

CITY OF CENTERVILLE  
COUNTY OF ANOKA  
STATE OF MINNESOTA

ORDINANCE #123

AN ORDINANCE OF THE CITY COUNCIL OF CENTERVILLE, MINNESOTA,  
APPROVING A CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT  
FOR THE FAIRVIEW SECOND ADDITION PLAT

WHEREAS, RYAN COMPANIES, ("Applicant"), with permission of the fee owners, and on behalf of, and as agent for Amazon.com Services, LLC, who is in contract to purchase these "Subject Parcels", which are legally described in Exhibit A, attached.

WHEREAS, the Planning and Zoning Commission held a series of meetings and hearings regarding the governance of the Plat, FAIRVIEW SECOND ADDITION.

WHEREAS, at its meeting on April 5, 2022, the Planning and Zoning Commission determined that Plat development would proceed as a Planned Unit Development pursuant to Centerville Code of Ordinances, Section 156.222.

WHEREAS, at a public hearing on May 3, 2022, the Planning and Zoning Commission made FINDINGS and RECOMMENDATIONS with respect to the application for a Planned Unit Development, and for preliminary and final Plat.

WHEREAS, the Applicant obtained the RECOMMENDATION of the Planning and Zoning Commission to GRANT variances pursuant to a Planned Unit Development and impose conditions in the form of a Conditional Use Permit governing the development of the parcel and the construction of improvements thereon. Those findings and recommendations are set forth in the memorandum from Phil Carlson, AICP, Stantec, dated May 25, 2022. This memorandum is attached as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Centerville, Minnesota, in considering the recommendation of the Planning & Zoning Commission, that it adopts the findings of fact related to the requested land use applications for the Subject Parcels, and DOES ORDAIN the adoption and approval of a Conditional Use Permit for a Planned Unit Development for the Plat "FAIRVIEW SECOND ADDITION" to include the variances and conditions set forth in Exhibit C.

Effective Date. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND DULY ADOPTED this 25<sup>th</sup> day of May, 2022, by the City Council of the City of Centerville.



D. Love, Mayor

Attest:

Mark Statz, City Administrator

## **EXHIBIT A**

### **Legal Description of Subject Parcels**

The Subject Parcels are legally described as:

Parcel 1:

The South 662.45 feet of the Northwest Quarter of the Southwest Quarter of Section 24, Township 31, Range 22, Anoka County, Minnesota, as measured at a right angle to the South line of said Northwest Quarter.

Abstract Property

Parcel 2:

The Northwest Quarter of the Southwest Quarter of Section 24, Township 31, Range 22, Anoka County, Minnesota, which lies northerly of the South 662.45 feet of said Northwest Quarter as measured at a right angle to the South line of said Northwest Quarter.

Abstract Property

All parcels are subject to easements of record.

**EXHIBIT B**

**Findings of Fact - Stantec Memorandum**

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733 Marquette Avenue, Suite 1000, Minneapolis, MN 55402

## Planning Report

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DATE: May 25, 2022  
TO: Centerville City Council  
FROM: Phil Carlson, AICP, Stantec  
APPLICANT: Chad Lockwood, Ryan Companies  
REQUEST: "Banjo" Distribution Center, Planned Unit Development, Plat  
ADDRESS: 6900 Block of 21<sup>st</sup> Avenue (Rehbein Black Dirt)  
PIDS: 24-31-22-32-0003 & 24-31-22-32-0002  
OWNER: Rehbein Properties

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### INTRODUCTION

A national company proposes a 140,000-sq-ft distribution center on land owned by Rehbein Properties in the industrial park. The user is confidential for now; the project goes by the name "Banjo" and is represented by Ryan Companies. The site consists of three parcels totaling about 40 acres, between 20<sup>th</sup> and 21<sup>st</sup> Avenues, north of Fairview Street, south of Commerce Drive.

The site is essentially vacant, being used for Rehbein's large-scale black dirt operations. The site has street frontage on three sides: on the east and west along 20<sup>th</sup> and 21<sup>st</sup> Avenues, and south along Fairview Street. The northeast corner of the site touches the intersection of Commerce Drive and 21<sup>st</sup> Avenue. Clearwater Creek angles across the northern quarter of the site, separating a 5-acre triangle of land, mostly wetland, from the rest of the site.



Adjacent uses and zoning are industrial to the north and south in Centerville, as well as east across 21<sup>st</sup> Avenue in Lino Lakes. To the west across 20<sup>th</sup> Avenue are commercial zoning and uses, including the Creative Kids Academy daycare, Centerville Storage mini-storage, and Mechanical Air Systems. Land Use Plan and zoning map excerpts are included on the second page following.

The project was discussed by the Planning & Zoning Commission on April 5, 2022, where they voted to process the request as a planned unit development (PUD), and then was considered at a public hearing on May 3, 2022, where the Commission recommended approval with conditions, which are detailed later in this report.



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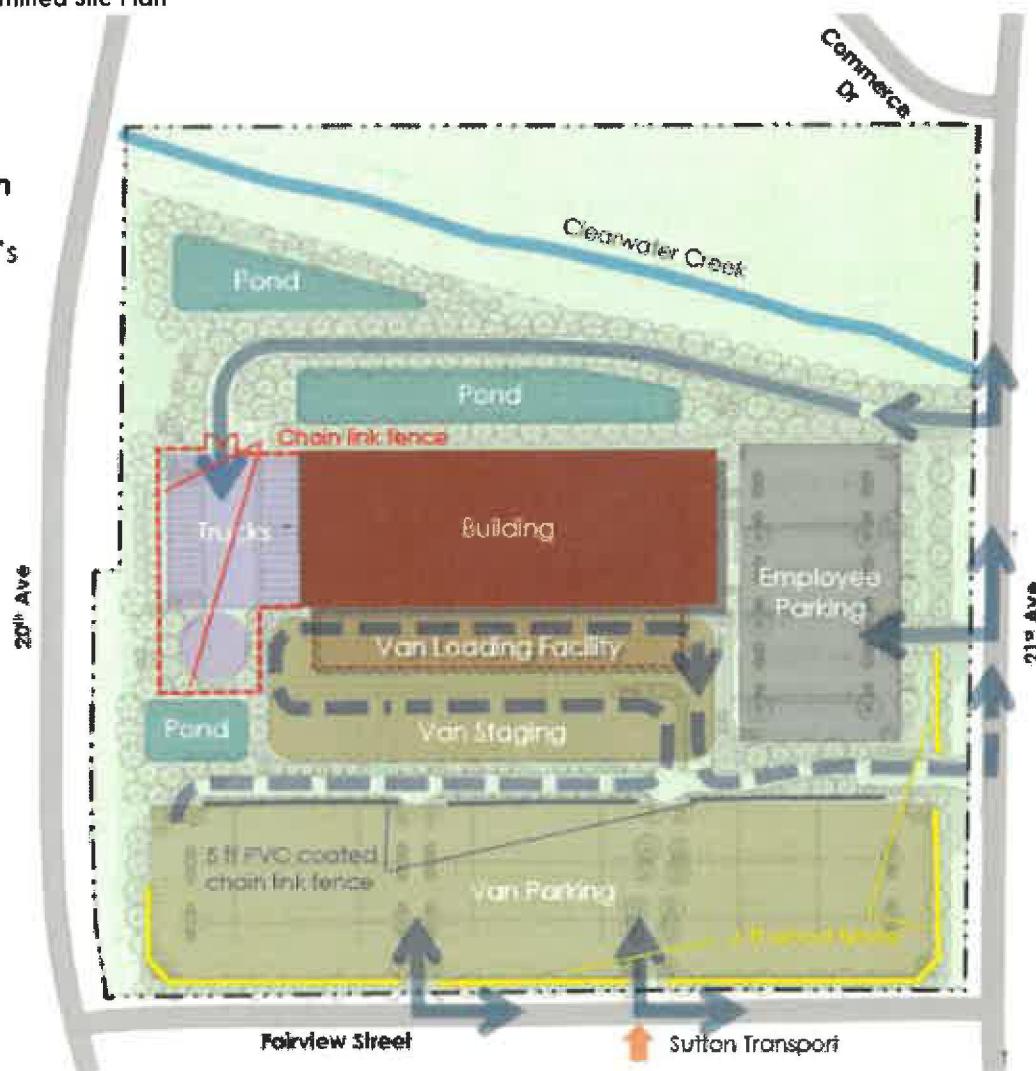
#### RE: Banjo Distribution Center, PUD, Preliminary & Final Plat

#### BACKGROUND

Below is the originally submitted site plan, in schematic form. Some revisions to the plan are discussed throughout this memo.

#### Originally Submitted Site Plan

**Banjo  
Distribution  
Facility  
Applicant's  
Site Plan**





**RE: Banjo Distribution Center, PUD, Preliminary & Final Plat**

**2040 Land Use Plan**



City Boundary

Future Land Use Designations

Low Density Residential (LDR)

Medium Density Residential (MDR)

High Density Residential (HDR)

Central Business District / Mixed Use (CBD/MU)

Commercial (C)

Industrial (I)

Public Semi-Public (P SP)

City Park (CP)

Regional Park Reserve (RPR)

**Zoning Map**



<b>R1</b>	RURAL RESIDENTIAL
<b>R2A</b>	HIGH-DENSITY SINGLE-FAMILY RESIDENTIAL
<b>R2</b>	SINGLE-FAMILY RESIDENTIAL
<b>R3</b>	HIGH-DENSITY MULTI-FAMILY RESIDENTIAL
<b>R4</b>	SINGLE-FAMILY MANUFACTURED HOUSING
<b>R5</b>	SINGLE-FAMILY RESIDENTIAL - ESTATE
<b>B1</b>	COMMERCIAL
<b>B2</b>	MAIN ST. COMMERCIAL
<b>I</b>	INDUSTRIAL PARK
<b>P1</b>	PUBLIC/INSTITUTIONAL
<b>M1</b>	MIXED USE
<b>M2</b>	MIXED USE NEIGHBORHOOD DISTRICT

**USES**

**Truck Terminal**

The proposed use involves bringing goods onto the site in trucks, unloading, sorting, repackaging them for distribution, and loading them into vans for delivery. The applicants describe the proposed uses as warehouse and office, noting the facility will distribute merchandise to customers. The zoning code table of uses lists "Warehouse/Distribution" as a permitted use in the Industrial district and notes "Truck Terminal" as a conditional use. There is no definition for truck terminal in the code, but the proposed Banjo facility meets a typical dictionary definition:

TRUCK TERMINAL means a building, structure or place where trucks or transports are rented, leased, kept for hire, or stand or park for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers or where goods are stored temporarily for further shipment.



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**Outside Storage**

Since the above truck terminal use is by CUP, parking of trucks and trailers also becomes an issue as "outside storage". In 156.040(M), storage is regulated in the I-1 district (underline added):

*(M) Storage. For the purpose of this zoning district, car, vans and pickup trucks parked outside and used by employees and/or visitors in the normal course of the business operation will not be construed to be outdoor storage. Further, outside ~~parked trucks and semi-trailers used in the normal business commerce will not be construed to be outdoor storage:~~*

- (1) *Provided that the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; and*
- (2) *(2) This use is not construed as an operation listed as a conditional use in any industrial zone.*

The proposed number of trailer parking spaces is less than the number of docks. Trucks and semi-trailers are part of a conditional use and therefore count as outside storage. It is implied that this outside storage of trucks and semi-trailers would be reviewed with a CUP. In Section 156.144 (M)(2), outside storage is also addressed, noting that "equipment . . . necessary to an approved business operation in a commercial or industrial district" is prohibited "except as specifically provided for in this chapter." This outside storage "must be completely screened from adjacent properties and rights-of-way". Together with the provisions in 156.040(M)(2), storing trucks and semi-trailers for the truck terminal use must be completely screened and reviewed as a CUP.

**Height**

Structures over 35 feet in height are only allowed by CUP, per Section 156.121(A). The proposed building would be 44 feet in height, so a CUP for that feature is needed as well.

**PROCESS**

The applicants originally applied only for a conditional use permit, site plan review, and preliminary and final plat. The truck terminal, outside storage and building height all need CUPs.

The Planning & Zoning Commission chose the option of requiring a planned unit development (PUD) for the project as well, under Section 156.222:

*The Planning & Zoning Commission may require that any development be submitted as a PUD when in their opinion the proposed development could be best handled as a PUD.*

The key difference is that a CUP follows specific procedures and criteria outlined in the code and the project must still meet other standards, such as setbacks. A PUD may take into account other factors on and off the site and can vary from the strict standards in the code (without a formal variance) if there are benefits to the City or future users of the site. The Commission believed, and staff agrees, that the issues associated with this use and this site are best addressed with a PUD.



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**SITE ISSUES**

**Loading Facilities/Screening**

The Zoning Code has standards for location of loading facilities in the Industrial District in 156.040(L):

*Loading facilities shall be on the side of rear yards. When adjacent to and/or visible from any public street, the facilities must be adequately screened.*

The Banjo facility has two "loading facilities" – the truck docks on the west side and the van loading area on the south side of the building. The front of the lot is 21<sup>st</sup> Avenue, the rear is opposite the front by code, so the truck loading docks on the west are in the rear yard. They are adjacent to 20<sup>th</sup> Avenue, however, so they still must be adequately screened.

The van loading area on the south side of the building also qualifies as a "loading facility" – it is the area where 344 vans will be "loaded" with the packages from this facility for delivery. The south side of the building is a side yard, which does not allow a loading facility. There may be different ways to address this – enclose the van loading area completely within the building, rearrange the site to put it in the rear yard, or negotiate a satisfactory arrangement within a PUD. This is one example of how a PUD might be an easier and more useful tool in this process than a straight CUP.

The landscape plan provides significant landscaping behind the loading docks in addition to existing volunteer vegetation along 20<sup>th</sup> Avenue. An 8-ft chain link fence is proposed around the truck dock area. There is a 6-ft wooden fence proposed along the Fairview Street and part of the 21<sup>st</sup> Avenue sides of the site, seen on the site plan and oblique view on the next page. There is also a 5-ft PVC-coated chain link fence between the van parking and the van loading areas.

Another concern is noise from the van loading area that might be mitigated by enclosing this part of the operation. The City Code in Section 91.09(A)(3) stipulates:

*No person shall create loud and excessive noise in loading, unloading or unpacking any vehicle between the hours of 10:00 p.m. and 7:00 a.m.*

Potential noise issues will be reviewed in detail and negotiated within a PUD. The landscape plan proposes significant screening around and between all parts of the site which is reviewed within the PUD process.

**Traffic**

The facility will generate considerable traffic – 344 vans leaving in the morning and returning in the evening. The operation deliberately avoids the peak morning and evening rush hours: vans leave the site between 9:50-11:30 am, returning from 7:10-9:10 pm. Still, this traffic will have an impact on adjacent roads, especially the intersection of Main Street and 21<sup>st</sup> Avenue. A traffic study has been prepared by the applicants' consultant which is factored into the recommendations.



**RE: Banjo Distribution Center, PUD, Preliminary & Final Plat**

The study analyzed 7 different scenarios, including combinations of current traffic, 2025 and 2040 traffic, combined with or without the facilities traffic in both normal and peak seasons. A total of 10 intersections around the area were looked at, under each of the 7 scenarios. The major conclusions of the traffic study are:

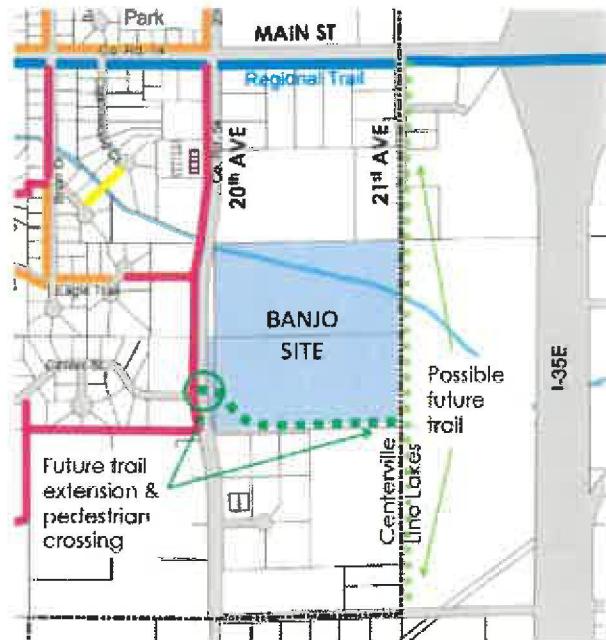
- All intersections, during all scenarios continue to function at acceptable levels.
- The stacking capacity of turn lanes on 21st Avenue (north and south legs), will be inadequate, blocking the closest driveways on 21<sup>st</sup>, in some of the future scenarios. These issues can be mitigated by constructing medians on 21<sup>st</sup> Avenue. These inadequacies exist with or without project Banjo.

**Parks and Trails**

The project will include park dedication per the City's ordinance. The City is not requesting land to be dedicated, but we recommend a future trail be included with the project on Fairview Street. The anticipated cost of the trail would be part of the park dedication for the project. This needs to be carefully considered, given roads and truck traffic in the area.

There are trails in the western part of Centerville, including one coming from the west to 20<sup>th</sup> Avenue south of Center Street, then extending north on the west side of 20<sup>th</sup> Avenue. There are no trails in this area east of 20<sup>th</sup> Avenue.

Providing such a trail to connect 20<sup>th</sup> and 21<sup>st</sup> Avenues is a worthy goal, but only if there is a safe crossing of 20<sup>th</sup> Avenue, which is a busy county road. This might best be accomplished with a crossing at a controlled intersection. That controlled intersection may take the form of a signal or roundabout at a realigned intersection of Center Street and Fairview Street at 20<sup>th</sup> Avenue.



The existing trails and possible future connection is illustrated above. The dark green trail would be required as part of the Banjo PUD, to be built at a later date. The light green trail along 21<sup>st</sup> Avenue is a possible link at some point, shown on the Lino Lakes comprehensive plan. Together, these trail links would connect the rest of Centerville to destinations east, south and north.



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**Architecture & Building Materials**

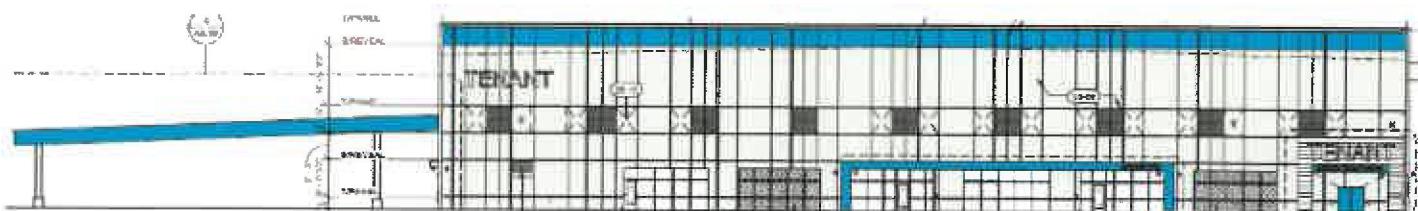
The building is proposed to be 44 feet in height. Code allows buildings over 35 feet in height by CUP and with increased setbacks. This issue is dealt with in the PUD.

The exterior materials of the building are proposed to be precast concrete panels painted gray, with a colored band at the top – see elevation and oblique site views below and on the next pages. There will be glass windows on the front (east) side where the offices are located. There are reveals in the concrete panels to lend interest, but what is proposed is essentially a very large gray box with a stripe around the top. The code in Section 156.040 (P) requires:

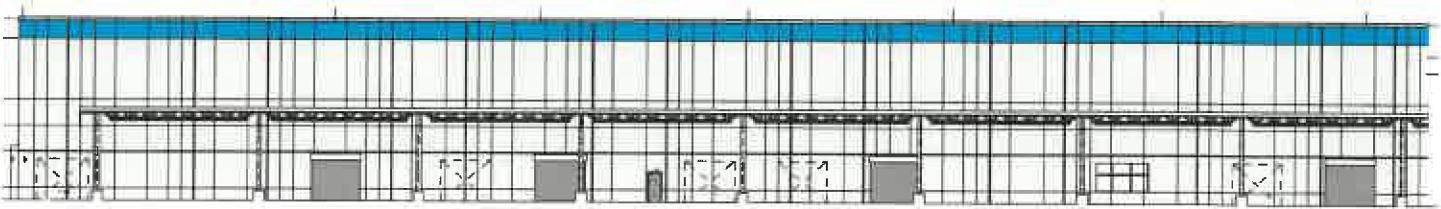
*Industrial buildings are required to be constructed of brick, decorative block or approved textured masonry product. Pole barn type buildings are not allowed. Buildings are required to have contrasting architectural features and must be designed to be aesthetically pleasing.*

The canopy over the van loading area is proposed with a standing seam metal roof to match the colors of the building.

**East Elevation (toward 21<sup>st</sup> Avenue)**



**Partial south Elevation (toward Fairview Street)**





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**Similar building, photo provided by applicant**



**Lighting**

Lighting is proposed on the building, under the van loading canopy, and around the parking areas on light poles. The lighting plan indicates the light poles will be 24'-8" or 37'-0" in height. All lighting is downcast cutoff type fixtures with less than 0.5 footcandle at all points on the perimeter of the site. The lighting under the van loading canopy is understandably brighter, but the photometric plan indicates that light levels fall off quickly to typical parking lot level of about 2 footcandles within a short distance out from the canopy.

**Signage**

Signage is proposed on the building and on two freestanding signs at the entrances. Signage will be reviewed in more detail in line with the City's standards.

**Floodplain**

Much of the Banjo site south of Clearwater Creek is floodplain. This development would fill that floodplain and mitigate in areas north of the creek. This makes usable land out of the south area, while filling in the non-wetland areas north of the creek with floodplain, which would otherwise be small, awkward or undevelopable pieces of land. The result will be a larger complex of floodplain, wetlands, stormwater ponds between the creek and Commerce Drive. Having all of this area contiguous is better for wildlife habitat vs. numerous smaller disconnected areas.



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**PLANNING COMMISSION REQUESTS FOR FURTHER INFORMATION**

Embedded within the recommendations from the Planning and Zoning Commission were a number of issues on which they were requesting additional information or research be presented to the City Council, prior to final approval. Below, is information on those issues, based on the reports and figures provided by the applicant.

**Noise**

Concerns were raised at the Planning & Zoning Commission hearing about noise from the new facility that might impact nearby residential areas, mainly from the trucks and vans and their associated loading activities. The Commission recommended that a noise study be prepared by the applicants and potential noise mitigation studied. Kimley Horn prepared a technical noise memorandum for the applicant dated 5-17-22 which concluded that noise levels generated on the project site would likely add very little perceived increase in noise to the neighborhood and that mitigation (wall, fence, berm) would have very little effect and is not recommended.

Estimated noise contours in the area from the memo are on the next page. I spoke with the memo's author, Tad Hardy of Kimley-Horn Charlotte NC office, who offered the following:

- The memo estimates existing ambient noise as 45-50 dB(A). This is an estimate based on experience with similar suburban settings and did not involve actual measurements or noise monitoring on site. This existing ambient noise will be measured as a condition of approval to determine a baseline before construction begins.
- The memo estimates noise from the various sources at the Banjo project site as 44-48 dB(A).
- Not directly stated in the memo is the additive effect of the existing noise plus the project noise. Mr. Hardy said that adding the existing 45-50 dB(A) to the new 44-48 dB(A) amounts to an additional 1-3 dB(A) – the cumulative noise that would be experienced once the project is operational would likely be 46-53 dB(A), still below the city and state noise standards.
- Within the dB(A) noise measurement is the understanding that there will be occasional louder noises for very short periods of time.
- Background neighborhood noise levels will likely increase over time regardless of development on the Banjo site.

Taken together, we conclude the following on the noise issue:

- 1) Existing noise levels in the neighborhood are modest.
- 2) New noise from various sources on the Banjo site would also be modest.
- 3) The combination of existing and new noise levels would be an additional 1-3 dB(A), a small increase.



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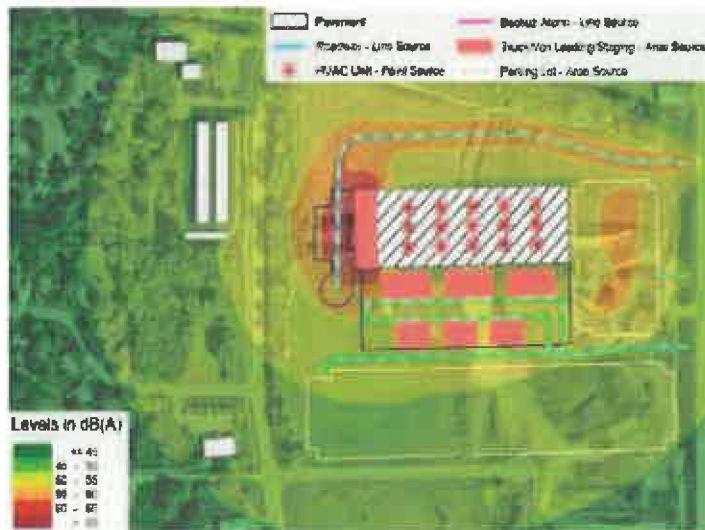
- 4) A wall, fence, or berm would not be effective in noticeably reducing noise from the site.
- 5) Existing noise levels should be measured before construction begins, then again after the site is operational to confirm the conclusions of the study, and to help the City decide if additional mitigation measures might be warranted.

**Noise contour maps from Kimley-Horn 5-17-22 memo**

**Figure 3: Daytime Operational Noise Contours**



**Figure 4: Nighttime Operational Noise Contours**



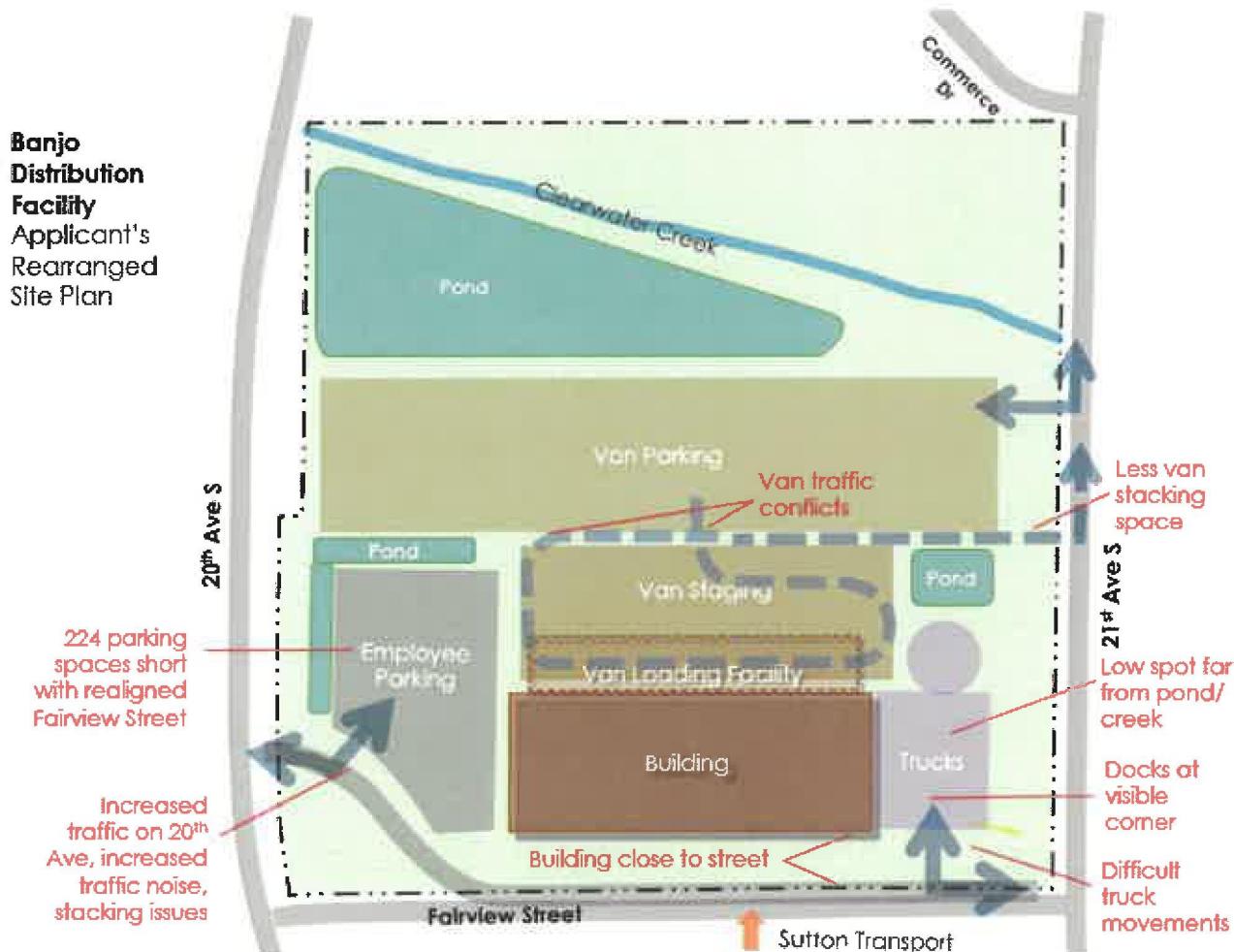
Despite the conclusion of the noise study, there is the possibility that residents may find the intermittent noise throughout the night to be disruptive. The applicant has indicated a willingness to build a sound wall with the project, if that was something important to the community.



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**Site Configuration (Flipped Site Exploration)**

The Planning & Zoning Commission asked whether the site plan might be rearranged to "flip" the plan, putting the truck docks – likely the major source of noise – on the opposite side of the site. Ryan prepared a rearranged plan showing this, but it poses additional issues, including internal traffic conflicts and stacking problems, increased traffic and potential stacking issues at 20<sup>th</sup> and Fairview, placing the building close to the street (vs. in the middle of the site in the original plan), placing the truck docks at a visible street corner, and drainage issues. We appreciate the effort to explore the rearrangement of the site but do not believe it is reasonable to require it.





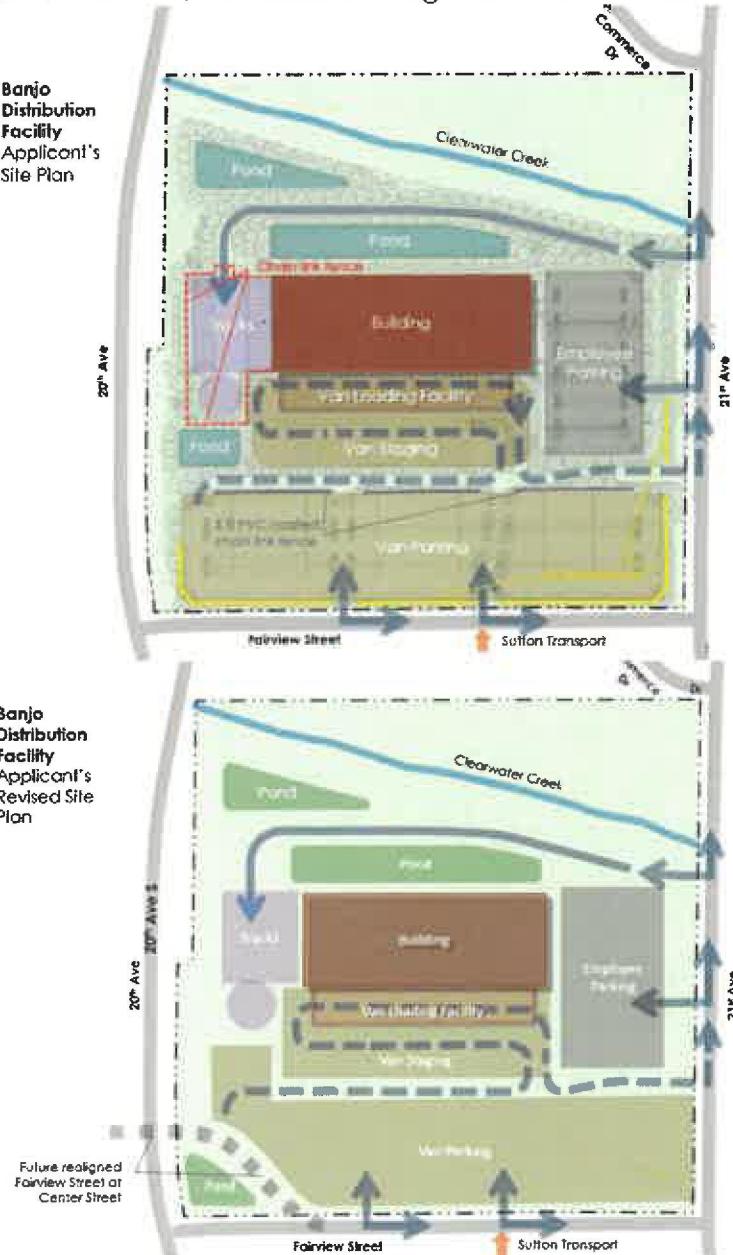
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**Realigned Fairview & 20<sup>th</sup> Avenue**

The intersection of Fairview Street, Center Street and 20<sup>th</sup> Avenue is askew, with Center Street and Fairview Street being approximately 250 feet apart. With the relatively low volume of traffic on either side road, this intersection alignment has not caused major issues, to date. However, with the intensification of traffic on Fairview, combined with growing traffic volumes on 20<sup>th</sup> Avenue (CSAH 54), the intersection alignment could become a problem. In particular, if a traffic signal or roundabout were ever warranted at this location, Fairview and Center Street would need to be aligned. With this in mind, the applicant has provided an alternative site plan (below, left).

With this new site layout, the city and county would be able to realign Fairview Street, without the cost of reconfiguring Banjo's parking lot. The new site layout allows for flexibility in Fairview's alignment, whether for a signal or roundabout.

**Banjo Distribution Facility Applicant's Revised Site Plan**



With this proposal, Banjo would continue their commitment to a \$650,000 contribution towards area transportation improvements, but would not build the turn lane on 20<sup>th</sup> Avenue. Obviously, it would not make sense to construct a turn lane on 20<sup>th</sup> Avenue, if ultimately, Fairview Street was realigned for either a signal or roundabout.

City and County engineering staff have been discussing a Corridor Study which would help determine the appropriate intersection treatment here. The two agencies continue to work towards an agreement on the timing of any improvements.



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**PLANNING & ZONING COMMISSION RECOMMENDATION**

We recommend approval of the Banjo PUD and plat per Planning & Zoning Commission recommendations from May 5, 2022 (below), with modifications as noted in ~~strike thru~~ (delete) and underline (add) fonts, respectively. Notes for discussion are in *red italics*.

*Planned Unit Development – Conditions of Approval*

- 1) **Peak Traffic Constraints** - Limit delivery vehicle trips in/out of facility during AM/PM peak traffic (7 – 9 AM; 4 – 6 PM), to 285 or less combined total vehicles in and out per hour. Maintain technology and, when requested, deploy such technology which controls the routing of their delivery vehicles in order to mitigate traffic issues on surrounding roadways.
- 2) ~~Construct a southbound left turn lane on 20th Avenue at Fairview Street on a mutually agreeable timeline in cooperation with Anoka County.~~ *[this is eliminated in lieu of the revised site layout allowing the realignment of Fairview]*
- 3) **Area-wide Transportation Improvements** - Escrow, or tender a letter of credit in the amount of \$650,000 as a contribution to transportation related studies and improvements within the geographic area of the development's traffic study, prepared by Transportation Collaborative and Consultants LLC dated 3-2-22. These improvements, which may include, but are not limited to those suggested in the applicant's traffic study, must be identified within 10 years and constructed within 15 years, or the funds must be returned.
- 4) **Fairview Trail** - Contribute funds to the City's Park Dedication Fund (in addition to the standard, required contribution) in an amount necessary to construct an 8' wide bituminous trail to city standard specifications in the Fairview Street right-of-way, or another suitable location, between 20th Ave. and 21st Ave. This trail would not be constructed until the City and County complete a traffic study dealing with this issue. The City will accept this donation instead of requiring its immediate construction. The donation does not obligate the city to build the trail at any time, nor is there a sunset date on these funds, after which the City would give them back.
- 5) **Tree Mitigation** - Contribute funds to the City's Park Dedication Fund (in addition to the standard, required contribution) an amount equivalent to the cost of trees and shrubs normally required for this development, which have been eliminated from the site plan, due to their lack of public value, given their position on the site (being not visible from the public realm). A figure showing the required landscaping, highlighting the elements to be eliminated, shall be provided and approved by the city. This contribution will be verified by the City Engineer and contributed prior to approval of the final plat.
- 6) ~~The existing volunteer vegetation on the west side of the site adjacent to 20<sup>th</sup> Avenue will be maintained and replaced with equivalent material for the life of the project if it dies or is damaged, such replacement to be reviewed and approved by the City Engineer.~~ *[this is eliminated because the property west of the lot has been dedicated to the county for*



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right-of-way. The future alignment of Fairview also affects whether this vegetation would be able to be maintained. These two conditions, make including this requirement problematic]

- 7) **Fairview Realignment** - Anoka County and the City of Centerville find that the traffic-intense development of this site makes it important to examine the 20th Avenue (CSAH 54 Corridor) through Centerville. The study of this corridor and the implementation of the study's conclusions will undoubtedly take many years. Given the uncertainty of what the study will conclude with regard to the intersection at Fairview Street and 20th Avenue, and when any improvements here will be constructed, project Banjo may move forward with their site plan as submitted see revised site plan, allowing the realignment of Fairview. However, the land owner shall cooperate with the City of Centerville and Anoka County at such time that the two agencies may wish to improve the intersection of Fairview and 20th Avenue. If the intersection is improved within the 15 year time limit for the Area-wide Transportation Improvement funds' usage, the city will construct the realignment and left turn lane with those funds and the property owner will sell the necessary land (up to one acre) to the city for \$1. Such property sold from the property owner to the city shall not include property on which improvements have been made by the property owner in accordance with the approved plans. This condition does not preclude the County and/or City from the need to follow standard, legal procedures for property acquisition, special assessments, or other such actions. The city and property owner endeavor to design such improvements, if necessary, with minimal impacts to the operational needs of the site user.
- 8) **Snow Removal** - Snow removal operation shall utilize the snow storage locations as shown on the submitted plan, Revisions to the plan may be requested by the land owner and approved by the City Engineer.
- 9) **Noise Abatement** - The applicant will have prepared and shared with the City a noise study analyzing noise from the truck docks, van loading area, or other places on site where noise from facility operations are likely. Mitigation of this noise will be proposed to the satisfaction of City staff such that noise from the facility The study concluded that it will not unduly disturb the expected quietude of residential areas west of the project site. The mitigation measures may include walls, fences, insulation, or other means. Noise from the site will be analyzed after one year of operation at the property owner's cost and compared to the projected noise levels from the noise study. If the monitoring shows levels to be at or below the model-predicted levels, no mitigation levels will be required. An escrow will be provided in an amount to be agreed to by the City Engineer to further mitigate from the facility should the results of the analysis after one year show that the original mitigation measures are not sufficient. In lieu of the noise monitoring, the applicant may construct a noise wall of a height and design which will eliminate noise increases to less than 1 db (A).
- 10) **Fences** - The opaque fences around portions of the exterior of the site will be of a durable composite, or high density polyethylene material to be reviewed and approved by the



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City Engineer. The fence on the west side of the site paralleling 20<sup>th</sup> Avenue will be extended northward to the north edge of the van parking lot.

- 11) **Watermain** - Construct an 8-inch public water main in the west right-of-way of 21st Ave., connecting the water mains in Fairview Street to those in Commerce Drive.
- 12) **Development Agreement** - The applicant will enter into a development agreement for all aspects of site construction and engineering to be reviewed and approved by the City Engineer and City Attorney.
- 13) **Construction Plans** - Final construction plans will be subject to review and approval of the City Engineer.
- 14) **Electric Vehicle Charging Stations** - If and when the facility installs electric vehicle charging stations the owner will submit plans to the City for review which may require Site Plan review by the Planning & Zoning Commission.
- 15) **Air Pollution** - Idling of any vehicle for more than three minutes is prohibited, except for limited circumstances that involve health and safety.

*Findings of Fact for Approval of PUD*

- 1) The proposed Banjo facility is a large, complex project which as submitted requires a conditional Use Permit for height of building over 35 feet, and does not meet the zoning standards for location of outside storage and location of loading facilities. It is therefore appropriate and reasonable to process the request as a planned unit development (PUD) which allows numerous site and building issues to be negotiated under one approval and development agreement.
- 2) The applicants have supplied information on traffic conditions at the proposed facility and have prepared a traffic study which identifies certain issues associated with the development. It is reasonable and appropriate to address these issues within the PUD process and to require the applicant to adhere to certain conditions and to pay for improvements identified in the traffic study that are necessary to mitigate these issues.
- 3) The project will have several hundred employees on site who will reasonably have a desire to walk or bike in the vicinity. Providing for a future trail adjacent to the project on Fairview Street or having the project contribute to the cost of this improvement is a reasonable and appropriate condition of approval.
- 4) The future trail identified above should reasonably connect to other trails in Centerville on the west side of 20<sup>th</sup> Avenue, to expand the network of trails in the vicinity. Being a busy county road, a safe crossing of 20<sup>th</sup> Avenue for pedestrians and bicyclists for this trail connection is needed. Therefore, it is reasonable and appropriate to have the City and



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**RE: Banjo Distribution Center, PUD, Preliminary & Final Plat**

County cooperate on a study of the 20<sup>th</sup> Avenue intersections with Fairview Street and Center Street to arrive at a safe crossing facility, which would connect to the future trail on Fairview Street in front of the proposed project.

- 5) The City has standards in the Zoning Code for landscaping and the provision of trees and shrubs on site. the proposed landscape plan does not meet this number requirement and it is therefore reasonable to have the applicant pay the difference so that the City can use these funds to provide similar improvements elsewhere.
- 6) The proposed truck loading docks on the west side of the proposed building are within about 500 feet of single family homes on the west side of 20<sup>th</sup> Avenue, on Center Street, Eagle Trail, and Cottonwood Court. The van loading area also opens to the west toward this residential area. The project will have truck deliveries in the nighttime hours between 10 pm and 7 am, and the van loading area will have several hundred vans moving through the area with their noise and activity during daytime hours. The nearby homes may be adversely affected by the noise of these trucks and loading activity and therefore some kind of noise mitigation is appropriate. Follow-up to the noise mitigation will need to be done within a reasonable period of time to determine if the noise modeling was accurate.
- 7) The several hundred vehicles on site will add exhaust and fumes if they idle for long periods of time, adding to air pollution. Reducing idling time is therefore desirable and reasonable.
- 8) The 44-ft height of the building, above the City's 35-ft limit, requiring a conditional use permit, is acceptable given the significant setbacks of the building from all exterior edges of the property, the screening achieved by landscaping around all sides of the site, and the general character and use of the property.
- 9) The outside storage of semi trailers in the truck loading area, requiring a conditional use permit, on the west side of the building is acceptable given that the number of trailers is limited and all goods and materials will be enclosed in the trailers.
- 10) The City has engineering standards for provision of utilities and construction standards which are reasonable for the health, safety and welfare of the people in Centerville.

*Preliminary & Final Plat*

We recommend approval of the preliminary and final plat for the Banjo facility property with the following conditions and findings:

*Conditions of Approval*

- 1) ~~An easement will be dedicated to the City over a portion of the southwest corner of the property, as illustrated in the Planner's report of May 3, 2022, which would allow a realignment of Fairview Street in the future, should a future study conclude that it would be necessary. The applicant will work with the City Engineer and City Attorney on the legal~~



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**RE: Banjo Distribution Center, PUD, Preliminary & Final Plat**

~~description, wording, and exact location of this easement. If the intersection at Fairview and 20<sup>th</sup> Avenue is improved within the 15 year time limit for the Area-wide Transportation Improvement funds' usage, the city will construct the realignment and left turn lane with those funds and the property owner will sell the necessary land (up to one acre) to the city for \$1. Such property sold from the property owner to the city shall not include property on which improvements have been made by the property owner in accordance with the approved plans. [With the revised site plan allowing the realignment of Fairview and an agreement to sell the property to the city, an easement is not necessary]~~

- 2) The applicant will provide all other easements and dedications requested by the City Engineer.
- 3) ~~Existing Parcel 3 of this property is now Torrens property. The applicant will register Parcel 3 as Abstract property, to be reviewed and approved by the City Attorney. [This is no longer necessary. The Final Plat dedicates the Torrens parcel to the County for right-of-way].~~

*Findings of Fact for Approval of Plat*

- 1) Realigning Fairview Street at 20<sup>th</sup> Avenue could benefit the area transportation network and the provision of trail connections is an important part of the City's park and trail network. Providing an easement for the potential future realignment of Fairview Street and Center Street at 20<sup>th</sup> Avenue which can also include a trail connection is reasonable within the context of this development.
- 2) The City has engineering standards for provision of utilities and drainage, and securing easements for these facilities is reasonable and appropriate.
- 3) The City is interested in the orderly recording of property within the County's system, which includes registering Torrens property in new plats as Abstract property.

**60-DAY RULE**

The Site Plan application was submitted and fees paid March 9, 2022. The deadline for final action on the Site Plan was May 8, 2022. This has been extended as allowed by State statute to July 7, 2022, to allow for more time to process the request.

The Conditional Use Permit (CUP) application for truck terminal, outside storage and building height was submitted and fees paid March 29, 2022. The deadline for final action on the CUP was May 28, 2022. This has been extended as allowed by State statute to July 27, 2022, to allow for more time to process the request.

The Conditional Use Permit application for a Planned Unit Development (PUD) was submitted and fees paid April 12, 2022. The deadline for final action on the PUD was June 12, 2022. This has been extended as allowed by State statute to August 10, 2022, to allow for more time to process the request.



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**RE: Banjo Distribution Center, PUD, Preliminary & Final Plat**

The Preliminary Plat application was submitted and fees paid March 9, 2022. The deadline for final action on the plat is 120 days, until July 8, 2022.

**EXHIBIT C**

**Planned Unit Development and Conditional Use Permit**

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**CITY OF CENTERVILLE**  
**ANOKA COUNTY, MINNESOTA**

**APPROVAL OF CONDITIONAL USE PERMIT**

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Subject to the terms and conditions set forth herein, the City of Centerville hereby grants approval of a CONDITIONAL USE PERMIT for the SUBJECT PROPERTY on behalf of the LANDOWNER. This Permit is granted as part of a planned unit development as approved by the City Council.

The "Permit" allows the Landowner to:

- **Develop, construct, and operate a Loading facility, Truck Terminal, and a facility for Outside Storage on the Subject Property.**
- **To construct a building of 44 feet in height on the Subject Property.**  
This variance for building height is limited to the structure approved by the Commission at the time this Permit was granted.
- **All, being subject to the conditions stated herein.**

This Permit governs the "Subject Property" legally described as:

**FAIRVIEW SECOND ADDITION Plat, located in the City of Centerville, County of Anoka, and the State of Minnesota.**

**Prior to adoption of the Plat, the land was formerly described:**

**Parcel 1:**

**The South 662.45 feet of the Northwest Quarter of the Southwest Quarter of Section 24, Township 31, Range 22, Anoka County, Minnesota, as measured at a right angle to the South line of said Northwest Quarter.**

**Abstract Property**

**Parcel 2:**

**The Northwest Quarter of the Southwest Quarter of Section 24, Township 31, Range 22, Anoka County, Minnesota, which lies northerly of the South 662.45 feet of said Northwest Quarter as measured at a right angle to the South line of said Northwest Quarter.**

**Abstract Property**

This Permit is granted to the "Landowner:"

**Amazon.com Services, LLC.**

The Parties agree that this Permit shall operate and enjoin the City, the Subject Property, and the Landowner to the terms and conditions stated herein. The Ordinances of the City of Centerville and the State of Minnesota govern the Subject Property and the Landowner. The Landowner is responsible to enforce the conditions of this Permit upon any owner of the land or shareholder thereof, any person or entity entering upon the Subject Property, or any employee, partner, contractor, heir, or assignee of the Landowner.

**FINDINGS OF FACT FOR CONDITIONAL USE PERMIT**

The Planning and Zoning Commission and the City Council made these Findings of Fact in support of the recommendation and approval of this Conditional Use Permit:

- 1) The proposed facility is a large, complex project which as submitted requires a conditional Use Permit for height of building over 35 feet, and does not meet the zoning standards for location of outside storage and location of loading facilities. It is therefore appropriate and reasonable to process the request as a planned unit development (PUD) which allows numerous site and building issues to be negotiated under one approval and development agreement.
- 2) The applicants have supplied information on traffic conditions at the proposed facility and have prepared a traffic study which identifies certain issues associated with the development. It is reasonable and appropriate to address these issues within the PUD process and to require the applicant to adhere to certain conditions and to pay for improvements identified in the traffic study that are necessary to mitigate these issues.
- 3) The project will have several hundred employees on site who will reasonably have a desire to walk or bike in the vicinity. Providing for a future trail adjacent to the project on Fairview Street or having the project contribute to the cost of this improvement is a reasonable and appropriate condition of approval.
- 4) The future trail identified above should reasonably connect to other trails in Centerville on the west side of 20<sup>th</sup> Avenue, to expand the network of trails in the

vicinity. Being a busy county road, a safe crossing of 20<sup>th</sup> Avenue for pedestrians and bicyclists for this trail connection is needed. Therefore, it is reasonable and appropriate to have the City and County cooperate on a study of the 20<sup>th</sup> Avenue intersections with Fairview Street and Center Street to arrive at a safe crossing facility, which would connect to the future trail on Fairview Street in front of the proposed project.

- 5) The City has standards in the Zoning Code for landscaping and the provision of trees and shrubs on site. The proposed landscape plan does not meet the required number of trees for this site; therefore it is reasonable to have the applicant pay the difference so that the City can use these funds to provide similar improvements elsewhere.
- 6) The proposed truck loading docks on the west side of the proposed building are within about 500 feet of single-family homes on the west side of 20<sup>th</sup> Avenue, on Center Street, Eagle Trail, and Cottonwood Court. The van loading area also opens to the west toward this residential area. The project will have truck deliveries in the nighttime hours between 10 pm and 7 am, and the van loading area will have several hundred vans moving through the area with their noise and activity during daytime hours. The nearby homes may be adversely affected by the noise of these trucks and loading activity and therefore some kind of noise mitigation is appropriate. Follow-up to the noise mitigation will need to be done within a reasonable period of time to determine if the noise modeling was accurate.
- 7) The several hundred vehicles on site will add exhaust and fumes if they idle for long periods of time, adding to air pollution. Reducing idling time is therefore desirable and reasonable.
- 8) The 44-ft height of the building, above the City's 35-ft limit, requiring a conditional use permit, is acceptable given the significant setbacks of the building from all exterior edges of the property, the screening achieved by landscaping around all sides of the site, and the general character and use of the property.
- 9) The outside storage of semi-trailers in the truck loading area, requiring a conditional use permit, on the west side of the building is acceptable given that the number of trailers is limited, and all goods and materials will be enclosed in the trailers.
- 10) The City has engineering standards for provision of utilities and construction standards which are reasonable for the health, safety, and welfare of the people in Centerville.

#### CONDITIONAL USE PERMIT CONDITIONS

The City of Centerville hereby grants the Subject Property and Landowner a CONDITIONAL USE PERMIT to develop, construct, maintain, and operate a truck terminal and a facility for outside storage, subject to the following conditions:

- 1) **Peak Traffic Constraints** - Limit delivery vehicle trips in/out of facility during AM/PM peak traffic (7 – 9 AM; 4 – 6 PM), to 285 or less combined total vehicles in and out per hour. Maintain technology and, when traffic meets or exceeds a Level D, Level of Service, deploy such technology which controls the routing of their delivery vehicles in order to mitigate traffic issues on surrounding roadways. Level of Service shall be determined by the City or County Engineer pursuant to the principals set forth in the Highway Capacity Manual.
- 2) **Area-wide Transportation Improvements** - Escrow, or tender a letter of credit in the amount of \$650,000 as a contribution to transportation related studies and improvements within the geographic area of the development's traffic study, prepared by Transportation Collaborative and Consultants LLC dated 3-2-22. These improvements, which may include, but are not limited to those suggested in the applicant's traffic study, must be identified within 10 years and constructed within 15 years, or the funds must be returned.
- 3) **Fairview Trail** - Contribute funds to the City's Park Dedication Fund (in addition to the standard, required contribution) in an amount necessary to construct an 8' wide bituminous trail to city standard specifications in the Fairview Street right-of-way, or another suitable location, between 20th Ave. and 21st Ave. This trail would not be constructed until the City and County complete a traffic study dealing with this issue. The City will accept this donation instead of requiring its immediate construction. The donation does not obligate the city to build the trail at any time, nor is there a sunset date on these funds, after which the City would give them back.
- 4) **Tree Mitigation** - Contribute funds to the City's Park Dedication Fund (in addition to the standard, required contribution) an amount equivalent to the cost of trees and shrubs normally required for this development, which have been eliminated from the site plan, due to their lack of public value, given their position on the site (being not visible from the public realm). A figure showing the required landscaping, highlighting the elements to be eliminated, shall be provided and approved by the city. This contribution will be verified by the City Engineer and contributed prior to approval of the final plat.
- 5) **Fairview Realignment** - Anoka County and the City of Centerville find that the traffic-intense development of this site makes it important to examine the 20th Avenue (CSAH 54 Corridor) through Centerville. The study of this corridor and the implementation of the study's conclusions will undoubtedly take many years. Given the uncertainty of what the study will conclude with regard to the intersection at Fairview Street and 20th Avenue, and when any improvements here will be constructed, the project may move forward with their site plan as approved by the City. However, the landowner shall cooperate with the City of Centerville and Anoka County at such time that the two agencies may wish to improve the intersection of Fairview and 20th Avenue. The city and property owner endeavor to design such improvements, if necessary, with minimal impacts to the operational needs of the site user. To facilitate these studies, plans, and potential improvements, Owner to grant a permanent public easement to the City for intersection improvements at Fairview Street and 20th Avenue. This easement area and purpose shall be reduced to a recordable document as approved by City Engineer. The City is solely responsible for maintaining this public easement area. The City shall vacate this easement to the landowner in the circumstances stated below. This easement shall be deemed abandoned on June 1, 2024, unless a corridor study conducted by the City or County deems the realignment of Fairview Street is necessary. This easement shall be deemed abandoned on June 1, 2032, unless public improvements for the realignment of Fairview Street are installed on or before June 1, 2032.

- 6) **Snow Removal** - Snow removal operation shall utilize the snow storage locations as shown on the submitted plan, Revisions to the plan may be requested by the Landowner and approved by the City Engineer.
- 7) **Noise Abatement** - The applicant has prepared a noise study analyzing noise from the truck docks, van loading area, and other places on site where noise from facility operations is likely. The study concluded that the facility operations will not unduly disturb the expected quietude of residential areas west of the project site. At the property owner's cost, ambient hourly noise levels in the closest residential areas to the site will be measured and analyzed by a qualified noise professional before construction of the facility begins to determine base hourly equivalent noise levels. Hourly equivalent noise levels will be measured and analyzed by a qualified noise expert after one year of operation, also at the property owner's cost, and compared to the projected noise level goals from the noise study – 55 dBA nighttime and 60 dBA daytime – with the highest instantaneous maximum noise level being no more than 75 dB at the closest residence. If the monitoring shows levels to be at or below these levels, no mitigation will be required. An escrow will be provided in the amount of \$80,000 as the Owner's total contribution to further mitigate noise from the facility should the results of the analysis after one year show that the hourly equivalent or highest instantaneous maximum noise exceeds these levels, such mitigation measures to be reviewed and approved by the City Engineer. Noise studies shall occur during November of each applicable year. Sound level readings shall be conducted using a Type 1 Sound Level Meter, as determined by American National Standards Institute, ANSI standard S1.43. From the first Sunday in April through the third Saturday of October the nighttime hours shall be 10:00 p.m. to 7:00 a.m., and all other times of year nighttime hours shall be from 9:00 p.m. to 7:00 a.m.
- 8) **Fences** - The opaque fences around portions of the exterior of the site will be of a durable wood material to be reviewed and approved by the City Engineer. The fence on the west side of the site paralleling 20<sup>th</sup> Avenue will be extended northward to the north edge of the van parking lot.
- 9) **Watermain** - Construct an 8-inch public water main in the west right-of-way of 21st Ave., connecting the water mains in Fairview Street to those in Commerce Drive.
- 10) **Development Agreement** - The applicant will enter into a development agreement for all aspects of site construction and engineering to be reviewed and approved by the City Engineer and City Attorney.
- 11) **Construction Plans** - Final construction plans will be subject to review and approval of the City Engineer.
- 12) **Electric Vehicle Charging Stations** - If and when the facility installs electric vehicle charging stations the owner will submit plans to the City for review which may require Site Plan review by the Planning & Zoning Commission.
- 13) **Air Pollution** - Idling of any vehicle for more than three minutes is prohibited, except for limited circumstances that involve health and safety.

- 14) **Outside Storage** - Outside Storage granted under this Permit shall be confined to the parking area and loading area immediately to the west of the building, as shown on the Site Plan approved by the City.
- 15) **Disturbances Prohibited** - Users of the Subject Property will produce no noise, vibrations, air pollution, light pollution, fire hazards or noxious emissions which will disturb or endanger neighboring properties.
- 16) **Public Nuisances Prohibited** - Users of the Subject Property will create no act of public nuisance or disorderly conduct, as defined pursuant to the City's Code of Ordinances or pursuant to State Law.
- 17) **Permits** - Landowner will follow the applicable standards and requirements of the City of Centerville City Code, Rice Creek Watershed District, Anoka County, Army Corp of Engineers, Federal Emergency Management Agency, Minnesota Department of Natural Resources, and any other agency having jurisdiction over the Subject Property.
- 18) **Legal Compliance** - Landowner will obey all laws and regulation necessary to operate this truck terminal, and will obtain and maintain, in good standing, all licenses or permits necessary to operate this type of facility.
- 19) **Responsible Party** - The Landowner is responsible for all the conditions set forth in this Permit.
- 20) **Penalties** - In addition to all civil penalties and remedies for violation of this Permit, violation of this Permit is a misdemeanor criminal offense.

CITY OF CENTERVILLE

BY:   
D Love, Mayor

Attest:

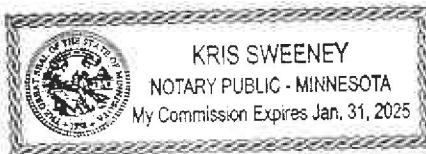
  
Teresa Bender, City Clerk

STATE OF MINNESOTA      )  
                                  ) ss.  
COUNTY OF ANOKA      )

The foregoing was acknowledged before me this 21<sup>st</sup> day of June, 2022, by  
D Love, Mayor and Teresa Bender, Clerk of the City of Centerville, a Minnesota municipal  
corporation, on behalf of the corporation and pursuant to authority granted by its City  
Council.

  
Kris Sweeney  
Notary Public

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LANDOWNER

By: Amazon.com Services, LLC

BY: \_\_\_\_\_

[INSERT NAME TBD]

Its: [INSERT TITLE TBD]

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by  
[INSERT NAME AND TITLE] of Amazon.com Services, LLC.

\_\_\_\_\_  
Notary Public

Drafted by:

Kurt B. Glaser, Centerville City Attorney  
Berglund, Baumgartner, Kimball & Glaser, LLC  
333 Washington Avenue North, Suite 405  
Minneapolis, Minnesota 55401  
612-333-6513  
KGlaser@BBKGLaw.com

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