



Norwood Young America Planning Commission
6:00 p.m., Wednesday, November 4, 2020
ZOOM MEETING
<https://us02web.zoom.us/j/2334975750>
Meeting ID: 233 497 5750

AGENDA

1. Call to Order
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of October 6, 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. New Business
A. Kwik Trip Site Plan Application
7. Old Business
A. Expansion of Non-Conformance
B. Planning Commission Work List
8. Miscellaneous
A. October Building Permit Report
9. Commissioner's Reports
10. Adjourn

**Jerry
Barr**

**Mike
Eggers**

**John
Fahey**

**Bill
Grundahl**

**Paul
Hallquist**

**Bob
Smith**

**Craig
Heher
Council
Liaison**

UPCOMING MEETINGS

- | | |
|-------------|---|
| November 9 | City Council 6:00 p.m. |
| November 17 | Parks & Recreation Commission 4:45 p.m. |
| November 18 | Economic Development Commission 6:00 p.m. |
| November 23 | City Council EDA meetings; followed by Work Session 6:00 p.m. |
| December 1 | Planning Commission 6:00 p.m. |

*Norwood Young America
Planning Commission Minutes
October 6, 2020*

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

Absent: None.

Staff: 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 7:00 pm over video conference due to public health concern of the COVID health emergency. All stood for the Pledge of Allegiance.

2. Adoption of Agenda.

Chairperson Heher introduced the agenda. No changes were ordered.

Motion – Smith, seconded by Eggers to approve the agenda. The agenda was approved 7-0 by roll call vote.

3. Approval of Minutes from the Regular September 1, 2020.

Heher introduced the minutes from the September 1, 2020 regular meeting.

Motion – Grundahl to approve the September 1, 2020 regular meeting. Seconded by Smith. Unanimously approved by roll call vote.

4. Public Comment.

None.

5. Public Hearing.

A. Ordinance Amending Zoning Code C-3 Downtown District, Residential Uses on First Floor.

Chairperson Heher introduced the topic and opened the public hearing at 7:03 p.m.

Strack stated the Planning Commission has been reviewing the proposed language amendment for several months at the direction of the City Council.

The wording adjustment is intended to clarify the intent of the City to allow residential uses in the C-3 Downtown District on the first floor, but to retain a storefront in the front half of the building.

Strack stated two adjustments were proposed. Under the language permitting residential uses on the first

floor, condition number two was proposed to read: “Continuous commercial office, retail, or service space is retained in at a minimum the front half of the building’s first floor abutting public streets”.

Condition three was proposed to read: “A separate entry is provided for the residential use. If residential entry is from the front of the building access to the residential use shall be through an enclosed corridor”.

The City Attorney had reviewed and approved the proposed text amendment.

Strack noted the public hearing notice was posted and published. She had received no comment for or against. Administrator Helget also noted no comment for or against the amendment.

Motion – Smith to close the public hearing at 7:06 p.m. Second by Barr. Unanimously approved by roll call vote.

B. Ordinance Amending Zoning Code Definitions.

Heher introduced the agenda item and opened the public hearing at 7:07 p.m.

Strack noted the proposed code amendment was intended to clean up zoning terms and definitions.

The following definitions are proposed for deletion:

- “Boarding House” not identified as a use in a zoning district;
- “Cellar” definition appears to be obsolete;
- “Family” defining family has been the subject of litigation in the past, especially as it relates to group homes. The City’s zoning classifications mirror state statutes pertaining to group homes.
- “Hardship” this definition related to variances and is obsolete due to a change in state statutes.

The definition of “deck” is proposed for amendment by removing the dimensional requirement it must be three feet above ground.

The definition of ‘structure’ is proposed to be re-written as: “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.” The new definition removes a reference to the public right of way and structures within said right of way.

Strack noted the City Attorney provided input on the proposed changes.

Strack stated no comment for or against the proposed ordinance has been received.

Motion – Fahey to close the public hearing at 7:10 p.m. Second by Smith. Unanimously approved by roll call vote.

6. Old Business.

A. Ordinance Amending Zoning Code C-3 Downtown District, Residential Uses on First Floor.

Heher introduced the agenda topic.

Motion – Smith to recommend the City Council approved the ordinance amending the C-3 Downtown District language pertaining to residential uses on the first floor. Seconded by Grundahl and unanimously approved by roll call vote.

B. Ordinance Amending Zoning Definitions.

Heher introduced the agenda topic.

Motion – Fahey to recommend the City Council approved the ordinance amending zoning definitions. Seconded by Barr and unanimously approved by roll call vote.

C. Discussion: Expansion of Non-Conformance.

Chairperson Heher introduced agenda topic.

Strack referenced a memo in the Commissioners' packets that contained a table. The table was intended to facilitate discussion as recommended by Commissioner Hallquist at the previous meeting. The table was separated by zoning district and type of non-conformance: meaning non-conforming lots of record, non-conforming structures, and non-conforming uses of land.

Strack noted the code specifically provides for development of non-conforming lots of record regardless of size provided setbacks can be achieved. The provision applies to all zoning classifications. Therefore, a lot of record when the code was placed into effect is buildable whether lot size, width, and public street frontage standards are met. The provision does not apply to new lots created under minor subdivision or platting.

Strack then addressed non-conforming structures in residential districts.

Strack opined the Council and Commission seemed to be open to expansion of conforming aspects of non-conforming buildings. For example, a building with non-conforming corner side yard setback could be expanded on conforming sides (i.e. front, interior side, rear) without restriction.

The Commission and Council also seemed open to providing for the extension of non-conforming aspects of a structure. For example, a non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.

If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension, but another aspect of the proposed extension will result in a need for a variance.

Intensification of non-conforming aspect of a structure, for example, going closer to a lot line where the existing setback is already non-conforming.

Strack noted expanding a non-conforming structure can also occasionally be an expansion of a non-conforming use of the property although that is generally more common in downtown or blended residential and commercial districts.

Strack requested input from Commissioners.

Commissioner Smith stated he was not in favor of intensification on non-conforming aspects of structures.

Commissioner Grundahl expressed openness to intensification of non-conforming aspects of structures.

Commissioner Hallquist expressed openness to intensification of non-conforming aspects of structures providing the process was equal, fair, and approved by Council.

Smith opined a variance to allow intensification would need to be specifically defined.

Commissioner Fahey noted an openness to considering intensification through a variance process.

Barr agreed but noted strict criteria would be needed to avoid allowing too much intensification.

Eggers noted hardship is proposed to be deleted from the definitions section of the zoning code, therefore, alternate terminology would be needed.

Strack suggested a strict standard could be tied to a percentage of existing non-conformity or to the applicable performance standard. Strack noted the non-conformity could extend to other aspects of a building such as height.

Fahey stated a need for the City to perform due diligence for any intensification increase.

Smith provided an example of a non-conforming driveway slope which could be intensified with definite impacts.

Heher asked Helget to provide input on what types of non-conformance is most common.

Helget stated the City gets calls on expansion of non-conforming uses and some buildings. Lot coverage are common issues as are setbacks in residential zones.

Strack opined non-conforming uses are typically more common in downtowns or districts where blended uses are allowed and commercial zones in the original townsite where dwellings are interspersed with commercial uses. In pure residential zones Strack opined most common non-conformance involves performance standards such as setback, height, or bulk.

Chairperson clarified he is hearing Commissioners may be interested in allowing some form of intensification.

Smith noted perhaps on a case by case basis subject to some sort of a hardline – for example minimum setback is five feet in a side yard.

Strack noted she was open to breaking out maximum intensifications for the Commission. As a result of discussion:

Commission open to expansion of conforming aspects of non-conforming buildings. For example, a building with non-conforming corner side yard setback could be expanded on conforming sides (i.e. front, interior side, rear) without restriction.

Commission open to providing for the extension of non-conforming aspects of a structure. For example, a non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street. Similarly, a building with a non-conforming height could be added onto at the same height. The Commission appears to view expansion of non-conforming impervious surface coverage differently.

The Commission should have discussion regarding expanding a non-conforming aspect such as a non-conforming corner yard setback when another aspect of the proposed extension will result in a need for a variance.

Intensification of non-conforming aspect of a structure, for example, going closer to a lot line where the existing setback is already non-conforming, needs additional discussion.

Strack noted non-conforming uses of residential property are typically not at issue unless a non-conforming single-family dwelling in a commercial district is proposed for intensification through subdivision.

The Commission then discussed non-conformance in the RC-1 Commercial Residence District.

Strack noted non-conforming lots of record were allowed to have a conforming use established providing the setbacks were allowed.

Since the RC-1 is a blended district, Strack suggested referring to the previous discussion for residential uses.

Strack also recommended the Commission not allow expansion of non-conforming uses of property.

For commercial uses in RC-1 Strack requested discussion:

The Council and Commission seem open to expansion of conforming aspects of buildings allowed as a right. For example, building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).

The Council and Commission previously expressed an interest in providing for non-conforming aspects of structures under an administratively approved permit. For example, providing for expansion of a non-conforming corner yard setback provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street. Strack suggested the Commission discuss potential impact of expansion of a non-conforming commercial structure in this blended district on adjacent residential uses. In addition, Strack noted occasionally expansion of non-conforming structures can result in expansion of a non-conforming use, particularly in the instance where a commercial structure is being expanded.

If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension, but another aspect of the proposed extension will result in a need for a variance, expansion is not allowed. Commission should discuss if variance could be considered.

Smith noted expansion of a non-conforming corner yard setback could encroach into the viewshed at an intersection of streets.

Strack noted that could be an instance where intensification or expansion would not be allowed. A required site triangle is referenced throughout the code.

Eggers supported keeping viewing triangles free of structures.

Strack alluded to potential interest in expanding a non-conforming industrial use in the RC-1 District to an adjacent lot. This instance could be expansion of a non-conforming structure and a non-conforming use of property.

Helget noted a house on the adjacent lot has been demolished.

Smith stated setbacks would need to be maintained at some level.

Grundahl noted recent conversation with a property owner indicating this is a real question that could be before the Commission in the near-term.

Fahey noted variances could be requested or potentially rezoning.

Helget referenced spot-zoning.

Eggers expressed concern about neighboring residences. He further stated the whole zone is unique and varied.

Heher opined the entire district is why cities are interested in zoning and separating incompatible uses. Heher suggested the Commission devotes more time to reflecting on non-conformances in the RC-1 District.

7. New Business.

A. Planning Commission Work List.

Heher introduced the agenda item.

Strack the Commission at the September meeting had discussion on the volume of code amendments pending. She noted the Commission decided against a wholesale update of the code in favor of individual section updates provided a work list was kept.

Strack noted the work list was included in the packet and intended to be a monthly topic. Review items include:

Update of zoning definitions: public hearing held tonight.

Update of C-3 language for residential uses on first floor of commercial buildings: public hearing held tonight.

Potential update to non-conforming use standards: discussion on-going.

Rezone first tier of lots Railroad St W from Reform St to Progress Street. Property owners to be notified of potential change and hearing to be scheduled and held.

Shoreland overlay district text and map update (allow flexibility for height and impervious surface coverage). Public hearing to be scheduled and held.

Potential zoning map updates resulting from 2040 Comprehensive Plan update. Topic introduced in September, more discussion needed.

8. Miscellaneous.

A. Preserve Fifth Addition Letter.

Helget reported on a letter sent to residents in the Preserve Fifth Addition. The letter touched on: impervious surface/lot coverage, ownership of riparian areas, need for building permits prior to work being done, and the need for administrative permits for certain items. Helget noted some after-the-fact variance requests may be forthcoming. Helget reported receiving some phone calls in response to the letter.

Commissioners indicated a desire to see the information included in new resident information outreach. Commissioners expressed thanks to Administrator Helget for mailing the letter.

9. Commissioner Reports.

Commissioners Barr, Eggers, Hallquist, and Smith did not have updates.

Commissioner Fahey commented on National Night Out activity and noted meeting several residents and families. He opined it was a good event.

Commissioner Grundahl provided an update from the Parks Commission.

Heher provided updates from City Council meetings, including noting: (a) future City Council meetings will begin at 6 p.m. with work sessions following regular meetings; (b) the City entered a joint powers agreement with Carver County to distribute CARES Act funds; (c) the City and School District are discussing an agreement for recreational programs; (d) discussion regarding planting of sunflower fields around town; (e) preliminary budget was approved with a maximum three percent levy increase; (f) the City Engineer will be undertaking a feasibility study pertaining to the second lift station repair/replacement; (g) election judges were appointed; (h) a new employee was appointed, (i) an outdoor emergency siren was being installed in Prairie Dawn Park; (j) a water supply plan was

approved; and (k) a report on swimming pool operation was received.

Helget suggested Commissioners look at the Freedom Rock in Veteran's Park.

10. Adjourn

Motion – Smith, Seconded Eggers to adjourn the meeting. With a roll call vote all were in favor and the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Strack Consulting, LLC

Date: November 4, 2020 .

Re: Site Plan Approval: Kwik Trip Addition

Applicant: Kwik Trip Store #854
Property Owner: Convenience Store Investments; La Crosse WI
Subject Property Address: 520 Reform St N
Property ID: 580143851
Legal: Attached
Zoning Class: C-2 General Commercial – Valid CUP Exists
Requests: Site Plan Approval under Section 1210.08 of the City Code
Attachments: Application
Project narrative
Site aerial
Civil plan set
Full color building elevations
Building architectural floor plan
Photometric plan

BACKGROUND

Kwik Trip proposes a 1,470 square foot addition to an existing structure at 520 Reform Street North. The is proposed for an area of current greenspace between the existing convenience store and car wash. The expansion will accommodate additional mechanical and kitchen operations. The property is zoned C-2; General Commercial and has a compliant existing conditional use permit for the convenience store and gas station use. Site plan approval under Section 1210.08 of the City Code is required.

The total area of site disturbance is 3,185 square feet and includes temporary removal/replacement of existing sidewalk, bollards, and parking. Timeline for construction is immediate. Exterior materials for the proposed addition will match the existing materials as detailed in the attached full color building elevations. A new sanitary and grease line will be added as an exterior grease interceptor. The project is exempt from stormwater standards. No additional exterior lighting is proposed.

GENERAL INFORMATION

Comprehensive Plan:

The 2040 Comprehensive Plan illustrates commercial as the planned land use classification. The planned use is consistent with the proposed use.

District and Use:

The property is zoned C-2 General Commercial District. Section 1230.09, Subd. 4(C) provides for convenience stores with fuel as conditional uses. The property has an existing, valid CUP for the c-stores/fuel use. The proposed warehousing use is permitted within the subject district. Surrounding locale is a mix of commercial, public (school), and vacant property.

SITE PLAN REVIEW

Lot Performance Standards

The existing lot of record conforms to district performance standards. No changes in the lot dimension is proposed. The existing building and proposed addition conform with setback standards.

The maximum impervious surface coverage is limited to 80%, Sheet C102 (site plan) illustrates coverage with the addition totals 52.5%, well under the Code maximum.

Transportation

Ingress/egress to the site will not change. The addition is for food preparation and not expected to measurably increase trips generated.

Parking

Existing parking is not proposed for alteration. Section 1250.12(C) of the Code calculates the number of parking spaces needed for convenience stores based on floor area. The addition is not proposed as public floor area but kitchen use.

Under Code 20 parking spaces are required for the use and 32 are provided.

Architectural Design

Full color building elevations are included in the plan set. The proposed addition is to match existing brick façade.

Lighting

A photometric plan is included with the submittal. No additional exterior lighting is proposed.

Landscaping

The landscaping plan, Sheet C105 illustrates restoration of remaining grass area east and north of the addition.

Building/Site Signage

In the event any additional signage is contemplated, a separate permit is required and the standards contained in Section 1260 (Signs) of the City Code shall apply.

Utilities, Stormwater, and Erosion Control

The City Engineer has reviewed the site plan with comments forthcoming.

ADDITIONAL DEPARTMENT/AGENCY COMMENTS

Public Service Director: The plans have been forwarded to the Public Works Director Tony Voigt for review and comment. Director Voigt has reviewed and has no comments to include.

Fire Department: The plans have been forwarded to the Fire Chief Steve Zumberge for review. The Chief has reviewed and has no comments to include.

City Engineer: The plans have been forwarded to the City Engineer for review and comment. Comments are anticipated prior to the Planning Commission meeting.

RECOMMENDATION

After review and discussion, the Planning Commission may consider a MOTION to recommend approval or denial of the site plan to the City Council.

If the Planning Commission recommends denial of the site plan appropriate findings of fact shall be issued.

If the Planning Commission recommends approval of the site plan the following conditions are recommended:

1. The "Use" of the property is a convenience store with fuel at 520 Reform Street North. The 'site plan approval' pertains specifically to a 1,470 square foot addition to existing principal structure as illustrated in the attached site plan (Sheet C102).
2. All application materials and plan sets are hereby incorporated by reference and accepted in good faith by the City as the Applicant's intended development.
3. Areas disturbed by the construction of the addition shall be restored to pre-construction conditions.
4. Any change in signage shall require submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.
5. Building permits shall be required prior to any building construction or improvements on the property.
6. This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
7. This approval shall expire one year after date of approval unless the Applicants have commenced construction of the Use on the Property.
8. Approval of this site plan does not approve any future expansion or associated improvements on-site.
9. Any modifications not defined as "minor" pursuant to Section 1210.08, Subd. 4, shall require separate site plan approval.

ACTION

Consideration of the site plan is requested. A MOTION to recommend an action to the City Council is the appropriate method of action.

LEGAL DESCRIPTION OF PROPERTY

Part of the NW¼ of the NW¼ of Section 14, Township 115 North, Range 26 West, Carver County, Minnesota, described as follows: Commencing at a point on the West line of Section 14, Township 115 North of Range 26 West and 326.5 feet South of the Northwest corner of said Section 14; thence South along said West line of Section 14, 217.8 feet; thence East parallel to the North line of Section 14, 200 feet to a point; thence North parallel to the West line of Section 14, 217.8 feet to a point; thence West parallel to the North line of Section 14, Township 115 North, Range 26 West, 200 feet to the place of beginning

Also, Beginning at the Northwest corner of Section 14, Township 115 North, Range 26 West and running thence East along the North section line of said Section 14, a distance of 200 feet to a point; thence deflecting right 90 degrees 00 minutes and running South a distance of 326.7 feet to a point; thence deflecting right 90 degrees 00 minutes and running West along a line parallel with said North Section line, a distance of 200.00 feet to a point, said point being in the center of the County Road, known as State Aid Road No. 6; thence deflecting right 89 degrees 56 minutes 30 seconds and running North along the center line of said County Road, a distance of 326.5 feet to the Northwest Section corner of said Section 14, the place of beginning. EXCEPTING, therefrom the North 228 feet of said tract which had previously been conveyed

Together with and subject to a non-exclusive easement for driveway purposes over the South 16 feet of said parcel and the North 16 feet of the property adjacent to the South

AND

Part of the NW¼ of the NW¼ of Section 14, Township 115 North, Range 26 West, Carver County, Minnesota, described as follows: Commencing at the Northwest corner of Section 14, Township 115 North, Range 26 West; thence South 558.5 feet along the West line of said Section 14, to the point of beginning; Thence North 89 degrees 01 minutes East for 158 feet; thence South parallel with the West line of said Section 14 for 232.0 feet; thence South 89 degrees 01 minutes West 158 feet to the West line of said Section 14; thence North along the West line of said Section 14, 232 feet to the point of beginning

Together with non-exclusive easements for driveway purposes over the South 16 feet of the land adjoining said tract or parcel of land on the North and over the North 16 feet of the land adjoining said tract or parcel of land on the South

AND

Part of NW¼ of the NW¼ of Section 14, Township 115 North, Range 26 West, Carver County, Minnesota, described as follows: Commencing at a point 441.96 feet North of the Southwest corner of the NW¼ of the NW¼ of Section 14, Township 115 North of Range 26 West; thence North 340.94 feet along the West line of said Section 14; thence East at an internal angle of 90 degrees 59 minutes for a distance of 200 feet; thence due East at a right angle to the West line of said Section for a distance of 188.6 feet; thence due South parallel to the West line of said Section for a distance of 343.0 feet; thence due West to the point of beginning

EXCEPTING THEREFROM a tract of land described as: Commencing at the Northwest corner of Section 14, Township 115 North, Range 26 West; thence South 558.5 feet along the West line of said Section 14 to the point of beginning; thence North 89 degrees 1 minute East for a distance of 158.0 feet; thence South parallel with the West line of said Section 14 a distance of 232.0 feet; thence South 89 degrees 1 minute West for a distance of 158.0 feet to the West line of said Section 14; thence North along the West line of said Section 14 for a distance of 232.0 feet to the point of beginning, EXCEPT highway right-of-ways, if any and other roadways of record

ALSO, EXCEPTING THEREFROM that part of the NW¼ of the NW¼ of Section 14, Township 115, Range

26, Carver County, Minnesota, described as follows: Commencing at the Southwest corner of said NW¼ of the NW¼ of Section 14; thence on an assumed bearing of North 00 degrees 00 minutes 00 seconds East along the West line of said NW¼ of the NW¼, 441.96 feet; thence continuing North 00 degrees 00 minutes 00 seconds East along said West line 340.94 feet; thence North 89 degrees 01 minutes 00 seconds East 200.00 feet; thence North 90 degrees 00 minutes 00 seconds East 188.60 feet to the point of beginning of the tract to be described; thence continuing North 90 degrees 00 minutes 00 seconds East 159.70 feet; thence South 00 degrees 00 minutes 00 seconds West 326.80 feet; thence South 46 degrees 50 minutes 00 seconds East 9.79 feet to a point on the Northerly right-of-way line of Minnesota Trunk Highway Number 212; thence Westerly along said Northerly right-of-way line along a nontangential curve that is concave to the South, the center of circle of said curve bears South 01 degrees 08 minutes 31 seconds East from said point of intersection, said curve having a central angle of 02 degrees 33 minutes 06 seconds, a radius length of 3978.72 feet, an arc length of 177.19 feet; thence North 01 degrees 42 minutes 30 seconds East not tangent to last described curve, 341.13 feet to the point of beginning

AND ALSO EXCEPTING THEREFROM a tract of land described as: Commencing at a point on the West line of Section 14, Township 115 North, Range 26 West, and 326.5 feet South of the Northwest corner of said Section 14; thence South along said West line of Section 14, 217.8 feet; thence East parallel to the North line Section 14, 200 feet to a point; thence North parallel to the West line of Section 14, 217.8 feet to a point; thence West parallel to the North line of Section 14, Township 115 North of Range 26 West, 200 feet to the place of beginning

ALSO, beginning at the Northwest corner of Section 14, Township 115 North of Range 26 West; thence East along the North Section line of said Section 14, a distance of 200 feet to a point; thence deflecting right 90 degrees 00 minutes and running South a distance of 326.7 feet to a point; thence deflecting right 90 degrees 00 minutes and running West along a line parallel with said North Section line, a distance of 200.0 feet to a point, said point being in the center of the County Road, known as State Aid Road No. 6; thence deflecting right 89 degrees 66 minutes 30 seconds and running North along center line of said County Road, a distance of 326.5 feet to the Northwest section corner of said Section 14, the place of beginning. EXCEPTING THEREFROM the North 228 feet of said tract which has previously been conveyed

TOGETHER WITH and subject to a perpetual easement of ingress and egress as described in Volume 155 of Deeds, Page 451 as Document No. 47349

AND

Part of the NW¼ of the NW¼ of Section 14, Township 115 North, Range 26 West, Carver County, Minnesota, described as follows: Commencing at a point on the West line of Section 14, Township 115 North of Range 26 West and 326.5 feet South of the Northwest corner of said Section 14; thence South along said West line of Section 14, 217.8 feet to the point of beginning of the parcel to be described; thence East parallel with the North line of Section 14, 200 feet to a point; thence along a line hereinafter to be described as Line "A" South parallel to the West line of Section 14, 0.06 feet to it's intersection with the following described Line "B", Commencing at a point 441.96 feet North of the Southwest corner of the NW¼ of the NW¼ of Section 14, Township 115 North of Range 26 West; thence North 340.94 feet along the West line of said Section 14 to the point of beginning of said Line "B" to be described; thence along said Line "B" East at an internal angle of 90 degrees 59 minutes for a distance of 200 feet more or less to the intersection of said line "A"; thence West along said described line "B" 200 feet more or less to said West line of Section 14; thence North along said West line of Section 14 to the point of beginning of the parcel to be described



Planning and Zoning Application

City of Norwood Young America
 310 Elm St. W, PO Box 59
 Norwood Young America, MN 55368
 Phone: (952) 467-1800 Fax: (952) 467-1818

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|---|--|--|---|--|--|
| Applicant's Name Kwik Trip, Inc. - Chris McGuire | | Telephone 608-793-6205 | | | |
| Address (Street, City, State, ZIP) 1626 Oak St, La Crosse, WI 54602 | | | | | |
| Property Owner's Name (If different from above) Same as applicant | | Telephone | | | |
| Location of Project 520 Reform St N | | | | | |
| Legal Description Parcel ID: 580143851 - NW 1/4, NW 1/4, Sec. 14, T115, R26 | | | | | |
| Description of Request (Attach separate sheet, if necessary) Building addition with sanitary line installation. | | | | | |
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| <p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK Escrow Deposit \$2,000.00 Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews) Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p> <p style="text-align: center;">ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</p> <p style="text-align: center;">*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</p> | | | | | |
| The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances. | | | | | |
| Applicant's Signature: | | Date 10/14/2020 | | | |
| Fee Owner's Signature: Agent at | | Date 10/14/2020 | | | |
| For Office Use Only | | | | | |
| Accepted By: | Amount | Date | | | |



October 15, 2020

Project Narrative

Project: Kwik Trip Store #854 Renovations
520 Reform St N
Norwood Young America, MN
Excel Project No: 2033820

Kwik Trip, Inc. is requesting site plan review and approval for a building addition to expand mechanical and kitchen operations with sanitary line installation to the existing Kwik Trip located at 520 Reform St N. The property is zoned C-2; General Commercial and has an existing conditional use permit in place for the existing convenience store and gas station use.

The project will include a 1,470 SF addition on the east side of the building. The area of site disturbance is 3,185 SF / 0.07 AC. The exterior materials for the proposed addition will match the existing materials as detailed in the proposed colored elevations. A new sanitary and grease line have also been added as an exterior grease interceptor. The project is exempt from stormwater standards.



Location of
proposed addition

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 10/25/2020

RESOLUTION NO. 2013-20

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

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

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

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

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

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


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

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

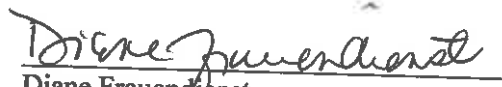
THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves the Applicants' request for a conditional use permit to allow a convenience store with motor fuel sales, on the subject property, subject to the following conditions:

1. Approval of Resolution 2013-19" A Resolution approving a site plan for Kwik Trip on property located at 320 Highway 212 W."
2. Installation of a hydrant north of the car wash
3. The developer shall pay for the cost of installation of a sidewalk or trail, when installed by the City in the future, along County Road 33/Hwy5/25 from Highway 212 to 7th Street, and on 7th Street from County Road 33 to the east edge of the Kwik Trip property.
4. Identification of a car wash sand trap and store grease trap on the plans
5. The applicant shall meet the performance standards established in Section 1245.01 of the Zoning Ordinance.
6. All necessary building permits shall be obtained prior to construction of the Use on the Property.
7. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.
8. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
9. The permit shall be subject to annual inspection and review by the City. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance.
10. The conditional use permitted under this Resolution 2013- shall be revoked if the Use ceases for more than 12 consecutive months.
11. The Use permitted under this Resolution 2013-20 may change to a permitted use in the C-2 District without further action by the City Council; however the Use may not change to another conditional use without a new application and approval by the City Council.

Adopted by the City Council this 8th day of April, 2013.


Mayor

ATTEST:


Diane Frauendienst
City Clerk/Treasurer



more than a place, it's home.

Planning and Zoning Application

City of Norwood Young America
 310 Elm St. W, PO Box 59
 Norwood Young America, MN 55368
 Phone: (952) 467-1800 Fax: (952) 467-1818

| | | | | | |
|---|--|--|---|--|--|
| Applicant's Name Kwik Trip, Inc. - Chris McGuire | | Telephone 608-793-6205 | | | |
| Address (Street, City, State, ZIP) 1626 Oak St, La Crosse, WI 54602 | | | | | |
| Property Owner's Name (If different from above) Same as applicant | | Telephone | | | |
| Location of Project 520 Reform St N | | | | | |
| Legal Description Parcel ID: 580143851 - NW 1/4, NW 1/4, Sec. 14, T115, R26 | | | | | |
| Description of Request (Attach separate sheet, if necessary) Building addition with sanitary line installation. | | | | | |
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| Applicant's Signature: | | Date 10/14/2020 | | | |
| Fee Owner's Signature: Agent at | | Date 10/14/2020 | | | |
| For Office Use Only | | | | | |
| Accepted By: | Amount | Date | | | |



October 15, 2020

Project Narrative

Project: Kwik Trip Store #854 Renovations
520 Reform St N
Norwood Young America, MN
Excel Project No: 2033820

Kwik Trip, Inc. is requesting site plan review and approval for a building addition to expand mechanical and kitchen operations with sanitary line installation to the existing Kwik Trip located at 520 Reform St N. The property is zoned C-2; General Commercial and has an existing conditional use permit in place for the existing convenience store and gas station use.

The project will include a 1,470 SF addition on the east side of the building. The area of site disturbance is 3,185 SF / 0.07 AC. The exterior materials for the proposed addition will match the existing materials as detailed in the proposed colored elevations. A new sanitary and grease line have also been added as an exterior grease interceptor. The project is exempt from stormwater standards.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 4, 2020

Re: Expansion of Non-Conformance

BACKGROUND

The Planning Commission has been discussing a code amendment to define 'expansion' as it relates to existing non-conforming uses, thereby allowing some flexibility in said expansions. The Commission is to continue review at the November meeting.

At the previous meeting:

Residential Districts:

1. The Commission reached consensus it was open to expansion of conforming aspects of non-conforming buildings. For example a building with non-conforming corner side yard setback could be expanded on conforming sides (i.e. front, interior side, rear) without restriction.
2. The Commission reached consensus it was open to providing for the extension of non-conforming aspects of a structure under administrative permit; however the Commission appeared to **not** support impervious surface coverage (i.e. a lot vs. structural standard).
3. A great amount of discussion occurred around the concept of **intensification** of non-conforming aspect of a structure, for example, going closer to a lot line where the existing setback is already non-conforming. **Additional discussion is needed as the Commission was split on potential to allow, especially within the original townsite. Strack was to bring back ideas for limiting percentages of non-conformance. After additional reflection I recommend the City not provide for intensification under non-conformance language. From an administrative perspective the City could entertain a variance, however, including such language in the non-conformance expansion process would seem to encourage intensification which could be problematic.**
4. **The Commission should have discussion regarding expanding a non-conforming aspect such as a non-conforming corner yard setback when another aspect of the proposed extension will result in a need for a variance.**

RC-1 Residential Neighborhood Commercial:

- The Commission had significant discussion with regard to non-conforming uses in this district. Consensus was **the Commission was to reflect on non-conformance in this district between meetings.** **A potential solution to limiting complexity of this district is to allow expansion of non-conforming, non-residential structures on a case by case basis through a variance.** Expansion of non-conforming uses would seem to remain problematic.

NON CONFORMANCE DISCUSSION GUIDE

| Zoning Classification | Non-Conforming Lot Expansion (Existing lots of record) | Non-Conforming Structure Expansion | Non-Conforming Use Expansion |
|---|--|--|------------------------------|
| <p>R-1 Low Density Single Family Residential</p> <p>R-2 Medium Density Single Family Residential</p> <p>R-3 Medium Density Mixed Residential</p> <p>R-4 Multiple Family Residential</p> | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p> | <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion.</i></p> <p>NOTE: The Commission may not wish to treat all residential districts alike.</p> | <p>Not allowed</p> |

NON CONFORMANCE DISCUSSION GUIDE

| Zoning Classification | Non-Conforming Lot Expansion (Existing lots of record) | Non-Conforming Structure Expansion | Non-Conforming Use Expansion |
|--|--|--|------------------------------|
| RC-1 Residential Neighborhood Commercial | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p> | <p>For residential uses, see discussion above.</p> <p>For Commercial uses:</p> <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street. (Commission should discuss potential impact on adjacent residential uses and may wish to require formal review/approval by Commission and Council).</p> | <p>Not allowed</p> |

NON CONFORMANCE DISCUSSION GUIDE

| Zoning Classification | Non-Conforming Lot Expansion (Existing lots of record) | Non-Conforming Structure Expansion | Non-Conforming Use Expansion |
|------------------------|--|--|--|
| C-2 General Commercial | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p> | <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion</i></p> | <p>Consider under variance.</p> <p>Consider not allowing expansion of outdoor storage.</p> |
| C-3 Downtown Districts | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p> | <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street. <i>(Commission should discuss potential impact on adjacent residential uses and may wish to require formal review/approval by Commission and Council).</i></p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, expansion is not allowed. <i>(Commission should discuss if variance could be considered)</i></p> | <p>Not allowed</p> |

NON CONFORMANCE DISCUSSION GUIDE

| Zoning Classification | Non-Conforming Lot Expansion (Existing lots of record) | Non-Conforming Structure Expansion | Non-Conforming Use Expansion |
|---|--|---|---|
| <p>B-1 Business Industrial District</p> | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p> | <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion</i></p> <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> | <p>Consider under variance, including outdoor storage</p> |
| <p>I-1 Light Industrial District</p> | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does <u>NOT</u> apply to new lots being created.</p> | <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If a non-conforming aspect such as a non-conforming corner yard setback is proposed for extension but another aspect of the proposed extension will result in a need for a variance, then a variance must be approved prior to the administrative approval of a non-conformance expansion permit. <i>Alternate: delete variance allowance and simply don't allow expansion</i></p> | <p>Consider under variance, including outdoor storage</p> |

NON CONFORMANCE DISCUSSION GUIDE

| Zoning Classification | Non-Conforming Lot Expansion (Existing lots of record) | Non-Conforming Structure Expansion | Non-Conforming Use Expansion |
|-----------------------|--|--|------------------------------|
| TA Transitional Ag | <p>Already provided for existing lots of record as long as setbacks are met. No change needed.</p> <p>Does NOT apply to new lots being created.</p> | <p>Expansion of conforming aspects of buildings allowed as a right. For example building with non-conforming corner side yard setback can be expanded on conforming sides (i.e. front, interior side, rear).</p> <p>Non-conforming aspects, such as non-conforming corner yard setback can be extended under an administratively approved expansion permit provided all other aspects are conforming and the non-conformance is not intensified by further encroaching toward the corner street.</p> <p>If proposed change results in need for a variance or another aspect of the structure becoming non-conforming prohibit.</p> | |

ACTION

Discussion of potential standards.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 4, 2020

Re: Planning Commission Work List

BACKGROUND

The Planning Commission has requested an itemized work list of code amendments. The following are pending changes:

| WORK LIST ITEM | STATUS |
|--|--|
| 1. Update of zoning definitions | Council approved 10/26/20 |
| 2. Update of C-3 language for residential uses on first floor of commercial buildings | Council approved 10/26/20 |
| 3. Potential update to non-conforming use standards | Discussion on 10/6/20; additional expected at November meeting. |
| 4. Rezone first tier of lots Railroad St W from Reform St to Progress St | Property owners to be notified of potential change and hearing to be scheduled and held |
| 5. Shoreland overlay district text and map update (allow flexibility for height and impervious surface coverage) | Public hearing to be scheduled and held, based on map and text updates previously discussed. No additional 'old townsite' area in Brand Lake shoreland overlay recommended by DNR. |
| 6. Potential zoning map updates resulting from 2040 Comprehensive Plan update | Topic introduced in September, more discussion needed |

ACTION

This item is for information