CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
MARCH 12, 2014 – 7:00 P.M.

Chairperson:	Dan Lund	City Administrator:	Deb Hill
Vice-Chair:	Anthony Mahmood	Executive Analyst:	Renee Helm
Commissioner:	Susan Lindoo	Planner:	Sherri Buss
Commissioner:	Matt Prestegaard	Council Liaison:	Tom Ingemann
Commissioner:	Kevin Haley		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of February 13, 2014

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing –** To consider an application from David Sullivan for Approval of a Rezoning and Conditional Use Permit for Property Located on 7th Avenue between 2nd and 6th Streets
   A. Memos from Sherri Buss and Jon Herdegen
   B. Application
   C. Resolution No. P.C. 2014-1
   D. Resolution No. P.C. 2014-2

B. **Public Hearing** – To consider amendments to the Zoning Code, Chapter 1300, Section 1300 General, Section 1310 Administration and Enforcement, Section 1340 Residential Districts, and Section 1350 Nonresidential Districts
   A. Memos from Renee Helm and Sherri Buss
   B. Resolution No. P.C. 2014-3

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting	March 20, 2014	5:30 p.m.
2. City Council Meeting	April 3, 2014	5:30 p.m.
3. Planning Commission Meeting	April 10, 2014	6:00 p.m.
4. City Council Meeting	April 17, 2014	5:30 p.m.

8. ADJOURNMENT

City of Newport
Planning Commission Minutes
February 13, 2014

1. CALL TO ORDER
Chairperson Lund called the meeting to order at 6:00 P.M.

2. ROLL CALL -
Commissioners present – Dan Lund, Matt Prestegaard, Susan Lindoo, Anthony Mahmood, Kevin Haley

Commissioners absent –

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Sherri Buss, TKDA Planner

3. NOMINATION and APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2014

Chairperson Lund - The first order of business is the nomination of Chairperson and Vice-Chairperson for 2014. The normal order of things is the Vice-Chairperson from the previous year but Matt has requested to not be Chairperson.

Motion by Lindoo, seconded by Prestegaard, to appoint Dan Lund as Chairperson and Anthony Mahmood as Vice-Chairperson for 2014. With 5 Ayes, 0 Nays, the motion carried.

4. APPROVAL OF PLANNING COMMISSION MINUTES
A. Planning Commission Minutes of December 12, 2013

Susan Lindoo - I had a minor item on page four, my comment that is second from the bottom it should be "bringing" instead of "brining."

Matt Prestegaard - The last comment on page seven should be "I would move to approve the Resolution" not "I would move the Resolution."

Motion by Haley, seconded by Prestegaard, to approve the December 12, 2013 minutes as amended. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION
A. Discussion Regarding Breweries

Sherri Buss, TKDA Planner, presented on this item as outlined in the February 13, 2014 Planning Commission Packet. Derrick and Autumn Lehrke of Opinion Brewing Company submitted the attached letter to the Planning Commission to provide comments regarding the draft ordinance. One of the questions from the letter was asking why a conditional use permit is required for all of the new uses. Ms. Buss stated that the reason she drafted the ordinance to require a conditional use permit is because the Code currently requires any restaurant that serves liquor to have a conditional use permit so it is being consistent with the current code. Ms. Buss also provided examples from what other cities require. St. Paul requires a conditional use permit if the business is located in a mixed-use district. Stillwater has also discussed this issue at length and require a special use permit for any type of brewery or similar use no matter what district it is in so they can place conditions on issues such as odors, waste, events, and bottling. Given the consistency with the current Code and what other cities are doing, Ms. Buss recommends that the new uses require a conditional use permit as drafted. The second question that Mr. and Mrs. Lehrke had was regarding the size. The draft ordinance has a maximum size of 10,000 square

feet for craft breweries, craft distilleries, and craft wineries. Mr. and Mrs. Lehrke asked the Planning Commission to increase the size since the building they are buying is 12,000 square feet. Ms. Buss recommended increasing the size to 15,000 square feet.

Matt Prestegaard - Could you go through the definitions?

Ms. Buss - Sure. The first one is Brew on Premises Store. It's somewhere that sells the equipment to do beer or wine making. It's basically a retail business.

Susan Lindoo - You can brew on the premises though?

Ms. Buss - Yes, they have very small batches though. The second is Craft Brewery. This is strictly a brewery and does not include small breweries that are operated in conjunction with a bar or restaurant. Next is Craft Distillery. This is someone who is producing premium distilled spirits such as vodka or gin, they're small batches. A Micro or Regional Brewery is the next step up from a Craft Brewery. They can brew up to one million barrels per year. National Brewery is even bigger, they can brew over one million barrels per year. The next item is a small brewery or winery as an accessory use to a bar or restaurant. This would be a brewpub and is what the Lehrke's are thinking about. These businesses can't sell to other businesses. Finally, a craft winery is a small winery that can produce up to 620,000 gallons per year.

Susan Lindoo - Does the 10,000 square feet allow them to brew up to 20,000 barrels?

Ms. Buss - Yes, but St. Paul said to allow them up to 15,000 square feet because craft breweries that started out at 5,000 or 10,000 square feet would need to expand quickly after starting because their business was successful. The 15,000 square feet generally does not have a lot of impacts to the neighbors.

Susan Lindoo - So the 15,000 square feet would work for craft breweries but the Lehrke's are interested in the small brewery or winery as an accessory?

Ms. Buss - Yes. I don't think the 15,000 square feet would limit them too much because they are limited to what they can sell. I had put 10,000 square feet because that's what we have for other retail type businesses.

Executive Analyst Helm - It doesn't look like there is a maximum size at all for the small brewery or winery as an accessory.

Chairperson Lund - As I understand it, in order to put this plan into effect, the Lehrke's have to go through three different layers with the City, we have to change our Code to have it be a permitted use for Zoning and to add a brewpub license to the Alcoholic Beverages Chapter and they'll need a building permit. Our part of this is not the end-all be-all, there's still significant procedures they need to go through. With that in mind, is it possible to address the smells, events and bottling noise as part of the licensing procedure for a brewpub instead of forcing them to get a separate conditional use permit since they already have one?

Ms. Buss - I have not looked at your licensing rules.

Chairperson Lund - We don't have licensing rules yet.

Ms. Buss - It wouldn't be typical to do it that way.

Executive Analyst Helm - I would have to check with the State but I believe those are typically done through conditional uses.

Susan Lindoo - If we require a conditional use permit for restaurants that serve liquor, a brewpub is a restaurant that serves liquor so to me it makes sense to be consistent with the Code.

Chairperson Lund - Maybe I should be more specific. Instead of giving it its own category use maybe we could amend the restaurant use to include brewpubs.

Ms. Buss - You could certainly do that.

Chairperson Lund - In that case, could they continue under their current conditional use permit or would they need to get a new one?

Executive Analyst Helm - They don't have a conditional use permit because it was built prior to the requirements for a conditional use.

Ms. Buss - They don't have any kind of permit right now so whatever is going on in that building right now, which is a bowling alley, heating pizzas and serving liquor, they can continue to do as a legal non-conforming use,.

Chairperson Lund - It's non-conforming because they don't have a conditional use permit?

Ms. Buss - Yes. As soon as they add a new use like brewpub or restaurant, they are subject to the current code, which may require a conditional use permit.

Chairperson Lund - If we define it as an accessory use does that mean they can continue under their current non-permit status?

Ms. Buss - No because it's a new use.

Chairperson Lund - Where is the line drawn?

Ms. Buss - Whatever is in the building code that would define it as a new use. If they add a commercial kitchen then it would be a new use.

Chairperson Lund - So there's not really room for them to do anything additional without getting a permit?

Ms. Buss - Yes.

Chairperson Lund - Right now, we're only aware that someone wants a brewpub. It seems to me that the craft brewery, distillery, and winery, would have a greater impact than a brewpub. I think we should talk about whether it's worth putting those in the Code now or leave it for a future date if someone comes to us and wants to open one in Newport.

Ms. Buss - You certainly can.

Kevin Haley - I certainly would. The request to not have an additional conditional use permit, if it's going to change, that will be required. But to not add a conditional use permit just because they're adding an accessory. If the other two establishments wanted to do brew on premises, they shouldn't have to get a conditional use permit for that.

Chairperson Lund - That wasn't my point but ok. What you're getting back to is that we only have three establishments in town that serve liquor and any new establishment that comes in to town would need a conditional use permit whether they are a brewpub or not?

Executive Analyst Helm - Yes.

Chairperson Lund - So if we don't require a conditional use permit for the accessory use of a brewpub all that means is do we think Tinucci's, the Cloverleaf and Red Rock could open a brewpub without bothering anyone because any new business would need a conditional use permit. I would be comfortable with that.

Susan Lindoo - I think a brewpub is quite different than a regular restaurant. I think the building inspector would be asking questions.

Ms. Buss - The building inspections is separate from a conditional use permit. I've told the Lehrke's that too.

Susan Lindoo - I'm just thinking it's a different type of operation, there are issues of waste, events, noise from bottling…

Kevin Haley - This isn't a bottling facility. There will be growlers.

Susan Lindoo - How are they serving it? When they bottling on a conveyer built there is a noise there.

Chairperson Lund - There's a difference between a few hundred and a few thousand.

Vice-Chair Mahmood - They'll be doing it by hand.

Susan Lindoo - There are big machines that they're brewing it in though.

Kevin Haley - And it smells like bread baking. For this small of a business, we're not talking about a lot of waste or bottling.

Ms. Buss - Just to clarify, you're thinking the craft brewery correct?

Chairperson Lund - No, a craft brewery is a much bigger operation than a brewpub.

Ms. Buss - A brewpub is defined as an accessory use to a bar or restaurant. You're talking about it being an accessory use to an existing bar or restaurant?

Susan Lindoo - Yes.

Chairperson Lund - To piggy back off of your idea, if we have it as a permitted use, any new restaurant that serves liquor will still need a conditional use, but the existing ones, we would say that they already have their liquor permit.

Kevin Haley - Yes. If Tinucci's wants to take out a couple thousand square feet and start brewing it isn't going to affect the neighborhood. The bigger facilities, yes, but this isn't a bottling facility whatsoever.

Susan Lindoo - In that case, I'm wondering why other towns require conditional use permits for brewpubs, is that unusual?

Ms. Buss - If we have an existing restaurant or bar that wanted to add a brewpub, at this point, what they would need to do is amend their existing conditional use permit to allow that use because whatever permit they have at the moment doesn't allow the new use. That would allow us to put on a size limitation and conditions. If someone came in proposing a new bar or restaurant/bar then they would be requesting a new conditional use permit and could add a brewpub to that.

Kevin Haley - If we wanted to take care of this situation and no conditional use, we have one facility that is being used as a bar that could possibly make a brewpub, that doesn't have a conditional use permit, we could say same or similar use a conditional use is not required.

Susan Lindoo - So because the Red Rock does not have a conditional use permit now, you wouldn't be interested in requiring anyone who took it over to get a conditional use permit?

Kevin Haley - No, why, it's a similar use, it's not adding significantly to it, if they have to get a building permit to expand it, we could look at it then because it would be asking for more.

Ms. Buss - You wouldn't see the building permit.

Susan Lindoo - So we would have a continuation of a legal non-conforming, which doesn't make sense to me. I think when you're getting a new owner and a new use coming in. If they had a conditional use they would need to amend it to do the brewpub so they would have to come to us to amend something they don't have which is complicated.

Ms. Buss - At this point, it would be a new conditional use.

Susan Lindoo - He's recommending that they don't get a conditional use at all.

Ms. Buss - If they expand the uses beyond what it is now they would need a conditional use permit and then they are treated just like anyone that comes in. That's how non-conforming uses are treated in any code.

Chairperson Lund - It sounds like they're mostly out of luck. We can still help them out by not requiring a conditional use specifically for a brewpub in the even they don't go for a brewpub first.

Matt Prestegaard - Can you articulate for me what the concern is regarding a conditional use?

Chairperson Lund - It's expensive, you have to put a few thousand dollars in escrow to the City.

Kevin Haley - Then you're at the will of those that are doing the inspections. Our planner and engineer can jack up numbers quite significantly.

Susan Lindoo - Do they usually do that? Is that the policy of the City to jack up numbers and charge people more?

Admin. Hill - No.

Susan Lindoo - Yea, I wasn't aware of that.

Kevin Haley - There are some that would disagree with you. It has been happening.

Matt Prestegaard - Your argument is that this is an opportunity to take something legal and non-conforming and validate conformance?

Susan Lindoo - It sounds like that in the way that most cities operate across the State that when you come in with a new use for a legal non-conforming business then you have to conform with the current Code and get a conditional use.

Ms. Buss - We would need to ask the Attorney if you can make an exception.

Chairperson Lund - I think the City Council can take that up. There's really nothing we can do since they don't have a current conditional use right?

Ms. Buss - Yes and we're not writing this just for them. I think the question is if someone comes in and proposes a restaurant and a brewpub, this makes it accessory to that use and they don't have to get a second conditional use for it.

Chairperson Lund - Yes, if we make the accessory use the only permitted item then they can get their original conditional use permit modified and that's the best we can do. Is there any significance if it's an accessory use of whether that accessory use itself requires a conditional use permit? For example, if Tinucci's already has their conditional use permit and they want one of these, would it make any difference to them if we list accessory use of a brewpub as a conditional use versus permitted?

Ms. Buss - No because if they have a conditional use permit in place and want to add a brewpub they would need to amend their existing conditional use permit.

Chairperson Lund - So it doesn't make any difference whether we put a "C" or a "P" down?

Ms. Buss - No. What we're saying is that someone can't come in to do a brewpub on its own.

Chairperson Lund - We might as well just require a conditional use permit so that people don't look at this and think they don't need one.

Kevin Haley - If Tinucci's or Cloverleaf want this, I don't see why they would need a conditional use permit.

Ms. Buss - They would need an amendment, which would be a lot less staff work.

Kevin Haley - My questions is that, if a new facility came in and wanted to establish a brewpub with a restaurant that there would be need to do anything more than one conditional use permit.

Ms. Buss - No they would only need one.

Matt Prestegaard - If Red Rock came to us today and said they wanted to open a bowling alley, serve pizza and liquor, where would they fall under this table?

Ms. Buss - They would fit under a restaurant category. We should probably add bar and grill to the restaurant use.

Chairperson Lund - So we're all in agreement with the brewpub?

Executive Analyst Helm - Yes.

Chairperson Lund - I did want to talk about the craft brewery, winery and distillery. The smells and noise could be much more significant than the brewpub. Do we want to add them at this point given that no one has approached us. I think the best place for them would be MX-4 or MX-2.

Ms. Buss - If you want to leave them out we certainly can do that.

Susan Lindoo - We don't know how MX-4 will develop. It's nice to have things in the Code in case someone approaches the City.

Ms. Buss - Another option would be to just allow it in MX-4.

Chairperson Lund - Or maybe B-1, if it's going to make smells and noise. Or even industrial.

Ms. Buss - In that case, I would suggest they be permitted uses in business or light industrial.

Chairperson Lund - Should we take those three out of the mixed-use districts then?

Matt Prestegaard - That sounds fine to me.

Ms. Buss - Do you want to leave the brew on premises store?

Chairperson Lund - Yes.

Ms. Buss - Ok, we'll take craft brewery, distillery, and winery out of the mixed-use districts and leave them in the business and industrial districts as a permitted use.

Susan Lindoo - Where is the facility that people think is causing the smell problems and resulting in push-back with the MX-3 area?

Executive Analyst Helm - It's north of 494.

Susan Lindoo - Do we want to allow that so close to the MX-3 district? I think down on the end is fine. Since we're really trying to promote development in the MX-3 District…

Kevin Haley - We're not talking about the same type of odors.

Susan Lindoo - No but the recycling place doesn't produce odors either but there's a perception that it does and people don't want to develop in the MX-3 district because they're hearing stories about it being smelly.

Ms. Buss - These are all small. The micro and regional breweries I have only put in the industrial one and two. We can take those out. They're put in industrial districts in any city.

Kevin Haley - If the perception is that Newport has odor we have no control of what's going on across the river. It won't change the perception.

Susan Lindoo - Do we want to add to the smells?

Chairperson Lund - I don't think it's the same type of smells.

Ms. Buss - We could make it a conditional use.

Susan Lindoo - The only area I'm concerned about is the area near the MX-3 district.

Vice-Chair Mahmood - So you're saying that you want to move it out of an area where people already think it smells and put it in a place that doesn't smell. People won't notice the difference if we keep it where they already think it smells.

Susan Lindoo - I'm just thinking about what we've heard about the development for the MX-3 district and what is best for Newport. What do we want to happen at that end?

Chairperson Lund - If the biggest concern is the smell on the micro and regional brewery, let's make it a conditional use permit. The craft brewery and distillery, the volume is much smaller, I don't see why we would want to exclude them from the industrial districts. For the three craft ones, make it a permitted use in the I-2 district.

Ms. Buss - Do you think you'd be ready for a public hearing at the next meeting?

Chairperson Lund - There was an amendment to the setback as well.

Ms. Buss - Yes, that's something I had come across. I noticed that you have a minimum side yard setback for properties adjacent to residential of five feet. Typically it's usually 20 feet.

Chairperson Lund - I like that catch. Could we add multi-family to it as well? So it would be "Minimum side yard for commercial, industrial, or multi-family use if adjacent to any R district."

Matt Prestegaard - Would the hearing be next month?

Ms. Buss - Do you want to see it again before going to a public hearing?

Chairperson Lund - I think we should move it forward.

Ms. Buss - Ok, you'll have an application as well for the Knauff property. We'll also have a joint meeting with the HPC to discuss the historic overlay district.

Susan Lindoo - You talked about events, do we have an event permit?

Executive Analyst Helm - Our current "Alcoholic Beverages" chapter has a liquor entertainment license. I've never issued one. It will be up for discussion when they discuss the amendment for brewpubs.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Helm - So the next meeting will be on Wednesday, March 12 instead of Thursday, March 13 since you're having a joint meeting with the Planning Commission. They meet at 5:30 so the joint meeting would be 5:30 to 6:30 and then you would start your regular meeting at 6:30 and have the public hearings for the application and this one.

6. NEW BUSINESS

Vice-Chair Mahmood - I would like to welcome Kevin.

Kevin Haley - Thank you.

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Offices Closed for Presidents' Day	February 17, 2014	
2. City Council Meeting	February 20, 2014	5:30 p.m.
3. City Council Meeting	March 6, 2014	5:30 p.m.
4. Planning Commission Meeting	March 12, 2014	6:30 p.m.

8. ADJOURNMENT

Motion by Lindoo, seconded by Mahmood, to adjourn the Planning Commission Meeting at 7:04 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst

February 13, 2014

Dear Planning Commission,

We have reviewed the packet for this evenings meeting and would like to provide a few comments.

From viewing the information provided, we respectfully request that the planning commission follow the direction of St. Paul regarding brewery ordinances. As you can see, St. Pauls ordinance states "a small brewery accessory to a bar or restaurant, or brew pub, is allowed wherever restaurants or bars are allowed, including T2-4…..districts… A conditional use permit is required to exceed a floor area of 15,000 square feet."

Per page 34 of your packet (pg 7 of St. Pauls report), table 2 "Breweries in commercial or mixed use districts" this table lists seven cities (Mpls, Duluth, Dallas, Denver, Portland, Seattle, and St Paul) and only one (Dallas) requires a CUP for bars and sometimes for brew pubs or restaurants.

As you know, the site we have chosen is already doing business as a bar/restaurant and the use is not changing with the change of ownership. We plan on still serving food and liquor as the previous owners have done for decades. Changing our occupancy or CUPs can have adverse effects on building and operating requirements. Our current project cannot afford these additional, unnecessary expenses.

Another concern with the staff recommendation is the size limitations. Due to the bowling alley on site, our facility is over 12,000 sf. As a result, this recommended ordinance wouldn't even allow for our location to be sited for a brewery. Please adopt St. Pauls direction that allows breweries the flexibility to grow in Newport.

We understand there is a certain comfort level with requiring a CUP when sighting a NEW establishment that serves liquor to ensure it is in line with the city's plans. However, this is an EXISTING establishment where a CUP should not be needed. Please consider St Pauls approach to business friendly policies that encourage businesses to come in and redevelop.

Thank you for your consideration.

Derrick & Autumn Lehrke

Opinion Brewing Company, LLC.

444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

TKDA

Memorandum

To:	Newport Planning Commission	**Reference:**	Imperial Recovery Services--Rezoning and CUP
Copies To:	Deb Hill, City Administrator		
	Renee Helm, Executive Analyst		
	David Sullivan, Applicant		
	Leisa Knauff, Owner		
	John Stewart, City Engineer	**Project No.:**	15481.001
From:	Sherri Buss, RLA AICP, City Planner	**Routing:**	
Date:	February 24, 2014		

SUBJECT: Imperial Recovery Services, LLC
Application for Rezoning and a Conditional Use Permit (CUP)

MEETING DATE: March 12, 2014

LOCATION: 478 7th Avenue

APPLICANT: David Sullivan
6127 South Hearthstone Avenue
Cottage Grove, MN 55016

OWNER: Leisa Knauff
478 7th Avenue
Newport, MN 55055

ZONING: B-1 (Business Park/Office/Warehouse)

60-DAY PERIOD: April 14, 2014

ITEMS REVIEWED: Application, plans, Drainage report and Storm Water Pollution Prevention Plan (SWPPP), submitted February 12, 2014

BRIEF DESCRIPTION OF THE REQUEST
The applicant, David Sullivan, has submitted an application to develop a new business, Imperial Recovery Services LLC, at 478 7th Avenue. His application includes a request for rezoning and a Conditional Use Permit (CUP) for the proposed use at the site. The proposed business is an automobile repossession company.

REZONING REQUEST

BACKGROUND

The applicant is requesting a rezoning of fourteen parcels from B-1 (Business Park/Office/Warehouse) to MX-4 (General Mixed Use). The past uses on the parcels included Auto Salvage/Recycling/Storage, and an Auto Body Shop.

The subject property includes 14 parcels that are located along near City Hall, between 7th Avenue and an existing major rail line to the east. The owner's family operated an auto salvage and recycling business on most of the parcels for decades. The parcels include existing auto body shop and warehouse buildings. The total area of the parcels is approximately 5.5 acres.

The site was included in the MX-4 District until June, 2013, when the owner of the parcels, Leisa Knauff, requested a rezoning to the B-1 District. The rezoning was proposed to accommodate a proposed use that was not allowed in the MX-4 District, but would have been allowed in the B-1 District (warehouse/showroom). However, the potential buyer for the warehouse use did not purchase the site. David Sullivan, the applicant, is proposing to purchase the Knauff parcels for Imperial Recovery Services, an automobile repossession business. This use may be allowed in the MX-4 District as an "Automobile services, car specialty services" use, but the use would not be allowed in the B-1 District under the current ordinance. The applicant and owner are therefore requesting a rezoning to the previous MX-4 District to accommodate the proposed use.

The applicant and the City have been attempting to market the parcels for a use that would be appropriate for the site for the past several years. It has been difficult for the City to identify the appropriate zoning classification for the parcels, given their location adjacent to a variety of other uses--railroad tracks, industrial uses, and residential uses--and the existing pollution on the site. Discussions with developers have indicated that there is little or no potential for development of residential or retail uses at this location, and that some type of commercial use may be a better fit. The site is too small to accommodate most warehouse uses, and manufacturing and industrial uses may not be compatible with the adjacent residential uses.

The MX-4 Zoning District would allow for a wider range of potential site uses than the B-1 District, including the proposed use. MX-4 Zoning is compatible with zoning to the north and west.

.EVALUATION OF THE REQUEST

The applicant is requesting to change the zoning from B-1 (Business Park/Office/Warehouse) to MX-4 (General Mixed Use). Section 1310.02, Subd. 3 of the City's Zoning Ordinance addresses rezoning applications. Rezoning requests are evaluated based on the following:

- Existing and proposed land uses on and around the site
- How the proposed zoning would fit in with the general zoning pattern of the neighborhood and city
- The conservation of property values
- Advantages to the entire City

- No change shall be recommended unless it is in the interest of public health, safety and welfare, and is compatible with the comprehensive plan.

The next sections include the staff evaluation of the proposed rezoning based on the criteria in the ordinance listed above.

Existing uses on and around the site
The existing zoning of areas around the Knauff site includes the following:

- The previous use on the site has been Auto Salvage/Recycling/Storage and an Auto Body Shop. Those uses are nonconforming uses under the current zoning.
- Parcels to the north and west of the Knauff parcels are zoned MX-4. They include a mix of residential and commercial uses, as well as the City Hall site and a historic railroad building.
- The parcels to the east of the Knauff property are zoned B-1. The area includes railroad properties and Highway 61, which separate the property from the B-1 uses on the east side of Highway 61.
- Properties to the south of the Knauff parcels are zoned I-1 (Light Industrial).

The proposed uses on the site and rezoning to MX-4 would be consistent with the adjacent zoning to the north and west. Commercial use of the parcels would also be compatible with the adjacent B-1 and I-1 zoning districts.

Fit with the City's General Zoning Pattern
A change to MX-4 zoning on the Knauff parcels will be compatible with the general zoning patterns of the City. It will continue the MX-4 zoning classification that currently exists on the adjacent areas north and west of the parcels proposed for rezoning. Most of the area along Highway 61 is included in mixed use districts to permit a variety of redevelopment options.

The proposed automobile repossession use would need to be designed and operated to be compatible with the existing residential uses to the west and north. The City would need to enforce its design and performance standards for Nonresidential Uses through the CUP process, so that proposed uses would be designed and operated to be compatible with adjacent residential uses. Performance standards that will be considered in the CUP process include:

- Standards for exterior appearance and materials
- Requirements for landscaping
- Prohibition or screening of outdoor storage and utility equipment
- Loading and service areas should not face the road or adjacent residential uses
- Noise limitations, particularly during night time hours
- Lighting requirements
- Traffic
- Restrictions on hours and other operating conditions
- Parking location and requirements

Conservation of Property Values
The change to the MX-4 zoning is likely to enhance property values on the Knauff parcels, by permitting redevelopment. It is likely to enhance the value of the parcels and adjacent parcels if existing pollution on the site can be addressed.

Advantages for the Whole City
Newport is actively trying to redevelop several sites in the City, including the Knauff site. Redevelopment has the potential to increase property values, provide jobs, and improve the image of the City.

Compatibility with the Comprehensive Plan
The Comprehensive Plan update adopted in 2010 noted that the City's vision for the area was to redevelop the areas that were occupied by auto-oriented uses related to Highway 61 over the long-term, and encourage redevelopment of the areas along Highway 61 with a mix of residential and commercial uses.

Neither the 2010 nor the 2010 Comprehensive Plan included a market analysis of the areas along Highway 61 as the zoning maps were developed. The recession occurring during the 2010 Comprehensive Plan update would have made such an analysis extremely difficult. Efforts to market the Knauff property have provided information about the types of uses that may be marketable on the property, and compatible with the adjacent railroad use to the east, residential and commercial uses to the west, and industrial uses to the east. While the City has had a desire to include a wider diversity of uses along the Highway 61 corridor, the location and access are still likely to be attractive to auto-related uses, and these uses are allowed in the MX districts. The MX-4 Zoning classification allows for a broad range of commercial and residential uses, in order to provide a range of options for redevelopment within the District.

FINDINGS FOR THE REZONING REQUEST

1. The proposed rezoning from the B-1 District to the MX-4 District is consistent with the goals and policies in the Comprehensive Plan that encourage redevelopment of the portions of the City along Highway 61 with a mix of residential and commercial uses.
2. The proposed zoning fits with the existing uses around the site. The surrounding areas include a diverse mix of uses, including railroads, commercial, residential, and light industrial uses. The performance standards in the zoning ordinance can be applied so that the uses allowed in the MX-4 district are compatible with the adjacent uses.
3. The proposed zoning fits the general pattern of zoning in the City. Most of the land along Highway 61 has been zoning for Mixed Use. The rezoning would extend the existing MX-4 District to the south along the west side of Highway 61.
4. The proposed rezoning will allow for redevelopment of the property with new uses that have a higher value that the existing and past uses of the site. Redevelopment is likely to have a positive impact on the value of adjacent properties. The rezoning will conserve or improve property values in the City.
5. The proposed rezoning will allow for redevelopment of the property and cleanup of existing pollution on the site. The redevelopment and cleanup will result in positive impacts for the entire City. The cleanup of pollution on the site and redevelopment with a new use are in the interest of public health, safety and welfare.

The Planner's findings for the proposed rezoning indicate that the proposed rezoning to the MX-4 use is compatible with Comprehensive Plan and meets the other ordinance criteria for rezoning.

CONDITIONAL USE PERMIT REQUEST

BACKGROUND AND SITE HISTORY

The applicant is requesting a Conditional Use Permit to operate an automobile repossession business on the parcels shown on the site plan. The proposed plan includes the use of existing buildings on the site, and the addition of a significant area of impervious surface that will be used for parking automobiles. The previous business on the property was Bill's Auto Salvage/Bill's Auto Parts. The soils on the site were contaminated by the previous use, and the contamination will need to be cleaned up before new impervious surfaces or structures can be added for a new use.

The City and the property owner (Leisa Knauff) have been are working together to obtain grant funds for site cleanup. The City completed a Phase I Environmental Site Investigation and a Phase II Investigation Report & Response Action Plan (RAP) (October 18, 2012) to meet MPCA requirements. The RAP spells out the actions that need to be taken to cleanup the pollutants on the site. In 2013, the City sought a Contamination Cleanup Grant from the Minnesota Department of Employment and Economic Development (DEED) to assist with the costs of cleanup, but was not successful in obtaining the grant. The City's action was a lower prior than other applications because a new use that would create a positive economic impact had not been identified for the site.

Dave Sullivan, the applicant, is willing to continue to cooperate with the City to obtain grant funds to clean up the site. The next application is due in May, 2014, and city staff hope that having a potential use for the site will improve the City's ranking for grant funds. The applicant has recently obtained a cost estimate for site cleanup (This is a second estimate; the City also obtained a cost estimate for the cleanup for the 2013 grant proposal.) The applicant and City are proposing that the City will seek funding through a maximum of two more grant cycles for site cleanup. If the City is not successful in obtaining a grant after 2 cycles, the applicant will be responsible for the cost of cleanup. The site plan includes a phased approach to development that assumes cleanup of each area before the new impervious surfaces are added to the site. The proposed conditions include items that address responsibilities for site clean up.

EVALUATION OF THE REQUEST:

1. Zoning District and CUP Standards

The City of Newport's development code says that the intent and primary use of the MX-4 General Mixed Use District is to "provide for a mix of residential and commercial uses that provide for a long-term transition for the uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent Mixed-Use Districts."

Section 1310.10 of the code indicates that the city may grant a CUP when the use is consistent with the Zoning Ordinance and Comprehensive Plan, and the City may impose conditions and safeguards to protect the health, safety and welfare of the community. Criteria for evaluating the proposed uses and developing conditions for the CUP include the following:

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the appropriate zoning district.

2. The proposed use is consistent with the Newport Comprehensive Plan.
3. The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions and parking facilities on adjacent streets and land.
4. The potential effects of the proposed use on surrounding properties, including valuation, aesthetics and scenic views, land uses, and character and integrity of the neighborhood.
5. The potential impacts of the proposed use on governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. The potential impacts on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains and soils.
7. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City and other governmental bodies having jurisdiction in the City.
8. In permitting a new conditional use, the City may impose additional conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

This staff report evaluates the request for a Conditional Use Permit for the property located at 478 7th Avenue based on the City's zoning ordinance and related standards.

2. Proposed Uses—Automobile Parts/Accessories Retail Sales and Installation and Professional Offices

The Newport Code does not have a specific use category for the automobile repossession use that is proposed at this site. The use category in the current zoning ordinance that best fits the use is "automotive services, car specialty services (not including body repair or major repair)." This use is an allowed use in the MX-4 Zoning District with a Conditional Use Permit.

The applicant described the proposed use as follows in the application:

- Repossessed vehicles will be brought to the site by truck.
- The majority of vehicles will be stored on the two acres of land to the south, east, north and northeast of the existing warehouse building shown on the site plan. Some repossessed property will be stored within the warehouse building as well.
- The proposed business hours are 9 a.m. to 4:30 p.m. The public may come to the site during those hours to retrieve personal property and collateral from the old repair shop building.
- The applicant will direct traffic to come to the facility from the south, taking the 70th Street exit from Highway 61
- The business will include bringing repossessed cars and trucks to the site "after hours", routing the vehicles into the storage yard via the gate just south of the warehouse, and exiting the yard via the gate north of the yellow house. The route is proposed to avoid having trucks backing up on the site and the noise from "backup beepers." Exiting via the north gate will direct headlights to 4th Avenue and away from homes. <u>The Planner has included a proposed condition to manage site access, traffic flow, and noise.</u>
- Office staff will work in the warehouse and in the old "paint and auto repair shop" building

The "automotive services, car specialty services (not including body repair or major repair)" use is permitted in the MX-4 District with a Conditional Use Permit. The CUP should include conditions to prohibit automobile painting and body work, manage traffic, and address other potential impacts to surrounding properties.

3. Comprehensive Plan

The Comprehensive Plan supports development of a mixture of commercial, office and residential uses in the areas adjacent to Highway 61. It supports the development of new business to improve the City's tax base and expand employment. The plan discusses goals to The proposed use is consistent with the land use goals and map included in the 2030 Comprehensive Plan.

4. Dimensional Standards, Setbacks, and Requirements

The dimensional standards and setbacks for the MX-4 district that apply to the proposed uses and plan include the following:

Minimum lot area: 2,400 square feet
Minimum lot depth: 80 feet
Minimum lot width: 30 feet
Maximum lot coverage (buildings): 80%
Structure setbacks: Front yard: 0 ft. (10' if adjacent to a residential district); side yard 5 ft. (or 10' if adjacent to a residential district); Rear yard, 20 ft.
Parking setbacks: Front yard: 20 feet; side and rear yard: 5 ft.
Maximum building height: 40 feet
Public utilities required, including sewer

The applicant is maintaining the existing residential and commercial buildings on the site. The existing buildings meet the setback and height requirements.

The applicant is proposing to expand the parking area on the site. The plans indicate that the proposed parking meets the setback requirement for parking in the MX-3 District.

The sections that follow analyze the application in relation to criteria #3-6 in the zoning ordinance for evaluating Conditional Use Permit applications.

5. Traffic

The site plan indicates that Imperial Recovery Services is proposing that traffic will enter the site at the south end, across from 3rd Street, and exit the site across from 4th Street. Both locations currently have driveway access to 7th Avenue.

The applicant estimated that approximately 20 trucks will make round trips to and from the business each day (typically wrecker and rollback trucks), and approximately 50 cars will make round trips to and from the site. The existing roadways that serve the area are adequate to handle the traffic expected at the site. The City Engineer's comments on the application noted that 7th Avenue is a 7- ton design road, and is posted as such in spring. There can be no heavier trucks servicing the facility, year round. The Planner has included a condition that the maximum truck loads serving the facility may not exceed 7 tons in weight year-round.

6. Parking Requirements and Driveways

Parking Requirements. Section 1330.06 of the Zoning Ordinance includes standards for parking for a variety of uses, though none is similar to the proposed use. Standards for other uses with employees and customers require that there be 1 space for each 2 employees on the largest shift, and 1 space for each 250 square feet of gross floor area for services uses.

The applicant estimated that the total number of employees on the site will be approximately 25; therefore 13 spaces are required for employee parking. The gross floor area of non-residential buildings on the site is 4000, which requires 16 spaces. The proposed parking that is planned for this use is more than adequate to meet the code requirements.

Pavement and Driveways. The Zoning Ordinance requires that all parking areas and drives be constructed of concrete, blacktop or similar durable hard surface fee of dust, and that the periphery of all parking areas and drives shall be constructed with poured-in-place concrete curbing unless otherwise approved by the City.

The applicant is proposing two phases of parking lot construction, and the use of asphalt pavement for the parking areas within the site, but is requesting that concrete curbing not be required for the lots within the site, based on the following:

- The parking area is not open to the public. It is not like typical business or commercial lots that need to control parking by the public.
- Only employees of the business will be operating vehicles in the parking areas.
- The applicant is proposing a fence approximately one-foot from the edge of the parking areas so that vehicles will not be able to go past the edge of the parking area, so that the edge of the hard surface should not deteriorate due to parking over the edge.

City staff reviewed the applicant's proposal for parking, and the City Engineer recommended that concrete curbing be required around the parking areas:
:

- The applicant shall provide a revised plan that indicates the location and detail of the driveway apron. The apron shall be concrete with a width not to exceed 32 feet (or maximum applicable City Standard). Concrete curb (minimum B612) shall be laced from the apron around the perimeter of future asphalt pavement area prior to paving.

The Engineer noted in an email to the Planner that "Getting curb on new construction has been a battle for as long as I have worked in town. I thought that we had done a god job of holding the line on this last year we required curb on the Phoenix House property. I fail to see the argument that the Repo site is any different than the group home. I would allow no curb on edges to be expanded, if the operator proposes an extension to the parking lot within 5 years."

The Engineer also recommended the following condition related to the parking areas:

- Parking for handicapped person must be provided in accordance with State and Federal regulations. The revised plan should indicate the location of visitor parking, including handicapped parking.

The Planner has included a condition that the applicant shall address the Engineer's comments in the final plans. The Planning Commission should discuss the recommendation related to curbing surrounding all parking areas based on the applicant's request and Engineer's comments.

7. Building design and materials

The applicant is proposing to use the existing buildings on the site. The existing building materials meet the requirements of the ordinance.

8. Accessory Structures

No new accessory structures are proposed on the site plans.

9. Exterior Storage Requirements

Section 1350.13 requires that no materials, products or equipment be stored outside of an enclosed building except for daily display of merchandise during store hours in the MX-1 district. The Planner has included a proposed condition for the CUP that no outside storage is permitted on the site.

10. Refuse and Recycling

Section 1350.13 requires that all refuse and recycling containers be stored in the principle structure or a fully enclosed accessory structure, and Section 1330.05 (Subd 10) further requires that dumpsters, trash, trash handling equipment and recycling equipment shall be stored within an enclosed accessory structure of the same materials as the principal structure. The Planner has included a proposed condition for the CUP that refuse and recycling for the business shall meet the ordinance requirements.

11. Screening and Fencing Requirements

The ordinance requires that any vehicles parked for more than forty-eight hours shall be completely screened from residential uses, and screened from the eye-level view of public streets and from the public front and office sides of business and industrial uses.

The vehicles that are brought to the site may be stored for more than 48 hours. The site is screened from the land uses the east by the railroad berm, and to the south by existing trees.

Additional screening is required to screen the residential land uses to the north and west from the parking areas. The applicant shows proposed fencing around the parking areas and indicated by phone that the fencing will be 6' chain link fence with 5 strands of barbed wire at the top. The applicant is proposing that the fence will include metal slats interwoven with the fencing (much like the existing fence) to screen the lots from adjacent residential areas.

The City's Zoning Ordinance specifically permits the use of barb wire for fencing in the Industrial districts, and does not list barb wire as a permitted fence material in the MX Districts. The City allows the Zoning Administrator to permit "other materials" not permitted in the MX Districts. The Planning Commission should discuss the proposed use of barb wire as part of the fence, and recommend whether it should be permitted for this use.

The proposed chain link fence material and height meets the requirements of Section 1330.05, Subdivision 15 of the ordinance. The Planner included a proposed condition that requires that the fencing and screening be maintained in good condition so that the screening requirements of the ordnance are met.

12. Utility Equipment—Screening Requirements

The ordinance requires that all utility equipment (heating and ventilating equipment, meters, and similar equipment) shall be completely screened from eye-level view of adjacent properties and streets. If any utility equipment will be added to the structures, it must meet the ordinance requirement.

13. Lighting

The applicant submitted a plan for lighting that will be added to the site for the new use. The lighting on the site must meet the requirements of Subdivision 13 of Section 1330.05 of the ordinance to be "of a downcast, cutoff type, concealing the light source from view and preventing glare from spilling into residential areas." The ordinance includes standards for light levels at the property lines.

The lighting plan indicates that the proposed fixtures are full-cutoff-LED luminaires that meet the ordinance requirement. The lighting plan indicates that the light levels at the site boundaries meet the ordinance requirements.

14. Landscaping

Section1330.05, Subdivision 14 includes the landscaping requirements for commercial and office uses:

- At least one over-story tree shall be provided in the front yard for each fifty feet of lot frontage
- The landscape plan materials meet the requirements for physical characteristics such as hardiness and salt-tolerance, and the required proportions of coniferous/deciduous materials.
- The proposed landscape materials meet the planting size requirements of the ordinance.
- There shall be a minimum of one tree for every 1,000 square feet of non-impervious surface area of parking lots, and parking lots for more than eight cars shall landscape 10 percent of the parking lot surface area.

The plans do not indicate proposed plantings except the seeding proposed for the stormwater pond areas. <u>The Planner included a proposed condition that the applicant shall submit a landscape plan to the City for approval that includes a minimum of 12 over-story trees along 7th Avenue. The trees shall be species that are hardy in Minnesota and salt-tolerant. The trees shall have trunks that are a minimum 2-1/2" diameter at planting.</u>

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<u>The Planner suggests that the Planning Commission discuss the requirement for parking lot plantings for this use.</u> Parking lot plantings are typically required to improve the appearance of commercial parking lots and provide shade. These lots will not be used by the public, and will be screened from view on most sites. The Commission should discuss whether the requirement for tree planting and landscape areas in parking lots should be applied in this case.

15. Restricted Operations (noise, odor, glare, etc.)

Based on ordinance requirements, noise, odors, smoke and particulate matter should not exceed Minnesota Pollution Control Agency standards. Any glare, direct or reflected, from spotlights or activities on the site should not be visible beyond the property boundaries.

The applicant is proposing to drop off vehicles after normal working hours, and is proposing that vehicles enter the yard via the gate just south of the warehouse, and exit the yard via the gate north of the existing house, so that headlights do not shine into homes across 7th Avenue. The planner included this traffic pattern as a proposed condition for approval of the CUP.

The applicant also noted that equipment with back-up beepers may be used at the site, and proposed the traffic pattern to avoid noise from the beepers. The Planner included a proposed condition that equipment with back-up beepers shall not be used outside the daytime working hours at the site (9 to 4:30 p.m.), and that the applicant utilize equipment with broadband alarms and a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site.

16. Hours of Operation

The applicant proposed that the hours of operation be 9 a.m. to 4:30 p.m., Monday through Friday. He indicated that they propose to allow their staff to drop off repossessed cars and trucks during other hours, and proposed routing the after-hours traffic to minimize the noise that it could generate.

The Planning Commission should discuss the proposal for after-hours drop off, and listen to public comments on the application, to determine if there are concerns about the extended hours. The Planner included a proposed condition that equipment with back-up beepers may not be used outside the daytime working hours at the site (9 to 4:30 p.m.), and that the applicant utilize equipment with broadband alarms and a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site at all hours.

17. Signs

The application did not include locations or plans for proposed signs. A freestanding entry sign is permitted for this business. Signs must meet the ordinance requirements. The applicant should submit any plans for proposed signage to the Zoning Administrator for approval.

18. Infrastructure, Public Services, Health and Welfare

The City Engineer reviewed the site plans and indicated that adequate sewer and water services are available to serve the proposed uses at the site. The site is unlikely to generate additional needs for public services. If cleanup of existing pollution on the site occurs as a result of the new use, it will benefit the health and safety of Newport, its residents, and the physical environment.

19. Environmental Issues

As noted previously, hazardous materials exist on the site due to the previous business activities on the property. The City and the property owner (Leisa Knauff) have been working together to obtain grant funds for site cleanup. The City completed a Phase I Environmental Site Investigation and a Phase II Investigation Report & Response Action Plan (RAP) (October

18, 2012) to meet MPCA requirements. The RAP spells out the actions that need to be taken to cleanup the pollutants on the site.

Dave Sullivan, the applicant, is willing to continue to cooperate with the City to obtain grant funds to clean up the site. The applicant and City are proposing that the City will seek funding through a maximum of two more grant cycles for site cleanup. If the City is not successful in obtaining a grant after 2 cycles, the applicant will be responsible for the cost of cleanup. The site plan includes a phased approach to development that assumes cleanup of each area before the new impervious surfaces are added to the site.

<u>The Planner has included the following proposed conditions for the CUP related to the environmental issues on the site:</u>

- The owner of Imperial Recovery Services shall complete a Development Agreement for the site with the City. The Development Agreement shall address the responsibilities and phasing for the cleanup of the hazardous materials on the site in relation to the proposed development of the site.
- The applicant shall continue to work with the City to apply for grant funds to clean up the site, through two grant cycles in 2014 and 2015. If the City is not awarded grant funds for cleanup, the applicant will be responsible for cleanup, and shall provide to the City a detailed plan for treatment and disposal of contaminated soils for the site that meets regulatory requirements.

20. Stormwater Management

The City Engineer reviewed the stormwater plan for the site, and provided the following comments:

- The property owners must obtain any necessary permits from the South Washington Watershed District (SWWD).
- The property owners must provide the City the water quality modeling required by the SWWD (including but not limited to):
    - Total Phosphorus (TP) loading of 0.22 lbs./acre/year for the Mississippi River basin; the maintenance of existing loading will not be acceptable.
    - Total Suspended Solids (TSS) should be modeled and compared against the limits in the Mississippi River Draft Total Maximum Daily Load (TMDL) plan.
- All work shall be in conformance with Newport's MS4 permit for sediment and erosion control, including preparation of SWPPP (Stormwater Pollution Prevention Plan) and NPDES (National Pollution Discharge Elimination System) permits from the MPCA.
- The applicants must provide detailed plans for erosion and sediment control to the City Engineer for review, and provide the existing site drainage exhibit with time of concentration flow path noted.
- The applicant shall construct both the east and south basins and all stormwater BMP's as part of Phase 1 of the project.
- The applicant shall provide a detail of the proposed site fencing to show surface runoff may easily pass through the fence.
- The applicant shall provide fencing around the South Basin due to the close proximity to 7th Avenue.
- The applicant shall indicate onsite snow storage locations and a plan for protecting permanent stormwater BMP's from resulting surface runoff.

- The applicant shall provide a maintenance agreement for permanent stormwater treatment facilities for City review and consideration.
- The applicant shall provide information to meet the City's Ordinance 1371 (Storm Water Management) requirements, including: site soil information, anticipated stockpile locations; anticipated construction start and end date, information about any proposed dewatering and treatment prior to discharge; storm drain protection from erosion and tracked materials
- The applicant shall provide a performance bond and complete an agreement to construct with the City of Newport
- The applicant shall revise the stormwater plan to meet the requirements of City Ordinance 1371 Storm Water Management, and address the ordinance items identified by the engineer in his letter dated February 18, 2014.

A copy of the application was forwarded to the South Washington Watershed District for review. SWWD staff indicated that since the applicant is proposing to re-use the existing building and parking lot, the District has no comment on the CUP application.

The Engineer indicated in an email to the Planner that "the comments do not need to be addressed prior to review by the Planning Commission and approval by the Council," and recommended that they be included in the list of conditions for approval.

FINDINGS FOR THE CONDITIONAL USE PERMIT REQUEST

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the MX-4 General Mixed Use Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of a mix of residential and commercial uses in the areas along Highway 61.
3. The conditions for approval of the proposed use include requirements for development and operation of the site so that the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the potential impacts of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions and parking facilities on adjacent streets and land.
4. The redevelopment of the property with a new use and associated cleanup of existing pollution on the site will have positive impacts on surrounding properties, including valuation, aesthetics, and the character of the neighborhood.
5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. The potential use and development plan will result in the cleanup of existing pollution on the site, and provide positive impacts to surface and ground waters and soils.
7. In permitting a new conditional use, the City has adopted conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

The Planner finds that with proposed conditions, the request meets the ordinance requirements for a Conditional Use Permit.

ACTION REQUESTED FOR THE CUP REQUEST:

The Planning Commission can recommend:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

PLANNING STAFF RECOMMENDATIONS:

The Planner recommends that the Planning Commission recommend to the City Council approval of the Imperial Recovery Services LLC request for a Rezoning of the parcels at 478 7th Avenue to the General Mixed Use (MX-4) District.

The Planner also recommends that the Commission recommend to the Council approval of a Conditional Use Permit for "Automobile services, car specialty services/ automobile repossession business use, not including auto body repair or major repair" at the site, with conditions. The Planner recommends the following conditions for the proposed uses:

1. The Applicant shall submit Final Site Plan(s) and Building Plans that are substantially in conformance with the plans submitted to the City and dated February 12, 2014. All elements of the Final Plans must meet the requirements of the zoning ordinance.
2. The Applicant shall modify the plans for City Engineer approval, and comply with the requests of the City Engineer included in the Engineer's memo, dated February 18, 2014. All work shall be completed in accordance with the City of Newport's Engineering Standards.
3. Maximum truck loads serving the site may not exceed 7 tons in weight year-round.
4. The applicant shall direct traffic to access the site from the south, using the 70th Street exit from Highway 61 and 7th Avenue. Trucks shall enter the site using the gate south of the warehouse, and shall exit the property using the gate north of the existing house near 4th Avenue.
5. The applicant shall revise the plan to include a location for visitor parking and handicapped parking that meets State and Federal regulations.
6. No outside storage other than vehicles stored on the parking areas is permitted on the site.
7. No auto body work or automobile painting is permitted on the site.
8. All trash and recycling equipment shall be stored within an enclosed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
9. The fencing and related screening on the site shall be maintained in good condition so that the requirements of the ordinance are met.
10. Any utility equipment installed at the site must meet the ordinance requirements.

11. The applicant shall submit a landscape plan to the City for approval that includes a minimum of 12 over-story trees along 7th Avenue. The trees shall be species that are hardy in Minnesota and salt-tolerant. The trees shall have trunks that are a minimum 2-1/2" diameter at planting.
12. The hours of operation for serving visitors shall be 9 a.m. to 4:30 p.m. The business may bring repossessed vehicles to the site outside those hours under the following conditions:
    - The trucks that are dropping off vehicles shall enter the site via the gate just south of the warehouse building, and exit the site via the gate north of the existing house. Headlights shall be controlled so there are no impacts to homes across 7th Avenue.
    - Equipment with back-up beepers shall not be used outside the daytime working hours at the site (9 a.m. to 4:30 p.m.). At all times, the applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site and utilize beeper alarms.
13. The Applicant shall apply to the City for a permit for any sign(s) proposed as the site. All signs shall meet the ordinance requirements.
14. The permitted use on the site does not include automobile painting and body work.
15. Noise, odors, smoke and particulate matter produced on the site shall not exceed Minnesota Pollution Control Agency standards.
16. The applicant shall complete a Development Agreement with the City that includes at least the following: 1) the responsibilities and phasing for the cleanup of the hazardous materials on the site and 2) a maintenance agreement and performance bond for the stormwater facilities on the site.
17. The applicant shall pay all fees and escrow associated with this application.

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MEMO

To: Ms. Deb Hill, City Administrator

Ms. Sherri Buss, City Planner, TKDA

From: Jon Herdegen, PE - City Engineer

Subject: Imperial Recovery Services – Plan Review

Date: February 25, 2014

We received the Planning Request Business/Operation Plan, Civil Drawings (dated 2/12/14) and stormwater calculations for the Imperial Recovery Service MN prepared by Select Recovery Agents and G-Cubed, Inc. (Site Engineering).

We have reviewed documents and offer the following observations:

General Plan Comments:

1. The work shall be completed in accordance with the City of Newport standards including conformance with; MnDOT and CEAM Specifications (latest additions).
2. Any traffic control shall conform to the requirements of MnMUTCD.
3. Construction Plans and Stormwater Calculation shall be signed by an engineer licensed in the State of Minnesota.
4. Provide detailed plan for treatment and disposal of contaminated soils for the site. (Existing topsoil noted as being contaminated and treatment will be provided but no specific language is provided on plans aside from note to salvage and reinstall.
5. Provide location and detail of driveway apron. Apron shall be concrete with a width not to exceed 32-feet (or maximum applicable City Standard. Concrete curb (minimum B612) shall be placed from the apron around the perimeter of future asphalt pavement area prior to paving.

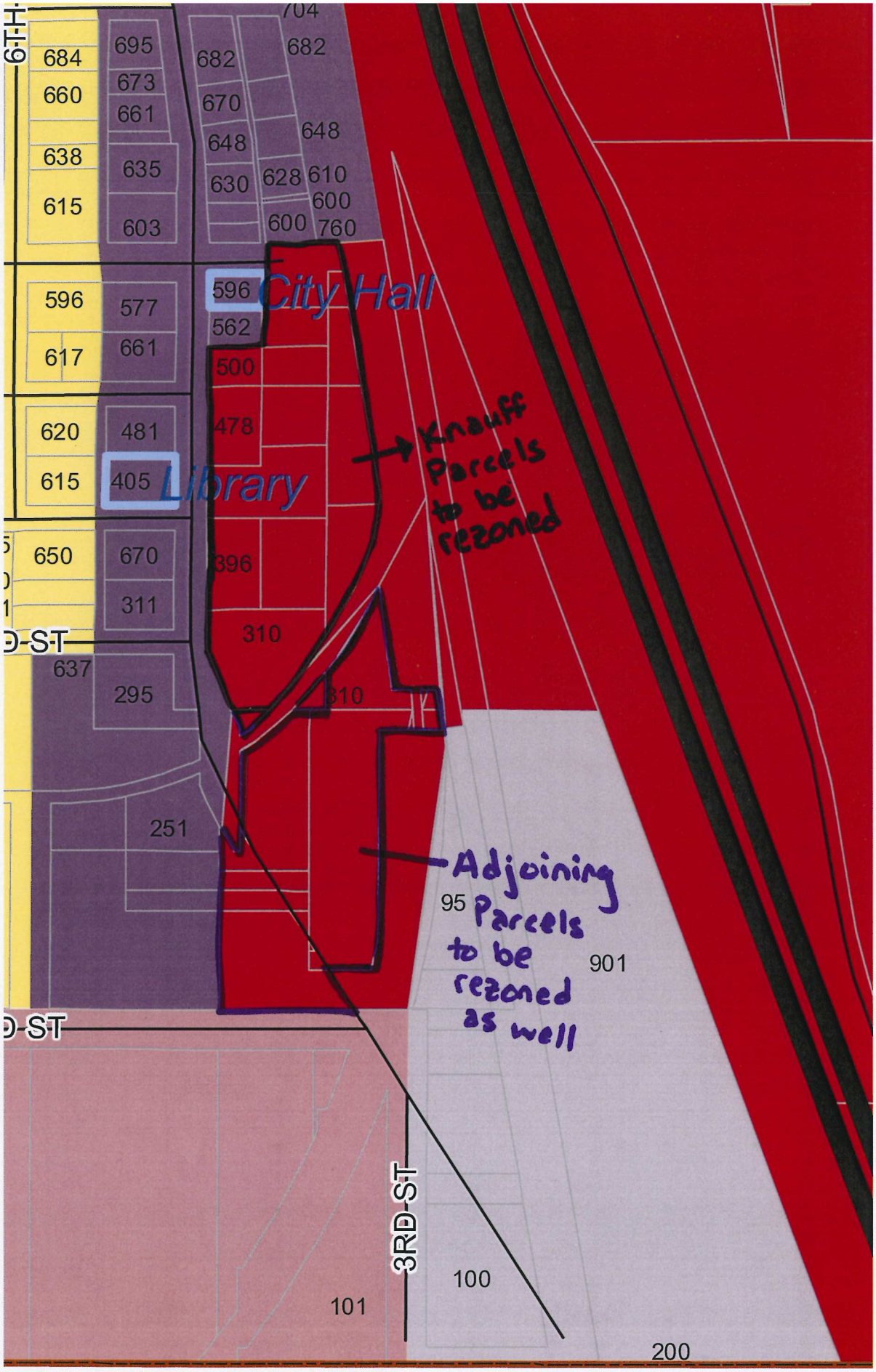
Stormwater Comments:

6. The Property Owners obtain any necessary permits from the South Washington Watershed District.
7. Provide the City with the Water Quality modeling required by SWWD (including but not limited to)
    a. Total Phosphorus (TP) loading of 0.22 lbs/ac/yr for Mississippi River basin. Maintenance of existing loading will not be acceptable.

   b. Total Suspended Solids (TSS) should be modeled and compared against limits in the Mississippi River Draft TMDL. http://www.pca.state.mn.us/index.php/view-document.html?gid=15794

8. All work shall be in conformance with Newport MS4 permit for sediment and erosion control including preparation of SWPPP and NPDES permit from the MPCA.
9. Provide erosion and sediment control details for review.
10. Provide the existing site drainage exhibit with time of concentration flow path noted.
11. Project Phasing: Construct both the East & South Basins and all stormwater BMP's as part of Phase 1 of the project.
12. Provide a detail of proposed site fencing to show surface runoff may easily pass through.
13. Provide fencing around South Basin due to close proximity to 7th Avenue.
14. Indicate onsite snow storage locations and plan for protecting permanent stormwater BMP's from surface resultant surface runoff.
15. Provide a maintenance agreement for permanent stormwater treatment facilities for City review and consideration.
16. Comments pertaining to City Ordinance 1371 Storm Water Management:
    a. 1371.06, Subd.2, a-6: Provide site soil information including water table and confining layer separation.
    b. 1371.06, Subd.2, b-2: Show anticipated stockpile locations on erosion control plan.
    c. 1371.06, Subd.2, b-3: Show anticipated locations of erosion & sediment control and pollution prevention measures noted in the plan notes and drainage report.
    d. 1371.06, Subd.2, b-4: Provide an anticipated construction start and end date
    e. 1371.07, Subd.4: A performance bond and agreement to construct with the City of Newport is required.
    f. 1371.08, Subd.2: Site dewatering shall be treated prior to discharge.
    g. 1371.08, Subd.5: Protect all storm drain inlets adjacent to the site from erosion and tracked materials.

If you have any questions or concerns regarding these comments, please contact me directly at (612) 548-3124 or jherdegen@msa-ps.com. Thank you very much.


6TH
684
660
638
615
695
673
661
635
603
682
670
648
630
704
682
648
628
610
600
600
760
596
617
577
661
596
City Hall
562
500
620
615
481
405
Library
478
Knauff Parcels to be rezoned
650
670
311
396
310
D ST
637
295
310
251
Adjoining Parcels to be rezoned as well
95
901
D ST
3RD ST
100
101
200

City of NEWPORT Planning Request Application

Newport City Hall◆ 596 7th Avenue ◆ Newport ◆ Minnesota ◆55055 ◆Telephone 651-459-5677◆ Fax 651-459-9883

Application Date: February 12, 2014 **Public Hearing Date** _____

Applicant Information

Name: David Sullivan **Telephone:** 630-361-4846

Mailing Address: 6127 S Hearthstone Avenue **Telephone:** 651-769-9297

City/State/Zip: Cottage Grove, MN 55016

Property Owner Information

Name: Leisa Knauff **Telephone:** _____

Mailing Address: 478 7th Avenue **Telephone:** 612-599-7962

City/State/Zip: Newport, MN 55055

Project Information

Location of Property: The property formerly known as the Knauff Salvage Yard

Legal Description of Property (Must match description on the Deed) and P.I.D. #: See attached

Zoning District: _____ **Flood Plain:** ☐**AE** ☐**0.2% Annual Chance Flood Hazard**

☐ Comprehensive Plan Amendment	$500 or Actual Cost plus $50 for Additional Staff Hours (10 Hr Min)
☑ Rezoning	$500 plus Escrow
☐ Zoning Amendment	$500
☐ Variance	$300 plus Escrow
☑ Conditional Use Permit	
☐ Residential	$300 plus Escrow
☑ Commercial	$450 plus Escrow
☐ Subdivision Approval	
☐ Minor Subdivision	$300 plus Escrow and Parkland Dedication Fee
☐ Major Subdivision	$500 plus Escrow, $50 per Lot, $200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee

☐ Other: _____

☐ Applicable Zoning Code Chapter: _____

☐ Review by Engineer Cost: _____

☐ Total Cost: _____

Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	$500
Street/Alley Vacation	$1,000
Residential Variance	$500
Commercial Variance	$1,000
Residential Conditional Use/Interim Use Permit	$750
Commercial Conditional Use/Interim Use Permit	$1,000
Preliminary Plat Under 10 Acres	$3,500
Preliminary Plat Over 10 Acres	$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	$2,000
9 to 40 Units	$3,200
41 Units or More	$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	$2,000
5,001 to 10,000 Square Foot Building	$3,000
10,001 to 50,000 Square Foot Building	$3,750
50,000 Plus Square Foot Building	$4,500

Present Use of Property: The property is dormant at this time.

State Reason for Planning Request: This property was zoned MX-4 up until last summer when it was re-zoned to B-1 for a prospective buyer. My business will need to store cars on the property as a part of our day to day operations and that would not be allowed under a B-1 zoning permit. Re-zoning the property back to MX-4 is the proper zoning permit for our proposed use of the land.

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT: David Fulton

SIGNATURE OF OWNER (IF APPLICABLE): Susan M Knauff, Trustee

For Office Use

Fee: $2,450 Date Paid: 02/12/14 Receipt #: 2089

Publication of Notice Date: _____

Public Hearing Date: _____

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____

Rezoning - $500 + $500 escrow
C.U.P. - $450 + $1,000 escrow

PID#01.027.22.21.0009 - Lot 5, 6, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0010 - Lots 7, 8, 9 and 10, Block 3, Division No. 6 St. Paul Park, Washington County, Minnesota, together with the vacated alley

PID#01.027.22.21.0011 - Lots 11, 12, 13, 14, and 15, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0012 - Lots 16, 17, and 18, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0013 - Lots 19 and 20, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0014 - Lots 21 and 22, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0015 - Lots 23 and 24, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0016 - Lots 1, 2, 3, and 4, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0017 - Lots 5, 6, 7, 8, 9, 10, and 11, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley, vacated 8th Avenue, and vacated Parker Street.

PID#01.027.22.21.0018 - Lots 12, 13, 14, and 15, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0019 - Part of Block 5 being North 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the North line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0020 - Part of Block 5 being South 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the South line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0021 - Part of Block 5 being all lying North of the South Line of Lot 19, Block 3, Division No 6 easterly to C B & N Railway Right of Way and the South Line of Lot 23, Block 3, Division No 6 St. Paul Park and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0022 - Park of Block 5 all that part lying North of the South Line of Lot 23, Block 3, Division No 6 St. Paul Park extended Easterly to C B & Q Railway Right of Way and vacated 8th Avenue, Washington County, Minnesota

Imperial Recovery Services MN

Planning Request

Business/Operations Plan

City of Newport Mayor, City council and Planning Commissioners,

David & Diane Sullivan along with Christopher and Stephanie Findley have come together to form Presidential Recovery Services, LLC for the expressed purpose of purchasing the subject buildings and land formerly known as Bill's Auto Salvage/Bill's Auto Parts. That is really the total reason for the existence of that LLC. The Sullivans and the Findleys have also formed a domestic corporation here in Minnesota called Imperial Recovery Services MN, Inc., which will be the name of the entity conducting the business that gives rise to this request.

Please accept our request for a Conditional Use Permit (CUP) to operate an automobile repossession company on the property, formally known as Bill's Auto Salvage/Bill's Auto Parts, etc... The following is a description of the proposed use, operations and improvements.

Imperial Recovery Services, MN (hereinafter referred to as I R Services) is planning to operate an automobile repossession company based at the former salvage yard. One of the main things we will be doing at that location is storing cars, trucks, motorcycles, etc... that we repossess primarily in the 7 county Twin Cities metropolitan area.

The automobile repossession industry in general and I R Services specifically is a far cry from most anything that you may have seen on some of the TV shows that are on the air now. We are bonded and insured for millions of dollars and in fact David Sullivan and Stephanie Findley serve as elected officers of Allied Finance Adjusters. AFA is the largest and the oldest (established in 1936) trade association in the repossession industry. We conduct teleconference meetings once a month and conventions twice a year. As nationally recognized industry leaders, some of our main concerns are keeping our members educated on maintaining a professional workplace and complying with the various state, federal and local rules, laws, and standards that are applicable to our industry.

At the outset of our business we plan to store the majority of the vehicles on the approximate two acres of land to the south, east, north and north east of the "warehouse" building. We also plan to store some repossessed collateral and personal property found in cars/trucks inside the warehouse as well.

Some key information that I believe the City of Newport needs to know:

- Office hours to conduct business with public: Monday thru Friday 9am – 4:30pm. The public will come and go primarily to retrieve their personal effects and in some cases they will be retrieving their collateral as well.
- All traffic will be directed to come into our facility from the south (taking the 70th street exit off of Highway 61).
- We will be dropping off some repossessed cars/trucks "after hours" and our plan is to route vehicles into the storage yard via the gate just south of the warehouse and have them exit the yard via the gate just north of the yellow house. This should virtually eliminate any noise from "backup beepers". Also, by exiting via the north gate our headlights will not shine on any homes but rather down 4th street. Should we have occasion to exit the south gate our headlights would shine down 3rd street.
- We anticipate doing some repair and sprucing up to the exteriors of both the warehouse and the small yellow house.
- We will not be selling any of the collateral.
- We will not be repairing any of the collateral.
- We want to install lighting in such a way that for the most part it aims down and to the east wherever practical. **We will not allow any exterior lighting that will have an impact on any of the homes of the citizens Newport with the possible exception of 396 7th Avenue which we will own.**

We anticipate some office staff working out of the warehouse and some in the old "paint and auto repair shop". At this time we envision conducting business with debtors (when they come to our office to retrieve personal effects or their collateral) from the old repair shop.

We are requesting an exception to ***City Zoning Code 1330 General District Regulations Section 1330.05 Subd. 7 Paving and Curbing:*** requiring the periphery of all parking areas to be constructed with poured-in-place concrete curbing. We are requesting that concrete curb and gutter not to be required under the city code for the following reasons;

1. This is a unique parking area and is not open to the public.

2. Only professional employees/drivers are allowed to operate vehicles in that area.

3. We are proposing a security fence one foot from the edge of parking so vehicles will not be able to drop off the edge of the parking area alleviating the concern of deterioration of the hard surface edge.

4. The request is controlled by the city if the use were to change under the conditions of the CUP.

CITY OF NEWPORT
IMPERIAL RECOVERY SERVICES MN
SITE IMPROVEMENT PLAN

PLANS SYMBOLS

STATE LINE
COUNTY LINE
TOWNSHIP OR RANGE LINE
SECTION LINE
QUARTER LINE
SIXTEENTH LINE
RIGHT-OF-WAY LINE
SLOPE EASEMENT
PRESENT RIGHT-OF-WAY LINE
CONTROL OF ACCESS LINE
PROPERTY LINE (EXCEPT LAND LINES)
VACATED PLATTED PROPERTY
CORPORATE OR CITY LIMITS

TRUNK HIGHWAY CENTER LINE

RETAINING WALL
RAILROAD
RAILROAD RIGHT-OF-WAY
RIVER OR CREEK
DRY RUN

DRAINAGE DITCH
DRAIN TILE
CULVERT
DROP INLET
GUARD RAIL
BARBED WIRE FENCE
WOVEN WIRE FENCE
CHAIN LINK FENCE
RAILROAD SNOW FENCE
STONE WALL OR FENCE
HEDGE
RAILROAD CROSSING SIGN
RAILROAD CROSSING BELL
ELECTRIC WARNING SIGN
CROSSING GATE
MEANDER CORNER
SPRINGS

MARSH

TIMBER
ORCHARD
BRUSH
NURSERY

CATCH BASIN
FIRE HYDRANT

CATTLE GUARD

OVERPASS (HIGHWAY OVER)

UNDERPASS (HIGHWAY UNDER)

BRIDGE

BUILDING (ONE STORY FRAME)
F – FRAME C – CONCRETE
S – STONE T – TILE
B – BRICK ST – STUCCO
IRON PIPE OR ROD
MONUMENT (STONE, CONCRETE, OR METAL)
WOODEN HUB
GRAVEL PIT
SAND PIT
BORROW PIT
ROCK QUARRY

UTILITIES SYMBOLS

POWER POLE LINE
TELEPHONE OR TELEGRAPH POLE LINE
JOINT TELEPHONE AND POWER ON POWER POLES
ON TELEPHONE POLES
ANCOR
STEEL TOWER
STREET LIGHT
PEDESTAL (TELEPHONE CABLE TERMINAL)
GAS MAIN
WATER MAIN
CONDUIT
TELEPHONE CABLE IN CONDUIT
ELECTRIC CABLE IN CONDUIT
TELEPHONE MANHOLE
ELECTRIC MANHOLE
BURIED TELEPHONE CABLE
BURIED ELECTRIC CABLE
AERIAL TELEPHONE CABLE
SEWER (SANITARY OR STORM)
SEWER MANHOLE

PROJECT LOCATION

GOVERNING SPECIFICATIONS

THE 2014 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND,
CURRENT CITY OF NEWPORT STANDARD SPECIFICATIONS AND ENGINEERS ASSOCIATION OF MINNESOTA STANDARD UTILITY SPECIFICATIONS.

INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	SITE IMPROVEMENT AND GRADING PLAN
3	EROSION CONTROL PLAN
4	PRELIMINARY BOUNDARY SURVEY
5	EXISTING CONDITIONS AND LANDSCAPE PLAN

THIS PLAN CONTAINS 5 SHEETS

N
W E

CALL BEFORE YOU DIG
GOPHER ONE STATE CALL
TWIN CITY AREA 651-454-0002
MN. TOLL FREE 1-800-252-1166

G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

Geoffrey G Griffin
DATE REG. NO. 21940

DESIGNED DJT
DRAWN
CHECKED

REVISED	BY	DATE

LATEST REVISION: 2/12/2014
Prepared For:
DAVE SULLIVAN
6127 S. Hearthstone Ave.
Cottage Grove, MN 55016

FILE NO.:14-012 CP

CITY OF NEWPORT
WASHINGTON COUNTY
MINNESOTA

IMPERIAL RECOVERY SERVICES MN

SITE IMPROVEMENT TITLE SHEET

BENCHMARKS:
TOP MH CL CL 4TH ST. AND 7TH AVE. ELEV. 743.07'
TOP MH CL CL 6TH ST. AND 7TH AVE. ELEV. 742.70'

SHEET 1 OF 5 SHEETS

EMERGENCY OVERFLOW
CLASS 3 RIPRAP W/GEOTEXTILE
10' WIER BOTTOM EL. 743.4
6:1 SLOPES TO TOP EL. 744.0

3RD STREET
4TH STREET
5TH STREET
6TH STREET
7TH AVENUE

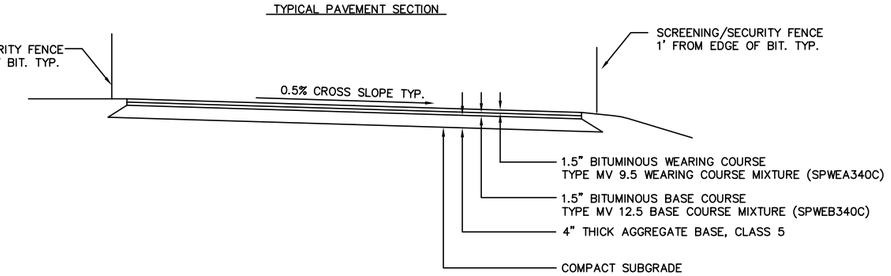
SOUTH BASIN DESIGN DATA
100YR HW EL. 743.35
NWL = 741.0
BASIN TOP 744.0
BASIN BOTTOM EL. 738.0
8" HICKENBOTTOM CONTROL OUTLET
WITH 44-1" HOLES PER FOOT
& 8-1"x 4" SLOTS PER FOOT
BOTTOM HOLE 741.00
TOP OPEN RISER 743.40

EAST BASIN DESIGN DATA
100YR HW EL. 743.36
NWL 741.8
BASIN TOP 744.0
BASIN BOTTOM EL. 738.0
8" HICKENBOTTOM CONTROL OUTLET
WITH 44-1" HOLES PER FOOT
& 8-1"x 4" SLOTS PER FOOT
BOTTOM HOLE 741.80
TOP OPEN RISER 743.40

NORTH
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

WAREHOUSE BUILDING
BODY SHOP
SOUTH BASIN
EAST BASIN
ENTER
EXIT
GATE
MATCH EXISTING BIT.
MATCH EXISTING CONC. APRON
SILT FENCE AND CONSTRUCTION LIMITS
PHASE 1 FUTURE ASPHALT PAVEMENT POST CLEANUP
PHASE 2
PHASE 1
FUTURE ASPHALT PAVEMENT PHASE 2
PROPOSED SECURITY FENCE
CONSTRUCTION LIMITS AND PROPERTY LINE
CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD
EMERGENCY OVERFLOW
370.0'
130.9'
77.9'
66.8'
101.4'
186.6'
75.9'
72.5'
233.5'
107.5'
160.0'
80.0'
150.0'
70.0'
7.5'
60.0'
144.0'
131.7'
519.8'
388.1'

TYPICAL PAVEMENT SECTION



GOVERNING SPECIFICATIONS

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CALL BEFORE YOU DIG
GOPHER STATE ONE CALL
TWIN CITY AREA 651-454-0002
NWL TOLL FREE 1-800-252-1166

FENCE NOTE:
1.) EXISTING FENCE SHALL BE REPAIRED AND MAINTAINED AS NEEDED.
2.) FENCE ALONG CITY STREET SHALL PROVIDE FULL SCREENING.

G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

Geoffrey G Griffin
DATE _____ REG. NO. 21940

DESIGNED DJT
DRAWN
CHECKED

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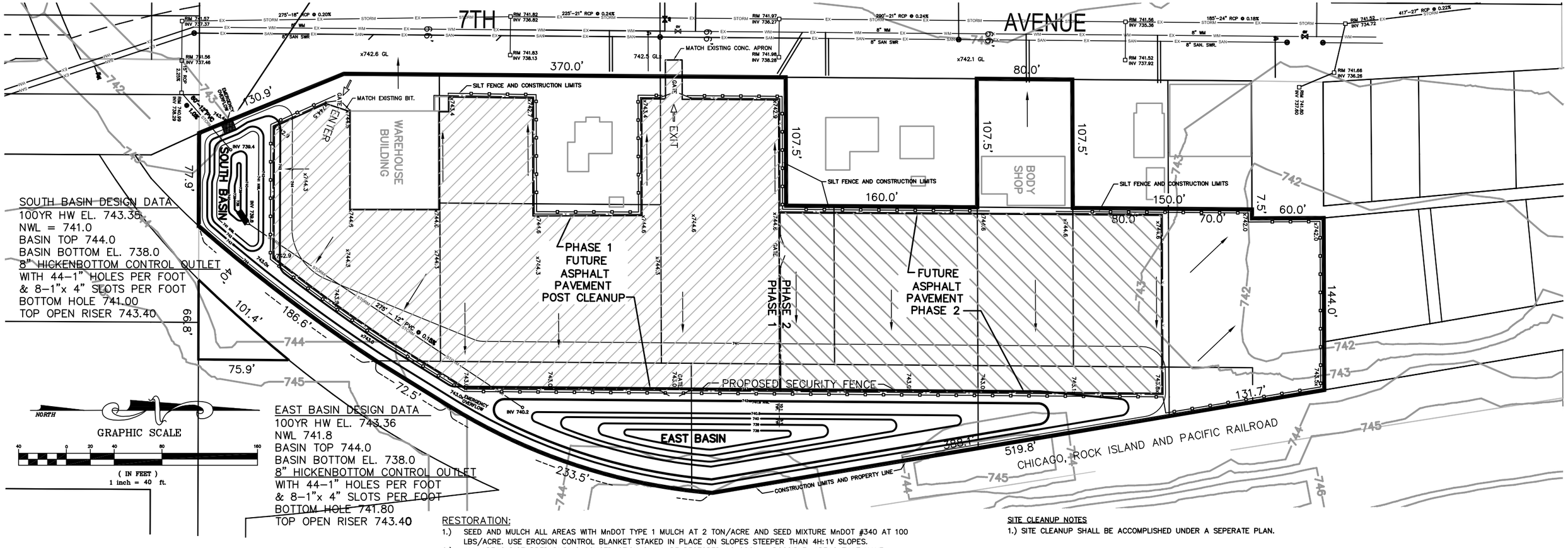
CITY OF NEWPORT
WASHINGTON COUNTY
MINNESOTA

IMPERIAL RECOVERY SERVICES MN

SITE IMPROVEMENT AND GRADING PLAN

BENCHMARKS:
TOP MH CL CL 4TH ST. AND 7TH AVE. ELEV. 743.07'
TOP MH CL CL 6TH ST. AND 7TH AVE. ELEV. 742.70'

SHEET 2 OF 5 SHEETS



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RESTORATION:

1.) SEED AND MULCH ALL AREAS WITH MnDOT TYPE 1 MULCH AT 2 TON/ACRE AND SEED MIXTURE MnDOT #340 AT 100 LBS/ACRE. USE EROSION CONTROL BLANKET STAKED IN PLACE ON SLOPES STEEPER THAN 4H:1V SLOPES.
2.) ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AS SOON A POSSIBLE. AREAS THAT HAVE BEEN DISTURBED OR ARE AT FINISHED GRADE, BUT HAVE NO ACTIVE GRADING, SHALL BE SEEDED AND MULCHED WITHIN 7 DAYS. STEEP SLOPES (4H:1V OR STEEPER) SHALL BE STABILIZED AS SOON AS POSSIBLE BUT IN NO CASE SHALL BE LONGER THAN 7 DAYS FROM COMPLETION OF GRADING. SLOPES 4H:1V OR STEEPER SHALL BE SEEDED AND COVERED WITH SOD OR AN EROSION CONTROL BLANKET OR SEEDED AND MULCHED WITH A TACKIFYING AGENT (GLUE IMPREGNATED PAPER MULCH SHALL NOT BE USED).
3.) ALL PROPOSED SLOPES THAT EXCEED 4:1 ON THE PLAN SHALL BE SEEDED AND MUST INCLUDE EROSION CONTROL BLANKET STAKED IN PLACE.
4.) RESTORE HAUL ROUTES, REMOVE, ROCK AND GRAVEL SECTION IN YARD AREAS.

EROSION CONTROL NOTES:

1.) PLACE EROSION CONTROL PROTECTION AT ALL STORM SEWER INLETS AND WHERE DIRECTED BY THE ENGINEER.
2.) PLACE SILT FENCE OR WHERE SHOWN ON PLANS AND AS DIRECTED BY THE ENGINEER.
3.) SEED, FERTILIZE AND MULCH OR SOD ALL DISTURBED AREAS EXCEPT BUILDING AND PARKING AREAS.
   A.) TEMPORARY SEED MIXTURE SHALL BE WHEAT, RYE, OATS OR REGREEN AT 100 LBS/ACRE.
   B.) PERM MULCH AT 2 TONS/ACRE, MULCH SHALL BE MNDOT TYPE 1.
   C.) FERTILIZER SHALL BE 17-10-07 AT 150 LBS/PERMANENT SEED MIXTURE SHALL BE MnDOT #340 AT 100 LBS/ACRE.
4.) MPCA STORM WATER PERMIT IS REQUIRED FOR THIS PROJECT, "NPDES" AND "A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN PREPARED FOR THIS PROJECT AND SHALL BE A PART OF THESE PLANS.
5.) EROSION CONTROL IS TO BE PROVIDED AS SHOWN ON THE PLANS AND AS DIRECTED BY THE ENGINEER.
6.) SILT FENCE, CONSTRUCTION ENTRANCE, DRAINAGE SWALES ARE TO BE CONSTRUCTED FIRST.
7.) ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED IN AREAS, IF AN EROSION PATTERN OCCURS.
8.) APPLY WATER AS NEEDED AND AS DIRECTED BY THE ENGINEER TO CONTROL DUST.
9.) ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AS SOON A POSSIBLE. AREAS THAT HAVE BEEN DISTURBED OR ARE AT FINISHED GRADE, BUT HAVE NO ACTIVE GRADING, SHALL BE SEEDED AND MULCHED WITHIN 7 DAYS. STEEP SLOPES (4H:1V OR STEEPER) SHALL BE STABILIZED AS SOON AS POSSIBLE BUT IN NO CASE SHALL BE LONGER THAN 7 DAYS FROM COMPLETION OF GRADING. SLOPES 4H:1V OR STEEPER SHALL BE SEEDED AND COVERED WITH SOD OR AN EROSION CONTROL BLANKET OR SEEDED AND MULCHED WITH A TACKIFYING AGENT (GLUE IMPREGNATED PAPER MULCH SHALL NOT BE USED).
10.) ALL PROPOSED SLOPES THAT EXCEED 4:1 ON THE PLAN SHALL BE SEEDED AND MUST INCLUDE EROSION CONTROL BLANKET STAKED IN PLACE.

ORDER OF ACTIVITIES:

1. INSTALL SILT FENCE OR AND ANY OTHER EROSION CONTROL MEASURES SHOWN ON PLANS
2. STOCKPILE TOPSOIL
3. GRADING
4. STABILIZE DENUDE AREAS AND STOCKPILES WITHIN 7 DAYS OF LAST CONSTRUCTION ACTIVITY IN THAT AREA
5. COMPLETE FINAL GRADING AND INSTALL PERMANENT SEEDING AND/OR SOD.
6. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED, REMOVE ANY TEMPORARY EROSION STRUCTURES. RESEEDING OF ANY AREAS DISTURBED BY THE REMOVAL OF THE TEMPORARY EROSION STRUCTURES IS INCIDENTAL.

SITE CLEANUP NOTES

1.) SITE CLEANUP SHALL BE ACCOMPLISHED UNDER A SEPERATE PLAN.

MAINTENANCE OF EROSION CONTROL DEVICES AND VEGETATION

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF EROSION CONTROL DEVICES UNTIL THE VEGETATION IS FULLY ESTABLISHED AND NO SIGNS OF SOIL EROSION IS PRESENT.
2. THE CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSE OF EROSION CONTROL DEVICES AFTER THE VEGETATION IS FULLY ESTABLISHED AND NO SIGNS OF SOIL EROSION IS PRESENT.
3. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF VEGETATION AFTER THE CONTRACTOR HAS REMOVED EROSION CONTROL DEVICES AND THE VEGETATION IS FULLY ESTABLISHED.

CONSTRUCTION ENTRANCE NOTES:

1. PLACE AND MAINTAIN ROCK CONSTRUCTION ENTRANCE.
2. REFRESH ROCK FOR CONSTRUCTION ENTRANCE AS NEEDED AND DIRECTED.

PROCESS TO FINAL STABILIZATION:

THE CONTRACTOR SHALL SOD OR SEED AND MULCH WITH SPECIFIED PRODUCTS OR AN APPROVED EQUIVALENT AS SOON AS POSSIBLE IN ORDER TO ESTABLISH VEGETATION.
THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL UNTIL THE VEGETATION IS FULLY ESTABLISHED AND ALL EVIDENCE OF EROSION IS ADDRESSED.

IMPLEMENTATION AND INSPECTIONS

THE IMPLEMENTATION OF THIS PLAN SHALL BE OVERSEEN BY THE OWNER AND THE CONTRACTOR.
THE CONTRACTOR SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE NPDES PERMIT AND SHALL BE RESPONSIBLE FOR FILLING OUT INSPECTION REPORTS A MINIMUM OF ONCE EVERY 7 DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL GREATER THAN 0.5 INCHES IN 24 HOURS.
ALL REPORTS SHALL BE KEPT ON FILE AND RETAINED WITH THE SWPPP, COPIES SHALL BE PROVIDED TO THE TOWNSHIP ENGINEER THROUGHT THE PROJECT.

THEY SHALL INCLUDE;
A DATE AND TIME
B NAME OF PERSON CONDUCTING INSPECTION
C FINDING OF INSPECTION, INCLUDING RECOMMENDATION FOR CORRECTIVE ACTIONS.
E DATE AND TIME OF RAINFALL EVENTS GREATER THAN 0.5 INCHES IN 24 HOURS
F DOCUMENTATION OF CHANGES MADE TO THE SWPP

THE CONTRACTOR'S WORK SHALL INCLUDE MAKING ADJUSTMENTS IN THE FIELD IN ORDER TO MINIMIZE EROSION AND MAXIMIZE THE CONTROL OF SEDIMENT. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED, REMOVE ANY TEMPORARY EROSION STRUCTURES. RESEED ANY AREAS DISTURBED BY THE REMOVAL OF THE TEMPORARY EROSION STRUCTURES.

GRADING NOTES:

1.) ALL EROSION CONTROL MEASURES SHALL MEET AND/OR EXCEED THE WASHINGTON COUNTY STORM WATER MANAGEMENT REQUIREMENTS.
2.) SILT FENCE, CONSTRUCTION ENTRANCE, FILTRATION AREAS, ARE TO BE CONSTRUCTED FIRST.
3.) ALL GRADING SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION.
4.) SPREAD 6" TOPSOIL SEED AND MULCH OVER DISTURBED AREAS EXCEPT PARKING AND BUILDING AREAS.
5.) A TEMPORARY STAGING STOCKPILE, AND BORROW SHALL BE MAINTAINED AND CONTROLLED.

G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

Geoffrey G Griffin

DATE _____ REG. NO. 21940

DESIGNED DJT
DRAWN
CHECKED

REVISED	BY	DATE

LATEST REVISION: 2/12/2014

Prepared For:
DAVE SULLIVAN
6127 S. Hearthstone Ave.
Cottage Grove, MN 55016

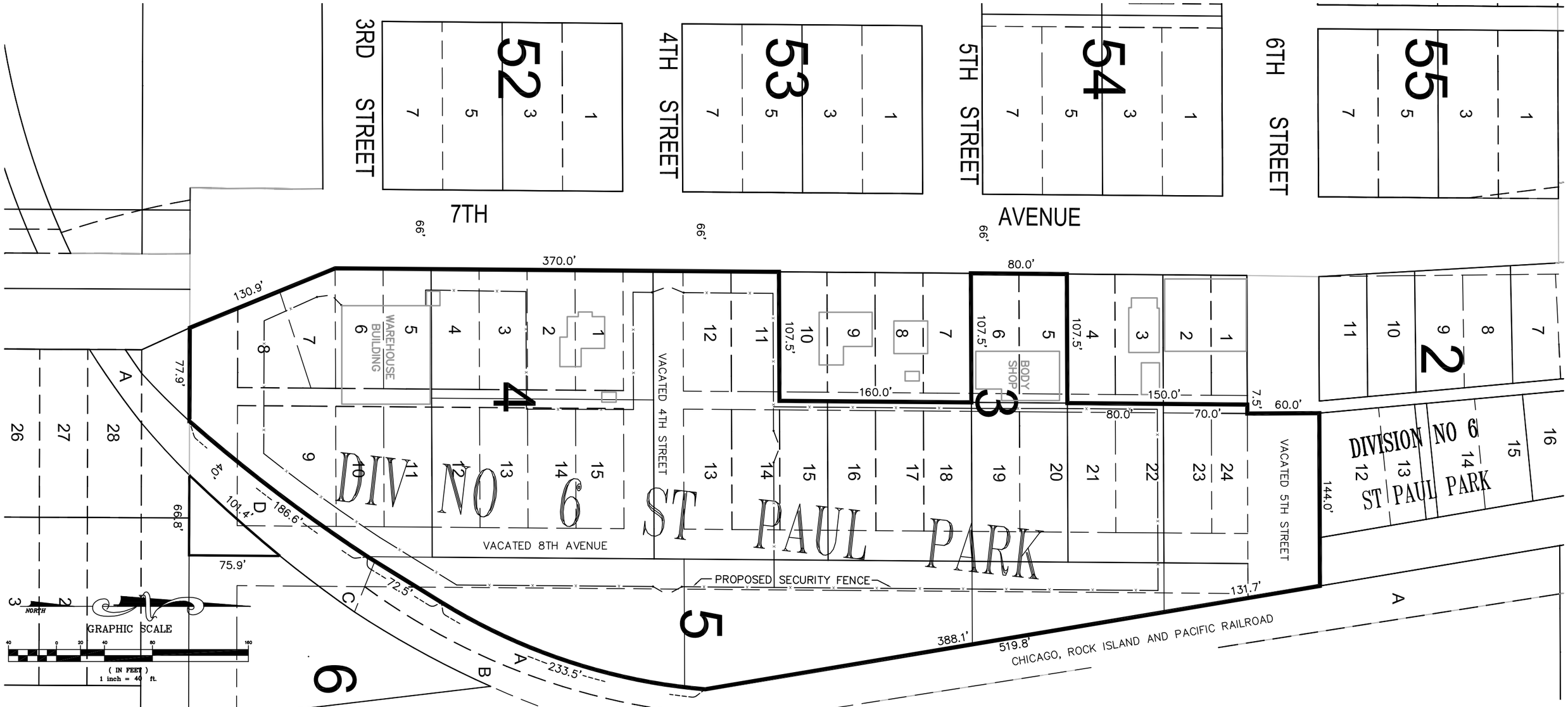
FILE NO.:14-012 CP

CITY OF NEWPORT
WASHINGTON COUNTY
MINNESOTA

IMPERIAL RECOVERY SERVICES MN

EROSION CONTROL PLAN

SHEET 3 OF 5 SHEETS



PROPERTY LEGAL DESCRIPTION

Lots 5, 6, 11, 12, 13, 14, 15 16, 17, 18 19, 20, 21, 22, 23, and 24, Block 3, all in DIVISION NO. 6 OF ST. PAUL PARK, according to the recorded plat thereof and of record at the office of the County Recorder, Washington County, Minnesota, together with the east half of the vacated alley lying west of said Lots 13 through 24, the west half of the vacated alley lying east of said Lots 5, 6, 11 and 12, the east half of vacated 8th Avenue east of said Block 3, the north half of vacated 4th Street lying south of said Block 3, and all of vacated Main Street north of said Lot 24 and its easterly extension thereof.

AND

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 4, all in DIVISION NO. 6 OF ST. PAUL PARK, according to the recorded plat thereof and of record at the office of the County Recorder, Washington County, Minnesota, together with all of the vacated alley in said Block 4, the west half of vacated 8th Avenue east of said Block 4, the south half of vacated 4th Street lying north of said Block 4, and the north half of vacated Parker Street lying south of said Block 4, excepting therefrom the Chicago, Rock Island and Pacific Railroad Right of Way.

AND

All of Block 5, DIVISION NO. 6 OF ST. PAUL PARK, according to the recorded plat thereof and of record at the office of the County Recorder, Washington County, Minnesota, together with the east half of vacated 8th Avenue north of Chicago, Rock Island and Pacific Railroad Right of Way, and excepting therefrom the Chicago, Rock Island and Pacific Railroad Right of Way.

5.20 ACRES, MORE OR LESS

G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

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

Geoffrey G Griffin

DATE _____ REG. NO. 21940

DESIGNED DJT
DRAWN
CHECKED

REVISED	BY	DATE

LATEST REVISION: 2/12/2014

Prepared For:
DAVE SULLIVAN
6127 S. Hearthstone Ave.
Cottage Grove, MN 55016

FILE NO.:14-012 CP

CITY OF NEWPORT
WASHINGTON COUNTY
MINNESOTA

IMPERIAL RECOVERY SERVICES MN

PRELIMINARY BOUNDARY SURVEY

SHEET 4 OF 5 SHEETS

EXISTING SCREENING FENCE ALONG 7TH STREET SHALL BE MAINTAINED AS NEEDED.

G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

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

Geoffrey G Griffin

DATE _____ REG. NO. 21940

DESIGNED DJT

DRAWN

CHECKED

REVISED	BY	DATE

LATEST REVISION: 2/12/2014

Prepared For:
DAVE SULLIVAN
6127 S. Hearthstone Ave.
Cottage Grove, MN 55016

FILE NO.:14-012 CP

CITY OF NEWPORT
WASHINGTON COUNTY
MINNESOTA

IMPERIAL RECOVERY SERVICES MN

EXISTING CONDITIONS AND LANDSCAPE PLAN

Drainage Report & SWPPP
For
Imperial Recovery Services
New Port, MN

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 under the laws of the State of Minnesota.

Print Name: Mark R Welch

Signature:_____

Date:_____License #:____42736_

Hydrology Summary & Stormwater Pollution Prevention Plan (SWPPP)

Imperial Recovery Services

Newport, MN

Property Owner/Contractor:
Select Recovery Agents, Inc.
6127 South Hearthstone Ave
Cottage Grove, MN 55016
630-361-4846

Site Address:
500 7th Avenue
Newport, MN 55055

Site Engineering Firm:
G-Cubed Inc.
Dan Tilsen
285 Westview Drive
West Saint Paul, MN 55118
651-288-1100

Mark Welch
14070 Hwy 52 SE
Chatfield, MN 55923
507-867-1666

SWPPP Prepared by:
G-Cubed Engineering, Surveying & Planning
14070 Hwy 52 SE
Chatfield, MN 55923
507-867-1666
Certified SWPPP designer: Mark R. Welch, P.E. – SWPPP certified thru 2017

Estimated Construction Dates:
Start of Construction: Phase 1 - Spring 2014, Phase 2 – to be determined
Completion of Construction: Phase 1 - Fall 2014, Phase 2 – to be determined
This SWPPP shall be updated as needed to meet the requirements of any City of Newport ordinances, Washington County ordinances, or as needed to provide the Best Management Practices available.

Last Revised Date: 2/12/2014

SITE EVALUATION, ASSESSMENT, AND PLANNING

Site Overview:

The property is located within the City of Newport, MN in Washington County. It is located north of 2nd Street, East of 7th Avenue, and West of railroad tracks running parallel to Trunk Highway 61. The property is made up of multiple parcels with addresses of 310, 396, 478, 500, 562, and 596 7th Avenue and 760 6th Street. The property is located in northwest quarter of Section 1, Township 27 North, Range 22 West on the USGS Saint Paul topographic quadrange.

This site was the former location of the Knauff Salvage Yard. This previous use led to contamination of soils with volatile organic compounds as well as other debris and potential contaminants. In preparation for redeveloping the property and plan for investigation and cleanup, the City of Newport entered the site into the MPCA Voluntary Investigation and Cleanup Program (VP12761) as well as the MPCA Petroleum Brownfields Program (PB4183). On file are a Phase II Investigation Report and Response Action Plan as well as Soil Remediation reports. In summary, the contamination is limited to the upper foot which will be treated.

Storm water management and related resources are managed by the South Washington County Watershed District.

The Mississippi River lies 2000 feet to the west of the property. This is defined as an Impaired River. It is impaired based on an assessment of Mercury and other chemicals in fish tissue. The property is not subject to flooding. The project falls within Zone X per a search of FIRM map panel 27163C0405E.

Latitude: 44.860019° N (decimal degrees) Longitude: 92.998964° W (decimal degrees) per Google Earth web site.

This project is not in Indian Country. It is not part of a federal facility.

NPDES permit tracking Number: **C_____**

An EAW was not performed for this project because the project does not meet the threshold for mandatory review.

Project Information:

The project is for construction of a parking lot for temporary storage of vehicles. After soil remediation is completed, the site will be graded per the Site Improvement Plan. This plan is split into two Phases. Included are two storm water treatment basins.

Project Area Summary:

Total Area: 5.20 acres
Area of disturbance: 3.88 acres
Existing impervious surfacing: 0.51 acres
Proposed impervious surfacing: 3.19 acres
New impervious surfacing: 2.68 acres

Existing Conditions

The 5.20 acre site drains both east and west. The site is relatively flat and 90% has vegetated cover. For establishing the base 2, 10 and 100 year flows, the site was modeled as one parcel without distinguishing any definitive location of concentrated runoff. A time of concentration of 15 minutes was used.

Currently there is minimal storm water runoff in part to the flatness of the site and vegetated cover. The main runoff points are in the locations of the existing runoff from the body shop and warehouse and associated parking. These areas will not change post development.

Existing impervious:
Block 3
Lots 5 & 6 – Body Shop = 0.16 acres (6821 sq ft)
Lots 22 thru 24 and north – building foundation and paved drive = 0.13 acres (5712 sq ft)
Block 4
Lots 1 & 2 – house = 0.04 acres (1679 sq ft)
Lots 5 & 6 – warehouse = 0.18 acres (7836 sq ft)
Total impervious = 0.51 acres (22048 sq ft)

Existing flows offsite
2 yr = 3.51 cfs
10 yr = 8.34 cfs
100 yr = 15.40 cfs

Proposed conditions

Post development, the existing impervious of the body shop and warehouse will not change. The areas to be developed as a vehicle storage yard will be graded and paved to direct storm water runoff in a sheet flow condition to two new storm water treatment basins. These basins are sized to adequately treat the runoff per the NPDES requirements as well as to meet or reduce the summed flow leaving the site below the existing 2, 10 and 100 year runoff rates.

The storm water treatment basins are connected such that any outflow from the large basin on the east side will flow through a control structure and pipe to the smaller south basin before it flows through another water control structure. This last control structure will connect to an inplace public storm sewer system via a 12” pipe.

The calculations below are from modeling the system in HydroCad ® which is attached at the end of this report.

East Basin
East basin area = 3.55 acres (154,424 sq ft)
Impervious surfacing = 2.29 acres (99618 sq ft)
Bottom: 738.0
NWL: 741.8
Top: 744.0
Outlet – 8" Hickenbottom outlet structure and 12" pipe to South Basin. During larger rainfall events, runoff will flow along a flat channel at elevation 743 to South Basin.
Volume below outlet = 29091 cf (738 to 741.8) required 6390 cf
100 yr elevation 743.36

South Basin
South basin area = 0.54 acres (23,660 sq ft)
Impervious surfacing = 0.30 acres (12,873 sq ft)
Bottom: 738.0
NWL: 741.0
Top: 744.0
Outlet – 8" Hickenbottom outlet structure and pipe to inplace public catchbasin in 7th Ave. Overflow elevation of 743.50.
Volume below outlet of south basin = 2327 cf (738 to 741.0) required = 972 cf
100 yr elevation 743.35

Untreated West Drainage
Untreated west drainage runoff area = 1.11 acres (48,520 sq ft)
Impervious surfacing = 0.60 acres(26,082 sq ft)

<u>Proposed vs Existing flow offsite</u>
2 yr = 1.38 cfs < 3.51 cfs
10 yr = 2.72 cfs < 8.34 cfs
100 yr = 4.57 cfs < 15.40 cfs

<u>NPDES permit:</u>
Total impervious surfacing = 3.19 acres (138,573 sq ft)
New impervious surfacing = 2.68 acres (116,525 sq ft)

NPDES Required 1" treatment of new impervious surfacing = 9710 cubic feet (WQV)
Water Quality Volume live storage in East Basin = 742.3 with surface area 0.48 acres.
Outlet rate at 742.3 = 0.13 cfs = 0.27 cfs/acre pond < 5.66 cfs/acre allowed.

The total area disturbed requires that the owner apply for coverage under NPDES permit (MN R100001) for construction activity. Due to the distance the Mississippi River, an

impaired water, discharges must incorporate BMP's outlined in C.1, C.2 and C.3 of Appendix A of this permit.

- C.1 is related to stabilization of all exposed soils as soon as possible but in no case later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. Additionally, temporary sedimentation basins are required for common drainage locations that serve an area with five or more acres disturbed at one time. For this project, the temporary sedimentation basin provision is not required as the work will not exceed five acres or drain to a common location having five cumulative acres disturbed.
- C.2 relates to the water quality volume that must be treated by the projects permanent stormwater management system. It states that the water quality volume (WQV) that must be treated by the projects permanent stormwater management system described in Part III.D shall be one (1) inch of runoff from the new impervious surfacing created by the project. Due to the lack of 3 feet of separation from the top of weathered bedrock, infiltration is prohibited. The WQV requirement has been addressed in the design of the basin as a wet sedimentation basin.
- C.3 relates to an undisturbed buffer zone of not less than 100 feet from the special water (not including tributaries) which shall be maintained at all times. Since this project does not abut the Mississippi River, this site is not required to provide the bufferyard.

South Washington Watershed District Rules:

The South Washington Watershed District (SWWD) manages water and related resources for New Port. The SWWD has additional stormwater management guidelines above and beyond those of the NPDES permit requirements. These guidelines are outlined in the SWWD Rule 2 – Erosion and Sediment Control, Rule 7 – Stormwater Management and Water Quality and the 2007 Watershed Management Plan Standards (Chapter 6).
Items of importance for this project are:
Rule 2 – Erosion and Sediment Control. The minimum sediment and erosion control requirements of the District are those specified in the current MN R100001 NPDES General Permit for construction activity. The plans for this project meet or exceed these requirements.
Rule 7 – Stormwater Management and Water Quality:
7.3.1 – Maintain the post development 2 year, 10 year and 100 year peak rate of runoff at the pre-development level for critical precipitation event, both on-site and at key regional locations identified by the District.

As outlined above, the 2, 10 and 100 year peak rates are maintained or decreased for the site.

7.3.2 – Stormwater Runoff Volume

This project is a redevelopment which is exempt from Rule 7.3.2.

7.3.3 - Stormwater Quality

A) NPDES Permit compliance requirements were identified and described in prior sections of this report.

B) The project is in the direct watershed of the Mississippi River listed requiring phosphorus load ratings lower than existing total phosphorus loading rates. A model has not been completed for Allowable Total Phosphorus Loads described in Section 6.6.4 of the Watershed Management Plan. The reduction in greenspace by 50% will greatly reduce the potential for phosphorus loading. The storm water treatment basins provide at minimum 3 feet of sediment storage below the outlet pipes.

C) There is no direct discharge of stormwater to natural or improved waterbodies.

D) BMP's have been designed following the guidance provided in the SWWD Standards Manual.

7.3.5 – Alternative Compliance Sequencing

Due to the lack of 3 feet of separation from the bottom of the storm water basin to the top of weathered bedrock, standard infiltration is unsuitable for this site. We therefor reviewed the alternative options listed in Rule 7.3.5. Since this project is a redevelopment, sizing a basin according to Rule 7.3.2 is not required. What was designed was a wet sedimentation basin per the standards of the MPCA NPDES General Construction Permit.

Additional Information:

Receiving Waters:

Mississippi River

Assessment unit: 07010206-502 & 07010206-504

Impairments: Mercury in fish tissue, Mercury in water column, PCB in fish tissue, Perfluorooctane Sulfonate (PFOS) in fish tissue, Turbidity

Stormwater Treatment Measures:

Estimated quantities, included but not limited are as follows:

Silt Fence or approved linear sediment control device	2500 lin. Ft.
Erosion Control Blanket	as needed
Temporary Seeding	as needed
Permanent Sod, Seeding & Mulch	1.2 acres

Temporary Stormwater Treatment Measures:

Temporary treatment measures are shown on the plans and shall consist of a combination of silt fence, erosion control blanket, protected swales and temporary seeding. All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.

Temporary sedimentation basin:

Not required.

Permanent Stormwater Treatment Measures:

Two permanent basins will be created for the project which were described above.

CONTACT INFORMATION

Property Owner/Contractor:
Select Recovery Agents, Inc.
6127 South Hearthstone Ave
Cottage Grove, MN 55016
630-361-4846

Site Address:
500 7th Avenue
Newport, MN 55055

Site Engineering Firm:
G-Cubed Inc.
Dan Tilsen
285 Westview Drive
West Saint Paul, MN 55118
651-288-1100

Mark Welch
14070 Hwy 52 SE
Chatfield, MN 55923
507-867-1666

GENERAL SITE INFORMATION

Permits and other approvals:

- A NPDES permit is required for this project based on area disturbed. The increase in impervious surfacing does not warrant permanent storm water treatment at this phase of development. If future projects are approved which increase the amount of new impervious surfacing beyond one acre, permanent storm water treatment will be required meeting the provisions of the NPDES permit.
- This project requires authorized through a permit issued by the South Washington Watershed District.
- Other authorizations by federal, state, county, and city related to the project are required but are outside of the scope required for a SWPPP.
- As of Feb. 1, 2010, the individual(s) preparing the SWPPP for the project; individual(s) overseeing implementation of, revising, and amending the SWPPP and individual(s) performing inspections need to have received training (Part III.A2). Persons certified shall be identified on the front page of this SWPPP.

EROSION PREVENTION AND SEDIMENT CONTROL BMP'S

Refer to the projects plans for locations and a detail of the BMP's designed for this project. Additional BMP's may be necessary as the construction progresses.

Temporary protection and prevention:
Will consist of silt fence, inlet protection, rock construction entrance, temporary seeding and mulching and other BMP's as determined necessary or described on the Erosion Control Plan. All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. Additional BMP's will to be installed as determined necessary.

Permanent protection and prevention:
Two permanent basins will be created for the project which were described above.

Concrete washouts:
Concrete washouts, which prohibit washout liquid and solid wastes from contacting the ground and entering the groundwater, may be; approved facilities offsite, portable onsite facilities, or facilities constructed onsite. All washouts facilities constructed on site must be in approved communal locations and/or located on the individual lot being developed. On site constructed facilities shall have a leak-proof, impermeable liner and follow the construction, maintenance and removal processes as recommended on the MPCA website (*http://www.pca.state.mn.us/publications/wq-strm2-24.pdf*).

Order of Activities:

1. Install erosion control measures such as silt fence and any applicable BMPs shown on the plan.
2. Removed topsoil and debris is to be hauled offsite to an approved demolition landfill, recycling center, etc.. Stockpiles of materials shall have erosion controls installed immediately downstream of the stockpile.
3. Grading of the site shall take place.
4. Stabilize denuded areas and stockpiles within 7 days of last construction activity in that area.
5. Complete final grading and install surfacing as well as permanent seeding and/or sod.
6. When all construction activity is complete and the site is stabilized, remove temporary erosion control devices and reestablish areas disturbed during the removal.

Process to Final Stabilization:

All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. The Contractor shall maintain all erosion control until the vegetation is fully established and all evidence of erosion is addressed.

IMPLEMENTATION AND INSPECTIONS

Training:
Recommend reading and following publication Stormwater Compliance Assistance Toolkit for small Construction Operators published by the Minnesota Pollution Control Agency, August 2008 wq-strm2-09 and can be found at link to document and/or on-file with our office.

Training your staff and subcontractors is an effective BMP. As with the other steps you take to prevent stormwater problems at your site, you should document the training that you conduct for your staff, for those with specific stormwater responsibilities (e.g. installing, inspecting, and maintaining BMPs), and for subcontractors.

Include dates, number of attendees, subjects covered, and length of training.

For more on this subject, see SWPPP Guide, Chapter 8.

General Stormwater and BMP awareness training for staff and subcontractors

Detailed training for staff and subcontractors with specific stormwater responsibilities

Identify Individual(s) Responsible for Training:

Implementation:
The implementation of this plan shall be overseen by the respective owner and contractors, general and sub, of the pertinent processes this SWPPP encompasses.

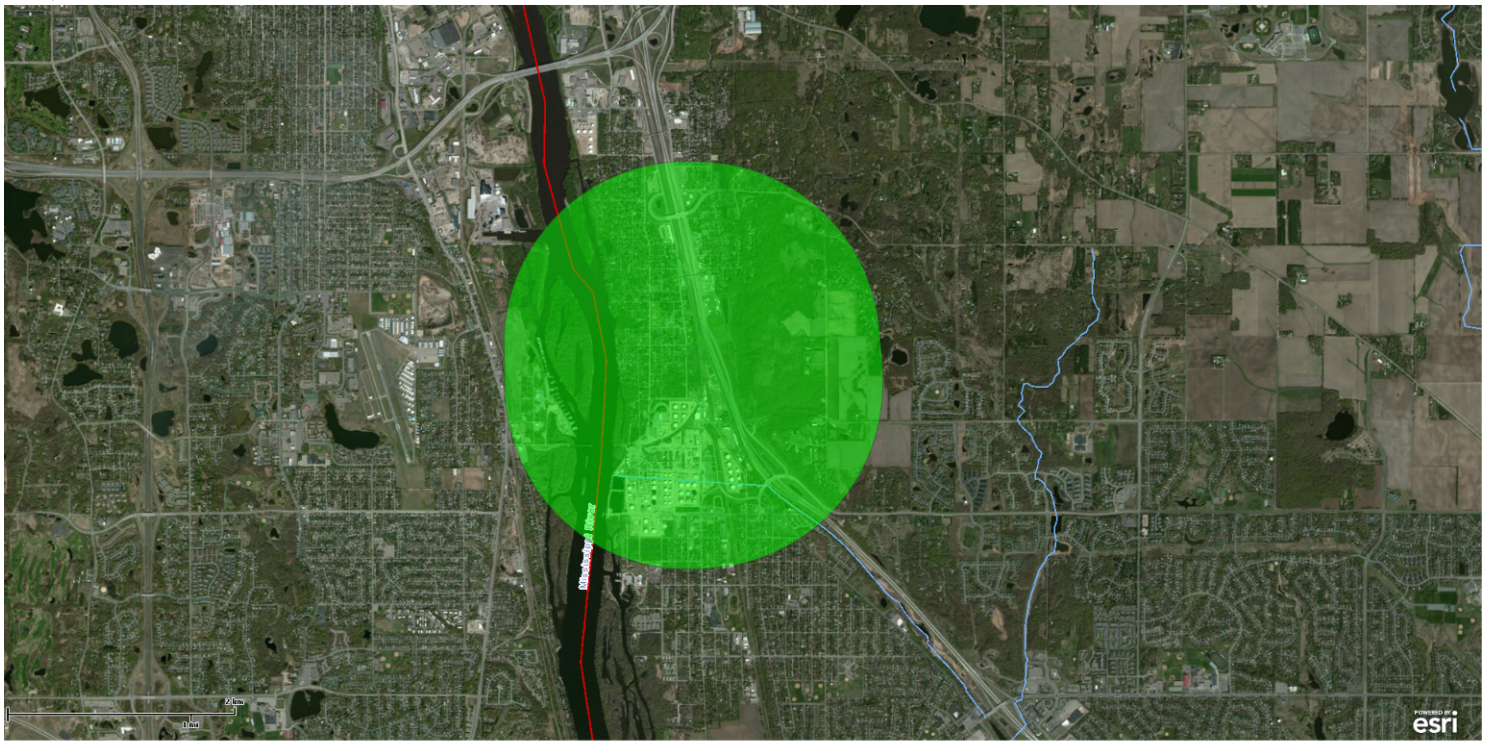
Inspections:
The General Contractor shall comply with all the requirements of the grading plan and shall be responsible for filling out inspection reports a minimum of once every 7 days during active construction and within 24 hours after a rainfall greater than 0.5 inches in 24 hours. All reports shall be kept on file and retained with the SWPPP.
They shall include:

A Date and time
B Name of person conducting inspection
C Finding of inspection, including recommendation for corrective actions.
E Date and time of rainfall events greater than 0.5 inches in 24 hours
F Documentation of changes made to the SWPPP

The Contractor's work shall include making adjustments in the field in order to minimize erosion and maximize the control of sediment.

Select Recovery

Newport, MN



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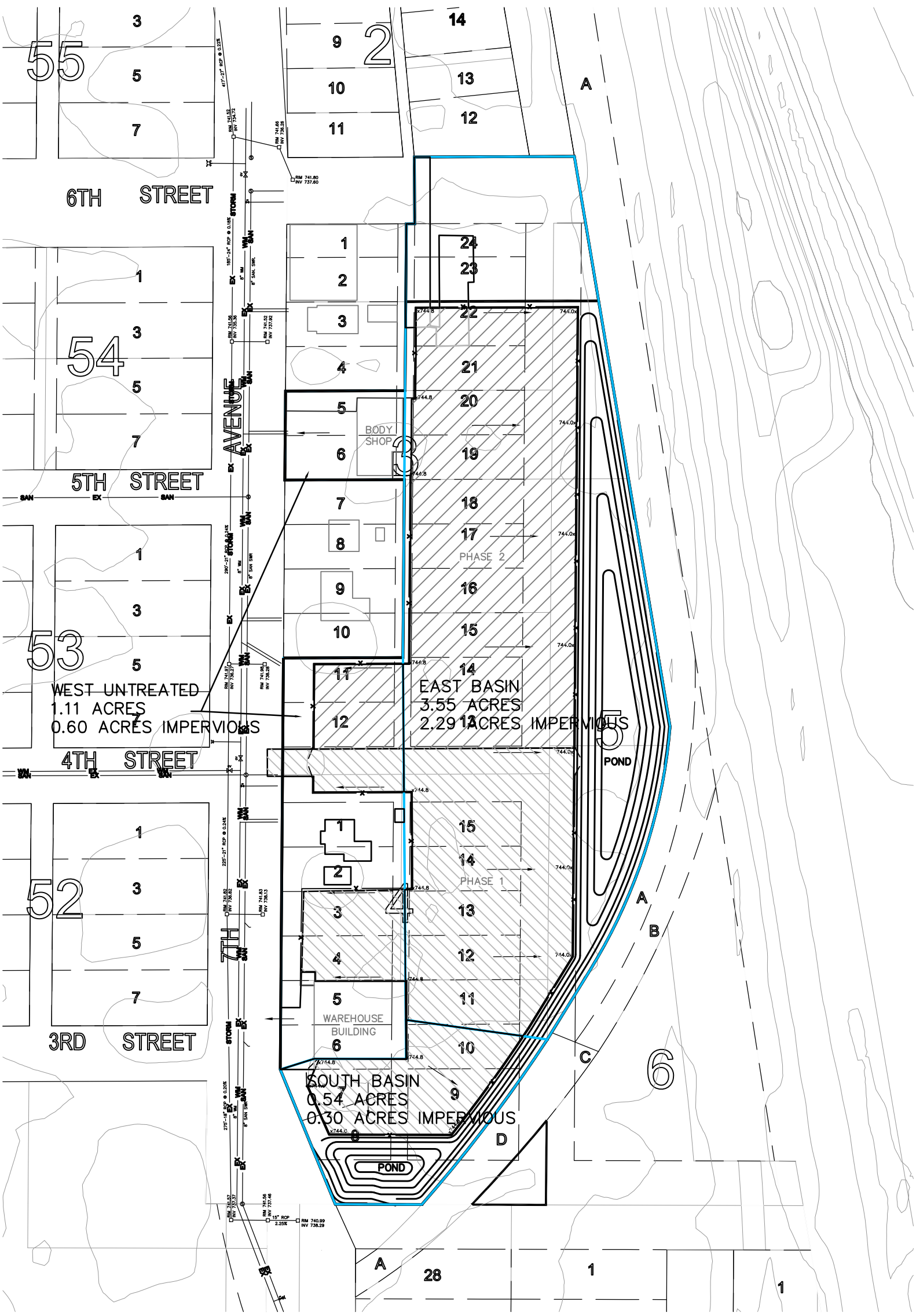
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4TH STREET
3RD STREET
7TH AVENUE
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54
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52
6
WEST UNTREATED
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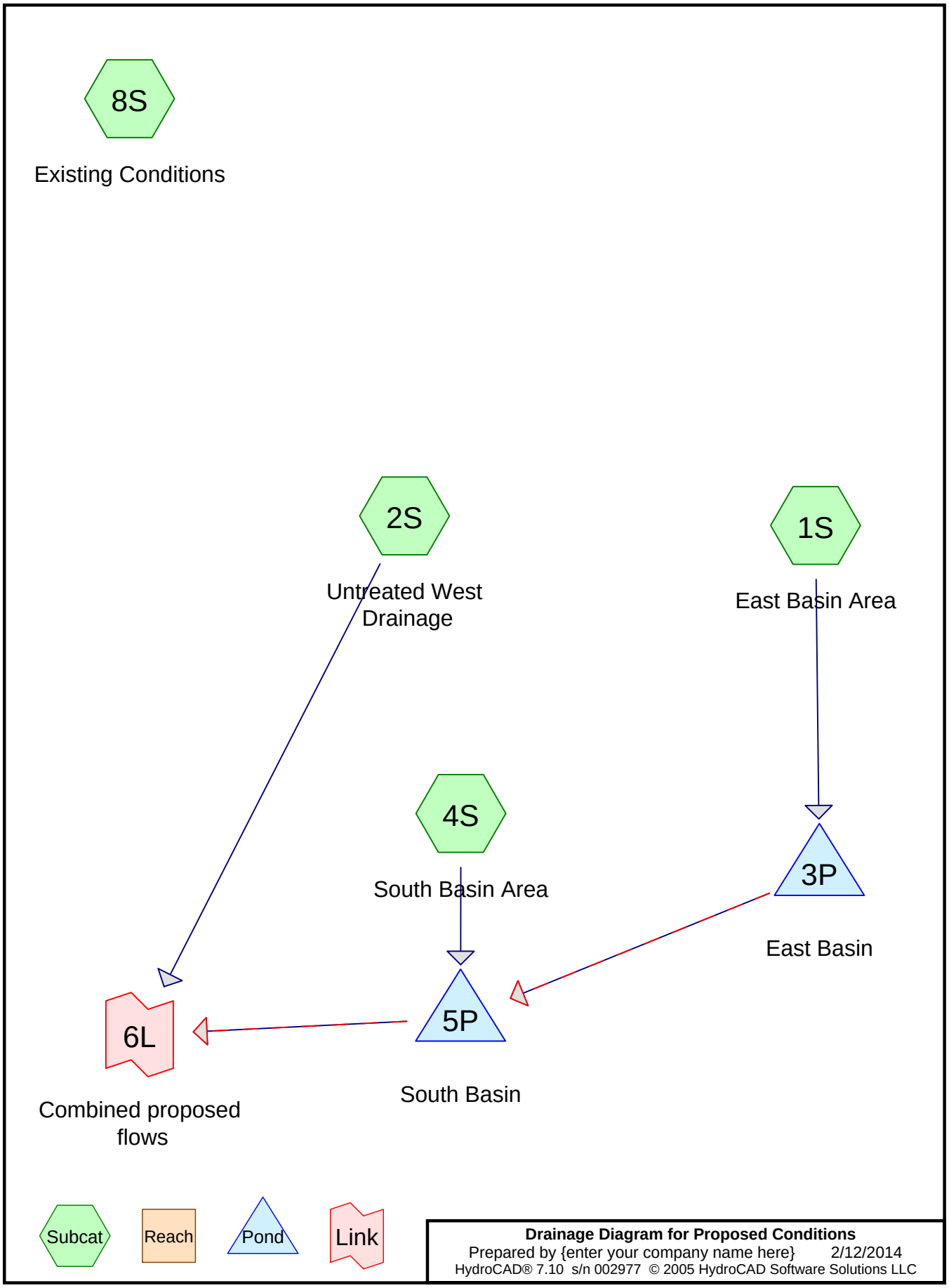
0.60 ACRES IMPERVIOUS
EAST BASIN
3.55 ACRES
2.29 ACRES IMPERVIOUS
SOUTH BASIN
0.54 ACRES
0.30 ACRES IMPERVIOUS
PHASE 1
PHASE 2
BODY SHOP
WAREHOUSE BUILDING
POND
POND


8S
Existing Conditions
2S
Untreated West Drainage
1S
East Basin Area
4S
South Basin Area
3P
East Basin
5P
South Basin
6L
Combined proposed flows
Subcat
Reach
Pond
Link
Drainage Diagram for Proposed Conditions
Prepared by {enter your company name here} 2/12/2014
HydroCAD® 7.10 s/n 002977 © 2005 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SCS TR-20 method, UH=SCS
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: East Basin Area Runoff Area=3.550 ac Runoff Depth=1.50"
Tc=5.0 min CN=85 Runoff=5.57 cfs 0.445 af

Subcatchment 2S: Untreated West Drainage Runoff Area=1.110 ac Runoff Depth=1.06"
Tc=5.0 min CN=78 Runoff=1.28 cfs 0.098 af

Subcatchment 4S: South Basin Area Runoff Area=0.540 ac Runoff Depth=1.30"
Tc=5.0 min CN=82 Runoff=0.75 cfs 0.059 af

Subcatchment 8S: Existing Conditions Runoff Area=5.200 ac Runoff Depth=0.75"
Tc=15.0 min CN=72 Runoff=3.51 cfs 0.325 af

Pond 3P: East Basin Peak Elev=742.45' Storage=42,541 cf Inflow=5.57 cfs 0.445 af
Primary=0.17 cfs 0.354 af Secondary=0.00 cfs 0.000 af Outflow=0.17 cfs 0.354 af

Pond 5P: South Basin Peak Elev=741.71' Storage=4,530 cf Inflow=0.85 cfs 0.412 af
Primary=0.18 cfs 0.397 af Secondary=0.00 cfs 0.000 af Outflow=0.18 cfs 0.397 af

Link 6L: Combined proposed flows Inflow=1.38 cfs 0.495 af
Primary=1.38 cfs 0.495 af

Total Runoff Area = 10.400 ac Runoff Volume = 0.926 af Average Runoff Depth = 1.07"

Subcatchment 1S: East Basin Area

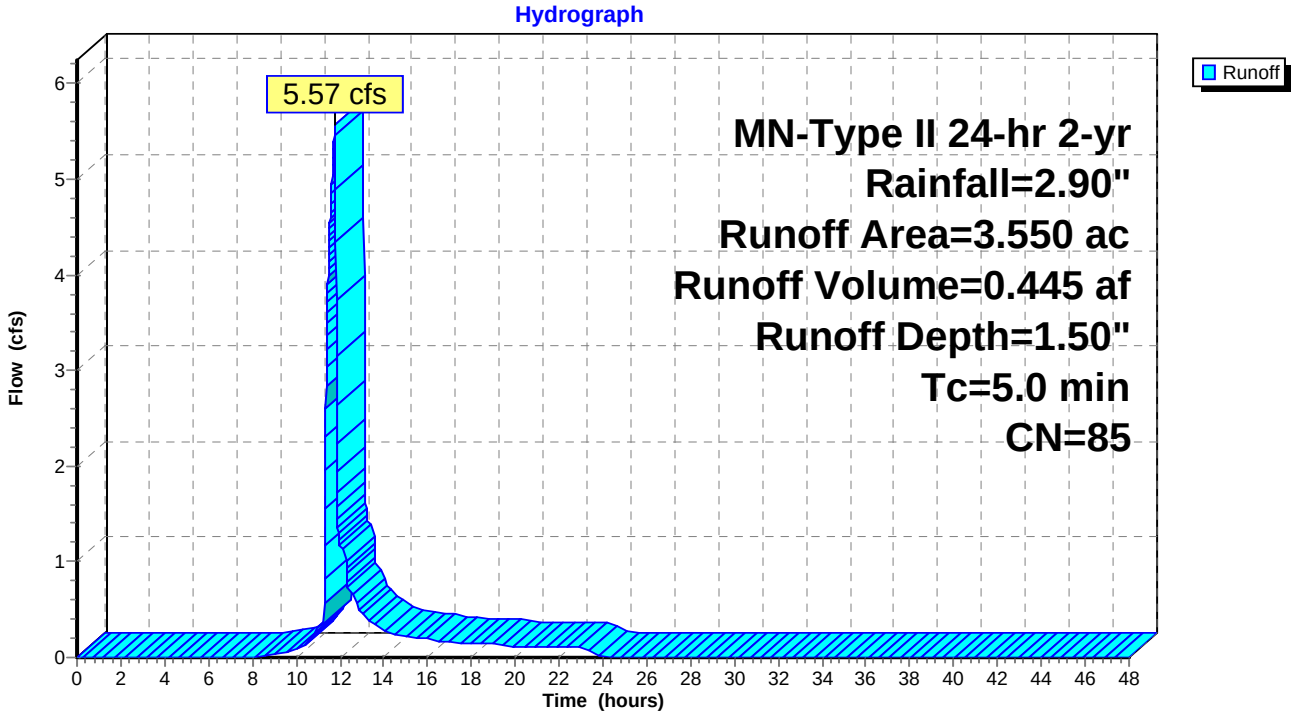
Runoff = 5.57 cfs @ 11.77 hrs, Volume= 0.445 af, Depth= 1.50"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 2-yr Rainfall=2.90"

Area (ac)	CN	Description
1.260	61	>75% Grass cover, Good, HSG B
2.290	98	Paved parking & roofs
3.550	85	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 1S: East Basin Area



Subcatchment 2S: Untreated West Drainage

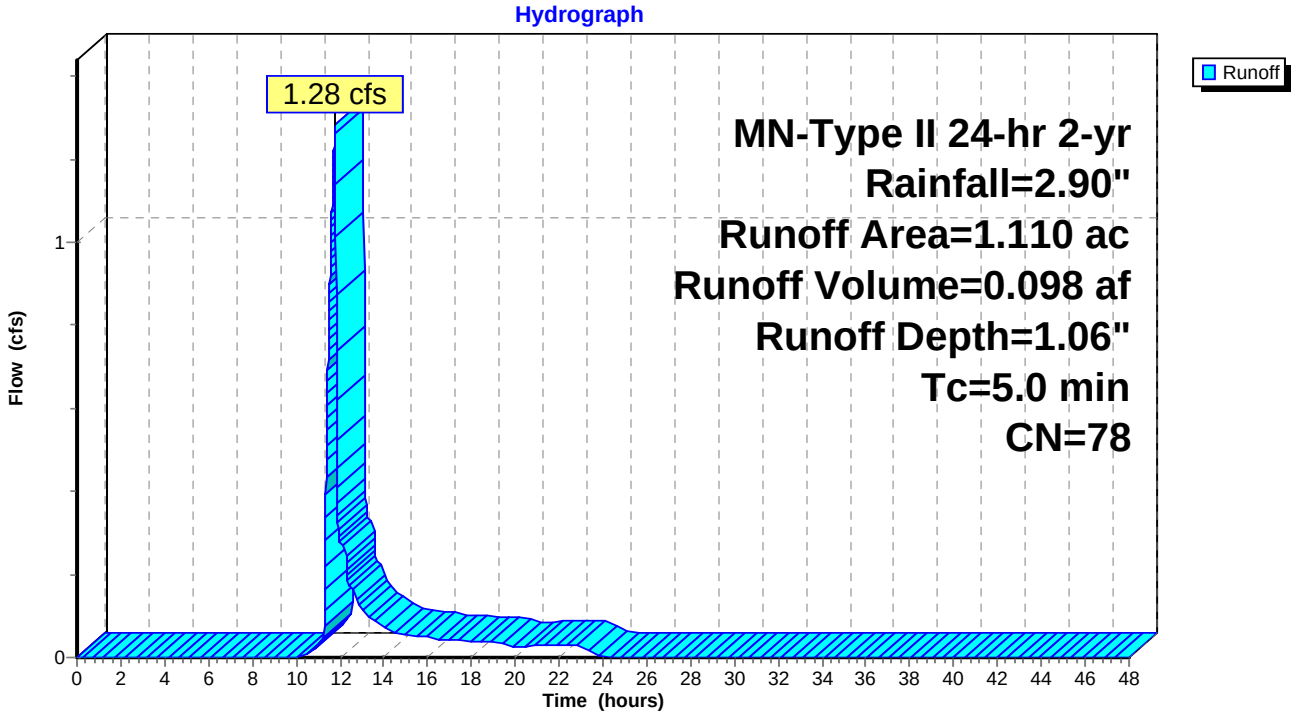
Runoff = 1.28 cfs @ 11.77 hrs, Volume= 0.098 af, Depth= 1.06"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 2-yr Rainfall=2.90"

Area (ac)	CN	Description
0.500	98	Paved parking & roofs
0.610	61	>75% Grass cover, Good, HSG B
1.110	78	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 2S: Untreated West Drainage



Subcatchment 4S: South Basin Area

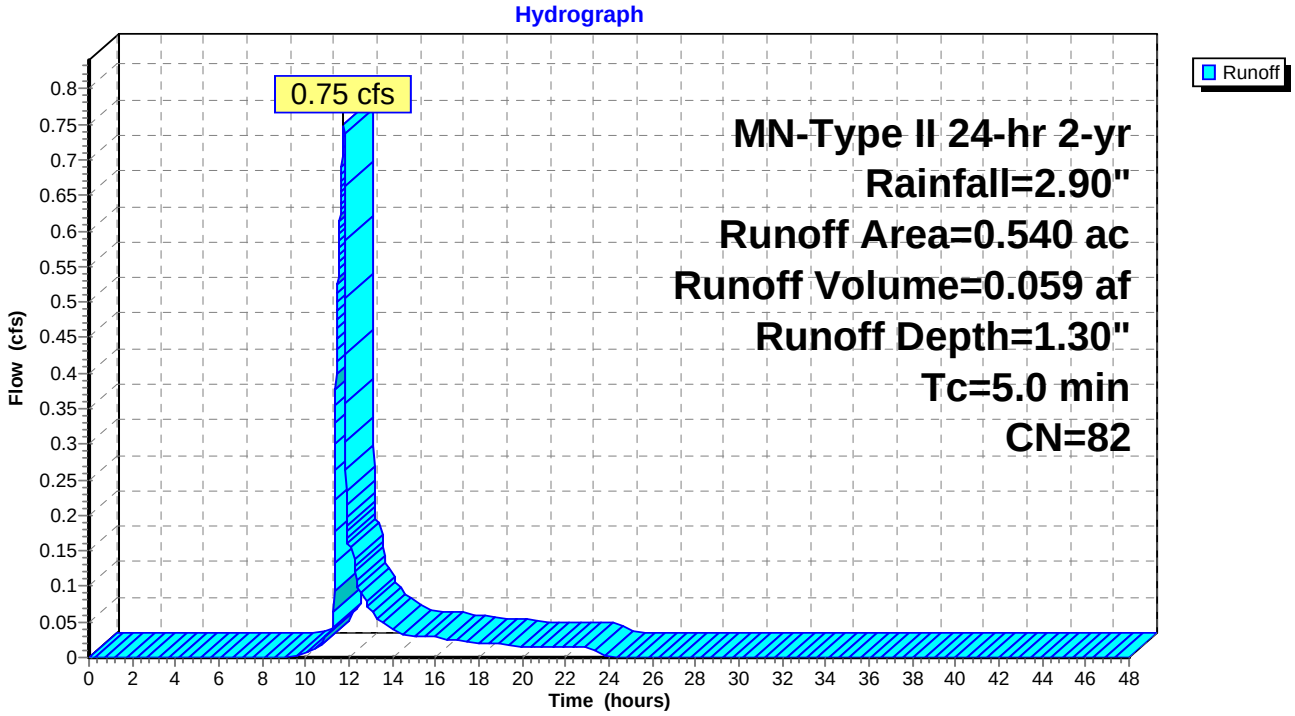
Runoff = 0.75 cfs @ 11.77 hrs, Volume= 0.059 af, Depth= 1.30"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 2-yr Rainfall=2.90"

Area (ac)	CN	Description
0.240	61	>75% Grass cover, Good, HSG B
0.300	98	Paved parking & roofs
0.540	82	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 4S: South Basin Area



Subcatchment 8S: Existing Conditions

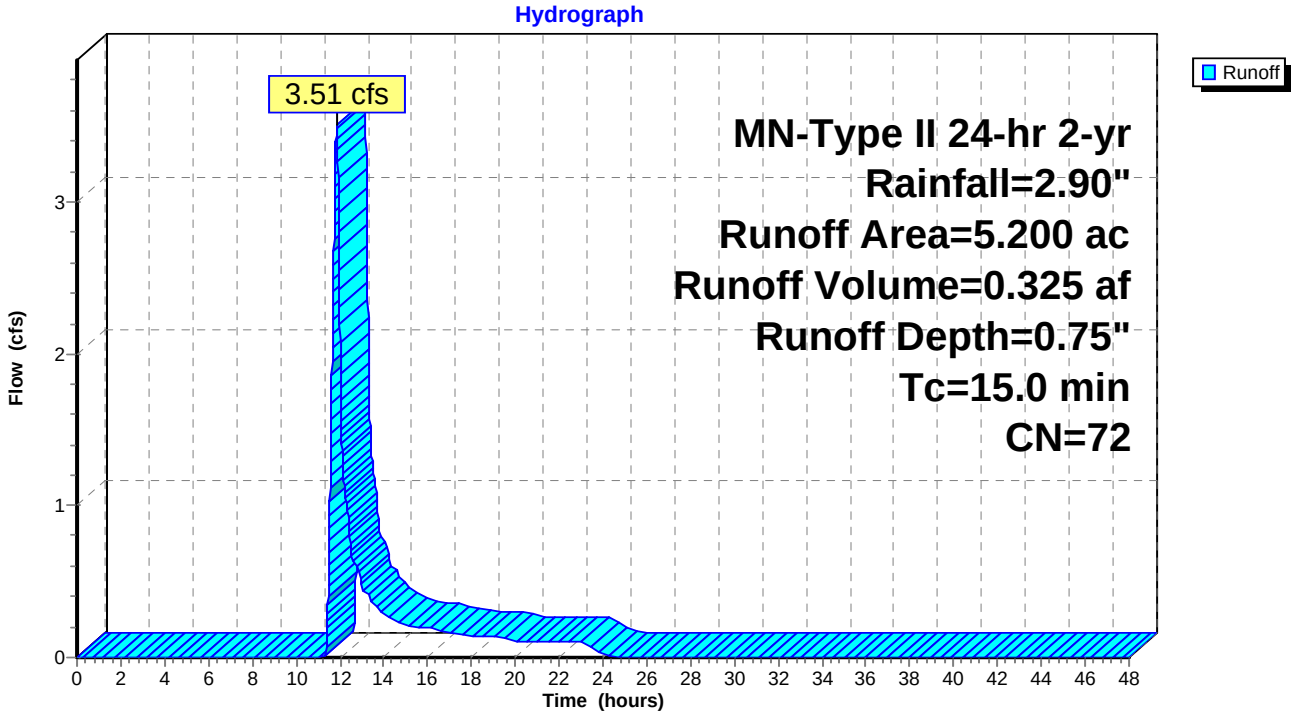
Runoff = 3.51 cfs @ 11.85 hrs, Volume= 0.325 af, Depth= 0.75"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 2-yr Rainfall=2.90"

Area (ac)	CN	Description
4.690	69	50-75% Grass cover, Fair, HSG B
0.510	98	Paved parking & roofs
5.200	72	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.0					**Direct Entry, direct**

Subcatchment 8S: Existing Conditions



Pond 3P: East Basin

Inflow Area =	3.550 ac,	Inflow Depth =	1.50"	for 2-yr event	
Inflow =	5.57 cfs @	11.77 hrs,	Volume=	0.445 af	
Outflow =	0.17 cfs @	17.19 hrs,	Volume=	0.354 af,	Atten= 97%, Lag= 325.2 min
Primary =	0.17 cfs @	17.19 hrs,	Volume=	0.354 af	
Secondary =	0.00 cfs @	0.00 hrs,	Volume=	0.000 af	

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Starting Elev= 741.80' Surf.Area= 19,431 sf Storage= 29,091 cf
Peak Elev= 742.45' @ 17.19 hrs Surf.Area= 21,954 sf Storage= 42,541 cf (13,449 cf above start)
Plug-Flow detention time= (not calculated: initial storage excedes outflow)
Center-of-Mass det. time= 772.6 min (1,579.7 - 807.2)

Volume	Invert	Avail.Storage	Storage Description
#1	738.00'	81,301 cf	**Custom Stage Data (Prismatic)**Listed below (Recalc)

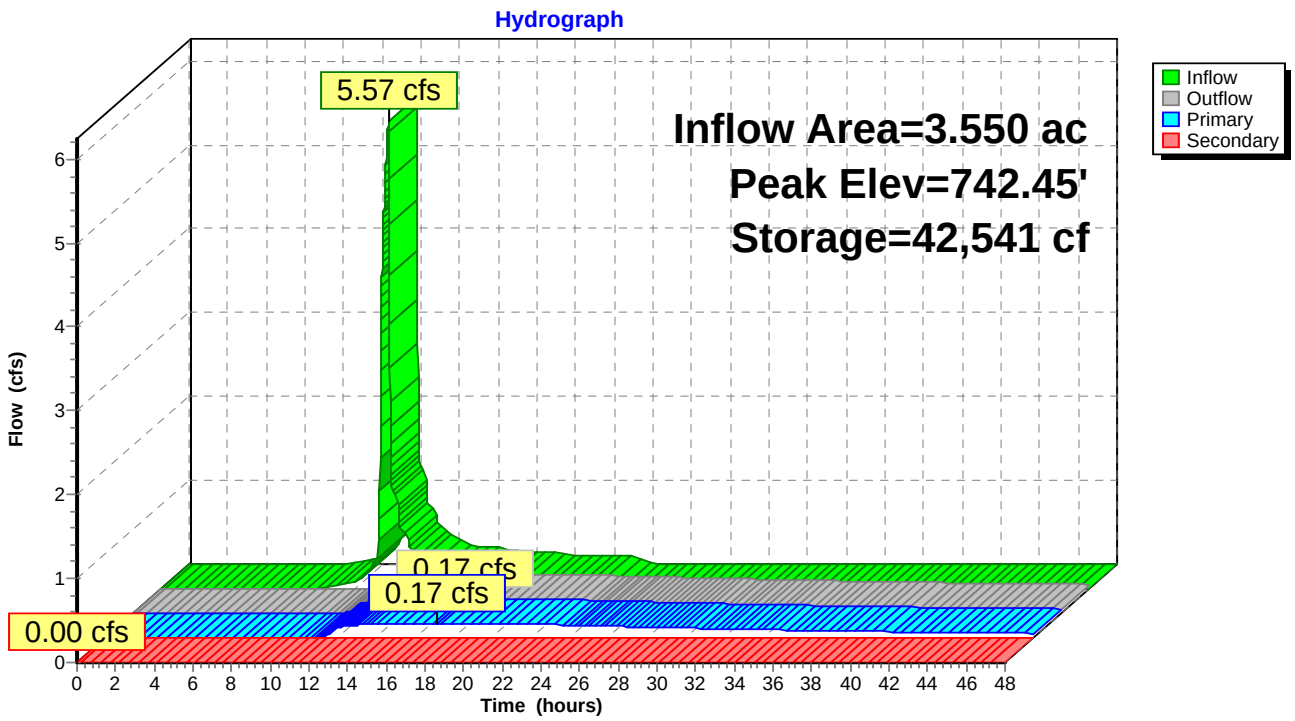
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
738.00	1,524	0	0
739.00	3,547	2,536	2,536
740.00	6,762	5,155	7,690
740.80	9,979	6,696	14,386
741.80	19,431	14,705	29,091
742.00	20,199	3,963	33,054
743.00	24,098	22,149	55,203
744.00	28,098	26,098	81,301

Device	Routing	Invert	Outlet Devices
#1	Primary	740.20'	**12.0" x 275.0' long Culvert** CPP, end-section conforming to fill, Ke= 0.500 Outlet Invert= 739.80' S= 0.0015 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Device 1	741.80'	**Special & User-Defined** Head (feet) 0.00 1.00 2.00 3.00 Disch. (cfs) 0.000 0.260 0.700 1.290
#3	Secondary	743.00'	**4.0' long x 200.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63
#4	Secondary	743.00'	**33.0 deg x 3.0' long Sharp-Crested Vee/Trap Weir** C= 2.60 1.00' Rise

Primary OutFlow Max=0.17 cfs @ 17.19 hrs HW=742.45' TW=741.70' (Dynamic Tailwater)
└─**1=Culvert** (Passes 0.17 cfs of 1.71 cfs potential flow)
  └─**2=Special & User-Defined** (Custom Controls 0.17 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=741.80' TW=741.00' (Dynamic Tailwater)
├─**3=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
└─**4=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Pond 3P: East Basin



Pond 5P: South Basin

Inflow Area =	4.090 ac,	Inflow Depth >	1.21"	for 2-yr event	
Inflow =	0.85 cfs @	11.77 hrs,	Volume=	0.412 af	
Outflow =	0.18 cfs @	19.19 hrs,	Volume=	0.397 af,	Atten= 78%, Lag= 445.3 min
Primary =	0.18 cfs @	19.19 hrs,	Volume=	0.397 af	
Secondary =	0.00 cfs @	0.00 hrs,	Volume=	0.000 af	

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Starting Elev= 741.00' Surf.Area= 2,754 sf Storage= 2,327 cf
Peak Elev= 741.71' @ 19.19 hrs Surf.Area= 3,445 sf Storage= 4,530 cf (2,203 cf above start)
Plug-Flow detention time= 464.5 min calculated for 0.343 af (83% of inflow)
Center-of-Mass det. time= 138.7 min (1,610.2 - 1,471.5)

Volume	Invert	Avail.Storage	Storage Description
#1	738.00'	15,075 cf	**Custom Stage Data (Prismatic)**Listed below (Recalc)

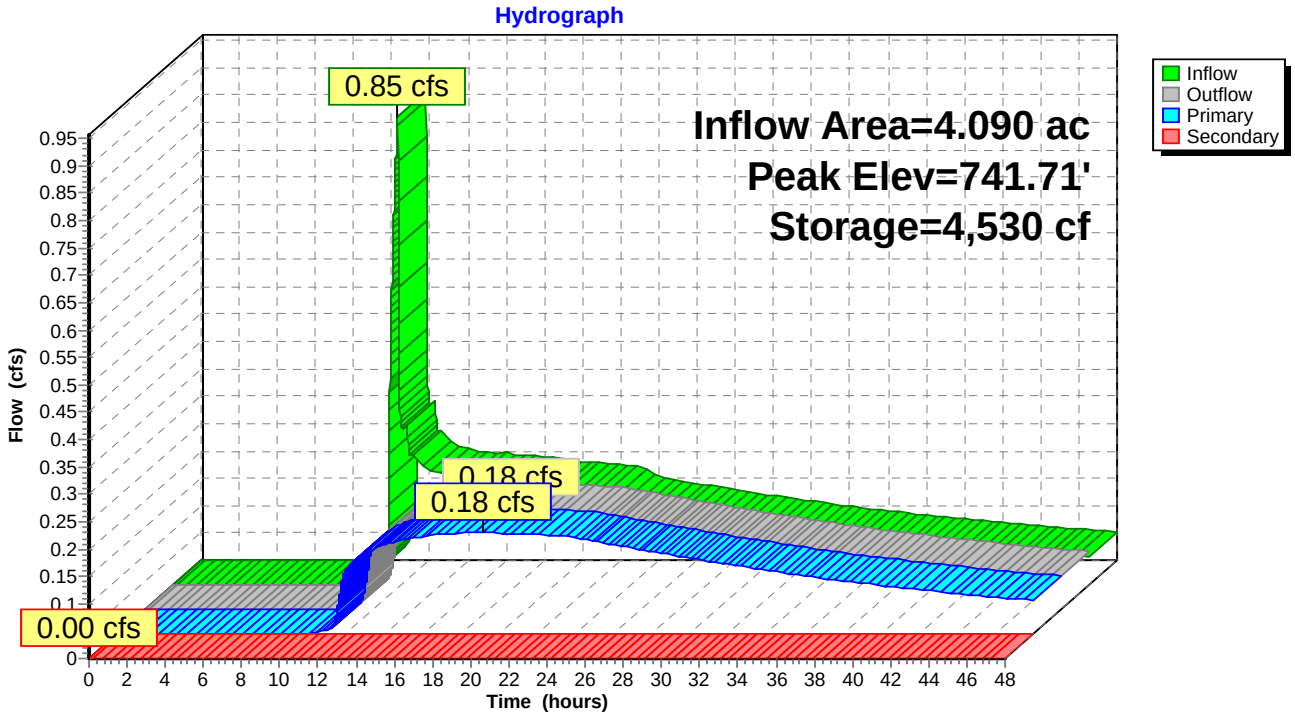
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
738.00	10	0	0
739.00	173	92	92
740.00	772	473	564
741.00	2,754	1,763	2,327
742.00	3,726	3,240	5,567
743.00	4,797	4,262	9,829
744.00	5,696	5,247	15,075

Device	Routing	Invert	Outlet Devices
#1	Primary	739.40'	**12.0" x 60.0' long Culvert** CPP, square edge headwall, Ke= 0.500 Outlet Invert= 738.80' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Device 1	741.00'	**Special & User-Defined** Head (feet) 0.00 1.00 2.00 3.00 Disch. (cfs) 0.000 0.260 0.700 1.290
#3	Secondary	744.00'	**10.0' long x 10.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.49 2.56 2.70 2.69 2.68 2.69 2.67 2.64

Primary OutFlow Max=0.18 cfs @ 19.19 hrs HW=741.71' TW=0.00' (Dynamic Tailwater)
└─**1=Culvert** (Passes 0.18 cfs of 4.74 cfs potential flow)
  └─**2=Special & User-Defined** (Custom Controls 0.18 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=741.00' TW=0.00' (Dynamic Tailwater)
└─**3=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond 5P: South Basin

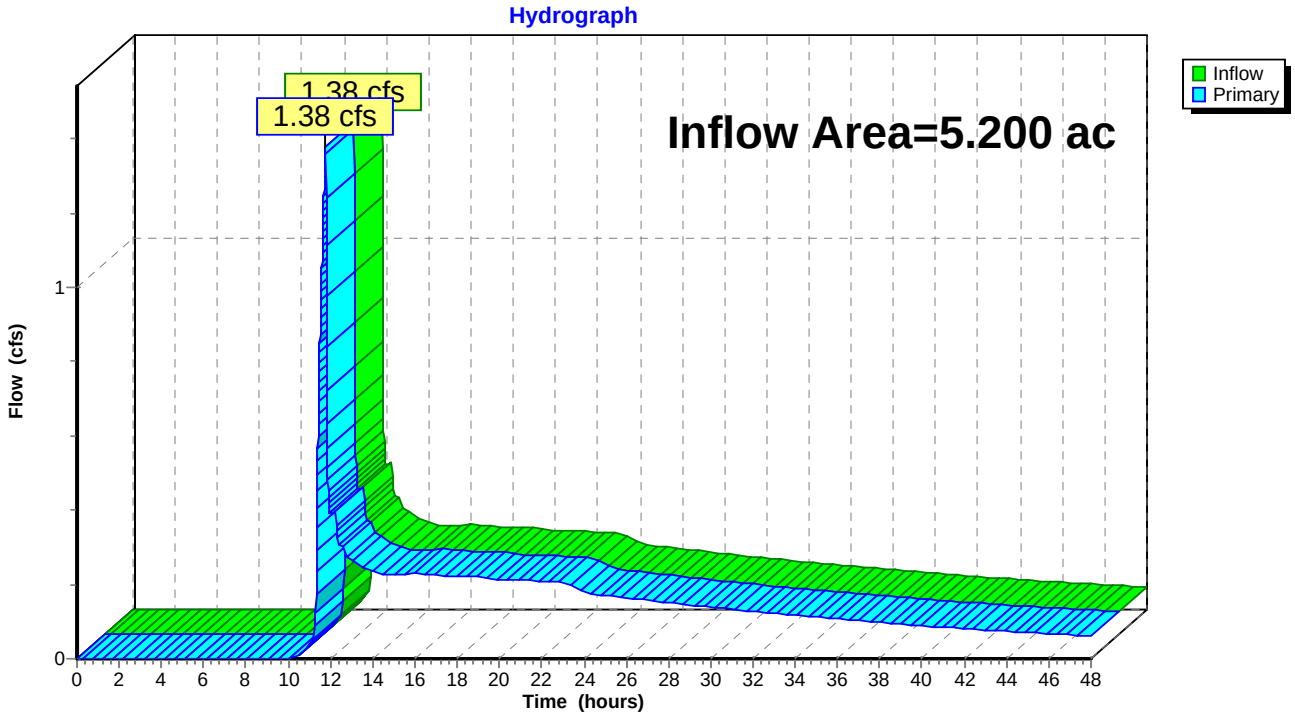


Link 6L: Combined proposed flows

Inflow Area = 5.200 ac, Inflow Depth > 1.14" for 2-yr event
Inflow = 1.38 cfs @ 11.77 hrs, Volume= 0.495 af
Primary = 1.38 cfs @ 11.77 hrs, Volume= 0.495 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 6L: Combined proposed flows



Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SCS TR-20 method, UH=SCS
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: East Basin Area Runoff Area=3.550 ac Runoff Depth=2.77"
Tc=5.0 min CN=85 Runoff=9.80 cfs 0.820 af

Subcatchment 2S: Untreated West Drainage Runoff Area=1.110 ac Runoff Depth=2.17"
Tc=5.0 min CN=78 Runoff=2.53 cfs 0.201 af

Subcatchment 4S: South Basin Area Runoff Area=0.540 ac Runoff Depth=2.50"
Tc=5.0 min CN=82 Runoff=1.38 cfs 0.113 af

Subcatchment 8S: Existing Conditions Runoff Area=5.200 ac Runoff Depth=1.71"
Tc=15.0 min CN=72 Runoff=8.34 cfs 0.741 af

Pond 3P: East Basin Peak Elev=742.95' Storage=54,109 cf Inflow=9.80 cfs 0.820 af
Primary=0.33 cfs 0.651 af Secondary=0.00 cfs 0.000 af Outflow=0.33 cfs 0.651 af

Pond 5P: South Basin Peak Elev=742.23' Storage=6,454 cf Inflow=1.59 cfs 0.763 af
Primary=0.36 cfs 0.734 af Secondary=0.00 cfs 0.000 af Outflow=0.36 cfs 0.734 af

Link 6L: Combined proposed flows Inflow=2.72 cfs 0.935 af
Primary=2.72 cfs 0.935 af

Total Runoff Area = 10.400 ac Runoff Volume = 1.875 af Average Runoff Depth = 2.16"

Subcatchment 1S: East Basin Area

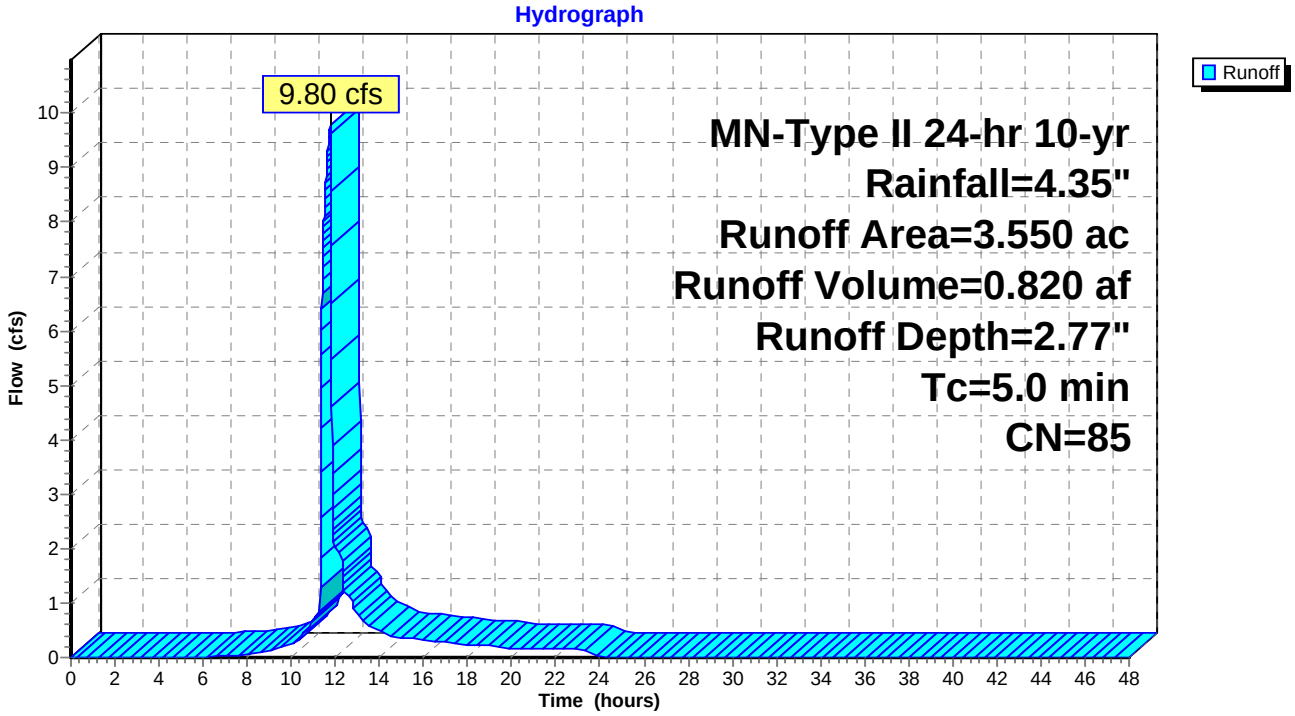
Runoff = 9.80 cfs @ 11.77 hrs, Volume= 0.820 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 10-yr Rainfall=4.35"

Area (ac)	CN	Description
1.260	61	>75% Grass cover, Good, HSG B
2.290	98	Paved parking & roofs
3.550	85	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 1S: East Basin Area



Subcatchment 2S: Untreated West Drainage

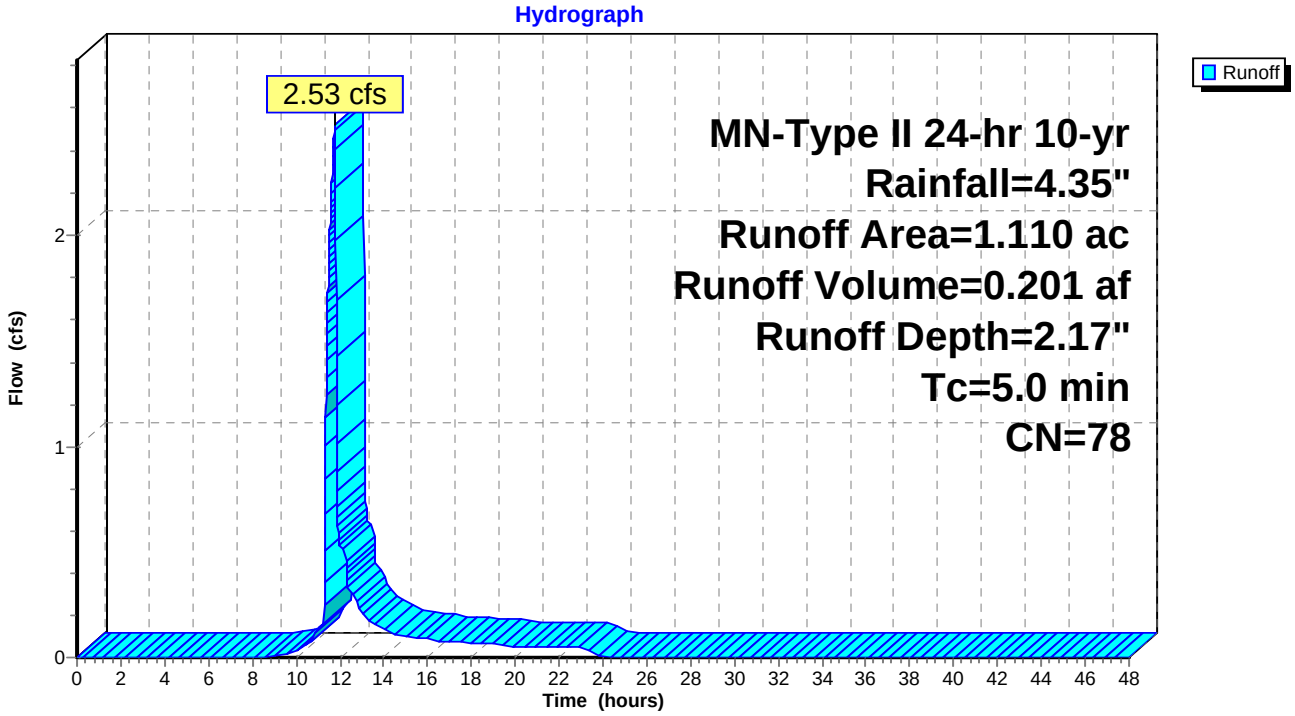
Runoff = 2.53 cfs @ 11.77 hrs, Volume= 0.201 af, Depth= 2.17"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 10-yr Rainfall=4.35"

Area (ac)	CN	Description
0.500	98	Paved parking & roofs
0.610	61	>75% Grass cover, Good, HSG B
1.110	78	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 2S: Untreated West Drainage



Subcatchment 4S: South Basin Area

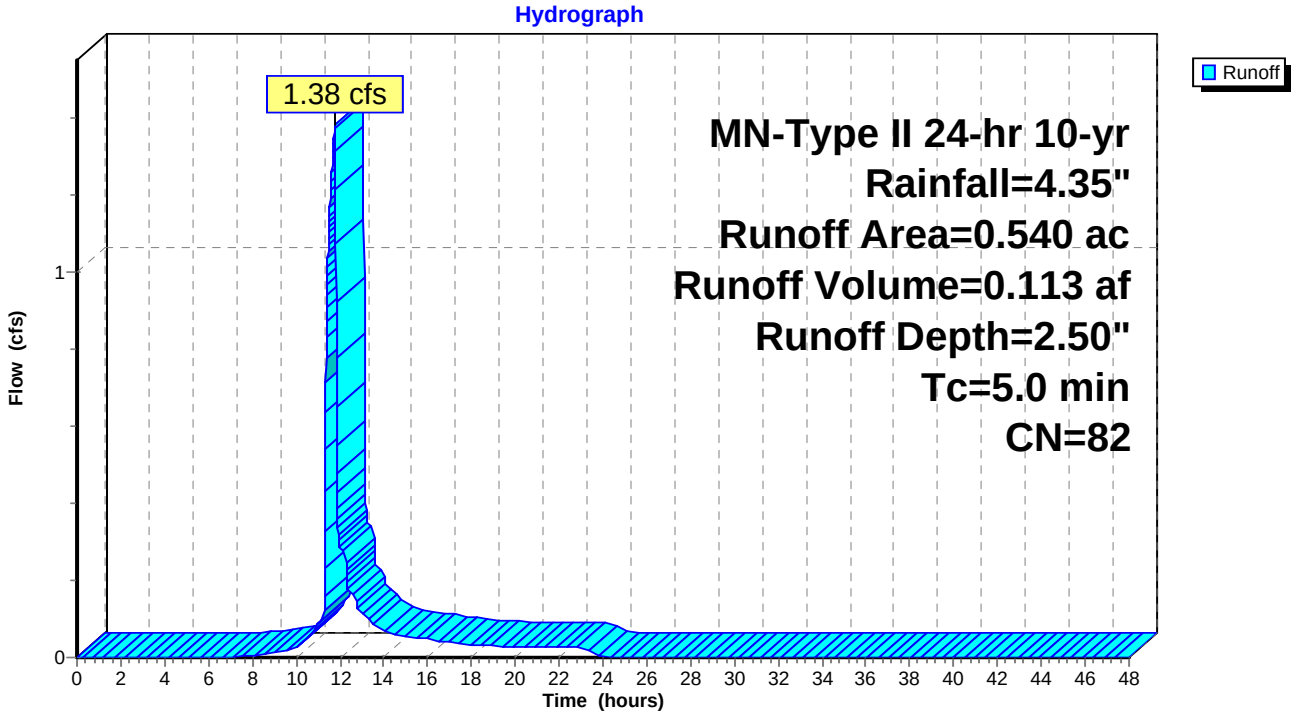
Runoff = 1.38 cfs @ 11.77 hrs, Volume= 0.113 af, Depth= 2.50"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 10-yr Rainfall=4.35"

Area (ac)	CN	Description
0.240	61	>75% Grass cover, Good, HSG B
0.300	98	Paved parking & roofs
0.540	82	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 4S: South Basin Area



Subcatchment 8S: Existing Conditions

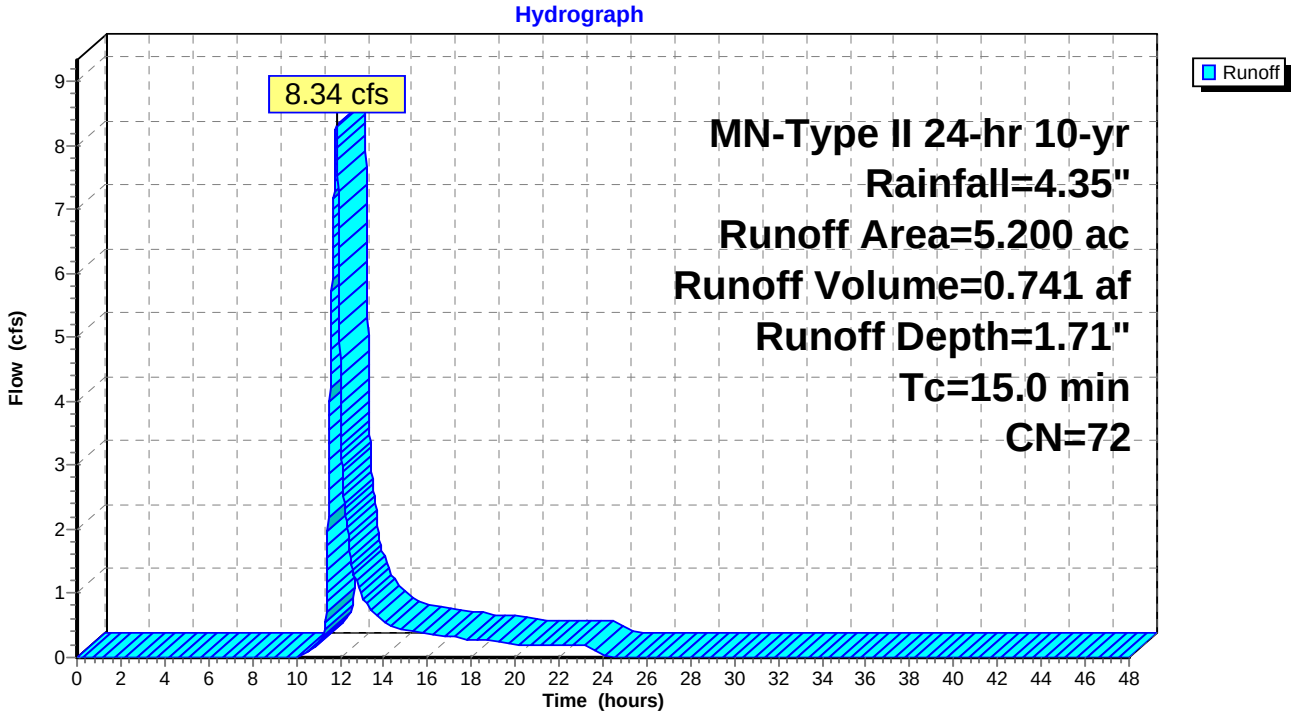
Runoff = 8.34 cfs @ 11.83 hrs, Volume= 0.741 af, Depth= 1.71"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 10-yr Rainfall=4.35"

Area (ac)	CN	Description
4.690	69	50-75% Grass cover, Fair, HSG B
0.510	98	Paved parking & roofs
5.200	72	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.0					**Direct Entry, direct**

Subcatchment 8S: Existing Conditions



Pond 3P: East Basin

Inflow Area =	3.550 ac,	Inflow Depth =	2.77"	for	10-yr event
Inflow =	9.80 cfs @	11.77 hrs,	Volume=	0.820 af	
Outflow =	0.33 cfs @	16.21 hrs,	Volume=	0.651 af,	Atten= 97%, Lag= 266.7 min
Primary =	0.33 cfs @	16.21 hrs,	Volume=	0.651 af	
Secondary =	0.00 cfs @	0.00 hrs,	Volume=	0.000 af	

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Starting Elev= 741.80' Surf.Area= 19,431 sf Storage= 29,091 cf
Peak Elev= 742.95' @ 16.21 hrs Surf.Area= 23,920 sf Storage= 54,109 cf (25,017 cf above start)
Plug-Flow detention time= (not calculated: initial storage excedes outflow)
Center-of-Mass det. time= 770.5 min (1,560.6 - 790.1)

Volume	Invert	Avail.Storage	Storage Description
#1	738.00'	81,301 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

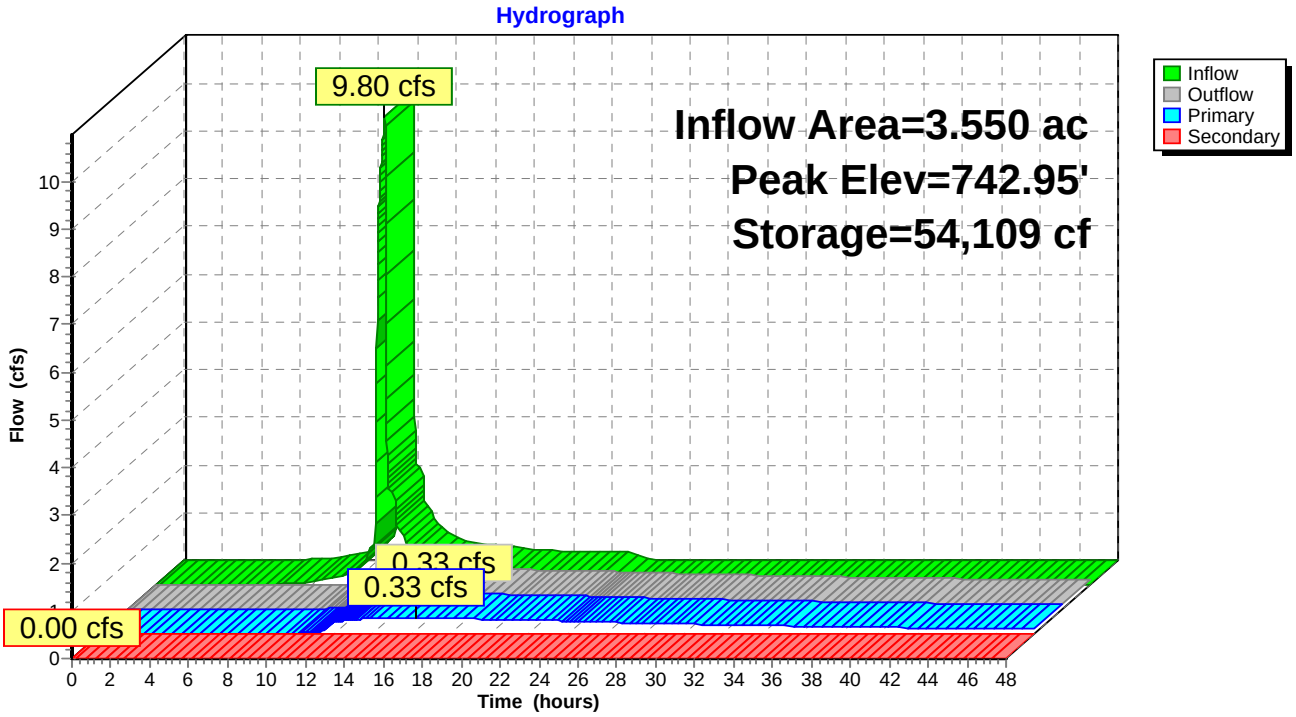
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
738.00	1,524	0	0
739.00	3,547	2,536	2,536
740.00	6,762	5,155	7,690
740.80	9,979	6,696	14,386
741.80	19,431	14,705	29,091
742.00	20,199	3,963	33,054
743.00	24,098	22,149	55,203
744.00	28,098	26,098	81,301

Device	Routing	Invert	Outlet Devices
#1	Primary	740.20'	**12.0" x 275.0' long Culvert** CPP, end-section conforming to fill, Ke= 0.500 Outlet Invert= 739.80' S= 0.0015 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Device 1	741.80'	**Special & User-Defined** Head (feet) 0.00 1.00 2.00 3.00 Disch. (cfs) 0.000 0.260 0.700 1.290
#3	Secondary	743.00'	**4.0' long x 200.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63
#4	Secondary	743.00'	**33.0 deg x 3.0' long Sharp-Crested Vee/Trap Weir** C= 2.60 1.00' Rise

Primary OutFlow Max=0.33 cfs @ 16.21 hrs HW=742.95' TW=742.22' (Dynamic Tailwater)
└─**1=Culvert** (Passes 0.33 cfs of 1.69 cfs potential flow)
  └─**2=Special & User-Defined** (Custom Controls 0.33 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=741.80' TW=741.00' (Dynamic Tailwater)
├─**3=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
└─**4=Sharp-Crested Vee/Trap Weir** (Controls 0.00 cfs)

Pond 3P: East Basin



Pond 5P: South Basin

Inflow Area =	4.090 ac,	Inflow Depth >	2.24"	for	10-yr event
Inflow =	1.59 cfs @	11.77 hrs,	Volume=	0.763 af	
Outflow =	0.36 cfs @	17.42 hrs,	Volume=	0.734 af,	Atten= 77%, Lag= 339.4 min
Primary =	0.36 cfs @	17.42 hrs,	Volume=	0.734 af	
Secondary =	0.00 cfs @	0.00 hrs,	Volume=	0.000 af	

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Starting Elev= 741.00' Surf.Area= 2,754 sf Storage= 2,327 cf
Peak Elev= 742.23' @ 17.42 hrs Surf.Area= 3,973 sf Storage= 6,454 cf (4,127 cf above start)
Plug-Flow detention time= 345.5 min calculated for 0.680 af (89% of inflow)
Center-of-Mass det. time= 139.3 min (1,587.4 - 1,448.2)

Volume	Invert	Avail.Storage	Storage Description
#1	738.00'	15,075 cf	**Custom Stage Data (Prismatic)**Listed below (Recalc)

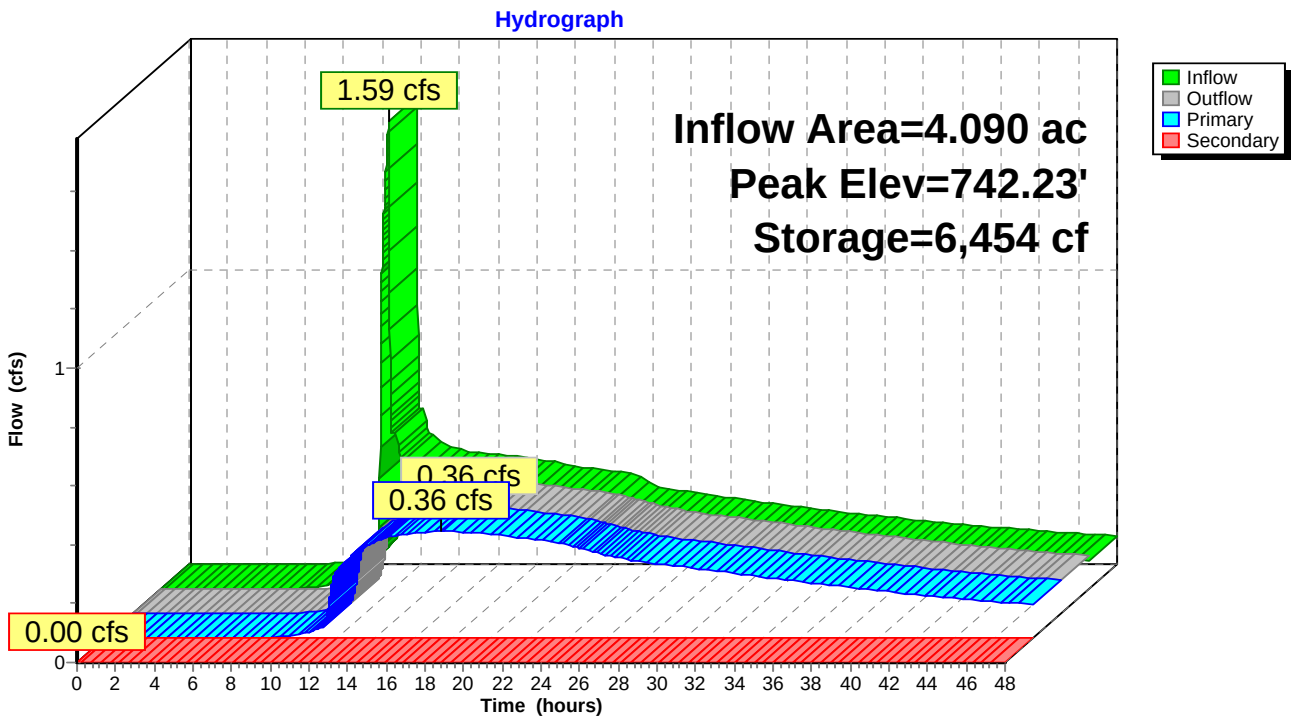
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
738.00	10	0	0
739.00	173	92	92
740.00	772	473	564
741.00	2,754	1,763	2,327
742.00	3,726	3,240	5,567
743.00	4,797	4,262	9,829
744.00	5,696	5,247	15,075

Device	Routing	Invert	Outlet Devices
#1	Primary	739.40'	**12.0" x 60.0' long Culvert** CPP, square edge headwall, Ke= 0.500 Outlet Invert= 738.80' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Device 1	741.00'	**Special & User-Defined** Head (feet) 0.00 1.00 2.00 3.00 Disch. (cfs) 0.000 0.260 0.700 1.290
#3	Secondary	744.00'	**10.0' long x 10.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.49 2.56 2.70 2.69 2.68 2.69 2.67 2.64

Primary OutFlow Max=0.36 cfs @ 17.42 hrs HW=742.23' TW=0.00' (Dynamic Tailwater)
└─**1=Culvert** (Passes 0.36 cfs of 5.34 cfs potential flow)
└─**2=Special & User-Defined** (Custom Controls 0.36 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=741.00' TW=0.00' (Dynamic Tailwater)
└─**3=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond 5P: South Basin

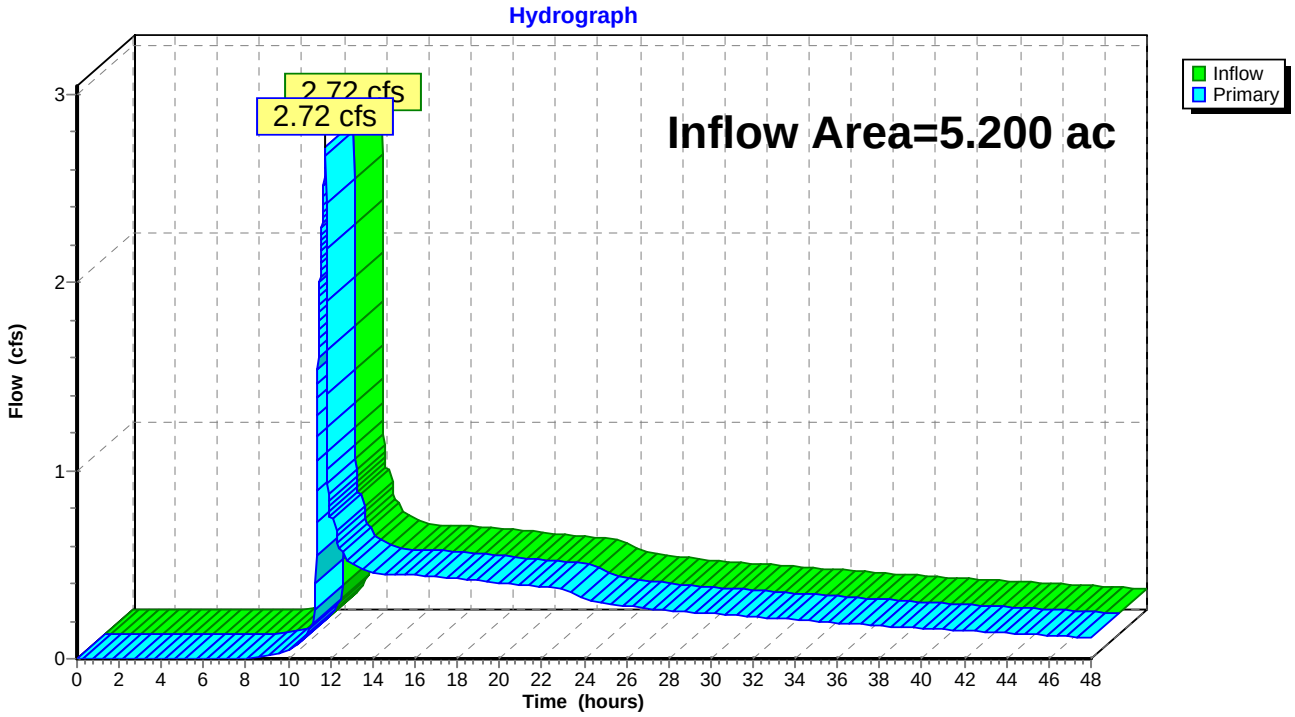


Link 6L: Combined proposed flows

Inflow Area = 5.200 ac, Inflow Depth > 2.16" for 10-yr event
Inflow = 2.72 cfs @ 11.77 hrs, Volume= 0.935 af
Primary = 2.72 cfs @ 11.77 hrs, Volume= 0.935 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 6L: Combined proposed flows



Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SCS TR-20 method, UH=SCS
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: East Basin Area Runoff Area=3.550 ac Runoff Depth=4.49"
Tc=5.0 min CN=85 Runoff=15.21 cfs 1.329 af

Subcatchment 2S: Untreated West Drainage Runoff Area=1.110 ac Runoff Depth=3.76"
Tc=5.0 min CN=78 Runoff=4.21 cfs 0.347 af

Subcatchment 4S: South Basin Area Runoff Area=0.540 ac Runoff Depth=4.17"
Tc=5.0 min CN=82 Runoff=2.20 cfs 0.188 af

Subcatchment 8S: Existing Conditions Runoff Area=5.200 ac Runoff Depth=3.16"
Tc=15.0 min CN=72 Runoff=15.40 cfs 1.368 af

Pond 3P: East Basin Peak Elev=743.36' Storage=64,062 cf Inflow=15.21 cfs 1.329 af
Primary=0.45 cfs 0.623 af Secondary=2.35 cfs 0.509 af Outflow=2.80 cfs 1.132 af

Pond 5P: South Basin Peak Elev=743.35' Storage=11,585 cf Inflow=3.66 cfs 1.320 af
Primary=0.91 cfs 1.285 af Secondary=0.00 cfs 0.000 af Outflow=0.91 cfs 1.285 af

Link 6L: Combined proposed flows Inflow=4.57 cfs 1.633 af
Primary=4.57 cfs 1.633 af

Total Runoff Area = 10.400 ac Runoff Volume = 3.232 af Average Runoff Depth = 3.73"

Subcatchment 1S: East Basin Area

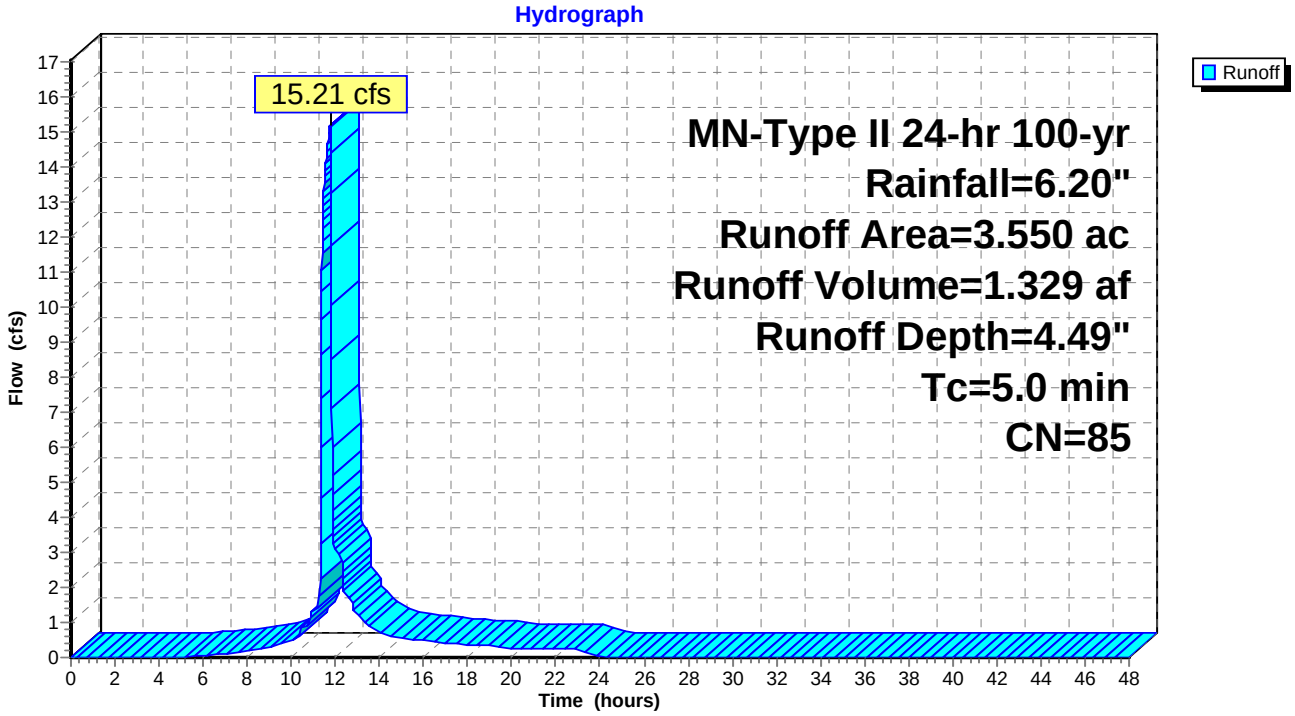
Runoff = 15.21 cfs @ 11.76 hrs, Volume= 1.329 af, Depth= 4.49"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 100-yr Rainfall=6.20"

Area (ac)	CN	Description
1.260	61	>75% Grass cover, Good, HSG B
2.290	98	Paved parking & roofs
3.550	85	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 1S: East Basin Area



Subcatchment 2S: Untreated West Drainage

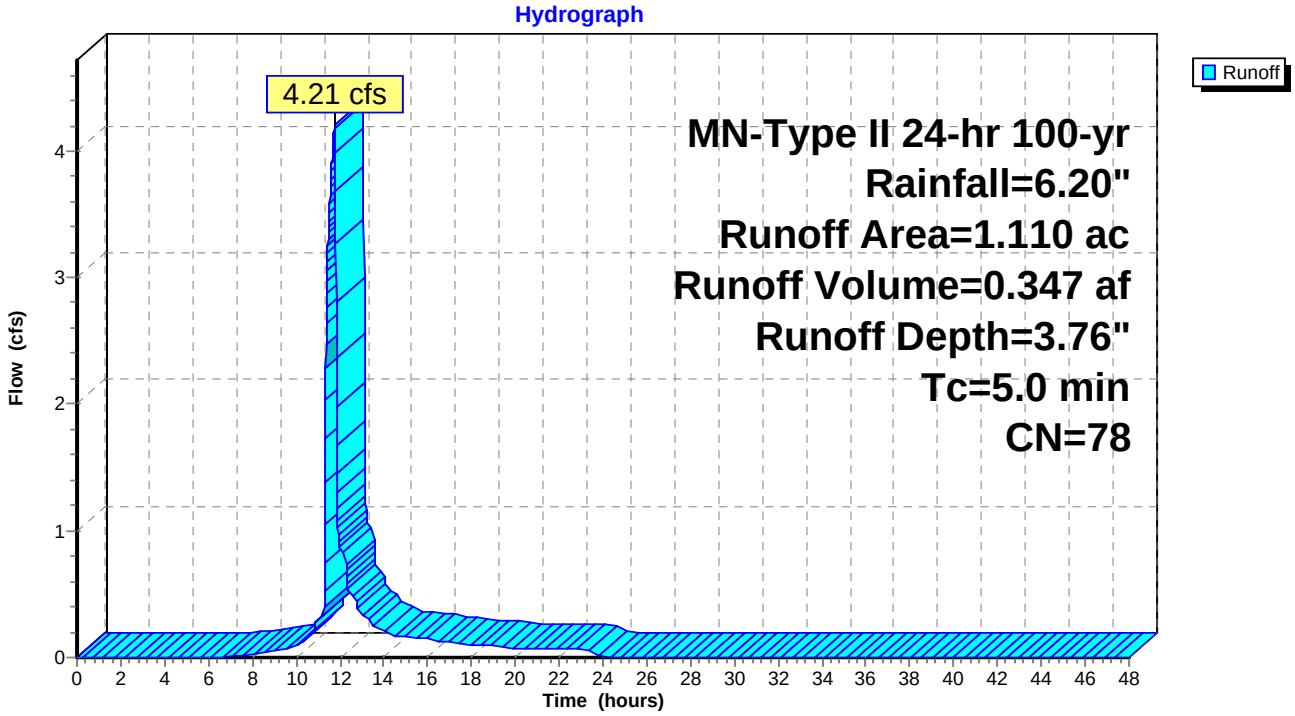
Runoff = 4.21 cfs @ 11.77 hrs, Volume= 0.347 af, Depth= 3.76"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 100-yr Rainfall=6.20"

Area (ac)	CN	Description
0.500	98	Paved parking & roofs
0.610	61	>75% Grass cover, Good, HSG B
1.110	78	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 2S: Untreated West Drainage



Subcatchment 4S: South Basin Area

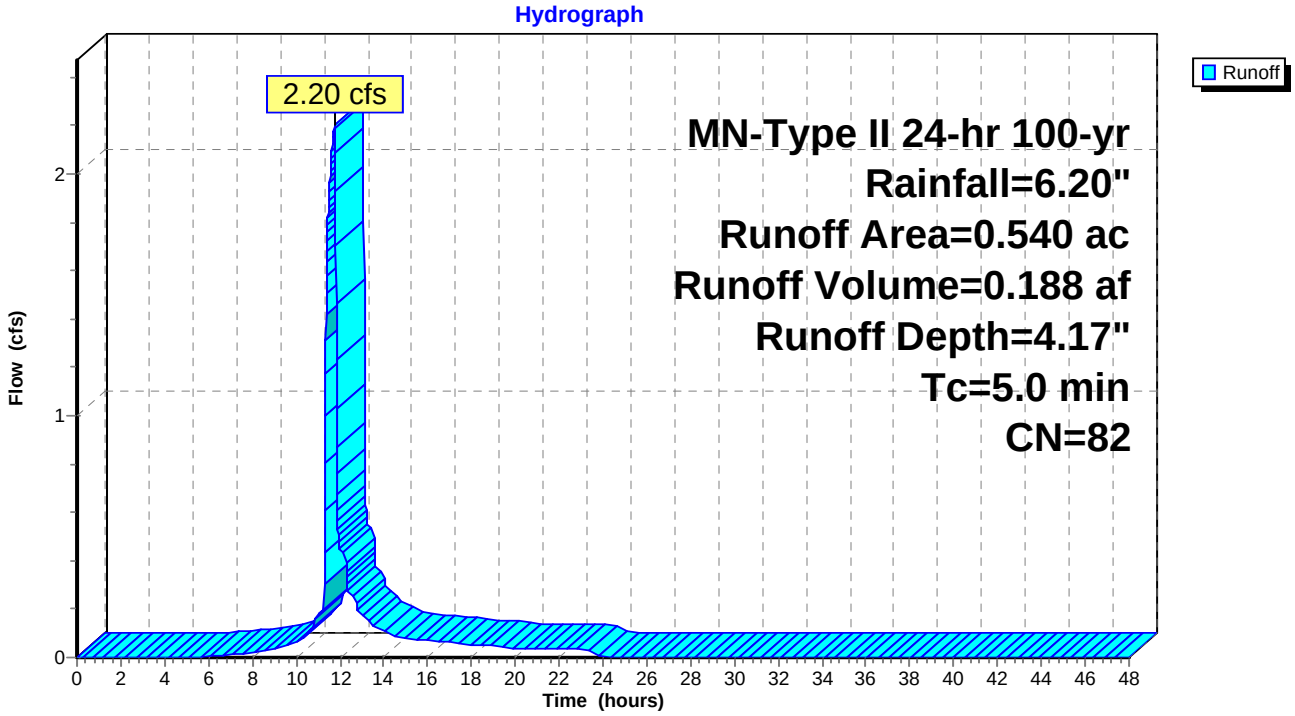
Runoff = 2.20 cfs @ 11.76 hrs, Volume= 0.188 af, Depth= 4.17"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 100-yr Rainfall=6.20"

Area (ac)	CN	Description
0.240	61	>75% Grass cover, Good, HSG B
0.300	98	Paved parking & roofs
0.540	82	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry, direct**

Subcatchment 4S: South Basin Area



Subcatchment 8S: Existing Conditions

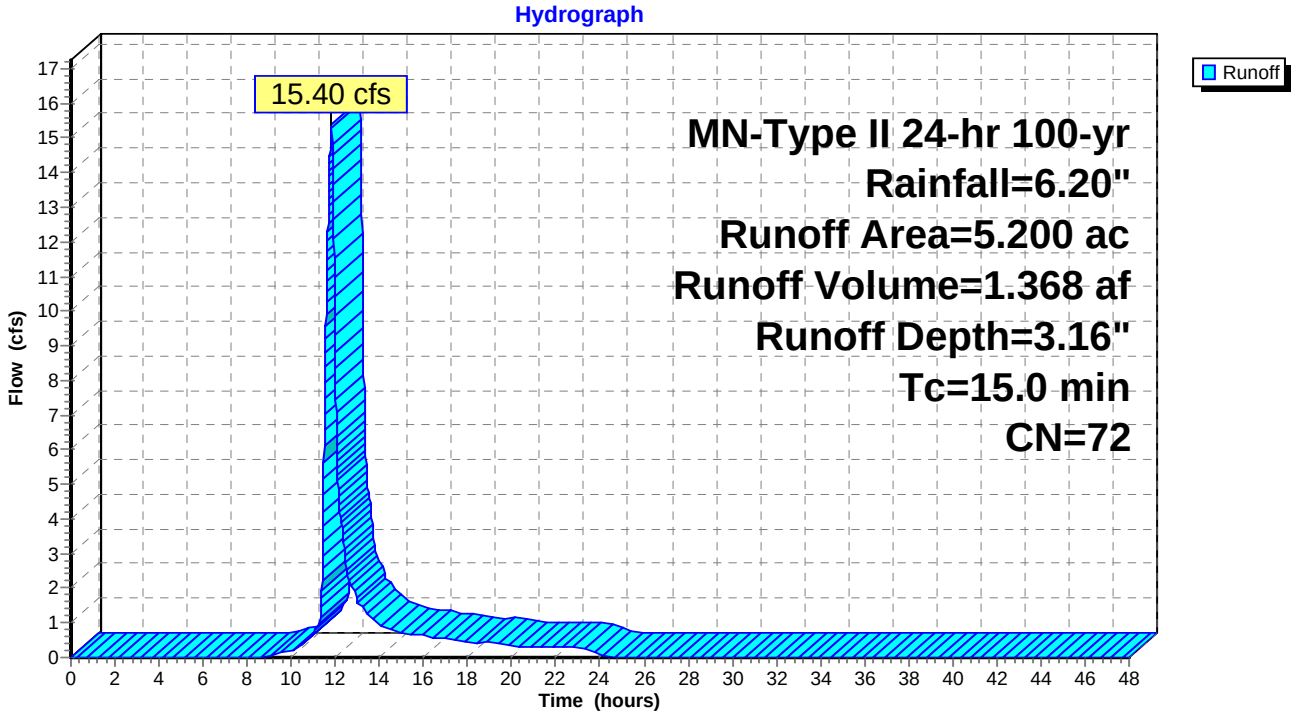
Runoff = 15.40 cfs @ 11.82 hrs, Volume= 1.368 af, Depth= 3.16"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
MN-Type II 24-hr 100-yr Rainfall=6.20"

Area (ac)	CN	Description
4.690	69	50-75% Grass cover, Fair, HSG B
0.510	98	Paved parking & roofs
5.200	72	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.0					**Direct Entry, direct**

Subcatchment 8S: Existing Conditions



Pond 3P: East Basin

[87] Warning: Oscillations may require Finer Routing or smaller dt

Inflow Area =	3.550 ac,	Inflow Depth =	4.49"	for	100-yr event
Inflow =	15.21 cfs @	11.76 hrs,	Volume=	1.329 af	
Outflow =	2.80 cfs @	12.11 hrs,	Volume=	1.132 af,	Atten= 82%, Lag= 20.7 min
Primary =	0.45 cfs @	12.22 hrs,	Volume=	0.623 af	
Secondary =	2.35 cfs @	12.11 hrs,	Volume=	0.509 af	

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Starting Elev= 741.80' Surf.Area= 19,431 sf Storage= 29,091 cf
Peak Elev= 743.36' @ 13.79 hrs Surf.Area= 25,526 sf Storage= 64,062 cf (34,971 cf above start)
Plug-Flow detention time= 1,271.7 min calculated for 0.464 af (35% of inflow)
Center-of-Mass det. time= 567.6 min (1,344.3 - 776.7)

Volume	Invert	Avail.Storage	Storage Description
#1	738.00'	81,301 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

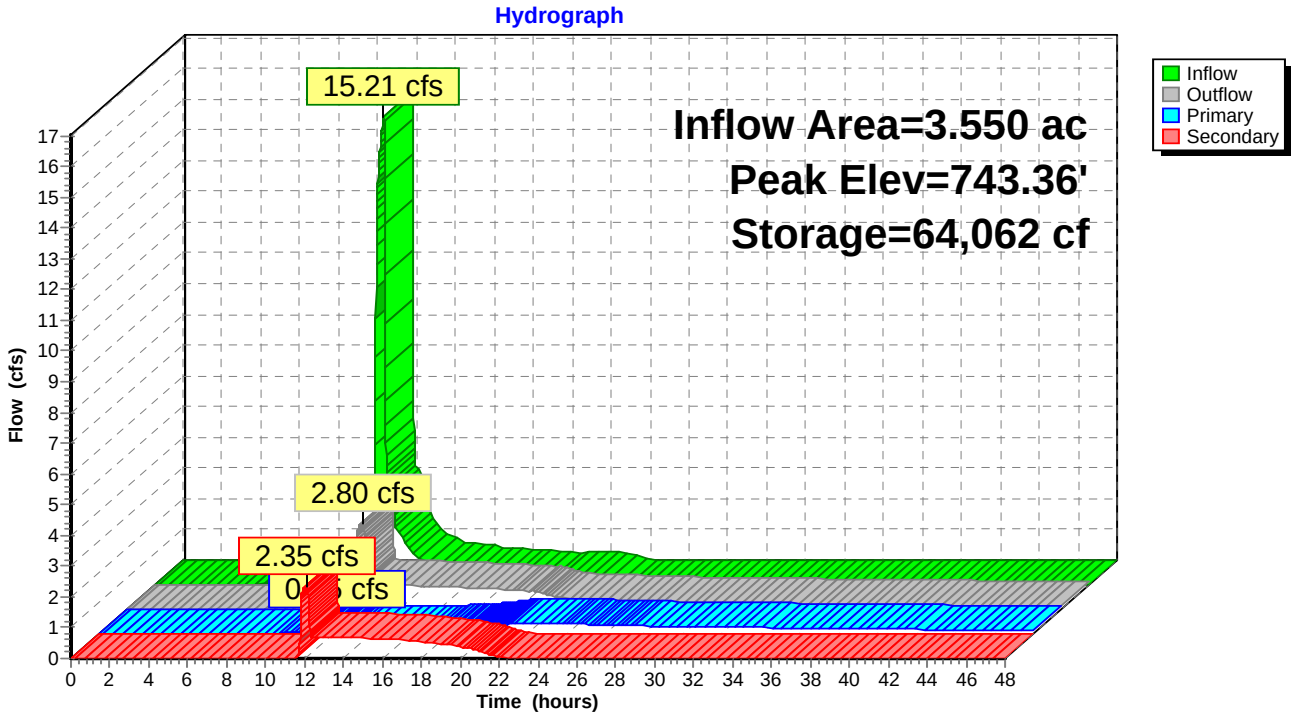
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
738.00	1,524	0	0
739.00	3,547	2,536	2,536
740.00	6,762	5,155	7,690
740.80	9,979	6,696	14,386
741.80	19,431	14,705	29,091
742.00	20,199	3,963	33,054
743.00	24,098	22,149	55,203
744.00	28,098	26,098	81,301

Device	Routing	Invert	Outlet Devices
#1	Primary	740.20'	**12.0" x 275.0' long Culvert** CPP, end-section conforming to fill, Ke= 0.500 Outlet Invert= 739.80' S= 0.0015 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Device 1	741.80'	**Special & User-Defined** Head (feet) 0.00 1.00 2.00 3.00 Disch. (cfs) 0.000 0.260 0.700 1.290
#3	Secondary	743.00'	**4.0' long x 200.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63
#4	Secondary	743.00'	**33.0 deg x 3.0' long Sharp-Crested Vee/Trap Weir** C= 2.60 1.00' Rise

Primary OutFlow Max=0.45 cfs @ 12.22 hrs HW=743.24' TW=743.18' (Dynamic Tailwater)
└─**1=Culvert** (Passes 0.45 cfs of 0.49 cfs potential flow)
└─**2=Special & User-Defined** (Custom Controls 0.45 cfs)

Secondary OutFlow Max=2.35 cfs @ 12.11 hrs HW=743.23' TW=742.99' (Dynamic Tailwater)
└─**3=Broad-Crested Rectangular Weir** (Weir Controls 1.22 cfs @ 1.3 fps)
└─**4=Sharp-Crested Vee/Trap Weir** (Weir Controls 1.13 cfs @ 1.6 fps)

Pond 3P: East Basin



Pond 5P: South Basin

Inflow Area =	4.090 ac,	Inflow Depth >	3.87"	for	100-yr event
Inflow =	3.66 cfs @	11.80 hrs,	Volume=	1.320 af	
Outflow =	0.91 cfs @	13.80 hrs,	Volume=	1.285 af,	Atten= 75%, Lag= 119.6 min
Primary =	0.91 cfs @	13.80 hrs,	Volume=	1.285 af	
Secondary =	0.00 cfs @	0.00 hrs,	Volume=	0.000 af	

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Starting Elev= 741.00' Surf.Area= 2,754 sf Storage= 2,327 cf
Peak Elev= 743.35' @ 13.80 hrs Surf.Area= 5,116 sf Storage= 11,585 cf (9,258 cf above start)
Plug-Flow detention time= 266.5 min calculated for 1.232 af (93% of inflow)
Center-of-Mass det. time= 138.8 min (1,403.5 - 1,264.7)

Volume	Invert	Avail.Storage	Storage Description
#1	738.00'	15,075 cf	**Custom Stage Data (Prismatic)**Listed below (Recalc)

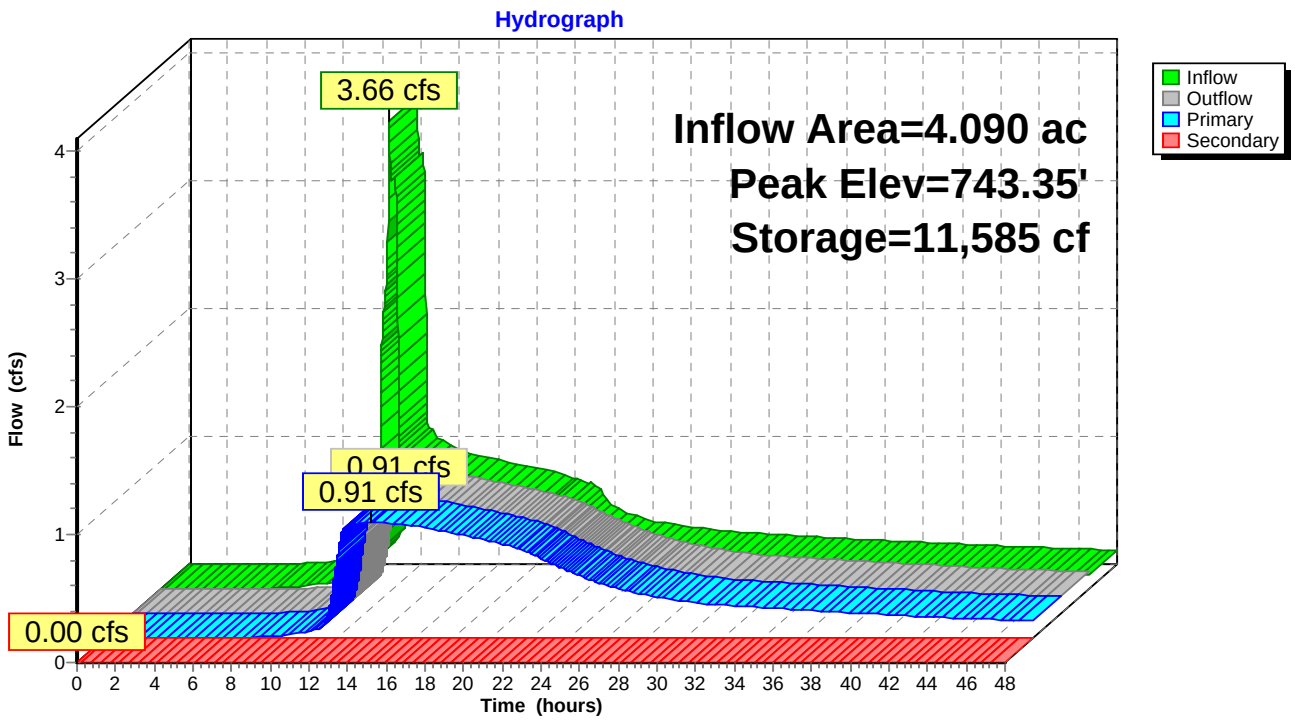
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
738.00	10	0	0
739.00	173	92	92
740.00	772	473	564
741.00	2,754	1,763	2,327
742.00	3,726	3,240	5,567
743.00	4,797	4,262	9,829
744.00	5,696	5,247	15,075

Device	Routing	Invert	Outlet Devices
#1	Primary	739.40'	**12.0" x 60.0' long Culvert** CPP, square edge headwall, Ke= 0.500 Outlet Invert= 738.80' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Device 1	741.00'	**Special & User-Defined** Head (feet) 0.00 1.00 2.00 3.00 Disch. (cfs) 0.000 0.260 0.700 1.290
#3	Secondary	744.00'	**10.0' long x 10.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.49 2.56 2.70 2.69 2.68 2.69 2.67 2.64

Primary OutFlow Max=0.91 cfs @ 13.80 hrs HW=743.35' TW=0.00' (Dynamic Tailwater)
└─**1=Culvert** (Passes 0.91 cfs of 6.46 cfs potential flow)
└─**2=Special & User-Defined** (Custom Controls 0.91 cfs)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=741.00' TW=0.00' (Dynamic Tailwater)
└─**3=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond 5P: South Basin

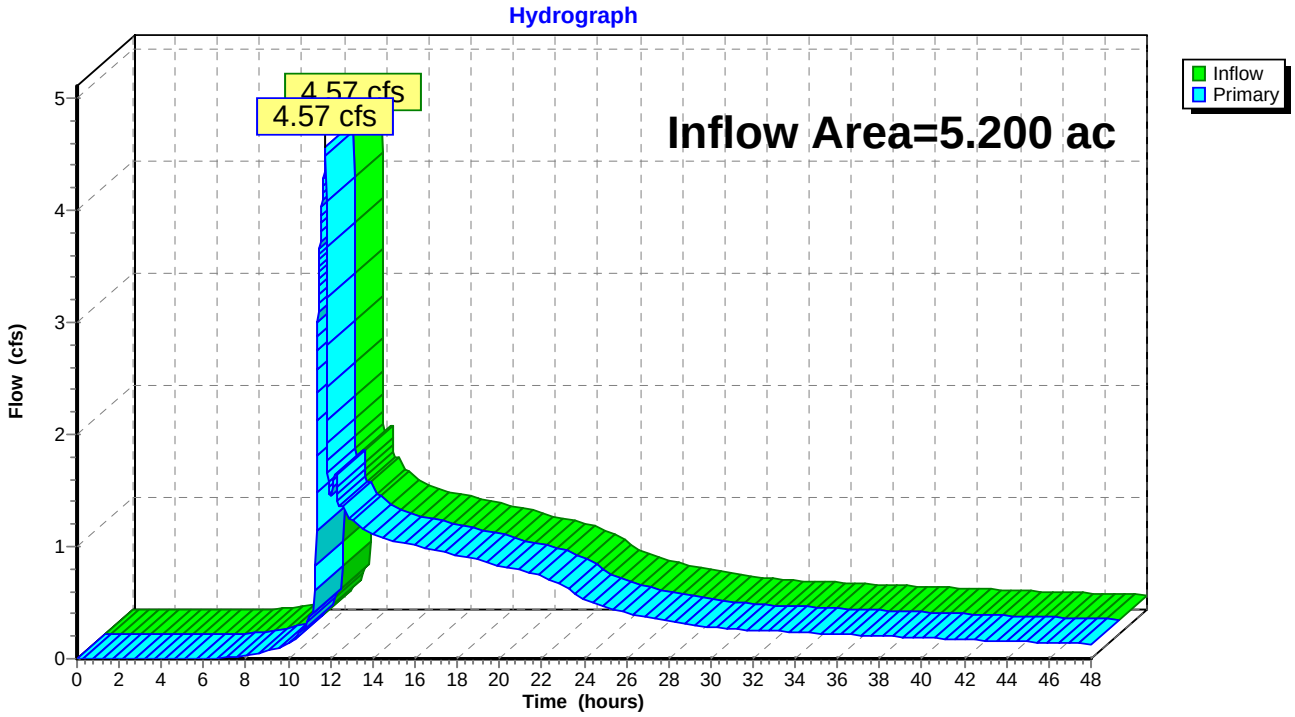


Link 6L: Combined proposed flows

Inflow Area = 5.200 ac, Inflow Depth > 3.77" for 100-yr event
Inflow = 4.57 cfs @ 11.77 hrs, Volume= 1.633 af
Primary = 4.57 cfs @ 11.77 hrs, Volume= 1.633 af, Atten= 0%, Lag= 0.0 min

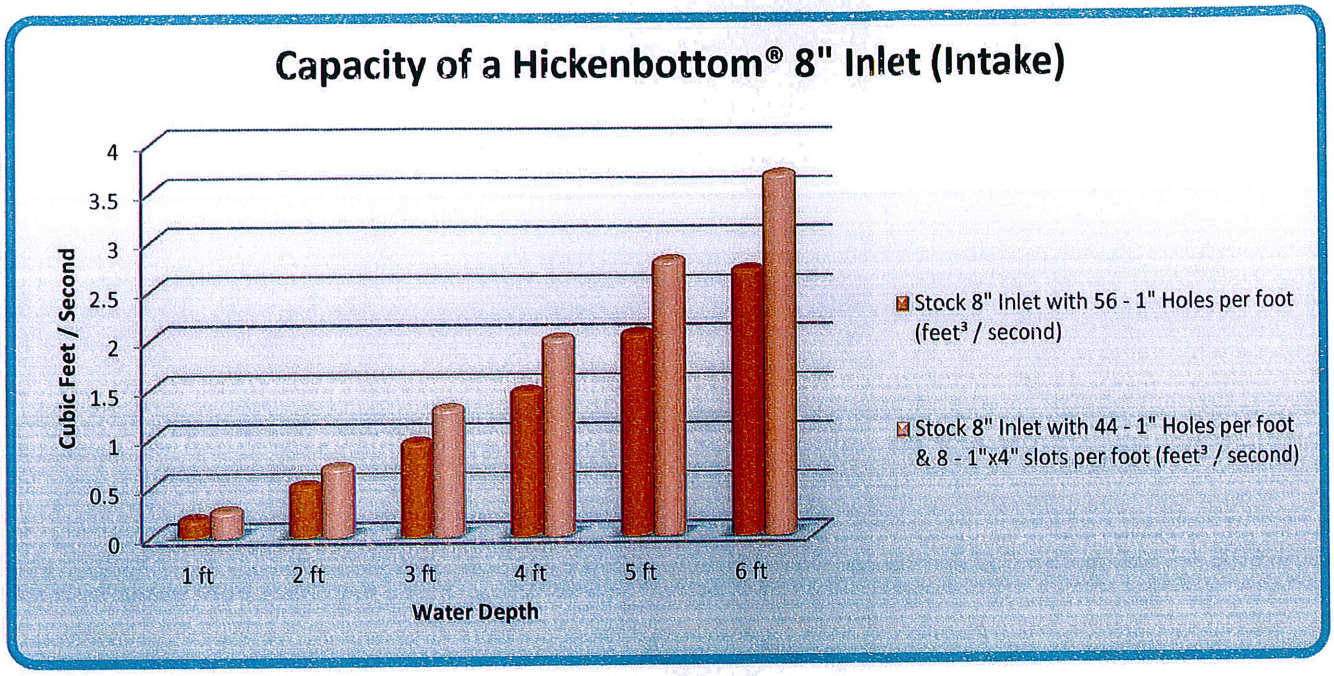
Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 6L: Combined proposed flows



Hickenbottom® Inc.

Look for the bright orange inlet - Hickenbottom's Trademark®



Water Depth	Stock 8" Inlet with 56 - 1" Holes per foot (feet³ / second)	Stock 8" Inlet with 44 - 1" Holes per foot & 8 - 1"x4" slots per foot (feet³ / second)
1 ft	0.18	0.26
2 ft	0.52	0.7
3 ft	0.95	1.29
4 ft	1.47	2
5 ft	2.05	2.79
6 ft	2.7	3.67
The inlet capacities listed in the chart above are based upon the assumption that one half of the holes and/or slots are plugged.		

Note: Basis for the capacities listed above are taken from chart SCS E.F.M., Amend IA 30, Aug. 1986, Page 1A 8-103 (48)

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SCALE

LIGHT LEVELS AT 0' HIGH USING FULL CUTOFF LED
FIXTURES SHOWN ON THE SCHEDULE.
20' POLE, 4' TALL CONCRETE BASE.

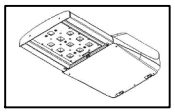
FIXTURES MUST BE THE FOLLOWING: Filename: G:\Server1\CAD\SCOTT\LIGHTING MASTERS\2014\NEWPORT\ALDLTG.AGI

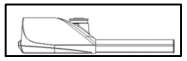
Qty	Symbol	Label	Description Date:2/11/2014	Arrangement	LLF	Lum. Watts	Lum. Lumens	BUG Rating
8		A	LEOTEK EC7-18M-MV-NW-3-700/20' Pole	SINGLE	0.855	165.75	14838	B2-U0-G2
4		W	LEOTEK LWS1-090-MV-NW-3M-(Wall mtd)	SINGLE	0.850	73	5473	B2-U0-G2

NOTE: TYPE A= TILTED UP 10 DEGREE

Calculation Summary

Label	CalcType	Units	Avg	Max	Min
ALL AREA	Illuminance	Fc	0.67	4.3	0.0
INSIDE FENCE AREA	Illuminance	Fc	1.55	4.2	0.2





TYPE A
FULL CUTOFF LED
20' TALL POLE
4' TALL CONCRETE BASE

TYPE W
FULL CUTOFF LED
WALL MOUNTED AT 14' HIGH

DISCLAIMER
This lighting plan specifies luminaires supplied by ALD. Any deviation from this plan or use of luminaires other than ALD products will require full submittal of fixture sample, drawings, and lighting plan to city, engineer and landscape architect for prior approval.

These calculations are NOT valid for owner or city approval using any "non-ALD represented product" or fixtures not shown on this plan. Fixtures must be provided by ALD.

Calculations have been performed with our best interpretation of the details given to us. Some differences between measured and calculated results may occur due to intolerances in calculation methods, testing procedures, component performance, measurement techniques and field conditions such as voltage, temperature variations, lamp manufacturer variations, and other variables. Calculations do not take into consideration objects such as, but not limited to, trees, buildings, pavement, sidewalk, or cars. Calculation values represent horizontal (i.e. light meter facing straight up) illuminance FC levels (unless otherwise noted). If the real environment conditions do not match the input data, differences will occur between measured values and calculated values. ALD is not responsible for acquiring or interpreting any local lighting codes.

These lighting calculations are not a substitute for independent engineering analysis by a professional engineer.

ALD,Inc.
ARCHITECTURAL LIGHTING DESIGNS,INC.
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ST. ANTHONY, MN 55418
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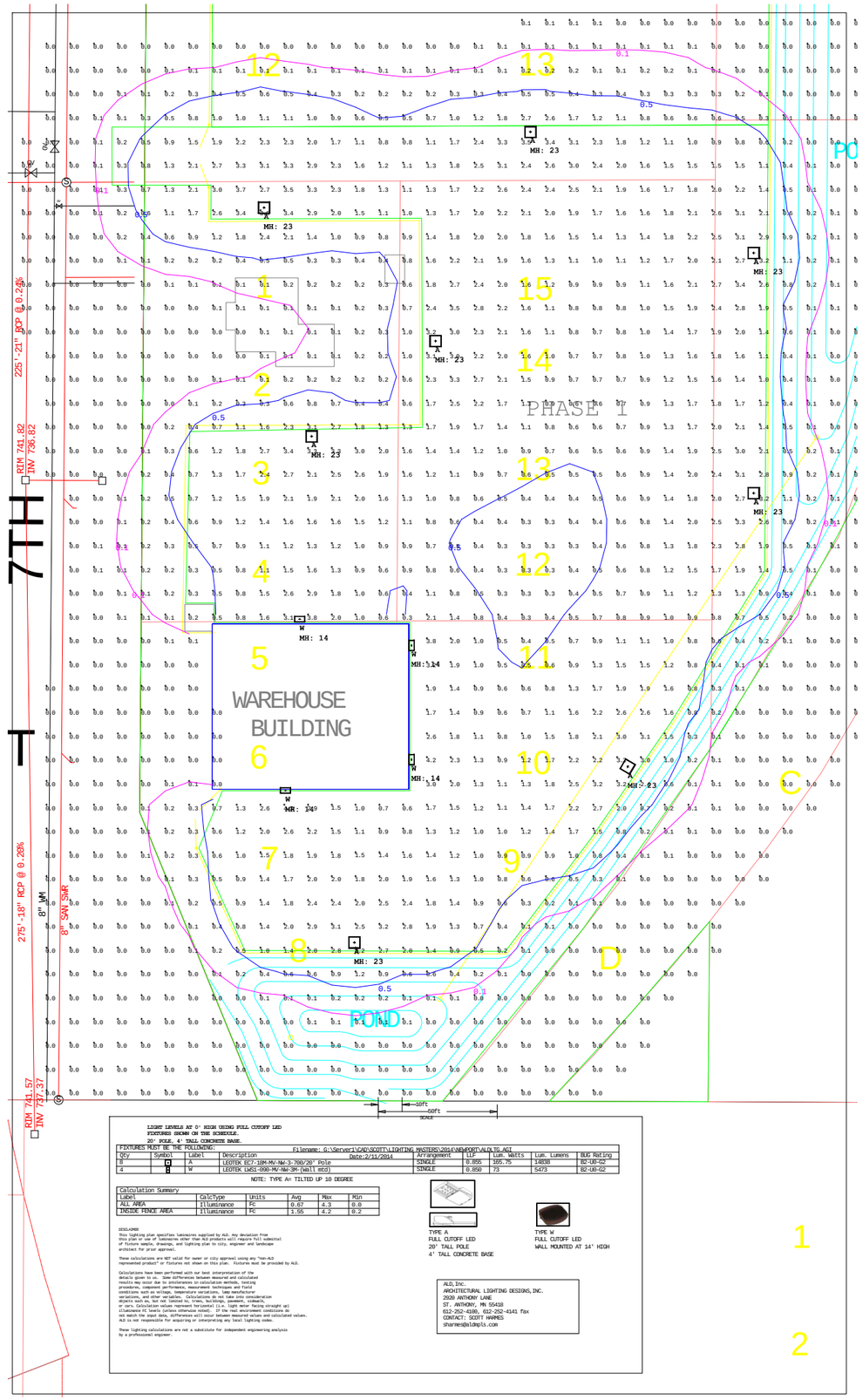

LIGHT LEVELS AT 0' HIGH USING FULL CUTOFF LED
FIXTURES SHOWN ON THE SCHEDULE.

20' POLE, 4' TALL CONCRETE BASE.

FIXTURES MUST BE THE FOLLOWING: Filename: G:\Server1\CAD\SCOTT\LIGHTING MASTERS\2014\WENDPORT\ALDLTG.AGI
Date:2/11/2014

Qty	Symbol	Label	Description	Arrangement	LLF	Lum. Watts	Lum. Lumens	BUG Rating
8		A	LEDTEK EC7-18M-MV-NW-3-700/20' Pole	SINGLE	0.850	1855.75	14838	B2-U0-G2
4		W	LEDTEK LW51-090-MV-NW-3M-(wall mt3)	SINGLE	0.850	73	5473	B2-U0-G2

NOTE: TYPE A= TILTED UP 10 DEGREE

Calculation Summary					
Label	CalcType	Units	Avg	Max	Min
ALL AREA	illuminance	FC	0.67	4.3	0.0
INSIDE FENCE AREA	illuminance	FC	1.55	4.2	0.2

TYPE A
FULL CUTOFF LED
20' TALL POLE
4' TALL CONCRETE BASE

TYPE W
FULL CUTOFF LED
WALL MOUNTED AT 14' HIGH

DISCLAIMER
This lighting plan specifies luminaires supplied by ALD. Any deviation from this plan or use of luminaires other than ALD products will require full submittal of fixture sample, drawings, and lighting plan to city, engineer and landscape architect for prior approval.

These calculations are NOT valid for owner or city approval using any "non-ALD represented product" or fixtures not shown on this plan. Fixtures must be provided by ALD.

Calculations have been performed with our best interpretation of the details given to us. Some differences between measured and calculated results may occur due to assumptions in calculation methods, testing procedures, component performance, measurement techniques and field conditions such as: voltage variations, lamp lumen output, ballast factor variations, and other variables. Calculations do not take into consideration objects such as, but not limited to, trees, buildings, pavement, sidewalk, or cars. Calculation values represent horizontal (i.e. light meter facing straight up) illuminance FC levels (unless otherwise noted). If the real environment conditions do not match the assumptions made in the calculations, it will affect the calculated values. ALD is not responsible for antiquating or interpreting any local lighting code.

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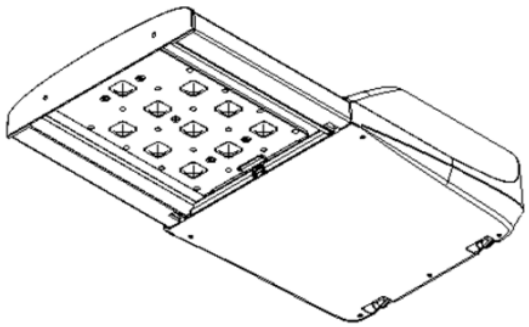
sharris@aldmpls.com

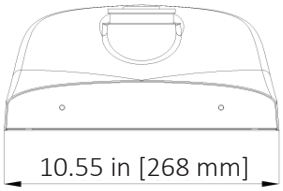
EC
ECobra-head™ LED Street Light

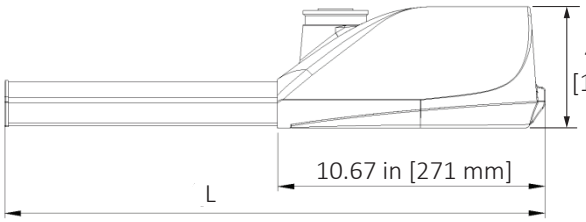
Project
Type
Catalog No.

Luminaire Data

	L (in)	Weight (lb)	EPA (ft²)
EC1	16.1	10.8	0.40
EC3	20.8	12.7	0.45
EC4	23.5	14.0	0.48
EC7	30.6	19.3	0.57
EC9	35.4	21.3	0.63







Ordering Information

Sample Catalog No. EC1 4M MV NW 2 GY WL

Product & No. & Type of LEDs	Voltage	Nominal Color Temperature[1]	Distribution	Finish[2]	Options
EC1 4M	**MV** 120-277V	**NW** 4000K	**2** Type 2	**GY** Gray	**BSK** Bird Spider Kit
EC1 6M	**HV** 347-480V		**3** Type 3		**SPB** Square Pole Bracket
EC3 10M					**RPB** Round Pole Bracket
EC4 14M					**PTB** Pole-Top Bracket
EC7 18M					**DSC** Door Safety Cable
EC7 20M					**HSS**[3] House Side Shield
EC7 24M					**CSS**[4] Cul-de-sac Side Shield
EC9 30M					**700/350** 700mA Max/350mA Set Drive Current
					700/530 700mA Max/530mA Set Drive Current
					FDC[5] Fixed Drive Current
					LPCR Less Photocell Receptacle
					PCR7 ANSI 7-wire Photocontrol Receptacle
					SC PCR Shorting Cap
					WL Utility Wattage Label

Notes:
1 4000K standard, consult factory for other color temperatures.
2 Gray standard, consult factory for other finishes.
3 Flush mounted House Side Shield factory installed, also available for field installation. Shield cuts light off at 1/2 mounting height behind luminaire.
4 Flush mounted Cul-de-sac Shield factory installed, also available for field installation. Shield cuts light off at 1 mounting height on either side of luminaire.
5 Non-field adjustable drive current. Specify 350mA, 530mA or 700mA setting.

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ECv010614 Specifications subject to change without notice

LEOTEK® LITE-ON GROUP

EC
ECobra-head™ LED Street Light

Luminaire Specifications

Housing
Die cast and extruded aluminum housing with universal two-bolt slip fitter mounts to 1-1/4" to 2" (1-5/8" to 2-3/8" O.D.) diameter mast arm. Leveling adjustment of +/-5°. Meets ANSI C136.31-2001 Normal Application, Bridge & Overpass, and Caltrans 611 Vibration Standards. Electrical components are accessed without tools and are mounted on a removable power door. Power door features quick electrical disconnects to terminal block and LED board. Photocontrol receptacle is standard and can be aimed without tools. Photocontrol is provided by others.

Light Emitting Diodes
Hi-flux/Hi-power white LEDs produce a minimum of 95% of initial intensity at 100,000 hours of life. LEDs are tested in accordance with IES LM-80 testing procedures. Mean correlated color temperature of 4000K (standard) and 70 minimum CRI. LEDs are 100% mercury and lead free.

Optical Systems
Micro-lens systems produce IESNA Type 2 or Type 3 distributions. Luminaire is classified as Full-Cutoff with 0% total lumens above 90° (BUG Rating, U=0). Optional house side shield cuts light off at 1/2 mounting height behind luminaire. Cul-de-sac shield provides back and side light control for end of cul-de-sac applications. Both shields are field installable without tools.

Electrical
Power supply drive current is field adjustable (350mA, 530mA or 700mA). Factory standard is 700mA power supply set to 700mA drive current. Power supply features a minimum power factor of .90 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Transient voltage complies with ANSI C62.41 Cat. A. Integral surge protector is tested per ANSI/IEEE C62.45 procedures based on ANSI/IEEE C62.41.2 definitions for standard and optional waveforms for Location Category C High.

Finish
Housing receives a fade and abrasion resistant, epoxy polyester powder coat, light gray finish standard. Aluminum extruded components are anodized. Meets 3000 hours salt spray test.

Listings/Ratings
Luminaires are UL listed for use in wet locations in the United States and Canada. Optical systems maintain an IP66 rating. All units are qualified by Design Lights Consortium (DLC).

Photometry
Luminaires are photometrically tested by certified independent testing laboratories in accordance with IES LM-79 testing procedures.

Warranty
10-year limited warranty is standard on luminaire and components.

Performance Data
See next page

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EC
ECobra-head™ LED Street Light

Performance Data

All data nominal, consult factory for IES files or LM-79 reports.

			Type 2			Type 3		
No. of LEDs & Type	**Drive Current (mA)**	**System Wattage (W)**	**Delivered Lumens (Lm)**	**Efficacy (Lm/W)**	**BUG Rating**	**Delivered Lumens (Lm)**	**Efficacy (Lm/W)**	**BUG Rating**
EC1 4M	350	19	1900	100	B1 U0 G1	1800	95	B1 U0 G1
	450	23	2300	100	B1 U0 G1	2200	96	B1 U0 G1
	530	27	2700	100	B1 U0 G1	2500	93	B1 U0 G1
	700	35	3300	94	B1 U0 G1	3100	89	B1 U0 G1
EC1 6M	350	29	3000	103	B1 U0 G1	2900	100	B1 U0 G1
	530	42	4100	98	B1 U0 G1	4000	95	B1 U0 G1
	700	54	5000	93	B1 U0 G1	5000	93	B1 U0 G1
EC3 10M	350	40	4700	118	B1 U0 G1	4500	113	B1 U0 G1
	530	63	6500	103	B2 U0 G2	6500	103	B1 U0 G1
	700	87	8300	95	B2 U0 G2	8300	95	B2 U0 G1
EC4 14M	350	65	6800	105	B2 U0 G2	6800	105	B1 U0 G1
	530	98	9400	96	B2 U0 G2	9400	96	B2 U0 G2
	700	130	11700	90	B2 U0 G2	11700	90	B2 U0 G2
EC7 18M	350	82	8700	106	B2 U0 G2	8600	105	B2 U0 G2
	530	122	12000	98	B2 U0 G2	11900	98	B2 U0 G2
	700	163	15000	92	B2 U0 G2	14800	91	B2 U0 G2
EC7 20M	350	90	9700	108	B2 U0 B2	9600	107	B2 U0 G2
	530	137	13300	97	B3 U0 G3	13200	96	B2 U0 G2
	700	180	16700	93	B3 U0 G3	16500	92	B3 U0 G2
EC7 24M	350	109	11600	106	B3 U0 G3	11500	106	B2 U0 G2
	530	165	16000	97	B3 U0 G3	15800	96	B2 U0 G2
	700	215	20000	93	B3 U0 G3	19700	92	B3 U0 G3
EC7 30M	350	130	14000	108	B3 U0 G3	13800	106	B3 U0 G2
	530	198	19300	97	B3 U0 G3	19100	96	B3 U0 G2
	700	260	24000	92	B3 U0 G3	23700	91	B3 U0 G3

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LEOTEK
LITE-ON GROUP

Catalog #		Date	
Project			
Type		Prepared By	
Comments			

LED Outdoor Wall Sconce

LWS1 Series

Building-Mounted Security Lighting For Applications Including Commercial, Retail, and Institutional

Specifications

Luminaire Housing
Die cast aluminum two piece housing with rear mounting compartment which has threaded conduit access openings on back, top and both sides for through-way wiring. Front optical housing features prominent heat dissipating fins to optimize heat dissipation.

Finish
Housing receives a fade and abrasion resistant, epoxy polyester powder coat finish.

Light-Engine Housing
Die cast aluminum housing with heat dissipating fins.

Listings/Ratings/ Warranties
Luminaires are listed by certified testing laboratory for use in wet locations in the United States and Canada. Maintains IP66 rating. Five-year limited warranty is standard on all components.

Light Emitting Diodes
Hi-flux/Hi-power white LEDs produce a minimum of 130 lumens per watt and 70% of initial intensity at 60,000 hours of projected life. They have a nominal correlated color temperature of 5000K and a nominal CRI of 70. LEDs are 100% mercury and lead free.

Optical Chamber
Sealed by die formed silicone gasket and clear, UV stabilized polycarbonate cover.

Optical Systems
Micro-lens system produces IESNA Type 3 (Type 4 in 90 LED version) distribution. Luminaire is classified as Full-Cutoff with 0 lumens produced at or above 90°. Units provide a minimum luminaire efficacy of 75-80 lumens per watt.

CRI
70

Photometry
All luminaires are photometrically tested by certified independent testing laboratories in accordance with IESNA LM-79 testing procedures.

Electrical
Power supply features a Power Factor of .9 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Transient voltage complies with ANSI C62.41 Cat. A. Power supply produces a maximum drive current of 325ma to optimize LED efficiency and life.

Input
Constant Current Source

Operating Temperature
-40°F to 140°F (-40°C to 50°C)

Weight
11 Lbs./ 5 Kg.

Patents
Patents pending.

Luminaire	System Watts	Lumen Output*	Lumens per Watt*
LWS1-036	36.6W	2,758*	76*
LWS1-048	50W	3,867*	76*
LWS1-090	73W	5,475	75

*Estimated Lumens based upon 90 LED LM-79 Report

Mounting
The back mounting box separates from the front light engine with 2 screws and hinges, allowing installer to quickly and easily mount the lightweight back box with wiring access via 4 threaded plugs, then reattach the light engine to the hinges for hands-free completion of wiring.

Features
Easy to install with back mounting/wiring compartment that is hinged with front LED light engine compartment. Delivers Type 3-4 IES distribution for outstanding lighting performance.

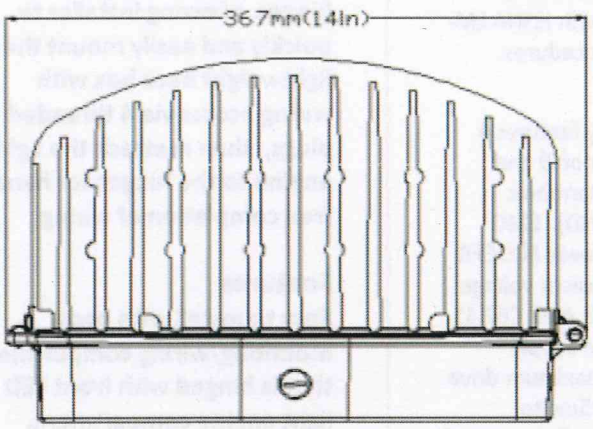
Certifications
CE (LWS1-036, LWS1-048)
cCSAus, EMC (LWS1-036, LWS1-048)
WEEE (LWS1-048)
IEC 62471 (LWS1-048)

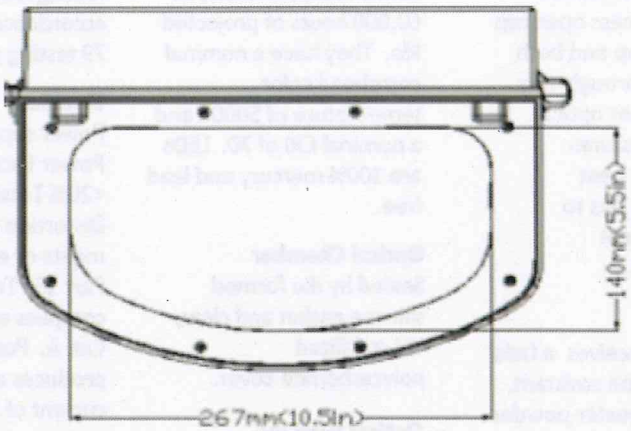
Industry Associations & Accreditations
PEI MEMBER
ISO 9001 Registered

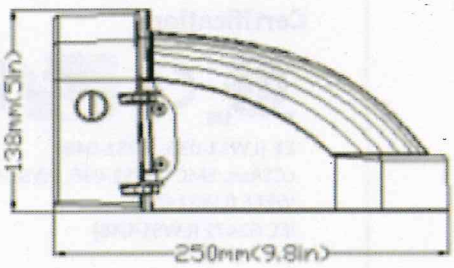
Ordering Information | Example: LWS1-036-MV-CW-3M-DB

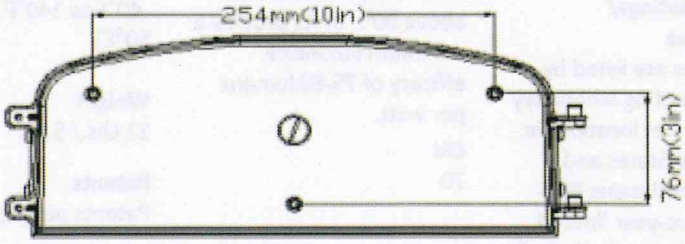
LWS1	Select	MV	Select	3M	Select
Series	**LED Quantity**	**Voltage**	**Nominal Color Temperature**	**Distribution Pattern**	**Finish**
LWS1 – Outdoor Wall Sconce	**036** - 36 LED **048** - 48 LED **090** - 90 LED	**MV** - 120-277Vac	**CW** - 5000K **NW** - 4100K	**3M** - Type 3	**DB** - Dark Bronze **BK** - Black **GY** - Gray

Dimensions









CITY OF NEWPORT
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING
TO CONSIDER A REQUEST FOR A REZONING AND CONDITIONAL USE PERMIT

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Wednesday, March 12, 2014, at 7:00 p.m. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Ave., Newport, MN, to consider an application from David Sullivan, 6127 South Hearthstone Avenue, Cottage Grove, MN 55016, for approval of a rezoning and Conditional Use Permit (CUP). The rezoning request is for 21 parcels located on 7th Avenue between 2nd and 6th Streets, Newport, MN and is to rezone it from B-1 to MX-4. The CUP request is for 14 parcels (01.027.22.21.0009 - 01.027.22.21.0022) located on 7th Avenue between 3rd and 6th Street and is to allow for an Automotive Service, Car Specialty Services use, identified by the applicant as Imperial Recovery Services.

Said property is legally described as:

PID# 01.027.22.24.0003 - LOTS 1 THRU 6 BLOCK 2 DIV #1 ST PAUL PARK & THE 1/2 OF VACATED PARKER ST ADJACENT TO LOT 1 & LOTS 7 THRU 12 BLOCK 2 DIV #1 ST PAUL PARK EAST OF ROAD EXCEPT TO RAILROAD ON LOTS 10 THRU 12 & LOTS 13 & 14 BLOCK 2 DIV #1 ST PAUL PARK WEST OF THE ROAD & LOTS 15 THRU 19 BLOCK 2 DIV #1 ST PAUL PARK WEST OF ROAD Block 2 Lot 1 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 2 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 3 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 4 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 5 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 6 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 7 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 8 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 9 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 10 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 11 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 12 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 13 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 14 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 15 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 16 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 17 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 18 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 19 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0004 - Block 2 Lot 12 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0005 - Block 2 Lot 20 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0006 - Block 2 Lot 21 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0007 - LOTS 22 THRU 28 BLOCK 2 DIV #1 ST PAUL PARK EAST OF ROAD & EXCEPT TO RAILROAD ON LOTS 27 & 28 Block 2 Lot 22 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 23 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 24 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 25 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 26 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 27 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 28 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0008 - LOTS 22 THRU 24 BLOCK 2 EST OF THE ROAD DIV #1 ST PAUL PARK Block 2 Lot 22 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 23 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 24 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID#01.027.22.21.0009 - Lot 5, 6, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0010 - Lots 7, 8, 9 and 10, Block 3, Division No. 6 St. Paul Park, Washington County, Minnesota, together with the vacated alley

PID#01.027.22.21.0011 - Lots 11, 12, 13, 14, and 15, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0012 - Lots 16, 17, and 18, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0013 - Lots 19 and 20, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0014 - Lots 21 and 22, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0015 - Lots 23 and 24, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0016 - Lots 1, 2, 3, and 4, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0017 - Lots 5, 6, 7, 8, 9, 10, and 11, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley, vacated 8th Avenue, and vacated Parker Street.

PID#01.027.22.21.0018 - Lots 12, 13, 14, and 15, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0019 - Part of Block 5 being North 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the North line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0020 - Part of Block 5 being South 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the South line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0021 - Part of Block 5 being all lying North of the South Line of Lot 19, Block 3, Division No 6 easterly to C B & N Railway Right of Way and the South Line of Lot 23, Block 3, Division No 6 St. Paul Park and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0022 - Park of Block 5 all that part lying North of the South Line of Lot 23, Block 3, Division No 6 St. Paul Park extended Easterly to C B & Q Railway Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID# 01.027.22.21.0023 - ALL UNSUBDIVIDED BLK 6 EXCEPT TO RR SubdivisionName DIV NO.6 ST PAUL PARK Block 6 SubdivisionCd 55455

The Planning Request is governed under Chapter 13, Zoning, Section 1310.02, Subdivision 3 Application for Rezoning of the Newport City Code adopted by the Newport City Council on June 5, 1997 and under Chapter 13, Section 1310.10, Conditional Use Permit of the City Code of Ordinance.

Information on this Application can be reviewed at the Newport City Hall. The purpose of this hearing is to provide citizens the opportunity to comment on the project either at, or in writing prior to, the Public Hearing.

Dated this 19th day of February, 2014

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, February 26, 2014)

Address/PID #	Owner	Owner's Mailing Address	City, State Zip
637 3rd Street	Tax Forf Land	14949 62nd Street North	Stillwater, MN 55082
550 4th Street	Yong and Samuel Ly	550 4th Street	Newport, MN 55055
570 4th Street	Kelly Jarosz	570 4th Street	Newport, MN 55055
615 4th Street	Ev Acker	615 4th Street	Newport, MN 55055
650 4th Street	Stewart Property	1985 Lincoln Avenue	St. Paul, MN 55105
670 4th Street	Stewart Property	1985 Lincoln Avenue	St. Paul, MN 55105
617 5th Street	Gary Imholte	617 5th Street	Newport, MN 55055
620 5th Street	Abel and Deloris Alsides	455 6th Avenue	Newport, MN 55055
635 5th Street	Gary Imholte	617 5th Street	Newport, MN 55055
661 5th Street	Blanca Matias	661 5th Street	Newport, MN 55055
577 6th Street	Kheang Sok	577 6th Street	Newport, MN 55055
592 6th Street	Thomas Sutmar	592 6th Street	Newport, MN 55055
01.027.22.22.0045	Thomas Sutmar	592 6th Street	Newport, MN 55055
596 6th Street	Ed Voss	596 6th Street	Newport, MN 55055
615 6th Street	Randy Strom	28443 N Lake Drive #1	Mora, MN 55051
415 6th Avenue	Paul and Britney Daugs	415 6th Avenue	Newport, MN 55055
01.027.22.22.0051	Paul and Britney Daugs	415 6th Avenue	Newport, MN 55055
455 6th Avenue	Abel and Deloris Alsides	455 6th Avenue	Newport, MN 55055
01.027.22.22.0046	Abel and Deloris Alsides	455 6th Avenue	Newport, MN 55055
638 6th Avenue	Jill Schmidt	2022 Queens Avenue South	Lakeland, MN 55043
36.028.22.33.0082	Jill Schmidt	2022 Queens Avenue South	Lakeland, MN 55043
660 6th Avenue	U.S. Bank National Association	7255 Baymeadows Way	Jacksonville, FL 32256
684 6th Avenue	Maria Bonilla	684 6th Avenue	Newport, MN 55055
95 7th Avenue	Richard and Claudia Bruhn	18236 145th Avenue	Chippewa Falls, WI 54729
01.027.22.24.0021	Richard and Claudia Bruhn	18236 145th Avenue	Chippewa Falls, WI 54729
100 7th Avenue	M B Tire Co Inc	100 7th Avenue	Newport, MN 55055
01.027.22.24.0018	M B Tire Co Inc	100 7th Avenue	Newport, MN 55055

100 7th Avenue	Bam and Ram Inc	33007 355th Street	Ogema, MN 56569
101 7th Avenue	Markid Properties	10471 Barnes Avenue	Inver Grove Heights, MN 55077
251 7th Avenue	Tim Michael	15548 260th Street	Lindstrom, MN 55045
295 7th Avenue	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.21.0023	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0003	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0004	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0005	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0006	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0007	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0040	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0042	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0043	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.23.0045	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0003	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0004	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0005	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0006	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0007	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0008	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0009	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
01.027.22.24.0013	St. Paul Park Refinery	38C Grove Street #100	Ridgefield, CT 06877
311 7th Avenue	Elizabeth Benepe	311 7th Avenue	Newport, MN 55055
481 7th Avenue	David Erickson	481 7th Avenue	Newport, MN 55055
562 7th Avenue	Dustin Ramberg	562 7th Avenue	Newport, MN 55055
577 7th Avenue	Chris Barrett	4150 Lake Ridge Drive	Big Lake, MN 55309
603 7th Avenue	Fred Leimbek	603 7th Avenue	Newport, MN 55055
610 7th Avenue	Usonia Properties	11408 Redwood Curve	Woodbury, MN 55129

628 7th Avenue	Joseph Obitz	721 12th Avenue North	South St. Paul, MN 55075
630 7th Avenue	Oakdale Newport LLC	1396 Lincoln Avenue	St. Paul, MN 55105
635 7th Avenue	Mary Sansom	635 7th Avenue	Newport, MN 55055
36.028.22.33.0081	Mary Sansom	635 7th Avenue	Newport, MN 55055
648 7th Avenue	Steve Lanz	648 7th Avenue	Newport, MN 55055
661 7th Avenue	Norma Kraft	7008 98th Street South	Cottage Grove, MN 55016
670 7th Avenue	Don and Laura Diederich	670 7th Avenue	Newport, MN 55055
36.028.22.34.0032	Don and Laura Diederich	670 7th Avenue	Newport, MN 55055
673 7th Avenue	Koenig Family Trust	7565 Laverne Avenue South	Cottage Grove, MN 55016
682 7th Avenue	Don and Laura Diederich	682 7th Avenue	Newport, MN 55055
695 7th Avenue	Cary and Jody Kissner	695 7th Avenue	Newport, MN 55055

PLANNING COMMISSION

RESOLUTION NO. P.C. 2014-1

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A REZONING REQUESTED BY DAVID SULLIVAN, 6127 S HEARTHSTONE AVENUE, COTTAGE GROVE, MN, 55016, FOR PROPERTY LOCATED ON 7TH AVENUE BETWEEN 2ND AND 6TH STREETS, NEWPORT, MN 55055

WHEREAS, David Sullivan, 6127 S Hearthstone Avenue, Cottage Grove, MN 55016, has submitted a request for a rezoning; and

WHEREAS, The proposed rezoning is for property located on 7th Avenue between 3rd and 6th Streets, Newport, MN 55055, and is more fully legally described as follows:

PID#01.027.22.21.0009 - Lot 5, 6, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0010 - Lots 7, 8, 9 and 10, Block 3, Division No. 6 St. Paul Park, Washington County, Minnesota, together with the vacated alley

PID#01.027.22.21.0011 - Lots 11, 12, 13, 14, and 15, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0012 - Lots 16, 17, and 18, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0013 - Lots 19 and 20, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0014 - Lots 21 and 22, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0015 - Lots 23 and 24, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0016 - Lots 1, 2, 3, and 4, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0017 - Lots 5, 6, 7, 8, 9, 10, and 11, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley, vacated 8th Avenue, and vacated Parker Street.

PID#01.027.22.21.0018 - Lots 12, 13, 14, and 15, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0019 - Part of Block 5 being North 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the North line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0020 - Part of Block 5 being South 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the South line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0021 - Part of Block 5 being all lying North of the South Line of Lot 19, Block 3, Division No 6 easterly to C B & N Railway Right of Way and the South Line of Lot 23, Block 3, Division No 6 St. Paul Park and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0022 - Park of Block 5 all that part lying North of the South Line of Lot 23, Block 3, Division No 6 St. Paul Park extended Easterly to C B & Q Railway Right of Way and vacated 8th Avenue, Washington County, Minnesota

WHEREAS, Certain adjoining parcels should be rezoned as well; and

WHEREAS, The adjoining parcels are located on 7th Avenue between 2nd and 3rd Streets, Newport, MN 55055, and are more fully legally described as follows:

PID# 01.027.22.24.0003 - LOTS 1 THRU 6 BLOCK 2 DIV #1 ST PAUL PARK & THE 1/2 OF VACATED PARKER ST ADJACENT TO LOT 1 & LOTS 7 THRU 12 BLOCK 2 DIV #1 ST PAUL PARK EAST OF ROAD EXCEPT TO RAILROAD ON LOTS 10 THRU 12 & LOTS 13 & 14 BLOCK 2 DIV #1 ST PAUL PARK WEST OF THE ROAD & LOTS 15 THRU 19 BLOCK 2 DIV #1 ST PAUL PARK WEST OF ROAD Block 2 Lot 1 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 2 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 3 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 4 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 5 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 6 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 7 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 8 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 9 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 10 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 11 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 12 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 13 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 14 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 15 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 16 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 17 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 18 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 19 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0004 - Block 2 Lot 12 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0005 - Block 2 Lot 20 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0006 - Block 2 Lot 21 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0007 - LOTS 22 THRU 28 BLOCK 2 DIV #1 ST PAUL PARK EAST OF ROAD & EXCEPT TO RAILROAD ON LOTS 27 & 28 Block 2 Lot 22 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 23 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 24 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 25 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 26 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 27 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 28 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.24.0008 - LOTS 22 THRU 24 BLOCK 2 EST OF THE ROAD DIV #1 ST PAUL PARK Block 2 Lot 22 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 23 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK Block 2 Lot 24 SubdivisionCd 2674 SubdivisionName DIV #1 ST PAUL PARK

PID# 01.027.22.21.0023 - ALL UNSUBDIVIDED BLK 6 EXCEPT TO RR SubdivisionName DIV NO.6 ST PAUL PARK Block 6 SubdivisionCd 55455

WHEREAS, The described property is zoned Business Park/Office/Warehouse District (B-1); and

WHEREAS, The request is to rezone the property to General Mixed Use District (MX-4); and

WHEREAS, Chapter 13, Section 1310.02, Subdivision 3, of the Code of Ordinance states; "Proceedings for amendment, which are initiated by the petition of the owner or owners of the property, shall be filed with the Zoning

Administrator. All applications shall be accompanied by an administrative fee as prescribed in Subsection 1310.01 and shall include the following information:

A. The name and address of the applicant or applicants;
B. A description of the area proposed to be rezoned; the names and addresses of all owners of property lying within such area and a description of the property owned by each;
C. The present zone classification of the area and the proposed zone classification;
D. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
E. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
F. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
G. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of three hundred fifty (350) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area." and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on March 12, 2014; and

WHEREAS, the Planning Commission's findings related to the request for approval of a Rezoning included the following:

1. The proposed rezoning from the B-1 District to the MX-4 District is consistent with the goals and policies in the Comprehensive Plan that encourage redevelopment of the portions of the City along Highway 61 with a mix of residential and commercial uses.
2. The proposed zoning fits with the existing uses around the site. The surrounding areas include a diverse mix of uses, including railroads, commercial, residential, and light industrial uses. The performance standards in the zoning ordinance can be applied so that the uses allowed in the MX-4 district are compatible with the adjacent uses.
3. The proposed zoning fits the general pattern of zoning in the City. Most of the land along Highway 61 has been zoning for Mixed Use. The rezoning would extend the existing MX-4 District to the south along the west side of Highway 61.
4. The proposed rezoning will allow for redevelopment of the property with new uses that have a higher value that the existing and past uses of the site. Redevelopment is likely to have a positive impact on the value of adjacent properties. The rezoning will conserve or improve property values in the City.
5. The proposed rezoning will allow for redevelopment of the property and cleanup of existing pollution on the site. The redevelopment and cleanup will result in positive impacts for the entire City. The cleanup of pollution on the site and redevelopment with a new use are in the interest of public health, safety and welfare.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Rezoning of the described property from B-1 to MX-4 to applicant David Sullivan, 6127 S Hearthstone Avenue, Cottage Grove, MN 55016.

Adopted this 12th day of March, 2014 by the Newport Planning Commission.

VOTE: Lund _____
Mahmood _____
Lindoo _____
Prestegaard _____
Haley _____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator

PLANNING COMMISSION

RESOLUTION NO. P.C. 2014-2

A RESOLUTION RECOMMENDING THE NEWPORT CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT REQUESTED BY DAVID SULLIVAN, 6127 S HEARTHSTONE AVENUE, COTTAGE GROVE, MN, 55016, FOR PROPERTY LOCATED ON 7TH AVENUE BETWEEN 3RD AND 6TH STREETS, NEWPORT, MN 55055

WHEREAS, David Sullivan, 6127 S Hearthstone Avenue, Cottage Grove, MN 55016, has submitted a request for a Conditional Use Permit to allow for an Automotive Service, Car Specialty Services Use/Automobile Repossession Business Use, Not Including Auto Body Repair or Major Repair; and

WHEREAS, the property is located on 7th Avenue between 3rd and 6th Streets, Newport, MN 55055, and is more fully legally described as follows:

PID#01.027.22.21.0009 - Lot 5, 6, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0010 - Lots 7, 8, 9 and 10, Block 3, Division No. 6 St. Paul Park, Washington County, Minnesota, together with the vacated alley

PID#01.027.22.21.0011 - Lots 11, 12, 13, 14, and 15, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0012 - Lots 16, 17, and 18, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0013 - Lots 19 and 20, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0014 - Lots 21 and 22, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0015 - Lots 23 and 24, Block 3, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0016 - Lots 1, 2, 3, and 4, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley.

PID#01.027.22.21.0017 - Lots 5, 6, 7, 8, 9, 10, and 11, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley, vacated 8th Avenue, and vacated Parker Street.

PID#01.027.22.21.0018 - Lots 12, 13, 14, and 15, Block 4, Division No 6 St. Paul Park, Washington County, Minnesota, together with vacated alley and vacated 8th Avenue.

PID#01.027.22.21.0019 - Part of Block 5 being North 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the North line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0020 - Part of Block 5 being South 1/2 of all lying West of the Chicago Rock Island and Pacific Railroad Right of Way and south of the South line of Lot 18, Block 3, Division No 6, projected East to the Railroad Right of Way and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0021 - Part of Block 5 being all lying North of the South Line of Lot 19, Block 3, Division No 6 easterly to C B & N Railway Right of Way and the South Line of Lot 23, Block 3, Division No 6 St. Paul Park and vacated 8th Avenue, Washington County, Minnesota

PID#01.027.22.21.0022 - Park of Block 5 all that part lying North of the South Line of Lot 23, Block 3, Division No 6 St. Paul Park extended Easterly to C B & Q Railway Right of Way and vacated 8th Avenue, Washington County, Minnesota

WHEREAS, The described property is zoned Mixed Use District (MX-4); and

WHEREAS, Section 1310.10 Subd. 2 Criteria states the criteria for acting upon a Conditional Use Permit (C.U.P.) application as follows: *"In acting upon an application for a conditional use permit, the City shall consider the effect of the proposed use upon the health, safety, and general welfare of the City including but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood; consistency with the Newport comprehensive plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire; effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes flood plains and soils; and other factors as found relevant by the City. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City or other governmental bodies having jurisdiction over the City. In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which it considers necessary to protect the best interest of the surrounding area or the community as a whole."*; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on March 12, 2014; and

WHEREAS, the Planning Commission's findings related to the request for approval of a Conditional Use Permit include the following:

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the MX-4 General Mixed Use Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of a mix of residential and commercial uses in the areas along Highway 61.
3. The conditions for approval of the proposed use include requirements for development and operation of the site so that the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the potential impacts of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions and parking facilities on adjacent streets and land.
4. The redevelopment of the property with a new use and associated cleanup of existing pollution on the site will have positive impacts on surrounding properties, including valuation, aesthetics, and the character of the neighborhood.
5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. The potential use and development plan will result in the cleanup of existing pollution on the site, and provide positive impacts to surface and ground waters and soils.
7. In permitting a new conditional use, the City has adopted conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Conditional Use Permit for an Automobile services, car specialty services/ automobile repossession business use, not including auto body repair or major repair with the following conditions:

1. The Applicant shall submit Final Site Plan(s) and Building Plans that are substantially in conformance with the plans submitted to the City and dated February 12, 2014. All elements of the Final Plans must meet the requirements of the zoning ordinance.
2. The Applicant shall modify the plans for City Engineer approval, and comply with the requests of the City Engineer included in the Engineer's memo, dated February 18, 2014. All work shall be completed in accordance with the City of Newport's Engineering Standards.
3. Maximum truck loads serving the site may not exceed 7 tons in weight year-round.
4. The applicant shall direct traffic to access the site from the south, using the 70th Street exit from Highway 61 and 7th Avenue. Trucks shall enter the site using the gate south of the warehouse, and shall exit the property using the gate north of the existing house near 4th Avenue.
5. The applicant shall revise the plan to include a location for visitor parking and handicapped parking that meets State and Federal regulations.
6. No outside storage other than vehicles stored on the parking areas is permitted on the site.
7. No auto body work or automobile painting is permitted on the site.
8. All trash and recycling equipment shall be stored within an enclosed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
9. The fencing and related screening on the site shall be maintained in good condition so that the requirements of the ordinance are met.
10. Any utility equipment installed at the site must meet the ordinance requirements.
11. The applicant shall submit a landscape plan to the City for approval that includes a minimum of 12 over-story trees along 7th Avenue. The trees shall be species that are hardy in Minnesota and salt-tolerant. The trees shall have trunks that are a minimum 2-1/2" diameter at planting.
12. The hours of operation for serving visitors shall be 9 a.m. to 4:30 p.m. The business may bring repossessed vehicles to the site outside those hours under the following conditions:
    a. The trucks that are dropping off vehicles shall enter the site via the gate just south of the warehouse building, and exit the site via the gate north of the existing house. Headlights shall be controlled so there are no impacts to homes across 7th Avenue.
    b. Equipment with back-up beepers shall not be used outside the daytime working hours at the site (9 a.m. to 4:30 p.m.). At all times, the applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site and utilize beeper alarms.
13. The Applicant shall apply to the City for a permit for any sign(s) proposed as the site. All signs shall meet the ordinance requirements.
14. The permitted use on the site does not include automobile painting and body work.
15. Noise, odors, smoke and particulate matter produced on the site shall not exceed Minnesota Pollution Control Agency standards.
16. The applicant shall complete a Development Agreement with the City that includes at least the following: 1) the responsibilities and phasing for the cleanup of the hazardous materials on the site and 2) a maintenance agreement and performance bond for the stormwater facilities on the site.
17. The applicant shall pay all fees and escrow associated with this application.

Adopted this 12th day of March, 2014 by the Newport Planning Commission.

VOTE: Lund _____
Mahmood _____
Lindoo _____
Prestegaard _____
Haley _____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator

MEMO

TO: Newport Planning Commission
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: March 5, 2014

SUBJECT: Ordinance Amendments

BACKGROUND
Please find attached a memo from Sherri Buss regarding zoning amendments to allow for craft breweries, brew pubs and other related uses and Resolution No. P.C. 2014-3 which shows these changes along with a couple other amendments. The other amendments are related to Section 1310 in regards to public hearing notices and building permits.

DISCUSSION
Upon review, staff found that Sections 1310.02, Subd. 3(G), 1310.06, Subd. 2, and 1310.08 are not up to date in regards to State Regulations.

Per State Statute 394.26, notices of public hearings need to be sent out to all property owners within 500 feet of the affected property for conditional uses, variances, interim uses, zoning regulations, and subdivisions. Currently, Sections 1310.02, Subd. 3(G) and 1310.06, Subd. 2 list 350 feet. As such, these two sections need to be updated to match State Regulations.

Per the MN Building Code (Chapter 1300, Part 1300.0120, Subp. 11), building permits shall expire after 180 days from the date of issuance if the work has not commenced or if the work has been abandoned or suspended. Currently, Section 1310.08, Subd. 1 lists 120 days, as such it needs to be updated. This section of the MN Building Code also states that the building official may extend building permits. As such, staff is recommending that Section 1310.08, Subd. 4 be amended to state that the Building Official may extend building permits rather than the Planning Commission. Staff reviewed Planning Commission agendas from 2003 to 2013 and found no instance where the Planning Commission extended a building permit. This is currently done on a staff level.

RECOMMENDATION
It is recommended that the Planning Commission approve Resolution No. P.C. 2014-3 which includes the above amendments and Ms. Buss' amendments for craft breweries, brew pubs and other related uses.

11 East Superior Street, Suite 340
Duluth, MN 55802
218.724.8578
tkda.com

TKDA

Memorandum

To:	Newport Planning Commission	**Reference:**	Draft Ordinance—Craft breweries and related uses
Copies To:	Deb Hill, City Administrator		
	Renee Helm, Executive Assistant		
		Project No.:	15482.000
From:	Sherri Buss, RLA, AICP, Planner	**Routing:**	
Date:	March 5, 2014		

Background

The Planning Commission discussed amendments to the zoning ordinance to include brewpubs, craft breweries and similar uses as allowed uses in the mixed use, business, and industrial districts in Newport at their November and February meetings.

Staff completed the changes to the proposed ordinance amendment based on the discussion at the February meeting, including the following:

- Removed the “national brewery” from the list of definitions, so that this use would not be permitted in Newport.
- Revised the Mixed Use Districts table to include the Brew on Premises Store and Small Brewery as an Accessory use to a Restaurant or Bar as allowed used in the MX Districts. The Brew on Premises Store would be a permitted use, and the Small Brewery as an Accessory use would require a CUP because all restaurants in the city that serve alcoholic beverages require a CUP.
- Included the Craft Brewery, Winery and Distrillery uses, Craft Breweries and Micro- and Regional Breweries as Permitted uses in the Business and I-1 Districts, and Micro- and Regional Breweries as Permitted uses in the I-2 District.
- Revised the table in Section 1350.13 to add “multifamily” to commercial and industrial uses that require a 20-foot parking setback from residential districts.

The Planning Commission will hold a public hearing on the proposed ordinance amendment at the meeting on March 12.

PLANNING COMMISSION

RESOLUTION NO. P.C. 2014-3

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO *SECTION 1300 GENERAL, SECTION 1310 ADMINISTRATION AND ENFORCEMENT, SECTION 1340 RESIDENTIAL DISTRICTS, AND SECTION 1350 NON-RESIDENTIAL DISTRICTS*

WHEREAS, The City does not currently permit craft breweries, brewpubs and other related uses; and

WHEREAS, Individuals have expressed interest in permitting these uses throughout the City; and

WHEREAS, The Planning Commission has reviewed and discussed draft ordinance amendments to permit these uses; and

WHEREAS, In addition to these amendments, Section 1310 of the City Code needs to be amended to match State Regulations; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Wednesday, March 12, 2014; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1300 General, Section 1310 Administration and Enforcement, Section 1340 Residential Districts, and Section 1350 Non-residential Districts.* They will read as follows:

Section 1300 – General

1300.01 Definitions

Subd. 1 Abandonment.
Subd. 2 Abut.
Subd. 3 Accessory Building or Accessory Structure.
Subd. 4 Accessory Use.
Subd. 5 Adult Use.
Subd. 6 Agriculture.
Subd. 7 Alley.
Subd. 8 Apartment.
Subd. 9 Automobile Salvage Yard.
Subd. 10 Basement.
Subd. 11 Berm.
Subd. 12 Billboard.
Subd. 13 Block.

Subd. 14 Brew on Premises Store. "Brew on Premises Store" shall mean a retail business that sells the ingredients and equipment to customers to brew beer, other malt liquor or wine at the store for personal or family consumption.

Subd. 15 Brewery, Craft. "Craft Brewery" shall mean a facility with a capacity to manufacture twenty thousand (20,000) or fewer barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Subd. 16 Buildable Area.
Subd. 17 Building.

Subd. 18 Building, Accessory.
Subd. 19 Building Height.
Subd. 20 Building, Principal.
Subd. 21 Canopy or Marquee.
Subd. 22 City.
Subd. 23 Cluster Development.
Subd. 24 Comprehensive Plan.
Subd. 25 Conditional Use.
Subd. 26 Condominium.
Subd. 27 Corner Lot.
Subd. 28 Covered Storage Building.
Subd. 29 Density.

Subd. 30 Distillery, Craft. "Craft Distillery" shall mean a distillery producing premium, distilled spirits not exceeding 40,000 proof gallons in a calendar year.

Subd. 31 Driveway.
Subd. 32 Duplex.
Subd. 33 Dwelling.
Subd. 34 Dwelling, Attached (group, row, or townhouse).
Subd. 35 Dwelling, Detached.
Subd. 36 Dwelling, Multiple Family.
Subd. 37 Dwelling, Single Family.
Subd. 38 Dwelling, Two Family.
Subd. 39 Dwelling Unit.
Subd. 40 Excavation.
Subd. 41 Family.
Subd. 42 Fence.
Subd. 43 Fill.
Subd. 44 Filling.
Subd. 45 Floodplain.
Subd. 46 Floor Area.
Subd. 47 Floor Area, Livable.
Subd. 48 Floor Area Ratio (F.A.R.).
Subd. 49 Footcandle.
Subd. 50 Frequency.
Subd. 51 Frontage.
Subd. 52 Garage, Private.
Subd. 53 Garage, Public.
Subd. 54 Garage, Truck.
Subd. 55 Grade
Subd. 56 Grade, Street.
Subd. 57 Group Home.
Subd. 58 Halfway House.
Subd. 59 Handicapped or Infirm Institution.
Subd. 60 Home Occupation.
Subd. 61 Horticulture.
Subd. 62 Impervious Surface.
Subd. 63 Intermediate Care Home.
Subd. 64 Intermediate Care Institution.
Subd. 65 Intermodal Container.
Subd. 66 Junkyard.
Subd. 67 Kennel (commercial or hobby).

Subd. 68 Loading Space or Loading Area.
Subd. 69 Lot.
Subd. 70 Lot Area.
Subd. 71 Lot, Corner.
Subd. 72 Lot Coverage.
Subd. 73 Lot Depth.
Subd. 74 Lot, Double Frontage.
Subd. 75 Lot, Interior.
Subd. 76 Lot Line, Front.
Subd. 77 Lot Line, Rear.
Subd. 78 Lot of Record.
Subd. 79 Lot Width.
Subd. 80 Manufactured Single-family Dwelling.

Subd. 81 Micro- and Regional Brewery. "Micro- and Regional Brewery" shall mean a facility with a capacity to manufacture one million (1,000,000) or fewer barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined in this ordinance, and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Subd. 82 Mobile Home.
Subd. 83 Mobile Home Park.
Subd. 84 Modular Manufactured or Prefabricated Home.
Subd. 85 Motel.
Subd. 86 Motor Vehicle.
Subd. 87 Motor Vehicle Body Work.
Subd. 88 Motor Vehicle Repair.
Subd. 89 Motor Vehicle Sales.
Subd. 90 Motor Vehicle, Small.
Subd. 91 Multi-family Conversion.
Subd. 92 Municipal Water and Sewer Systems.
Subd. 93 Municipal/Public Facilities.
Subd. 94 Nameplate.
Subd. 95 Nonconforming Use.
Subd. 96 Nonconforming Lot.
Subd. 97 Nonconforming Sign.
Subd. 98 Nonconforming Structure.
Subd. 99 Nursing Care Home.
Subd. 100 Nursing Care Institution.
Subd. 101Ordinary High Water Level or Ordinary High Water Mark.
Subd. 102 Outdoor Furnaces.
Subd. 103 Parking Space.
Subd. 104 Person.
Subd. 105 Planned Development District (PDD).
Subd 106 Plot.
Subd. 107 Protected Waters.
Subd. 108 Public Access.
Subd. 109 Public Open Space.
Subd. 110 Public Utility.
Subd. 111 Public Waters.
Subd. 112 Rest Home, Convalescent Home, or Nursing Home.
Subd. 113 Screen.
Subd. 114 Semi-public Uses.
Subd. 115 Setback or Setback Line.

Subd. 116 Shoreland.
Subd. 117 Shore Impact Zone.
Subd. 118 Sign.
Subd. 119 Slope.

Subd. 120 Small Brewery or Winery as an Accessory Use to a Bar or Restaurant (Brew Pub). "Small Brewery or Winery as an Accessory Use to a Bar or Restaurant," also known as a Brew Pub, shall mean a craft brewery or winery operated in conjunction with a bar or restaurant, provided the beer or wine is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers; except that an establishment licensed under Minnesota Statutes may sell "growlers" off-sale with an appropriate City license.

Subd. 121 Specified Anatomical Areas.
Subd, 122 Specified Sexual Activities.
Subd. 123 Story.
Subd. 124 Street, Public.
Subd. 125 Structural Alterations.
Subd. 126 Structure.
Subd. 127 Structure, Accessory.
Subd. 128 Structure, Principal.
Subd. 129 Subdivision.
Subd. 130 Tent Garages.
Subd. 131 Townhouse.
Subd. 132 Transit Station.
Subd. 133 Use.
Subd. 134 Use, Accessory.
Subd. 135 Use, Interim.
Subd. 136 Use, Permitted.
Subd. 137 Use, Principal.
Subd. 138 Utility Facility.
Subd. 139 Utility Facility, Community or Regional.
Subd. 140 Utility Facility, Neighborhood.
Subd. 141 Variance.
Subd. 142 Vehicle, Small.
Subd. 143 Wholesale Sales.

Subd. 144 Winery, Craft. "Craft winery" is a facility that manufactures wine, as defined by Minnesota Statutes § 340A.301, with a capacity of six hundred twenty thousand (620,000) or fewer gallons per year.

Subd. 145 Yard.
Subd. 146 Yard, Front.
Subd. 147 Yard, Rear.
Subd. 148 Yard, Side.
Subd. 149 Zoning Administrator.
Subd. 150 Zoning Districts.
Subd. 151 Zoning Map.

Section 1310 - Administration and Enforcement

1310.02 Amendments

Subd, 3 Applications for Rezoning

G. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of five hundred (500) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area.

1310.06 Public Hearings

Subd. 2 Notice Requirement. Notice of a public hearing shall be given by publication at least once in the official newspaper of the City, not less than ten (10) days and not more than thirty (30) days prior to the hearing, stating the time, place and purpose of the hearing together with a description of property affected. Not less than ten (10) days nor more than thirty (30) days prior to the hearing a copy of the notice shall be mailed by the City Clerk-Administrator or Zoning Administrator to the owner or owners of the property affected and to the owner or owners of property within five hundred (500) feet of the property affected.

1310.08 Expiration of Permits

Subd. 1 Work not Begun or Abandoned. Every permit issued under this Chapter shall expire by limitation and become null and void if the work authorized thereby is not commenced within one hundred eighty (180) days from the date of issue of such permit, or if the work authorized thereby is suspended or abandoned at any time after work has been commenced for a period of one hundred eighty (180) days.

Subd. 2 New Construction
Subd. 3 Alterations

Subd. 4 Extensions. The time limits set forth in Subdivisions 1 through 3 may be extended with the approval of the Building Official provided that a written application for such extension, with stated reasons for the extension, is submitted to the Building Official prior to the date the permit would otherwise expire.

Section 1340 – Residential Districts

1340.04 Single Family Residential Garage, Accessory Structure and Driveway Standards.

Subd. 3 Height. No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from Section 1300.01 Subd. 19 Building Height.

Section 1350 – Non-Residential Districts

1350.13 Dimensional Requirements for lots and structures in non-residential districts

A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	30	30	100	100	100	100
Maximum lot coverage by all buildings (%)	80%	50%	None	80%	30%	40%	50%	50%
*Structure setback standards****								
Minimum front	0	10**	0	0	20	20	20	50

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	I-S
yard setback								
Minimum front yard if across collector or minor street from any residential district	10	10**	10	10	50	50	50	100
Minimum side yard	0	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	50	50	50	100
Parking and driving aisle setback in feet								
Minimum front yard	20	Not allowed	Not allowed	20	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	Not allowed	50	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard for multifamily, commercial or industrial uses if adjacent to any R district	20	20	20	30	30	30	30	30
Minimum rear yard	5	5	5	5	5	5	5	5
Minimum rear yard if adjacent to any R district	10	10	10	50	50	50	50	50
Maximum building height in feet*	40 3-sty	28 2-sty	See table B.,below	40	40	40	40	40
Maximum height of storage tank in IS district								55
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*****Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

****** See section 1300.08 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

1350.14 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development; sf=square feet

Use	**MX-1**	**MX-2**	**MX-3**	**MX-4**
Residential Uses				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P
Manufactured single-family dwelling	P	P	N	P
Mobile homes	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P
Congregate housing for senior populations	P	P	P	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
PUD	PUD	PUD	PUD	PUD
Civic and Semi-Public Uses				
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C
Day Care Facilities	C	C	C	C
Day Care Facilities in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	C
Hospitals	C	C	C	C
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sf maxi-mum	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sf maxi-mum	C
Schools for business, trade, dancing, music	C	C	C	C
Social and fraternal clubs and lodges, union	P	P	C—10,000	P

Use	MX-1	MX-2	MX-3	MX-4
halls			sq ft maxi-mum	
Transit stations and related parking facilities	C	C	C	C
Commercial Uses				
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sf maxi-mum	C
Artist studios	P	P	P	P
Auto body repair and major auto repair, towing services	C	N	N	N
Auto sales, rental	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maxi-mum 4 repair bays	C
Bakeries, delicatessens, coffee shops	P	P	P	P
Bakeries, wholesale	P	C	C	C
Bed and Breakfast	P	P	N	P
Biotechnology	P	P	P	P
Brew on premises store	P	P	P 10,000 sf maximum	P
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	P
Conference Center, 50,000 square feet or less	C	C	C	C
Convenience stores	P	P	P	P
Data centers	C	C	C	C
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C
Fabrication of office and computer equipment	P	P	P	P
Financial services	P	P	P	P
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Gas, diesel or other motor fuel retail sales	C	C	N	C
Grocery and produce sales	C	C	C—50,000 sf maximum	C
Internet publishing and broadcasting	P	P	P	P
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sf maximum	C
Medical appliance assembly	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P--to 10,000 sf; C—larger than 10,000 sf	P
Printing, publishing, bookbinding,	C	C	C	C

Use	MX-1	MX-2	MX-3	MX-4
blueprinting				
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Retail and service establishments, free-standing, or mixed-use building	P	P	P--to 10,000 sf; C—10,000 to 50,000 sf maximum	P
Rental of vehicles (with limited outside storage)	C	C	C	C
Research, development and testing laboratory	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served	C	C	C	C
Restaurants with drive-through service	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Small scale manufacturing and artisans	P	P	P—5,000 sf or less; C—5,000 to 10,000 sf	P
Theaters (with structured parking)	P	P	P	P
Theaters	C	C	C	C
Towing services (no outside storage of vehicles)	P	C	P	C
Warehousing as a primary use	N	N	N	N
Accessory Uses				
Drive up facilities	C	C	C	C
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C
Renewable energy system	P	P	P	P
Parking lot, as an accessory use	C	C	C	C
Small brewery or winery as an accessory use to a bar or restaurant	C	C	C	C
Swimming Pool	P	P	P	P

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; sf=square feet

Use	B-1	I-1	I-2	I-S
Civic and Public Uses				
Airports	N	C	C	N
Cemetery and/or crematorium	C	N	N	N
Day care centers	C	C	C	C

Use	B-1	I-1	I-2	I-S
Day care centers in a mixed-use building	P	C	C	C
Essential services/public utilities	P	P	P	P
Funeral Home	p	N	N	N
Hospitals	C	N	N	N
Medical Clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	P	N	N	N
Parking Lot, Surface (as a principal use)	P	P	P	P
Penal/correctional facilities	N	C	C	N
Place of worship and associated facilities, except schools	P	N	N	N
Post Office	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Sanitary landfill	N	C	C	N
Schools-trade, college, vocational, and associated facilities	p	C	N	N
Schools for business, trade, dancing, music	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	N	N	N
Transit stations and related parking facilities	C	N	N	N
Commercial Uses				
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	C	C
Auto painting and body work	N	C	N	N
Auto storage	N	C	P	C
Brewery, craft	P	P	N	N
Commercial greenhouse operations	C	P	N	N
Convenience stores	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	N	N	N
Distillery, craft	P	P	N	N
Hotels, motels	P	N	N	N
Restaurant, traditional or liquor served; bar and grill	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	N	N
Storage, mini-storage, cold-storage	N	N	N	P
Veterinary clinic, animal hospital	C	P	N	N
Wholesale sales	P	N	N	N
Winery, craft	P	P	N	N
Warehouse and Industrial Uses				
Manufacturing	C	P	P	N
Micro- and regional brewery	P	P	P	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	P

Use	B-1	I-1	I-2	I-S
Warehousing	C	P	P	N

Adopted this 12th day of March, 2014 by the Newport Planning Commission.

VOTE: Lund _____
Mahmood _____
Lindoo _____
Prestegaard _____
Haley _____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator

CHAPTER 1300 – GENERAL ZONING

Section 1300 – General

1300.01 Definitions.

The following words and terms, wherever they appear in this Chapter, shall be defined as follows:

Subd. 1 Abandonment. "Abandonment" shall mean to cease or discontinue a use or activity of a property for a period of twelve (12) consecutive months or more unless otherwise specified.

Subd. 2 Abut. "Abut" shall mean to border upon a parcel of land so as to share all or part of a common property line with another parcel of land.

Subd. 3 Accessory Building or Accessory Structure. See building, accessory.

Subd. 4 Accessory Use. See use, accessory.

Subd. 5 Adult Use. "Adult Use" shall include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bath-house/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sports clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of "specified anatomical areas" (as defined in Subd, 116) or "specified sexual activities," (as defined in Subd. 117), which are capable of being seen by members of the public. Activities classified as obscene as defined by Minn. Stats. § 617.241 are not lawful and are not included in the definition of adult uses.

Subd. 6 Agriculture. "Agriculture" shall mean the growing and marketing of fruits, vegetables, grains, trees, shrubs, flowers, or other plants, for commercial or private purposes, but not including the growing or raising of animals except as otherwise provided for by this Code.

Subd. 7 Alley. "Alley" shall mean any dedicated public right-of-way providing a secondary means of access to abutting property.

Subd. 8 Apartment. "Apartment" shall mean a room or group of rooms in a residential structure which includes bath and kitchen facilities and is intended or designed for use as an independent residence for a family or individual.

Subd. 9 Automobile Salvage Yard. "Automobile Salvage Yard" shall mean a commercial use carried on outside of an enclosed building involving the dismantling or storage of vehicles or equipment, and any other lot used for wrecking or storing of inoperable motor vehicles or their parts.

Subd. 10 Basement. "Basement" shall mean, a story of a building having more than half its height below the average level of the adjoining finished grade. A basement shall be counted as a story for the purpose of height regulations, if occupied for business or residential purposes.

Subd. 11 Berm. "Berm" shall mean a landscaped mound of earth.

Subd. 12 Billboard. "Billboard" shall mean any advertising sign where the advertised goods or services are not furnished at the location of the sign.

Subd. 13 Block. "Block" shall mean a tract of land bounded by streets, or a combination of streets and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or City corporate limits.

Subd. 14 Brew on Premises Store. "Brew on Premises Store" shall mean a retail business that sells the ingredients and equipment to customers to brew beer, other malt liquor or wine at the store for personal or family consumption.

Subd. 15 Brewery, Craft. "Craft Brewery" shall mean a facility with a capacity to manufacture twenty thousand (20,000) or fewer barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Subd. ~~14~~ 16 Buildable Area. "Buildable Area" shall mean the space remaining on a lot for building purposes after the setback and open space requirements of this Chapter have been met.

Subd. ~~15~~ 17 Building. "Building" shall mean a structure having a roof supported by columns or walls. When separated by dividing walls without openings, each portion of such a structure shall be deemed a separate building.

Subd. ~~16~~ 18 Building, Accessory. "Building, Accessory" shall mean a subordinate building or structure on the same lot as a principal building, or part of the principal building, exclusively occupied by or devoted to a use incidental to the main use of the property.

Subd. ~~17~~ 19 Building Height. "Building Height", unless otherwise specifically noted in this Chapter, shall mean the vertical distance measured from the average elevation of the finished grade adjacent to a building to 1) the highest point on a building with a flat roof, 2) the deck line of a mansard type roof, or 3) the average height between the eaves and the peak of the highest gable of a pitched, hip, or gambrel roof. For purposes of calculating building height, the finished grade shall be the highest point within five (5) feet of the front of a building or, if the lowest grade within five (5) feet of any side of the building is more than ten (10) feet lower than the front, then the finished grade from which the height is measured shall be considered ten (10) feet above said lowest grade.

Subd. ~~18~~20 Building, Principal. "Building, Principal" shall mean a building or structure occupied by or devoted to the principal or main use of the property.

Subd. ~~19~~ 21 Canopy or Marquee. "Canopy" or "Marquee" shall mean any roof like structure extending out from the side of a building.

Subd. ~~20~~ 22 City. "City" shall mean the City of Newport.

Subd. ~~21~~ 23 Cluster Development. "Cluster development" shall mean a development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance, the Zoning Ordinance and the Comprehensive Plan.

Subd. ~~22~~ 24 Comprehensive Plan. "Comprehensive Plan" shall mean a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development,

both private and public, of the City and its environs. A comprehensive plan shall represent the recommendations of the Planning Commission and City Council for the future development of the community.

Subd. ~~23~~ 25 Conditional Use. "Conditional Use" shall mean a permitted use which may be appropriate in a given zoning district but which requires special planning considerations in each instance, and which shall only be allowed in a specific location under conditions specified by this Code and by the City Council.

Subd. ~~24~~ 26 Condominium. "Condominium" shall mean a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.

Subd. ~~25~~ 27 Corner Lot. See lot, corner.

Subd. ~~26~~ 28 Covered Storage Building. "Covered Storage Building" shall mean a temporary enclosure that is a moveable tent-like shelter that is typically constructed with wooden or metal framework and covered with a tarpaulin of plastic or canvas like material. These structures are most typically used for sheltering vehicles, RVs, or other materials stored outside residential neighborhoods.

Subd. ~~27~~ 29 Density. "Density" shall mean a measure of the intensity of residential use on the land, expressed in terms of lot area per dwelling unit or dwelling units per acre. For such calculations, the land area shall be exclusive of water area and floodplain, but may include protected wetlands and hydric soils.

Subd. 30 Distillery, Craft. "Craft Distillery" shall mean a distillery producing premium, distilled spirits not exceeding 40,000 proof gallons in a calendar year.

Subd. ~~28~~ 31 Driveway. "Driveway" shall mean a private road or path which is wholly located on the lot which it services and which affords vehicle access to a public road.

Subd. ~~29~~ 32 Duplex. See dwelling, two family.

Subd. ~~30~~ 33 Dwelling. "Dwelling" shall mean a structure designed and used exclusively for residential purposes for the occupancy of a family or families.

Subd. ~~31~~ 34 Dwelling, Attached (group, row, or townhouse). "Dwelling, Attached" (group, row or townhouse) shall mean a dwelling joined to one (1) or more other dwellings by a party wall or walls.

Subd. ~~32~~ 35 Dwelling, Detached. "Dwelling, Detached" shall mean a dwelling entirely surrounded by open space, and not attached or connected structurally to any other dwelling.

Subd. 3~~3~~6 Dwelling, Multiple Family. "Dwelling, Multiple Family"shall mean a dwelling containing two (2) or more dwelling units, whether a townhouse, apartment, condominium, or other type of dwelling.

Subd. ~~34~~ 37 Dwelling, Single Family. "Dwelling, Single Family" shall mean a detached dwelling designed exclusively for occupancy by one (1) family only.

Subd. ~~35~~ 38 Dwelling, Two Family. "Dwelling, Two Family" shall mean a dwelling designed with two dwelling units, exclusively for occupancy by two (2) families living independently of each other.

Subd. ~~36~~ 39 Dwelling Unit. "Dwelling Unit" shall mean, one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having separate permanently installed cooking and sanitary facilities.

Subd. ~~37~~ 40 Excavation. "Excavation" shall mean the removal, relocation, or recovery by any means of soil, rock, minerals, debris, or organic substances other than vegetation form a parcel of land.

Subd. ~~38~~ 41 Family. "Family" shall mean any number of individuals related by blood, legal adoption or marriage, or six (6) or less unrelated individuals living together in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, licensed residential care facility, or hotel as herein described.

Subd. ~~39~~ 42 Fence. "Fence" shall mean a partition, structure, wall or gate erected as a diving marker, visual or physical barrier, or enclosure.

Subd. ~~40~~ 43 Fill. "Fill" shall mean sand, gravel, earth or other materials deposited on, moved onto, or placed on a parcel of land.

Subd. ~~41~~ 44 Filling. "Filling" shall mean the placement of fill on a parcel of land.

Subd. ~~42~~ 45 Floodplain. "Floodplain" shall mean the area subject to inundation by a one hundred (100)-year flood as designated and mapped by the Federal Emergency Management Agency.

Subd. ~~43~~ 46 Floor Area. "Floor Area" shall mean the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls, or for a structure without walls (e.g., a carport), the total ground area covered by roof, not including area under a typical overhang dimension.

Subd. ~~44~~ 47 Floor Area, Livable. "Floor Area, Livable" shall mean the floor area of a dwelling excluding all areas occupied by basements, garages, porches, attics, stairways, storage, utility and heating rooms.

Subd. ~~45~~ 48 Floor Area Ratio (F.A.R.). "Floor area ratio (F.A.R.)" shall mean the floor area of the building or buildings on a zoning lot divided by the area of such zoning lot, or, in the case of planned unit developments, by the net size area. The floor area ratio requirements shall determine the maximum floor area allowable for the building or buildings, including both principal and accessory buildings, in direct ratio to the gross area of the zoning lot.

Subd. ~~46~~ 49 Footcandle. "Footcandle" shall mean a standard unit of illumination intensity.

Subd. ~~47~~ 50 Frequency. "Frequency" shall mean the oscillations per second in a sound wave.

Subd. ~~48~~ 51 Frontage. "Frontage" shall mean that part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

Subd. ~~49~~ 52 Garage, Private. "Garage, Private" shall mean an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the dwelling unit to which it is accessory.

Subd. ~~50~~ 53 Garage, Public. "Garage, Public" shall mean any building, except a private garage, used for the storage or care of motor-driven vehicles, or a building where any such vehicles are equipped for operation, are repaired, or are kept for remuneration, hire, or sale.

Subd. ~~51~~ 54 Garage, Truck. "Garage, Truck" shall mean a building used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half (1-1/2) tons capacity.

Subd. ~~52~~ 55 Grade "Grade" shall mean the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Subd. ~~53~~ 56 Grade, Street. "Grade, Street" shall mean the established elevation of the street in front of the building measured at the center of such front. Where no street grade has been established, the City engineer shall establish such street grade or its equivalent for the purpose of this Chapter.

Subd. ~~54~~ 57 Group Home. "Group Home" shall mean a home that is licensed by the commissioner of health as a rooming and/or boardinghouse and receives 50% (percent) or more of its residents under a contract or other arrangement with the state or local government human services agency. Provides lodging for people who are mentally ill, physically disadvantaged or chemically dependant.

Subd. ~~55~~ 58 Halfway House. "Halfway House" shall mean a home, operated and supervised by a governmental or non-profit agency, for not more than nine persons who have demonstrated a tendency toward chemical abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit. The term shall not include licensed facilities as defined by Minn. Stat. §245A.11

Subd. ~~56~~ 59 Handicapped or Infirm Institution. "Handicapped or Infirm Institution" shall mean an institutional facility housing more than six persons who are physically or mentally handicapped or infirm, and providing primarily residential care rather than medical treatment.

Subd. ~~57~~ 60 Home Occupation. "Home Occupation" shall mean any gainful occupation or profession clearly secondary to the main use of the dwelling as a residence, which is conducted entirely within the dwelling, and which meets the requirements of this Code.

Subd. ~~58~~ 61 Horticulture. "Horticulture" shall mean the use of land for the growing or production for income, of fruits, vegetables, flowers, nursery stock, and trees, including forestry, ornamental plants and trees, and cultured sod.

Subd. ~~59~~ 62 Impervious Surface. "Impervious Surface" shall mean a material providing a hard surface which substantially prevents the absorption of water into the ground.

Subd. ~~60~~ 63 Intermediate Care Home. "Intermediate Care Home" shall mean a facility providing accommodations for not more than seven occupants needing medical care and supervision at a lower

level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Subd. ~~61~~ 64 Intermediate Care Institution. "Intermediate Care Institution" shall mean an institutional facility providing accommodation for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Subd. ~~62~~ 65 Intermodal Container. "Intermodal container", "freight container" or "shipping container" shall mean a reusable transport and storage unit for moving products and raw materials between locations or countries. A typical container has doors fitted at one end, and is constructed of corrugated weathering steel.

Subd. ~~63~~ 66 Junkyard. "Junkyard" shall mean land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled or handled on a commercial basis including but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

Subd. ~~64~~ 67 Kennel (commercial or hobby). "Kennel (commercial or hobby)" shall mean any structure or premises on which four (4) or more domestic animals over six (6) months of age are kept.

Subd. ~~65~~ 68 Loading Space or Loading Area. "Loading Space," or "Loading Area" shall mean that portion of a lot or plot designed to serve the purpose of loading or unloading all types of vehicles.

Subd. ~~66~~ 69 Lot. "Lot" shall mean a parcel of land, separated from other parcels by description, intended for building development or for transfer of ownership.

Subd. ~~67~~ 70 Lot Area. "Lot Area" shall mean the total surface area of a lot within the lot lines, excluding public right-of-way or street easements.

Subd. ~~68~~ 71 Lot, Corner. " Lot, Corner" shall mean a lot bordered by a public right-of-way containing a public street or planned for a public street on at least two (2) adjacent sides.

Subd. ~~69~~ 72 Lot Coverage. "Lot Coverage" shall mean the area of a lot occupied by impervious material, including but not limited to buildings, paved surfaces, and driveways.

Subd. 7~~0~~3 Lot Depth. "Lot Depth" shall mean the mean horizontal distance between the center points of the front and rear lot lines for standard lots. For lots of non-standard shape, the Zoning Administrator shall determine the lot depth.

Subd. ~~71~~ 74 Lot, Double Frontage. "Lot, Double Frontage" shall mean a lot having frontage on two (2) streets which do not intersect at a corner of the lot.

Subd. ~~72~~ 75 Lot, Interior. "Lot, Interior" shall mean a lot other than a corner lot.

Subd. ~~73~~ 76 Lot Line, Front. "Lot Line, Front" shall mean the boundary of a lot abutting a street easement or right-of-way. On a corner lot, the shortest street lot line shall be considered the front lot line.

Subd. ~~74~~ 77 Lot Line, Rear. "Lot Line, Rear" shall mean the lot line or lot lines most nearly parallel to and furthest from the front lot line.

Subd. ~~75~~ 78 Lot of Record. "Lot of Record" shall mean any lot for which a deed, registered land survey, or other legal record was recorded in the office of the register of deeds or the register of titles for Washington County, Minnesota, prior to August 7, 1964, and which contains identical lot dimensions as were present on that date.

Subd. ~~76~~ 79 Lot Width. "Lot Width" shall mean the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building setback line.

Subd. ~~77~~ 80 Manufactured Single-family Dwelling. "Manufactured Single-family Dwelling" shall mean a structure, not affixed to or part of real estate, transportable in one or more sections, which in a traveling mode is eight (8) body feet or more in width, or forty (40) body feet, or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, except for accessory manufactured single-family dwellings and temporary manufactured single-family dwellings, as defined in this Chapter. . A manufactured single-family dwelling shall be construed to remain a manufactured single-family dwelling, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Subd. 81 Micro- and Regional Brewery. "Micro- and Regional Brewery" shall mean a facility with a capacity to manufacture one million (1,000,000) or fewer barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined in this ordinance, and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Subd. ~~78~~ 82 Mobile Home. "Mobile Home" shall have the same meaning as manufactured single-family dwelling.

Subd. ~~79~~ 83 Mobile Home Park. "Mobile Home Park", a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

Subd. ~~80~~ 84 Modular Manufactured or Prefabricated Home. "Modular Manufactured or Pre-fabricated Home" shall mean a nonmobile housing unit that is entirely or mostly fabricated off site and transported to a building site where final installations are made, permanently affixing the module to the site. A modular manufactured home shall be considered the same as a single-family dwelling under the standards in this Code, provided it meets the standards for floor area and other minimum standards.

Subd. ~~81~~ 85 Motel. "Motel" shall mean a combination or group of two (2) or more detached, semi-detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations of a fee.

Subd. ~~82~~ 86 Motor Vehicle. "Motor Vehicle" shall mean any self-propelled vehicle not operated exclusively on railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle, including but not limited to cars, trucks, buses, motorcycles, campers, recreational vehicles, and trailers.

Subd. ~~83~~ 87 Motor Vehicle Body Work. "Motor Vehicle Body Work" shall mean repair or straightening or automobile body, frame, or fender, including painting.

Subd. ~~84~~ 88 Motor Vehicle Repair. "Motor Vehicle Repair" shall mean repairs, replacement of parts, and motor service to automobiles, not including body work or painting.

Subd. ~~85~~ 89 Motor Vehicle Sales. "Motor Vehicle Sales" shall mean the sale or trade or new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles, or the possession of new or used vehicles for sale or trade.

Subd. ~~86~~ 90 Motor Vehicle, Small. "Motor Vehicle, Small" shall mean any motor vehicle less than twenty (20) feet in length and less than seven (7) feet in height, and commonly used or intended as a passenger car.

Subd. ~~87~~ 91 Multi-family Conversion. "Multi-family Conversion" shall mean the alteration of an existing building for use as a multiple family dwelling, meeting all applicable building codes and standards in this Chapter.

Subd. ~~88~~ 92 Municipal Water and Sewer Systems. "Municipal Water and Sewer Systems" shall mean utility systems serving a group of buildings, lots, or an area of the City, with the design and construction of such utility systems as approved by the City engineer.

S**ubd. ~~89~~ 93 Municipal/Public Facilities**. "Municipal/Public Facilities" shall mean any buildings and property owned or operated by municipal, school district, county, state or other governmental unit.

Subd. ~~90~~ 94 Nameplate. "Nameplate" shall mean a sign indicating the name and/or the address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

Subd. ~~91~~ 95 Nonconforming Use. "Nonconforming Use" shall mean any legal use existing upon the effective date of the adoption of this Chapter and which does not conform to the provisions of this Chapter.

Subd. ~~92~~ 96 Nonconforming Lot. "Nonconforming Lot" shall mean any lot lawfully existing prior to the date that new zoning provisions were adopted making said lot inconsistent with the provisions of the newly adopted zoning chapter.

Subd. ~~93~~ 97 Nonconforming Sign. "Nonconforming Sign" shall mean any legal sign existing prior to the date that new zoning provisions were adopted making said sign inconsistent with the provisions of the newly adopted zoning chapter. .

Subd. ~~94~~ 98 Nonconforming Structure. "Nonconforming Structure" shall mean any legal structure or building existing prior to the date that new zoning provisions were adopted making said structure inconsistent with the provisions of the newly adopted zoning chapter.

Subd. ~~95~~ 99 Nursing Care Home. "Nursing Care Home" shall mean a facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital to no more than nine persons.

Subd. ~~96~~ 100 Nursing Care Institution. "Nursing Care Institution" shall mean an institutional facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

Subd. ~~97~~ 101 Ordinary High Water Level or Ordinary High Water Mark. "Ordinary High Water Level", or "Ordinary High Water Mark" shall mean the boundary of "public waters" and "wetlands", as defined by Minnesota Statutes, Chapter 103G, an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Subd. ~~98~~ 102 Outdoor Furnaces. "Outdoor Furnaces" shall mean Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space ordinarily occupied by humans."

Subd. ~~99~~ 103 Parking Space. "Parking Space" shall mean an area of land exclusive of driveways and aisles, usable for the parking of a motor vehicle, and of a size, shape and location meeting the standards in this Code.

Subd. ~~100~~ 104 Person. "Person" shall include an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.

Subd. ~~101~~ 105 Planned Development District (PDD). "Planned Development District (PDD)" shall mean a zoning district intended to allow a flexible, creative and efficient approach to the use of the land, providing a mutual benefit to the developer and to the City. In a PDD a tract of land can be developed as a unit rather than as individual lots, wherein two or more buildings may be located in relationship to each other rather than to lot lines with regard to use, location and in accordance with the requirements of this Code, as well as provisions agreed to between the City and developers.

Subd ~~102~~ 106 Plot. "Plot" shall mean a tract of land, other than one unit of a recorded plat or subdivision occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building and accessory building and having a frontage upon a public street or highway and including such open spaces as required under this Chapter.

Subd. ~~103~~ 107 Protected Waters. "Protected Waters" shall mean any waters of the state designated or otherwise defined as protected by the State or as the result of regulations adopted by the State. However, no lake, pond or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated for the purposes of these regulations.

Subd. ~~104~~ 108 Public Access. "Public Access" shall mean an area owned and/or operated by a governmental entity for the launching and retrieval of water craft from the public waters, or other recreational activities adjacent to public waters.

Subd. ~~105~~ 109 Public Open Space. "Public Open Space" shall mean any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, and parkways.

Subd. ~~106~~ 110 Public Utility. "Public Utility" shall mean any person, firm, corporation, municipal department, or board fully authorized by the City to furnish and furnishing to the public, electricity, gas, steam, communication services, telegraph services, transportation, water, or other essential public service.

Subd. ~~107~~ 111 Public Waters. "Public Waters" shall mean any waters as defined in Minnesota Statutes, Chapter 103G

Subd. ~~108~~ 112 Rest Home, Convalescent Home, or Nursing Home. "Rest Home", "Convalescent Home" or "Nursing Home" shall mean a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury.

Subd. ~~109~~ 113 Screen. "Screen" shall mean a barrier accomplished by a variety of means, intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen shall be at least eighty (80) percent opaque.

Subd. ~~110~~ 114 Semi-public Uses. "Semi-public Uses" shall mean uses owned by private or private nonprofit organizations which are open to some but not all of the public such as: denominational cemeteries, private schools, clubs, lodges, recreation facilities and churches.

Subd. ~~111~~ 115 Setback or Setback Line. "Setback" or "Setback Line" shall mean the mean horizontal distance between the property line or street right-of-way, or street easement and the line of the structure or the allowable building line as defined by the yard regulations of this Code.

Subd. ~~112~~ 116 Shoreland. "Shoreland" shall mean any land adjacent to public waters as defined by the Shoreland Management section of this Chapter.

Subd. ~~113~~ 117 Shore Impact Zone. "Shore Impact Zone" shall mean land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the required structure setback.

Subd. ~~114~~ 118 Sign. "Sign" shall mean any structure, device or representation, with or without lettering, designed or intended to bring attention to the location, products or services or an individual, residence, business or institution.

Subd. ~~115~~ 119 Slope. "Slope" shall mean the amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Subd. 120 Small Brewery or Winery as an Accessory Use to a Bar or Restaurant (Brew Pub). "Small Brewery or Winery as an Accessory Use to a Bar or Restaurant," also known as a Brew Pub, shall mean a craft brewery or winery operated in conjunction with a bar or restaurant, provided the beer or wine is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers; except that an establishment licensed under Minnesota Statutes may sell "growlers" off-sale with an appropriate City license.

Subd. ~~116~~ 121 Specified Anatomical Areas. "Specified Anatomical Areas" shall consist of the following:

A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Subd, ~~117~~ 122 Specified Sexual Activities. "Specified Sexual Activities" shall consist of the following:

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquierism, sapphism, zooerasty; or

B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or

E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint or any such persons; or

F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation

Subd. ~~118~~ 123Story. "Story" shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no such floor above, the space between such floor and the ceiling next above it. A level containing independent apartment or living quarters shall be counted as a full story, whether or not that level is completely usable or finished.

Subd. ~~119~~ 124 Street, Public. "Street, Public" shall mean a thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public street.

Subd. ~~120~~ 125 Structural Alterations. "Structural Alterations" shall mean any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Subd. ~~121~~ 126 Structure. "Structure" shall mean anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by a wall without openings, each part shall be deemed a separate structure.

Subd. ~~122~~ 127 Structure, Accessory. See building, accessory.

Subd. ~~123~~ 128 Structure, Principal. See building, principal.

Subd. ~~124~~ 129 Subdivision. "Subdivision" shall mean the division of a parcel of land into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development.

Subd. ~~125~~ 130 Tent Garages. See **Subd. 26 Covered Storage Building.**

Subd. ~~126~~ 131 Townhouse. "Townhouse" shall mean a single structure consisting of three (3) or more dwelling units each having a private entrance on the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

Subd. ~~127~~ 132 Transit Station. "Transit Station" shall mean a parcel or portion thereof that is used for loading and unloading of public transit riders including the platform, station facilities, public open space and park-and-ride lots. Transit Station is inclusive of all public transit modes.

Subd. ~~128~~ 133 Use. "Use" shall mean the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Subd. ~~129~~ 134 Use, Accessory. "Use, Accessory" shall mean a use subordinate to the principal use on a lot and exclusively used for purposes incidental to those of the principal use.

Subd. ~~130~~ 135 Use, Interim. "Use, Interim" shall mean a temporary use of a property until a particular date, or until the occurrence of a particular event, as determined by the City Council.

Subd. ~~131~~ 136 Use, Permitted. "Use, Permitted" shall mean a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and performance standards of such district.

Subd. ~~132~~ 137 Use, Principal. "Use, Principal" shall mean the main use of land for an activity which is an allowable use of the zoning district in which the land is located.

Subd. ~~133~~ 138 Utility Facility. "Utility Facility" shall mean any above-ground structure or facility, other than a principal building, owned by a governmental entity, a non-profit organization, a corporation, or any other entity defined as a public utility for any purpose by State statute and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Streets are exempt from this definition, as are wires or pipes and supporting poles or structures within a public right-of-way for electric power, telephone, telegraph, cable television, gas, water, and sewer service.

Subd. ~~134~~ 139 Utility Facility, Community or Regional. "Utility Facility, Community or Regional" shall mean any utility facility other than a neighborhood facility as defined in Subd. 124 below.

Subd. ~~135~~ 140 Utility Facility, Neighborhood. "Utility Facility, Neighborhood" shall mean a utility facility designed to serve the immediate neighborhood and that must, for reasons related to the purpose of the utility, be located in or near the neighborhood where the facilities are proposed to be located.

Subd. ~~136~~ 141 Variance. "Variance" shall mean a modification or variation of the provisions of this Chapter, as applied to a specific piece of property. A variance may be granted to the numerical standards of the Code, but not for the permissible use of a property.

Subd. ~~137~~ 142 Vehicle, Small. "Vehicle, Small" shall mean any motor vehicle up to twenty (20) feet in length and up to seven (7) feet in height, commonly used as a passenger vehicle, not including trucks of any kind. See Subd. 86.

Subd. ~~138~~ 143 Wholesale Sales. "Wholesale Sales" shall mean on-premise sale of goods primarily to customers engaged in the business of reselling the goods.

Subd. 144 Winery, Craft. "Craft winery" is a facility that manufactures wine, as defined by Minnesota Statutes § 340A.301, with a capacity of six hundred twenty thousand (620,000) or fewer gallons per year.

Subd. ~~139~~ 145 Yard. "Yard" shall mean an open space on the same lot with a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Chapter.

Subd. ~~140~~ 146 Yard, Front. "Yard, Front" shall mean a yard extending across the front of a lot between the side yard lines and lying between the front street line of the lot or right-of-way and the required front yard setback line, which front yard shall be provided on both street frontages of corner lots and double frontage lots.

Subd. ~~141~~ 147 Yard, Rear. "Yard, Rear" shall mean a yard lying between the required rear yard setback line and rear line of the lot, for the full width of the lot.

Subd. ~~142~~ 148 Yard, Side. "Yard, Side" shall mean a yard on the same lot with a building between the side yard setback line and the side line of the lot and extending from the front lot line to the rear yard.

Subd. ~~143~~ 149 Zoning Administrator. "Zoning Administrator" shall mean the person authorized to administer and enforce this Chapter.

Subd. ~~144~~ 150 Zoning Districts. "Zoning Districts" shall mean the areas of the City designated for specific uses with specific requirements for use or development.

Subd. ~~145~~ 151 Zoning Map. "Zoning Map" shall mean the map or maps incorporated into this Chapter as a part thereof designating the zoning districts.

Section 1310 - Administration and Enforcement

1310.02 Amendments

Subd. 3 Applications for Rezoning. Proceedings for amendment, which are initiated by the petition of the owner or owners of the property, shall be filed with the Zoning Administrator. All applications shall be accompanied by an administrative fee as prescribed in Subsection 1310.01 and shall include the following information:

A. The name and address of the applicant or applicants;

B. A description of the area proposed to be rezoned; the names and addresses of all owners of property lying within such area and a description of the property owned by each;

C. The present zone classification of the area and the proposed zone classification;

D. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;

E. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;

F. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;

G. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of ~~three hundred fifty~~five hundred (~~350~~500) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area.

1310.06 Public Hearings

Subd. 2 Notice Requirement. Notice of a public hearing shall be given by publication at least once in the official newspaper of the City, not less than ten (10) days and not more than thirty (30) days prior to the hearing, stating the time, place and purpose of the hearing together with a description of property affected. Not less than ten (10) days nor more than thirty (30) days prior to the hearing a copy of the notice shall be mailed by the City Clerk-Administrator or Zoning Administrator to the owner or owners of the property affected and to the owner or owners of property within ~~three hundred fifty~~five hundred (~~350~~500) feet of the property affected.

1310.08 Expiration of Permits

Subd. 1 Work not Begun or Abandoned. Every permit issued under this Chapter shall expire by limitation and become null and void if the work authorized thereby is not commenced within one hundred ~~twenty~~ eighty (~~120~~180) days from the date of issue of such permit, or if the work authorized thereby is suspended or abandoned at any time after work has been commenced for a period of one hundred ~~twenty~~ eighty (~~120~~180) days.

Subd. 2 New Construction. In the case of a permit issued under this Chapter for new construction of a one- or two-family dwelling, such permit shall expire and become null and void if the dwelling is not completed by the end of two (2) years from the date of issuance of the permit.

Subd. 3 Alterations. In the case of a permit issued under this Chapter for the construction of additions, alterations or improvements to an existing one- or two-family dwelling, or accessory structures thereto, such permit shall expire and become null and void if the dwelling is not completed by the end of one (1) year from the date of issuance of the permit.

Subd. 4 Extensions. The time limits set forth in Subdivisions 1 through 3 may be extended with the approval of the ~~Planning Commission~~Building Official provided that a written application for such extension, with stated reasons for the extension, is submitted to the ~~Zoning Administrator~~Building Official ~~at least two (2) weeks prior to the regularly scheduled Planning Commission meeting~~ prior to the date the permit would otherwise expire.

Section 1340 - Residential Districts

1340.04 Single Family Residential Garage, Accessory Structure and Driveway Standards.

Subd. 3 Height. No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from Section 1300.01 Subd. ~~17~~ 19 Building Height.

Section 1350 - Non-residential Districts

1350.01 Scope.
Except as otherwise provided, this division applies to all non-residential and mixed-use districts in the City.

1350.02 Purpose of Business Districts.
Business districts shall be established to accomplish the general purpose of this Chapter and the Comprehensive Plan and for the following specific purposes:

A. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;

B. To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the community and provide employment opportunities and significant tax base;

C. To promote a high quality of business and commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare, and similar problems.

1350.03 Specific intent of the Business Park/Office/Warehouse District.
The Business Park/Office/Warehouse District is intended to provide locations for office, warehouse, and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base.

1350.04 Purpose of the Industrial Districts.
The industrial districts shall be established to accomplish the general purpose of this Chapter and the Comprehensive Plan and the following specific purposes:

A. To provide employment opportunities;

B. To group industrial uses in locations accessible to rail and highways, so that the movement of raw materials, finished products, and employees can be carried on efficiently;

C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.05 Specific intent of the I-1 Light Industrial District.
The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products.

1350.06 Specific intent of the I-2 General Industrial District.
The specific intent of the I-2 General Industrial District shall be to provide areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1350.07 Specific intent of the I-S Industrial Storage District.
The specific intent of the I-S Industrial Storage District shall be to provide areas bordering City limits and areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.
The mixed-use districts shall be established to accomplish the general purposes outlined in the Comprehensive Plan and to foster a development pattern that encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape Newport's downtown and small town identity.

1350.09 Specific intent of the MX-1 Downtown District.
The specific intent of the MX-1 Downtown Mixed Use District shall be to provide sites for small scale retail, commercial, office and service uses, and to support a mix of residential uses. District requirements and standards will create neighborhoods that are aesthetically pleasing, dense, safe, and walkable. This district is primarily intended to integrate residential uses with pedestrian-oriented commercial uses such as specialty retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc. This district shall serve as the center for financial, commercial, professional, and entertainment activities. Inclusion of high density housing above commercial uses in this district will support commercial and entertainment uses and public transit services.

1350.10 Specific intent of the MX-2 Commercial District.
The specific intent of the MX-2 Commercial Mixed Use District shall be to provide areas that integrate diverse commercial and residential uses. Minimum lot sizes are larger than those in the Downtown District. Development is intended to be compatible with the scale of surrounding areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood and on areas that are visual gateways to the City.

1350.11 Specific intent of the MX-3 Transit-Oriented Mixed Use District
The specific intent of the MX-3 Transit-Oriented Mixed Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use. The district is also intended to:

A. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.

B. Maximize access to transit.

C. Encourage use of transit infrastructure.

D. Provide parking in an efficient and unobtrusive manner

E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.

F. Encourage a sense of activity and liveliness along the street level of building facades.

1350.12 Specific intent of the MX-4 General Mixed Use District
The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent Mixed-Use Districts and development of the Downtown character of Hastings Avenue. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.13 Dimensional Requirements for lots and structures in non-residential districts

A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	30	30	100	100	100	100
Maximum lot coverage by all buildings (%)	80%	50%	None	80%	30%	40%	50%	50%
*Structure setback standards****								
Minimum front yard setback	0	10**	0	0	20	20	20	50
Minimum front yard if across collector or minor street from any residential district	10	10**	10	10	50	50	50	100
Minimum side yard	0	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	50	50	50	100
Parking and driving aisle setback in feet								
Minimum front yard	20	Not allowed	Not allowed	20	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	Not allowed	50	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard for multifamily, commercial or industrial uses if adjacent to any R district	~~5~~20	~~5~~20	~~5~~20	30	30	30	30	30
Minimum rear yard	5	5	5	5	5	5	5	5
Minimum rear yard if adjacent to any R district	10	10	10	50	50	50	50	50
Maximum building height in feet*	40 3-sty	28 2-sty	See table B.,below	40	40	40	40	40
Maximum height of storage tank in IS district								55

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	I-S
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*****Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.
****** See section 1300.08 Exceptions to Front Yard Setbacks
***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

Height and Setbacks	***Residential Townhouse***	***Residential Apt., Condo, Cooperative***	***Mixed-Use Building***	***Commercial, Civic, not in mixed-use building***
Height	*3 stories or 35 feet, whichever is less*	*2 stories minimum, 4 stories maximum**	*2 stories minimum, 4 stories maximum**	*No minimum, 4 stories or 40 feet maximum*
Setbacks	*Front: Maximum of 15 feet* Side: 10 feet Rear: 15 feet	*Front: Maximum of 15 feet* Side: 10 feet Rear: 15 feet	*Front: Maximum of 15 feet* Side: 10 feet Rear: none required	*Front: Maximum of 8 feet* Side: 10 feet Rear: None required

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

1) The maximum residential density in the MX-3 District shall be 50 units per acre.

2) The minimum residential density in the MX-3 District shall be 30 units per acre.

3) The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

1350.14 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development; sf=square feet

Use	MX-1	MX-2	MX-3	MX-4
Residential Uses				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P

Use	**MX-1**	**MX-2**	**MX-3**	**MX-4**
Manufactured single-family dwelling	P	P	N	P
Mobile homes	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P
Congregate housing for senior populations	P	P	P	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
PUD	PUD	PUD	PUD	PUD
Civic and Semi-Public Uses				
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C
Day Care Facilities	C	C	C	C
Day Care Facilities in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	C
Hospitals	C	C	C	C
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sf maxi-mum	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sf maxi-mum	C
Schools for business, trade, dancing, music	C	C	C	C
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maxi-mum	P
Transit stations and related parking facilities	C	C	C	C
Commercial Uses				
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sf maxi-mum	C
Artist studios	P	P	P	P
Auto body repair and major auto repair,	C	N	N	N

Use	MX-1	MX-2	MX-3	MX-4
towing services				
Auto sales, rental	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C
Bakeries, delicatessens, coffee shops	P	P	P	P
Bakeries, wholesale	P	C	C	C
Bed and Breakfast	P	P	N	P
Biotechnology	P	P	P	P
Brew on premises store	P	P	P 10,000 sf maximum	P
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	P
Conference Center, 50,000 square feet or less	C	C	C	C
Convenience stores	P	P	P	P
Data centers	C	C	C	C
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C
Fabrication of office and computer equipment	P	P	P	P
Financial services	P	P	P	P
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Gas, diesel or other motor fuel retail sales	C	C	N	C
Grocery and produce sales	C	C	C—50,000 sf maximum	C
Internet publishing and broadcasting	P	P	P	P
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sf maximum	C
Medical appliance assembly	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P--to 10,000 sf; C—larger than 10,000 sf	P
Printing, publishing, bookbinding, blueprinting	C	C	C	C
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Retail and service establishments, free-standing, or mixed-use building	P	P	P--to 10,000 sf; C—10,000 to 50,000 sf maximum	P
Rental of vehicles (with limited outside storage)	C	C	C	C
Research, development and testing laboratory	C	C	C	C

Use	MX-1	MX-2	MX-3	MX-4
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served	C	C	C	C
Restaurants with drive-through service	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Small scale manufacturing and artisans	P	P	P—5,000 sf or less; C—5,000 to 10,000 sf	P
Theaters (with structured parking)	P	P	P	P
Theaters	C	C	C	C
Towing services (no outside storage of vehicles)	P	C	P	C
Warehousing as a primary use	N	N	N	N
Accessory Uses				
Drive up facilities	C	C	C	C
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C
Renewable energy system	P	P	P	P
Parking lot, as an accessory use	C	C	C	C
Small brewery or winery as an accessory use to a bar or restaurant	C	C	C	C
Swimming Pool	P	P	P	P

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; sf=square feet

Use	B-1	I-1	I-2	I-S
Civic and Public Uses				
Airports	N	C	C	N
Cemetery and/or crematorium	C	N	N	N
Day care centers	C	C	C	C
Day care centers in a mixed-use building	P	C	C	C
Essential services/public utilities	P	P	P	P
Funeral Home	p	N	N	N
Hospitals	C	N	N	N
Medical Clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	P	N	N	N
Parking Lot, Surface (as a principal use)	P	P	P	P

Use	B-1	I-1	I-2	I-S
Penal/correctional facilities	N	C	C	N
Place of worship and associated facilities, except schools	P	N	N	N
Post Office	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Sanitary landfill	N	C	C	N
Schools-trade, college, vocational, and associated facilities	p	C	N	N
Schools for business, trade, dancing, music	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	N	N	N
Transit stations and related parking facilities	C	N	N	N
Commercial Uses				
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	C	C
Auto painting and body work	N	C	N	N
Auto storage	N	C	P	C
Brewery, craft	P	P	N	N
Commercial greenhouse operations	C	P	N	N
Convenience stores	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	N	N	N
Distillery, craft	P	P	N	N
Hotels, motels	P	N	N	N
Restaurant, traditional or liquor served; bar and grill	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	N	N
Storage, mini-storage, cold-storage	N	N	N	P
Veterinary clinic, animal hospital	C	P	N	N
Wholesale sales	P	N	N	N
Winery, craft	P	P	N	N
Warehouse and Industrial Uses				
Manufacturing	C	P	P	N
Micro- and regional brewery	P	P	P	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	P
Warehousing	C	P	P	N

1350.15 Administrative Procedure for Re-Zoning in the Non-residential Districts

A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.

CITY OF NEWPORT
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO CHAPTER 1300, SECTION 1300, GENERAL ZONING, AND SECTION 1350, NON-RESIDENTIAL DISTRICTS

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Wednesday, March 12, 2014, at 7:00 P.M. or as soon thereafter, in the City Hall Council Chambers at Newport City Hall, 596 7th Ave., Newport, MN, to consider amendments to Chapter 1300, Section 1300, General Zoning, and Section 1350, Non-Residential Districts. The amendments are to allow for small breweries or wineries as an accessory use to a bar or restaurant, Brew on premises stores, craft breweries, and related uses.

Information and copies of the proposed Amendments can be reviewed at Newport City Hall. The purpose of this hearing is to provide citizens the opportunity to comment on the Amendments either at, or in writing prior to, the Public Hearing.

Dated this 19th day of February, 2014

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, February 26, 2014)