



Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

Date: July 30, 2015

To: Council Member Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Brandon P. Boyd, on behalf of Building Materials Manufacturing Corporation, is appealing the City Planning Commission's decisions regarding the proposed heater and odor mitigation unit at 50-74 Lowry Avenue North in Ward 4.

Recommendation: The following action was taken by the Planning Commission on July 6, 2015 (BZZ-7205):

6. 12 GAF Heater Unit, 50-74 Lowry Ave N, Ward 4
Staff report by Mei-Ling Smith, BZZ-7205

A. Conditional use permit.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for a conditional use permit to increase the maximum permitted height in the I3 General Industrial District, the MR Mississippi River Critical Area Overlay District, based on the following findings:

1. Approving the conditional use permit without conclusions from an air quality study will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
2. The conditional use is not consistent with the applicable policies of the comprehensive plan in that it is not in conformance with future land use.
3. Based on the information provided in citizen testimony, the existing use impedes access to clean air for surrounding properties.
4. The proposal would not limit visibility of structures and other development from protected waters in the Shoreland Overlay District.

Aye: Gagnon, Luepke-Pier and Slack

Nay: Bender and Gisselman,

Absent: Forney, Kronzer and Tucker

Prepared by: Mei-Ling Smith, City Planner, 612.673.5342
Approved by: Jason Wittenberg, Planning Manager, 612.673.2297, and Steve Poor,
Development Services Director
Presenters in Committee: Mei-Ling Smith, City Planner and Jim Doten, Supervisor
Environmental Services

Community Impact

- Neighborhood Notification: The neighborhood group, McKinley Community, was notified of the application, as was the adjacent neighborhood, the Hawthorne Neighborhood Council. The appeal notice was also sent to Concerned Citizens of Marshall Terrace and the Bottineau Neighborhood Association.
- City Goals: See staff report.
- Comprehensive Plan: See staff report.
- Zoning Code: See staff report.
- End of 60-120-day decision period: On July 16, 2015, staff sent a letter to the applicant extending the 60-day decision period to no later than October 10, 2015.

Background/Supporting Information

Brandon P. Boyd, on behalf of Building Materials Manufacturing Corporation, has filed an appeal of the decision of the City Planning Commission to deny the conditional use permit for a 71-foot tall heater and odor mitigation unit at 50 and 74 Lowry Avenue North. At its meeting on July 6, 2015, the City Planning Commission voted 3-2 to deny the conditional use permit, notwithstanding the staff recommendation to approve the application. The appeal (attached) was filed on July 16, 2014.

STATEMENT OF BASIS FOR APPEAL

Applicant: Building Materials Manufacturing Corporation / GAF
Property Address: 50 & 74 Lowry Avenue North
File No.: BZZ-7205
Decision Appealed: Planning Commission Denial of Conditional Use Permit on July 6, 2015

Pursuant to Section 525.180 of the Minneapolis Code of Ordinances, Applicant Building Materials Manufacturing Corporation / GAF (hereinafter, “Applicant”) hereby submits this Statement of Basis for Appeal in support of Applicant’s appeal of the Minneapolis Planning Commission’s July 6, 2015 denial of Applicant’s request for a conditional use permit.

BACKGROUND

Applicant owns the roofing products manufacturing facility located at 50 and 74 Lowry Avenue North, Minneapolis, Minnesota (the “Facility”). On June 12, 2015, Applicant submitted a request to the City for the issuance of a conditional use permit to accommodate a new heater unit and related stack having a total height of 71 feet (collectively, the “Proposed Heater”) that Applicant is proposing to install at the Facility. Under the City’s Code of Ordinances, the maximum height allowed at the Facility is 35 feet. Accordingly, while the use and operation of a heater unit like the Proposed Heater is permitted in the I3 General Industrial District and would not typically require any zoning approvals, because of the height of the Proposed Heater, Applicant needs a conditional use permit to increase the maximum permitted height up to 71 feet to accommodate the height of the new equipment.

Applicant’s desire to install the Proposed Heater at the Facility is the latest in Applicant’s ongoing efforts to mitigate odors generated by the operations at the Facility. Applicant has recently spent more than \$500,000 on upgrades at the Facility that have been targeted at reducing such odors. These upgrades have improved the situation and have partially mitigated the odors, but such upgrades have not yet reduced the odors to Applicant’s or the surrounding neighborhoods’ satisfaction. Indeed, the City has continued to receive citizen complaints concerning such odors. Applicant takes these complaints very seriously and is now seeking to spend nearly an additional \$1,000,000 to install the Proposed Heater to further reduce the odors from the Facility.

PURPOSE OF PROPOSED HEATER

A basic explanation of the existing asphalt heating and fumes combustion processes at the Facility, and a similar explanation of how the Proposed Heater would function and allow modification of the existing processes, will likely be helpful in the consideration of this application. Currently, an existing combustion unit at the Facility with an attached stack having a total height of 53 feet (collectively, the “Existing Combustion Unit”), is responsible for both (1) heating asphalt used in the production of roofing products and (2) incinerating fumes generated by Applicant’s manufacturing process. The asphalt is pumped from a storage tank into metal coils which are routed through the Existing Combustion Unit and then piped back to storage (for subsequent use in manufacturing operations).¹ If the asphalt is heated above certain temperatures while in the Existing Combustion Unit, it is rendered unsuitable for the manufacturing process. Accordingly, temperatures within such unit must be kept below the point at which the asphalt would overheat. As a result of these required lower temperatures, Applicant is unable to operate the Existing Combustion Unit at the significantly higher temperatures necessary to most effectively combust fumes from the manufacturing process and, in turn, achieve the resulting reduction in odors from the Facility.

Installation of the Proposed Heater would allow Applicant to separate (1) the process of heating asphalt from (2) the process of combusting fumes. The Proposed Heater, which would be natural gas fired, would be used exclusively to heat asphalt. As with the Existing Combustion Unit, asphalt would be pumped from a storage tank into metal coils routed through the Proposed Heater and then piped back to storage and would be encapsulated at all times while flowing through such metal coils and piping. Applicant would no longer route asphalt through the Existing Combustion Unit, allowing Applicant to significantly increase the temperature within such unit to achieve optimal effectiveness in the combustion of fumes from the manufacturing process. This increased combustion of fumes would substantially reduce the odors emanating from the Facility.

Importantly, Applicant’s installation of the Proposed Heater would not allow Applicant to increase its level of production at the Facility or to otherwise improve or enhance its production process. The Proposed Heater is being installed solely for the purpose of reducing odors from the Facility. If Applicant is unable to install the Proposed Heater, Applicant’s manufacturing operations at the Facility will not be impacted in any way whatsoever – the only impact will be that Applicant will not be able to achieve the reduction in odors it desires. This would be a poor outcome for all interested parties.

¹ Note that, during the heating process, asphalt is completely encapsulated in these metal coils and piping and accordingly asphalt fumes do not escape during the heating process.

PLANNING COMMISSION DENIAL OF REQUEST

The Planning Commission conducted a public hearing and considered Applicant's request for a conditional use permit at its meeting on July 6, 2015. After analyzing Applicant's submission, CPED Staff recommended approval of Applicant's request, subject to four conditions (all of which were acceptable to Applicant). Despite CPED Staff's recommendation, the Planning Commission voted 3-2 to deny Applicant's request.

Several members of the public spoke in opposition to Applicant's request at the public hearing. Although Applicant's request is solely for a conditional use permit to accommodate the proposed height of an otherwise permissible heater unit, virtually none of the citizen comments offered at the meeting related to the merits of Applicant's request. Indeed, there was almost no discussion during the entire Planning Commission meeting of concerns regarding the height, location, design, appearance, or any other physical aspects of the Proposed Heater. Instead, nearly all of the citizen comments involved more generalized concerns related to operations at the Facility. Multiple citizens provided testimony in which they complained about the odors generated by the Facility, yet inexplicably such individuals still opposed Applicant's efforts to install the Proposed Heater to address such odors.

The concerns raised by the Planning Commissioners opposed to Applicant's request similarly focused on unrelated concerns about operations at the Facility and were not related to any specific objections about the height of the Proposed Heater. This unfortunately derailed the conversation about the merits of Applicant's request for a conditional use permit to install the Proposed Heater, and ultimately resulted in the Planning Commission focusing on matters that were unrelated to the actual request. In short, the Planning Commission ultimately denied Applicant's request for reasons that were largely unrelated to the height of the Proposed Heater, which was the sole issue that should have been addressed in the consideration of Applicant's request for the conditional use permit.

BASIS FOR APPEAL

The Planning Commission's denial of Applicant's request for a conditional use permit to accommodate the height of the Proposed Heater was unreasonable and not supported by the evidence in the record. The evidence in the record, including that outlined in CPED Staff's report to the Planning Commission and Applicant's submissions, supports each of the findings necessary for the City to grant Applicant the requested conditional use permit. When these required findings are reviewed in the context of Applicant's narrow request to increase the maximum permitted height for the Proposed Heater, the City should conclude that there is no reasonable or permissible basis to deny such requested permit.

The Planning Commission's principal error in denying Applicant's request was that the Planning Commission did not retain its focus on the narrow scope of such request. Instead, the Planning Commission spent much of its time considering issues that were not relevant to the

criteria Applicant must satisfy to obtain a conditional use permit. Applicant is committed to being a good corporate citizen within the City of Minneapolis, including maintaining an open and productive dialogue with the City and local neighborhood associations on issues of concern with respect to the Facility and, when appropriate, implementing measures and making investments addressing such concerns. However, Applicant objects to the Planning Commission's use of the public hearing for this conditional use permit as a forum for debating issues related to operations at the Facility that are wholly unrelated to Applicant's request. This was inappropriate and unfair, and ultimately resulted in the Planning Commission's denial of an application that satisfies the criteria set forth in the City's Code of Ordinances.

CONCLUSION

Applicant is seeking to spend nearly \$1,000,000 to install the Proposed Heater solely for the purpose of reducing the odors generated by the Facility. The installation of this new heater unit will be a positive for the neighborhoods surrounding the Facility and the community in general. Because the information contained in the record supports the City making all of the findings necessary to grant Applicant the requested conditional use permit required for the installation of the Proposed Heater and because no one has offered any compelling reason for denying's Applicant's narrow request, Applicant respectfully requests that the City reverse the decision of the Planning Commission and grant Applicant the conditional use permit it has requested.



07/21/2015

Minneapolis City Council
Zoning & Planning Committee
Committee Chair Lisa Bender
Committee Vice-Chair Andrew Johnson
Committee Members Kevin Reich; Barbara Johnson; Abdi Warsame; and Lisa Goodman

Health Department

250 South 4th Street - Room 414
Minneapolis, MN 55415

Office 612 673-2301
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www.minneapolismn.gov/health

Re: GAF Proposal for a new asphalt heater and conversion of existing dual purpose unit for only fume treatment.

Chair Bender, Vice-Chair Johnson and Committee Members:

GAF has submitted a proposal to install a new heater that would be used for preheating of asphalt for their commercial manufacturing process. Engineering design requires a proposed stack height of approximately 71 feet, which would require the City to grant them a Conditional Use Permit. The purpose of this letter is to provide some technical background information to assist you in consideration of GAF's appeal of the denial of this CUP.

GAF's goal in proposing the installation of this equipment is to address an ongoing concern about odors from their riverfront plant that has been negatively impacting area residents and businesses. Environmental Services staff is familiar with this proposal and believes that this equipment will reduce the odor problem.

The proposed unit would be used to preheat asphalt for use in the existing plant. The emissions from the new unit would be from natural gas with distillate oil as backup, as the current asphalt heaters operate. Installation of the new unit would permit the current dual purpose asphalt heater/fume combustor to be used solely for combustion of plant fumes. This heater can then be operated at a much higher temperature than has been feasible to this point. The higher temperature will increase the unit's efficiency resulting in greater destruction of these fumes resulting in the release of hot air composed primarily of CO₂ and H₂O. While this new equipment may not eliminate 100% of the odor concerns, it should result in a significant improvement and merits support.

The proposed new equipment will not result in any operational efficiencies or savings for GAF.

Environmental Services staff will be available at your committee meeting to review this information with you and answer any questions.

Sincerely,

Thomas Frame, Environmental Engineer
Minneapolis Health Department - Environmental Services Unit



City Information
and Services

www.minneapolismn.gov/health

Affirmative Action Employer

Cc: Mei-Ling Smith, CPED - Development Services
Patrick Hanlon, Minneapolis Health Department - Environmental Services Unit

LAND USE APPLICATION SUMMARY

Property Location: 50 Lowry Ave N
Project Name: GAF Heater Unit
Prepared By: Mei-Ling Smith, City Planner, (612) 673-5342
Applicant: GAF / Building Materials Mfg Corp
Project Contact: Brandon Boyd
Request: To construct a 71-foot tall heater unit.
Required Applications:

Conditional Use Permit	To increase the maximum permitted height for a heater and odor mitigation unit in the I3 General Industrial District, the MR Mississippi River Critical Area Overlay District, and the SH Shoreland Overlay District.
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SITE DATA

Existing Zoning	<u>50 Lowry Ave N:</u> I3 General Industrial District; FP Floodplain Overlay District; MR Mississippi River Critical Area Overlay District; SH Shoreland Overlay District <u>74 Lowry Ave N:</u> I2 Medium Industrial District; MR Mississippi River Critical Area Overlay District
Lot Area	428,726 square feet / 9.84 acres
Ward(s)	4
Neighborhood(s)	McKinley Community, adjacent to Hawthorne Neighborhood Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (Lowry Avenue N)
Small Area Plan(s)	<u>Above the Falls Master Plan Update (2013); Lowry Avenue Corridor Plan (2002)</u>

Date Application Deemed Complete	June 12, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	August 11, 2015	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. There are two parcels on the subject site, 50 and 74 Lowry Avenue N, which hold a roofing manufacturer plant. The majority of the site is impervious surfaces, and contains multiple buildings dedicated to manufacturing, testing, warehouse space, and offices. There is also outdoor storage, truck loading, and vehicle parking throughout the site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is located on the west bank of the Mississippi River and directly to the north of Lowry Avenue N. The site is partially visible from the Lowry Avenue Bridge. The intersection of 33rd Avenue N and Washington Avenue N and Interstate 94 are located two blocks to the west. The surrounding area contains primarily medium industrial uses to the north and south. Low- and medium-density residential districts are located on the opposite side of Interstate 94, approximately 1,660 feet (0.3 miles) to the west. The nearest residential property to the proposed heater stack would be 550 feet to the west.

PROJECT DESCRIPTION. The applicant is proposing to construct a new, 71-foot tall heater unit that would be used to heat asphalt for the production of roofing shingles. The applicant states that the new unit would be able to achieve higher temperatures than is possible with the existing process, which would, in turn, result in the reduction of asphalt odors at the plant. The new stack would be located on the northern portion of the site where an existing 53-foot tall stack is. It would be adjacent to multiple other storage tanks that are also approximately 60 feet tall.

The new unit would be located approximately 275 feet from the ordinary high water line of the Mississippi River. The maximum permitted height for structures in the I3 district is 4 stories or 56 feet, whichever is less. However, the property and the proposed unit are located in both the MR Mississippi River Critical Area Overlay and the SH Shoreland Overlay District. The maximum height for structures in the overlay districts is 2.5 stories or 35 feet, whichever is less. Therefore, a conditional use permit is required to increase the maximum allowed height from 35 feet to 71 feet, based on the two applicable overlay districts.

PUBLIC COMMENTS. Staff has not received any public comments or neighborhood correspondence as of the printing of this report. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to allow an increase the maximum permitted height for a heater and odor mitigation unit in the I3 General Industrial District, the MR Mississippi River Critical Area Overlay District, and the SH Shoreland Overlay District, based on the following findings:

- 1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The maximum allowed height of a principal structure in the I3 General Industrial District is four stories or 56 feet, whichever is less. However, the property and the proposed unit are located in both the MR Mississippi River Critical Area Overlay and the SH Shoreland Overlay District. The maximum height for structures in the overlay districts is 2.5 stories or 35 feet, whichever is less. The installation of a 71-foot tall heater unit to improve the efficiency of the plant's asphalt heating

processes and mitigate odors on the site would not be detrimental to or endanger the public health, safety, comfort, or general welfare.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The site and surrounding area contain a range of building heights and structures on industrial properties. The Mississippi River is located directly to the east of the site. There are industrial uses directly to the north, south, and west of the site. The nearest residential property would be located approximately 550 feet to the west of the proposed heater unit.

The proposed heating stack narrows to less than three feet wide on the portion of the stack that is between 42 feet and 71 feet above grade and would have little effect on surrounding properties. While the site is located along Lowry Avenue North, a designated Community Corridor, the site is situated at a lower grade than the Lowry Avenue Bridge, which would offset the visibility of the structure from the corridor.

The applicant's intent for installing the heating stack is to help reduce odor emissions from the plant, which should improve the use and enjoyment of other property in the vicinity. The use is not expected to impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

3. *Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.*

The site is served by existing infrastructure. Vehicles would continue to access the site from 33rd Avenue North. Increasing the height of the heating stack would not have an impact on utilities, access roads, or drainage.

4. *Adequate measures have been or will be taken to minimize traffic congestion in the public streets.*

Increasing the height of the proposed structure would have no impact on traffic congestion in the public streets.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development to install a more efficient heater unit that would mitigate odors would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

Environment Policy 6.2: Protect and enhance air quality and reduce greenhouse gas emissions.

- 6.2.2 Support energy efficiency and resource conservation.
- 6.2.7 Promote the development of sustainable site and building standards.

The site is located within the boundaries of the Lowry Avenue Corridor Plan (2002). The subject site is located within the Lyndale Avenue N to Marshall Street NE section of the corridor. The purpose of the Plan is to guide roadway, pedestrian, bicycle, and other public realm improvements and it does not provide specific guidance related to land use or view corridors. The proposed heater will not have an effect on the planned public realm improvements addressed in the Plan.

The site is also located within the boundaries of the Above the Falls Master Plan Update (2013). The plan calls for “retain[ing] some views of the river for second tier development sites by thoughtful placement and design of riverfront buildings, utilizing tapered profiles as building height increases and avoiding overly wide or tall buildings that block much of the prime view and can create a wall that physically and psychologically cuts off the river from surrounding neighborhoods” (page 77). The proposed heating unit would be set back approximately 275 feet from the river. The proposed unit would also taper to a width of between 2.5 and 3 feet wide at the tallest point. The proposed heater unit would be compatible with both applicable small area plans.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If the requested land use applications are approved, the proposal would comply with all applicable provisions of I3 District.

Parking lots with four or more spaces are subject to the landscaping, screening, and curbing requirements in section 530.170 of the zoning code. There are two parking areas on the site; one is located off of 33rd Avenue N along the western portion of the site, and the other is located in the southeast portion of the site. However, neither existing parking area is striped or designed in accordance with Chapter 541 - Article VII Parking Area and Design and Maintenance of the zoning code.

The parking requirement for the general industrial use is based on gross floor area of all of buildings and outdoor storage areas. The gross floor area measurement is 98,477 square feet, and outdoor storage occupies 25,290 square feet. The minimum parking requirement is 66 vehicle spaces and the maximum allowed is 190. The applicant is proposing to locate 45 spaces on the 50 Lowry Avenue N site and 55 spaces at 74 Lowry Ave N, for a total of 100 parking spaces.

The existing parking lot is subject to compliance with section 530.170 (b) of the zoning code, which requires a minimum seven-foot landscaped yard and three-foot screen along the north parking lot frontage on the 74 Lowry Ave N parcel facing 33rd Avenue North. The parking lot frontage that is not occupied by the rail line is approximately 93 feet wide, while the parking lot is approximately 168 feet wide. The proposed site plan shows that the remainder of the parking lot frontage would be used for staging and a for 25-foot wide driveway leading the parking lot. There is currently no landscaped yard or screening in this location and the applicant is not proposing any changes. In addition, the parking lot is out of compliance with 530.170 (d), which requires that all corners of parking lots that are unavailable for parking or vehicle circulation shall be landscaped.

The zoning code requires that at least one canopy tree be provided for every 25 linear feet of parking areas with public street frontage. The parking area along 33rd Avenue N contains 93 feet of public street frontage, so four trees are required. In addition, parking lots with ten or more spaces are required to have each parking space within 50 feet from the center of an on-site deciduous tree. There are zero canopy trees on the site and none are proposed. Staff recommends granting alternative compliance for the linear tree requirement and the 50-foot tree radius requirement.

Strict compliance with the applicable standards for the landscaping and screening would be practically or economically infeasible given the irregular shape of the parking area and existing site

conditions. However, staff recommends a condition of approval that requires the applicant to stripe all proposed parking spaces on the site to comply with Chapter 54I of the zoning code.

Additional Standards to Increase Maximum Height

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in industrial districts:

1. Access to light and air of surrounding properties.

The structure would be 71 feet in height as measured from natural grade, approximately 550 feet from the nearest residential property, and approximately 335 feet from the nearest non-residential structure. The increased height would not have any effect on surrounding properties' access to light and air. In addition, the heater stack will improve air quality for surrounding properties.

2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.

The proposed heating stack is less than three feet wide on the section that is between 42 feet and 71 feet above grade, and contains very little bulk. Allowing a 15 foot increase in the maximum height permitted for a structure in the I3 district would not result in the shadowing of residential properties, significant public spaces, or existing solar energy systems. The nearest solar energy system would be located approximately a half-mile to the southwest of the site.

3. The scale and character of surrounding uses.

The information that the applicant has provided shows that the many of the existing tanks and stacks on the site are up to 62 feet in height. The proposed unit would be approximately 10 feet taller than the existing structures in the immediate vicinity.

The unit would also be consistent with the scale and character of surrounding uses. The Mississippi River runs along the east side of the property, the Lowry Avenue Bridge is located to the south, a parking lot and industrial uses are located to the north, and a rail line and industrial uses are located to the west of the site.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The subject site is located in two adopted plans that pertain to development near the Mississippi River. Neither plan identifies the site within a view corridor location. The stack would be located approximately 275 feet from the Mississippi River. Allowing a 15-foot increase would not significantly block views of landmark buildings, significant open spaces, or bodies of water.

Additional Standards for Conditional Use Permits within the SH Shoreland Overlay District

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The proposed heating stack would be located on top of an existing heating stack, which is installed on an existing concrete slab. The installation of the proposed stack is not expected to cause soil erosion or other possible pollution of public waters during or after construction.

2. Limiting the visibility of structures and other development from protected waters.

The proposed heating stack will be less than three feet wide in the portion that is between 42 and 71 feet above grade and would have limited visibility from the Mississippi River.

3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

This standard is not applicable for the proposed development.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application by Brandon Boyd, on behalf of GAF, for the properties located at 50-74 Lowry Ave N:

A. Conditional Use Permit.

Recommended motion: **Approve** the application for a conditional use permit to increase the maximum permitted height in the I3 General Industrial District, the MR Mississippi River Critical Area Overlay District, and the SH Shoreland Overlay District, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. Approval of the final site plan and elevations by CPED.
3. All site improvements shall be completed by July 6, 2017, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.
4. All parking areas shall be striped to meet the size requirements in section 541.330 of the zoning code.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Plans
5. Elevations
6. Photos and aerials



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Proposed Use Statement

GAF operates a roofing manufacturing plant at 50 Lowry Avenue in Minneapolis, which plant has been in operation for over 75 years and employs in excess of 100 people. GAF desires to install a heater unit at the plant, including a metal stack, which would have a maximum height of 71 feet above grade. The heater would heat asphalt used in GAF's production of roofing shingles at the plant. Installation of the heater would allow the plant to modify its current asphalt fume combustion process, so that the fume combustion could be performed at significantly higher temperatures than those used in the existing process. The higher temperatures would substantially increase the efficiency of the combustion process, which in turn would significantly reduce asphalt odors at the plant.

The requested Conditional Use Permit would allow GAF to install the heater unit at the plant, notwithstanding the applicable maximum height limitation under the applicable provisions of the City's zoning code.

The heater would not increase the production capacity of the plant. The sole purpose of the installation of the heater unit is to increase combustion efficiency to achieve reduction of asphalt odors from the plant.

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Statement Supporting Required Findings

GAF submits the following written statement to demonstrate that the record supports the findings the City is required to make to approve GAF's requested conditional use permit:

- 1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.** – *The installation and operation of the heater unit would not be detrimental to public health, safety, comfort, or general welfare. The heater would allow an improvement in the efficiency of the asphalt fume combustion process at the GAF plant, resulting in reduced asphalt odors from the plant. The location of the heater within the plant site will pose no health or safety risks to the public at large. Instead, the heater will be beneficial to the general welfare of the public, as the heater will facilitate mitigation of odors that result from the operations at the site.*
- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.** – *Installation of the proposed heater unit would not be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal and orderly development and improvement of surrounding property. Again, installation of the heater would allow an improvement in combustion efficiency resulting in reduced asphalt odors from the GAF plant, which would be a positive for neighboring properties. Additionally, the heater unit would be situated at an interior location within the plant site and set back significantly from the property boundaries of the plant site. The height of the heater unit, which would be generally consistent with the height of existing tanks and stacks located in the same area of the plant site, would not impede the use or development of surrounding properties.*
- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.** – *All utilities, access roads, drainage and other facilities required for installation and operation of the proposed heater unit currently exist within the existing infrastructure of the GAF plant, and no additional infrastructure is needed.*
- 4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.** – *Installation of the proposed heater unit would not impact traffic conditions in the surrounding public streets. Use of the heater unit would not increase the plant's production capability, operating hours, or otherwise increase the intensity of the current use of the site, and accordingly would not result in any change to the traffic servicing the plant or utilizing surrounding public streets. The heater unit would also be situated at an interior location within the GAF plant site and no public streets would be blocked or impeded by the installation or use of the heater.*
- 5. The conditional use is consistent with the applicable policies of the comprehensive plan.** – *GAF's proposed conditional use is consistent with, and indeed supports, the applicable policies in the comprehensive plan. For example, GAF's proposal supports Land Use Policy 1.1 in that, through the use of the heater to facilitate a reduction in asphalt odors at the plant site,*





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GAF would be enhancing the environment surrounding the facility, benefitting the general welfare of the neighborhood. This reduction in odors generated by operations at the plant would also support Environmental Policy 6.2. Further, GAF's proposal also supports Land Use Policy 1.14 in that GAF's plant is located appropriately within an industrial district and GAF's installation of the proposed heater would result in the plant being more compatible with other uses in the area.

- 6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is location.** – *GAF is seeking a conditional use permit to increase the permitted height for structures on the site to accommodate the height of the proposed heater. Apart from the height, the installation and use of the heater will comply with all other applicable regulations of the zoning districts (including overlay districts) in which GAF's site is located, including setback requirements.*

In addition, the record also supports the additional findings the City is required to make to approve a conditional use permit to increase the maximum height on GAF's plant site:

- 1. Access to light and air of surrounding properties.** – *The proposed heater unit would not impact access to light and air of surrounding properties. Again, the heater unit would be situated at an interior location within the GAF plant site and set back significantly from the property boundaries of the plant site. Further, the heater would be situated within an area of the plant which contains existing tanks and stacks, with existing heights of up to approximately 62 feet. Moreover, the stack, which makes up approximately the top fourteen feet of the heater unit and is the tallest portion of the structure, is less than three feet wide, so the limited profile of this unit will have virtually no impact on surrounding properties.*
- 2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.** – *The proposed heater unit would not create shadowing on any residential properties, significant public space or existing solar energy systems.*
- 3. The scale and character of surrounding uses.** – *The parcel on which the proposed heater unit would be situated is located in a heavily industrialized area. Immediately to the south of the parcel is Lowry Avenue, to the east is the Mississippi River, to the west is a Canadian Pacific Railroad rail line, and to the north is a paved outdoor storage lot which GAF leases from the City of Minneapolis. As noted above, the heater unit would be situated within an area of the plant which contains existing tanks and stacks and would have a maximum height generally consistent with the heights of those tanks and stacks, so the scale of the proposed unit would be comparable to the scale of the existing plant.*
- 4. Preservation of views of landmark buildings, significant open spaces or water bodies.** – *The proposed heater unit would not impact existing views of any landmark buildings, significant open spaces or water bodies. Again, the heater unit would be situated within an area of the GAF plant site which contains existing tanks and stacks having maximum heights generally consistent with the height of the proposed unit. Further, because the stack on the heater is less than three feet in width, it will not materially impact views from surrounding properties.*

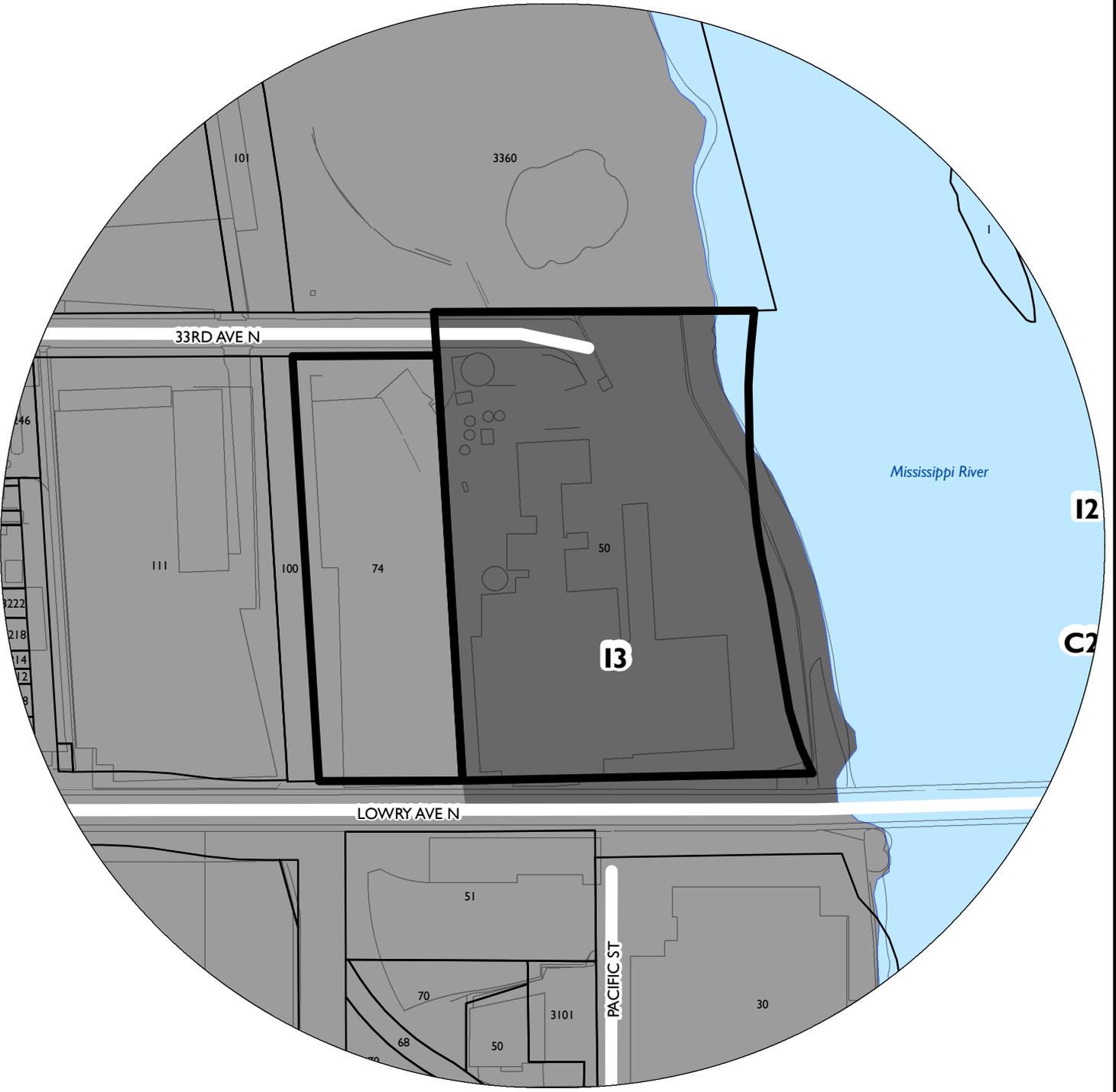


GAF

4th

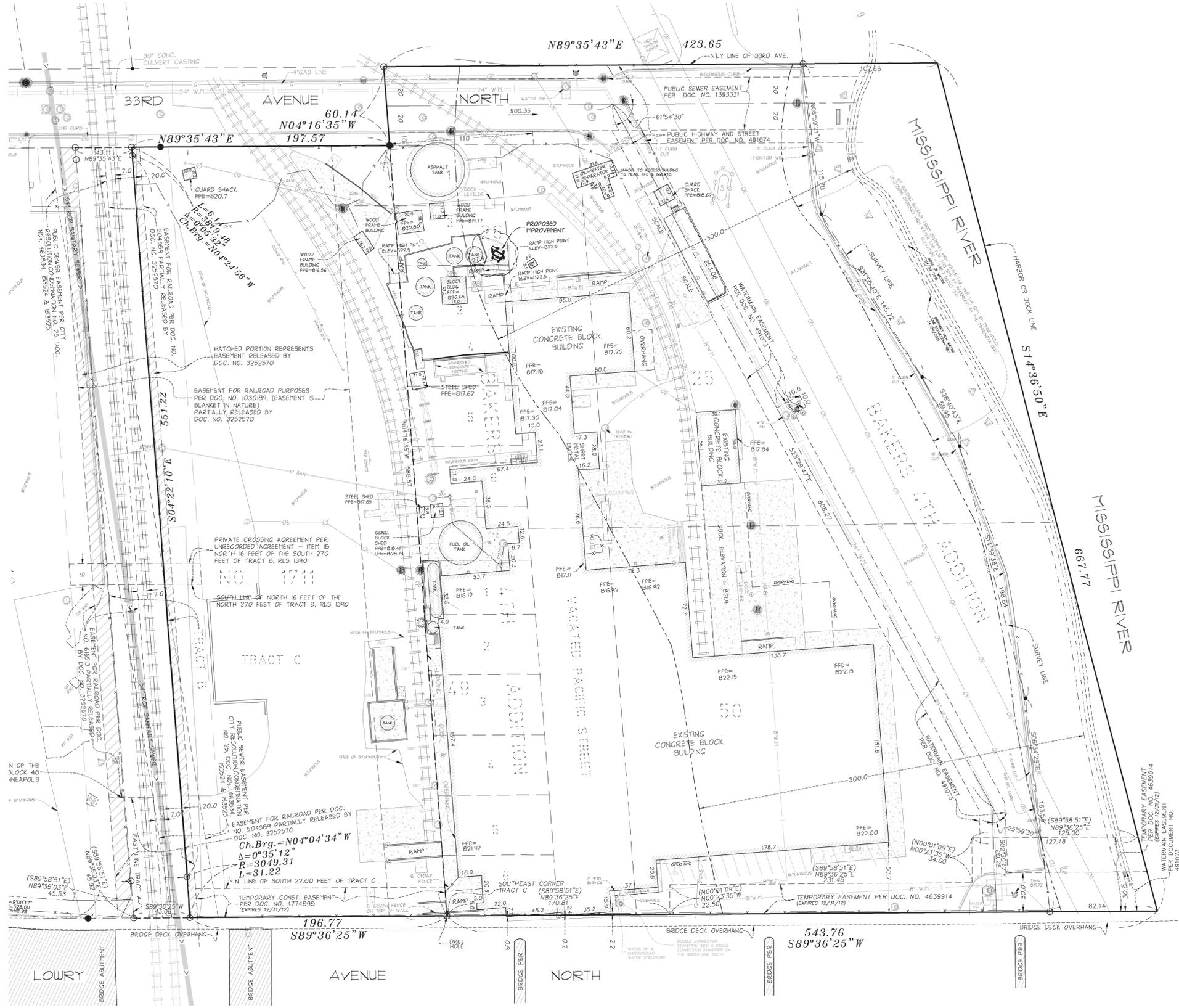
NAME OF APPLICANT

WARD



PROPERTY ADDRESS
50-74 Lowry Ave N

FILE NUMBER
BZZ-7205



SURVEY NOTES

- BACKGROUND INFORMATION SHOWN PER BOUNDARY SURVEY COMPILED FROM HISTORICAL LANDSCAPE FILES AS WELL AS A REVIEW OF EXISTING EASEMENTS AS PROVIDED BY CLIENT IN CHICAGO TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE ORDER NO. 233544 HAVING AN EFFECTIVE DATE OF APRIL 30, 2015. THE SITE CONDITIONS AS SHOWN ARE FROM A COMPILATION OF HISTORICAL FILES. THE SITE IMPROVEMENTS IMPACTED BY THE RECONSTRUCTION OF THE LOWRY AVENUE BRIDGE HAVE NOT BEEN LOCATED IN THEIR ENTIRETY.
- FOR THE PURPOSES OF THIS SURVEY THE BEARING BASIS THE WEST LINE OF TRACT A, REGISTERED LAND SURVEY NO. 1711 IS ASSUMED TO BEAR NORTH 04 DEGREES 20 MINUTES 36 SECONDS WEST ACCORDING TO THE RECORDED REGISTERED LAND SURVEY THEREOF, HENNEPIN COUNTY, MINNESOTA.
- THE UTILITIES SERVING THIS PROPERTY HAVE BEEN SHOWN FROM HISTORICAL FILES AND MAPS. THE SURVEYOR DOES NOT GUARANTEE, IN WRITING OR ASSUMED, THAT THE UTILITIES AS SHOWN ARE IN THE EXACT LOCATION. NO EXCAVATION WAS PERFORMED TO LOCATE THE UNDERGROUND UTILITIES.
- THIS SURVEY IS INTENDED TO REPRESENT THE EASEMENTS THAT AFFECT THE PROPERTY AND THE 300 FT. SETBACK TO THE ORDINARY HIGH WATER LINE ELEVATION = 798.17 FT (NGVD 29).

LEGAL DESCRIPTION

PER EXHIBIT A OF CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. 233544 HAVING AN EFFECTIVE DATE OF SEPTEMBER 17, 2012:

PARCEL 1:
TRACT C, REGISTERED LAND SURVEY NO. 1711, HENNEPIN COUNTY, MINNESOTA, REGISTERED PROPERTY - CERTIFICATE OF TITLE NO. 1062086

PARCEL 2:
A PARCEL OF LAND COMPRISING PART OF LOTS 1 TO 7 INCLUSIVE, BLOCK 26, AND OF PART OF LOTS 1 TO 6 INCLUSIVE, BLOCK 49, AND ALL OF BLOCKS 25 AND 50, AND OF THE VACATED PARTS OF THIRTY-THIRD AVENUE NORTH AND OF FIRST STREET NORTH (SOMETIMES DESCRIBED AS PACIFIC STREET NORTH), ALL IN "BAKER'S 4TH ADDITION TO MINNEAPOLIS" AND OF THE ACCRETIONS AND SUBMERGED LAND LYING EASTERLY THEREOF, BETWEEN THE ORIGINAL SHORE LINE OF THE MISSISSIPPI RIVER AND THE HARBOR OR DOCK LINE ESTABLISHED BY THE U.S. GOVERNMENT HEREBY REFERRED TO, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHERLY LINE OF LOWRY AVENUE NORTH, AS NOW LAID OUT AND ESTABLISHED BY SAID CITY, WHICH IS 522.3 FEET DISTANT EASTERLY FROM THE JUDICIAL LANDMARK ESTABLISHED AND SET AT THE SOUTHWEST CORNER OF BLOCK 48, "BAKER'S 4TH ADDITION TO MINNEAPOLIS", THENCE NORTHERLY ALONG A LINE AT AN ANGLE TO THE LEFT OF 93 DEGREES, 53 MINUTES WITH SAID NORTHERLY LINE OF LOWRY AVENUE NORTH A DISTANCE OF 646.98 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THIRTY-THIRD AVENUE NORTH, AS THE SAME WAS LAID OUT AND ESTABLISHED PRIOR TO ITS VACATION; THENCE EASTERLY AT AN ANGLE TO THE RIGHT OF 93 DEGREES, 51 MINUTES ALONG SAID VACATED AVENUE LINE AND THE SAME EXTENDED TO THE HEREBY DESCRIBED HARBOR OR DOCK LINE; THENCE SOUTHEASTERLY ALONG SAID HARBOR OR DOCK LINE TO THE NORTH LINE OF LOWRY AVENUE NORTH; THENCE WEST ALONG SAID NORTH LINE OF LOWRY AVENUE NORTH TO THE POINT OF BEGINNING; THE HARBOR OR DOCK LINE ESTABLISHED BY THE UNITED STATES GOVERNMENT IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON SAID HARBOR LINE OF LOWRY AVENUE NORTH WHICH IS 23 FEET SOUTH AND 94 FEET EAST OF U.S. HARBOR LINE MONUMENT 76, WHICH IS A BRASS SCREW SET IN A LEAD PLUG FLUSH WITH THE TOP OF THE STONE ON THE ABUTMENT AT THE WEST END OF THE LOWRY AVENUE NORTH BRIDGE ACROSS THE MISSISSIPPI RIVER, ON THE UPSTREAM SIDE ABOVE 1.6 FEET SOUTH OF THE END POST OF THE BRIDGE RAILING; THENCE NORTH 14 DEGREES, 36 MINUTES 50 SECONDS WEST, THE NORTHERLY LINE OF LOWRY AVENUE NORTH REFERRED TO ABOVE HAVING BEEN JUDICIALLY ESTABLISHED AND MARKED BY JUDICIAL LANDMARKS LOCATED AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 48, "BAKER'S 4TH ADDITION TO MINNEAPOLIS" AND AT A POINT IN JUDICIAL MONUMENT AT THE SOUTHWEST CORNER OF SAID LOT 7, BLOCK 48.

REGISTERED PROPERTY - CERTIFICATE OF TITLE NO. 1026172

DEVELOPER

GAF MATERIALS CORPORATION
50 Lowry Avenue North
Minneapolis, MN 55411
TEL: (612)520-8756 - FAX: (612)520-8773

MUNICIPALITY



PROJECT

**GAF MATERIALS CORPORATION
EASEMENT REVIEW
MINNEAPOLIS, MINNESOTA**

SHEET INDEX

DATE	REVISION	ISSUED BY	REVIEW
11.27.12	ORIGINAL EXHIBIT	SCOTT TROSEN	
05.04.15	REVISED TO SHOW SITE IMPROVEMENTS & 300 FT. SETBACK		MLS
05.11.15	REMOVED TRACT A.		MLS

REVISION HISTORY

DATE	REVISION	ISSUED BY	REVIEW
11.27.12	ORIGINAL EXHIBIT	SCOTT TROSEN	
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05.11.15	REMOVED TRACT A.		MLS

PROJECT MANAGER REVIEW

BY SET DATE 11/20/12

CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

EBH
Eric B. Lindgren
License No. 4876 Date: 05/12/05

Signature shown in a digital reproduction of original. Wet inked copy of this plan on file at Landform Professional Services, LLC, office and available upon request.

LANDFORM

From Site to Finish

105 South Fifth Avenue Tel: 612-252-9070
Suite 513 Fax: 612-252-9077
Minneapolis, MN 55401 Web: landform.net

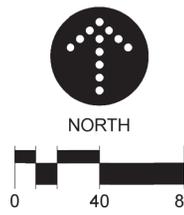
FILE NAME csk-GAF12002-R1.dwg
PROJECT NO. GAF12002

EASEMENT EXHIBIT

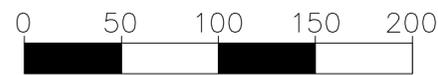
SHEET NO. 1/1



Know what's Below.
Call before you dig.



Gross Floor Area (GFA)	
Area Description	Sq. Ft
Manufacturing Building	39,099
Slate Storage Levels 2 & 3	1,700
Upstairs Slate Room	180
Sweeco and Filler Heater Area	938
Middle Filler Room	336
Fume Collector Room	235
Network Room	144
Blower Room	420
Laminator Mezzanine	2,910
Laminator 3rd Level	630
Office Buildings	7,385
Warehouse	44,500
Outdoor Storage	25,290
Total GFA	123,767



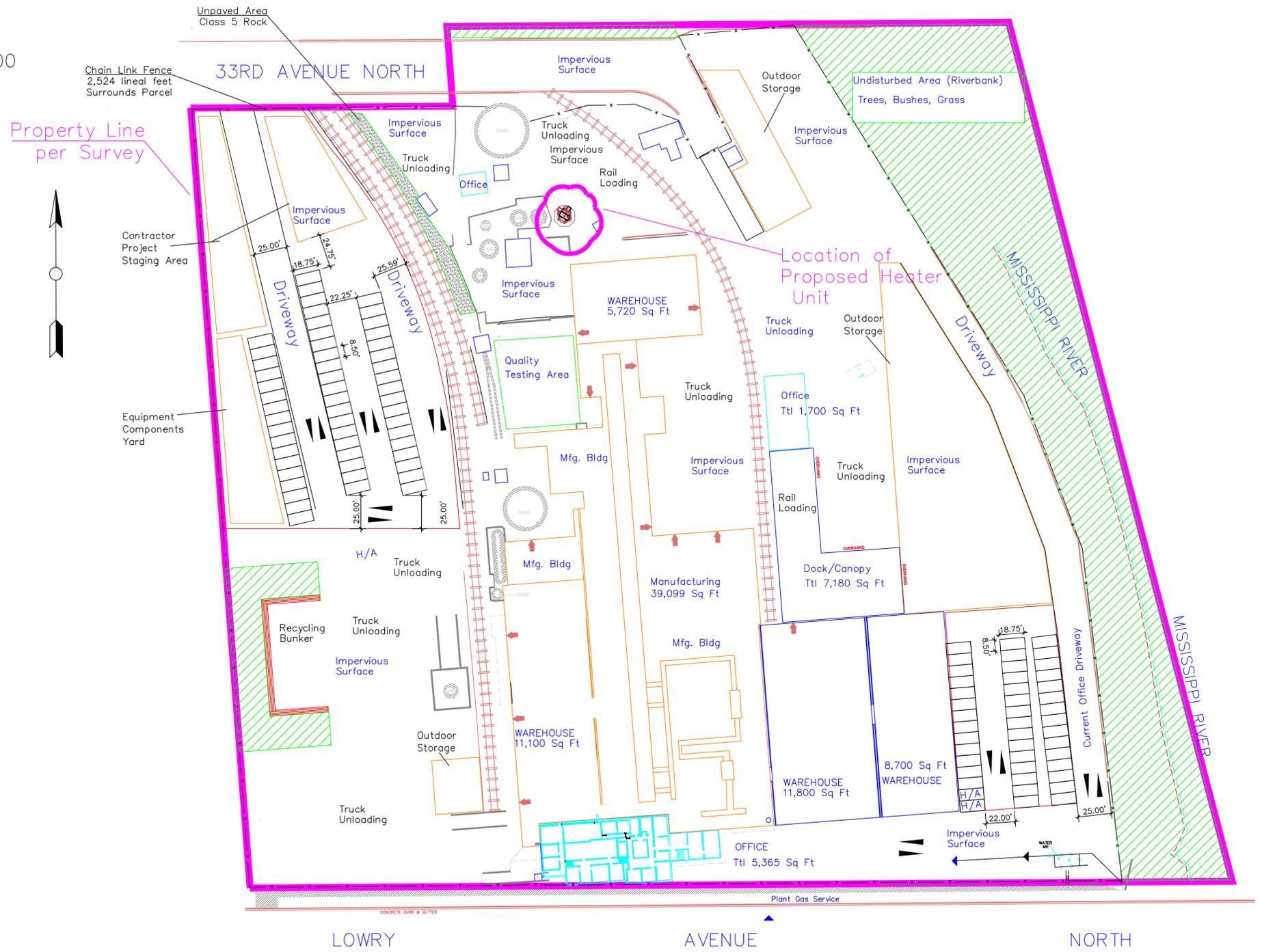
Graphic Scale In Feet

Site Breakdown	
Area Description	Sq. Ft
Total Site Sq Ft	428,726
Manufacturing Building	39,099
Warehouse Buildings	44,500
Office Buildings	7,385
Parking Space	61,465
Existing Grass/Natural Area	68,957
Outdoor Storage	25,290
Impervious Surface - Raw Material/Product Storage	182,030

Minimum Parking Requirements based on GFA	
Area Description	Sq. Ft
Total GFA Less Outdoor Storage	98,477
1 Sp/1000 SF up to 20,000 SF	20
1 Sp/2000 SF in excess of 20,000 SF	39.2
Subtotal	59.2
Outdoor Storage	25,290
1 Sp/5000 SF	5
Total	64.2

Maximum Parking Requirements based on GFA	
Area Description	Sq. Ft
Total GFA Less Outdoor Storage	98,477
1 Sp/200 SF up to 20,000 SF	100
1 Sp/1000 SF in excess of 20,000 SF	78.5
Subtotal	178.5
Outdoor Storage	25,290
1 Sp/2500 SF	10
Total	188.5

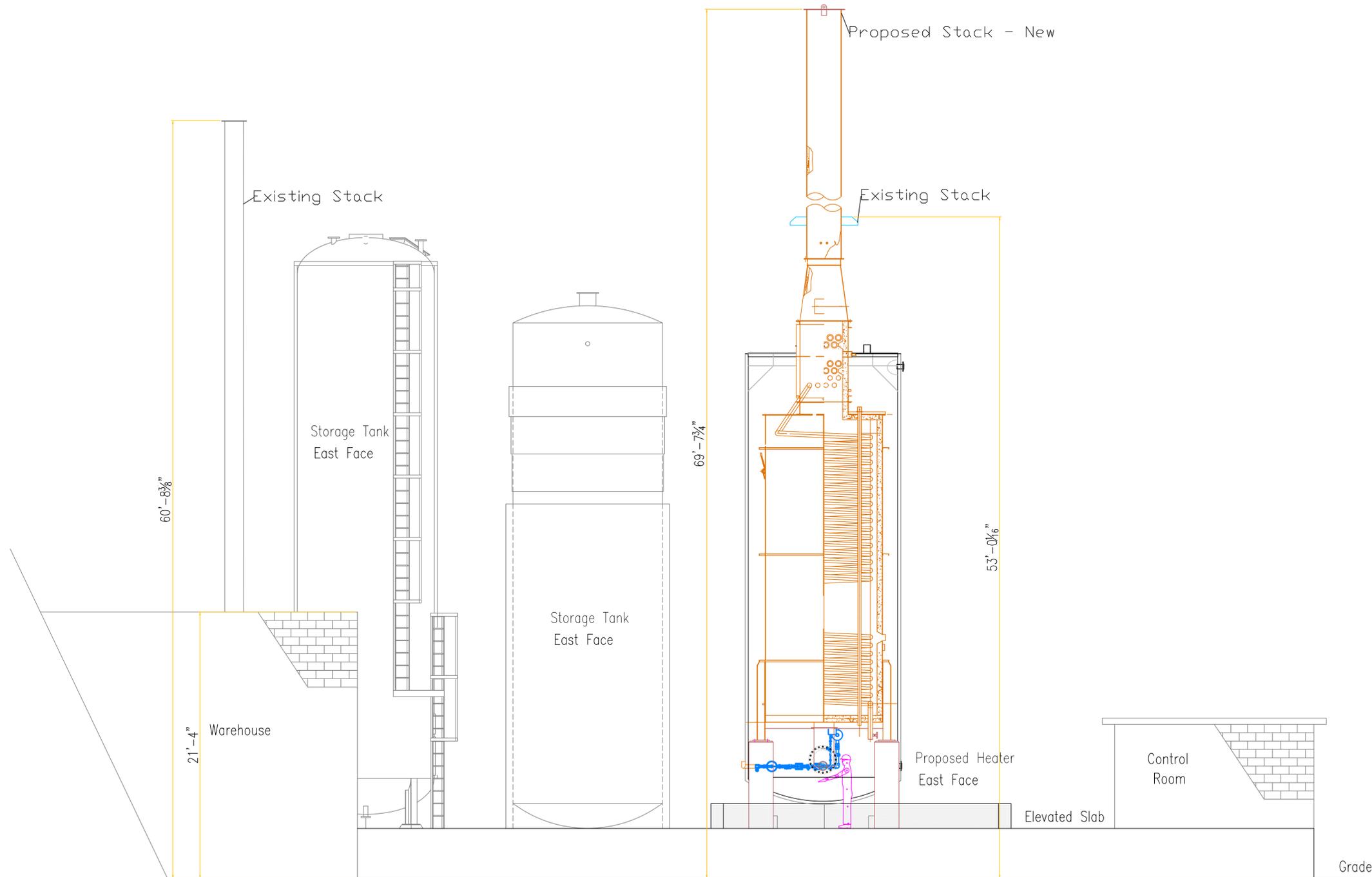
Parking Spaces - West Side 55 (Handicap Accessible 2)
 Parking Spaces - East Side 45 (Handicap Accessible 2)
 Parking Spaces - Total 100



REFERENCE DWGS	REV	DATE	NATURE OF REVISION	BY

GAF-ELK GAF CORPORATE ENGINEERING BUILDING MATERIALS WAYNE, N.J. 07470		GAF MINNEAPOLIS PLANT Facility Layout Site Breakdown - Square Feet 50 Lowry & 74 Lowry Ave N	
PLANT	MINN	DWG SIZE:	22X34
DESIGNED	T. CLARK	SHEET NO.	1 OF 1
DRAWN	TJC	SCALE	N/A
CHECKED		DWG. NO.	MN2015-0420
DATE	04-20-15		

ALL DIMENSIONS ARE IN INCHES DIMENSION TOLERANCES (UNLESS NOTED): FRACTION ±1/32 0.0 ± 0.03 ANGLES ± 2° 0.00 ± 0.02 0.000 ± 0.010	AFE# App# GAF# "All rights reserved by GAF Materials Corporation ("GAFMC"). These drawings, specifications and designs are the exclusive property of GAFMC and may not be used, copied or disseminated in whole or in part without the express written consent of GAFMC."
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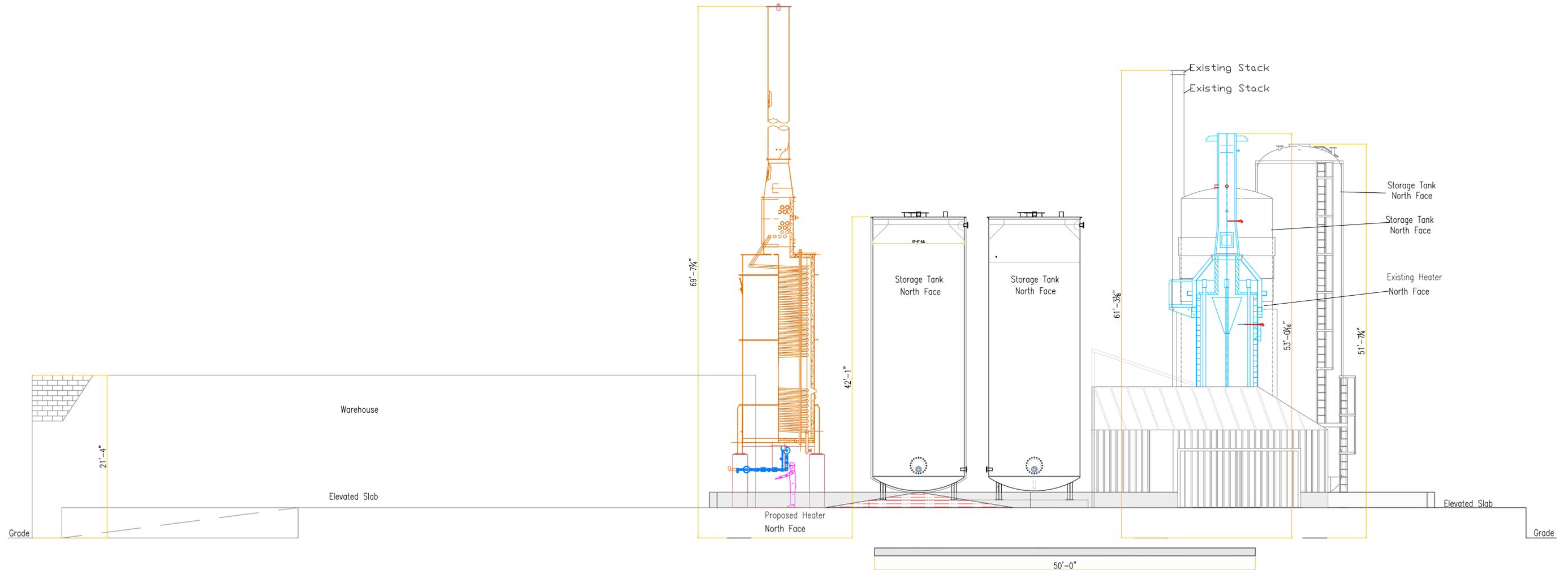


REFERENCE DWGS	REV	DATE	NATURE OF REVISION	BY

GAF-ELK CORPORATE ENGINEERING BUILDING MATERIALS WAYNE, N.J. 07470		TITLE MINNEAPOLIS PLANT BORN Heater Installation Stillyard Elevations East Elevation	
		PLANT MINN DESIGNED T. CLARK DRAWN TJC CHECKED DATE 04-16-15	DWG SIZE: 22X34 SHEET NO. 2 OF 2 SCALE 1"= 4.75' DWG. NO. MN2015-900

ALL DIMENSIONS ARE IN INCHES
 DIMENSION TOLERANCES
 (UNLESS NOTED): FRACTION ±1/32
 0.0 ± 0.03 ANGLES ± 2°
 0.00 ± 0.02
 0.000 ± 0.010

AFE# App# GAF#
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REFERENCE DWGS	REV	DATE	NATURE OF REVISION	BY

GAF-ELK CORPORATE ENGINEERING BUILDING MATERIALS WAYNE, N.J. 07470		TITLE MINNEAPOLIS PLANT BORN Heater Installation Stillyard Elevations North Elevation	
		PLANT MINN DESIGNED T. CLARK DRAWN TJC CHECKED DATE 04-16-15	DWG SIZE: 22X34 SHEET NO. 1 OF 2 SCALE 1" = 4.75' DWG. NO. MN2015-900

ALL DIMENSIONS ARE IN INCHES
 DIMENSION TOLERANCES
 (UNLESS NOTED): FRACTION ±1/32
 0.0 ± 0.03 ANGLES ± 2°
 0.00 ± 0.02
 0.000 ± 0.010

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N 33rd Ave

N Lowry Ave 153

153





Proposed Heater location



ENT
ION

5



CAUTION
MOVE ON
GREEN
ONLY
NO MOVING
GREEN
ONLY





View from Lowry Ave Bridge



View from 33rd Ave N



© 2014 Google

© 2014 Google

© 2014 Google

CPC
#6

Smith, Mei-Ling C.

From: Randi Hansen <randilikescandy@gmail.com>
Sent: Monday, July 06, 2015 12:33 PM
To: Smith, Mei-Ling C.
Subject: GAF conditional use permit

Greetings,

As I understand, GAF has applied for a conditional use permit to increase the maximum permitted height for a heater and odor mitigation unit at the properties at 50-74 Lowry Ave N in the I3 General Industrial District, the MR Mississippi River Critical Area Overlay District, and the SH Shoreland Overlay District which will be discussed at the City Planning Commission this evening. I am unable to attend the meeting, but wanted to communicate my concern over their intentions.

I bought a home in the Marshall Terrace neighborhood in July of 2014. I have experienced a toxic smell emanating from the GAF facilities on numerous occasions. The smell and poor air quality have resulted in multiple headaches. Some days the fumes are so egregious, I don't even venture outdoors or allow my child to play outside. I am upset that GAF is not forthcoming about the chemicals they spew from their plant. I am concerned that the property value and potential resale of my home will be compromised due to the uncomfortable environment GAF is creating. I am also concerned about my children's health and quality of life. Had I known about the issue at hand I would have thought twice about buying a home in this neighborhood and if I had the opportunity I would advise others to avoid living in this area. I have called 311 to file complaints several times. However, I feel my attempts and those of my neighbors, to resolve this issue have largely been ignored. I implore you take my concern to heart and consider what is the in the best interest of NE residents.

Respectfully,x
Randi Hansen
3035 Randolph St.

Smith, Mei-Ling C.

From: Kristin Tyborski <kristin.tyborski@gmail.com>
Sent: Monday, July 06, 2015 1:22 PM
To: Smith, Mei-Ling C.
Subject: GAF

I'm writing to you to register my complaints and concerns about GAF shingle company located in my neighborhood. My husband, myself and our two young children reside at 2305 Marshall St. NE. Since moving into our home 6 years ago we've encountered countless days of horrendous smells. The first time I walked out of my house into the burning smell I actually feared for my health. I called 311 and left my complaint, as I have several times since. These emissions and overt smells are not mild. As a homeowner, my hope is that someday my family and I will not have to worry about the shingle factory on the river.

Thank you for registering my complaint. We're not yet sure if one of us can make it to the hearing tonight.

Sincerely,
Kristin Tyborski

Smith, Mei-Ling C.

From: David Salmela <dsalmela@gmail.com>
Sent: Monday, July 06, 2015 12:22 PM
To: Smith, Mei-Ling C.
Subject: GAF

Mei-Ling,

Since I am unsure if I can make it to the meeting today I wanted to share my thoughts/experiences with GAF industries at 50 Lowry Avenue North.

Our neighborhood has been troubled by GAF since long before I moved in, but during my 10 year residence in NE we've been having major issues with the fumes emanating from GAF industries. We've been told "it's just asphalt" by plant managers Eric Pirana around 2005 and Tommy in our recent 2014 meetings. My question is, how can they say "it's just asphalt" when they will not disclose the full extent of what they are burning (perhaps citing trade secrets here). It seems disingenuous. And any neighbor will tell you by the smell alone, it's clearly not "just asphalt"

GAF promised to fix the issue several times, citing their engineering prowess -- I'm not exactly sure what they promised in 2005 or 2015 but neither fix worked to alleviate the smell..

I mention these past events because it sounds too familiar -- and it feels to much as if they are trying to punt with the hopes that we citizens will quiet down/disband and they can buy more time polluting our homes, our childrens' lungs, our waterway. Also, it seems like a band-aid on a 50+ year old factory which, were it built today would be much more efficient, safer, less pollutant.

The acrid fumes are so powerful that it makes it impossible to be outside without feeling like you're being poisoned. When they come on strong like this (as they do very frequently), we go inside and shut the windows. You'll hear this from many neighbors, as I've been hearing the same for over 10 years. Now, with children we are trying to protect from harm, it further escalates our concerns for health, safety and a clean environment.

It's my impression that the city, through its lease arrangement with GAF, does have the power to help put an end to this dangerous neighbor. Let's look to the future and remove polluters from the city and this glorious riverbank.

Thanks,

David Salmela

--

David Salmela
612-396-7472

Smith, Mei-Ling C.

From: S Dodge <susdodge@gmail.com>
Sent: Monday, July 06, 2015 1:28 PM
To: Smith, Mei-Ling C.
Subject: GAF meeting

Dear Ms. Anderson,

I cannot attend the hearing tonight regarding GAFs application.

I moved to NE Minneapolis from Powderhorn Park 18 months ago. I own my home and have since bought 3 more rental homes in the Bottineau and Holland neighborhoods.

The quality of air at my home is really disgusting. Some days are better than others. The smell is so strong I can taste it- the smell of burning rubber and tar. We can't sleep with our windows open and there are some days where my tenant's kid doesn't go outside because we are worried about the smell.

I am happy that GAF is investing so much money in their odor mitigation, but how will we guarantee that it works? I have heard from neighbors that this exact same issue happened 10 years ago. I think the new system has reduced the smell so we only smell it about 1x per week but that one time is still really disgusting. It makes me sick to my stomach, my eyes water and I feel lightheaded when I smell it. I can't imagine what the neighbors closer to the factory smell! I live on 22nd ave and 2nd St. NE.

I would really like GAF to eventually move their location to a less populated area.

Thank you for considering my concerns,
Susannah Dodge

Smith, Mei-Ling C.

From: Anna <anna@floodplaincollective.com>
Sent: Monday, July 06, 2015 2:41 PM
To: Smith, Mei-Ling C.
Cc: AFCAC@googlegroups.com
Subject: GAF Variance Permit Questions

Ms. Anderson -

As community members focused on current and future changes to the Upper Mississippi River, AFCAC writing to express our concern for the proposed increase in height to the GAF stacks. We support reducing toxic emissions from the GAF plant but have concerns with the following portions of the "Statement Supporting Required Findings" and "Additional Findings" in the variance permit application:

Required Finding 1: "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare."

The application states that this increase height would improve heater efficiency and mitigate odors, but there is no discussion of this variance directly addressing toxic emissions. Does this stack have the capability of treating toxic emissions? Or, simply burning them more efficiently to reduce the noticeable smell? GAF has previously claimed that recent improvements to the combustion system would decrease fumes beginning in April 2015, yet neighbors are still issuing complaints to 311 of asphalt fumes causing headaches, itchy eyes and throats, and coughing. AFCAC is hesitant to support a height variance when previous attempts have not resulted in the improvement to air quality as promised.

Required Finding 2: "The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district."

Nearby residents and business must regularly close windows and remain indoors to avoid fumes coming from the GAF plant. What proof is there that this increase in height and increased burning efficiency will in fact reduce the odor along the riverfront? Or, will the impact be transferred to more distant properties? AFCAC does not support the redirection of pollution to other neighborhoods.

Additional Findings 4: Preservation of views of landmark buildings, significant open spaces or water bodies.

As an organization looking to improve the Upper Mississippi, the additional stack is not inline with moving the riverfront away from heavy industry and will detract from user experience along the Lowry Bridge and business patrons across on the East Bank of the River.

Thank you for your time,

Anna Bierbrauer and Above the Falls Community Advisory Committee

Smith, Mei-Ling C.

From: Philip Harder <philipharder@gmail.com>
Sent: Monday, July 06, 2015 2:57 PM
To: Smith, Mei-Ling C.; jacobfrey@gmail.com
Subject: GAF smoke stack proposal

Dear Mei Ling Anderson.

Can you please send information about today's meeting concerning GAF. My family live across the Mississippi river from GAF. Is GAF proposing to build a tall stack to dissipate the asphalt stink and toxic fumes that emit from their shingle factory? If so the stack could further delay a solution to the real problem from GAF's dangerous fumes. Rather than eliminating the pollution from their shingle factory, I believe GAF is attempting to dissipate their toxic fumes to a wider area to avoid the ongoing odor and pollution complaints to 311 from their close neighbors.

Recently neighbors near GAF have been organizing and encouraging others in the area to call 311 to file odor complaints when they smell GAF's asphalt stink. We were strongly advised by the city to file complaints to 311 because this is the city's environmental agencies main source of information about the GAF pollution problem. The odor is a strong pungent asphalt-like stink that permeates into our homes. The 311 complaints are random because the smell wafts in different directions depending on the wind. Before we organized there were fewer complaints as most neighbors didn't know who to call or that GAF was the cause of the asphalt stink in North East and North Minneapolis, which has been ongoing for decades. Now that we are organized, 311 complaints have increased. This became obvious last summer when 311 complaints prompted a public neighborhood meeting with Brandon Boyd of GAF attending. We were assured by Brandon Boyd and a GAF representative that GAF would solve the pollution that they emit. But a tall stack seems to be an attempt to dissipate the pollution to a wider area to avoid local 311 complaints. This tall stack may actually increase pollution if GAF increases production and pollution without the deterrent of 311 complaints. The solution to pollution is NOT dilution. I believe the real solution to GAF's pollution problem is to deny them renewal of permits and a land usage lease, and once and for all move this polluting, outdated factory out of our residential neighborhood.

Sincerely,
Philip, Isabelle and Otto Harder
2204 Marshall St. NE
Minneapolis MN 55418

Smith, Mei-Ling C.

From: Nicole Erdmann <nicole@bitstream.net>
Sent: Monday, July 06, 2015 3:00 PM
To: Smith, Mei-Ling C.
Subject: GAF

I own a house at 2414 2nd Street NE, 55418

The orders from the shingle company burns our eyes and the smell is so bad we often can not enjoy our yard and even our house is toxic.

Sense moving in my daughter {2 years} old has had a mysterious skin rash that clears when we leave town. My son {6 months} has had breathing and lung issue that we feel is from GAF.

We will be moving soon and renting that house out until things change.

Thanks,
Nicole Erdmann

Sent from my iPhone

July 6, 2015

To members of the Minneapolis City Planning Commission:

I represent the Concerned Citizens of Marshall Terrace (CCMT), the Marshall Terrace neighborhood organization. On behalf of the neighborhood, I wish to express concern and skepticism over the proposed variance to increase the height of the stacks at GAF's plant located at 50 Lowry Ave North.

While we fully support truly effective efforts to mitigate the toxic odors emitting from the GAF plant, assurances from GAF representatives over the past year of a \$500,000 solution to the problem have proven to be hollow, with little to no change apparent. Additionally, they have yet to disclose exactly what toxins are being released from their stacks; the odor is one issue, the substances causing the odor and their effects on the health of local residents is of greater concern. Will the height increase actually clean the emissions or simply carry the toxins further away?

Although the fumes from GAF have been adversely affecting Marshall Terrace and surrounding neighborhoods for years, the problem reached a peak in 2014. Residents flooded 311 offices with calls about "strong chemical odors" in the neighborhood on a regular basis.

GAF told residents that they were going to spend \$500,000 on a solution to the odor issue. Since the installation of said solution earlier this year, little has changed. Residents continue to deal with stifling GAF plant emissions, emissions that cause headaches, sore throats, breathing difficulties, and an unsettling anxiety about the long-term effects on our health and the health of our children.

The following are excerpts from Impact Statements submitted by residents in Marshall Terrace, Bottineau, and Logan Park since January 2014:

1) I live in the area surrounding the GAF Manufacturing plant and I frequently experience side effects from the fumes. I, along with my roommates, commonly experience nausea and headaches after encountering the smell. To give a specific incident, I was driving over the Lowry Ave bridge yesterday when the smell filled my car. Within minutes, my passenger and I had headaches and nausea. I don't believe this air pollution can be doing our health any good. We should have a right to clean air in our community."

2) "In the summer and fall of 2014, there was a SIGNIFICANT change in how frequently we could smell GAF. Due to the consistency of the appearance of fumes from GAF, we were only able to open our windows a handful of times, at most. The smell makes me nauseous, but more importantly, it greatly concerns me what type of impact it could have on my baby's development. In addition...homeowners in the neighborhood should be able to open their windows and go for walks without worrying about whether or not the "smell from the GAF plant is back." It is sad that I have to regularly make the decision to

keep the windows shut or take a different walking route in order to ensure that my daughter isn't exposed to the GAF fumes anymore than she already is by just living in the neighborhood."

3) "At least once a week, the noxious odor from GAF makes it unbearable for me and my family to be outdoors. During peak summer months of productions as many as 3x per week we are forced indoors due to the toxic smell. If I forget to close a window when the odor is in the air, the entire room will smell of burning rubber. The smell seems to be especially heavy and sinks to the floor - making my small children even more at risk for unknown toxins. One day last summer, I quickly closed my windows as soon as the smell started coming in but when I went to put my 5 month daughter in her crib, the mesh sides of the crib seemed to have trapped the stink in her bed. Her bed! One of the safest places a baby should have is being negatively impacted when I try to open the windows for fresh air on a summer day. Often, I have to demand my children come inside from playing out of doors to protect them from the smell, but I cannot control whatever outfall the noxious odor may leave behind in the soil, on my garden, or in my grass. The smell itself irritates our eyes and causes headaches; and, the frustration and fear about the ongoing problem make us heartsick."

We support a reduction in pollution and toxic emissions, but categorically object to a plan to redirect or mask the toxins. Residents have a basic right to clean air and - at the very least - to know exactly what substances are being burned at the GAF plant, and what effects they can have on those of us with homes in the area.

Sincerely,
William Herzog
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