



**Norwood Young America Planning Commission**

**Tuesday, June 5, 2018**

**Norwood Young America City Council Chambers, 310 Elm St. W.**

**6:00 p.m.**

**AGENDA**

1. Call to Order  
Pledge of Allegiance

**John  
Fahey**

2. Adoption of Agenda

**Bill  
Grundahl**

3. Approve Minutes of May 1, 2018 meeting

**Paul  
Hallquist**

4. 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.)

**JR  
Hoernemann**

5. Public Hearings

**Mark  
Lagergren**

6. Old Business

**Mike  
Eggers**

- A. Subdivision Code Standards: Design Standards and Fee In Lieu of Parkland  
Dedication Requirement  
B. CUP Audit

**Craig  
Heher  
Council  
Liaison**

7. New Business

- A. Class 2 ATVs – Dick Stolz's request  
B. Mail Receptacles

8. Miscellaneous

- A. May Building Permit Report

9. Commissioner's Reports

10. Adjourn

**UPCOMING MEETINGS**

June 11<sup>th</sup> City Council meeting 6:00 p.m.

June 13<sup>th</sup> Economic Development Commission 6:00 p.m.

June 19<sup>th</sup> Parks & Recreation Commission meeting 5:30 p.m.

June 25<sup>th</sup> City Council Work Session/EDA/Regular meeting 6:00 p.m.

July 3<sup>rd</sup> Planning Commission meeting 6:00 p.m.

July 18<sup>th</sup> Joint Meeting - Planning Commission, City Council, EDC, and Chamber of  
Commerce 6:30 p.m.

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

**Present:** Commissioners Mike Eggers, John Fahey, Bill Grundahl, and JR Hoernemann.

**Absent:** Paul Hallquist, Craig Heher and Mark Lagergren

**Staff:** City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

**Public:** Adam White, Richard Stolz, Stephanie Falkers, Steve Curfman, and Brenda Schmitz.

**1. Call to Order.**

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

**2. Oath of Office: John Fahey.**

Commissioner John Fahey officially joined the Planning Commission by reciting an oath of office.

**3. Adoption of Agenda.**

Vice Chairperson Grundahl introduced the agenda and recommended new business be addressed prior to old business.

Motion – Eggers, seconded by Hoernemann to approve the agenda with the proposed amendment. The agenda was approved 4-0.

**4. Approval of Minutes from the Regular Meeting April 3, 2018.**

Grundahl introduced the minutes from the April 3, 2018 regular meeting.

Motion – Eggers to approve the April 3, 2018 meeting minutes. Second by Hoernemann. With all in favor the minutes were approved 4-0.

**5. Public Comment.**

Richard Stolz 308 1<sup>st</sup> Street Northeast addressed the Commission in regard to allowing Class 2 ATV's to operate on City streets. Stolz noted ATV's can be driven on County roads and shoulders but not on highways or City streets at this time. He opined Class 2 ATV's were very similar to golf carts and requested the Commission consider recommending an amendment to Chapter 750 of the Code to allow Class 2 ATVs on City streets.

The Commission listened to Mr. Stolz request and Vice Chair Grundahl noted no action would be taken at this meeting but the Commission could opt to review the request at a future meeting.

## 6. Public Hearings.

### A. Zoning Code Amendment: Limited Manufacturing and Assembly as Conditional Use in the RC-1 Residential Commercial District.

Vice Chairperson Grundahl introduced the agenda topic pertaining to the proposed code amendment to allow limited manufacturing and assembly as a conditional use in the RC-1 District. Grundahl 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. Grundahl stated he would then ask for public comments for or against the proposed action. The hearing would then be closed and additional Commissioner questions/comments would be addressed. Grundahl noted action on the items would be taken during the business portion of the meeting. Grundahl opened the public hearing pertaining to the variance and conditional use permit amendment requests at 6:11 p.m.

Strack stated 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. Strack referenced a map of the subject property included in the packet. The RC-1 Residence Neighborhood Commercial District is adjacent to Railroad Street West.

Strack stated 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. She referenced a draft Ordinance included in the packet. She opined that to limit visual intrusion and the nature of the use, four conditions were proposed for contemplated limited manufacturing and assembly uses in the RC-1 District. Those conditions were: (1) No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted. All business vehicles shall be accommodated by off-street parking; (2) Office or retail sales areas shall be maintained at the front (street-facing) side of the building; (3) The standards of Section 1245.01 (Performance Standards); and (4) 1245.02 (Architectural Standards and Guidelines) apply.

Strack noted a public notice was posted and published and no comments for or against the proposed amendment have been received.

Adam White addressed the Planning Commission and explained his business, VisionTech, and the product they assemble. The product assists in evaluating the integrity of items produced by the semiconductor industry. White noted they ship two to four units per month through FedEx type service. No outdoor storage is proposed, the business does not use hazardous materials or products, and that business occurs only during regular business hours.

Grundahl inquired as to what types of uses would be allowed if the Code amendment were to be approved. Strack noted only limited manufacturing and assembly or production of previously composed materials. All uses would need to abide by the conditions previously mentioned. As such operations were to occur completely within a structure without visual, noise, odor, or smoke/particulate matter release.

Grundahl inquired as to district setbacks. Strack noted they would remain 10' for front and street side corner yards, five feet for interior side yard, and ten feet for rear yards.

Hoernemann inquired as to the definition of 'article' as contained in the proposed language. Strack opined it related to a specific type of product.

Hoernemann inquired as to why 'nothing' was occurring at the 'Zellmann House' next to Principal Manufacturing. City Administrator Steve Helget noted Principal manufacturing owns the property.

Grundahl inquired as to whether or not Steve Curfman had comments. Curfman opined nothing was occurring at the house because of onerous City regulations. He opined the City had become more open to business in recent years but still over-reached.

Motion – Fahey to close the public hearing. Seconded by Eggers. With all in favor the hearing was closed at 6:20 p.m.

B. Conditional Use Permit to Allow Limited Manufacturing and Assembly at 124 Railroad Street West in the RC-1 Residential Commercial District.

Vice Chair Grundahl introduced the agenda item and opened the public hearing at 6:21 p.m.

Strack stated 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.

Strack reviewed the proposed conditions of operation and stated that no comments for or against the proposed use have been received.

Grundahl inquired of White as to hours of operation. White stated work hours would typically be 9 a.m. to 4 p.m. Grundahl inquired as to whether or not any building expansion was contemplated. White stated no changes to the building footprint were proposed. Strack noted expansion of the building was limited by structural setback requirements.

Grundahl invited Curfman to comment. Curfman opined VisionTech would be a nice addition to the business community.

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

C. Zoning Code Amendment: Ordinance 301 – Adding Section 1265 Relating to Code Enforcement.

Vice Chair Grundahl introduced the agenda item and opened the public hearing at 6:31 p.m.

Strack stated 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. A copy of Section 120.04 was included in the packet.

Helget provided an overview of Section 120.04 as previously approved by the City Council.

Commissioner Fahey inquired as to the penalty language contained in Subd. 8(A) of Ordinance 300 (Section 120.04) previously approved by the City Council. The standard references a ten (10) percent penalty. Fahey inquired as to whether or not that would be calculated on a daily basis. Helget affirmed. Fahey inquired as to what would occur if the individual not in compliance was appealing a staff decision, would the penalty continue to accrue? Helget stated the penalty would not accrue during appeal periods.

Motion – Eggers to close the public hearing. Seconded by Fahey. With all in favor the hearing was closed at 6:40 p.m.

D. Zoning Code Amendment: Ordinance 302 – Amending the Title of Section 1210 of the City Code.

Vice Chair Grundahl introduced the agenda item and opened the public hearing at 6:41 p.m.

Strack noted this Ordinance, like the previous Ordinance, was intended to clean up language within the land use Section of the City Code pertaining to penalty and enforcement to reflect previous action by the City Council to allow administrative citations as a method to gain compliance with standards.

Strack stated 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”.

Motion – Fahey to close the public hearing. Seconded by Hoernemann. With all in favor the hearing was closed at 6:46 p.m.

## **7. New Business.**

A. Zoning Code Amendment: Limited Manufacturing and Assembly as Conditional Use in the RC-1 Residential Commercial District.

Vice Chairperson Grundahl introduced the agenda topic pertaining to the proposed code amendment to allow limited manufacturing and assembly as a conditional use in the RC-1 District.

Strack reiterated 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.

Strack stated 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. She referenced a draft Ordinance included in the packet. She opined that to limit visual intrusion and the nature of the use, four conditions were proposed for contemplated limited manufacturing and assembly uses in the RC-1 District. Those conditions were: (1) No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted. All business vehicles shall be accommodated by off-street parking; (2) Office or retail sales areas shall be maintained at the front (street-facing) side of the building; (3) The standards of Section 1245.01 (Performance Standards); and, (4) 1245.02 (Architectural Standards and Guidelines) apply.

*Motion* – Eggers to recommend the City Council approve a Code amendment to allow limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials as conditional uses in the RC-1 Residence Neighborhood Commercial District. Seconded by Hoernemann. Motion carried 4:0.

Fahey opined the Code amendment will help stabilize the neighborhood, promote use of potentially underutilized parcels, and provide for businesses with minimal impacts to the area.

B. Conditional Use Permit to Allow Limited Manufacturing and Assembly at 124 Railroad Street West in the RC-1 Residential Commercial District.

Vice Chair Grundahl introduced the agenda item.

Strack stated 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.

Strack reviewed Code requirements pertaining to the proposed use. She recommended the following conditions should the Commission view the request favorably:

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.

*Motion* – Fahey to recommend the City Council approve a conditional use permit to allow limited manufacturing and assembly at 124 Railroad Street West. Seconded by Eggers. Motion approve 4:0.

C. Zoning Code Amendment: Ordinance 301 – Adding Section 1265 Relating to Code Enforcement.

Vice Chair Grundahl introduced the agenda.

Strack stated the City Council has added administrative citations 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 approved by the Council requires a few supplemental adjustments to zoning standards. 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.

Grundahl confirmed Ordinance 301 simply cleaned up existing references to code enforcement and penalty. Strack concurred.

*Motion* – Hoernemann to recommend the City Council approve Ordinance 301. Seconded by Eggers. Motion carried 4:0.

D. Zoning Code Amendment: Ordinance 302 – Amending the Title of Section 1210 of the City Code.

Vice Chair Grundahl introduced the agenda item.

Strack noted this Ordinance, like the previous Ordinance, was intended to clean up language within the land use Section of the City Code pertaining to penalty and enforcement to reflect previous action by the City Council to allow administrative citations as a method to gain compliance with standards.

Strack stated 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”.

*Motion* – Hoernemann to recommend the City Council approve Ordinance 302 amending the title of Section 1210 of the Code. Seconded by Fahey. Motion carried 4:0.

## **8. Old Business.**

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

Grundahl introduced the agenda item for discussion.

Strack introduced Stephanie Falkers a Planner with SRF, the City’s Comprehensive Plan 2040 Consultant. Strack noted copies of existing land use, planned land use, and staging were included in the Commission packet.

Falkers and the Commission reviewed the existing land use map, proposed future land use map, and staging map and noted suggested adjustments.

## **9. Miscellaneous.**

A. April Building Permit Report.

The Commission reviewed the April building permit report.

## **10. Commissioner Reports.**

Hoernemann commented on improvements being made by Diversified Plumbing and Heating.

Fahey noted the Carver County Planning Commission is nearing completion of its 2040 Comprehensive Plan.

Eggers noted the EDC is discussing a business seeking location in the industrial park. The EDC is also looking at a potential update to a previously completed hotel study.



Grundahl noted a Joint Meeting was held on May 9<sup>th</sup> and continued discussion was held on the redevelopment of the Downtowns .

Helget noted the Council approved applying to the Carver County CDA Economic Development Grant Program. The Application will seek assistance in producing a redevelopment plan for the Downtowns. The Council recently approved a sexual predator code amendment and the administrative penalty code amendment.

## **10. Adjourn**

Motion – Eggers, Seconded Hoernemann to adjourn the meeting. With all in favor the meeting adjourned at 8:20 p.m.

Respectfully submitted,

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Steven Helget  
Zoning Administrator



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 5, 2018

Re: Subdivision Code Standards: Design Standards and Fee In Lieu of Parkland Dedication Requirement

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## **BACKGROUND**

Last winter the PC began reviewing the Subdivision Code. The Commission suggested follow up for design standards and standards associated with a fee in lieu of parkland dedication.

### Design Standards:

City Administrator Helget requested the City Engineer's Office comment on design standards. The following comments were received:

1. Cul-de-sac radii: the 60' and 50' shown are large radii. For example the Preserve 5<sup>th</sup> has a cul-de-sac with a ROW radii of 55' and a street radii of 45' which do not meet these minimum dimensions. This minimums should be reduced to 50/40 or 45/35.
2. Private Streets: Private streets have been approved in the past (*code prohibits*).
3. Topography and Arrangement: Reference to grid pattern may need clarification. Does this mean development should look like the original town site (i.e. no curvilinear streets) or does this mean the street naming grid should be followed.
4. Pedestrian Ways/Widths: The minimum trail width in town has been 8' for city projects and for developments (*code requires 10'*).
5. Stormwater or ROW: The snow melt numbers have become more common and have been used on recent developments. What is shown is fine (1, 10, 100-year storm events), but City Engineer recommends adding "10-day snow melt event" as well.

### Park Fee in Lieu of Land Dedication

Current code language relating to a calculable fee in lieu of park land dedication is open ended and appears to be adequate. However, the fee schedule assigns a fee per lot, unit, or acre requirement depending on the future use of the property. This appears to be inconsistent with Mn. Statutes which are attached hereto. The following table illustrates current fees. Staff recommends the City consider a simple fee in lieu of park dedication equal to ten (10) percent of the estimated market value of the land at the time of platting.

PARK DEDICATION		
Single Family	Per Lot	2500.00
Two Family	Per Unit	2500.00
Townhome	Per Unit	2500.00
Multi-Family	Per Unit	2000.00
Commercial/Industrial	Per Acre	5000.00
Basin Connection		Actual Cost
<b><i>If City Council determines land shall be dedicated, the following requirements shall be met:</i></b>		
Residential Subdivisions		10% of total property area
Non-Residential Subdivisions		5% of total property area

## ACTION

This item is for discussion.

## Section 1130 – Design Standards

**1130.01 Conformity with the Comprehensive Plan.** The proposed subdivision shall conform to the policies and standards of the comprehensive plan.

**1130.02 Streets.** The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

**Subd. 1 Street Width.** All right-of-way widths and pavement widths shall conform to the following minimum dimensions:

<u>Comprehensive Plan Designation</u>	<u>ROW</u>	<u>Roadway</u>
Arterials	100-200'	52'
Collectors	80'	40'
Local Streets	50-66'	28'
Cul-de-Sac Radius	60'	50'
Service Roads	40'	24'

Greater or lesser widths may be required depending upon anticipated traffic volumes, planned function of the street, and character of planned abutting land uses.

**Subd. 2 Street Continuation and Extension.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions where this is desirable.

**Subd. 3 Deflections.** When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius of not less than 100 feet.

**Subd. 4 Grades.** Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. All center line gradients shall be at least .5% and shall not exceed the following:

Arterial and Collector Streets	4% Gradient
Local Streets	8% Gradient

**Subd. 5 Cul-de-Sacs.** Maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way.

**Subd. 6 Half Streets.** Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and except where it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access. The probable length of time elapsing before dedication of the full right-of-way shall be considered in this decision.

**Subd. 7 Stub Streets.** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.

**Subd. 8 Private Streets.** Private streets shall not be approved, nor shall public improvements be approved for any private right-of-way.

**Subd. 9 Service Streets.** Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic may be required. Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**Subd. 10 Topography and Arrangement.** The grid street pattern shall be followed except in instances where topography or other physical conditions will prevent the strict application of the basic grid pattern.

**Subd. 11 Street Trees.** Street trees shall be placed within 6 feet of the right-of-way of the road or roads within and abutting the subdivision. One tree shall be planted for every forty (40) feet of frontage along the road, unless the City Council grants a waiver. Such waiver shall be granted only if there are trees growing along such right-of-way or on the abutting property which in the opinion of the City Council comply with this Chapter. The following types of trees shall not be planted as a street tree as herein defined: Boxelder, Silver Maple, Birch, Catalpa, Black Walnut, Mulberry, Poplars, Black Locust, Willows and the Elm species. This prohibition will be prospective in effect. Planting of a prohibited type will be a misdemeanor.

**Subd. 12 Street Names.** Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name as the existing or platted street so in alignment.

### **1130.03 Alleys.**

**Subd. 1 Locational Requirements.** Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major arterial or a major street.

**Subd. 2 Widths.** An alley right-of-way and pavement widths shall conform to the following minimum standards:

<u>Classification</u>	<u>ROW</u>	<u>Pavement</u>
Residential (two way)	20 ft	16 ft
Residential (one way)	16 ft	12 ft
Commercial/Industrial	24 ft	20 ft

**Subd. 3 Grades.** All center line gradients shall be at least .5% and shall not exceed 8%.

#### **1130.04 Intersections.**

**Subd. 1 Angle of Intersection.** The angle formed by the intersection of streets shall be 90 degrees unless natural features such as topography and trees are to be protected wherein, an intersection shall not be less than 75 degrees.

**Subd. 2 Size of Intersection.** Intersections of more than four corners shall be prohibited.

**Subd. 3 Offset Intersections.** Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

**Subd. 4 Vertical Alignment at Intersections.** Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

**Subd. 5 Sight Triangles.** Minimum clear sight distance shall be established for all intersections in which no building, pole, or other visual obstruction higher than two feet would be permitted. Vehicles should be visible to the driver of another vehicle when each is 75 feet from the center of the intersection for local streets. The standards of Carver County shall apply on other streets.

#### **1130.05 Pedestrian Ways.** Where sidewalks are proposed, they shall meet the following standards:

**Subd. 1 Widths.** Sidewalks shall be five (5) feet in width. Recreational trails shall be ten (10) feet in width.

**Subd. 2 Grades.** Sidewalks shall slope ¼ inch per foot away from the property line and the profile grade shall not exceed 5%.

#### **1130.06 Utility Easements.**

**Subd. 1 Easements.** Easements shall be provided along rear and side lot lines as necessary for utility lines. The total width shall not be less than 10 feet. The easements should be centered on rear lot lines resulting in a 5-foot easement on one lot and 5-feet on the adjacent lot.

**Subd. 2 Storm Water or Right-of-Way.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such watercourse or right-of-way.

**1130.07 Drainage.** The post-development runoff rate shall not exceed the pre-development runoff rate for the 1 year, 10 year, and 100 year storm events.

#### **1130.08 Blocks.**

**Subd. 1 Arrangement.** A block shall be so designed as to provide two tiers of lots wherever possible unless it adjoins a railroad, major Arterial, river or park where it may have a single tier of lots.

**Subd. 2 Length.** Block lengths shall not exceed 1,300 feet nor be less than 500 feet.

#### **1130.09 Lots.**

**Subd. 1 Conformance to Zoning.** The lot width, depth, and area shall not be less than the particular district requirements of the zoning ordinance.

**Subd. 2 Lot Frontage.** All lots shall front upon a publicly dedicated street.

**Subd. 3 Width Related to Length.** To prevent narrow deep lots, the depth of a lot shall not exceed 2 ½ times the width.

**Subd. 4 Corner Lots.** Corner lots shall have extra width as identified in Chapter 12 to permit appropriate building setbacks from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.

**Subd. 5 Butt Lots.** Butt lots shall be platted at least five feet wider than the average width of interior lots in the block; their use shall be avoided whenever possible.

**Subd. 6 Side Lot Lines.** Side lot lines shall essentially be at right angles to straight streets and radial to curved streets.

**Subd. 7 Back-up Lots.** Lots shall back, wherever possible, rather than face, onto such features as freeways and arterial streets, shopping centers, or industrial properties. Such lots should contain a landscape easement along the rear at least 20 feet wide to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets should be prohibited.

**Subd. 8 Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

**Subd. 9 Double Frontage/Through Lots.** Such lots shall not be permitted except where such lots back onto an arterial or major highway; such lots shall have additional depth of ten feet for screen planting along the rear lot line.

**1130.10 Planting Strips.** Planting strips shall be placed next to undesirable features such as highways, railroads, or industrial uses to screen the view from residential properties. Such screens should be a minimum of 20 feet wide.

**1130.11 Erosion and Sediment Control.**

- A. The development shall conform to the topography and soils to create the least potential for soil erosion.
- B. The smallest practical increment of land shall be exposed at any one time during development.
- C. Detailed requirements for each plat shall be set forth in the development agreement.

**Section 1140 – Dedication Requirements**

**1140.01 Park Land Dedication Requirements.**

**Subd. 1. Purpose and Findings**

- A. Minnesota Statutes Section 462.358. Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash. *(Amended by Ord. 165, 2/14/2005)*
- B. The City Council finds that:
  - 1. The preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and employees within the City. Further, the value and attractiveness of residential and commercial/industrial developments is enhanced by the presence of parks and open space amenities.
  - 2. New developments place a burden upon the City's parks and open space system. New facilities must be developed to maintain the current level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City's park system in rough proportion to the relative burden they will place upon the park system. *(Amended by Ord. 165, 2/14/2005)*

**Subd. 2. Dedication Required**

- A. At the time of subdivision, the developer shall dedicate land for public open space and public use as parks, playgrounds, recreation facilities, trails, in an amount equal to the development's proportional share of the City park system, as determined by this ordinance. *(Amended by Ord. 165, 2/14/2005)*
- B. Any land dedicated shall be in a location and of a character consistent with and suitable for meeting the needs identified by the City's Comprehensive Plan. In order to be accepted for



the required dedication, land must be suitable for public uses. Land located within wetlands, areas subject to flooding, and land used for ponding or infiltration areas will not be accepted to meet the land dedication requirements. The City may consider accepting ownership of these lands without giving credit for park dedication. *(Amended by Ord. 165, 2/14/2005)*

- C. Existing natural features which enhance the attractiveness of the community, such as trees, watercourses, historical places, and similar irreplaceable assets such be preserved, insofar as possible, in the design of the subdivision and in meeting park land dedication requirements. *(Amended by Ord. 165, 2/14/2005)*
- D. If the City Council determines that land is not needed in the area of the proposed subdivision, the City requires payment of an equivalent amount in cash. Any money paid to the city for this purpose shall be placed in a special fund and used only for the acquisition of land for parks, open space, playgrounds, and recreational facilities, and for the development of new and existing park and playground sites. *(Amended by Ord. 165, 2/14/2005)*
- E. If the City Council determines that land is needed with a subdivision, but in a lesser amount than what is required, the Council may require payment of cash in lieu of land dedication based on a proportional share of the land dedication that would otherwise be required. *(Amended by Ord. 165, 2/14/2005)*
- F. The undeveloped land value shall be used to determine the cash payment required in lieu of land dedication. The amount required for payment is evaluated annually and is listed in the City of Norwood Young America Fee Schedule. *(Amended by Ord. 165, 2/14/2005)*
- G. The City Council may waive the park dedication fee under special circumstances, such as economic development projects, where public funding and subsidies are utilized for project feasibility. *(Amended by Ord. 165, 2/14/2005)*

**Subd. 3. Land Dedication/Payment of Fees.** Dedication of land and/or payment of park dedication fees shall be as follows:

A. Calculation of Dedication.

- 1. For residential subdivisions, a minimum of 10% of the total area of the property is deemed a reasonable portion to meet dedication requirements. The land must be suitable for public use and the City is not required to accept land which will not be usable for park purposes or which would require extensive expenditures on the part of the public to make them usable. *(Amended by Ord. 165, 2/14/2005)*
- 2. For non-residential subdivisions, such as commercial or industrial plats, the city requires a minimum cash park dedication on a per acre basis, as specified in the Fee Schedule. However, where the City Council deems it in the public interest, it may require a minimum land dedication of five percent of the commercial or industrial land to be subdivided in lieu of a cash dedication. The lands must be indicated on the City's Comprehensive Plan or must be designated on specific area plans for parks, trails, and public open space. *(Amended by Ord. 165, 2/14/2005)*

B. Land Dedication.

- 1. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. *(Amended by Ord. 165, 2/14/2005)*

2. Signed deeds for the lots or outlots shall be given to the City prior to the City's release of the final plat for filing. No building permits shall be issued for the development until the required deeds are received by the City. *(Amended by Ord. 165, 2/14/2005)*
3. The developer shall be responsible for finished grading and ground cover and construction of trails in all lands to be dedicated to the City. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails included in the City's adopted trail plan may be reimbursed by the City.*(Amended by Ord. 165, 2/14/2005)*

C. Cash Fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:

1. For all residential developments, park dedication fees shall be paid prior to the City releasing the signed final plat for recording. An exception may be granted by the City Council for multiple-family structures, including multi-unit townhomes, condos and apartments, to allow payment of the fee prior to the issuance of building permits. Payment shall be made for all units within each building prior to issuance of any building permits for that structure. *(Amended by Ord. 165, 2/14/2005)*
2. For commercial and industrial developments, the total fee shall be paid prior to issuance of any building permits for the development. The City Council may grant deferral of a portion of the fees if the subdivider proposes to construct significantly less square footage than the site supports. The remaining fees shall be paid at the time of building permit application for additional square footage to be constructed on the site. *(Amended by Ord. 165, 2/14/2005)*
3. In plats that include outlots for future development, the subdivider shall pay to the City the required dedication fee for each phase at the time such outlots are replatted for development, according to the park dedication policy and fees in affect at the time of final plat for each phase. *(Amended by Ord. 165, 2/14/2005)*

**Subd. 2b.Dedication.**

(a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

(b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval. "Fair market value" means the value of the land as determined by the municipality annually based on tax valuation or other relevant data. If the municipality's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the municipality and the applicant, or based on the market value as determined by the municipality based on an independent appraisal of land in a same or similar land use category.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.

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**Subd. 2c.Nexus.**

(a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

(b) If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.

(c) An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 5, 2018

Re: CUP Audit

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**BACKGROUND**

The PC has a goal of auditing CUP/IUP in 2018 for compliance with approved standards. Attached please find a matrix of existing CUP/IUP for review.

Pertinent documentation of CUP/IUP approved subsequent to the previous CUP audit is also attached.

**ACTION**

For review and discussion. Assignment of audit points to Commissioners.

## CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status
1	410 Faxon Rd N	McDonalds	CUP issued for drive-thru window in the 90's. No conditions placed on CUP	PC finds existing, valid CUP. No conditions exist.	Audited, compliant.
2	112 Poplar Ridge Dr	Existing Apartment Complex	CUP issued in 1997. No additional information available.	PC finds existing, valid CUP. No conditions exist.	Audited, compliant.
3	421 Railroad St W	Carver Co. Recycling Center	CUP approved in late 1990's. Reso approving not immediately located.	Conditions were placed on the use according to minutes.	Audited, compliant.
4	308 5th Ave NE	CUP issued for this address in 2000-01.	Reso 2000-18 is a CUP allowing a cemetery based on several conditions.	Reso 2000-18 suitable for audit.	Audited, compliant.
5	250 Industrial Blvd	Current site of Expert construction.	Reso 2002-11 is a CUP allowing for an industrial building with outdoor storage. The applicant was Expert Construction. CUP is contingent upon several requirements. Reso 2002-21 amended CUP issued in 2002-11 included additional conditions relating to storm water and landscaping. Reso 2003-19 is a second amendment of the CUP to allow additional outdoor storage. Several additional conditions attached.	Reso's 2002-11, 2002-21, and 2003-19; Suitable for audit	Continue to monitor.
6	220 Industrial Blvd	Statewide Gas	Reso. 2002-64 is a CUP allowing for an industrial use at this address. Several conditions attached, most related to non-zoning items. Only one with zoning ramifications was landscaping 'should be' consistent with surrounding businesses.	Existing, valid CUP	Audited, compliant.

## CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status
7	426 East St N	Owned by Roger Kleman. Used car dealership.	A Reso was approved July 28, 2003. Many conditions attached, mostly applicable to site plan standards.	Suitable for audit.	Audited, compliant.
8	124 Union St N	Lance Ford. Ford Construction.	Reso 2003-43 is a CUP allowing an industrial use in the CBD. Several conditions apply. Reso 2009-24 amended Rso 2003-43 allowing expanded outdoor storage. Approved with several conditions attached.	Reso 2003-43 and 2009-24 are suitable for audit.	Audited, compliant.
9	700 Railroad St W	Southwest Paving.	Reso 2006-33 is a CUP providing for Southwest Paving. Several conditions are attached.	Non compliant at of 11/2017.	Audit underway
10	211 Railroad St W	Xtreme Electric.	Reso 2011-14 is a CUP for a contractor operation at the subject address. Several conditions apply to the permit.	Suitable for audit.	Audited, compliant.
11	325 Elm St W	Pour House Pub	Reso 2011-33 is a CUP allowing a smoking deck at the Pour House. Several conditions apply.	Suitable for audit.	Audited, compliant.
12	27 1st St NW	St. John's Lutheran School.	Reso 2013-05 is a CUP allowing expansion of the existing school.	Auditing in future years is suitable.	Audited, compliant.

## CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status
13	105 Main St E	Unkle Thirsty's	Reso 2013-35 is a CUP allowing outdoor dining at Unkle Thirsty's. Several conditions apply.	Auditing in future years is suitable.	Audited, compliant.
14	520 Reform St N	Kwik Trip	Reso 2013-20 Approved convenience store.	Suitable for audit.	To be audited.
15	301 Industrial Blvd	Hydro Engineering	Reso <b>2013-__ (Sept 9th??)</b> Approved IUP for outdoor storage.	Suitable for audit.	To be audited.
16	321 Elm St W	RCC Woodworks	Reso 2014-22 Approved woodworking shop in C-3	Suitable for audit.	To be audited.
17	13050 Stewart Ave	Nick Molnau	<b>Amended and Replaced by 2018 - ??</b>		
18	250 Industrial Blvd	Expert Construction	Reso 2014-__ CUP amendment - outdoor storage - Denied	Denied	Denied
19	700 Railroad St W	Southwest Paving.	Reso 2015-13 Approved landscaping plan in lieu of perimeter fencing	Non compliant at of 11/2017.	Audit underway
20	300 Industrial Blvd	Rogomobiles	Reso 2015-19 Approved outdoor storage and display autos.	Use has ceased	Declare CUP expired.
21	115 Main St E & 15 2nd Ave SE	Waconia Dodge	Reso 2016-14 Auto sales and display and accessory auto repair.	Suitable for audit.	To be audited.
22	127 Elm St W	Andris	Reso 2016-21 Approve personal auto storage in C-3	Suitable for audit.	To be audited.



## CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status
23	117 Railroad St W	Loomis	Reso 2016-22 Approve CUP for contractor operation in C-3	Suitable for audit.	To be audited.
24	180 Industrial Blvd	Todd Miller & Adam Glander	Reso 2017-08 Approve outdoor auto sales and display in B-1 District	Suitable for audit.	To be audited.
25	508 Merger Street	Cedar Direct	Reso 2017-09 IUP outdoor storage	Suitable for audit.	To be audited.
26	600 Railroad St W	Curfman Trucking	Reso 2017-15 CUP for outdoor storage	Suitable for audit.	To be audited.
27	170 Industrial Blvd	Paul Juerissen	Reso 2017-18 CUP outdoor storage marine recreational equipment	Suitable for audit.	To be audited.

# RESOLUTION NO. 2013-20

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CONVENIENCE STORE WITH MOTOR FUEL SALES LOCATED AT 320 HWY 212 W

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, the City of Norwood Young America requires a conditional use permit for Convenience Stores with Motor Fuel Sales in the C-2 (General Commercial) Zoning District; and

WHEREAS, Kwik Trip Inc, (the “Applicant”) has applied for a conditional use permit to allow construction of a convenience store with motor and diesel fuels sales (the “Use”) at 320 Highway 212 W, in Norwood Young America (the “Property”); and

WHEREAS, the City of Norwood Young America Planning Commission held a public hearing to consider the Applicants’ request for the conditional use permit during the regular meeting on March 28, 2013; and

WHEREAS, the City of Norwood Young America City Council at a regular meeting on April 8, 2013, considered the testimony of the public hearing, the application materials on file with the City, and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The Applicant has requested a Conditional Use Permit for the Use at 320 Hwy 212 W in the C-2 District.
2. Convenience Stores with Motor Fuel Sales may be permitted as conditional use in the C-2 District, subject to certain conditions listed below.
3. The Use appears to be consistent with the requirements of the Zoning Ordinance and Comprehensive Plan for properties in the C-2 District, subject to certain conditions listed below.
4. The Use does not appear to have an undue adverse impact on the public health, safety or welfare, subject to certain conditions listed below.
5. The use does not appear to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood, subject to certain conditions listed below.
6. Adequate utilities and road access appear to be provided to the Property, subject to certain conditions listed below.
7. The Property appears to have sufficient off-street parking for vehicles associated with the Use.
8. The use appears to meet all of the performance criteria requirements of Section 1245.01 of the Zoning Ordinance, subject to certain conditions listed below.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves the Applicants’ request for a conditional use permit to allow a convenience store with motor fuel sales, on the subject property, subject to the following conditions:

1. Approval of Resolution 2013-19” A Resolution approving a site plan for Kwik Trip on property located at 320 Highway 212 W.”
2. Installation of a hydrant north of the car wash
3. The developer shall pay for the cost of installation of a sidewalk or trail, when installed by the City in the future, along County Road 33/Hwy5/25 from Highway 212 to 7<sup>th</sup> Street, and on 7<sup>th</sup> Street from County Road 33 to the east edge of the Kwik Trip property.
4. Identification of a car wash sand trap and store grease trap on the plans
5. The applicant shall meet the performance standards established in Section 1245.01 of the Zoning Ordinance.
6. All necessary building permits shall be obtained prior to construction of the Use on the Property.
7. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.
8. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
9. The permit shall be subject to annual inspection and review 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 this resolution, subject to the requirements of Section 1210.06, Subd. 5 “Revocation of Conditional Use Permits” of the Zoning Ordinance.
10. The conditional use permitted under this Resolution 2013- shall be revoked if the Use ceases for more than 12 consecutive months.
11. The Use permitted under this Resolution 2013-20 may change to a permitted use in the C-2 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.

Adopted by the City Council this 8<sup>th</sup> day of April, 2013.

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Mayor

ATTEST:

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Diane Frauendienst  
City Clerk/Treasurer

# RESOLUTION NO. 2013-

## A RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW OUTDOOR STORAGE AT 301 INDUSTRIAL BOULEVARD

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, the City of Norwood Young America requires an interim use permit for outdoor storage as an accessory use in the B-1 (Business Industrial) Zoning District; and

WHEREAS, Hydro Operating, LLC, d.b.a. Hydro Engineering, (the “Applicant”) has applied for an interim use permit to allow outdoor storage as an accessory use (the “Use”) at 301 Industrial Boulevard, in Norwood Young America (the “Property”); and

WHEREAS, the City of Norwood Young America Planning Commission held a public hearing to consider the Applicants’ request for the interim use permit during the regular meeting on August 20, 2013; and

WHEREAS, the City of Norwood Young America City Council at a regular meeting on September 9, 2013, considered the testimony of the public hearing, the application materials on file with the City, and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The Applicant has requested an Interim Use Permit for the Use at 301 Industrial Boulevard in the B-1 District.
2. Outdoor storage is allowed as an accessory use in the B-1 District, provided an interim use permit is issued and subject to certain conditions listed below.
3. The Use appears to be consistent with the requirements of the Zoning Ordinance and Comprehensive Plan for properties in the B-1 District, subject to certain conditions listed below.
4. The Use does not appear to have an undue adverse impact on the public health, safety or welfare, subject to certain conditions listed below.
5. The use does not appear to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood, subject to certain conditions listed below.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves the Applicants’ request for an interim use permit to allow outdoor storage at the Property, subject to the following conditions:

1. The outdoor storage shall occur in accordance with the Site Plan and Registered Certificate of Survey attached as Exhibit B to the Planning Consultant Memo to the City Council dated September 5, 2013.

2. All outdoor storage shall be entirely enclosed in a fence as proposed in Exhibit C attached to the Planning Consultant Memo to the City Council dated September 5, 2013
3. The fencing standards of Chapter 1245.05, Subd. 3; Subps. A-H, as included in the Planning Consultant Memo to the City Council dated September 5, 2013 and effective on the date of approval of the IUP shall apply
4. The Property Owner shall control noxious weeds and/or grass height and maintain compliance with City Code standards pertaining thereto, as may be amended.
5. The Interim Use Permit will expire ten (10) years from the date of Council approval and/or upon the sale of the real estate.
6. The Interim Use Permit is subject to an annual compliance audit by the Planning Commission.
7. The City may revoke the CUP upon violation of the interim 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.
8. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
9. The Use is specific to and only applies to the accessory use of outdoor storage. This accessory use allowed under this Resolution may change to a permitted accessory use in the B-1 District without further action by the City Council; however the Use may not change to another conditional or interim use without a new application and approval by the City Council.
10. This resolution does not apply to the Principal Use of the Property as a metal fabrication business.

Adopted by the City Council this 9<sup>th</sup> day of September, 2013.

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Mayor

ATTEST:

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Diane Frauendienst  
City Clerk/Treasurer

# RESOLUTION 2014-22

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CONTRACTED MILLWORK OPERATION AT 321 ELM STREET WEST

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under §1230.10, Subd. 4(A) of the City Code which provides for contractor operations in the C-3 District; and

WHEREAS, Mike Campbell, d.b.a. RCC Woodworks (the "Applicant") has applied for a conditional use permit to conduct a contracted millwork operation (the "Use") at the property located at 321 Elm Street West (the "Property"); and

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. Operations will produce a minimum amount of 'negative impacts' including noise and vibration.
2. The majority of operations will be confined to the inside of the facility.
3. Hours of operation are to be 7 a.m. to 6 p.m. on weekdays but may expand as consumer demand necessitates.
4. On a weekly basis approximately five to ten trucks will be loaded/unloaded at the site. The Applicant states the rear loading area (alley access) is not available for his use. He therefore envisions loading and unloading in the front of the building using CSAH 31 right-of-way.
5. The Applicant will be the only full-time worker at the site. In addition one or two part time employees may be added over time as demand warrants.
6. The Applicant will spend the majority of his time on site crafting custom millwork, he will spend time occasionally off site for bidding and installation.
7. No outdoor storage is proposed.

WHEREAS, the City of Norwood Young America Planning Commission on June 17, 2014 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and

WHEREAS, at a regularly meeting on June 23, 2014, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C-3, Downtown District.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the C-3 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the C-3 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because 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.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to 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. The Council finds adjacent uses are commercial/mixed use in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The subject site is an interior lot within a nearly fully developed part of the original townsite. A vacant lot adjacent to the subject site is a 'buildable lot' under current zoning standards provided setbacks are met. Setback requirements allow buildings forward on lots with zero side yard setbacks when abutting other commercial uses. As such the proposed use appears to be consistent with this standard.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. The subject parcel is an existing, improved lot with a full complement of urban services provided. Carver County has jurisdiction over Elm Street. Loading and unloading shall therefore occur to the rear of the lot which is serviced by an alley.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing a contractor millwork operation at 321 Elm Street West, subject to the following conditions:

1. No outdoor storage of any kind, including but not limited to garbage, refuse, materials, equipment or machinery shall be permitted.
2. All business vehicles stored at the site shall be accommodated by off-street parking.
3. An office area shall be maintained at the front (street-facing) side of the building to the greatest extent possible.
4. All loading/unloading at the subject site shall occur separate and independent from the Elm Street – County Road 31 right-of-way unless specifically authorized in writing by Carver County Public Works Department.
5. 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.
6. The City Council shall release the Property Owner from employee and customer parking requirements for this conditional use, except that any company vehicles (i.e. commercial vehicles, vehicles owned by the company, and/or vehicles advertising the company) shall be parked off the street or at a different.
7. The Property Owner shall not discharge industrial waste into the sanitary sewer system.
8. The approval specifically authorizes a contractor operation (i.e. custom millwork) at the subject property. No other use shall be allowed under this Conditional Use Permit.
9. Any proposed signage will require the issuance of a sign/building permit.
10. This approval is applicable only to the property at 321 Elm 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 Zoning Ordinance.
15. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

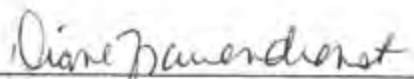


16. The Use permitted under this Resolution may change to a permitted use in the C-3 District without further action by the City Council; however the Use may not change to another conditional use without a new application and approval by the City Council.

Adopted by the City Council this 23<sup>rd</sup> day of June 2014.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
Diane Frauendienst  
City Clerk/Treasurer

# **RESOLUTION 2016-14**

## **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AUTO SALES, DISPLAY, AND STORAGE WITH ACCESSORY AUTO REPAIR AND SERVICE AT 115 MAIN STREET EAST AND 15 2<sup>ND</sup> AVE SE**

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under §1230.10, Subd. 4(E) of the City Code which provides for auto sales, display, and storage with or without ancillary minor auto repair and service in the C-3 District; and

WHEREAS, Hydro Real Estate, LLC (the "Property Owner") and Waconia Dodge (the "Applicant") have applied for a conditional use permit to conduct an indoor auto storage, display, and sales operation with ancillary minor auto repair and service operation (the "Use") at the property located at 115 Main Street East and 15 2<sup>nd</sup> Avenue SE (the "Property"); and

WHEREAS, the City of Norwood Young America Planning Commission on June 21, 2016 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and

WHEREAS, at a regularly meeting on June 27, 2016, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C-3, Downtown District.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties within the C-3 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the C-3 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the proposed use shall occupy the 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 use/capacity required or type of waste produced.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
  6. The use, subject to certain conditions below, does not appear to be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose is already permitted, nor substantially diminish and impair property values within the neighborhood. The Council finds adjacent uses are commercial/mixed use in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
  7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. The subject parcel is an existing, improved lot with a full complement of urban services provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing an indoor auto storage, display, and sales operation with ancillary minor auto repair and service operation (the "Use") at the property located at 115 Main Street East and 15 2<sup>nd</sup> Avenue SE (the "Property");, subject to the following conditions:

1. The "Use" is defined as auto sales, display, and storage with ancillary minor repair and service at the subject property. No other use shall be allowed under this Conditional Use Permit. The Use is subject to the following standards:
  - A. Sales, display, and storage are limited to new and used passenger automobiles.
  - B. A valid dealership license is maintained.
  - C. Office space devoted to perform transactions in conjunction with the business is provided on site.
  - D. Service and repair, if provided, are clearly secondary and subordinate to the use of the property for auto dealer sales, display, and storage.
  - E. Auto service and repair, if provided, shall be conducted indoors and all automobiles undergoing service or repair shall be stored off-street.
  - F. Auto repair shall not include vehicle painting or auto body work.
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. An office area shall be maintained at the front (street-facing) side of the building to the greatest extent possible.

5. All loading/unloading at the subject site shall occur separate and independent from CSAH 34 right-of-way unless specifically authorized in writing by Carver County Public Works Department.
6. 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.
7. The Property Owner shall not discharge industrial waste into the sanitary sewer system.
8. Any proposed signage will require the issuance of a sign/building permit.
9. This approval is applicable only to the property at 115 Main Street East and 15 2<sup>nd</sup> Ave SE.
10. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the use on-site.
11. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
12. The permit shall be subject to annual inspection and audit by the City.
13. 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.
14. The conditional use permitted under this Resolution shall be revoked if the use ceases for more than 12 consecutive months.

Resolution 2016-14 is hereby adopted by the City Council this 27<sup>th</sup> day of June, 2016.

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Tina Diedrick, Mayor

ATTEST:

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Kelly Hayes, City Clerk/Treasurer

# **RESOLUTION 2016-21**

## **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW PERSONAL AUTO STORAGE AND ACCESSORY PERSONAL AUTO REPAIR AT 127 ELM STREET WEST**

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under §1230.10, Subd. 4(E) of the City Code which provides for auto sales, display, and storage with or without ancillary minor auto repair and service in the C-3 District; and

WHEREAS, Constance Foley, John Foley Jr., and Paul F. Foley (the “Property Owners”) and Daniel Andrs (the “Applicant”) have applied for a conditional use permit to allow indoor storage of personal automobiles and accessory personal automotive repair (the “Use”) at the property located at 127 Elm Street West; and

WHEREAS, the property is legally described as: Lot 5, Block 2, City Lots of Norwood, and identified as parcel number 580500110; and

WHEREAS, the City of Norwood Young America Planning Commission on October 18, 2016 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and

WHEREAS, at a regularly meeting on October 24, 2016, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C-3, Downtown District.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the C-3 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the C-3 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because 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.

5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to 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. The Council finds adjacent uses are commercial/mixed use in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. The subject parcel is an existing, improved lot with a full complement of urban services provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing the storage of personal automobiles with ancillary repair of automobiles owned and operated by the fee owner of the property (the "Use") at the property located at 127 Elm Street West (the "Property"), subject to the following conditions:

1. The "Use" is defined as personal auto storage at 127 Elm Street West. No other use, including providing services to the public shall be allowed under this Conditional Use Permit. The Use is subject to the following standards:
  - A. Storage is limited to new and used passenger automobiles which are the licensed and personal possessions of the individual private person(s) owning the property. No retail sales/service is allowed. No storage of vehicles or vehicle parts not owned by the applicant is allowed.
  - B. Private service and repair of personal passenger automobiles owned by the property owner is allowed provided it is clearly secondary and subordinate to the use of the property for storage of personal autos. Spray painting of automobiles shall not be permitted.
  - C. Auto service and repair of personal vehicles shall be conducted indoors.
2. No outdoor storage of any kind, including but not limited to garbage, refuse, materials, equipment or machinery shall be permitted.
3. All loading/unloading at the site shall occur separate and independent from CSAH 33/Elm Street right-of-way unless specifically authorized in writing by Carver County Public Works Department.
4. 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.
5. The Property Owner shall not discharge industrial waste into the sanitary sewer system.
6. This approval is applicable only to the property at 127 Elm Street West.
7. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
8. This permit is subject to all applicable codes, regulations and ordinances, to include any requirements imposed by the City's Building Official and Fire Chief, and violation thereof shall be grounds for revocation.
9. The permit may be subject to annual inspection and audit by the City.

10. 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 Chapter 12, Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the City Code.
11. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
12. Review and approval by the Fire Chief and Building Official is required.

Adopted by the City Council this 24<sup>th</sup> day of October, 2016.

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Tina Diedrick, Mayor

ATTEST:

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Kelly Hayes, City Clerk/Treasurer



# **RESOLUTION 2016-22**

## **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CONTRACTOR OPERATION (HOME BUILDING CONTRACTOR SHOP) AT 117 RAILROAD STREET WEST**

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under §1230.10, Subd. 4(A) of the City Code which provides for contractor operations in the C-3 District; and

WHEREAS, Scott Loomis, d.b.a. Loomis Homes (the "Applicant") has applied for a conditional use permit to operate a home building contractor shop (the "Use") at the property located at 117 Railroad Street West (the "Property"); and

WHEREAS, the Property is identified as parcel number 589990030 and legally defined as P/O SW1/4 NW1/4 BOUNDED AS FOLLOWS: ON TH N BY TH S LINE OF RAILROAD ST-ON E BY THE W LINE OF FRANKLIN ST- ON THE W BY THE E LINE OF MORSE ST & ON S BY A LINE 50' NLY OF CENTERLINE OF RR OLD # 60.9990112; and

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. No outdoor storage is proposed.
2. The facility will be a wood frame with engineered siding and asphalt shingles.
3. The structure will be 1,944 square feet; 36' by 54'.

WHEREAS, the City of Norwood Young America Planning Commission on October 18, 2016 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and

WHEREAS, at a regularly meeting on October 24, 2016, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C-3, Downtown District.



2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the C-3 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the C-3 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the proposed use will be established on an existing base lot 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.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to 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. The Council finds adjacent uses are commercial/mixed use in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The subject site is an interior lot within a nearly fully developed part of the original townsite. A vacant lot adjacent to the subject site is a 'buildable lot' under current zoning standards. As such the proposed use appears to be consistent with this standard.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing a contractor operation (home building contractor shop) at 117 Railroad Street W, subject to the following conditions:

1. The approval specifically authorizes a contractor operation (home builder contractor shop) at the subject property. No other use shall be allowed under this Conditional Use Permit.
2. This approval is applicable only to the property at 117 Railroad Street West.
3. Review and approval of the site plan is required by the Zoning Administrator and the City Engineer.
4. Review and approval is required by the Carver County Watershed Management Organization.
5. No outdoor storage of any kind, including but not limited to garbage, refuse, materials, equipment or machinery shall be permitted.
6. All business vehicles stored at the site shall be accommodated by off-street parking.
7. An office area shall be maintained within the structure.
8. 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.

9. The City Council shall release the Property Owner from employee and customer parking requirements for this conditional use, except that any company vehicles (i.e. commercial vehicles, vehicles owned by the company, and/or vehicles advertising the company) shall be parked off the street.
10. The Property Owner shall not discharge industrial waste into the sanitary sewer system.
11. Any proposed signage will require the issuance of a City sign/building permit.
12. This approval shall expire one year after date of approval unless the Applicant has commenced operation of the Use on-site.
13. This permit is subject to all applicable codes, regulations and ordinances, to include any requirements imposed by the City's Building Official and Fire Chief, and violation thereof shall be grounds for revocation.
14. The permit shall be subject to annual inspection and audit by the City.
15. 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 Chapter 12, Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the City Code, as may be amended from time to time.
16. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
17. The Use permitted under this Resolution may change to a permitted use in the C-3 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.

Adopted by the City Council this 24<sup>th</sup> day of October, 2016.

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Tina Diedrick, Mayor

ATTEST:

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Kelly Hayes, City Clerk/Treasurer

# RESOLUTION 2017-08

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ACCESSORY AUTO SALES/DISPLAY AT 180 INDUSTRIAL BOULEVARD

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under §1230.11, Subd. 4 of the City Code which provides for accessory auto sales/display in the B-I Business Industrial District; and

WHEREAS, Citizens State Bank (Property Owner) and Todd Miller/Adam Glander (Property Lessees) (the “Applicants”) have applied for a conditional use permit to conduct accessory auto sales and display at 180 Industrial Boulevard, (the “Property”); and

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. The principal use of the property is auto repair and will remain auto repair.
2. The proposed accessory use is outdoor sales/display of used automobiles.
3. The proposed accessory use shall occupy a dedicated auto sales office within the principal structure.
4. No structural changes to the principal structure are proposed.
5. Used vehicles for sale are to occupy a portion of the parking lot in the front of the building. Additional overflow parking for used vehicle display sales may be stored in the rear (gravel) parking area.

WHEREAS, the City of Norwood Young America Planning Commission on March 21, 2017 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and,

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and,

WHEREAS, at a regularly meeting on March 27, 2017, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned B-I Business Industrial District.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the B-I District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the B-I District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the proposed use is accessory and the 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.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to 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. The Council finds adjacent uses are business/industrial in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The subject site is within a fully developed business/industrial district.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. The subject parcel is an existing, improved lot with a full complement of urban services provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing accessory auto sales and display at 180 Industrial Boulevard, subject to the following conditions:

1. The approved accessory use for outdoor automobile sales/display is applicable to the property at 180 Industrial Boulevard.
2. A maximum of forty (40) vehicles may be stored outdoors on the site at one time, including those being repaired and those for sale. At least seven (7) parking spaces in the parking lot in front of the building shall be reserved for customer parking.
3. All used vehicles associated with the used automobile sales/display shall comply with the following standards:
  - i. Shall be in an operable condition.

- ii. Shall not be extensively damaged, with the damage including such things as broken or missing tires and wheels, motor, body parts, windows, drive train or transmission.
  - iii. Shall have a fair market value greater than the approximate value of the scrap in it
- 4. Used automobiles on sale and display are limited to passenger automobiles. Commercial weight vehicles, agricultural equipment, trailers, recreational vehicles, sport utility vehicles, non-motorized items and the like are prohibited.
- 5. All parking for the principal and accessory use shall occur off-street. Additional overflow parking for used vehicle display sales may occur in the rear. Existing vegetative screening and partial berming is found to be sufficient.
- 6. The Applicant or Property Owner shall supply the City evidence of an auto dealer's license.
- 7. Any signage shall require issuance of a sign permit.
- 8. Any changes to outdoor lighting shall require approval from the City.
- 9. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.
- 10. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
- 11. The permit shall be subject to annual inspection and audit by the City.
- 12. 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.
- 13. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

Adopted by the City Council this 27<sup>th</sup> day of March, 2017.

Adopted by the City of Norwood Young America on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

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Carol Lagergren, Mayor

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Kelly Hayes, City Clerk

Adopted:

# **RESOLUTION 2017-09**

## **A RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW OUTDOOR STORAGE (RACK SYSTEM FOR OFF-LOADING) AT 508 MERGER STREET**

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, an interim use permit is required under §1230.09, Subd. 5(A) of the City Code which provides for the proposed outdoor storage in the C-2 General Commercial District; and

WHEREAS, Joel Butenhoff, Faxon RD Investors LLC (Property Owner) and Tim Conyard, d.b.a. Cedar Direct Minnesota (Lessee), together the Applicants, (the “Applicant”) have applied for an interim use permit to allow the placement of an outdoor storage rack which will be used for off-loading of product (the “Use”) at the property located at 508 Merger Street (the “Property”); and

WHEREAS, the Property is identified as parcel number 588490010 and legally defined as Lot 1, Block 1, YA Addition; and,

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. A metal racking system will be used to facilitate the transfer of product to/from an established use at the subject address. The racking system is to be twenty-five (25) feet in length, approximately four (4) feet in depth, and sixteen (16) feet in height.
2. No other outdoor storage is proposed in conjunction with the use of the property.
3. The racking system will be made of durable metal.

WHEREAS, the City of Norwood Young America Planning Commission on March 21, 2017 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and

WHEREAS, at a regular meeting on March 27, 2017, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C-2, General Commercial District.
2. The racking system as proposed is defined as a temporary staging area and not a 'storage yard' as referenced in Section 1210.06 (B) of the Code.
3. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the C-2 District.
4. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the C-2 District.
5. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements as it is one piece of equipment proposed to be stored outdoors at the subject site.
6. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
7. The use, subject to certain conditions below, does not appear to 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. No changes to the existing property, structure, or parking facility are proposed.
8. The proposed outdoor storage, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
9. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves an interim use permit authorizing the placement of an outdoor storage rack which will be used for off-loading of product at 508 Merger Street, subject to the following conditions:

1. The approval specifically authorizes the placement of an outdoor storage rack which will be used for off-loading of product (the "Use") at the property located at 508 Merger Street (the "Property"). No other use shall be allowed under this Interim Use Permit.
2. This approval is applicable only to the property at 508 Merger Street.
3. The metal racking system shall have the approximate dimensions of: twenty-five (25) feet in length, approximately four (4) feet in depth, and sixteen (16) feet in height
4. A maximum of one (1) racking system is allowed.
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 IUP 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 interim use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
10. The storage rack shall be appropriately anchored to prevent movement as directed by the Building Official.
11. The term of this interim use permit shall terminate upon cessation of a lease between the Property Owner and Lessee.

Adopted by the City Council this 27<sup>th</sup> day of March, 2017.

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Carol Lagergren, Mayor

ATTEST:

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Kelly Hayes, City Clerk/Treasurer

# RESOLUTION 2017-15

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ACCESSORY OUTDOOR STORAGE AT 600 RAILROAD STREET WEST

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under §1230.12, Subd. 4 of the City Code which provides outdoor storage which is accessory to an approved principal use in the I-1 Light Industrial District; and

WHEREAS, Steve Curfman (Property Owner) doing business as Curfman Trucking has applied for a conditional use permit to allow accessory outdoor storage at 600 Railroad Street West, (the “Property”); and

WHEREAS, the property is legally described in Exhibit A, attached hereto, and assigned parcel number 580150700; and,

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. Curfman Trucking & Repair, Inc. is proposed to be relocated to this site.
2. Curfman Trucking & 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.
3. The Applicant proposes a new 120’ X 80’ (9,600 sf) 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 wood frame with steel siding, roofing, and trim.
4. The site plan illustrates a future option to add a 24’ X 80’ addition to the west side of the building for truck repair.
5. 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.
6. Curfman’s private truck fleet consists of seventeen (17) trucks and seven (7) trailers.

7. The Applicant proposes a maximum of four (4) commercial trucks not owned by Curfman Trucking will be repaired on site on any day.
8. 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.
9. 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.
10. The Applicant employs an additional eight (8) persons on site, including office staff.
11. A water service line is present at the site of the existing foundation/proposed new structure.
12. A sanitary sewer service line will be extended from an existing service near the eastern property boundary.
13. The Applicant proposes three aggregate storage piles.
  - A. The two southernmost aggregate storage piles will be contained on three sides by a bunker wall a minimum of five (5) feet in height. The third aggregate storage pile (northernmost) will be contained on two sides by a bunker wall a minimum of five (5) feet in height.
  - B. 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.
  - C. Maximum estimated height of the outdoor storage piles is twenty-five (25) feet.
  - D. 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).
14. The Applicant proposes outdoor storage of tires, mulch, boulders, pallets, stones, and rocks in ten (10) bunkers each sized 20' by 20' and no greater than five feet in height if constructed of wood or eight feet in height if constructed of concrete. Tires stored outdoors will be covered to prohibit water from pooling in said tires.
15. The existing truck scale and truck scale building will be used privately by Curfman Trucking for the scaling of aggregate material.

16. 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.

17. A three foot driveway apron extended from the existing roadway surface is proposed.

WHEREAS, the City of Norwood Young America Planning Commission on June 6, 2017 held a public hearing regarding the conditional use permit request after the hearing notice was posted, published, and distributed as required under law; and,

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and,

WHEREAS, at a regularly meeting on June 26, 2017, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned I-1 Light Industrial District.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Code for properties with the I-1 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the I-1 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the proposed use is accessory and the 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.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to 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. The Council finds adjacent uses are industrial in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The subject site is within an area developed for industrial use.
8. Adequate utilities, access roads, drainage and necessary facilities are provided. The subject parcel is an existing, improved lot with a full complement of urban services provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing accessory outdoor storage, subject to the following conditions:

1. The conditional use permit is applicable only to the property at 600 Railroad Street West.
2. Approval of Resolution 2017-█, granting a variance to a required rear yard setback at 600 Railroad Street West.
3. Approval of Resolution 2017-█, relating to a site plan for a commercial trucking operation at 600 Railroad Street West.
4. 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 July 17, 2017, attached hereto as Exhibit B.
  - a. 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.
  - b. Vehicles as defined above stored on site:
    - i. Must be in an operable condition;
    - ii. Must not be extensively damaged. "Extensively damaged" shall mean 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,
    - iii. Shall have a fair market value greater than the approximate value of the scrap in them.
  - c. A maximum of three (3) stockpiles of aggregate material are allowed on site provided:
    - i. The aggregate materials being stored near the southern property boundary shall be 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.
    - ii. The aggregate materials being stored near the northern property boundary shall be contained on two (2) 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.

- iii. No single stockpile shall contain more than 3,500 cubic yards of material.
  - iv. No storage pile shall exceed twenty-five (25) feet in height at any time.
  - v. Aggregate materials allowed to be stored on site are limited to red rock, unrecycled aggregate material, and recycled aggregate material.
- d. Outdoor storage of tires, mulch, boulders, pallets, stones, and rocks is allowed provided items are stored in a designated bunker. A maximum of ten (10) bunkers each sized a maximum of twenty (20) feet by twenty (20) feet with a height no greater than five (5) feet if constructed of wood or eight (8) feet if constructed of concrete shall be allowed. The bunkers shall be located as depicted in the site plan attached hereto as Exhibit B. The storage bunker containing tires shall be covered at all times in a manner suitable to prevent water from pooling in tires. Outdoor storage of all other material or items on site is expressly prohibited, including but not limited to: 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. Storage pods, shipping containers, and the like shall not be stored on the site unless completely enclosed within a principal or accessory structure as defined and approved by the City Council. Outdoor storage of pods, shipping containers, and the like is expressly prohibited under the terms of this conditional use permit.
- 5. Building permits for principal and accessory structure, including as needed for the bunker walls, shall be secured.
  - 6. Construction of the proposed 9,600 square foot principal structure shall be substantially completed prior to establishment of ancillary outdoor storage. A decision as to whether or not the construction is 'substantially complete' shall be rendered by the Building Official.
  - 7. A certificate of occupancy is issued for the proposed 9,600 square foot principal structure by December 31, 2018.
  - 8. This conditional use permit shall expire one year after date of approval unless the Applicant has commenced construction of the principal structure.
  - 9. This conditional use permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
  - 10. This conditional use permit shall be subject to annual inspection and audit by the City.

11. 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.
12. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than twelve (12) consecutive months.

Adopted by the City Council this 28<sup>th</sup> day of July, 2017.

Adopted by the City of Norwood Young America on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

\_\_\_\_\_  
Carol Lagergren, Mayor

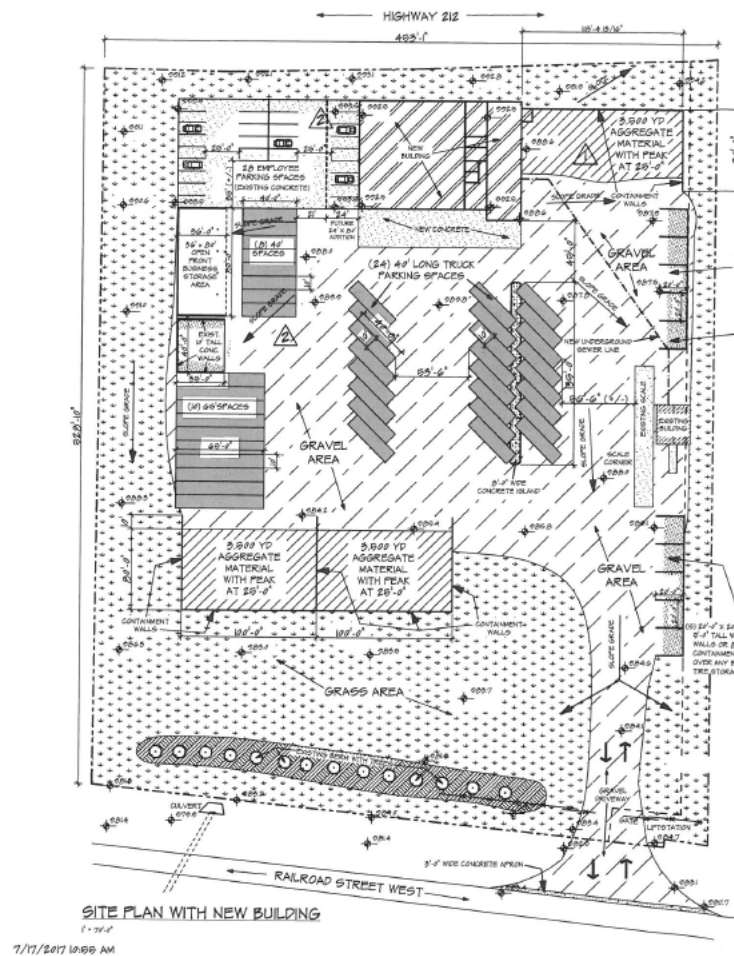
\_\_\_\_\_  
Kelly Hayes, City Clerk

**RESOLUTION 2017-[REDACTED]**  
**EXHIBIT A**  
**LEGAL DESCRIPTION**

THAT P/O N1/2 SECT 15-115-26 BOUNDED AS FOLLOWS: BOUNDED ON N BY S R-O-W OF HWY 212 BOUNDED ON S BY N R-O-W OF OLD HWY 212 NOW RAILROAD ST BOUNDED ON E BY LINE DESC AS: COMM AT SE CORN BLK 14 VILLAGE OF NORWOOD TH W ON N LINE OF RAILROAD ST TO SW CORN VAC TH S 75' +OR- TO A PT ON S R-O-W LINE OF HWY 212-SAID PT BEING PT OF BEG OF LINE TO BE DESC TH CONT ON A BEARING OF S 468.68' TO N R-O-W LINE OF OLD HWY 212 (NOW RAIALROAD ST) & SAID LINE THERE TERMINATING EXC: W 6 ACRES THEREOF & EXC E 6 ACRES THEREOF



# RESOLUTION 2017-[REDACTED] EXHIBIT B SITE PLAN



SOILS LEGEND	
GRADE ELEVATIONS	
IMPERVIOUS SOL AREAS	
[Pattern]	NEW BUILDING 0.764 SF
[Pattern]	AGGREGATE STORAGE AREA 10.364 SF
[Pattern]	GRAVEL AT GATE 1.050 SF
[Pattern]	EXISTING BUILDING 724 SF
[Pattern]	EXISTING CONCRETE 10.420 SF
[Pattern]	GRAVEL AREAS 102.670 SF
	<b>TOTAL AREA 146.949 SF</b>
PERVIOUS SOL AREAS	
[Pattern]	GRASS AREAS 98.870 SF
[Pattern]	SEPM AREA 7.870 SF
	<b>TOTAL AREA 106.740 SF</b>
OVERALL SOIL AREA TOTALS	
IMPERVIOUS SOL AREAS	146.949 SF
PERVIOUS SOL AREAS	106.740 SF
<b>TOTAL LOT AREA</b>	<b>253.689 SF</b>

PLAN REVISIONS:	
[Symbol]	ADDED CONTAINMENT WALL AND 8 BUNKERS 6-16-17
[Symbol]	CHSD PARK'S SPACES, MOVED BUNKERS. 6-22-17

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DRAWN BY: R.S.  
DATE: 7/17/2017  
SHEET 2 OF 5

PROJECT NAME: CURFMAN TRUCKING  
PROJECT NUMBER: NORWOOD YOUNG AMERICA, MN  
BUILDING DESCRIPTION: 80' X 94' X 22'  
DESIGN NUMBER: P1705

582 Industrial Drive  
P.O. Box 690  
Winnetka, Minnesota 55390  
320-485-2844 800-710-4726  
FAX 320-485-2845  
www.curfmantrucking.com  
Contractor License Number 2017-1975

**RAM**  
CONSTRUCTION  
SERVICES  
INC.

# RESOLUTION 2017-18

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ACCESSORY OUTDOOR STORAGE AT 170 INDUSTRIAL BOULEVARD

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under under §1230.11, Subd. 4 of the City Code which provides for accessory outdoor storage in the B-I Business Industrial District; and

WHEREAS, Citizens State Bank (Property Owner) and Paul Jeurissen (Property Buyer) (the “Applicants”) have applied for a conditional use permit to allow accessory outdoor storage of marine recreational products at 170 Industrial Boulevard, (the “Property”); and

WHEREAS, the subject property is identified as parcel 588500110 and legally described as S 220’ of Lot 3, Block 003 As Meas At RT Angles To S Line of Lot 3, Young America Industrial Park; and

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. The principal use of the property is a contractor yard with accessory retail which are permitted uses in the B-1 District.
2. Approximately ten (10) percent totaling of the area of the principal structure, approximately 400 square feet, will be used for retail purposes. The remaining will be used for contractor operations and warehousing.
3. Items stored outdoors at the site will be limited to marine recreational products.
4. A maximum of fifty (50) units of marine recreational products will be stored outdoors on the site at any one time.
5. At least five (5) parking spaces in the parking lot in front of the building will be reserved for customer and employee parking.
6. There will be one to three employees at the site with additional seasonal employees.
7. No structural changes to the principal structure are proposed. The Applicant may at some point in the future remove the existing greenhouse and replace with a permanent structure (will require a building permit).

WHEREAS, the City of Norwood Young America Planning Commission on August 1, 2017 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and,

WHEREAS, the Planning Commission, after review and discussion, recommended the City Council approve the use permit based on several conditions; and,

WHEREAS, at a regularly meeting on August 28, 2017, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned B-I Business Industrial District.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the B-I District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the B-I District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the proposed use is accessory and the 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.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to 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. The Council finds adjacent uses are business/industrial in nature and the use as provided for in the City Code appears to blend in with the uses within the general locale.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The subject site is within a fully developed business/industrial district.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. The subject parcel is an existing, improved lot with a full complement of urban services provided.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit authorizing accessory outdoor storage of marine related products at 170 Industrial Boulevard, subject to the following conditions:

1. Outdoor storage is approved for the property at 170 Industrial Boulevard, accessory to a contractor operation.
2. Items stored outdoors at the site shall be limited to marine recreational products.
3. A maximum of fifty (50) units of marine recreational products may be stored outdoors on the site at any one time.
4. At least five (5) parking spaces in the parking lot in front of the building shall be reserved for customer and employee parking.
5. Vegetative evergreen screening, envisioned as arborvitae, shall be planted near the north side property line beginning at the northeast corner of the existing principal structure and extending to the berm in the rear yard. Screening shall be placed at approximately ten foot intervals.
6. Any signage shall require issuance of a sign permit.
7. Any changes to outdoor lighting shall require approval from the City.
8. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the use on-site.
9. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
10. The permit shall be subject to annual inspection and audit by the City.
11. 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.
12. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

Adopted by the City Council this 28<sup>th</sup> day of August, 2017.

Adopted by the City of Norwood Young America on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

---

Carol Lagergren, Mayor

---

Kelly Hayes, City Clerk

Adopted:

---



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 5, 2018

Re: UTV – Class II

---

**BACKGROUND**

Council Member Dick Stolz addressed the PC in May pertaining to Class II ATV (utility task vehicles) being allowed to operate on local streets. Mr. Stolz subsequently submitted a letter to the Commission which is attached.

Also attached please find a functional class map for roadways in the City. The City will have jurisdiction over local roadways but not those under county or state jurisdiction.

Chapters 740 and 750 of the City Code relating to ATV/snowmobiles and golf carts are also attached.

Finally, please find sample language from Belle Plaine.

**ACTION**

For discussion.

May 2, 2018

TO: Planning Commission

FROM: Richard Stolz, 308 First Street NE



RE: Class 2 ATVs on City streets

Follow up to presentation at Planning Commission Meeting held May 1, 2018.

Thanks for listening to my request to allow Class 2 ATVs to use City streets. I think that this class of atv will do no harm and will really do some good for the citizens. I realize that there is always the fear of being overrun or that something negative will happen which is unforeseen at this time. I do not believe this will happen with Class 2 ATVs. If you choose to license them like golf carts then you can pull the license at any time from anyone that does not follow the ordinance. This would safeguard the City. In addition Class 2 ATVs have more safety features than do golf carts. Thus they are safer on the streets. They have lap belts, front and rear lights, some have signal lights and other safe devices.

I believe the City has two Class 2 ATVs at this time. City employees use them all summer long driving all over on the City streets and I do not believe they have been a problem to anyone. In addition it is hard to tell citizens they cannot drive their Class 2 ATV in the City but employees can. This is a tough sell.

As I indicated, the distinction between golf carts and Class 2 ATVs is a narrow one. Right now our definition of a golf cart could fit a Class 2 ATV if you wanted. Thus you would not require any ordinance change at all and simply license them as a golf cart. In the ordinance the word "small" would have to be interpreted to include Class 2 ATVs. I do not think that would be too much of a stretch since some golf carts are larger than Class 2 ATVs. I just do not see anyone being offended with this definition decision. If you feel this would not work then you would have to change the ordinance.

As far as limiting the engine size to be licensed, I think this would be a problem. I think each manufacture of the vehicles determines the gearing used in the transmission which will determine the speed of the ATV. The engine size alone does not solve this problem. Besides we have laws regulating speed in the City and they would apply to everybody.

The easiest option would be to allow the definition of a golf cart to include Class 2 ATVs. No changes would be necessary and they could be licensed. Problem solved.

Another easy option would be to remove any reference to Class 2 ATVs from the ordinance. Just follow State Law.

Another option would be to create a separate section for Class 2 ATVs. Require ordinance language changes and additions.

Thanks for your time on this issue. While it may not impact very many people it would be appreciated by those that would like to drive their atv in the City. I used my golf cart to attend events in the City. Since parking is sometimes difficult near the events, the use of a golf cart helped attend the event. The same would be true of a Class 2 ATV. As our population ages, walking becomes more difficult. Use of a Class 2 ATV would help attend events. At this time a City resident cannot even drive their Class 2 ATV from their home to a county or township road outside of the City where it would be legal to drive. That does not make sense.



**Norwood Young America**  
Existing Roadway  
Functional Classification  
Figure 2-1

**Legend**

**Existing Functional Classification**

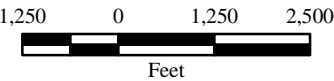
- Principal Arterial
- A Minor Arterial-Connector
- B Minor Arterial
- Major Collector
- Minor Collector
- Local Roads
- MN/DOT Basemap Railroads
- 2008 Municipal Boundary
- Township Boundaries
- Wetlands
- Protected Waters
- Watercourses & Drainageways

Source: Carver County, MnDNR, MnDOT

Functional Classification - Metropolitan Council and The Lawrence Group (TLG) Date: 10-5-2007

Map/Data Disclaimer:  
These map products and all underlying data were developed for use by the city of Norwood Young America for its internal purposes only, and were not designed or intended for general use by members of the public. This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21(2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

Map Date: May 15, 2008



Scale: 1 inch = 2500 feet

R.F.: 1 : 30000



**Section 740 – Snowmobiles and All-Terrain Vehicles**

**740.01 Intent.** It shall be the intent of this section to regulate the use and operation of certain vehicles, commonly called Snowmobiles, and All-Terrain Vehicles or ATV's to include Class 1 ATV's and Class 2 ATV's as defined in section 740.04.

**740.02 State Snowmobile and All-Terrain Vehicle Laws and Statutes Adopted.** Laws of the State of Minnesota, Chapter 84.81 through 84.88 and Chapters 168 through 171, Minnesota Statutes as amended, insofar as applicable to the operation of snowmobiles shall be hereby adopted by reference and shall be as effective as if recited here in full.

**740.03 Compatibility with other Regulations.** Where the conditions of this section are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations, which are more restrictive, shall apply.

**740.04 Definitions.** For purposes of this Section terms defined in this Section shall have the meaning ascribed to them.

**All-Terrain Vehicle(s).** All-Terrain Vehicle(s) shall include all "Class 1 ATV's" and "Class 2 ATV's." Class 1 ATV's shall mean at least three (3) low-pressure flotation tires, under 800 cc's and under 900 pounds dry weight [MS 84.92(8) and (9)]. Class 2 ATV's shall mean at least three (3) low pressure flotation tires and under 800cc's, dry weight is 900 pounds through 1,500 pounds [MS 84.92 (8) and (10)]. Class 2 ATV's were formerly defined as "Off-Road Vehicles" (ORV's) by the Minnesota Department of Natural Resources.

**Body of Water.** Body of Water shall mean all water wholly within the city limits of Norwood Young America and all portions of boundary waters within the city limits of Norwood Young America contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

**Commissioner.** Commissioner shall mean the commissioner of natural resources.

**Deadman Throttle or Safety Throttle.** Deadman Throttle or Safety Throttle shall mean a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

**Operate.** Operate shall mean to ride in or on and control the operation of a snowmobile or all-terrain vehicle.

**Operator.** Operator shall mean every person who operates or shall be in actual physical control of a snowmobile or all-terrain vehicle.

**Owner.** Owner shall mean a person, other than a lien holder having the property in title to a snowmobile or All-Terrain Vehicle, or entitled to the use or possession thereof.

**Person.** Person shall mean and include an individual, partnership, corporation, the State and its agencies and subdivision, and any body of persons, whether incorporated or not.

**Right-of-Way.** Right-of-Way shall mean the entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

**Roadway.** Roadway shall mean that portion of a highway or street improved, designed or ordinarily used for vehicular travel.

**Snowmobile(s).** Snowmobile(s) shall mean a self-propelled vehicle designed for travel on ice or snow, steered by skis or runners.

**Street.** Street shall mean a public thoroughfare, roadway, or alley used for motor vehicular traffic which is not an interstate, trunk, county state aid or county highway.

**Treads.** Treads shall mean any metal device, or array of metal devices attached to a snowmobile track to enhance traction. This includes metal components that extend more than one-fourth of an inch from the bottom of the track.

**740.05 Intersections.** No snowmobile or ATV shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.

**740.06 Traffic Ordinances.** City traffic ordinances shall apply to the operation of snowmobiles and ATV's upon streets and roadways, except for those relating to required equipment, and except those which by their nature have no application.

**740.07 Operation Generally.**

**Subd. 1** Except as otherwise specifically permitted and authorized, it shall be unlawful and punishable for any person to operate a snowmobile or ATV within the city limits of Norwood Young America in violation of the following restrictions:

- A. On any private property within the City unless the private property shall be a designated snowmobile trail or operator shall have express consent of property owner;
- B. In any planting or tree nursery in a manner which damages or destroys growing stock;
- C. Through any wildlife sanctuary, either public or private;
- D. In any cemetery;
- E. At any place while under the influence of intoxicating liquor or narcotics or habit forming drugs;
- F. On any public street or roadway while in possession of an open container containing any amount of an alcoholic beverage, intoxicating liquor, narcotics, or habit forming drugs;
- G. At a rate of speed greater than reasonable or proper (not to exceed 10 mph at any given time) under all the surrounding circumstances;

- H. At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
- I. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;
- J. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or ATV;
- K. While the snowmobile or ATV is equipped with treads;
- L. On a public sidewalk or walkway provided or used for pedestrian travel or on boulevards within any public right-of-way;
- M. On any public or private school grounds except as permission shall be expressly obtained from responsible school authorities;
- N. On any other publicly owned lands which shall include but shall not be limited to park property, playgrounds, recreation areas and golf courses, or any frozen bodies of water within the City of Norwood Young America, except authorized areas previously listed for such use by the proper authority. Authorized areas in the City owned by the City shall be designated by Council resolution.

**Subd. 2 Exceptions.**

- A. Snowmobiles may be operated on public streets used to provide the most direct access to any snowmobile trail adopted by resolution of the Council.
- B. ATV's may only be operated on public streets or roads used to provide the most direct access to any state owned ATV trail adjacent to the City of Norwood Young America, except for the purposes of snow removal on the owners property, or City owned and operated ATV's for official City business.

**Subd. 3** It is unlawful for the owner of a snowmobile or an ATV to permit the snowmobile or ATV to be operated contrary to the provisions of this section.

**740.08 Required Equipment.** It shall be unlawful to operate any snowmobile or ATV within the City unless the snowmobile or ATV is equipped with:

- A. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition or operation;
- B. A safety or so-called "deadman" throttle in operating condition;
- C. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so aimed that glaring rays shall not be projected into the eyes of an oncoming snowmobile or ATV operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions;
- D. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight pipe, or similar device on a snowmobile or ATV motor.

**740.09 Hours of Operation.** It shall be unlawful to operate a snowmobile or ATV within the City of Norwood Young America from 10:00 p.m. to 7:00 a.m. for any purpose other than going to or returning from an evening ride by way of the most direct route, to the owner's residence or location where the snowmobile or ATV is generally stored and while complying with applicable laws.

**740.10 Minimum Age of Operator.**

- A. No person under the age of fourteen (14) years of age shall operate a snowmobile or ATV on any public land in the city. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile or ATV on the streets and highways as permitted under this chapter and make a direct crossing of streets and highways only if he or she has in his or her possession a valid snowmobile or ATV safety certificate issued by the Commissioner, and then only for the purposes of travel between his or her home, or the home location of the snowmobile or ATV, and a point outside the city. This travel must be accomplished by the shortest distance, taking the most direct route while complying with applicable laws.
- B. It shall be unlawful for the owner of a snowmobile or ATV to permit the snowmobile or ATV to be operated contrary to the age provisions of this Subsection.

**740.11 Penalties.** Any persons violating any provision of this Section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed seven hundred (\$700.00) dollars, or by imprisonment in the county jail for a period not to exceed 90 days or both; but if a minimum fine or imprisonment is prescribed by the State Highway Traffic Act for an offense, the penalty shall apply to a person convicted of the same offense under this Section. *(Amended by Ord. 192, 6/11/07)*

## **Section 750 – Golf Carts**

**750.01 Intent.** It shall be the intent of this section to regulate the use and operation of golf carts within the city.

**750.02 Adoption by Reference of MN Statute.** Except as herein specifically addressed or modified, the provision of MN Statute Section 169.045, as amended, are herewith incorporated by reference.

**750.03 Compatibility with other Regulations.** Where the conditions of this section are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the most restrictive shall apply.

**750.04 Definitions.** For purposed of this Section, terms defined in this Section shall have the meaning ascribed to them below:

**Golf Cart.** A small motorized vehicle, with electric or gas power, designed to carry two golfers and their golf clubs around a golf course between shots.

**750.05 Authorization to Use Golf Carts on Designated Roadways.** All City streets, alleys, and County roads within the City, as permitted by Carver County, shall be designated golf cart routes. No United States or State of MN road shall be a designated roadway for golf carts; however the operator, under permit, may cross any street or highway intersecting a designated roadway.

**750.06 Permit Required.** Every person who operated a golf cart shall first obtain a permit from the City.

**Subd. 1 Information Required.** The permit application shall include the following information:

- A. Name of Owner/Operator;
- B. Address of Owner/Operator;
- C. Date of Birth of Operator;
- D. Copy of current driver's license or written explanation for not having a current license, including a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart on designated roadways if the applicant does not have a current driver's license;
- E. Telephone Number;
- F. Golf Cart Make, Model, Year and Serial Number;
- G. Proof of Insurance

**Subd. 2 Fee.** A fee shall be established by Ordinance of the City Council.

**Subd. 3 Renewals.** Permits shall be renewed triennially. All permits shall expire on the 1<sup>st</sup> day of April not more than three years following their issuance.

**Subd. 4 City Officials.** Authorized city staff may operate city owned motorized golf carts without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

**750.07 Insurance.** Owners and operators of golf carts shall carry liability insurance coverage pursuant to MN Statute 65B.48, Subdivision 5.

**750.08 Conditions of Operation.** Operation of golf carts on permitted streets within the City shall be subject to the following conditions:

- A. From sunrise to sunset between April 1 to November 1, unless during periods of inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.
- B. With a slow-moving emblem and a rear-view mirror installed on the golf cart
- C. With proper insurance that complies with insurance for a motorcycle pursuant to Section 750.07 above and M.S. § 169.045, as amended
- D. The operator shall have a valid permit, pursuant to Section 750.06 above, be at least 18 years of age and not had their drivers license revoked as a result of criminal proceedings
- E. The operator shall be subject to all traffic ordinances, laws and statutes
- F. The number of occupants shall not exceed the design occupant load
- G. No operation shall be permitted on private property, without the consent of the owner, or on any city sidewalk, trail or park.
- H. No operation shall be permitted at any time with an alcohol level of 0.08 percent or higher, or under the influence of a controlled substance.

**750.09 Revocation or Denial of Permit.** A permit may be revoked at any time or denied if it is shown that the permittee cannot safely operate the golf cart, cannot provide all of the information required for a permit pursuant to Section 750.06 above, had their drivers license revoked as a result of criminal proceedings, or for violation of any of the Conditions of Operation, as stated in Section 750.08 above.

**750.10 Penalty for Operation without a Permit.** Any person operating a golf cart on a public roadway without a permit may be issued a citation by a law enforcement official and is subject to any and all associated penalties.

**750.11 Penalty.** Any person who violates any provision of this Section is guilty of a misdemeanor.

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SECTION 507.00 ALLOW DISABLED PERSONS TO OPERATE MOTORIZED GOLF  
CARTS ON CITY STREETS.

- 507.01 Definitions.
- 507.02 Operation Provisions.
- 507.03 Restrictions.
- 507.04 Private Roadways.

507.01 DEFINITIONS. For the purposes of this Section, the terms defined shall have the following meanings to them:

DISABLED PERSON – Any person who qualifies as disabled as listed in Minnesota State Statute 169.345 subdivision 2.

MOTORIZED GOLF CART - As described as same and listed in Minnesota State Statute 169.045 subdivision 1.

SLOW MOVING VEHICLE EMBLEM – Placard described and attached to vehicle as listed in Minnesota State Statute 169.522.

507.02 OPERATION PROVISIONS. It is lawful to operate a motorized golf cart on any public street if the following criteria is met:

- A. The person is disabled.
- B. The person has obtained a permit to operate the vehicle from the Chief of Police.
- C. The vehicle is equipped with a slow moving vehicle emblem.
- D. The owner of the vehicle has obtained insurance for the vehicle in accordance with Minnesota State Statute 169.045.

507.03 RESTRICTIONS. It shall be unlawful for any person to operate a motorized golf cart:

- A. At a speed greater than ten miles per hour.
- B. On any United States Trunk Highway, Minnesota State Highway, or County State Aid Highway.
- C. In a careless or reckless manner.
- D. From sundown to sunrise.
- E. In violation of any state traffic law when applicable.

507.04 PRIVATE ROADWAYS. Nothing in this ordinance shall prohibit the owner of real property used by the public for the purpose of vehicular travel from prohibiting such use, or requiring different or additional conditions than those specified in this ordinance or state statute.

(Ord. 00-22, Section 507, Adopted November 6, 2000).



## SECTION 508.00 UTILITY TASK VEHICLES (UTVs)

508.01 Definitions.

508.02 Operation Provisions.

### 508.01 DEFINITIONS

For the purpose of this section, the following definitions shall apply:

**DRIVER.** A person driving and having physical control over a utility task vehicle or mini-truck and being the permittee under this section.

**UTILITY TASK VEHICLE.** As defined by Minn. Stat. § 169.045, subd. 1(3), a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

### 508.02 OPERATION PROVISIONS

Subd. 1. No person shall operate an all-terrain vehicle as defined in Minn. Stat. § 84.92 on streets or other public property within the city. No person shall operate a utility task vehicle, as defined herein, on streets or other public property within the city without obtaining a permit as provided herein provided, however, that authorized city staff may operate city-owned utility task vehicles and all-terrain vehicles without obtaining a permit on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

Subd. 2. Application for a utility task vehicle operating permit shall be made on a form supplied by the Police Department and shall contain all of the following information:

- (a) The name and address of the applicant.
- (b) Model name, make, and year and number of the utility task vehicle.
- (c) Evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the utility task vehicle.
- (d) Such other information as the city may require.

Permits shall be granted by the Chief of Police for a period of one year.

Subd. 3. When operating a utility task vehicle, the driver must have a copy of the permit and proof of insurance in his or her possession, and properly display the permit as designated in the permit.

Subd. 4. Utility task vehicles are permitted to operate only on city streets, not state or federal highways except to cross at designated intersections.

Subd. 5. Utility task vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet. Except for the purpose of snow removal, operation of utility task vehicles is prohibited when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

Subd. 6. Utility task vehicles shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

Subd. 7. A driver may cross a street or highway intersecting a designated roadway.

Subd. 8. Every person operating a utility task vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time.

Subd. 9. The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., Ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the utility task vehicle on the designated roadways.

Subd. 10. The number of occupants on the utility task vehicle may not exceed the design occupant load.

(Ord. 16-03, Section 508.00, Adopted May 2, 2016).



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: June 5, 2018

Re: Mailboxes

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**BACKGROUND**

The Council has referred a potential amendment to the subdivision code to the PC for review relating to mail receptacles. Attached is a memo and associated language as discussed by the Council.

**ACTION**

For discussion.



Norwood Young America  
310 Elm Street West – P.O. Box

Norwood Young America, MN  
Phone: (952) 467-1800  
Fax: (952) 467-1818  
Website: [www.cityofnya.com](http://www.cityofnya.com)

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TO: Honorable Mayor Lagergren and City Council Members  
FROM: Steven Helget, City Administrator  
DATE: May 14, 2018  
SUBJECT: Review City Code pertaining to Mail Receptacles Damaged by City Snow Removal

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Proposed is to review Chapter 12, Section 1245.07, pertaining to mail receptacles. Specifically is to discuss Subd. 1 (H) which states "The City shall not be responsible or liable for any damages to mail receptacles not in compliance with this ordinance or damages to mail receptacles from snow thrown or moved as a result of snow plowing." Enclosed is a copy of Section 1245.07.

If the City Council consents to considering an amendment to Section 1245.07, it would need to be referred to the Planning Commission as this would be an amendment to the Zoning Code.

**Possible Motion:**

**Motion to direct the Planning Commission to pursue an amendment to Chapter 12, Section 1245.07, Subd 1 (H).**

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**1245.07 Mail Receptacles**

**Subd. 1 Mailboxes in the Public Right-of-way.** The installation and maintenance of mailboxes or receptacles for the receiving and sending of mail by residents is permitted within the right-of-way of the public streets, subject to the standards and regulations of the United States Postal Service and such standards and regulations as may from time to time be promulgated by the City not otherwise set forth in this section. The use of street receptacles is not required. Residents may continue to use post office boxes at the local post office.

- A. The mailbox must be installed along the side of the street and in such a manner as to not interfere with or impede the normal flow of vehicle traffic.
- B. All residents wishing curbside delivery and existing rural routes within the city must apply for an Extension of Mail Service with the United States Postal Service. Mailboxes cannot be installed unless extension is approved by the United States Postal Service.
- C. It is the responsibility of each resident user to maintain the mailbox in such a manner that it functions properly according to United States Postal Service Standards.
- D. Pursuant to United States Postal Service regulations, mail delivery is not allowed to individual locations within cul-de-sacs. Mail delivery for these locations will be made only to mailboxes that are located at the entrance or exit of the cul-de-sac to be served. Mailboxes serving such cul-de-sacs shall be grouped together in a manner approved by the City and at a location determined by the United States Postal Service and the City.
- E. Mailboxes may be grouped together in a manner approved by the City and at a location determined by the United States Postal Service and the City.
- F. One additional receptacle for deliveries such as newspapers and advertisements is allowed but must be installed directly underneath the mailbox.
- G. The City may establish regulations by resolution for the use of a certain type or design of mail receptacle in order to be uniform throughout the city.
- H. The City shall not be responsible or liable for any damages to mail receptacles not in compliance with this ordinance or damages to mail receptacles from snow thrown or moved as a result of snow plowing.
- I. The City is not responsible for snow removal on or around the mail receptacles. It is the responsibility of each resident user of the mail receptacle to remove snow or other obstructions from around the mail receptacle.