



Norwood Young America Planning Commission
6:00 p.m., Tuesday, September 1, 2020
310 Elm Street W., Norwood Young America

AGENDA

1. Call to Order
Pledge of Allegiance
Jerry Barr
2. Adoption of Agenda
Mike Eggers
3. Approve Minutes of August 4, 2020 meeting
John Fahey
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.)
Bill Grundahl
5. Public Hearings
Paul Hallquist
6. Old Business
A. Language Review of Residential Uses on First Floor in C-3, Downtown District
B. Language Review of Expansion of Non-Conformance
C. Pending Zoning Code Amendments
Bob Smith
7. New Business
A. Future Land Use and Official Zoning Consistency
**Craig Heher
Council Liaison**
8. Miscellaneous
A. August Building Permit Report
9. Commissioner's Reports
10. Adjourn

UPCOMING MEETINGS

- | | |
|--------------|---|
| September 14 | City Council 6:00 p.m. |
| September 9 | Economic Development Commission 6:00 p.m. |
| September 15 | Parks & Recreation Commission 4:45 p.m. |
| September 28 | City Council Work Session/EDA/Regular meeting 6:00 p.m. (Joint Work Session – Expansion of Non-Conforming Uses) |
| October 6 | Planning Commission 6:00 p.m. |

*Norwood Young America
Planning Commission Minutes
August 4, 2020*

Present: Commissioners Jerry Barr, Mike Eggers, John Fahey, Bill Grundahl, Paul Hallquist, Craig Heher, and Bob Smith.

Absent: None.

Staff: Comprehensive Plan Consultant Stephanie Fakers from SRF Consulting Group, City of Norwood Young America City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

Public: None.

1. Call to Order.

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

2. Adoption of Agenda.

Chairperson Heher introduced the agenda.

Motion – Eggers, seconded by Hallquist to approve the agenda. The agenda was approved 7-0.

3. Approval of Minutes from the Regular Meeting July 7, 2020.

Heher introduced the minutes from the July 7, 2020 regular meeting.

Motion – Smith to approve the July 7, 2020 regular meeting. Seconded by Fahey. With all in favor the regular meeting minutes were approved 7-0.

4. Public Comment.

None.

5. Public Hearings.

A. 2020 CUP Audit.

Heher opened the public hearing at 6:02 p.m.

Strack stated the Planning Commission completed an audit of existing conditional and interim use permits. Although not required, the Commission is holding a public hearing on its findings. The Commission finds the following are to be declared null/void:

1. 180 Industrial Blvd: City of Norwood Young America Resolution 2017-08 approved March 27, 2017 provided for outdoor auto sales and display in B-1 District. The Use has ceased for over one year.

2. 232 Main Street East: City of Norwood Young America Resolution 2019-02 approved January 28, 2019 allowed personal auto storage and repair. The Use has not been established.
3. City of Norwood Young America Resolution 2019-12 approved April 22, 2019 provided for outdoor storage in conjunction with an air processing use. The Use has not been established.
4. City of Norwood Young America Resolution 2019-13 approved April 22, 2019 provided for commercial fence exceeding eight feet in height with barbed wire for security purposes. The fence was accessory to a proposed air processing use. The Use has not been established.

Strack referenced a final matrix of status of existing CUP/IUP and noted a draft resolution stating audit findings was included in the packet for consideration.

Motion – Grundahl to close the public hearing. Seconded by Smith. With all in favor the hearing was closed at 6:05 p.m.

6. Old Business.

A. 2020 CUP Audit.

Heher introduced the agenda topic.

Motion – Fahey to approve Resolution 2020-01, A Resolution Certifying Findings of a Conditional and Interim Use Permit Audit by the Norwood Young America Planning Commission. Seconded by Smith. Approved 7-0.

B. Adopt 2040 Comprehensive Plan.

Chairperson Heher introduced the 2040 Comprehensive Plan. Stephanie Falkers, SRF Consulting provided an overview of the final plan approved in late July by the Twin Cities Metropolitan Council.

Falkers addressed: the purpose and scope of the plan generally; the plan vision and goals; changes resulting from Met Council review; and next steps. The Planning Commission is asked to recommend plan adoption.

Heher commented the Plan process was lengthy and he was pleased to be at this point. Grundahl noted the process was good.

Fahey asked for clarification of terms included in the overview pertaining to downtown zoning classifications and a potential conflict with existing zoning language. Falkers state the existing zoning language was included later in the text.

Strack inquired as to whether or not an analysis of planned land use and existing zoning had been conducted as the official zoning map was to be made consistent with planned use within a few years. Falkers noted no such analysis was conducted.

Motion – Smith to recommend the City Council adopt the 2040 Comprehensive Plan. Seconded by Barr. With all in favor the motion was approved 7-0.

C. Language Review of Residential Uses on First Floor in C-3, Downtown District.

Heher introduced the agenda topic.

Strack noted that at the July meeting the Planning Commission discussed language included in the code pertaining to residential use of a portion of the first floor of commercial buildings in the C-3 Downtown District. The Commission requested Strack prepare updated language to provide clarity.

Following language is proposed this month for discussion:

L. Residential uses on the first floor of commercial structures provided:

1. The residential use does not compose greater than fifty (50) percent of the ground floor area;
2. **Commercial office, retail, or service space** ~~A storefront~~ is retained in **at a minimum** the front **half** of the building's **first floor abutting** adjacent to public streets;
3. A separate entry is provided for the residential use, **the entry may be from the front street**;
4. The residential use is not adversely impacted by the adjoining commercial use in terms of hours of operation prior to 7 a.m. or after 9 p.m., production of odor or noise, or increased traffic generation;
5. Off-street parking is provided for the residential use.

Smith suggested the Commission consider adding 'contiguous' to the reference to commercial office, retail, or service space, in #2 above. Strack noted that would be acceptable as would 'consolidated'. The Commission had further discussion and reached consensus to add the term 'continuous' verses the other terms.

Heher asked Helget for his input. Helget noted the revised language was better but suggested clarification of the concept of shared entry. Did the Commission envision allowing residents to walk through commercial space or did they intend to have a completely separate entry.

Smith noted the entryway could be configured as a vestibule.

The Commission discussed preferences for individual entries and noted preference for a requirement keeping residents out of commercial spaces. Fahey suggested the language pertaining to separate entry as written was sufficient. Commissioners concurred.

Strack is to forward the proposed language to City Attorney Squires for comment. The Attorney's comments will be brought back to the Commission for the September meeting.

D. Review of Definition of a Structure.

Heher introduced the agenda item.

Strack noted the Commission has been reviewing zoning definitions. Comment was requested on the preferred definition for a 'structure'. Several alternatives were included in the meeting packet, including:

Current definition: Anything constructed or erected including buildings and streets, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground

Definition from textbook *The New Illustrated Book of Development Definitions*: A combination of materials to form a construction for use, occupancy, or ornamentation whether install on, above, or below the surface of land. The textbook contains the following comment: *By this definition, all buildings are structures; however, not all structures are buildings*". The definition included for "Building" is: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. The City Code has the following definition of building: Any structure used or intended for supporting or the sheltering of any use or occupancy.

Cologne zoning code: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Waconia zoning code: Anything built or constructed, an edifice or building of any kind, or any piece of work composed of parts joined together in some definite manner, except parking lots and driveways.

The Commission had significant discussion on the definition.

The Commission reached consensus to amend the existing definition as follows: "Anything constructed or erected including buildings, the use of which requires location on the ground or attachment to something having a location on the ground".

7. New Business.

None.

8. Miscellaneous.

A. July Building Permit Report.

The July building permit report was reviewed. It was noted permit issuance continues at a brisk pace.

9. Commissioner Reports.

Commissioner Grundahl provided an update from the Parks & Recreation Commission. Fahey noted the County Planning Board is active. Commissioners Barr, Eggers, Hallquist and Smith did not have updates.

Strack suggested the Commission spend some time discussing how to approach comparing planned uses in the 2040 Comprehensive Plan and existing zoning classifications along with other pending amendments.

Heher provided updates from City Council meetings, including noting: work session discussion on

infrastructure reconstruction and budget planning, hiring of Angela Brumbaugh as City Clerk/Treasurer, results of the citywide clean-up day, and the Council's approval of annexation of approximately 60 acres for mixed use.

Helget provided an update on the Small Cities Development Program grant and associated assistance being provided by the EDC.

10. Adjourn

Motion – Grundahl, Seconded Hallquist to adjourn the meeting. With all in favor the meeting adjourned at 7:11 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 1, 2020

Re: Language Review Residential Uses on First Floor in C-3 Downtown District

BACKGROUND

At the August meeting the Planning Commission discussed language included in the code pertaining to residential use of a portion of the first floor of commercial buildings in the C-3 Downtown District. The Commission arrived at the following:

- L. Residential uses on the first floor of commercial structures provided:
 - 1. The residential use does not compose greater than fifty (50) percent of the ground floor area;
 - 2. **Continuous commercial office, retail, or service space** A storefront is retained in **at a minimum** the front **half** of the building's **first floor abutting adjacent to** public streets;
 - 3. A separate entry is provided for the residential use, **the entry may be from the front street;**
 - 4. The residential use is not adversely impacted by the adjoining commercial use in terms of hours of operation prior to 7 a.m. or after 9 p.m., production of odor or noise, or increased traffic generation;
 - 5. Off-street parking is provided for the residential use.

The Commission requested comment on the proposed language from City Attorney Jay Squires. Squires approves of the proposed language.

ACTION

Call from public hearing if appropriate.

Update of Section 1230.10 Norwood Young America Code

4 messages

Cynthia Smith-Strack <csmithstrack@gmail.com>
To: "Jay T. Squires" <Jay.Squires@raswlaw.com>
Cc: City Admin <cityadmin@cityofnyc.com>

Sun, Aug 9, 2020 at 2:53 PM

Good morning Jay,

As you know the City allows residential uses on the first floor of commercial buildings in their downtowns as long as the front part of the structure is retained for commercial use. Following a recent variance the City Council directed the Planning Commission to try to clarify the standard. The standard is contained in Section 1230.10 (C-3 Downtown District), Subd. 2 (L) of the Code.

The PC has developed the following language and is seeking your comment:

- L. Residential uses on the first floor of commercial structures provided:
 - 1. The residential use does not compose greater than fifty (50) percent of the ground floor area;
 - 2. Continuous commercial office, retail, or service space A storefront is retained in at a minimum the front half of the building's first floor abutting adjacent to public streets;
 - 3. A separate entry is provided for the residential use, the entry may be from the front street;
 - 4. The residential use is not adversely impacted by the adjoining commercial use in terms of hours of operation prior to 7 a.m. or after 9 p.m., production of odor or noise, or increased traffic generation;
 - 5. Off-street parking is provided for residential use.

Thank you in advance for providing your input!

—
Cynthia Smith Strack

Cynthia Smith-Strack <csmithstrack@gmail.com>
To: "Jay T. Squires" <Jay.Squires@raswlaw.com>

Thu, Aug 20, 2020 at 7:46 PM

Greetings Jay,

Just circling back re: my email below, looking for any comments/suggestions.

Thank you!
[Quoted text hidden]

—
Cynthia Smith Strack

Jay T. Squires <Jay.Squires@raswlaw.com>
To: Cynthia Smith-Strack <csmithstrack@gmail.com>

Thu, Aug 20, 2020 at 7:52 PM

Oops. Sorry. I looked at it and liked the language change.

Jay

On Aug 20, 2020, at 7:46 PM, Cynthia Smith-Strack <csmithstrack@gmail.com> wrote:

[Quoted text hidden]

Cynthia Smith-Strack <csmithstrack@gmail.com>
To: "Jay T. Squires" <Jay.Squires@raswlaw.com>

Thu, Aug 20, 2020 at 7:58 PM



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 1, 2020

Re: Expansion of Non-Conformance

BACKGROUND

The City Council discussed the potential to define non-conforming use 'expansion' and allow some flexibility in said expansions.

The City Council is in favor of allow some flexibility but prefers a cautious approach that:

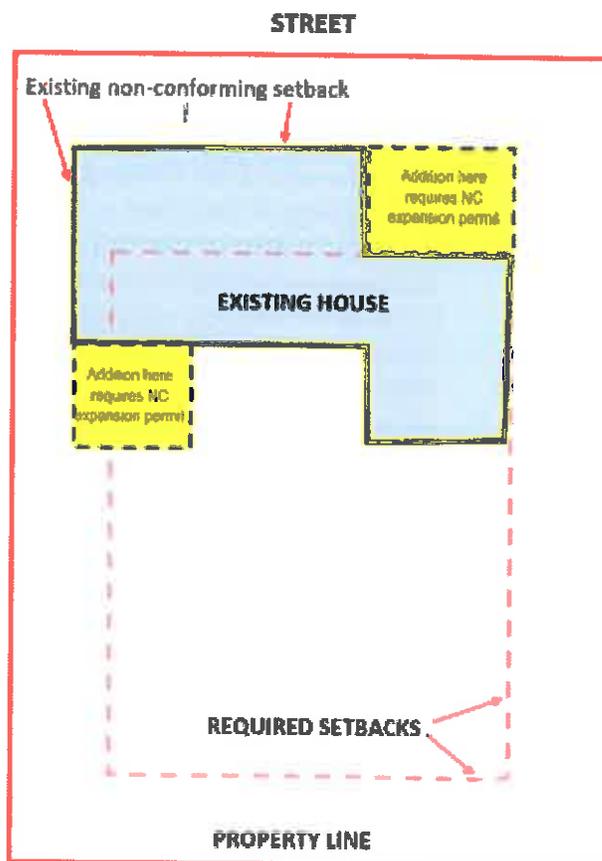
1. Limited expansion of non-conforming structures allowed but with oversight review. Discourage if other inconsistencies with performance standards would apply (e.g. need a variance for site coverage).
2. Continuing to prohibit expansions of non-conforming uses of property.
3. Avoid allowing additional outdoor storage.
4. Careful consideration to keep commercial uses in residential zones from further disrupting residential uses.
5. Treating like situations similarly and being able to clearly explain standards.

Sample standards from Waconia and Belle Plaine are attached.

ACTION

Discussion of potential standards:

1. Approach – tiered approach like Waconia or another alternative.
2. Agree to continue to prohibit any form of expansion of non-conforming uses.
3. Level of review for non-conforming structures: pure administrative or formal without public hearing.
4. Do not allow under certain conditions: e.g. (a) if more than one non-conforming aspect exists (i.e. two setbacks non-conforming) or (b) a variance was issued to create the non-conformity or (c) proposed expansion would necessitate a variance to another standard.



WACONIA CODE

Subd. 12. Legal Nonconforming Uses.

A. Classification of Nonconforming Uses.

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance even though such use may not conform to the provisions of this Ordinance. For the purpose of this Ordinance, two (2) classes of legal nonconforming use are defined. Class 1 lawful uses are those which are not permitted in the district within which located and those uses which are permitted in the district but violate one or more lot requirements by more than 50%. Class 2 uses are permitted uses which violate no district requirement by more than 50%. It is the intent of the Section not to allow the expansion of Class 1 nonconforming uses. It is further the intent of this Section to encourage the continuance of Class 2 nonconforming uses, to allow for their expansion and to encourage even greater compliance with the requirements of the district within which the use is located.

B. Nonconforming Use Regulations.

1. Structural Alterations, Replacement or Enlargement. Class 1 nonconforming uses shall not be structurally altered or enlarged unless the resultant altered or enlarged building or use shall conform in terms of usage to the provisions of this Ordinance and does not violate one or more lot requirements by more than 50%. Class 2 nonconforming uses of structures and land which do not meet the district lot requirements or off-street parking and loading regulations of this Ordinance shall be allowed to be structurally altered, replaced, restored or enlarged provided there is no further violation of said requirements than lawfully exists at the time of said alteration, replacement or enlargement and further provided enlargement can be done in full compliance with the building code.

2. Repair of Nonconforming Buildings. Nothing in this Ordinance shall prohibit the repair, improvement or modernizing of a lawful nonconforming building to prevent deterioration, obsolescence, depreciation and wear provided that such repair of Class 1 nonconforming uses shall not exceed an aggregate cost of 30% of the assessed value of the building.
3. Restoration. Any nonconforming use existing on the date of this Ordinance may be continued until its normal expiration except that any Class 1 lawful nonconforming use damaged by fire, explosion, and act of God, or any other causes in excess of 50%, excluding land and foundations, shall not be reconstructed unless approved by the Board of Adjustment. Approval to rebuild shall be granted only upon finding:
 - a. That such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use,
 - b. That restoration will not increase the size, intensity or character of the use that was destroyed,
 - c. That restoration constitutes no more than the replacement of the damage nonconforming use, and
 - d. That restoration will be in compliance with all building code requirements.
4. Discontinuance or Abandonment. Whenever a legal nonconforming use of either class has been discontinued for six (6) or more consecutive months, such discontinuance shall be considered conclusive evidence of the intention to abandon the nonconforming use and shall not be reestablished. Any future use shall be in conformance with the provisions of this Ordinance.
5. Changing of Use. Whenever a Class 1 nonconforming use has been changed to a more nearly conforming use or to a conforming use such use shall not revert or be changed back to a nonconforming or less conforming use. Whenever a Class 2 nonconforming use is changed to a use requiring the same or less parking, full ordinance compliance shall not be required but in no case shall existing parking be diminished.
6. Prior Construction Approval. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.

7. Termination of Nonconforming Land Uses. Nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, provided the nonconforming land use shall be terminated and converted to conform with the provisions of this Ordinance within three (3) years after the effective date; and further provided that the nonconforming land use shall not in anyway be expanded or extended during this three year interval either on the same property or on adjoining property.
8. Illegal Nonconforming Uses. Nonconforming uses of buildings or lands existing on the effective date of this Ordinance established without a building permit shall be declared illegal nonconforming uses and shall be discontinued within a period of three (3) years following the effective date of this Ordinance.
9. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions in this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

SECTION 1102.00 NON-CONFORMING LOTS, USES AND STRUCTURES.

1102.01 INTENT.

Lots, structures and uses of land which were lawful when established, but which would be prohibited under the terms of this Ordinance or future amendment shall be deemed legal non-conforming and regulated in accordance with this section.

It is the intent of this Ordinance to phase out such non-conforming uses within a reasonable time period while retaining full economic value. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except in compliance with provisions of this section.

A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land may only be extended or expanded, including by expansion of a building or structure, attachment or placement of additional signs or display devices to a building, or on the land outside the building, upon issuance of an expansion permit. The addition uses which would be prohibited generally in the district involved may not be allowed by expansion permit.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently continued until the completion of the building involved.

(Ord. 09-05, Section 1102.01, Adopted December 21, 2009.)

(Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)

1102.02 NON-CONFORMITIES.

Any nonconformity, including the lawful use or occupation of land or premises legally existing at the time of establishment may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year or;
2. The nonconformity is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Notwithstanding the above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in the floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flows in the floodway.

(Ord. 09-05, Section 1102, Adopted December 21, 2009.)

(Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)

1102.03 EXPANSION PERMIT, NON-CONFORMING USE OR STRUCTURE.

1102.03 Subd 1. INTENT.

An expansion of a non-conforming use may not be done without first obtaining a variance pursuant to section 1103 or an expansion permit pursuant to subdivision 2 of this section.

1. A variance is required if the expansion will intrude into one or more setback areas beyond the distance of the existing structure or will exceed the height or size limitations in this section by a distance or amount greater than the existing structure. Otherwise, an expansion permit is required. For example, if the building currently has a front setback of 25 feet when 30 feet is required, and the expansion would reduce the setback to 24 feet, then a variance is required. In contrast, if only a portion of the building has a front setback of 25 feet when 30 feet is required, and the expansion brings the rest of the building to the same setback of 25 feet, then an expansion permit is required rather than a variance.
2. An expansion permit is also required if:
 - A. The proposed expansion will occupy any space within a non-conforming area that was previously not occupied both vertically and horizontally. For example, an expansion permit would be required if a second floor area is expanded into the non-conforming setback over an existing non-conforming first floor even though the non-conformity of the first floor setback dimension stays the same or is reduced; or
 - B. The non-conforming aspect of a use or structure is reduced but still does not comply with current ordinance standards.

1102.03 Subd 2. PROCEDURE.

1. Application.

Application for a non-conforming use or structure expansion permit must be made to the zoning administrator. The application must be on forms provided by the city and must be accompanied by the following:

- A. A plat or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees;
- B. Evidence of ownership or an interest in the property;
- C. The fee set by the annual fee schedule; and
- D. Such other information as may be required by the city.

2. Public Hearing.

Upon receipt of a completed application, a date will be set for a public hearing before the planning commission. The public hearing will be held only after notice has been sent by mail to the owners of all properties situated wholly or partially within 350 feet, as reflected in the certified records of the Scott County Auditor.

3. Decisions.

A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that he proposed expansion is a reasonable use of the property, considering such things as:

1. Functional and aesthetic justifications for the expansion;
2. Adequacy of off-street parking for the expansion;
3. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking;
4. Improvement to the appearance and stability of the property and neighborhood;
5. Will not endanger public safety;
6. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,
7. Is not expansion of a non-conformity previously allowed through the non-conformance variance process.

4. Term of Expansion Permit.

An expansion permit granted by the city will run with the land and will be perpetual unless no building permit has been issued or substantial work performed within one (1) year following the approval, in which case the permit will be null and void. The city council may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. If the expansion permit is part of an approved site and building plan, extension of the time period for construction will be contingent upon similar extension of the time period for the site and building plan by the planning commission as required by section 1103.07 of this ordinance. Once the project is completed as approved, the expansion permit becomes perpetual.

5. Specific Period.

An expansion permit is valid only for the project for which it was granted. Construction of any project must be in substantial compliance with the building plans and specifications reviewed and approved by the planning commission and city council.

6. Appeals.

A person aggrieved by a decision of the city council regarding an expansion permit may appeal to the city council pursuant to section 1103.04.

7. Recording.

A certified copy of the expansion permit must be filed by the applicant with the Scott count recorder or the Scott county registrar of titles. The expansion permit must contain a legal description of the property affected.

8. Violations.

A person who violates, fails to comply with or assists, directs or permits the violation of the terms or conditions of an expansion permit is guilty of a misdemeanor. A violation is a violation of the expansion permit and renders the permit null and void. A violation also constitutes a public nuisance that may be abated in accordance with the provisions of section 1103.03.

(Ord. 11-14, Section 1102.01, 1102.02 and 1102.03, Adopted December 19, 2011.)



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 1, 2020

Re: Pending Zoning Code Amendments

BACKGROUND

The Planning Commission has reviewed a number of adjustments to the zoning code in 2020. The following are pending changes:

1. Shoreland text and official zoning map update.
2. Official zoning map update - rezoning of Railroad Street West.
3. Update several zoning definitions.
4. Potential zoning map updates resulting from 2040 Comprehensive Plan update.
5. Potential update to non-conforming uses.

Discussion is requested as to how the Commission would like to process the amendments.

1. Does the Commission prefer to process official zoning map as a complete update or individual updates? The most pertinent issue is that notification requirements differ based on approach. Does the Commission want to notify those affected by the zoning change due to shoreland changes? Railroad Street West? Changes due to Comprehensive Plan update?
2. Does the Commission want to process text amendments individually or consolidate? The most pertinent issue is likely what happens after the approval when the actual amendment is incorporate into the code.

ACTION

Discussion/direction.



To: Chairperson Heher
 Members of the Planning Commission
 Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: September 1, 2020

Re: Future Land Use and Official Zoning Consistency

BACKGROUND

The 2040 Comprehensive Plan has been placed into effect. MN Statutes require the Official Zoning Map be consistent with the planned future land use map contained in the Comprehensive Plan.

There are a few items on which discussion is suggested. The table below is for Commissioner information when discussing future developments. The "Notes" are applicable to this discussion.

Future Land Use Class	Corresponding Zoning Class(es) according to Comp Plan text	Minimum Density (du/net ac)	Notes
Low Density Residential	R-1, R-2, & R-3 Districts	1 to 7 du/ac (lot size 6,000 sf to 1 ac)	New developments to meet minimum 3 du/ac
Medium Density Residential	R-2 and R-3 Districts	8-12 du/ac (twin homes, townhomes, small apartments, manufactured home parks)	Large areas guided toward MDR south and west of Tacoma Industrial Park. Land within City limits is zoned Transitional Ag at this time. This should be rezoned (Kloth Property).
High Density Residential	R-4 District and residential components in Downtown Mixed Use District	12-18 du/ac (traditional apartment buildings)	All areas guided to HDR are existing built-out
Commercial	RC-1 and C-2 districts	No minimum, maximum intensity regulated by lot size	Discourage rezoning current C-2 areas adjacent to Hwy 212 to RC-1
Downtown Mixed Uses	C-3 Downtown Districts	Intended to accommodate mixed commercial and residential uses in same building or lot	Railroad St W status?
Industrial	B-1 and I-1 Districts	No minimum, maximum intensity is regulated by lot size	Industrial areas could be rezoned to B-1 are we interested in this?

Mixed Use Comm/Indust	B-1 District	No minimum, maximum intensity is regulated by lot size	Lots abutting Industrial Blvd currently zoned B-1 must remain. Another area guided toward this designation is in the township just west of Molnau Trucking. Lot subject to previous discussion as development of landscaping business.
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ACTION

Discussion/direction.

Building Permit Report - August 2020

PERMIT #	NAME	ADDRESS	PURPOSE	DATE	PERMIT FEE	PLAN CHECK FEE	SURCHARGE	VALUE
2020001	Tim Schroeder	514 W Elm Street	Residing	1/13/2020	\$60.00	\$0.00	\$1.00	
2020002	Donna Kleman	328 Oak Drive	Furnace	1/16/2020	\$60.00	\$0.00	\$1.00	
2020003	Kwik Trip	520 Reform St N	Ansul System	2/4/2020	\$98.09		\$1.00	\$1,500.00
2020004	Harlan Mackenthun	404 5th St Ct SW	Alterations	1/22/2020	\$532.37		\$9.00	\$18,000.00
2020005	Harlan Mackenthun	404 5th St Ct SW	Plumbing	1/27/2020	\$60.00	\$0.00	\$1.00	
2020006	Tim Fahey	261 Emma Street	Furnace	1/27/2020	\$60.00	\$0.00	\$1.00	
2020007	Andy Wigfield	524 Elm St W	Demo	1/28/2020	\$100.00	\$0.00	\$1.00	
2020008	Kwik Trip	520 Reform St N	Mechanical	2/5/2020	\$353.45	\$229.74	\$10.00	\$20,000.00
2020009	Kwik Trip	520 Reform St N	Refrigeration	2/18/2020	\$199.45	\$129.64	\$5.00	\$10,000.00
2020010	Central School	655 SW 7th	Solar	2/21/2020	\$541.55	\$352.01	\$17.50	\$35,000.00
2020011	Central School	531 Morse Street N	Solar	2/21/2020	\$541.55	\$352.01	\$17.50	\$35,000.00
2020012	Loomis Homes	990 Lakewood Trail	new home	2/26/2020	\$10,843.30	\$1,319.19	\$128.00	\$251,030.00
2020013	Loomis Homes	1095 Barnes Lake Dr	new home	2/27/2020	\$10,814.82	\$1,307.18	\$126.50	\$248,288.00
2020014	Dennis Mohs	1045 Lakewood Ct	finish bsmt	2/27/2020	\$606.00	\$315.90	\$17.00	\$30,000.00
2020015	Loomis Homes	1075 Barnes Lake Dr	new home	2/28/2020	\$11,076.22	\$1,467.34	\$146.50	\$288,125.00
2020016	Loomis Homes	1000 Whitetail Path	new home	3/4/2020	\$10,700.10	\$1,239.11	\$118.00	\$231,992.00
2020017	Citizen's Bank	409 N Faxon Rd	overhang	3/5/2020	\$168.65	\$109.62	\$4.00	\$7,500.00
2020018	Loomis Homes	1115 Barnes Lakd Dr	new home	3/4/2020	\$11,303.70	\$1,579.45	\$161.50	\$317,000.00
2020019	Loomis Homes	940 Lakewood Tr	water soft	3/17/2020	\$60.00	\$0.00	\$1.00	\$500.00
2020020	Larry Panning	324 4th St SW	alterations	3/17/2020	\$197.85	\$89.60	\$4.00	\$5,152.00
2020021	Josh Kroells	430 Emma Street	pool	5/15/2020	\$657.10	\$388.12	\$21.00	\$40,000.00
2020022	Larry Krause	634 Preserve Blvd	ductwork	3/24/2020	\$60.00		\$1.00	\$340,000.00
2020023	Homeland Builders	440 Park Circle	new home	3/26/2020	\$13,866.60	\$1,671.54	\$173.00	
2020024	Loomis Homes	965 Lakewood Tr	water softener	3/27/2020	\$60.00		\$1.00	
2020025	Loomis Homes	955 Lakewood Trail	Finish basement	4/3/2020	\$490.45	\$279.79	\$13.50	\$25,000.00
2020026	Loomis Homes	1025 Lakewood Trail	new home	4/10/2020	\$11,460.82	\$1,707.58	\$176.50	
2020027	John Fahey	211 Park Place West	reroof	4/8/2020	\$60.00		\$1.00	
2020028	Scott & Linda Rannow	835 Barnes Lake Rd	finish basement	4/27/2020	\$399.65	\$259.77	\$13.50	\$22,500.00
2020029	Philip Henning	1065 Lakewood Court	Finish basement		\$328.05	\$169.68	\$1.00	\$9,000.00
2020030	Loomis Homes	955 Lakewood Trail	Deck	4/20/2020	\$214.85	\$139.65	\$5.50	\$11,000.00
2020031	John Kroells	240 Upper Brand Lk Dr	Furnace	4/10/2020	\$60.00		\$1.00	
2020032	Loomis Homes	1030 Lakewood Court	new home	4/20/2020	\$10,824.82	\$1,307.18	\$126.50	\$249,000.00
2020033	Jack Lano	323 Casper Circle	sotorage shed	4/10/2020	\$452.67	\$294.24	\$13.50	\$27,000.00
2020034	Kevin & Ruth Williams	316 4th Street SW	reroof	4/14/2020	\$60.00		\$1.00	
2020035	Jencar Holdings	620 Marsh Path	New home	4/22/2020	\$14,709.54	\$1,275.14	\$123.50	\$241,000.00
2020036	Jencar Holdings	590 Marsh Path	new home	4/22/2020	\$14,826.58	\$1,351.22	\$133.00	\$260,000.00
2020037	Jencar Holdings	605 Marsh Path	new home	4/22/2020	\$14,826.58	\$1,351.22	\$133.00	\$260,000.00
2020038	Jencar Holdings	575 Marsh Path	new home	4/22/2020	\$14,843.88	\$1,362.47	\$127.00	\$248,326.00
2020039	Kevin Eiden	211 Reform St S	Alteration-bath room	4/16/2020	\$430.45	\$279.79	\$12.50	\$25,000.00
2020040	Jencar Holdings	575 Marsh Path	Fire Sprinkler	4/22/2020	\$122.45	\$79.59	\$2.50	\$4,900.00
2020041	Jencar Holdings	605 Marsh Path	Fire Sprinkler	4/22/2020	\$122.45	\$79.59	\$2.50	\$4,900.00
2020042	Jencar Holdings	590 Marsh Path	Fire Sprinkler	4/22/2020	\$122.45	\$79.59	\$2.50	\$4,900.00

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2020043	Jencar Holdings	620 Marsh Path	Fire Sprinkler	4/22/2020	\$122.45	\$79.59	\$2.50	\$4,900.00
2020044	Farniok	308 4th Street SW	Egress Window	4/20/2020	\$76.25	\$49.56	\$1.00	\$2,000.00
2020045	Xtreme Properties	311 Railroad St W	Reroof and Reside	4/27/2020	\$541.55	\$352.01	\$17.50	\$35,000.00
2020046	Deb Priebe	569 Shireview Lane	Deck	4/27/2020	\$122.45	\$79.59	\$2.50	\$5,000.00
2020047	Mary Skolberg	715 Lakewood Trail	Replace Patio door	5/1/2020	\$60.00		\$1.00	\$4,836.00
2020048	Seth Huber	209 1st Avenue SE	Reroof	4/28/2020	\$60.00		\$1.00	
2020049	Dean Lind	517 Casper Circle	Reroof	4/28/2020	\$60.00		\$1.00	\$8,000.00
2020050	Johnathon Rueben	19 Central Avenue N	Reroof	4/28/2020	\$60.00		\$1.00	
2020051	Dewey Hormann	210 NE 1st St	Reside	4/29/2020	\$60.00		\$1.00	\$3,500.00
2020052	Steve Danielson	514 N Morse St	Reroof	5/1/2020	\$60.00		\$1.00	\$7,072.12
2020053	Tim Rohwer	935 Lakewood Trail	basement finish	5/1/2020	\$428.45	\$229.74	\$11.00	\$20,000.00
2020054	Beanna Rief	930 Lakewood Trail	deck	5/5/2020	\$338.05	\$219.73	\$9.50	\$12.00
2020055	Anna Boote	215 W. Wilson Street	replace furnace & AC	5/4/2020	\$120.00		\$2.00	
2020056	Troy Krueger	622 Elm Street W	Replace windows	5/8/2020	\$60.00		\$1.00	
2020057	Ken Norman	223 Hazel Street	Reroof	5/6/2020	\$60.00		\$1.00	
2020058	Loomis Homes	990 Lakewood Trail	softerer	5/6/2020	\$60.00		\$1.00	\$500.00
2020059	Eric Knuth	106 Main Street E	Replace 5 windows	5/8/2020	\$60.00		\$1.00	\$10,189.00
2020060	Steve Danielson	514 Morse Street	Alterations	5/12/2020	\$168.65	\$109.62	\$4.00	\$7,200.00
2020061	Pro Auto - Kevin Eiden	324 Railroad Street	plumbing	5/14/2020	\$168.65	\$109.62	\$4.00	\$7,400.00
2020062	Pro Auto - Kevin Eiden	324 Railroad Street	AC unit	5/14/2020	\$199.45		\$5.00	\$9,800.00
2020063	KIS Properties	219 Elm St. W	reroof	5/13/2020	\$91.65	\$59.57	\$1.50	\$2,785.00
2020064	Mary Spille	440 Meadow Lake	deck remodel	6/8/2020	\$91.65	\$59.57	\$1.50	\$2,500.00
2020065	Thomas Lauerman	120 Elm Street E	Reroof garage	5/15/2020	\$60.00		\$1.00	
2020066	Nick Ostlie	115 hill St West	Reroof	5/18/2020	\$60.00		\$1.00	
2020067	Kim & Eric Neubarth	471 Emma Street	Reroof	5/18/2020	\$60.00		\$1.00	
2020068	Joseph Kube	811 Elm St West	Reside	5/19/2020	\$60.00		\$1.00	
2020069	Danielle Benz	413 Meadow Lane	Softener	5/20/2020	\$15.00		\$1.00	
2020070	Melvin Byer	321 Hill St West	Reroof	5/29/2020	\$60.00		\$1.00	\$12,500.00
2020071	Leon Becker	214 Brush Street	Reroof	5/29/2020	\$60.00		\$1.00	\$5,000.00
2020072	Leon Becker	222 Reform Street	Reroof	5/29/2020	\$60.00		\$1.00	\$9,000.00
2020073	Eric Lehn	401 Trilane Drive	Replace windows	5/29/2020	\$60.00		\$1.00	\$38,623.00
2020074	4 Plex Townhomes	636, 648,660,662 Meadow Lane - reroof		6/1/2020	\$240.00		\$4.00	\$27,000.00
2020075	Nickolas Fejfar	415 5th Street	Finish Basement		\$199.45	\$129.64	\$5.00	\$10,000.00
2020076	NAPA	508 N Faxon Road	Reroof and Reside	6/3/2020	\$288.98		\$7.50	\$15,000.00
2020077	Mark Bartels	306 Oak Drive	Reroof	6/3/2020	\$60.00		\$1.00	
2020078	Lomis Homes	1025 Lakewood Trail	fireplace	6/5/2020	\$60.00		\$1.00	\$1,500.00
2020079	Jim Crawford	1005 Whitetail Path	finish basement	6/18/2020	\$365.65	\$159.67	\$8.50	\$13,000.00
2020080	Pete Buckentine	309 Faxon Road	Reroof	6/10/2020	\$777.50	\$505.38	\$29.50	\$59,000.00
2020081	Mark & Carol Lagergren	513 Devonshire Drive	Replace windows	6/8/2020	\$60.00		\$1.00	\$12,000.00
2020082	Loomis Homes	985 Lakewood Trail	New Home	6/12/2020	\$11,448.06	\$1,663.53	\$172.00	\$338,000.00
2020083	Carl LaRose	124 Park Place W	new furnace	6/15/2020	\$60.00		\$1.00	\$2,800.00
2020084	Warren Koistinen	414 Central Avenue S	new home	6/22/2020	\$12,803.16	\$1,435.30	\$142.50	\$280,000.00
2020085	Gur Jarvi	636 Meadow Lane	deck	6/26/2020	\$59.45	\$38.64	\$1.00	\$1,500.00

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2020086	Julee Arndt/Naomi Lynch	206 Trilane Drive	Deck	6/26/2020	\$122.45	\$79.59	\$2.50	\$4,537.00
2020087	Loomis Homes	1060 Lakewood Court	new home	7/1/2020	\$10,929.54	\$1,375.24	\$135.00	\$265,680.00
2020088	Loomis Homes	820 Barnes Lake Drive	new home	7/1/2020	\$18,601.46	\$1,523.39	\$153.50	\$302,470.00
2020089	Erik Laage	423 Elm St West	mechanical	6/29/2020	\$60.00		\$1.00	\$1,400.00
2020090	Subway	404Faxon Road	alterations	7/7/2020	\$25.85	\$16.80	\$5.00	\$500.00
2020091	M Pasquarette	219 Reform Street	reside	7/6/2020	\$60.00		\$1.00	\$60,000.00
2020092	Roman Rusanov	210 Hill Street W	reside	7/9/2020	\$60.00		\$1.00	\$15,300.00
2020093	Jencar Holdings	620 Marsh Path	Fire sprinkler	7/13/2020		\$79.59		\$4,900.00
2020094	Jencar Holdings	605 Marsh Path	Fire sprinkler	7/13/2020		\$79.59		\$4,900.00
2020095	Jencar Holdings	590 Marsh Path	Fire sprinkler	7/13/2020		\$79.59		\$4,900.00
2020096	Jencar Holdings	575 Marsh Path	Fire sprinkler	7/13/2020		\$79.59		\$4,900.00
2020097	Greg Morris	1115 Barnes Lake Dr	Deck		\$230.25	\$149.66	\$6.00	\$11,840.00
2020098	Kevin Eiden	211 Reform Street N	Monument Sign	7/9/2020	\$585.99	\$380.89	\$19.50	\$38,760.00
2020099	Heidi Innvaer	574 Shoreview Lane	Deck	7/16/2020	\$184.05	\$119.63	\$4.50	\$9,000.00
2020100	David Bleichner	510 Elm St West	replace decorative brick	7/13/2020	\$91.65	\$59.57	\$1.50	\$3,000.00
2020101	Loomis Homes	1070 Lakewood Court	new home	7/10/2020	\$11,471.98	\$1,711.58	\$177.00	\$350,000.00
2020102	Dan Kurth	1140 Preserve Boulevard	New home	7/13/2020	\$19,511.98	\$2,111.98	\$227.00	\$449,262.00
2020103	Andy Wigfield	524 Elm St W	reroof/reside garage	7/13/2020	\$120.00		\$2.00	
2020104	Mike Daugaard	115 Muirfield Cir	reroof/reside	7/13/2020	\$120.00		\$2.00	
2020105	Kristin Johnson	123 Muirfield Cir	reroof	7/21/2020	\$60.00		\$1.00	
2020106	Amma Boote	215 Wilson St W	plumbing	7/14/2020	\$15.00		\$1.00	
2020107	Kristin Johnson	123 Muirfield Cir	insulation replacement	7/21/2020	\$35.93	\$23.35	\$0.50	\$800.00
2020108	Ruth Harms	514 Meadow Lane	Replace deck/trailing	7/27/2020	\$122.45	\$79.59	\$2.50	\$4,500.00
2020109	Car Quest	309 Faxon Road N	Rooftop units	7/23/2020	\$369.48	\$240.16	\$10.00	\$21,000.00
2020110	Samantha Hammond	124 Park Place	Bath remodel	7/28/2020	\$213.25	\$99.61	\$4.50	\$6,500.00
2020111	Mike Mooney	15 Central Avenue N	reroof	7/21/2020	\$60.00		\$1.00	
2020112	Julian Ellison	414 Elm Street W	Plmb and Mech	7/28/2020	\$135.00		\$2.00	
2020113	Raf Lozada	905 Meadows Blvd	Deck	7/27/2020	\$245.65	\$159.67	\$6.50	\$12,800.00
2020114	Gary Lueck	410 Elm Street W	Deck/reside	7/27/2020	\$107.05	\$69.58	\$3.00	\$3,520.00
2020115	Joel Klausnermeier	517 Devonshire Dr	2 doors	7/29/1930	\$60.00		\$1.00	\$6,380.00
2020116	Jon Malenke	127 South St W	reroof	7/31/2020	\$60.00		\$1.00	
2020117	Mike Kimping	423 Morse St N	shed	7/31/2020	\$0.00		\$4.00	\$7,298.28
2020118	CPS holding	115 Main St East	reroof	8/17/2020	\$1,085.50	\$705.58	\$49.50	\$98,939.00
2020119	Kevin Oelfke	510 Devonshire Drive	reroof	8/3/2020	\$60.00		\$1.00	
2020120	Lucan Madromootool	136 E Elm Street	Demo shed	8/3/2020	\$100.00		\$1.00	\$1,000.00
2020121	Melissa Morphey	105 1st Aven SW	remodel	8/6/2020	\$413.45	\$229.74	\$11.00	\$20,000.00
2020122	Children of Tomorrow	318 Hwy 212 West	Alterations	8/4/2020	\$486.00	\$315.90	\$15.00	\$30,000.00
2020123	Loomis Homes	970 Lakewood Trail	new home	8/20/2020	\$10,463.70	\$1,078.95	\$98.00	\$155,000.00
2020124	Nick Rogosienksi	513 Elm St West	reside	8/4/2020	\$60.00		\$1.00	
2020125	Bob Ludwig	220 Union Street	Reroof/window replace	8/4/2020	\$168.00		\$4.00	\$8,000.00
2020126	Wayne Lehrke	403 Adams Drive W	reroof	8/5/2020	\$60.00		\$1.00	\$19,000.00
2020127	Martlyn Foss	101 Trilane Drive	replace window	8/6/2020	\$60.00		\$1.00	\$1,789.00
2020128	Tom Hanson	301 1st Avenue SE	reroof	8/7/2020	\$60.00		\$1.00	
2020129	Bob Smith	470 Emma Street	water heater	8/7/2020	\$15.00		\$1.00	

