



**Larkin Hoffman**

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June 24, 2015

St. Paul City Attorney  
Attn: Samuel J. Clark  
400 City Hall  
15 Kellogg Blvd., West  
Saint Paul, MN 55102

**VIA ELECTRONIC MAIL**

**Re: Hawkins Inc. Conditional Use Permit for 701 Barge Channel Road, St. Paul,  
Minnesota (the "CUP")**

Dear Mr. Clark:

This firm represents Hawkins, Inc. ("Hawkins") with regard to the proposed storage tank replacement and upgrade project (the "Project") at the Hawkins Southport facility, located at 701 Barge Channel Road in the City of St. Paul (the "City"). As we stated in our email to Peter Warner, dated June 17, 2015, and in our testimony to the City Council on the same date, the Project has been approved by operation of law under Minnesota Statutes, Section 15.99. (See enclosed CUP issued by City, dated April 24, 2015.) Since the CUP application was deemed complete by the City of St. Paul on March 16, 2015, the 60-day limit expired on May 15, 2015.

Further, staff and the Planning Commission have determined that the Project satisfies standards and criteria for issuance of the CUP. The Project is an upgrade and modernization initiative, not an expansion of Hawkins' Southport facility. It will result in a net reduction of on-site storage capacity, no additional rail traffic, and an estimated 1 or 2 additional truck trips per day as compared to the current 8 to 10 truck trips per day. The Project is also not a "massive tank farm consisting of 42 tanks" as the appellants assert. The Project scope is to replace one existing 440,000 gallon tank with eight (8) 50,000 gallon tanks for a net reduction of 40,000 gallons of storage. The Project will allow Hawkins to dramatically improve safety at the facility and decrease risks of adverse environmental impacts. The upgraded storage area will be enclosed by a reinforced concrete containment wall that would capture any theoretical spills and protect the tanks from encroaching floodwaters. The erroneous facts and assertions contained in the appeal have been clearly and finally addressed by City staff, Hawkins and our office.

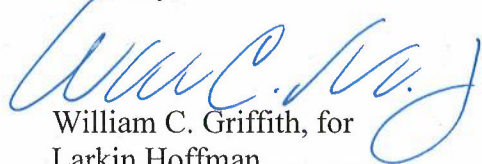
Finally, the continued public hearing is now made moot by operation of Minnesota Statutes, Section 15.99. We ask that your office promptly confirm the issuance of the CUP and cancel the public hearing. Time is of the essence since work on the Project has been unnecessarily delayed for more than six weeks.

Samuel J. Clark  
City Attorney  
June 24, 2015  
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Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "W.C. Griffith".

William C. Griffith, for  
Larkin Hoffman

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Email: [wgriffith@larkinhoffman.com](mailto:wgriffith@larkinhoffman.com)

Enclosure

cc: Mayor Chris Coleman, City of St. Paul  
St. Paul City Council  
Jerry Hendrickson, Deputy City Attorney  
Louis Jambois, St. Paul Port Authority  
Rich Erstad, Hawkins Inc.  
Robert C. Long, Larkin Hoffman

CITY OF SAINT PAUL, MINNESOTA  
(Conditional Use Permit)

ZONING FILE NO: 15-018-147

APPLICANT: Hawkins Inc.

PURPOSE: Conditional use permit for construction of 8 new tanks and tank containment area, truck containment area and rail containment area structures not elevated on fill in the Flood Fringe District

LOCATION: 701 Barge Channel Road

LEGAL DESCRIPTION: PIN 092822310010, Registered Land Survey 446 Tract G Of R.I.s. 446 & Part Of Blk 56 Of W St P Real Est & Imp Syn Add No 4 Desc As Fol; In Sw 1/4 Sec 9, T28, R 22 All Incl In A 94, 773 Sq Ft Tract Having 200 Ft Front On Sw Line Of Barge Channel & 97.28 Ft Front On Barge Cha

ZONING COMMITTEE ACTION: Recommended approval with conditions on April 16, 2015

PLANNING COMMISSION ACTION: Approved with conditions on April 24, 2015

CONDITIONS OF THIS PERMIT:

1. The applicant shall provide plans and record of as-built condition for all structures signed by a registered professional engineer or architect and verifying consistency with the general design standards of the Minnesota State Building Code and construction to FP-1 or FP-2 floodproofing standards.
2. The applicant shall adhere to all provisions of the flood response plan and SWPPP on file with the Department of Safety and Inspections.
3. The applicant shall be in compliance with the terms of the MPCA Industrial Stormwater Permit for the site.

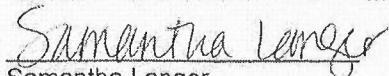
APPROVED BY: Barbara Wencil, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on April 24, 2015, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

**This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (§ 61.105). If one of the following occurs, the use herein permitted shall automatically expire: the use is established but subsequently is discontinued for 365 days or is replaced by another use, the lot area is reduced, or as otherwise provided in § 61.505.**

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

**Violation of the conditions of this permit may result in its revocation.**

  
Samantha Langer  
Secretary to the Saint Paul  
Zoning Committee

Copies to:  
Hawkins Inc.  
District Council 3  
Mailed: April 24, 2015