, wood sided building using cedar siding as cladding material. The proposed addition will continue this look with a hipped roof that helps reduce the mass of the building. Windows will match the existing first floor windows. The current building has a park-like setting with the wood construction set amongst the large existing trees. This same setting is what we expect to achieve upon completion of this project.

When the previous addition was brought before the Planning Commission and City Council a discussion was held concerning the exterior building materials under Section 6-390. The original building exterior materials are cedar siding, and the addition was designed to match the original building. Building Elevation studies were done in an attempt to comply with Section 6-390, which states that "exterior treatment on the street side of the structure shall be brick, stone, tilt-up slabs, architectural metal panels, decorative block, or the equivalent." It was decided by the Planning Commission and the Council that cedar siding was an appropriate equivalent for the 2009 addition. With that decision we feel that cedar siding is an appropriate equivalent for the second story addition as it would be difficult to incorporate another material with the existing cedar siding on the building.

Additional required parking requirements are exceeded with the proposed addition of 11 parking spaces at the East side of the East parking area which is currently used as pole storage. This will provide a total of 38 on site parking spaces, 4 more than the required 34 spaces. The new parking will be screened by an existing cedar fence. The addition of the bituminous parking area helps reduce an existing nonconforming issue with the additional 10,847 SF of bituminous paving



Norm Wells Architect PA

621 Seventeenth Avenue NW  
New Brighton, Minnesota 55112  
Telephone: 651/461-4708

September 26, 2011

City of New Brighton

Attention: Janice Gundlach, City Planner  
New Brighton City Council  
New Brighton Planning Commission

RE: Bell Lumber and Pole Company  
Proposed Second Floor Office Addition

reducing the amount of unpaved surface which will provide further aid in the mitigation of dust on the Site, as well as reducing the amount of dirt tracked onto First Street NW. When the office addition was approved in October, 2008, Bell Lumber and Pole Company agreed to pave the first fifty feet of the Northern access point on First Avenue in an effort to mitigate dust. This additional parking area extends the paved area another 140 feet into the yard from First Avenue NW for a total distance into the yard of 190 feet. In October, 2008 an existing nonconforming issue was the lack of concrete curbing and bituminous drive aisles which was addressed with the parking and drive aisle rearrangement done as part of that project. This issue is addressed again with this proposal as the new parking area will be paved and concrete curb will be used to define the new parking area. Providing parking in this area also eliminates the storage of poles in close proximity to First Street NW.

The nonconformity of the existing surface parking area being setback 23 feet when 40 feet is required was eliminated in 2009 with the addition of landscaping to screen the parking from the street. The situation exists again with the expansion of the existing parking area. The existing cedar fence that is currently screening poles stored in the area of parking lot expansion will serve as screening for the parking which eliminates the nonconformity.

Respectfully submitted,

Norm Wells

## Nonconforming Use Permit Standards Worksheet

A Nonconforming Use Permit cannot be approved by the Planning Commission and City Council unless one of the following three conditions is met. Please provide a response as to your projects ability to comply with one or more of these standards. Use additional sheets if necessary and if you have questions direct them to the City Planner at the time of your Pre-Application Meeting.

1) The total number of nonconformities is reduced.

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

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

PROVIDING NEW PARKING REDUCES THE AMOUNT OF GRAVEL SURFACE  
AREA AND REDUCES DUST TRACKED ONTO FIRST ST NW. ALSO  
ELIMINATES POLE STORAGE IN CLOSE PROXIMITY TO FIRST ST. NW  
SEE NARRATIVE FOR COMPLETE DESCRIPTION.



SURVEYORS CERTIFICATE

RANI PROJECT NUMBER:  
2008.014.000  
CRA PROJECT NUMBER:  
5480-10

LEGAL DESCRIPTION

DESCRIPTION FOR PARCEL 1 FROM TORRENS  
CERTIFICATE DOCUMENT #301418

PARCEL 1: That part of Block 6, New Brighton, and that part of adjoining Third Street NW, vacated, all described as beginning at the southwest corner of said Block 6; thence North along the West line of said Block 6 and its extension to an intersection with a line parallel to and 10 feet South from the North line of said Third Street NW, as shown on said plat; thence East along said parallel line to an intersection with a line parallel to and 446.5 feet East from said West line of Block 6 and its extension; thence North along said last described parallel line 10 feet to an intersection with said North line of Third Street NW; thence East along said North line to a point thereon 589 feet East from the intersection of said North line with the extension northerly of said West line of Block 6; thence South, parallel to said West line of Block 6 and its extension, 849.89 feet; thence southeasterly to a point on the South line of said Block 6 distant 589 feet East from the point of beginning; thence West to the point of beginning.

PART OF PARCEL 1 NOT INCLUDED IN TORRENS  
CERTIFICATE:

That part of the East half of vacated Eighth Avenue NW which accrues to said Parcel 1 by reason of the vacation thereof.

PREPARED FOR:  
**BELL LUMBER AND  
POLE**

778 First Street NW  
New Brighton, MN

PREPARED BY:  
**RANI ENGINEERING**

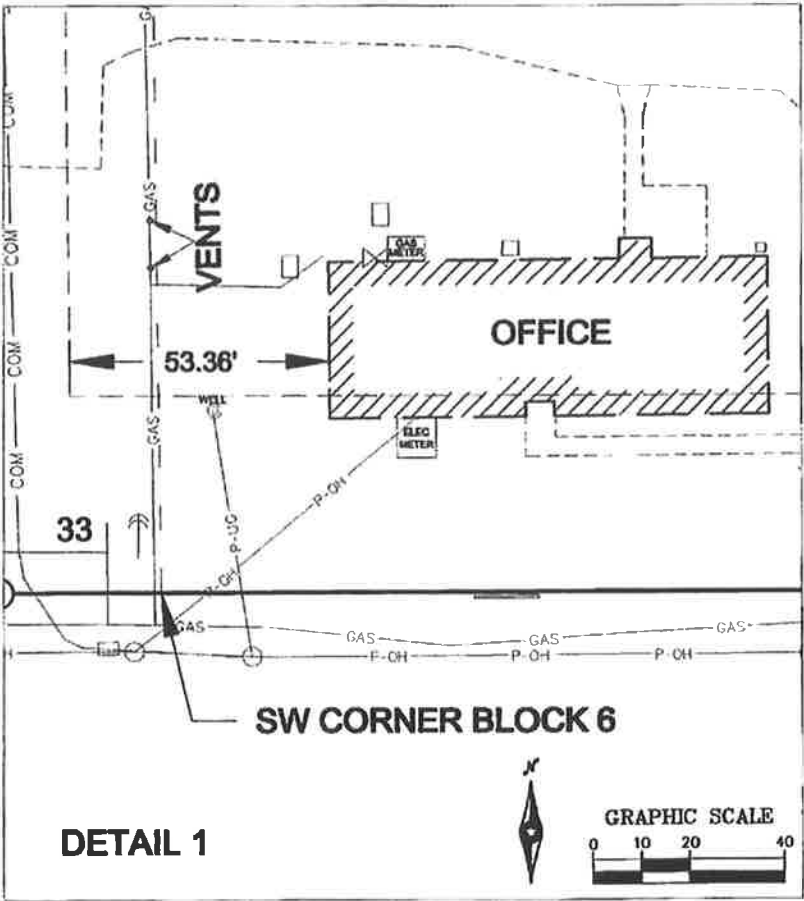
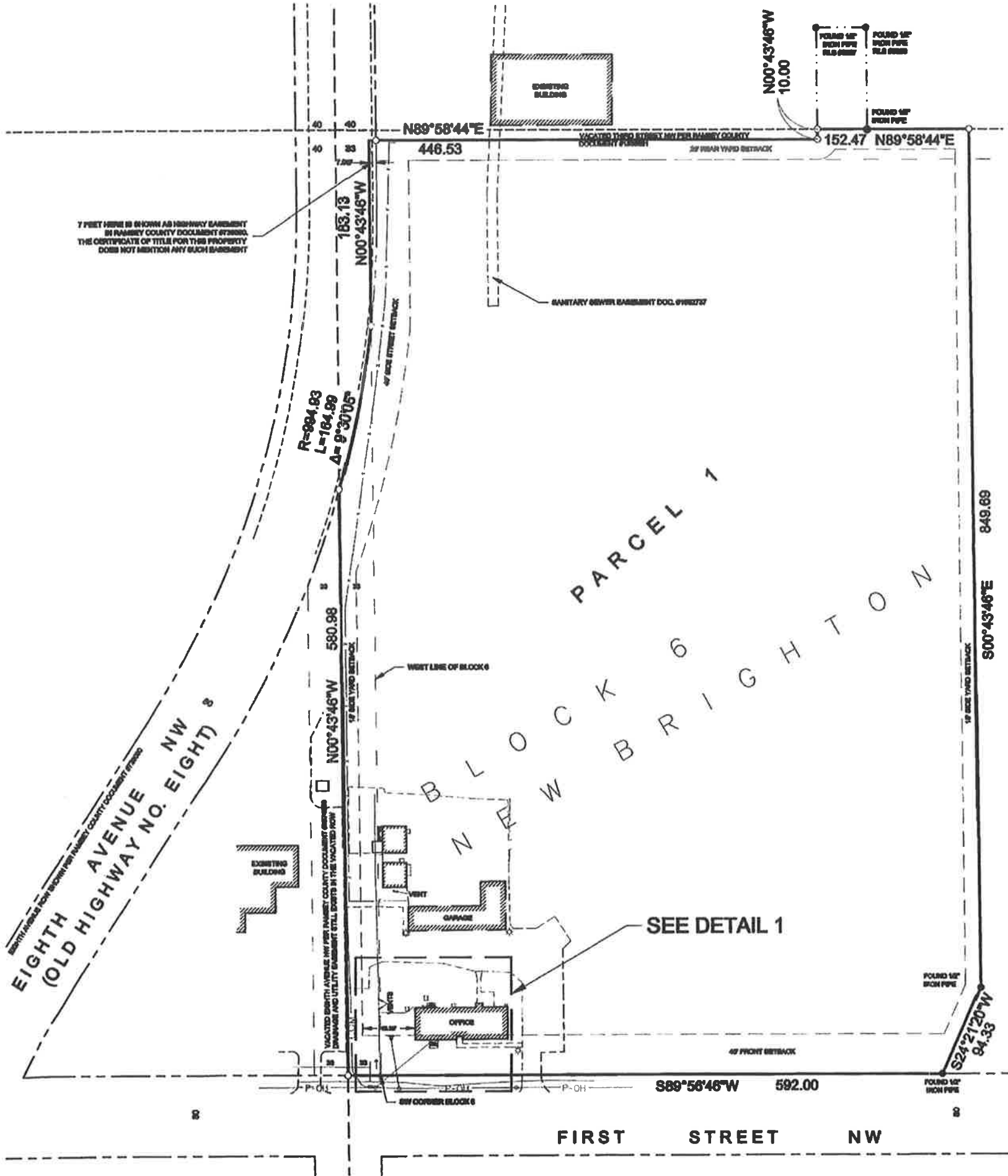
2812 Anthony Lane, Suite 100 P: 612.465.3322  
Minneapolis, Minnesota 55416 F: 612.465.3321

I hereby certify that this plan 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.  
Date: \_\_\_\_\_

Jeffrey D. Lindgren, Minn. License No. 14578



"Consulted to Innovative Civil Engineering and  
Land Surveying Solutions since 1988"



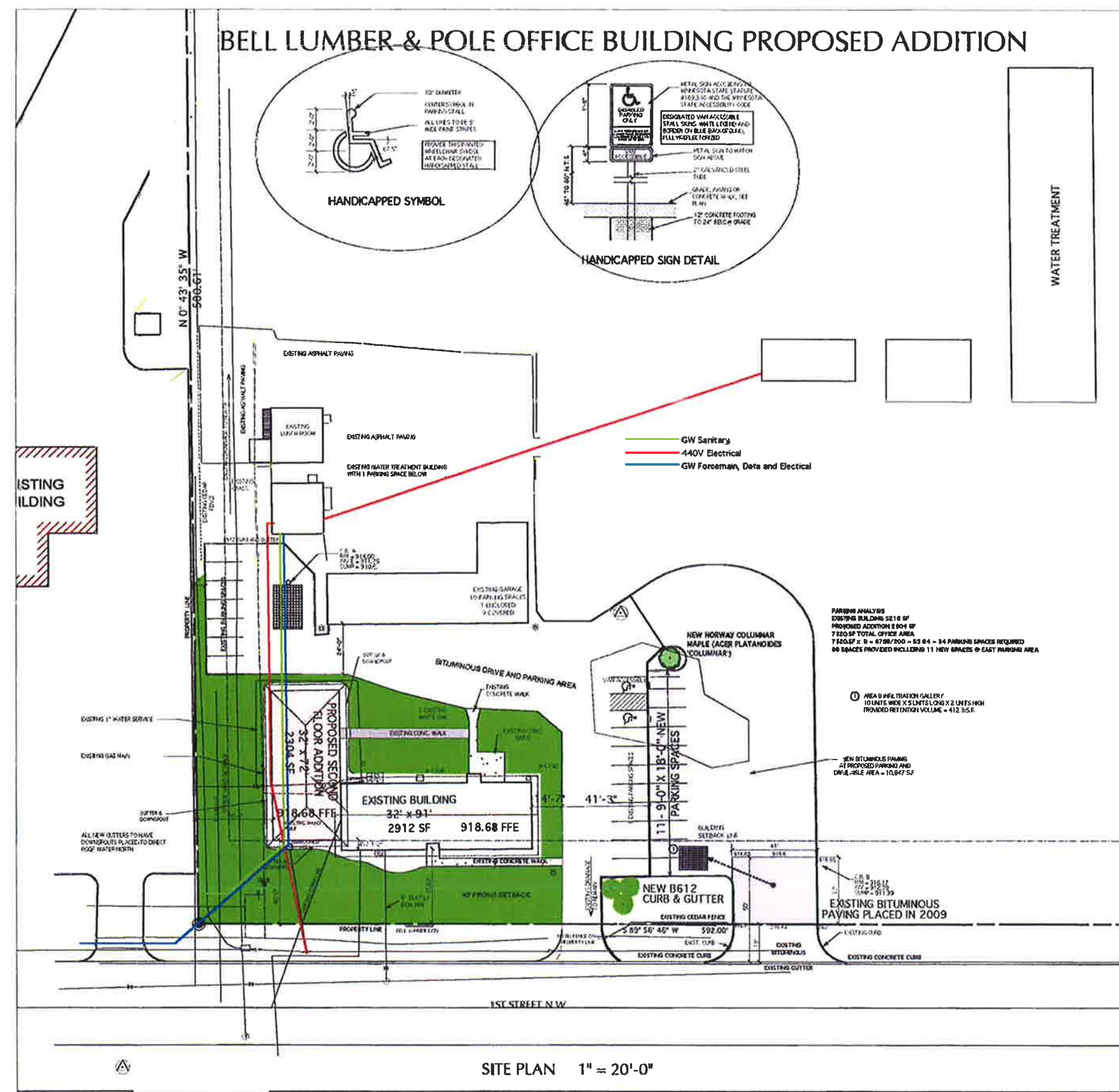
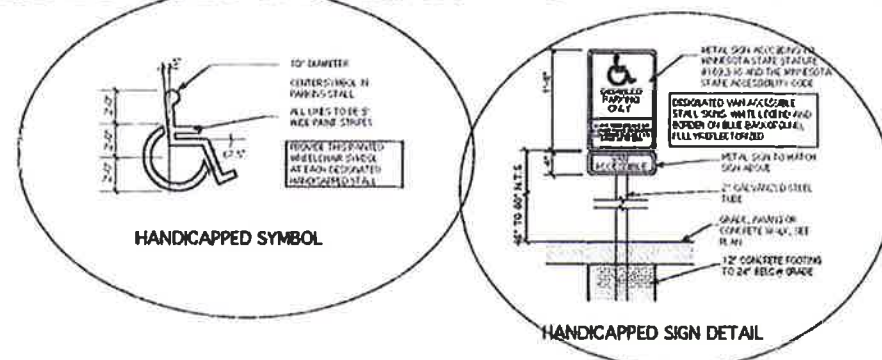
LEGEND

- |  |  |  |                      |
|--|--|--|----------------------|
|  | ELECTRIC METER                           |  | PROPERTY LINE        |
|  | LIGHT POLE                               |  | ROADWAY EASEMENT     |
|  | POWER POLE                               |  | SANITARY EASMENT     |
|  | GUY WIRE                                 |  | SECTION LINE         |
|  | GAS METER                                |  | PARCEL BOUNDARY      |
|  | WATER VALVE                              |  | SETBACK LINE         |
|  | IRRIGATION VALVE BOX                     |  | VACATED ROW          |
|  | FOUND MONUMENT                           |  | BUILDING LINE        |
|  | SET IRON MONUMENT MARKED WITH PLB #14376 |  | CURB LINE            |
|  |  |  | FENCE                |
|  |  |  | OVERHEAD ELECTRIC    |
|  |  |  | UNDERGROUND ELECTRIC |
|  |  |  | COMMUNICATIONS       |
|  |  |  | NATURAL GAS          |

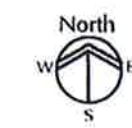




# BELL LUMBER & POLE OFFICE BUILDING PROPOSED ADDITION



SITE PLAN 1" = 20'-0"



**NORM WELLS ARCHITECT PA**  
623 SEVENTEENTH AVENUE NW  
NEW BRIGHTON, MINNESOTA 55112  
TELEPHONE (651) 631-8798

**NW**

© 2011 NORM WELLS ARCHITECT PA  
License No. 11152

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

**SITE PLAN**

**BELL LUMBER & POLE COMPANY**

**778 FIRST STREET NW NEW BRIGHTON, MN**

Revisions

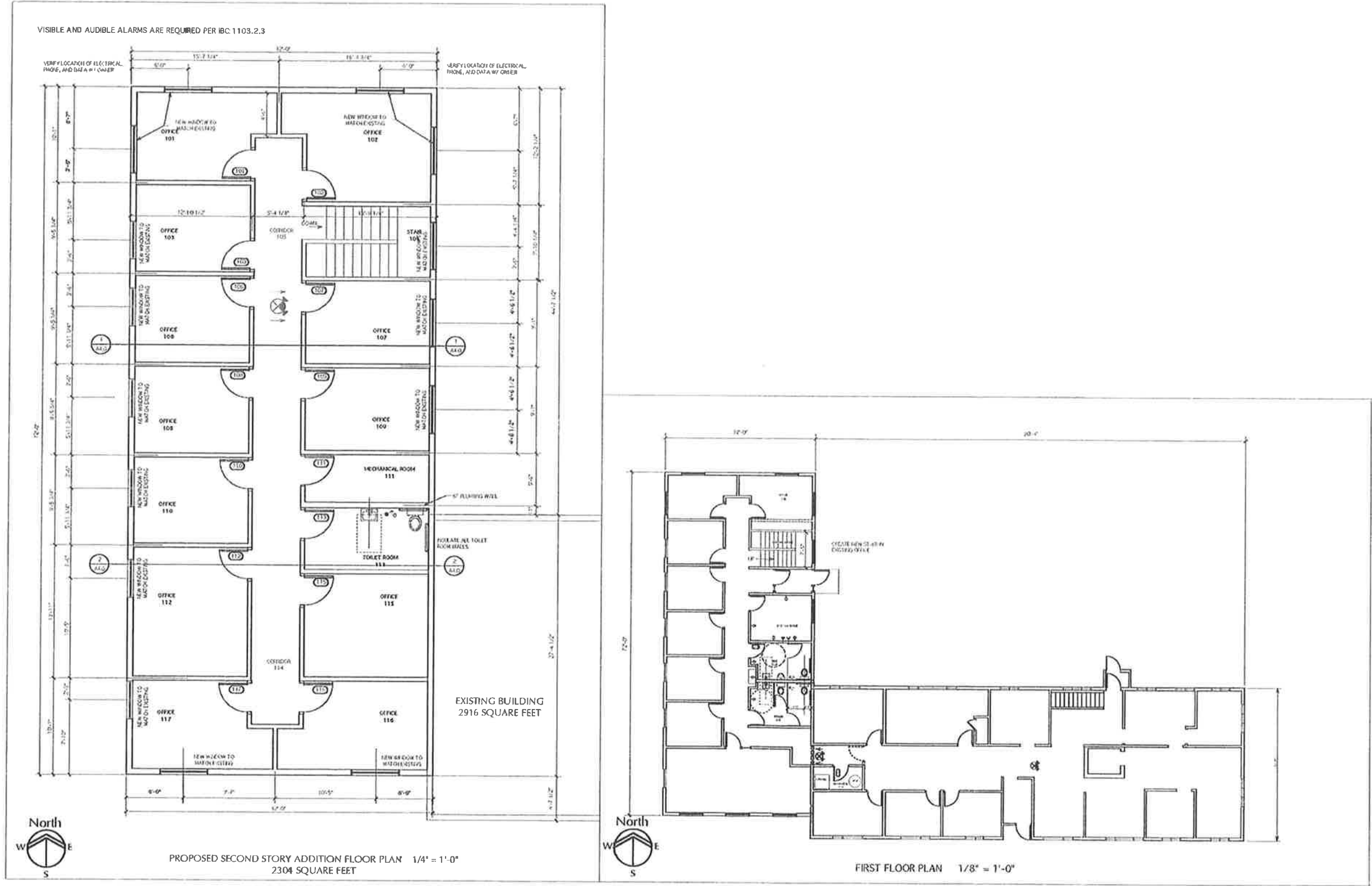
Date

Final Issue

Date Plotted  
SEPTEMBER 28, 2011

Sheet Number  
**A1.0**  
OF 3

BELL LUMBER & POLE OFFICE BUILDING PROPOSED SECOND FLOOR ADDITION



**FLOOR PLAN**  
BELL LUMBER & POLE COMPANY  
778 FIRST STREET NW NEW BRIGHTON, MN

**NORM WELLS ARCHITECT PA**  
623 SEVENTH AVENUE NW  
NEW BRIGHTON, MN 55112  
TELEPHONE (651) 631-6796

DATE  
Final Issue  
Date Plotted  
SEPTEMBER 26, 2011  
Sheet Number  
**A2.0**  
OF 3





**NORM WELLS ARCHITECT PA**  
 623 SEVENTEENTH AVENUE NW  
 NEW BRIGHTON, MINNESOTA 55112  
 TELEPHONE (651) 631-8798

**BUILDING ELEVATIONS**  
 BELL LUMBER & POLE COMPANY  
 778 FIRST STREET NW NEW BRIGHTON, MN 55112

DATE: \_\_\_\_\_  
 TOTAL: \_\_\_\_\_  
 DATE FILED: \_\_\_\_\_  
 SHEET NUMBER: \_\_\_\_\_

**A3.0**  
 OF 3

# **PLANNING REPORT**

**DATE:** January 11, 2012  
**CASE:** ZA2012-001  
**SUBJECT:** Zoning Code Amendment Regarding Use and Display of Temporary Signs  
**APPLICANT:** City of New Brighton

## **REQUEST & BACKGROUND**

The City of New Brighton is requesting consideration of a Zoning Code Amendment impacting sections of Chapter 9 of the Zoning Code. Specifically, the amendments relate to the use and display of temporary signs. The current code allows use of two temporary sign permits per calendar year per business. In summary, the proposed amendment would allow use of four temporary sign permits per calendar year per business but also permit daily display of one sandwich board style sign every day.

Over two years ago the City Council attempted to create a temporary sign study group to examine use of temporary signs. The City received only one volunteer to sit on the study group, so the Council instead asked the Planning Commission to review this topic. The Planning Commission reviewed the current ordinance, discussed the proliferation of temporary signs throughout the City, and examined other ways of regulations such signs. The Commission also sought input from Economic Development Commission in early December, where the general sentiment was positive with regard to the proposed changes.

## **ATTACHMENTS**

A – Proposed Ordinance

## **FINDINGS**

Section 9-030. Definitions (signs).

Section 9-046. Temporary Signs.

## **AMENDMENT ANALYSIS**

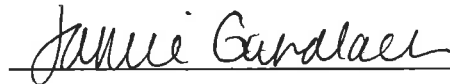
The attached ordinance proposes changes to Chapter 9 of the Zoning Code, specifically Sections 9-030 and 9 046. The ordinance accomplishes the following:

- Allow for 4 permits per year rather than 2
- Alter the display time from 30 days per permit to 14 days per permit
- Cut the permit fee in half (this fee isn't noted in the ordinance but a change would occur on the permit and in the fee schedule) – current fee is \$85
- Allow one sandwich board sign all day, every day during business hours for everyone in the City
- Define sandwich board sign and provide a standard size (36" x 24") and design
- Provide a temporary sign permit exemption for new businesses having a grand opening or existing business's having a going out of business sale
- Allow temporary sign permits to be issued back to back if desired by the business (current regulations prohibit this by requiring 90 days between permits)
- Minor readability changes to existing language the City Attorney recommended

Should the Commission recommend adoption of the Ordinance, the City Council would consider the request on January 24, 2012 for final action. The ordinance becomes effective upon the date of publication in the official City newspaper, which would occur in early February. Following publication of the ordinance, City staff would begin enforcing the ordinance by educating the business community on what is allowed and what isn't. It should be acknowledged that this effort could take several months.

**STAFF RECOMMENDATION**

Recommend the City Council adopt the ordinance provided, amending Zoning Code Sections 9-030 and 9-046 pertaining to temporary signs.

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

Janice Gundlach, City Planner

**ORDINANCE NO.  
STATE OF MINNESOTA  
COUNTY OF RAMSEY  
CITY OF NEW BRIGHTON**

**A ZONING CODE AMENDMENT  
RELATED TO TEMPORARY SIGNS**

THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON ORDAINS that the New Brighton Code of Ordinances is amended as follows:

**Section 1. City Zoning Code, Sec. 9-030. Definitions,** is amended by adding new paragraph (21) as follows:

(21) Sandwich Board Sign. A sign consisting of two boards connected at the top, displaying a front and back, and used to display advertisements.

The remaining paragraphs of Section 9-030 are renumbered accordingly.

Section 2. City Zoning Code, Sec. 9-046 is amended as follows:

**Section 9-046. Temporary Signs and Sandwich Board Signs.**

(1) Temporary signs, other than those specified in Section 9-040, shall require permits unless otherwise provided in this section.

(2) Each business ~~or lot~~ may be issued four (4) two temporary sign permits during any calendar year. Such temporary signs shall not be on display more than fourteen (14) thirty days. Temporary sign permits may be issued for consecutive periods but only one temporary sign per business shall be displayed at a time and there shall be at least a ninety day period between permit effective dates.

(3) Temporary signs shall not exceed 32 square feet in area, ~~when applicable.~~

(4) Businesses that are not located in multiple occupancy buildings ~~which~~ and that have an established dynamic sign shall not be permitted temporary signing.

(5) Each business may be permitted one sandwich board sign to be displayed daily, during business hours only, without permit. Such sign shall not exceed 36" x 24" per side and must be located outside of the right-of-way.

(6) A temporary sign displayed for the purpose of a new business's grand opening or an existing businesses going out of business sale may be displayed for thirty (30) days and not counted towards the temporary sign allowances in Section 9-046(2) above. Such signs shall not require a permit or pay a fee.

Section 3. This Ordinance is effective the date following its publication.

**Adopted** this \_\_\_\_ day of \_\_\_\_\_, 2012.

(Double-underline reflects new language, ~~Strikethrough~~ reflects deleted language)

---

Dave Jacobsen, Mayor

ATTEST:

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Dean R. Lotter, City Manager

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