



**Norwood Young America Planning Commission**  
**6:00 p.m., Tuesday, May 5, 2020**  
**VIRTUAL MEETING UTILIZING ZOOM**

Join Zoom Meeting  
<https://us02web.zoom.us/j/2334797414>  
Meeting ID: 233 479 7414

**AGENDA**

1. Call to Order  
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of April 14, 2020 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 Hearings
6. Old Business
  - A. Shoreland Overlay District – Alternative “Old Town” Area Adjustments
  - B. Rezoning Railroad Street West Properties
7. New Business
  - A. 2020 CUP Audit
8. Miscellaneous
  - A. April Building Permit Report
9. Commissioner’s Reports
10. Adjourn

**UPCOMING MEETINGS**

May 11 <sup>th</sup>	City Council 6:00 p.m.
May 13 <sup>th</sup>	Economic Development Commission 6:00 p.m.
May 19 <sup>th</sup>	Parks & Recreation Commission 4:45 p.m.
May 26 <sup>th</sup>	City Council Work Session/EDA/Regular meeting 6:00 p.m.
June 2 <sup>nd</sup>	Planning Commission 6:00 p.m.
TBA	Joint Meeting – City Council, PC, EDC, Parks & Recreation Commission & Chamber of Commerce Board 6:30 p.m.

**Jerry  
Barr**

**Mike  
Eggers**

**John  
Fahey**

**Bill  
Grundahl**

**Paul  
Hallquist**

**Bob  
Smith**

**Craig  
Heher  
Council  
Liaison**

*Norwood Young America  
Planning Commission Minutes  
April 14, 2020*

- Present:** Joining via remote video: Commissioners Mike Eggers, John Fahey, Bill Grundahl, Paul Hallquist, Craig Heher, and Bob Smith.
- Absent:** Commissioner Jerry Barr
- Staff:** City of Norwood Young America City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.
- Others:** Norwood Young America Mayor Carol Lagergren and Norwood Young America resident Josh Kroells.

**1. Call to Order.**

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

**2. Adoption of Agenda.**

Chairperson Heher introduced the agenda.

*Motion* – Grundahl, seconded by Smith to approve the agenda. The agenda was approved 6-0 by roll call vote.

**3. Approval of Minutes from the Regular Meeting March 4, 2020.**

Heher introduced the minutes from the March 4, 2020 regular meeting.

*Motion* – Fahey to approve the March 4, 2020 regular meeting. Seconded by Smith. With all in favor the regular meeting minutes were approved 6-0 by roll call vote.

**4. Public Comment.**

None.

**5. Public Hearings.**

**A. Ordinance Amendment Providing for Swimming Pool Safety Covers.**

Heher introduced the agenda item and opened the public hearing.

Strack provided an overview of the proposed amendment noting the Planning Commission had received input from a resident and agreed to pursue a code amendment. The proposed ordinance allows for mechanical pool covers as an alternative to perimeter pool fences. The Planning Commission researched the issue and examined code from other cities.

Commissioner Grundahl asked for review of current standards. Strack noted the impervious surface standards within the shoreland overlay district was a maximum of 25% across the overlay. Height maximum is 25 feet. The discussion with the DNR was to default in an identified area to the underlying zoning district standards.

Fahey stated property owners should have the flexibility to rebuild what is currently in existence. Commissioner Hallquist noted structures could be rebuilt if a building permit was issued within 180 days.

The Commission discussed various scenarios for the creation of an 'old town district'. Strack was directed to bring a map of the proposed area to the May meeting.

The Commission also discussed what standards would apply within the 'old town district'. Consensus was to revert to underlying base zoning district standards for height and impervious surface.

## **7. Old Business.**

### **A. Rezoning of property adjacent to Railroad Street West.**

Heher introduced the agenda item. Strack noted the agenda item was a placeholder as the City Council had not yet had an opportunity to provide direction on potential rezoning.

## **8. Miscellaneous.**

### **A. March Building Permit Report.**

The March building permit report will be reviewed at a future meeting.

## **9. Commissioner Reports.**

No Commissioners had updates. Heher provided updates from City Council meetings.

## **10. Adjourn**

*Motion* – Eggers, seconded by Hallquist to adjourn the meeting. The motion was approved 6-0 by roll call vote and the meeting was declared adjourned at 7:05 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: May 5, 2020

Re: Shoreland Overlay District – Alternative "Old Town" Area Adjustments

**BACKGROUND**

At the May meeting the Planning Commission discussed potential changes to the City Code to allow limited alternate standards within the shoreland overlay district. The limited standards would apply to a specific area called out on an updated official zoning map. The alternate area would be classified as the "Old Town District". Adjustments in allowable impervious surface coverage and building heights are contemplated. The alternate shoreland standards would simply allow reversion to underlying base zoning standards for impervious surface coverage and building height. Proposed standards are highlighted in yellow.

The impact of the adjustment would be as follows:

	R-3 Medium Density Residential	C-3 Downtown District
Shoreland Impervious Surface Maximum	25% impervious surface coverage	25% impervious surface coverage
Underlying Base Zoning Maximum Impervious Surface	35% lot coverage (defined as impervious surface coverage)	No maximum
Shoreland Structure Height Maximum	25 feet	25 feet
Underlying Base Zoning Maximum Height	35 feet	45 feet

The Planning Commission's recommendations were forwarded to MnDNR for comment. The DNR Shoreland Administrator Dan Petrik is accepting of the alternate standards and has discussed with local area hydrology staff. Petrik will provide the City with written approval of the alternate standards.

**REQUEST**

The Commission is to provide comment on:

1. Proposed boundaries of an 'Old Town Area' wherein alternate shoreland impervious surface and height standards would apply.
2. Proposed alternate standards.
3. Call for a public hearing on the zoning map amendment and text amendment to Section 1240.

**ATTACHMENTS:**

1. Area map of City illustrating proposed "Old Town District" (green boundary) along with shoreland overlay area and vacant parcels. This is intended to provide citywide context of request.
2. Locale map illustrating proposed "Old Town District" (green boundary) in more granular terms.
3. Underlying base zones and proposed "Old Town District" (black, dashed line).
4. Proposed zoning code amendment – shoreland overlay standards.

## Section 1240 – Overlay District

### 1240.01 Shoreland Management Overlay District

#### Subd. 1 Statutory Authorization and Policy

- A. **Statutory Authorization.** This section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. **Policy.** The uncontrolled use of shorelands of the City of Norwood Young America, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Norwood Young America.

#### Subd. 2 General Provisions

- A. **Jurisdiction.** The provisions of this section shall apply to the shorelands of the public water bodies as classified in Subd. 4. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this section.
- B. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this section and other applicable regulations.
- C. **Enforcement.** The Zoning Administrator is responsible for the administration and enforcement of this section. Any violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Chapter.
- D. **Interpretation.** In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- E. **Severability.** If any part, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- F. **Abrogation and Greater Restrictions.** It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

#### Subd. 3 Administration

- A. **Variances.**
  - 1. Requests for variances shall be made in accordance with the procedures and requirements set forth in Section 1210.04 of this Chapter.
  - 2. Variances shall only be granted when the standards and criteria set forth in Section 1210.04



- xi. shoreland areas; and
- xi. the necessity to preserve and restore certain areas having significant historical or ecological value.
- b. Factors and Criteria for Planned Unit Developments:
  - i. existing recreational use of the surface water and likely increases in use associated with planned unit developments;
  - ii. physical and aesthetic impacts of increased density;
  - iii. suitability of lands for the planned unit development approach;
  - iv. level of current development in the area; and
  - v. amounts and types of ownership of undeveloped lands.
- 2. Land Use District Descriptions. Uses permitted in shoreland areas shall be those permitted by the underlying zoning districts specified in Section 1230 of this Chapter.

**Subd. 5 Zoning and Water Supply/Sanitary Provisions**

- A. Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this section for lakes and river/stream classifications are the following:

1. Unsewered Lakes

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

2. Sewered Lakes

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

- 3. River/Stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for river/stream classifications are:

	Urban & Tributary	
	No Sewer	Sewer
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

4. Additional Special Provisions.

- a. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subd. 5.A.1 and Subd. 5.A.2 can only be allowed if designed and approved as residential planned unit developments under Subd. 8. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Subd. 5.A.3 can only be used if publicly owned sewer system service is available to the property.

- b. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
  - i. each building must be set back at least 200 feet from the ordinary high water level;
  - ii. each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - iii. watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - iv. no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

- c. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
  - i. they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;
  - ii. if docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Ratio of lake size to shore length (acres/miles)	Required increase in frontage (percentage)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- iii. they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- iv. covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

**B. Placement, Design, and Height of Structures.**

- 1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

- a. Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level.\*

Classes of Public Water	Structure setback Unsewered	Sewage Treatment	
		Structure setback sewered	Structure setback system
Lakes Natural Environment	150	150	150
Rivers Urban & Tributary	100	50	75

\*One water-oriented accessory structure designed in accordance with Subd. 5.B.2 may be set back a minimum distance of ten (10) feet from the ordinary high water level.

- b. **Additional Structure Setbacks.** The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
i. top of bluff	30
ii. unplatted cemetery	50
iii. right-of-way line of federal, state, or county highway; and	50
iv. right-of-way line of town road, public street, or other roads or streets not classified	20

- c. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- d. **Uses Without Water-oriented Needs.** Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. **Design Criteria For Structures.**
- a. **High Water Elevations.** Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- i. for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  - ii. for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  - iii. water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- b. **Water-oriented Accessory Structures.** Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subd. 5.B.1 if this water-oriented accessory structure complies with the following provisions:
- i. the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached



- exempt from the vegetation alteration standards that follow.
- b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subd. 5.F.2 and Subd. 5.F.3, respectfully, is allowed subject to the following standards:
    - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
    - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
      - 1) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
      - 2) along rivers, existing shading of water surfaces is preserved; and
      - 3) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
2. Topographic Alterations/Grading and Filling.
- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in Subd. 5.C must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
  - b. Public roads and parking areas are regulated in Subd. 5.D
  - c. Notwithstanding Items a. and b. above, a grading and filling permit will be required for:
    - i. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
    - ii. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
  - d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
    - i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
      - 1) sediment and pollutant trapping and retention;
      - 2) storage of surface runoff to prevent or reduce flood damage;
      - 3) fish and wildlife habitat;
      - 4) recreational use;
      - 5) shoreline or bank stabilization; and
      - 6) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
    - ii. Alterations must be designed and conducted in a manner that ensures only



skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards:

- a. Impervious surface coverage of lots must not exceed 25 percent of the lot area, except in the "Old Town District" as illustrated on the Official Zoning Map as provided for under Section 1225.02 of the City Code. Within the "Old Town District" impervious surface coverage maximums shall revert to the underlying base zoning district standard.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

F. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

1. Standards for Commercial, Industrial, Public, and Semipublic Uses.

- a. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
  - i. in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
  - ii. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - iii. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - 1) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
    - 2) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
    - 3) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agriculture Use Standards

- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming,

and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

- b. Animal feedlots must meet the following standards:
    - i. new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
    - ii. modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
  3. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment- Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
  4. Extractive Use Standards.
    - a. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
    - b. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
  5. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.
- G. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures as specified in Section 1210.06 of this Chapter. The following additional evaluation criteria and conditions apply within shoreland areas:
1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
    - b. The visibility of structures and other facilities as viewed from public waters is limited;
    - c. The site is adequate for water supply and on-site sewage treatment; and
    - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
  2. Conditions attached to conditional use permits. The City Council, upon consideration of the criteria listed above and the purposes of this section, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:
    - a. Increased setbacks from the ordinary high water level;
    - b. limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
    - c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- H. Water Supply and Sewage Treatment
1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota

**Pollution Control Agency.**

2. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
  - a. Publicly-owned sewer systems must be used where available.
  - b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080," a copy of which is hereby adopted by reference and declared to be a part of this Section.
  - c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subd. 5.B.1.
  - d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (i)-(iv). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

**Evaluation Criteria:**

    - i. depth to the highest known or calculated ground water table or bedrock;
    - ii. soil conditions, properties, and permeability;
    - iii. slope;
    - iv. the existence of lowlands, local surface depressions, and rock outcrops;
  - e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 6.C.

Subd. 6 Nonconformities. Nonconformities will be managed according to Section 1215 of this Chapter; except that the following standards will also apply in shoreland areas:

- A. Construction on nonconforming lots of record.
  1. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subd. 5.A may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Section are met.
  2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Planning Commission shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
  3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subd. 5.A, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subd. 5.A as much as possible.
- B. Additions/Expansions to Nonconforming Structures.
  1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subd. 5. Any deviation from these requirements must be authorized by a variance pursuant to Subd. 3.A.
  2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
    - a. The structure existed on the date the structure setbacks were established;
    - b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
    - c. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
    - d. the deck is constructed primarily of wood, and is not roofed or screened.
- C. Nonconforming Sewage Treatment Systems.

1. A sewage treatment system not meeting the requirements of Subd. 5.H must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
2. The governing body of the City of Norwood Young America has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The City of Norwood Young America will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2-years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

**Subd. 7 Subdivision/Platting Provisions.**

- A. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Subd. 8, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City Council shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or the City.
- B. Consistency with other controls. Subdivisions must conform to all applicable regulations, including Chapter 11 of the City Code. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Subd. 5.B and Subd.5.H can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subd. 5.A, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems.
- C. Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
  1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
  2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
  3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  5. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- E. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for

construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

- F. **Controlled Access or Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Subd. 5.A.4.C

**Subd. 8 Planned Unit Developments (PUD's)**

- A. **Intent.** Developments with modification of density and design standards as set forth in Subsection 1240.01 Subd. 8 may be allowed as exceptions for Planned Unit Developments (PUD) which are proposed and approved in accordance with Subsection 1240.02 of this Chapter, and with the requirements in Subsection 1240.01, Subd. 8.
- B. **Coordination with Other Zoning Regulations.** P.U.D.s shall comply with general and specific P.U.D. standards as listed in Subsection 1240.02 Subd. 6-7.
- C. **Application for a PUD.** Notice of hearing for the required PUD sent to the Commissioner of the Department of Natural Resources as prescribed by Subsection 1240.01 Subd. 8 shall include a copy of the Preliminary PUD Plan, Plat, and other pertinent materials submitted with the application to permit review with respect to that portion of the Planned Unit Development, which is within the Shoreland Management Overlay District.
- D. **Site "Suitable Area" Evaluation.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subsection 1240.01 Subd. 8.E.

- 1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
Natural environment lakes	400	320
All river classes	300	300

- 2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

- E. **Residential PUD Density Evaluation.** The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

- 1. **Residential PUD "Base" Density Evaluation.** The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subsection 1240.01, Subd. 8.F.
- 2. **Density Increase Multipliers:**
  - a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subsection 1240.01, Subd. 5 are met or exceeded and the design criteria in Subsection 1240.01, Subd. 8.F are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
  - b. **Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments:**

Density evaluation tiers	Maximum density increase within
--------------------------	---------------------------------

	each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

**F. Maintenance and Design Criteria**

**1. Maintenance and Administration Requirements.**

- a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- b. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - i. vegetation and topographic alterations other than routine maintenance prohibited;
  - ii. construction of additional buildings or storage of vehicles and other materials prohibited; and
  - iii. uncontrolled beaching of watercraft prohibited.
- c. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
  - i. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
  - ii. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - iii. assessments must be adjustable to accommodate changing conditions; and
  - iv. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

**2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:**

- a. At least 50 percent of the total project area must be preserved as open space;
- b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- f. Open space may contain water-oriented accessory structures or facilities;
- g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.

**3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:**

- a. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
  - b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.
4. **Centralization and Design of Facilities.** Centralization and design of facilities and structures must be done according to the following standards:
- a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subsections 1240.01 Subd. 5. B. and H. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
  - b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Subsection 1240.01, Subd. 8.E.2. for developments with density increases;
  - c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
  - d. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
  - e. accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
  - f. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subsection 1240.01, Subd. 5.B. and are centralized.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: May 5, 2020

Re: Rezoning Railroad Street West

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### **BACKGROUND**

At the April 27<sup>th</sup> the City Council discussed preferences for rezoning of a portion of Railroad Street West.

The Council recommends rezoning the tier of lots north of Railroad Street West from Progress to Franklin Streets as illustrated here (blue line):



The Council also favors leaving existing zoning in place south of Railroad Street West but documenting the existing non-conforming uses between Franklin and Faxon (yellow line).

### **REQUEST**

The Planning Commission is to discuss rezoning a portion of Railroad Street West and provide input on moving the issue forward, pending placement of the 2040 Comprehensive Plan into effect.

### **ATTACHMENTS**

- Aerial parcel map of area
- Table of parcel data
- Current zoning
- Information assembled by Mayor Lagergren for City Council work session



To: Members of the Norwood Young America City Council  
From: Steve Helget, City Administrator  
Re: Discussion on Rezoning of Railroad Street  
Date: April 23, 2020

In March of 2019, the City Council and Planning Commission had a joint discussion on the potential for rezoning of Railroad Street. Discussion focused on allowing major/minor auto repair in the downtown C-3 district. The consensus of the council appeared to be that:

- Major/minor auto repair did not fit the redevelopment plan for the downtown areas.
- Railroad street (particularly on the south side) was primarily commercial, but did not seem to fit with the downtown vision.

In March of 2020, the Planning Commission revisited the rezoning of Railroad Street but had the following questions:

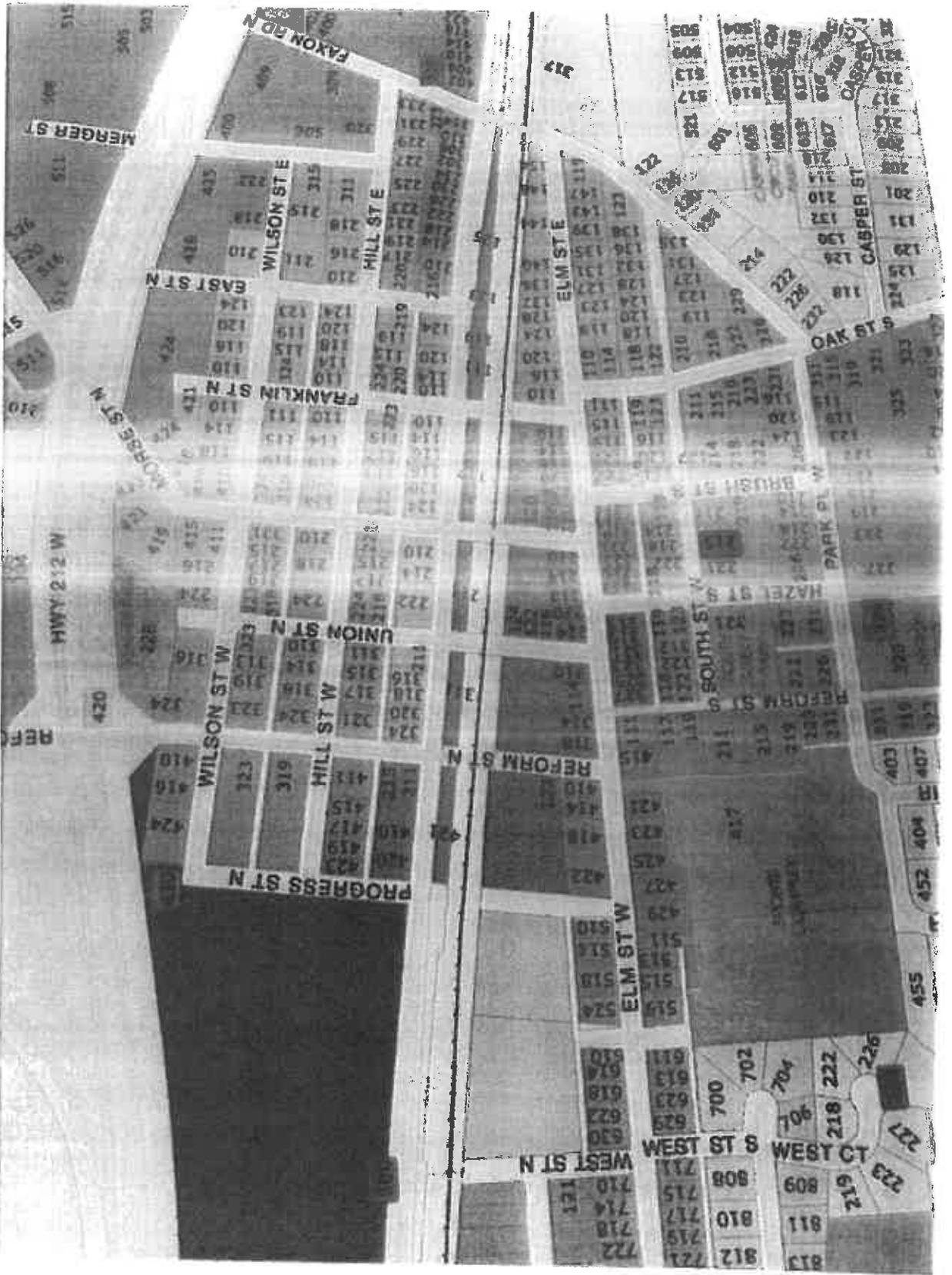
- What was intended as the boundaries of the rezoning from C3 to RC1- from Progress Street to Franklin Street; on both the north and south sides of Railroad Street?
- What would be the consequences, both positive and negative, of rezoning this area?

**Recommendations: Discussion only**

Attached:  
Railroad Street Map of Zoning Districts  
Railroad Street Table of Tax/Zoning Classifications  
City of NYA Comparison Chart of Zoning Classifications

**Railroad Street Map of Zoning Districts**

- C3 DOWNTOWN DISTRICT (MAROON):** 420, 410, 211, 215, 421, 311, 211, 117, 114, 119, 123, 125
- RC1 RESIDENTIAL/NEIGHBORHOOD COMMERCIAL DISTRICT (PINK):** 324, 320, 318, 316, 211, 222, 214, 210, 124, 120, 118, 116, 114, 110
- R3 MEDIUM DENSITY MIXED RESIDENTIAL DISTRICT (ORANGE):** 110, 114, 120, 124, 216, 210



### Railroad Street Table of Tax/Zoning Classifications

Parcel Address (N)	Taxpayer Name	Taxpayer Address	Tax Classification	Zoning Classification
420 Railroad Street W	Homeland Builders	Mayer MN	Res V Land	C3 Downtown
410 Railroad Street W	Richard & Mariann Kamps	NYA MN	Res 1 Unit	C3 Downtown
311 Railroad Street W CAR WASH	Xtreme Properties	NYA MN	Commercial	C3 Downtown
215 Reform Street DUNE BUGGY	Weychoff Properties	Carver MN	Commercial	C3 Downtown
211 Reform Street PRO AUTO	KARS Properties LLC	NYA MN	Commercial	C3 Downtown
324 Railroad Street W PRO AUTO	KARS Properties LLC	NYA MN	Commercial	RC 1 Resident/Commercial
320 Railroad Street W	Jet P Lu	NYA MN	Res 1 Unit	RC 1 Resident/Commercial
318 Railroad Street W	Matthew Dressel	NYA MN	Res 1 Unit	RC 1 Resident/Commercial
114 Railroad Street W	Dorothy Wall	NYA MN	Res 1 Unit	RC 1 Resident/Commercial
211 Union Street	Stephen & Janice Jorgensen	NYA MN	Res 1 Unit	RC 1 Resident/Commercial
224 Railroad Street W	Donald & Carol Schroeder	NYA MN	Comm/Residential	RC 1 Resident/Commercial
214 Railroad Street W	Schrupp Construction	NYA MN	Res 1 Unit	RC 1 Resident/Commercial
210 Railroad Street W GEMMA FLORAL	Hoang Nguyen	St. Paul MN	Commercial	RC 1 Resident/Commercial
124 Railroad Street W VISION TECH	Adam White	Meyer MN	Commercial	RC 1 Resident/Commercial
120 Railroad Street W	West Metro NYA Properties	NYA MN	Res 1 Unit	RC 1 Resident/Commercial

118 Railroad Street W PRINCIPAL MANUFAC	West Metro NYA Properties	NYA MN	Commercial	RC 1 Resident/Commercial
116 Railroad Street W	Everett & Aldora Damlow	NYA MN	Res. 1 Unit	RC 1 Resident/Commercial
114 Railroad Street W	Kevin & Katie Pugh	NYA MN	Res. 1 Unit	RC 1 Resident/Commercial
110 Railroad Street W	Kevin Harms	NYA MN	Res. 1 Unit	RC 1 Resident/Commercial

Parcel Address (S)	Taxpayer Name	Taxpayer Address	Tax Classification	Zoning Classification
421 Railroad Street W	City of NYA	NYA MN	Municipal Service	C3 Downtown
311 Railroad Street W XTREME ELECTRIC	Xtreme Properties LLC	NYA MN	Commercial	C3 Downtown
211 Railroad Street W XTREME ELECTRIC	Xtreme Properties LLC	NYA MN	Commercial	C3 Downtown
117 Railroad Street W LOOMIS HOMES	Loomis Homes LLC	Chaska MN	Commercial	C3 Downtown
111 Railroad Street W	Carol Sandbo	NYA MN	Commercial	C3 Downtown
119 Railroad Street W CURFMAN AUTO	Curfman Properties Holdings	NYA MN	Commercial	C3 Downtown
123 Railroad Street W MIDTOWN	James & Donna Richter	NYA MN	Commercial	C3 Downtown
125 Railroad Street W DIVERSIFIED	Diversified Plumbing	NYA MN	Commercial	C3 Downtown

City of NYA Comparison Chart of Zoning Classifications

	<b>C3 Downtown</b>	<b>RC1 Residential/Commercial</b>	<b>R3 Mixed Residential</b>
<b>Intent</b>	To serve as the specialized service, retail, employment, and public business district for the community; to be the focal point for specialty services and goods focusing on neighborhood service related business; to allow for mixed commercial and residential uses; to promote pedestrian-friendly design and development and encourage gathering areas	To provide for the development of specialty service and commercial focusing on neighborhood related businesses; to preserve and stabilize property values	To provide for a variety of housing types to be developed at densities slightly higher than the traditional single-family dwelling
<b>Permitted Uses</b>	General commercial office space Professional services Finance, Insurance, Real Estate Personal or Business Services Public facilities (library/postoffice) Retail trade Dwelling units Specialty Shops Standard restaurants On and off-sale liquor Public parks Residential (retain store front)	Single family dwellings Twin Homes Two family dwellings State licensed residential facility Public parks and open spaces Professional services Finance, Insurance, Real Estate Personal or Business Services Retail Trade Specialty shops Standard restaurants	Single family dwellings Twin homes Two family dwellings Townhomes (up to 4 units) State licensed residential facility Public parks and open spaces
<b>Permitted Accessory Uses</b>	Off street parking and loading Fences Lighting Decks/patios/etc. Signs	Off street parking and loading Fences Lighting Decks/patios/etc. Signs Home occupations Detached garages and sheds	Swimming pools Fences Decks/gazebos/etc. Home occupations Detached garages and sheds

City of NYA Comparison Chart of Zoning Classifications

<p><b>Conditional Uses</b></p> <p>Contractor operations Lodging services Entertainment services Licensed daycare Custom or limited manufacturing Auto Dealership w/minor auto repair as ancillary Sale, display, storage of new and used automobiles Office space Outdoor dining as accessory use Recreational facilities</p>	<p>Churches and schools Condominiums Contractor operations Licensed daycare facilities Lodging Services Multifamily (up to four) Custom or limited manufacturing Outdoor dining as accessory use</p>	<p>Churches and schools Bed and Breakfast Guest Cottages Multi-family dwellings (up to 4 units)</p>
<p><b>Lot Requirements and Setbacks</b></p>	<p><b>Requirements:</b> Area: 7000 square feet Width: 50 feet Coverage: 70% Height: 35 feet (principal) Height: 25 feet (accessory)</p> <p><b>Setbacks:</b> Front yard: 0 feet (principal) Front yard: can't have (accessory) Side yard: 0 feet (principal) Side yard: 5 feet (accessory) Street side yd: 0 feet (principal) Street side yd: 0 feet (access) Rear yard: 0 feet (principal) Rear yard: 10 feet (adj to res) Rear yard: 5 feet (accessory) Alley rear yard: 10 feet</p>	<p><b>Requirements:</b> Area: 7000 square feet Width: 50 feet Coverage: 70% Height: 35 feet (principal) Height: 25 feet (accessory)</p> <p><b>Setbacks:</b> Front yard: 10 feet (principal) Front yard: can't have (accessory) Side yard: 5 feet (principal) Side yard: 5 feet (accessory) Street side yd: 10 feet (principal) Street side yd: 10 feet (access) Rear yard: 10 feet (principal) Rear yard: 5 feet (accessory) Alley rear yard: 10 feet</p> <p>Minimum foundation: 900 sq feet</p>
<p><b>Lot Requirements and Setbacks</b></p>	<p><b>Requirements:</b> Area: 7000 square feet Width: 50 feet Coverage: 70% Height: 35 feet (principal) Height: 25 feet (accessory)</p> <p><b>Setbacks:</b> Front yard: 10 feet (principal) Front yard: can't have (accessory) Side yard: 5 feet (principal) Side yard: 5 feet (accessory) Street side yd: 10 feet (principal) Street side yd: 10 feet (access) Rear yard: 10 feet (principal) Rear yard: 5 feet (accessory) Alley rear yard: 10 feet</p> <p>Minimum foundation: 900 sq feet</p>	<p><b>Requirements:</b> Area: 7000 square feet (single) Area: 6000 square feet (twin) Area: 3000 square feet (multi-family) Width: 50 feet (single) Width: 70 feet (multi-family) Width: 30 feet (townhome) Coverage: 35% Height: 35 feet (principal) Height: 25 feet (accessory)</p> <p><b>Setbacks:</b> Front yard: 20 feet (principal) Front yard: can't have (accessory) Side yard: 5 feet (principal) Side yard: 5 feet (accessory) Street side yd: 20 feet (principal) Street side yd: 20 feet (access) Rear yard: 20 feet (principal) Rear yard: 5 feet (accessory) Alley rear yard: 10 feet</p> <p>Minimum foundation: 900 sq feet</p>

PID	PARCEL ADDRESS	TAXPAYER NAME	TAXPAYER ADDRESS	TAXPAYER CITY, STATE, ZIP	TAX CLASSIFICATION	CURRENT ZONING	HOMESTEAD
589990020	421 RAILROAD ST W	NORWOOD YOUNG AMERICA CITY, C/O CITY CLERK	PO BOX 59	NYA, MN 55368-0059	Muni Svc Other	C-3	N
580500880	420 RAILROAD ST W	HOMELAND BUILDERS INC	PO BOX 31	MAYER, MN 55360-0031	Res V Land	C-3	N
580500890	410 RAILROAD ST W	RICHARD & MARIANN E KAMPS	PO BOX 193	NYA, MN 55368-0193	Res 1 unit	C-3	N
580500821	None	XTREME CARWASH LLC	311 RAILROAD ST W	NYA, MN 55368-9774	Commercial	C-3	N
580500900	211 REFORM ST N	KARS PROPERTIES LLC	PO BOX 369	NYA, MN 55368	Commercial	C-3	N
580500950	324 RAILROAD ST W	KARS PROPERTIES LLC	PO BOX 369	NYA, MN 55368	Commercial	RC-1	N
589990040	None	KARS PROPERTIES LLC	PO BOX 369	NYA, MN 55368	Commercial	RC-1	N
580500960	320 RAILROAD ST W	JET P LU	320 RAILROAD ST W	NYA, MN 55368	Res 1 unit	RC-1	N
580500970	318 RAILROAD ST W	MATTHEW DRESSSEL	318 RAILROAD ST W	NYA, MN 55368	Res 1 unit	RC-1	N
580500990	316 RAILROAD ST W	DOROTHY WALL	PO BOX 103	NYA, MN 55368-0103	Res 1 unit	RC-1	Y
586650010	311 RAILROAD ST W	XTREME PROPERTIES LLC	311 RAILROAD ST	NYA, MN 55368-9774	Commercial	RC-1	N
580501000	211 UNION ST N	STEPHEN & JANICE JORGENSEN	PO BOX 523	NYA, MN 55368-0523	Res 1 unit	RC-1	N
580501060	222 RAILROAD ST W	DONALD L & CAROL SCHROEDER	PO BOX 636	NYA, MN 55368-0636	Commercial, Res 1-3 units	RC-1	Y
580501070	214 RAILROAD ST W	SCHRUPP CONSTRUCTION INC	214 RAILROAD ST W	NYA, MN 55368-9303	Commercial, Res 1-3 units	RC-1	Y
589990010	211 RAILROAD ST W	XTREME PROPERTIES LLC	311 RAILROAD ST	NYA, MN 55368-9774	Res 1 unit	RC-1	Y
580501080	210 RAILROAD ST W	HOANG NGUYEN	1327 LAFOND AVE	NYA, MN 55368-9774	Commercial	RC-1	N
580501140	124 RAILROAD ST W	ADAM WHITE	1131 CARDINAL DR	SAINT PAUL, MN 55104-2035	Commercial	C-3	N
580501150	120 RAILROAD ST W	WEST METRO NYA PROPERTIES LLLP	118 RAILROAD ST W	MAYER, MN 55360	Commercial	RC-1	N
580501160	118 RAILROAD ST W	WEST METRO NYA PROPERTIES LLLP	118 RAILROAD ST W	NYA, MN 55368	Commercial	RC-1	N
589990030	117 RAILROAD ST W	LOOMIS HOMES LLC	1458 WHITE OAK DR	NYA, MN 55368	Res 1 unit	RC-1	N
580501170	116 RAILROAD ST W	EVERETT & ELDORA DAMLOW	116 RAILROAD ST W	CHASKA, MN 55318-2525	Commercial	C-3	N
580501180	114 RAILROAD ST W	KEVAN J & KATIE A PUGH	114 RAILROAD ST W	NYA, MN 55368-9304	Res 1 unit	RC-1	Y
580501190	110 RAILROAD ST W	KEVIN R E HARMS	110 RAILROAD ST W	NYA, MN 55368-9304	Res 1 unit	RC-1	Y
580501290	111 RAILROAD ST E	CAROL J SANDBO	114 1ST AVE SE	NYA, MN 55397-9270	Res 1 unit	RC-1	Y
580140752	125 RAILROAD ST E	CURFMAN PROPERTIES HOLDINGS LLC	600 RAILROAD ST W	NYA, MN 55368	Commercial, Res 1 unit	C-3	N
580140800	123 RAILROAD ST E	JAMES F & DONNA RICHTER	PO BOX 706	NYA, MN 55368	Commercial	C-3	N
580140751	0 RAILROAD ST E	DIVERSIFIED PLUMBING & HEATING INC	125 RAILROAD ST E	NYA, MN 55368	Commercial	C-3	N



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 5, 2020

Re: 2020 CUP Audit

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**BACKGROUND**

The PC has a goal of auditing CUP/IUP in 2020 for compliance with approved standards. The PC last conducted an audit in 2018 with results ratified in early 2019. Attached please a matrix of existing CUP/IUP for review.

**ACTION**

Commissioners are asked to review the matrix and assign individuals to conduct individual audits.

## CUP Review/Audit

Address	Description	Comments/Notes	2018 Action Directed	2018 Audit Status	2020 Audit Discussion
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.	No conditions, no audit recommended
2 112 Poplar Ridge Dr	Existing Apartment Complex	CUP issued in 1997. No additional information available.	Existing, valid CUP. No conditions exist.	Audited, compliant.	No conditions, no audit recommended
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.	No reliable conditions information, no audit recommended
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.	Suitable for audit
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.	Suitable for audit
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.	Suitable for audit
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.	Suitable for audit

## CUP Review/Audit

Address	Description	Comments/Notes	2018 Action Directed	2018 Audit Status	2020 Audit Discussion
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.	Suitable for audit
9 700 Railroad St W	Southwest Paving.	Reso 2006-33 is a CUP providing for Southwest Paving. Several conditions are attached. Reso 2015-13 Approved landscaping plan in lieu of perimeter fencing. Reso 2018-36 provided for alternate landscaping	Came into compliance in 2019 through CUP amendment by City Council	Audited, compliant.	Suitable for audit
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.	Suitable for audit
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.	Suitable for audit
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.	Suitable for audit
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.	Suitable for audit
14 520 Reform St N	Kwik Trip	Reso 2013-20 Approved convenience store.	Suitable for audit.	Audited, compliant.	Suitable for audit
15 301 Industrial Blvd	Hydro Engineering	Approved IUP for outdoor storage.	Suitable for audit.	Audited, compliant.	Suitable for audit
16 321 Elm St W	RCC Woodworks	Reso 2014-22 Approved woodworking shop in C-3	Audited	Audited, compliant.	Suitable for audit

## CUP Review/Audit

Address	Description	Comments/Notes	2018 Action Directed	2018 Audit Status	2020 Audit Discussion
17 13050 Stewart Ave	Nick Molnau	Amended and Replaced by 2018-18	Audited, corrective action taken	Non-compliant material stockpiles.	Suitable for audit
18 115 Main St E & 15 2nd Ave SE	Waconia Dodge	Reso 2016-14 Auto sales and display and accessory auto repair.	Audited	Audited, compliant.	Suitable for audit
19 127 Elm St W	Andris	Reso 2016-21 Approve personal auto storage in C-3	Audited	Audited, compliant.	Suitable for audit
20 117 Railroad St W	Loomis	Reso 2016-22 Approve CUP for contractor operation in C-3	Audited	Audited, compliant.	Suitable for audit
21 180 Industrial Blvd	Todd Miller & Adam Glander	Reso 2017-08 Approve outdoor auto sales and display in B-1 District	Audited	Audited, compliant.	Suitable for audit
22 600 Railroad St W	Curfman Trucking	Reso 2017-15 CUP for outdoor storage. Reso 2020-11 amended and restated previous reso to allow for larger stockpile at south side of site.	Audited, violations found	Council recently amended CUP.	Suitable for audit
23 170 Industrial Blvd	Paul Juerissen	Reso 2017-18 CUP outdoor storage marine recreational equipment	Audited	Audited, compliant.	Suitable for audit
24 124 Railroad St W	Adam White	Reso 2018-22 CUP allowing limited manufacturing storage and repair	Suitable for audit.	N/A	Suitable for audit
25 232 Main St E	Kerber/Clark	Resolution 2019-02 CUP allowing personal auto storage and repair	Suitable for audit.	N/A	Suitable for audit
26 TBD	Air Products	Resolution 2019-12 CUP allowing outdoor storage for Air Products.	Suitable for audit.	N/A	Suitable for audit
27 TBD	Air Products	Resolution 2019-13 CUP allowing commercial fence exceeding eight feet in height with barbed wire security for Air Products	Suitable for audit.	N/A	Suitable for audit
28 717 Faxon Road	Lionshead Specialty Tire & Wheel	Resolution 2019-20 IUP allowing outdoor storage of semi trailers	Suitable for audit.	N/A	Suitable for audit
29 600 Railroad St W	Curfman Trucking	Resolution 2020-03 CUP allowing truck repair	Suitable for audit.	N/A	Suitable for audit