



**City of Nowthen
PLANNING & ZONING COMMISSION MEETING
TUESDAY, APRIL 27, 2021
AGENDA
7 PM**

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

Called to Order

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of April 27, 2021.
- Approve the Planning & Zoning Meeting minutes of March 23, 2021.

1. 7:00 PM: PUBLIC HEARING

FX Auto / Perkins Contracting – A CONDITIONAL USE PERMIT & VARIANCE REQUEST by Mark Fralick 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.

2. 7:30 PM: DISCUSSION

Guimont Outdoor Storage – 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.

Motion to Adjourn

City of Nowthen
Planning & Zoning Commission Meeting
March 23, 2021; 7:00 PM
19800 Nowthen Blvd NW, Nowthen, MN 55303

Present: Dale Ames, Chairman
Kelly Pearo
Jeff Pilon, Council Liaison
Harold Jorgensen, Vice Chairman
Rob Schiller

Also Present: City Planner, Liz Stockman
City Clerk/Treasurer, Lori Streich

Meeting Called to order by Chairman Ames. Roll Call was taken and PZ Policy was read.

Motion by Pearo to approve tonight's meeting agenda of March 23, 2021; 2nd by Schiller. Motion Carried.

Motion by Pearo to approve the Planning & Zoning Meeting minutes of February 23, 2021; 2nd by Jorgensen. Motion Carried.

- 1. PUBLIC HEARING continued from February 23, 2021, Phases Two and Three Brand Name Storage – A CONDITIONAL USE PERMIT & SITE PLAN REQUEST by Josh Peterson for property owned at 8335/8359 Viking Boulevard to allow multiple buildings on a single parcel, and for a MINOR SUBDIVISION (lot line reconfiguration) to allow Phases Two and Three of the Name Brand Storage Facility (PIDs #20-33-25-43-0012, 20-33-25-43-0013) to be developed on existing industrial land. A VARIANCE is required to allow a six (6) foot side yard setback to the house on Parcel B to allow for Phase 2 construction. Pending construction of Phase 3, the house and all outbuildings will be removed.**

Planner Stockman presented her Report. Peterson has worked hard to meet the requirements for all his applications, and he has addressed all the engineering issues. There are just a few things to consider from a zoning standpoint. Also, Phase 3 was not included in the January presentation initially, so the PZ approval for this meeting is involving both Phases 2 & 3. Phase 2 needs to be moved forward sooner rather than later, and Phase 3 time frame is not yet determined.

Planner Stockman reminded the commission about the City Code requirements that the 3.5 acres that are left in parcel B (Phase 3) needs to conform to the Accessory Building Requirements. Requesting Peterson to remove a building or two to meet the 3200 sq ft requirement in the interim. Later, as part of Phase 3 all the buildings will be removed, including the home.

Another issue discussed previously is the maneuverability of fire vehicles or larger trucks around the site. Pavement has been increased and turning radii has been illustrated. Concerns regarding the east side have been referred to the Fire Chief and the applicant's engineer, so that is yet to be determined. Revised location of turnaround and gate location were noted. Buffer zones have been redesigned to correct concerns. The north portion of the site where the future road will come through from the industrial park landscaping recommendations were discussed. Planner recommendation was natural grasses. A 3:1 ratio of trees to shrubs would be nice. Phase 3 storage unit doors will be facing the north, so it would be nice to have some mature trees in place if and when that phase takes place. Discussed requirements for higher quality material, something other than metal. Most reasonable to require that end of Phase 3 buildings be 100% Nova Brick, the higher quality material, as it will be facing a public

right-of-way, and that the 2 north buildings in Phase 2 be 100% Nova Brick, as they will be facing the future road.

Applicant Comments:

Planner Stockman did a thorough job in her report. Only needs answers from Council regarding the concerns she presented. His preference is to put the higher quality material on the north sides and be done with it, but he does understand the abutting residential zoning concerns on the west side. Applicant asked if the commission would rather have 100% on the east side of Phase 3 that is exposed and not do the north side.

PZ Commission Discussion:

Ames asked regarding the Nova brick. Stockman said that applicant wants to do the Nova brick again, but the question is where to put it, because putting on the ends of the buildings doesn't do much good. Her recommendation is to use 100% Nova Brick on the end of the Phase 3 buildings and 100% on the north side of the 2 Phase buildings facing the future road. That would be adequate in her opinion. Pearo pointed out that this potential right-of-way and future road may or may not be done anytime soon. The concern should be what is in place at this time. Planner Stockman said it would be wise to plan for the future, and the applicant as agreeable to that. The potential roadway would go through part of the landscape company land. There is an easement to get to the house until Phase 3 is built, but when Phase 3 is completed, that easement will go away and access to the Storage Area will be on Viking Blvd. The access just needs to be wide enough for a driveway, not as a roadway. Discussed current zoning on west side of lot as rural residential, potentially to be industrial. Could recommend west side be the higher quality material. Stockman will calculate total sq footage to determine what 50% requirement should be.

Discussion about which sides require higher quality material. Regarding being asked to use higher quality materials on the west/residential side, Peterson asked why he is being required to give up area for future right-of-way for connectivity, if the area to the west is not going to be rezoned from current residential. It is currently agricultural. Pilons said whether or not it is rezoned, that future road could still go through as a new access point. Stockman said that the road will need to go through as the County is going to limit access onto Viking Blvd, and that road will keep good access onto the industrial park and residential areas. The recommendation was to have Phase 2 buildings 100% higher materials on the west end, and Phase 3 buildings 100% higher materials on the east end. Applicant asked if this requirement would limit his ability to have doors on the west end. Commission did not have a problem with doors on that end. Discussion about north side facing future road, and the likelihood of the roadway being in anywhere in the near future. Discussed the fact the west side of Phase 1 was not required to be higher quality materials, and the west side of Phase 2 faces Phase 1 buildings. Schiller recommendation was to require Nova Brick on the east side of buildings in Phase 3 and not even deal with the north or west sides for higher quality materials. Phase 1 has sufficient landscape buffer so higher quality materials were not required. Phase 2 buildings are right up against the property line, so there is not room for a buffer from the residential zoning. Stockman reminded the Commission that in Phase 1 the requirement was to have 50% on the west and east sides, but the decision was to allow 100% on the east side instead, since the landscaping was in place. Stockman said there is a tight squeeze between the west property line and Phase 2 buildings, but native grasses would serve to meet the 3 ft. screening requirement for parking areas. Schiller proposed that they require higher quality materials on 100% of the east side of Phase 2 northerly buildings 1 & 2, and the east side of Phase 3 buildings 6,7,8,9

& 10. Stockman confirmed that this would meet and exceed the 50% higher quality materials requirements. The Commission and Peterson were agreeable to this plan. Pearo thought that the landscape plan submitted was sufficient, so the Commission agreed to have the applicant work with City Planner to perfect the landscape plan as presented to meet Code requirements. Discussion about shortening up buildings 9 & 10 to create additional turning radius if the Fire Chief requires it.

The variance is a result of redevelopment and is temporary as it is an interim situation. Peterson will determine which buildings to remove to get down to the 3200 sq. ft before the Certificate of Occupancy will be approved. He has a plan in place to deal with this situation.

Public Hearing Closed.

PZ Commission Decision:

Motion by Schiller to approve 2 Conditional Use Permits, a Variance, Lot Reconfiguration, the Site Plan Review, and the Findings of Fact with these changes:

- Wait for approval from the Fire Chief regarding turning radii, and buildings 6 & 9 are reduced in length if necessary
- The applicant will work with Zoning Administrator on landscaping changes discussed
- The east ends of all buildings in Phase 3 and the east ends of buildings 1 & 2 in Phase 2 be 100% Nova Brick
- Accessory buildings are removed to get to a total of 3200 sq ft maximum to meet Parcel B (Phase 3) outdoor storage requirement

2nd by Pearo. Unanimous approval. Motion Carried.

2. **DISCUSSION: CST Subdivision for Chad & Megan Toft have submitted two conceptual subdivision plans for vacant property located north and east of 20323 St Francis Blvd (PIDs 24-33-25-12-0005 and 24-33-25-11-0001). The front 30 acres are planned for industrial uses and the rear 40 is slated for large lot single family uses, both of which comply with the City's 2040 Land Use Plan.**

Planner Stockman presented the concept plan. Property was formerly the Wirtz Farm on Hwy 47. They have 2 concept plans; limited options as there are more wetlands than most parcels. Wetland Delineation has not been completed yet. One access is planned onto St Francis Blvd, and they will likely have to create turn lanes and bypass lanes. One concept shows a cul-de-sac bulb concept, which the Planner likes and the Engineer does not like. Planner's concern was turning around of large trucks and not having them enter the residential area. Originally there were two streets planned, but that luxury is not available based on the wetlands. The engineer said that trucks are coming into the industrial area with a destination in mind, and they should all be able to turn around on the properties to which they are headed and shouldn't be using streets to turn around. He is more than fine with Option B without the cul-de-sac bulb, which is a continuous street, except for the permanent cul-de-sac in the residential area. The dividing line is between uses, with residential to the east and to the north. The CST facility would be the base for distribution of all the types of things seen outside of gas stations (windshield washer fluid, rock salt, etc.) so they need a fairly large outdoor storage area and truck parking area. 32,000 sq feet proposed for the building. Vacant property currently. Site plan needs to be approved.

May or may not build the entire street length, but they would have to build their own cul-de-sac up to the terminus of their own property. In that scenario, they would have a couple extra lots to sell. Planner's opinion is that this is a very good layout, as all the proposed residential lots have adequate frontage, there is a terminus for a future street connection to the south, and all in all a very positive concept plan.

PZ DISCUSSION:

Ames asked about how the residential lots would be accessed if they would only put in a partial road. Stockman said that they can preliminary plat the whole thing, but they are not required to final plat the whole thing until they are ready to build back there – one lot or more, or develop in phases, however they decide, but the street must be developed the full length of whatever lot is developed.

Pearo is not in favor of the road approach as depicted, as stacking distance waiting to pull out onto Hwy 47 is not sufficient. Stockman said the Ordinance requirements will be the guideline, and they still need curve radii determined. If the streets needed different alignment, that can be addressed at the Preliminary Plat.

Applicant prefers the privacy fence like MBI installed for screening. Wetland Delineation will help better determine the lot lines. Plan is to present preliminary plat at the May Planning & Zoning Commission meeting.

Motion by Pearo; 2nd by Jorgensen. Unanimous. Motion carried. Meeting Adjourned at 8:11 PM.

Respectfully Submitted,

Lori Streich, City Clerk/Treasurer

Jeff Pilon, Mayor



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

PLANNING REPORT

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

FROM: Elizabeth Stockman

DATE: April 20, 2021

RE: Nowthen – Perkins Property, 19745 Nowthen Blvd.
Conditional Use Permit and Variance Auto Repair

FILE NO: 122.02 – 21.09

BACKGROUND

Mark Froehlich, in association with building owner Rene Perkins, have submitted plans for approval of a Conditional Use Permit (CUP) to allow an auto repair shop on property owned at 19745 Nowthen Boulevard. Mr. Perkins owns the property in association with his brother Dave Perkins who together operate Perkins Contracting Inc. Mr. Froehlich leases space in the Perkins building and parks vehicles awaiting repair in the rear yard on the gravel-surfaced outdoor storage area, for which the Variance has been requested.

The Perkins property encompasses +/-5 acres which includes a house currently being used as additional office space, a 6,000 SF principal commercial structure and two accessory buildings (3,360 SF and 10,200 SF). The property is zoned C-1, Commercial and is guided Commercial-Light Manufacturing on the City's 2040 Land Use Plan.

EXHIBITS

Exhibit A – CUP Application (3 pages)
Exhibit B – Letter of Intent (3 pages)
Exhibit C – Variance Application (3 pages)
Exhibit D – 2015 Site Plan
Exhibit E – 2021 Site Plan/Aerial
Exhibit F – Findings of Fact

ANALYSIS

Zoning

The property is zoned C-1, Commercial and auto repair operations are allowed by CUP within this zoning district. All conditional uses shall be reviewed and allowed in accordance with the performance standards outlined below and any additional stipulations determined to be necessary and reasonable by the City.

Automobile repair, major and minor provided that:

- 1) The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.

Comment: When the City Engineer approved the site plan, grading, and drainage plan for the property in 2015, curbing was not required. The area adjacent to the south gate where Mr. Froehlich enters and exits the building is paved with asphalt and is a general short-term parking area for customers of either business. A Variance has been requested to allow vehicles awaiting work to park on a designated gravel area as shown in Exhibit E. See following sections of this report regarding paving of gravel parking areas in the front yard and in the side yard (behind the house).

- 2) The hours of operation shall be between seven o'clock (8:00) A.M. and six o'clock (5:00) P.M. unless extended by approval of the City Council.

Comment: Mr. Froehlich indicated hours of 8 to 5 on the Letter of Intent contained in Exhibit B.

- 3) All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with Minnesota Pollution Control Standards as amended.

Comment: Mr. Froehlich does not perform any bodywork or painting.

- 4) The emission of odor by a use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.

Comment: This item shall be included as a condition of approval.

- 5) All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.

Comment: This item shall be included as a condition of approval.

- 6) All outside storage, including the storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment shall be completely screened from view of adjacent properties or the public right-of-way or shall be completely inside a principal or accessory building.

Comment: All autos are stored within the designated area behind the fence or within the building while work is being performed. Upon site inspection, there were no inoperable or unlicensed vehicles within the front or side yards, with the exception of the collector car with the FX logo on it. The Planning and Zoning Commission should make a recommendation regarding the acceptability of this vehicle to remain in the front yard. Should it be parked on pavement? Can it be incorporated into a landscaped area such as south of the building where it is closer to the FX Auto entrance? The City could argue that it serves as advertisement and signage.

- 7) Sale of products other than those specifically mentioned in this Section shall be subject to approval as part of the conditional use permit.

Comment: Mr. Froehlich only sells parts to the customer needed for repair, with the exception of windshield wiper blades and other small accessories.

Conditional Use Permit Review Criteria

Conditional Use Permits are designed to allow uses that are generally compatible with the basic use classification of a particular zone, but that should not be located as a matter of right as a permitted use in every area included within the zone because of hazards inherent in the use itself or special problems which its proposed location may present.

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

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

Comment: The building is existing and the majority is for use by Perkins Contracting as an office (front) and shop (rear). The auto business encompasses about 1,200-1,300 square feet of the rear shop area.

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

Comment: The property has two driveway accesses onto Nowthen Boulevard that are shared by the business and house that will not change.

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

Comment: (see parking addressed herein in subsequent sections)

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

Comment: The property contains one existing sign which is located within the ROW for Nowthen Boulevard. Approval was given by Anoka County to reuse the current sign structure in this location. Mr. Froehlich is not sure, but he will likely share the main sign face with Perkins Contracting and mount a sign to the existing pole. A logo sign currently exists on the door leading into the shop on the south side of the building. A separate sign permit and approval by the City Planner and Building Official should be required as a condition of approval for all new signs.

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

Comment: The Planning and Zoning Commission should make a recommendation to the City Council as to whether additional screening or landscaping is necessary or not. The designated parking area is shown on Exhibit E, behind the existing screening fence, in the rear yard.

Variance Review Criteria

A Variance has been requested to allow the parking of vehicles on a gravel surface in the rear yard, behind the existing screening fence. 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 and setback requirements.

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

1. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
2. The 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 commercial use of the property is permitted under the C-1 Commercial District and the business is located in an area guided by the City's Comprehensive Land Use Plan as commercial/industrial. Parking on gravel in the rear yard is viewed as a positive since the screening fence already exists.

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

Comment: The proposed use(s) are appropriate given the commercial zoning designation and are not unlike those found in other business districts in the City, provided all the performance standards identified herein can be addressed.

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

Comment: The outdoor storage and parking areas were authorized in 2015, prior to Mr. Froehlich leasing space from the Perkins family.

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

Comment: The applicant's proposed location for parking makes the most logical sense to block views of vehicles waiting for repair.

- 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 commercial zoning district within which the property is located will not be negatively impacted by vehicles parking in the rear yard. The parking issues in the front and side yards shall be addressed as a condition of approval (see parking discussion in subsequent sections of this report).

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

Comment: The designated parking area in the rear yard for FX Auto is limited to 2,150 SF which represents a very small percentage of the total storage area.

Impervious Surface Areas

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. Calculations have been shown on Exhibit E and summarized below.

Required Pervious: $4.17 \text{ ac} \times 43,560 \text{ SF} = 181,645 \text{ SF} \times 30\% = 54,494 \text{ SF}$
Existing Pervious: $34,300 + 15,250 + 4,950 = 54,500 \text{ SF}$

All existing pervious areas which serve to allow stormwater to infiltrate into the ground shall be maintained and impervious surface areas shall not be increased as a condition of approval.

Parking

The site plan approved in 2015 for Perkins Contracting business shows 36 parking spaces, not all of which were required to be paved or striped at the time, but represented proof of parking. The required number of spaces in 2015, based on the size of the principal building, was 28 spaces.

It is recommended that the City Council require the areas to the front of the building and behind the house, which are being used on a regular basis for parking, to be paved with asphalt. In talking with the property owner, Mr. Perkins, he was open to that idea. It is also recommended that as a condition of approval, only licensed and operable vehicles be allowed to park in front and side yards (with exception of the collector vehicle with the FX Auto logo, if permitted under the terms of the CUP).

The Zoning Ordinance requires 8 stalls plus 1 space for each 1000 square feet of floor area for auto repair businesses (10 spaces). The designated area in the rear yard can easily hold 9-10 cars. There may be short-term visitors who require parking spaces that can utilize a portion of the six (6) spaces available on the south side of the structure.

Exterior Lighting

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

Trash and Recycling Enclosures

Trash and recycling receptacles are located within the structure.

CONCLUSION – POSSIBLE MOTIONS

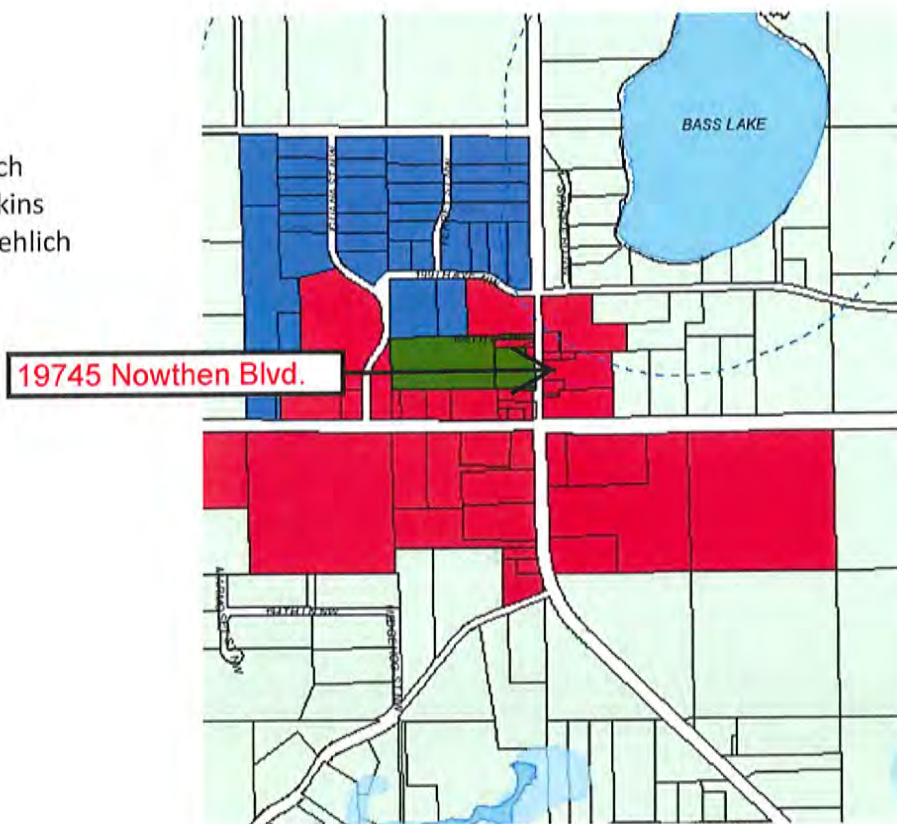
Approval of the Conditional Use Permit to allow auto repair within the C-1, Commercial District can be granted by the City Council provided all CUP conditions have been met to the satisfaction of the City. While the existing commercial business is generally compatible with the underlying zoning and adjacent property uses, the City Council’s decision on the Variance shall be based on review of Zoning Ordinance requirements outlined herein.

Motion to **approve** the Conditional Use Permit for auto repair and Variance for parking on gravel 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 meet the CUP or Variance review criteria outlined herein or on a finding that the request is inconsistent with the Comprehensive Plan, Zoning Ordinance or Subdivision Ordinance.

Motion to **table/continue** the public hearing until the May meeting.

C: Lori Streich
Rene Perkins
Mark Froehlich





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

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

<p>Zoning Application for:</p> <p><input checked="" type="checkbox"/> CONDITIONAL USE PERMIT</p> <p><input type="checkbox"/> INTERIM USE PERMIT</p> <p>Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30</p> <p>Amt. Due: <u>\$1480.00</u> Amt. Paid: <u>\$1480.00</u></p> <p>Check# <u>6276</u> Receipt# _____</p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>3/29/21</u></p> <p>Date Application Complete: <u>3/30/21</u> (60-day review period starts from this date)</p> <p>Public Hearing Date: _____</p> <p>City Council Approval/Denial Date: _____</p> <p>60-Day Extension: Yes No Expires On: _____</p> <p>Received By: <u>Levi Steich</u></p> <p>Return To: Deputy Clerk deputyclerk@nowthenmn.net</p>
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Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: 19745 Nowthen Blvd

Property Identification Number (PIN#): _____

Type of Business or Use Requested: Auto Repair

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

Applicant Information

Name: Mark Frochliu Business Name: Fx Auto

Mailing Address: 19745 Nowthen Blvd

City: Nowthen State: MN Zip Code: 55305

Telephone: 7632189317 Cell Phone: 11 Work: 11

e-mail: Fx Auto @Live.com

Property Owner Information (If other than applicant):

Name: Dave Perkins Business Name: Perkins real estate
Mailing Address: 19745 Nowthen Blvd NW
City: Nowthen State: MN Zip Code: 55303
Telephone: 763-427-0109 Cell Phone: _____ Work: _____
e-mail: dperk15775@aol.com

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Shop
Description of Proposed Use: car repair + equipment
Reason(s) to Approve Request: to maintain renter

Please describe any previous applications pertaining to the subject site:

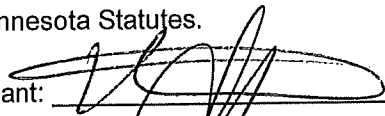
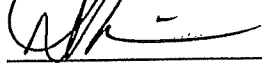
Project Name: _____ Date of Application: _____
Nature of Previous Request: _____

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


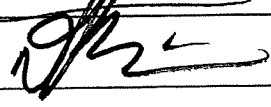
APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ _____ as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees 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: 3-30-21
Property Owner:  _____ Date: 3-24-2021

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

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

Signature of Applicant:  _____ Date: 3-30-21
Signature of Property Owner:  _____ Date: 3-30-21
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____

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

Name of Applicant(s): FX Auto

Address of Property: 19745 Nowthen Blvd

Home Phone No: 763-218-9317 Mobile No: 11

What type of business is proposed on this property? Auto Repair

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

If yes, for how long? 2 years

Has a Conditional Use Permit or Interim Use Permit ever been approved for this business or property? If so, when? _____ (attach a copy if you have one)

What will be the days and hours of operation: 8-5

Number of proposed employees? 1 Full time 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) _____

- e) How are the trucks unloaded? (ie: pallets are removed with a fork lift, boxes are removed by hand) _____

- f) How many customers, clients or business related visitors do you expect to have in a typical week? _____
- 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? _____

- c) Can the noise be heard from outside the building? _____

- 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.* Cars

e) Please list any materials or equipment that will be stored outside and where on the property it will be stored: Cars

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.

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).



ZONING APPLICATION

Variances and Appeals

8188 199TH Avenue NW, Nowthen, MN 55330

<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> APPEAL Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30 Amt. Due: <u>\$230</u> Amt. Paid: <u>\$230</u> Check# <u>6282</u> Receipt# _____	<p align="center">***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> Date Application Received: <u>3/30/21</u> Date Application Complete: <u>3/30/21</u> <small>(60 day review period starts from this date)</small> Public Hearing Date: <u>4-27-21</u> City Council Approval/Denial Date: <u>5-11-21</u> 60-Day Extension: <u> </u> Yes <u> </u> No Expires On: _____ Received By: <u>Uz Spokman</u> Return To: permits@nowthenmn.net
--	--

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: 19745 Nowthen Blvd
Property Identification Number (PID#): 21-33-25-33-0021
Type of Business or Use Requested: auto repair
Legal Description (Attach full description of Metes & Bounds if necessary):

Applicant Information

Name: Mark Froehlich Business Name: FX Auto
Mailing Address: 19745 Nowthen Blvd
City: Nowthen State: MN Zip Code: 55303
Telephone: 763 218 9317 Cell Phone: Work:
e-mail: FX Auto @ Live . com

Property Owner Information (If other than applicant):

Name: Dave Perkins Business Name: Perkins Real Est.

Mailing Address: 19745 Nowthen Blvd.

City: Nowthen State: MN Zip Code: 55303

Telephone: 763-427-0109 Cell Phone: _____ Work: _____

e-mail: dperk15775@aol.com, rperk66@gmail.com

Description of Request (attach additional sheets as necessary)

Existing Use of Property: commercial/office

Perkins Contracting, outdoor storage

Description of Proposed Use: _____

auto repair

Reason(s) to Approve Request: _____

• vehicles are parked behind fence

Please describe any previous applications pertaining to the subject site:

Project Name: Perkins Contract. Date of Application: 2015

Nature of Previous Request: 1 UP outdoor storage 2015, change in
Ord. for house use, CUP motorcycle shop 2015,
CUP for bldg. facade & Variance for access. bldg. 2015


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 \$see CUP 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.

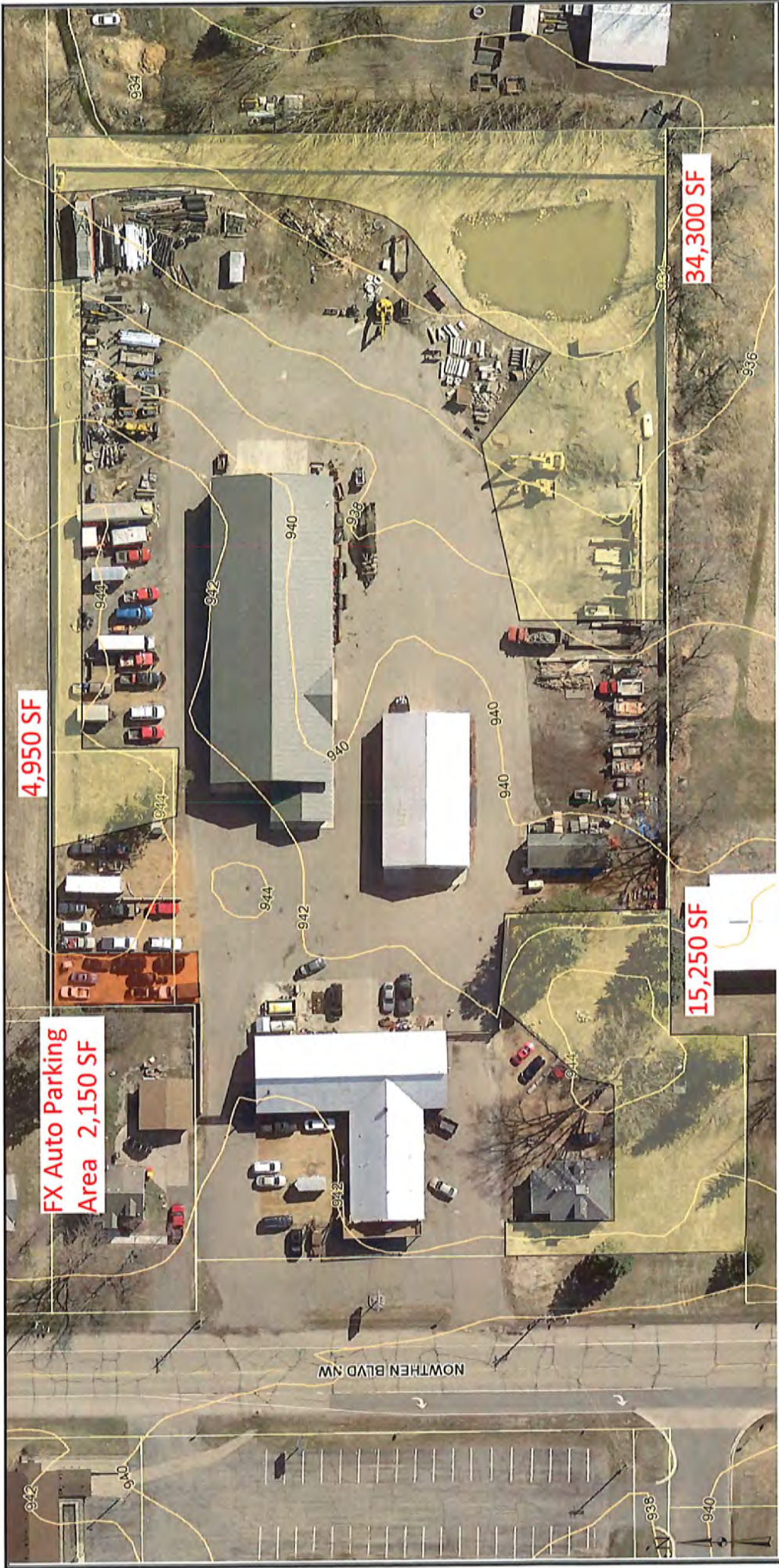
Applicant:  Date: 4-15-21
Property Owner: _____ Date: _____

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: 4-15-21
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____

Anoka County Parcel Viewer



**FX Auto/
Perkins Site Plan
April 2021**

Owner Information:
PERKINS REAL ESTATE LLC
19745 NOWTHEN BLVD NW
NOWTHEN
MN
55303

**Pervious Surfacing
Shown in Yellow
Shading = 54,500 SF**

Approx. Acres: 4.17
Plat: AUD SUB NO 146
**30% of Total Site Area = 54,494 SF
(Required Pervious Area)**

Parcel Information:
21-33-25-33-0021
19745 NOWTHEN BLVD NW
NOWTHEN
MN 55303



Date: 4/20/2021

1:600

Anoka County GIS

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

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

PLANNING & ZONING COMMISSION

**FINDINGS & RECOMMENDATION
CONDITIONAL USE PERMIT - Auto Repair
VARIANCE – Parking on Gravel Surface**

APPLICANT: Rene Perkins and Mark Froehlich, 19745 Nowthen Boulevard

APPLICATION: Request for approval of a Conditional Use Permit (CUP) to allow auto repair in the C-1 District within an existing commercial building and a VARIANCE to allow parking of vehicles on gravel surfacing within the outdoor storage area in the rear yard.

PLANNING AND ZONING COMMISSION MEETING: April 27, 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 as follows: THAT PRT OF LOT 2 AUDITORS SUBDIVISION NO 146 LYNG SLY OF N 11 FT OF W 162 FT, & LYG NLY OF S 20 FT OF W 175 FT THEREOF

Whereas, the property identification number is: 21-33-25-33-0021;

Whereas, the property at 19745 Nowthen Boulevard contains an existing building which was built around 1939;

Whereas, the property owner utilizes the property and buildings for his construction/excavating contracting business and leases space to the applicant for the auto repair business;

Whereas, the auto repair business encompasses 1,200-1,300 square feet of the existing building;

Whereas, the auto repair business is conducted wholly within the structure at the present time;

Whereas, the Planning Report dated April 20, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regularly scheduled meeting on April 27, 2021.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission recommends that the Conditional Use Permit and Variance to allow an auto repair business at 19745 Nowthen Boulevard be **approved** subject to the following conditions:

1. Hours of operation are 8am-5pm Monday-Saturday.
2. All automobile parts, equipment and materials are stored within the building or behind the existing six foot screening fence per Section 11-3-8.C.2.f of the Nowthen City Code.
3. The sale of parts and accessories are limited to items related to vehicles as may be accessory to the principal auto repair business as allowed by Section 11-3-8.C.2.g of the Nowthen City Code.
4. Parking requirements are as follows:
 - a. Inoperable or unlicensed vehicles awaiting repair shall be parked behind the screening fence (9-10 vehicles) or inside the building(s). The City Council makes a finding that the Variance criteria have been met to allow the parking of vehicles on gravel in the rear yard as indicated in Exhibit E.
 - b. Operable and licensed vehicles parking on a short-term basis may park in one of the six (6) spaces on the south side of the building.
 - c. The existing gravel parking areas at the front of the building and behind the house are paved since they are being utilized on a regular basis.
 - d. Vehicles may not block the fire lane or gate on the south side of the principal building.
 - e. Specific direction is provided regarding parking of the collector vehicle with the FX Auto logo.
 - f. No vehicles of any kind may be parked on the City of Nowthen Historic Town Hall property across Nowthen Boulevard without approval of the City Council and a written agreement prepared by the City Attorney.

5. All existing pervious areas which serve to allow stormwater to infiltrate into the ground shall be maintained and impervious surface areas shall not be increased.
6. Plans for any changes or additions to on-site signs are submitted to the City Planner and City Building Official for review and approval as required in Section 11-7 of the Nowthen City Code.
7. The emission of odor by a use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended (Section 11-3-8.C.2.d of the Nowthen City Code).
8. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota uniform fire code as required by Section 11-3-8.C.2.e.
9. If any exterior lighting is changed or added to the site, the City Planner and Building Official must be notified so that compliance with ordinance standards can be verified (Section 11-4-19 of the Nowthen City Code).
10. The house has been converted to an allowed commercial use at the present time (office use) in conformance with the requirements of the C-1 District; the residential use shall not be re-established, per Section 11-3-8.D.5.c of the City Zoning Ordinance.
11. Per Section 11-10-5 of the Nowthen City Code, the City Council may hold a public hearing to revoke a conditional use upon the happening of any of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the permit is issued;
 - b. The use or operation is discontinued for a period of one (1) year;
 - c. If a conditional use approved by the City Council is not exercised or put into effect within **one (1) year of the date of approval**, by fulfilling each and every condition attached thereto, it shall terminate unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administrator may approve an extension which shall not exceed ninety (90) days where after reapplication and approval of the interim use by the City Council will be required.
12. The applicant is responsible for all costs associated with the City's review and processing of this request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 27th day of April 2021.

CITY OF NOWTHEN

By: _____
Jeff Pilon, Mayor

Attest: _____
Lori Streich, City Clerk



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: 19 April 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

BACKGROUND

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. Attached as Exhibit F, 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 prior to moving forward with the public hearing, planning report, formal findings, and decision.

EXHIBITS

- A IUP Application
- B Site Location
- C Aerial Photo
- D Detailed Aerial Photo
- E Photos
- F 2019 Interim Use Permit

CITY CODE REQUIREMENTS

The Zoning Ordinance is very clear in stating that the storage of vehicles, boats, recreational vehicles, or other such items not belonging to the property owners, for monetary purposes constitutes a storage lot, and is not permitted without approval of an interim use permit (11-4-16.C).

The property owner has already been granted the right to operate an extended home business. Expansion and/or intensification of the storage operation to the exterior is at the discretion of the City Council based on the best interests of the neighborhood and community. Consideration also needs to be given to setting precedent in other neighborhoods. In many ways, exterior storage conflicts with the quiet, natural environment of residential areas and may be more appropriate for commercial/industrial areas.

Surfacing of driving areas and fencing requirements shall also be considered. Mr. Guimont plans to build fencing around the property (seen in some photos), has installed cameras and no trespassing signs. The applicant is advertising the site as a secure environment.

Given the slope of portions of the yard and the present surfacing, erosion would become an issue. Parking and drive lane areas are generally not to exceed a 4 percent slope (11-6-2.I).

APPLICATION REQUIREMENTS

The property is co-owned by Dan and Julie Guimont. Mrs. Guimont's signature will be required on the application prior to formal processing of the request. The deadline for submittal of an amended application shall be May 4, 2021.

VIOLATIONS OF THE EXISTING IUP

- Exterior storage prohibited outside other than 2 personal vehicles and 3 recreational vehicles (boat, trailer, camper, etc).
- Increased intensity of use, more people and vehicles coming and going.

- Change from historically seasonal storage versus weekly or monthly access to vehicles and the overall addition of vehicles/customers creates additional traffic generation and disruption to the neighborhood, wear and tear on the city streets.
- Parking on the grass is problematic for multiple reasons: pollution/dripping vehicular fluids into the ground and driving on turf will not only kill the grass eventually, but compacts the soil making it resistant to water infiltration and future use as possible septic system secondary sites.

SITE INSPECTION & EXPANSION ONTO ADJACENT PARCEL

The Guimont's own two ten (10) acre parcels. The northerly parcel is not included as part of the current IUP, however, the outdoor storage seems to be expanding that direction. During site inspection on April 12, 2021 there were 8 Buick cars, 4 lawn mowers, a camper, a boat and two trailers on the northerly parcel. Behind the house, there were nine (9) vehicles, including at least two larger commercial vehicles.

CONCLUSION

The nature of the business and declaration of the permitted activities are very clear as outlined in the existing IUP. The Planning and Zoning Commission shall review the facts herein and provide feedback to Mr. Guimont in one of three ways:

- Recommendation to move the application forward, provided the applicant can address all the issues identified herein.
- Recommendation to withdraw the application.
- 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



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

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

<p>Zoning Application for:</p> <p><input checked="" type="checkbox"/> CONDITIONAL USE PERMIT</p> <p><input type="checkbox"/> INTERIM USE PERMIT</p> <p>Base Fee: \$200 Escrow: \$1,000 Public Hearing Fee: \$250 Recording Fee: \$30 Amt. Due: <u>\$1480</u> Amt. Paid: <u>\$1480</u> Check# <u>Cash</u> Receipt# _____</p>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>March 30, 2021</u> Date Application Complete: <u>March 30, 2021</u> (60-day review period starts from this date)</p> <p>Public Hearing Date: _____ City Council Approval/Denial Date: _____ 60-Day Extension: Yes ___ No ___ Expires On: _____ Received By: <u>Jeri Steich</u> Return To: Deputy Clerk deputyclerk@nowthenmn.net</p>
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Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: 19009 Rhinestones St NW
Awoka Mn 55303

Property Identification Number (PIN#): _____

Type of Business or Use Requested: Outdoor Storage

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

Applicant Information

Name: DAN Guimont Business Name: ←

Mailing Address: 19009 Rhinestone St NW

City: Awoka State: Mn Zip Code: 55303

Telephone: SAME Cell Phone: 763-923-8971 Work: SAME

e-mail: DJGuimont@G.MAIL.COM

Property Owner Information (If other than applicant):

Name: DAN Guimont Business Name: outdoor Storage
Mailing Address: 19009 Rhinestone St NW
City: Arno Ka State: Mn Zip Code: 55303
Telephone: 763-923-8971 Cell Phone: 763-923-8971 Work: SAME
e-mail: DJ Guimont @ Gmail . Com

Description of Request (attach additional sheets as necessary)

Existing Use of Property: _____

Description of Proposed Use: _____

Reason(s) to Approve Request: _____

Please describe any previous applications pertaining to the subject site:

Project Name: _____ Date of Application: _____

Nature of Previous Request: _____

Existing Building Sizes:

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

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

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

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

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

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

APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 1000.00 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: [Signature] Date: March 30-2021
Property Owner: [Signature] Date: March 30-2021

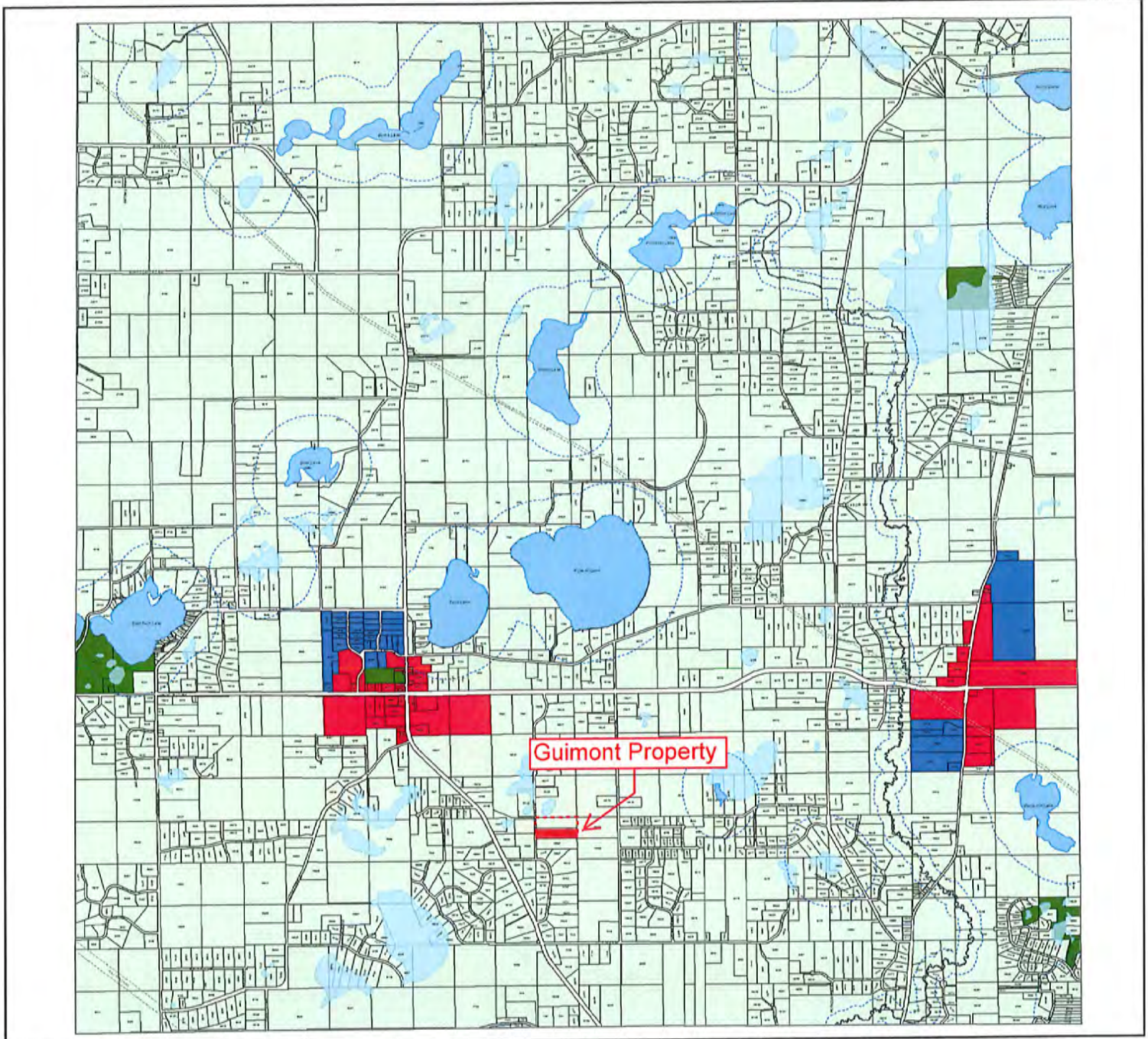
I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

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

Signature of Applicant: [Signature] Date: March 30-2021
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____
Signature of Property Owner: _____ Date: _____

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

City of Nowthen Zoning Map



ZONING

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

 Shoreland Overlay District



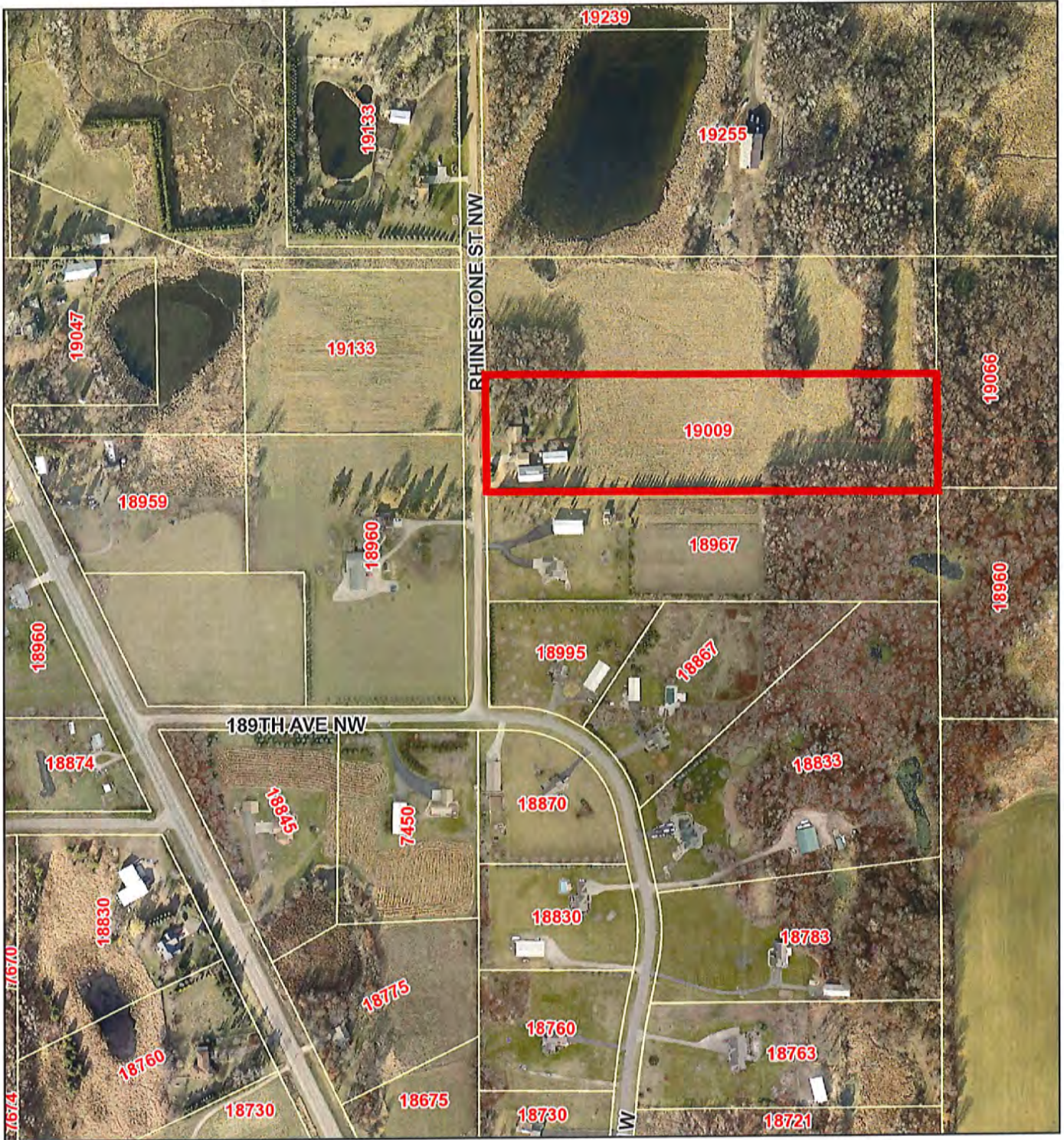
Sources: City of Nowthen, Anoka County, MN DNR, HAA & TPC

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

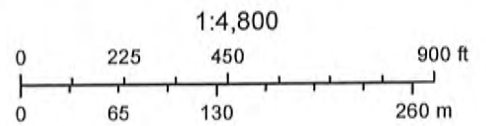
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19009 Rhinestone Street



September 9, 2019

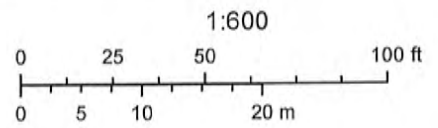


C

19009 Rhinestone Street



September 9, 2019



D









**FINDINGS & DECISION
INTERIM USE PERMIT**

APPLICANT: Dan and Julie Guimont

APPLICATION: Request for approval of an Interim Use Permit to allow an Extended Home Occupation for indoor storage at 19009 Rhinestone Street; PID# 28-33-25-44-0007.

CITY COUNCIL MEETING: November 12, 2019

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

1. The legal description of the property is THE S 331.06 FT OF N 661.94 FT OF SE1/4 OF SE1/4 OF SEC 28 TWP 33 RGE 25.
2. The subject site is guided by the Comprehensive Plan permanent rural residential land uses through the year 2030.
3. The subject site is zoned RRA, Rural Residential Agriculture.
4. The Guimont property encompasses 10 acres and has direct access to Rhinestone Street, a gravel roadway.
5. The Guimont property contains two existing accessory buildings which total 4,960 SF.
6. The Interim Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met.
7. The Planning Report dated October 16, 2019 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, considered the request at their regular meeting on October 22, 2019 and recommended approval by a 4-0 vote.

DECISION: Based on the foregoing information and applicable ordinances, the **Guimont Interim Use Permit and Extended Home Occupation is approved** subject to the following conditions:

1. Storage is limited to INDOOR space within the two existing accessory buildings which encompass 4,960 square feet.

2. Any outdoor storage beyond what is allowed for single family residences or outdoor storage of any kind not belonging to the property owner(s) shall require an amended IUP.
3. The indoor storage shall not generate excessive or objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare. No hazardous or toxic chemical/wastes shall be generated, discharged or stored for tenants. Resident complaints about noise or disturbance shall require an amended IUP and consideration by the City Council (through an amended IUP) of limited hours of operation.
4. Any change or intensification of the property use, or activities not permitted by the Interim Use Permit issued shall require an amended IUP. The nature of the business and declaration of typical activities to be conducted on the property have been clearly indicated in the application and Planning Report dated October 16, 2019 prepared by the City Planner, The Planning Company LLC.
5. The property shall be periodically reviewed for compliance upon notification by the Zoning Administrator or Building Official or according to a review frequency as may be established by the City Council.
6. Termination of the IUP will occur at the time the property is sold outside of the family, upon violation of any condition, following discontinuation of the business or use for one (1) year, or a change in regulation by the City Council.
7. If an interim use approved by the City Council is not exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, it shall terminate unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administrator may approve an extension which shall not exceed ninety (90) days where after reapplication and approval of the interim use by the City Council will be required.
8. The applicants are responsible for all costs associated with the processing of this request.

MOTION BY: Mary Rainville

SECOND BY: Lynda Blake

ALL IN FAVOR: 5

OPPOSED: 0

ADOPTED by the City Council of the City of Nowthen this 12th day of November 2019.

CITY OF NOWTHEN

By: _____
Mayor Jeff Pilon

Attest: _____
Lori Streich, City Clerk