



City of Nowthen
PLANNING & ZONING COMMISSION MEETING
TUESDAY, MARCH 22, 2022
A G E N D A
7 PM

Called to Order

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of March 22, 2022.
- Approve/Amend meeting minutes of November 23, 2021.
- Approve/Amend meeting minutes of January 25, 2022.

- 1. 7:00 PM: PUBLIC HEARING – Bid-2-Buy/Cash Farms 5160 Viking Blvd.**
 - Conditional Use Permit for second principal use on a single parcel
 - Interim Use Permit for outdoor storage/display of large items to be auctioned
 - Interim Use Permit to allow deviation from parking lot surfacing requirements
- 2. 7:30 PM:**
Review of Planning and Zoning Commission Policy on Commission Structure, Meeting Order and General Procedure
- 4. 8:30 PM: Discussion of Architectural Standards and other site design criteria related to commercial and industrial uses.**

Upcoming Projects at April Meeting:

- Country View Acres 2nd Addn: Marmoset Street (3 lots)
- Variance for septic system setback on Birchwood Ln?
- Shermer 5-lot plat?

Motion to Adjourn

PLANNING COMMISSION MEETING

MINUTES

November 23, 2021

1. CALL TO ORDER

Chair Ames called the meeting to order at 7pm

Those assembled recited the Pledge of Allegiance.

Present: Commissioners Bies, Carlson, Haapala, Jorgenson, Pearo,

Also Present: City Council Liaison Mayor Pilon, Planner Stockman, Interim City Administrator Boyles

Absent: Commissioner Schiller

MOTION BY CHAIR AMES SECOND BY BIES TO AMEND THE AGENDA TO REFLECT THE FACT THAT A PUBLIC HEARING PART OF TONIGHTS MEETING AND WITH REMOVAL OF APPROVAL OF THE OCTOBER 26, 2021, MINUTES. MOTION CARRIED SIX AYES.

2. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL PLAN FOR WOODHAVEN LOCATED AT OLD VIKING BOULEVARD AND CLEARY ROAD

Chair Ames provided an introduction. Planner Stockman stated the proposed plats are on 49.48 acres, infill development which propose nine lots. Access to the subdivision is through existing adjoining roads, wetlands have been identified as have culvert locations. Property owners within 1500 feet have been notified. Updated plans reflecting wetland boundaries have been submitted.

Planner Stockman stated she had received three calls. The commenters expressed concerns about additional development affecting road congestion, two trail easements exist. Neighbors have expressed both support and opposition for them. The city planner recommended to table the plats until additional work is accomplished by the developer and his engineer.

Chair Ames opened the public hearing at 7:16pm.

Jim Brown indicated that he is ~~the engineer~~ representing the developer for the project. He indicated that a shared drive is proposed for lots 7 and 8. They are seeking to keep roadways thirty feet from the lot line. A shared maintenance and access agreement will be required. The planner indicated that she would like to show a trail on the plat so buyers will be aware if its location relative to the lots at Old Viking.

Eric Foss, a neighbor is concerned about easement acquisition. He has lived in the area for 15 years and does not see the benefit of a bike path. He is also concerned that the cul de sac to Cleary Road has insufficient roadway. Otherwise, he is not opposed to the development.

Discussion ensued regarding right of way, snow storage, cul de sac characteristics. The right of way will be discussed with the city engineer.

There being no further testimony the chair closed the public hearing at 7:46pm.

Planner Stockman expressed concern about long term requests for variances for accessory buildings up to eight hundred square feet. She suggested that the plan ghost plat the locations of accessory buildings to forestall such variances. Item 11 of the engineer's report was removed. The planning commission reviewed items 12, 13, and 15. No trail is desired along Potassium and therefore vacation of the trail easement [was recommended](#). [Council liaison Pilon suggested that the City Council may wish to initiate this](#). The development agreement requires change before submission to the city council. Utilities large and small are to be buried.

MOTION BY CHAIR AMES SECOND BY JORGENSON TO APPROVE BOTH THE PRELIMINARY AND FINAL PLAT FOR WOODHAVEN IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CITY PLANNER, ENGINEER AND FROM PUBLIC HEARING. MOTION CARRIED, SIX AYES.

3. DISCUSSION OF COMMERCIAL/INDUSTRIAL STANDARDS

Planner Stockman stated that the city adopted a moratorium on commercial/industrial development to allow time for a review of the city's zoning ordinance as it relates to business uses. She indicated that there are two general types of separation of uses: ~~one~~¹. Separating regulated uses like group homes, towers, or junkyards from protected uses like residential subdivisions, churches or parks and playgrounds. 2. The second type of separation is one regulated use from the other. The purpose here is to prevent the concentration of regulated businesses in one place. She recited ordinances in Coon Rapids and Otsego.

The city attorney has been consulted and has concerns about such standards discriminating over some properties over others and the potential for litigation.

The essential question is does the city regulate through separation standards or instead use performance criteria as it has historically done. Planning commissioners appear most comfortable with performance standards. Examples were included on pages 4 and 5 of the staff report. The commissioners concurred

that the city planner would bring back proposed performance and architectural standards for commission consideration at the next meeting.

4. CANCELLATION OF DECEMBER MEETING

MOTION BY PLANNING COMMISSIONER BIES SECOND BY PEARO TO CANCEL THE DECEMBER MEETING IN LIGHT OF THE HOLIDAYS AND LACK OF AGENDA ITEMS MOTION CARRIED SIX AYES.

5. POTENTIAL UPCOMING PROJECTS FOR JANUARY MEETING

Toft Second Addition Preliminary Plat for seven industrial and eight residential lots.

The chair reminded the commission that the January Meeting will include election of chair and vice chair.

6. ADJOURN

MOTION BY COMMISSIONER JORGENSEN SECOND BY HAPAALA TO ADJOURN THE MEETING. MOTION CARRIED FIVE AYES.

The meeting adjourned at 8:51pm.

Respectfully Submitted,

Frank Boyles, Interim City Administrator

Dale Ames, Chair

MINUTES

NOWTHEN PLANNING AND ZONING COMMISSION MEETING

JANUARY 25, 2022

1. CALL TO ORDER

Chair Ames called the meeting to order at 7:05pm.

All assembled recited the pledge of allegiance

Present: Bies, Carlson, Haapala, Jorgenson, Schiller

Also Present: Mayor Pilon, Planner Stockman, Interim City Administrator Boyles.

Absent: Pearo

MOTION MADE BY CARLSON SECOND BY HAAPALA TO APPROVE THE AGENDA AS SUBMITTED. MOTION CARRIED. SIX AYES.

Chair Ames announced that minutes have not been completed for the November 23, 2021, Meeting so they will be considered at the February Meeting.

2. ANNUAL REVIEW OF THE PLANNING AND ZONING COMMISSION POLICY ON COMMISSION STRUCTURE, MEETING ORDER AND GENERAL PROCEDURE

Boyles stated that the purpose of this agenda item is two-fold. First, to assure that commissioners are familiar with the document. Second, to recommend changes to the document for city council consideration and adoption.

The committee proceeded to review and propose modification to various aspects of the document. Boyles will put together a legislatively formatted document for the Commission to review at its February meeting. Once reviewed by the commission, revisions will be provided to the city council for their consideration and hopefully approval. The review was completed in approximately two hours.

3. ELECTION OF PLANNING AND ZONING COMMISSION CHAIR AND VICE CHAIR

Chair Ames announced that this meeting is the planning commission annual meeting and in accordance with the city code the election of a chair and vice chair should be accomplished.

Chair Ames opened the floor for voting for chair:

Motion by Jorgenson to appoint Ames as chair and to close nominations.

Motion Passed 5 Ayes, 0 Nays and Ames abstained

Chair Ames opened the floor for voting for vice chair.

Motion by Schiller to appoint Jorgenson for vice chair.

Motion by Haapala to appoint Bies for vice chair.

The commission voted by roll call.

The vote was three votes for Jorgenson, two votes for Bies with one abstention.

Chair Ames announced that he and Jorgenson would respectively serve at chair and vice chair for the next year.

4. PRESENTATION: THE BASICS OF PLANNING

Chair Ames stated that considering the lateness of the hour that this item would be accomplished next meeting provided there is sufficient time.

5. UPCOMING PROJECTS AT THE FEBRUARY MEETING

O Toft 2nd Addition Preliminary Plat- seven industrial Lots and eight residential Lots

O Continuation of Commercial/Industrial Architectural Standards and Performance Standards

6. MOTION TO ADJOURN

MOTION MADE BY SCHILLER SECOND BY BIES TO ADJOURN. MOTION CARRIED SIX AYES.

The meeting was adjourned at 9:21 pm.

Respectfully Submitted,

Frank Boyles, Interim City Administrator

Dale Ames, Chair



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

PLANNING REPORT

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

FROM: Elizabeth Stockman

DATE: March 15, 2022

RE: Nowthen – Cash Farms/Bid-2-Buy, 5160 Viking Boulevard

TPC FILE: 122.02 – 22.03

BACKGROUND

Curt and Landon Werner are requesting approval of three special use permits to allow establishment of their Bid-2-Buy Online Auction business at 5160 Viking Boulevard. The property is currently owned by Cash Farms and contains six (6) grain bins which are to remain on the property. The Werner's wish to buy the property to establish a headquarters for the Bid-2-Buy business and move a portion of the operation which currently operates in Buffalo to the Nowthen site. The property is zoned C-1, Commercial and encompasses 10 acres.

The Planning and Zoning Commission will consider the following three applications at a public hearing scheduled for March 22, 2022:

- CUP for multiple principal buildings on one lot of record
- IUP for used auto and implement sales/outdoor storage
- IUP to allow deviation from the commercial paving requirements

Exhibits:

- A. CUP/IUP Application
- B. Letter of Intent
- C. Company Proposal/Description
- D. Site Location
- E. Site Survey – Existing Conditions
- F. Site Plan with Proposed Changes
- G. Long Term Site Expansion
- H. Photos
- I. Frontage Road Plan
- J. Building Code Requirements
- K. Findings of Fact

ANALYSIS

Zoning & Land Use. The property is currently zoned C-1, Commercial, and encompasses 10 acres. The 2040 Land Use Plan guides the property for Commercial/Light Industrial uses. The property has historically been used agriculturally and all three buildings were built as agricultural structures. When the property was rezoned to C-1, Commercial, on October 11, 2011 the agricultural use became an interim use, which is allowed to continue until such time as it is converted to a commercial use. Under City Code Section 11-3-8.D, once converted to an allowed commercial use in conformance with the requirements of the City Code, the interim agricultural use shall not be re-established.

A portion of the site may continue to be tilled under the interim designation and the grain bins may continue to be used as agricultural storage. The existence of the farm stand/produce sales will be tied to the site's agricultural uses and shall cease when the agricultural uses cease (crops and grain bins), unless the City Council permits it to remain for a longer period of time or under certain conditions authorized under the Conditional Use Permit (CUP).

Section 11-3-8.B lists retail, office and service businesses as permitted uses within the C-1, Commercial, zoning district. The two pole sheds as well as the office building are to be converted to commercial uses which require both zoning (City Code) compliance and Building Code compliance; the interim agricultural uses may not be re-established.

The two pole sheds (accessory use/storage) exceed the size of the principal use (office/retail) and therefore must be processed as a CUP. Section 11-3-8.C.7 states that multiple principal buildings on one lot of record require common ownership of all buildings and control of all common areas by a single entity.

Used vehicle sales requires approval of an Interim Use Permit (IUP). An IUP is also being requested to allow deviation from the commercial paving requirements. The site will have to comply with all performance standards contained in the Zoning Ordinance and required by the City Council to permit the requested special use permits.

Conditional and Interim Use Permit Review Criteria

Conditional and Interim Use Permits are designed to allow uses that are generally compatible with the basic use classification of a particular zone, but that should not be located as a matter of right as a permitted use in every area included within the zone 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 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 can attach conditions to the CUP or IUPs 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: No exterior building changes are proposed at this time.

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

Comment: The property has one driveway access onto Viking Boulevard that will not change.

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

Comment: The submitted site plan shows 40 parking spaces in total, 5 of which are presently paved and located adjacent to the office building. With five employees and appointment-only customer visits to view and pick up items, it is recommended that an additional 5-10 spaces be paved as a condition of approval. Parking calculations require 38 spaces.

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

Comment: A building permit is required for all signs along with submission of a colored rendering of the sign copy and how the sign will be mounted/installed to be reviewed and approved by the City Building Official and City Planner.

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

Comment: A landscape plan shall be required as a condition of approval for the 100-foot buffer along the site's east side and along Viking Boulevard to screen the proposed use.

Outdoor Sales Area IUP

Section 11-3-8.D.3 allows outdoor sales, service and rental as a principal or accessory use within the C-1 District through approval of an IUP provided that:

1. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district (east side).

Comment: The subject property is bounded by commercially-zoned agricultural uses with the exception of the east side which abuts land zoned for residential uses. The site plan shows the required 100-foot buffer required under Section 11-4-17.M.2.c but does not specify the types of vegetation to be contained within the buffer. Although the City Code

states that a 100-foot bufferyard may consist of either natural, wetland, woods open space, man-made ponding or a combination thereof, it is highly recommended that due to the large vehicles and machinery commonly auctioned, that required screening or buffering be achieved with large species of vegetation. All required screening or buffering shall be located on the lot occupied by the use, building, facility, or structure to be screened. No screening or buffering shall be located on any public right-of-way. A landscape plan shall be required as a condition of approval.

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

Comment: The submitted survey shows gravel surfacing which exists over the majority of all driveway, parking and sales/display areas. The addition of impervious surfaces total 12,270 sf which needs to be reduced to less than 10,000 sf to avoid review by the City Engineer and construction of stormwater controls/ponds. Curbing is typically waived unless stormwater controls are required to contain and direct stormwater runoff.

Section 11-6-2 of the City Code requires that all commercial driveway, parking and loading areas be paved, except as may be allowed by the City Council through approval of an Interim Use Permit where truck traffic associated with the farm use and the industrial nature (large machinery, tractors, campers, etc) of auction items create wear and tear on asphalt. It is recommended that employee and customer parking areas be paved as well as a defined display area along Viking Boulevard.

3. The use does not take up parking space as required by the Zoning Ordinance.

Comment: The site has adequate space for parking, so a stipulation included as a condition of the IUP should be that parking spaces required for building uses/square footage be specified separate from those allotted for the sale of vehicles. It is recommended that the 10 spaces near the office be strictly limited as employee parking (5) and for customer by-appointment-only parking (5).

Parking and Loading.

Required parking has been calculated below and indicates compliance with established Zoning Ordinance standards outlined in Section 11-6-2.E of the Nowthen Zoning Ordinance. Proof-of-parking allows the City Council to approve the plan with a lesser number of parking spaces constructed initially and the remainder reserved for construction later should the need be demonstrated.

24,760 SF of warehouse space @ 1/1000 = 25 spaces
2,548 SF of office space @ 1/200 = 13 spaces
TOTAL SPACES REQ'D = **38** (1 HC space with an 8-foot access aisle)

- The minimum setback from lot line to any vehicle parking or driving area shall be ten (10) feet.

- The parking stall size minimum is 9x20 with 22 foot drive aisles
- There shall be no off-street parking within ten (10) feet of any street surface.
- The parking lots shall be striped with four (4) inch white or yellow lines.
- Parking areas are required to be screened from the public right-of-way and surrounding residential zoning districts.
- The asphalt driving and parking areas must be constructed to nine (9) ton standards.
- Section 11-6-2.F.2 of the Nowthen Zoning Ordinance requires that the maximum width of a driveway onto any public street shall not exceed twenty-four (24) feet

Parking Lot Landscaping and Screening

Grass plantings and landscaping is required in all areas bordering the parking area as required under Section 11-6-2.K.4.c of the Nowthen Zoning Ordinance. In addition, all open off-street parking areas of five or more spaces shall be screened and landscaped from abutting or surrounding residential districts and uses, and the public right-of-way according to Section 11-6-2.L of the Nowthen Zoning Ordinance. A landscape plan has not been submitted and shall be required as a condition of approval to address the parking lot landscaping and screening requirements.

General Landscaping and Screening

Section 11-4-17.O specifies the minimum landscape requirements for commercial uses as follows:

- Section 11-4-17.O.1 requires one (1) overstory deciduous shade tree at 2.5 inch caliper or one (1) six (6) foot coniferous tree for every two thousand (2,000) square feet of building floor area;

$$27,308 \text{ sf} / 2,000 = 14 \text{ trees required}$$

- One (1) understory shrub for every three hundred (300) square feet of total building floor area;

$$27,308 \text{ sf} / 300 = 91 \text{ shrubs required}$$

- The City may require additional landscaping as necessary to provide adequate screening or to provide a complete quality landscape treatment of the site.
- It is recommended that the City Council consider allowing 25-30 additional trees in lieu of the 91 shrubs, as the trees will be more effective on this larger site with larger equipment and vehicles to screen.

State Building Code

Inspection of the property by the City Building Official on February 22, 2022 was necessary to define the physical changes that are required in converting an agricultural building to commercial occupancy status. Exhibit J contains a list of necessary upgrades which shall be completed prior to issuance of a Certificate of Occupancy. Building permits are required to make all modifications and change the occupancy of the buildings.

Septic System Compliance

The 2009 septic system will require a compliance inspection and likely updated to handle anticipated wastewater flows. The existing septic system tanks or drain field may have to be replaced or upgraded. Review of a new septic system design, prepared by a licensed designer in MN, will require a building permit and approval by MNspect. An alternate septic drain field site must be reserved somewhere on the property for future use, shown on revised plans and must be protected from disturbance or compaction.

Dealer License

A used auto sales license is required from the Minnesota Department of Public Safety to sell vehicles on the subject property. Approval of the IUP is required by the City and completion of the zoning verification form for the state in order for used vehicle sales to commence.

Exterior Lighting

If any exterior lighting is changed or added to parking, driveway or outdoor sales areas, the City Planner and Building Official must be notified so that compliance with ordinance standards can be verified.

Building Materials

Section 11-5-3.G of the City Code requires that the exterior of buildings within commercial districts shall include a variation in building materials and forms to be distributed throughout the facade and coordinated into the design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

1. The primary exterior building finish shall consist of Grade A (brick, stone, glass), Grade B (stucco/stucco panels, Hardy board), and/or Grade C (wood) materials except that the exterior building finish for any side facing a collector or arterial street shall be composed of at least sixty five percent (65%) grade A materials and not more than thirty five percent (35%) grade B or grade C materials only.
2. All sides of the principal and accessory structures are to have essentially the same or coordinated harmonious exterior finish treatment.

Change in use from agricultural to commercial allows the City Council to require zoning compliance, inclusive of building material requirements, in one of five ways to be defined in the CUP:

1. Upgrade all sides of the three commercial buildings within the first year
2. Upgrade the sides which face Viking Boulevard within the first year
3. Upgrade one or more sides in phases over a specified period of time
4. Upgrade one or more sides at the time of future building, outdoor sales or parking lot/surfacing expansion
5. Allow the buildings to continue with the existing metal siding

Section 11-5-3.J states that existing buildings that do not increase the floor area of the existing structure may be regulated by Section 11-4-1, as non-conforming uses. While the existing metal buildings and continuation of the agricultural use (in part) do not represent the highest and best use for the property, the transition to a commercial use on a prominent corner in the City could be present for many years to come.

Trash and Recycling Enclosures

All business uses are required to fence and screen trash and recycling enclosures as stipulated in Section 11-4-17.M.2. This not only improves the appearance of properties but also prevents errant debris from blowing around. A dumpster or refuse container shall sit within the building(s) or an exterior trash enclosure will be required (and shown on revised plans).

Building and Impervious Surfaces

The three existing buildings to be used commercially all meet the City’s minimum foundation size requirement of 2,000 square feet.

Office Bldg:	2,548 sf
Pole Shed:	73x120 = 8,760 sf
Pole Shed:	80x200 = 16,000 sf
Grain Bins:	706.5 sf x 6 = 4,239 sf
TOTAL	31,547 sf (7.24 %)

Impervious surfaces including buildings and all existing and proposed surfacing encompasses 3.47 acres or 34.7 percent of the total site area. The structure square footage on any commercial lot may not exceed twenty (20) percent of the lot area. The maximum area of impervious land coverage, to include the building and all paved/impervious surfaces, may not exceed seventy (70) percent of the total lot area.

CONCLUSION

Approval of the Conditional Use Permit and Interim Use Permits for the Cash Farms/Bid-2-Buy property within the C-1, Commercial District is a decision to be considered by the City Council in relation to the possible negative effects on adjacent properties and the City in general. While the proposed commercial business operation is generally compatible with the underlying zoning and adjacent property uses, some details need to be defined as conditions of approval and revised plans are needed to show that the site can comply with City Code requirements. The timing of work completion will be critical, as Conditional and Interim Use Permits must be

exercised or put into effect within one (1) year of the date of City Council approval or they will be terminated.

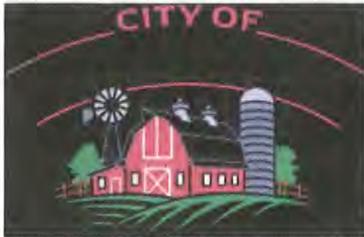
POSSIBLE MOTIONS

Motion to **approve** the CUP for multiple principal uses on a single property, IUP for outdoor sales and IUP to allow deviation from paving requirements, based on demonstration that the request is consistent with Comprehensive Plan and Zoning Ordinance regulations, and subject to the conditions (as may be amended) attached in the findings of fact.

Motion to **deny** one or more requests 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 following meeting.

- c. Frank Boyles, Interim City Administrator
Adrienne Christensen, Administrative Staff
Cash Farms/David Moritz, Landowner
Curt Werner, Applicant
Landon Werner, Applicant



CONDITIONAL & INTERIM USE PERMITS

**8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347**

RETURN TO: PERMITS@NOWTHENMN.NET

<p><input checked="" 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: \$46 Total Amt. Due: \$1,496</p> <p>Amt. Paid: <u>\$1496.00</u></p> <p>CC/Check# <u>18391</u></p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>2/28/22</u></p> <p>Date Application Complete: _____ <small>(60-day review period starts from this date)</small></p> <p>Public Hearing Date: <u>3/22/22</u></p> <p>City Council Approval/Denial Date: <u>4/12/22</u></p> <p>60-Day Review Period Ends: <u>4/25/22</u></p> <p>60-Day Extension: <input type="checkbox"/> Yes <input type="checkbox"/> No Expires On: _____</p> <p>Received By: <u>Liz Sporkman</u></p>
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Property Information

Street Address: 5160 Viking Blvd NW

Property Identification Number (PIN#): 25-33-25-12-0003

Legal Description (Attach full description of Metes & Bounds if necessary):
See Exhibit A (attached)

Type of Business or Use Requested: Online Auctions / Sales

Zoning Designation: C-1 Commercial

Applicant Information

Name(s): Werner Holdings LLC Curtis Werner & Landon Werner

Business Name: Werner Auction Group Inc. DBA Bid-2-Buy

Mailing Address: PO Box 178

City: Elk River State: MN Zip Code: 55330

Cell Phone: 612-701-8677 Alternate Phone: 763-360-8655

e-mail: curt@bid-2-buy.com, Landon@bid-2-buy.com

Property Owner Information (if other than applicant):

Name: Cash Farms LLC Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Cell Phone: _____ Alternate Phone: _____

e-mail: _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Agriculture

Description of Proposed Use: Online Auction / Sales

Reason(s) to Approve Request: Consistent with Land use Plan

Please describe any previous applications pertaining to the subject site:

Project Name: _____ Date of Application: _____

Nature of Previous Request: previous lot split from 40

Existing Building Sizes:

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(s): _____ SF _____ SF

Office Area: 2548 SF; Warehouse/Storage: 73x120 + 80x200 SF; Manufacturing: _____ SF

ALL LOTS:

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

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

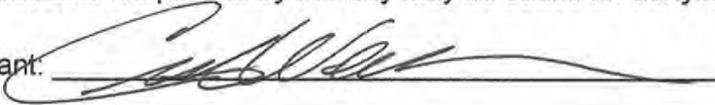
APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ _____ as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees 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: 2-16-2022
Property Owner: _____ Date: _____

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: 2-16-2022
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____

Property Owner Information (If other than applicant):

Name: Cash Farms LLC Business Name: _____

Mailing Address: 7104 253rd Ave NW

City: Saint Francis State: MN Zip Code: 55070

Cell Phone: 763-286-5583 Alternate Phone: _____

e-mail: _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: _____

Description of Proposed Use: _____

Reason(s) to Approve Request: _____

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

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

COMMERCIAL/INDUSTRIAL LOTS: Main Building(s): _____ SF _____ SF

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 \$ _____ 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: Curtis Werner Date: 2-22-2022
Property Owner: David Moutz Pres Date: 2-22-2022

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: _____

Signature of Property Owner: David Moutz Pres Date: 2-22-2022

Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____

EXHIBIT A

Legal Description

The West 605 feet of the North 724 feet of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 33, Range 25; Excepting therefrom the roadways as now traveled; subject to easements of record, Anoka County, Minnesota.

* Official legal from the Title Commitment shall govern



**LETTER OF INTENT
(TO BE COMPLETED FOR ALL CUPs AND IUPs)**

**8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347**

RETURN TO: PERMITS@NOWTHENMN.NET

Name of

Applicant(s): Wreener Holdings LLC, Curtis Wreener & Landon Wreener

Address of

Property: 5160 Viking Blvd NW

Home Phone No: 612-701-8677 Mobile No: 763-360-8655

What type of business is proposed on this property? Online Auction Company

Is this business currently being operated on this property? Yes No

If yes, for how long? Limited use because it's primarily used for agriculture

Has a Conditional Use Permit or Interim Use Permit ever been approved for this business or property? If so, when? NO (attach a copy if you have one)

What will be the days and hours of operation: Monday-Friday 9AM-5PM
Saturday 9AM-2PM

Number of proposed employees? 4 Full time 1 Part time

Traffic Impacts:

- a) Do you live on a paved or gravel road?
- b) How many access points/driveway entrances do you have onto the adjacent roadway(s)? 1
- c) How many times during an average week will you have pickups or deliveries to or from the property? 0-50 depending on Auction Location and auction volume.

- d) Please describe the type(s) of trucks making deliveries (UPS, box truck, semi-truck, etc) and what is being transported (type of merchandise, refuse, scrap lumber, etc) UPS, box truck, semi-truck; construction manufacturing, agriculture, transportation, recreational, commercial/business/residential (ASSETS)
- e) How are the trucks unloaded? (ie: pallets are removed with a fork lift, boxes are removed by hand) pallets removed by fork lift, boxes removed by hand
- f) How many customers, clients or business related visitors do you expect to have in a typical week? 0-50 see section C on previous page
- g) is there space for trucks and cars to park and turn around on the property or is it necessary that they stop on the street? There is room on the property

Effects your business may have upon neighboring properties:

- a) Does your business generate any noises or vibrations? Yes No
- b) If yes, from what? Forklifts operating equipment operating temporarily for auction videos.
- c) Can the noise be heard from outside the building? yes
- d) Does the business generate any odors, smoke, or fumes? Yes No
If yes, please explain _____

Storage of Materials:

- a) Do you have any material(s) on site that may be classified as toxic or hazardous? Yes No
- b) Do you have material(s) on site that could be explosive? Yes No
- c) If you answered yes to either (a) or (b) above, identify the material(s): Nothing more than fuel & LP

- d) Please list any materials or equipment that will be stored within an accessory structure on the property. *Note: The storage of business materials and equipment may not take up garage space otherwise intended for the parking of vehicles.* Auction goods to be sold pertaining to: construction, manufacturing, agriculture, transportation, recreation, commercial/business/residential
- e) Please list any materials or equipment that will be stored outside and where on the property it will be stored: see attached site plan

Accessory Structures:

- a). What is the size of your property?
9.59 Acres 605 Feet of Street Frontage, if known
- b). How large is the principal structure (residence)? 2548 Square Feet
- c). How many accessory structures exist on the property? 2
- d). List all accessory structures by type and size (i.e. detached garages, barns, pole buildings, sheds, free-standing decks/screen porches, etc.)

Pole Barns 73x120 + 80x200

Site inspection:

- a) Please list the name and phone number of someone who can be considered a contact person. A city staff member will call to arrange for a site review visit.
CURTIS WERNER 612-701-8677 Landon Werner 763-360-8655
- b) Please state a convenient day and time for a site review visit.
Please call to schedule

Signs: Do you intend to place a sign on the property which identifies the business?

Yes No Commercially zoned properties should contact City Hall regarding sign regulations for specific land uses.

For residentially zoned property, you must include a colored drawing of the sign that indicates how it will be constructed and installed. The sign may not exceed twelve (12) square feet in total area (a two-sided sign is limited to six (6) square feet per side).

Bid-2-Buy Online Auctions Proposal

Company Profile

Werner Auction Group, Inc. (DBA: Bid-2-Buy) is a family-owned and operated business that conducts online auctions across five states, with a primary emphasis on serving the auction needs of the region. A lifetime resident of the community, Bid-2-Buy founder and president, Curtis Werner, has dedicated his life to helping clients and customers by providing innovative, personalized auction solutions. An early entrant into the online auction space, since its founding in 2004, Bid-2-Buy has distinguished itself as a leading auction firm within the Midwest region. Bid-2-Buy offers a range of auction services, but specializes in the following sectors: construction, manufacturing, agriculture, transportation, recreation, commercial/business, and residential.

Primary Uses of the Property

Because of the company's success and growth, Bid-2-Buy seeks to establish a corporate headquarters presence and has identified the property at 5160 Viking Blvd NW, as an ideal location for that purpose. Since its founding in 2004, Bid-2-Buy has conducted all auctions exclusively online and will continue to pursue that business model. The 5160 Viking Blvd NW location would serve as the hub of Bid-2-Buy's business operations and, in that capacity, would principally function as an office space for administrative and operations staff. Additionally, the location's warehouse space and exterior holding area would provide regional residents and business owners with opportunities to temporarily display goods that they wish to sell (Bid-2-Buy's typical auction cycle is 30-60 days and, therefore, it is to be anticipated that any displayed goods to be sold would rotate in accordance with that timeframe). Bid-2-Buy's normal hours of operation are Monday-Friday, 9am-5pm; Saturday, 9am-2pm. During those hours, customers would occasionally pick up and/or drop off merchandise by scheduled appointment (on rare occasions, special accommodations may be made outside of these hours).

Additional Uses of the Property

In addition to the uses outlined above, the property would also be used for the following reasons. A portion of the property's tillable ground may be used for agricultural production. The property's grain bins may continue to be used for agricultural storage. From June 1 – November 1, the property will continue to host a small produce stand for the sale of seasonal produce.

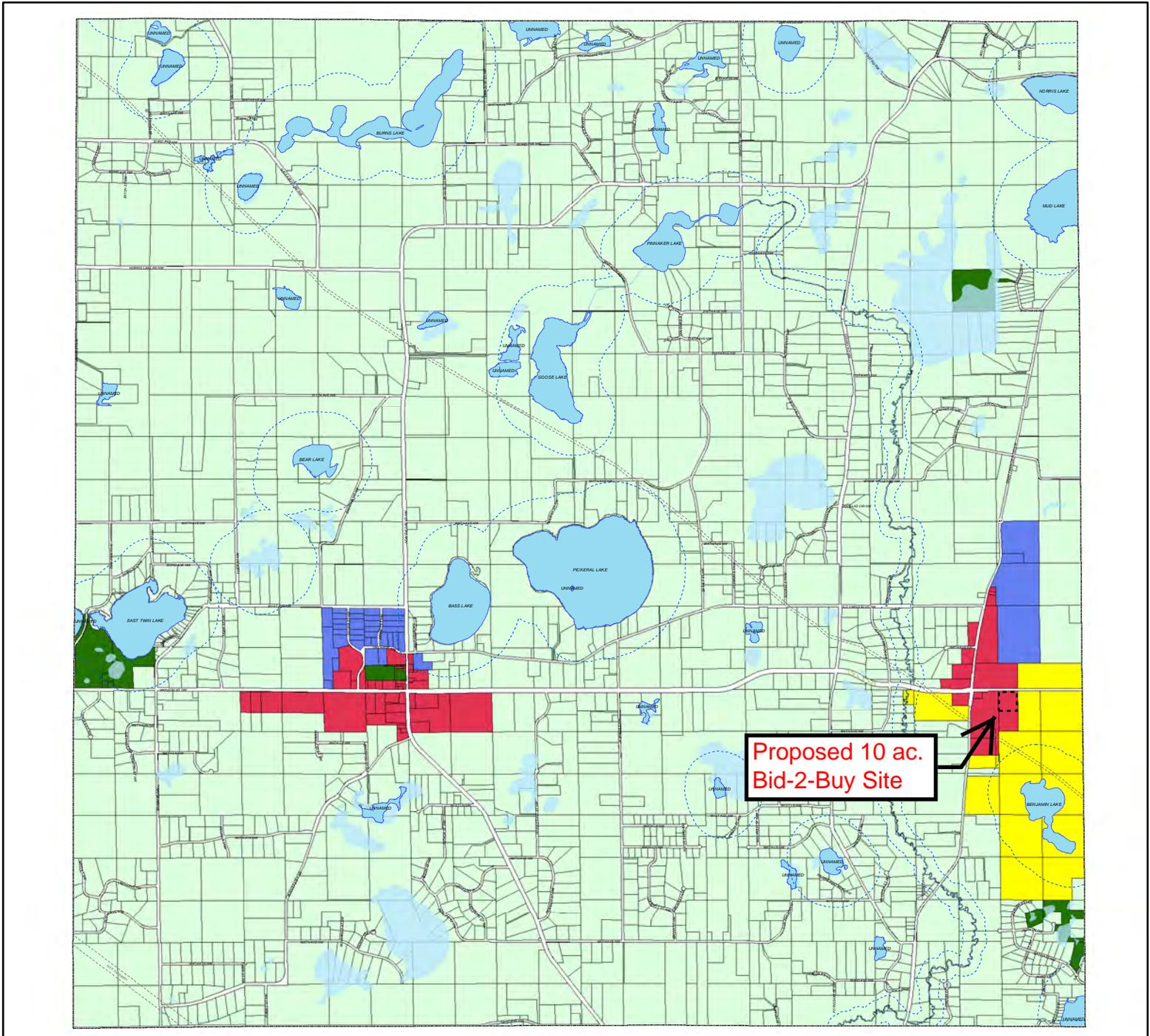
We look forward to being a viable contributor to the Nowthen business community and hope to serve local and regional residents with the auctions services we provide.



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

CITY OF NOWTHEN

Zoning Map



ZONING MAP

- C-1 - Commercial District (365 acres / 1.72%)
- I-1 - Industrial District (225 acres / 1.06%)
- 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



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

Adopted: Aug 10, 2020
K:\GIS\Projects\Municipal\WT9072020 Zoning Map.mxd

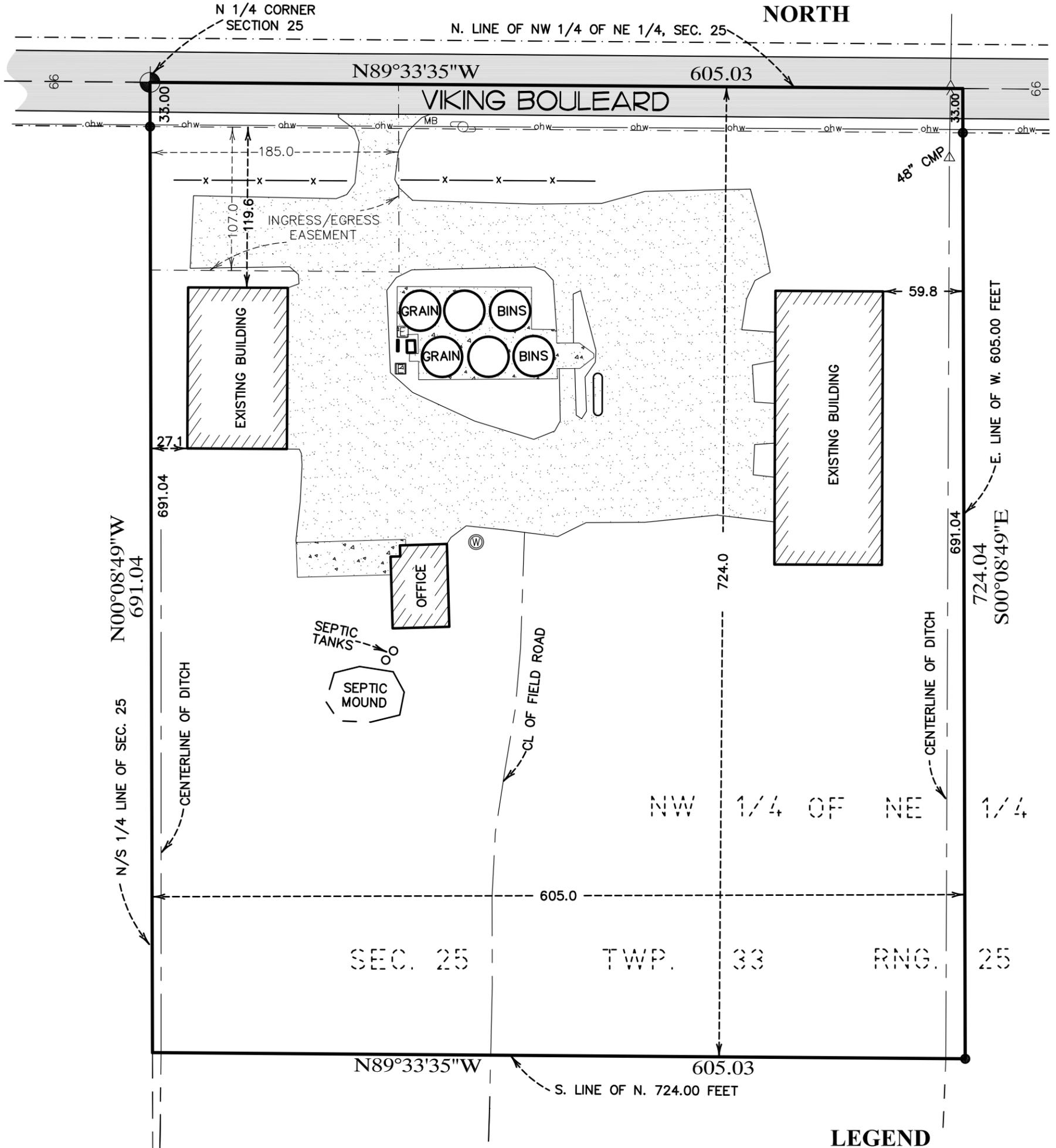
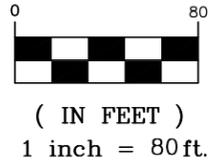
CERTIFICATE OF SURVEY

ADDRESS: 5160 VIKING BLVD NW
PID # 25-33-25-12-0003

FOR: BID 2 BUY

AREA CALCULATIONS

TOTAL PROPERTY AREA = ±438,043 sq.ft. (±10.06 acres)
Existing Bituminous = ±13,547 sq.ft.
Existing Gravel = ±78,258 sq.ft.
Existing Buildings = ±27,848 sq.ft.
Existing Concrete = ±9,541 sq.ft. (includes grain bins)



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES COUNTY MONUMENT
- DENOTES WELL
- DENOTES UTILITY POLE
- DENOTES OVERHEAD WIRE
- DENOTES STORM SEWER
- DENOTES EXISTING FENCE
- DENOTES GRAVEL
- DENOTES CONCRETE
- DENOTES BITUMINOUS
- DENOTES ELECTRIC METER/BOX

LEGAL DESCRIPTION

The West 605.00 feet of the North 724.00 feet of the Northwest Quarter of the Northeast Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota.

Together with an easement for ingress and egress purposes over, under and across the North 140.00 feet of the West 185.00 feet of said Northwest Quarter of the Northeast Quarter of Section 25, Township 33, Range 25, Anoka County, Minnesota.

NOTES

- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

I hereby certify that this plan, survey or report 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.

JOSHUA P. SCHNEIDER

Date: 2-24-22 Reg. No. 44655

JOB #22046



ACRE LAND SURVEYING
Serving Twin Cities Metro
area and beyond

763-238-6278 js.acrelandsurvey@gmail.com

CONCEPT PLAN

ADDRESS: 5160 VIKING BLVD NW
PID # 25-33-25-12-0003

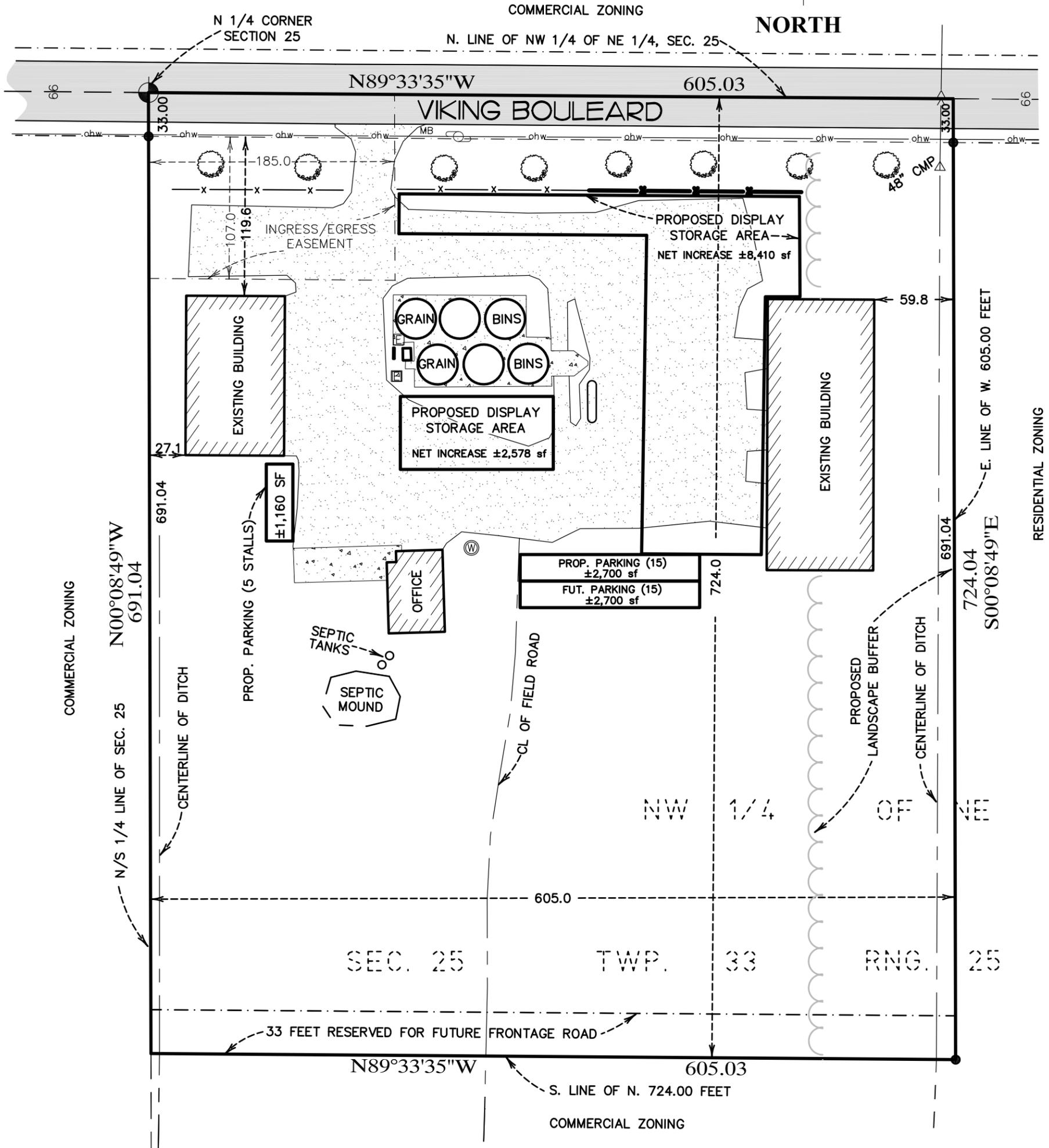
FOR: BID 2 BUY

AREA CALCULATIONS

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Existing Gravel = ±78,258 sq.ft.
Existing Buildings = ±27,848 sq.ft.
Existing Concrete = ±9,541 sq.ft. (includes grain bins)



(IN FEET)
1 inch = 80 ft.



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES COUNTY MONUMENT
- DENOTES WELL
- DENOTES UTILITY POLE
- DENOTES OVERHEAD WIRE
- DENOTES STORM SEWER
- DENOTES EXISTING FENCE
- DENOTES PROPOSED FENCE
- DENOTES GRAVEL
- DENOTES CONCRETE
- DENOTES BITUMINOUS
- DENOTES ELECTRIC METER/BOX
- DENOTES PROPOSED TREES

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JOB #22046

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-238-6278 js.acrelandsurvey@gmail.com

Anoka County Parcel Viewer

- Highlight Auction Items
- Dedicated Parking
- Future Expansion 2 and additional green space as needed
- Future Auction Staging Area
- Green Space
- Produce Stand
- Semi Route



Parcel Information: Approx. Acres: 2.15307843
 07-33-24-44-0009 Commissioner: MATT LOOK
 4141 SUNSHINE DR NW
 OAK GROVE
 MN 55303
 Plat:

Owner Information:

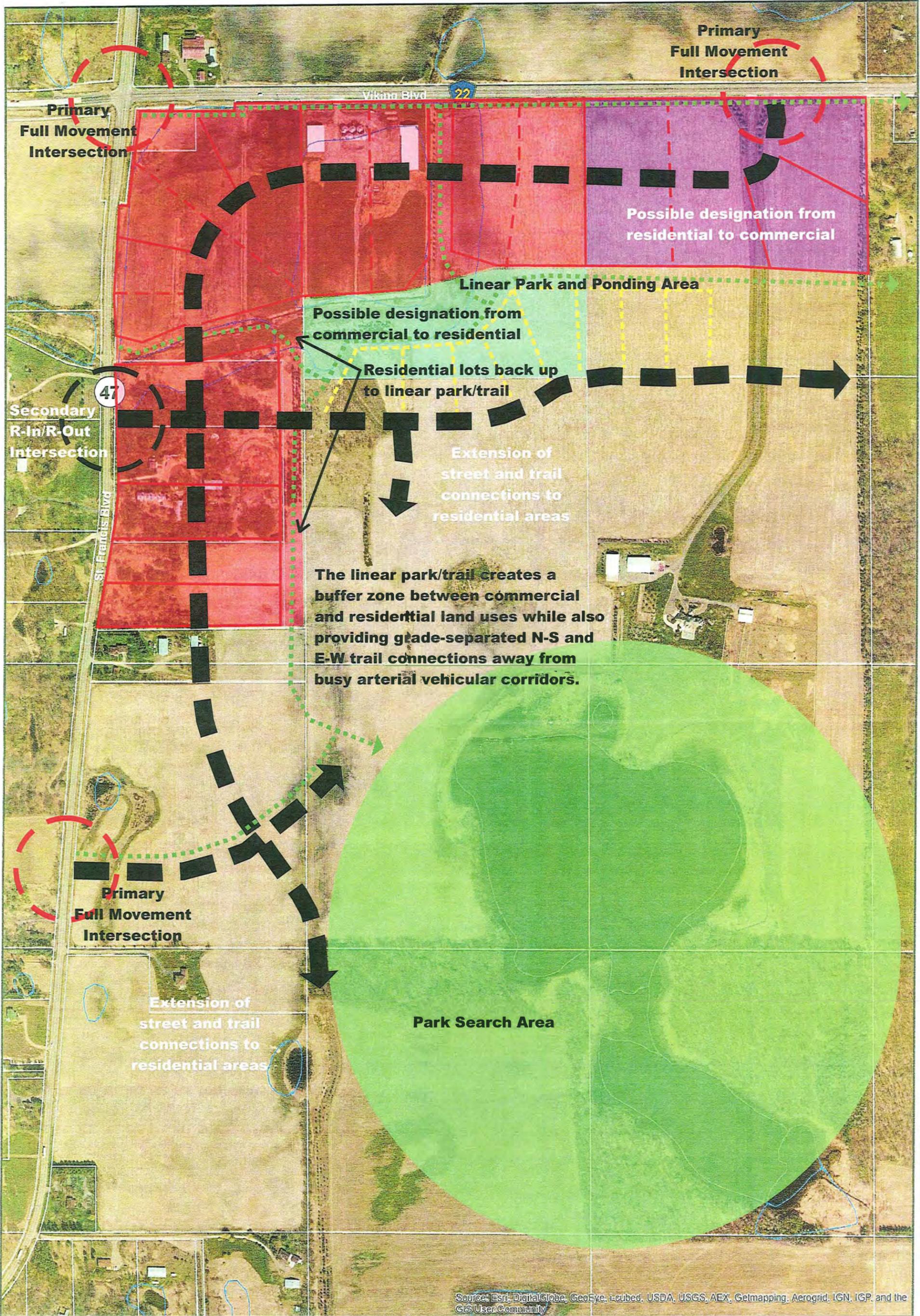


Current Camper Auction at Bid-2-Buy | Buffalo, MN



Equipment and Lot Organization Examples





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

<p>TPC Hakanson Anderson</p>	<p>South East Quadrant of TH 47 & CSAH 22</p> <p>0 200 400 800 Feet</p> <ul style="list-style-type: none"> Commercial Land Uses Conceptual Roadway Location Conceptual Trail Location 	<p>NORTH</p>	<p>Conceptual Lot Layout Plan City of Nowthen 8 of 8</p>
Sources: Anoka County, MET Council, MnDNR & MnDOT			

Liz Stockman

From: Jeff Munsterteiger <jeff@mnspect.com>
Sent: Monday, February 28, 2022 5:26 PM
To: curt@bid-2-buy.com; landon@bid-2-buy.com
Cc: Liz Stockman; Permits
Subject: 5160 Viking Blvd NW, Nowthen

Flag Status: Flagged

Curt and Landon,

It was a pleasure meeting you the afternoon of the 22nd. Below is my list of comments pertaining to the change of occupancy we discussed and some code language supporting the findings. If you have any additional questions, please let me know.

- Complete all zoning requirements from the City of Nowthen. Zoning should be approved prior to submitting permits.
- A compliance inspection of the septic system will need to be provided. You will hire your own licensed septic designer to evaluate the existing system and report on its size and condition. It must be suitable for the office use going forward.
- Accessibility requirements:
 - 305.4.2 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 305.4.1 and shall have all of the following accessible features:
 - Not fewer than one accessible building entrance.
 - Not fewer than one accessible route from an accessible building entrance to primary function areas.
 - Signage complying with IBC Section 1111.
 - Accessible parking, where parking is being provided.
 - Not fewer than one accessible passenger loading zone, where loading zones are provided.
 - Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
 - Not fewer than one accessible family or assisted-use toilet room or bathing room, or one accessible male and one accessible female toilet room or bathing room, shall be located on an accessible route not more than one story above or one story below a floor without such facilities. At the inaccessible toilet and bathing rooms, directional signs indicating the location of the nearest family or assisted-use toilet room, or bathing room shall be provided. These directional signs shall include the International Symbol of Accessibility, and sign characters shall meet the visual character requirements in accordance with ICC A117.1.
- Accessible building entrance, as described in item 1 above.
 - 404.2.4 Thresholds. If provided, thresholds at doorways shall be 1/2 inch (13 mm) maximum in height. Raised thresholds and changes in level at doorways shall comply with Sections 302 and 303.
 - Exception: An existing or altered threshold shall be permitted to be 3/4 inch (19 mm) maximum in height provided that the threshold has a beveled edge on each side with a maximum slope of 1:2 for the height exceeding 1/4 inch (6.4 mm).
 - 403.3 Slope. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of a walking surface shall not be steeper than 1:48.
 - 403.4 Changes in level. Changes in level shall comply with Section 303.
- Front counter height is too tall, requires an accessible surface.

- 904.2 Approach. All portions of counters required to be accessible shall be located where

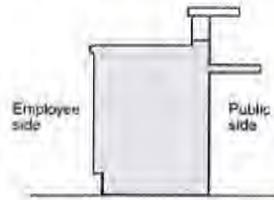


FIGURE 904.3(A)
SALES AND SERVICE COUNTERS—CROSS SECTION

transactions or services are customarily provided and be adjacent to a walking surface complying with Section 403.

- 904.3 Sales and service counters and windows. Sales and service counters and windows shall comply with Section 904.3.1 and either Section 904.3.2 or 904.3.3. Where counters are provided, the accessible portion of the countertop shall extend the same depth as the public portion of the sales and service countertop provided for standing customers.
- 902.4 Height. The tops of work surfaces shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum in height above the floor.
- Current restrooms are not accessible, there are no grab bars, existing clear floor spaces are undersized at water closets, no knee and toe clearance at lavatories among other items. A minimum of one accessible family and assisted use restroom must be provided.
 - 603.3 Mirrors. Where mirrors are located above lavatories, a mirror shall be located over the accessible lavatory and shall be mounted with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the floor. Where mirrors are located above counters that do not contain lavatories, the mirror shall be mounted with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the floor.
 - 604.3.1 Clearance width. Clearance around a water closet shall be 60 inches (1525 mm) minimum in width, measured perpendicular from the sidewall.
 - 604.3.2 Clearance depth. The depth of the clearance around the water closet shall be measured perpendicular from the rear wall and comply with Section 604.3.2.1 or 604.3.2.2.
 - 604.3.2.1 Overall clearance. The overall clearance around the water closet shall be 78 inches (1980 mm) minimum in depth.
 - 604.3.2.2 Water closet clearance. The depth of the clearance around the water closet shall be 48 inches (1220 mm) minimum plus the depth of the water closet fixture.
 - 604.5.1.1 Horizontal fixed side wall grab bars. Horizontal fixed side wall grab bars shall be 42 inches (1065 mm) minimum in length, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall.
 - 604.5.1.2 Vertical fixed side wall grab bars. Vertical fixed side wall grab bars shall be 18 inches (455 mm) minimum in length and shall be mounted with the bottom of the bar located 39 inches (990 mm) minimum and 41 inches (1040 mm) maximum above the floor, with the centerline of the bar located 39 inches (990 mm) minimum and 41 inches (1040 mm) maximum from the rear wall.
 - 604.5.2 Rear wall grab bars. The rear wall grab bar shall be 36 inches (915 mm) minimum in length and extend from the centerline of the water closet 12 inches (305 mm) minimum on the side closest to the wall, and 24 inches (610 mm) minimum on the transfer side.
 - 604.6 Flush controls. Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with Section 309. Flush controls shall be located on the open side of the water closet.
 - 604.7 Dispensers. Toilet paper dispensers shall comply with Section 309.4. Dispensers located above the grab bar shall be recessed and the outlet of the dispenser shall be located within an area 24 inches (610 mm) minimum and 36 inches (915 mm) maximum from the rear wall. Where

the dispenser is located below the grab bar, the outlet of the dispenser shall be located within an area 24 inches (610 mm) minimum and 42 inches (1065 mm) maximum from the rear wall. The outlet of the dispenser shall be located 18 inches (455 mm) minimum and 48 inches (1220 mm) maximum above the floor. Dispensers shall comply with Section 609.3. Dispensers shall not be of the type that control delivery, or do not allow continuous paper flow.

- 606.2 Clear floor space. A clear floor space complying with Section 305.3, positioned for forward approach, shall be provided. Knee and toe clearance complying with Section 306 shall be provided. The dip of the overflow shall not be considered in determining knee and toe clearances.
- 606.3 Height. The front of lavatories and sinks shall be 34 inches (865 mm) maximum above the floor, measured to the higher of the rim or counter surface.

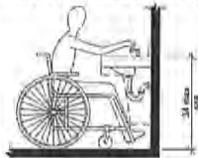


FIGURE 606.3
HEIGHT OF LAVATORIES AND SINKS

- 606.4 Faucets. Faucets shall comply with Section 309. Hand-operated metering faucets shall remain open for 10 seconds minimum.
- 606.6 Exposed pipes and surfaces. Water supply and drain-pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.
- The 16,000-sf building exceeds the size threshold for fire sprinklers.
 - 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where a Group S-1 fire area exceeds 12,000 square feet (1115 m²). To separate the space into smaller fire areas, a 3-hour separation is required by Table 707.3.10.
 - 707.5 Continuity. Fire barriers shall extend from the top of the foundation or floor/ceiling assembly below to the under-side of the floor or roof sheathing, slab or deck above and shall be securely attached thereto. Such fire barriers shall be continuous through concealed space, such as the space above a suspended ceiling. Joints and voids at intersections shall comply with Sections 707.8 and 707.9.
 - 707.6 Openings. Openings in a fire barrier shall be protected in accordance with Section 716. Openings shall be limited to a maximum aggregate width of 25 percent of the length of the wall, and the maximum area of any single opening shall not exceed 156 square feet (15 m²). Openings in enclosures for exit access stairways and ramps, interior exit stairways and ramps and exit passageways shall also comply with Sections 1019, 1023.4 and 1024.5, respectively.
 - 707.7 Penetrations. Penetrations of fire barriers shall comply with Section 714.
 - 707.8 Joints. Joints made in or between fire barriers, and joints made at the intersection of fire barriers with underside of a fire-resistance-rated floor or roof sheathing, slab or deck above, and the exterior vertical wall intersection shall comply with Section 715.
 - 707.9 Voids at intersections. The voids created at the inter-section of a fire barrier and a non-fire-resistance-rated roof assembly, or a non-fire-resistance-rated exterior wall assembly shall be filled. An approved material or system shall be used to fill the void and shall be securely installed in or on the intersection for its entire length so as not to dislodge, loosen or otherwise impair its ability to accommodate expected building movements and to retard the passage of fire and hot gases.
- Permits are required to modify all the above and change the occupancy of the buildings. Submit plans, specs, and permit applications for each building to the City of Nowthen.

Regards,

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

PLANNING & ZONING COMMISSION

FINDINGS & RECOMMENDATION
**INTERIM USE PERMIT FOR USED VEHICLE SALES
& TO ALLOW DEVIATION IN PAVING REQUIREMENTS**

APPLICANTS: Cash Farms, David Moritz
7104 253rd Ave NW
St. Francis, MN 55070

Bid-2-Buy, Werner Holdings LLC
Curt Werner and Landon Werner
PO Box 178
Elk River, MN 55330

APPLICATION: Request for approval of an Interim Use Permit to allow outdoor used vehicle sales under Zoning Ordinance Section 11-3-8.D.3.

SITE LOCATION: 5160 Viking Blvd. PID 25-33-25-12-0003

PLANNING & ZONING COMMISSION MEETING: March 22, 2022

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. Applicant is the fee owner of the real property located at 5160 Viking Boulevard NW, Nowthen, Minnesota as legally described in Item 2, herein after referred to as the "Subject Property", which real property is proposed to be used as an outdoor used vehicle sales lot with three commercial buildings allowed by the C-1 Commercial Zoning District hereinafter to be referred to as the "Office, East and West Buildings"; and
2. The legal description of the Subject Property is W 605 FT OF N 724 FT OF NW1/4 OF NE1/4 OF SEC 25 TWP 33 RGE 25; EX RD; SUBJ TO EASE OF REC, and
3. The subject property contains three buildings (office, east and west) which were constructed as agricultural buildings without permits, and six (6) grain bins, and
4. Applicant's plans for the site involve a change in occupancy classification from agricultural to

- commercial for the office, east and west buildings, and
5. Applicant's plans for the site involve continuation of the agricultural use of the six grain bins, continued tilling of the southern portion of the subject property and continued placement of a produce stand on the subject property for the purposes of selling agricultural produce, and
 6. Applicant's have been occupying the office structure and parts of the east and west structures for the operation of Bid-2-Buy online auctions, and
 7. Applicant's wish to purchase the property from Cash Farms to establish Bid-2-Buy headquarters and to allow for increased display of auction machinery, vehicles and equipment offered for sale, and
 8. Applicant's have also made application to establish the three buildings (office, east and west) as multiple principal buildings allowed through approval of a Conditional Use Permit by the City Council, and
 9. Applicant's have submitted plans for the site which show expansion of impervious surfaces, resurfacing of a portion of the parking/sales area, and establishment of a 100-foot bufferyard along the property's east side, and
 10. The Comprehensive Plan guides the subject site for commercial/light industrial land uses through the year 2040, and
 11. The subject site is zoned C-1, Commercial, and
 12. The Subject Property encompasses 10 acres with direct access onto Viking Boulevard NW (CSAH 22), and
 13. Section 11-3-8.D.3 of the Nowthen Zoning Ordinance allows outdoor sales areas as a principal use provided they:
 - a. Are screened and landscaped from residential districts or uses;
 - b. Are surfaced with asphalt, concrete or pavers;
 - c. Do not take up required parking spaces, and
 14. Section 11-6-2 of the City Code requires that all commercial driveway, parking and loading areas be paved, except as may be allowed by the City Council through approval of an Interim Use Permit where truck traffic associated with the farm use and the industrial nature (large machinery, tractors, campers, etc) of auction items create wear and tear on asphalt, and
 15. Section 11-3-8.C.7 of the Nowthen Zoning Ordinance allows multiple principal buildings on one lot of record through approval of a Conditional Use Permit, and

16. The Planning Report dated March 16, 2022, prepared by the City Planner, The Planning Company LLC., is incorporated herein.
17. The Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regular meeting on March 22, 2022.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission recommends approval of an Interim Use Permit to allow outdoor vehicle sales and deviation from parking area paving requirements, subject to the following conditions:

1. Approval of a Conditional Use Permit to allow multiple principal buildings on one lot of record and common ownership of all buildings and grounds by Werner Auction Group LLC/Bid-2-Buy.
2. Use classification change of the office, east and west buildings from agricultural to commercial, submission of building permits and satisfaction of all Building Code requirements.
3. Once converted to an allowed commercial use in conformance with the requirements of this Chapter, the interim agricultural use shall not be re-established for the office, east and west buildings.
4. The grain bins are an interim use and shall be allowed to remain as an agricultural use, in association with the tillable land and farm sales/produce stand until such time as they are converted to commercial uses or discontinued for a period of one year and may not be reestablished.
5. The grain bins shall be removed from the property when they no longer serve their function as grain storage associated with the site's interim agricultural use.
6. A total of 38 parking spaces are required on site. Ten (10) parking spaces shall be paved for customer and employee use, in addition to the five (5) paved spaces which already exist. The remaining 23 spaces shall be reserved for future use, upon request of the City Council or the City Planner.
7. The maximum number of vehicles/units permitted on the subject property may not exceed _____ (10 customer spaces, 5 employee spaces, and _____ vehicles for sale) at any given time. At no time shall vehicles for sale occupy the 15 employee or customer spaces.
8. The display area measuring 30 x 300, located immediately adjacent to the white rail fence and closest to Viking Boulevard, shall be paved to 9-ton standards.
9. The entrance drive and internal circulation areas frequented by large vehicles, heavy commercial trailers and grain trucks shall be maintained as gravel until such time as the agricultural uses cease, at which time compliance with commercial paving, curbing and stormwater standards shall be required. Future expansion of structures, parking and display

areas (impervious surfaces) will require amendments to the CUP and/or IUPs in accordance with the City Zoning Ordinance and will trigger review by the City Engineer.

10. The white rail fence is extended +/- 160 feet to the east to the limits of the display area.
11. Vehicles and all auction items displayed may only be placed in designated spaces indicated on the site plan where gravel or paved surfaces exist and not on yard/grass-surfaced areas.
12. Impervious surface areas to be added may not exceed 10,000 sf without providing a grading plan and stormwater control devices; submission of a revised site plan shall be required.
13. There shall be no on-site live auctions on the subject property.
14. No parking, loading, unloading, pick-up or drop-off of vehicles, machinery, equipment or auction goods of any kind will be allowed on Viking Boulevard.
15. The 100-foot buffer yard on the east side of the property adjacent to residential uses is maintained at all times and shall include _____.
16. A landscape plan shall be submitted for review and approval; required landscaping shall include:
 - a. Eight (8) deciduous trees along the front of the site, on the uphill side of the ditch, directly in front of the white rail fence.
 - b. Fourteen (14) trees shall be placed along the east property line within the bufferyard
 - c. Ninety-one (91) shrubs (25-30 trees in lieu of shrubs?) staggered row of trees along the east line?
17. All landscaping shall be maintained throughout the life of the business and replaced should the vegetation become diseased, damaged or destroyed.
18. The southern-most 33 feet of the property shall be reserved for a future frontage road as required under the City's Comprehensive Plan.
19. The property, property owners, employees and sales agents remain in compliance with State of MN automobile dealer licensing regulations at all times.
20. The hours of operation for Bid-2-Buy shall be 8:00AM to 8:00PM Monday through Thursday, 8:00AM to 6:00PM Friday and 8:00AM to Noon Saturday, and closed on Sundays.
21. Any changes to structures, parking areas, display areas, lighting or signs shall require application for a building permit and review by the City Building Official and City Planner.
22. Directional signs which indicate the site circulation, customer parking and handicapped parking areas are provided on site in compliance with the City's sign ordinance.
23. Septic system inspection, compliance and upgrades as needed to serve the office use going forward. A copy of the new as-built shall be submitted to the City of Nowthen.

24. Soil borings shall be submitted for a secondary/back-up septic site which shall be shown on the revised site plan and must be protected from disturbance or compaction.
25. The Subject Property must be in compliance with all State, County and City building codes and is subject to review and approval by the City Building Official.
26. Pursuant to Section 11-10 of the Nowthen Zoning Ordinance, this interim use shall terminate on the happening of any of the following events, whichever occurs first:
 - a. The date or event stated in the permit as determined by the City Council.
 - b. Upon violation of conditions under which the permit was issued.
 - c. The interim use permit shall terminate upon a change of occupancy or ownership of the principal use.
 - d. The use or operation is discontinued for a period of one (1) year. This does not apply to a specific part of a use or operation, or a single event, when the remainder of the use or operation has been on-going.
 - e. If an interim use approved by the City Council is not exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, it shall terminate unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline.
27. The City Council may revoke an interim use permit upon violation of any condition of the permit, any City ordinance, any law of the State of Minnesota, or any law of the United States.
28. Revised plans are submitted which document and address the changes required herein.
29. The applicant(s) and property owner are responsible for all costs associated with the processing of this request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the City Council of the City of Nowthen this 12th day of April 2022.

CITY OF NOWTHEN

By: _____
Mayor Jeff Pilon

Attest: _____
Frank Boyles, Interim City Administrator

Cash Farms/Bid-2-Buy Interim Use Permit
5160 Viking Boulevard
PID# 25-33-25-12-0003
Public Hearing held March 22, 2022
Approved by the City Council on April 12, 2022

I/We hereby understand and agree to the conditions of approval established by this Interim Use Permit.

David Moritz, Property Owner
President, Cash Farms

Curtis Werner, Applicant

Landon Werner, Applicant

Prepared By:
The Planning Company
3601 Thurston Avenue
Anoka, MN 55303
651-303-3670

CITY OF NOWTHEN
MARCH 2022

**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 to facilitate adherence to the established code of conduct as referenced in Section 21 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

For any meeting to be called to order, a quorum (one over half) of appointed members must be present(See Appendix 1)A quorum must be kept during the entire meeting 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 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. (See Appendix 1)

SECTION 9. VOTING AND RECOMMENDATIONS

At all meetings of the Planning and Zoning Commission, each member attending, except for the City Council non-voting ex -officio 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 disqualify him/herself 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 most 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

At any regular meeting of the Planning and Zoning Commission, shall observe the following order of business:

- A. The pledge of allegiance
- B. Roll call
- C. Meeting policy read
- D. Approval/Amend Meeting Agenda
- E. Approve/Amend Meeting Minutes of the Preceding Meeting(s)
- F. Public Hearings
- G. Other Business
- H. Old/New Business (if applicable)
- I. Adjournment

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

- (A) 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. Applicant provides a report
 - 3. The Planning and Zoning Commission members may ask questions regarding the staff presentation and report (if any).
 - 4. Public's opportunity for comment.
 - 5. Applicant makes rebuttal of any points not previously covered (if any).
 - 6. Planning and Zoning Commission asks any questions it may have of all parties and then acts or defers the vote to a date certain.
- (B) 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.
- (C) Unless agreed to by a majority vote of the Planning and Zoning Commission members in attendance at the meeting, no new agenda item 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: 1). 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 2). It serves as the public's 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 to best achieve these functions.

- (B) **Deadlines.** The agenda shall be prepared by City Staff and closed for additional agenda items by the end of the day on the first Tuesday of each month. The Commission members and City Councilmembers will receive copies of the public hearing notice including those noticed at the same time they are received by the public.. Development site signs shall be erected at the same time.
- (C) **Submissions.** Any Planning and Zoning Commission member can place an item on the agenda by requesting the City Staff responsible for agenda preparation no later than the first Tuesday of the month 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 or removed from the agenda at a Planning and Zoning Commission meeting subject to approval by a majority vote of the members present and voting. 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 action on the item except at an open meeting where the item, the RCA and supporting documents are included as part of the distributed agenda and all timeframes and process have been completed.**
- (E) **Delivery of Agenda Packet to Members.** At least six calendar days before the meeting, the City Staff shall provide each Commission member a paper and/or electronic meeting agenda packet including 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 conform to Section 10 above. In addition, the agenda shall organize matters to be addressed at the meeting 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 be placed early on the agenda to minimize the time citizens must wait for consideration of the item.

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 permanently and be available for public inspection by any person requesting.

- (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 by name. Members arriving late or leaving early shall be so noted.
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. (See Appendix 2)

SECTION 14. PUBLIC HEARINGS

- (A) A public hearing is a noticed, official meeting, the express and limited purpose of which is to provide an equitable opportunity for the public to address 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 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 such action is advisable due to the unique nature of the matter. . In all such instances the Planning and Zoning Commission will consider the precedence created by such action.

- (C) The Planning and Zoning Commission may neither deliberate nor take a vote during a public hearing but may ask questions of anyone present.
- (D) The Planning and Zoning Commission, upon resuming their regular meeting after the closure of the public hearing, may act 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. To promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable but equal time limits on the amount of time that individuals must 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 act 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 decide. 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.

- A.
 - 1. Members shall serve three (3) year overlapping terms with one-third (1/3) being appointed each January.
- B. Members shall be residents of the City throughout the term of their term.
- C. 3. Except in extenuating circumstances, members shall attend and participate in at least eighty (80%) of the Planning and Zoning Committee meetings each year to remain eligible for reappointment.
- D. 4. Members shall advise city staff at least 24 hours in advance of a scheduled Planning and Zoning Commission Meeting if they are unable to attend.

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 if 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:
 - a. Interpret and apply rules of procedure.
 - b. Decide whether motions are properly made.
 - c. Decide whether motions are in order.
 - d. Decide whether questions of special privilege ought to be granted.
 - e. Decide when to recognize speakers.
 - f. Call for motions or recommend motions.
 - g. Expel disorderly persons from the meeting.
 - h. 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

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 affected member. 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 if 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. Committees shall normally consist of not more than three Planning and Zoning Commissioners including the Chair..
- C. Most 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:

A. 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 because of city business, so as to efficiently and effectively develop and carry out the mission, vision, goals and established policies of the city.

B. Roles/Responsibilities

- 1. **Meetings** – The chairperson presides over meetings of the Planning and Zoning Commission. Speakers, including Commission members, do not speak until recognized by the chairperson.

2. **Fiduciary Responsibilities** - – 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.
3. **Preparation** – Commission members are expected to be prepared for Commission meetings and work sessions including becoming familiar with all distributed materials, visiting the sites, and preparing questions and observations to share at the meeting.
4. **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.
5. **Knowledge** – Members are expected to be familiar with this policy, the city zoning ordinance and comprehensive plan.

C. **Conduct of Members**

1. **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.
2. **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.
3. **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.
4. **Respect for Process** – Commission member duties shall be performed in accordance with the processes and rules of order established by the city council.
5. **Use of Public Resources** – Public resources not available to the public (e.g., city staff time, equipment, supplies or facilities) shall not be used by Commission members for private, personal, or political purposes.
6. **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.
7. **Improper Influence** – Commission members shall refrain from using their position to improperly influence the deliberations or decisions of city staff, boards, CommissionCommission, or committees.
8. **Positive Work Environment** – Commission members shall support a positive, efficient, and effective environment for residents, businesses, and city employees.
9. **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.

D. Communication

1. **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.
2. **Focused Discussions** – Commission members shall work to keep discussions and debates focused on the item under discussion without introducing extraneous or irrelevant information.
3. **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 most of the Commission.
4. **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.
5. **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.
6. **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.
7. **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.

E. Implementation

1. **Orientation** – This Code of Conduct shall be included in the regular orientations for new Commission members.
2. **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.

F. Remedies

It is the responsibility of the CCommission members to police its members. When inappropriate behaviors are observed, the chair and Mayor are to meet with the member. Based upon the findings from the meeting, Commissionif inappropriate behavior is

observed, the City Council will discuss the behavior at a City Council work session. By direction of the City Council, it will be determined whether:

1. A letter is sent to the offending CCommission member stating that they have been found operating outside the established code of conduct, requesting them to correct the behavior identified as inappropriate; or
2. The CCommission member is formally sanctioned or removed from the CCommission by resolution at a City Council meeting.

ADOPTED this 9th day of March 2022

Mayor

ATTEST:

Interim City Administrator

APPENDIX 1

City Clerk

From: Robert Ruppe <bob@couriruppe.com>
Sent: Friday, January 28, 2022 1:18 PM
To: City Clerk
Subject: City of Nowthen; SOME QUESTIONS FROM THE PLANNING AND ZONING COMMITTEE

Frank,

Here are my answers to your questions regarding the City Planning Commission:

1. **According to the city code the commission is a seven-member body. A quorum of a seven-member body is four. So, four may conduct a meeting. For a vote to prevail requires three of four. If five show up it is three votes to prevail. If six, then four votes. Do we have those all right. Some issues require a super majority. For seven a super majority is five or six? For four it is three. For five it is four. Are these iterations correct?**

Yes, I believe that your iterations are correct. However, I am not aware of any issues that may come before the Planning Commission that may require a super majority.

2. **The policy provides that the commission may meet in closed session. I know there are situations for city council can, is that also true for Planning Commissions?**

Planning Commission meetings are governed by the same statutes as regular City Council meetings. Under the Minnesota Open Meeting Law, Minn. Stat. § 13D.01, with only a few exceptions, all Planning Commission meetings or gatherings must be open to the public. With regard to the Planning Commission meeting in closed session, the Commission would be able to close a meeting in the same manner and for the same reasons as the City Council.

Meetings that **MUST** be closed pursuant to Minn. Stat. § 13D.05, subd. 2 are meetings that discuss:

- Alleged victims or mandated reporters of criminal sexual conduct, domestic violence, or maltreatment
- Active criminal investigations
- Law Enforcement officer misconduct
- Not public education data
- Not public health/medical/welfare/mental health data
- Preliminary consideration of allegations or charges against employee, but the meeting must be open at employee's request

Meetings that **MAY** be closed pursuant to Minn. Stat. § 13D.05, subd. 3 are meetings that discuss:

- Meetings closed as permitted by the attorney-client privilege
- Labor negotiations
- Employee performance evaluations, but the meeting must be open at employee's request
- Certain property transactions (asking price for property, review of confidential appraisals, develop offers or counteroffers)
- Certain security matters

Given the above lists, the only reason that I believe that the Planning Commission might have a reason to go into closed session is to discuss certain property transactions being contemplated by the City.

3. **Must a planning commissioner or city council member be at least eighteen years old?**

With regard to a Planning Commission member, Minn. Stat. § 462.354 does not specify any minimum age or residency requirements for planning commission members. However, under this statute the planning commission must be created by city ordinance or charter provision. As such, the terms of the City's ordinance establishing the Planning Commission would control. If the City's Ordinance does not require any specific minimum age requirement, then a Planning Commission member may be under 18 years of age.

With regard to City Council members, the Minnesota Constitution and state statutes set the qualifications for elective office. To hold elective city office, individuals must be qualified city voters, at least 21 years of age on the date of taking office, U.S. citizens, and residents of the city for at least 30 days before the election. See Minn. Stat. § 204B.06. An individual who has been convicted of a felony under either state or federal law cannot hold elective office in Minnesota unless the individual's civil rights have been restored. Minn. Stat. § 201.014.

I hope this answers your questions. If not, please call.

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From: City Clerk <CityClerk@nowthenmn.net>
Date: Friday, January 28, 2022 at 12:05 PM
To: Bob Ruppe <bob@couriruppe.com>
Subject: SOME QUESTIONS FROM THE PLANNING AND ZONING COMMITTEE

At their January 25,2022 Meeting the planning and zoning commission reviewed their policy.

There were a few questions we could not answer and so we are referring them to you.

1. According to the city code the commission is a seven-member body. A quorum of a seven-member body is four. So, four may conduct a meeting. For a vote to prevail requires three of four. If five show up it is three votes to prevail.. If six, then four votes. Do we have those all right. Some issues require a super majority. For seven a super majority is five or six? For four it is three. For five it is four. Are these iterations correct?
2. The policy provides that the commission may meet in closed session. I know there are situations for city council can, is that also true for Planning Commissions?
3. Must a planning commissioner or city council member be at least eighteen years old?

Hopefully, that is everything.

Thanks!

CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING SECTIONS 11-2, 11-5 AND 11-6 OF THE NOWTHEN CITY CODE TO DEFINE MORE DETAILED ARCHITECTURAL STANDARDS AND SITE DESIGN FOR COMMERCIAL AND INDUSTRIAL USES.

The City Council for the City of Nowthen hereby ordains:

SECTION 1. City Code Section 11-2, is hereby amended to add the following:

Definitions:

Integral Color: Integral color is a blended oxide pigment available in dry and liquid form that's combined with concrete in a ready-mix truck and placed on-site for a rich, fade-resistant finished product.

Parapet: A low protective wall along the edge of a roof, bridge, or balcony.

SECTION 2. City Code Section 11-5, is hereby amended to read as follows:

SECTION 5
BUILDING TYPE AND CONSTRUCTION

Section:

- 11-5-1 Purpose
- 11-5-2 General Provisions
- 11-5-3 Exterior Building Finishes

11-5-1: PURPOSE: Buildings in all zoning districts shall maintain a high standard ~~of for exterior architecture to ensure a high quality of development~~architectural and aesthetic compatibility ~~and land use compatibility with surrounding area properties.~~ ~~that~~ All buildings shall contribute positively to community image in regard to design, architectural style, material quality, visual aesthetics, permanence and stability ~~and to prevent use of materials that are unsightly, deteriorate rapidly, contribute to depreciation of area property values, or cause urban blight.~~

11-5-2: GENERAL PROVISIONS:

- A. General Design Concept: Building and/or project designs shall utilize materials, colors, or details to meet the intent of these architectural standards.
- B. Design Elements: Projects may be required to utilize building ornamentation features, including, but not limited to: columns, arches, parapets, cornices, friezes, canopies, moldings, dentils, corbels, quoins, rustication, vaults, domes, and cupolas.
- C. Corporate Identity: The intent and purpose of these architectural standards supersede corporate identity designs; when a corporate identity design does not meet the intent and purpose of the architectural standards, the corporate identity design shall be limited to the area immediately adjacent to the main entry but shall otherwise be consistent with the intent of this Section.
- D. All commercial and industrial uses shall coordinate site and built elements into a unified design including architecture, parking lots, pedestrian/bike access, environment, utilities and signage.

11-5-3: EXTERIOR BUILDING FINISHES:

- A. **Materials.** For the purpose of this subsection, allowed building materials shall be divided into categories as follows:
 - 1. Grade A:
 - a. Brick or custom masonry units (CMU) having a brick-like appearance.
 - b. Natural or artificial stone.
 - c. Glass.
 - 2. Grade B:
 - a. Integral color specialty concrete block such as textured, burnished block or rock faced block.
 - b. Integral color architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, tooled, natural stone veneer, brick face and/or cast stone type finish.
 - c. Masonry stucco.
 - d. Ceramic.

- e. Exterior insulation and finish system (EIFS).
 - f. Opaque panels.
 - g. Ornamental metal.
 - h. Fiber-cement exterior siding.
3. Grade C:
- a. Integral color smooth as cast concrete block.
 - b. Integral color smooth scored concrete block.
 - c. Integral color smooth as cast concrete panels.
 - d. Integral color architecturally precast concrete panels having a smooth as cast finish.
 - e. Glass block.
 - f. Wood, [natural or composite](#), -provided that the surfaces are finished for exterior use or the wood is of proven durability for exterior use, such as cedar, redwood or cypress.
4. Grade D:
- a. Steel, aluminum.
5. Grade E:
- a. Vinyl.
- B. Steel Or Aluminum Buildings: Except in association with farms as defined by this Chapter, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as COR-TEN steel shall be permitted in any zoning district.
1. Roofs on non-residential buildings (clear coat or painted), provided:
- a. A standing seam design is used with hidden fasteners,
 - b. Special precautions shall be exercised when using Galvalume in certain situations; as noted by the manufacturer, contact with the following products should be avoided:

- i. Contact with concrete, masonry or other highly alkaline products.
 - ii. Contact with copper, lead or moisture-wicking building materials.
 - iii. Animal confinement areas with high-ammonia content.
 - c. The roof pitch does not exceed 3/12 for clear coat, bare-look finishes.
 - d. Roof pitches greater than 3/12 must have a painted finish.
2. Walls on non-residential buildings incorporating steel or aluminum shall be required to have a painted finish. (Ordinance 2019-02, Adopted July 9, 2019)

C. **Exterior Material Colors – Commercial & Industrial Uses:**

1. For the primary or principal color scheme over ninety percent (90%) of any building, commercial and industrial uses shall utilize exterior material colors which are primarily earth tones, neutral or muted colors which shall blend with or complement the surrounding area environment and landscape.

Stark white may not be utilized as the primary color?

2. Up to three (3) accent colors may be used to complement the overall architecture and provide visual variety to commercial/industrial buildings, but shall not include neon colors or reflective materials unless specifically approved by the City Council when associated with a logo or brand.

3. Color accent considerations may include contrasting colors, color enhancement and tonal variations of entries, partial walls, awnings, window/door trim, shutters, porches/balconies, columns, banding, signs, or other design details, but in no case shall such coloring exceed ten percent (10%) of each wall area.

4. Integral Color: For the purpose of this Section, exterior finish materials requiring integral color shall not include natural (concrete) gray.

D. Foundations: Building foundations not exceeding one foot (1') and other such portions of a building's facade below the elevation of the first floor need not comply with the requirements for the primary facade treatment or materials.

E. Exceptions: Garage doors, pedestrian doors, window/door trim, flashing and other ~~accent items and the like~~ trim, shall not constitute required materials that make up the exterior finish of a building for the purposes of this section, but shall be considered color accents if not consistent with the structure's primary colors.

F. **-Residential Uses:**

1. The primary exterior building finish for residential uses shall consist of grade A, B, C, D, and/or E materials.

G. **Commercial, Office & Institutional Uses & C-1 Zoning Districts:** The exterior of buildings within commercial districts shall include a variation in building materials and forms to be distributed throughout the facade and coordinated into the design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

1. The primary exterior building finish shall consist of grade A, B, and/or C materials except that the exterior building finish for any side facing a collector or arterial street shall be composed of at least sixty five percent (65%) grade A materials and not more than thirty five percent (35%) grade B or grade C materials only.
2. All sides of the principal and accessory structures are to have essentially the same or coordinated harmonious exterior finish treatment.

H. **Industrial, Warehouse, Manufacturing & I-1 Zoning -Districts:**

1. The primary exterior building finish shall consist of grade A, B, C, and/or D materials.
2. Steel or aluminum curtain wall panels (nonstructural, non-load bearing) shall be allowed within industrial districts provided that:
 - a. The panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
 - b. The building shall be required to be faced with grade A, B, C or D material on wall surfaces abutting public rights of way, a nonindustrial zoning district, an adjacent industrial building with brick, wood, stone or decorative concrete wall surfaces, residential uses, or public areas. The required wall surface treatment may allow a maximum of fifty percent (50%) of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design and is similar to the building frontage.

I. [-Architectural Standards and the Development Review Process: It is the City's intent to establish guidelines for improving the site and architectural design of commercial/industrial areas throughout the City. These guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline.](#)

The overall objective is to ensure that the intent and spirit of the design guidelines are followed. The ultimate goal of the development review process is to attain the best possible design.

J. Commercial Architectural Standards:

1. Pole style buildings constructed with steel or aluminum siding shall be prohibited.
2. Structures must create a visual interest that is consistent with the community's identity and character.
3. Structures shall contain at least one visually significant entrance visible from the adjacent public street which incorporates peaked roof forms, arches, canopies, parapets, glassed vestibules, tower elements or other vertical features.
4. Commercial buildings which have ground floor facades that face public streets shall contain windows, entry areas, awnings/overhangs, or other architectural elements which are inviting to and at a scale consistent with pedestrian use.
5. Multiple commercial buildings or uses shall be grouped on larger sites and coordinated among separate sites to create a city center feel and stimulate pedestrian activity.
6. Windows should be generously used and have a large significant appearance in the elevation design.
7. Buildings shall have consistent use of the same materials on all elevations.
8. Visual and physical links shall be established between commercial buildings through site planning/amenities, architecture, common exterior spaces, pedestrian connections/walkways and landscaping.
9. A single, large, dominant building mass shall be avoided to the extent feasible. Specifically, horizontal masses shall not exceed a height to width ratio of 1:3 without substantial variation in massing that includes a change in height, projecting or recessed elements, wall articulation (wall plane projections, bays, offsets, or reveals), windows and ornamentation to mitigate their scale.
10. Landscaping and screening shall be utilized to buffer large spanses of wall space without doors or windows in locations adjacent to public street rights-of-way, City-owned land, parks/trails and areas adjacent to residential land uses or those areas guided/zoned for future residential uses.

K. Industrial Architectural Standards:

1. The character, style, materials and scale of buildings should be compatible with adjacent land uses and buildings.
2. A single, large, dominant building mass shall be avoided to the extent feasible. Specifically, horizontal masses shall not exceed a height to width ratio of 1:5 without substantial variation in massing that includes a change in height and projecting or recessed elements.
3. Façades must be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls. Façades must provide through the use of detail and scale, an architectural rhythm through changes in roof lines, texture or trim.
4. The relationship between the office and warehouse/manufacturing portions of a building shall be unified; the office portion shall not be the only portion to contain Grade A and B materials.
5. Building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
6. Large spans of wall space may not face public streets and shall incorporate design features to provide some architectural interest.
7. Building roofs should be designed to reduce the overall mass of a structure and harmonize with surrounding development. Parapet walls and roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way. The use of varied roof lines is encouraged. Permitted roof styles include gable, hipped, shed or gambrel roofs. Flat roofs are permitted if sufficiently disguised through the use of parapet walls.



L. Other Requirements:

1. Back of Parapets: The back of parapets that are visible shall be finished with materials and colors compatible with the front of the parapet.
2. Exposed Roof Materials: Exposed roof materials shall be similar to, or an architectural equivalent of a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, standing seam metal roof or better.
3. Screening of Building Equipment and Utilities. ~~Contrasting Colors: Use of contrasting colors for building elements such as cloth or metal awnings, trim, banding, walls, entries or any portion of the overall building shall be minimized, but in no case shall such coloring exceed ten percent (10%) of each wall area.~~
 - i. All building equipment and utilities, including but not limited to HVAC systems, gas services, electric services, and phone/internet services shall be screened from view of street rights-of-way and all adjacent properties whether ground-mounted or roof-top mounted.
 - ii. Electronic surveillance equipment and alarm hardware shall be as invisible and unobtrusive as possible.
 - iii. Required screening of refuse and recycling containers, parking and loading areas shall be regulated by Section 11-4-17.

JM. Expansions:

1. Remodeling or maintenance of existing buildings that do not increase the floor area of the existing structure shall be regulated by Section 11-4-1 (non-conforming uses/structures) of this Chapter.
2. Additions of less than fifty percent (50%) of the floor area of the existing building may use the same or higher-grade materials as the existing structure.
3. Not more than one (1) exterior wall designed for removal to allow future building expansion may be allowed to use Ggrade D materials notwithstanding other applicable provisions of this section provided that the wall does not face a public street.

KN. Exceptions: Exceptions to the provisions of this Section may be granted as a conditional use subject to the following criteria:

1. The use is an essential service as defined by this Chapter; or

2. The applicant shall have the burden of demonstrating that:
 - a. The proposed building maintains the quality in design and materials intended by this Chapter.
 - b. The proposed building design and materials are compatible and in harmony with other structures within the district.
 - c. The justification for deviation from the requirements of this Section shall not be based on economic considerations.

SECTION 3. City Code Section 11-6-2, Parking, is hereby amended as follows:

E. Lot Design:

1. Commercial properties shall have a minimum of fifty (50) percent of all required parking spaces located in side or rear yards except when street access or a difficult site configuration necessitates a front yard location.
- ~~4.2.~~ Reciprocal access between adjacent commercial/industrial projects shall be required where properties front on limited access roadways and where local street access or frontage roads do not exist/cannot be established in accordance with the City's Comprehensive Plan.
- ~~2.3.~~ Except in the case of single-family dwellings, parking areas and their aisles shall be developed in compliance with the standards on the following parking lot dimension table.

SECTION 4. This Ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this ____th day of _____ 202~~1~~2 by the City Council of the City of Nowthen.

Jeff Pilon, Mayor

ATTEST:

City Clerk