



**Norwood Young America Planning Commission**  
**6:00 p.m., Tuesday, May 7, 2024**  
**Norwood Young America City Council Chambers, 310 Elm St. W.**

**AGENDA**

1. Call to Order  
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of April 2, 2024
4. Introductions, Presentations, and Public Comment  
(Citizens may address the Planning Commission about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The Planning Commission will take no official action on these items but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting.)
5. Public Hearing  
A. Variance Request 108 Hilltop Circle
6. Business
7. Miscellaneous  
A. Building Permit Report
8. Commissioner's Reports
9. Next Planning Commission Meeting – Tuesday, June 4, 2024, at 6 p.m.
10. Adjourn

**Jerry Barr**

**Timon Dammann**

**Mike Eggers**

**Bill Grundahl**

**Paul Hallquist**

**Craig Heher**

**Charlie Storms**

**UPCOMING MEETINGS**

May 8 <sup>th</sup>	NYA Food Distribution	12:30 PM
May 8 <sup>th</sup>	Economic Development Commission Meeting	No EDC Meeting
May 8 <sup>th</sup>	Special Event: Small Business Seminar- Branding, Marketing & Social Media Presentation by OrangeBall Creative	Willkommen Park Pavilion 5:30 PM – 7:30 PM
May 13 <sup>th</sup>	City Council Meeting	6:00 PM
May 16 <sup>th</sup>	Sr. Advisory	9:00 AM
May 21 <sup>st</sup>	Park and Rec Commission Meeting	5:30 PM
May 28 <sup>th</sup>	Workshop/EDA/City Council Meeting	5:00 PM/6:00 PM (Tuesday Meeting)

May 30 <sup>th</sup>	Special Event: Arbor Day Tree Planting at Prairie Dawn Park	9:00 AM
June 4 <sup>th</sup>	Planning Commission Meeting	6:00 PM

Norwood Young America  
Planning Commission Minutes  
February 6, 2024

Present: Commissioners Craig Heher, Charlie Storms, Jerry Barr, Mike Eggers, Paul Hallquist, Bill Grundahl  
Absent: Timon Dammann  
Staff: Karen Hallquist, Community & Economic Dev Director, City Planner Hannah Rybak (WSB)  
Public: Jake Saulsbury (Bolton & Menk), Mark Johnson (362 Meadow Ln, NYA), Tom Janas (1351 Nelson Rd, Delano), David Newman (250 Industrial Blvd), Jo & Troy Eiden (Cologne), Jay Sudheimer (408 Tacoma Ave NYA)

1. Call to Order.

The meeting was called to order by Chair Heher at 6:00 pm. All those present stood for the Pledge of Allegiance.

2. Adoption of Agenda.

*Motion: CS/JB to approve agenda as written. Motion passed 5-0.*

3. Approve Minutes of February 6, 2024.

*Motion: CS/PH to approve the minutes as written. Motion passed 6-0.*

4. Introductions, Presentations, and Public Comment – none

5. Public Hearing

A. Variance for 110 Main Street

*Chair Heher opened the public hearing at 6:03pm.*

Rybak presented information on the variance request to create a lot without frontage on a public street.

- Pat Kohls applied for the variance on behalf of his parents Lowell and Charlene Kohls. They want to sell their property; however, there are two separate buildings – commercial and residential on one parcel.
- Should the variance be approved, owners can proceed with an administrative lot split.
- There would be no changes in how the property operates.
- All criteria was met for the variance request
- Staff recommended approval of the request with two conditions:
  - The application shall install a sewer and water service, with meter, to the residence prior the recording of the future lot split.
  - The application shall remove the utility lines between the buildings following the new sewer and water connections to the residence.

*Motion: BG/ME to close the public hearing at 6:09pm.*

*Motion: CS/JB to recommend approval of the variance request at 110 Main Street subject to the two conditions. Motion passed 5-0.*

B. CUP for 250 Industrial Blvd

*Chair Heher opened the public hearing at 6:11pm*

Rybak presented information on the Conditional Use Permit amendment for site modifications at 250 Industrial Blvd.

- The site is owned and operated by David Newman, Expert Construction, Inc.
- CUP modification includes expanding the existing outdoor storage space with the removal of an existing berm and adding an 8-ft screen fence on the eastern property line. It was noted that the fencing would allow access to the watermain easement along the property.
- The modification also requests an increase from 4 to 10 vehicles in excess of ¾ ton.
- Jake Saulsbury with Bolton & Menk, reviewed and requested owner contact Carver Co WMO.
- All criteria was met for the CUP review.
- Staff recommended approval of the amendment with eight conditions:
  1. Existing trees shall be shown on the "Certificate of Survey & Topographic Survey" for location reference.
  2. The Applicant shall obtain any necessary permits, including but not limited to: Carver County Watershed Management Organization and or MPCA construction stormwater permit.
  3. The final grading and drainage plan shall be subject to review and approval by the City Engineer.
  4. One additional tree shall be planted within the landscaped area at the front of the property.
  5. Site alterations shall adhere to the plans submitted with this application.
  6. Downstream conditions should be monitored for deterioration due to additional runoff from the gravel surface.

7. Vehicles exceeding 3/4-ton capacity shall be parked within the screened outdoor storage area. No more than ten (10) vehicles exceeding 3/4-ton capacity associated with the primary use of the property shall be permitted to park on the property, unless parked within an enclosed building.
8. The CUP shall be subject to annual review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by the City for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact the City as early on as possible in the timeline for any change in ownership, operator or operations.

*Motion: CS/JB to close the public hearing at 6:21pm.*

*Motion: ME/PH to recommend approval of the conditional use permit amendment for 250 Industrial Blvd subject to the eight conditions. Motion passed 5-0.*

### C. Comprehensive Plan Amendment – Future Land Use Map

*Chair Heher opened the public hearing at 6:24pm.*

Rybak presented two components for a Comprehensive Plan Amendment to the Future Land Use Map in the 2040 Comp Plan

1. Regarding 92 acres of Low-Density Residential land to Medium Density Residential. This is a result of a 2023 Amendment that regarded the land for Tacoma West Industrial Park Phase Two from medium-density residential to Industrial.
2. Regarding four parcels (710 Faxon Rd., 28 Industrial Blvd. & 31 Industrial Blvd.) from Commercial to Mixed Use Commercial/Industrial.

*Motion: CS/ME to close the public hearing at 6:28pm.*

*Motion: CS/BG to recommend approval of the requested Comprehensive Plan Amendment to the Future Land Use Map, as shown on Exhibit A. Motion passed 5-0.*

### D. Rezoning of all of B-1 Business Industrial to I-1 Light Industrial, and Rezoning of PIDs 586520890, 580760120, and 586530440 from R-1 Low-Density Single Family Residential to P-1 Parks/Open Space

*Chair Heher opened the public hearing at 6:31pm.*

Rybak presented details on several properties which the City has requested to be rezoned to complete the consolidation of the B-1 and I-1 Districts, and guide Outlot A from R-1 Low Density Single Family Residential to P-1 Parks/Open Space.

- It was noted that there will be no impact on present or future uses of the B-1 to I-1 properties and that the proposed zonings are consistent with the designation of Mixed Use Commercial/Industrial.
- Resident Jay Sudheimer was present to share his concerns for city staff using Outlot A to dump fill and the wear and tear on the sidewalks.

*Motion: BG/CS to close the public hearing at 6:40pm.*

*Motion: CS/PH to recommend rezoning of all B-1 Business Industrial parcels to I-1 Light Industrial. Motion passed 5-0.*

*Motion: CS/JB to recommend rezoning PIDs 586520890, 580760120 and 586530440 from R-1 Low Density Single Family Residential to P-1 Parks/Open Space. Motion passed 5-0.*

### 9. Business

#### 10. Miscellaneous

- A. Building Permit Report - none

#### 11. Commissioner's Reports

CS reported on City Council:

- Trilane lift station is being updated.
- Tacoma West Industrial Park land is for sale.
- Approved 4<sup>th</sup> Ave Feasibility Study for a 2025 reconstruction project.

#### 12. Next Planning Commission Meeting – Tuesday, May 7, 2024, at 6 p.m.

#### 13. Adjourn

*Motion: BG/JB to adjourn. Motion passed 5-0.*

Respectfully Submitted,

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Karen Hallquist, Community & Economic Development Director



TO: NYA Planning Commission  
FROM: Hannah Rybak, Planning Consultant - WSB  
DATE: April 30, 2024  
Planning Commission Regular Meeting May 7, 2024  
REQUEST: Request for variances for a shed at 108 Hilltop Circle

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**SUBJECT PROPERTY:** 108 Hilltop Cir.

**ZONING:** The property is zoned R-2 Medium Density Single Family Residential

**LAND USE:** The Future Land Use Map within the 2040 Comprehensive Plan guides this property for Low Density Residential use.

**OVERVIEW OF THE REQUEST**

Property owner, Dan Stender, has requested a variance to allow placement of a shed within a drainage and utility easement, and with a reduced side yard setback at the subject property. There is a ditch running along the northwest property line, which results in a 25 foot drainage and utility easement along that property line. This is a larger than typical easement; the standard rear lot line easement is 10 feet.

The proposed shed is 12 x 24, totaling 288 square feet. The Applicant intends to place the shed on skids. This would make it possible to move the shed, should the easement ever need to be accessed.



Image 1: Plat – black outline indicates property lines, yellow lines indicate easements

Image 2: Aerial - Neon green lines outline the rear easement. Rear property line shown in red. Shed shown in blue.

Variances have been requested to allow the shed to be placed partially within the drainage and utility easement, and for the shed to be placed two feet from the side property line.

## **GENERAL ZONING REVIEW**

1245.04 *Accessory Structures* provides requirements for accessory structures in all districts.

<b>Requirement</b>	<b>R-2 Requirement</b>	<b>Proposed</b>
Max. accessory structure size	1,200 SF	288 SF
Number of accessory structures	2 max.	1
Lot Coverage	30%	28.9%
Side Yard Setback	5 feet	2 feet
Rear Yard	5 feet	7 feet

A variance of three feet from the required five-foot side yard setback has been requested.

### *1220.02 Permitted Yard Encroachments*

A. *No encroachment shall be permitted in existing or required drainage and utility easements.*

A variance has been requested to allow the shed to encroach on the drainage and utility easement.

## **ENGINEERING CONSIDERATIONS**

The City Engineer has reviewed the request and offers the following comments:

I have no comments or concerns with this as long as the shed is not constructed on any type of permanent foundation and with the condition that it is the property owner's responsibility to move the shed if needed to facilitate an allowable public improvement within the easement.

## **VARIANCE REVIEW**

The City Council may grant variances from the literal provisions of this Ordinance where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in harmony with the general purpose and intent of this Ordinance, and consistent with the comprehensive plan.

### Criteria for Approval of Variances

The Planning Commission is required to examine the request under a series of general standards as set forth under Section 1210.04 Variance, Subd. 1:

- A. *Practical Difficulties. Practical difficulties as used in connection with the granting of a variance means that:*
  1. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The Applicant's request to place a shed, on skids, within the easement is reasonable. If the easement needs to be accessed, the shed can be moved. **Criterion met.**

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The 25-foot rear yard easement is not typical. The presence of the easement limits the area where a shed can be placed in the rear yard. **Criterion met.**

3. *The variance, if granted, will not alter the essential character of the locality.*

The requested variances will have no impact on the character of the area. The property owner next door has provided support for the shed being placed closer to the side property line than the Ordinance allows. **Criterion met.**

- B. Economic Considerations. Economic considerations alone shall not constitute a practical difficulty.*

The proposed variances to allow the property owner to place the shed in the desired location are not financially motivated. **Criterion met.**

- C. The variance is in harmony with the purpose and intent of the Ordinance.*

The shed being placed on skids within the easement is not in conflict with the Ordinance. The shed can be moved if easement access is needed. The intent of the side yard setback requirement is to ensure adequate separation between buildings and neighboring property. The neighboring property owner supports the reduced side yard setback. **Criterion met.**

- D. The variance is consistent with the comprehensive plan.*

The variance will not alter the Low Density Residential use of the property. **Criterion met.**

### **RECOMMENDED ACTION**

Based on the information in the submitted application and findings in this report, staff recommends that the Planning Commission **recommend approval** of the requested variances, subject to the following conditions:

1. A building permit application shall be submitted and approved prior to construction of the shed.
2. The shed may not be constructed on any type of permanent foundation.
3. It is the property owner's responsibility to move the shed if needed to facilitate an allowable public improvement within the easement.

### **MOTION LANGUAGE**

Motion to recommend that the City Council approve the requested variances at 108 Hilltop Circle, subject to the three recommended conditions.

### **Attachments:**

- Application and Plans

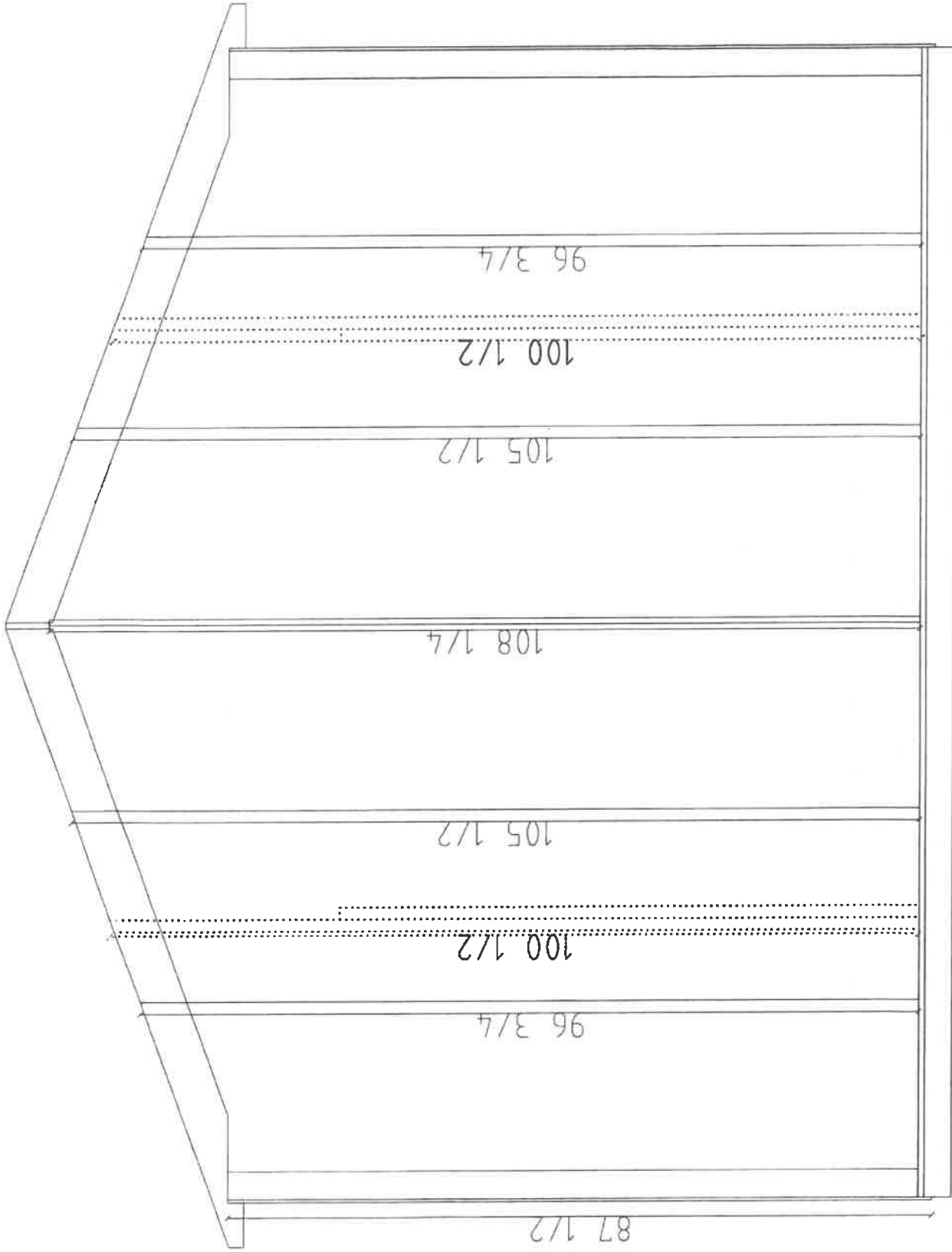


# Planning and Zoning Application

City of Norwood Young America  
 310 Elm St. W, PO Box 59  
 Norwood Young America, MN 55368  
 Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name <i>Dan Stender</i>	Telephone <i>952-212-0246</i>			
Address (Street, City, State, ZIP) <i>108 Hilltop Circle NYA, Mn 55397</i>				
Property Owner's Name (if different from above)	Telephone			
Location of Project <i>108 Hilltop Circle NYA, Mn 55397</i>				
Legal Description <i>Lot 27</i>				
Description of Request (Attach separate sheet, if necessary) <i>Variance for a 12'x24' storage shed</i>				
<p style="text-align: center;"><b>Proposed Action(s): Check all that apply</b></p> <table style="width:100%; border: none;"> <tr> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> Annexation \$300.00  <input type="checkbox"/> Application for Appeal \$150.00  <input type="checkbox"/> City Code Amendment \$250.00  <input type="checkbox"/> Parking Reduction \$100.00  <input type="checkbox"/> CUP/IUP \$300.00 (Residential)  <input type="checkbox"/> CUP/IUP \$300.00 (Non-Residential)  <input checked="" type="checkbox"/> Variance \$300.00 (Residential)  <input type="checkbox"/> Variance \$300.00 (Non-Residential)  <input type="checkbox"/> Lot Split \$200.00  <input checked="" type="checkbox"/> Public Hearing Notice \$75.00         </td> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow  <input type="checkbox"/> Sketch Plat \$200.00 + Escrow  <input type="checkbox"/> Site Plan \$300.00 + Escrow  <input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow  <input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow  <input type="checkbox"/> PUD Final Plan \$300.00 + Escrow  <input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow  <input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow  <input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow  <input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow         </td> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> Storm Water Plan \$250.00  <input type="checkbox"/> Rezoning \$400.00  <input type="checkbox"/> Street/Alley Vacation \$300.00  <input checked="" type="checkbox"/> Recording Fee \$46.00  <input type="checkbox"/> Boundary Line Adjustment \$100.00  <input type="checkbox"/> Other _____         </td> </tr> </table>		<input type="checkbox"/> Annexation \$300.00 <input type="checkbox"/> Application for Appeal \$150.00 <input type="checkbox"/> City Code Amendment \$250.00 <input type="checkbox"/> Parking Reduction \$100.00 <input type="checkbox"/> CUP/IUP \$300.00 (Residential) <input type="checkbox"/> CUP/IUP \$300.00 (Non-Residential) <input checked="" type="checkbox"/> Variance \$300.00 (Residential) <input type="checkbox"/> Variance \$300.00 (Non-Residential) <input type="checkbox"/> Lot Split \$200.00 <input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow <input type="checkbox"/> Sketch Plat \$200.00 + Escrow <input type="checkbox"/> Site Plan \$300.00 + Escrow <input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow <input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow <input type="checkbox"/> PUD Final Plan \$300.00 + Escrow <input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow <input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow <input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow <input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00 <input type="checkbox"/> Rezoning \$400.00 <input type="checkbox"/> Street/Alley Vacation \$300.00 <input checked="" type="checkbox"/> Recording Fee \$46.00 <input type="checkbox"/> Boundary Line Adjustment \$100.00 <input type="checkbox"/> Other _____
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<p><b>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK</b></p> <p>Escrow Deposit \$2,000.00          Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)          Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p> <p style="text-align: center;"><b>ALL PLANNING &amp; ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</b></p> <p style="text-align: center;"><b>*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</b></p>				
<p>The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.</p>				
Applicant's Signature: <i>Dan Stender</i>	Date <i>3-14-2024</i>			
Fee Owner's Signature:	Date			
<b>For Office Use Only</b>				
Accepted By: <i>Kelliquist</i>	<table style="width:100%; border: none;"> <tr> <td style="width:50%;">Amount <i>421 -</i></td> <td style="width:50%;">Date <i>3-14-2024</i></td> </tr> </table>	Amount <i>421 -</i>	Date <i>3-14-2024</i>	
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<i>CR 8457</i>				

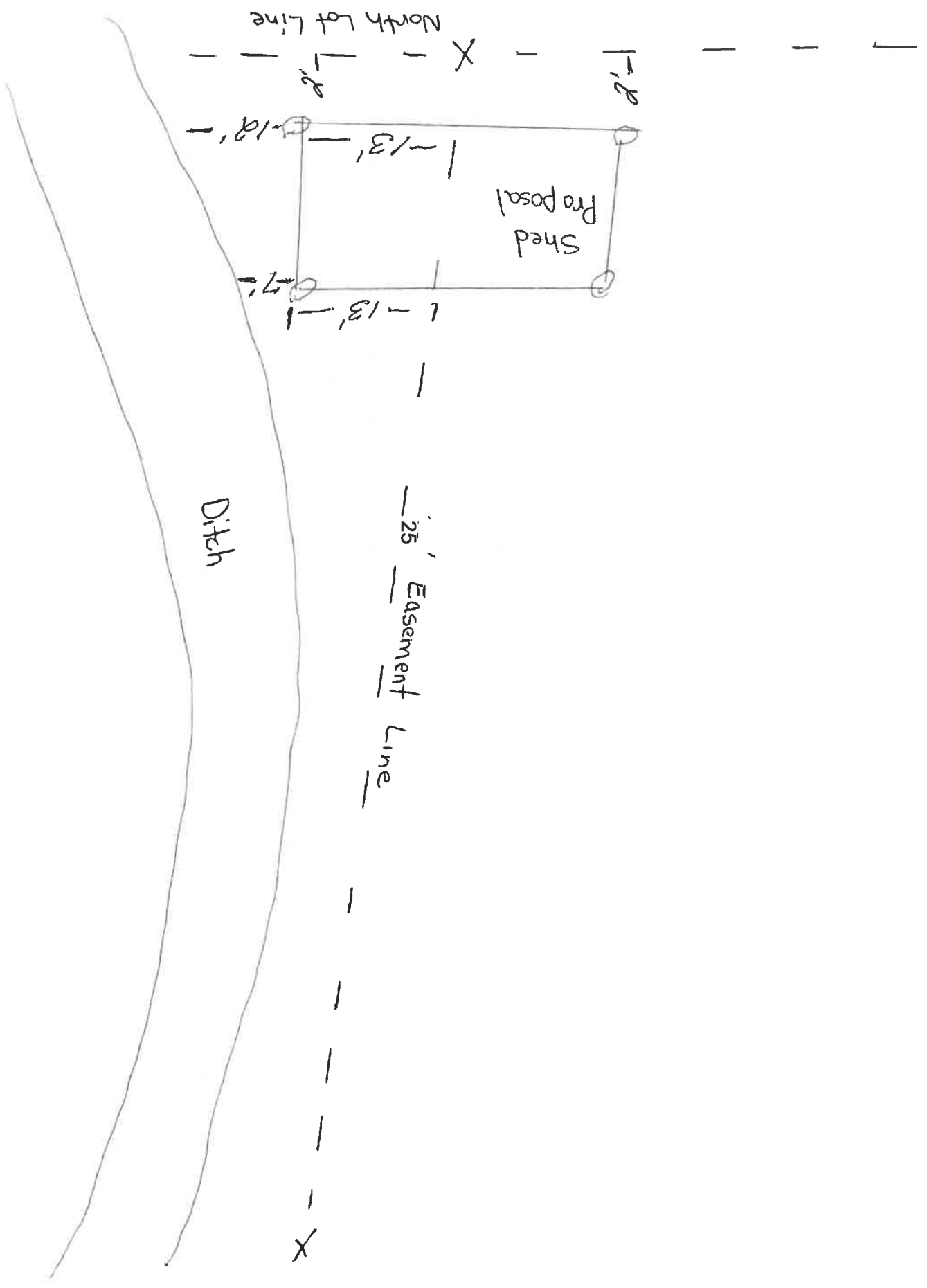




Shed 12' x 24'  
Primed LP Smart Panel

1/2" = 1'

12' Wide w/ Service Door



I Gerald Hoen at 112 Hilltop Circle give Dan Stender at 108 Hilltop Circle permission to set shed 2' from lot line instead of 5'

Gerald Hoen

3-14-24