

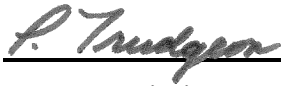
REQUEST FOR CITY COUNCIL ACTION

DATE: 5/18/2009

ITEM NO: 12.e

Department Approval

City Manager Approval



Item Description: Request by Bituminous Roadways for conditional use approval to allow the outdoor storage of aggregate materials and heavy equipment at 2280 Walnut Street (PF09-010)

1 REQUESTED ACTION

2 Bituminous Roadways seeks approval of outdoor storage of aggregate materials and heavy
3 equipment as a CONDITIONAL USE in support of the operation of an asphalt plant at 2280 Walnut
4 Street.

5 Project Review History

- 6 • Application submitted: March 6, 2009; Determined complete: March 9, 2009
- 7 • Sixty-day review deadline: May 5, 2009; **Extended by applicant until July 2, 2009**
- 8 • Project report recommendation: May 6, 2009
- 9 • Planning Commission action: May 6, 2009
- 10 • Anticipated City Council action: May 18, 2009

11 SUMMARY OF STAFF RECOMMENDATION

12 The Planning Division and the Planning Commission recommend approval of the proposed
13 CONDITIONAL USE; see Section 7 of this report for the detailed recommendation.

14 SUMMARY OF SUGGESTED ACTION

15 By motion, **APPROVE** the proposed CONDITIONAL USE, pursuant to §1007 (Industrial Districts)
16 and §1013 (Conditional Uses) of the City Code; see Section 8 of this report for the detailed
17 action.

18 BACKGROUND

19 The property at 2280 Walnut Street has a Comprehensive Plan designation of Industrial (I) and a
20 zoning classification of General Industrial District (I-2). Part of this property is used for semi
21 trailer parking, and the remainder of the site remains vacant.

22 This request for CONDITIONAL USE approval has been prompted by the need for outdoor
23 stockpiles of the aggregate inputs for asphalt processing, and heavy equipment to move it.
24 Asphalt processing itself is a permitted manufacturing use in the I-2 District.

25 Such applications were formerly referred to as conditional use *permits*, but the word “permit” is
26 being eliminated in an effort to sharpen the distinction between land use approvals and building
27 permits. Although this represents a change in terminology, the nature of conditional use
28 approvals will remain the same because they never actually involved permits *per se*.

30 STAFF COMMENTS

31 Section 1007.015 (Industrial District Uses) of the City Code allows outdoor storage of materials
 32 and equipment as a CONDITIONAL USE in an I-2 district, as long as the items being stored are
 33 concealed by screening of at least 8 feet in height as specified in §1007.03B (Storage). Screening
 34 of the southern and eastern sides of the storage areas is not shown on the proposed site plan
 35 (included with this staff report as Attachment D), but because the screening is required by the
 36 City Code there is no need to add a specific condition to an approval of the CONDITIONAL USE
 37 request.

38 Section 407.02M (Unlawful Parking) of the City Code further requires all vehicles, which
 39 includes trucks and heavy equipment, to be parked on paved surfaces. As with the screening
 40 requirements noted above, Planning Division staff recommends relying on existing regulations in
 41 the City Code rather than attaching additional conditions to an approval of the proposed
 42 CONDITIONAL USE.

43 As illustrated the proposed site plan, the stockpiles of aggregate materials would be distributed
 44 throughout much of the site; because of this and the large size of the proposed stockpiles,
 45 Planning Division staff believes that it would be appropriate to treat them like buildings for
 46 setback purposes. Specifically, the piles of aggregate materials should be set back a minimum of
 47 40 feet from property lines adjacent to public streets and a minimum of 20 feet from a rear or
 48 side property line (which coincides with the railroad right-of-way in this case). The proposed site
 49 plan is consistent with these recommended setbacks.

50 Asphalt is 100% recyclable, and because asphalt production and road construction relies heavily
 51 on recycled materials, the proposed stockpiles would be comprise asphalt millings, asphalt
 52 rubble, and concrete rubble reclaimed from pavement that is being replaced elsewhere as well as
 53 raw aggregates and discarded roofing shingles.

54 Bituminous Roadways' proposal to stockpile reclaimed rubble asphalt and rubble cement for
 55 recycling into new asphalt would involve periodic crushing of the reclaimed asphalt and cement.
 56 Similar recycling operations have been approved in the past as *interim* uses, but in those
 57 instances the crushing was not integral to the principal, permitted use on the site as it would be in
 58 this case. Since the reclaimed materials subject to the proposed crushing are to be stored
 59 outdoors, they are necessarily part of the proposed CONDITIONAL USE; therefore the crushing
 60 itself can also be reviewed against the conditional use criteria.

61 REVIEW OF CONDITIONAL USE CRITERIA

62 Section 1013.01 (Conditional Uses) of the City Code requires the Planning Commission and City
 63 Council to consider the following criteria when reviewing a CONDITIONAL USE application:

- 64 a. Impact on traffic;
- 65 b. Impact on parks, streets, and other public facilities;
- 66 c. Compatibility of the site plan, internal traffic circulation, landscaping, and
 67 structures with contiguous properties;
- 68 d. Impact of the use on the market value of contiguous properties;
- 69 e. Impact on the general public health, safety, and welfare; and

f. Compatibility with the City's Comprehensive Plan.

Impact on traffic: The 7th edition of the Institute of Transportation Engineers manual indicates that land uses like light-industrial parks and laboratories, manufacturing, warehousing, and “heavy industry” (all permitted uses in the I-2 District) generate an average about 43 vehicle trips per acre of land area on the average day, whereas the proposed outdoor storage would only generate up to 8.6 trips per acre per day. For additional reference, a trucking terminal – another conditionally-permitted use in the I-2 District – generates an average of 82 trips per acre on a given day. Even considering traffic from the proposed outdoor storage *and* the asphalt plant, the site would only generate up to 18 trips per acre on its heaviest days. The Planning Division has thus determined that the proposed use would not have any greater impact on traffic than other allowed uses.

Impact on parks, streets and other public facilities: Water and sewer infrastructure should see relatively minor impacts since the outdoor storage use would rely on water primarily as a periodic dust palliative, and the facility as a whole will have to meet all of the pertinent erosion control, pollution prevention, and storm water management requirements of the City and other Federal, State, or regional regulatory agencies in order to receive the required building and operating permits. There are no parks in the vicinity of the subject property and the truck traffic will generally utilize highways as much as possible when approaching and leaving the site. Public Works staff is currently assessing the adequacy of the surrounding roadway infrastructure in light of the anticipated weight of trucks delivering the aggregate materials.

Compatibility ... with contiguous properties: The proposed outdoor storage will produce stockpiles of materials, traffic, and noise that cannot help but be noticed from the contiguous properties, but this property and much of what surrounds it is described by §1007.03 (General Industrial Districts) as being “designed primarily for [uses] whose external physical effects will be felt by surrounding districts.” Reduction of entrances to the site from 5 accesses to 3, adequate internal circulation, paved operational areas, and perimeter landscaping and screening consistent with the zoning requirements, will all help to reduce the inevitable impacts to contiguous properties.

Impact of the use on the market value of contiguous properties: When a property is assigned Zoning and Comprehensive Plan land use designations, careful consideration is given to protecting the value of surrounding properties. In light of this, and because the proposed outdoor storage is among the uses that are allowed (conditionally or otherwise) in the I-2 District and is consistent with the “industrial” designation of the Comprehensive Plan, the Planning Division has determined that the proposed industrial storage use will not have a significant impact on the market value of the contiguous industrial and business properties.

Impact on the general public health, safety, and welfare: Asphalt processing plants, including the necessary stockpiles of aggregate inputs and rubble crushing operations, must operate within the permit requirements of the Minnesota Pollution Control Agency (MPCA) as well as the requirements of other State and Federal agencies pertaining to air emissions, noise, odors, and fugitive dust. During the May 3, 2006 public hearing related to a similar recycling operation to be located in the Twin Lakes area, a contractor specializing in concrete recycling explained that vibrations from crushing operations are typically not felt beyond 150 feet, and the City Planner was able to confirm the limited range of the noticeable vibrations by inspecting another active crushing operation; the 150-foot radii around the rubble and crushed piles of materials on this site are almost entirely within the property boundaries. Planning Division staff has evaluated

115 additional data pertaining dust and noise from concrete crushing operations and believes that the
116 outdoor storage and limited recycling of aggregate materials consistent with the requirements of
117 the applicable regulatory agencies would have no discernable impact on the general public
118 health, safety, and welfare.

119 **Compatibility with the City's Comprehensive Plan:** Screened outdoor storage of materials
120 and heavy equipment is a conditionally permitted use in the I-2 General Industrial District and is
121 compatible with the industrial designation of the Comprehensive Plan.

122 **PLANNING COMMISSION RECOMMENDATION**

123 On May 6, 2009, the Planning Commission held a public hearing to consider the CONDITIONAL
124 USE. There were no comments from the public. The Planning Commission had questions about
125 the specific request and questions about the operation of the asphalt plant. Specifically, a
126 question was raised regarding the amount of emissions from the asphalt plant. The applicant
127 noted that his industry needs to comply with federal and state regulations regarding emissions.
128 The applicant stated that he could provide additional information regarding what these standards
129 are and how his company would address them at the Roseville plant. (See Attachment H).

130 On a 4-2 vote, the Planning Commission voted recommend the approval of the CONDITIONAL
131 USE subject to the comments and findings outlined in this report and the following conditions:

- 132 **a.** Outdoor stockpiles of aggregate materials shall be located on the property such
133 that they meet or exceed the property line setbacks required for buildings in the
134 same zoning district; and
- 135 **b.** Rubble asphalt and concrete crushing operations shall be limited to a maximum of
136 two 3-week periods per calendar year and shall be separated by a minimum of
137 120 days. The hours of crushing shall be limited to 7 am – 7 pm.

138 **SUGGESTED ACTION**

139 **By motion, approve the proposed CONDITIONAL USE** allowing outdoor storage of equipment
140 and materials at 2280 Walnut Street, based on the comments and findings of and the conditions
141 contained in project report dated May 18, 2009.

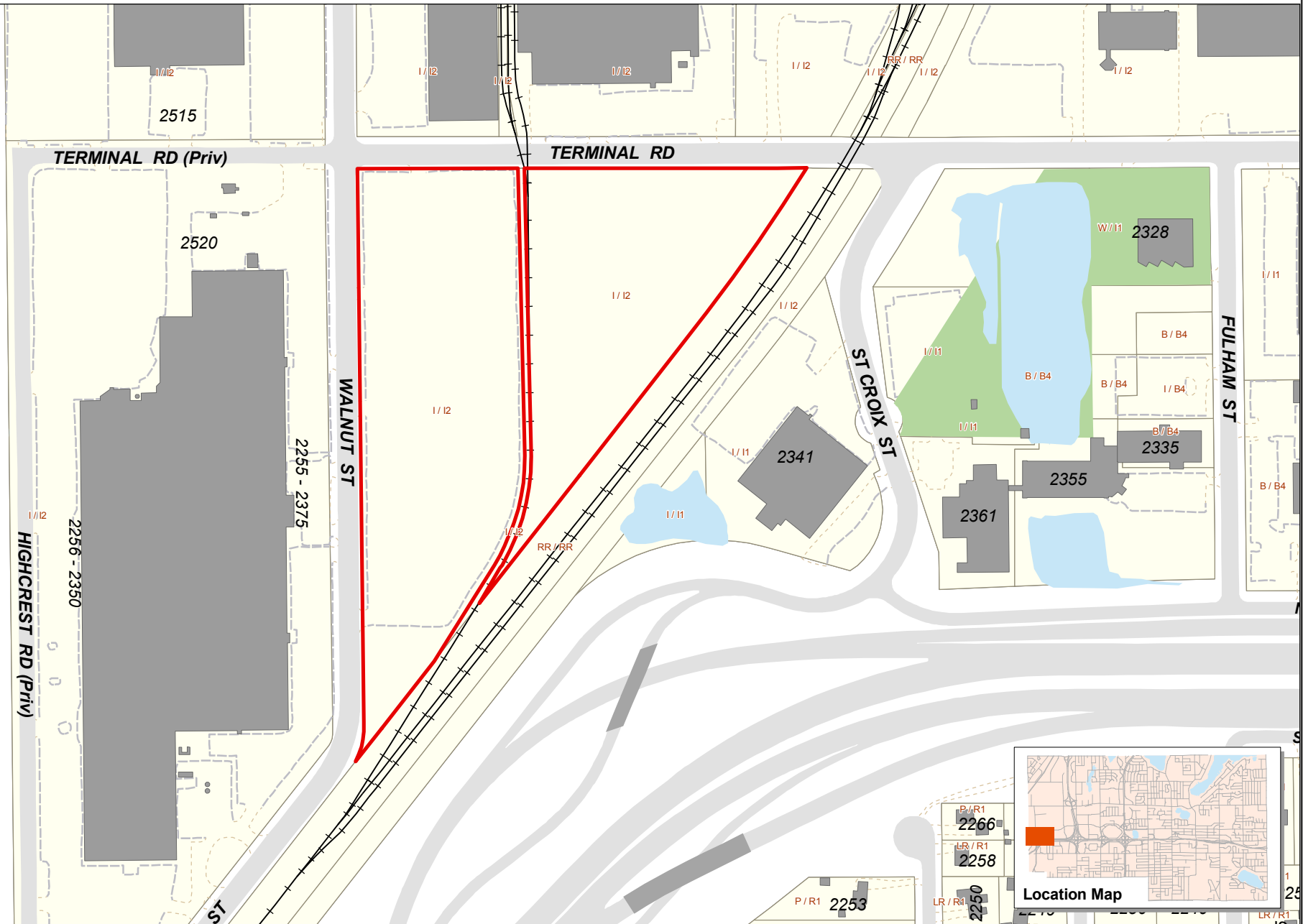
Prepared by: Associate Planner Bryan Lloyd

Attachments:

- A: Area map
B: Aerial photo
C: Applicant narrative

- D: Proposed site plan
E: Proposed landscape plan
F: Illustrations of proposed screening
G: Draft Planning Commission minutes
H: Letter from applicant dated May 8, 2009
I: Letter from Meritex dated May 13, 2009
J: Letter from Minn. Comm. Railway dated May 13, 2009

Attachment A: Location Map for Planning File 09-010



Prepared by:
Community Development Department
Printed: March 13, 2009



Site Location

LR / R1 Comp Plan / Zoning
Designations

Data Sources

* Ramsey County GIS Base Map (3/2/2009)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

0 100 200 Feet



mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-010





C.U.P. NARRATIVE: PROPOSED BITUMINOUS ROADWAYS, INC. FACILITY – ROSEVILLE

April 3, 2009

Conditional Use Permit (C.U.P.) Criteria

The proposed Bituminous Roadways facility will manufacture and distribute finished construction products from raw materials, both new and recycled. This is consistent with the permitted uses in the I-2 General Industrial District.

A Conditional Use Permit will be required because of the proposed outdoor storage of aggregates and equipment. The CUP criteria as listed in the zoning ordinance are addressed below.

1. Impact on Traffic

Traffic generated will be consistent with surrounding industrial uses, with trucks bringing in raw materials such as aggregate and rubble pavement. The primary season for use will be the 8 month period from April through November. The amount of trucks per day will vary based on area construction activity and subsequent product demand.

A peak day will generate approximately 125 round trip truck visits by trucks bringing in aggregate. We estimate that 65 percent of the traffic will be from the south with 35 percent from the north.

Averaged over the 8 month construction season, the outdoor storage of aggregates will generate approximately 60 truck round trips per day. These trip numbers are based on trucking of all aggregate, and may be reduced through the use of rail aggregate delivery service.

Adequate internal circulation exists within the proposed site plan for incoming trucks to proceed into the site without interrupting the flow of off-site traffic.

2. Impact on Parks, Streets, Other Public Facilities

No impacts to parks or other public facilities are foreseen.

Area streets appear to have been designed adequately for the industrial use of the area. This use will be consistent with its industrial neighbors. In addition, the proposed drainage plan will eliminate most of the direct surface stormwater runoff to surrounding streets exhibited by the current site.

3. Compatibility with Contiguous Properties

The site is separated from contiguous properties on the north and west by existing streets and on the east and south by streets, railroad right-of-way and electric transmission easements.

The existing streets and neighboring properties will be additionally buffered by a 3 foot± high earth berm with an 8 foot high opaque fence and/or landscape screening. All internal pavement is setback a minimum of 40 feet from the right-of-way. Sufficient internal traffic ways have been reserved to prevent the use of city streets other than for ingress and egress to the site. The number of driveway accesses has been reduced from 5 existing to 3 proposed.

4. Impact on Market Value of Contiguous Properties

No impacts to contiguous property values or other property in the near vicinity are expected.

The property is currently being used for outside storage of trailers and equipment with little to no screening. The proposed conditional use permit is for outside storage of aggregates and equipment, and will incorporate a earth berm, an opaque fence and / or landscaping. The proposed use will be an improvement from the current use of the property; as a result, there should be no adverse affect on property values.

5. Impact on Public Health, Safety, and General Welfare

Noise

The site must operate in compliance with State noise standards. Vehicles and equipment will operate with standard noise reduction features such as mufflers. Bituminous Roadways will invest significant resources into perimeter berms and landscaping that will reduce noise emissions from the site.

Fugitive Dust

The entire operational area of the site will be paved. The stock piles and conveyors will be watered on a scheduled basis. The air quality will also be regulated through the Minnesota Pollution Control Agency's (MPCA) air quality permit required for the adjacent asphalt plant.

Crushing

The rubble asphalt and concrete stockpiled on site will be periodically crushed for use as a raw material in production of new asphalt or base material. Crushing will be performed by portable crushing plants brought on site for the approximately 2 to 3 week period needed to complete the crushing. Crushing is expected to occur twice annually.

The portable crushing plants are covered by MPCA air quality permits that require the plant operators to observe state regulations on allowable noise, fugitive particulate (dust) and ambient air quality standards. A web link to the general MPCA permit is as follows:
<http://www.pca.state.mn.us/publications/aggregate-generalpermit2008.pdf>

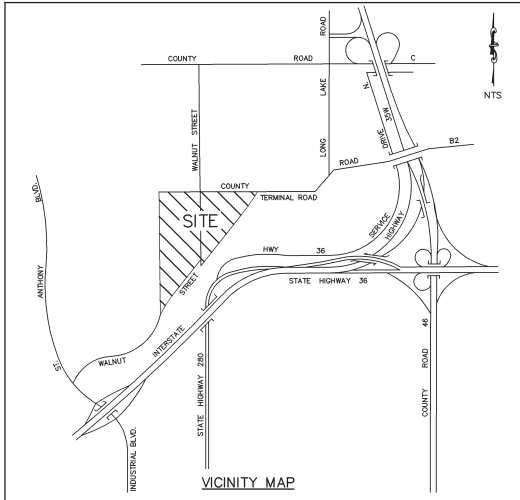
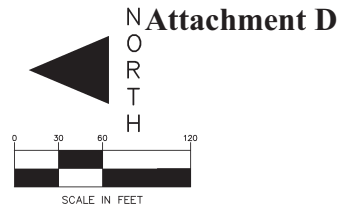
6. Compatibility with City's Comprehensive Plan

The property is guided Industrial. The comprehensive plan designation states: "Industrial deals with showrooms, warehousing, laboratories, manufacturing uses and related office uses, and truck/transportation terminals (I-2 Zone Only)".

This conditional use is consistent with the above statement.

Bituminous Roadways is committed to being a responsible corporate citizen of Roseville and a good neighbor to surrounding properties. We are excited about this facility and look forward to discussing our plan at upcoming meetings.

BITUMINOUS ROADWAYS - ROSEVILLE



APPLICANT:

BITUMINOUS ROADWAYS, INC.
9050 JEFFERSON TRAIL WEST
INVER GROVE HEIGHTS, MN 55077
CONTACT: KENT PETERSON
651-686-7001

LANDOWNER:

MERITEX
24 UNIVERSITY AVENUE NE, SUITE 200
MINNEAPOLIS, MN 55413
CONTACT: DANIEL WILLIAMS
651-855-9671

ENGINEER:

ANDERSON ENGINEERING OF MN, LLC
13605 1ST AVENUE NORTH, SUITE 100
PLYMOUTH, MN 55441
CONTACT: GARY JOHNSON
763-412-4000

LANDSCAPE ARCHITECT:

THE NATURE GROUP, INC.
211 NORTH 1ST STREET, SUITE 150
MINNEAPOLIS, MN 55401
CONTACT: CURT CLAEYS
612-929-2049

SITE DATA:

ADDRESS: 2280 WALNUT STREET

P.I.D. - 082923320001

LEGAL DESCRIPTION: SEE SURVEY, PARCEL 3

SITE AREA: 14.62 AC.

ZONING I-2 GENERAL INDUSTRIAL
MIN PARCEL SIZE: 43,560 SF

SETBACKS (BUILDING)

FRONT: 40'

SIDE: 40'

REAR: 20'

(PARKING)

FRONT: 40' OR 20' WITH SCREEN/LANDSCAPING
REAR: 5'

MAX. BUILDING HEIGHT: 45' (60' FOR OFFICES)

MAX. BUILDING COVERAGE: 40% ONE STORY BLDG,
60% GREATER THAN ONE STORY BLDG.

SCREENING - 8' MIN. HEIGHT, TANKS SCREENED
FROM EYE LEVEL AT STREET

AREA SUMMARY:

TOTAL SITE AREA = 636,715 SF (14.62 AC.)

PAVED/IMPERVIOUS = 391,222 SF (8.98 AC.)

OUTDOOR STORAGE = 128,500 SF (2.95 AC.)

PARKING

REQUIRED:

GREATER OF: 1 PER 1000 SF (BLDG) = 5 STALLS
OR 2 PER 3 EMPLOYEES = 4 STALLS

PROVIDED:

8 STALLS AT BUILDING

NOTES:
BOUNDARY & SITE FEATURES FROM A SURVEY DATED
JAN 29, 2007 BY EGAN FIELD & NOWAK,
TOPOGRAPHY FROM RAMSEY COUNTY LIDAR.

PLAN SHEET INDEX (C.U.P. SUBMITTAL)

C1 - PRELIMINARY SITE PLAN

C2 - PRELIMINARY GRADING, DRAINAGE &
EROSION CONTROL PLAN

C3 - PRELIMINARY UTILITY PLAN

C4 - SCREENING PLAN W/ CROSS
SECTION VIEW

L1.0 - CONCEPT LANDSCAPE PLAN

X1 - EXISTING CONDITIONS MAP

DESIGNED:

GRJ

DRAWN:

PSH

CHECKED BY:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM
A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

PRINT NAME: GARY R. JOHNSON, P.E.

SIGNATURE: NOT FOR CONSTRUCTION

DATE MARCH 6, 2009 LICENSE # 42010

Anderson Engineering of Minnesota, LLC

CIVIL ENGINEERING AND LAND SURVEYING

13605 1st AVENUE NORTH, SUITE 100, PLYMOUTH, MN 55441

TEL (763) 412-4000 FAX (763) 412-4090

BITUMINOUS ROADWAYS
ROSEVILLE, MINNESOTA
BITUMINOUS ROADWAYS, INC.

PRELIMINARY SITE PLAN

COMM. NO.

12345

DRAWING NO.

C1



Construction Drawing: 3-4-09

REVISIONS	DATE	BY	COMMENTS
1	3-4-09	JND	CITY SUBMITTAL

designed by CHC
drafted by JND

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT FOR CONSTRUCTION

CURT H. CLAEYS
DATE: _____ REG. NO. 1613

CONCEPT LANDSCAPE PLAN
Bituminous Roadways Inc.
Asphalt Plant
Roseville, Minnesota

the nature group, inc.
landscape architecture and construction

211 North First Street
Minneapolis, Minnesota 55401
tel: 612.929.2049 fax: 612.265.6944

L1.1



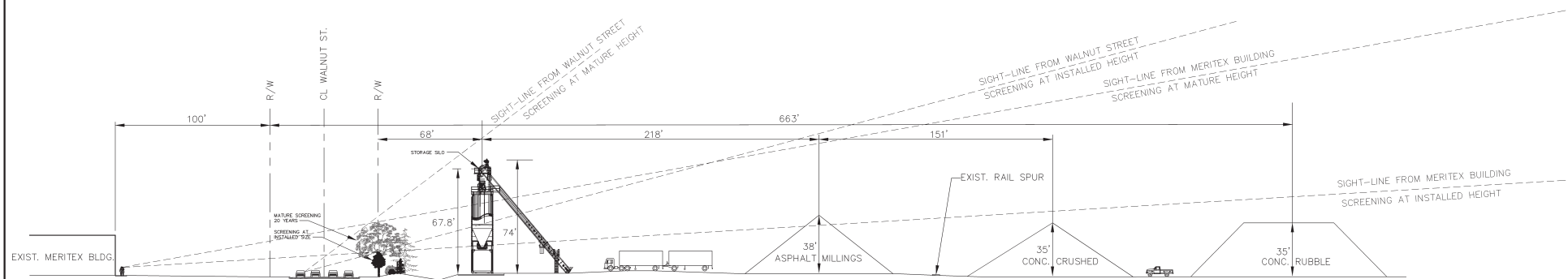
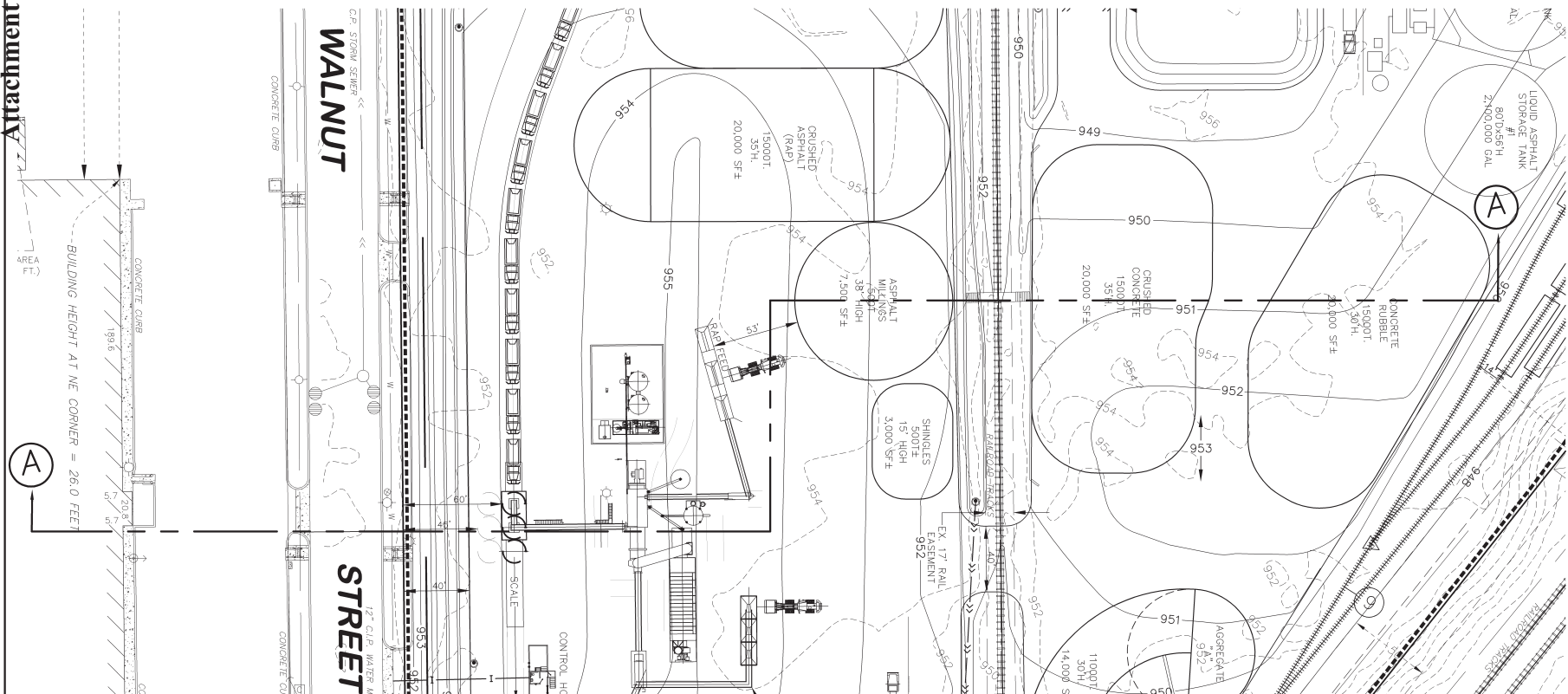
Site Entry, Current View
Wednesday, March 11, 2009



Site Entry, Installation (2010)
Wednesday, March 11, 2009



Site Entry, 20 Years (2030)
Wednesday, March 11, 2009



SECTION A-A
SCALE 1" = 30'

		DESIGNED: GRJ		Anderson Engineering of Minnesota, LLC CIVIL ENGINEERING AND LAND SURVEYING 13000 1st AVENUE NORTH, SUITE 100, PLYMOUTH, MN 55441 TEL (763) 412-4000 FAX (763) 412-4000		BITUMINOUS ROADWAYS ROSEVILLE, MINNESOTA BITUMINOUS ROADWAYS, INC.		SCREENING PLAN/ CROSS SECTION VIEW		COMM. NO. 12345	PLOTTED:
		DRAWN: PSH								DRAWING NO.	
		CHECKED BY:									
1 3-6-09 C.U.P. SUBMITTAL				PRINT NAME: GARY B. JOHNSON, P.E.							
				SIGNATURE: NOT FOR CONSTRUCTION							
NO. DATE DESCRIPTION OF REVISIONS				DATE: MARCH 5, 2009 LICENSE # 42010							

**EXTRACT OF THE MAY 6, 2009
DRAFT ROSEVILLE PLANNING COMMISSION MEETING**

d. PLANNING FILE 09-010

**Request by Bituminous Roadways (with Meritex Enterprises, Inc.) for
CONDITIONAL USE APPROVAL to allow outdoor storage of aggregate materials
and heavy equipment at 2280 Walnut Street in an I-2 District**

Vice Chair Boerigter opened the Public Hearing for Planning File 09-011.

Community Development Director Patrick Trudgeon provided staff's analysis of the request of the request of Bituminous Roadways for outdoor storage of aggregate materials and heavy equipment as a CONDITIONAL USE in support of the operation of an asphalt plant at 2280 Walnut Street. Mr. Trudgeon advised that staff conditioned approval on the applicant providing additional screening, between Highway 36 and the rail line; and that the maximum height of thirty-eight feet (38') for stock piles was indicated, while recognizing that the stock pile height would fluctuate, but that setbacks of forty feet (40') from the public right-of-way and twenty feet (20') from the rail line was assigned.

Mr. Trudgeon advised that staff had some concern with continual crushing and impacts to the area, and had thus limited it to no more than twice annually, and no longer than 2-3 weeks per event, as well as indicting that it be done during the winter months for less disruption with less outdoor use by adjacent property owners. Mr. Trudgeon noted that the proposed use was located in an industrial area, and that this was a major consideration in staff's review of the use related to the community's general health, safety and welfare due to potential dust and odor issues. Mr. Trudgeon further advised that staff had held extensive discussions with applicants on the need for regulating this principal asphalt use; but also noted that the use was highly regulated and permit-monitored by the Minnesota Pollution Control Agency (MPCA) with federal emission regulations. Staff concluded that, based on that monitoring and regulation, the use should create no adverse affects.

Staff recommended APPROVAL of the request for a CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street; based on the comments and findings of Sections 5 and 6, and the conditions of Section 7 of the project report dated May 06, 2009.

Commissioner Wozniak expressed concern with the proposed use and storage capacity of the facility, as well as material storage on site. Commissioner Wozniak questioned staff's interpretation of traffic impacts, based on Attachment C to the report and provided by the applicant and calculation of trips/acre and in accordance with ITE manual data. Commissioner Wozniak expressed further concern related to outdoor storage of materials in addition to intermittent crushing operations, and impacts to general health, safety and welfare of the community.

Mr. Trudgeon noted that this use was permitted and anticipated in a heavy industrial zoning district such as this; and noted that the outdoor storage is the only reason for the Conditional Use application. Mr. Trudgeon further noted that, once in operation, if and

when complaints were heard, the use would be required to come into compliance as applicable. Mr. Trudgeon advised that industry standards were broad due to the variety of general industrial uses; and addressed concerns related to potential odors and dust from the site and aggregate materials. Mr. Trudgeon provided an analysis compiled by Associate Planner Bryan Lloyd indicating various noise levels on site, and surrounding decibel rings; opining that the noise from Highway 36 impacted the surrounding area more than the crushing activities.

Further discussion included the eight foot (8') wall above a three foot (3') berm for a total of eleven feet (11') in screening, with a cross-section exhibited to provide visual site lines indicative of that wall; and future mature height of trees on site; existing and proposed parking needs being met; and potential redevelopment of the Meritex site based on continued additions to the building to-date.

Vice Chair Boerigter noted that Meritex was located across from the site and appeared unconcerned that there would be any noise or emission impacts to their building.

Commissioner Wozniak noted previous proposals limiting operations during daytime; and requested that such a condition be included in any approval.

Mr. Trudgeon noted that a condition further clarifying hours for crushing operations may be indicated; and that staff had attempted to provide some general stipulations, but noted that the operations were seasonal and related to road construction projects.

Applicant Representatives:

Kent Peterson, President, Bituminous Roadways, Inc.

John Kittleson, Vice President, Bituminous Roadways, Inc.

Gary Johnson, Anderson Engineering

Lonnie Provencher, North Marq

Mr. Peterson expressed the applicant's enthusiasm to locate in Roseville; and their intent to do their best to be good neighbors. Mr. Peterson addressed specifics of the crushing operations, considerations for their needs, and willingness to limit operations to daytime hours. However, Mr. Peterson noted the need for some periodic paving required at night for Interstate highway work, and accommodating those needs. Mr. Peterson advised that they were open to City dictates for operations; but obviously would like to run as long as possible during peak construction months.

Discussion included City Code requirements for construction activities; need to further define daytime hours; the applicant's intent for crushing periods during the spring and again in late fall based on limited storage areas on site and use of the aggregate materials; and the nature of the drum mix plant and output of 400 tons/hour, with 300,000 ton per year possible.

Mr. Peterson reviewed similar operations they currently have in Shakopee, Inver Grove Heights and Minneapolis; with expectations that this plant would have higher production based on new construction and technologies.

Commissioner Gottfried sought additional emission information from the applicant and typical studies or references for similar asphalt operations.

Mr. Peterson reviewed the Minneapolis plant's location on two (2) acres adjacent to an apartment building, with no complaints related to odor or dust. Mr. Peterson opined that there was no incentive for the firm to create negative impacts related to noise and/or emissions, and further opined that there shouldn't be anything significant, other than smoke from the intense heating of materials. Mr. Peterson advised that this new plan would be producing asphalt with lower temperatures and was considered an innovative move in the industry for "warm mix" asphalt, mixed fifty (50) degrees lower than typical.

Mr. Peterson reviewed Environmental Protection Agency (EPA) regulations for containment, with a concrete containment area for outdoor storage of the aggregate materials proposed by the firm, even though containment with only an earthen berm was required.

Mr. Peterson further reviewed specifics related to stormwater retention on site; with Mr. Johnson providing further specifics. Mr. Johnson advised that stormwater retention was being planned based on Rice Creek Watershed District (RCWD) regulations; however, he noted that formal application to the RCWD was pending until tonight's request was heard by the Planning Commission. Mr. Johnson reviewed the intended perimeter infiltration ditches to the east and west side ponds; reviewed location of proposed infiltration basins and conveyance to wet retention areas.

Further discussion included the intent for the applicant to use natural gas for heating the materials; MPCA regulations for filters for air emissions, a series of filter bags for air to flow through and dust pulled out of the air and augured back into the drum of the asphalt plant for reuse in the aggregate materials again; providing minimal airborne dust emissions and providing an efficient method for waste energy recovery and control of particulates.

Mr. Peterson noted that the warm mix asphalt was a great incentive for the firm as it used less energy, had lower emissions, low smoke and provided more cost-efficient operations.

Additional discussion included the existing rail line spur; right-of way ownership; and proposed additional and separate spur on site for use exclusively by Bituminous Roadways, with the firm negotiating directly with the rail line owners and not involving the City.

Commissioner Wozniak advised that he had done some research on line using EPA tables produced in 2002, and providing estimated emissions for drum plants, based on hot mix, not warm mix; and questioned the volatility and hazardous nature of such pollutants. Commissioner Wozniak recognized that the data was based on 390 asphalt plants around the country and that they may have many variations; however, he opined that while the conditional use approval was for outdoor storage of aggregate materials and heavy equipment, he couldn't separate that from the operations and overall use.

Mr. Peterson recognized Commissioner Wozniak's concerns; however, he noted that the industry was monitored by the MPCA, with an initial stack test done to meet those

requirements as a base line, followed by annual readings for production and calculations of total emissions to ensure compliance.

Public Comment

No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing at this time.

MOTION

Member Boerigter moved, seconded by Member Cook to RECOMMEND TO THE CITY COUNCIL APPROVAL of CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street; based on the comments and findings of Sections 5 and 6, and the conditions of Section 7 of the project report dated May 06, 2009; amended as follows

- ***Staff was to review past considerations for this type of use from 2006 for guidance on hours for crushing operations before submission to the City Council.***

Vice Chair Boerigter spoke in support of the motion; while recognizing the operations, he expressed confidence that sufficient federal and state controls were in place to monitor pollution and/or hazardous materials issues. Vice Chair Boerigter opined that it wasn't the City's job to impose additional restrictions over and above those regulations and City Code. Vice Chair Boerigter noted that the asphalt plant was a permitted use, even though it wouldn't be very feasible without stockpiles of aggregate materials. Vice Chair Boerigter opined that this was a more productive use for the site, in this highly industrial area, than its current use; and suggested that if the intent was to get rid of all asphalt production plants, that should be considered by lobbying at the state or federal level. Vice Chair Boerigter noted that we need asphalt or concrete for various modes of transportation in today's world; and it seemed unfair to pawn such a use off on another community when this is the most industrial site in Roseville, and conveniently connected to the freeway system for transport. Vice Chair Boerigter noted that lack of public comment at this public hearing; and expressed confidence in adjacent engineering firms and their apparent lack of concern about vibrations and/or noise from the site.

Commissioner Cook spoke in support of the motion; opining that this location seemed logical with its central location to the freeway system and surrounding communities; and suggested that there may be an environmental net gain in not trucking the materials as far. Commissioner Cook expressed some concern regarding noise and odor; and expressed interest in obtaining additional information exhibiting an "odor ring," as well as the noise ring presented, if such data was available from the MPCA or other sources. Commissioner Cook opined that residents on the south side of Highway 36 were more likely to hear more noise from Highway 36 than from this plant; however, noted that this was a very subjective assumption on his part.

Commissioner Gottfried concurred with concerns expressed by Commissioner Wozniak related to air emissions; however, noted that this was a heavy industrial area and this would be the most logical site in Roseville. Commissioner Gottfried concurred with comments of Vice Chair Boerigter related to wishing the plant on another suburb; and

concurred with Commissioner Cook regarding the net carbon footprint with locating the plant in this central location. Commissioner Gottfried noted the lack of public comment regarding this proposed use; and opined that the carbon dioxide impacts from traffic on Highway 36 to residents adjacent on the south would probably have more danger.

Commissioner Gisselquist noted that he resided closest to the proposed plant; and noted the background hum of traffic from Highway 36 on a continual basis. Commissioner Gisselquist also noted the lack of neighbors present to comment; and further noted the benefit of having a large industrial area far-removed from residential properties. Commissioner Gisselquist spoke in support of the motion; opining that this was a good use of the site to generate some revenue.

At the request of Commissioner Gottfried and for the record, Mr. Paschke verified that the typical public hearing notice was provided; and verified that the application had received a full staff review, including that of City Engineer Debra Bloom.

Mr. Trudgeon advised that staff was not as concerned with traffic generation from the site as they were with wear and tear to the roadway; and noted that staff would have a continuing dialogue with the applicant regarding this concern. Mr. Trudgeon advised that, being in an industrial area, the roadway was constructed to higher standards than a standard roadway.

Commissioner Best opined that this was a good use of the property; and spoke in support of the motion and of this industrial use. Commissioner Best further opined that he was not concerned with outdoor storage of materials and equipment, since this was an industrial area. Commissioner Best also expressed his confidence that other monitoring agencies provided sufficient environmental safeguards and regulations.

Commissioner Wozniak opined that this was our City, and what if those other agencies didn't sufficiently monitor the environmental issues.

Commissioner Best opined that, until a zero emission asphalt plant was available, we still needed roads to drive on.

Commissioner Wozniak suggested that cities needed to start saying "no," and provide incentive for these companies to come up with new technologies.

Commissioner Best noted that this plant represented some of those new initiatives, such as warm-mix versus hot-mix asphalt.

Ayes: 4

Nays: 2 (Gottfried; Wozniak)

Motion carried.



9050 JEFFERSON TRAIL WEST/ INVER GROVE HEIGHTS, MN 55077 / PHONE (651) 686-7001 / FAX (651) 687-9857

May 8, 2009

Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Trudgeon:

Last Wednesday when the Roseville Planning Commission was considering the request of Bituminous Roadways for conditional use approval to allow the outside storage of aggregate materials and heavy equipment at 2280 Walnut Street there were some questions that arose regarding the air emissions, noise, and odor that will be generated by the proposed asphalt plant on the site. I would like to address these concerns.

The asphalt plant will be a brand new manufactured plant utilizing the latest emission control technology available which allows the plant to meet and exceed air quality requirements.

Air Emissions

The owner or operator of an asphalt plant must calculate each year the actual emission for the plant and ensure that all emissions remain less than or equal to the thresholds listed in the table below.

HAP	5 tons/year for a single HAP 12.5 tons/year total for all HAPs
PM	50 tons/year
PM ₁₀	50 tons/year for an Attainment A 25 tons/year for a Nonattainment
VOC	50 tons/year
SO ₂	50 tons/year
NO _x	50 tons/year
Pb	0.5 tons/year

Asphalt plants are required to submit an annual air emissions inventory that address each of the criteria air pollutants listed above. This inventory report is required to be submitted to the Minnesota Pollution Control Agency by no later than March 1st of the following year. Emissions calculated are for the

previous calendar 12-month period. A copy of the 2008 inventory report for Bituminous Roadways' Shakopee asphalt plant is attached.

You will notice on the attached report that there is nothing reported for Hazardous Air Pollutants (HAPs). Asphalt plants were originally listed as one of the types of sources for which the U.S. Environmental Protection Agency (USEPA) would be issuing regulations to limit emissions of HAPs. Those standards are called National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The EPA has decided to drop asphalt plants from the categories of sources that need HAP regulations (i.e. asphalt plants are 'de-listed'). There are no NESHAPs standards for asphalt plants.

Odor

The most common odor detected at an asphalt plant comes from the hydrocarbons driven off the liquid asphalt cement. Overheating the materials during the drying process is the primary cause. As fuel has become more and more expensive, most owners and operators have become more aware of the cost of overheating materials and have learned to control temperature with greater precision.

Warm Mix Pavement Technology

The new asphalt plant that Bituminous Roadways proposes for its Roseville facility will utilize technology allowing the production of warm mix asphalt. Warm mix asphalt technology decreases the hot mixed asphalt production temperature by 30 to 100 degrees Fahrenheit. This allows for reduced energy consumption, lowered emissions, and the elimination of visible smoke and odor.

Noise

There are a few common sources of noise emanating from an asphalt production facility. Some are derived directly from the asphalt production components, including the burner and exhaust stack. Others are generated from movement of the product, including trucks and loaders. Recent advancements in asphalt production equipment design have drastically reduced sound levels. It is often possible to participate in conversations using normal speaking tones while adjacent to most facility components at new facilities.

The site must operate in compliance with State noise standards. Vehicles and equipment will operate with standard noise reduction features such as mufflers. Bituminous Roadways will invest significant resources into perimeter berms and landscaping that will reduce noise emissions from the site.

I hope the above information helps answer some of the questions that arose at Wednesday's meeting and alleviates concerns. If there are any other questions or concerns that I can answer or further clarify, please do not hesitate to contact me.

Sincerely,

A handwritten signature in purple ink that reads "Kent Peterson". The signature is fluid and cursive, with the first name "Kent" and last name "Peterson" clearly distinguishable.

Kent Peterson
President



May 13, 2009

Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Trudgeon:

The purpose of this letter is to express our support of the Bituminous Roadways application currently being reviewed by the City of Roseville.

As an adjacent property owner and current owner of the subject property, we have reviewed the proposed use with a considerable amount of scrutiny in efforts to determine if Bituminous Roadways' proposed use represents the 'highest and best use' of the property. After reviewing Bituminous Roadways operations, site plans, noise and odor impacts, environmental standards/regulations, and the zoning ordinance we feel that they are an excellent fit to the Roseville Industrial Park and welcome them as a neighbor.

Please call at (651) 855-9671 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Williams', with a long horizontal flourish extending to the right.

Daniel K. Williams
Chief Investment Officer

DKW/bh

Minnesota Commercial Railway

COMMERCIAL TRANSLOAD OF
MINNESOTA

John W. Gohmann, Chairman, President
14047 Petronella Drive, Suite 201
Libertyville, Ill. 60048
p. 847-549-0486, fax 847-549-0485
toll free: 888-489-2326
email: johngohmann@msn.com

May 13, 2009

Pat Trudgeon,
Community Development Director,
City of Roseville,
2600 Civic Center Drive,
Roseville, MN 55113

Via fax and US Mail

RE: Bituminous Roadways Application for Site Approval Near Walnut Street

Dear Pat:

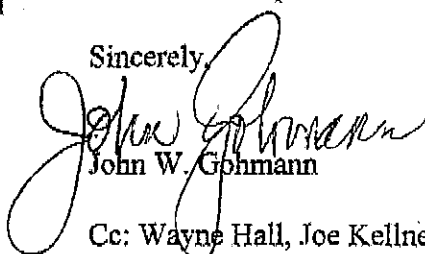
Bituminous Roadways has proven time after time, wherever they have been, to be excellent, community minded neighbors and they operate very professional facilities.

The site they have chosen is an excellent location for not only the City of Roseville's present and future needs for very competitively priced and nearby Roadway surfacing materials, but, also for the general area.

As you know, we have provided competitive and neighbor friendly rail service to support the business community of Roseville going on 23 years now, and we will work with Roseville and Bituminous to continue that tradition. We view this as an important new customer to provide business to us to help us continue that tradition.

We urge the City Council to now approve the Planning Commission's recommendation for this new important business for Roseville on this sight.

Sincerely,


John W. Gohmann

Cc: Wayne Hall, Joe Kellner

CHOICE INDUSTRIAL AND RELOAD SITES

Efficient, On Time Service Connecting Daily with All the Railroads of
the Twin Cities. Intermodal, Reload, and Trucking Provided by our
Subsidiary, Commercial Transload of Minnesota



FAXED