



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
AUGUST 8, 2013 – 6:00 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 July 11, 2013

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider an application from David Quade to Vacate 1st Street between the BNSF and CP Rail Rights-of-Way in Newport

1. Memo from Sherri Buss
2. Application
3. Notice of Public Hearing
4. Resolution No. P.C. 2013-6

B. **Public Hearing** – To consider an application from the Washington County Regional Railroad Authority to amend the Conditional Use Permit that was issued November 15, 2012.

1. Memo from Sherri Buss
2. Application
3. Notice of Public Hearing
4. Resolution No. P.C. 2013-7

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|-------------------------|-----------------|-----------|
| 1. Pioneer Day | August 11, 2013 | |
| 2. City Council Meeting | August 15, 2013 | 5:30 p.m. |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
July 11, 2013**

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 Janice Anderson, Anthony Mahmood (arrived at 6:05 p.m.)

Commissioners absent – Susan Lindoo

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Tom Ingemann, Council Liaison; John Stewart, City Engineer

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of June 13, 2013

Motion by Anderson, seconded by Prestegaard, to approve the June 13, 2013 minutes as presented. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Anthony Mahmood arrived at 6:05 p.m.

4. APPOINTMENTS WITH COMMISSION

A. Presentation from City Engineer Regarding Stormwater

John Stewart, City Engineer, presented on this item as attached.

Chairperson Lund – I’ve heard that the Watershed District does not provide input on additions, why is that?

Engineer Stewart – That’s because they’re typically less than a one acre disruption to the site. They’re concerned about the disturbance area on the site, not the entire site.

Vice-Chairperson Prestegaard – Can you describe how the flow increases? We were told that the impervious area isn’t increasing and we were lead to believe that the run-off wouldn’t either.

Engineer Stewart – The Newport St. Paul Cold Storage has driving areas that are blacktopped. The blacktopped areas aren’t changing. They have an area on the river-side of the building that is gravel and they were arguing that the gravel has the same run-off characteristics that blacktop does. Since they were proposing to blacktop the gravel area we required them to provide a storage plan for the run-off. It’s my understanding that the rock is not too far down so it would be expensive for them to put in the in-ground storage that they were proposing.

Chairperson Lund – So in regards to the Cold Storage site, you’re saying that with the porous rock there, you would expect any water that ended up in in-ground storage to flow directly into the water?

Engineer Stewart – You will get some benefit from the baffling in the actual barrels but I don’t think we’ll get as much infiltration as they had originally anticipated. Additionally, if the rock is higher than they had originally thought, it doesn’t get a chance to disperse before hitting the rock soil.

Chairperson Lund – So does that also contrast with a surface pond where you can let the sediment fall out and then you can remove it at some periodic interval?

Engineer Stewart – Exactly. There's some maintenance with that system where eventually you'll need to get down there and remove the sediment that accumulates in the barrels down there.

Chairperson Lund – How does their elevation relate to the flood plain?

Engineer Stewart – If you look at a 100-year flood and the parking lot on the river-side of the dyke, which is 16 feet high, we'll never get anything coming over but we get the reverse effect through the rock of river water seeping in and underneath. The issue then is that if you put in a system that involves building 36" diameter vaults below the ground you also need to provide at least 36" underneath of sand so there is some chance of that water infiltrating out. They did some analysis that went back eight years and they had nine days in which that system would have been impacted. If we were to go back to 1993, I think we would pick up a couple other occasions.

Chairperson Lund – What happens if the river goes to a level to where the system is infiltrated, does all the sediment wash out into the river?

Engineer Stewart - If you get the river coming up, you're going to lose the infiltration out the bottom of the pipes. They haven't really come back to us with a plan about what they propose to do. Most recently, they decided that they only want to do about 20% of the proposed building because of a new tax law. When we get through all of that I think this sub-surface issue will go away.

Chairperson Lund – So it sounds like there are maybe two separate issues. First, when the river goes up, you can't assume that the system can handle the water that it was designed for.

Engineer Stewart - It precludes any infiltration.

Chairperson Lund – Secondly, in regards to the filtration effects of the system, is that harmed when the river comes up? What I mean is does their run-off and pollution contribution increase due to the reduction in the effectiveness of the system because of the river?

Engineer Stewart – You basically end up with a system that is 80% efficient so you'll get some more sediment washing through the system if there's no infiltration at the bottom. I don't think you would be in a situation where you get so much river water in the system that it'll back up into the pipes or wash out the last three years of sediment.

Anthony Mahmood – What would be the solution to their problem?

Engineer Stewart – It's tough because the property owner wants to increase their capacity to store goods and to do that they'll increase the run-off which requires some storage. He either has to build a bigger pond or do something as he proposes with the sub-surface system. We talked a little bit about using some of the area in the northeast corner for a pond.

Chairperson Lund – Is the standard related to an addition or any kind of change in construction just that you're not any worse than you are or do we take that opportunity to say that we're going to be stuck with stricter and stricter standards?

Engineer Stewart – The EPA's goal is to get swimmable, fishable rivers and they don't think that they have accomplished that. As such, they need to tighten down on the standards for cities on stormwater discharges. So if we're kicking out 1,000 lbs of phosphorous into the river every year, they'll come back and say that we can only do 600 or 700 lbs and it'll keep going like that.

Chairperson Lund – Is the issue now that they can't get any worse with their discharge?

Engineer Stewart – It's the issue now but in five years or so it'll be nutrients and whether or not nutrients are being washed off into the river from this property that need to be treated beforehand. Right now, we're more concerned with storage and rate reduction.

Janice Anderson – How would the nutrients increase in five years?

Engineer Stewart – The nutrients won't increase but the limits for how many pounds we can discharge into the river will reduce.

Chairperson Lund – If they convince you that they're stormwater runoff is no worse after their project than it is now, is that good enough no matter what their run-off is now?

Engineer Stewart – I would have to go back to see what they're last proposal was. They built out in 2005 and I don't remember if that was accommodated for in storage or if it was delayed to the next project.

Chairperson Lund – With a new project, is that also an opportunity to make them adhere to current standards?

Engineer Stewart – Yes. Right now, the Watershed District handles that.

Janice Anderson – It seems simpler to me to put in ponds.

Engineer Stewart – Yes. Typically, you wouldn't approve a project like this leaving the stormwater design up in the air.

Janice Anderson – We spoke to that.

Chairperson Lund – It was the recommendation of the City staff to leave it up to you.

Engineer Stewart – I appreciate that but it could be that by the time he gets the stormwater figured out the building will already be up.

Executive Analyst Helm – He won't get the building permit until everyone signs off on it.

Anthony Mahmood – That's what the contingency was. Us, not having any clue of what this system did until now, we trusted your judgment.

Engineer Stewart – They give it to me and I write a report with conditions for the stormwater that should be rolled into the resolution. What can happen is the engineers for the City and developer can end up arguing for years and years before a final stormwater plan is decided upon.

Anthony Mahmood – So why was this brought to us if we didn't have your recommendations already?

Engineer Stewart – Because he submitted plans and wanted to get the project started this year.

Janice Anderson – I thought the Planning Commission stipulated that the approval won't be finalized until the stormwater plan is approved by you.

Executive Analyst Helm – The resolution stipulates that the building permit will not be issued until John, Sherri and the building inspector sign off on the plans.

Engineer Stewart – It's easier to discuss the plans with the developers before you approve the project.

Chairperson Lund – Thank you for coming and presenting on this.

Engineer Stewart – You're welcome. I'm happy to come to meetings to discuss items or projects.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|---|---------------|------------|
| 1. 60 th Annual Booya – Lions Park | July 14, 2013 | 11:00 a.m. |
| 2. City Council Meeting | July 18, 2013 | 5:30 p.m. |
| 3. Park Board Meeting | July 25, 2013 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Anderson, seconded by Mahmood, to adjourn the Planning Commission Meeting at 7:06 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Dan Lund, Chairperson

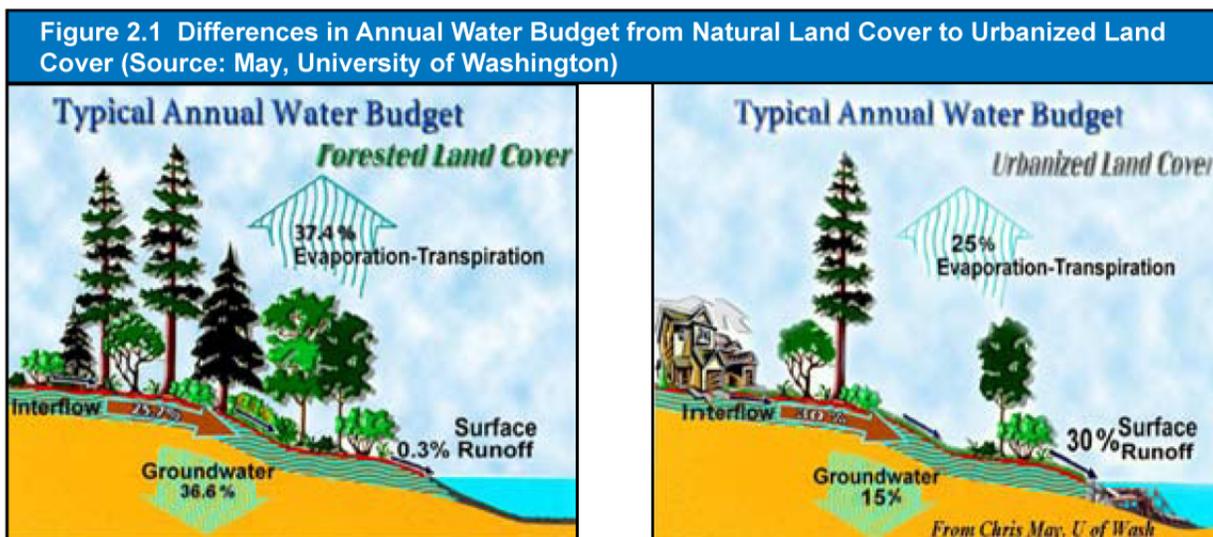
Respectfully submitted,

Renee Helm
Executive Analyst

City of Newport; Storm Water Management /Planning Commission

Why is it necessary?

1. Basic premise is that an upstream property cannot “damage” a downstream property.
2. **Clean Water Act, Section 404.** Some waters in the nation still do not meet the Clean Water Act national goal of "fishable, swimmable" despite the fact that nationally required levels of pollution control technology have been implemented by many pollution sources. [Clean Water Act Section 1313](#) addresses these waters that are not "fishable, swimmable" by requiring states to identify the waters and to develop total maximum daily loads (TMDLs) for them. TMDLs can play a key role in watershed management.



What is required?

1. Controlling runoff (rate control) to match predevelopment conditions.
2. Storing volume by adding storage pond to hold up to 100 year runoff event.
3. Treatment to remove nutrients, preserving downstream water quality.

There are three layers of oversight in Newport; the City and the South Washington Watershed District (SWWD). The Watershed Managers do not become involved until the affected area is larger than 1 acre. This gives Newport more flexibility in controlling “small” residential and commercial developments. At this point the City allows the Watershed to manage the amount of nutrient load removed from the stormwater runoff.



This will change by December 2014 cities with a population over 10,000 will begin negotiating TMDL Permits with MPCA. The State is further mandated to permit smaller Cities after that date. The City is also charged with controlling runoff and sediment from construction projects. Each year Public Works has to submit a report on what measures were taken and how successful they had been MS-4 program.

How does Newport accomplish these goals?

The City's requirements can be more restrictive than SWWD's.

This will become more critical when Newport is issued a "Non-Point Source" Permit that puts annual limits on the Total Mass Discharge Loading of nutrient and solids that can be discharged to the Mississippi River (a somewhat arbitrary evaluation since nutrient runoff in Minnesota is, for all intents dependent on the frequency, timing and amount of rain and snowfall).

What the TMDL permit does is force Cities to first meet a minimum standard, and as time progresses permit TMDLs will become tighter, forcing Cities to more strictly manage runoff and treatment.

In Wisconsin, Cities pay farmers not to till arable land reducing nutrient runoff thereby allowing the City to spend less money operating its wastewater plant.

Presently the City allows the SWWD to permit nutrient removal and we are solely concerned with rate control. The City requires developers and contractors to obtain an Erosion Control Permit from the MPCA and monitors and inspects the contractors' adherence to these requirements.

Our development requirements as contained in our design manual are directed at controlling the rate of runoff and soil loss;

GRADING STANDARDS

- I. **NPDES Permit.** Prior to start of construction, the Developer shall obtain all regulatory agency permits and approvals including those from the Minnesota Pollution Control Agency for "General Storm Water Permit for Construction Activity", and the signature of the company responsible for erosion and sediment control plan preparation, implementation and maintenance.
- II. **Minimum Grades.** Minimum grade for drainage swales and lot grading shall be 2% or greater.
- III. **Maximum Grades.** Maximum 4:1 slopes are allowed in "maintained" areas except as approved by the City . Maximum slopes in ponding basins are 5:1. Approved slopes greater than 4:1 shall have erosion control blanket installed immediately after finished grading.
- IV. **Drainage Swales.** Maximum length for drainage swales shall be 300 feet or a total of eight lots draining to a point, or as approved by the Public Works Superintendent. All drainage plans shall contain a detail of a typical drainage "Swale", with a minimum depth of 18", a minimum 18-inch wide bottom; 5:1 side slopes, and minimum 2% grade. All swales must be contained within easements of sufficient size and width. All potential cross- lot drainage must be captured and contained in such swales, which shall be located in defined easements.
- V. **Emergency Overflow Swales.** Show emergency overflow routes from all low points and show elevation of high point along emergency overflow route. Submit design calculations verifying the adequacy of the overland drainage route capacity. The following emergency overflow construction and design requirements shall apply:

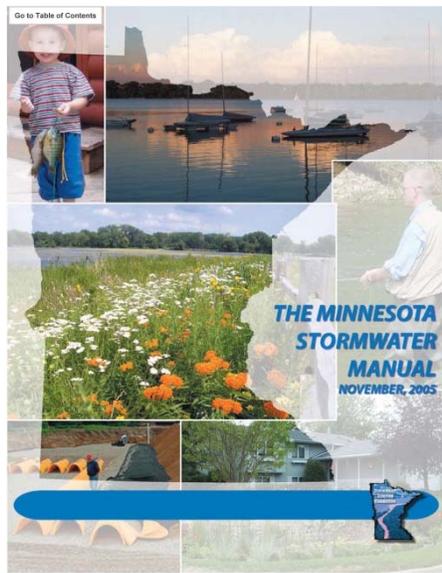
- a. Emergency overflows, which drain over vegetated areas, shall be lined with Geotextile Erosion Control Matting such as: Enkamat, Tensar, LAN lock or approved equal.
 - b. After the overflow area is fine graded, the area shall be sodded to match the specified overflow elevation and is to be protected with a temporary fence, which shall delineate the easement limits and protect the finished overflow swale from disturbance by adjacent home construction and lot grading.
 - c. Emergency over flows will have a minimum 3' flat bottom with 4 to 1 slopes (please refer to your drainage calculations for flow path widths in excess of 3-feet). Please check that all necessary flow paths are included within easements of sufficient size and widths.
 - d. Abutting structure openings shall be at least 24-inches above the 100-year overflow profile (HWL) of the emergency swale.
 - e. There shall be at least a 15-foot horizontal separation from the overflow swale drainage easement to any livable structure.
6. **Ponding and Sedimentation Basins.** If suitable soil conditions are available for use, infiltration of runoff on-site shall be required for site development storm water management. Water quality treatment measures to promote sedimentation of suspended particles in stormwater runoff are required for all developments. Dual-purpose ponds that provide both water quality treatment and stormwater detention without creating a permanent pool are encouraged. If a permanent pool is to be construed as part of the sedimentation basin (rather than a dual purpose pond), the following minimum design criteria shall govern:
- a. An average permanent pool depth of four to ten feet;
 - b. A permanent pool length-to-width ratio shall be 3:1 or greater;
 - c. Pool side slopes shall not exceed 5:1;
 - d. A protective buffer strip of vegetation surrounding the permanent pool shall be constructed at a minimum width of 16.5 feet and a maximum slope of 10:1.
7. **Stormwater Design Review.** Provide detailed hydrologic/hydraulic design calculations that include:
- a. Drawings showing the existing and proposed drainage boundaries.
 - b. 2-year design, 10-year design, and 100-year design drainage boundaries.
 - c. Existing and proposed hydrologic/hydraulic calculations for 2, 10, and 100-year storms.

8. **Retaining Walls.** Retaining walls will not be allowed within the City's right of way or easements, unless approved with the overall subdivision grading plan. Approved subdivision retaining walls within the right of way or easement areas shall meet current MnDOT standards and specifications. Detailed plans and specifications for retaining walls shall be submitted for review. Drainage overtopping the walls shall not be allowed. The structural goals of Newport's Storm Water Management System can be summarized by the following selection matrix. Additional resources can be accessed at;

Table 6.1 Primary and Secondary Pollutant Removal Mechanisms										
BMP Group	Pollutant Removal Mechanisms									
	Water Quality						Water Quantity			
	Screening/ Filtration	Infiltration/ Recharge	Settling	Biological Uptake	Temperature Control	Soil Adsorption	Volume Control	Rate Control	Velocity Control	Evapotranspiration
Pollution Prevention	Not applicable – pollutants not exposed to stormwater									
Better Site Design / Low Impact Development	●	○	○	○	○	○	●	○	○	○
Runoff Volume Minimization		○			○		●	○		
Temporary Construction Sediment Control			●					●	○	
Bioretention	●	○	○	○	○	○	○	○		○
Filtration	●	○		○		○		○		○
Infiltration	○	●		○	●	○	○	○		
Stormwater Ponds		○	●	○				●	●	○
Stormwater Wetlands	○	○	●	●		○		●	●	○
Supplemental Treatment	Each supplemental and proprietary device should be carefully studied to learn the primary and secondary pollutant removal functions.									
● = Primary Pollutant Removal Mechanism ○ = Secondary Pollutant Removal Mechanism										

shall be submitted for review. Drainage overtopping the walls shall not be allowed. The structural goals of Newport's Storm Water Management System can be summarized by the following selection matrix. Additional resources can be accessed at;

<http://www.pca.state.mn.us/index.php/view-document.html?gid=8937>



Storm Water Management Options:

Reduce sediment erosion: Channel Stabilization



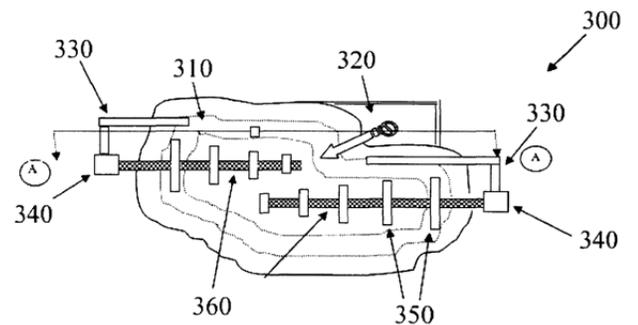
Nutrient Removal and Rate Control ; 2 Stage Ponds



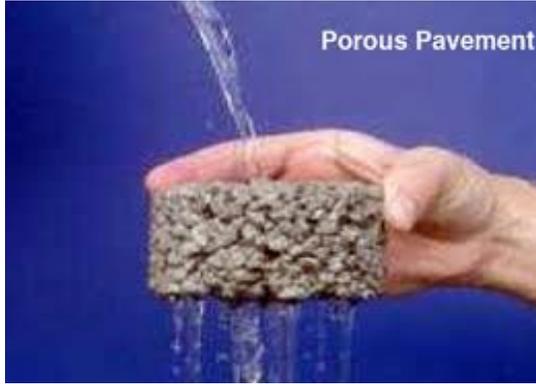
Rain Garden/Buffer Strips



Subsurface Storage & Infiltration



Porous Street and Parking Area:



Erosion Control





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

Memorandum

To:	City of Newport Planning Commission	Reference:	Petition for Vacation of Public Right-of-Way, 1 st Street
Copies To:	Deb Hill, City Administrator		
	Administrator		
	Renee Helm, Executive	Project No.:	15258.003
	Assistant		
From:	Sherri Buss, RLA AICP, Planner	Routing:	
Date:	July 16, 2013		

SUBJECT: Petition for Vacation of Public Right-of-Way, 1st Street

MEETING DATE: August 8, 2013

LOCATION: 1st Street, between the BNSF and CP Rail Rights-of-Way in Newport

APPLICANT: David L. Quade
5645 200th Street East
Hastings, MN 55033

ZONING: Light Industrial (I-1)

ITEMS REVIEWED: Application Form and narrative, Certificate of Survey

BRIEF DESCRIPTION OF THE REQUEST

The applicant is requesting vacation of 1st Street between two railroad rights-of-way—the BNSF railroad on the west, and the Canadian Pacific railway on the east. The applicant is the owner of Able Cold Storage, and owns the parcels on the north and south sides of 1st Street, in the area where the petition requests that the City vacate the street. The northern 35.93 feet of 1st Street and its right-of-way are in the City of Newport, and the southern 44.07 feet of the street and associated right-of-way are in the City of St. Paul Park (see attached Certificate of Survey). The street is called 2nd Avenue in St. Paul Park. The applicant has filed a similar request for vacation of the public right-of-way of 2nd Avenue with St. Paul Park.

The applicant has experienced vandalism on his property, and is requesting the vacation in order to construct a fence to try to control access to his property from the west end of 1st

Street/2nd Avenue near the BNSF Railroad tracks. The application did not identify the proposed location of the fence, or the east and west limits of the proposed street vacation.

BACKGROUND

Minnesota Statutes 160.29 and 412.851 govern the requirements and process for the vacation of municipal streets. The Statute includes the following:

- The City council may vacate any street or any portion of a street by resolution on its own motion or if it receives a petition from the majority of the owners of land abutting the street.
- No vacation may be approved unless it is in the interest of the public to do so.
- A public hearing and notice are required. The City must notify each property owner affected by the proposed vacation about the hearing and proposed action.
- During the vacation proceedings, the City may specify the extent to which the vacation could affect existing easements, infrastructure and utilities, and how those facilities will be maintained, repaired, replaced or removed.

The applicant is petitioning the City to vacate a portion of 1st Street. The portion proposed for vacation is approximately 477 feet in length, based on the Certificate of Survey that the applicant submitted.

EVALUATION OF THE REQUEST

The sections that follow evaluate the request to vacate 1st Street based on the requirements in Minnesota Statutes:

Land Ownership

The applicant owns all of the parcels that abut the section of street that is the subject of the petition, and therefore meets the statutory requirement to petition for the City to vacate the street.

Public Interest, Infrastructure and Utilities

Comprehensive Plan

1st Avenue is classified as a local street in the City's Comprehensive Plan. The plan notes that the role of local streets is to provide access to and from individual parcels of land. Local streets and their associated rights-of-way are also important corridors for public and private infrastructure, including sewer, water and stormwater facilities as well as telephone, electric service and smaller infrastructure. The Comp Plan does not include specific goals or policies related to 1st Street. The adjacent parcels are zoned for industrial uses.

Public Infrastructure and Utilities

City staff discussed the existing utilities and potential future infrastructure needs related to the request. There are existing small utilities, such as telephone and electric lines, in 1st Street or its right-of-way. While there is no existing city infrastructure in 1st Street, the corridor may be an important location for City services in the future. City staff indicated the following:



- If the former Raceway to Fun site and adjacent Ashland Oil Company parcels east of Trunk Highway (TH) 61 are developed with commercial or industrial uses in the future, the City may need to locate a water line in 1st Street that connects the existing water system on the west side of TH 61 to the system on the east side to create a looped water system that would provide sufficient fire flow to meet the needs of future development. The 1st Street right-of-way provides a location to accommodate a looped system to connect the east and west sides of TH 61. Providing a looped system would also benefit properties on the west side of TH 61.
- 1st Street is the only outlet for stormwater from the Able Cold Storage Parcels. If those parcels are redeveloped in the future, there may be a need to locate stormwater pipes in 1st Street to meet ordinance and Watershed District requirements for stormwater management.
- If the Able Cold Storage Parcels are redeveloped with other uses in the future that requires sewer and water service, those services will need to access the parcels from 1st Street.
- The City of Newport plows 1st Street, including the BNSF RR tracks. If the vacation of 1st street is approved, the City should maintain ownership of at least 80 feet of 1st Street east of the BNSF tracks to allow snow plows to turn around after plowing the tracks. The applicant should create a cul de sac east of the RR tracks to provide a turn-around area for plows.

Staff suggest that it is important for the City to consider the long-term future for 1st Street and the adjacent land and potential municipal infrastructure needs while reviewing the request.

Public Safety Issues

Staff completed a field review of the 1st Street area, and noted the following issues related to public safety:

- The grade between the eastern end of 1st Street and the westerly RR track fronting TH 61 is such that it could be easily configured to provide access for emergency response and railroad repair vehicles in the event of a train accident on this line within the corporate limits of the City of Newport. The next available access in is St. Paul Park, and is 2000 feet south of 1st Street. The next access to the north is 9300 feet away, at 21st Street.
- As shown on the certified survey provided by the petitioner, there is a 100-foot wide petroleum pipeline easement that runs along the Newport portion of the east line of the Quade property. There is a major valve installation in the St. Paul Park 2nd Avenue right-of-way. Based on staff observation of the pipeline warning signs it appears that this pipeline is located in St. Paul Park's 2nd Avenue right-of-way. The access by emergency vehicles and fire trucks to the Magellan (formerly William's) pipeline facilities would be greatly restricted if the 1st Street/2nd Avenue right-of-way between the BNSF and CP Railroad trackage were vacated. Approval of the vacation of 1st Street/2nd Avenue should require that the applicant obtain the agreement of the pipeline owner with the vacation.
- At least 80 feet of 1st Street east of the BNSF tracks should remain outside a fence, so that trucks may clear the tracks before stopping.



The City's previous experience with street vacation

The City has rarely granted a petition to vacate a street. In at least two past cases where such petitions were granted, the City needed to buy back the street and right-of-way later, at a much higher cost, in order to provide storm water facilities for adjacent development. Previous experience suggests that the City needs to carefully consider long-term infrastructure needs for the adjacent properties and the City as a whole when considering a potential street vacation.

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

CITY STAFF FINDINGS AND RECOMMENDATIONS

City staff recommend that the Planning Commission deny the petition from David Quade to vacate 1st Street between the BNSF and CP Railroad tracks.

The recommendation is based on the following:

1. 1st Street and its right-of-way may be needed to accommodate future infrastructure for development or redevelopment of the adjacent parcels or other areas of the City, specifically:
 - A looped water system to serve development or redevelopment of parcels on the east and west sides of TH 61.
 - Stormwater infrastructure to serve future development or redevelopment of the Able Cold Storage parcels
 - Sewer and water service if needed for future redevelopment of the Able Cold Storage parcels.
2. Vacation of 1st Street could negatively affect public safety, specifically:
 - By closing a potential emergency vehicle access to the railroad tracks.
 - Closing access to the Magellan pipeline facility that is located within an easement on the Able Cold Storage property and within 1st Street/2nd Avenue.

If the Planning Commission recommends that the petition be approved, the City Staff recommend the following conditions:

1. The applicant shall give the City an easement within 1st Street to accommodate potential future sewer, water and stormwater services.



2. The vacation shall begin at least 80 feet east of the BNSF right-of-way to allow for safe truck parking and for plowing. The applicant shall provide a cul de sac to permit plows to turn around on 1st Street east of the BNSF Railroad tracks.
3. The applicant shall provide for police and fire access through the gate or other closure of 1st Street.
4. The applicant shall obtain an agreement with Magellan Pipeline for the vacation and closure of 1st Street, and provide a copy of the agreement to the City.
5. The applicant shall pay all fees and escrow associated with this application.



350 fee +

PETITION
PUBLIC Right-Of-Way VACATION

CITY OF NEWPORT
596 7TH AVENUE
NEWPORT, MN. 55055
Phone: (615) 459-5677
FAX: (651) 459-9883

Planning File# _____

- 1. Name of Applicant: DAVID L. QUADE
- 2. Address of Applicant: 5645 2005TH E. HASTINGS MN 55033
- 3. Home Phone #: 651-260-3519 Work Phone #: 651-458-9626

**THE FOLLOWING INFORMATION MUST BE PROVIDED
IN ORDER TO PROCESS THE APPLICATION**

- 1. Names, addresses, and signatures of abutting property owners.
- 2. Certificate of survey indicating Right-Of-Way requested to be vacated and related legal description(s).
- 3. Statement of reason why it would be in the Public's best interest to vacate the described Right-Of-Way, and purpose for the vacation request.
- 4. Payment of application fee(s).

Signature of Applicant: *David Quade* Date: 6-26-13

OFFICE USE ONLY

Date Received: 06/26/13

Fee: \$350 + \$2,000 escrow

Receipt# 1364

Date of Public Hearing: Aug. 8, 2013

**NAME(s), ADDRESSES, SIGNATURES
OF
ABUTTING PROPERTY OWNERS**

Name: _____
Address: _____
Signature: _____

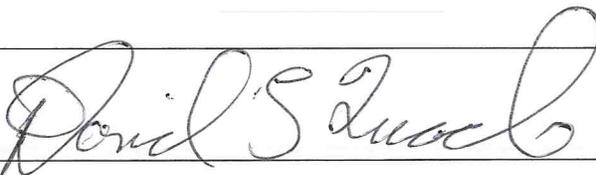
NONE

Statement of reason why it would be in the Public's best interest to vacate the described Right-Of-Way, and purpose for the vacation request.

Vacate 1st Street East of the
Rail Road Tracks, No Access, No Adjoining
Property Owners
Is An orphaned Street At this
~~time~~ time - no public impact

Signature of Applicant:

Date: 6-26-13



Certificate of Survey for: Williams Pipe Line Company

NW 1/4, SECTION 1
T 27 N, R 22 W



50

N. line of Second Avenue
N 89° 19' 25" E 482.33

Westerly right of way
line of the Chicago,
Milwaukee, St. Paul,
& Pacific R.R.
N 21° 11' 50" W

50

E & W 1/4 line

SECOND

489.70
N 89° 21' 50" E

WOVEN WIRE FENCE

NAIL IN
POWER
POLE

CENTER S.E.
R.R. WARNING SIGNAL

46.25 44.38

73.4
TO RR
TRACK

N 89° 19' 25" E
449.10

S. line of Second Avenue

NAIL IN
TELEGRAPH
POLE

NAIL IN
FE. POST

79.80

NAIL IN
CORNER FE. POST

31.69

SW 1/4, SECTION 1
T 27 N, R 22 W

75

Westerly right of way line of
N 21° 11' 50" W

HASTING

Easterly line of Hastings Ave

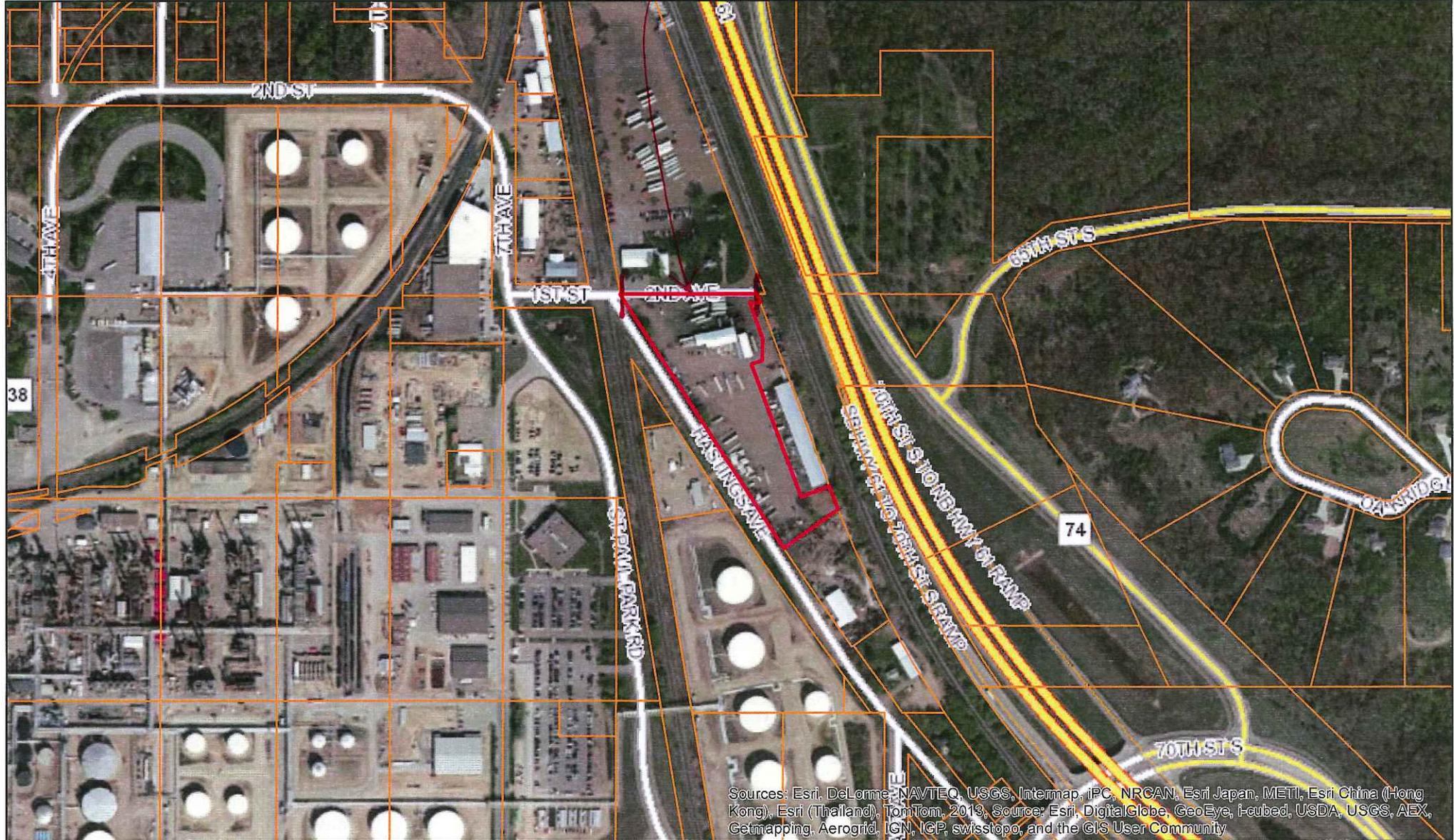
50

Scale 1 inch = 40 Feet

February 22, 1982

Deposited in accordance with Minn. Stat. Sec. 104.60

Portion of 1st Street/2nd Avenue
Proposed for Vacation



Parcel ID: 0102722310003

Parcel Address:
200 HASTINGS AVE, CITY OF ST PAUL PARK

Created on 7/1/2013

**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 STREET VACATION**

Notice is hereby given that the Planning Commission of the City of Newport will conduct a Public Hearing on Thursday, August 8, 2013, at 6:00 p.m. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Avenue, Newport, MN to consider a Street Vacation Application for 1st Street between the BNSF and CP Rail Rights-of-Way. This application is submitted by David Quade, 5645 200th Street E, Hastings, MN 55033.

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 16th day of July, 2013

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, July 24, 2013)

Owner	Address	Owner's Mailing Address	City, State Zip
St. Paul Park		600 Portland Avenue	St. Paul Park, MN 55071
BNSF Railroad		80 44th Avenue NE	Minneapolis, MN 55421
CP Railroad		1010 Shop Rd	St. Paul, MN 55106
Magellan Pipeline			
MB Tire	100 7th Avenue	100 7th Avenue	Newport, MN 55055
St. Paul Park Refining		301 St. Paul Park Road	St. Paul Park, MN 55071

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2013-6**

**A RESOLUTION RECOMMENDING CITY COUNCIL DENY A REQUEST FROM DAVID QUADE
TO VACATE 1ST STREET BETWEEN THE BNSF AND CP RAIL RIGHT-OF-WAYS IN NEWPORT,
MN 55055**

WHEREAS, Mr. David Quade, 5645 200 Street East, Hastings, MN 55033, has applied to vacate 1st Street between the BNSF and CP Rail Right-of-Ways; and

WHEREAS, Following publication, posted, and mailed notice thereof as required by Minnesota Statutes 412.851, the Newport Planning Commission held a Public Hearing on August 8, 2013; and

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Deny the Right-of-Way Vacation based on the following findings:**

1. 1st Street and its right-of-way may be needed to accommodate future infrastructure for development or redevelopment of the adjacent parcels or other areas of the City, specifically:
 - a. A looped water system that may be needed to serve future development or redevelopment of parcels on the east and west sides of TH 61.
 - b. Stormwater infrastructure to serve future development or redevelopment of the Able Cold Storage parcels adjacent to 1st Street
 - c. Sewer and water service if needed for future redevelopment of the Able Cold Storage parcels.
2. Vacation of 1st Street could negatively affect public safety, specifically:
 - a. By closing a potential emergency vehicle access to the railroad tracks.
 - b. Closing access to the Magellan pipeline facility that is located within an easement on the Able Cold Storage property and within 1st Street/2nd Avenue.

Adopted this 8th day of August, 2013 by the Newport Planning Commission.

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

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator



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

Memorandum

To:	Newport Planning Commission	Reference:	Newport Transit Station— Amended CUP Request
Copies To:	Deb Hill, City Administrator Renee Helm, Executive Analyst Andy Gitzlaff, Washington County	Project No.:	15258.004
From:	Sherri Buss, RLA AICP, Planner	Routing:	
Date:	August 1, 2013		

SUBJECT: Application for Amended Conditional Use Permit (CUP) for Newport Transit Station

MEETING DATE: August 8, 2012

LOCATION: 2222 Maxwell Avenue
Newport, MN 55055

APPLICANT: Washington County Regional Rail Authority (WCRRA)
14949 62nd Street North
Stillwater, Minnesota 55082

ZONING: MX-3 Transit-Oriented Mixed Use District

ITEMS REVIEWED: Revised Plans and Memo submitted July 31, 2013

Background

On November 15, 2012, the Newport City Council approved permits for the Newport Transit Station, including a Conditional Use Permit (CUP), site plan approval, major subdivision approval and variance. The CUP approval and conditions were based on the plans submitted to the City in September, 2012.

In March, the Washington County Regional Rail Authority (WCRRA) returned to the City to request that the City accept several changes to the proposed plans at that time. The modifications to the plans were requested as the County completed the cost estimates for the project, and determined that changes were needed to meet the available budget for the project.

The City approved the proposed changes, and determined at that time that the changes were not significant enough to require an amended CUP. The changes included the following:

- Reduction in the size of the proposed building canopy area
- Replace colored concrete in plaza areas with standard concrete
- Reduce plaza area by 10%
- Remove the maintenance strip in the parking lot area and replace it with sod
- Reduce the number of trees on the site by 24 trees
- Remove amenities on Lot 2
- Reduce the topsoil depth from 6" to 4" on portions of the site

The County recently received bids for the proposed demolition of the existing structures on the site and construction of the new transit station. The bids came in significantly higher (\$619,000) than the cost estimates prepared by the project consultants and the project budget (\$2,475,000). On July 23, 2013 the WCRRA rejected all of the bids and directed its staff to work with the City to make modifications to the plan to produce a plan that can be implemented within the budget.

Proposed CUP Amendment

The changes that the County is proposing at this time are significant changes to the plans that were approved, and therefore require that the CUP that was approved in 2012 be amended to include the new plans and conditions that match the plans. The proposed changes are detailed in the memorandum from the Washington County Public Works Department, attached (dated July 30, 2013), and are summarized as follows:

Transit Building—Proposed Modifications

- Reduce the length of the enclosed portion of the building by 12'-6" (260 square feet). The County estimates that this reduces the capacity of the indoor waiting area from 70-85 people to 45-55 people.
- Replace the proposed canopy to a simple roof structure. The overall size of the original proposed canopy was 4576.5 square feet. The proposed roof area in the revised plan is 1777.5 square feet. The proposed roof area provides reduced covered waiting areas on the east and west sides of the building from the previous plan, and eliminates the covered areas previously provided on the north and south sides of the building. The County determined that the canopy structure was too complex and expensive to implement, and that the new roof will be easier to maintain.
- Change the exterior wall materials from glazed brick on the exterior to half-height burnished concrete block on both the interior and exterior.
- Shift the transit building 35' closer to Maxwell Avenue. The proposed plaza on the west side of the building is similar in size to the previous plan.

Site Plan—Proposed Modifications

- Reduce the parking stalls from 200 to 150. Additional stalls could be added later if needed.
- Remove the proposed vertical entrance monument sign at the northwest corner of Lot 2. The County could reserve space for a sign to be provided by the City or a future developer.



- Reduce the grading and site preparation on the outlot area north of Red Rock Crossing. This work could be completed at the time of development.
- Replace the proposed concrete pavement within the turn around on Red Rock Crossing with bituminous material.

Staff Evaluation and Comments

Staff reviewed the proposed changes based on the Zoning District standards for the MX-3 District. In general, the revised plans meet the minimum standards for this use in the MX-3 District. Staff have the following comments based on the zoning ordinance requirements:

- The Zoning District does not have a minimum size standard for transit stations or canopy/roof structures.
- The code requires that exterior surfaces of all building shall be faced with the following materials or a combination of these materials: brick, stone, decorative architecturally textured concrete products, wood veneer, glass, decorative pre-cast panels, equivalent products or better. Facades may not be constructed of non-textured cinder concrete block. The Planning Commission and Council should review the samples and information on exterior materials provided by the applicant, to determine if they meet the letter and intent of the ordinance.
- The ordinance does not include a requirement for the minimum number of parking spaces for a transit station.
- The ordinance requires 1 bicycle parking space per 20 automobile spaces. The plan should indicate at least 8 bicycle parking spaces. Earlier discussions with the County and National Park Service (NPS) indicated a desire to promote the transit facility as a stop on the Mississippi Regional Trail and local bike trail system. The NPS has proposed that interpretive signage for the trail system and river be placed at the transit station. This suggests that at least the minimum number of bicycle parking spaces should be provided at the Transit Station site.
- The County has not submitted plans for the proposed signage at the site. The sign(s) will need to meet the City's ordinance requirements. The CUP includes a condition that requires that the County submit signage plans for approval by the City.
- The zoning ordinance does not require grading and site preparation of the outlots at this time.
- The ordinance and engineering standards do not require concrete pavement in the turnaround area. However, the City Engineer and Public Works Director are concerned about potential pavement rutting by buses. Staff have included a condition that the County warrantee the bituminous pavement for a minimum of 5 years after construction of the street is complete.

Staff Comments

The WCRRA submitted preliminary revised plans to City staff on July 30, and the plans were discussed at a meeting on July 31. City staff had the following comments on the revised plans:

- Concerns about the drainage on the site and potential for ice accumulation with the proposed changes in the parking lot and building. County and City staff discussed the revised drainage plan for the parking area and building at the meeting.
- A question about the resolution of the concerns related to the existing fencing along the railroad tracks. This issue was resolved—the County will maintain the existing fence.



- Concerns about the change from concrete to bituminous pavement, and a comment that the County should maintain ownership of Red Rock Crossing for a longer period, or warrantee the bituminous pavement for up to 5 years after construction is complete, given its assurances that the bituminous pavement will perform adequately.
- Concerns about the loss of canopy on the north side of the transit station structure, in the bus loading area, and overall reduction in covered areas, and the impacts of the loss of cover on transit users.
- Concerns about the reduction of the transit station building size, and questioned whether the building could be expanded if needed in the future. The County staff indicated that if additional waiting area is needed, it is likely that a smaller structure would be added to the site, rather than expanding the proposed structure.
- Concerns that only one power door opener that will serve disabled transit users is proposed for the door on the north side of the building near the bathroom facilities. A power door opener is not included on the west-facing door, which has some roof cover and is likely to be perceived as the main door into the building.
- Concerns about the aesthetics of the reduced building and canopy. During 5-6 months each year during the non-growing season there will be limited color and interest in the adjacent landscape. The white building and surrounding concrete and bituminous area will appear stark and will not add to the aesthetic quality of the redevelopment area. The building designers had identified the canopy structure as a major design element that heightened the visibility of the transit station, contributed to the station area aesthetics, and provided a unique character to the Newport Station.
- Concerns about the proposed change in exterior materials, and a request that the WCRRA provide samples of the proposed exterior materials at the Planning Commission and Council meetings for review.
- A comment that the WCRRA needs to review the locations of the proposed loop watermain and service line to the transit station building based on the plan revisions.

The Planning Commission should discuss the revised plans and proposed conditions and make its recommendation to the Council regarding the CUP Amendment 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

STAFF FINDINGS AND RECOMMENDATIONS

RECOMMENDED CONDITIONS

The City staff find that the proposed plans meet the minimum requirements of the zoning ordinance, and therefore, the City should approve the CUP Amendment. The Amended CUP includes the conditions approved as part of the original CUP (November 15, 2012) and staff propose new conditions (# 14-16 below) to be added to the Amended CUP:



1. The Final Plat shall be on file at Washington County Recorder's/Registrar's Office, Government Center, 14949 62nd Street North, P.O. Box 6, Stillwater, MN 55082.
2. The Applicant shall address the Engineer's comments included in his letter dated November 1, 2012 in the construction documents.
3. The Applicant shall finalize a developer agreement for the site with the City.
4. The Applicant shall discuss the future of Maxwell Avenue with the City, including consideration of potential streetscaping and other improvements to support the City's goals for redevelopment of the Red Rock Gateway area, consideration of the alignment of the new street with the entry to Newport Cold Storage, and consideration of potential roundabouts at the intersections of Maxwell Avenue and local street in the project area.
5. The name of the new street within the plat shall be "Red Rock Crossing."
6. The Applicant shall maintain the existing fence between the Transit Station Area and railroad tracks to the east.
7. All buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the Zoning Ordinance, unless the City approves a variance(s) from the requirements and standards.
8. The Applicant shall submit a final sign plan to the City for approval by the Zoning Administrator.
9. Outside open storage is prohibited on all properties in the MX-3 District.
10. Above-ground utilities must be placed behind the minimum setback to meet the requirements of the zoning ordinance.
11. The Applicant shall obtain the required agency permits for stormwater management, and provide the City copies of the permits approved by the South Washington Watershed District (SWWD) and Minnesota Pollution Control Agency (MPCA NPDES Permit).
12. The final plans for Lot 1 shall include the open space and plaza areas identified on the plans submitted on July 17, 2013 to satisfy the City's park and open space dedication requirements. Future development shall satisfy the City's park dedication requirements as development occurs on Lot 2 and Outlot A.
13. Washington County or future developers shall complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A.
14. The applicant shall include a minimum of 8 bicycle parking spaces on the site plan.
15. Washington County shall complete an agreement with the City to warrantee the bituminous pavement on the Red Rock Crossing turn around for a minimum of five years after construction of the street is completed.
16. The City's Engineer shall complete construction inspection for the facilities to be transferred to the City of Newport at the County's expense.
17. The Applicant shall pay all fees and escrow associated with this application.



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: July 17, 2013 Public Hearing Date August 8, 2013

Applicant Information

Name: Washington County Regional Railroad Authority^(wcrera) Telephone: 651-430-4300
Mailing Address: 11660 Myerson Road North Telephone: 651-430-4300
City/State/Zip: Stillwater, MN 55082

Property Owner Information

Name: WCRRA Telephone: 651-430-4300
Mailing Address: 11660 Myerson Road N Telephone: 651-430-4300
City/State/Zip: Stillwater, MN 55082

Project Information

Location of Property: 222 Maxwell Ave, City of Newport
Legal Description of Property and P.I.D. #: _____

Zoning District: MMMX-3 Flood Plain: AE 0.2% Annual Chance Flood Hazard

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min) |
| <input type="checkbox"/> Rezoning | \$500 plus Escrow |
| <input type="checkbox"/> Zoning Amendment | \$500 |
| <input type="checkbox"/> Variance | \$300 plus Escrow |
| <input type="checkbox"/> Conditional Use Permit | |
| <input type="checkbox"/> Residential | \$300 plus Escrow |
| <input checked="" type="checkbox"/> Commercial | \$450 plus Escrow |
| <input type="checkbox"/> Subdivision Approval | |
| <input type="checkbox"/> Minor Subdivision | \$300 plus Escrow and \$2,000 for Parkland Dedication Fee |
| <input type="checkbox"/> Major Subdivision | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input checked="" type="checkbox"/> Other: <u>conditional use permit amendment</u> | |
| <input type="checkbox"/> Applicable Zoning Code Chapter: _____ | |
| <input type="checkbox"/> Review by Engineer Cost: _____ | |
| <input type="checkbox"/> Total Cost: <u>TBD</u> | |

Escrow Fees

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 or Less \$2,000
- 9 to 40 Units \$3,200
- 41 Units or More \$4,500

Waived

Site Plan Review - Commercial

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

Preliminary Plat

- Under 10 Acres \$3,500
- Over 10 Acres \$6,500

Present Use of Property: vacant lumber yard

State Reason for Planning Request: _____

amend CUP for Newport Transit Station project to
modify site and building design

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: My [Signature]

SIGNATURE OF OWNER (IF APPLICABLE): My [Signature]

For Office Use

Fee: \$450 Date Paid: _____ Receipt #: _____

Publication of Notice Date: July 24, 2013

Public Hearing Date: August 8, 2013

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____

MEMORANDUM

Date: July 30, 2013

To: Deb Hill, City of Newport Administrator

From: Andy Gitzlaff, Senior Planner / Acting Transportation Coordinator, Washington County

Re: **Newport Transit Station – Amended Conditional Use Permit (CUP)**

BACKGROUND

In 2010, the Washington County Railroad Authority (WCRRA) purchased the vacant “Knox lumber site” in Newport for a future transit station. In advance of the purchase, a Memorandum of Understanding (MOU) between the County and the City was agreed upon that outlined the development of the transit station and the desire to work together on a broader redevelopment of the surrounding area. The transit station is strategically located on the site to maximize the available land for future development allowing the excess property to be put back on the tax rolls. This includes an approximately 1 acre lot on the south side of the site and a 5 acre outlot on the north side of the site bisected by a new public street, Red Rock Crossing.

The Newport Transit Station will be a key stop along the Red Rock Corridor. It will initially be served by Metro Transit Route 364 with express bus service to downtown St. Paul increasing the mobility option for Newport residents. As the ridership base grows it will set the stage for future transit investments in the corridor.

A total of \$6.2 million will be invested in the land acquisition, design and construction of the transit station building, parking area, new street and prepping the remaining site for redevelopment.

We have been working with the City hand in hand through the planning and design process to make this not only a great project but the start of a much larger transformation for this part of Newport. Most notably, we have received land use approval from the City of Newport to subdivide the land and for the construction of the transit station.

RECENT DEVELOPMENTS

A request for bids was released in May, 2013 with the intent of completing construction this year. Unfortunately the apparent low bids for the Newport Transit Station came in approximately \$619,000 higher than the estimated cost and budget for the project. On Tuesday July 23, 2013 the WCRRA rejected all bids and directed staff to work with the City to make plan

modifications to bring the costs back within the budgeted amount of \$2.475,000 for the construction phase of the project.

If the amended CUP can be approved in a timely manner it is anticipated that construction could still start this fall which would include demolition of the vacant buildings on the site and the facility will be open by mid-next year. The completion of the project remains a priority for WCRRA.

CUP AMENDMENT

The proposed plan modifications to the previously approved design still meet the intent of the zoning ordinance and all applicable code sections. The original architectural design intent and functions of the building and site is also retained.

The clean lines, extensive use of glass, and gently sloping roofline of the previous building design are included in the modified design.

Building modifications include:

- 1 The length of the enclosed portion of the building was reduced by 12'-6", which reduced the passenger waiting area by approximately 260 square feet, from an original size of 694 square feet to a revised size of 434 square feet. This reduces the interior waiting capacity of the building from approximately 70-85 people, depending on how close they are standing, to approximately 45-55 people. Seating capacity remains unchanged in the modified building design.
- 2 The originally proposed freestanding canopy surrounding the building is too complex and expensive to move forward with. It would be replaced by a simpler roof structure that is attached to the building. The roofline mimics the previous canopy design at a smaller scale. Overall dimensions of the canopy in the previous design were 113' by 40'-6". Dimensions of the new roof are 79' by 22'-6". The new roof is flush with the exterior walls of the building on the north and south sides, but extends out from the exterior walls on the east and west ends of the building to provide covered outdoor waiting areas. Inside the building, the north wall is all glass, and the combination of the waiting area and corridor provide well-protected and efficient spaces for passengers near the boarding areas. The overall appearance for the building walls is very similar to the previous design. The primary difference in materials is in the roof. The new roof is a fully adhered membrane roof system, compared with the translucent panel and wood screen system in the previous canopy design. The new roof will also be easier for the County to maintain over the life of the building.
- 3 The interior and exterior wall materials are proposed as half-height burnished block. Previously, the solid portions of the exterior of the building were glazed brick and the interior was the same burnished block that is now proposed for both interior and exterior. The glazed brick and burnished block have a similar dimensional scale, and the color selected for the new wall materials will be similar to the previous materials. The glass is the same as in the previous design. Material samples will be shown at the Planning Commission Meeting.

- 4 The building is also shifted approximately 35' closer to Maxwell Avenue to better align the building with the bus boarding area. The overall size of the outdoor plaza area to the west of the building remains relatively the same size and the amenities that help to create a sense of place including the seat walls, benches, landscaping, hardscapes open lawn area are preserved.

For the site, modifications include:

1. Reduce the number of parking stalls constructed at opening from the 200 stalls to 150 stalls. The additional 50 spaces can be added at a later date as usage at the park and ride grows. As part of the County's bidding strategy the base bid will be for 150 stalls with an add alternate to add the 50 stalls if the budget allows once all bids are received
2. Removing the tall vertical entrance monument sign at the northwest corner of Lot 2. There are potential issues with making a substantial investment in signage at this location at this time. This lot will be positioned for private development and depending upon the end user there may be a different vision for what type of signage should be at this location. As an interim solution to preserve flexibility the County is proposing to replace the sign with a lower and smaller post mounted sign that identifies the Newport Transit Station. The County would be open to reserving additional space on the site for the City to add additional signage at their expense either now or as part of a future development.
3. Reducing the amount of grading and site preparation work within the outlot area north of Red Rock Crossing, primarily by not importing fill material to bring that area up to the future finished grade. As the outlot is developed, fill material can be brought in by the developer as needed.
4. Replacing the concrete pavement within the turn around on Red Rock Crossing with bituminous. We recognize the City's concerns with potential rutting from bus tires. However, based on the amount of bus trips (4 trips in the morning and 4 trips in the evening) the bituminous asphalt pavement section is sufficient to handle the loads from the buses. Furthermore, the County has not experiencing rutting on its round-a-bouts were similar movements are made at a much higher volume by heavy truck traffic. If the City would like to upgrade to concrete a cost sharing agreement for the difference in cost would need to be agreed upon. As an alternative, the County would be willing to explore warranting the work within the turnaround for a certain period of time after the project is complete to address the City's concern with rutting. A separate agreement would need to be established.

Thank you for your consideration of the CUP amendment. If you have any questions or need additional information to process this request please contact me at 651-430-4338 or andy.gitzlaff@co.washington.mn.us.

ATTACHMENTS

Revised Site Plan, Grading Plan, Paving Plan, Utility Plan and Landscape Plan
Revised Building Floor Plan and Exterior Elevations and Conceptual Rendering



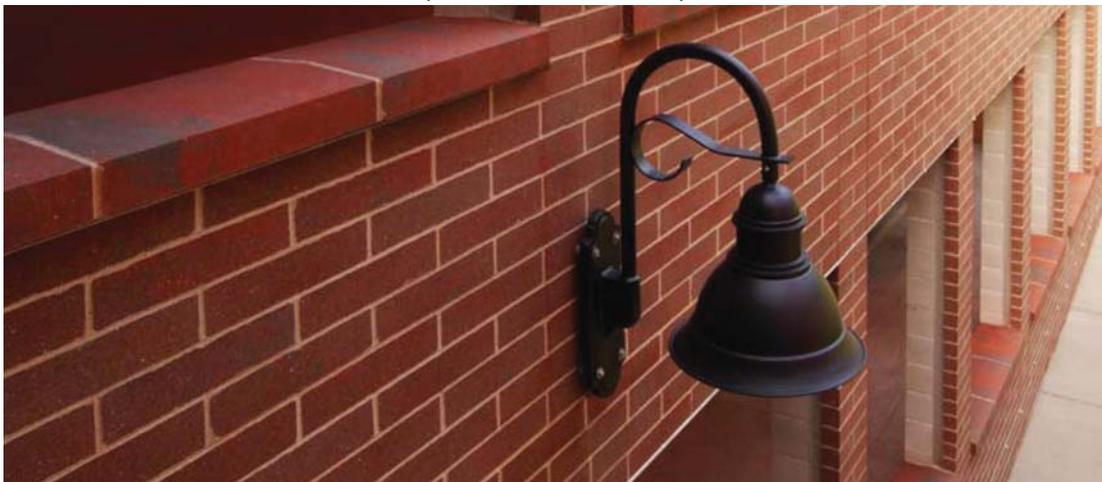
NEWPORT TRANSIT STATION

BURNISHED BLOCK MATERIAL USE



BURNISHED BLOCK

EXAMPLES OF 4" X 16" (HALF-HEIGHT) BLOCK MODULES



**CITY OF NEWPORT
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
TO CONSIDER AN AMENDMENT TO A CONDITIONAL USE PERMIT**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, August 8th, at 6:00 P.M. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Ave., Newport, MN, to consider a request from the Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082 to amend the conditional use permit issued November 15, 2012. The Regional Railroad Authority is proposing some modifications to the transit building and site located at 2222 Maxwell Avenue, Newport, MN 55055.

Said property is legally described as:

PID #26.028.22.41.0001

PT N1/2-NE1/4-SE1/4 LYING WLY OF CM & ST P RR R/W & LYING ELY OF PT TAKEN BY ST OF MN FOR HWY PURP SUBJ TO EASE ALSO: PT SE1/4-NE1/4 SD SEC26 LYING WLY OF SD RR R/W & LYING SLY OF PT TAKEN BY ST OF MN FOR HWY PURP EXC PARC 3 MNDOT R/W PLAT 82-102 SUBJ TO EASE Section 26 Township 028 Range 022

PID #26.028.22.41.0003

PT S1/2-NE1/4-SE1/4 WHICH LIES WLY OF R/W OF CM & STP RR CO & WHICH LIES ELY OF THAT PT OF SD PROPERTY TAKEN BY STATE OF MINN FOR HWY PURPOSES EXC TO HWY EXC EASE EXC PT PLATTED EXC 26.028.22.41.0004 Section 26 Township 028 Range 022

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 17th day of July 2013

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, July 24, 2013)

Owner	Address	Owner's Mailing Address	City, State Zip
Current Resident	2120 2nd Avenue	2120 2nd Avenue	Newport, MN 55055
Wayne Bauer	2120 2nd Avenue	9945 Tamarack CV	St. Paul, MN 55125
Shirley Castillo	2123 2nd Avenue	2123 2nd Avenue	Newport, MN 55055
Dan Loiselle	2148 2nd Avenue	2148 2nd Avenue	Newport, MN 55055
Current Resident	2156 2nd Avenue	2156 2nd Avenue	Newport, MN 55055
Duane Beto	2156 2nd Avenue	75 Douglas Street	St. Paul, MN 55102
Current Resident	2163 2nd Avenue	2163 2nd Avenue	Newport, MN 55055
Duane Beto	2163 2nd Avenue	75 Douglas Street	St. Paul, MN 55102
Michael Ball	2182 2nd Avenue	2182 2nd Avenue	Newport, MN 55055
James Mccrory	2189 2nd Avenue	2189 2nd Avenue	Newport, MN 55055
Current Resident	2190 2nd Avenue	2190 2nd Avenue	Newport, MN 55055
Robert and Emily Hintz	2190 2nd Avenue	W1555 Highway 63 S	Hayward, WI 54843
Gerald Stangeland	2193 2nd Avenue	2193 2nd Avenue	Newport, MN 55055
Current Resident	2133 3rd Avenue	2133 3rd Avenue	Newport, MN 55055
Phillip Christiansen	2133 3rd Avenue	7610 Jasmine Ave S	Cottage Grove, MN 55016
Chanthakhan Maimoundok	2155 3rd Avenue	2155 3rd Avenue	Newport, MN 55055
Robert Lanz	2175 3rd Avenue	2175 3rd Avenue	Newport, MN 55055
Blue River Property	2193 3rd Avenue	3725 Burgundy Drive	St. Paul, MN 55122
Current Resident	2193 3rd Avenue	2193 3rd Avenue	Newport, MN 55055
Houle Newport RE LLC	37 21st Street	37 21st Street	Newport, MN 55055
Newport Properties LLC	45 21st Street	819 Minnehaha Pkwy W	Minneapolis, MN 55419
Metro Gravel	47 21st Street	PO Box 289	Newport, MN 55055
Newport Terminal	50 21st Street	PO Box 1224	Bloomington, MN 55440
Aggregate Industries	57 21st Street	2195 Waters Road #105	Eagan, MN 55121
Paul Abbott	76 21st Street	331 2nd Avenue	Newport, MN 55055
James Kaiser	94 21st Street	12088 Gantry Ct	Apple Valley, MN 55124
Wilson Lines of MN	155 21st Street	2131 2nd Avenue	Newport, MN 55055
Newport Car Wash	222 21st Street	1019 Crestview Drie	Hudson, WI 54016
Current Resident	245 21st Street	245 21st Street	Newport, MN 55055
Tinucci's	245 21st Street	396 21st Street	Newport, MN 55055
KRI Investments	303 21st Street	21311 NE Viking Blvd	Wyoming, MN 55092
John Seliga	312 21st Street	312 21st Street	Newport, MN 55055
Garry Mussetter	355 21st Street	P689 Pinecrest Trail	Cottage Grove, MN 55016
Tinucci's	396 21st Street	396 21st Street	Newport, MN 55055
Newport St. Paul Cold Storage	2233 Maxwell Avenue	2233 Maxwell Avenue	Newport, MN 55055
Thomas Fedorowski		3570 Sunny Acres Dr NW	Hackensack, MN 56452

PLANNING COMMISSION
RESOLUTION NO. P.C. 2013-7

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE AN AMENDMENT TO THE
CONDITIONAL USE PERMIT GRANTED TO THE WASHINGTON COUNTY REGIONAL RAILROAD
AUTHORITY FOR THE DEVELOPMENT OF THE RED ROCK TRANSIT STATION AND RELATED
IMPROVEMENTS ON THE PROPERTY LOCATED AT 2222 MAXWELL ROAD, NEWPORT, MN 55055**

WHEREAS, the City of Newport (hereinafter, “the City”), on November 15, 2012 approved the Site Plan, a Variance, a Conditional Use Permit, and a Preliminary and Final Plat for the development of the Red Rock Transit Station and related improvements by Resolution Number 2012-39; and

WHEREAS, the Washington County Regional Railroad Authority (hereinafter “the Authority”) intends to build a transit station and related improvements at the aforesaid location, which construction is intended to include a transit station building and parking lot, site preparation, construction of a new public street, and other improvements; and

WHEREAS, the City, on March 21, 2013 approved the following minor revisions to the original plans as requested by the Authority:

1. Reduce the size of the building canopy at its west end by 19 feet;
2. Replace the colored concrete bands in the passenger plaza areas with concrete bands that are the same color as the other concrete on the plaza;
3. Reduce the plaza area by 10 percent;
4. Remove the car bumper overhang maintenance strip in the parking lot, and replace it with sod;
5. Reduce the numbers of trees throughout the site by 24 trees;
6. Remove the amenities proposed on Lot 2 (outside the Transit Station site);
7. Reduce the topsoil depth from 6 inches to 4 inches on portions of the site;
8. Redesign the entry monument sign to reduce the cost of the sign; and

WHEREAS, the Authority has requested to amend the original Conditional Use Permit to allow for the following revisions:

1. Transit Building
 - a. Reduce the length of the enclosed portion of the building by 12’-6” (260 square feet). The County estimates that this reduces the capacity of the indoor waiting area from 70-85 people to 45-55 people.
 - b. Replace the proposed canopy to a simpler roof structure. The overall size of the original proposed canopy was 4576.5 square feet. The proposed roof area in the revised plan is 1777.5 square feet. The proposed roof area provides reduced covered waiting areas on the east and west sides of the building from the previous plan, and eliminates the covered areas previously provided on the north and south sides of the building. The County determined that the canopy structure was too complex and expensive to implement, and that the new roof will be easier to maintain.
 - c. Change the exterior wall materials from glazed brick on the exterior to half-height burnished concrete block on both the interior and exterior.
 - d. Shift the transit building 35’ closer to Maxwell Avenue. The proposed plaza on the west side of the building is similar in size to the previous plan.
2. Site Plan
 - a. Reduce the parking stalls from 200 to 150. Additional stalls could be added later if needed.
 - b. Remove the proposed vertical entrance monument sign at the northwest corner of Lot 2. The County could reserve space for a sign to be provided by the City or a future developer.
 - c. Reduce the grading and site preparation on the outlot area north of Red Rock Crossing. This work could be completed at the time of development.

- d. Replace the proposed concrete pavement within the turn around on Red Rock Crossing with bituminous material; and

WHEREAS, the Planning Commission's findings related to the original approval of a Station Site Plan and Conditional Use Permit and the Amended Conditional Use Permit included the following:

1. The proposed Site Plan is consistent with the intent of the MX-3 Zoning District, other sections of the City Code, the Comprehensive Plan, and Design Guidelines for the MX-3 District.
2. The Site Plan will not have a negative impact on public health, safety and general welfare, traffic, parking, public facilities, the environment and natural resources or surrounding land uses.
3. The proposed PUD will not compromise the health, safety and welfare of the community and residents of the PUD if the conditions proposed are addressed by the applicant;
4. Conditions for approval of the Site Plan and CUP have been included to require that the Site Plan meets all requirements of the Zoning Ordinance and protect the best interest of the surrounding area and community as a whole.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** an amendment to the Conditional Use Permit Granted to the Washington County Regional Railroad Authority for the Development of the Red Rock Transit Station based on the revised plans submitted to the City on July 31, 2013, with the following conditions:

1. The Final Plat shall be on file at Washington County Recorder's/Registrar's Office, Government Center, 14949 62nd Street North, P.O. Box 6, Stillwater, MN 55082.
2. The Applicant shall address the Engineer's comments included in his letter dated November 1, 2012 in the construction documents.
3. The Applicant shall finalize a developer agreement for the site with the City.
4. The Applicant shall discuss the future of Maxwell Avenue with the City, including consideration of potential streetscaping and other improvements to support the City's goals for redevelopment of the Red Rock Gateway area, consideration of the alignment of the new street with the entry to Newport Cold Storage, and consideration of potential roundabouts at the intersections of Maxwell Avenue and local street in the project area.
5. The name of the new street within the plat shall be "Red Rock Crossing."
6. The Applicant shall maintain the existing fence between the Transit Station Area and railroad tracks to the east.
7. All buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the Zoning Ordinance, unless the City approves a variance(s) from the requirements and standards.
8. The Applicant shall submit a final sign plan to the City for approval by the Zoning Administrator.
9. Outside open storage is prohibited on all properties in the MX-3 District.
10. Above-ground utilities must be placed behind the minimum setback to meet the requirements of the zoning ordinance.
11. The Applicant shall obtain the required agency permits for stormwater management, and provide the City copies of the permits approved by the South Washington Watershed District (SWWD) and Minnesota Pollution Control Agency (MPCA NPDES Permit).
12. The final plans for Lot 1 shall include the open space and plaza areas identified on the plans submitted on July 17, 2013 to satisfy the City's park and open space dedication requirements. Future development shall satisfy the City's park dedication requirements as development occurs on Lot 2 and Outlot A.
13. Washington County or future developers shall complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A.
14. The applicant shall include a minimum of 8 bicycle parking spaces on the site plan.

15. Washington County shall complete an agreement with the City to warrant the bituminous pavement on the Red Rock Crossing turn around for a minimum of five years after construction of the street is completed.
16. The City's Engineer shall complete construction inspection for the facilities to be transferred to the City of Newport at the County's expense.
17. The Applicant shall pay all fees and escrow associated with this application.

Adopted this 8th day of August, 2013 by the Newport Planning Commission.

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

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator