CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #5
September 10, 2015
BZZ-7337

LAND USE APPLICATION SUMMARY

Property Location: 30 26th Avenue North and 2602-2622 Mill Street

Project Name: Aggregate Industries Conveyor Feed Hopper

Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156

Applicant: Aggregate Industries—MWR, Inc.

Project Contact: Bob Bieraugel, Aggregate Industries—MWR, Inc.

Request: Install a drive-over conveyor feed hopper for an existing concrete/rock crushing facility.

Required Applications:

Variance	To allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District.
Variance	To allow development within 50 feet of the ordinary high water mark in the SH Shoreland Overlay District.

SITE DATA

Existing Zoning	I3 General Industrial District SH Shoreland Overlay District FP Floodplain Overlay District
Lot Area	104,500 square feet (2.4 acres)
Ward(s)	5
Neighborhood(s)	Hawthorne Neighborhood Council
Designated Future Land Use	Transitional Industrial and Parks and Open Space
Land Use Features	Not applicable.
Small Area Plan(s)	Above the Falls: A Master Plan for the Upper River in Minneapolis (2000) Above the Falls Master Plan Update (2013)

Date Application Deemed Complete	August 7, 2015	**Date Extension Letter Sent**	Not applicable
End of 60-Day Decision Period	October 6, 2015	**End of 120-Day Decision Period**	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing use is a concrete/rock crushing facility. It was established on the subject site in 1989. The site has frontage on 26th Avenue, 27th Avenue and the Mississippi River. A barge dock made of steel sheet-pile is located at the northeast corner of the site. Vegetation and rock riprap are located along the remainder of the shoreline. An existing conveyor runs parallel to the shoreline for approximately half the length of the property, and then angles west and south away from the river to connect to the other part of their facility located at the properties of 45 and 65 26th Avenue North. Aggregate piles and driveways cover the remainder of the site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are industrial uses and the Mississippi River.

PROJECT DESCRIPTION. The applicant is proposing to construct an in-ground, drive-over, feed hopper located at the northeast corner of the property of 30 26th Avenue North and 2602-2622 Mill Street. The new hopper system would connect to the existing overhead conveyor stockpiling system. The site and facilities were originally designed to receive barge deliveries. Barge deliveries to this part of the river were recently discontinued with the closure of the Upper St. Anthony Falls Lock. The new hopper is proposed to accommodate truck deliveries, which the applicant has identified as the most efficient delivery and handling method of aggregates for this property. Trucks are currently delivering aggregates to the site. After the delivery trucks unload the aggregate, a front-end loader transfers it up an incline to an existing hopper over the existing conveyor system.

The proposed location of the new hopper/conveyor is on and within 40 feet of the top of a steep slope (an average 18 percent slope or greater measured over a horizontal distance of 50 feet or more, with a height of 10 feet or greater). It is also within 50 feet of the ordinary high water mark (a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape). In the SH Overlay District, a variance is required to allow development on a steep slope or within 40 feet of a steep slope and within 50 feet of the ordinary high water mark.

PUBLIC COMMENTS. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for **1)** a variance to allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District and **2)** a variance to allow development within 50 feet of the ordinary high water mark in the SH Shoreland Overlay District, based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Both variances: Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The site and facilities were originally designed to receive barge deliveries. Barge deliveries to this part of the river were recently discontinued. The new hopper is proposed to accommodate truck deliveries and would connect to the existing overhead conveyor stockpiling system. The lowest part of the conveyor system is located at the northeast corner of the site, adjacent to the barge dock, where it is on a steep slope and within 50 feet of the ordinary high water mark.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

Both variances: The SH Shoreland Overlay District is established to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city, to provide for the efficient and beneficial utilization of those waters and shoreland areas, to comply with the requirements of state law regarding the management of shoreland areas, and to protect the public health, safety and welfare. In order to ensure that adverse environmental impacts are minimal, development on or within 40 feet of a steep slope and within 50 feet of the ordinary high water mark in the SH Overlay District can only be approved through a variance. Development allowed by variance is subject to the following conditions:

1. *Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.*

   Development currently exists on the subject property that is located on the steep slope and within 40 feet of the steep slope.

2. *The foundation and underlying material shall be adequate for the slope condition and soil type.*

   The site was previously occupied by a landfill. The applicant has indicated that soil correction would be employed as necessary for the installation. Further, the structures around the hopper and conveyor equipment (footings, foundation and walls) are required to comply with the building code requirements, which include being founded in material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. The applicant will be required to work closely with the Construction Code Services Section of CPED during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements to meet this condition.

3. *The development shall present no danger of falling rock, mud, uprooted trees or other materials.*

   Approximately 4,000 square feet of the site would be impacted by construction including paving the driveway. Excavation would occur where the hopper would be set in the ground and where a cut in the grade would be made for the conveyor. The bottom and sides of the cut would be constructed with reinforced concrete. No trees are located in the impacted area. CPED staff is also recommending that additional vegetation be planted on the slope to further prevent erosion after construction is complete. The development should present no danger of falling rock, mud, uprooted trees, or other materials.

4. *The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with the surrounding physical context.*

The subject site is visible from the Mississippi River. Existing vegetation provides some screening. The surrounding properties are industrial. There are no nearby historic districts or landmarks. The slope and shoreline has already been altered by development.

The adopted small area plan identifies the critical role the riparian zone (where the river and land meet) plays in slowing and filtering water running over banks into the river. The overall plan objective for restoring the riverbank is to introduce new plantings that will provide an integrated series of benefits. The plans promote the following bank restoration goals:

- Stabilize the mechanics of slopes
- Reduce soil erosion
- Improve water quality
- Create and connect wildlife habitat
- Enhance riverbank aesthetics

Although the riverbank has already been drastically changed by development, there are some improvements that can be made. CPED staff is recommending that additional vegetation is provided along the riverbank adjacent to the barge dock to reduce soil erosion, lessen the visual impact of the industrial use and enhance the riverbank aesthetics. With the adoption of the staff recommendation, the request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Both variances: Granting the variances would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity. The surrounding area is industrial. The proposed development would affect only a small area of the site. A drive-over hopper system would reduce the need for front-end loader operations, which reduces the potential for dust emissions and noise. No increase in traffic is expected as a result of the new in-ground hopper installation. Although the riverbank has already been drastically changed by development, there are some site improvements that can be made. CPED staff is recommending that additional vegetation is provided along the riverbank adjacent to the barge dock to reduce soil erosion, lessen the visual impact of the industrial use and enhance the riverbank aesthetics. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property provided the proposed construction is built to current building codes and erosion control measures are implemented using best practices.

Additional Standards for Variances within the SH Shoreland Overlay District

In addition, the Zoning Board of Adjustment 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. *Prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

Both variances: Approximately 4,000 square feet of the site would be impacted by construction including paving the driveway. Excavation would occur where the hopper would be set in the ground and where a cut in the grade would be made for the conveyor. The bottom and sides of the cut would be constructed with reinforced concrete. Concrete aprons would also be installed on the approach and exit sides of the hopper and the driveway leading to the hopper would be paved.

During construction, the applicant has indicated that a silt fence will be located on the slope. CPED staff is also recommending that additional vegetation be planted on the slope to further prevent erosion after construction is complete.

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

   Both variances: The subject site is visible from the Mississippi River. Existing vegetation provides some screening. CPED staff is recommending that additional vegetation is provided along the riverbank adjacent to the barge dock to lessen the visual impact of the industrial use.

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

   Both variances: Since barge traffic has been discontinued, this standard is not applicable for the proposed development.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Aggregate Industries—MWR, Inc. for the property located at 30 26th Avenue North and 2602-2622 Mill Street:

A. Variance to allow development on or within 40 feet of the top of a steep slope.

Recommended motion: **Approve** the variance to allow development on or within 40 feet of the top of a steep slope in the SH Shoreland Overlay District to allow an in-ground, drive-over, feed hopper and conveyor, subject to the following conditions:

1. A hardy ground cover and shrubs and/or medium-sized trees shall be planted to stabilize the slope near the barge dock.

2. Shrubs and/or trees shall be planted between the conveyor and the steel sheet-pile along the river's edge to lessen the visual impact of the lower end of the conveyor structure near the barge dock.

3. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development.

4. All site improvements shall be completed by September 10, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

B. Variance to allow development within 50 feet of the ordinary high water mark.

Recommended motion: **Approve** the variance to allow development within 50 feet of the ordinary high water mark in the SH Shoreland Overlay District to allow an in-ground, drive-over, feed hopper and conveyor, subject to the following conditions:

1. A hardy ground cover and shrubs and/or medium-sized trees shall be planted to stabilize the slope near the barge dock.

2. Shrubs and/or trees shall be planted between the conveyor and the steel sheet-pile along the river's edge to lessen the visual impact of the lower end of the conveyor structure near the barge dock.

3. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development.

4. All site improvements shall be completed by September 10, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site survey
4. Site plan
5. Building elevations
6. Photos

Application for Variance

Aggregate Industries MWR, Inc.
65 – 26th Avenue North
Minneapolis, MN

Proposed Action: Construction of a Drive-Over Conveyor Feed Hopper

Aggregate Industries proposes to construct an in-ground, drive-over, feed hopper. This equipment will be installed near the north end of our north property. It will be located approximately 50 feet west of the existing barge off-loading conveyor and approximately 35 feet west of the top of the steep slope. It will be installed within and 10 feet beneath the existing truck route. This structure will allow for the most efficient delivery and handling of aggregates for this property. It will replace the recently discontinued barge off-loading hopper and the current above ground feed hopper. It will deliver aggregate material to the existing overhead conveyor stockpiling system. This proposed drive-over hopper system will significantly reduce the need for front-end loader operations, thereby, reducing operating costs and the potential for dust emissions and noise.

A variance is necessary for this project because the proposed construction will be partially within the 40 foot setback from the steep slope in the Shoreland Overlay District of the Mississippi River. The following narrative presents the **Minneapolis City Code requirements in bold print**, followed by applicant's response in normal font.

CHAPTER 525. – ADMINISTRATION AND ENFORCEMENT

ARTICLE 1. – GENERAL PROVISIONS

ARTCLE IX. - VARIANCES

525.500 – Required Findings.

A variance may be granted from the regulations of the zoning code only when the applicable board, commission or council makes each of the following findings based upon the evidence presented to it in each specific case:

1 **Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The property layout and the plant and operational design were conceived and built 25 years ago. At that time, at the urging of the City of Minneapolis, the Company relocated to this river

front site from the property which is now the site of the Guthrie Theater. The City desired to have our barge traffic go north through the Upper St. Anthony Falls Lock. We acquired land that had been a landfill and, with the approvals and variances necessary, we built the barge fleeting and off-loading system and the aggregate distribution system and partnered with Cemstone to construct the ready mix concrete plant on the site. By federal action, the Upper St. Anthony Lock closed to commercial barge traffic on June 10th of this year. By that taking, the Federal government made the design and operation of our business less efficient. The practical difficulty, that is not our own doing, is the requirement now to accommodate deliveries of aggregate by truck to a site that was designed and approved for barge delivery.

2 **The property owner or authorized applicant proposes to use the property in a reasonable manner that will in keeping with the spirit and intent of the ordinance and the comprehensive plan:**

The proposed equipment change is consistent with the current and historic use of this property. It is consistent with the current zoning: I3 – General Industrial District. The proposed drive-over hopper is also consistent with the guided use of the land in the updated Above the Falls Master Plan dated June 14, 2013. That update changed the planned use designation of the company's property from Commercial or Mixed Use to Transitional Industrial. The plan anticipates that the existing uses will transition over the long term as opportunities arise for change. The proposed equipment does not represent an expansion of the existing use and it will not contribute to a longer life of the existing use. The new equipment is a small addition to and will merely support the current delivery system.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.**

The proposed additional equipment is small in comparison to the existing operation. It will be mostly invisible to the nearby properties. The proposed hopper will be over 700 feet from the properties on the east side of the Mississippi River and more than 1000 feet from the nearest residential property on the west side of the river. The properties on the east bank will be buffered by the existing tree growth. The condos on the west side of the river, in the Riverview Development, which are south of the proposed equipment and will be buffered by the Lafarge terminal and several aggregate product piles. The drive-over hopper will be installed approximately 10 feet underground. Any noise generated by this equipment will be muffled by surrounding earth. The operation of the conveyor system is very quiet. Use of the proposed drive-over hopper will also significantly reduce the required operation of the large front-end loader at the site. The current operation requires that every ton of aggregate delivered to the site be lifted by the loader into the existing aboveground hopper. That activity will be

eliminated by the installation of the drive-over hopper. The volume of truck traffic will be unchanged from current conditions.

ARTICLE VI. - SHORELAND OVERLAY DISTRICT:

551.470. – Location of Development.

(a) Location prohibited except as authorized by variance. Except as allowed in section (b) below or where approved by a variance as provided in this article and Chapter 525, Administration and Enforcement, development in the SH Overlay District shall be prohibited on steep slopes or within forty (40) feet of the top of a steep slope or bluff, and shall not be located within fifty (50) feet of the ordinary high water mark of any protected water. Development authorized by variance shall be subject to the following:

(1) Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.

This site was developed 25 years ago. At that time the property was graded to its current topography and the steep slope was created. The barge dock wall was constructed at the river front and the off-loading hopper and conveyor were installed. All of those improvements are within the 40 foot setback.

(2) The foundation and underlying material shall be adequate for the slope condition and soil type.

Prior to development for its current use, the property was a land fill. Soil correction will be employed as necessary for this installation.

(3) The development shall present no danger of falling rock, mud, uprooted trees or other materials.

The installation will require a cut through the top of the steep slope. This cut will provide access to the conveyor and its structure for maintenance and will permit drainage of rain water and snow melt. The bottom and sides of the cut will constructed with reinforced concrete. The finished construction will present no risk of falling rock, mud or uprooted trees.

(4) The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with the surrounding physical context.

The view from the river of the proposed improvements will be little different from the current view. The steep slope is heavily vegetated and most of that vegetation will remain.

551.490. - Conditional uses and variances.

(a) Evaluation criteria. In addition to the conditional use and variance standards contained in Chapter 525, Administration and Enforcement, the city planning commission and board of adjustment shall consider the following:

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

The excavation will be accomplished and finished in just a few days from start to finish. Silt fencing will be installed and will remain in place on the cut slope until the rip-rap is replaced. The drive-over hopper will be finished with concrete aprons on the approach and the departure. The cut of the conveyor slot will be finished with concrete walls and floor. The exit lane north bound from the hopper will be hard surfaced with either concrete or asphalt all the way to the base of the slope at 27th Avenue.

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

The construction of the hopper and conveyor will be accomplished west of the existing conveyor structure and behind an existing row of trees and shrubs. Very limited vegetation removal will be necessary.

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

The project will have no effect on the use of watercraft.

Aggregate Industries **5**

NAME OF APPLICANT WARD

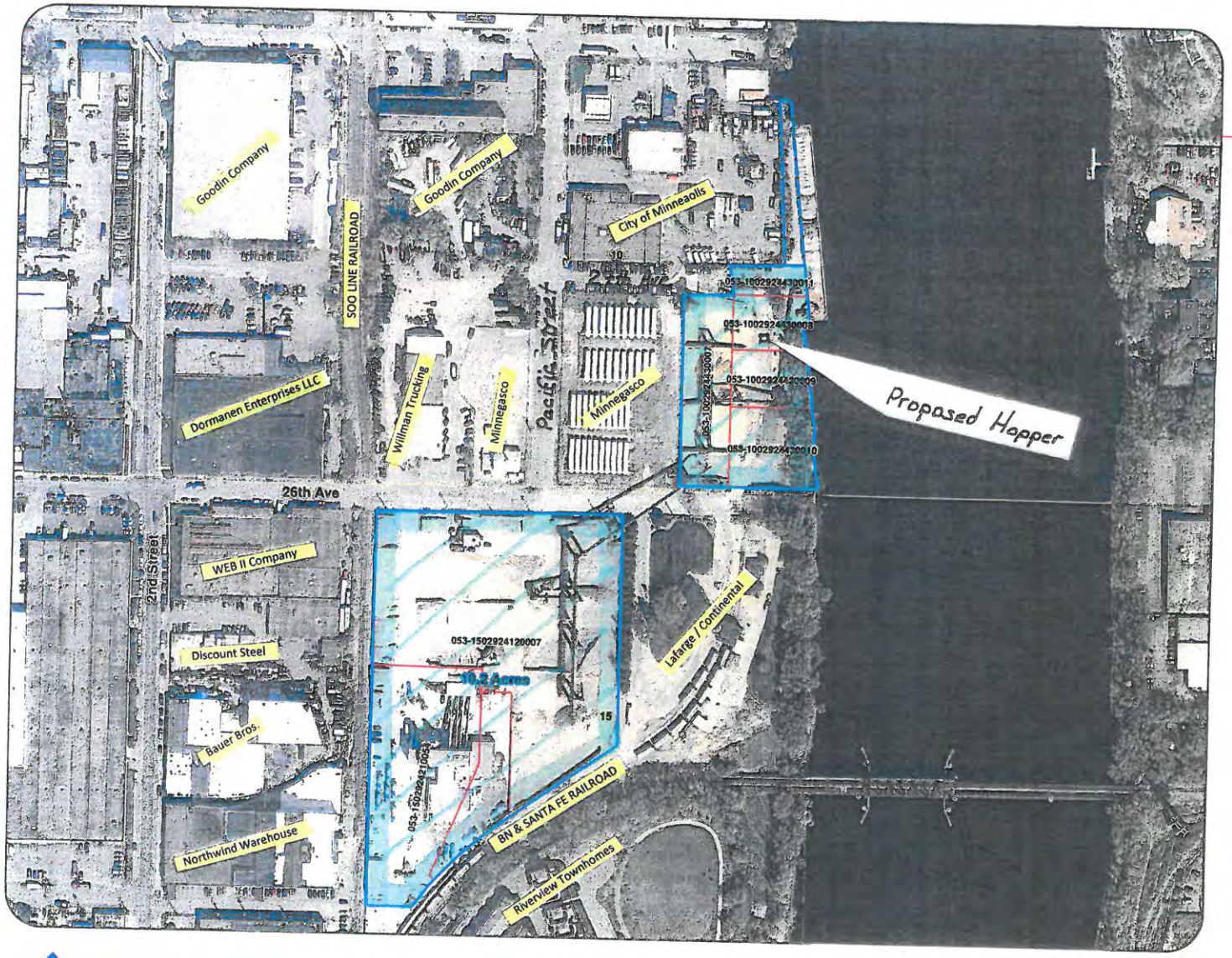
200 100 0 200 400 Feet

PROPERTY ADDRESS

30 26th Ave N

FILE NUMBER

BZZ-7337



Minneapolis Yard

65 26th Ave North
Minneapolis MN 55411

Legal Description: T29N, R24W S10 & S15
Hennepin County MN

Site Manager: Mark Duncan, 612-720-3337

Site Phone: 612-521-6669

Operating Hours: No restrictions

Legend

- Freehold Aggregate Industries
- Fleeting Lease
- Tax Parcels
- Cemstone Lease
- Sections

Reserves:	0 MT
Resources:	0 MT
Anticipated Production:	Distribution Yard
Reserve Life:	Distribution Yard
Permitted Mineable Acres:	n/a
Mining Permit Expires:	n/a

AGGREGATE INDUSTRIES

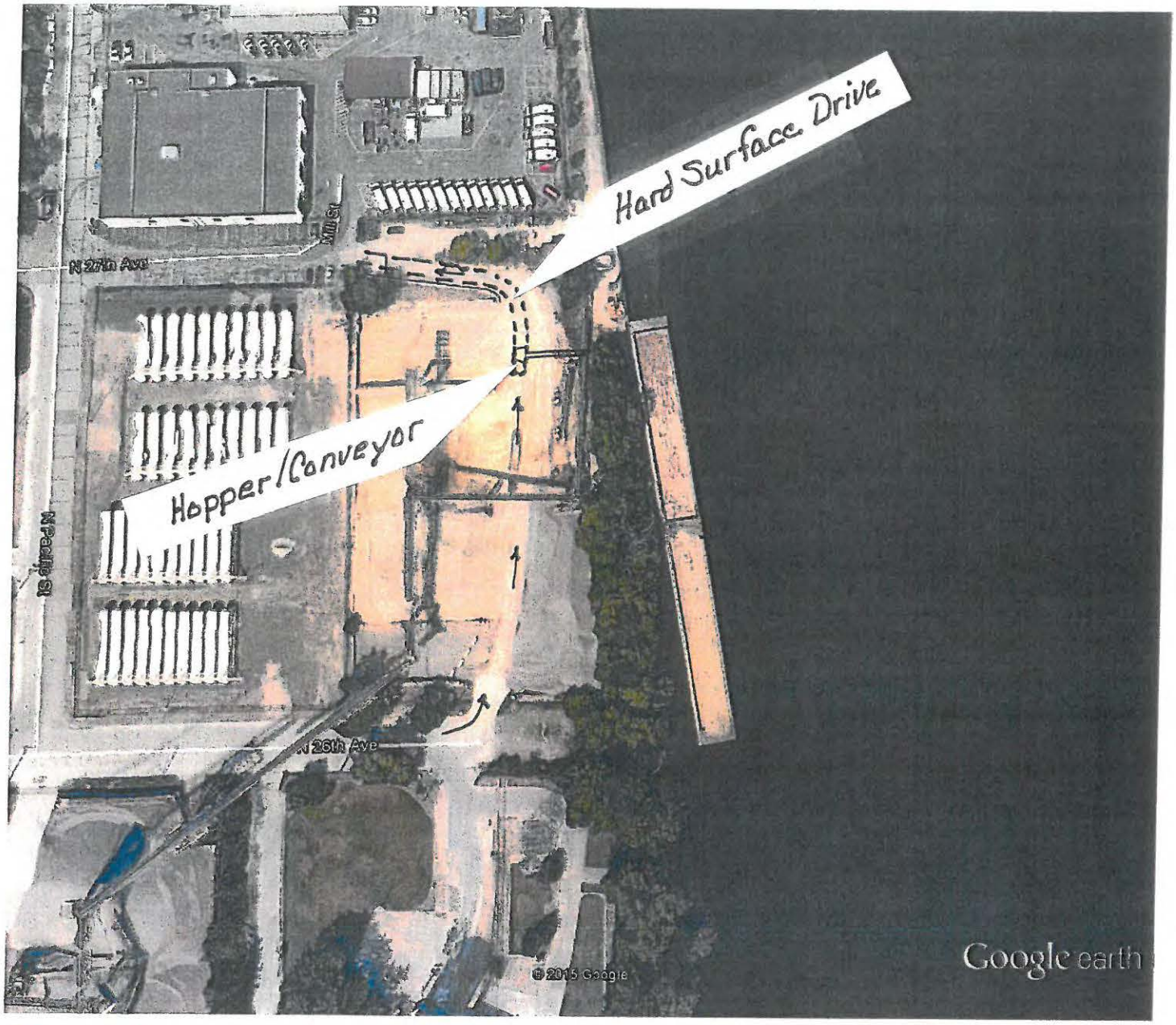
0 50 100 200 300 400 Feet

Photo Date: Summer 2012

Disclaimer:
Maps are NOT engineering accurate and are for data gathering purposes only. The information contained on this map is NOT to be construed or used as a legal description. Map information is believed to be accurate but accuracy is not guaranteed.

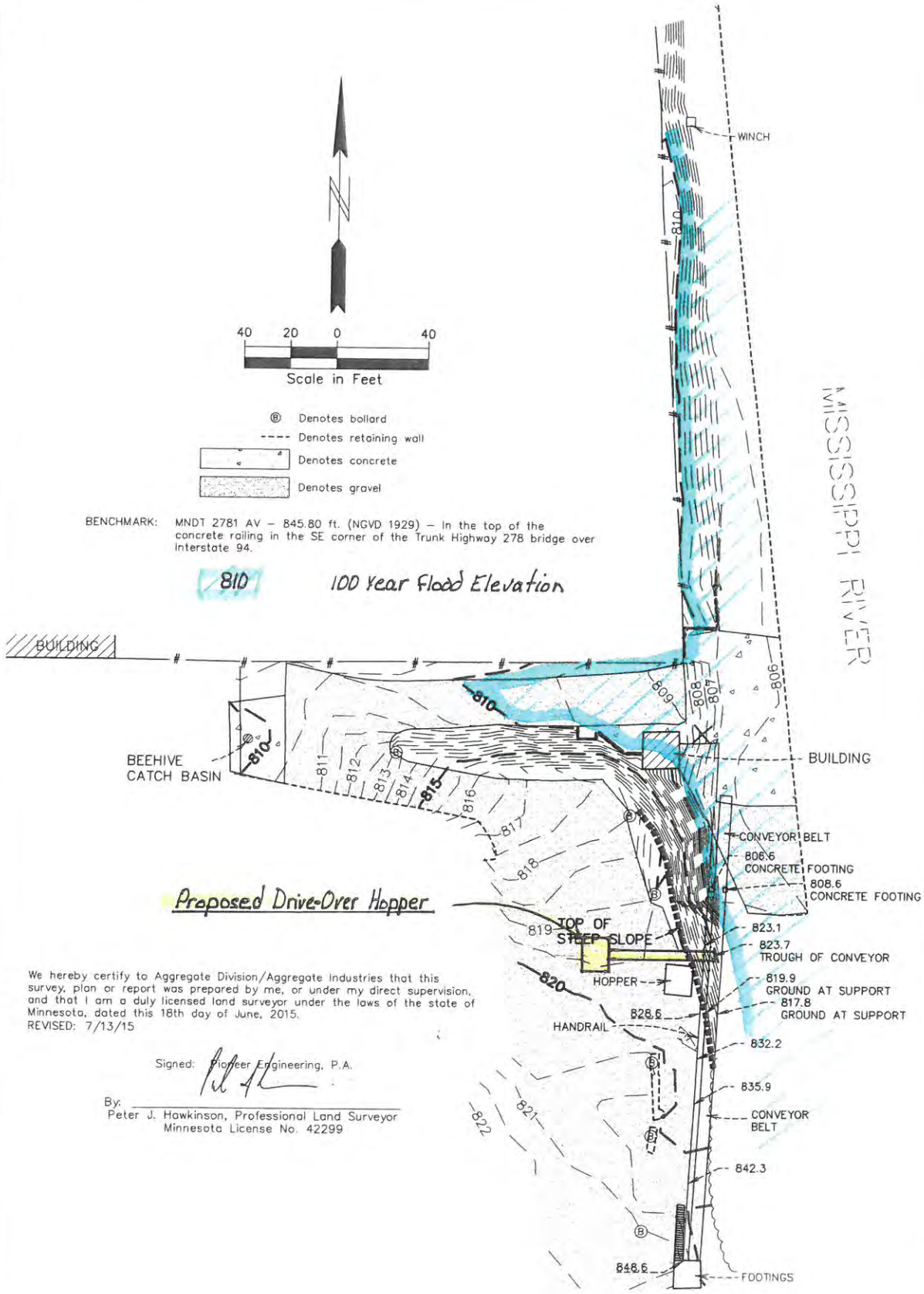
May 2013

NCR



Google earth

feet 500
meters 100



We hereby certify to Aggregate Division/Aggregate Industries 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, dated this 18th day of June, 2015.
REVISED: 7/13/15

Signed: Pioneer Engineering, P.A.

By: _____
Peter J. Hawkinson, Professional Land Surveyor
Minnesota License No. 42299

Sheet 1 of 1

PIONEER engineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

Cad File: EX-SURV-115154-BASE
Folder #: 7815
Drawn by: mdp

Topographic Survey for:
AGGREGATE DIVISION/AGGREGATE INDUSTRIES

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9-2-15

REV. NO.	DATE	REVISION	BY
E	9-2-15	REVISED PER CUSTOMER	BLR
D	8-26-15	REVISED PER CUSTOMER	BLR
C	8-25-15	REVISED PER KPI DRAWINGS	BLR
B	5-20-15	REVISED PER CUSTOMER	BLR
A	5-14-15	ISSUED FOR REVIEW	BLR

M.A. BIELSKI
& ASSOCIATES, INC.
7955 STONE CREEK DR. SUITE 120 CHANHASSEN, MN 55317
952-937-5337 www.mabielski.com

CUSTOMER: AGGREGATE INDUSTRIES

LOCATION: YARD D

TITLE: GENERAL ARRANGEMENT
TRUCK UNLOADING SYSTEM
GENERAL PLAN VIEW w/ PHOTO

DRAWN: BLR	DATE: 3-26-15	PROJ. NO.: 1086	SCALE: 1"=20'-0"
DESIGNED: BLR	DATE: 3-26-15	DWG NO.: 00-GA1	REV.: E
CHECKED:	DATE:		

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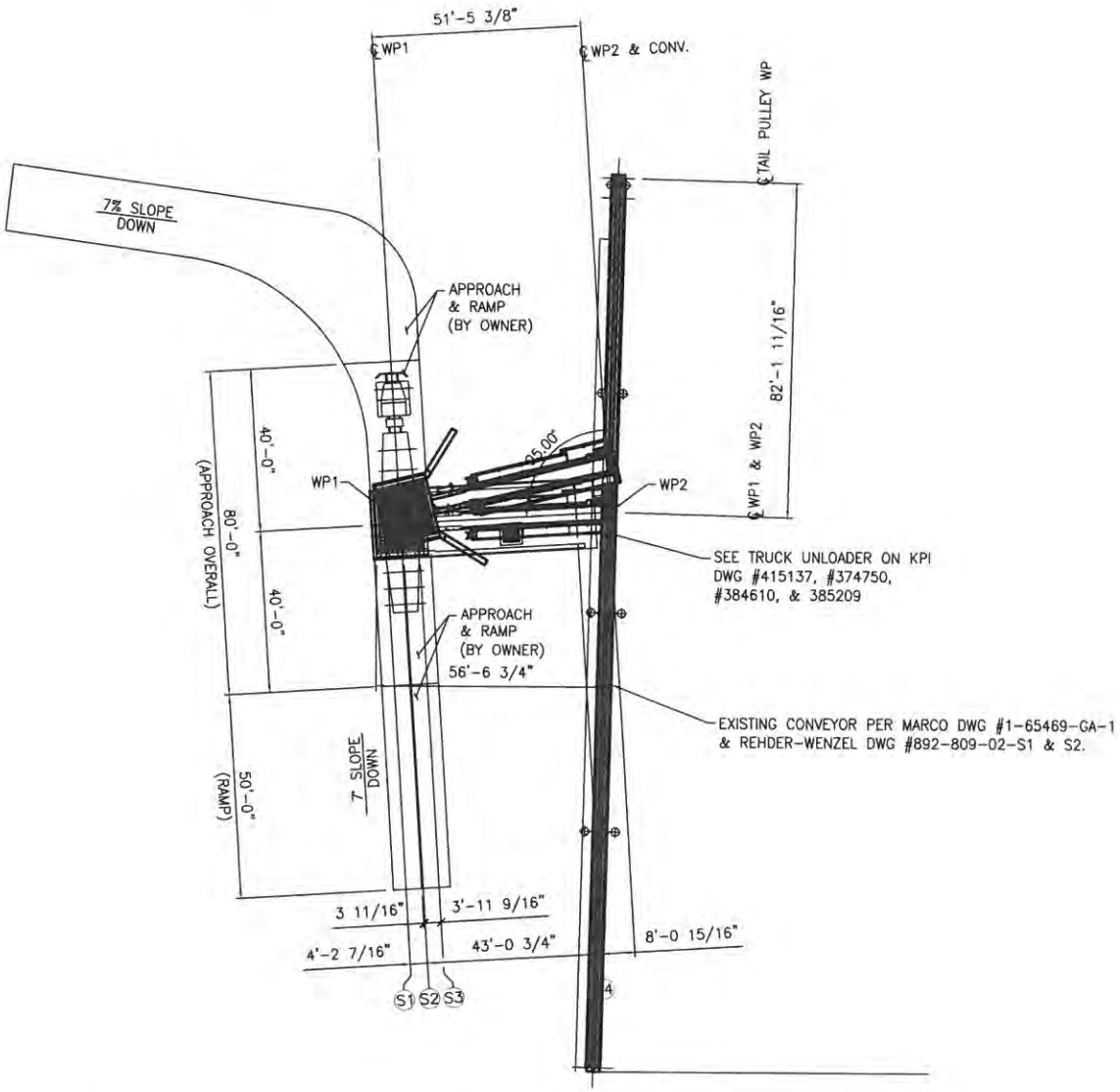

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DRAWING CREATED FOR:
Aggregate Industries

NOTICE
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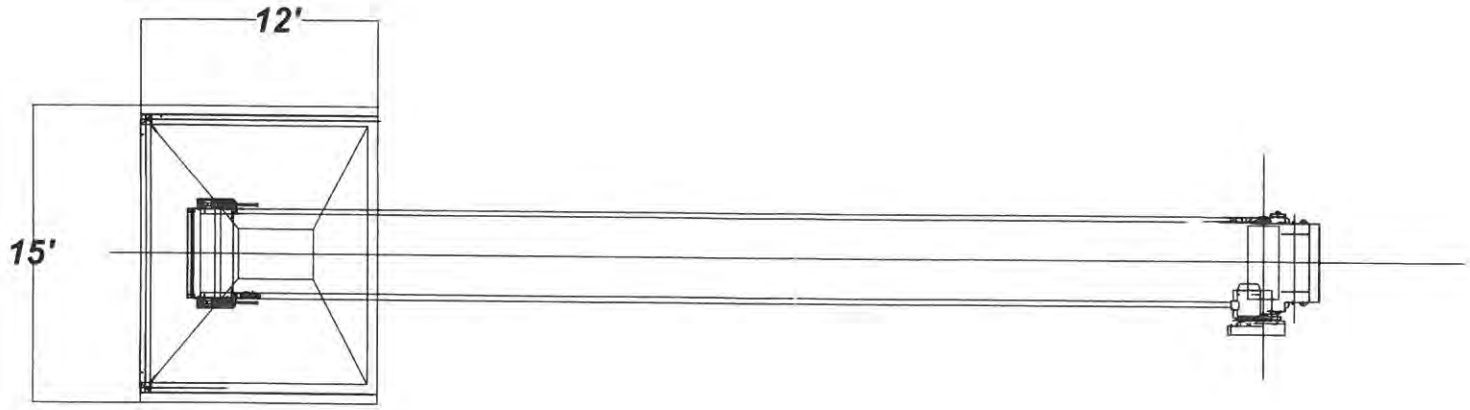
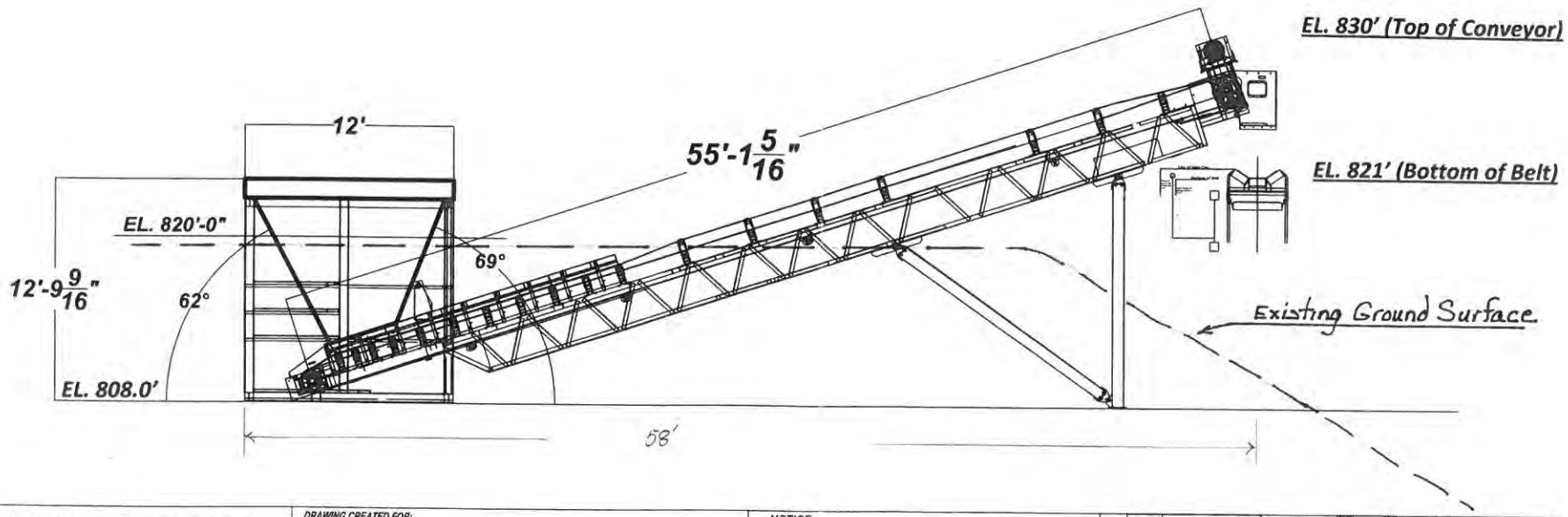
KPI-JCI ASTEC COMPANIES
KOLBERG-PIONEER, INC.

DRAWN: KJH	DATE: 9/2/15	TITLE: Description: Agg Industries Yard D Truck Unloader Layout
SCALE: NA	APPLICATION NUMBER: 140364	SHEET 1 / REV 0





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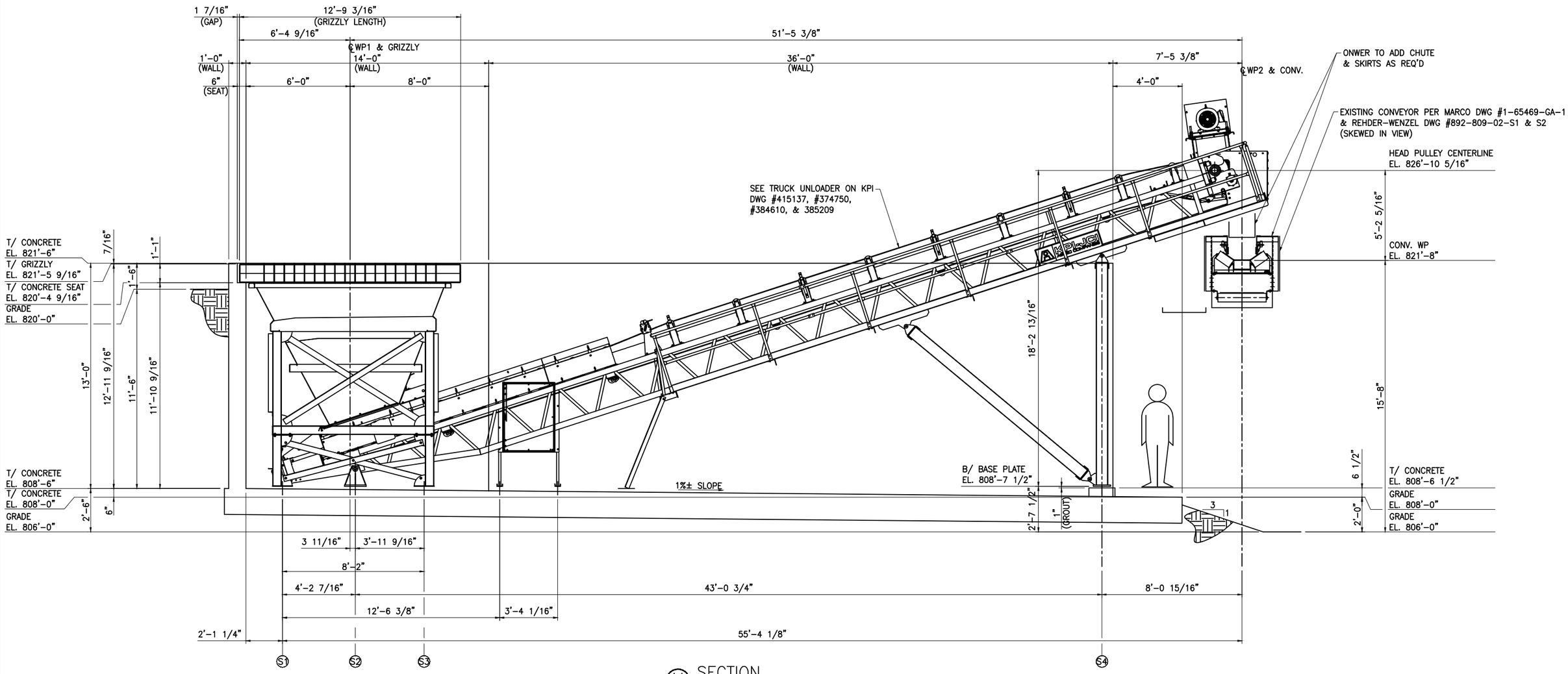
KPI-JCI
ASTEC COMPANIES
KOLBERG-PIONEER, INC.

DRAWN	DATE	TITLE	
KJH	7/22/15	Description	2100 Truck Unloader
SCALE	NA	APPLICATION NUMBER	140364
		DRAWING NUMBER	140364-D1-7
		SHEET	1/2
		REV	0



A-A / GA3 SECTION
(FROM DWG #00-GA1 & 00-GA2)

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9-2-15

M.A. BIELSKI & ASSOCIATES, INC.
7955 STONE CREEK DR. SUITE 120 CHANHASSEN, MN 55317
952-937-5337 www.mabielski.com

CUSTOMER: AGGREGATE INDUSTRIES

LOCATION: YARD D

TITLE: GENERAL ARRANGEMENT
TRUCK UNLOADING SYSTEM
SECTION FROM DWG #00-GA1 & 00-GA2

REV. NO.	DATE	REVISION	BY
E	9-2-15	REVISED PER CUSTOMERS COMMENTS	BLR
D	8-26-15	REVISED PER CUSTOMERS COMMENTS	BLR
C	8-25-15	REVISED PER KPI DRAWING	BLR
B	5-20-15	REVISED PER CUSTOMERS COMMENTS	BLR
A	5-14-15	ISSUED FOR REVIEW	BLR

DRAWN: BLR	DATE: 3-26-15	PROJ. NO.: 1086	SCALE: 3/8"=1'-0"
DESIGNED: BLR	DATE: 3-26-15	DWG NO.: 00-GA3	REV. E
CHECKED:	DATE:		

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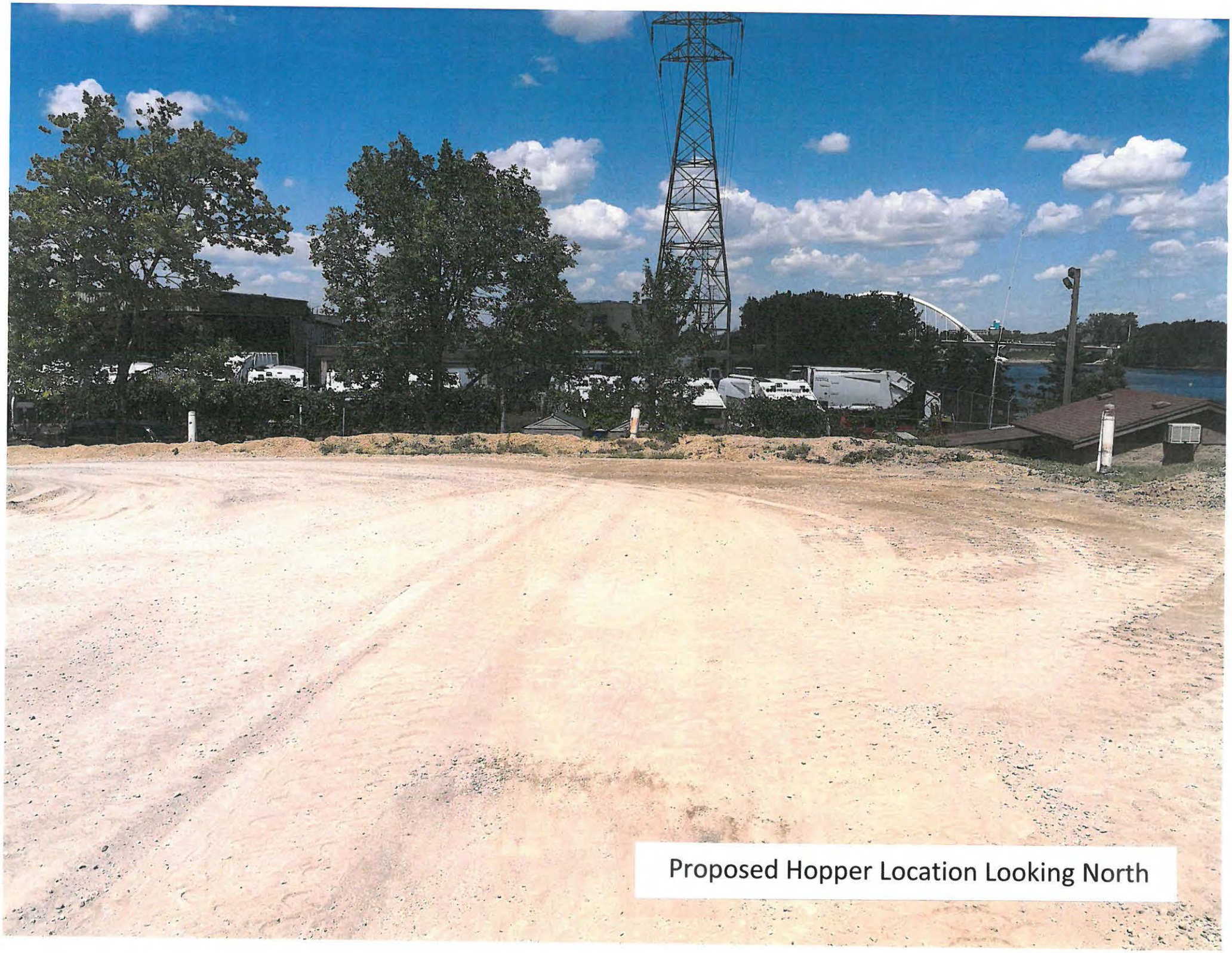
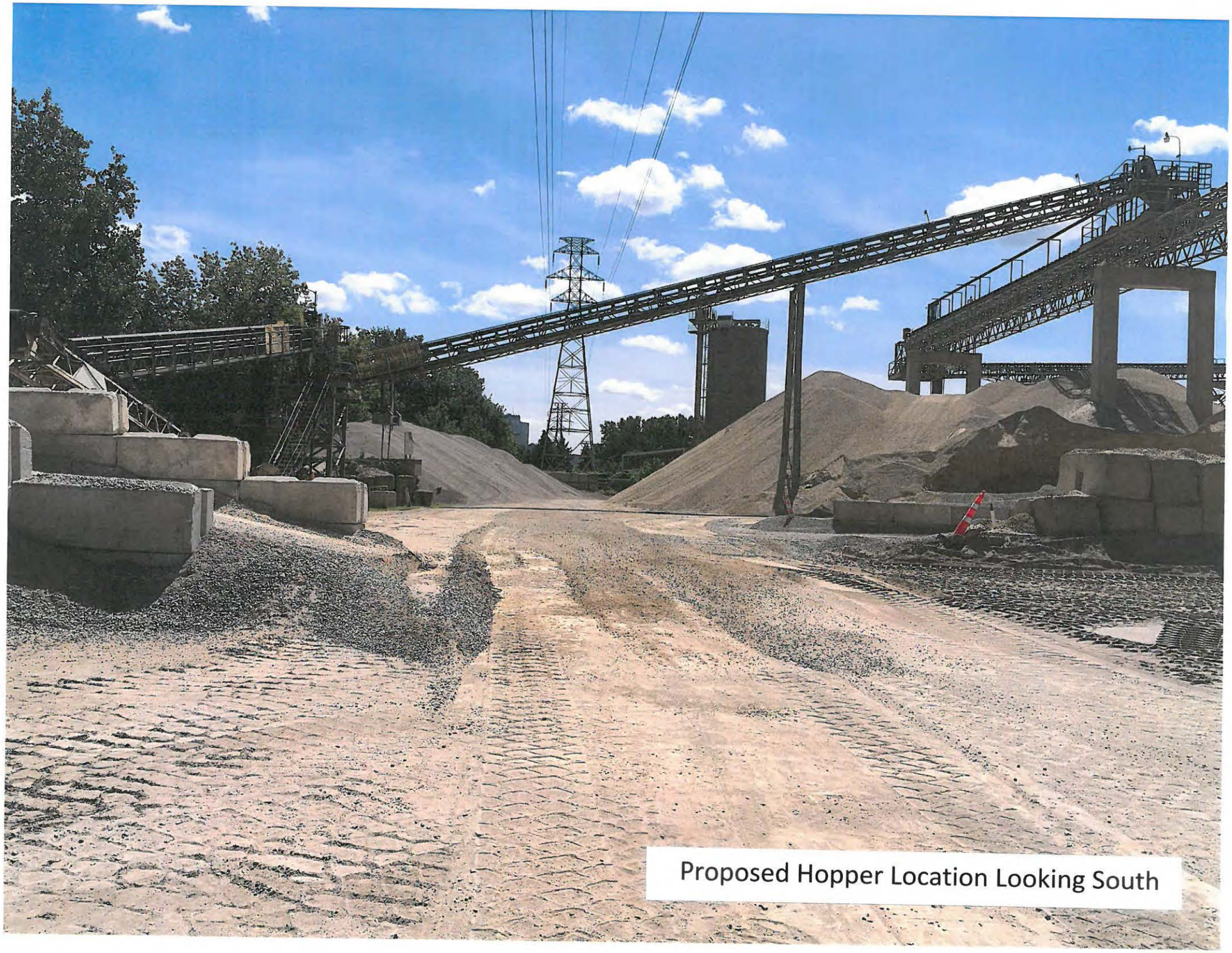
Proposed Hopper Location Looking East

Existing Equipment Looking South From Barge Dock

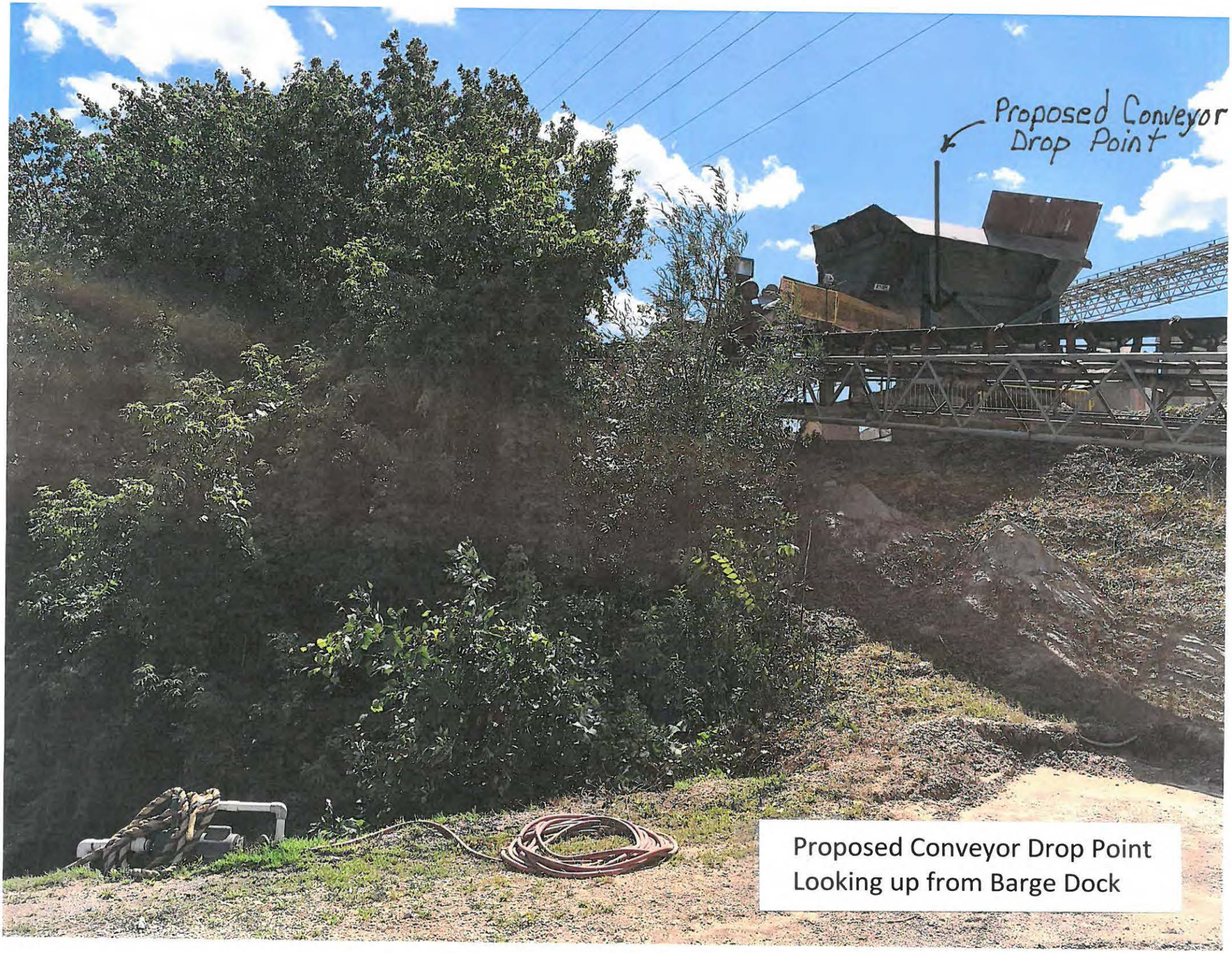
South Entrance to North Property Looking North



Proposed Hopper Location Looking North



Proposed Hopper Location Looking South



Proposed Conveyor Drop Point
Looking up from Barge Dock

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300
NOTICE
LIFE JACKETS
ARE REQUIRED

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