City of Nowthen

PLANNING & ZONING COMMISSION MEETING

TUESDAY, APRIL 26, 2022

A G E N D A

7 PM

Called to Order

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of April 26, 2022.
- Approve/Amend meeting minutes of March 22, 2021.

1. **7:00 PM: <u>PUBLIC HEARING</u> – Country View Acres 2nd Addition, 19370 Marmoset St.**
   - Subdivision of one 26.25-acre parcel into 3 lots
   - Variance for lot width measured at the front setback line
   - Vacation of the old drainage and utility easement

2. **7:20 PM: <u>PUBLIC HEARING</u> – Variance, 19934 Birchwood Lane**
   Request for a setback Variance to replace a septic system on this non-conforming parcel located on Twin Lake.

3. **7:40 PM: Discussion of Architectural Standards and other site design criteria related to commercial and industrial uses.**

Upcoming Projects at April Meeting:

- Shermer 5-lot plat on Twin Pkwy?
- Amended CUP for cell tower at 5606 Verde Valley Rd?

Motion to Adjourn

The minutes for the March 22, 2022 Planning and Zoning Commission meeting will be provided separately prior to the scheduled April 26, 2022 meeting.

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

RE: Nowthen – Country View Acres 2nd Addition
PID 29-33-25-24-0006

DATE: April 20, 2022

TPC FILE: 122.02 – 22.02

BACKGROUND

MarBuc Enterprise is proposing a 3-lot subdivision on 26.25 acres which was originally platted in 1990 as Lots 5 and 6, Block 1 of Country View Acres. The property contains an existing house located at 19370 Marmoset Street. The applicant has also made application for a Variance to allow lot widths less than 300 feet on Lots and Vacation of an existing drainage and utility easement.

A public hearing to consider the applications was noticed in the April 8th Edition of the Anoka Union Herald for the Planning and Zoning Commission meeting to be held on 26th of April 2022. The City's review period has been extended through July 4, 2022. The property is zoned RRA, Rural Residential Agriculture and is appropriately guided Permanent Low Density Residential.

Exhibits:

A. Plat Application (3 pages)
B. Variance Application (3 pages)
C. Consultant Review Acknowledgement (2 pages)
D. Wetland Delineation Application (2 pages)
E. 60-day Letter
F. Site Location
G. Country View Acres Plat (1990)
H. Country View Acres 2nd Addn. Preliminary Plat
I. Aerial Photo
J. Easement to be Vacated

K. Soil Borings (3 pages)
L. City Park and Trail Plan
M. Findings of Fact

ANALYSIS

Zoning. The subject site is zoned RRA, Rural Residential Agriculture consistent with the 2040 Comprehensive Land Use Plan. The RRA zoning and the Comprehensive Plan limits the subject property to development of single-family dwellings in a rural context. The Preliminary Plat is consistent with this intent. The proposed lots meet the 8/40 density requirement and 5-acre average.

Access & Streets. The Preliminary Plat provides infill development of two new lots which will gain access from Marmoset Street. The cul-de-sac in this location was constructed as a permanent cul-de-sac. All proposed lots meet the minimum 75 feet of street frontage (on a cul-de-sac).

Lot Requirements. The minimum lot requirements of the RRA District are shown in the table below as applicable to the preliminary plat.

Preliminary Plat	Lot Frontage on Public Street	Lot Area	Lot Width	Lot Depth	Setbacks			
					Front	Side	Rear	Wetland
Lots 1-3, Block 1	75 feet on a cul-de-sac	5.0 acre average with 2.5 acre minimum lot size	300 ft. (see Variance Criteria)	300 ft.	120 ft. from centerline (150 ft. from Cleary Road)	20 ft.	35 ft.	30-50 ft. (depends on type)

The lot width shall be measured at right angles to the depth at the building setback line. All lots meet lot width and depth requirements, with the exception of parcel widths on Lot 1 at 202.2 feet and Lot 2 at 198.4 feet. Variance criteria have been outlined below. Lot 2 contains the existing house and a side yard setback of 143 feet has been maintained on the east side to accommodate an accessory building.

Variance Criteria. The Variance process provides the City with an opportunity for amelioration or unnecessary hardships resulting from the rigid enforcement of its broad Zoning Ordinance. Section 11-11-2 of the City Code authorizes the City Council to permit a particular property to be used in a manner not allowed for by the Ordinance by varying the terms of this Chapter.

A variance request shall not be approved unless a finding is made by the City Council that failure to grant the variance will result in practical difficulties.

1. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

2. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

   a. That the variance would be consistent with the Comprehensive Plan.

      Comment: The proposed rural residential use of the two lots for which a variance is requested, are consistent with the 2040 Land Use Plan and compatible with adjacent properties.

   b. That the variance would be in harmony with the general purposes and intent of this Chapter.

      Comment: The lot width variances will not cause the proposed uses to be out of scale, out of place, or inconsistent with other lots zoned RRA in the neighborhood or City. Deviation from required lot width does not affect compliance with all other City Code requirements such as setbacks, building size requirements, building height, etc.

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

      Comment: The property was purchased recently by the present owners. With development density available, and the property not limited by other environmental factors, the City generally must honor property owner's rights to further divide land. The shape of the property and cul-de-sac access have been established and there have been other recent subdivision scenarios in the City where lot width could not be achieved with cul-de-sac access. The City Council may wish to pursue an ordinance amendment to reduce the lot width requirement for cul-de-sac lots.

   d. That the purpose of the variance is not exclusively economic consideration.

      Comment: The proposed use of the property is reasonable and not solely economic in nature.

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

      Comment: The proposed variances will not create adverse effects for neighboring landowners. The lots and proximity of homes is not unlike other

neighborhoods in Nowthen. Side yard setbacks and the location of proposed principal and accessory structures will not be affected (ie: the same setbacks apply, structures will not be closer to neighboring parcels).

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

Comment: The lot widths of 202.2 and 198.4 for Lots 1 and 2, respectively, represent the minimum action (maximum width) possible based on the parcel size and location of the existing house.

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

Park and Trail Dedication. The City's Parks and Trails System Plan has been included as Exhibit L. The subject site is on the periphery of a park search area, but does not likely meet the parameters for a large, usable open space which is easily accessible nor does the land possess any lake frontage or other qualities which may provide benefits to Nowthen residents. Staff recommends that a cash contribution of $2,000/lot for park dedication plus $500/lot for trail dedication be required to satisfy the City requirements.

It is unknown if Park and/or Trail Dedication requirements existed at the time of platting in 1990. The two lots platted as part of Country View Acres were combined into the 26.25 acre parcel currently being split into 3 lots. If dedication fees were paid for two lots in 1990, then park/trail dedication ($2,500/lot) will be owed for one lot at this time. Perhaps staff can do some research on this prior to the City Council meeting.

Grading, Drainage & Stormwater Plan. Drainage and utility easements have been shown around all wetlands. Once the Notice of Decision has been issued for the wetland delineation, the drainage easement boundary may need to be updated to reflect either the limits of the highwater level (HWL) or the wetland buffer, whichever is greater.

Wetlands. Wetland buffer signage will be required and shall be shown on revised plans. These are signs in the field, along key points of the wetland buffer, to alert residents that the wetland buffer may not be impacted. It is a zone of natural vegetation which acts as a filter for stormwater runoff and keeps residents from encroaching into the wetland. Two signs per lot should be sufficient.

Utilities & Buildability. Individual Sewage Treatment System design and locations (both primary and backup sites) have been shown for all lots and are subject to review and approval by MNspect. The City Code requires that proposed grading is required to achieve 23,000 square feet of land with three (3) feet of separation to the highest known water table. The lots may require grading/fill to achieve the required separation for the lowest floor elevation. All septic sites show the minimum required separation of 12 inches for a Type 1 System (see soil borings

in Exhibit K). The septic sites are located outside of drainage and utility easements and shall be protected by orange construction fencing prior to grading commencing. Well placement is subject to MN Dept. of Health permit requirements and MN rules.

Tree Protection. Section 10-3-7 of the City Code requires that all subdivisions be designed, constructed, and maintained in conformance with the following policy: that existing healthy trees on the site are to be preserved to the maximum extent feasible.

Driveways. Driveways accessing the principal structure which are longer than 250 feet (as measured to the back of the home) shall be required to be a minimum width of 12 feet, with overhead clearance of 13'6" and have a means of on-site turn-around for larger vehicles.

RECOMMENDATION

The Country View Acres 2nd Addition Preliminary Plat is generally consistent with the policies of the Comprehensive Plan and requirements of the Zoning Ordinance and Subdivision Ordinance, and the Variance factors can be met relative to the requested lot deviation. Our office recommends approval of the Preliminary Plat subject to the conditions as outlined in the attached Findings of Fact.

Suggested Motion: To approve the Preliminary Plat of Country View Acres 2nd Addition, a Variance for Lots 1 and 2 to allow lot widths of 202.2 and 198.4 feet, respectively, at the building setback line and to Vacate the drainage easement established as part of Country View Acres.

c. Frank Boyles, Interim City Administrator
Bob Ruppe, City Attorney
Shane Nelson, City Engineer
Chuck Swirtz, MarBuc Enterprise

MINOR SUBDIVISIONS & LOT RECONFIGURATIONS

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347
RETURN TO: PERMITS@NOWTHENMN.NET

☐ **MINOR SUBDIVISION (3 OR LESS LOTS)**

Base Fee: $ 200
Lot Fee: Total # Lots 3
x $50/lot = $ 150
Escrow: $1,000
Total Amount Due: 1350

☐ **ADMIN. LOT SPLIT & LOT RECONFIGURATION**

Base Fee: $ 200
Escrow: $1,000
(Escrow reduced to $500 for Admin. Review of a 2-lot split; must be approved in advance by Zoning Administrator)
Total Amt. Due: $1350.00
Amt. Paid: $1350
CC/Check#

*** FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY ***

Date Application Received: 3/4/22.
Date Application Complete: 3/4/22
(60-day review period starts from this date)
Planning & Zoning Commission Date: 4/26/22
City Council Approval/Denial Date: 5/10/22
60-Day Review Period Ends: 5/4/22
60-Day Extension: X Yes __ No Expires On: 7/4/22
Received By: LS Stoltzman

Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator. Be sure to have all involved parties sign the back signature page.

Property Information Street Address: 19370 MARMOSET ST. NW

Property Identification Number (PID#): 29-33-25-24-0006

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

LOTS 5 + 6, BLOCK 1, COUNTRY VIEW ACRES, SUBJ TO EASE OF REC

Applicant Information:

Name: CHUCK SWIRTZ Business Name: MARBUC ENTERPRISE

Mailing Address: 19430 MARMOSET ST. NW

City: NOWTHEN State: MN Zip Code: 55303

Home Phone: Cell Phone: 763-258-6010 Work:

e-mail (home): CVSwirtz@gmail.com

e-mail (work):

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

Name: same Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code : _____

Home Phone: _____ Cell Phone: _____ Work: _____

e-mail (home): _____

e-mail (work): _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: residential

Description of Proposed Use: residential

Lot Size: 26 ac Zoning: RRA

Number of New Lots: 2 Number of Total Lots: 3

Reason(s) to Approve Request: infill development, 8/40 density not exceeded

Please describe any previous applications pertaining to the subject site:

Project Name: CountryView Date of Application: 1990's

Nature of Previous Request : orig. plat

Existing Building Sizes:

RESIDENTIAL LOTS: House: 1559 SF Garage: _____ SF (attached/detached?)

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

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

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

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

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

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statues 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: Chuck Smith Date: 3-4-22

Signature of Applicant: _____ Date: _____

Signature of Property Owner: Chuck Smith Date: 3-4-22

Signature of Property Owner: _____ Date: _____

AGREEMENT TO PAY ALL APPLICATION FEES AND EXPENSES:

We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of $ 1000 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: Chuck Smith Date: 3-4-22

Property Owner: Chuck Smith Date: 3-4-22

VARIANCES & APPEALS

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347
RETURN TO: PERMITS@NOWTHENMN.NET

☒ **VARIANCE** ☐ **APPEAL** Base Fee: $200 Escrow: $1,000 Public Hearing Fee: $250 Recording Fee: $30 **Total Amt. Due: $1,480** Amt. Paid: #480. CC/Check# _____	***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY*** Date Application Received: 3/4/22 Date Application Complete: 3/4/22 (60-day review period starts from this date) Public Hearing Date: 4/26/22 City Council Approval/Denial Date: 5/10/22 60-Day Review Period Ends: 5/4/22 60-Day Extension: X Yes __ No Expires On: 7/4/22 Received By: Liz Stockman

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

Property Information Street Address: 19370 MARMOSET ST. NW

Property Identification Number (PID#): 29-33-25-24-0006

Type of Business or Use Requested: HOME

Legal Description (Attach full description of Metes & Bounds if necessary):
LOTS 5 & 6, BLOCK 1, COUNTRY VIEW ACRES

Applicant Information

Name: CHUCK SWIRTZ Business Name: MARBUC ENTERPRISE

Mailing Address: 19430 MARMOSET ST. NW

City: NOWTHEN State: MN Zip Code: 55303

Telephone: _____ Cell Phone: 763-258-6019 Work: _____

e-mail: cvswirtz@gmail.com

Property Owner Information (If other than applicant):

Name: SAME Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code : _____

Telephone: _____ Cell Phone: _____ Work: _____

e-mail: _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: residential

Description of Proposed Use: residential, 2 new lots

Reason(s) to Approve Request: lot width not attainable on all lots w/existing house.

Please describe any previous applications pertaining to the subject site:

Project Name: CountyView Date of Application: 1990s

Nature of Previous Request : plat

Required Submittal Information:

☑ Site Survey or Site Plan, drawn to scale with detailed information including all primary and accessory structures, patios/decks, fences, driveways, well, and septic system. If a Certificate of Survey is not provided, property lines may have to be marked by registered surveyor so that the Zoning Administrator can verify required setbacks.

☑ Detailed building/construction plans including floor plans, elevation drawings, materials and construction specifications.

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

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

Applicant: _____ Date: 3-4-22

Property Owner: _____ Date: 3-4-22

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 Statues 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: 3-4-22

Signature of Property Owner: _____ Date: 3-4-22

Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____

CONSULTANT FEES CHECKLIST & ACCEPTANCE STATEMENT

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347
RETURN TO: PERMITS@NOWTHENMN.NET

Starting Aug. 1, 2019, Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. An application is not complete until all four requirements of the statute in the checklist below are met.

Minnesota Statute § 471.462 does not apply unless (1) the application is for a permit, license, or other approval related to real estate development or construction, and (2) the applicant requests that the city provide a nonbinding estimate of consultant fees to be charged to the applicant. When applicable, the application is not complete until the following four requirements are met:

☑ The city has provided the estimate of consultant fees to the applicant. The estimate of consultant fees must be based on information available to the city at that time.

☑ The city has received, from the applicant, all the required application fees.

☑ The city has received a signed acceptance of the fee estimate from the applicant.

☑ The city has received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application.

Minnesota Statute § 15.99 requires that cities must approve or deny written land use applications within 60 days (the "60-Day Rule"). An application is not complete for purposes of the 60-Day Rule until all four requirements of Minnesota Statute § 471.462 are met.

PROJECT: Country View 2nd Addn.

PROPERTY ADDRESS: 19370 MARMOSET ST NW, NOWTHEN

PID NUMBER: 29-33-25-24-0006

NAME & ADDRESS OF APPLICANT:
CHUCK SWIRTZ, MYLES GUNIA, MARBOC ENTERPRISE
19430 MARMOSET ST. NW
NOWTHEN, MN 55303

C

CONSULTANT FEES CHECKLIST & ACCEPTANCE STATEMENT

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347
RETURN TO: PERMITS@NOWTHENMN.NET

SIGNED ACCEPTANCE & NON-RELIANCE STATEMENT

I, on behalf of myself, understand that in connection with an application for County View 2nd Add., I/ Chuck Swirtz requested the City of Nowthen provide a written, nonbinding estimate of the consultant fees to be charged, relating to the application.

Based on the information available to the City, the City estimated it would charge $1000-2000. in consultant fees. I acknowledge that I have received the written estimate of consultant fees and accept the fee estimate.

Furthermore, I acknowledge that I, on behalf of myself, have not relied on the City's estimate of consultant fees in my decision to proceed with the final application for County View 2nd Addn.

APPLICANT: Chuck Swirtz DATED: 3/4/22

TITLE: PRESIDENT

ON BEHALF OF: —

THE CITY OF NOWTHEN
RECEIVED BY: Liz Stockman

DATED: 3/4/22

SITE PLAN, GRADING & WETLAND REVIEW

CITY OF NOWTHEN

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347
RETURN TO: PERMITS@NOWTHENMN.NET

☐ **SITE PLAN**
☐ **GRADING PLAN REVIEW**
☐ **BUILDING PERMIT REVIEW**
Base Fee: $200
Escrow: $1,000
Total Amt. Due: _____

X **WETLAND DELINEATION, FILL OR REPLACEMENT REVIEW**
Escrow: ~~$2,000~~ 1000

Amt. Paid: $1000.00
CC/Check# _____

*****FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY*****

Date Application Received: 3/4/22
Date Application Complete: 3/4/22
(60-day review period starts from this date)
Planning & Zoning Mtg. Date: 4/26/22.
City Council Approval/Denial Date: 5/10/22
60-Day Review Period Ends: 5/4/22
60-Day Extension: X Yes ___ No Expires On: 7/4/22
Received By: Liz Stockman

Property Information Street Address: 19370 MARMOSET ST. NW

Property Identification Number (PID#): 29-33-25-24-0006

Existing Use of Property: _____

Legal Description (Attach full description of Metes & Bounds if necessary):
LOTS 5 + 6, BLOCK 1, COUNTRY VIEW ACRES, SUBJ TO EASE OF REC

Applicant Information

Name: CHUCK SWIRTZ Business Name: MARBUL ENTERPRISE

Mailing Address: 19430 MARMOSET ST. NW

City: NOWTHEN State: MN Zip Code: 55303

Telephone: _____ Cell Phone: 763-258-6010 Work: _____

e-mail: CVSwirtz@gmail.com

Property Owner Information (If other than applicant):

Name: SAME Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Cell Phone: _____ Work: _____

e-mail: _____

D

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: 3-4-22

Property Owner: _____ Date: 3-4-22

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 Statues 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: 3-4-22

Signature of Property Owner: _____ Date: 3-4-22

Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____

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

April 20, 2022

Chuck Swirtz
19430 Marmoset Street NW
Nowthen, MN 55303

RE: Nowthen – Country View Acres 2nd
TPC FILE: 122.02 – 22.02

Dear Mr. Swirtz,

This office serves as the City Planner for the City of Nowthen. The City received an application on March 4, 2022 for a minor subdivision and variance for lot width. The City Council has 60 days in accordance with Minnesota Statute 15.99 to consider the application and take action to approve or deny the request. The Statute also allows the City to extend the review period an additional 60 days if needed to complete its investigation of the application and make a decision.

The 60-day review period ends on May 4, 2022 and the City Council will make a decision on your project on **May 12, 2022.** This letter shall serve as notice that the City is extending the review period an additional 60 days in accordance with Minnesota Statues 15.99. The deadline for City Council action on the request shall be **July 4, 2022**.

Thank you for your continued cooperation and please contact me for any assistance you require regarding the application or with any questions regarding this notice.

Sincerely,

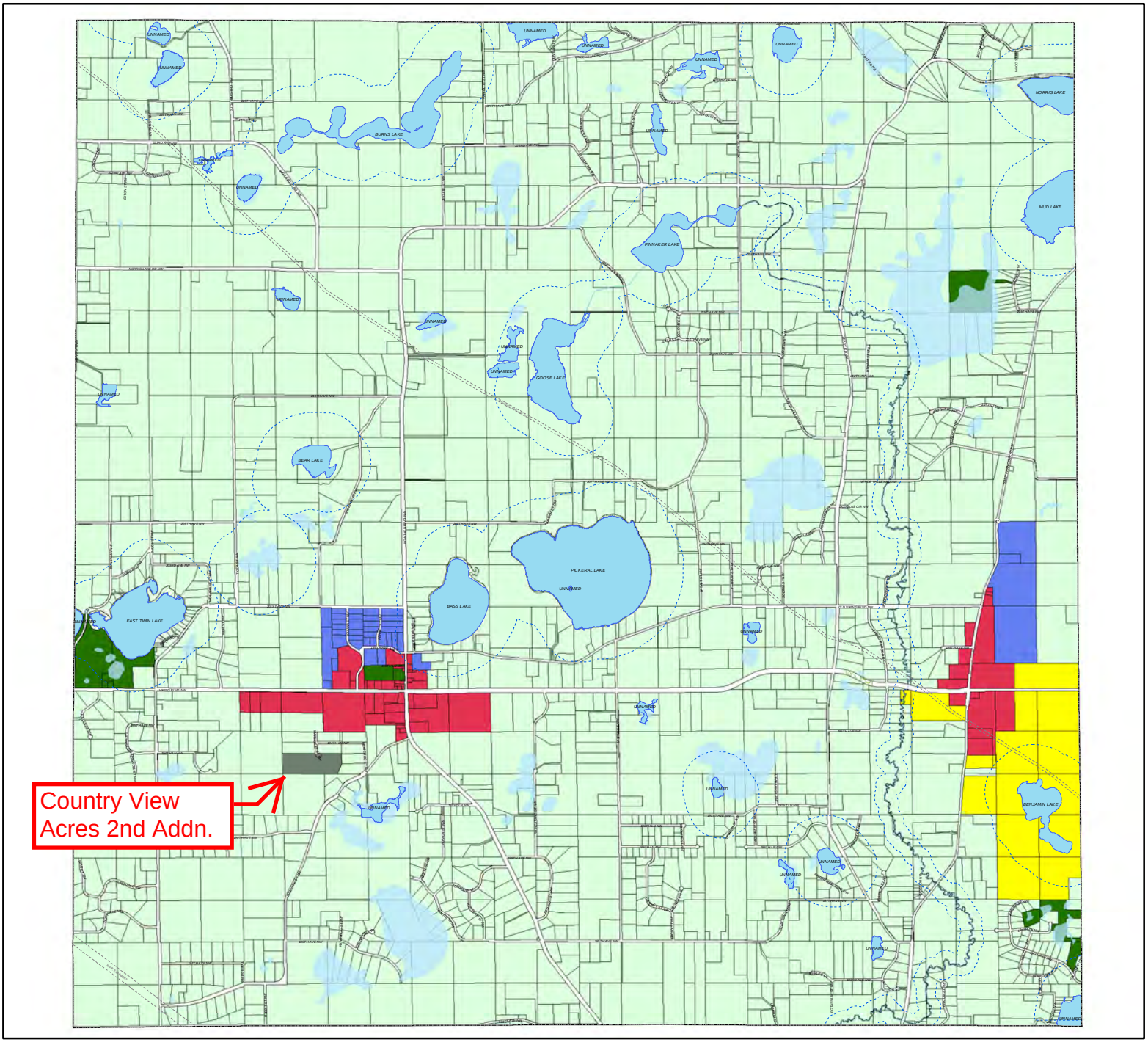
Elizabeth Stockman
THE PLANNING COMPANY LLC

C: Interim Administrator Frank Boyles

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*

F

TPC The Planning Company

0 0.225 0.45 0.9

Miles

N

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

Adopted: Aug 10, 2020

K:\GIS\Projects\Municipal\NT907\2020 Zoning Map.mxd

COUNTRY VIEW ACRES

BURNS TOWNSHIP
COUNTY OF ANOKA

GRAPHIC SCALE IN FEET
0 100 200 300 400

DENOTES:
○ IRON MONUMENT SET, R.L.S. NO. 15233
● IRON MONUMENT FOUND

BEARINGS SHOWN ON PLAT ARE ON ASSUMED DATUM.

NORTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SECTION 29

-- S88°57'27"E 1300.86 --

1023.87

1023.90

N88°56'35"W

NORTH LINE OF THE SW 1/4 OF THE NE 1/4 OF SECTION 29, TWP. 33, RGE. 25

-- S88°56'27"E 1340.47 --

759.31

759.30

EAST LINE OF THE WEST 33.00 FT. OF THE SE 1/4 OF THE NE 1/4

S0°34'12"E 1318.80

EAST LINE OF THE SW 1/4 OF THE NE 1/4

NW 1/4

SE 1/4

NE 1/4

SW 1/4

8

7

6

5

4

3

2

1

MARMOSET STREET NW.

HOG STREET NW.

HEDGE STREET NW.

OUTLOT A

194th LANE NW.

BURNS PKWY.

CO. RD. NO. 163 BURNS PARKWAY

210.97

515.14

726.28

66.02

DRAINAGE AND UTILITY EASEMENT

-- N88°56'35"W 1551.62 --

693.25

DRAINAGE AND UTILITY EASEMENT

658.37

107.78

Δ= 97.41'
R = 434.98
Δ= 88°22'23"

102.72
CH = 99.18
R = 66.00
Δ= 89°35'45"

234.82

Δ= 126°32'11"
R = 17.33
CH = 30.99

38.31

Δ= 36°32'11"
R = 66.00
CH = 41.38

42.09

Δ= 216°32'11"
R = 66.00
CH = 248.44

207.35
CH = 98.00
R = 66.00
Δ= 180°00'00"

187.03
R=98.97

208.87
CH = 168.95
Δ= 90°00'00"

300.00

300.03

N0°13'41"W

223.12

N0°13'41"W

692.49
S88°56'35"E

726.00
S89°25'48"W

LOW LAND

EDGE OF LOW LAND

DRAINAGE EASEMENT

DRAINAGE DITCH BRANCH NO. 2

S32°32'19"W

560.00

56°00'00"

S0°32'20"E 2111.15

S0°34'12"E 884.69

S0°34'12"E 88.71

WEST LINE OF THE SE 1/4 OF THE NW 1/4 OF SECTION 29

-- N0°13'04"W 1311.14 --

642.66

335.74

332.74

333.00

334.82

DRAINAGE EASEMENT

1156.93

COUNTY DITCH NO. 27

SOUTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SECTION 29

-- N89°03'13"W 2609.00 --

SE CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 29, TWP. 33, RGE. 25 (CENTER OF SECTION 29)

EAST LINE OF THE SE 1/4 OF THE NW 1/4

WEST LINE OF THE SW 1/4 OF THE NE 1/4

SOUTH LINE OF THE SW 1/4 OF THE NE 1/4 OF SECTION 29

662.34

Ⓐ
48.08
Δ = 4°09'42"
R = 661.94
Ch. BEARS
N 42°47'04" E

Δ= 22°49'49"
R = 601.94
CH = 238.87

239.85

137.89
R = 661.94
N 11°56'01" E

182.18

102.61

209.65

300.00

726.00

S89°25'48"W

TAYLOR LAND SURVEYORS, INC.

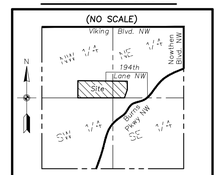
MONTICELLO, MINNESOTA

SHEET 2 OF 2 SHEETS

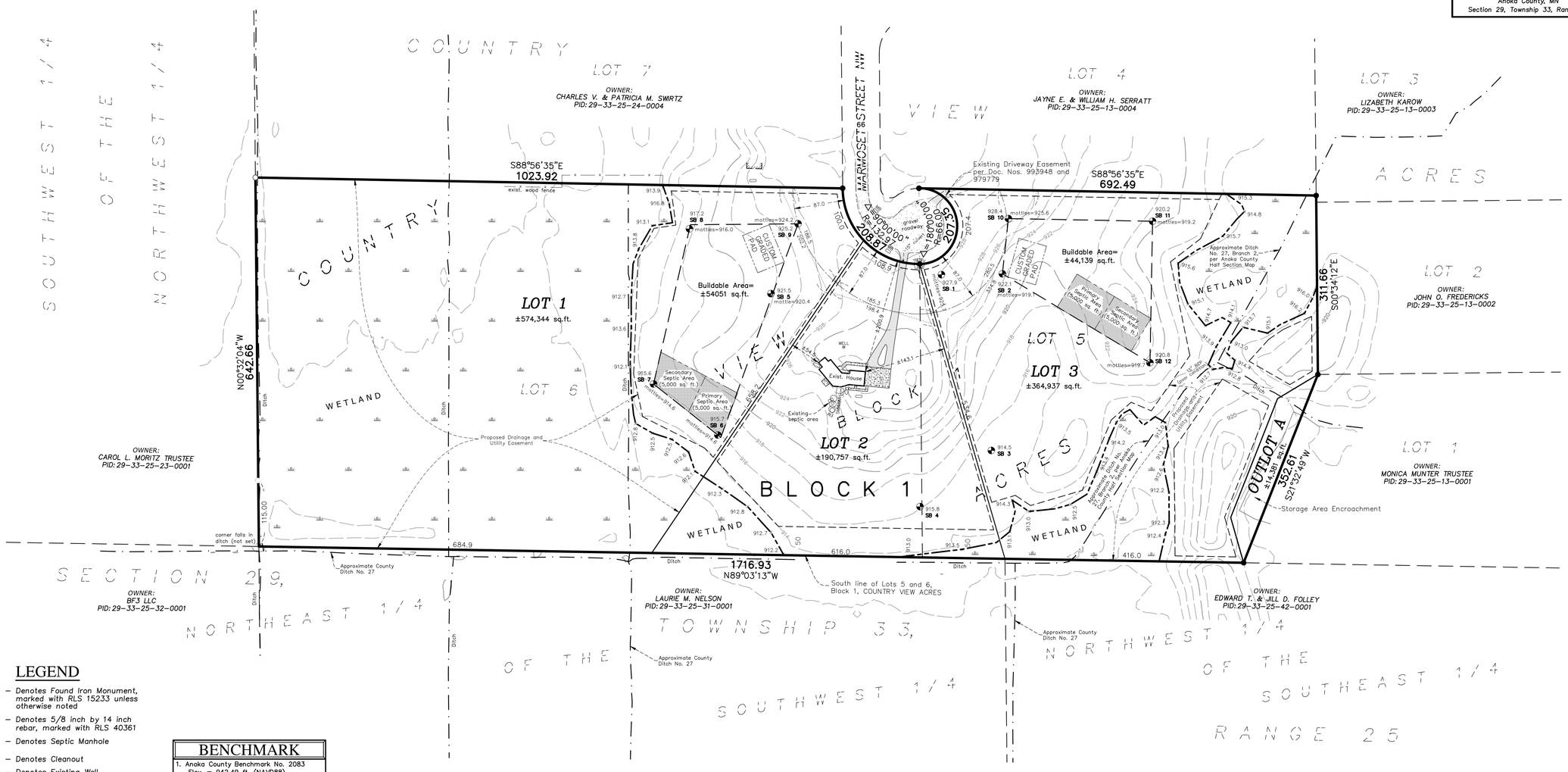
COUNTRY VIEW ACRES SECOND ADDITION

VICINITY MAP

(NO SCALE)



City of Nowthen
Anoka County, MN
Section 29, Township 33, Range 25



LEGEND

- ● – Denotes Found Iron Monument, marked with RLS 15233 unless otherwise noted
- ○ – Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361
- SAN – Denotes Septic Manhole
- CO – Denotes Cleanout
- WELL – Denotes Existing Well
- MB – Denotes Mail Box
- TB – Denotes Telephone Box
- EB – Denotes Electric Box
- TV – Denotes Television Box
- EM – Denotes Electric Meter
- SB – Denotes Soil Borings, by others
- x – Denotes Existing Fence
- – Denotes Wetlands delineated by Kjolhaug Environmental Services Company in 2021
- 1000 – Denotes Existing Contour
- – Denotes 1 Acre of Buildable Area
- – Denotes Proposed Primary and Secondary Septic Area

BENCHMARK

1. Anoka County Benchmark No. 2083
   Elev. = 942.49 ft. (NAVD88)
2. Anoka County Benchmark No. 3081
   Elev. = 936.25 ft. (NAVD88)

SITE DATA

TOTAL SITE AREA	±32.45 AC.
TOTAL OUTLOT AREA	±0.33 AC.
TOTAL LOT AREA	±32.12 AC.
TOTAL NUMBER OF LOTS	3
GROSS DENSITY	0.09 LOTS/AC.
EXISTING ZONING	RRA

MINIMUM RESIDENTIAL SETBACK DATA:

FRONT	120 FT. FROM CENTERLINE
SIDE	20 FT.
REAR	35 FT.

PARCEL DESCRIPTION:

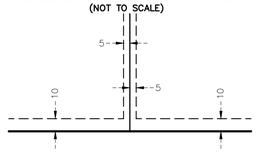
Lots 5 and 6, Block 1, COUNTRY VIEW ACRES, according to the recorded plat thereof, Anoka County, Minnesota.

GENERAL NOTES:

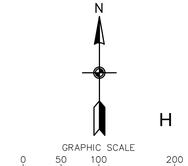
1) Bearings shown are based on the South line of Lot 6, Block 1, COUNTRY VIEW ACRES, which is assumed to bear N89°03'13"W.
2) Surveyed property address – 19370 Marmoset Street NW, Nowthen, Minnesota.
3) Wetlands were delineated by Kjolhaug Environmental Services Company in November 2021.
4) Soil borings were completed by Tradewell Soil Testing.
5) Above ground utilities have been field located as shown. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on-site location (651-454-0002).
6) All drainage easements and drainage and utility easements created and dedicated overLots 5 and 6, Block 1, in the plat of COUNTRY VIEW ACRES, are proposed to be vacated.

PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

(NOT TO SCALE)



being 5 feet in width, and adjoining side lot lines, and 10 feet in width and adjoining right of way lines and rear lot lines unless otherwise shown on this plat.



CARLSON McCAIN
ENGINEERING
SURVEYING
ENVIRONMENTAL
3890 PHEASANT RIDGE DRIVE NE, SUITE 100, BLAINE, MN 55449
TEL 763.489.7900 \ FAX 763.489.7959 \ CARLSONMCCAIN.COM

EXISTING CONDITIONS/ PRELIMINARY PLAT

COUNTRY VIEW ACRES SECOND ADDITION
Nowthen, Minnesota

MARBUC ENTERPRISE LLP
19430 Marmoset Street NW
Nowthen, MN 55303

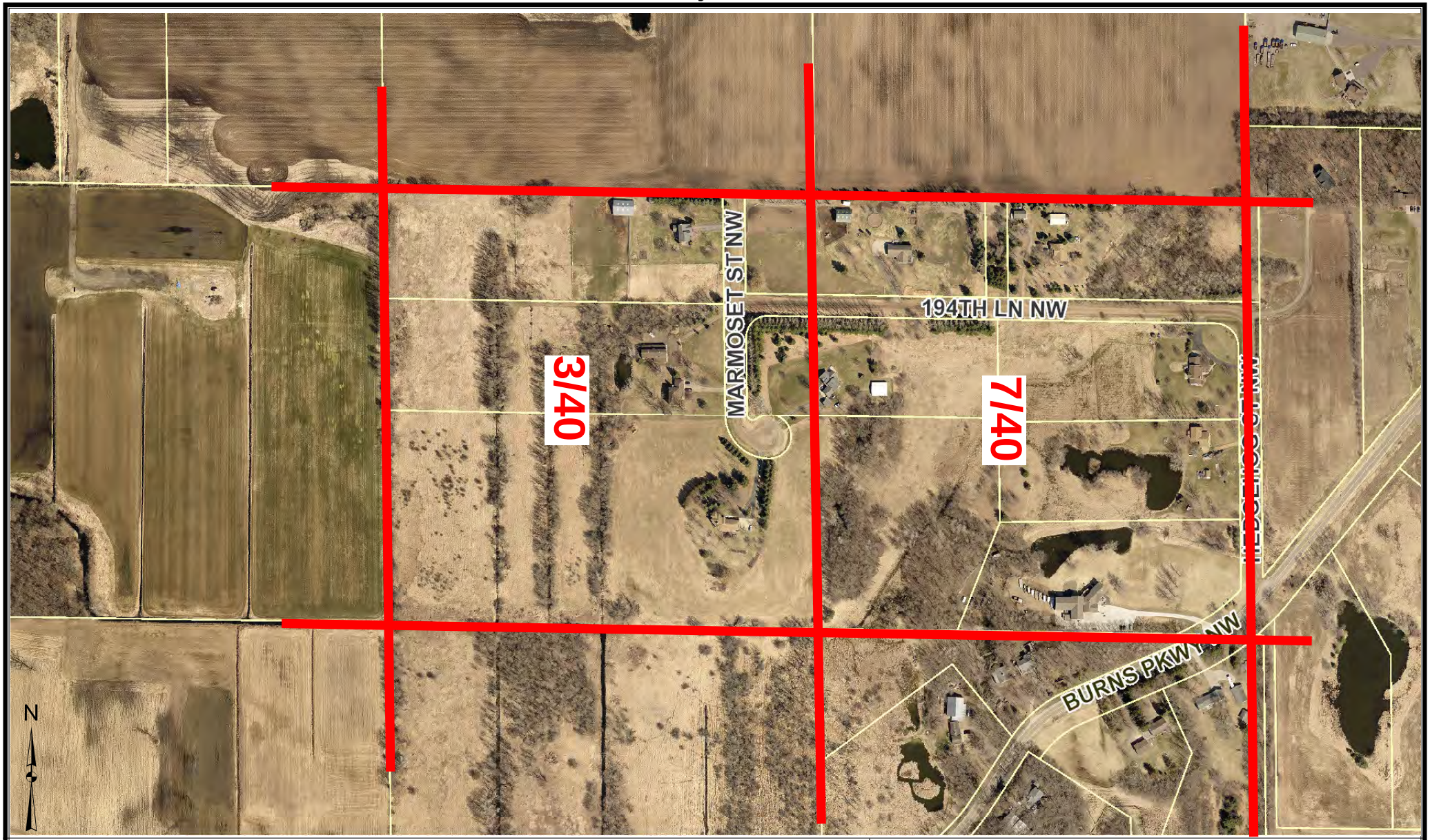
REVISIONS	
1.	
2.	
3.	
4.	
5.	
6.	
DRAWN BY:	KCM/NJS
ISSUE DATE:	3/8/2022
FILE NO:	2393

I hereby certify that this survey, plan 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.

Name: Thomas R. Balluff
Signature:
Date: 3/8/2022 License #: 40361

Issue Date: 03/25/22 | Updated/Rel. - 9780/9778 - country view acres/cad/survey/preliminary/9778_prp.dwg

Anoka County Parcel Viewer



Parcel Information:

29-33-25-24-0006

19370 MARMOSET ST NW

NOWTHEN

MN 55303

Approx. Acres: 26.25

Plat: COUNTRY VIEW ACRES

Commissioner: MATT LOOK

Owner Information:

MARBUC ENTERPRISE LLP

19430 MARMOSET ST NW

NOWTHEN

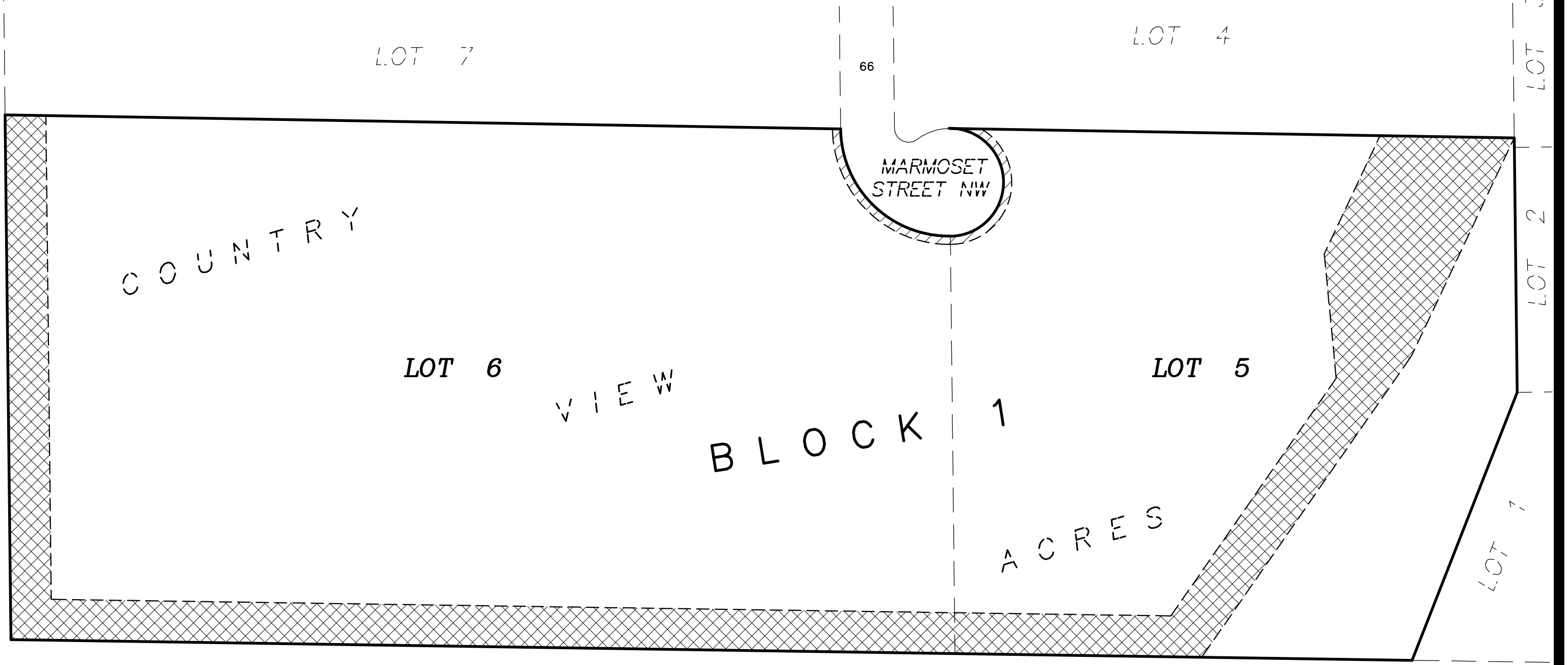
MN

55303

Anoka County GIS | 1:4,800 | Date: 4/20/2022

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Drainage Easement and Drainage and Utility Easement Vacation Description Sketch



EASEMENT VACATION DESCRIPTION:

All of the drainage easements and the drainage and utility easements lying over, under, and across Lot 5 and Lot 6, Block 1, as created and dedicated in the plat of COUNTRY VIEW ACRES, Anoka County, Minnesota.

CARLSON McCAIN ENGINEERING SURVEYING ENVIRONMENTAL

3890 PHEASANT RIDGE DRIVE NE, SUITE 100, BLAINE, MN 55449
TEL 763.489.7900 \ FAX 763.489.7959 \ CARLSONMCCAIN.COM

Denotes Drainage and Utility Easement Vacation Area

Denotes Drainage Easement Vacation Area

N

GRAPHIC SCALE
0 60 120 240
(IN FEET)
(11x17 sheet)

Save Date: 02/10/22 F:\Jobs\9761 - 9780\9778 - country view acres\cad c3d\survey\description sketches\9778 esmt vacation sketch.dwg

Tradewell Soil Testing
18330 Dahlia Street NW
Cedar, MN 55011

Date: November 22nd, 2021

Name: Chris Swirtz

Address: 19370 Marmoset Street, Nowthen, MN

SOIL BORING TEST REPORT

Boring #1 (East)	**Boring #2 (East)**	**Boring #3 (East)**	**Boring #4 (East)**
0" – 12" Topsoil Loamy Fine Sand 10YR 3/2	0" – 18" Topsoil Loamy Fine Sand 10YR 3/2 3/3	0" – 24" Topsoil Fine Sandy Loam 10YR 3/2	0" – 13" Topsoil Fine Sandy Loam 10YR 3/2
12" – 18" Fine Sandy Loam 10YR 4/3	18" – 36" Loamy Fine Sand 10YR 3/4 4/4	24" – 34" Loam/Sandy Loam 10YR 2/2 3/1	13" – 25" Silty Clay Loam 10YR 4/1 4/2
18" – 34" Sandy Clay Loam 10YR 4/4 4/3	36" – 46" Sandy Clay Loam 10YR 4/4 4/3		
Mottles @ 26" Dry Hole	Mottles @ 36" Dry Hole	Mottles @ 24" Dry Hole	Mottles @ 13" Dry Hole

Mark Tradewell
MPCA #307

K

Tradewell Soil Testing
18330 Dahlia Street NW
Cedar, MN 55011

Date: November 22nd, 2021

Name: Chris Swirtz

Address: 19370 Marmoset Street, Nowthen, MN

SOIL BORING TEST REPORT

Boring #5 (West)	Boring #6 (West)	Boring #7 (West)	Boring #8 (West)
0" – 13" Topsoil Loam 10YR 3/2 3/3	0" – 13" Topsoil Loam/Sandy Loam 10YR 3/2	0" – 12" Topsoil Loam 10YR 2/2	0" – 14" Topsoil Loamy Sand 10YR 3/2 3/3
13" – 20" Silt Loam 10YR 3/1 4/1 4/2	13" – 22" Clay Loam 10YR 2/2 3/1	12" – 24" Clay Loam 10YR 3/1	14" – 24" Loam/Sandy Loam 10YR 4/3 5/3
20" – 26" Clay 2.5Y 4/3 4/2	22" – 26" Clay 5Y 3/3 4/3	24" – 30" Loam/Clay Loam 10YR 4/1 4/2	24" – 32" Sandy Clay Loam 2.5Y 4/3 4/2 5/2
Mottles @ 13" Dry Hole	Mottles @ 13" Dry Hole	Mottles @ 12" Dry Hole	Mottles @ 14" Dry Hole

Mark Tradewell
MPCA #307

Tradewell Soil Testing
18330 Dahlia Street NW
Cedar, MN 55011

Date: February 3rd, 2022

Name: Chuck Swirtz

Address: XXXXX Marmoset Street NW, Nowthen, MN

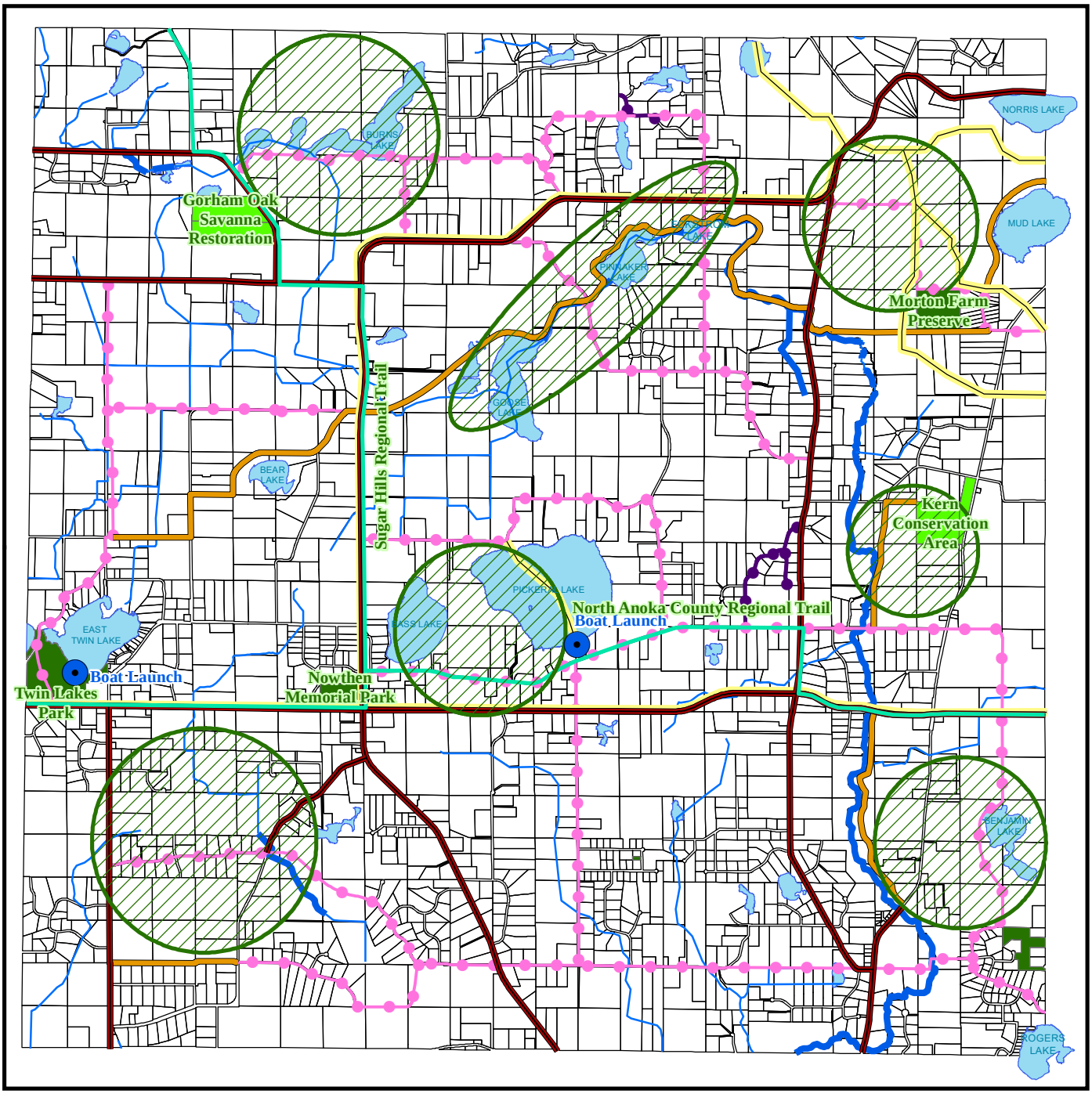
SOIL BORING TEST REPORT

Boring #9	**Boring #10**	**Boring #11**	**Boring #12**
0"- 12" Topsoil Fine Sandy Loam 10YR 3/2	0"- 10" Topsoil Fine Sandy Loam 10YR 3/2	0"- 12" Topsoil Loamy Sand 10YR 3/1 3/2	0"- 13" Topsoil Loamy Sand 10YR 3/2
12"- 22" Silty Clay Loam 2.5Y 4/3 5/3 5/2	10"- 34" Loam/ Sandy Loam 10YR 4/6 4/4	12"- 22" Loamy Sand 10YR 5/3 5/2	13"- 22" Loamy Sand 10YR 4/6
22"- 26" Sandy Loam 2.5Y 4/3 5/3	34"- 42" Loamy Sand 10YR 4/6 4/3	22"- 28" Loam/ Sandy Loam 2.5Y 4/3	22"- 28" Loam/ Sandy Loam 7.5 YR 4/6 4/8
Mottles @ 12" Dry Hole	Mottles @ 34" Dry Hole	Mottles @ 12" Dry Hole	Mottles @ 13" Dry Hole

Mark Tradewell
MPCA #307

CITY OF NOWTHEN

2019 COMPREHENSIVE PLAN



PARK AND TRAIL PLAN

- Snowmobile Trails (Winter Only)
- Potential Natural Trails
- Potential Trail Corridors (County Roads)
- Potential Trail Corridors (City Streets)
- Existing Trails
- Proposed County Regional Trail

- Parks
- Conservation Areas
- Potential Park Search Areas

L

TPC The Planning Company

0 0.25 0.5 1
Miles

N

SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC, 2004 BURNS TOWNSHIP PARK AND TRAIL PLAN

MAP DATE: 27 FEB, 2018

K:\cad_eng\PROJECTS\GIS\TPC\Nowthen\2017CompPlan

STATE OF MINNESOTA
COUNTY OF ANOKA

CITY OF NOWTHEN
PLANNING & ZONING COMMISSION
FINDINGS & RECOMMENDATION APPROVING
Preliminary Plat of Country View Acres 2nd Addition
Variance for Lot Width
Vacation of Drainage/Utility Easement

APPLICANT: Chuck Swirtz, MarBuc Enterprise
19430 Marmoset Street NW, Nowthen, MN 55303

APPLICATION: Request for approval of a Preliminary Plat; 3 lots on 26.25 acres

PLANNING & ZONING COMMISSION MEETING: April 26, 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:

Whereas, the legal description of the Subject Property is:

LOTS 5 AND 6, BLOCK 1, COUNTRY VIEW ACRES, SUBJECT TO EASEMENTS OF RECORD;

Whereas, the Subject Property is located 19370 Marmoset Street NW and has a parcel ID of **29-33-25-24-0006**;

Whereas, the Subject Property is 26.25 acres in size;

Whereas, the applicant wishes to subdivide 3 single family lots with a gross density of 8.75 acres (maximum 8/40 density) as required under Section 10-3-5.A of the Nowthen City Code;

Whereas, the property contains an existing home and legal public street access from Marmoset Street NW (a cul-de-sac);

M

Whereas, the proposed use is consistent with the City's 2040 Land Use Plan and the policies and provisions of the 2040 Comprehensive Plan;

Whereas, the Wetland Delineation Report is currently being completed by Kjolhaug Environmental;

Whereas, the Planning Report dated April 20, 2022, prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regular meeting on April 26, 2022.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Nowthen Planning and Zoning Commission hereby recommends APPROVAL of the **Preliminary Plat of Country View Acres 2nd Addition** inclusive of, and subject to, the following:

1. A Variance is approved for lot widths of 202.2 feet for Lot 1 and 198.4 feet for Lot 2, Block 1.

2. The existing drainage and utility easement over Lots 5 and 6 of Country View Acres, as depicted in **Exhibit A**, is vacated.

3. The Plat is consistent with the requirements of Chapter 10 of the Nowthen City Code, Subdivision Ordinance..

4. All development within Country View Acres 2nd Addition is consistent with the RRA, Rural Residential Agriculture Zoning District which allows for single family residences and permitted accessory uses as outlined in Section 11-3-5 of the City Code.

5. All lots shall be custom graded with a grading, drainage, and erosion control plan required at the time of building permit application.

6. All driveways shall meet the 15-foot setback requirement from side lot lines. All driveways longer than 250 feet (as measured to the back of the home) shall be required to be a minimum width of 12 feet, with overhead clearance of 13'6" and have a means of on-site turn-around for larger vehicles.

7. Coordinate utility installation to include fiber optic connections at the time of electric and gas installs.

8. Wetland buffers are established according to MNRAMs, shown appropriately on the approved plans and wetland buffer signs are installed as required by City Code and URRWMO standards.

9. If necessary, the drainage and utility easements are updated to reflect either the limits of the highwater level (HWL) or the wetland buffer, whichever is greater.

10. Park and trail dedication shall be provided as follows: $2,000/lot for park dedication and $500/lot for trail dedication x 2 lots = $5,000 unless the City Council requires other means of park/trail dedication.

11. All septic sites shall be located outside of drainage and utility easements and protected by orange construction fencing prior to grading commencing and during construction on individual lots. Building permits shall not be issued for new homes without a septic system design reviewed and approved by MNspect.

12. Well placement is subject to MN Dept. of Health permit requirements and MN rules.

13. All existing healthy trees on the site shall be preserved to the maximum extent feasible.

14. If required by the City Attorney, a Development Agreement is approved by the City Council, fully executed and recorded at Anoka County along with all plans and documents referenced herein.

15. All development, construction, and uses shall be in accordance with the approved plan and conditions required by the City Council. Any development not in accordance with the approved plan and conditions shall require preparation of revised plans and approval by the City Council.

16. All costs associated with the review of the submitted plan(s) and any other costs generated by the City or its representatives are the responsibility of the applicants, including legal, administrative, and professional costs incurred through consideration of the subdivision request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 26th day of April 2022.

CITY OF NOWTHEN

By:_____
Chair Dale Ames

Attest: _____
Frank Boyles, Interim City Administrator

STATE OF MINNESOTA)
COUNTY OF ANOKA (SS.
CITY OF NOWTHEN)

I, the undersigned, being the duly qualified and acting Deputy Clerk of the City of Nowthen, Anoka County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing resolution is a true and correct copy of the document as adopted by the City Council on the 14th day of April, 2022.

_____
Deputy Clerk Natalie Johnson

Prepared By:
The Planning Company
3601 Thurston Avenue
Anoka, MN 55303

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

RE: Nowthen – Finn Septic System Variance, 19934 Birchwood Lane
PID 19-33-25-42-0028

DATE: April 20, 2022

TPC FILE: 122.02 – 22.07

BACKGROUND

Janie Finn of 19934 Birchwood Lane is requesting a 50-foot Variance to allow a required septic system replacement 100 feet from the Ordinary High Water Level (OHWL of 927.10) of East Twin Lake rather than the required 150 foot setback. The property contains an existing residential structure which is legally non-conforming at a setback of 86 feet from the OHWL on a parcel encompassing .90 acres.

The new septic system is classified as type "other" because it is a box mound design which is used for this type of application when no other options exist on small parcels and/or waterfront properties. The new septic system is to be located in the same area as the existing system, but there is no Variance on record having allowed it.

A public hearing to consider the application was noticed in the April 8th Edition of the Anoka Union Herald for the Planning and Zoning Commission meeting to be held on 26th of April 2022. The property is zoned RRA, Rural Residential Agriculture and is appropriately guided Permanent Low Density Residential.

Exhibits:

A. Variance Application (3 pages)
B. Site Location
C. Site Plan
D. Findings of Fact

ANALYSIS

Zoning. The subject site is zoned RRA, Rural Residential Agriculture consistent with the 2040 Comprehensive Land Use Plan. The subject property is located on the east shore of East Twin Lake in an area of small, older, non-conforming lots.

Department of Natural Resources. TPC spoke with Wes Saunders-Pearce who is the Area Hydrologist for the North Metro. He had no concerns about replacement of this existing septic system in the manner and location described herein. Documentation was provided for DNR records.

Variance Criteria. The Variance process provides the City with an opportunity for amelioration or unnecessary hardships resulting from the rigid enforcement of its broad Zoning Ordinance. Section 11-11-2 of the City Code authorizes the City Council to permit a particular property to be used in a manner not allowed for by the Ordinance by varying the terms of this Chapter.

A variance request shall not be approved unless a finding is made by the City Council that failure to grant the variance will result in practical difficulties.

1. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

2. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

    a. That the variance would be consistent with the Comprehensive Plan.

        Comment: The existing use of the property is not changing; the single-family residential use is consistent with the 2040 Land Use Plan and compatible with adjacent properties.

    b. That the variance would be in harmony with the general purposes and intent of this Chapter.

        Comment: The site land use is not changing. The proposed septic system meets the required 10-foot setback from the side lot line and front lot line, so does not impact neighboring properties. The septic system will conform to the State 7080 rules, required by reference in the Nowthen City Code.

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

Comment: The property owner recently purchased this .90 acre parcel with an existing house. Replacement of the non-conforming septic system was required at the time of sale and money was escrowed to cover the costs.

d. That the purpose of the variance is not exclusively economic consideration.

Comment: The proposed septic system is required to collect sewage and wastewater from the existing home in an environmentally friendly manner; there is no economic gain.

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

Comment: The proposed septic system will not impact adjacent properties. It meets the side and front yard setback requirement on 10 feet. The drainfield will be built within a timber walled structure, a 'box', which will be visible at a height of 2-3 feet.

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

Comment: The proposed drainfield is the minimum size required based on the bedrooms in the house and is located as far from the OHWL as feasible.

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

RECOMMENDATION

The requested Variance meets the criteria outlined in the City Code and the septic system is being located as far from the OHWL as is feasible to eliminate the practical difficulty. Our office recommends approval of the Variance subject to the conditions as outlined in the attached Findings of Fact.

c. Frank Boyles, Interim City Administrator
Janie Finn

VARIANCES & APPEALS

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347
RETURN TO: PERMITS@NOWTHENMN.NET

☑ VARIANCE
☐ APPEAL

Base Fee:	$200
Escrow:	$1,000
Public Hearing Fee:	$250
Recording Fee:	$46
Total Amt. Due:	**$1,496**

Amt. Paid: $ 1496

CC/Check# _____

****FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY****

Date Application Received: April 4, 2022

Date Application Complete: 4/4/22
(60-day review period starts from this date)

Public Hearing Date: April 26, 2022

City Council Approval/Denial Date: May 12, 2022

60-Day Review Period Ends: 6/4/22

60-Day Extension: __Yes __No Expires On: _____

Received By: _____

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

Property Information Street Address: 19934 Birchwood Lane

Property Identification Number (PID#): _____

Type of Business or Use Requested: _____

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

_____

Applicant Information

Name: Janie Finn Business Name: _____

Mailing Address: 3707 Grand Way #214

City: St Louis Park State: MN Zip Code: 55416

Telephone: _____ Cell Phone: 612-280-5786 Work: _____

e-mail: janie@finnesepartners.com

Property Owner Information (If other than applicant):

Name: Sam Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code : _____

Telephone: _____ Cell Phone: _____ Work: _____

e-mail: _____

Description of Request (attach additional sheets as necessary)

Existing Use of Property: residential

Description of Proposed Use: replacement of existing septic system

Reason(s) to Approve Request: no other options exist for placement on this small lake lot

Please describe any previous applications pertaining to the subject site:

Project Name: NA Date of Application: _____

Nature of Previous Request : _____

Required Submittal Information:

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

- ☐ Detailed building/construction plans including floor plans, elevation drawings, materials and construction specifications.

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

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

Applicant: Jane Finn Date: 4-4-22

Property Owner: " Date: 4-4-22

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 Statues 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: Jane Finn Date: 4.4.22

Signature of Property Owner: Jane Finn Date: 4.4.22

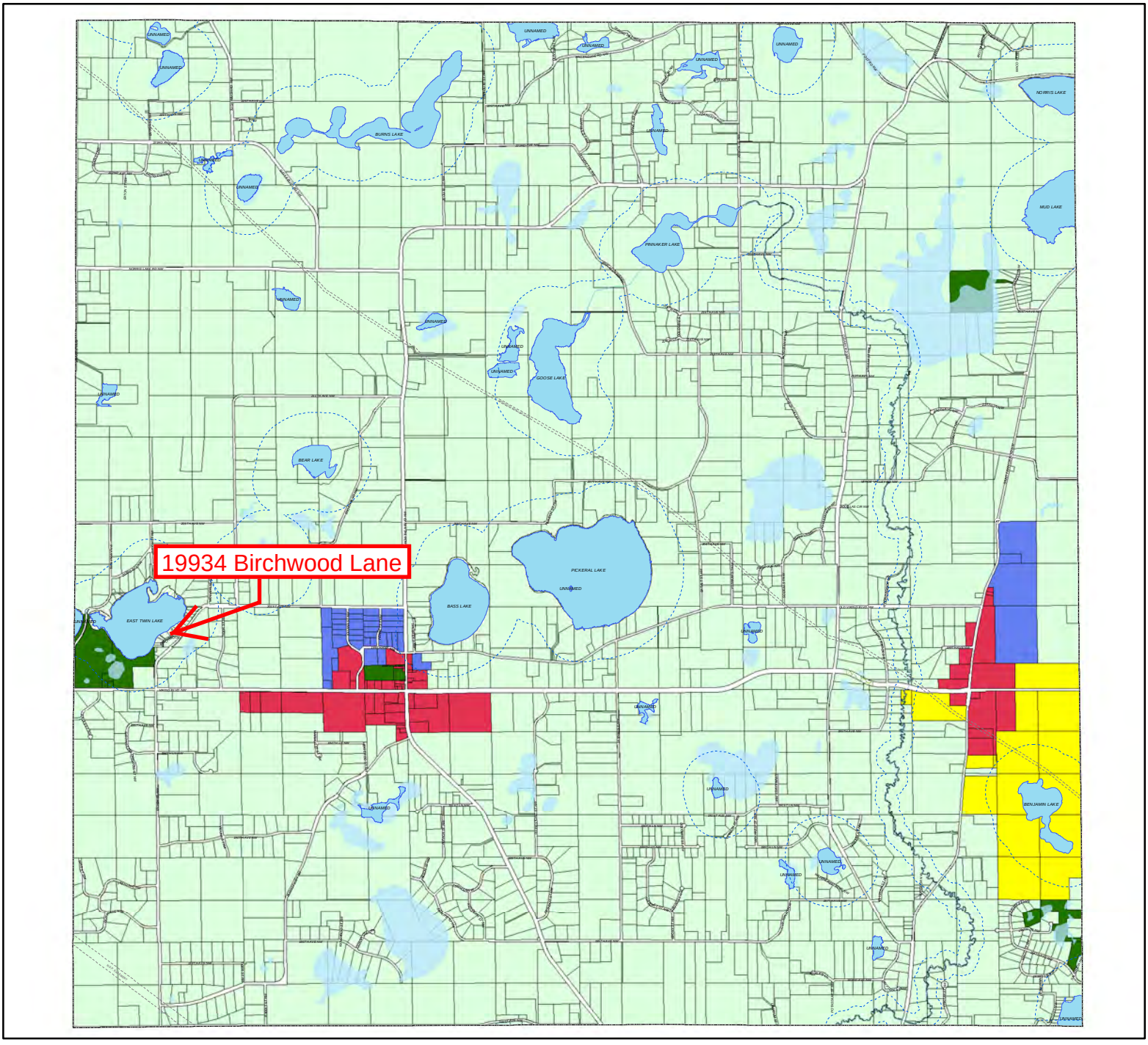
Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____

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

CITY OF NOWTHEN

Zoning Map



ZONING 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*

TPC The Planning Company

0 0.225 0.45 0.9

Miles

N

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

Adopted: Aug 10, 2020

K:\GIS\Projects\Municipal\NT907\2020 Zoning Map.mxd

Anoka County Parcel Viewer

Parcel Information: Approx. Acres: 0.9
19-33-25-42-0028 Commissioner: MATT LOOK
19934 BIRCHWOOD LN NW
NOWTHEN
MN 55330
Plat: BIRCHWOOD

Owner Information: Box Mound:
36' X 29' OVERALL 250 SQ FT.
- INSTALLER TO BUILD BOX AROUND MOUND -
DUAL 10' X 12.5' ROCK BEDS
36" MOUND SAND
3 - 2" LATERALS
1/4" HOLES > X 2 ROCK BEDS

Anoka County GIS | 1:600 | Date: 6/30/2021

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

STATE OF MINNESOTA
COUNTY OF ANOKA

CITY OF NOWTHEN
PLANNING & ZONING COMMISSION
FINDINGS & RECOMMENDATION APPROVING
Variance for Septic System Setback from OHWL

APPLICANT: Janie Finn
3707 Grand Way, #214
St. Louis Park, MN 55416

APPLICATION: Request for approval of a 50-foot Variance to allow a replacement septic system at a distance of 100 feet from the OHWL of East Twin Lake

PLANNING & ZONING COMMISSION MEETING: April 26, 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:

Whereas, the legal description of the Subject Property is:

LOTS 15 - 17 BIRCHWOOD, EX SWLY 6 FT OF LOT 17;

Whereas, the Subject Property is located at 19934 Birchwood Lane NW and has a parcel ID of **19-33-25-42-0028**;

Whereas, the Subject Property is .90 acres in size;

Whereas, the property owner is required under MN State Statute to replace a non-conforming septic system at the time a property is sold;

Whereas, the property contains an existing home and legal public street access from Birchwood Lane;

Whereas, the house is legally non-conforming at a setback of 86 feet from the OHWL and the required setback for structures and septic systems is 150 feet;

Whereas, the deep well is located on the SW side of the house and the only feasible location for the septic system is on the NE side of the home;

Whereas, the following criteria of Section 11-11-2 of Nowthen City Code regarding Variances have been met and the City has made the determination that a practical difficulty exists;

1. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

2. The applicant for variance shall also demonstrate that the request satisfies the following criteria:

    a. That the variance would be consistent with the Comprehensive Plan.

        Comment: The existing use of the property is not changing; the single-family residential use is consistent with the 2040 Land Use Plan and compatible with adjacent properties.

    b. That the variance would be in harmony with the general purposes and intent of this Chapter.

        Comment: The site land use is not changing. The proposed septic system meets the required 10-foot setback from the side lot line and front lot line, so does not impact neighboring properties. The septic system will conform to the State 7080 rules, required by reference in the Nowthen City Code.

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

        Comment: The property owner recently purchased this .90 acre parcel with an existing house. Replacement of the non-conforming septic system was required at the time of sale and money was escrowed to cover the costs.

    d. That the purpose of the variance is not exclusively economic consideration.

        Comment: The proposed septic system is required to collect sewage and wastewater from the existing home in an environmentally friendly manner; there is no economic gain.

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

Comment: The proposed septic system will not impact adjacent properties. It meets the side and front yard setback requirement on 10 feet. The drainfield will be built within a timber walled structure, a 'box', which will be visible at a height of 2-3 feet.

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

Comment: The proposed drainfield is the minimum size required based on the bedrooms in the house and is located as far from the OHWL as feasible.

Whereas, the Planning Report dated April 20, 2022, prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regular meeting on April 26, 2022.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Nowthen Planning and Zoning Commission hereby recommends APPROVAL of the **50-foot septic system setback Variance from the OHWL of East Twin Lake,** subject to the following:

1. The septic system design is reviewed and approved by MNspect and a permit is obtained prior to beginning construction.

2. Erosion control is required on the lake side and along the NE property line. The silt fencing or silt rolls are left in place until vegetative cover is reestablished.

3. All costs associated with the review of the submitted plan(s) and any other costs generated by the City or its representatives are the responsibility of the applicants, including legal, administrative, and professional costs incurred through consideration of the request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 26th day of April 2022.

CITY OF NOWTHEN

By:_____
Chair Dale Ames

Attest: _____
Frank Boyles, Interim City Administrator

STATE OF MINNESOTA)
COUNTY OF ANOKA (SS.
CITY OF NOWTHEN)

I, the undersigned, being the duly qualified and acting Deputy Clerk of the City of Nowthen, Anoka County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing resolution is a true and correct copy of the document as adopted by the City Council on the 14th day of April, 2022.

_____
Deputy Clerk Natalie Johnson

Prepared By:
The Planning Company
3601 Thurston Avenue
Anoka, MN 55303

Draft 2/16/22

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.

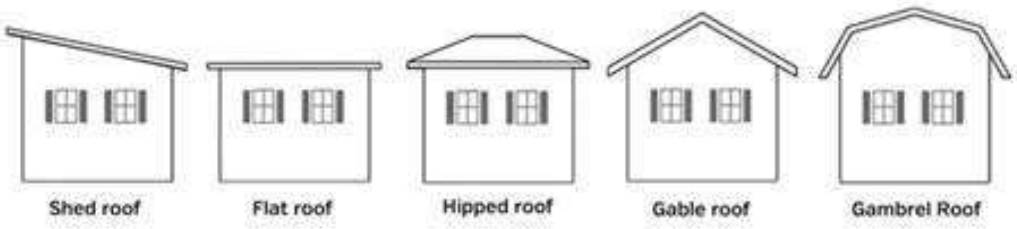
3. Façades must be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls. Façades must provide through the use of detail and scale, an architectural rhythm through changes in roof lines, texture or trim.

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.

~~J~~M. 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 G~~g~~rade D materials notwithstanding other applicable provisions of this section provided that the wall does not face a public street.

~~K~~N. 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.

~~1.~~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

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SHEEHY
CONSTRUCTION
7047
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CLEARWATER CREEK
BUSINESS PARK
DISTRIBUTION
ALTERNATIVES
6870
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EXTERIOR PAINT COLORS FOR
COMMERCIAL BUILDINGS

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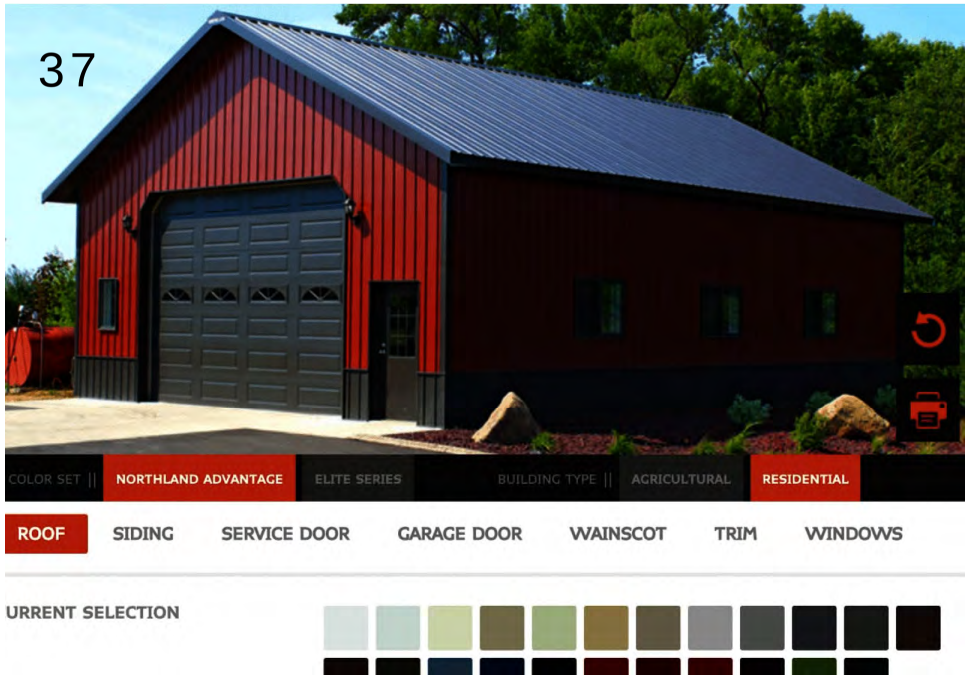
37
COLOR SET ||
NORTHLAND ADVANTAGE
ELITE SERIES
BUILDING TYPE ||
AGRICULTURAL
RESIDENTIAL
ROOF
SIDING
SERVICE DOOR
GARAGE DOOR
WAINSCOT
TRIM
WINDOWS
URRENT SELECTION

38

39

40

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Three Centuries of Color

AF145 Kangaroo **1880**	AF575 Instinct	1193 Palazzo Pink	AF320 Flawless	492 Dune Grass	2115-50 Iced Mauve
AF470 Flora **1890**	2155-20 Gold Mine	2154-30 Buttercup	2147-10 Oregano	2067-30 Twilight Blue	252 Olivetone
2089-50 Salmon Berry **1900**	HC-12 Concord Ivory	104 Sienna Clay	AF450 Seedling	2047-20 Manor Green	1474 Cape May Cobblestone
1662 Mediterranean Sky **1910**	2074-10 Grape Juice	517 Greenbrook	AF295 Pomegranate	1260 El Cajon Clay	AF355 Etruscan
AF55 Sonnet **1920**	AF610 Batik	AF490 Tranquility	AF545 Solitude	AF465 Wind Chime	AF670 Nightingale
AF335 Safari **1930**	110 Starfish	AF275 Rustique	HC-46 Jackson Tan	543 Woodland Hills Green	AF610 Batik
AF370 Citrine **1940**	AF450 Seedling	1027 Firewood	1680 Hudson Bay	AF290 Caliente	130 Peach Jam
12 Coral Reef **1950**	109 Canyonlands	1559 Arctic Shadows	671 Soft Spruce	2034-40 Cedar Green	144 Honey Burst
2016-30 Carrot Stick **1960**	2079-40 Springtime Bloom	2027-20 Spring Moss	2059-40 Yosemite Blue	2003-20 Strawberry Red	280 Renaissance Gold
HC-10 Stuart Gold **1970**	531 Ponderosa Pine	1096 Bridgewater Tan	AF235 Warmed Cognac	2157-20 Golden Harvest	2110-20 Brown Tar
AF550 Amsterdam **1980**	2101-50 Allspice	AF690 Metropolitan	AF5 Frostline	2166-50 Creamy Orange	676 Spirit in the Sky
AF370 Citrine **1990**	1267 Ruby Dusk	602 Gondola Ride	AF230 Buttered Yam	AF420 Agave	2061-10 Deep Royal
AF630 Kalamata **2000**	PT-100 Liquid Silver	544 Kiwi	825 Blue Nova	2008-10 Ravishing Red	396 Chic Lime

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