

## AGENDA

### Planning Commission Meeting In-Person Meeting with Public Electronic Access September 21, 2021 | 6:30 p.m. City Hall Council Chambers

- **Attend the meeting in Person:** Members of the public may attend the meeting in person. Attendees are required to wear masks and comply with social distancing parameters regardless of vaccination status.
- **Watch the meeting electronically:** To observe the meeting electronically, visit [www.newbrightonmn.gov](http://www.newbrightonmn.gov) or tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast).
- **Join the meeting electronically:** If you need to interact with our public officials or staff but are not comfortable attending the meeting in person, you may join the meeting electronically. 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.

#### 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. August 17<sup>th</sup> 2020

#### V. Report from City Council Liaison

#### VI. Public Hearings

1. **Special Use Permit:** Request from Mike Blomquist and Raynie Sutherland for authorization to construct a garage larger than 624 square feet meeting all other zoning requirements on the property at 720 McCallum Road – PID 32-30-23-33-0073

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



- 2. Special Use Permit Amendment:** Request from Global Academy to amend their existing SUP and site plan to authorize expansion of the current campus to include a new gymnasium to the south of the existing building at 3000 5<sup>th</sup> St NW – PID 30-30-23-23-0044.

## **VII. Business Items**

- 1. Final Planned Residential Development:** Review of the proposed final plans for redevelopment of US Bank at 2299 Palmer Drive

## **VIII. Adjournment**







**MINUTES  
PLANNING COMMISSION  
August 17, 2021 City Hall  
Council Chambers 6:30 p.m.**

**I. Call to Order**

The meeting was called to order at 6:30 p.m. by Chairperson Nichols-Matkaiti.

**II. Roll Call**

Members Present.....Chairperson Erin Nichols-Matkaiti, Commissioners Liza Allen, Todd Biedenfeld, Youssef Enanaa, Jeanne Frischman, and Tim McQuillan

Members Absent.....Commissioner Eric Nelsen

Also Present .....Ben Gozola (Assistant Director of Community Assets and Development), Craig Schlichting (Director of Community Assets and Development), and Councilmember Abdullahi Abdulle

**III. Approval of Agenda**

**Motion by Commissioner McQuillan, seconded by Commissioner Frischman, to approve the August 17, 2021 agenda as presented.**

**Approved 6-0.**

**IV. Approval of Minutes**

**Minutes from July 20, 2021**

**Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to approve the July 20, 2021 meeting minutes as presented.**

**Approved 6-0.**



**V. Report from City Council Liaison**

Councilmember Abdulle provided the Commission with an update from the City Council. He reported the City has posted for the Diversity, Equity and Inclusion position. He commented on the recent held Stockyard Days events and thanked all of the residents who participated in this community celebration.

**VI. Public Hearing**

**(A) Rezoning and Preliminary Planned Residential Development (PRD): Review of a draft ordinance and preliminary PRD seeking to rezone property generally located at 2299 Palmer Drive from B-3 to R-3B, and to authorize future construction of a 132-unit residential building on the site of the former US Bank building – PID 19-30-23-43-0034.**

Assistant Director of Community Assets and Development Gozola reported US Bank National Association and North Shore Development Partners are seeking approval of a Preliminary Planned Residential Development, rezoning, and site plan to redevelop the existing US Bank site at 2299 Palmer Drive into a 132-unit high-amenity residential building. Staff provided further comment on the request and recommended approval of the Rezoning, Site Plan and Preliminary Planned Residential Development (PRD), based on the findings of fact and subject to the following conditions:

1. Engineering comments in the 8/5/21 Engineering Memo shall be addressed.
2. To eliminate internal congestion concerns, the proposed internal entrance shall be shifted to the south to correspond with the second drive aisle in the shared parking lot. Reconfiguration of internal parking shall maintain or increase available surface spaces. Minor geometric changes, if needed, shall be made to the plans prior to final plan approval.
3. Existing easements granting access rights to Palmer Drive for surrounding properties shall remain in place as part of this PRD.
4. The boulevard along Palmer Drive shall be expanded into the existing turn lane as directed by the City Engineer.
5. Within the expanded boulevard of Palmer Drive, the developer shall construct sidewalk to extend the existing walkway easterly to the next driveway entrance.
6. Crosswalk striping shall be placed over the access point to Palmer Drive to connect the existing sidewalk with new sidewalk being constructed as part of this development.
7. Building materials shall be consistent with those approved as part of the development review process, and found to be compatible with the Palmer Drive Overlay Area and Brighton Village development.
8. Drainage and utility easements (or others), as required by the City Engineer, shall be provided as part of the future final plat application.
9. Final easement language shall be subject to review and approval by the City Attorney.
10. All public improvements shall be constructed in accordance with the City's Private Development Standards.



11. A permit authorizing the development shall be obtained from the Rice Creek Watershed District.
12. All utilities (i.e. telephone, electric, gas service lines, etc.) shall be placed underground in accordance with the provisions of all applicable City ordinances.
13. 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.
14. Lighting shall not shine directly into the public right-of-way or onto any residential use.
15. Prior to final plan approval, the City Attorney shall review and approve the shared parking agreement with Krause-Anderson providing 60 additional spaces which can be used by residents and guests of this building.
16. Signage for the building shall be reviewed and approved through the City's standard sign permit process
17. A fire hydrant shall be placed at location approved by Fire Marshal. The new hydrant shall not be greater than 50 feet from a building fire department connection, not be greater than 30 feet from a roadway, and shall not be placed in a manner that requires hoses connected from the hydrant to the fire truck, and from the fire truck to the fire department connection, to be placed across a primary ingress/egress route to the location.
18. All final drive aisles shall be designed to accommodate an aerial device with a 235" wheel base and a front cramp angle of 45 degrees. Amendments to parking lot geometrics, if needed, shall be incorporated into final plans and worked out with DCAD staff .
19. Pull station covers shall be placed over all pull stations.
20. Police and Fire Keyboxes shall be mounted at a location identified by public safety staff upon substantial completion of the facility.
21. The final building shall comply with all applicable fire codes.
22. Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction
23. The developer shall use 4" Stortz connection for the FDC
24. Placards shall be placed on standpipe connections indicating apartment units accessed by that standpipe. This must be coordinated with the Fire Marshall and Community Engagement Officer.
25. Placards on standpipes servicing garage area shall indicate the parking stall coverage range. This must be coordinated with the Fire Marshall and Community Engagement Officer
26. Whenever standpipes are placed on columns in garage area, the column shall be painted red.
27. Final plantings and trees shall be approved by the City Forester prior to submittal of the final PRD plans.
28. Metal cages and/or burlap shall be removed from all tree root masses prior to planting throughout the development.



29. A decorative fence shall be introduced along the boulevard separating this development from the main drive aisle leading to Palmer Drive; coordination to be done with the Public Safety department.
30. The developer shall instruct the City's Park's Department as to existing plants which can be donated to the City prior to demolition, and outline the permitted removal times so the work may be completed prior to development activities beginning.
31. Reference monuments shall be placed as may be required by state law.
32. The final building shall comply with all applicable City of New Brighton multi-housing ordinances.
33. The sub-grade parking level shall be renamed to "lower level" or level "-1" to avoid confusion for emergency response.
34. Exterior doors shall be numbered in consecutive order in a clockwise manner around the building starting with the main lobby entry.
35. If building camera system is installed, the following shall be considered: a. A camera specifically installed to monitor the mail area and/or area where packages are designated to be left. b. Cameras at entrances should be of sufficient resolution and set at proper angles to support individual identification.
36. Indoor parking spaces shall be numbered from the lowest level up (i.e. lower level spaces numbered 100 – 199, and main level parking spaces numbered 200 – 299).
37. Residential units shall be numbered to indicate the floor they are on (i.e. main level units of which there are none in the 100's, 2nd floor units in the 200's, 3rd floor units in the 300's, etc.).
38. The property address shall be displayed on site consistent with City Code.
39. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.
40. Payment of the required park dedication fee shall be made prior to the City signing the final plat
41. Payment of sewer and water connection fees shall be paid prior to issuance of the building permit.
42. Approval of this Preliminary Planned Residential Development (PRD) shall remain valid for 90 days following the date of approval. Application for final PRD approval shall be made prior to expiration of the preliminary approval.

Assistant Director of Community Assets and Development Gozola reviewed the comments staff received from the public. He commented further on the request and reported staff recommends approval of the rezoning, along with approval of the PRD and site plan.

Commissioner McQuillan asked if the Krause easement went with the land. Assistant Director of Community Assets and Development Gozola reported the easement would go with the land.



Commissioner Biedenfeld questioned if the Krause Anderson parking would be reconfigured. He was of the opinion the parking for the proposed development seemed tight, noting a lot of the peak parking times would be in the evening hours. Assistant Director of Community Assets and Development Gozola reported this parking lot would not be reconfigured. He explained the applicant believes the resident parking could be accommodated onsite.

Commissioner Biedenfeld commented on the traffic concerns that were raised by the public. He explained he lived close to this new development and he understood traffic moved quickly along Robin Lane. He recommended this development address the traffic concerns in the area.

Kaitlyn Murray, Northshore Development Partners, thanked the Commission for their time and thanked staff for the detailed report. She reported she would not have pursued this project if it could not be properly parked. She commented with the ratios presented she was comfortable with the project moving forward. She explained she was available for comments or questions.

Commissioner Allen questioned if the developer has contingency plans in place if parking becomes a concern. Ms. Murray stated renters may have to be turned away in order to keep the property balanced. She noted if the parking became a concern this would be addressed.

Commissioner Biedenfeld asked if the fence would be replaced. Ms. Murray commented she was uncertain if this fence was on the subject property, but agreed the fence should be cleaned up.

Collin Kaas, Kaas Wilson Architects, discussed the architecture for the proposed building. He reported there was currently a curb cut on the northeast corner exiting from the US Bank site. He noted this would be closed off in order to direct traffic to the west. He explained he worked to preserve as much greenspace as possible on the site and noted he would work with the neighbor to solve the fence concern. He then commented on the indoor and outdoor amenities that would be provided within the development. He discussed the building materials that would be used within the development noting this would be a contemporary, modern facility.

Chair Nichols-Matkaiti inquired if the development would have a fenced in dog run. Mr. Kaas reported this was the case.

Patrick Querkle, SRF Consulting Group, reviewed the traffic study and study process in further detail with the Commission. He reported data was collected at the intersections along Palmer Drive and Silver Lake Road. He explained this gave him a baseline and then trip generations were created for the proposed project.

Commissioner Biedenfeld stated he was a daily driver of Palmer Drive and commented on how traffic had been reduced due to COVID. He questioned how adjustments would be made to the traffic data to take this information into account. He commented that when school is in session there will be additional traffic in this area as well. Mr. Querkle discussed the amount of traffic that will be generated by the proposed development and understood that the baseline might be heavier due to COVID. He anticipated the proposed development would not generate many more trips than the US Bank.



Chair Nichols-Matkaiti opened the Public Hearing at 7:40 p.m.

Laura Lind, 1113 Thorndale Ave, stated she was concerned that Robin Lane and Palmer Drive would be reconnected. She understood this was not the case. She explained she was concerned with the height of the proposed building because it would tower over the existing apartment building that was only three stories. She feared that changes would be made to the proposed plans and the neighbors would just have to live with it. She questioned when the garbage would be picked up and asked how often the garbage would be picked up.

Jessica McGraw and Father, 1253 Robin Ln, stated she did not want people parking on her street if there was not adequate parking within the apartment complex. She agreed that the height of the building was a concern. Her father inquired how much the construction traffic would impact his neighborhood. He recommended the semi-four at Silver Lake Road and Palmer Drive be upgraded when this project is completed. He indicated Robin Lane was a dangerous road given the fact kids bike and skateboard down the road to the park. He commented the speed should be addressed in order to keep these children safe.

Nick Pranky, 76 Cleveland Ave SW, explained he was concerned about affordable housing in the Twin Cities. He indicated this was an important plot of land in New Brighton and encouraged the City to pursue affordable housing for the community. He understood this would be a high end project and requested affordable units be pursued in order to provide housing for all.

Randy Lind, 1113 Thorndale Ave, discussed the number of trips that would be generated by the new apartment building and requested clarification from the traffic engineer. He commented he used to work for the fire department and questioned if the proposed building height could be serviced by the City's ladder truck.

Laura Miller, 1215 Brighton Square, explained she has lived at this address for the past 15 years. She discussed the changes that have occurred over this time and how it has impacted her neighborhood. She reported her neighborhood has become significantly noisier which has reduced the enjoyment of her property. In addition, she feared that the proposed development would have too many cars on site and this would spill out into the adjacent neighborhood.

Wendy Dykstra, 1125 Robin Lane, discussed the number of apartment units in New Brighton which now totaled 19. She understood the City needed housing options, but feared how the new apartment building would impact the resale value of her home. She explained she lived in a fabulous neighborhood and she did not want it adversely impacted by the new apartment building.

Eric Stevens, 1278 Robin Lane, stated he understood the City had a vacant site and a willing developer that was proposing to construct a very nice building. He indicated he did not object to this. He anticipated the proposed apartment building would economically stimulate redevelopment in the area. However, he had concerns with traffic, the height of the building and lack of parking. He explained this would be the tallest building in New Brighton to date. He commented the proposed building height may have more to do with profits than needed density. He reported if the developer was allowed to build only on its 1.6 acres of buildable



property, this would limit the project to 108 units which would be a five story building. He questioned why this project was getting special treatment with the added buildable acreage and unit density. He reported the easement density was for a “parking area” for parking purposes. He recommended the easement area not be included in the total buildable area. He explained if the easement area were excluded from the project area, this project density would be 71 units per acre. He noted PRD’s are not subject to a maximum buildable height but are allowed to go up to 60 units per acre. He stated this project was over 60 units per acre when considering the actual buildable acreage of the site. He recommended the developer reduce the number of units within the building and that the building height be lowered.

Andrea Stevens, 1278 Robin Lane, stated she has written letters to the Planning Commission and the City as well. She explained she was concerned with traffic and how the additional traffic would impact her section of Robin Lane. She believed the City needed to discuss what was a reasonable amount of traffic that should be allowed on a residential road. She indicated most residential roads have 150 to 200 trips per day and Robin Lane would now have 500 to 800 trips per day. She reported she did not oppose to building on this site or having high density residential on this property. However, she indicated she did oppose this project moving forward without addressing the long-standing issues to this small stretch of Robin Lane. She wanted to see a more equitable solution as to how traffic in this area was impacting the existing residents. She requested that if this project moves forward that the City include a plan on how traffic in the surrounding area will be addressed.

Joann Morris, 1405 29th Ave NW, stated if the number of units per acre was truly 71, she questioned how the City would follow up on this issue.

**Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld to close the Public Hearing.**

**Approved 6-0.**

Chair Nichols-Matkaiti recessed the Planning Commission meeting at 8:10 p.m.

Chair Nichols-Matkaiti reconvened the Planning Commission meeting at 8:15 p.m.

Assistant Director of Community Assets and Development Gozola responded to the questions that were raised by the public. He reported the berm area would not be opened nor would Palmer Drive and Robin Lane be opened. He explained the building height could not be increased and the plans could not be changed. He stated if the PRD plans are approved by the City Council, the building would have to be constructed per the approved plans. He indicated all garbage would be collected on the interior of the first floor of the building. He stated staff would work with the developer to stage all construction vehicles and building materials once the project received approval. He commented staff could work with Ramsey County to address the traffic signals timing. He explained on street parking was allowed throughout the City and noted there was no plans to changes this. He reported up to 14 units within this project would be affordable at 60% AMI, but noted this would be discussed by the Council next month. He stated the proposed building plans were routed through public safety and the height of the



building had not been a concern. He indicated noise was always an issue and discussed how the proposed building would block noise for the adjacent neighborhood. He commented further on the work that still had to be done on the dental clinic building. He explained this was a market driven project and the City was not driving more apartments in the community. He stated rents in the metro area were high because the Twin Cities did not have enough rental units. He reported a \$33 million investment in a neighborhood does not bring property values down. He indicated this developer was not receiving any special treatment with the parking easement. He commented the Mixed Use Regional District was guided for residential and commercial uses. He explained in acquiring a legal easement (that is tied to the property) this land can then be included in the overall PRD area. He noted the easement area could not be used by Krause Anderson for additional residential density. He deferred the question regarding traffic concerns on Robin Lane to the traffic engineer.

Chair Nichols-Matkaiti asked if a bus stop was being considered at this development. Assistant Director of Community Assets and Development Gozola commented this was something that would be encouraged because New Brighton needs better and more frequent access to transit.

Commissioner Biedenfeld noted there was a bus stop at Silver Lake Road and Palmer Drive.

Chair Nichols-Matkaiti questioned what impacts this building would have to the neighborhoods to the north, particularly the Brighton Square area. Community Assets and Development Director Schlichting explained this building would not mitigate noise from Cowboy Jacks but could help mitigating noise from the freeway.

Commissioner Biedenfeld inquired if the Commission could add conditions to address the traffic concerns along Palmer Drive. Assistant Director of Community Assets and Development Gozola commented he would hesitate to add this as a condition. He indicated the Commission could direct staff to bring this matter to the Public Safety Commission based on the concerns that have been voiced from the neighborhood.

Commissioner Biedenfeld commented on how he believed the traffic data set was inaccurate due to the reduction in traffic from COVID. He believed now was the opportunity to fix the concerns along Palmer Drive and Robin Lane. Community Assets and Development Director Schlichting understood traffic volumes were down at this time. He discussed how the traffic engineer estimated trips for the new project and commented on the historical traffic data for Palmer Drive and Robin Lane. Further discussion ensued regarding the vehicular and pedestrian traffic in this area of New Brighton.

Commissioner Biedenfeld requested staff have a conversation regarding the traffic concerns that were raised by the residents this evening.

Chair Nichols-Matkaiti asked how this matter could get before the Public Safety Commission. Community Assets and Development Director Schlichting reported this neighborhood would have to make a petition. He commented this neighborhood made a petition in 2011 and traffic calming measures were put in place.



Mr. Kaas addressed the Commission regarding the building height and site density. He reported this building could be higher than six stories per City Code. He discussed the benefits of having the building six stories noting this allowed for more greenspace, than if the building were shorter.

Assistant Director of Community Assets and Development Gozola clarified that given the base zoning, the site could support a five or six story building.

Chair Nichols-Matkaiti asked for further comments or questions from the Commission.

Commissioner Frischman stated she believed what was being proposed was following the City's guidelines. She understood there were some items that may require further discussion, but these discussions may have to be held between the developer and staff or the City Council. She indicated as a resident of this community, she was more worried about what else could be located on this property.

Commissioner Allen supported the City pursuing more affordable housing within this development.

Commissioner Biedenfeld commented on how the adjacent strip mall could potentially redevelop. He explained he was concerned about what was next for that area. He anticipated the Commission could not set conditions on that space, but recommended a conversation be held at the City Council level to plan for this area. He understood that New Brighton needed more housing options and he supported the idea of the development. However, he wanted to ensure that the concerns from the neighborhood are being heard.

Commissioner McQuillan discussed the steps that were taken with Midtown Village to provide senior and affordable housing, noting the Midtown Village project was very dense. He thanked all of the residents that were in attendance and stated he appreciated them for sharing their concerns. He agreed there were traffic concerns that had to be addressed. He encouraged these residents to bring their concerns to the Public Safety Commission through a petition.

Commissioner Enanaa supported the residents bringing their traffic concerns to the Public Safety Commission.

Chair Nichols-Matkaiti stated her concern with the mixed use designation was that it would become all residential. She was of the opinion the new building was thoughtful and well done. She appreciated how traffic would flow through the site and noted her only concern was with the building height.

Councilmember Abdulle explained he had cards available for the residents in attendance and encouraged them to reach out to him regarding their safety and traffic concerns. He reported the Council was holding conversations regarding the speed of traffic in residential areas.

**Motion by Commissioner Biedenfeld, seconded by Commissioner Enanaa, to recommend the City Council approve the requested preliminary planned residential development, rezoning,**



and site plan based on the findings of fact listed within the staff report subject to the conditions listed as may have been amended here tonight.

Approved 6-0.

## **VII. Business Items**

### **(A) Amburg 1st Additional Final Plat Review.**

Assistant Director of Community Assets and Development Gozola reported the purpose of final plat review is to ensure that all conditions and details regarding the subdivision have been successfully addressed, and that documentation is ready for filing. By code, this final review is to be done by the Director of DCAD and the Planning Commission. If all conditions of Preliminary Plat approval are met, the final plat must be approved. Staff provided further comment on the request and recommended approval of the \_\_\_, based on the findings of fact and subject to the following conditions:

1. The Developers Agreement for Amburg 1st Addition shall be executed prior to the final plat being signed by the City.
2. Engineering comments in the 6/7/21 Engineering Memo shall be addressed.
3. Future access to Lots 2, 3, and 4 shall come off of Inca Lane and not off 7th St NW.
4. Curb cut permits shall be obtained for each building site if a dropdown curb is required.
5. Existing water services that are shown for re-use (Lots 1 and 4) must be determined to be operable before they can be used. One or both shall be replaced at the developer's expense if deemed necessary by DCAD.
6. A NPDES permit and project SWPPP will be required.
7. Tracking of dirt into the street shall be monitored and addressed in a timely manner, or the developer must agree to paying for street sweeping services when directed to do so by the City.
8. All new utilities (i.e. telephone, electric, gas service lines, etc.) shall be placed underground in accordance with the provisions of all applicable City ordinances.
9. Lighting on any of the proposed lots 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 adjacent residential lot.
11. Details on street lighting, if determined to be needed at this intersection, shall be worked out with the City Engineer prior to final plan approval.



12. Reference monuments shall be placed in the subdivision as required by state law.
13. All construction times and activities shall comply with New Brighton City Code especially relating to parking and hours of work.
14. All necessary permits must be provided to the City. (RCWD, NPDES, MDH, etc. as may be applicable).
15. Park dedication in the amount of \$5,475 in lieu of a land dedication shall be paid in full prior to the final plat being signed by the City.
16. Additional soil tests, if deemed necessary by DCAD, shall be submitted to the City prior to a future final plat approval.

Assistant Director of Community Assets and Development Gozola commented on the proposed plat further and recommended approval.

**Motion by Commissioner Frischman, seconded by Commissioner Biedenfeld, to recommend the City Council approve the final plat for Amburg 1st Addition based on the findings of fact listed within the staff report subject to the conditions listed as may have been amended here tonight.**

**Approved 6-0.**

#### **VIII. Adjournment**

**Motion by Commissioner Frischman, seconded by Commissioner Allen to adjourn the meeting.**

**Approved 6-0.**

**Meeting adjourned at 9:07 PM**

Respectfully submitted,



Ben Gozola

Assistant Director of Community Assets and Development





<b>Agenda Section:</b>	<b>VI</b>
<b>Item:</b>	<b>1</b>
<b>Report Date:</b>	<b>9/16/21</b>
<b>Commission Meeting Date:</b>	<b>9/21/21</b>

## REQUEST FOR COMMISISON CONSIDERATION

<b>ITEM DESCRIPTION:</b> <b>Special Use Permit:</b> Request from Mike Blomquist and Raynie Sutherland for authorization to construct a garage larger than 624 square feet meeting all other zoning requirements on the property at 720 McCallum Road – PID 32-30-23-33-0073.
<b>DEPARTMENT HEAD’S APPROVAL:</b>
<b>CITY MANAGER’S APPROVAL:</b>
<b>No comments to supplement this report</b> ____ <b>Comments attached</b> ____

**15.99 Deadline:** 10/25/21

- Recommendations:**
- Denial or Table if an amended application and revised survey are not received.
  - Approval with strict conditions if an amended application and revised survey are received showing a conforming garage.
  - Template motions, recommended findings, and suggested conditions can be found on pages 19 - 21.

- Legislative History:**
- Application received on 8/26/21
  - Planning Commission review scheduled for 9/21/21

**Financial Impact:** None

**Summary:** Mike Blomquist and Raynie Sutherland, owners of 720 McCallum Drive, are seeking to construct a detached garage on their property “...to enclose multiple personal belongings so they are out of sight and properly stored.” Neighbors are adamantly opposed to the application citing mainly an alleged illegal home occupation currently operating from the property.

- Attachments:**
- 1) *Staff Report*
  - 2) *Engineering Memo*
  - 3) *Draft Resolutions*
  - 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:* **9-21-21**

*Applicants:* **Mike Blomquist and Raynie Sutherland**

*Main Contacts:* Same

*Location:* 720 McCallum Drive

*Zoning:* **R-1**

### ***Introductory Information***

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***Project:*** Mike Blomquist and Raynie Sutherland, owners of 720 McCallum Drive, are seeking to construct a detached garage on their property "...to enclose multiple personal belongings so they are out of sight and properly stored."

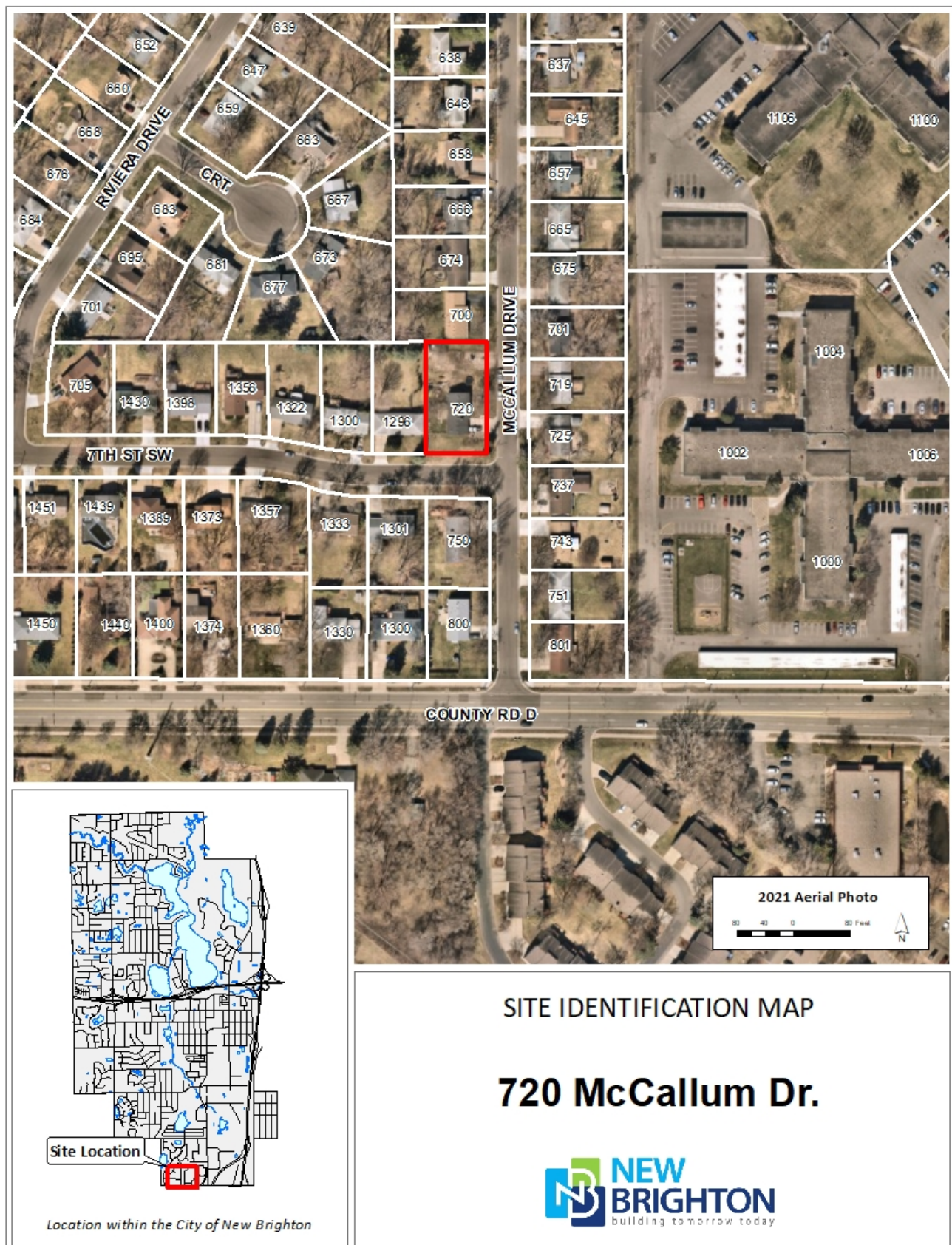
***History:***

- In 2018, the City reconstructed the streets in this neighborhood and the landowners requested the contractors install a secondary driveway curb cut to accommodate a future driveway/garage they planned to build in the future. The proposed location appeared to meet separation standards in the field, so the request was granted.
- In 2020, the City received complaints that a gravel driveway had been created off the new curb cut, and multiple cars were being parked on the unimproved surface. The landowners were told the driveway must be improve in conjunction with the proposed garage project before the area could be used for parking. The property was brought into compliance by the landowners.
- On 8/26/21, the City received a complete application for a special use permit seeking to authorize construction of an oversized garage meeting all other code requirements.
- Public hearing scheduled for 9/21/21

***Request(s):***

- **The applicant is requesting a special use permit to authorize an accessory structure (detached garage) in excess of 624 square feet.**







## General Findings

<b>Site Data:</b>	<ul style="list-style-type: none"> <li>Existing Lot Size ≈ 0.33 acres (14,454 sq ft)</li> <li>Existing Use – Single family home</li> <li>Existing Zoning – R-1</li> <li>Property Identification Number (PID): 32-30-23-33-0073</li> </ul>
<b>Comp Plan Guidance:</b>	<ul style="list-style-type: none"> <li>The comprehensive plan guides this property for Single Family Residential use. The proposed garage addition is an appropriate use under this zoning classification.</li> </ul>
<b>Notable Code Definitions:</b>	<ul style="list-style-type: none"> <li><b><i>Garage, Private.</i></b> <i>A building used primarily for the storage or care of large motor vehicles including but not limited to automobiles, pickup trucks, and campers</i></li> <li><b><i>Home Occupation.</i></b> <i>An accessory use of a dwelling unit carried on only by those residents of the dwelling unit when the accessory use is conducted entirely within the dwelling unit or when the dwelling unit becomes the base of operation for the accessory use. The use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence or adversely affect the residential character of the surrounding neighborhood.</i></li> </ul>
<b>Applicable Codes:</b>	<ul style="list-style-type: none"> <li><b><u>Chapter 4, Article 8, Section 4-570 Home Occupations.</u></b> <ul style="list-style-type: none"> <li>Identifies the general standards that must be met to allow a home occupation to exist within a Residential zoning district.</li> </ul> </li> <li><b><u>Chapter 5, Article 7, Section 4-530 Accessory Buildings in Residential Districts.</u></b> <ul style="list-style-type: none"> <li>Sub (1)(B): Requires accessory buildings to complement the existing primary structure in height and materials, and conform to all setback requirements.</li> <li>Sub (1)(D): Limits detached garages to 1,064 square feet, and requires an SUP for garages larger than 624 sq ft.</li> <li>Sub (1)(E): Establishes special SUP criteria for garages in excess of 624 sq ft.</li> </ul> </li> <li><b><u>Chapter 8, Article 2, Special Use Permit and Variance.</u></b> <ul style="list-style-type: none"> <li>Identifies the process by which a special use request is to be reviewed and decided.</li> </ul> </li> </ul>



**Existing &  
Proposed  
Setbacks:**

<b>R-1</b>	<b>Required</b>	<b>New Garage</b>	<b>Existing Home</b>
Front (McCallum Dr)	30	41'	30'
Side street (south)	30	120'	30'
Side (north)	5	10'	70'
Rear	5	10'	31'

- The proposed garage will meet all required setbacks.

**Coverage /  
Hardcover  
Analysis:**

- Building coverage and impervious surface coverage do not appear to be issues, but the applicant's have been asked to provide those calculations on an updated survey. The new survey must be in-hand prior to consideration of this request by the City Council.

**FAR Analysis:**

- There is no FAR requirement in the R-1 zoning district.

**Flood Plain  
Analysis:**

- No floodplain concerns at this address

**Shoreland  
Issues:**

- No shoreland regulations apply at this address.

**Building Height:**

- The maximum height of structures in the R-1 district is 2.5 stories or 30 feet, whichever is less.
- The proposed garage addition will be required to complement the existing home in both height and materials (i.e. it can be as tall or shorter than the existing home, and must use exterior materials which clearly link it to the single-family home on the property).

**Applicant's  
Narrative:**

Thank you for this opportunity.

We believe the structure we are proposing to build will solve the prior issues and concerns we have had in the past. It is in hopes that the proposed will give us the opportunity to be able to store our additional vehicles and yard items properly as we are very limited on storage space.

This will also help return our neighborhood back to normalcy with a solution of our belongings out of plain sight as it should be.

Thank you,



## Special Use Permit Review:

### In General:

- The need for a Special Use Permit is triggered by the size of the garage. All accessory structures in a residential zone in excess of 624 square feet require approval of a special use permit.
- NOTE: as of the penning of this report on 9/16/21, the applicant's have not provided staff with a promised revision to the survey shrinking the proposed garage to a size allowably by code (going from 30' x 40' down to 28' x 38'). The SUP analysis that follows assumes the revised survey will be received prior to the Planning Commission review on 9/21/21

### Criteria Analysis:

Zoning Code Section 8-130 contains five standards the City must review prior to making a decision on any specially permitted use. The applicant and staff analysis of these standards is shown below:

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.**

APPLICANT COMMENTS: We are looking to put a structure/garage to store my trucks, boats, pontoon, kayaks, lawn equipment, motorcycles. We are currently storing these in my driveway and yard. We would like to build the garage so the neighbors do not have to see all of these items in the yard and driveway.

Staff Analysis: The location of the garage addition conforms to all code requirements, and will be required to match or complement the existing home in terms materials and height. Use of the garage, as described (storage of personal materials, goods, and vehicles), would also be conforming to code. **Criteria met.**

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

APPLICANT COMMENTS: We have very limited storage space for vehicles and yard items. By building the garage it will keep everything from being in site for the neighbors not to see. The whole neighborhood will continue look clean and uniform.

Staff Analysis: While unique to this neighborhood given the surrounding layout of lots and homes, detached garages are an expected and typical accessory structure in residential districts. The landowners are very aware of past complaints regarding their vehicles and outdoor storage, and are attempting to rectify those issues with the construction of this garage. Finally, investments in properties such as this tend to improve rather than detract from area property values. **Criteria met.**



(cont.)

- 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 COMMENTS: *We are looking to build on our lot and meet setback requirements. It should not interfere with the city or our neighbors day today activities.*

Staff Analysis: All surrounding properties are fully developed. The proposed addition will have no impact on future development. **Criteria met.**

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

APPLICANT COMMENTS: *Yes, everything is already there, nothing has to be moved to build the garage.*

Staff Analysis: Public Works/Engineering has reviewed the plans and offered no comments or concerns. **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 COMMENTS: *We are planning to build a garage for personal storage use as described above.*

Staff Analysis: The proposed garage will not bring the property out of conformity in any way. As a condition of approval, the nonconforming shed would need to be removed from the property entirely, or relocated to a conforming location elsewhere on the property. **Criteria met.**

In addition to the standard SUP criteria, Section 4-530(1)(E) establishes the following three additional requirements for oversized garages:

- 6. Roof and exterior color and material must be consistent and complimentary with the principal structure.**

Staff Analysis: The applicants will be required to show the garage exterior will match or be complementary with the new home prior to a building permit being issued. **Criteria met with conditions.**

- 7. If deemed necessary by the City Council, landscape screening shall be provided to lessen visual impact from adjacent properties.**

Staff Analysis: Staff sees no reason to recommend additional landscaping for this proposed garage. The Planning Commission or City Council can certainly recommend otherwise if deemed necessary.



(cont.)	<p><b>8. No commercial or home occupation activity shall be conducted within the accessory building.</b></p> <p><u>Staff Analysis:</u> As a condition of approval, staff is recommending prohibiting commercial and home occupation activities from the oversized garage. This is discussed further on the following page under the heading “secondary issue.”</p>
<b>Engineering Review:</b>	<ul style="list-style-type: none"> <li>▪ Engineering reviewed the proposed plans and provided the following comment which can be addressed via conditions:                             <ol style="list-style-type: none"> <li>1. The drainage swale along the northerly property line shall be preserved and maintained following construction.</li> <li>2. A plan shall be developed to ensure sediment is contained to the site during construction. Installation of silt fence and a rock construction entrance are advised..</li> </ol> </li> </ul>
<b>Public Safety Review:</b>	<ul style="list-style-type: none"> <li>▪ No comments or concerns</li> </ul>
<b>Public Comment:</b>	<p>In comparison to a typical application for an accessory building in excess of 624 sq. ft. (which generally results in little to no feedback), this application has generated <u>significant</u> interest:</p> <ul style="list-style-type: none"> <li>▪ <b>Jim and Deb Marsh, (750 McCallum Dr)</b> <p>Thank you for the Notice of Special Use Permit Application for 720 McCallum Drive – PID 32-30-23-33- 0073 and the ability to provide Neighbor feedback/input regarding it.</p> <p>The proposed detached garage is 1,200 square feet, although it has been mentioned that the size may be reduced to 840 square feet (3 car garage?). It is also proposed that a separate driveway will connect the garage to the street; it is unclear if the driveway is to be paved.</p> <p>We oppose granting the proposed permit for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed detached garage will have a negative impact on the value and future sale of our house, because:                                     <ol style="list-style-type: none"> <li>a) There are no detached garages in our neighborhood; our neighborhood consists primarily of attached two or one car garages – please review the satellite view of our immediate neighborhood (here).</li> <li>b) There appears to be no outbuildings larger than ~220 square feet anywhere else in our neighborhood (please review the link provided above; there are primarily storage and garden sheds scattered throughout the neighborhood).</li> </ol> </li> </ol> </li> </ul>



(cont.)

- c) The proposed separate garage and driveway will be wholly unique to our neighborhood, and it would change the general uniformity of the street view and neighborhood; i.e. the look/feel of our street and neighborhood would change.
2. Immediate and future use of the proposed garage:
- a) Because the property owners do not reside in the house (it appears the current residents are renters) and the property has been used by the owner for the storage of business vehicles and other business related items (our assumption based on current and past observations over the years, work vehicles, plows, equipment, etc.), we are doubtful of the intended purpose (i.e. the storage of personal items). Rather, it appears the proposed garage will be used to further support the owners' business enterprise (Twin Cities Construction Company – please note the property address listed at the bottom of the website's home page).
  - b) With the addition of the proposed larger-sized detached garage (currently, the property has an attached two-car garage), any future owners may view the additional garage as an opportunity to further support or expand their own business enterprises; thus changing/modifying the use of the neighborhood (taking it from wholly residential to more quasi-commercial use).

▪ **Marcia Bronkyke, (1500 7<sup>th</sup> St SW)**

I am responding to a notice from the New Brighton Planning Commission regarding a Special Use Permit at 720 McCallum Drive.

As a homeowner in this community I feel that it is important to maintain the residential integrity of the community. The home on the property already had a two vehicle garage that is in keeping with the other homes in the community. The addition of another large structure on the property generates the acceptance of potential business uses which is not acceptable in a residential neighborhood. There are other options for storage and parking in the area if that is the goal of the structure.

I am opposed to this special use permit.

▪ **Julie Gill, (677 Rivera Court)**

I am one of the neighbors near McCallum and I won't be able to make the meeting next week. I wanted it noted that I oppose the build of the oversized garage. The fact that he uses that home for his business is not lost on the neighborhood nor is it something anyone is happy about around here. I don't trust that it will be put to proper use for what he has indicated. He also has many work vehicles that are always lining the streets and it makes it very hard to see if there are cars coming when trying to turn onto McCallum. Not sure if anything can be done about that also. It also makes it unsafe for pedestrian/children as the cars can't always see them in time around all his vehicles.



(cont.)

Thank you for hearing our concerns on this matter.

▪ **Rich and Nicki Oswald, (1357 7<sup>th</sup> St NW)**

We live in the neighborhood of the proposed detached garage at 720 McCallum Rd. There is significant neighborhood opposition to building a garage like this in our area. Those of us that live near this property know, the owners do not reside there. They use the property for a business and I believe they rent the house out to their employees.

As a small business owner myself, running a business out of my home, just a few houses away, it takes some knowledge and understanding that this is a neighborhood where people live and is not zoned for commercial use. The atmosphere is different and therefore should be treated and respected as such. The property on McCallum does not understand this. They have many vehicles, equipment in the yard and other business related issues such as construction waste, parking in the street overnight and during the winter so the plow can't remove snow to the curb. There are many issues pertaining to this property being treated as a business rather than a home.

If a large, detached garage were built on this property, it would look even more like a business in a neighborhood that is entirely residential. I firmly oppose such a garage being built on this property. This garage will be used for the business, not for personal use as stated in the application. I advise the City of New Brighton to look into this property being treated more like a business than a residential home. Everyone in the neighborhood knows this is the case and I am more than happy to share what I see every day. I'm sure others are as well. I hope the City will take our neighborhood concerns seriously.

Thank you for your time.

▪ **Jennifer Evans-Hall (1296 7<sup>th</sup> St SW)**

Thank you for the opportunity to provide input regarding this special use permit request. We have lived in New Brighton next door to 720 McCallum Drive for seventeen years and we are writing to inform the members of the Planning Commission that we oppose approval of the request for a Special Use Permit to build an oversized structure in the side yard. We have reviewed the survey document and the property owners' special use permit worksheet and have the following input for the committee.

- The plan for the oversized detached building is not consistent with other structures and yards in our neighborhood. It would be completely unique to our neighborhood and it would change the uniformity of the street view and the look and feel of our lovely and peaceful residential area.
- The property owners cite personal use and a lack of storage as their need for a special use permit. They purchased a home in Lindstrom Minnesota and moved their family there in September 2019. We do not think it is reasonable for the City of New Brighton



*(cont.)*

to consider or approve a special use permit for the property owners to build an oversized structure in the side yard simply to use as a storage facility – especially because they do not live and do not personally invest in the integrity and well-being of the neighborhood. They appear to let their employees live and presumably rent the house from them.

- The property owners cite that their multiple vehicles surrounding the property are troublesome for the neighbors and that a structure in the side yard at 720 McCallum would solve this issue. This would not resolve the issue for people in the neighborhood. The issue is that the property owners run their construction company from this residence in clear violation of residential occupation zoning codes. We have informed the zoning compliance personnel and police of this issue multiple times. The property owners took ownership of the property in 2015 and informed us at that time they intended to “put up a pole barn” for their business and began storing business trucks and vans, trailers, plows, fuel, and scrap materials in the streets, the driveway, and in both side yards of the house.
- We’d like to remind the members of the City Planning Commission that this is the same residence the FBI raided on September 4, 2020 with armored vehicles, soldiers in fatigues, and with automatic weapons drawn to arrest Michael Solomon. He was an employee and resident at the address for nearly a year. He built and attempted to sell weapons to Hamas. He was found guilty in federal court of conspiracy to provide support to a foreign terrorist organization. He was a self-identified member of the Boogaloo Bois, an anti-government group, and was building these weapons at 720 McCallum Drive. The illegal activities that took place at that residence in 2019 and 2020 made everyone in our neighborhood unreasonably vulnerable to harm.

In closing, please consider the following points:

- A detached oversized storage building in a side yard lacks uniformity with our residential neighborhood.
- There isn’t precedent in our neighborhood (or to our knowledge in New Brighton) to construct detached oversized storage buildings in residential side yards.
- There has been a lack of property owner residency at the address for two years – the owners purchased a home and moved to Lindstrom Minnesota in September 2019.
- There is a history of non-compliance and complete disregard for zoning ordinances on the part of the property owners despite years of multiple correction warnings and orders from the City of New Brighton and the New Brighton Police Department. We doubt this pattern of behavior will be curtailed by an oversized structure in the side yard of 720 McCallum. If approved, their past behavior infers the owners would not abide by any parameters or limits of the special use permit.
- The property owners have run their construction company and plowing service from this residence, improperly storing their construction equipment, vehicles, and materials there



(cont.)

since 2015. There is increased business traffic and parking when their employees park personal vehicles on the streets surrounding 720 McCallum while working for the construction company.

- New Brighton would benefit from a private property one-family residence rental ordinance to ensure singlresidences that are rented are both licensed and documented by the City.

▪ **David Eichers** (1330 County Road D West)

I live nearby on County Road D W and I have a few questions regarding the future garage:

1. Since garage isn't connected to a house, what is the purpose of it?
2. Will a business be operated out of it? If so, what kind of business and will noise and parking become an issue for the neighbors?
3. If it's storage, will any hazardous materials be onsite?
4. Assuming supplies or whatever will be stored inside, will anything be stored outside? If so, what?
5. Will the garage be have living quarters in it? If so, will it have occupants?
6. Will it be a two story garage or single level?
7. Are drawings available? If so, please email copies to me.

▪ **Jean Stoneberg** (623 McCallum Drive)

When my husband and I purchased our home at 623 McCallum Drive 35 years ago this was zoned as a residential street.. I am curious if the zoning ordinance changed to a commercial designation. Having recently been widowed, I plan on selling my home in the near future and am concerned how the operation of Twin Cities Construction located at 720 McCallum Dr will affect my property value. If the zoning has not changed, it would seem logical that a storage building with an extended driveway access should not be allowed.. If that structure is allowed, it would financially benefit to the operation of Twin Cities Construction and be detrimental to the residential home owners.

The proposed building permit for the 720 address is of great concern to me and a majority of my neighbors, The proposed structure will unquestionably be used for storing supplies and equipment for the company. The access to the proposed structure will provide parking space for the numerous vehicles used by the multiple employees of the company. City records will confirm complaints filed because of overnight parking violations of those vehicles. During the day many of the people employed by the construction company travel on the street and park their personal vehicles for extended periods. Additionally it is most common to see the employees use our street in the morning and afternoons to pick up supplies or drop off the



(cont.)

company vehicles. It is not unusual to see a minimum of six trucks there on a Sunday afternoon loading the vehicles for the coming week.

The property owner and Mike Blomquist do not reside at the McCallum address and accordingly do not maintain the property and the current occupants are equally lax. Have you had the opportunity to drive by the property in question and see how poorly it is maintained? I have been told that the person/persons currently living at the 720 address are employed by the company.

This also is a bit disconcerting in that Michael Solomon who lived at the address the summer of 2020 was also employed by the company. Mr Solomon was a member of the Boogaloo Bois and is in federal custody for selling and manufacturing weapons in the garage. Since the owner of the construction company has no vested interest in our neighborhood, one can only wonder how quickly the area will deteriorate if Twin Cities Construction is allowed to openly store supplies and related equipment in the proposed structure.

Before granting the proposed building structure, please consider the residents of this neighborhood and the New Brighton community as a whole. Thank you

▪ **Scott Wierzbinski (1356 7<sup>th</sup> St SW)**

It has come to my attention yesterday by one of my neighbors that the property at 720 McCallum Drive is requesting a special use permit to build a larger than normal garage for a business in a neighborhood not zoned for business or commercial property.

I am unable to attend the public hearing on 09/21/2021, and would like the City of New Brighton Planning Commission to deny this action not only because of the location in a residential neighborhood, and the owners of said property don't even reside there, but also because of the recent actions taken in the last 6 months to year by the FBI and other law enforcement agencies to arrest persons in this residents supplying weapons to underground terrorists.

This is not, or should every be a location for a business. This is a neighborhood of homes with families that look out for one another in these trying times. To have strange people coming and going, parking vehicles on the street for days on end, is not how the City of New Brighton operates.

▪ **Linda Dickinson (1501 7<sup>th</sup> St SW)**

I live just down the street from the property where this land use request is located, and I want you to know that I whole-heartedly OPPOSE the special permit request.

The proposed detached garage will have a negative impact on the value of neighboring homes. There are no other detached garages in our neighborhood. We believe the homeowner (who does not reside at this property) will be using the detached garage for BUSINESS USE, not for storing "personal" items. The homeowner runs his business, Twin



(cont.)

Cities Construction Company, out of this residential home (see address listed on their website) and frequently stores his construction vehicles, snow plow trucks, etc. on this property. It is an eye-sore to our neighborhood.

Please do NOT approve this special permit request to Mike Blomquist and Raynie Sutherland.

Thank you for your time.

▪ **Jordan Nelson** (692 Rivera Drive)

I'm a resident of the Apache Hills neighborhood and I'm reaching out with concern over the special use permit being requested for this piece of property. The size of the proposed structure is of major concern as well as the history at the property.

Almost every day I drive past this house on my way to and from work and I can't tell you the number of times I've been trying to turn right off 7th St SW onto McCallum Rd heading south and nearly been in an accident. The number of work trucks and trailers parked around the property on the street obscure the view of traffic coming south. I drive a 3/4 ton pickup and have difficulty seeing around/over the visual impediments daily. Naturally I initially thought this project might be a solution to that problem as well - great, add a new driveway and garage/shop to park everything in. But my concern is that these residents have shown no regard for following the rules and processes established by the city - why would they start now? I see them constructing a large workshop and then having vehicles parked along the driveway and in the street still as the vehicles would not all fit in the new gravel driveway they laid in the last year.

More concerning items:

-Vehicles are parked on the street for weeks at a time, nothing changes with minimal intervention from local authorities.

-Neighbors immediately surrounding the property vehemently are against this project. Their voices should be heard and recognized as this project will direct them every day from here on out.

-I'm sure you're aware of all the excitement that occurred last fall with a resident at the home being arrested by homeland security.

-The property owners no longer live onsite and have not for several years. Why would we allow an exemption from the norm to people who haven't lived in the neighborhood in years?

Ultimately I'm concerned about building a large structure at the gateway to our neighborhood and it not being utilized for its intended purposes. This project might seem well intended, but even for good people with good intentions things often go awry, what might happen when people with a poor track record have not-so-great intentions? I'd rather not find out on this scale and not at this time.



**Feedback  
Questions &  
Summary:**

The following are answers or responses to the numerous questions and observations posed by the public.

▪ **There is a business being run from the property.**

Nearly all of the respondents to this application have indicated they suspect a business is operating outside of the standards for a home occupation from this location. This allegation is significant and is analyzed starting on page 14 of the report. Note: the potential existence of an illegal home occupation is a separate matter from whether the proposed accessory structure does or does not meet the requirements of code.

▪ **What size will the new garage be?**

The survey provided in the packet shows the garage will be nonconforming to the maximum garage size with a footprint of 40' x 30'. On 8/30, the applicant verbally stated they do not intend to build anything larger than what is allowed by code, and told staff the survey would be updated to show a 28' x 32' garage. As of 9/16/21, no such updated survey has been received.

▪ **This structure is too big.**

If the applicants were unwilling to amend the original request for a 40' x 30' garage, staff would fully agree with this assessment and would recommend denial of the application. Assuming the City *does* receive the updated survey showing a 28' x 32' structure (1064 sq ft), the proposed garage would be in conformance with the City's accessory structure standards for residential districts.

▪ **No other home in the neighborhood has a detached garage.**

While true, that does not prevent any property owner in this neighborhood from constructing an accessory structure that conforms with code requirements. The subject property is one of the few properties in this neighborhood with the road frontage necessary to accommodate a detached garage and a second driveway.

▪ **Can the new garage be used for or in conjunction with a business?**

Absolutely not. A specific condition for all accessory structure SUPs is that "no commercial or home occupation activity shall be conducted within the accessory building." Should this request be approved, that condition would apply.



(cont.)

▪ **Is the driveway location legal? Can a property have two driveways?**

In New Brighton, a single family home is allowed multiple driveway entrance points provided required separation standards can be met: 20' from intersections, 40' between driveways on the same property, and 50' from driveways on adjacent properties. The proposed driveway meets all of these standards.

▪ **Will the driveway be paved?**

Yes.

▪ **The owners/applicants do not reside on the premises.**

While a critical question as it relates to alleged illegal home occupation activity, this allegation has no bearing on a Special Use Permit request. Whether a landowner resides on a property or not, they still have the right to make improvements to their property as they see fit provided the improvements meet all zoning standards.

▪ **The owners/applicants have a history of non-compliance with zoning requirements.**

At the time of penning this report, the City's code compliance officer was collecting past data on enforcement actions. Based only on memory, successfully addressing parking complaints on this property in 2020 did take multiple attempts over several weeks.

▪ **Will the garage include living quarters?**

No. Accessory Dwelling Units are only allowed in very specific circumstances which cannot be met by this parcel.

## Secondary Issue:

***Alleged Home Occupation:***

- As demonstrated above, a significant portion of the public feedback on this application focused not on the proposed garage or its ability to meet code requirements, but rather concerns about a business, Twin Cities Construction Company LLC, allegedly being run from the property.
- Staff researched this claim and found the business' website does indeed list 720 McCallum as headquarters for the operation. While not directly linked to this application (i.e. property owners *are* allowed to construct oversized garages even if they have a legal home occupation), neighbor concerns about a business on this property and how it may relate to the proposed garage deserves examination.



(cont.)

- **As of 9/16/21, the applicants have not provided any written responses to staff’s questions regarding the multiple allegations of an illegal home occupation operating on the site.**
- As noted in the SUP review criteria, “no commercial or home occupation activity shall be conducted within the accessory building.” The following analysis therefore examines the alleged home occupation (based on present knowledge) as it relates to both the proposed garage and property as a whole.

By Code, home occupations (i.e. businesses run out of a home office) are allowed provided a number of standard requirements are followed:

1. Permitted home occupations shall not include the employment of more than one additional person on site who does not reside on the premises.

Staff Analysis: Multiple neighbors insist that neither of the property/business owners live on the premises, and instead rent the property out to (potentially) employees of the business. **If Twin Cities Construction Company LLC employs more than one person who does not reside at 720 McCallum Drive, the property owners are hereby placed on notice that running of Twin Cities Construction Company from 720 McCallum Drive is illegal and must be immediately discontinued. This includes all storage of equipment and/or vehicles related to the business.**

2. Not more than one room or 25 percent of the gross area of one floor, whichever is less, shall be used to conduct the home occupation.

Staff Analysis: The clear intent of this standard is that people can run a small office out of their home, but not an operation that overtakes the property and changes its residential character. The applicants are asked to confirm this standard when addressing the illegal home occupation allegations.

3. The appearance of [the] residential dwelling shall in no way be changed or altered in a manner which would cause the premises to differ from its residential character.

Staff Analysis: The intent of this standard is that a residential property continue to appear and function as a home despite the presence of a home office. **If vehicles or equipment relating to the business are being stored on-site for daily or weekly use by more than one individual not residing on the property, such activity would be in violation of the City’s home occupation regulations and must be immediately discontinued.**



(cont.)

4. Activities resulting from the operation of a home occupation shall be conducted entirely within the enclosed area of a dwelling unit.

Staff Analysis: Other than parking and general storage of equipment (which may or may not be related to a business), staff has not received complaints about business *activities* occurring on the property.

5. [There] shall [be] no exterior storage of equipment or materials, and [operation of the business] shall not include the exterior display of anything except signs permitted by Chapter 9 of the Zoning Code.

Staff Analysis: The applicants indicate that vehicles on the property are personal vehicles, and equipment on the property is personal equipment. **Should ANY of the vehicles or equipment be related to or belong to Twin Cities Construction Company LLC, the property owners are hereby placed on notice that running of Twin Cities Construction Company, LLC, from 720 McCallum Drive is illegal and must be immediately discontinued.**

6. Operation of any wholesale or retail business shall not be permitted unless conducted entirely by mail and does not include the sale, shipment, or delivery of merchandise on the premises. Occasional sales shall be permitted when such occasional sales are incidental to and not the primary purpose of the home occupation.

Staff Analysis: Nothing to date has indicated there is any wholesale or retail activity occurring from this premises.

7. Not more than four additional vehicle trips per day shall be generated by a home occupation. Any need for parking generated by the conduct of the home occupation shall be met off of the street only on the driveway of the dwelling or in the garage and shall be consistent with residential parking requirements.

Staff Analysis: Of all requirements facing home occupations, the vehicle trips per day standard is by far the most restrictive and is the most likely requirement to make a home occupation illegal. To put this into perspective, each vehicle on a site represents two (2) trips: one trip to get to the site, and one trip to leave the site. Standard #7 is applicable to ALL trips to and from a site: an outside employee coming to the site is two trips, an extra delivery outside of normal residential service is two trips, work vehicles coming two and/or leaving the site are two trips per vehicle, etc. As previously stated, **if the multiple vehicles that have been documented on site are associated with Twin Cities Construction Company LLC, the property owners are hereby placed on notice that running of Twin**



(cont.)

**Cities Construction Company, LLC, from 720 McCallum Drive is illegal and must be immediately discontinued.**

- The fact that the Twin Cities Construction Company LLC, website lists 720 McCallum Drive as headquarters for the business, and no less than 10 area residents are complaining about witnessing daily business activity occurring from the property, strongly suggests there is an illegal home occupation currently operating from the site which must be immediately discontinued. **Importantly though, addressing the possible illegal home occupation as part of this review is separate and apart from whether the proposed accessory garage is allowable as a Specially Permitted Use. The Planning Commission should not base their recommendation on the business analysis, and must instead focus on the SUP criteria and whether the structure can meet all requirements with conditions.**

### **Conclusion:**

The application is requesting a Special Use Permit to authorize construction of a residential garage in excess of 624 square feet.

**Staff's recommendations are as follows:**

- **Absent the applicants amending their application in writing and submitting an updated survey showing a conforming sized garage, the Planning Commission would have two options that staff would support:**
  - 1. Recommend DENIAL of an SUP request for a 30' x 40' garage based on the fact that the proposed garage size is not allowed by code.**
  - or**
  - 2. TABLE the application and provide the applicant's additional time to amend their application and clarify all matters relating to the alleged home based occupation.**
- **If the application is amended in writing and a new/updated survey is provided showing a conforming sized garage in a conforming location prior to the Planning Commission meeting, staff would recommend APPROVAL of the request subject to conditions.**



**Commission  
Options:**

The Planning Commission has the following options:

- 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.

Based on an application date of 8/26/21, the 60-day review period for this application expires on 10/25/21. This deadline can be extended an additional 60 days if more time is necessary.

**Template Denial  
Motion:**

- "I move that we recommend the City Council deny the requested special use permit based on the following findings of fact:"
  - *The applicants are requesting an accessory structure in excess of the size maximum allowed by code which is not eligible for authorization via special use permit absent a variance. No critiera can be met.*
  - *No variance has been requested to support a garage excess of the allowed 1064 square feet.*

**Template Approval  
Motion:**

- "I move we recommend the City Council approve the requested special use permit based on the findings of fact and recommended conditions listed on pages 19 – 21 of the staff report as may have been amended here tonight."

**Suggested Findings  
of Fact:**

1. The subject property is guided for residential use by the comprehensive plan, and a detached garage in excess of 624 square feet can be permitted via a special use permit in the corresponding R-1 zoning district.
2. Construction of a conforming garage will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
3. The new conforming garage will not be detrimental to uses on the subject property or on surrounding lands.
4. Construction of the proposed garage addition will not have a detrimental impact on area property values if properly used in accordance with code.
5. The subject site is adequately served by public utilities, roads, and drainage facilities to accommodate the proposed addition.



- (cont.)
6. The special use will be in conformance with all underlying zoning district requirements if properly used in accordance with code.

**Recommended  
Conditions:**

1. Prior to the matter being heard by the City Council, the applicant's shall agree in writing to amend their application to request a conforming sized garage in a conforming location, and shall supply staff with an updated survey showing the new dimensions and location. Failure to provide such documentation by September 30<sup>th</sup> will allow staff to prepare a resolution of denial for Council consideration.
2. The Special Use Permit shall authorize the location and size of garage as shown on the Certificate of Survey for 720 McCallum Drive dated <insert date of new survey here>, 2021; any changes to the location or size of the garage addition shall require an amendment to this permit.
3. Roof and exterior color and material(s) must be consistent and complimentary with the principal structure.
4. Final height of the detached garage must not exceed or be lower than the existing home on the property.
5. No commercial or home occupation activity shall be conducted within the detached garage.
6. Final building plans must show the resulting drainage patterns around the structures will not adversely impact neighboring properties.
7. The nonconforming shed shall be removed from the property entirely, or relocated to a conforming location elsewhere on the property
8. The garage shall be in compliance at all times with the City Code and Zoning Code.
9. Prior to issuance of a building permit, the applicants shall demonstrate to the satisfaction of the City that Twin Cities Construction Company LLC is not illegally being run as a home occupation from 720 McCallum Drive.
10. The applicants agree and acknowledge they fully understand the City's home occupation regulations, and will always operate within such regulations if/when operating a home occupation.
11. If the applicants are found to be out of compliance with home occupations requirements at any time in the future:
  - a. The City will proceed immediately to citing the property for separate violations for each day a business is illegally operating; and



*(cont.)*

- b. If the garage is used in any way in support of an illegal home occupation, the violation shall be grounds for revocation of this special use permit by the City Council. Should the SUP be revoked, the applicants agree to remove the garage at their own expense within one year of the revocation action.





# interoffice

## MEMORANDUM

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**to:** Ben Gozola, Assistant Director of Community Assets and Development/City Planner  
**from:** Dustin Lind, Engineering Supervisor  
**subject:** 720 McCallum Drive  
**date:** September 14, 2021

The Engineering Department has reviewed the site plan for the property at 720 McCallum Drive and we offer the following comments:

- 1) The drainage swale along the northerly property line shall be preserved and maintained following construction.
- 2) A plan shall be developed to ensure sediment is contained to the site during construction. Installation of silt fence and a rock construction entrance are advised.



**RESOLUTION \_\_\_\_\_**  
**CITY COUNCIL**  
**CITY OF NEW BRIGHTON**

**RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT  
FOR AN OVERSIZED DETACHED GARAGE AT 720 McCALLUM DRIVE**

**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**, Mike Blomquist and Raynie Sutherland (“the applicants”), are owners of the property at 720 McCallum Drive which is legally described as:

*Lot 10, Block 13 of APACHE HILLS SECOND ADDITION, Ramsey County, Minnesota.*

**WHEREAS**, the applicants filed an application for a special use permit to authorize construction of a detached accessory structure in excess of 624 square feet; and

**WHEREAS**, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

**WHEREAS**, the Planning Commission held a public hearing on the request at the September 21, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant’s submittals and findings of fact; and

**WHEREAS**, the City Council considered on September 28, 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 subject property is guided for residential use by the comprehensive plan, and a detached garage in excess of 624 square feet can be permitted via a special use permit in the corresponding R-1 zoning district.
2. Construction of a conforming garage will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.



3. The new conforming garage will not be detrimental to uses on the subject property or on surrounding lands.
4. Construction of the proposed garage addition will not have a detrimental impact on area property values if properly used in accordance with code.
5. The subject site is adequately served by public utilities, roads, and drainage facilities to accommodate the proposed addition.
6. The special use will be in conformance with all underlying zoning district requirements if properly used in accordance with code.

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

1. Prior to the matter being heard by the City Council, the applicant's shall agree in writing to amend their application to request a conforming sized garage in a conforming location, and shall supply staff with an updated survey showing the new dimensions and location. Failure to provide such documentation by September 30<sup>th</sup> will allow staff to prepare a resolution of denial for Council consideration.
2. The Special Use Permit shall authorize the location and size of garage as shown on the Certificate of Survey for 720 McCallum Drive dated <insert date of new survey here>, 2021; any changes to the location or size of the garage addition shall require an amendment to this permit.
3. Roof and exterior color and material(s) must be consistent and complimentary with the principal structure.
4. Final height of the detached garage must not exceed or be lower than the existing home on the property.
5. No commercial or home occupation activity shall be conducted within the detached garage.
6. Final building plans must show the resulting drainage patterns around the structures will not adversely impact neighboring properties.
7. The nonconforming shed shall be removed from the property entirely, or relocated to a conforming location elsewhere on the property
8. The garage shall be in compliance at all times with the City Code and Zoning Code.
9. Prior to issuance of a building permit, the applicants shall demonstrate to the satisfaction of the City that Twin Cities Construction Company LLC is not illegally being run as a home occupation from 720 McCallum Drive.
10. The applicants agree and acknowledge they fully understand the City's home occupation regulations, and will always operate within such regulations if/when operating a home occupation.



11. If the applicants are found to be out of compliance with home occupations requirements at any time in the future:

- a. The City will proceed immediately to citing the property for separate violations for each day a business is illegally operating; and
- b. If the garage is used in any way in support of an illegal home occupation, the violation shall be grounds for revocation of this special use permit by the City Council. Should the SUP be revoked, the applicants agree to remove the garage at their own expense within one year of the revocation action.

**ADOPTED** this 28<sup>th</sup> day of September, 2021 by the New Brighton City Council with a vote of \_\_\_ ayes and \_\_\_ nays.

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Kari Niedfeldt-Thomas, Mayor

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Devin Massopust, City Manager

ATTEST:

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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



**RESOLUTION \_\_\_\_\_**  
**CITY COUNCIL**  
**CITY OF NEW BRIGHTON**

**RESOLUTION MAKING FINDINGS OF FACT AND DENYING A SPECIAL USE PERMIT  
FOR AN OVERSIZED DETACHED GARAGE AT 720 McCALLUM DRIVE**

**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**, Mike Blomquist and Raynie Sutherland (“the applicants”), are owners of the property at 720 McCallum Drive which is legally described as:

*Lot 10, Block 13 of APACHE HILLS SECOND ADDITION, Ramsey County, Minnesota.*

**WHEREAS**, the applicants filed an application for a special use permit to authorize construction of a detached accessory structure in excess of 624 square feet; and

**WHEREAS**, the application requested a 40’ x 30’, 1200 square foot garage whereas the largest garage allowed by special use permit is 1064 square feet in size ; and

**WHEREAS**, the application did not request a variance for the proposed additional square footage above 1064 square feet; and

**WHEREAS**, the applicants were given the opportunity to amend their application and seek a conforming sized garage in a conforming location, and elected not to do so; and

**WHEREAS**, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

**WHEREAS**, the Planning Commission held a public hearing on the request at the September 21, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant’s submittals and findings of fact; and

**WHEREAS**, the City Council considered on September 28, 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 denies the requested special use permit based on the following findings of fact:

1. The applicants are requesting an accessory structure in excess of the size maximum allowed by code.
2. The proposed garage size is not eligible for authorization via special use permit absent a variance.
3. No variance has been requested to support a garage excess of the allowed 1064 square feet.

**ADOPTED** this 28<sup>th</sup> day of September, 2021 by the New Brighton City Council with a vote of \_\_\_ ayes and \_\_\_ nays.

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Kari Niedfeldt-Thomas, Mayor

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Devin Massopust, City Manager

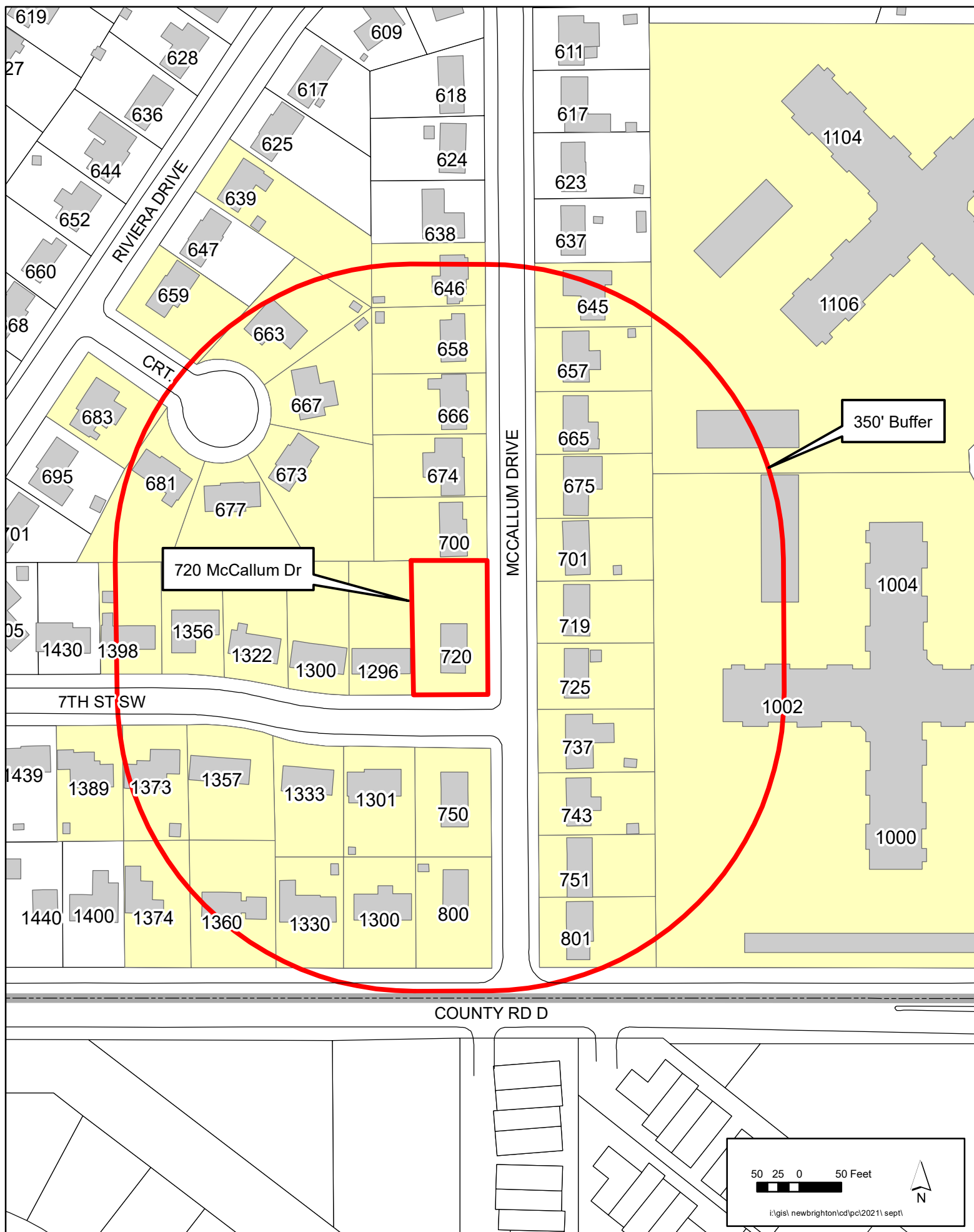
ATTEST:

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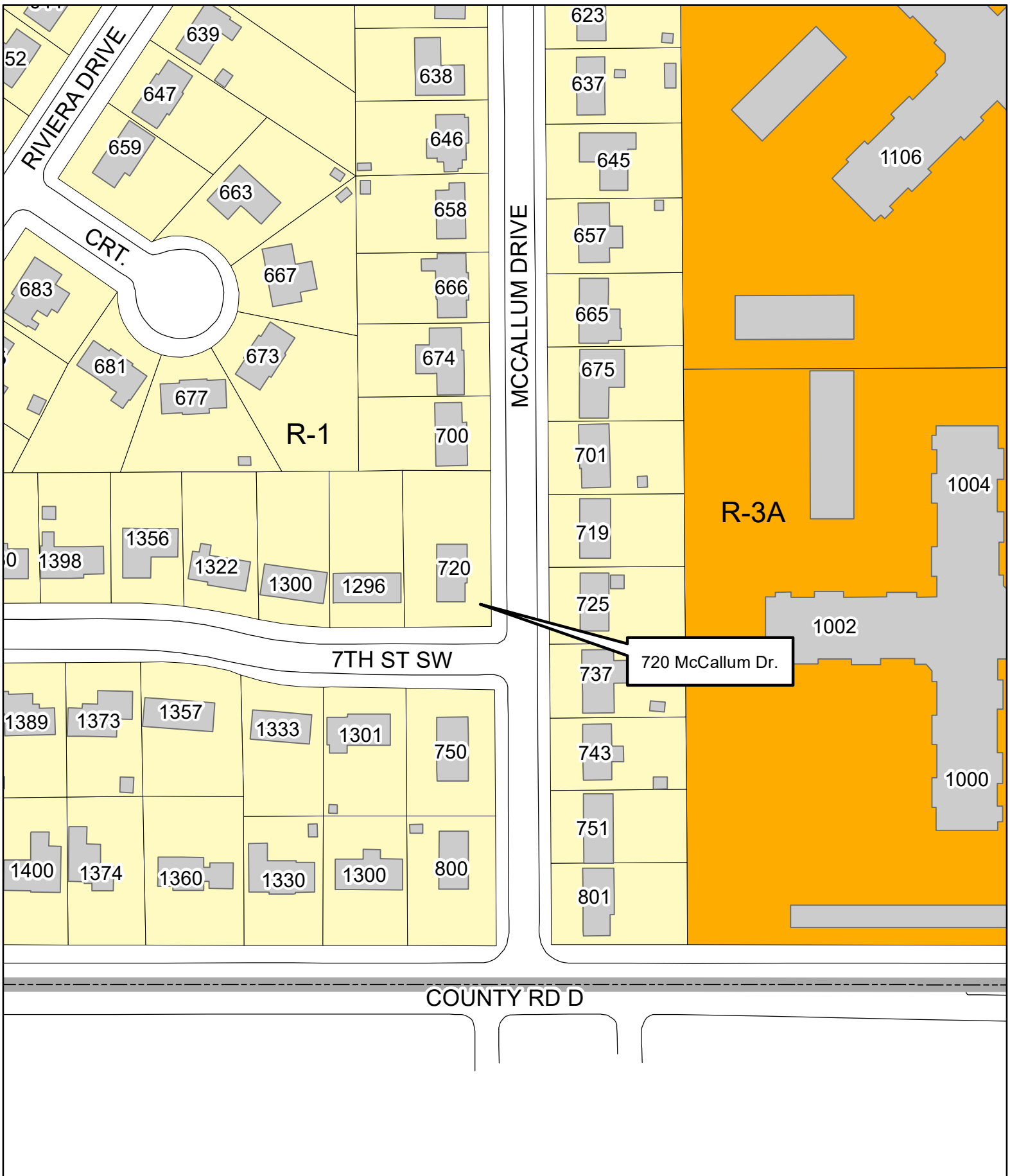
Terri Spangrud, City Clerk



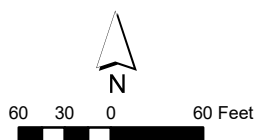
# 720 McCallum Dr. - 350' Mailing List







■ R-1, Single Family Residential  
■ R-3A, High Density Residential

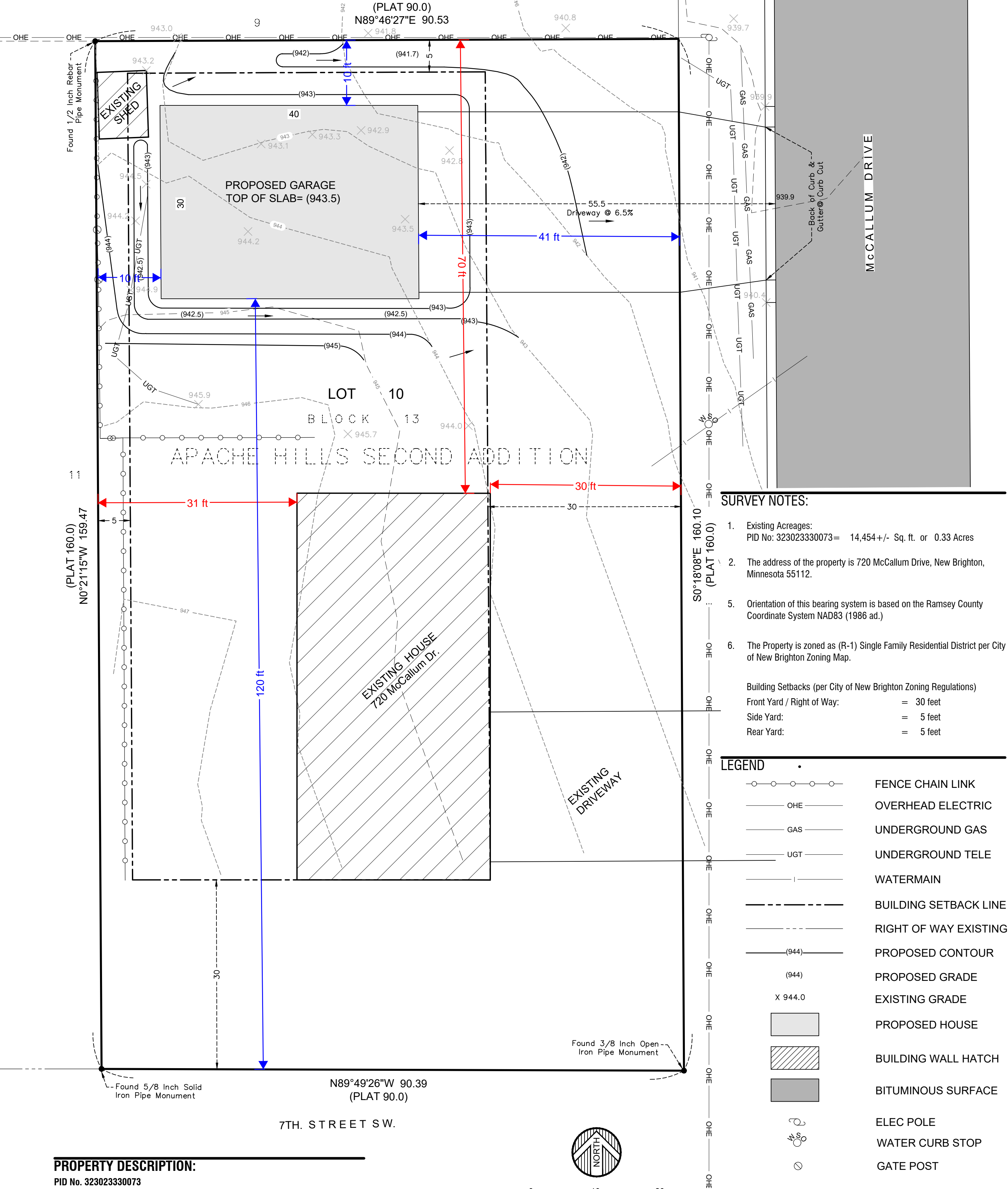


## Current Zoning

720 McCallum Dr.  
R-1, Single Family Res.



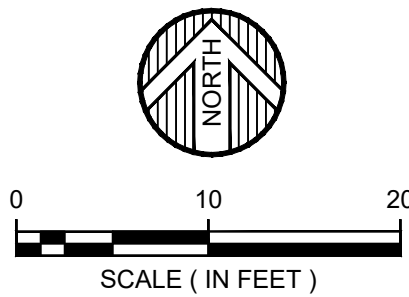
CERTIFICATE OF SURVEY



- SURVEY NOTES:**
- Existing Acreages:  
PID No: 323023330073= 14,454+/- Sq. ft. or 0.33 Acres
  - The address of the property is 720 McCallum Drive, New Brighton, Minnesota 55112.
  - Orientation of this bearing system is based on the Ramsey County Coordinate System NAD83 (1986 ad.)
  - The Property is zoned as (R-1) Single Family Residential District per City of New Brighton Zoning Map.
- Building Setbacks (per City of New Brighton Zoning Regulations)
- |                            |           |
|----------------------------|-----------|
| Front Yard / Right of Way: | = 30 feet |
| Side Yard:                 | = 5 feet  |
| Rear Yard:                 | = 5 feet  |

LEGEND	
	FENCE CHAIN LINK
	OVERHEAD ELECTRIC
	UNDERGROUND GAS
	UNDERGROUND TELE
	WATERMAIN
	BUILDING SETBACK LINE
	RIGHT OF WAY EXISTING
	PROPOSED CONTOUR
	PROPOSED GRADE
	EXISTING GRADE
	PROPOSED HOUSE
	BUILDING WALL HATCH
	BITUMINOUS SURFACE
	ELEC POLE
	WATER CURB STOP
	GATE POST

**PROPERTY DESCRIPTION:**  
PID No. 323023330073  
Lot 10, Block 13 of APACHE HILLS SECOND ADDITION. Ramsey County, Minnesota.



DATE: AUGUST, 2021	DATE	AMENDMENTS	BY	PREPARED FOR: MIKE BLOMQUIST
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY: J.J.G.				
CHECKED BY: K.L.J.				Kelly L. Jordan L.S. DATE: 8/5/2021 LIC. NO. 42648
FILE NUMBER: 2021 - 11267				

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ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS



## Special Use Permit Criteria Worksheet

A special use permit cannot be approved unless the Planning Commission and City Council find that the following criteria have been met. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary and consult with the Planning Director at the time of your Pre-Application Meeting as some items may not be applicable for your project.

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.

We are looking to put a structure/garage to store my trucks, boats, pontoon, kayaks, lawn equipment, motorcycles. We are currently storing these in my driveway and yard. We would like to build the garage so the neighbors do not have to see all of these items in the yard and driveway.

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.

We have very limited storage space for vehicles and yard items. By building the garage it will keep everything from being in site for the neighbors not to see. The whole neighborhood will continue look clean and uniform .

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.

We are looking to build on our lot and meet setback requirements. It should not interfere with the city or our neighbors day today activites.

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

Yes, everything is already there, nothing has to be moved to build the garage.

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

We are planning to build a garage for personal storage use as described above.



<b>Agenda Section:</b>	<b>VI</b>
<b>Item:</b>	<b>2</b>
<b>Report Date:</b>	<b>9/16/21</b>
<b>Commission Meeting Date:</b>	<b>9/21/21</b>

## REQUEST FOR COMMISISON CONSIDERATION

<b>ITEM DESCRIPTION:</b> <b>Special Use Permit Amendment:</b> Request from Global Academy to amend their existing SUP and site plan to authorize expansion of the current campus to include a new gymnasium to the south of the existing building at 3000 5th St NW – PID 30-30-23-23-0044.
<b>DEPARTMENT HEAD’S APPROVAL:</b>
<b>CITY MANAGER’S APPROVAL:</b>
<b>No comments to supplement this report</b> ____ <b>Comments attached</b> ____

**15.99 Deadline:** 10/26/21

**Recommendations:**

- Staff believes the SUP can be approved with conditions.
- Template motions, recommended findings, and suggested conditions can be found on pages 12 & 13.

**Legislative History:**

- Application received on 8/27/21
- Planning Commission review scheduled for 9/21/21

**Financial Impact:** None

**Summary:** Global Academy is proposing to place a new gymnasium addition on the SW corner of their existing building. The gym space would include one new office, new bathrooms, and a storage area.

**Attachments:**

- 1) Staff Report
- 2) Engineering Memo
- 3) Draft Resolution
- 4) City Maps
- 5) 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:** 9-21-21

**Applicants:** Global Academy

**Main Contacts:** Helen Fisk (Executive Director)

**Location:** 3000 5<sup>th</sup> St NW (also referred to as 555 Stinson Blvd)

**Zoning:** R-1

### ***Introductory Information***

**Project:** Global Academy is proposing to place a new gymnasium addition on the SW corner of the existing building. The gym space would include one new office, new bathrooms, and a storage area.

**History:**

- 2018: SUP approved to authorize Global Academy to take over the building/space previously occupied by the United Theological Seminary
- Complete application for SUP Amendment and Variance received on 8/31/21
- Planning Commission review & public hearing scheduled for 9/21/21

**Request(s):**

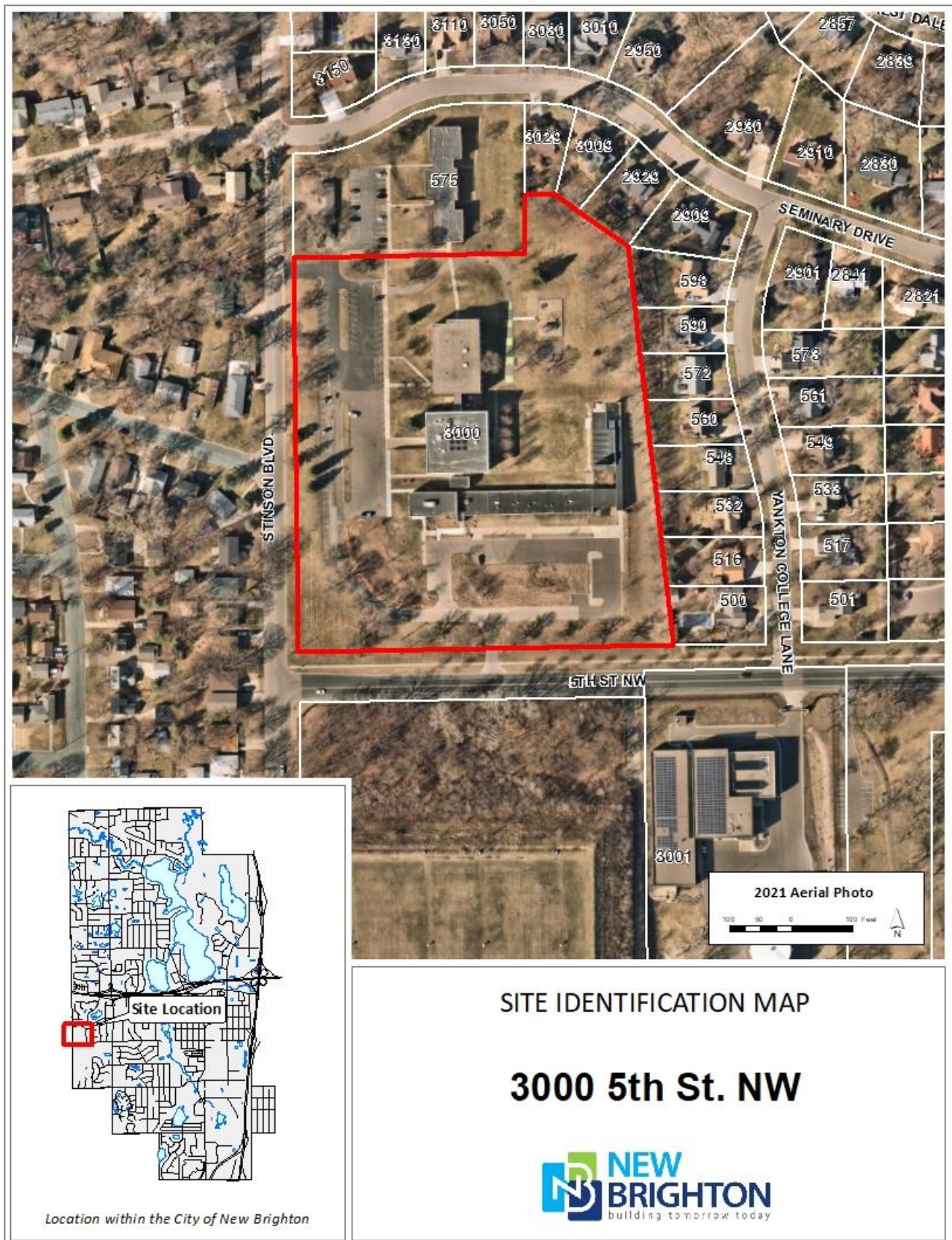
- **Special Use Permit amendment to authorize site plan changes for Global Academy located at 3000 5<sup>th</sup> St NW.** This SUP review will serve as the City's site plan review for the proposed improvements.
- **Variance for building height in an R-1 zoning district**

### ***General Findings***

**Site Data:**

- Existing Lot Size ≈ 8.765 acres (381,789 sq ft)
- Existing Use – School
- Existing Zoning – R-1
- Property Identification Number (PID): 30-30-23-23-0044







**Comp Plan Guidance:** ▪ The 2030 Comprehensive Plan guides this property for Public/Quasi-Public use (P-QP). The proposed special use under the R-1 zoning classification is therefore appropriate.

**Notable Code Definitions:**

- **BUILDING HEIGHT.** The vertical distance above grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.
- **SCHOOL.** An institution for learning, specifically grammar and high schools, which provide elementary and preparatory instruction.
- **SETBACK.** The minimum horizontal distance from a building, structure, fence, or parking lot to a lot line.
- **STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above.

**Applicable Codes:**

- **Chapter 4, Article 1, R-1 District.**  
Identifies schools as a special use.
- **Chapter 8, Article 2, Special Use Permit and Variance.**  
Identifies the process by which special use and variance requests are to be reviewed and decided.

**Existing & Proposed Setbacks:**

R-1	Required	NEW Setbacks	Old Setbacks
Front (5 <sup>th</sup> St)	30	94'	206'
Side (Stinson)	30	171'	188'
Side (east)	30	42'	42'
Rear	30	107'	107'

▪ The proposed gym addition will meet all required setbacks.

**Bldg Coverage / Hardcover Analysis:** ▪ Neither building coverage nor impervious surfaces appear to be an issue, but we have asked their surveyor to confirm both calculations as part of this process. That information is still forthcoming as of 9/16/21.

**Applicant's Narrative:** ▪ The applicant's narrative was not in hand at the time of penning this report, so if received, will be included as an attachment.



## Site Review

### *In General:*

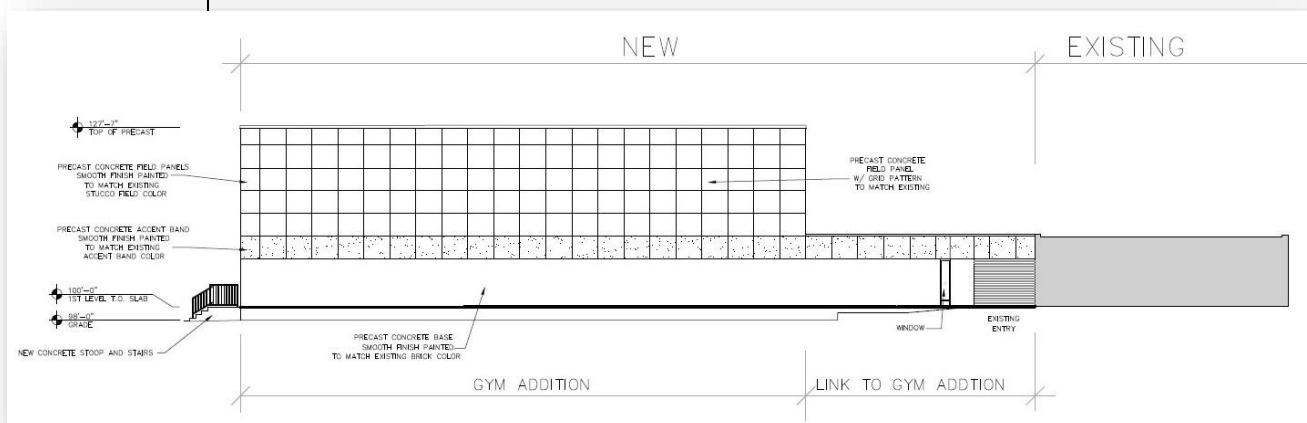
- Per Zoning Code Section 8-010, new building construction (other than double and single family residences) shall be referred to the City Council for review. Review of this SUP amendment will address this requirement, and the following is an overview of important findings in relation to code requirements.

### *Proposed Gym Addition:*

- The proposed gym addition would occur on the southwest corner of the existing building as depicted here:

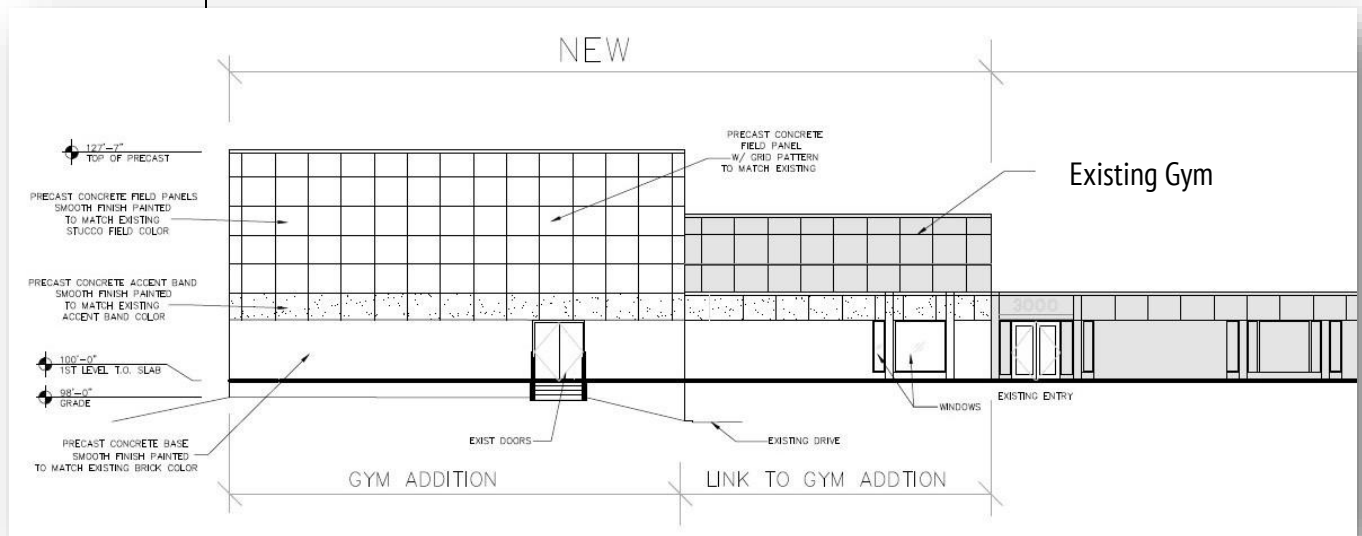


### East Elevation

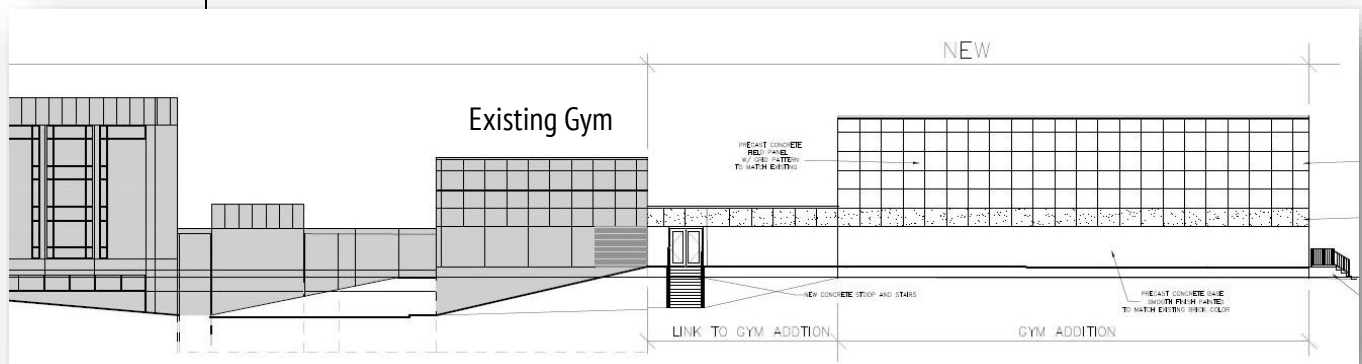




## South Elevation



## West Elevation



### **Building Materials:**

- Per the plans, the new gym would include smooth precast concrete panels painted to match the existing building as shown here:





<b>Building Height:</b>	<ul style="list-style-type: none"> <li>▪ According to the applicant, the proposed auditorium will be 33 feet tall from the lowest adjacent grade to the highest portion of the roofline, and will therefore technically require a minor variance in order to be built (see page 9). On average at most points, the height of the proposed gym will be just under 30 from grade which would be conforming to code.</li> <li>▪ The clear height to the bottom of a typical gym structure is 25' above finish floor to allow for volleyball and other sports activities. The requested 3' variance would allow for a clear height of 23' above finish floor. The school finds this height acceptable and reduces the height of the requested variance.</li> </ul>
<b>Landscaping:</b>	<ul style="list-style-type: none"> <li>▪ The existing gross floor area of the school is approximately 66,575 sq ft in size, and the proposed addition is 6,772 sq ft in size. This 10.2% increase does <u>not</u> trigger the City's requirements for additional landscaping improvements. Landscaping plans included in the submittal do show additional landscaping is proposed despite such not being mandatory.</li> </ul>
<b>Lot Access:</b>	<ul style="list-style-type: none"> <li>▪ Access points to the site will not change.</li> </ul>
<b>Water System(s):</b>	<ul style="list-style-type: none"> <li>▪ No water supply issues were identified for the new addition.</li> </ul>
<b>Sanitary System(s):</b>	<ul style="list-style-type: none"> <li>▪ No sanitary sewer issues were identified for the new addition.</li> </ul>
<b>Storm water / Grading / Erosion:</b>	<ul style="list-style-type: none"> <li>▪ As a condition of approval, Engineering comments in the 9/13/21 Engineering Memo (attached) shall be addressed.</li> <li>▪ The main points on storm water and grading focus on needed updates to the grading plan, and the need to identify best management practices (BMPs) for handling sediment and runoff during construction.</li> </ul>
<b>Fire/Safety:</b>	<ul style="list-style-type: none"> <li>▪ No concerns were noted by public safety.</li> </ul>
<b>Lighting:</b>	<ul style="list-style-type: none"> <li>▪ Lighting is not to shine directly into the public right-of-way or onto any residential use. As a condition of the SUP, the applicant shall be required to correct any lighting problems that are identified following construction (none are anticipated).</li> </ul>



<b>Signage</b>	<ul style="list-style-type: none"> <li>Any proposed signage will need to be permitted through the City's separate sign permit review process.</li> </ul>
<b>Parking &amp; Traffic:</b>	<ul style="list-style-type: none"> <li>There are no traffic concerns. The proposed gym addition provides a complementary amenity to serve the existing facility and student body. It does <i>not</i> create expanded classroom space which could drive increased enrollment and potentially more traffic.</li> <li>Parking is also not a concern. Per the original staff report in 2018, the required number of parking stalls (per code) for the school is 38, and there are currently 130 stalls on the property. The addition of the new gym will eliminate 8 parking spaces, but the property will still be well beyond the minimum standards. New locations for the two handicapped stalls being lost shall be identified prior to issuance of a building permit, and striping for the new stalls shall be completed prior to the certificate of occupancy being issued for the new addition.</li> </ul>
<b>Sidewalks &amp; Trails:</b>	<ul style="list-style-type: none"> <li>No issues with public sidewalks or trails.</li> </ul>
<b>Development Phasing:</b>	<ul style="list-style-type: none"> <li>The project would be completed in a single phase.</li> </ul>

### Special Use Permit Review

<b>In General:</b>	<ul style="list-style-type: none"> <li>The need for a Special Use Permit is triggered by the specific use of "school" within the R-1 District. Any future additions or site plan changes would also need to go through this process for approval prior to being implemented.</li> </ul>
<b>Criteria Review:</b>	<p>Zoning Code Section 8-130 contains five standards the City must review prior to making a decision on any specially permitted use. The applicant's response to each criteria and staff analysis of each standard is shown on the following pages:</p> <ol style="list-style-type: none"> <li><b><i>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.</i></b> <p><u><i>Applicant Comments:</i></u> Global Academy Current operates at 3000 5th St. NW New Brighton, MN 55112 as a K-12 educational facility providing services to the surrounding neighborhood. It received a Conditional Use Permit in 2018 prior to its purchase from United Theological Seminary. This project includes a small gym addition on the southwest corner of the building near the south entrance which is not detrimental or endangering any residential areas and is surrounded mostly</p> </li> </ol>



(cont)

*by existing native grass areas and west and south parking lots. The use is consistent with the current use of the facility and positively affects the general welfare of the neighborhood.*

STAFF COMMENTS: Staff finds this criterion to be met with conditions. The property has been used as a seminary/school for years and the proposed expansion will serve the community and facility for years to come. The new gym will provide an additional amenity for existing students and will not result in greater classroom capacity which could bring new impacts to the area.

**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.**

Applicant Comments: *A Special Use to add a small gym is not injurious to the use or enjoyment of neighboring properties. The gym use is consistent with the current use as an educational facility and would not impair or diminish the property values of the neighborhood This facility enhances and provides services improving the quality of life of the surrounding neighborhood and enjoyment of properties in the immediate vicinity.*

STAFF COMMENTS: Staff finds this criterion to be met. The proposed site work is consistent with what is already occurring on the property, and we have not identified any undue impacts to surrounding areas. Investments in a property like this do not lower property values of surrounding properties.

**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 Comments: *The proposed location of the addition has no affect on the development or improvements of any surrounding properties The addition is significantly distant from all nearby properties that it would not affect the permitted use allowed in the area including site access, visibility, shade or impose physical limitations.*

STAFF COMMENTS: Staff finds this criterion to be met. Schools are almost always located in residential districts and it is not uncommon for periodic improvements to be made to address needs of the student body. Additionally, the proposed addition meets all required setbacks, and/ is sufficiently separated from surrounding properties such that proposed height variance should not impact surrounding properties. Beyond the school property, the area is fully developed.

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

Applicant Comments: *No proposed changes to site access or utilities and will be maintained as they currently exist. Utilities may be re-routed around addition if necessary- no public street work is anticipated The site currently has adequate road access which will be maintained The site is substantial in size and building addition footprint will not negatively affect required lot coverage*



(cont)	<p>or drainage. Adequate drainage will be provided. Minor adjustments may be needed for drainage for area around the addition.</p> <p>STAFF COMMENTS: Staff finds this criterion to be met. Public Works/ Engineering has reviewed the plans and offered comments in a memo dated 9/13/21 which must be addressed prior to the issuance of a building permit.</p> <p><b>5. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.</b></p> <p><u>Applicant Comments:</u> In addition to a SUP, we are submitting a separate request for a height variance of 3' to allow for a building height of 33' for a clear height of 23' clear for the gym (typ. is 25'). Grades are fixed on the east side due to sidewalks and drives. These are the sides non-conforming and regrading is not possible. The south and west will be regraded to conform. The building addition will comply with all other regulations. 5) The building coverage(principal and accessory) on a lot shall not exceed thirty percent of the total lot area. (6) Total site impervious surfaces shall not exceed fifty percent of the total lot area. Global Academy property is 8.765 acres of which currently 10.5% is building coverage and 26.6% is pavement for 37% impervious surface coverage. This addition would not exceed the 30% building coverage and the 50% impervious surface coverage.</p> <p>STAFF COMMENTS: Staff finds this criterion to be met. The proposed property is in compliance with other regulations not specifically called out in this report.</p>
--------	--

## Variance Review:

<b>Request Overview:</b>	<p>In general, the applicant is requesting one variance as part of this SUP amendment: a variance from. 4-040 (2): The height of the new auditorium will exceed 30 feet at a small point in the gym's SE corner. At most points from grade to the top of the gym, the new structure will be conforming to code. As currently proposed, the specific variance requested is 3 feet.</p> <p>The applicant's narrative regarding the variance request is attached to this report.</p>
<b>Criteria Analysis:</b>	<p><b><u>General Variance Standards</u></b></p> <p><b>1) Is the variance in harmony with the general purpose and intent of the Zoning Code?</b></p> <p><u>Staff Analysis:</u> The requested variances appears to be in alignment with the intent of the zoning code. Schools are an allowed use in the R-1 zoning district, and it is generally recognized that certain architectural elements associated with a high school (such as a gym) will not necessarily conform to the standard height requirements for a single family dwelling. A typical rule of thumb in cases like this</p>



(cont.)

is to require one additional foot of setback for every one foot of additional height (with the thought being that any impacts of the additional height are off-set by the greater setbacks). Following this rule, the proposed auditorium should be at least 33 feet from any property line. At 94 feet from the southern property line and 172 feet from the western property line, this standard is more than met, so we find this criteria is met.

**2) Are the variances consistent with the Comprehensive Plan?**

Staff Analysis: The requested variance is not in conflict with the comprehensive plan. The plan intends to provide an avenue for the betterment of all property within the community, and seeks to ensure land uses are compatible throughout the City. The proposed improvement will improve the aesthetics of the subject property, the gym height will be conforming to code at a vast majority of points, and the gym's location at a significant distance from surrounding homes will ensure there will be no impacts.

**3) Has the applicant established that practical difficulties exist on the site?  
(three part test)**

**Test Part 1: Does the applicant propose to use the property in a reasonable manner not permitted by the zoning ordinance?**

Staff Analysis: Incorporating a new gym on an existing school to serve the existing student body is a very reasonable request. The current gym is undersized, and the new gym will address concerns identified by the school over its first few years of operation.

**Test Part 2: Is the plight of the landowner due to circumstances unique to this property that were not created by the landowner?**

Staff Analysis: Needs of schools are always evolving, and the improvement being requested in this case, as identified, is very reasonable. The requested variance is localized to one corner of the building in order to meet existing grades, so the very slight variation in height will not be readily apparent and will likely go unnoticed. The *need* for this type of facility (a gym) is definitely unique to school buildings in the R-1 district, so we do find this criteria is met.

**Test Part 3: Will the variance, if granted, alter the essential character of the locality?**

Staff Analysis: Staff agrees with the applicant that granting of the variances will not impact the character of the area. The outside improvements to the school, including landscaping, should enhance the area. Criteria met.



(cont.) **4) Is the variance being sought solely to improve the value of the property?**

Staff Analysis: The improvements are being sought to provide a better educational experience and opportunities for students of Global Academy. The proposed variance is not motivated by improving the property value. **Criteria met.**

**Additional Information:**

- None

**Public Comment:**

- **Ryan Ladd (516 Yankton College Ln).** Hello. I live at 516 Yankton College Ln and received the notice for Global Academy's request for an amendment to their existing Special Use Permit.  
  
In the information given, a sketch was included but it is extremely faded. Could you please send a digital copy, including the "c2" sheet that the sketch refers to?  
  
My main concern at this time is that this addition seems to be utilizing areas that are currently softscape and replacing it with hardscape. I worry about the additional water runoff as I was under the impression that was one of the driving factors for that natural area to be created in the first place. Thank you.

**Conclusion:**

The application is requesting a Special Use Permit and variance to authorize construction of a new gym on the Global Academy building located at 3000 5<sup>th</sup> St NW

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

**Commission Options:**

The Planning Commission has the following options:

- 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.

Based on an application date of 8/27/21, the 60-day review period for this application expires on 10/26/21. This deadline can be extended an additional 60 days if more time is necessary.



<p><b>Template Denial</b>  <b>Motion:</b>  <b>(<u>not</u> recommended)</b></p>	<ul style="list-style-type: none"> <li>▪ “I move that we recommend the City Council deny the requested special use permit and variance based on the following findings of fact:”                             <ul style="list-style-type: none"> <li>○ <i>(provide findings to support your conclusion)</i></li> </ul> </li> </ul>
<p><b>Template Approval</b>  <b>Motion:</b>  <b>RECOMMENDED</b></p>	<ul style="list-style-type: none"> <li>▪ “I move we recommend the City Council approve the requested special use permit and variance based on the findings of fact listed on pages 12 &amp; 13 of the report subject to the conditions listed on page 13 as may have been amended here tonight.”</li> </ul>
<p><b>Suggested Findings</b>  <b>of Fact:</b></p>	<ol style="list-style-type: none"> <li>1. The subject property is guided for public/quasi-public use by the 2030 comprehensive plan, and schools are a specially permitted use in the corresponding R-1 zoning district.</li> <li>2. All proposed building additions will meet required setbacks, and proposed building materials are allowed by code and are consistent with the existing building.</li> <li>3. Continued operation of a school at the proposed location will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.</li> <li>4. The proposed school improvements will not further impact the use and enjoyment of the subject and surrounding properties provided conditions regarding grading and drainage are addressed.</li> <li>5. A significant investment in school improvements will not have detrimental impact on area property values.</li> <li>6. The proposed updates to the school will have no impact on the subsequent development (or redevelopment) of surrounding property.</li> <li>7. The subject site appears to be adequately served by public utilities, roads, and drainage facilities to accommodate the proposed use;</li> <li>8. The special use will be in conformance with all underlying zoning district requirements.</li> <li>9. The requested variances are in harmony with the general purpose of the zoning code as the applicant has successfully presented a site plan that properly balances public needs being served against minimum required standards.</li> </ol>



- (cont.)
10. The proposed gym is significantly set back from neighboring homes such that the requested height will have no impact on adjacent lands.
  11. The variance request is consistent with the Comprehensive Plan.
  12. The applicant has established there are practical difficulties to support the requested variance in that:
    - a. The request is reasonable because:
      - i. Gymnasiums are a typical improvement needed on all schools, so the use is not out of the ordinary;
      - ii. The proposed gym is largely conforming to code around its entire periphery with the exception of the SW corner which exceeds the height maximum only to reach the existing grade;
      - iii. The existing school building projects upwards of 45’ above grade at points, so the proposed gym height is far shorter than other portions of the building.
    - b. There are unique circumstances in that needs of schools are always evolving, and typical residential uses do not face similar challenges; and
    - c. Granting of the variances will not impact the character of the area
  13. The requested variances are not being sought solely to improve the value of the property.

**Recommended  
Conditions:**

1. Engineering comments in the 9/13/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
2. The applicant shall be required to correct any lighting problems that are identified following construction of the new gym.
3. New locations for the two handicapped stalls being lost shall be identified prior to issuance of a building permit, and striping for the new stalls shall be completed prior to the certificate of occupancy being issued for the new addition.
4. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit amendment by the City Council.

cc: Helen Fisk & Rivera Architects





# interoffice

## MEMORANDUM

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**to:** Ben Gozola, Assistant Director of Community Assets and Development/City Planner  
**from:** Dustin Lind, Engineering Supervisor  
**subject:** 201 5<sup>th</sup> Avenue SW  
**date:** September 13, 2021

The Engineering Department has reviewed the site plan for the property at 3000 5<sup>th</sup> Street NW and we offer the following comments:

- 1) Grading plan to identify proposed drainage patterns and roof drainage leader locations. A plan should be developed to either capture or facilitate the additional concentrated flows created by the new addition.
- 2) Site plan to include BMP's to ensure sediment from runoff is contained to the site. Inlet protection shall be installed in catch basins adjacent to the new addition.



**RESOLUTION \_\_\_\_\_**  
**CITY COUNCIL**  
**CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT  
AND SITE PLAN AMENDMENT ALLOWING CONSTRUCTION OF A NEW GYMNASIUM  
ON THE EXISTING GLOBAL ACADEMY BUILDING AT 3000 5TH ST 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 comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

**WHEREAS**, Global Academy owns and operates a school on R-1 zoned property at 3000 5<sup>th</sup> St NW which is legally described as:

*Lot 2, Block 1, Seminary Estates 2<sup>nd</sup> Addition.*

**WHEREAS**, Global Academy filed an application seeking to amend their special use permit and site plan to authorize construction of a new gymnasium facility to supplement the existing campus; and

**WHEREAS**, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

**WHEREAS**, the Planning Commission held a public hearing on the request at the September 21, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant's submittals and findings of fact; and

**WHEREAS**, the City Council considered on September 28, 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 subject property is guided for public/quasi-public use by the 2030 comprehensive plan, and schools are a specially permitted use in the corresponding R-1 zoning district.
2. All proposed building additions will meet required setbacks, and proposed building materials are allowed by code and are consistent with the existing building.



3. Continued operation of a school at the proposed location will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
4. The proposed school improvements will not further impact the use and enjoyment of the subject and surrounding properties provided conditions regarding grading and drainage are addressed.
5. A significant investment in school improvements will not have detrimental impact on area property values.
6. The proposed updates to the school will have no impact on the subsequent development (or redevelopment) of surrounding property.
7. The subject site appears to be adequately served by public utilities, roads, and drainage facilities to accommodate the proposed use;
8. The special use will be in conformance with all underlying zoning district requirements.
9. The requested variances are in harmony with the general purpose of the zoning code as the applicant has successfully presented a site plan that properly balances public needs being served against minimum required standards.
10. The proposed gym is significantly set back from neighboring homes such that the requested height will have no impact on adjacent lands.
11. The variance request is consistent with the Comprehensive Plan.
12. The applicant has established there are practical difficulties to support the requested variance in that:
  - a. The request is reasonable because:
    - i. Gymnasiums are a typical improvement needed on all schools, so the use is not out of the ordinary;
    - ii. The proposed gym is largely conforming to code around its entire periphery with the exception of the SW corner which exceeds the height maximum only to reach the existing grade;
    - iii. The existing school building projects upwards of 45' above grade at points, so the proposed gym height is far shorter than other portions of the building.
  - b. There are unique circumstances in that needs of schools are always evolving, and typical residential uses do not face similar challenges; and
  - c. Granting of the variances will not impact the character of the area
13. The requested variances are not being sought solely to improve the value of the property.



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

1. Engineering comments in the 9/13/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
2. The applicant shall be required to correct any lighting problems that are identified following construction of the new gym.
3. New locations for the two handicapped stalls being lost shall be identified prior to issuance of a building permit, and striping for the new stalls shall be completed prior to the certificate of occupancy being issued for the new addition.
4. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit amendment by the City Council.

**ADOPTED** this 28<sup>th</sup> day of September, 2021 by the New Brighton City Council with a vote of \_\_\_ ayes and \_\_\_ nays.

---

Kari Niedfeldt-Thomas, Mayor

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Devin Massopust, City Manager

ATTEST:

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Terri Spangrud, City Clerk



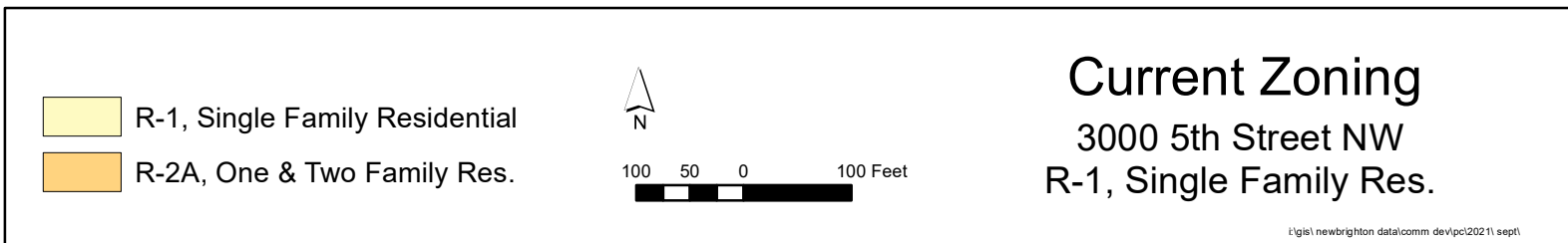
The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the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

Dated \_\_\_\_\_  
\_\_\_\_\_ <authorized representative>

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

\_\_\_\_\_  
Notary Public





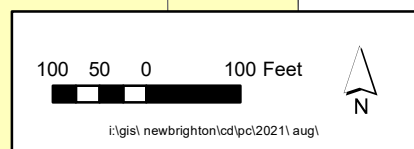


The map displays a residential neighborhood with various lot numbers and addresses. A large parcel at 3000 5th S. NW is highlighted in yellow and outlined in red. A red line indicates a 350-foot buffer around this parcel. The map includes street names like Stinson Blvd., 5th St NW, Yankton College Lane, and Seminary Drive. A scale bar and north arrow are in the bottom right corner.

Key features and addresses shown on the map include:

- Highlighted Parcel:** 3000 5th S. NW (outlined in red).
- Buffer Zone:** A red line indicating a 350-foot buffer around the highlighted parcel.
- Streets:** Stinson Blvd., 5th St NW, Yankton College Lane, Seminary Drive, Mission House Lane, Forest Dale Road, Stinson Court, Torchwood Drive.
- Other Addresses:** 701, 702, 698, 711, 691, 3056, 3000, 2973, 712, 704, 715, 703, 2860, 2844, 2830, 2822, 2887, 2863, 2857, 2839, 2831, 2823, 2830, 2810, 273, 2910, 2930, 2950, 3010, 3030, 3050, 3110, 3130, 3150, 661, 683, 3275, 3257, 3229, 3161, 3107, 3051, 2999, 575, 3029, 3009, 2929, 2909, 598, 590, 572, 560, 548, 532, 516, 500, 517, 501, 500, 533, 549, 561, 573, 2841, 2901, 2821, 572, 560, 548, 532, 516, 500, 4920, 4911, 2308, 2314, 2320, 2332, 4901, 4859, 4858, 4853, 4852, 4849, 4848, 4843, 4842, 4837, 4836, 4833, 4832, 4825, 4824, 4819, 4818, 4813, 4812, 4809, 4808, 4805, 4804, 4801, 2345, 4774, 4775, 2344, 4768, 4769, 4768, 4762, 4763, 4762.

A scale bar indicates distances up to 100 feet. A north arrow is located in the bottom right corner.





## Narrative

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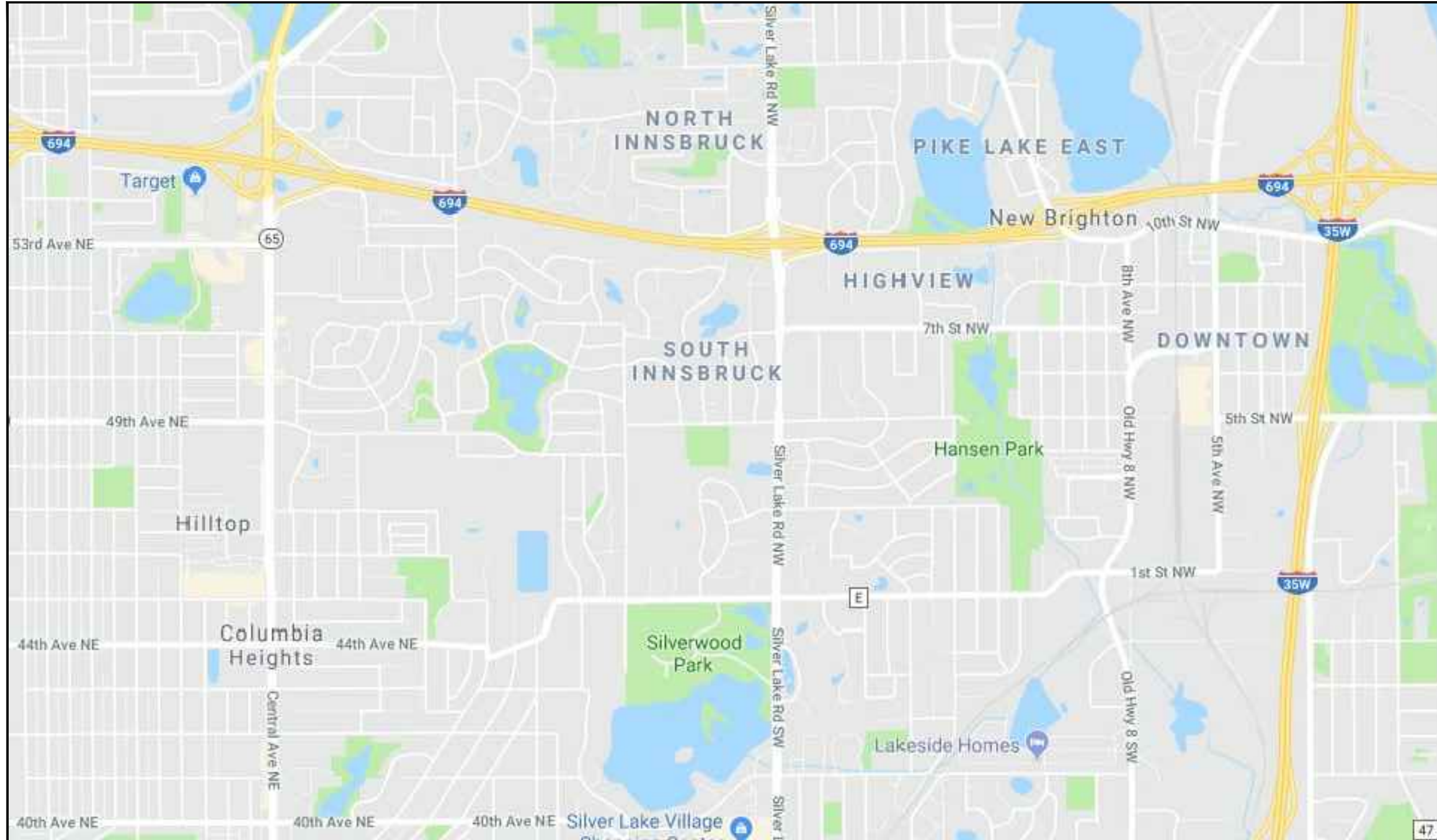
Global Academy is a K-8 public charter school that first opened its doors in Columbia Heights in 2008. We were extremely fortunate in 2019 to move to our "forever" home at 3000 5th Street NW in New Brighton. We love our new building and new community. When we purchased the property in 2019 we were only able to finance one very small gymnasium at the school. Our long term goal has always been to have enough gym space to allow every child at the school to have physical education daily. Our students need exercise in order to be healthy and be mentally ready to learn each day. In order to meet this need of our students, we desperately need a second gym space. We are excited that our school is now in a position to refinance our building, including funding for a beautiful new middle school gym space. We hope to locate this new gym on the southwest corner of the property, a location that will minimally impact the surrounding properties. Our proposed design will complement the existing aesthetics of the existing building.



# GYM ADDITION GLOBAL ACADEMY

# NEW BRIGHTON, MINNESOTA

ISSUED FOR: CITY SUBMITTAL

DEVELOPER / PROPERTY OWNER:

GLOBAL ACADEMY  
3000 5TH ST. NW  
NEW BRIGHTON, MN  
(651) 633-4311

ENGINEER / LANDSCAPE ARCHITECT /  
SURVEYOR:

CIVIL SITE GROUP  
4931 W 35TH STREET  
SUITE 200  
ST LOUIS PARK, MN 55416  
(612) 615-0060  
PATRICK SARVER 952-250-2003

MASTER LEGEND:

	EX. 1' CONTOUR ELEVATION INTERVAL		PROPOSED MANHOLE STORM
	EXISTING SPOT GRADE ELEVATION		PROPOSED CATCH BASIN OR CATCH BASIN MANHOLE STORM
	1.0' CONTOUR ELEVATION INTERVAL		PROPOSED GATE VALVE
	SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)		PROPOSED FIRE HYDRANT
	SPOT GRADE ELEVATION TOP OF CURB (GUTTER TOP)		PROPOSED MANHOLE SANITARY
	SPOT GRADE ELEVATION TOP OF WALL		PROPOSED SIGN
	SPOT GRADE ELEVATION BOTTOM OF WALL		PROPOSED LIGHT
	DRAINAGE ARROW		PROPOSED SANITARY SEWER
	EMERGENCY OVERTFLOW		PROPOSED STORM SEWER
			PROPOSED WATER MAIN
	SILT FENCE / BIOROLL - GRADING LIMIT		EXISTING SANITARY SEWER
	INLET PROTECTION		EXISTING STORM SEWER
	STABILIZED CONSTRUCTION ENTRANCE		EXISTING WATER MAIN
	SOIL BORING LOCATION		EXISTING GAS MAIN
	CURB AND GUTTER (T.O = TIP OUT)		EXISTING UNDERGROUND ELECTRIC
			EXISTING UNDERGROUND CABLE
			EXISTING MANHOLE
			EXISTING STOPBOX
			EXISTING LIGHT
			EXISTING GATE VALVE
			EXISTING ELECTRIC BOX
			EXISTING GAS VALVE

## SHEET INDEX

[illegible]

**CivilSite**  
GROUP

4931 W. 35TH ST. SUITE 200  
ST. LOUIS PARK, MN 55416  
CivilSiteGroup.com

Matt Pavek  
763-213-3944

Pat Sarver  
952-250-2003



## GYM ADDITION

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

GLOBAL ACADEMY

33000 5TH ST. NW, NEW BRIGHTON, MN 55112

## ISSUE/SUBMITTAL SUMMARY

[illegible]

## REVISION SUMMARY

[illegible]

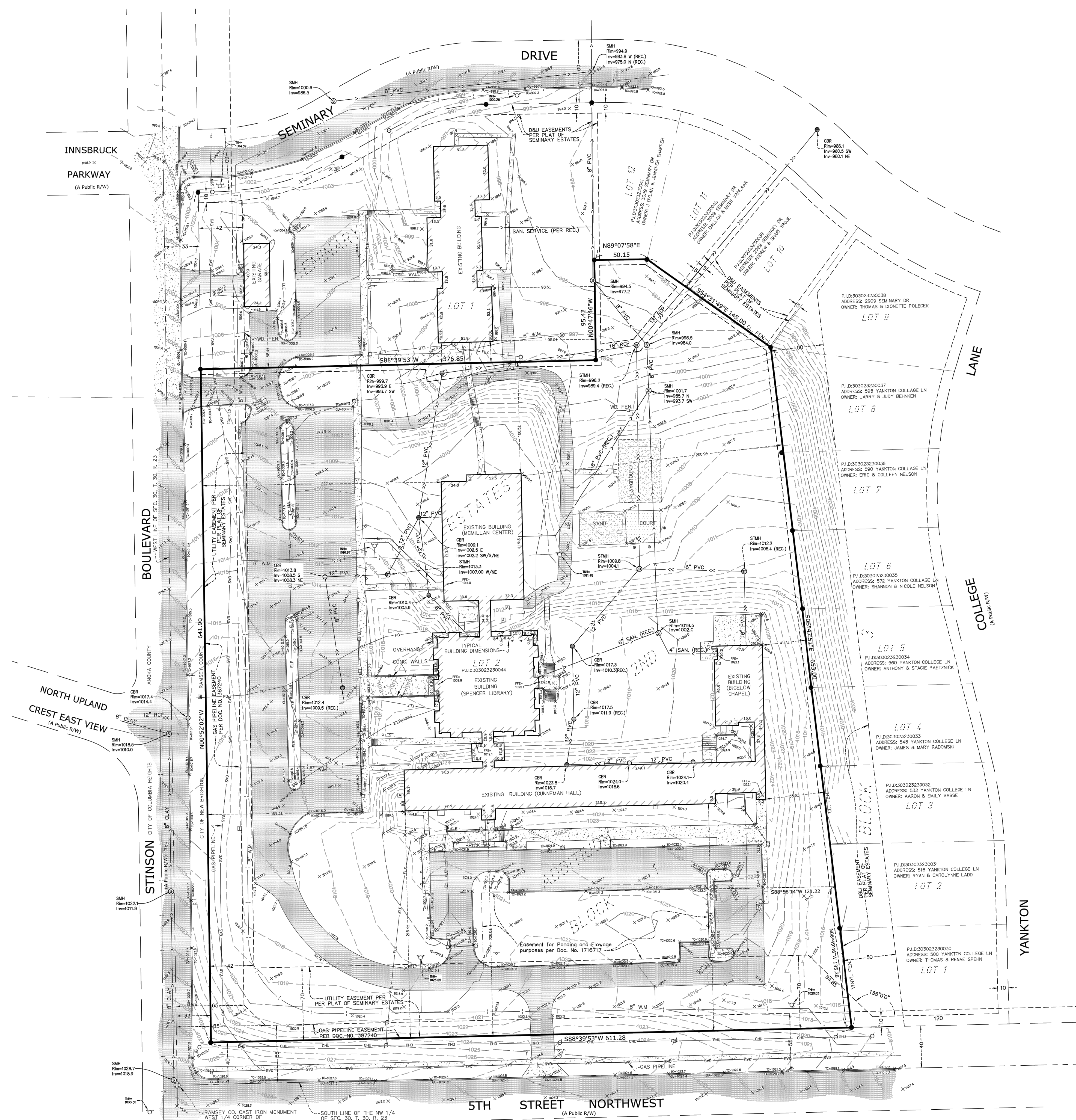
PROJECT NUMBER: 18017.03

# TITLE SHEET

# C0.0

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DESCRIPTION OF PROPERTY SURVEYED

Lot 2, Block 1, Seminary Estates 2nd Addition.

GENERAL SURVEY NOTES

- Bearings are based on the Ramsey County Coordinate System (1986 Adjustment).
- Elevations are based on the NGVD 29 Datum. See Site Benchmark Table below.
- We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used the information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

ALTA/NSPS LAND TITLE SURVEY NOTES

(numbered per Table A)

- Monuments placed and/or found at all major corners of the boundary of the surveyed property as shown hereon.
- Site Address: 3000 5th St NW, New Brighton, MN 55112.
- This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27122C0015G, effective date of June 4, 2015.
- The Gross land area is 381,789 +/- square feet or 8.765 +/- acres.
- The current Zoning for the subject property was not provided. Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.
- (a) Exterior dimensions of buildings at ground level as shown hereon.  
(b)(1) Square footage of exterior footprint of buildings at ground level as shown hereon.
- Substantial features observed in the process of conducting the fieldwork as shown hereon. Please note that seasonal conditions may inhibit our ability to visibly observe all site features located on the subject property.
- The names of the adjoining owners of the platted lands, as shown hereon, are based on information obtained from Ramsey County GIS.

SURVEY REPORT

- This map and report was prepared without the benefit of a Commitment for Title Insurance. Please note the legal description hereon is based on the Ramsey County tax records and may not be the latest description of record. There may be easements or other matters of record that we are unaware of and thus not shown hereon. The following easements are shown hereon and are based on a previous survey performed by Civil Site group, dated July 16, 2018. Without current title work, it is unclear if these easements still affect the subject property.

- Easement for drainage and utility purposes as shown on the recorded plat of Seminary Estates, filed as Document No. 817630. The easements are shown hereon.
- Easement for ponding and flowage in favor of the City of New Brighton, its successors and assigns, over a portion of the subject property as therein described in document dated 11-19-92, filed 11-26-92 as Document No. 178717. This easement is shown hereon over the center portion of the southeasterly parking lot.
- Easement for broadband communication system in favor of Comcast of Minnesota, Inc., its successors and assigns, over a portion of the subject property as therein described in document dated 7-13-10, filed 2-4-11 as Document No. 2134208. This easement is blanket in nature over the subject property.
- Overhead and underground utility line easements as may currently exist and rights of utility companies to use and maintain said lines. We have shown utility lines and easements that we are aware of.
- The following recital appears on the Certificate of Title and will be carried forward to any new Certificate of Title: "Subject to an easement and right of way conveyances in favor of Standard Oil Company, as set forth in the instrument recorded in Book 1240, Page 263, Ramsey County Records." This easement is blanket in nature of the NW 1/4 of Section 30, T20N, R23W, please note that we did not observe a standard of pipeline running on or through the subject property. Clients counsel may wish to pursue this matter further so as to determine if this easement actually affects the site.
- The following memorials appear on the Certificate of Title and will be carried forward to any new Certificate of Title:  
a. Document No. 387240, a partial release, filed 1-30-58, which releases and describes the easement created in Book 1240, Page 263, Ramsey County Records. Please see no. 19 above.  
b. Document No. 426656, an assignment of the easement filed 2-15-61 in favor of The American Oil Company. Please see no. 19 above.

ALTA CERTIFICATION

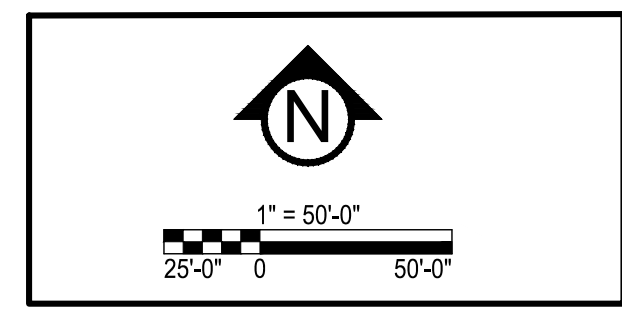
To: Global Academy Affiliated Company and TenSquare, LLC; Bank  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, and 13 of Table A thereof.  
The fieldwork was completed on 8-23-2021.  
Dated this 26th day of August, 2021.

Rory L. Synstelen  
rory@civilsitegroup.com

Minnesota License No. 44565

SITE BENCHMARKS (NGVD29 DATUM)

- Top Nut of Fire Hydrant located at the SE Corner of the intersection of Stinson Boulevard and Seminary Drive.  
Elevation = 1004.58
- Top Nut of Fire Hydrant located 72' +/- northwesterly of the northeast property corner on the south side of Seminary Drive.  
Elevation = 1000.23
- Top Nut of Fire Hydrant located 35' +/- east of the east building line of the McMillan Building.  
Elevation = 1011.48
- Top Nut of Fire Hydrant located 65' +/- west of the west building line of the McMillan Building.  
Elevation = 1016.97
- Top Nut of Fire Hydrant located near the southwest corner of southerly parking lot.  
Elevation = 1023.25
- Top Nut of Fire Hydrant located 61' +/- northwesterly of the southeast property corner.  
Elevation = 1020.03
- Top Nut of Fire Hydrant located at the westerly side of the intersection of Stinson Boulevard and 9th Street NW.  
Elevation = 1033.50



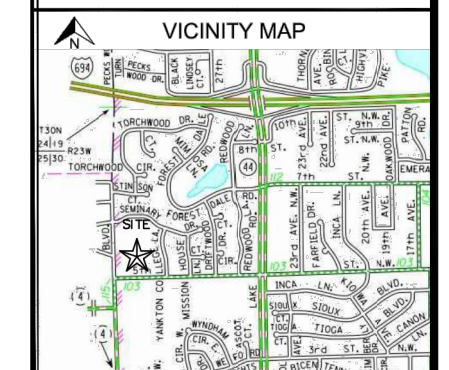
Linetype & Symbol Legend

FO	FIBER OPTIC	SM	SIGN	AC	AIR CONDITIONER
GS	GASMAIN	SMH	SANITARY MANHOLE	B	BOLLARD
W	WATERMAIN	SMH	SANITARY MANHOLE	EM	ELECTRIC MANHOLE
S	SANITARY SEWER	SMH	STORM MANHOLE	FP	FLAG POLE
SS	STORM SEWER	SMH	CATCH BASIN	FE	FLARED END SECTION
OU	OVERHEAD UTILITIES	SMH	TELEPHONE BOX	GV	GAS VALVE
TL	TELEPHONE LINE	SMH	TELEPHONE MANHOLE	HS	HANDICAP SYMBOL
EL	ELECTRIC LINE	SMH	ELECTRIC TRANSFORMER	HY	HYDRANT
CTV	CABLE LINE	SMH	TRAFFIC SIGNAL	WM	WATER MANHOLE
FC	FENCELINE	SMH	CABLE TV BOX	WV	WATER VALVE
CS	CONCRETE SURFACE	SMH	ELECTRICAL METER	PP	POWER POLE
PS	PAVER SURFACE	SMH	GAS METER	GW	GUY WIRE
BS	BITUMINOUS SURFACE	SMH	FOUND IRON MONUMENT	CT	CONIFEROUS TREE
GS	GRAVEL SURFACE	SMH	SET IRON MONUMENT	DT	DECIDUOUS TREE
		SMH	CAST IRON MONUMENT		

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

RORY L. SYNSTELLEN  
DATE 8-26-2021 LICENSE NO. 44565

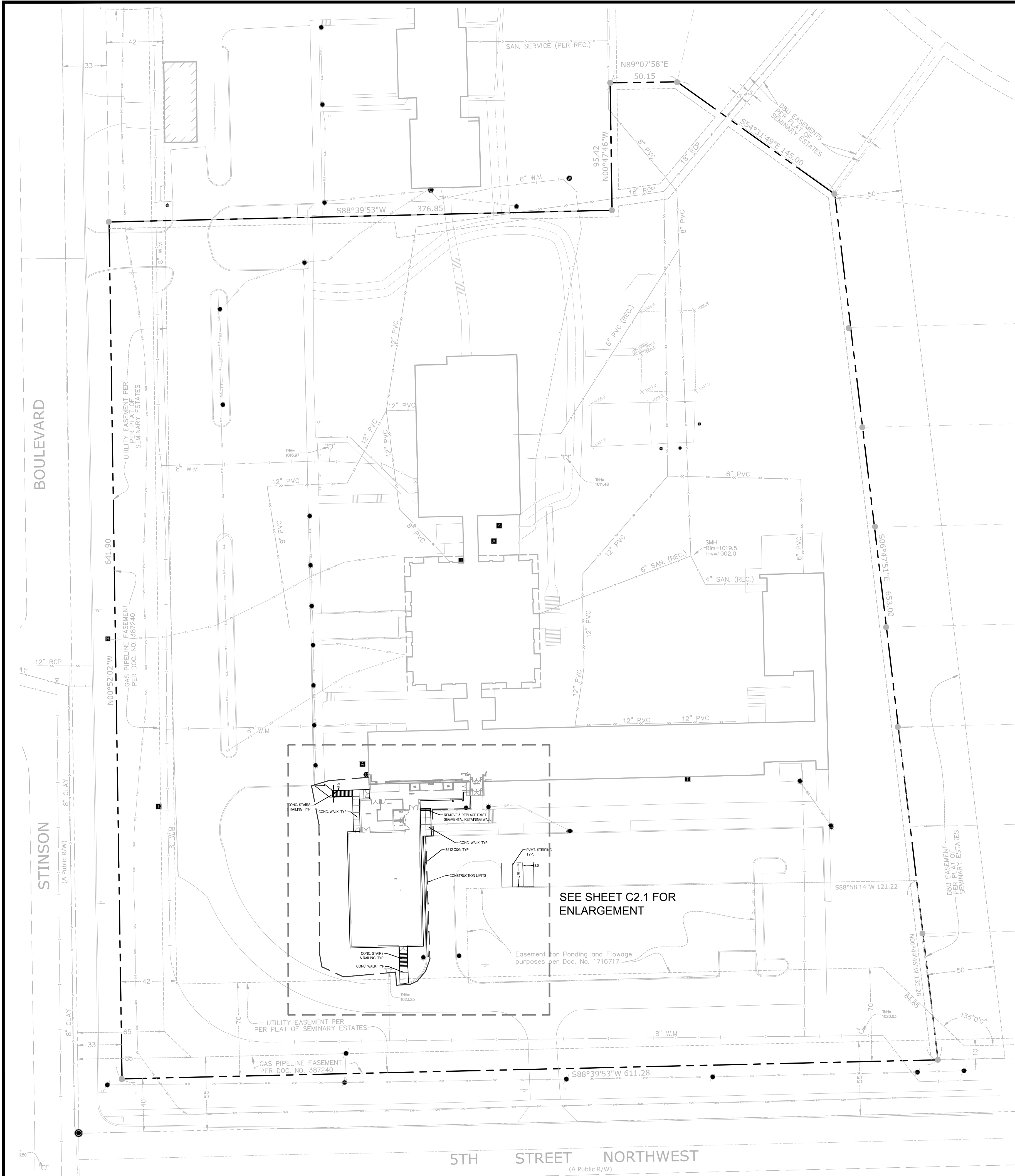
QA/QC  
FIELD CREW DO  
DRAWN BY JRN  
REVIEWED BY CJJ  
UPDATED BY



REVISION SUMMARY	
DATE	DESCRIPTION

PROJECT NO.: 18017.03  
ALTANSPS LAND  
TITLE SURVEY





SEE SHEET C2.1 & C3.0 FOR ENLARGEMENTS

SITE LAYOUT NOTES:

1. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
3. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
4. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
5. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
6. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
7. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING, FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
8. PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
9. CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
10. SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
11. ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
13. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
14. PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
15. ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
16. BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
17. ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

CITY OF NEW BRIGHTON SITE SPECIFIC NOTES:

1. CONTRACTOR SHALL PROVIDE A DETAILED PLAN OF NEW WATER SERVICE CONNECTION TO MAIN WITH APPLICATION FOR A CURB CUT PERMIT.
2. WATERMAINS AND SANITARY SEWER SERVICES WITHIN THE SITE ARE TO BE CONSIDERED PRIVATE AND SHALL BE CONSTRUCTED AND MAINTAINED BY THE PROPERTY OWNERS. A PERMIT WILL BE REQUIRED FOR ALL SEWER AND WATER CONNECTIONS AND SHALL BE INSPECTED BY PUBLIC WORKS.
3. ALL NEW STORM SEWER UTILITIES WITHIN THE SITE ARE TO BE CONSIDERED PRIVATE AND ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS FOR CONSTRUCTION AND MAINTENANCE.
4. ALL NEW VALVES SHALL BE CLOW.

SITE PLAN LEGEND:

- CONCRETE PAVEMENT AS SPECIFIED (PAD OR WALK)  
SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS. SEE DETAIL.
- PROPERTY LINE
- CONSTRUCTION LIMITS
- CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT  
GUTTER WHERE APPLICABLE-SEE PLAN
- SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED.  
HC = ACCESSIBLE SIGN  
NP = NO PARKING FIRE LANE  
ST = STOP  
CP = COMPACT CAR PARKING ONLY

GENERAL UTILITY NOTES:

1. SEE SITE PLAN FOR HORIZONTAL DIMENSIONS AND LAYOUT.
2. CONTRACTOR SHALL FIELD VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF DISCREPANCIES OR VARIATIONS FROM THE PLANS.
3. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
4. UTILITY INSTALLATION SHALL CONFORM TO THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION" AND "SANITARY SEWER AND STORM SEWER INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), AND SHALL CONFORM WITH THE REQUIREMENTS OF THE CITY AND THE PROJECT SPECIFICATIONS.
5. CASTINGS SHALL BE SALVAGED FROM STRUCTURE REMOVALS AND RE-USED OR PLACED AT THE DIRECTION OF THE OWNER.
6. ALL WATER PIPE SHALL BE CLASS 52 DUCTILE IRON PIPE (DIP) AWWA C151, ASME B16.4, AWWA C110, AWWA C153 UNLESS OTHERWISE NOTED.
7. ALL SANITARY SEWER SHALL BE SDR 26 POLYVINYL CHLORIDE (PVC) ASTM D3034 & F679, OR SCH 40 ASTM D1785, 2665, ASTM F794, 1866) UNLESS OTHERWISE NOTED.
8. ALL STORM SEWER PIPE SHALL BE HDPE ASTM F714 & F2306 WITH ASTM D3212 SPEC FITTINGS UNLESS OTHERWISE NOTED.
9. PIPE LENGTHS SHOWN ARE FROM CENTER TO CENTER OF STRUCTURE OR TO END OF FLARED END SECTION.
10. UTILITIES ON THE PLAN ARE SHOWN TO WITHIN 5' OF THE BUILDING FOOTPRINT. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE FINAL CONNECTION TO BUILDING LINES. COORDINATE WITH ARCHITECTURAL AND MECHANICAL PLANS.
11. CATCH BASINS AND MANHOLES IN PAVED AREAS SHALL BE SUMPED 0.04 FEET. ALL CATCH BASINS IN GUTTERS SHALL BE SUMPED 0.15 FEET PER DETAILS. RIM ELEVATIONS SHOWN ON THIS PLAN DO NOT REFLECT SUMPED ELEVATIONS.
12. ALL FIRE HYDRANTS SHALL BE LOCATED 5 FEET BEHIND BACK OF CURB UNLESS OTHERWISE NOTED.
13. HYDRANT TYPE, VALVE, AND CONNECTION SHALL BE IN ACCORDANCE WITH CITY REQUIREMENTS. HYDRANT EXTENSIONS ARE INCIDENTAL.
14. A MINIMUM OF 8 FEET OF COVER IS REQUIRED OVER ALL WATERMAIN, UNLESS OTHERWISE NOTED. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM OF 18" VERTICAL SEPARATION TO SANITARY OR STORM SEWER LINES. EXTRA DEPTH WATERMAIN IS INCIDENTAL.
15. A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION AND 10 FEET OF HORIZONTAL SEPARATION IS REQUIRED FOR ALL UTILITIES, UNLESS OTHERWISE NOTED.
16. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE IN ACCORDANCE WITH CITY STANDARDS AND COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION.
17. CONNECTIONS TO EXISTING STRUCUTRES SHALL BE CORE-DRILLED.
18. COORDINATE LOCATIONS AND SIZES OF SERVICE CONNECTIONS WITH THE MECHANICAL DRAWINGS.
19. COORDINATE INSTALLATION AND SCHEDULING OF THE INSTALLATION OF UTILITIES WITH ADJACENT CONTRACTORS AND CITY STAFF.
20. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL PAVEMENT CONNECTIONS SHALL BE SAWCUT. ALL TRAFFIC CONTROLS SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE BUT NOT BE LIMITED TO SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
21. ALL STRUCTURES, PUBLIC AND PRIVATE, SHALL BE ADJUSTED TO PROPOSED GRADES WHERE REQUIRED. THE REQUIREMENTS OF ALL OWNERS MUST BE COMPLIED WITH. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.
22. CONTRACTOR SHALL COORDINATE ALL WORK WITH PRIVATE UTILITY COMPANIES.
23. CONTRACTOR SHALL COORDINATE CONNECTION OF IRRIGATION SERVICE TO UTILITIES. COORDINATE THE INSTALLATION OF IRRIGATION SLEEVES NECESSARY AS TO NOT IMPACT INSTALLATION OF UTILITIES.
24. CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS THROUGHOUT CONSTRUCTION AND SUBMIT THESE PLANS TO ENGINEER UPON COMPLETION OF WORK.
25. ALL JOINTS AND CONNECTIONS IN STORM SEWER SYSTEM SHALL BE GASTIGHT OR WATERTIGHT. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATERTIGHT CONNECTIONS TO MANHOLES, CATCHBASINS, OR OTHER STRUCTURES.
26. ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MN RULES, CHAPTER 4714, SECTION 1109.0.

CivilSite

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Matt Pavlek  
763-213-3844

Pat Sanner  
952-250-2003

Inspire. Address to learn about how  
Global Academy

Pat Sanner  
952-250-2003

RM

CONSTRUCTION

GYM ADDITION

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

GLOBAL ACADEMY

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

PROJECT

ISSUE/SUBMITTAL SUMMARY

DATE DESCRIPTION

08/27/21 CITY SUBMITTAL

REVISION SUMMARY

DATE DESCRIPTION

PROJECT NUMBER: 18017.03

SITE/UTILITY PLAN

C2.0

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## GYM ADDITION

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

**GLOBAL ACADEMY**

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

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## ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
7/21	CITY SUBMITTAL

## REVISION SUMMARY

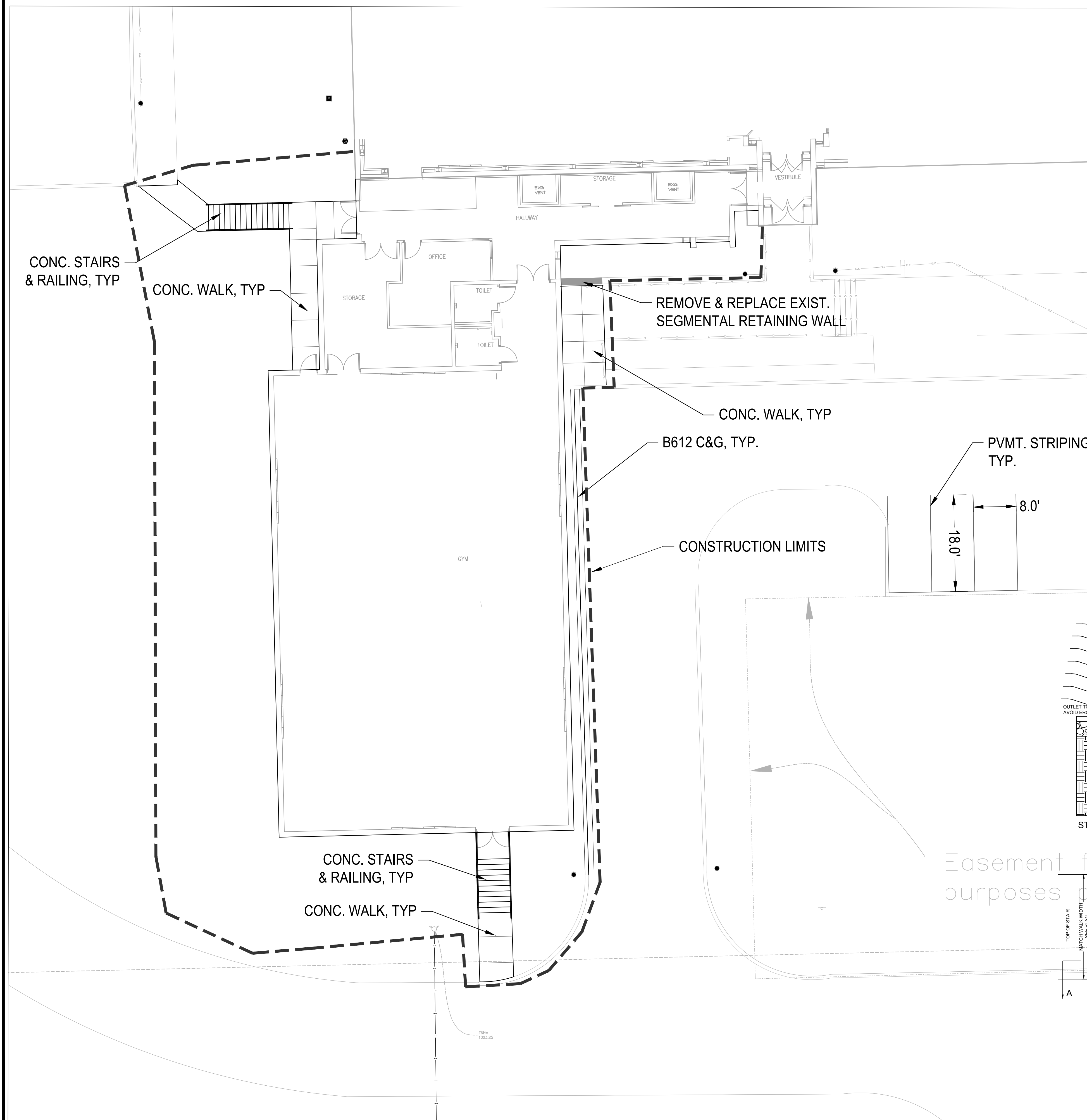
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PROJECT NUMBER: 18017.03

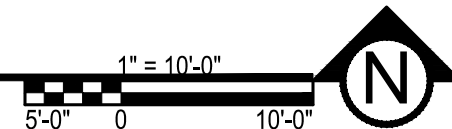
## SITE PLAN ENLARGEMENT & DETAILS

## C2.1

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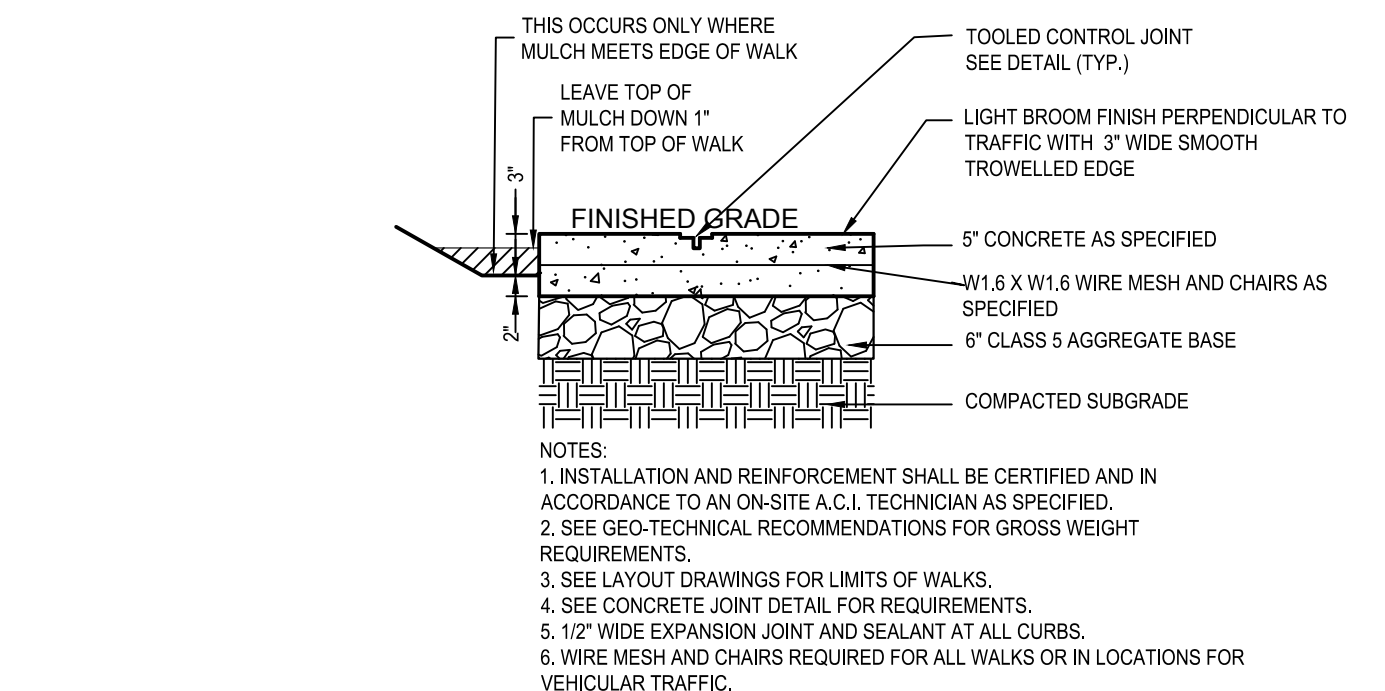


# 1 GYM ADDITION SITE PLAN ENLARGEMENT

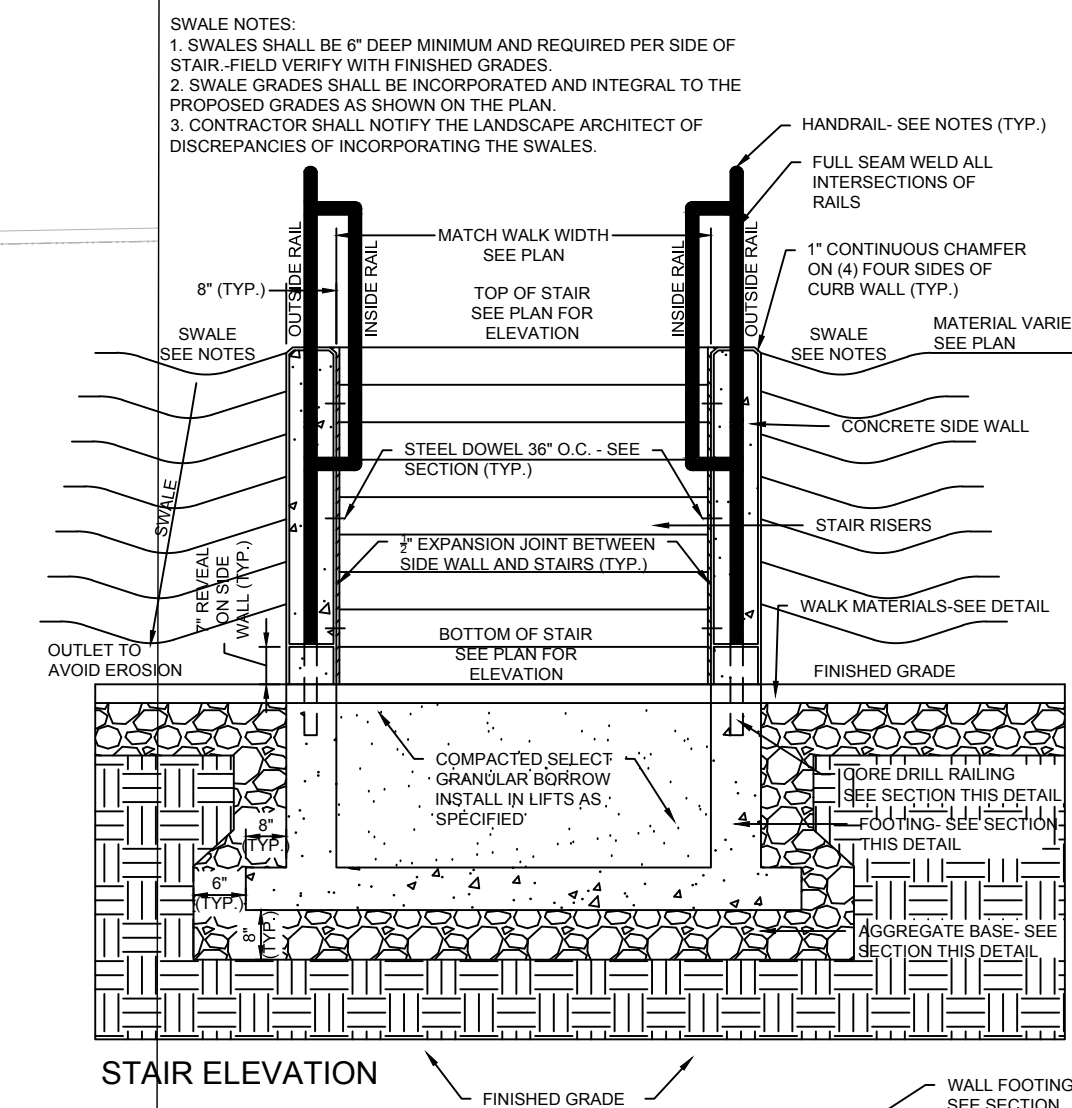


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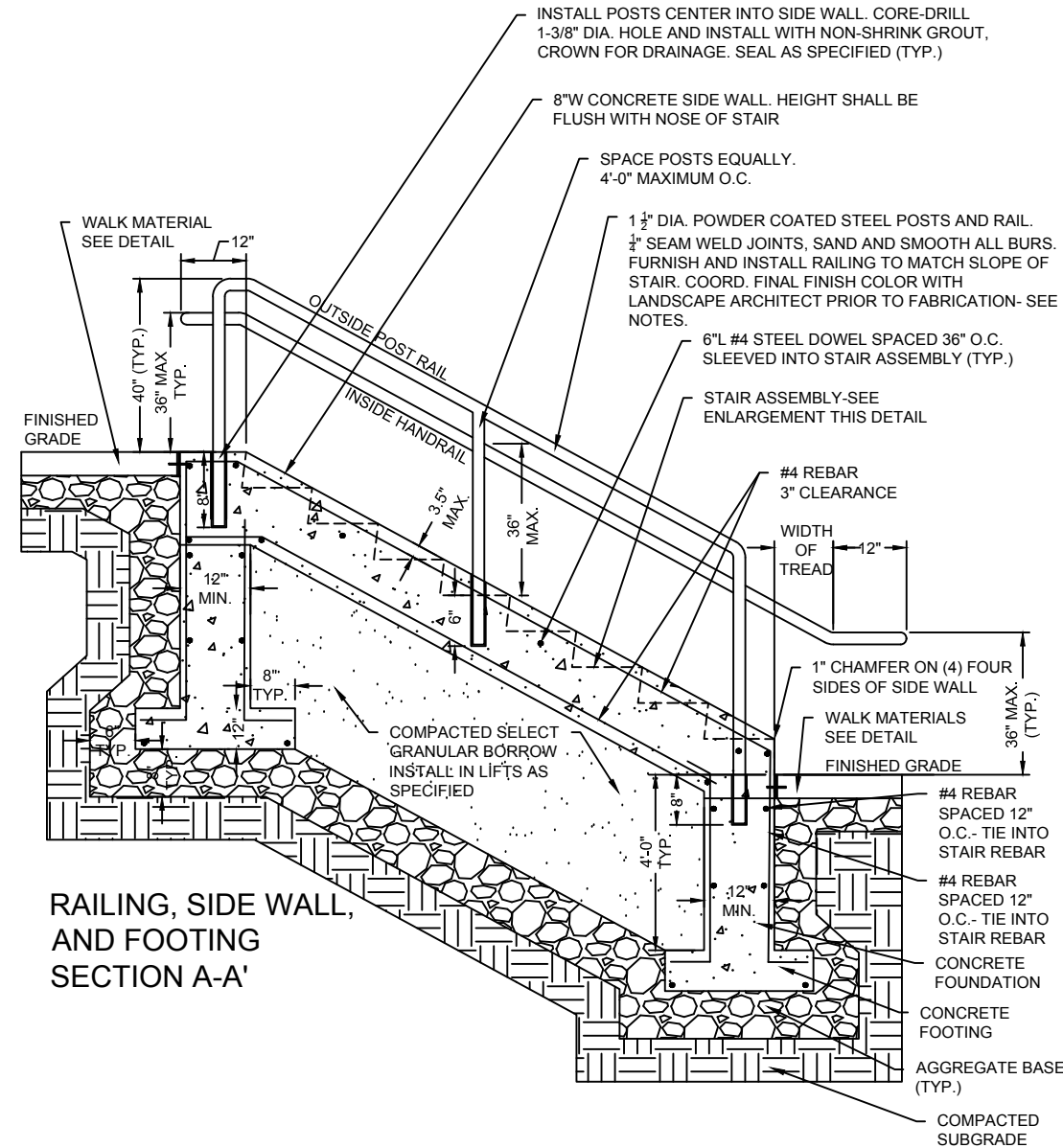
○ EXTERIOR SITE STAIR  
NTS



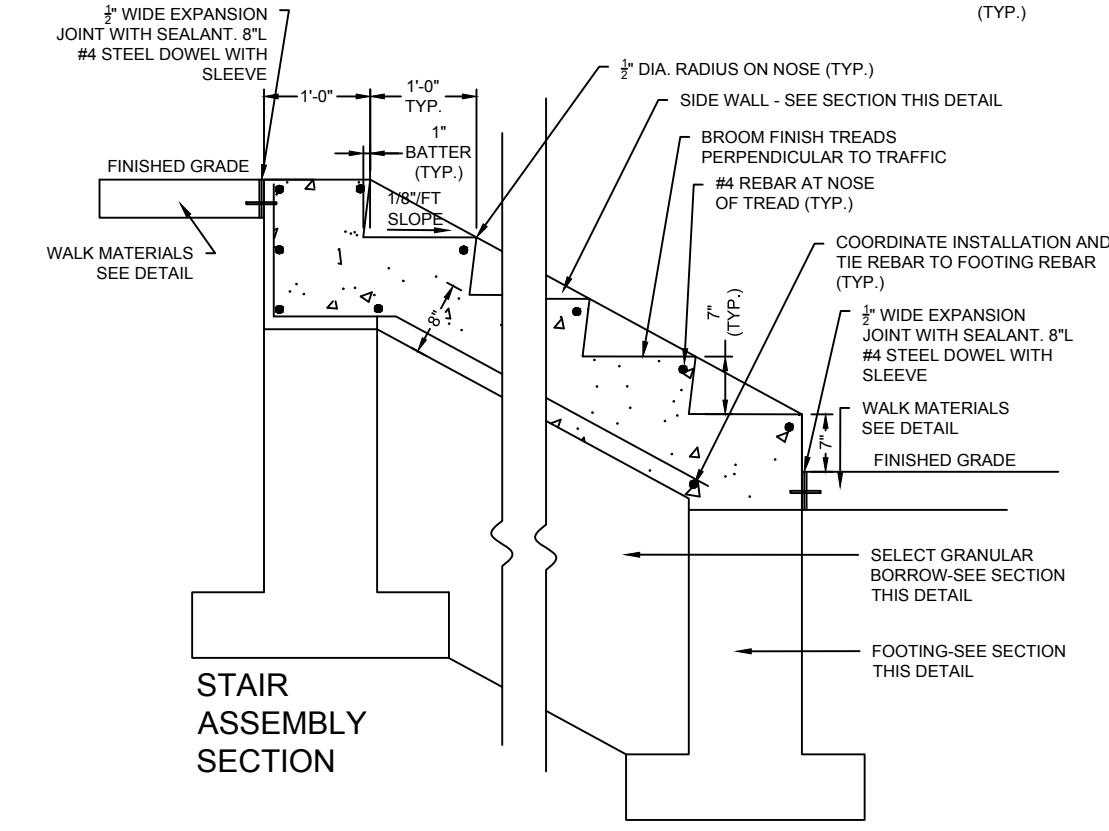
1 LIGHT DUTY CONCRETE WALK/PAD  
NTS



STAIR ELEVATION



RAILING, SIDE WALL,  
AND FOOTING  
SECTION A-A'



STAIR  
ASSEMBLY  
SECTION

NOTES:

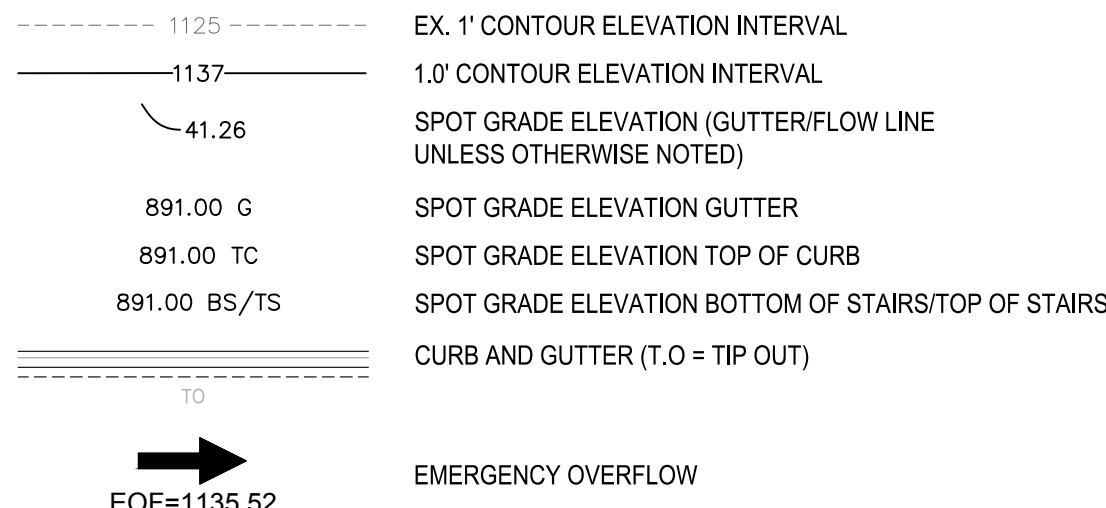
1. SOIL TESTING, COMPACTION, AND BACKFILLING SHALL BE IN ACCORDANCE TO THE GEO-TECHNICAL RECOMMENDATIONS OR AS SPECIFIED.
2. SUBMIT RAILING SHOP DRAWINGS FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO FABRICATION. COORDINATE FABRICATION OF RAILING WITH OTHER RAIL OR FENCE TYPES. SHOP DRAWINGS SHALL BE COMPLIANT WITH CURRENT ADA ACCESSIBILITY REQUIREMENTS
3. COORDINATE INSTALLATION OF RETAINING WALL PRIOR TO INSTALLATION OF STAIRS-SEE RETAINING WALL DETAIL.
4. NO SPACE SHALL BE ALLOWED BETWEEN STAIRS AND RETAINING WALL UNLESS OTHERWISE SHOWN. CONCRETE SHALL DIRECTLY ABUT FACE OF RETAINING WALL.



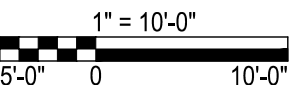


- SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
2. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
3. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
4. PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
5. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
6. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
7. PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
9. IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
10. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPEAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
11. FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS, PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
12. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED STANDARD AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
13. TOLERANCES
  - 13.1. THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
  - 13.2. THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
  - 13.3. AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
  - 13.4. TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
14. MAINTENANCE
  - 14.1. THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
  - 14.2. CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDDED AND MULCHED.
  - 14.3. WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

### GRADING PLAN LEGEND:



**GOPHER STATE ONE CALL**  
WWW.GOPHERSTATEONECALL.ORG  
(800) 252-1166 TOLL FREE  
(651) 454-0002 LOCAL



**CivilSite**  
**GROUP**  
4931 W. 35TH ST. SUITE 200  
ST. LOUIS PARK, MN 55416  
CivilSiteGroup.com

Matt Pavек      Pat Sarver  
763-213-3944      952-250-2003



## GYM ADDITION

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

**GLOBAL ACADEMY**

3000 5TH ST. NW, NEW BRIGHTON, MN 55112

PROJECT

I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION, OR REPORT WAS  
PREPARED BY ME OR UNDER MY DIRECT  
SUPERVISION AND THAT I AM A DULY  
LICENSED LANDSCAPE ARCHITECT UNDER  
THE LAWS OF THE STATE OF MINNESOTA.



DATE 08/27/21 LICENSE NO. 24904

## ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
08/27/21	CITY SUBMITTAL


REVISION SUMMARY

DATE	DESCRIPTION
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10	8
10	8

PROJECT NUMBER: 18017

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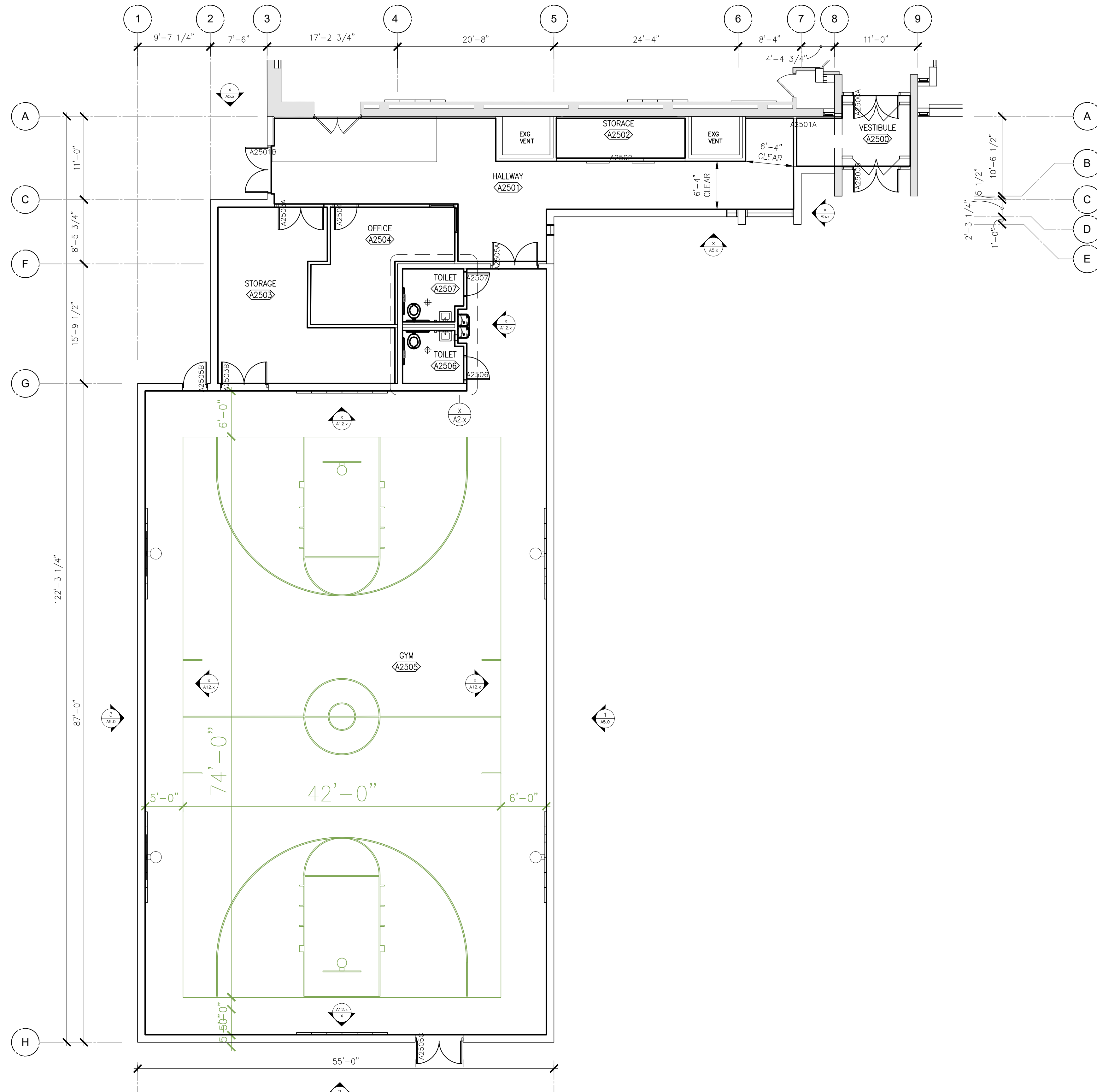
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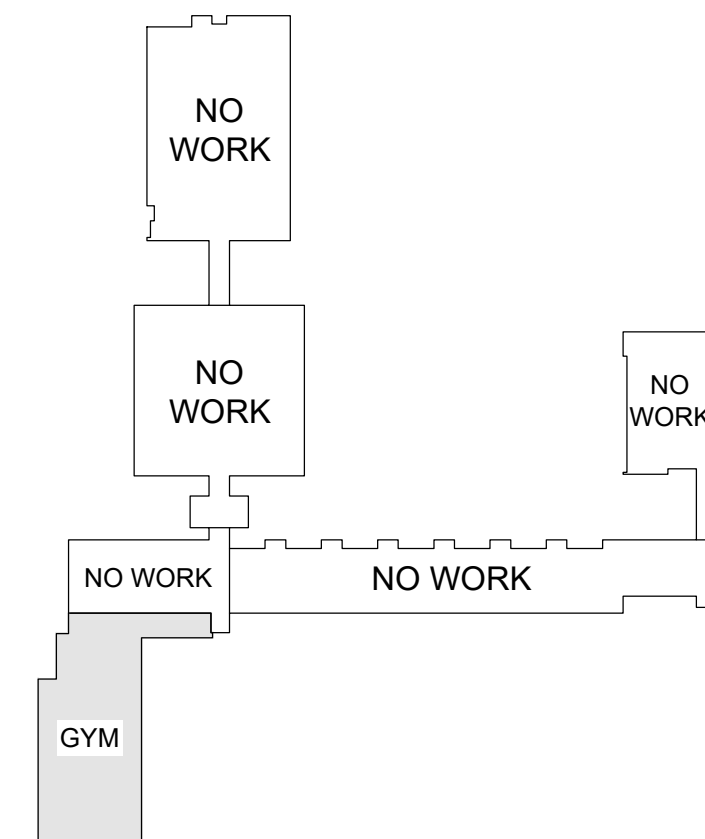






1 FIRST LEVEL FLOOR PLAN  
PLAN

1/8" = 1'-0"



BUILDING KEY PLAN  
SEE SHEET A1.0 FOR FLOOR PLAN GENERAL NOTES

GLOBAL ACADEMY - GYM  
3000 5TH STREET NW  
NEW BRIGHTON, MINNESOTA 55112

SIP & VARIANCE 8/27/2021

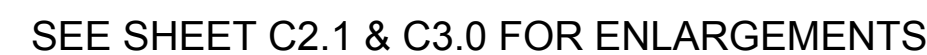
FIRST LEVEL PLAN

A2.0

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Architect under the laws of the State of Minnesota.  
KENNETH REVERA  
Date 08/27/2021  
Reg. No. 21639







1. CONTRACTOR SHALL PROVIDE A DETAILED PLAN OF NEW WATER SERVICE CONNECTION TO MAIN WITH APPLICATION FOR A CURB CUT PERMIT.
2. WATERMAINS AND SANITARY SEWER SERVICES WITHIN THE SITE ARE TO BE CONSIDERED PRIVATE AND SHALL BE CONSTRUCTED AND MAINTAINED BY THE PROPERTY OWNERS. A PERMIT WILL BE REQUIRED FOR ALL SEWER AND WATER CONNECTIONS AND SHALL BE INSPECTED BY PUBLIC WORKS.
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4. ALL NEW VALVES SHALL BE CLOW.

- CONCRETE PAVEMENT AS SPECIFIED (PAD OR WALK)  
SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE  
& CONCRETE DEPTHS, SEE DETAIL.

PROPERTY LINE

CONSTRUCTION LIMITS

CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT  
GUTTER WHERE APPLICABLE-SEE PLAN

SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED.

HC = ACCESSIBLE SIGN  
NP = NO PARKING FIRE LANE  
ST = STOP  
CP = COMPACT CAR PARKING ONLY

1. SEE SITE PLAN FOR HORIZONTAL DIMENSIONS AND LAYOUT.
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4. UTILITY INSTALLATION SHALL CONFORM TO THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION" AND "SANITARY SEWER AND STORM SEWER INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), AND SHALL CONFORM WITH THE REQUIREMENTS OF THE CITY AND THE PROJECT SPECIFICATIONS.
5. CASTINGS SHALL BE SALVAGED FROM STRUCTURE REMOVALS AND RE-USED OR PLACED AT THE DIRECTION OF THE OWNER.
6. ALL WATER PIPE SHALL BE CLASS 52 DUCTILE IRON PIPE (DIP) AWWA C151, ASME B16.4, AWWA C110, AWWA C153 UNLESS OTHERWISE NOTED.
7. ALL SANITARY SEWER SHALL BE SDR 26 POLYVINYL CHLORIDE (PVC) ASTM D3034 & F699, OR SCH 40 ASTM D1785, 2665, ASTM F794, 1866) UNLESS OTHERWISE NOTED.
8. ALL STORM SEWER PIPE SHALL BE HDPE ASTM F714 & F2306 WITH ASTM D3212 SPEC FITTINGS UNLESS OTHERWISE NOTED.
9. PIPE LENGTHS SHOWN ARE FROM CENTER TO CENTER OF STRUCTURE OR TO END OF FLARED END SECTION.
10. UTILITIES ON THE PLAN ARE SHOWN TO WITHIN 5' OF THE BUILDING FOOTPRINT. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE FINAL CONNECTION TO BUILDING LINES. COORDINATE WITH ARCHITECTURAL AND MECHANICAL PLANS.
11. CATCH BASINS AND MANHOLES IN PAVED AREAS SHALL BE SUMPED 0.04 FEET. ALL CATCH BASINS IN GUTTERS SHALL BE SUMPED 0.15 FEET PER DETAILS. RIM ELEVATIONS SHOWN ON THIS PLAN DO NOT REFLECT SUMPED ELEVATIONS.
12. ALL FIRE HYDRANTS SHALL BE LOCATED 5 FEET BEHIND BACK OF CURB UNLESS OTHERWISE NOTED.
13. HYDRANT TYPE, VALVE, AND CONNECTION SHALL BE IN ACCORDANCE WITH CITY REQUIREMENTS. HYDRANT EXTENSIONS ARE INCIDENTAL.
14. A MINIMUM OF 8 FEET OF COVER IS REQUIRED OVER ALL WATERMAIN, UNLESS OTHERWISE NOTED. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM OF 18" VERTICAL SEPARATION TO SANITARY OR STORM SEWER LINES. EXTRA DEPTH WATERMAIN IS INCIDENTAL.
15. A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION AND 10 FEET OF HORIZONTAL SEPARATION IS REQUIRED FOR ALL UTILITIES, UNLESS OTHERWISE NOTED.
16. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE IN ACCORDANCE WITH CITY STANDARDS AND COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION.
17. CONNECTIONS TO EXISTING STRUCTURES SHALL BE CORE-DRILLED.
18. COORDINATE LOCATIONS AND SIZES OF SERVICE CONNECTIONS WITH THE MECHANICAL DRAWINGS.
19. COORDINATE INSTALLATION AND SCHEDULING OF THE INSTALLATION OF UTILITIES WITH ADJACENT CONTRACTORS AND CITY STAFF.
20. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL PAVEMENT CONNECTIONS SHALL BE SAWCUT. ALL TRAFFIC CONTROLS SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE CITY. THIS SHALL INCLUDE BUT NOT BE LIMITED TO SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
21. ALL STRUCTURES, PUBLIC AND PRIVATE, SHALL BE ADJUSTED TO PROPOSED GRADES WHERE REQUIRED. THE REQUIREMENTS OF ALL OWNERS MUST BE COMPLIED WITH. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.
22. CONTRACTOR SHALL COORDINATE ALL WORK WITH PRIVATE UTILITY COMPANIES.
23. CONTRACTOR SHALL COORDINATE CONNECTION OF IRRIGATION SERVICE TO UTILITIES. COORDINATE THE INSTALLATION OF IRRIGATION SLEEVES NECESSARY AS TO NOT IMPACT INSTALLATION OF UTILITIES.
24. CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS THROUGHOUT CONSTRUCTION AND SUBMIT THESE PLANS TO ENGINEER UPON COMPLETION OF WORK.
25. ALL JOINTS AND CONNECTIONS IN STORM SEWER SYSTEM SHALL BE GASTIGHT OR WATERTIGHT. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATERTIGHT CONNECTIONS TO MANHOLES, CATCHBASINS, OR OTHER STRUCTURES.
26. ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MN RULES, CHAPTER 4714, SECTION 1109.0.

[illegible]







127'-7"  
TOP OF PRECAST

PRECAST CONCRETE FIELD PANELS  
SMOOTH FINISH PAINTED  
TO MATCH EXISTING  
STUCCO FIELD COLOR

PRECAST CONCRETE ACCENT BAND  
SMOOTH FINISH PAINTED  
TO MATCH EXISTING  
ACCENT BAND COLOR

100'-0"  
1ST LEVEL T.O. SLAB

98'-0"  
GRADE

PRECAST CONCRETE BASE  
SMOOTH FINISH PAINTED  
TO MATCH EXISTING BRICK COLOR

PRECAST CONCRETE  
FIELD PANEL  
W/ GRID PATTERN  
TO MATCH EXISTING

EXISTING GYM BEYOND

3000

EXISTING ENTRY

WINDOWS

EXISTING DRIVE

EXIST DOORS

GYM ADDITION

LINK TO GYM ADDTION

1 ENLARGED SOUTH ELEVATION  
NTS.

PRECAST CONCRETE  
FIELD PANEL  
W/ GRID PATTERN  
TO MATCH EXISTING

127'-7"  
TOP OF PRECAST

PRECAST CONCRETE FIELD PANELS  
SMOOTH FINISH PAINTED  
TO MATCH EXISTING  
STUCCO FIELD COLOR

PRECAST CONCRETE ACCENT BAND  
SMOOTH FINISH PAINTED  
TO MATCH EXISTING  
ACCENT BAND COLOR

100'-0"  
1ST LEVEL T.O. SLAB

98'-0"  
GRADE

NEW CONCRETE STOOP AND STAIRS

PRECAST CONCRETE BASE  
SMOOTH FINISH PAINTED  
TO MATCH EXISTING BRICK COLOR

NEW CONCRETE STOOP AND STAIRS

LINK TO GYM ADDTION

GYM ADDITION

2 ENLARGED WEST ELEVATION  
NTS.







## Special Use Permit Criteria Worksheet

A special use permit cannot be approved unless the Planning Commission and City Council find that the following criteria have been met. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary and consult with the Planning Director at the time of your Pre-Application Meeting as some items may not be applicable for your project.

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.

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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.

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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.

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

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

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## **VARIANCE**

### **PROPERTY DESCRIPTION:**

Parcel 1:

"Lot 2, Block 1, Seminary Estates 2<sup>nd</sup> Addition" Ramsey County, Minnesota.

"Global Academy" is commonly referenced as the "owner" or "school" throughout the variance.

### **ZONED:**

R-1 One-Family Residential

Height Max

Stories

Feet

Yard Setbacks (Ft)

Front

Side street

Rear

Side

(2 ½)

30

30

30

5

5

*(1) In an R-1 District, any principal structure or building other than a single-family residence shall not be located less than thirty feet from any boundary line of a lot used or intended for use for a single-family residence.*

*(2) No structure or building shall exceed 2 1/2 stories or thirty feet in height, whichever is less.*

*(3) The minimum setbacks shall be: Description Feet Side street yard 30 Front yard 30 Side yard 5 Rear yard 5*

*A. A side street yard on a corner lot shall not be less than thirty feet in width for any construction after August 21, 1981. Any property already improved on August 21, 1981, by construction of a principal structure with a fifteen foot side street yard setback shall not be considered nonconforming in regard to side street yard setback. In cases where adjacent properties are already improved, the City Council can grant special permission to change the setback requirements on a corner lot based on the criteria of visual compatibility with the surrounding properties.*

*B. In required front yards, the required setback may be reduced to twenty four feet subject to approval of a Special Use Permit under Section 8-110-130 and subject to compliance with the conditions of this Subdivision.*

*1. The proposed addition uses the same exterior structure materials and colors as the principal structure and accessories.*

*2. The roof is properly proportioned to and integrated with the roof of the principal Z4-4 structure (dwelling) on the property.*

*3. The base of the addition is not open and its appearance is consistent with the base of the building.*

*4. The structure shall not exceed 35% of the width of the front of the dwelling, excluding the garage, or shall not exceed twelve feet in width, whichever is less.*

*(4) The minimum requirements for lot dimensions shall be:*

*A. 75 feet wide at building setback line.*

*B. 45 feet wide at front lot line.*

*C. 10,000 square feet of lot area.*

*(5) The building coverage (principal and accessory)*

*on a lot shall not exceed thirty percent of the total lot area. (Ord. No. 667, 2-22-00; Ord. No. 669, 3-28-00; Code of 2001)*

*(6) Total site impervious surfaces shall not exceed fifty percent of the total lot area. (Ord. No. 669; 3-28-00; Code of 2001)*



**Project Description:**

Site Address: 3000 5th St NW, New Brighton, MN 55112.

This property is contained in Zone - R1 (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate

Map, Community Panel No. 27123C0015G, effective date of June 4, 2010.

The Gross land area is 381,789 +/- square feet or 8.765 +/- acres.

Global Academy proposes a 7,000 s.f. building addition at the southwest corner of the existing building in order to meet the programmatic needs of the school as well as provide the needed storm shelter space. The gym portion will be designed and constructed to meet ICC-500 Storm Shelter Standards

The addition includes a Jr. High gymnasium, offices, toilets and storage spaces. The addition offers improvements providing needed physical education and community gathering spaces.

The proposed addition is constructed of architectural precast incorporating reveals, texture and color similar to existing materials and colors or matched colors. Windows are provided on the link but not on the gym due to the storm shelter requirements.

The gym will be located on the same elevation as the existing main level of the school. This provides better internal circulation and greater accessibility. Classroom space is located on three levels and the main level centrally locates the gym. It is also adjacent to the existing multipurpose room, chapel space renovated for gym space in the 2018 project, found to be very small at approx. 2,500 sf..



**Variance(s) requested:**

**2. HEIGHT MAXIMUM**

R-1 One-Family Residential allows for Height Maximum of 30' or 2 ½ stories. The project proposes an overall height of 33' at the greatest height. The existing building has other areas of the building that are three stories and height that exceeds 45' above grade at the Library and 36' above grade at the two story classroom. The request for an additional 3' seems reasonable based on the precedent already established on the building which has not had any negative impact on the nearby properties and neighborhood.

We are matching the finish floor elevations of the existing school building to improve accessibility between all areas of the building. Construction methods and mechanical systems were different when the school was constructed providing very little floor to floor height dimensions to accommodate the structure and building systems.

The clear height to the bottom of typical gym structure is 25' above finish floor to allow for volleyball and other sports activities. The requested 3' variance would allow for a clear height of 23' above finish floor. The school finds this height acceptable and reduces the height of the requested variance.

Elements around the building are established not allowing for much grade changes between existing exterior elements such as the ramp and drive and parking and the building exterior. The west elevation, northeast and southwest area are able to comply with the 30' height requirements. The south east corner of the building is where the height is exceeded due to the existing conditions.

1. That the establishment, maintenance, or operations of the special use/variance will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - The variance is in harmony with the general intent of the zoning code.
  - The building does not impair adequate supply of light to the adjacent properties being distance from other properties and buildings.
  - It is believed that the development of this facility will not negatively affect the property values of the surrounding areas and will benefit the community as a whole. The school is currently viewed as a great addition and resource to the community
  - The requested 3' variance from 30' to 33' will be negligible in comparison to the height of the library building centrally located in the facility which at some locations is 45' above grade.
  - The proposed building would be constructed of building materials to match the existing in color, texture, reveals and mass to feel compatible with the existing building architecture.
  - The proposed use of the building addition is consistent with the uses allowed in the zone R1 neighborhood.
2. That the special use/variance will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - The variance does not propose any use not allowed in the zoning district.
  - The variance does not alter the essential character of the surrounding area.
  - The building does not impair adequate supply of light to the adjacent properties
  - It is believed that the development of this facility will not negatively affect the property values of the surrounding areas and will benefit the community as a



whole. The school is currently viewed as a great addition and resource to the community

- The materials proposed to be used on the project are consistent and compatible with the materials of the existing building.
  - The height of the proposed addition is significantly less in height than other portions of the building and has no negative affect on the essential character of the surrounding area.
  - Landscaping and rain gardens have added to the character of the surrounding area which will be re-established.
  - The proposed use of the building addition is an extension of the current use as a K-12 educational facility which is an allow use in the zoned area R4 neighborhood.
3. That the establishment of the variance will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- The request of this variance is consistent with the comprehensive plan and does not impede the development or improvements of the surround properties
  - The variance does not propose any use not allowed in the zoning district.
  - The proposed use of the building addition is an extension of the current use as a K-12 educational facility which received a CUP to exist in the R1 zoned neighborhood.
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- No proposed changes to site access or utilities which will be maintained as they currently exist. Utilities may be re-routed around addition if necessary- no public street work is anticipated.
  - The site currently has adequate road access which will be maintained.
  - The site is substantial in size and building addition footprint will not negatively affect required lot coverage or drainage.
  - Adequate drainage will be provided. Minor grading adjustments may be needed for drainage for area around the addition.
5. That the special use/variance shall in all other respects conform to the applicable regulations of the district in which it is located.
- conforms to all other regulations including but not limited to building coverage, impervious surface coverage and building set back requirements.
  - The building addition will comply with all other regulations “ 5) *The building coverage (principal and accessory) on a lot shall not exceed thirty percent of the total lot area. No. 669, 3-28-00; Code of 2001* (Ord. No. 667, 2-22-00; Ord. (6) *Total site impervious surfaces shall not exceed fifty percent of the total lot area. (Ord. No. 669; 3-28- 00; Code of 2001)*”
  - Global Academy property is 8.765 acres of which approximately 10.5% is building coverage and 26.6% is pavement for 37% impervious surface coverage. This addition would not exceed the 30% building coverage and the 50% impervious surface coverage.
  - The owner inherited the grades with the property at the proposed location of the addition that is making it impractical to regrade or would create accessability issues. The proposed location of the addition is the best for program use and access.
  - Raising the grade 3’ at the ramp and drive would make the building unaccessible and create drainage issues for the parking lot in order to comply with the current zoning requirements.





Agenda Section: VII
Item: 1
Report Date: 9/1/21
Commission Meeting Date: 9/21/21

## REQUEST FOR COMMISSION CONSIDERATION

<b>ITEM DESCRIPTION: Final Planned Residential Development:</b> Review of the proposed final plans for redevelopment of US Bank at 2299 Palmer Drive
<b>DEPARTMENT HEAD'S APPROVAL:</b>
<b>CITY MANAGER'S APPROVAL:</b>
No comments to supplement this report <input type="checkbox"/> Comments attached <input type="checkbox"/>

**15.99 Deadline:** The 60-day review period for this application expires on 11/9/2020. This deadline can be extended an additional 60 days if necessary.

**Recommendations:** ▪ Staff believes the Final PRD is in substantial compliance with the preliminary approval, and is ready for Planning Commission approval at this time. Final details to be worked out prior to Council approval (anticipated review on October 12th, 2021).

**Legislative History:** ▪ Complete application received on 9/10/21.  
▪ Planning Commission review scheduled for 9/21/21

**Financial Impact:** **Significant over the long term.** Estimated market value of the land is proposed to go from \$1.6M to approximately \$27M thereby generating significantly more tax revenue per year to support the City goals.

**Summary:** US Bank National Association and North Shore Development Partners are seeking approval of a Final Planned Residential Development to authorize a redevelopment project for the former US Bank site at 2299 Palmer Drive. The new building will be a highly-amenitized 132-unit multifamily building. Preliminary approval for this development was granted by the City Council on August 24, 2021.

**Attachments:** 1) Staff Report  
2) Engineer's memo  
3) Draft Resolution  
4) Final PRD Plans & Plat

Ben Gozola, AICP

Assistant Director of Community Assets and Development



**To: Planning Commission**

**From:** Ben Gozola, Assistant Director DCAD

**Meeting Date:** 9-21-21

**Applicant:** North Shore Development Partners

**Main Contact:** Katelyn Murray

**Location:** 2299 Palmer Drive

**Zoning:** R-3B

### ***Introductory Information***

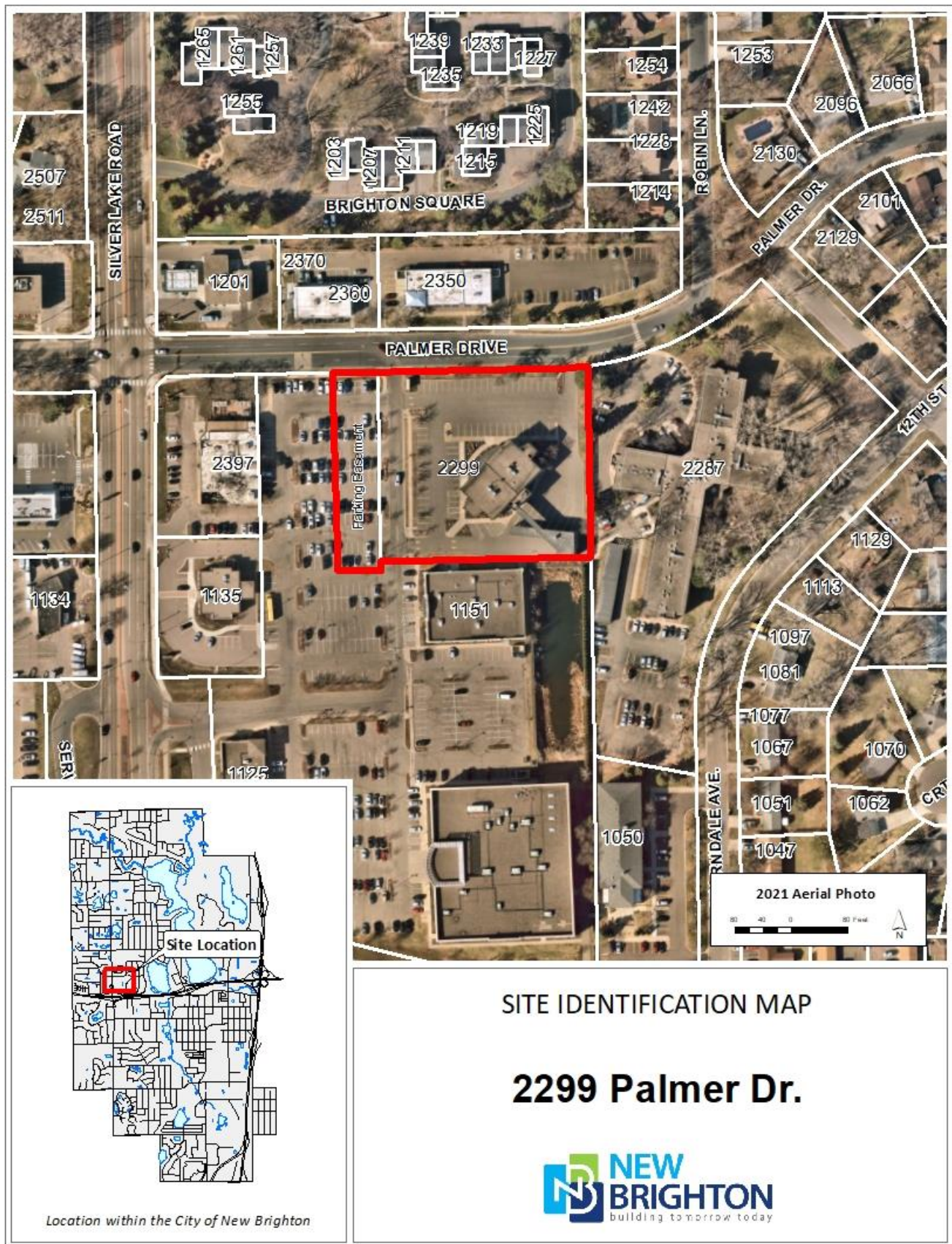
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**Project:** North Shore Development Partners is seeking approval of a Final Planned Residential Development for the US Bank redevelopment project. Preliminary approval for this development was granted by the City Council on August 24, 2021.

**History / Timeline:**

- Bank building originally constructed in 1970 by (it appears) First State Bank of New Brighton
- First State Bank of New Brighton operates until the early 2000's when the building is sold to US Bank
- US Bank operates on-site until the COVID-19 pandemic and a nationwide shift to on-line banking required closure of approximately 400 locations throughout the Country including the New Brighton branch. The building officially closed its doors as a bank in January 2021.
- Land is put on the market and North Shore Development Partners obtains an option to purchase the land for redevelopment as a high-amenity residential building as allowed by the City's new Comprehensive Plan.
- July 2021: North Shore Development Partners applies for Preliminary PRD approval which includes a site plan review and rezoning of the property
- August, 17, 2021: Planning Commission review and Public Hearing
- August 24, 2021: City Council Approves Preliminary PRD with conditions
- September 2021: Application for Final PRD approval is received.







## General Findings

<b>Site Data:</b>	<ul style="list-style-type: none"> <li>▪ PRD Land Area = 2.25 acres</li> <li>▪ Existing Use – vacant building</li> <li>▪ Existing Zoning – B-3 (request for multi-family residential zoning as a Mixed Use Regional zoning district has yet to be adopted)</li> <li>▪ Property Identification Numbers (PIDs): 19-30-23-43-0034 and 19-30-23-43-0042</li> </ul>
<b>Comp Plan Guidance:</b>	<ul style="list-style-type: none"> <li>▪ The new 2040 Comprehensive Plan guides this property for “Mixed Use Regional” This is a new land use designation that will ultimately require a new zoning district to accommodate a mix of uses including high density residential at densities between 8 and 50 units per acre with an option to go up to 60 units per acre if supported by a particular site.</li> <li>▪ The two options at this time for a landowner to initiate development of property that is subject to a new land use guidance are:               <ol style="list-style-type: none"> <li>1. Wait for the City to draft a new zoning district which adheres to the goals and directives of the new Comprehensive Plan; or</li> <li>2. Request a Planned Residential Development at this time which adheres to the goals and directives of the new Comprehensive Plan.</li> </ol> </li> <li>▪ As the applicants are ready to proceed and do not want to wait for the new zoning district to be created, they have elected to pursue a Planned Residential Development at roughly 58.7 units per acre. The proposed density may be requested per the comprehensive plan. The PRD analysis herein provides context as to whether other goals and objectives of the new plan are being met, and whether the application merits approval as a Planned Residential Development.</li> </ul>
<b>Notable Code Definitions:</b>	<ul style="list-style-type: none"> <li>▪ <b>SUBDIVISION.</b> A parcel of land divided into smaller parts such as blocks or lots, or a tract of land which is re-divided after the first division.</li> <li>▪ <b>DWELLING, MULTIPLE-FAMILY.</b> A building or portion thereof containing three or more dwelling units.</li> </ul>
<b>Primary Applicable Codes:</b>	<ul style="list-style-type: none"> <li>▪ <b>Zoning Chapter 7, Article 1, Section 7-090 <u>Planning Commission Final Plan Review</u></b> <ul style="list-style-type: none"> <li>– Indicates that the Planning Commission is to review the final plans for substantial compliance to preliminary approval.</li> <li>– No public hearing is required.</li> <li>– Commission may recommend any further conditions deemed necessary to protect the health, safety, morals, and general welfare of the community.</li> </ul> </li> </ul>



## Final PRD Review

### ***In General:***

- The Final Planned Residential Development review stage ensures that conditions of Preliminary are (or will be) successfully addressed by the proposed development.

### ***PRD Plans & Final Plat Review:***

- Preliminary PRD approval grants the right for a developer to move forward with a project provided the final plans are in “substantial compliance” with preliminary approval. By code, the Planning Commission is asked to specifically examine the following to determine substantial compliance:
  - Was the final plan received within ninety days of preliminary approval (or within one year of the last phase being approved)?  
**Yes.** The preliminary PRD was approved on August 24, 2021.
  - Have the final plans increased residential density?  
**No.** The proposed density matches the preliminary approval.
  - Have the final plans increased nonresidential floor area?  
**No.** There are no commercial or industrial uses proposed as part of the final plans.
  - Have the final plans decreased the area of open space or changed design such that public areas will no longer function as intended?  
**No.** Proposed open space is consistent with the preliminary approval.
  - Have the final plans adhered to conditions placed on the Preliminary plans?  
**Yes.** With conditions, staff finds the final plans will be ready for Council approval in the near future.
  - Are park dedication requirements being met by the final plan?  
**Yes.** The dedication outlined in the developer’s agreement will satisfy the cash-in-lieu requirement in the 2021 fee schedule. Per the Preliminary PRD approval, the dedication will be \$240,900 for the new 132 unit building. Cash in lieu funds will be used to implement the new 2040 Parks Comprehensive Plan to the benefit of all City residents.
  - Has a title opinion been provided and reviewed by the City Attorney?  
**On-going.** The applicant and City attorney are working to complete this step as of the penning of this report. As a condition of approval, we are recommending completion of the review, and agreement by the applicants to address any issues that arise to the satisfaction of the City Attorney.

**Based on these criteria, staff does find the final PRD PLANS to be in substantial compliance with the preliminary approval.**



- Additional Comments:**
- The applicants have provided a spreadsheet outlining all steps taken to address engineering comments to date which is attached. The engineering department is comfortable with the final PRD moving forward with conditions given the progress to date.
  - The draft development agreement (as of 9/17/21) is also included for review. The DA is a work in progress to be finalized prior to this matter going before Council.
  - A construction staging plan is also included in this packet indicating that workers will be parking in the shared parking easement being created as part of this development, and they are prohibited from parking on Robin Lane, Palmer Drive, or Thorndale Ave.

- PC Role at this time:**
- Section 7-090(6) reads:  
*“The Planning Commission shall indicate by recommendation to the City Council that the final plan for planned residential development is in substantial compliance with the preliminary plan and shall add any further conditions it deems necessary to protect the public health, safety, morals, and general welfare. Any final plan deemed not to be in substantial compliance with the preliminary plan...except as changed by variation noted by the applicant shall be as noted in the recommendation to the City Council as to exactly where the final plan is not in compliance and to what degree and shall further recommend as to whether another public hearing is in order.”*

## Conclusion:

North Shore Development Partners is seeking approval of a Final Planned Residential Development for the redevelopment of the US Bank site at 2299 Palmer Drive. Approval will authorize the project to proceed, and will clear the way for building permit issuance.

**By Code, the Planning Commission is asked to make recommendations to City Council as to the following:**

- 1. Are the final plans in substantial compliance with preliminary approval?**
- 2. If plans are NOT in substantial compliance, how do they deviate from the previous approval and does the planning commission recommend another public hearing?**
- 3. Are there further conditions that need to be placed on the final approval to protect the public health, safety, morals, and/or general welfare of the community?**



(cont.) Based on a complete application date of 9/10/21, the deadline for a decision by the City Council is 11/9/21. One extension of up to 60 additional days is available.

**Template Denial  
Motion:**

**(not recommended)**

- “I move that we recommend the City Council deny the requested final planned residential development based on the following findings of fact:”
  - (provide findings to support your conclusion, and denote ways in which the proposed final plan deviates from preliminary approval)

**Template Approval  
Motion:  
RECOMMENDED**

- “I move we recommend to City Council that the proposed Final PRD plans are in substantial compliance with the preliminary approval based on the findings of fact listed on pages 6 & 7 of the report subject to the conditions listed on pages 7 as may have been amended here tonight.”

**Suggested Findings  
of Fact:**

1. City Council granted approval of the Preliminary Planned Residential Development (PRD) for the proposed improvements on August 24, 2021, subject to conditions.
2. The development will allow the City to work towards its established goals of:
  - a. Supporting a diverse population with a diverse housing stock;
  - b. Establishing a sense of place as the building will be constructed of high-quality materials which integrate with the surrounding area;
  - c. Supporting local business as the new building will provide needed support and customers for continued commercial development/success on adjacent lands;
  - d. Developing an area specifically targeted as a “potential area of improvement;”
  - e. Creating safe streets by narrowing down Palmer Drive and introducing a missing sidewalk connection to the neighboring Crossroads of New Brighton residential building.
  - f. Providing a much needed injection of new market rate apartments to address the local demand for rental units.
  - g. Contributing significant park dedication funding which will be used to implement the City’s goals outlined in the Parks Comprehensive Plan



(cont.)	<ol style="list-style-type: none"> <li>3. <i>The proposed Final PRD plans are in substantial compliance with the approved Preliminary PRD and associated conditions of approval listed in Resolution 2021-069:</i> <ol style="list-style-type: none"> <li>a. <i>The proposed final plan has not increased the approved residential density within the project;</i></li> <li>b. <i>No non-residential uses are proposed;</i></li> <li>c. <i>Open space areas are compliant with the approved Preliminary PRD;</i></li> <li>d. <i>All conditions are either met, or can be addressed moving forward via further conditions placed on Final PRD approval.</i></li> </ol> </li> <li>4. <i>The proposed Commencement Date of the project is identified as approximately October 15, 2021, and the proposed Compliance date is identified as approximately March 15, 2023.</i></li> </ol>
<b>Recommended Conditions:</b>	<ol style="list-style-type: none"> <li>1. <i>Engineering comments in the 8/5/21 Engineering Memo shall all be addressed moving forward, and the City reserves the right to hold up filing of the final plat and/or permits until all applicable conditions are satisfied.</i></li> <li>2. <i>The applicant shall enter into a developer's agreement with the City covering all aspects of public improvements, dedications, responsibilities, etc.</i></li> <li>3. <i>All general development conditions of preliminary approval (i.e. utilities to be underground, lighting to be down directional, plantings to remove metal cages around root balls, etc) shall continue to be applicable to Final PRD approval.</i></li> <li>4. <i>The Applicant shall obtain a sign permit from the City prior to construction/changing of monument signage.</i></li> <li>5. <i>Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction.</i></li> <li>6. <i>All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.</i></li> </ol>

**cc:** Katelyn Murray, North Shore Development Partners





# interoffice

## MEMORANDUM

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**to:** Ben Gozola, Assistant Director of Community Assets and Development/City Planner  
**from:** Craig Schlichting, Director of Community Assets and Development  
**subject:** 2299 Palmer Drive  
**date:** August 5, 2021

The Engineering Department has reviewed the preliminary construction plans for 2299 Palmer Drive and we offer the following comments:

### General

1. Water and sanitary sewer services are considered private and shall be maintained by the property owner. A permit will be required for all sewer and water connections and shall be inspected by Public Works.
2. The owner/engineer will need to obtain a permit from MnDOLI and MDH for watermain construction and internal plumbing design.
3. Show fire apparatus turning movements.
4. SAC/WAC charges to be determined by state and building department review.
5. Storm sewer work near Silver Lake Road may require Ramsey County ROW/Obstruction Permit.
6. Provide details showing site lighting, to be reviewed by Assistant Director of Community Assets and Development.
7. Provide drainage calculations for City files.

### C-002

1. Bituminous removals at sanitary sewer and watermain tie in locations to extend to northerly curb line (full road width).
2. Show off site removals related to storm sewer installation. Bituminous removals shall be full



driving lane width.

3. City Parks Department would like to salvage existing plantings prior to demolition (provided owner gives permission).
4. Additional inlet protection will be required at Silver Lake Road/Palmer Drive.

#### **C-101**

1. Northerly entrance should be shifted to the south as shown on the attached drawing (see enclosure).
2. Reconfigure sidewalk/pedestrian crossing on north side of property to keep sidewalk adjacent to Palmer Drive in ROW.
3. Show striping plan with turn arrows for Palmer Drive.

#### **C-301**

1. Swale along easterly property line is shown at 1.1%. After grass is established this may be too flat to properly drain. Revise swale grades (to achieve 2%) or extend storm sewer/drain tile.
2. Add steps to northern exit to allow for lower elevation on sidewalk. Adjust grades within ROW to remove 3:1 slopes and create 10:1 boulevard grades with 2% cross slope on sidewalk.

#### **C-401**

1. All watermain to be CL 52 ductile iron pipe with Clow resilient wedge gate valves and Clow medallion fire hydrants.
2. Verify condition of manhole at sanitary sewer tie in location. Core drill and connect with rubber boot at manhole.
3. Hydrant location and the fire department connection to be coordinated with the Fire Marshall.
4. Consider using SDR-26 for sanitary sewer service.

#### **C-502**

1. Install flex seal on concrete adjusting rings on CBMH200.

#### **C-801**

1. Provide details for retaining wall and safety fence. Engineered wall design to be provided to Building Official for approval.
2. Include detail for B618 curb and gutter (Palmer Drive).
3. Include detail for City street section.
  - 2" Type SP 12.5 Bituminous Wearing Course Mixture SPWEB340C
  - 3" Type SP 12.5 Bituminous Non-Wearing Course Mixture SPNWB330C
  - 7" Class 5 Aggregate Base
4. Public sidewalk to have 6" class 5 aggregate base



**C-803**

1. Update hydrant and valve detail to include Clow resilient wedge gate valves and Clow medallion hydrant.

**C-806**

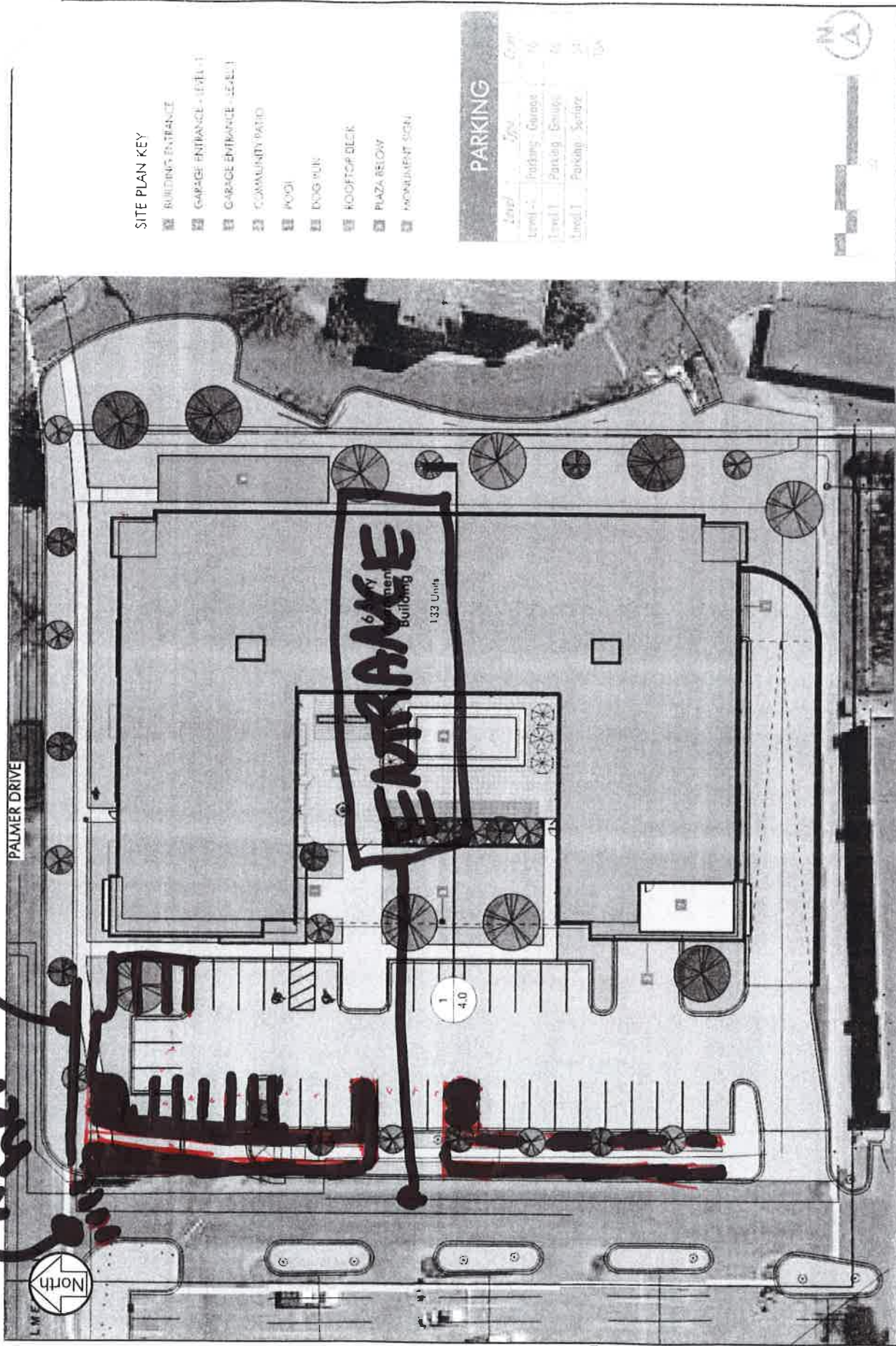
1. Provide maintenance schedule for underground infiltration chamber.

**L-101**

1. Plantings and trees to be approved by City Forester.



Place SW in ROW  
Add 1/2  
x 1/2



**SRF**

Site Plan

2299 Palmer Drive Traffic Study

New Brighton, MN

02114793  
July 2021

Figure 3



**RESOLUTION \_\_\_\_\_**  
**STATE OF MINNESOTA**  
**COUNTY OF RAMSEY**  
**CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A  
FINAL PLANNED RESIDENTIAL DEVELOPMENT TO AUTHORIZE REDEVELOPMENT OF  
THE US BANK SITE AT 2299 PALMER DRIVE INTO A 132 UNIT MULTIFAMILY  
BUILDING

**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**, the US Bank National Association and North Shore Development Partners (the “Applicants”) are seeking to redevelop the property at 2299 Palmer Drive which is legally described as shown on Exhibit A; and:

**WHEREAS**, the City Council granted approval of the Preliminary Planned Residential Development for the proposed improvements on August 24, 2021; and

**WHEREAS**, the Applicant made complete application for Final PRD review on September 10, 2021; and

**WHEREAS**, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

**WHEREAS**, the Planning Commission considered the Final Planned Residential Development submittals and staff report, and recommended approval of the Final Planned Residential Development application on September 21, 2021; and

**WHEREAS**, the City Council considered on October 12, 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 proposed Final Planned Residential Development for the US Bank Redevelopment at 2299 Palmer Drive into a 132-unit multifamily building based on the following findings of fact:

1. *City Council granted approval of the Preliminary Planned Residential Development (PRD) for the proposed improvements on August 24, 2021, subject to conditions.*
2. *The development will allow the City to work towards its established goals of:*
  - a. *Supporting a diverse population with a diverse housing stock;*
  - b. *Establishing a sense of place as the building will be constructed of high-quality materials which integrate with the surrounding area;*
  - c. *Supporting local business as the new building will provide needed support and customers for continued commercial development/success on adjacent lands;*
  - d. *Developing an area specifically targeted as a “potential area of improvement;”*
  - e. *Creating safe streets by narrowing down Palmer Drive and introducing a missing sidewalk connection to the neighboring Crossroads of New Brighton residential building.*
  - f. *Providing a much needed injection of new market rate apartments to address the local demand for rental units.*
  - g. *Contributing significant park dedication funding which will be used to implement the City’s goals outlined in the Parks Comprehensive Plan*
3. *The proposed Final PRD plans are in substantial compliance with the approved Preliminary PRD and associated conditions of approval listed in Resolution 2021-069:*
  - a. *The proposed final plan has not increased the approved residential density within the project;*
  - b. *No non-residential uses are proposed;*
  - c. *Open space areas are compliant with the approved Preliminary PRD;*
  - d. *All conditions are either met, or can be addressed moving forward via further conditions placed on Final PRD approval.*
4. *The proposed Commencement Date of the project is identified as approximately October 15, 2021, and the proposed Compliance date is identified as approximately March 15, 2023.*



**BE IT FURTHER RESOLVED**, that approval of the Final Planned Residential Development shall be subject to the following conditions:

1. *Engineering comments in the 8/5/21 Engineering Memo shall all be addressed moving forward, and the City reserves the right to hold up filing of the final plat and/or permits until all applicable conditions are satisfied.*
2. *The applicant shall enter into a developer's agreement with the City covering all aspects of public improvements, dedications, responsibilities, etc.*
3. *All general development conditions of preliminary approval (i.e. utilities to be underground, lighting to be down directional, plantings to remove metal cages around root balls, etc) shall continue to be applicable to Final PRD approval.*
4. *The Applicant shall obtain a sign permit from the City prior to construction/changing of monument signage.*
5. *Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction.*
6. *All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.*

**ADOPTED** this 12<sup>th</sup> day of October, 2021 by the New Brighton City Council with a vote of \_\_ ayes and \_\_ nays.

---

Valerie Johnson, Mayor

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Devin Massopust, City Manager

ATTEST:

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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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public



**Exhibit A**

Tract C, Registered Land Survey No. 237, files of Registrar of Titles, County of Ramsey.  
(Torrens Property, Certificate of Title No. 337544)

Together with a perpetual easement for parking purposes over, under and across the east 60.00 feet of the most northerly 310.00 feet of that part of Tract D, except that part described as follows: Commencing at the Northwest corner of said Tract D; thence Southerly along the West line of said Tract D, a distance of 258.10 feet; thence at right angles Easterly a distance of 190 feet; thence Northerly and parallel to said West line of said Tract D to the North line of said Tract D; thence West along the North line of said Tract D to the point of beginning, in Registered Land Survey No. 237, files of the Registrar of Titles, County of Ramsey, State of Minnesota, except the north 30.00 feet thereof for the right of way of Palmer Drive.



# New Brighton - Conditions on Preliminary PDR Approval - Responses from Design Team/Applicant

9/10/21

Item No.	City Comment	Responsibility	Comment/Response
1	Engineering comments in the August 5, 2021 Engineering Memo, attached hereto as Exhibit 2-B, shall be addressed to the satisfaction of the City Engineer and the City Director of Community Assets and Development.	ALL	In process and will be included in plans submitted to City Engineer and CDCA.
2	To eliminate internal congestion concerns, the proposed internal entrance shall be shifted to the south to correspond with the second drive aisle in the shared parking lot. Reconfiguration of internal parking shall maintain or increase available surface spaces. Minor geometric changes, if needed, shall be made to the plans prior to final plan approval	Stantec	Included in 9.10 plan set
3	Existing easements granting access rights to Palmer Drive for surrounding properties shall remain in place as part of this PRD	NSDP	Confirmed - easement will remain in place
4	The boulevard along Palmer Drive shall be expanded into the existing turn lane as directed by the City Engineer.	Stantec	Included in 9.10 plan set
5	Within the expanded boulevard of Palmer Drive, the developer shall construct sidewalk to extend the existing walkway easterly to the next driveway entrance.	Stantec	Included in 9.10 plan set
6	Crosswalk striping shall be placed over the access point to Palmer Drive to connect the existing sidewalk with new sidewalk being constructed as part of this development.	Stantec	Included in 9.10 plan set
7	Building materials shall be consistent with those approved as part of the development review process, and found to be compatible with the Palmer Drive Overlay Area and Brighton Village development.	KWA	Confirmed - see narrative submitted with preliminary PRD
8	Drainage and utility easements (or others), as required by the City Engineer, shall be provided as part of the future final plat application.	NSDP	Plat is NA for this project, but NSDP will work with City Engineer on any required Easements
9	Final easement language shall be subject to review and approval by the City Attorney.	NSDP	Draft submitted to City. NSDP waiting for review comments by City Attorney
10	All public improvements shall be constructed in accordance with the City's Private Development Standards.	ALL	confirmed
11	A permit authorizing the development shall be obtained from the Rice Creek Watershed District.	Stantec	In process - permit expected by end of Sept
12	All utilities (i.e. telephone, electric, gas service lines, etc) shall be placed underground in accordance with the provisions of all applicable City ordinances.	ALL	confirmed
13	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.	ALL	Noted
14	Lighting shall not shine directly into the public right-of-way or onto any residential use.	ALL	Noted
15	Prior to final plan approval, the City Attorney shall review and approve the shared parking agreement with Krause-Anderson providing 60 additional spaces which can be used by residents and guests of this building.	NSDP	Draft submitted to City. NSDP waiting for review comments by City Attorney
16	Signage for the building shall be reviewed and approved through the City's standard sign permit process	ALL	Will do.
17	A fire hydrant shall be placed at location approved by Fire Marshal. The new hydrant shall not be greater than 50 feet from a building fire department connection, not be greater than 30 feet from a roadway, and shall not be placed in a manner that requires hoses connected from the hydrant to the fire truck, and from the fire truck to the fire department connection, to be placed across a primary ingress/egress route to the location.	Stantec	Included in 9.10 plan set
18	All final drive aisles shall be designed to accommodate an aerial device with a 235" wheel base and a front cramp angle of 45 degrees. Amendments to parking lot geometrics, if needed, shall be incorporated into final plans and worked out with DCAD staff.	Stantec	Included in 9.10 plan set
19	Pull station covers shall be placed over all pull stations.	KWA	Confirmed
20	Police and Fire Keyboxes shall be mounted at a location identified by public safety staff upon substantial completion of the facility.	NSC	Noted - coordination with public safety staff upon substantial completion to be completed.
21	The final building shall comply with all applicable fire codes.	ALL	Will do.
22	Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction	ALL	Will do.
23	The developer shall use 4" Stortz connection for the FDC	MEP	Will be incorporated into design build plans with plumber
24	Placards shall be placed on standpipe connections indicating apartment units accessed by that standpipe. This must be coordinated with the Fire Marshal and Community Engagement Officer.	NSC	Will do.



25	Placards on standpipes servicing garage area shall indicate the parking stall coverage range. This must be coordinated with the Fire Marshall and Community Engagement Officer	NSC	Will do.
26	Whenever standpipes are placed on columns in garage area, the column shall be painted red.	NSC	Will do.
27	Final plantings and trees shall be approved by the City Forester prior to submittal of the final PRD plans.	Stantec	Landscape plan submitted on 7.16 - please let us know any comments by City Forester
28	Metal cages and/or burlap shall be removed from all tree root masses prior to planting throughout the development.	Stantec	Incorporated into landscape plans
29	A decorative fence shall be introduced along the boulevard separating this development from the main drive aisle leading to Palmer Drive; coordination to be done with the Public Safety department.	ALL	currently coordinating
30	The developer shall instruct the City's Park's Department as to existing plants which can be donated to the City prior to demolition, and outline the permitted removal times so the work may be completed prior to development activities beginning.	NSDP	Will do - currently expecting early October based on closing timeframe.
31	Reference monuments shall be placed as may be required by state law	All	Noted
32	The final building shall comply with all applicable City of New Brighton multi-housing ordinances.	All	Building will comply
33	The sub-grade parking level shall be renamed to "lower level" or level "-1" to avoid confusion for emergency response.	KWA	Included in 9.10 plan set
34	Exterior doors shall be numbered in consecutive order in a clockwise manner around the building starting with the main lobby entry.	KWA	Will be incorporated into final building plans.
35	If building camera system is installed, the following shall be considered:	NSDP	Cameras will be placed on site
36	A camera specifically installed to monitor the mail area and/or area where packages are designated to be left.	NSDP	Confirmed
37	Cameras at entrances should be of sufficient resolution and set at proper angles to support individual identification.	NSDP	Confirmed
38	Indoor parking spaces shall be numbered from the lowest level up (i.e. lower level spaces numbered 100 – 199, and main level parking spaces numbered 200 – 299).	KWA	Included in 9.10 plan set
39	Residential units shall be numbered to indicate the floor they are on (i.e. main level units of which there are none in the 100's, 2nd floor units in the 200's, 3rd floor units in the 300's, etc).	KWA	Included in 9.10 plan set
40	The property address shall be displayed on site consistent with City Code.	KWA	Included in 9.10 plan set
41	All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.	NSC	Noted
42	Payment of the required park dedication fee shall be made prior to the City signing the final plat	NSDP	Noted - Plat NA
43	Payment of sewer and water connection fees shall be paid prior to issuance of the building permit.	NSDP	Noted
44	As part of the Final PRD plans, the applicant's shall include an improved property divider (fence/wall) along the eastern property line, and shall coordinate that work with the Crossroads of New Brighton facility.	KWA/Stantec	In coordination
45	Prior to Final PRD Approval, a Development Agreement shall be negotiated covering details relating to construction and completion of the project.	NSDP	Awaiting draft of DA from city.
46	Approval of this Preliminary Planned Residential Development (PRD) shall remain valid for 90 days following the date of approval. Application for final PRD approval shall be made prior to expiration of the preliminary approval.	NSDP	noted



# New Brighton Multifamily Apartments

2299 Palmer Drive, St Paul, MN 55112



1301 American Blvd E.  
Suite 100  
Bloomington, MN 55425  
tel: (612) 879-6000  
fax: (612) 879-6666  
www.kaaswilson.com

CIVIL:  
Stantec Consulting Services  
7500 Olson Memorial Hwy  
Suite 300  
Golden Valley, MN 55427  
P: (763) 252-6800

STRUCTURAL:  
Sandman Structural Engineers  
517 NW 4th Street, Ste 113  
Brainerd, MN 56401  
P: (218) 824-1585

MEP:  
Design/ Build

GENERAL CONTRACTOR:  
North Shore Contractors, LLC  
641 East Lake Street, Ste 228  
Wayzata, MN 55391  
P: (952) 447-5483

Project:  
New Brighton Multifamily Apartments  
2299 Palmer Drive, St Paul, MN 55112

Owner:  
North Shore Development Partners  
Wayzata, MN  
641 East Lake Street, Suite 207  
55391

Project Number 21042

Date Final PRD -9.10.21

NOT FOR CONSTRUCTION

Date

Revision

Rev. No.

Cover Sheet

1" = 1'-0"

A000

ABBREVIATIONS		HATCH KEY			
AC AC/M ACT ADM AFF AGGR ALT ALUM AP ARCHIT ASPH AVE B/OBDS BFE BTUM BKT BLDG BLK BLKG BLVD BM BOT BR BRG BRK BSMT BTWN CAB CB CEM CFB CG CIP CJ CL CLG CLKG CLD CMU CNTR CO COL COMB COMP CONC CONST CONT CONTR CORP CORR CPT CR CRK CT CTOP CU FT CU IN CU YD D DBL DEPT DET DF DIA DIAG DIM DIV DN DPRF DR DS DT DW DWG DWR E EACH ELEV ENGR ENT EQ EQUIP EST EW EWC EX EXC EXH EXP JT EXT F TO F FAB FD FDN FEC FEP FE FF FH FIG FIN FIX FL FLASH FLUOR FM FOW FR FRP FRT FS FSH FT FIR FURN FURR F.V. G GA	AIR CONDITIONER ADHERED CONCRETE MASONRY VENEER ACOUSTIC TILE ADHESIVE ABOVE FINISH FLOOR AGGREGATE ALTERNATE ALUMINUM ACCESS PANEL ARCHITECTURAL ASPHALT AVENUE BOARD/BOARDS BOTTOM OF FOOTING BITUMINOUS BRACKET BUILDING BLOCK BLOCKING BOULEVARD BEAM/BENCH MARK BOTTOM BEDROOM BEARING BRICK BASEMENT BETWEEN CABINET CATCH BASIN CEMENT CEMENT FIBER BOARD CORNER GUARD CAST IRON PIPE CONTROL JOINT CENTER LINE CEILING CAULKING CLD CMU CONC MASONRY UNIT COUNTER COMPANY COLUMN COMBINATION COMPOSITION CONCRETE CONSTRUCTION CONTINUOUS CONTRACTOR CORPORATION CORRIDOR CARPET CURTAIN ROD COUNTERSINK CERAMIC TILE COUNTER TOP CUBIC FOOT CUBIC INCH CUBIC YARD DRYER DOUBLE DEPARTMENT DETAIL MAX DIAMETER DIAGONAL DIMENSION DIVISION DOWN DAMP/PROOF DINING ROOM/DOOR DOWNSPOUT DRAINERY TRACK DISHWASHER DRAWING DRAWER EAST EACH EXT INSUL FIN SYSTEM EL ELEVATION ELEC ELEVATOR ENGINEER ENTRANCE EQ EQUIP ESTIMATE EACH WAY EWC EX EXC EXH EXP JT EXT F TO F FAB FD FDN FEC FEP FE FF FH FIG FIN FIX FL FLASH FLUORESCENT FACE OF MASONRY FACE OF WALL FIREPROOF FRAME FIBERGLASS REINFORCED PLASTIC FREIGHT FACE STUD FACE OF SHEATHING FOOT/FEET FOOTING FURNISH FURNISH FIELD VERIFIED GAS GAUGE	GAL GALV GAR GC GEN GI GL GOVT GPBD GPM GR GRTG GS GYP HB HAC HD HDRL HWD HDW HM HORIZ HR HT HWY ID IN INCL INC INFO INSUL INT INV JAN JCT JT JST KID KIT/K L LAB LAD LAM LAT LAV LB/LBS LBR LD LDG LG LH LIB LIN LNDY LOA LONG LR LT MACH MAS MATL MAX MC MECH MEMB MEMO MEZZ MFG MFR MH MIN MIR MISC MDGS MO MOD MTL MTD MULL N NIC NO# NOM NTS OA OC OD OFF OPNG OPP ORIG OSB OZ P&G PASS PCF PED PER PERP PL PLAM PL PLAS PLMB PLYWD PNEU POL PORC PSF PSI PT PTD PTN PREFAB PREFIN PROP PUR QR QT QTY	GALLON GALVANIZED GARAGE GENERAL CONTRACTOR GENERAL GALVANIZED IRON GLASS GLAZING GOVERNMENT GYPSUM WALLBOARD GALLON PER MINUTE GRADE GRATING GREASE SHIELD GYPSUM HOSE BIB HOLLOW CORE HEAD HANDRAIL HARDWOOD HARDWARE HOLLOW METAL HORIZONTAL HOUR HEIGHT HIGHWAY IDENTIFICATION/INSIDE DIA INCH INCLUDE INCORPORATE INFORMATION INSULATE/INSULATION INTERIOR INVERT JANITOR JUNCTION JOINT JOIST KIDNEY DOWN KITCHEN LINEN LABORATORY LADDER LAMINATE LATITUDE LAVATORY POUND/POUNDS LUMBER LOAD LOADING LENGTH LEFT HAND LIBRARY LINOLEUM LAUNDRY LENGTH OVERALL LONGITUDE LIVING ROOM LIGHT MACHINE MASONRY MATERIAL MAXIMUM MEDICINE CABINET MECHANICAL MEMBRANE MEMORANDUM MEZZANINE MANUFACTURED MANUFACTURER MANHOLE MINIMUM MIRROR MISCELLANEOUS MOULDING MASSONRY OPENING MODULAR METAL MOUNTED MULLION NORTH NOT IN CONTRACT NUMBER NOMINAL NOT TO SCALE OVERALL ON CENTER OVERFLOW DRAIN OFFICE OPENING OPPOSITE ORIGINAL ORIENTED STRAND BOARD OUNCE PITCH & GRAVEL PASSENGER POUNDS PER CUBIC FOOT PEDESTRIAN TRAFFIC COATING PERIMETER PERFORATE PERPENDICULAR PLASTER PLASTIC LAMINATE PLATE PLASTER PLUMBING PLYWOOD PNEUMATIC POLISHED PORCELAIN POUNDS PER SQUARE FOOT POUNDS PER SQUARE INCH PAINT/POINT PAPER TOWEL DISPENSER PARTITION PREFABRICATED PREFINISHED PROPERTY PURLINS QUARTER/QUARTER-ROUND QUARRY TILE QUANTITY	R R&S RAD RB RC RCT RD REC REF REFRIG REG REIN REDO RESIL RET RH RFG RM RQ RS RTU RWD RWL S SAN SB SC SCHD SD S DISP SEC SECT SH SHR SHT SHTG SID SIN SLID SM SND SNR SPEC SQ SS SSA S STL ST STD STL STOR STR STRT SUB FL SUSP SV S4S T TAG TB TC TECH TEL TEMP TERR TEX TFE THRESH THRU TK BD T O TPH TRANS TV TW UL UNO VAN VB VEN VENT VERT VEST VFW VIN VNL VOC VCT V W WC WD WOW WI W/O WV WPT WR WS WSTC WT WWF YD	RISER ROD & SHELF RADIATION/RADIUS RESILIENT BASE RESILIENT CHANNEL RUBBER COMPOSITION TILE ROAD/ROUND/ROOF DRAIN RECEPTACLE RECESSED REFERENCE REFRIGERATOR REGULAR/REGISTER REINFORCE/REINFORCING REQUIRED RESILIENT RETURN ROBE HOOK/RIGHT HAND ROOFING ROOM ROUGH OPENING REDUCER STRIP ROOF TOP UNIT REDWOOD RAIN WATER LEADER SOUTH SANITARY SPLASH BLOCK SOLID CORE SCHEDULE SOAP DISH SOAP DISPENSER SECOND SECTION SHELF/SHINGLES SHOWER SHEET SHEATHING SIDING SIMILAR SLIDING SMOOTH FINISH SANITARY NAPKIN DISPENSER SANITARY NAPKIN RECEPTACLE SPECIFICATION SQUARE SERVICE SINK SINGLE STRENGTH A STAINLESS STEEL STREET STANDARD STEEL STORAGE STRINGER SPRAY TEXTURE SUB FLOOR SUSPENDED SHEET VINYL SURFACED FOUR SIDES T TREAD TONGUE & GROOVE TOWEL BAR TOP OF CURB TECHNICAL TELEPHONE TEMPERED TERRAZZO TEXTURE TOP OF FOOTING ELEV THRESHOLD THROUGH TACKBOARD TOP OF TOILET PAPER HOLDER TRANSOM TOP OF WALL TOP OF WALL TYPICAL UNDERWRITER'S LAB, INC UNLESS NOTED OTHERWISE VANITY VAPOR BARRIER/VINYL BASE VENUEER VENTILATOR VERTICAL VESTIBULE VERIFY VINYL VINYL WALL COVERING VITRIFIED CLAY PIPE VINYL COMF TILE WEST/WASHER WITH WITHOUT WATER CLOSET WOOD WINDOW WROUGHT IRON WATERPROOF WATER RESISTANT WEATHERSTRIP WAINSCOTING WEIGHT WELED WIRE FABRIC YARD
SYMBOLS KEY					
ELEVATION		DETAIL			
SECTION		INTERIOR ELEVATION			
KEYNOTES		INTERIOR/EXTERIOR WALL TYPE, FLOOR-CEILING TYPE			
ROOM NAME / NUMBER		UNIT NUMBER / NAME			
DETAIL NUMBER		DOOR NUMBER			
ELEVATION / WORK POINT		NORTH ARROW			
HDCP SYMBOL		BREAK LINE			
DETAIL CALLOUT		REVISION CLOUD			
CASEWORK TAG		PARKING TAG			
WINDOW TAG		FLOOR & WALL FINISH TAG			
MILLWORK FINISH TAG					

#### General Notes to Bidders:

#### Per AIA A201 CORRELATION AND INTENT OF THE CONTRACT DOCUMENTS

§ 1.2.1 The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. The Contract Documents are **complementary**, and what is required by one shall be as binding as if performance by the Contractor shall be required only to the extent consistent with the Contract Documents and reasonably inferable from them as being necessary to produce the indicated results.

§ 1.2.2 Organization of the Specifications into divisions, sections and articles, and arrangement of Drawings shall not control the Contractor in dividing the Work among Subcontractors or in establishing the extent of Work to be performed by any trade.

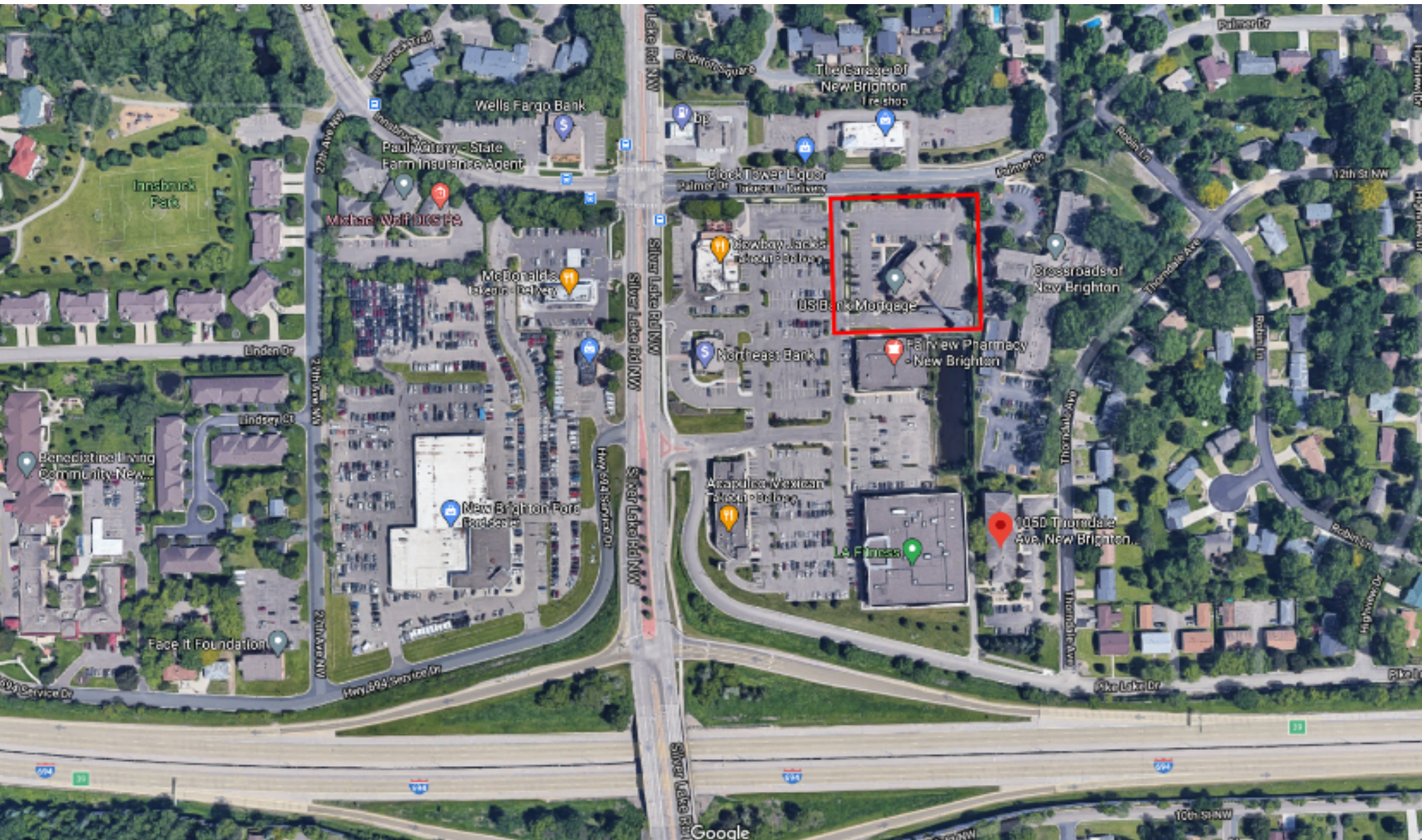
#### Per Supplementary Instructions Specification Section 00 01 00

A. 1.2.4 - Precedence: In the event of inconsistencies among the documents, Architect will interpret them in accordance with the requirements specified herein and the overall intent of achieving a **finished**, code complying product throughout the buildings.

B. 1.2.5 - Where standard specifications, such as Fed. Spec, ANSI, ASTM, or other standards are referred to herein, if no date or edition is indicated, the latest or most recent edition at date of issue including all supplements, shall apply to this project.



Artistic Rendering



Site Map

Unit Mix by Floor	
Name	Count
Level 2	
Unit 0-0	3
Unit 0-4	1
Unit 0-5	3
Unit 0-6	1
Unit 1-1	7
Unit 1-3	3
Unit 1-6	1
Unit 2-4	2
Unit 3-1	2
Unit 3-3	1
Grand total:	26

Unit Mix by Floor	
Name	Count
Level 3	
Unit 0-0	3
Unit 0-4	1
Unit 0-5	3
Unit 0-6	1
Unit 1-1	6
Unit 1-3	3
Unit 1-6	2
Unit 2-4	2
Unit 3-1	2
Unit 3-2	2
Unit 3-3	2
Grand total:	27

Unit Mix by Floor	
Name	Count
Level 4	
Unit 0-0	3
Unit 0-4	1
Unit 0-5	3
Unit 0-6	1
Unit 1-1	6
Unit 1-3	3
Unit 1-6	2
Unit 2-4	2
Unit 3-1	2
Unit 3-2	2
Unit 3-3	2
Grand total:	27

Unit Mix by Floor	
Name	Count
Level 5	
Unit 0-0	3
Unit 0-4	1
Unit 0-5	3
Unit 0-6	1
Unit 1-1	6
Unit 1-3	3
Unit 1-6	2
Unit 2-4	2
Unit 3-1	2
Unit 3-2	2
Unit 3-3	2
Grand total:	27

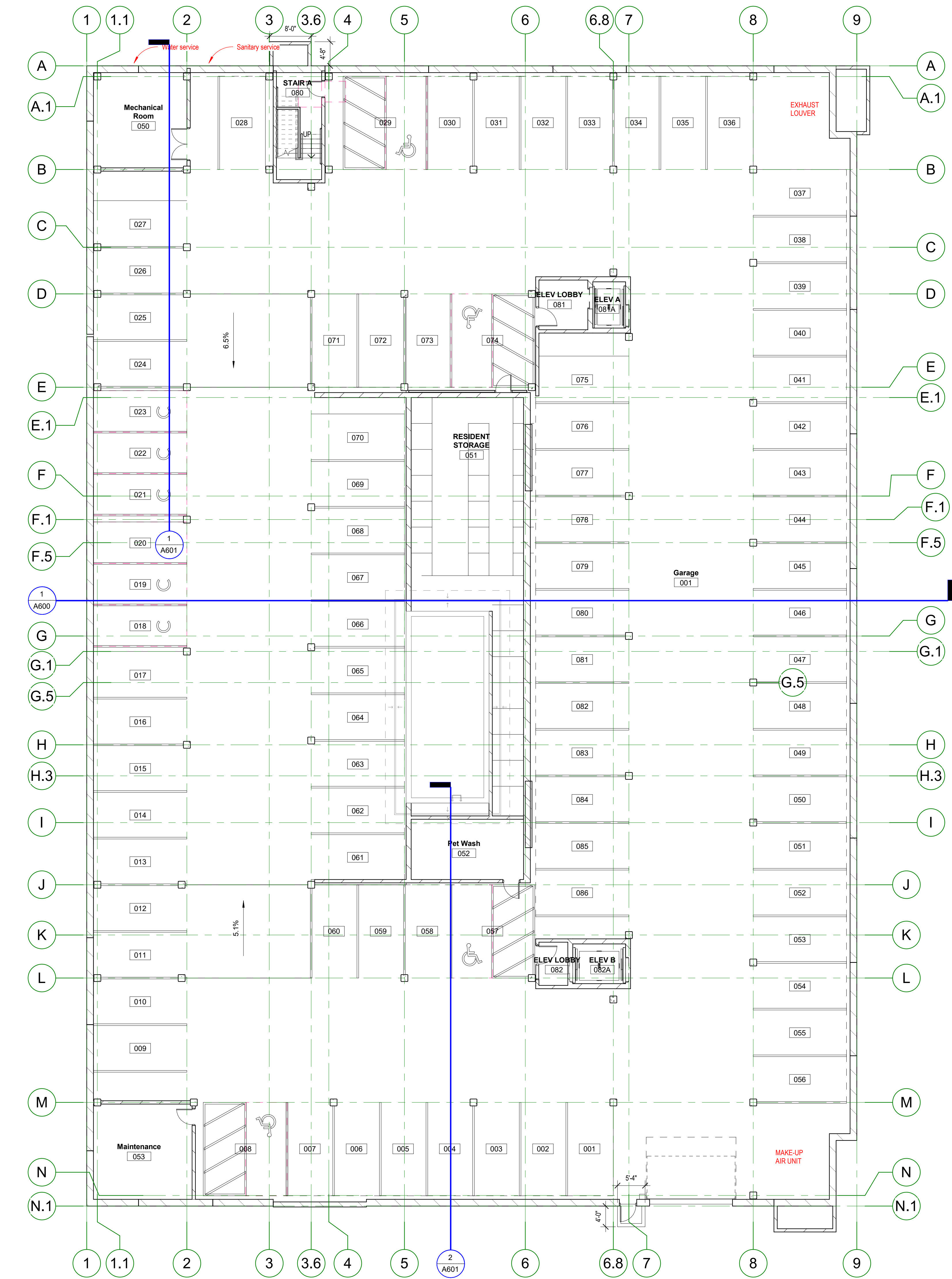
Unit Mix by Floor	
Name	Count
Level 6	
Unit 0-0	3
Unit 0-4	1
Unit 0-5	3
Unit 0-6	1
Unit 1-1	6
Unit 1-3	3
Unit 1-6	2
Unit 2-4	2
Unit 3-1	2
Unit 3-2	1
Unit 3-3	2
Grand total:	132

Total Gross Area	
Level	Area
Level 6	21,341 ft²
Level 5	24,444 ft²
Level 4	24,444 ft²
Level 3	24,444 ft²
Level 2	21,234 ft²
Level 1	24,364 ft²
Level -1	31,853 ft²
Grand total	172,124 ft²

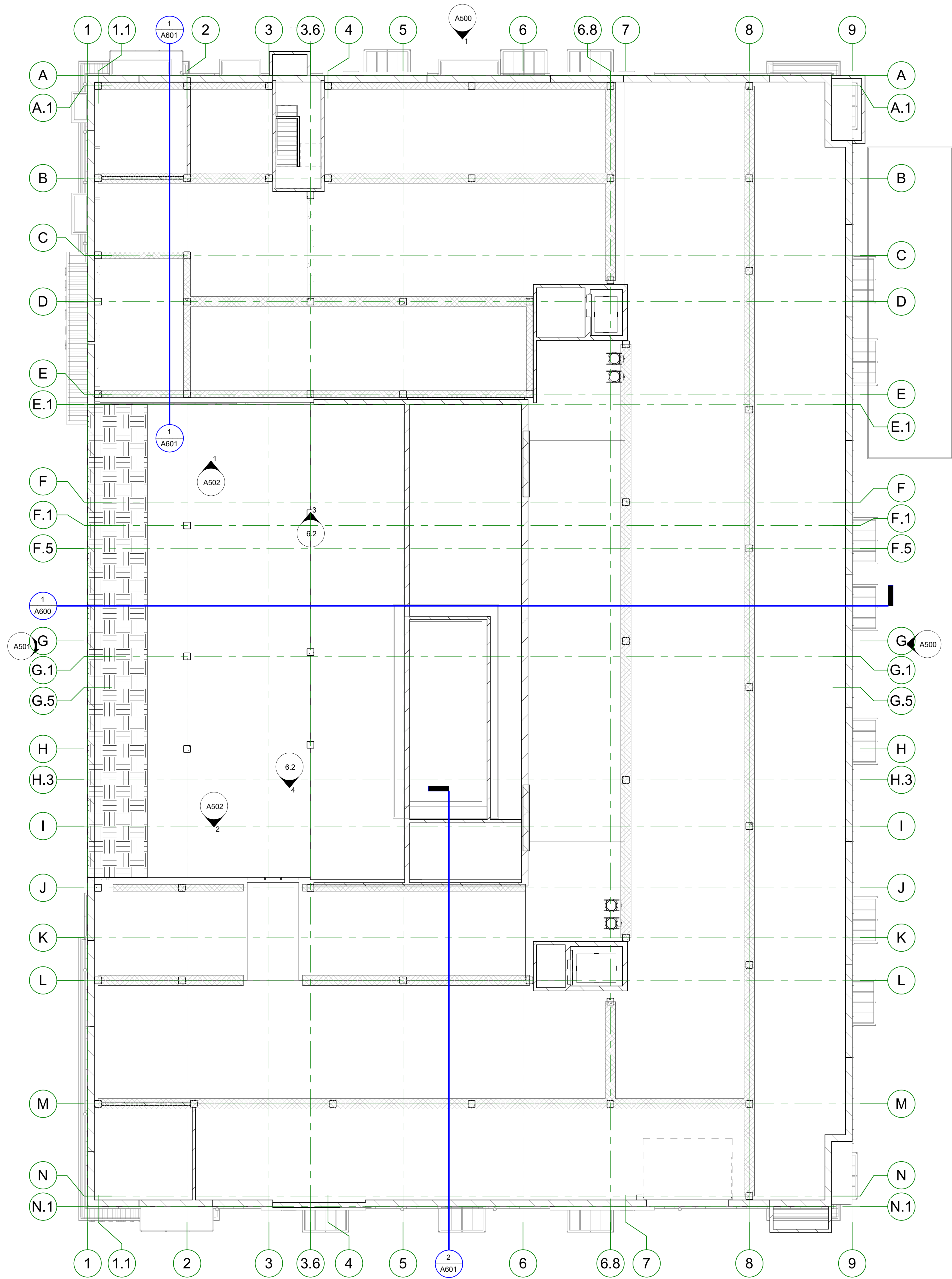
Parking Schedule	
Type	Count
Level -1	
Parking - Garage	86
Level 4	86
Level 3	86
Level 2	86
Level 1	86
Parking - Garage	46
Parking - Surface	80
Grand total	166

Residential Unit Mix										
Name	Count	Unit Gross Area			Unit Net Area			Rooms		
		Main Floor	Mezzanine	Total	Main Floor	Mezzanine	Total	Bed	Bath	Loft / Deck
Unit 0-0	15	515 ft²						1	1	0
Unit 0-4	5	572 ft²						1	1	0
Unit 0-5	14	532 ft²						1	1	0
Unit 0-6	5	582 ft²						1	1	0
Unit 1-1	31	687 ft²						1	1	0
Unit 1-3	15	744 ft²						1	1	0
Unit 1-6	9	831 ft²								1BR
Unit 2-4	10	867 ft²								1BR + D
Unit 3-1	10	1,102 ft²						2	2	0
Unit 3-2	9	1,167 ft²						2	2	0
Unit 3-3	9	1,030 ft²								1
Grand total:	132	132								



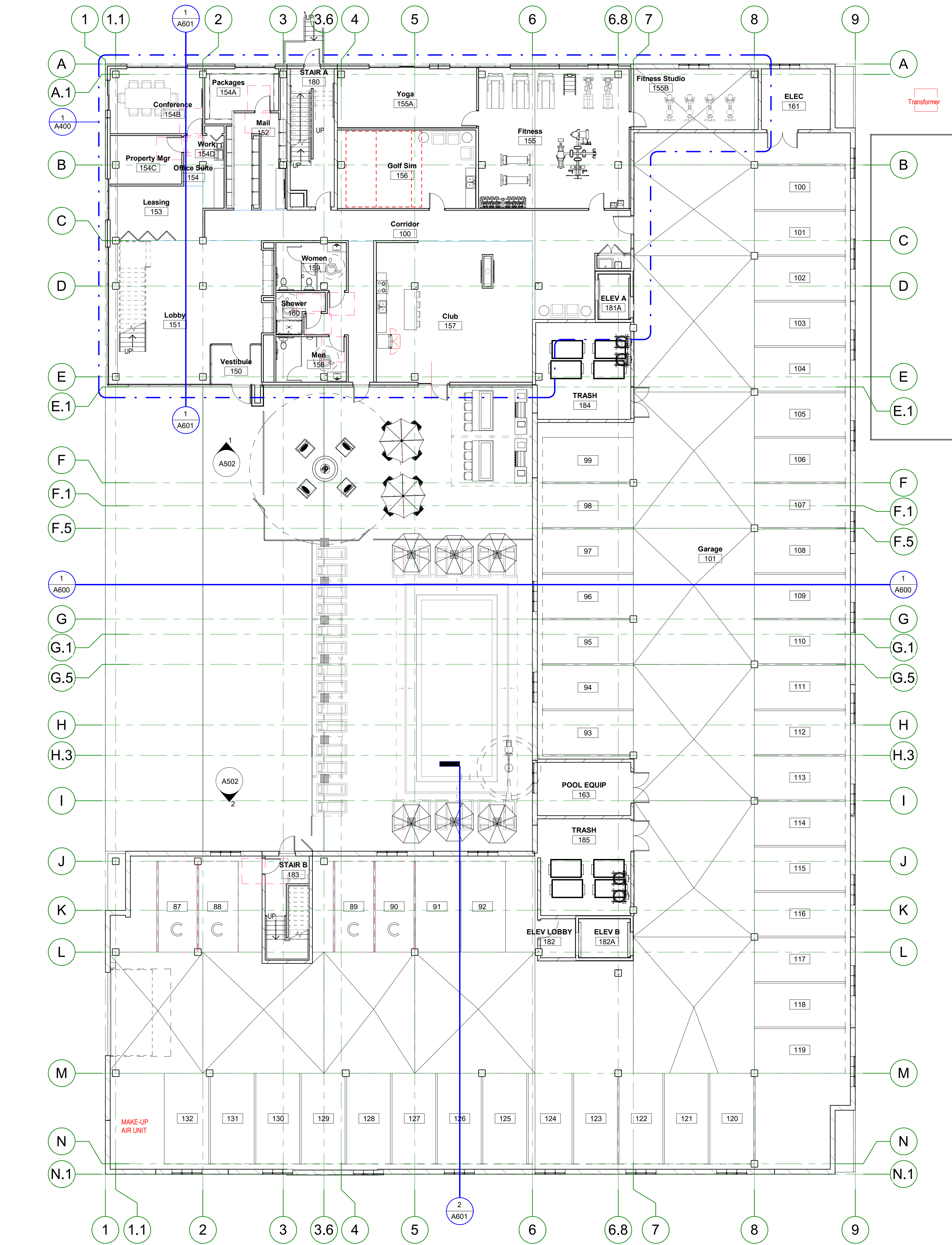


1 Level -1  
3/32" = 1'-0"

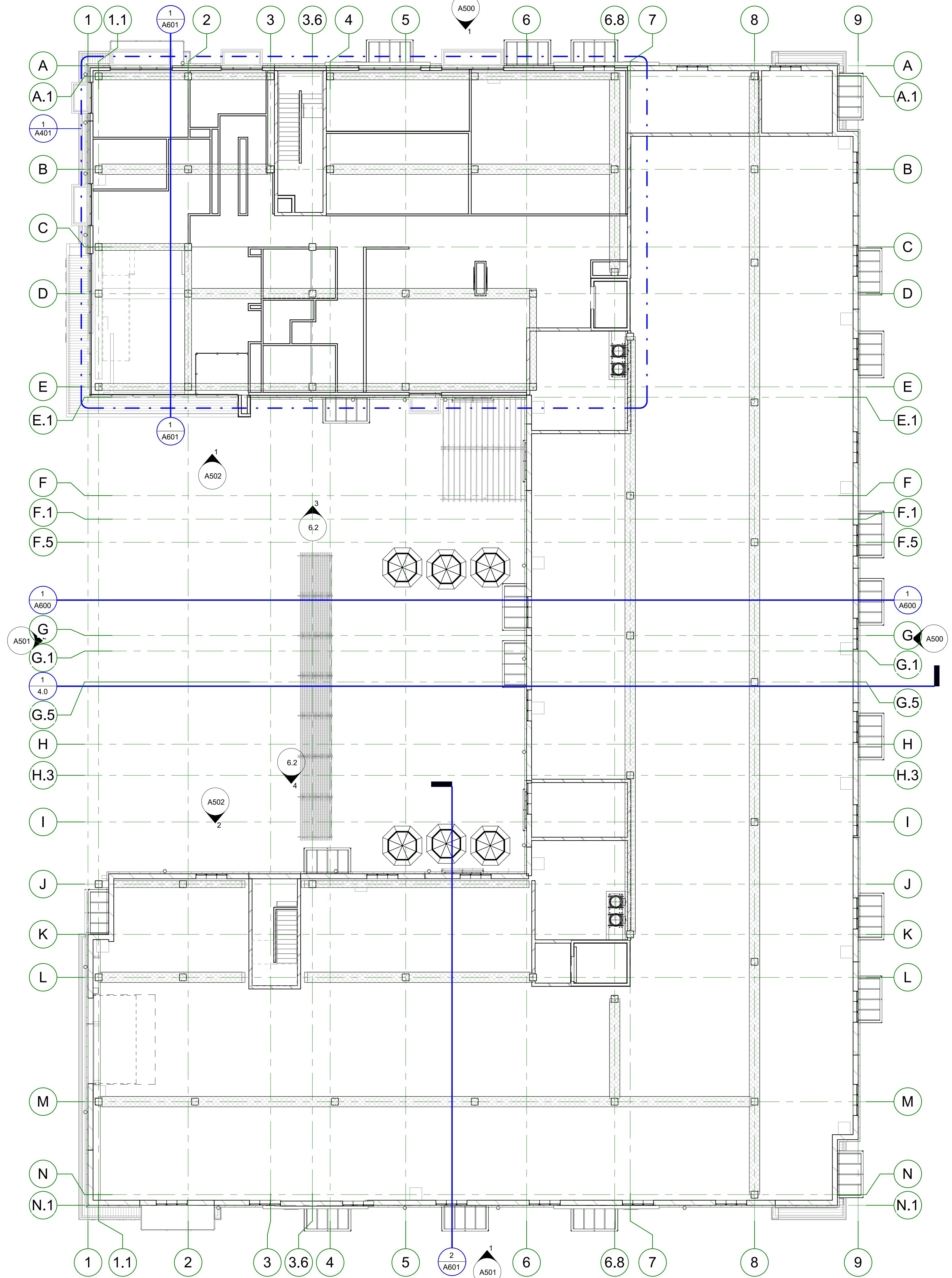


2 Level -1  
3/32" = 1'-0"



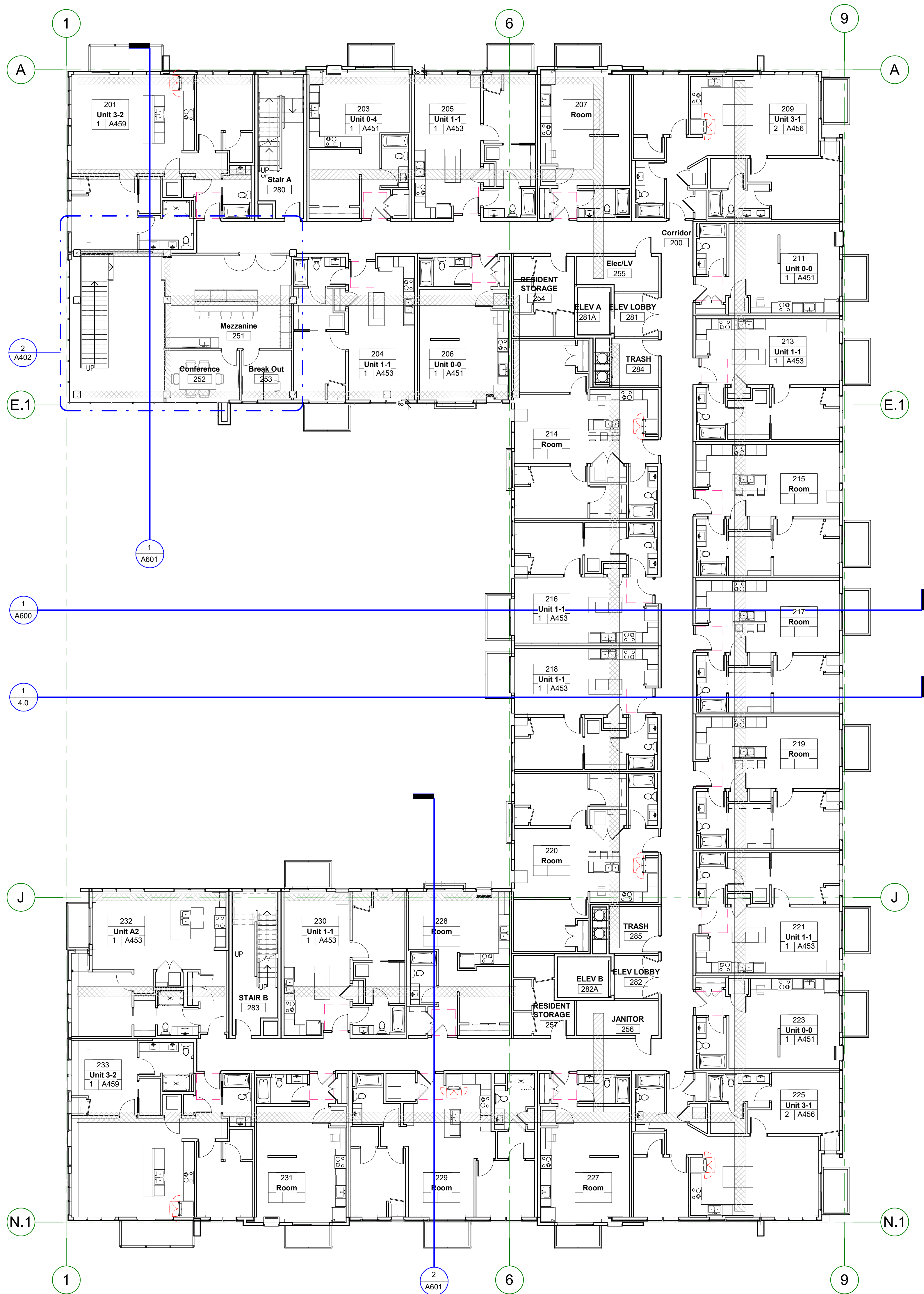


1 Level 1  
3/32" = 1'-0"

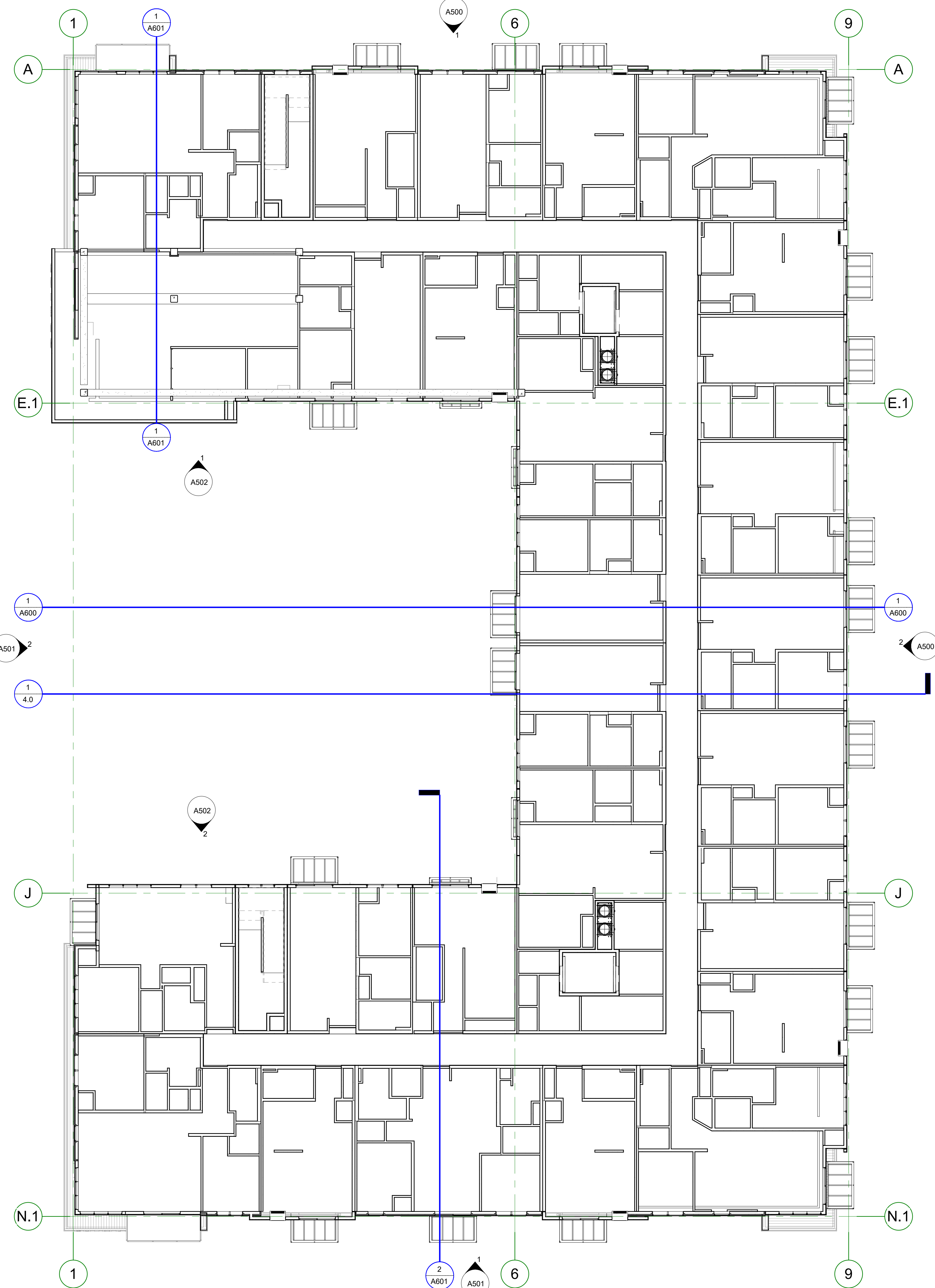


2 Level 1  
3/32" = 1'-0"



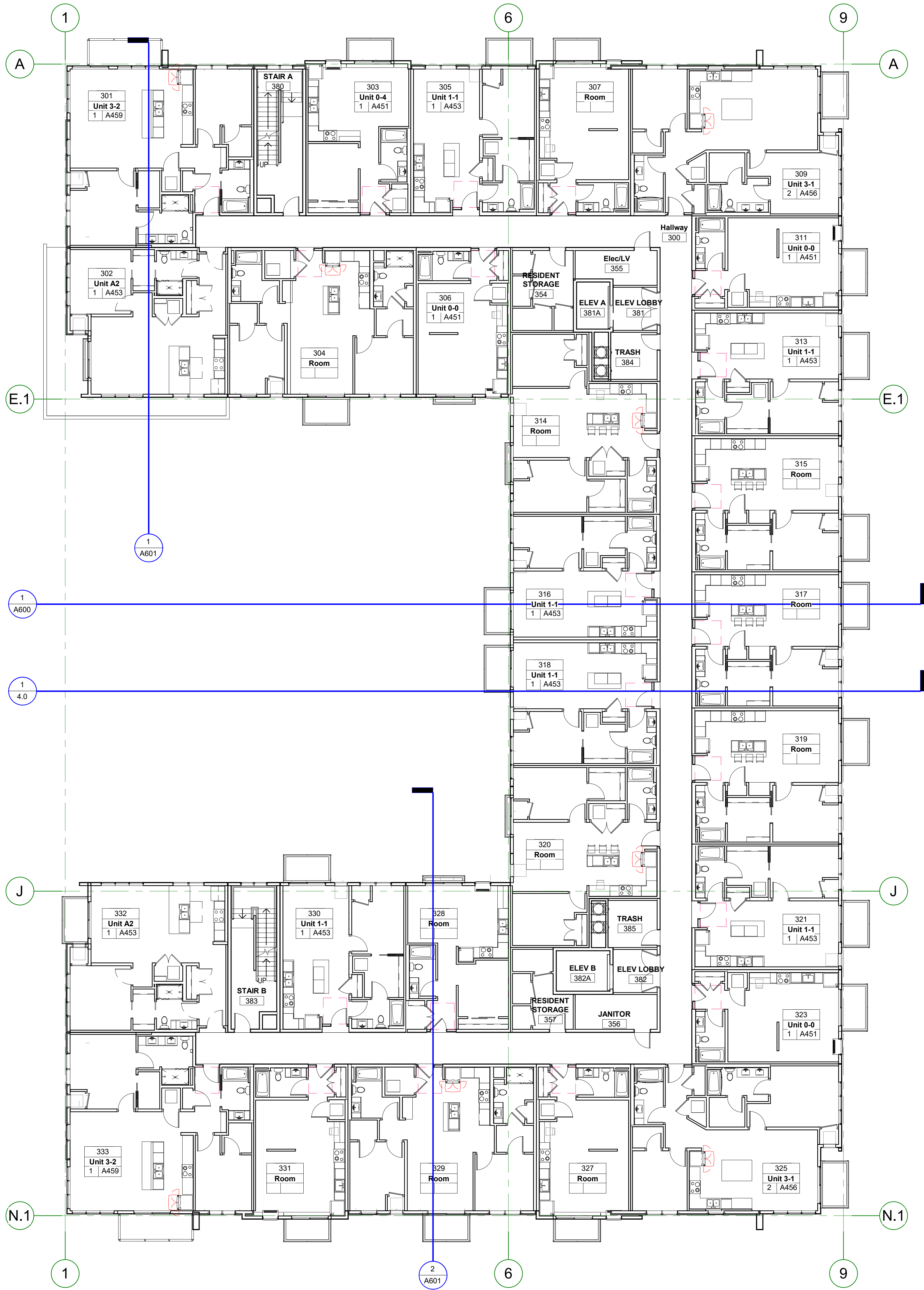


① Level 2  
3/32" = 1'-0"

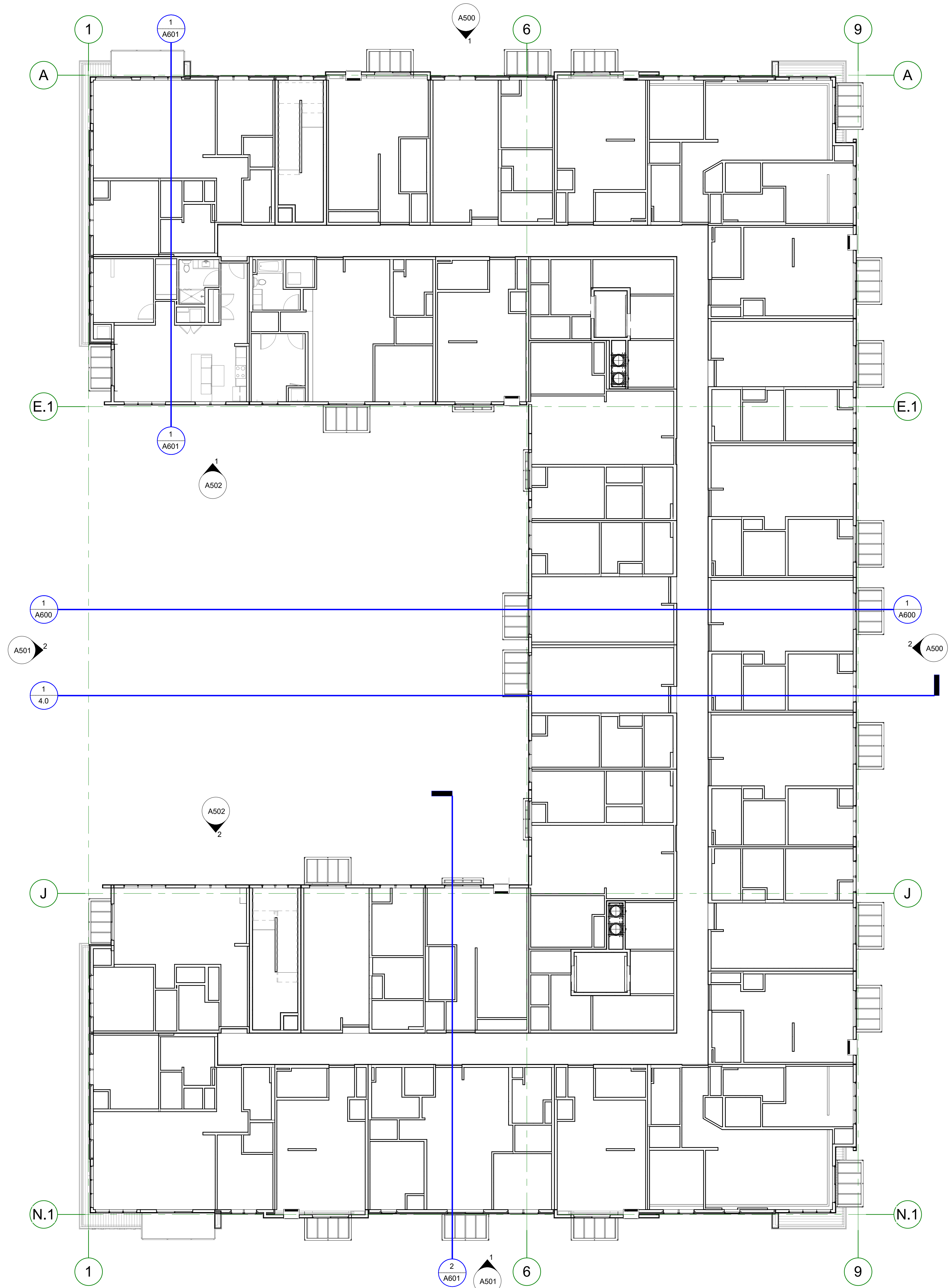


② Level 2  
3/32" = 1'-0"



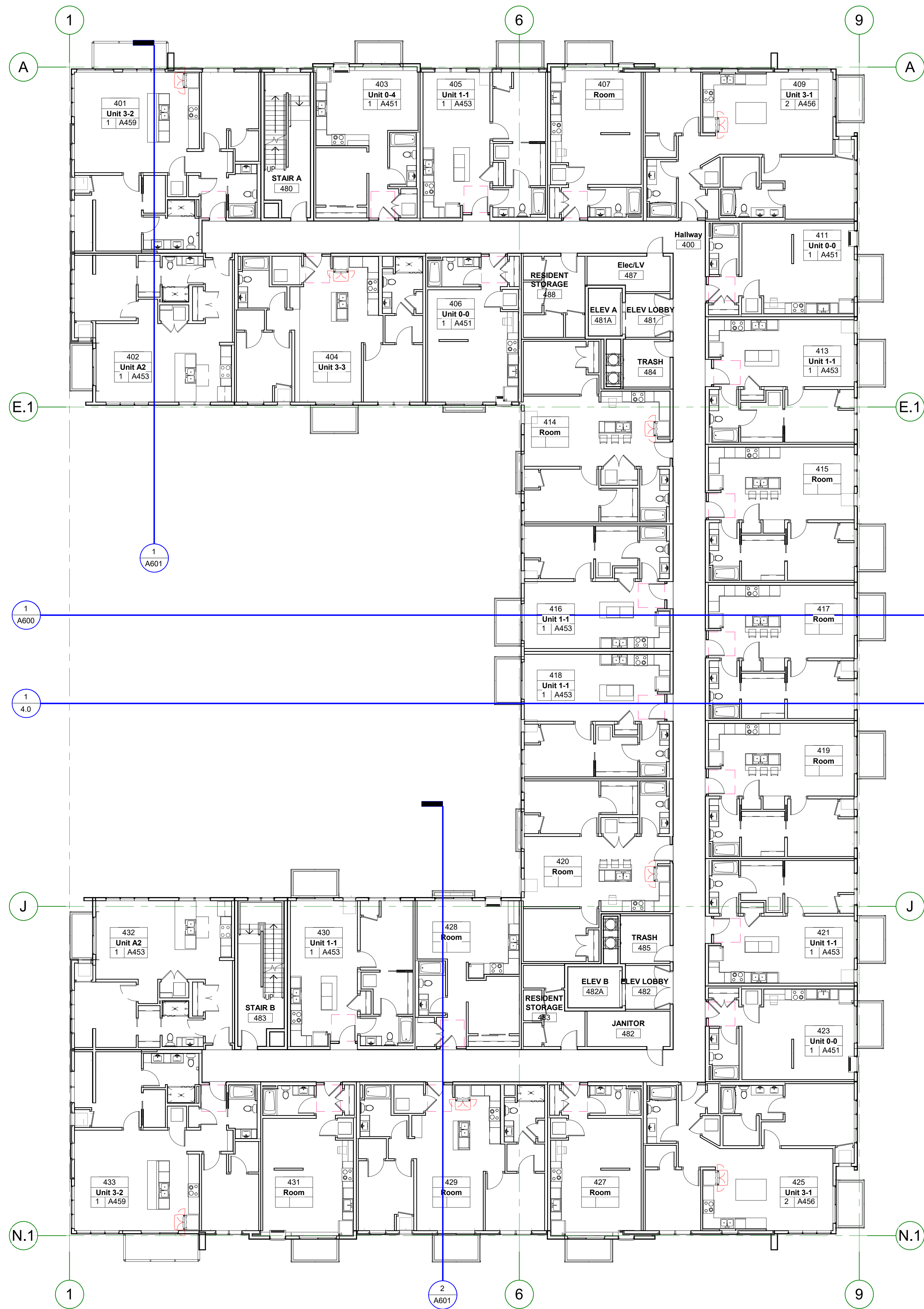


1 Level 3  
3/32" = 1'-0"

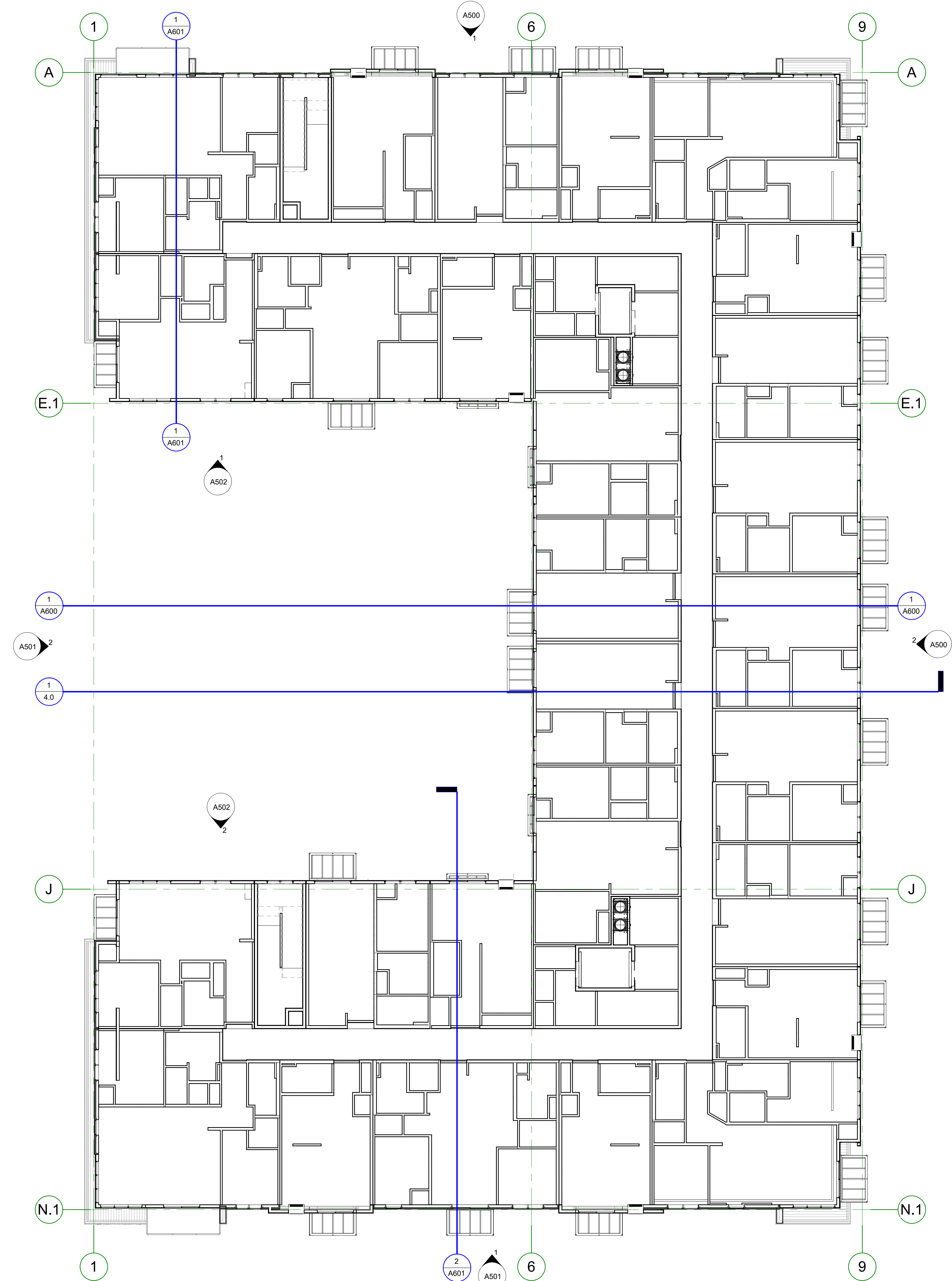


2 Level 3  
3/32" = 1'-0"



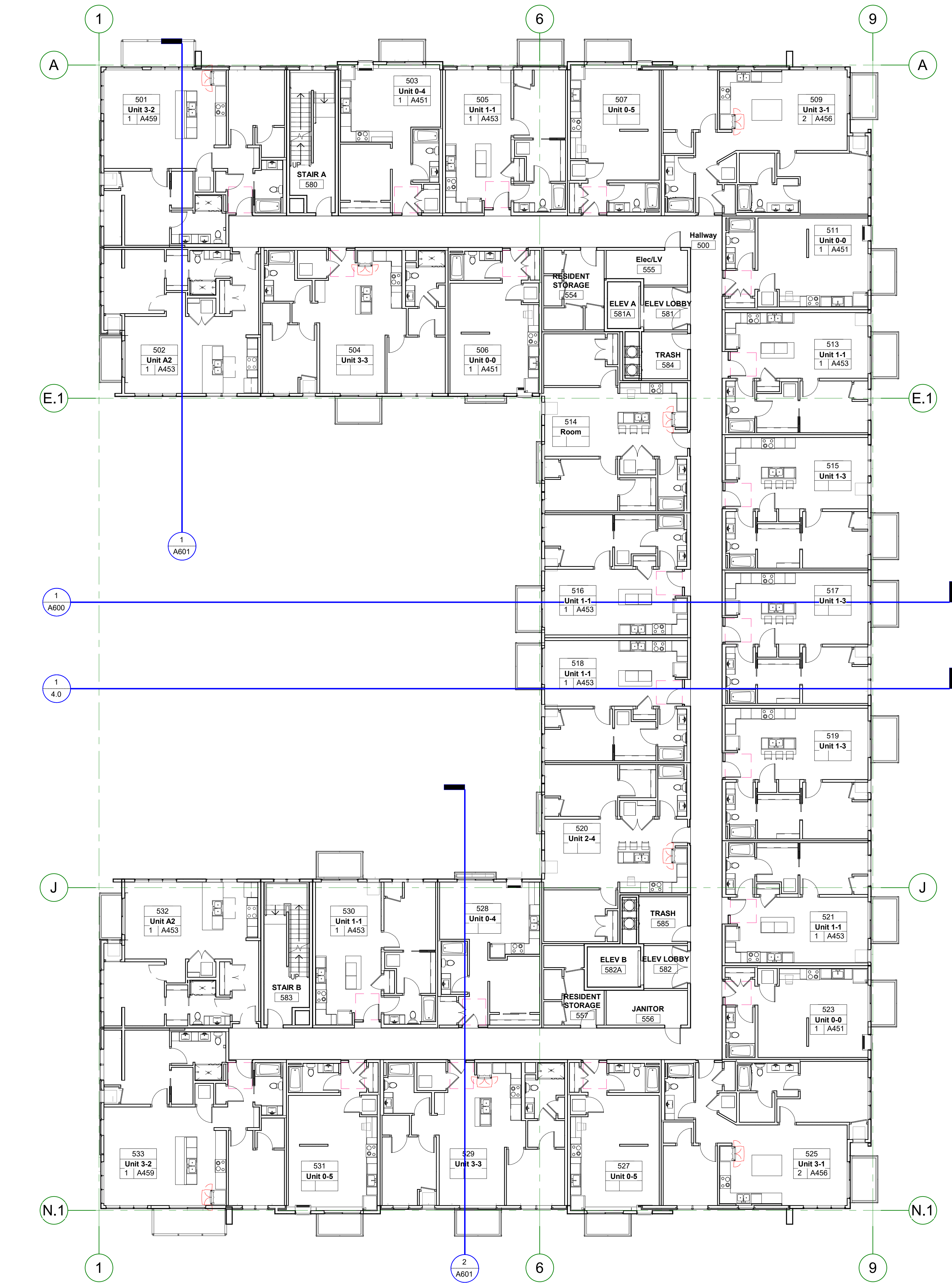


① Level 4  
3/32" = 1'-0"

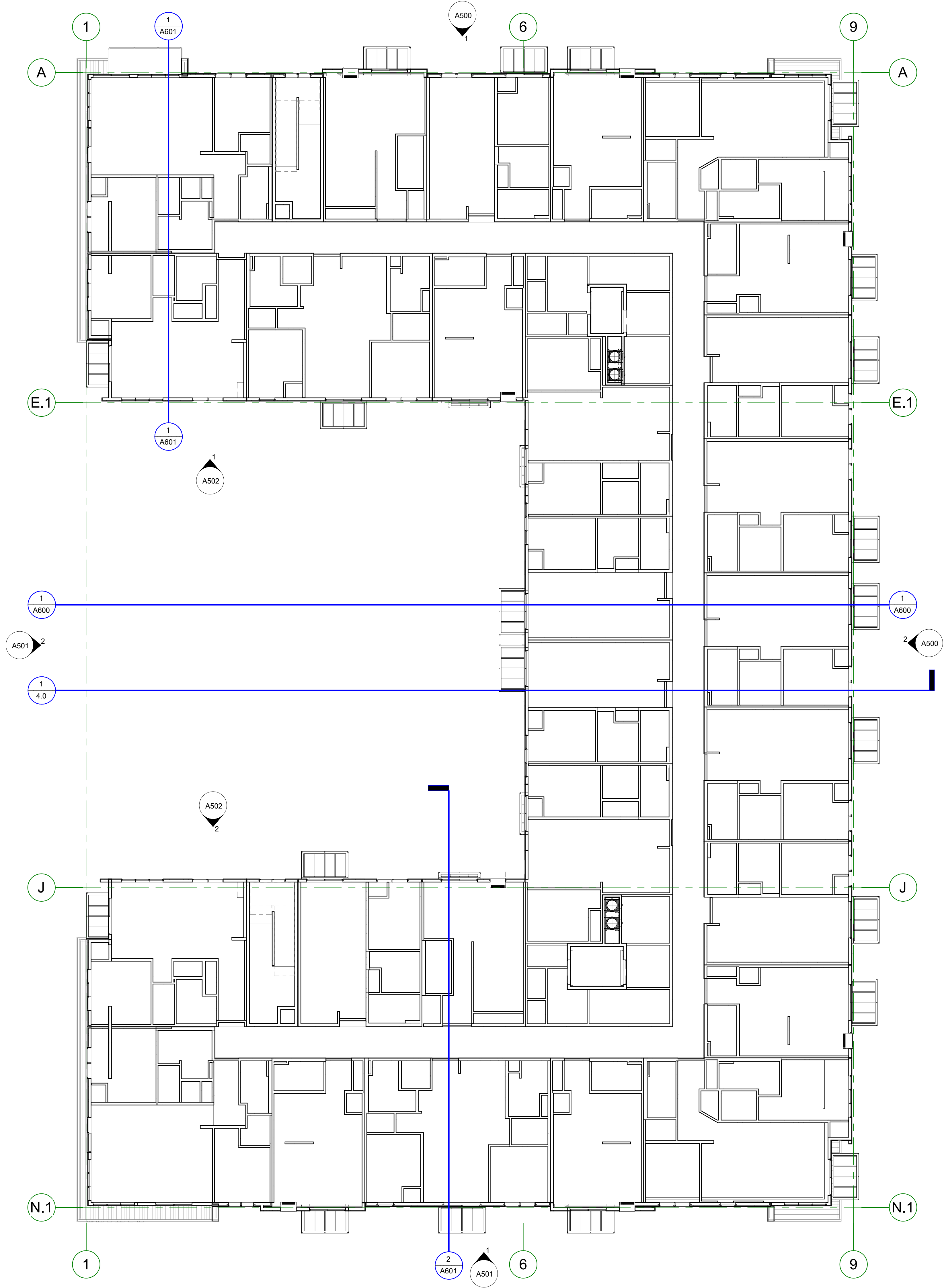


② Level 4  
3/32" = 1'-0"



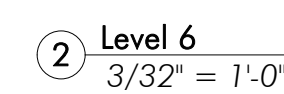
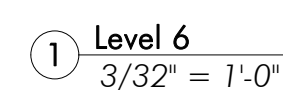


① Level 5  
3/32" = 1'-0"



② Level 5  
3/32" = 1'-0"









① Elevation North  
1/8" = 1'-0"



② Elevation East  
1/8" = 1'-0"

#### EXTERIOR MATERIALS TAG KEY

- ④.1 CAST STONE SILLS & LINTELS - COLOR BUFF KASOTA
- ④.2 ARCHITECTURAL CMU - SMOOTH FACE - COLOR: KHAKI
- ⑤.1 ALUMINUM BALCONY & RAILINGS - COLOR: BLACK
- ⑤.2 MASA ARCHITECTURAL CANOPY - SEE SPEC
- ⑤.3 PREFINISHED METAL COPING - COLOR: BLACK
- ⑦.1 FIBER CEMENT PANEL (SMOOTH) - COLOR: CHARCOAL GRAY
- ⑦.2 FIBER CEMENT PANEL (SMOOTH) - COLOR: ARTIC WHITE
- ⑦.3 FIBER CEMENT PANEL (SMOOTH) - COLOR: MINDFUL GRAY
- ⑦.4 WOODTONE RUSTIC SERIES CEMENT FIBER BOARD LAP - COLOR: TBD
- ⑦.5 METAL CLADDING - PAC CLAD 7" (2/3) and 12" (1/3) REVEAL WALL PANEL - COLOR: SLATE BLUE, RANDOMIZED PATTERN
- ⑧.1 ALUMINUM STOREFRONT - COLOR: BLACK
- ⑧.2 MPAK GRILL - COLOR: BLACK

#### EXTERIOR ELEVATION NOTES

- SEE DRAWING SHEET A831 FOR WINDOW HEAD, JAMB AND SILL DETAILS.
- SEE SHEETS A810-A831 FOR EXTERIOR WALL DETAILS.
- ALL DIMENSIONS AT EXTERIOR WALLS ARE TAKEN TO EXTERIOR FACE OF MASONRY AT CMU WALLS OR CENTER OF STUD AT FRAMED WALLS UNLESS NOTED OTHERWISE.
- SEE SHEETS A011 FOR INTERIOR AND EXTERIOR WALL TYPES.
- PROVIDE CONTROL JOINTS IN CONCRETE MASONRY WALLS EVERY 30'-0" (REGARDLESS IF SHOWN ON ELEVATION OR NOT SHOWN ON ELEVATION)
- PROVIDE EXPANSION JOINTS IN BRICKWORK PER THE BRICK INDUSTRY ASSOCIATION TECH NOTES TN18A. EXPANSION JOINTS IN CLAY BRICKWORK SHALL BE LOCATED 20 FEET ON CENTER MAX. LOCATED AT CORNERS, OFFSETS AND AT CHANGES IN SUPPORT, MATERIAL, WALL HEIGHT OR CHANGE IN BACK UP SYSTEM.
- ALL WINDOWS IN BRICK TO HAVE PREFINISHED METAL SILLS THAT ALLOW FOR WOOD SHRINKAGE & BRICK EXPANSION
- SEALANT SHALL BE APPLIED AS INDICATED IN DETAILS AND MATCH ADJACENT SIDING. VERIFY COLORS WITH ARCHITECT
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- VERIFY LOCATIONS OF LAMBS TONGUES WITH ARCHITECT.
- CFB PANEL NAILS SHALL BE INSTALLED FLUSH WITH SURFACE OF PANEL, ALIGNED AND EVENLY SPACED. OVER OR UNDERDRIVEN NAILS TO BE FIXED PER MANUFACTURERS RECOMMENDATIONS.
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Brainerd, MN 56401  
P: (218) 824-1585

MEP:  
Design/ Build

GENERAL CONTRACTOR:  
North Shore Contractors, LLC  
641 East Lake Street, Ste 228  
Wayzata, MN 55391  
P: (952) 447-5483

Project:  
New Brighton Multifamily Apartments  
2299 Palmer Drive, St Paul, MN 55112

Owner:  
North Shore Development Partners  
Wayzata, MN  
641 East Lake Street, Suite 207  
55391

Project Number 21042

Date Final PRD -9.10.21

NOT FOR  
CONSTRUCTION

Date

Revision

Rev. No.

Exterior  
Elevations

1/8" = 1'-0"

A500





1 Elevation South  
1/8" = 1'-0"



2 Elevation West  
1/8" = 1'-0"

#### EXTERIOR MATERIALS TAG KEY

- 4.1 CAST STONE SILLS & LINTELS - COLOR BUFF KASOTA
- 4.2 ARCHITECTURAL CMU - SMOOTH FACE - COLOR: KHAKI
- 5.1 ALUMINUM BALCONY & RAILINGS - COLOR: BLACK
- 5.2 MASA ARCHITECTURAL CANOPY - SEE SPEC
- 5.3 PREFINISHED METAL COPING - COLOR: BLACK
- 7.1 FIBER CEMENT PANEL (SMOOTH) - COLOR: CHARCOAL GRAY
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- 7.3 FIBER CEMENT PANEL (SMOOTH) - COLOR: MINDFUL GRAY
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- 7.5 METAL CLADDING - PAC CLAD 7" (2/3) and 12" (1/3) REVEAL WALL PANEL - COLOR: SLATE BLUE, RANDOMIZED PATTERN
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C:\Revit Local\21042-Northshore Dev-New Brighton\_griffin@kaaswilson.com.rvt



① Elevation Courtyard North  
1/8" = 1'-0"



② Elevation Courtyard South  
1/8" = 1'-0"

EXTERIOR MATERIALS TAG KEY

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Exterior  
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1/8" = 1'-0"

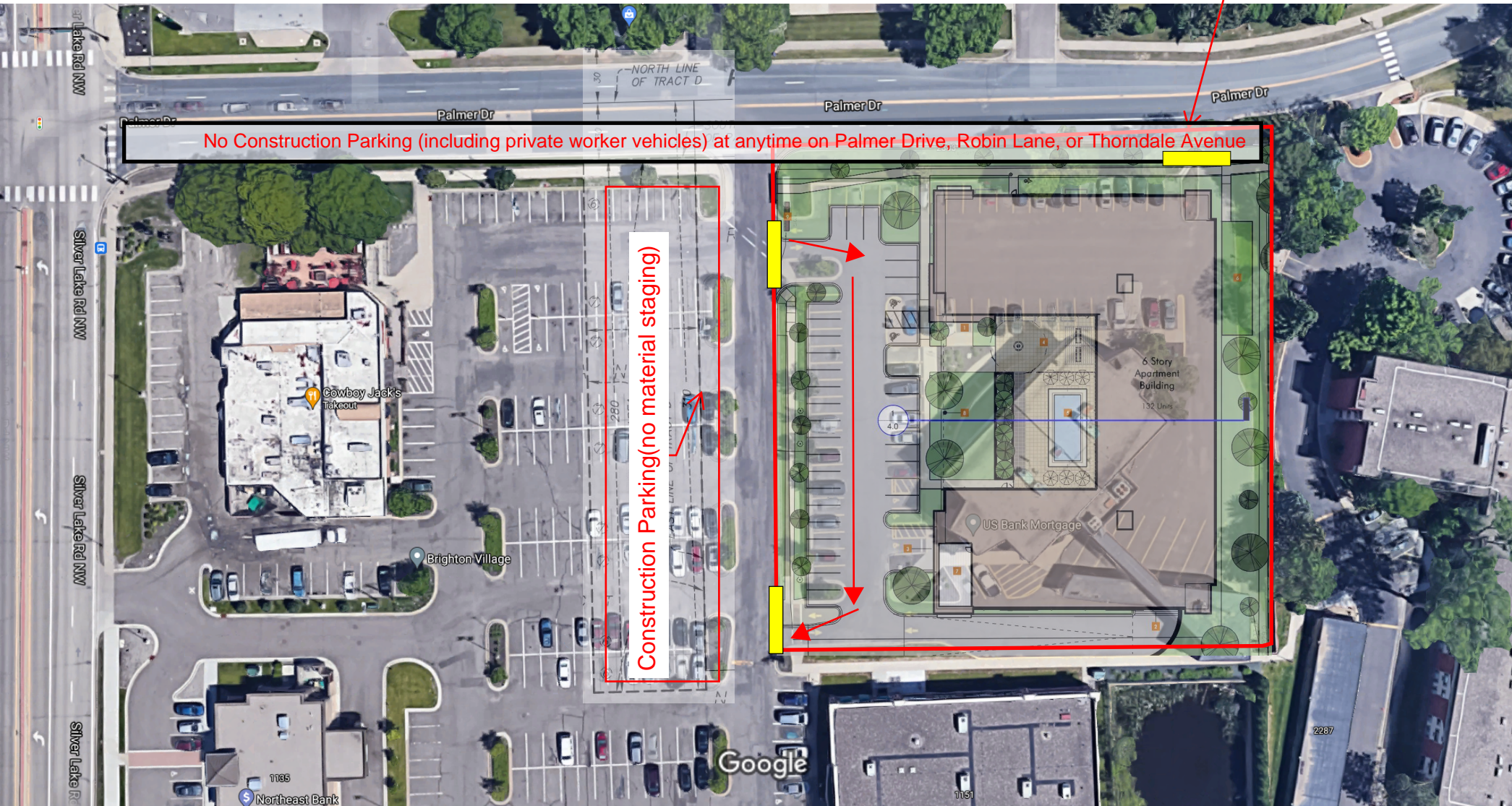
A502



# Palmer Drive Apartments Construction Staging and Logistics Plan

Entrance Gate

Construction Fencing



Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 20 ft

## North Shore Contractors Contact Information:

### Site Contact:

Superintendent: Shaun Robeck

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Phone: 763-313-9635

### Project Manager: Matt Przybilla

E-Mail: [MPrzybilla@Northshore-Contractors.com](mailto:MPrzybilla@Northshore-Contractors.com)

Phone: 320-266-6366



## DEVELOPMENT AGREEMENT

**THIS DEVELOPMENT AGREEMENT (“Agreement”)** dated the \_\_\_\_ day of \_\_\_\_\_, 2021, is by and between the **CITY OF NEW BRIGHTON**, a Minnesota municipal corporation (“**City**”), and \_\_\_\_\_, a \_\_\_\_\_ (“**Developer**”; City and Developer sometimes collectively “**Parties**” and individually “**Party**”).

### RECITALS:

**WHEREAS**, the Developer is the fee owner of property located in the City of New Brighton, County of Ramsey, State of Minnesota and legally described on attached Exhibit 1 (the “**Property**”); and

**WHEREAS**, on August 24, 2021, the City Council passed Resolution No. 2021-069 (“**City Preliminary Resolution**”) conditionally approving the Preliminary Planned Residential Development and preliminary site plan as described in the City Preliminary Resolution (“**Preliminary PRD**”); and

**WHEREAS**, on \_\_\_\_\_, 2021, the City Council passed Resolution No. 2021-\_\_\_\_\_ (“**City Final Resolution**”; City Preliminary Resolution and City Final Resolution collectively “**Resolutions**”) conditionally approving the Final Planned Residential Development and final site plan as described in the City Final Resolution (the “**Final PRD**”); and

**WHEREAS**, the Parties desire to enter into this Agreement to memorialize the benefits and obligations of the Parties under the Preliminary PRD and Final PRD.

**NOW, THEREFORE**, it is hereby agreed by and between the City and the Developer as follows:

1. **INCORPORATION.** The above Recitals, all Exhibits attached to this Agreement, the Resolutions and the exhibits attached to the Resolutions are a material part of this Agreement and are incorporated herein.
2. **CONSTRUCTION; MAINTENANCE; GENERAL REQUIREMENTS.**
  - a. Development of, construction on and maintenance of the Property shall be done in accordance and shall comply with, at all times, the Final PRD, the Resolutions, this Agreement and all applicable sections of the City Code and other governmental rules and regulations.
  - b. The Final PRD shall be modified, subject to the review and approval of the City Director of Community Assets and Development, prior to the issuance of any permits for the development of the Property, as set forth on attached Exhibit 2-A.



3. **REPRESENTATIONS AND WARRANTIES OF THE DEVELOPER.** The Developer, as an inducement to the City to enter into this Agreement, hereby represents, warrants and covenants to the City as follows:

- a. Authorization. The Developer is a duly organized limited liability company under the laws of the State of Minnesota in good standing and authorized to do business in the State of Minnesota and is under no restriction affecting its entry into this Agreement. The Developer has full authority to enter into this Agreement and make it binding on itself and its successors and assigns, and to make this Agreement, and the Covenants herein, binding upon and running with the Property.
- b. Execution No Violation. The execution, delivery and performance of this Agreement does not and will not result in any breach of, or constitute a default under, any indenture, mortgage, contract, agreement or instrument to which the Developer is a party or by which it, or the Property, is bound.
- c. Litigation. There is no pending or, to the knowledge of the Developer, threatened actions or proceedings before any court or administrative agency which will adversely affect the financial condition, business or operation of the Developer or the ability of the Developer to perform its obligations under this Agreement.
- d. Compliance. The Developer will comply with and promptly perform all of the Developer's obligations under this Agreement and all related documents and instruments.

4. **INSTALLATION OF PUBLIC IMPROVEMENTS AND PRIVATE IMPROVEMENTS.**

- a. Installation. The Developer shall install, at its own cost, the public improvements (the "**Public Improvements**") and private improvements (the "**Private Improvements**"; collectively, Public Improvements and Private Improvements the "**Improvements**"), as described on attached Exhibit 3, in, and adjacent to, the Property in conformance with the Resolutions, City Code, this Agreement and any modifications to the Final PRD as approved in writing by the City Director of Community Assets and Development. All labor and work shall be done and performed in the best and most worker-like manner.
- b. Design. The Developer hereby warrants that it has engaged, at Developer's expense, a duly registered professional civil engineer authorized to practice within the State of Minnesota to design the plans for the Improvements and that said engineer has made representation to Developer and the City that the same have been prepared in accordance with the City's standard specifications and/or City Code for the complete installation of all the Improvements. Developer shall furnish copies of all plans and specifications for the



Improvements to the City for review at least 30 days prior to commencement of construction of said improvements. The plans and specifications for the Improvements, shall include, but not be limited to mass grading, public utilities (i.e. sanitary sewer, storm sewer, water), private utilities, streets, landscaping, street signage, and any entry monuments.

- c. Permits. It shall be the responsibility of the Developer to determine and obtain prior to construction of the Improvements all of the necessary approvals, permits, and licenses required from any governmental agency having jurisdiction over the Improvements required for the contemplated development. All costs incurred to obtain said approvals, permits, and licenses and also all fines or penalties levied by any agency due to the failure of the Developer to obtain or comply with the conditions of such approvals, permits, and licenses shall be the sole responsibility of the Developer. The Developer agrees to defend and hold the City, its officers, employees and agents harmless from any action initiated by a regulatory agency resulting from any failure of the Developer, unless such action arises from the negligent or intentional acts of the City.
- d. Time of Performance. The Developer shall install all Improvements to the satisfaction of the City by \_\_\_\_\_, 20\_\_\_\_. The Developer may request an extension of time from the City. If an extension is granted, in the sole discretion of the City, it shall be conditioned upon, among other things, providing additional security to reflect cost increases and the extended completion date.
- e. Records. Copies of all documents and information relating to the construction of the Public Improvements, including, but not limited to, all bids, changes orders, suppliers, subcontractors shall be provided to the City Director of Community Assets and Development upon request.
- f. Approval of Contractors. Any contractor selected by the Developer to construct and install the Public Improvements shall be subject to the review and approval of the City, which such approval shall not be unreasonably withheld, conditioned or delayed. The Developer shall provide to City, evidence of competency and adequate financial strength of any contractor selected by the Developer, which evidence shall be subject to the review and approval of the City Director of Community Assets and Development, which such approval shall not be unreasonably withheld, conditioned or delayed.
- g. Schedule. The Developer shall furnish, subject to the review and approval of the City, a written schedule of proposed operations, subcontractors and material suppliers at least ten (10) business days prior to commencement of construction of the Improvements. The Developer shall coordinate and hold a pre-construction conference with all parties as required by the City Director of Community Assets and Development at least three (3) business days prior to starting construction of the Improvements.



- h. Public Right-of-Way. The Developer shall provide the City, prior to construction within public right-of-way, detailed construction drawings and specifications (the “**Right-of-Way Plans**”), subject to the reviews and written approval of the City Director of Community Assets and Development, which such approval shall not be unreasonably withheld, conditioned or delayed. The Right-of-Way Plans shall be in conformance with the Final PRD. Developer shall notify the City Director of Community Assets and Development three (3) business days prior to the commencement of such work to allow the City an opportunity to inspect such improvement work. If the Developer does not perform this work according to the Final PRD and Right-of-Way Plans, or within the time frame required, the City, in addition to all other remedies available, may, but is not obligated to, complete all work required of the Developer under a City contract. The City may draw on any sureties provided herein for the costs associated with said work. In the event the sureties provided are insufficient to pay for the work, the Developer shall be financially responsible for payment for this work within thirty (30) days written billing by the City.
- i. Paving. Prior to commencing any paving within public right-of-way, the Developer shall give the City twenty-four (24) hour notice of its intention to pave. If, in the sole determination of the City, weather conditions are unsuitable for paving said streets, the City shall, within six (6) hours of receiving Developer's notice, notify the Developer that it cannot proceed with said right-of-way. Failure of the City to give Developer notification shall not constitute a warranty that conditions are suitable for paving said streets.
- j. Occupancy. No occupancy of any building in the Property shall occur until the building seeking occupancy is able to be served by public water and sewer improvements and such improvements have been inspected, approved, and determined by the City to be available for use.
- k. Inspection. The City Director of Community Assets and Development or his/her designated representative, may periodically inspect the work installed on the Property by the Developer, its contractors, subcontractors or agents upon reasonable advance notice. The City may, at the City’s reasonable discretion and at the Developer’s expense, have one or more City inspectors and a soil or pavement engineer inspect the work on a full or part-time basis. If the City inspectors discover that the construction work materially fails to meet City approved standards, the Developer shall pay the entire cost of the remedy. The Developer’s engineer shall provide for on-site project management. The Developer’s engineer is also responsible for design changes and contract administration between the Developer and the Developer’s contractor.
- l. Final Inspection/Acceptance. The Developer shall give written notice to the City within thirty (30) days of the Improvements being completed in accordance with this Agreement, the Resolutions, City standards and specifications and the Final



PRD. All Improvements are subject to the inspection and approval of the City Director of Community Assets and Development to ensure conformity to this Agreement, applicable governmental regulations and ordinances, the Resolutions, City standards and specifications, and the Final PRD. The Developer shall promptly correct any Improvements done, as required by the City Director of Community Assets and Development to conform to the Final PRD, other plans prepared in conjunction with this Agreement and governmental regulations. The Developer agrees that the City shall have the final right of inspection to determine if all conditions of approval for development of the Property and this Agreement are completed to the satisfaction of the City Director of Community Assets and Development. Upon completion of the work and construction required by this Agreement, the Developer shall inform the City and, whereupon final inspection shall be promptly undertaken by the City. Upon acceptance by the City, the Public Improvements lying within public easements or right-of-way shall become City property.

Notwithstanding anything to the contrary in this Agreement, final inspection of the Improvements shall be undertaken by the City within thirty (30) days of receipt of Developer's notice of completion of the same and the City shall either accept, by resolution of the City Council, the Improvements or provide direction regarding correction. Failure of the City to act as stated above within the thirty (30) day period shall be deemed acceptance by the City.

- m. As-built Plans. Upon completion of the Improvements Developer shall provide the City with two (2) full sets of reproducible as-built record plans certified by Developer's engineer of the said improvements.
- n. Indemnification. Any and all claims that arise or may arise against the Developer, its agents, servants, or employees while engaged in the performance of the development of the Property, shall in no way be the obligation of the City. Furthermore, the Developer shall indemnify, hold harmless, and defend the City, its officers, employees, insurers, consultants and agents against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers, employees, consultants and agents may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or failure to act by the Developer, its agents, servants and/or employees unless such liability, loss, costs, damages, expenses, claims, actions, or judgments arise from the negligent or intentional acts of the City.
- o. Insurance. The Developer shall furnish or cause the prime contractor to furnish proof of insurance, prior to the commencement of construction of the Improvements and subject to the review and approval of the City, covering any public liability or property damage by reason of operation of the contractor's equipment, laborers and hazard caused by the Improvements at minimum policy amounts of \$2,000,000.00. The contractor shall keep the insurance in force at all



times that construction of the development is in progress. The insurance must name the City as an additional insured and must provide that the insurer will give the City not less than thirty (30) days' written notice prior to cancellation or termination of the insurance policy. In the event of cancellation, the City shall have all remedies available for breach hereunder and in addition it may obtain project insurance utilizing any available security to pay for the same.

- p. Warranty. The Developer agrees and shall cause the prime contractor to agree to guarantee and warrant all work performed and all materials supplied for the construction of the Public Improvements for a period of two (2) years from final acceptance by the City and to promptly repair or replace any portion of the Public Improvements found to be defective. Upon completion of the Public Improvements, the Developer will maintain a letter of credit reasonably acceptable to the City in an amount equal to 100% of the cost of the Public Improvements throughout the two-year warranty period as a surety for potential repairs. The City shall release the letter of credit immediately after the expiration of such two-year warranty period. Notwithstanding the foregoing, however, the City agrees to cooperate with the Developer in reducing such warranty period letter of credit amount as may be reasonably requested by the Developer.
- q. Monument Sign. A monument sign currently exists on the Property. If the monument sign is to be enlarged or relocated, application is required for a sign permit, subject to the review and approval of the City. Final design of the monument sign shall be determined during the sign permit application process.

## 5. SURETIES.

- a. Public Improvements Surety Establishment. Developer shall cause to be delivered to the City prior to issuance of permits for the development of the Property an irrevocable letter of credit, with the form and providing institution subject to the review and approval of the City, in the amount of \_\_\_\_\_ for the Public Improvements, as defined in Exhibit 5 attached hereto (the "**Public Improvements Surety**"), to assure compliance with this Agreement guaranteeing installation of all Public Improvements in a good and worker like manner, compliance with the terms and obligations in this Agreement and payment of all fees herein. In the event Developer fails to install the Public Improvements in accordance with the provisions of this Agreement or is otherwise in default of this Agreement, the City shall notify Developer in writing of such default. In the event Developer fails to cure the default required, unless a different time period is expressly provided for in this Agreement, within thirty (30) days of receipt of the City's written notice (or in the event such default cannot reasonably be cured within such time period, such additional time as may be reasonably necessary under the circumstances to cure such default) City may declare a default under the Agreement. Thereafter the City may,



among other remedies available, draw upon the Public Improvements Surety in such amount as is reasonably adequate to cure the default. Said Public Improvements Surety shall be renewable on an annual basis and shall provide for the City to receive notice of renewal at least thirty (30) days prior to the date of renewal.

- b. Release/Reduction of Public Improvements Surety. Developer may apply to City for release of all or a portion of the Public Improvements Surety as follows:
- i. When another irrevocable letter of credit acceptable to the City is furnished to the City by Developer to replace the Public Improvements Surety;
  - ii. When the Public Improvements are completed and accepted by the City pursuant to this Agreement and all warranty periods have expired; or
  - iii. The Public Improvements Surety may be reduced, as applicable, from time to time to an amount that is not less than One Hundred Twenty percent (120%) of the amount determined by the City for the costs of the remaining Public Improvements.

City's costs for processing said reduction or release request shall be billed to Developer at \$125.00 per hour with a minimum of one (1) hour per reduction or release and shall be paid by Developer to the City within thirty (30) days of billing.

- c. Private Improvement/Obligation Surety. Developer shall provide City with cash or letter of credit, with the form and provider of the letter of credit to be satisfactory to City, in the sum of \$\_\_\_\_\_ (hereinafter referred to as the "**Private Improvements Surety**"; collectively, Private Improvements Surety and Public Improvements Surety the "**Surety**"), which figures represents 125% of the estimated cost of the Private Improvements and other non-Public Improvements obligations of Developer under this Agreement. The Private Improvements Surety shall be a guaranty to City that the construction and completion of the Private Improvements and other non-Public Improvements obligations of Developer under this Agreement, to City's satisfaction, will be completed on or before date provided for herein. In the event of default, the City shall notify Developer in writing of such default. In the event Developer fails to cure the default required within, unless a different time period is expressly provided for in this Agreement, thirty (30) days of receipt of the City's written notice (or in the event such default cannot reasonably be cured within such 30-day time period, such additional time as may be reasonably necessary under the circumstances to cure such default) City may declare a default under the Agreement. Thereafter the City may, among other remedies available, draw upon the Private Improvements Surety in such amount as is reasonably adequate to cure the default. Said Private Improvements Surety shall be renewable on an annual basis and shall provide for the City to receive notice of renewal at least thirty (30) days prior to the date of renewal.



The Private Improvements Surety shall be maintained continuously by Developer until the Private Improvements and other non-Public Improvements obligations of Developer under this Agreement are completed to the City's reasonable satisfaction. The Private Improvements Surety shall be released upon certification of the City Engineer that such items are satisfactorily completed pursuant to this Agreement. Periodically, as payments are made by Developer for the completion of the Private Improvements and other non-Public Improvements obligations of Developer under this Agreement and when it is reasonably prudent, Developer may request of City that the Private Improvements Surety be reduced for that portion thereof which has been fully completed and payment made therefor.

City's costs for processing said reduction or release request shall be billed to Developer at \$125.00 per hour with a minimum of one (1) hour per reduction or release and shall be paid by Developer to the City within thirty (30) days of billing.

- d. Failure to Perform. As it relates to those items covered by the Surety, it is further agreed that, should the Developer fail to perform any of the duties, conditions or terms of the Resolutions or this Agreement in the time permitted herein, or in such extended time as may be granted in writing by the City Council the City shall be entitled to draw on the respective Surety and shall have the right, but not the obligation, to enter the Property to complete, in its discretion, all remaining Improvements and obligations, which may include, among other things, demolition and removal of the Improvements. In that event, the City shall complete the performance, acquisition, project or work in accordance with this Agreement or the plans set forth above, or in such other manner as is deemed reasonable by the City, or defend against any claims pursuant to Paragraph 4.n. the City may reimburse itself for all reasonable costs and expenses, including, but not limited to legal and consulting fees, from the Surety funds. Any Improvements or other work completed by the City pursuant to this paragraph are not warranted or guaranteed. The Developer shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of the City reasonably exercising its power under this Paragraph. The City may reimburse itself for all reasonable costs and expenses, including, but not limited to legal and consulting fees, arising out of or related to curing the Developer's default from the Surety funds.
- e. Deficiency. In the event the Surety is used by the City and found to be deficient in amount to pay or reimburse the City in total as required herein, Developer agrees that upon being billed by the City, Developer will pay said deficiency amount to City within thirty (30) days of receipt of said billings to Developer. If Developer fails to pay, the City may, among other remedies



available, assess all reasonable costs, including, but not limited to, staff time, engineering fees and legal fees against the Property. In the event the City does so specially assess the Property the Developer agrees that the Property has been benefited in an amount up to, but not exceeding \$ \_\_\_\_\_. Any such assessments shall be for a period of one (1) year. Developer acknowledges that the City has the authority, pursuant to Minnesota Statutes Chapters 412 and 429, to specially assess property benefited by improvements. Developer also expressly waives all rights to hearings before the City afforded under Minn. Stat., Chapter 429, specifically including, but not limited to, hearings under Minn. Stat. §§429.031, and 429.061. In addition, Developer waives all rights to appeal in the Courts, any objection to any irregularity or noncompliance with statutory procedure, and any claim that the assessment of \$ \_\_\_\_\_ being levied against the Property, as provided above, is excessive, as the said rights therein granted relate to the said deficiency. Nevertheless, the amount of the special assessment shall not exceed the deficiency and above-mentioned costs. If there should be an overage in the amount of utilized security City will, upon making said determination, refund to Developer any monies which City has in its possession which are in excess of the surety needed by City. Alternatively, the City may seek a civil judgment against the Developer for the above amounts demanded by the City.

- f. Expiration. In the event a Surety which by its terms will become null and void prior to the time at which all money or obligation of Developer is paid or completed pursuant to this Agreement, it is agreed that Developer shall provide City with new letters of credit, acceptable to City, at least sixty (60) days prior to the expiration of the said expiring Surety. If a new irrevocable letter of credit is not received as required above, City may declare a default in the terms of this Agreement and draw in part or in total, at City's discretion, upon the expiring Surety to avoid the loss of surety for the continued obligations.

## 6. **GRADING; EROSION CONTROL; LANDSCAPING.**

- a. Grading; Erosion Control Plan. At least 30 business days prior to the start of grading activities, Developer shall submit, subject to the review and written approval of the City Director of Community Assets and Development, a final grading plan and an erosion control plan (the "**Mass Grading and Erosion Control Plan**"). The Mass Grading and Erosion Control Plan shall address mass grading and erosion control around the perimeter of the Property. Any approved Mass Grading and Erosion Control Plan shall be incorporated into and be part of the Final PRD. The Property shall be finally graded in accordance with the Final PRD. Prior to commencement of any grading operations, the erosion control plan portion of the Final PRD shall be implemented by Developer subject to the inspection and approval of the City. All areas disturbed by the excavation and backfilling operations shall be reseeded forthwith after the completion of the work in that area. Except as



otherwise provided in the Final PRD, seed shall be certified oat seed to provide a temporary ground cover as rapidly as possible. All seeded areas shall be fertilized, mulched, and disc anchored as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion. If Developer does not comply with the erosion control plan portion of the plans or supplementary instructions received from the City and such non-compliance continues for a period of forty-eight (48) hours following written notice from the City, the City may take such action as it deems appropriate to control erosion. No site development shall be allowed unless the Property is in full compliance with the Mass Grading and Erosion Control Plan.

- b. Final Grading Plan. Within thirty (30) days after completion of the mass grading of the Property, Developer shall provide the City with an “as constructed” grading plan (the “**Final Grading As-Built Plan**”) and a certification by a registered land surveyor or engineer that all final grading has been completed in accordance with approved Grading Plans. The Final Grading As-Built Plan shall include field-verified elevations of the following: a) location and elevations along all swales and ditches, b) finished floor elevations, c) all catch basin or storm sewer casting elevations, d) retaining wall elevations, e) any critical drainage feature, f) ties and elevations to all sewer and water services and gate valves, and g) any other detail required by the City Director of Community Assets and Development.
- c. Completion of Landscaping and Erosion Controls. If Developer fails to complete such landscaping and erosion control obligations as required by this Agreement or Developer has not corrected, to the satisfaction of the City, or there is any non-compliance with the erosion control plan portion of the Final PRD and the City has first notified Developer as required under Section 6.a. above, Developer agrees City may, among other remedies available, make a claim on the Private Improvements Surety and is hereby granted permission, but not the obligation, to enter the Property and place vegetation on said disturbed area in the manner prescribed by the approved landscaping plans, or in any other manner the City deems appropriate and/or to correct the non-compliance.
- d. Survival. If the above landscaping required does not survive one (1) full growing season the City may send notice to Developer and Developer shall have thirty (30) days to cure and/or the City shall be entitled to make a claim on the Private Improvements Surety and shall have the right, but not the obligation, to enter the Property to complete all remaining landscaping, or replace landscaping that does not survive said one (1) growing season and the Developer agrees to waive any claim of trespass against the City, its officers, employees and agents.
- e. City Completion. In that event, the City shall complete or replace the landscaping and the Developer shall be responsible for all of the City’s reasonable costs and expenses, including, but not limited to, legal and consulting



fees. Any landscaping completed by the City pursuant to this Section is not warranted or guaranteed. The Developer shall indemnify, hold harmless, and defend the City, its officers, employees, agents and insurers against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers, employees, agents and insurers may hereafter sustain, incur, or be required to pay, arising out of or by reason of the City reasonably exercising its power under this Section.

7. **MAINTAIN PUBLIC PROPERTY DAMAGED OR CLUTTERED DURING CONSTRUCTION.** Developer agrees to assume full financial responsibility for any damage that may occur by the Developer or its agents to public property on or adjoining the Property when said damage occurs as a result of the activity which takes place during the development of the Property. Developer further agrees to pay all costs required to repair the streets and/or utility systems damaged or cluttered with debris when occurring as a direct or indirect result of the construction that takes place in the Property. In the event the Developer fails to maintain or repair the damaged public property referred to aforesaid, Developer agrees that City may undertake making and causing said damage or clutter to be repaired or cleaned, provided that the City has first notified Developer as required under Section 6(a) above. When City undertakes such repair, Developer shall reimburse the City for all of its expenses within thirty (30) days of City's billing to Developer. If Developer fails to pay said bill within thirty (30) days of being billed, the City, in addition to all other remedies available under this Agreement, may make a claim against the Private Improvements Surety.
8. **STREET CLEANING & ACCESS.** During the development of the Property, Developer shall keep the streets adjoining its development free of dirt and debris caused by its development. In the event dirt and/or debris has accumulated on streets within or adjacent to the Property, City is hereby authorized to immediately commence street cleaning operation if streets are not cleaned by the Developer after forty-eighty (48) hours of the violation. Street cleaning shall be defined as the use of any equipment specifically designed for sweeping, necessary for cleaning dirt, mud and debris from the City right-of-way. If conditions are such that street cleaning operation is immediately necessary, City may perform the necessary street cleaning. City will then bill Developer, as the delinquent party for all associated street cleaning costs. If there is a failure to reimburse City for street cleaning costs within thirty (30) days of such billing, the City, in addition to all other remedies available under this Agreement, may make a claim against the Private Improvements Surety.

Furthermore, the Developer shall maintain reasonable access to any occupied buildings with the Property, including necessary street maintenance such as grading, graveling, patching and snow removal prior to permanent street surfacing. The Developer agrees to perform and assume all responsibilities related to snow removal and ice control in the event the streets have not been accepted by the City by November 1.



9. **PAYMENT OF COST AND EXPENSES.** Developer shall pay upon demand all expenses, reasonably determined by the City, that the City incurs in relation to this development and Resolutions and shall provide an escrow deposit prior to the issuance of any permits in the amount set forth in Exhibit 5 attached hereto. Said expenses shall include, but are not limited to, staff time, including, but not limited to, hourly wage, overhead and benefits, engineering, reasonable legal and other consulting fees incurred in relation to the development. Bills not paid within thirty (30) days shall accrue interest at the rate of ten percent (10%) per annum.
10. **SANITARY SEWER AND WATER FEES.** Developer acknowledges that sanitary sewer and water service lines have been extended to the boundaries of the Property. Developer will be responsible for any and all costs of extending the sewer and water lines within the Property and costs associated with connecting to the services lines and all work associated with abandoning of sewer and water services stubbed to the Property that are not utilized as a part of the final utility design. The above-mentioned fees include, but are not limited to, those fees set forth on attached Exhibit 4.
11. **PARK DEDICATION.** The park dedication for the proposed 132 units shall be as required by City Ordinance 864, the 2021 Fee Schedule and City Code §26-50. The park dedication amount is \$1,825.00 per dwelling unit for all residential developments and such payment shall be due and payable to the City prior to the issuance of any permits for the development of the Property. As such, the Developer shall pay to the City a total park dedication fee of \$240,900.00 (\$1,825.00 times 132 units) prior to the issuance of any permits for the development of the Property.
12. **LICENSE.** The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the Property to perform all work and inspections deemed appropriate by the City in conjunction with this Agreement.
13. **DEVELOPER'S DEFAULT.** In the event the Developer, its successors or assigns violates any of the covenants and agreements herein contained, the City may (in addition to all other remedies available at law, including, but not limited to, terminating this Agreement and rescinding all approvals granted by the Resolutions) and Developer fails to cure such default within, unless an different time period is expressly provided for in this Agreement, thirty (30) days of receipt of written notice from the City (or in the event such default cannot reasonably be cured within such time period, such additional time as may be reasonably necessary under the circumstances to cure such default) the City may use all of the deposited escrow funds, other surety funds or make a claim against the Surety and complete Developer's obligations as set forth herein, and to the extent not satisfied from such funds, to bring legal action against Developer to collect any sums due pursuant to this Agreement. The City may also, and in conjunction with other remedies available in this Agreement, bring any legal action available by law for any such violation. The Developer shall indemnify, hold harmless, and defend the City, its



officers, employees, agents and insurers against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers, employees, agents and insurers may hereafter sustain, incur, or be required to pay, arising out of or by reason of the City reasonably exercising its power under this Section. Developer hereby grants City and City's employees, representatives or agents the right to enter the Property to perform any act reasonably deemed necessary by City to complete Developer's obligations created herein. Any work completed by the City is not provided with a guarantee or warranty.

14. **BUILDING PERMITS.** No building permits shall be issued until the required Surety has been provided by to the City, the Developer is not in default of this Agreement, this Agreement is executed and recorded, and fees as required herein have been paid, including, but not limited to, outstanding fees due as required herein or as due for City review and/or inspection of development.
15. **NOTICES.** A notice, demand, or other communication under the Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, transmitted by email, delivered by a recognized overnight carrier, or delivered personally to the following addresses:

If to the Developer:

*with a copy to:*

If to the City:

*with a copy to:*

City of New Brighton  
803 Old Highway 8 NW  
New Brighton, MN 55112  
Attn: City Manager

Devin.Massopust@newbrightonmn.gov

Hoff Barry, P.A.  
100 Prairie Center Drive, Suite 200  
Eden Prairie, MN 55344  
Attn: Scott B. Landsman  
slandsman@hoffbarry.com

16. **MISCELLANEOUS.**

- a. Runs with the Property. The terms and conditions of this Agreement shall be binding on the parties hereto, their respective successors and assigns and the benefits and burdens shall run with the Property. Notwithstanding the foregoing,



no conveyance of the Property or any part thereof shall relieve the Developer of its personal liability for full performance of this Agreement unless the City expressly so releases the Developer in writing.

- b. Recording. This Agreement shall be recorded against the Property by the Developer. No permits for the Property shall be issued until the City is provided with recording information.
- c. Compliance. Use of the Property shall be consistent and comply with, at all times, federal, state and local regulation.
- d. Payment of Fees. The Developer shall pay in full all bills submitted to it by the City pursuant to this Agreement within thirty (30) days after receipt of said billings. In addition to all other remedies available to City under this Agreement, bills not paid within thirty (30) days shall accrue interest at the rate of ten percent (10%) per annum.
- e. Integration. This Agreement, any attached exhibits and any addenda or amendments signed by the parties shall constitute the entire agreement between the parties and supersedes any other written or oral agreements between the parties as it relates to the terms and obligations contained herein.
- f. Warrant of Authority. Developer warrants and guarantees that it has the authority to enter into this Agreement and to make it a covenant on the Property binding all current and future owners.
- g. Data Practices Compliance. Developer will have access to data collected or maintained by the City to the extent necessary to perform Developer's obligations under this Agreement. Developer agrees to maintain all data obtained from the City, as it relates to the Public Improvements, in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 or other applicable law (hereinafter referred to as the "**Act**"). Developer will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Upon receipt of a request to obtain and/or review data as defined in the Act, Developer will immediately notify the City. The City shall provide written direction to Developer regarding the request within a reasonable time, not to exceed ten (10) days. The City agrees to indemnify, hold harmless and defend Developer for any liability, expense, cost, damages, claim, and action, including attorneys' fees, arising out of or related to Developer's complying with the City's direction. Subject to the aforementioned, Developer agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Developer's failure to comply with the requirements of the Act. Upon termination and/or completion of this Agreement, Developer agrees to return all data to the City, as requested by the City.



- h. Governing Law. It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Minnesota.
- i. Time is of the Essence. Time is of the essence in the performance of the terms and obligations of this Agreement.
- j. Modification. Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party. It is understood that subsequent agreements may be necessary to complete the understandings of the parties relating to necessary improvements and uses of the Property.
- k. Non-Waiver. The action or inaction of the City or the Developer shall not constitute a waiver or amendment of the provisions of this Agreement. The waiver by or the failure of the City or the Developer to enforce any particular section, portion or requirement of this Agreement at any particular time shall not in any way constitute a waiver of any other section, provision, requirement, time element, or the right to enforce such provision at a subsequent time. To be binding, any amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's or Developer's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- l. Cumulative Rights. Each right, power, or remedy herein conferred upon the City and the Developer is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereinafter arising, available to the City and the Developer, at law or in equity, or under any other agreement, and each and every right, power, and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and the Developer, and will not be a waiver of the right to exercise at any time thereafter any other right, power, or remedy.



IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

**CITY OF NEW BRIGHTON**

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

And by: \_\_\_\_\_  
\_\_\_\_\_, City Manager

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF RAMSEY    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, Mayor, and \_\_\_\_\_, City Manager, of the City of New Brighton, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

\_\_\_\_\_  
NOTARY PUBLIC



\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2021, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_.  
A \_\_\_\_\_, on behalf of the \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

This Instrument Drafted By:  
Hoff Barry, P.A. (SBL)  
100 Prairie Center Drive, #200  
Eden Prairie MN 55344



**EXHIBIT 1**  
**LEGAL DESCRIPTION**

*[insert legal description and PID]*

DRAFT



## **EXHIBIT 2-A**

### **FINAL PRD CONDITIONS**

1. Engineering comments in the August 5, 2021 Engineering Memo, attached hereto as Exhibit 2-B, shall be addressed to the satisfaction of the City Engineer and the City Director of Community Assets and Development.
2. To eliminate internal congestion concerns, the proposed internal entrance shall be shifted to the south to correspond with the second drive aisle in the shared parking lot. Reconfiguration of internal parking shall maintain or increase available surface spaces. Minor geometric changes, if needed, shall be made to the plans prior to final plan approval
3. Existing easements granting access rights to Palmer Drive for surrounding properties shall remain in place as part of the Final PRD
4. The boulevard along Palmer Drive shall be expanded into the existing turn lane as directed by the City Engineer.
5. Within the expanded boulevard of Palmer Drive, the developer shall construct sidewalk to extend the existing walkway easterly to the next driveway entrance.
6. Crosswalk striping shall be placed over the access point to Palmer Drive to connect the existing sidewalk with new sidewalk being constructed as part of this development.
7. Building materials shall be consistent with those approved as part of the development review process, and found to be compatible with the Palmer Drive Overlay Area and Brighton Village development.
8. Drainage and utility easements (or others), as required by the City Engineer, shall be provided as part of the Final PRD.
9. Final easement language shall be subject to review and approval of the City Attorney.
10. All public improvements shall be constructed in accordance with the City's Private Development Standards.
11. A permit authorizing the development shall be obtained from the Rice Creek Watershed District.



12. All utilities (i.e. telephone, electric, gas service lines, etc) shall be placed underground in accordance with the provisions of all applicable City ordinances.
13. 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.
14. Lighting shall not shine directly into the public right-of-way or onto any residential use.
15. Prior to final plan approval, a shared parking agreement with Krause-Anderson providing 60 additional spaces, which can be used by residents and guests of this building, shall be submitted subject to the review and approval of the City Attorney.
16. Signage for the building shall be subject to review and approval through the City's standard sign permit process.
17. A fire hydrant shall be placed at location approved by Fire Marshal. The new hydrant shall not be greater than 50 feet from a building fire department connection, not be greater than 30 feet from a roadway, and shall not be placed in a manner that requires hoses connected from the hydrant to the fire truck, and from the fire truck to the fire department connection, to be placed across a primary ingress/egress route to the location.
18. All final drive aisles shall be designed to accommodate an aerial device with a 235" wheel base and a front cramp angle of 45 degrees. Amendments to parking lot geometrics, if needed, shall be incorporated into final plans and worked out with DCAD staff.
19. Pull station covers shall be placed over all pull stations.
20. Police and Fire Keyboxes shall be mounted at a location identified by public safety staff upon substantial completion of the facility.
21. The final building shall comply with all applicable fire codes.
22. Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction
23. The developer shall use 4" Storz connection for the FDC
24. Placards shall be placed on standpipe connections indicating apartment units accessed by that standpipe. This must be coordinated with the Fire Marshall and



Community Engagement Officer.

25. Placards on standpipes servicing garage area shall indicate the parking stall coverage range. This must be coordinated with the Fire Marshall and Community Engagement Officer
26. Whenever standpipes are placed on columns in garage area, the column shall be painted red.
27. Final plantings and trees shall be approved by the City Forester prior to submittal of the final PRD plans.
28. Metal cages and/or burlap shall be removed from all tree root masses prior to planting throughout the development.
29. A decorative fence shall be introduced along the boulevard separating this development from the main drive aisle leading to Palmer Drive; coordination to be done with the Public Safety department.
30. The Developer shall instruct the City's Park's Department as to existing plants which can be donated to the City prior to demolition, and outline the permitted removal times so the work may be completed prior to development activities beginning.
31. Reference monuments shall be placed as may be required by state law
32. The final building shall comply with all applicable City of New Brighton multi-housing ordinances.
33. The sub-grade parking level shall be renamed to "lower level" or level "-1" to avoid confusion for emergency response.
34. Exterior doors shall be numbered in consecutive order in a clockwise manner around the building starting with the main lobby entry.
35. Indoor parking spaces shall be numbered from the lowest level up (i.e. lower level spaces numbered 100 – 199, and main level parking spaces numbered 200 – 299).
36. Residential units shall be numbered to indicate the floor they are on (i.e. main level units of which there are none in the 100's, 2nd floor units in the 200's, 3rd floor units in the 300's, etc).



37. The property address shall be displayed on site consistent with City Code.
38. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.
39. As part of the Final PRD plans, the applicant's shall include an improved property divider (fence/wall) along the eastern property line, and shall coordinate that work with the Crossroads of New Brighton facility.

DRAFT



**EXHIBIT 2-B**  
**ENGINEERING MEMO**



**interoffice**

**MEMORANDUM**

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**to:** Ben Gozola, Assistant Director of Community Assets and Development/City Planner  
**from:** Craig Schlichting, Director of Community Assets and Development  
**subject:** 2299 Palmer Drive  
**date:** August 5, 2021

The Engineering Department has reviewed the preliminary construction plans for 2299 Palmer Drive and we offer the following comments:

**General**

1. Water and sanitary sewer services are considered private and shall be maintained by the property owner. A permit will be required for all sewer and water connections and shall be inspected by Public Works.
2. The owner/engineer will need to obtain a permit from MnDOLI and MDH for watermain construction and internal plumbing design.
3. Show fire apparatus turning movements.
4. SAC/WAC charges to be determined by state and building department review.
5. Storm sewer work near Silver Lake Road may require Ramsey County ROW/Obstruction Permit.
6. Provide details showing site lighting, to be reviewed by Assistant Director of Community Assets and Development.
7. Provide drainage calculations for City files.

**C-002**

1. Bituminous removals at sanitary sewer and watermain tie in locations to extend to northerly curb line (full road width).
2. Show off site removals related to storm sewer installation. Bituminous removals shall be full



driving lane width.

3. City Parks Department would like to salvage existing plantings prior to demolition (provided owner gives permission).
4. Additional inlet protection will be required at Silver Lake Road/Palmer Drive.

#### C-101

1. Northerly entrance should be shifted to the south as shown on the attached drawing (see enclosure).
2. Reconfigure sidewalk/pedestrian crossing on north side of property to keep sidewalk adjacent to Palmer Drive in ROW.
3. Show striping plan with turn arrows for Palmer Drive.

#### C-301

1. Swale along easterly property line is shown at 1.1%. After grass is established this may be too flat to properly drain. Revise swale grades (to achieve 2%) or extend storm sewer/drain tile.
2. Add steps to northern exit to allow for lower elevation on sidewalk. Adjust grades within ROW to remove 3:1 slopes and create 10:1 boulevard grades with 2% cross slope on sidewalk.

#### C-401

1. All watermain to be CL 52 ductile iron pipe with Clow resilient wedge gate valves and Clow medallion fire hydrants.
2. Verify condition of manhole at sanitary sewer tie in location. Core drill and connect with rubber boot at manhole.
3. Hydrant location and the fire department connection to be coordinated with the Fire Marshall.
4. Consider using SDR-26 for sanitary sewer service.

#### C-502

1. Install flex seal on concrete adjusting rings on CBMH200.

#### C-801

1. Provide details for retaining wall and safety fence. Engineered wall design to be provided to Building Official for approval.
2. Include detail for B618 curb and gutter (Palmer Drive).
3. Include detail for City street section.
  - 2" Type SP 12.5 Bituminous Wearing Course Mixture SPWEB340C
  - 3" Type SP 12.5 Bituminous Non-Wearing Course Mixture SPNWB330C
  - 7" Class 5 Aggregate Base
4. Public sidewalk to have 6" class 5 aggregate base



**C-803**

1. Update hydrant and valve detail to include Clow resilient wedge gate valves and Clow medallion hydrant.

**C-806**

1. Provide maintenance schedule for underground infiltration chamber.

**L-101**

1. Plantings and trees to be approved by City Forester.



### EXHIBIT 3

#### PUBLIC IMPROVEMENTS/PRIVATE IMPROVEMENTS

All Public Improvements and Private Improvements for the Property are shown on the Final PRD and:

- a. The items checked with “PUBLIC” below are the improvements that are Public Improvements.; and
- b. The items checked with “PRIVATE” below are the improvements that are Private Improvements.

<b><u>Checked</u></b>	<b><u>Improvement</u></b>
X PRIVATE	general site mass grading, drainage and erosion control
X PRIVATE	subdivision monuments
X PUBLIC	street grading, drainage and erosion control
X PUBLIC	bituminous base and wear course of Public streets
X PUBLIC	sidewalks on Public streets
X PUBLIC	street signage on Public Streets
X PUBLIC	utilities (sanitary/storm sewer and water mainlines in Public streets)
X PUBLIC	stormwater in Public streets
X PRIVATE	utilities (sanitary sewer and water service lines) on private streets
X PRIVATE	stormsewer on private streets
X PUBLIC	boulevard restoration
X PRIVATE	entrance monuments
X PRIVATE	base and wear course on private streets
X PRIVATE	sidewalks and trails on private streets
X PRIVATE	street lights on private streets



## **EXHIBIT 4**

### **SANITARY SEWER AND WATER FEES**

The following per unit sanitary sewer and water connection fees shall be paid at the time of building permit and shall be adjusted to the then current rate:

- The 2021 MCES Fee of \$2,485.00.
- City Sewer Maintenance fee of \$103.00.
- City sewer connection charge of \$185.00.
- City water connection charge of \$545.00.

Based on 132 units, the total fee is \$437,976.00.



## EXHIBIT 5

### LETTER OF CREDIT AND DEPOSIT CALCULATIONS

#### Public Improvements

Total engineer's estimate for Public Improvement	\$ _____
	X 1.25
Public Improvement Surety Amount	\$ _____

#### Private Improvement and Developer Obligations

Total estimated amount for Private Improvements and Developer's obligations under the Agreement	\$ _____
	X 1.25
Private Improvements Surety Amount	\$ _____

#### Escrow Deposit

In addition to the letter of credit amount listed above, the Developer shall also deposit an additional \$25,000 in cash with the City for all work associated with Section 4.k. – Inspection, and other fees and costs incurred by the City under this Agreement (“**Escrow Amount**”).

The City shall return to the Developer any remaining Escrow Amount when all the following events have occurred:

- a.) when the proposed structure or structures have been built and received certificates of occupancy;
- b.) all expenses incurred by the City as set forth in Section 9 of this Agreement are paid to the City by the Developer; and
- c.) all other obligations of the Developer under this Agreement have been completed to the satisfaction of the City.

To the extent the engineering inspection, testing charges, and/or other costs exceed the Escrow Amount, the Developer is responsible for payment of such excess as set forth in Section 9 of this Agreement.





## 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

U.S. Bank National Association      800 Nicollet Mall, Minneapolis      MN      55402

(name) (mailing address) (st) (zip)

(phone #)

(fax #)

(email)

**Signature:** \_\_\_\_\_

### II. Property Owner #2 *For more than two owners, please provide their information and signature(s) on a separate sheet.*

(name)

(mailing address)

(st)

(zip)

(phone #)

(fax #)

(email)

**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 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:                              |

#### **FEES**

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

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

- |   |   |
|---|---|
| <input type="checkbox"/> Administrative Lot Split / Minor Subd. | <input type="checkbox"/> Preliminary Plat |
| <input checked="" type="checkbox"/> PUD or PRD (final)          | <input type="checkbox"/> Final Plat       |

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

☐ **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:                            |

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

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**IV. Property & Contractor Information:**Street Location/Address of Property: 2299 Palmer Ave, New BrightonProperty Identification Number (PID): 193023430034 Zoning District: CommercialLegal Description (From Deed or Certificate of Title): ☐ Please see attached

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

Property described is by: ☐ Abstract ☒ Torrens – Certificate #: 337544Location of Certificate: Tract C Registered Land Survey No. 237Architect (if applicable): Kaas-Wilson Phone: 612-879-6000Surveyor/Engineer (if applicable): Wenck now part of Stantec Phone: 810-252-1431Builder (if applicable): North Shore Contractors Phone: 952-447-5483**V. Main Contact Person**☐ Property Owners☒ Other (if other, please fill out the information below)Title (Position or relation to property owners): Purchaser of site, North Shore Development Partners LLCKatelyn Murray641 East Lake Street, Wayzata #207MN55391

(name)

(address)

(st)

(zip)

651-485-5062kmurray@northshoredp.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:  Date: 08/27/2021

**ADMINISTRATIVE USE ONLY:**

Date Application Received: \_\_\_\_\_ PC Date: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ CC Date: \_\_\_\_\_

Escrow Paid: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Form Last Updated 03.08.21