



New Brighton Planning Commission

**New Brighton City Hall | City Council Chambers
803 Old Highway 8 NW, New Brighton, MN 55112
6:30 PM March 18, 2025**

Members of the Planning Commission will attend the meeting in person unless eligible to attend remotely per MN Stat. 13D.02.

Meeting options for members of the public include:

- **Attend the meeting in Person:** Attendees who are ill are asked to wear masks and comply with social distancing parameters.
- **Watch the meeting electronically:** Tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast). To observe the meeting as a livestream or a webcast, visit www.newbrightonmn.gov and click on "I Want To View a Public Meeting."

I. Call to Order

II. Roll Call

Chair Tim McQuillan

Vice Chair Vacan

Commissioner Karen Collins

Commissioner Youssef Enanaa

Commissioner Lloyd Hilsen

Commissioner Eric Nelsen

Commissioner Mark Ryan

Student Commissioner <vacant>

III. Approval of Agenda

IV. Approval of Past Minutes

1. January 21, 2025

V. Report from City Council Liaison

VI. Public Hearings

1. **Special Use Permit:** Application from Applewood Pointe at 1900 Rush Lake Trail to complete new landscaping along their northern boundary, and to construct an 8' tall special purpose fence to facilitate screening of the neighboring business — multiple PIDs including but not limited to 17-30-23-44-0128.
2. **Special Use Permit:** Application from Johnson Screens at 1950 Old Highway 8 to amend areas of allowed outdoor storage — PID 17-30-23-44-0006.

VII. Business Items

VIII. Adjournment



Agenda Section:	Approval of Past Minutes
Report Date:	03/06/2025
Meeting Date:	3/18/2025

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION: January 21, 2025

Action Requested:

Public Hearing	<u>Motion</u>
Discussion	Informational

Form of Action:

Resolution	Ordinance
Contract/Agreement	<u>N/A</u> or Other

Votes Needed:

3 Votes	<u>4 Votes</u>
5 Votes	N/A

Summary Statement:

The Planning Commission is asked to review and approve official minutes for the meeting held on January 21, 2025.

Recommendations:

Applicable Deadlines:

None

Community Impact:

Approval of accurate minutes is essential to maintaining a robust public record.

Legislative History:	Planning Commission meeting held on 1-21-25
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Strategic Priority:	Sustainable & Reliable Infrastructure	Operational Effectiveness
	Environment & Sustainability	Diversity, Equity, & Inclusion
	Livable Community	<u>N/A</u>

Fiscal Impact:	Financial Impact: Is there a financial consideration?		<u>No</u>	Yes \$
	Financing Sources:	Budgeted	Budget Modification	
	New Revenue	Use of Reserves	Other	



**MINUTES
PLANNING COMMISSION
January 21, 2025 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m.

II. Roll Call

Members Present: Chair Tim McQuillan, and Commissioners Youssef Enanaa, Eric Nelsen and Mark Ryan

Members Absent: Commissioners Karen Collins and Lloyd Hilsgen

Also Present: Ben Gozola – Assistant Director of Community Assets and Development

III. Approval of Agenda

Motion by Commissioner Ryan, seconded by Commissioner Enanaa, to approve the January 21, 2025 agenda as presented.

Approved 4-0.

IV. Approval of Minutes

Minutes from October 15, 2024

Motion by Commissioner Enanaa, seconded by Commissioner Ryan, to approve the October 15, 2024 meeting minutes as presented.

Approved 4-0.

V. Report from City Council Liaison

There was no report from the City Council.

VI. Public Hearing

None.

VII. Business Items

(A) Draft NEW Zoning Code: Introduction and Overview.

Assistant Director of Community Assets and Development Gozola reported for the past few years, staff has consistently worked on a new zoning code as time allowed. A complete draft is now being finalized, and staff wanted to take this opportunity to introduce the soon-to-be final product to the Planning Commission prior to the scheduling of future public hearings. It was noted the existing code dates back to at least 1977 and significant community changes have occurred since that time. The timeline for the project was reviewed along with what was yet to come. Staff provided further comment on the eight chapters within the new Zoning Code and asked for comments or questions from the Commissioners.

Chair McQuillan questioned how this document would proceed. Assistant Director of Community Assets and Development Gozola explained he would make the approval process manageable and anticipated Chapters 1, 2, 6, 7 and 8 would come forward at one meeting and the remaining chapters would come forward separately.

Chair McQuillan thanked staff for all of their efforts on this project. He recommended the Planning Commission focus on the new sections along with the definitions prior to this document coming back for further consideration. Assistant Director of Community Assets and Development Gozola encouraged the Commission to keep in mind this was a draft document and changes could still be made.

Commissioner Enanaa explained he had reviewed the new document and compared it to other cities codes documents. He stated he appreciated all of staff's hard work.

Commissioner Ryan asked if the new code would go to a new muni code framework. Assistant Director of Community Assets and Development Gozola reported it would be in a muni code framework once finalized and approved by the City Council. He noted the City would also have a PDF document with all of the hyperlinks available.

Commissioner Enanaa stated this project was long overdue and he appreciated the fact the City made this a priority.

VIII. Adjournment

Motion by Commissioner Enanaa, seconded by Commissioner Nelsen, to adjourn the meeting.

Approved 4-0.

Meeting adjourned at 7:29 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development



Agenda Section:	Public Hearings
Report Date:	03/07/2025
Meeting Date:	3/18/2025

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION: Special Use Permit: Application from Applewood Pointe at 1900 Rush Lake Trail to complete new landscaping along their northern boundary, and to construct an 8’ tall special purpose fence to facilitate screening of the neighboring business — multiple PIDs including but not limited to 17-30-23-44-0128.

Action Requested:

Public Hearing	Motion
Discussion	Informational

Form of Action:

Recommendation on Resolution	Ordinance
Contract/Agreement	N/A or Other

Votes Needed:

3 Votes	4 Votes
5 Votes	N/A

Summary Statement:

Applewood Point is seeking authorization to construct a new 8’ high special purpose fence along their shared boundary with Johnson Screens, and to supplement the new privacy fence with extensive landscaping upgrades.

Recommendations:

Applicable

5/22/25 (the initial 60-day window was extended an additional 60 days on 2-

Deadlines:	24-25)
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Community Impact:	Property and Neighborhood protection: the proposed change will allow two neighboring properties the ability to implement mutually agreed upon improvements on both sides of their shared boundary with no impacts to the general public.
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Legislative History:	- 2011: Applewood Pointe senior cooperative building constructed - 2020: First SUP for a special purpose fence authorized by the City (fence never built)
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Strategic Priority:	Sustainable & Reliable Infrastructure	Operational Effectiveness
	Environment & Sustainability	Diversity, Equity, & Inclusion
	Livable Community	N/A

Fiscal Impact:	Financial Impact: Is there a financial consideration?		No	Yes \$
	Financing Sources:	Budgeted	Budget Modification	
	New Revenue	Use of Reserves	Other	

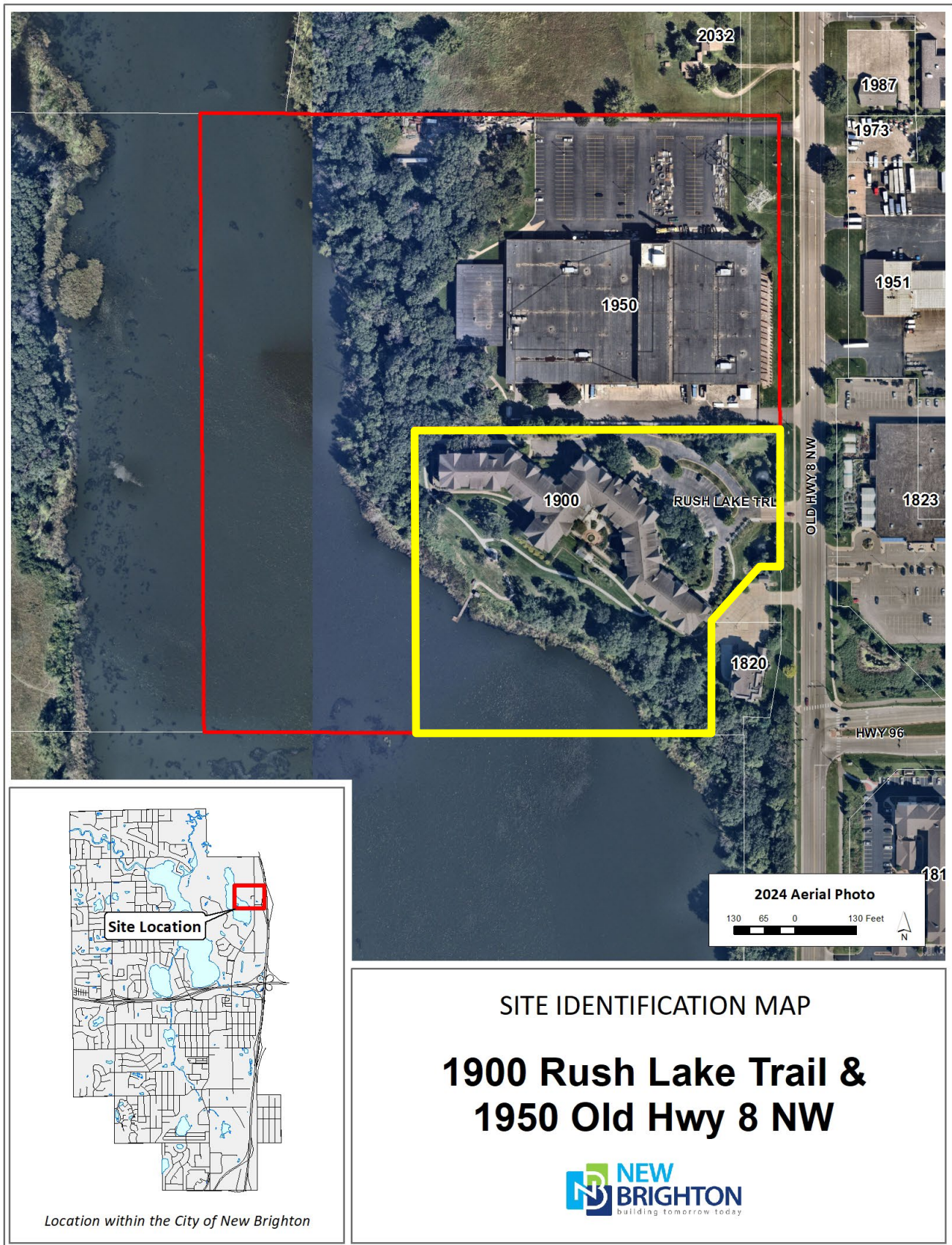
To: **Planning Commission**
From: Ben Gozola, Assistant Director DCAD
Meeting Date: **3-18-25**
Applicants: **Applewood Pointe**
Main Contacts: Dale Blyth, President
Location: 1900 Rush Lake Trail
Zoning: **MUR (Mixed Use Regional)**

Introductory Information

- | | |
|---------------------------|--|
| <i>Project:</i> | ▪ Applewood Point is seeking authorization to construct a new 8' high special purpose fence along their shared boundary with Johnson Screens, and to supplement the new privacy fence with extensive landscaping upgrades. |
| <i>History:</i> | ▪ November 2020: Applewood Point receives SUP approval for an 8' tall special purpose fence (approved in the midst of the COVID pandemic). |
| <i>Request(s):</i> | ▪ Special Use Permit to authorize construction of a new/opaque special purpose fence in excess of six (6) feet. |

General Findings

- | | |
|-----------------------------------|--|
| <i>Site Data:</i> | <ul style="list-style-type: none"> ▪ Existing Lot Size ≈ 8.4 acres ▪ Existing Use – Multi-family residence building ▪ Existing Zoning – MUR ▪ Property Identification Number (PID): 17-30-23-44-0120 |
| <i>Comp Plan Guidance:</i> | ▪ The comprehensive plan guides this property for Mixed Use Regional Node. The existing multi-family residential use is appropriate under this guidance. |



2020 View Without a Fence



Approved 2020 Fence



The proposed fence was going to be a picketed decorative fence along a portion of the shared lot line to screen Applewood Pointe from Johnson Screens to the north.

Fencing as Currently installed

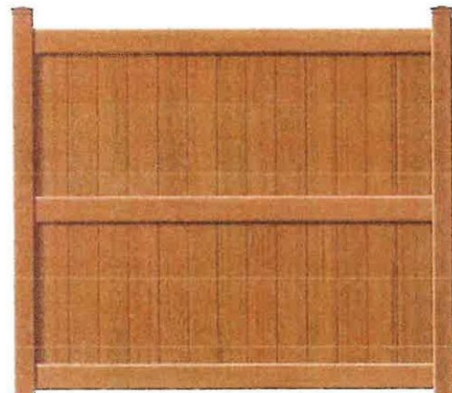


The fencing as currently installed is a combination of a taller wooden fence and a standard 6' chain link fence with screening fabric. Like many projects during COVID, supply chains severely limited purchasing and installation during the time of the last fence improvements.

NEW Proposed Replacement Fencing



The new fencing proposed to go up would replace all old fencing along the shared boundary with Johnson Screens, would be 8' tall, and be far-more aesthetically pleasing than the current installation. The new fencing would be coupled with new significant new plantings along the shared boundary which will provide an even greater level of screening once maturity is reached.



Notable Code Definitions:	▪ none
Applicable Codes:	▪ Chapter 4, Article 7, General Requirements. Allows fences for special purposes and fences varying in height from underlying standards by special use permit if certain criteria can be met. ▪ Chapter 6, Article 4, <u>Mixed Use Districts</u>. Allows residential multifamily buildings and fences as permitted uses ▪ Chapter 8, Article 2, <u>Special Use Permit and Variance</u>. Identifies the process by which a special use request is to be reviewed and decided.
Applicant's Narrative [sic]:	▪ <u>The Problem</u> <i>The border between our Applewood Pointe Senior Housing Cooperative and our neighbor to the north, Johnson Screens, is narrow but has been adequately blocked since development by a combination of landscaping and a low 6-foot cyclone fence with a green screen attached.</i> <i>Combined these have worked for many years as an effective buffer. Unfortunately, the trees planted were too close together, lacked adequate irrigation, and caught two different diseases. As the trees have been or must be removed, that buffer is no longer adequate, and the remaining fence is not adequate by itself. See photos on pages 6 and 7. This problem is independent of any actions or inactions by Johnson Screens.</i> ▪ <u>The Plan</u> <i>In order to address this problem, Applewood Pointe Senior Cooperative, in collaboration with Johnson Screens, seeks a special use permit to:</i> 1) <i>Remove 46 of the dying trees and shrubs along the border and grind stumps.</i> 2) <i>Remove 5458 feet of the existing cyclone fence.</i> 3) <i>Raise the grade from 915 to 916 in the fill area described on the attached Site Plan and Detail Grade Fill Plan so that the new fence is level and does not dip in the area where height most matters. This will be done by adding 8 to 12 inches of type 5 fill on the current fence line and then adding dirt on top. Perhaps a small retaining block if necessary to sustain needed height will be included.</i>

(cont)

- 4) *Add an approximately 548-foot long new 8-foot high, durable, high quality vinyl fence along the existing Johnson Screens' outdoor storage area running along the same line as the current cyclone fence and in the fill area.*
- 5) *Plant a variety of 37 new trees and 29 shrubs along the Cooperative's side of the new fence.*
- 6) *Add irrigation lines in this area connected to our current irrigation system.*
- 7) *Johnson Screens has also agreed to:*
 - a. *Redirecting their dock lights to reduce direct light,*
 - b. *Allow our landscaper to shape a few of their maple trees that are close to where new planting are occurring to ensure they get adequate light,*
 - c. *Provide \$40,000 to help cover costs, and*
 - d. *Continue to use the current fence line.*

▪ **The Result**

Pages 8 to 12 [of our submittal] show a rendering of the site from two perspectives (as entering along our main driveway and from our front door) and over a number of years as it will take time for the landscaping to adequately block the view. This time element is the primary reasons for a higher fence.

▪ **The Cost**

The estimated cost of this work is \$200,000, approximately \$110,000 for the landscaping work and \$90,000 for the new fence. Three independent bids are being sought for different elements of this work. As indicated in the Johnson Screens letter of support on page 13, they have agreed to contribute \$40,000 to this effort for which we are grateful.

▪ **The Proposed Timeline**

We are planning to start removing the dead trees and shrubs in late February and begin the grinding of stumps when possible. When the ground is sufficiently thawed, we would build the small retaining wall and level the ground up to the 916-contour line in the places near the fill area (approximately 1 foot). The fence will be installed next when the posts can be appropriately set. Later in the Spring we would do the planting of new trees and shrubs weather permitting.

Special Use Permit Review:

In General:

- The need for a Special Use Permit is triggered by the request to build a new fence over 6-feet in height.

Criteria Review:

Zoning Code Section 8-130 contains five standards the City must review prior to making a decision on any specially permitted use. The applicant's response to each criteria can be found in their narrative above, and staff analysis of each standard is shown below:

1. ***That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.***

APPLICANT COMMENTS: *This request is not detrimental to or endanger public health, safety or general welfare. It is just requesting changes in the boarder between our sr. housing property and our neighbor industrial company in order to create better blockage of the outside storage area and building. It replaces one fence with a higher fence and maintains a security fence around the company's storage area. New fence is vinyl and has no sharp elements or barbed wire. [sic]*

Staff Analysis: Staff agrees with the applicant's assessment. The new fence will fulfill its intended purpose and poses no concern to public welfare. **Criteria met.**

2. ***That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***

APPLICANT COMMENTS: *The request should improve not be injurious as it simply works to improve the sight lines between the two properties. The landscaping originally blocking the view is largely dying (over 50 trees) and needs to be replaced. Because the landscaping will take time to mature we are requesting a higher and more opaque fence to replace the existing cyclone fence and green screen. [sic]*

Staff Analysis: The proposed fence will have no impact on the adjacent use, nor will it impair area property values. **Criteria met.**

3. ***That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

APPLICANT COMMENTS: *This request will not impede the normal and orderly development of surrounding property. There is already a fence between the properties.*

(cont.)

Staff Analysis: As stated by the applicant, the proposed fence will have no impact on how Johnson Screens can use their property. How Johnson Screens can use the outdoor area north of the fence is being established concurrently with this application via separate SUP. **Criteria met.**

4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

APPLICANT COMMENTS: No. Utilities, access roads, or necessary facilities will be affected. Drainage will flow toward the road and away from the outdoor storage area. Irrigation system will be installed on our property and the vinyl fence should prevent any from going over to the company's property. Drainage from the leveled area and irrigation system will flow toward Applewood Pointe and away from the Johnson Screens' outdoor storage area. [sic]

Staff Analysis: There are no access or utility issues at question with this application. **Criteria met.**

5. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

APPLICANT COMMENTS: Given the nature of this request, we do not see any way that this effort does not conform to applicable regulations. Nothing can be done about the lack of a distance buffer between the two properties.

Staff Analysis: With the exception of height, the fence will conform to all other code standards. **Criteria met.**

In addition to the five standard SUP Criteria, special purpose fences must also meet the following three additional standards per section 4-540(3)(F):

6. The fence is necessary to protect and buffer the premises for which such fences are intended;

Staff Analysis: The set of facts for this application seems to be exactly why code provides flexibility for fences via a special use permit. The additional height will have no impact on the adjacent property, but will provide a significant improvement to aesthetics on the applicant's property. **Criteria met.**

- | | |
|---------|---|
| (cont.) | <p>7. <i>The fence will not be deleterious to adjacent property nor to the general public health, safety, or welfare;</i></p> <p><u>Staff Analysis:</u> The fence will be a positive for both neighbors, and will have only positive impacts on the health, safety, and welfare of the area. Criteria met.</p> <p>8. <i>Would be consistent with the intent and purpose of the fence regulations as stated in Section 4-540(1) of the Zoning Code.</i></p> <p><u>Staff Analysis:</u> The intent outlined in code is to “ensure orderly development,” and to “allow a free flow of air, and prohibit unreasonable restrictions of view while allowing each property owner an opportunity for privacy, property protection, and the ability to make reasonable use of the property.” The proposed fence is clearly proposed to provide privacy and aesthetic improvements to the subject property. Staff finds the proposal is compliant with the City’s fence regulations. Criteria met.</p> |
|---------|---|

Supplementary Review & Public Comment

- | | |
|---|--|
| <i>Additional Information:</i> | <ul style="list-style-type: none"> ▪ None |
| <i>Engineering Review:</i> | <ul style="list-style-type: none"> ▪ No engineering concerns were identified, but engineering will need to see a more detailed grading plan showing the 1 foot of fill being proposed in places to elevate the fence to the desired height. |
| <i>Public Safety Review:</i> | <ul style="list-style-type: none"> ▪ No concerns identified. |
| <i>Public Comment:</i> | <ul style="list-style-type: none"> ▪ There were no comments received for or against this proposal as of 2/13/25. |
| <i>Planning Commission Review:</i> | <ul style="list-style-type: none"> ▪ The Planning Commission will hold a public hearing on this request at their meeting on 2/18/25. |

Conclusion:

The application is requesting a Special Use Permit to construct a new special purpose fence on the property at 1900 Rush Lake Trail.

Staff Recommendation: Per the analysis outlined in the report, staff is recommending **APPROVAL** of the request with conditions.

Commission Options:

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL OF THE REQUEST based on the applicant's submittals and findings of fact.
- B) RECOMMEND DENIAL OF THE REQUEST based on the applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

Based on an application date of 1/22/25, the 60-day review period for this application expires on 3/23/25. As this item was delayed from February into March, staff elected to extend the review deadline out an additional 60-days to 5/22/25. This revised deadline can only be extended by the applicant.

Template Denial Motion:

(not recommended)

- "I move that we recommend the City Council deny the requested special use permit based on the following findings of fact:"
 - *(provide findings to support your conclusion)*

Template Approval Motion:

RECOMMENDED

- "I move we recommend the City Council approve the requested special use permit based on the findings of fact and conditions listed on pages 10 and 11 of the report as may have been amended here tonight."

Suggested Findings of Fact:

1. The subject property is guided for Mixed Use Regional Node by the comprehensive plan, and multifamily buildings and fences are appropriate given this designation.
2. Erection of the proposed fence will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
3. The proposed fence will have no impact on development of adjacent land.

- (cont.)
4. The new fence will not create any access issues for either property, nor are there concerns about its impact on City utilities.
 5. The proposed fence will conform to all other underlying zoning requirements.
 6. The applicant has demonstrated the fence is necessary to provide a buffer between this residential use and the adjacent industrial use.
 7. The purpose for the fence is consistent with the intent and purpose for special purpose fences as outlined in the New Brighton zoning ordinance.

***Recommended
Conditions:***

1. The Special Use Permit shall authorize an 8-foot tall fence in accordance with the site plan and material specs submitted and reviewed as part of this SUP.
2. Minor amendments may be approved by staff in the field provided the changes do not materially change the intent of this approval.
3. An Applewood Pointe representative shall meet with City Engineering staff to review the proposed 1-foot of fill being introduced in places to elevate the fence to the desired height. If required by engineering following such a meeting, Applewood Pointe shall provide a detailed grading plan for the proposed fill work.
4. Applewood Pointe must work with Johnson Screens to establish easements as may be necessary to accommodate the fence location when either on the property line or when the alignment shifts onto the land at 1950 Old Highway 8 NW.
5. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit by the City Council. In the event of SUP revocation, the cost of the fencing and work to remove the fence shall be borne by the Applewood Pointe Residential Cooperative.

cc: Dale Blyth, President

RESOLUTION NO. _____
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE AN 8-FOOT TALL SPECIAL PURPOSE FENCE FOR THE APPLEWOOD
POINTE RESIDENTIAL COOPERATIVE AT 1900 RUSH LAKE TRAIL

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Dale Blyth, on behalf of the Applewood Pointe Residential Cooperative (the “Applicant”) made application to the City on 1/22/25 for a special use permit to authorize an 8-foot tall special purpose fence at 1900 Rush Lake Trail as depicted on Exhibit A; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on February 18, 2025; and

WHEREAS, the Planning Commission held a public hearing on the request at the February 18th meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended approval of the request on February 18th based on the applicant’s submittals and findings of fact; and

WHEREAS, the City Council considered on February 25th, 2025, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

- 1. The subject property is guided for Mixed Use Regional Node by the comprehensive plan, and multifamily buildings and fences are appropriate given this designation.*
- 2. Erection of the proposed fence will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.*
- 3. The proposed fence will have no impact on development of adjacent land.*

4. *The new fence will not create any access issues for either property, nor are there concerns about its impact on City utilities.*
5. *The proposed fence will conform to all other underlying zoning requirements.*
6. *The applicant has demonstrated the fence is necessary to provide a buffer between this residential use and the adjacent industrial use.*
7. *The purpose for the fence is consistent with the intent and purpose for special purpose fences as outlined in the New Brighton zoning ordinance.*

BE IT FURTHER RESOLVED, that approval of the special use permit shall be subject to the following conditions:

1. *The Special Use Permit shall authorize an 8-foot tall fence in accordance with the site plan and material specs submitted and reviewed as part of this SUP.*
2. *Minor amendments may be approved by staff in the field provided the changes do not materially change the intent of this approval.*
3. *An Applewood Pointe representative shall meet with City Engineering staff to review the proposed 1-foot of fill being introduced in places to elevate the fence to the desired height. If required by engineering following such a meeting, Applewood Pointe shall provide a detailed grading plan for the proposed fill work.*
4. *Applewood Pointe must work with Johnson Screens to establish easements as may be necessary to accommodate the fence location when either on the property line or when the alignment shifts onto the land at 1950 Old Highway 8 NW.*
5. *Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit by the City Council. In the event of SUP revocation, the cost of the fencing and work to remove the fence shall be borne by the Applewood Pointe Residential Cooperative.*

ADOPTED this 25th day of March, 2025 by the New Brighton City Council with a vote of ___ ayes and ___ nays.

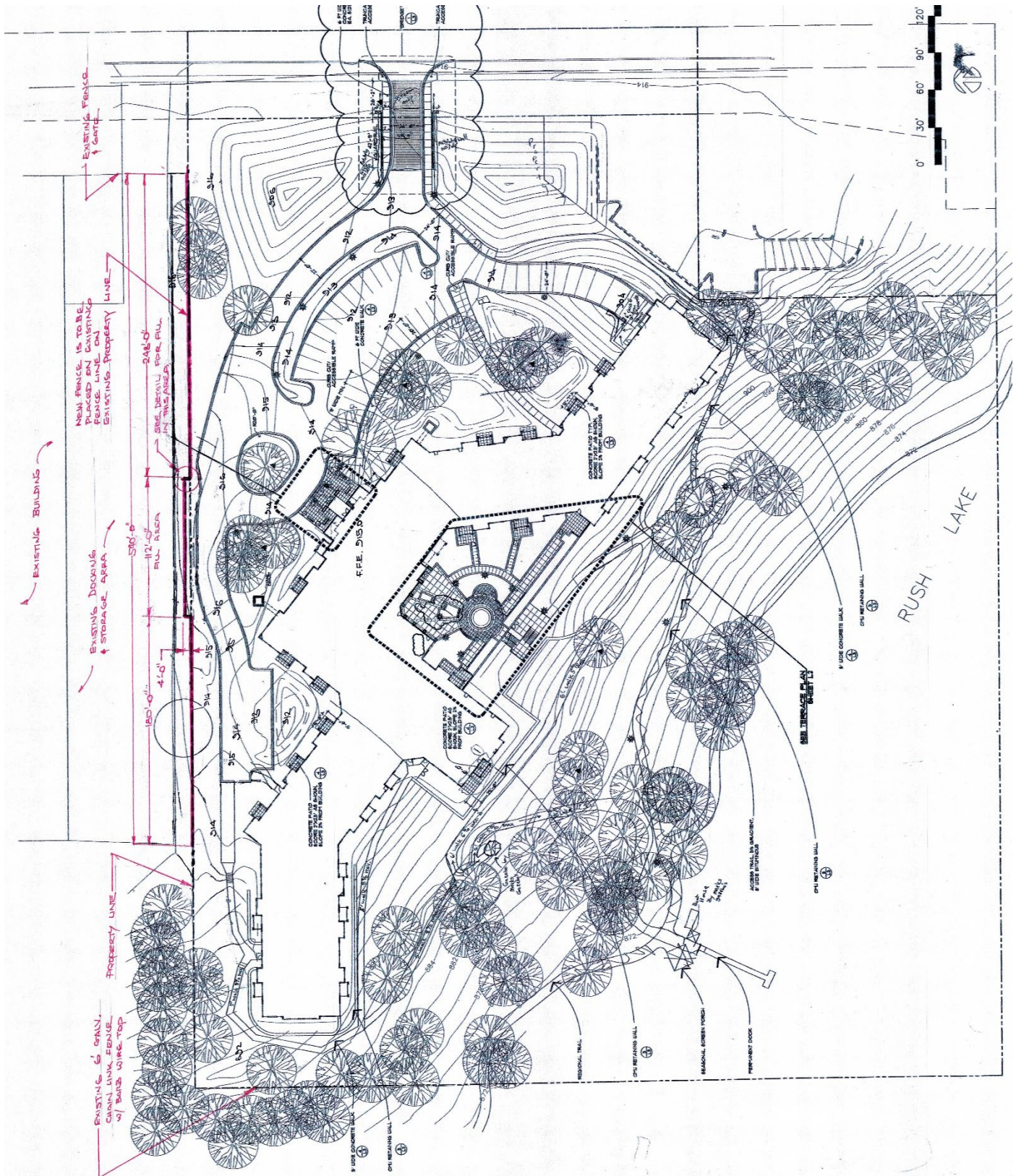
Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

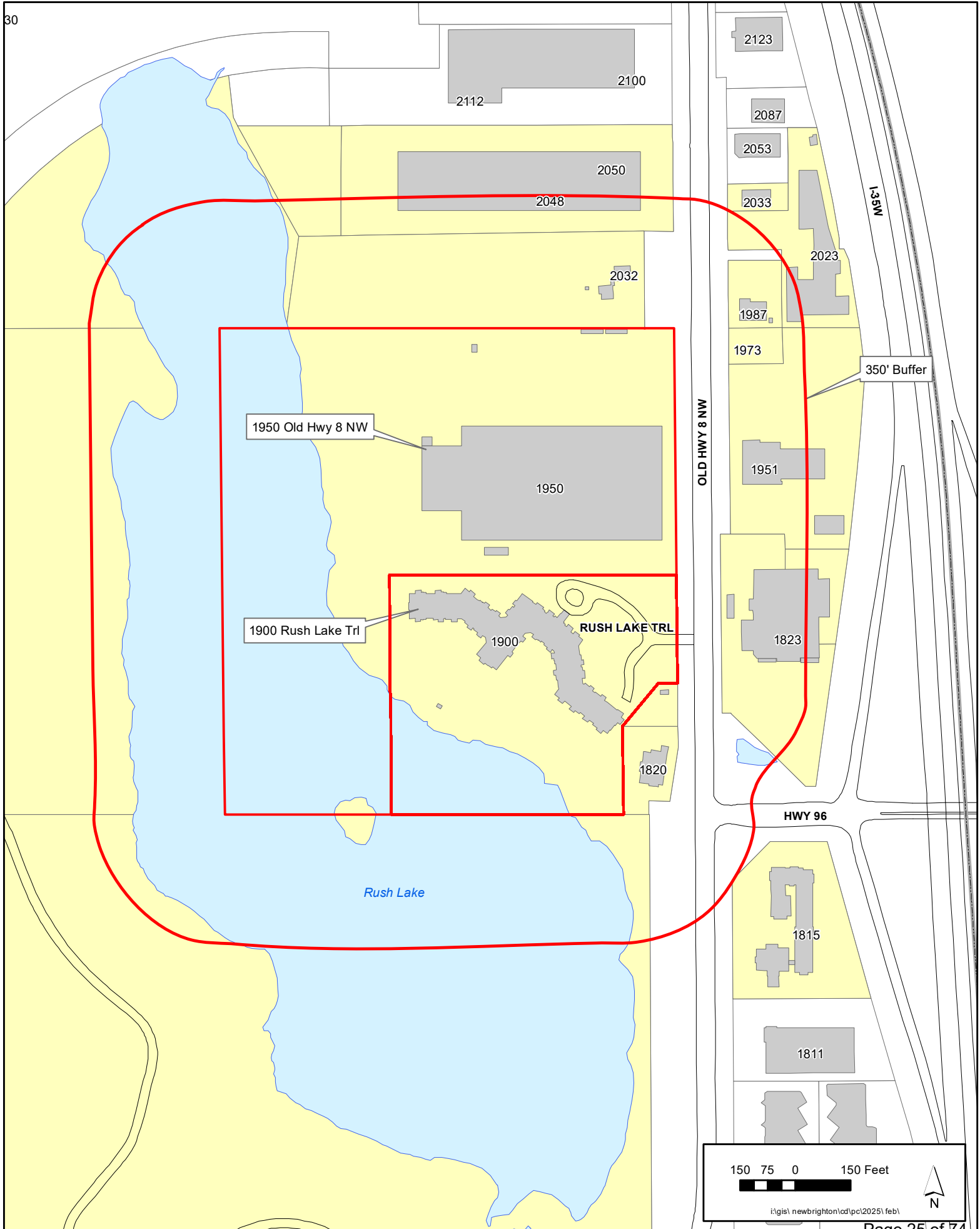
ATTEST:

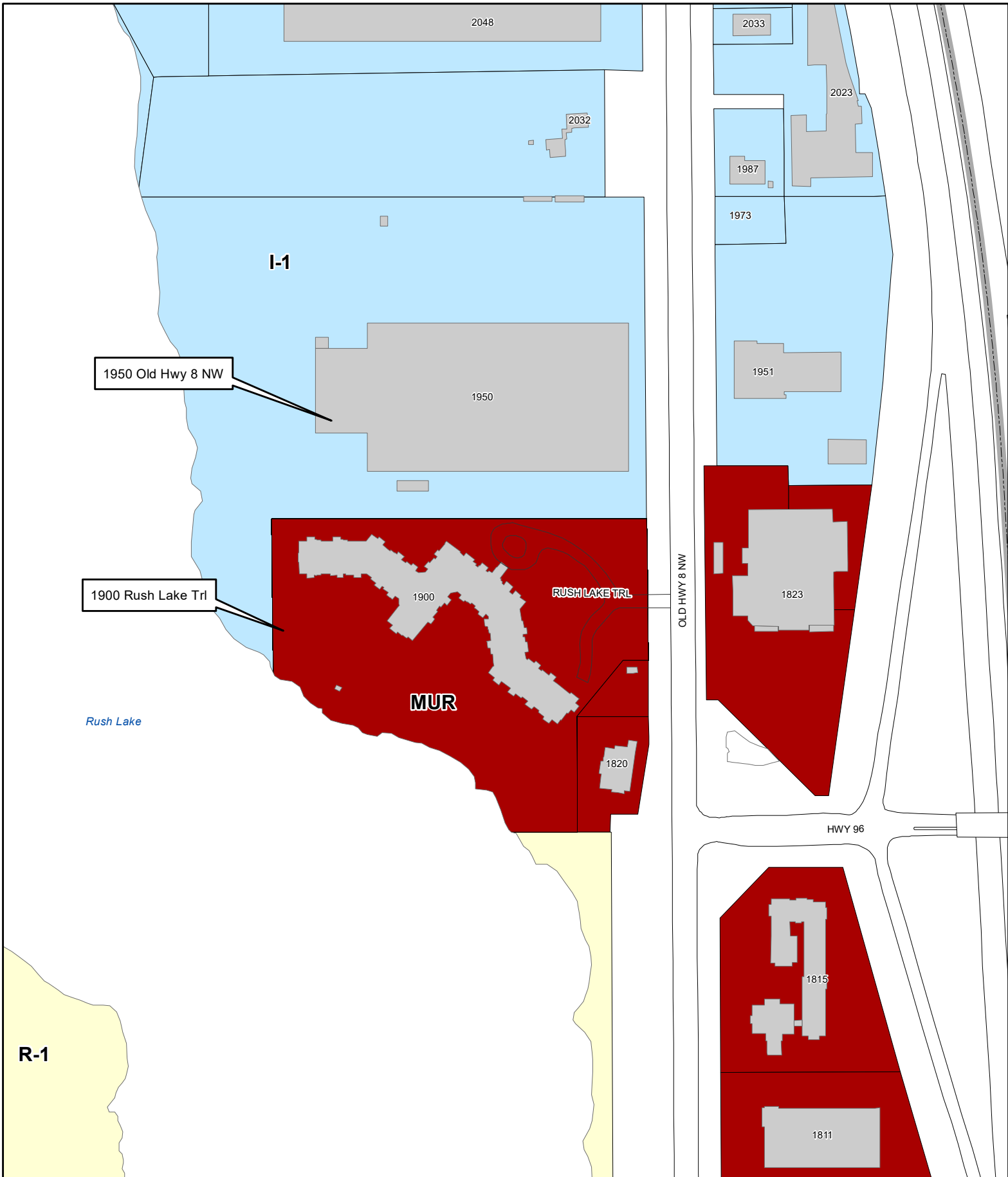
Terri Spangrud, City Clerk

Exhibit A

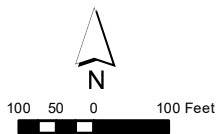


1900 Rush Lake Trl & 1950 Old Hwy. 8 NW - 350' Mailing List





- I-1, Light Industrial
- MUR, Mixed Use Regional
- R-1, Single Family Residential



Current Zoning
 1900 Rush Lake Trl
 MUR, Mixed Use Regional

Applewood Pointe
Sr. Housing Cooperative
Application for
Supplemental Use Permit
For
Replacing landscaping and Existing Fence
on
Northern Border
With
Johnson Screens

Submitted
January 17, 2025
By
Dale A. Blyth, President
612-385-3048
Blyth008@gmail.com

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City of New Brighton Application Form

(Land use applications, Subdivision applications, and vacation requests will not be considered complete and will not be accepted until all property owners have signed)

I. Property Owner #1

Applewood Pointe Cooperative of New Brighton Dale Blyth, President 1900 Rush Lake Trail, Unit 132. 55112
 (name) (mailing address) (st) (zip)
 612-385-3048 Blyth008@gmail.com
 (phone #) (fax #) (email)

Signature: _____

II. Property Owner #2 *For more than two owners, please provide their information and signature(s) on a separate sheet.*

 (name) (mailing address) (st) (zip)

 (phone #) (fax #) (email)

Signature: _____

III. Please identify the request(s) for which you are applying:

- ☐ **LAND USE APPLICATION** (subject to MN State Statute 15.99 timelines)
- | | |
|---|--|
| ☐ Variance | ☐ Interim Use Permit |
| ☒ Special Use Permit | ☐ Grading Permit |
| ☐ Site Plan Review | ☐ Moving/Relocating Structures Permit |
| ☐ Ordinance Amendment / Rezoning | ☐ Sign Permit |
| ☐ Comprehensive Plan Amendment | ☐ Other: |
-
- ☐ **SUBDIVISION APPLICATION** (subject to MN State Statute 462.358, subd. 3b timelines)
- | | |
|---|---|
| ☐ Administrative Lot Split / Minor Subd. | ☐ Preliminary Plat |
| ☐ PUD or PRD | ☐ Final Plat |
-
- ☐ **GENERAL APPLICATION** (not subject to any state mandated timelines)
- | | |
|--|--|
| ☐ Right of Way Vacation | ☐ Municipal Site Work Authorization |
| ☐ Easement / Utility Vacation | ☐ Zoning Letter |
| ☐ Administrative Appeal | ☐ Temporary Use Permit |
| ☐ Deadline Extension Request | ☐ Other: |

FEES

Fees for individual application types are established on a yearly basis by the City Council.

Please see the attached fee schedule for the applicable costs (and possibly escrow requirements) for your request(s)

Briefly describe your request below *(If additional space is needed, please attach a narrative to this application)*

We seek to replace trees that are dying and replace a fence that has become inadequate to provide a border between the Applewood Pointe Sr. Housing Cooperative and the outdoor storage area of Johnson Screens

IV. Property & Contractor Information:Street Location/Address of Property: 1900 Rush Lake TrailProperty Identification Number (PID): 4 1 5 4 3 Zoning District: _____Legal Description (From Deed or Certificate of Title): ☐ Please see attachedLot: 1 Block: 1 Addition: Applewood Pointe Sr. CooperativeProperty described is by: ☐ Abstract ☐ Torrens — Certificate #: _____

Location of Certificate: _____

Architect (if applicable): _____ Phone: _____

Surveyor/Engineer (if applicable): _____ Phone: _____

Builder (if applicable): _____ Phone: _____

V. Main Contact Person☐ Property Owners☐ Other (if other, please fill out the information below)Title (Position or relation to property owners): President of BoardDale A. Blyth1900 Rush Lake Trail, Unit 132.Minnesota55112

(name)

(address)

(st)

(zip)

612-385-3048

(phone #)

(fax #)

Blyth008@gmail.com

(email)

VI**Notice of Fees**

As set forth in the City Fee Schedule and pursuant to applicable law, the property owner shall be responsible to reimburse the city for all related miscellaneous costs incurred pursuant to the processing of this application. Note that these reimbursements may exceed the amount of the original land use application fee. Such expenses may include, but are not limited to, direct city payroll and overhead costs, fees paid to consultants and other professionals, and the cost of printing, mailing, and supplies. These miscellaneous fees are due immediately upon notification by the City. The City shall provide, upon request, an itemized statement of the various expenses incurred by the City. The City may withhold final action on a land use application and/or rescind prior action until all miscellaneous fees are paid. The City may require additional deposits, if deemed necessary. The property owner agrees to allow city staff and commission members to access the property per this application for inspection.

I acknowledge that I have read the above statement and fully understand that I am responsible for all costs incurred by the City in the processing and reviewing of this application.

Property Owners Signature: Dale A. Blyth date: 1/17/2025

ADMINISTRATIVE USE ONLY:

Date Application Received: _____ PC Date: _____

Fee Paid: _____ CC Date: _____

Escrow Paid: _____

Receipt Number: _____

Form Last Updated 2.1.23

Special Use Permit Criteria Worksheet

A special use permit cannot be approved unless the Planning Commission and City Council find that the following criteria have been met. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary and consult with the Planning Director at the time of your Pre-Application Meeting as some items may not be applicable for your project.

1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

This request is not detrimental to or endanger public health, safety or general welfare. It is just requesting changes in the border between our sr. housing property and our neighbor industrial company in order to create better blockage of the outside storage area and building. It replaces one fence with a higher fence and maintains a security fence around the company's storage area. New fence is vinyl and has no sharp elements or barbed wire.

2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

This request should improve not be injurious as it simply works to improve the sight lines between the two properties. The landscaping originally blocking the view is largely dying (over 50 trees) and needs to be replaced. Because the landscaping will take time to mature we are requesting a higher and more opaque fence to replace the existing cyclone fence and green screen.

3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This request will not impede the normal and orderly development of surrounding property. There is already a fence between the properties.

4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

No utilities, access roads, or necessary facilities will be affected. Drainage will flow toward the road and away from the outdoor storage area. Irrigation system will be installed on our property and the vinyl fence should prevent any from going over to the company's property. Drainage from the leveled area and irrigation system will flow toward Applewood Pointe and away from the Johnson Screens' outdoor storage area.

5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Given the nature of this request, we do not see any way that this effort does not conform to applicable regulations. Nothing can be done about the lack of a distance buffer between the two properties.

Overview

The Problem

The border between our Applewood Pointe Senior Housing Cooperative and our neighbor to the north, Johnson Screens, is narrow but has been adequately blocked since development by a combination of landscaping and a low 6-foot cyclone fence with a green screen attached. Combined these have worked for many years as an effective buffer. Unfortunately, the trees planted were too close together, lacked adequate irrigation, and caught two different diseases. As the trees have been or must be removed, that buffer is no longer adequate, and the remaining fence is not adequate by itself. See photos on pages 6 and 7. This problem is independent of any actions or inactions by Johnson Screens.

The Plan

In order to address this problem, Applewood Pointe Senior Cooperative, in collaboration with Johnson Screens, seeks a special use permit to:

- 1) Remove 46 of the dying trees and shrubs along the border and grind stumps
- 2) Remove 5458 feet of the existing cyclone fence
- 3) Raise the grade from 915 to 916 in the fill area described on the attached Site Plan and Detail Grade Fill Plan so that the new fence is level and does not dip in the area where height most matters. This will be done by adding 8 to 12 inches of type 5 fill on the current fence line and then adding dirt on top. Perhaps a small retaining block if necessary to sustain needed height will be included.
- 4) Add an approximately 548 foot long new 8-foot high, durable, high quality vinyl fence along the existing Johnson Screens' outdoor storage area running along the same line as the current cyclone fence and in the fill area
- 5) Plant a variety of 37 new trees and 29 shrubs along the Cooperative's side of the new fence
- 6) Add irrigation lines in this area connected to our current irrigation system
- 7) Johnson Screens has also agreed to a) redirecting their dock lights to reduce direct light, b) allow our landscaper to shape a few of their maple trees that are close to where new planting are occurring to ensure they get adequate light, c) provide \$40,000 to help cover costs and d) continue to use the current fence line.

The Result

Pages 8 to 12 show a rendering of the site from two perspectives (as entering along our main driveway and from our front door) and over a number of years as it will take time for the landscaping to adequately block the view. This time element is the primary reasons for a higher fence.

The Cost

The estimated cost of this work is \$200,000, approximately \$110,000 for the landscaping work and \$90,000 for the new fence. Three independent bids are being sought for different

elements of this work. As indicated in the Johnson Screens letter of support on page 13, they have agreed to contribute \$40,000 to this effort for which we are grateful.

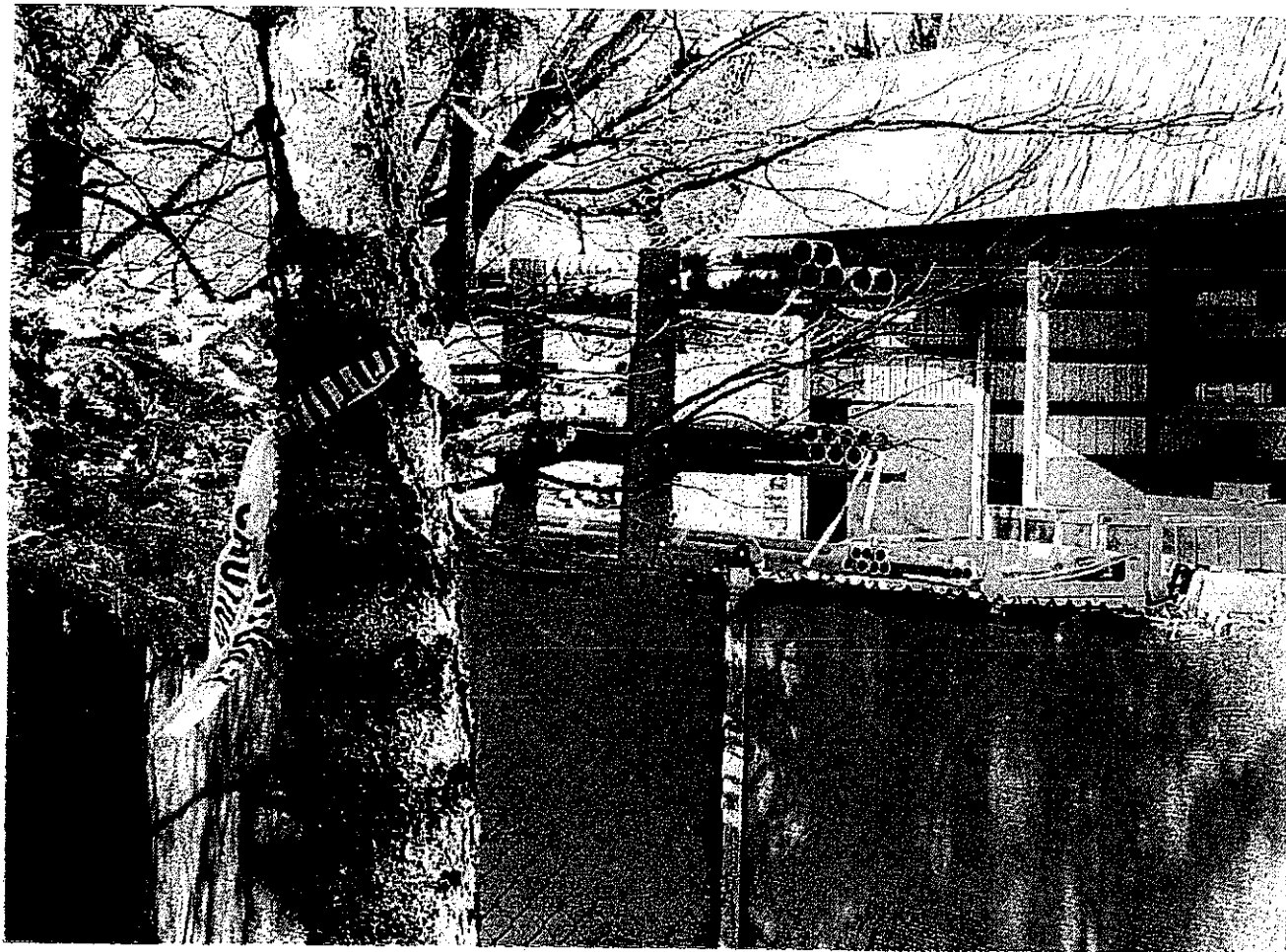
The Proposed Timeline

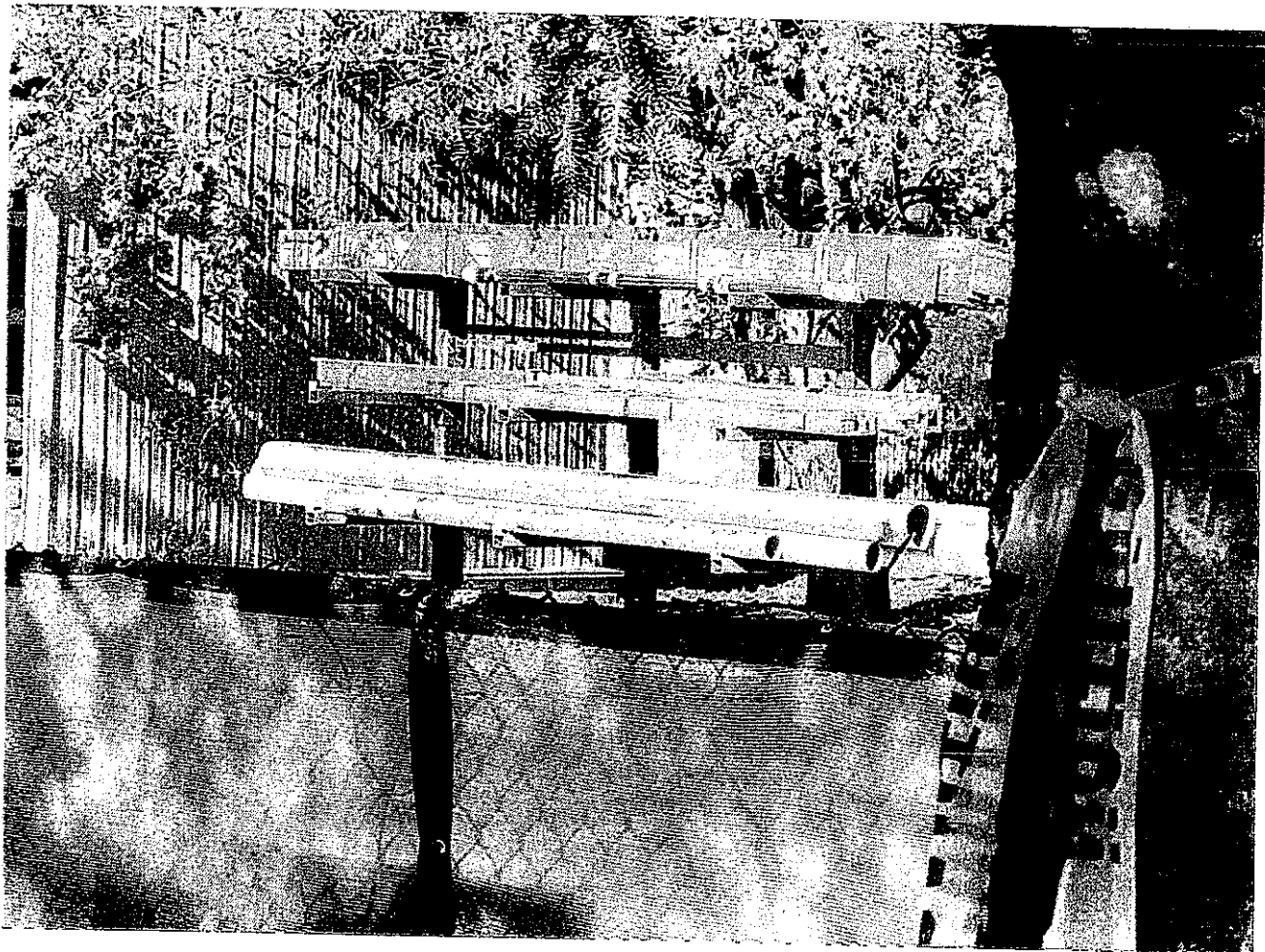
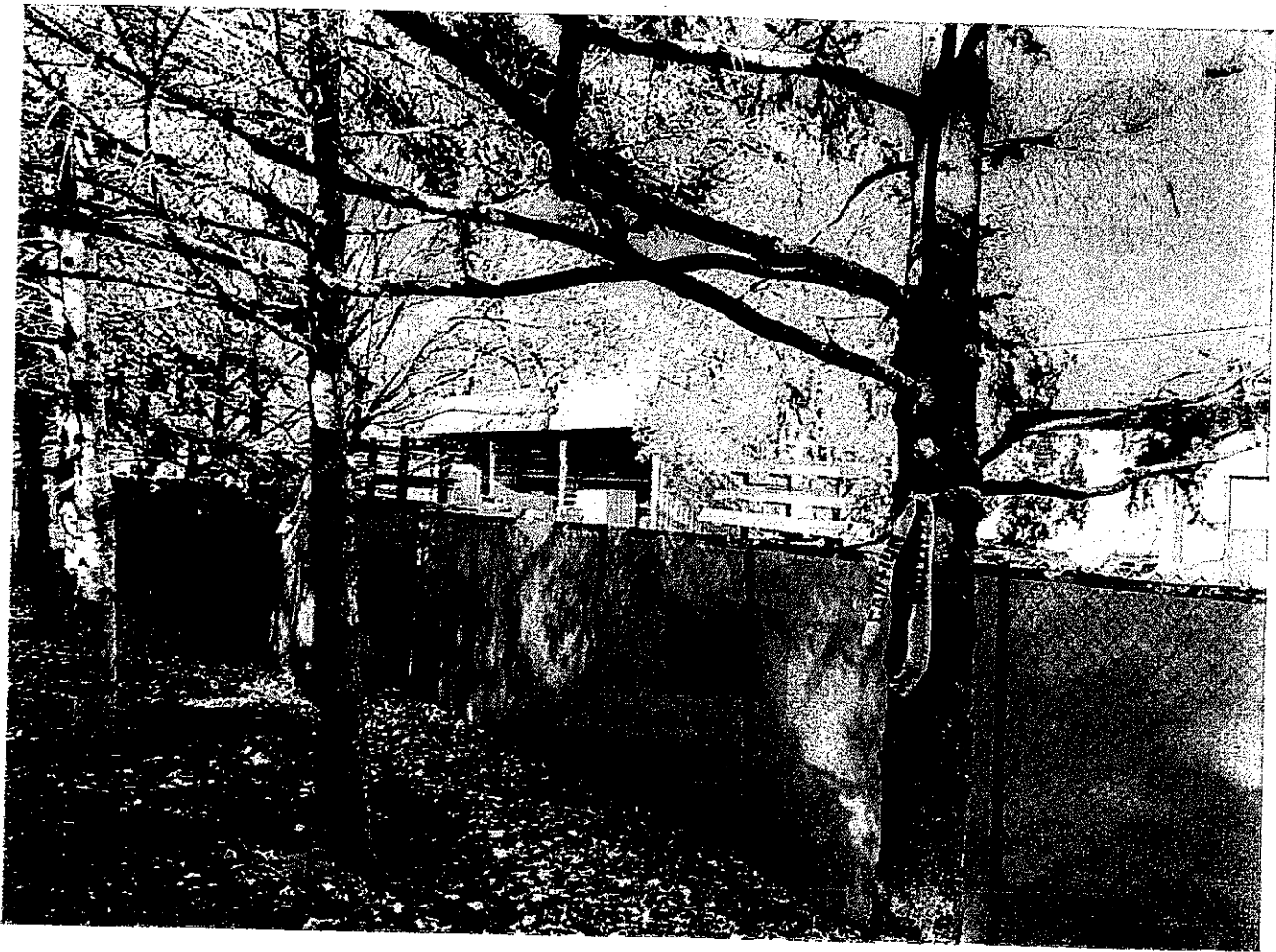
We are planning to start removing the dead trees and shrubs in late February and begin the grinding of stumps when possible. When the ground is sufficiently thawed, we would build the small retaining wall and level the ground up to the 916-contour line in the places near the fill area (approximately 1 foot). The fence will be installed next when the posts can be appropriately set. Later in the Spring we would do the planting of new trees and shrubs weather permitting.

The Details

We have included the following additional documentation:

- Title Survey (page 14)
- Google Maps Aerial View (page 15)
- Site Plan s with modifications indicated in red and showing contours (page 16 and also in large rolled up format)
- Proposed scope of work for North Border fence (page 17)
- North Detail Grade Fill Plan (page 18)
- Border Fence Site Plan (page 19)
- Information on fencing type and installation (page 20)





AS PLANTED

VIEW FROM FRONT DOOR



APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 15, 2024

DF / DAMON FARRER

YEAR 5

VIEW FROM FRONT DOOR



APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 15, 2024

DF / DAMON FARRER

YEAR 10-15

VIEW FROM FRONT DOOR

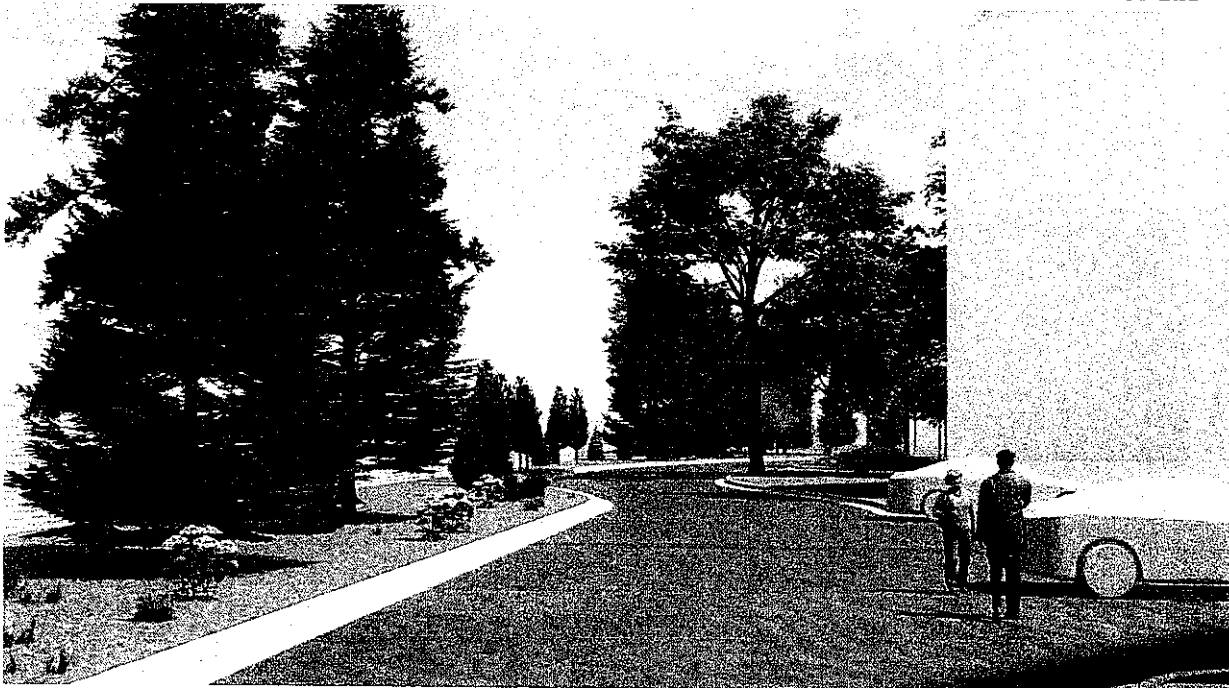


APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 05, 2024

DF / DAMON FARRER

AS PLANTED

VIEW FROM WEST END

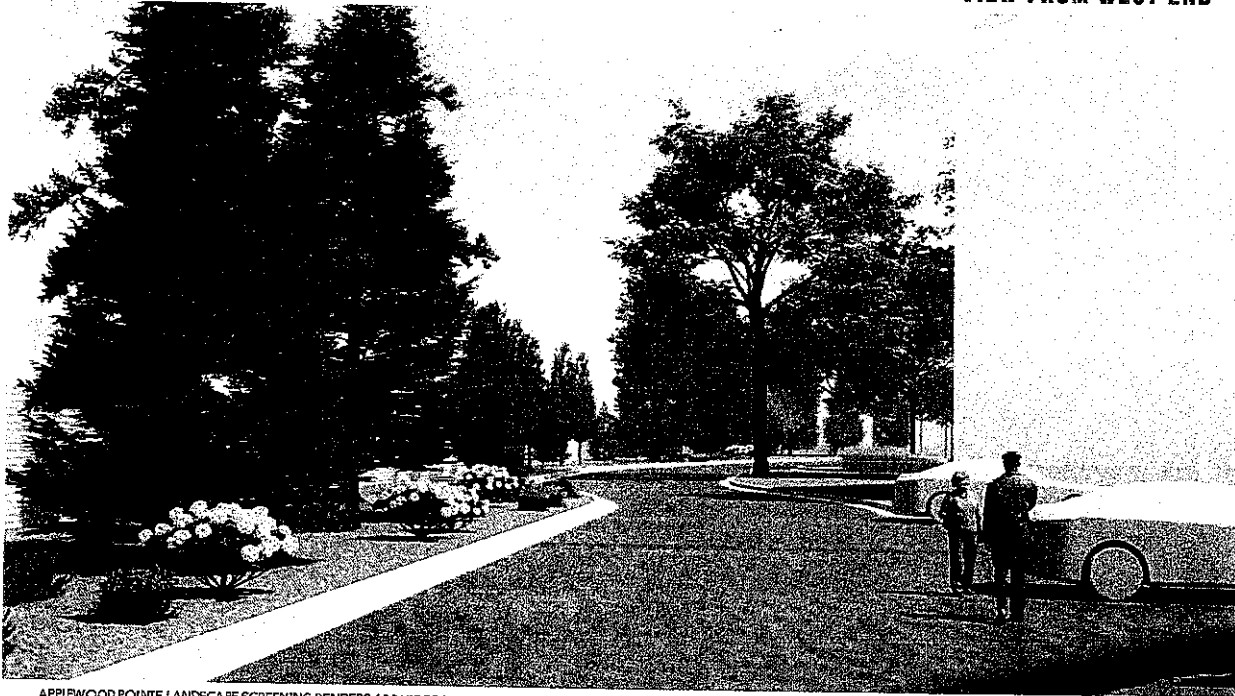


APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 05, 2024

DF / DAMON FARRER

YEAR 5

VIEW FROM WEST END

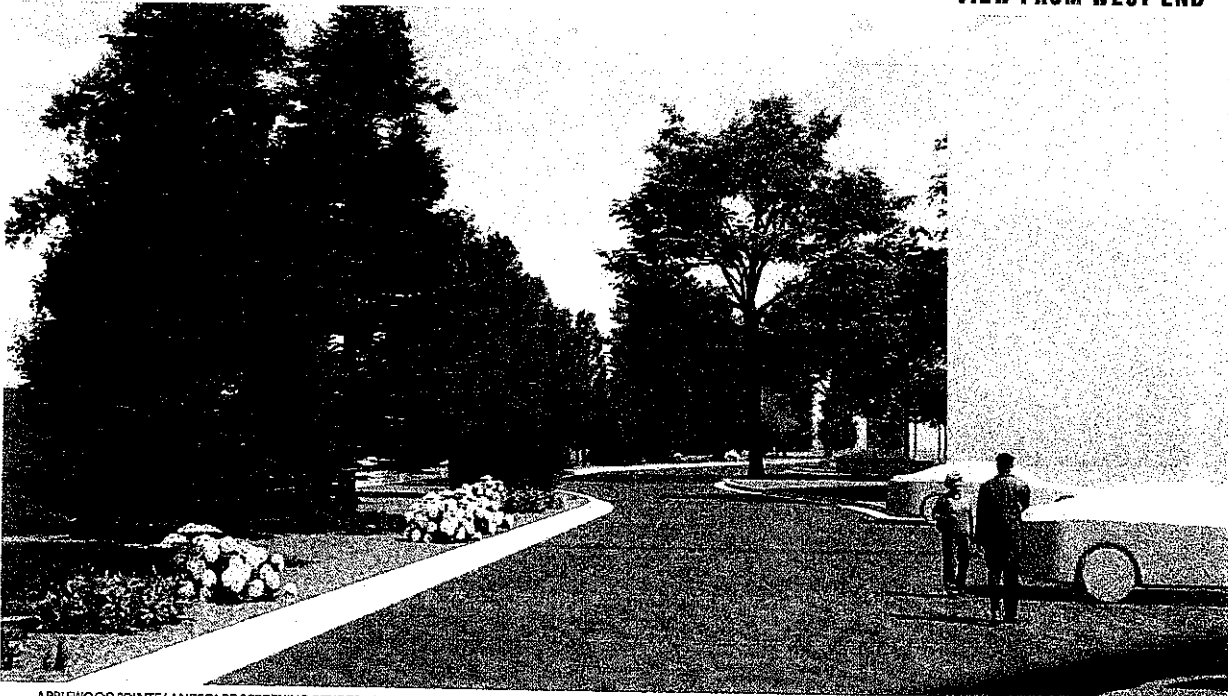


APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 05, 2024

DF / DAMON FARBER

YEAR 10-15

VIEW FROM WEST END



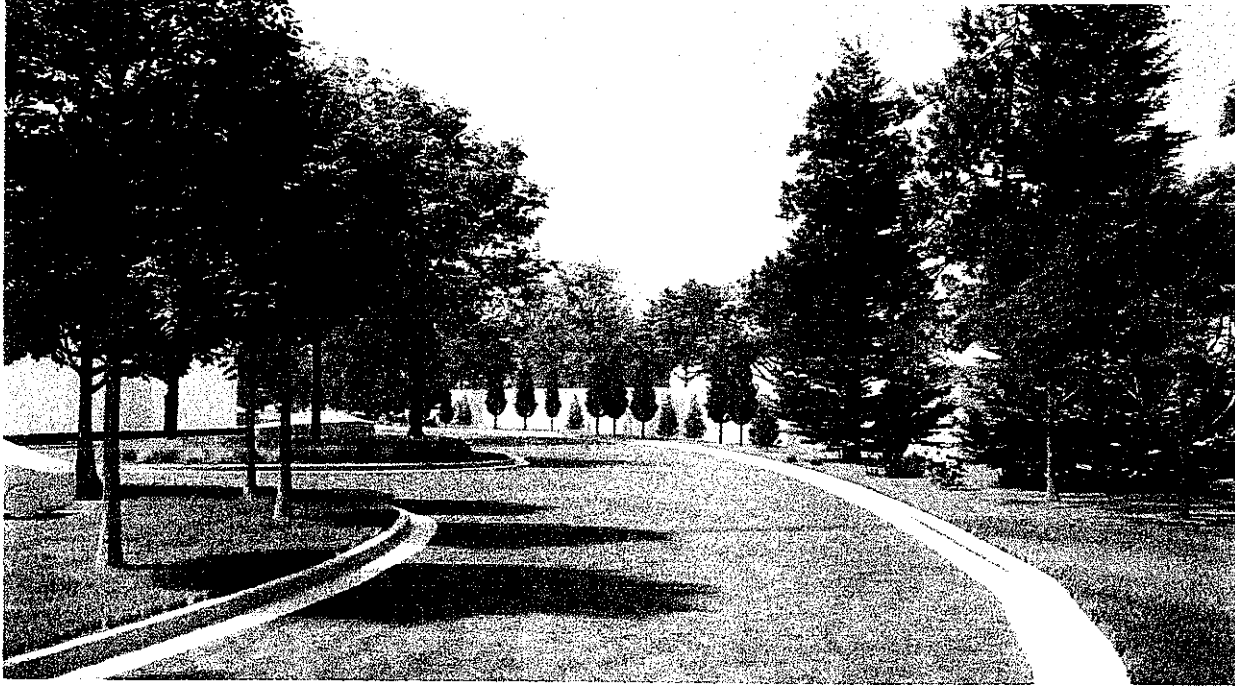
APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 05, 2024

DF / DAMON FARBER

10

AS PLANTED

VIEW FROM EAST



APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC. 06, 2024

DF / DAMON FARRER

YEAR 5

VIEW FROM EAST



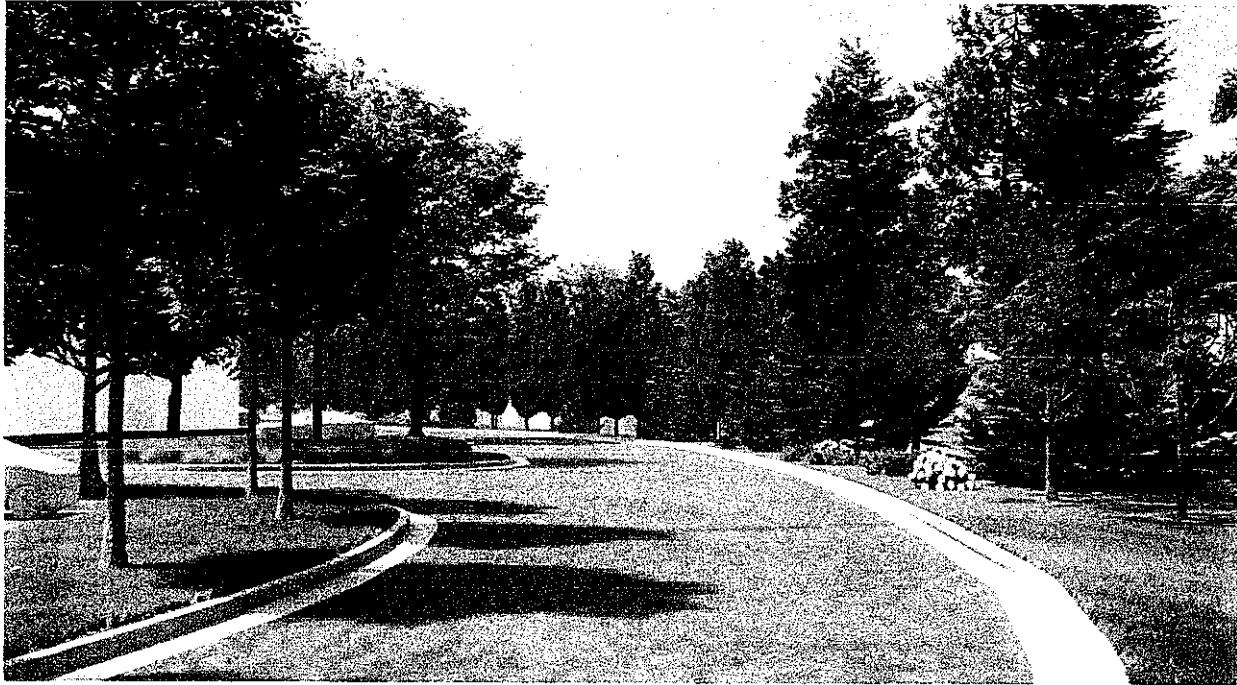
APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC. 06, 2024

DF / DAMON FARRER

11

YEAR 10-15

VIEW FROM EAST



APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 05, 2024

DF / DAMON FARBER

YEAR 10-15

VIEW FROM EAST END IN WINTER



APPLEWOOD POINTE LANDSCAPE SCREENING RENDERS / DRAFT DEC 05, 2024

DF / DAMON FARBER

12



Johnson Screens.
1950 Old Hwy 8 NW
New Brighton, MN 55112

Phone +1 651 636 3900
www.johnsonscreens.com

January 14, 2025

Re: Applewood Pointe Updates

Dear Mr. Gozola:

I am writing today to reiterate Johnsons Screens support of the new border plan of landscaping and a new fence between our property and Applewood Pointe New Brighton's property. Applewood Pointe has presented a plan to replace dying trees with new trees and shrubs and would like to replace the existing 6 foot fence with a new vinyl 8 foot fence near our shared border. This plan also includes raising the berm between our properties by building a small 1-3 foot retaining wall to install the new fence on the berm. Over time, as the trees mature and with the addition of the vinyl fence, this will provide a better border that blocks the view of our docks and outdoor storage. To show our support of the new border we have agreed to contribute \$40,000 to help with the cost of the new fence. We at Johnson Screens are happy to work with Applewood Pointe to make these new and exciting changes and we jointly seek the city's permission to do so. Please feel free to contact me if there is anything else I can assist with.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Rogers", written over a horizontal line.

Travis Rogers
Maintenance/Facilities Manager
Cell-651-796-8529

for:
APPLEWOOD POINTE COOPERATIVE OF NEW BRIGHTON, MCC
FIRST AMERICAN TITLE INSURANCE COMPANY, LLC
U.S. BANK NATIONAL ASSOCIATION

ADDITIONAL NOTES AND INFORMATION:

- [illegible]

ZONING AND SETBACK INFORMATION:

[illegible]

SURVEYORS CERTIFICATION:

herely attily to Applired Fehls Coopdrative of New Brighton, MCP and Fiat American Finance Company, LLC, and U.S. Bank National Association that this map or plat and the accompanying information were made in compliance with minimum standard data requirements for ALTA/ACSM Land Title Surveys.

The American College of Surveyors and Mapmakers, the American Society of Professional Surveyors in 1992, and various Items 1-6, 7(a), 7(b)(1), -7(b), and 14-16 of Table A annexed pursuant to the Accuracy Standards adopted by ALTA, NSPS and ACSM and in effect at the date of this certification, the undersigned hereby certifies that the survey was conducted in accordance with applicable laws, rules, regulations, standards, methods and customs currently employed in order to achieve results conforming to the minimum standard data requirements for Survey Measurements which Control Land Rights, Easements, and Claims Requirements for Survey Measurements which Control Land

DATE RECEIVED BY YOU 1981 01 01

Joseph E. Rud, Land Surveyor
Michigan Professional License No. 41670

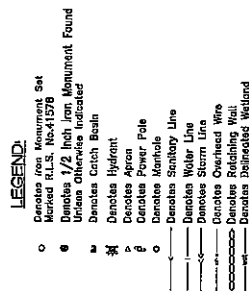
W. G. RUD & SONS, INC.
Land Surveyors
9130 LEXINGTON AVENUE NE.
CIRCLE PINES, MN. 55014-3623
TEL. 763-786-8556 FAX 763-786-6007

Tel 783-786-5556 Fax 783-786-6007

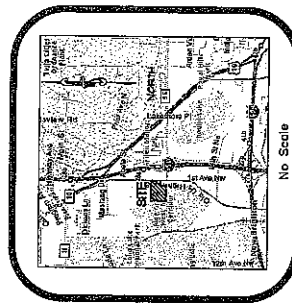
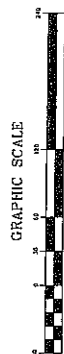
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14

Job # 03836



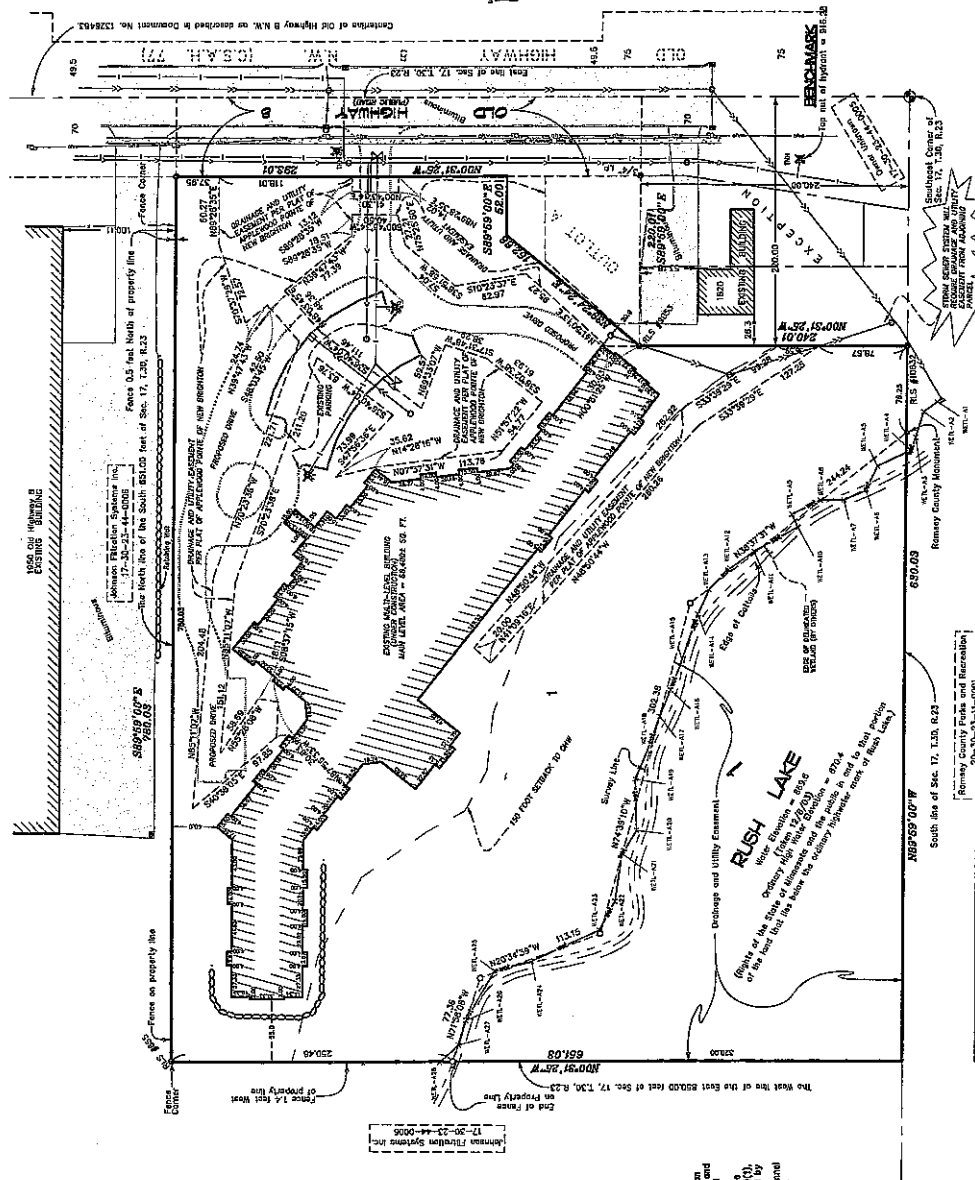
THE



No Scale

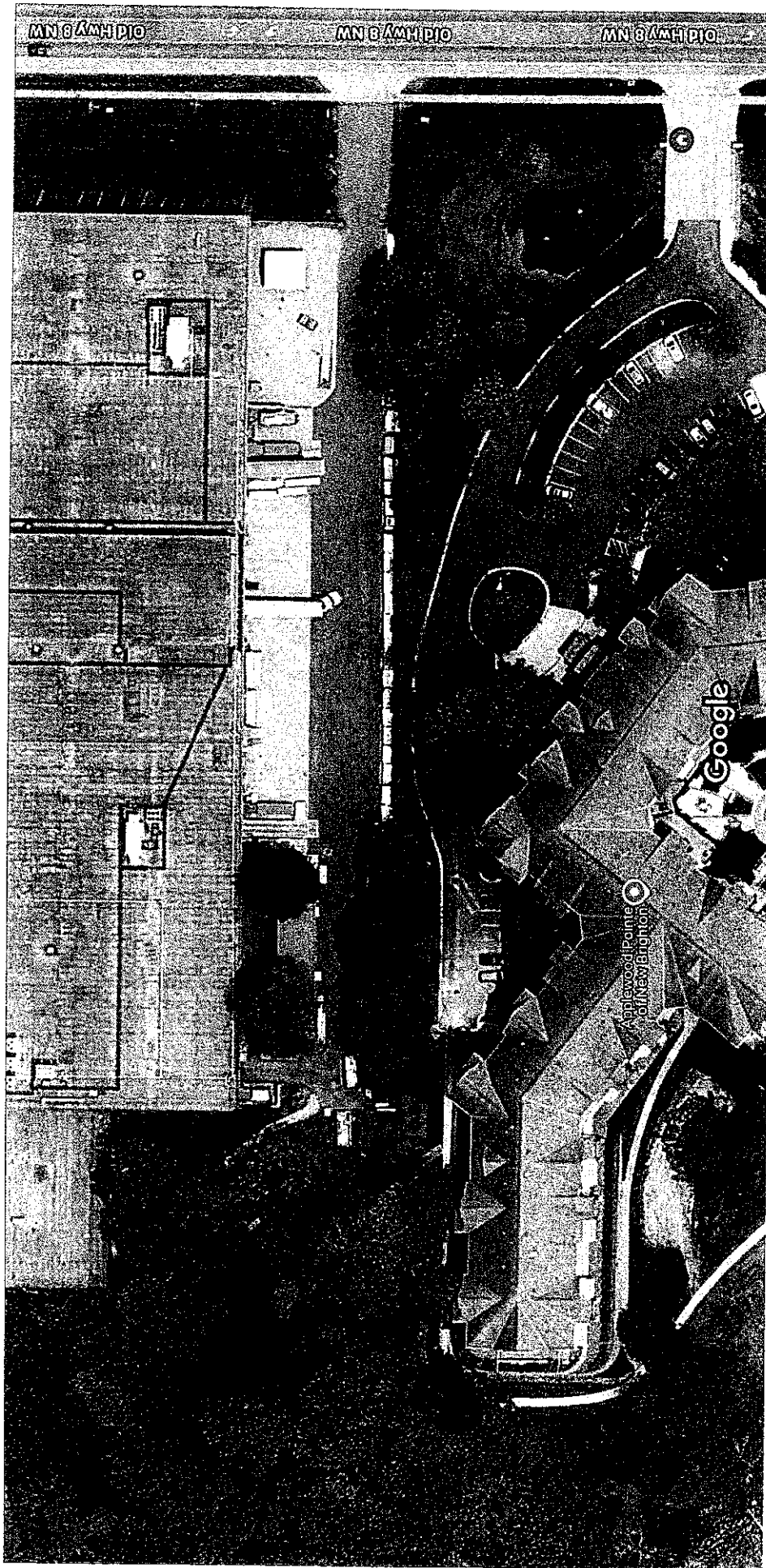
VICINITY MAP

Section 17, Twp. 30, Rge. 23
(New Brighton, MN)



NO.	DATE	DESCRIPTION	BY
1	12-18-03	REPAIRS TO	CHS
2	07-28-05	REPAIRS TO	SR
3	08-01-05	NEWSE RIGHT OF WAY	BLD
		COMPUTE AREA ABOVE OTHER	
4	08-23-05	ADD PARCEL DATA	BAB

Google Maps



Imagery ©2025 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2025 50 ft

Project:



**APPLEWOOD
POINTE**
of New Brighton

Developer:



**UNITED
PROPERTIES**

3000 Condon Blvd. N.
Minneapolis, MN 55412
TEL: 612-338-3300
FAX: 612-338-3300

General Contractor:

Wells

Builders

1000 Lyndale Avenue South
Minneapolis, MN 55425
TEL: 612-338-3300
FAX: 612-338-3300

Soil Consultant:

Hauschak

Consultants, Inc.

2000 Lyndale Avenue South
Minneapolis, MN 55425
TEL: 612-338-3300
FAX: 612-338-3300

Civil Engineer:

Pollanen

Professional

4200 Vermont Avenue South
Minneapolis, MN 55425
TEL: 612-338-3300
FAX: 612-338-3300

Landscaping Architect:

Clos

Landscaping Architecture

400 1st Avenue N. Suite 200
Minneapolis, MN 55401
TEL: 612-338-3300
FAX: 612-338-3300

Architect:

POLLOCK • BUCHANAN

Architects

400 1st Avenue N. Suite 200
Minneapolis, MN 55401
TEL: 612-338-3300
FAX: 612-338-3300

Project Manager:

Wells

Builders

Builders

Builders

Builders

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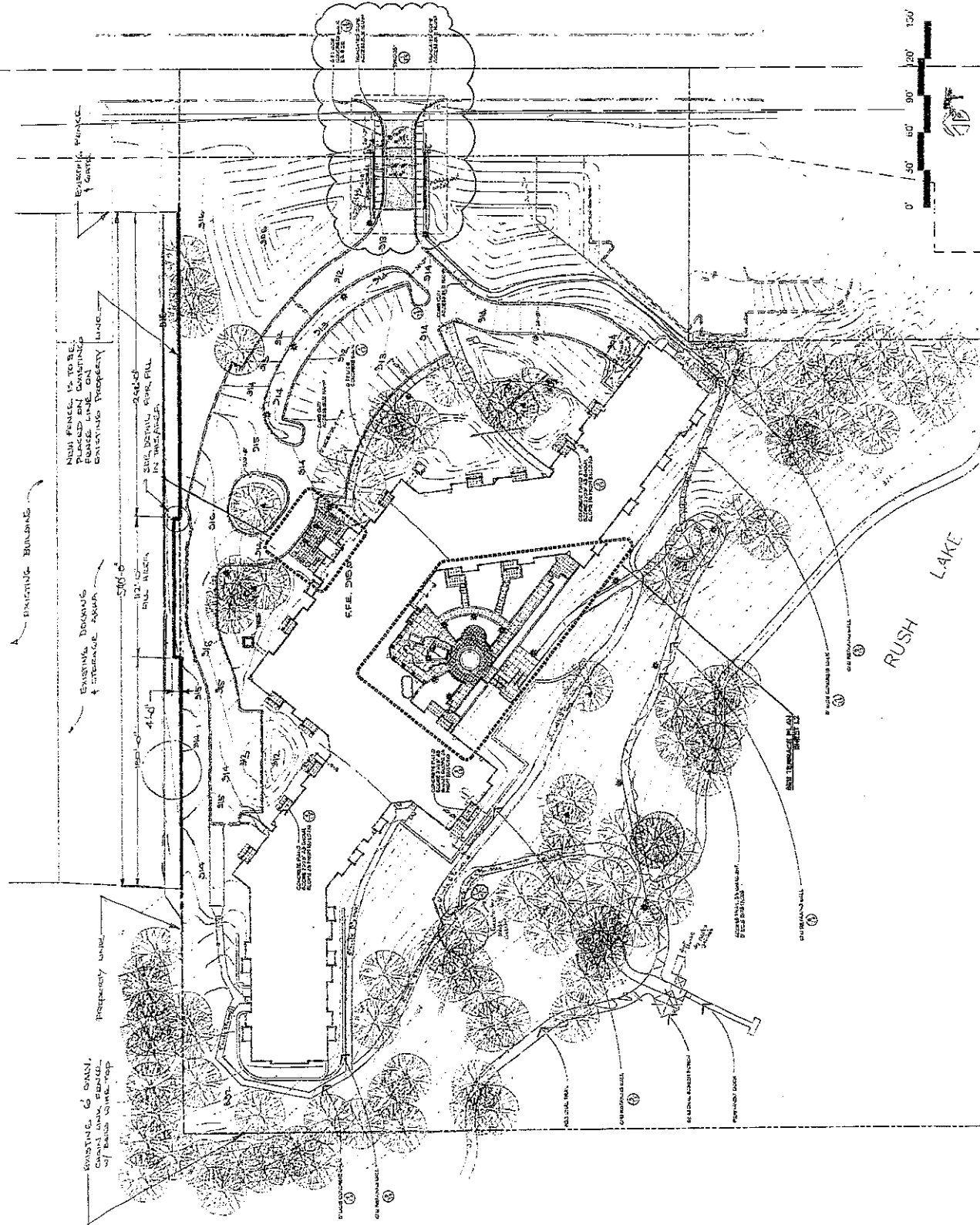
Builders

Builders

Builders

SITE PLAN
07-31-2006

Project: Sheet
Date: 07/25/06
Drawn by: L1
Checked by:



11 SITE PLAN
SCALE: 1" = 20'

APPLEWOOD POINTE OF NEW BRIGHTON
Request For Proposal
North Border Fence
December 24, 2024

Applewood Pointe of New Brighton is a 120-unit Senior Cooperative in New Brighton, MN which provides independent living for Seniors 55+. Our property is a 10-acre parcel with lakeshore on Rush Lake that contains rain gardens, mature trees, shrubs, flower gardens, water features, and groomed turf. The Cooperative retains a vendor to service turf, irrigation, shrub care, and overall grounds maintenance, as well as a vendor for tree care and maintenance.

Contact:

Michele Ross, Site Manager
 Applewood Pointe of New Brighton
 1900 Rush Lake Trail
 New Brighton, MN 55112
 651-636-1137
michele.ross@fairview.org

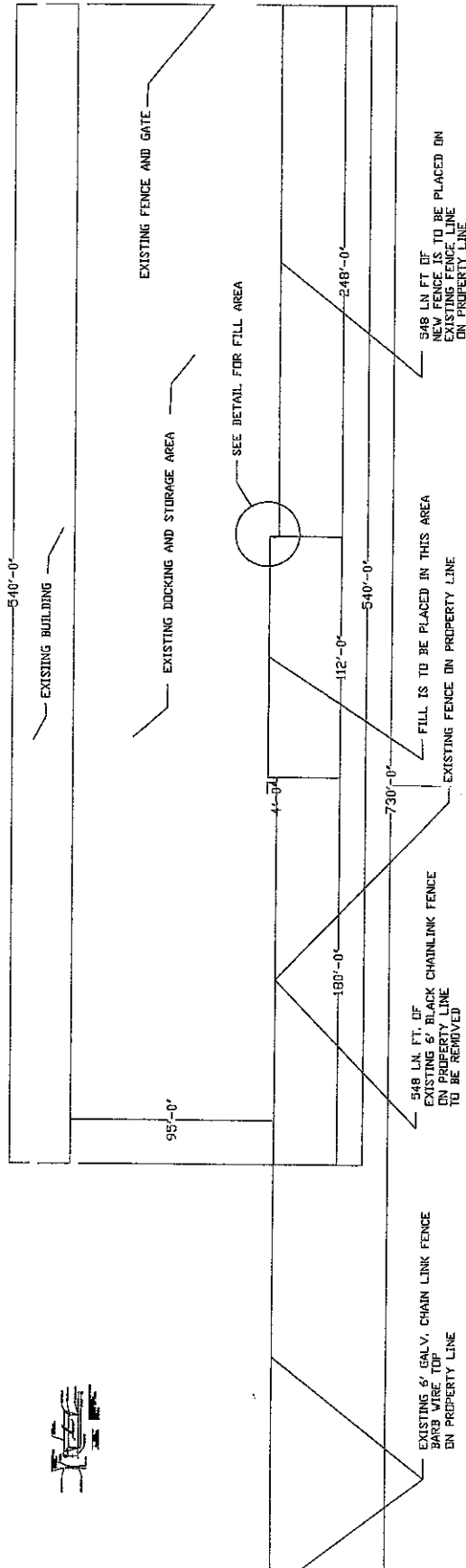
Questions:

Jim Walker
 Management Team, Lead
 651-492-9121
bikewalk@hotmail.com

Scope of Project
North Border Fence

1. Remove 80 ln ft of the existing 8 ft high cedar fence.
2. Remove 538 ln ft of the existing 6 ft high chain link fence.
3. Allow time for stump removal by others along fence line after chain link fence removed.
4. Install 538 ln ft of 8 ft high fence, with (2) alternatives:
 - a. Cedar fence, set with postmaster posts or cedar posts set in concrete, alternating board, fastened with triple-coated exterior deck screws.
 - b. Vinyl fence, set with postmaster posts or posts in concrete, top and bottom rail with vertical grooved panel, woodgrain, tan or earth tone color.
5. 112 ft X 4 ft wide U shape section of fence, bottom is to be raised 18 in. above grade so top of fence is level across site line. Fill below the bottom of fence at a later date.
6. Approximate start-up date window: April 1 through April 15, 2025, or frost out.
7. Permits and survey by owner.
8. State the following in your proposal:
 - a. Note whether fence posts will be pulled or cut.
 - b. Time frame on site to complete this project
 - c. Warranties on the installation
 - d. Insurance declarations
 - e. Exemptions to this project
 - f. Additions to this project
9. Close of bids: February 14, 2025
 - a. Award decision: March 3, 2025
 - b. Let out bids: February 10, 2025
 - c. Close of bids: February 28, 2025
 - d. Award decision: March 5, 2025
 - e. Approximate start-up date: March 10, 2025
10. Enclosed:
 - a. Site Plan with location of fence
 - b. Google Maps picture of site

Draft jwalker 12/24/24

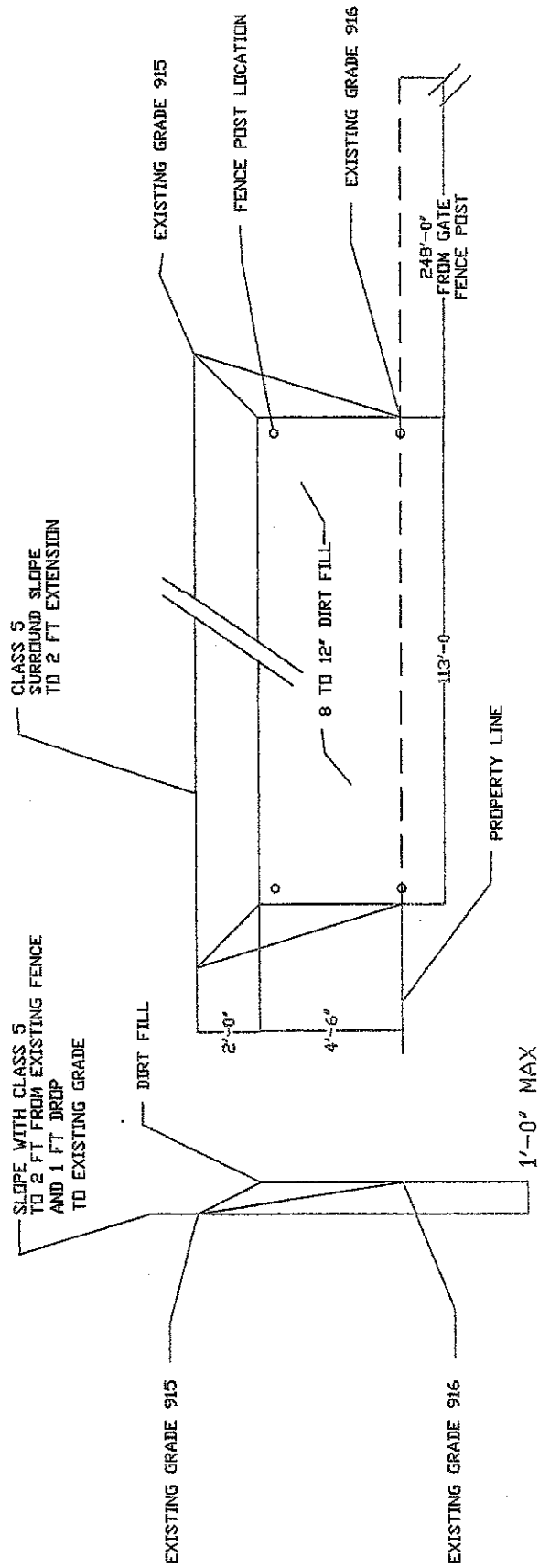


ALT. A
548 LN. FT. OF 8' HT CEDAR FENCE
SET WITH POSTMASTER POSTS IN CONC.
SHADOW BOARD STYLE
FASTENED WITH COATED DECK SCREWS

ALT. B
548 LN. FT. OF 8' HT VINYL FENCE
SET WITH POSTMASTER POSTS IN CONC.
TOP AND BOTTOM RAIL WITH VERTICAL GROOVED PANEL
WOOD GRAIN IN TAN OR EARTH TONE COLOR

NORTH BORDER FENCE SITE PLAN

APPLEWOOD POINTE OF NEW BRIGHTON
1900 RUSH LAKE TRAIL
NEW BRIGHTON, MN 55112
DATE: 1/03/25 REV: 1/16/25
SCALE: NONE
BY: J.WALKER



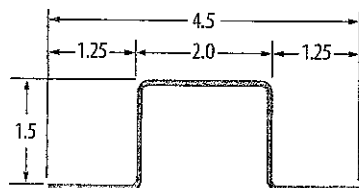
DETAIL
 GRADE FILL AREA

APPLEWOOD POINTE OF NEW BRIGHTON
 1900 RUSH LAKE TRAIL
 NEW BRIGHTON, MN 55112
 DATE: 1/7/25 REV: 1/16/25
 SCALE:
 BY: JWALKER

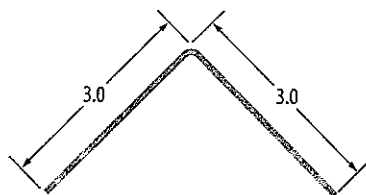
POSTMASTER[®] FENCE SYSTEM

PostMaster[®] Plus is the Wood Fence Total Solution!
The system consists of 3 post types: Line, Corner & Gate Posts.

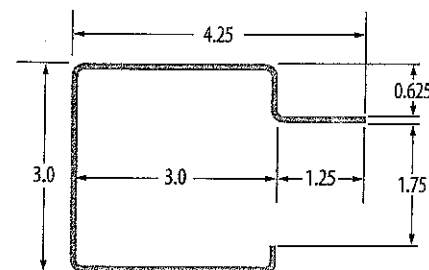
Line Post



Corner Post



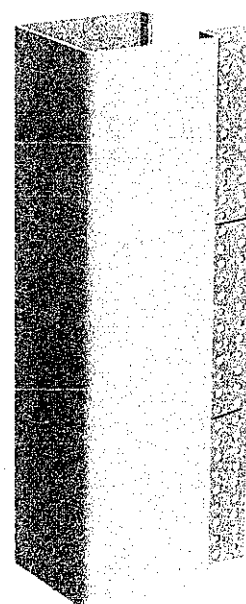
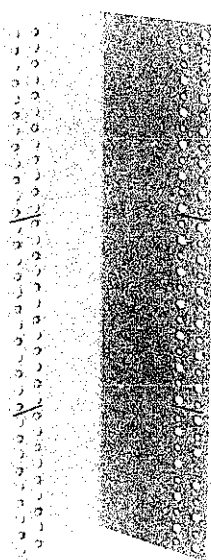
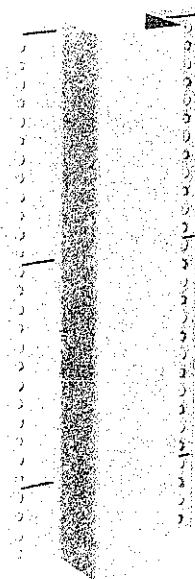
Gate Post



Alternating hole pattern for #8 / #9 countersunk deck screws or 1/4 in. lag screws.

#8/9 countersunk deck screws are recommended for flush installation to the post.

All posts available in: 7'6", 8', 9', 10', & 12' lengths.



BEFORE YOU BEGIN

Ensure that fence footings **do not exceed legally established property lines and set-backs**. If uncertain, refer to your real estate line plot or consult a professional surveyor.

Check local codes for specifications regarding frontage locations, allowable fence heights, etc. A permit may be required.

Consult with local utility companies for locations of underground cables or pipelines.



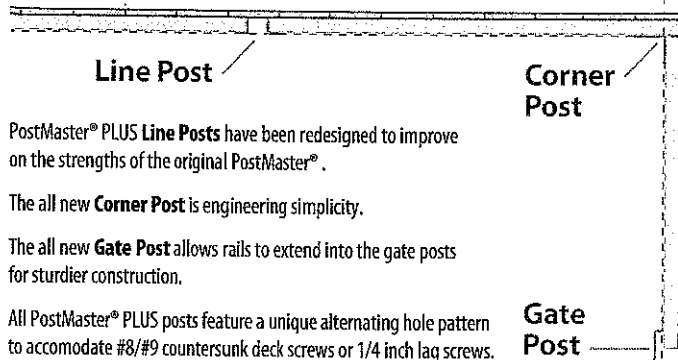
NOTE: The information contained in these guidelines is intended to provide general guidance with basic PostMaster[®] fence installation. The installer must take proper safety precautions including gloves and eye protection. If you have any questions or doubts in regards to your fence installation, please consult with a licensed professional.

THREE POSTS ARE BETTER THAN ONE!

PostMaster[®] PLUS steel fence posts are built with purpose.

Like the original PostMaster[®], this system is designed to be used with standard 2x4 or 2x6 rails. The PostMaster[®] PLUS fastening flanges of all three post types line up precisely.

SOLID BOARD LAYOUT EXAMPLE



PostMaster[®] PLUS **Line Posts** have been redesigned to improve on the strengths of the original PostMaster[®].

The all new **Corner Post** is engineering simplicity.

The all new **Gate Post** allows rails to extend into the gate posts for sturdier construction.

All PostMaster[®] PLUS posts feature a unique alternating hole pattern to accommodate #8/#9 countersunk deck screws or 1/4 inch lag screws.



*Quality Products,
Exceptional Service,
Outstanding People*

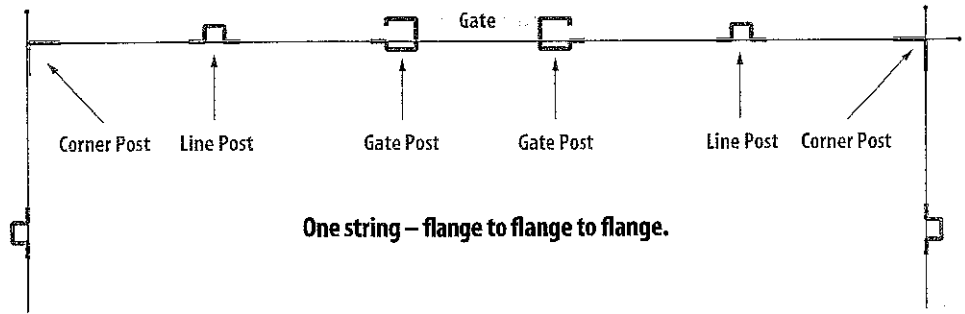
1 Plan, Layout & Mark

Locate your property's boundary lines. Precisely marking the fence layout is the critical first step in a quality installation.

Stake the locations of each **Corner Post** and **Gate Post**.

Line Posts should be spaced the length of your rail + 2", on center. The exact spacing may be modified depending on rails used, fence height and ground slope.

Place shorter sections at the corners or near gates or buildings to make the fence fit the length of the layout.



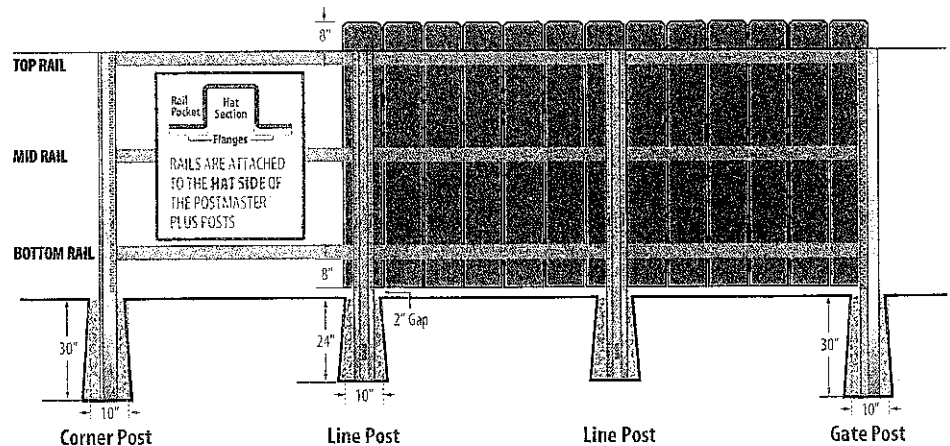
2 Locate & Set Posts

Dig the post holes 6 - 10 in. diameter. **Corner** and **Gate Posts** should be 30 in. deep, while **Line Posts** can be 24 in. deep. The exact diameter and depth will be determined by local conditions.

The height of fence pickets should be 8 in. above the top of the top rail and 8 in. below the bottom of the bottom rail. Leave a 2 inch gap at the bottom between the pickets and the ground.

Center the terminal posts in the holes. Make sure the posts are plumb, square to the fence line and set to the correct height. Block and support the post to preserve post position as installation continues.

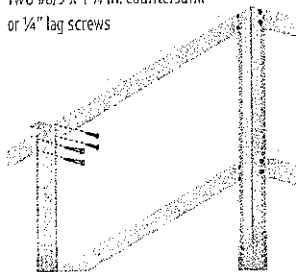
Fill the hole with concrete in a continuous pour, mounding the top to direct water away from the post. When the concrete has hardened in the **corner** and **gate** posts, stretch a string between them to help set the line posts at the correct height.



3 Install Rails

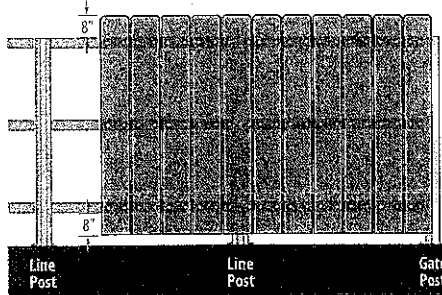
Top rails are installed at the top of the post; bottom rails are attached 8" above the board bottom and middle rails are centered between the top and bottom rails.

Two #8/9 x 1 1/4 in. countersunk or 1/4" lag screws



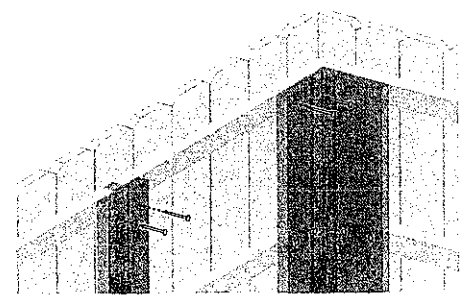
NOTE: If the ground slopes, be sure to cut both rail-ends diagonally to allow a flush fit against the post.

4 Install Pickets



Typically pickets are positioned 2" above ground level and extend 8" above the top of the top rail.

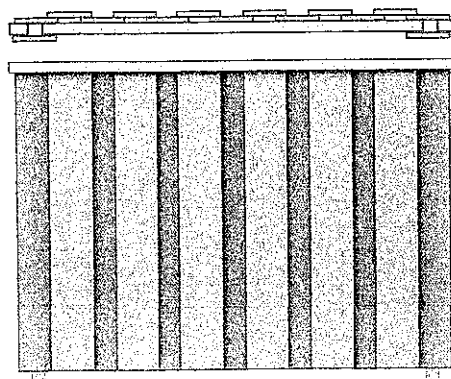
5 Install Cover Boards



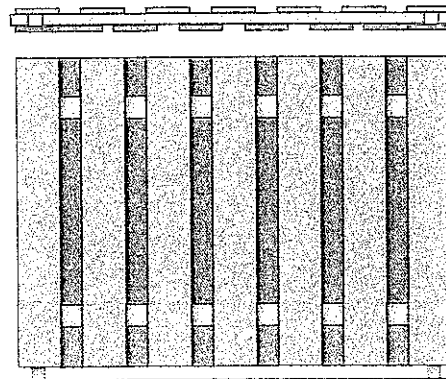
Finish the installation by adding 1x6 cover boards over the PostMaster PLUS posts.

Traditional Fence Styles

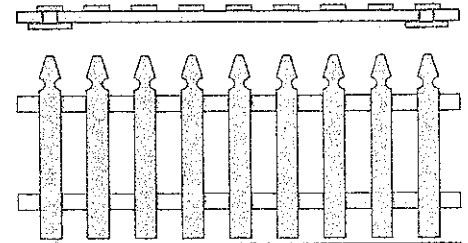
Board on Board



Shadow Box

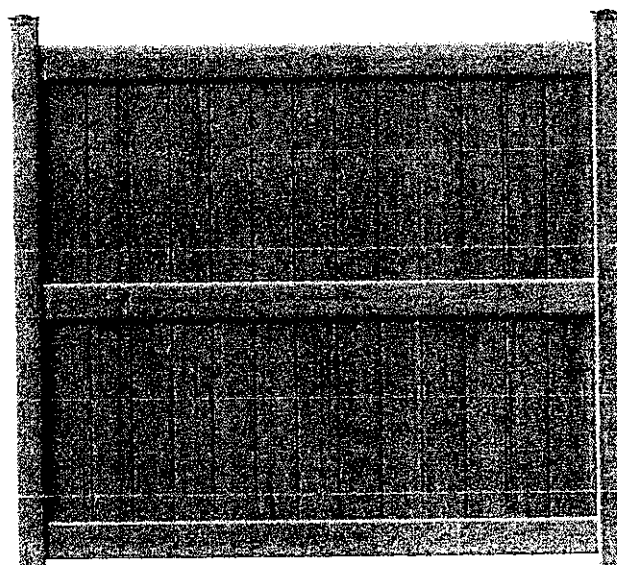
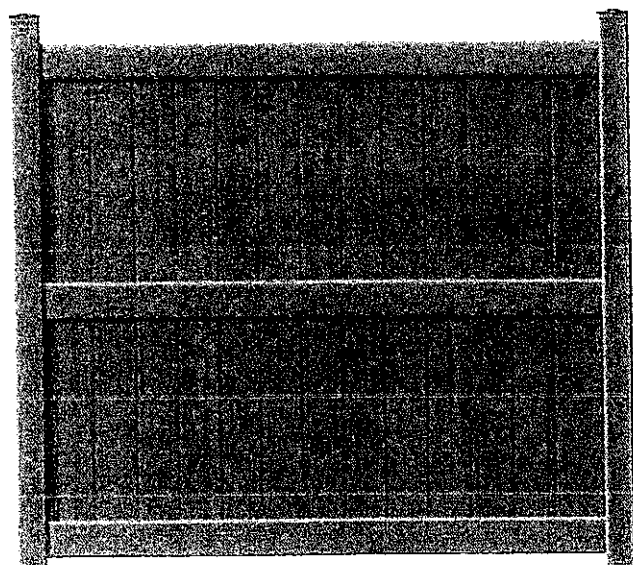
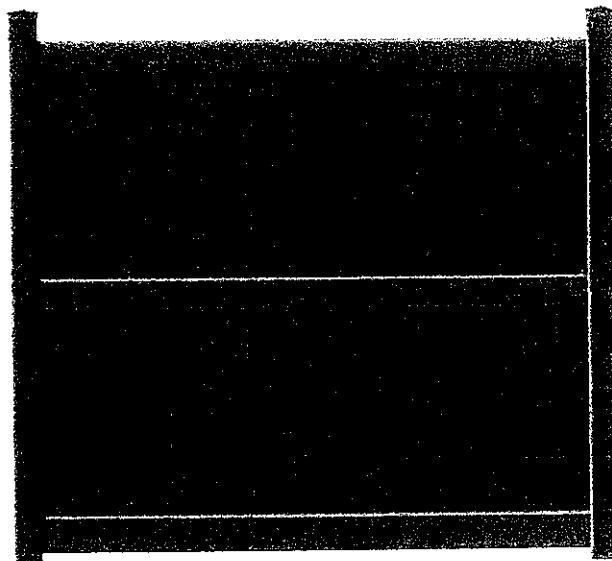
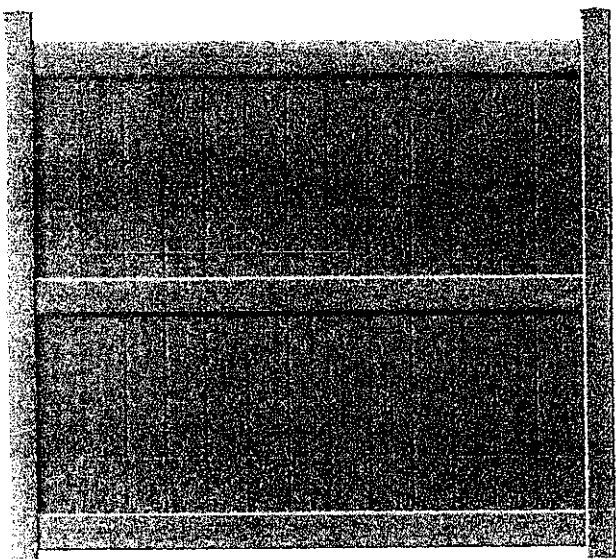


Spaced Picket



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Galveston

The ultimate in privacy, Galveston offers a noise barrier to create the seclusion for your outdoor space. Ideal for commercial settings as well, this fence is available with CertaGrain texture, lattice accent, or solid color.

- TimberGrain offers authentic woodgrain textures in a variety of colors
- Easy to install and steel reinforced horizontal tongue and groove design
- Suitable for commercial applications
- Lifetime limited warranty



Agenda Section:	Public Hearings
Report Date:	03/07/2025
Meeting Date:	3/18/2025

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION: Special Use Permit: Application from Johnson Screens at 1950 Old Highway 8 to amend areas of allowed outdoor storage — PID 17-30-23-44-0006.

Action Requested:

Public Hearing	Motion
Discussion	Informational

Form of Action:

Recommendation on Resolution	Ordinance
Contract/Agreement	N/A or Other

Votes Needed:

3 Votes	4 Votes
5 Votes	N/A

Summary Statement:

Johnson Screens is seeking an SUP Amendment to change areas of allowed outdoor storage on their property at 1950 Old Highway 8 NW.

Recommendations:

Applicable Deadlines:

5/22/25 (the initial 60-day window was extended an additional 60 days on 2-24-25)

Community

Property and Neighborhood protection: the proposed change will

Impact:	allow two neighboring properties the ability to implement mutually agreed upon improvements on both sides of their shared boundary with no impacts to the general public.
----------------	---

Legislative History:	- In 1970, the Johnson Division of Universal Oil Products Company selected the Village of New Brighton as the ideal location for their new headquarters, and a portion of the now-existing building was subsequently constructed. Building expanded to the east by 96,000 square feet in 1974. - In 1974, the Village of New Brighton officially becomes the City of New Brighton and many of today's zoning standards are officially established. - Per aerials, in likely the 1990's, an open storage building was constructed to the SW of the existing building. No records of a building permit or site plan review for the structure can be found. - In 2011, 41-years after construction of the original Johnson building, a new multi-family residential building (Applewood Point) is built to the south of Johnson Screens. - Per the company's website, the Aqseptence Group, a global supplier of specialized filtration and separation solutions dating back to 1884, acquires Johnson Screens in 2013. - December 2021: Johnson screens granted site plan approval to construct a new carport south of the building, but are directed to work with Applewood Point on an agreeable buffer/fence/screening if they wanted to gain approval for identified illegal outdoor storage to the south of their building.
-----------------------------	--

Strategic Priority:	Sustainable & Reliable Infrastructure	Operational Effectiveness
	Environment & Sustainability	Diversity, Equity, & Inclusion
	Livable Community	N/A

Fiscal Impact:	Financial Impact: Is there a financial consideration?		No	Yes \$
	Financing Sources:	Budgeted	Budget Modification	

	New Revenue	Use of Reserves	Other

To: **Planning Commission**

From: Ben Gozola, Assistant Director DCAD

Meeting Date: **3-18-25**

Applicants: **Johnson Screens**

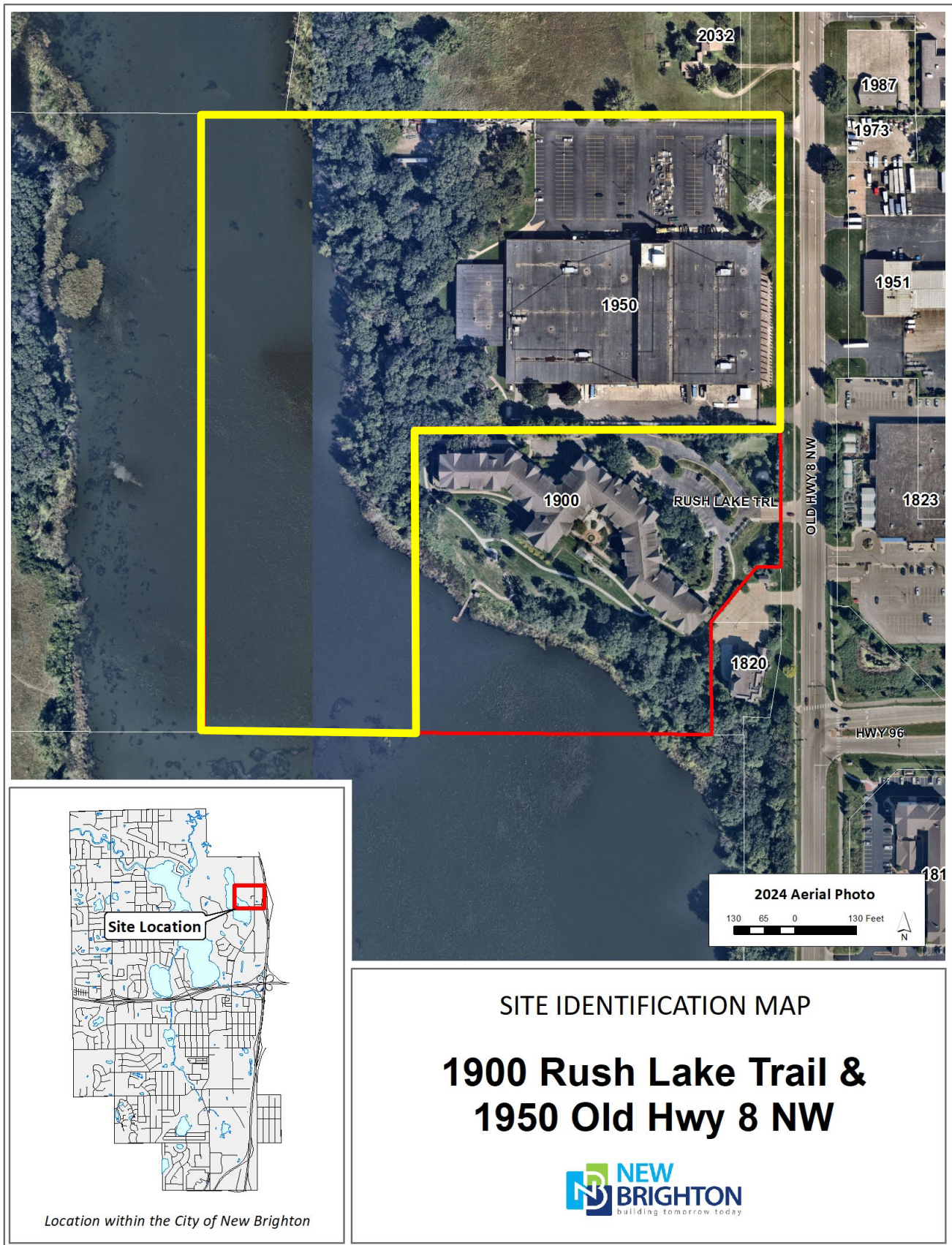
Main Contacts: Travis Rogers, Maintenance & Facilities Supervisor

Location: 1950 Old Highway 8 NW

Zoning: **I-1 (Light Industrial)**

Introductory Information

- | | |
|------------------------|--|
| <i>Project:</i> | <ul style="list-style-type: none">▪ Johnson Screens is seeking an SUP Amendment to change areas of allowed outdoor storage on their property at 1950 Old Highway 8 NW. |
| <i>History:</i> | <ul style="list-style-type: none">▪ In 1970, the Johnson Division of Universal Oil Products Company selected the Village of New Brighton as the ideal location for their new headquarters, and a portion of the now-existing building was subsequently constructed. Building expanded to the east by 96,000 square feet in 1974.▪ In 1974, the Village of New Brighton officially becomes the City of New Brighton and many of today's zoning standards are officially established.▪ Per aerials, in likely the 1990's, an open storage building was constructed to the SW of the existing building. No records of a building permit or site plan review for the structure can be found.▪ In 2011, 41-years after construction of the original Johnson building, a new multi-family residential building (Applewood Point) is built to the south of Johnson Screens.▪ Per the company's website, the Aqseptence Group, a global supplier of specialized filtration and separation solutions dating back to 1884, acquires Johnson Screens in 2013.▪ December 2021: Johnson screens granted site plan approval to construct a new carport south of the building, but are directed to work with Applewood Point on an agreeable buffer/fence/screening if they wanted to gain approval for identified illegal outdoor storage to the south of their building. |



Request(s): ▪ **Special Use Permit to authorize new areas of outdoor storage.**

General Findings

Site Data: ▪ Existing Lot Size ≈ 25.72 acres (≈15.93 above the OHW of Rush Lake)
 ▪ Existing Use – Aqseptence Group (Johnson Screens)
 ▪ Existing Zoning – I-1
 ▪ Property Identification Number (PID): 17-30-23-44-0006

Comp Plan Guidance & Zoning: ▪ The comprehensive plan guides this property for Mixed Use Regional Development. The existing industrial facility vastly predates this land use classification, so the zoning of the property was allowed to remain I-1 to be consistent with the use.
 ▪ Identified nonconformities relating to guidance and zoning were previously addressed with a nonconforming use permit in 2021. This application specifically responds to the 2021 condition that Johnson Screens and Applewood Pointe develop a mutually agreed upon plan for screening and outdoor storage along their shared property line.

Notable Code Definitions: ▪ none

Applicable Codes: ▪ **Chapter 4, Article 7, General Requirements.**
 Allows fences for special purposes and fences varying in height from underlying standards by special use permit if certain criteria can be met.
 ▪ **Chapter 6, Article 1, Light Industrial District.**
 Allows outside storage if approved via special use permit.
 ▪ **Chapter 8, Article 2, Special Use Permit and Variance.**
 Identifies the process by which a special use request is to be reviewed and decided.

Applicant's Narrative [sic]: Johnson Screens is honored to have the opportunity to address the council. I am Travis Rogers, the Facilities and Maintenance Supervisor, representing our company in this matter.
 Since our establishment in New Brighton in 1972, Johnson Screens has been proud to be a part of this community. Over the years, we have built strong relationships with our neighbors to the north and south of our location. For example, we've assisted our northern neighbors

(cont) with light yard work and snow removal in the past. Now, we are prepared to partner with our southern neighbors to construct a new fence that will enhance the appearance of the area for them while providing the necessary coverage for us.

With the addition of this new fence, we are requesting approval to expand our legal outdoor storage around our building . Following our most recent site review, we have been working diligently to improve our property and ensure full compliance with all codes. Specifically:

- **Northern Hill Area:** We cleaned this area of excess equipment that had encroached into the wooded area, which was previously non-compliant. To prevent future issues, we will install a border this summer. Additionally, we have added green screening to the fence in this area to block the view of our outdoor storage, and this spring, we plan to extend the green screening to the remainder of the northern fence. The materials have already been purchased, but the cold weather delayed our progress.
- **Southern Fence Area:** Previously, we added green screening to this fence. However, following the loss of trees on our southern neighbors' property, we have agreed to help pay for the installation of a new vinyl fence. With the new fence getting installed, we are seeking approval to use this area for additional legal outdoor storage. As our business has evolved, the need to maintain more pipe and sheet metal on hand has grown, making this storage expansion essential. We currently have 8' from our retaining wall to the fence. We are requesting to utilize 6' for storage of plate. We have agreed with Applewood that they will handle all upkeep of the new fence but if we damage it with any of our storage we will pay for those repairs. We are looking into other improvements as well like the possibility of installing an automatic gate to prevent seeing our storage from the road but at this time we cannot commit to that until we complete our due diligence on cost and feasibility. Our current operating hours for this gate to be open are 7AM-7PM Monday-Thursday and 7AM-3PM on Fridays.
- **Parking Lot Organization:** Another concern from the site review was the excess material stored in our parking lot. While the new green screening will help shield this area from our northern neighbors' view, our long-term plan is to clear the parking lot entirely of stored materials. We would like to have some minimal storage up against our building and at times may need to stage products in our lot for a short period which is why we will have screening along our entire North border. We currently have screening along the East border facing Hwy 8 and our plan is to install more trees along this fence which will help with our curb appeal from the road. This will be completed in summer of 2025. This will allow us to restore all parking spaces, which will be crucial as we continue to grow. Although we haven't needed the additional spaces recently, we anticipate requiring them as our company expands.

Our goal is to have all these improvements completed by the middle of summer 2025. At that point, all our outdoor storage areas will be up to code, aligning with the findings of our recent site review.

Some examples of the type of storage we are requesting is as follows:

Plate Storage



Pipe Storage



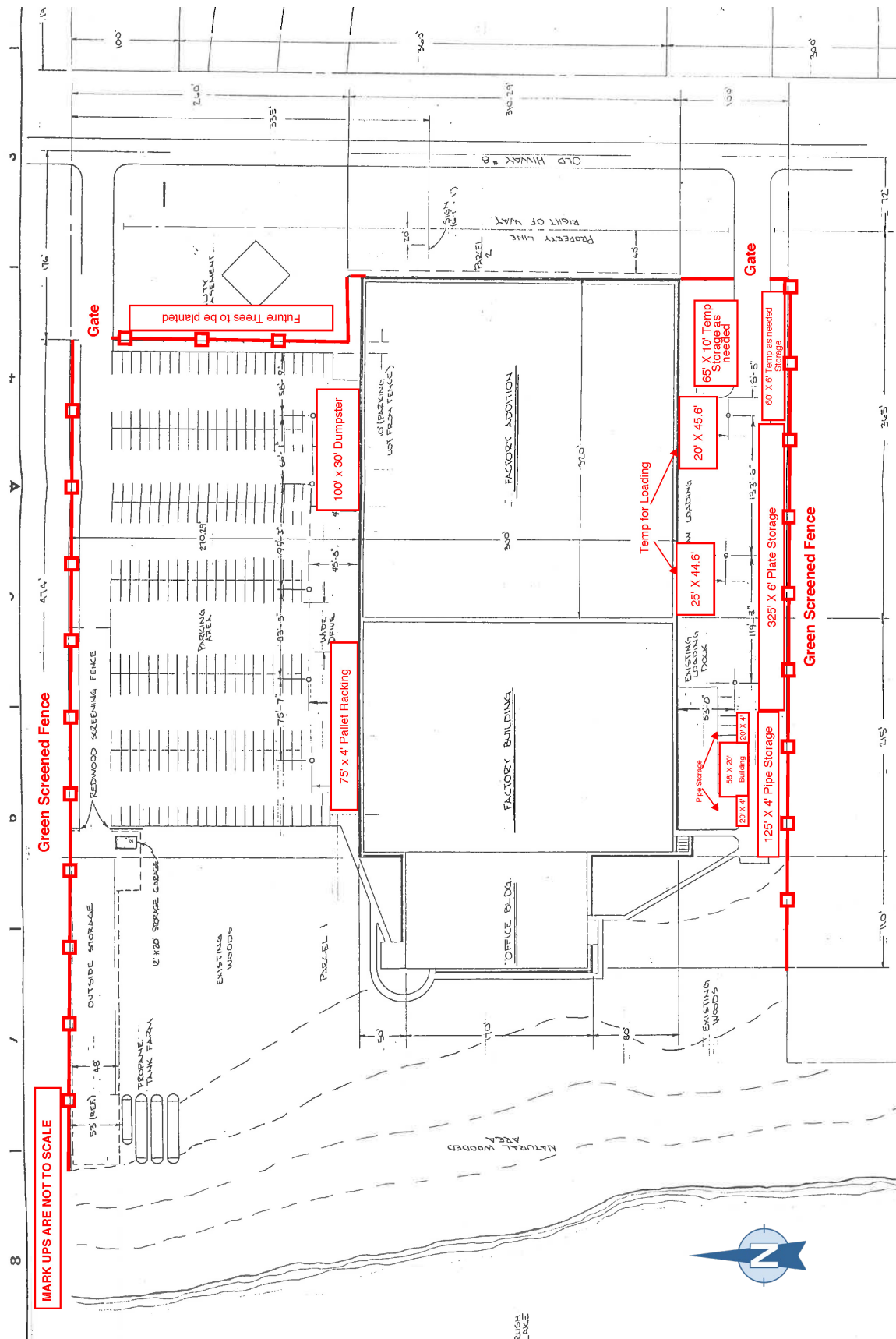
Pallet Racking



Johnson Screens remains committed to being a good neighbor and a responsible corporate citizen in the New Brighton community, where we've proudly operated for over 50 years.

Thank you for your consideration and continued support.

Submitted Outdoor Storage Plan



Special Use Permit Review:

In General:

- The need for a Special Use Permit is triggered by the request to amend authorized outdoor storage areas on the property at 1950 Old Highway 8 NW.
- This special use permit should be reviewed and read in conjunction with a concurrent special use permit application requested by Applewood Pointe to the south of Johnson Screens. Both parties were tasked with identifying an agreeable solution to their shared boundary in late 2021, and that solution finally materialized in early 2025. Both parties have mutually agreed on the proposed improvements and an acceptable cost-sharing arrangement to implement all improvements. In return for investing in new fencing and landscaping for Applewood Pointe, the senior housing collective is in support of the continuation of outdoor storage along the shared boundary.

Criteria Review:

Zoning Code Section 8-130 contains five standards the City must review prior to making a decision on any specially permitted use. Staff analysis of each standard is shown below:

1. ***That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.***

APPLICANT COMMENTS: All areas we are proposing will be located on asphalt or gravel locations to keep maintenance to a minimum.

Staff Analysis: The outdoor storage being proposed has been occurring illegally for many years without causing dangers to public health, safety, or welfare, which suggests that approval of this proposal will not pose any such threats.

Agreements with Applewood Pointe on screening and landscaping needs along their shared boundary will address the primary concerns with comfort and general welfare related to this application. Proposed changes to outdoor storage north of the building will not cause issues thanks to the storage locations being significantly setback from the northern property line.

In all cases, screening of the proposed outside storage, from adjacent properties and from adjacent rights-of-way, must be the City's primary focus with this request. Proposed conditions to ensure required screening is maintained / provided include:

- Implementation of all screening measures outlined in this application;
- Complete implementation of the special purpose fencing and landscaping on the Applewood Pointe property;

(cont.)

- The height of outdoor storage shall be limited to the extent at which the materials are still screened from view from adjacent properties and adjacent right-of-way.
- Johnson Screens must work with Applewood Pointe to establish easements as may be necessary to accommodate the fence location when on the property line and/or when the alignment shifts onto 1950 Old Highway 8 NW;
- While Applewood Pointe will be the responsible party to maintain the 8' special purpose privacy fence being erected, Johnson Screens must agree to making repairs if/when outdoor storage activities causes damage to the shared fence.
- To maintain screening Johnson Screens shall keep the existing gate that controls access to the south parking & loading area closed when the access is not in use;
- Johnson Screens shall work with the public safety department on a quick access option to get through the closed gate when responding to an emergency call.

Criteria can be met with conditions.

2. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*

APPLICANT COMMENTS: *The storage along our property wall will be guarded from the new fence we are installing with Apple Pointe New Brighton. [sic]*

Staff Analysis: Again, the agreed upon screening and landscaping solution brokered between Applewood Pointe and Johnson Screens ensures that both parties view the collective plan (outdoor storage, special purpose fence, and landscaping) as the ideal and equitable solution to address concerns of both parties.

With regards to the proposed new storage areas north of the building, maintaining and improving the screening fence on the northern property line will be critical to ensuring this criteria is met. As a condition of approval, Johnson Screens should be asked to maintain the northern screening fence, and to make improvements should the existing fencing prove inadequate to screen outdoor storage.

Criteria can be met with conditions.

- (cont.)
3. ***That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***
APPLICANT COMMENTS: *This area will be used to keep our material in an organized manner that will help us limit time spent outside on equipment which will limit exposure and noise to our neighbors.*
Staff Analysis: The outdoor storage, screening, and planting plan will have no impact on further development of either this site or the Applewood Pointe property to the south. Proposed parking lot storage areas adjacent to the northern side of the building will have no impact on development to the north of this site. **Criteria met.**

 4. ***That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.***
APPLICANT COMMENTS: *We are not changing any grade or facilities in these areas.*
Staff Analysis: There are no access or utility issues in question with this application. **Criteria met.**

 5. ***That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.***
APPLICANT COMMENTS: *The outside storage will be kept in an orderly fashion with no weeds. This area will mate up to our building or a fence so there will be no concern for the area to grow outside of the approved location.*
Staff Analysis: The proposed special purpose fence on the property's southern boundary is being reviewed and approved under an SUP on the Applewood Pointe property. Provided this SUP is approved, and all proposed screening is implemented, the proposed outdoor storage will be conforming to code. **Criteria met.**

Supplementary Review & Public Comment

<i>Additional Information:</i>	▪ None
<i>Engineering Review:</i>	▪ No engineering concerns were identified regarding the proposed outdoor storage.

Public Safety Review:	As previously noted, allowing outdoor storage to the south of the building can only be permitted if it is screened from all directions, and that will require use of the existing gate or installation of a new gate. Whatever screening gate is used, Johnson Screens must work with the Public Safety department to ensure they have quick entry access in the event of an emergency.
Public Comment:	There were no comments received for or against this proposal as of 2/13/25.
Planning Commission Review:	The Planning Commission will hold a public hearing on this request at their meeting on 2/18/25.

Conclusion:

The application is requesting a Special Use Permit to amend areas of allowed outdoor storage on the property at 1950 Old Highway 8 NW.

Staff Recommendation: Per the analysis outlined in the report, staff is recommending **APPROVAL** of the request with conditions.

Commission Options:

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL OF THE REQUEST based on the applicant's submittals and findings of fact.
- B) RECOMMEND DENIAL OF THE REQUEST based on the applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

Based on an application date of 1/22/25, the 60-day review period for this application expires on 3/23/25. This deadline can be extended an additional 60 days if more time is necessary.

Template Denial Motion:

(not recommended)

- "I move that we recommend the City Council deny the requested special use permit based on the following findings of fact:"
 - *(provide findings to support your conclusion)*

**Template Approval
Motion:
RECOMMENDED**

- “I move we recommend the City Council approve the requested special use permit amendment for outdoor storage based on the findings of fact and conditions listed on pages 11 & 12 of the report as may have been amended here tonight.”

**Suggested Findings
of Fact:**

1. The subject property is guided for Mixed Use Regional Node by the comprehensive plan but has been allowed to retain an I-1 zoning classification to be consistent with the historical use on the property;
2. The proposed areas of outdoor storage can be conforming to all code requirements if conditions are followed;
3. The outdoor storage areas will not eliminate or impact required parking;
4. Provided outdoor storage is kept to low height levels, all areas of outdoor storage can be successfully screened from adjacent properties and adjacent rights-of-way.

**Recommended
Conditions:**

1. The Special Use Permit shall authorize outdoor storage in the general areas identified on the submitted plans shown on page 6.
2. Johnson Screens shall implement all screening measures outlined on the submitted plans, and shall maintain all screening so long as outdoor storage areas are being utilized.
3. Outdoor storage areas to the south of the building shall not become authorized until such time as all proposed fencing and landscaping on the Applewood Pointe property is in place.
4. The maximum height of outdoor storage shall be limited by the screening methods put in place to eliminate views from adjacent properties and from adjacent rights-of-way.
5. Johnson Screens must work with Applewood Pointe to establish easements as may be necessary to accommodate the fence location when either on the property line or when the alignment shifts onto the land at 1950 Old Highway 8 NW.
6. While Applewood Pointe will be the responsible party to maintain the 8’ special purpose privacy fence being erected, Johnson Screens must agree to make fence repairs if/when outdoor storage activities causes damage to the shared fence.

- (cont)
7. To maintain screening from Old Highway 8, Johnson Screens shall keep the existing gate that controls access to the south parking & loading area closed when the access is not in use; screening material on the gate shall be upgraded to provide actual screening while the gate is closed.
 8. Johnson Screens shall work with the public safety department on a quick access option to get through the closed gate when responding to an emergency call.
 9. Failure to adhere to these conditions of approval shall be grounds for revocation of the new outdoor storage areas being authorized by this SUP amendment.

cc: Travis Rogers

RESOLUTION NO. _____
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
FOR AQSEPTENCE GROUP INC (JOHNSON SCREENS) AUTHORIZING SPECIFIC AREAS
OF OUTDOOR STORAGE AT 1950 OLD HIGHWAY 8

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Aqseptence Group Inc. (the “Applicant”) is owner of property at 1950 Old Highway 8 which has the property identification number of 17-30-23-44-0006; and

WHEREAS, the Applicant’s property is guided by the Comprehensive Plan for for Mixed Use Regional, but is zoned I-1 on the City’s official zoning map in recognition of the historic use on the site; and

WHEREAS, the Applicant is seeking to gain authorization for new outdoor storage areas on various portions of the site as shown on Exhibit A; and

WHEREAS, the Applicant made application to the City for site plan review on 1/22/25, and supplied all necessary plans for review in the subsequent days; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on February 18, 2025; and

WHEREAS, the Planning Commission held a public hearing on the request at the February 18th meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended approval of the request on February 18th based on the applicant’s submittals and findings of fact; and

WHEREAS, the City Council considered on February 25th, 2025, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

- 1. The subject property is guided for Mixed Use Regional Node by the comprehensive plan but has been allowed to retain an I-1 zoning classification to be consistent with the historical use on the property;*
- 2. The proposed areas of outdoor storage can be conforming to all code requirements if conditions are followed;*
- 3. The outdoor storage areas will not eliminate or impact required parking;*
- 4. Provided outdoor storage is kept to low height levels, all areas of outdoor storage can be successfully screened from adjacent properties and adjacent rights-of-way.*

BE IT FURTHER RESOLVED, that approval of the special use permit shall be subject to the following conditions:

- 1. The Special Use Permit shall authorize outdoor storage in the general areas identified on the submitted plans shown in Exhibit A.*
- 2. Johnson Screens shall implement all screening measures outlined on the submitted plans, and shall maintain all screening so long as outdoor storage areas are being utilized.*
- 3. Outdoor storage areas to the south of the building shall not become authorized until such time as all proposed fencing and landscaping on the Applewood Pointe property is in place.*
- 4. The maximum height of outdoor storage shall be limited by the screening methods put in place to eliminate views from adjacent properties and from adjacent rights-of-way.*
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- 8. Johnson Screens shall work with the public safety department on a quick access option to get through the closed gate when responding to an emergency call.*
- 9. Failure to adhere to these conditions of approval shall be grounds for revocation of the new outdoor storage areas being authorized by this SUP amendment.*

ADOPTED this 25th day of March, 2025 by the New Brighton City Council with a vote of __ ayes and __ nays.

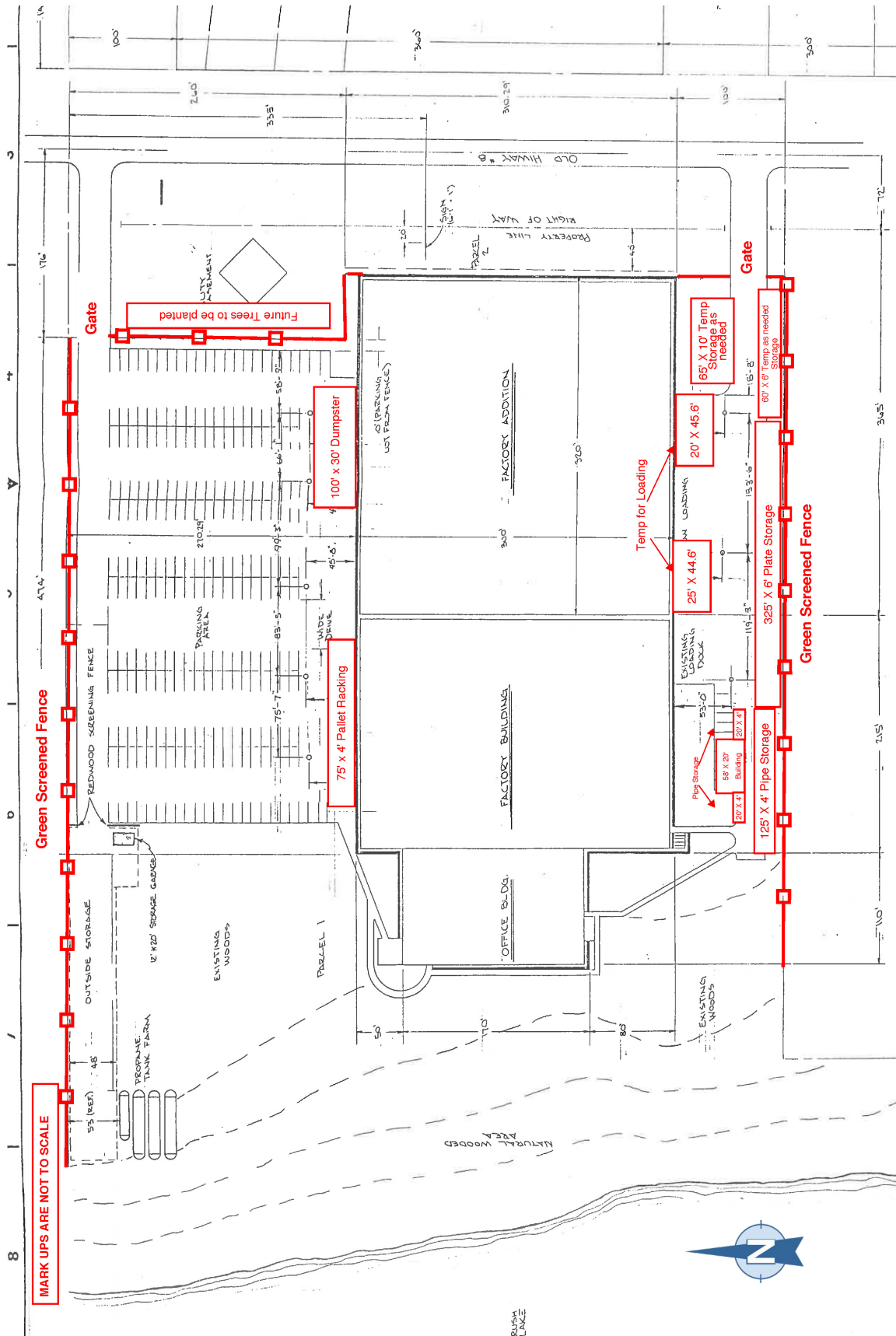
Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

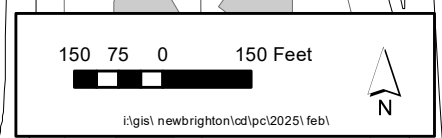
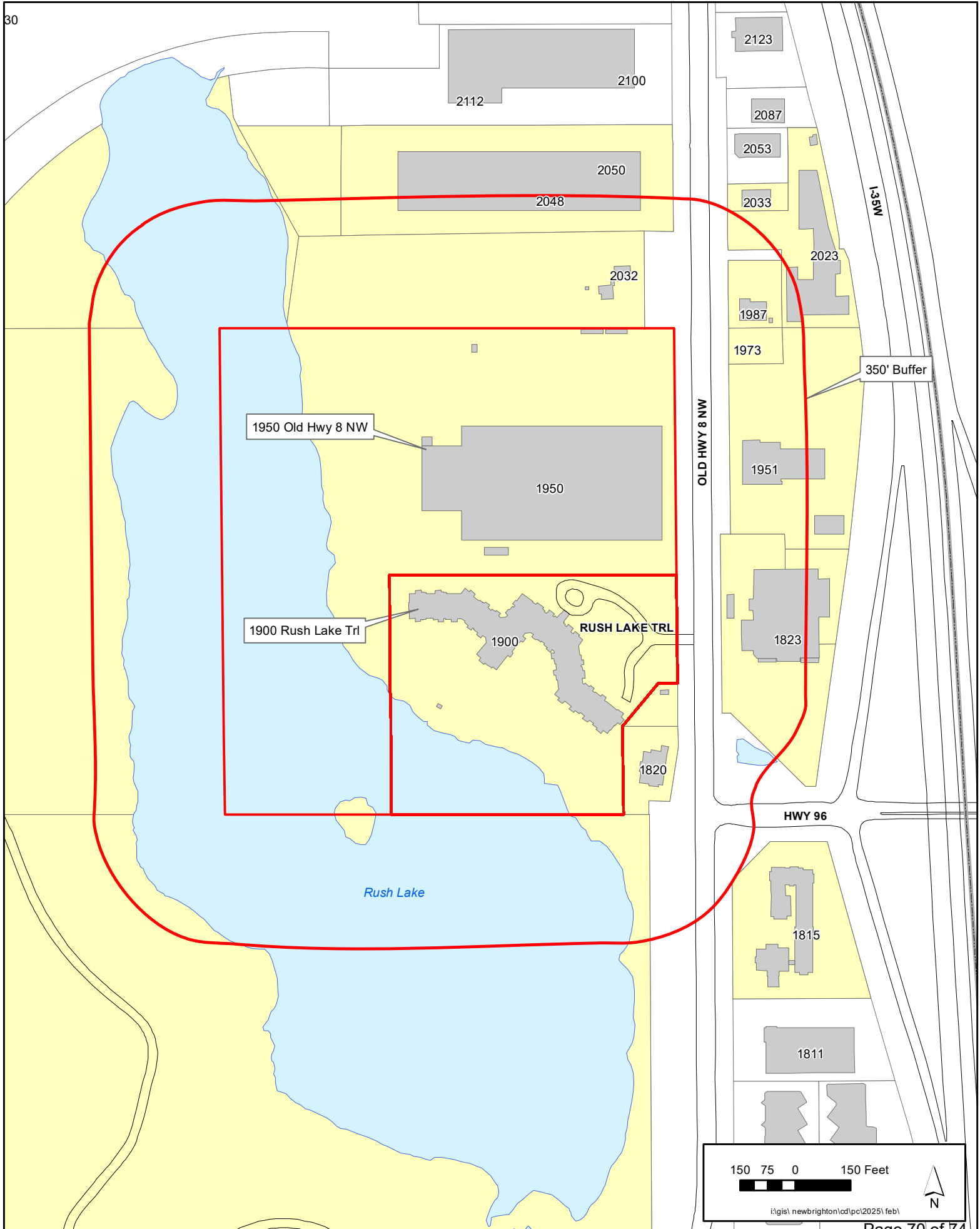
ATTEST:

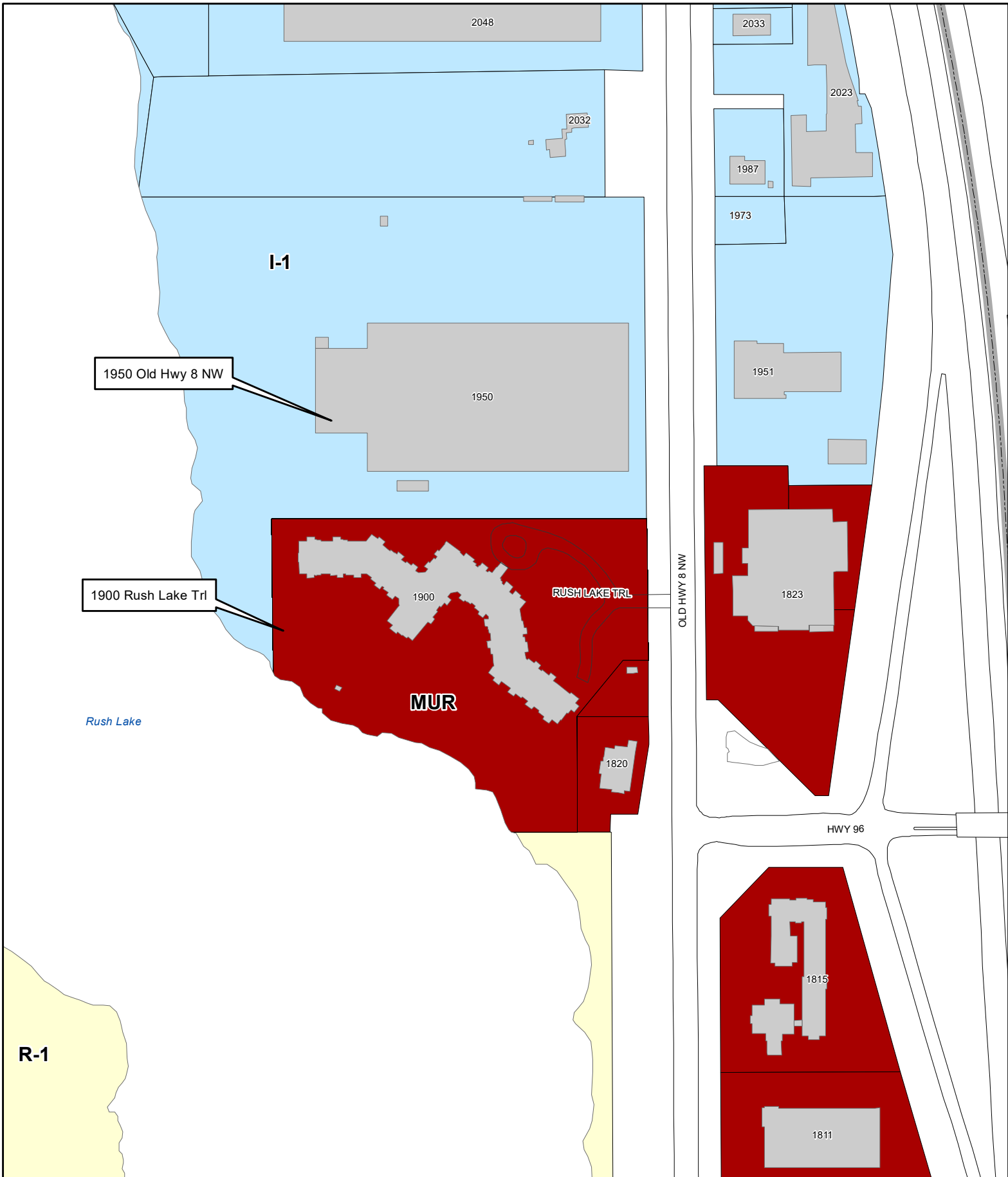
Terri Spangrud, City Clerk

Exhibit A

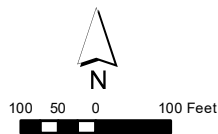


1900 Rush Lake Trl & 1950 Old Hwy. 8 NW - 350' Mailing List





-  I-1, Light Industrial
-  MUR, Mixed Use Regional
-  R-1, Single Family Residential



Current Zoning
 1900 Rush Lake Trl
 MUR, Mixed Use Regional

To the New Brighton City Council,

Johnson Screens is honored to have the opportunity to address the council. I am Travis Rogers, the Facilities and Maintenance Supervisor, representing our company in this matter.

Since our establishment in New Brighton in 1972, Johnson Screens has been proud to be a part of this community. Over the years, we have built strong relationships with our neighbors to the north and south of our location. For example, we've assisted our northern neighbors with light yard work and snow removal in the past. Now, we are prepared to partner with our southern neighbors to construct a new fence that will enhance the appearance of the area for them while providing the necessary coverage for us.

With the addition of this new fence, we are requesting approval to expand our legal outdoor storage around our building . Following our most recent site review, we have been working diligently to improve our property and ensure full compliance with all codes. Specifically:

- **Northern Hill Area:** We cleaned this area of excess equipment that had encroached into the wooded area, which was previously non-compliant. To prevent future issues, we will install a border this summer. Additionally, we have added green screening to the fence in this area to block the view of our outdoor storage, and this spring, we plan to extend the green screening to the remainder of the northern fence. The materials have already been purchased, but the cold weather delayed our progress.
- **Southern Fence Area:** Previously, we added green screening to this fence. However, following the loss of trees on our southern neighbors' property, we have agreed to help pay for the installation of a new vinyl fence. With the new fence getting installed, we are seeking approval to use this area for additional legal outdoor storage. As our business has evolved, the need to maintain more pipe and sheet metal on hand has grown, making this storage expansion essential. We currently have 8' from our retaining wall to the fence. We are requesting to utilize 6' for storage of plate. We have agreed with Applewood that they will handle all upkeep of the new fence but if we damage it with any of our storage we will pay for those repairs. We are looking into other improvements as well like the possibility of installing an automatic gate to prevent seeing our storage from the road but at this time we cannot commit to that until we complete our due diligence on cost and feasibility. Our current operating hours for this gate to be open are 7AM-7PM Monday-Thursday and 7AM-3PM on Fridays.
- **Parking Lot Organization:** Another concern from the site review was the excess material stored in our parking lot. While the new green screening will help shield this area from our northern neighbors' view, our long-term plan is to clear the parking lot entirely of stored materials. We would like to have some minimal storage up against our building and at times may need to stage products in our lot for a short period which is why we will have screening along our entire North border. We currently have screening along the East border facing Hwy 8 and our plan is to install more trees along this fence which will help with our curb appeal from the road. This will be completed in summer of 2025. This will allow us to restore all parking spaces, which will be crucial as we continue to grow. Although we haven't needed the additional spaces recently, we anticipate requiring them as our company expands.

Our goal is to have all these improvements completed by the middle of summer 2025. At that point, all our outdoor storage areas will be up to code, aligning with the findings of our recent site review.

Some examples of the type of storage we are requesting is as follows:

Plate Storage



Pipe Storage



Pallet Racking



Johnson Screens remains committed to being a good neighbor and a responsible corporate citizen in the New Brighton community, where we've proudly operated for over 50 years.

Thank you for your consideration and continued support.

Sincerely,

Travis Rogers

Facilities & Maintenance Supervisor

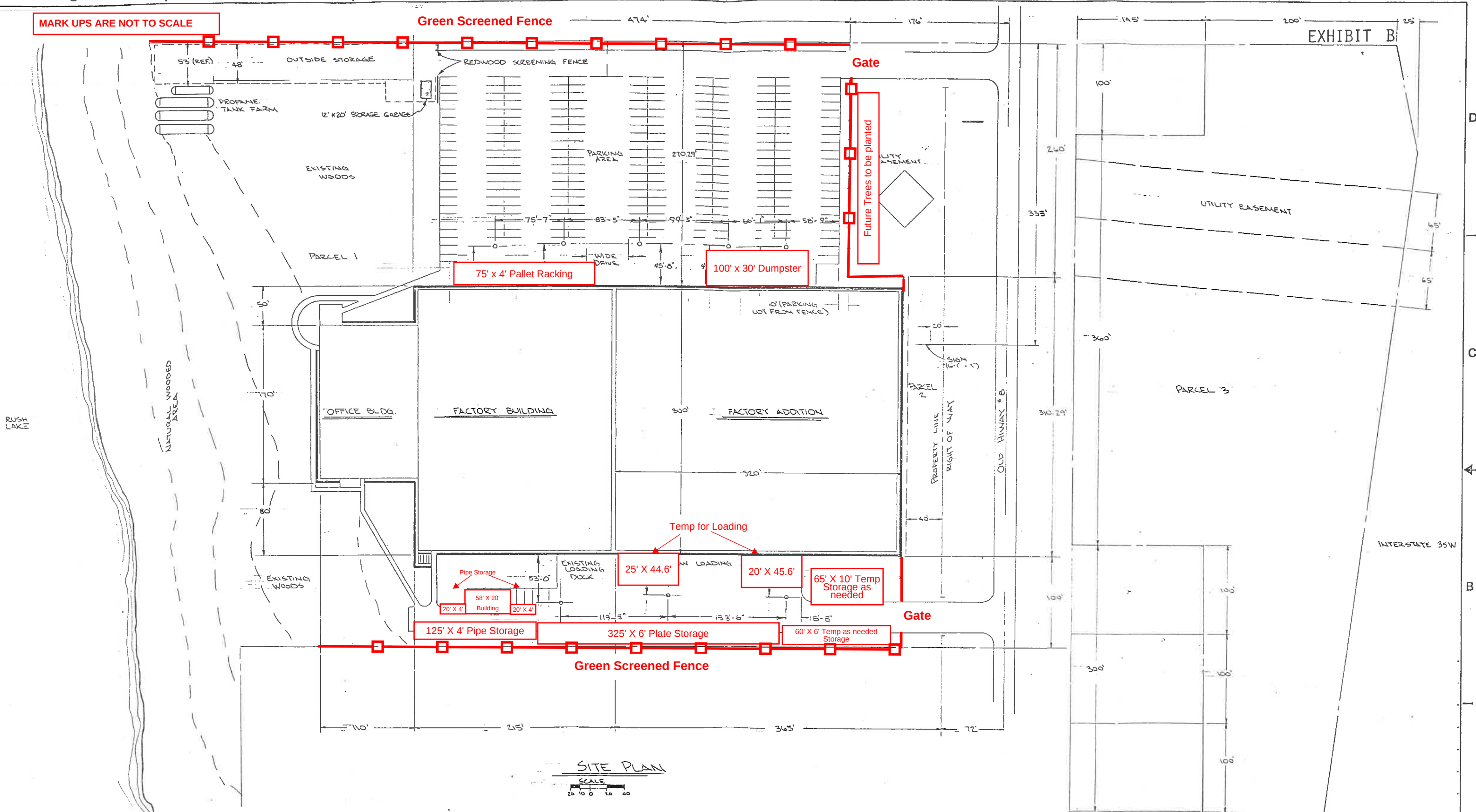
Johnson Screens

MARK UPS ARE NOT TO SCALE

Green Screened Fence

Gate

EXHIBIT B



SITE PLAN
SCALE
20 10 0 10 20 40

TOLERANCES (UNLESS OTHERWISE NOTED)			
INCHES	MILLIMETERS	DRAWN BY	DATE
0-12" incl. ± 1/16"	0-100 incl. ± 1 MM	TMS	12-12-74
12"-60" incl. ± 1/8"	100-250 incl. ± 2 MM	CHECKED BY	DATE
60"-120" incl. ± 1/4"	250-1500 incl. ± 3 MM	ENGR. APPROVAL	DATE
120" & over ± 1/2"	1500-3000 incl. ± 6 MM	MFG. APPROVAL	DATE
	3000 & over ± 12 MM		

ITEM	QTY.	DESCRIPTION	MATERIAL	MATERIAL SPECS.	PART NO.
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NEW BRIGHTON PLANT			Johnson Division Universal Oil Products Company St. Paul, Minnesota UOP		
REFERENCE:			PROJECT NO. DWG. NO. D -		

REV	DESCRIPTION	BY	APPR.	DATE	REV	DESCRIPTION	BY	APPR.	DATE
8					7				
6					5				
4					3				
2					1				