



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

**Called to Order**

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of November 23, 2021.
- Approve/Amend meeting minutes of October 26, 2021.

**1. 7:00 PM:**

**Woodhaven Preliminary and Final Plat – Old Viking Blvd. at Cleary Road.** (PID 23-33-25-24-0001 and 23-33-25-13-0002) Proposed nine (9) lot plat on 47.48 acres.

**2. 7:30 PM:**

**Discussion – Commercial/Industrial Architectural Standards** Discuss possible ordinance changes applicable to business uses.

**3. Cancellation of December meeting.**

**Upcoming Projects at January Meeting:**

- Toft 2<sup>nd</sup> Addition Preliminary Plat – 7 industrial lots, 8 residential lots

**Motion to Adjourn**



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 – Woodhaven Preliminary and Final Plat  
PID 23-33-25-24-0001 and 23-33-25-13-0002

DATE: November 17, 2021

TPC FILE: 122.02 – 21.26

## BACKGROUND

NIH Homes/Larry Skogquist is proposing development of nine (9) single family dwellings on 47.48 acres located on Old Viking Boulevard between Sodium Street and Cleary Road. The applicant is asking for joint consideration of both Preliminary and Final Plats. A public hearing to consider the applications was noticed in the November 12<sup>th</sup> Edition of the Anoka Union Herald for the Planning and Zoning Commission meeting to be held on 23<sup>rd</sup> November 2021. The property is zoned RRA, Rural Residential Agriculture and is appropriately guided Permanent Low Density Residential.

### Exhibits:

- A. Application (3 pages)
- B. Site Location Map
- C. Preliminary Plat
- D. Final Plat
- E. Aerial Photo (No Public Waters)
- F. Wetland Map
- G. Anoka County Trail Map and Comments (3 pages)
- H. City Park and Trail Plan
- I. City Engineer's Report (5 pages)
- J. 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 Woodhaven Plat is consistent with this intent. The proposed lots meet the 8/40 density requirement and 5 acre average.

**Public Hearing Requirement.** The public hearing requirements for plats have been attached hereto; the required procedures were followed regarding notice to the newspaper 10 days prior to the meeting and notice to property owners as indicated below.

*Section 10-6-2.A The Planning Commission shall hold a public hearing on the preliminary plat. Notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing and shall be sent to all property owners within one thousand three hundred twenty (1,320) feet of any boundary of the subdivision by the City Clerk. At the hearing, all persons present and interested in the subdivision shall be given an opportunity to make presentations.*

*Section 10-6-2.D Minnesota State Statutes require that the City Council must approve or disapprove the plat within one hundred twenty (120) days following the delivery of an application completed in compliance with the City Code by the applicant to the City, unless an extension of the review period has been agreed to by the applicant.*

**Access & Streets.** The Woodhaven Plat provides infill development of nine new lots which will gain access from Cleary Road (2 shared), Sodium Street (4), Old Viking Boulevard (2) and Potassium Street (1). The temporary cul-de-sac at Potassium Street is proposed as a permanent cul-de-sac which requires additional ROW from that shown on plans in order to provide the required 66-foot radius. The City Engineer's review also requires that this street abut the northerly lot line of Lot 9. All street designs and construction plans are subject to review and approval by the City Engineer and all outstanding items are addressed as outlined in the Engineering Memo dated 11/15/21 and contained in Exhibit I.

The plat is subject to review and approval by Anoka County relative to the shared driveway proposed onto Cleary Road and 60 feet of permanent road easement. Sixty feet of road easement shall also be required for Old Viking Boulevard.

**Driveways.** The developer has made every effort to limit access points onto Cleary Road and is proposing one shared access for two lots. There are two driveways proposed onto Old Viking Boulevard and four onto Sodium Street. The driveways on Lots 1 and 5 do not meet the required 15-foot setback from the side property line. The lot line between Lots 4 and 5 could be skewed slightly to meet the required setback without impacting the wetland or buffer.

*Section 11-6-2.G.2 requires that driveways be a minimum of fifteen (15) feet from the side yard property line in all districts except as may be allowed as a conditional use provided that:*

- a. *The reduction in setback is necessary to allow for shared access to two (2) or more properties.*
- b. *Private ingress/egress easements allowing use of the shared curb access shall be recorded with each property and are subject to approval of the City Attorney.*
- c. *Adequate provisions for management of stormwater drainage and snow removal shall be provided and are subject to approval of the City Engineer.*
- d. *The area paved for the shared access shall be the minimum necessary to provide adequate circulation; all other areas shall be landscaped in accordance with the requirements of this Chapter.*

Application shall be made for a Conditional Use Permit and a shared access easement must be established over Lots 7 and 8 as required. No other access points will be permitted onto Cleary Road. Access permits and work within the ROW permits shall be required.

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

Woodhaven Preliminary Plat	Lot Frontage on Public Street	Lot Area	Lot Width	Lot Depth	Setbacks			
					Front	Side	Rear	Wetland
Lots 1-9, Block 1	150 feet (except cul-de-sac lots may contain 75 feet of frontage)	5.0 acre average with 2.5 acre minimum lot size	300 ft.	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.

**Park and Trail Dedication.** The City’s Parks and Trails System Plan (Exhibit H) does not identify acquisition of park land from the subject site. The Anoka County Park and Trail Plan contained in Exhibit G includes a future regional trail along Old Viking Boulevard for which the County has no current plans or funding for land acquisition or trail construction. However, Anoka County Park Planner Karen Blaska states in an email (also contained in Exhibit G) that “it would be greatly appreciated if the ROW was platted to include the trail”.

*Section 10-3-4.P states that trail easements shall be dedicated within or adjacent to all subdivisions. Trails shall be provided to create a continuous trail system within the subdivision and connecting to other adjacent properties. Trail easements shall be provided on at least one side of all streets and as other locations deemed appropriate by the City Council. Trail easements shall be a minimum of twenty (20) feet wide.*



*Section 10-3-8.F states that when a proposed park, trail, playground, recreational area or other public ground has been indicated in the Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit.*

*Section 10-3-8 requires a cash contribution of \$2,000/lot for park dedication plus \$500/lot for trail dedication.*

**Grading, Drainage & Stormwater Plan.** The developer has submitted grading and drainage plans for the proposed preliminary plat. Drainage and utility easements shall be provided for all stormwater ponds and wetlands to the limits of the highwater level (HWL) or the buffer, whichever is greater. Per the City Engineer's report, the plans shall be updated to reflect the final wetland boundary. The plat is subject to review and approval of the City Engineer as are all grading, drainage, erosion control issues, and any wetland impacts.

**Wetlands.** The plat includes some impacts to wetlands for driveways which may not exceed 2,500 square feet under the de minimus exemption. Pending the inclusion of culvert sizing for these crossings, final de minimus calculations shall be shown on revised plans. If necessary, a wetland replacement plan shall be submitted for review and consideration of all jurisdictional agencies.

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.

**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. Several lots require grading/fill to achieve the required separation; these areas shall be shown on revised plans. All septic sites must be located outside of drainage and utility easements and 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.

**Accessory Buildings/Covenants:** Consideration should be given to requiring site plans (at the time of building permit submittal for individual homes) to designate an accessory building location. This will compel property owners to think about required placement of accessory

buildings at the time they are locating the residence. Given the large amount of wetland included as lot area as well as the unique placement and orientation of building pads, this forethought will serve to prevent variance requests.

## **RECOMMENDATION**

The Woodhaven Preliminary Plat is generally consistent with the policies of the Comprehensive Plan and requirements of the Zoning Ordinance and Subdivision Ordinance, however, there are some outstanding submission requirements and revisions to plans required prior to decision on the matter. Our office recommends tabling decision on the matter to the January Planning and Zoning Commission meeting to allow time for:

- A. Application for a Conditional Use Permit to deviate from driveway setbacks/shared driveway access.
  - B. Submission of missing information and revised plans.
  - C. Preparation of a development agreement and other legal documents.
- c. Frank Boyles, Interim City Administrator  
Bob Ruppe, City Attorney  
Shane Nelson, City Engineer  
Larry Skogquist, NIH Homes  
Jim Brown

SCANNED



MAJOR SUBDIVISION (PRELIMINARY & FINAL PLAT)

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

RETURN TO: PERMITS@NOWTHENMN.NET

<input type="checkbox"/> <b>CONCEPT PLAN</b> Base Fee: \$200 Escrow: \$1000  <input checked="" type="checkbox"/> <b>PRELIMINARY PLAT</b> <input checked="" type="checkbox"/> <b>FINAL PLAT</b> Base Fee: \$200 + \$50/lot x <u>9</u> lots = \$ <u>450</u> Escrow: \$1,500 Public Hearing Fee: \$250 <b>Total Amount Due: \$ <u>2,400</u></b> Amt. Paid: <u>\$2,400</u> CC/Check# <u>#7209 vBawson</u>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> Date Application Received: <u>10-20-21</u> Date Application Complete: <u>10-20-21</u> <small>(60-day review period starts from this date)</small> Public Hearing Date: <u>11-23-21</u> City Council Approval/Denial Date: <u>12-14-21</u> 60-Day Review Period Ends: <u>12-19-21</u> 60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____ Received By: <u>Liz Sporkman</u>
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Both  
1 &  
paid in full

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

**Property Information** Street Address: Old Viking Road & Cleary  
 Property Identification Number (PID#): 23-33-25-24-0001 (0002)  
 Legal Description (Attach full description of Metes & Bounds if necessary):  
See plat drawings

**Applicant Information**

Name: Larry Stogquist Business Name: L&B Land Company  
 Mailing Address: 1840 213th Ave NW  
 City: Elk River State: MN Zip Code: 55330  
 Home Phone: \_\_\_\_\_ Cell Phone: 612-282-7093 Work: \_\_\_\_\_  
 e-mail (home): stogquist@aol.com  
 e-mail (work): \_\_\_\_\_

A

**Property Owner Information (If other than applicant):**

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: same 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: rural ag

Description of Proposed Use: rural residential 5 acre density subdivision

Lot Size: 3.5-9 acres Zoning: rural residential

Number of New Lots: 8 Number of Total Lots: 9

Reason(s) to Approve Request: meets all zoning subdivision, & other land use regulations. No additional roads needed. Economic benefit to city

**Please describe any previous applications pertaining to the subject site:**

Project Name: Woodhaven Date of Application: 10/19/21

Nature of Previous Request: \_\_\_\_\_

**Existing Building Sizes: NA**

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

COMMERCIAL/INDUSTRIAL LOTS: Main Building: \_\_\_\_\_ Total Square Feet

Office Area: \_\_\_\_\_ SF; Warehouse/Storage: \_\_\_\_\_ SF; Manufacturing: \_\_\_\_\_ SF

**ALL LOTS:**

Accessory Buildings: (type/size) \_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF

\_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF; \_\_\_\_\_ / \_\_\_\_\_ 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 ordinances 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 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 of the application if 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 Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: Ang Shoppert Date: 10-19-21

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 \$ 2400 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: \_\_\_\_\_

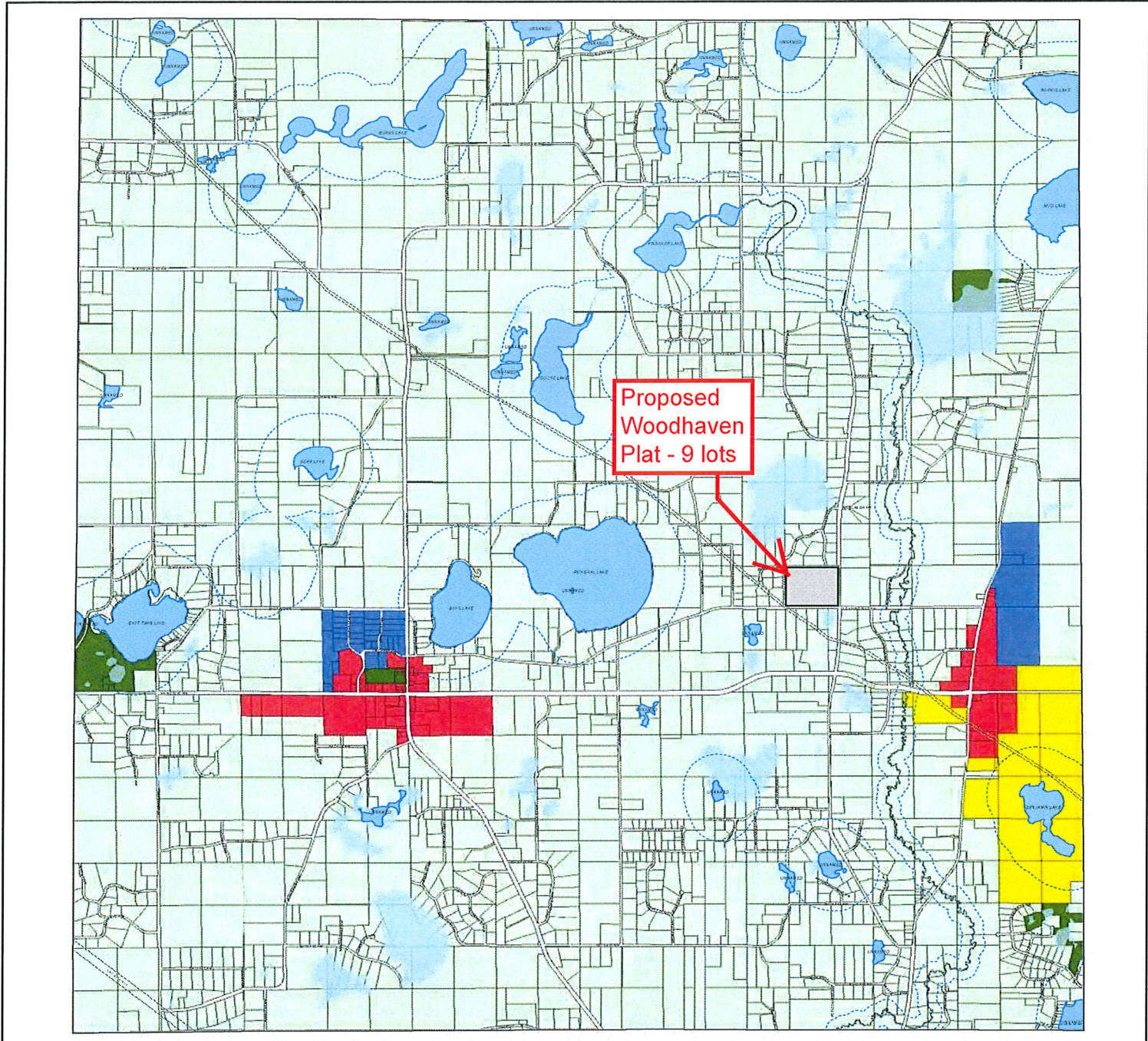
Property Owner: Ang Shoppert Date: 10-19-21



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

# CITY OF NOWTHEN

## Zoning Map

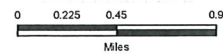


### ZONING

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

**B**

**TPC**  
The Planning Company



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

Adopted: Aug 11, 2020

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



SOIL BORING LOG	Mark	Tradewell - MPCA Cert. No. 307	
Soil Boring #	Elevation	Mottling	Elev. of Mottled Soil
Soil Boring 1	929.2	20"	927.5
Soil Boring 2	927.7	28"	925.4
Soil Boring 3	926.7	16"	925.4
Soil Boring 4	926.3	13"	925.2
Soil Boring 5	926.1	12"	925.1
Soil Boring 6	925.1	14"	923.9
Soil Boring 7	921.9	16"	920.8
Soil Boring 8	925.5	13"	924.4
Soil Boring 9	925.5	14"	924.3
Soil Boring 10	925.1	13"	924.0
Soil Boring 11	919.5	14"	918.3
Soil Boring 12	919.8	13"	918.7
Soil Boring 13	926.7	22"	924.9
Soil Boring 14	923.5	14"	922.3
Soil Boring 15	924.2	13"	923.1
Soil Boring 16	929.6	22"	927.8
Soil Boring 17	922.0	28"	919.7
Soil Boring 18	924.9	20"	923.2
Soil Boring 19	921.1	12"	920.1
Soil Boring 20	919.6	14"	918.4
Soil Boring 21	920.7	16"	919.4
Soil Boring 22	918.9	13"	917.8
Soil Boring 23	923.2	20"	921.5
Soil Boring 24	920.8	12"	919.8
Soil Boring 25	914.1	12"	913.1
Soil Boring 26	918.5	20"	916.8
Soil Boring 27	913.1	18"	911.6
Soil Boring 28	911.9	16"	910.6
Soil Boring 29	922.5	13"	921.4
Soil Boring 30	924.9	20"	923.2
Soil Boring 31	922.1	14"	920.9
Soil Boring 32	922.4	15"	921.2
Soil Boring 33	923.3	28"	921.0
Soil Boring 34	926.6	16"	925.3
Soil Boring 35	928.5	None to 18"	N/A
Soil Boring 36	927.8	None to 24"	N/A

SCHEDULE OF BUILDABLE AREAS		
Block	Lot	Total Lot Area (Ac)
I	1	5.24
I	2	5.27
I	3	4.68
I	4	3.42
I	5	3.72
I	6	4.55
I	7	4.79
I	8	6.17
I	9	8.87

Note: For the purpose of this contiguous acre that has ONE surface elevation of the lot an minimum of 23,000 square feet

# CITY OF NOWTHEN ANOKA COUNTY, MN

Bearings are based on the Anoka County Coordinate System (NAD83 98 Adj.) For the purpose of this survey, the East-West Quarter Line of Section 23, Township 33, Range 25 bears South 89 degrees 25 minutes 09 seconds East.

- Denotes ½ inch x 14 inch iron monument set with a plastic plug stamped R.L.S. 47468, unless otherwise noted.
- ⊗ Denotes ½ inch x 14 inch iron monument with a plastic plug stamped R.L.S. 47466 to be set within one year of plotting date
- Denotes iron monument found.
- ▲ Denotes set nail
- ⊕ Denotes found stone/conc monument
- ⊙ Denotes found aluminum disk

**REFERENCE BENCHMARK:**  
Anoka County BM No. 3082 "GREEN 82", NW quadrant at the intersection of CR. 66 and Old Viking Blvd NW, SE corner of property. Elevation = 915.56 feet (NAVD 88)

**PROJECT BENCHMARK:**  
Railroad spike in place of power pole. 197 feet N. of Old Viking Blvd NW bit edge. Between Dry No.'s 6024 & 6058. Elevation = 920.84 feet (NAVD 88)

**OWNER/DEVELOPER:**  
L & B Land Company, LLC  
Larry Skogquist & Jim Brown  
6840 213th Avenue NW  
Elk River, MN 55330  
612-282-7093 ~ Larry  
612-870-8021 ~ Jim

**SURVEYORS & ENGINEERS:**  
Bogart, Pederson & Associates, Inc.  
13076 First Street  
Becker, MN 55308-9322  
763-262-8822

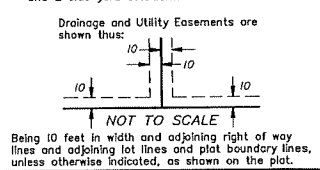
**TOTAL AREA:** 49.73% Acres

**EXISTING ZONING:** Rural Res. Ag. (RRA)

**PROPOSED ZONING:** Rural Res. Ag. (RRA)

**MINIMUMS:**  
150 feet along road frontage  
300 feet Width at setback  
300 feet Depth at setback  
2.5 Acres w/ Avg. Lot Density of 5 Acres  
1.0 Contiguous Buildable Acre

**DENOTES BUILDING SETBACKS:**  
150' from collector/arterial road centerline (CR No. 66 A.K.A. Cleary Rd NW)  
120' from local road centerline (Old Viking Blvd. NW & Sodium St. NW)  
35' Rear  
20' Side  
Moderate Priority Wetland:  
20' buffer/40' structure setback  
Minor Priority Wetland:  
15' buffer/30' structure setback  
Note: Corner lots abutting 2 streets are considered to have 2 front yard setbacks and 2 side yard setbacks.



**DATE:** October 12, 2021  
**FIELD DATE:** October 10, 2021  
**BK/PG:** 2.07/54  
**DRAWN BY:** CJR  
**CHECKED BY:** CAW  
**DWG FILE:** 21-0237 Prelim Plat  
**FILE NO:** 21-0237.00

REVISIONS:

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.

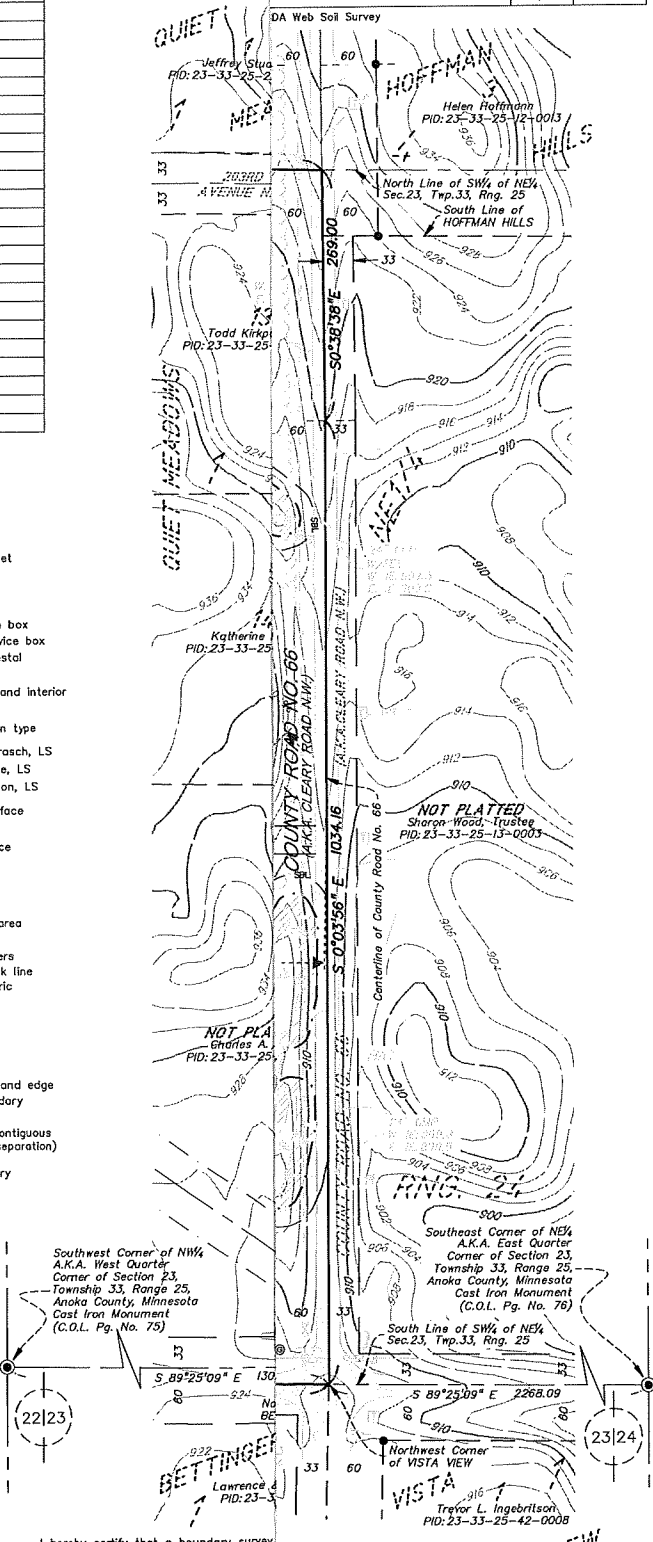
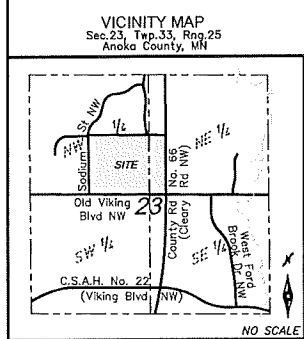
Signed: *Craig Wensmann*  
Craig A. Wensmann  
Date: 10/19/21 Lic. No. 47466

**BOGART, PEDERSON & ASSOCIATES, INC.**  
LAND SURVEYING  
CIVIL ENGINEERING  
WAPPING  
13076 FIRST STREET, BECKER, MN 55308-9322  
TEL: 763-262-8822 FAX: 763-262-8844

**PRELIMINARY PLAT**  
for  
L & B Land Company, LLC  
WOODHAVEN  
City of Nowthen  
Anoka County, MN

**LEGEND:**

- Denotes electrical cabinet
- Denotes sign
- Denotes power pole
- Denotes guy wire
- Denotes cable television box
- Denotes fiber optic service box
- Denotes telephone pedestal
- Denotes soil boring
- Denotes delineated wetland interior
- Denotes culvert
- Denotes soil classification type
- LS 6743 Denotes Raymond A. Prasch, LS
- LS 12251 Denotes Jeffrey N. Coine, LS
- LS 16091 Denotes Dale B. Anderson, LS
- Denotes bituminous surface
- Denotes concrete surface
- Denotes gravel surface
- Denotes wetland buffer area
- SBL --- Denotes existing adjoiners
- Denotes building setback line
- Denotes overhead electric
- Denotes tree line
- Denotes easement
- Denotes right of way
- Denotes major contour
- Denotes minor contour
- Denotes delineated wetland edge
- Denotes soil type boundary
- Denotes edge of water
- Denotes a minimum 1 contiguous acre buildable area (1' separation)
- PA Denotes proposed Primary & Alternate septic sites



I hereby certify that a boundary survey has been completed for the preliminary plat WOODHAVEN, Anoka County, Minnesota.

Signed: *Craig Wensmann*  
Craig A. Wensmann  
Date: 10/19/21 Lic. No. 47466

**EXHIBIT C**  
**ON & ASSOCIATES, INC.**

# CITY OF NOWTHEN COUNTY OF ANOKA SEC. 23, TWP. 33, RNG. 25

KNOW ALL PERSONS BY THESE PRESENTS: That L & B Land Company, LLC a Minnesota Limited Liability Company, the Southeast Quarter of the Northwest Quarter of Section 23, Township 33, Range 25 AND That part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 33, Range 25 centerline of County Road No. 66 (also known as Cleary Road).

Has caused the same to be surveyed and platted as WOODHAVEN and does hereby dedicate and utility easements as shown on this plat. Also dedicating to the County of Anoka that part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 33, Range 25 in witness whereof said L & B Land Company, LLC a Minnesota limited liability company \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

L & B LAND COMPANY, LLC

Larry Skogquist, President

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ Larry Skogquist, Manager of L & B Land Company, LLC a Minnesota limited liability company

(Signature)

(Printed Name)

Notary Public, \_\_\_\_\_

My Commission Expires \_\_\_\_\_

I Craig A. Wensmann do hereby certify that this plat was prepared by me or under my supervision as a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct and true survey; that all mathematical data and labels are correctly designated on this plat; that this plat has been, or will be correctly set within one year; that all water boundaries are shown and labeled on this plat; that all public ways are shown and labeled on this plat.

Craig A. Wensmann, Licensed Land Surveyor  
Minnesota License No. 47488

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ Craig A. Wensmann.

(Signature)

(Printed Name)

Notary Public, \_\_\_\_\_

My Commission Expires \_\_\_\_\_

CITY COUNCIL, CITY OF NOWTHEN, MINNESOTA  
This plat of BREYENS BEND was approved and accepted by the City Council of the City of Nowthen at its regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

CITY COUNCIL, CITY OF NOWTHEN, MINNESOTA

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

COUNTY SURVEYOR  
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Charles F. Gitzen  
Anoka County Surveyor

COUNTY AUDITOR/TREASURER  
Pursuant to Minnesota Statutes, Section 505.021, Subd. 8, taxes payable in the year 20\_\_\_\_\_ hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 203.01, taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Property Tax Administrator \_\_\_\_\_

By \_\_\_\_\_ Deputy

COUNTY RECORDER/REGISTRAR OF TITLES  
COUNTY OF ANOKA, STATE OF MINNESOTA  
I hereby certify that this plat of WOODHAVEN was filed in the office of the County Recorder/Registrar of Titles for public record on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and was duly recorded as

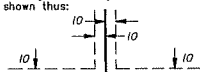
Document No. \_\_\_\_\_

VICINITY MAP  
Sec. 23, Twp. 33, Rng. 25  
Anoka County, MN

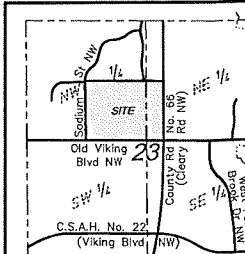
County Recorder/Registrar of Titles \_\_\_\_\_

By \_\_\_\_\_ Deputy

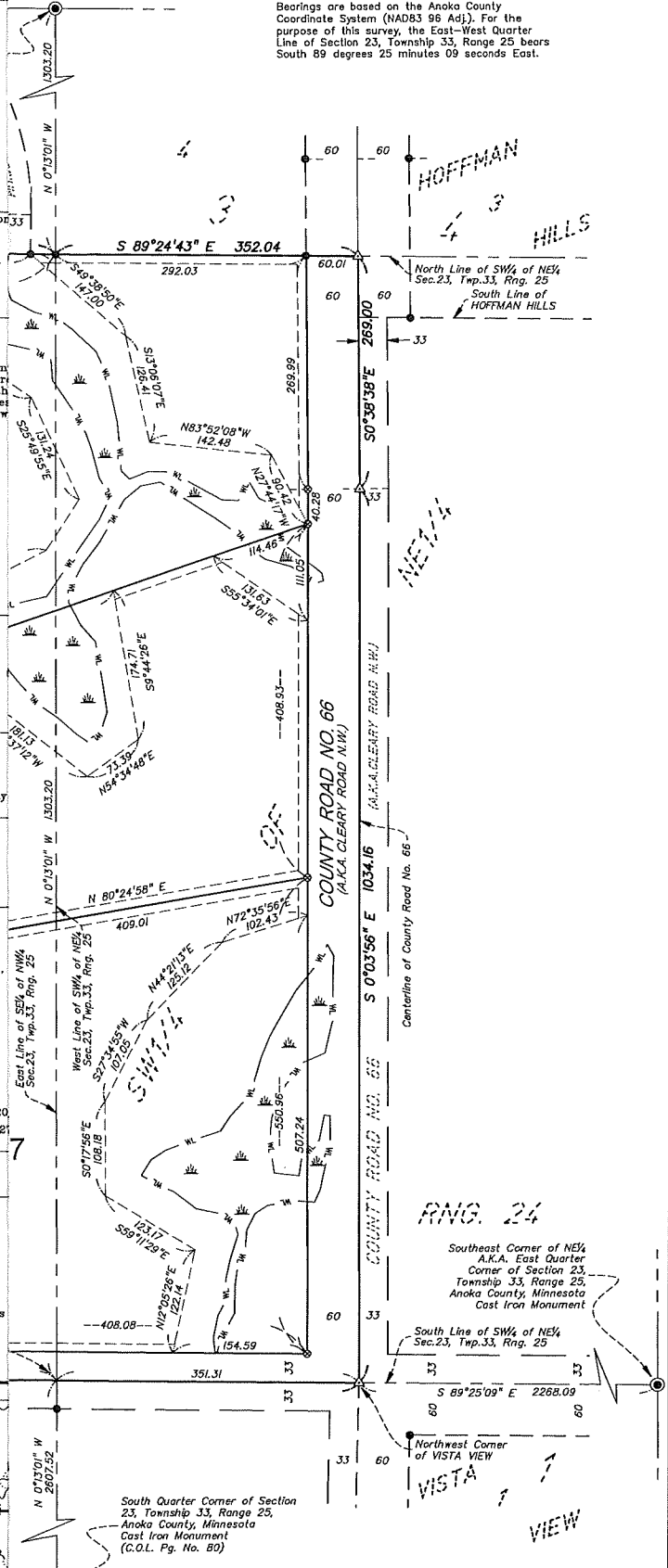
Drainage and Utility Easements are shown thus:



Being 10 feet in width and adjoining right of way lines and adjoining lot lines and plat boundary lines, unless otherwise indicated, as shown on the plat.



Bearings are based on the Anoka County Coordinate System (NAD83 98 Adj.). For the purpose of this survey, the East-West Quarter Line of Section 23, Township 33, Range 25 bears South 89 degrees 25 minutes 09 seconds East.



RNG. 24

Southeast Corner of NE 1/4  
A.K.A. East Quarter  
Corner of Section 23,  
Township 33, Range 25,  
Anoka County, Minnesota  
Cast Iron Monument

South Line of SW 1/4 of NE 1/4  
Sec. 23, Twp. 33, Rng. 25

Northwest Corner  
of VISTA VIEW

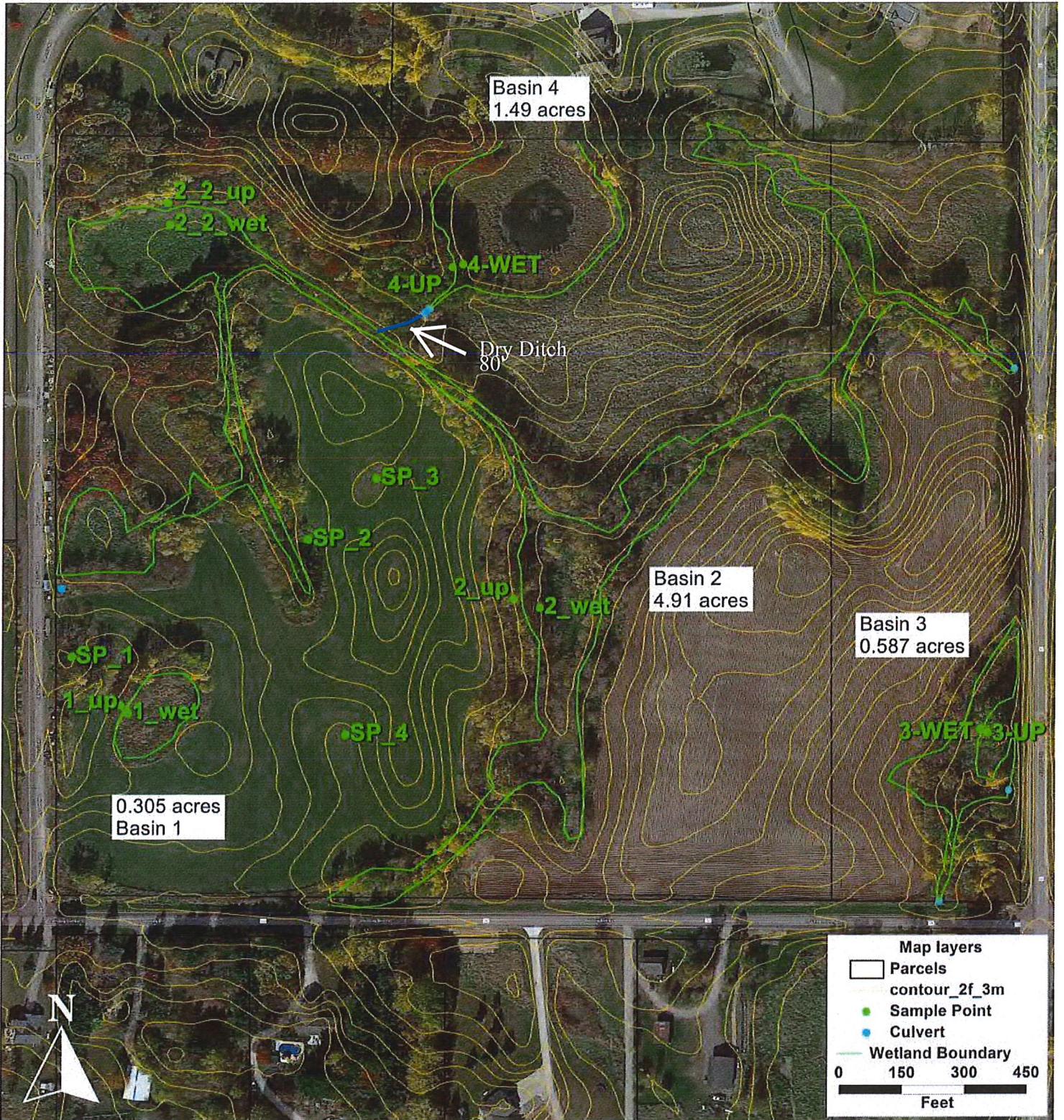


Figure 4 PWI Map



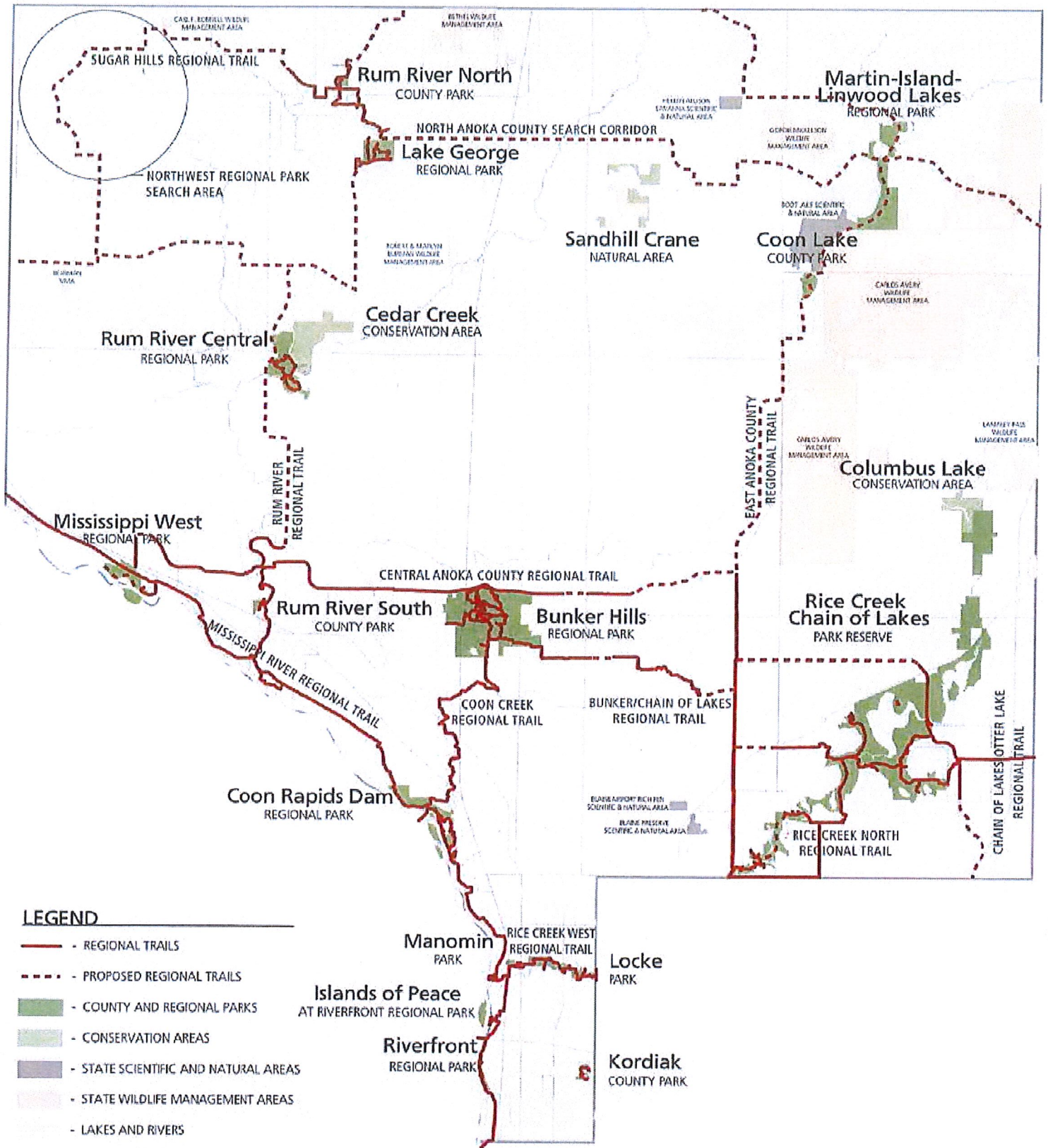


Figure 5 Delineation Map





APPENDIX: ANOKA COUNTY PARKS, TRAILS, AND STATE LANDS MAP



## Liz Stockman

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**From:** Karen Blaska <Karen.Blaska@co.anoka.mn.us>  
**Sent:** Tuesday, November 16, 2021 8:58 AM  
**To:** Liz Stockman  
**Cc:** City Clerk  
**Subject:** RE: Nowthen - Woodhaven Plat

I am so sorry I didn't get back to you about this. At this point in time, the County Parks Department doesn't have a timeline or funding for ROW acquisition or construction of the regional trail, although it would be greatly appreciated if the ROW was platted to include the trail.

Let me know what more info you need.

Thanks.

---

Karen Blaska | She-Her-Hers | Park Planner |  
Anoka County Parks | 550 Bunker Lake Blvd. NW | Andover, MN 55304  
O: 763-324-3412 | C: 612-845-8391

**ANOKA**  
**COUNTY**  
P A R K S

---

**From:** Liz Stockman <liz.stockman@planningco.com>  
**Sent:** Tuesday, November 16, 2021 8:45 AM  
**To:** Karen Blaska <Karen.Blaska@co.anoka.mn.us>  
**Cc:** City Clerk <CityClerk@nowthenmn.net>  
**Subject:** FW: Nowthen - Woodhaven Plat

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

Karen,

Good Morning. I am currently preparing a planning report for the Woodhaven Plat and would like to incorporate any comments you may have. Do have time to give me a call today?

Thank you,

Liz Stockman

---

**From:** Liz Stockman <liz.stockman@planningco.com>  
**Sent:** Tuesday, November 2, 2021 5:14 PM  
**To:** 'karen.blaska@co.anoka.mn.us' <karen.blaska@co.anoka.mn.us>

Cc: City Clerk <[CityClerk@nowthenmn.net](mailto:CityClerk@nowthenmn.net)>

Subject: Nowthen - Woodhaven Plat

Hi Karen,

The City of Nowthen has a 9-lot plat under consideration which is located with frontage along Old Viking Blvd. Given plans for a regional trail in the vicinity, I'm wondering if we can help you acquire some ROW. Transportation wants 60 feet from the centerline, so there may be room for a trail. I would like some additional information, if you have any capital improvement plans which include this area, regarding timing of ROW acquisition/construction.

I will be in the office Wednesday, but then off Thursday-Friday. Back on Monday. Please give me a call when the time is right for you.

Thanks much,

Liz

Elizabeth Stockman

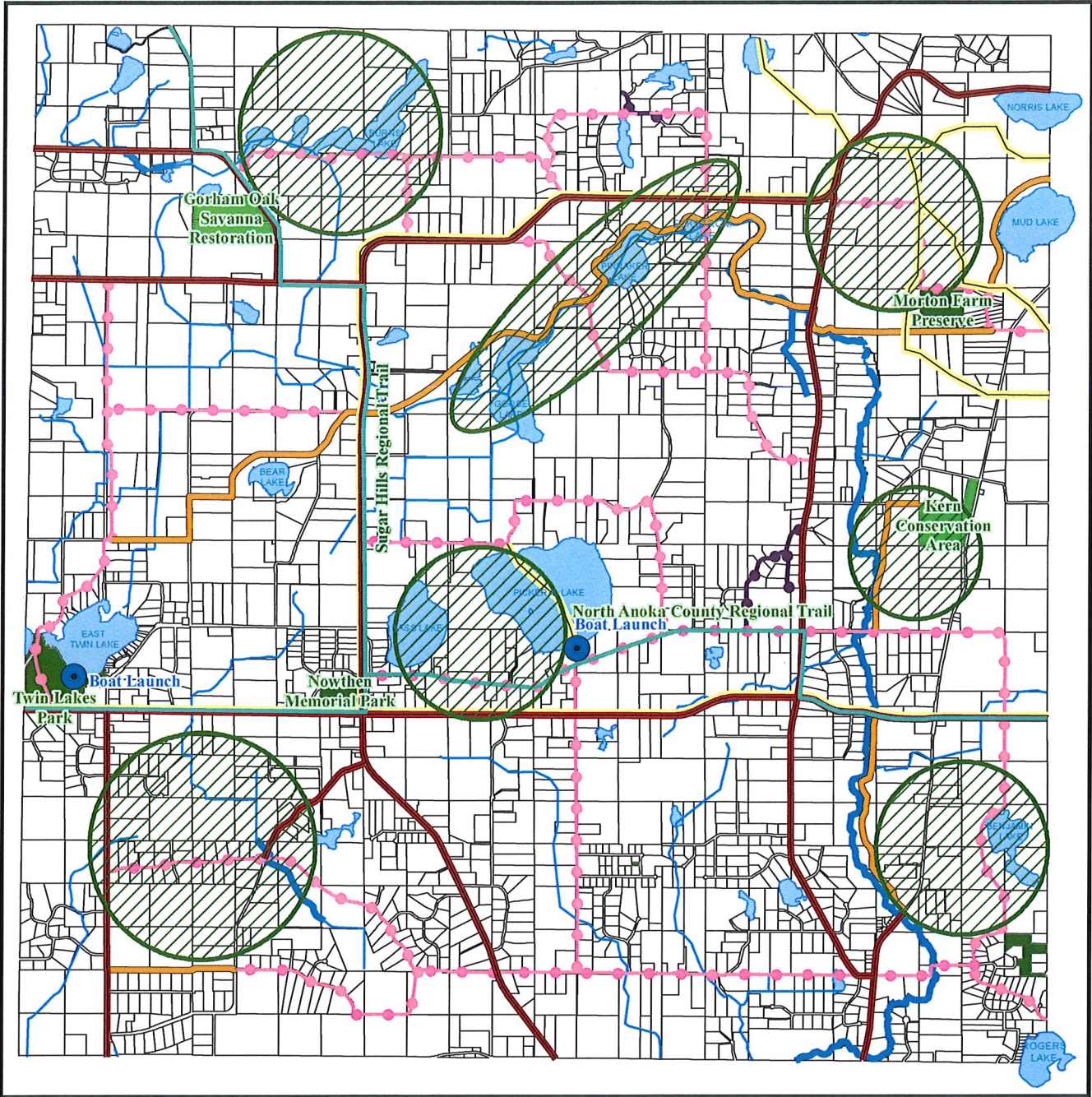
651-303-3670



Click [here](#) to report this email as spam.

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**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

**TPC**  
 The Planning Company

0 0.25 0.5 1

Miles

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\ITPC\Nowthen\2017CompPlan



**ENGINEERING REVIEW  
for City of Nowthen  
by  
Hakanson Anderson**

---

**Submitted to:** City of Nowthen

**cc:** Frank Boyles, City Administrator  
Liz Stockman, City Planner  
Bob Ruppe, City Attorney  
Jim Brown, Applicant's Representative  
Larry Skogquist, Applicant  
Craig Wensmann, Applicant's Surveyor  
Chris Dahn, Applicant's Engineer

**Reviewed by:** Shane Nelson, City Engineer  
Andrew Vistad, Assistant City Engineer

**Date:** November 15, 2021

**Proposed Project:** Woodhaven Residential Development

**Street Location:** 6101 Old Viking Boulevard

**Applicant:** L&B Land Company, LLC

**Owners of Record:** SKOGQUIST LARRY P & BONITA J

**Jurisdictional Agencies:** City of Nowthen, Anoka County, Upper Rum River  
(but not limited to) Watershed Management Organization

**Permits Required:** City Approval, NPDES Construction Permit, WCA -  
(but not limited to) Wetland Delineation Approval

## **INFORMATION AVAILABLE**

Woodhaven Residential Development Plans, dated October 19, 2021, prepared by Bogart, Pederson & Associates, Inc.

Woodhaven Wetland Delineation report, dated April 30, 2021, prepared by Jacobson Environmental, PLLC

Woodhaven Stormwater Management Plan, dated October 19, 2021, prepared by Bogart, Pederson & Associates, Inc.

## **SITE ACCESS / VEHICULAR TRAFFIC**

1. The project is proposed to receive access from County Road 66, Potassium Street, Sodium Street, and Old Viking Boulevard. No new city streets are proposed as part of this development.

## **PRELIMINARY PLAT**

1. The "Proposed Permanent Easement" located within Lot 4, Block 3, Hoffman Hills, for the temporary cul-de-sac located at the end of Potassium Street NW, needs to have a 66-foot radius and should extend southerly from its easterly edge to the north property line of the Woodhaven subdivision to provide adequate easement for snow storage purposes. This easement should be recorded with or before the recording of the final plat.
2. The easement lines shown crossing the southwest corner of the preliminary and final plats should be labeled as a "Minnesota Pipeline Easement" on the preliminary plat.
3. The right-of-way dedicated for Old Viking Boulevard should be 60 feet, not 33 feet.
4. Verify with the Nowthen Planning Department if a trail easement is required along any of the adjacent streets.
5. For the proposed Lot 7, the preliminary plat shall indicate a restricted access, from the southeast corner of Lot 7, for 350 feet to the west, along the south line of Lot 7, and the north right-of-way line of Old Viking Boulevard.
6. The wetland boundaries and associated buffer easements shall be updated per the approved wetland boundaries.



## **GRADING AND EROSION CONTROL**

1. Garage floor, low floor, and lowest opening elevations have been provided for each lot. However, HWL's of the wetlands were not provided on the grading plan, and therefore, the house elevation has not been reviewed in detail. Please provide HWL's of all wetlands on the Grading Plan.
2. It appears that several of the lots require grading to achieve the 23,000 square feet with 3' of separation from mottled soil as required by City ordinances. Please depict on the Grading Plans.
3. Please revise the Low Floor Elevation for Lot 7 to provide a minimum 1' of separation from the mottled soil elevation for SB# 26.
4. Please include emergency overflow points and elevations throughout the development. Drainage paths shall be within a drainage and utility easement, minimum 20' width.
5. Please provide an additional construction entrance for the southeast pond. It is likely that access to this pond will not be able to be reached from a single construction entrance.
6. NURP basins shall provide a top berm width of at least 10 feet. Please revise the stormwater basin berms to provide additional top width.
7. Please determine the required size of the driveway culverts at the locations of wetland impacts and label on the plans.
8. Benchmarks shall be shown on all final grading plan sheets. Please specify datum used for the benchmark.
9. Please depict the proposed grading. For example, the location and elevations in which the excavated material from the stormwater ponds is proposed to be placed.
10. There are several Utility Notes (i.e., Tapping Saddles, Curb Stops) that appear to be not applicable to this project.

## **WETLANDS**

1. A wetland delineation report has been received and a Notice of Decision for the wetland boundary and types was issued on November 15, 2021.
2. There are proposed wetland impacts as part of this development. Please provide cross sections of the impacts and a Wetland Replacement Plan.

3. Please label the wetland quality for all wetlands on the grading plan. Please also depict quality appropriate wetland buffers and setbacks from these buffers on the grading plans.
4. It will be necessary to establish the wetland buffers with native grasses. The final plans shall include an establishment plan specifying an accepted MnDOT BWSE, NRCS, or SWCD seed mix that is appropriate for the area.
5. Wetland buffer monumentation shall be installed to URRWMO standards. Final plans shall depict wetland buffer sign locations.
6. Wetland boundaries have been updated since the construction plans have been submitted. Please include the revised wetland boundaries with appropriate changes for buffers, drainage and utility easements, and setbacks.
7. The silt fence on Lot 3 is depicted going through the wetland. Please review and revise if appropriate.

## **STORMWATER**

1. The predevelopment and proposed development drainage maps contain conflicting information. Proposed lots and buildings are depicted on the predevelopment drainage map. Existing water shed boundaries are shown on the proposed drainage map. Please correct these maps such that the proper features are depicted on the appropriate map. Also, the aerial image makes the map difficult to read, consider adding a transparency of 30-50% to the aerial image to increase readability of the maps.
2. Multiple basins in the existing conditions experience water surface elevations that exceed the provided storage range. Please provide an appropriate storage range for the basins such that the peak elevation is within the modeled storage range.
3. Multiple basins in the proposed conditions experience water surface elevations that exceed the provided storage range. Please provide an appropriate storage range for the basins such that the peak elevation is within the modeled storage range.
4. Per the Nowthen Engineering Manual, hydrologic soil groups shall be determined using the USDA published soil survey data. The soils according to the soil survey are a mix of B & C soils with some dual soil groups. Dual soil groups shall only act as D soils when the water table is within 24".
5. Please provide justification as to why infiltration is infeasible in the narrative of the report.

6. In the event that filtration is infeasible, NURP basins shall be designed to City standards with an outlet control structure. The inlet is submerged at least 1 foot to prevent floatable debris from exiting the basin.
7. The modeled impervious surfacing for the proposed lots is lower than expected. The average driveway length is approximately 400 feet and driveway widths are on average 15 feet. This would require a minimum of 6,000 square feet of impervious surfacing per lot for driveways. Additional impervious surfacing should be accounted for accessory structures, patios, etc. Please provide at least 12,000 square feet of impervious surfacing per lot to account for the expected impervious surfaces (or more if determined necessary by the designer).
8. Please label the existing and proposed wetland HWL as well as 10-year water elevation. Wetlands may not exceed their allowable bounce on a 10-year event depending on their quality rating.
9. Stormwater controls structures, pretreatment basins, and flared end sections need to be accessible for maintenance. Please provide a suitable route within a drainage and utility easement for access to stormwater facilities and depict the route on the plans. The route shall be at least 10' wide with a max longitudinal slope of 10%. The provided easement shall be at least 20' wide.

## **SEPTIC SITES**

1. Suitability of septic sites to be reviewed by Building Official.

## **WATER SUPPLY**

1. Individual wells are proposed to provide water supply to the proposed lots. Wells must meet requirements of the Minnesota Department of Health and applicable state laws and regulations.

## **OTHER ITEMS**

1. Final Plans shall be in accordance with the approved City of Nowthen standards details and Engineering Manual. Final Plans shall be certified by a licensed professional engineer.
2. Zoning review is to be completed by the City Planner and provided under separate cover.

## **RECOMMENDATION**

Overall, the general development pattern and lot layout seems conducive to the property. We recommend approval contingent upon the above comments being addressed.

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION  
FINDINGS & RECOMMENDATION  
Woodhaven Preliminary and Final Plat**

**APPLICANT:** Larry Skogquist/L&B Land Company/NIH Homes

**APPLICATION:** Request for approval of a Preliminary and Final Plat; 9lots on 47.48 acres

**PLANNING AND ZONING COMMISSION MEETING:** November 23, 2021

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

Whereas, the legal description of the Subject Property is THE SE1/4 OF NW1/4 OF SEC 23 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

AND

THAT PRT OF SW1/4 OF NE1/4 SEC 23 TWP 33 RGE 25 LYG W OF C/L OF CO RD NO 66, EX RD SUBJ TO EASE OF REC;

Whereas, the Subject Property is located on Old Viking Boulevard between Sodium Street and Cleary Road and has parcel IDs of 23-33-25-24-0001 and 23-33-25-13-0002;

Whereas, the Subject Property is 47.48 acres in size;

Whereas, the applicant wishes to subdivide 9 single family lots with a gross density of 5.0 acres as required under Section 10-3-5.A of the Nowthen City Code;

Whereas, the applicant will be reconfiguring Potassium Street as a permanent cul-de-sac in accordance with the minimum standards of the Nowthen Subdivision Ordinance (66' radius);

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

Whereas, the Engineering Review dated November 15, 2021, prepared by the City Engineer, Hakanson Anderson, 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 November 23, 2021.

Whereas, the Wetland Delineation Report dated April 30, 2021 and Notice of Decision dated November 15, 2021 prepared by Jacobson Environmental PLLC are incorporated herein;

**RECOMMENDATION:** Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission recommends approval the **Preliminary and Final Plat of Woodhaven** subject to the following:

1. The Preliminary and Final Plat are consistent with the requirements of Chapter 10 of the Nowthen City Code, Subdivision Ordinance and all items outlined within the City Engineer's Report dated November 15, 2021 are addressed. Revised plans shall be submitted for review and approval.
2. All development within Woodhaven 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. The request meets all density, lot size, and setback requirements of the RRA, Rural Residential Agriculture District unless otherwise approved by the City Council.
3. All aspects of the Final Plat shall adhere to approved grading, drainage, and construction plans and shall be subject to review and approval by the City Engineer.
4. All aspects of the Final Plat adhere to the Woodhaven Residential Development Stormwater Management Report, dated October 19, 2021, prepared by Bogart Pederson and Associates and shall be subject to review and approval of the City Engineer.
5. The ROW for realignment of Potassium Street is appropriately shown on revised plans per the City Engineer's Report.
6. The plat is submitted to Anoka County Transportation for review and approval relative to the 60-foot permanent roadway easement being dedication and one shared driveway access onto Cleary Road.
7. A conditional use permit application is made to accommodate deviation from driveway setback requirements/shared driveways as may be allowed by the City Council. All other driveways shall meet the 15-foot setback requirement from side lot lines.
8. Wetland buffers are established according to the approved plans and wetland buffer signs are installed as required by City Code and URRWMO standards.

9. Details are provided regarding the proposed wetland impacts as outlined in the City Engineer's Report.
10. Accessory building locations are included on each certificate of survey submitted for building permit review to be noted as "future" to ensure space is reserved for an accessory building which meets the City's size and setback requirements.
11. Additional trail easement is provided along Old Viking Boulevard to accommodate the future Anoka County Regional Trail as may be required by the City Council. The future trail shall be shown on revised plans.
12. Park and trail dedication shall be provided as follows: \$2,000/lot for park dedication and \$500/lot for trail dedication x 9 lots = \$22,500 unless the City Council requires other means of park/trail dedication.
13. 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. All ISTS shall be subject to review and approval by MNspect.
14. Well placement is subject to MN Dept. of Health permit requirements and MN rules.
15. All existing healthy trees on the site shall be preserved to the maximum extent feasible.
16. Signage for the subdivision shall adhere to the following and a signage plan shall be submitted for review and approval of the City Planner:
  - i. Permanent Signs: One sign shall be allowed for a subdivision having not less than three (3) lots or principal buildings at its entrance from a collector or arterial street provided that:
    - a. The area of the face of each sign shall not exceed one hundred (100) square feet.
    - b. Freestanding signs shall be limited to a maximum height of:
      - (1) Ten (10) feet for residential uses.
      - (2) Twenty (20) feet for commercial, industrial and institutional uses.
    - c. The sign(s) shall be located to accommodate said sign and related landscaping to meet all setback requirements. If the sign(s) is to be located on outlots, the outlots shall be designated on the preliminary plat and detailed plans for the area identification signs shall be submitted with the final plat.
    - d. The area around the sign shall be landscaped and detailed site and landscape plans shall be included with each sign permit application and shall be subject to review and approval of the Zoning Administrator.

- II. Temporary Signs: A comprehensive signage plan for additional temporary signs shall be allowed upon approval of a final plat for a subdivision having not less than three (3) lots or approval of site and building plans for one lot by the Zoning Administrator provided that:
- a. One sign shall be allowed per project or subdivision or one sign for each frontage to a collector or arterial street, whichever is greater.
    - (1) The area of the sign face shall not exceed sixty four (64) square feet.
    - (2) Freestanding signs shall be limited to a maximum height of eight (8) feet.
  - b. Model homes shall be allowed the following signs:
    - (1) One freestanding sign with a sign face not to exceed thirty-two (32) square feet or a maximum height of eight (8) feet.
    - (2) Not more than three (3) flags with a maximum area of sixteen (16) square feet per face per flag and maximum height of twenty-four (24) feet shall be allowed upon lots within the subdivision.
  - c. Unless extended by the zoning administrator, the temporary signs and flags allowed by this Section shall only be displayed for a period not to exceed three (3) years from the date a permit is issued for the sign or flag or until building permits have been issued for one hundred percent (100%) of the lots within a final plat or subsequent phases of the same preliminary plat of a subdivision.
17. All exterior lighting will be subject to review and approval of the City Planner.
18. Financial security is provided at the recommended rate of 125% of the remaining construction cost of the development or another amount as may be approved by the City Council.
19. A Development Agreement is approved by the City Council, fully executed and recorded at Anoka County along with all plans and documents referenced herein.
20. 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.
21. 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 23rd day of November 2021.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_  
Chair Dale Ames

Attest: \_\_\_\_\_  
Frank Boyles, Interim City Administrator





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

## MEMORANDUM

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

FROM: Elizabeth Stockman

DATE: November 16, 2021

RE: Nowthen – Zoning Ordinance; Separation of Uses and Self-Storage Uses

TPC FILE: 122.01

### BACKGROUND

The City Council adopted a moratorium on commercial and industrial development to allow time for review of the City's zoning ordinance as it relates to architectural standards for business uses. To this end, there had been some discussion revolving around the number and proximity of self-storage uses in the City and the possible separation of similar or like uses.

In briefly talking over the idea of separation of like land uses from one another with City Attorney Ruppe, he indicated that he is not comfortable with this notion and feels that it may not be legally defensible in court. The City of Coon Rapids also considered the topic, but ultimately did not pursue separation of uses but instead adopted an ordinance amendment which redefined self-storage facilities with either interior or exterior entrances (no outside storage) and limited them to areas adjacent to Coon Rapids Blvd. or within the general commercial and industrial zones. The City of Otsego adopted a similar ordinance amendment which goes further in establishing architectural, access, landscaping, screening and outdoor storage requirements/limitations. The University of North Carolina School of Government posted a very informative article, included below, which differentiates between use-separation types.

### SEPARATION OF USES

Zoning is based on the idea of separating incompatible uses by including them in different zoning districts. Use-separation requirements, however, typically ignore zoning district boundaries and try to distance certain potentially detrimental uses from certain protected uses

more directly. Use-separation requirements come in two general forms.

Requirements of the first type are those that are designed to separate “regulated” uses from “protected” uses. Regulated uses may include higher-impact, potentially nuisance-causing uses, such as sexually oriented businesses, junkyards, group homes, feed-lot operations, telecommunication towers, funeral homes, video sweepstakes operations, certain waste-disposal operations, even outdoor advertising signs. “Protected” uses often include residences, residential districts, churches, parks and playgrounds, public swimming pools, schools, day-care centers, and nursing homes. The justification for separating regulated uses from protected uses is based on the deleterious, detrimental, or blighting effects that the higher-impact, nuisance-like uses can have on residential areas and vulnerable populations gathering in other areas (e.g., school children, nursing patients, park visitors). These justifications are familiar ones in zoning circles and are typically accepted by courts, even when First Amendment issues are involved.

Requirements of the second type are designed to separate one regulated use from another regulated use. The purpose is to prevent the concentration of adult businesses, outdoor advertising signs, family-care homes, or video sweepstakes operations in one area. Presumably, preventing such a concentration of higher-impact, potentially nuisance-causing uses serves to disperse and mitigate the deleterious impacts more widely and to prevent the gradual blighting of surrounding areas. While some use-separation requirements have gotten a favorable treatment from the courts, planners, attorneys, and elected officials should still be careful when devising and adopting such standards. A few special considerations are listed below.

- (1) Note that use-separation requirements can have implications beyond zoning district boundary lines. As a result, one “regulated” use may be treated differently from another “regulated” use in the same zoning district. There is no direct legal precedent for the notion that this violates the so-called uniformity provision of zoning statutes, but the argument could still be raised.
- (2) Watch out for the anti-competitive effects that use-separation requirements can have. Such requirements can create a geographic monopoly. In other cases, they may serve to exclude a regulated use from a jurisdiction entirely, making the justification of the regulation more difficult (ie: separation such that the available geographic land area available for a specified use is so little, it is more or less impossible to locate there).
- (3) Do not ignore the fact that the legal defensibility of use separation is still uncertain.
- (4) Anticipate measurement problems that can hamper enforcement. Are distances measured in a straight line from one location to another? Or are distances measured along the streets that the land uses abut? Are distances measured from one property line to another? Or are they measured from building to building? How are uses handled in shopping centers and rented spaces? In the 2009 North Carolina Court of Appeals case of Mangum v. Raleigh Board of Adjustment, 196 N.C. App. 249, 674 S.E.2d 742

(2009), the court had to determine whether a karate school in a commercial center was a protected use for purposes of locating a proposed adult establishment and whether the distance was measured to the portion of the karate school premises closest to the adult use or to the edge of the entire property of which the karate school was a part.

- (5) Do not ignore the nonconformities created by the use-separation requirements. If two regulated uses are nonconforming, do restrictions on expansion or alteration apply to both? In the case of a protected use, may the protected use voluntarily violate the separation requirement that is designed to protect it? If so, how does this action affect the regulatory status of the regulated use?
- (6) Variance requests from use-separation requirements must be considered to ensure an adequate means of protection for the protected zoning or use from any secondary effects of the possible variance (ie: a variance could be granted if a freeway or Interstate-type highway, traffic circulation patterns, structures, or other natural or man-made geographic or topographic features provides separation from an adult establishment).

Use-separation requirements and administration of the requirements may not be as simple and straight-forward as they appear, and these standards also raise certain unresolved legal questions. In some cases, use-separation requirements can be effective regulatory tools if ordinance provisions are carefully drafted and administered.

### **SELF-STORAGE FACILITIES**

Self-storage or mini-storage uses involve storage of personal property within individual spaces accessed by individual doors. The uses are typically not staffed or minimally staffed. While the development of storage uses expands tax base, the use does not expand employment opportunities. This is particularly problematic in areas adjacent to existing or planned commercial uses where daytime employees are a vital element in market support for retail and service businesses. The following paragraphs summarize changes made in the attached Otsego Zoning Ordinance Amendment.

**Definition.** The amendment defines mini-storage facilities as two distinct uses. The first is the traditional self-storage facility consisting of a building having individual spaces for rent or lease that are accessed directly via individual exterior doors. The second type of facility, which is becoming more common, is a fully enclosed building where the individual spaces that are rented or leased are accessed only from the interior of the building via individual doors.

**Zoning District.** The Zoning Ordinance previously regulated mini-storage facilities as warehouses, which were permitted uses within the B-4, I-1, I-2, and I-3 Districts. The amendment allows uses defined as self-storage facilities as follows:

District	Self Storage Facility	Self Storage Facility, Interior
B4, Office Warehouse	Not allowed	Not allowed
I1, Limited Industrial	Not allowed	Conditional use
I2, General Industrial	Conditional use	Conditional use
I3, Special Industrial	Conditional use	Conditional use

The exclusion of self-storage facilities from the B-4 District is meant to preserve these areas guided on the future land use plan for development of smaller office, manufacturing, assembly, or warehouse uses constructed with high-amenity exterior finishes and lot improvements that typically involve number of employees, including high-wage positions.

The I-1 District has been limited to interior self-storage facilities. This type of facility is more characteristic of the large scale, enclosed warehouse uses intended for development within the I-1 District.

**Performance Standards:** In addition to general requirements that apply to development of any use within the respective zoning districts, the Zoning Ordinance amendment includes the following performance standards for self-storage facilities:

- Buildings are to be limited to 300 feet in width/length to ensure adequate fire access.
- Drive aisle abutting individual exterior storage space doors are to be a minimum of 28 feet wide to allow unloading at the building and maintain a fire access lane.
- Drive aisles for interior self-storage facilities are to be a minimum of 24 feet wide separate of loading areas used to access the interior of the building.
- Outdoor storage and parking areas are limited to 30 percent of the lot area, must comply with principal building setbacks, must be paved with perimeter curb, and must be screened from residential properties and public rights-of-way.
- Off-street parking stalls are required only for ancillary office or retail uses.
- Landscaping is required at the perimeter of the property and the facilities must be screened from any abutting residential districts.
- Fences must be installed inside of the required landscape areas.

- Fences that include gates must be setback 50 feet from the public right-of-way at the site entrance to ensure that vehicles waiting at the gate do not obstruct traffic on the public street.

c. Frank Boyles, Interim City Administrator  
Natalie Johnson  
Adrienne Christensen  
Bob Ruppe, City Attorney

ORDINANCE NO.: 2021-XX

CITY OF OTSEGO  
COUNTY OF WRIGHT, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO DEFINE AND REGULATE SELF STORAGE USES.

THE CITY COUNCIL OF THE CITY OF OTSEGO DOES HEREBY ORDAIN:

**Section 1.** Section 11-2-2 of the Zoning Ordinance (Definitions) is hereby amended to add the following definitions:

SELF STORAGE FACILITY: A facility containing separate and private individual spaces of varying sizes leased or rented only for the storage of personal property where and individual renter or leasee control and access an individual space via its own access door; the facility may also include ancillary activities such as a facility office, retail sales of moving supplies, and/or rental of moving vehicles and trailers.

SELF STORAGE FACILITY, INDOOR: A fully enclosed building that is climate controlled containing separate and private individual spaces of varying sizes leased or rented only for the storage of personal property where and individual renter or leasee control and access an individual space via its own access door that is interior to the building and not directly accessed via an exterior door; the facility may also include ancillary activities such as a facility office, retail sales of moving supplies, and/or rental of moving vehicles and trailers.

**Section 2.** Section 11-21-8 of the Zoning Ordinance (Off-Street Parking – Number of Required Stalls) is hereby amended to add the following provisions:

Commercial/industrial:	
<u>Self storage and self storage, interior facilities</u>	<u>No stalls shall be required for the area of individual storage areas; 1 stall per 250 square feet of floor area for office or retail sales to be separate from designated loading areas.</u>

**Section 3.** Section 11-85-6 of the Zoning Ordinance (I-1 District; Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Self Storage Facilities (Interior), provided that:

1. Architectural Standards:

- a. The length of any individual building(s) shall not exceed three hundred (300) feet between intersecting drive aisles to ensure emergency access.
- b. The architectural appearance, scale, and functional plan of the building(s) shall be complementary and compatible with each other and that all sides of the structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to Section 11-17-4 of this title.

2. Access:

- a. The site plan shall illustrate adequate turning radius, including access for emergency vehicles, using appropriate engineering templates.
- b. The minimum width for drive aisles abutting exterior loading areas to the interior of the building shall be twenty-eight (24) feet.

3. Landscaping: At the boundaries of the lot, the following landscape areas in compliance with section 11-19-2 of this title shall be required:

- a. An area of not less than ten feet (10') wide from side or rear lot lines.
- b. An area of not less than fifteen feet (15') wide from all public-rights-of-way.
- c. Where a lot abuts a residential district, a buffer yard of not less than twenty feet (20') wide shall be required in compliance with Section 11-19-3 of this title.

4. Fencing:

- a. Fences installed at the perimeter of the site for security and to restrict access shall be to the interior of the site from the landscape areas required by Section 11-85-6.H.3 of this section and shall conform to Section 11-21-5 of this title.
- b. A minimum stacking distance of fifty feet (50') shall be maintained from a gated entrance to the site from the public right-of-way and shall not obstruct visibility for vehicles entering the public street, subject to approval of the city engineer.

5. Outside Storage: No outside storage shall be allowed, except as follows:

- a. Areas for outdoor storage shall be clearly indicated on the site plan and reviewed at the time of application for a conditional use permit.
- b. No outdoor storage shall be allowed outside of those areas so designated on the approved site plan without approval of an amended

conditional use permit.

c. The area devoted to outdoor storage shall not exceed thirty (30) percent of the gross floor area of the principal building(s).

d. All outdoor storage shall be located upon a concrete or asphalt surface with perimeter concrete curb and shall not encroach into any required principal building setback, required parking stall, drive aisle, or otherwise impede site circulation.

e. All outdoor storage shall be screened from abutting residential properties and the public right-of-way in compliance with Chapter 11-19-3 of this title.

**Section 4.** Section 11-86-6 of the Zoning Ordinance (I-2 District; Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

L. Self Storage Facilities and Self Storage Facilities (Interior), provided that:

1. Architectural Standards:

a. The length of any individual building(s) shall not exceed three hundred (300) feet between intersecting drive aisles to ensure emergency access.

b. The architectural appearance, scale, and functional plan of the building(s) shall be complementary and compatible with each other and that all sides of the structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to Section 11-17-4 of this title.

2. Access:

a. The site plan shall illustrate adequate turning radius, including access for emergency vehicles, using appropriate engineering templates.

b. The minimum width for drive aisles providing exterior access to individual storage units shall be twenty-eight (28) feet.

3. Landscaping: At the boundaries of the lot, the following landscape areas in compliance with section 11-19-2 of this title shall be required:

a. An area of not less than ten feet (10') wide from side or rear lot lines.

b. An area of not less than fifteen feet (15') wide from all public-rights-of-way.

c. Where a lot abuts a residential district, a buffer yard of not less than twenty feet



(20') wide shall be required in compliance with section 11-19-3 of this title

4. Fencing:

- a. Fences installed at the perimeter of the site for security and to restrict access shall be to the interior of the site from the landscape areas required by Section 11-85-6.H.3 of this section and shall conform to Section 11-21-5 of this title.
- b. A minimum stacking distance of fifty feet (50') shall be maintained from a gated entrance to the site from the public right-of-way and shall not obstruct visibility for vehicles entering the public street, subject to approval of the city engineer.

5. Outside Storage: No outside storage shall be allowed, except as follows:

- a. Areas for outdoor storage shall be clearly indicated on the site plan and reviewed at the time of application for a conditional use permit.
- b. No outdoor storage shall be allowed outside of those areas so designated on the approved site plan without approval of an amended conditional use permit.
- c. The area devoted to outdoor storage shall not exceed thirty (30) percent of the gross floor area of the principal building(s).
- d. All outdoor storage shall be located upon a concrete or asphalt surface with perimeter concrete curb and shall not encroach into any required principal building setback, required parking stall, drive aisle, or otherwise impede site circulation.
- e. All outdoor storage shall be screened from abutting residential properties and the public right-of-way in compliance with Chapter 11-19-3 of this title.

**Section 5.** Section 11-87-6 of the Zoning Ordinance (I-3 District; Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

F. Self Storage Facilities and Self Storage Facilities (Interior), provided that:

1. Architectural Standards:

- a. The length of any individual building(s) shall not exceed three hundred (300) feet between intersecting drive aisles to ensure emergency access.

b. The architectural appearance, scale, and functional plan of the building(s) shall be complementary and compatible with each other and that all sides of the structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to Section 11-17-4 of this title.

2. Access:

a. The site plan shall illustrate adequate turning radius, including access for emergency vehicles, using appropriate engineering templates.

b. The minimum width for drive aisles providing exterior access to individual storage units shall be twenty-eight (28) feet.

3. Landscaping: At the boundaries of the lot, the following landscape areas in compliance with section 11-19-2 of this title shall be required:

a. An area of not less than ten feet (10') wide from side or rear lot lines.

b. An area of not less than fifteen feet (15') wide from all public-rights-of-way.

c. Where a lot abuts a residential district, a buffer yard of not less than twenty feet (20') wide shall be required in compliance with Section 11-19-3 of this title.

4. Fencing:

a. Fences installed at the perimeter of the site for security and to restrict access shall be to the interior of the site from the landscape areas required by Section 11-85-6.H.3 of this section and shall conform to Section 11-21-5 of this title.

b. A minimum stacking distance of fifty feet (50') shall be maintained from a gated entrance to the site from the public right-of-way and shall not obstruct visibility for vehicles entering the public street, subject to approval of the city engineer.

5. Outside Storage: No outside storage shall be allowed, except as follows:

a. Areas for outdoor storage shall be clearly indicated on the site plan and reviewed at the time of application for a conditional use permit.

b. No outdoor storage shall be allowed outside of those areas so designated on the approved site plan without approval of an amended conditional use permit.

c. The area devoted to outdoor storage shall not exceed thirty (30)

percent of the gross floor area of the principal building(s).

d. All outdoor storage shall be located upon a concrete or asphalt surface with perimeter concrete curb and shall not encroach into any required principal building setback, required parking stall, drive aisle, or otherwise impede site circulation.

e. All outdoor storage shall be screened from abutting residential properties and the public right-of-way in compliance with Chapter 11-19-3 of this title.

**Section 6.** This Ordinance shall become effective immediately upon its passage and publication.

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

**ADOPTED** by the City Council of the City of Otsego this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF OTSEGO**

BY: \_\_\_\_\_  
Jessica L. Stockamp, Mayor

ATTEST: \_\_\_\_\_  
Audra Etzel, City Clerk

ORDINANCE NO. 2227

**AN ORDINANCE ESTABLISHING DEFINITIONS FOR SELF STORAGE FACILITY AND SELF STORAGE FACILITY, INDOOR, ALLOW SELF STORAGE FACILITY, INDOOR AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL DISTRICT AND RIVER RAPIDS OVERLAY DISTRICT AND ALLOW BOTH SELF STORAGE FACILITY AND SELF STORAGE FACILITY, INDOOR AS A PERMITTED USE IN THE INDUSTRIAL DISTRICT, THEREBY AMENDING REVISED CITY CODE – 1982 SECTION 11-201, SECTION 11-701.1, SECTION 11-801.1 and SECTION 11-1003.8**

**The City of Coon Rapids does ordain:**

Section 1. Revised City Code – 1982 Section, 11-201 Definitions is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-201 Definitions

Self Storage Facility. A facility containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces via its own access door. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Such facilities to be used for storage only.

Self Storage Facility, Indoor. A fully enclosed building that is climate controlled containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces; each unit must be directly accessed from the interior of the building via its own access door. Outdoor access to individual units is prohibited. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Such facilities to be used for storage only.

Section 2. Revised City Code – 1982 Section, 11-701.1 Uses is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-701 General Regulations and Tables

11-701.1 Uses

<b>PRINCIPAL USES</b>					
<b>COMMERCIAL USES</b>					
<b>Retail Sales and Service</b>	O	NC	CC	GC	RS
General retail sales	NP	NP	P	P	P
General retail sales less than 15,000 square feet total building size	P	P	P	P	P
Art gallery or studio	NP	P	P	P	P
Bank or financial institution	P	NP	P	P	P
Building material sales or lumber yard	NP	NP	P	P	NP
Child care center, state licensed	P	P	P	P	P
[Commercial self storage with no outdoor storage]	[NP]	[NP]	[NP]	[C]	[NP]
Contractors office	NP	NP	NP	P	NP
Dry cleaning establishment	NP	NP	NP	C	NP
Farmers market	NP	P	P	P	NP
Firearms dealer	NP	NP	P	P	P
Funeral home	C	NP	P	P	NP
Greenhouse, lawn and garden supply store	NP	NP	P	P	NP
Kennel – no outdoor runs and no noise is audible outside the building or lease space	P	NP	P	P	NP
Laundry, self service	NP	P	P	P	NP
No adult oriented business, as defined by Section 5-2202, is permitted, except adult book stores, adult cabarets, adult conversation parlors, adult motion picture theaters, and adult novelty businesses, subject to regulation under Chapter 5-2200 and Section 11-1208, or state or federal law.	NP	NP	NP	P	NP
Non-on-premises consumption adult bookstores	NP	NP	P	NP	NP

and adult novelty stores, as defined by Revised City Code 1982 Section 5-2202, subject to regulation under Revised City Code 1982 Chapter 5-2200 and Section 11-1208					
Pawnbroker	NP	NP	P	P	NP
Performing, visual or martial arts school	NP	NP	P	P	NP
Personal service establishment	P	P	P	P	P
Pet grooming shops, provided no animal is kept overnight or outside and no noise is audible outside of the building or bay occupied by the grooming shop	NP	P	P	P	P
Pet store	NP	P	P	P	P
Photocopying, duplicating services	P	P	P	P	NP
Precious Metal Dealers defined and regulated by Title 5	NP	P	P	p	NP
Printing and publishing	NP	NP	C	C	NP
Rental business – no outdoor storage	NP	NP	P	P	NP
Rental business – with outdoor storage	NP	NP	NP	C	NP
Secondhand Dealers or Antique Dealers defined and regulated by Title 5	NP	P	P	P	P
{Self Storage Facility with no outdoor storage}	{NP}	{NP}	{NP}	{C}	{NP}
<u>Self Storage Facility, Indoor with no outdoor storage</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>	<u>NP</u>
Service Business	P	P	P	P	NP
Transient Merchants, Solicitors, and Canvassers, defined and regulated by Title 5	NP	P	P	P	NP
Veterinary clinic, animal	P	NP	P	P	P

hospital – no outdoor runs and no noise is audible outside the building or lease space					
Video store	P	P	P	P	P
<b>Automobile Services</b>	O	NC	CC	GC	RS
Automobile rental facility	NP	NP	C	C	NP
Automobile repair, major	NP	NP	NP	C	NP
Automobile repair, minor	NP	NP	P	P	NP
Automobile sales provided that: (a) Must have minimum of 40,000 square foot building; (b) Indoor display area, and (c) The building meets the development guidelines found in subsection 11-701.2.	NP	NP	C	P	NP
Car wash	NP	NP	P	P	NP
Convenience store	NP	NP	P	P	NP
Convenience store provided that: (a) The fuel sales are incidental to a retail store; (b) No separate building, structure, or store is used as part of the fuel sales; (c) No more than four dispensing hoses may be operable simultaneously per neighborhood shopping center, and (continued on next page) (d) The fuel sales shall be accessible from off the parcel of property on which it is located by way of at least two in and out	NP	C	P	P	NP

vehicular accesses.					
Major recreational equipment sales, service and rental	NP	NP	NP	C	NP
<b>Food and Beverage</b>	O	NC	CC	GC	RS
Brew pub	NP	C	P	P	P
Catering	NP	P	P	P	NP
Coffee shop	P	P	P	P	P
Liquor, off sale	NP	NP	P	P	P
Microbrewery with taproom	NP	NP	P	P	P
Microdistillery with cocktail room	NP	NP	P	P	P
Restaurant, delicatessen	P	P	P	P	P
Restaurant, fast food	NP	NP	P	P	P
Restaurant, sit down including the serving of alcohol beverages provided they occupy no more than 25 percent of a building and have no drive up facility	P	P	P	P	P
Restaurant, sit down including the serving of alcohol beverages	C	C	P	P	P
Tavern or bars	NP	NP	P	P	NP
<b>Commercial Recreation, Entertainment and Lodging</b>	O	NC	CC	GC	RS
Amusement centers	NP	NP	NP	P	NP
Hotel	NP	NP	P	P	P
Indoor recreation	NP	NP	P	P	NP
Outdoor recreation	NP	NP	C	C	NP
Physical fitness center	NP	NP	P	P	P
Physical fitness center 3,000 square feet floor area or less	NP	P	P	P	P
Radio or television station	NP	NP	P	P	NP
Reception or meeting hall	NP	C	P	P	NP
Theater	NP	NP	P	P	NP
<b>Office and Medical Facilities</b>	O	NC	CC	GC	RS
Blood/ plasma collection	NP	NP	NP	P	NP



facility					
Clinic, medical or dental	P	NP	P	P	P
Clinic, medical or dental less than 15,000 square feet total building size	P	P	P	P	P
General Office	P	NP	P	P	P
General Office less than 15,000 square feet total building size	P	P	P	P	P
Hospital	NP	NP	C	C	NP
Laboratory, medical or dental	P	NP	P	P	NP
<b>Transportation</b>	<b>O</b>	<b>NC</b>	<b>CC</b>	<b>GC</b>	<b>RS</b>
Ambulance service	NP	NP	NP	C	NP
Limousine service	NP	NP	NP	C	NP
Package delivery service	NP	NP	NP	C	NP
Taxi cab service	NP	NP	NP	C	NP
<b>INSTITUTIONAL AND PUBLIC USES</b>					
<b>Educational Facilities</b>	<b>O</b>	<b>NC</b>	<b>CC</b>	<b>GC</b>	<b>RS</b>
Non-classroom, personalized instructional services for students in grades K-12. The total floor area of all such uses shall not exceed 4,000 square feet of the total gross lease area of the regional shopping center where they are located	NP	NP	P	P	P

Section 3. Revised City Code – 1982 Section, 11-801.1 Uses is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-801 General Regulations and Tables

11-801.1 Uses

<b>PRINCIPLE USES</b>	
<b>INDUSTRIAL USES</b>	

<b>Manufacturing</b>	I
Brewery	P
Distillery	P
Microbrewery	P
Microdistillery	P
Light Industry	P
<b>Vehicle Service and Transportation</b>	I
Vehicle repair major and minor, including the sales of parts in conjunction therewith, but not including a junk yard or salvage business.	C
Sales or rental of vehicles licensed for more than 9,000 pounds gross vehicle weight and special mobile equipment as defined in Section 9-121 of the Revised City Code-1982, except for recreational vehicles. Such use may include the sale of parts in conjunction therewith.	C
Truck rental.	C
Wholesale businesses, warehouses, or freight terminals except for storage of bulk petroleum, scrap or waste material as a primary use.	P
Catalog order facilities, provided there is no direct pickup of orders by customers.	P
<b>Office and Research</b>	I
Office uses	P
Research and development activities, experimental or testing laboratories.	P
Medical and dental clinics and laboratories.	P
<b>Services</b>	I
Service business	P
Animal hospitals, and kennels, duly licensed under Chapter 6-200,	P
Printing, blue-printing, duplicating, mailing and graphic arts.	P
Self [service] storage facility.	P
Self storage facility, indoor.	P
Outdoor storage accessory to self [service] storage <u>facility and self storage facility, indoor.</u>	C
Repair, servicing or parts sales businesses, except for businesses related to vehicles.	P
Physical fitness centers	P
Child care center, state licensed	P
<b>Public Services and Utilities</b>	I
Public parks and their incidental structures.	P
Governmental buildings and facilities	C
Governmental offices	C
Electric or gas substation	C
<b>ACCESSORY USES</b>	I
Any accessory use that is permitted in the (O) Office District.	P

Retail sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on, or wholesaled from the premises.	P
Cocktail room accessory to a microdistillery or distillery	P
Taproom accessory to a microbrewery or brewery	P

Section 4. Revised City Code – 1982 Section, 11-1003.8 Uses is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-1003.8 Uses.

(1) Permitted and conditional uses are as allowed by the underlying zoning district, except as expressly regulated by this Section.

(2) Where the underlying zoning district is Industrial, the following uses are allowed:  
Permitted Uses.

- (a) Light Industrial
- (b) Office uses.
- (c) Public parks and their incidental structures.
- (d) Research, experimental or testing laboratories.
- (e) Service uses, including laundry and dry cleaning, animal hospitals, and kennels, duly licensed under Chapter 6-200, printing, blue-printing, duplicating, mailing and graphic arts.
- (f) Public uses or utilities.
- (g) Catalog order facilities, provided there is no direct pickup of orders by customers.
- (h) Repair, servicing or parts sales businesses, except for businesses related to vehicles.
- (i) State licensed day care facilities.
- (j) Medical and dental clinics and laboratories.
- (k) Physical fitness centers providing services and equipment such as exercise classes, including but not limited to aerobics, nautilus, weight lifting and similar apparatus, locker rooms and showers.
- (l) Non-profit cultural-educational uses.

Accessory Uses.

- (a) Any accessory use that is permitted in the (O) Office District.
- (b) Retail sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on, or wholesaled from the premises.

(3) Conditional Uses.

- (a) To the extent not otherwise required by subsection of 11-304.3 (Conditional Use Permit Procedures and Requirements), no conditional use permit may be granted unless the applicant demonstrates the proposed use:

- (i) advances the intent of this Section;
  - (ii) will not interfere with Port Development;
  - (iii) allows for development of the property in an efficient, well-organized way; and
  - (iv) is incorporated into a plan that provides substantial site amenities, buffers, and other elements.
- (b) Self storage facilities, indoor, adjacent to Coon Rapids Boulevard and in the General Commercial or Industrial zoning districts may be granted a conditional use permit.

~~{(3)}~~ (4) Varied density residential development, as regulated by this Section, is allowed throughout the District.

~~{(4)}~~ (a) Parcels zoned other than LDR-1, LDR-2, MDR, or HDR may be developed in any mix using varied density residential uses with the following permitted, conditional, and accessory uses:

~~{(a)}~~(i) Permitted Uses. Office Uses; public parks and their incidental structures; public uses except public utility uses; medical and dental clinics; state licensed day care facilities; barber and beauty shops; photocopying or desktop publishing; carry-in small item repair and servicing shops, excluding repair of internal combustion engines.

~~{(b)}~~(ii) Conditional Uses. Retail stores except marine sales and those licensed under Title 5, provided, incidental tobacco sales subject to Title 5 are allowed; secondhand dealers or antique dealers defined in and regulated by Title 5; financial institutions; hotels or motels; mortuaries; pet grooming shops or animal hospitals where animals remain inside at all times; churches; nonprofit clubs or lodges; nonprofit cultural-educational uses; private schools, hospitals, sanitariums, rest, boarding, and group homes and similar institutions; motor vehicle fuel sales and service stations provided no more than eight dispensing hoses may be operable simultaneously; and restaurants without drive-through facilities, except that no restaurant located within 100 feet, as measured from the structure or the boundary of the parking area, whichever is closer, of property zoned or used for residential purposes, including property with a mix of uses that includes residential, may provide alcoholic beverages.

~~{(c)}~~(iii) Accessory Uses.

~~{(i)}~~(a) Motor vehicle washes attached to motor vehicle fuel sales, service stations, or convenience stores;

~~{(ii)}~~(b) Low-intensity food, coffee shops, juice bars, accessible only from within the building. Uses providing alcoholic beverages are prohibited.

~~{(5)}~~ Conditional Uses:

~~(a)~~ To the extent not otherwise required by subsection of 11-304.3 (Conditional Use Permit Procedures and Requirements), no conditional use permit may be granted unless the applicant demonstrates the proposed use:

- ~~(i)~~ advances the intent of this Section;

~~(ii) will not interfere with Port Development;~~  
~~(iii) allows for development of the property in an efficient, well-organized way; and~~

~~(iv) is incorporated into a plan that provides substantial site amenities, buffers, and other elements.~~

~~(b) Commercial and self-service storage facilities, adjacent to Coon Rapids Boulevard and in the General Commercial or Industrial zoning districts may be granted a conditional use permit based on the following findings:~~

~~(i) It is not feasible to install public sidewalk to serve the facility; and~~

~~(ii) The facility is screened from view from Coon Rapids Boulevard.]~~

~~(6)~~(5) The following uses are prohibited.

- (a) Quad homes.
- (b) Townhouse units that share walls other than side walls.
- (c) Adult-oriented businesses as regulated by Chapter 5-2200.
- (d) Automobile sales lots.
- (e) Motor vehicle body work or spray painting.
- (f) Motor vehicle fuel sales and service stations with more than eight dispensing hoses simultaneously operable.

Introduced this 1<sup>st</sup> day of October, 2019.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Jerry Koch, Mayor

ATTEST:

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Joan Lenzmeier, City Clerk