

# MEMO

**To:** Mayor, City Council Members & Interested Parties

**From:** Planning Commission summarized by Robert Barbian, Administrator

**Date:** July 26, 2016

**RE: Site Plan, Amendment to Conditional Use & Variance application: PouchTec.**

## **Background:**

The company has presented an expansion project that adds 48,600 square feet. The project is laid out in two phases. The approvals sought are for the complete 48,600 square feet. Please see June 23<sup>rd</sup> letter of interest and related applications from PouchTec Industries in the Planning Commission Packet. The letter and application provides an overview of the company, the approvals sought and the project.

The Planning Commission has discussed each of the items that follow and recommends to the City Council that the approvals be granted with the 10 conditions listed at the end of the memo. City supervisors and consultants were heavily involved in completing the analysis and compiling the terms of approval.

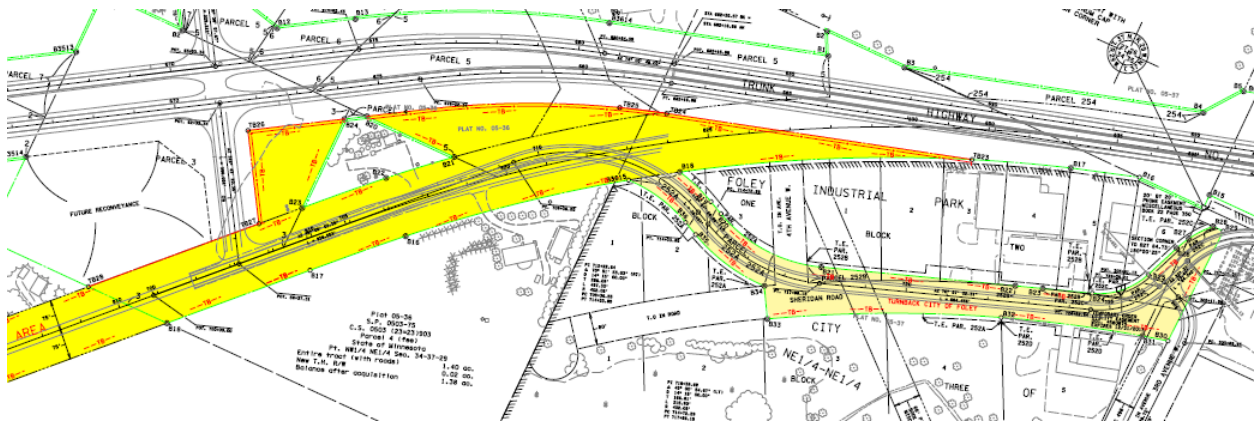
## **Amendment to Conditional Use Permit: (zoning)**

The current facility is located in a B-2 Highway Business District zoning with a Conditional Use Permit. The Conditional Use Permit was granted due to the B-2 City Zoning code requiring a conditional use permit for packaged food processing. The conditional use was granted in about April of 2009.

With the additional land and building being added an amendment to the Condition Use is required. The amendment is to include the improvements laid out on the land currently owned by PouchTec and those being sold by the City to PouchTec. The map below shows lot 2 which is to be sold to Pouch Tec to accommodate the expansion needs related to storm water, it is about 1.02 acres.



In addition the land being conveyed by the County to the City will be transferred to PouchTec as shown on the map below. It is a portion of the land highlighted in yellow immediately adjacent and north of the PouchTec site.



Please see the plans showing the two phase project. The plans show each of the phases. In the staff recommendation below, a number of conditions have been identified as part of the approval.

**Site Plan:**

The site plan shows the improvements planned. Note there is a Phase I plan sheet and a Phase II plan sheet. The Phase I shows the 10,800 square foot addition and related site conditions which includes a temporary parking area. Phase II is the 37,800 square foot addition and related site conditions. The 10,800 square foot addition is primarily to open up 3 initial loading docks, with 2 future docks, and a material handling area. The 37,800 square foot building is primarily for warehousing and a 7,000 square foot production area.

The plans show storm water areas, screening, signage, lighting and landscaping.

**Vacation:**

The portion of 4<sup>th</sup> Ave N between Sheridan Road and the Highway 23 road right of way is planned to be vacated and included in the conveyance to PouchTec to facilitate their development. Due to the realignment of both Sheridan Road and Highway 23, there is no future purpose for the 4<sup>th</sup> Avenue right of way since MnDOT will not allow it to connect to the highway.

**Variance:**

*The variance is sought for setback, driveway width and parking.*

*Setback:* As you look at the plans take note of the northwest corner near the property line. According to City Ordinances the setback for a rear is to be 20'. The 37,800 square foot building is ~7 feet from the property line. The lands to the north are owned by Benton County, previously excess MNDOT property. The City is under discussion with the County to acquire this land, should this happen PouchTec will be acquiring the adjacent land from the City and the setback will not be an issue and this aspect of the variance will evaporate.

*Driveway width* allowing needed truck movement. Establish a single driveway by loading docks to be 100' in width. There are a number of wide driveways at commercial and industrial facilities.

*Parking:* With Phase I there will be a temporary parking area until Phase II is started. Please see the plans. Phase Parking to be asphalted should Phase II not proceed within 24 months of Phase I

completion.. In addition for Phase II over and near the oil pipeline the company is seeking authorization to use crushed granite. This is permissible across the street in I-2 Industrial zoned property but not in B-2 Highway Business District. On another site in the industrial park with the pipeline, rock has been allowed with a variance. The variance is to allow an affordable method to accommodate excavation when needed by the gas line company.

**Sewer Discharge Permit:**

The expansion requires amendment to PouchTec's existing sewer discharge permit to allow the expansion. While that permit is beyond the land use purview of the Planning Commission, amendment of the permit will be a condition of land use approval. The permit is being addressed by City staff and consultants and will be part of any final approval by the Council.

**Recommendation:**

To either table, approve, or approve with conditions.

The Site Plan with the Certificate of Survey, Conditional Use Amendment and the Variances conditions are as follows:

1. The architectural plans are reviewed, found compliant to the 2015 MN State Building Code and approved by the Building Official prior to any work commencing on the site. Architectural Plans are to be finalized after site plans are approved, this is standard.
2. The City Engineer approve the storm water plan & grading. This has been primarily completed although verification will occur.
3. Public Works Director/Fire Chief approve of water service and fire access.
4. The Conditional Use Permit Amendment public hearing occurs and it is determined to be appropriate by the City Council for the expansion as reflected in the site plans.
5. The variance public hearing occur and it is determined to be appropriate by the City Council for the parking, set back, and driveway width.
6. The vacation public hearing occur and it is determined to be appropriate by the City Council.
7. That the Certificate of Survey is conditioned upon the sale of property with 4<sup>th</sup> Avenue being vacated effective upon PouchTec's execution of a development agreement and purchase agreement on the sale of the lot.
8. That PouchTec's sewer discharge permit be amended prior to occupancy.
9. That all fees be paid; Building Permit, Water Access Charge and Sewer Access Charge.
10. That the Conditional Use permit is subject to final transfer occurring and extended to the excess right of way that is expected to be received from the County.