

City of Nowthen
PLANNING & ZONING COMMISSION MEETING
TUESDAY, MAY 25, 2021
MINUTES

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

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

Meeting Called to Order at 7:00 pm.

Motion by Pearo; 2nd by Jorgensen to Approve tonight’s meeting agenda of May 25, 2021.

Motion by Ames; 2nd by Pearo to Approve the Planning & Zoning Meeting minutes of April 27, 2021.

- 1. 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.

Public Hearing opened at 7:02 pm

Planner Stockman explained that this property had an Interim Use Permit approved in 2019 to allow indoor storage in two accessory buildings on the property. One of the conditions of that permit was no exterior storage above and beyond what is typically allowed in a residential area. Because the co-property owner was not in agreement with signing this application, we are forced to deny the application at the present time. If the situation should change in the future, Mr. Guimont is welcome to come back and make application. At this time, the exterior storage would not be allowed. The recommendation is to deny the amended Interim Use Permit to allow the exterior storage.

The reasons for denial will need to be stated, and Planner Stockman has already listed some of them. The findings will be prepared for that after the fact, and then for the council.

MOTION TO DENY THE REQUEST ALLOWING EXTERIOR STORAGE ON A PROPERTY LOCATED AT 19009 RHINESTONE STREET (PIDs 28-33-25-44-0006 and -0007) THROUGH AN AMENDED INTERIM USE PERMIT BY AMES, 2nd BY PEARO; ALL IN FAVOR, MOTION CARRIED.

Public Hearing closed at 7:08 pm.

2. 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 slope, a bluff and limited usable area.

Public Hearing opened at 7:10 pm.

Planner Stockman explained that they are on the eastern shore of East Twin Lake, and it is a very difficult property. This part of Baugh Street is considered a local street and is not subject to the additional 150 foot setback that is typical on a county road. This site would require 120 foot set back. Their existing home is about 85.7 feet from the centerline of the road. They are proposing to go 24.85 feet closer to the road, adding a four car garage and some living space, then converting the existing garage into living space.

If they stayed at this 85.7 foot setback, there would be a limited possibility for adding on, which is why they are asking for the variance to come a little closer to the street. There is a really steep bluff that drops about 20 feet or more. The house was built into that and is considered a non-conforming use under the shoreland ordinance. The report indicates that they may need DNR approval and advertise for a public hearing for another variance from the setback of that bluff. Stockman has since spoken to the DNR and they are fine with moving forward without that, because they are not increasing the non-conformity.

The proposed setback is 60.85 feet from the center line. They have shown an additional option that is six feet shorter at a distance of 65.83 feet from the center line to make the garage slightly shorter if the commission felt that was necessary. In summary, the DNR is fine with this proposal, and would require that downspouts be used on this north side of the home and then directing the water into an area where it is dissipated before it goes down the slope which would cause erosion.

They are proposing to realign the driveway and they need to meet a 15-foot setback on the side. This house is a 16.4 foot set back so they need to shave a little bit off the driveway to meet this 15 foot setback and the existing bituminous would be removed. They do meet the impervious surface requirements of the shoreline district. The Planning office would recommend approval subject to the conditions in the findings.

Public Hearing closed at 7:25 pm.

MOTION TO APPROVE THE REQUEST FOR A FRONT SETBACK VARIANCE OF 60.85 FEET FROM THE ROAD TO ALLOW AN ADDITION TO THE HOME, STRIKING ITEMS A&B, AND #3 REMOVED COMPLETELY FROM THE FINDINGS BY PEARO, 2ND BY SCHILLER; ALL IN FAVOR, MOTION CARRIED.

3. PUBLIC HEARING, Toft 1st 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).

Planner Stockman explained that there are two separate applications to consider. A preliminary plat for 16 sites, and a site development plan for the one CST lot. The Tofts have a contract to purchase 70 acres on St. Francis Blvd. This property is located in the most northerly portion of our industrial zoning district. This was rezoned last year as part of our comprehensive plan. Additional industrial land in this portion of our city because our existing industrial park off of Nowthen Blvd is close to full. The 2040 land use map that Met Council requires should always match our zoning.

The front 30 acres is planned as industrial and the rear 40 acres would abut the Oak Grove border which is planned as single family rural residential. The applicant is hoping to have the location of the actual site development for the CST to be adjacent to highway 47. There is a 100 foot buffer requirement between commercial industrial uses and single family uses. They have allowed additional lot width on two lots to allow for some plantings and storm water control ponds. The map shows a cul-de-sac and a street stub to the south to serve future development. The plat shows the formal delineation of the wetland boundaries and proposed building pad locations. Each site has a primary septic location to meet the city's buildability requirements, which is our separation from modeled soil. The city adopted a frontage road plan in 2013 because Viking Blvd may someday be a divided highway. The city wanted to ensure that we have good access in and out of our major four way quadrants. The applicant's drawing is showing that what they are proposing the street stub going south provides access down into the other properties. Park and trail dedication requirements will need to be discussed.

There have been some questions from residents regarding the snowmobile trail. This trail is 100% the property owner's decision whether they want to allow a snowmobile trail through their property. This is yet to be determined.

Stockman addressed several questions that were submitted to her regarding this application.

Question: Will all 8 industrial lots be owned by CST or developed by others?

Answer: Nowthen has an 8 per 40 density requirement and you can go down to a 2 ½ acre lot size as long as you average 5 acres with no more than 8 per 40. CST would own all of the lots in the interim, until they plat it, which they could do 2 different ways. They could plat 1 lot for themselves and plat the remainder as an outlot that could basically be farmed until they are ready to sell, or they can final plat any of these preliminary plats in phases.

The whole reason that they are here applying for an Interim Use Permit is for their outdoor storage. It is a permitted use in the industrial district. They are not doing any manufacturing and there is no wood chip processing and no coloring to be allowed there. They are strictly warehouse, a trucking terminal, and their offices.

One of the reasons that an interim use permit is required, is so the city can put conditions on this development and we could be as specific as saying no wood chip processing, no wood chip coloring, no manufacturing of any kind. Anytime the use changes, there's a zoning compliance inspection, so we are very specific when we approve a project. Findings are created that are recorded against the land, so there is that assurance that if they are not abiding to that, they would have to come back to the city for any additional approvals.

Question: How far back on the property will the CST activities take place?

Answer: Stockman just showed how far away the proposed site is from the existing homes.

Question: Will there be additional taxation for road maintenance due to increased weight and traffic of large vehicles?

Answer: No, the streets especially in industrial areas are designed to a certain standard to be able to withstand that truck traffic. It's assumed that there will be semi-trucks in and out of this portion of 204th Ave., so truck sites will need to have an area for the big trucks to turn around on their site so they are not going to be going back to the cul-de-sac which probably wouldn't even be large enough for a semi to turn around

Question: Are they going to lower the speed limit?

Answer: Stockman wasn't sure if this person meant on 47. No, they will not lower the speed limit on 47. The speed limit on the local road is 35 miles per hour.

Question: Will turn lanes be added?

Answer: That's up to MNDot. It's highly likely that either a right and/or left turn lane will be added. We just don't have the official word on that yet.

Question: Taxable revenue that will benefit the city?

Answer: We rely on the county assessor to determine that.

Question: Will there be a visual barrier between businesses and residences?

Answer: Yes, there will be a buffer.

Question: Will there be certain hours and days that the majority of trucking traffic will be limited?

Answer: Their general hours are 7:00 – 5:00, but trucks can come and go at other hours, which is why we try to segregate the industrial areas close to the main roads and they are not going thru the residential areas.

Craig Geisler-5453 Verde Valley Road NW, had a question about the frontage along 47. He and his wife are new to the City of Nowthen and came from a city that developed along the main road going through with industrial properties. Industrial properties are necessary but is there any type of visual buffer, a berm with foliage on it like pine trees along 47 with fencing to obscure some of that. When you are building in a big farm field, it's going to look

like an airport with hangers. It would be nice to keep the rural look and still have the industry be visually appealing.

Stockman explained that we do have screening requirements. Usually it's on the individual site based on what they are screening.

Public Hearing opened at 7:47 pm.

Marilyn Emstad, 20033 West Ford Brook Drive- asked where in relation to Viking Blvd this is located. She would like to know what CST does, what are the semi's hauling, what is the outside storage that they are talking about, and what will the noise be? She's lived here for 30 years and they moved here because it was country. She understands progress and that things are moving forward but she is concerned with listening to semis and jake breaks at 4:30 or 5:00 in the morning or on weekends.

Stockman asked if the questions could stick to the layout of the roads and the lots to begin with. We will get to the individual site design shortly.

Justin Pierce, 20410 Quapaw Street NW, Oak Grove- Asked if it could be clarified on the CST site, is the exit for the property going to be off 204th or 47? And looking at the residential area and the plat plan, it appears there's a lot of wetland that is going to be encroached on with the addition of these homes. What appropriate measures will be taken to prevent any seepage into the water system from the wetland standpoint.

Stockman answered that the access will be off 204th. There's no impact to the wetlands. That's one of the criteria that the state requires is first and foremost avoidance. There's a buffer required along all wetlands, minimum of 15-25 feet depending on the type of wetland it is and they are not proposing any filling or anything to the wetlands. There's also a very stringent review process under state law for storm water control.

Josh Lund, 4741 204th Ave NW, Oak Grove-The houses that border his property lines, will there be a variance on the setbacks on how far they will be into the property? And what about street lights?

Stockman showed the line indicating the required setback which is 120 feet from the center line of the local road. The building pads leave plenty of space behind for septic or yard use. We can't dictate where people put their houses. Some like to place their house closer to the front so they have a larger back yard. She has no way of knowing if someone will request a variance but these lots all meet our minimum standards. No street lights are proposed along the local road.

Melissa Pierce, 20410 Quapaw Street NW, Oak Grove-This is in her backyard. This property was not previously industrial, it was residential rural, correct? When it was rezoned, was it sent out for public comment? They never received notification. She was also concerned about the snowmobile trail and they are currently able to hop right on it from their backyard and they don't want to lose that.

Stockman said that when it is a rezoning, that is part of a comprehensive plan or bigger project, not everyone receives an individual letter, but it is posted appropriately under state law in all of the required places. The City of Nowthen's Comprehensive Plan was also distributed to the neighboring cities.

Discussion continued amongst audience members regarding tabling the recommendation by the Planning & Zoning Commission until further details can be provided and allow the public another opportunity to give input.

Chairman Ames explained that he's been on the Commission for many years and doesn't always agree with these changes either. But this is what's happening now and there are all kinds of changes that we have to accept. He's even having a hard time accepting these changes. Most of the complaints they hear are only when it affects the individual, otherwise nobody is even interested in what goes on in our city. This is something that the city has been working on for a number of years now – to get more industrial area in town, and we don't have anymore room. The ideal place is along the main roads. This is what was done as a city.

Public Hearing closed at 8:18 pm.

Planner Stockman explained the Findings of Fact and recommendations.

MOTION BY AMES TO ACCEPT 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), PER THE FINDINGS OF FACTS AND THE ENGINEER CHECKING INTO A POSSIBLE TRAIL IN THE DEVELOPMENT, 2ND BY PEARO; ALL IN FAVOR, MOTION CARRIED.

4. 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.

Planner Stockman explained the request for a warehouse facility, a trucking terminal and front office area for 10 employees. The Interim Use Permit is required for the outdoor storage. Other than that, what they are proposing is permitted within the I1 District. There would be a front parking lot, one building with the office up front. Employee and visitor parking and second driveway slightly wider for the trucks. CST distributes all of the things you see outside at a convenience store/gas station (eg. salt, windshield washer fluid, firewood). The only thing proposed outside is truck storage. Everything that they are distributing will be stored inside.

Stockman answered questions that were directly submitted to her.

There will be no manufacturing or processing of wood products. They may store bagged mulch inside the building that is purchased elsewhere. An Interim Use Permit is required for the outdoor storage. Any violations of those conditions could result in revocation of the

IUP, and/or asking the applicants to come back and work with the city on solving any problems that may arise. That's true for anybody whether it's industrial use, a home extended business as well as any IUP or CUP. CST sold off the portion of their business that does the grinding and dying of wood chips.

There was also a question about the large amounts of water, but she doesn't believe that would be applicable other than a wash bay which has all been taken into account with the design of the septic system and any collection of the storm water into the ponds, the engineer would require clean out of those. Those would be filtered out before it enters into the environment. This facility size is just under 32,000 square feet, approximately 25 feet high, and is not open to the public.

Public Hearing opened at 8:38 pm.

Craig Geisler-5453 Verde Valley Road NW – has a concern about fuel storage and containment on site, along with potential for fires. He also commented on the wash bay and if there is containment for the sludge off the semis before entering into the wetlands.

Stockman said that they can't put that into their septic systems. The fuel storage requirements have to meet state law.

Allen Paulson Jr. 20132 St. Francis Blvd. – this is a large building. The only comparable footprint size to this building is the riding arena north of St. Francis on the west side of 47. He objects to the striping along the building. His other comment is about the security lighting. LEDs put off an awful lot of lumens, especially when there's snow cover. He would like them to address the down lighting of the LEDs.

Stockman explained that discussion has been taking place regarding the LED lighting and tones and using warmer tones of lighting.

Justin Pierce, 20410 Quapaw Street NW, Oak Grove – it was mentioned that the drainage will be focused into a pond. Do they know what the approximate acreage is for the paved and roofed area?

Stockman said that you can have up to 70% of the site covered in impervious (building parking areas). What they are proposing is a collection area in the center with a pipe. There's a large pond between the fence and 47 where the stormwater would go. The stormwater from the small parking lot would drain up towards the ditch.

Melissa Pierce, 20410 Quapaw Street NW, Oak Grove – asked what the benefit is to the city to allow the outdoor storage at this facility. Is it possible that you NOT approve this permit? They can build the building but don't allow the trucks on site.

Commissioner Schiller answered that if someone wants to purchase a property and build a warehouse, they come in and get a permit, they have to add screening around it, and meet the conditions, but they should be allowed to do that. They are paying their taxes.

Pearo added that looking at it from an owner's standpoint, whether it was your personal residence or an owner of a business, if they can't have what they need to run a business, that could be a challenge, and why would they build a building in the first place.

Melissa Pierce also added that according to Matt Look, this business had originally talked about building on the Ramsey/Nowthen border and her understanding was that it didn't go through because of the cost of re-doing the road.

Pilon clarified that Commissioner Matt Look may have been confused. There was another property that was sold for a business that was originally looking to go in a residential area in southwest Nowthen and that didn't go through so they came up to the commercial district and bought a different property. That was a different business completely. Pilon asked Pierce to have Matt Look call him first before giving out information.

Stockman stated that there is no more appropriate place for outdoor storage than an industrial zoning district. She would bet that every lot in here will have some outdoor storage. That's just the nature of the industry.

Justin Pierce asked if we expect that our tax revenue is going to be able to maintain this road in and out of a residential area based off of the increased truck traffic that's going to be going up and down 47 and in and out of the neighborhood. He agrees that an industrial area is the only place to put a semi-storage area. We just need to make sure that we are making enough money off of that increased revenue to be able to support it. Otherwise it's a net loss and it's costing the city more than it's making.

Schiller commented that the businesses will be paying commercial taxes.

Marilyn Emstad, 20033 West Ford Brook Drive- if this is approved, what is the approximate timeline before the building is built?

Stockman answered that the way it would normally work is that the preliminary plat has to be approved, and then a portion final platted to move it forward. In order to save some time, they may just final plat this one lot. They will be required to build that section of roadway across the front of the parcel and the stormwater pond to support the stormwater generated on the site. The city Engineer is open to that as long as these other infrastructure improvements were accommodated as part of this site. It will be at least a month before they can get revised plans. Probably later this summer.

Oak Grove resident - Inaudible name and address – asked if there would be a ban on jake brakes. You can hear those from miles away and they will shake your house. He's concerned about the extra traffic and noise. Regarding the fence, they are putting a 10 foot tall fence and these trailers are 12 foot tall. How many trailers will they have stored on their lot. Will they abide by the road restrictions?

Applicant addressed this resident's concerns in the audience – inaudible discussion continued.

Public Hearing closed at 9:15pm.


Stockman said that there were no recommendations on this and that the decision can be tabled until next month while they wait on the revised plans.

MOTION TO TABLE UNTIL NEXT MONTH BY AMES, 2ND BY JORGENSEN; ALL IN FAVOR, MOTION CARRIED.

The commission continued discussion on screening. Stockman is comfortable with what they are proposing, with the 10 foot solid fence and landscaping. The only suggestion that Stockman had was to have some tall native grasses along the front edge of the employee parking.

MOTION TO ADJOURN BY SCHILLER, 2ND BY JORGENSEN; ALL IN FAVOR, MOTION CARRIED.

Respectfully Submitted,



Lori Streich, City Clerk



Dale Ames, Chairman