



Norwood Young America Planning Commission

Wednesday, September 5, 2018

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

AGENDA

1. Call to Order
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of July 31, 2018 meeting
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.)
5. Public Hearing
6. Old Business
 - A. Consider Fence Code Amendment – Front and Corner Street-Side Yard Requirements
 - B. Consider Sign Code Amendment – Wall Signs
 - C. CUP Audit
7. New Business
 - A. Reschedule November Regular Meeting
8. Miscellaneous
 - A. August Building Permit Report
9. Commissioner's Reports
10. Adjourn

UPCOMING MEETINGS

September 10 th	City Council meeting 6:00 p.m.
September 12 th	Economic Development Commission 6:00 p.m.
September 18 th	Parks & Recreation Commission meeting 5:30 p.m.
September 24 th	City Council Work Session/EDA/Regular meeting 6:00 p.m.
October 2 nd	Planning Commission meeting 6:00 p.m.

**John
Fahey**

**Bill
Grundahl**

**Paul
Hallquist**

**Mark
Lagergren**

**Mike
Eggers**

**Craig
Heher
Council
Liaison**

*Norwood Young America
Planning Commission Minutes
July 31, 2018*

Present: Commissioners Mike Eggers, John Fahey, Bill Grundahl, Paul Hallquist, Craig Heher, and Mark Lagergren.

Absent: None

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

Public: Nick Jeurissen with Greystone Construction, Michael Clark, Theresa Peterman, and Kevin Wollum.

1. Call to Order.

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

2. Adoption of Agenda.

Chairperson Heher introduced the agenda. City Administrator Helget requested item (C) be added under “New Business” pertaining to appointment of a liaison from the Commission to the Parks and Recreation Commission due to resignation of PC Member JR Hoernemann.

Motion – Lagergren, second Eggers to approve the agenda with the proposed amendment. The agenda was approved 6-0.

3. Approval of Minutes from the Regular Meeting July 3, 2018.

Heher introduced the minutes from the July 3, 2018 regular meeting.

Motion – Grundahl to approve the July 3, 2018 meeting minutes. Second by Hallquist. With all in favor the minutes were approved 6-0.

4. Public Comment.

No one spoke during the public comment agenda item.

5. Public Hearings.

A. Vickerman Parking Lot Setback Variance.

Chairperson Heher introduced the variance request. Heher reviewed the public hearing process and noted the Commission will make a recommendation on the request under the ‘business’ portion of the agenda. Heher opened the public hearing at 6:05 p.m.

Strack stated PAR Real Estate LLC (Vickerman Company) has proposed reconfiguration of existing parking facilities on two lots. The lots are under the same ownership at this time. The proposed shared parking facility, according to the property owner, is a means of promoting logical and safe traffic flow from one building to other attached buildings without the need to exit to the street. Sketches of the current and proposed parking arrangement were included in the packet.

Strack stated the property owner requests a variance to Section 1250.05(B) of the City Code which requires parking lots to be setback ten (10) feet from a property line. Strack noted staff had directed the Applicant to prepare and file a joint access agreement to be recorded against both lots providing for cross-access and maintenance.

Strack stated variances from the literal provisions of the Code may be approved where the strict enforcement of the provisions would cause practical difficulties because of circumstances unique to the property under consideration.

A notice of public hearing was posted, published, and mailed to property owners within 350 feet of the subject property. No oral or written comments were received. Nick Jeurissen was present on behalf of the Applicant.

Heher invited Jeurissen to speak on behalf of the request. Jeurissen noted the summary provided included applicable information.

Heher requested comments for or against the proposed variance. No one spoke for or against the variance.

Motion – Eggers, Second Lagergren to close the public hearing. Motion approved 6-0 with the hearing closed at 6:06 p.m.

B. Subdivision Code Amendment: Design Standards, Required Improvements, and Fee in Lieu of Parkland Dedication Requirements.

Chairperson Heher opened the public hearing at 6:07 p.m.

Strack noted the Commission has been reviewing potential amendments to subdivision design standards, required improvements, and statutory requirements for accepting a fee in lieu of land for park purposes. The Planning Commission is to hold a public hearing on proposed changes. The draft code amendment and current standards were included in the packet for reference. Proposed changes include:

Reducing the required right of way and paved width for cul-de-sacs to better reflect existing built environment. ROW width was 60 feet, proposed to be reduced to 55 feet. Paved cul-de-sac radius was 50 feet proposed to be 45 feet.

Amending language relating to topography and street layout proposed to be changed to allow for grid-pattern or curvilinear street design (provided topography supports) while maintaining the City's grid-like pattern for addressing.

Clarifying language pertaining to required tree planting to reflect current practice of requiring developer to escrow funds for planting one (or two on a corner lot) tree on private property when new home construction occurs.

Updating language pertaining to minimum width for trails to be consistent with current built environment. The Code currently requires a ten foot paved width but all trails are eight feet in width.

Updating stormwater pond design criteria to include a ten-day snow melt event in addition to various rainfall rates.

Requiring mailboxes be clustered in new subdivisions subject to a plan approved by the City and U.S. Post Office which is to be incorporated in the development agreement.

Adjusting park the dedication language to be consistent with MN. Statute pertaining to the value of the fee in lieu of park land dedication. The Commission proposes a fee in lieu of parkland dedication be set at ten percent of the estimated market value of the property at the time of platting. The current standard is based on per lot, unit, or acre calculation.

Eggers inquired as to whether the Commission had recommended one or two trees be planted on each new lot created. Strack noted she would find the answer to Commissioner Eggers's question and respond during the business portion of the meeting.

Lagergren inquired as to how the fee in lieu of park dedication proposed compared to other communities. Strack noted it was in line with other communities.

Motion – Eggers, Second Lagergren to close the public hearing. Motion approved 6-0 with the hearing closed at 6:13 p.m.

6. Old Business.

A. Code Amendment Request: Allow First Floor Residential in the C-3 Downtown District.

Chairperson Heher introduced the agenda topic. Strack stated last month the Planning Commission held a public hearing on a request from Alvera Clark pertaining to the Section 1230.10, Subd. 2(L) first floor residential uses in the C-3 Downtown District. Clark requested the City consider allowing first floor residential use of commercial storefronts in the downtowns. Strack noted that following a public hearing on July 3rd, the Planning Commission postponed action on the proposed amendment pending receipt of a recommendation from a joint committee pursuing downtown revitalization. Strack deferred comment on the downtown work-group's input to Administrator Helget.

Helget stated the joint committee pursuing downtown revitalization overwhelmingly voted to retain existing code language. Helget noted Michael Clark was in the audience and had attended the joint committee meeting as well.

Fahey stated he was at the joint committee meeting and he recommended no changes to the existing code.

Motion – Fahey, Second Lagergren to recommend the City Council deny a proposed code amendment to allow residential use of the entire first floor of commercial structures in the C-3 Downtown Districts. Motion approved 6-0.

Grundahl noted he had shared the potential code update with three owners of property in the C-3 District. All of those property owners supported the current code.

B. Conditional and Interim Use Permit Audit.

Chairperson Heher introduced the agenda topic noting the audit is a 2018 goal for the Commission. Heher requested updates from Commissioners.

Fahey stated he had visited 180 Industrial Boulevard and the site was in compliance with the conditional use permit. Fahey also visited 170 Industrial Boulevard and found the property to be compliant with a conditional use permit issued in 2017. Lastly, Fahey visited 301 Industrial Boulevard. Fahey alluded to a condition pertaining to a carwash which he was unable to determine whether or not was in compliance. Strack noted she would investigate. Fahey reported the remainder of the Hydro Engineering property was compliant.

Heher stated he planned on conducting an audit of the Curfman property at 600 Railroad Street prior to the September meeting.

Heher requested an update from Administrator Helget pertaining to the property at 700 Railroad Street West. Helget noted the City Council had granted one more extension to the property owner as a means of providing additional time for installation of landscaping. Helget noted he has had a couple of conversations with an employee at 700 Railroad Street West pertaining to requirements.

Heher requested a volunteer to review the CUP for Kwik Trip. Strack agreed to review the CUP.

Heher inquired as to whether or not staff had reached out to Nick Molnau pertaining to landscaping on a recently constructed berm. Strack is to reach out to Molnau.

7. New Business.

A. Variance Request: Vickerman/PAR Real Estate LLC – Parking Lot Setback.

Chairperson Heher introduced the agenda topic.

Strack stated PAR Real Estate LLC (Vickerman Company) has proposed reconfiguration of existing parking facilities on two lots. Staff had requested the Applicant draft and provide for review by the City Attorney a crossover access agreement to be filed against both applicable parcels. She noted the variance request pertained to required setback of the parking lot versus the entire property line. Strack alluded to findings in the packet for consideration which included:

Potential findings in favor of the request:

- The proposed use is consistent with the Comprehensive Plan and development in the adjacent locale.
- The proposed variance is not for the use of property.
- Both existing parking and proposed parking facilities are ancillary to a warehouse campus with each building physically connected through an at-grade link.
- The shared parking facility will enable users to cross to campus buildings without the need to exit the parking lot, access the street, and re-enter a parking lot on an abutting parcel.
- Parking lot area connecting to existing lot. Current parking lot area is very tight for vehicle traffic and employees have trouble getting turned into parking stall when lot is full. Connecting the new parking lot with the existing lot over the property line will allow for safer traffic flow in and out of the existing stalls and a better walking surface for employees that is traveling across the parking lots to other campus buildings.

Potential findings for denial of the request:

- Commercial and industrial uses are required to provide off-street parking, the request for relief from a parking lot standard is not unique to this property.

- Parking lot design is a factor solely under the control of the Applicant and therefore not unique to any given parcel.
- The proposed variance could be avoided if the lots were reconfigured.

Heher confirmed the proposed extent of the parking lot variance with Project Representative Nick Jeurissen.

Lagergren inquired as to how the parking lot could be potentially impacted by sale of the property. Strack stated the cross access agreement should transfer with the property and contain a mechanism for cancellation of the agreement in the event the parking lot configuration is altered or the lot discontinued.

Motion – Lagergren, Second Eggers to recommend the City Council approve the variance request based upon findings in the staff memo and subject to conditions recommended by staff. Motion approved 6-0.

B. Subdivision Code Amendment: Design Standards, Required Improvements, and Fee in Lieu of Parkland Dedication Requirements.

Chairperson Heher introduced business agenda item.

Strack provided existing language pertaining to the number of trees required for new lots created. Strack noted the existing Code required one tree per 40 feet of lot front-foot to be planted in the boulevard. Current policy practice is to discourage boulevard plantings. Eggers noted the most recent subdivision required two trees to be planted on each lot within the lot boundary on private property as per the development agreement approved by the City.

Strack noted the proposed required number of trees alluded to in the proposed code amendment could be updated. Discussion ensued and the Commission reached consensus to require a minimum of two trees with a diameter of at least two inches be planted on each lot unless an alternate subdivision landscaping plan is approved by the City Council.

Eggers referenced a zoning standard applicable to commercial/industrial developments requiring the planting of one overstory tree per 1,000 square feet of structure ground floor area. Strack noted the Commission had agreed to review that standard to determine if a ‘graduated standard’ pertaining to large commercial structures was of interest.

Helget noted the Park and Recreation Commission had reviewed the proposed changes and recommended approval. The Commission did request information from staff pertaining to park dedication requirements for other communities. Strack noted she had information and would forward to Helget.

Motion – Lagergren, Second Fahey to recommend the City Council approve an amendment to the land subdivision code pertaining to design standards, required improvements, and fee in lieu of parkland dedication. Motion approved 6-0.

C. Appointment of Planning Commission Liaison to Park and Recreation Commission.

Heher requested a volunteer to serve as the Planning Commission liaison to the Parks & Recreation Commission. Hallquist noted he would serve, but would not be available until 2019.

The Commission agreed to make the appointment at the beginning of 2019.

8. Miscellaneous.

A. July Building Permit Report.

The Commission reviewed the July building permit report.

9. Commissioner Reports.

Heher reported the Council approved re-roofing of a City structure and also approved Ordinance 305 pertaining to Class II ATV.

Helget noted applications for the open PC seat are being accepted.

10. Adjourn

Motion – Hallquist, Second Fahey to adjourn the meeting. With all in favor the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Steven Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 5, 2018

Re: CUP Audit

BACKGROUND

The PC has a goal of auditing CUP/IUP in 2018 for compliance with approved standards. Attached please find an updated matrix of existing CUP/IUP for review. Staff has the following updates since the July 31st meeting:

1. The interim use permit for Hydro Engineering was examined. No mention of 'car wash' is found. IUP appears to be compliant. Presumed mix up with Kwik Trip CUP.
2. Kwik Trip CUP audited and found to be compliant.
3. Staff has reached out to Nick Molnau regarding timing of reinstallation of trees on new section of berm. No response has been received. Weeds/grass appear to be an issue as does planting of trees on the berm. Parking of vehicles adjacent to TH 212 is also an issue. A copy of the amended CUP (2018-18) is attached.
4. Curfman Trucking appears to be out of compliance with outdoor storage in that cast off material piled on site is not contained within bunkers and additional outdoor storage (feul tanks) other than approved has been added to the site. A copy of the CUP is attached.

ACTION

Commissioner reports are expected. Consulting staff audit findings are reflected in the attached matrix. If the Commission is satisfied with the audit being complete a motion to approve findings and recommend the Council do the same is in order.

CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status Update
1	410 Faxon Rd N	McDonalds	CUP issued for drive-thru window in the 90's. No conditions placed on CUP	Existing, valid CUP. No conditions exist.	Audited, compliant.
2	112 Poplar Ridge Dr	Existing Apartment Complex	CUP issued in 1997. No additional information available.	Existing, valid CUP. No conditions exist.	Audited, compliant.
3	421 Railroad St W	City property	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 conditions met.	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; conditions met. Franck's no longer subleases.	Audited, compliant. PC Should find Reso 2003-19 (authorized Franck's Sanitation sub-use) is expired.

CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status Update
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.
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.	Audited, the PC accepted screening that existed under previous 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 appear compliant.	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 6/2018.	City Council monitoring
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.	Audited	Audited, compliant.

CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status Update
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.	Audited.	Audited, compliant.
12	27 1st St NW	St. John's Lutheran School.	Reso 2013-05 is a CUP allowing expansion of the existing school.	Audit complete	Audited, compliant.
13	105 Main St E	Unkle Thirsty's	Reso 2013-35 is a CUP allowing outdoor dining at Unkle Thirsty's. Several conditions apply.	Audited.	Audited, compliant.
14	520 Reform St N	Kwik Trip	Reso 2013-20 Approved convenience store.	Suitable for audit.	Audited, compliant.
15	301 Industrial Blvd	Hydro Engineering	Approved IUP for outdoor storage.	Suitable for audit.	Audited, compliant.
16	321 Elm St W	RCC Woodworks	Reso 2014-22 Approved woodworking shop in C-3	Audited	Audited, compliant.
17	13050 Stewart Ave	Nick Molnau	Amended and Replaced by 2018-18		Trees on new berm are not established but not required by the CUP
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.	Non-compliant with landscaping. Council is pursuing action.

CUP Review/Audit

	Address	Description	Comments/Notes	Action Directed	Status Update
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.	Audited	Audited, compliant.
22	127 Elm St W	Andris	Reso 2016-21 Approve personal auto storage in C-3	Audited	Audited, compliant.
23	117 Railroad St W	Loomis	Reso 2016-22 Approve CUP for contractor operation in C-3	Audited	Audited, compliant.
24	180 Industrial Blvd	Todd Miller & Adam Glander	Reso 2017-08 Approve outdoor auto sales and display in B-1 District	Suitable for audit.	Audited, compliant.
25	508 Merger Street	Cedar Direct	Reso 2017-09 IUP outdoor storage	No longer in business	Note expiration of IUP effective June 1, 2019 unless reinitiated
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.	Audited, compliant.

RESOLUTION NO. 2018-18

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW LIMITED OUTDOOR STORAGE AT 13050 STEWART AVENUE

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 outdoor storage, a proposed subordinate accessory use, in the I-1, Light Industrial District; and

WHEREAS, Molnau Trucking, (the “Applicant”) has applied for a conditional use permit amendment to allow limited outdoor storage (the “Use”) at 13050 Stewart Avenue, in Norwood Young America (the “Property”); and

WHEREAS, the parcel number is 580130300 and the legal description is attached as Exhibit A; 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 April 3, 2018; and

WHEREAS, the Planning Commission considered public input and reviewed the request during the regular meeting on April 3, 2018; and

WHEREAS, the Planning Commission recommended the City Council approve the request contingent on several limiting conditions; and,

WHEREAS, the City Council reviewed the request during the April 23, 2018 regular City Council meeting.

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 limited outdoor storage at 13050 Stewart Avenue in the I-1 Light Industrial District.
2. Contractor operations are a permitted use in the I-1 District, accessory outdoor storage is a conditional use in the same district.
3. The use is consistent with goals, policies and objectives of the Comprehensive Plan and the future land use map and urban growth boundary contained in the 2008 NYA Comprehensive Plan.
4. The outdoor storage accessory use will not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements, subject to certain conditions listed below.

5. The outdoor storage accessory use will not have an undue impact on the public health safety or welfare, subject to certain conditions listed below.
6. The outdoor storage accessory use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
7. The outdoor storage accessory use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
8. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

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 amendment to allow limited outdoor storage, on the subject property, subject to the following conditions:

1. Review and approval by the Minnesota Department of Transportation If more than seventy (70) trucks are to operate from the site and/or other issues arise as determined by MnDOT.
2. Maintenance of perimeter lot screening placed on constructed berms and planting of additional trees on the most recently constructed segment of berm, and replacement of vegetation as needed or directed by the City. At a minimum vegetation replacement species shall be substantially similar to species currently existing. Replacement vegetation shall be a minimum of six (6) feet in height.
3. The approval specifically authorizes accessory outdoor storage at the subject property. Said outdoor storage is strictly limited to the following:
 - A. The maximum combined area for outdoor storage and impervious surface coverage on the entire site, in aggregate is limited to 5.03 acres. Maximum impervious surface coverage within the shoreland overlay district is limited to 4.01 acres.
 - B. No junk vehicles, engine parts, or equipment not being utilized as part of the business shall be parked outdoors at the site.
 - C. The entire area where outdoor storage is allowed shall be continuously surfaced with a minimum of four inches of Class 5 gravel or red rock.
 - D. The entire area where outdoor storage is allowed shall be maintained free of grass, weeds, trees, etc. at all times. The intent of this condition is to completely eradicate any potential the growth of weeds, grass, or other vegetative materials under, around, or between items stored on the site.
 - E. The entire area where outdoor storage is allowed shall be maintained in a dust-free state at all times.
 - F. The property owner shall provide the City, upon written request, an inventoried list of the items stored out of doors at the site. The inventoried list may include

but is not limited to information regarding: the license plate numbers for all dump trucks, semi trucks, and snow trucks; type of equipment; the purpose for which it is used; whether or not the item is fully operational; and whether or not the item is currently licensed. In the event of a disagreement over the definition of equipment allowed to be stored on-site, the CUP holder shall physically appear before the Planning Commission to address said disagreement or remove the item/debris in question from the site within seven (7) days of the mailing of a written notice. The Planning Commission shall determine whether or not the item/debris in question may be stored on site.

- G. Items such as personal property, personal equipment, other persons property, miscellaneous equipment parts, tires, barrels, batteries, other containers, culverts, pipes, contractor trailers, brush, tree parts, horse, stock, or travel trailers, campers, unlicensed passenger vehicles, buses, agricultural equipment, portions of heavy construction equipment, heavy construction equipment exceeding its normal lifecycle, or similar items are expressly prohibited from being stored out of doors at the site.
- H. All equipment stored on site shall be owned and/or leased by the property owner and related to the contractor operation conducted at the site.
- I. Construction equipment stored on the site shall be in operable condition or undergoing minor repair.
- J. One fuel dispensing and containment system may be installed out of doors, on site provided a maximum of four tanks are allowed (i.e. one of each of the following capacities: 10,000 gallons, 2,000 gallons, 1,000 gallons, and 500 gallons). A building permit is required prior to establishment of the containment system. Prior to building permit issuance the Applicant shall submit evidence of review/approval by the Minnesota Pollution Control Agency, and the containment system shall be approved by the NYA Fire Marshal. Tanks are limited to storage of various grades of diesel fuel.
- K. Storage of used oil, petroleum products, or hazardous material is prohibited except as approved by the City Building Official. If permitted by the Building Official storage of used oil, other petroleum products, or hazardous material shall only be allowed indoors.
- L. A maximum of eleven (11) concrete bunkers for storage of retail landscape materials e.g. rock material, wood chips, concrete sand, etc. are allowed on site at one time. Landscape material stored on site shall be limited to processed materials such as washed products, treated products, crushed and sized concrete or bituminous aggregate, sorted organic aggregate material, washed and sized rocks, boulders, pulverized top soil, and chipped wood/organic mulch. Materials shall be processed at a different location and delivered to the site as a finished, processed product. Outdoor storage of non-processed materials including, but not limited to, concrete masses or portions thereof exceeding three (3) inches in diameter, unsorted or unsifted top soil, top soil containing

roots, rocks, or grass, sod, leaves, logs, bituminous masses or portions thereof exceeding three (3) inches in diameter, and non-washed/sorted rock is specifically and strictly prohibited.

M. Red rock may be stored on-site outdoors independent of the aforementioned bunkers provided the total volume does not exceed one-thousand (1,000) cubic yards and that the storage pile is not in any way visible from any point within the Highway 212 right of way.

N. Salt/sand may be stored on site temporarily provided it is stored within the aforementioned bunkers, it is covered at all times, and it is between November 1 and April 30th.

4. Review and approval of the proposed expanded impervious surface area and wetland buffers by the Carver County Water Management Organization.
5. This approval is applicable only to the property at 13050 Stewart Avenue.
6. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.
7. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
8. The permit shall be subject to annual inspection and audit by the City.
9. 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 shall be revoked if the Use ceases for more than 12 consecutive months.
11. The Use permitted under this Resolution may change to a permitted use in the I-1 District without further action by the City Council; however the Use may not change to another conditional use without a new application and approval by the City Council.
12. An increase in the area used for outdoor storage; an increase in the number, size, or volume of items stored outdoors, or a change in the type of outdoor storage shall require amendment of this conditional use permit.
13. The Property Owner grants a right of reasonable access to the property for purposes of inspection and/or Conditional Use Permit auditing.

Adopted by the City Council this 23rd day of April 2018.

Carol Lagergren, Mayor

ATTEST:

Kelly Hayes, City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

Legal Description

All that part of the East Half of the Southwest Quarter and the East Half of the West Half of the Southwest Quarter of Section 13, Township 115, Range 26, lying Northerly of the North right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company, EXCEPTING THEREFROM the West ten (10) acres of the East Half of the West Half of said Southwest Quarter, all in Carver County, Minnesota, and ALSO EXCEPTING THEREFROM Parcel 208B of the Minnesota Department of Transportation Right of Way Plat Numbered 10-32 as the same is on file and of record in the office of the County Recorder in and for Carver County, Minnesota.

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 28th day of July, 2017.

Adopted by the City of Norwood Young America on the ___ day of _____, 2017.

Attest:

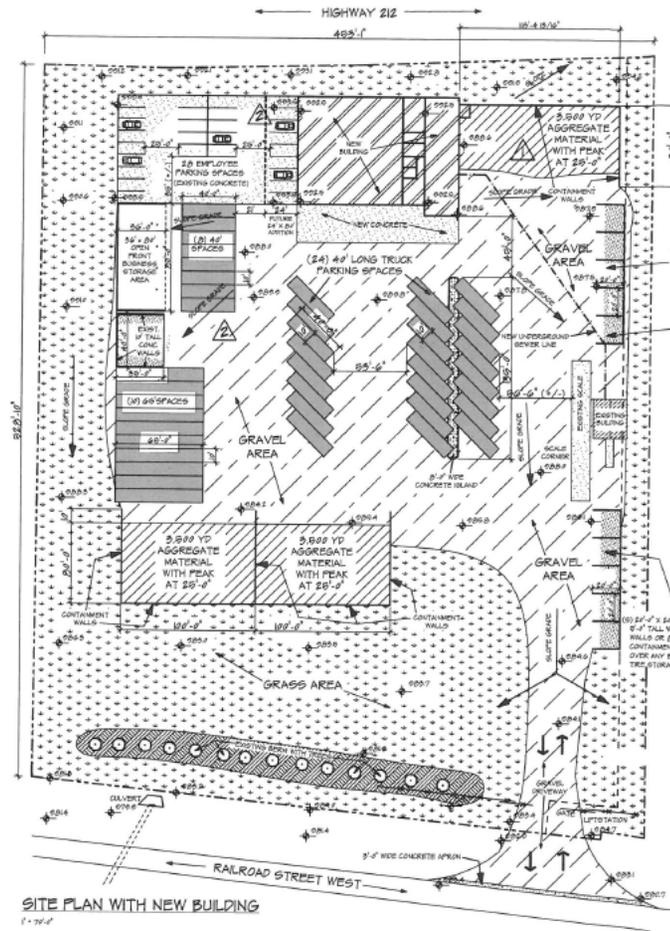
Carol Lagergren, Mayor

Kelly Hayes, City Clerk

RESOLUTION 2017-
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





To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 5, 2018

Re: Fence Code Amendment – Front and Corner Street-Side Yard Requirements

BACKGROUND

At the June meeting the Planning Commission agreed to review fencing requirements for front and corner side yards. The Commission agreed to discuss the issue after learning several chain link fences had been approved for placement in front yards. Such fences are technically inconsistent with the Code. The Commission requested sample language be provided which would allow chain link fences in front/corner street side yards.

Current language pertaining to fences is attached along with suggested language for consideration.

ACTION

This item is for your information and discussion. If the Commission views the amendment favorably, a motion to call for a public hearing at the October 2nd meeting is appropriate.

1245.05 Fences

Subd. 1 Building Permit Required. No fence, except temporary fencing, shall be constructed without a building permit. The application shall be accompanied by a plot plan clearly describing the type, location, and method of anchoring the fence.

Subd. 2 Setbacks. Boundary line fences shall be located at least one (1) foot from the property line, except as provided for in Subd. 4 and 5 of this Section. The persons, firms or corporations constructing or causing the construction of such fence shall be responsible for maintaining that part of their property between fence and property line. City staff shall require any applicant for a fence permit to establish the boundary lines of his property by a certificate of survey thereof to be made by any registered land surveyor or by showing the accurate stake markers of the surveyed lot.

Subd. 3 Fencing Conformity. Fencing in all districts shall conform to the following:

- A. Fences in all districts shall be maintained so that the exposed outer/inner surface shall be uniformly painted or stained in a neat and aesthetically acceptable condition.
- B. The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- C. No fence shall be permitted on a public right-of-way or boulevard area.
- D. No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic **within a sight triangle defined by measuring thirty (30) feet from intersecting streets**.
- E. All snow-stop fencing may be used from November 1 to April 1. No permit shall be required for temporary fencing.
- F. All fencing shall be constructed straight, true, and plum
- G. Fences which are in need of repair or maintenance through type of construction or otherwise, or are otherwise dangerous to the public safety or general welfare and health are considered a public nuisance and the City may commence proceedings for the abatement thereof under Chapter 6, Nuisance Abatement of the City Ordinance. Electric fences may not be used. Material such as chicken, sheep, or hog wire fencing, barbed wire fencing, or snow fencing will not be allowed as permanent fencing, except as stated in paragraph c in this section.
- H. All fences shall have a gate or opening to allow access from the exterior of the lot.
- I. **All fences shall be constructed of durable materials such as treated or painted wood, cedar, chain link, aluminum, wrought iron, and similar materials intended to be used for fencing in urban areas. Agricultural fences, woven wire, electric wire, plastic, and fences made of flimsy or non-traditional materials/items are prohibited. Barbed wire is prohibited in residential districts but may be allowed on the top of fences in commercial and industrial districts as provided under Subd. 5 “Fencing in Commercial, Business, and Industrial Districts”.**

Subd. 4 Fencing in All Residential and Agricultural Districts.

- A. *Setback and design.* A fence may be located within the rear yard and side yard to a maximum height of six (6) feet up to the point where it is parallel with the front edge of the building. Fences located within the front yard or side-street yard to the right-of-way shall be ornamental in design and the height of the fence **be at least fifty (50) percent opaque and** shall not exceed three and one-half (3 ½) **four** feet **in height** as measured from grade.
- B. Fences around dog kennels not exceeding one hundred (100) square feet in size, fences around garden fences will not require building permits but shall adhere to the other regulations of this subdivision.
- C. All garbage can areas in multi-family developments shall be protected by a privacy fence not less than six (6) feet in height. The privacy fence shall be constructed of wood, vinyl or similar, but shall not include chain link with slats. All gates shall have a self-closing and self-latching latch installed on the outside of the fence.

Subd. 5 Fencing in Commercial, Business and Industrial Districts.

- A. Business and industrial fences may be erected up to eight (8) feet in height as measured from grade. Fences in excess of eight (8) feet shall require a conditional use permit.
- B. Business and industrial fences with barbed **or razor** wire security arms shall be erected a minimum of six (6) feet in height as measured from grade (measured without the security arm) and shall require a Conditional Use Permit. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public.
- C. Single-family residential properties located in the Civic (C), Central Business District (CBD), and Commercial/Industrial (C-I) Districts shall conform to the provisions of Subd. 3 of this Section.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 5, 2018

Re: November Meeting Date

BACKGROUND

Our regular meeting in November is scheduled for Tuesday, November 6th which is also general election day.

The PC is asked to reschedule the meeting.

ACTION

Discussion followed by a motion to reschedule the meeting is kindly requested.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 5, 2018

Re: Sign Code Amendment – Wall Signs

BACKGROUND

The City Council has directed the Planning Commission investigate the potential to update the sign code to pertaining to wall signs.

At this time Section 1260.09, Subd. 3(C) pertaining to wall signs in the C-3 Downtown District allows:

- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed two Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
 - 1. A maximum of 10% of the Building Face may be used for a Wall Sign.
 - 2. Signs shall not project above the roof level.

Similarly Section 1260.09, Subd. 4(C) provides for wall signs in the C-2, B-I, and I-1 Districts as follows:

- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed two Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
 - 1. A maximum of 10% of the Building Face may be used for a Wall Sign.
 - 2. Signs shall not project above the roof level.

The Council suggests allowing up to one wall sign per building face not to exceed **three** signs per building.

A draft ordinance is attached for consideration along with a copy of the entire sign code.

ACTION

This item is for your information and discussion. If the Commission views the amendment favorably, a motion to call for a public hearing at the October 2nd meeting is appropriate.

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. █**

AN ORDINANCE AMENDING SECTION 1260.09, SUBD. 3(C) AND SECTION 1260.09, SUBD. 4(C) OF THE CITY CODE RELATING TO WALL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 1260.09, SUBD. 3(C) OF THE CITY CODE SHALL BE AMENDED AS FOLLOWS:

- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed ~~two~~ **three** Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
1. A maximum of 10% of the Building Face may be used for a Wall Sign.
 2. Signs shall not project above the roof level.

II. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, FURTHER ORDAINS SECTION 1260.09, SUBD. 4(C) OF THE CITY CODE SHALL BE AMENDED AS FOLLOWS

- C. Wall Signs: One Wall Sign shall be permitted per Building Face, not to exceed ~~two~~ **three** Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
1. A maximum of 10% of the Building Face may be used for a Wall Sign.
 2. Signs shall not project above the roof level.

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

Adopted by the City of Norwood Young America on the ___ day of _____, 2018.

Attest:

Carol Lagergren, Mayor

Kelly Hayes, City Clerk

Adopted:

Published: