



**Norwood Young America Planning Commission
Tuesday, May 1, 2018**

**Norwood Young America City Council Chambers, 310 Elm St. W.
6:00 p.m.**

AGENDA

1. Call to Order
Pledge of Allegiance
2. Oath of Office
3. Adoption of Agenda
4. Approve Minutes of April 3, 2018 meeting
5. Introductions, Presentations, and Public Comment
(Citizens may address the Planning Commission about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The Planning Commission will take no official action on these items, but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting.)
6. Public Hearings
 - A. Zoning Code Amendment – Limited Manufacturing & Assembly in RC-1 District
 - B. 124 Railroad Street W. – Vision Tech Conditional Use Permit
 - C. Ordinance No. 301, An Ordinance adding Section 1265 to the City Code Relating to Enforcement
 - D. Ordinance No. 302, An Ordinance Amending the Title Section of the City Code
7. Old Business
 - A. 2040 Comprehensive Plan – Future Land Use Map; Goals & Objectives
8. New Business
 - A. Zoning Code Amendment – Limited Manufacturing & Assembly in RC-1 District
 - B. 124 Railroad Street W. – Vision Tech Conditional Use Permit
 - C. Ordinance No. 301, An Ordinance adding Section 1265 to the City Code Relating to Enforcement
 - D. Ordinance No. 302, An Ordinance Amending the Title Section of the City Code
9. Miscellaneous
 - A. April Building Permit Report
10. Commissioner's Reports
11. Adjourn

**John
Fahey**

**Bill
Grundahl**

**Paul
Hallquist**

**JR
Hoernemann**

**Mark
Lagergren**

**Mike
Eggers**

**Craig
Heher
Council
Liaison**

UPCOMING MEETINGS

May 9th Economic Development Commission 6:00 p.m.
May 9th Joint Meeting - Planning Commission, City Council, EDC, and Chamber of
Commerce 6:30 p.m.
May 14th City Council meeting 6:00 p.m.
May 15th Parks & Recreation Commission meeting 5:30 p.m.
May 30th City Council Work Session/EDA/Regular meeting 6:00 p.m.
June 5th Planning Commission meeting 6:00 p.m.

*Norwood Young America
Planning Commission Minutes
April 3, 2018*

- Present:** Commissioners Mike Eggers, Bill Grundahl (Arrived at 6:14 p.m.), Paul Hallquist, Craig Heher, and Mark Lagergren.
- Absent:** Commissioner JR Hoernemann
- Staff:** City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.
- Public:** Ryan Molnau, Anna Molnau, and Nick Molnau from Molnau Trucking. Residents Tina Diedrick and John P. Fahey.

1. Call to Order.

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

2. Oath of Office: Paul Hallquist.

Commissioner Paul Hallquist officially joined the Planning Commission by reciting an oath of office.

3. Adoption of Agenda.

Chairperson Heher introduced the agenda.

Motion – Lagergren, second Eggers to approve the agenda as proposed. The agenda was approved 5-0.

4. Approval of Minutes from the Regular Meeting February 6, 2018.

Heher introduced the minutes from the February 6, 2018 regular meeting.

Motion – Eggers to approve the February 6, 2018 meeting minutes. Second by Lagergren. With all in favor the minutes were approved 5-0.

5. Public Hearings.

A. Molnau Trucking: Variance (Impervious Surface within Shoreland Overlay) and Conditional Use Permit (Outdoor Storage) Amendment.

Chairperson Heher introduced the agenda topic pertaining to variance and conditional use permit amendment for Molnau Trucking Heher explained the public hearing process. Heher noted that after he opened the public hearing he would request staff provide background information, he would then allow the Applicant and/or Applicant's Representatives an opportunity to speak. He would then allow Commissioners to seek clarification of the request. Heher stated he would then ask for public comments for or against the proposed action. The hearing would then be closed and addition Commissioner questions/comments would be addressed. Heher noted action on the items would be taken during the business portion of the meeting. Heher opened the public hearing pertaining to the variance and conditional use permit amendment requests at 6:04 p.m.

Strack stated the Applicant requests a variance to maximum impervious surface area within the shoreland overlay district. Section 1240.01, Subd. 5(E)(2)(a) sets the maximum impervious surface coverage within the shoreland overlay district at twenty-five (25) percent of the lot area. The Applicant requests maximum impervious surface coverage within the shoreland overlay area of thirty-four (34) percent. In addition the Applicant requests amendment of an existing conditional use permit approved as City of Norwood Young America Resolution 2014-11 to allow for expanded impervious surface coverage and installation of berm vegetation at a height of six (6) feet rather than ten (10) feet.

Strack noted the requests were applicable to Property Number 580130300 addressed as 13050 Stewart Avenue and zoned I-1 Light Industrial District.

Impervious surface is defined in the City Code as “An artificial or natural surface through which water, air, or roots cannot penetrate including roofs, driveways, parking lots, sidewalks, and similar hard surfaces”. Strack noted the City has traditionally considered compacted gravel as an impervious surface.

Strack stated the maximum impervious surface coverage within the shoreland overlay district is twenty-five percent. Wetland buffers also apply to the proposed additional impervious surface and are dependent on wetland functional value.

Strack referenced a certificate of survey included in the planning packet which illustrates 2.59 acres (22%) of existing impervious surface within the shoreland overlay area. The survey illustrates and additional 1.42 acres (12%) of impervious surface are proposed within the shoreland area equaling a total of 4.01 acres (34%) impervious surface coverage within the shoreland overlay. A total of 11.68 acres of the 19.07 acre parcel is within the shoreland overlay.

Variations from the literal provisions of the code may be approved where the strict enforcement of the provisions would cause practical difficulties because of circumstances unique to the property under consideration. Variations should only be considered if the resulting development will be in harmony with the general purpose and intent of the zoning code, and consistent with the comprehensive plan. *A practical difficulty as used in connection with the granting of a variance means that:*

1. The property owner proposed to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
3. The variance, if granted, will not alter the essential character of the locality.

Variations must also be consistent with the Comprehensive Plan and can't be based solely on economic considerations.

Strack noted the Applicant was asked to state in application materials why the request is based on the uniqueness of the property and not something wanted by the property owner.

Strack stated information on the variance and CUP amendment request was forwarded to the DNR Area Hydrologist for review and comment. The Area Hydrologist withheld comment on the request.

Strack stated the hearing notice was published, posted, and mailed to property owners within 350 feet of the subject property. No comments for or against the requests have been received.

Heher stated he reviewed previous meeting minutes and noted five items were asked to be illustrated on the certificate of survey. Two of those items were the location of an existing berm and wetlands. Strack noted wetlands were indeed not illustrated, however, the berm was illustrated on a previous version of the Survey.

Nick Molnau stated the northern boundary of the shaded area representing proposed impervious surface corresponded with the existing berm.

Planning Commission Member Mike Eggers noted the existing conditional use permit allows for several bunkers for storage of materials. No bunkers were currently located on site. Eggers inquired as to whether or not Molnau would consider returning the area dedicated for bunkers to a turf surface. Molnau declined noting the space allocated for the bunkers was being used for parking.

Eggers inquired as to how many trucks were stored on site at this time. Molnau stated 34 fleet trucks were stored on site at this time. Eggers inquired as to how many trucks would be stored on site if the CUP was amended to allow for additional storage. Molnau stated he would double the fleet size to 70 trucks. Eggers inquired as to a timeline for expansion of the outdoor storage. Molnau noted it would be phased in as he was concerned about needing to contain stormwater on site with ponding.

Lagergren inquired as to spacing of trees on the berm. Strack noted the code didn't specify distance between plantings. Strack noted the Applicant was seeking to decrease the height of new plantings from a minimum of ten (10) feet to a minimum of six (6) feet. Molnau stated he would plant trees every fifteen (15) to twenty (20) feet.

Heher asked Molnau why he extended the length of the berm without consulting the City. Molnau stated the topsoil was available and he viewed it as a landscaping project.

Heher inquired as to what entity determines the wetland functional value. Strack stated the CCWMO has assigned functional values to several wetlands and opined functional classes for wetlands on the site were available. Molnau stated the wetlands on site were 'high' value and a fifty (50) foot buffer was applicable.

Lagergren requested information on the status of and plans for the extended berm. Molnau stated he had no plans to change the berm but would be adding screening.

Heher asked Strack if she had additional input. Strack asked Molnau why the variance request was unique to the property and not something he had created. Molnau did not provide a response noting he had been awake for several hours.

Eggers asked Molnau if he had discussed the expansion of his fleet with the Minnesota Department of Transportation. Anna Molnau noted she had spoken with MnDOT Representatives when the business opened and the DOT noted the impact was not relevant as the operation was not directly accessing a highway. Strack noted she had corresponded with MnDOT regarding the expansion. The DOT did not have comment but indicated if issues arose in the future or the fleet was further expanded, additional dialogue may be pursued.

Norwood Young America Resident Tina Diedrick spoke in favor of the requests.

Motion – Lagergren to close the public hearing. Seconded by Eggers. With all in favor the hearing was closed at 6:30 p.m.

6. Old Business.

A. Molnau Trucking: Variance (Impervious Surface within Shoreland Overlay) and Conditional Use Permit (Outdoor Storage) Amendment.

Heher introduced the agenda item for discussion. Heher referenced an impervious surface fact sheet and a “Formula for Variance Findings” shoreland and floodplain variance guidance series form produced by the Minnesota DNR which were included in the packet.

Strack noted her review memo did not include potential findings for or against the variance request and that consulting staff was unable to conclude the proposed variance is reasonable and not caused by the property owner (i.e. unique to the property). As such a recommendation was withheld. She noted she had recommended several times the Applicant provide information with the application representing why the request was based on the uniqueness of the property and not something simply wanted by the property owner. The Applicant didn’t include any information with the application.

Lagergren opined an increase from 25 to 34 percent resulted in a net increase of impervious surface of just over one acre.

Heher suggested the Commission reference the “Formula for Variance Findings” included in the packet.

Heher inquired as to the purpose of the limit on impervious surface coverage. Strack noted the standard related to preserving/enhancing surface water quality through improved stormwater management techniques. She noted Barnes Lake was a ‘natural environment lake’ the highest value lake classification.

Lagergren opined the proposed variance adding slightly over one acre of impervious surface would not significantly impact the general purpose and intent of the code because it was a relatively small increase in area.

Lagergren opined the variance was consistent with the comprehensive plan in that the property was guided toward industrial use and the plan placed a priority on business development.

Lagergren alluded to unique circumstances on site including adjacent highway providing separation of the site and the Barnes Lake and an existing berm directing stormwater away from the lake.

Lagergren suggested the granting of the variance would not alter the essential character of the adjacent locale because the impervious surface was not altering topography or the existing use of the property.

Lagergren suggested the use of the property was reasonable in that additional structures were not being added, only outdoor storage and compacted gravel.

Grundahl supported Lagergren’s opinions as did Hallquist and Eggers.

Motion – Eggers to recommend the City Council approve the variance request for maximum impervious surface coverage within shoreland of 34 percent, based on Lagergren’s findings. Second by Lagergren. Motion carried 5:0.

Strack noted if the Commission was to consider a recommendation the City Council approval of an amendment to the existing CUP specific standards pertaining to impervious surface coverage, minimum height of new/replacement tree plantings, and review by the CCWMO be included. Strack referenced potential conditions which were included in the packet memo as:

1. Review and approval by the Minnesota Department of Transportation if additional traffic to and from the site is proposed.
2. Maintenance of perimeter lot screening reasonably similar to that existing as of the date of approval. Vegetation on the berming shall be replaced as needed or directed by the City. At a minimum vegetation replacement species shall be substantially similar to species currently existing. Replacement vegetation shall be a minimum of six (6) feet in height.
3. The approval specifically authorizes accessory outdoor storage at the subject property. Said outdoor storage is strictly limited to the following:
 - A. The combined maximum combined area for outdoor storage and impervious surface coverage is limited to 4.01 acres.
 - B. The only items that may be stored outdoors are identified in Attachment A. No junk vehicles, engine parts, or equipment not being utilized as part of the business shall be parked outdoors at the site.
 - C. The entire area where outdoor storage is allowed shall be continuously surfaced with a minimum of four inches of Class 5 gravel or red rock.
 - D. The entire area where outdoor storage is allowed shall be maintained free of grass, weeds, trees, etc. at all times. The intent of this condition is to completely eradicate any potential the growth of weeds, grass, or other vegetative materials under, around, or between items stored on the site.
 - E. The entire area where outdoor storage is allowed shall be maintained in a dust-free state at all times.
 - F. The property owner shall provide the City, upon written request, an inventoried list of the items stored out of doors at the site. The inventoried list may include but is not limited to information regarding: the license plate numbers for all dump trucks, semi-trucks, and snow trucks; type of equipment; the purpose for which it is used; whether or not the item is fully operational; and whether or not the item is currently licensed. In the event of a disagreement over the definition of equipment allowed to be stored on-site, the CUP holder shall physically appear before the Planning Commission to address said disagreement or remove the item/debris in question from the site within seven (7) days of the mailing of a written notice. The Planning Commission shall determine whether or not the item/debris in question may be stored on site.

- G. Items such as personal property, personal equipment, other persons property, miscellaneous equipment parts, tires, barrels, batteries, other containers, culverts, pipes, contractor trailers, brush, tree parts, horse, stock, or travel trailers, campers, unlicensed passenger vehicles, buses, agricultural equipment, portions of heavy construction equipment, heavy construction equipment exceeding its normal lifecycle, or similar items are expressly prohibited from being stored out of doors at the site.
 - H. All equipment stored on site shall be owned and/or leased by the property owner and related to the contractor operation conducted at the site.
 - I. Construction equipment stored on the site shall be in operable condition or undergoing minor repair.
 - J. One fuel dispensing and containment system may be installed out of doors, on site provided a maximum of four tanks are allowed (i.e. one of each of the following capacities: 10,000 gallons, 2,000 gallons, 1,000 gallons, and 500 gallons). A building permit is required prior to establishment of the containment system. Prior to building permit issuance the Applicant shall submit evidence of review/approval by the Minnesota Pollution Control Agency, and the containment system shall be approved by the NYA Fire Marshal. Tanks are limited to storage of various grades of diesel fuel.
 - K. Storage of used oil, petroleum products, or hazardous material is prohibited except as approved by the City Building Official. If permitted by the Building Official storage of used oil, other petroleum products, or hazardous material shall only be allowed indoors.
 - L. A maximum of eleven (11) concrete bunkers for storage of retail landscape materials e.g. rock material, wood chips, concrete sand, etc. are allowed on site at one time. Landscape material stored on site shall be limited to processed materials such as washed products, treated products, crushed and sized concrete or bituminous aggregate, sorted organic aggregate material, washed and sized rocks, boulders, pulverized top soil, and chipped wood/organic mulch. Materials shall be processed at a different location and delivered to the site as a finished, processed product. Outdoor storage of non-processed materials including, but not limited to, concrete masses or portions thereof exceeding three (3) inches in diameter, unsorted or unsifted top soil, top soil containing roots, rocks, or grass, sod, leaves, logs, bituminous masses or portions thereof exceeding three (3) inches in diameter, and non-washed/sorted rock is specifically and strictly prohibited.
 - M. Red rock may be stored on-site outdoors independent of the aforementioned bunkers provided the total volume does not exceed one-thousand (1,000) cubic yards and that the storage pile is not in any way visible from any point within the Highway 212 right of way.
 - N. Salt/sand may be stored on site temporarily provided it is stored within the aforementioned bunkers, it is covered at all times, and it is between November 1 and April 30th.
- 4. This approval is applicable only to the property at 13050 Stewart Avenue.
 - 5. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.

6. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
7. The permit shall be subject to annual inspection and audit by the City.
8. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 “Revocation of Conditional Use Permits” of the Zoning Ordinance.
9. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
10. The Use permitted under this Resolution may change to a permitted use in the I-1 District without further action by the City Council; however the Use may not change to another conditional use without a new application and approval by the City Council.
11. An increase in the area used for outdoor storage; an increase in the number, size, or volume of items stored outdoors, or a change in the type of outdoor storage shall require amendment of this conditional use permit.
12. The Property Owner grants a right of reasonable access to the property for purposes of inspection and/or Conditional Use Permit auditing.

Strack reiterated the potential to add a requirement pertaining to review by the CCWMO.

The Commission discussed the volume of outdoor storage and impervious surface coverage. The Commission noted the total maximum impervious surface coverage allowed within the shoreland overlay district was to be capped at 4.01 acres. The total surface coverage on the entire lot, including that external to the overlay was 5.03 acres.

Motion – Lagergren to recommend the City Council approve a conditional use permit amendment to specifically allow maximum impervious surface coverage within the shoreland overlay district of 4.01 acres, maximum impervious surface coverage on the entire site of 5.03 acres, minimum height of replacement plantings of six (6) feet, and required review of the proposed expanded impervious surface by the CCWMO. Second by Eggers. Motion carried 5:0

7. New Business.

A. 2040 Comprehensive Plan: Future Land Use Map; Goals & Objectives

Heher introduced the agenda item for discussion.

Helget referenced existing land use and proposed future land use maps included in the packet along with proposed goals and objectives.

The Commission reviewed the proposed future land use map and noted inconsistencies. The Commission requested a representative from the firm completing the plan attend the next meeting for discussion.

Helget requested Commissioners review the goals and objectives.

8. Miscellaneous.

A. March Building Permit Report.

The Commission reviewed the March building permit report.

9. Commissioner Reports.

Lagergren, Hallquist, Eggers, Helget, and Strack did not have comments.

Grundahl noted a joint meeting on redevelopment of the downtowns was scheduled for May 9th.

Heher noted the Council approved items related to Vickerman Companies expansion, a code amendment relating to towers as previously recommended by the Commission and revocation of a CUP for 700 Railroad Street West effective June 1st.

10. Adjourn

Motion – Lagergren, Second Eggers, with all in favor the meeting adjourned at 7:38 p.m.

Respectfully submitted,

Steven Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 1, 2018

Re: Public Hearing: Text Amendment – Limited Manufacturing and Assembly RC-1 District

BACKGROUND

Adam White (Purchaser) and Steve Curfman (Property Owner) have applied for a text amendment to the RC-1 Residence Neighborhood Commercial District. The Applicant’s request the City consider amending Chapter 12, Section 1230.08, Subd. 4 by adding subsection (G) allowing custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool. If approved the amendment would allow Adam White d.b.a. VisionTech to operate an assembly operation at 124 Railroad Street West. The Application and a map of the subject property is attached for your information.

The RC-1 Residence Neighborhood Commercial District is adjacent to Railroad Street West.

The RC-1 District is intended to include primarily established residential areas where changing conditions have made certain commercial uses suitable and not incompatible with the basic residential character of the district. The district is also intended for certain residential areas which, by reason of proximity to existing commercial areas and major streets, would be suitable for limited office use. It is further the intention of this Section that the classification as RC-1 of an area will aid in the preservation and stabilization of property values.



The City previously updated standards in the C-3 Downtown Districts to provide for similar types of low intensity assembly uses provided the uses were contained entirely within a structure.

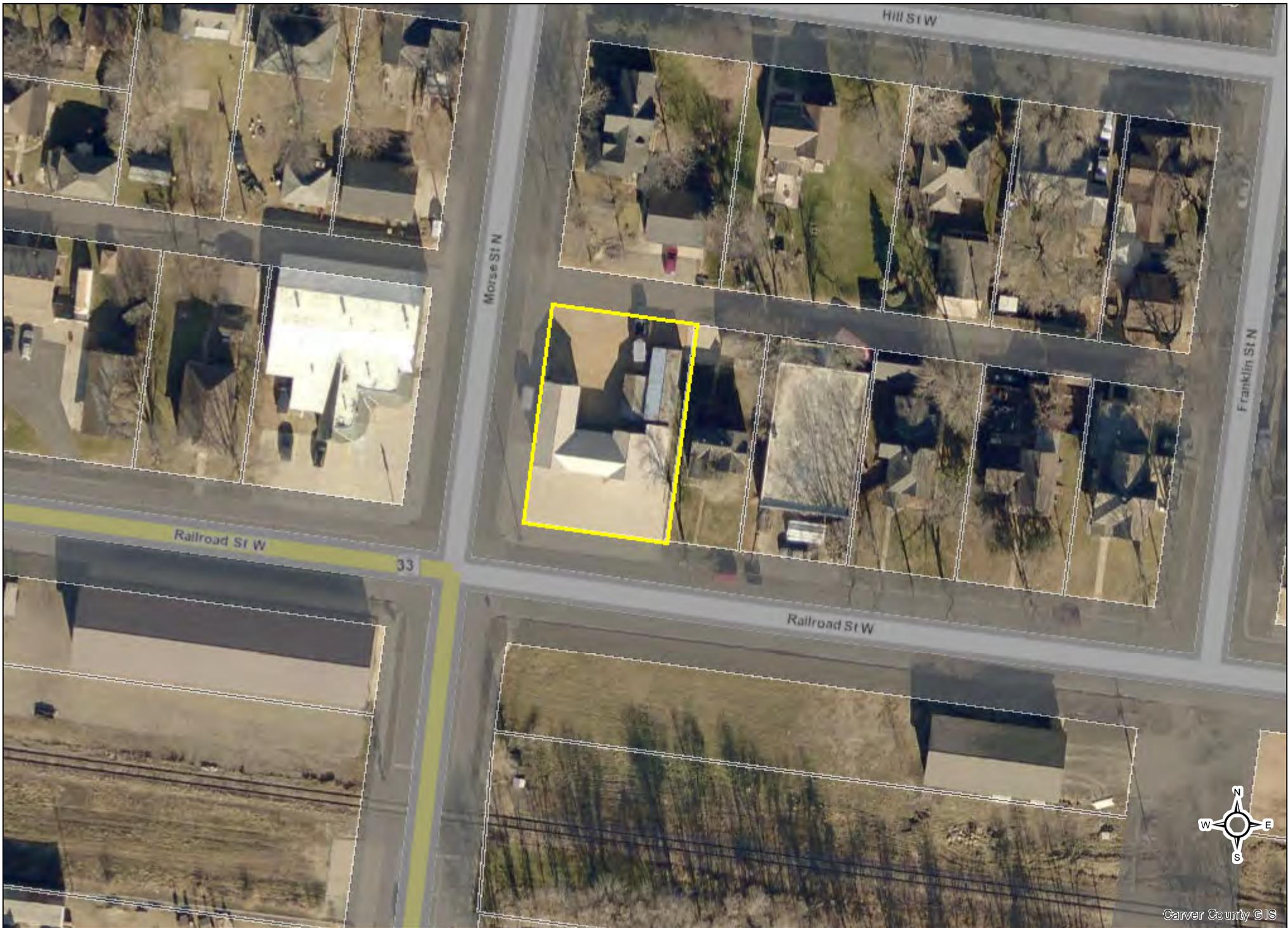
A draft Ordinance is attached. Please note to limit visual intrusion and the nature of the use the following conditions are proposed for contemplated uses which are identical to those in the standards pertaining to said uses in the Downtown Districts:

- i. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
- ii. All business vehicles shall be accommodated by off-street parking.
- iii. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
- iv. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply.

A public notice has been drafted, published, and posted. The Planning Commission is to hold the public hearing and discuss the proposed amendment. A recommendation to the Council is kindly requested.

ACTION

Public hearing and recommendation.



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: 4/8/2018

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 <i>Adam White</i>		Telephone Home Work/Cell <i>952-201-5224</i>																														
Address (Street, City, State, ZIP) <i>1131 Cardinal Cir</i>																																
Property Owner's Name (If different from above) <i>Steve Curfman</i>		Telephone Home Work/Cell																														
Location of Project <i>124 Railroad St. Norwood</i>																																
Legal Description																																
Description of Request (Attach separate sheet, if necessary)																																
<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 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 checked="" 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 checked="" type="checkbox"/> Recording Fee \$46.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</td> <td><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Boundary Line Adjustment \$100.00</td> </tr> <tr> <td><input type="checkbox"/> Variance \$200.00 (Residential)</td> <td><input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow</td> <td>Other _____</td> </tr> <tr> <td><input type="checkbox"/> Variance \$300.00 (Non Residential)</td> <td><input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Lot Split \$200.00</td> <td><input 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 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 checked="" 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 checked="" type="checkbox"/> Recording Fee \$46.00	<input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Boundary Line Adjustment \$100.00	<input type="checkbox"/> Variance \$200.00 (Residential)	<input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow	Other _____	<input type="checkbox"/> Variance \$300.00 (Non Residential)	<input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow		<input type="checkbox"/> Lot Split \$200.00	<input 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 Escrow Deposit \$2,000.00 Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews) 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: <i>Adam White</i>		Date <i>4-3-18</i>																														
Fee Owner's Signature: <i>Judith A Curfman</i>		Date <i>4-4-18</i>																														
For Office Use Only																																
Accepted By:	Amount	Date																														

Notice of Public Hearing
City Code Text Amendment: Custom or Limited Manufacturing,
Assembly, or Treatment of Articles or Merchandise as a Conditional
Use in the RC-1 Residence Neighborhood Commercial District

Notice is hereby given that the NYA Planning Commission will conduct a public hearing on Tuesday, May 1, 2018 at 6:01 PM or soon thereafter, in the Council Chambers at Oak Grove City Center, 310 Elm St. W.

The purpose of this hearing is to consider amendment of Section 1230.08, Subd. 4 of the City Code relating to Conditional Uses allowed within the RC-1 Residence Neighborhood Commercial District and Section 1210.06, Subd. 3(B)(22) relating to specific standards for granting a conditional use permit for custom or limited manufacturing activities in the RC-1 District.

Pertinent information is available for review at City Hall between the hours of 8-4:30, Monday through Friday. If you have any questions regarding this matter or wish to make comment prior to the hearing, please contact the City Office at 467-1800 or in writing to: City of Norwood Young America, 310 Elm St. W., PO Box 59, NYA, MN 55368, by no later than noon on Tuesday, May 1st.

BY: Norwood Young America Planning Commission

ATTEST: Steve Helget, City of NYA

Published in the NYA Times April 19, 2018



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 1, 2018

Re: Public Hearing Conditional Use Permit: 124 Railroad Street West (VisionTech)

Applicants: Steve Curfman (Property Owner)
Adam White d.b.a. VisionTech (Prospective Property Owner)

Subject Property Address: 124 Railroad Street West

Legal Description: Lot 7 and the West 20 feet of Lot 8, Block 17 in the Village of Norwood.

Property ID: 580501140

Zoning Class: RC-1 Residence Neighborhood Commercial District

Request: A conditional use permit to allow limited assembly and testing of electronic and technology devices

BACKGROUND

Adam White (Purchaser) and Steve Curfman (Property Owner) have applied for a conditional use permit concurrent with filing of a text amendment to the RC-1 Residence Neighborhood Commercial District.

If the text amendment is reviewed favorably, the Applicant requests the City consider issuance of a CUP to allow assembly and testing of technology products at 124 Railroad Street West. A narrative of the use is attached as submitted by the Applicant. No changes to the building footprint are proposed.

Hearing Requirements

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

Comments Received

As of the drafting of this memo no comments were received.

Examination of Code Requirements

NYA City Code requirements applicable to this Conditional Use Permit Request are itemized below; consulting staff comments are illustrated in **red bold, italic type face**.

General Criteria for Approval of Conditional Use Permits

The Planning Commission is to examine the request under Section 1210.06 Conditional Use Permits, Subd. 3(A) and 3(B). The City may, as it deems necessary to protect the health, safety, and general welfare of the public, require additional performance standards.

The specific conditions the proposed use must meeting follow:

1. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted. **DISCUSSION: No outdoor storage of any kind is proposed.**
2. All business vehicles shall be accommodated by off-street parking. **DISCUSSION: No business vehicles are proposed to be stored on site.**
3. Office or retail sales areas shall be maintained at the front (street-facing) side of the building. **DISCUSSION: The Applicant certifies office space will be retained in the front of the structure.**
4. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply. **DISCUSSION: Noise, glare, odor, smoke, vibration, etc standards contained in Section 1245.01 apply.**

The general conditions all proposed CUP must meet follow:

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan. **DISCUSSION: The 2008 NYA Comprehensive Plan guides the subject area to continued blended use.**
2. The use is consistent with the intent of this Ordinance. **DISCUSSION: The intent of the RC-1 District is to blend existing uses and preserve property values. In the event a concurrent request for text amendment is acted on favorably, any/all standards required for assembly type uses are herein incorporated by reference.**
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements. **DISCUSSION: The proposed use shall occupy and existing structure which is currently served by a full array of urban services. The proposed use will not overly burden existing utilities in terms of volume used/capacity required or type of waste produced.**
4. The use does not have an undue adverse impact on the public health, safety or welfare. **DISCUSSION: The proposed use will be operated within an existing structure. No expansion of the existing building footprint is contemplated.**
5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood. **DISCUSSION: Adjacent uses are commercial/industrial in nature. The use as provided for in the City Code appears to blend in with the uses within the general locale.**
6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **DISCUSSION: The subject site lies within a fully developed part of the original townsite and appears to be consistent with adjacent uses.**

7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. ***DISCUSSION: The subject parcel is an existing, improved lot with a full complement of urban services provided.***
8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site. ***DISCUSSION: No changes to the structure are proposed. Vehicular and pedestrian circulation patterns are already established.***
9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter. ***DISCUSSION: As a condition of approval, the proposed use shall meet the requirements of Section 1245.01 of the City Code relating to noise, vibration, smoke, particulate matter, odor, and connection to municipal utilities.***
10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. ***DISCUSSION: No changes to the structural footprint are proposed, as such any existing inconsistencies with lot/structure performance standards are presumed of legal, non-conforming status. No outdoor storage is allowed or proposed. Parking is dependent on structural square footage (one space per 2,000 sf of structure) or number of employees (one per employee on the largest shift) and number of company vehicles. The structure is approximately 2,275 sf. The Applicant reports having two part-time employees at this time. The Applicant reports having no company vehicles at this time. Adequate space for parking appears evident on site.***

Conditions of Approval

All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. The Council may impose conditions which are considered reasonably necessary to meet the standards of City Code and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition of approval is a violation of the Code.

If approval of the conditional use permit is recommended to the City Council, the following conditions are recommended:

1. The "Use" is defined as assembly and testing of electronic and technology devices at 124 Railroad Street West. No other use shall be allowed under this Conditional Use Permit.
2. No outdoor storage of any kind, including but not limited to garbage, refuse, materials, equipment, or machinery shall be permitted.
3. All business vehicles stored at the site shall be accommodated by off-street parking.
4. A minimum of one (1) off-street parking space per employee on the largest shift and one (1) space for each company vehicle shall be provided at all times.
5. An office area shall be maintained at the front (street-facing) side of the building to the greatest extent possible.
6. All loading/unloading at the subject site shall occur on private property at 124 Railroad Street West.
7. The use shall at all times meet the requirements of Section 1245.01 of the City Code relating to noise, vibration, smoke, particulate matter, odor, and connection to municipal utilities.
8. The Property Owner shall not discharge industrial waste into the sanitary sewer system.

9. Any proposed signage will require the issuance of a sign/building permit.
10. This approval is applicable only to the property at 124 Railroad Street West.
11. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
12. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
13. The permit shall be subject to annual inspection and audit by the City.
14. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the City Code, as may be amended.
15. The conditional use permit shall be revoked if the Use ceases for more than 12 consecutive months.

ACTION

After the Planning Commission's review and discussion is complete, a motion to the Council to approve/deny the conditional use permit is in order.

Vision Tech LLC
1131 Cardinal Circle
Mayer, MN 55360
952-201-5224

March 23, 2018

Steve Helget, City Administrator
Norwood Young America, MN 55368
Phone: 952-467-1805
cityadmin@cityofnya.com

Dear Mr. Helget,

I would like the permission and cooperation of the city to move my business, Vision Tech LLC, to 124 Railroad St in Norwood Young America. There seems to be a misunderstanding that my business is heavy manufacturing or a job shop. In fact it is much closer to what some cities designate as electronic prototype assembly.

The other aspect of my business is engineering. I design and provide custom vision solutions for The semiconductor industry.

In a typical month we will assemble and ship about two vision inspection systems in cardboard boxes that are about 2 x 2 x 1 feet. We also ship spare components about twice each month. These systems typically include a computer, one or two cameras, housing for the cameras, optics and a light.

***Computer:** The computer is assembled from standard electronic components and also includes a circuit board we design and purchase from board manufacturers.*

***Cameras:** The cameras are purchased from FLIR or SENTECH.*

***Housing:** The housing is made in our shop from aluminum with a milling machine. The decibel level inside the shop does not exceed 70dB or 40dB outside. The waste is a small amount of aluminum chips which are recycled.*

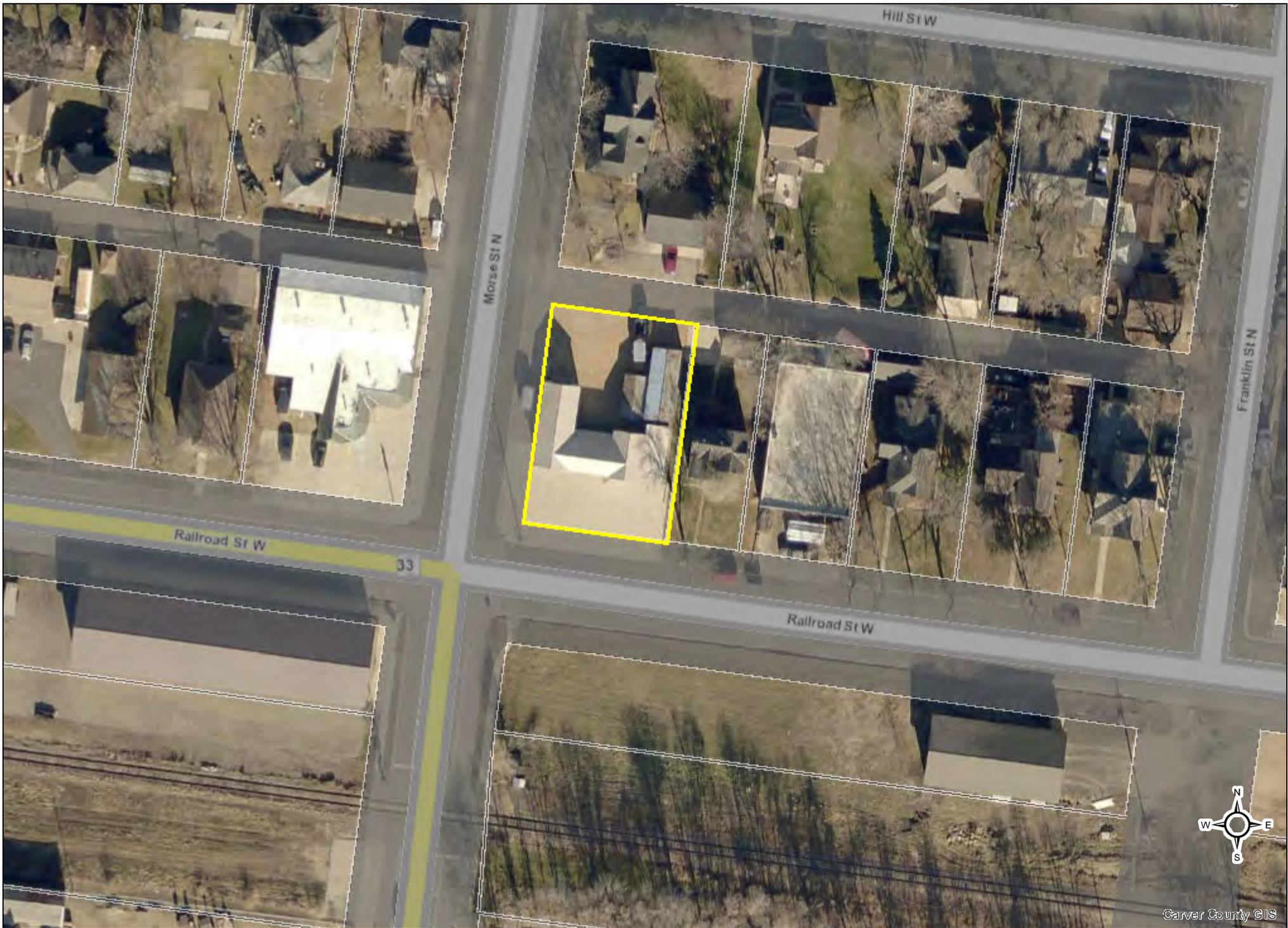
***Optics:** Optics are purchased from TAMRON. We also purchase glass components from other local manufacturers.*

***Light:** The light includes circuit boards purchased from board manufacturers.*

My business is limited to inside the building and is free from sound and environmental nuisances created by other businesses like automobile repair shops. We do not create any smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line. Please let me know if you have any questions or if I can clarify any parts of our process.

Thank you,

Adam White, Owner
Vision Tech LLC



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: 4/8/2018

Property Card	Parcel ID Number 580501140
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Taxpayer Information
Taxpayer Name CURFMAN PROPERTIES HOLDINGS LLC
Mailing Address 600 RAILROAD ST W NYA, MN 55368-



Property Address
Address 124 RAILROAD ST W City NYA, MN 55368

Parcel Information		
Uses	Commercial	GIS Acres 0.22
		Net Acres
		Deeded Acres
		Plat CITY LOTS OF NORWOOD
		Lot 007
		Block 017

Tax Description & W 20' OF LOT 8 OLD # 60.0501220

Building Information		
Building Style	Above Grade Finished Sq Ft	Bedrooms
Year Built	Garage	

Miscellaneous Information				
School District 0108	Watershed District WS 067 CARVER CO WMO	Homestead N	Green Acres N	Ag Preserve N

Assessor Information				
Estimated Market Value	2017 Values (Payable 2018)	2018 Values (Payable 2019)	Last Sale	
Land	\$59,900.00	\$62,900.00	Date of Sale	10/25/2011
Building	\$20,200.00	\$21,200.00	Sale Value	\$50,000.00
Total	\$80,100.00	\$84,100.00		

The data provided herewith is for reference purposes only. This data is not suitable for legal, engineering, surveying or other similar purposes. Carver County does not guarantee the accuracy of the information contained herein. This data is furnished on an 'as is' basis and Carver County makes no representations or warranties, either expressed or implied, for the merchantability or fitness of the information provided for any purpose. This disclaimer is provided pursuant to Minnesota Statutes §466.03 and the user of the data provided herein acknowledges that Carver County shall not be liable for any damages, and by using this data in any way expressly waives all claims, and agrees to defend, indemnify, and hold harmless Carver County, its officials, officers, agents, employees, etc. from any and all claims brought by anyone who uses the information provided for herein, its employees or agents, or third parties which arise out of user's access. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party unless the user includes with the data a copy of this disclaimer.

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 <i>Adam White</i>	Telephone Home Work/Cell <i>952-201-5224</i>			
Address (Street, City, State, ZIP) <i>1131 Cardinal Cir</i>				
Property Owner's Name (If different from above) <i>Steve Curfman</i>	Telephone Home Work/Cell			
Location of Project <i>124 Railroad St. Norwood</i>				
Legal Description				
Description of Request (Attach separate sheet, if necessary)				
<p style="text-align: center;">Proposed Action(s): Check all that apply</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Annexation \$300.00 <input type="checkbox"/> Application for Appeal \$150.00 <input type="checkbox"/> City Code Amendment \$250.00 <input type="checkbox"/> Parking Reduction \$100.00 <input type="checkbox"/> CUP/IUP \$200.00 (Residential) <input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential) <input type="checkbox"/> Variance \$200.00 (Residential) <input type="checkbox"/> Variance \$300.00 (Non Residential) <input type="checkbox"/> Lot Split \$200.00 <input checked="" type="checkbox"/> Public Hearing Notice \$75.00 </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow <input type="checkbox"/> Sketch Plat \$200.00 + Escrow <input type="checkbox"/> Site Plan \$300.00 + Escrow <input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow <input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow <input type="checkbox"/> PUD Final Plan \$300.00 + Escrow <input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow <input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow <input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow <input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Storm Water Plan \$250.00 <input type="checkbox"/> Rezoning \$350.00 <input type="checkbox"/> Street/Alley Vacation \$150.00 <input checked="" type="checkbox"/> Zoning Text Amendment \$300.00 <input checked="" type="checkbox"/> Recording Fee \$46.00 <input type="checkbox"/> Boundary Line Adjustment \$100.00 <input type="checkbox"/> Other _____ </td> </tr> </table> <p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK Escrow Deposit \$2,000.00 Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews) Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p> <p style="text-align: center;">ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</p> <p style="text-align: center;">*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</p>		<input type="checkbox"/> Annexation \$300.00 <input type="checkbox"/> Application for Appeal \$150.00 <input type="checkbox"/> City Code Amendment \$250.00 <input type="checkbox"/> Parking Reduction \$100.00 <input type="checkbox"/> CUP/IUP \$200.00 (Residential) <input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential) <input type="checkbox"/> Variance \$200.00 (Residential) <input type="checkbox"/> Variance \$300.00 (Non Residential) <input type="checkbox"/> Lot Split \$200.00 <input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow <input type="checkbox"/> Sketch Plat \$200.00 + Escrow <input type="checkbox"/> Site Plan \$300.00 + Escrow <input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow <input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow <input type="checkbox"/> PUD Final Plan \$300.00 + Escrow <input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow <input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow <input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow <input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00 <input type="checkbox"/> Rezoning \$350.00 <input type="checkbox"/> Street/Alley Vacation \$150.00 <input checked="" type="checkbox"/> Zoning Text Amendment \$300.00 <input checked="" type="checkbox"/> Recording Fee \$46.00 <input type="checkbox"/> Boundary Line Adjustment \$100.00 <input type="checkbox"/> Other _____
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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: <i>Adam White</i>	Date <i>4-3-18</i>			
Fee Owner's Signature: <i>Judith A Curfman</i>	Date <i>4-4-18</i>			
For Office Use Only				
Accepted By:	Amount			
	Date			

**Notice of Public Hearing
Conditional Use Permit
124 Railroad Street West**

Notice is hereby given that the NYA Planning Commission will conduct a public hearing on Tuesday, May 1, 2018 at 6:05 PM or soon thereafter, in the Council Chambers at Oak Grove City Center, 310 Elm St. W. The purpose of this hearing is to consider a request from Adam White (Applicant) and Curfman Properties Holdings LLC (Owner) to allow custom or limited manufacturing, assembly, or treatment of articles or merchandise at 124 Railroad Street West. If approved the conditional use permit would provide for electronic assembly at the subject address. The property is identified as 580501140 and described as Lot 7, Block 17 and the west 20 feet of lot 8, Old #60050122.

Pertinent information is available for review at City Hall between the hours of 8-4:30, Monday through Friday. If you have any questions regarding this matter or wish to make comment prior to the hearing, please contact the City Office at 467-1800 or in writing to: City of Norwood Young America, 310 Elm St. W., PO Box 59, NYA, MN 55368, by no later than noon on Tuesday, May 1st.

BY: Norwood Young America Planning Commission

ATTEST: Steve Helget, City of NYA

Published in the NYA Times April 19, 2018

CITY OF NORWOOD YOUNG AMERICA

ORDINANCE NO. [REDACTED]

AN ORDINANCE AMENDING SECTION 1230.08, SUBD. 4 OF THE CITY CODE RELATING TO CONDITIONAL USES ALLOWED WITHIN THE RC-1 RESIDENCE NEIGHBORHOOD COMMERCIAL DISTRICT AND SECTION 1210.06, SUBD. 3(B)(22) RELATING TO SPECIFIC STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT FOR CUSTOM OR LIMITED MANUFACTURING ACTIVITIES IN THE RC-1 DISTRICT.

I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, SECTION 1230.08, SUBD. 4 SHALL BE AMENDED AS FOLLOWS:

Subd. 4 Conditional Uses. The following uses are permitted, subject to the provisions of Section 1210.06:

Principal Uses:

- A. Churches, schools, and Similar Public Uses.
- B. Condominiums.
- C. Contractor Operations (Amended by Ord. 216; 8-24-2009).
- D. Licensed Daycare Facilities, other than those permitted in Subd. 2.E. above.
- E. Converted residential dwelling units for lodging services, such as hotels, motels, and bed and breakfasts.
- F. Multifamily, up to 4-units per dwelling.
- G. Custom or Limited Manufacturing, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool

Accessory Uses:

- A. Outdoor Dining;

II. BE IT FURTHER ORDAINED CHAPTER 12, SECTION 1210.06, SUBD. 3(B)(22) SHALL BE AMENDED AS FOLLOWS:

22. Custom or Limited Manufacturing, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool in the C-3, Downtown Districts and the RC-1 Residence and Neighborhood Commercial District shall conform to the following standards:

- a. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
- b. All business vehicles shall be accommodated by off-street parking.
- c. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
- d. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply.

III. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City Council of the City of Norwood Young America this __ day of _____, 2018.

Carol Lagergren, Mayor

Attest:

Kelly Hayes, City Clerk



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 1, 2018

Re: Public Hearings:

1. Ordinance 301: An Ordinance Adding a New Section 1265 to the City Code Relating to Enforcement.
2. Ordinance 302: An Ordinance Amending the Title of Section 1210 of the City Code.

BACKGROUND

The City Council proposes administrative citations be added as an option to other enforcement remedies contained in the City Code. The proposed administrative actions would supplement and complement existing enforcement tools including: civil remedies, criminal citations, injunctive relief, after-the-fact permitting, stop work order issuance and the like. The Council has worked directly with the City Attorney to develop administrative citation standards.

The administrative citation enabling language will be included in Chapter One of the Code as Section 120.04. In addition to language inserted into Chapter One of the Code, a few supplemental adjustments are recommended by the City Attorney. Two of those supplemental adjustments pertain to Code standards providing for land use (i.e. Chapter 12 of the City Code). Land use code amendments require public hearing and recommendation by the Planning Commission.

To those ends, public hearing and consideration of proposed ordinance 301 and 302 (individual actions for each ordinance) are requested. Both ordinances are attached.

Ordinance 301 is entitled "An Ordinance Adding a New Section 1265 to the City Code Relating to Enforcement". The proposed ordinance allows for administrative penalties as defined in Section 120.04 of the Code (please find a copy of Section 120.04 attached).

Ordinance 302 is entitled "An Ordinance Amending the Title of Section 1210 of the City Code" and simply amends the title of 1210 from "Administration" to "Administration & Enforcement".

The purpose of the public hearing is **not** to debate the merits of administrative penalties.

ACTION

The Planning Commission is to hold public hearings for each proposed Ordinance. Following hearing and discussion, recommendations to the Council pertaining to each Ordinance, individually, is in order.

**CITY OF NORWOOD YOUNG AMERICA
CARVER COUNTY, MINNESOTA
ORDINANCE NO. 300**

AN ORDINANCE ADDING A NEW SECTION 120.04 TO CITY CODE RELATING
TO ADMINISTRATIVE ENFORCEMENT OF CODE VIOLATIONS

THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA HEREBY
ORDAINS:

SECTION 1. ADDITION OF SECTION. A new section 120.04 is added to the Norwood Young America City Code as follows:

120.04. Administrative Enforcement of City Code

Subd. 1. Findings and Purpose. The purpose of this section of the city code is to establish a procedure for administrative enforcement of violations of the city code. The City Council finds that criminal or civil legal action is not an appropriate remedy for certain violations of city code. The City Council establishes this administrative enforcement process as an informal, cost-effective and more efficient alternative to traditional criminal charges for violations of certain city code provisions.

Subd. 2: General Provisions.

- (A) A violation of any provision of the city code, other than a traffic offense, is an administrative offense subject to a citation and civil penalties pursuant to this chapter.
- (B) Each day a violation exists constitutes a separate offense.
- (C) Each administrative offense may be subject to a civil penalty not to exceed \$1,000. The City Council shall adopt a schedule of civil penalties for offenses subject to administrative enforcement.
- (D) Civil penalties may be doubled for repeat violations that occur within a twelve-month period.
- (E) The City Administrator or designee is authorized to promulgate rules and forms to facilitate the execution of this chapter.
- (F) In its sole discretion, the City may elect to pursue criminal charges, a civil action, or other remedies allowed by law for conduct covered by this chapter.

Subd. 3: Administrative Citation

- (A) *Individuals Authorized to Enforce the City Code.* The following individuals may issue administrative citations on behalf of the City:
1. Any Officer of the Carver County Sheriff's Department assigned to serve in the City of Norwood Young America
 2. City Administrator; or
 3. Any other employee or agent of the City designated in writing by the City Administrator.
- (B) *Notice of Violation.* Upon determining that a violation of city code has occurred, any individual authorized under this chapter may give notice of the violation to the violator. Such notice shall be in writing and include the nature, date, and time of the violation, the name and title of the official issuing the notice, and the amount of the scheduled penalty. In the case of a vehicular violation, notice may be attached to the vehicle,

Subd. 4: Payment or Hearing Request Required

For violations other than violations of the City's Zoning and Subdivision Codes, within seven days of issuance of the written notice of violation, the person issued such notice must either pay the civil penalty or request an administrative hearing in writing. The civil penalty may be paid in person or by mail. Payment is deemed an admission of the violation.

For violations of the City's Zoning and Subdivision Codes, the property owner shall have thirty days from the issuance of the written notice of violation to request an administrative hearing in writing, modify the property to adhere to zoning requirements, or provide the City Administrator with satisfactory written evidence of efforts toward compliance. By way of example, but without limitation, satisfactory written evidence may include a contract with an individual or entity to perform the necessary work to bring the property into compliance with zoning requirements within a limited period of time. During the thirty days from the issuance of the written notice, the property owner will not incur a civil penalty. If the property owner does not request a hearing, bring the property into compliance, or provide the City Administrator with satisfactory written evidence of efforts toward compliance within thirty days of issuance of the written notice, the property owner will incur a civil penalty on the 31st day after issuance of the written notice, and each day the violation continues, as provided in the City's schedule of civil penalties. Civil penalties will continue to accrue until the property owner notifies the

City Administrator that the property has been brought into compliance and the City Administrator or designee has verified the property is compliant.

Subd. 5: Administrative Hearing

- (A) Any person contesting an administrative citation pursuant to this chapter may request a hearing. The request must be in writing and include the violator's name and contact information, citation number, date of offense, and a brief description of the reason(s) for requesting a hearing. Any request for hearing other than a hearing on a zoning or subdivision code violation must be addressed to the City Administrator and received at City Hall within seven (7) days of issuance of the citation. A request for a hearing on a zoning or subdivision code violation must be addressed to the City Administrator and received at City Hall within thirty (30) days of the issuance of the notice of violation.
- (B) The City will determine the hearing date. The hearing should be conducted within sixty (60) days from the date the request is received.
- (C) The City Council shall conduct an informal hearing to determine, by a preponderance of the evidence, whether a violation has occurred. The Council, by majority vote, shall have authority to sustain or dismiss the violation and, if sustained, reduce or waive the civil penalty.
- (D) The civil penalty must be paid within seven days of the hearing officer decision.

Subd. 7: Appeal Hearing Body

The hearing shall be before the City Council, The City Council is authorized to hear and decide any controversy relating to administrative offenses covered by this chapter.

Subd. 8: Payment of Civil Penalty

- (A) Except for violations of the Zoning and Subdivision Codes, the civil penalty must be paid within seven days of issuance of an administrative citation, or seven days of the Hearing Officer's decision. A ten-percent (10%) late fee will be added beginning on the eighth day, and for each day thereafter until the penalty is paid in full. The City Administrator may agree to a one-time extension to pay, up to an additional fourteen days.

- (B) The City will periodically send invoices regarding outstanding civil penalties and late fees. Where a violation affects property within the City, no permits or land use approvals will be granted for the property at issue until all civil penalties are paid.
- (C) If an individual fails to timely pay the civil penalty or request a hearing, the City may request a misdemeanor or petty misdemeanor charge to be filed in accordance with applicable statutes, or the City may use traditional debt collection methods or any other method prescribed by law, including assessing the unpaid fines against property owned by the violator, to collect the fine amount and any associated fees.
- (D) If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.
- (E) During the time any Civil Penalty remains unpaid, no City approval will be granted for a license, permit, or other City approval sought by the violator or for property under the violator's ownership or control.

Subd. 9: Disposition of Penalties

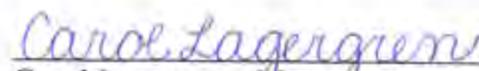
All civil penalties and late fees shall be paid to the City and deposited into the general fund.

Subd. 10: Schedule of Civil Penalties

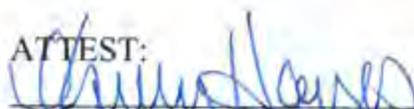
A schedule of Civil Penalties will be developed and adopted by City Council. In the absence of an identified civil penalty, the penalty shall be \$100.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon its passage and publication.

Adopted by the City Council this 9th day of April, 2018.



Carol Lagergren, Mayor

ATTEST:


Kelly Hayes, City Clerk/Treasurer

Notice of Public Hearing
Ordinance No. 301 An Ordinance Adding A New Section 1265
To The City Code Relating To Enforcement

Notice is hereby given that the NYA Planning Commission will conduct a public hearing on Tuesday, May 1, 2018 at 6:01 PM or soon thereafter, in the Council Chambers at Oak Grove City Center, 310 Elm St. W.

The purpose of this hearing is to consider Ordinance 301 entitled "An Ordinance Adding A New Section 1265 To The City Code Relating To Enforcement". If approved the Ordinance would amend the Chapter 12 (Zoning) of the City Code to provide for enforcement of zoning standards through criminal prosecution, orders for corrective action, administrative penalties, civil enforcement, and after-the-fact permitting.

Pertinent information is available for review at City Hall between the hours of 8-4:30, Monday through Friday. If you have any questions regarding this matter or wish to make comment prior to the hearing, please contact the City Office at 467-1800 or in writing to: City of Norwood Young America, 310 Elm St. W., PO Box 59, NYA, MN 55368, by no later than noon on Tuesday, May 1st.

BY: Norwood Young America Planning Commission

ATTEST: Steve Helget, City of NYA

Published in the NYA Times April 19, 2018

Notice of Public Hearing
Ordinance No. 302
An Ordinance Amending The Title of Section 1210 Of The City Code

Notice is hereby given that the NYA Planning Commission will conduct a public hearing on Tuesday, May 1, 2018 at 6:01 PM or soon thereafter, in the Council Chambers at Oak Grove City Center, 310 Elm St. W.

The purpose of this hearing is to consider Ordinance 302 entitled "An Ordinance Amending the title of Section 1210 of the City Code". The Section title is proposed to be changed to "Administration & Enforcement". The current title is "Administration".

Pertinent information is available for review at City Hall between the hours of 8-4:30, Monday through Friday. If you have any questions regarding this matter or wish to make comment prior to the hearing, please contact the City Office at 467-1800 or in writing to: City of Norwood Young America, 310 Elm St. W., PO Box 59, NYA, MN 55368, by no later than noon on Tuesday, May 1st.

BY: Norwood Young America Planning Commission

ATTEST: Steve Helget, City of NYA

Published in the NYA Times April 19, 2018



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 1, 2018

Re: 2040 Comprehensive Plan

BACKGROUND

At the previous meeting the Planning Commission received information on existing and planned (proposed future) land uses and goals/objectives. The Commission requested a representative from SRF (the project consultant) attend the May meeting for presentation and discussion.

Stephanie Falkers, Associate Planner, SRF will be attending the meeting.

Attached are existing land use, planned (future) land use, and staging maps.

For residential density the following reference table has been provided:

Land Use	Density	Zoning District
Low Density	0 to 8 units/acre	R-1, R-2
Medium Density	8 to 12 units/acre	R-3
High Density	12 to 18 units/acre	R-4

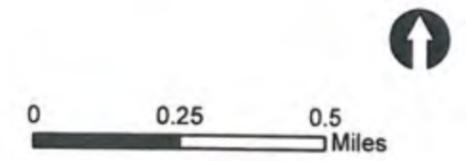
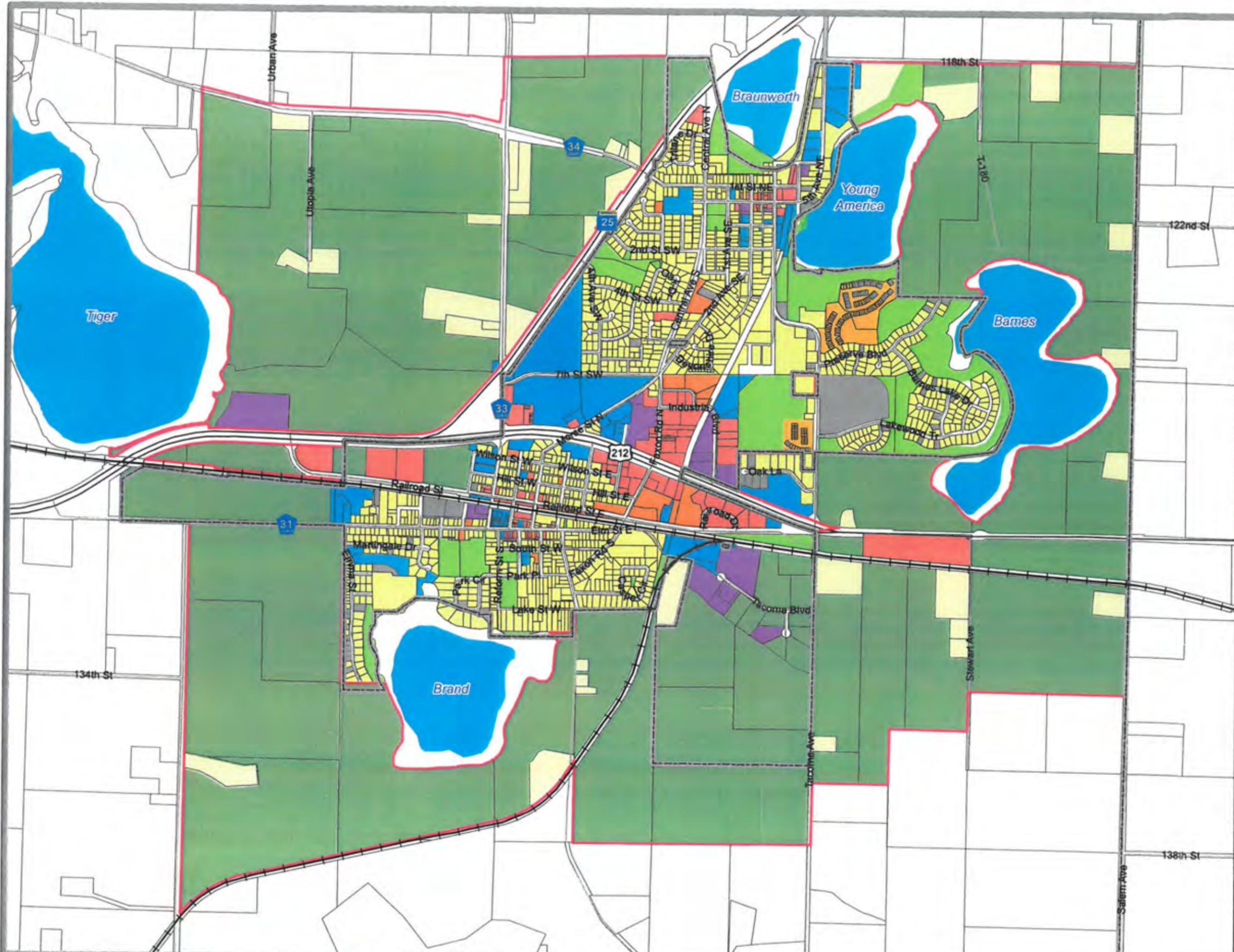
ACTION

Discussion.

Norwood Young America

Existing Land Use

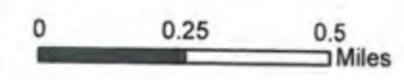
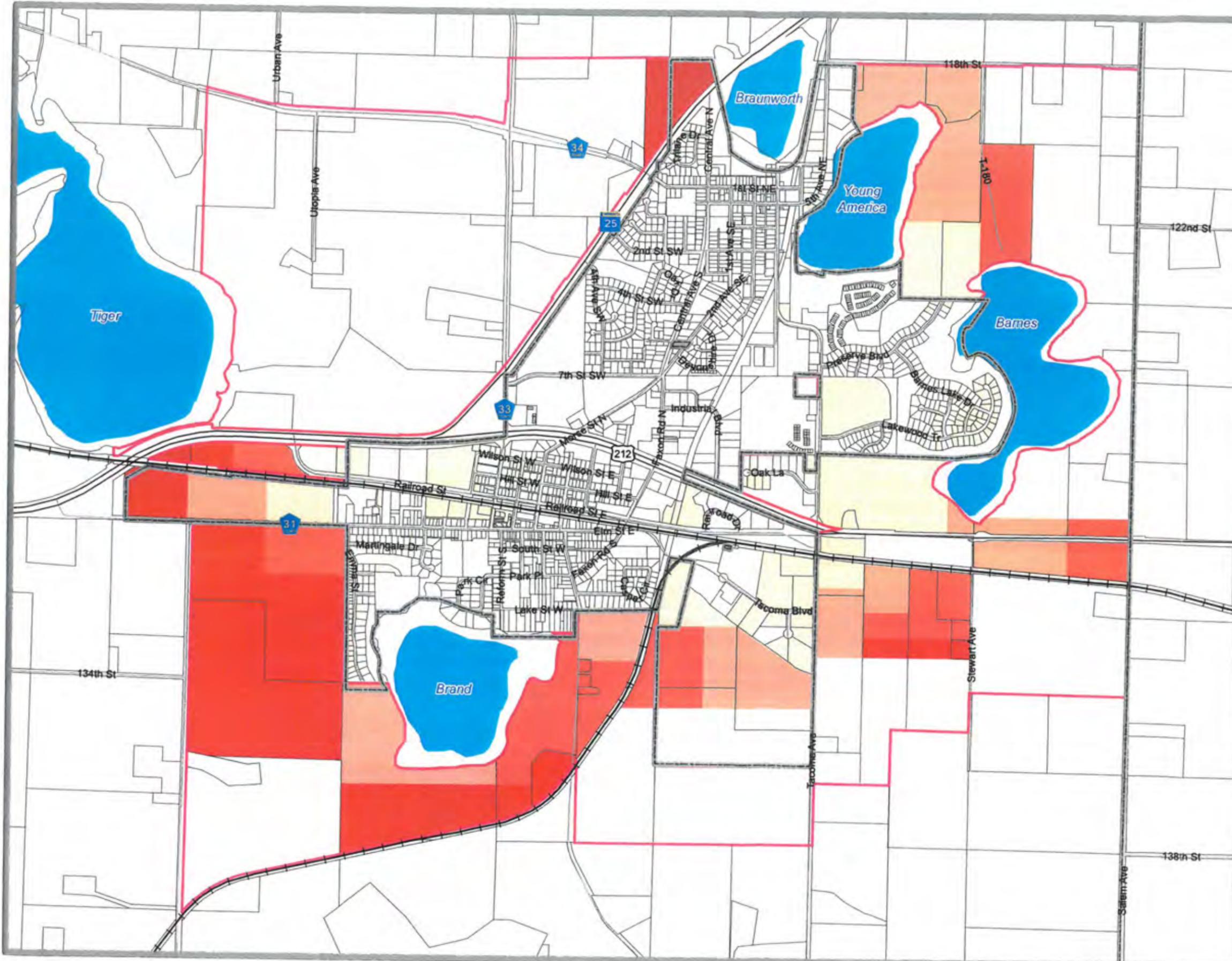
- Commercial
- Industrial
- Public/Institutional
- Park and Open Space
- Low Density Residential - 1 to 7 units/acre
- Medium Density Residential - 8 to 12 units/acre
- High Density Residential - 12 to 18 units/acre
- Rural Residential
- Agricultural
- Planning Reserve
- Orderly Annexation Boundary
- Municipal Boundary
- Railroad



Norwood Young America

Development Phasing

- Phase 1 (2010 to 2020)
- Phase 2 (2020 to 2030)
- Phase 3 (2030 to 2040)
- Phase 4 (Beyond 2040)



BUILDING PERMIT REPORT - APRIL

PLAN CHECK

PERMIT #	NAME	ADDRESS	PURPOSE	DATE	PERMIT FEE	FEE	SURCHARGE	VALUE
2018001	Diversifed Plumbing	125 Railroad St E	Addition	1/16/2018	\$1,339.60	\$870.74	\$70.00	\$140,000.00
2018002	Tom Worm	7 1st Street NE	Remodel	1/10/2018	\$228.65	\$109.62	\$5.00	\$8,000.00
2018003	Taylor Peters	418 Morse St	Plumbing	1/16/2018	\$60.00	\$0.00	\$1.00	\$0.00
2018004	Felipe Robinson	222 Oak St S	Reside	1/17/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018005	Mark Paulson	915 Barnes Lake Dr	Water heater replace	1/23/2018	\$15.00	\$0.00	\$1.00	\$0.00
2018006	City of NYA	321 South St W	Warming House	1/24/2018	\$153.25	\$99.61	\$3.50	\$6,200.00
2018008	Jean Toenges	385 Emma Street	Replace Furnace	1/24/2018	\$60.00	\$0.00	\$1.00	\$0.00
2018009	Joel Klaustermeier	517 Devonshire Dr	Rewindow	1/29/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018010	Vernon Darland	218 Brush St	Replace Furnace	1/31/2018	\$60.00	\$0.00	\$1.00	\$0.00
2018011	Diversifed Plumbing	125 Railroad St E	Plumbing	2/8/2018	\$107.05	\$69.58	\$2.00	\$3,500.00
2018012	Lift Management	604 Shoreview Lane	New Twinhome	2/13/2018	\$15,108.26	\$1,407.28	\$140.00	\$237,150.00
2018013	Lift Management	610 Shoreview Lane	New Twinhome	2/13/2018	\$14,848.46	\$1,287.16	\$124.00	\$243,200.00
2018014	Taylor Peters	418 Morse St	Bath Remodel	2/21/2018	\$147.85	\$89.60	\$4.00	\$6,000.00
2018015	Diversifed Plumbing	125 Railroad St E	HVAC	3/15/2018	\$199.45	\$129.64	\$5.00	\$10,000.00
2018016	Roland Latzig	514 Devonshire Dr	Replace Furnace & AC	2/26/2018	\$120.00	\$0.00	\$1.00	\$0.00
2018017	Nick Rogosienski	515 Morse St	Foundation Repair	2/28/2018	\$122.45	\$79.59	\$2.50	\$5,000.00
2018018	John Hoklin	880 Lakewood Trail	Finish Basement	3/5/2018	\$382.65	\$209.72	\$10.00	\$18,000.00
2018019	Ernst Holdings LLC	216 Main St E	Demo	3/2/2018	\$100.00	\$0.00	\$1.00	\$0.00
2018020	John Vogt	414 Railroad St	Demo	3/6/2018	\$100.00	\$0.00	\$1.00	\$0.00
2018021	Nick Rogosienski	515 Morse St	Reroof	3/7/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018022	Vernon Darland	218 Brush St	Reroof-Garage	3/8/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018023	Tom Lano	400 Emma St	Stone	3/13/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018024	Bill Whisney	362 Meadow Lane	Water Softener	3/14/2018	\$15.00	\$0.00	\$1.00	\$0.00
2018025	Andrea Gerth	307 Shady Lane	Furnace	3/16/2018	\$60.00	\$0.00	\$1.00	\$0.00
2018026	All Saints Church	511 Merger St	Addition	4/9/2018	\$7,065.52	\$3,617.59	\$442.00	\$884,000.00
2018027	Chris Meis	223 Lake St	Alterations	3/20/2018	\$59.45	\$38.64	\$1.00	\$1,500.00
2018028	James Kemp	411 Morse St	Water Softener	3/19/2018	\$15.00	\$0.00	\$1.00	\$0.00
2018029	Nick Rogosienski	515 Morse St	Remodel 2 baths	3/20/2018	\$768.20	\$460.33	\$26.00	\$50,000.00
2018030	Steve Curfman	600 Railroad St	Plumbing	3/20/2018	\$199.45	\$49.86	\$5.00	\$9,500.00
2018031	Serv-a-dock	170 Industrial Blvd	Alterations	3/20/2018	\$42.65	\$27.72	\$1.00	\$1,000.00
2018032	Ernst Holdings LLC	201 Main St E	Reside	3/23/2018	\$59.45	\$0.00	\$1.00	\$0.00
2018033	Doug Genz	434 Meadow Lane	Deck	3/29/2018	\$76.25	\$49.56	\$1.00	\$2,400.00
2018034	Chad Stewart	402 2nd Ave SE	Roof Peak	3/28/2018	\$59.45	\$38.64	\$1.00	\$1,500.00
2018035	Loomis Homes	975 Lakewood Trail	New Home	4/4/2018	\$10,841.30	\$1,683.55	\$171.50	\$342,715.00
2018036	Brandon Lind	433 Casper Circle	Addition	4/6/2018	\$1,552.00	\$930.80	\$79.50	\$155,000.00
2018037	Duane Pieschke	408 Adams Drive	Reroof	4/5/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018038	Brian Kuhlmeier	788 Preserve Blvd	Water heater replace	4/5/2018	\$15.00	\$0.00	\$1.00	\$0.00
2018039	Ernst Holdings LLC	216 Main St E	Remodel	4/25/2018	\$452.67	\$294.24	\$13.50	\$26,455.00
2018040	Ernst Holdings LLC	216 Main St E	Plumbing	4/6/2018	\$230.25	\$0.00	\$6.00	\$12,000.00
2018041	Ernst Holdings LLC	216 Main St E	HVAC	4/6/2018	\$137.85	\$0.00	\$3.00	\$6,000.00
2018042	Brandon Hemmann	327 Oak St S	Rewindow	4/9/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018043	Vickerman Co	725 Tacoma Blvd	New Construction	4/12/2018	\$177,148.18	\$19,687.32	\$1,599.95	\$6,999,000.00
2018044	Nick Rogosienski	515 Morse St	Reside	4/10/2018	\$55.00	\$0.00	\$1.00	\$0.00

BUILDING PERMIT REPORT - APRIL

2018045	Steve Exum	552 Preserve Blvd	Water Heater	4/12/2018	\$15.00	\$0.00	\$1.00	\$0.00
2018046	Steve Curfman	600 Railroad St W	Mechanical	4/17/2018	\$291.85	\$189.70	\$8.00	\$15,500.00
2018047	Gerry Geise	636 Meadow Lane	Rewindow	4/18/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018048	KJS Ventures	219 Elm St W	Mechanical	4/19/2018	\$230.25	\$149.66	\$6.00	\$12,000.00
2018049	Don Halloff	114 Hill St E	Rewindow	4/20/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018050	Loomis Homes	960 Lakewood Trail	New Home		\$10,096.26	\$1,207.08	\$114.00	\$223,100.00
2018051	Cindy Bigaouette	201 3rd Ave SE	Reroof	4/20/2018	\$55.00	\$0.00	\$1.00	\$0.00
2018052	Castle Gate Construction	574 Shoreview Lane	Finish Bsmt Bath	4/23/2018	\$151.65	\$59.57	\$2.50	\$3,000.00