



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
APRIL 11, 2013 – 7:00 P.M.**

Chairperson:	Dan Lund	City Administrator:	Deb Hill
Vice-Chair:	Matt Prestegaard	Executive Analyst:	Renee Helm
Commissioner:	Janice Anderson	Council Liaison:	Tom Ingemann
Commissioner:	Susan Lindoo		
Commissioner:	Anthony Mahmood		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of March 14, 2013

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider an application from Newport-St. Paul Cold Storage for Approval of a Variance for Property Located at 2233 Maxwell Avenue, Newport, MN 55055

1. Memo from Sherri Buss
2. Application
3. Notice of Public Hearing
4. Resolution No. P.C. 2013-3

B. Red Rock Corridor Update from the Red Rock Corridor Commission

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting | April 18, 2013 | 5:30 p.m. |
| 2. Park Board Meeting | April 25, 2013 | 7:00 p.m. |
| 3. City Council Meeting | May 2, 2013 | 5:30 p.m. |
| 4. Planning Commission Meeting | May 9, 2013 | 7:00 p.m. |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
March 14, 2013**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 7:00 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Janice Anderson, Anthony Mahmood

Commissioners absent – Matt Prestegaard, Susan Lindoo

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

Chairperson Lund – I would like to welcome Mr. Mahmood to the Planning Commission.

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of February 14, 2013

Janice Anderson – Under roll call, could you put that the fifth position is vacant under “Commissioners Absent” since we only had four commissioners at that time?

Executive Analyst Helm – Yes.

Janice Anderson – Also, on the second page, in the middle where Ms. Buss is talking about interest in a grocery store, is Dahlene spelled correctly?

Executive Analyst Helm – Yes, the Dahlene property is at the corner of Glen Road and 7th Avenue.

Janice Anderson – In the middle of page five, where Chairperson Lund says “With changing the code” the word “they’re” should be “their.”

Motion by Anderson, seconded by Mahmood, to approve the February 14, 2013 minutes as amended. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Sketch Plan Review for Gerdau Ameristeel, 1678 Red Rock Road

Sherri Buss, TKDA Planner, presented on this item as outlined in the March 14, 2013 Planning Commission Packet. Richard Elkins, Mechanical Engineer with Gerdau Ameristeel was present to discuss the sketch plans. Gerdau Ameristeel would like to construct a new building on their property located at 1678 Red Rock Road, which is in the I-2, General Industrial District. The building would be utilized by truck drivers to tie down their equipment and cover as necessary. The building does not require a variance or conditional use permit but Gerdau requested a sketch plan review before submitting the final building permit application.

The Planning Commission believes that the metal material that will be used for the building is acceptable and sufficient for the zoning district. Additionally, they do not believe that the building needs to be screened since it will only be visible from a road above the building. Finally, the Planning Commission does not believe this is considered a loading dock since the doors will be closed and loading will not be visible. The Planning Commission determined that the building permit application can be reviewed and approved by City staff.

B. Resolution No. P.C. 2013-2

Sherri Buss, TKDA Planner, presented on this item as outlined in the March 14, 2013 Planning Commission Packet. Some changes were made to the ordinance amendments as a result of the February 14, 2013 Public Hearing discussion. The changes are as follows:

Section 1350:

- Added size requirements/limitations for various uses in the MX-3 District in the uses table that were accidentally left out
- Renumbered or re-titled sections to make the document more readable
- Added specific uses that were discussed at the February 14, 2013 meeting such as grocery stores.

It was also requested by Dave Swanlund at the February 14, 2013 Public Hearing that the Planning Commission review the current B-2 District with the proposed MX-2 District for the Swanlund property. The Swanlund property is located at 2212 Hastings Avenue. Executive Analyst Helm provided a side-by-side comparison of the two zoning districts. The Planning Commission and Mr. Swanlund discussed the comparisons and decided that the property will remain in the proposed MX-2 District.

Janice Anderson – The use table in Section 1330 still references B-2 so that needs to be removed. In Section 1350.18(F) (2) (a) (ii) where it says “crate,” I believe it should be “create.” On the next page, under 1350.18(F) (2) (f) (iv), I was wondering if you could put “U.S.” instead of “US” for the Green Building Council. I have some other grammatical amendments that I’ll give to Renee to make.

Motion by Anderson, seconded by Mahmood, to approve Resolution No. P.C. 2013-2 as amended. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

C. Discussion Regarding the Historic Overlay Conservation District

Executive Analyst Helm presented on this item as outlined in the March 14, 2013 Planning Commission Packet. The Planning Commission requested that a workshop with the City Council, Planning Commission and Historic Preservation Commission be scheduled to discuss the Historic Overlay Conservation District.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting | March 21, 2013 | 5:30 p.m. |
| 2. Park Board Meeting | March 28, 2013 | 7:00 p.m. |
| 3. City Council Meeting | April 4, 2013 | 5:30 p.m. |
| 4. Planning Commission Meeting | April 11, 2013 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Anderson, seconded by Mahmood, to adjourn the Planning Commission Meeting at 8:15 P.M. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst



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Saint Paul, MN 55101
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tkda.com

Memorandum

To:	City of Newport Planning Commission	Reference:	Newport Cold Storage Variance Request
Copies To:	Deb Hill, City Administrator	Project No.:	15258.001
	Renee Helm, Executive Analyst	Routing:	
From:	Sherri Buss, RLA AICP, Planner		
Date:	April 4, 2013		

SUBJECT: Newport Cold Storage Variance Request

MEETING DATE: April 11, 2013

LOCATION: 2233 Maxwell Avenue

APPLICANT: Andrew Greenberg, President
Newport Cold Storage

ZONING: Light Industrial (I-1), Shoreland Overlay District, Floodplain Overlay District, and Mississippi River Critical Area.

ITEMS REVIEWED: Application Form and narrative, City staff reports and resolutions granting previous variances on April, 2008, and August, 2009.

BRIEF DESCRIPTION OF THE REQUEST

The applicant, Newport Cold Storage, is seeking a variance from the maximum height and maximum building coverage requirements of the Zoning Ordinance in order to expanding the existing cold storage building and parking. The property is located at 2233 Maxwell Avenue, in the Light Industrial (I-1) District, Shoreland Overlay District, Floodplain Overlay District, and Mississippi River Critical Area. The parcel is approximately 12.8 acres in size.

BACKGROUND—PROPOSED EXPANSION

The applicant received variances from the height and lot coverage standards for the proposed building expansion in 2008 and 2009. The applicant has not implemented the proposed expansion. Section 1310.12 of the Zoning Ordinance requires that if the owner or occupant of a property that receives a variance has not completed the erection or alteration of the building or structure that received the variance within one year after the variance is granted, the variance

shall become null and void. Therefore, Newport Cold Storage needed to apply again in 2013 for the variances they are requesting to expand the existing structure and parking on their property.

The attached plans show the existing building, proposed building expansion (phases 1 and 2), and proposed parking area (bituminous pavement area). Newport Cold Storage has existed on this site since 1958. The area where the expansion is proposed is currently covered by an existing compacted aggregate surface, which is impervious. The proposed project will not create additional impervious surface on the site.

The application indicates that the expansion will add a building with a total area of 52,593 square feet. Phase 1 would include 31,720 square feet and Phase 2 would include an additional 20,873 square feet. The use is the same as the existing building on the site. The building materials proposed for the expansion are similar to the materials used on the existing building. The applicant is proposing that the building expansion be a total of 59' in height.

The existing bituminous parking area and proposed additional parking area are shown on the attached plan sheets.

With the 2013 application, the applicant is requesting a variance for a taller structure and more building coverage than were approved with the previous variances. The table below compares the Zoning Ordinance requirements with the current and previous variance requests:

	Ordinance Requirement	Previous Variance Approved	Current Request
Maximum Height	40'	52' (2008)	59'
Maximum Building Coverage	40% coverage	41.95% coverage (2009) 12,026 sq. ft.	43.02% parcel coverage 18,602 sq. ft.

Applicant rationale for the requested variance

The proposed expansion will be the final expansion on the site. The applicant indicated that the expansion is needed for the health of the business, and the size and height of the structure are needed to accommodate the equipment and space needed for the business operations. Newport Cold Storage lost 38,974 square feet of the parcel where the proposed building expansion is located to the land condemnation that occurred with the Wakota Bridge/Highway project. The applicant and previous variances note that the existing building and parking area could have been expanded without a variance if the property had not been lost. The proposed structure height will accommodate the majority of the needed expansion through a vertical rather than horizontal expansion on the site. The business has limited area available for expansion due to the reduced size of the parcel and Mn/DOT right-of-way easements on parcels to the east of the site.

EVALUATION OF THE REQUEST—ZONING CODE REQUIREMENTS

The proposed use is consistent with the existing cold storage use on the site. The use is consistent with the goals and policies in the Comprehensive Plan and I-1 Light Industrial Zoning District. The consistency with the Plan and District purpose is discussed in detail in the Evaluation of the Variance Request section, below.



The proposed expansion must meet the performance standards included in the Zoning Ordinance in Chapter 1330.05. The request is analyzed in light of the standards, as follows:

Dimensional Standards

The I-1 District standards require the following:

- Minimum front yard setback of 20 feet
- Minimum side yard setback of 20 feet
- Minimum rear yard setback of 20 feet
- Maximum lot coverage by all buildings allowed is 40 percent
- Setback requirements for parking areas include a 20-foot front setback and 5-foot side and rear yard setback
- Maximum building height is 40 feet

The proposed expansion meets all of the setback requirements. The applicant has requested a variance from the lot coverage and building height standards. The variance request is analyzed in the Evaluation of the Variance Request section, below.

Building Materials—Additions, Alterations and Accessory Structures

The performance standards for additions and alterations of structures (Section 1330.05, Subd 4) require that additions and exterior alterations of structures built after the construction of the original building shall be of the same materials as those used in the original building, and shall be designed to conform to the original architectural concept and general appearance.

The proposed expansion is will include metal exterior building materials and will be similar in materials and appearance to the existing cold storage building on the site. The proposed materials meet the ordinance requirements.

Outside Storage

The ordinance requires that parking need not be screened in side and rear yards from other business or industrial users, and need not be screened if vehicles are not parked for more than 48 consecutive hours. Outside storage is prohibited in front, rear and side yard setbacks. No outside storage is proposed for this project, and the location of the parking areas meets the ordinance requirements.

Parking, Paving and Curbing

The ordinance requires that all parking areas and drives be constructed of concrete, blacktop or a similar durable hard surface. Storage uses are required to provide one space for every 2 employees on the largest shift, or one space per 2,000 square feet, whichever is greater. The current building requires approximately 15 parking spaces based on size; the full expansion will require approximately 26 additional spaces. The Planners calculations indicate that the existing parking areas on the site can accommodate the required parking. The parking areas meet the ordinance requirements. The City Engineer will determine whether curbing is required based on the stormwater management requirements for the site.



Utility Equipment

The ordinance requires that all utility equipment, such as heating and ventilating equipment and similar utilities, be screened from eye-level view on adjacent properties and streets, and that equipment located on the roof be screen with materials compatible with the proposed structure.

The applicant has indicated that utility equipment will be located on the roof. The Planner has included a condition for the variance that the roof-top equipment shall be screened with materials compatible with the structure.

Loading and Service Areas

The ordinance requires that loading and service areas be screened from the view of adjacent residential uses, and the public front and sides of business and industrial uses. Loading docks should be placed on the sides of buildings that do not face roadways. In this case, the applicant has existing loading and service areas that face I-494, so the expansion is consistent with existing site use. Placing the loading areas on the other available side of the building would create a further encroachment and additional impervious surface in the Shoreland District, so the applicant's design is the preferred location.

Trash Handling

Trash handling facilities (dumpsters, etc.) are not shown on the plans. The ordinance requires that all trash handling and recycling equipment be stored within a principal structure or accessory structure, and completely enclosed. The Planner has included a condition that the new building comply with the ordinance requirements.

Screening

Screening is discussed in the Shoreland analysis section, below.

Outdoor Speakers

No outdoor speakers are proposed.

Lighting

The expansion plans do not indicate any new lighting on the site. If new lighting will be added, the lighting fixtures must be a downcast, cutoff type. The Planner has included a condition that any new lighting must meet the ordinance requirement.

Landscaping

No new landscaping is required for this project. The Planner has included a condition that the applicant shall maintain the existing berming and trees on and around the berms to screen the new building from views from the River.



Traffic

The applicant reports that there are currently approximately 50 warehouse employees on the site. The expansion will add 3-5 new employees. Truck traffic currently is 60-90 trucks daily. The expansion will increase the number of trucks by 5-10 trucks per day. Maxwell Avenue, a County roadway, provides the access to the site. The existing access can accommodate the potential increase in traffic that would result from the expansion project.

The Planner provided the application to Washington County for review. If comments are received from the County, they will be provided at the Planning Commission meeting.

Utilities and Engineering

The City Engineer is currently reviewing the expansion plans, and has been working with the applicant on a stormwater management plan for the site. The applicant informed the Engineer that NCS would like to use an alternative subsurface drainage system to manage site stormwater, rather than the ponds shown on the plan. However, he has not provided the plan for this system. The Engineer has requested the following information from the applicant:

- Plans for the alternative system that describe how the system will function when the river is in flood stage and the groundwater table equates to the ground surface.
- Evidence that the applicant has a permit to discharge to the Mn/DOT swale on the north property line.
- Information about whether Mn/DOT provided a protective berm north to the Wakota Bridge abutments as part of the bridge construction.

The South Washington Watershed District reviewed the project, and indicated that the District has no comments.

The Planner has included a condition that the applicant shall provide the requested information and updated plans to the engineer for review, and that the building permit will not be issued until the engineer has approved the plans.

Shoreland Overlay District

The attached figure shows the proposed project in relationship to the Shoreland Overlay District. A portion of the new building and new parking area are located within the Shoreland District of the Mississippi River, and are required to comply with the requirements of the District.

The proposed project generally complies with the Shoreland District requirements, as follows:

- The use is consistent with the underlying I-1 Zoning District, and has a Conditional Use Permit as required for Industrial Uses.
- The lot width, length and area conform to the ordinance requirements.
- The proposed structure is set back more than the minimum 50 feet from the Ordinary High Water Level (OHWL), and meets the other setback requirements of the Shoreland Overlay District.
- The applicant will be required to verify that the proposed structure meets the Floodplain requirements as a condition of variance and building permit approval.



- The Shoreland Ordinance does not include a maximum height requirement for non-residential structures. Therefore, the height requirements of the underlying zoning district apply.
- No alteration of shoreland vegetation or topography is permitted in the Overlay District. The Planner has included a condition for the variance that the berms and associated vegetation may not be altered for this project, and must be protected during construction.
- No wetlands will be filled or impacted by the project or related grading activities.
- The project will be required to meet the City's stormwater management and erosion control requirements, and obtain required permits from the South Washington Watershed District and MPCA.
- Newport Cold Storage began operations on the site in 1958, and its existing building and impervious area were in existence prior to the City's adoption of a Shoreland Overlay District ordinance. The impervious cover on the existing site exceeds the maximum coverage allowed in the Shoreland Overlay District. The Shoreland Overlay District permits a maximum impervious cover up to 25% of the area in the District. The coverage on the existing site is approximately 54%. The areas proposed for new impervious cover by the building and parking lot are already covered by existing impervious surface. The proposed project will not increase the impervious coverage within the Shoreland District, and therefore does not require a variance for this nonconforming situation.

The applicant will be required to meet the City's ordinance requirements for stormwater management for the project area.

The Planner submitted a copy of the variance request to the DNR, and the City notified the DNR of the public hearing on this project. Molly Shodeen, the Hydrologist for the Mississippi River and St. Croix River noted that the DNR's primary concerns are that the applicant be required to maintain the existing berms and vegetation to screen the river, and that the plan meet the stormwater requirements and obtain the required permits. If the variance is granted, the City will provide a copy of the variance, findings and all related materials to the DNR, as required by the Shoreland Ordinance.

Floodplain Overlay District

Section 1370.05 of the City's zoning ordinance addresses floodplains. Most of the Newport Cold Storage site, including the proposed expansion, is within the floodplain (see attached figure). Any new structure, expansion, or alteration must comply with the Floodplain Overland District requirements.

The key Floodplain regulations that applies to the proposed expansion are: (1) the requirement that the structure must be elevated on fill so that the lowest floor, including any basement floor, is at or above the regulatory flood protection elevation (an elevation no lower than one foot above the regional flood elevation, plus any increases caused by encroachment into the floodplain); and (2) the finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation.

The City Engineer provided the required Supplemental Data for Grading/Building Permit in the Floodplain form to the applicant for completion and signature. The form provides the



information needed for the Engineer to determine if the proposed project meets the floodplain requirements.

The Planner has included a condition that the applicant shall complete, sign and return the Supplemental Grading Form to the City, and that the Engineer shall complete the floodplain analysis and determine that the project meets the ordinance requirements before a building permit will be issued for the proposed project.

Critical Area Goals and Policies

The proposed project is located within the boundary of the Mississippi River Critical Area (included on the figure that shows the floodplain area). The area includes the entire site. The goal of the Critical Area legislation and Overlay District (Section 1370.04 of the City's Zoning Ordinance) is to prevent or mitigate any irreversible damage to the Mississippi River. The Critical Area overlay allows urban development within the corridor, as long as the environmental, recreational, economic, cultural and historical resources of the corridor are continued and consistent with regional plans for the corridor. The proposed project addresses the requirements of the Critical Area Overlay District as follows:

- The Overlay District requires review of plans for building within the corridor and includes a set of requirements for plans. The applicant's submittal generally met the Overlay District requirements. The conditions include a requirement that the applicant provide an updated stormwater management plan and erosion and sediment control plan for review and approval by the City Engineer. The plans must meet the City's requirements for stormwater management.
- The City may approve the site plan if the proposed development will be planned, designed, constructed and maintained to avoid substantial probabilities of
 - Accelerated erosion
 - Pollution, contamination or siltation of water bodies
 - Damage to vegetation
 - Injury to wildlife habitats
 - Increased flood potential
 - Decreased groundwater recharge.
- The Planner's analysis of the site plan indicates that the proposed development will avoid the identified impacts, as follows:
 - Accelerated erosion and
 - Pollution, contamination or siltation of water bodies
The applicant will be required to submit and implement a revised stormwater management and erosion and sediment control plan that meets the City's ordinance requirements. The approved plan will be required to avoid accelerated erosion and pollution of the river or other water bodies.
 - Damage to vegetation and
 - Injury to wildlife habitats
The applicant will be required to maintain the existing berming and associated vegetation along the Mississippi River. The existing vegetation and the river are the existing wildlife habitat areas on the site.
 - Increased flood potential
The applicant will be required to meet the requirements of the Floodplain Overlay District, so that flood potential will not increase as a result of the project.



- Decreased groundwater recharge
The proposed project will not increase the area of impervious surface on the site or include other elements that would impact groundwater recharge.
- Existing structures are required to meet the following requirements in order to be expanded (Subd. 8 of the Critical Area Overlay)
 - Provide and maintain adequate screening of the structure from the water through the use of natural vegetation.
The applicant will required to maintain the existing vegetation and berms to screen the structure from views from the river. The project is located in an area of industrial uses where adjacent existing buildings are taller and have less screening than the proposed structure. The requirement to maintain the existing vegetation and berms is meets the requirement for existing uses to preserve the view of the corridor from the river given the industrial setting of the proposed project.
 - The public's ability to view the river and river corridor from existing public streets shall not be further degraded by the proposed activity.
The proposed expansion will not affect the public's ability to view the river and river corridor.

EVALUATION OF THE VARIANCE REQUEST

Variance Standards

The chapter of the City's ordinance related to Variances (Chapter 1300, Section 1310.11) was recently amended to be consistent with changes made to MN Statutes in 2011, replacing the "Hardship" standards with criteria for evaluating the "Practical Difficulties" that are the basis for the variance request and approval.

The revised ordinance allows the City to approve a variance when the terms of the variance are consistent with the Comprehensive Plan, when it is in harmony with the general purpose and intent of the Code of Ordinances then in force, and when the strict enforcement of the ordinance would result in practical difficulties with carrying out the strict letter of the ordinance. "Practical difficulties" as used in connection with the variance means:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Code of Ordinances.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic conditions alone shall not constitute practical difficulties.
5. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.



6. That the requested variance is the minimum action required to eliminate the practical difficulty.
7. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The Planner has analyzed the request for the variance from the maximum building height and maximum parcel coverage based on the variance criteria in the ordinance in the bulleted items that follow:

- **Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan.**

Newport Cold Storage is located in the I-1 Light Industrial Zoning District. The Comprehensive Plan identifies this district as an area for manufacturing, storage, warehousing and assembly uses. The Comprehensive Plan calls for maintaining the existing Light Industrial classification and uses in this district. The Comprehensive Plan also includes goals to expand employment opportunities available in Newport, and to review expansion of industrial and commercial development to protect adjacent residential areas and natural resources from potential negative impacts.

The Zoning Code is consistent with the Comprehensive Plan, and notes that the purpose of the I-1 District is to provide areas for manufacturing, storage and assembly of products.

The request is in harmony with the purposes and intent of the Zoning District and the Comprehensive Plan because the Cold Storage use is consistent with the goals and policies in the Plan and the uses permitted in the I-1 District. The Newport Cold Storage facility is not adjacent to residential (R-1, R-1A and RE) districts, and the expansion will not impact those districts. The expansion project will be required to meet the City's stormwater management requirements and maintain the existing berms and vegetation to protect natural resources that could be impacted by the project. The project's relationship to the Shoreland and Mississippi River Critical Area Overlay District requirements is discussed under those headings below.

- **The variance request should be reasonable under the development code.**

The applicant is proposing to expand the existing Cold Storage use that exists on the site. The request is reasonable because this is an allowed use in the I-1 District under the development code.

- **The request is due to circumstances that are unique to the property, and were not created by the landowner.**

The applicant and the findings for the previous variances approved by the City note that Newport Cold Storage lost 38,974 square feet of the parcel (nearly an acre) where the proposed building expansion is located during the land condemnation proceedings that occurred with the



Wakota Bridge/Highway project. The applicant indicated that the existing building and parking areas could have been expanded to meet the business' need for growth without a variance if the property had not been lost.

The loss of property required for the roadway and bridge project is a circumstance unique to the property, and it was not caused by the landowner. No other parcel in the Industrial District lost land due to condemnation for the bridge/roadway project. The business has existed on the property since the 1950's. The loss of property due to condemnation for a public infrastructure project and developed character of the property to the south of Newport Cold Storage limit the ability of the business to expand.

The Planner concludes that the request is due to circumstances that are unique to the property and were not created by the landowner.

- **The variance, if granted, will not alter the essential character of the area.**

The area surrounding the project is an industrial area that includes other industrial buildings, parking lots and transportation infrastructure. Existing buildings and other structures on the Aggregate Industries site and tank farm immediately to the south of the Newport Cold Storage site are taller than the proposed structures, and of similar industrial materials and character. Land uses to the north of the site on both sides of the river are industrial, and include metal buildings that are as tall as or taller than the proposed structures and of similar materials. Based on the surrounding land uses and height and architectural character of adjacent uses, granting of the variance would not alter the essential character of the area.

The Planner has included a condition that the existing berm and related vegetation may not be altered by the project and must be protected during construction, to minimize the impact of the new building on views from the river and opposite shore.

- **Economic considerations alone do not constitute practical difficulties.**

Newport Cold Storage lost 38,974 square feet of the parcel where the proposed building expansion is located to the land condemnation that occurred with the Wakota Bridge/Highway project. The proposed expansion could have occurred on the site without a variance if the property had not been lost. The applicant is requesting a variance from the building height and coverage requirements to accommodate the additional cold storage area needed by the business through a taller structure, rather than the horizontal expansion that could have occurred if the applicant had not lost a large portion of the site due to highway condemnation. There is no other area on the site available for expansion due to adjacent Mn/DOT right-of-way easements to the east and the existing development on parcels to the south. The practical difficulties are the result of the land area condemned for the public roadway project, and not solely an economic consideration.

- **The proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.**



The building will not impair light or air to adjacent properties. The projected increase in auto and truck traffic will not create congestion, and the project will be required to comply with local building codes for fire suppression. The project is located in an industrial area and is surrounded by other industrial uses, and will not impair property values within the neighborhood.

- ***The requested variance should be the minimum action required to eliminate the practical difficulty.***

The variance is requested for the building size that will allow for the expansion that could have occurred on the site without a variance if a large portion of the site had not been lost to the Wakota Bridge project. It is the minimum height and area that can accommodate the structures and floor area needed for final expansion of this business on the site, and is therefore the minimum action needed to eliminate the practical difficulty created by the condemnation for the roadway.

- **Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems.**

Solar access is not required for this project.

The findings support granting the variance. The Planning Commission should discuss the Findings and make its recommendation to the Council regarding the variance request.

ACTION REQUESTED

The Planning Commission can recommend to the City Council:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

PLANNING STAFF FINDINGS AND RECOMMENDATIONS

The Planner recommends that the Planning Commission recommend approval of the Newport Cold Storage request for a variance to allow a variance from the height requirement of the I-1 Light Industrial District to allow a building up to 59 feet in height, and to allow a variance from the maximum coverage requirement of the I-1 District to allow lot coverage up to 43.02%.

The Planner finds the following:

1. The request is in harmony with the goals and policies of the Comprehensive Plan and uses permitted in the I-1 Zoning District, and with satisfaction of the required conditions will be consistent with the performance standards and requirements of the Zoning District, Shoreland, Floodplain, and Critical Area Overlay Districts.
2. The request is reasonable because the proposed use is permitted in the I-1 Zoning District.



3. The variance request is due to circumstances unique to the property and not caused by the landowner. Newport Cold Storage lost 38,974 square feet of the parcel where the expansion is proposed due to condemnation for the adjacent Wakota Bridge and roadway project. The land condemnation is unique to this property and was not caused by the landowner. The expansion could have been completed in compliance with the ordinance if the condemnation had not occurred.
4. The variance request will not alter the essential character of the I-1 Light Industrial Area.
5. The request is not based on economic considerations alone but is based on the loss of property due to condemnation for a public infrastructure project.
6. The proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.
7. The requested variance is the minimum action needed to eliminate the practical difficulty created by the land condemnation and allow the proposed expansion.
8. The requested variance is not related to adequate access to direct sunlight for solar energy systems.

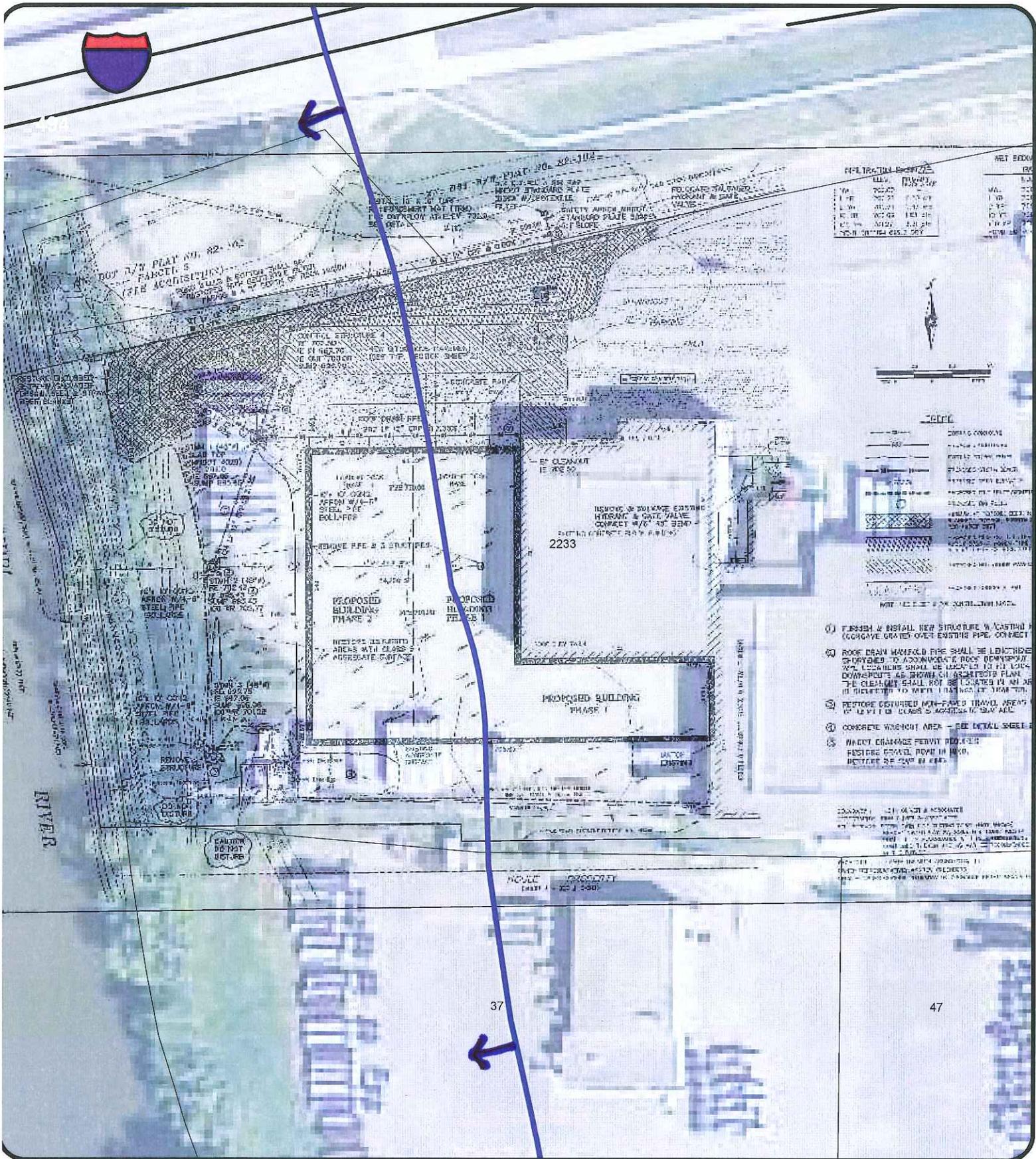
The Planner recommends the following conditions:

1. The applicant shall complete the project in substantial compliance with the plans submitted to the City on March 21, 2013. The applicant shall provide a copy of the Certificate of Survey for the project to the City.
2. No outside storage is permitted as part of the expansion project.
3. All rooftop utilities and equipment shall be screened with materials compatible with the structure.
4. The building expansion shall comply with the trash handling requirements of the City's Zoning Ordinance.
5. All new lighting fixtures shall be of a cutoff, downcast type and comply with the City's Zoning Ordinance.
6. The City shall approve the new fire hydrant or other fire protection for the expansion.
7. The applicant shall provide updated plans and all information requested by the City Engineer to the Engineer for review. The City shall not issue a building permit for this project until the City Engineer has approved the plans.
8. The applicant shall meet the City's stormwater management and erosion and sediment control requirements, and obtain required permits for stormwater management from the South Washington Watershed District and MPCA.
9. The applicant shall maintain the existing berms and all existing vegetation on and adjacent to the berms. The applicant shall protect the existing vegetation from construction impacts.



10. The applicant shall complete, sign and provide the Supplemental Grading Form and floodplain information to the City Engineer. The project shall meet the requirements of the Floodplain Overlay District.
11. The applicant shall pay all fees and escrow associated with this application.



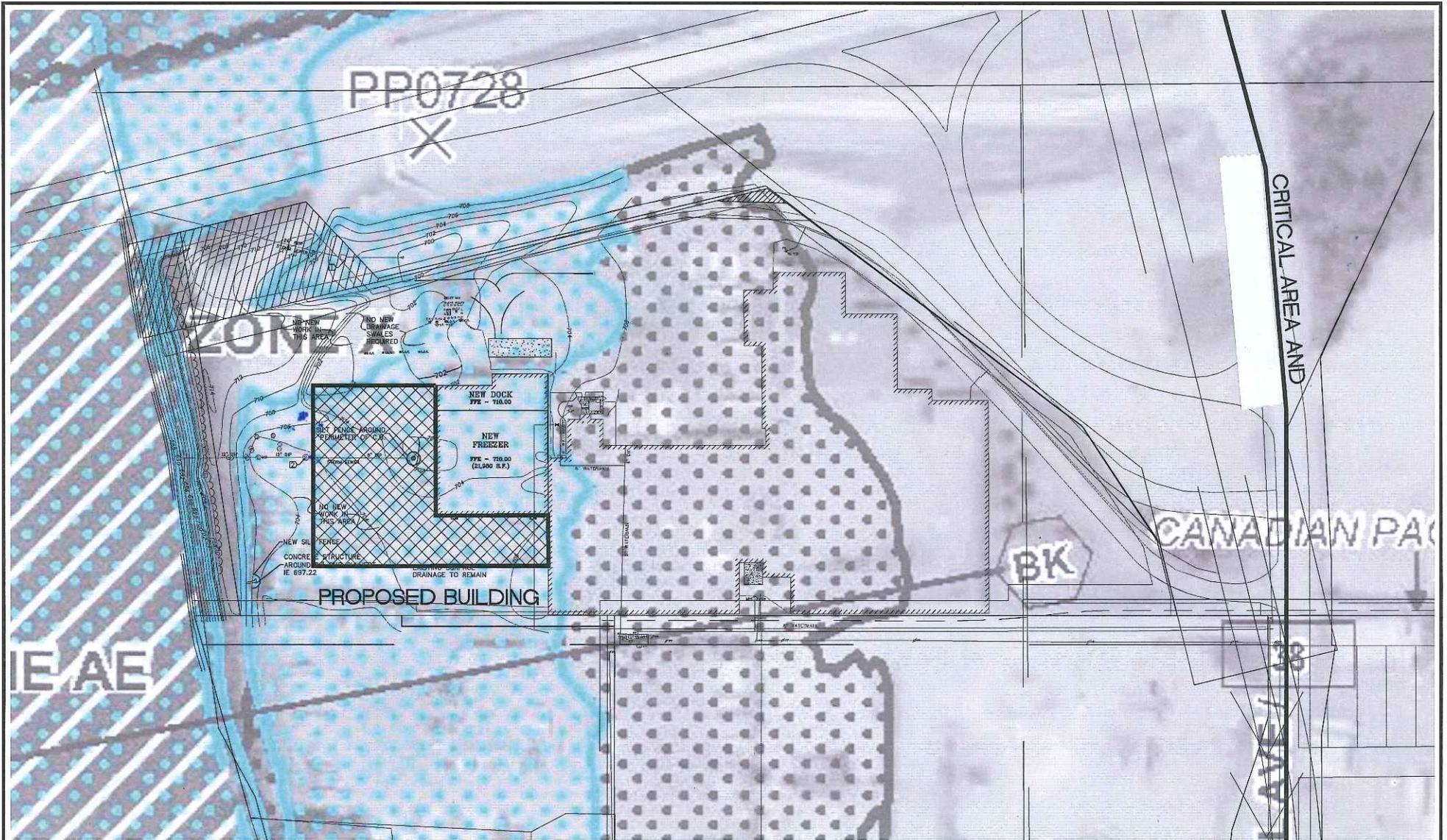


Newport Cold Storage - Shoreland District

Shoreland Management District*

Floodplain Data: MNDNR
ftp://ftp.dnr.state.mn.us/pub/waters/floodplain/County_data/Washington/
 Parcel Data: Washington County, 2011
 Aerial Photo: MnGeo WMS service





MSA

TRANSPORTATION • MUNICIPAL
DEVELOPMENT • ENVIRONMENTAL
60 Paine Boulevard East St. Paul, MN 55107
612-546-3124 • 1-888-652-0454 Fax: 763-786-4574
Web Address: www.msa-inc.com
MSA Professional Services Inc.



0 50

CITY OF NEWPORT
COLD STORAGE - FLOOD PLAIN BOUNDARY REVIEW



EXHIBIT 2







PO BOX 129 . 2233 MAXWELL AVE . NEWPORT, MN 55055 . 651-459-5555 . 651-459-5951 (FAX)

March 21, 2013

Ms. Sherri Buss
City of Newport
596 7th Ave.
Newport, MN 55055

Dear Ms. Buss;

Thank you for taking the time to speak with me about our master plan to build out our facility. Our customer and business growth requires us to add additional capacity.

Newport-St. Paul Cold Storage Co. has been an active part of the Newport community since 1958. Since 1958 we have developed our business by investing in expansions in 1960, 1978, 1986, 1990, 1992, 1994, 2001, and 2003. We have contributed to additional economic development through the sale of land to NRG, Shell Sales, JB Pallets, Metro Gravel, and Aggregate Industries.

We are proposing to build an expansion up to approximately 55,000 Square Feet of refrigerated warehouse. The proposed building would consist of 52,593 Square Feet. Phase 1 will be 31,720 Square Feet. Phase 2 will be 20,873 Square Feet. Our initial plans will be to build Phase 1 this year. However, we would like the option to build both phase 1 and phase 2 this year. Enclosed is a copy of the proposed layout.

Prior to the Wakota Bridge project and subsequent condemnation, our expansion would have been within 4,000 Square Feet of coverage ratio guidelines. As a result of the condemnation we are requesting for a coverage ratio variance in order to build out to our original master building plan. We are asking for a variance of 20,000 square feet 3.24% of our land area. Previously, we had been approved for an additional 51,000 Square feet, a 12,026 Square Foot variance. In addition, we are requesting a variance for height of our building to be no greater 59 feet from finished grade, a variance of 19'. Previously we had been approved for a 12' height variance. These variances are based on maximum requirement to ensure flexibility during the structural development of the plans.

We are available to answer any questions with regards to our request.

Sincerely,

Andrew R. Greenberg
President

CITY OF NEWPORT

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

PUBLIC HEARING/DATE _____ DATE OF APPLICATION _____

APPLICANT NAME Newport - St. Paul Cold Storage PHONE 651-459-5555

ADDRESS 2233 Maxwell Ave Newport MN 55055
Street City State Zip

OWNER NAME Newport - St. Paul Cold Storage PHONE _____

ADDRESS _____
Street City State Zip

ADDRESS / LOCATION OF PROPERTY: _____

LEGAL DESCRIPTION OF PROPERTY & P.I.D. #

See Attachment R 26-028-22-42-0001

PLANNING REQUEST

APPLICATION FEE

- | | |
|---|--|
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 or Actual Cost Plus \$50 for Additional Staff Hours
(10 Hour Minimum) |
| <input type="checkbox"/> Rezoning | \$500 |
| <input type="checkbox"/> Zoning Amendment | \$500 |
| <input checked="" type="checkbox"/> Variance | \$300 |
| <input type="checkbox"/> Conditional Use Permit | \$300 - Residential
\$450 - Commercial |
| <input type="checkbox"/> Subdivision Approval | \$300 - Minor Subdivision
-\$2,000 Parkland Dedication Fee |
| | \$500 - Major Subdivision (Plus \$50 Per Lot)
-Parkland Dedication Fee is 10% of
land value or a fee per lot as established
by City Council |

Other (Specify) _____

APPLICABLE ZONING CODE CHAPTER: _____ SECTION: _____

SUB-SEC: _____

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

I HEREBY DECLARE THAT ALL STATEMENTS MADE ON THIS REQUEST AND ON THE ADDITIONAL MATERIAL ARE TRUE.

Andrew R. Grady
SIGNATURE OF APPLICANT

SIGNATURE OF OWNER
(IF APPLICABLE)

DATE

RECEIVED BY

OFFICE USE ONLY	
FEE \$	_____
RECEIPT #	_____
PUBLICATION OF NOTICE DATE	_____
PUBLIC HEARING DATE	_____
P.C. RES. #	_____
COUNCIL ACTION DATE	_____
COUNCIL RES. #	_____

The City of Newport requires that any developer or every person, company, or corporation that is seeking to commence construction or major alterations of a structure, and land subdivisions or lot combinations must first submit detailed site plans to the City. The person submitting site plans must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. Any funds in excess of those actually reimbursing the City for its expenses will be returned to the applicant upon completion of the project. The fees are as follows:

SITE PLAN REVIEW – RESIDENTIAL:

8 units and under	\$2,000
9-40 units	\$3,200
41 units and greater	\$4,500

SITE PLAN REVIEW – COMMERCIAL:

0-5,000 sq. ft. bldg.	\$2,000
5,001-10,000 sq. ft. bldg.	\$3,000
10,001-50,000 sq. ft. bldg.	\$3,750
50,001 sq. ft. + bldg.	\$4,500

PRELIMINARY PLAT:

Under 10 acres	\$3,500
10 acres and greater	\$6,500

Applicant Name	_____
Address	_____ _____
Phone	_____
Date of Application	_____

<u>OFFICE USE ONLY</u>	
FEE \$	_____
RECEIPT #	_____

EXHIBTT A

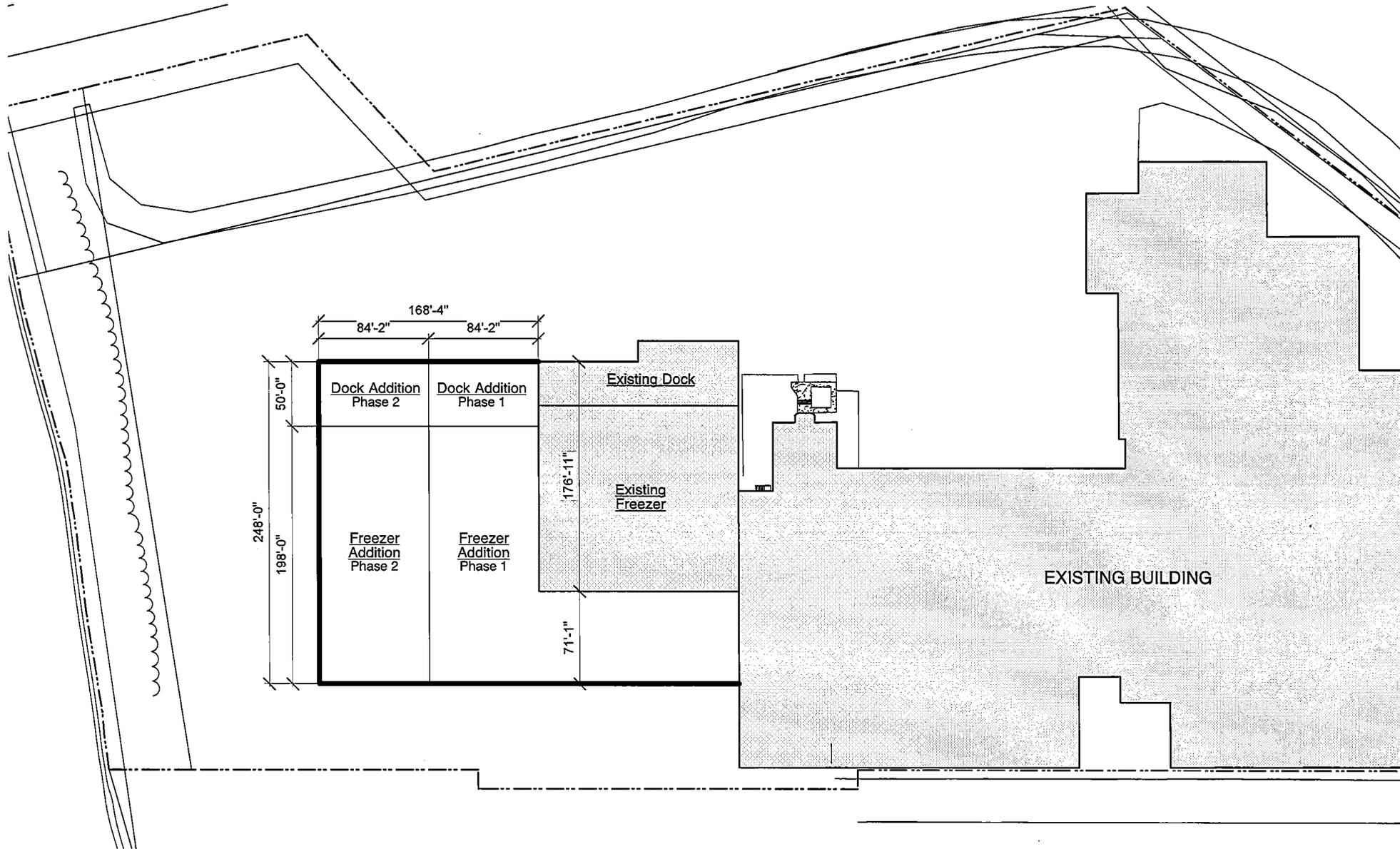
Legal Description-Newport-St. Paul Cold Storage Co.

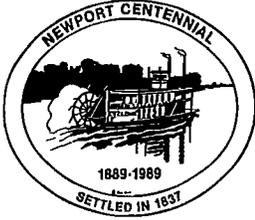
Property located in Washington County, legally described as follows

Parcel 1

All that part of Government Lot 3 and of the Northeast Quarter of the southeast Quarter (NE 1/4 SE 1/4). Section 26, Township 28 North, Range 22 West, Washington County, Minnesota, that is described as follows:

Commencing at the Northeast corner of Tract A, Registered Land Survey No. 15; thence on an assumed bearing of West, along the North line of said Tract A, a distance of 332.90 feet to the point of intersection with the East line of said government Lot 3 said point of intersection being the point of beginning of the land to be described; thence North 0 degrees 13 minutes West, along said East line, a distance at 22.00 feet; thence East, parallel to the North line of said Tract A, a distance of 200.90 feet thence North 00 degrees 13 minutes West a distance of 3.91 feet; thence North 13 degrees 34 minutes West a distance of 77.94 feet; thence North 33 degrees 05 minutes 12 seconds West a distance of a 188.51 feet; thence North 52 degrees 36 Minutes 23 seconds West a distance of 540.39 feet; thence South 76 degrees 27 minutes West a distance of 543.50 feet; thence North 42 degrees 47 minutes 56 seconds West a distance of 143.27 feet; thence South 76 degrees 27 minutes West a distance of 225 feet more or less to the shore of the Mississippi River; thence Southerly, along said shore, to the intersection with the Westerly extension of the North line of said Tract A; thence East, along said extended line, a distance of 259 feet more or less to a point on said line that is 390 feet West of the Northwest corner of said Tract A; thence South a distance of 14.75 feet; thence East a distance of 290.00 feet to the West line of said Tract A; thence North, along said West line, a distance of 14.75 feet to the Northwest corner of said Tract A; thence East along the North line of said tract A. a distance of 556.1 feet to the point of beginning.





CITY OF NEWPORT

596 7th Avenue
Newport, Minnesota 55055
(651) 459-5677
Fax: (651) 459-9883

April 8, 2008

Mr. Drew Greenberg
2233 Maxwell Avenue
Newport, MN. 55055

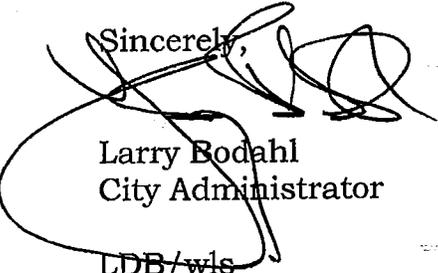
RE: Building Coverage Variance

Dear Drew:

Enclosed is a copy of Resolution No. 2008-11 adopted by the Newport City Council at their regular meeting on Thursday, April 3, 2008. This Resolution approves a 1.95% (12,026 Square Feet) Building Coverage Variance to construct a 51,000 Square Foot addition located at 2233 Maxwell Avenue.

If you have any questions, please contact me at 651-459-5677 or email me at labodahl@newportmn.com.

Sincerely,



Larry Bodahl
City Administrator

LDB/wls

Enclosure

Cc: file



extension on variance or renewal



RESOLUTION NO. 2008-11

A RESOLUTION APPROVING A 1.95% (12,026 SQUARE FEET) BUILDING COVERAGE VARIANCE TO CONSTRUCT A 51,000 SQUARE FOOT ADDITION LOCATED AT 2233 MAXWELL AVENUE (NEWPORT-ST. PAUL COLD STORAGE), NEWPORT, MN

WHEREAS, Mr. Drew Greenberg, 2233 Maxwell Avenue, Newport, did submit an application to the City of Newport for a Building Coverage Variance to construct a 51,000 square foot addition located at 2233 Maxwell Avenue; and

WHEREAS, The property is located at 2233 Maxwell Avenue, Newport, MN and is more fully legally described as follows:

Property located in Washington County, legally described as follows:

Parcel 1

All that part of Government Lot 3 and of the Northeast "Quarter of the southeast Quarter (NE ¼ SE ¼). Section 26, Township 28 North, Range 22 West, Washington County, Minnesota, that is described as follows:

Commencing at the Northeast corner of Tract A, Registered Land Survey No. 15; thence on an assumed bearing of West, along the North line of said Tract A, a distance 332.90 feet to the point of intersection with the East line of said government Lot 3 said point of intersection being the point of beginning of the land to be described; thence North 0 degrees 13 minutes West, along said East line, a distance at 22.00 feet; thence East, parallel to the North line of said Tract A, a distance of 200.90 feet thence North 00 degrees 13 minutes West a distance 3.91 feet; thence North 13 degrees 23 minutes West a distance of 77.94 feet; thence North 33 degrees 05 minutes 12 seconds West a distance of a 1188.51 feet; thence North 52 degrees 36 Minutes 23 seconds West a distance of 540.39 feet; thence South 76 degrees 27 minutes West a distance of 543.50 feet; thence North 42 degrees 47 minutes 56 seconds West a distance of 143.27 feet; thence South 76 degrees 27 minutes West a distance of 225 feet more or less to the shore of the Mississippi River; thence Southerly, along said shore, to the intersection with the Westerly extension of the North line of said tract A; thence East, along said extended line, a distance of 259 feet more or less to a point on said line that is 390 feet west of the Northwest corner of said Tract A; thence South a distance of 14.75 feet; thence East a distance of 290.00 feet to the West line of said Tract A; thence North, along said West line, a distance of 14.75 feet to the Northwest corner of said Tract A; thence East along the North line of said tract A, a distance of 556.1 feet to the point of beginning.

WHEREAS, The described property is zoned Light Industrial (I-1); and

WHEREAS, Section 1310.11 states the criteria for acting upon a Variance application; and

WHEREAS, Following publication, posting, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on March 13, 2008; and

WHEREAS, On March 13, 2008 the Planning Commission recommended City Council approve the Building Coverage Variance Request, Resolution No. P.C. 2008-2.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council finds, in accordance to Section 1310.11 of the Newport Zoning Code, as follows:

- *(A) exceptional or extraordinary physical surrounding, shape or topographical conditions; Comment: Prior to the Highway Project the building addition would have been feasible. 38,974 square feet of Newport-St. Paul Cold Storage property underwent condemnation due to the Highway Project.*
- *(B) conditions ...for a variance...are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification; Comment: The conditions set forth for this variance are unique to this parcel of property and are not applicable, generally, to other property within the same zoning classification. Newport-St. Paul Cold Storage is the only property located in the Light Industrial Zoning District (I-1) that underwent condemnation due to the Highway Project.*
- *(C) purpose of the variance is not based exclusively upon a desire to increase the value...of a parcel of land; Comment: Again, prior to the Highway Project the expansion would not have required a Variance. The Variance request is not based exclusively on increasing the value of the land. The expansion will create jobs in the Maxwell Avenue area.*
- *(D) hardship...has not been created by any persons presently having an interest in the parcel; Comment: The present owner did nothing to cause this hardship. The Highway 494/Wakota Bridge Project created the hardship.*
- *(E) variance will not be detrimental to the public ; Comment: Granting of this variance will utilize the existing property without a detrimental effect to the public.*
- *(F) variance is in keeping with the spirit and intent of this chapter; Comment: Granting this variance meets the benefit of the health, welfare and safety of the public.*
- *(G) proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, increase danger of fire, endanger the public safety, or diminish property values within the*

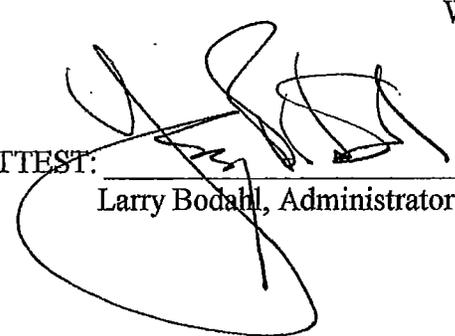
- *neighborhood*; **Comment: This variance will not impair light or air, increase street congestion, increase the danger of fires, endanger the public safety or diminish the property value of the neighborhood.**

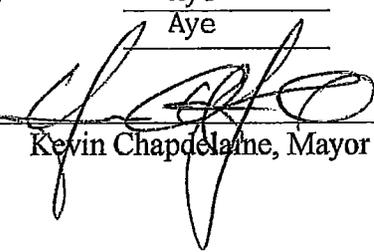
NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Newport City Council Hereby Grants Approval for a 1.95% (12,026 Square Feet) Building Coverage Variance to applicant Drew Greenberg, 2233 Maxwell Avenue, Newport, MN 55055, to construct a 51,000 square foot building addition at 2233 Maxwell Avenue, Newport, MN subject to City staff approval of the following issues:

- **Fire hydrant approval by Newport Fire Chief Mark Mailand,**
- **NPDES Permit required,**
- **Signed commitment from owner stating 8" watermain will be rerouted if it breaks,**
- **Watershed and MnDOT approval on drainage issues,**
- **Certificate of Survey required,**
- **Pre and post construction traffic counts,**
- **Building height shall be no greater than 40' (from top of building to grade),**
- **Depending on stormwater runoff/calculations, curb and gutter may be required.**

Adopted this 3rd day of April 2008 by the Newport City Council.

Vote:	Geraghty	Aye
	Wilcziek	Aye
	Schottmuller	Aye
	Chapdelaine	Aye
	White	Aye

ATTEST: 
Larry Bodahl, Administrator

Signed: 
Kevin Chapdelaine, Mayor



CITY OF NEWPORT

596 7th Avenue
Newport, Minnesota 55055
(651) 459-5677
Fax: (651) 459-9883

August 24, 2009

Mr. Drew Greenberg
2233 Maxwell Avenue
Newport, MN. 55055

RE: Building Coverage Variance

Dear Drew:

Enclosed is a copy of Resolution No. 2009-30 adopted by the Newport City Council at their regular meeting on Thursday, August 24, 2009. This Resolution approves a 12' Building Height Variance for a building addition located at 2233 Maxwell Avenue.

If you have any questions, please contact me at 651-459-5677 or email me at banderson@newportmn.com .

Sincerely,



Brian J. Anderson
City Administrator

BJA/wls

Enclosure

Cc: file

RESOLUTION NO. 2009-30

A RESOLUTION GRANTING APPROVAL OF A 12' BUILDING HEIGHT VARIANCE FOR A BUILDING ADDITION TO BE CONSTRUCTED AT 2233 MAXWELL AVENUE, (NEWPORT-ST. PAUL COLD STORAGE), NEWPORT, MN

WHEREAS, Mr. Drew Greenberg, 2233 Maxwell Avenue, Newport, did submit an application to the City of Newport for the construction of a building addition for additional storage space which would require a 12' Building Height Variance located at 2233 Maxwell Avenue; and

WHEREAS, The property is located at 2233 Maxwell Avenue, Newport, MN and is more fully legally described as follows:

Property located in Washington County, legally described as follows:

Parcel 1

All that part of Government Lot 3 and of the Northeast "Quarter of the southeast Quarter (NE ¼ SE ¼). Section 26, Township 28 North, Range 22 West, Washington County, Minnesota, that is described as follows:

Commencing at the Northeast corner of Tract A, Registered Land Survey No. 15; thence on an assumed bearing of West, along the North line of said Tract A, a distance 332.90 feet to the point of intersection with the East line of said government Lot 3 said point of intersection being the point of beginning of the land to be described; thence North 0 degrees 13 minutes West, along said East line, a distance at 22.00 feet; thence East, parallel to the North line of said Tract A, a distance of 200.90 feet thence North 00 degrees 13 minutes West a distance 3.91 feet; thence North 13 degrees 23 minutes West a distance of 77.94 feet; thence North 33 degrees 05 minutes 12 seconds West a distance of a 1188.51 feet; thence North 52 degrees 36 Minutes 23 seconds West a distance of 540.39 feet; thence South 76 degrees 27 minutes West a distance of 543.50 feet; thence North 42 degrees 47 minutes 56 seconds West a distance of 143.27 feet; thence South 76 degrees 27 minutes West a distance of 225 feet more or less to the shore of the Mississippi River; thence Southerly, along said shore, to the intersection with the Westerly extension of the North line of said tract A; thence East, along said extended line, a distance of 259 feet more or less to a point on said line that is 390 feet west of the Northwest corner of said Tract A; thence South a distance of 14.75 feet; thence East a distance of 290.00 feet to the West line of said Tract A; thence North, along said West line, a distance of 14.75 feet to the Northwest corner of said Tract A; thence East along the North line of said tract A, a distance of 556.1 feet to the point of beginning.

WHEREAS, The described property is zoned Light Industrial (I-1); and

WHEREAS, Section 1310.11 states the criteria for acting upon a Variance application; and

WHEREAS, Following publication, posting, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on August 13, 2009; and

WHEREAS, The Newport Planning Commission did recommend the City Council **APPROVE** the 12' Building Height Variance for Newport-St. Paul Cold Storage at 2233 Maxwell Avenue, Newport, MN.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council hereby approves a 12' Building Height Variance for a Building Addition to be constructed at 2233 Maxwell Avenue (Newport-St. Paul Cold Storage), Newport, MN based upon and in accordance to the following findings and criteria as found in Section 1310.11 of the Newport Zoning Code, as follows:

- *(A) exceptional or extraordinary physical surrounding, shape or topographical conditions;* **Comment: Prior to the Highway Project the building addition would have been feasible (outwards versus upwards). 38,974 square feet of Newport-St. Paul Cold Storage property underwent condemnation due to the Highway Project.**
- *(B) conditions ...for a variance...are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;* **Comment: The conditions set forth for this Variance are unique to this parcel of property and are not applicable, generally, to other property within the same zoning classification. Newport-St. Paul Cold Storage is the only property located in the Light Industrial Zoning District (I-1) that underwent condemnation due to the Highway Project.**
- *(C) purpose of the variance is not based exclusively upon a desire to increase the value...of a parcel of land;* **Comment: Again, prior to the Highway Project the expansion would not have required a Variance providing Newport-St. Paul Cold Storage expanded outwards versus upwards. The Variance request is not based exclusively on increasing the value of the land. The expansion will allow for the creation of jobs in the Maxwell Avenue area.**
- *(D) hardship...has not been created by any persons presently having an interest in the parcel;* **Comment: The present owner did nothing to cause this hardship. The Highway 494/Wakota Bridge Project created the hardship.**
- *(E) variance will not be detrimental to the public ;* **Comment: Granting of this Variance will utilize the existing property without a detrimental effect to the public.**
- *(F) variance is in keeping with the spirit and intent of this chapter;* **Comment: Granting this variance meets the benefit of the health, welfare and safety of the public.**
- *(G) proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, increase danger of fire, endanger the public safety, or diminish property values within the neighborhood;* **Comment: This Variance will not impair light or air, increase street congestion,**
-

increase the danger of fires, endanger the public safety or diminish the property value of the neighborhood.

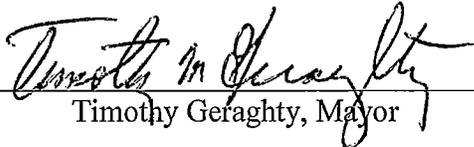
NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Newport City Council does hereby GRANT a 12' Building Height Variance for the construction of a building addition at 2233 Maxwell Avenue, Newport, MN subject to the conditions set forth under the original Variance approved by the Newport City Council (Resolution No. 2008-11).

Adopted by the City Council of the City of Newport on this 20th day of August, 2009.

Motion by: Sumner, seconded by: Hopkins

VOTE:	Geraghty	<u>Aye</u>
	Schottmuller	<u>Aye</u>
	Ingemann	<u>Aye</u>
	Sumner	<u>Aye</u>
	Hopkins	<u>Aye</u>

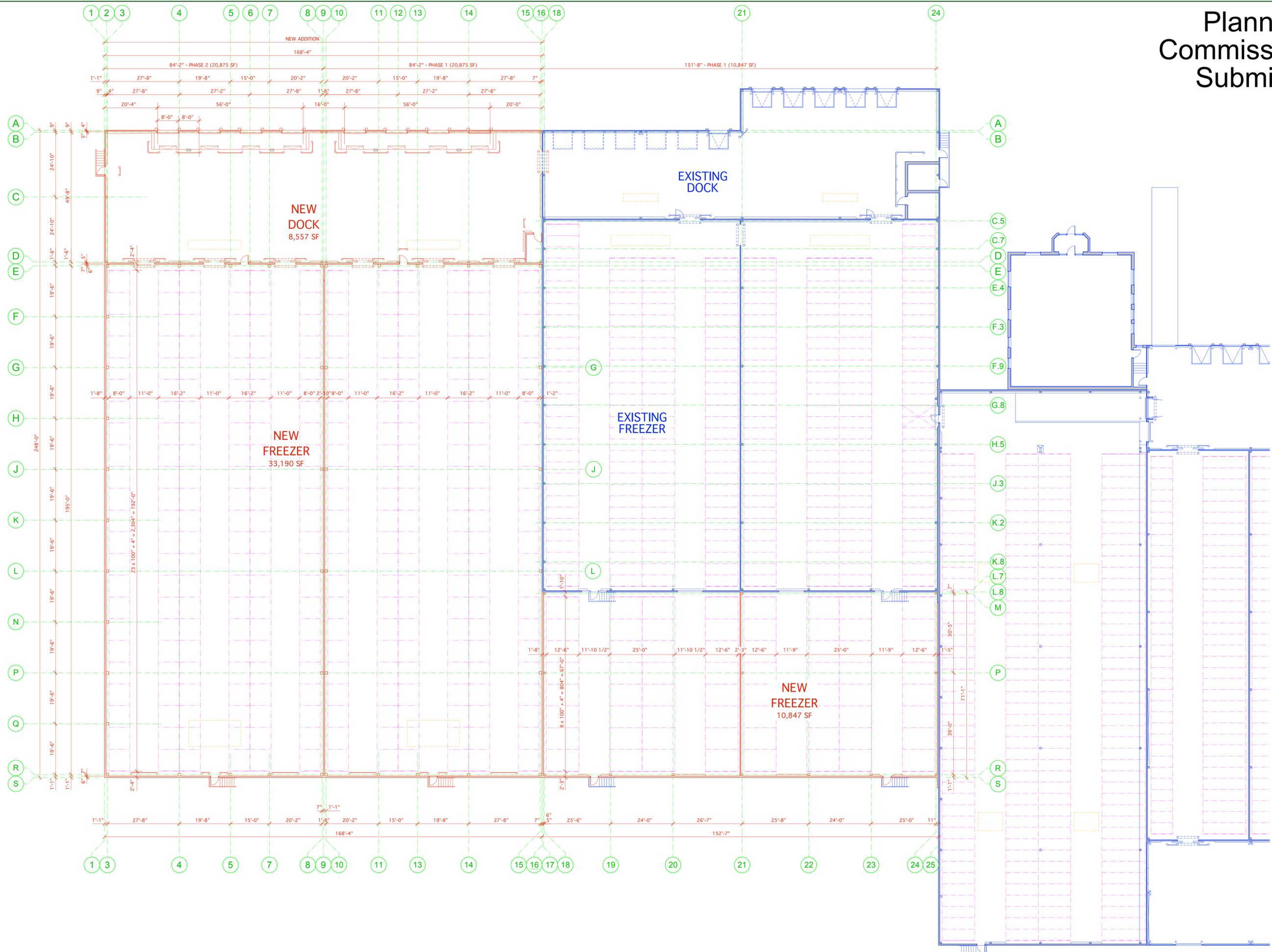
Signed: _____


Timothy Geraghty, Mayor

ATTEST: _____


Brian Anderson, City Administrator

Planning Commission Submittal



EVANS FREIMUTH ARCHITECTS, LLC
 COPYRIGHT © 2013
 THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED ARCHITECT UNDER THE PROFESSIONAL SEAL OF THE STATE OF MINNESOTA.
 PROJECT NAME: JAMES M. EVANS
 SIGNATURE: _____
 DATE: _____

Evans Freimuth Architects, LLC
 1973 Sloan Place, Suite 250 Maplewood, MN 55117
 office: 651.771.1800 fax: 651.771.8890

NO.	DATE	REVISION

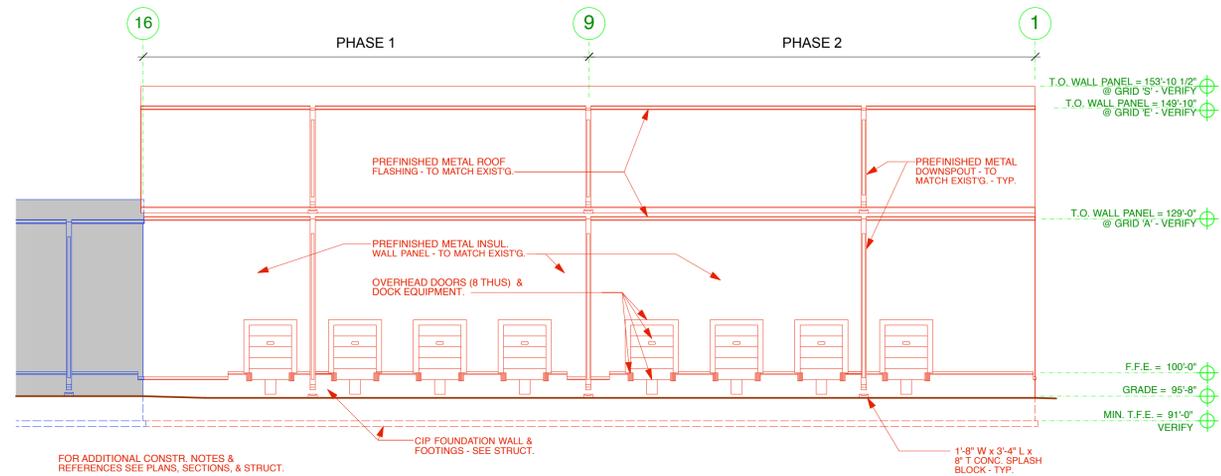
VARIANCE ISSUE
 3/21/13



FLOOR PLAN
NEWPORT COLD STORAGE
 ADDITION FOR:

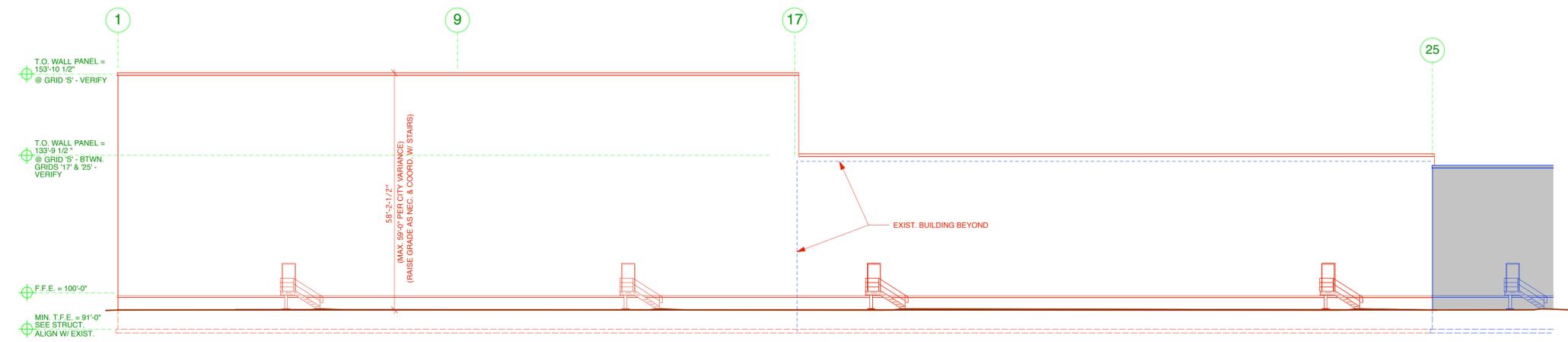
1308

A2



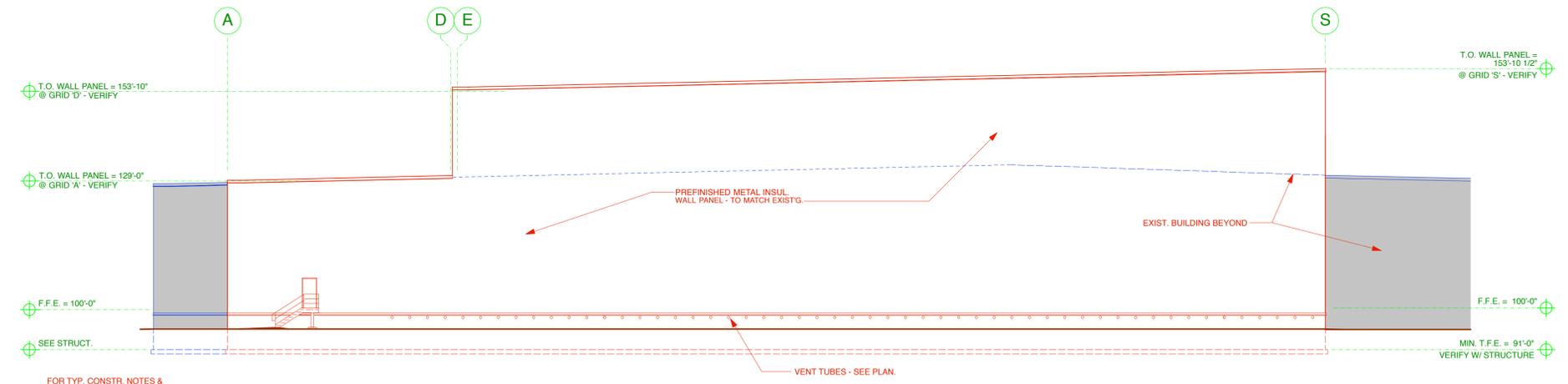
FOR ADDITIONAL CONSTR. NOTES & REFERENCES SEE PLANS, SECTIONS, & STRUCT.

1 NORTH ELEVATION
 A3 1/16" = 1'-0"



FOR TYP. CONSTR. NOTES & REFERENCES SEE 1/A3.

2 SOUTH ELEVATION
 A3 1/16" = 1'-0"



FOR TYP. CONSTR. NOTES & REFERENCES SEE 1/A3.

3 WEST ELEVATION
 A3 1/16" = 1'-0"

EVANS FREIMUTH ARCHITECTS, LLC
 COPYRIGHT © 2013
 I HEREBY CERTIFY THAT THIS PLAN
 WAS PREPARED BY ME OR UNDER MY
 DIRECT SUPERVISION AND THAT I AM
 A LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA
 PRINT NAME: JAMES W. EVANS
 SIGNATURE: _____
 DATE: _____
 REG. NO. 1037

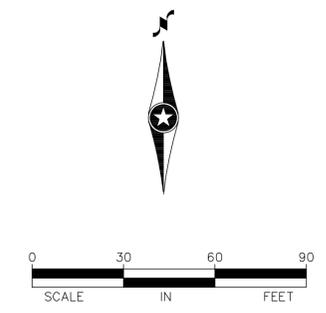
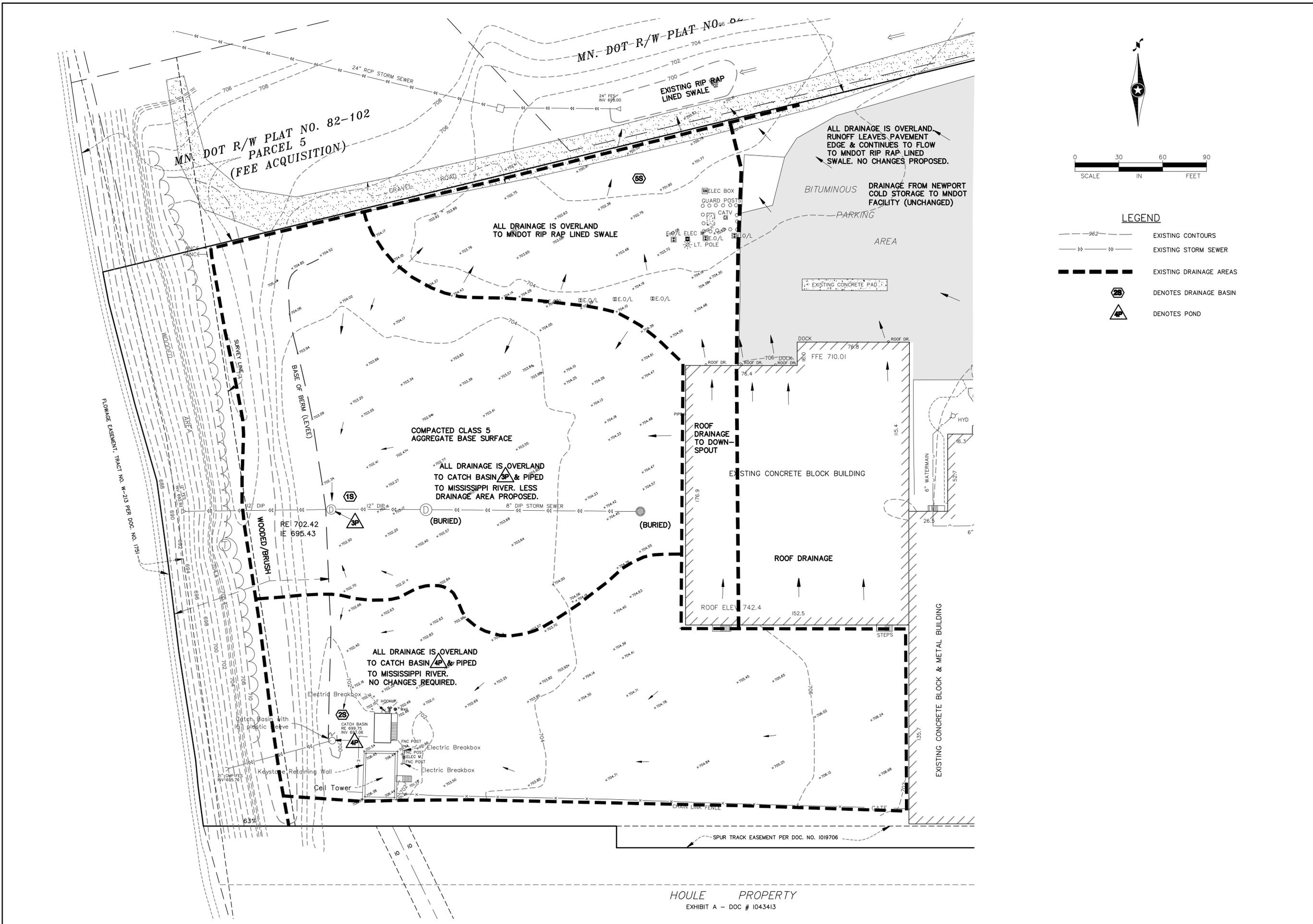
Evans Freimuth Architects, LLC
 1973 Sloan Place, Suite 250, Maplewood, MN 55117
 office: 651.771.1800
 fax: 651.771.8880

NO.	DATE	REVISION

VARIANCE ISSUE
 3/21/13

BUILDING ELEVATIONS
NEWPORT COLD STORAGE
 NEW COLD STORAGE
 ADDITION FOR:

1308
A3

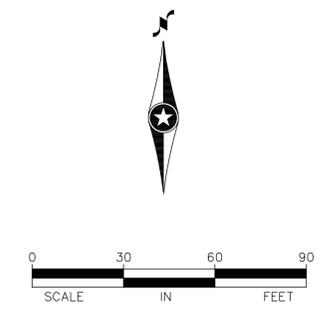
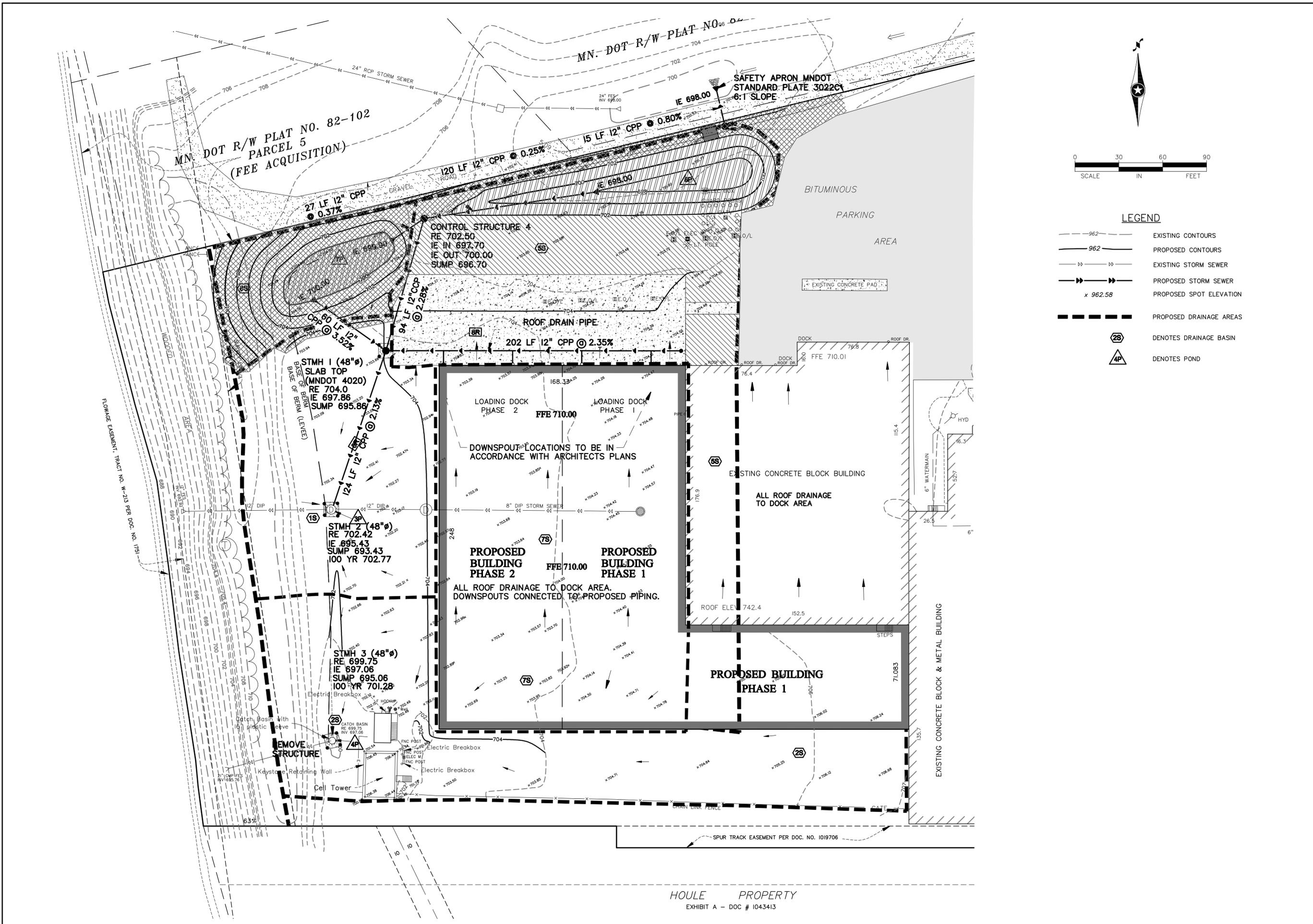


LEGEND

	EXISTING CONTOURS
	EXISTING STORM SEWER
	EXISTING DRAINAGE AREAS
	DENOTES DRAINAGE BASIN
	DENOTES POND

NEWPORT-ST PAUL COLD STORAGE NEWPORT, MN FOR NEWPORT-ST PAUL COLD STORAGE EXISTING DRAINAGE MAP	DATE: 3/20/2013 DESIGN BY: RDA DRAWN BY: DM CHECKED BY: RDA DWG: 1234-10-FDRG1 TEXT: NONE FILE NO.: M1234.10-21	DESCRIPTION
<p>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 Engineer under the laws of the state of Minnesota.</p> <p>Signature: <i>Ross D. Abel</i> Date: 3/20/2013 Lic. No. 16733</p>		
<p>Oliver Surveying & Engineering, Inc. Land Surveying • Civil Engineering • Land Planning 580 Dodge Ave. Elk River, Minnesota 55330 (763) 441-2072 - fax (763) 441-5665 www.oliver-se.com</p>		
SHEET NO. 4 OF 5		

HOULE PROPERTY
EXHIBIT A - DOC # 1043413



LEGEND

	EXISTING CONTOURS
	PROPOSED CONTOURS
	EXISTING STORM SEWER
	PROPOSED STORM SEWER
	PROPOSED SPOT ELEVATION
	PROPOSED DRAINAGE AREAS
	DENOTES DRAINAGE BASIN
	DENOTES POND

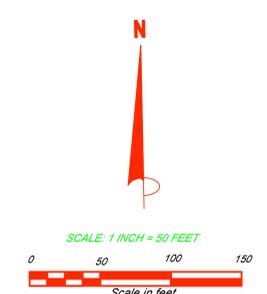
NEWPORT-ST PAUL COLD STORAGE NEWPORT, MN FOR NEWPORT-ST PAUL COLD STORAGE PROPOSED DRAINAGE MAP	DATE: 3/20/2013 DESIGN BY: RDA DRAWN BY: DM CHECKED BY: RDA DWG: 12.34-10-FGRAD.dwg TEXT: NONE FILE NO.: M1234.10-21	DESCRIPTION
NEWPORT-ST PAUL COLD STORAGE NEWPORT, MN FOR NEWPORT-ST PAUL COLD STORAGE PROPOSED DRAINAGE MAP	DATE: 3/20/2013 DESIGN BY: RDA DRAWN BY: DM CHECKED BY: RDA DWG: 12.34-10-FGRAD.dwg TEXT: NONE FILE NO.: M1234.10-21	DESCRIPTION
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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 Engineer under the laws of the state of Minnesota.

Signature: *Ross D. Abel*
Date: 3/20/2013
Lic. No. 16733

Oliver Surveying & Engineering, Inc.
Land Surveying • Civil Engineering • Land Planning
580 Dodge Ave. Elk River, Minnesota 55330
(763) 441-2072 - fax (763) 441-5665
www.oliver-se.com

HOULE PROPERTY
EXHIBIT A - DOC # 1043413



LEGEND:

○	IRON SET
○	IRON FOUND
⊗	LT. POLE
⊗	POWER POLE
⊗	POWER POLE
⊗	SANITARY MANHOLE
⊗	STORM MANHOLE
⊗	CATCH BASIN
⊗	HYDRANT
⊗	TREE
⊗	GATE VALVE
⊗	STREET SIGN
⊗	TRANSFORMER
⊗	TELEPHONE BOX
⊗	SANITARY SEWER
⊗	STORM SEWER
⊗	WATERMAIN
⊗	CHAIN LINK FENCE
⊗	UNDERGROUND ELECTRIC LINES
⊗	UNDERGROUND GAS LINES
⊗	UNDERGROUND TELEPHONE
⊗	OVERHEAD LINES
⊗	ELECTRIC OUTLET BOX
⊗	BUILDING SETBACK LINE

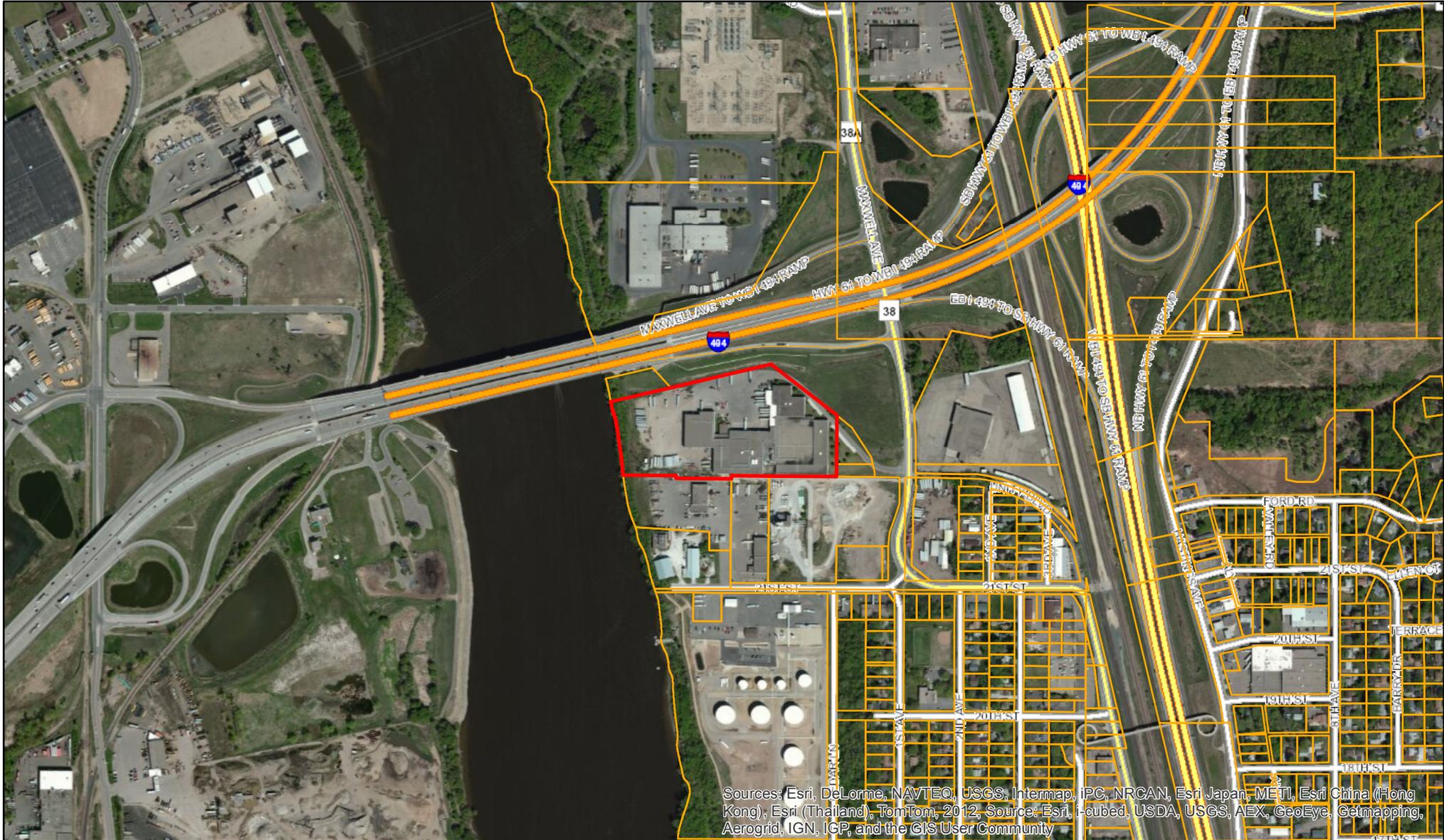
REV.	DATE	DESCRIPTION
1	8-25-03	ATTORNEY COMMENTS
2	9-03-03	ATTORNEY COMMENTS
3	9-10-03	ATTORNEY COMMENTS
4	1-10-05	REVISED TO SHOW ADDITIONAL EASEMENTS
5	1-10-05	REVISED TO EASEMENTS

DESIGN BY: XXX
 DRAWN BY: JMW
 CHECKED BY: JMW
 DWG FILE: 1234 A16 Survey
 TEXT FILE: 1234A16-03
 FILE NO.: 1234A16-03

MATCH LINE A
 SEE SHEET 2 OF 2 SHEETS

John Oliver & Associates, Inc.
 Civil Engineering Land Surveying Land Planning
 2781 Freeway Boulevard, Suite 120
 Brooklyn Center, MN 55430
 (763) 533-7555 FAX (763) 533-1507
 boamer@johnoliver.com www.johnoliver.com
 Offices in Elk River, Burnsville
 and Brooklyn Center, Minnesota

NEWPORT COLD STORAGE
 NEWPORT, MN.
 FOR:
NEWPORT-ST. PAUL COLD STORAGE
 ALTA / ACSM LAND TITLE SURVEY



Parcel ID: 2602822420006

Parcel Address:
2233 MAXWELL AVE, CITY OF NEWPORT

Created on 4/3/2013

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

**CITY OF NEWPORT
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
TO CONSIDER A REQUEST FOR A VARIANCE**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, April 11, 2013, 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 Newport St. Paul Cold Storage, 2233 Maxwell Avenue, for approval of a Variance. The request is for property located at 2233 Maxwell Avenue, Newport, MN 55055. The application is for a height and lot coverage variance.

Said property is legally described as:

PID #26.028.22.42.0006

PT GOV LT 3 & NE1/4-SE1/4 SD SEC DESC AS FOLL COM @ NE COR TRCT A RLS 15 THN ON
ASM BRG ALG N LN SD TRCT A DIST 332.90FT TO INTER WITH E LN SD GOV LT SD PT OF
INTER BEING POB THN N00DEG13'W ALG E LN DIST 22FT THN E PARL TO N LN SD TRCT A
DIST 200.90FT THN N00DEG13'W DIST 3.91FT THN N13DEG34'W DIST 77.94FT THN
N33DEG05'12"W DIST 188.51FT THN N52DEG36'23"W DIST 540.39FT THN S76DEG27'W DIST
543.50FT THN N42DEG47'56"W DIST 143.27FT THN S76DEG27'W DIST 225FT M/L TO SHR
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ALG SD EXT LN DIST 259FT M/L TO PT ON SD LN THAT IS 290FT W OF NW COR SD TRCT A
THN S DIST 14.75FT THN E DIST 290FT TO W LN SD TRCT A THN N ALG W LN THEREOF
DIST 14.75FT TO NW COR SD TRCT A THN E ALG SD N LN DIST 556.1FT TO POB EXCEPT
THAT PT SHOWN AS PRCL 5 ON MNDOT R/W PLAT #82-102 TRK HWY CS8285 (494=393)902
TOG WITH EASE Section 26 Township 028 Range 022

The Planning Request is governed under Chapter 13, Section 1310.11, Subdivision 1 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 March, 2013

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, March 27, 2013)

Owner	Address	Owner's Mailing Address	City, State Zip
Metro Gravel	37 21st Street	PO Box 289	Newport, MN 55055
Newport Properties LLC	45 21st Street	819 W Minnehaha Pky	Minneapolis, MN 55419
Wheelco	47 21st Street	47 21st Street	Newport, MN 55055
Aggregate Industries	57 21st Street	2915 Waters Rd #105	Eagan, MN 55121
Wilson Lines	155 21st Street	155 21st Street	Newport, MN 55055
Washington County Regional Railroad Authority	2222 Maxwell Avenue	11660 Myeron Rd N	Stillwater, MN 55082
MnDot		1500 Cty Rd B2 W	Roseville, MN 55113

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2013-3**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A VARIANCE REQUESTED BY
NEWPORT-ST. PAUL COLD STORAGE, 2233 MAXWELL AVENUE, NEWPORT, MN 55055, FOR
PROPERTY LOCATED AT 2233 MAXWELL AVENUE, NEWPORT, MN 55055**

WHEREAS, Newport-St. Paul Cold Storage, 2233 Maxwell Avenue, Newport, MN 55055, has submitted a request for a Variance; and

WHEREAS, the property is located at 2233 Maxwell Avenue, Newport, MN 55055, and is more fully legally described as follows:

PID #26.028.22.42.0006 - PT GOV LT 3 & NE1/4-SE1/4 SD SEC DESC AS FOLL COM @ NE COR TRCT A RLS 15 THN ON ASM BRG ALG N LN SD TRCT A DIST 332.90FT TO INTER WITH E LN SD GOV LT SD PT OF INTER BEING POB THN N00DEG13'W ALG E LN DIST 22FT THN E PARL TO N LN SD TRCT A DIST 200.90FT THN N00DEG13'W DIST 3.91FT THN N13DEG34'W DIST 77.94FT THN N33DEG05'12"W DIST 188.51FT THN N52DEG36'23"W DIST 540.39FT THN S76DEG27'W DIST 543.50FT THN N42DEG47'56"W DIST 143.27FT THN S76DEG27'W DIST 225FT M/L TO SHR MISSISSIPPI RIV THN SLY ALG SD SHR TO INTER WITH WLY EXT N LN SD TRCT A THN E ALG SD EXT LN DIST 259FT M/L TO PT ON SD LN THAT IS 290FT W OF NW COR SD TRCT A THN S DIST 14.75FT THN E DIST 290FT TO W LN SD TRCT A THN N ALG W LN THEREOF DIST 14.75FT TO NW COR SD TRCT A THN E ALG SD N LN DIST 556.1FT TO POB EXCEPT THAT PT SHOWN AS PRCL 5 ON MNDOT R/W PLAT #82-102 TRK HWY CS8285 (494=393)902 TOG WITH EASE Section 26 Township 028 Range 022

WHEREAS, The described property is zoned Light Industrial (I-1); and

WHEREAS, **Minnesota Statutes 394.27** states that the criteria for granting a variance include that variances are permitted when they are in harmony with the general purpose and intent of the official control and are consistent with the comprehensive plan; that the request shall be reasonable under the development code; the need for the variance is due to circumstances that are unique to the property and were not created by the landowner; the variance, if granted, will not alter the essential character of the area; economic considerations alone do not constitute practical difficulties; the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood; the requested variance should be the minimum action required to eliminate the practical difficulties; and practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on April 11, 2013; and

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

1. The request is in harmony with the goals and policies of the Comprehensive Plan and uses permitted in the I-1 Zoning District, and with satisfaction of the required conditions will be consistent with the performance standards and requirements of the Zoning District, Shoreland, Floodplain, and Critical Area Overlay Districts.
2. The request is reasonable because the proposed use is permitted in the I-1 Zoning District.
3. The variance request is due to circumstances unique to the property and not caused by the landowner. Newport Cold Storage lost 38,974 square feet of the parcel where the expansion is proposed due to condemnation for the adjacent Wakota Bridge and roadway project. The land condemnation is unique to this property and was not caused by the landowner. The expansion could have been completed in compliance with the ordinance if the condemnation had not occurred.
4. The variance request will not alter the essential character of the I-1 Light Industrial Area.

5. The request is not based on economic considerations alone but is based on the loss of property due to condemnation for a public infrastructure project.
6. The proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.
7. The requested variance is the minimum action needed to eliminate the practical difficulty created by the land condemnation and allow the proposed expansion.
8. The requested variance is not related to adequate access to direct sunlight for solar energy systems.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Variance with the following conditions:

1. The applicant shall complete the project in substantial compliance with the plans submitted to the City on March 21, 2013. The applicant shall provide a copy of the Certificate of Survey for the project to the City.
2. No outside storage is permitted as part of the expansion project.
3. All rooftop utilities and equipment shall be screened with materials compatible with the structure.
4. The building expansion shall comply with the trash handling requirements of the City's Zoning Ordinance.
5. All new lighting fixtures shall be of a cutoff, downcast type and comply with the City's Zoning Ordinance.
6. The City shall approve the new fire hydrant or other fire protection for the expansion.
7. The applicant shall provide updated plans and all information requested by the City Engineer to the Engineer for review. The City shall not issue a building permit for this project until the City Engineer has approved the plans.
8. The applicant shall meet the City's stormwater management and erosion and sediment control requirements, and obtain required permits for stormwater management from the South Washington Watershed District and MPCA.
9. The applicant shall maintain the existing berms and all existing vegetation on and adjacent to the berms. The applicant shall protect the existing vegetation from construction impacts.
10. The applicant shall complete, sign and provide the Supplemental Grading Form and floodplain information to the City Engineer. The project shall meet the requirements of the Floodplain Overlay District.
11. The applicant shall pay all fees and escrow associated with this application.

Adopted this 11th day of April, 2013 by the Newport Planning Commission.

VOTE: Lund	_____
Prestegaard	_____
Anderson	_____
Lindoo	_____
Mahmood	_____

Signed: _____
 Dan Lund, Chairperson

ATTEST: _____
 Deb Hill, City Administrator



Red Rock Corridor Alternatives Analysis Update

City of Newport Planning Commission

April 11, 2013

Agenda

- Project Background and Purpose
- Decision Making Process
- Community Engagement
- Overview: Potential Transit Options
- Questions
- Activity!

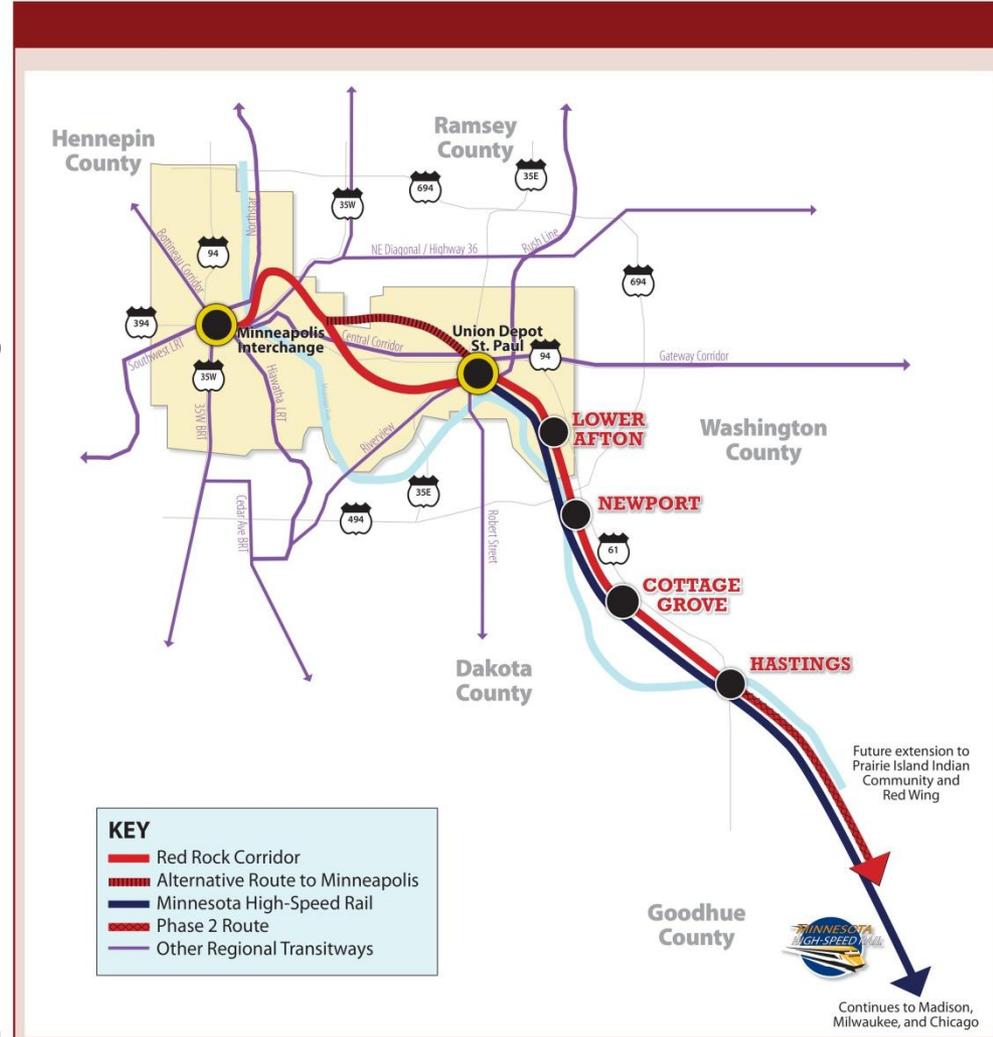
Red Rock Corridor Commission

Elected Officials from:

Ramsey County	Newport
Washington County	Cottage Grove
Dakota County	St. Paul Park
Hennepin County	Denmark Township
St. Paul	Hastings
Minneapolis	

Ex-Officio Members:

Goodhue County
Prairie Island Indian Community
Red Wing
Canadian Pacific Railway



Project Background

In 2007 Red Rock Alternative Analysis (AA) completed

- In past 5 years, significant changes have occurred in corridor that warrant a reevaluation of AA results

Reevaluate

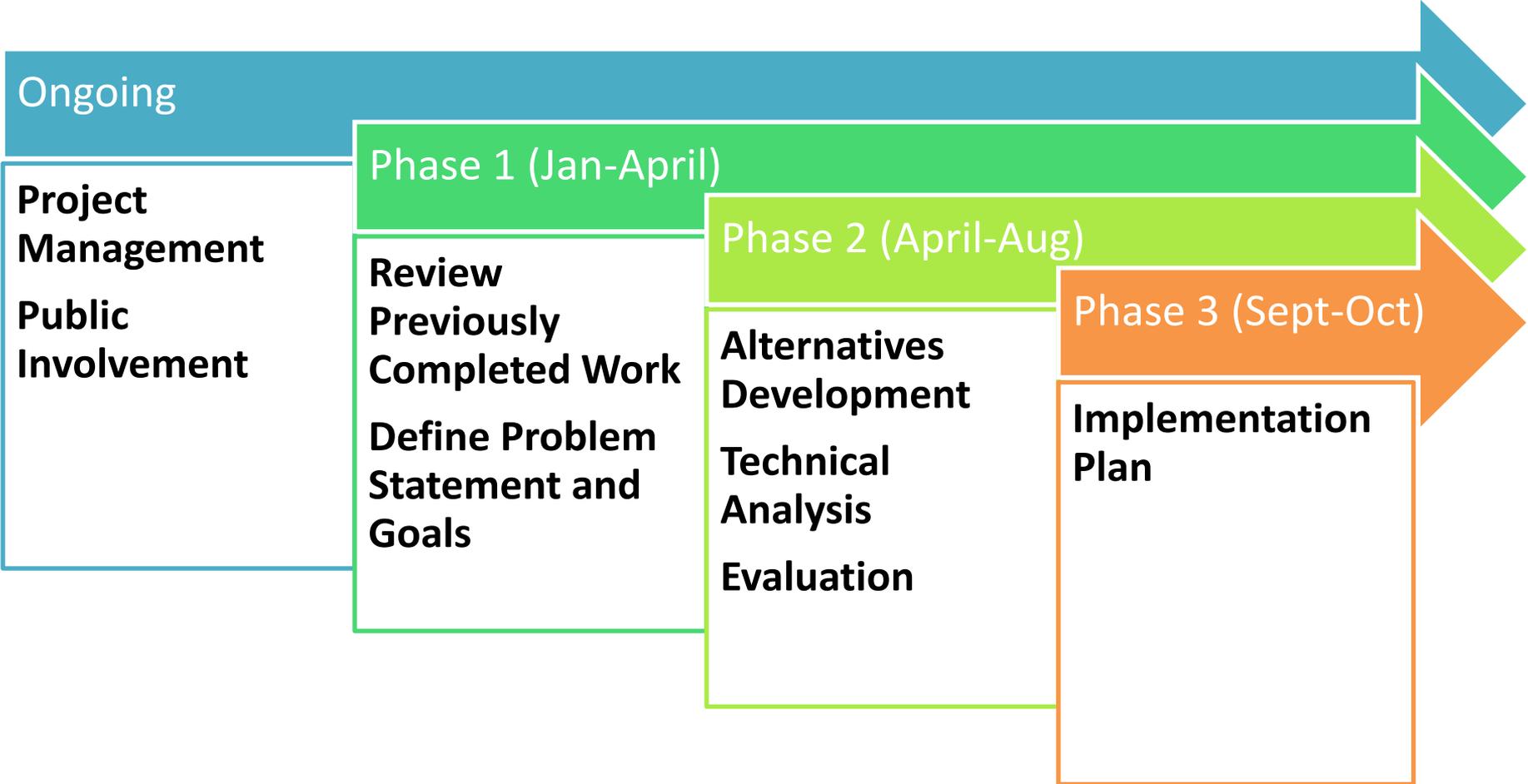
- Northstar Commuter Rail running for 3 years, Union Depot open
- Cedar Ave BRT 2013 Opening, Central Corridor 2013 Opening
- MAP-21, federal law and evaluation changes
- New Census Information and Updated Ridership Model
- Updated Capital Cost Estimates from East Metro Rail Capacity Study
- Roadway Upgrades on TH61

All previous work will be taken into consideration

Project Details

- Majority of 'new' work will be from Hastings to St. Paul
- Alternatives to be evaluated
 - Bus Rapid Transit will be only new alternative
 - Commuter Rail
 - Express Bus
 - All compared to no-build
- Evaluation will take into account new federal guidelines

Project Stages



Decision Making Process

CAC

- Citizens Advisory Committee
- Citizen representatives from communities along the corridor
- Guide project from a community standpoint
- Act as liaison between project and community

PMT

- Project Management Team
- Technical staff from communities and agencies along the corridor
- Make recommendations to RRCC on CAC input and technical analysis

RRCC

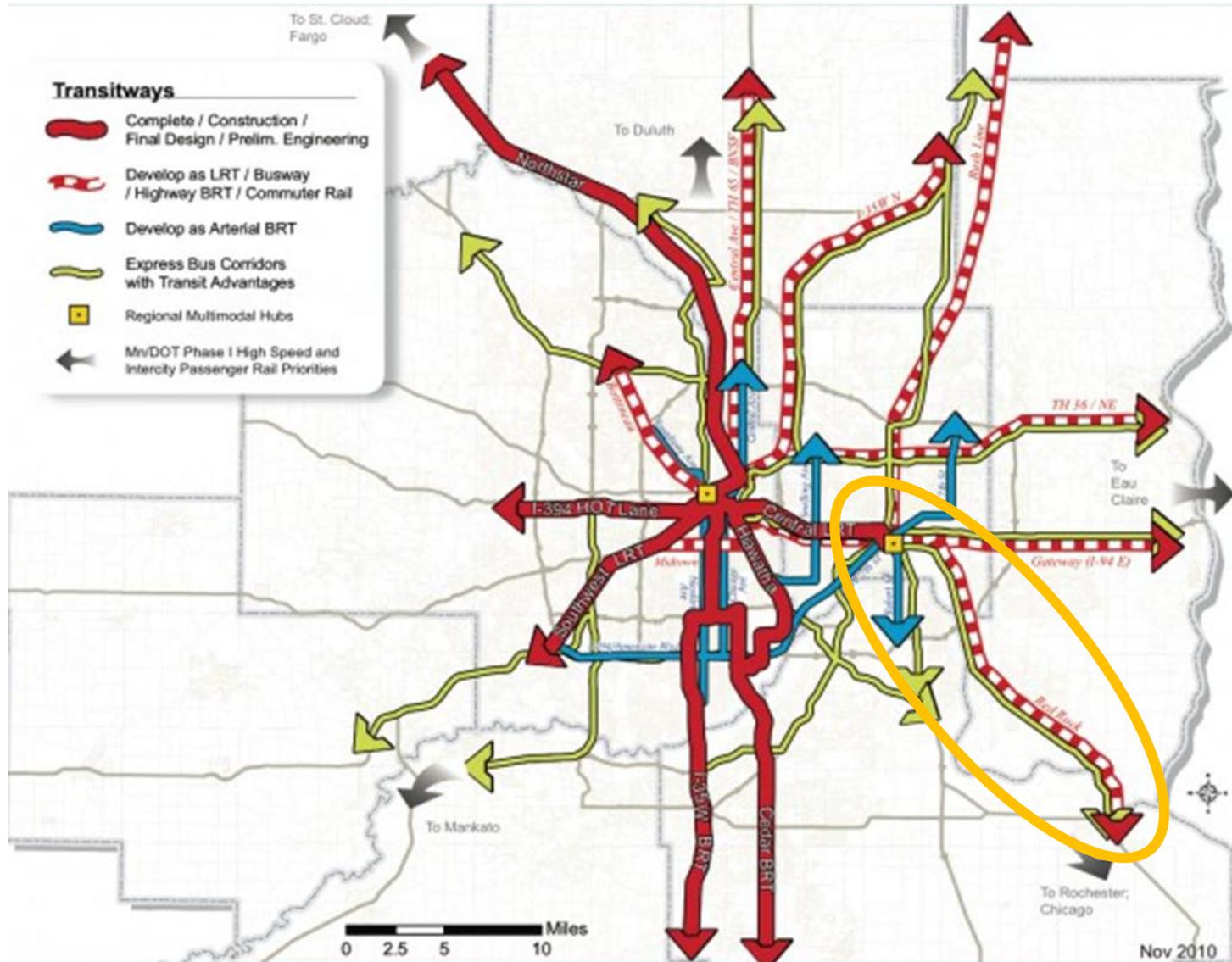
- Red Rock Corridor Commission
- Take into account CAC and PMT recommendations and technical evaluation of alternatives

Stakeholder Involvement

- Public Meetings held during each phase
- Staff will attend small group meetings if requested (chambers, church groups, etc)
- Input through Facebook and website



Transit in the Red Rock Corridor



Type of Transit in Region

Light Rail Transit (LRT)



Bus Rapid Transit (BRT)



Commuter Rail



Express and Local Bus



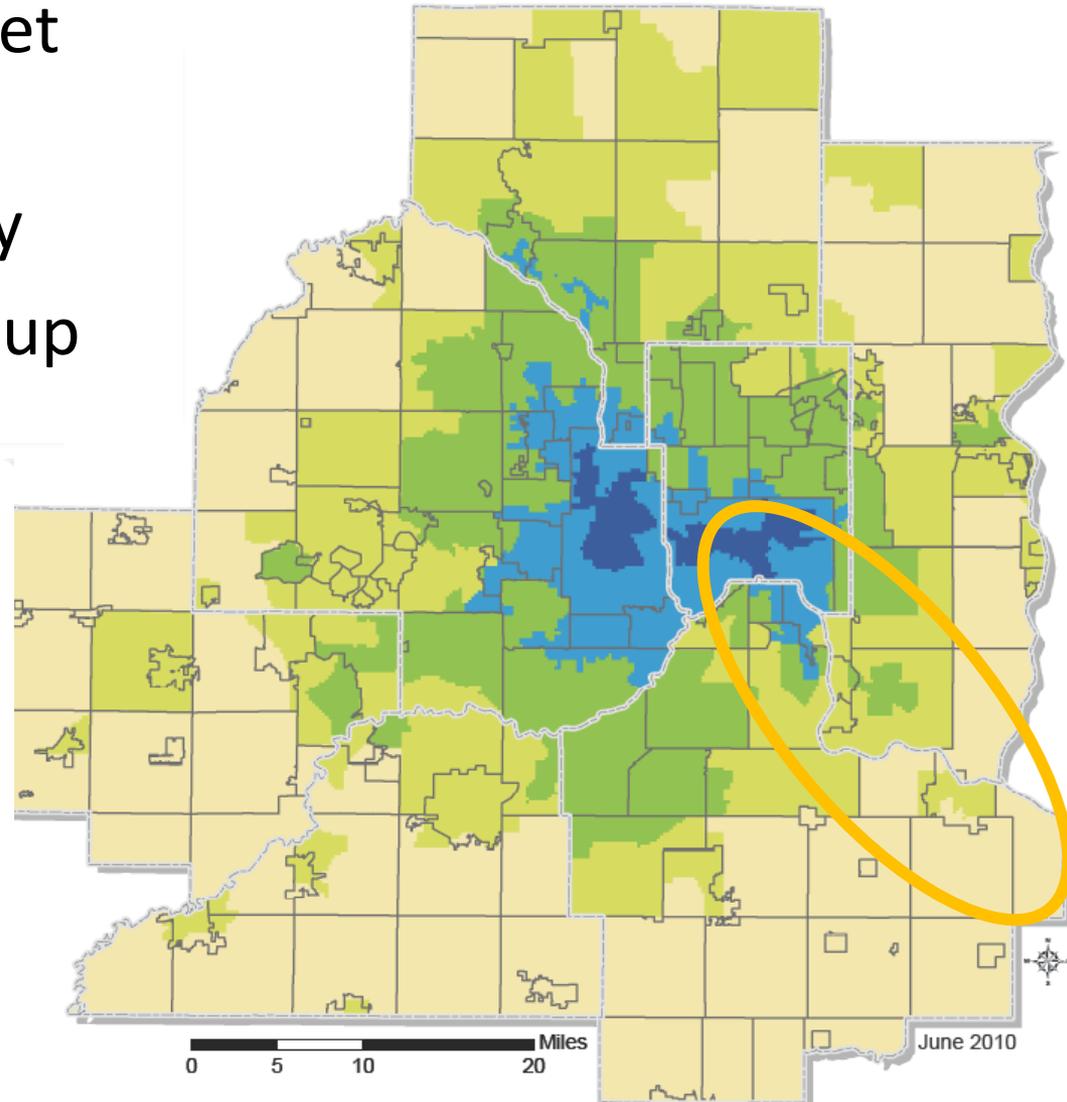
Dial-a-ride / Metro Mobility



Transit Markets

- Type of Service is Market Driven
 - Commuter vs. all day
 - Park & Ride or walk-up stations

<u>Market Area</u>	<u>Typical Services</u>
 Area 1	Express, Urban Radial, Urban Crosstown, Downtown Circulator
 Area 2	Express, Urban Radial, Urban Crosstown, Suburban Local
 Area 3	Express, Urban Radial, Suburban Local, Circulators, General Public Dial-a-Ride*
 Area 4	Peak Period Express, General Public Dial-a-Ride
 Area 5	General Public Dial-a-Ride



What Exists Today (2012)

Route	Total Annual Rides	Rides/Day	Description
361	63,779	253	Cottage Grove to St. Paul
364*	11,346	45	Cottage Grove, Newport St. Paul
365	164,593	653	Cottage Grove to Minneapolis
Total	239,718	951**	

*Will be re-routed when Newport Transit station is built

**Ridership up about 100 rides per day from 2011-2012



Bus Rapid Transit (BRT) and Commuter Rail



Discussion Should Focus on What is Supported by the Corridor

- Is it a commuter market?
- Is all day transit service needed?
- How many people will be taking transit?

BRT-Bus Rapid Transit

- A “train on wheels”
- High frequency peak period service and operates all day long
- High use of transit priority measures (e.g. shoulder lanes, traffic signal priority, dedicated right-of-way) to provide:
 - service reliability
 - competitive travel times
- Customers pay before they get on bus to speed boarding
- Wider station spacing/stops than regular bus routes, i.e., every half mile rather than every quarter mile

Types of Bus Rapid Transit



Highway Shoulder



Dedicated Right of Way



In Mixed Traffic

BRT in the Twin Cities



Cedar Ave BRT

- Buses use shoulder lanes
- Connects southern suburbs to Mall of America/Hiawatha LRT
- Open in spring 2013
- Park and rides at all stations
- Adds all day service to existing express service that exists in corridor



35W BRT

- Stations in middle of freeway
- Lanes for buses, carpools and vehicles who pay tolls
- 46th Street Station construction – more stations in the future
- No park and rides

Commuter Rail

- Commuter Rail is an electric or diesel propelled railway service on existing freight tracks
- Operating between a central city and adjacent suburbs
- Service is focused on morning and afternoon peak periods – limited mid-day service



Commuter Rail in the Twin Cities



Northstar Commuter Rail

- 7 Stations (Big Lake to Minneapolis)
- Connects to other transit in Minneapolis
- Potential for expansion to St. Cloud
- ~ 2,600 daily riders
- 5 trips inbound/1 trip outbound in AM and 5 trips outbound/1 trip inbound in PM
- 3 trips per day on weekend
- No midday trips



BRT Compared to Commuter Rail

Advantages

- Flexibility in routing-can penetrate neighborhood on pick up
- Quick adjustments to capacity/ridership needs
- Lower capital cost to initiate service and lower operating costs
- Can use to build ridership in corridor to then warrant a faster, higher capacity transit option (e.g. commuter rail, LRT)

Disadvantages

- Lower ultimate capacity
- New mode in the Twin Cities
- Does not have the 'train appeal'
- Can be perceived as not a permanent investment



Questions?



Thank you!

- Lyssa Leitner, Project Manager
Washington County Public Works Department
Email: Lyssa.Leitner@co.washington.mn.us
Office: 651-430-4314
- Antonio M. Rosell, P.E., AICP
Community Design Group, LLC
Email: arosell@c-d-g.org
Office: 612-354-2901 • Mobile: 612-234-7078

www.RedRockCorridor.com

