PLANNING COMMISSION MEETING
City Hall - Council Chambers
January 22, 2018 – 6:00 p.m.

A. CALL TO ORDER

B. APPROVAL OF MINUTES
   • December 18, 2017 regular meeting

C. PUBLIC HEARINGS
   • Consider a request by Andersen Corporation for a variance from impervious coverage and exterior elevation requirements for a proposed building expansion to the Pasture Warehouse and a conditional use permit to allow land reclamation/grading and extended construction hours for the project

D. OLD BUSINESS

E. NEW BUSINESS

F. GENERAL INFORMATION
   • No Planning Commission meeting scheduled for February
   • Comprehensive Plan joint workshop with the City Council tentatively scheduled for March 5

G. OPEN FORUM

H. ADJOURNMENT
CALL TO ORDER
Pursuant to due call and notice thereof, Commissioner Kelly called the regular Bayport Planning Commission meeting of December 18, 2017, to order at 6:00 p.m.

ROLL CALL
Commissioners Present: John Dahl, Beth Kelly and Coleen Siegfried

Commissioners Absent: None

City Staff Present: City Administrator Adam Bell, Assistant City Administrator/Planner Sara Taylor, City Council Liaison John Buckley, City Planning Consultant Dan Licht, City Engineer John Parotti, and City Attorney Andy Pratt

OATH OF OFFICE TO NEW MEMBER TOM TRIPLETT
Commissioner Kelly administered the Oath of Office to Tom Triplett and welcomed him to the Planning Commission.

APPOINTMENT OF VICE CHAIRPERSON
Planner Taylor explained the previous Vice Chairperson resigned and typically the commissioner with the most seniority assumes the role. Commissioners Dahl and Siegfried were appointed on the same date and staff recommends either person for the position. Commissioner Dahl volunteered to serve as Vice Chairperson.

It was moved by Commissioner Triplett and seconded by Commissioner Kelly to appoint John Dahl as the Vice Chairperson of the Bayport Planning Commission. Motion carried 4-0.

APPROVAL OF MINUTES
It was moved by Commissioner Dahl and seconded by Commissioner Siegfried to approve the February 13, 2017 meeting minutes. Motion carried 3-0, with Commissioner Triplett abstaining.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS
Consider a final plat for Phase III-B, 4th Addition, of the Inspiration development: Planning Consultant Licht said Mattamy Homes, Inc., has submitted an application for final plat approval for Inspiration 4th Addition, which is the final phase of the single-family lots in the development. The preliminary plat and zoning for Inspiration were approved in 2004, and Mattamy Homes received a revised preliminary plat approval in 2015 for 115 lots known as Phase III-B. They previously final platted 76 single-family lots (Phase III-B, 3rd Addition) and are now requesting final approval for the remaining 39 single-family lots, as well as three outlets (Phase III-B, 4th Addition). He reviewed zoning, lot requirements and setbacks, noting that all lots shown on the final plat application are consistent with the subdivision design and comply with the lot requirements established by the Planned
Unit Development (PUD). As part of the final plat, the developer will construct a section of Inspiration Parkway North through the development, between Prairie Way and Primrose Path, and along Periwinkle Place on the north side of Planter’s Path. There will be one-sided parking on the new streets, and a trail will be constructed through Outlots B and C. The street and utility plans will be subject to review and approval by the city engineer. The developer will be required to enter into a separate development agreement for Inspiration 4th Addition as a condition of final plat approval. Commissioner Dahl asked for further information on the outlots. Outlots A (public park) and B (stormwater basin) will be deeded to the city and preserved through a conservation easement. Outlot C will be developed as an open space gathering area with a fire pit that will be deeded to the Inspiration Homeowner’s Association (HOA). Commissioner Tripplett questioned the meeting notification process to the HOA and current residents. Consultant Licht stated the preliminary plat approval process included a public hearing, at which time the HOA and adjoining property owners were notified of the application. Attorney Pratt said this area was platted for future development when the preliminary plat was approved in 2015, at which time public input was provided, and there is no specific mechanism for notification at this point. Planner Taylor indicated no comments have been received on the final plat application. Consultant Licht explained that once the preliminary plat document was approved, the developer has the right to build this phase, if the plans are consistent with the preliminary plat approval. Attorney Pratt indicated his office will draft the developer’s agreement, with attention to financial security assurance from Mattamy Homes to guarantee all approved infrastructure is satisfactorily completed, most likely through a letter of credit. Engineer Parotti said it is up to the developer to request a reduction in a letter of credit as portions of a project are completed and the city has granted phased reductions with past projects. Commissioner Tripplett inquired whether the city engineer had received any resistance to the conditions/comments in his staff report. Engineer Parotti said he had general conversations with the developer’s engineer, and the developer must meet all the conditions of approval and standards recommended by the city. He expects the buildout to be a smooth process, based on previous experience with the developer in Phase III-B, 3rd Addition. Consultant Licht added that the conditions of approval are very similar to those required for the 3rd Addition.

Brian Theis, Mattamy Homes, said approximately 50% of Phase III-B, 3rd Addition, has been built out. Mattamy will remain as the developer for this final phase but is selling the finished lots to M/I Homes who has taken over construction for the single-family lots.

It was moved by Commissioner Dahl and seconded by Commissioner Tripplett to recommend to the City Council to approve a final plat for Phase III-B, 4th Addition, of the Inspiration development with the findings of fact and conditions listed in the staff report and presented at this meeting. Motion carried 4-0.

GENERAL INFORMATION
The next Planning Commission Meeting is scheduled for Monday, January 22, 2018, at 6:00 p.m.

OPEN FORUM
Commissioner Tripplett said he would be unavailable for meetings in February and March, but he would welcome the opportunity to participate via telephone, if possible. Planner Taylor does not anticipate a meeting during these months and stated staff works with Planning Commissioners on meeting dates to ensure a quorum is available.

ADJOURN
It was moved by Commissioner Siegfried and seconded by Commissioner Dahl to adjourn the meeting at 6:23 p.m. Motion carried 4-0.
DATE: January 16, 2018

TO: Planning Commission (January 22, 2018 meeting)
    Adam Bell, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a request by Andersen Corporation for a variance from impervious coverage and exterior elevation requirements for a proposed building expansion to the Pasture Warehouse and a conditional use permit to allow land reclamation/grading and extended construction hours for the project

A. BACKGROUND

The subject property is located at 100 4th Avenue North and is legally described as part of Government Lot 6 of Section 2, Township 29, Range 20, being all that part thereof lying east of the easterly line of the St. Paul – Stillwater and Taylors Falls Railroad right-of-way, Washington County, Minnesota. The project area encompasses approximately 8.1 acres, located on the north side of the property, south of Point Road and east of Highway 95. The project area includes an 111,613 sq. ft. existing Pasture Warehouse building that will be expanded to accommodate up to 24 new Fibrex composite material extrusion lines, which support the manufacturing of Andersen’s 100 Series and Renewal product lines. An existing 4,500 sq. ft. Quonset hut and a lumber storage structure will both be removed to facilitate the Pasture Warehouse expansion. The project area also includes a 164,657 sq. ft. surface parking lot, slated for drainage and stormwater improvements. The property is presently guided for industrial use by the Comprehensive Plan and zoned I-Industrial.

The success of the 100 Series and Renewal product lines has prompted Andersen Corporation to seek opportunities to expand the company’s manufacturing capacity at their main plant in Bayport. The Pasture Warehouse, which is in close proximity to the 100 Series site, is currently underutilized and therefore will be repurposed and expanded to support additional manufacturing of this product line. The footprint of the Pasture Warehouse will be expanded approximately 13,425 sq. ft. on the north side and 45,170 sq. ft. on the south side. To support the extrusion operation at the Pasture Warehouse, 2 chillers will be installed within the building footprint and 2 cooling towers will be installed on the exterior of the building. The extrusion operation also requires a centralized dust collection system, which will be installed on the exterior west side of the Pasture Warehouse. Both the cooling towers and dust collector will not exceed a height of 40 feet. Loading docks on the north end of the building and adjacent rail spurs will be used to transport bulk materials to and from the building. The existing pipe bridge in the vicinity of this project may also need to be altered, but it has yet to be determined what specific modifications this would entail. Additional detail on the scope of this alteration will be provided as the project progresses.

Earlier this year, Andersen Corporation initiated a stormwater improvement project on the surface parking lot within the project area, to ensure the facility continues to comply with the requirements of their Industrial Stormwater Permit. Since this area was anticipated to be impacted as part of the
warehouse expansion, these improvements were postponed, and have now been expanded to also address stormwater treatment requirements for this project. The improvements include installation of a filtration basin to remove suspended solids, improve slope to maximize drainage to the new basin, replace existing gravel with asphalt, and increase green space with additional landscaping.

To facilitate this project, Andersen Corporation is requesting the following as part of this application:
- a variance to allow flexibility with impervious coverage
- a variance to allow flexibility with exterior building elevation
- a conditional use permit to allow grading in excess of 50 cubic yards of material
- a conditional use permit to allow extended construction hours for the building expansion

Because of the capacity of the project, site plan review is also required, to ensure compliance with zoning and engineering performance standards set forth by city code. Due to the scope of improvements and location adjacent to the St. Croix River, the project will also be subject to review by both the Middle St. Croix Watershed Management Organization (MSCWMO) and the Department of Natural Resources (DNR).

Notice of the Planning Commission’s public hearing was mailed to all property owners within 350’ of the subject property and published in the Stillwater Gazette on Friday, January 5, 2018.

The following exhibits are attached:
- project narrative submitted by the applicant
- city engineer review memo
- site plan of existing and proposed conditions
- exterior building and site elevations with existing and proposed conditions

B. STAFF COMMENTS

1. Variance for impervious coverage.

Currently, the existing project area is considered legally non-conforming, because it does not comply with impervious coverage requirements set forth by city code. Although the proposed alterations to the site will not result in an increase in impervious coverage, city code requires that a variance be granted because the site does not meet the requirement currently or as proposed.

Under the current classification, I-1 zoning of the property limits lot coverage to 40% and the Lower St. Croix River Bluffland and Shoreland District limits lot coverage to 20%. Although the proposed building footprint of the Pasture Warehouse will be increased, the net impervious coverage will not be affected, as the site currently consists of approximately 100% impervious coverage. Because Andersen Corporation was developed prior to the adoption of the city’s zoning code, much of the plant does not meet current standards, especially in regard to lot coverage requirements. However, when redevelopment or site improvement projects arise, such as this Pasture Warehouse expansion, efforts to reduce unnecessary impervious surface and improve stormwater infiltration should be explored and implemented, when feasible.

As proposed, the project will convert .7 acres of existing impervious surface to pervious surface or green space, and result in 1.1 total acres of pervious or 13.5% of the project area. The proposed filtration basin, grading, and reduction of gravel area will also improve stormwater runoff and treatment. Staff feels that because these modifications will be an improvement over the existing site conditions, a variance to allow flexibility from the impervious coverage
requirements and promote reasonable use of the property is justified. However, staff also feels that an opportunity does exist to soften the existing and proposed impervious coverage by incorporating additional landscaping and screening improvements along Highway 95, which will not impact the manufacturing or operations area of the project. These improvements will be required as a condition of approval for the variance and shall be included on the final landscape plan for the project.

2. **Variance for exterior building elevation.**

Because the project area is located within the floodplain, the city’s Floodplain Management Ordinance applies. For adequate flood protection and emergency access, this ordinance requires structures to be constructed at a minimum elevation of 693’ (or built with floodproofed materials) and surrounded by a finished grade 15 feet out from the building perimeter at an elevation of 692’. Although the existing Pasture Warehouse and proposed expansion will meet the required floor elevation, a majority of the finished grade around the perimeter of the building varies from 689’ – 690’. The purpose of this elevation is to allow manufacturing operations within this building to be conducive to truck and rail transit, such as loading docks and existing rail spurs. Since the building areas most vulnerable from potential flood impacts will be constructed with concrete and access to the building can be provided at an elevation of 692’ at the southwest corner, Andersen Corporation believes the intent of the ordinance has been met. However, the city has yet to receive comments from the DNR regarding the proposed elevation. Additional measures may need to be taken to meet the floodproofing requirements and shall be incorporated as conditions of approval for the variance.

3. **Conditional use permit (CUP) for grading and construction hours.**

Some of the proposed uses and operations associated with the proposed Pasture Warehouse expansion are conditional uses in the I-Industrial zoning district. Specifically, a CUP will be required for land reclamation and grading in excess of 50 cubic yards of material per acre and extended construction hours. A grading plan will be required as part of the project and subject to review and approval by the city engineer. It should be noted that the grading is only for the building expansion and stormwater improvements; it is not part of the long-term, ongoing operation at Andersen Corporation.

The tentative schedule for the project has yet to be determined, but it is anticipated that construction will typically be conducted on weekdays during daytime hours. However, depending on weather conditions and other unforeseeable circumstances, flexibility to operate construction equipment on Saturdays and Sundays 7:30 a.m. to 5:00 p.m. is being requested. No construction is proposed on holidays.

Because negative impacts are not foreseen as a result of the conditions stated above, staff feels approval of a conditional use permit would be appropriate. However, staff recommends construction begin no earlier than 8:00 a.m. on Saturdays and Sundays.

4. **Site Plan Review.**

The building expansion and parking lot improvements will not substantially alter the overall visual character of the site. The building will be constructed with materials and siding consistent with the existing color scheme at Andersen Corporation. The parking lot and landscaping improvements will also help to enhance treatment of stormwater runoff and soften the overall
appearance of the site. Specific comments regarding design and performance standards are listed below.

Lot requirements and setbacks

Overall, the project complies with lot requirements and setbacks, with the exception of impervious coverage. Site improvements will result in a reduction of hard cover and an increase of green space, for an overall increase of pervious area from .4 to 1.1 acres.

Exterior storage

Some exterior storage of materials currently exists on the site. As part of this project, this storage will be eliminated, which will be a visual and aesthetic improvement. Effort shall be made to minimize and concentrate semi truck/tractor trailer parking out of public view.

Landscaping

Reasonably maintained landscaping is required in all zoning districts along front and side yards. In addition, landscaping is required for parking lots, to diminish the visibility and impact of parked vehicles by screening from public view and adjacent properties. Because this parcel is zoned Industrial, landscaping improvements equal to 1% of the total project cost are also required. For this project, Andersen is proposing landscaping enhancements along Point Road, in the vicinity of the Quonset hut that is to be removed from the site, and in conjunction with the filtration basin. A formal landscaping plan has yet to be submitted for review, but will be required as a condition of approval for the project.

In reviewing the project area, staff feels there is also a need to improve the existing landscaping/screening along Highway 95, to not only comply with city code, but also to reduce the visual impact of the impervious coverage and enhance the overall appearance of the plant. These improvements could be in the form of plant or tree materials, landscaped earth mounds/berms, compact evergreen hedge, view obscuring fence, or a combination of these features at a height of 6 feet.

Lighting

All exterior lighting shall be hooded or controlled to deflect light away from adjoining properties and public rights-of-way and not exceed 25 feet in height. A lighting plan has been submitted and will be subject to review and approval by the city engineer.

Parking

The off-street parking requirement for manufacturing uses is 1 space/1,000 sq. ft. of gross floor area up to 10,000 sq. ft. and 1 space/2,000 sq. ft. for additional floor area. Also, 1 handicap space must be included per 50 spaces. Using this calculation, the required parking for the project area results in 352 spaces, with 8 spaces designated for handicap use. The project area currently includes 601 spaces, which exceeds the ordinance requirement. However, only 5 spaces are designated for handicap use, so an additional 3 spaces will need to be designated and signed appropriately. At a minimum, the required 360 spaces shall be clearly painted and delineated to comply with the
ordinance. Also, traffic lanes and drive aisles shall be adequately designed and spaced to comply with the ordinance. All parking facilities are subject to review and approval by the city engineer.

Noise

The ongoing operation of the expanded warehouse facility and supporting infrastructure will not exceed noise levels allowed by the ordinance. Andersen Corporation has requested a CUP to allow extended hours for construction noise during the site improvements.

C. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Variances.

Minnesota Statutes 462.357. Subd 6.(2) states in part that “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.”

This language establishes the criteria by which the Planning Commission is to consider the variance application. If the variance is determined to meet the criteria, a request for the variance should be granted.

The proposed expansion to the existing Pasture Warehouse is reasonable to support manufacturing operations within the project area. Because this site was developed prior to adoption of the zoning ordinance, it does not meet current zoning requirements. To facilitate continued use of the property as an industrial manufacturing facility, accessible to both truck and rail transit, flexibility in regards to application of impervious coverage and elevation requirements is necessary. The building expansion and parking lot improvements will not substantially alter the overall visual character of the site. The building will be consistent with the design of the existing Andersen Corporation plant and the parking lot and landscaping will improve the overall appearance of the site.

Conditional use permit.

The issuance of a conditional use permit to allow uses and operations associated with the proposed expansion of the Pasture Warehouse, specifically land reclamation/grading for construction and extended construction hours, would be appropriate. No negative impacts are foreseen as a result of the conditions stated above. In addition, the conditional uses are directly related to the permitted manufacturing use and are critical for construction of the facility.

For the reasons stated above, staff finds that the criteria for the variances and conditional use permit have been met and therefore is recommending approval of the application, with the conditions listed in the city engineer memo and as follows:
Prior to consideration of this application by the City Council, a survey of the property shall be completed and submitted to the city for review, which specifies all property lines, impervious coverage calculations, setbacks, and existing and proposed site improvements.

The requested variances and conditional use permit, as well as the site plan, shall be subject to review and comments by the DNR.

The application shall be subject to review and approval through the MSCWMO; all requirements shall be addressed in the final project design.

The exterior façade of all existing and proposed buildings and fencing shall be consistent in color and material to create an appealing and cohesive appearance.

Should the existing pipe bridge in the vicinity of this project need to be altered, specific detail regarding any alteration shall be submitted to the city and is subject to review and approval by the city engineer.

A landscaping plan shall be prepared and submitted for review, which delineates size, type, and location of all plant, fence, berm, screen materials etc. proposed for the project area, including but not limited to, Point Road/Quonset hut green space, filtration basin, and area adjacent to Highway 95, as noted in Section “B” of this staff report. An updated landscaping improvement cost summary shall also be submitted, consistent with the approved landscape plan.

All lighting shall be hooded or controlled to be directed away from adjacent properties and the public right-of-way and less than 25 feet in height. The lighting/photometric plan shall be subject to review and approval by the city engineer.

All surfaces used for parking and driving within the project area shall be surfaced with asphalt or concrete, to sustain heavy vehicle traffic.

All required parking spaces (360 traditional/8 handicapped) shall be clearly delineated, painted, and signed, as appropriate.

Proposed drive aisles within the project area shall be striped and posted to delineate traffic circulation, as necessary.

A grading plan shall be prepared and submitted for review by the city engineer; grading, drainage, stormwater improvements, and erosion control shall be subject to approval by the city engineer and MSCWMO.

Grading and land reclamation shall be governed by a conditional use permit, which would allow grading to exceed 50 cubic yards of material per acre within the project area. Grading is only permitted for the initial construction of the facility and is not part of the ongoing operation.

During grading, the smallest amount of ground shall be exposed for the shortest amount of time feasible and disruption of ground cover shall be restored upon completion of construction.
Construction hours shall be governed by a conditional use permit, which would allow construction on weekdays from 7:00 a.m. to 8:00 p.m. and on weekends from 8:00 a.m. to 5:00 p.m. for this particular project. No construction would take place on holidays. These hours only apply during the construction of the building expansion and filtration basin.

Prior to issuance of a building permit, the applicant shall provide financial surety in the form of a cash deposit or equivalent, to ensure satisfactory installation of the approved landscaping and/or screening improvements.

Prior to issuance of a certificate of occupancy, an as-built survey shall be completed and submitted to the city which specifies all property lines, impervious coverage calculations, setbacks, and site improvements for the project area.

The project area may be subject to site inspections by the city, DNR, and/or MSCWMO throughout the duration of the project, to ensure compliance with variances, conditional use permits, and conditions of approval.

D. RECOMMENDATION

Staff recommends approval of a variance from impervious coverage and exterior elevation requirements for a proposed building expansion to the Pasture Warehouse, and a conditional use permit to allow land reclamation/grading and extended construction hours for the project, as necessary. Suggested findings of fact and conditions of approval are as stated in section “C” of the staff report. The Planning Commission is asked to make a recommendation on the request for City Council consideration.
APPLICATION TO CITY OF BAYPORT

NARRATIVE

Purpose of Project

To support the growth of Andersen’s 100 Series and Renewal product lines by expanding the company’s manufacturing capacity in the Midwest to meet the growing needs of our business. The success of the 100 Series and Renewal product lines, which uses Andersen’s proprietary composite material called Fibrex, have created the need to expand our Fibrex extrusion capacity. This project requests expanding the Pasture Warehouse, which is in close proximity to the 100 Series manufacturing site, to accommodate up to 24 new extrusion lines. Along with the Pasture Warehouse building expansion, Andersen will be implementing stormwater improvements to the surface lot located north of the existing Door plant.

Refer to the attached location map, site plan, photo of existing conditions, and rendering of future conditions.

Project Description

Pasture Warehouse has a current footprint of 111,613 sq. ft. The project involves expanding the building on both the north and south ends. The expanded building footprint will be approximately 170,200 sq. ft. The north end expansion encompasses approximately 13,425 sq. ft., the south end 45,170 sq. ft.

Expanding the Pasture Warehouse will include the following changes to the site:

1. Removal of the Quonset Hut, located just north of the Pasture Warehouse. The footprint of this structure is approximately 4,500 sq. ft.
2. Alterations to the existing pipe bridge are required. The pipe bridge supports the warm water supply from the King plant. Options include either removal of the bridge and burying the pipe, or relocating several support piers to accommodate the expanded building and to free up the drive area serving the loading docks.
3. To support the extrusion operation within Pasture Warehouse, requires the installation of chillers and cooling towers. The chillers will be located within the building footprint and the cooling towers mounted outside. The cooling towers will be mounted on a structural steel stand, on the west side of the north expansion. The finished height of the cooling towers will not exceed 40’.
4. The extrusion operation also requires a centralized dust collection system. The dust collector will be located outside, along the west side of the Pasture Warehouse. The finished height of the collector will not exceed 40’.
5. Stormwater improvements to the surface lot located north of the Door plant. The proposed filtration basin will serve only surface run-off; no building storm drainage will be directed to this basin. NOTE: The previously approved storm water improvement project will be expanded. The original project involved drainage improvements serving approximately four acres, the expanded project will serve an additional three acres, the area projected to be disturbed as part of the building expansion. (Refer to the attached Barr Engineering Memorandum, dated January 5, 2018 for an expanded description of the storm water project.)
   a. Installation of a filtration basin to remove suspended solids.
   b. Re-slope a portion of the north surface lot to maximize drainage to the new filtration basin.
   c. Replacing existing class 5 with asphalt; facilitates the reduction of “fines” entrained in stormwater runoff.

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6. Creation of green space in place of the Quonset Hut.
7. Landscaping improvements along Point Road.

City of Bayport Variance and Conditional Use Permit Request

Variance for impervious surface

Andersen Corporation requests a variance for impervious lot coverage to allow expansion of the Pasture Warehouse. The existing conditions in the project area are 100% impervious surface. The expanded building will not appreciably change the percent of impervious surface.

Hardship

1. The property in question cannot be put to a reasonable use if used as required by this zoning code.

The project area lot coverage is virtually 100% impervious. The property is constrained on all sides, leaving no room for expansion. The site is zoned industrial and the land use is a manufacturing plant, the operation of which requires much of the site to be impervious. The high amount of impervious surface that currently exists is required to put the site to reasonable use.

2. The plight of the landowner is due to circumstances unique to the property.

Today the property does not meet the impervious surface limitation; the plant is a lawful nonconforming use. The proposed building expansion does not appreciably change the amount of impervious surface on the site. The proposed storm water and landscaping improvements will result in a reduction in run-off and suspended solids in the stormwater runoff at the north end of the Andersen site. Furthermore, Andersen is proposing to create a new green space north of the Pasture Warehouse, along with landscape improvements along Point Road. The green space will consist of a mixture of grasses and trees, and will serve as a location for storm water infiltration.

3. The variance, if granted, will not alter the essential character of the locality.

Much of the proposed building expansion faces inward to the property, with a much smaller portion of the expansion facing outward. The proposed building expansion will be similar in character to other buildings on the site. The proposed expansion will not alter the essential character of the locality. Proposed landscaping improvements along Point Road will serve to enhance the buffer between the public roadway and the Andersen site.

Variance for “fixed” elevation at the exterior building perimeter

Andersen Corporation requests a variance for the “fixed” elevation requirement at the building perimeter. The existing building does not meet this requirement; enforcing this requirement on the expanded portion of the existing structure imposes undue hardship.

Hardship

1. The property in question cannot be put to a reasonable use if used as required by this zoning code.

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Much of the existing structure does not meet this requirement. Generally, the finished grade at the building perimeter varies between 689.0' – 690.0'. Imposing a finished elevation of 692.0' at the building perimeter and an additional 15' out from the perimeter imposes undue hardship, for the following reasons:

a. The south wall of the proposed expansion requires loading docks to facilitate manufacturing operations. To create a workable dock solution requires a finished grade elevation at the south wall lower than the required 692.0'. Without loading docks, we have no means to support manufacturing operations.

b. Near the southeast corner of the proposed south expansion are two existing rail spurs; the primary spur is used to provide bulk delivery of vinyl blend to the main plant; the secondary spur is used for storage of rail cars. Both rail spurs are at an elevation of roughly 690.0'. Raising these spurs approximately two feet to accommodate the elevation requirement results in either decommissioning these spurs or a major redesign/rebuild effort of our rail system and yard serving the north end of our facility.

2. The plight of the landowner is due to circumstances unique to the property.

We are expanding an existing building that does not meet this standard. Creating two distinct conditions around the perimeter of the expanded structure negatively impact existing rail spurs, and limits the ability to equip the facility with loading docks. Furthermore, the following accommodations are included in the proposed design:

a. Exterior wall construction will be concrete block or precast concrete. Both impervious to flood water damage.

b. At the southwest corner of the proposed expansion, a ramp serving an overhead door will provide "drive-in" and walk-up access to the building. This feature will facilitate emergency personnel access to the building in the event of a flood.

3. The variance, if granted, will not alter the essential character of the locality.

Much of our main facility does not meet this requirement, nor does the facility we are proposing to expand. To the extent possible we have incorporated this requirement into the proposed building design. The request for a variance to forgo the elevation requirement in no way alters the character of the site, nor does it increase risk to the site.

Conditional Use Permit

Andersen Corporation requests a Conditional Use Permit to allow for construction noise outside of regular hours in the event that it would be needed, and for land reclamation and grading, as required by Ordinance Performance standards Section 724 and 739.


The construction schedule for the project has not yet been determined. Construction is typically scheduled for weekdays during the daytime hours. However, depending on weather or other circumstances, operation of construction equipment may need to take place outside of the allowed Andersen Corporation
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operating hours specified in the Ordinance (weekdays 7 AM – 8 PM, and weekends). In the event that additional hours of operation are needed, Andersen Corporation would prefer to not apply for the CUP at that time, but to have it available if the need arises. Andersen Corporation requests a Conditional Use Permit to allow construction on Saturdays and Sundays from 7:30 AM to 5 PM. No construction will be done on holidays. The additional construction hours would be for construction associated with the Pasture Warehouse expansion or related stormwater improvements. The planned areas of work are isolated from residential areas and should pose no nuisance to the community at large.

City of Bayport Zoning Ordinance, Section 739> Land Reclamation and Grading.

The construction of the expanded facility will require grading that will exceed 50 cubic yards of material per acre limit stated in the ordinance. The ordinance states that grading involving materials over this amount requires a conditional use permit. A grading plan will be submitted to the City during the building permit application process. The grading is only for the initial construction of the building expansion and stormwater improvements and is not part of normal and ongoing operation.

Reason to Approve the Request

Andersen requests a variance for impervious lot coverage, and requests a Conditional Use Permit to allow for construction noise outside of regular hours in the event it is needed, and for land reclamation and grading.

Approval of this request will allow Andersen Corporation to expand Pasture Warehouse and execute stormwater improvements. The expanded facility is required to support growing business volumes; the stormwater improvements will result in a significant reduction of suspended solids in our stormwater discharge. The expanded facility will result in minor outward changes, and the stormwater improvements will improve the sites environmental performance.

Other Performance Standards, Appendix B, Appendix C and Appendix E

Listed below are the performance standards for which the City staff mentioned as potential concerns.

Section 706. Exterior Storage - There will be no exterior storage. There will not be any trash enclosures associated with this project.

Section 707. Environmental Pollution - The expanded facility will meet Federal and state environmental standards and regulations. The proper environmental permits will be obtained from the appropriate regulatory agencies.

Section 708. Screening. - There is no exterior storage on the site to be screened.

Section 709. Landscaping – the site is significantly constrained with regards to landscaping improvement opportunities. Andersen Corporation is committed to replacing the proposed demolition of the Quonset Hut with “green space”, consisting of grasses and tree’s. Furthermore, landscape improvements along Point Road will also be included. The following table depicts preliminary estimated construction cost and landscaping improvement cost.

Andersen Corporation
Pasture Warehouse Expansion
APPLICATION TO CITY OF BAYPORT

 Preliminary Construction Cost Estimate - By Andersen Corporation

<table>
<thead>
<tr>
<th></th>
<th>Area (sqft)</th>
<th>Est Cost / Sq Ft</th>
<th>Estimated Construction Cost</th>
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<tbody>
<tr>
<td>Proposed North Expansion</td>
<td>13,424</td>
<td>$200</td>
<td>$2,684,800</td>
</tr>
<tr>
<td>Proposed South Expansion</td>
<td>45,170</td>
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<td>Interior Renovations to Bldg 30</td>
<td>3500</td>
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<td>Estimated Total Cost</td>
<td></td>
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<td>$12,068,800</td>
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<tr>
<td>1% Landscaping Investment Requirement</td>
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<td>$120,688.00</td>
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Andersen Corporation
Parking Lot Improvements and Filtration Basin - Vegetation Only (By Barr Engineering)

ENGINEER'S OPINION OF COST (60% DESIGN)
DATED January 3, 2018

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Estimated Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
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<tr>
<td>A</td>
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<td>B</td>
<td>SWPPP Administration</td>
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<td>C</td>
<td>Erosion Control Log (P)</td>
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<td>Topsoil (P)</td>
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<td>AS</td>
<td>Low Diversity Prairie Grass Seeding</td>
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<td>AT</td>
<td>No-Mow Fescue Seeding</td>
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<td>AU</td>
<td>Cover Crop Seeding</td>
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<tr>
<td>AV</td>
<td>Deciduous Tree 2' Cal</td>
<td>EACH</td>
<td>20</td>
<td>$498</td>
<td>$10,200</td>
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<tr>
<td>AW</td>
<td>Coniferous Tree 8' HT</td>
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<td>$1,000</td>
<td>$20,000</td>
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<tr>
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Sub-Total | $78,700
Contingency (15%) | $11,805
Opinion of Construction Cost Total | $90,505

Anticipated Accuracy Range Low -10% $81,455
Anticipated Accuracy Range High +20% $108,606

Section 712. Parking – Adequate parking for the proposed facility expansion exists today. Refer to the attached drawing; supporting calculations are included on the drawing as well.

Section 711. Lighting, lighting fixtures and glare. - There will be low level lighting at the building’s exterior doors and along the building perimeter. There will be no floodlights. All lighting will meet the Bayport Ordinance requirements and will not direct light to other properties or the public streets. An exterior lighting plan with photometrics is included with this submittal.

Section 722. Environmental Nuisances - No environmental nuisances will result from the expanded facility.

Andersen Corporation
Pasture Warehouse Expansion
APPLICATION TO CITY OF BAYPORT

Section 724. Noise Control - The expanded facility and supporting infrastructure will not produce noise exceeding that allowed by the Ordinance. Note: the request for a Conditional Use Permit for construction noise.

Section 727. Signage - There will not be any signs.

Appendix C – Lower St. Croix River Bluffland and Shoreland Management

402.01 (4) – The building setback of 100' from the ordinary high water mark will be met. Refer to Barr Engineering drawings; attached.

402.01 (5) – The building setback of 40' from the bluffline will be met. Refer to Barr Engineering drawings; attached.

402.01 (8) – Maximum structure height of 35', or the greater of existing structure(s) height as of July 5, 1977 or 50', will be met. Our intent is a maximum structure height of 40'.

402.01 (9) – The maximum allowable impervious lot coverage of 20% cannot be met, neither can the City of Bayport ordinance limiting impervious surface coverage to 40%, as defined in Appendix B of the Bayport Zoning ordinance. Thus, we are requesting a variance for impervious surface.

Appendix E – Floodplain Management Ordinance

Section 2.0 – General Provisions

2.3 Regulatory flood protection elevation

The required flood protection elevation of one foot above the regional flood elevation will be met; proposed finished floor elevation of 693.0'.

Section 3.0 – Establishment of Zoning Districts

a. As built elevations.

The finished floor elevation will be certified by registered Land Surveyor. Within the building will be a piping trench and tank pit. Both will have a finished floor elevation below 693.0'. Both will incorporate design to prevent flooding and “uplift”, of which the design will be performed and certified by a registered engineer.

Section 5.0 – Flood Fringe District

5.21

...fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon. This requirement infers that an elevation of 692.0' be maintained at the exterior perimeter of the proposed addition(s) to the Pasture Warehouse. We cannot meet this requirement and therefore are requesting a variance for this requirement.

5.23

A conditional use permit for fill exceeding 1000 cubic yards is not required; said fill is specifically being used to elevate the proposed structure, per 5.21.

Andersen Corporation
Pasture Warehouse Expansion
Clarifications

1. A complete geotechnical evaluation of the “project site” will be conducted upon approval of the planning and zoning application, prior to final design and construction. For reference, we have attached two existing reports, one pertaining to construction of the adjacent steam generating facility, the other pertains to Building 30 and 30A. It is our experience that these reports are representative of conditions on the north end of our site.

2. Adjacent property owners within 350’ of project site:
   a. Xcel Energy, 414 Nicollet Mall, Minneapolis, MN 55401

3. Andersen Corporation will apply for all required permits (building, grading, electrical, mechanical, etc.) prior to construction. All plans will be prepared by licensed professionals, as required by law.

Attachments

- Barr Engineering Memorandum; dated Jan. 5, 2018
- Elevation Certificates; Building 30 and 30A
- Sample Geotechnical Reports
- Land Use Diagram
- Proposed Site Plan Diagram
- Proposal Rendering – Viewing North
- Proposal Rendering – Viewing South
- Parking Map & Calculations
- Exterior Lighting Plan
- Lighting Photometrics
- Parking Lot Improvements and North Campus Expansion – Plans

Note: the following documents have been transmitted electronically due to the length of these documents:

1. Existing Conditions Summary – 1pg.
2. Proposed Conditions Summary – 1pg.
3. Andersen Expansion HydroCAD Results – 44 pg.
4. Andersen Expansion HydroCAD Results Snowmelt – 133 pg.
MEMORANDUM

TO: Sara Taylor | City Planner/Assistant City Administrator
CC: Adam Bell | City Administrator
    Matt Kline | Director of Public Works
FROM: Erik D. Henningsgard, John D. Parotti, PE | City Engineer
DATE: January 15, 2018
RE: Bayport - Andersen Pasture Warehouse Plan Review
    SEH No. BAYPO 138246 14.00

This memo serves to document the City Engineer review of plans for the building expansion and parking lot improvements at the Pasture Warehouse at the Andersen Corporation facility located at 100 4th Avenue North in Bayport.

A previous, 60% completed plans, submittal was received on December 14, 2017 and comments were returned to the applicant. The documents submitted by the applicant for this review are as follows:

- Andersen Expansion_HydroCAD Results (HydroCAD file name = Andersen Filtration Basin Design_Permitting_12122017)
- Andersen Expansion_HydroCAD Results_Snowmelt (HydroCAD file name = Andersen Filtration Basin Design_Permitting_12122017_SnowMelt)
- Existing Conditions Summary
- Jan 8 Executed P&Z Application
- Proposed Conditions Summary

REVIEW COMMENTS

1. Narrative, Item 2 – the required alteration to the existing pipe bridge needs to be determined.

2. The base flood elevation is 692.0’. The Floodplain Ordinance requires fill to that elevation for a distance of 15’ around the outside of the proposed building. The applicant has requested a variance from this requirement due to the need for loading docks and existing rail spur elevations. Loading docks are proposed to be four feet below the floor elevation of 693 for the trucks, creating an elevation at the building of 689’. The existing rail spurs are at approximately 690’.

3. Parcel lines should be included on the plans along with building setbacks.

4. The bluff line and required 40’ building setback is indicated on the plans along with the Ordinary High Water Line and 100’ setback. The proposed building meets both of these setback requirements.

5. The project requires review and permitting through the MSCWMO, all requirements of the WMO must be addressed in the final design. The City will rely on the WMO review of the project regarding water quality improvements. The applicant has acknowledged the required review and will incorporate into the final design.
6. A maintenance plan and/or agreement needs to be developed for the sand filtration basin. The applicant has noted that an agreement will be completed, similar to what has been completed for earlier submittals.

7. It is noted that borings will be completed with the final design to verify the infiltration rate included in the design of 0.8 in/hr.

8. Because improvements are proposed below the base flood elevation of 692' (loading dock areas) flood proofing is required. Below are requirements from Technical Bulletin 3-93, Non-Residential Floodproofing – Requirements and Certification:
   a. Technical Bulletin 3-93 notes A Floodproofing Certificate for Non-Residential Structures (FEMA Form 81-65) has been developed by FEMA for use in the certification of non-residential floodproofing designs. Because of the increased potential for significant building damage due to the failure of the floodproofing system, the NFIP requires a design certification for all floodproofed buildings. In accordance with Section 60.3(c)(4), communities shall require a correctly completed certificate (or its equivalent) for every floodproofed building within a Special Flood Hazard Area (SFHA) and shall maintain the completed certificates on file. FEMA Form 086-0-33 was submitted for Building 30 and Building 30-A with a date of 6/13/13. An updated floodproofing certificate needs to be completed.
   b. Technical Bulletin 3-93 notes that a flood emergency operation plan and an inspection and maintenance plan is required.

9. Plans have been forwarded to the DNR for comment.

The comments contained in this memo as well as any comments or conditions provided by the MSCWMO and DNR should be made conditions of approval.