



# NORTH BRANCH

## —Minnesota—

Steve Cich  
Chair

Nathan Ehalt  
Commissioner

Ross Otto  
Commissioner

Gary Shaefer  
Commissioner

Open  
Commissioner

**PLANNING COMMISSION  
REGULAR AGENDA  
TUESDAY, OCTOBER 7, 2025 @ 6:30 PM  
CITY HALL, 6408 ELM STREET, NORTH  
BRANCH, MN 55056**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PUBLIC COMMENT  
*Provides an opportunity for the public to address the Council on items that are not on the Agenda. Please raise your hand to be recognized. Please state your name and address for the record. This section is for the express purpose of addressing concerns of City services and operations. It shall not be used to clarify individual's views for political purposes.*
5. AGENDA APPROVAL
  - a. Approve Agenda ACTION
6. CONSENT AGENDA  
*All matters listed under Consent Agenda are considered routine and/or non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*
  - a. Approval of September 2, 2025 Planning Commission Meeting Minutes ACTION
  - b. Approval of September 17, 2025 Planning Commission Public Hearing Meeting Minutes ACTION
7. PUBLIC HEARINGS
8. REPORTS
  - a. Comprehensive Plan Update INFO
  - b. Website INFO
  - c. Beach Transport Rezoning Discussion INFO

9. NEXT MEETING - NOVEMBER 4, 2025 6:30 P.M

10. ADJOURNMENT



# NORTH BRANCH

## —Minnesota—

Steve Cich  
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Commissioner

Ross Otto  
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Gary Shaefer  
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**PLANNING COMMISSION  
REGULAR AGENDA  
TUESDAY, SEPTEMBER 2, 2025 @ 6:30 PM  
CITY HALL, 6408 ELM STREET, NORTH  
BRANCH, MN 55056**

### MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF NORTH BRANCH IN THE COUNTY OF CHISAGO AND IN THE STATE OF MINNESOTA

#### REGULAR MEETING

**Tuesday, September 2, 2025**

1. CALL TO ORDER

Chair Steve Cich called the meeting to order at 6:30PM.

2. PLEDGE OF ALLEGIANCE

Chair Steve Cich led the Pledge of Allegiance.

3. ROLL CALL

**Present:** Commissioner Gary Schaefer, Commissioner Steve Cich, Commissioner Ross Otto,  
Commissioner Nate Ehalt

**Absent:**

**Remote:**

**Others Present:** Commissioner Robert Canada

**Notes:**

4. PUBLIC COMMENT

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There was no public comment.

5. AGENDA APPROVAL

Commissioner Ehalt requested that 8(a,b,c) Reports be moved before 7(a) Public Hearings.

- a. Approve Agenda ACTION  
**RESULT:** Passed  
**MOVER:** Nate Ehalt  
**SECONDER:** Steve Cich  
**AYES:** Gary Schaefer, Steve Cich, Ross Otto, Nate Ehalt  
**ABSENT:**  
**NOTES:**

6. CONSENT AGENDA

*All matters listed under Consent Agenda are considered routine and/or non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

- a. Approval of August 5, 2025 Planning Commission Meeting Minutes ACTION  
**RESULT:** Passed  
**MOVER:** Nate Ehalt  
**SECONDER:** Steve Cich  
**AYES:** Gary Schaefer, Steve Cich, Ross Otto, Nate Ehalt  
**ABSENT:**  
**NOTES:**

7. PUBLIC HEARINGS

- a. Public Hearing to consider a proposed Zoning Text Amendment to City Code ACTION  
Section 66-943 Design Standards for permitted building materials and to amend  
the design overlay district map

The Public Hearing is to consider a proposed Zoning Text Amendment to City Code Section 66-943 Design Standard for permitted building materials and to amend the design overlay district map. City Planner Ryan Saltis gave a recap from last month's Planning Commission meeting. We discussed the map, particularly changing some of the interior parcels from zone two to zone three, and then also just remaining the parcels along 400th Street, remaining those as zone one, because they have more visibility, same with 35 but we were looking to change from a stricter zone one and be more lenient to zone two. We also discussed insulated metal panels, just being added to class two materials. So along 35 is zone one, and then also the parks is along 400 are also zone one, again, that was due to visibility from traffic, just having a more appealing looking buildings in those areas. Then that interior zone two, still being a little bit more lenient their, but still having required percentages for certain higher end materials. The proposed map that we discussed at the last meeting, so kind of changing that area along 35 to zone two, and then keeping all those parcels along 400th and then total interior ones as zone one. That's due to the future interchange that might be a halfway travel road. We'd like to keep the design standards up in that area, and then anything interior in the industrial park would be zone three. Zone three is not having any required percentages of materials from either class one or class two from the materialist, it pretty much follows what the zones were set out for being a little bit more lenient on that 35 area. Going to the insulated metal panel discussion that we had, this would be added to the class two list. I don't know if we want to put anything in there about the industrial park as a class two material, I know it was part of the discussion that we can put something after insulated metal panels, like parentheses only in industrial park, that would make sure that no other areas could have these.

Commissioner Ehalt asked on the eastern side of the map, what is the amount of right of way there before we get into the residential area, from the industrial to the residential. Director Sondrol answered that the road right of way of County Road 30 is roughly 110 feet, and then you have the rail, which is going to get

another 100 feet. There's a pretty significant tree line that goes along that rail corridor that does act as a very good buffer for residential homes.

The Commission opened it up for public comment. There was a question from Loren Beach about the insulated panels if they were the same panels on the big red building. Director Sondrol commented that is a different material, that is a class 3 material. Loren asked if currently that building does not meet code, Director Sondrol responded that the city implemented, modified design standards, amended the code. What the City is discussing tonight is that everything yellow on that map on the right would be proposed to allow that.

There was a motion to approve the design standard zone modification as presented and add the insulated metal panels to the permitted class 2 materials within section 66-943, subdivision 2, subsection D1.

**RESULT:** Passed  
**MOVER:** Nate Ehalt  
**SECONDER:** Ross Otto  
**AYES:** Gary Schaefer, Steve Cich, Ross Otto, Nate Ehalt  
**ABSENT:**  
**NOTES:**

8. REPORTS

a. Proposed R-2 Development

INFO

City Planner Ryan Saltis introduced the proposed R-2 Development discussion item. The City met with a developer who is interested in developing a 0.34-acre vacant parcel located at PID 16.00482.10. The location is South of McDonald's. There are some other townhouses in that general area. It's .34 acres zoned R2, also guided as R2 medium density residential. Some options that were provided to us are: option one is to build something identical to what is just north of this vacant parcel, a four-unit development; option two is to build a four-unit housing structure with preset plans that were provided to us on a website; and option three is to build a fourplex at the maximum size allowed. That means with setbacks and just kind of maximizing how much space they could have for those units. The parcel doesn't meet the lot width, so it's less than 150 feet in width. Currently, it has four water services to the parcel, so it could serve four separate units, but it does sound like they want to do a single building. Commissioner Gary Schaefer asked if all three of the different designs would require a variance. Ryan explained that because the lot itself doesn't meet the lot depth requirements, the applicant would have to come in and apply for that. Ryan thought it sounded like the applicant wants to do one building; if the applicant did that, he would not have to go through that planning process, he would just need the variance.

Commissioner Ehalt said he would be supportive of this idea, but would prefer some clarification, along with other constructed homes.

Chair Steve Cich asked if this would be rentals, and City Planner Saltis said they hadn't gotten that information from the applicant at this point. Commissioner Robert Canada brought up his concern with parking.

b. Viking Meadows Development

INFO

Commissioner Nate Ehalt recused himself and joined his colleagues for this portion of the agenda.

City Planner Ryan Saltis discussed the parcel that is located just east of the North Branch wastewater treatment plant. It's access to Hemingway Avenue from the south is zoned R-3 high-density residential. The requirements for this are 6 units per acre. To the West, we have industrial properties and

the wastewater plant. East is single-family houses on Hemingway Avenue. To the South is also zone R-1 single-family houses. Then, to the North is currently vacant farmland. There are a couple of houses to the west, but it is also zoned high-density. Ryan stated that the one thing that the City noticed from our initial comments on this project was that in the comprehensive plan, they do show a potential option for the 95 alternate route, and that kind of goes through the middle of the site. Ryan then invited the applicants to discuss their proposal.

Nate Ehalt explained that one of the questions that they are trying to continue to clarify with the city and certainly three focuses when we think about density. It requires a minimum of 6 units. When we start to think about roadways or park dedication, we start to think of all those things that really start to limit the amount of actual net acreage that we would construct or provide lots for builders. We're at about 90 units or so that we would be able to produce on this particular layout at a lot size of about 80 by 150, so they're not super small lots, but they are smaller lots that would still accommodate duplex lots as well as a single-family home. Nate Ehalt explained that they were trying to get some feedback on the acreage and whether or not they'd be able to use net or gross. If they look at gross, it's going to be virtually impossible, based upon the design that we're considering moving forward with for the development of that, versus perhaps what another developer would be looking at. It's not clear within the existing code, zoning code for North Branch, whether or not it's based upon gross would be the question for the commission. Currently, the 27 acres are under a contract or purchase agreement at this point in time. Nate also expressed that if they were thinking about the corridor for 95 and if they're looking at 100 feet right away, which would be necessary to meet the state standard, knowing that it isn't a state road, there may be some leeway there, but if they take out 10 feet of right away, it significantly cuts down the usable portion of that particular land, which means less lots, but we'd still have all the same infrastructure costs. This pushes up the price per lot to develop. He also asked that it be noted that they have had some conversations with relators who are interested in these particular lots. They've also had strong interest from local builders, builders that want to see lots that they can acquire and that are owned and controlled fully by the Nationals. There is a concern, and a growing concern, that they've heard from builders in this area that they want to be able to have access for future development for their own business, so as to be able to construct those homes and not get crowded out. He mentioned that they've gotten some commitments already for folks who are highly interested in these particular lots, once they're able to get them developed.

Chair Steve Cich asked that in regards to the bypass, if the bypass would split the site. Nate Ehalt responded that it would be on the western edge, right up against the water treatment area, creating a little bit more of a buffer from that particular type of site prior to the development of the residential portion. They had some general conversation with the city about having that start to run our angle in order to preserve as much land to the east of that in the northern parcel, so that it doesn't just bisect down the middle. Nate went on to clarify that it would be a locally owned road, and that's where there's some flexibility.

Commissioner Ross Otto asked the City staff if the staff had a proposed route that they'd want to see 95 take. Community Development Director Nate Sondrol responded that he felt like the City was flexible, and wanted to work with developers to see what would make the most sense. He agreed with the applicants that placing it along the water treatment plan would allow for the development that makes a lot of sense, and provides other opportunities.

Commissioner Gary Shaefer mentioned that the wastewater plant has a huge stormwater retention pond, and if the applicants are aware of that, and if the stormwater from this development could be directed to that. Nate Ehalt responded that they are aware of that and that going forward, it would be on the table. He mentioned that the less that we would have to do on site, provides that opportunity then develop those additional lots that we would be losing to the right of way for the 95 reroute.

The applicant brought up that in phase two, you're potentially looking at over 300 homes coming to the city, a substantial amount of infrastructure and homes, and new roofs.

Commissioner Gary Shaefer said that he appreciated the effort and that the big question in his mind is whether the city is going to have to determine if there is going to be a bypass there or not. Nate Ehalt responded that is also their concern. They realize that the City's identified 96 reroute, but there hasn't been any action taken to dedicate that, and they want to make sure that they get some really good, clear direction. He mentioned that it's one of the things that they would certainly continue to want to work with the city on, and they've asked for a workshop as well with the City Council to be able to have further conversation so that they get that clarity. Nate Ehalt also asked if they could get some clarity on net versus gross acreage, because it's not clear what that means for density. Based on the depth right now, they're looking at about 90 units. That's not taking into consideration the right away expansion of possibly 95. If you looked at gross, we would be having to get closer to about 160 - 165 in terms of the number of units. Chair Steve Cich you could put the buffer in there for that possible bypass to the City when you're planning this.

Commissioner Gary Shaefer asked the applicants about what timeline fits into their decision. The applicant replied that they want to keep the conversations going. The purchase agreement is due by the end of September; they can keep extending it out longer, as long as everything looks good at Council.

c. Comprehensive Plan Update

INFO

Community Development Director Nate Sondrol gave a brief update regarding the Comprehensive Plan. The survey that was conducted ended at the end of August. The results of that survey are being compiled and will be brought to the steering committee. The steering committee will be reviewing each component of the comp plan, looking at the vision for the City and the vision of each one of the subcategories.

9. NEXT MEETING - OCTOBER 7, 2025 : 6:30 PM

10. ADJOURNMENT

The meeting was adjourned at 7:33 PM.

**RESULT:** Passed  
**MOVER:** Gary Schaefer  
**SECONDER:** Steve Cich  
**AYES:** Gary Schaefer, Steve Cich, Ross Otto, Nate Ehalt  
**ABSENT:**  
**NOTES:**



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**PLANNING COMMISSION  
REGULAR AGENDA  
WEDNESDAY, SEPTEMBER 17, 2025 @ 6:30 PM  
CITY HALL, 6408 ELM STREET, NORTH  
BRANCH, MN 55056**

## **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF NORTH BRANCH IN THE COUNTY OF CHISAGO AND IN THE STATE OF MINNESOTA**

### **REGULAR MEETING**

**Wednesday, September 17, 2025**

1. **CALL TO ORDER**

Planning Commission Chair Steve Cich called the Planning Commission Meeting to order at 6:30 PM.

2. **PLEDGE OF ALLEGIANCE**

Chair Steve Cich led the Pledge of Allegiance.

3. **ROLL CALL**

**Present:** Commissioner Gary Schaefer, Commissioner Steve Cich, Commissioner Ross Otto, Commissioner Nate Ehalt

**Absent:**

**Remote:**

**Others Present:** Commissioner Patrick Meacham

**Notes:**

4. **PUBLIC COMMENT**

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There was no public comment.

5. **AGENDA APPROVAL**

a. Approve Agenda

**ACTION**

**RESULT:** Passed  
**MOVER:** Nate Ehalt  
**SECONDER:** Gary Schaefer  
**AYES:** Gary Schaefer, Steve Cich, Ross Otto, Nate Ehalt  
**ABSENT:**  
**NOTES:**

6. PUBLIC HEARINGS

- a. Variance from City Code Section 66-943 Design Standards for permitted building materials and a Zoning Text Amendment and Conditional Use Permit for outdoor storage at 39777 Flink Ave ACTION

City Planner Ryan Saltis gave an overview and a background of the request for a proposed office building and garage for Beach Transport. The business provides aggregate material transportation for public and private road construction. Previous use of the parcel was a single-family residence. It has since been demolished. It is a 4.98-acre parcel located at 39777 Flink Avenue. The goals for the site are to provide office space for business operations, and then also have an attached garage for storage and servicing of the fleet. The site is completely surrounded by a separate ownership parcel. It's currently vacant, with nothing on it, but it is owned by a separate entity.

We'll start with the variance from design standards so that can apply for variance for building materials used in the garage portion of the building. This parcel is located in Zone One for design standards, which requires 65% class one building materials and 35% class two materials. So specifically, the various requests is for the garage and shop portion of the building. Just wanted to touch on this office building portion, so we haven't received any percentages or specific building materials that this is going to be, so that would be a requirement during the site plan review process, if we get to that point for review, soil would have to be at 65% class one materials, 35% class two materials. Here's a list of the materials belonging to each class. So class one is more high-end durable materials, such as brick, stone, glass, copper, and then class two is kind of a little more lenient or less durable materials that take up the rest of the space on buildings. So with this garage shop portion, they are currently prohibited in Zone One and Zone Two, and they're only allowed in Zone Three. So Zone One, a place that had a 65% requirement, class one materials, and 35% class two, we typically won't see these. They're typically found on industrial buildings. So, that says Zone Three. That's our old industrial park, and our new industrial park specifically holds Zone Three. And Zone Threes do not have any requirements for percentages of materials that are needed. So we got to go through some findings of fact here for the variance. So for all variances, the planning agency and council can make a finding of fact based on these numbers here that I'm going to go through. The first one is related to the city's comp plan. So we kind of have everything that we responded to in that bold lettering, so that is found in your packets as well. So variance request mostly applies to zoning ordinances and city code, and not necessarily the comp plan. But it does point out that those areas around 95 and 35 and then also in the central business district, are subject to stricter design standards to achieve the goal of inviting high-quality retail shopping, commercial services. They're also highly visible on these roadways and are sensitive to surrounding uses. So, based on what was submitted to us, that looks like the building of orientation will be facing less towards Flint Avenue. The rear area of the garage and shop will be visible from I-35. The middle did not provide elevations with directional clarification. So, technically, they're not going to have any of those class one, class two materials. It's just the zone three materials that are proposed on this, on these sides, and they are the high-visibility sides for the building, since they face I-35

So number two, the geographical area involved. So the geographical area is not really impacted. One specifically looks at this variance request for building materials, the character of the surrounding area. It is surrounded by commercial and industrial uses. Residential homes are found to the north and west of

the site. Homes are now immediately adjacent to the subject site. The property is surrounded entirely by the 800-acre parcel currently used for ag purposes. The proposed building materials are similar to materials found on buildings to the south of the site previously approved by the Planning Commission and the city council. However, since the construction of these surrounding buildings, the I-35 corridor was reclassified to zone one for building materials, and all parcels were rezoned to that B business surrounding office building constructed entirely out of brick by the applicants. It's the middle office building that appears to meet the minimum of 65%. However, we would like to see a breakdown of those materials and percentages before we proceed with anything and approve it. So the building materials proposed for the garage and shop portion currently do not meet requirements within the Zone One classification. Zone One is the strictest destination for requirements, and the purpose is due to the visibility from I-35; in this case, depreciation is kind of difficult to quantify before it happens. However, it is expected that using higher-quality materials that are common in these other classes will lessen the depreciation of the surrounding areas. It is not expected to place an undue financial burden on the city. However, the allowance of metal panels would result in a lower taxable value and revenue generated for the city. So keep that in mind, one request will impair an adequate supply of light here. We don't anticipate much of this affecting to surrounding properties, congestion in the public right-of-way. So the request for the variance will not impact congestion in the public right-of-way. The property is only accessible from an easement. The proposed metal siding is engineered to be fire resistant on combustible other materials, final wood, which are more likely to catch on fire, but fire safety for the building as a whole will be analyzed during the building plan review stage of development what the city's building department whether the request is consistent with the spirit of the division. So the request is legitimate for allowing building materials, and has been analyzed for this section through findings of fact. Additionally, to these findings of fact, we'll also have to go through conditions on approval. The Planning Commission and city council may not permit that variance for any use that is not permitted under the division of property in the zone where the affected person's line is located. Various modifications or variations of the provisions of the zoning code has applied to a specific piece of property, and they shall only be permitted when they're in harmony with the general purpose and intent of the ordinance. The variance per design standard is based on building a keeping a consistent look with the surrounding buildings. Whether the request meets the general person's intent is determined in the following responses. Number two, when the variances are consistent with the comp plan, variances may be granted by an applicant for that variance establishes that there are practical difficulties, practical difficulties meaning as used in connection with granting of the variance, and the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance. So use of the property is an office space and also a heavy truck repair shop is permitted within this B business-owned district. However, trucking operations are not listed as permitted. The use of the building would remain the same. Other variances approved or denied because they are they are allowed to have office space. . The variance is primarily aesthetic preference. It could also be considered a difference in building quality. When comparing these metal panels to higher durability class one materials, the clinical landowner is due to circumstances unique to the property, not created by landowners. This is the most stringent requirement for building materials. This is due to the visibility from 35 that is not unique to this individual property. Number three, the variance of the grant will not halt the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties included are not limited to adequate access to sunlight through solar energy systems. That's just an example. In this case, the design standards for building materials does have the ability to be met. Knowing any financial features of the site would really prevent that from being met. Other than economic considerations, the character of future buildings is important to this area due to visibility 35 and the future interchange just north of the subject site proposed around 400th Street. This will provide more connectivity to the area. It will also bring more visibility to this site for vehicles traveling along those roads. Number three, board of adjustment appeals. City Council acting as the board of adjustment appeals can impose conditions and grant the variance to ensure compliance and to protect adjacent properties. So that's where you guys come in. You have the ability to put conditions of approval on a variance request in order to protect adjacent properties. So, conditions approval is basically

restrictions placed on properties to minimize potential negative impacts. Some of these things include decreased safety, inconsistent compatibility of neighborhood character, and also screening public facilities.

We are moving on now to the text amendment for outdoor storage. So they do propose to have semi trucks and operational business equipment and materials located outdoors on the site. Outdoor storage and equipment and materials is currently not permitted within the business zoning district. Hence, a text amendment would be needed. It's only listed as a conditional use currently in industrial-zoned properties. So anything that wants outdoor storage has to be zoned industrial as of now, but we're seeking to change this chart here, so anything highlighted so that's the outdoor storage. The planning commission should consider whether, by doing this, adding outdoor storage, equipment, materials as a conditional use is beneficial for all properties on the business, and I believe I was zoning that coming up here, so we can kind of look at that as well. And another thing to point out is that this text amendment would have to be approved prior to approving the requested CP for the same thing. So, just in order of operations, here's getting that down.

So we moved on to conditioning these permits. Okay, so this is for the outdoor storage of the semi-trailers and other business-related equipment. We'll go through the same findings of fact as previously, so the relationship to the city's comp plan doesn't specifically say outdoor storage. Doesn't call it out in the comp plan specifically, but does point out the importance of retaining local business and industry. Granting CP for outdoor storage would allow the operation of this business, or semi-trailers and equipment freely as part of the nature of the business. So vehicles would be allowed to be stored outdoors while avoiding service within that indoor area. There are no real geographical areas or features of interest to be aware of, protecting, or anything characteristic of the surrounding area. So the applicant has submitted a narrative, kind of proposing, explaining the proposal for the storage on their site, and also, kind of listing several nearby businesses all into the south of this other site. It's not anticipated specifically to place the financial burden on the city when thinking of outdoor storage well impaired adequate supply here, it's not anticipated as well to affect properties, whether the request will unreasonably increase congestion in the public right of way. The subject site is only accessible from the driveway easement from the parcel to the west off Flink Avenue. So, depending on where these are placed, you know, they could be spaced out. They could be close together. You know, we kind of like to see some sort of strategic plan there, just to help ensure that these materials and equipment are mixing or be placed too close to each other, just for safety issues, and then also that there's any circulation issues as well as any Exodus things on site. So, whether the request is consistent with spirit intent, the outdoor storage of semi-trailers and equipment is important to operation for this specific business, and the application of the CUP is consistent with the intent that we found. So, some conditions of approval, for approving requests for variances of deals, amendments or CUPS, in this case, you can put certain conditions on this, such as land and setback requirements. Body or residential use for residential district properties should be screened, so some of these aren't applicable to this site. The site plans do show asphalt paving around the southeast and West sites of the proposed building. If you will see the site plan in your package, you can see that the proposed surfacing for the outdoor storage area is gravel dust, and drainage could become an issue if the semi-trailers are constantly moving around the site. Again, similar to other sites, it could be added as a condition. As a condition of approval to serve as a storage area, just to mitigate that dust, number nine, open outdoor storage should be screened from view for public streets and avoiding residential uses. So the site's kind of unique just because it's not directly off a public street. It's successful at easement, so that's something we'll kind of look at at a later time. The site is not directly surrounded by residential properties, either, not directly adjacent. So we do have Meadows North neighborhood, across Flink Avenue, which would potentially be affected a little bit by the site.

Going on for conditions approval, these shall be properly drained to control surface water run off so applicant has submitted for getting drainage plan as the city which will be reviewed by the city engineer.

These comments will be provided to applicants and their engineers. Grading plans need to be modified, the architectural appearance and functional plan of the building and site shall not be so similar to the existing buildings or areas to cause impairment property value. The outdoor storage component of the site is similar to surrounding uses explained previously at the finding of facts section.

Some questions that can spark discussion between you guys, and things that you should consider before either approving or not approving these requests. So start with variance. Is this variance from design standards of practical difficulty or hardship? So we kind of mentioned that the economic consideration is not applicable for variances. So is the hardship unique to the property we previously discussed. You know, all those properties along 35 being zoned business, and they would have to meet these design standards as well. So it doesn't seem completely unique to this property individually, and then the visibility from 35. What would you like to see? You know, you could add materials. It can go up to a certain percentage. You know, some options for what to do. So right there, under potential conditions requiring stone or similar ways going strong in the garage shop area. Or you could require a less than percentage of classified class two materials, let's say, go from 65% down to 50% for example. And then also as a whole, just looking at what this is zoned as the business. Does it make some sense there? You know, in the future? Do we want to look at potentially rezoning this corridor in the future, or do we look at it as the business? You know, we're kind of reviewing the comp plan right now. So, you know, if discussion, you know, gets to be that way, then they think it should be, you know, industrial or should be a flex zoning district.

So, bigger picture here, just looking at the area as a whole, and whether that makes sense to actually be through with the conditional use permit process for these sorts of businesses as well, because it would apply to those, not just the site. So, consider the existing surrounding use, uses of outdoor storage, and tall businesses in the immediate area should go through this as part of the overall operation of the business. Is there any impact of depreciation on strong properties? Is the proposed gravel area sufficient for the use of outdoor storage? Keep in mind that semi-trailers will be moving in and out of the designated area which could potentially be circulating as this equipment is moved around the site, and potential conditions of approval. Do we need to pave designated areas for outdoor storage? Maybe this dust, specifically on the north side of the building, the majority of outdoor storage is going to take place, we need an operation plan with certain areas identified. What's going to be stored, where? Distance, distance wise, how far harder are they going to be? Is the current screening of the existing trees sufficient for the site? Like I said, some trees might have to be taken down just to make room for that outdoor storage area. So these are the motions of approval or denial that you'll be taking with findings of fact. So need to point out those findings of facts. Whoever makes the motion to approve or deny will need to state why you approve or deny.

Commissioner Shaefer pointed out that there wasn't any water and sewer shown on the map and that this would be a financial burden on the City as it would not be paying for any of the facilities the City has provided for the urban service area. He also asked about whether there will be turn lanes on Flink? City Planner Ryan said that there will not be additional turn lanes.

Chair Steve Cich opened the meeting for public hearing.

Lori Pulkrabek, a trustee for the Karen R Swanson revocable trust, which owns the property on the three sides of the applicant's parcel, read a letter to the Planning Commission stating that there are too many questions and concerns attached to this seemingly rushed application for a variance text, amendment and conditional use permit, she said she would respectfully ask that all three be denied this evening.

Loren Beach, the applicant, addressed the Planning Commission explaining his terminal freight trucking company. He explained to the Commission that he had approached the previous owners to purchase the

parcel and that the house was a substantial mess to clean up, and financially, it isn't feasible for a small business to meet the requirements in the City's ordinances.

Commissioner Nate Ehalt pointed out that the City isn't turning away business, but that we have guidelines that we need to go through in order to also protect the liability of the community. And so, if we make a justification that doesn't follow our own existing ordinances, that allows the County to be open and liable to a suit, I don't know how that can be used as a legal justification for approving a variance based upon the existing comprehensive plan and the process that we are required to go through to look at in terms of approving a variance. So, while it is great that the cleanup is done and that particular site doesn't look like that, that is not a justification for a variance approval

David Sienko from the law firm LGM, attorney for the Karen R Swanson trust, addressed the Planning Commission. Mr. Sienko said the following: I'm trying to be brief summarization of the letter that I provided to you as you heard, my client opposes the Beach transport, heavy trucking business applications for the variance, the text amendment, and then the conditioning permit for the outdoor storage, first in the variance standards. I believe it sounds like you guys know the standards and requirements. I won't repeat them, but under Minnesota statute 460, 2.357 subdivision six, there's rigorous three part test to determine whether or not undue hardship is met. It's kind of the underlying requirement of the applicant, and the applicant has to approve the undue hardship. Three requirements are that the property in question cannot be put to a reasonable use if used under the conditions allowed by the official rules. Number two, it applied to the landowners due to circumstances unique to the property and not created by the landowner. And three, if the variance is granted, will not alter the central character locality. These three requirements aren't found in the application for the variance; they're not addressed. They just don't exist. So I think it's easy to deny, or recommend that the city council deny the variance. The second issue is the zoning text amendment. What's important to note, I think staff kind of brought this up, is that if you have a text amendment to the zoning district B- business, it's good, not just for that parcel, but for all of them, can have a domino effect. So everyone can have outdoor storage. And it sounds like from history, you are trying to remove outdoor storage from this sort of business, and you want to have less of that, not more of it. And if you allow it here, you allow it everywhere. And it's not just something you can do spot zoning just for this parcel. It's for all of the B-business. As you can tell, it's quite extensive, north, south, east, and west, through the kind of main corridors of the city. It's also discretionary. City council doesn't have to change any sort of zoning. It can, but it doesn't have to. There's no requirement that because someone wants the zoning to be changed, the city council has to do it completely and utterly discretionary in kind of considering this. I think it's important to understand what the city kind of views industrial versus business, and the compatibility and why we have different zoning districts even in the first place. The I one purpose, as stated by the code, is that it's for industrial and related uses. Under the two, it is for industrial development, including manufacturing, fabrication, packaging, assembly, warehouse, distribution, and related uses. The Beach business is obviously very different. Some of the allowed uses within primitive uses within the Beach business are artisanal products, bakeries, a club, a grocery store, pet stores, pharmacy, tobacco shop, barber shop, banks, and institutions. What is attempted to have, attempting to happen here, that we're going to change those uses and now we're going to allow outdoor storage. You're turning this into an industrial facility, or industrial zoning. That may not be the ultimate intent, but that is what will happen, because everybody else can do it.

If the zoning text amendment is granted, then we move on to the conditional use permit based upon the application. There's very, very little knowledge of what is intended to happen on this property. We don't know the number of trucks. They simply own two or three trucks. Okay, do the trucks come in and out every day? How many trips are there? How many other trucks contain trips? What's the intention for expansion? Which is. Two, or is there tend to be 20, or is there tend to be 50 trucks at some point? We don't know. There's nothing in the application that would tell us how many trucks could be visiting the

site, what the hours of operation are, or what type of lighting they will have. There's obviously a brand new home development nearby. Sound backing up with the beepers versus and the you know, accelerating and decelerating can be an issue. We don't know how many hours they intend to be operating. If this is going to be going into the evening hours or early morning. We don't know. Are they doing truck repair for other trucks, or is it just truck repair for them? Again, the application is unclear as to what they intend to be doing on the property. So if there is a point where the condition-use permit is granted, the trust asks that there be considerations for screening of the trucks from all sides, not just from I-35, but all four sides, because three sides are surrounded by the trust property. We also want to make sure that if there were to be a conditional use permit, that the applicant has legal access to Flink Avenue through these talks to that next. We also ask it again. We don't know from the application, there is going to be aggregate, none of the materials are stored on site, and if there is, we would want that to be addressed by the conditional use permit. How much can be stored there? How is it stored? Is it how does it how it's screened? Is it screened with trees, or is it screened with, you know, walls or fences? This would have to be all considered in consideration to prevent we also wanting you to consider limiting the number of vehicles that can be parked. Are we talking about 10, 20, 50, you know, semi-trucks. We don't know, but a conditional permit should address those things, also limiting hours of operation, because, again, the truck noise can be impactful, going to an issue that is addressed extensively. And the letter I just provided to you as a heads-up with legal access, this is an interesting access case, and it comes from a person who loves access law. This was an easement that was first created in a land contract, contract for deed in 1978 and in 1978 it stated that it's for a 66-foot perpetual non-exclusive roadway easement for ingress and egress over the route of the existing roadway presently use. So 1978, the problem with that description is that it's ambiguous. We don't know if the original intent was to mean that the road would be improved or unimproved. It's currently unimproved, from what I can tell is dirt road. So does that mean that the owner or holder of that easement can put a two-lane driveway in a three-lane driveway with turn lanes? It's ambiguous. The easement does not tell us that. The easement also doesn't tell us if it's constricted to residential or heavy commercial truck traffic. It's been a residential home since, from what we know, from 1978 until a few months ago, if someone had lived there, would it be the intent of the parties in 1978 to be just residential traffic, or were they contemplating commercial traffic, commercial truck traffic going through this easement? The point of all this is that this is an ambiguous easement and subject to different interpretations, and we believe that this easement does not allow commercial, heavy traffic through the easement. If you put aside what the easement says, we can fast-forward a little bit, and we'll bump into a complex law called the Marketable Title Act. The Marketable Title Act is found in Minnesota statute 541.023, and what it's attempting to do is it's attempting to extinguish old interests and property, such as easements that are 40 years old or older. And this particular easement from 1978 is, of course, more than 40 years old. So under the Marketable Title Act, that interest or this easement is extinguished unless two things happen. The first thing that has to happen is the easement holder of the benefited property of five acres, in this particular case, would have to record a specialized notice letting the whole world know that they have an easement over the trust property. That didn't happen. That's fairly common. So there's a second exception called the possession exception. So under the possession exception of the The Marketable Title Act, you can have an easement holder, such as the five-acre parcel of land, continue to use their that easement in the future, but it's to what they've been using it for. So what would a reasonable person or reasonable buyer know about a particular parts of the property and what the easement holder is using it for? Is what they see. So the possession exception, in this case, from 2018, when that 40-year kind of ended, and then the possession exception comes forward. The question is, well, what was the use during? For 2018 to now, the answer is, it's been a residential driveway that's about 15 feet wide, so under the mark title, there isn't a 66-foot-wide easement, and it's not for any purpose under the sun. It's for residential use only. And we believe that if a condition whose permit is granted, the applicant will have to have legal access to the five-acre site. Any questions?

Chair Steve Cich closed the public hearing.

Motion to recommend approval/denial to City Council, for a Variance from City Code Section 66-943 Design Standards for a proposed building at 39777 Flink Ave.

**RESULT:** Failed 4-0  
**MOVER:** Nate Ehalt  
**SECONDER:** Gary Schaefer  
**AYES:** None  
**ABSENT:**  
**NOTES:**

Motion to recommend approval/denial to City Council, to include Outdoor Storage, Equipment & Materials as a Conditional Use in the B-Business Zoning District.

**RESULT:** Failed 4-0  
**MOVER:** Nate Ehalt  
**SECONDER:** Ross Otto  
**AYES:** None  
**ABSENT:**  
**NOTES:**

Motion to recommend approval/denial to City Council, for a Conditional Use Permit for Outdoor Storage, Equipment & Materials at 39777 Flink Ave.

**RESULT:** Failed 4-0  
**MOVER:** Nate Ehalt  
**SECONDER:** Ross Otto  
**AYES:** None  
**ABSENT:**  
**NOTES:**

7. NEXT MEETING - OCTOBER 7, 2025

8. ADJOURNMENT

The meeting was adjourned at 8:25 PM.

**RESULT:** Passed  
**MOVER:** Steve Cich  
**SECONDER:** Gary Schaefer  
**AYES:** None  
**ABSENT:**  
**NOTES:**



**Prepared By: Nathan Sondrol, Community Development Director**

**Presenter: Nathan Sondrol, Community Development Director, Matthew Hill, City Administrator**

**Date: 10/02/2025**

**Board & Commission: Planning Commission**

**Subject: Comprehensive Plan Update**

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The Council is looking for discussion and input on the Comprehensive Plan from the Planning Commission as specifically as it relates to Land use as well as the rest of the plan. There have been 2 public input engagement meetings and the next steps will include beginning working on the vision for the plan. The survey will continue to be open through the end of August.  
[https://www.ci.north-branch.mn.us/newsdetail\\_T3\\_R883.php](https://www.ci.north-branch.mn.us/newsdetail_T3_R883.php)

**Voting Requirements:**

**Voting Options          Simple Majority**



**Prepared By: Nathan Sondrol, Community Development Director**

**Presenter: Nathan Sondrol, Community Development Director**

**Date: 10/02/2025**

**Board & Commission: Parks, Trails and Open Space Commission**

**Subject: Website**

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The City Council has authorized an update of the city website. City staff are looking for the commission to review the existing website and provide feedback for any potential improvements or examples of other planning sites.

**Voting Requirements:**

**Voting Options          Simple Majority**

## Planning Commission Action

This is a discussion item and there is no required action at this time.

## Overview / Background

At the September 17<sup>th</sup> Special Planning Commission Meeting, Loren Beach (Applicant) requested approval for a Variance from Design Standards for building materials, Text Amendment to City Code to include outdoor storage, equipment & materials as a Conditional Use in the B-Business Zoning District and Conditional Use Permit for outdoor storage, equipment & materials at 39777 Flink Ave. These requests are for a proposed building and garage for Beach Transport Inc.

During the public hearing, there was opposition from the surrounding property owners and their representatives regarding the use of the parcel as a heavy truck operation, the easement to access the property, and diminishing values of their property.

The Planning Commission voted to deny the requests for the Variance, Text Amendment and Conditional Use Permit. It was determined that each request failed to meet the established criteria.

The applicant, Loren Beach, has asked the Planning Commission and City Staff for direction and insight as to how he can make this operation work at this location. Loren is seeking possible solutions following the denied requests and provided the following response to City Staff:

*“Here is my formal request for the consideration to rezone the B3 district located on Flink Ave North of 392nd. This area is better suited for industrial zoning rather than “Business”. The rezoning consideration for this area to “industrial” is far more suitable and at the very least be considered for a “flex zone”. Prior to the updated 2018 comprehension plan Schwing Bioset was zoned industrial all by itself.*

*Moving further away from the apex of the city, design standards and zoning restrictions should decrease, thus promoting business growth and even “Small Business growth” within the city. Exceptions listed in Sec 66-943 in the city code allows building designs and materials that are in harmony with other current structures within this district. The planning Commission has had zero consideration for this exception which leads to the rezoning purpose.*

*Starting at 392nd along the east side of Flink Avenue there is first an outdoor storage company with containers and job trailers. Next there is Schwing Bioset, this is and industrial company making components for the industrial market. Next is Lambert's Lumber, this is a lumberyard completely exposed to Highway 35. Next is Gopher State Storage with mini storages and outdoor storages, including RVs, boats and trailers. 100% of the businesses located on Flink Ave fall under the permitted use for I-industrial type zoning. To anticipate retail or other B3 type business in this area will stifle growth in this area for years to come.”*

Based on this response, the applicant would be seeking an alternative approach in Rezoning the area. This would require Planning Commission and City Council approval and would include a review of the corridor as a whole and existing surrounding uses. The rezoning request would have to follow the procedures, conditions on approval and findings of fact found in Chapter 66, Article II, Division II of City Code.

## Planning Commission Action

Motion to recommend/deny approval to the City Council, for Beach Transport requests for:

- Variance from design standards
- Text Amendment to City Code to include Outdoor Storage, Equipment & Materials as a Conditional Use in the B-Business Zoning District
- Conditional Use Permit for Outdoor Storage, Equipment & Materials at 39777 Flink Ave.

## Overview / Background

Loren Beach (Applicant) has requested approval for a Variance from Design Standards for building materials, Text Amendment to City Code to include outdoor storage, equipment & materials as a Conditional Use in the B-Business Zoning District and Conditional Use Permit for outdoor storage, equipment & materials at 39777 Flink Ave. These requests are for a proposed building and garage for Beach Transport Inc. This business provides aggregate material transportation for public and private road construction.

The previous use of the parcel was a single-family residence which has since been demolished by the applicant. The 4.98 acre parcel is zoned B-Business and is entirely surrounded by properties zoned similarly. The subject site has frontage on I-35 and is visible from this freeway. The subject site is only accessible from Flink Ave by an easement provided on the parcel to the west.

The overall site goals are to provide commercial office space for business (trucking) operations with an attached garage for servicing semi fleet. An office building and heavy truck, repair, sales and service are permitted uses within the B-Business Zoning District. Trucking is not currently listed as a use within any of the zoning districts; however Terminal, Trucking & Freight Transfer are list as a conditional use in the Industrial districts. Development plans are subject to Site Plan review, which is handled administratively.

## Issue(s) to Consider

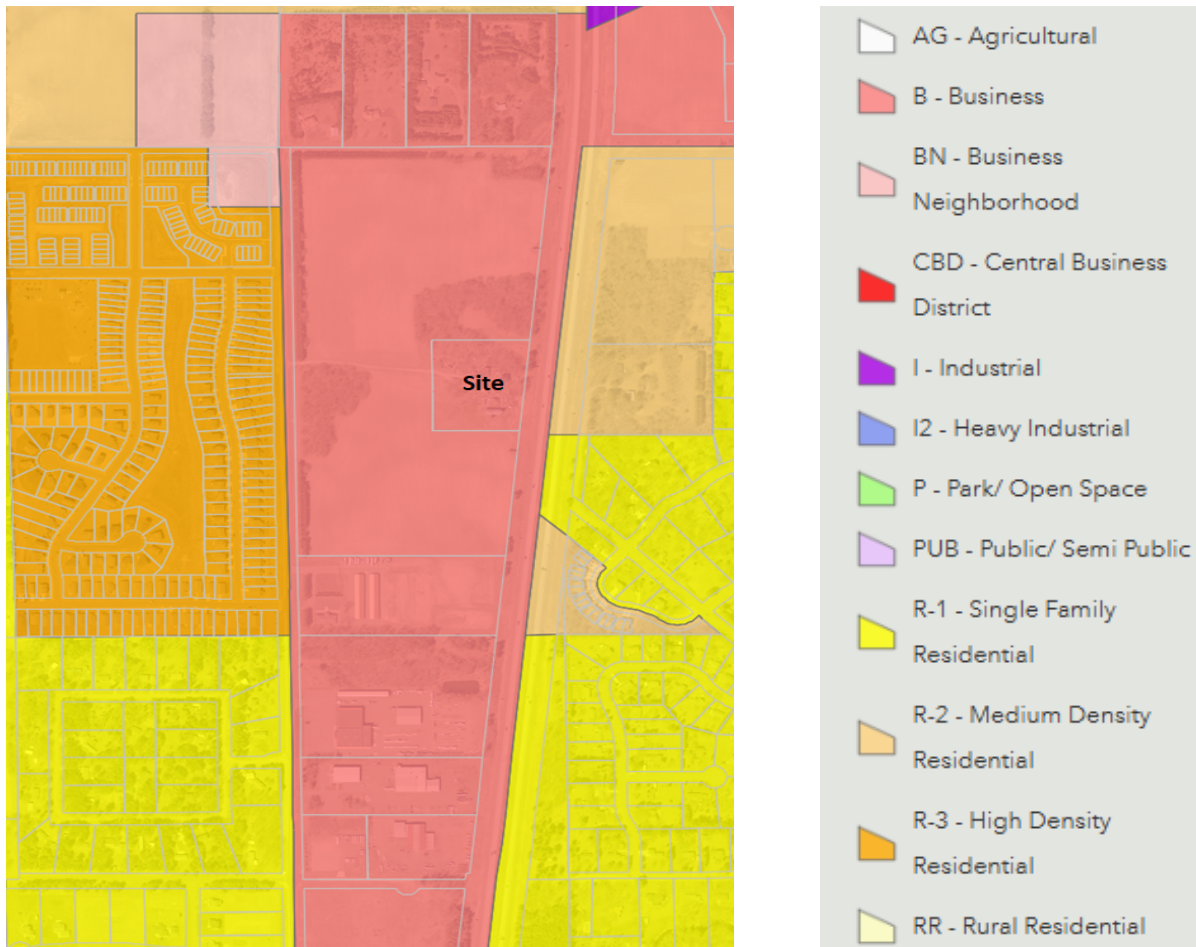
1. Land Use/Zoning and Surrounding Uses
2. Variance from Design Standards
3. Text Amendment to City Code
4. Conditional Use Permit – Outdoor Storage, Equipment & Materials

## Analysis of Issue(s)

### 1. Land Use/Zoning and Surrounding Uses

The Subject Property is zoned **B - Business** and guided **LUB - Land Use Business**, per the Comprehensive Plan. The subject site is completely surrounded by PID 11.000364.00, a vacant parcel currently used for farming and agriculture. This surrounding parcel is zoned similarly as B-Business, as this area has visibility from I-35. There are several businesses to the south of the subject site including Gopher State Storage, Frerich's Construction Outdoor Storage, Lakes & Pines commercial building, Lamperts Lumber, and Schwing Bioset. These businesses are all currently zoned B-Business; however the zoning designation for some of these parcels in the past has been Industrial. All businesses within this corridor have followed the appropriate zoning regulations at the time of construction.

## Zoning Map:



## 2. Variance from Design Standards

The applicant has applied for a variance for building materials used on the garage portion of the building. The variance is from City Code Section 66-943 Design Standards. According to the Design Standards Zone Map, The parcel is located in Zone 1 which requires the building to meet 65% of Class 1 building materials and 35% Class 2 building materials. The garage portion of the building is proposed to have primarily metal panels for the siding material, and will also have three garage doors with windows. Classes of building materials are described below:

### 1. Class I consisting of:

- i. Brick,
- ii. Natural stone (or similar appearing, high quality manufactured stone),
- iii. Glass curtain wall,
- iv. Copper,
- v. Other comparable or superior materials, or
- vi. New materials that meet the intent of the preamble above.

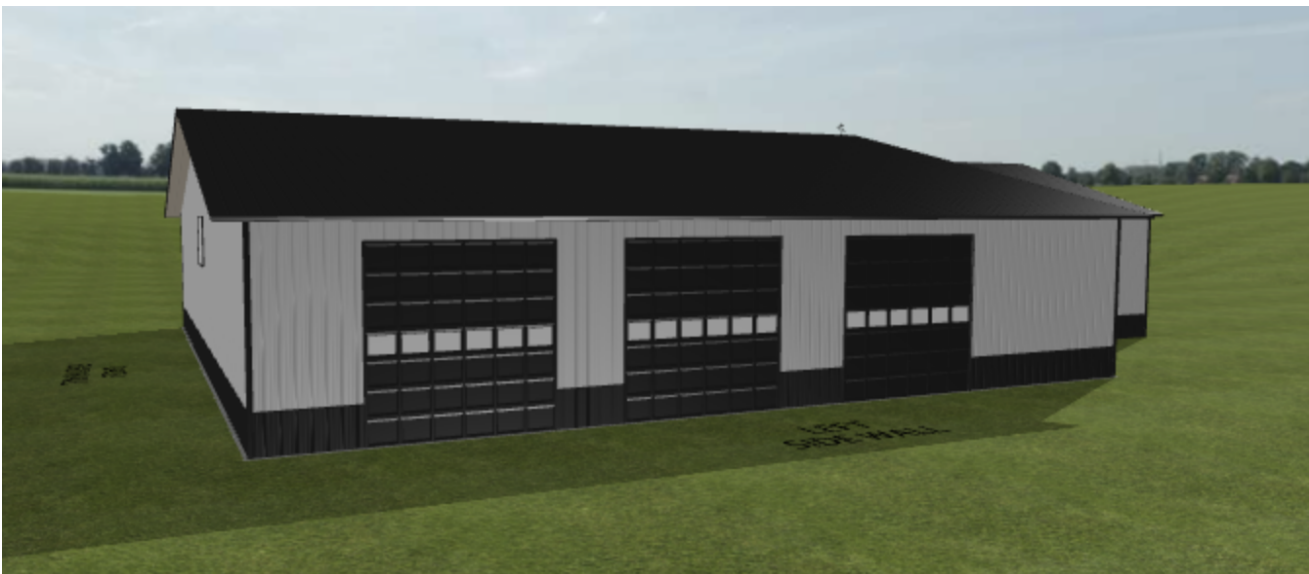
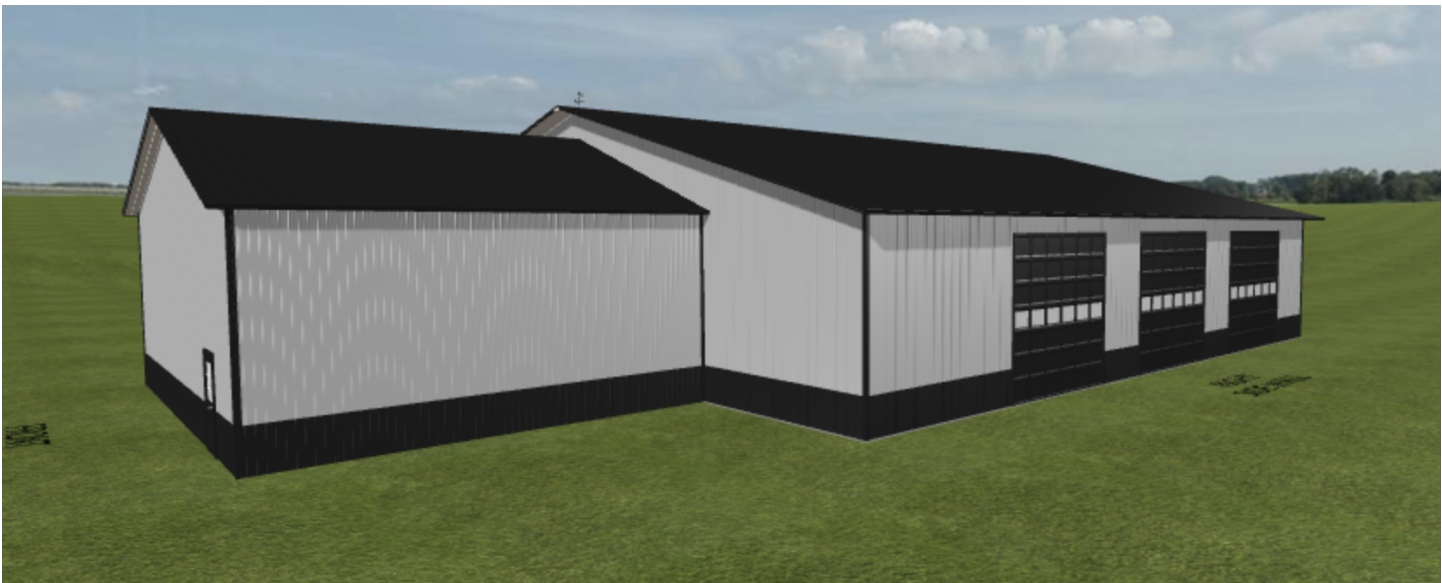
2. Class II consisting of:

- i. Specialty concrete block such as burnished, textured or rock face,
- ii. Architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, smooth as cast, tooled, natural stone veneer, brick face and/or cast stone type finish,
- iii. Masonry stucco,
- iv. Fiber-cement exterior siding,
- v. Other comparable or superior materials,
- vi. New materials that meet the intent of the preamble above.
- vii. Exterior finish installation system (EFIS),
- viii. Opaque panels,
- ix. Ornamental metal,
- x. Smooth concrete block,
- xi. Scored concrete block,
- xii. Smooth concrete tilt-up panels,
- xiii. Glazed block,
- xiv. Glass block,
- xv. Ceramic,
- xvi. Other comparable or superior materials, or
- xvii. New materials that meet the intent of the preamble above.

Concept plans for the building were provided by the applicant and are shown below:



Office Building Concept



The metal panels proposed on the garage portion of the building are currently prohibited in Zone 1 and only allowed in Zone 3. City Code Section 66-943 Design Standards describes the allowable percentages and is shown below:

(2) Exterior building materials shall be subject to Zoning Administrator approval and the following:

(a) Zone 1: Structures must provide a cohesive architectural appearance reflecting its functional purpose and must be composed of at least sixty-five percent (65%) Class I materials; not more than thirty-five percent (35%) percent Class II materials.

Variances must follow certain criteria listed in City Code Chapter 66 Division 2 Variances, Appeals, Amendments, and Conditional Use Permits. These Sections are described below, with responses by City Staff provided in **Bold**:

### **Sec 66-64 Findings Of Fact**

In considering all requests for variances, appeals, amendments or conditional use permits, the planning agency and the city council shall make a finding of fact. Its judgment shall be based upon, but not limited to, the following factors:

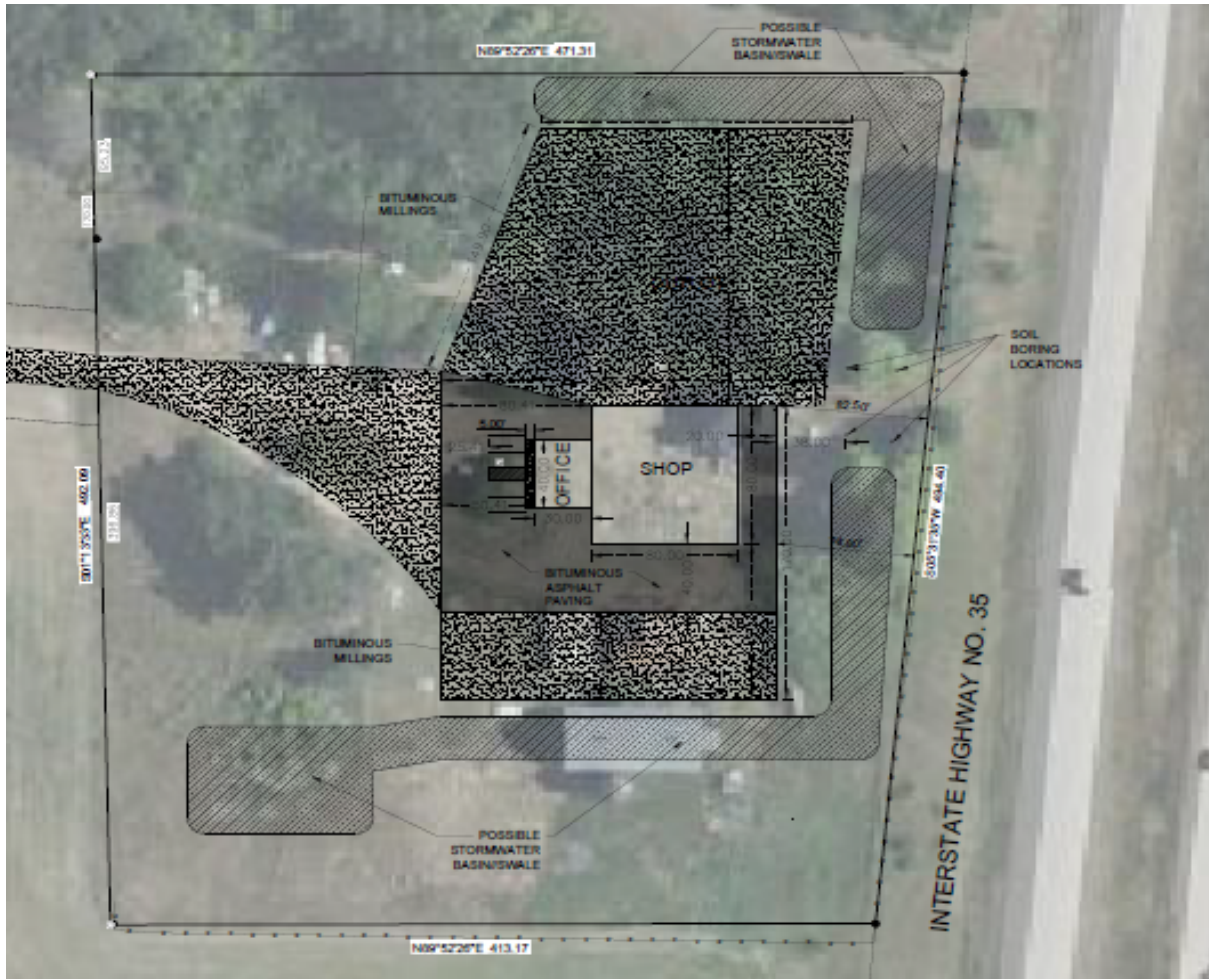
1. Relationship to the city's comprehensive plan;

**The variance request for permitted building materials and percentages mostly applies to the City's zoning ordinances and city code. The General Business Designation within Section 3 "Land Use and Growth" within the Comprehensive Plan addresses the need for higher design standards for locations adjacent to I-35 due to the proximity and visibility from this highly traveled roadway. Specific language from the Comprehensive Plan is found below:**

#### **General Business**

**"Locations adjacent to the Central Business District, TH95 and I35 may be subject to stricter design standards so as to achieve an attractive, inviting and high quality retail shopping and commercial services in areas of high visibility and sensitivity to surrounding uses."**

**The proposed office building orientation will be facing west towards Flink Ave. The rear garage/shop area will be visible from I-35, where the variance from the building materials is proposed. The submittal did not provide elevations with directional clarification (example: East Building Elevations, North Building Elevations etc.) however it appears that the side of the building facing I-35 will not have garage doors and only has varying colors of the same metal panel siding material. The site plan is provided to distinguish the orientation of the building with certain elevations facing roadways.**



Site Plan Concept

2. The geographical area involved;

The geographical area would not be impacted by the use of metal panel siding on the building. There are no notable geographical features in the immediate area of the site, and the materials proposed will not negatively impact the surrounding land features.

3. The character of the surrounding area;

The subject site is surrounded by commercial and industrial uses with residential homes found to the north and west of the site. Homes are not immediately adjacent to the subject site. The property is surrounded entirely by vacant land that is currently used for agricultural purposes. The proposed building materials are similar to materials found on buildings to the south of the site, previously approved by the Planning Commission and City Council. However, since the construction of these surrounding industrial use buildings, the I-35 corridor was reclassified to Zone 1 for building materials and all parcels were rezoned to B-Business. The surrounding office building for Lakes & Pines is constructed entirely out of brick. From the applicant's submittal for the concept plan of exterior building elevations, the office building appears to meet the minimum 65% requirement for Class 1 materials including stone and windows. A breakdown of materials and percentages of the building has not been provided, and would be reviewed at the site plan review stage for compliance.

4. The availability and design capacities of existing or proposed utilities;

**The variance from design standards for the proposed siding material will not impact existing or proposed utilities. The existing site is served by private well and septic and will continue to be served by the private services until utilities are available to the site and will be required to connect at that time.**

5. Whether such a request will tend to or actually depreciate the surrounding area;

**The building materials proposed for the garage/shop portion do not meet the requirements for parcels within the Design Standards Zone 1 classification. Zone 1 is the strictest designation for building material requirements and the purpose is due to high visibility areas. Depreciation of surrounding properties due to the proposed metal siding is difficult to quantify, however it is expected that by using higher quality materials found in the class 1 materials list would lessen the depreciation.**

6. Whether the request will place an undue financial burden on the city;

**The request for the building material variance will not place an undue financial burden on the city. The allowance of metal panels would result in a lower taxable value and revenue generated to the city.**

7. Whether the request will impair an adequate supply of light and air to adjacent property;

**It is not anticipated that a variance from building materials would impact the adequate supply of light and air on adjacent properties.**

8. Whether the request will unreasonably increase the congestion in the public right-of-way;

**The request for the building material variance will not impact congestion in the public right-of-way. The property is only accessible from an easement with the property to the west from Flink Ave.**

9. Whether the request will increase the danger of fire or endanger the public safety;

**The proposed metal siding is engineered to be fire-resistant and non-combustible. Other materials in contrast are combustible such as vinyl and wood. The building material proposed will not increase the danger of fire or endanger public safety. Fire safety for the building as a whole will be analyzed during the building plan review stage of the development.**

10. Whether the request is consistent with the spirit and intent of this division.

**The request of a variance for allowable building materials has been analyzed above referencing Sec 66-64 Findings of Fact of City Code.**

Additional to the Findings of Fact section, the variance request will also have to meet Sec 66-65 Conditions on Approval. This section has been analyzed below, with City Staff comments being provided in **Bold**.

#### **Sec 66-65 Conditions On Approval**

1. The planning commission and the city council may not permit as a variance any use that is not permitted under the division for property in the zone where the affected person's land is located. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property. Variances shall only be permitted:

1. When they are in harmony with the general purposes and intent of the ordinance; and

**The applicant describes that the intent for the variance request for design standards is based on the proposed building keeping a consistent look with other surrounding buildings. Whether the request meets the general purpose and intent of the ordinance is determined by responses in following questions.**

2. When the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

“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 use of the property as an office space and a heavy truck repair shop are permitted within the B-Business zoning district, trucking operations are not listed as a permitted. The use of the building remains the same whether this variance is approved or denied. The variance from design standards is primarily an aesthetic preference but can also be considered a difference in building quality when comparing the proposed metal panels to high durability Class 1 materials.**

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

**The subject site is within zone 1 for design standards and is the most stringent area for allowable building materials. This is due to adjacent visibility from I-35. This is not unique to this individual property as there are several other sites in the immediate area that would have to follow the design standards for Zone 1. This circumstance for meeting zone 1 design standards was not necessarily created by the landowner, but a barrier for construction costs and feasibility for the business as a whole.**

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

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

**Design standards for building materials has the ability to be met by the applicant and no unique or natural features of the site would prevent them from being met other than economic consideration. The character of future buildings is important in this area due to visibility from I-35 and the future interchange just north of the subject site at 400<sup>th</sup> St. The future interchange will provide more connectivity to the area and will be more visible to vehicles traveling along this corridor.**

3. The board of adjustment and appeals, the city council acting as the board of adjustment and appeals, may impose conditions in granting the variance to insure compliance and to protect adjacent properties.

**The Planning Commission and City Council have the ability to put conditions of approval on the variance request in order to protect adjacent properties. Conditions of approval are restrictions placed on properties to minimize potential negative impacts. Examples of negative impact include blight, decreased safety, inconsistent compatibility of neighborhood character, and straining public facilities.**

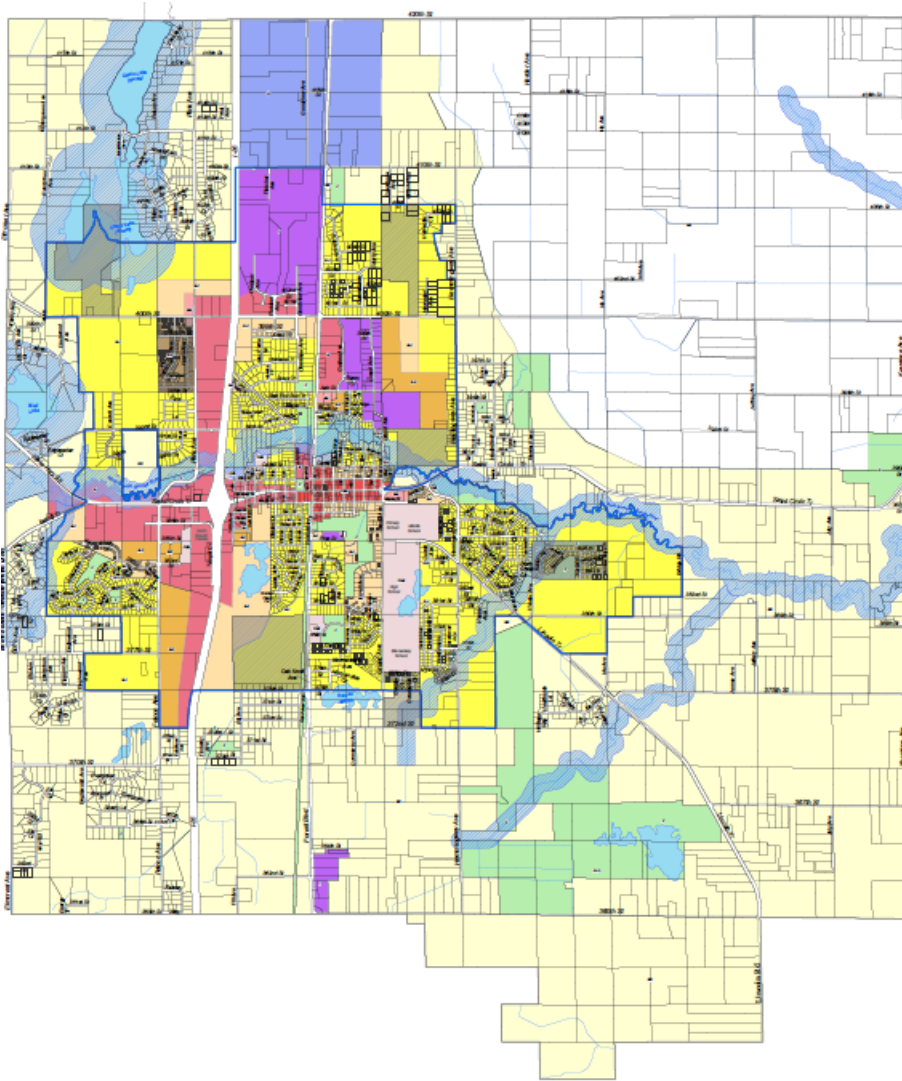
### 3. Text Amendment to City Code

Semi-trailers and operational business equipment/materials would be located outdoors on the site. Currently, outdoor storage of equipment & materials is not permitted within the B-Business Zoning District according to the zoning district use table below:

District Uses	Notes	Standards	R1	R2	R3	RR	AG	PUB	OSP	CBD	B	BN	I1	I2	SO
<b>F. ACCESSORY USES</b>															
<b>Permitted Accessory Uses</b>															
Accessory Structure, Agriculture Building							P								
Accessory Structure, Detached Residential Garage <sup>14</sup>	See Footnotes		P	P	P	P	P					P			
Accessory Structure, Pool House <sup>14</sup>	See Footnotes		P	P	P	P	P					P			
Accessory Structure w/Plumbing							C	C	P						
Boat House, Piers & Docks			P	P	P	P	P	P	P						
Fences, Screening & Landscaping			P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools (Residential)			P	P	P	P	P				P	P			
Tennis Courts (Residential)			P	P	P	P	P				P	P			
<b>Special Approval Required</b>															
Home Occupation	City License	\$66-942	I	I	I	I	I								
Home Occupation - Daycare, In-Home Child Care	State License	\$66-942	I	I	I	I	I								
Fuel Storage, Above Ground +400 Gallons (Liquid/Gas)	MPCA License						P	P			C	C	C	C	C
Outdoor Storage, Display <sup>15</sup>											C	C	C	C	C
Outdoor Storage, Equipment & Materials <sup>15</sup>														C	C
Solar, Community Energy & Private			P	P	P	P	P	P	P	P	P	P	P	P	P

At this time, Outdoor Storage, Equipment & Materials is only a conditional use in Industrial zoned properties. This would mean that if outdoor storage is needed on a site, there would be an approval process for the Conditional Use Permit and it would be reviewed by the Planning Commission and City Council. The proposed text amendment is requesting that Outdoor Storage, Equipment & Materials be added as a Conditional Use under the B-Business Zoning Designation. The letter "C" would be added to the zoning district use table. This would ensure that each site zoned B-Business requesting outdoor storage would have to meet the requirements of a Conditional Use Permit including procedures, findings of fact, and conditions on approval pursuant to Sec 66 Division 2 of City Code. Upon considering this request for the text amendment, the Planning Commission should consider whether adding outdoor storage, equipment & materials as a conditional use within this zoning district is beneficial not just for this particular request, but for all properties zoned B-Business.

## Zoning Map:



This text amendment must be approved prior to reviewing/approving the Conditional Use Permit criteria for Outdoor Storage, Equipment & Materials for this particular request found below in the next section of the planning report.

#### 4. Conditional Use Permit – Outdoor Storage, Equipment & Materials

Similar to the requirements of the Variance section of this report, the requested Conditional Use Permit for Outdoor Storage, Equipment & Materials will be analyzed for compliance, with City Staff Comments provided below in **Bold**. This request for outdoor storage is for the storing of semi-trailers and other business related equipment on site.

##### **Sec 66-64 Findings Of Fact**

In considering all requests for variances, appeals, amendments or conditional use permits, the planning agency and the city council shall make a finding of fact. Its judgment shall be based upon, but not limited to, the following factors:

- a. Relationship to the city's comprehensive plan;

**Outdoor storage specifically is not part of the city's comprehensive plan or strategy, however, the comprehensive plan addresses the importance of retaining and supporting local business**

and industry. Granting a conditional use permit for outdoor storage at this location would allow and support the operation of this business to store semi-trailers and equipment freely as this is part of the nature of the heavy trucking business. Vehicles would be allowed to be stored outdoors while awaiting service within the garage/shop area.

b. The geographical area involved;

The geographical area would be altered by creating a gravel drive with parking and storage being available on the north side of the proposed building. There are no geographical areas or features to be aware of when considering this CUP request.

c. The character of the surrounding area;

The applicant has submitted a narrative explaining the proposal for outdoor storage on their site is similar to the operations of surrounding businesses to the south of the subject site. Specifically, there is outdoor storage of business operation equipment at the Frerich's Construction storage site, Lamperts Lumber, Gopher State Storage, and Schwing Bioset. There is no outdoor storage at the Lakes and Pines Office Building.

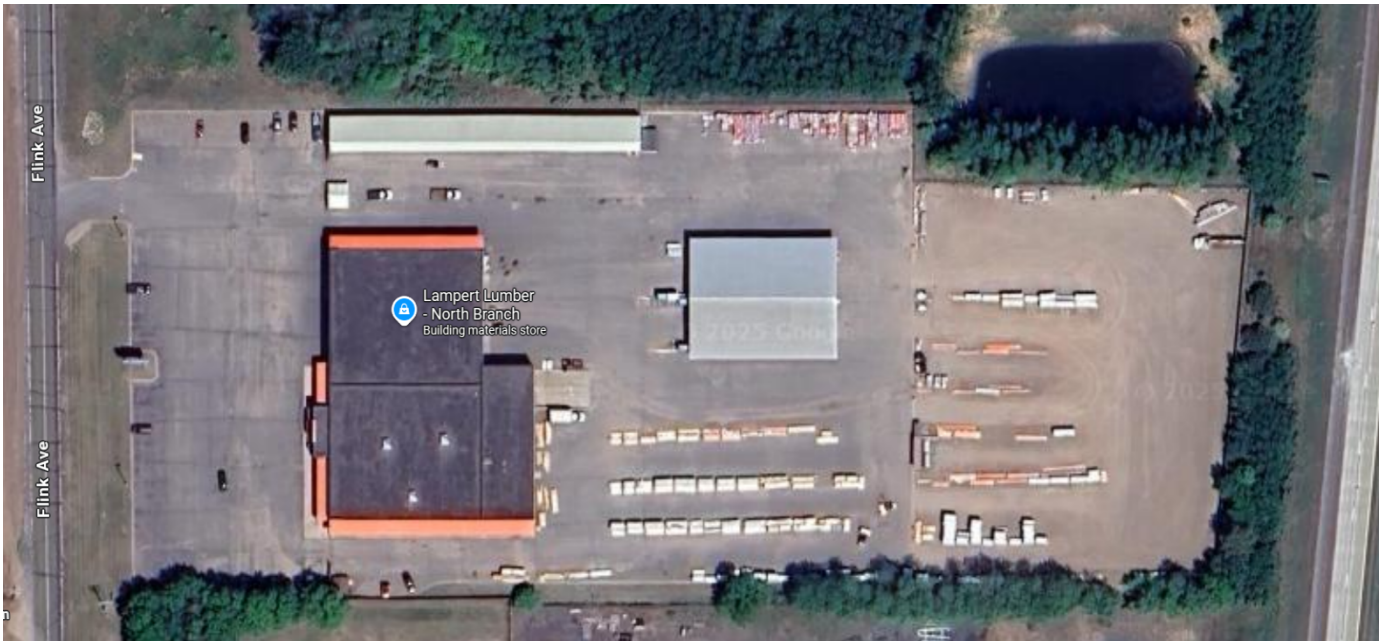
**Frerich's Construction:**

- Storage containers
- Jobsite trailers
- 100% gravel/sand surfacing



**Lamperts Lumber:**

- **Outdoor lumberyard (pre-manufactured trusses and building material)**
- **Accessory to the use of the building/business**
- **Gravel used as a portion of the parking lot for storage on the east side nearest I-35**



**Gopher State Storage:**

- **Outdoor storage of campers, boats, trailers etc.**
- **Part of the business operation**



**Schwing Bioaset:**

- **Parking lot used for outdoor storage of Industrial Equipment**
- **Gravel used as a portion for the parking lot storage**



- d. The availability and design capacities of existing or proposed utilities;

**The outdoor storage proposal is not anticipated to put a strain on the existing or proposed utilities.**

- e. Whether such a request will tend to or actually depreciate the surrounding area;

**It is difficult to quantify the depreciation value of surrounding areas due to the proposed outdoor storage on site. The designated outdoor storage area north of the proposed building currently has natural buffers of large overstory trees from surrounding properties. However the site plan indicates an open gravel area where many of these trees are located. Presumably, some of these trees will need to be removed to provide a space for this gravel parking/storage area.**

- f. Whether the request will place an undue financial burden on the city;

**The request for outdoor storage is not anticipated to place a financial burden on the city. The request is not based on an economic consideration but rather part of the business operation plan.**

- g. Whether the request will impair an adequate supply of light and air to adjacent property;

**The outdoor storage on site will not substantially impact surrounding properties supply of light and air.**

- h. Whether the request will unreasonably increase the congestion in the public right-of-way;

**The subject site is only accessible from a driveway easement from the parcel to the west off of Flink Ave. It is not anticipated that by allowing outdoor storage within this parcel would impact congestion on surrounding Flink Ave.**

- i. Whether the request will increase the danger of fire or endanger the public safety;

**Outdoor storage of semi-trailers and equipment could potentially help prevent the risk of fire and improve public safety. This would provide the business with more operating space on the site as a whole, whereas semi parking and equipment would be safely separated from other potential harmful chemicals within the garage/shop space indoors. A strategic plan for the business would help ensure that certain materials and equipment is properly spaced showing locations of stored items and isn't a circulation obstacle for operators on the site.**

- j. Whether the request is consistent with the spirit and intent of this division.

**Outdoor storage of semi-trailers and equipment is important to the overall operation of this specific business and the application of the CUP is consistent with the intent of Sec 66-64 Findings of Fact of City Code.**

Additional to the Findings of Fact section, the Conditional Use Permit request will also have to meet Sec 66-66 Conditions on Approval, when applicable. Responses from City Staff are provided below in **Bold**, where the request for Outdoor Storage is applicable.

### **Sec 66-66 Conditions on Approval**

1. In approving requests for variances, appeals, amendments or conditional use permits, the planning agency and the city council may require certain conditions upon approval of the request. Such conditions for approval may include the following, when applicable:
  1. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district;
  2. When abutting a residential use in a residential district, the property shall be screened and landscaped in compliance with section 66-970 et seq.;
  3. Where applicable, all city, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured;
  4. All signs shall be in compliance with section 66-821 et seq. and shall not adversely impact adjoining or surrounding residential uses;
  5. Adequate off-street parking and loading shall be provided in accordance with section 66-848 et seq. Such parking and loading shall be screened and landscaped from abutting residential uses in compliance with section 66-970 et seq.;
  6. The proposed water, sewer and other utilities shall be capable of accommodating the proposed use;
  7. The street serving the use or activity is of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional traffic to create a nuisance or hazard to existing traffic or to surrounding land uses;
  8. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage;

**The site plans show asphalt paving around the south, east and west sides of the proposed building. Proposed surfacing for the outdoor storage area is gravel. Dust and drainage could become an issue if the semi-trailers are constantly moving around the site. This could be added as a condition of approval to surface the storage area to the north of the building after consideration of similar operations on nearby sites.**

9. All open and outdoor storage, sales and service areas shall be screened from view from the public streets and from abutting residential uses or districts;

**There are no public streets immediately adjacent to the site and access is provided by a driveway from Flink Ave. There is currently natural screening of overstory trees from surrounding sites. The site is not directly surrounded by residentially zoned parcels. All surrounding parcels are zoned similarly to the subject site, B-Business.**

10. All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets;
11. The use or activity shall be properly drained to control surface water runoff;

**The applicant has submitted a grading/drainage plan to the city which will be reviewed by the City Engineer. Comments will be provided to the applicant and their engineers if grading plans need to be modified.**

12. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence;

**The outdoor storage component of the site is similar to surrounding uses and explained in the Findings of Fact Section of the CUP analysis.**

13. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.

2. All conditions pertaining to a specific request are subject to change when the planning agency or city council, upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.

### **Things to Consider:**

The following bullet points are questions that the Planning Commission should take into consideration prior to approving the Variance, Text Amendment, and Conditional Use Permit:

#### Variance from Design Standards

- Is the proposed variance from design standards a practical difficulty or hardship?
- Is the hardship unique to the property?
- Is the visibility from I-35 considered?
- Potential Conditions of Approval:
  - Require stone or similar wainscoting surrounding garage/shop area of proposed building
  - Require a lessened percentage of Class 1 materials on garage/shop side of building and/or sides facing I-35
  - Rezoning?

## Text Amendment – CUP to add Outdoor Storage, Equipment & Materials to B-Business Zoning

- The text amendment will make Outdoor Storage, Equipment & Materials a Conditional Use within the B-Business Zoning District
- The text amendment will be applied to all existing properties zoned B-Business
- Properties considering outdoor storage of equipment & materials within the B-Business zoning district will still need to go through the application and review process for Conditional Use Permits with Planning Commission and City Council Approval

## Conditional Use Permit – Outdoor Storage, Equipment & Materials

- Consider existing surrounding uses of outdoor storage and how businesses in the immediate area use these storage areas as part of the overall operation of the business.
- Consider the impact of depreciation for surrounding properties
- Is the proposed gravel area sufficient for the specific use of outdoor storage on this site?
  - Semi-trailers will be moving in and out of the designated area
  - Dust will be circulating as storage equipment is moved around on site
- Potential Conditions of Approval:
  - Pave designated areas of outdoor storage to mitigate dust (north side of building)
  - Operation plan with certain areas of site used for storage of semi-trailers and other equipment or business related materials
  - Is the current buffering of trees sufficient for the site?

## **Recommended Planning Commission Action**

1. Motion to recommend approval/denial to City Council, for a Variance from City Code Section 66-943 Design Standards for a proposed building at 39777 Flink Ave.
2. Motion to recommend approval/denial to City Council, to include Outdoor Storage, Equipment & Materials as a Conditional Use in the B-Business Zoning District.
3. Motion to recommend approval/denial to City Council, for a Conditional Use Permit for Outdoor Storage, Equipment & Materials at 39777 Flink Ave.