

Denmark Township Planning Commission Meeting
12271 Margo Ave S- National Minerals Corporation CUP Public Hearing
May 18, 2015

Planning Commission members present: Roger Lang, Don Schneider, Bob Barr, Charlie Grote, Steve Radke and ex-officio Kathy Higgins

Absent: None

Board Members Present: John Kummer

Others Present: Attorney Troy Gilchrist (Kennedy-Graven) and Planner Erin Perdu (WSB)

7:00 PM Chair Barr opened public Hearing. 12271 Margo Ave S-National Minerals Corporation (NMC) Conditional Use Permit (CUP) PID 06.026.20.23.0009 Property owner- BankCherokee NMC is requesting a Conditional Use Permit for warehousing, distribution and office use. Property is zoned Commercial/Industrial.

Applicants Bill Collins and Travis Collins (NMC) present.

Applicants-

Basic business is to market coal combustion by-products (fly ash) from utility companies. Owner currently has storage facilities in Cohasset and Duluth. Fly ash that at one time would have gone into the atmosphere is now able to be trapped into an encapsulated form to be used in concrete.

All product delivered, stored and removed is handled in a closed loop system. Fly ash would be brought into warehouse storage in the winter and removed in the summer to deliver to ready mix customers. Product is delivered in pneumatic (sealed) trucks, piped/blown into warehouse for storage. Product removal entails the use of a fully sealed skid steer in the storage area moving the product into a hopper, with a conveyor moving the product into a truck. Dust collector is inside the building, so no dust can occur outside the building when removing the product.

Currently, the applicant's Cohasset facility is providing fly ash for concrete mix that will be used in the Vikings Stadium's for bleachers, etc.

MnDOT specs require 20-25% fly ash be used in their concrete products.

Existing building currently has concrete walls and floor. Additional precast walls will be constructed as secondary walls to protect windows and existing walls, to protect from overloading of product in the storage area (capacity approx. 16,000 Tons fly ash).

Home office will be located in the Margo Ave building.

Applicant indicated there would likely be 5 trucks max parked in the lot at the site. Approximately 5-6 truck loads a day.

Load out would be on the north (back) side of the building- hard pipe and dust collector would be installed on the back.

Applicant found no issue with semi's having room to maneuver in and out of the property.

Only suppression system needed is the dust collector. Dust is collected in a 55 gal barrel and is emptied about 5 times a year. Applicant is subject to MN Power audit. They have people on their environmental staff that are more stringent than the MPCA. Because NMC is below the pollution threshold, the MPCA has issued them a no exposure designation. NMC will provide a No Exposure Inclusion from the MPCA specific to the Margo Ave site.

The blower itself will be inside the building which creates less noise.

Applicant indicated that hours of operation would be 7AM-6PM.

Applicant plans to plant trees/landscape the property.

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Pioneer Press Space- Applicant would continue to lease the 7,000 sq ft space that they have been using in the building if the Press wants to continue use. App does not intend on leasing to anyone else if the Press discontinues use.

Anytime Fitness has been using a portion of the building for temporary storage, and NMC has informed them that they can continue use until the fly ash storage begins in the fall.

Planner-

Regulatory Process- Fly Ash has a standing Beneficial Use Determination from the MPCA, so it is not regulated as a hazardous waste. It is regulated as an industrial solid waste. Planner spoke with both the MPCA and Washington County. Washington County issues a Solid Waste Facility Management License, to assure facilities meet solid waste standards.

Planner is requesting applicant provide a No Exposure Exclusion Permit from the MPCA for a Margo Ave facility.

Building permits would be required for interior renovations. Some equipment will be mounted on the outside of the building, but there are no proposed changes to the footprint of the building.

No significant impact to the traffic or parking in the area.

Planner submitted 05/13/15 Staff Report with Findings of Fact and recommended conditions if approved.

Attorney –

A resolution for revocation of the any prior permits on the property will be drafted. Additional standard conditions such as no waivers, applicant's agreement to conditions, etc. will be added to the permit.

Public Comments- John Kummer-Pt Douglas Drive

Roads in industrial area meet a 9 ton standard.

Recommended safe route for trucks to enter/leave facility. Northbound Hwy 61 access- 122nd/southbound Hwy 61 access in and out 120th.

Questioned if there would be any impact due to the radius for traffic entering and exiting the facility.

Questioned if there would be any industrial hygiene liability/personal protection for the Town necessary.

Attorney noted that the Town would have no liability.

8:54 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Opened.

1) Planning Commission consensus to clarify Planner's condition 2d be modified to indicate that all applicable approvals from Washington County including a Solid Waste Facility License be obtained.

2) Planning Commission consensus to modify Planner's condition 3 to indicate that the maximum number of vehicles stored on the property is 5.

3) Planning Commission consensus to add condition for applicant to **post for their drivers** a safe route for trucks Northbound Hwy 61 access- 122nd/southbound Hwy 61 access in and out 120th.

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Motion Grote/2nd Schneider to forward the 12271 Margo Ave S-National Minerals Corporation Conditional Use Permit Application to the Board with a recommendation to approve based on the Planner's 04/09/15 Findings of Fact and subject to the following conditions (which include the Planning Commission's 3 noted conditions:

1. Use: The uses allowed are warehousing, distribution and offices to allow for operation of National Minerals Corporation's fly-ash storage operation. Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this CUP, shall not be permitted unless an amended Conditional Use Permit is issued by the Town Board.
2. Permits. The following permits shall be required and copies shall be provided to the Town:
 - a. A building permit for the interior renovations shall be obtained by the applicant. The building must comply with the building code and pass inspection before the National Minerals use commences.
 - b. Septic system approval for the proposed use from Washington County. A copy of the system compliance inspection report from Washington County shall be submitted to the Town.
 - c. A Notice of No Exposure Inclusion for industrial Stormwater from the MPCA.
 - d. All applicable approvals from Washington County including approval for a Solid Waste Facility License.
3. Outdoor Storage. No vehicles shall be parked on the premises, other than those utilized by employees. A maximum of 5 semi-trucks used by the employees may be stored on the property. Outdoor storage of vehicles, related materials and debris shall be prohibited.
4. Lease: The applicant may lease 7,000 square feet of the building to a tenant for the sole purpose of newspaper storage and distribution.
5. Landscaping: Existing landscaping must be maintained and any plantings that do not survive must be replaced. Additional landscaping in the rear yard will be required to help buffer the use from adjoining property, which is currently not developed. The Applicant shall be required to submit a landscaping plan for the rear yard for the Town Planner's approval. Plantings and other work required to implement the landscaping plan approved by the Planner shall be completed within 90 days from the issuance of building permits for interior renovations on the site.
6. Signage: Before putting up any signage, the Applicant must obtain a permit from the Town and the sign must conform to Ordinance requirements.
7. Noise: All noise generated by the operation shall comply with the performance standards set forth in the Denmark Township Development Code, Chapter Two, Part 3, Section 1.3.
8. Floor: The Applicant shall complete the floor within the building with concrete.
9. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this permit application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this permit shall terminate automatically upon recording of a Notice of Nonpayment by the Town.

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10. The conditional use permit issued for the property in 2011 and all other conditional use permits previously issued for the property are hereby revoked and are replaced by the current conditional use permit. The Town Board will memorialize the revocation of the previous conditional use permits by adopting a resolution that it will record in the office of the County Recorder, which will serve as notice of such revocation.
11. Applicant shall **post for their drivers** a safe route for trucks- Northbound Hwy 61 access- 122nd St S/ southbound Hwy 61 access in and out 120th St S.

With all present voting yes, Motion Carried 5-0-0.

APPROVAL OF MINUTES-

Motion Radke/2nd Lang approval of Minutes 04/20/15 Planning Commission/Johnson Conditional Use Permit. With all present voting yes, Motion Carried 5-0-0.

8:06 PM Motion Lang/2nd Grote to adjourn. With all present voting yes, Motion Carried 5-0-0.

Becky Herman
Denmark Township Clerk/Treasurer