



AGENDA
Planning Commission Meeting
ELECTRONIC MEETING
February 16, 2021 | 6:30 p.m.

*Due to COVID-19 and pursuant to Minnesota Statutes Section 13D.021,
this Planning Commission meeting is taking place virtually via Zoom.*

- **Watch the meeting electronically:** To observe the meeting electronically, visit www.newbrightonmn.gov or tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast).
- **To comment on a public hearing item in advance of the meeting:** As City Hall is currently closed to the public due to the COVID-19 pandemic, we strongly encourage you to forward your comments and questions to Ben.Gozola@newbrightonmn.gov up to noon on the day of the meeting, or call Ben Gozola at 651-638-2059. Your comments will be included in the record and addressed as part of the meeting.
- **To provide public comment during the electronic meeting:** To participate and speak as part of the public hearing, visit: <https://us02web.zoom.us/j/81603862779?pwd=K1FUSINzQ0FNM2M5WktFU1hZbDFEz09> (no app needed) or use your Zoom app to join by entering: Meeting ID: 816 0386 2779 and Passcode: 985059 to join the meeting.

I. Call to Order

II. Roll Call*

- | | |
|--------------------------------|---------------------------------|
| ▪ Chair Erin Nichols-Matkaiti | ▪ Commissioner Jeanne Frischman |
| ▪ Commissioner Liza Allen | ▪ Commissioner Tim McQuillan |
| ▪ Commissioner Todd Biedenfeld | ▪ Commissioner Eric Nelsen |
| ▪ Commissioner Youssef Enanaa | |

III. Approval of Agenda

IV. Approval of Minutes

1. November 17th, 2020

V. Report from City Council Liaison

1. Welcome Mayor Kari Niedfeldt-Thomas!

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

2. Welcome Councilmember Abdullahi Abdulle!

VI. Public Hearings

1. **PUD & Site Plan Amendment:** Request from TUV SUD to expand their existing research and testing facility at 141 14th St NW.
2. **Special Use Permit:** Request from Susan Morrison and Clearscape Holdings LLC to establish a special use permit for a new landscaping company intending to replace the existing D-Rock landscaping company at 175 Old Highway 8 SW.

VII. Business Items

1. None

VIII. Adjournment



**MINUTES
PLANNING COMMISSION
November 17, 2020 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m. by Acting Chair McQuillan. Due to the COVID-19 pandemic this meeting was held virtually.

II. Roll Call

Members Present.....Commissioners Liza Allen, Todd Biedenfeld, Youssef Enanaa, Tim McQuillan, and Eric Nelsen

Members Absent.....Chairperson Erin Nichols-Matkaiti and Jeanne Frischman

Also PresentBen Gozola (Assistant Director of Community Assets and Development) and Councilmember Paul Jacobsen

III. Approval of Agenda

Motion by Commissioner Allen, seconded by Commissioner Enanaa, to approve the November 17, 2020 agenda as presented.

A roll call vote was taken. Approved 5-0.

IV. Approval of Minutes

Minutes from October 20, 2020

Motion by Commissioner Biedenfeld, seconded by Commissioner Nelsen, to approve the October 20, 2020 meeting minutes as presented.

A roll call vote was taken. Approved 5-0.

V. Report from City Council Liaison

Councilmember Jacobsen provided the Commission with an update from the City Council. He thanked the Planning Commissioners for their dedicated service to the City of New Brighton. He reported the City Council approved the Bel Air Elementary School request, the SUP for an accessory building for the Aplikowski's and the SUP for the Emmanuel Covenant Church. He explained the Council also approved Ordinance 878 which provided tenant notification and protection. He thanked all residents of New Brighton for participating in the recent election noting 13,855 people voted. He thanked all of the City staff and election judges for putting on a safe and smooth election. He discussed the results of the election noting Kari Neidfeldt-Thomas had been elected Mayor and Abdullahi Abdulle and Pam Axberg had been elected as Councilmembers. He reported the City Council would be holding a Truth in Taxation Hearing on Tuesday, December 1st.

Commissioner Allen and Acting Chair McQuillan thanked Councilmember Jacobsen for his years of dedicated service to the City of New Brighton.

VI. Public Hearing

1) Special Use Permit: Request from Applewood Pointe at 1900 Rush Lake Trail to construct an 8-foot high screening fence along their northern property line – PID# 17-30-23-44-0122.

Assistant Director of Community Assets and Development Gozola reported Applewood Pointe is seeking authorization to construct an 8-foot tall screening fence between its property and the industrial use to the north. The new fence is being installed for aesthetic purposes, and should have no impact on the neighboring property. Staff provided further comment on the request and recommended approval of the Special Use Permit, based on the findings of fact and subject to the following conditions:

1. The Special Use Permit shall authorize an 8-foot tall fence in accordance with the site plan submitted and reviewed as part of this SUP.
2. Minor changes to the fence location and length may be administratively approved by staff, but major adjustments (i.e. any increase in height or a length extension exceeding five feet) shall only be authorized via an SUP amendment.
3. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit by the City Council. In the event of SUP revocation, the cost of the fencing and work to remove the fence shall be borne by the Applewood Pointe Residential Cooperative.

Acting Chair McQuillan opened the Public Hearing at 6:45 p.m.

There were no comments from the public.

Motion by Commissioner Allen, seconded by Commissioner Enanaa, to close the Public Hearing.

A roll call vote was taken. Approved 5-0.

Motion by Commissioner Allen, seconded by Commissioner Nelsen, to recommend the City Council approve requested special use based on the findings of fact and conditions listed in the staff report.

A roll call vote was taken. Approved 5-0.

2) Site Plan and Nonconforming Use Variance Permit Review: Request Jamatar II LLC and Everest Properties LLC to rearrange past shared parking arrangements and easements to optimize use of all landholdings – 441 Old Highway 8, 750 4th Street NW, and 755 4th Street NW – PID's: 29-30-23-42-0022, 29-30-23-42-0023, 29-30-23-42-0025, and 29-30-23-42-0024.

Assistant Director of Community Assets and Development Gozola reported this area of the City has significant history dating back before our present zoning code resulting in multiple legal nonconformities and an arrangement of uses that would not occur under present development standards. The present property owners have determined that “fixes” put in place to address parking issues over 20 years ago are not operating as intended, and are preventing efficient use of the land in this area. The proposed site plan amendment and variance are needed to address these long-standing problems. Staff provided further comment on the request and noted there were two hurdles. It was noted the applicant was asked to provide staff with a plan that showed emergency vehicles could the movement to the north and that it wouldn't be worse than current conditions. He reported staff had not received this plan. The options available to the Planning Commission would be to table action on this item until a plan has been received, or make approval contingent upon staff receiving the information. The second hurdle for this case was that any changes in parking would create nonconformities with the setbacks from the internal property lines. To address this concern, staff was recommending a variance process to authorize zero lot line setbacks. This would give the City and the applicant the flexibility needed to make this area work for all parties. The variance criteria were reviewed in further detail with the Commission and noted the fence surrounding the outdoor storage would have to be opaque or be slatted. Staff reviewed the options available to the Commission noting the item could be tabled until a turning radius study was completed, or the Commission could recommend approval of the Site Plan and Nonconforming Use Variance Permit contingent upon the completion of a turning radius study, based on the findings of fact and subject to the following conditions:

1. Approval of the site plan authorizing a change to parking easements and configuration shall only become effective upon the applicant providing an engineered turning movement analysis that shows adequate area exists to facilitate on-site emergency vehicle turning movements.
2. Staff is authorized to work with the applicants on a final configuration of parking spaces that protects both the overall number of spaces on the site AND emergency vehicle access should changes be needed as a result of the turning movement analysis.
3. The variance allowing for zero-lot line parking setbacks from internal side lot lines between the subject properties shall become void at such time as one or more of the buildings is removed or when lot lines are shifted as such changes would likely alter the facts supporting the variance.

4. If the applicants would like to pursue a formal vacation of the 4th Street right of way, an application from all parties adjacent to the ROW must be submitted along with legal descriptions and exhibits for all necessary replacement easements (private ingress/egress easements, public utility easements, etc.).
5. The applicant shall complete needed site clean up to address outdoor storage nonconformities (i.e. the stacks of empty pallets and junk stored east of the building shall be removed).

Commissioner Biedenfeld commented outside of the turning radius study being incomplete, the applicant was trying to improve this property. Assistant Director of Community Assets and Development Gozola reported this was the case. He explained this was a complicated site due to its history and the fact that there were legal nonconformities in place.

Commissioner Biedenfeld appreciated the fact that the property owner was trying to work through the tough circumstances with the City.

Commissioner Nelson asked if the requirements regarding the fence surrounding the outdoor storage should be made a condition for approval. Assistant Director of Community Assets and Development Gozola recommended Condition 6 be added to read: Fencing around the outdoor storage area will be opaque or shall include slates.

Commissioner Nelson questioned if the building to the east would have access concerns if additional parking were added. Assistant Director of Community Assets and Development Gozola requested the applicant speak to this question. It was his understanding the additional parking would not have been proposed if it wouldn't work.

Paul Archambeau, Stinson Electric, explained the loading bays on the building to the east were used for transitional storage. He stated he was open to removing the chain link fence noting this would improve emergency vehicle access. He reported he would be engaging a vendor to complete the turning radius study.

Commissioner Biedenfeld questioned if the turning radius study could be completed prior to the City Council meeting. Assistant Director of Community Assets and Development Gozola anticipated this would not be completed in time. He explained staff could be directed to review this turning radius study within a condition for approval. This would allow staff to work with the applicant to finalize the plans.

Commissioner Biedenfeld commented the City is going to have to default to the public safety requirements for this matter.

Acting Chair McQuillan opened the Public Hearing at 7:10 p.m.

Commissioner Enanaa asked when the turning radius study would be complete. Assistant Director of Community Assets and Development Gozola explained the applicant was working with Kemper to complete the survey, however Kemper does not have a civil engineer on staff to complete this project. The applicant has since been pursuing another engineering firm to complete the study and he was not sure of the project timeline.

Motion by Commissioner Nelsen, seconded by Commissioner Allen, to close the Public Hearing.

A roll call vote was taken. Approved 5-0.

Acting Chair McQuillan questioned if the Commission supported tabling action on this item until the turning radius study was complete.

Commissioner Biedenfeld explained he could support directing staff to review the turning radius study once it was completed. He stated a condition for approval would have to be added and no work on the site could begin until the study had been reviewed and approved by staff.

Commissioner Allen agreed with Commissioner Biedenfeld.

Commissioner Enanaa stated he would like to see action tabled on this item until the turning radius study was completed.

Commissioner Nelsen commented he did not have a preference, but noted he could support putting this item in the hands of staff, versus further delaying the project.

Acting Chair McQuillan explained if this item were to move forward Condition 6 would have to be added regarding the fence.

Commissioner Biedenfeld asked if there were any issues moving this forward with direction for staff to review the turning radius study. Assistant Director of Community Assets and Development Gozola commented this was allowed, but noted it was more of a comfort issue between the Planning Commission, City Council and City staff.

Commissioner Enanaa stated after hearing from staff he would be willing to support this item moving forward.

Motion by Commissioner Nelsen, seconded by Commissioner Biedenfeld, to recommend the City Council approve the Site Plan and Nonconforming Use Variance Permit Review Request for Jamatar II LLC and Everest Properties LLC to rearrange past shared parking arrangements and easements to optimize use of all landholdings for the properties at 441 Old Highway 8, 750 4th Street NW, and 755 4th Street NW based on the findings of fact and conditions as amended, adding Condition 6 and directing staff and Public Safety to review the turning radius study.

A roll call vote was taken. Approved 5-0.

VII. Business Items

None.

VIII. Adjournment

Motion by Commissioner Allen, seconded by Commissioner Enanaa, to adjourn the meeting.

A roll call vote was taken. Approved 5-0.

Meeting adjourned at 7:25 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development

Agenda Section:	VI
Item:	1
Report Date:	2/11/21
Commission Meeting Date:	2/16/21

REQUEST FOR COMMISISON CONSIDERATION

ITEM DESCRIPTION:	PUD & Site Plan Amendment: Request from TÜV SÜD to expand their existing research and testing facility at 141 14th St NW.
DEPARTMENT HEAD'S APPROVAL:	
CITY MANAGER'S APPROVAL:	
No comments to supplement this report	Comments attached

15.99 Deadline: 3/30/21

- Recommendations:**
- Staff believes the proposed PUD and Site Plan Amendments can be approved with conditions.
 - Template motions, recommended findings, and suggested conditions can be found on pages 15 – 17.
- Legislative History:**
- March 2017: The City Council authorized signature of a Term Sheet with TÜV SÜD America, Inc. outlining the general deal parameters with regard to sale of the property for development.
 - May 2017: The City Council approves the plat, PUD, and Site Plan authorizing construction of a new TÜV SÜD facility in the New Brighton Exchange.
 - August 2018: TÜV SÜD opens its new facility at 141 14th St NW.
 - Mid 2020: TÜV SÜD International decides to expand their operations in North America, and begins exploring which of its United States locations would receive this investment.
 - Fall 2020: New Brighton and Greater MSP pitch New Brighton as the ideal landing place for this expansion, and outline all incentives available should MN be selected.
 - December 2020: TÜV SÜD International selects New Brighton as the preferred location for expansion
 - January 2020: The City approves a resolution supporting TÜV SÜD's pursuit of Job Creation Fund dollars from the State of MN, and the application is approved for funding at the State level.
 - 1/29/21: TÜV SÜD officially applies for a PUD Amendment and Site Plan Review to authorize construction of the proposed addition

Financial Impact: Significant. An additional \$10M investment on this site will have long-term ramifications to both the finances of the NBE East TIF District, and the long-term tax base of the community upon decertification of the TIF District.

Summary: TÜV SÜD is seeking to place a 20,000 square foot addition onto their existing building at 141 14th Street NW to expand their testing capabilities for the North American market. Most of the site related issues for this property were previously addressed via the 2017 approval authorizing construction of the original facility. While additional details is still being requested by staff, we do believe the plans submitted are sufficient to secure conditional approval given past plan reviews & approvals.

Attachments:

- 1) *Staff Report*
- 2) *Engineering Memo*
- 3) *Draft Resolution*
- 4) *City Maps*
- 5) *Summary of Environmental Reports for the Redevelopment Property*
- 6) *Applicant's supporting documentation*



Ben Gozola, AICP

Assistant Director of Community Assets and Development

To: Planning Commission

From: Ben Gozola, Assistant Director DCAD

Meeting Date: 2-16-21

Applicants: TÜV SÜD America Inc

Main Contacts: Eric Cohan, TÜV SÜD

Location: 141 14th Street NW

Zoning: NBE

Introductory Information

Project: TÜV SÜD is seeking to place a 20,000 square foot addition onto their existing building at 141 14th Street NW to expand their testing capabilities for the North American market.

History:

- March 2017: The City Council authorized signature of a Term Sheet with TÜV SÜD America, Inc. outlining the general deal parameters with regard to sale of the property for development.
- May 2017: The City Council approves the plat, PUD, and Site Plan authorizing construction of a new TÜV SÜD facility in the New Brighton Exchange.
- August 2018: TÜV SÜD opens its new facility at 141 14th St NW.
- Mid 2020: TÜV SÜD International decides to expand their operations in North America, and begins exploring which of its United States locations would receive this investment.
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- January 2020: The City approves a resolution supporting TÜV SÜD's pursuit of Job Creation Fund dollars from the State of MN, and the application is approved for funding at the State level.
- 1/29/21: TÜV SÜD officially applies for a PUD Amendment and Site Plan Review to authorize construction of the proposed addition.



General Findings

Site Data:	<ul style="list-style-type: none"> ▪ Land Area ≈ 4.19 acres ▪ Existing Use – Flex commercial/industrial building ▪ Existing Zoning – NBE ▪ Property Identification Numbers (PIDs): 20-30-23-41-0084
Comp Plan Guidance:	<ul style="list-style-type: none"> ▪ The new 2040 Comprehensive Plan guides this property for “Mixed Use City Center Node.” This designation is designed to recognize the unique mix of uses in the downtown Civic area and the New Brighton Exchange along Old Highway 8. It is intended to be an “intensely developed area” where land uses are “vertically and/or horizontally mixed and integrated.” ▪ Guidance for this property in the new 2040 Comp Plan is consistent with the guidance that was in existence when TÜV SÜD was welcomed to this property in 2017. Staff finds that expansion of the existing facility is consistent with previous approvals and expectations for this site, and therefore still meets the intent of the comprehensive plan.
Notable Code Definitions:	<ul style="list-style-type: none"> ▪ <i>none</i>
Applicable Codes:	<ul style="list-style-type: none"> ▪ Chapter 4, Article 6, <u>NBE, New Brighton Exchange District.</u> The City’s high density city center zoning district. ▪ Chapter 7, Article 2, <u>Planned Unit Development.</u> Identifies the rules for residential planned residential developments
Applicant’s Narrative:	<p>TÜV SÜD is a testing, inspection and certification (TIC) provider providing safety, security and sustainability solutions across many sectors including chemical & process, consumer products & retail, energy, healthcare & medical devices, infrastructure & rail, manufacturing, mobility & automotive and real estate.</p> <p>Our flagship testing facility in New Brighton, MN serves several industries, but is a particular focus for the healthcare and medical devices industry with the Twin Cities being a hub for medical device manufacturers and associated industries.</p> <p>The proposed project adds approximately 20,000 square feet to the existing 36,000 square feet testing facility in New Brighton. The proposed addition is attached to the east side of the existing building and will also include reconfiguration of the parking lot to accommodate the new employees. The entire facility shall continue to be owned and operated by TÜV SÜD America.</p>

(cont.) This project will create 26 skilled jobs in the life sciences industry, contribute to the good health and wellbeing by ensuring the safety and reliability of the medical device supply chain and will support domestic technology research and development in the field of medical devices. Per the City of New Brighton, this expansion is in line with City development guidelines and this new development will further increase value and density goals within the New Brighton Exchange area.

Site Plan Review

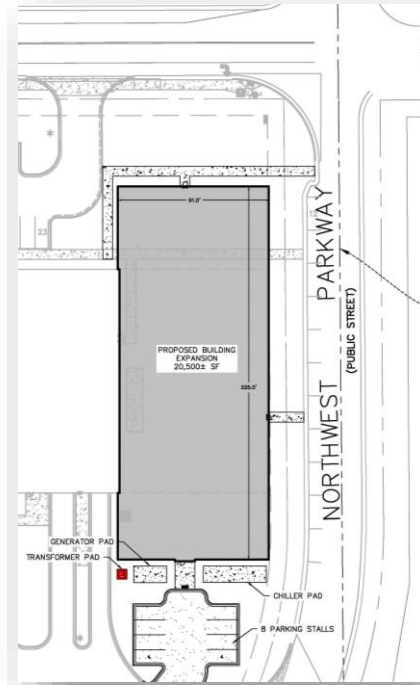
In General:

- Most of the site related issues for this property were previously addressed via the 2017 approval authorizing construction of the original facility. This report will focus solely on the proposed addition and changes to the previously approved plan.
- Engineering staff has not seen updated Civil plans for this addition as of yet, but the proposal is largely consistent with the original plan set approved in 2017 which included civil plans for an addition of roughly this size in this location (see below). Because the addition does not exactly match TÜV SÜD's best-guess footprint from 2017, [Engineering is reserving the right to require minor amendments to the plans to successfully address any engineering issues that arise once updated Civil plans are submitted](#). Previous approval of very similar plans gives staff confidence that any issues that arise can be easily addressed administratively between now and the desired construction start date in April.

Previously Approved



Proposed



**Existing
Conditions:**

- The addition would be located to the east of the current building consistent with the potential expansion area anticipated during the original planning of the site. No unexpected issues have arisen as a result of the original approval that should be dealt with via this amendment.

**Proposed Site
Plan Updates:**

Main changes to the site as proposed include:

- The proposed expansion will be approximately 20,000 square feet in size (roughly 225' x 91'), and would be built up to the minimum 10' setback from Northwest Parkway.
- As shown below, the addition would be integrated into the existing building in a manner that would make it look as if it were part of the original construction. Materials, coloring, and massing would mimic the original building.



- Parking lot reconfigurations would result in a net increase of 24 spaces to this site. Parking sufficiency is analyzed on page 7.

**Building
Materials /
Height:**

- No changes are proposed to either building height or materials. The new addition's height would be consistent with the western end of the building, and materials/colors would be consistent with the original structure. Upon completion, it should be difficult to tell that a portion of the building was a later addition.

Landscaping:	<ul style="list-style-type: none"> The applicants have agreed to continue landscaping consistent with the enhanced landscaping plan approved as part of the original development. As a condition of approval, a revised landscaping plan showing this consistency must be submitted along with any future building permit application and will be subject to approval by DCAD staff.
Lighting:	<ul style="list-style-type: none"> Lighting on the new addition will also continue to be consistent with the lighting on the original building. Like landscaping, the applicants will be required to submit a formal lighting plan as part of the building permit application to show consistency with previous approvals and no impacts to adjacent ROWs or neighboring properties. As a condition of approval, any problems with existing or proposed lighting that are later identified shall be brought into compliance with code requirements.
Lot Access:	<ul style="list-style-type: none"> The access points to the property will not change from existing conditions.
Water System(s):	<ul style="list-style-type: none"> The site has access to Municipal water, and there are no engineering or public works concerns regarding the new use and water usage. As noted, updated civil plans have not been submitted and reviewed leading up to this Planning Commission review, but the City Engineers feel confident that conditional approval is appropriate at this time given previous reviews and approvals. The only concern to arise which may precipitate minor plan updates is the anticipated proximity of the existing domestic water service line to the proposed building addition footprint. As a condition of approval, the applicant will need to work with engineering to address any concerns relating to the water line's location in relation to the addition.
Sanitary System(s):	<ul style="list-style-type: none"> The site has access to Municipal sewer, and there are no engineering or public works concerns regarding the new use and sewer usage.
Storm water / Grading / Erosion:	<ul style="list-style-type: none"> The applicant is currently going through the permitting review process with the Rice Creek Watershed District, and any approval of these plans should be subject to all necessary RCWD permits and adhering to the conditions therein. While Engineering staff will need to see an updated grading plan, currently approved plan sets suggest there should be no issues given the revised footprint being proposed.
Signage	<ul style="list-style-type: none"> Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.

Fire/Safety:	<ul style="list-style-type: none"> Public safety did not identify any issues with access or emergency vehicle movements.
Hours of Operations:	<ul style="list-style-type: none"> Not applicable or of concern as this is not a retail operation. That said, operation of the facility are not anticipated to change as a result of the new addition. The business will continue to function as it has since opening in 2018.
Parking & Traffic:	<ul style="list-style-type: none"> Original approval of this PUD authorized the existing number of parking spaces (101) as a deviation from code given the uniqueness of this use. The proposed parking lot reconfigurations would result in a net increase of 24 spaces to this site. Given that the maximum number of jobs being created by this addition is 26 and given the documented history of zero parking issues on this site since 2018, the proposed addition of 24 spaces to the previously approved deviation from underlying standards is acceptable.
Sidewalks & Trails:	<ul style="list-style-type: none"> Sidewalks to old Highway 8 and extensions to nearby properties were included as part of the original development. No further sidewalks are needed as part of this addition.
Development Phasing:	<ul style="list-style-type: none"> Build out of this addition will occur in a single phase.

PUD Amendment Review

<i>In General:</i>	<ul style="list-style-type: none"> The purpose of a Planned Unit Development (PUD) is to “establish a mechanism whereby major commercial developments or mixed use developments containing commercial and industrial uses or commercial and residential uses may be regulated in a manner that allows for sensitivity to the needs of the development and to the natural and man-made environment in order to create a harmonious relationship between that development and its larger environment.” Amendments are considered to be either minor or major. With this application proposing a new addition to the existing building, it has been classified as a “major” amendment for the purposes of review. Major amendments require review by the Planning Commission and approval of the City Council before they can proceed. An amendment to a PUD should consider the original approval and whether the proposed amendment(s) continue to uphold the vision and intent of the original approval.
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PUD History:

- The original PUD for this site was requested as the proposed Site Plan did not conform to several requirements of the NBE zoning district. The PUD authorized the following specific deviations from required minimum standards:
 - ✓ Use of a higher percentage of non-office square footage (33% office / 66% testing & certification vs. 100% office).
 - ✓ Front/street yard building setbacks greater than 40’.
 - ✓ Allowance of a one-story building instead of two stories.
 - ✓ Off-street parking stalls less than the minimum required.
 - ✓ Use of pre-cast concrete panels as primary and secondary exterior building materials, use of metal and glass as an accent material less than 10%.
 - ✓ Allowance of a wall sign on the western façade.
- Construction and operation of the TÜV SÜD facility since 2018 has proven the above deviations have worked well for the site and have allowed the business to thrive in its new location.

PUD Standards:

Section 7-230 outlines nine standards for Planned Unit Developments. Those standards are discussed below in relation to the proposed amendment:

1. *The minimum size for a planned unit development approved under this Article shall be four acres of land area and 30,000 total square feet of gross floor area in the buildings included in the planned unit development.*

Staff Comment: This standard is still met as the overall project acreage (4.19 acres) will not change from the original approval. **Criteria met.**

2. *The property to be included in the planned unit development shall be in single ownership or under the management or supervision of a central authority, or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Article.*

Staff Comment: This standard is still met as TÜV SÜD will continue to maintain ownership of all on-site improvements. **Criteria met.**

3. *Uses permitted in a planned unit development shall be those permitted uses, accessory uses, and uses by special permit that are allowed in the zoning classification of the land to be included in the planned unit development. At the time of approval of a planned unit development, the City Council may restrict or expand the uses that would otherwise be allowed in the District.*

Staff Comment: Original approval of this PUD approved deviations from code to allow “permit testing and certification space” as part of this facility. The City

(cont.)

determined the use and building were of sufficient quality to permit the requested deviation, and the ensuing three years have shown the City was correct in its decision. TÜV SÜD has been a tremendous addition to the New Brighton Exchange and an important employer for the City & region. The proposed addition being considered under this PUD amendment would expand the existing use by an additional 20,000 square feet and add upwards of 26 high-wage jobs to the community. History and experience has shown there will be no conflicts with the surrounding area, so staff fully supports the proposal. **Criteria met.**

4. *A planned unit development shall conform to all applicable sections of Chapter 26 of the City Code and to the Zoning Code except as hereinafter modified or exempted and any amendments to said codes as will be adopted from time to time to better meet the stated purposes of the Chapter.*

Staff Comment: Chapter 26 deals with subdivision and platting of property. All such approvals are already complete and will not be amended by this application. **Criteria met.**

5. *Nothing in this Article shall be construed to prohibit the approval of a planned unit development having only a single building.*

Staff Comment: TÜV SÜD is the only business to occupy this site. **Criteria met.**

6. *Architectural styling shall not be the sole basis for denial of a planned unit development.*

Staff Comment: In 2017, the City found the architectural styling of the proposed building to be compatible with the surrounding area and with several of the architectural guidelines of the NWQ Framework Plan:

- ✓ Building Placement – while not directly at the corner, attention was paid to orient the building to follow the frontages of 14th ST NW and Northwest Parkway. This proposed addition will build towards the corner as originally desired, thereby improving the plans per the original review.
- ✓ Expressive Front Entry – the applicant has created a larger glass expanse at the NW corner of the building near the front entry as well as a prominent blue feature wall that runs perpendicular to the façade. Having now seen the results of the architectural plans, most agree the final product did indeed live up to expectations of the City’s planning documents.
- ✓ Interior Courtyard – the applicant included an outdoor plaza area at the NW corner of the building, adding a pedestrian presence to the exterior of the site. The proposed expansion will have no impact on this facility amenity.

(cont.)

Criteria met.

7. *The maximum gross floor area for the sum of all buildings in a project shall not exceed 45 percent of the total land area in the planned unit development. For purposes of determining compliance with this provision, the first two aboveground floors of structures used exclusively for parking of vehicles shall not be included as part of the gross floor area of the development. Subject to approval of the City Council, the gross floor area may be increased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council.*

Staff Comment: This standard is met. The 45% maximum would allow up to 85,526 square feet of floor space on this site. Even after the proposed addition, the building will still be significantly below this threshold ($\approx 57,000$ sq ft), and building upwards could still be a possibility in the future. **Criteria met.**

8. *All buildings shall observe the following setbacks unless otherwise specified by the Council at the time of approval of the planned unit development:*

- a. *There shall be a minimum setback of the height of the building, or thirty feet, whichever is greater, from all property lines that form the perimeter of the entire plan of the planned unit development. Subject to approval of the City Council, building setbacks may be decreased from the perimeter setback requirement for any new Planned Unit Development if pedestrian linkages to neighboring developments for residents, employees, or shoppers are provided along with an approved streetscape plan with enhanced landscaping.*

Staff Comment: Per the original approval, deviations to setbacks were permissible on this site thanks to pedestrian linkages being included to neighboring developments and inclusion of an enhanced landscape plan. From both roads, the City identified 10' as the minimum acceptable setback and 40' as the maximum acceptable setback. As this proposed addition would fall within that range (10') and landscaping would continue to be consistent with the existing building, staff finds this **criteria is met.**

- b. *There shall be a minimum setback of the height of the building, or sixty feet, whichever is greater, from any property zoned R-1 or R-2. Subject to approval of the City Council, the setbacks referenced in this sub-section may be decreased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the*

(cont.)

Northwest Quadrant Framework Plan approved by the City Council on June 28, 2005.

Staff Comment: This standard does not apply as no adjacent land is zoned R-1 or R-2, nor is any such land forecasted to be used for residential purposes.

Criteria met.

- c. ***There shall be a minimum setback of the height of the building, or sixty feet, whichever is greater, from any public street. Subject to approval of the City Council, the setbacks referenced in this sub-section may be decreased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council on June 28, 2005.***

Staff Comment: Per the original PUD approval in 2017:

“This standard is met. The proposed building is 103’ from the property line abutting 14th ST NW and 100’ from the property line abutting Northwest Parkway. It should be noted the future expansion space is proposed to have a setback to Northwest Parkway of 10’. This is permitted exception under this standard as the Northwest Quadrant Framework Plan specifies building facades abutting, and prominently facing the public roadway.”

As this proposal simply implements what was anticipated at the time of original approval, staff finds this **criteria is met.**

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

Staff Comment: All such improvements were authorized via a subdivision agreement accompanying the original PUD authorization. No such public improvements apply to this addition. **Criteria met.**

Based on the above analysis, all PUD standards of Section 7-230 are met for the proposed addition

**PUD Approval
Criteria:**

In addition to the general PUD standards outlined in section 7-230, code also sets out the following seven (7) “approval criteria” that the Planning Commission and City Council are required to consider when reviewing these types of applications.

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

Staff Comment: While a new Comprehensive Plan has been penned and adopted since this facility was originally built, the guidance and vision for the New Brighton Exchange did not change with the adoption of the new plan. Accordingly, staff finds that expansion of the existing facility is consistent with previous approvals and expectations for this site, and therefore continues to meet the intent of the comprehensive plan. **Criteria met.**

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

Staff Comment: As originally determined in 2017, TÜV SÜD’s Site Plan includes pedestrian linkages to neighboring developments, a pedestrian friendly streetscape, and enhanced landscaping to beautify the site beyond minimum standards. The applicant has also incorporated a building placement that fits well with the adjacent right-of-way and has created a great deal of visual character with the building’s large amount of glass, a varying color scheme, and a courtyard. The new addition improves upon the original design by bringing the building closer to the corner of 14th & Northwest Parkway as desired. Additionally, the blending of this addition into the existing building such that it will be difficult to tell there’s been an addition addresses this criteria. Finally, originally approved plan give engineering confidence that conditional approval is appropriate at this time even though we are awaiting final updates to the civil plans. **Criteria met.**

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

Staff Comment: TÜV SÜD has been an exemplary addition to the New Brighton Exchange, and no issues have arisen from their site since their opening in 2018. The addition poses no risks of upsetting current conditions in relation to surrounding properties provided final building permit approvals show consistency with all building requirements. **Criteria met.**

(cont.)

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

Staff Comment: As outlined in the site plan review portion of this report (pages 4 – 7), previously approved exceptions to underlying zoning have proven to be successful since the building opened in 2018. As the proposed addition is largely consistent with the additional anticipated in 2017, and as the requested exemptions on the revised PUD continue to be consistent with the original approval, staff finds the revised requests are as justified now as they were in 2017. **Criteria met.**

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

Staff Comment: The proposed addition has functioned as expected since its approval, and the proposed addition will simply expand an already great facility in a needed and meaningful way. This addition is not dependent on future changes for its success. **Criteria met.**

6. *The burden or impact created by the planned development on parks, schools, streets, and other public facilities and utilities.*

Staff Comment: The proposed addition will not burden parks, schools, streets, or other public facilities. The addition will, over time though, benefit all such facilities once the TIF District supporting the New Brighton Exchange East side is decertified and all taxes return to the tax rolls. **Criteria met.**

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

Staff Comment: The New Brighton Exchange redevelopment area has always planned for corporate office users, and the impact to environmental quality and reasonable enjoyment of surrounding property will not be negatively impacted. In fact, the area will be enhanced with further development of this property. Environmental review for this and all surrounding properties in the New Brighton Exchange has been extensive and exhaustive as document in the attached updated listing of “Environmental Reports for the Redevelopment Property.” No further environmental review is needed for this addition. **Criteria met.**

Supplementary Review & Public Comment

Additional Information:	<ul style="list-style-type: none"> ▪ None
Engineering Review:	<p>An engineering memo dated 2-11-21 is attached to this report. Comments are:</p> <ul style="list-style-type: none"> ▪ Civil Plans <ol style="list-style-type: none"> 1) Civil plans have not been submitted and were not reviewed. Prior to approval, civil plans will be required and must include removal, construction, utility (sanitary sewer, water main, and storm sewer), drainage and grading plans). 2) Staff has reviewed conceptual plans against previous record plans and have identified the following item will need to be addressed with the civil design: <ol style="list-style-type: none"> a. Proximity of the existing domestic water service to the proposed building addition.
Public Safety Review:	<ul style="list-style-type: none"> ▪ No public safety concerns on this application.
Public Comment:	<ul style="list-style-type: none"> ▪ Staff has received only one call regarding this project as of 2/11/21, and the caller was satisfied they had no issues with the proposal upon learning more about the project.

Conclusion:

TÜV SÜD America Inc is seeking approval of a PUD amendment and site plan previously conceived as a component of their original approval in 2017. Given the analysis outlined in this report, **staff is comfortable that conditional approval is appropriate at this time.**

Commission Options:	<p>The Planning Commission has the following options:</p> <ul style="list-style-type: none"> A) RECOMMEND APPROVAL OF THE REQUESTS based on the applicant's submittals and findings of fact. B) RECOMMEND DENIAL OF THE REQUESTS based on the applicant's submittals and findings of fact. C) TABLE THE ITEMS and request additional information. <p>Based on a complete application date of 1/29/21, the deadline for a decision on these requests would be 3/30/21. This deadline can be extended an additional 60 days if needed.</p>
Template Denial Motion: <i>(not recommended)</i>	<ul style="list-style-type: none"> ▪ "I move that we recommend the City Council deny the requested PUD Amendment and site plan based on the following findings of fact:" <ul style="list-style-type: none"> ○ <i>(provide findings to support your conclusion)</i>
Template Approval Motion: RECOMMENDED	<ul style="list-style-type: none"> ▪ "I move we recommend the City Council approve the requested PUD Amendment and site plan based on the findings of fact listed on pages 15 and 16 of the report subject to the conditions listed on page 17 as may have been amended here tonight."
Suggested Findings of Fact:	<ol style="list-style-type: none"> 1. The property is located on the east side of Old Highway 8 NW within in the New Brighton Exchange redevelopment area, specifically 4.19 acres at the southwest corner of 14th ST NW and Northwest Parkway, formerly known as Block D of the NWQ Framework Plan. 2. The property is zoned NBE, New Brighton Exchange. 3. The property is guided in the New Brighton Comprehensive Plan for Mixed Use City Center. 4. A PUD and associated site plan was previously approved on May 23rd, 2017; the plans for which anticipated an addition to the building within the area proposed for an addition at this time. 5. The proposed addition of 20,000 square feet is largely consistent with originally approved plans in terms of size and location.

- (cont.)
6. The Planning Commission and City Council reviewed the proposed amendments against the PUD standards of Section 7-230 and PUD criteria of Section 7-240 of the Zoning Code and determined the proposed plans are in conformance with these requirements based on the following:
 - a. The total project area of 4.19 acres will continue to exceed the 4 acre minimum for a PUD.
 - b. The Site Plan has been developed in a manner that will ensure compatibility with future development within the New Brighton Exchange redevelopment area.
 - c. The use was previously determined to be consistent with the NWQ Framework Plan and the Mixed Use City Center land use designation of the Comprehensive Plan, and the proposed addition will have no impact on that determination.
 - d. Enhanced landscaping will continue to be provided around the new addition consistent with the previously approved landscaping plan
 - e. The addition's placement and relation to the existing building is consistent with the NWQ Framework Plan and City Center designation of the Comprehensive Plan.
 - f. The proposal to blend the addition into the existing building using similar massing, materials, and colors will ensure the quality of construction continues to meet an acceptable standard for the NBE zoning district.
 - g. The proposed addition was determined to have no impact on surrounding properties provided all building code provisions are followed, and all conditions of approval are met.
 7. Environmental review for this and all surrounding properties in the New Brighton Exchange has been extensive and exhaustive, and this proposed addition is in conformance with the previously reviewed and approved plans for this parcel. Accordingly, no further environmental review is being required for this addition.
 8. All identified concerns can be addressed via conditions.

**Recommended
Conditions:**

1. The applicant consents to making minor amendments to the plans to successfully address all engineering issues that arise once updated Civil plans are submitted and reviewed.
2. Plans shall be updated as needed to address any concerns relating to the existing domestic water service line location in relation to the addition.
3. A revised landscaping plan showing consistency with the original landscaping plan must be submitted along with any future building permit application and shall be subject to approval by DCAD staff.
4. A formal lighting plan shall be submitted as part of the building permit application to show consistency with previous approvals and no impacts to adjacent ROWs or neighboring properties.
5. Any problems with existing or proposed lighting that are later identified shall be brought into compliance with code requirements.
6. The applicant shall obtain all necessary permits from the Rice Creek Watershed District.
7. Plans shall successfully show how the existing passive gas venting framework under the existing building will be extended under the new foundation/addition.
8. All new/additional utilities (i.e. telephone, electric, gas service lines, etc) are to be placed underground in accordance with the provisions of all applicable City ordinances
9. Lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.
10. Lighting shall not shine directly into the public right-of-way or onto any residential use.
11. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.

cc: Eric Cohan, Main Contact



interoffice

MEMORANDUM

to: Ben Gozola, Assistant Director of Community Assets and Development/City Planner
from: Dustin Lind, Engineering Supervisor
subject: TUV SUD Expansion
date: February 11, 2021

The Engineering Department has reviewed the submitted documents for the proposed TUV SUD expansion and we offer the following comments:

Civil Plans

- 1) Civil plans have not been submitted and were not reviewed. Prior to approval, civil plans will be required and must include removal, construction, utility (sanitary sewer, watermain, and storm sewer), drainage and grading plans.
- 2) Staff has reviewed conceptual plans against previous record plans and have identified the following item will need to be addressed with the civil design:
 - a. Proximity of the existing domestic water service to the proposed building addition.

**RESOLUTION
CITY COUNCIL
CITY OF NEW BRIGHTON**

**RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A PLANNED UNIT
DEVELOPMENT AMENDMENT AND SITE PLAN AMENDMENT FOR AN EXPANSION OF
THE TÜV SÜD FACILITY LOCATED AT 141 14TH STREET NW**

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a 2040 comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, on May 23rd, 2017, TÜV SÜD America Incorporated received approval of a Preliminary and Final Planned Unit Development, Preliminary and Final Plat, and Site Plan to authorize construction of the existing TÜV SÜD facility on property located at 141 14th Street NW which is legally described as:

Lot 1 Block 1 of NEW BRIGHTON EXCHANGE 3RD ADDITION, Ramsey County,
Minnesota

and

WHEREAS, TÜV SÜD America Incorporated has applied for a Planned Unit Development Amendment and Site Plan amendment to authorize construction of a proposed addition on the eastern side of the existing facility at 141 14th Street NW; and

WHEREAS, plans for the TÜV SÜD facility originally approved on May 23rd, 2017, included details for a proposed addition roughly in the same size and shape as the addition now being sought by TÜV SÜD America; and

WHEREAS, the complete application included ample information that could facilitate a conditional approval of the proposed addition; and

WHEREAS, staff fully reviewed the requests and prepared a report for consideration by the Planning Commission at their meeting on February 16, 2021; and

WHEREAS, the Planning Commission held a public hearing on the requests at the February 16th meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended conditional approval of the Planned Unit Development Amendment and Site Plan amendment on February 16, 2021, based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on February 23, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested Planned Unit Development amendment and Site Plan amendment based on the following findings of fact:

1. The property is located on the east side of Old Highway 8 NW within in the New Brighton Exchange redevelopment area, specifically 4.19 acres at the southwest corner of 14th ST NW and Northwest Parkway, formerly known as Block D of the NWQ Framework Plan.
2. The property is zoned NBE, New Brighton Exchange.
3. The property is guided in the New Brighton Comprehensive Plan for Mixed Use City Center.
4. A PUD and associated site plan was previously approved on May 23rd, 2017; the plans for which anticipated an addition to the building within the area proposed for an addition at this time.
5. The proposed addition of 20,000 square feet is largely consistent with originally approved plans in terms of size and location.
6. The Planning Commission and City Council reviewed the proposed amendments against the PUD standards of Section 7-230 and PUD criteria of Section 7-240 of the Zoning Code and determined the proposed plans are in conformance with these requirements based on the following:
 - a. The total project area of 4.19 acres will continue to exceed the 4 acre minimum for a PUD.
 - b. The Site Plan has been developed in a manner that will ensure compatibility with future development within the New Brighton Exchange redevelopment area.
 - c. The use was previously determined to be consistent with the NWQ Framework Plan and the Mixed Use City Center land use designation of the Comprehensive Plan, and the proposed addition will have no impact on that determination.
 - d. Enhanced landscaping will continue to be provided around the new addition consistent with the previously approved landscaping plan
 - e. The addition's placement and relation to the existing building is consistent with the NWQ Framework Plan and City Center designation of the Comprehensive Plan.

- f. The proposal to blend the addition into the existing building using similar massing, materials, and colors will ensure the quality of construction continues to meet an acceptable standard for the NBE zoning district.
 - g. The proposed addition was determined to have no impact on surrounding properties provided all building code provisions are followed, and all conditions of approval are met.
- 7. Environmental review for this and all surrounding properties in the New Brighton Exchange has been extensive and exhaustive, and this proposed addition is in conformance with the previously reviewed and approved plans for this parcel. Accordingly, no further environmental review is being required for this addition.
- 8. All identified concerns can be addressed via conditions.

BE IT FURTHER RESOLVED, that approval of the Planned Unit Development amendment and Site Plan amendment shall be subject to the following conditions:

- 1. The applicant consents to making minor amendments to the plans to successfully address all engineering issues that arise once updated Civil plans are submitted and reviewed.
- 2. Plans shall be updated as needed to address any concerns relating to the existing domestic water service line location in relation to the addition.
- 3. A revised landscaping plan showing consistency with the original landscaping plan must be submitted along with any future building permit application and shall be subject to approval by DCAD staff.
- 4. A formal lighting plan shall be submitted as part of the building permit application to show consistency with previous approvals and no impacts to adjacent ROWs or neighboring properties.
- 5. Any problems with existing or proposed lighting that are later identified shall be brought into compliance with code requirements.
- 6. The applicant shall obtain all necessary permits from the Rice Creek Watershed District.
- 7. Plans shall successfully show how the existing passive gas venting framework under the existing building will be extended under the new foundation/addition.
- 8. All new/additional utilities (i.e. telephone, electric, gas service lines, etc) are to be placed underground in accordance with the provisions of all applicable City ordinances
- 9. Lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.

10. Lighting shall not shine directly into the public right-of-way or onto any residential use.

11. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.

ADOPTED this 23rd day of February, 2021 by the New Brighton City Council with a vote of __ ayes and __ nays.

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk

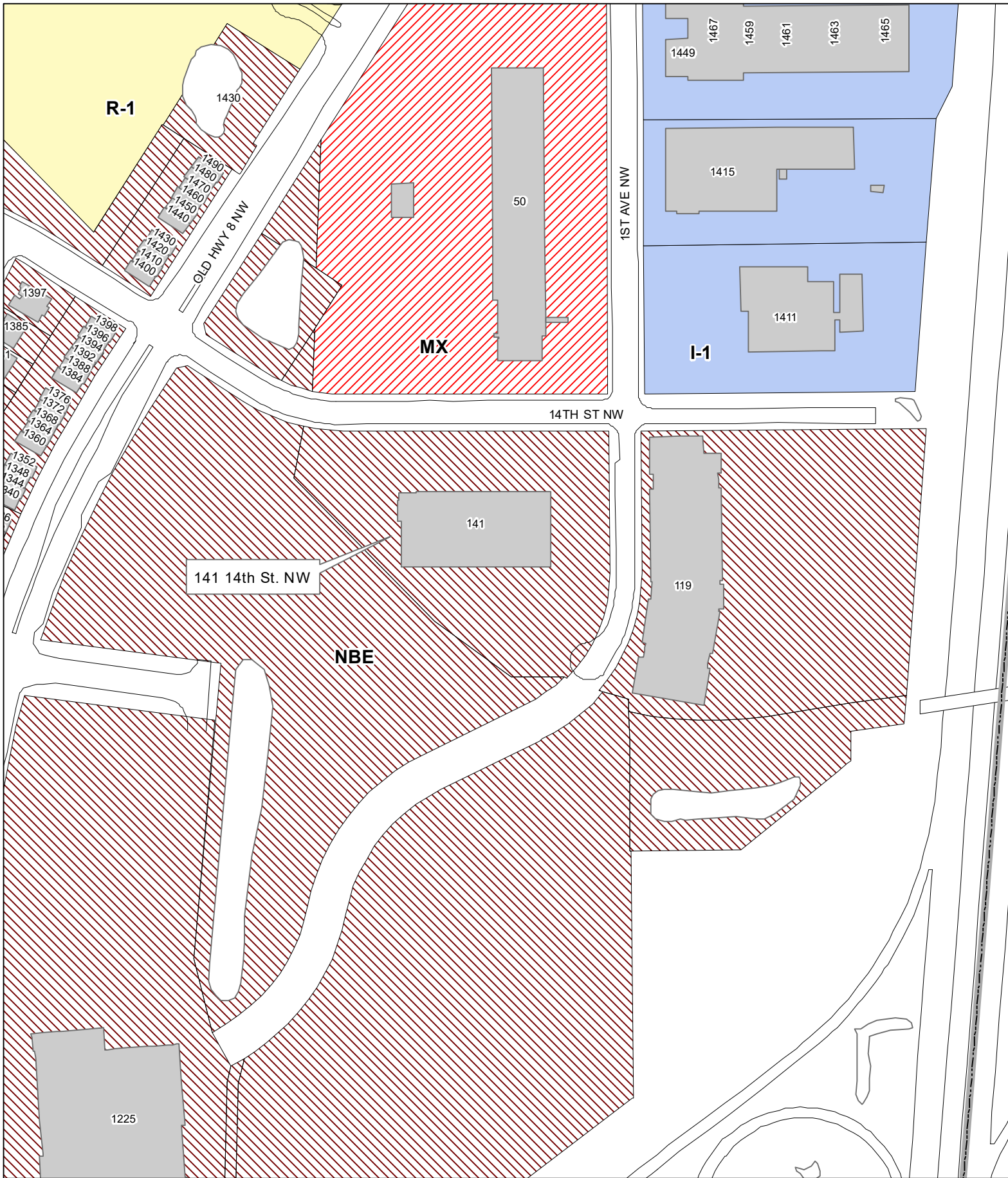
The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____

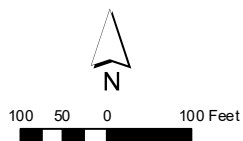
<authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public



- B-2, Neighborhood Business
- MX, Mixed Use
- NBE, New Brighton Exchange
- R-1, Single Family Residential
- I-1, Light Industrial



Current Zoning
 141 14th St. NW
 NBE, New Brighton Exchange

141 14th St. NW - 600' Mailing Buffer

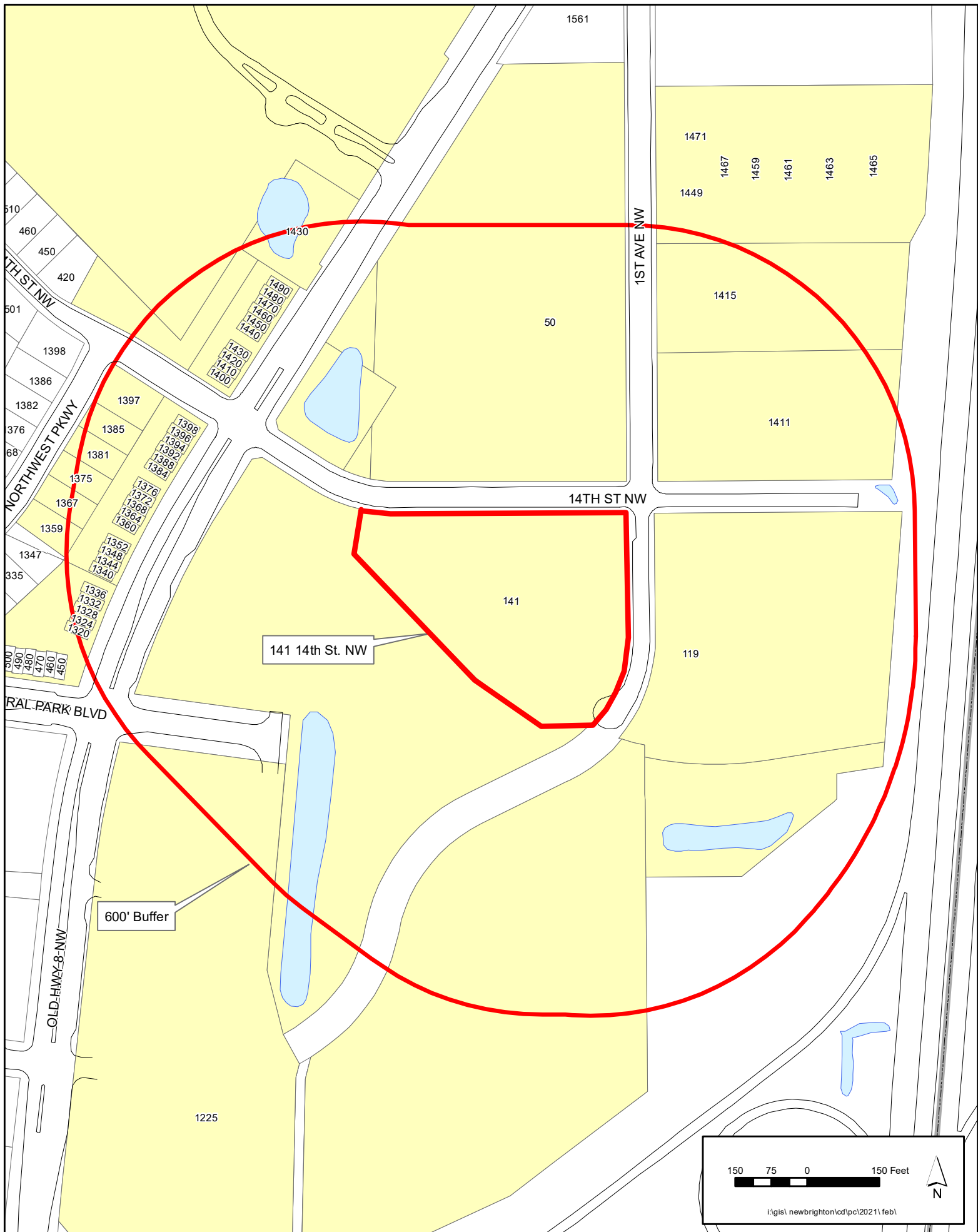


EXHIBIT H

ENVIRONMENTAL REPORTS FOR REDEVELOPMENT PROPERTY

Numerous reports and correspondence associated with historic site use are available for the Site and surrounding properties. The following condensed list of reports and relevant documents are readily available on the main page of the New Brighton Exchange project web site. Additional references associated with adjacent properties are also available on the project web site.

Barr Engineering Co. Reports Published in Support of areas associated with the planned TUV SUD development on the New Brighton Exchange Project:

Phase I Environmental Property Assessment Summary, Northwest Quadrant Property - Interstate I-35W and I-694, New Brighton, Minnesota. May 1998.

Barr Engineering, Gordon Rendering/Darling International New Brighton, MN, focused Phase II Investigation Letter Report. December 2000.

Supplemental Phase I Environmental Assessments and Phase II Investigation Work Plans, Northwest Quadrant I-694 and I-35W, New Brighton, Minnesota. February 2003.

Addendum 1 to the Supplemental Phase I Environmental Assessments and Phase II Investigation Work Plans, Northwest Quadrant I-694 and I-34W, New Brighton, Minnesota. March 2003.

Phase II Summary Report, Planned Commercial Redevelopment Area, Eastern portion of the Northwest Quadrant, New Brighton, Minnesota. February 2004.

Soil Gas Investigation Report, Northwest Quadrant Redevelopment Area, New Brighton, Minnesota. August 2005.

Response Action Plan, Planned Mixed Use Redevelopment, Eastern Portion of the Northwest Quadrant, New Brighton, Minnesota. November 2005.

Environmental Investigation Results and updated Conceptual Response Action Plan, Planned Mixed Redevelopment, Eastern Portion of the Northwest Quadrant, New Brighton, Minnesota. December 2006.

Demolition Field Screening Report, Eastern Portion of the Northwest Quadrant, New Brighton, Minnesota. December 2006.

Development Response Action Plan, Old Highway 8 Reconstruction, New Brighton, Minnesota. February 2007.

Development Response Action Plan Implementation Report, Old Highway 8 Reconstruction, New Brighton, Minnesota. December 2007.

Response Action Plan, Eastern Portion of the Northwest Quadrant, New Brighton, Minnesota. February 2008.

Phase II Investigation Report, Butcher's Spur Property, Northwest Quadrant Redevelopment Area, New Brighton, Minnesota. August 2008.

Response Action Plan Implementation, Eastern Portion of the Northwest Quadrant, New Brighton, Minnesota. April 2010.

Response to MPCA's Comments on the February 2008 Response Action Plan, Eastern Portion of the NW Quadrant. June 2011.

2010/2011 Groundwater Monitoring Results, Eastern Portion of Northwest Quadrant Redevelopment Area, New Brighton, Minnesota, VIC Project: VP18560. July 2011.

Summary of 2010-2011 Landfill Gas Monitoring, Eastern Portion of the New Brighton Exchange, New Brighton, MN, VP #18560. February 2012.

Summary of 2012 Landfill Gas Monitoring, Eastern Portion of the New Brighton Exchange, New Brighton, Minnesota. July 2013.

Work Plan for Installation of Vertical Landfill Gas Vents, Eastern Portion of the New Brighton Exchange, New Brighton, MN, VP #18560. July 2013.

Updated Plan for Vertical Landfill Gas Vents, Eastern Portion of the New Brighton Exchange, New Brighton, MN, VP #18560. October 2013.

Environmental Summary Report and Response Action Plan, CSI Development, New Brighton, Minnesota. March 2014.

Vertical Landfill Gas Venting System Implementation, Eastern Portion of the New Brighton Exchange, New Brighton, MN. October 30, 2014.

Summary of 2013 through August 2014 Landfill Gas Monitoring, Eastern Portion of the New Brighton Exchange, New Brighton, Minnesota. October 2014.

Environmental Site Investigation, Block D - New Brighton Exchange Redevelopment Area. Prepared for City of New Brighton, March 18, 2016.

Summary of Landfill Gas Monitoring September 2014 through December 2015, Eastern Portion of the New Brighton Exchange, New Brighton, Minnesota. April 2016.

Updated Contingency Action Plan for Landfill Gas Control, Old Miller Dump Closure, Eastern Portion of the New Brighton Exchange, New Brighton, Minnesota. Submitted to MPCA for review April 2016.

2016 Additional Methane Evaluations, Old Miller Dump (VP # 18560), New Brighton Exchange, New Brighton, MN. Submitted to MPCA July 29, 2016.

Preliminary Geotechnical Engineering Report, New Brighton Exchange – Block D Redevelopment, Ramsey County, Minnesota. Prepared for City of New Brighton, November 2015.

Summary of Landfill Gas Monitoring 2016 through March 2017, Eastern Portion of the New Brighton Exchange, New Brighton, Minnesota. April 2017.

Summary of Landfill Gas Monitoring January 2016 through March 2017, Eastern Portion of the New Brighton Exchange, New Brighton, MN. May 2017.

Updated Contingency Action Plan for Landfill Gas Control, Old Miller Dump Closure, Eastern Portion of the New Brighton Exchange, New Brighton, MN. March 2018.

Summary of 2017 Landfill Gas Monitoring April 2017 through December 2017, Eastern Portion of the New Brighton Exchange, New Brighton, MN. June 2018.

Summary of 2018 Landfill Gas Monitoring January 2018 through March 2019, Eastern Portion of the New Brighton Exchange, New Brighton, MN. June 2019

Summary of 2019 Landfill Gas Monitoring January 2019 through November 2019, Eastern Portion of the New Brighton Exchange, New Brighton, MN. March 2020

Summary of 2020 Landfill Gas Monitoring January 2020 through December 2020, Eastern Portion of the New Brighton Exchange, New Brighton, MN. March 2021

Supporting MPCA Correspondence:

Approval Letter for Response Action Plan (with modifications) from Patrice Jensen of MPCA – Voluntary Investigation and Cleanup (VIC) Program. December 2005.

Approval Letter for SAP, Old Miller Dump Soil Cover and Groundwater Investigation from Patrice Jensen of MPCA –VIC Program. May 31, 2006.

Approval Letter for Development Response Actions for Petroleum Contamination from Mark Koplitz of MPCA – PBP. April 2007.

Approval Letter for Development Response Action Plan Implementation Report for Petroleum Contamination from Mark Koplitz and Bassou Oulgout of MPCA – PBP. February 2008.

Approval Letter (with modifications) for February 2008 RAP from Michael Kanner of MPCA – PBP and VIC. May 2008.

Revised Approval Letter (with modifications) for February 2008 RAP from Michael Kanner of MPCA – PBP and VIC. May 2008.

Approval Letter for Emission Control Plan Plan from Jacqueline Deneen of MPCA. May 9, 2008.

No Association Determination for Butcher's Spur (soil) from Barb Jackson of MPCA VIC. September 30, 2008.

No Association Determination for Butcher's Spur (soil and groundwater) from Michael Kanner of MPCA. October 8, 2008.

Approval Letter for Development Response Action Plan Implementation Report for Old Highway 8 Reconstruction from Patrice Jensen of MPCA – VIC. February 2009.

Approval Letter for Contingency Action Plan for Landfill Gas Control, Old Miller Dump Closure from Patrice Jensen of MPCA – VIC. February 2009.

Approval email for post closure groundwater monitoring plan at Old Miller Dump from Patrice Jensen of MPCA. May 26, 2010.

Landfill Gas Monitoring Report Approval Letter and Request for Additional Work from Patrice Jensen of MPCA – VIC. May 2012.

Approval Letter for 2010/2011 Groundwater Monitoring Report – NW Quadrant – Commercial Redevelopment, Old Highway 8, New Brighton, MN. May 2012.

Request for Landfill Gas Control and Environmental Covenants from Doug Beckwith of MPCA – VIC. May 2013.

Approval Letter (with modifications) for July 2013 Work Plan for Installation of Vertical Landfill Gas Vents from Patrice Jensen of MPCA. August 2013.

Approval Letter for Response Action Plan Implementation Report and No Further Action Determination Letter for Commercial Redevelopment (eastern portion of New Brighton Exchange). February 4, 2015.

Reports associated with the Property and prepared by others

Peer Environmental, Phase I Environmental Site Assessment, Darling International, 19 NW 14th Street, New Brighton, MN. April 1999.

Terracon's Subsurface Assessment Report, Former Miller Dump – MPCA Old Highway 8, New Brighton, MN. January 25, 2000.

ARCADIS *Revised Action Plan, 1360, 1400, and 1430 Old Highway 8 NW, New Brighton, Minnesota. Prepared for Pulte Homes of Minnesota LLC. August 2014.*

Terracon Consultants Inc. (Terracon) *Summary of Phase II Investigation/Response Action Plan/Construction Contingency Plan, Proposed TUV SUD America Office / Research and Development / Warehouse Facility, Outlot D, New Brighton Exchange 1st Addition, New Brighton, Minnesota. April 21, 2017.*

Terracon *Letter to MPCA from Terracon Re: Response to Conditions in MPCA RAP and CCP Approval Letter for Outlot D NBE 1st Addition, New Brighton, Minnesota, PIN 20.30.23.41.0022 and RAP Amendment. July 21, 2017.*

Terracon *Response Action Plan/Construction Contingency Plan Implementation Report, TUV SUD America Office/ Research and Development/Warehouse Facility, Outlot D, New Brighton Exchange 1st Addition, New Brighton, Minnesota. October 23, 2018.*

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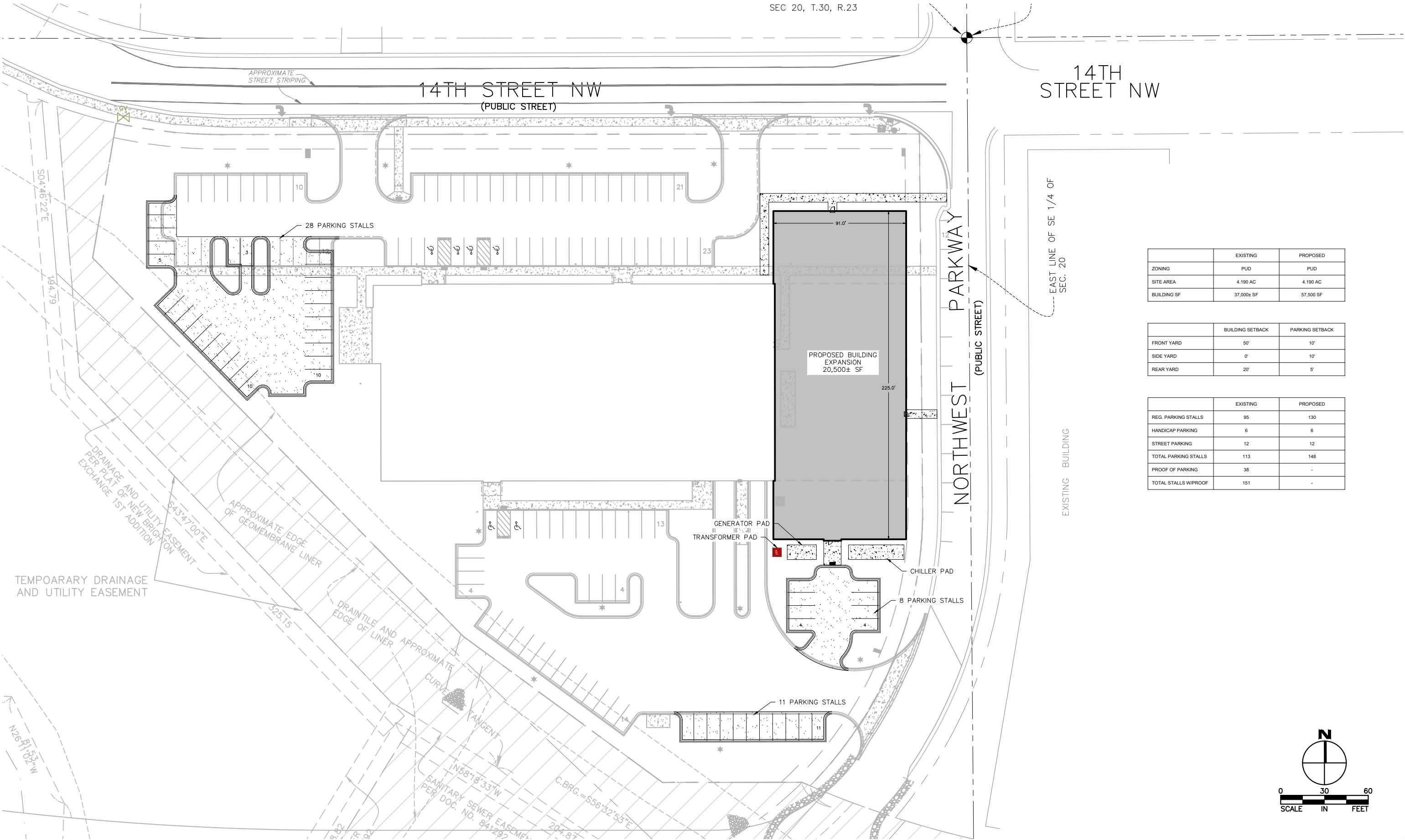
PUD Application – TÜV SÜD America – Supporting Narrative

TÜV SÜD is a testing, inspection and certification (TIC) provider providing safety, security and sustainability solutions across many sectors including chemical & process, consumer products & retail, energy, healthcare & medical devices, infrastructure & rail, manufacturing, mobility & automotive and real estate.

Our flagship testing facility in New Brighton, MN serves several industries, but is a particular focus for the healthcare and medical devices industry with the Twin Cities being a hub for medical device manufacturers and associated industries.

The proposed project adds approximately 20,000 square feet to the existing 36,000 square feet testing facility in New Brighton. The proposed addition is attached to the east side of the existing building and will also include reconfiguration of the parking lot to accommodate the new employees. The entire facility shall continue to be owned and operated by TÜV SÜD America.

This project will create 26 skilled jobs in the life sciences industry, contribute to the good health and wellbeing by ensuring the safety and reliability of the medical device supply chain and will support domestic technology research and development in the field of medical devices. Per the City of New Brighton, this expansion is in line with City development guidelines and this new development will further increase value and density goals within the New Brighton Exchange area.



SEC 20, T.30, R.23

14TH STREET NW
(PUBLIC STREET)

14TH STREET NW

NORTHWEST PARKWAY
(PUBLIC STREET)

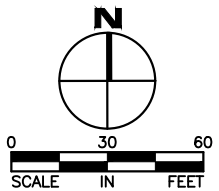
EAST LINE OF SE 1/4 OF
SEC. 20

EXISTING BUILDING

	EXISTING	PROPOSED
ZONING	PUD	PUD
SITE AREA	4.190 AC	4.190 AC
BUILDING SF	37,000± SF	57,500 SF

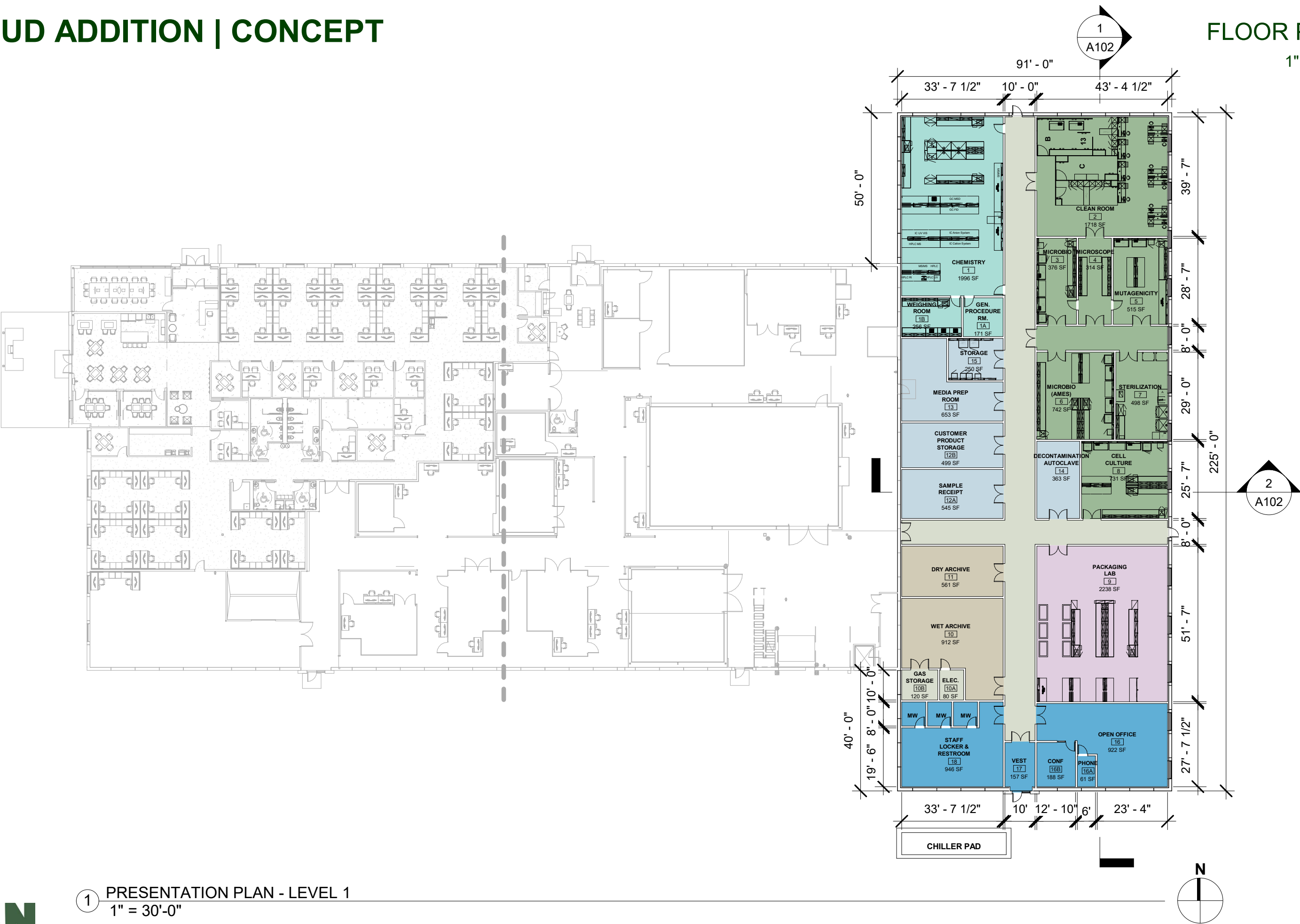
	BUILDING SETBACK	PARKING SETBACK
FRONT YARD	50'	10'
SIDE YARD	0'	10'
REAR YARD	20'	5'

	EXISTING	PROPOSED
REG. PARKING STALLS	95	130
HANDICAP PARKING	6	6
STREET PARKING	12	12
TOTAL PARKING STALLS	113	148
PROOF OF PARKING	38	-
TOTAL STALLS W/PROOF	151	-

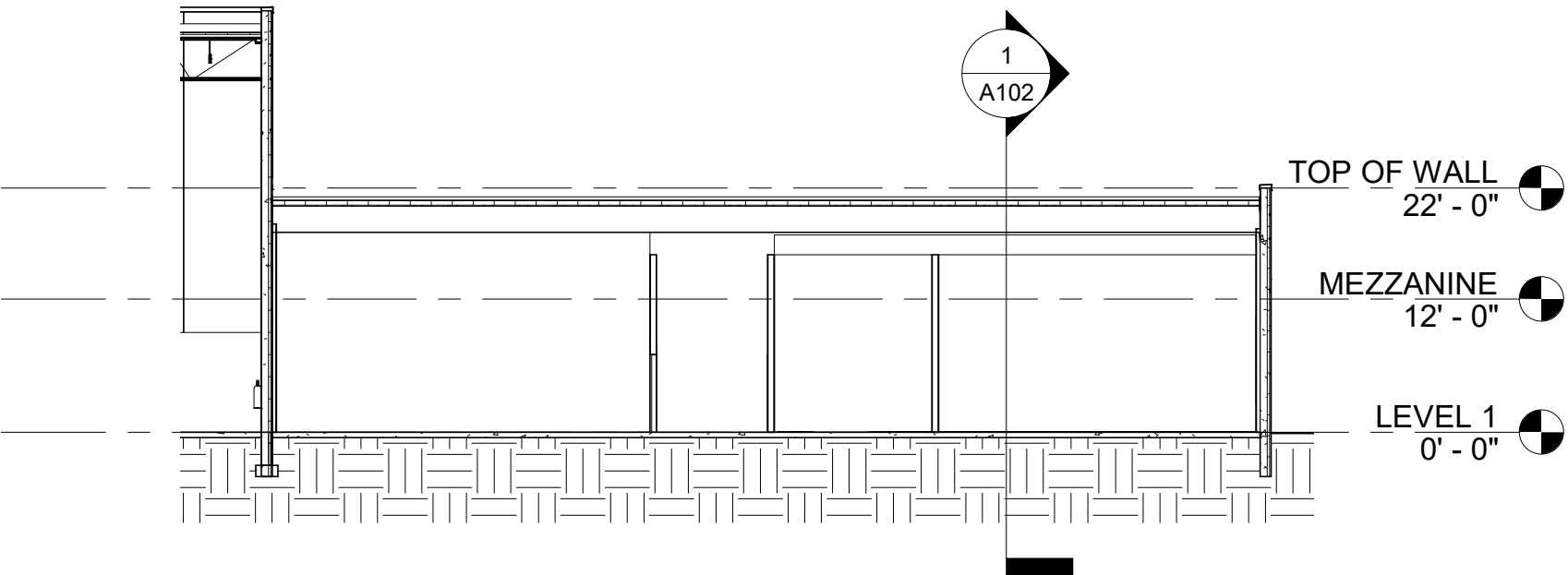


TUV SUD ADDITION | CONCEPT

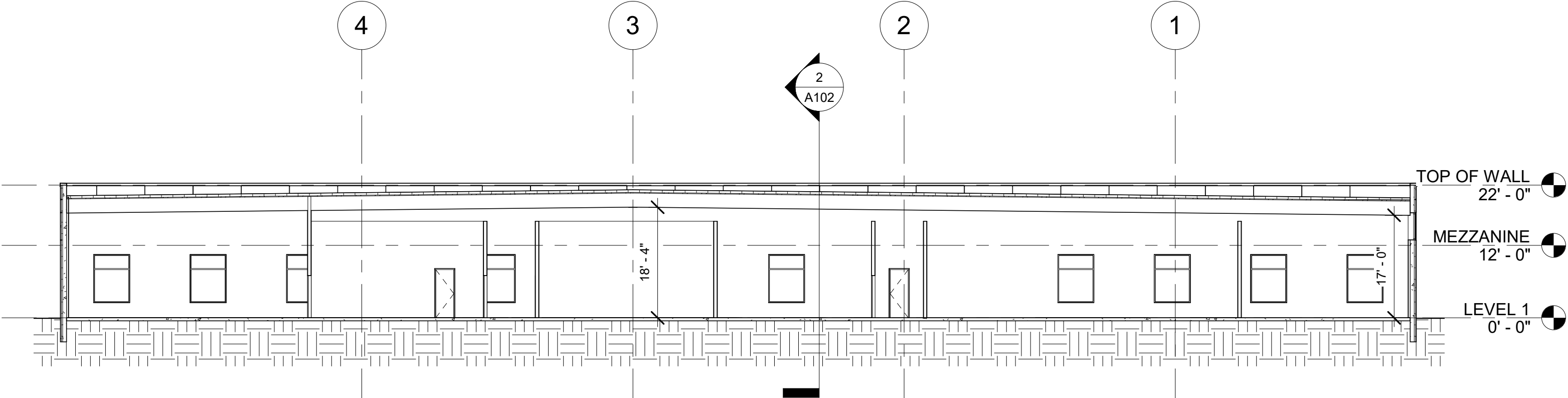
FLOOR PLAN
1" = 30'-0"



1 PRESENTATION PLAN - LEVEL 1
1" = 30'-0"



2 SECTION 2
1/16" = 1'-0"



1 SECTION 1
1/16" = 1'-0"





Agenda Section:	VI
Item:	2
Report Date:	2/10/21
Commission Meeting Date:	2/16/21

REQUEST FOR COMMISISON CONSIDERATION

ITEM DESCRIPTION: Special Use Permit: Request from Susan Morrison and Clearscape Holdings LLC to establish a special use permit for a new landscaping company intending to replace the existing D-Rock landscaping company at 175 Old Highway 8 SW.
DEPARTMENT HEAD'S APPROVAL:
CITY MANAGER'S APPROVAL:
No comments to supplement this report ____ Comments attached ____

15.99 Deadline: 3/30/21

- Recommendations:**
- **Staff believes the SUP can be approved with conditions.**
 - **Template motions, recommended findings, and suggested conditions can be found on pages 10 & 11.**

- Legislative History:**
- Original application received on 12/21/20 and was deemed incomplete on 1/7/21 (within the 15 business day time window given the three official holiday off-days during this time)
 - Revised application received on 1/29/21
 - Planning Commission Public Hearing Scheduled for 2/16/21

Financial Impact: None

- Summary:**
- Clearscape Holdings LLC, a company operating On Time Landcare, is seeking to consolidate its various real estate locations throughout the metro into a central company headquarters located at 125/175 Old Highway 8. The new landscaping company would replace the existing landscaping company (D-Rock) on the subject site. This SUP would address long-standing issues of screening outdoor storage and protection of the nearby creek/ditch.

- Attachments:**
- 1) *Staff Report*
 - 2) *Engineering Memo*
 - 3) *Draft Resolution*
 - 4) *City Maps*
 - 5) *Applicant's supporting documentation*

A handwritten signature in black ink, appearing to read 'Ben Gozola', positioned above a horizontal line.

Ben Gozola, AICP

Assistant Director of Community Assets and Development

To: Planning Commission

From: Ben Gozola, Assistant Director DCAD

Meeting Date: 2-16-21

Applicants: Susan Morrison (present owner) & Clearscape Holdings LLC (prospective owner)

Main Contacts: Wade Gerten

Location: 125 and 175 Old Highway 8

Zoning: I-1

Introductory Information

<i>Project:</i>	Clearscape Holdings LLC, a company operating On Time Landcare, is seeking to consolidate its various real estate locations throughout the metro into a central company headquarters located at 125/175 Old Highway 8. The new landscaping company would replace the existing landscaping company (D-Rock) on the subject site.
<i>History:</i>	<ul style="list-style-type: none">▪ Documentation in City records is unclear as to when D-Rock was first established on these sites (there does not appear to be a special use permit on file), but mentions of D-Rock at this location could be found in notices dating back to 1996.▪ Per the applicant's narrative, the D-Rock originally opened its doors in New Brighton in 1987 on County Road D, and relocated to the subject sites some time thereafter to accommodate their growing business. The current ownership is retiring and is seeking to sell the property to Clearscape Holdings LLC.
<i>Request(s):</i>	<ul style="list-style-type: none">▪ SUP review for outdoor storage in relation to a new landscaping company proposed at 125/175 Old Highway 8.



General Findings

Site Data:	<ul style="list-style-type: none"> Existing Lot Size = 4.2 acres (183,301 sq ft) Existing/Previous Uses – D-Rock Landscaping Company Existing Zoning – I-1 Property Identification Number (PID): 32-30-23-12-0019 and 32-30-23-12-0026
Comp Plan Guidance:	<ul style="list-style-type: none"> The 2040 Comprehensive Plan guides this property for Light Industrial (HI). The proposed outdoor storage, provided it meets code requirements for such, is therefore appropriate.
Notable Code Definitions:	<ul style="list-style-type: none"> Accessory Use. A use subordinate to the principal use on the same premises and customarily incidental thereto.
Applicable Codes:	<ul style="list-style-type: none"> Chapter 6, Article 1, <u>I-1 District.</u> Identifies “outside storage” as a specially permitted use. Chapter 8, Article 2, <u>Special Use Permit.</u> Identifies the process by which a special use requests are to be reviewed and decided.
Applicant's Narrative:	<p><i>The applicant's complete detailed narrative is attached following this report.</i></p> <p>Narrative Highlights from Staff's perspective:</p> <ul style="list-style-type: none"> Operation: “Clearscape will not be open to the public, we're not a retailer, but we'll often have customers visit our location and tour our to-be-developed landscaping innovation hub. The hub will demonstrate how landscape design, electric equipment, robotics, weather sensors, and connected irrigation technology can improve their properties and the environment...We will improve the look and feel of the property over time as well as it's positive environmental impact because this is what we do for a living! We plan to use the property to demonstrate to our customers what their properties can look like in the future if they partner with us.” Landscaping Materials: “[On-site] landscaping materials will include rock, dirt, mulch, and rocks in the summer months and road salt in the winter months. The current owner of the property, D-Rock, is a landscape materials retailer that has been storing these same materials for 15 years but at a much larger scale than we'll need. We'll likely only need about 10% of the same space dedicated to materials storage. The location of the bunkers that hold these materials will move further away from view over time as we disassemble existing installations.”

- (cont.)
- **Landscaping Equipment:** “Landscaping equipment that will be stored outside include work trucks, tractors, plows, lawn mowers, and trailers. Summer grounds maintenance equipment such as lawn mowers, leaf blowers, and trimmers will be securely stored inside enclosed trailers.”
 - **Parking:** “We plan to convert the Southwest corner of the property into an employee parking lot. The lot will be approximately 20,000 square feet and is bordered by 8 to 10 foot walls along the outside perimeter (2 walls) of the property. At peak capacity we anticipate 60 employee cars to be parked in the lot. The lot will not be visible from Old Highway 8 because it’s 10 feet below an existing brick wall.”

Site Review

In General:

- No new buildings are proposed, so a formal site plan review is not required. However, examining the existing characteristics of the site is important to understand what (if any) conditions might be needed for the new uses should the SUP be approved.

Existing Conditions:

- The proposed landscaping company would be replacing an existing landscaping company, so at first blush, the concerns should be minimal. That said, it does not appear that the current landscaping company ever acquired a special use permit for the outdoor storage occurring on the site, so this process will rectify that oversight and correct any associated problems.

Proposed Site Plan Updates:

Main changes proposed to the site will include:

- The existing opaque wall, non-existent gate, and see through fence will be replaced with an opaque wall/fence/gate combination that will screen on-site storage from view from Old Highway 8. The open entryway to the north of the property will also be treated with an opaque gate.
- The existing concrete bunkers for landscaping material nearest Old Highway 8 will be removed, and the existing bunkers near the tree line on the east end of the property will be reduced in size.
- The western portion of the site will be resurfaced with bituminous to create the employee parking area behind the opaque wall/fence/gate.
- While no details are currently proposed, it is their intent to improve the look and feel of the property over time to showcase “positive environmental impact” as that’s what the company wishes to showcase. “We plan to use the property to demonstrate to our customers what their properties can look like in the future if they partner with us.”

<i>Building Materials / Height:</i>	<ul style="list-style-type: none"> No changes are currently proposed to the building other than painting the building to refresh the exterior. Further aesthetic updates will be pursued in future years.
<i>Landscaping:</i>	<ul style="list-style-type: none"> No new landscaping is required by code. Changes to site landscaping will occur over time at the discretion of the new property owner.
<i>Lighting:</i>	<ul style="list-style-type: none"> While no new lighting is proposed for the site, any problems with existing lighting that are later identified shall be brought into compliance with code requirements. Should changes in lighting be proposed, the applicant must ensure that lighting is directed downward and installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way.
<i>Lot Access:</i>	<ul style="list-style-type: none"> The access points to the property will not change from existing conditions.
<i>Water System(s):</i>	<ul style="list-style-type: none"> The site has access to Municipal water, and there are no engineering or public works concerns regarding the new use and water usage.
<i>Sanitary System(s):</i>	<ul style="list-style-type: none"> The site has access to Municipal sewer, and there are no engineering or public works concerns regarding the new use and sewer usage.
<i>Storm water / Grading / Erosion:</i>	<ul style="list-style-type: none"> The applicant is currently going through the permitting review process with the Rice Creek Watershed District, and any approval of these plans should be subject to all necessary RCWD permits and adhering to the conditions therein. Engineering staff is not concerned about conditional approval in this context as the proposed parking lot is not proposing regrading, and existing drainage has been working for quite some time. Engineering can work with the applicant on needed changes moving forward as plans continue to be refined. Containment of site materials from entering the nearby creek/ditch to the north & east of this site will be of top priority to the City and the Watershed District. As a condition of approval, the applicant must agree to install mitigation measures to contain and prevent materials from leaving the site as may be needed now or in the future. The applicant shall be required to address stormwater concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage of equipment or materials.

(cont.)	<ul style="list-style-type: none"> Because a portion of the site will continue to be unpaved, vehicle tracking of dirt into the ROW is possible. As a condition of approval, the applicant must either make improvements to the site to keep tracking from being a problem, or must agree to paying for street sweeping services whenever directed to do so by the City
Signage	<ul style="list-style-type: none"> Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
Fire/Safety:	<ul style="list-style-type: none"> Public safety did not identify any issues with access or emergency vehicle movements given preliminary plans submitted for review. Because more detailed information came in late, as a condition of approval, the applicant is asked to agree to make minor adjustments to the arrangement of parking spaces if it is ultimately determined changes are needed to facilitate large vehicle turning movements.
Hours of Operations:	<ul style="list-style-type: none"> Clearscape is not a retailer, and therefore they do not have set daily hours of operation for this facility. Note that Clearscape will not be open to the public as they are not a retailer, but they do intend to have customers visit this location in the future to tour a yet-to-be-developed landscaping innovation hub. The hub will demonstrate how landscape design, electric equipment, robotics, weather sensors, and connected irrigation technology can improve their properties and the environment.
Parking & Traffic:	<ul style="list-style-type: none"> The applicants are paving a 30,543 square foot area on the western portion of the site to accommodate parking for an anticipated 60 employee vehicles. The applicant notes this parking area will not be visible from Old Highway 8 as it is 10 feet below the existing brick wall. The north and eastern areas of the property will be used for the outdoor storage of landscaping equipment much as it is today. Equipment would include detachable snow plows, snow blowers, leaf cleanup machines, tractors, work trucks, utility trailers, etc. Staff is not concerned that available parking areas on site cannot accommodate the proposed use. That said, all business related parking should be required to park on-site as part of this SUP as opposed to on-street parking along 8th Ave SW.
Sidewalks & Trails:	<ul style="list-style-type: none"> There are no sidewalks in this area nor are any planned or needed.
Development Phasing:	<ul style="list-style-type: none"> The change-over in uses will occur in a single phase if this special use permit is approved.

Special Use Permit Review

<i>In General:</i>	<ul style="list-style-type: none"> ▪ The need for a Special Use Permit is triggered by the proposed outdoor storage of landscaping materials and company vehicles.
<i>SUP Standards Review:</i>	<p>Issuance of an SUP requires an analysis of the proposed use against the specific review criteria established in code. Staff has reviewed the City's criteria for special use permits, and we offer the following analysis for consideration:</p> <p><u>General review Criteria (Section 8-130):</u></p> <ol style="list-style-type: none"> 1. <i>That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.</i> <u>Applicant Comment:</u> <i>Our planned use of the property will not endanger the public in any way. We're effectively asking permission to use the property as it has been used for the past 30 years with the exception of an employee parking lot. We'll strive to be a net positive influence in the community beginning with improving the existing property after we move into it in February and offering our property improvement expertise to our neighbors.</i> <u>Staff Comment:</u> Staff agrees with the applicant's assessment, and does not find reason to believe there will be any negative impacts to the public as a result of this proposed special use permit. Seeing as the existing and proposed uses are basically the same, getting this SUP in place and addressing some long-standing issues such as screening from Old Highway 8 will be a net-positive for this site. Furthermore, with this site as the company's new metro headquarters, future investments in the property will only improve its look and appeal from one of our main community corridors. Criteria met. 2. <i>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.</i> <u>Applicant Comment:</u> <i>Our planned use of the property should not negatively impact anyone's enjoyment of their properties nor diminish their property values in any way. We plan to improve the grounds significantly with landscaping improvements and cosmetic upgrades to the existing buildings.</i> <u>Staff Comment:</u> No change in use coupled with improvements to the site should not result in impacts to surrounding properties. Depending on traffic to/from this site over time and the future design of Old Highway 8, it may ultimately be important for traffic to exit the site via 8th Avenue NW and accessing Old Highway 8 via 1st St SW. There is no need for such a condition at the present

(cont.)

time, but the applicant must be prepared to work with the City in the future should changing conditions and safety concerns warrant a revised exit plan. **Criteria met with conditions.**

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.*

Applicant Comment: Our use of the property will not limit any local development or the operations of our neighbors because it's not significantly changing how it's been used for the last 30 years.

Staff Comment: The proposed changes to outdoor storage on this property will not have any impact on the development or use of surrounding lands provided all conditions are followed now and into the future. **Criteria met with conditions.**

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

Applicant Comment: no comments.

Staff Comment: Provided the applicant's agree to obtain all needed permits from the Rice Creek Watershed District and are committed to working with City Engineers on containment measures that may be needed to protect the adjacent creek/ditch, then staff finds this criteria is met. There are adequate sewer and water utilities serving the site, so this lateral change in use is not anticipated to cause any issues. **Criteria met.**

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

Applicant Comment: We don't anticipate any challenge conforming with the applicable regulations of the district.

Staff Comment: Provided the previously listed conditions are adhered to, staff does believe the use will conform to other applicable regulations of the I-1 district. **Criteria met.**

Supplementary Review & Public Comment

Additional Information:	<ul style="list-style-type: none"> ▪ None
Engineering Review:	<p>An engineering memo dated 2-9-21 is attached to this report. Comments are:</p> <ul style="list-style-type: none"> ▪ Streets – Parking Lot <ol style="list-style-type: none"> 1) Provide spot elevations and grading/drainage plan for proposed employee parking lot. Drainage created by the proposed parking lot shall not adversely affect neighboring properties. ▪ Storm Sewer <ol style="list-style-type: none"> 1) Provide documentation that Rice Creek Watershed District has reviewed the proposed plans. If Rule C and Rule D are triggered, additional storm sewer planning will be required. 2) Provide a narrative of spill control practices for equipment stored near creek. Additional perimeter control adjacent to the creek may be required pending review by city staff. ▪ Watermain and Sanitary Sewer <ol style="list-style-type: none"> 1) Show location of sanitary sewer and water utilities on site plan. <p>Conditions to address each of these concerns have been outlined in this report or are</p>
Public Safety Review:	<ul style="list-style-type: none"> ▪ No public safety concerns on this application.
Public Comment:	<ul style="list-style-type: none"> ▪ Staff has not received any feedback from surrounding property owners as of 2/8/21.

Conclusion:

The application is requesting approval of a special use permit to authorize outdoor storage in relation to a new landscaping company proposed at 125/175 Old Highway 8.

Staff Recommendation: Per the analysis outlined in the report, staff is recommending **APPROVAL** of the proposed SUP with conditions.

Commission Options:	<p>The Planning Commission has the following options:</p> <ul style="list-style-type: none"> A) RECOMMEND APPROVAL OF THE REQUEST based on the applicant's submittals and findings of fact. B) RECOMMEND DENIAL OF THE REQUEST based on the applicant's submittals and findings of fact. C) TABLE THE ITEM and request additional information. <p>Based on an application date of 1/29/21, the 60-day review period for this application expires on 3/30/21. This deadline can be extended an additional 60 days if more time is necessary.</p>
Template Denial Motion: <i>(not recommended)</i>	<ul style="list-style-type: none"> ▪ "I move that we recommend the City Council deny the proposed special use permit based on the following findings of fact:" <ul style="list-style-type: none"> ○ <i>(provide findings to support your conclusion)</i>
Template Approval Motion: RECOMMENDED	<ul style="list-style-type: none"> ▪ "I move we recommend the City Council approve the proposed special use permit based on the findings of fact and conditions listed on pages 10 & 11 of the staff report as may have been amended here tonight."
Suggested Findings of Fact:	<ol style="list-style-type: none"> 1. The proposed outdoor storage will not be detrimental to the public health or general welfare provided all materials are stored per an approved plan and all conditions are met; 2. The proposed storage will not impact the use of surrounding properties, and will not impact surrounding property values provided all conditions are met; 3. The proposed storage will not have any impact on the normal and ordinary development of surrounding properties; 4. The subject site is adequately served by municipal utilities and infrastructure; 5. The proposed use can conform to all underlying zoning district requirements.
Recommended Conditions:	<ol style="list-style-type: none"> 1. Materials/design of the opaque wall/fence/gate combination intended to screen on-site storage from view from Old Highway 8 must be reviewed and approved by staff prior to installation. Appeals to staff's determination would be sent to Council for a final decision.

- (cont.)
2. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
 3. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed both now or in the future.
 4. The applicant shall obtain all needed permits from the Rice Creek Watershed District (RCWD), and agree to address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage.
 5. The applicants shall provide spot elevations and a grading/drainage plan for proposed employee parking lot for staff approval prior to the improvement being made. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.
 6. The applicants shall stripe the new employee parking lot per the approved plan upon completion of paving.
 7. The applicants shall provide an updated survey to staff showing on-site utilities, and accommodate minor site changes if directed to do so by the City to protect these utility lines.
 8. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
 9. The applicants shall either make improvements to the site to eliminate tracking of dirt into the street, or shall pay for street sweeping services whenever directed to do so by the City.
 10. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
 11. If later determined necessary, the applicant shall make minor adjustments to the arrangement of parking spaces if it is ultimately determined changes are needed to facilitate large vehicle turning movements.

*cc: Susan Morrison, Owner
Wade Gerten, Clearscape Main Contact*



interoffice

MEMORANDUM

to: Ben Gozola, Assistant Director of Community Assets and Development/City Planner
from: Dustin Lind, Engineering Supervisor
subject: 175 Old Highway 8 SW
date: February 9, 2021

The Engineering Department has reviewed the site plan for the property at 175 Old Highway 8 SW and we offer the following comments:

Streets – Parking Lot

- 1) Provide spot elevations and grading/drainage plan for proposed employee parking lot. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.

Storm Sewer

- 1) Provide documentation that Rice Creek Watershed District has reviewed the proposed plans. If Rule C and Rule D are triggered, additional storm sewer planning will be required.
- 2) Provide a narrative of spill control practices for equipment stored near creek. Additional perimeter control adjacent to the creek may be required pending review by city staff.

Watermain and Sanitary Sewer

- 1) Show location of sanitary sewer and water utilities on site plan.

**RESOLUTION
CITY COUNCIL
CITY OF NEW BRIGHTON**

**RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
AUTHORIZING OUTDOOR STORAGE OF LANDSCAPING MATERIALS AND EQUIPMENT
AT 125 & 175 OLD HIGHWAY 8 SW**

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Clearscape Holdings LLC, has a purchase agreement to own the properties located at 125 and 175 Old Highway 8 SW legally described as:

Parcel 1: That part of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota, lying North of the Southerly 316.25 feet thereof and lying Southerly and Westerly of a line described as beginning at a point in the West line of said Northwest Quarter of the Northeast Quarter, distant 538.75 feet North of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence Southeasterly deflecting 72 degrees, 05 minutes (measured from the South to the East) from said West line a distance of 258.28 feet; thence Southeasterly to a point in the North line of the South 316.25 feet of said Northwest Quarter of the Northeast Quarter distant 363.7 feet East of said West line, according to the United States Government survey.

Parcel 2: The Southerly 106.25 feet of the Westerly 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

Parcel 3: The North 210 feet of the South 316.25 feet of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

WHEREAS, Clearscape Holdings LLC (the “Applicants”) made application to the City on 1/29/21 for a Special Use Permit (SUP) to authorize outdoor storage for their business at 125 & 175 Old Highway 8 SW;

WHEREAS, Clearscape Holdings LLC is seeking authorization to store landscaping materials and business vehicles outdoors which requires a Special Use Permit;

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on February 16, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the February 16, 2021, meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended approval of the request on February 16, 2021, based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on February 23, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

1. The proposed outdoor storage will not be detrimental to the public health or general welfare provided all materials are stored per an approved plan and all conditions are met;
2. The proposed storage will not impact the use of surrounding properties, and will not impact surrounding property values provided all conditions are met;
3. The proposed storage will not have any impact on the normal and ordinary development of surrounding properties;
4. The subject site is adequately served by municipal utilities and infrastructure;
5. The proposed use can conform to all underlying zoning district requirements.

BE IT FURTHER RESOLVED, that approval of the special use permit amendment shall be subject to the following conditions:

1. Materials/design of the opaque wall/fence/gate combination intended to screen on-site storage from view from Old Highway 8 must be reviewed and approved by staff prior to installation. Appeals to staff's determination would be sent to Council for a final decision.
2. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
3. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed both now or in the future.

4. The applicant shall obtain all needed permits from the Rice Creek Watershed District (RCWD), and agree to address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage.
5. The applicants shall provide spot elevations and a grading/drainage plan for proposed employee parking lot for staff approval prior to the improvement being made. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.
6. The applicants shall stripe the new employee parking lot per the approved plan upon completion of paving.
7. The applicants shall provide an updated survey to staff showing on-site utilities, and accommodate minor site changes if directed to do so by the City to protect these utility lines.
8. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
9. The applicants shall either make improvements to the site to eliminate tracking of dirt into the street, or shall pay for street sweeping services whenever directed to do so by the City.
10. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
11. If later determined necessary, the applicant shall make minor adjustments to the arrangement of parking spaces if it is ultimately determined changes are needed to facilitate large vehicle turning movements.

ADOPTED this 23rd day of February, 2021 by the New Brighton City Council with a vote of __ ayes and __ nays.

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk

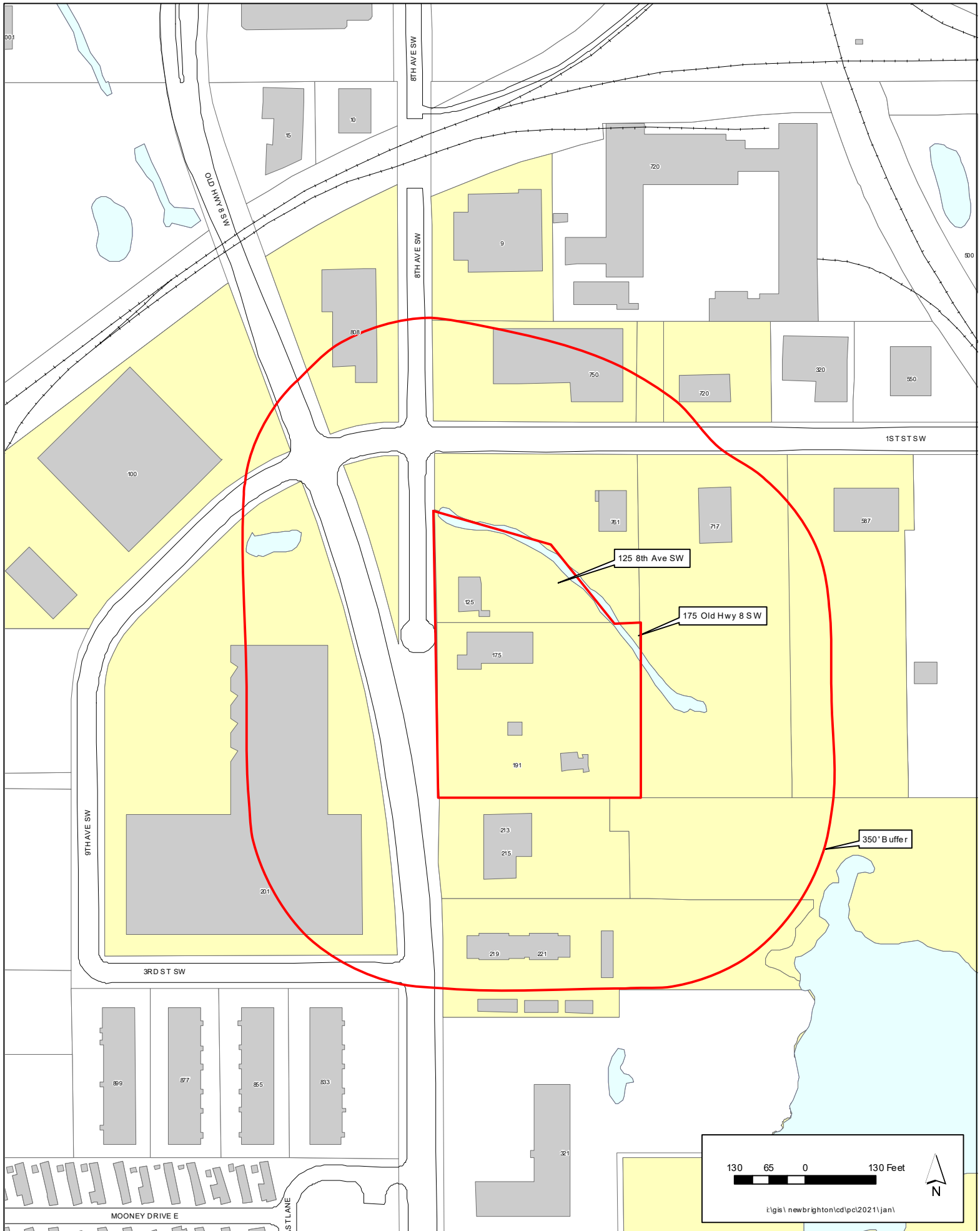
The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

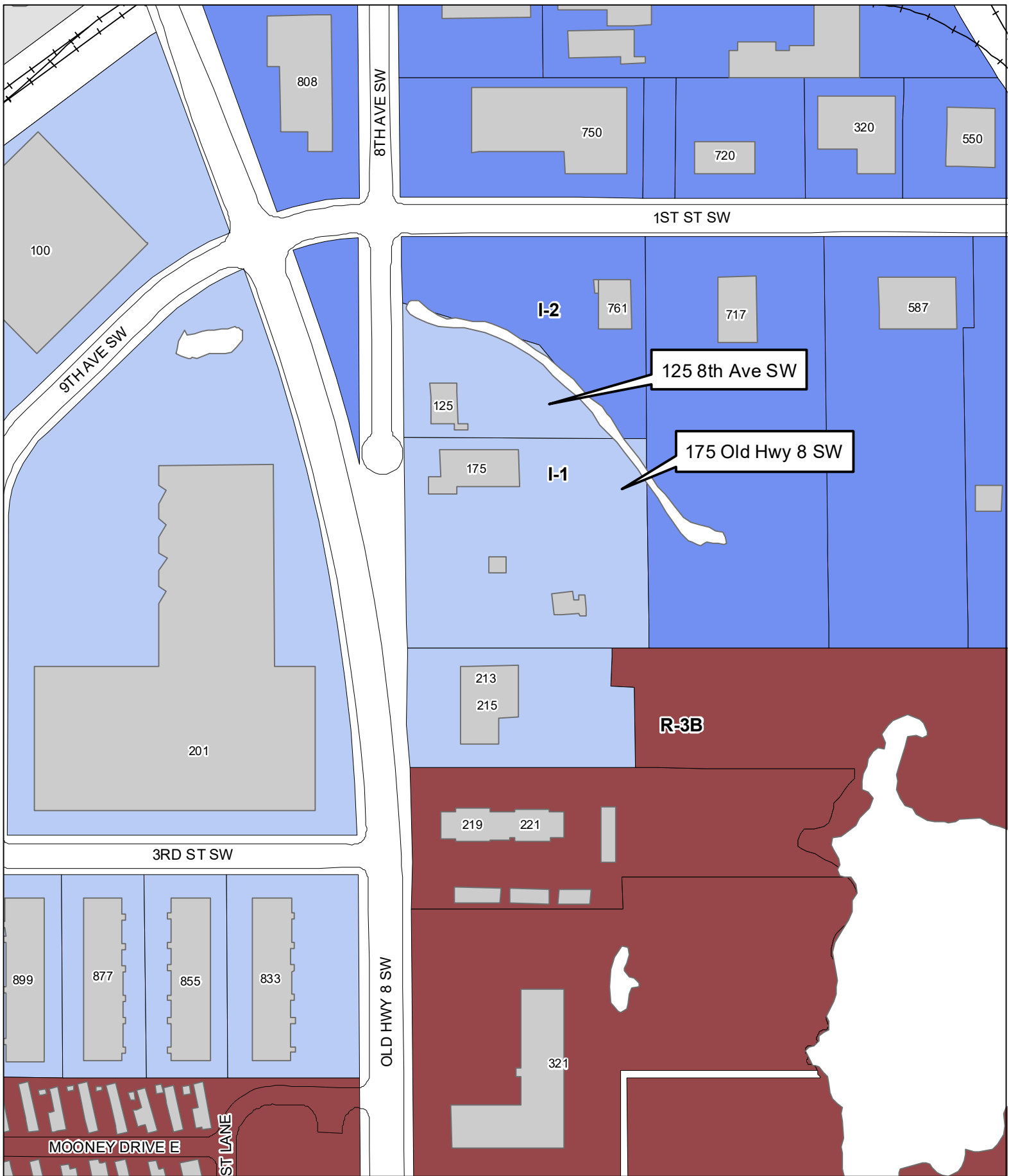
Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

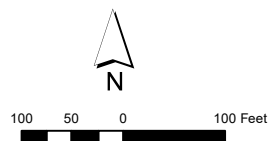
Notary Public

175 Old Hwy 8 SW & 125 8th Ave SW - 350' Mailing Buffer





- R-3B, High Density Residential
- I-1, Light Industrial
- I-2, Heavy Industrial



Current Zoning
175 Old Hwy 8 SW &
125 8th Ave SW
I-1, Light Industrial



Clearscape Outdoor Services

Special Use Permit Application for the City of New Brighton

January 25, 2020

Wade Gerten

612-867-0246



Topics

Company Introduction

Property History

Special Use Description

SUP Criteria Worksheet

About Clearscape

Clearscape Holdings LLC currently operates a company called On Time Landcare. The business has been providing outdoor services to commercial properties in the Twin Cities for 15 years and has a great reputation. Services include lawn mowing, landscape design, irrigation installation, and snow removal. We employ between 40 to 70 people depending on the season.

The business was purchased by a local technology entrepreneur in 2018 and is being transformed into a technology-enabled (ex. robotic mowers) and environmentally-centric landscaping service provider. Our vision is for each of our properties to remove more carbon from the environment than what is produced to maintain them, reduce water usage by 90% each summer, and eliminate the use of toxic chemicals on lawns such as fertilizer.

On Time Landcare is in process of being rebranded Clearscape Outdoor Services and is consolidating it's different real estate locations into one central HQ in New Brighton located at 175 Old Highway 8.



Property History

Long-time New Brighton residents, Frank and Ramon Morrison, opened the doors of D-Rock Center in 1987. The Morrison Family held the goal of beautifying homes and neighborhoods by giving homeowners the opportunity to pick up or have delivered decorative rock and related landscaping products. Not long after opening, as demand of inventories grew, D-Rock Center moved its location from its original home on County Road D (hence the name D-Rock) to its current location on Old Highway 8.

Morrison family are retiring and are selling the property to Clearscape.



Special Use Permit Need

The D-Rock business located on Old Highway 8 will close when we take ownership of their property in February.

Clearscape will not be open to the public, we're not a retailer, but we'll often have customers visit our location and tour our to-be-developed landscaping innovation hub. The hub will demonstrate how landscape design, electric equipment, robotics, weather sensors, and connected irrigation technology can improve their properties and the environment.

Clearscape is seeking a permit to store landscaping materials and equipment outside. We're also seeking approval to create a larger employee parking space within the current walls of the property.

All landscaping equipment and employee vehicles will be stored or parked away from public view of Old Highway 8. Visibility from the three sides of the property is mostly obscured with an existing high wall, buildings, heavy tree cover, and lack of public access.

We will improve the look and feel of the property over time as well as it's positive environmental impact because this is what we do for a living! We plan to use the property to demonstrate to our customers what their properties can look like in the future if they partner with us.

Special Use Permit Description

Outdoor Storage - Landscaping Materials

Landscaping materials will include rock, dirt, mulch, and rocks in the summer months and road salt in the winter months. The current owner of the property, D-Rock, is a landscape materials retailer that has been storing these same materials for 15 years but at a much larger scale than we'll need. We'll likely only need about 10% of the same space dedicated to materials storage. The location of the bunkers that hold these materials will move further away from view over time as we disassemble existing installations.

Outdoor Storage - Landscaping Equipment

Landscaping equipment that will be stored outside include work trucks, tractors, plows, lawn mowers, and trailers. Summer grounds maintenance equipment such as lawn mowers, leaf blowers, and trimmers will be securely stored inside enclosed trailers.

Employee Parking

We plan to convert the Southwest corner of the property into an employee parking lot. The lot will be approximately 20,000 square feet and is bordered by 8 to 10 foot walls along the outside perimeter (2 walls) of the property. At peak capacity we anticipate 60 employee cars to be parked in the lot. The lot will not be visible from Old Highway 8 because it's 10 feet below an existing brick wall.

Special Use Permit Criteria Worksheet - Response

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.

- + Our planned use of the property will not endanger the public in any way. We're effectively asking permission to use the property as it has been used for the past 30 years with the exception of an employee parking lot. We'll strive to be a net positive influence in the community beginning with improving the existing property after we move into it in February and offering our property improvement expertise to our neighbors.

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.

- + Our planned use of the property should not negatively impact anyone's enjoyment of their properties nor diminish their property values in any way. We plan to improve the grounds significantly with landscaping improvements and cosmetic upgrades to the existing buildings.

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.

- + Our use of the property will not limit any local development or the operations of our neighbors because it's not significantly changing how it's been used for the last 30 years.

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

- + We don't anticipate any challenge conforming with the applicable regulations of the district.

Landscape Materials Storage

- + We plan to reduce the number of bunkers given we only need about 10% of the materials storage space.
- + The largest bunkers on the North side of the property will be reduced in size / quantity (circled).
- + The concrete bunkers on the West side of the property near the entrance will be removed to make room for employee parking (see X).

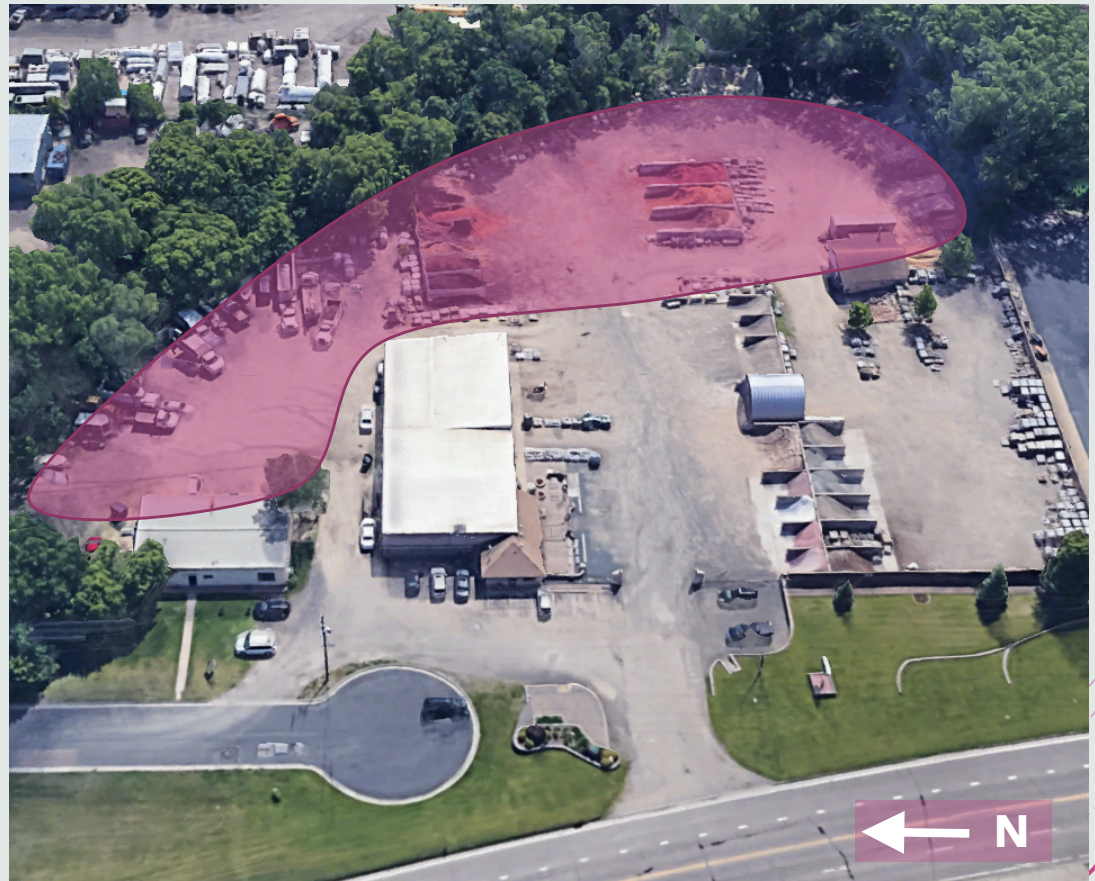
Google Earth image of the current property yard configuration.



Outdoor Equipment Storage

- + The North and Eastern areas of the property will be primarily used for the outdoor storage of landscaping equipment.
- + Equipment includes detachable snow plows, snow blowers, leaf cleanup machines, tractors, work trucks, utility trailers, etc.

Google Earth image of the current property yard configuration.



Employee Parking Lot

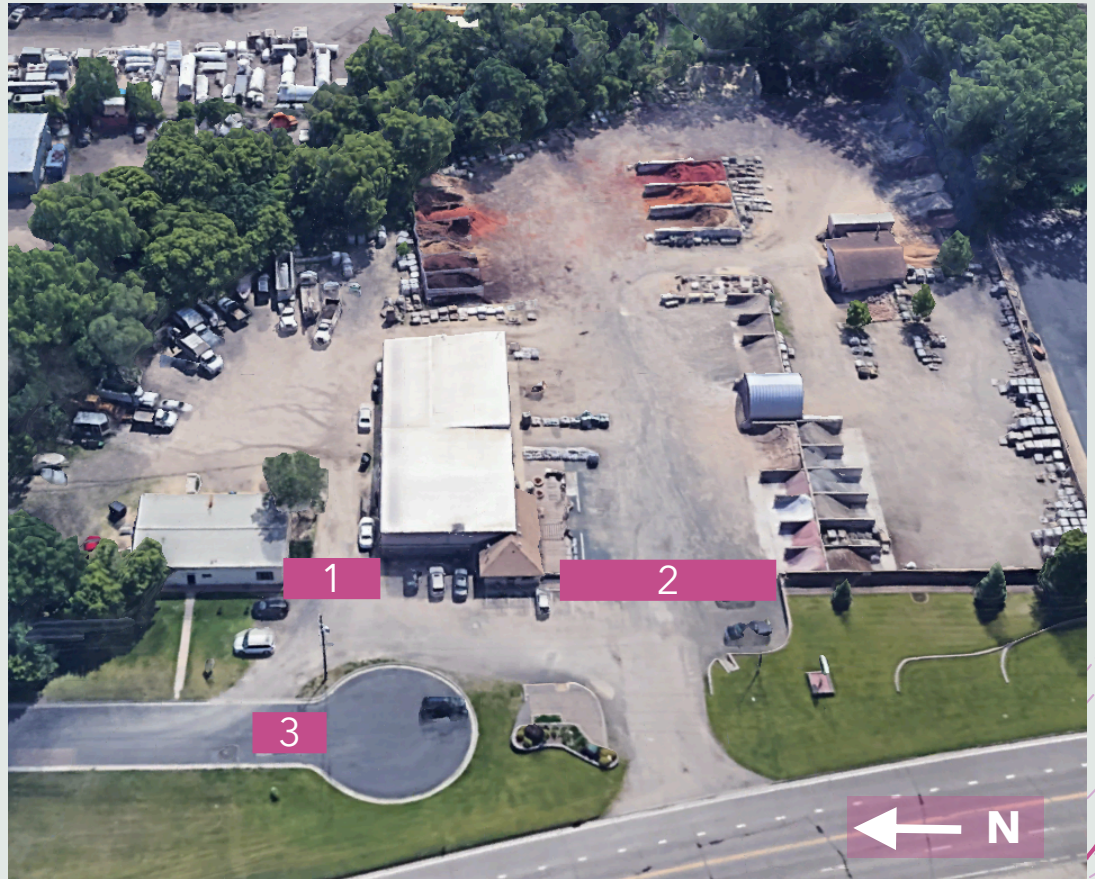
- + We plan to install a 20,000 square foot paved parking lot for our employee vehicles.
- + The parking lot will be obscured from view.
- + A brick wall runs along the South and West perimeter of the parking lot location. The West border wall along Old Highway 10 feet tall and the South wall bordering the neighboring property is 8 feet tall.
- + The wall along Old Highway 8 will be extended North and connect to privacy gates at the entrance.

Google Earth image of the current property yard configuration.



Entrances & Exits

- + We plan to install an opaque wall and privacy gates to the entrance (1) and exit (2) to block the view from the road. Any equipment that might be visible due to height will be stored in the rear of the property out of sight from Old Highway 8.
- + Emergency vehicles will have access to the property through either gate and will be able to reach all three buildings. Equipment stored outside will be organized so as not to block access.
- + Any dirt or debris tracked into the street (3) from the exit will be frequently cleaned up by our street sweeping crew or at the request of the city.



Entrance

A 10-foot-tall brick wall runs along the West perimeter of the parking lot location. The lot itself on the other side of this wall is about 4 feet below the grass that you see in this image. Parked cars cannot be seen from Highway 8.

The existing wall will be extended North into the entrance. A privacy fence will begin near the building and connected to new gates that will block any visibility into the property from the road.



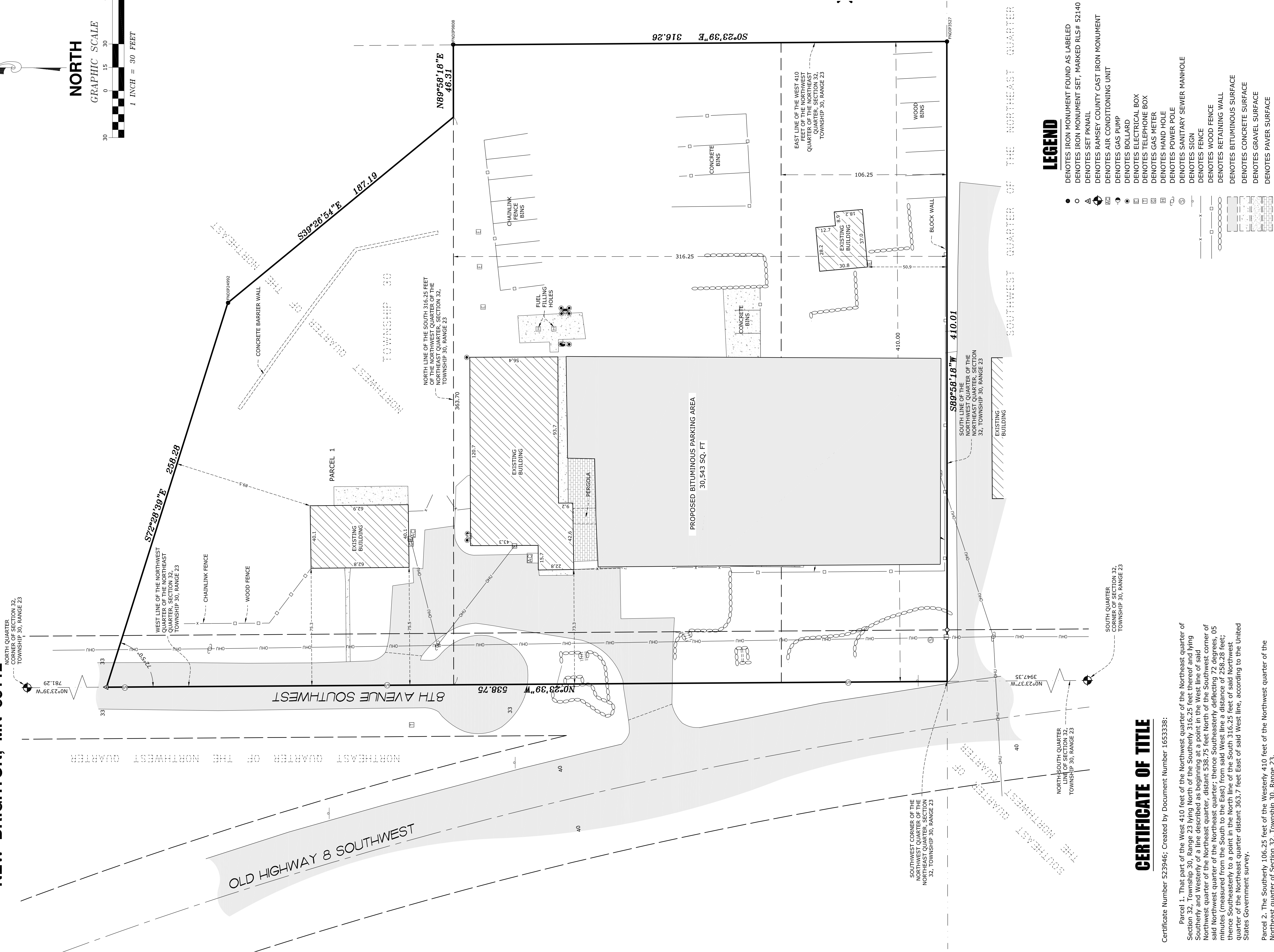
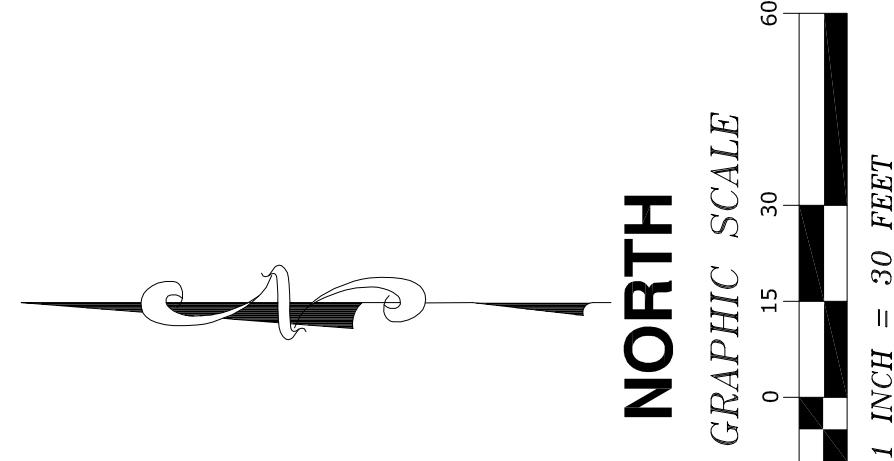
Exit

We plan to install an opaque privacy gate to the to block the view from the road.



CERTIFICATE OF SURVEY

~for~ THE ESTATE OF ROMANA L. MORRISON
~of~ 175 OLD HIGHWAY 8 SW
NEW BRIGHTON, MN 55112



- ### LEGEND
- DENOTES IRON MONUMENT FOUND AS LABELED
 - DENOTES IRON MONUMENT SET, MARKED RLS# 52140
 - ▲ DENOTES SET PKNAIL
 - ▣ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
 - ⊖ DENOTES AIR CONDITIONING UNIT
 - ⊕ DENOTES GAS PUMP
 - ⊗ DENOTES BOLLARD
 - ⊞ DENOTES ELECTRICAL BOX
 - ⊠ DENOTES TELEPHONE BOX
 - ⊡ DENOTES GAS METER
 - ⊢ DENOTES HAND HOLE
 - ⊣ DENOTES POWER POLE
 - ⊤ DENOTES SANITARY SEWER MANHOLE
 - ⊥ DENOTES SIGN
 - DENOTES FENCE
 - DENOTES WOOD FENCE
 - DENOTES RETAINING WALL
 - ▨ DENOTES BITUMINOUS SURFACE
 - ▩ DENOTES CONCRETE SURFACE
 - ▩ DENOTES GRAVEL SURFACE
 - ▩ DENOTES PAVER SURFACE

- ### NOTES
- Field survey was completed by E.G. Rud and Sons, Inc. on 1/26/21.
 - Parcel contains 183,301 sq. ft. (4.2 acres)
 - Bearings shown are on the Ramsey County Coordinate System.
 - Parcel ID Number: 32-30-23-12-0019 & 32-30-23-12-0026.
 - Due to field work being completed during the winter season and the nature of the site there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.



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

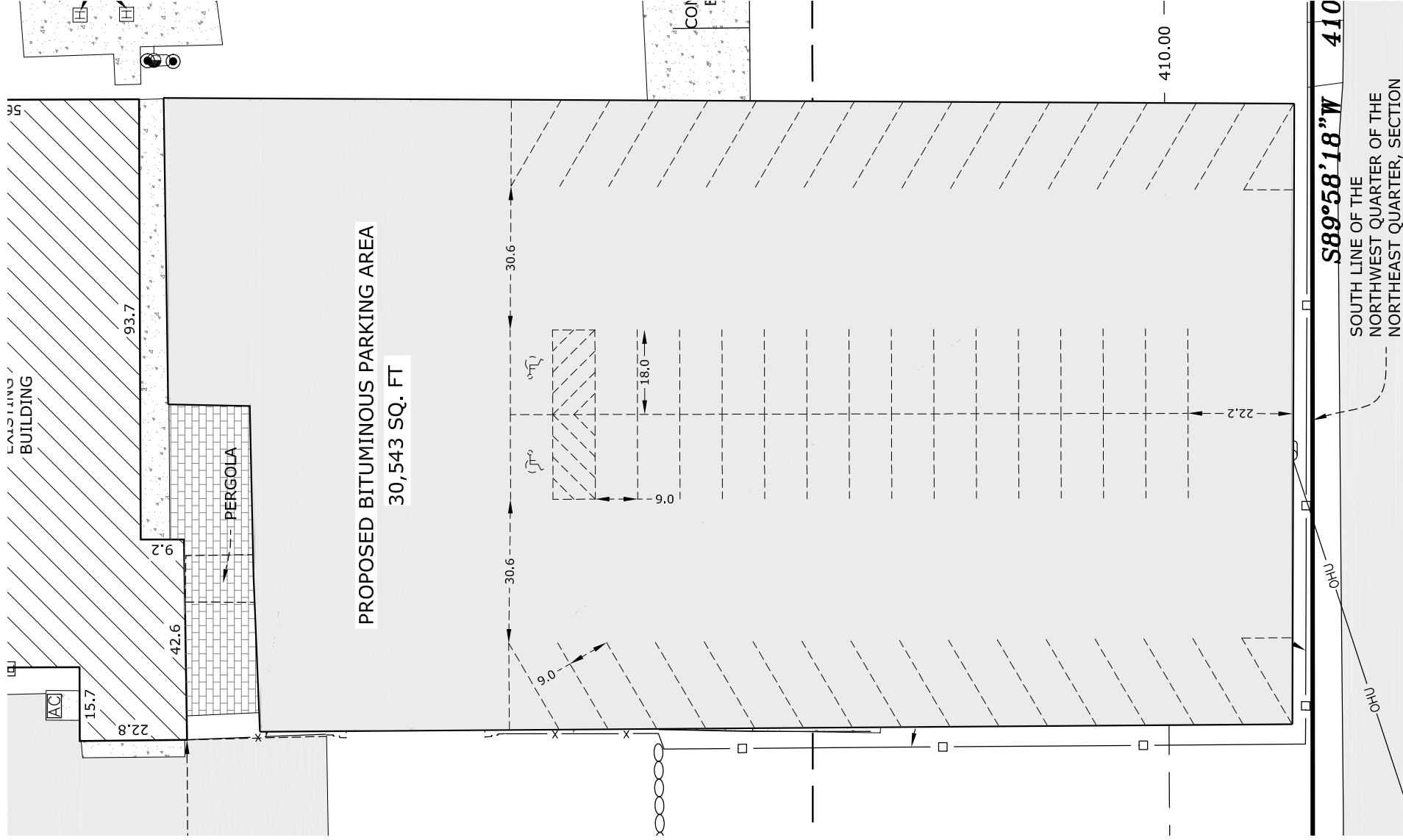
www.egrud.com

Certificate Number 523946; Created by Document Number 1653338;

Parcel 1. That part of the West 410 feet of the Northwest quarter of the Northeast quarter of Section 32, Township 30, Range 23 lying North of the Southerly 316.25 feet thereof and lying Southerly and Westerly of a line described as beginning at a point in the West line of said Northwest quarter of the Northeast quarter, distant 538.75 feet North of the Southwest corner of said Northwest quarter of the Northeast quarter; thence Southeasterly deflecting 72 degrees, 05 minutes (measured from the South to the East) from said West line a distance of 258.28 feet; thence Southeasterly to a point in the North line of the North line of the South 316.25 feet of said Northwest quarter of the Northeast quarter distant 363.7 feet East of said West line, according to the United States Government survey.

Parcel 2. The Southerly 106.25 feet of the Westerly 410 feet of the Northwest quarter of the Northeast quarter of Section 32, Township 30, Range 23.

Parcel 3. The North 210 feet of the South 316.25 feet of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23.



City of New Brighton Application Form

(Land use applications, Subdivision applications, and vacation requests will not be considered complete and will not be accepted until all property owners have signed)

I. Property Owner #1

Susan Morrison

(name)

175 Old Highway 8 SW, New Brighton MN 55112

(mailing address)

(st)

(zip)

651-639-0166

(phone #)

sue@fmtrucking.com

(email)

Signature: Susan Morrison

II. Property Owner #2 *For more than two owners, please provide their information and signature(s) on a separate sheet. The property is in the process of being purchased. The new (and only) owner will be:*

Clearscape Holdings LLC

(name)

8109 West Bush Lake Road, Bloomington MN 55438

(mailing address)

(st)

(zip)

612-867-0246

(phone #)

None

(fax #)

wade_gerten@mac.com

(email)

Signature: [Signature]

III. Please identify the request(s) for which you are applying:

☒ LAND USE APPLICATION (subject to MN State Statute 15.99 timelines)

- | | |
|---|--|
| <input type="checkbox"/> Variance | <input type="checkbox"/> Non-conforming Use Permit |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Moving/Relocating Structures Permit |
| <input type="checkbox"/> Zoning Code Amendment / Rezoning | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Other: |

☐ SUBDIVISION APPLICATION (subject to MN State Statute 462.358, subd. 3b timelines)

- | | |
|---|---|
| <input type="checkbox"/> Administrative Lot Split | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> PUD or PRD | <input type="checkbox"/> Final Plat |

☐ GENERAL APPLICATION (not subject to any state mandated timelines)

- | | |
|--|--|
| <input type="checkbox"/> Right of Way Vacation | <input type="checkbox"/> Municipal Site Work Authorization |
| <input type="checkbox"/> Easement / Utility Vacation | <input type="checkbox"/> Zoning Letter |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Deadline Extension Request | <input type="checkbox"/> Other: |

FEES

Fees for individual application types are established on a yearly basis by the City Council.

Please see the attached fee schedule for the applicable costs (and possibly escrow requirements) for your request(s)

Briefly describe your request below (If additional space is needed, please attach a narrative to this application)

Please find our narrative attached.

IV. Property & Contractor Information:Street Location/Address of Property: 125 and 175 Old Highway 8 SW, New Brighton, MN 55112Property Identification Number (PID): 323023120019, 323023120026 Zoning District: _____Legal Description (From Deed or Certificate of Title): ☒ Please see attached

Lot: _____ Block: _____ Addition: _____

Property described is by: ☐ Abstract ☒ Torrens – Certificate #: 523946

Location of Certificate: _____

Architect (if applicable): _____ Phone: _____

Surveyor/Engineer (if applicable): _____ Phone: _____

Builder (if applicable): _____ Phone: _____

V. Main Contact Person☐ Property Owners☒ Other (if other, please fill out the information below)**The property is in the process of being purchased. The buyer's contact information is listed and his signature.**

Title (Position or relation to property owners): _____

Wade Gerten**8109 West Bush Lake Road, Bloomington MN 55438**

(name)

(address)

(st)

(zip)

612-867-0246**NA****wade_gerten@mac.com**

(phone #)

(fax #)

(email)

VI. Notice of Fees

As set forth in the City Fee Schedule and pursuant to applicable law, the property owner shall be responsible to reimburse the city for all related miscellaneous costs incurred pursuant to the processing of this application. Note that these reimbursements may exceed the amount of the original land use application fee. Such expenses may include, but are not limited to, direct city payroll and overhead costs, fees paid to consultants and other professionals, and the cost of printing, mailing, and supplies. These miscellaneous fees are due immediately upon notification by the City. The City shall provide, upon request, an itemized statement of the various expenses incurred by the City. The City may withhold final action on a land use application and/or rescind prior action until all miscellaneous fees are paid. The City may require additional deposits, if deemed necessary. The property owner agrees to allow city staff and commission members to access the property per this application for inspection.

I acknowledge that I have read the above statement and fully understand that I am responsible for all costs incurred by the City in the processing and reviewing of this application.

Property Owners Signature: *Juan Morrison* Date: 2.2.21

ADMINISTRATIVE USE ONLY:

Date Application Received: _____ PC Date: _____

Fee Paid: _____ CC Date: _____

Escrow Paid: _____

Receipt Number: _____

Form Last Updated 08.28.20

Special Use Application for Clearscape Holdings LLC

Address: 125 and 175 Old Highway 8 SW, New Brighton, MN 55112

December 11, 2020

Attachment for Section IV. Property & Contractor Information

Legal Description

There are 3 parcels:

Parcel 1: That part of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota, lying North of the Southerly 316.25 feet thereof and lying Southerly and Westerly of a line described as beginning at a point in the West line of said Northwest Quarter of the Northeast Quarter, distant 538.75 feet North of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence Southeasterly deflecting 72 degrees, 05 minutes (measured from the South to the East) from said West line a distance of 258.28 feet; thence Southeasterly to a point in the North line of the South 316.25 feet of said Northwest Quarter of the Northeast Quarter distant 363.7 feet East of said West line, according to the United States Government survey.

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Parcel 3: The North 210 feet of the South 316.25 feet of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

All 3 parcels are described by **Torrens** property.

