

City of Nowthen
PLANNING & ZONING COMMISSION MEETING
TUESDAY, FEBRUARY 23, 2021
AGENDA
7 PM

- **THIS WILL BE AN IN-PERSON MEETING.**
- **NOTE THE STAGGERED TIMES FOR EACH AGENDA ITEM.**
- **MASKS ARE REQUIRED; PLEASE PRACTICE SOCIAL DISTANCING.**
- **PLEASE ARRIVE AT THE DESIGNATED PUBLIC HEARING TIME AND THEN EXIT THE BUILDING ONCE THE COMMISSION IS THROUGH DISCUSSING THE AGENDA ITEM FOR WHICH YOU ARE IN ATTENDANCE.**

 **Called to Order**

- **Pledge of Allegiance**
 - **Roll Call**
 - **Approve/Amend tonight's meeting agenda of February 23, 2021.**
 - **Approve the Planning & Zoning Meeting minutes of January 26, 2021.**
- 1. 7:00 PM: PUBLIC HEARING, Cote Lot Reconfiguration and Flag Lot Conditional Use Permit**
A REQUEST by Jim and Kristin Cote for property owned on 201st Avenue (PIDs 20-33-25-32-0002 and 20-33-25-33-0001), to reconfigure the 58.47 acre parcel to split off a 10-acre flag lot (Parcel A) and keep the remaining 48.47 acres as Parcel B. A CONDITIONAL USE PERMIT is required to allow access via a flag lot (33-foot strip of land) to Parcel A, under City Code Section 10-3-4.G.
 - 2. 7:20 PM: PUBLIC HEARING, Leistico Preliminary/Final Plat and Conditional Use Permit for Deferral of Street Paving Requirements** - A PRELIMINARY and FINAL PLAT by the Leistico Estate (PID 09-33-25-34-0002, 09-33-25-34-0003, and 09-33-25-33-0008) at 21413 Nowthen Blvd to subdivide three (3) existing lots into four (4) buildable parcels and two (2) outlots for the purpose of distributing land among family members and separate the farmstead from the balance of land. A CONDITIONAL USE PERMIT is required to allow deferral of street paving requirements under City Code Section 10-3-3.C.
 - 3. 8:00 PM: PUBLIC HEARING, Carr's Tree Service** – A REQUEST by Carr's Tree Service for property owned at 19477 St. Francis Boulevard (PID 25-33-25-24-0011) for development of a portion of the 5.39 acre site. The property is zoned C-1, Commercial, which permits landscaping and service-oriented businesses and involves the following applications:
 - a. An INTERIM USE PERMIT** to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.

- b. An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.
 - c. A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses.
 - d. A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel.
4. **8:30 PM: PUBLIC HEARING, Phases Two and Three Brand Name Storage** – A **CONDITIONAL USE PERMIT & SITE PLAN** by Josh Peterson for property owned at 8335/8359 Viking Boulevard to allow multiple buildings on a single parcel, and for a **MINOR SUBDIVISION** (lot line reconfiguration) to allow Phases Two and Three of the Name Brand Storage Facility (PIDs# 20-33-25-43-0012, 20-33-25-43-0013) to be developed on existing industrial land. A **VARIANCE** is required to allow a six (6) foot side yard setback to the house on Parcel B to allow for Phase 2 construction. Pending construction of Phase 3, the farm house and all outbuildings will be removed.


*****This agenda item needs to be continued to the March meeting; revised plans were not submitted in time for review prior to the February meeting.***

5. DISCUSSION:

- a. Planning & Zoning Commission Policy

6. UPCOMING PROJECTS:

- a. Volunteers of America, 22426 St. Francis Blvd.
- b. CST Industrial Subdivision & Development, St. Francis Blvd
- c. Dryden Minor Subdivision, 6700 Viking Blvd.

 Motion to Adjourn

MOTION BY AMES; 2ND BY SCHILLER TO CONTINUE PUBLIC HEARING TO THE FEBRUARY 23, 2021 PLANNING & ZONING COMMISSION MEETING. ROLL CALL VOTE UNANIMOUS. MOTION CARRIED.

3. CONCEPT PLAN REVIEW, Schmidtbauer – 7820 Viking Blvd. (PID 28-33-25-22-0006)

Conceptual development plan for 21.55 acres located in the southeast quadrant of Viking Boulevard and Nowthen Boulevard for the creation of 3 commercial/industrial lots and consideration of possible rezoning request from C-1, Commercial to I-1, Industrial.

Planner Stockman presented her Report. It is a tough site, considering wetlands and the presence of the church there. Not as much visibility and no marketability with any of the lots as existing now. Neither the church nor Mahutga's are interested in selling at this point to allow for more maneuverability. Rezoning may not need Comp Plan amendment. Schmidtbauer's first option is to rezone all of to industrial, wrapping behind the church, excludes the existing residence to the south. Option 2 allows for 2 high visibility Commercial parcels along Viking Blvd and Nowthen Blvd, and an Industrial lot in the back corner. Option 3 allows one commercial lot with high visibility along Viking Blvd, and the area to the south being rezoned as Industrial, with access potential from Nowthen Blvd.

Schiller asked why this could not all be zoned industrial. Stockman responded that the long term plan is to preserve land for potential commercial as much as possible. There was previously a 40 acre parcel that was included, but it was removed in the 2040 Comp Plan. Exhibit 1, Land Use Policies from the 2040 Comp Plan, includes a plan for the City Center in this area eventually. Planner Stockman's recommendation is to add some industrial use in the back of the lot. She feels strongly that the parcels that touch the roadways should be left commercial. Schiller & Pearo like Option 2. Ames is concerned that we are giving up some commercial property. Pearo asked if does change to industrial, could it be changed back to commercial. Stockman said that is possible.

Stockman said that industrial use impacts on residential neighbors would require 100-foot buffer, which is already largely in place naturally with the wetlands. Industrial uses are generally better neighbors than commercial uses.

Schmidtbauer said that Option 2 is not economically feasible when you factor in making a road through an empty commercial lot into the industrial section. Pearo asked how many lots were planned. Schmidtbauer responded that the 4 commercial lots could potentially turn into 5 industrial lots. EG Rude Co, concluded that there is no feasible way to access the industrial area in the back, if the parcels abutting the roadways remain commercial. There is no demand for commercial land in Nowthen at this time. Option 3 would be feasible for him to make a road access from Nowthen Blvd, and the commercial lots along Viking Blvd would sit vacant for the foreseeable next decade or two. Pearo & Schiller are ok with Option 3, considering current demands. Jorgensen said to keep in mind that Viking Blvd/CSAH 22 may not be a county road forever. It may be a state hwy. The rest of the considerations can be juggled to make it financially suitable for development. Jorgensen is agreeable with Option 3 at this time.

No formal motion is needed at this time. A Public hearing will be noticed if Schmidtbauer desires to move forward. Schmidtbauer will take the comments and make decisions to present formally.

4. MINOR SUBDIVISION, Joe Green – 5259 Viking Blvd. (PID 24-33-25-43-0002)

Joe Green and Kent Roessler are requesting subdivision of a 60.56 acre parcel to split off a 10 acre parcel which encompasses the house and accessory buildings.

Planner Stockman presented her Report. Green wants to purchase the parcel from Roessler. Initial plan was to split Administratively, but with frontage road and future development factors, this needed to go through the approval process. County & State had no significant comments, as no development changes are recommended at this time. They are trusting that the City will make the right decision.

Applicant Representative Alan Hamel said they are asking for a very simple lot split. It appears that the only question is regarding the service road concept. Hamel is a city planner and developer. He has never had a request for an easement for a possible roadway, based on a development concept plan for who knows when. The dedication of an easement, based on a concept, does not make any sense at all. The City will be dealing with this property for decades – probably 30-50 years – to develop this area. The roadway easement may need to be vacated at some point in the future. He recommends deleting conditions 2,3,4 & 5 from the findings, and approving the lot split request at this time. The likelihood of the roadway being exactly as proposed now is very little. He has been through a multitude of developments over the years, and this requirement is unheard of in his experience.

Pearo said there is no hindrance to designating the easement at this time, as it will not hinder the land from being farmed. Jorgensen said that if it is a county or state road, they will come in and purchase the land they need. They will not buy the land until they are ready to use it.

Stockman agrees that it is hard to pinpoint the location of the road, but the intent is to serve all the industrial land to the north of this area. The easement dedication at least insures access and the ability to negotiate with owners in the future. Hamel explained that the concept is the road plan. The lot split is just a plain lot split with no land use changes.

Stockman said the Commission needs to decide if it is going to recommend requiring the easements or if it will recommend approving the lot split as requested.

AMES MADE THE MOTION TO GO ALONG WITH THE ROAD CONCEPT PLAN SUBMITTED BY PLANNER STOCKMAN. MOTION FAILED FOR LACK OF A 2ND. JORGENSEN MADE THE MOTION TO APPROVE THE LOT SPLIT WITHOUT THE ROAD CONCEPT PLAN AND EASEMENT DEDICATION, REMOVING CONDITIONS 2, 3, 4, & 5 AS REQUESTED.

Jorgensen said the road concept is a guess. There are too many unknowns to try to dedicate the easement at this time. **SCHILLER 2ND.**

ROLL CALL VOTE. AYES: JORGENSEN, SCHILLER, PEARO; NAY: AMES. MOTION CARRIED.

5. UPCOMING PROJECTS:

- a. Leistico Final Plat & Street Paving Deferral
- b. Cote Lot Split (west of Mueller property on 201st Ave) & Flag Lot CUP
- c. Carr's Tree Service?
- d. Volunteers of America?

Planner Stockman presented the upcoming projects list for future consideration. There are 4 upcoming projects, and zoning applications are coming in steadily. Stockman presented the idea of having 2 PZ Meetings in February, as there are no Park & Rec or Road & Bridge Committee meetings any longer. Commission members & liaison would all be willing to have meetings on the 3rd and 4th Tuesdays in February.

Pilon said the Council will make the decision whether to have in person or on line meetings, as the Governor's order states that government bodies may meet in person if needed.

Motion to Adjourn by Jorgensen; 2nd by Pearo. All in favor. Meeting adjourned at 8:29 PM.

Respectfully Submitted,

Ellen Lendt, Deputy Clerk

Dale Ames, Chairman



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Nowthen Mayor & City Council
Nowthen Planning & Zoning Commission

FROM: Elizabeth Stockman

DATE: February 16, 2021

RE: Nowthen – Cote Lot Split and Flag Lot CUP, 201st Avenue
(PIDs 20-33-25-32-0002 and 20-33-25-33-0001)

TPC FILE: 122.02 – 20.19

BACKGROUND

Jim Cote has made application for a Two-Lot Minor Subdivision and Flag Lot Conditional Use Permit (CUP) for property located on 201st Avenue NW (County Road 65) near the Tiger Street intersection, on the south side of 201st Avenue and +/-1,320 feet west of the existing business park. The subject property totals 58.48 acres, is currently under agricultural land use and includes two existing parcels to be reconfigured to accommodate two new residences.

A Conditional Use Permit has been requested to allow a flag lot with a 33-foot access on the east side of the property for ingress/egress to the southeast corner. This corner is physically separated from the balance of the parcel by a series of county and private ditches, including Anoka County Ditch #27, classified as wetlands. The property is zoned RRA, Rural Residential Agriculture.

Exhibits:

- A Lot Split Application (3 pages)
- B CUP Application (3 pages)
- C Site Location
- D Certificate of Survey
- E Lot Area Exhibit
- F Delineated Wetlands
- G Hydric Soils
- H County Ditch and Culvert Locations
- I Detail of Ditch Crossing Locations and Buried Culvert

- J 2040 Land Use
- K Aerial Photo
- L Frontage Road Plan
- M Wetlands with Future Street Concept
- N Soil Borings Parcel A (2 pages)
- O Soil Borings Parcel B (2 pages)
- P Anoka County Review
- Q Engineering Review
- R Findings of Fact

ANALYSIS

Zoning and Land Use Plan Consistency

The property is zoned RRA, Rural Residential Agriculture. Both proposed parcels exceed the minimum lot size requirement of five (5) acres as required under Section 11-3-5.F, RRA District standards, which is consistent with the low density residential land use designation on the City’s 2040 Land Use Plan.

Minor Subdivision

Lot splits must follow the processing provisions for minor subdivisions set forth in the City Subdivision Ordinance Section 10-9, except that the City Council may exempt the applicant from complying with some of the regulations as deemed appropriate (Section 10-9-2) under the minor subdivision regulations. This does not include stormwater or wetland regulations as it relates to the wetland impacts discussed herein; wetlands are regulated under State law and the City does not have authority to exempt requirements related to the Wetland Conservation Act.

The applicants are reconfiguring two existing parcels (33.96 and 24.49 acres) to create a 10.0 acre lot (Parcel A) and a 48.48 acre lot (Parcel B), as shown in Exhibit D. A site survey has been submitted as required under Section 10-9-3 of the City Subdivision Ordinance which allows the Planning Commission to make recommendations to the City Council relating to the arrangement, sizes, and relationship of proposed tracts to be conveyed for building purposes, tracts to be used for access to building sites, and tracts to be used as easements, for streets, utilities, or drainage.

Flag Lot Conditional Use Permit

Section 10-3-4.G of the Nowthen Subdivision Ordinance states that flag lots and access easements shall generally not be permitted, except under unique circumstances and through approval of a Conditional Use Permit where practical difficulties can be shown to exist due to natural features, physical constraints, or existing street and lot arrangements.

The City Council must make a finding that practical difficulties exist on this site. Does the site involve unique circumstances related to natural features, physical constraints or existing street/lot arrangements? The site contains a significant number of wetlands, both county and

private ditches, and the southeast corner of the site is physically separated from the rest of the property. A 33-foot access exists on the east side of the property from which the flag lot would extend.

If the justification for the approval of flag lots exists, the following minimum flag lot standards shall apply:

1. Flag lots and access easements shall only be allowed in residential zoning districts.

Comment: The Cote property is zoned RRA, Rural Residential Agriculture.

2. The creation of a flag lot should not prevent the possibility of future development of other adjacent or interior parcels without a public street being extended to them through the parcel for which the flag lot is requested.

Comment: The future full intersection at Viking Boulevard has been determined by county access spacing adopted as part of the City's Frontage Road Plan and shown in Exhibits L and M. Land directly south and east of the Cote property will likely become some combination of commercial and/or industrial zoning given the proximity of CSAH 22 to the south and the City's industrial park to the east. Parcel A is considered somewhat of a transition parcel and could remain as low density residential or could be designated commercial/industrial at some point in the future.

3. The potential negative impacts on neighboring property values are considered, including but not limited to privacy and visual impact, and the subdivision will not have an adverse impact on existing or future residences in the vicinity. Screening may be required via vegetation and/or fencing.

Comment: The City Council may attach screening, fencing or other requirements as a condition of approval to protect neighboring properties, however, a buffer of natural vegetation exists along the ditch areas and property lines of Parcel A which creates somewhat of a barrier from neighboring properties. The proposed residences will lie 700 feet or more from neighboring homes.

4. Not more than one (1) flag lot may be created as part of any minor subdivision or subdivisions involving up to ten (10) lots. In subdivisions involving ten (10) or more lots, no more than ten (10) percent of the lots may be flag lots.

Comment: Only one flag lot is being created.

5. All minimum front, side and rear setbacks for principal and accessory structures can be met on the flag or new lot as well as the parcel from which the lot was split. All setbacks shall be measured from that point where the "flag pole" portion of the flag lot (or the access easement in existing situations) ends. Both lots must be large

enough to accommodate the number and square footage of accessory structures as allowed in the Zoning Ordinance.

Comment: The proposed lot split meets all of these requirements. There is no limit to the number or size of accessory structures on lots which encompass 10 acres or more per Zoning Ordinance Section 11-4-2, however, structures must meet required setbacks and be located outside of wetland buffers.

6. An existing flag lot or lot provided access via an existing easement may not be split without the provision of public street access. Direct access to a public street and ownership of the “flag pole” portion of a flag lot is required. New access easements are prohibited.

Comment: The flag pole portion of Parcel A is not an easement, but is proposed as a 33 foot owned strip of land, providing direct lot access to 201st Avenue.

7. For lots which will gain access from a local roadway, any new driveway access must be separated from other driveways a distance equal to one-half (1/2) the minimum lot frontage requirement of the zoning district in which it is located unless otherwise approved by the City Council.

Comment: The flag lot encompasses an existing gravel driveway/farm access, which is +/- 400 feet from the driveway to the west and +/-560 feet from the driveway to the east. The minimum lot frontage for the RRA District is 150 feet, so the existing driveway/flag lot access meets this requirement by exceeding the required 75 foot separation.

8. The width of the “flag pole” or access drive may be no less than sixty-six (66) feet, except as may be allowed by the City Council in situations where no possibility of street extension exists, the width may be reduced to thirty-three (33) feet . No structures of any kind may be built within the “flag pole” portion of the lot or within easements.

Comment: The width of the flag lot access is 33 feet, which is limited by existing conditions near 201st Avenue. As proposed, Parcel A terminates at the McCrae property (to the south) which fronts on CSAH 22 and will likely be designated commercial in future years.

9. The driveway surfacing, clearance and radius must be designed to accommodate emergency fire vehicles.

Comment: City Code Section 11-6-2.J.4 states that all new principal uses shall be required to provide driveway access that complies with width, clearance and other requirements as outlined in subsequent sections herein.

10. The address of the flag lot (or existing parcels accessed via an easement) must be clearly visible from the public street.

Comment: This will be made a condition of approval. The address should be clearly visible on both sides of the mailbox and/or on a placard located at the end of the driveway.

11. Drainage and utility easements shall be provided as required in the City's Subdivision Ordinance or as recommended by the City Engineer and approved by the City Council. The final plat or certificate of survey must include a driveway plan and utility plan.

Comment: The City Subdivision Ordinance Section 10-3-4.L requires easements for drainage purposes over ditches, drainage ways and water courses, unless otherwise waived by the City Council. Establishing easements for drainage and utility easements over ditches allows for future inspections and maintenance.

Section 10-3-4.L: Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff. Easements for drainage purposes shall be not less than twenty (20) feet in width. In the case of a county ditch, the subdivider shall be required to dedicate a one hundred (100) foot total width of easement.

12. The City Council may require the driveway(s) to be paved or require installation of curb, gutter and other drainage control measures to prevent runoff from entering neighboring properties.

Comment: The City Engineer does not have any concerns relative to drainage or runoff from the proposed gravel driveways.

13. If a shared driveway is proposed, a driveway maintenance agreement shall be recorded with Anoka County which insures perpetual shared maintenance and repair of the accessway among property owners.

Comment: Not applicable.

Lot Width and Public Street Frontage. The Subdivision and Zoning Ordinances require a minimum lot width of 300 feet and a minimum of 150 feet of lot frontage on a public street. Application for a flag lot CUP allows Parcel A to be approved with a 33-foot access for which practical difficulties must be documented and the flag lot criteria met as outlined above. The width and lot frontage requirements of Parcel B comply with said standards.

Wetland Delineation and Impacts. Exhibits E and F show the delineated boundaries of the ditches and wetlands outlined in the delineation report which has been reviewed and approved in previous months. Driveway access to Parcel A requires wetland crossings in two locations for which a de minimus exemption may possibly be utilized. The applicants are currently working with Anoka County and the Local Government Unit (LGU) to gain the necessary permits to move forward. The two crossing locations are identified in Exhibit I.

In addition to the wetland impacts related to driveway crossings, there is a buried culvert in a portion of County Ditch #27 and flooding issues in the City's Industrial Park to the east which may require further investigation. The City Engineer has recommended that the buried culvert and any obstructions be removed from the ditch as a condition of approval. A TEP (Technical Evaluation Panel) meeting was held on February 9, 2021 to review all wetland issues related to the pending impacts.

The previous land owner constructed an improved driveway/field road access and likely culverts without the necessary review and approval; the de minimus amount to be calculated as part of the current application must include any existing wetland impacts. If the de minimus exemption cannot be met for the two driveway crossings, the applicants/land owner will be required to go through a wetland replacement application, which includes purchasing credits and proving that they can't avoid wetland impact (following sequencing requirements). WCA requires the replacement of the lost public value caused by unavoidable wetland impacts that comply with the special considerations of Minnesota Rule 8420.0515 and the sequencing requirements of Minnesota Rule 8420.0520. While wetland replacement ratios may vary, in Anoka County, wetlands are often replaced at a 2:1 ratio.

The following items are a summary of actions which were recommended by the TEP panel:

1. The TEP panel is hopeful that the two crossings will fall under the de minimus limit of 2,500 SF total. If not, wetland credits will need to be purchased for replacement following the WCA sequencing process.
2. The TEP panel agreed to consider the wetland Types as 1 and 2, with a moderate wetland buffer (20 feet) so that a MNRAM will not be required, even though the delineation shows a combination Type 1-2-3 wetland for Basin 1 (Exhibit F).
3. The TEP panel is recommending that the new culverts be placed at the existing invert elevations or according to the original plans for the public ditch (bottom ditch elevation), unless otherwise required by Anoka County (public crossing in Ditch #27) or the City Engineer (private crossing).
4. Information required as part of de minimus application/city review:

- a. The property owner's engineer/surveyor will be preparing detailed drawings of the wetland impacts, proposed culvert sizes, driveway width/improvements, and side slopes.
- b. Detailed drawings shall include plan view and profiles/sections showing existing and proposed conditions.
- c. Invert elevations (existing and proposed) on both ends of the existing culvert.
- d. Culvert sizes and lengths, including flared ends, side slope information to assist in determination of impacts.
- e. A detailed drawing which shows the required twenty (20) foot buffer along the north-south portion of the ditch in relation to the proposed driveway, demonstrating that the driveway can be located outside of the buffer. Grading can occur within the buffer provided the buffer is reestablished with perennial cover/natural vegetation.
- f. If the proposed driveway cannot be located to avoid the 20 foot buffer, application must be made with the City for a Buffer Variance under the City's Stormwater Management Plan (adopted as part of the City Code). This will require a public hearing.
- g. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code. Driveway minimum standards require conformance with Section 10-3-3 of the City Code: Local streets shall be designed so the base and subbase requirements, as set forth in the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavement. In all cases, at least the top six (6) inches of the base shall be Class 5 gravel or a material as approved by the City Engineer.

Lot Buildability Standards. The City's Subdivision Ordinance requires adherence to minimum lot buildability standards such as gross and net land area, identification of water table and soil types, slope limitations, minimum basement elevation, and requirement of an alternative drain field site as contained in Section 10-3-5. The City Engineer has noted that fill will be required to meet the lot buildability requirements and create the required 3 feet of separation between the final surface elevation and the highest known water table.

Driveway Access to County Road 65 (201st Avenue) Access to 201st Avenue is subject to review and approval of Anoka County as outlined in Exhibit O which supports the location of the driveway for Parcel A along the eastern property line and the driveway for Parcel B within 30 feet of the western property line. The City's Zoning Ordinance requires that a driveway be setback a minimum of five (5) feet to a property line. Recent adoption of Ordinance 2020-01 on

January 12, 2021 changed the required minimum setback for a driveway to 15 feet. Since the new requirement was not published prior to application by the Cotes for the flag lot CUP, it is recommended that the five-foot setback be applied within the 33-foot flag lot access. The driveway on the west side of the property which provides access to Parcel B would have no problem being located 15 feet from the western lot line and still being within 30 feet of this lot line as required by Anoka County. This provides adequate snow storage space without impacting adjacent properties to the west and also allows space for the planting of trees as a buffer (if desired), which shall be recommended as a condition of approval.

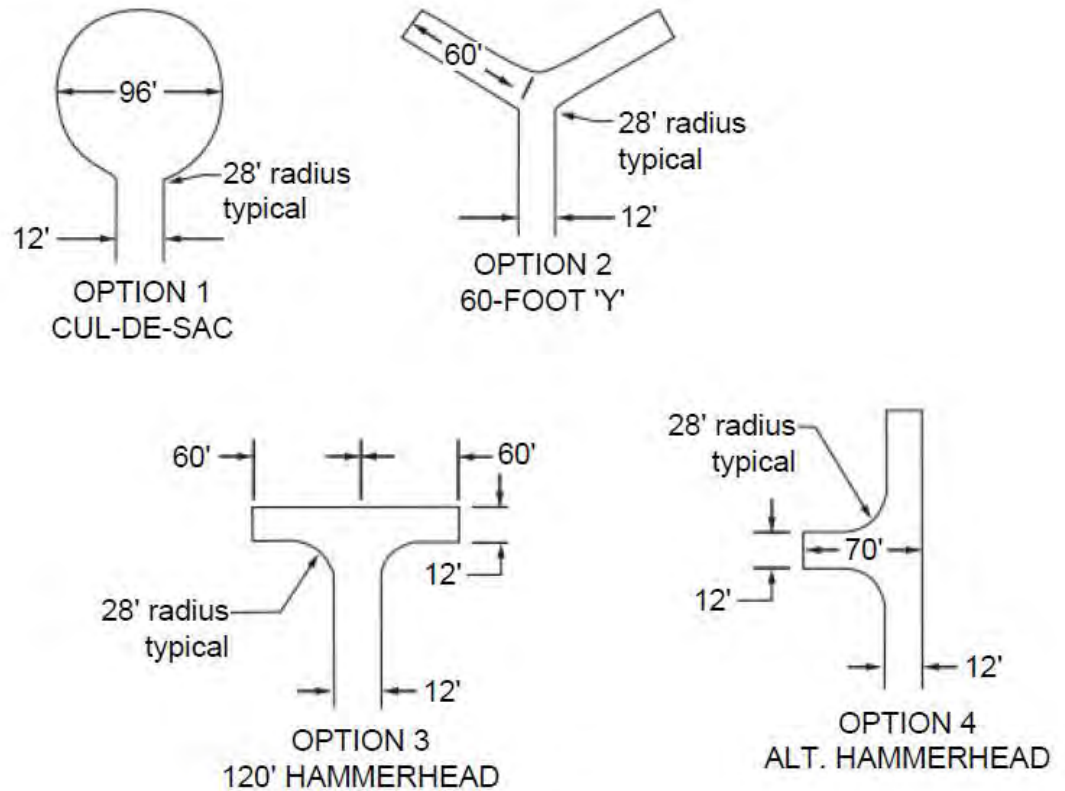
Additional Permanent Road Easement. Anoka County's review letter does not address the provision of additional permanent road easement for County Road 65/201st Avenue for which 60 feet is typical, as measured from the centerline, and which is what's been required in other locations along this stretch. TPC has emailed Anoka County to inquire about this provision.

Sewage Treatment Systems. The Minnesota Pollution Control Agency publishes and oversees rules related to Subsurface Sewage Treatment Systems and the land where they are located. Section 7082.0100 subpart 3.F. of the current septic code stipulates that an area needs to be designated for two Type I systems for each parcel created.

The site survey shows the locations of the proposed drainfields and that both lots are capable of supporting primary and secondary septic system sites. The primary and secondary sites on Parcel A must be located a minimum of ten (10) feet from the lot lines. The City Engineer's Memo has made note that the location of the drainfield(s) on Parcel A do not allow for half (33 feet) of the future road right-of-way as adopted as part of the City's Frontage Road Plan shown in Exhibit L. The City Council may require that the septic system setbacks be 43 feet (one half the ROW plus the 10 foot setback) or the future road could, as an alternative, be located immediately adjacent to the subject property.

Driveway Minimum Standards. City Code Section 11-6-2.J.4 states that all new principal uses shall be required to provide driveway access that complies with the following:

1. The driveway shall be a minimum of twelve (12) feet in width for single dwellings or two dwellings which share a driveway and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
2. The driveway shall be a minimum of twenty (20) feet in width for three or more dwellings sharing a driveway access.
3. Optional Turnaround Designs:



- Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Stormwater Calculations. Stormwater calculations are required to appropriately size the culverts at the two proposed driveway crossings. As noted in the City Engineer’s Memo, the contributing drainage area through the property is significant and includes water from north of 201st Avenue, west of the property (residential area) and east from the industrial park.

Park and Trail Dedication Requirements. The Cote property encompasses two parcels both before and after the proposed lot reconfiguration and thereby does not create additional buildable parcels subject to park and trail dedication requirements.

CONCLUSION & POSSIBLE MOTIONS

Approval of the lot reconfiguration and flag lot CUP for the Cote property within the RRA District is a decision to be made by the City Council after consideration of the subdivision and zoning regulations outlined herein.

Motion to **approve** the lot split/reconfiguration and a CUP allowing a 33 foot flag lot access within the RRA Zoning District, based on demonstration that the request is consistent with Comprehensive Plan, Subdivision and Zoning Ordinance regulations, and subject to the conditions (as may be amended) attached in the findings of fact.

Motion to **deny** the application based on a finding that the request is inconsistent with the Comprehensive Plan or Zoning Ordinance.

Motion to **table/continue** the lot split and CUP request until a future meeting.

c: Lori Streich, City Clerk
 Ellen Lendt, Deputy Clerk
 Shane Nelson, City Engineer
 Kaci Fisher, Wetland Specialist
 Jim and Kristin Cote, Applicants



The City of
Nowthen
"Where it still feels like country"

8188 199th Avenue NW
Nowthen, MN 55330
763-441-1347 Office
763-441-7013 Fax

<p>Application for:</p> <p><input type="checkbox"/> MINOR SUBDIVISION (3 OR LESS LOTS) Base Fee: \$200 + \$50/lot Escrow: \$1000</p> <p><input checked="" type="checkbox"/> LOT SPLIT OR LOT RECONFIGURATION Base Fee: \$200 Escrow: \$1000 (Escrow reduced to \$500 for Admin. Review of a 2-lot split; must be approved in advance by Zoning Administrator)</p> <p>Amt. Due: \$1200 Amt. Paid: \$1200</p> <p>Check# 5276 Receipt# 2102003 4062 210252</p>	<p>Date Application Received: <u>2-1-21</u></p> <p>Date Application Complete: <u>2-1-21</u> <small>(60-day review period starts from this date)</small></p> <p>Planning & Zoning Commission Date: <u>2-16-21</u></p> <p>City Council Approval/Denial Date: <u>3-9-21</u></p> <p>60-Day Review Period Ends: _____</p> <p>60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____</p> <p>Received By: <u>Ellen Gendt</u></p> <p>Return To:</p>
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Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator. Be sure to have all involved parties sign the back signature page.

Property Information Street Address: xxx 201st Ave New Nowthen 55330

Property Identification Number (PID#): 20-33-25-33-0001 & 20-33-25-32-0002

Legal Description (Attach full description of Metes & Bounds if necessary): The N25 acres of SW 1/4 OF SW 1/4 of SEC 20 TWP 33 R6E25 & The NW 1/4 OF SW 1/4 OF SEC 20 TWP 33 R6E25 EX 300 FT OF W 126 FT OF E 75 FT Thereof, Ex RD

Applicant Information:

Name: James Cote Business Name: _____

Mailing Address: 21330 Cleary Rd. NW

City: Nowthen State: MN Zip Code 55303

Home Phone: _____ Cell Phone: 62-802-1667 Work: _____

e-mail (home): _____

e-mail (work): jim@centerpointplumbing.com

Property Owner Information (If other than applicant. Please attach additional sheets if there are multiple property owners):

Name: _____ Business Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Home Phone: _____ Cell Phone: _____ Work: _____
e-mail (home): _____
e-mail (work): _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Agriculture

Description of Proposed Use: To create two separate parcels for single family residence

Lot Size: 10 acre / 48.477 acre Zoning: 101-2A Agriculture

Number of New Lots: 2 Number of Total Lots: 2

Reason(s) to Approve Request: to create two separate parcels for SFR. To have one 10 acre parcel and one 48.477 acre parcel

Please describe any previous applications pertaining to the subject site: N/A

Project Name: _____ Date of Application: _____

Nature of Previous Request: _____

Existing Building Sizes: - N/A

RESIDENTIAL LOTS: House: _____ SF Garage: _____ SF (attached/detached?)

COMMERCIAL/INDUSTRIAL LOTS: Main Building: _____ Total Square Feet

Office Area: _____ SF; Warehouse/Storage: _____ SF; Manufacturing: _____ SF

ALL LOTS:

Accessory Buildings: (type/size) _____ / _____ SF: _____ / _____ SF

_____ / _____ SF: _____ / _____ SF

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: Apes Coats Date: 12-23-2020

Signature of Applicant: _____ Date: _____

Signature of Property Owner: Apes Coats Date: 12-23-2020

Signature of Property Owner: _____ Date: _____

AGREEMENT TO PAY ALL APPLICATION FEES AND EXPENSES:

We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 1000.00 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. All fees and expenses are due whether the application is approved or denied.

I understand and agree that all City incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant: Apes Coats Date: 12-23-2020

Property Owner: Apes Coats Date: 12-23-2020



The City of
Nowthen
Where it still feels like country™

8188 100th Avenue NW
Nowthen, MN 55330
763-441-1347 Office
763-441-7013 Fax

<p>Zoning Application for:</p> <p><input checked="" type="checkbox"/> CONDITIONAL USE PERMIT</p> <p><input type="checkbox"/> INTERIM USE PERMIT</p> <p>Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30</p> <p>Amt. Due: <u>\$1480</u> Amt. Paid: <u>\$1480</u></p> <p>Check# <u>5227</u> Receipt# <u>2102004</u> 4061 210251</p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>2-1-21</u></p> <p>Date Application Complete: <u>2-1-21</u> (60-day review period starts from this date)</p> <p>Public Hearing Date: <u>2-10-21</u></p> <p>City Council Approval/Denial Date: <u>3-9-21</u></p> <p>60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____</p> <p>Received By: <u>Ellen Lindt</u></p> <p>Return To: Deputy Clerk</p>
---	--

Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: XXXX 201st Ave. NW Nowthen 55330

Property Identification Number (PIN#): 20-33-25-33-0001 & 20-33-25-32-0002

Type of Business or Use Requested: N/A - Flag Lot

Legal Description (Attach full description of Metes & Bounds if necessary): The N 25 acres of SW 1/4 of SW 1/4 of Sec 20 TWP 33 RGE 25 & The NW 1/4 of SW 1/4 of Sec 20 TWP 33 RGE 25, E 300 FT OF W 726 FT OF E 759 FT Thereof, Etc RD

Applicant Information

Name: James Cote Business Name: _____

Mailing Address: 21330 Cleary Rd. NW

City: Nowthen State: MN Zip Code: 55303

Telephone: _____ Cell Phone: 612-802-1167 Work: _____

e-mail: jim@centerpointplumbing.com

Property Owner Information (If other than applicant):

Name: _____ Business Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ Cell Phone: _____ Work: _____
e-mail: _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Agriculture

Description of Proposed Use: Residential Flag Lot

Reason(s) to Approve Request: To create two separate parcels for SFR. One 10 acre parcel and One 48.477 acre parcel.

Please describe any previous applications pertaining to the subject site: N/A

Project Name: _____ Date of Application: _____

Nature of Previous Request: _____

Existing Building Sizes: N/A

RESIDENTIAL LOTS: House (main floor/footprint of living area): _____ SF

Garage 1: _____ SF(attached/detached?) Garage 2: _____ SF(attached/detached?)

COMMERCIAL/INDUSTRIAL LOTS: Main Building: _____ Total Square Feet

Office Area: _____ SF; Warehouse/Storage: _____ SF; Manufacturing: _____ SF

ALL LOTS:

Accessory Buildings: (type/size) _____ / _____ SF: _____ / _____ SF

_____ / _____ SF: _____ / _____ SF; _____ / _____ SF

APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$1,000.00 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. **All fees and expenses are due whether the application is approved or denied.**

I understand and agree that all City-incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant: *John Cobb* Date: 12-23-2020
Property Owner: *John Cobb* Date: 12-23-2020

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

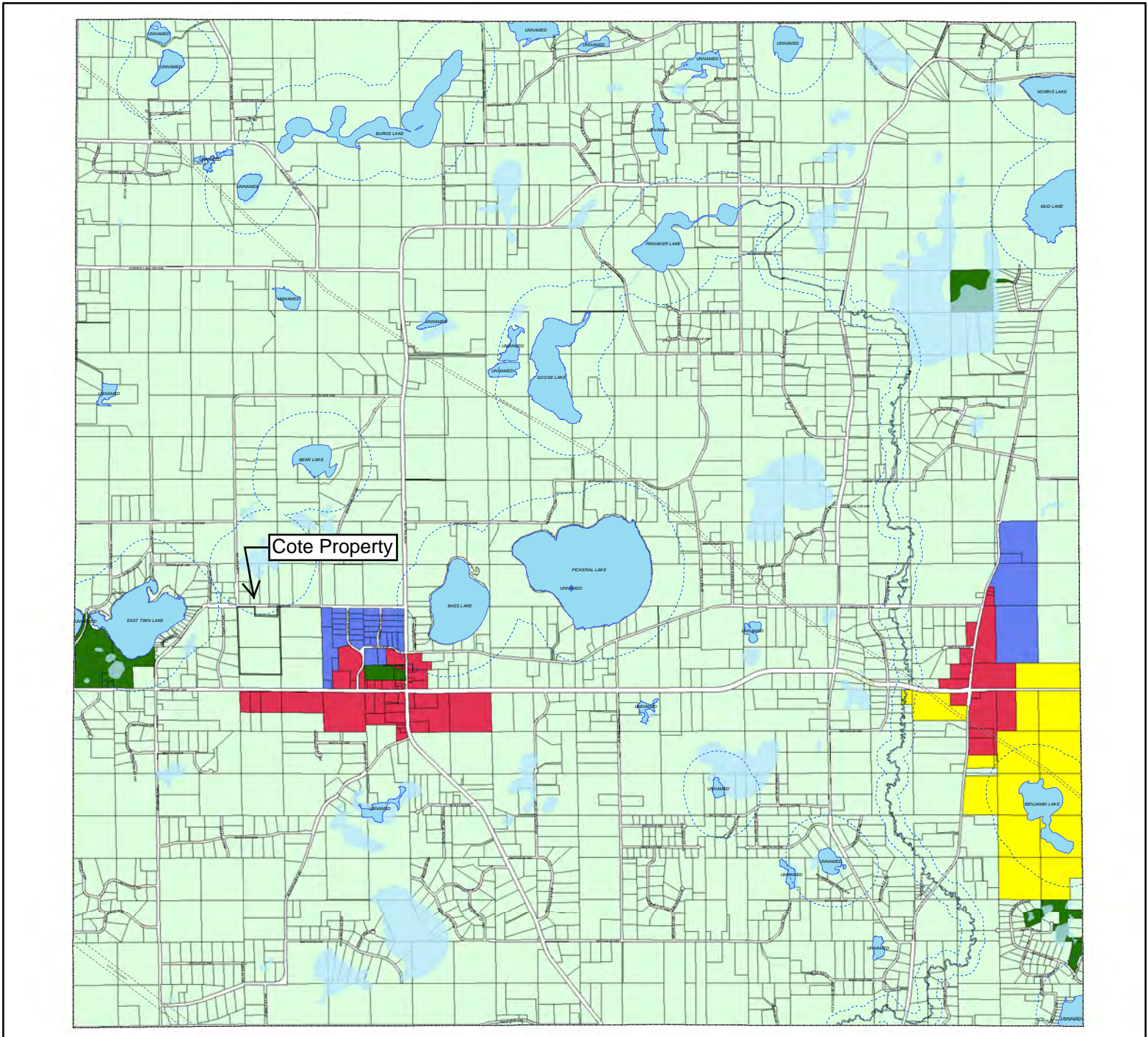
I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: *John Cobb* Date: 12-23-2020
Signature of Property Owner: *John Cobb* Date: 12-23-2020
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____

NOTICE: City files must be consulted to verify the zoning classification of property in addition to this map.

CITY OF NOWTHEN

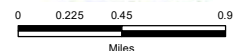
Zoning Map



ZONING

- C-1 - Commercial District (370 acres / 1.74%)
- I-1 - Industrial District (220 acres / 1.04%)
- CON - Conservancy District (156 acres / 0.74%)
- RRA - Rural Residential Agriculture (19,897 acres / 94.20%)
- RRT - Rural Residential Transition (478 acres / 2.26%)
- Shoreland Overlay District

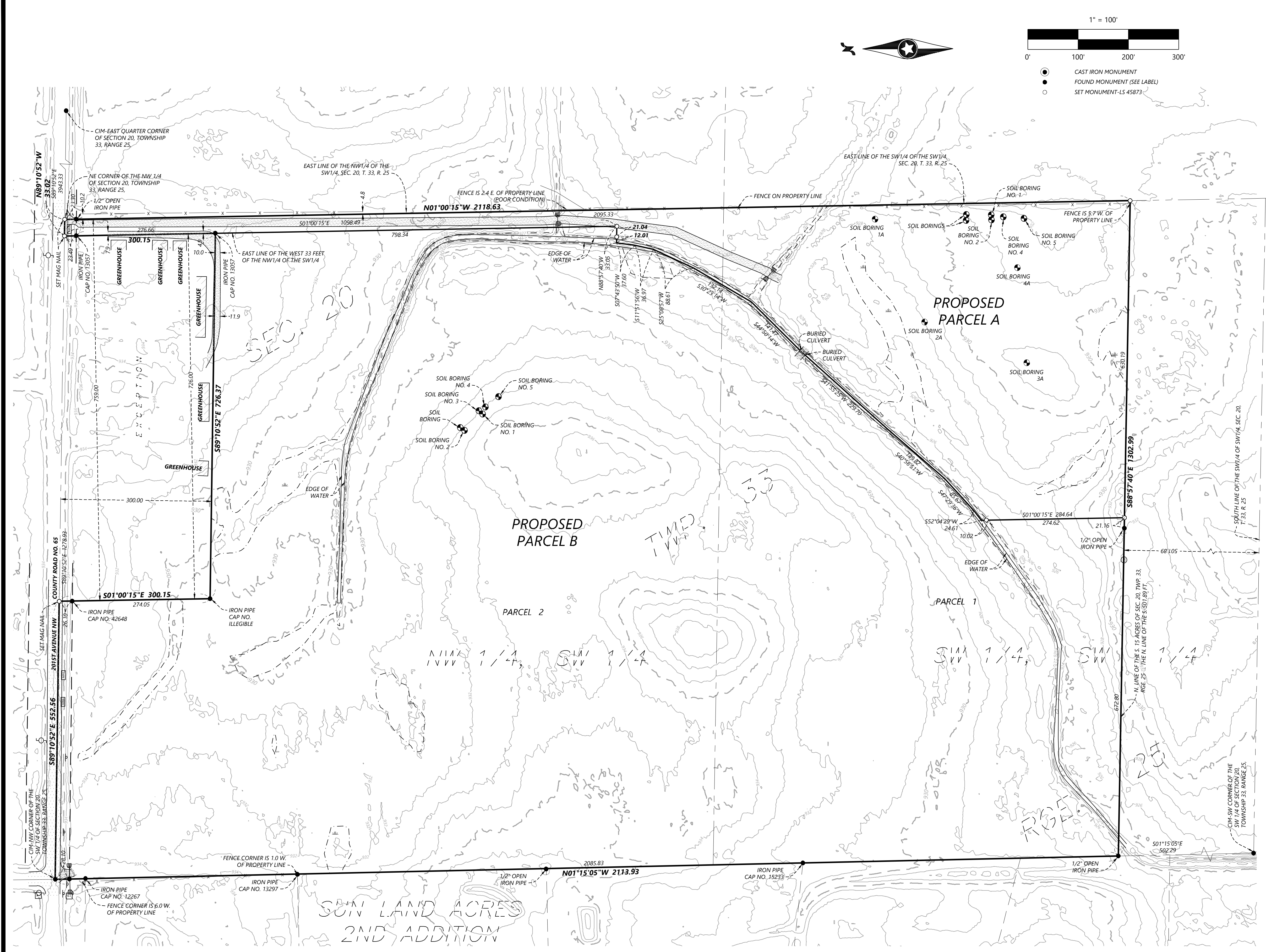
C



SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

Adopted: Aug 11, 2020

K:\GIS\Projects\Municipal\NT901\2019\LandUse2040



EXISTING LEGAL DESCRIPTION

PARCEL 1:
That part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, lying North of the North line of the South 15 acres, also known as the North line of the South 501.89 feet as measured at right angles thereof.

And

PARCEL 2:
The Northwest Quarter of the Southwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, EXCEPT the North 300.00 feet of the West 726.00 feet of the East 759.00 feet thereof.

PROPOSED LEGAL DESCRIPTION OF PARCEL A

That part of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 20, Township 33 North, Range 25 West, Anoka County Minnesota, described as follows:

Beginning at the northeast corner of said Northwest Quarter of the Southwest Quarter; thence North 89 degrees 10 minutes 52" West, a distance of 33.02 feet to the west line of the East 33.00 feet of said Northwest Quarter of the Southwest Quarter; thence South 01 degrees 00 minutes 15 seconds East along said west line, a distance of 1098.49 feet; thence North 88 degrees 57 minutes 40 seconds West, a distance of 33.05 feet; thence South 07 degrees 43 minutes 50 seconds West, a distance of 37.60 feet; thence South 11 degrees 51 minutes 56 seconds West, a distance of 36.97 feet; thence South 25 degrees 08 minutes 57 seconds West, a distance of 88.61 feet; thence South 30 degrees 23 minutes 14 seconds West, a distance of 132.14 feet; thence South 44 degrees 50 minutes 14 seconds West, a distance of 141.47 feet; thence South 41 degrees 55 minutes 25 seconds West, a distance of 229.70 feet; thence South 40 degrees 56 minutes 51 seconds West, a distance of 149.82 feet; thence South 47 degrees 29 minutes 36 seconds West, a distance of 85.67 feet; thence South 52 degrees 04 minutes 29 seconds West, a distance of 24.61 feet; thence South 01 degree 00 minutes 15 seconds East, a distance of 284.64 feet to the north line of the South 15 acres, also known as the north line of the South 501.89 feet, of said Southwest Quarter of the Southwest Quarter, as measured at right angle to the south line thereof; thence South 88 degrees 57 minutes 40 East along said north line, a distance of 630.19 feet to the east line of said Southwest Quarter of the Southwest Quarter; thence North 01 degrees 00 minutes 15 seconds West along said east line and along the east line of said Northwest Quarter of the Southwest Quarter, a distance of 2118.63 feet to the point of beginning.

PROPOSED LEGAL DESCRIPTION OF PARCEL B

All that part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, lying North of the North line of the South 15 acres, also known as the North line of the South 501.89 feet as measured at right angles thereof,

And

The Northwest Quarter of the Southwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, EXCEPT the North 300.00 feet of the West 726.00 feet of the East 759.00 feet thereof.

Less and Except:

That part of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 20, Township 33 North, Range 25 West, Anoka County Minnesota, described as follows:

Beginning at the northeast corner of said Northwest Quarter of the Southwest Quarter; thence North 89 degrees 10 minutes 52" West, a distance of 33.02 feet to the west line of the East 33.00 feet of said Northwest Quarter of the Southwest Quarter; thence South 01 degrees 00 minutes 15 seconds East along said west line, a distance of 1098.49 feet; thence North 88 degrees 57 minutes 40 seconds West, a distance of 33.05 feet; thence South 07 degrees 43 minutes 50 seconds West, a distance of 37.60 feet; thence South 11 degrees 51 minutes 56 seconds West, a distance of 36.97 feet; thence South 25 degrees 08 minutes 57 seconds West, a distance of 88.61 feet; thence South 30 degrees 23 minutes 14 seconds West, a distance of 132.14 feet; thence South 44 degrees 50 minutes 14 seconds West, a distance of 141.47 feet; thence South 41 degrees 55 minutes 25 seconds West, a distance of 229.70 feet; thence South 40 degrees 56 minutes 51 seconds West, a distance of 149.82 feet; thence South 47 degrees 29 minutes 36 seconds West, a distance of 85.67 feet; thence South 52 degrees 04 minutes 29 seconds West, a distance of 24.61 feet; thence South 01 degree 00 minutes 15 seconds East, a distance of 284.64 feet to the north line of the South 15 acres, also known as the north line of the South 501.89 feet, of said Southwest Quarter of the Southwest Quarter, as measured at right angle to the south line thereof; thence South 88 degrees 57 minutes 40 East along said north line, a distance of 630.19 feet to the east line of said Southwest Quarter of the Southwest Quarter; thence North 01 degrees 00 minutes 15 seconds West along said east line and along the east line of said Northwest Quarter of the Southwest Quarter, a distance of 2118.63 feet to the point of beginning.

AREA TABULATION

TOTAL PROPERTY = 2,547,270 Square Feet / 58.477 Acres
 PROPOSED PARCEL A = 435,600 Square Feet / 10.000 Acres
 PROPOSED PARCEL B = 2,111,670 Square Feet / 48.477 Acres

LEGEND

- ⊙ SEWER CLEANOUT
- ⊕ CULVERT
- ⊖ GUY WIRE
- ⊙ POWER POLE
- ⊙ TELEPHONE BOX
- ⊙ SIGN
- ⊙ MAIL BOX
- ⊙ SOIL BORING
- x — FENCE LINE
- ▨ BITUMINOUS SURFACE
- ▨ GRAVEL SURFACE
- ▨ WETLAND

DESIGNED:
 CHECKED: NHC
 DRAWN: BJY
 FIELD CREW: MDS
 FIELD WORK DATE: 10/30/20

INITIAL ISSUE:
 REVISIONS:

PREPARED FOR:
JIM AND KRISTIN COTE
 Nowthen, MN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Nathan H. Carlson
 NATHAN H. CARLSON, PS
 MN LICENSE NO. 45873
 NATE.CARLSON@WESTWOODPS.COM

DATE: 12/04/2020

201st Avenue NW
 Nowthen, MN

Westwood

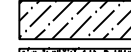

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
 Fax (952) 937-5822 Minnetonka, MN 55343
 Toll Free (888) 937-5150 westwoodps.com
 Westwood Professional Services, Inc.

CERTIFICATE OF SURVEY

SHEET NUMBER:
 1 OF 1

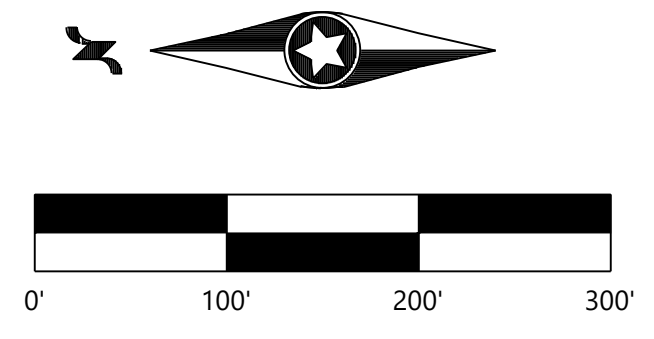
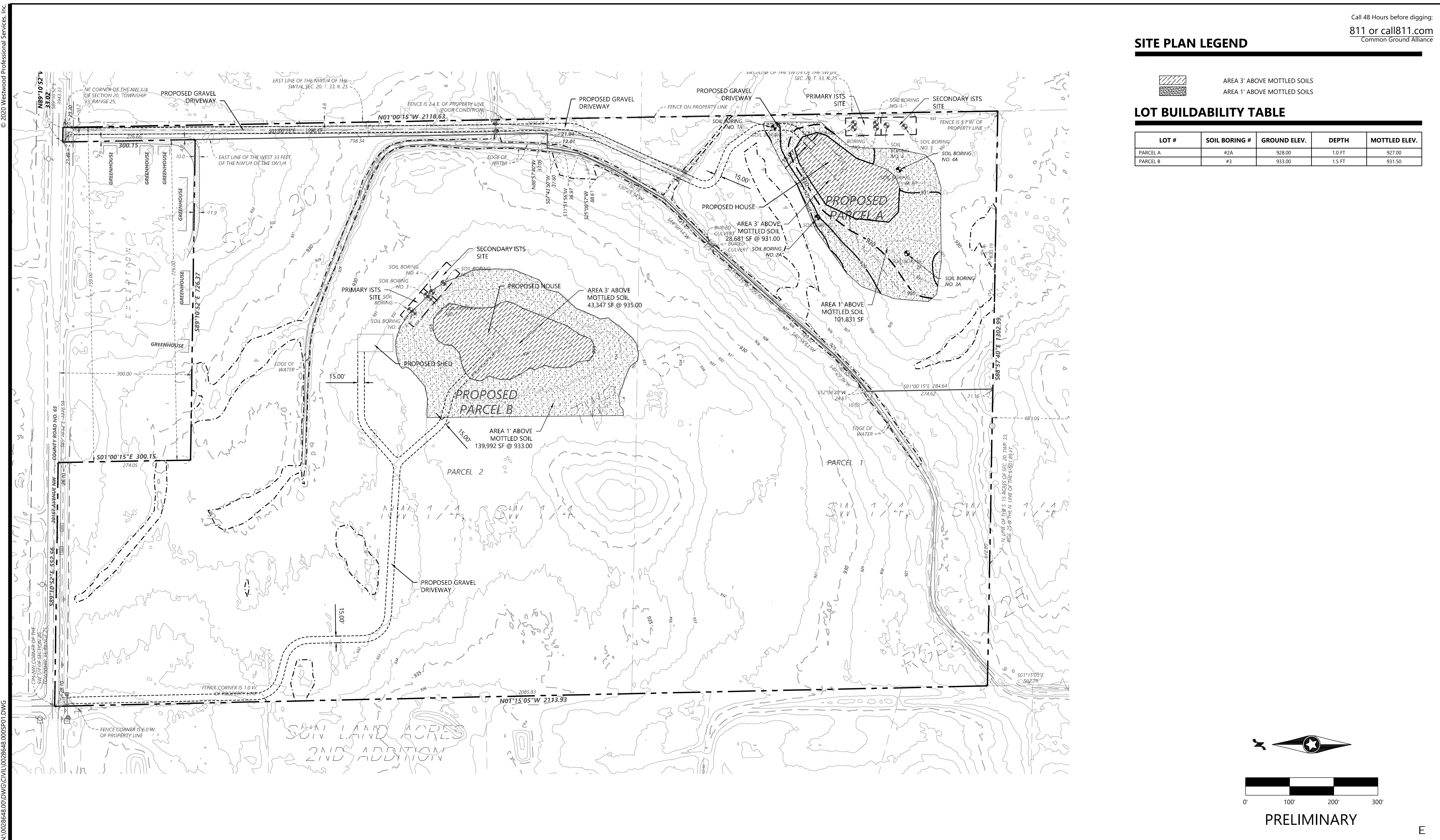
0028648.00V-LTSPLT.dwg DATE: 12/04/2020

SITE PLAN LEGEND

-  AREA 3' ABOVE MOTTLED SOILS
-  AREA 1' ABOVE MOTTLED SOILS

LOT BUILDABILITY TABLE

LOT #	SOIL BORING #	GROUND ELEV.	DEPTH	MOTTLED ELEV.
PARCEL A	#2A	928.00	1.0 FT	927.00
PARCEL B	#3	933.00	1.5 FT	931.50



PRELIMINARY

E

DESIGNED: BCW
CHECKED: BCW
DRAWN: JJN
HORIZONTAL SCALE: 100'
VERTICAL SCALE:

INITIAL ISSUE: 12/11/20
REVISIONS:
△
△
△
△
△

PREPARED FOR:
JIM COTE
21330 CLEARY ROAD NW
NOWTHEN, MN 55303

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
Brad C. Wilkening
BRAD C. WILKENING
DATE: 12/11/20 LICENSE NO. 26908

LAND SPLIT - NOWTHEN
NOWTHEN, MN

Westwood
Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

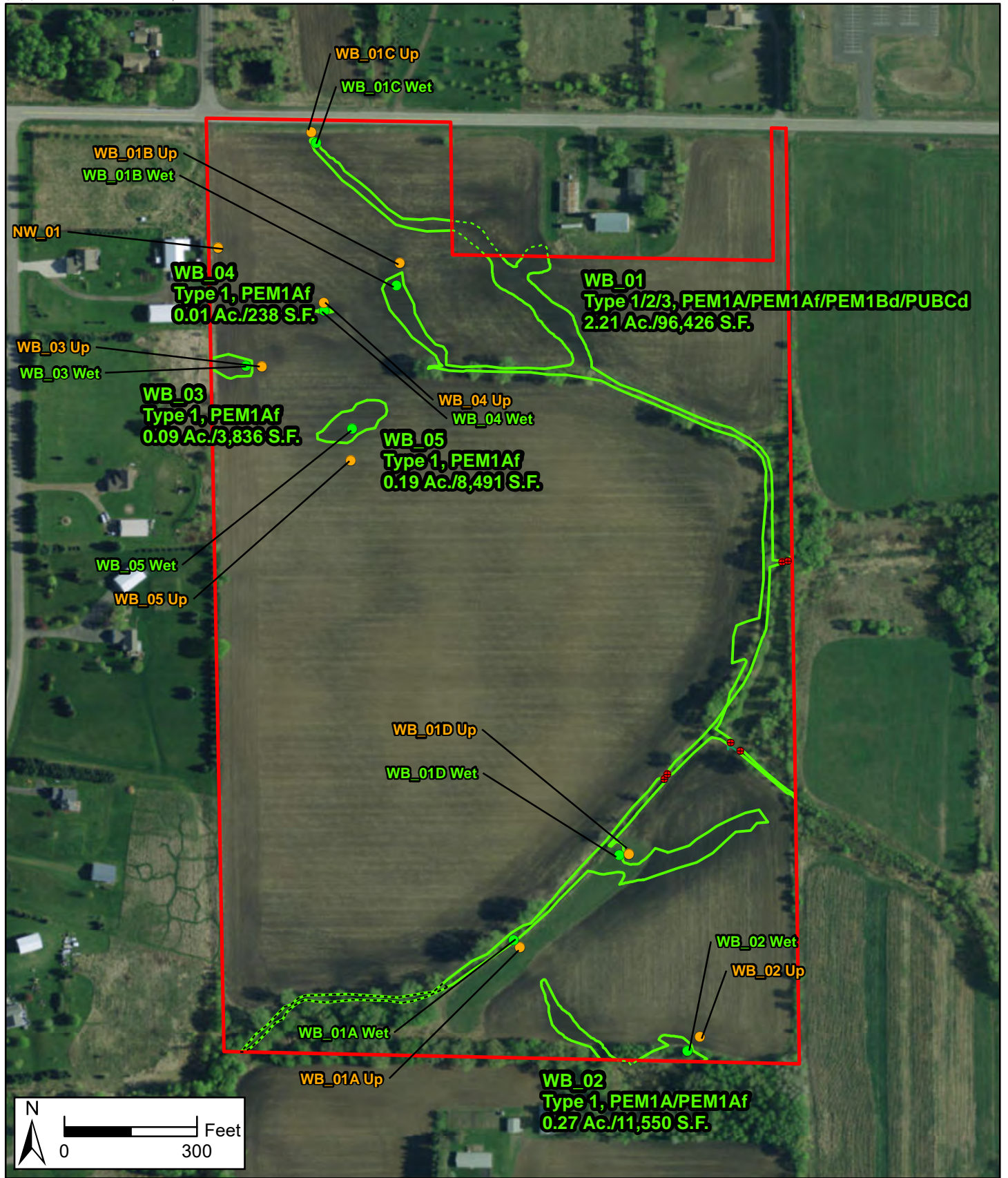
LOT AREA EXHIBIT

SHEET NUMBER:
1 OF 1
DATE: 12/11/20

PROJECT NUMBER: 0028648.00

© 2020 Westwood Professional Services, Inc. N:\0028648.00 DWG\CIVIL\0028648.0005P01.DWG

LAND SPLIT - NOWTHEN



Data Source(s): Westwood (2020); ESRI WMS
 MxGeo Aerial Photography (Accessed 2020).

Land Split - Nowthen

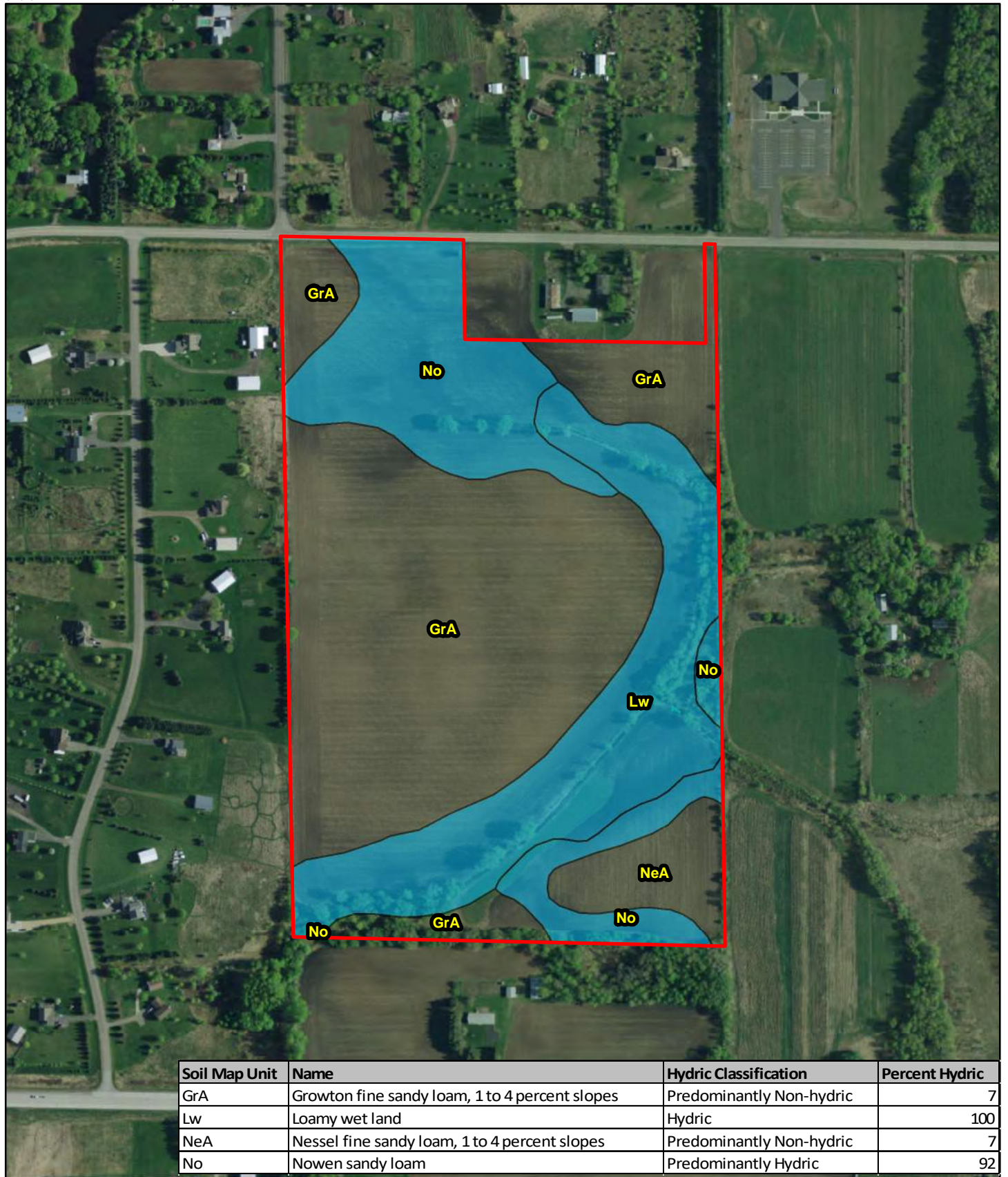
Nowthen, Anoka County, Minnesota

Legend

- Project Area
- Delineated Wetlands (Onsite)
- Delineated Wetlands (Offsite)
- Replaced Watercourse
- Upland Sample Point
- Wetland Sample Point
- Culvert

Delineated Wetlands

Westwood
 Toll Free (888) 937-5150 westwoodps.com
 Westwood Professional Services, Inc.



Soil Map Unit	Name	Hydric Classification	Percent Hydric
GrA	Growton fine sandy loam, 1 to 4 percent slopes	Predominantly Non-hydric	7
Lw	Loamy wet land	Hydric	100
NeA	Nessel fine sandy loam, 1 to 4 percent slopes	Predominantly Non-hydric	7
No	Nowen sandy loam	Predominantly Hydric	92

Data Source(s): Westwood (2020); ESRI Aerial Imagery (Accessed 2020); USDA NRCS (2014).

Land Split - Nowthen

Nowthen, Anoka County, Minnesota

Legend

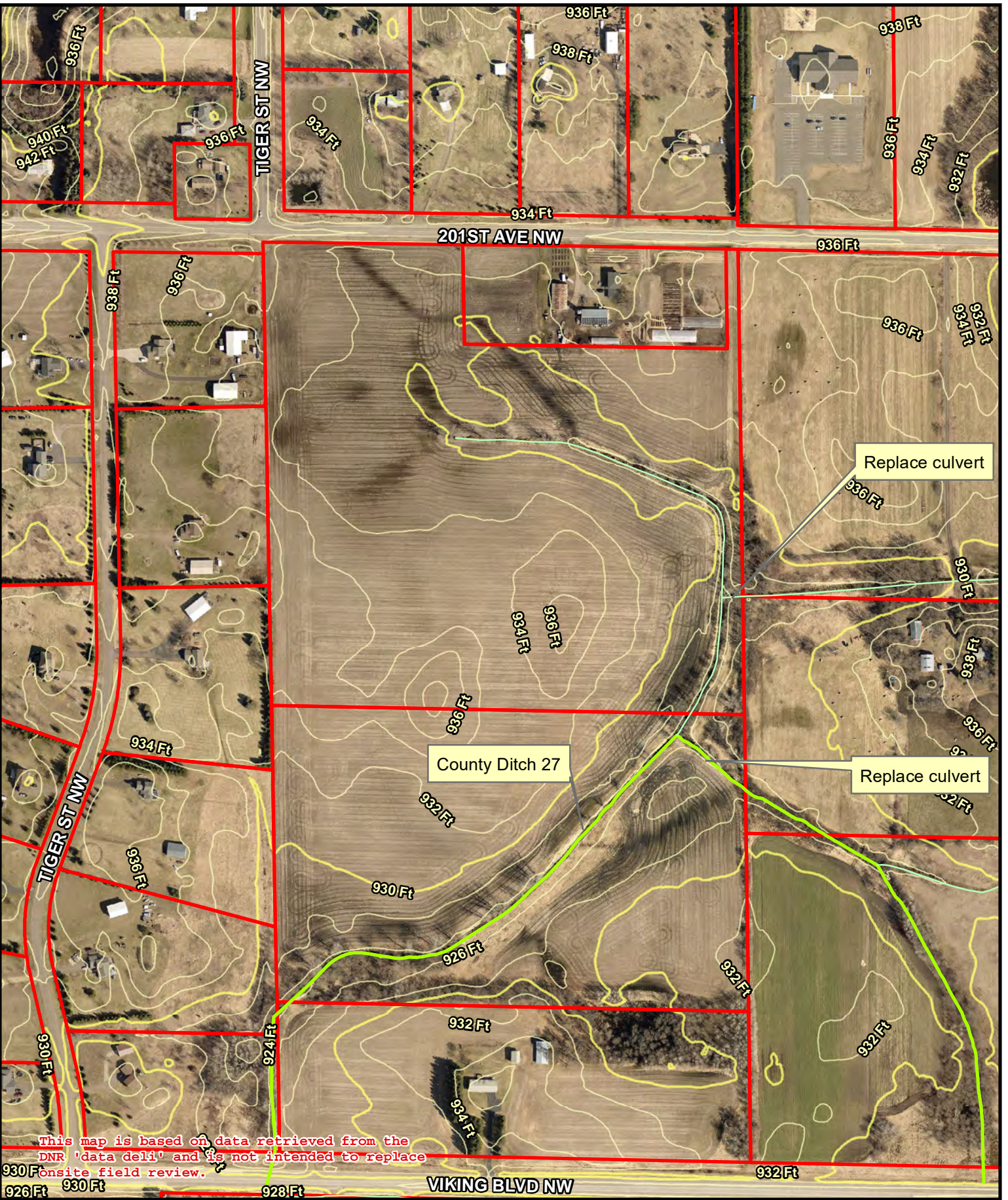
- Project Area
- Soil Map Unit Boundary
- All Hydric/Predominantly Hydric Soil



NRCS Soils

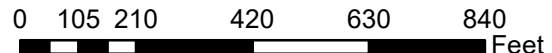
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EXHIBIT 3



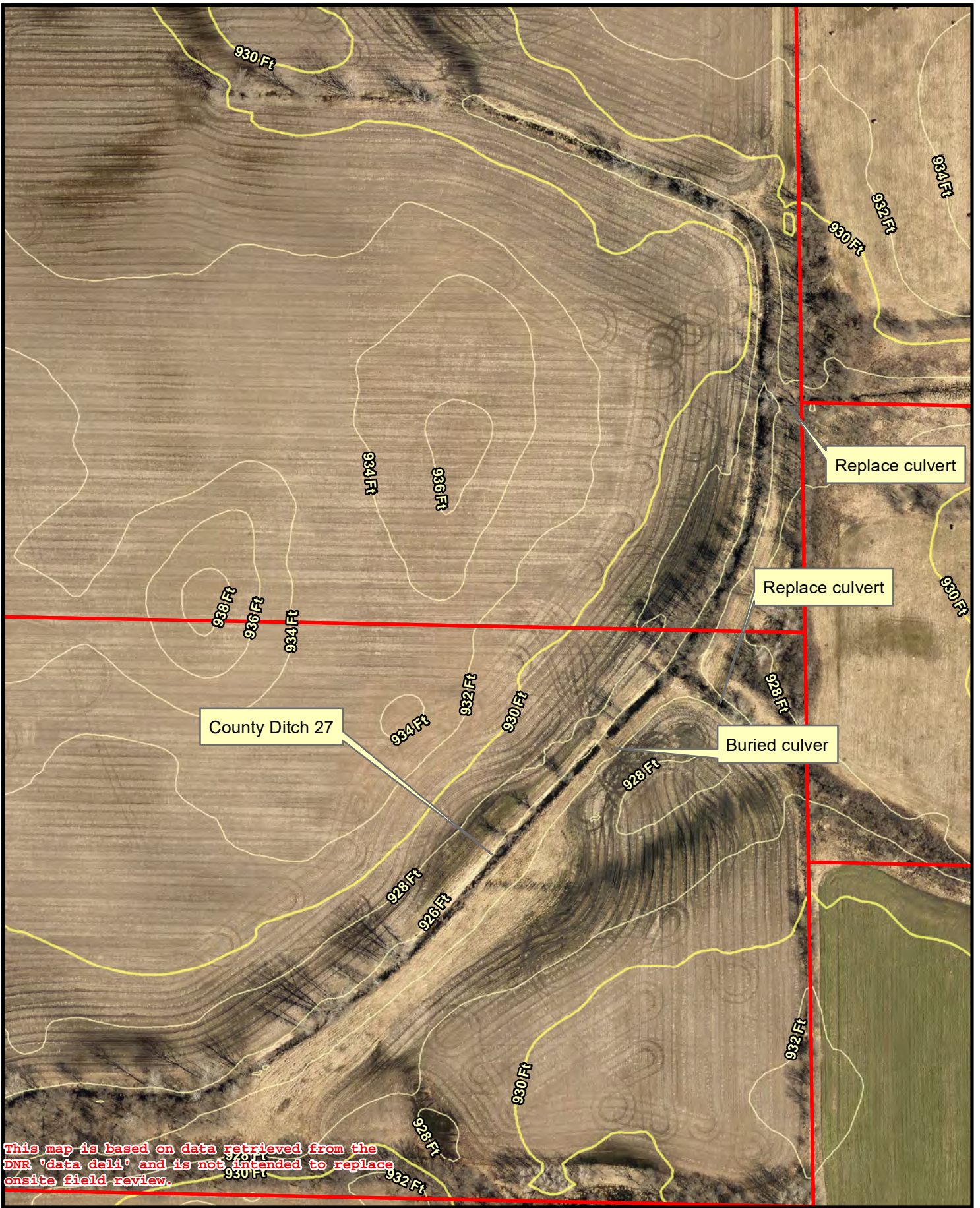
Legend

Parcels



Map Created:
2/3/2021

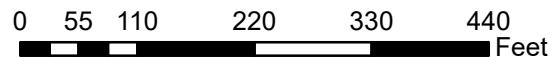
Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.



This map is based on data retrieved from the DNR 'data dell' and is not intended to replace onsite field review.

Legend

 Parcels

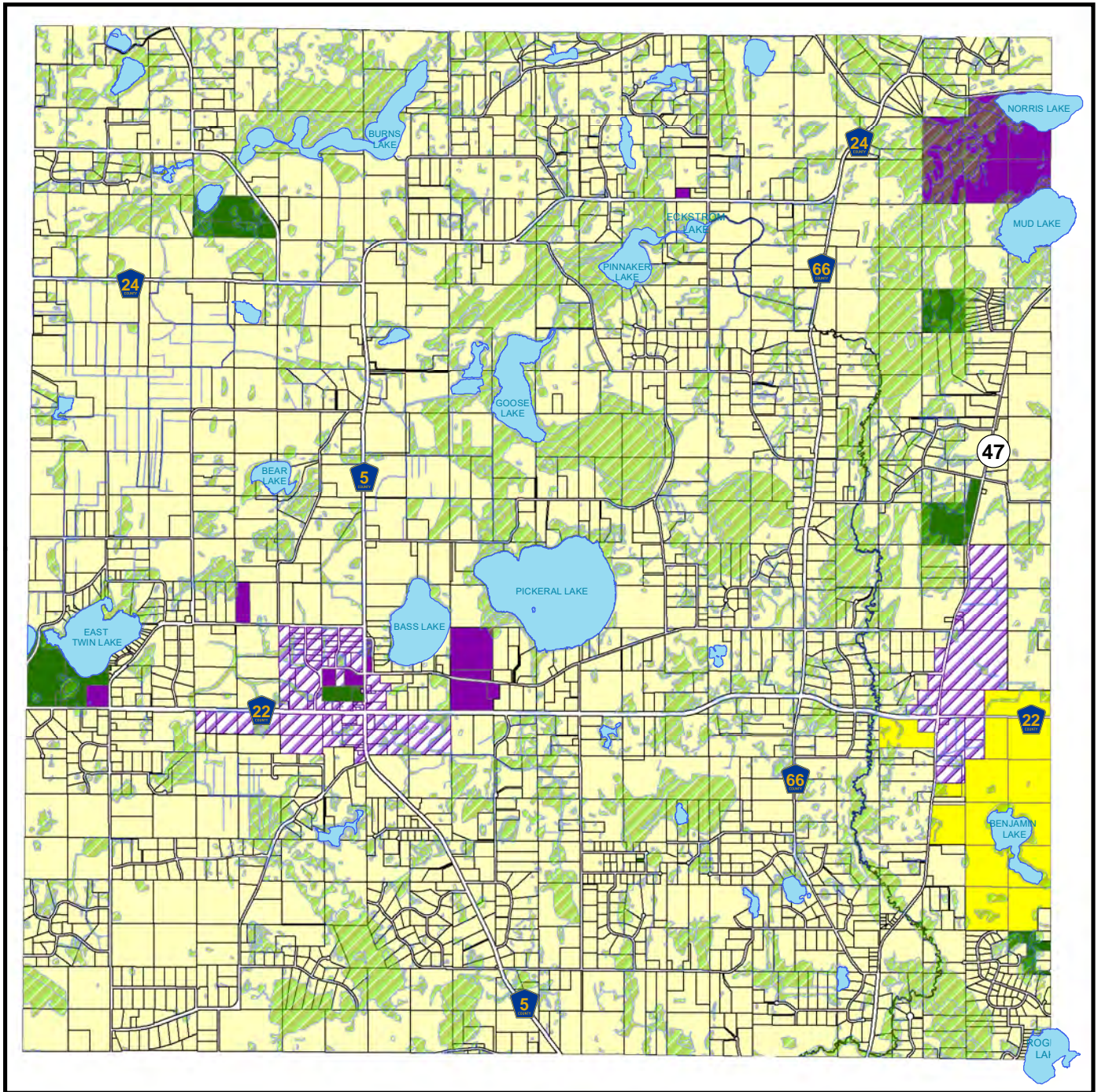


Map Created:
2/3/2021






Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.

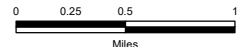
CITY OF NOWTHEN

2019 COMPREHENSIVE PLAN



2040 LAND USE PLAN

-  Wetlands
-  Rural Residential (Transition) (478/2.1%)
20/40 2.0ac+
-  Rural Residential (Permanent) (19452 acres / 86.4%)
8/40 2.5ac+
-  Commercial / Industrial (626 acres / 2.8%)
-  Public and Quasi Public (335 acres / 1.5%)
-  Parks and Open Space (142 acres / 0.6%)



SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

MAP DATE: 5 MAR, 2019

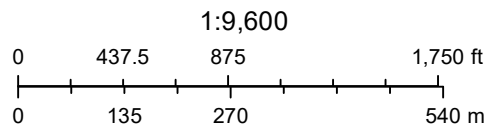
K:\GIS\Projects\Municipal\NT901\2019\LandUse2040

J

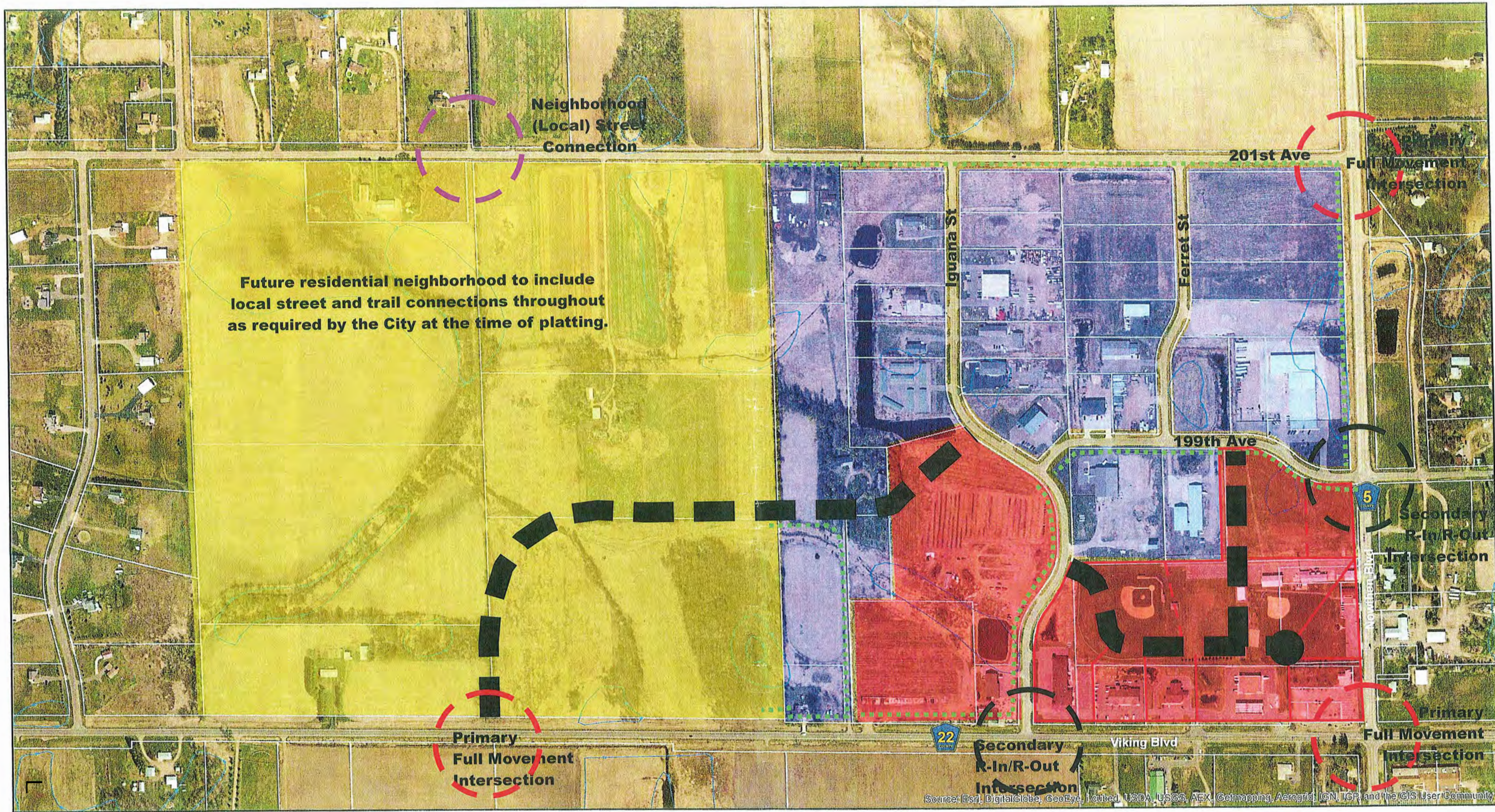
Anoka County, MN



June 24, 2020



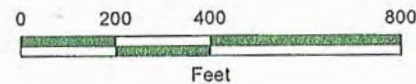
K



Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

TPC

Hakanson
Anderson



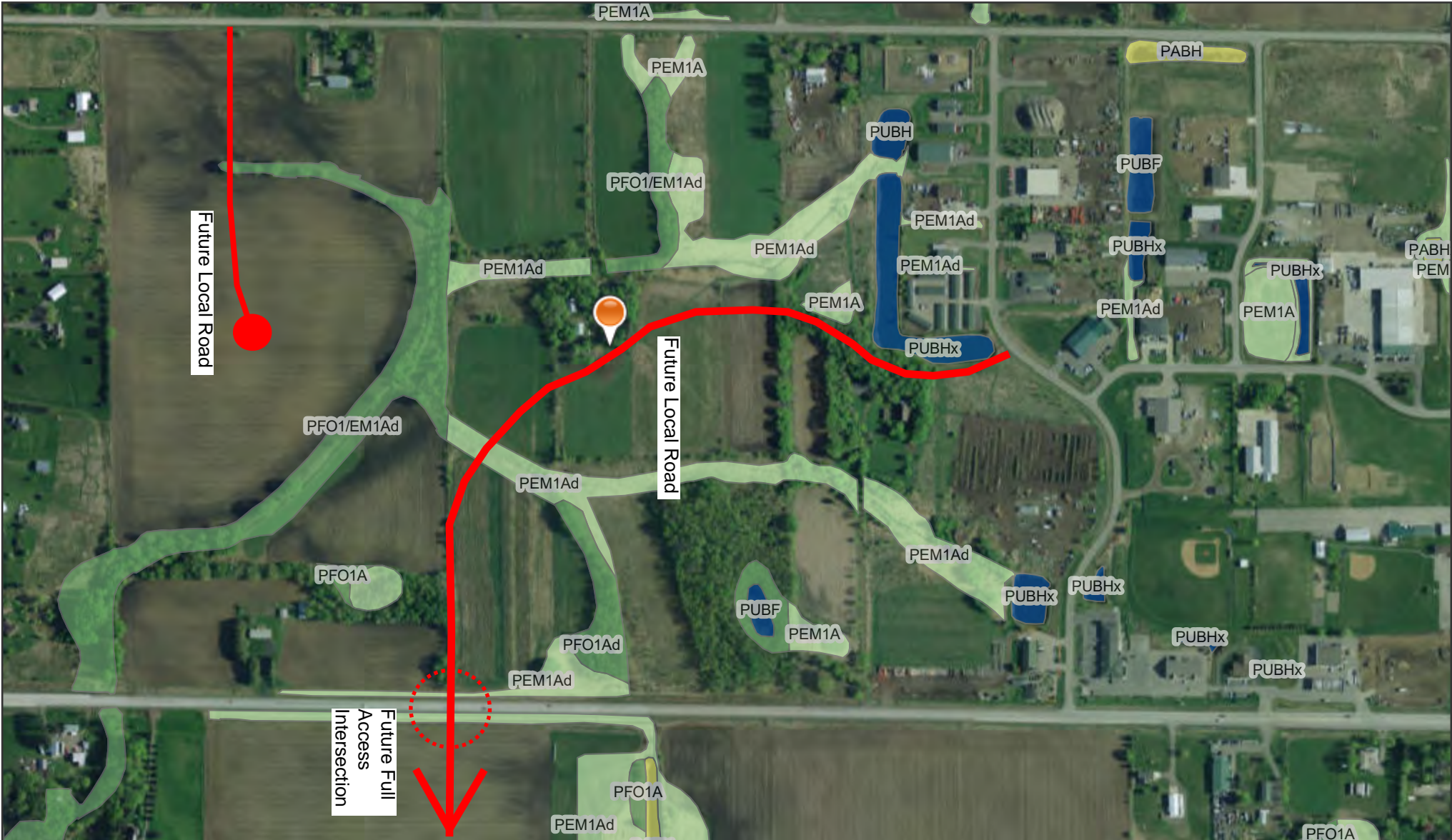
North West Quadrant of CSAH 5 & CSAH 22

- Industrial Land Uses
- Commercial Land Uses
- Residential Land Uses

- Conceptual Roadway Location
- ⋯ Conceptual Trail Location



Conceptual Lot
Layout Plan
City of Nowthen
1 of 8

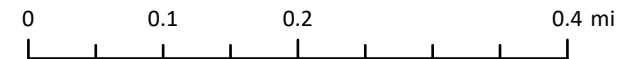


Cowardin Classification

- Aquatic Bed/Nonpersistent Emergent
- Emergent
- Forested
- Moss/Lichen
- Rock Bottom

- Rocky Shore
- Streambed (Intermittent)
- Scrub-Shrub
- Unconsolidated Bottom (Open Water)
- Unconsolidated Shore (Banks & Sandbars)

- Public Waters Basins
- Public Water Watercourse
- Public Ditch/Altered Natural Watercourse



Date Printed: 02/08/2021

This map is for general reference only. Neither the state of Minnesota nor the Minnesota Department of Natural Resources make any representations or warranties with respect to the use of or reliance on the data. There are no guarantees as to the accuracy, currency, completeness, suitability or reliability of this data for any purpose.



763-760-4172

Name Hannie & Kyan Levik Date 10/09/20

Address XXXX-201st Ave W Douglas mn

Parcel A (Flag Lot)

Soil Boring #1		
Elevation:		
Depth	Texture	Matrix (color)
0-12"	LFS	10R3/3
12-24"	mottling	
Mottled soil at 12"		

Soil Boring #2		
Elevation:		
Depth	Texture	Matrix (color)
0-12"	LFS	10R3/3
12-24"	mottling	
Mottled soil at 12"		

Soil Boring #3		
Elevation:		
Depth	Texture	Matrix (color)
0-14"	LFS	10R3/3
14-24"	mottling	
Mottled soil at 14"		

Soil Boring #4		
Elevation:		
Depth	Texture	Matrix (color)
0-13"	LFS	10R3/3
13-24"	mottling	
Mottled soil at 13"		
N		



Name Annie & Kyan Levik Date 10/29/20
Address XXXX-201st Ave W Douglas mn

Soil Boring #5		
Elevation:		
Depth	Texture	Matrix (color)
0-14"	LFS	10YR3/3
14-24'	mottling	
Mottled soil at 14"		

Soil Boring # Horse		
Elevation:		
Depth	Texture	Matrix (color)
0-12"	LFS	10YR3/3
12-24"	mottling	
Mottled soil at 12"		

Soil Boring #3		
Elevation:		
Depth	Texture	Matrix (color)
Mottled soil at		

Soil Boring #4		
Elevation:		
Depth	Texture	Matrix (color)
Mottled soil at		



Name Kristin & Jim Cote Date 10/29/20
 Address XXXX- 20st Ave NW Nowthen mn

Parcel B

Soil Boring #1		
Elevation:		
Depth	Texture	Matrix (color)
0-26"	MSL	10YR 4/4
26+	mottling	
Mottled soil at 26"		

Soil Boring #2		
Elevation:		
Depth	Texture	Matrix (color)
0-12"	MSL	10YR 4/4
12-19"	MSL	10YR 5/4
19-24"	mottling	
Mottled soil at 19"		

Soil Boring #3		
Elevation:		
Depth	Texture	Matrix (color)
0-18"	MSL	10YR 4/4
18-24"	mottling	
Mottled soil at 18"+		

Soil Boring #4		
Elevation:		
Depth	Texture	Matrix (color)
0-10"	MSL	10YR 4/4
10-20"	MSL	10YR 5/4
20+24"	mottling	
Mottled soil at 20" O		



Name Kristin & Jim Lote Date 10/29/20
 Address XXXX - 20th Ave NW Nowthen mn

Soil Boring #5		
Elevation:		
Depth	Texture	Matrix (color)
0-12"	MSL	10R4/4
12-24"	MSL	10R5/4
24+	mottling	
Mottled soil at 24"		

Soil Boring #2 House		
Elevation:		
Depth	Texture	Matrix (color)
0-10"	MSL	10R4/4
10-36"	MSL	10R5/4
36+	mottling	
Mottled soil at 36"		

Soil Boring #3		
Elevation:		
Depth	Texture	Matrix (color)
Mottled soil at		

Soil Boring #4		
Elevation:		
Depth	Texture	Matrix (color)
Mottled soil at		



Anoka County
TRANSPORTATION DIVISION
Highway

July 22, 2020

Kristin Felch

SENT VIA EMAIL

RE: Access Location for Proposed Cote Split, Nowthen MN
PID #20-33-25-32-0002

Dear Ms. Felch:

We have reviewed the proposed Cote Split for PID#20-33-25-32-0002, located on south side of CR 65 (201st Ave NW), within the City of Nowthen for approved access locations.

The approved access location for the current parcel of approximately 34 acres, shall be located within 30' of the west property line and align with Tiger St. NW on the north side of CR 65. The access will also require a minimum 15" culvert with safety aprons, grates and 6:1 slopes.

The approved access location for the proposed 10-acre split, shall be located within 30' of the east property line as submitted and align with the driveway serving 8633 201st Ave NW on the north side of CR 65. The access will also require a minimum 15" culvert with safety aprons, grates and 6:1 slopes.

If the proposed lot split changes in any way from what has been submitted for this review, Anoka County Highway Dept. reserves the right to re-evaluate the lot split in regard to approved access locations onto CR 65.

Please note that no plantings or fences will be permitted within the county right of way, and care should be exercised when locating signs, plantings, berms, etc. outside of the county right of way, so as not to create any additional sight obstructions for vehicles entering/exiting this section of CR 65.

Anoka County Highway Dept. (ACHD) Residential Access Permit (fee = \$175.00) will be required for each access and a permit for work within the county right of way (fee =\$ 150.00) will be required for the construction of the accesses and must be obtained prior to the commencement of any construction. License Permit Bonding, methods of construction, design details, work zone traffic control, restoration requirements and follow-up inspections are typical elements of the permitting process. Contact Susan Burgmeier, Traffic Engineering Technician I Susan.Burgmeier@co.anoka.mn.us or by phone at 763-324-3176 for further information regarding the ACHD Permit process.

Feel free to contact me if you have any questions regarding this review.

Sincerely,

Terri Vaughan
Traffic Engineering Technician III

xc: CR 65/Plats+Developments/2020
Susan Burgmeier, Traffic Engineering Technician I

Our Passion Is Your Safe Way Home

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ www.anokacounty.us/highway

Affirmative Action / Equal Opportunity Employer

P

Liz Stockman

From: Terri Vaughan <Terri.Vaughan@co.anoka.mn.us>
Sent: Wednesday, February 17, 2021 8:53 AM
To: Liz Stockman
Subject: FW: 8700 201st Avenue
Attachments: Anoka Cty Access ltr.pdf; 201210 0028648.00V-LTSPLT.pdf

Good Morning Liz,

I do remember having a conversation with Ms. Felch back in July regarding the County allowing the 2 access points & if they should move forward with this split. A formal site review was not performed and it was my oversight at the time not to include the "requesting of additional ROW" in that letter. If the City receives a formal request for approval of this Lot Split, it could be submitted to Anoka County for review due to the timeline of the letter & formal submittal to the City. The access locations would more than likely remain the same, but a formal review by Anoka County would then occur.

Thank you,
Terri Vaughan
Anoka County Highway Dept.
1440 Bunker Lake Blvd. NW
Andover, MN 55304
P: 763-324-3153

From: Liz Stockman <liz.stockman@planningco.com>
Sent: Tuesday, February 16, 2021 7:31 PM
To: Terri Vaughan <Terri.Vaughan@co.anoka.mn.us>
Cc: 'Shane Nelson' <ShaneN@HAA-inc.com>; Lori Streich <lstreich@nowthenmn.net>
Subject: 8700 201st Avenue

EXTERNAL EMAIL ALERT: This message originated from outside the Anoka County email system. Use Caution when clicking hyperlinks, downloading pictures or opening attachments.

Terri,

The attached letter was issued in July of 2020 for the lot reconfiguration which has yet to be reviewed and approved by the City. The letter does not address the provision of additional easement/ROW along CR 65. Was this intentional or should I require that the survey be submitted to the Anoka County ROW division for review? I thought maybe because it was a lot reconfiguration and there was no net increase in the number of lots, the county let it go. Please advise.

Thanks,

Elizabeth Stockman
651-303-3670

MEMORANDUM

TO: City of Nowthen

FROM: Shane Nelson, City Engineer

CC: Lori Streich, City Clerk
Liz Stockman, City Planner
Kristin Felch
Jim Cote

DATE: February 16, 2021

RE: Cote Lot Split

We have reviewed the Lot Area Exhibit, prepared by Westwood Professional Services, Inc., dated 12/11/20 and the Certificate of Survey prepared by Westwood Professional Services, Inc., dated 12/4/20, and would offer the following comments:

1. In the future, the City has planned for a City Street to be located on approximately the east lot line of the subject property. This future street will be necessary at such time that the access to Iguana Street is restricted to a right in/right out (see excerpt from the City's Long Range Viking Boulevard Transportation Plan below). This comment is primarily for informational purposes for the City and applicant, however, it should be noted that the septic sites are depicted near the eastern property boundary and may be in conflict with the future City street alignment.



2. Based on the provided soil borings and Lot Area Exhibit, the proposed lots do not meet the City's lot buildability standards in the in-situ condition. Specifically, fill will be required to meet the City's requirement of 23,000 square feet of land area with 3 feet of separation between the final surface elevation and the highest known water table. (10-3-5.B)
3. Proposed Parcel A does not have the required 150 feet of street frontage (11-4-5.B). We understand that the Applicant has applied for a Conditional Use Permit to allow for a flag lot with 33' of frontage, which is subject to City Council review and approval.
4. There is an existing ditch traversing through the property that conveys drainage through the property. The contributing drainage area is significant and includes runoff from north of 201st Avenue, drainage from the commercial park (on the east) and drainage from the residential subdivision from the west. Due to the configuration of the proposed lots, it will be necessary to cross the existing ditches at two locations. Stormwater calculations have not been received at this time. (11-4-20.B)
5. The City has experienced high water levels and flooding in the commercial park ponds as well as in the Iguana Street right-of-way in recent years. It is unknown if the cause is on this property or one of the adjacent properties, however, the survey depicts a buried culvert which may be contributing to the Iguana Street drainage problems. We would recommend that the applicant is required to remove the buried culvert and any other obstructions from the ditch as a condition of approval.
6. A portion of the ditch is a County ditch and therefore is also subject to Anoka County review and approval. At this time, we have not received comments from Anoka County regarding the ditch.
7. The City's subdivision ordinance (10-3-4.L) requires easements for drainage purposes over said ditches. Establishing drainage and utility easements over ditches allows for future inspections and maintenance. The City should determine if drainage and utility easements will be required as per City Code, or if the applicant will be exempted from this requirement.
8. Buffer strips, 20' in width, are required adjacent to all wetlands and ditches located in the site. (11-4-20.D.10)
9. As per section 10-9-2, in the event of minor subdivisions where the conditions are well defined, the City Council may exempt the subdivider from complying with certain regulations. We would recommend that the City Council make a specific determination in regards to the comments above to determine if the subdivider will be exempt from certain requirements.
10. The proposed ditch crossings will result in wetland impacts. At this time, the wetland impacts have not been quantified and the City has not received any permit applications relative to the proposed impacts. (Note that the wetlands are regulated under state law and the City does not have authority to exempt requirements related to the Wetland Conservation Act)

APPLICANT/PROPERTY OWNER: Jim & Kristin Cote

APPLICATION: A REQUEST by Jim and Kristin Cote for property owned on 201st Avenue (PIDs 20-33-25-32-0002 and 20-33-25-33-0001), regarding the following applications:

A LOT SPLIT to reconfigure the 58.47 acres to split off a 10-acre flag lot (Parcel A) and keep the remaining 48.47 acres as Parcel B. A single family home is proposed for each parcel. The property is zoned RRA, Rural Residential Agriculture.

A CONDITIONAL USE PERMIT to allow access via a flag lot (33-foot strip of land) to Parcel A, under City Code Section 10-3-4.G. Driveway access to the new parcel is proposed from 201st Avenue.

PLANNING & ZONING MEETING: February 23, 2021

FINDINGS: Based upon review of the application and evidence received, the Planning and Zoning Commission of the City of Nowthen now makes the following findings of fact:

1. The legal description of the subject property is:

PARCEL 1:

That part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, lying North of the North line of the South 15 acres, also known as the North line of the South 501.89 feet as measured at right angles thereof.

PARCEL 2:

The Northwest Quarter of the Southwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, EXCEPT the North 300.00 feet of the West 726.00 feet of the East 759.00 feet thereof.

2. The subject site is guided by the Comprehensive Plan permanent rural residential land uses through the year 2040. The proposed lot configuration is compatible with the surrounding area rural residential and large lot development.
3. The subject site is zoned RRA, Rural Residential Agriculture and both proposed lots meet the five (5) acre minimum lot size requirement.
4. The Cote property will result in one new 10.0 acre lot (Parcel A) and a 48.47 acre lot (Parcel B); both will contain a new single family residence.

5. Access to Parcel A is proposed via a flag lot Conditional Use Permit according to Section 10-3-4.G of the City's Subdivision Ordinance which requires the existence of practical difficulties and adherence to specific flag lot criteria as outlined in the TPC Planning Report dated February 16, 2021.
6. A 33-foot flag lot access is warranted based on the site's unique circumstances related to natural features and physical constraints. The existing wetlands/ditches and lay of the land create a hardship in accessing the extreme SE corner of the property and to achieve the required 150 feet of lot frontage for Parcel A.
7. The Planning Report dated February 16, 2021 prepared by the City Planner, The Planning Company LLC., is incorporated herein.
8. The Memorandum dated February 16, 2021 prepared by the City Engineer, Hakanson Anderson Associates, is incorporated herein.
9. The Nowthen Planning and Zoning Commission considered the requests at their regular meeting on February 23, 2021. A public hearing, preceded by a published and mailed notice, was held to hear comments from adjacent property owners and concerned citizens relative to consideration of the flag lot Conditional Use Permit.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning & Zoning Commission recommends that the **Cote Lot Split and Flag Lot Conditional Use Permit be approved** subject to the following conditions:

FLAG LOT CONDITIONAL USE PERMIT CONDITIONS:

1. The City Council may attach screening, fencing or other requirements as a condition of approval to protect neighboring properties if it deems that the existing natural vegetation does not adequately buffer adjacent parcels.
2. The minimum driveway construction standards of City Code Section 11-6-2.J.4 are met at the time of driveway construction and prior to issuance of an occupancy permit for the home.
3. The property address should be clearly visible on both sides of the mailbox and/or on a placard located at the end of the proposed driveways.
4. The certificate of survey must include a driveway plan and utility plan to be submitted at the time of building permit review.

5. Drainage and utility easements shall be provided over ditches as required by Anoka County (County ditches) or the City Council (private ditches and wetlands), unless otherwise waived under the Minor Subdivision regulations.
6. Wetland impact issues:
 - a. The property owner(s) work with Anoka County to address issues related to County Ditch #27, including but not limited to the proposed driveway crossing, revised culvert sizing, wetland impacts, as well as the buried culvert and cleaning of a portion of the ditch as may be required.
 - b. Application is made under the State of MN Wetland Conservation Act which allows for minimal wetland fill projects (such as for a driveway) under a de minimus exemption which allows for up to 2,500 Square feet of wetland impact/fill, including any previous wetland impact (made by previous land owner). The property owners shall demonstrate compliance with this exemption, or purchase wetland credits and provide a wetland replacement plan if needed. If the de minimus exemption cannot be met for the two driveway crossings, the applicants/land owner will be required to go through a wetland replacement application, which includes purchasing credits and proving that they can't avoid wetland impact (following sequencing requirements).
 - c. Information required as part of de minimus application/city review:
 - i. The property owner's engineer/surveyor will be preparing detailed drawings of the wetland impacts (existing and proposed), proposed culvert sizes, driveway width/improvements, and side slopes.
 - ii. Detailed drawings shall include plan view and profiles/sections showing existing and proposed conditions.
 - iii. Invert elevations (existing and proposed) on both ends of the existing culvert.
 - iv. Culvert sizes and lengths, including flared ends, side slope information to assist in determination of impacts.
 - v. A detailed drawing which shows the required twenty (20) foot buffer along the north-south portion of the ditch in relation to the proposed driveway, demonstrating that the driveway can be located outside of the buffer. Grading can occur within the buffer provided the buffer is reestablished with perennial cover/natural vegetation.

- vi. If the proposed driveway cannot be located to avoid the 20 foot buffer, application must be made with the City for a Buffer Variance under the City's Stormwater Management Plan (adopted as part of the City Code). This will require a public hearing and City Council approval.
 - d. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code. Driveway minimum standards require conformance with Section 10-3-3 of the City Code: Local streets shall be designed so the base and subbase requirements, as set forth in the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavement. In all cases, at least the top six (6) inches of the base shall be Class 5 gravel or a material as approved by the City Engineer.
 - e. The driveway crossings are built according to approved plans relative to the amount of fill, avoidance of buffer areas, culvert sizes, side slopes, elevations and direction of flow and are maintained throughout the life of the residence requiring access via the subject driveway.
 - f. All plans shall be subject to review and approval of the County Engineer, City Engineer (Shane Nelson) and City's Wetland Specialist/LGU (Kaci Fisher) with regard to wetland impacts, buffers, culvert removal or replacement, and all related grading/drainage issues.
7. The City Council may hold a public hearing to revoke a conditional use upon the happening of any of the following events, whichever occurs first:
- a. Upon violation of conditions under which the permit was issued;
 - b. The use or operation is discontinued for a period of one (1) year;
 - c. If no other time is specified in the Conditional Use Permit, a conditional use approved by the City Council must be exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, or the City Council may hold a public hearing to revoke the conditional use unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administrator may approve an extension which shall not exceed ninety (90) days whereafter consideration by the City Council may require reapplication and subsequent approval of a conditional use.

- d. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit. Said permit will be processed in the same manner as a new application.

LOT SPLIT CONDITIONS:

1. Lot splits must follow the processing provisions for minor subdivisions set forth in the City Subdivision Ordinance Section 10-9, except that the City Council may exempt the applicant from complying with some of the regulations as deemed appropriate (Section 10-9-2) under the minor subdivision regulations, identified as follows:
 - a. Park and trail dedication requirements
 - b. Paving/curbing of driveways
2. All stormwater, drainage and wetland regulations as they relate to the wetland impacts discussed herein are regulated under State law and the City does not have authority to exempt requirements related to the Wetland Conservation Act.
3. The applicant must have deeds drafted for Parcels A and B, for review by the City Engineer, that reflect the new legal descriptions which shall be submitted to the City of Nowthen for approval and recording.
4. If required by Anoka County, additional permanent road easement is dedicated to Anoka County for County Road 65.
5. Building permit applications are submitted for review by the City Building Official along with the necessary architectural and structural drawings and the building permit fee is paid prior to beginning construction. Custom grading, proposed structure elevations, erosion control and protection of drainfield locations shall be indicated on the required survey for each lot. The survey shows how lot buildability requirements can be met, including the use of fill to create the required 3 feet of separation between the final surface elevation and the highest known water table.
6. The primary and secondary septic sites on Parcel A are moved further away from the east property line as required by the City Council.
7. Permits are obtained from Anoka County for access and work within the ROW for County Road 65.
8. All costs associated with the review of the submitted survey(s) and any other costs generated by the City or its representatives are the responsibility of the applicants,

including legal, administrative, and professional costs incurred through consideration of the lot split request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 23rd day of February 2021.

CITY OF NOWTHEN

By: _____
Chair Dale Ames

Attest: _____
Lori Streich, City Clerk



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Nowthen Mayor and City Council
Nowthen Planning & Zoning Commission

FROM: Elizabeth Stockman

DATE: February 15, 2021

RE: Nowthen – Carr’s Tree Service/McCallum Property, 19477 St. Francis Blvd.
Interim Use Permit – Outdoor Storage/gravel surfacing
Variance – paving requirement/outdoor storage surfacing

TPC FILE: 122.02 -21.04

BACKGROUND

Carr’s Tree Service, in association with the property owners, Trustee Marie McCallum, are requesting approval of a commercial use for this 5.39 acre property owned at 19477 St. Francis Boulevard (PID 25-33-25-24-0011). This utility and tree-trimming company wishes to purchase the property and use a portion of it as an auxillary site for vehicle and equipment storage as well for stockpiling of tree trimmings. The property is zoned C-1, Commercial, which permits landscaping and service-oriented businesses and involves the following applications:

An INTERIM USE PERMIT to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.

An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.

A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses.

A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel.

EXHIBITS

- Exhibit A – Interim Use Permit Application (3 pages)
- Exhibit B – Variance Application (3 pages)
- Exhibit C – Receipt for Application Fees Paid (3 pages)
- Exhibit D – Site Location
- Exhibit E – Site Layout A (plan)
- Exhibit F – Site Layout A (aerial photo)
- Exhibit G – Site Layout B (plan)
- Exhibit H – Site Layout B (aerial photo)
- Exhibit I – Wetland Delineation
- Exhibit J – Photos (3 pages)
- Exhibit K – Findings of Fact

ANALYSIS

Land Use & Zoning. The property is guided Commercial/Light Industrial on the City’s 2040 Land Use Plan which coincides with the existing C-1, Commercial zoning. Landscaping and service-oriented businesses are permitted uses within the C-1 Zoning District. The proposed use is compatible with present and future land uses of the area.

Surrounding Area Uses	Zoning	Existing Land Use
North	Commercial	Agricultural
South	Commercial	Residential/Agriculture
East	Commercial/Residential	Agricultural
West	RRA, Residential	Residential

Interim Use Permit Review Criteria. Interim Use Permits are designed to allow uses that are generally compatible with the basic use classification of a particular zoning district, but that should not be located as a matter of right as a permitted use in every area because of hazards inherent in the use itself or special problems which its proposed location may present. This allows the City Council to consider the advice and recommendations of the Planning and Zoning Commission on the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities.

An INTERIM USE PERMIT to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.

An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.

The City Council can require conditions of approval for the IUP as a means of safeguarding the neighboring properties or the City as a whole from the potential negative effects of the use. These conditions may include, but are not limited to, the following:

1. Limiting the height, size, or location of buildings.

Comment: Not applicable, no building is proposed at this time. Any future building shall be located 150 feet from the centerline of St. Francis Boulevard.

2. Controlling the location and number of vehicle access points.

Comment: The property proposes one driveway off of St. Francis Boulevard which shall be subject to review and approval by the City Engineer and MNDOT. The desired entrance is at the location where the for sale sign is currently located. Plans shall be submitted to MNDOT for review and approval of the driveway location, access permit and work within the ROW permit.

3. Providing for a sufficient number of off-street parking spaces.

Comment: A specific parking lot for employee vehicles has not been shown, rather the gravel-surfaced lot is intended for multiple uses including parking for employees, equipment, materials, trucks/trailers and tree debris. No customers or city residents will be using this property. See variance criteria which follows.

The site plan shows a gravel parking/equipment area measuring 43,560 square feet (including the entrance drive) to allow ample maneuvering and storage space. A maximum of 15 pieces of equipment shall be stored on the site at any given time, which may include: utility bucket trucks, wood chippers, toolcat, trailers, stump grinders, and portable track utility bucket trucks. In addition, there may be passenger vehicles of employees. As a condition of approval, the number of allowed passenger vehicles should be specified.

4. Limiting the number, size, location, or lighting of signs.

Comment: The submitted plans do not include building or property signage. Should Carr's Tree Service wish to install a sign(s), a separate building permit, plans and colored renderings will be required to show the sign copy and how the sign will be mounted/installed.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

Comment: The Planning and Zoning Commission should make a recommendation to the City Council regarding the acceptability of the existing wooded areas to screen the outdoor storage/parking area. The area adjacent to the largest wetland along the north property line is the area with the least tree cover. Consideration should be given to specifying plantings in this vicinity to block views from Highway 47 and future development to the north.

Outdoor Storage Area IUP. The desired storage of 'green product' on site is difficult to quantify in terms of number of piles, pile size, pile height, how long the piles remain before they're chipped, etc. Limitations and specific parameters will need to be established as part of the IUP.

Outdoor storage as a principal or accessory use within the C-1 District requires approval of an Interim Use Permit and compliance with the following:

1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.

Comment: Plans shall be submitted to show required screening as directed by the City Council.

2. The storage area is surfaced with asphalt, concrete or pavers to control dust.

Comment: An IUP and Variance has been requested to allow parking and outdoor storage areas to be gravel. It is recommended that the entrance drive be hard surfaced.

3. The storage area does not take up parking space as required by this Chapter.

Comment: The outdoor storage area does not take up necessary parking space.

Variance Criteria. Section 11-11-2 of the Nowthen Zoning Ordinance states that a variance request shall not be approved unless a finding is made by the City Council that failure to grant the variance will result in practical difficulties.

"Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses. This would include the entrance driveway and parking for employees; there is not a need for customer parking or designated loading areas.

A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel. Gravel outdoor storage areas in industrial zones are typically permitted, but commercial zones are typically more visible along busy roads and attract more residents rather than just employees.

1. That the variance is consistent with the Comprehensive Plan.

The variances requested do not affect land uses or change the intent/use of the zoning district within which it is located.

2. That the variance is in harmony with the general purposes and intent of this Chapter.

Landscaping and service-oriented businesses are permitted uses within the C-1, Commercial District. The gravel surfacing versus paved areas will not change how the site is used, but it is recommended that at least a portion of the entrance drive is paved since it will be visible from St. Francis Blvd. TPC supports gravel for the employee parking and outdoor storage areas which are set back on the site.

3. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Given the difficult site terrain with woods, wetlands, pipeline easement, the site is well suited for the proposed use which does not need visibility and actually benefits from the obscure location.

4. That the purpose of the variance is not exclusively an economic consideration.

Trucks and trailers can be hard on asphalt surfaces over time, so gravel surfacing may be justified for this reason and because the site is not used by customers and it is in a more rustic setting in a hidden location. In the future, if a building is constructed, a traditional paved area can be reevaluated.

5. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

There are not expected to be any negative effects because of gravel surfacing.

6. That the requested variance is the minimum action required to eliminate the practical difficulty.

This variance is considered a minor deviation for this informal outdoor use.

In granting any variance, the City Council may impose conditions to ensure compliance and to protect adjacent and affected properties.

Buffer/Landscaping/Screening. Section 11-4-17.M of the City Code requires that any commercial or industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the City. This section also states that a minimum of one hundred (100) feet of bufferyard is required along property lines which separate commercial or industrial and residential uses which may consist of either natural, wetland, woods open space, man-made ponding or a combination thereof.

Note the 100-foot buffer zone that is shown in yellow on Exhibit F. With the provision of the required buffer zone(s), the site becomes virtually undevelopable for commercial or industrial uses, especially with the pipeline easement and wetlands. A variance from the 100-foot buffer zone may need to be considered to accommodate the proposed development. The separation distance shown in Site Layout A along the south property line is 58 feet and is reasonable given the existing wooded area and zoning of the adjacent property as commercial. The bufferzone on the east side is not an issue and protects the future residential development in this location.

Parking. The site plan has not designated individual parking spaces, as it is proposed that employees share the same gravel parking area as trucks and trailers. A Variance has been requested from surfacing requirements. A condition of approval shall be that a maximum of five (5) employees/passenger vehicles be permitted on site at any given time.

Impervious Surface Requirements. Within commercial zoning districts, the maximum area of impervious land coverage, to include the building and all paved or impervious surfaces, shall not exceed seventy (70%) percent of the total lot area. The proposed gravel access road and outdoor storage/parking area will not exceed one acre (43,560 sf) which is about 20% of the site area.

Lot Buildability Standards

Without a proposed building, adherence to the City's Subdivision Ordinance regarding minimum lot buildability standards shall not be required. Any future buildings shall require soil borings, identification of water table and soil types, slope limitations, minimum floor elevation, and requirement of an alternative drain field site as contained in Section 10-3-5.

No well or septic system has been proposed for this development. If a portable toilet is to be located on site, it shall be enclosed behind a wood structure and placed as not to be visible from the public ROW or adjacent residential uses and must be maintained on a regular basis.

Trash Enclosures. If the City Council requires the provision of trash receptacles on site, they shall be housed within/behind a screening fence. The locations of these receptacles shall be indicated on a revised site plan.

Lighting. It is not known if electricity will be provided to the site. All exterior lighting will be subject to review and approval of the City Planner to ensure that lighting does not shine onto adjacent rights-of-way or residential properties.

Gate

The site will be gated to prevent use of the property by unauthorized persons. The gate shall be located outside of the ROW. Plans and/or photos shall be submitted with specifications for the desired gate design and construction.

Chipper Use

The use of grinders and chippers have the potential to cause the most noise impacts to adjacent properties. The IUP shall specify the frequency and duration of use of these machines.

Stormwater Management

No land disturbing activities shall be allowed until approval of the stormwater management plan and grading plan by the City Engineer. Impervious surface areas not exceeding one (1) acre are typically not required to provide detention or infiltration basins, however, the site plans shall be subject to review and approval of the City Engineer.

DECISION & POSSIBLE MOTIONS

Decision on the Carr’s Tree Service Interim Use Permits and Variances may be granted by the City Council provided the project is found to be consistent with the policies and provisions of the Comprehensive Plan and Zoning Ordinance regulations as outlined herein. The City Council may motion one of three ways following consideration of the factors as presented:

- Motion to approve the following provided that the request is consistent with Comprehensive Plan and Zoning Ordinance regulations, subject to the conditions (as may be amended) attached in the findings of fact.
 - An INTERIM USE PERMIT to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.
 - An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.
 - A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses.
 - A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel.

- Motion to deny the application based on a finding that the request is inconsistent with the Comprehensive Plan or intent of the Zoning Ordinance.
- Motion to table/continue the public hearing until the next meeting to allow consideration of revised plans.

c: Lori Streich, City Clerk
Ellen Lendt, Deputy Clerk
Shane Nelson, City Engineer
Evan Amundson, Carr's Tree Service
Marie McCallum, Trustee/Landowner



The City of
Nowthen
"Where it still feels like country"

8188 199th Avenue NW
Nowthen, MN 55330
763-441-1347 Office
763-441-7013 Fax

<p>Zoning Application for:</p> <p><input type="checkbox"/> CONDITIONAL USE PERMIT</p> <p><input checked="" type="checkbox"/> INTERIM USE PERMIT</p> <p>Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30</p> <p>Amt. Due: <u>1480</u> Amt. Paid: <u>1480</u></p> <p>Check# _____ Receipt# _____</p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>2/2/21</u></p> <p>Date Application Complete: <u>2/2/21</u> <small>(60-day review period starts from this date)</small></p> <p>Public Hearing Date: <u>2/23/21</u></p> <p>City Council Approval/Denial Date: <u>3/9/21</u></p> <p>60-Day Extension: <input type="checkbox"/> Yes <input type="checkbox"/> No Expires On: _____</p> <p>Received By: <u>Liz Stokman</u></p> <p>Return To: Deputy Clerk deputyclerk@nowthenmn.net</p>
--	--

Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: 19477 Saint Francis Blvd

Property Identification Number (PIN#): 253325 24001

Type of Business or Use Requested: Service Businesses

Legal Description (Attach full description of Metes & Bounds if necessary):

Applicant Information

Name: Evan Amundson Business Name: Carr's Tree Service

Mailing Address: P.O. Box 250

City: Attertail State: MN Zip Code: 56571

Telephone: 218-367-3355 Cell Phone: 320-293-6273 Work: _____

e-mail: evan.ctr@carrstreeservice.com

A

Property Owner Information (If other than applicant):

Name: Marie E. McCallum Living Trust
Marie E. McCallum, Trustee Business Name: N/A

Mailing Address: 19001 Hopi St, N.W.

City: OAK GROVE State: MN Zip Code: 55303

Telephone: 263-753-2997 Cell Phone: 612-616-7868 Work: N/A

e-mail: m.mccallum20@gmail.com

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Bare

Description of Proposed Use: Gravel outdoor storage with natural screening

Reason(s) to Approve Request: there is 60 - 250 ft of trees screening the property from 90% of the property lines

Please describe any previous applications pertaining to the subject site:

Project Name: N/A Date of Application: _____

Nature of Previous Request: _____

Existing Building Sizes: N/A

RESIDENTIAL LOTS: House (main floor/footprint of living area): _____ SF

Garage 1: _____ SF(attached/detached?) Garage 2: _____ SF(attached/detached?)

COMMERCIAL/INDUSTRIAL LOTS: Main Building: _____ Total Square Feet

Office Area: _____ SF; Warehouse/Storage: _____ SF; Manufacturing: _____ SF

ALL LOTS:

Accessory Buildings: (type/size) _____ / _____ SF: _____ / _____ SF

_____ / _____ SF: _____ / _____ SF; _____ / _____ SF

APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 1000 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. **All fees and expenses are due whether the application is approved or denied.**

I understand and agree that all City-incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant: Evan Anderson Date: 2/1/2021
Property Owner: Marie E. McCallum, Trustee Date: 2/2/2021

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: Evan Anderson Date: 2/1/2021
Signature of Property Owner: Marie E. McCallum, Trustee Date: 2/2/2021
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____



The City of
Nowthen
"Where it still feels like country"

8188 199th Avenue NW
Nowthen, MN 55330
763-441-1347 Office
763-441-7013 Fax

<p>Zoning Application for:</p> <p><input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> APPEAL</p> <p>Base Fee: \$200 Escrow: \$1,000 <u>500</u> Public Hearing Fee: \$250 Recording Fee: \$30</p> <p>Amt. Due: <u>980</u> Amt. Paid: <u>980</u> Check# _____ Receipt# _____</p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>2/2/21</u> Date Application Complete: <u>2/2/21</u> <small>(60 day review period starts from this date)</small></p> <p>Public Hearing Date: <u>2/23/21</u> City Council Approval/Denial Date: <u>3/9/21</u> 60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____</p> <p>Received By: <u>Liz Sporkman</u> Return To: deputyclerk@nowthenmn.net</p>
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Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: 19477 Saint Francis Blvd
Property Identification Number (PID#): 253325240011
Type of Business or Use Requested: Service Business
Legal Description (Attach full description of Metes & Bounds if necessary):

Applicant Information

Name: Evan Amundson Business Name: Carr's Tree Service
Mailing Address: P.O. Box 250
City: Ottertail State: MN Zip Code: 56571
Telephone: 218-367-3355 Cell Phone: 218-293-6273 Work: _____
e-mail: evancts@carrstreeservice.com

B

Property Owner Information (If other than applicant):

Name: Marie E. McCallum Living Trust
Marie E. McCallum, Trustee Business Name: N/A

Mailing Address: 19001 Arpe St. N.W.

City: OAK GROVE State: MN Zip Code: 55303

Telephone: 763-753-2977 Cell Phone: 612-616-7868 Work: N/A

e-mail: m.mccallum70@gmail.com

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Bare Lot

Description of Proposed Use: Gravel 1 acre lot with outdoor storage of vehicles + tree debris to be managed throughout the year.

Reason(s) to Approve Request: minimal disturbance to site. dust control as needed, pipeline, wetlands

Please describe any previous applications pertaining to the subject site:

Project Name: NA Date of Application: _____

Nature of Previous Request : _____

Required Submittal Information:

- Site Survey or Site Plan, drawn to scale with detailed information including all primary and accessory structures, patios/decks, fences, driveways, well, and septic system. If a Certificate of Survey is not provided, property lines may have to be marked by registered surveyor so that the Zoning Administrator can verify required setbacks.
- N/A Detailed building/construction plans including floor plans, elevation drawings, materials and construction specifications.

APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 500 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. **All fees and expenses are due whether the application is approved or denied.**

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Applicant: Evan Anderson Date: 2/2/2021
Property Owner: Marie E. McCollum, Trustee Date: 2/2/2021

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I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: Evan Anderson Date: 2/2/2021

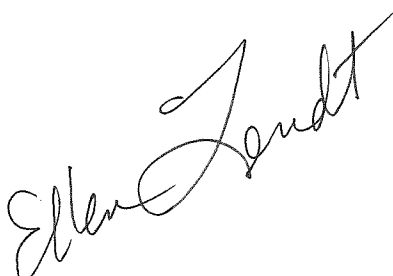
Signature of Property Owner: Marie E. McCollum, Trustee Date: 2/2/2021

Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____

CITY OF NOWTHEN

8188 199TH AVENUE NW
Address Line 2
NOWTHEN MN 55330



2/2/2021 11:24AM Receipt No. 2102103

Carrs Tree Service Inc.

PO Box 250

Ottertail	MN	56571	
IUP App-Escrow			\$1,000.00
IUP App-PH, Base, Recording Fees			\$480.00
Variance App-Escrow			\$500.00
Variance App-PH, Base, Recording F			\$480.00

IUP Application

Amount Paid \$2,460.00

Check No.

**BUILDING PERMITS
CITY OF NOWTHEN, MN**

CITY OF NOWTHEN, MN
8188 199TH AVE.
NOWTHEN, MN 55330
763-441-1347

02/02/2021 11:14:02 AM

**PURCHASE
BUILDING PERMITS**

Clerk ID : 1
Ref Number : 34103
Transaction # : 422

SUBTOTAL:	\$ 2460.00
CONVENIENCE FEE:	\$ 65.19
TOTAL:	\$ 2525.19

CARD ENTRY MODE	MANUAL
Visa	*****0162
NAME	
Auth Number	112052

APPROVED

THANK YOU!

GOV-PAY
WWW.GOV-PAY.COM
1-800-300-8007

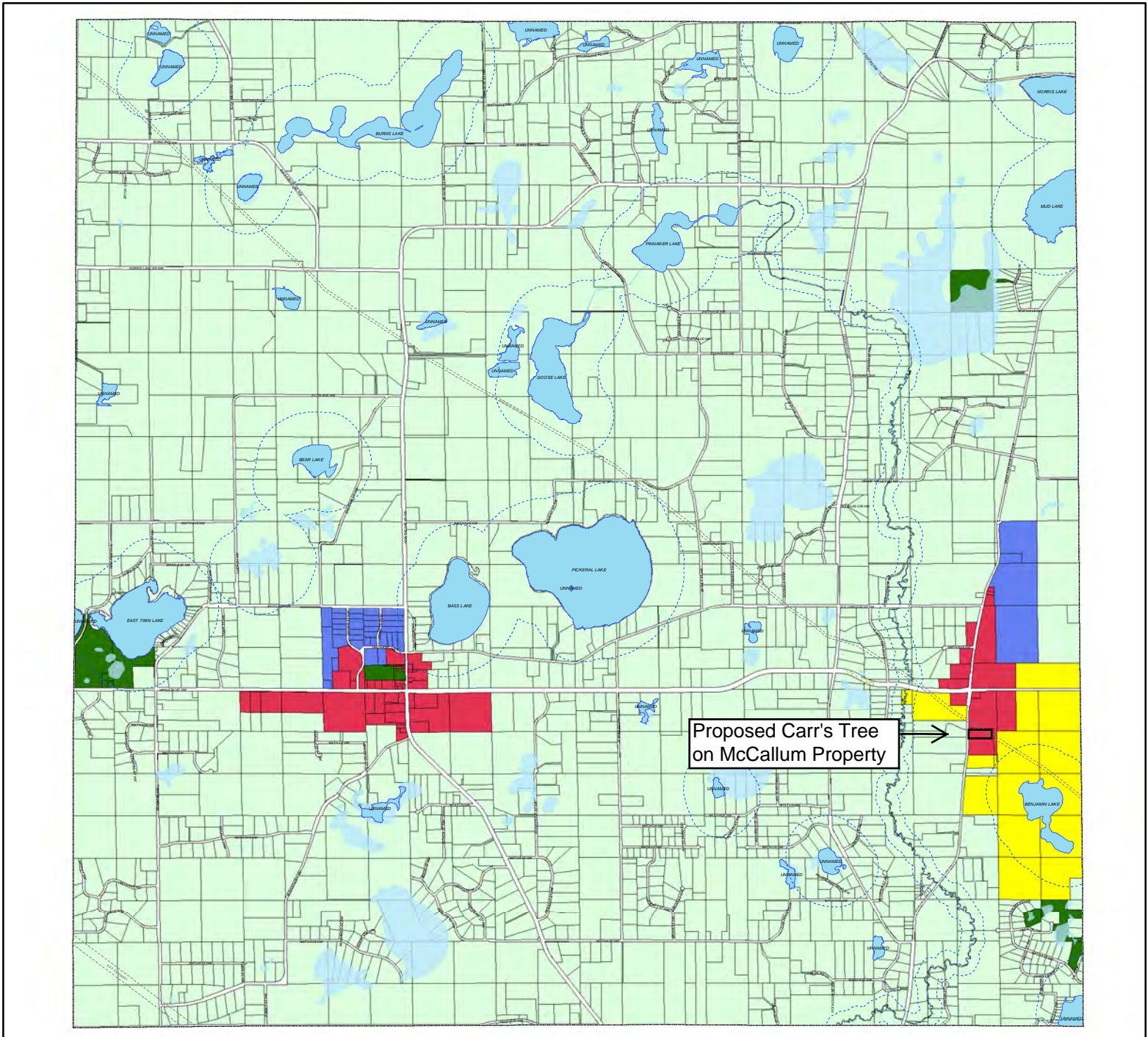
CUSTOMER COPY

C

NOTICE: City files must be consulted to verify the zoning classification of property in addition to this map.

CITY OF NOWTHEN

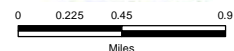
Zoning Map



ZONING

- C-1 - Commercial District (370 acres / 1.74%)
- I-1 - Industrial District (220 acres / 1.04%)
- CON - Conservancy District (156 acres / 0.74%)
- RRA - Rural Residential Agriculture (19,897 acres / 94.20%)
- RRT - Rural Residential Transition (478 acres / 2.26%)
- Shoreland Overlay District

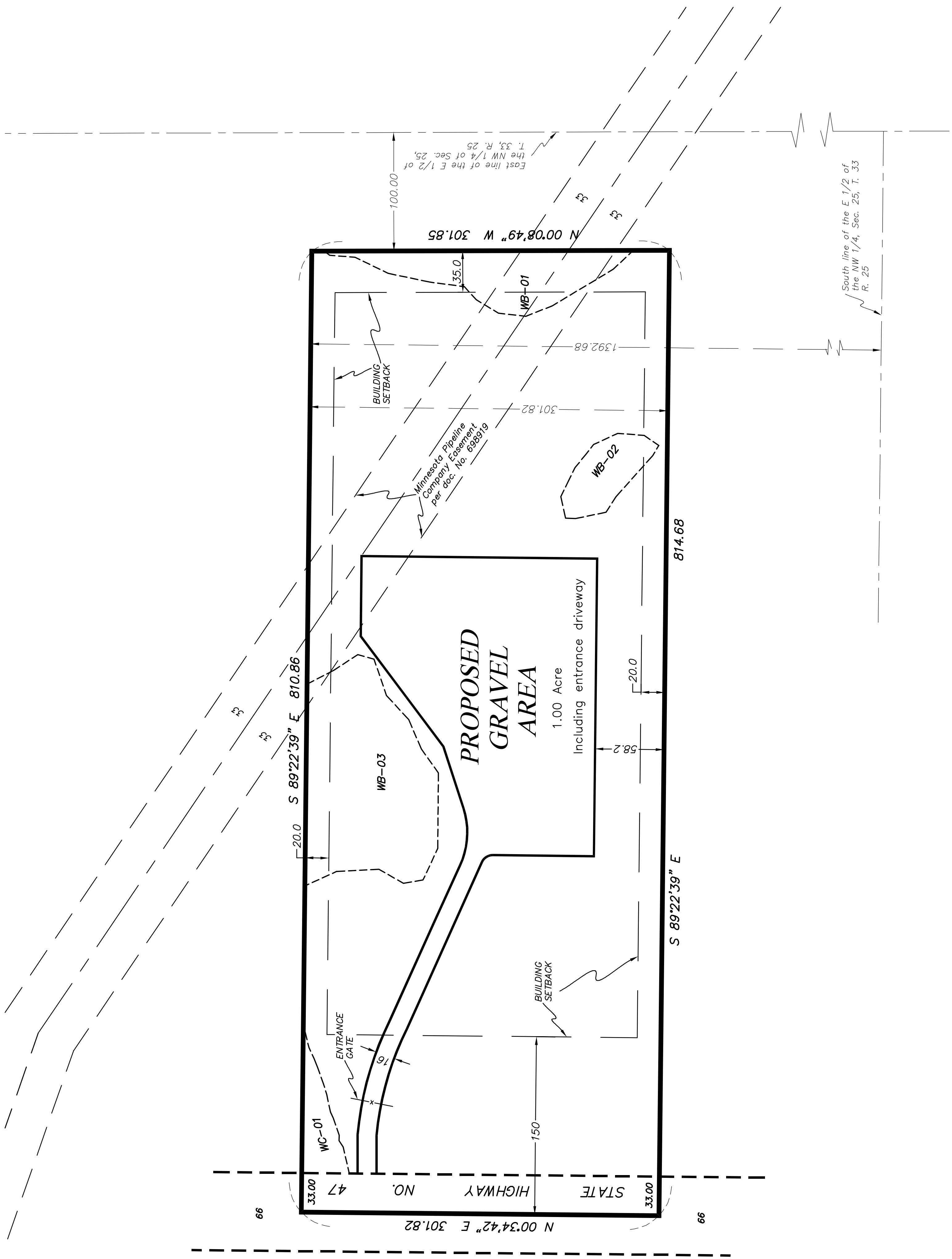
D



SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

Adopted: Aug 11, 2020

K:\GIS\Projects\Municipal\NT901\2019\LandUse2040



PROPERTY DESCRIPTION:
That part of the north 301.82 feet of the South 1,392.68 feet of the East Half of the Northwest Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota, lying East of the centerline of State Highway No. 47, Excepting therefrom the East 100.00 feet of said East Half of the Northwest Quarter.

Containing 5.63 acres more or less

PROPERTY ADDRESS:
19477 Saint Francis Blvd.
Nowthen, MN 55303

CURRENT ZONING:
C1 - COMMERCIAL DISTRICT

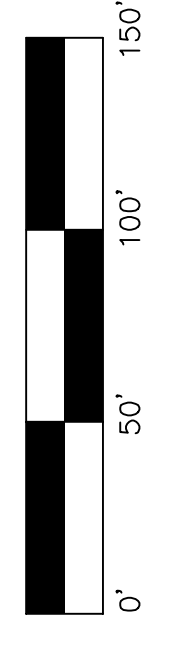
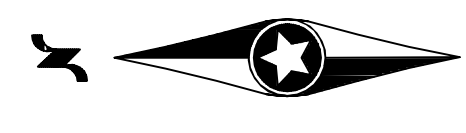
SURVEYORS NOTES:
The property boundaries shown on this Site Plan are based on Anoka County section subdivision data and boundary data shown on a survey prepared by Lot Surveys Company, Inc. dated November 3, 1986. No property boundary field verification was undertaken in preparation of this Site Plan.

This Site Plan was prepared without the benefit of a title commitment. No search for easements or restrictions, recorded or unrecorded, was made by the surveyor. Bearings shown are based on the Anoka County Coordinate System NAD 83 1986 adjustment.

Topography shown on this Site Plan was acquired from the Anoka County GIS data base. Accuracy is not field verified.

WETLAND DELINEATION:
Wetland boundaries and wetland designation shown on this Site Plan are based on a Wetland Delineation Report prepared by Westwood Professional Services dated 5/11/2020.

WB Denotes delineated wetland boundary
WC Denotes delineated watercourse



**Carrs Tree
Nowthen Property**
Site Plan
Option A

Nowthen, Minnesota

Carrs Tree Service
P.O. Box 50
Ottertail, MN 56571

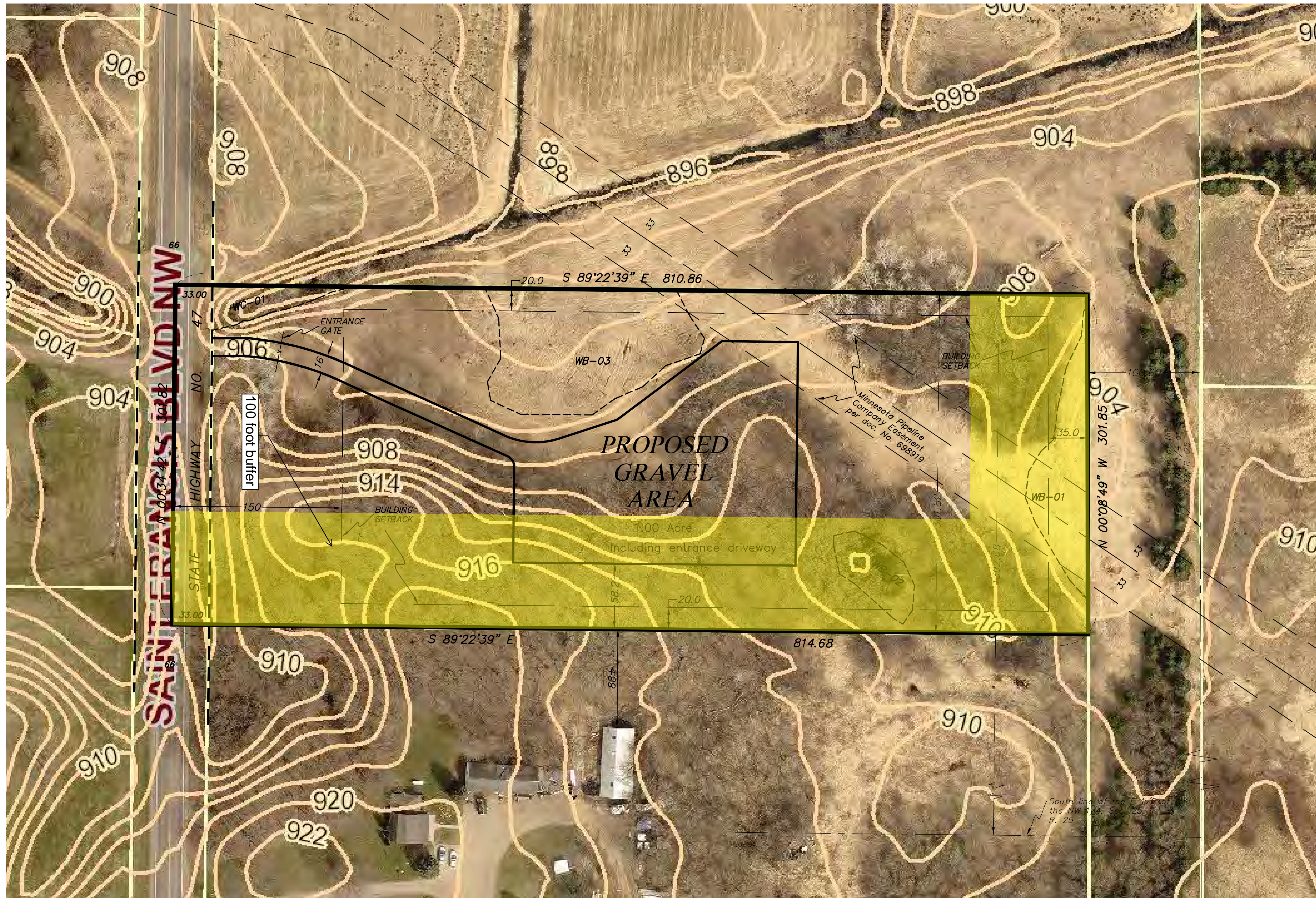
Prepared for:

Crew:	S.G.
Checked:	S.G.
Drawn:	S.G.
Record Drawing by/date:	

Revisions:

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Scott A. Gillen
Date: 1/14/2021 License No. 23002



PROPERTY DESCRIPTION:

That part of the north 301.82 feet of the South 1392.68 feet of the East Half of the Northwest Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota, lying East of the centerline of State Highway No. 47. Excepting therefrom the East 100.00 feet of said East Half of the Northwest Quarter.
Containing 5.63 acres more or less

PROPERTY ADDRESS:

19477 Saint Francis Blvd.
Nowthen, MN 55303

CURRENT ZONING:

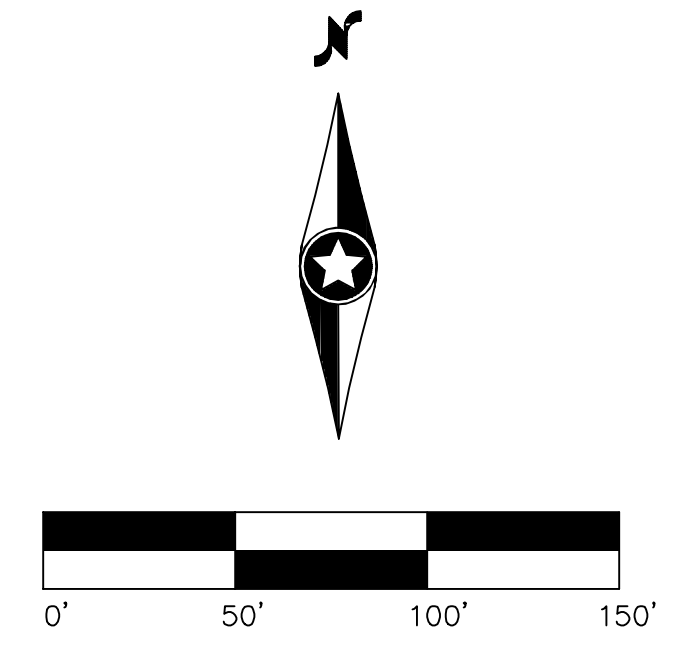
C1 - COMMERCIAL DISTRICT

SURVEYORS NOTES:

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I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.
Scott A. Gyllen
Date: 1/14/2021 License No. 23002

Revisions:	Crew:

Checked:	S.G.
Drawn:	S.G.
Record Drawing by/date:	

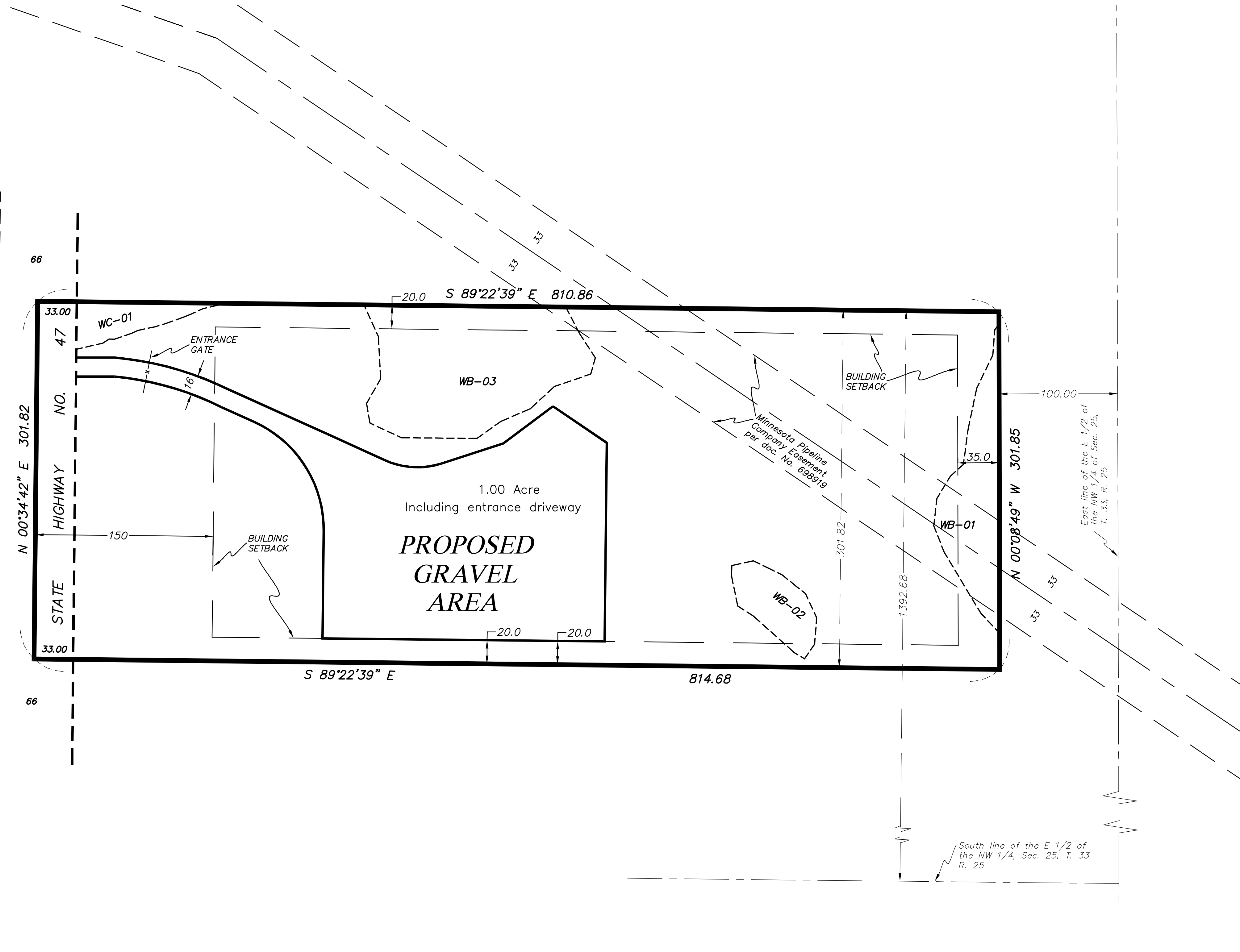
Prepared for:

Carrs Tree Service
P.O. Box 50
Ottertail, MN 56571

**Carrs Tree
Nowthen Property**
Nowthen, Minnesota

Site
Plan

Option
A



PROPERTY DESCRIPTION:

That part of the north 301.82 feet of the South 1392.68 feet of the East Half of the Northwest Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota, lying East of the centerline of State Highway No. 47. Excepting therefrom the East 100.00 feet of said East Half of the Northwest Quarter.
Containing 5.63 acres more or less

PROPERTY ADDRESS:

19477 Saint Francis Blvd.
Nowthen, MN 55303

CURRENT ZONING:

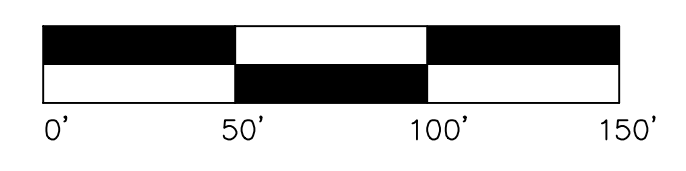
C1 - COMMERCIAL DISTRICT

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WC Denotes delineated watercourse



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.
Scott A. Gyllen
Date: 1/14/2021 License No. 23002

Revisions:	Crew:

Checked:	S.G.

Prepared for:

Carrs Tree Service
P.O. Box 50
Ottertail, MN 56571

**Carrs Tree
Nowthen Property**
Nowthen, Minnesota

Site Plan

Option B



PROPERTY DESCRIPTION:

That part of the north 301.82 feet of the South 1392.68 feet of the East Half of the Northwest Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota, lying East of the centerline of State Highway No. 47. Excepting therefrom the East 100.00 feet of said East Half of the Northwest Quarter.
Containing 5.63 acres more or less

PROPERTY ADDRESS:

19477 Saint Francis Blvd.
Nowthen, MN 55303

CURRENT ZONING:

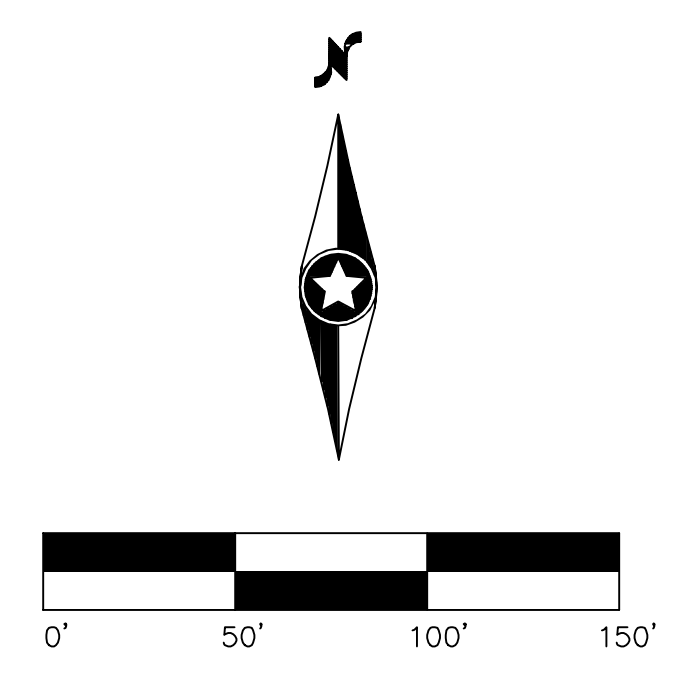
C1 - COMMERCIAL DISTRICT

SURVEYORS NOTES:

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Topography shown on this Site Plan was aquired from the Anoka County GIS data base. Accuracy is not field verified.

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WB Denotes delineated wetland boundary
WC Denotes delineated watercourse



I



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.
Scott A. Gyllen
Date: 1/14/2021 License No. 23002

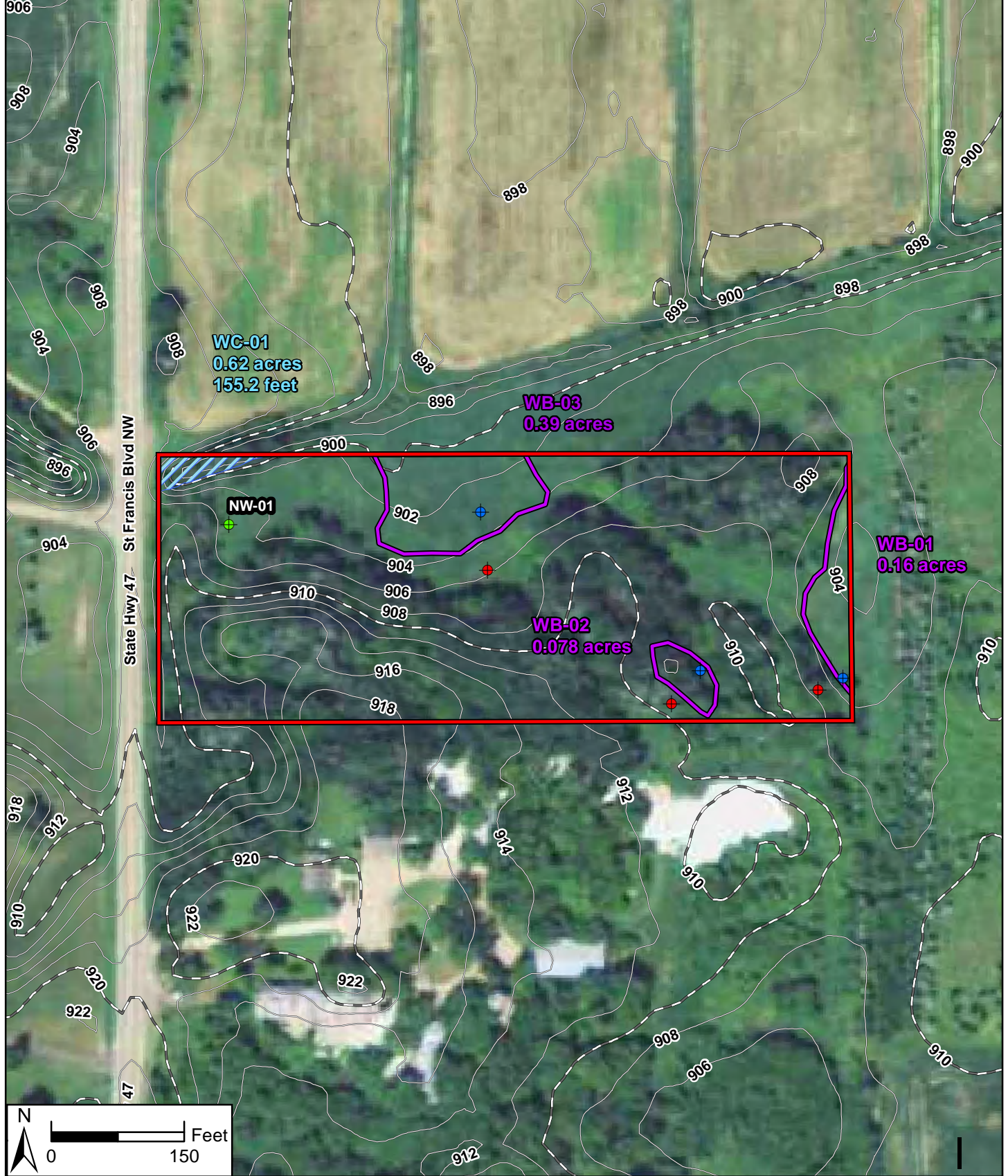
Revisions:	Crew:

Checked:	S.G.
Drawn:	S.G.
Record Drawing by/date:	

Prepared for:

Carrs Tree Service
P.O. Box 50
Ottertail, MN 56571

**Carrs Tree
Nowthen Property**
Nowthen, Minnesota



Data Source(s): Westwood (2020); ESRI WMS
 MnGeo Aerial Photography (Accessed 2020);
 U.S. Census Bureau (2017).



Legend

- Project Boundary
- 2ft Contour
- 10ft Contour
- Delineated Wetland
- Delineated Watercourse
- Non-Wetland Sample Point
- Upland Sample Point
- Wetland Sample Point

McCallum/Space Property

Nowthen, Anoka County, Minnesota

Delineated Wetlands and Watercourses

Westwood
 Toll Free (888) 937-5150 westwoodps.com
 Westwood Professional Services, Inc.

Map Document: N:\0226678.00\GIS\Wetland Exhibits\McCallum_Ex4_DelineatedWetlands_200511.mxd 5/11/2020 2:08:17 PM RJC:ress

Looking east where driveway to enter.

LAND FOR SALE
Approximately 5.4 acres
Marty Fisher / Mike Fisher
612-708-2873



View toward Hwy 47 (west)



Looking southeast from Hwy. 47



Looking east at site entrance.





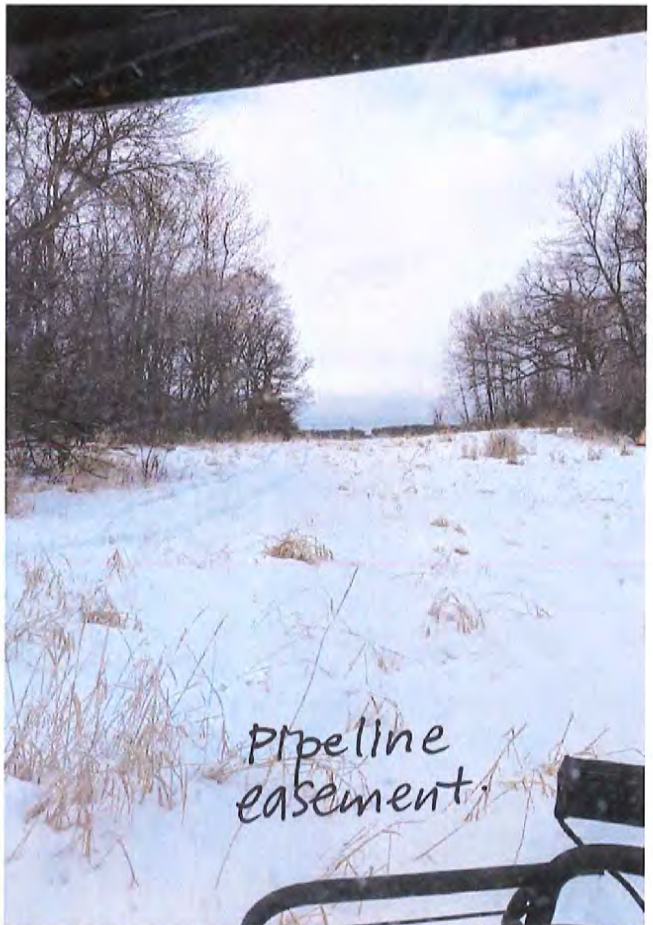
Large wetland along north side



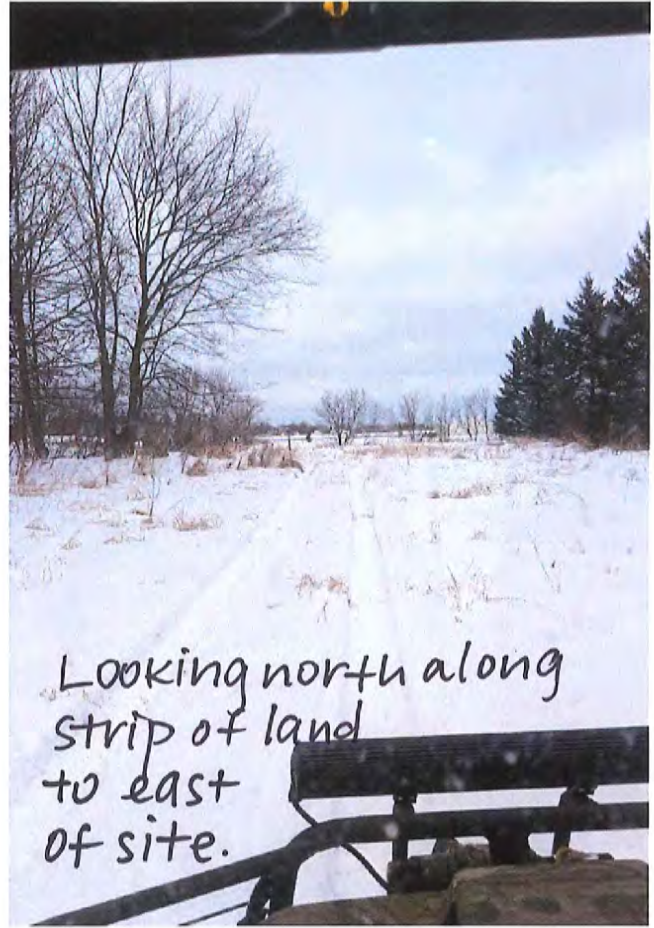
Looking south to neighboring farm.



Looking west along proposed driveway alignment.



Pipeline easement.



**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION
FINDINGS & RECOMMENDATION
Interim Use Permit, Variance, Site Plan
Review in C-1, Commercial Zoning District**

APPLICANTS: Carr's Tree Service Incorporated and Marie McCallum, Trustee
19477 St. Francis Blvd.

APPLICATION: This utility and tree-trimming company wishes to purchase the property and use a portion of it as an auxiliary site for vehicle and equipment storage as well for stockpiling of tree trimmings. The property is zoned C-1, Commercial, which permits landscaping and service-oriented businesses and involves the following applications:

An INTERIM USE PERMIT to allow outdoor storage of work vehicles, materials and equipment (City Code Section 11-3-8.D) associated with this tree trimming company, including piles of logs, brush and wood chips.

An INTERIM USE PERMIT to allow areas where heavy equipment is utilized to be surfaced with gravel in accordance with Section 11-6-2.K.2.c.

A VARIANCE from City Code Section 11-6-2.K requiring hard surfacing for driveways and parking areas for all commercial/industrial uses.

A VARIANCE from City Code Section 11-3-8.D.4 to allow the outdoor storage area to be surfaced with gravel.

PLANNING AND ZONING COMMISSION MEETING: February 23, 2021

FINDINGS: Based upon review of the application and evidence received, the Planning and Zoning Commission of the City of Nowthen now makes the following findings of fact:

Whereas, the legal description of the Subject Property is THAT PRT OF N 301.82 FT OF S 1392.68 FT OF E1/2 OF NW1/4 OF SEC 25-33-25 LYG E OF C/L OF T H NO 47, EX E 100 FT THEREOF, EX RD, SUBJ TO EASE OF RECORD;

Whereas, the Subject Property is located at 19477 St. Francis Blvd., encompasses 5.39 acres and is identified as PID 25-33-25-24-0011;

Whereas, the applicants (Carr's) intent is to purchase the Subject Property from the co-applicant(s) upon approval of the project by the Nowthen City Council;

Whereas, Section 11-3-5.C.4 of the Nowthen Zoning Ordinance allows landscaping and service-oriented businesses as permitted uses;

Whereas, the applicants wish to build a parking/outdoor storage area not to exceed one acre inclusive of the entrance drive;

Whereas, the outdoor storage will consist of parking of employee vehicles, tree trucks, trailers, chippers and other equipment in addition to the storage of tree debris, logs and brush;

Whereas, Section 11-10-3.A of the Nowthen Zoning Ordinance states that in granting a conditional use permit or interim use permit, the City Council shall consider the advice and recommendations of the Planning Commission on the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, and the effect on values of property in the surrounding area. The City Council shall also review the conditional use or interim use application against the goals and policies set forth in the Comprehensive Plan.

Whereas, Section 11-10-3.B of the Nowthen Zoning Ordinance states that in permitting a new conditional use or interim use permit or alteration of an existing conditional use or interim use permit, the Planning Commission and/or City Council may impose, in addition to these standards and requirements specified by this Chapter, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

1. Limiting the height, size, or location of buildings.
2. Controlling the location and number of vehicle access points.
3. Providing for a sufficient number of off-street parking spaces.
4. Limiting the number, size, location, or lighting of signs.
5. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

Whereas, Section 11-11-2 of the Nowthen Zoning Ordinance states that a variance request shall not be approved unless a finding is made by the City Council that failure to grant the variance will result in practical difficulties.

"Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

1. That the variance is consistent with the Comprehensive Plan.
2. That the variance is in harmony with the general purposes and intent of this Chapter.

3. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.
4. That the purpose of the variance is not exclusively economic consideration.
5. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
6. That the requested variance is the minimum action required to eliminate the practical difficulty.

Whereas, in granting any variance, the City Council may impose conditions to ensure compliance and to protect adjacent and affected properties.

Whereas, the Planning Report dated February 15, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regularly scheduled meeting on February 23, 2021.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission hereby APPROVES the Carr's Tree Service Site Plan to allow the storage of vehicles, machinery, equipment, tree debris, logs and wood chips within the C-1, Commercial zoning district, subject to the following conditions:

1. A maximum of fifteen (15) pieces of equipment shall be stored on the site at any given time, which may include: utility bucket trucks, wood chippers, toolcat, skid loaders, trailers, stump grinders, and portable track utility bucket trucks.
2. A maximum of five (5) passenger vehicles/employee vehicles shall be parked on site at any time.
3. The driveway is constructed per Anoka County standards and the necessary ROW permits are obtained.
4. Hours of operation shall be limited to 6AM to 7PM Monday-Saturday and closed Sunday.
5. The storage of logs, trees, brush and woodchips shall only be permitted on the property upon the designated/approved gravel outdoor storage area.
6. Chipping or grinding of trees, stumps, logs, or brush shall only be permitted on site once per month to minimize noise concerns and shall be performed during the hours of 9AM and 6PM.

7. Any signs desired on the property shall be reviewed and approved by the City Planner.
8. The site shall be gated to prevent use of the property by unauthorized persons.
9. One address sign identifying the correct property numbers at least three (3) inches in height shall be displayed at the front of the site near the gate entrance.
10. If a portable toilet is to be located on site, it shall be enclosed behind a wood structure and placed as not to be visible from the public ROW or adjacent residential uses and must be maintained on a regular basis.
11. Landscaping or screening required or is natural vegetation adequate?
12. Bufferyard variance?
13. Plans shall be submitted to MNDOT for review and approval of the driveway location, access permit and work within the ROW permit.
14. If a trash enclosure is required or desired, it shall be screened and fenced. The site plan should be revised to show the location of trash receptacles.
15. All exterior lighting will be subject to review and approval of the City Planner to ensure that lighting does not shine onto adjacent rights-of-way or residential properties.
16. A grading and drainage plan shall be submitted for review and approval of the City Engineer which is required to address all stormwater, grading, drainage, and erosion control requirements.
17. All development, construction, and use shall be in accordance with the approved plan and conditions required by the City Council. Any development or use not in accord with the approved plan and conditions shall constitute a violation of this IUP.
18. All proposed uses and plans shall be in conformance with City, County and State laws at all times and any required licenses and approvals are acquired prior to beginning construction.
19. A Interim Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the City Council from enacting or amending official controls to change the status of interim uses.

20. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit. Said permit will be processed in the same manner as a new application.
21. The City Council may hold a public hearing to revoke an interim use upon the happening of any of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the permit was issued;
 - b. The use or operation is discontinued for a period of one (1) year.
22. If no other time is specified in the Interim Use Permit, an interim use approved by the City Council must be exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, or the City Council may hold a public hearing to revoke the interim use unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administration may approve an extension which shall not exceed ninety (90) days whereafter consideration by the City Council may require reapplication and subsequent approval of a interim use.
23. All costs associated with the review of the submitted plans, surveys and other documents and any other costs generated by the City or its representatives relating to the application requirements are the responsibility of the applicants, including all legal, administrative, and professional services necessary for enforcement of the terms of the IUP.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the City Council of the City of Nowthen this 8th day of September 2020.

CITY OF NOWTHEN

By: _____
Mayor Jeff Pilon

Attest: _____
Lori Streich, City Clerk



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Nowthen Mayor and City Council
Nowthen Planning & Zoning Commission

FROM: Elizabeth Stockman

DATE: February 17, 2021

RE: Nowthen – Leistico Plat and CUP for Street Paving Deferral
21355 and 21413 Nowthen Blvd (PIDs 09-33-25-34-0002,
09-33-25-34-0003, and 09-33-25-33-0008)

FILE NO: 122.02 – 19.08

BACKGROUND

Application was received at the City of Nowthen on January 17, 2020 for the preliminary and final plat of Leistico Estates East. The project was originally a four (4) lot subdivision from three (3) existing lots for the purpose of distributing land among family members and separating the farmstead from the balance of land. The plat has gone through many changes over the last year and will take advantage of a recent City Code change which allows for the deferral of street paving requirements through approval of a Conditional Use Permit (CUP). A shared driveway will provide access to the site in the interim until such time as Outlots A and B are developed or any lot within the plat is further subdivided. The plat now contains four (4) lots and two (2) outlots. The two outlots are not buildable.

Dennis and Gene Leistico who both live adjacent to (or within) the plat, will be acquiring Outlot A and Lot 1, Block 3 respectively. The farmstead on Lot 1, Block 1 will be sold and Lot 2, Block 1 is a new lot being created for Dennis' son. Lot 1, Block 2 and Outlot B will be owned by Gene Leistico and will allow for his children to potentially build within the plat at a later date. The plat positively eliminates an existing flag lot upon which Gene Leistico resides through the reconfiguration of land within the plat.

The property is guided Permanent Low Density Residential in the City's 2040 Land Use Plan and the property is zoned RRA, Rural Residential Agriculture.

- Exhibit A – Application for Preliminary and Final Plat
- Exhibit B – Application for CUP/Street Paving Deferral
- Exhibit C – Site Location
- Exhibit D – Preliminary Plat
- Exhibit E – Final Plat
- Exhibit F – Anoka County Approval
- Exhibit G – Findings of Fact

Zoning and Land Use Consistency. The proposed subdivision is in conformance with the site's designation as Permanent Low Density Residential in the City's 2040 Land Use Plan and the property's zoning as RRA, Rural Residential Agriculture.

Lot Size Requirements. All parcels within the plat conform with the City's minimum lot size requirements of 2.5 acres or larger, overall five (5) acre density average. The total acreage of 68.71 acre divided by six lots yields an average density of 11.45 acres. All parcels have a minimum of 150 feet on the future local right-of-way.

CUP for Street Surfacing Deferral & Shared Driveway Requirements. The proposed 66-foot right-of-way for the future local street shall be used for a shared driveway until such time as the City agrees by resolution to accept and maintain a road for public use within the dedicated right-of-way. Section 10-3-3.C.5 requires the following:

- a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
- b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
- c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.
- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future

improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

Section 11-6-2.J.4 requires the following:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Shared driveway agreements, including maintenance provisions, and deed restrictions filed against all parcels shall be a condition of approval and subject to review and endorsement of the City Attorney.

Conditional Use Permit Criteria (Section 11-10-3.B). In permitting a new conditional use, the City Council may impose, in addition to the standards and requirements specified by the Zoning Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

1. Limiting the height, size, or location of buildings.

Comment: The location of a single-family home on Lot 1, Block 2 and Lot 2, Block 1 is reasonable based on both lots meeting lot size and buildability requirements. Detailed review of specific house elevation and placement will occur at the time of building permit review.

2. Controlling the location and number of vehicle access points.

Comment: Anoka County has approved the shared driveway access onto Nowthen Blvd. and a shared driveway agreement will be required as outlined in subsequent sections of this report.

3. Providing for a sufficient number of off-street parking spaces.

Comment: Not applicable.

4. Limiting the number, size, location, or lighting of signs.

Comment: Not applicable, except that an address placard will be required where the driveway intersects with Nowthen Blvd. to indicate the house numbers of all parcels sharing the driveway.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

Comment: The City Council shall comment on the need for screening or may waive this requirement based on the limited impacts on adjacent properties.

Engineering Recommendation. The revised Preliminary and Final Plats reflect previous comments by Hakanson Anderson Associates. Specifically, HAA has reviewed the revised Final Plat and the drainage and utility easements that were added around the wetlands and lot perimeters address the only comment that the applicants previously had outstanding.

Wetlands. The plat contains four large wetlands and two small wetlands which have not been impacted by the proposed development. Drainage/utility easements and buffers have been shown around the wetlands as required under state law and wetland buffer signs shall be installed at 200 foot intervals.

Subsurface Sewage Treatment Systems. The Minnesota Pollution Control Agency publishes and oversees rules related to Subsurface Sewage Treatment Systems and the land where they are located. Section 7082.0100 subpart 3.F. of the current septic code stipulates that an area needs to be designated for two Type I systems for each parcel created. Soil borings and the locations of the proposed primary and secondary septic system sites have been shown on the Preliminary Plat and are generally acceptable. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation in certain instances.

Building Permit. Building permits shall be required for the new homes which requires submittal of a certificate of survey for individual lots, lowest floor elevations noted and custom grading/erosion control plans which are subject to review and approval of the City Engineer and City Planner.

Existing Sheds. Lot 1, Block 1 contains numerous accessory buildings since this is the old farmstead. Section 11-4-2 of the City Code regulates the number and square footage of accessory structures as follows:

On lots two and one half (2.5) acres but less than five (5) acres, a maximum of two (2) accessory structures are allowed, with a total floor area not to exceed three thousand two hundred (3,200) square feet in size and a maximum height of twenty-five (25) feet.

If property is split with existing buildings, the size of any parcel must be large enough to accommodate the number and square footage of accessory structures as stated previously in this Section. While the Preliminary Plat indicates the removal of four existing sheds (700 sf, 970 sf, 1,960 sf, and 2,500 sf) the two remaining sheds encompass 3,200 sf (40x80) and 1,220 sf which still exceed the allowable square footage. The 1,220 sf shed will also need to be removed or a variance processed to allow it to remain.

Park and Trail Dedication Requirements. The City's Park and Trail System Plan does not include any planned improvements or search areas in the vicinity of the Leistico property. The plat shows two buildable lots of the four total lots and two outlots. The pre-development lot count was three, with one of those being a vacant parcel, however, a building permit would not have been issued since the vacant parcel was landlocked without direct street frontage or access through the parcel fronting on Nowthen Blvd. It is recommended that Park and Trail Dedication fees be collected for two lots (\$2,500 x2=\$5,000) and when the Outlots are subdivided in the future, fees for those lots shall be collected at that time. Building permits are not issued for Outlots.

SUMMARY

In granting any Conditional Use Permit and approving the Preliminary and Final Plat for Leistico Estates, the City Council may impose conditions to ensure compliance with the City Code and to protect adjacent and affected properties. The City Council may motion one of three ways following consideration of the factors outlined herein:

- Motion to approve the Preliminary and Final Plat and CUP for deferral of street paving requirements based on the request's consistency with the City's Comprehensive Plan, Zoning Ordinance regulations, and Conditional Use Permit criteria, subject to the conditions (as may be amended) in the attached in the findings of fact.
- Motion to deny the application based on a finding that the request is inconsistent with the Comprehensive Plan or Zoning Ordinance.
- Motion to table/continue the public hearing until the next meeting.

c: Lori Streich, City Clerk
Ellen Lendt, Deputy Clerk
Shane Nelson, City Engineer
Bob Ruppe, City Attorney
Gary, Dennis and Gene Leistico, Applicants
Chris Ambourn, Wenck Associates



The City of
Nowthen
"Where it still feels like country"

8188 199th Avenue NW
Nowthen, MN 55330
763-441-1347 Office
763-441-7013 Fax

Application for:

CONCEPT PLAN

Base Fee: \$200
Escrow: \$1000

PRELIMINARY PLAT
 FINAL PLAT

Base Fee: \$200 + \$50/lot
Escrow: \$1,500
Public Hearing Fee: \$250

Amount Paid: \$4050
~~\$6050.00~~

FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY

Date Application Received: January 17, 2020

Date Application Complete: January 17, 2020

(60 day review period starts from this date)
Planning & Zoning Hearing: 2/24/20 and 3/24/20

City Council Approval/Denial Date: _____

60-Day Review Period Ends: Waived, per letter rec'd 2/14/20

60-Day Extension: X Yes ___ No Expires On: Until further
noticed in writing

Received By: Liz Stockman (via email, check mailed to city)

Return To: deputyclerk@nowthenmn.net

We received in the mail a payment of \$6,050.00, Check #1019 from Joanne J. Leistico Rev. Trust & Gary R. Leistico 1/17/20

Additional Platting Fees: Security Escrow: 150% of estimated construction costs
Engineering Escrow: 7% of initial security amount
Administrative Fee: 1% of total construction costs
Park Dedication Fee: \$2000/lot
Trail Dedication Fee: \$500/lot

Property Information Street Address: 21413 & 21355 NOWTHEN BLVD.

Property Identification Number (PID#): 09-33-25-33-0008, 09-33-25-34-0003,

Legal Description (Attach full description of Metes & Bounds if necessary): 09-33-25-34-0002

ATTACHED

Applicant Information

Name: CHRIS AMBURN Business Name: WENCK ASSOCIATES

Mailing Address: 1802 WOODDALE DR.

City: WOODBURY State: MN Zip Code: 55125

Home Phone: _____ Cell Phone: 651-485-9876 Work: _____

e-mail (home): _____

e-mail (work): lambourn@wenck.com

A

Property Owner Information (If other than applicant):

Name: LEISTICO TRUST & GENE/JAYCIE JO LEISTICO Business Name: _____

Mailing Address: 21413 NORTHERN BLVD

City: WILLOW LAKE RIVER State: MN Zip Code: 55330

Home Phone: _____ Cell Phone: _____ Work: 320-456-3518

e-mail (home): _____

e-mail (work): GLEISTICO@PINKENONAN.COM

Description of Request (attach additional sheets as necessary)

Existing Use of Property: AGRICULTURAL & RESIDENTIAL

Description of Proposed Use: SAME

Lot Size: 2.5 OR 5+ AC. Zoning: RR1A

Number of New Lots: 1 Number of Total Lots: 4

Reason(s) to Approve Request: THIS PLOT ELIMINATES THE FLAG LOT FOR 21355 AND PROVIDES BASE FOR FUTURE SUBDIVISION.

Please describe any previous applications pertaining to the subject site:

Project Name: _____ Date of Application: _____

Nature of Previous Request: _____

Existing Building Sizes:

RESIDENTIAL LOTS: House: 3,611 SF Garage: 3,640 SF (attached/detached?)

COMMERCIAL/INDUSTRIAL LOTS: Main Building: — Total Square Feet

Office Area: — SF; Warehouse/Storage: — SF; Manufacturing: — SF


ALL LOTS:

Accessory Buildings: (type/size) SHED / 968 SF: SHED / 700 SF

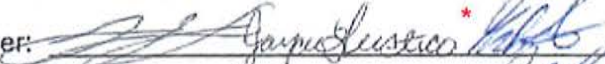
SHED / 3349 SF: SHED / 1220 SF; _____ / _____ SF

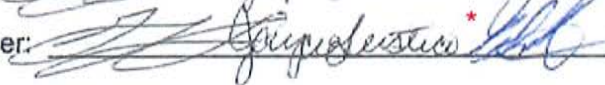
I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant:  Date: 10/29/19

Signature of Applicant: _____ Date: _____

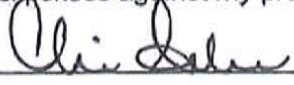
Signature of Property Owner:  Date: 11/6/19

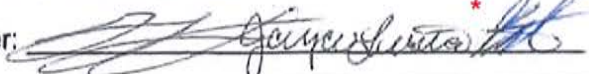
Signature of Property Owner:  Date: 11/6/19

AGREEMENT TO PAY ALL APPLICATION FEES AND EXPENSES:

We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ _____ as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. All fees and expenses are due whether the application is approved or denied.

I understand and agree that all City incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant:  Date: 10/29/19

Property Owner:  Date: 11/6/19

* = Trustee of the JoAnne J. Leistico Revocable Trust Agreement



The City of
Nowthen
"Where it still feels like country"

8188 199th Avenue NW
Nowthen, MN 55330
763-441-1347 Office
763-441-7013 Fax

<p>Zoning Application for:</p> <p><input checked="" type="checkbox"/> CONDITIONAL USE PERMIT</p> <p><input type="checkbox"/> INTERIM USE PERMIT</p> <p>Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30</p> <p>Amt. Due: <u>\$1,480</u> Amt. Paid: <u>\$1,480</u></p> <p>CC # _____ Check# <u>0965</u> Receipt# <u>2102102</u></p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>February 2, 2021</u></p> <p>Date Application Complete: <u>February 2, 2021</u> (60-day review period starts from this date)</p> <p>Public Hearing Date: <u>Feb. 16 or 23, 2021</u></p> <p>City Council Approval/Denial Date: <u>March 9, 2021</u></p> <p>60-Day Extension: <u>Yes</u> <input checked="" type="checkbox"/> No Expires On: _____</p> <p>Received By: <u>Ellen Lendt</u></p> <p>Return To: Deputy Clerk deputyclerk@nowthenmn.net</p>
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Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: 21413 and 21355 Nowthen Blvd

Property Identification Number (PIN#): 09-33-25-33-0008, 09-33-25-34-0003, 09-33-25-34-0002

Type of Business or Use Requested: Deferral of street paving requirements

Legal Description (Attach full description of Metes & Bounds if necessary):

Applicant Information

Name: Gary Lesitico/Leistico Trust Business Name: _____

Mailing Address: Suite 300, US Bank Plaza, P.O. Box 1497

City: St. Cloud State: MN Zip Code: 56302

Telephone: _____ Cell Phone: _____ Work: (320) 656-3518 Direct

e-mail: gleistico@rinkenoonan.com

B

Property Owner Information (If other than applicant):

Name: _____ Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code : _____

Telephone: _____ Cell Phone: _____ Work: _____

e-mail: _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Agricultural/residential

Description of Proposed Use: CUP for deferral of street paving requirements (Leistico Plat)

Reason(s) to Approve Request: Splitting land among family, meet requirements of Subdivision Ord.

Please describe any previous applications pertaining to the subject site:

Project Name: Leistico Plat Date of Application: Jan. 2020

Nature of Previous Request : _____

Existing Building Sizes: **See Survey/Plat (buildings to be removed as noted)**

RESIDENTIAL LOTS: House (main floor/footprint of living area): _____ SF

Garage 1: _____ SF(attached/detached?) Garage 2: _____ SF(attached/detached?)

COMMERCIAL/INDUSTRIAL LOTS: Main Building: _____ Total Square Feet

Office Area: _____ SF; Warehouse/Storage: _____ SF; Manufacturing: _____ SF

ALL LOTS:

Accessory Buildings: (type/size) _____ / _____ SF: _____ / _____ SF

_____ / _____ SF: _____ / _____ SF; _____ / _____ SF

APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ \$1,000 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. **All fees and expenses are due whether the application is approved or denied.**

I understand and agree that all City-incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant: [Signature] Date: 2/2/2021

Property Owner: [Signature] Date: 2/2/2021

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: [Signature] Date: 2/2/2021

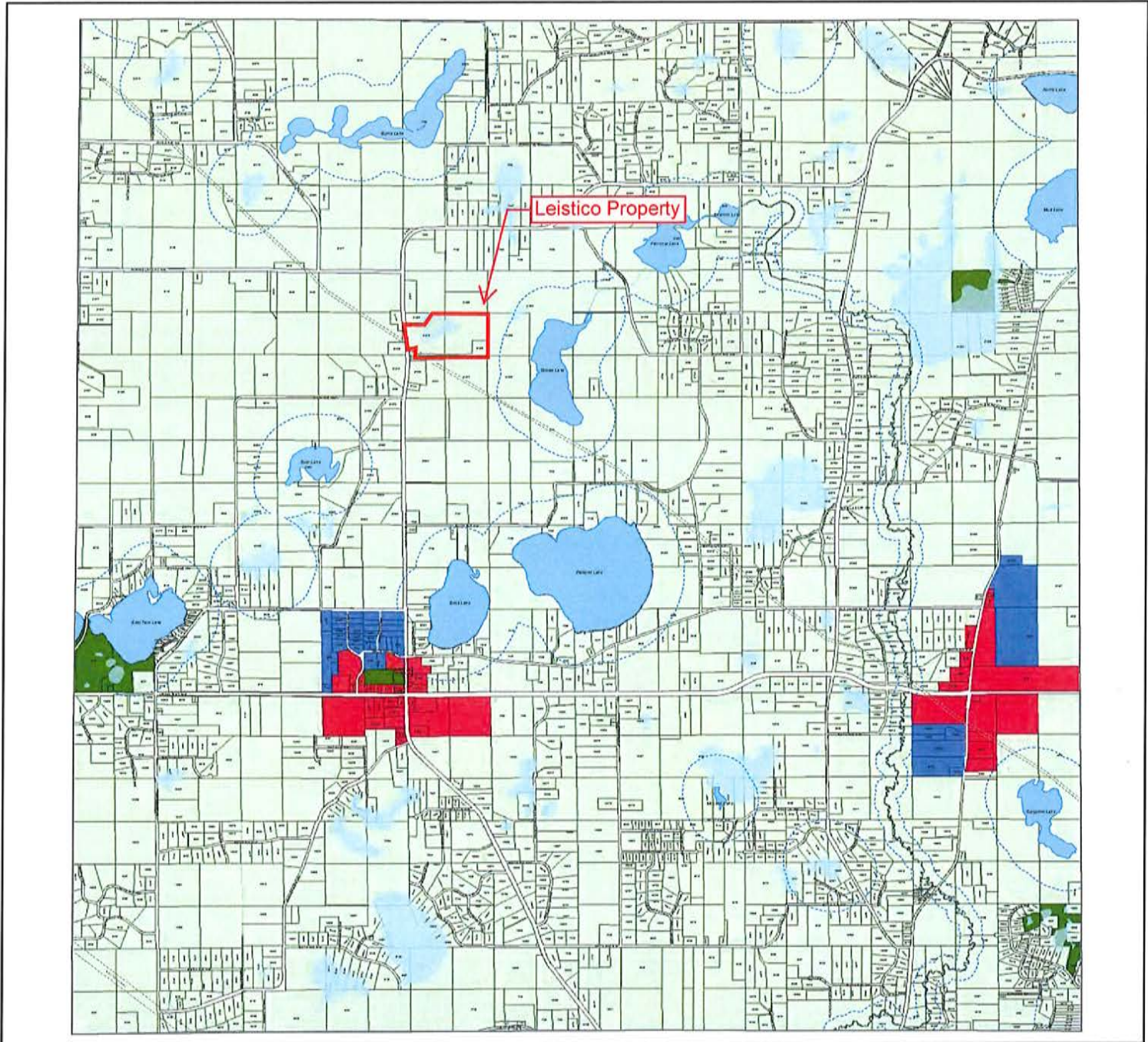
Signature of Property Owner: [Signature] Date: 2/2/2021

Signature of Property Owner: [Signature] Date: 2/2/2021

Signature of Property Owner: [Signature] Date: 2/2/2021

NOTICE: City files must be consulted to verify the zoning classification of property in addition to this map.

City of Nowthen Zoning Map



ZONING

- C-1 - Commercial District (530 acres / 2.48%)
- I-1 - Industrial District (323 acres / 1.51%)
- CON - Conservancy District (156 acres / 0.73%)
- LTA - Long Term Agriculture (0 acres / 0%)
- RRA - Rural Residential Agriculture (20,366 acres / 95.27%)

 Shoreland Overlay District

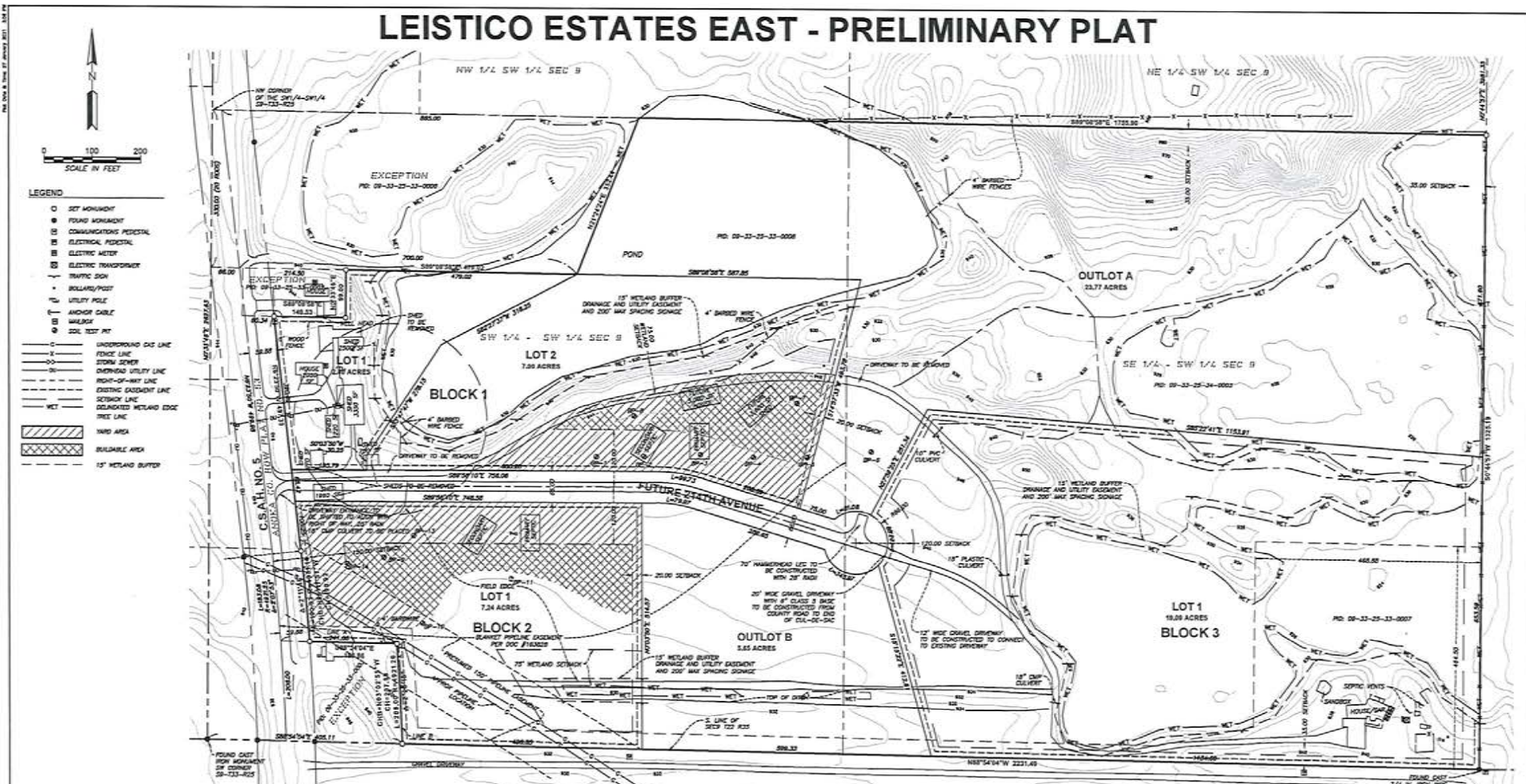


Sources: City of Nowthen, Anoka County, MN DNR, HAA & TPC

Ordinance #38, adopted October 13, 2011
Revised Shoreland Overlay District February 19, 2014



LEISTICO ESTATES EAST - PRELIMINARY PLAT



LEGEND

- SET MONUMENT
- FOUND MONUMENT
- ▣ COMMUNICATIONS PEDESTAL
- ▣ ELECTRICAL PEDESTAL
- ▣ ELECTRIC METER
- ▣ ELECTRIC TRANSFORMER
- ▣ TRAFFIC SIGN
- ▣ BOLLARD/POST
- ▣ UTILITY POLE
- ▣ ANCHOR CABLE
- ▣ WALKWAY
- ▣ SOL TEST PIT

- UNDERGROUND GAS LINE
- FENCE LINE
- STORM SEWER
- OVERHEAD UTILITY LINE
- HIGHWAY/DRIVEWAY LINE
- DISTRICT EASEMENT LINE
- SEWERAGE LINE
- COLLECTED WETLAND EDC
- TREE LINE

- ▨ YARD AREA
- ▨ BUILDABLE AREA
- 15' WETLAND BUFFER

LOT BUILDABILITY TABLE

LOT #	PIT #	GROUND ELEV. EXT. FROM LEAS.	MOTTILING DEPTH, IN.	MOTTILING DEPTH, FT.	MOTTILE ELEV. (MSL)	CONTIGUOUS BUILDING SIZE (SQUARE FEET)	BUILDING AREA (24 HOUR MOTTILING INCLUDING LOT AREA)	YARD AREA (EXCLUDING LOT AREA)	WETLAND BUFFER (FEET)
2, BLK.1	BP-1	941	27	3.08	913.9	n/a	n/a	n/a	n/a
2, BLK.1	BP-2	941	27	3.08	913.9	n/a	n/a	n/a	n/a
2, BLK.1	BP-3	941	27	3.08	913.9	7.90 ac/344,124	1.15 ac/50,642	2.77 ac/120,580	802
2, BLK.1	BP-4	941	27	3.08	913.9	n/a	n/a	n/a	n/a
2, BLK.1	BP-7	944	27	3.08	916.9	n/a	n/a	n/a	n/a
2, BLK.1	BP-9	942	28	2.30	919.7	n/a	n/a	n/a	n/a
1, BLK.2	BP-9	935	14	1.95	920.84	n/a	n/a	n/a	n/a
1, BLK.2	BP-10	933	15	1.73	918.67	n/a	n/a	n/a	n/a
1, BLK.2	BP-11	931	0 (Dry/94)	0	931	7.24 ac/315,374	1.30 ac/56,678	3.43 ac/148,277	802
1, BLK.2	BP-12	932	0 (Dry/94)	0	932	n/a	n/a	n/a	n/a
1, BLK.2	BP-13	936	17	1.41	934.59	n/a	n/a	n/a	n/a
1, BLK.2	BP-14	935	16	1.33	933.27	n/a	n/a	n/a	n/a

PROPERTY DESCRIPTION:
That part of the South Half of the Southwest Quarter of Section 9, Township 33, Range 25, lying westerly of the west line of ANOKA COUNTY HIGHWAY NO. 53, according to the recorded plat thereof, Anoka County, Minnesota, except the following described parcels:

Commencing at the intersection of the south line of said South Half with the center line of the Anoka and Princeton State Road, and proceeding thence North along said center line for a distance of 200 feet; and proceeding thence East and parallel with the south line of said South Half for a distance of 245 feet; and proceeding thence South and parallel to said center line to the South line of said South Half; and proceeding thence West on said South line of the South Half to the point of commencement herein, and close same;

Commencing at the intersection of the north line of the Southwest Quarter of the Southwest Quarter with the centerline of County State Aid Highway No. 25; thence East on said north line 850 feet; thence Southwesterly to intersect 6 the drawn East from a point on the west line of said Southwest Quarter of the Southwest Quarter about 28 rods South of the Northwest Quarter thereof, and about 700 feet west of the centerline of County State Aid Highway No. 5; thence West to the centerline of County State Aid Highway No. 5; thence northwesterly on the centerline of County State Aid Highway No. 5 to the point of beginning, and close same;

Commencing at a point 20 rods south of the northeast corner of the Southwest Quarter of the Southwest Quarter, Section 9 and 4 rods east of the west line of Section 9, Township 33, Range 25; thence East 13 rods; thence South 5 rods; thence West 13 rods; thence North 5 rods to the point of commencement.

SURVEYOR'S NOTES:
1. Bearings shown herein are based on the Anoka County coordinate system (NAD83/11).
2. Easements and ground restrictions shown herein are from L&L and are relative to the NAD83 vertical datum.
3. Underground utility lines shown herein are based on markings and maps provided as a result of a Cooper State One Call utility locate request. Wenck cannot guarantee that all lines were marked or that the markings or maps are accurate or complete.
4. Wetland lines shown herein are were field delineated by Wenck Associates but may be pending final approval.

SURVEYOR'S CERTIFICATION:
I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.
Clayton 11/2/2020
Date
Dale Ansham
LS 42058
REVISED 1/4/2021... ADDED ADDITIONAL WETLANDS IN LOT 1, BLOCK 2 AND OUTLOT B
REVISED 1/27/2021... ADDED DRAINAGE AND BUFFER STRIPS ALONG WETLANDS

ENGINEER'S CERTIFICATION:
I hereby certify that this plan, specification, or report was completed by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.
Eric M. Blagov 11/2/2020
Date
Eric M. Blagov
PE 43781

WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
1802 WOODLAKE DR.
WOODBURG, MN, 55125
PH: 651-395-5212

CLIENT NAME: GARY LEISTICO

PROJECT TITLE: PRELIMINARY PLAT

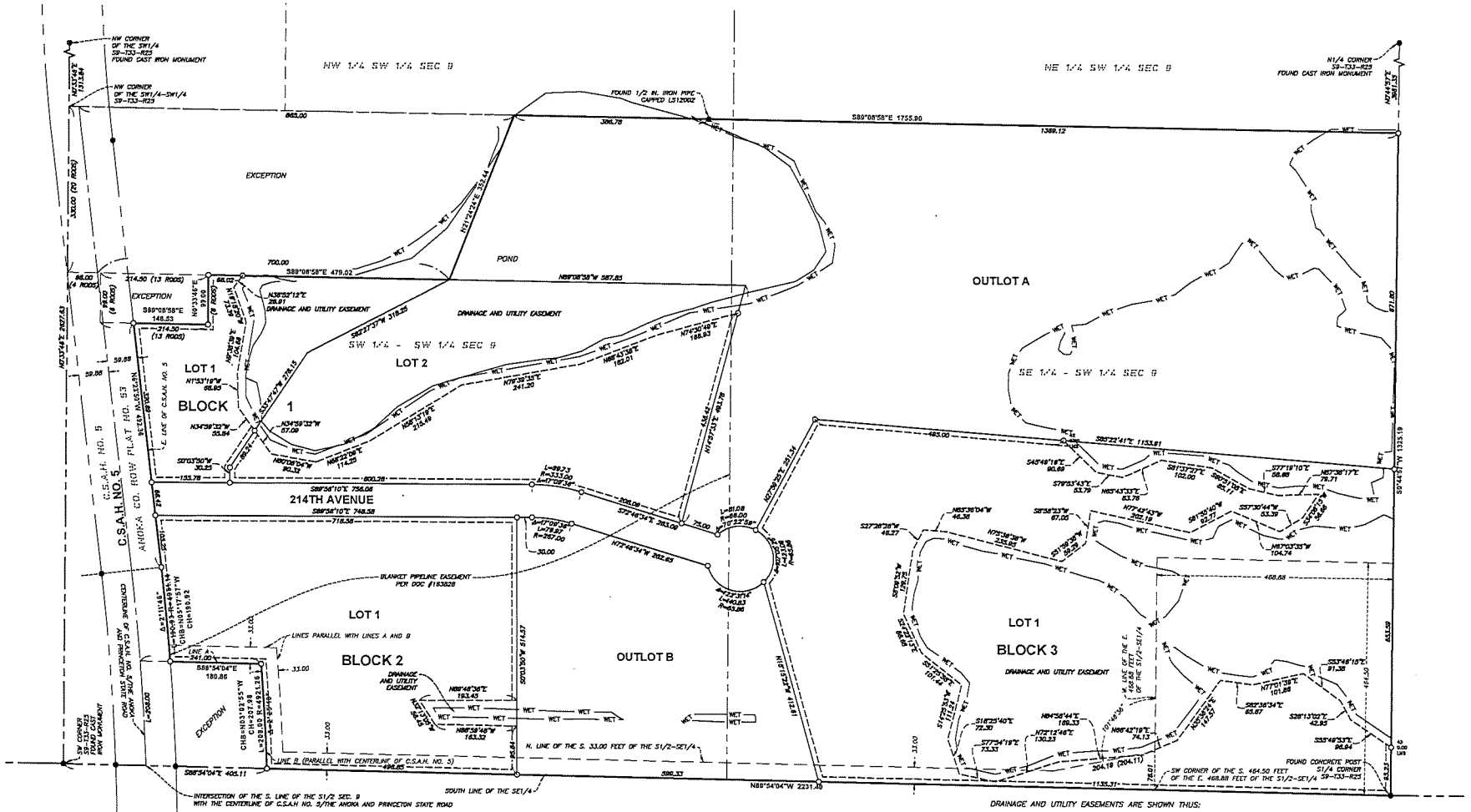
PROJECT NO.: 7847-0001

APP'D: XXXX
DATE: 7-10-19
SCALE: 1" = 100'

SHEET NO.: 1 OF 1

LEISTICO ESTATES EAST

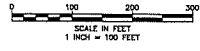
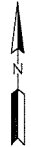
City of Nowthen
County of Anoka
Sec. 9, Twp. 33, Rng. 25



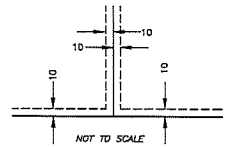
LEGEND

- DENOTES MONUMENT FOUND AS DESCRIBED
- DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET WITH PLASTIC CAP MARKED RLS NO. 4,3053
- WET LANDS
- (XXX.XX) DIMENSION OF RECORD

BEARING ORIENTATION NOTE
THE EAST LINE OF THE SW1/4 OF S9-1133-225 IS ASSUMED TO BEAR N033°46'E.



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING LOT LINES AND BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS AND REAR LOT LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.

E





Anoka County
TRANSPORTATION DIVISION
Highway

November 4, 2020

Liz Stockman
City of Nowthen
8188 199th Ave NW
Nowthen MN 55330

RE: Preliminary Plat - Leistico Estates Plat

Dear Liz,

We have reviewed the preliminary plat for Leistico Estates, to be located east of CSAH 5 (Nowthen Boulevard NW) and south of CSAH 24 (Norris Lake Road NW) within the City of Nowthen, and I offer the following comments:

The existing 60 feet of right of way adjacent to CSAH 5 should be adequate for future reconstruction purposes and no additional right of way will be required adjacent to CSAH 5 at this time. As proposed, the plat introduces 2 access points onto CSAH 5, with one being an access for Lot 1 in Block 1 and the other being the proposed Leistico Avenue that will be constructed in the future, and is planned to be a residential driveway until that time. The proposed access scheme is acceptable, provided that when Leistico Avenue is constructed, access for Lot 1 in Block 1 will be removed from CSAH 5 and relocated onto Leistico Avenue. The right of access along the entire length of this parcel, with an exception for the two proposed access points, should be dedicated to Anoka County. Any existing driveways or field entrances are to be removed and the ditch section restored to match existing depth, slope, and grades. When Leistico Avenue is constructed, a NB CSAH 5 right turn lane will be required to be constructed as well. Please note no plantings or private signs will be permitted within the county right of way and care should be exercised when locating private signs, buildings, structures, plantings, berms, etc. outside of the county right-of-way, so as not to create sight obstructions for this section of CSAH 5.

ACHD would like to work with local governments in promoting compatibility between land use and the county highway system. It should be recognized that residential land uses located adjacent to County highways often results in complaints about traffic noise. Existing and/or future traffic noise from CSAH 5 could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where establishment of the land use would result in violations of established noise standards. It is advised that the City and the Developer should assess the noise situation for this development as it is proposed to be located directly adjacent to CSAH 5 and take the level of action deemed necessary to minimize the impact of any highway noise by incorporating the appropriate noise mitigation elements into the design and phasing of this plat as applicable.

F

Our Passion Is Your Safe Way Home

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ www.anokacounty.us/highway

Affirmative Action / Equal Opportunity Employer

The ACHD Engineering Plan Review process will apply to this site. Plans for the NB CSAH 5 right turn lane at Leistico Avenue when it is constructed and drainage calculations must be submitted, along with a grading and erosion control plan that delineates the drainage areas for this development. The post-developed rate of runoff shall not exceed the pre-developed rate of runoff for the 10-year, critical design storm. Contact Dan Frey, Engineer II, via telephone at 763.324.3123, or via email at Daniel.Frey@co.anoka.mn.us for further information and to coordinate the ACHD Engineering Plan Review process. Please submit the drainage calculations, grading and erosion control plans, the ACHD Design Requirements Checklist for County Highway Modification (copy available via our website), NB CSAH 5 right turn lane construction plans at Leistico Avenue when constructed, and the ACHD Engineering Plan Review fee (currently estimated at \$150.00) to Mr. Frey for his review and approval.

Following completion of the ACHD Engineering Plan Review process outlined above, the ACHD Permit process can begin by the contractor(s) prior to commencement of any construction (permit for work within ROW fee = \$150.00; access permit fee = \$250.00). License Permit Bonding, methods of construction, design details, work zone traffic control, restoration requirements and follow-up inspections are typical elements of the permitting process. Contact Sue Burgmeier of the ACHD Permit Office at 763.324.3142 or via e-mail at Susan.Burgmeier@co.anoka.mn.us for further information regarding the ACHD permit process.

Thank you for the opportunity to comment. Feel free to contact me if you have any questions regarding this review.

Sincerely,

Logan Keehr

Note – Electronically Signed

Logan Keehr
Traffic Engineering Technician

xc: File - CSAH 5/Plats + Developments/2020
Jerry Auge, Assistant County Engineer
Jane Rose, Traffic Engineering Manager
Chuck Gitzen, County Surveyor
Sean Theil, Graduate Engineer
Sue Burgmeier, Traffic Engineering Tech I
Dan Frey, Engineer II
Michelle Pritchard, Engineer II

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

PLANNING & ZONING COMMISSION

**FINDINGS & RECOMMENDATION
PRELIMINARY AND FINAL PLAT
CONDITIONAL USE PERMIT
Street Construction Deferral**

APPLICANTS: Gary, Dennis and Gene Leistico (Leistico Estate) 21355 and 21413 Nowthen Blvd
(PIDs 09-33-25-34-0002, 09-33-25-34-0003, and 09-33-25-33-0008)

APPLICATION: Request for approval of a 4-lot Preliminary and Final Plat, including two outlots for future street extension/subdivision, and a CUP to allow deferral of street construction requirements

PLANNING & ZONING COMMISSION MEETING: February 23, 2021

FINDINGS: Based upon review of the application and evidence received, the Planning and Zoning Commission of the City of Nowthen now makes the following findings of fact:

Whereas, the legal description of the property is: That part of the South Half of the Southwest Quarter of Section 9, Township 33, Range 25, lying easterly of the east line of ANOKA COUNTY RIGHT OF WAY PLAT NO. 53, according to the recorded plat thereof, Anoka County, Minnesota, except the following described parcels:

Commencing at that intersection of the south line of said South Half with the center line of the Anoka and Princeton State Road, and proceeding thence North along said center line for a distance of 208 feet; and proceeding thence East and parallel with the south line of said South Half for a distance of 241 feet; and proceeding thence South and parallel to said center line to the South line of said South Half; and proceeding thence West on said south line of the South Half to the point of commencement herein and also except: Commencing at the intersection of the north line of the Southwest Quarter of the Southwest Quarter with the centerline of County State Aid Highway No. 5; thence East on said north line 865 feet; thence Southwesterly to intersect a line drawn East from a point on the west line of said Southwest Quarter of the Southwest Quarter distant 20 rods South of the Northwest Quarter thereof, and distant 700 feet east of the centerline of County State Aid Highway No. 5; thence West to the centerline of County State Aid Highway No. 5; thence northwesterly on the centerline of County State Aid Highway No. 5 to the point of beginning. and also except: Commencing at a point 20 rods south of the northwest corner of the Southwest Quarter of the Southwest Quarter, Section 9 and 4 rods east of the west line of Section 9, Township 33, Range 25; thence East 13 rods; thence South 6 rods; thence West 13 rods; thence North 6 rods to the point of commencement.

Whereas, the subject site is zoned RRA, Rural Residential Agriculture;

G

Whereas, the applicant owns three (3) parcels encompassing 68.71 acres and containing two existing homes;

Whereas, the applicant wishes to subdivide four (4) new lots and two outlots; two of the four lots contain existing homes and two lots are planned for new homes;

Whereas, the property abuts Nowthen Boulevard and is not required to dedicate additional ROW as 60 feet from centerline currently exists;

Whereas, the subdivision includes the provision of new local street ROW (+/- 1,200 foot cul-de-sac) and associated CUP to allow deferral of street paving construction requirements;

Whereas, adherence with Section 10-3-3.C of the City Code is required:

Street surfacing requirements may be deferred for local streets through approval of a Conditional Use Permit by the City Council, subject to the following:

1. The property is residentially zoned.
2. The division involves no more than three (3) buildable lots which front upon and gain direct driveway access to the right-of-way required in Section 10-3-3.C.4 below, excluding outlots that may be reserved for future development.
3. Divisions containing an existing principal residential structure which relies upon direct lot frontage or driveway access to the right-of-way required in Section 10-3-3.C.4 below, to meet all applicable City, County or State regulations, shall be considered one (1) of the three (3) lots.
4. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
5. The right-of-way shall be considered a shared driveway until such time as the City agrees by resolution to accept and maintain the dedicated right-of-way as a public street, provided:
 - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
 - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
 - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval

of the City Attorney and shall be recorded against all impacted properties.

- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

Whereas, a private shared driveway will be allowed on an interim basis until such time as a public road is constructed and accepted by the City under Section 10-3-3.C of the City Code;

Whereas, the applicant agrees that no future divisions will be permitted without the written approval of the Nowthen City Council until such time as a public street is constructed and accepted by the City;

Whereas, the following driveway standards of City Code Section 11-6-2.J.4 shall be required:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Whereas, the Conditional Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met;

Whereas, the Planning Report dated February 17, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Engineering Memo dated February 4, 2020 prepared by the City Engineer Hakanson Anderson Assoc. is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing at their regular meeting on January 28, 2020 preceded by a public notice and letters to affected property owners. The hearing was continued for a year and then renoticed to include the CUP in February of 2021; the final public hearing was held February 23, 2021.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission approves **the Preliminary and Final Plat of Leistico Estates and CUP for deferral of street construction** subject to the following conditions:

1. The subdivision and access to CSAH 5 shall adhere to Anoka County approval conditions outlined in the November 4, 2020 letter.
2. Legal descriptions for the right-of-way required for the proposed local street are prepared by the applicant's surveyor, reviewed and approved by the City Engineer and dedicated to the City via permanent roadway easements recorded with Anoka County.
3. A Lot Split Agreement is drafted by the City Attorney, signed and recorded which prohibits any further subdivision of the lots contained in the Leistico Subdivision until such time as the public street is built to the full width of proposed parcels and accepted by the City. Applicants shall comply with the terms and conditions contained in the Lot Split Agreement.
4. Drainage/utility easements and buffers have been shown around the wetlands as required under state law and wetland buffer signs shall be installed at 200-foot intervals. Wetland buffers as shown on the survey are established and maintained. No wetlands may be impacted during construction of the private driveway, any grading on site or construction of the two new homes. *Buffers require that unmowed areas adjacent to wetlands are maintained with non-invasive vegetation for the purpose of filtering pollutants before they enter the wetland, reducing erosion, and minimizing human impacts.*
5. The driveway which serves the existing home at 21413 Nowthen Blvd. (Lot 1, Block 1) is reconfigured to access the local street at such time as the local public street is built and accepted by the City.
6. At the time Outlots A and B are resubdivided or the owners wish to plat them as buildable parcels, a public street shall be required to extend to the northern and southern boundaries of the plat from the terminus of the cul-de-sac to provide access to adjoining properties.
7. The requirements of Section 10-3-3.C are met:
 - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
 - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
 - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of

themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.

- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

8. The driveway requirements of Section 11-6-2.J.4 are met:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
 - b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
 - c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.
10. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation in certain instances.
 11. Building permits shall be required for the new homes which requires submittal of a certificate of survey for individual lots, lowest floor elevations noted and custom grading/erosion control plans which are subject to review and approval of the City Engineer and City Planner.
 12. All sheds are removed from Lot 1, Block 1 except for the largest 3,200 SF shed unless application is made for consideration of a variance to allow the 1,220 SF shed to remain.
 13. Prior to issuance of the certificate of occupancy for structures within the subdivision, a permanent address placard must be placed at the driveway entrance so that it's visible from the public road.
 14. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.

15. The park and trail dedication fee of \$2,500 PER LOT (for the two new lots) shall be paid prior to the City signing final documents, before recording.
16. All costs associated with the review of the submitted survey(s), Lot Split Agreement and any other costs generated by the City or its representatives are the responsibility of the applicants.

MOTION BY:
SECOND BY:
ALL IN FAVOR:
THOSE OPPOSED:

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 23rd day of February 2021.

CITY OF NOWTHEN

By: _____
Chair Dale Ames

Attest: _____
Lori Streich, City Clerk

CITY OF NOWTHEN

PLANNING AND ZONING COMMISSION POLICY ON COMMISSION STRUCTURE, MEETING ORDER AND GENERAL PROCEDURE

SECTION 1. PURPOSE

The purpose of this Planning and Zoning Commission policy is to provide a set of operating procedures for the Planning and Zoning Commission, and adhere to the established code of ethics and conduct as referenced in Section 20 of this policy.

SECTION 2. PLAN OF WORK

Upon the appointment and organization of the Planning and Zoning Commission, the Commission, subject to council approval, shall exercise its powers and duties given by Minnesota Statutes 462.351 through 462.364 and conferred upon by Chapters 10 and 11 of the City Code and the performance of its duties. Subject to council approval, the plan may be revised from time to time.

SECTION 3. ANNUAL REVIEW

This policy shall be reviewed annually and as needed by the Planning and Zoning Commission, and any changes or amendments agreed to by a majority vote of the Commission shall be recommended to the City Council for adoption. In addition, the City Council may review this policy and adopt amendments as needed.

SECTION 4. ANNUAL MEETINGS

The annual meeting of the Planning and Zoning Commission shall be the first regular meeting of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning and Zoning Commission.

SECTION 5. REGULAR MEETINGS

Regular meetings of the Planning and Zoning Commission shall be held in the City Hall or other Officially Noticed location at 7:00 PM on the 4th Tuesday of each month or as publicly noted at the city offices or websites. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting, or by the Chairperson or the City Council. Any regular meeting falling upon a holiday shall be held on a date agreed upon by committee members at the same time and place.

SECTION 6. SPECIAL MEETINGS

Special meetings of the Planning and Zoning Commission may be called by the Chairperson or Vice-Chairperson or City Council who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the State Open Meeting Law. Written notice thereof shall be given to all members at the same time as notice of the special meeting except in the case of an emergency.

SECTION 7. QUORUM

In order for any meeting to be called to order, a quorum (one over half) of appointed members must be present. Quorum must be kept during the entire meeting in order for action to be taken on any matter before the Commission.

SECTION 8. MEETINGS AND THE OPEN MEETING LAW

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning and Zoning Commission shall be open to the general public. An "official" Planning and Zoning Commission meeting is any gathering, or simultaneous communication (via email, telephone or otherwise), between a quorum of Commission members for the purpose of considering the public business of the Planning and Zoning Commission. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning and Zoning Commission may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law.

SECTION 9. VOTING AND RECOMMENDATIONS

At all meetings of the Planning and Zoning Commission, each member attending, with the exception of the City Council non-voting ex official liaison member, shall be entitled to cast one vote on matters before the Planning and Zoning Commission. In the event that any member shall have a conflict of interest, as determined by the City Attorney, concerning a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion).

All recommendations shall be sent to the City Council by means of written reports, minutes and Findings and Fact, and shall include the record of the division of votes on each recommendation.

SECTION 10. REGULAR PROCEEDINGS

(A) At any regular meeting of the Planning and Zoning Commission, the following shall be the regular order of business:

1. The pledge of allegiance

2. Roll call
3. Meeting policy read
4. Approval/Amend Meeting Agenda
5. Approve/Amend Meeting Minutes of the Preceding Meeting(s)
6. Public Hearings
7. Other Business
8. Old/New Business (if applicable)
9. Adjournment

The order of business may be varied by the City Staff or presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) The following procedures will normally be observed for matters before the Planning and Zoning Commission, except for public hearings which follow the procedures detailed in Section 14; however, they may be rearranged by the City Staff or the Chairperson for individual items if necessary for the expeditious conduct of business:

1. Staff presents report and makes recommendation (if any).
2. The Planning and Zoning Commission may ask questions regarding the staff presentation and report (if any).
3. Proponents of the agenda item make a presentation (if any).
4. Any opponents make presentations (if any).
5. Applicant makes rebuttal of any points not previously covered (if any).
6. Planning and Zoning Commission asks any questions it may have of the proponents, opponents or staff (if any), and then takes a vote.

(C) Each formal action of the Planning and Zoning Commission required by law, rules, regulations or policy shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof and need be accompanied by written findings of facts, whereas originals are filed at the City offices.

(D) Unless agreed to by a 2/3 vote of the Planning and Zoning Commission, no agenda items shall be taken up after 9:15 p.m.

SECTION 11. AGENDA AND DEADLINE FOR AGENDA

(A) **Purpose.** The agenda of a Planning and Zoning Commission meeting serves two important functions: it focuses Planning and Zoning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.

(B) **Deadlines.** The agenda shall be prepared by City Staff and shall be closed by the end of the day on the first Tuesday of each month. The commission members will

receive copies of the public hearing notice at the same time they are publicly noticed.

(C) **Submissions.** Any Planning and Zoning Commission member can place an item on the agenda by instructing the City Staff responsible for agenda preparation no later than the Tuesday prior to the meeting. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

(D) **Agenda Additions During Regular Meetings.** Additional items may be added to the agenda at a Planning and Zoning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be discussed, but no action may be taken if any member objects.

1. If a new item of business proposed to be added to the agenda requires staff review (such as rezonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). **The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.**

(E) **Delivery of Agenda to Members.** At least six calendar days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).

(F) **Order and Form of the Agenda.** The agenda organization shall generally conform to Section 10 above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning and Zoning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting.

SECTION 12. MINUTES

(A) **Purpose.** The minutes of the Planning and Zoning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning and Zoning Commission's vote on actions and the reasons for the vote.

The minutes also communicate background on the Planning and Zoning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.

(B) **Duties of Staff Preparing Minutes.** City Staff shall prepare minutes of all Planning and Zoning Commission meetings. The minutes shall state:

1. Which members were present and absent.
2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning and Zoning Commission's discussion on each item.
3. The content of each principal motion before the Planning and Zoning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion). If the motion called for or recommended adoption of an ordinance or resolution, or the acceptance of a report, the official copies of such documents will be maintained in the files located at the City offices.

SECTION 13. RULES OF PROCEDURE FOR PLANNING AND ZONING COMMISSION MEETINGS

All meetings of the Planning and Zoning Commission shall be conducted in accordance with the Minnesota Mayors Association Rules of Order.

SECTION 14. PUBLIC HEARINGS

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning and Zoning Commission.
- (B) For certain matters considered by the Planning and Zoning Commission, a requirement that the Planning and Zoning Commission conduct a public hearing is prescribed by State Statute, the City's Municipal Code of Ordinances or by City Policy. The Planning and Zoning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning and Zoning Commission determines that due to the unique nature of the matter, it is advisable.
- (C) The Planning and Zoning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.
- (D) The Planning and Zoning Commission, upon resuming their regular meeting after

the close of the public hearing, may take action upon the matter discussed at the public hearing.

(E) Conduct of Persons Before the Planning and Zoning Commission

1. During all public hearings required by State law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning and Zoning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Planning and Zoning Commission to “disregard” the comment, which nevertheless remains in the public record.
2. During all regular and special meetings of the Planning and Zoning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.
3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as “out-of-order” and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning and Zoning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.
4. The Chairperson of the Planning and Zoning Commission may impose additional limits or rules upon members of the public as permitted by Section 16.

(F) Additional Rules of Procedure for Public Hearings

1. **Public Hearing Format.** Public hearings shall be conducted in the following manner:
 - (a) The presiding officer calls the public hearing to order and declares the time of opening.
 - (b) It is the intent of the Planning and Zoning Commission to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning and Zoning Commission. However, in no circumstances can a hearing be opened prior to the predetermined and published time.
 - (c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the

purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the city on the subject.

- (d) Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
- (e) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
- (f) The presiding officer asks Planning and Zoning Commission members if they have questions of the staff, consultant or applicant, if any.
- (g) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
- (h) After members of the public have spoken the presiding officer requests one of the following:
 - i. Close the public hearing, or
 - ii. Continue a public hearing. If the Planning and Zoning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without renote and publishing the time, date and location of the hearing.
- (i) The Planning and Zoning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
- (j) If the public hearing is closed, the Planning and Zoning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision. The Planning and Zoning Commission shall delineate the missing information before continuing the item.

SECTION 15. OFFICERS AND MEMBERS

The officers of the Planning and Zoning Commission shall consist of a Chairperson, a Vice-Chairperson. In the absence of the Chair and Vice-Chair, the remaining members

shall elect a Temporary Chair for that respective meeting.

1. Members shall serve three (3) year terms with one-third (1/3) being appointed each January.
2. Members shall be residents of the City throughout the term of their term.

SECTION 16. DUTIES OF OFFICERS

The Chair is a voting member of the Planning and Zoning Commission and may make motions. In addition, the duties and powers of the officers of the Planning and Zoning Commission shall be as follows:

(A) Chairperson

1. To preside at all meetings of the Commission.
2. To call special meetings of the Planning and Zoning Commission in accordance with these bylaws.
3. To sign documents of the Commission.
4. To see that all actions of the Commission are properly taken.
5. To cancel or postpone any regularly scheduled meetings.
6. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
7. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
8. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning and Zoning Commission meetings or hearings.
9. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.
10. The presiding officer has the responsibility to facilitate discussion by the Planning and Zoning Commission. This may occur in a variety of ways, including:
 - Interpret and apply rules of procedure.
 - Decide whether motions are properly made.
 - Decide whether motions are in order.
 - Decide whether questions of special privilege ought to be granted.
 - Decide when to recognize speakers.
 - Call for motions or recommend motions.
 - Expel disorderly persons from the meeting.

- Enforce speaking procedures.

(B) Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Administrative duties to be delegated to City Staff.

1. To give or serve all notices required by law or by these Bylaws.
2. To prepare the agenda for all meetings of the Commission.
3. To be custodian of Commission records.
4. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
5. To handle funds allocated to the Commission in accordance with its directives, the law and city regulations.
6. To take the minutes of all meetings of the Commission for typing and filing into the appropriate minute book by City Staff.
7. To sign official documents of the Commission and other duties as required.
8. To confirm member attendance for upcoming meeting and advise the City Clerk, Committee Chairperson and Consultant if quorum will be met.

SECTION 17. VACANCIES

If a vacancy occurs among the members of this Planning and Zoning Commission by reason of death, resignation, disability or otherwise, notice shall be given to the City Clerk and Chairperson by the Secretary. City staff shall then advise City Council of the opening and upon Council approval, follow the guidelines for filling the vacancy.

SECTION 18. AMENDMENTS

This policy on rules of procedure may be amended at any meeting of the Planning and Zoning Commission provided that notice of said proposed amendment is given to each member in writing at least six (6) calendar days prior to said meeting. All amendments are subject to City Council review and approval before they take effect.

SECTION 19. COMMITTEES

- A. The Chair may appoint ad hoc committees unless the Commission or City Council shall otherwise direct. The Chair shall be an additional voting member of all committees. The Chair may appoint a Planning and Zoning Commission member to chair each ad hoc committee.
- B. All committees shall consist of at least three members, except as otherwise ordered by the Commission.
- C. The majority of the members of any committee shall constitute a quorum of such committee. If a quorum is not present at a meeting, the members present may

prepare reports and submit them to the Planning and Zoning Commission on behalf of the committee, in which case the report shall name the committee members who prepared it.

- D. Nothing in the foregoing shall be construed as waiving the ability of the Commission at any time to increase or curtail the duties of any committee and/or to direct or control its actions.

SECTION 20. COMPENSATION

Each Commission member shall receive \$20.00 for each regularly scheduled or special meeting.

SECTION 21. CODE OF CONDUCT

The Planning Commission shall adhere to the Code of Conduct as follows:

Purpose

To establish a code of conduct and associated remedies that commission members agree to abide by in carrying out their duties as appointed officials. This code of conduct does not supersede any existing or future statutory or constitutional rights, but simply outlines appropriate commission expectations, behavior and interactions with each other, city staff, citizens and all other groups encountered as a result of city business, so as to efficiently and effectively develop and carry out the mission, vision, goals and established policies of the city.

Roles/Responsibilities

Meetings – The chairman presides over meetings of the Planning and Zoning Commission. Speakers, including commission members, do not speak until recognized by the chairman.

Act in the Public Interest – Recognizing that service to our citizens must be our primary concern; commission members shall work for the common good of the people of Nowthen and not for any private or personal interest. Commission members will treat all persons, claims and transactions in a fair and equitable manner.

Preparation – Commission members are expected to be prepared for commission meetings and work sessions.

Agenda Preparation – The city clerk directs preparation of draft meeting agendas. The final agenda is determined by the city clerk prior to the meeting. At the commission meeting, agenda items may be added or deleted by commission members through a majority vote.

Conduct of Members

Staff Direction – The commission is only a recommending body and shall only make a recommendation to the city council to direct staff, contract employees and consultants. The mayor and city council members then may direct city staff, contract employees and consultants only through the city clerk, as determined by majority vote.

Respect for Staff Time – If a commission member is utilizing an inordinate amount of staff time, the city clerk is required to bring this to the attention of the city council for resolution.

Interactions – Commission members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the city council, boards, commissions, committees, staff or the public.

Respect for Process – Commission member duties shall be performed in accordance with the processes and rules of order established by the city council.

Use of Public Resources – Public resources not available to the general public (e.g., city staff time, equipment, supplies or facilities) shall not be used by commission members for private, personal or political purposes.

Advocacy – To the best of their ability, commission members shall speak with one voice in representing the official policies and positions of the commission. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the commission or the city.

Improper Influence – Commission members shall refrain from using their position to improperly influence the deliberations or decisions of city staff, boards, commission or committees.

Positive Work Environment – Commission members shall support a positive, efficient and effective environment for residents, businesses and city employees.

Steward of City Funds – When the end of a commission member's service on the Planning and Zoning has been determined by means of not being reappointed or resignation, that commission member shall not subject the city to unnecessary trainings and mileage.

Communication

Sharing of Information – It is the responsibility of commission members to publicly share information with all other commission members that they have received from sources outside of the public decision-making process, which pertains to a topic under consideration. Whenever possible, new information or data obtained by commission members, pertinent to a topic being discussed, will be distributed through the city staff to the commission members. Upon reviewing the "new information" the commission may adopt a motion to postpone further consideration of the information until all members have had time to review and interpret this new information.

Focused Discussions – Commission members shall work to keep discussions and debates focused on the item under discussion without introducing extraneous or irrelevant information.

Request for Information- All commission members shall receive the same information at the same time when deemed ready for distribution by staff. If a commission member requests information in advance of others on the commission, the matter shall be resolved by a majority of the commission.

Coordination with City Staff – City staff should be involved when commission members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff appropriately informed.

Citizen Questions – Commission members should refer questions and concerns from citizens to the city clerk or appropriate department director. City staff should report back to the city council on the resolution of the referral.

Confidential Information – Commission members shall respect and preserve the confidentiality of non-public, protected non-public, private, and confidential information provided to them concerning matters of the city. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

Notice of Attendance – If any commission member has knowledge or reason to believe that there will be a large or emotional attendance at an upcoming commission meeting or work session, they have an obligation to inform the city clerk as soon as they become aware of the potential situation.

Implementation

Orientation – This Code of Conduct shall be included in the regular orientations for new commission members.

Compliance and Enforcement – Commission members themselves have the primary responsibility to assure that the code of conduct is understood and followed and that the public can continue to have full confidence in the integrity of the Nowthen city government.

Remedies

It is the responsibility of the commission members to police its members. When inappropriate behaviors are observed, any member of the commission or city council can intervene. If inappropriate behavior is observed, the city council will discuss the behavior at a council work session. By direction of the council, it will be determined whether:

- a. A letter is sent to the offending commission member stating that they have been found operating outside the established code of conduct, requesting them to correct the behavior identified as inappropriate; or
- b. The commission member is formally sanctioned by resolution at a council meeting.

ADOPTED this 9 day of March 2021

Mayor

ATTEST:

City Clerk