



Norwood Young America Planning Commission
Wednesday, July 5, 2017
Norwood Young America City Council Chambers, 310 Elm St. W.
6:00 p.m.

AGENDA

1. Call to Order
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of June 6, 2017 meeting
4. Old Business
 - A. Preserve 5th Addition: Rezoning & Final Plat
 - B. Rental Code Update
5. New Business
 - A. Request to allow Single-Family Dwellings in the C-2 Zoning District
6. Commissioner's Reports
7. Adjourn

**Bill
Grundahl**

**Cassandra
Kemp**

**JR
Hoernemann**

**Mark
Lagergren**

**Craig
Heher**
Council
Liaison

UPCOMING MEETINGS

July 10th – City Council Meeting 6:00 p.m. – PC Rep – Cassandra Kemp
July 12th – EDC Meeting 6:30 p.m.
July 18th – Parks & Recreation Commission Meeting 5:30 p.m.
July 24th – City Council Meeting 6:00 pm – PC Rep – Cassandra Kemp

***Norwood Young America
Planning Commission Minutes
June 6, 2017***

Present: Commissioners Bill Grundahl, Craig Heher, Mark Lagergren, and JR Hoernemann.

Absent: Cassandra Kemp.

Staff: Liz Vieira, Attorney with Rupp, Anderson, Squires, and Waldspurger, City Administrator Steve Helget, and Planning Consultant Cynthia Smith Strack.

Others: Members of the public, Steve Curfman, Rollie Rollins, Erik Loomis, and Scott Loomis.

1. Call to Order.

The meeting was called to order by Heher at 6:00 pm. All present stood for the Pledge of Allegiance.

2. Adoption of Agenda.

Chairperson Heher introduced the agenda.

Motion – Lagergren, second Grundahl to approve the agenda as presented. The agenda was approved 4-0.

3. Approval of Minutes from the Regular Meeting May 2, 2017.

Heher introduced the minutes from the May 2, 2017 regular meeting.

Motion – Grundahl to approve May 2, 2017 regular meeting minutes. Second by Hoernemann. With all in favor the minutes were approved 4-0.

4. Public Hearings.

A. Code Amendment: Performance Standards for Signs in the RC-1 District.

Heher noted three separate public hearings were on the agenda. He explained the public hearing process in detail and introduced then introduced the first public hearing relating to performance standards for signs in the RC-1 District. Heher opened the public hearing at 6:05 p.m.

Strack stated that in April the Commission directed drafting of an ordinance adding the RC-1 District to the Code section pertaining to performance standards for signs. She referenced draft code amendment language which simply adds the RC-1 District to signage performance standards already applicable to the C-2, B-I, and I-1 Districts.

Strack stated a public notice had been published and posted with no oral or written comments received.

No members of the public spoke in favor or in opposition to the proposed ordinance.

Motion – Grundahl to close the public hearing. Second by Hoernemann. With all in favor the hearing was closed at 6:07 p.m.

B. Rezoning: Preserve 5th Addition from P-1 to R-1 Low Density Single Family.

Heher opened the public hearing at 6:08 p.m.

Strack stated Scott Loomis, doing business as Loomis Homes, Incorporated proposes rezoning of a portion of Outlot A of The Preserve 4th Addition from P-1 Park/Public District to R-1 Low Density Single Family Residential District. The rezoning request was paired with final plat approval for The Preserve 5th Addition. A preliminary plat and final Planned Unit Development Plan for the phased The Preserve development was approved in 2002. The 4th phase was currently being built out. The Preserve 5th Addition consists of 37 one family lots which were previously graded as part of the initial development. Outlot A of the proposed 5th Addition is to be deeded to the public for a nature park.

Strack noted the area previously graded for streets and lot pads was apparently inadvertently zoned as public park land in the past, perhaps at the time the Official Zoning Map was most recently wholly updated.

The Preserve 5th Addition is east of Preserve 3rd and 4th Additions. Lots range in size from 9,006 square feet to 21,690 square feet with an average size of 15,036 square feet. Dwelling styles are primarily walk-outs with a few look-outs and full basement styles in Block 2. Lot and building packages are proposed in the \$250,000 to \$325,000 range. The Applicant proposes covenants including design standards. Covenants while they may be reviewed by the City with suggestions made, they are not enforceable by the City.

Strack stated existing home estimated market values (2017) in The Preserve 3rd Addition range from \$264,600 to \$735,000 with a median value of \$354,150 and an average value of \$376,206. Existing home estimated market values (2017) in the Preserve 4th Addition range from \$179,400 to \$234,200 with a median value of \$204,900 and an average value of \$204,730.

Strack reiterated rezoning from P-1 Parks and Open Space to R-1 Low Density Single Family Residential is requested. The proposed rezoning will remedy an apparent error on the Official Zoning Map wherein privately owned property was inadvertently zoned P-1 Parks and Open Space. The area proposed for rezoning was previously graded with a prior addition of The Preserve and was pre-platted as one-family residential lots. A final PUD for the entire development was placed into effect in 2002.

Strack noted R-1 Low Density Single Family Residential is consistent with the Comprehensive Plan planned land use. The code does not specify review criteria or required standards for approving a rezoning request. Notice of the public hearing notice was published, mailed, and posted as required by state law. Staff has received oral comments and questions. Public comment will be taken following the Applicant's presentation, with Commission discussion the during business portion of the agenda.

Scott Loomis, Loomis Homes addressed the Commission requesting approval of the rezoning and final plat.

Grundahl asked Loomis to summarize covenants. Loomis noted they were quite standard for residential development and included: type of structure, exterior building material standards, minimum structure size such as 1,400 square feet for a rambler, required sodding, required tree planting, architectural controls, and standards for signs, fences,, certain outdoor storage, and keeping of garbage.

Heher inquired about types of housing. Loomis noted walk outs, full basements, and lookouts. Two stories mostly.

Heher asked for clarification regarding zoning of previously graded area to public/park. Strack noted she was unsure of how/when the rezoning occurred but surmised it could have been an inadvertent error

when the entire official zoning map was updated previously.

Lagergren inquired as to park dedication requirements. Strack noted park dedication was required with some of the previous additions. Sidewalk and trail installation had occurred with previous. Outlot A of proposed The Preserve 5th Addition was to be deeded to the City for park purposes, consistent with the final PUD plan and preliminary plat.

Heher requested clarification of where the trail proposed in the 5th Addition would be located. Loomis explained sidewalk through a portion of the 5th Addition with a transition to trail which was to extend to the existing improved trail located near Prairie Dawn Park.

Heher then read several emails received relating to the rezoning request.

Robert Ramos, no address provided, was opposed to the rezoning, expressing concern for smaller lots and homes with lower values.

Darrin and Angela Fox, 875 Barnes Lake Drive, were opposed to the rezoning. When purchasing their home they were told 'high-end' housing would be located in the 5th Addition. The email also included concerns regarding tidiness of lots under construction by Loomis in the Preserve 4th Addition.

Scott and Melissa Honl, 895 Barnes Lake Drive, were opposed to the rezoning. Their email included a concern for lack the volume of non-completed houses in the Preserve 4th Addition. Honl's were also concerned that all Loomis Homes designs looked similar.

Danielle and Brian Fritz, no address provided, were opposed to the rezoning. Concerns included 'cookie cutter' homes rather than custom built homes being proposed. The Fritz's are concerned lower priced, non-custom homes will severely devalue all homes in the Preserve.

Jennifer and Chad Morningstar, 1000 Fox Crossing and Mollie and Jesse Lovelette, 1005 Fox Crossing, opposed the rezoning. Concern regarding final grading of the lots potentially negatively impacting existing lots and proper stormwater controls were included in the email along with concern regarding tidiness of on-going construction in Preserve 4th.

Ron and Shelia Erpenbach, 1060 Preserve Boulevard, opposed the rezoning. Erpenbach's opined when their home was build 11 years ago covenants required new, bigger, nicer homes with greater values than those that are currently being built. Concerns that housing of the type being built currently in the 4th Addition will significantly devalue their home was included in the email.

Kathleen Pyles, no address provided, opposed the rezoning. Concerns included small required square footage of homes, seeding versus sodding, stormwater runoff, lack of public input in the architectural control committee proposed under the covenants, potential homes could be rented, and fencing.

Heher requested input from Liz Vieira, Attorney with Rupp Anderson, Squires, and Waldspurger. Vieira noted state law required rezoning consider the public's health, safety, and welfare. She noted the rezoning request was a bit unique in that it appeared to be to remedy a probable error.

Sarah Kroells, no address provided, inquired as to whether or not Loomis Home would be the builder if the rezoning and final plat were approved. Strack noted Loomis Homes was the owner of the property. She deferred to the Applicant for information. Loomis noted Loomis Homes would be the builder.

Hilbert Hoof, 740 Barnes Lake Drive, opposed the rezoning expressing concern regarding the building process and what control the City could exercise over the building process as it relates to tidiness of the site and erosion control. Nuisance procedures and typical stormwater pollution prevention standards were highlighted.

Tina Diedrick, 223 Franklin St, inquired as to the minimum square footages included in the covenants, styles of homes, and lot coverage. Loomis noted Loomis Homes offer several different styles of homes, that minimum square footages varied by type of home, and that three car garages were standard.

Hoernemann commented that tidiness during construction appeared to be an issue. He noted the nature of construction sites is untidy, however, steps could be taken to address such issues. Hoernemann inquired as to whether a lot buyer could bring their own builder. Loomis noted that would not be allowed.

Jennifer Ramos, 1125 Preserve Blvd, inquired about covenants administration and enforcement, commented on untidiness of existing construction sites, and expressed support for custom built homes.

Julie Schmidt, 1040 Barnes Lake Drive, is the owner of property abutting Preserve 5th. Schmidt stated existing residents have put trails in the subject property and taken care of the landscape, in a sense developing a park on the subject property without assistance from the City.

Jean Schmitz, 1020 Barnes Lake Drive, referenced covenants contained in the previous additions. Schmitz inquired as to who is responsible for enforcing covenants. City Attorney Vieira noted covenants are private agreements and property owners that are a party to the agreement are responsible for enforcement and administration.

Arielle Brandenburg, Lakewood Trail, stated she recently purchased a Loomis Home. She expressed concern for delay in having the driveway paved and the lot final graded/seeded.

Scott Pelletier, 840 Preserve Blvd, opined owners of property in The Preserve should examine and have input into covenants as part of the area community.

Dennis Schmitz, 1020 Barnes Lake Drive, expressed concern regarding potential for devaluation of adjacent properties. Schmitz questioned where else in Carver County an individual could have a lake view for under \$400,000.

Karen Cardinal, 720 Barnes Lake Drive, inquired as to how Preserve 4th Outlot A became graded and not a park. She opined a study for Prairie Dawn Park included the entirety of the subject property. She noted residents paid park fees for park development which had not occurred. Strack showed her an illustration from the Prairie Dawn Park Plan depicting the area proposed for rezoning as one family lots with the area directly adjacent to Barnes Lake being deeded to the City as natural space. Strack noted the request before the City was consistent with the master plan for Prairie Dawn Park in terms of land use.

Arielle Brandenburg expressed concern regarding promptness of seeding of lot by Loomis Homes and accountability under the construction contract. Vieira noted the City is not able to enforce a private contract between a home buyer and a builder.

Tina Diedrick, 223 Franklin Street, inquired as to whether or not the City required a development escrow or financial guarantee. Strack explained financial guarantees required under development agreements apply to public improvements. Some communities require additional escrow. Helget noted

the City requires a small escrow but potentially not enough for final grading and seeding/sodding.

Tricia Mackenthun, 975 Preserve Blvd, referenced a standard contained in the subdivision code which states preliminary plats expire if a final plat is not filed within one year. She also requested the ability to provide input in proposed covenants.

Christine Druley, 860 Barnes Lake Drive, questioned where the City's responsibility for property values dropping lies. Expansion of Prairie Dawn Park was highlighted. Concern for not being able to remove trees adjacent to Barnes Lake if the riparian area was deeded to the City was also expressed. In addition opposition to 'cookie cutter' homes was expressed. Druley inquired as to whether or not Loomis would consider building \$400,000 homes in the 5th Addition. Loomis opined he would not be able to sell housing at that price point.

Nate Parpart, 1035 Barnes Lake Drive, spoke noting value of proposed homes was a concern. He questioned how the proposal could be adjusted to encourage higher value homes.

Motion – Lagergren to close the public hearing. Second by Grundahl. With all in favor the hearing was closed at 7:44 p.m.

C. Variance and Conditional Use Permit: Steve Curfman 600 Railroad Street West.

Heher opened the public hearing at 7:45 p.m.

Strack noted Steve Curfman, doing business as Curfman Trucking has applied for a conditional use permit, variance, and site plan approval in conjunction with a proposed contractor operation with ancillary outdoor storage at 600 Railroad Street West.

A variance to required rear yard setback in the I-1 Light Industrial District (1230.12, Subd. 5(E)) will allow placement of a new structure on an existing foundation. Rear setback required is 50 feet; the setback of the existing foundation is fifteen (15) feet.

A CUP is required under Section 1230.12, Subd. 4(E) for ancillary outdoor storage. The principal use of the property for a contractor operation is a permitted use within the I-1 District.

Strack stated the Applicant represents:

Curfman Trucking and Repair is proposed to be relocated to this site.

Curfman Trucking and Repair is a commercial trucking company that performs its own service, repair, and maintenance on its fleet of tractors, trucks, and trailers and offers truck repair and service to the public.

The Applicant proposes a new 120 foot by 80 foot (9,600 square foot) truck maintenance facility to be located on an existing foundation. The truck maintenance facility will have four (4) bays for semi repair or eight bays for straight truck repair, a truck wash bay, office, restrooms, storage, and showroom area. The building will be pre-engineered steel.

The site plan illustrates a future option to add a 24 foot by 80 foot addition to the west side of the building for truck repair.

The Applicant proposes the four bays (also defined as eight bays) are to be used for repair, maintenance, and service of Curfman Trucking's own fleet and for the public business of repair/maintenance/service of other commercial trucks.

Curfman's private truck fleet consists of seventeen (17) trucks and seven (7) trailers.

The Applicant proposes a maximum of four (4) commercial trucks not owned by Curfman Trucking will be repaired on site on any day.

The proposed wash bay will be used for Curfman Trucking's own fleet. The Applicant projects two (2) fleet vehicles will be washed at the site each day.

The Applicant employs fifteen (15) truck drivers who drive to the site in personal vehicles and depart the site in a Curfman Trucking fleet vehicles. Fleet drivers work off-site throughout the day and return to the site at the close of the work day.

The Applicant employs an additional eight (8) persons on site, including office staff.

A water service line is present at the site of the existing foundation/proposed new structure.

A sanitary sewer service line will be extended from an existing service near the eastern property boundary.

The Applicant proposes three aggregate storage piles.

All three aggregate storage piles will be contained on three sides by a bunker wall a minimum of five (5) feet in height.

Full capacity of each of the three bunkers will be 3,500 yards of material. An estimated 3,500 yards of red rock, 3,500 yards of unrecycled aggregate material, and 3,500 yards of recycled aggregate material.

Maximum estimated height of the outdoor storage piles is twenty-five (25) feet.

The Applicant estimates fifteen (15) loads of aggregate materials will pass in or out of the facility each day during the construction season (six to seven months of the year) and seven (7) in or outbound trucks loads of aggregate material will pass in or out of the facility each day during the off-season (five to six months of the year).

The existing truck scale and truck scale building will be used privately by Curfman Trucking for the scaling of aggregate material.

Proposed parking will accommodate parking of Curfman Trucking's fleet of tractors, trailers, and trucks. Employee parking and spaces for trucks not owned by Curfman Trucking which are being repaired are also proposed.

An improved driveway apron is proposed.

Steve Curfman reported outdoor storage was an issue for him. He was concerned about being able to store pallets, tires, rocks, mulch, and similar items out doors on the site. He produced a marked up version of the site plan.

Strack noted her report was based on the site plan submitted with the application not an alternate site plan being presented at this point.

Lagergren clarified Curfman intended to construct the new facility on the existing foundation. Curfman concurred noting foundation was useable and a water service line was to the foundation.

Heher asked Curfman whether or not the proposed 25 foot height representation on the site plan for the three aggregate storage piles was sufficient. Curfman concurred.

Lagergren inquired as to whether or not there was a berm on the north side of the property. Curfman stated yes.

Heher asked Strack how the existing foundation was approved. Strack noted she was not aware at this time but could perform research.

Grundahl asked Curfman if he was aware of the existing condition of Railroad Street West. Curfman acknowledged condition of roadway was fair. Grundahl noted City did not have jurisdiction over part of the roadway and did not have plans to improve.

Curfman referenced an apron as proposed on the site plan. He opined he did not need the apron. Strack stated it was illustrated on the site plan submitted for review, and it was required under code.

Curfman explained the type of landscape material he wanted to add to the site plan. He stated he would like to be allowed to store tires, mulch, rock, pallets, concrete blocks, and landscape materials on site. He proposed concrete storage bins to contain the items.

Tina Diedrick stated an existing CUP on another property owned by Mr. Curfman does not allow for the storage of personal property, only storage of property owned by the business. She also asked about the proposed wash bay.

Motion – Lagergren to close the public hearing. Second by Grundahl. With all in favor the hearing was closed at 8:17 p.m.

5. New Business.

A. Preserve 5th Addition: Rezoning and Final Plat Consideration.

Heher introduced the agenda item. Strack summarized rezoning request.

Heher summarized public comments noting cleanliness was a comment expressed repeatedly. Heher expressed confidence cleanliness of current construction sites could be addressed.

Heher noted Mr. Loomis had provided verbal testimony indicating minimum square footage for ramblers was 1,400 square feet but the covenants stated 1,100 square feet. He inquired as to whether or not Loomis was open to working on minimum square footages included in the covenants. Loomis responded in the affirmative.

Strack inquired as to whether or not Loomis could identify areas of premium lots. Loomis responded in the affirmative noting lot premiums were envisioned. Strack inquired as to whether or not Loomis could provide renderings of homes which could be suitable for the premium lots. Loomis noted they had

renderings available.

Heher inquired as to impact an eagle's nest could have on the subdivision. Strack noted if the presence of an eagle's nest is confirmed the Developer must secure a permit if work is proposed within a defined area. The Developer would have to secure a permit from the U.S. Fish and Wildlife Service.

Helget noted the covenants reference trees in the boulevard. He stated the covenants should not reference boulevard trees as the City did not want trees in the boulevard.

Helget further noted the covenants reference maximum length of on-street parking is 72 hours; the City standard is 48 hours.

Heher noted the Commission had two action items before them relating to this request. The Commission would review them one at a time beginning with rezoning followed by final plat.

Heher requested discussion from the Commission regarding rezoning. He noted the rezoning was to correct an apparent error on the official zoning map. He noted rezoning as requested was consistent with an approved preliminary plat and final PUD plan. Heher stated he heard several concerns with tidiness of homes that were currently under construction by the Applicant. He suggested the Applicant pay attention to those concerns.

Heher confirmed with Vieira the City is not able to control the purchase price or proposed values of property. Vieira stated the City has minimum lot size requirements, maximum impervious surface requirements, and setback standards all which assist in defining how a dwelling appears.

Strack noted the City also enforces minimum lot sizes and minimum dwelling unit size standards under code.

Heher voiced support for rezoning and asked Vieira to reiterate review criteria. Vieira addressed health, safety, and welfare standards and defined a potential need to examine whether or not denial of the rezoning request could amount to inverse condemnation as the property was zoned for public use but privately owned.

A member of the audience suggested requiring a minimum of 1,800 square feet for homes. Strack noted the minimum size under the City Code was in the vicinity of 900 square feet. She noted the City could suggest Loomis include the standard in proposed covenants and then require proof of recording the covenants against each lot created.

Heher asked Lagergren for comment. Lagergren noted several concerns had been addressed.

Hoernemann noted rezoning was a sensitive issue.

Lagergren asked Strack what potential options were. Strack noted the Commission could recommend approval or denial of the rezoning request or postpone a decision pending receipt of additional information.

A discussion of the next meeting date occurred. Strack noted the next meeting date was presumably July 5th as the regular meeting date was a holiday.

Motion – Heher to postpone action on rezoning until a meeting July 5th in order to receive additional

information from Vieira's office and to allow Loomis to further discuss covenants proposed. Second by Lagergren. Motion carried 4:0.

Motion – Heher to postpone action on final plat until a meeting July 5th in order to receive additional information from Vieira's office and to allow Loomis to further discuss covenants proposed. Second by Grundahl. Motion carried 4:0.

The meeting was suspended for a five minute break. Heher reconvened the meeting at 9:01 p.m.

B. Curfman Trucking: Variance, CUP, and Site Plan Consideration.

Heher introduced the agenda item.

Strack noted three action items were before the Commission: variance consideration, CUP consideration, and site plan consideration. The Commission was to address each action item individually.

Strack summarized the rezoning request noting Curfman is requesting a rear yard variance equal to the current rear yard setback of an existing foundation. Strack noted she recommended conditional approval.

Potential findings supporting the action included:

The proposed development is consistent with the Comprehensive Plan in terms of future land use (industrial) and policies relating to industrial development.

The property has previously been developed and used for industrial purposes with berming present on the perimeter of the property. The property is zoned for industrial use the proposed industrial use with certain conditions recommended appears to be a reasonable use of the property.

The variance is not for the use of the property.

The property was previously designed, graded, and built with placement of a structure adjacent to the northern property boundary.

An existing foundation suitable for reuse exists on the property. Utilities are suitably placed.

Reuse of the existing foundation minimizes disturbance of the existing site and maximizes efficiency of redevelopment.

Potential findings for note granting a variance included:

The existing foundation could be demolished with a new foundation established in a manner consistent with the required setback.

The presence of a foundation does not constitute a circumstance unique to the physical dimensions of the property, existing environmental conditions, or topographic limitations.

Staff recommendation is to recommend approval of the variance subject to the following conditions:

The variance is applicable to the property at 600 Railroad Street West.

Approval of a Conditional Use Permit to allow ancillary outdoor storage in conjunction with a contractor operation at 600 Railroad Street West.

Approval of a site plan for the proposed development at 600 Railroad Street West.

Initiation of construction of a proposed 80 foot by 120 foot (9,600 square foot) structure shall begin within one-year of City Council approval of the variance. If construction has not been initiated within one year of Council approval the variance, said variance approval shall expire without further action by the Council.

Heher stated he favored the variance.

Motion – Heher to recommend the Council approve the variance with conditions included in the staff memo dated June 6, 2017. Second by Hoernemann. Motion carried 4:0.

Strack next provided a summary of the conditional use permit request and alluded to detailed conditions proposed in the staff memo which include:

The conditional use permit is applicable only to the property at 600 Railroad Street West.

The approval specifically authorizes ancillary outdoor storage at the subject site. Said outdoor storage is directly and specifically limited to that represented in the site plan dated May 5, 2017.

A maximum of forty-three (43) vehicles may be stored on site at one time. Vehicles are limited to Curfman Trucking commercial fleet vehicles or commercial vehicles with a minimum of three axels. Fleet vehicles must be related to the contractor operation and under licensed ownership of the contractor operation.

Vehicles as defined above stored on site:

Must be in an operable condition;

Must not be extensively damaged, with damage including such things as broken or missing tires and wheels, missing or non-operable motors, missing body parts, missing or broken windows, non-functioning drive train or transmission; and,

Shall have a fair market value greater than the approximate value of the scrap in it.

A maximum of three (3) stockpiles of aggregate material are allowed on site provided:

The aggregate materials are contained on three (3) sides by solid, continuous bunker walls with a minimum height of five feet constructed and maintained in a manner that aggregate materials are dependably contained within the walls at all times.

No single storage shall contain more than 3,500 cubic yards of material.

No storage pile shall exceed twenty-five (25) feet in height at any time.

Aggregate materials allowed to be stored on site are limited to red rock, unrecycled aggregate material, and recycled aggregate material.

Outdoor storage of the following items is prohibited on site:

Garbage and refuse material.

Miscellaneous equipment and/or parts, tires, and fluids.

Brush and tree parts.

Horse, stock, or travel trailers, campers, unlicensed passenger vehicles, passenger automobiles not licensed as fleet vehicles, personal property, buses, agricultural equipment, portions of heavy construction equipment, and heavy construction equipment exceeding its normal lifecycle.

Pallets, concrete block, rocks, stones, boulders, and brick.

Items reasonably similar to those identified as prohibited.

Construction of the proposed 9,600 square foot principal structure is substantially completed prior to establishment of ancillary outdoor storage.

A certificate of occupancy is issued for the proposed 9,600 square foot principal structure by December 31, 2018.

This approval shall expire one year after date of approval unless the Applicant has commenced construction of the principal structure.

This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation. The permit shall be subject to annual inspection and audit by the City.

The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of an approving Resolution, subject to the requirements of Section 1210.06, Subd. 5 “Revocation of Conditional Use Permits” of the Zoning Ordinance, as may be amended.

The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

Strack noted Steve Curfman had requested tires, pallets, concrete block, rocks, stones, and boulders be allowed as additional outdoor storage on site. She cautioned the Commission about allowing tires to be stored outdoors where they could collect rainwater and potentially become a public health issue. She also suggested the Commission, if they are inclined to grant Mr. Curfman’s request for storage of pallets, concrete blocks, rocks, stones, and boulders outdoors to quantify an exact number of bunkers allowed/required and specific sizes and locations for said bunkers.

Curfman requested eight (8) bunkers sized 12 feet by 20 feet and no more than five feet in height if wood or eight feet in height if concrete.

The Commission discussed outdoor storage of tires and reached consensus that Curfman may use one of the proposed bunkers for storage of tires provided it was covered, as suggested by Curfman.

Motion – Lagergren to recommend the Council approve the conditional use permit with all conditions included in the staff memo dated June 6, 2017, except that tires, pallets, concrete blocks, rocks, stones, mulch, and boulders may also be stored on site providing a revised site plan illustrating the exact location of storage bunkers as defined above is submitted. Second by Hoernemann. Motion carried 4:0.

Strack reviewed the staff memo relating to the site plan. She noted Curfman's request to allow repair of non-fleet vehicles was not able to be granted until the Code was amended.

Staff recommended approval of the site plan contingent upon:

The "Use" is a contractor operation with ancillary outdoor storage at 600 Railroad Street West, the "Property".

Retail and wholesale repair and service of commercial trucks and automobiles is not allowed, unless additional steps are taken to amend the I-1 Light Industrial District allowable uses.

The "Site Plan" is a site plan completed by RAM Building dated May 5, 2017 attached hereto.

Approval of a variance for rear yard setback.

Approval of a conditional use permit applicable to ancillary outdoor storage and compliance with conditions as specified within the CUP.

Compliance with recommendations as set forth within the memo from Consulting Planner, Cynthia Smith Strack dated June 6, 2017.

Compliance with all recommendations as set forth within the memo from John Swanson, Bolton-Menk (City Engineer) dated May 18, 2017.

Evidence of review and issuance of a permit, if required by the Carver County Water Management Organization.

All signage shall require submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.

Building permits shall be required prior to any building construction or improvements on the property.

This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

This approval shall expire one year after date of approval unless the Applicants have commenced construction of the Use on the Property.

Approval of this site plan does not approve any future expansion or associated improvements on-site, including but not limited to a 24 foot by 80 foot future addition to the proposed structure.

Any modifications not defined as "minor" pursuant to Section 1210.08, Subd. 4, shall require separate site plan approval.

Discussion regarding repair of trucks and passenger autos owned by the 'public' as differentiated from fleet vehicles was discussed.

Curfman stated he needed to be able to repair other people's trucks and autos on site.

Strack noted Curfman's choices were to accept the condition of approval prohibiting repair of non-fleet vehicles and pursue ordinance amendment to allow repair of non-fleet vehicles or to accept denial of the site plan pending receipt of a code amendment request from Mr. Curfman.

Motion – Hoernemann to recommend the Council approve the site plan with all conditions included in the staff memo dated June 6, 2017. Second by Lagergren. Motion carried 4:0.

C. Ordinance: Performance Standards for Signs in the RC-1 District.

Heher introduced the agenda item.

Motion – Lagergren to recommend the Council approve the Ordinance as presented. Second by Grundahl. Motion carried 4:0.

6. Commissioner Reports.

Hoernemann reported senior housing is working well.

Grundahl suggested the City review standards relating to golf carts.

Heher reported the Council approved a reduction in water and sewer hookup fees and that two new public service employees were recently hired. The Council also approved the City audit.

7. Adjourn

Motion – Hoernemann, Second Lagergren, with all in favor the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 10, 2017

Re: Rezoning Preserve 5th
Final Plat Preserve 5th

Applicant: Scott Loomis, dba Loomis Homes LLC

Subject Address: Not Assigned. Generally East of Fox Crossing and West of Barnes Lake

Legal Description: Outlot A, The Preserve 4th Addition

Property ID: 58.6530430

Zoning Class: P-1 Parks/Open Space District

Request: 1. Rezoning P-1 Parks/Open Space to R-1 Low Density Single Family Residential
2. Recommendation: Final Plat Approval

Representative: Scott Loomis
Cara Otto, Otto & Associates

Attachments: Application
Plat Materials
Final Plat
Site Map
Review Memos from City Engineer dated June 1, 2017 and June 20, 2017
Review Memo Carver County Water Management Organization
Review Memo from Consulting Planner dated June 6, 2017
Lot Summary
Estimated Market Value Historical – Lots Abutting Proposed Plat
Proposed Covenants
Excerpt of June 6 PC Meeting Minutes
2002 Preliminary plat maps

BACKGROUND

The Planning Commission postponed action on a rezoning request and request for final plat approval at the June 6th meeting. Information included in this packet is similar to that included in the June packet with the following updates:

1. Updated concept plans addressing adjustments recommended by the City Engineer in a memo dated June 1, 2017.
2. Updated proposed final plat.
3. Excerpt of meeting minutes (draft) June 6th PC meeting.
4. Lot summary.
5. Revised comment letter from City Engineer dated June 20, 2017.
6. Comment letter from Carver County Water Management Organization.
7. Historical summary estimated market values for property abutting Preserve 5th.

In addition staff notes:

- A letter notifying the Applicant of extension of the statutory 60-day review period has been mailed.
- The City Attorney has reviewed the development and proposes the rezoning be acted on and plat process defined.
- A memo from the City Attorney's Office is pending at the time of drafting of this memo.

Planning and Zoning Application

City of Norwood Young America
310 Elm St. W, PO Box 59
Norwood Young America, MN 55368
Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name Loomis Homes LLC		Telephone Home 952-200-8838 (Cell) Work/Cell																														
Address (Street, City, State, ZIP) 1458 White Oak Drive Chaska, Mn 55318																																
Property Owner's Name (If different from above)		Telephone Home Work/Cell																														
Location of Project NE side of Town TWP 115 RNG 026 SEC 12																																
Legal Description PID 58.6530430 Outlot A The Preserve 4th Addition																																
Description of Request (Attach separate sheet, if necessary) Loomis Homes LLC is Proposing to develop the next phase of the Preserve, Which consist of 37 Lots																																
<p>Proposed Action(s): Check all that apply</p> <table border="0"> <tr> <td><input type="checkbox"/> Annexation \$300.00</td> <td><input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow</td> <td><input type="checkbox"/> Storm Water Plan \$250.00</td> </tr> <tr> <td><input type="checkbox"/> Application for Appeal \$150.00</td> <td><input type="checkbox"/> Sketch Plat \$200.00 + Escrow</td> <td><input checked="" type="checkbox"/> Rezoning \$350.00</td> </tr> <tr> <td><input type="checkbox"/> City Code Amendment \$250.00</td> <td><input type="checkbox"/> Site Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Street/Alley Vacation \$150.00</td> </tr> <tr> <td><input type="checkbox"/> Parking Reduction \$100.00</td> <td><input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow</td> <td><input type="checkbox"/> Zoning Text Amendment \$300.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$200.00 (Residential)</td> <td><input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow</td> <td><input type="checkbox"/> Recording Fee \$46.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</td> <td><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Other _____</td> </tr> <tr> <td><input type="checkbox"/> Variance \$150.00 (Residential)</td> <td><input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Variance \$200.00 (Non Residential)</td> <td><input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Split \$200.00</td> <td><input checked="" type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Public Hearing Notice \$75.00</td> <td><input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow</td> <td></td> </tr> </table>			<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00	<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input checked="" type="checkbox"/> Rezoning \$350.00	<input type="checkbox"/> City Code Amendment \$250.00	<input type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00	<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00	<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input type="checkbox"/> Recording Fee \$46.00	<input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Other _____	<input type="checkbox"/> Variance \$150.00 (Residential)	<input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow		<input type="checkbox"/> Variance \$200.00 (Non Residential)	<input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow		<input type="checkbox"/> Lot Split \$200.00	<input checked="" type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow		<input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	
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<p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK</p> <p>Escrow Deposit \$2,000.00</p> <p>Escrow Deposit - Site Plan Review: \$7,500 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)</p> <p>Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p> <p>ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</p> <p>*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</p>																																
The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.																																
Applicant's Signature: 		Date 5/12/17																														
Fee Owner's Signature: 		Date 5/12/17																														
For Office Use Only																																
Accepted By:	Amount	Date																														

PLAT FILE NO.
C.R. DOC. NO.

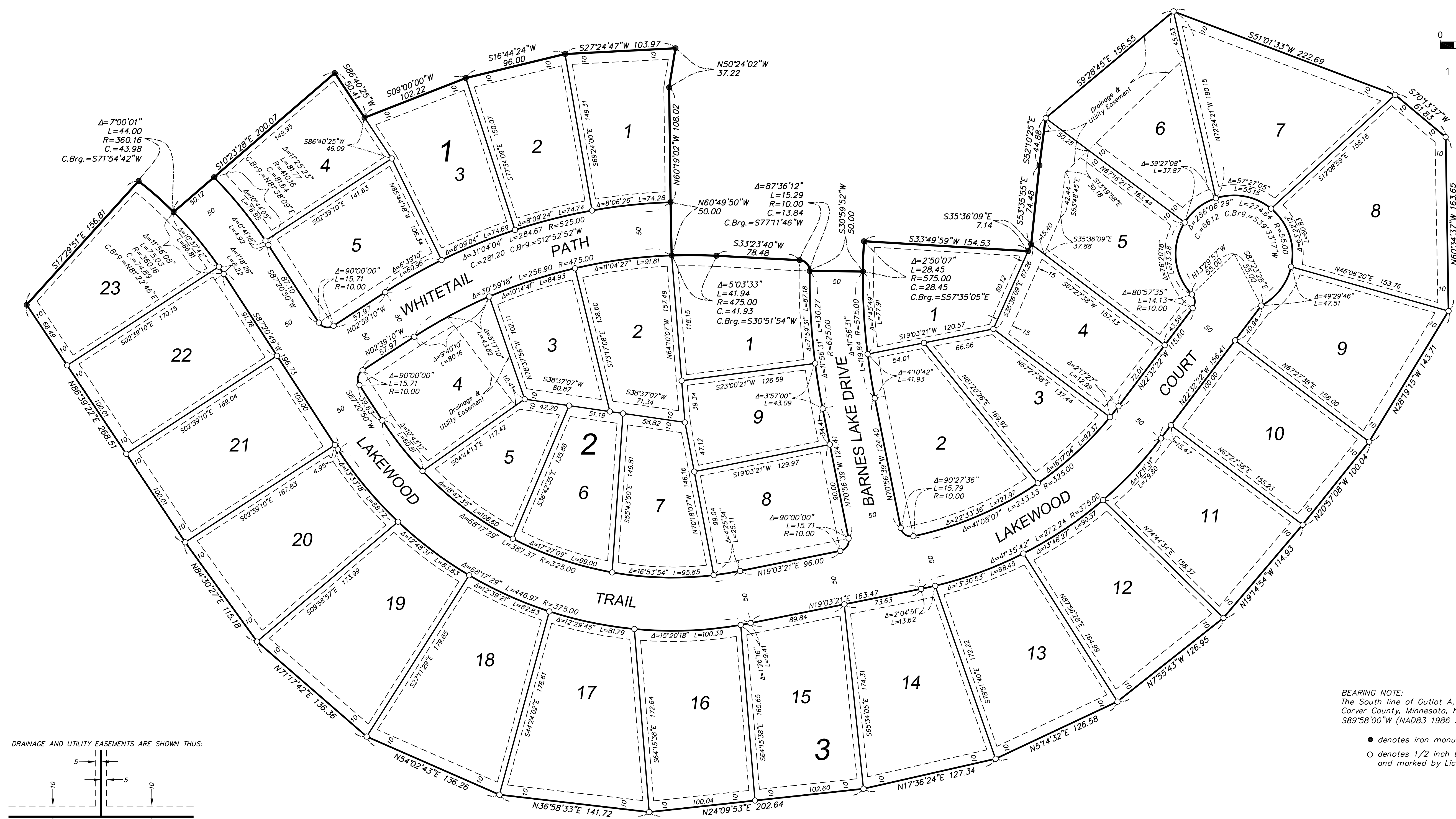
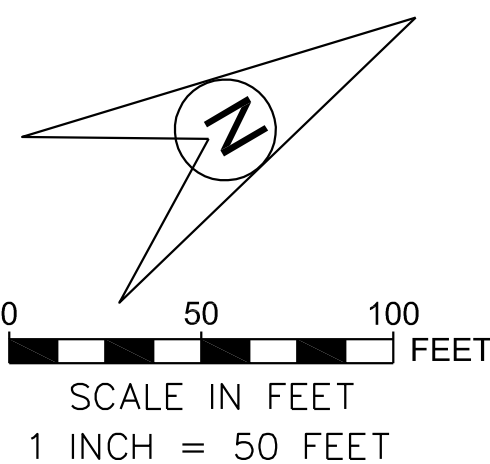
SHEET 1 OF 2 SHEETS

THE PRESERVE 5TH ADDITION

INSET A

PLAT FILE NO.

C.R. DOC. NO.

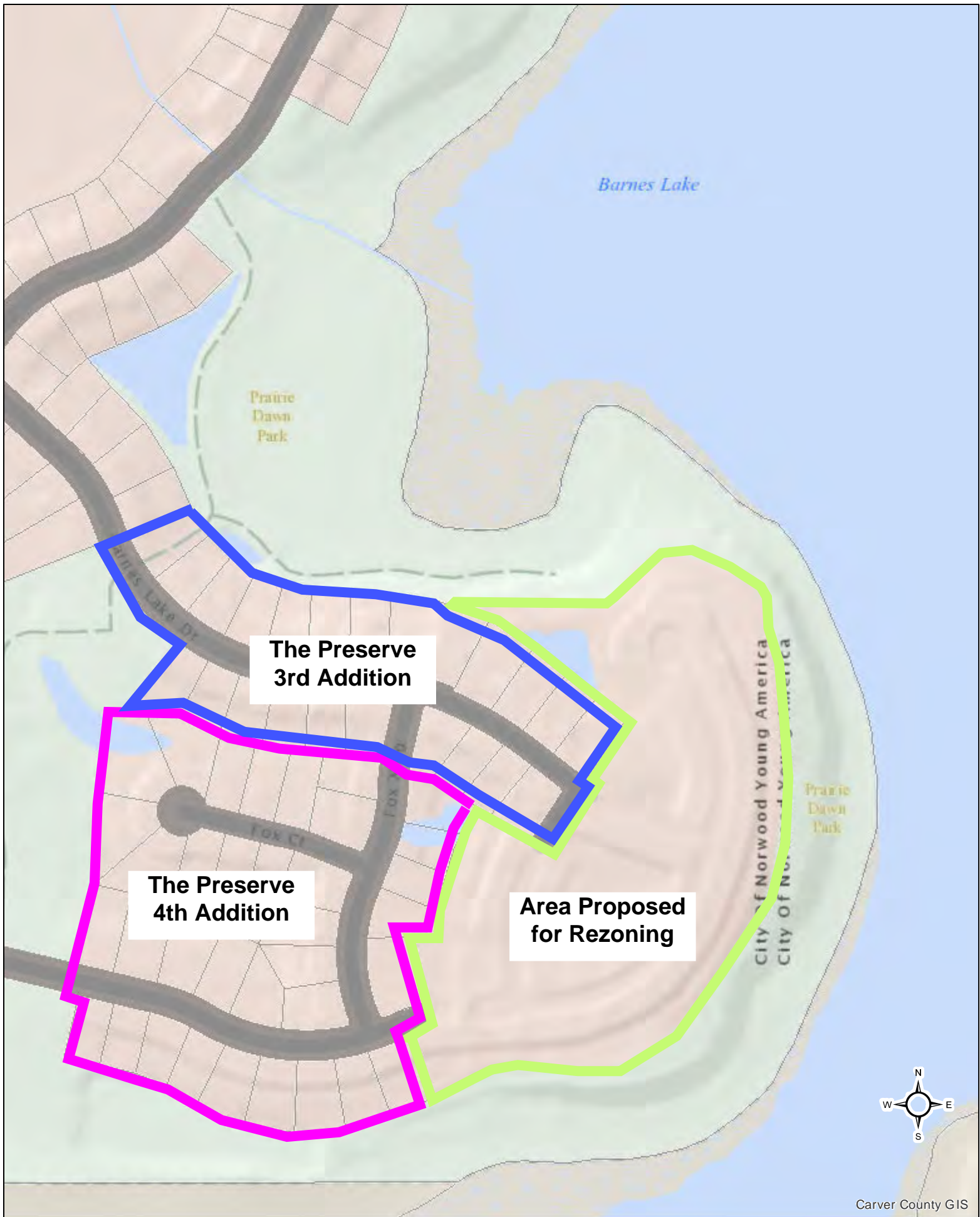


DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 5 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.

BEARING NOTE:
The South line of Outlot A, THE PRESERVE 4TH ADDITION, Carver County, Minnesota, has a Carver County bearing of S89°58'00"W (NAD83 1986 Adj).

● denotes iron monument found
○ denotes 1/2 inch by 14 inch iron pipe set and marked by License number 40062.



Carver County GIS

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 5/27/2017



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 6, 2017

Re: Public Hearing: Rezoning Preserve 5th
Final Plat Preserve 5th

Applicant: Scott Loomis, dba Loomis Homes LLC

Subject Address: Not Assigned. Generally East of Fox Crossing and West of Barnes Lake

Legal Description: Outlot A, The Preserve 4th Addition

Property ID: 58.6530430

Zoning Class: P-1 Parks/Open Space District

Request: 1. Rezoning P-1 Parks/Open Space to R-1 Low Density Single Family Residential
2. Recommendation: Final Plat Approval

Representative: Scott Loomis
Cara Otto, Otto & Associates

Attachments: Application
Plat Materials
Site Map
Memo from City Engineer dated June 1, 2017
Preliminary plat maps
Proposed Covenants

BACKGROUND

The City approved a preliminary plat for the entire Preserve development in February 2002. A final planned unit development (PUD) plan was approved in March 2002. The Preserve is a phased PUD on approximately 150 acres. Four previous phases were finalized and developed. The plat build out has deviated from proposed phasing (attached). Preserve 5th addition is the fifth phase of the development. In total, the Preserve included 293 housing units, specifically 155 single family detached lots, 108 townhome units and 30 twin home units. The arrangement of the multi-family units was revised after the preliminary plat to comply with shoreland management and wetland regulations, prior to approval of an initial final plat.

Preserve 5th is situated east of The Preserve 3rd and The Preserve 4th Additions. Proposed Preserve 5th consists of 37 one-family lots ranging in size from 9,006 square feet to 21,690 sf with an average size of 15,036 sf. Dwelling styles are primarily walk-outs with a few look-outs and full basement styles in Block 2.

Lot and building packages are proposed in the \$250,000 range. The Applicant proposes covenants (copy attached), which staff notes are not enforceable by the City. Existing home estimated market values (2017) in The Preserve 3rd Addition range from \$264,600 to \$735,000 with a median value of \$354,150 and an average value of \$376,206. Existing home estimated market values (2017) in the Preserve 4th Addition range from \$179,400 to \$234,200 with a median value of \$204,900 and an average value of \$204,730.

REZONING REQUEST: PUBLIC HEARING

The Applicant proposes rezoning a portion of Outlot A, Preserve 4th Addition from P-1 Parks and Open Space to R-1 Low Density Single Family Residential. The rezoning request is to remedy an apparent error on the Official Zoning Map wherein privately owned property was inadvertently zoned P-1 Parks and Open Space. The area proposed for rezoning was previously rough-graded with a prior addition of The Preserve and was pre-platted as one-family residential lots.

A portion of the subject property is to be dedicated to the City as parkland in conjunction with a proposed plat entitled "Preserve 5th Addition and was envisioned as part of "Prairie Dawn Park".

Planned use of the subject property under the 2008 Comprehensive Plan is low to medium density residential. The proposed and planned uses are consistent.

The code does not specify review criteria or required standards for approving a rezoning request. The Code does require specific adoption criteria – i.e. a two-thirds super majority vote by the City Council.

The Code standard is as follows:

Subd. 1 Adoption. This chapter may be amended, changed or altered only by a favorable (two-thirds) majority vote of all members of the City Council, and only after a public hearing has been duly advertised and held by the Planning Commission.

Hearing Requirements

A public hearing notice was drafted, published, and distributed to property owners within 350 feet of the subject property.

Comments Received

The City Administrator has reportedly received phone calls regarding the proposed rezoning. Additional information will be provided at the June 6th meeting.

Staff Recommendation

Consulting staff recommends approval of the rezoning based on the following:

- Zoning of the portion of the subject property as requested remedies an apparent inadvertent error on the Official Zoning Map wherein privately held property was zoned Park Open Space. Items supporting this conclusion include:
 - The subject area was previously subject to concept plan/PUD review/approval,
 - The subject area was previously rough-graded for residential lot development, and
 - The property is privately held.
- The rezoning is consistent with the 2008 Comprehensive Plan
- The rezoning is consistent with previously approved PUD plans



FINAL PLAT REVIEW

The City is to review The Preserve 5th final plat for substantial compliance with a prior-approved preliminary plat and final PUD along with associated conditions of approval.

Comprehensive Plan

The proposed subdivision appears to be consistent with the policies and criteria set forth in the 2008 Comprehensive Plan, including planned use.

Parcel Arrangement

The proposed block and lot configuration appears to meet design requirements and is consistent with the preliminary plat and final PUD plan.

Streets

Proposed street widths appear to meet City standards and comply with the approved preliminary plat. To be consistent with the street naming policy convention, "Lakewood Court" should be assigned to only to the segment of the proposed street north of Barnes Lake Drive.

Park Dedication

The PUD plan illustrates the dedication of park land to the City in conjunction with development of The Preserve. Approximately five acres of park land was dedicated to the public with The Preserve 3rd Addition (current Prairie Dawn Park). Additional park land illustrated as Outlot A on the draft final plat is to be dedicated to the City as open space/park land. The Park and Recreation reviewed the trail and dedication of Outlot A. Attached maps illustrate proposed park and trail dedication approved with the preliminary plat and final PUD plan.



Pedestrian Ways

The plans illustrates construction of a five foot sidewalk on the south and east side of Lakewood Trail and Lakewood Court. The sidewalk converts to an eight foot bituminous trail in an easement between Lots 8 & 9 in Block 3 and then extends through proposed Outlot A (to be dedicated to the City) connecting to existing grass surfaced pedestrian way near a stormwater facility in The Preserve 3rd Addition.

The approved Preserve PUD illustrates a trail adjacent to Barnes Lake throughout proposed Outlot A, rather than a portion of the loop being sidewalk. The Applicant represents the trail as illustrated in the approved PUD plan is impractical due to existing topography, tree cover, and riparian area. The proposed trail alteration would appear to support findings issued by the DNR as part of the pre-plat and final PUD review.

Landscaping

A landscape plan for The Preserve development was approved as part of the PUD. The approved plan requires 2" caliper deciduous boulevard trees (Linden, Maple and Honey Locust) located along the public and private streets, two (2) trees per single-family lot.

A landscape plan was not included in the plan set. Staff recommends the developer's agreement require placement of boulevard trees at the direction of the City and that the agreement provide for a landscape escrow sufficient to ensure the planting of two tree on each lot, at the expense of the Developer, prior to issuance of a certificate of occupancy for any dwelling.

Additional Department/Agency Comments

Public Works: The plans have been forwarded to Public Services Director Tony Voigt for review and comment. Any/all comments from the Director are hereby incorporated by reference.

City Engineer: The City Engineer has reviewed the application and plans. Comments and recommendations contained in a memo from John Swanson dated June 1, 2017 are hereby incorporated by reference.

City Attorney: Application documents have been forwarded to the City Attorney for review, examination of title, and drafting of a developer's agreement.

Fire Department: The plan submittal has been forwarded to Fire Chief Steve Zumberge for review and comment.

Review of Plat Carver County Taxation and Survey: The plat has been forwarded by the Applicant to Carver County taxation and survey departments for review and comment.

MN DNR: The hearing zoning and proposed final plat were forwarded to the Carver County Area Hydrologist for review and comment. The Area Hydrologist acknowledged receipt and had no comments.

It is noted the entire development was reviewed and approved by the Department of Natural Resources (DNR) in 2002. The Final Plat for the Fifth Addition is nearly identical to the arrangement of the preliminary plat and appears to comply with the conditions of the 2002 DNR approval.

It is further noted the City has been informed a possible active or inactive Bald Eagle nesting site may be located near Barnes Lake. Nesting sites are protected under the Bald and Golden Eagle Protection Act. Regulations provided under that Act allow the USFWS to issue permits for activities that may harm or disturb bald eagles and their nests. The Applicant is responsible for securing a permit if needed.

Carver County Water Management Organization: The Applicant is responsible for obtaining required review and approval for the proposed plat from the CCWMO.

RECOMMENDATION

After review and discussion, the Planning Commission may consider a MOTION to recommend approval of the final plat to the City Council.

If the Planning Commission recommends approval of the final plat the following conditions are recommended:

1. Submittal of revised plans to the City for review as needed.
2. Incorporation of recommendations contained in a staff memo from the City Engineer dated June 1, 2017.
3. Securing of necessary permits as may be required by entities external to the City of Norwood Young America.
4. Title examination by the City Attorney.
5. Execution of a Developer's Agreement and filing of necessary items as required therein.

ACTION

The PC shall hold a public hearing regarding the rezoning request. During the business portion of the meeting the PC shall consider rezoning and final plat approval requests. A separate and independent MOTION to recommend the Council to approve/deny each item is in order.



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8836
Fax: (952) 448-8805
Bolton-Menk.com

6/1/17

City of Norwood Young America
Attn: Steve Helget
310 W. Elm St.
P.O. Box 59
Norwood Young America, MN 55368

RE: The Preserve 5th Addition
Plan Review
Project No.: C14113671

Dear Mr. Helget:

We have completed an engineering review of the submitted information for the above referenced project. Our review is based on plans bearing the general title "The Preserve 5th Addition", dated May 11, 2017, prepared by Otto Associates, for Loomis Homes, LLC, together with draft plat documents, specifications, and storm sewer and ponding calculations submitted on May 11, 2017. We offer the following comments and recommendations for your consideration:

General:

- 1) The proposed project is the final phase of the Preserve Development. The proposed improvements include sanitary sewer, watermain, storm sewer and filtration basin, street, sidewalk and trail construction.
- 2) Copies of all required permits shall be submitted prior to construction, including but not limited to MPCA, MDH, CCWMO, NPDES, etc.

Sanitary Sewer:

- 1) MH locations should be adjusted such that castings are located on centerline, or at approximately 7 feet off centerline, where practicable, to avoid wheel paths. MH 2 can be adjusted by making STMH 1 to a CBMH located in the curb line.
- 2) The proposed connections to existing sanitary sewer on Lakewood Trail and Barnes Lake Drive will require testing to the existing MH. In addition, existing services appear to be connected to the existing pipe between the existing MH and connection point.
 - a) The Developer and Contractor will be required to meet all required testing, and make any necessary repairs to the existing pipe or services necessary to pass all required tests.

- b) Excavation and removal of existing pipe may be required in the event the integrity of the existing pipe encountered is unacceptable. This will be determined during construction.
- 3) The depth of MHs 6, 9 and 10 should be verified to ensure they are deep enough to provide gravity service from the lots served based on proposed house type, and the distance from the sewer.
- 4) The pipe class between MH 3 and MH 4 shall be SDR 26.
- 5) Sanitary sewer services and risers shall include tracer wire and tracer wire access boxes. The details for both should be shown on the plans. We can provide details if required.
- 6) The elevation of service risers and service ends shall be shown on the as-builts.

Watermain:

- 1) The hydrant locations and spacing should be adjusted to provide a hydrant at each intersection, and maintain 350'-400' spacing. The addition of a hydrant or 2 may be required.
- 2) A hydrant shall be located at the high point in the watermain at +/- Sta. 18+25. Watermain grades can be adjusted such that the high point is located at a hydrant.
- 3) All connections to existing watermain shall have new valves installed at the connection point for testing purposes.
- 4) The connections to existing watermain on Barnes Lake Drive and Whitetail Path involve temporary hydrant assemblies. The entire existing hydrant assembly shall be removed such that connection is made to existing 8-inch pipe. The reuse of temporary hydrants and valves on site is dependent upon the condition they are in when removed, and subject to City Public Services and City Engineer approval. Acceptability for reuse will be determined during construction. Unacceptable materials shall be repaired to acceptable condition, or removed from the site.
- 5) The connections to the existing watermain on Barnes Lake Drive and Whitetail Path require a means to release air, flush and test the new watermain, without using the existing watermain open to the system. Potential methods to complete release of air, flushing and testing include but are not limited to:
 - a) Install permanent hydrant at connection point.
 - b) Use temporary flushing and testing assemblies as follows:
 - Install temporary testing assembly near connection point on new watermain
 - Complete all flushing and testing of new watermain.
 - Remove temporary testing assembly and make connection to existing watermain.
 - Put all watermain in service and do a visual inspection on the connection points.

The proposed flushing and testing method shall be submitted for review and approval prior to construction.

- 6) All exposed bolts on hydrants and gate valves shall be 304 Stainless Steel, or approved equal.
- 7) All watermain bolts shall be Cor-Blue T Bolts or approved equal.

Storm Sewer:

- 1) All ponds and ponding calculations were completed in previous phases of the development. The proposed improvements appear to comply with the previous calculations.
- 2) The submitted storm sewer calculations and proposed filtration basin calculations appear to be acceptable from an engineering perspective.
- 3) The comments addressed in CCWMO's review letter dated 5/19/17, shall be satisfied.
- 4) The proposed filtration basin is located on City property in the park on the west side of the site. This location is acceptable from an engineering perspective as it avoids potential disturbance in existing private yards, and provides adequate access for maintenance activities.
- 5) CCWMO requires an operation and maintenance agreement for the filtration basin. It is appropriate for the City to be responsible for the maintenance, for numerous reasons including but not limited to, there is no HOA for the development, the facility is located on City property, the City currently is responsible for storm sewer and pond maintenance in several locations, etc. The Developers Engineer is preparing the agreement for review.
- 6) The connection to the existing storm sewer on Lakewood Trail, may require excavation and removal of existing pipe, if the existing pipe or pipe bell integrity is unacceptable. This will be determined during construction.
- 7) A profile over the filtration basin pipe to the existing MH should be shown on the plans.
- 8) CB 5 is 4 feet deep. The diameter of CB 5 shall be 48" to provide for maintenance access.
- 9) The existing pavement on Lakewood Trail proposed to be removed for the filtration basin discharge should be saw cut perpendicular to the curb line, for paving and street patching construction.
- 10) The installation of drain tile in rear yard swales is recommended on Block 2, and Lots 1-5, Block 3.
- 11) The storm sewer manhole details should be revised to include only concrete adjusting rings. HDPE adjusting rings are not allowed.

Streets /Trail:

- 1) The proposed street width and section is consistent with City Standards.
- 2) A trail and sidewalk system is provided through the development that provides connectivity between previous phases to the north to previous phases and The Meadows to the west.
- 3) The proposed location on the north side of the development is approximate and planned to be determined during construction to minimize tree impacts and avoid poor soils at lower elevations. The final location of the trail in this area should be approved by the City.
- 4) Portions of the trail on the north side of the development will likely not be compliant with ADA standards due to steep slopes. The trail shall be signed as non ADA compliant in accordance with all applicable requirements. Signage type and location should be shown on the plan.
- 5) The submitted Plat Exhibit for Trail Easement, should be shown on the final plat.

Site Grading and Erosion Control:

- 1) The mass grading on the site was completed as part of previous phases of the development. The grading shown on the plan is for individual house plan lot grading, for house excavation and topsoil placement. Building permit site plans should closely adhere to the proposed grading.
- 2) The comments addressed in CCWMO's review letter dated 5/19/17, shall be satisfied.
- 3) Bio Roll ditch checks should be installed in areas where rear yard swale drain tile is installed as applicable.
- 4) Rock construction entrances shall be installed at all site access locations.
- 5) The Contractor shall submit proposed haul routes for approval, prior to construction, in accordance with the following:
 - a) The primary access should be Lakewood Trail.
 - b) Minimize construction traffic through adjacent neighborhoods.
 - c) Any and all damaged to existing streets caused by construction traffic shall be repaired at the Developers expense. It is recommended photo and/or video surveys be completed on proposed haul routes prior to construction to document pre-construction condition.
- 6) Street sweeping and cleaning of soil tracking shall be completed each day.
- 7) Dust control measures shall be implemented and maintained at all times during construction, and within 4 hours of notification by the City.

City of Norwood Young America
The Preserve 5th Addition
6/1/17

The proposed improvements appear to be acceptable from an engineering perspective subject to the comments addressed herein. Therefore we recommend approval of the submitted plans contingent upon addressing the comments addressed herein.

We are available to discuss this matter at your convenience.

Sincerely,

Bolton & Menk, Inc.

A handwritten signature in black ink, appearing to read 'John K. Swanson', with a long horizontal flourish extending to the right.

John K. Swanson, P.E.
Senior Project Engineer

Cc: Cynthia Smith-Strack
Kreg Schmidt
Jake Saulsbury



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8836
Fax: (952) 448-8805
Bolton-Menk.com

6/20/17

City of Norwood Young America
Attn: Steve Helget
310 W. Elm St.
P.O. Box 59
Norwood Young America, MN 55368

RE: The Preserve 5th Addition
Second Plan Review
Project No.: C14113671

Dear Mr. Helget:

We have completed a second engineering review of the submitted information for the above referenced project. Our review is based on plans bearing the general title "The Preserve 5th Addition", dated May 11, 2017, prepared by Otto Associates, for Loomis Homes, LLC, with latest revision date of June 14, 2017, together with draft plat documents, infiltration basin landscaping plan, and an operation and maintenance declaration and plan for the infiltration basin. We offer the following comments and recommendations for your consideration:

- 1) Copies of all required permits shall be submitted prior to construction, including but not limited to MPCA, MDH, CCWMO, NPDES, etc.
- 2) The fire chief should review the revised plans.
- 3) The City Attorney should review the operation and maintenance declaration and plan for the infiltration basin.
- 4) CCWMO's review comments on the revised plans, infiltration basin O&M declaration and plan, and infiltration basin landscaping plan submitted shall be satisfied. Copies of the CCWMO review letter and approval shall be submitted.
- 5) The O&M declaration and plan and basin landscaping plan should be revised as follows:
 - a) We recommend native seed mixes be used in unplanted areas of the basin.
 - b) We recommend wood mulch not be used in the basin area as it can float and travel downstream through the basin discharge system, and create maintenance issues. An alternative non floatable mulch material should be utilized as appropriate.
 - c) The language in the Operation and Maintenance Plan should be revised to reflect the above recommendations.
 - d) The term "Biofiltration" should be revised to "Biofiltration Basin" in the declaration.

- e) Item 1 of the declaration should be revised to read “Declarant will inspect the Facilities, as described in the Operations and Maintenance Plan.”
- 6) The proposed location on the north side of the development is approximate and planned to be determined during construction to minimize tree impacts and avoid poor soils at lower elevations. The final location of the trail in this area should be approved by the City.
- 7) Portions of the trail on the north side of the development will likely not be compliant with ADA standards due to steep slopes. The trail shall be signed as non ADA compliant in accordance with all applicable requirements. The plan includes trail signage at Lakewood Court. Additional signage should be installed at Barnes Lake Drive and along the trail as appropriate. In addition, the proposed sign message should be submitted to the City and appropriate governing agencies for approval prior to construction.
- 8) The proposed trail easement on Lots 8 and 9, Block 3 should be recorded in accordance with all applicable laws and Carver County rules. The City Attorney should review and comment.
- 9) The Contractor shall submit proposed haul routes for approval, prior to construction, in accordance with the following:
 - a) The primary access should be Lakewood Trail.
 - b) Minimize construction traffic through adjacent neighborhoods.
 - c) Any and all damage to existing streets caused by construction traffic shall be repaired at the Developer's expense. It is recommended photo and/or video surveys be completed on proposed haul routes prior to construction to document pre-construction condition.

The proposed improvements appear to be acceptable from an engineering perspective subject to the comments addressed herein. Therefore we recommend approval of the submitted plans contingent upon addressing the comments herein.

We are available to discuss this matter at your convenience.

Sincerely,

Bolton & Menk, Inc.



John K. Swanson, P.E.
Senior Project Engineer

Cc: Cynthia Smith-Strack, Kreg Schmidt, Jake Saulsbury



Carver County Water Management Organization

Planning and Water Mgmt Dept
Government Center – Administration Building
600 East 4th Street
Chaska, Minnesota 55318
Phone: (952)361-1820
Fax: (952)361-1828
www.co.carver.mn.us/water

Memo

To: Cara Otto, Otto Associates.
From: Tim Sundby, Carver County Water Management
Date: May 19, 2017
Re: Preserve 5th Addition, NYA
File: WP20170033

cc: Paul Moline, Carver County Water Management
Kristen Larson, Carver County Water Management
Chip Hentges, Carver SWCD
Seth Ristow, Carver SWCD
Kent Torve, Wenck Associates

Enclosures:

Carver County Water Management received an application for water rules compliance for the Preserve 5th Addition in Norwood Young America on May 12, 2017. The following comments include a review of the information and plans by the County & the Carver SWCD.

- Preserve 5th Const Plans 5-11-17.pdf (dated 5/11/2017)
- Preserve 5th Stormwater Report 5-11-17.pdf (dated 5/11/17)

Items to Address Prior to Approval

This section lists comments that must be addressed prior to Carver County Water Management issuing approval for compliance with the County's Water Management Rules.

General Comments *(please contact Tim Sundby, Carver County WMO, at 952.361.1816 for questions or assistance on this section)*

1. **Application Fee.** An application fee of \$1,500 is required for this project. Any further comments regarding this project will not be submitted to applicant until this has been received by Carver County.
2. **Financial Security.** Financial security in the amount of \$25,000 is required for this project and should be submitted prior to the start of construction. The security is deposited with the county for faithful performance of the approved plans and to finance any necessary remedial work.
3. **Operations and Maintenance Plan.** This plan will need to be developed and signed off by the owner prior to approval of this project.

Erosion and Sediment Control *(please contact Chip Hentges, Carver County Soil and Water Conservation District, at 952.466.5230 for questions or assistance on this section)*

1. **Topsoil.** Although a specific topsoil management plan is not required, CCWMO request that stockpile locations be identified on a plan sheet, as well as outlining how individual builders will have access to topsoil to meet the required 6" depth.
 - a. Include definition of topsoil on Sheet 11 of 14.

2. Erosion Control.

- a. Silt fence phasing. Sheet 10 of 14 has two different silt fence denotations. Specify at which point these will be applicable. This may be the construction of curb and gutter, or another milestone of the project.
- b. Off-site tracking. Sheet 11 of 14 should be changed to "Off-site tracking shall be removed after each working day". Not within 24 hours of discovery.

Stormwater (please contact Tim Sundby, Carver County, at 952.361.1816 for questions or assistance on this section)

1. North Pond Filtration Bench.

- a. Elevations for detail are incorrect. Need to be updated for a NWL of 996 feet, not 966 feet.
- b. Include a 3 inch layer of buckshot, starting at 964.5 feet and ending at 964.25 feet.
- c. Minimum length of trench is 150 LF.
- d. Submit as-builts for OCS and MH
 - i. Investigate coring DT into OCS of north pond, instead of adding 127 feet of draitile and causing instability to the slopes in the area.
 - ii. Can split the trench into two runs to minimize the drop into OCS.
- e. Include existing OCS and, if still coring into Manhole, existing MH.
- f. MH or OCS to minimize settlement around the manholes
- g. Include profile of trench
- h. Include quantities of materials needed

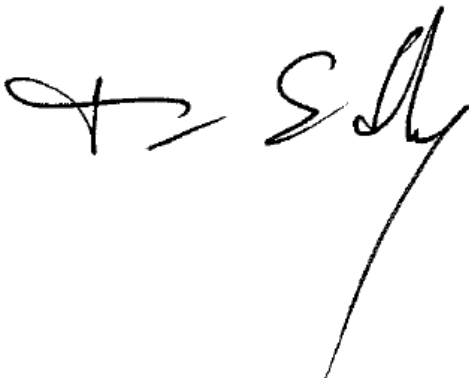
2. Infiltration Basin

- a. Can remove the rock reservoir below tile, as volume reduction is not needed for this development.
- b. Include profile of basin.
- c. Include quantities of materials needed.
- d. Upgrade exit tile to 8 inch or 12 inch pipe.
- e. Length of tile, or size of filtration area, be sized for 10 year event.
- f. A small rock trench could be connected from the inlet to the trench area to potentially manage small flows.

Planting and Vegetation Establishment (please contact Seth Ristow, Carver County Soil and Water Conservation District, at 952.466.5264 for questions or assistance on this section)

1. **Establishing Vegetation.** The design shows the larger pond inflows to the filtration basin. The pond can be expected to be consistently wet, therefore County recommends:
 - a. Plantings should be capable of wet conditions, with inundation from 1.6 feet (10-year) to 3 feet (100-year).
 - i. Options for plants include: Sedges, Sweet Flag, Button Bush, River Birch and/or Red Maple.
 - b. Continual small inflows form the larger pond will be a challenge for vegetation.

If you have any questions, please feel free to get in touch with me or contact the individuals listed above.

A handwritten signature in black ink, appearing to be 'J. S. Ristow', with a long, sweeping underline.

Tim Sundby
952.361.1816
tsundby@co.carver.mn.us

Project Name: S:\17\17-0151- 17-0200\17-0177\17-0177 FINAL
PLAT.dwg

Project Description:

Report Date: 5/5/2017 4:35:44 PM

Prepared

Parcel Name	Square Feet	Acres
BLOCK 1 - LOT 1	12619.82	0.29
BLOCK 1 - LOT 2	12675.61	0.29
BLOCK 1 - LOT 3	12911.05	0.30
BLOCK 1 - LOT 4	12492.08	0.29
BLOCK 1 - LOT 5	13866.63	0.32
BLOCK 2 - LOT 1	13683.76	0.31
BLOCK 2 - LOT 2	11930.96	0.27
BLOCK 2 - LOT 3	9637.28	0.22
BLOCK 2 - LOT 4	14370.43	0.33
BLOCK 2 - LOT 5	9006.42	0.21
BLOCK 2 - LOT 6	10752.47	0.25
BLOCK 2 - LOT 7	11439.53	0.26
BLOCK 2 - LOT 8	13023.48	0.30
BLOCK 2 - LOT 9	10561.25	0.24
BLOCK 3 - LOT 1	12285.40	0.28
BLOCK 3 - LOT 2	16659.10	0.38
BLOCK 3 - LOT 3	11429.31	0.26
BLOCK 3 - LOT 4	12541.84	0.29
BLOCK 3 - LOT 5	17277.66	0.40
BLOCK 3 - LOT 6	15402.40	0.35
BLOCK 3 - LOT 7	19845.24	0.46
BLOCK 3 - LOT 8	21690.87	0.50
BLOCK 3 - LOT 9	17365.37	0.40
BLOCK 3 - LOT 10	15661.46	0.36
BLOCK 3 - LOT 11	16248.11	0.37
BLOCK 3 - LOT 12	17241.46	0.40
BLOCK 3 - LOT 13	17801.60	0.41
BLOCK 3 - LOT 14	18454.78	0.42

BLOCK 3 - LOT 15	17102.38	0.39
BLOCK 3 - LOT 16	16690.50	0.38
BLOCK 3 - LOT 17	19152.79	0.44
BLOCK 3 - LOT 18	19260.79	0.44
BLOCK 3 - LOT 19	19085.58	0.44
BLOCK 3 - LOT 20	17599.26	0.40
BLOCK 3 - LOT 21	16843.55	0.39
BLOCK 3 - LOT 22	16963.91	0.39
BLOCK 3 - LOT 23	14764.58	0.34
BOUNDARY-OTTO : 5	101693.92	2.33
OUTLOT A	1036294.77	23.79

HISTORICAL ESTIMATED MARKET VALUE (LOTS ADJACENT TO PRESERVE 5TH)

	2017	2016	2015	2014
1035 Barnes Lake Drive	\$ 397,500	\$ 365,200	\$ 309,900	\$ 291,100
1015 Barnes Lake Drive	\$ 348,000	\$ 278,400	\$ 251,100	\$ 234,100
995 Barnes Lake Drive	\$ 317,100	\$ 332,100	\$ 291,100	\$ 270,100
1040 Barnes Lake Drive	\$ 397,200	\$ 345,700	\$ 322,400	\$ 319,200
1020 Barnes Lake Drive	\$ 317,600	\$ 306,900	\$ 271,000	\$ 263,500
1000 Barnes Lake Drive	\$ 292,700	\$ 285,500	\$ 250,400	\$ 247,800
980 Barnes Lake Drive	\$ 431,200	\$ 411,700	\$ 384,200	\$ 363,900
960 Barnes Lake Drive	\$ 735,000	\$ 710,000	\$ 631,500	n/a
920 Barnes Lake Drive	\$ 346,700	\$ 303,400	\$ 287,400	\$ 280,200
900 Barnes Lake Drive	\$ 264,600	\$ 244,600	\$ 232,600	\$ 226,600
9731 Meadowlark Lane	\$ 36,300	\$ 36,300	\$ 33,500	\$ 21,100
860 Barnes Lake Drive	\$ 406,700	\$ 355,000	\$ 140,300	\$ 21,100
840 Barnes Lake Drive	\$ 491,500	\$ 441,500	\$ 416,300	\$ 394,200
780 Barnes Lake Drive	\$ 27,200	\$ 27,200	\$ 25,100	\$ 21,100
1000 Fox Crossing	\$ 190,800	\$ 169,900	\$ 154,100	\$ 9,300
1010 Fox Crossing	\$ 208,900	\$ 182,000	\$ 154,100	\$ 5,600
1020 Fox Crossing	\$ 181,700	\$ 164,900	\$ 162,100	\$ 158,200
1030 Fox Crossing	\$ 179,400	\$ 168,900	\$ 156,100	\$ 15,000
930 Lakewood Trail	\$ 181,900	\$ 166,600	\$ 33,500	\$ 16,800
925 Lakewood Trail	\$ 219,000	\$ 194,400	\$ 25,100	\$ 24,800
Average	\$ 298,550	\$ 274,510	\$ 226,590	\$ 167,563
Median	\$ 304,900	\$ 281,950	\$ 241,500	\$ 226,600

THE PRESERVE 5TH ADDITION DECLARATION OF PROTECTIVE COVENANTS

WHEREAS, Declarant hereby imposes upon and subjects said Lots, for the benefit of said Lots only and the present and future owners thereof, to the following conditions, restrictions, reservations and covenants which shall operate as restrictions passing with the conveyance of every Lot and shall apply to and bind every successor in interest.

1. **DEFINITIONS.** The following words or terms used in this Declaration shall have the meanings herein ascribed to them.
 - a. **"Developer":** means The Preserve 5th Addition, LLC, a Minnesota Limited Liability Company, its successors or assigns.
 - b. **"Lot":** means any Lot included within the scope of this Declaration and as shown upon the recorded subdivision plat of the Preserve 5th Addition.
 - c. **"Lot Owner":** means the record owner, whether one or more persons or entities, of title to any Lot subject to these covenants, including purchasers under a contract for deed.
2. **TYPE OF STRUCTURE PERMITTED.** No Lot shall be used except for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached single family dwelling not to exceed two (2) stories in height above ground level, and a private garage for not less than two (2) automobiles. Garages shall be directly attached to the dwelling. Outside storage buildings may be erected provided they have prior approval of the Architectural Control Committee and provided that the exterior of the storage building shall be of the same color and material as the exterior of the residential dwelling and garage structure. Structures erected or placed on any Lot must be in harmony with respect to workmanship, materials and external design. Construction of model homes is expressly permitted as long as they strictly conform to the restrictions in this Declaration.

3. **EXTERIOR.** Exterior surfaces above foundation must be stucco, brick, stone or wood, and will be allowed in combination with maintenance-free siding. Maintenance-free siding or hardboard will be allowed on the sides and rear of residential structures only with prior approval of the Architectural Control Committee as to architectural theme and style, type, manufacturer and specification of the proposed maintenance-free siding. Siding Color, Soffit, Fascia, Trim Color and Shingle Color must be Earthtone or Neutral in color and must be approved by the Architectural Control Committee prior to construction.

4. **BUILDING AREA.** The minimum size of any residential dwelling structure, exclusive of basements, garages, and one-story open porches, shall be:

Rambler

- a) In the case of a single floor structure, not less than 1100 square feet of finished living space on the main floor.

Split Level

- b) In the case of a split-entry structure, not less than 1100 square feet of finished living space on the upper level

Multi-Level

- c) In the case of a multi-level structure, not less than 1100 square feet of finished living space (not to include 3rd and 4th levels).

Modified

- d) In the case of a modified structure, not less than a combined total of 1600 square feet of finished living space (not to include the 4th level).

Two-Story

- e) In the case of a two-story structure, not less than a combined total of finished living space for both the ground and second floors of 1600 square feet. Square footage is inclusive of upper two levels, but does not include the basement.

5. **CERTAIN STRUCTURES NOT TO BE USED FOR RESIDENTIAL PURPOSES.**

No trailer, basement (except below the finished dwelling), tent, shack, detached garage, barn, or outbuilding shall be erected or placed on the premises at any time or used as a residence temporarily or permanently, nor shall any structure of a temporary nature be erected, placed, used or occupied for residential purposes, nor shall any building not completely finished on the exterior be occupied for residential purposes.

6. **SITE SODDING – NO SEED PERMITTED.** The front, side, and rear corner of house yards of each Lot shall be sodded or Hydro seeded (no seed permitted) within Sixty (60) days of occupancy, weather permitting, or if weather doesn't permit then not later than the first day of July following such occupancy. The Lot Owner has all responsibility for site maintenance and for controlling storm water runoff. The Lot Owner shall correct all site maintenance or drainage problems within fifteen (15) days of receiving written notice either from the City of Norwood Young America or the Developer. After said 15-day notice period, the Developer and/or the City

of Norwood Young America shall have the right, but without the obligation, to enter the property, with such personnel and materials as is necessary to correct the problem and the Lot Owner shall pay all of such costs and expenses promptly upon notice thereof.

7. **TREES.** Two (2) 1 1/2" caliper or greater deciduous over-story trees planted by the Builder in the front boulevard, per Lot. **Tree maintenance, once planted, is the sole responsibility of the Lot Owner and is without any warranty.**

8. **ARCHITECTURAL CONTROL COMMITTEE.** There is hereby created an Architectural Control Committee ("Committee"), Loomis Homes, LLC 1458 White Oak Drive, Chaska, MN 55318

A majority of the Committee may designate a representative to act for it. In the event of a death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant. At any time after (a) 100% of the Lots affected by this Declaration are owned by the Lot Owners who reside in dwellings constructed on said Lots, and (b) 100% of the lots in The Preserve 5th Addition have been sold by Developer and owned by lot owners who reside in dwellings constructed on said lots, and (c) 100% of any subsequent lots formed by subdivision of any outlots described in this Declaration have been sold by Developer and owned by lot owners who reside in dwellings constructed on said lots, a majority of the Owners of Lots (each Lot having one vote) subject to this Declaration shall have the power through a duly executed written instrument to change the membership of the Committee or to modify, expand or restrict its powers and duties.

9. **ARCHITECTURAL CONTROL.** No structure shall be erected, placed, or altered on any Lot until the construction plans, specifications and colors and a site plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and location with respect to topography and finished grade elevation. The Committee's approval or disapproval as required by these covenants shall be in writing. In the event within thirty (30) days after plans and specifications have been submitted to it, the Committee, or its designated representative, fails to approve or disapprove such plans, the applicant must notify the Committee in writing requesting approval or disapproval. If within ten (10) days after receiving said notice the Committee or its designated representative fails to approve or disapprove the plans, or, in any event, if no suit to enjoin the construction has been commenced prior to the substantial completion thereof, approval shall be deemed to have been granted.

10. **LOT USE.** No illegal, dangerous, obnoxious or offensive activity shall be carried on or permitted to occur upon any Lot, nor shall anything be done thereon which is or may become a nuisance to adjoining Lot Owners or the neighborhood.

11. **SIGNS.** No sign of any kind shall be displayed to the public view on any Lot except: one professional sign of not more than six square feet advertising property for sale or rent. Permanent entrance monuments, as well as signs and sales aids used during the initial construction and marketing period, must be approved in advance by the Architectural Control Committee.

12. **FENCES.** No fence or wall shall be erected or placed on any Lot without the prior approval of the Architectural Control Committee, nor shall any fence or wall be erected in any location or of any size or material except as allowed under the applicable ordinances of the City of Norwood Young America, if any. Fence height shall not exceed 5 feet in height. Approved fence materials include wood, maintenance free fencing, wrought iron or chain link. Chain link style fences must be black or brown coated. In no case shall fences or walls be constructed nearer to the street than the principal structure, including, corner lots.
13. **KEEPING OF ANIMALS.** No animals of any kind shall be raised, bred or kept on any Lot, except that domestic dogs, cats, or other household pets of Lot Owner are allowed, provided that they are not kept for any commercial purpose, are housed in the main dwelling or garage, are kept on leash or in a fenced yard or kennel area, are not dangerous, and do not exceed in number per Lot the maximum allowed under applicable City of Norwood Young America ordinances. In all cases, and with no exceptions, Owners shall abide by the City of Norwood Young America animal control ordinance(s).
- No kennel shall be erected on any Lot without the prior approval of the Architectural Control Committee (see paragraph 9).**
14. **OUTSIDE GARBAGE RECEPTACLES.** No outside incinerators, trash burners or garbage receptacles shall be installed or erected on any Lot and garbage receptacles and recycled materials shall be kept indoors or in the garage or other enclosed space except on days when garbage is being collected. This covenant shall not be construed to prohibit the use of outdoor barbecues or fireplaces.
15. **RECREATIONAL EQUIPMENT.** Recreational equipment is defined for the purposes of this Declaration as travel trailers, pickup campers or coaches, motorized dwellings, trailers, snowmobiles, fish houses, ATV's, boats, and other watercraft and their trailers. No recreational equipment shall be used on a Lot for living, sleeping or housekeeping purposes. No recreational equipment shall be parked on any Lot or appurtenant street for a period longer than twenty-four (24) consecutive hours in any single week. In addition, no abandoned vehicle shall be parked on any Lot, or appurtenant street. For purposes of these covenants, any automobile, van, motorcycle, or other motorized vehicle, which is parked in the same location without use for more than seventy-two (72) consecutive hours, shall be presumed to be an abandoned vehicle. Recreational equipment such as trampolines, swing sets, play houses, inflatable and above ground swimming pools (intended to be left up more than 24 hours) must be located in the rear yard only. Any sport court installations must have prior approval of the Architectural Control Committee.
16. **RADIO, SATELLITE AND TELEVISION ANTENNA, ETC.** No radio or television broadcasting or receiving antenna or satellite dish or other similar apparatus shall extend above the highest point on the roof of any dwelling or garage. Conventional TV antennas shall be mounted within the attic of the structure. Any receiving or broadcasting equipment to be located outside the structure shall be screened from view from streets and adjacent Lots. No such equipment shall be erected without prior review and approval of the Architectural Control Committee.

17. **EASEMENTS.** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may alter or impede the direction or flow of water through drainage channels in the easements. The easement area of each Lot and all improvements in it shall be maintained continuously by the owner of the Lot, except for those improvements for which a public authority or utility company is responsible.
18. **AMENDMENT.** Prior to the final sale of all Lots by Developer, this Declaration may be amended, rescinded or restated by Developer. Upon the final sale of all Lots which are subject to this Declaration by the Developer or its assigns, the provisions of this Declaration may be revised, amended, rescinded, or restated as may be required or deemed necessary at any time by the Lot Owners. Any such change shall be in writing by owners of 75% of the Lots, based upon one vote for each Lot owned. When more than one person or entity holds an interest in a Lot, the assent for any change of these covenants shall be exercised as they between or among themselves shall determine, but in no event, shall more than one vote inure to any Lot. No such change shall be effective except upon recordation in the land records of Carver County.
19. **ENFORCEMENT OF COVENANTS.** Enforcement of these covenants shall be by proceedings at law or in equity brought by any Lot Owner, including Developer, to restrain violations or to recover damages against any person or persons violating or attempting to violate any covenants. Any action brought to enforce these covenants must be brought within six (6) months after the violation of covenants is discovered.
20. **INVALIDITY OF COVENANTS.** The invalidation of any of these covenants by judgement or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
21. **DURATION OF COVENANTS.** These covenants, restrictions and conditions shall run with the land and shall be binding on all parties and all person owning, using, improving or altering any Lot for a period of thirty years from the date this Declaration is recorded, after which time the same shall be automatically extended for successive periods of 10 years unless an instrument signed by the then Owners of a majority of the Lots has been recorded, agreeing to terminate the same.
22. This Declaration supersedes and replaces entirely, with respect to the Lots, any previous Declaration of Covenants recorded by Developer pertaining to The Preserve 5th Addition.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this
_____ day of _____, 20 ____.

The Preserve 5th Addition LLC
A Limited Liability Company

BY: _____
ITS: President

STATE OF MINNESOTA)
) ss.
COUNTY OF CARVER)

The foregoing was acknowledged before me this _____ day of _____, 20 ____, by
Scott Loomis, the President of The Preserve 5th Addition, LLC, a Limited Liability Company, on
behalf of the Company.

Notary Public

B. Rezoning: Preserve 5th Addition from P-1 to R-1 Low Density Single Family.

Heher opened the public hearing at 6:08 p.m.

Strack stated Scott Loomis, doing business as Loomis Homes, Incorporated proposes rezoning of a portion of Outlot A of The Preserve 4th Addition from P-1 Park/Public District to R-1 Low Density Single Family Residential District. The rezoning request was paired with final plat approval for The Preserve 5th Addition. A preliminary plat and final Planned Unit Development Plan for the phased The Preserve development was approved in 2002. The 4th phase was currently being built out. The Preserve 5th Addition consists of 37 one family lots which were previously graded as part of the initial development. Outlot A of the proposed 5th Addition is to be deeded to the public for a nature park.

Strack noted the area previously graded for streets and lot pads was apparently inadvertently zoned as public park land in the past, perhaps at the time the Official Zoning Map was most recently wholly updated.

The Preserve 5th Addition is east of Preserve 3rd and 4th Additions. Lots range in size from 9,006 square feet to 21,690 square feet with an average size of 15,036 square feet. Dwelling styles are primarily walk-outs with a few look-outs and full basement styles in Block 2. Lot and building packages are proposed in the \$250,000 to \$325,000 range. The Applicant proposes covenants including design standards. Covenants while they may be reviewed by the City with suggestions made, they are not enforceable by the City.

Strack stated existing home estimated market values (2017) in The Preserve 3rd Addition range from \$264,600 to \$735,000 with a median value of \$354,150 and an average value of \$376,206. Existing home estimated market values (2017) in the Preserve 4th Addition range from \$179,400 to \$234,200 with a median value of \$204,900 and an average value of \$204,730.

Strack reiterated rezoning from P-1 Parks and Open Space to R-1 Low Density Single Family Residential is requested. The proposed rezoning will remedy an apparent error on the Official Zoning Map wherein privately owned property was inadvertently zoned P-1 Parks and Open Space. The area proposed for rezoning was previously graded with a prior addition of The Preserve and was pre-platted as one-family residential lots. A final PUD for the entire development was placed into effect in 2002.

Strack noted R-1 Low Density Single Family Residential is consistent with the Comprehensive Plan planned land use. The code does not specify review criteria or required standards for approving a rezoning request. Notice of the public hearing notice was published, mailed, and posted as required by state law. Staff has received oral comments and questions. Public comment will be taken following the Applicant's presentation, with Commission discussion the during business portion of the agenda.

Scott Loomis, Loomis Homes addressed the Commission requesting approval of the rezoning and final plat.

Grundahl asked Loomis to summarize covenants. Loomis noted they were quite standard for residential development and included: type of structure, exterior building material standards, minimum structure size such as 1,400 square feet for a rambler, required sodding, required tree planting, architectural controls, and standards for signs, fences,, certain outdoor storage, and keeping of garbage.

Heher inquired about types of housing. Loomis noted walk outs, full basements, and lookouts. Two stories mostly.

Heher asked for clarification regarding zoning of previously graded area to public/park. Strack noted she

was unsure of how/when the rezoning occurred but surmised it could have been an inadvertent error when the entire official zoning map was updated previously.

Lagergren inquired as to park dedication requirements. Strack noted park dedication was required with some of the previous additions. Sidewalk and trail installation had occurred with previous. Outlot A of proposed The Preserve 5th Addition was to be deeded to the City for park purposes, consistent with the final PUD plan and preliminary plat.

Heher requested clarification of where the trail proposed in the 5th Addition would be located. Loomis explained sidewalk through a portion of the 5th Addition with a transition to trail which was to extend to the existing improved trail located near Prairie Dawn Park.

Heher then read several emails received relating to the rezoning request.

Robert Ramos, no address provided, was opposed to the rezoning, expressing concern for smaller lots and homes with lower values.

Darrin and Angela Fox, 875 Barnes Lake Drive, were opposed to the rezoning. When purchasing their home they were told 'high-end' housing would be located in the 5th Addition. The email also included concerns regarding tidiness of lots under construction by Loomis in the Preserve 4th Addition.

Scott and Melissa Honl, 895 Barnes Lake Drive, were opposed to the rezoning. Their email included a concern for lack the volume of non-completed houses in the Preserve 4th Addition. Honl's were also concerned that all Loomis Homes designs looked similar.

Danielle and Brian Fritz, no address provided, were opposed to the rezoning. Concerns included 'cookie cutter' homes rather than custom built homes being proposed. The Fritz's are concerned lower priced, non-custom homes will severely devalue all homes in the Preserve.

Jennifer and Chad Morningstar, 1000 Fox Crossing and Mollie and Jesse Lovelette, 1005 Fox Crossing, opposed the rezoning. Concern regarding final grading of the lots potentially negatively impacting existing lots and proper stormwater controls were included in the email along with concern regarding tidiness of on-going construction in Preserve 4th.

Ron and Shelia Erpenbach, 1060 Preserve Boulevard, opposed the rezoning. Erpenbach's opined when their home was build 11 years ago covenants required new, bigger, nicer homes with greater values than those that are currently being built. Concerns that housing of the type being built currently in the 4th Addition will significantly devalue their home was included in the email.

Kathleen Pyles, no address provided, opposed the rezoning. Concerns included small required square footage of homes, seeding versus sodding, stormwater runoff, lack of public input in the architectural control committee proposed under the covenants, potential homes could be rented, and fencing.

Heher requested input from Liz Vieira, Attorney with Rupp Anderson, Squires, and Waldspurger. Vieira noted state law required rezoning consider the public's health, safety, and welfare. She noted the rezoning request was a bit unique in that it appeared to be to remedy a probable error.

Sarah Kroells, no address provided, inquired as to whether or not Loomis Home would be the builder if the rezoning and final plat were approved. Strack noted Loomis Homes was the owner of the property. She deferred to the Applicant for information. Loomis noted Loomis Homes would be the builder.

Hilbert Hoof, 740 Barnes Lake Drive, opposed the rezoning expressing concern regarding the building

process and what control the City could exercise over the building process as it relates to tidiness of the site and erosion control. Nuisance procedures and typical stormwater pollution prevention standards were highlighted.

Tina Diedrick, 223 Franklin St, inquired as to the minimum square footages included in the covenants, styles of homes, and lot coverage. Loomis noted Loomis Homes offer several different styles of homes, that minimum square footages varied by type of home, and that three car garages were standard.

Hoernemann commented that tidiness during construction appeared to be an issue. He noted the nature of construction sites is untidy, however, steps could be taken to address such issues. Hoernemann inquired as to whether a lot buyer could bring their own builder. Loomis noted that would not be allowed.

Jennifer Ramos, 1125 Preserve Blvd, inquired about covenants administration and enforcement, commented on untidiness of existing construction sites, and expressed support for custom built homes.

Julie Schmidt, 1040 Barnes Lake Drive, is the owner of property abutting Preserve 5th. Schmidt stated existing residents have put trails in the subject property and taken care of the landscape, in a sense developing a park on the subject property without assistance from the City.

Jean Schmitz, 1020 Barnes Lake Drive, referenced covenants contained in the previous additions. Schmitz inquired as to who is responsible for enforcing covenants. City Attorney Vieira noted covenants are private agreements and property owners that are a party to the agreement are responsible for enforcement and administration.

Arielle Brandenburg, Lakewood Trail, stated she recently purchased a Loomis Home. She expressed concern for delay in having the driveway paved and the lot final graded/seeded.

Scott Pelletier, 840 Preserve Blvd, opined owners of property in The Preserve should examine and have input into covenants as part of the area community.

Dennis Schmitz, 1020 Barnes Lake Drive, expressed concern regarding potential for devaluation of adjacent properties. Schmitz questioned where else in Carver County an individual could have a lake view for under \$400,000.

Karen Cardinal, 720 Barnes Lake Drive, inquired as to how Preserve 4th Outlot A became graded and not a park. She opined a study for Prairie Dawn Park included the entirety of the subject property. She noted residents paid park fees for park development which had not occurred. Strack showed her an illustration from the Prairie Dawn Park Plan depicting the area proposed for rezoning as one family lots with the area directly adjacent to Barnes Lake being deeded to the City as natural space. Strack noted the request before the City was consistent with the master plan for Prairie Dawn Park in terms of land use.

Arielle Brandenburg expressed concern regarding promptness of seeding of lot by Loomis Homes and accountability under the construction contract. Vieira noted the City is not able to enforce a private contract between a home buyer and a builder.

Tina Diedrick, 223 Franklin Street, inquired as to whether or not the City required a development escrow or financial guarantee. Strack explained financial guarantees required under development agreements apply to public improvements. Some communities require additional escrow. Helget noted the City requires a small escrow but potentially not enough for final grading and seeding/sodding.

Tricia Mackenthun, 975 Preserve Blvd, referenced a standard contained in the subdivision code which

states preliminary plats expire if a final plat is not filed within one year. She also requested the ability to provide input in proposed covenants.

Christine Druley, 860 Barnes Lake Drive, questioned where the City's responsibility for property values dropping lies. Expansion of Prairie Dawn Park was highlighted. Concern for not being able to remove trees adjacent to Barnes Lake if the riparian area was deeded to the City was also expressed. In addition opposition to 'cookie cutter' homes was expressed. Druley inquired as to whether or not Loomis would consider building \$400,000 homes in the 5th Addition. Loomis opined he would not be able to sell housing at that price point.

Nate Parpart, 1035 Barnes Lake Drive, spoke noting value of proposed homes was a concern. He questioned how the proposal could be adjusted to encourage higher value homes.

Motion – Lagergren to close the public hearing. Second by Grundahl. With all in favor the hearing was closed at 7:44 p.m.

5. New Business.

A. Preserve 5th Addition: Rezoning and Final Plat Consideration.

Heher introduced the agenda item. Strack summarized rezoning request.

Heher summarized public comments noting cleanliness was a comment expressed repeatedly. Heher expressed confidence cleanliness of current construction sites could be addressed.

Heher noted Mr. Loomis had provided verbal testimony indicating minimum square footage for ramblers was 1,400 square feet but the covenants stated 1,100 square feet. He inquired as to whether or not Loomis was open to working on minimum square footages included in the covenants. Loomis responded in the affirmative.

Strack inquired as to whether or not Loomis could identify areas of premium lots. Loomis responded in the affirmative noting lot premiums were envisioned. Strack inquired as to whether or not Loomis could provide renderings of homes which could be suitable for the premium lots. Loomis noted they had renderings available.

Heher inquired as to impact an eagle's nest could have on the subdivision. Strack noted if the presence of an eagle's nest is confirmed the Developer must secure a permit if work is proposed within a defined area. The Developer would have to secure a permit from the U.S. Fish and Wildlife Service.

Helget noted the covenants reference trees in the boulevard. He stated the covenants should not reference boulevard trees as the City did not want trees in the boulevard.

Helget further noted the covenants reference maximum length of on-street parking is 72 hours; the City standard is 48 hours.

Heher noted the Commission had two action items before them relating to this request. The Commission would review them one at a time beginning with rezoning followed by final plat.

Heher requested discussion from the Commission regarding rezoning. He noted the rezoning was to correct an apparent error on the official zoning map. He noted rezoning as requested was consistent with an approved preliminary plat and final PUD plan. Heher stated he heard several concerns with tidiness of homes that were currently under construction by the Applicant. He suggested the Applicant pay attention to those concerns.

Heher confirmed with Vieira the City is not able to control the purchase price or proposed values of property. Vieira stated the City has minimum lot size requirements, maximum impervious surface requirements, and setback standards all which assist in defining how a dwelling appears.

Strack noted the City also enforces minimum lot sizes and minimum dwelling unit size standards under code.

Heher voiced support for rezoning and asked Vieira to reiterate review criteria. Vieira addressed health, safety, and welfare standards and defined a potential need to examine whether or not denial of the rezoning request could amount to inverse condemnation as the property was zoned for public use but privately owned.

A member of the audience suggested requiring a minimum of 1,800 square feet for homes. Strack noted the minimum size under the City Code was in the vicinity of 900 square feet. She noted the City could suggest Loomis include the standard in proposed covenants and then require proof of recording the

covenants against each lot created.

Heher asked Lagergren for comment. Lagergren noted several concerns had been addressed.

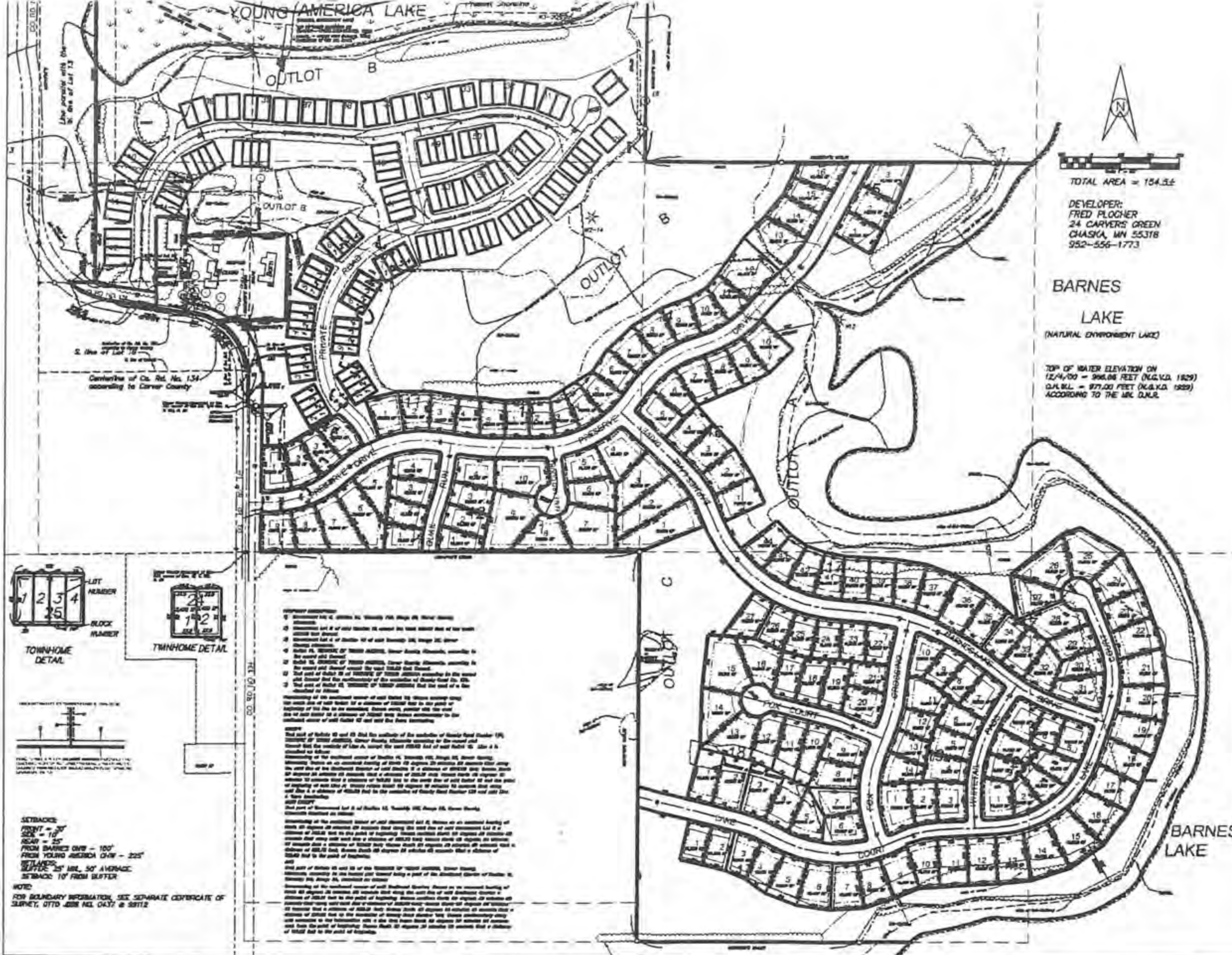
Hoernemann noted rezoning was a sensitive issue.

Lagergren asked Strack what potential options were. Strack noted the Commission could recommend approval or denial of the rezoning request or postpone a decision pending receipt of additional information.

A discussion of the next meeting date occurred. Strack noted the next meeting date was presumably July 5th as the regular meeting date was a holiday.

Motion – Heher to postpone action on rezoning until a meeting July 5th in order to receive additional information from Vieira’s office and to allow Loomis to further discuss covenants proposed. Second by Lagergren. Motion carried 4:0.

Motion – Heher to postpone action on final plat until a meeting July 5th in order to receive additional information from Vieira’s office and to allow Loomis to further discuss covenants proposed. Second by Grundahl. Motion carried 4:0.

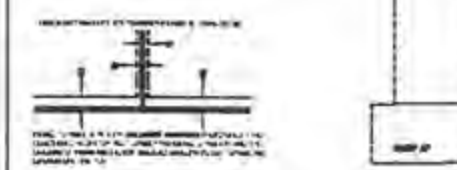
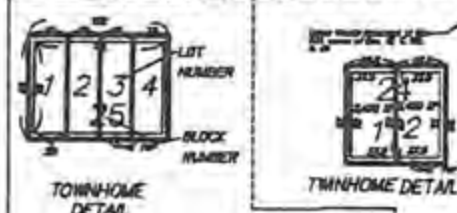


TOTAL AREA = 154.5±

DEVELOPER:
FRED PLOCHER
24 CARYERS GREEN
CHASICA, MN 55318
952-556-1773

BARNES
LAKE
(NATURAL ENVIRONMENT LAKE)

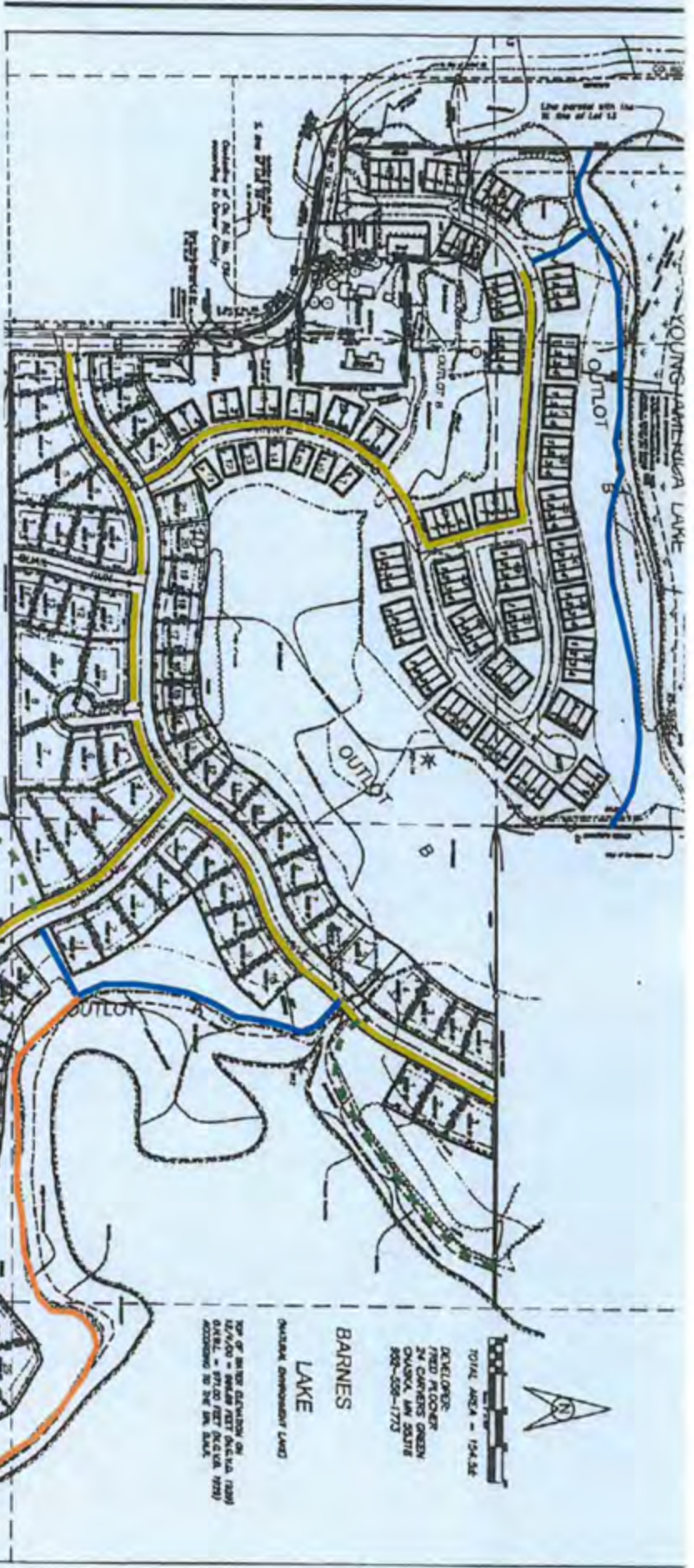
TOP OF WATER ELEVATION ON
12/4/00 = 906.06 FEET (N.G.M.D. 1929)
D.M.B.L. = 977.00 FEET (N.G.M.D. 1929)
ACCORDING TO THE M.L. D.M.B.L.



SETBACKS:
FRONT - 25'
SIDE - 10'
REAR - 25'
FROM BARNES LAKE - 100'
FROM YOUNG AMERICA LAKE - 225'
SETBACKS: 25' MIN. 50' AVERAGE.
SETBACKS: 10' FROM BUFFER.

NOTE:
FOR BOUNDARY INFORMATION, SEE SEPARATE CERTIFICATE OF SURVEY, DTD 08/01/01 & 08/12/01

PROPERTY DESCRIPTION:
1. Subdivided lot 1, section 10, township 106, range 45, north half.
2. Subdivided lot 2, section 10, township 106, range 45, north half.
3. Subdivided lot 3, section 10, township 106, range 45, north half.
4. Subdivided lot 4, section 10, township 106, range 45, north half.
5. Subdivided lot 5, section 10, township 106, range 45, north half.
6. Subdivided lot 6, section 10, township 106, range 45, north half.
7. Subdivided lot 7, section 10, township 106, range 45, north half.
8. Subdivided lot 8, section 10, township 106, range 45, north half.
9. Subdivided lot 9, section 10, township 106, range 45, north half.
10. Subdivided lot 10, section 10, township 106, range 45, north half.
11. Subdivided lot 11, section 10, township 106, range 45, north half.
12. Subdivided lot 12, section 10, township 106, range 45, north half.
13. Subdivided lot 13, section 10, township 106, range 45, north half.
14. Subdivided lot 14, section 10, township 106, range 45, north half.
15. Subdivided lot 15, section 10, township 106, range 45, north half.
16. Subdivided lot 16, section 10, township 106, range 45, north half.
17. Subdivided lot 17, section 10, township 106, range 45, north half.
18. Subdivided lot 18, section 10, township 106, range 45, north half.
19. Subdivided lot 19, section 10, township 106, range 45, north half.
20. Subdivided lot 20, section 10, township 106, range 45, north half.
21. Subdivided lot 21, section 10, township 106, range 45, north half.
22. Subdivided lot 22, section 10, township 106, range 45, north half.
23. Subdivided lot 23, section 10, township 106, range 45, north half.
24. Subdivided lot 24, section 10, township 106, range 45, north half.
25. Subdivided lot 25, section 10, township 106, range 45, north half.



- Trail (To be Installed by City Upon Development of Park)
- 8 Ft. Bituminous Trail (To be Installed by Developer)
- 5 Ft. Sidewalk (To be Installed by Developer)
- 4-6 Ft. Class 5 Trail (To be Installed by Developer)

Map 1

Townhome
Phase 3

Townhome
Phase 2

Single-family
Phase 2

Townhome
Phase 1

Single-family
Phase 1

Single-family
Phase 5

Single-family
Phase 6

Single-family
Phase 3

Single-family
Phase 4

Map 3

Proposed Phasing



TOTAL AREA = 154.54

DEVELOPER:
FRED FLOCKER
24 CARMER GREEN
OAKDALE, MN 55128
612-556-1773

BARNES

LAKE

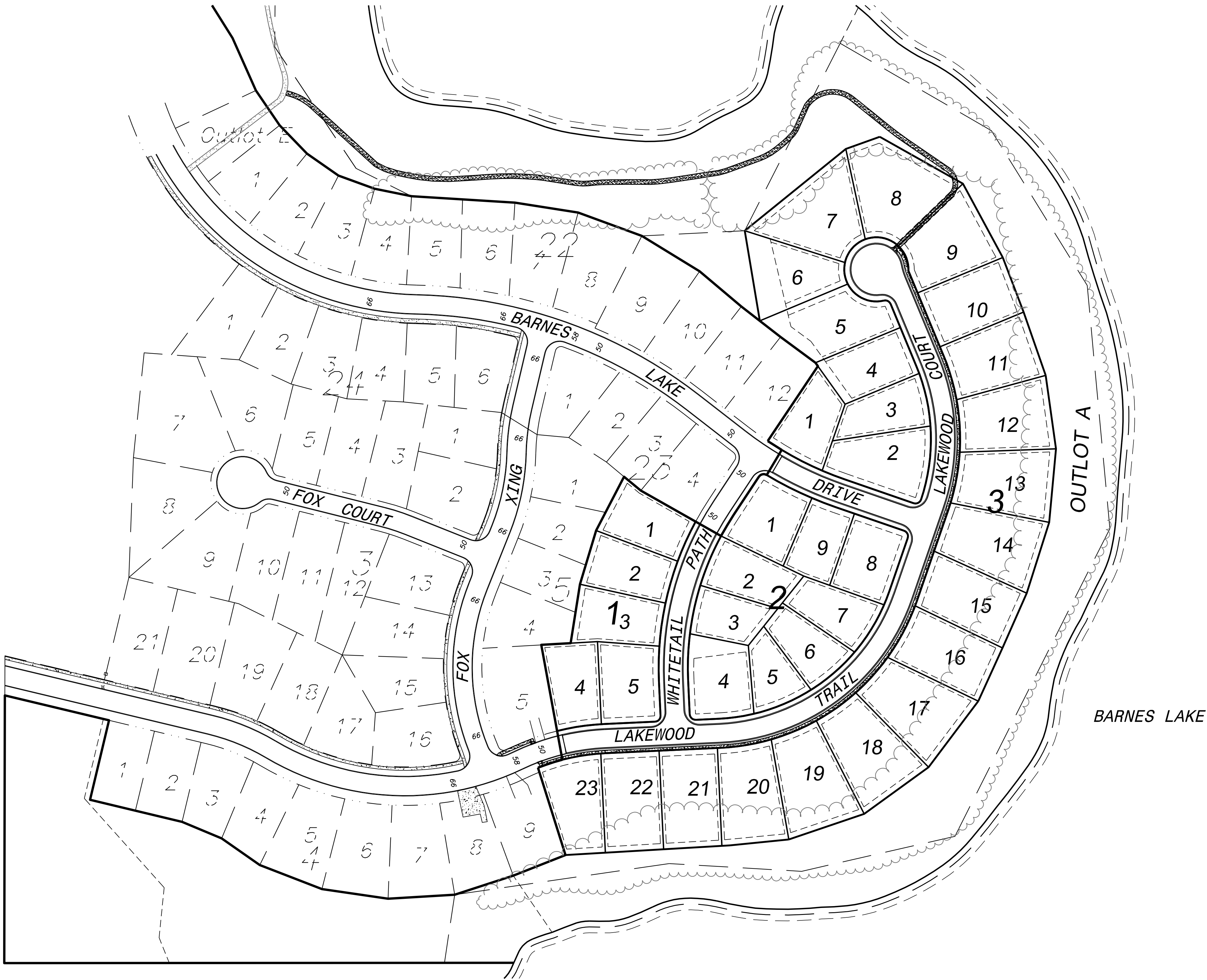
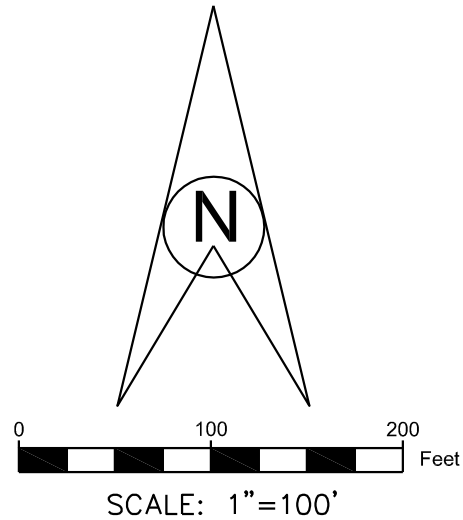
(NATURAL DRAINAGE LAKE)

NOT TO BE USED FOR CONSTRUCTION OF
BARNES LAKE WITHOUT A PERMIT FROM
DAHL - WINDOFT NATURE RESERVE
ACCORDING TO THE B.M. B.M.

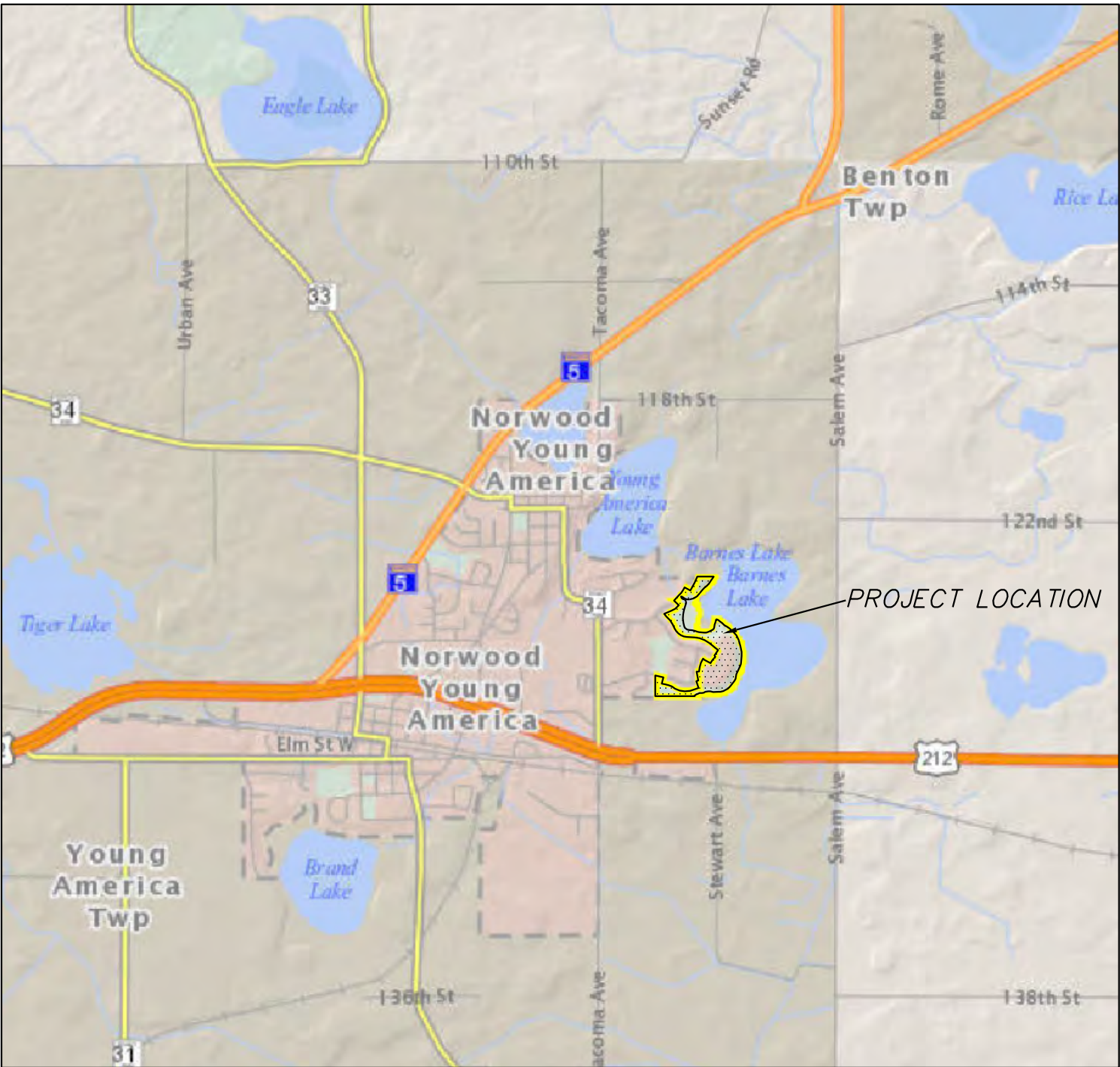
BARNES
LAKE

THE PRESERVE 5TH ADDITION

NORWOOD YOUNG AMERICA



VICINITY MAP



SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	COMPOSITE UTILITY PLAN
3	SANITARY SEWER & WATERMAIN - LAKEWOOD TRAIL/COURT
4	SANITARY SEWER & WATERMAIN - BARNES LAKE DRIVE
5	SANITARY SEWER & WATERMAIN - WHITETAIL PATH
6	STREET & STORM SEWER - LAKEWOOD TRAIL/COURT
7	STREET & STORM SEWER - BARNES LAKE DRIVE
8	STREET & STORM SEWER - WHITETAIL PATH
9	GRADING PLAN
10	STORMWATER POLLUTION PREVENTION PLAN
11	STORMWATER POLLUTION PREVENTION PLAN NARRATIVE
12	DETAILS
13	DETAILS
14	DETAILS

REV. NO.	DATE	BY	DESCRIPTION
1	6-14-17	T.J.B.	REVISE PER CITY REVIEW

DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota. <i>Cara M. Schwahn Otto</i> Cara M. Schwahn Otto License # 40433 Date: 6-14-17
C.S.O.	T.J.B.	
CHECKED		
C.S.O.		



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Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

THE PRESERVE 5TH ADDITION

LOOMIS HOMES, LLC

NORWOOD YOUNG AMERICA

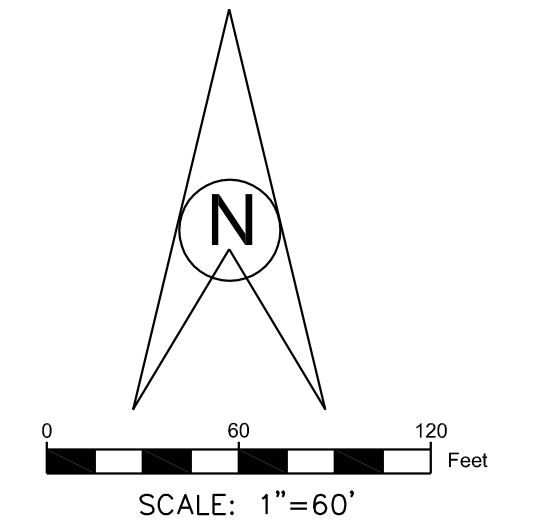
COVER SHEET

SHEET NO. 1 OF 14 SHEETS

PROJECT NO:

17-0177

DATE: 5-11-17



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1	6-14-17	T.J.B.	REVISE PER CITY REVIEW

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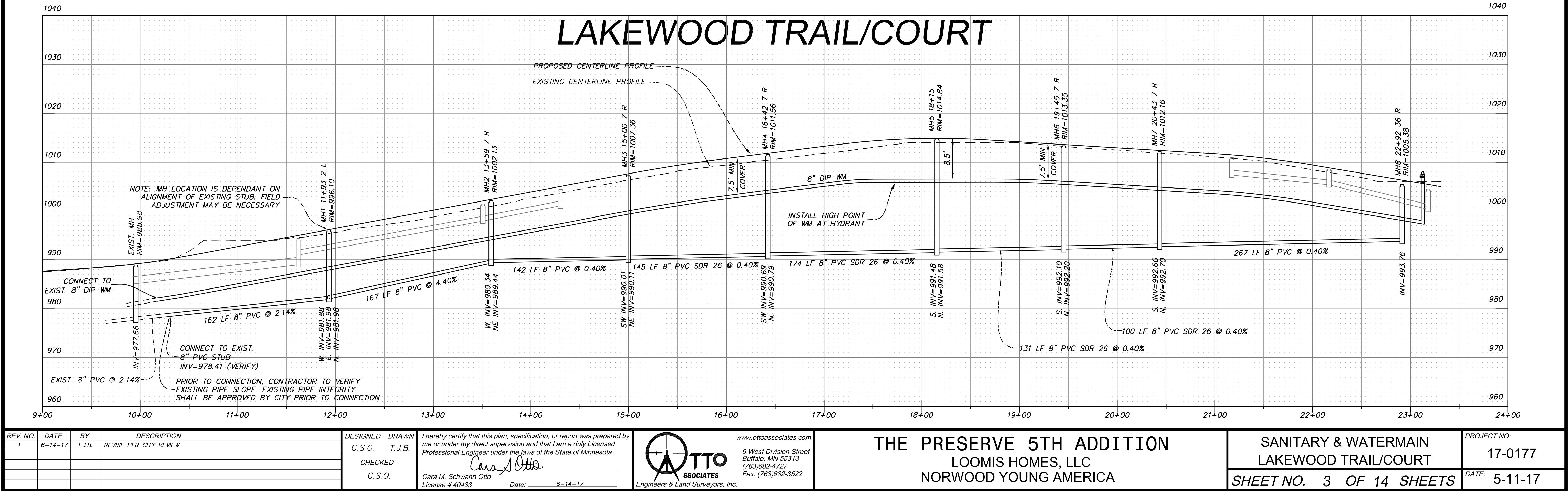
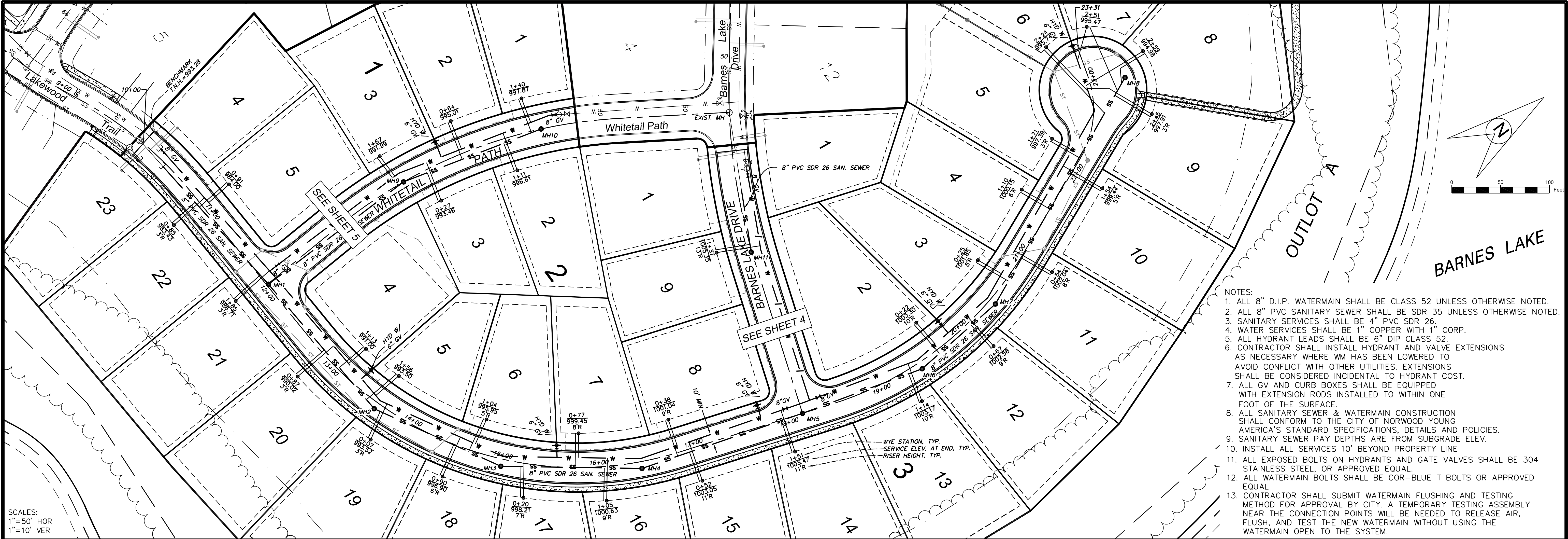


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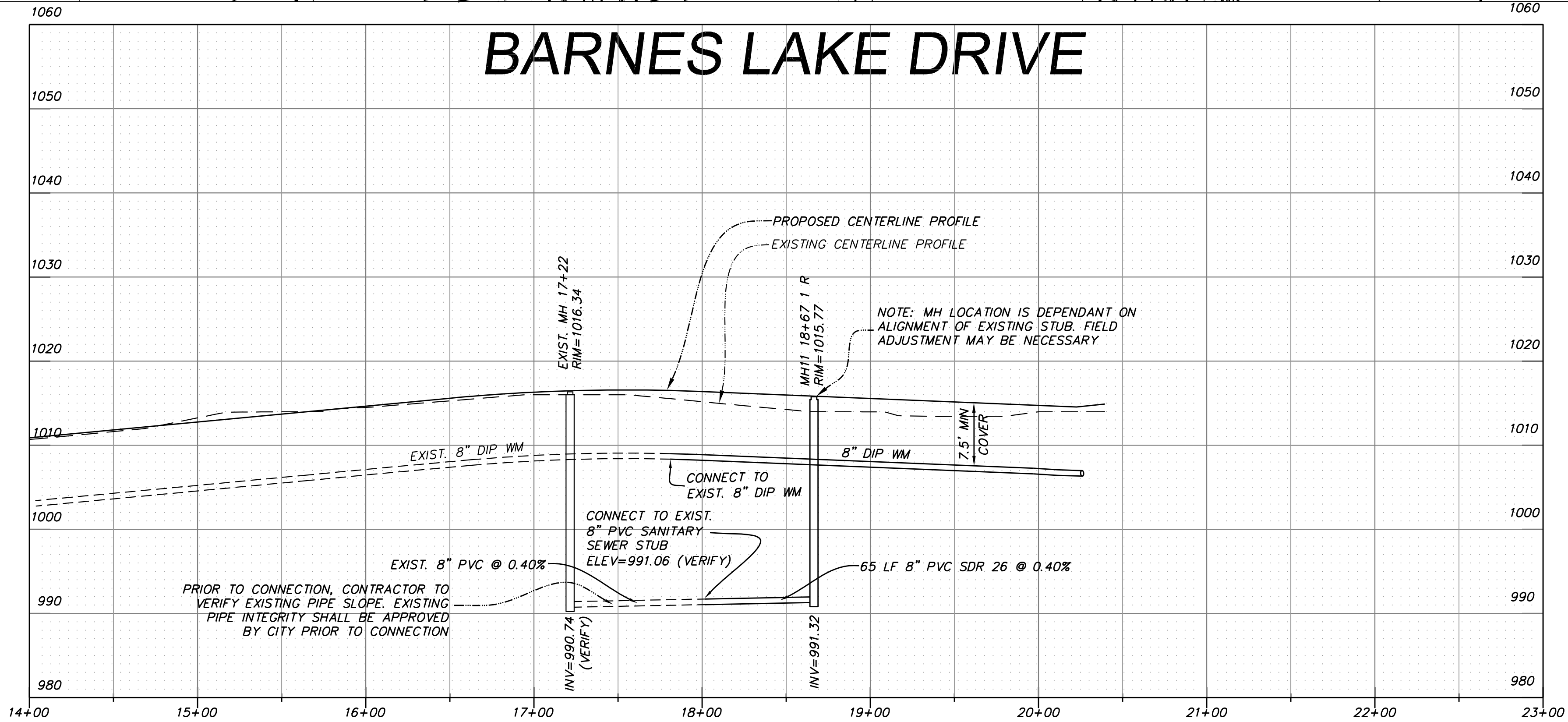
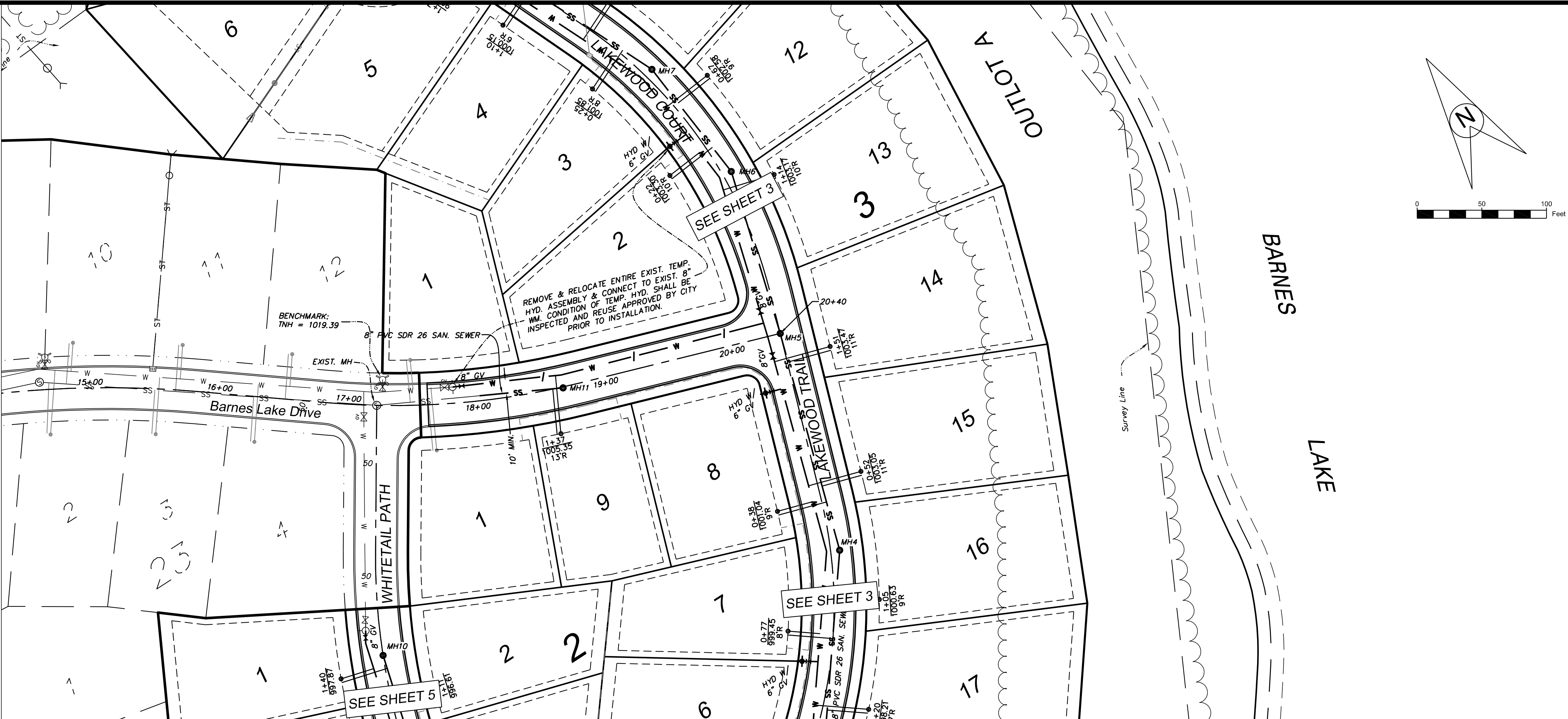
THE PRESERVE 5TH ADDITION
LOOMIS HOMES, LLC
NORWOOD YOUNG AMERICA

COMPOSITE UTILITY PLAN	PROJECT NO: 17-0177
SHEET NO. 2 OF 14 SHEETS	DATE: 5-11-17



- NOTES:
1. ALL 8" D.I.P. WATERMAIN SHALL BE CLASS 52 UNLESS OTHERWISE NOTED.
 2. ALL 8" PVC SANITARY SEWER SHALL BE SDR 35 UNLESS OTHERWISE NOTED.
 3. SANITARY SERVICES SHALL BE 4" PVC SDR 26.
 4. WATER SERVICES SHALL BE 1" COPPER WITH 1" CORP.
 5. ALL HYDRANT LEADS SHALL BE 6" DIP CLASS 52.
 6. CONTRACTOR SHALL INSTALL HYDRANT AND VALVE EXTENSIONS AS NECESSARY WHERE WM HAS BEEN LOWERED TO AVOID CONFLICT WITH OTHER UTILITIES. EXTENSIONS SHALL BE CONSIDERED INCIDENTAL TO HYDRANT COST.
 7. ALL GV AND CURB BOXES SHALL BE EQUIPPED WITH EXTENSION RODS INSTALLED TO WITHIN ONE FOOT OF THE SURFACE.
 8. ALL SANITARY SEWER & WATERMAIN CONSTRUCTION SHALL CONFORM TO THE CITY OF NORWOOD YOUNG AMERICA'S STANDARD SPECIFICATIONS, DETAILS AND POLICIES.
 9. SANITARY SEWER PAY DEPTHS ARE FROM SUBGRADE ELEV.
 10. INSTALL ALL SERVICES 10' BEYOND PROPERTY LINE
 11. ALL EXPOSED BOLTS ON HYDRANTS AND GATE VALVES SHALL BE 304 STAINLESS STEEL, OR APPROVED EQUAL.
 12. ALL WATERMAIN BOLTS SHALL BE COR-BLUE T BOLTS OR APPROVED EQUAL
 13. CONTRACTOR SHALL SUBMIT WATERMAIN FLUSHING AND TESTING METHOD FOR APPROVAL BY CITY. A TEMPORARY TESTING ASSEMBLY NEAR THE CONNECTION POINTS WILL BE NEEDED TO RELEASE AIR, FLUSH, AND TEST THE NEW WATERMAIN WITHOUT USING THE WATERMAIN OPEN TO THE SYSTEM.

SCALES:
1"=50' HOR
1"=10' VER



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C.S.O.	

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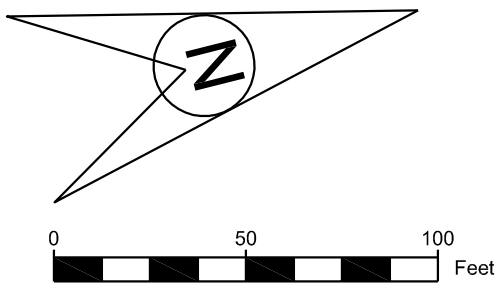
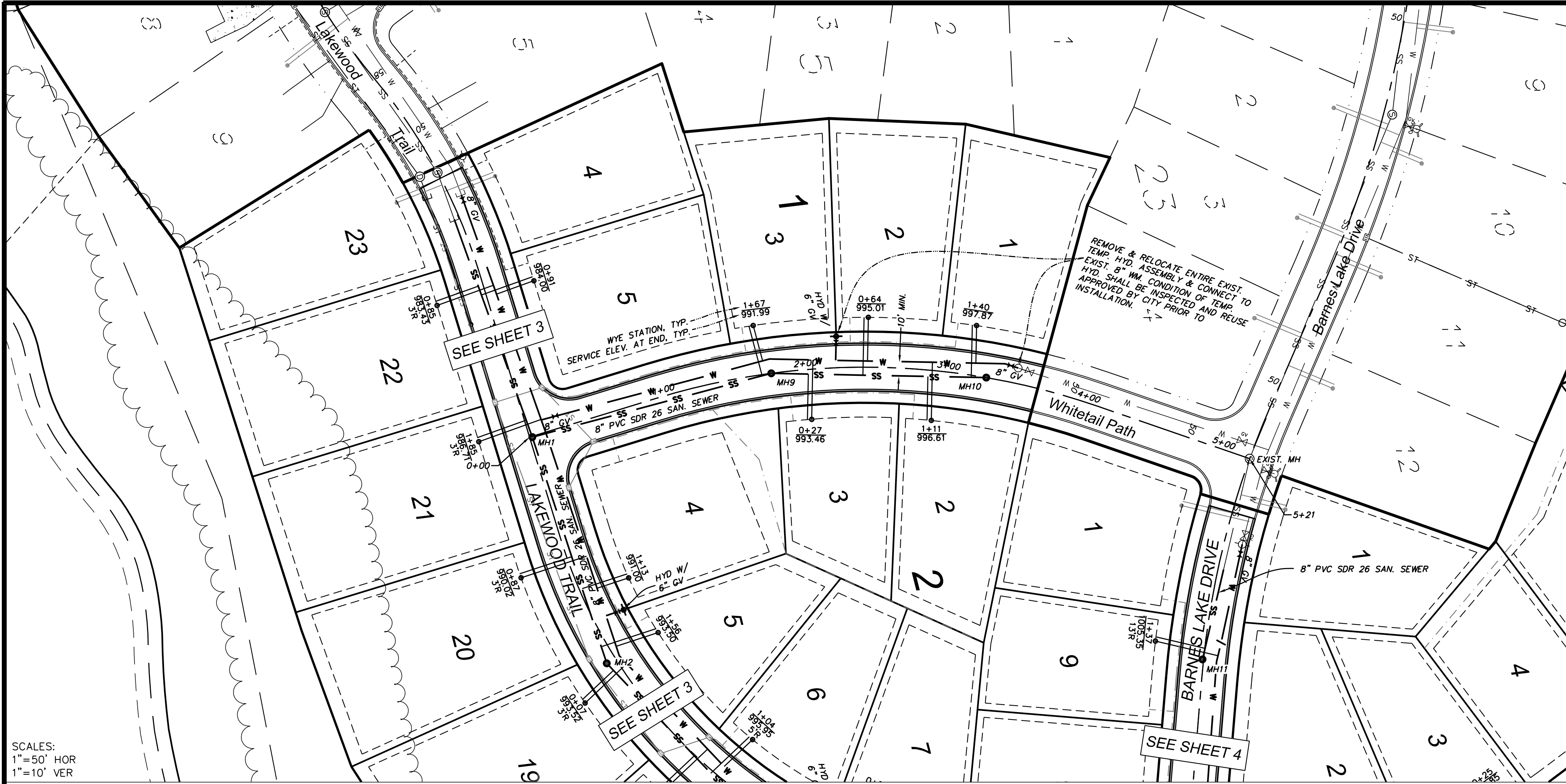


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THE PRESERVE 5TH ADDITION
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NORWOOD YOUNG AMERICA

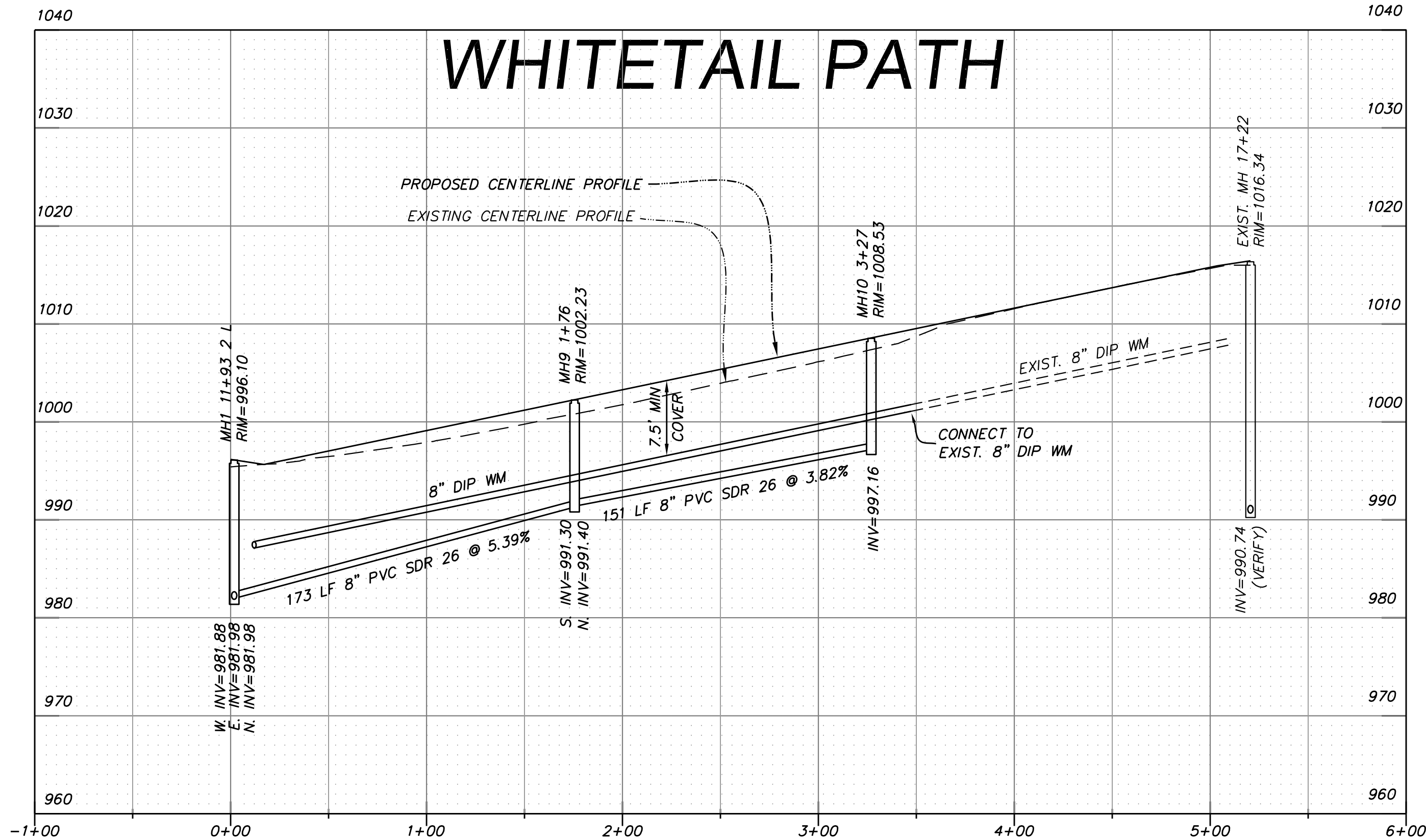
SANITARY & WATERMAIN BARNES LAKE DRIVE
SHEET NO. 4 OF 14 SHEETS

PROJECT NO: 17-0177
DATE: 5-11-17



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CHECKED C.S.O.		



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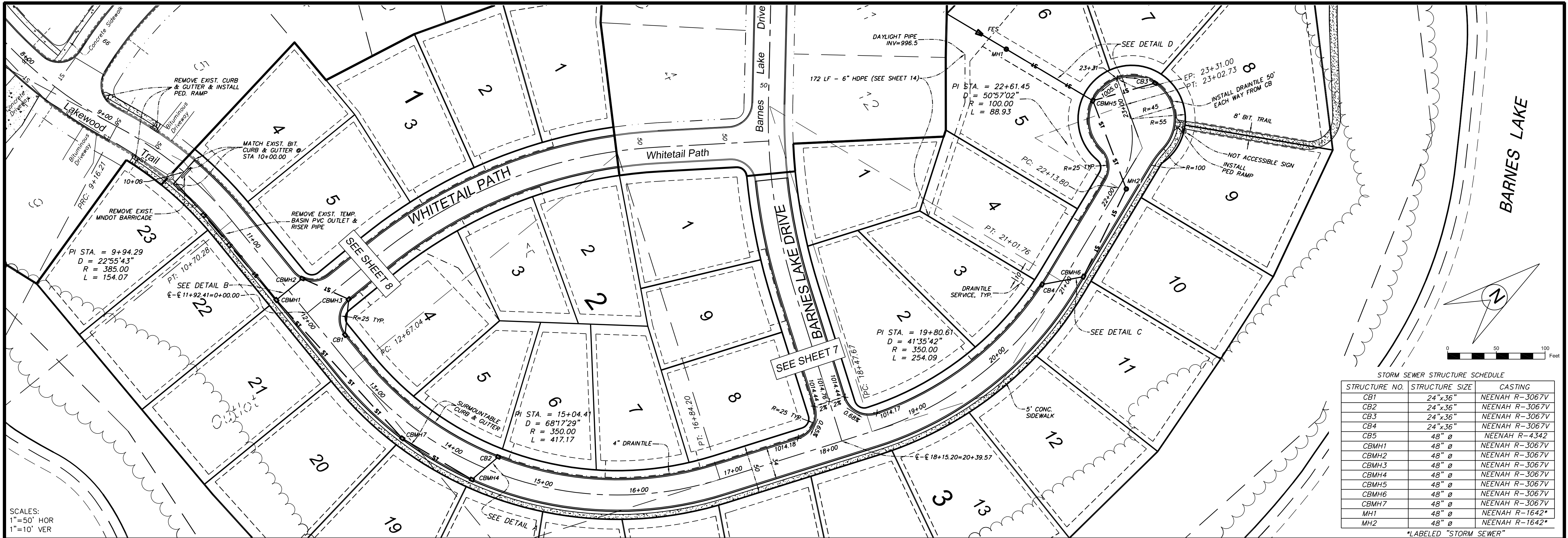
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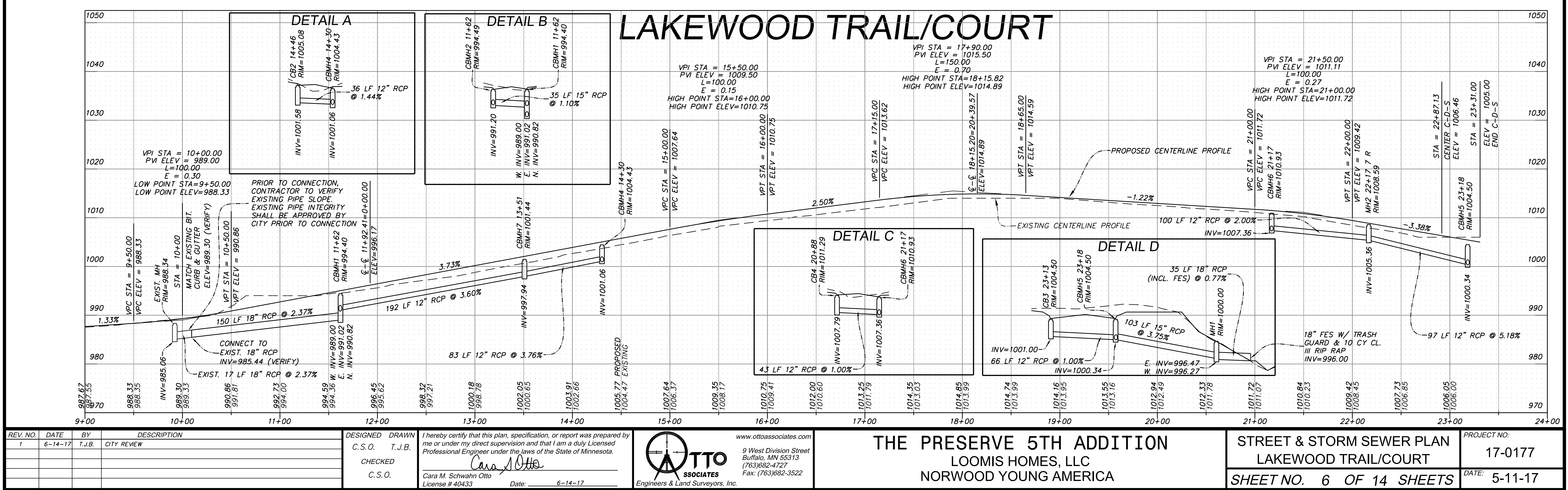
THE PRESERVE 5TH ADDITION
LOOMIS HOMES, LLC
NORWOOD YOUNG AMERICA

SANITARY & WATERMAIN WHITETAIL PATH
SHEET NO. 5 OF 14 SHEETS

PROJECT NO: 17-0177
DATE: 5-11-17



STORM SEWER STRUCTURE SCHEDULE		
STRUCTURE NO.	STRUCTURE SIZE	CASTING
CB1	24"x36"	NEENAH R-3067V
CB2	24"x36"	NEENAH R-3067V
CB3	24"x36"	NEENAH R-3067V
CB4	24"x36"	NEENAH R-3067V
CB5	48" Ø	NEENAH R-4342
CBMH1	48" Ø	NEENAH R-3067V
CBMH2	48" Ø	NEENAH R-3067V
CBMH3	48" Ø	NEENAH R-3067V
CBMH4	48" Ø	NEENAH R-3067V
CBMH5	48" Ø	NEENAH R-3067V
CBMH6	48" Ø	NEENAH R-3067V
CBMH7	48" Ø	NEENAH R-3067V
MH1	48" Ø	NEENAH R-1642*
MH2	48" Ø	NEENAH R-1642*



REV. NO.	DATE	BY	DESCRIPTION
1	6-14-17	T.J.B.	CITY REVIEW

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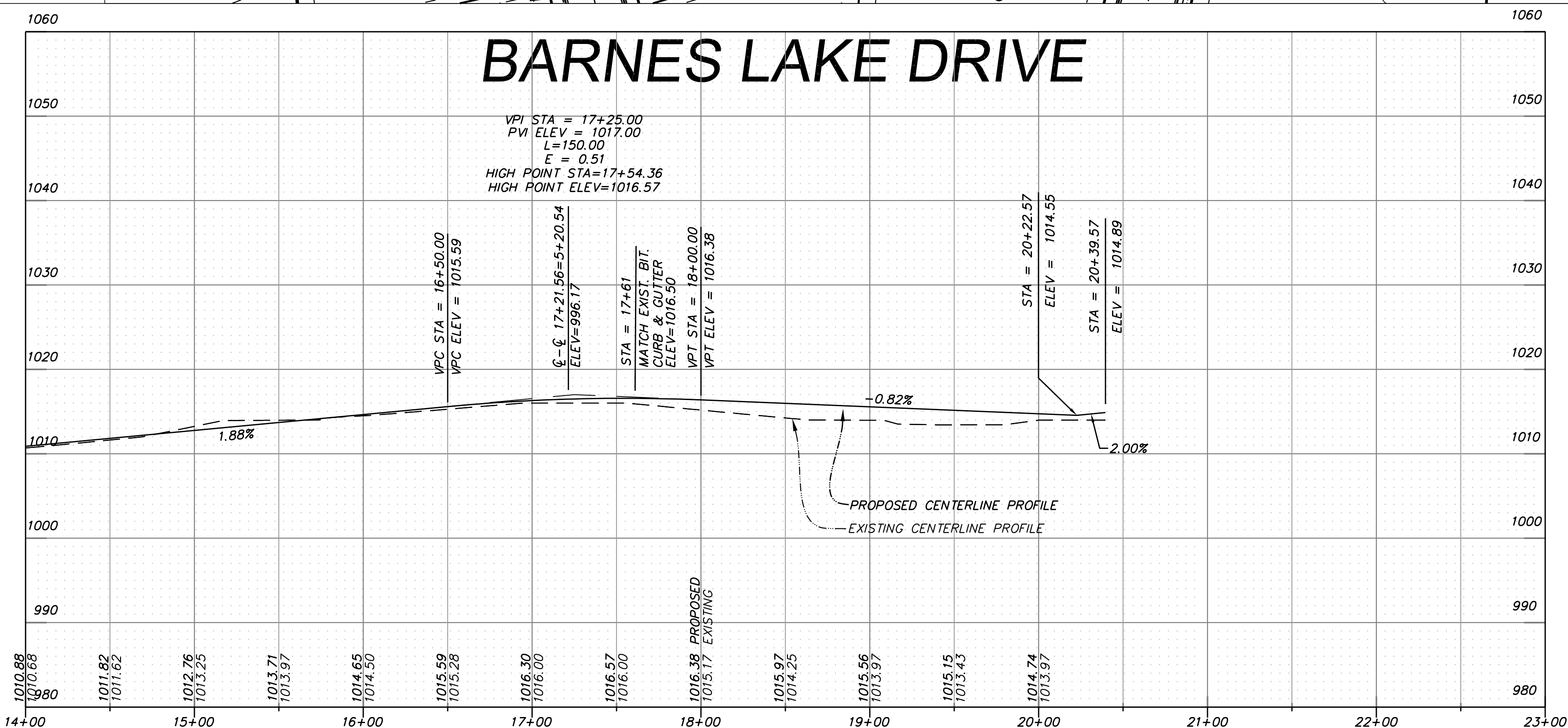
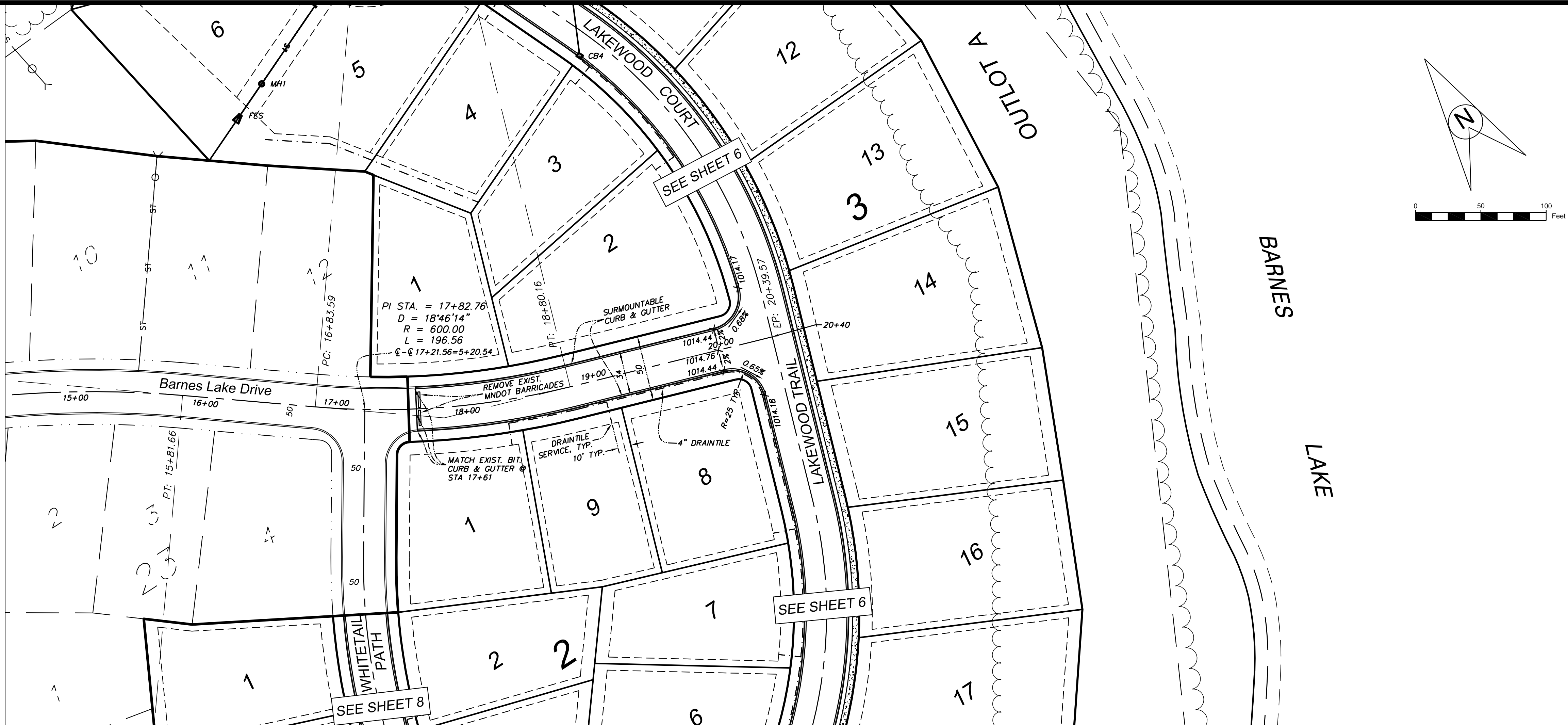


THE PRESERVE 5TH ADDITION
LOOMIS HOMES, LLC
NORWOOD YOUNG AMERICA

STREET & STORM SEWER PLAN
LAKEWOOD TRAIL/COURT
SHEET NO. 6 OF 14 SHEETS

PROJECT NO:
17-0177
DATE: 5-11-17

SCALES:
1"=50' HOR
1"=10' VER



REV. NO.	DATE	BY	DESCRIPTION
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C.S.O.	T.J.B.	
CHECKED		
C.S.O.		

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THE PRESERVE 5TH ADDITION
LOOMIS HOMES, LLC
NORWOOD YOUNG AMERICA

STREET & STORM SEWER PLAN
BARNES LAKE DRIVE
SHEET NO. 7 OF 14 SHEETS

PROJECT NO:
17-0177
DATE:
5-11-17



REV. NO.	DATE	BY	DESCRIPTION
1	6-14-17	T.J.B.	REVISE PER CITY REVIEW
2	6-19-17	C.S.O.	REVISE FILTRATION BASIN

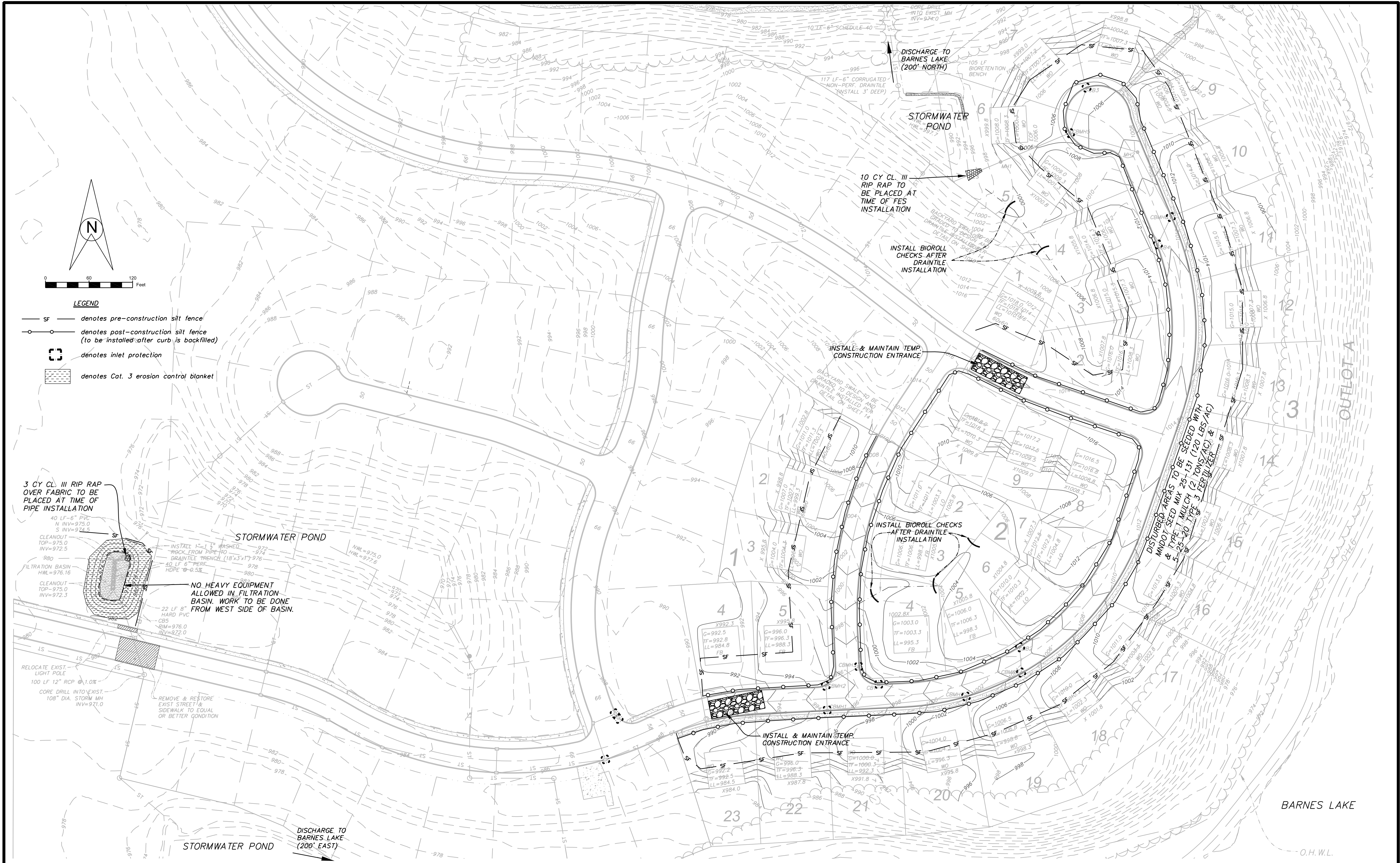
DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota. <i>Cara M. Schwahn Otto</i> Cara M. Schwahn Otto License # 40433 Date: 6-19-17
C.S.O.	T.J.B.	
CHECKED		
C.S.O.		



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Buffalo, MN 55313
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THE PRESERVE 5TH ADDITION
LOOMIS HOMES, LLC
NORWOOD YOUNG AMERICA

PROJECT NO:	17-0177
DATE:	5-11-17
SHEET NO. 9 OF 14 SHEETS	



REV. NO.	DATE	BY	DESCRIPTION
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Cara M. Schwahn Otto
Cara M. Schwahn Otto
License # 40433
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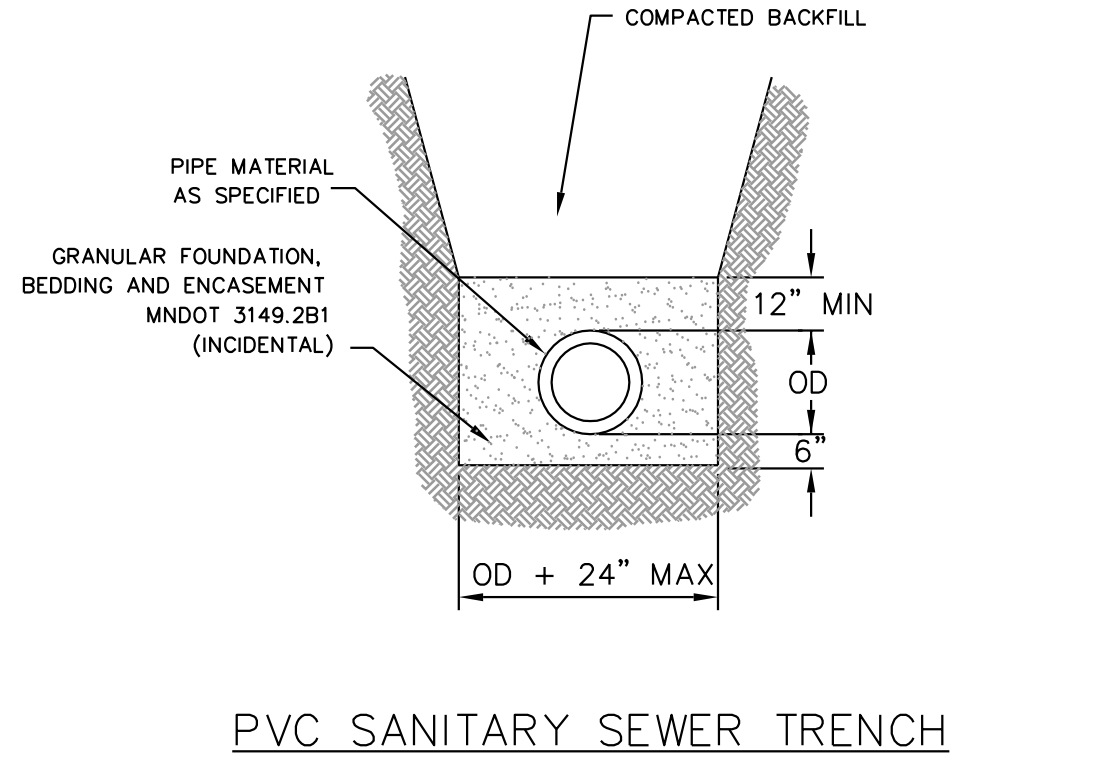
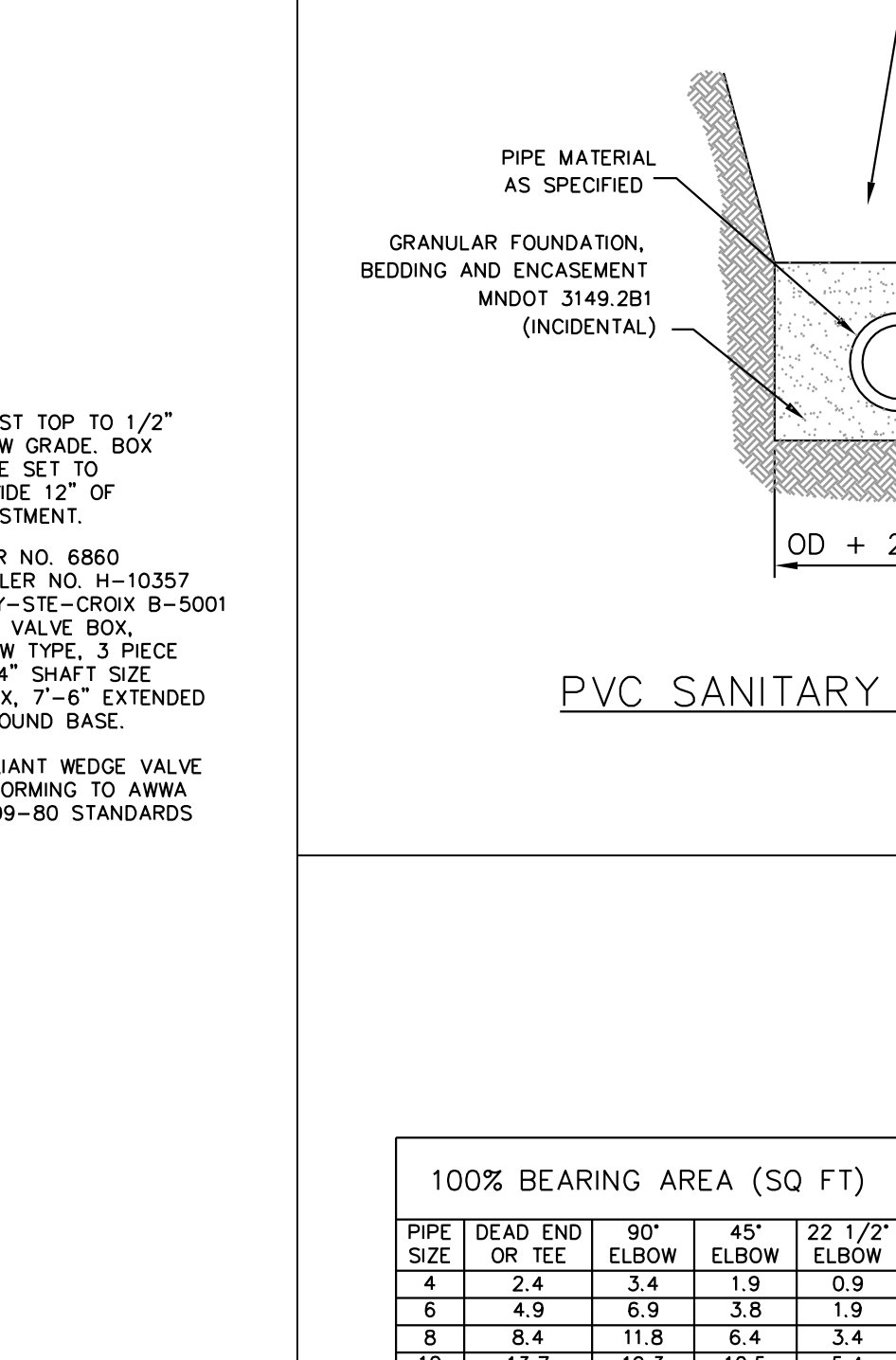
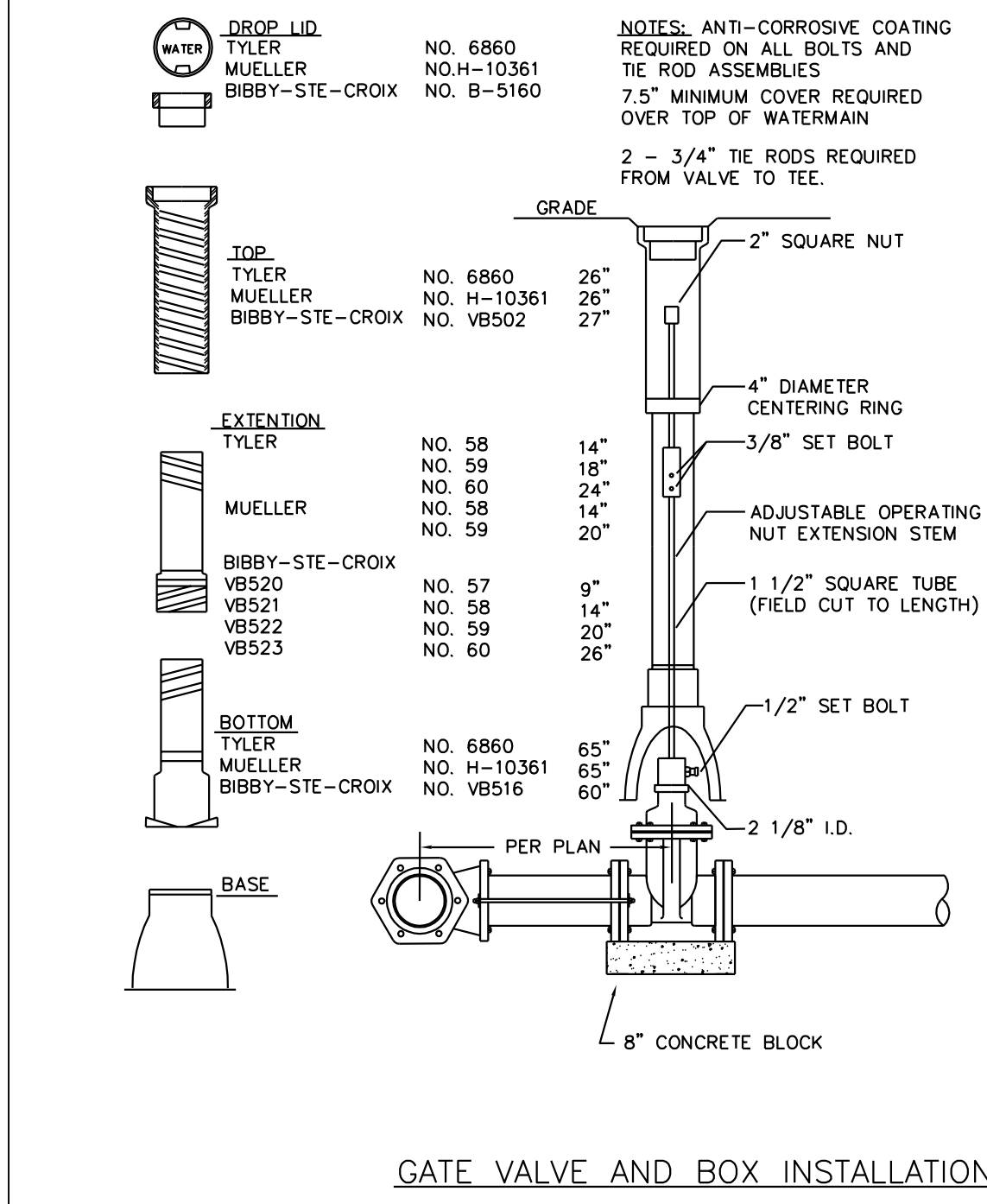
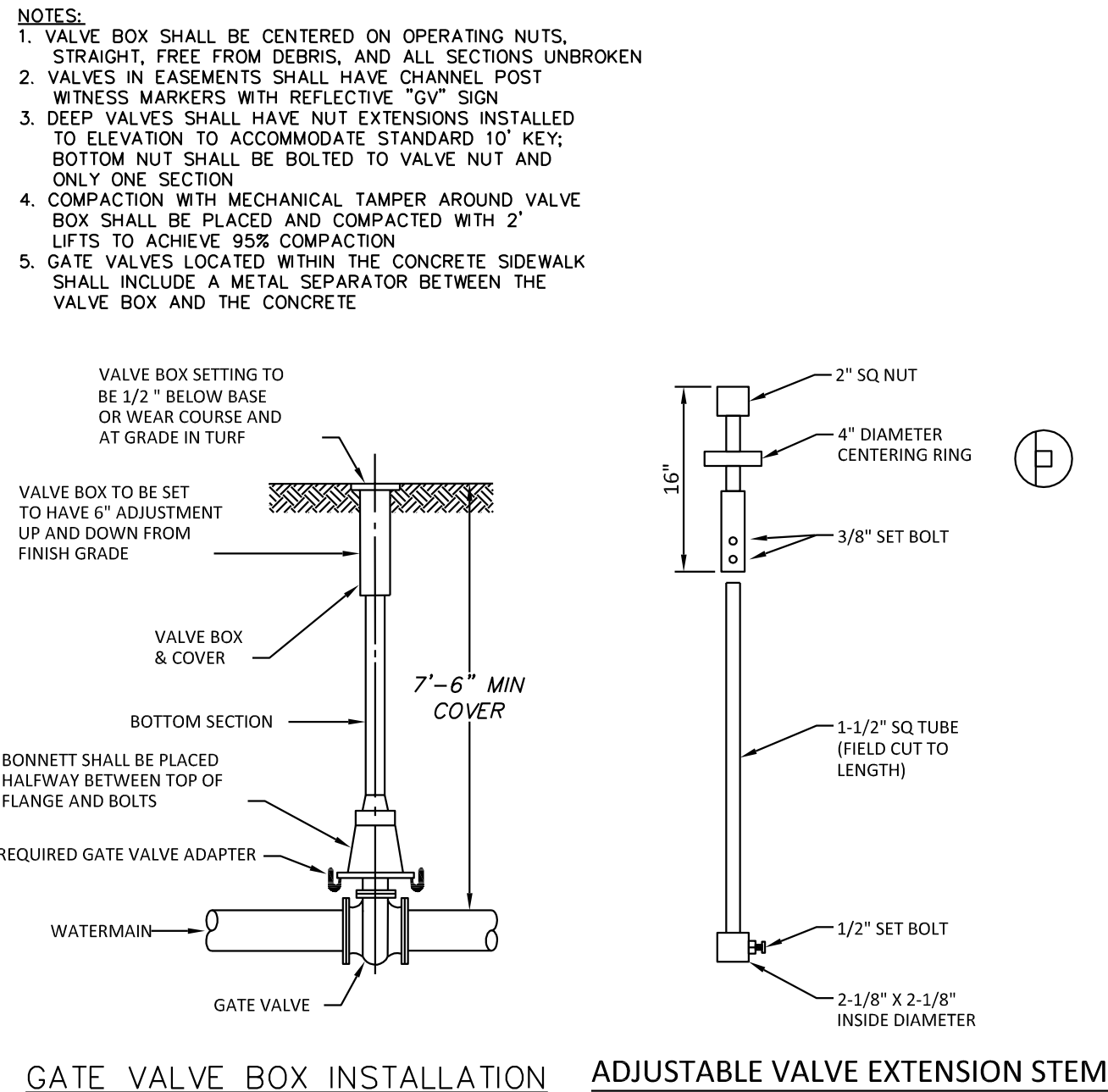
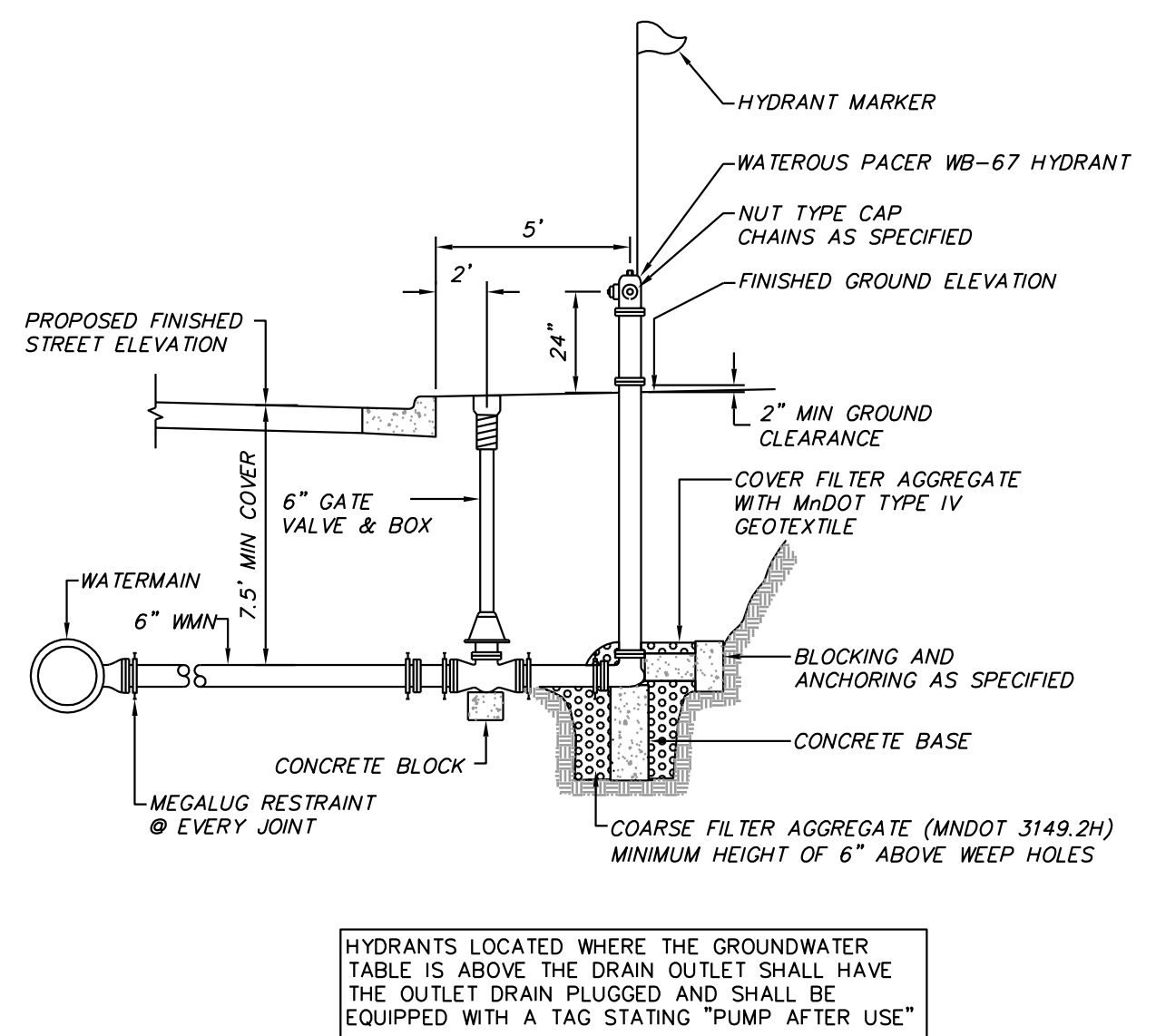
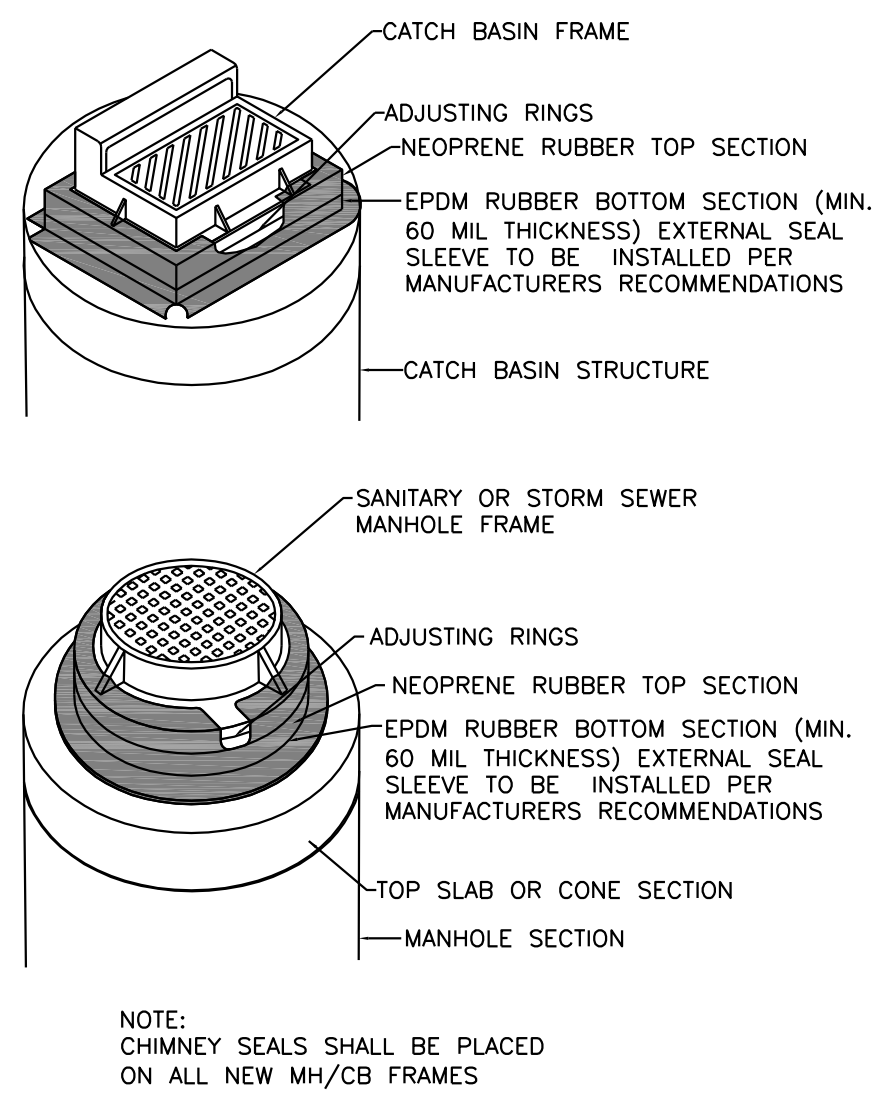
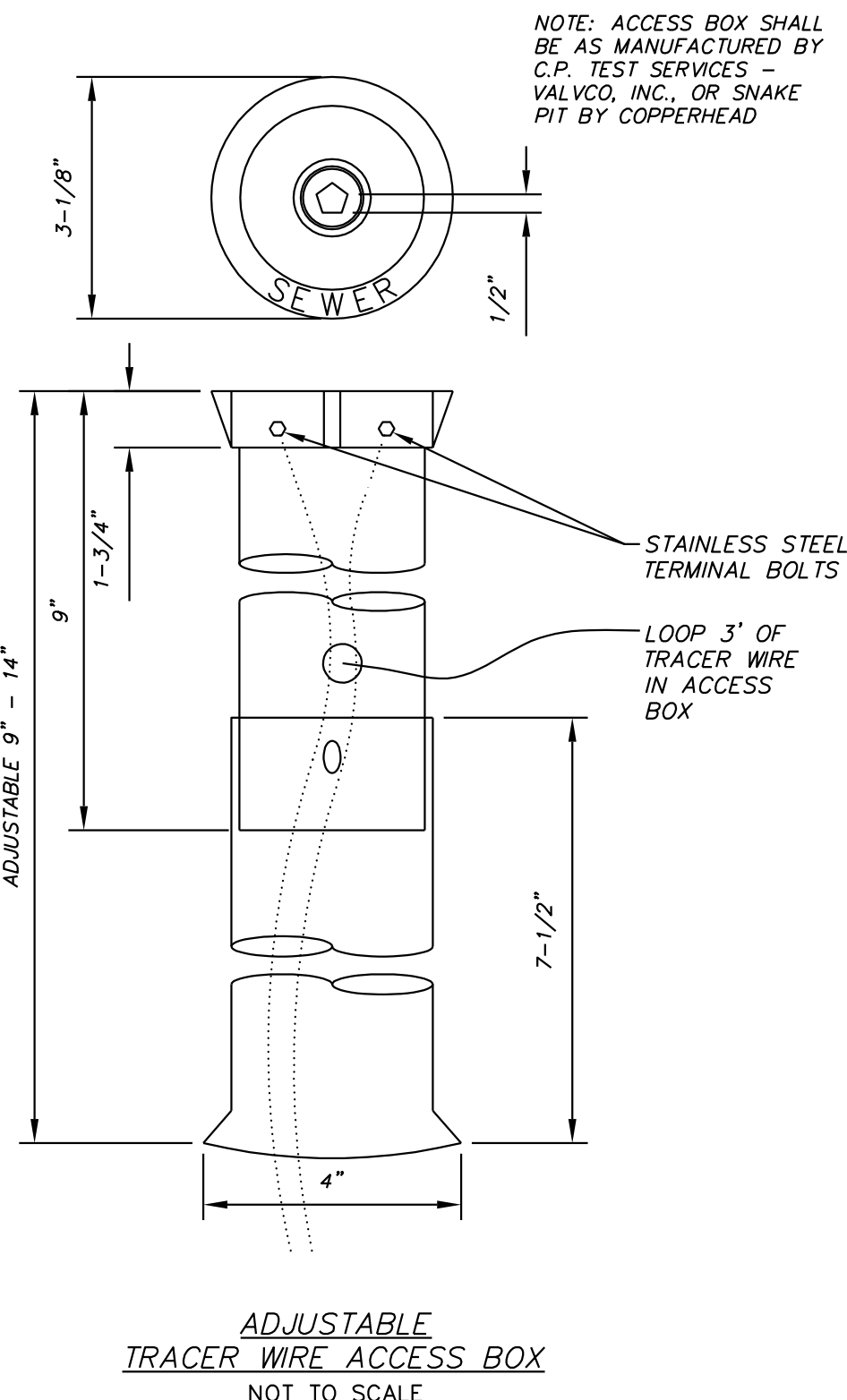
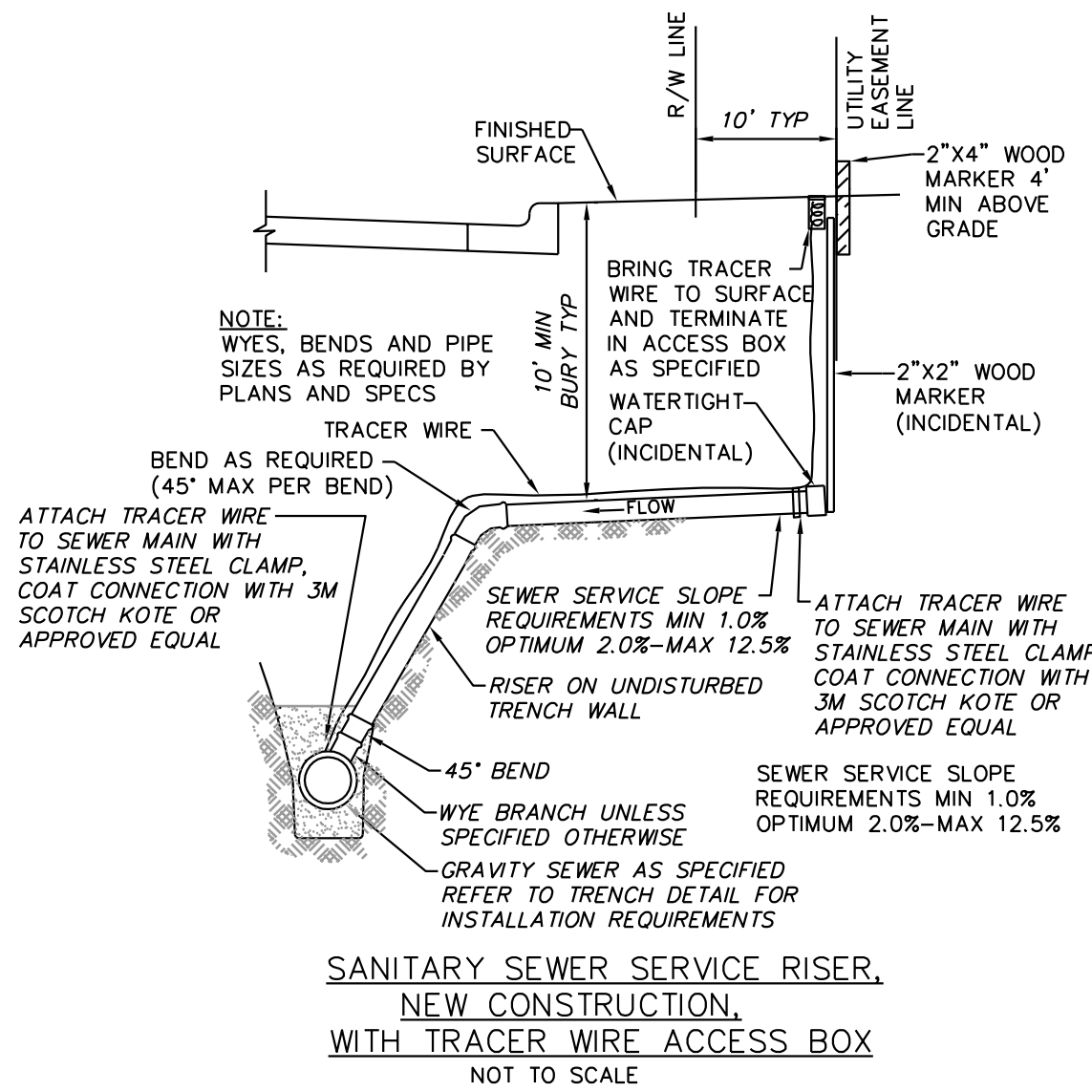
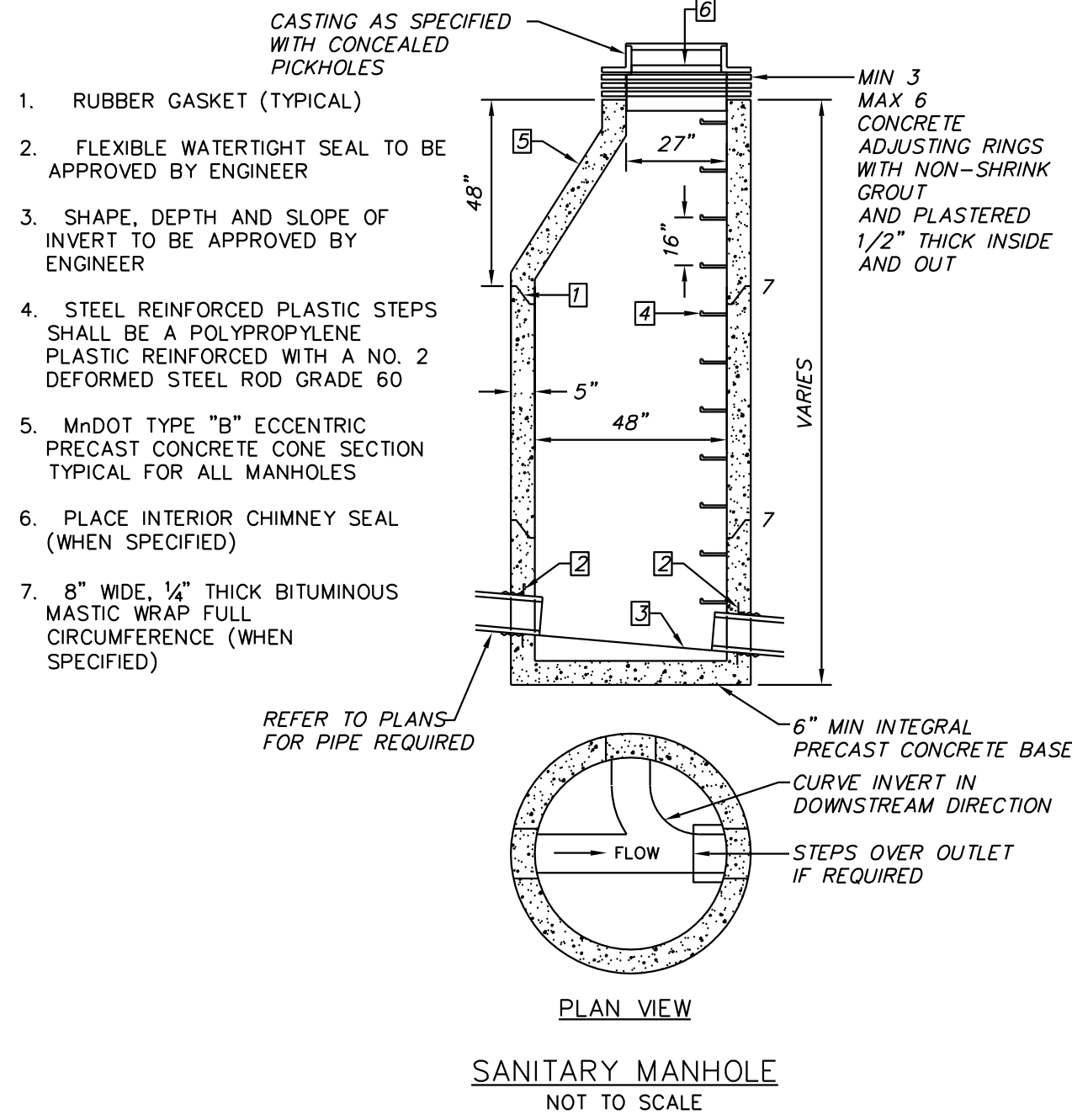
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STORMWATER POLLUTION
PREVENTION PLAN

SHEET NO. 10 OF 14 SHEETS

PROJECT NO:
17-0177

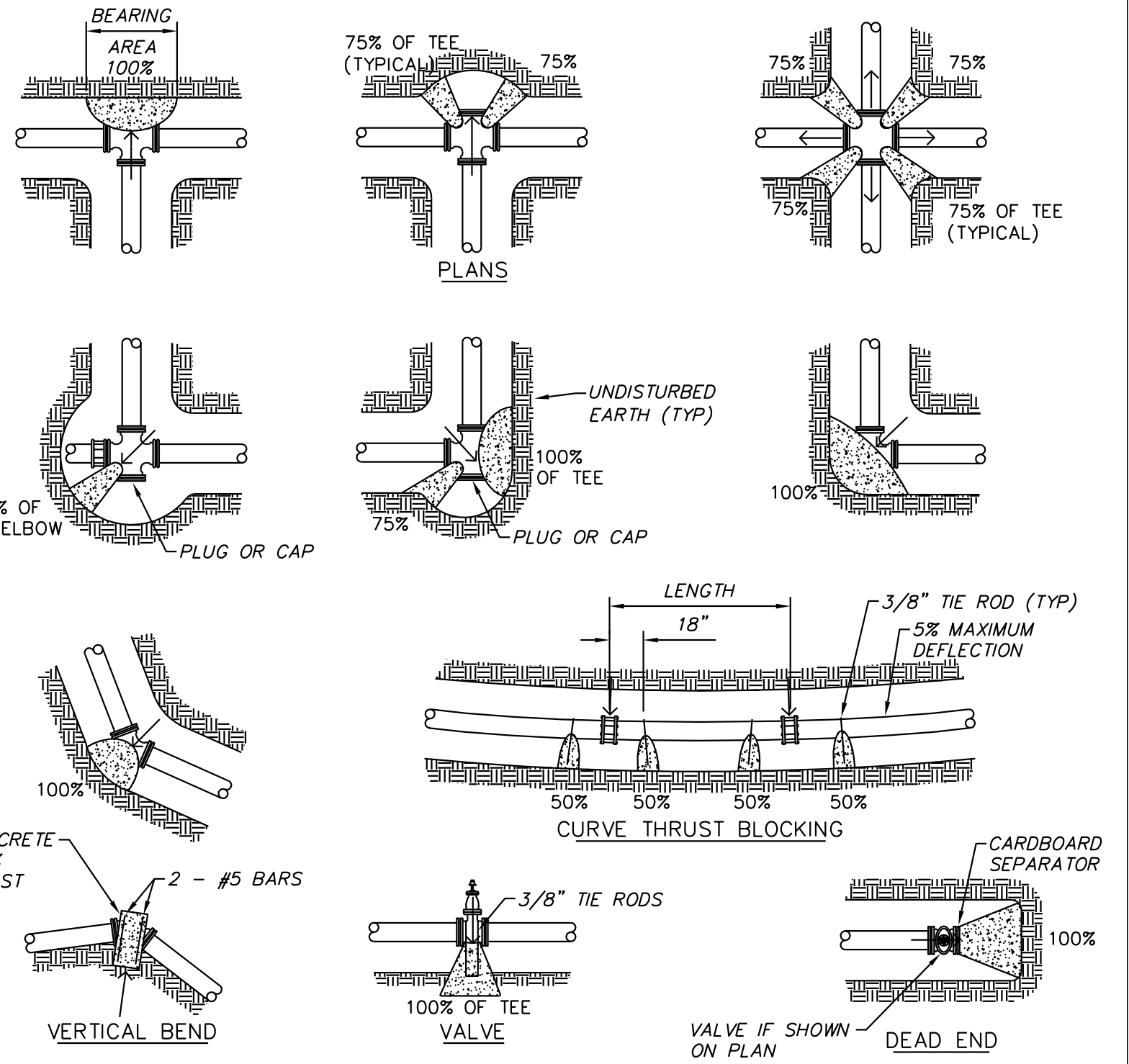
DATE: 5-11-17



100% BEARING AREA (SQ FT)				
PIPE SIZE	DEAD END OR TEE	90° ELBOW	45° ELBOW	22 1/2° ELBOW
4	2.4	3.4	1.9	0.9
6	4.9	6.9	3.8	1.9
8	8.4	11.8	6.4	3.4
10	13.7	19.3	10.5	5.4
12	19.4	27.3	14.9	7.7
14	26.3	37.0	20.1	10.3
16	34.0	47.9	26.2	13.3
18	43.9	61.8	33.7	17.2
20	54.3	76.4	41.7	21.2
24	77.9	109.8	59.8	30.5

NOTE: BEARING AREAS ARE BASED ON 250 LB MAXIMUM PRESSURE AND SOIL BEARING STRENGTH OF 2000 LB/SQ FT.

- ARROWS (→) INDICATE THRUST DIRECTION
- NOTES:
- FIGURE (100%) AT THRUST BLOCK INDICATES PER CENT OF TOTAL THRUST TO BE APPLIED FOR BEARING AREA.
 - CONCRETE FOR THRUST BLOCKS TO BE 2000 PSI.
 - RESTRAINING RODS ARE REQUIRED AT ALL TEES AND AT BENDS DEFLECTING 22-1/2° OR MORE.
 - WRAP THE PIPE WITH POLYETHYLENE WRAPPING PRIOR TO POURING THE THRUST BLOCK.
 - SEE SOILS REPORT FOR BEARING STRENGTH OF SOIL. IN ABSENCE OF A SOILS REPORT, AN AVERAGE SOIL (SPADABLE MEDIUM CLAY) CAN BE ASSUMED TO HAVE A BEARING STRENGTH OF 2000 PSI.
 - THRUST BLOCKS ARE NOT REQUIRED ON PVC WITH SOLVENT WELDED JOINTS.



SIDE THRUST PER 100 LB/SQ IN PRESSURE PER DEGREE OF DEFLECTION			
PIPE SIZE	SIDE THRUST-LB	PIPE SIZE	SIDE THRUST-LB
4	35	14	377
6	72	16	486
8	122	18	665
10	197	20	790
12	278	24	1150

MULTIPLY THRUST BY DEGREE OF DEFLECTION TO OBTAIN TOTAL THRUST

CONCRETE THRUST BLOCKS
NOT TO SCALE

REV. NO.	DATE	BY	DESCRIPTION
1	6-14-17	T.J.B.	REVISE PER CITY REVIEW

DESIGNED DRAWN
C.S.O. T.J.B.

CHECKED
C.S.O.

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

Cara M. Schwahn Otto
License # 40433

Date: 6-14-17

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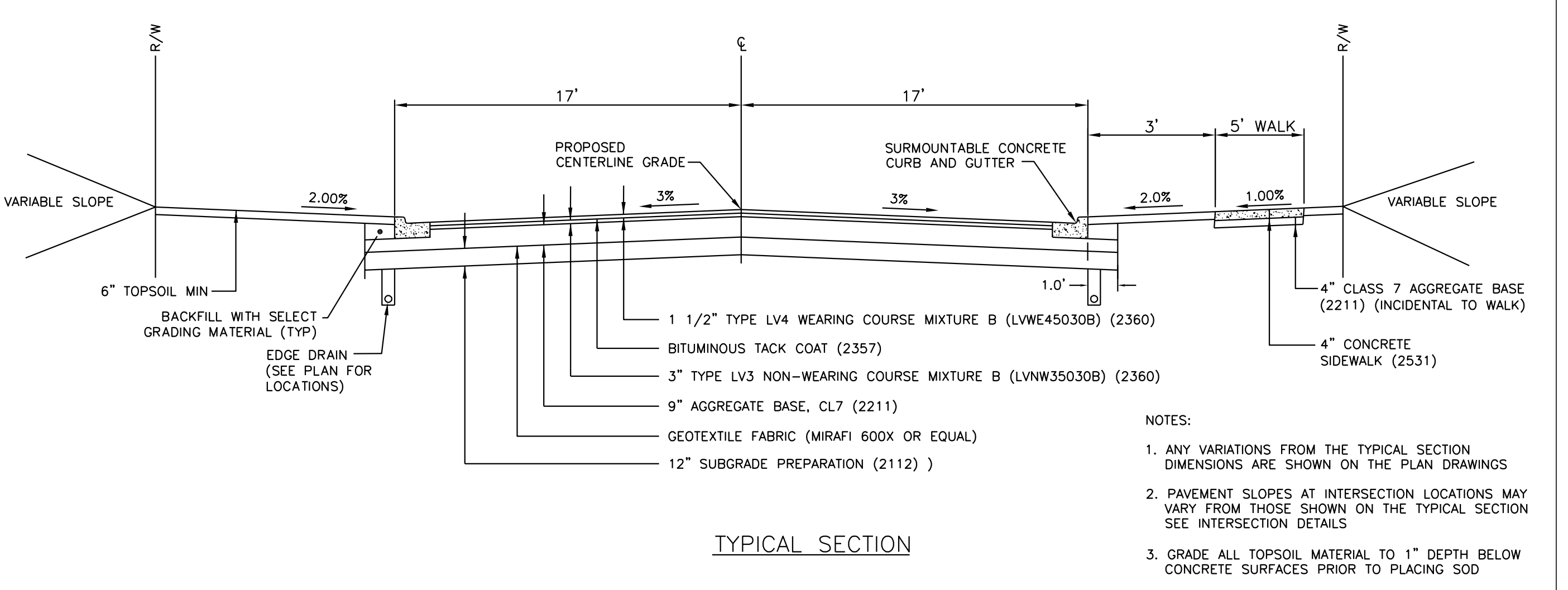
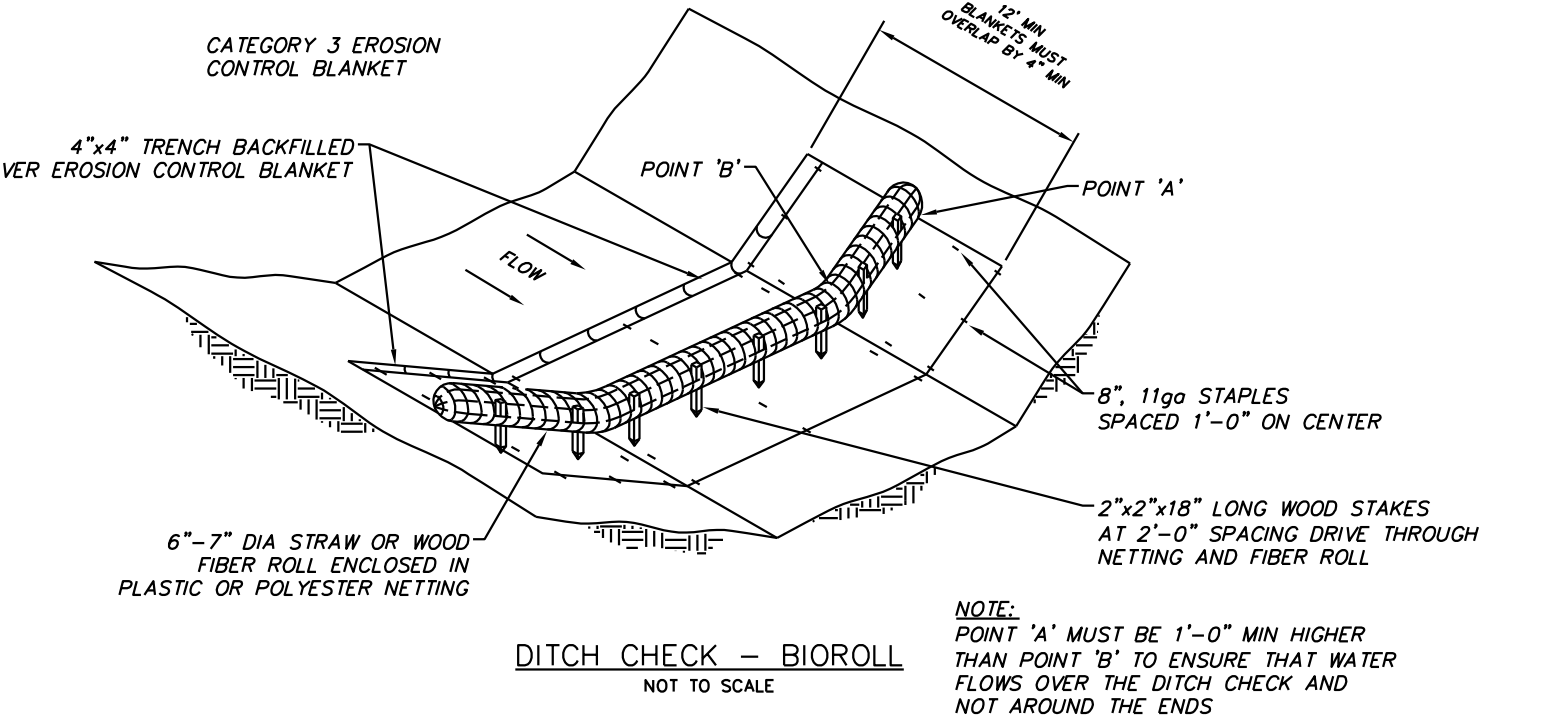
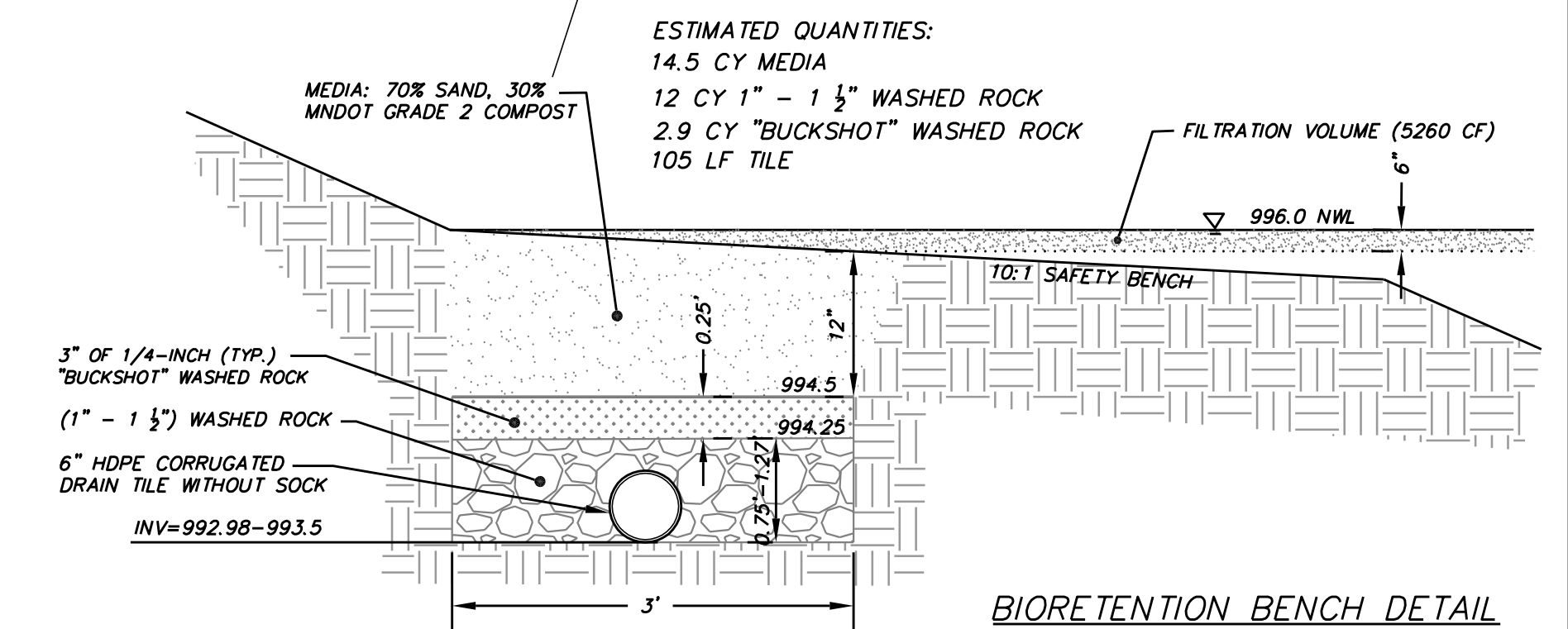
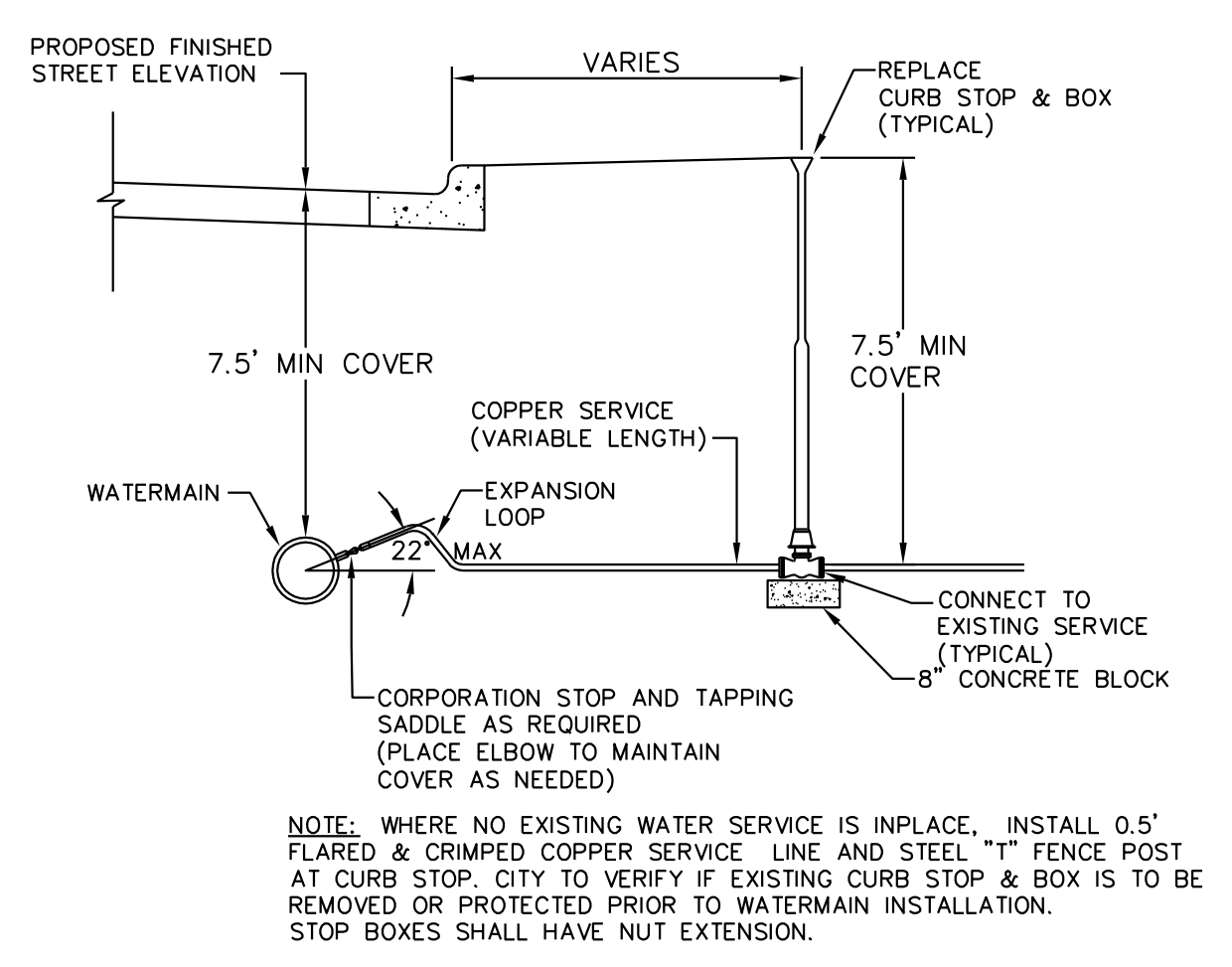
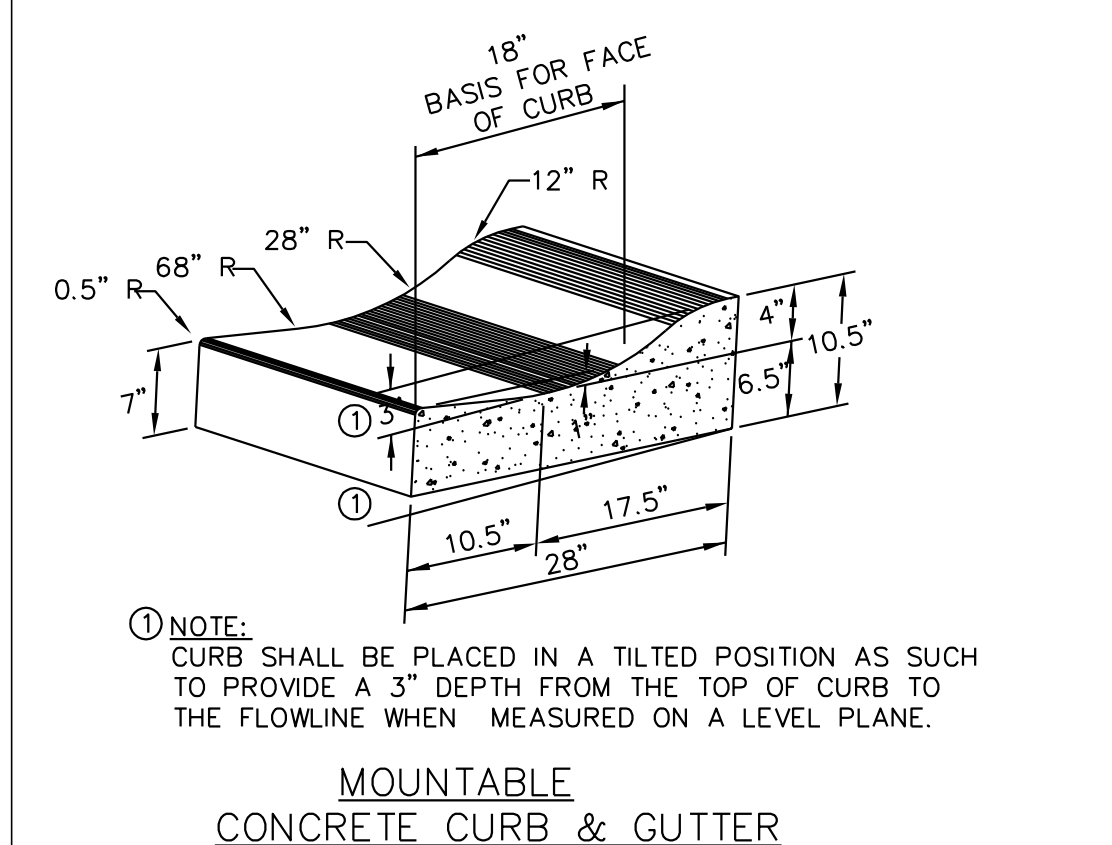
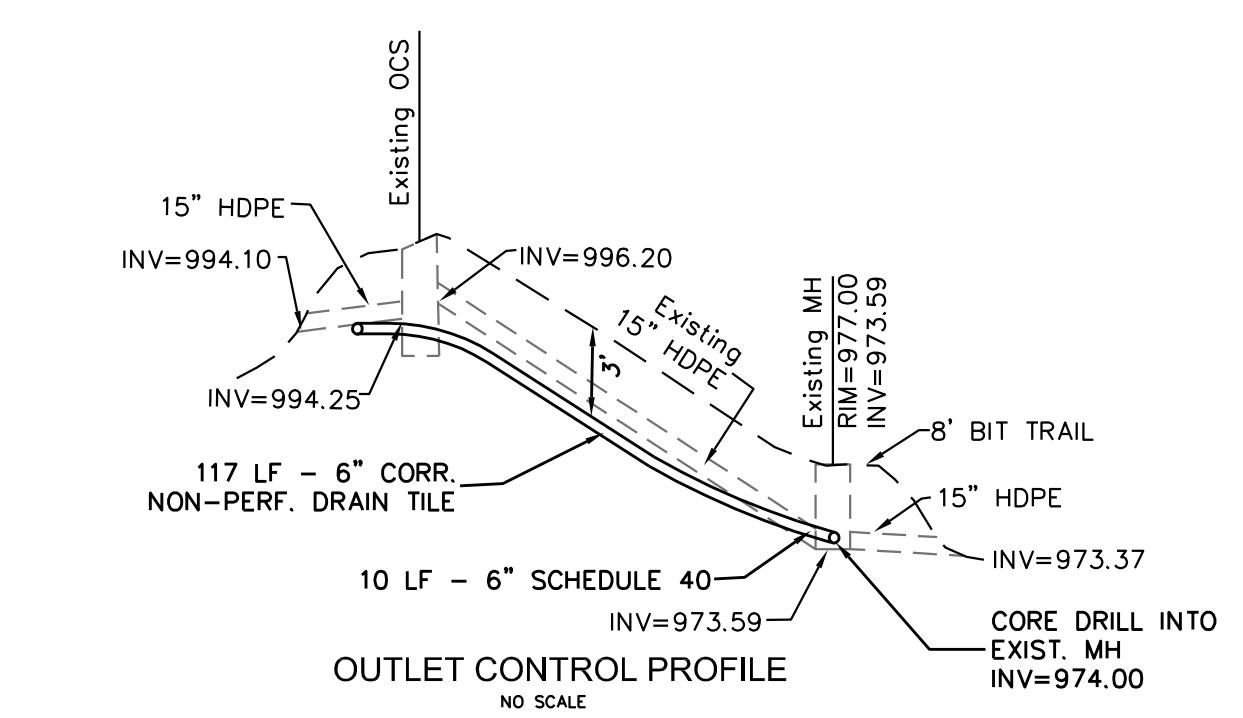
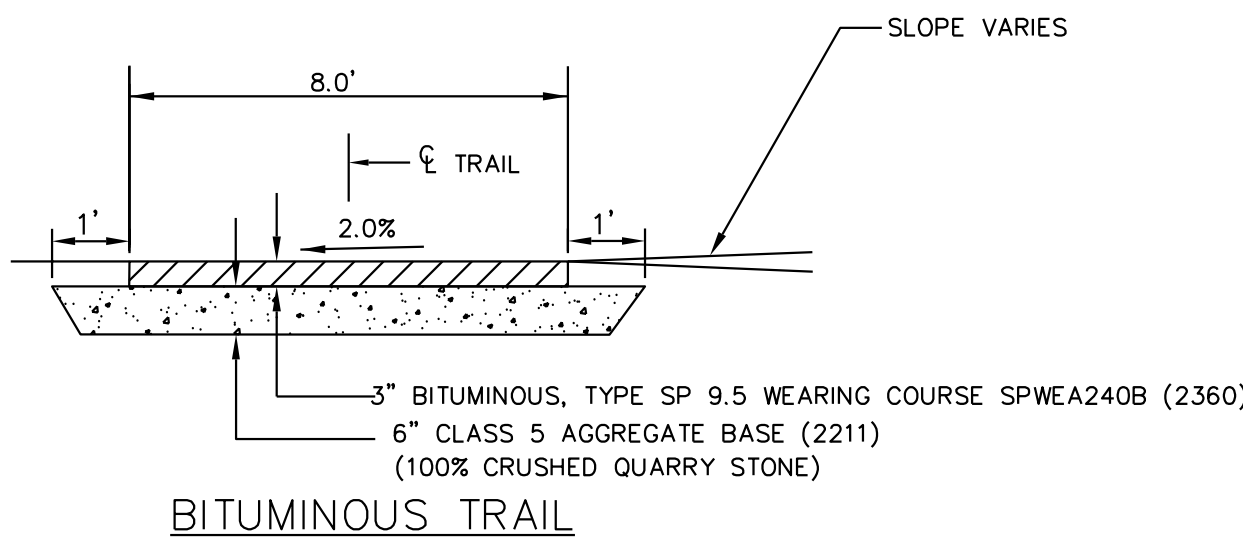
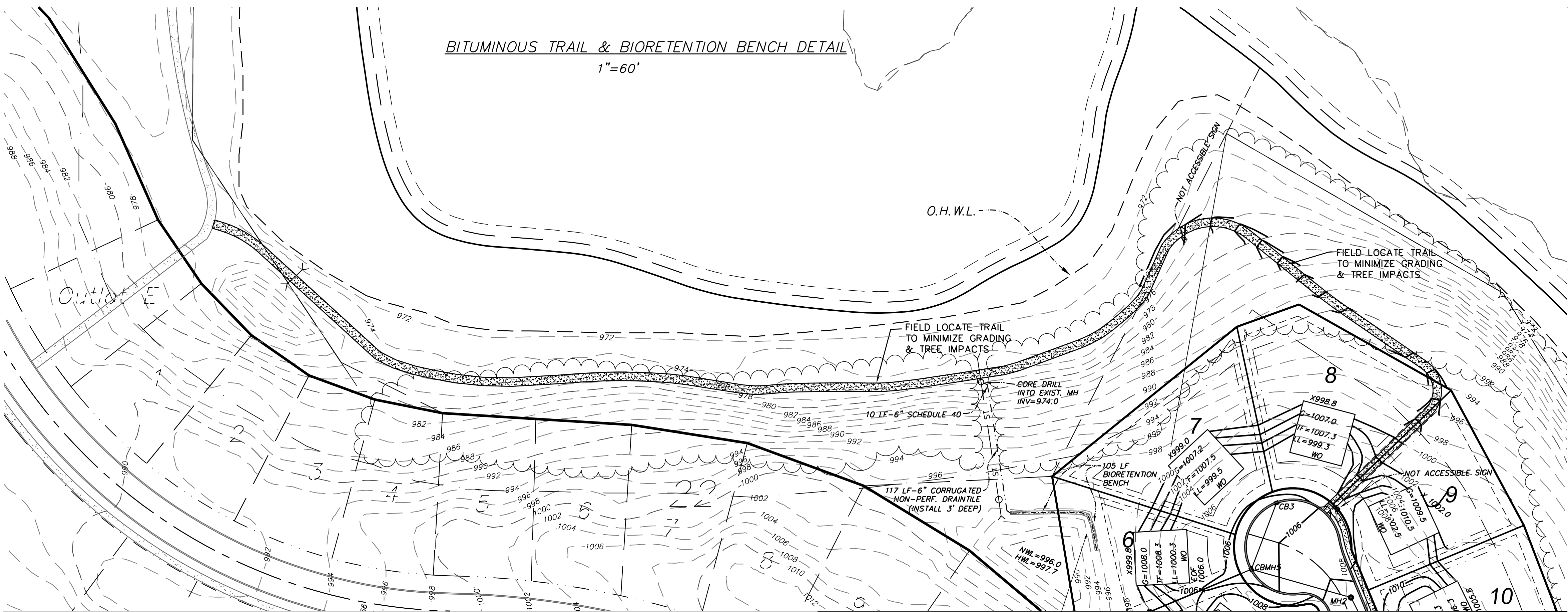
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NORWOOD YOUNG AMERICA

PROJECT NO:
17-0177

DATE: 5-11-17

DETAILS

SHEET NO. 12 OF 14 SHEETS



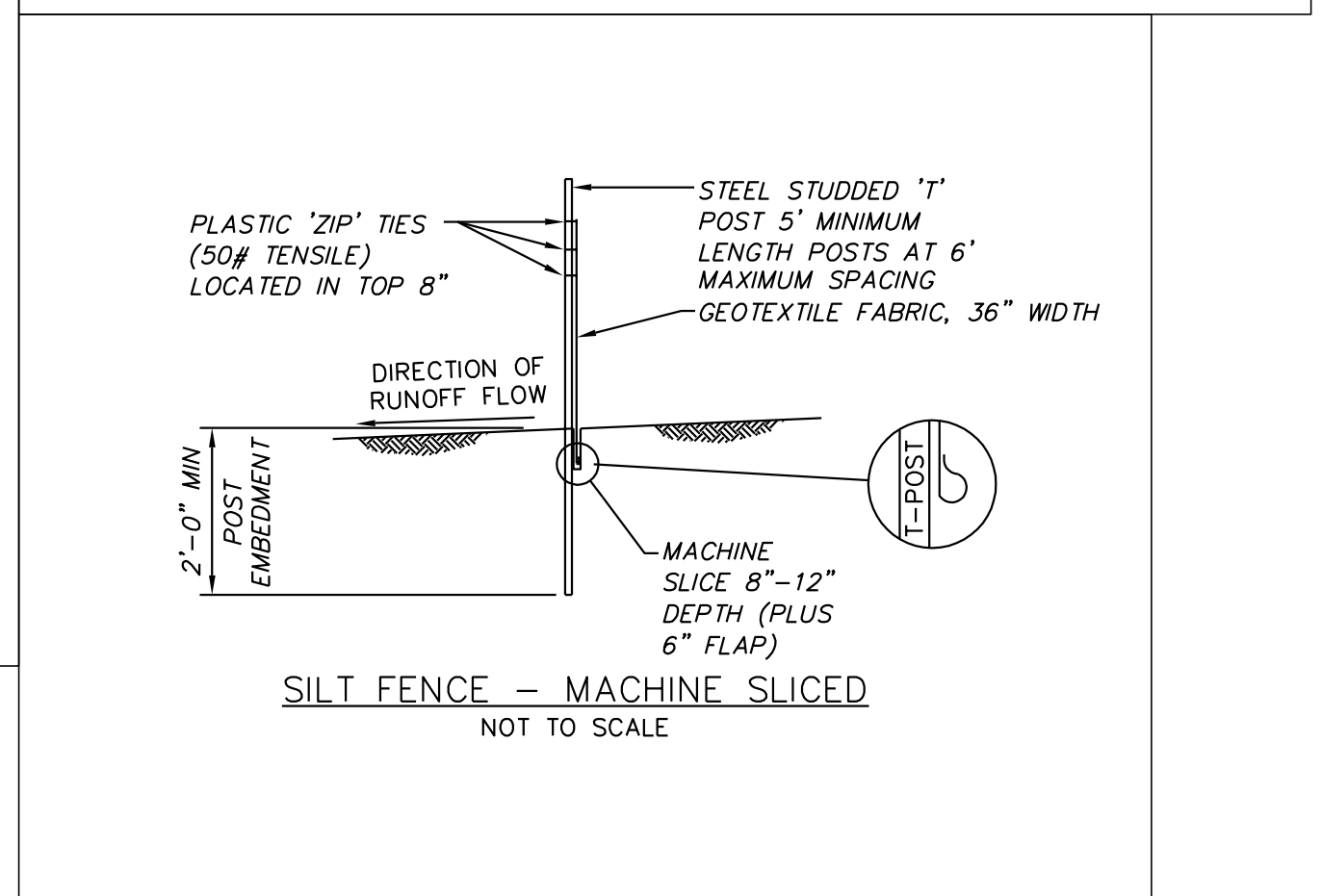
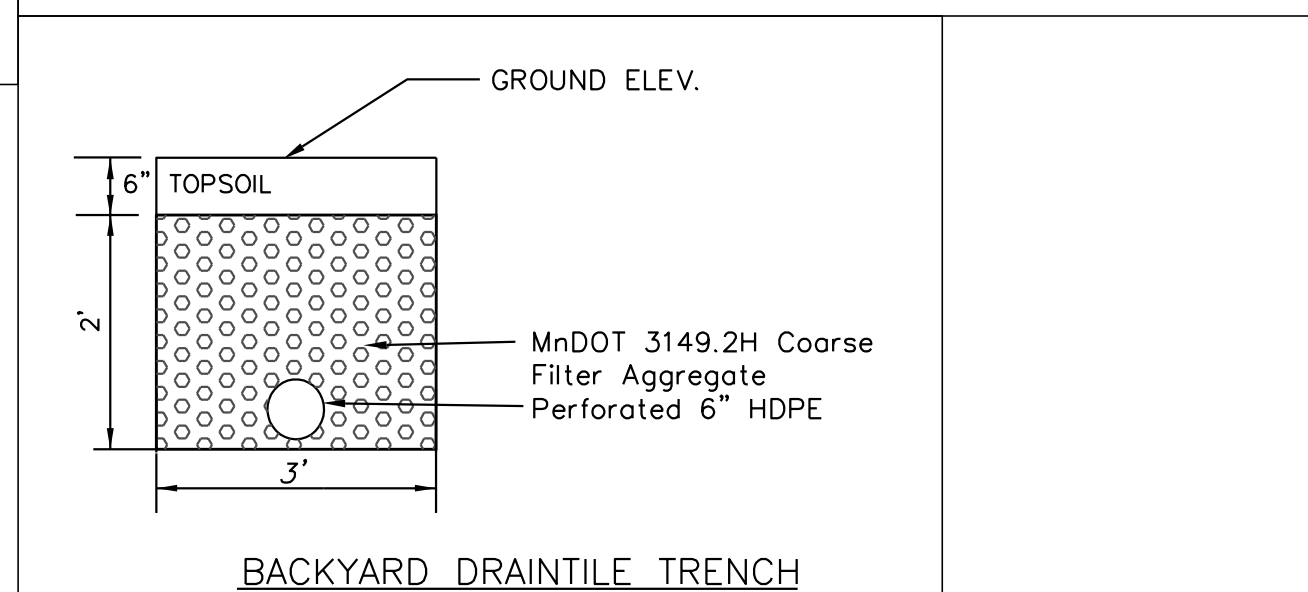
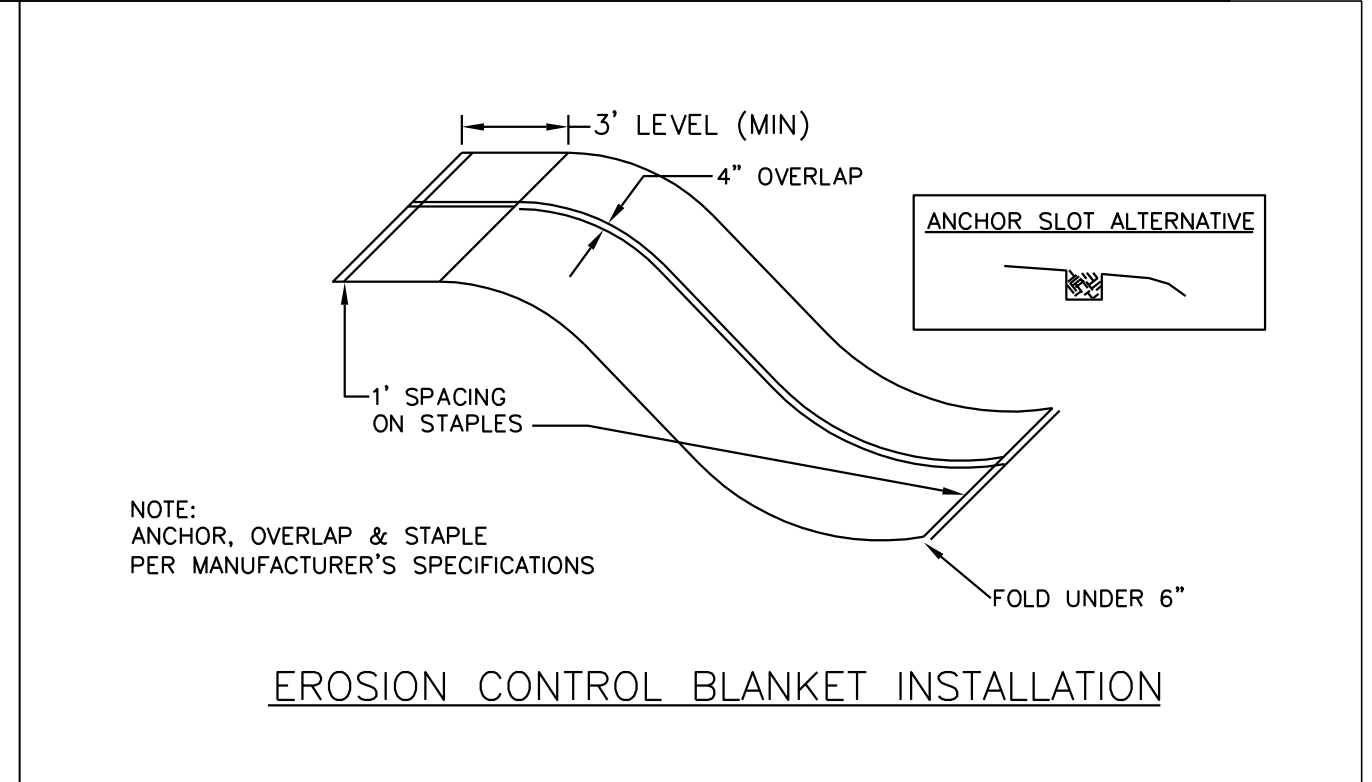
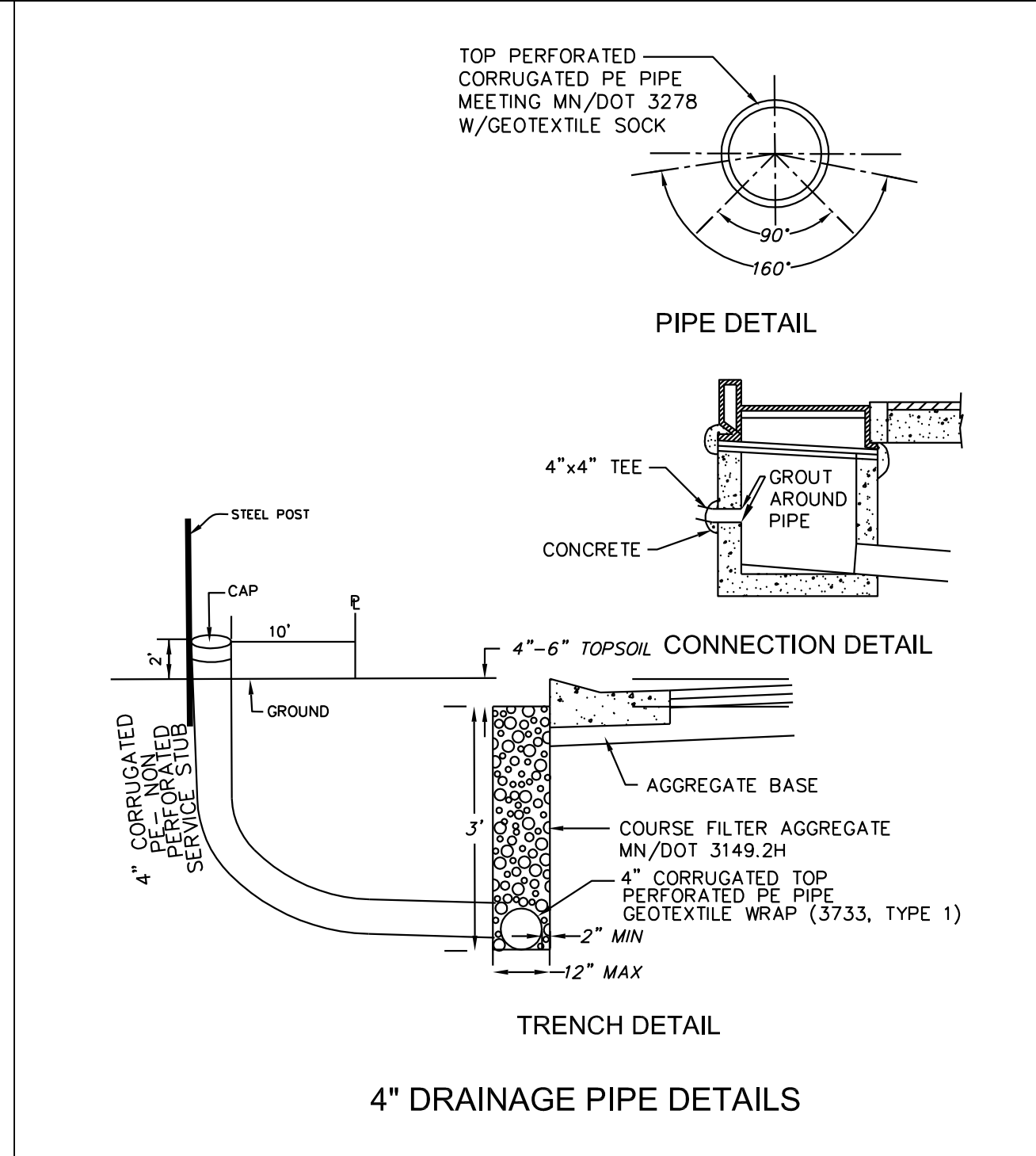
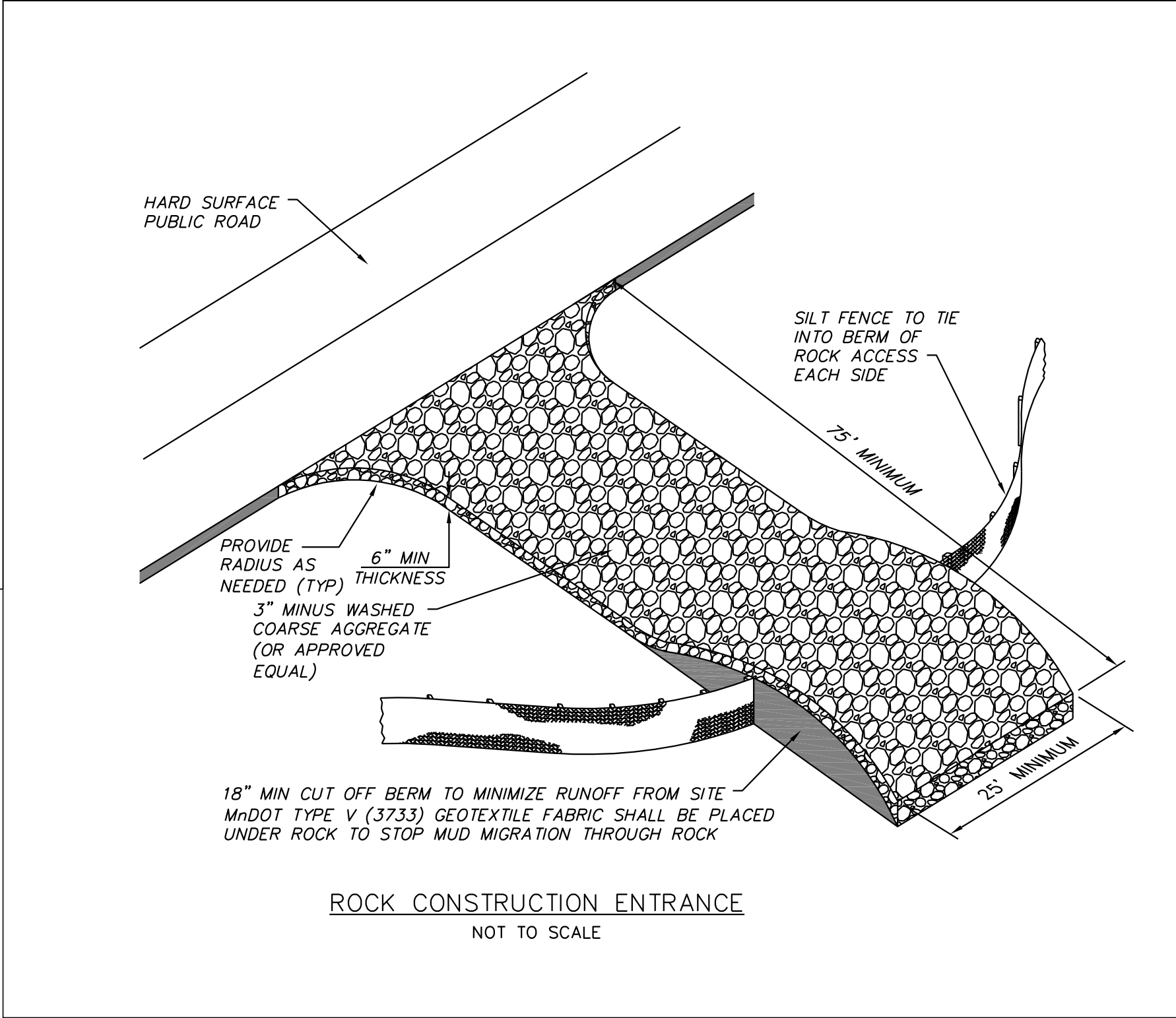
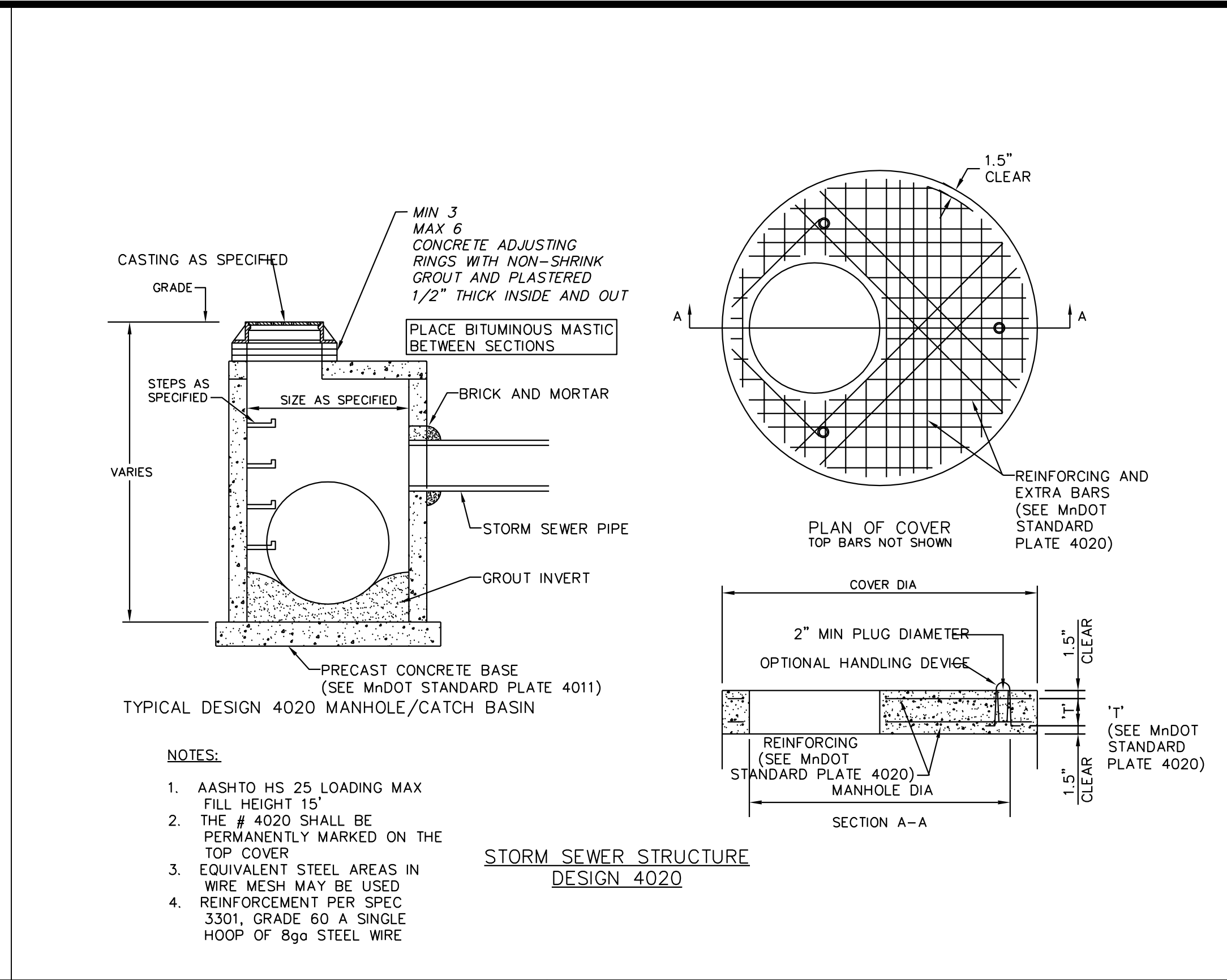
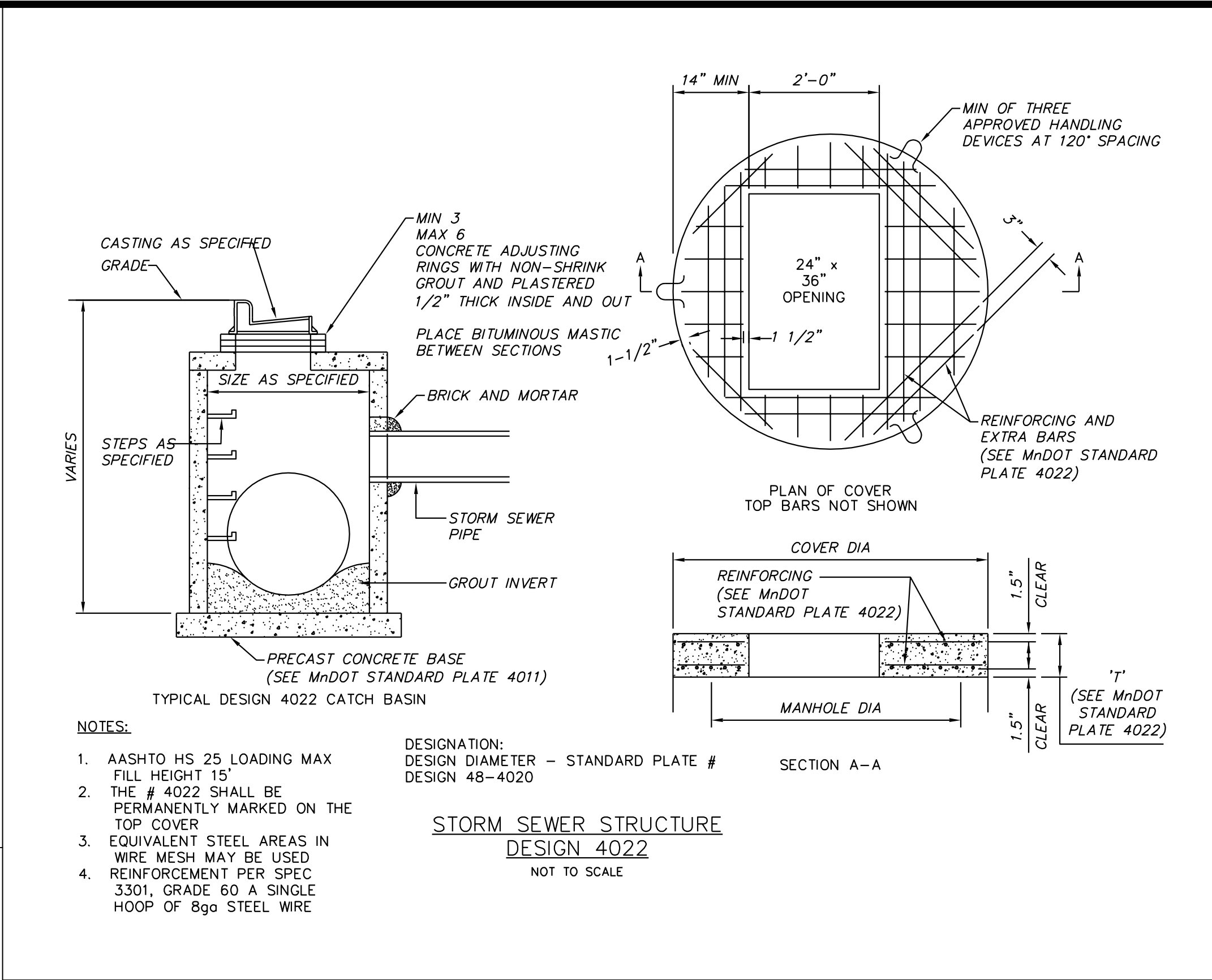
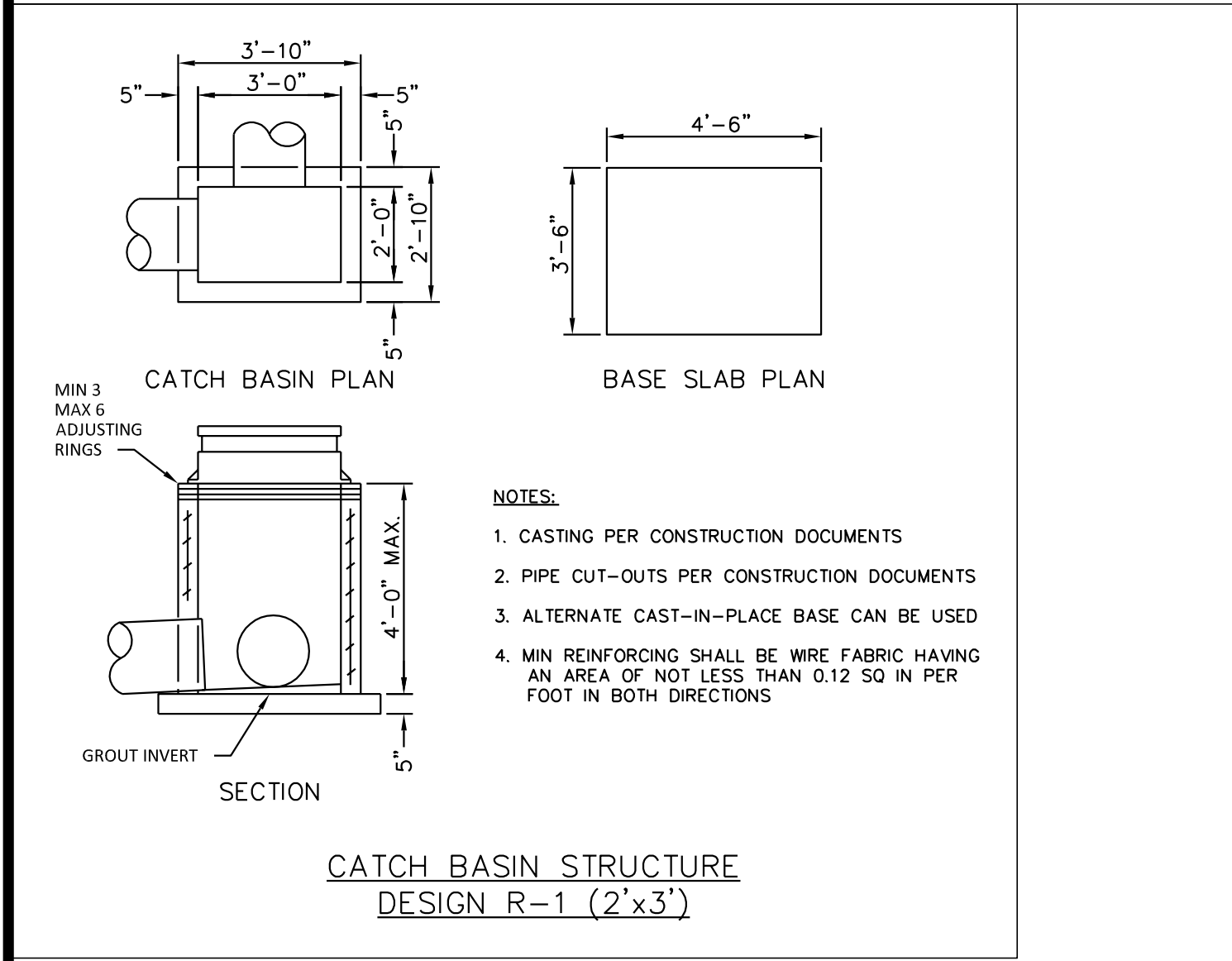
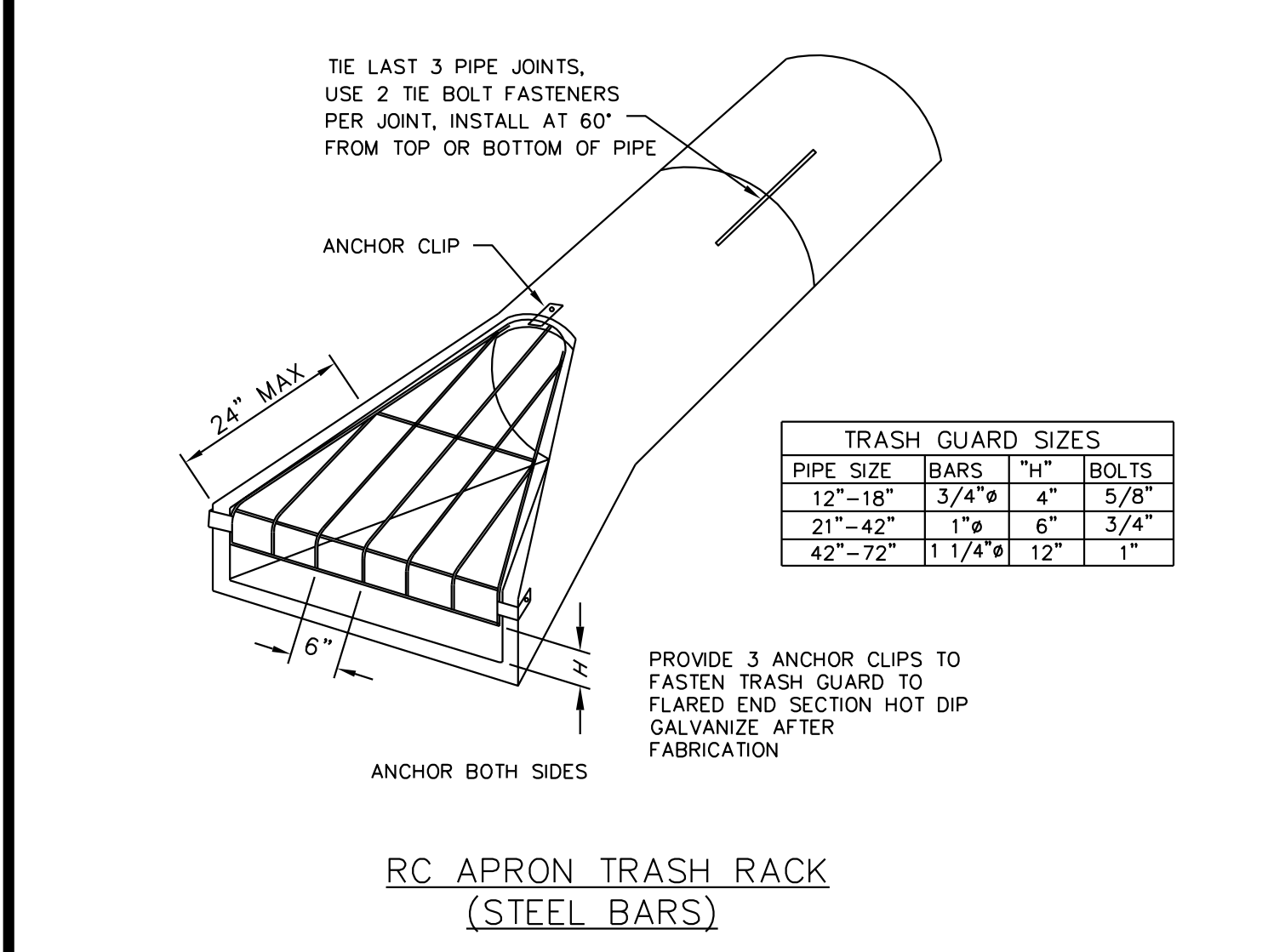
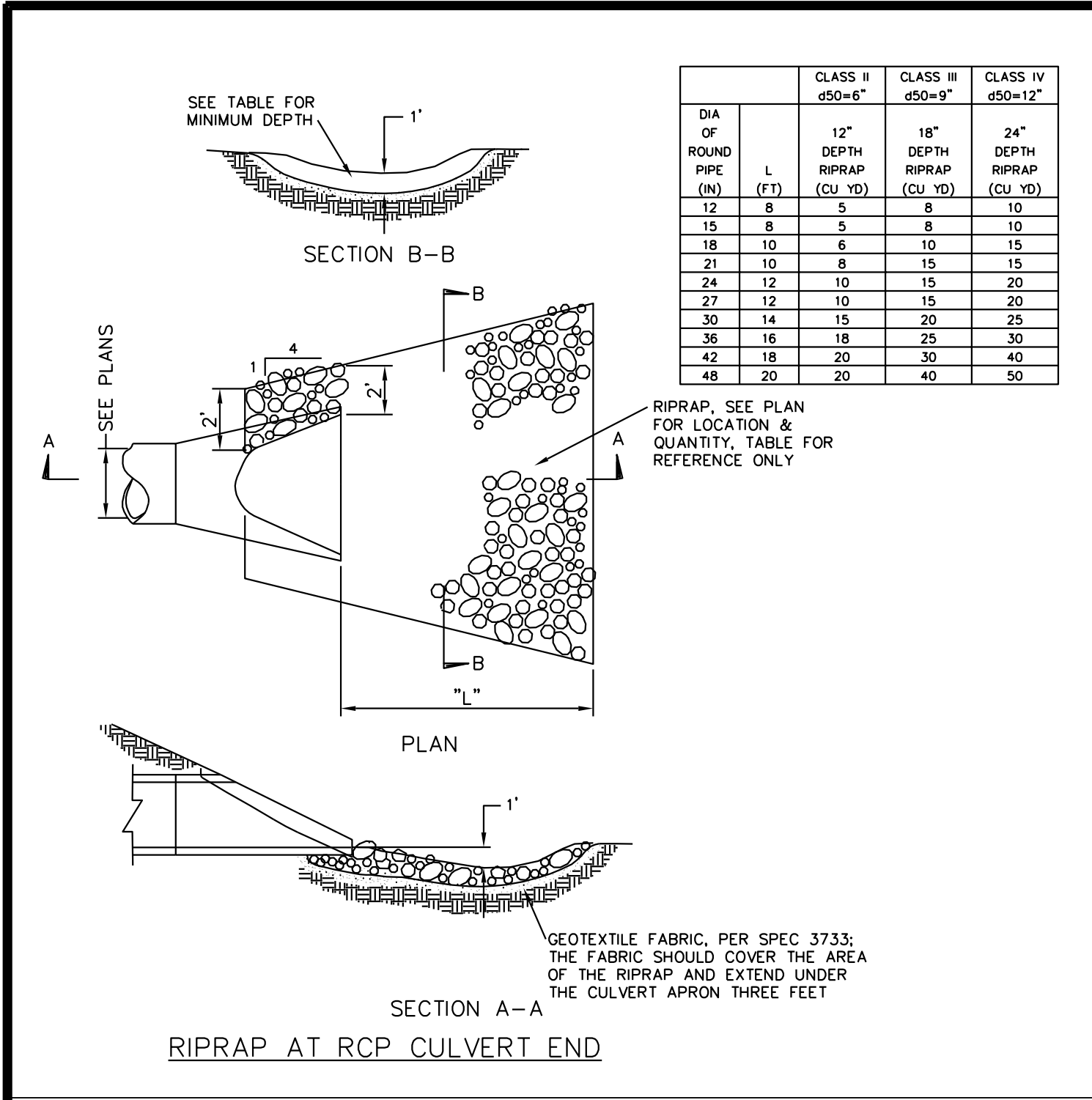
REV. NO.	DATE	BY	DESCRIPTION
1	6-14-17	T.J.B.	REVISE PER CITY REVIEW

DESIGNED DRAWN
C.S.O. T.J.B.
CHECKED
C.S.O.
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Cara M. Schwahn Otto
License # 40433
Date: 6-14-17

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THE PRESERVE 5TH ADDITION
LOOMIS HOMES, LLC
NORWOOD YOUNG AMERICA

PROJECT NO: 17-0177
DATE: 5-11-17
DETAILS
SHEET NO. 13 OF 14 SHEETS



REV. NO.	DATE	BY	DESCRIPTION
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THE PRESERVE 5TH ADDITION

LOOMIS HOMES, LLC

NORWOOD YOUNG AMERICA

DETAILS
SHEET NO. 14 OF 14 SHEETS

PROJECT NO:	17-0177
DATE:	5-11-17



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 10, 2017

Re: Rental Housing Code Update

BACKGROUND

The Commission has been reviewing the rental code since September 2016. At the May meeting the PC discussed a disorderly conduct provision and a draft management plan drafted by the City Attorney's Office. The PC reached consensus it favored reinstating previous language suggested for deletion providing citations were simplified. The PC directed redrafting of Subd. 14 of the draft code and directed the management plan be referenced as a potential remedy for ordinance violators.

Zachary Cronin has updated the draft code. Cronin notes the City will still want to have specific statutes referenced as they are needed to appropriately define the conduct that is prohibited. He has cleaned up the section so it is easier to follow and determine what exactly is considered disorderly conduct. Also changed is language requiring submittal of a management plan instead of attending a problem solving conference.

Please find attached an updated rental code and the proposed management plan.

Please note in the draft code previous agreed upon updates are illustrated in **yellow highlight**; those made following the work session are connoted with **blue highlight**.

A reminder of the proposed changes:

Made at the April Meeting

1. Section 350.05, two references to "Building Official" changed to "Code Official".

Made after the work session:

1. The definition of 'rent' was updated by removing the last sentence.
2. Subd. 10 relating to tenant registry was updated by removing the last sentence which required posting of tenant registry near building entry.
3. Subd. 14 relating to disorderly conduct was removed and replaced with enabling language referencing a required management plan.

Made prior to the work session:

1. Language included in the 'scope' related to "direct family members" has been removed.

2. A reference to 'overcrowding' as a 'nuisance' has been removed.
3. A definition of 'occupant' has been removed.
4. Miscellaneous references to variance codes have been updated.
5. Rental licenses are proposed to be in effect for three rather than two years.

ACTION

Discussion is requested.

ATTACHMENTS

- Draft rental code
- Draft management plan

Section 350 – Rental Housing Licensing

350.01 Purpose and Scope.

Subd. 1 Purpose. The purpose of this ordinance is to provide minimum standards to safeguard life or limb, health, and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the City used for the purpose of rental housing. The purpose of this ordinance is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. *(Amended by Ord.161, 9/27/04)*

Subd. 2 Scope. The provisions of this ordinance shall apply to all buildings or portions thereof used, or designed or intended to be rented, leased, or let for human habitation. All provisions of this ordinance shall apply to dwellings in existence at the time of adoption of this ordinance. Rest homes, convalescent homes, nursing homes, hotels, and motels, and units rented, let or leased to direct family members of the property owner are exempt from the provisions of this ordinance. *(Amended by Ord.184, 7/10/2006)*

Subd. 3 Application to Existing Buildings. Additions, alterations or repairs, shall be done in compliance with the Building, Fire, Plumbing and Mechanical Codes. Applicable permits shall apply as required by these Codes. All properties, whether pre-existing as Rental Property at the time of adoption of this ordinance or afterward becoming Rental Property shall comply with all terms of this ordinance. *(Amended by Ord. 222, 8/16/10)*

350.02 Definitions.

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's New International Dictionary of the English Language, Unabridged, as may be amended, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. *(Amended by Ord.161, 9/27/04)*

Apartment Building. A building or portion of a building that contains three or more dwelling units.

Board of Appeals. The Board of Appeals shall be a three-member board consisting of a City Council representative, the Fire Chief, and a Planning Commission representative. *(Amended by Ord. 222, 8/16/10)*

Building Code. "Building Code" is the Minnesota State Building Code.

Code Official. "Code Official" is the official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

Condemn. "Condemn" shall mean to adjudge unfit for occupancy.

Direct Family Member. "Direct Family Member" is a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild of the property owner. *(Amended by Ord. 222, 8/16/10)*

Dwelling. "Dwelling" is a building wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including hotels and motels.

Dwelling Unit. “Dwelling Unit” is a room or a group of rooms located within a dwelling forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

Egress. “Egress” is an arrangement of exit facilities to assure a safe means of exit from a building.

Electrical Code. “Electrical Code” is the Minnesota State National Electrical Code.

Extermination. “Extermination” is the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the code official; and to remove all signs of extermination thereafter.

Fire Code. “Fire Code” is the Minnesota State Fire Code.

Health Officer. “Health Officer” is the legally designated health officer or official of the State, County and/or City.

Infestation. “Infestation” is the presence of insects, rodents, or other pests within or around the dwelling on the premises.

Kitchen. “Kitchen” is a room or an area equipped for preparing and cooking food.

Lease, Leased, or Let. “Lease, Leased, or Let” is to give the use of a dwelling, dwelling unit or rooming unit by an owner or manager to a tenant in return for rent.

License Period, Year One. The first year of the three-year rental license period, starting in 2013 and occurring every three years thereafter. *(Amended by Ord. 222, 8/16/10)*

License Period, Year Three. The third year of the three-year rental license period. *(Amended by Ord. 222, 8/16/10)*

Manager. “Manager” is a person or firm who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Mechanical Code. “Mechanical Code” is the Minnesota State International Mechanical Code.

Nuisance. The following shall be defined as nuisances:

- A. Any public nuisance as defined in Chapter 6 of the City Code.
- B. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
- C. Whatever is dangerous to human life or is detrimental to health, as determined by the code official or health officer.
- D. ~~Overcrowding a room with occupants.~~

- E. Insufficient ventilation or illumination.
- F. Inadequate or unsanitary sewage or plumbing facilities.
- G. Un-cleanliness, as determined by the health officer.
- H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

Occupancy. “Occupancy” is the purpose for which a building or portion thereof is utilized or occupied.

Occupant. “Occupant” is a person living alone, or two or more persons all related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit, or a group of not more than 5 persons, any 2 of whom are not related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit.

Owner. “Owner” is a person, firm or corporation who, alone, jointly or severally with others, owns or has an ownership interest in a dwelling, dwelling unit or rooming unit within the city.

Plumbing Code. “Plumbing Code” is the **Minnesota State International** Plumbing Code.

Premises. “Premises” are the dwelling and its land and all buildings thereon and areas thereof.

Refuse. “Refuse” is all putrescible and non-putrescible waste solids including garbage and rubbish. Refuse is liable to undergo bacterial decomposition when in contact with air and moisture at normal temperatures.

Rent. “Rent” is a stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. **The return or payment may be money or service or property.**

Safety. “Safety” is the condition of being reasonably free from danger and hazards, which may cause injury or illness.

Substandard Building. “Substandard Building” means any rental dwelling or portion thereof that is not safe due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, abandonment or any other reason.

Substandard Property Condition Citation. “Substandard Property Condition Citation” shall be issued in the event of a ‘Substandard Building’ and shall, upon posting of the citation, prohibit the occupancy of the building or unit until such time as corrections are made and verified by inspection. *(Amended by Ord.184, 7/10/2006)*

Tenant. “Tenant” can be a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Variance. “Variance” is a difference between that which is required or specified and that, which is permitted. *(Amended by Ord.161, 9/27/04)*

350.03 Rental Housing License.

Subd. 1 License Required. No person may operate, let, or cause to be let, a rental dwelling unit without first

having obtained a rental housing license from the City as hereinafter provided. Further, no owner or manager shall allow the occupancy of a rental dwelling unit by a tenant after the expiration of the rental housing license for the rental dwelling in which the rental dwelling unit is located unless the license has been properly renewed.
(Amended by Ord. 222, 8/16/10)

- A. **Temporary License.** The code official may issue a temporary rental housing license not exceeding 3 months in duration in order to bring the unit into compliance with this ordinance.
(Amended by Ord.161, 9/27/04)
- B. **Licensing Period.** The licensing period shall encompass ~~two~~ **three** calendar years. (Amended by Ord. 222, 8/16/10)

Subd. 2 Application contents. Owners of one or more rental dwelling units who have not yet received a license are responsible for applying to the City for a license. With the application the owner must supply the following information:

- A. Name, address, and telephone number of dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
- B. Name, address, and telephone number of designated resident agent, if applicable;
- C. Legal address of the dwelling;
- D. Number of dwelling units with the dwelling;
- E. At least one emergency telephone number;
- F. The names, telephone numbers and addresses of principal tenants. (Amended by Ord. 222, 8/16/10)

Subd. 3 Fees.

- A. **Inspection Fee.** A Rental Housing License-inspection fee shall be established by the City Council. (Amended by Ord.161, 9/27/04)
- B. **Additional Fees.** The City shall have the right, and just cause, to bill or to assess owner for additional costs associated with:
 - 1. Required additional follow up Rental Inspections, beyond the prescribed number allowed, for a single Rental Inspection cycle.
 - 2. Failure of the responsible party to appear for a scheduled inspection without prior notification of the inspector.
 - 3. After hours, weekend or holiday inspections. (Amended by Ord.184, 7/10/2006)
 - 4. Complaint Inspections (Amended by Ord. 222, 8/16/10)

Subd. 4 Rental Dwelling Inspections No license may be issued or renewed unless the City determines, following an inspection conducted pursuant to this section, that rental dwelling unit(s) conform to the provisions of this Section 350. As more specifically provided below, the code official and his or her agents may cause inspections, follow-up inspections, and reinspections on rental dwelling units within the city on a scheduled basis, and on

rental dwelling units when reason exists to believe that a violation of an applicable subdivision of this Section 350 exists, has been, or is being committed. *(Amended by Ord. 222, 8/16/10)*

- A. **Consent.** The code official and his or her agents are authorized to contact owners, tenants and/or managers of rental dwellings to schedule inspections of rental dwellings at reasonable times. If the City is unsuccessful in securing consent for an inspection pursuant to this Section 350, the City shall seek permission, from a judicial officer through an administrative warrant, for its enforcement officer or his or her agents to conduct an inspection. Nothing in this Section shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant. *(Amended by Ord. 222, 8/16/10)*
- B. **Inspections not Required.** Inspection for the issuance or renewal of a license may be waived by the City if the owner of a dwelling unit:
1. Proves that within the previous 12 months the dwelling unit(s) passed an inspection required by the County, State, or Federal regulations that is at least as stringent as the inspection required under this Section 350.
 2. Has, within the 12 months preceding the licensing period deadline as defined in Subd. 6 below, applied for and received a rental dwelling license from the city. *(Amended by Ord. 222, 8/16/10)*

Subd. 5 Issuance. The code official shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when upon inspection finds such unit meets or exceeds the minimum requirements set forth by this ordinance; also a rental housing license shall be issued for each dwelling, dwelling unit or rooming unit, when a variance has been granted by the Board of Appeals, pursuant to Section 350.06 of this Chapter; provided, however, it is found that no condition exists, in a shared or public area of the building or in any other part of the unit, which could endanger the health or safety of the occupants of such unit or of the public. Such license shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved for and once issued shall remain valid until it expires or such time as the code official or housing inspector determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements set by this ordinance. *(Amended by Ord.161, 9/27/04)*

Subd. 6 Licensing period Deadline. The licensing period deadline shall be January 1 of the Year-One License Period. All properties required to be licensed by this Ordinance shall have applied for licensing with the City Office, shall have paid the required fee or fees, and shall have satisfactorily completed the required Rental Housing Inspection by the deadline date. Failure to comply with this section may result in fines and/or denial of a Rental Housing License for the property in violation. *(Amended by Ord.184, 7/10/2006)*

Subd. 7 Renewals. A rental housing license shall expire December 31 of the Year-~~Two~~ **Three** License Period. Re-inspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new certificate, pursuant to Subd. 4 above. In order to allow sufficient time to complete the renewal process, applications for licenses shall be made in writing on forms provided by the City and accompanied by the required fee at least sixty (60) days prior to the licensing period deadline. *(Amended by Ord. 222, 8/16/10)*

Subd. 8 License and Inspection Report Posting. Every registrant of a rental dwelling shall post the license issued by the City. The license shall be conspicuously posted (in a frame with a glass covering) by the registrant, in a public corridor, hallway, or lobby of the rental dwelling for which they are issued. In addition to posting the license, the owner shall post the inspection report completed for the license renewal or any complaint inspection next to the posting of the rental license for a period of 30-days after receipt of the license.

Subd. 9 Transfer of Rental Property. A license is not transferable to another person or to another rental

dwelling. Every person holding a license must give notice in writing to the city within 72 hours after having legally transferred or otherwise disposed of the legal control of any rental dwelling. The notice must include the name and address of the person(s) succeeding to the ownership or control of such rental dwelling(s). The person succeeding to the ownership or control of the rental dwelling(s) must obtain a temporary permit or operating license in order to continue operating the rental dwelling(s). An inspection is not required to obtain this temporary permit or license unless the rental dwelling(s) have not been inspected within two years of the transfer of ownership or control. *(Amended by Ord. 222, 8/16/10)*

Subd. 10 Tenant Register. A licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of dwelling units within an apartment building or dwelling. In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the Code Official of any change of the identity, address, or telephone numbers of such persons. The register must be available for the inspection by the Code Official at all times. ~~Every complex with more than one dwelling unit must post a tenant register near the license in the entryway and include the first initial of the occupant's name, last name, and unit number.~~

Subd. 10 11 Revocation. A Rental Housing License may be suspended or revoked as prescribed in this ordinance.

- A. A rental housing license may be suspended or revoked by the City Council if the City Council finds that the provisions of this ordinance have been violated in regard to the rental dwelling for which the license was issued. Before any suspension or revocation occurs, the City shall send written notice to the license holder specifying the ordinance violations alleged. This notice shall also specify the date for a hearing before the Board of Appeals, which shall not be less than ten (10) days from the date of the notice.
- B. At such hearing before the Board of Appeals, the license holder or their attorneys may submit and present witnesses on their behalf.
- C. After a hearing, the City Council shall act upon the Board of Appeals recommendation at the next available meeting and may suspend or revoke the license if the Council deems it necessary to protect public health, safety or general welfare. *(Amended by Ord.222, 8/16/10)*

350.04 Requirements.

Subd. 1. Substandard Buildings. No substandard buildings are allowed.

Subd. 2. Condition. No owner or manager shall allow infestation if extermination is not the tenant's responsibility by law.

Subd. 3. Improper Occupancy. No rental dwelling shall be used in manner inconsistent with its design or construction.

Subd. 4. Smoke Detectors. No smoke detector installed in a rental dwelling shall be allowed to remain disabled or nonfunctional. The tenant of a rental dwelling shall notify the owner or manager within 24 hours of discovering that a detector is disabled or not functioning. The owner or manager shall take immediate action to render the smoke detector operational or replace it.

Subd. 5. Carbon Monoxide Alarms. Each rental dwelling shall have an approved and operational carbon

monoxide alarm installed with ten feet of each room used for sleeping purposes as required by Minnesota Statutes §§ 299F.50 and 51, as amended, unless an exception listed in Section 299F.51, Subd. 5, applies.

Subd. 6. Refuse. Each rental dwelling shall have an adequate number of refuse containers to hold the amount of refuse produced by the occupants of the rental dwelling or as required elsewhere by the Norwood Young America City Code. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight fitting cover. Tenants shall properly dispose of their recyclables, rubbish, garbage and other organic waste.

Subd. 7. Nuisance. No rental dwelling premise shall be kept in any state which creates a nuisance.

Subd. 8. Storage of Items. Large amounts of combustible items and materials shall not be stored in attics, basements, common areas, or any other underutilized areas of a rental dwelling. Storage shall be maintained two (2) feet or more below ceilings and floor joists. Combustible materials and items shall not be stored within one (1) foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three (3) foot wide aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other equipment serving the rental dwelling.

Subd. 9. Fuel Storage. LP tanks shall only be stored outdoors.

Subd. 10. Fueled Equipment. Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment and portable cooking equipment shall only be stored outdoors or in the garage of a rental dwelling.

Subd. 11. Barbecues and Open Flames. No person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, on any roof, or on any ground floor patio within 15 feet of any structure. Further, no person shall store or use any fuel, barbecue, torch, or similar heating or lighting chemicals or device in such locations.

Subd. 12. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on a premises shall be kept in a proper state of repair and maintained free from hazardous conditions.

Subd. 13. Defacement of Property. If a rental dwelling is defaced by graffiti, it shall promptly be removed.

Subd. 14. Disorderly Conduct Prohibited. Disorderly conduct is prohibited on all licensed premises. It shall be the responsibility of the licensee to take appropriate action to prevent disorderly conduct by tenants and their guests on the licensed premises.

A. For purposes of this subchapter, a violation of the following statutes or ordinances shall be deemed disorderly conduct:

1. Minn. Stat. §§ 609.75–609.76 (gambling);
2. Minn. Stat. §§ 609.321–609.324 (prostitution);
3. Minn. Stat. §§ 152.01–152.025, and 152.027, subds. 1 and 2 (unlawful sale or possession of controlled substances);
4. Minn. Stat. § 340A.401 (unlawful sale of alcohol beverages);
5. Minn. Stat. § 340A.503 (underage use of alcoholic beverages);
6. Chapter 600 of this Code (nuisances);
7. Minn. Stat. §§ 97B.021, 97B.045, 609.66–609.67, and 624.712–624.716 (unlawful possession, transportation, sale, or use of a weapon);

8. Minn. Stat. § 609.72 (disorderly conduct);
9. Minn. Stat. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 (murder and manslaughter);
10. Minn. Stat. §§ 609.221, 609.222, 609.223, and 609.2231 (assault);
11. Minn. Stat. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 (criminal sexual conduct);
12. Minn. Stat. § 609.52 (theft);
13. Minn. Stat. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 (arson);
14. Minn. Stat. § 609.582 (burglary);
15. Minn. Stat. § 609.595 (damage to property);
16. Failure to comply with the dangerous dog requirements in violation of Minn. Stat. Ch. 347;
17. Minn. Stat. § 152.07, subd. 4 (sale or possession of small amounts of marijuana);
18. Minn. Stat. § 152.092 (unlawful possession or use of drug paraphernalia).

- B. Upon determination by the Code Official that a licensed premises or unit within a licensed premises was used for disorderly conduct activities as set forth in this Subdivision, the Code Official shall cause notice to be made to the owner and manager of the violation and direct the owner and property manager to take steps to prevent further disorderly conduct violations.
- C. If a second disorderly conduct violation as determined by the Code Official occurs within a continuous twelve month period involving the same tenancy, the Code Official shall cause notice to be made to the owner and manager of the second violation. The owner or manager shall be required to immediately remedy the violations and submit a Management Plan to the Code Official within ten (10) business days of receipt of the second disorderly conduct notice. Management Plan forms are available with the Code Official. The City Official shall review the Management Plan and determine whether it is sufficient to prevent future violations of this Section. Upon receiving notice that the City has approved an Owner's Management Plan, the Owner must adhere to the terms and conditions in the Management Plan. Failure to do so may result in the suspension or revocation of the Owner's Rental Housing License.
- D. If a third disorderly conduct violation as determined by the Code Official occurs within a continuous twelve month period involving the same tenancy, the Code Official shall cause notice to be made to the owner and property manager of the third violation. The owner or manager shall notify the tenant or tenants within ten days of the Notice of Disorderly Conduct violation of the Crime Free/Drug Free lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.
- E. If, pursuant to Subdivision, a third disorderly conduct violation of the licensed premises occurs at the same dwelling within a twelve month period, the rental dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this section shall be initiated by the City in the manner described in Section 350, Subdivision 11, and proceed according to the procedures established therein.

- F. No adverse license action shall be imposed where the instance of disorderly conduct occurring on the licensed premises occurred during the pendency of evictions proceedings or within 30 days after notice is given by the licensee to a tenant to vacate the premises. Evictions proceedings shall not be a bar to a license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within ten days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this section may be postponed or discontinued by the Code Official at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly conduct.

350.05 Enforcement.

Subd. 1 Authority. The **code building** official is hereby authorized and directed to enforce or cause the enforcement of all of the provisions of this ordinance. For such purposes, the **code building** or his/her designated representative shall have the powers of a code official. The code official shall have the power to render interpretations of this ordinance. Such interpretations shall be in conformity with the intent and purpose of this ordinance. *(Amended by Ord.161, 9/27/04)*

Subd. 2 Responsibilities Defined. Property owners remain liable for violations of duties imposed by this ordinance even if the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this ordinance. *(Amended by Ord. 222, 8/16/10)*

- A. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.
- B. Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.
- C. Owners shall, when required by this ordinance, health laws or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.
(Amended by Ord 161, 9/27/04)

Subd. 3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this ordinance, or when the code official has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this ordinance, the code official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such building or premises are occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, pursuant to Section 350.04, Subd. 4.A. of this Chapter. *(Amended by Ord.161, 9/27/04)*

Subd. 4 Complaint Inspections. When the code official or a health officer has reasonable cause to believe that a condition exists in regards to a rental dwelling or premises that violates this ordinance including, but not limited

to, a written tenant complaint made in good faith, the code official or health officer may enter the rental dwelling to inspect, re-inspect, or otherwise perform the duties imposed by this ordinance. No such entry shall be made, however, until: i) the owner, manager or tenant permits entry; ii) the code official or health officer secures an administrative warrant from a court with jurisdiction; or iii) an emergency exists.

Subd. 5 Compliance Order. Upon completion of a complaint inspection and finding of a violation(s), the code official shall prepare a compliance order, listing all violations and the date or dates when such violations shall be corrected. The property owner shall have the responsibility to correct such alleged violations and have them re-inspected and verified by the Code Official for compliance with this Ordinance within the time period as set forth:

- A. Smoke Detector Violations. Corrections must be completed immediately and re-inspected within three (3) working days.
- B. All Other Violations. Preparations for the actual work for correcting the alleged violations shall be commenced immediately and work re-inspected within twenty-five (25) working days OR within the time period as specified by the Code Official.
- C. Follow-Up Inspection. Upon completion of the second follow up inspection:
 - 1. If the infraction(s) have been satisfactorily addressed or corrected the City will, at its discretion, levy a reinspection fee to cover the cost of the second follow up inspection. The fee will be set by the City Council.
 - 2. If the infractions remain, the following penalties shall be imposed upon the property owner(s) if the alleged violations are not corrected and verified by the Code Official within the time period allowed by this Ordinance:
 - a. A \$50.00 fine.
 - b. The assessment of \$5.00 per day, each and every day thereafter until a satisfactory follow up inspection is conducted.
 - 3. The \$50.00 fine and subsequent \$5.00 per day assessment must be paid in full to the city within 14 days of the satisfactory follow up inspection or, pursuant to Section 350.04 Subd 10, the City of Norwood Young America shall have the right and just cause to revoke or deny licensing the property as Rental Housing Property.
 - 4. The property owner or agent shall be notified in writing of Section 350.06, indicating his or her right of appeal. *(Amended by Ord.184, 7/10/2006)*
- D. Extensions. Extensions may be granted by the Code Official. The request shall be made in writing and justifiable cause must be demonstrated for the requested extension. All requests shall be made and delivered to the Code Official prior to the expiration date of the violation or violations.

Subd. 6 Substandard Property Condition.

- A. When, during the course of a Rental Housing Inspection or complaint investigation, the code official encounters or observes a condition or conditions that are considered dangerous to life, safety, health, or the welfare of the occupants, the inspector shall, if the situation warrants, issue a Substandard Property Condition Citation.
- B. Prior to, or immediately after, the issuance of the Substandard Property Condition Citation, the code official will be required to notify the City of the posting and the reason for the posting.

- C. The code official shall have the authority to require immediate evacuation of the premises in the event of immediate danger to life or safety.
- D. The removal or defacing of, or tampering with, a Substandard Property Condition Citation posting shall be punishable as a criminal offense and subject to the provisions of State Statutes regulating misdemeanors and as outlined in this ordinance.
- E. The Property shall remain unoccupied until such time as the condition is, or conditions are, corrected and satisfactorily reinspected. *(Amended by Ord. 184, 7/10/2006)*

Subd. 7 Substandard Buildings. Buildings or portions thereof that are determined to be substandard as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to Chapter 6, Nuisances, of the Norwood Young America City Code.

Subd. 8 Notice to Vacate. The code official shall have the authority to issue a NOTICE TO VACATE order on any building that is, in the opinion of the code official and as defined in this ordinance, deemed substandard. *(Amended by Ord.161, 9/27/04)*

350.06 Appeals.

Subd. 1 Appeal. Any person may appeal from any notice and order or any action of the code official under this ordinance by filing an appeal to the City Administrator. A written appeal to the City a brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant. *(Amended by Ord.161, 9/27/04)*

Subd. 2 Time Allotted for Appeal. The appeal shall be filed within 10 days or within the time of correction as allowed by the code official, whichever is shorter, from the date of the service of such order or action of the code official. *(Amended by Ord.161, 9/27/04)*

Subd. 3 Scheduling and Noticing Appeal for Hearing. In the event that an appeal is filed with the City Administrator, the Board of Appeals shall fix a date for a hearing, which shall be held within ten (10) business days from the date the appeal is filed. *(Amended by Ord. 222, 8/16/10)*

Subd. 4 Notice. The City Administrator shall mail a notice of the date, time, place and subject of the hearing to the owner, occupant(s) and any other known responsible parties. *(Amended by Ord. 222, 8/16/10)*

Subd. 5 Orders after an Appeal. Following a hearing, any order of the Board of Appeals made pursuant to this ordinance shall be forwarded to the City Council who shall act upon the Board of Appeals recommendation at its next available meeting. The City Council shall issue a decision in writing to the appealing party within 10 days of the hearing. Any fines or penalties imposed must be paid no later than 30 days of the date of the order. The decision of the City Council is final and may only be appealed to the Minnesota Court of Appeals by petitioning for a writ of certiorari pursuant to Minnesota Statute Section 606.01.

350.07 Violation and Penalties.

Subd. 1 Administrative Charge. Failure to obtain a license pursuant to this Section 350 will subject the owner of a dwelling unit to an administrative service charge up to \$250 per unit, plus \$10 per unit per day each and every day thereafter until a license is obtained. *(Amended by Ord. 222, 8/16/10)*

Subd. 2 Violation. Any person that maintains a rental dwelling unit without having either a valid temporary permit or a valid license, or permits new occupancy in violation of this Section 350, is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose an administrative fee in an amount set in the City Fee Schedule. An administrative fee may be appealed pursuant to Subsection 350.06 of this Section. Upon the failure to appeal an administrative fee within the period established in Subsection 350.06 of this Section, the City may post the dwelling unit as illegal for habitation. Thereafter, all persons must vacate the premise and the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid and (b) a rental license is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit. Each day of each violation constitutes a separate offense. *(Amended by Ord. 222, 8/16/10)*

Subd. 3 Assessment of Unpaid Fees. Any fees imposed under the authorization of Section 350 shall be paid in full. In the event of non-payment, the City Clerk may certify the entire unpaid amount and any penalty to the County Auditor to levy the charges in the same manner as special assessments against the real estate involved, or the real estate of the person or entity responsible for the fee. *(Amended by Ord. 222, 8/16/10)*

NORWOOD YOUNG AMERICA MANAGEMENT PLAN BASIC REQUIREMENTS

Rental Property Address: _____

Owner Name (person required): _____

Company Name: _____

Owner Full Street Address (not the rental property address): _____

Owner Phone: _____ Owner Email: _____

Licensee Name/Company (required if different from manager and owner): _____

Full Street Address (not the rental property address): _____

Phone: _____ Email: _____

Property Manager Name (required if different from Licensee and Owner): _____

Full Street Address (not the rental property address): _____

Phone: _____ Email: _____

**** This plan applies to ALL of my rental properties in Norwood Young America****

The City requires that this form be filled out and returned by email. You may also mail it to **NAME**.

TENANT APPLICATION AND SCREENING

1. Applicants will be required to give their consent for a criminal history check and rental history profile. Rental license holder will employ the following applicant screening service to perform the background check:

Company: _____

Mailing Address: _____

Phone: _____

Web address: _____

Email: _____

2. The following background information on applicants is provided by this company: _____

3. I use the following criteria when accepting tenants with a criminal history (specify types of crimes, time-frame where convictions or patterns of arrests are unacceptable): _____

4. I use the following other criteria when processing applicants (minimum rent-to-income ratio, rental history etc.): _____

5. I will use the Rental Application Denial Form (following this questionnaire), or a form with selected criteria from the form when receiving applications, and provide it to rejected applicants (circle AGREED to indicate acceptance).

AGREED

LEASE PROVISIONS

6. I use the lease available from:

___ Minnesota Association of Realtors (mnrealtor.com)

___ Minnesota Bar Association (mnbar.org)

___ Minnesota Multi Housing Association (mmha.com)

___ If none of the above, I have attached/provided a copy of my lease.

7. The term of my rental agreement/lease is

___ month-to-month

___ six months

___ annual

___ other: _____

8. I issue written warnings for the all lease violations by residents and/or their guests.

AGREED

9. I will file for and pursue an eviction of residents in violation of the lease who are given notice and do not move.

AGREED

10. If you discover that someone has moved in with a tenant without your permission, how do you deal with it? Detail all actions you take in this situation:

11. I will use the Crime Free Lease Addendum (following this questionnaire), or have equivalent language in my lease, that the tenant must read and sign before moving in or renewing their lease.

AGREED

12. I will create Resident Conduct Rules and Building Rules largely patterned off the examples following this questionnaire, which must be submitted to the Code Official for approval. All residents must read, sign, and agree to follow the Conduct and Building Rules before moving in or renewing their lease.

AGREED

MONITORING AND INSPECTIONS

In order to ensure that properties remain a safe and healthy environment for tenants and neighbors, adequate monitoring and inspection of properties are essential. Monitoring needs to address both the physical condition of the property and the conduct of tenants.

13. I will visit my properties, or have my employees visit them, at least biweekly to monitor the activity of residents and their guests, and to ensure there are no issues with the physical condition of the properties.

AGREED

14. I will run the background check required under Minnesota Statute section 299C.68 (Kari Koskinen Background Check Law) for any building manager, employee, or contractor who works for me and who has access to keys to occupied units.

AGREED

15. I participate in the following local or regional rental property owner/manager group:

16. I will take the following steps to prevent further conduct violations and criminal activity by my residents and/or their guests:

PLAN IMPLEMENTATION

17. I will maintain all written and electronic records necessary to document the above management plan provisions. I will respond to any request from the City to confirm the implementation of my plan after 20 days from the date of my plan being filed as Satisfactory with the City. I will respond to any such request within 30 days.

AGREED

18. Additional comments or questions you might have: _____

I agree to abide by the provisions set forth above in this management plan.

Owner: _____ Date: _____

Authorized Property Manager: _____ Date: _____

Management plan accepted on: (Date)

RENTAL APPLICATION DENIAL FORM

Name of Property Owner or Manager: _____

Address: _____

Phone Number: _____

Applicants Name: _____

Applicants Address: _____

Applicant's Phone Number: _____

Unit Applied For: _____

Rental Disqualifications

APPLICATION

_____ Application incomplete

_____ Application falsified

_____ Rent equals more than- ____ % of monthly income

_____ Insufficient funds for deposit check

_____ Insufficient fund check for application fee or credit check

RENTAL HISTORY

_____ Negative landlord reference-current or past rental

_____ Unable to verify current or past home ownership

_____ Unable to verify current or past rental

_____ Late or non-payment of rent-current or past rental

_____ NSF check(s) used for payment of rent

_____ Eviction-current or past rental

_____ Unlawful Detainer-current or past rental

_____ Property damage-current or past rental

_____Lack of proper notice-current or past rental

_____Lack of adequate rental history

EMPLOYMENT HISTORY

_____Unacceptable employment history

_____Unable to verify employment

_____Unable to verify income

CREDIT HISTORY

_____Unacceptable credit history

_____Lack of credit history

_____Unable to verify credit references

_____Unacceptable credit references

CRIMINAL HISTORY

_____Unacceptable criminal history

OTHER

_____Unable to rent under terms or conditions requested

_____Specify: _____

This application was denied due to information from the following Credit Reporting Agency:

Name: _____ Phone: _____

Address: _____ Fax: _____

RESIDENT CONDUCT RULES

The following rules are made in the interest of the health and safety of all residents. Everyone is expected to comply. Violations of these rules are grounds for immediate eviction.

1. Sale, possession, or possession with intent to distribute controlled substances (illegal drugs) on the premises will not be permitted.
2. Repeated incidents which disturb the peace of other residents are prohibited.
3. Intentional or repeated damage to the building or property belonging to the owner or another resident's property is prohibited.
4. Theft from the owner or his/her agent or another resident is prohibited.
5. Keeping anything that may be considered a hazard to the health and safety of residents (such as gasoline or other highly flammable or explosive chemicals storage in a unit or on the property) without permission is prohibited.
6. Possession of illegal weapons is prohibited.
7. Any violent act or verbal threat to an employee of the building on or off the property or to another resident or guests of a resident on the property is prohibited.
8. Do not prop open security doors at any time. Do not admit strangers through security doors.
9. Excessive police calls complaining about the conduct of you, your family, or your guests is grounds for eviction.

A signed copy of these rules will be kept in each Resident's file.

I have read the "Resident Conduct Rules" and fully understand and agree to abide by the contents.

Date: _____

Applicant or Resident

Applicant or Resident

BUILDING RULES

1. Residents are responsible for their guests. Parents are responsible for their children.
2. Your monthly rent is due and payable on or before the first of the month. Please make your checks or money orders payable to: _____

3. Only the persons specified in the Apartment Lease can reside in your apartment. Additional occupants cannot reside in the unit without applying for residency and, upon acceptance, signing a written lease that is approved by Owner.
4. You need written permission from Owner for guests to stay in your dwelling unit for more than 10 consecutive days.
5. No names other than those of a leased tenant are permitted on mailboxes.
6. No children under the age of twelve (12) years are to be left unattended in the apartment or on the grounds.
7. If there is any damage done to the property by your guests or children, you will be held responsible and must pay for all damages.
8. Bikes, tricycles, wagons, and all toys must be kept in your apartment or garage. If these items are left unattended outside the building or in the hallways, Owner will discard them.
9. Congregating, loitering, or playing in the hallways, entry steps, entrance area, back entrance steps, or parking lots is not permitted.
10. Screens shall not be removed from any window for any reason other than an emergency. Packages or other items cannot be delivered or passed through any windows.
11. Unnecessary horn honking at any time of the day or night by tenants or their guests is not permitted.
12. No motorcycle, moped, or bicycle riding will be allowed on the lawn or sidewalk. No parking of the above vehicles will be allowed on the lawn or sidewalks.
13. No loud music or loud parties will be tolerated in your apartment or on the property after 10 p.m.
14. No loud or profane language will be allowed on the premises.
15. All draperies or other window coverings must be compatible with the rest of the building. No sheets, blankets, or newspapers will be allowed to be used as drapes or window coverings.
16. Residents are responsible for placing all trash in the proper receptacles. Trash may not be left in the hallways or placed on sidewalks or in the grass.
17. To ensure the safety of all residents, Owner urges residents to call 911 on any crimes in progress, disturbances, disorderly behavior, or suspicious activity on or around the premises.
18. Each adult resident will be provided with one entry door, apartment door, and mailbox key. Residents are not to change, alter, or add additional locks or other security measures anywhere in the apartment or on the property without prior permission. If you desire

different or additional security for your apartment door, patio door, storage locker, or windows please contact Owner. Depending on your request, you may have to pay for additional security measures. All additional security devices will remain Owner's property.

Please have respect for all residents in your building.

I have read the "Building Rules" and fully understand and agree to abide by the contents.

Date: _____

Applicant or Resident

Applicant or Resident

CRIME FREE/DRUG FREE LEASE ADDENDUM

In consideration of the execution or renewal of the lease of the dwelling unit identified in the attached lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household, a guest or other person under the resident's control, shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).
2. Resident(s), any member of the resident's household, a guest or other person under the resident's control, shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.
3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Resident, any member of the resident's household, a guest, or another person under the resident's control, shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any location, whether on or near the dwelling unit or otherwise.
5. Resident, any member of the resident's household, a guest or another person under the resident's control, shall not engage in any criminal activity, including prostitution, criminal street gang activity, threatening, intimidating, or assaultive behavior including but not limited to the unlawful discharge of firearms, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent or other residents and/or involving imminent or actual serious property damage.
6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.
7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern.
8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident(s).

It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by the preponderance of the evidence.

Management Signature

Date

Resident Signature

Date

Resident Signature

Date



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 5, 2017

Re: 515 Morse Street

BACKGROUND

Approximately one year ago Central Schools petitioned for a variance to the minimum lot width to accommodate a simple lot split at 515 Morse Street.

The City approved the lot width variance and subsequent lot split.

The property ownership remains with Central School District. The building, although appearing residential, has been used for educational purposes most recently.

Local Realtor Tim Fahey will be appearing before the Commission to gain input on the possibility of amending the C-2 General Commercial District to allow for single family dwellings. Six (6) properties in the C-2 District are currently classified as single unit residential. A few are across the street from the subject parcel, the others near the intersection of Morse Street and Faxon Road.



The purpose of the C-2 General Commercial District is to recognize development opportunity and the need for commercial establishments fronting on or with direct access to major highways, a frontage road, or a major street intersecting a highway, serving area residents as well as vehicular traffic generated from the surrounding area.

A copy of the current zoning map is attached.

ACTION

Discussion is kindly requested.

CITY OF NORWOOD
YOUNG AMERICA
COMBINED ADDRESS-ZONING
MAP

LEGEND

- LIFT STATION
- FILTER PLANT (PUMP HOUSE)
- STOP LIGHTS
- TOWERS
- MISCELLANEOUS UTILITIES

ZONING

- P-1 PARKS/OPEN SPACE
- R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
- R-3 MEDIUM DENSITY MIXED RESIDENTIAL
- R-4 MULTIPLE FAMILY RESIDENTIAL
- RC-1 RESIDENTIAL/NEIGHBORHOOD COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-3 DOWNTOWN DISTRICT
- B-1 BUSINESS INDUSTRIAL
- I-1 LIGHT INDUSTRIAL
- TA TA TRANSITION/AGRICULTURE

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

APRIL, 2013

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