



**Norwood Young America Planning Commission**  
**Tuesday, December 3, 2019**  
**Norwood Young America City Council Chambers, 310 Elm St. W.**  
**6:00 p.m.**  
**AGENDA**

1. Call to Order  
 Pledge of Allegiance  
 Jerry Barr
2. Adoption of Agenda  
 Mike Eggers
3. Approve Minutes of November 6, 2019 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.)  
 John Fahey
5. Public Hearings
6. New Business  
 A. 2019 Annual Report / 2020 Goals  
 Bob Smith
7. Old Business  
 A. Accessory Dwelling Units  
 B. Legal Considerations for City Officials Training Session  
 Craig Heher  
 Council Liaison
8. Miscellaneous  
 A. November Building Permit Report
9. Commissioner's Reports
10. Adjourn

**UPCOMING MEETINGS**

December 9 <sup>th</sup>	City Council 6:00 p.m.
December 11 <sup>th</sup>	Economic Development Commission 6:00 p.m.
December 17 <sup>th</sup>	Parks & Recreation Commission 4:45 p.m.
December 23 <sup>rd</sup>	City Council Work Session/EDA/Regular meeting 6:00 p.m.
January 7 <sup>th</sup>	Planning Commission 6:00 p.m.
January 8 <sup>th</sup>	Joint Meeting – City Council, PC, EDC, Parks & Recreation Commission & Chamber of Commerce Board 6:30 p.m.

*A quorum of the City Council may be present but no official action by the Council will be taken at this meeting.*

*Norwood Young America  
Planning Commission Minutes  
November 6, 2019*

**Present:** Commissioners Mike Eggers, Bill Grundahl (arrived 6:05 p.m.), Paul Hallquist, Craig Heher and Bob Smith.

**Absent:** Commissioner Jerry Barr and John Fahey.

**Staff:** City of Norwood Young America City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

**Public:** Ally Clark and Randy Marttinen.

**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.

*Motion* – Eggers, seconded by Smith to approve the agenda. The agenda was approved 4-0.

**3. Approval of Minutes from the October 1, 2019 Regular Meeting**

Heher introduced the minutes from the October 1, 2019 regular meeting.

*Motion* – Eggers to approve the October 1, 2019 regular meeting minutes. Seconded by Smith. With all in favor the October 1, 2019 minutes were approved 4-0.

**4. Public Comment.**

None.

**5. Public Hearings.**

A. Variance and Lot Split: 417 2<sup>nd</sup> Avenue SE – Randy Marttinen

Chairperson Heher introduced the agenda, described the public hearing process, and opened the hearing at 6:02 p.m.

Strack stated the Commission is tasked with holding a public hearing on a variance request from Randy Marttinen at 417 2<sup>nd</sup> Avenue SE. The Commission had previously discussed a proposed lot split involving an existing lot with a legal, non-conforming front yard setback. The Commission advised the Applicant to submit a variance to Section 1100.11, Subd. 1 of the City which requires lots petitioned for simple lot division comply with the dimensional requirements of the under lying zoning district.

Strack referenced a certificate of survey and variance application included in the packet. The survey illustrates an existing house, fence, and detached garage is also attached.

The surveyed parcel as legally described extends to the centerline of 2<sup>nd</sup> Avenue SE (platted as Fourth Street) and the centerline of Central Avenue South (platted as Old State Highway 5 & 25). This means East 33 feet and the West 55 feet of the subject parcel is under right-of-way easement. If setbacks are measured from the edge of the 2<sup>nd</sup> Avenue SE right-of-way the existing house and garage are encroaching into a required front yard setback. A front setback of 25 feet is required in the R-2 District. On the subject parcel the dwelling is setback approximately 14 feet and the detached garage approximately 20 feet.

Strack noted she had received no comments for or against the variance request. City Administrator Helget stated he had taken one call for information on the application but had not received specific comment for or against the application.

Strack noted the Applicant was present.

Heher asked Marttinen if he was splitting the lot with an intent to sell the parcel. Marttinen confirmed.

Motion – Hallquist to close the public hearing. Seconded by Smith. With all in favor the public hearing was closed at 6:17 p.m.

## 6. New Business.

### A. Variance and Lot Split: 417 2<sup>nd</sup> Avenue SE – Randy Marttinen.

Chairperson Heher stated the variance issue pertains to setback from the center of a public right of way easement verses the edge of the right of way easement. The underlying property is owned by Marttinen as the roadways were not dedicated to the public.

Grundahl announced that he would abstain from voting as Marttinen was his neighbor.

Hallquist confirmed the resulting lots entitled “A” and “B” would have setbacks measured from the edge of the right of way easement. Heher concurred.

Heher requested review of information contained in the staff memo.

Strack noted the Commission was to consider whether a practical difficulty was present. The Commission was to first discuss and make a recommendation pertaining to the variance request and then the lot split. Two separate actions by two separate motions.

Strack noted the following sample findings supporting variance issuance: (a) the property exists as an oversized, double frontage lot subject to existing right of way easements; (b) the variance is not for the use of the property; (c) the property is zoned R-2 Medium Density Single Family Residential. The proposed resulting parcels are consistent with lot size, width, and all dimensional requirements with the exception of front yard setback for an existing dwelling; (d) the proposed lot split will not materially affect the existing legal nonconforming front yard setback; and (e) the 2008 Comprehensive Plan

supports infill development and lot redevelopment. The proposed split will create a new buildable lot in an area with a full complement of municipal services present.

Strack noted the following sample findings supporting denial of the variance: (a) the existing legal non-conforming setback does not constitute a circumstance unique to the physical dimensions of the property, existing environmental conditions, or topographic limitations; (b) the desire of the property owner to sell the parcels individually relates to an economic condition; economic conditions cannot be sole reason for granting a variance.

Strack recommended the following conditions should the Commission contemplate approval of the variance: (a) the variance is applicable to Parcel Number 580111600; (b) no further intensification of existing non-conforming front yard setback for proposed Parcel B is allowed. Structures proposed for resulting Parcel A shall achieve required setbacks; (c) the existing fence as illustrated on the accompanying certificate of survey dated October 2, 2019 shall be removed prior to sale of Parcel A; and (d) variance approval will expire one (1) year from the date of approval if the property split is not recorded at the Carver County Recorder's Office.

Heher inquired whether Marttinen had a detached shed in the back yard of the existing parcel. Marttinen confirmed the item visible on the aerial photo was a play feature.

Grundahl stated that in the past the exact location of property lines was an issue. Grundahl asked Marttinen if that issue had been remedied. Marttinen confirmed that an ambiguous legal description had been rectified through surveys and quit claim deeds.

Eggers, Hallquist, and Smith favored approval of the request due to the large lot size, the ability to support infill development, and the fact setback encroachment would not be increased.

Motion – Smith, Second Eggers to recommend the City Council approve the variance request with conditions included in the staff memo. Motion carried 4-0 with Grundahl abstaining from the vote.

Motion – Hallquist, Second Smith to recommend the City Council approve a requested lot split for 417 2<sup>nd</sup> Avenue SE based on conditions placed on variance. Motion carried 4-0 with Grundahl abstaining.

## **7. Old Business.**

### **A. City Council Work Session – Accessory Dwelling Units.**

Heher introduced the agenda item. Strack noted the Commission had developed a framework supporting a code amendment to accommodate certain accessory dwelling units. Prior to spending time drafting a code amendment the Commission wanted to seek input from the City Council. The item is to be discussed at a Council work session on Monday, November 25<sup>th</sup>. Planning Commissioners are invited to attend to share perspective.

Strack will prepare a PowerPoint. Commissioner Eggers requested the presentation be forwarded to Planning Commission members prior the work session.

**8. Miscellaneous.**

A. October Building Permit Report.

The October building permit report was reviewed.

**9. Commissioner Reports.**

Smith did not have comments, Grundahl noted he was unable to attend the previous Parks and Recreation Commission meeting. Eggers noted the EDC had recently purchased holiday decorations and was planning a tree lighting.

Heher provided updates on the two previous City Council meetings.

Helget provided an update on 2020 Highway 212 and County Road 33/Highway 5 Roundabout Projects.

**10. Adjourn**

Motion – Grundahl, Second Eggers to adjourn the meeting. With all in favor the meeting adjourned at 6:35 p.m.

Respectfully submitted,

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Steve Helget  
Zoning Administrator



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: December 5, 2019

Re: Planning Commission 2019 Annual Report/2020 Goals

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For review and consideration, please find attached a summary of Planning Commission activities for 2019 and proposed goals for 2020.

The annual report is for PC review and authorization for submittal to the City Council.

Goals are as follows:

1. Conduct CUP/IUP audits.
2. Update the zoning map to be consistent with 2040 planned land use.
3. Review the roles/responsibilities of the Planning Commission as included in Chapter Two of the City Code.
4. Review standards pertaining to the number of over-story trees required for new commercial/industrial buildings and building expansions.
5. Complete code amendment for places of worship.
6. **To be discussed by the Commission.**

# NYA PLANNING COMMISSION 2019 REPORT TO CITY COUNCIL

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## OVERVIEW

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The Norwood Young America Planning Commission is the designated planning agency for the City. The Commission advises the City Council on matters pertaining to planning, land use, and property subdivision. The Commission operates in planning, legislative, and regulatory capacities.

In its planning capacity, the Commission is responsible for making recommendations to the Council regarding the overall development and redevelopment of the City.

In its legislative capacity the Commission develops and recommends adjustments to the City Code relating to land use and the subdivision of property.

In its regulatory capacity the Commission applies existing code to proposed applications for land use and subdivision and makes recommendations to the Council thereon.

The Commission met thirteen times in 2019. The Commission held regular meetings: January 8<sup>th</sup>, February 5<sup>th</sup>, March 5<sup>th</sup>, April 2<sup>nd</sup>, May 5<sup>th</sup>, June 4<sup>th</sup>, July 2<sup>nd</sup>, August 6<sup>th</sup>, September 4<sup>th</sup>, October 1<sup>st</sup>, November 6<sup>th</sup>, and December 5<sup>th</sup> (scheduled). The Commission held a special meeting on March 12<sup>th</sup>.

The Commission has seven representatives. Current membership is as follows: Jerry Barr, Mike Eggers, John Fahey (Vice Chair), Bill Grundahl, Craig Heher (Chair), Paul Hallquist, and Bob Smith (appointed mid-year).

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## SUMMARY OF MEETING ACTIVITIES

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### January 8<sup>th</sup>:

- The Commission elected officers: Heher (Chair), Fahey (Vice Chair), and staff (Secretary).
- The Commission appointed Hallquist PC liaison to the Park and Recreation Commission and Eggers as PC liaison to the EDC.
- The Commission held a public hearing on a conditional use permit request for personal auto storage with ancillary personal auto repair at 232 Main Street East. The Commission later recommended conditional approval of the CUP to the Council.
- Although not required the Commission held a public hearing to review findings of an audit of existing conditional and interim use permits.
- The Commission discussed auto repair uses and in general where they may and may not make sense as allowable uses.

### February 5<sup>th</sup>:

- The Commission held significant discussion on auto repair uses, including potential revisions to definitions, allowing minor auto repair in the C-3 and RC-1 Districts under CUP, allowing minor auto repair as a permitted use in the I-1 District with the understanding outdoor storage still required a CUP, and allowing major auto repair in the I-1 under CUP.
- Discussed tree/landscaping standards. Recommended input from a licensed forester.
- Discussed adult uses on lots fronting Highway 212.

### March 5<sup>th</sup>:

- Held open discussion with representatives from Air Products regarding a potential operation in the industrial park.
- Discussed concept plan for Air Products and review process.
- Held initial discussion on unmanned aircraft systems (drones). Requested additional input from Carver County Sheriff's Department and MnDOT aeronautics.
- Reviewed implementation plan contained in Downtown Redevelopment Plan.
- Called for a special meeting on March 12<sup>th</sup> to hold a public hearing on the draft 2040 Comprehensive Plan.
- Reviewed draft 2040 plan update.
- Reviewed draft adult use code amendment allowing adult uses in I-1 but not on lots abutting Highway 212. Called for public hearing.

- Hallquist noted he could not make Parks and Recreation Committee meetings. The Commission agreed to seek input from Grundahl (not present).

March 12<sup>th</sup>:

- Held public hearing on draft 2040 Comprehensive Plan Update.

April 2<sup>nd</sup>:

- Held public hearing on adult use code amendment, later in the meeting recommended approval of the update.
- Held public hearing on preliminary plat for Tacoma West Industrial Park 4<sup>th</sup> Addition. Later in the meeting recommended the City Council approve the preliminary and final plats.
- Held public hearing on variance requests to accessory structure aggregate square footage maximum and accessory structure height. The requests were filed by Air Products. Later in the meeting recommended conditional approval of the variance requests to the City Council.
- Held public hearing on conditional use permit for outdoor storage and commercial fence height exceeding eight feet, as filed by Air Products. Later in the meeting the Commission recommended the City Council approved the CUPs with several standards.
- Reviewed site plan for Air Products and recommended conditional approval.

May 7<sup>th</sup>:

- The Commission discussed the potential for grain elevators to be located in the I-1 District. The Commission advised the party that grain elevators were not allowable uses but warehousing was an allowable use.
- The Commission discussed drones with input from MnDOT Aeronautics Drone Program Administrator Anthony Fernando and Lieutenant George Pufahl from the Carver County Sheriff's Department. After lengthy discussion the Commission reached consensus to advise the City Council to hold off on any local rules/regulations until the federal and/or state agencies clarified standards. The Commission did find that the nuisance code could assist in situations of noise and the Sheriff's Office could be called for alleged trespassing (taking off and landing), stalking, and/or harassment.
- The Commission discussed feedback from the City Council pertaining to auto repair uses.
  - Disallow any type of auto repair in the C-3 District, including as currently provided for (accessory to auto sales/display).
  - Allow minor auto repair in RC-1.
  - Rezone certain properties adjacent to Railroad Street from RC-1 to C-3 (after 2040 Comprehensive Plan Update placed into effect).
  - Allow major and minor auto repair in I-1 under conditional use permit.
  - Allow repair of non-passenger vehicles and equipment in I-1 under CUP.

- Provide input on allowing gas (service) stations in the I-1 District.
- Appointed Grundahl as liaison to Parks and Recreation Committee.
- Discussed implementation plan from Downtown Redevelopment Plan approved a motion recommending the City Council place design standards contained in the Plan into effect. Also discussed parameter for potential opacity code amendment for vacant storefront spaces like windows and doors.

June 4<sup>th</sup>:

- The Commission held a public hearing on a draft code amendment pertaining to auto repair uses. Later in the meeting the Commission postponed action on the amendment in favor of having additional discussion about storage of used tires and gathering additional input from auto repair businesses.
- The Commission discussed places of worship in the C-3 Districts. The Religious Land Use and Institutionalized Persons Act requires cities allow places of worship in districts where places of assembly are allowed and under similar standards i.e. permitted or conditional use classification. Since places of assembly are allowed in the C-3 places of worship must be as well.
- The Commission reviewed potential code language pertaining to opacity standards for downtown storefronts. The Commission opted to get input from the joint committee working on redevelopment and the Council.

July 2<sup>nd</sup>:

- The Commission discussed potential revisions to the proposed code amendment pertaining to auto repair uses. Owners of auto repair uses were invited to the meeting. Input was provided by representatives from Waconia Dodge who supported the draft amendment and keeping auto repair facilities in top condition.
- The Commission discussed feedback from the Joint Downtown Committee and Council pertaining to potential opacity standards. The Commission requested notices and the potential draft amendment be sent to property owners in the Downtown along with an invitation to the August meeting.
- The Commission reviewed a draft code amendment for places of worship to be permitted in the C-3 District.

August 6<sup>th</sup>:

- Bob Smith took an oath of office and joined the Planning Commission.
- A resident addressed the Commission encouraging them to again consider allowing accessory dwelling units. The Commission agreed to take up the issue.
- The Commission held a public hearing a revised draft code amendment pertaining to auto repair uses. Later in the meeting the Commission recommended the Council approve the amendment language and place the code into effect.

- The Commission held a public hearing on a request for an interim use permit to provide for parking of semi-trailers at 717 Faxon Road. Later in the meeting the Commission recommended the Council approve the interim use permit with several conditions.
- The Commission received input from several Downtown property owners regarding potential opacity standards for windows/doors.
- The Commission received an update on the 2040 Comprehensive Plan including comments received from adjacent and affected jurisdictions.

September 4<sup>th</sup>:

- The Commission provided input on a split of a double frontage lot with very significant easements for rights of way. The property owner was advised to file a variance along with the application for a simple lot split.
- The Commission reinitiated discussion of accessory dwelling units.
- The Commission discussed an existing conditional use permit for outdoor storage which was non-compliant. The Commission recommended the CUP holder meet directly with the City Council.
- The Commission agreed to abandon opacity standards due to public input.

October 1<sup>st</sup>:

- The Commission held thorough discussion on a potential framework to allow some accessory dwelling units.

November 6<sup>th</sup>:

- The Commission held a public hearing on a request for a variance and a companion lot split. The Commission later recommended the City Council approve both requests with conditions.
- The Commission received information regarding a forthcoming joint work session pertaining to ADU.

December 5<sup>th</sup>:

- The Commission will review a draft 2019 annual report to the City Council.
- The Commission will review input from a work session with the Council pertaining to accessory dwelling units.

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## GOALS ESTABLISHED IN 2018 FOR 2019

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1. Consider whether or not food trucks should be allowed in the City. If so, consider necessary operational conditions and applicable districts. *These requests are to be handled as peddlers/solicitors.*
2. Consider numerous inquiries received regarding auto repair shops in commercial and industrial districts. At this time automobile ‘service stations’ are allowed under CUP in the C-2 General Commercial District. Automobile “repair, major” is allowed as a permitted use in the B-I Business Industrial District, and auto repair as an accessory use is allowed in the C-3 Downtown District. At this time auto repair (either major or minor) is allowed as a principal use in the C-3, RC-1, or I-1 District. *Completed.*
3. Consideration of accessory dwelling units as allowed uses in certain residential districts as a means of addressing community of a lifetime and active aging issues. In 2016 we opted out of a recently enacted state law requiring “drop homes” be permitted as temporary health care dwellings. *On-going.*
4. Participate in the 2040 Comprehensive Plan update process. *On-going.*
5. Review of Chapter 11 of the City Code, subdivision regulations. *Completed in 2018.*
6. Review of/familiarization with the zoning map. *Not achieved.*
7. Conduct CUP audits. *Completed from 2017.*

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## GOALS FOR 2020

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1. Conduct CUP/IUP audits.
2. Update the zoning map to be consistent with 2040 planned land use.
3. Review the roles/responsibilities of the Planning Commission as included in Chapter Two of the City Code.
4. Review standards pertaining to the number of over-story trees required for new commercial/industrial buildings and building expansions.
5. Complete code amendment for places of worship.
- 6.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: December 5, 2019

Re: Discussion – Accessory Dwelling Units

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The Commission is to discuss feedback from the City Council pertaining to accessory dwelling units and decide on next steps.



TO: Planning Commission  
FROM: Steven Helget, City Administrator  
DATE: December 3, 2019  
SUBJECT: Legal Considerations for City Officials Training Session

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Earlier this year the City held a training session for all members who currently serve on City Commissions. The training was titled "Legal Considerations for City Officials" and provided by Jay Squires, City Attorney. The training covered the Open Meeting Law, Data Practices Act, Conflicts of Interest, and Acceptance of Gifts. Enclosed is a copy of the handout that was provided at the training session.

An email was sent to Planning Commission members in September requesting all Commissioners watch the video of the meeting which can be accessed at the following link:  
<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fvimeo.com%2f35984>

Planning Commission members are asked to contact the city administrator once they have watched the video.

*Norwood Young America*