



**City of Nowthen  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, MAY 25, 2021  
AGENDA  
7 PM**

**Called to Order**

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of May 25, 2021.
- Approve the Planning & Zoning Meeting minutes of April 27, 2021.

**1. 7:00 PM: PUBLIC HEARING**

**Guimont Outdoor Storage** – Dan Guimont has requested allowance of exterior storage on a property located at 19009 Rhinestone Street (PIDs 28-33-25-44-0006 and -0007) through an Amended Interim Use Permit (IUP). An IUP was approved in 2019 to allow interior storage within the site's accessory buildings which prohibits outdoor storage other than what is permitted within the RRA, Rural Residential Agriculture District.

**2. 7:15 PM: PUBLIC HEARING**

**Schultz Variance** – Donovan and Alison Schultz of 20066 Baugh Street have requested a Front Setback Variance to allow an addition to their home. The 1.57 acre property is within the 1,000 foot shoreland boundary of East Twin Lake and contains steep slopes, a bluff and limited usable area.

**3. 7:40 PM PUBLIC HEARING**

**Toft 1<sup>st</sup> Addition** – Chad and Megan Toft of MMT Holdings LLP for property owned at 204xx St. Francis Blvd. (PIDs 24-33-25-12-0005 and 24-33-25-11-0001). A Preliminary Plat for Toft 1st Addition includes the front 30 acres that is planned for eight (8) industrial lots (abutting St. Francis Blvd.) and the rear 40 acres is planned for eight (8) single family residential lots (abutting the City of Oak Grove).

**4. 8:10 PM PUBLIC HEARING**

**CST Companies** – Chad and Megan Toft of CST Companies have requested an Interim Use Permit to allow outdoor storage on Lot 1, Block 2 of Toft 1st Addition. The development of this parcel is planned for a 32,425 SF office/warehouse building on a six (6) acre lot.

**Motion to Adjourn**

**City of Nowthen  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, APRIL 27, 2021  
MINUTES**

**Present:** Dale Ames, Chairman  
Kelly Pearo  
Jeff Pilon, Council Liaison

Rob Schiller  
Harold Jorgensen

**Others:** Liz Stockman, City Planner  
Lori Streich, City Clerk

**Meeting Called to Order at 7:00 pm.**

**Motion by Pearo; 2<sup>nd</sup> by Schiller to Approve tonight's meeting agenda of April 27, 2021.**

**Motion by Pearo; 2<sup>nd</sup> by Jorgensen to Approve the Planning & Zoning Meeting minutes of March 23, 2021.**

- 1. PUBLIC HEARING, FX Auto/Perkins Contracting – A CONDITIONAL USE PERMIT & VARIANCE REQUEST** by Mark Froehlich of FX Auto Repair for property owned by Perkins Contracting at 19745 Nowthen Boulevard to allow Major Automobile Repair (PID # 21-33-25-33-0021) on this commercial property zoned C-1. A VARIANCE is required to allow vehicles awaiting service to be parked in the rear outdoor storage area on gravel surfacing.

**Public Hearing opened at 7:06 pm.**

Planner Stockman presented the Conditional Use Permit & Variance Request by FX Auto Repair. The front building is a commercial structure that has been here many years, that's currently operated by Perkins Contracting. In the rear portion of the building, an Interim Use Permit was approved in 2015 for a motorcycle shop. Mr. Froehlich has taken over that space for an auto repair. He has been designated the 2,150 feet in the corner for outdoor storage for the parking of vehicles awaiting repair. This is what the Variance is for, since the outdoor storage area is gravel. This area is hidden and it's fence is located adjacent to this parking zone as opposed to having the cars awaiting repair up in front. Stockman has talked to the owner of the property regarding paving the areas that they are currently using as parking which they had no problem with doing that. There is really no intensification of use here as was approved back in 2015.

An item that Stockman recommends addressing is the antique car located in front that could be worked into the landscaping or the paving area. In some ways it acts as signage and Froehlich has asked if signage would be appropriate on the pole. An option could be to use the car as signage, and add a small sign to the pole.

The house next door is being used as an office and can never go back to use as a residential home.

A condition that Stockman would like to add to the findings is in regards to the pre-treatment basin and the infiltration basin which collects water before it goes into the pond.

The hours of operation are 8:00 am – 5:00 pm, which is within the guidelines.

Pearo asked about the signage. Stockman explained that they are currently using the antique car as signage and that he can count that as signage for his business. There is a specific size that he can have if he wants a larger sign on the post. He just cant have it both ways.

Schiller doesn't think that the car should have anything to do with the sign on the post. If there's a certain square footage that they can have for a sign, the car shouldn't have anything to do with it.

Stockman said that if it's not an operating vehicle, then it's basically advertising. She can work with Mr. Froehlich and Mr. Perkins about the sign.

Stockman recommends the added condition stating the pre-treatment and infiltration basins are restored to reflect the approved plan, dated 4-22-15, and no outdoor storage is stored within these areas.

**Public Hearing closed at 7:25 pm.**

**Motion to approve a Conditional Use Permit & Variance Request by Mark Froehlich of FX Auto Repair for property owned by Perkins Contracting at 19745 Nowhen Boulevard to allow Major Automobile Repair on this commercial property zoned C-1 by Pearo; 2<sup>nd</sup> by Jorgensen; all in favor, motion carried.**

2. **Guimont Outdoor Storage, Discussion** – Dan Guimont is looking for feedback regarding the allowance of exterior storage on a property located at 19009 Rhinestone Street (PIDs 28-33-25-44-0006 and 0007) through an Amended Interim Use Permit (IUP). An IUP was approved in 2019 to allow interior storage within the site's accessory buildings which prohibits outdoor storage other than what is permitted within the RRA, Rural Residential Agriculture District.

Chair Ames stated that it appears to him that the IUP that was given to Guimont back in 2019 hasn't been followed. The IUP was only for indoor storage. It's currently being advertised for both indoor and outdoor storage. The outdoor storage is not legal.

Planner Stockman explained that Mr. Guimont is asking the Commission to discuss and give him direction whether or not they would be in favor of him amending his Interim Use Permit to allow the outdoor storage or just keeping it like it is. He has approximately 5,000 square feet of indoor storage. Stockman does have concerns about starting this type of thing in a residential area. It increases traffic to the site and sets a precedence to other residential properties. Surfacing would also need to be discussed.

Guimont is currently on the code enforcement list for clean up.

Ames is not in favor of Guimont amending his IUP, at least until his property has been cleaned up. This is an eyesore for the neighbors.

Guimont stated that his taxes are very high and he needs to make a living.

Jorgensen feels that this is a problem created by himself. You pay higher taxes to the county if you run a business. If he wouldn't have done any of this, he wouldn't have a tax problem.

Schiller is not exactly opposed to what Guimont is proposing but it would need to be brought up to compliance before the idea can be entertained.

Pearo is 50/50 at this point. She can see where this can easily get out of hand, just as the indoor storage did.

There are three recommendations provided in Planner Stockman's Findings of Fact. Schiller is not in favor of terminating his existing IUP, but does feel things need to get cleaned up.

Pearo confirmed with the applicant that he is currently receiving an income from the outdoor storage.

Guimont plans to continue moving forward with his application. Staff will advertise for a Public Hearing to be held at the next Planning & Zoning Meeting on May 25, 2021.

Stockman provided an update on the concept plan on 47 that they had last month will be coming through as a preliminary plat next month. They will be developing the entire 80 acres. There will also be a variance coming through for a house addition on Baugh Street. The lot is a shoreland lot on Twin Lakes.

**Motion to adjourn by Schiller; 2<sup>nd</sup> by Jorgensen. All in favor. Meeting adjourned at 7:58 PM.**

Respectfully Submitted,

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Lori Streich, City Clerk

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Dale Ames, Chairman

UNOFFICIAL



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: 18 May 2021

RE: Nowthen – Guimont Outdoor Storage, 19009 Rhinestone Street  
PID# 28-33-25-44-0007, 28-33-25-44-0006

TPC FILE: 122.02 – 21.08

The City received a complaint about unauthorized outdoor storage at 19009 Rhinestone Street on or about the middle of March 2021. A letter was sent to Dan Guimont at this address on March 25, 2021. Mr. Guimont contacted the City immediately and made application for an Amended Interim Use Permit (IUP) with intentions of updating the current IUP which was approved for the property on November 12, 2019.

Concerns were discussed at a site inspection on April 12, 2021 regarding the extensive amount of additional exterior storage which has been allowed at the property despite the current IUP clearly prohibiting such. The 2019 IUP limits storage to interior space only within the existing accessory buildings (totaling 4,960 SF) and prohibits outdoor storage beyond that normally permitted within a residential zoning district (two vehicles and three recreational vehicles).

Since the first complaint, another complaint was received regarding the extreme amount of scrap metal, lawn mowers and snowblowers strewn about the property. We were told that these items were brought into the buildings prior to TPC's site meeting which is why the majority cannot be seen in the photos (Exhibit E). Social media and online sites are being used to promote the outdoor storage to customers unaware that the City has not authorized the activity.

Mr. Guimont agreed to have the topic considered as a discussion item at the April 27, 2021 Planning and Zoning Commission meeting prior to moving forward with the public hearing, planning report, formal findings, and decision. Following the discussion which was not 100% favorable, TPC discussed with Mr. Guimont the ability to withdraw the application without

incurring additional charges and sent an email to facilitate such. Also discussed, was the need to have Julie Guimont, co-owner of the property, sign the application. Either just before or just following the April Planning and Zoning Commission meeting, she submitted a notarized document stating that she would not co-sign the application and was not in favor of the exterior storage. The time period for notifying the property owner of an incomplete application had since passed.

Mr. Guimont opted not to withdraw the application which forces the need to advertise the public hearing and for the City to deny the request.

**MOTION: Recommendation to deny the Amended Interim Use Permit to allow exterior storage on the subject property located at 19009 Rhinestone Street.**

**OPTIONAL:** Recommendation to terminate the existing IUP could be pursued by the City Council based on the violation of conditions contained therein, however they may choose to give the property owner a chance to come into conformance. How much time? There have likely been illegal contracts signed with customers who were not aware that the exterior storage had not been approved by the City.

- c. Lori Streich, City Clerk  
Dan Guimont  
Julie Guimont

To: Anoka City Council Members  
From: Julie Guimont  
Re: 19009 Rhinestone Street, NW  
Anoka, MN 55303

Dear Council Members,

I am writing in regard to the property listed above. I am a co-owner of this property, along with my husband, Daniel Guimont.

My intent is to let you know that I do not wish to have outdoor storage on my property. My husband is engaging in these arrangements without my permission. I am also mindful of the potential concerns our neighbors may have with regard to the negative impact the appearance of our property has on the value of theirs, and feel this should be considered.

Thank you for taking my concerns into consideration in this matter.

Sincerely,



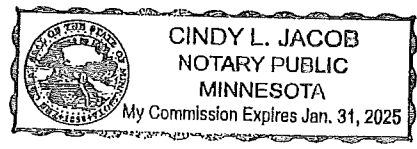
Julie Guimont

State of Minnesota, County of Anoka

Signed before me this 13<sup>th</sup> day of April, 2021



Notary Public



**Liz Stockman**

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**From:** Liz Stockman <liz.stockman@planningco.com>  
**Sent:** Monday, May 3, 2021 4:40 PM  
**To:** 'djguimont@gmail.com'  
**Subject:** Signature Needed!!

Dan,

As we talked about on the phone today, please consider signing this statement and dropping it off at the city offices on Tuesday morning. With or without it, the exterior storage is not permitted without approval of an Interim Use Permit. The discussion at the Planning and Zoning Commission meeting on April 27, 2021 did not appear positive. The following statement serves to withdraw your application so that the City doesn't need to hold the public hearing. The fact that you are continuing to take in trailers and vehicles does not bode well in your favor.

**I, Dan Guimont, hereby withdraw my application for an Interim Use Permit requesting outdoor storage on my property at 19009 Rhinestone Street.**

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**Signed, Dan Guimont**

Elizabeth Stockman  
651-303-3670







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

## PLANNING REPORT

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

FROM: Elizabeth Stockman

DATE: May 19, 2021

RE: Nowthen – Schultz Variance – 20066 Baugh Street NW  
(PID 19-33-25-42-0001)

FILE NO: 122.02 – 21.07

### BACKGROUND

Donovan and Alison Schultz have requested approval of a front setback variance to allow a 26 x 40 house addition to be located closer to the right-of-way of Baugh Street. Their 1.57-acre property is irregular in shape and is located within the Shoreland District of East Twin Lake. While the house meets the required setback from the OHWL, it was constructed with impacts to the bluff and is a non-conforming use in that regard.

The house (constructed by a previous owner) sits 85.7 feet from the centerline of Baugh Street. Anoka County acquired an additional 17 feet of easement for which the purpose is still unknown for this low volume street. The property contains a very significant and steep bluff which limits use of the lower portion of the property. In addition, the property is heavily vegetated.

The proposed setback is 60.85 feet from centerline of Baugh Street with the proposed addition at 26x40. As a second option, a setback of 65.63 feet could be achieved with the addition reduced to a size of 26x34. The existing non-conforming house setback of 85.7, as shown in Exhibit G, would make adding onto the home without increasing the non-conformity extremely limiting. Additional challenges with this property include existing construction of the garage floor with wood timbers, lack of an accessory building location, the inability to go toward the lake and to further impact the bluff/wooded areas.

## **EXHIBITS**

- Exhibit A – Variance Application (3 pages)
- Exhibit B – Letter of Intent
- Exhibit C – Consultant Review Form (2 pages)
- Exhibit D - Site Location
- Exhibit E – Functional Road Classifications
- Exhibit F – Survey
- Exhibit G – Survey Detail
- Exhibit H – Aerial Photo with Setbacks in Vicinity
- Exhibit I – Addition Plans (2 pages)
- Exhibit J – Photos (2 pages)
- Exhibit K – Anoka Cty. Comments
- Exhibit L - Findings of Fact

## **CONSIDERATIONS & ANALYSIS**

**Zoning.** The property is zoned RRA, Rural Residential Agriculture. Single family homes are permitted uses within this zoning district. On this 1.57-acre property, the proposed 1,040 SF addition would be consistent both with the low-density residential land uses guided by the City’s Land Use Plan and with other properties in the City in similar zoning districts.

**Variance Review Criteria.** The purpose of the Variance is to provide the City with an opportunity for amelioration of unnecessary hardships resulting from the rigid enforcement of its Zoning Ordinance. This Variance provision 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. Variances shall pertain only to the physical characteristics of the land or structures to be built thereon, such as area, height, setback requirements, and density. Specifically, the City Council may grant only non-use or area Variances and shall not grant use Variances.

Under the terms of the City’s Zoning Ordinance regarding Variances, Section 11-11 of the Nowthen City Code, the property owner must show that the circumstances for which the Variance is requested are unique to the property and not caused by them. 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.

*Comment: The City Council must find that the proposed addition represents a reasonable use of the property, and that despite not meeting setbacks will not have a negative influence upon the neighborhood in which it’s located.*

2. The application 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 low-density residential use of the property is consistent with the City's Comprehensive Land Use Plan and the proposed use is permitted under the terms of the City Code.*

b. That the Variance would be in harmony with the general purposes and intent of the City's Zoning Ordinance.

*Comment: Other than the setback for which the Variance is requested, the proposed structure addition meets all size requirements and design standards and is therefore in harmony with the intent of the Zoning Ordinance. While it is not unlike many other properties in the community, given the unique configuration of the Schultz property, the addition is limited to the front yard, forward of the existing structure.*

*Setbacks are typically required to maintain separation of structures from neighboring properties, to allow adequate air and light, proper access and to uphold aesthetic qualities of a neighborhood. Structures housing recreational vehicles, equipment, materials, and household goods are preferred over location of said items on a property as outdoor storage, particularly on a lake lot. Either way, the City Code is clear that a neat appearance must be maintained on properties as viewed from the public roads. The proposed Schultz addition will satisfy this intent through coordination with the style of house and placement of a window on the end facing Baugh Street.*

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

*Comment: The request for a Variance is based upon preexisting conditions where the shoreland lot, bluff, woods and the irregular lot configuration may justify deviation from the strict application of Zoning Ordinance regulations.*

d. That the purpose of the Variance is not an exclusively economic consideration.

*Comment: The applicant's request for a Variance is unrelated to economics.*

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 single-family neighborhood within which the property is located will not be negatively impacted by the addition. The addition does not encroach any closer to adjacent homes on either side (north and south).*

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

*Comment: The City Council shall make a determination as to whether the request for a setback Variance seems reasonable given the circumstances and physical configuration of the site.*

**Anoka County Highway Department.** This section of Baugh Street is a county road but classified as a local road on the City's Functional Classification map (Exhibit E). Michelle Pritchard of the Anoka Cty. Highway Dept. stated that it is a relatively low volume road and with the overlay done in 2020, another project isn't planned for 20 years.

Moving the driveway as proposed requires an access permit and permit for work within the ROW from Anoka County which shall be made a condition of approval.

**City Driveway Setback.** Section 11-6-2.G of the City Code requires that driveways/curb cut access be setback 15 feet from the property line in all districts except as may be allowed as a conditional use permit. The survey shall be revised to demonstrate compliance or application is made for a Conditional Use Permit.

**Department of Natural Resources.** The proposed Variance on this parcel is subject to review and approval by the DNR since it is located within the 1,000 foot Shoreland Boundary of East Twin Lake. Applicable Shoreland requirements have been outlined below:

- A. Bluff: "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
  - (1) Part or all of the feature is located in a shoreland area;
  - (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
  - (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
  - (4) The slope must drain toward the waterbody.
  
- B. Bluff impact zone: "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff. Structures are not allowed within bluff impact zones; the DNR may require processing of a Variance from this setback requirement since the house is non-conforming.

- C. A building permit is required for the construction of buildings or building additions. The Building Official shall issue a certificate of zoning compliance for each activity requiring a permit.
- D. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section E.8, shall be reconstructed or replaced in accordance with the provisions of this Section. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system. The septic system was replaced in 2014 but a compliance inspection can be required by the City.
- E. In considering a variance request, the City Council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- F. The OHWL of East Twin Lake is 927.1. It is a Natural Environment Lake with an OHWL setback of 150 feet.
- G. 30-foot setback from top of bluff; the DNR may require processing of a Variance from this setback requirement, even though the existing home does not comply.
- H. 20-foot setback from ROW line of local road; the proposed 26x40 addition is exactly 20 feet from the edge of the ROW line (existing property line), however, the additional 17 foot easement was established over the subject property. TPC is waiting for response from the County Engineer regarding the purpose and intentions with this easement. As shown, the 26x40 addition would be located 40 feet from the edge of the paved road surface.
- I. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- J. The height of the addition may not exceed the height of the existing home. *The proposed addition is in compliance with this requirement.*
- K. Streets, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts. *The proposed addition is in compliance with these requirements.*

- L. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site. The DNR may require that gutters and intentionally placed downspouts be used to control stormwater coming off the proposed addition on the north side.
  
- M. Impervious surface coverage of lots must not exceed 25 percent of the lot area. *The existing house and addition conform with this requirement.*

**Site Photos.** The following images were taken from Baugh Street.

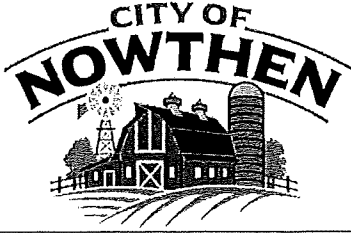


## **SUMMARY**

In granting any Variance, the City Council may impose conditions to ensure compliance with the City Code and to protect adjacent and affected properties. The City Council may motion one of three ways following consideration of the factors outlined herein:

- Motion to **approve** the Variance for the front setback at 60.85 feet from the centerline of Baugh Street (a 59.15 foot variance from the 120 foot requirement, although only 24.85 feet closer than the existing setback of 85.7 feet) based on demonstration that practical difficulties exist and the request's consistency with Comprehensive Plan and Zoning Ordinance regulations, subject to the conditions (as may be amended) attached in the findings of fact.
- Motion to **deny** the application based on a finding that the request does not demonstrate practical difficulties or meet Zoning Ordinance criteria.
- Motion to **table/continue** the public hearing until the next meeting.

C: Lori Streich, City Clerk  
Lucas Youngsma, DNR  
Donovan and Alison Schultz



**ZONING APPLICATION**

Variances and Appeals

8188 199TH Avenue NW, Nowthen, MN 55330

<input checked="" type="checkbox"/> <b>VARIANCE</b>  <input type="checkbox"/> <b>APPEAL</b>  Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30 Amt. Due: <u>\$1480</u> Amt. Paid: <u>\$1480</u> Check# <u>1341</u> Receipt# <u>X</u>	<p align="center">***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> Date Application Received: <u>5/3/21</u> Date Application Complete: <u>5/3/21</u> <small>(60 day review period starts from this date)</small> Public Hearing Date: <u>5/25/21</u> City Council Approval/Denial Date: <u>6/8/21</u> 60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____ Received By: <u>[Signature]</u> Return To: <u>permits@nowthenmn.net</u>
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**Instructions:** Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

**Property Information** Street Address: 20066 Baugh Street NW

Property Identification Number (PID#): 19-33-25-42-0001

Type of Business or Use Requested: Residential

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

Lot 1 and that part of Lot 2 lying North of a line 35.00 feet South of the northerly line of said lot 2 and extending from the westerly to the easterly boundaries of said lot 2, Birchwood, according to plat on file in the office of the County Recorder, Anoka County, MN.

**Applicant Information**

Name: Alison & Donovan Schultz Business Name: \_\_\_\_\_

Mailing Address: 20066 Baugh Street NW

City: Nowthen State: MN Zip Code : 55330

Telephone: same as cell Cell Phone: 612-720-1819 Work: same as cell

e-mail: Alison.Schultz12@gmail.com



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

Name: (same as applicant) \_\_\_\_\_ 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: see attached \_\_\_\_\_

\_\_\_\_\_

Description of Proposed Use: see attached \_\_\_\_\_

\_\_\_\_\_

Reason(s) to Approve Request: see attached \_\_\_\_\_

\_\_\_\_\_

**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 \$ 1480.00 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: Alison + Donovan Schultz Date: 5/2/21  
Property Owner: Alison + Donovan Schultz Date: 5/2/21

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

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

Signature of Applicant: Alison Schultz Dan Schultz Date: 5/2/21  
Signature of Property Owner: Alison Schultz Date: 5/2/21  
Signature of Property Owner: Dan Schultz Date: 5/2/21  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Variance Application: May 2021

Alison & Donovan Schultz

20066 Baugh St NW

**Existing Use of Property:**

Residential family home for use since we purchased the house in 2014. Since we purchased the house, we have put over \$150K of improvements into the property/house including:

- Installing new septic/drainfield in 2014
- Cleaned up debris/trash around property (old tires, metal pipes, oil drums, etc)
- Renovated current house including installation of new windows in 2017

**Description of Proposed Use:**

Requesting variance for addition to current garage footprint (see attached survey). Current garage would be converted into living space. Addition would consist of ~23'x 20' living space and 25'x40' attached garage. Additional living space would be on a crawl space/foundation and the attached garage would be a slab build. New addition/garage would be done in similar siding/aesthetics of current home look.

**Reason(s) to Approve Request:**

There are several challenges to our lot including:

- Property is located within the Shoreland District of East Twin Lake
- No other location on property for an accessory building accessible to vehicles due to the steep topography of the site (see survey)
- Current garage is a wood floor and does not have proper drainage; to fix, would require significant investment for just current garage space (quote of ~\$40K for spancrete)
- The City Planner contacted the DNR who would not allow degradation of bluff (cut into existing hill)
- The City Planner contacted Anoka County relative to any road updates, for which there are no ROW acquisitions or overlays planned for this low volume road
- Septic drain field was only location on property for a drain field that met soil requirements (installed in 2014); in case of failure, would need to convert to mound system in lower level of property



## City of Nowthen – Real Estate Development or Construction Consultant Fees Checklist and Acceptance Statement

*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: 20066 Baugh St NW Addition

PROPERTY ADDRESS: 20066 Baugh St NW

PID NUMBER: 19-33-25-42-0001

NAME & ADDRESS OF APPLICANT:

Alison & Donovan Schultz

20066 Baugh St NW

Nowthen MN 55330

## City of Nowthen - Signed Acceptance and Non-Reliance Statement

I, on behalf of Alison & Donovan Schultz, understand that in connection with an application for Variance to road for House/Garage addition, I/Alison Schultz 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 \$1,000-1,200 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 Alison & Donovan Schultz, have not relied on the city's estimate of consultant fees in my decision to proceed with the final application for Variance Request for 20066 Baugh St NW Addition.

APPLICANT:

Alison & Donovan Schultz

DATED:

5/3/2021

TITLE:

20066 Baugh St NW Homeowner

ON BEHALF OF:

\_\_\_\_\_

THE CITY OF NOWTHEN

RECEIVED BY:

U3 Spokeman

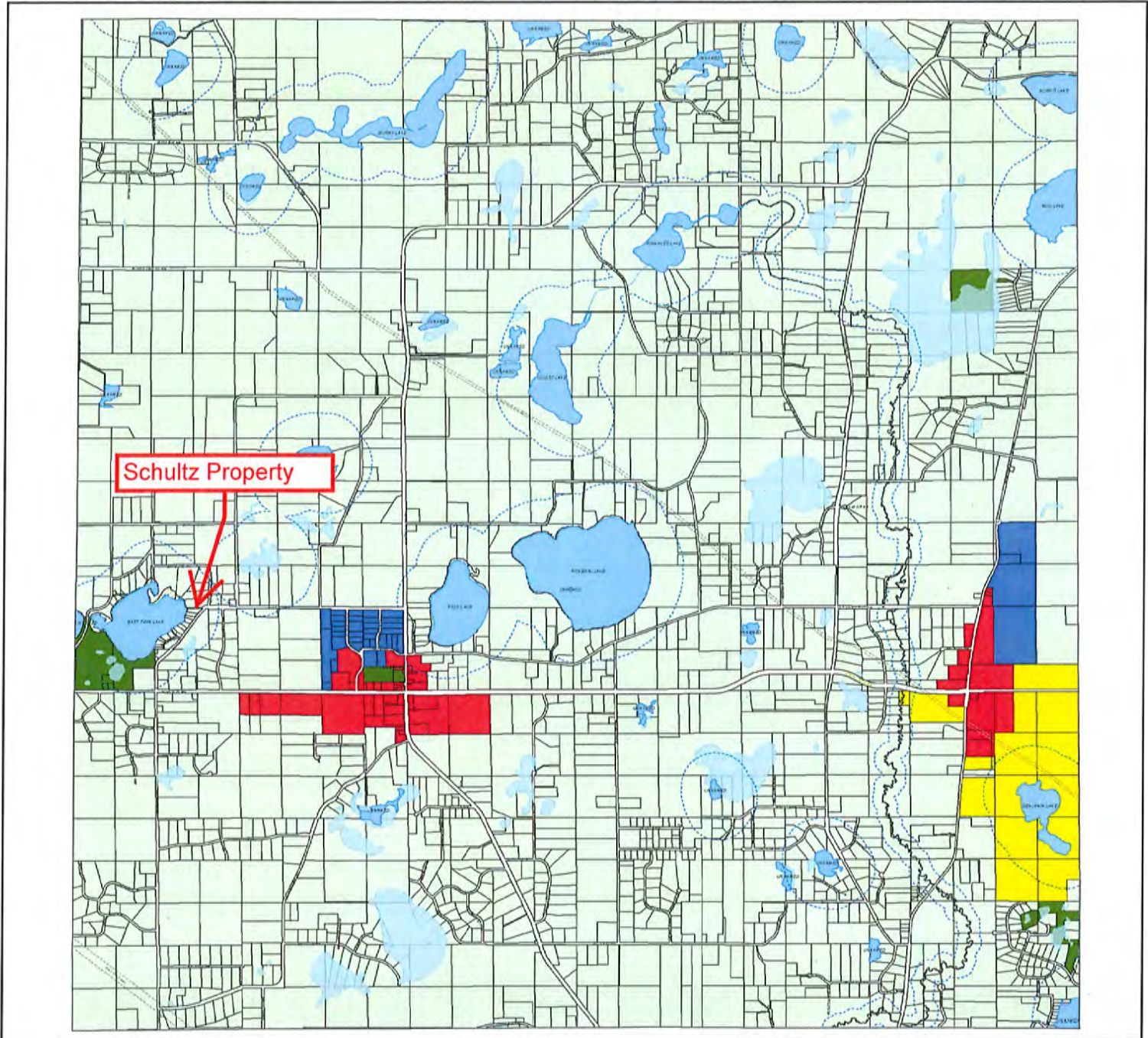
DATED:

5/3/21

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

**TPC**  
The Planning Company

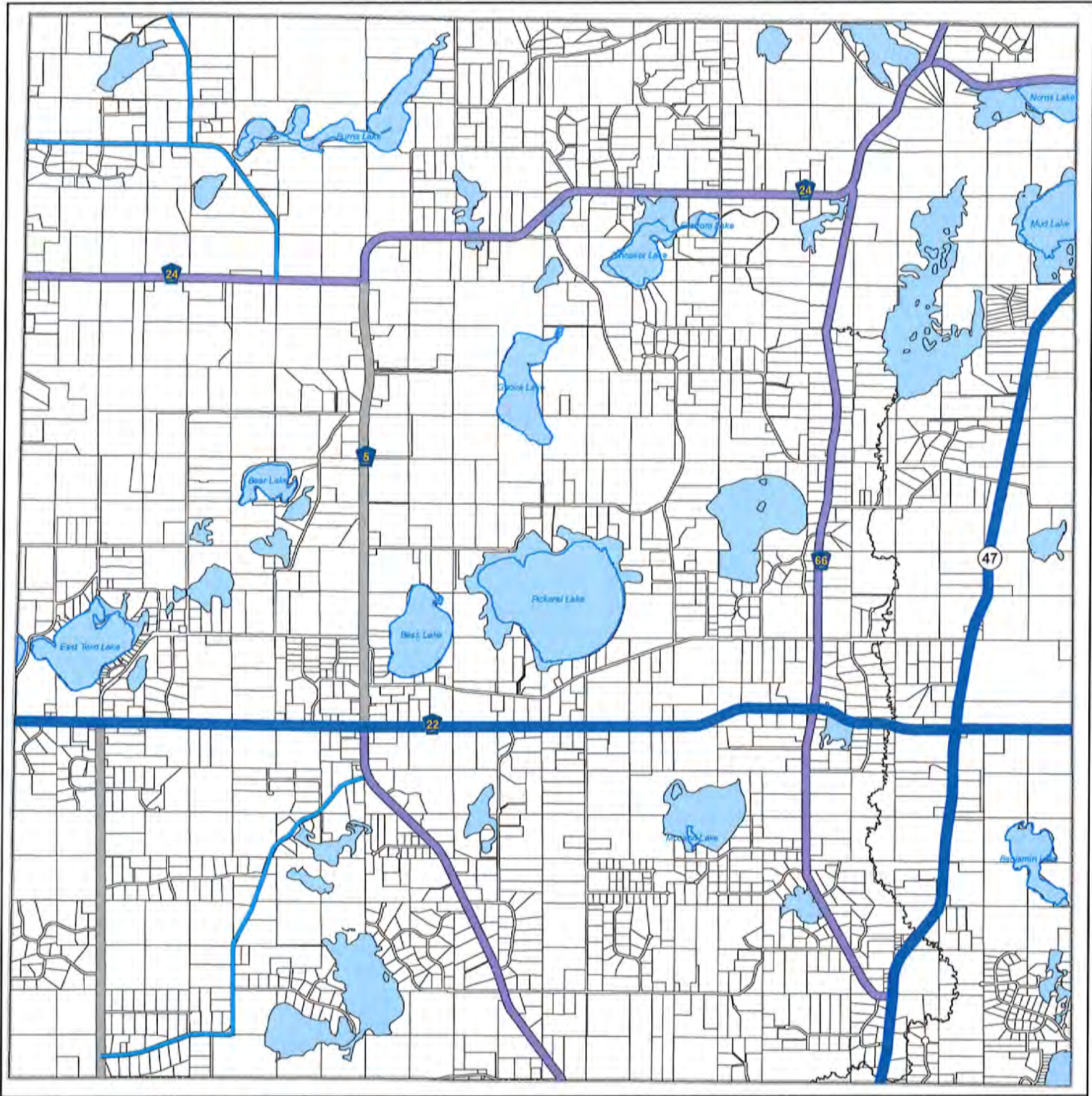


SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

Adopted: Aug 11, 2020

K:\GIS\Projects\Municipal\NT90112019\LandUse2040





# 2040 TRANSPORTATION PLAN

## Functional Classification

- A - Minor Connector
- Other Arterial
- Major Collector
- Minor Collector
- Local Streets Existing

## City of Nowthen



0 0.225 0.45 0.9  
Mile

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



**DEVELOPER**

**ALISON SCHULTZ**  
2028 BAUGH STREET NW  
NORTHERN MINNESOTA  
LTD. COMPANY

**MUNICIPALITY**

**PROJECT**

**ZONING AND SETBACK SUMMARY**

The Property is zoned RMA (Rural Residential Agriculture) according to the City of Bemidji Zoning Ordinance. The proposed building is located on a 2.5-acre parcel. The zoning requirements for this parcel are as follows:  
- Minimum lot area: 2.5 acres  
- Minimum front setback: 25 feet  
- Minimum side setback: 10 feet  
- Minimum rear setback: 10 feet  
- Maximum height: 30 feet  
- Maximum area: 10,000 sq. ft.

**LEGAL DESCRIPTION**

THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS THE SAME AS THAT DESCRIBED IN THE INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF NORSTAD COUNTY, MINNESOTA.

**AREA SUMMARY**

ITEM	AREA (SQ. FT.)	AREA (AC.)	%
TOTAL	10,000	0.23	0.23%
CONCRETE	10,000	0.23	100.00%
ASPHALT	0	0.00	0.00%
PAVING	0	0.00	0.00%
GRASS	0	0.00	0.00%
WOOD	0	0.00	0.00%
ROCK	0	0.00	0.00%
OTHER	0	0.00	0.00%

**LEGEND**

- CONCRETE
- ASPHALT
- PAVING
- GRASS
- WOOD
- ROCK
- OTHER
- PROPOSED BUILDING
- PROPOSED DRIVEWAY
- PROPOSED WALKWAY
- PROPOSED FENCE
- PROPOSED UTILITY
- PROPOSED EASEMENT
- PROPOSED SETBACK
- PROPOSED ZONING
- PROPOSED ADJACENT
- PROPOSED NEIGHBOR
- PROPOSED ROAD
- PROPOSED HIGHWAY
- PROPOSED RAILROAD
- PROPOSED AIRPORT
- PROPOSED PORT
- PROPOSED CANAL
- PROPOSED DAM
- PROPOSED BRIDGE
- PROPOSED TUNNEL
- PROPOSED PILE
- PROPOSED PIER
- PROPOSED WHARF
- PROPOSED DOCK
- PROPOSED MARINA
- PROPOSED BOAT
- PROPOSED YACHT
- PROPOSED BOAT
- PROPOSED YACHT
- PROPOSED BOAT
- PROPOSED YACHT

**CERTIFICATION**

I hereby certify that the above information is true and correct to the best of my knowledge and belief. I am a duly licensed Professional Engineer in the State of Minnesota.  
*Barney J. Hill*  
Barney J. Hill  
Professional Engineer  
License No. 2022  
Date: 06/20/21

**REVISION HISTORY**

NO.	DATE	DESCRIPTION
1	06/20/21	ISSUED FOR PERMIT

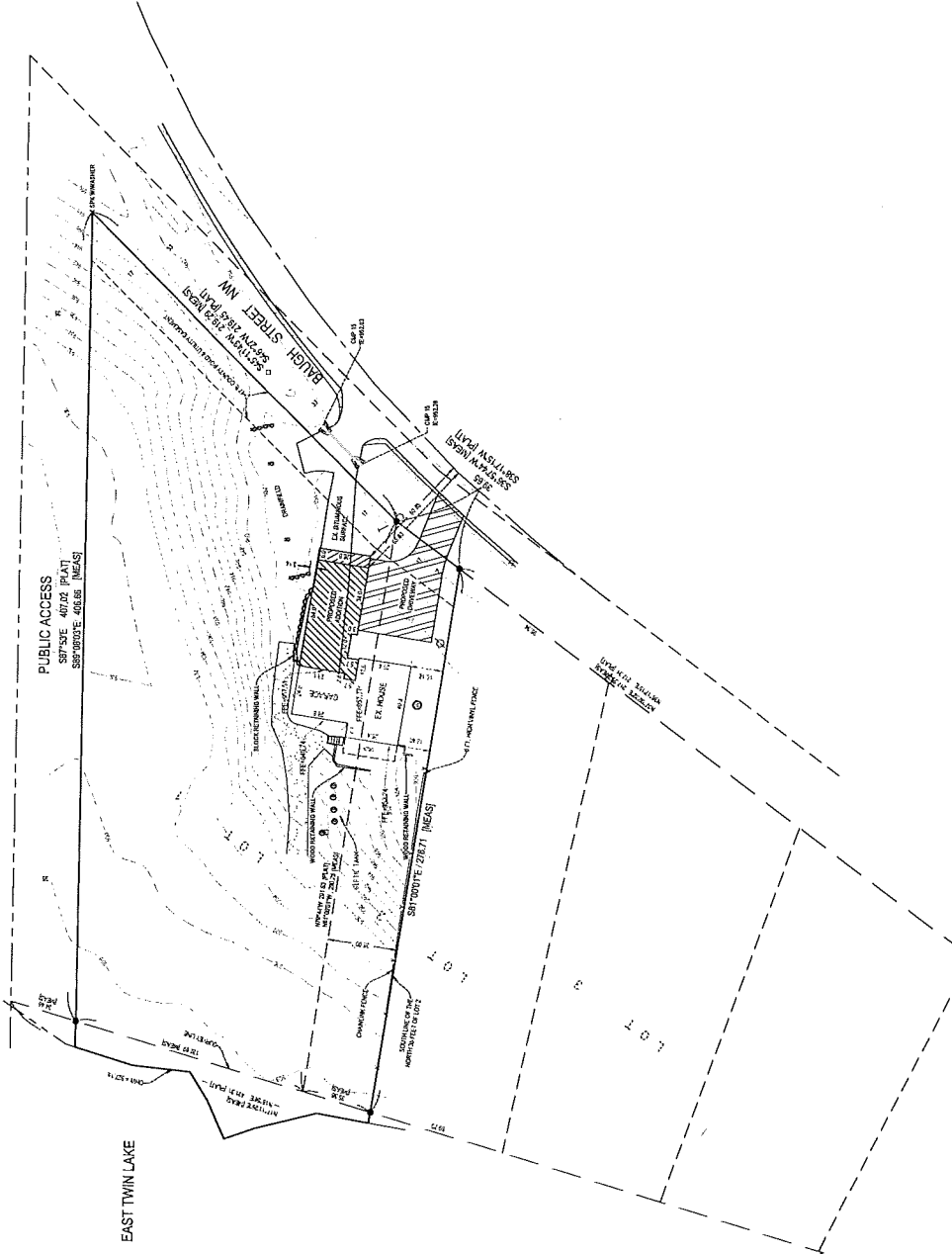
**PROJECT MANAGER REVIEW**

\_\_\_\_\_  
Project Manager

**LANDFORM**

105 South Elm Avenue  
Suite 513  
Minneapolis, MN 55401  
Tel: 612-252-9820  
Fax: 612-252-9877  
Web: landform.net  
FILE NAME: ZJZ1904.035.dwg  
PROJECT NO.: ZJZ1904

**CERTIFICATE OF SURVEY**



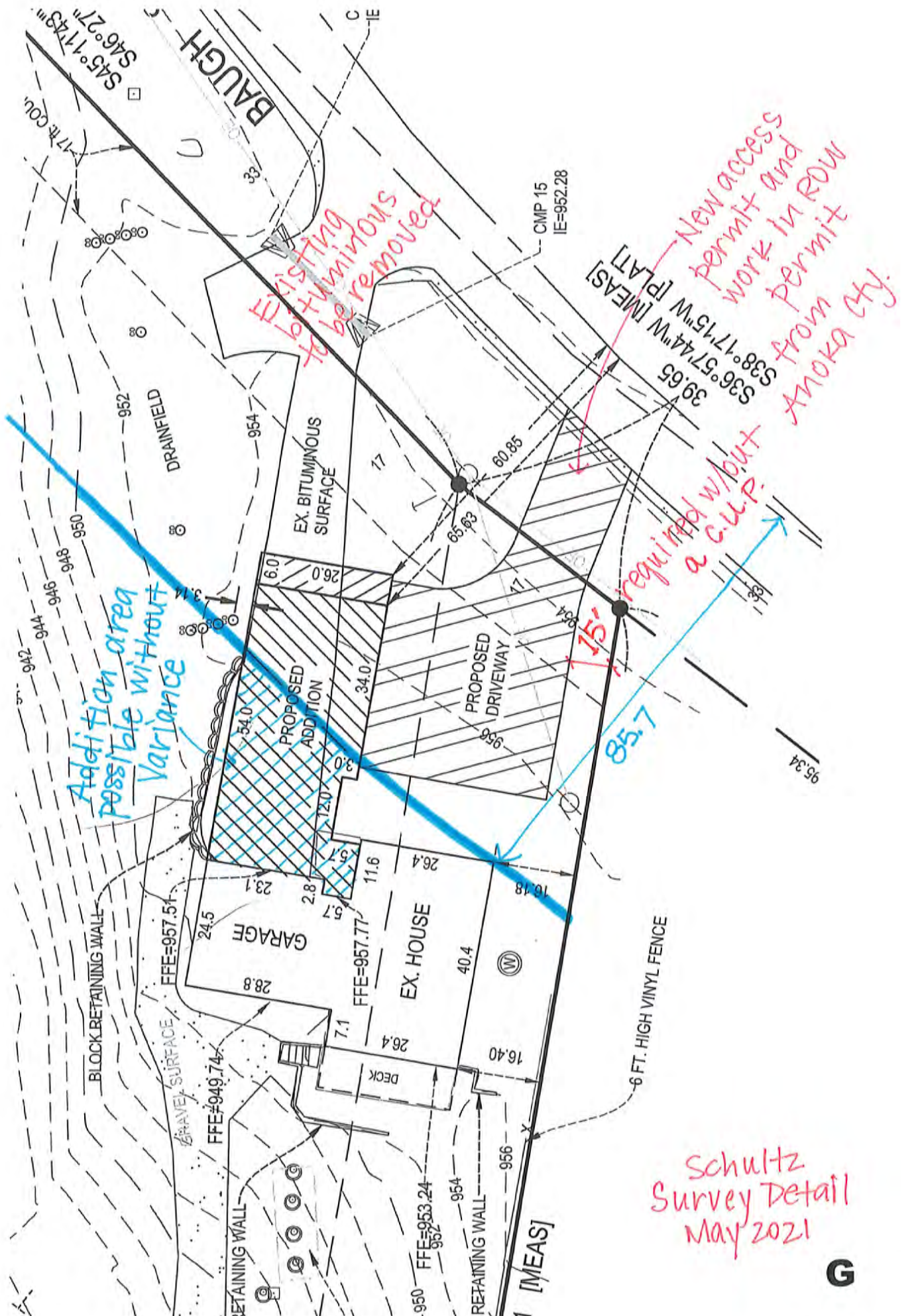
**811**  
Know what's Below.  
Call before you dig.

**F**

**NORTH**

0 30 60





Schultz  
Survey Detail  
May 2021

# Anoka County Parcel Viewer



### Parcel Information:

19-33-25-42-0003

Approx. Acres: 0.67

Commissioner: MATT LOOK

NOWTHEN

MN 55330

Plat: BIRCHWOOD

### Owner Information:

Front setbacks  
in the vicinity

H

May 2021



CONSTRUCTION PERMIT OFFICE ONLY TO ACCEPT THIS PLAN IS CORRECT. FAILURE TO DO SO, THIS WILL CONSTITUTE AS CONVICTION UNDER SECTION 16.02(1) OF THE BUILDING CODE. EVERY EFFORT HAS BEEN MADE TO MAKE THESE PLANS CORRECT IN EVERY RESPECT. HOWEVER, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE CONSTRUCTION BEGINS. BUILDERS GENERAL CONTRACTORS, HOMEOWNERS AND DESIGNERS TO MAKE SURE ALL NOTES, DIMENSIONS, FINISHES AND CONDITIONS ARE CORRECT. OFFICE: 363.443.3333 ADMINISTRATION: 363.443.3333 1000 UNIVERSITY DRIVE, SUITE 1000, WILMINGTON, DE 19801

APPROVED BY: [Signature] 4/30/2021

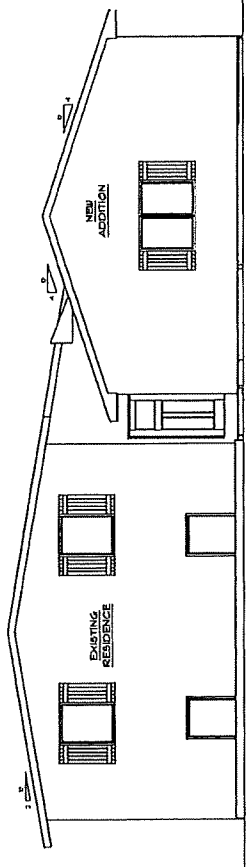
NEW HOME ADDITION FOR: Donovan & Alison Schultz

PROPERTY ADDRESS: 10066 BRUSHY LN ELK RIVER, TN 39530

THIS PLAN IS DRAWN FOR: CLIMATE ZONE #6 4" FROST FOOTINGS 35# SNOW LOADS (ANOKA COUNTY LOADS)

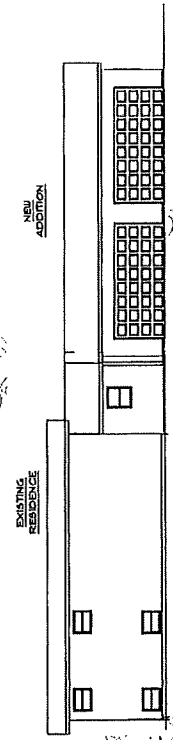
BLASING NOTE: ALL WOOD FRAMES SHALL BE DRY KILN DRIED TO A MAXIMUM MOISTURE CONTENT OF 19% AT THE TIME OF INSTALLATION. VERIFY OVERLAPS & GAPS. VERIFY OVERLAPS & GAPS END. VERIFY & MATCH EXISTING. NEW ASPH SHINGLES TO MATCH EXISTING. NEW SORTIT & FASCIA TO MATCH EXISTING. OPTIONAL BID. REPLACE ALL SHINGLES. REPLACE ALL SORTIT & FASCIA.

NEW Heidi SIDING TO MATCH EXISTING



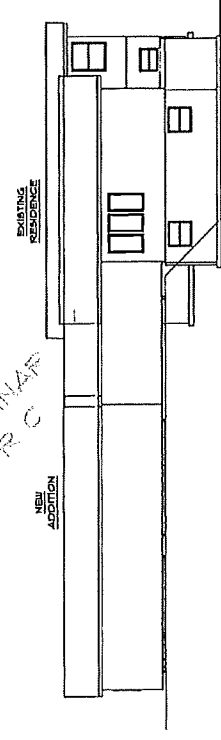
FRONT ELEVATION SCALE: 1/8" = 1'-0"

DUE TO VARIOUS SITE CONDITIONS OF THE EXISTING RESIDENCE REPRESENTED BY THIS FRONT ARE FOR ILLUSTRATIVE PURPOSES ONLY, THEY DO NOT REFLECT ACTUAL FINISHED GRADE

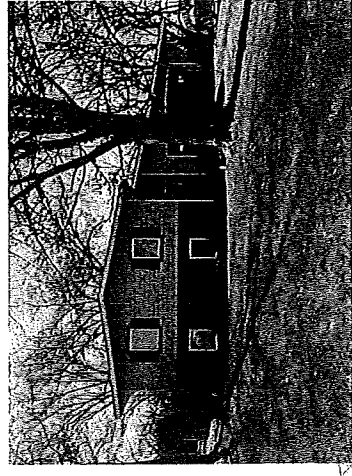


LEFT ELEVATION SCALE: 1/8" = 1'-0"

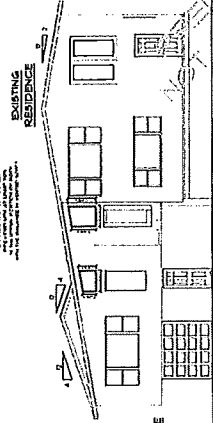
GARAGE DOOR STYLE PER CUSTOMER/BUILDER



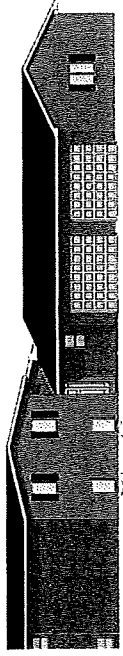
RIGHT ELEVATION SCALE: 1/8" = 1'-0"



EXISTING EXTERIOR (FRONT)



REAR ELEVATION SCALE: 1/8" = 1'-0"



ANGLED LEFT ELEVATION NOT TO SCALE

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NOTE: BUILDER IS RESPONSIBLE FOR ALL WINDOW & DOOR SIZES, ROOF PITCH, NEEL HEIGHT, AND ALL DIMENSIONS ON-SITE PRIOR TO CONSTRUCTION. BUILDER TO VERIFY ALL EXISTING HEADERS, LEDGERS WILL SUPPORT NEW ROOF & FLOOR LOADS.

NOTE: BUILDER / TRUSS SUPPLIER TO VERIFY ALL DIMENSIONS, MEASUREMENTS AND CONDITIONS BEFORE ORDERING ROOF TRUSSES.

PRELIMINARY PLANS NOT FOR CONSTRUCTION

PRELIMINARY PLANS NOT FOR CONSTRUCTION

PRELIMINARY PLANS NOT FOR CONSTRUCTION

PRELIMINARY PLANS NOT FOR CONSTRUCTION

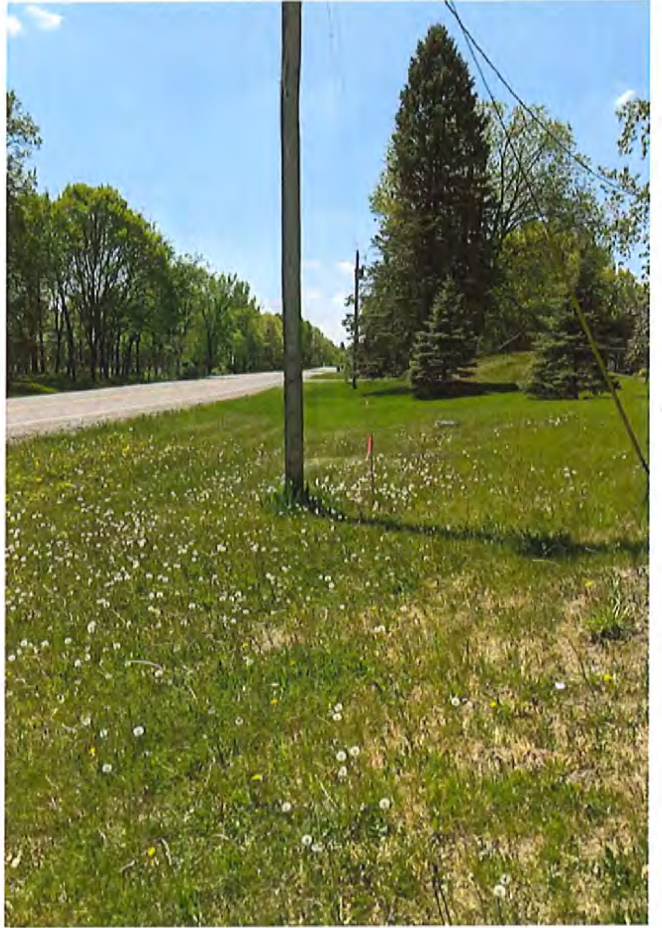
PRELIMINARY PLANS NOT FOR CONSTRUCTION

PRELIMINARY PLANS NOT FOR CONSTRUCTION

PRELIMINARY PLANS NOT FOR CONSTRUCTION







## Liz Stockman

---

**From:** Liz Stockman <liz.stockman@planningco.com>  
**Sent:** Friday, April 9, 2021 12:51 PM  
**To:** 'Michelle A. Pritchard'  
**Subject:** RE: Question 20066 Baugh St

Thank you for checking!

**From:** Michelle A. Pritchard <Michelle.Pritchard@co.anoka.mn.us>  
**Sent:** Friday, April 9, 2021 8:26 AM  
**To:** Liz Stockman <liz.stockman@planningco.com>  
**Subject:** RE: Question 20066 Baugh St

Good morning Liz,

Sorry for the delay in getting back to you. I did a little checking, we just reclaimed and overlayed that road in 2020. We probably won't revisit that road for quite a few years, given the low traffic levels and the 20-year expected life on a reclaim & overlay.

Hope that helps,

Michelle Pritchard  
Design Engineer  
Anoka County Highway Department  
Direct – 763.324.3162  
Office – 763.324.3100  
Fax – 763.324.3020  
[Michelle.Pritchard@co.anoka.mn.us](mailto:Michelle.Pritchard@co.anoka.mn.us)

---

**From:** Liz Stockman <liz.stockman@planningco.com>  
**Sent:** Tuesday, April 6, 2021 9:58 AM  
**To:** Michelle A. Pritchard <Michelle.Pritchard@co.anoka.mn.us>  
**Subject:** RE: Question 20066 Baugh St

The property owner at 20066 Baugh will be applying for a variance to the front setback given the steep slopes on this shoreland lot (house addition). If there were any scheduled upgrades/widening to the road or acquisition of add'l ROW, I would take that into account when considering how much of a variance is appropriate.

Thanks,  
Liz

---

**From:** Michelle A. Pritchard <Michelle.Pritchard@co.anoka.mn.us>  
**Sent:** Tuesday, April 6, 2021 7:09 AM  
**To:** Liz Stockman <liz.stockman@planningco.com>  
**Subject:** RE: Question 20066 Baugh St

FINDINGS & RECOMMENDATION  
VARIANCE

**APPLICANT:** Donovan and Alison Schultz

**APPLICATION:** Request for approval of a Variance to allow a 26x40 house addition at 20066 Baugh Street NW at a distance of 60.85 feet from the centerline of Baugh Street; PID# 19-33-25-42-0001.

**PLANNING & ZONING COMMISSION MEETING:** May 25, 2021

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

1. The legal description of the property is LOT 1 & NLY 35 FT OF LOT 2 BIRCHWOOD.
2. The subject site is guided by the Comprehensive Plan permanent rural residential land uses through the year 2040.
3. The subject site is zoned RRA, Rural Residential Agriculture.
4. The subject property encompasses 1.57 acres and contains an existing residence.
5. The property is irregular in shape and is located within the Shoreland District of East Twin Lake. While the house meets the required setback from the OHWL, it was constructed with impacts to the bluff and is a non-conforming use in that regard.
6. The house (constructed by a previous owner) sits 85.7 feet from the centerline of Baugh Street. The property contains a very significant and steep bluff which limits use of the lower portion of the property. In addition, the property is heavily vegetated.
7. The Planning Report dated May 19, 2021 prepared by the City Planner, The Planning Company LLC., is incorporated herein.
8. 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 May 25, 2021;

**RECOMMENDATION:** Based on the foregoing information and applicable ordinances, the **Schultz Variance is APPROVED** subject to the following conditions:



1. The 26x40 addition is located 60.85 feet from the centerline of Baugh Street or as otherwise approved by the DNR and City Council.
2. The Department of Natural Resources reviews and approves the proposed Variance. DNR comments are obtained prior to City Council review to ensure any additional required public notices are posted and required conditions noted.
  - a. Variance for structure within bluff impact zone?
  - b. Variance from 30-foot bluff setback?
  - c. Required gutters or other stormwater drainage control devices?
  - d. Compliance inspection on the septic system passes and a copy of the paperwork is provided to the City.
3. The purpose and intentions of the 17-foot easement are defined by the Anoka County Engineer's office.
4. Moving the driveway as proposed requires an Access Permit and permit for work within the ROW from Anoka County.
5. The new driveway shall be reconfigured to comply with the 15 foot setback requirement or a Conditional Use Permit shall be reviewed and approved. The existing bituminous shall be removed and the ground restored to turf grass.
6. A building permit is obtained from the City's building official prior to beginning construction. Erosion control devices are installed and inspected prior to beginning construction.
7. Natural screening is maintained along the bluff and the bluff is not impacted in any way.
8. The exterior of the addition shall be similar in color and materials to the existing structure, including the roof pitch, maximum height and other design elements.
9. The applicants are responsible for all costs associated with the processing of this request.

**MOTION BY:**

**SECOND BY:**

**ALL IN FAVOR:**

**THOSE OPPOSED:**

**ADOPTED by the Planning & Zoning Commission of the City of Nowthen this 25th day of May 2021.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_  
Dale Ames, Commission Chair

Attest: \_\_\_\_\_  
Lori Streich, City Clerk



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

## PLANNING REPORT

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

FROM: Elizabeth Stockman

RE: Nowthen – Toft 1<sup>st</sup> Addition Preliminary Plat  
204xx St. Francis Blvd. (PIDs 24-33-25-12-0005 and 24-33-25-11-0001)

DATE: May 18, 2021

TPC FILE: 122.02 – 21.11

## BACKGROUND

MMT Holdings LLC/CST Companies (applicants Chad and Megan Toft) in association with the Wirz family (land owners) are proposing development of 8 single family dwellings on 40 acres and 8 industrial lots on 30 acres, located on the east side of Highway 47. The proposed development requires consideration of applications for a Preliminary Plat and Wetland Delineation. A public hearing to consider the plat application was noticed for the regular Planning and Zoning Commission meeting to be held on May 25, 2021. The property is zoned a combination of RRA, Rural Residential Agriculture and I-1, Industrial and is appropriately guided in the City's 2040 Land Use Plan. The total property acreage is 71.02 acres including the Highway 47 ROW and 70.25 excluding the ROW.

## Exhibits:

- A. Application for Preliminary Plat (4 pages)
- B. Consultant Fee Acknowledgement (2 pages)
- C. Wetland Delineation Application (3 pages)
- D. Site Location & Zoning Map
- E. 2040 Land Use Plan
- F. Frontage Road Concept
- G. Preliminary Plat
- H. Civil Plans (6 pages)
- I. Wetland Map
- J. Summary of Soils (2 pages)
- K. Park and Trail Plan
- L. City Engineer's Report (6 pages)
- M. Findings of Fact

## **ANALYSIS**

**Zoning & Land Use.** The subject site is zoned a combination of RRA, Rural Residential Agriculture and I-1, Industrial, consistent with the adopted 2040 Comprehensive Land Use Plan.

- The Comprehensive Plan describes that development of single-family dwellings in a rural context is the only form of residential land use anticipated within the City, intended to preserve the larger lots. The Preliminary Plat is consistent with this intent.
- Encourage industrial development to create new job opportunities and expand the local tax base.
- Promote high quality industrial development through the enactment and enforcement of performance standards within the Zoning Ordinance that address parking, loading, outdoor storage, screening and landscaping.

**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.*

**Property Ownership.** The property is owned by the Wirz Family and is under contract with CST Companies to be purchased by June 19, 2021. MMT Holdings will be the company who buys the lot to build CST Distribution & CST Transportation.

**Access & Streets.** Local streets interior to the preliminary plat are provided with a 66-foot right-of-way consistent with the requirements of Section 10-3-2.C of the Subdivision Ordinance. The street names are consistent with the Anoka County grid system. All street designs and construction plans are subject to review and approval by the City Engineer.

The preliminary plat will be accessed solely from St. Francis Boulevard, which is designated by the City's Comprehensive Plan as a Minor Connector Arterial street. Access to the preliminary plat will occur via a newly platted local street system: 204<sup>th</sup> Avenue NW and Tonto Street NW. Note that Tonto Street is indicated at Tonto Avenue on the plat and shall be revised as a

condition of approval. Plans should be updated to reflect roadway changes addressed in the City Engineer’s report and through review and approval by MNDOT.

**Lot Requirements.** The minimum lot requirements of the RRA and I-1 Districts are shown in the table below as applicable to the preliminary plat.

Toft 1 <sup>st</sup> Addition Preliminary Plat	Lot Frontage on Public Street	Lot Area	Lot Width	Lot Depth	Setbacks			
					Front	Side	Rear	Wetland
Residential Lots 6-11, Block 1 Lots 4-5, Block 2	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	20 ft.	35 ft.	30-50 ft. (depends on type)
Industrial Lots 1-5, Block 1 Lots 1-3, Block 2	50 feet	1.0 acre minimum	165 ft.	None	The greater of: 70 ft. from CL or 30 ft. from prop. line	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. In the case of property abutting on a curved street, the frontage shall be measured on the arc at the building setback line. All lots meet lot width and depth requirements, with the exception of Lot 6, Block 1 which needs to be amended to meet the lot width at the building setback line. Lot lines between Lots 6 and 7 of Block 1 and Lots 10 and 11 of Block 1 should be amended so as not to leave islands of unusable land separated by wetlands.

71.02 ac less 37.25 ac of single family (8) lots less 28.52 ac industrial lots = 5.25 acres of ROW

40 ac of RRA zoned land / 8 lots = gross density of 5 acres with lots ranging in size from 2.5 acres to 9.35 acres

**Park and Trail Dedication.** The City’s Parks and Trails System Plan included in the 2040 Comprehensive Plan completed in 2020 (Exhibit K) does not include the subject property as part of a park search area. The 2013 frontage road plan contained in Exhibit F previously encompassed the subject property. At the time the concept plan was discussed, the Planning and Zoning Commission recommended that cash be obtained in lieu of parks.

Section 10-3-4.P requires 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 twenty (20) feet wide.

Section 10-4-1.J.6 requires that an approved trail system be provided with each subdivision of land. Each subdivider shall be responsible for grading the trail to provide

a stable surface and to provide trail slope, cross section and drainage as required. The subdivider will be required to construct all local trails to minimum City standards, which includes bituminous surfacing.

Does the City wish to plan for any trails in this vicinity? A trail connection to the north along the 100-foot buffer area may be beneficial to lead toward Verde Valley Road and what will be another residential neighborhood someday. The local road Tonto Street (or a trail adjacent thereto) can be the start of vehicular and pedestrian access to the south.

**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, stormwater structures, overflows, cross drainage, wetlands and wetland buffers to the limits of the 100-year highwater level (HWL).

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.** There are six existing wetlands on the site (or partially within the site) that were delineated by Kjolhaug Environmental Services Company, Inc. There are no proposed impacts to Wetlands. Approximately half of the site drains north into Wetland 2 and the other half drains west and south into Wetlands 1,4,5 & 6 that ultimately drain to an existing 24" culvert under Hwy 47 and to the west. There is one other small drainage area that drains to Wetland 3 at the southeast corner of the site.

The wetlands delineation report has been received and is currently under review. Wetland buffer signage will be required. 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.

The wetlands shall be labeled as Exceptional, High, Medium, or Low Quality on the Preliminary Grading Plan and appropriate easements for applicable buffer widths shall be depicted on the Preliminary Plat.

**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 from the final surface elevation of the lot (fill can be brought in) to the highest known water table. The balance of the acre is to have at least a one (1) foot separation consisting of only existing natural soils. The highest known water table is to be determined by soil borings indicating mottled soil.

Section 10-1-4.D states that the City Council emphasizes the point that a legal conveyance does not imply a buildable lot. Any land division intended to be used for residential development

must be accepted by the City Council and meet all City standards as specified in Section 10-3-5 of this Chapter.

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.

**Landscaping & Buffer Requirement.** Section 11-4-17.M.2 requires a minimum of one hundred (100) feet of buffer yard along property lines which separate commercial or industrial and residential uses which may consist of either natural, wetland, woods open space, man-made ponding or a combination thereof. Lot 5, Block 1 and Lot 3, Block 2 have wider widths to accommodate the buffer.

The Civil Plan Set contained in Exhibit H (sheets C1 and C2) shows 61 coniferous trees to be planted along the eastern-most edge of the industrial parcels within the 100 foot buffer to aid in the screening of adjacent residential uses. The trees are appropriately shown at a six (6) foot balled and burlapped minimum size, but the species (multiple preferable) shall be specified.

Wetland buffers must be established with native grasses. The final plans shall specify an accepted MNDOT mix suitable for the area.

**Minimum Structure Sizes.** Section 11-4-13.F states that all single-family housing units must have a dwelling size of at least one thousand two hundred (1,200) square feet above grade on the main level for multi-level or split level homes and eighteen hundred (1,800) square feet for single level homes, excluding any garage area.

Section 11-4-17.D and E states that all commercial or light manufacturing principal structures shall have a minimum of two thousand (2,000) square foot ground floor area. The size of structures on any lot shall not exceed twenty (20%) percent of the total lot area. The maximum area of impervious land coverage, to include the building and all paved or impervious surfaces, shall not exceed seventy (70%) percent of the total lot area.

**Maximum Garage Size.** Section 11-4-13.G states that attached garages may not exceed one hundred (100%) percent of the main floor area of the residential portion of the structure. Basement level (pre-stressed concrete plank; i.e. Spancrete garages), not exceeding the size of the main level garage may be allowed, in addition to a main level garage.

## RECOMMENDATION

The Toft 1<sup>st</sup> Addition 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 that plans be updated and missing information submitted to reflect the comments contained herein and within the City Engineer's report and that the Planning and Zoning Commission motion in one of three ways following consideration of the factors as presented:

- Motion to approve the Preliminary Plat provided that the request is consistent with Comprehensive Plan and Zoning Ordinance regulations, subject to the conditions (as may be amended) in the attached in the findings of fact and submission of revised plans prior to City Council consideration.
- Motion to table/continue the public hearing until the next Planning and Zoning Commission meeting to allow consideration of revised plans.
- Motion to deny the application based on a finding that the request is inconsistent with the Comprehensive Plan or intent of the Zoning Ordinance.

- c. Lori Streich, City Clerk  
Bob Ruppe, City Attorney  
Shane Nelson, City Engineer  
Chad and Megan Toft, Applicants  
Wirz Family, Property Owners  
Greg Stotko, Contractor  
Nick Adam, Rehder & Associates Inc.





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

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

<p><b>Application for:</b></p> <p><input type="checkbox"/> CONCEPT PLAN</p> <p>Base Fee: \$200 Escrow: \$1000</p> <p><input checked="" type="checkbox"/> PRELIMINARY PLAT</p> <p><input type="checkbox"/> FINAL PLAT</p> <p>Base Fee: \$200 + \$50/lot Escrow: \$1,500 Public Hearing Fee: \$250</p> <p>Amt. Due: <u>\$2150.00</u> Amt. Paid: <u>\$2150.00</u></p> <p>Check# <u>5006</u> Receipt# <u>X</u></p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>5/3/21</u></p> <p>Date Application Complete: <u>5/3/21</u> <small>(60-day review period starts from this date)</small></p> <p>Public Hearing Date: <u>5/25/21</u></p> <p>City Council Approval/Denial Date: <u>6/8/21</u></p> <p>60-Day Review Period Ends: <u>7/3/21</u></p> <p>60-Day Extension: <u>Yes</u> No Expires On: _____</p> <p>Received By: <u>Lisa [Signature]</u></p> <p>Return To: <a href="mailto:deputyclerk@nowthenmn.net">deputyclerk@nowthenmn.net</a></p>
--	---

**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: \_\_\_\_\_

Property Identification Number (PID#): 24-33-25-12-0005 24-33-25-11-0001 / 24-33-25-11-0004

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

**Applicant Information**

Name: Chad + Megan Toft Business Name: mmt Holdings LLP

Mailing Address: 1717 205th Ave NW

City: Elk River State: MN Zip Code: 55330

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work: 763-515-6660

e-mail (home): [Signature]

e-mail (work): Chad@estcompanies.com / Megan@estcompanies.com

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

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

**Description of Request** (attach additional sheets as necessary)

Existing Use of Property: Agriculture

Description of Proposed Use: Industrial lots / residential lots

Lot Size: 2-9.35 acres Zoning: It. and a residential

Number of New Lots: 16 Number of Total Lots: 16

Reason(s) to Approve Request: \_\_\_\_\_

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

Project Name: NA Date of Application: \_\_\_\_\_

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 policy and ordinance requirements and are complete to the best of my knowledge.

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

Signature of Applicant: [Signature] Date: 5/3/21  
Signature of Applicant: [Signature] Date: 5/3/21  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
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 \$ 1500 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. All fees and expenses are due whether the application is approved or denied.

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

Applicant: [Signature] Date: 5/3/21  
Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBIT 1(a)**

Legal Description of Real Property

PID Nos:       24-33-25-12-0005 (approx 30.42 acres)  
                  24-33-25-11-0001 (approx.. 39.86 acres)  
                  24-33-25-12-0004 (approx.. 0.62 acres)

- Legal description to be determined by survey, if any, and title commitment.



The City of  
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763-441-1347 Office  
763-441-7013 Fax

## City of Nowthen – Real Estate Development or Construction Consultant Fees Checklist and Acceptance Statement

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: Toft's Development

PROPERTY ADDRESS: \_\_\_\_\_

PID NUMBER: 24-33-25-12-0005 / 24-33-25-11-0001 / 24-33-25-12-0004

NAME & ADDRESS OF APPLICANT:

MMT Holdings LP  
11712 205th Ave NW  
Elk River, MN 55330

**City of Nowthen - Signed Acceptance and Non-Reliance Statement**

I, on behalf of MMT Holdings LP, understand that in connection with an application for MMT Holdng LLC, I, Megan Toft 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 \_\_\_\_\_ 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 MMT Holdng LLC, have not relied on the city's estimate of consultant fees in my decision to proceed with the final application for MMT Holdng LLC.

APPLICANT:  
MMT Holdings LP

DATED: 5/3/21

TITLE:  
President

ON BEHALF OF:  
MMT Holdng LLC

THE CITY OF NOWTHEN  
RECEIVED BY: Uz Stockman

DATED: 5/3/21



**ZONING APPLICATION**

Site & Building Plan Review  
Grading Permit Review  
Wetland Delineation, Fill or Replacement

8188 199<sup>th</sup> Avenue NW, Nowthen, MN 55330

<input type="checkbox"/> <b>SITE PLAN or BUILDING PERMIT REVIEW</b> Base Fee: \$200 Escrow: \$1,000 <input type="checkbox"/> <b>GRADING PERMIT REVIEW</b> Base Fee: \$200 Escrow: \$1,000 <input checked="" type="checkbox"/> <b>WETLAND DELINEATION, FILL or REPLACEMENT REVIEW</b> Escrow: \$2,000 Amt. Due: <u>\$1000</u> Amt. Paid: <u>\$2000</u> Check# <u>9006</u> Receipt# <u>X</u>	<p align="center">*****FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY*****</p> Date Application Received: <u>5/3/21</u> Date Application Complete: <u>5/3/21</u> <small>(60 day review period starts from this date)</small> Planning & Zoning Mtg. Date: <u>5/25/21</u> City Council Approval/Denial Date: <u>6/8/21</u> 60-Day Extension: <u>Yes</u> <u>No</u> Expires On: <u>7/3/21</u> Received By: <u>[Signature]</u> Return To: <a href="mailto:permits@nowthenmn.net">permits@nowthenmn.net</a>
---	--

**Property Information** Street Address: 2

Property Identification Number (PID#): 24-33-25-12-0005 / 24-33-25-11-0001 / 24-33-25-12-0004

Existing Use of Property: agriculture

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

**Applicant Information**

Name: Chad & Megan Toft Business Name: MMT Holdings, LP

Mailing Address: 11717 205th ave NW

City: Elk River State: MN Zip Code: 55330

Telephone: 763-515-6660 Cell Phone: \_\_\_\_\_ Work: 763-401-1406

e-mail: Megan@csfcompanies.com

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

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

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

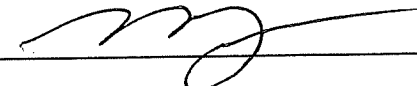
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work: \_\_\_\_\_

e-mail: \_\_\_\_\_

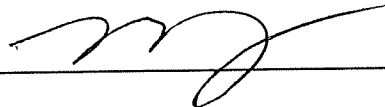
**APPLICATION FEES AND EXPENSES:** We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 2000 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees 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: 5/3/21  
Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Signature of Applicant:  Date: 5/3/21  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_



**EXHIBIT 1(a)**

Legal Description of Real Property

PID Nos: 24-33-25-12-0005 (approx 30.42 acres)

24-33-25-11-0001 (approx.. 39.86 acres)

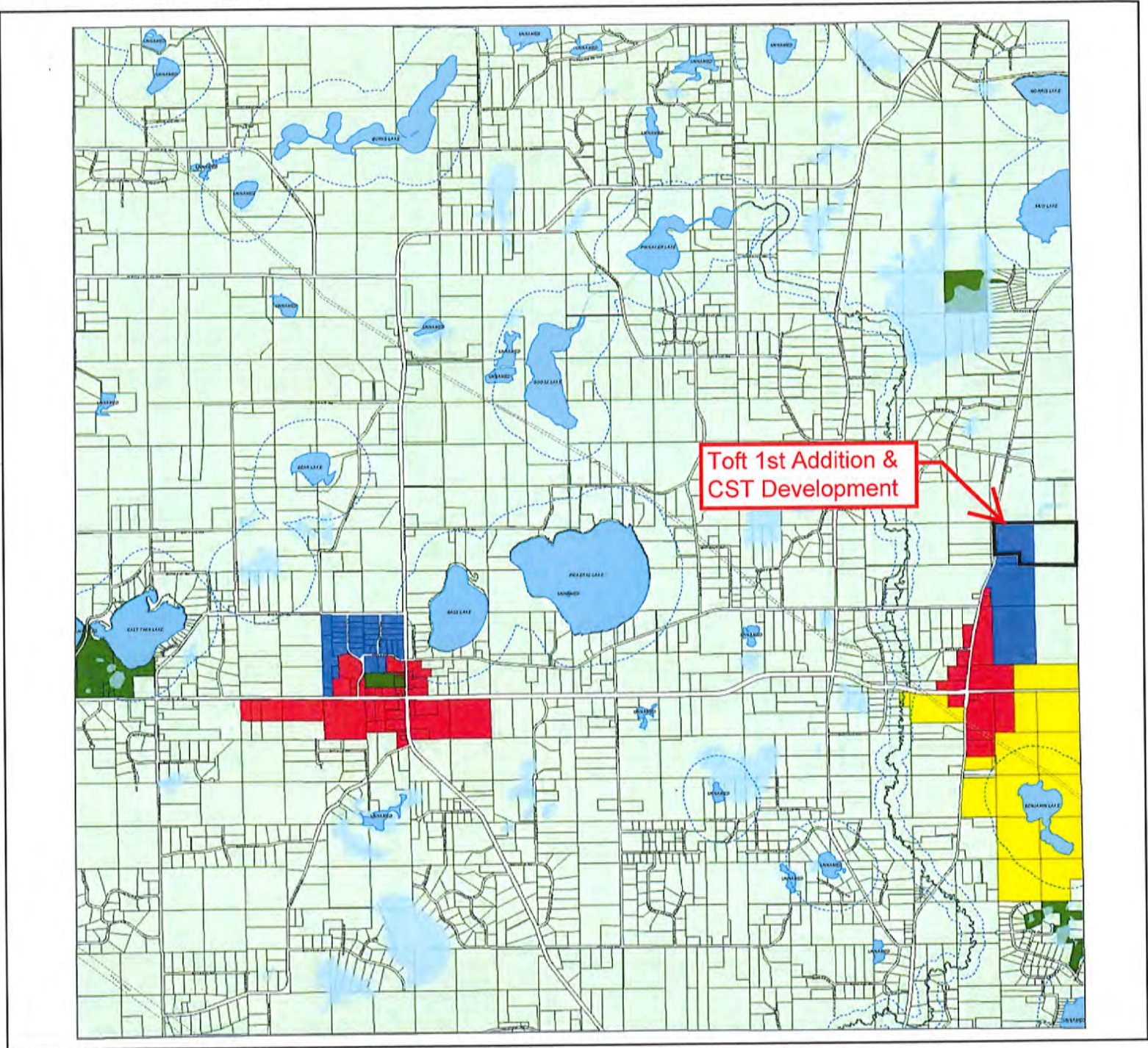
24-33-25-12-0004 (approx.. 0.62 acres)

- Legal description to be determined by survey, if any, and title commitment.

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

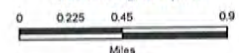
# CITY OF NOWTHEN

## 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



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

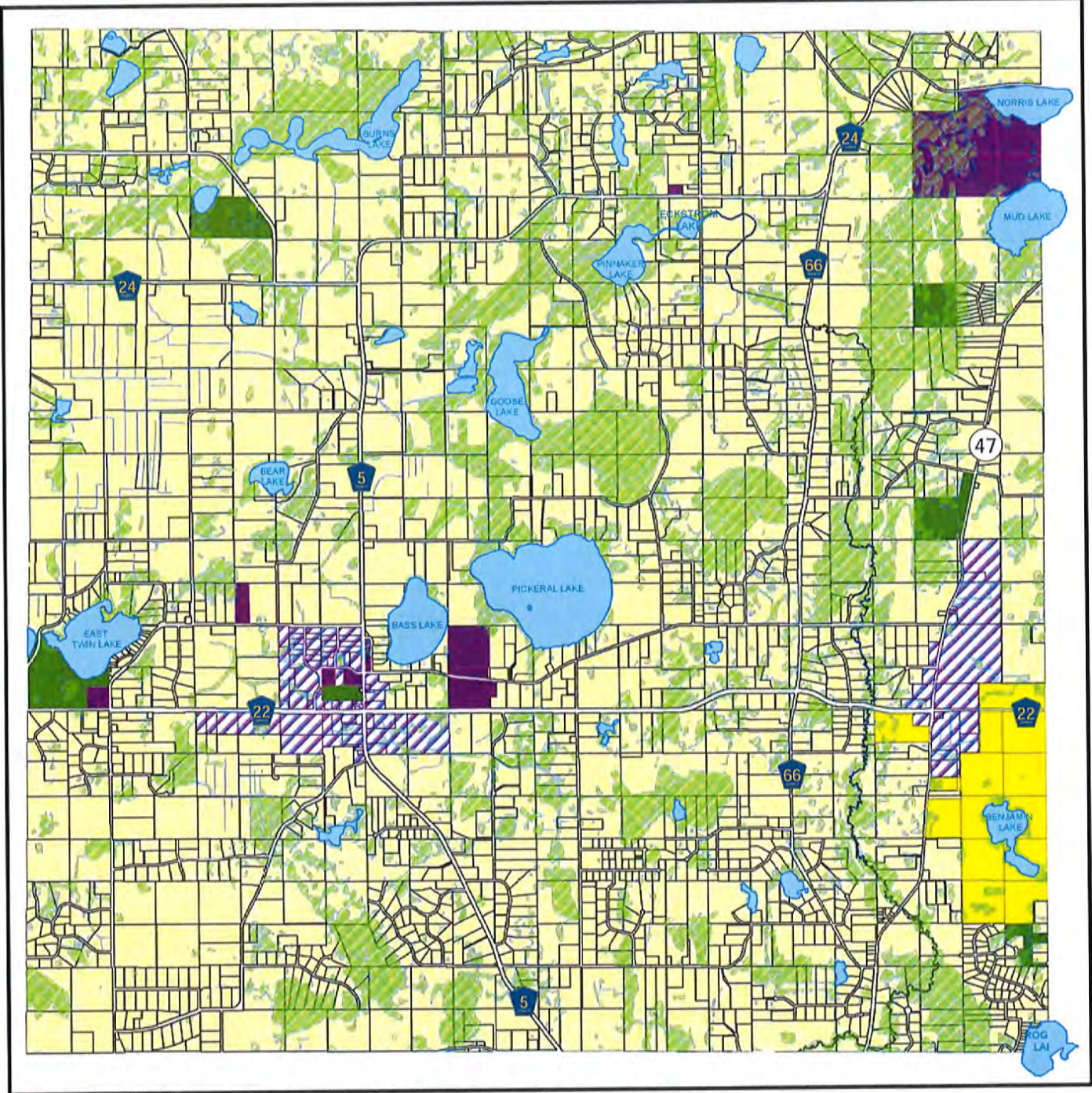
Adopted: Aug 11, 2020

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









# CITY OF NOWTHEN

## 2019 COMPREHENSIVE PLAN



### 2040 LAND USE PLAN

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

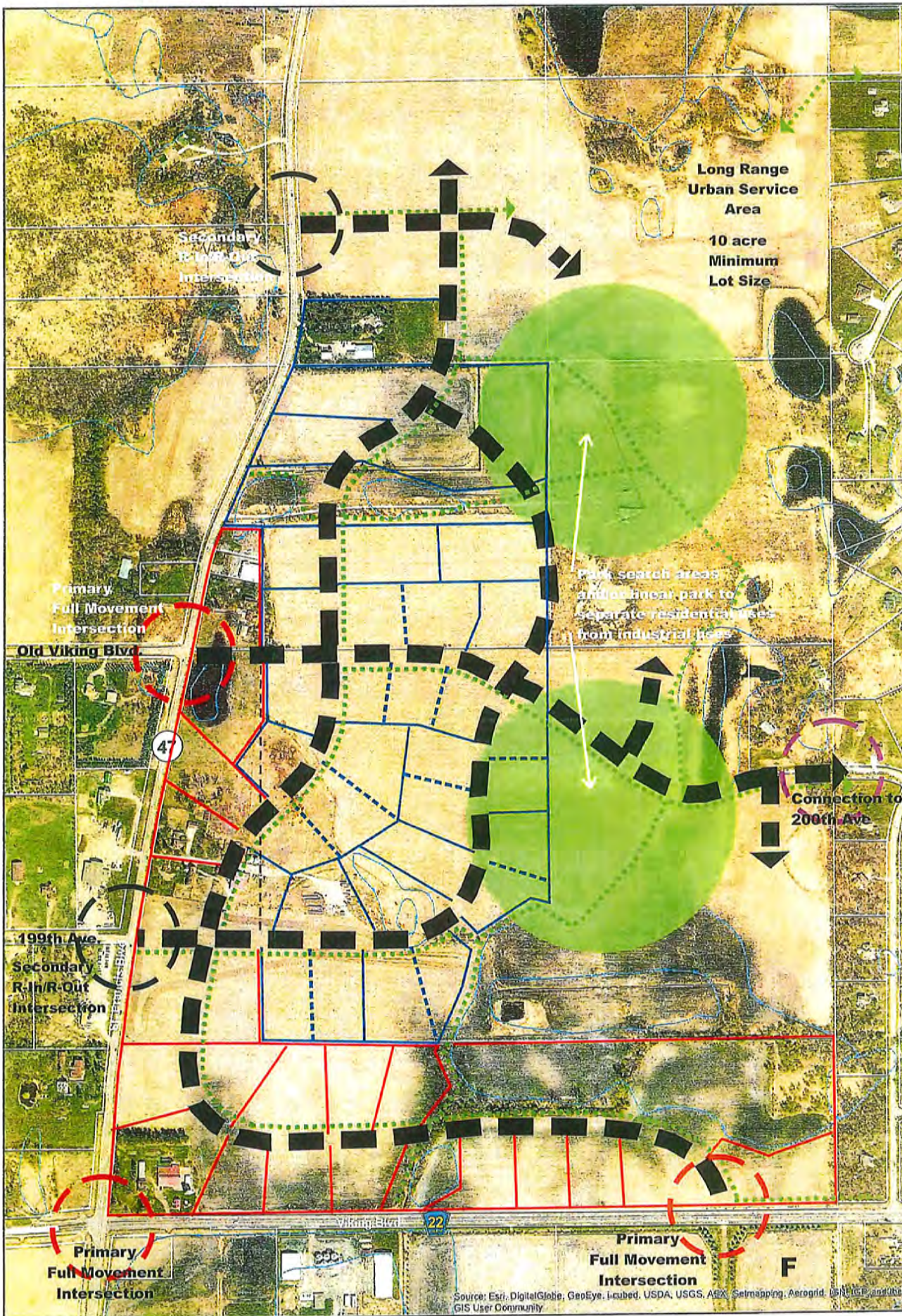
**TPC**  
The Planning Company



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

MAP DATE: 5 MAR, 2019  
K:\GIS\Projects\Municipal\NT901\2019\LandUse2040





**TPC**  
 Hakanson  
 Anderson

**North East Quadrant of TH 47 & CSAH 22**

0 200 400 800  
 Feet

□ Commercial Land Uses  
□ Industrial Land Uses  
 Conceptual Roadway Location  
 Conceptual Trail Location

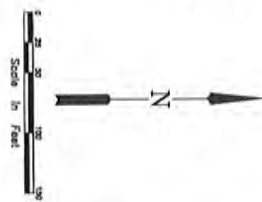
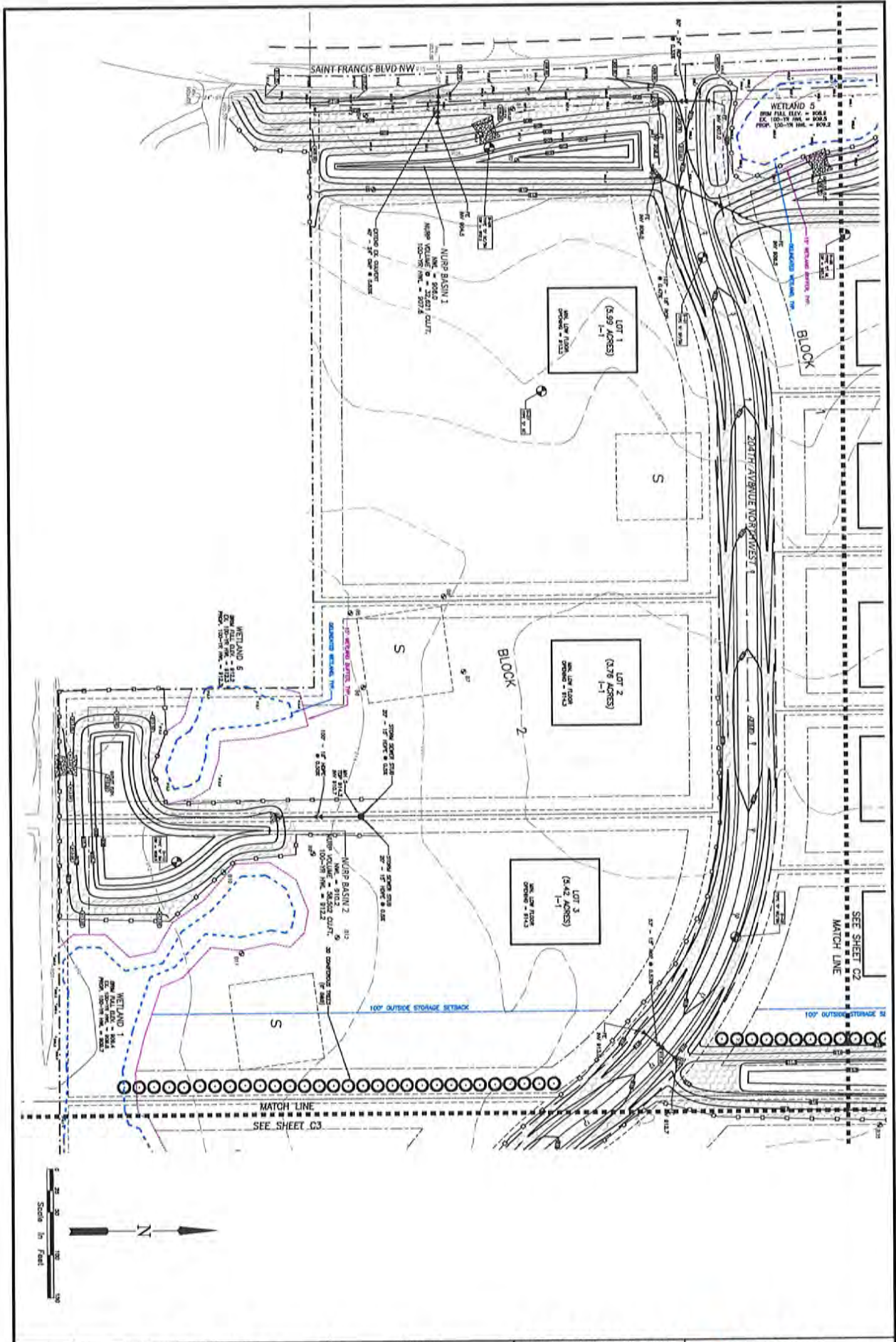
NORTH

**Conceptual Lot  
 Layout Plan**  
**City of Nowthen**  
 6 of 8

Source: Anoka County, MET Council, MnDNR & MnDOT







SHEET NUMBER  
C1

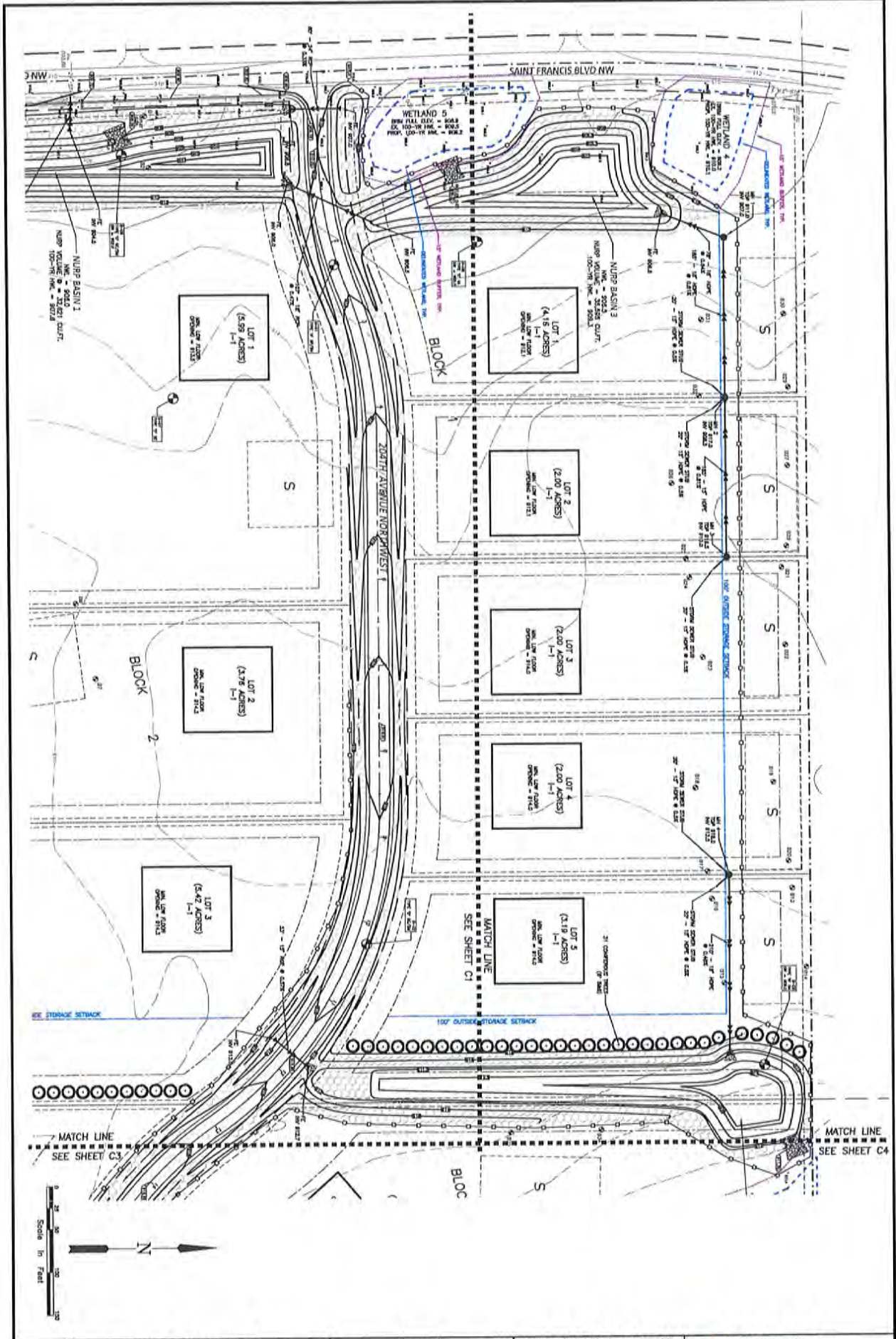
GRADING, DRAINAGE &  
EROSION CONTROL PLAN  
TOFT 1ST ADDITION  
CITY OF NOWTHEN

Issued	8-1-11
CITY EXAMINER	

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
Date \_\_\_\_\_  
Reg. No. \_\_\_\_\_

**REHDER & ASSOCIATES, INC.**  
Civil Engineers & Land Surveyors  
2545 1st Avenue NW, Suite 100  
Lakeland, MN 55127  
Telephone: 507-228-8811  
www.rehder.com

PROJECT NO.: 201-1678.01B DRAWING FILE: 167801B.DWG



SHEET NUMBER  
**C2**

**GRADING, DRAINAGE & EROSION CONTROL PLAN**  
TOFT 1ST ADDITION  
CITY OF NOWTHEN

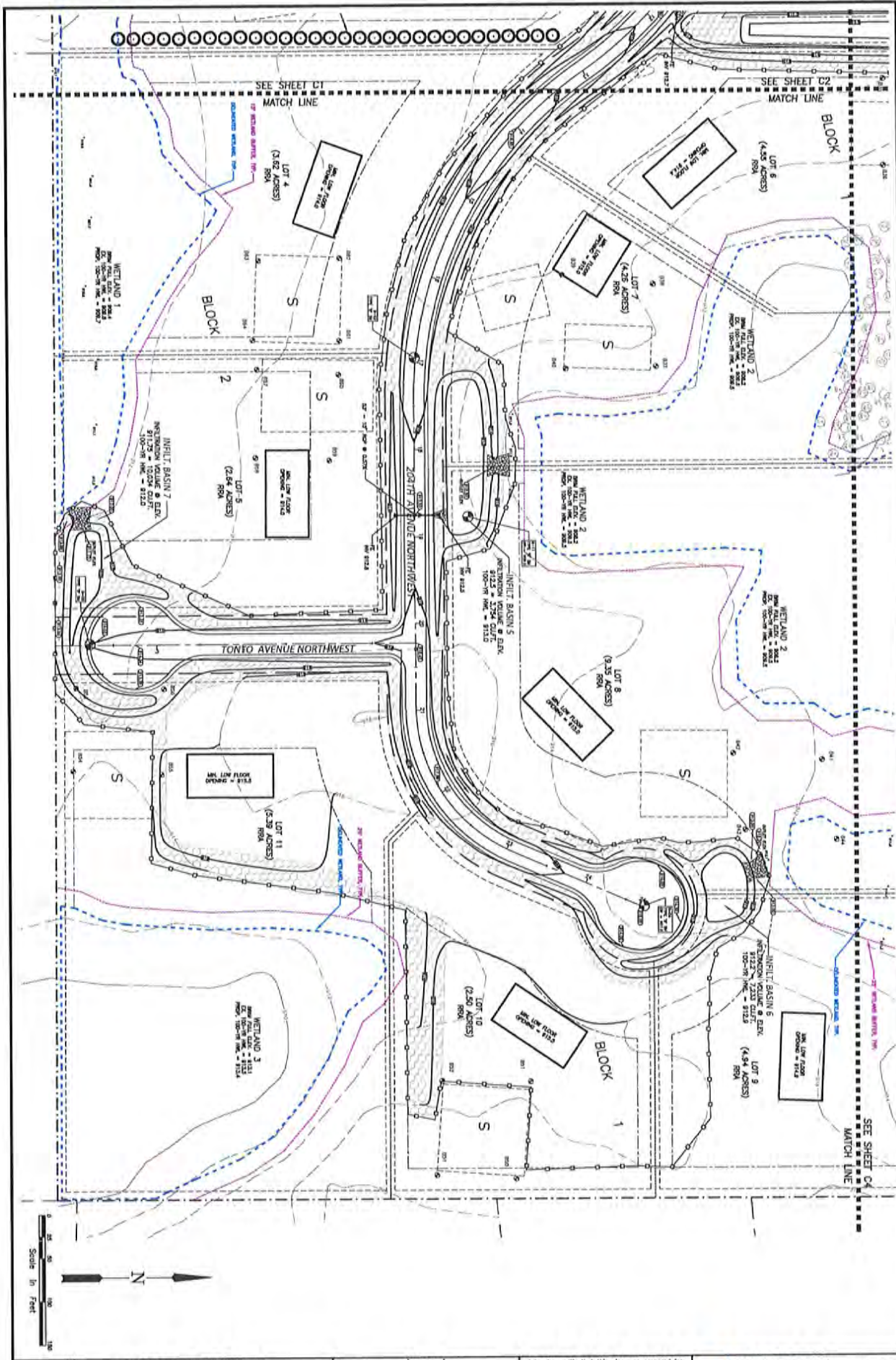
Issued	5-4-21
CITY EXAMINER	

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
Date \_\_\_\_\_  
Reg. No. \_\_\_\_\_

**REHDER & ASSOCIATES, INC.**  
2140 Federal Drive, Suite 118  
Duluth, MN 55812  
Telephone 612-451-1511  
www.rehder.com

PROJECT NO: 201-1878.018 DRAWING FILE: 1878018.018





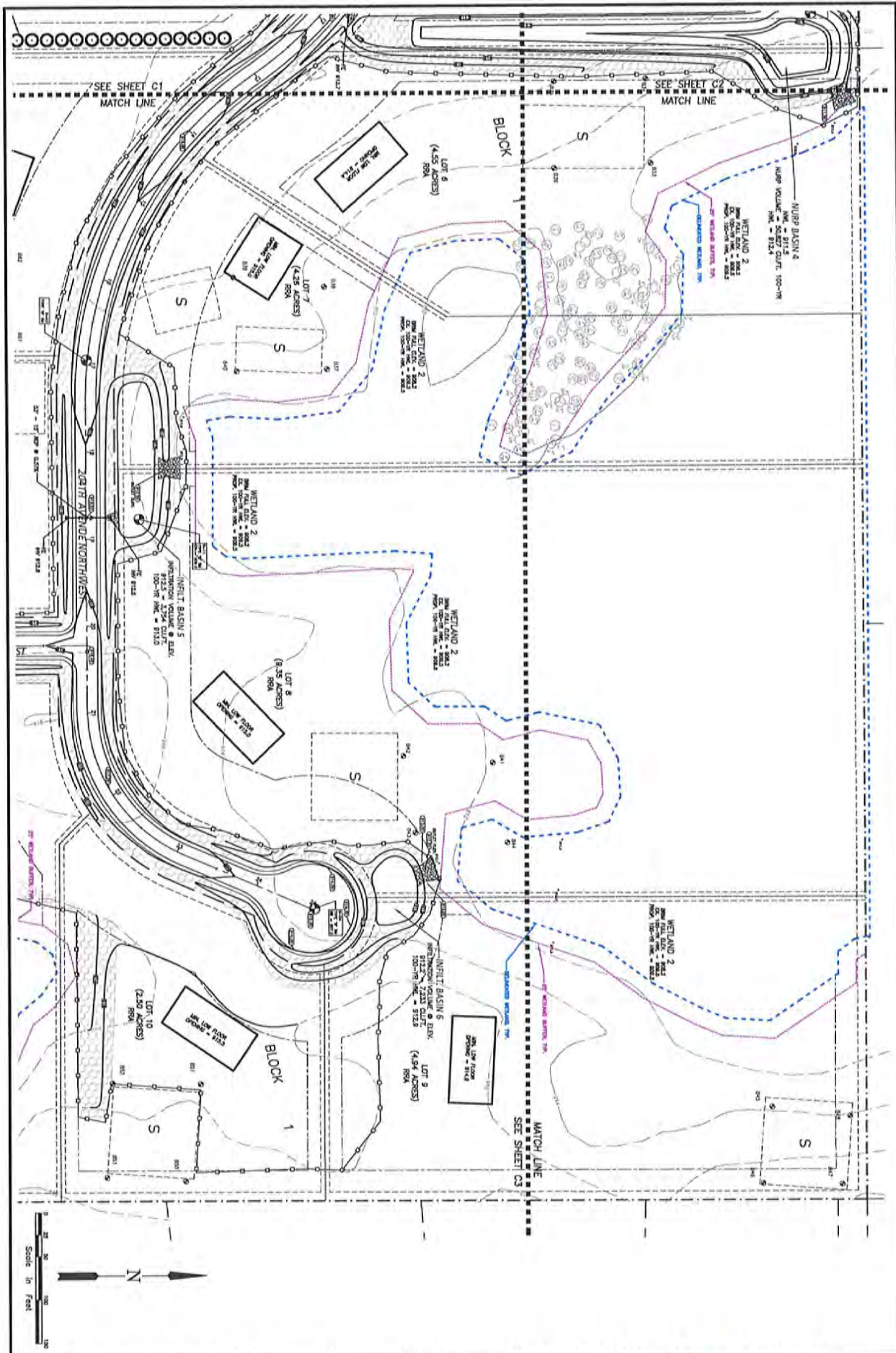
SHEET NUMBER  
**C3**

**GRADING, DRAINAGE & EROSION CONTROL PLAN**  
TOFT 1ST ADDITION  
CITY OF NOWTHEN

Issued	
DATE	BY
8-1-21	DR. BARNETT

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Reg. No.: \_\_\_\_\_

**REHDER & ASSOCIATES, INC.**  
Civil Engineers & Land Surveyors  
1415 E. Grand Ave., Suite 319  
Mankato, MN 56002  
Telephone: 507-432-0101  
www.rehder.com  
PROJECT NO.: 201-1878.01B DRAWING FILE: 187801B.DWG



SHEET NUMBER  
**C4**

**GRADING, DRAINAGE & EROSION CONTROL PLAN**  
TOFT 1ST ADDITION  
CITY OF NOWTHEN

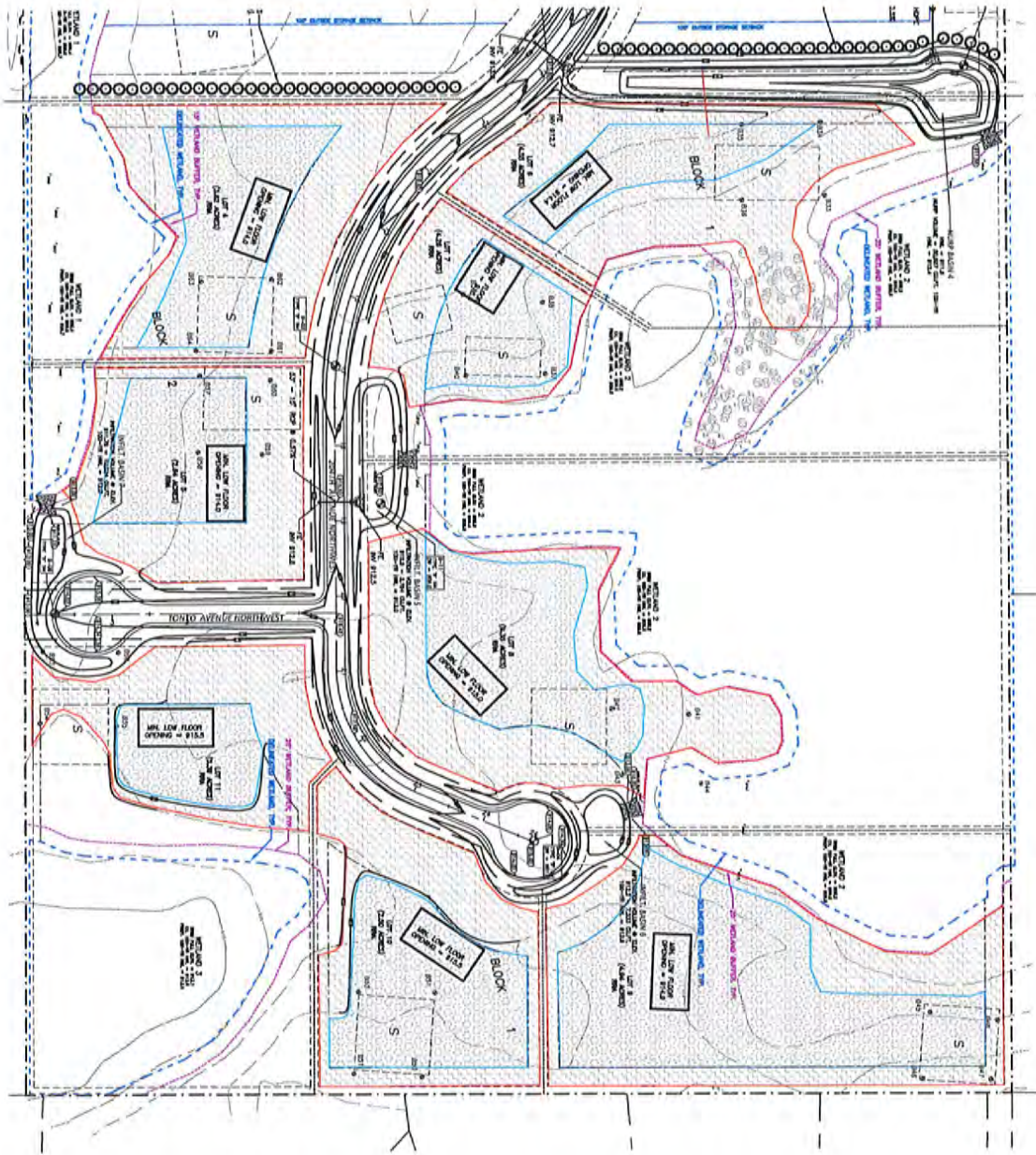
Issued	
DATE	BY
8-4-21	CHY/SANTAL

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
Date \_\_\_\_\_  
Name \_\_\_\_\_ Reg. No. \_\_\_\_\_

**REHDER & ASSOCIATES, INC.**  
Soil Engineers & Land Surveyors

3513 Federal Drive, Suite 111  
Edina, MN 55425  
Telephone 612-432-0111  
www.rehder.com

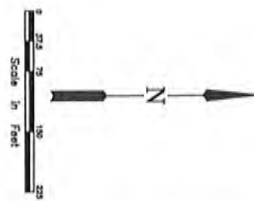
PROJECT NO.: 201-1878.018 DRAWING FILE: 1878018.DWG



AREA W/1" SEPARATION FROM DRIVE  
 AREA W/2" SEPARATION FROM DRIVE

**LEGEND**

BLOCK	LOT	LOT AREA (AC)	AREA W/1" SEPARATION FROM DRIVE	AREA W/2" SEPARATION FROM DRIVE
1	1	4.52	37.00	19.71
1	2	4.52	37.00	19.71
1	3	4.52	37.00	19.71
1	4	4.52	37.00	19.71
1	5	4.52	37.00	19.71
1	6	4.52	37.00	19.71
1	7	4.52	37.00	19.71
1	8	4.52	37.00	19.71
1	9	4.52	37.00	19.71
1	10	4.52	37.00	19.71
1	11	4.52	37.00	19.71
1	12	4.52	37.00	19.71
1	13	4.52	37.00	19.71
1	14	4.52	37.00	19.71
1	15	4.52	37.00	19.71
1	16	4.52	37.00	19.71
1	17	4.52	37.00	19.71
1	18	4.52	37.00	19.71
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1	22	4.52	37.00	19.71
1	23	4.52	37.00	19.71
1	24	4.52	37.00	19.71
1	25	4.52	37.00	19.71
1	26	4.52	37.00	19.71
1	27	4.52	37.00	19.71
1	28	4.52	37.00	19.71
1	29	4.52	37.00	19.71
1	30	4.52	37.00	19.71
1	31	4.52	37.00	19.71
1	32	4.52	37.00	19.71
1	33	4.52	37.00	19.71
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1	43	4.52	37.00	19.71
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1	47	4.52	37.00	19.71
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1	98	4.52	37.00	19.71
1	99	4.52	37.00	19.71
1	100	4.52	37.00	19.71



**C8**

**BUILDABLE AREA PLAN  
TOFT 1ST ADDITION  
CITY OF NOWTHEN**

Issued  
CITY ENGINEER

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of the State of **MISSISSIPPI**.

PRELIMINARY

Name \_\_\_\_\_ Date \_\_\_\_\_  
Reg. No. \_\_\_\_\_

**REHDER & ASSOCIATES, INC.**  
Civil Engineers & Land Surveyors

2148 Federal Blvd., Suite 111  
Dallas, TX 75202  
Telephone 972-412-1891  
www.rphd.com

PROJECT NO.: 201-1876.018 DRAWING FILE: 1876018.DWG

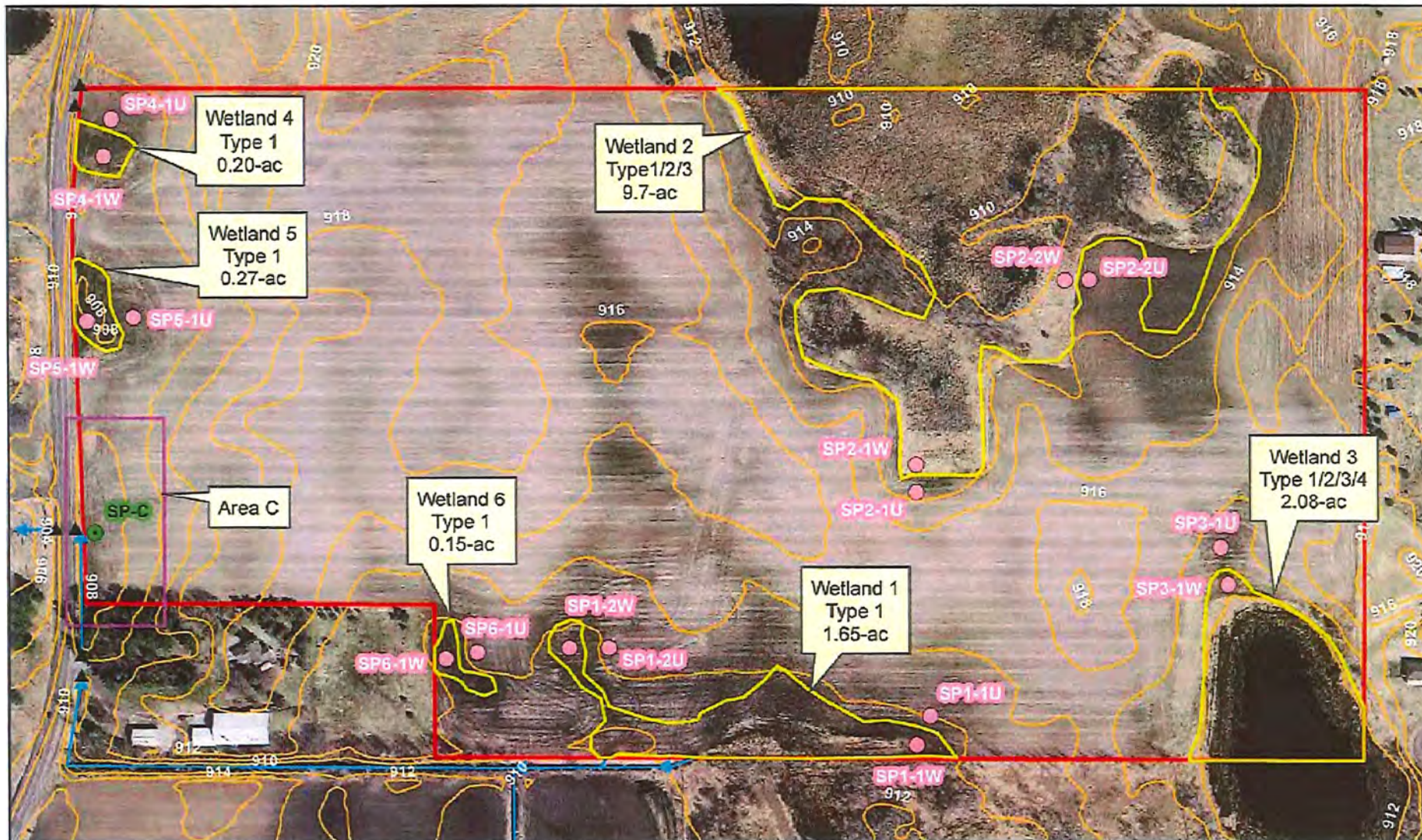



Figure 2 - Existing Conditions (2020 Spring Imagery)



**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
Source: MNGEO Spatial Commons

N

0 250 Feet

- Sample Point
- Transect
- GPS Wetland Boundary
- ▲ Culvert
- Ditch
- Project Boundary
- Anoka County Lidar

**Saint Francis Blvd NW Site (KES 2021-013)**  
**Nowthen, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

# Chosen Valley Testing, Inc.

414 37<sup>th</sup> Avenue North, St. Cloud, Minnesota 56303

Phone: 1-320-774-3500 Fax: 1-320-774-3554 Email: [stcloud@chosenvalltesting.com](mailto:stcloud@chosenvalltesting.com)

Mr. Greg Stotko  
Stotko Speeding Construction, Inc.  
1303 Eddy Street  
Hastings, MN 55033  
[greg@stotkospeedling.com](mailto:greg@stotkospeedling.com)

April 27, 2021

**Re: Design Phase Geotechnical Evaluation  
Proposed Toft Property Development  
St. Francis Blvd. NW  
Nowthen, Minnesota  
CVT Project Number: 18351.21.MNS**

Dear Mr. Stotko,

As authorized, we have completed the attached geotechnical evaluation report for the above development. This letter briefly summarizes the findings in the attached report.

## **Summary of Boring Results**

All of the borings encountered topsoil at the surface. The topsoil was typically about ½ to 1 ½ foot thick.

The dominant soils at depth were silty clayey sands to silty sands, and most borings terminated in these soils. At about 1/2 of the locations, a layer of generally clean sands was encountered. Boring B-08 had a layer of sandy silt. Two borings terminated in a layer of clayey sand.

Free water was observed at a depth of 6 feet below the surface in two borings which had rather permeable, cleaner sand layers at depth. The other borings had less permeable silty to clayey sands at depth and this likely limited the ability for water to collect at those locations during drilling. Cave-ins after auger removal often occur near the water table and were noted at about 6 feet these other locations. Based on the combined information, current water levels appear to be about 6 feet below the surface. Long term water monitoring with piezometers, wells or test pits would be required to better define current groundwater levels.

## **Summary of Analysis and Recommendations**

Based on the data, the general site stratigraphy consists of topsoil overlying primarily natural silty to clayey sands. The topsoil should be removed from paved areas before placed fill or pavements. If the building sites are to be rough graded, the topsoil should be stripped from those areas before placed fill if needed. The natural soils below the topsoil appear suitable for reuse as bulk fill below pavements and buildings, provided they are adequately compacted. This may require wet or drying depending on conditions at the time of construction.

The dominant silty to clayey sands are fair subgrade soil and can be very unstable under traffic if wet or directly exposed to repeated vehicle traffic. Drying or other stabilization measures may be needed in advance of paving.

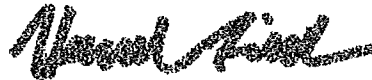
The general soils encountered would likely be adequate to support a variety of building types on foundations sized to exert pressure up to 3,000 psf. Additional borings and geotechnical analysis would be required to address specific requirements for each building and facility and was not part of our work scope.

The attached report provides additional general recommendations for grading and design, including estimated infiltration rates for the pond area soils.

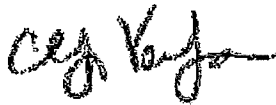
**Remarks**

We appreciate the opportunity to serve you. If you have any questions about our report, please feel free to contact us at (320) 774-3500.

Sincerely,  
**Chosen Valley Testing, Inc.**



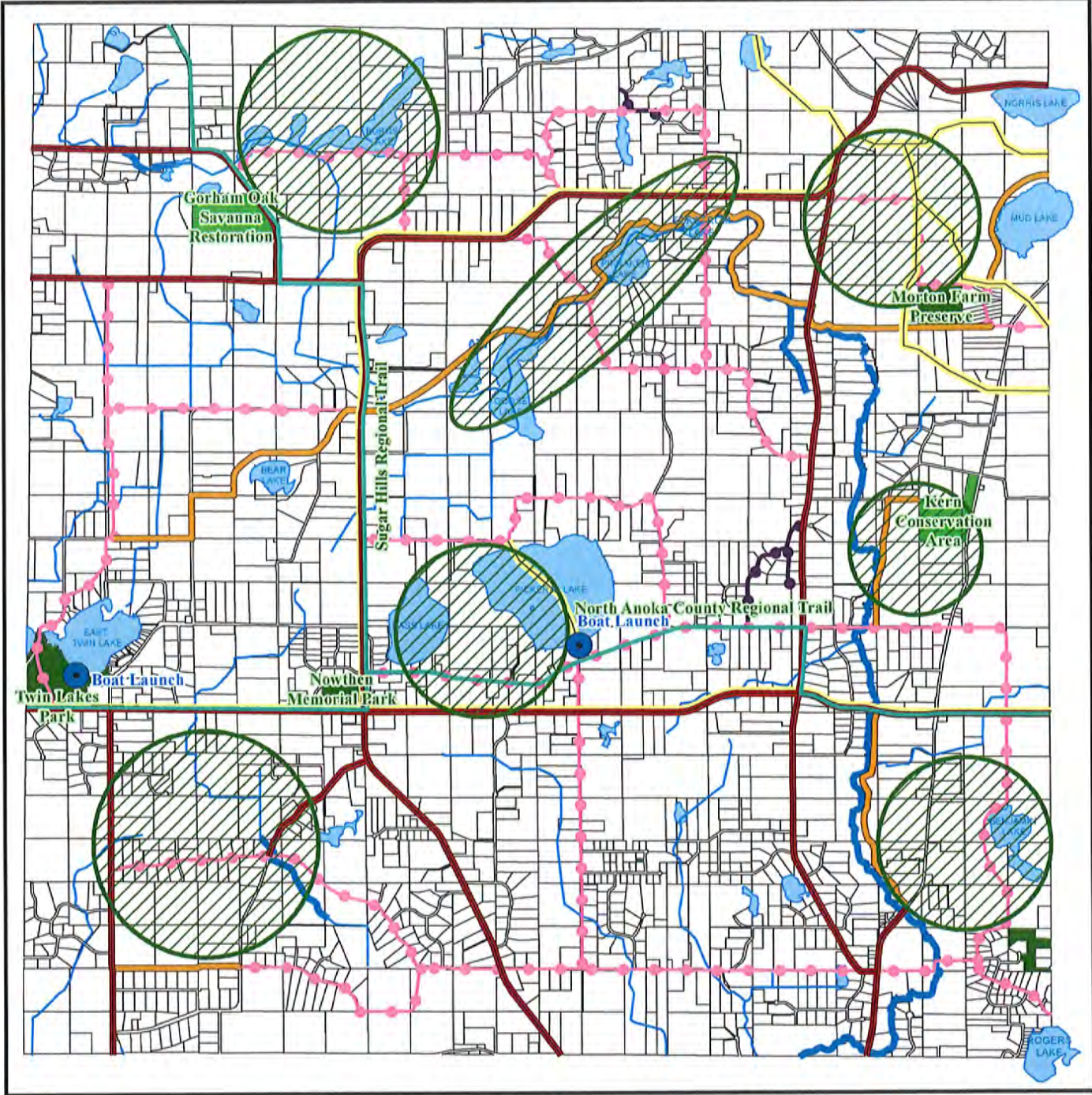
Hannah Fischer  
Graduate Engineer



Colby T. Verdegan, PE  
Sr. Geotechnical/Materials Engineer




# 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

**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:\load\_eng\PROJECTS\GIS\TPC\Nowthen\2017CompPlan





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

---

**Submitted to:** City of Nowthen

**cc:** Lori Streich, City Clerk  
Liz Stockman, City Planner  
Bob Ruppe, City Attorney  
Chad & Megan Toft, Applicants  
Nicholas Adam, Applicant's Engineer

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

**Date:** May 18, 2021

**Proposed Project:** Toft First Addition

**Street Location:** 204xx St. Francis Blvd

**Applicant:** MMT Holdings LLP / CST Companies

**Owners of Record:** John Wirz  
Joseph Wirz

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

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



## **INFORMATION AVAILABLE**

Preliminary Plat of Toft First Addition, dated May 3, 2021, prepared by Rehder & Associates, Inc.

Preliminary Plans, dated May 4, 2021, prepared by Rehder & Associates, Inc.

Stormwater Management Plan, May 4, 2021, prepared by Rehder & Associates, Inc.

Buildability Area Plan for Toft 1<sup>st</sup> Addition, dated May 4, 2021, prepared by Rehder & Associates, Inc.

Soil Logs, dated April 23, 2021, prepared by Josh Putt

Wetland Delineation Report, dated May 4, 2021, prepared by Kjolhaug Environmental Services Company, Inc.

Design Phase Geotechnical Evaluation, dated April 27, 2021, prepared by Chosen Valley Testing

## **SITE ACCESS / VEHICULAR TRAFFIC**

1. The project is proposed to receive access from Saint Francis Blvd (Highway 47). Saint Francis Blvd (Highway 47) is a State Highway and is under the jurisdiction of the Minnesota Department of Transportation (MnDOT). It appears that there is a hill on the property to the north that may hinder the site distance. The new street access must meet all MnDOT design and safety criteria (including site distance) as per the MnDOT Road Design Manual. The Applicant shall obtain a permit from MnDOT for the proposed access and shall meet all conditions of said permit as a condition of City approval. Please provide copy of MnDOT review letters and/or permit when available.
2. The road system shall be designed for the applicable speed limit, which is 35 mph. The Applicant is requested to provide the curve data for the proposed horizontal curves to verify the design.
3. The proposed curb curve radii are not labeled on the plans. Please provide radii labels on curb radii in intersections.

## **PRELIMINARY PLAT**

1. The proposed horizontal curve radii are not labeled. Revisions to horizontal curves could affect lot dimension and sizes. Please provide.

2. There is a portion of Lot 7, Block 1 that will be inaccessible due to the existing wetland. We recommend adjusting the lot line to add the upland to Lot 6, Block 1.
3. The northeast corner of Lot 11, Block 1 will be inaccessible due to the existing wetland. We recommend adjusting the lot line to add the "triangle" of upland to Lot 19, Block 1.
4. Show all existing right-of-ways. The existing right-of-way to width of the exception parcel directly to the south is unclear.
5. The wetlands shall be labeled as Exceptional, High, Medium, or Low on the Preliminary Grading Plan and appropriate easements for applicable buffer widths depicted on the preliminary plat.
6. All wetlands, wetland buffers, stormwater structures, conveyance systems, emergency over flows, cross lot drainage, and stormwater detentions basins must be within a drainage and utility easement that contains the entire 100-year high water level. Please show these easements on the preliminary plat and update lot areas as applicable.

## **GRADING AND EROSION CONTROL**

1. It appears that grading of all house pads is not proposed, which is acceptable. Final grading plans must include the acceptable garage floor, low floor, and lowest opening elevations.
2. Please revise the 15" culvert at STA 11+80 to a minimum size of 18" RCP. Also, please lower the culvert to provide 2' of cover and provide a special ditch, 200' either direction to transition.
3. Please revise the 15" culvert at STA 18+70 to a minimum size of 18" RCP. Also, please lower the culvert to provide 2' of cover and provide a special ditch, 200' either direction to transition and adjust grading as necessary.
4. Please revise the 24" culvert and 18" culvert at STA 0+40 and 1+50 to provide 2' of cover.
5. The plan depicts storm sewer on the rear of the industrial lots that cross from lot to lot. It is unclear who will own and maintain this storm sewer. Due to the locations, the storm sewer as proposed will be difficult to maintain as a public storm sewer and we recommend that the City does not accept ownership and maintenance.
6. Erosion control BMPs are depicted on the preliminary plans. An erosion control plan and SWPPP will be required with the final development plans.

7. 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%.
8. The preliminary plans depict off-site grading for the northbound Highway 47 Turn Lanes. The Applicant shall provide a temporary easement to the City showing the landowner's consent.
9. Revise berm contours for NURP Basin 1 to provide 10' width at the top of the berm, with 1' (minimum of freeboard) from the HWL to the top of the berm.
10. Revise berm contours for NURP Basin 2 to provide a 10' width at the top of the berm (913).
11. Revise Infiltration Basin 7 such that it does not encroach into the right-of-way.
12. Benchmarks shall be shown on all final grading plan sheets. Please specify datum used for the benchmark.

## **WETLANDS**

1. A wetland delineation report has been received and is subject to the review and approval of the Technical Evaluation Panel (TEP).
2. There are no proposed wetland impacts as part of the development.
3. Please label the wetland quality for all wetlands on the grading sheets. 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.

## **STORMWATER**

1. The stormwater report was submitted with two stormwater models, one to determine the 100-year high water levels and rates, and another to determine the 2-year and 10-year characteristics. The 2-year and 10-year high water levels must also be determined by modeling the entire contributing area. Please confirm bounce and inundation periods are in accordance with City and Upper Rum River Watershed Management Organization (URRWMO) standards.

2. In accordance with City standards, outlet control structures are required for NURP Ponds. The model shall be updated accordingly.
3. The stormwater model is modeling a smaller area on the proposed conditions than the existing conditions. The watersheds in the model shall be corrected such that the pre-project areas are equal to the post-project area.
4. The City's zoning ordinance allows for 70% impervious coverage in the Industrial lots; however, the stormwater modeling does not account for 70% impervious coverage. The stormwater model and impervious surfacing calculations shall be revised to model and filtrate/infiltrate the allowable amount of impervious surfacing.
5. Impervious area for proposed sub catchment 25s has not been included in the curve number calculations. Please include the impervious area for lots 6-9 in this sub catchment.
6. Infiltration basins are located in close proximity of delineated wetlands, in locations that presumably are the least suitable for infiltration. We recommend double ring infiltrometer testing be completed to ensure the long-term function of the infiltration basins and to confirm the design. We also recommend that the Applicant consider relocating the infiltration basins in areas where the soils may be more conducive.
7. Section 15.5 of the NPDES Construction Stormwater Permit states permittees must first consider volume reduction practices on-site either infiltration or infiltration when designing permanent stormwater systems. The stormwater design shall be revised in accordance with NPDES requirements and City ordinances to provide volume control for the first 1-inch of runoff from impervious surfaces. If volume control cannot be provided on site, the Stormwater Management Plan narrative must provide justification.
8. Storm sewer stubs located in the rear of the industrial lots appear to be undersized for the amount of area. Please provide storm sewer sizing calculations (storm sewer shall convey runoff from the 10-year storm event).
9. Please provide a stormwater access route at least 10 feet wide with a maximum slope of 10% to provide access to storm water facilities including: flared end sections, forebays, infiltration basins, and stormwater pond outlets. Basins 4P, 11P, 13P, 14P, 15P, & 16P do not appear to have clear access to allow for outlet maintenance. Stormwater access routes shall be entirely contained within a 20' wide drainage and utility easement.
10. Wetlands are currently being modeled as B type soils. In the undrained/saturated condition, the soils are expected to be hydrologic soil group D. The model shall be updated to use curve numbers appropriate for D type soils.

## **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 include plan and profile sheets.
2. Zoning review is to be completed by the City Planner and provided under separate cover.

## **RECOMMENDATION**

Overall, the general development pattern, street network, and lot layout seems conducive to the property. However, there are several comments that may affect lot areas. The Preliminary Plat and accompanying plans and reports shall be revised and resubmitted for review.

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION  
FINDINGS & RECOMMENDATION  
Toft 1<sup>st</sup> Addition Preliminary Plat  
DRAFT 5/18/21**

**APPLICANTS:** Chad and Megan Toft, CST Companies/MMT Holdings LLC  
Wirz Family, Property Owners 204xx St. Francis Blvd.

**APPLICATION:** Request for approval of a Preliminary Plat; 16 lots on 70 acres (8 Industrial lots zoned I-1 and 8 single family lots zoned RRA, Rural Residential Agriculture)

**PLANNING & ZONING COMMISSION MEETING:** May 25, 2021

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

Whereas, the legal description of the Subject Property is THAT PRT OF NW1/4 OF NE1/4 OF SEC 24 TWP 33 RGE 25 LYG ELY OF C/L OF ST HWY NO 47, EX THAT PRT LYG WITHIN S 300 FT OF W 841 FT OF SD 1/4,1/4 (AS MEAS ALG W & S LINES THEREOF), ALSO EX RD, SUBJ TO EASE OF REC

AND  
THE NE1/4 OF NE1/4 OF SEC 24 TWP 33 RGE 25, SUBJ TO EASE OF REC;

Whereas, the Subject Property is located at 204xx St. Francis Boulevard and has a parcel ID of 24-33-25-12-0005 and 24-33-25-11-0001;

Whereas, the Subject Property is 70.25 acres in size;

Whereas, the applicant wishes to subdivide 8 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 wished to subdivide 8 industrial lots with a gross density of 3.88 acres according to Section 11-3-9 of the Nowthen City Code;

Whereas, the applicant will be constructing local streets meeting the minimum standards of the Nowthen Subdivision Ordinance;

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 May 18, 2021, prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Engineering Review dated May 18, 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 a regular meeting on May 25, 2021.

**RECOMMENDATION:** Based on the foregoing information and applicable ordinances, the Planning & Zoning Commission approves the **Preliminary Plat of Toft 1<sup>st</sup> Addition**, subject to the following:

1. The request meets all platting requirements of Chapter 10 of the Nowthen City Code.
2. The request shall meet all density, lot size, and setback requirements of the RRA, Rural Residential Agriculture District.
3. The request shall meet all lot size and setback requirements of the I-1, Industrial District.
4. All street designs and construction plans shall be subject to review and approval by the City Engineer.
5. The proposed access points onto Highway 47 shall be reviewed and approved by MNDOT and comply with all requirements of an access permit.
6. Tonto Avenue shall be revised to read Tonto Street NW.
7. Lot 6, Block 1 is amended to show 300 feet of width at the building setback line.
8. Lot lines between Lots 6 and 7 of Block 1 and Lots 10 and 11 of Block 1 should be amended so as not to leave islands of unusable land separated by wetlands.
9. Park and trail dedication shall be provided as follows: \$2,000/lot for park dedication x 16 lots = \$32,000 and \$500/lot for trail dedication x 16 lots = \$8,000 unless the City Council wishes to require the provision of trails somewhere within the plat.
10. Drainage and utility easements shall be provided for all stormwater ponds, stormwater structures, overflows, cross drainage, wetlands and wetland buffers to the limits of the 100-year highwater level (HWL).

11. The plat is subject to review and approval of the City Engineer as are all grading, drainage, erosion control issues, and any wetland impacts.
12. The wetlands delineation report has been received and is currently under review. Wetland buffer signage will be required.
13. The wetlands shall be labeled as Exceptional, High, Medium, or Low Quality on the Preliminary Grading Plan and appropriate easements for applicable buffer widths shall be depicted on the Preliminary Plat.
14. All septic sites shall be located outside of drainage and utility easements and protected by orange construction fencing prior to grading commencing. All ISTS shall be subject to review and approval by MNspect.
15. Well placement is subject to MN Dept. of Health permit requirements and MN rules.
16. All existing healthy trees on the site shall be preserved to the maximum extent feasible.
17. The landscaping shown within the buffer on sheets C1 and C2 is amended to specify a variety of deciduous trees or conifers.
18. Wetland buffers must be established with native grasses. The final plans shall specify an accepted MNDOT mix suitable for the area.
19. 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.
20. Revised plans are submitted which reflect the required changes prior to consideration by the City Council.
21. Any exterior signs or lighting will be subject to review and approval of the City Planner.
22. Section 11-4-13.F states that all single-family housing units must have a dwelling size of at least one thousand two hundred (1,200) square feet above grade on the main level for multi-level or split level homes and eighteen hundred (1,800) square feet for single level homes, excluding any garage area.
23. Section 11-4-17.D and E states that all commercial or light manufacturing principal structures shall have a minimum of two thousand (2,000) square foot ground floor area. The size of structures on any lot shall not exceed twenty (20%) percent of the total lot area. The maximum area of impervious land coverage, to include the building and all paved or impervious surfaces, shall not exceed seventy (70%) percent of the total lot area.
24. 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.

25. 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 25th day of May 2021.**

**CITY OF NOWTHEN**

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

Attest: \_\_\_\_\_  
Lori Streich, City Clerk



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

## PLANNING REPORT

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

FROM: Elizabeth Stockman

RE: Nowthen – CST Companies Site Plan and Interim Use Permit  
xxxx 204<sup>th</sup> Avenue NW (Lot 1, Block 2 Toft 1<sup>st</sup> Addn.)

DATE: May 18, 2021

TPC FILE: 122.02 – 21.12

### BACKGROUND

MMT Holdings LLC/CST Companies (applicants Chad and Megan Toft) in association with the Wirz family (land owners) are proposing development of a 5.99 acre lot within Toft 1<sup>st</sup> Addition. The proposed development requires an Interim Use Permit (IUP) for outdoor storage of semi-trucks and trailers. A public hearing to consider the IUP was noticed for the regular Planning and Zoning Commission meeting to be held on May 25, 2021. The property is zoned I-1, Industrial and is appropriately guided in the City's 2040 Land Use Plan.

### Exhibits:

- A. Application for Interim Use Permit (4 pages)
- B. Letter of Intent (3 pages)
- C. Consultant Fee Acknowledgement (2 pages)
- D. Site Location & Zoning Map
- E. Preliminary Plat Toft 1<sup>st</sup> Addition
- F. Site Plan
- G. Grading, Drainage and Erosion Control Plan
- H. Landscaping Plan
- I. Building Rendering
- J. Building Floor Plan
- K. Building Elevations
- L. Columbus, MN Photos
- M. Revised Fence Plan
- N. Fence Material

## **ANALYSIS**

**Zoning & Land Use.** The subject site is zoned I-1, Industrial, consistent with the adopted 2040 Comprehensive Land Use Plan. This district is intended to provide specifically for the regulation of light manufacturing, and warehousing uses located within areas guided for industrial land uses by the Comprehensive Plan. The proposed development is a permitted use.

**Interim Use Permit.** Section 11-3-9.D.4 of the City Zoning Ordinance allows outdoor storage as a principal or accessory use, provided that:

- (1) The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.
- (2) The storage area is surfaced to control dust.
- (3) The storage area does not take up parking space as required by this Chapter.

The proposed development meets these three requirements. In permitting a new interim use permit, the Planning Commission and/or City Council may impose, in addition to these standards and requirements specified by this Chapter, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

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

Based on the review of other City Code requirements contained herein, the Interim Use Permit conditions above have been met, with the exception of signage, since no sign details have been submitted. The City Council may require additional landscaping or screening as a condition of any approval.

**Property Ownership.** The property is owned by the Wirz Family and is under contract with CST Companies to be purchased by June 19, 2021. MMT Holdings will be the company who buys the lot to build CST Distribution & CST Transportation.

**Setbacks & Building Height.** The proposed development is subject to the provisions of Section 11-3-9 regarding setbacks and building height:

<u>REQUIRED</u>	<u>ACTUAL</u>
Front: the greater of 70 ft. from CL of 204 <sup>th</sup> Avenue or 30 ft. from prop. line	165 ft.
Side Yard Interior: 20 ft.	240 ft.
Side Yard (Hwy. 47): 150 ft. from centerline	360 ft.
Rear Yard : 35 ft.	340 ft.
Wetland Setbacks: 30-50 ft. (depends on type)	NA
Parking/Driving Areas: 10 ft.	15 ft.
Maximum Structure Height: Thirty-Five (35) feet	20'6"

**Parking & Loading Requirements.**

Office 2,625 SF x 1/200 SF = 13 spaces  
Warehouse 30,000 SF x 1/1000 SF = 30 spaces  
50x120 Addition (6,000 SF x 1/1000 SF = 6 add'l spaces)

A total of 43 parking spaces are required and have been appropriately shown on the site plan. Eighteen (18) of the stalls are located along the south property line; employees park their vehicles in the location of their trailer. Two accessible parking spaces have been provided with ADA regulations as required in Section 11-6-6.

Section 11-4-17.G stipulates that no commercial or light manufacturing use shall be approved unless that use is accessed from a paved street with a total pavement structure sufficient for commercial traffic. All pavements within commercial industrial areas shall be designed minimum nine (9) ton standards in accordance with Mn/DOT bituminous street design procedures.

Section 11-6-2.D requires that no curb cut access shall be located less than sixty (60) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the intersection of lot lines. The proposed development is in compliance with this requirement. The two proposed driveways onto 204<sup>th</sup> Avenue are acceptable since the site has more than 250 feet of frontage (1 access per 125 feet of frontage per Section 11-6-2.J).

The driveway width is allowed up to 24 feet wide per Section 11-6-2.F.2 except as may be allowed by the City Engineer. It is reasonable given the amount of truck traffic that the thirty-two (32) foot width be considered for access to the rear parking and loading area.

Section 11-6-2.A requires that parking stalls be not less than nine (9) feet wide and twenty (20) feet in length (exclusive of 22 foot access aisles).

Section 11-6-2.I requires that the grade elevation of any parking area or driveways not exceed four (4) percent. This item will be subject to review and approval of the City Engineer.

Except for agricultural uses, single family dwellings and essential service uses, all open, off-street parking shall have a continuous concrete perimeter curb barrier around the entire parking lot as required by Section 11-6-2.K.4.a, unless waived by the City Engineer.

**Grading, Drainage & Stormwater Plan.** The applicants have proposed a series of catch basins and storm sewer to handle stormwater and direct it to the stormwater pond along Highway 47. All grading, drainage, and erosion control issues shall be subject to review and approval of the City Engineer. The timing of the building construction will need to coincide with construction of the stormwater pond shown on Lot 1, Block 2.

**Utilities.** An Individual Sewage Treatment System location (both primary and backup sites) has been shown on the subject property. 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. A septic system design shall be submitted for review and approval by MNSpect.

**Minimum Structure Size & Impervious Surface Limitation.** Section 11-4-17.D and E requires that all commercial or light manufacturing principal structures shall have a minimum of two thousand (2,000) square foot ground floor area.

The size of structures on any lot shall not exceed twenty (20%) percent of the total lot area which equals 52,185 SF. The actual building size is 32,625 SF. The maximum area of impervious land coverage, to include the building and all paved or impervious surfaces, shall not exceed seventy (70%) percent of the total lot area. Plans show a total of 49.4% impervious.

**Architectural Requirements and Building Exterior.** Section 11-5-3.H specifies the following architectural allowances for industrial uses. The metal roof must be standing seam with hidden fasteners.

- (1) The primary exterior building finish shall consist of grade A, B, C, and/or D materials.

<b>Section 11-5-3 Exterior Building Requirements</b>	
Grade A	a. Brick or custom masonry units (CMU) having a brick-like appearance. b. Natural or artificial stone. c. Glass. <b><i>The building contains a three (3) foot masonry wainscot on the front (north) and west elevations. See Exhibit I for proposed color rendering.</i></b>
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.

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 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.
Grade D	Steel, aluminum <i>(The proposed insulated metal building panels have a stucco look; sample will be brought to the Planning and Zoning Commission meeting) Except for the garage doors and roof, there is no exposed metal.</i>
Grade E	Vinyl

- (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.

Section 11-5-2.B specifies that 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. The City Council shall review and comment on the details proposed on the building on the front office portion of the structure, the main entry and to break up the expanse of warehouse walls as viewed from the two public rights-of-way.

**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. *No significant trees are located on this property.*

**Landscaping.**

Section 11-4-17.L requires that all storage lots must maintain a minimum of thirty (30) feet front set back to the fencing and such area shall be landscaped. *The proposed development is in compliance with this requirement.*

Section 11-4-17.M.2 requires the following uses to be screened or buffered in accordance with the requirements of this Section.

- (1) Principal buildings and structures and any accessory structures located in any business district containing non-residential uses shall be screened and buffered from lots used for any residential purpose.

*Comment: The CST site is completely surrounded by industrial and agricultural uses, except possible across Highway 47 and a 10-foot fence and landscaping has been shown along this west side.*

- (2) Off-street parking spaces shall be screened and buffered from lots which are zoned residential. This site does not abut any residential uses but Section 11-6-2.L requires that all open off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts and uses, and the public right-of-way.

*Comment: It is recommended that some native grasses or shrubs capable of withstanding the impacts of plowed snow be added along the north side of front parking area closest to 204<sup>th</sup> Avenue.*

- (3) Loading docks, trash and recycling storage facilities shall be screened from all lot lines and public streets.

*Comment: The location of refuse and recycling containers shall be indicated on plans. The loading dock is at the rear of the facility and adequately screened.*

- (4) Outside storage in business districts that is allowed by other provisions of this ordinance shall be screened from all public views.

*Comment: The north and west sides of the property show fencing and screening as required by ordinance. See additional comments below.*

**Fencing & Screening.** Section 11-4-17.k requires that all outside storage shall be screened from view and in an area enclosed with opaque fencing, with a minimum height of six (6) feet as measured from finished grade. All fences over 6 feet in height require a building permit and approval by the Architectural Review Committee. Fencing material must be new, un-used durable material in sound condition and properly installed and maintained. Permitted materials include:

- (1) Chain-link with vinyl or metal slats.
- (2) Naturally decay resistant or chemically treated wood.
- (3) Decorative masonry or concrete.
- (4) Low or maintenance-free vinyl.
- (5) Other materials may be approved by the Nowthen Architectural Review Committee.
- (6) Fabric Fencing or screening material is prohibited.



Exhibit M shows a revised fence plan which shows a ten (10) foot high opaque metal fence along the west side of the outdoor storage area and a six (6) foot high metal opaque fence along the north line of the outdoor storage area (east of the building) to block views from 204<sup>th</sup> Avenue. Exhibit N shows the metal product but it is not clear what the columns will look like. The gate is shown in Exhibit L, which is a picture of CST's Columbus, MN facility.

**Refuse.** Section 11-4-17.J requires that all Commercial or Light Manufacturing Uses are required to have a screened/fenced trash enclosure area for dumpsters or waste receptacles.

**Sign Requirements.** Within the I-1 District (Section 11-7-5.B) the following additional regulations shall apply. A sign plan has not been provided at this time.

(1) Freestanding Sign:

- a. One (1) sign is allowed per lot.
- b. The area of a freestanding sign may not exceed eighty (80) square feet each side.
- c. The maximum height of the sign shall be thirty-five (35) feet.
- d. For motor fuel facilities, within a freestanding sign, an additional area not to exceed twenty-four (24) square feet shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or non-electronic changeable copy identifying current fuel prices in accordance with Minnesota state statutes section 239.751.

(2) Wall, Canopy, or Marquee Sign:

- a. For single occupancy buildings, wall, canopy, or marquee sign(s) shall be permitted on one (1) facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street.
- b. The area of individual signs shall not exceed one hundred (100) square feet except the area of one individual sign for single occupancy buildings or individual tenant spaces with a gross floor area of forty-five thousand (45,000) square feet or larger shall not exceed four hundred forty (440) square feet.

## RECOMMENDATION

The Toft/CST Companies Development is overall a high quality design and will be a positive addition to the City as the anchor use in the new industrial park. Because the CST Companies site development relies upon access from a new public street and construction of a stormwater pond to manage the site's stormwater, the timing of this project is dependent upon approval of the Preliminary Plat (at the bare minimum), approval by the City Engineer and City Attorney. While it may be possible to issue one building permit with temporary access from Highway 47, approval from MNDOT will be needed as will some financial assurances that the supporting features (local road and stormwater pond) will be constructed.

Our office recommends that plans be updated and missing information submitted to reflect the comments contained herein and that the Planning and Zoning Commission table formal approval of this project until the June meeting, so that the following items can be addressed:

- Please label the tank contents on the concrete island.
- It is assumed that the heavy duty bituminous is planned for the side driveway and all rear parking/loading areas where trucks have access. Please clarify on plans. All pavements within commercial industrial areas shall be designed as minimum nine (9) ton standards in accordance with Mn/DOT bituminous street design procedures (Section 11-4-17.G).
- Parking spaces shall be shown at 9x20 with 22 foot drive aisles as required by Section 11-6-2.A.
- Discuss architectural design and colors (see comments herein). The metal roof must be of standing seam design with hidden fasteners. The City Council shall review and comment on the details proposed on the building on the front office portion of the structure, the main entry and to break up the expanse of warehouse walls as viewed from the two public rights-of-way.
- Septic system design shall be submitted for review and approval by MNspect.
- Discuss fence materials/location and landscaping/screening. What will columns look like to support the metal fence? The 10-foot fence requires a building permit to ensure adequate support; please show post details.
- Native grasses or shrubs capable of withstanding the impacts of plowed snow shall be added along the north side of front parking area (closest to 204<sup>th</sup> Avenue).
- The location of refuse and recycling containers shall be indicated on plans.

- The driveway width is allowed up to 24 feet wide per Section 11-6-2.F.2 except as may be allowed by the City Engineer.
- Perimeter curbing is required unless waived by the City Engineer per 11-6-2.K.4.a.
- All grading, drainage, and erosion control issues shall be subject to review and approval of the City Engineer. The timing of the building construction will need to coincide with construction of the stormwater pond shown on Lot 1, Block 2.
- Section 11-6-2.I requires that the grade elevation of any parking area or driveways not exceed four (4) percent. This item will be subject to review and approval of the City Engineer.
- A plan for signage, if desired.

c. Lori Streich, City Clerk  
Bob Ruppe, City Attorney  
Shane Nelson, City Engineer  
Chad and Megan Toft, Applicants  
Wirz Family, Property Owners  
Greg Stotko, Contractor  
Nick Adam, Rehder & Associates Inc.



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

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

<b>Zoning Application for:</b>	***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***
<input type="checkbox"/> <b>CONDITIONAL USE PERMIT</b> <input checked="" type="checkbox"/> <b>INTERIM USE PERMIT</b>	Date Application Received: <u>3/2/21</u>
Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30	Date Application Complete: <u>May 4, 2021</u> (60-day review period starts from this date)
Amt. Due: <u>1480.00</u> Amt. Paid: <u>1480.00</u>	Public Hearing Date: <u>May 25, 2021</u>
Check# <u>2020</u> Receipt# <u>846</u>	City Council Approval/Denial Date: <u>June 8, 2021</u>
	60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____
	Received By: <u>Lou Strick</u>
	Return To: Deputy Clerk <a href="mailto:deputyclerk@nowthenmn.net">deputyclerk@nowthenmn.net</a>

**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: N/A

Property Identification Number (PIN#): 24-33-25-12-0005 / 24-33-25-11-0001

Type of Business or Use Requested: outdoor storage 24-33-25-12-000y

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

**Applicant Information**

Name: Chad + Megan Toft Business Name: CST Companies, LLC

Mailing Address: 11717 205th ave NW

City: Elk River State: MN Zip Code: 55330

Telephone: \_\_\_\_\_ Cell Phone: 651-295-1744 Work: 763-441-1406

e-mail: megan@cstcompanies.com / chad@cstcompanies.com

**A**

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

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

**Description of Request (attach additional sheets as necessary)**

Existing Use of Property: Agriculture  
Description of Proposed Use: Warehouse + trucking shop  
\_\_\_\_\_  
Reason(s) to Approve Request: \_\_\_\_\_  
\_\_\_\_\_

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

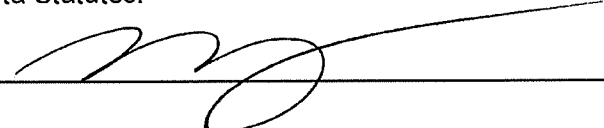
Project Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_  
Nature of Previous Request : \_\_\_\_\_  
\_\_\_\_\_

**Existing Building Sizes:**

RESIDENTIAL LOTS: House (main floor/footprint of living area): \_\_\_\_\_SF  
Garage 1: \_\_\_\_\_SF(attached/detached?) Garage 2: \_\_\_\_\_SF(attached/detached?)  
COMMERCIAL/INDUSTRIAL LOTS: Main Building: \_\_\_\_\_ Total Square Feet  
Office Area: \_\_\_\_\_SF; Warehouse/Storage: \_\_\_\_\_SF; Manufacturing: \_\_\_\_\_SF  
ALL LOTS:  
Accessory Buildings: (type/size) \_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF  
\_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF; \_\_\_\_\_ / \_\_\_\_\_ SF

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

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

Applicant:  Date: 3/1/2021  
Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Signature of Applicant:  Date: 3/2/2021

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBIT 1(a)**

**Legal Description of Real Property**

PID Nos:      24-33-25-12-0005 (approx 30.42 acres)  
                  24-33-25-11-0001 (approx.. 39.86 acres)  
                  24-33-25-12-0004 (approx.. 0.62 acres)

- Legal description to be determined by survey, if any, and title commitment.

**CITY OF NOWTHEN**  
**LETTER OF INTENT**  
for use with Extended Home Occupations,  
Conditional Use Permits & Interim Use Permits

Name of Applicant(s): CST Transportation, LLC / CST Distribution, LLC / Chad & Megan Toft  
Address of Property: 24-33-25-12-0005 / 24-33-25-11-0001 / 24-33-25-12-0004

Home Phone No: 763-515-6660 Mobile No: \_\_\_\_\_

What type of business is proposed on this property? \_\_\_\_\_

Trucking shop w/ warehouse for  
wholesale distribution

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

If yes, for how long? \_\_\_\_\_

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

What will be the days and hours of operation: \_\_\_\_\_

Monday - Saturday 7am - 5pm office, drivers come and go  
as necessary

Number of proposed employees? 31 Full time 1 Part time

**Traffic Impacts:**

- a) Do you live on a  paved or \_\_\_\_\_ gravel road?
- b) How many access points/driveway entrances do you have onto the adjacent roadway(s)? \_\_\_\_\_
- c) How many times during an average week will you have pickups or deliveries to or from the property? \_\_\_\_\_

**B**



- d) Please describe the type(s) of trucks making deliveries (UPS, box truck, semi-truck, etc) and what is being transported (type of merchandise, refuse, scrap lumber, etc) UPS, Flatbed, Van  
~~Softener~~ Softener Salt, Bundled wood, Washer fluid, etc melt
- e) How are the trucks unloaded? (ie: pallets are removed with a fork lift, boxes are removed by hand) unloaded with forklift at  
dock or inside warehouse.
- f) How many customers, clients or business related visitors do you expect to have in a typical week? 1-2
- g) Is there space for trucks and cars to park and turn around on the property or is it necessary that they stop on the street? \_\_\_\_\_

**Effects your business may have upon neighboring properties:**

- a) Does your business generate any noises or vibrations?  Yes  No
- b) If yes, from what? Truck noise driving in and out  
of yard.
- c) Can the noise be heard from outside the building? NO
- d) Does the business generate any odors, smoke, or fumes?  Yes  No  
 If yes, please explain \_\_\_\_\_

**Storage of Materials:**

- a) Do you have any material(s) on site that may be classified as toxic or hazardous?  
 Yes  No
- b) Do you have material(s) on site that could be explosive?  Yes  No
- c) If you answered yes to either (a) or (b) above, identify the material(s): \_\_\_\_\_

d) Please list any materials or equipment that will be stored within an accessory structure on the property. *Note: The storage of business materials and equipment may not take up garage space otherwise intended for the parking of vehicles.* \_\_\_\_\_  
\_\_\_\_\_

e) Please list any materials or equipment that will be stored outside and where on the property it will be stored: \_\_\_\_\_  
semi trucks and trailers

**Accessory Structures:**

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

**Site Inspection:**

- a) Please list the name and phone number of someone who can be considered a contact person. A city staff member will call to arrange for a site review visit.  
Chad & Megan Toft
- b) Please state a convenient day and time for a site review visit.  
\_\_\_\_\_

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

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

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



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"Where it still feels like country"

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

## City of Nowthen – Real Estate Development or Construction Consultant Fees Checklist and Acceptance Statement

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: Toft's Development

PROPERTY ADDRESS: \_\_\_\_\_

PID NUMBER: 24-33-25-12-0005 / 24-33-25-11-0001 / 24-33-25-12-0004

NAME & ADDRESS OF APPLICANT:

MMT Holdings LP  
11717 205th Ave NW  
Elk River, MN 55330

## City of Nowthen - Signed Acceptance and Non-Reliance Statement

I, on behalf of MMT Holdings LP, understand that in connection with an application for MMT Holdys LLP, // Megan Toft 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 \_\_\_\_\_ 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 MMT Holdys LLP, have not relied on the city's estimate of consultant fees in my decision to proceed with the final application for MMT Holdys LLP.

APPLICANT:

MMT Holdings LLP

DATED:

5/3/21

TITLE:

President

ON BEHALF OF:

MMT Holdings LLP

THE CITY OF NOWTHEN

RECEIVED BY:

Uz Stockman

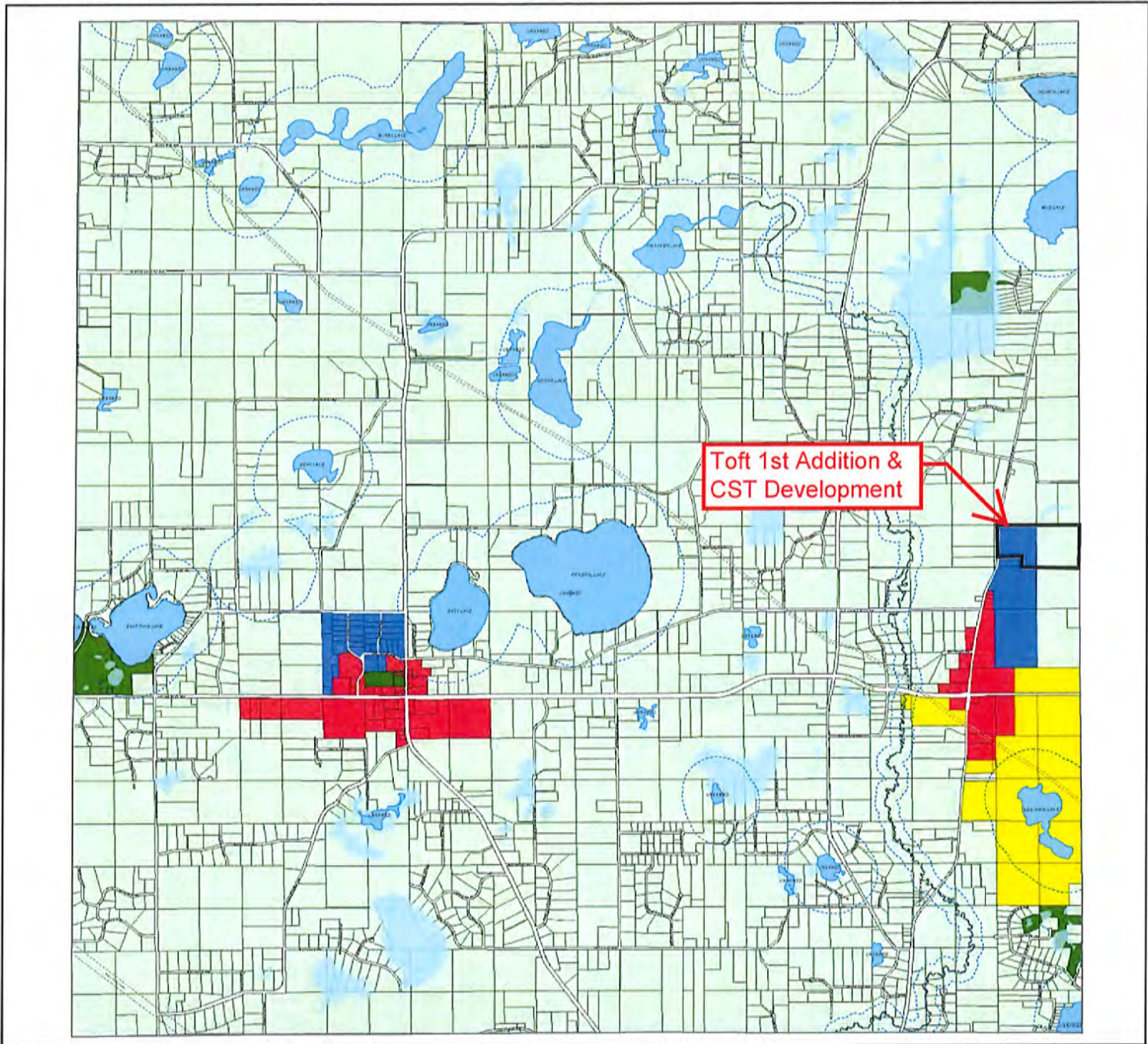
DATED:

5/3/21

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



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

Adopted: Aug 11, 2020  
K:\GIS\Projects\Municipal\NT9011\2019\LandUse2040





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 – CST Companies Site Plan and Interim Use Permit  
xxxx 204<sup>th</sup> Avenue NW (Lot 1, Block 2 Toft 1<sup>st</sup> Addn.)

DATE: May 18, 2021

TPC FILE: 122.02 – 21.12

### BACKGROUND

MMT Holdings LLC/CST Companies (applicants Chad and Megan Toft) in association with the Wirz family (land owners) are proposing development of a 5.99 acre lot within Toft 1<sup>st</sup> Addition. The proposed development requires an Interim Use Permit (IUP) for outdoor storage of semi-trucks and trailers. A public hearing to consider the IUP was noticed for the regular Planning and Zoning Commission meeting to be held on May 25, 2021. The property is zoned I-1, Industrial and is appropriately guided in the City's 2040 Land Use Plan.

### Exhibits:

- A. Application for Interim Use Permit (4 pages)
- B. Letter of Intent (3 pages)
- C. Consultant Fee Acknowledgement (2 pages)
- D. Site Location & Zoning Map
- E. Preliminary Plat Toft 1<sup>st</sup> Addition
- F. Site Plan
- G. Grading, Drainage and Erosion Control Plan
- H. Landscaping Plan
- I. Building Rendering
- J. Building Floor Plan
- K. Building Elevations
- L. Columbus, MN Photos
- M. Revised Fence Plan
- N. Fence Material

## **ANALYSIS**

**Zoning & Land Use.** The subject site is zoned I-1, Industrial, consistent with the adopted 2040 Comprehensive Land Use Plan. This district is intended is to provide specifically for the regulation of light manufacturing, and warehousing uses located within areas guided for industrial land uses by the Comprehensive Plan. The proposed development is a permitted use.

**Interim Use Permit.** Section 11-3-9.D.4 of the City Zoning Ordinance allows outdoor storage as a principal or accessory use, provided that:

- (1) The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.
- (2) The storage area is surfaced to control dust.
- (3) The storage area does not take up parking space as required by this Chapter.

The proposed development meets these three requirements. In permitting a new interim use permit, the Planning Commission and/or City Council may impose, in addition to these standards and requirements specified by this Chapter, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

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

Based on the review of other City Code requirements contained herein, the Interim Use Permit conditions above have been met, with the exception of signage, since no sign details have been submitted. The City Council may require additional landscaping or screening as a condition of any approval.

**Property Ownership.** The property is owned by the Wirz Family and is under contract with CST Companies to be purchased by June 19, 2021. MMT Holdings will be the company who buys the lot to build CST Distribution & CST Transportation.

**Setbacks & Building Height.** The proposed development is subject to the provisions of Section 11-3-9 regarding setbacks and building height:



<u>REQUIRED</u>	<u>ACTUAL</u>
Front: the greater of 70 ft. from CL of 204 <sup>th</sup> Avenue or 30 ft. from prop. line	165 ft.
Side Yard Interior: 20 ft.	240 ft.
Side Yard (Hwy. 47): 150 ft. from centerline	360 ft.
Rear Yard : 35 ft.	340 ft.
Wetland Setbacks: 30-50 ft. (depends on type)	NA
Parking/Driving Areas: 10 ft.	15 ft.
Maximum Structure Height: Thirty-Five (35) feet	20'6"

**Parking & Loading Requirements.**

Office 2,625 SF x 1/200 SF = 13 spaces

Warehouse 30,000 SF x 1/1000 SF = 30 spaces

50x120 Addition (6,000 SF x 1/1000 SF = 6 add'l spaces)

A total of 43 parking spaces are required and have been appropriately shown on the site plan. Eighteen (18) of the stalls are located along the south property line; employees park their vehicles in the location of their trailer. Two accessible parking spaces have been provided with ADA regulations as required in Section 11-6-6.

Section 11-4-17.G stipulates that no commercial or light manufacturing use shall be approved unless that use is accessed from a paved street with a total pavement structure sufficient for commercial traffic. All pavements within commercial industrial areas shall be designed minimum nine (9) ton standards in accordance with Mn/DOT bituminous street design procedures.

Section 11-6-2.D requires that no curb cut access shall be located less than sixty (60) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the intersection of lot lines. The proposed development is in compliance with this requirement. The two proposed driveways onto 204<sup>th</sup> Avenue are acceptable since the site has more than 250 feet of frontage (1 access per 125 feet of frontage per Section 11-6-2.J).

The driveway width is allowed up to 24 feet wide per Section 11-6-2.F.2 except as may be allowed by the City Engineer. It is reasonable given the amount of truck traffic that the thirty-two (32) foot width be considered for access to the rear parking and loading area.

Section 11-6-2.A requires that parking stalls be not less than nine (9) feet wide and twenty (20) feet in length (exclusive of 22 foot access aisles).

Section 11-6-2.I requires that the grade elevation of any parking area or driveways not exceed four (4) percent. This item will be subject to review and approval of the City Engineer.

Except for agricultural uses, single family dwellings and essential service uses, all open, off-street parking shall have a continuous concrete perimeter curb barrier around the entire parking lot as required by Section 11-6-2.K.4.a, unless waived by the City Engineer.

**Grading, Drainage & Stormwater Plan.** The applicants have proposed a series of catch basins and storm sewer to handle stormwater and direct it to the stormwater pond along Highway 47. All grading, drainage, and erosion control issues shall be subject to review and approval of the City Engineer. The timing of the building construction will need to coincide with construction of the stormwater pond shown on Lot 1, Block 2.

**Utilities.** An Individual Sewage Treatment System location (both primary and backup sites) has been shown on the subject property. 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. A septic system design shall be submitted for review and approval by MNSpect.

**Minimum Structure Size & Impervious Surface Limitation.** Section 11-4-17.D and E requires that all commercial or light manufacturing principal structures shall have a minimum of two thousand (2,000) square foot ground floor area.

The size of structures on any lot shall not exceed twenty (20%) percent of the total lot area which equals 52,185 SF. The actual building size is 32,625 SF. The maximum area of impervious land coverage, to include the building and all paved or impervious surfaces, shall not exceed seventy (70%) percent of the total lot area. Plans show a total of 49.4% impervious.

**Architectural Requirements and Building Exterior.** Section 11-5-3.H specifies the following architectural allowances for industrial uses. The metal roof must be standing seam with hidden fasteners.

- (1) The primary exterior building finish shall consist of grade A, B, C, and/or D materials.

<b>Section 11-5-3 Exterior Building Requirements</b>	
Grade A	<ul style="list-style-type: none"> <li>a. Brick or custom masonry units (CMU) having a brick-like appearance.</li> <li>b. Natural or artificial stone.</li> <li>c. Glass.</li> </ul> <p><b><i>The building contains a three (3) foot masonry wainscot on the front (north) and west elevations. See Exhibit I for proposed color rendering.</i></b></p>
Grade B	<ul style="list-style-type: none"> <li>a. Integral color specialty concrete block such as textured, burnished block or rock faced block.</li> <li>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.</li> <li>c. Masonry stucco.</li> <li>d. Ceramic.</li> <li>e. Exterior insulation and finish system (EIFS).</li> <li>f. Opaque panels.</li> <li>g. Ornamental metal.</li> <li>h. Fiber-cement exterior siding.</li> </ul>

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 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.
Grade D	Steel, aluminum <i>(The proposed insulated metal building panels have a stucco look; sample will be brought to the Planning and Zoning Commission meeting) Except for the garage doors and roof, there is no exposed metal.</i>
Grade E	Vinyl

- (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.

Section 11-5-2.B specifies that 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. The City Council shall review and comment on the details proposed on the building on the front office portion of the structure, the main entry and to break up the expanse of warehouse walls as viewed from the two public rights-of-way.

**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. *No significant trees are located on this property.*

**Landscaping.**

Section 11-4-17.L requires that all storage lots must maintain a minimum of thirty (30) feet front set back to the fencing and such area shall be landscaped. *The proposed development is in compliance with this requirement.*

Section 11-4-17.M.2 requires the following uses to be screened or buffered in accordance with the requirements of this Section.

- (1) Principal buildings and structures and any accessory structures located in any business district containing non-residential uses shall be screened and buffered from lots used for any residential purpose.

*Comment: The CST site is completely surrounded by industrial and agricultural uses, except possible across Highway 47 and a 10-foot fence and landscaping has been shown along this west side.*

- (2) Off-street parking spaces shall be screened and buffered from lots which are zoned residential. This site does not abut any residential uses but Section 11-6-2.L requires that all open off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts and uses, and the public right-of-way.

*Comment: It is recommended that some native grasses or shrubs capable of withstanding the impacts of plowed snow be added along the north side of front parking area closest to 204<sup>th</sup> Avenue.*

- (3) Loading docks, trash and recycling storage facilities shall be screened from all lot lines and public streets.

*Comment: The location of refuse and recycling containers shall be indicated on plans. The loading dock is at the rear of the facility and adequately screened.*

- (4) Outside storage in business districts that is allowed by other provisions of this ordinance shall be screened from all public views.

*Comment: The north and west sides of the property show fencing and screening as required by ordinance. See additional comments below.*

**Fencing & Screening.** Section 11-4-17.k requires that all outside storage shall be screened from view and in an area enclosed with opaque fencing, with a minimum height of six (6) feet as measured from finished grade. All fences over 6 feet in height require a building permit and approval by the Architectural Review Committee. Fencing material must be new, un-used durable material in sound condition and properly installed and maintained. Permitted materials include:

- (1) Chain-link with vinyl or metal slats.
- (2) Naturally decay resistant or chemically treated wood.
- (3) Decorative masonry or concrete.
- (4) Low or maintenance-free vinyl.
- (5) Other materials may be approved by the Nowthen Architectural Review Committee.
- (6) Fabric Fencing or screening material is prohibited.

Exhibit M shows a revised fence plan which shows a ten (10) foot high opaque metal fence along the west side of the outdoor storage area and a six (6) foot high metal opaque fence along the north line of the outdoor storage area (east of the building) to block views from 204<sup>th</sup> Avenue. Exhibit N shows the metal product but it is not clear what the columns will look like. The gate is shown in Exhibit L, which is a picture of CST's Columbus, MN facility.

**Refuse.** Section 11-4-17.J requires that all Commercial or Light Manufacturing Uses are required to have a screened/fenced trash enclosure area for dumpsters or waste receptacles.

**Sign Requirements.** Within the I-1 District (Section 11-7-5.B) the following additional regulations shall apply. A signage plan has not been provided at this time.

- (1) Freestanding Sign:
  - a. One (1) sign is allowed per lot.
  - b. The area of a freestanding sign may not exceed eighty (80) square feet each side.
  - c. The maximum height of the sign shall be thirty-five (35) feet.
  - d. For motor fuel facilities, within a freestanding sign, an additional area not to exceed twenty-four (24) square feet shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or non-electronic changeable copy identifying current fuel prices in accordance with Minnesota state statutes section 239.751.
  
- (2) Wall, Canopy, or Marquee Sign:
  - a. For single occupancy buildings, wall, canopy, or marquee sign(s) shall be permitted on one (1) facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street.
  - b. The area of individual signs shall not exceed one hundred (100) square feet except the area of one individual sign for single occupancy buildings or individual tenant spaces with a gross floor area of forty-five thousand (45,000) square feet or larger shall not exceed four hundred forty (440) square feet.

## RECOMMENDATION

The Toft/CST Companies Development is overall a high quality design and will be a positive addition to the City as the anchor use in the new industrial park. Because the CST Companies site development relies upon access from a new public street and construction of a stormwater pond to manage the site's stormwater, the timing of this project is dependent upon approval of the Preliminary Plat (at the bare minimum), approval by the City Engineer and City Attorney. While it may be possible to issue one building permit with temporary access from Highway 47, approval from MNDOT will be needed as will some financial assurances that the supporting features (local road and stormwater pond) will be constructed.

Our office recommends that plans be updated and missing information submitted to reflect the comments contained herein and that the Planning and Zoning Commission table formal approval of this project until the June meeting, so that the following items can be addressed:

- Please label the tank contents on the concrete island.
- It is assumed that the heavy duty bituminous is planned for the side driveway and all rear parking/loading areas where trucks have access. Please clarify on plans. All pavements within commercial industrial areas shall be designed as minimum nine (9) ton standards in accordance with Mn/DOT bituminous street design procedures (Section 11-4-17.G).
- Parking spaces shall be shown at 9x20 with 22 foot drive aisles as required by Section 11-6-2.A.
- Discuss architectural design and colors (see comments herein). The metal roof must be of standing seam design with hidden fasteners. The City Council shall review and comment on the details proposed on the building on the front office portion of the structure, the main entry and to break up the expanse of warehouse walls as viewed from the two public rights-of-way.
- Septic system design shall be submitted for review and approval by MNspect.
- Discuss fence materials/location and landscaping/screening. What will columns look like to support the metal fence? The 10-foot fence requires a building permit to ensure adequate support; please show post details.
- Native grasses or shrubs capable of withstanding the impacts of plowed snow shall be added along the north side of front parking area (closest to 204<sup>th</sup> Avenue).
- The location of refuse and recycling containers shall be indicated on plans.

- The driveway width is allowed up to 24 feet wide per Section 11-6-2.F.2 except as may be allowed by the City Engineer.
- Perimeter curbing is required unless waived by the City Engineer per 11-6-2.K.4.a.
- All grading, drainage, and erosion control issues shall be subject to review and approval of the City Engineer. The timing of the building construction will need to coincide with construction of the stormwater pond shown on Lot 1, Block 2.
- Section 11-6-2.I requires that the grade elevation of any parking area or driveways not exceed four (4) percent. This item will be subject to review and approval of the City Engineer.
- A plan for signage, if desired.

c. Lori Streich, City Clerk  
Bob Ruppe, City Attorney  
Shane Nelson, City Engineer  
Chad and Megan Toft, Applicants  
Wirz Family, Property Owners  
Greg Stotko, Contractor  
Nick Adam, Rehder & Associates Inc.



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

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

<b>Zoning Application for:</b>	***FOR OFFICE USE ONLY ***FOR OFFICE USE ONLY***
<input type="checkbox"/> <b>CONDITIONAL USE PERMIT</b> <input checked="" type="checkbox"/> <b>INTERIM USE PERMIT</b>	Date Application Received: <u>3/2/21</u>
Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30	Date Application Complete: <u>May 4, 2021</u> (60-day review period starts from this date)
Amt. Due: <u>1480.00</u> Amt. Paid: <u>1480.00</u>	Public Hearing Date: <u>May 25, 2021</u>
Check# <u>2020</u> Receipt# <u>846</u>	City Council Approval/Denial Date: <u>June 8, 2021</u>
	60-Day Extension: <u>Yes</u> <u>No</u> Expires On: _____
	Received By: <u>Leri Strick</u>
	Return To: Deputy Clerk <a href="mailto:deputyclerk@nowthenmn.net">deputyclerk@nowthenmn.net</a>

**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: N/A

Property Identification Number (PIN#): 24-33-25-12-0005 / 24-33-25-11-0001

Type of Business or Use Requested: outdoor storage 24-33-25-12-000

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

**Applicant Information**

Name: Chad + Megan Toft Business Name: CST Companies, LLC

Mailing Address: 11717 205th Ave NW

City: Elk River State: MN Zip Code: 55330

Telephone: \_\_\_\_\_ Cell Phone: 651-295-1744 Work: 763-441-1406

e-mail: megan@cstcompanies.com / chad@cstcompanies.com



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

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

**Description of Request** (attach additional sheets as necessary)

Existing Use of Property: Agriculture  
Description of Proposed Use: Warehouse + trucking shops  
\_\_\_\_\_  
Reason(s) to Approve Request: \_\_\_\_\_  
\_\_\_\_\_

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

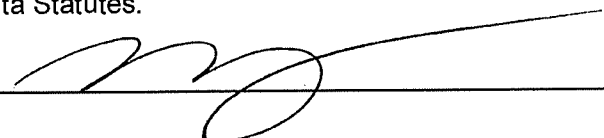
Project Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_  
Nature of Previous Request : \_\_\_\_\_  
\_\_\_\_\_

**Existing Building Sizes:**

RESIDENTIAL LOTS: House (main floor/footprint of living area): \_\_\_\_\_ SF  
Garage 1: \_\_\_\_\_ SF(attached/detached?) Garage 2: \_\_\_\_\_ SF(attached/detached?)  
COMMERCIAL/INDUSTRIAL LOTS: Main Building: \_\_\_\_\_ Total Square Feet  
Office Area: \_\_\_\_\_ SF; Warehouse/Storage: \_\_\_\_\_ SF; Manufacturing: \_\_\_\_\_ SF  
ALL LOTS:  
Accessory Buildings: (type/size) \_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF  
\_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF; \_\_\_\_\_ / \_\_\_\_\_ SF

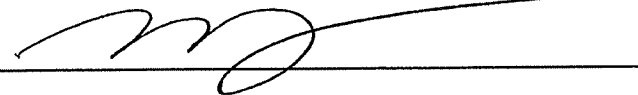
**APPLICATION FEES AND EXPENSES:** We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ \$1,000 as partial payment for all fees and estimated future City administrative, planning, legal and engineering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

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

Applicant:  Date: 3/1/2021  
Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Signature of Applicant:  Date: 3/2/2021  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBIT 1(a)**

**Legal Description of Real Property**

PID Nos:      24-33-25-12-0005 (approx 30.42 acres)  
                  24-33-25-11-0001 (approx.. 39.86 acres)  
                  24-33-25-12-0004 (approx.. 0.62 acres)

- Legal description to be determined by survey, if any, and title commitment.

**CITY OF NOWTHEN**  
**LETTER OF INTENT**  
for use with Extended Home Occupations,  
Conditional Use Permits & Interim Use Permits

Name of Applicant(s): CST Transportation, Inc. / CST Distribution, LLC / Chad & Megan Toft  
Address of Property: 24-33-25-12-0005 / 24-33-25-11-0001 / 24-33-25-12-0004

Home Phone No: 763-515-6660 Mobile No: \_\_\_\_\_

What type of business is proposed on this property? \_\_\_\_\_

Trucking Shop w/ warehouse for  
wholesale distribution

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

If yes, for how long? \_\_\_\_\_

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

What will be the days and hours of operation: \_\_\_\_\_

Monday - Saturday 7am - 5pm office, drivers come and go  
as necessary

Number of proposed employees? 31 Full time 1 Part time

**Traffic Impacts:**

- a) Do you live on a  paved or \_\_\_\_\_ gravel road?
- b) How many access points/driveway entrances do you have onto the adjacent roadway(s)? \_\_\_\_\_
- c) How many times during an average week will you have pickups or deliveries to or from the property? \_\_\_\_\_

- d) Please describe the type(s) of trucks making deliveries (UPS, box truck, semi-truck, etc) and what is being transported (type of merchandise, refuse, scrap lumber, etc) UPS, Flatbed, Van  
~~sealer~~ softener salt, Bundled wood, washer fluid, etc melt
- e) How are the trucks unloaded? (ie: pallets are removed with a fork lift, boxes are removed by hand) unloaded with forklift at dock in inside warehouse.
- f) How many customers, clients or business related visitors do you expect to have in a typical week? 1-2
- g) Is there space for trucks and cars to park and turn around on the property or is it necessary that they stop on the street? \_\_\_\_\_

**Effects your business may have upon neighboring properties:**

- a) Does your business generate any noises or vibrations?  Yes  No
- b) If yes, from what? Truck noise driving in and out of yard.
- c) Can the noise be heard from outside the building? NO
- d) Does the business generate any odors, smoke, or fumes?  Yes  No  
 If yes, please explain \_\_\_\_\_

**Storage of Materials:**

- a) Do you have any material(s) on site that may be classified as toxic or hazardous?  Yes  No
- b) Do you have material(s) on site that could be explosive?  Yes  No
- c) If you answered yes to either (a) or (b) above, identify the material(s): \_\_\_\_\_

d) Please list any materials or equipment that will be stored within an accessory structure on the property. *Note: The storage of business materials and equipment may not take up garage space otherwise intended for the parking of vehicles.* \_\_\_\_\_  
\_\_\_\_\_

e) Please list any materials or equipment that will be stored outside and where on the property it will be stored: \_\_\_\_\_  
semi trucks and trailers

**Accessory Structures:**

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

**Site Inspection:**

- a) Please list the name and phone number of someone who can be considered a contact person. A city staff member will call to arrange for a site review visit.  
Chad & Megan Toft
- b) Please state a convenient day and time for a site review visit.  
\_\_\_\_\_

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

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

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



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

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

## City of Nowthen – Real Estate Development or Construction Consultant Fees Checklist and Acceptance Statement

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: Toft's Development

PROPERTY ADDRESS: \_\_\_\_\_

PID NUMBER: 24-33-25-12-0005 / 24-33-25-11-0001 / 24-33-25-12-0004

NAME & ADDRESS OF APPLICANT:

MMT Holdings LP  
11717 205th Ave NW  
Elk River, MN 55330

## City of Nowthen - Signed Acceptance and Non-Reliance Statement

I, on behalf of MMT Holdings LP, understand that in connection with an application for MMT Holdg LLC, // Megan Tok 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 \_\_\_\_\_ 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 MMT Holdg LLC, have not relied on the city's estimate of consultant fees in my decision to proceed with the final application for MMT Holdg LLC.

APPLICANT:

MMT Holdings LLC

DATED:

5/3/21

TITLE:

President

ON BEHALF OF:

MMT Holdings LLC

THE CITY OF NOWTHEN

RECEIVED BY:

Uz Stockman

DATED:

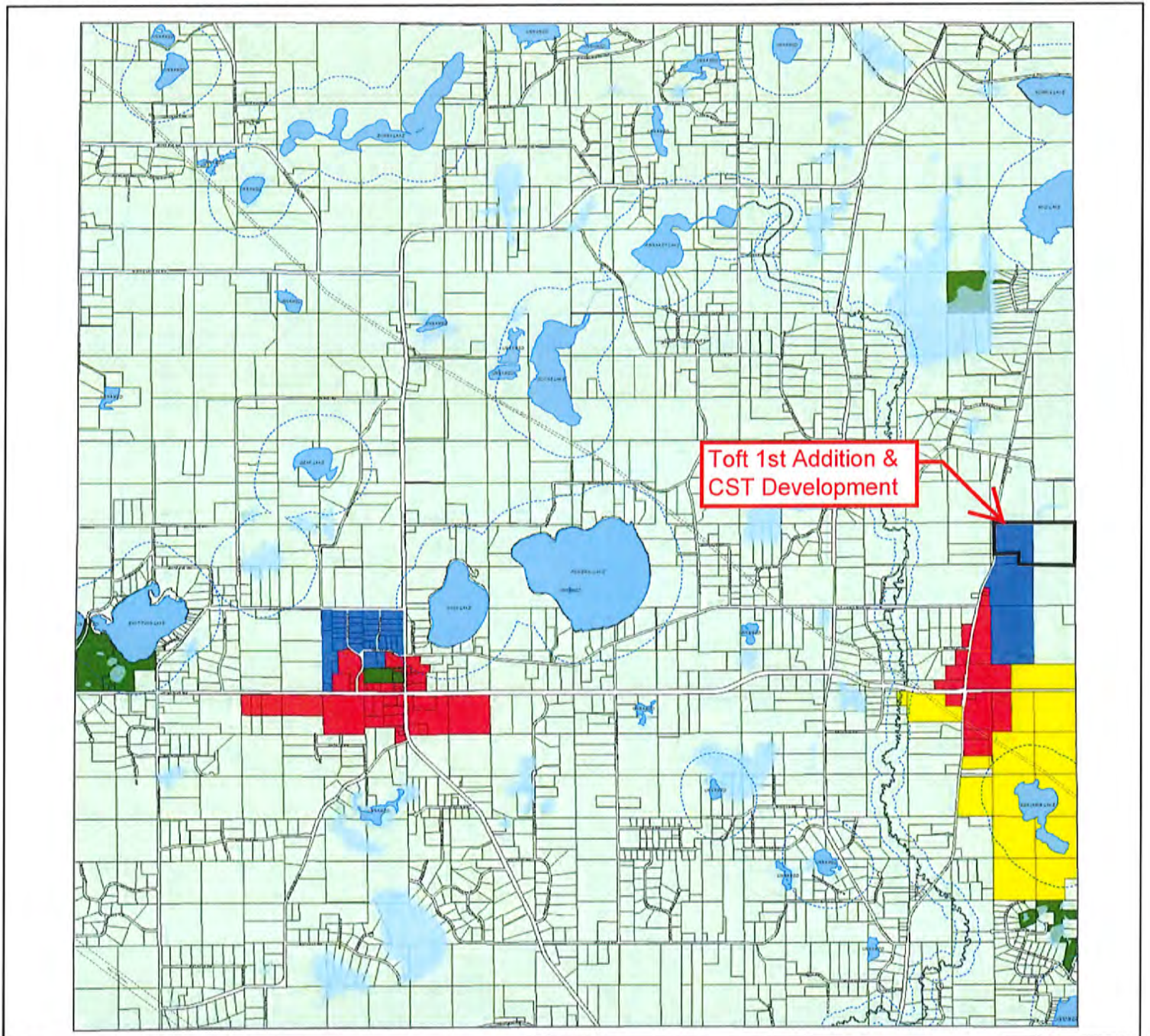
5/3/21



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



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

Adopted: Aug 11, 2020  
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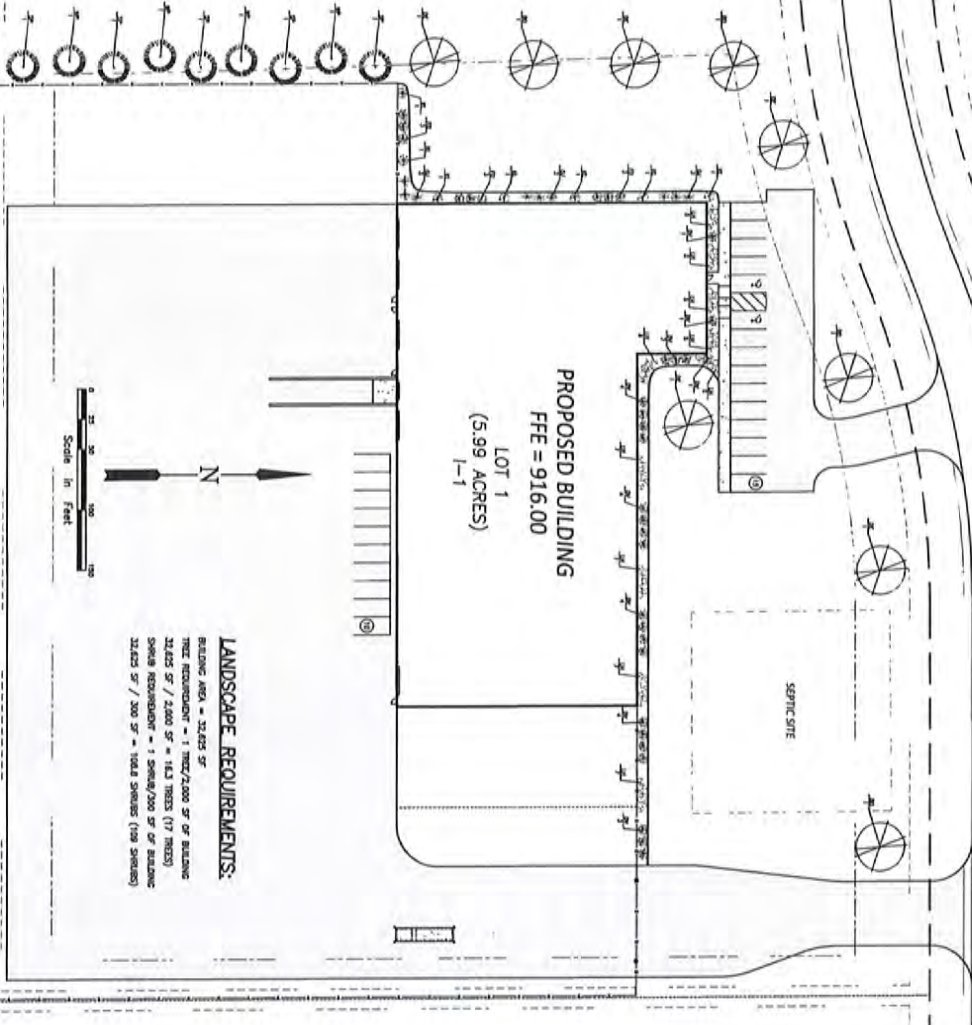






SAINT FRANCIS BLVD NW

204TH AVENUE NORTHWEST



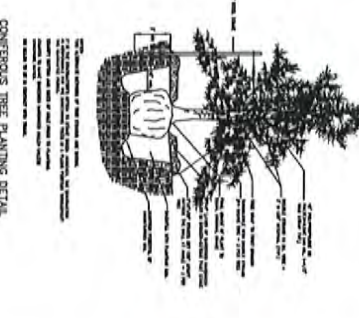
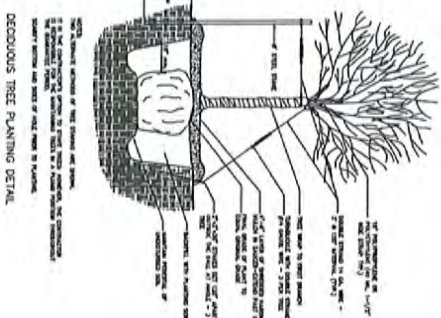
PROPOSED BUILDING  
FFE = 916.00  
LOT 1  
(5.99 ACRES)  
1-1



**LANDSCAPE REQUIREMENTS:**  
 BUILDING AREA = 32,423 SF  
 TREE REQUIREMENT = 1 TREE/2,000 SF OF BUILDING  
 32,423 SF / 2,000 SF = 16.2 TREES (17 TREES)  
 SHADE REQUIREMENT = 1 SHADE/200 SF OF BUILDING  
 32,423 SF / 200 SF = 162.1 SHADES (159 SHADES)

**PLANT AND TREE LIST**

SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
24	1	Yucca glauca	Plantain Lily	12' Ht.
25	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
26	1	Yucca aloecolorata	Spiky Plantain Lily	12' Ht.
27	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
28	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
29	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
30	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
31	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
32	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
33	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
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98	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
99	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.
100	1	Yucca filamentosa	Spiky Plantain Lily	12' Ht.





**Nucor Building Systems  
Burnished Slate**



**Dark Bronze**



**Nucor Building Systems  
Sandstone Adobe**



**Nichiha - Roughsawn  
Espresso**



**Amstone  
Stone Mason Series**



**Office Roof and all Trims.  
Warehouse Roof is  
Galvalume**

**Windows, Doors,  
and Awnings**

**Warehouse, Office  
Service Bay, Wash Bay**

**Office**

**Stone Wainscoating -  
Office, Warehouse,  
Service Bay**

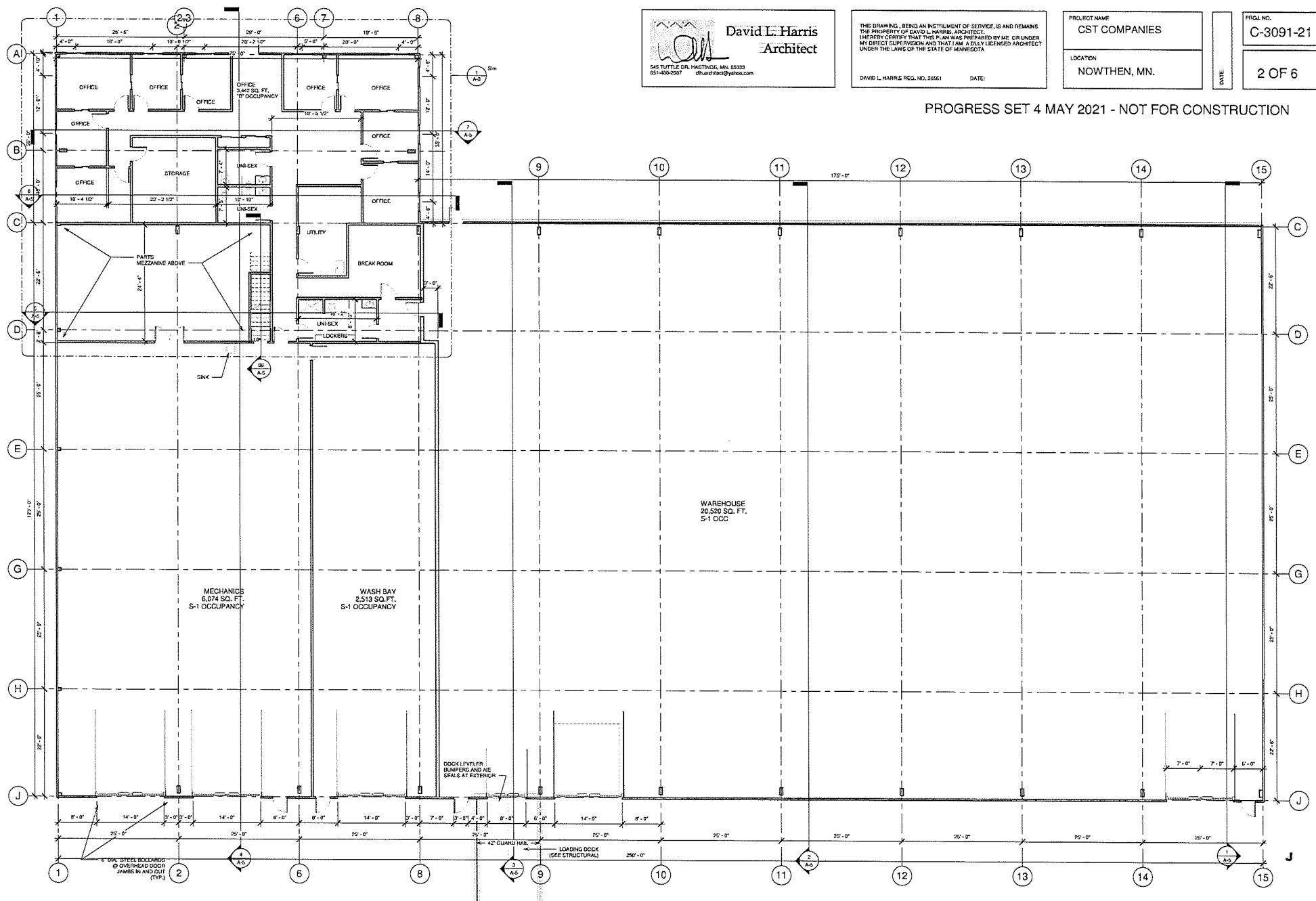

**David L. Harris**  
 Architect  
 545 TUTTLE DR., HASTINGS, MN. 55033  
 651-480-8207 dharris@dharc.com

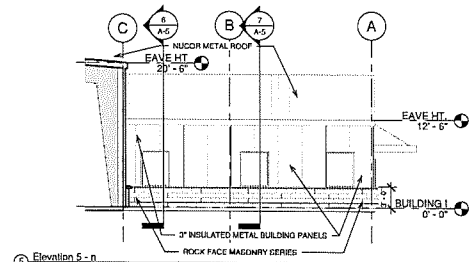
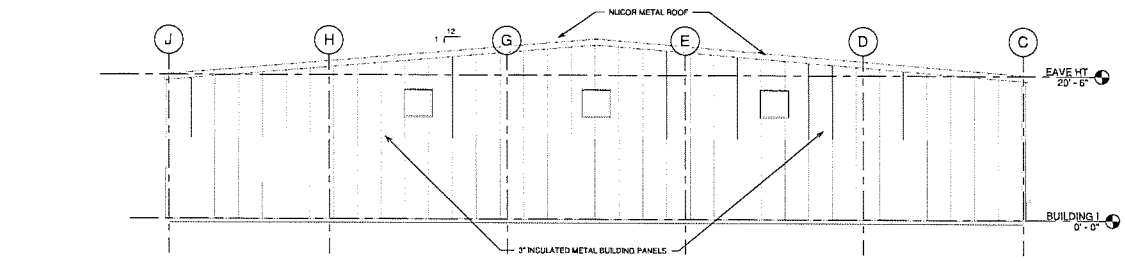
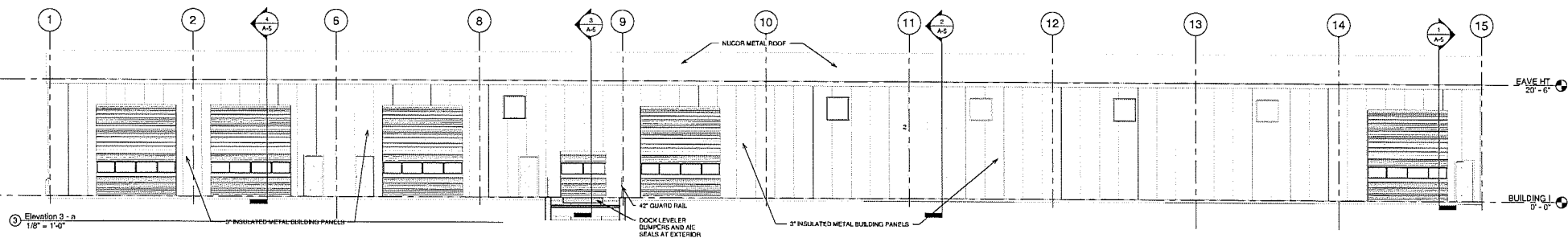
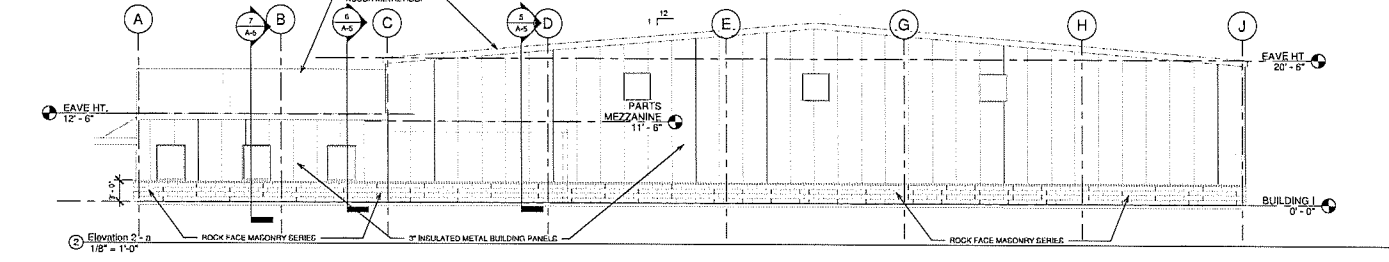
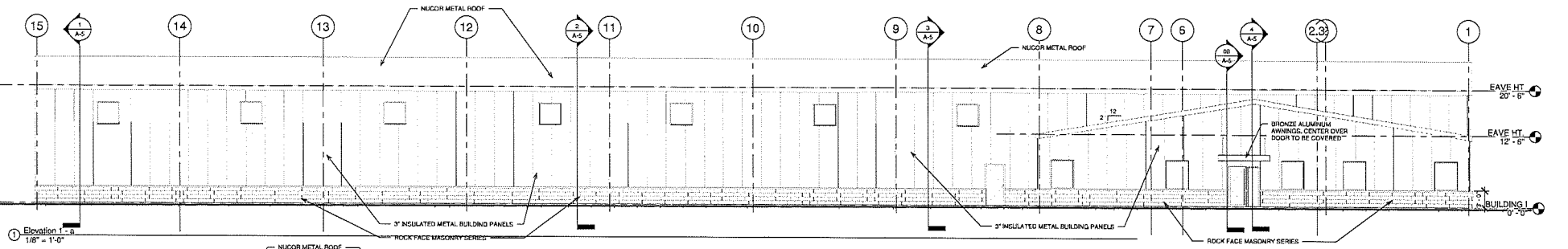
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 DAVID L. HARRIS REG. NO. 20561      DATE:

PROJECT NAME  
**CST COMPANIES**  
 LOCATION  
 NOWTHEN, MN.

PROJ. NO.  
**C-3091-21**  
 DATE:  
**2 OF 6**

PROGRESS SET 4 MAY 2021 - NOT FOR CONSTRUCTION





PROGRESS SET 4 MAY 2021 - NOT FOR CONSTRUCTION

**David L. Harris**  
 Architect

545 TUTTLE DR. HASTINGS, MN. 55033  
 612-449-2887 | dharris@act2ynoo.com

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DAVID L. HARRIS REG. NO. 76561      DATE:

PROJECT NAME <b>CST COMPANIES</b>
LOCATION <b>NOWTHEN, MN.</b>

PROJ. NO. <b>C-3091-21</b>
DATE <b>4 OF 6</b>





TOFT/CST Companies  
Site in Columbus, MN

Shows the same wall panels and same color on the warehouse portion of the structure.

The same gate will be used also.

May 2021







Finally you have the option of a standing seam looking panel for a fraction of the price. Starting in May 2019 Rush River is now offering Apex X4. This panel has four 1" high ribs and is sure to please any homeowner. This panel is available in 30 different colors in standard .0155m (29 gauge) thickness. Not to mention all the accessories to install it plus over 60 different trims to finish off your building.

[Learn More](#)