



**CITY OF CORCORAN  
Corcoran Planning  
Commission Agenda  
April 6, 2023 - 7:00 pm**

**HYBRID MEETING OPTION AVAILABLE**

*The public is invited to attend the regular Council meetings at City Hall.*

**Meeting Via Telephone/Other Electronic Means**

**Call-in Instructions:**

+1 305 224 1968 US

**Enter Meeting ID: 825 6403 2239**

Press \*9 to speak during the Public Comment Sections in the meeting.

**Video Link and Instructions:**

<https://us02web.zoom.us/j/82564032239>

visit <http://www.zoom.us> and enter

**Meeting ID: 825 6403 2239**

Participants can utilize the Raise Hand function to be recognized to speak during the Public Comment sections in the meeting. Participant video feeds will be muted. **In-person comments will be received first, with the hybrid electronic means option following.**

For more information on options to provide

[www.corcoranmn.gov](http://www.corcoranmn.gov)

**1. Call to Order / Roll Call**

**2. Pledge of Allegiance**

**3. Commissioner Appointment – Lindsay Jacobs**

**4. Agenda Approval**

**5. Open Forum**

**6. Minutes**

- a. December 1, 2022 Regular Meeting Minutes\*

**7. New Business – Public Comment Opportunity**

- a. **Public Hearing.** Gmach Accessory Dwelling Unit Conditional Use Permit (PID 05-119-23-13-0011) (City File No. 23-002)
  - i. Staff Report
  - ii. Open Public Hearing
  - iii. Close Hearing
  - iv. Commission Discussion & Recommendation
- b. **Public Hearing.** Transition/Buffer Ordinance (Citywide) (City File No. 22-034)
  - i. Staff Report
  - ii. Open Public Hearing
  - iii. Close Hearing
  - iv. Commission Discussion & Recommendation
- c. Scherber Roll Off Conditional Use Permit and Site Plan 1-year extension (City File No. 21-007)
  - i. Staff Report
  - ii. Commission Discussion & Recommendation

**8. Reports/Information**

- a. Other Business
- b. Planning Project Update\*
- c. City Council Report\* – Council Liaison Schultz

**9. Commissioner Liaison Calendar**

City Council Meetings

4/13/2023	4/27/2023	5/11/2023	5/25/2023	6/8/2023	6/23/2023
Lanterman	Van Den Einde	Brummond	Horn	Jacobs	Lanterman

**10. Adjournment**

*\*Includes Materials - Materials relating to these agenda items can be found in the House Agenda Packet by Door.*



CITY OF CORCORAN  
**Corcoran Planning Commission Minutes**  
**December 1, 2022 - 7:00 pm**

The Corcoran Planning Commission met on November 3, 2022, in Corcoran, Minnesota. All Planning Commissioners were present in the Council Chambers, but members of the public were able to participate in-person as well as through electronic means using the audio and video conferencing platform Zoom.

Present: Commissioners Brummond, Horn, Shoulak, and Van Den Einde.

Absent: Commissioner Lanterman.

Also present: City Planner Davis McKeown, City Planner Lindahl, and Council Liaison Vehrenkamp.

Present Via Zoom: City Administrator Jessica Beise.

**1. Call to Order / Roll Call**

**2. Pledge of Allegiance**

**3. Agenda Approval**

Motion made by Brummond, seconded by Van Den Einde to approve the agenda for the December 1, 2022 Planning Commission Meeting.

Voting Aye: Shoulak, Brummond, Horn, and Van Den Einde.

(Motion passed 4:0)

**4. Open Forum**

Commissioner Brummond acknowledged the retirement of Joe and Marry of Rolling Hills Ranch and wished them well.

**5. Minutes**

- a. November 3, 2022 Regular Meeting Minutes\*

Motion made by Van Den Einde, seconded by Horn, to approve the November 3, 2022 Meeting Minutes.

Voting Aye: Shoulak, Brummond, Horn, and Van Den Einde.

(Motion passed 4:0)

**6. New Business**

- a. **Public Hearing.** Pioneer Trail Industrial Rezoning, Park Preliminary Plat, and Preliminary Planned Unit Development plant (PIDs 32-119-23-43-0005; 32-119-23-34-0013; 32-119-23-43-0006) (City File No. 22-039)
- i. Staff Report – Staff Report presented by Planner Lindahl.
  - ii. Open Public Hearing
    1. Todd Albers, 4800 Covey Trail, Medina, had concerns about the drainage and potential impact to the wetland on his property, building setbacks, the viewshed, and noise generated from this development.
    2. Sarah Lehtola, 6230 Rolling Hills Road, had concerns about Kimberly Lane and its future connection onto Rolling Hills Road, potential conflicts with the values of the city, and expressed frustration with the communication of proposed development in the area.
    3. Lee Roering, 22803 Wagon Wheel Lane, had concerns about losing rural-feel, the installation of a gas station, light and traffic impacts, having 2 street frontages on his property, impact of enjoyment of the property, drainage and septic, and screening from light pollution.
    4. Robert Gaston, 22741 Wagon Wheel Lane, had concerns about Kimberly Lane only having one point of access, the hours of operation, traffic generation, enjoyment of

**\*Includes Materials** - Materials relating to these agenda items can be found in the House Agenda Packet by Door.

- the neighborhood, proximity of the road to the house, noise pollution, and industrial use near residential districts.
5. Jenifer Gaston, 22741 Wagon Wheel Lane, had concerns about losing rural-experience, increased traffic near property, impact onto the intersection of Pioneer Trail and Highway 55, increased foot traffic, safety of the neighborhood, drainage, and property values.
  6. Deb Janiak, 6300 Pioneer Trail, expressed her enjoyment of the rural feel of the neighborhood, and had concerns of traffic on Pioneer Trail, congestion around Kimberly Lane, and noise/light pollution from development.
  7. Karen Ess, 6225 Pioneer Trail, had concerns about existing traffic on Pioneer Trail, traffic impact from a gas station, dumping onto her property, and taking existing resident's opinions into account.
  8. Jim Reader, 6200 Rolling Hills Road, was concerned about developing this property prior to sewer/water installation and road construction, the existing self-storage facility on Rolling Hills Road, the difficulty of turning onto Highway 55 from Rolling Hills Road, and safety history of Rolling Hills Road.

iii. Close Hearing

Motion made by Brummond, seconded by Horn, to close the public hearing.  
Voting Aye: Shoulak, Brummond, Horn, and Van Den Einde.  
(Motion passed 4:0)

Commission Discussion & Recommendation: Commission discussion and recommendation included a question of city owned well sites throughout the city; fire access throughout the development and its implications on the landscaping plan; the history of proposed developments on the site; clarification of the water drainage and stormwater runoff; sign standards; noise standards; clarification of future connection of Kimberly Lane and Rolling Hills Road; clarifying the existing Light-Industrial zoning and Planned Unit Development zoning; the lack of benefit to residents from commercial developments; clarification of operations on the site; traffic generation from each lot; possible outcomes of approving PUD with stipulations on gas station; alternative landscaping ideas such as native plantings and limiting turf grasses; benefit of well-sites and search locations; Municipal Services extension; noise compliance concerns and preserving part of the natural habitat.

The Commission allowed the applicant to speak and answer questions during their discussion. Joe Radach, representing applicant, spoke about the users of the development; answered a question about the screening flexibility request on the Highway 55 frontage; having visibility on Highway 55, and the request for parking set-back flexibility.

Motion made by Brummond, seconded by Van Den Einde, to recommend approval of the ordinance amending Title X of the City Code rezoning the property to a Planned Unit Development and the findings of fact.  
Voting Aye: Brummond, Horn, and Van Den Einde.  
Voting Nay: Shoulak.  
(Motion passed 3:1)

Motion made by Brummond, seconded by Horn, to recommend approval of the Preliminary PUD with an emphasis on Minnesota Native Landscaping and provide screening information for residents affected by Kimberly Lane.  
Voting Aye: Brummond and Horn  
Voting Nay: Shoulak and Van Den Einde.  
(Motion failed 2:2)

Motion made by Van Den Einde, seconded by Shoulak, to recommend approval of the PUD flexibility with an emphasis on Minnesota Native Landscaping, provide screening information for residents affected by Kimberly Lane, and not allow the construction of a convenience store.  
Voting Aye: Shoulak, Brummond, and Van Den Einde.  
Voting Nay: Horn

(Motion passed 3:1)

Motion made by Brummond, seconded by Horn, to recommend approval of the Preliminary Plat.

Voting Aye: Brummond, Horn, and Van Den Einde.

Voting Nay: Shoulak.

(Motion passed 3:1)

b. **Public Hearing.** Gmach Accessory Dwelling Unit Zoning Ordinance Amendment (City File No. 22-071).

i. Staff Report – Staff Report presented by Planner McKeown

ii. Open Public Hearing

1. George Gmach, 22600 Oakdale Drive, spoke about his current accessory buildings, his planned addition, sewer connection, size limitations of ADUs around the country, accommodating the rural developments, and including ADUs as a Conditional Use.

iii. Close Hearing

Motion made by Van Den Einde, seconded by Horn, to close the public hearing.

Voting Aye: Shoulak, Brummond, Horn, and Van Den Einde.

(Motion passed 4:0)

iv. Commission Discussion & Recommendation – Commission discussion included a Commissioner Van Den Einde discussing his accessory building; flaws of current code in relation to rural residential districts; clarification of what's considered an ADU; addressing and public safety concerns; parking requirements; allowable sizes of ADUs; removing roof pitch requirements; determining allowable size by percentage of principle structure or a cap; inspection logistics; clarification of style requirements; and approving ADUs through an administrative approval.

Motion made by Brummond, seconded by Van Den Einde, to recommend approval of the ordinance allowing administrative approval of Accessory Dwelling Units up to 960 square feet in all districts and 1200 square feet in Rural Residential districts.

Voting Aye: Shoulak, Brummond, Horn, and Van Den Einde.

(Motion passed 4:0)

c. **Public Hearing.** Park Dedication Subdivision Ordinance Amendment (City File No. 22-065)

i. Staff Report – Staff Report presented by Administrator Beise

ii. Public Hearing -

Motion made by Brummond, seconded by Shoulak, to close the public hearing.

iii. Commission Discussion & Recommendation – Commission discussion included clarification of when park dedication is paid and a question about the Bellwether boardwalk.

Motion made by Brummond, seconded by Van Den Einde, to recommend approval of the Subdivision Ordinance Amendment relating to Park Dedication.

Voting Aye: Shoulak, Brummond, Horn, and Van Den Einde.

(Motion passed 4:0)

## 7. Reports/Information

a. Planning Project Update\*

b. City Council Report\* – Council Liaison Vehrenkamp – City Council report included a question about the Truth and Taxation meeting, property taxes, and the desire to expand the Green Acres Program for local farmers.

c. Other Business – Draft 2022 Annual Report and 2023 Priorities\*

## 8. Commissioner Liaison Calendar

**\*Includes Materials** - Materials relating to these agenda items can be found in the House Agenda Packet by Door.



City Council Meetings

<b>12/8/2022</b>	<b>12/21/2022</b>	<b>1/12/2023</b>	<b>1/26/2023</b>	<b>2/9/2023</b>	<b>2/23/2023</b>
Van Den Einde	Brummond	Horn	Lanterman	Shoulak	Van Den Einde

**9. Adjournment**

DRAFT

**\*Includes Materials** - *Materials relating to these agenda items can be found in the House Agenda Packet by Door.*

# STAFF REPORT

# Agenda Item 7a.

<b>Planning Commission Meeting:</b> April 6, 2023	<b>Prepared By:</b> Natalie Davis McKeown
<b>Topic:</b> Gmach Accessory Dwelling Unit (ADU) Conditional Use Permit (CUP) (PID 05-119-23-13-0011) (City File No. 23-002)	<b>Action Required:</b> Recommendation

**Review Deadline:** June 1, 2023

## 1. Request

The applicant, George Gmach, requests approval of a conditional use permit (CUP) for a detached accessory dwelling unit (ADU) of 1,152 square feet at 22600 Oakdale Drive.

## 2. Context

### *Level of City Discretion*

The City's discretion in approving or denying a CUP is based on whether the proposal meets the standards outlined in the City Code. If it meets these standards, the City should approve the CUP.

### *Zoning and Land Use*

The property is in the Rural Residential (RR) District and is guided Rural/Ag Residential on the 2040 Future Land Use Map. This property is outside of the Metropolitan Urban Service Area (MUSA) boundary. All surrounding properties are zoned RR, guided Rural/Ag Residential, and outside of the MUSA.

### *Characteristics of the Site*

The site has an existing single-family home in the front center of the lot in addition to two existing detached accessory structures. The Hennepin County Natural Resources



Figure 1 Location Map

Map does not reflect wetlands within the property lines. The 2040 Comprehensive Plan's Natural Resource Inventory Map does not identify known natural communities on the property.

### 3. Analysis of Request

#### Conditional Use Permit

The City approved a Zoning Ordinance Amendment (also requested by Mr. Gmach) in December 2022 which updated the ADU standards to allow for ADUs of up to 960 square feet to be approved through an administrative permit throughout the City and ADUs of up to 1,200 square feet to be approved through a CUP within the RR district. The applicant requests CUP approval to allow the conversion and expansion of an existing accessory structure located to the northwest of the principal home into an ADU of 1,152 square feet. The addition will include a bathroom and small kitchen that will be designed for handicap accessibility. The applicant intends to use the ADU for personal and family use and does not intend to rent out the ADU while it is under his ownership.

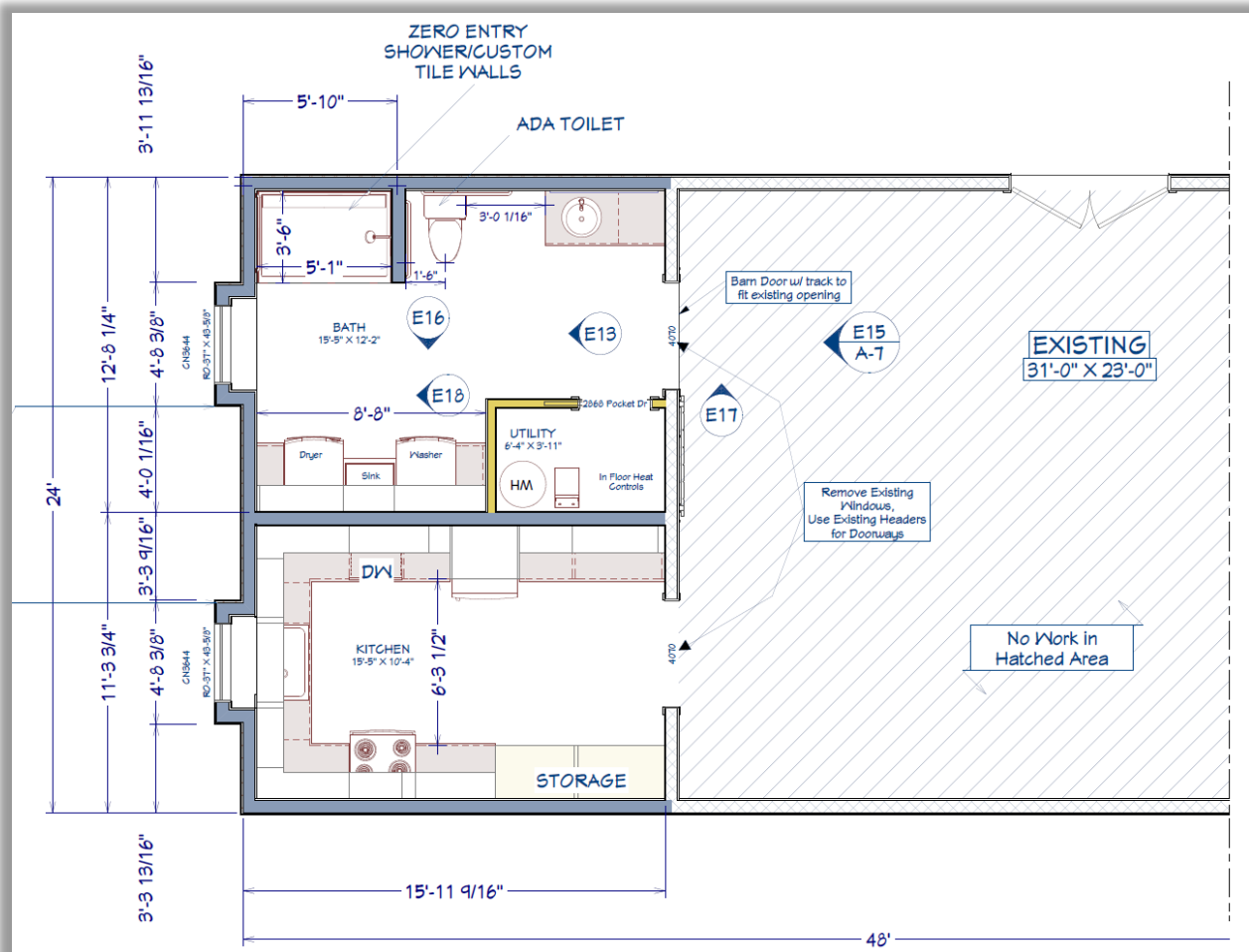


Figure 2 ADU Floor Plan

### ADU Specific CUP Standards

The RR district permits ADUs of up to 1,200 square feet under a CUP in Section 1040.030, Subd. 4. The CUP for an ADU is subject to the following conditions:

1. *Not more than one accessory dwelling unit is allowed on a single-family detached lot.*

This condition is satisfied as there is no other ADU on the lot occupied by the existing single-family detached home.

2. *An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.*

This condition is satisfied in the proposed plans. The table below includes the required setbacks:

Property Line	Required Setback
Front (south)	50 feet
Side (west & east)	25 feet
Rear (north)	25 feet

The applicant's site plan confirms that the existing accessory structure has a setback of at least 37' from the closest property line. Based on this measurement, the addition and ADU will comply with the required setbacks.

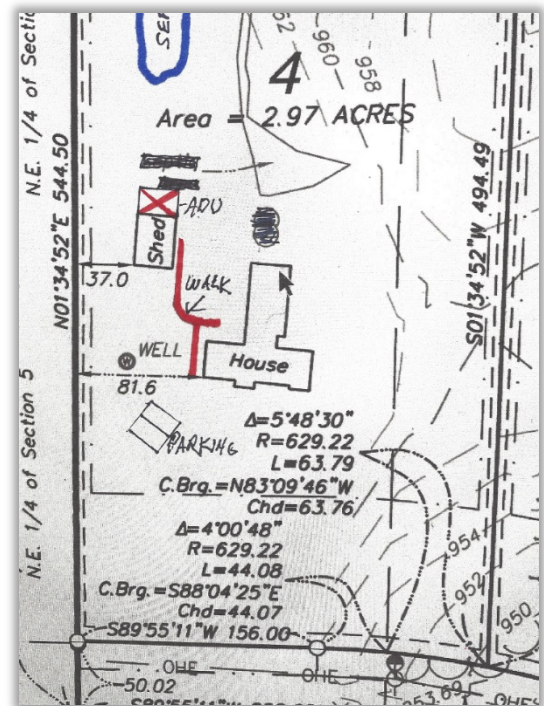


Figure 3 Site Plan

3. *An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 1,200 square feet, whichever is less. Accessory dwelling units that do not exceed 960 square feet can be approved through an Administrative Permit as detailed in Section 1040.030, Subd. 6(A).*

The proposed addition is 1,152 sq. ft. The applicant's narrative provides that the main floor square footage of the principal dwelling is 1,972 square feet. The submitted plat drawing (attached to this report) showing the footprint of the house confirms a square footage of at least this amount. The plans comply with this

standard without needing to consider the gross floor area of additional levels in the calculation.

4. *Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.*

The ADU is located in the rear yard. The submitted site plans confirm a building separation of at least 10 feet. This property is 2.97 acres. Historically, properties have been allowed to round up to the nearest tenth of an acre, which would allow the applicant an accessory structure footprint of 1,813 square feet. The footprint of the proposed ADU is 1,152 square feet. There is one other accessory structure reflected on the aerial view of the property. Based on the building permit on file with the City, the smaller accessory structure to the northeast has a footprint of 264 square feet. The ADU and site comply with the accessory structure footprint limit.

The sidewall height is roughly 9', but the actual height of an ADU is subject to the same height standards for the principal dwelling, which will be discussed later in this report. However, the eaves and overhangs standard (based on the sidewall height) for accessory structures still apply to ADUs. For a sidewall height of less than 10', the eaves and overhangs must be a minimum of 12". Staff interprets eaves to mean the underside or the soffits on the side of a building. The overhang is the edge of the roof over the front/rear elevations. Under this interpretation, the eave is 24" but the overhang is 10". The applicant provided that the existing structure is legal non-conforming with this standard as it was constructed in 1996 prior to the adoption of the current standard. However, the plans for the addition should be revised to reflect an overhang of 12".

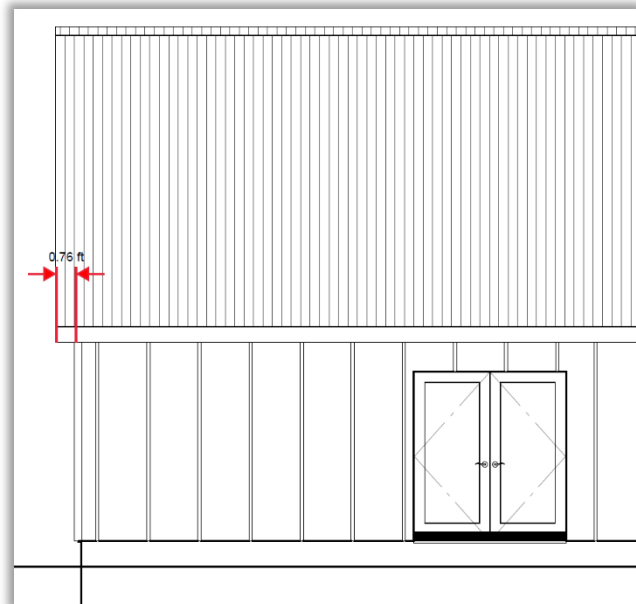


Figure 4 Elevation with Overhang Measurement



5. *The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building in the lot.*

The applicant provided photos of the principal dwelling as well as the existing accessory structure that will be converted into an ADU.



*Figure 5 Principal Dwelling*



*Figure 6 Accessory Structure*

The architectural style, colors, and materials for the ADU look to be similar to the principal structure. The ADU plans show a metal roof, but the applicant's narrative explains they intend to have a bid completed for both a metal roof and architectural asphalt. If the asphalt is chosen, this will match with the principal dwelling. If the metal is selected, the applicant commits to reroofing the principal residence to match the ADU. This is currently included as a condition of approval in the draft resolution. However, the Planning Commission and City Council could decide that the intent of this standard is satisfied without an identical roof material, and remove this as a condition of approval.

If the applicant proceeds with a metal roof covering, a Certificate of Compliance will be required. Since there is a chance the applicant may proceed with an asphalt roof, staff believes it would be best to handle a Certificate of Compliance for a metal roof with a building permit if it becomes necessary. Residential dwellings with metal roof coverings must satisfy the following requirements for the Certificate of Compliance:

- a. Meet the standards adopted by the Minnesota State Building Code.
  - b. Have concealed fasteners.
  - c. Are high quality commercial thickness/weight.
  - d. Have been treated with factory applied color coating system against any fading or degradation.
6. *The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.*

The applicant's narrative confirms their intent to use the ADU for their personal use and will continue to live either in the principal dwelling or the ADU. This standard is included as a condition in the draft resolution to ensure current and future property owners continue to comply with this standard.

7. *There shall be no separate ownership of the accessory dwelling unit.*

There is no separate ownership proposed. This standard is met and is provided as a condition of approval in the draft resolution for the CUP to ensure ongoing compliance.

8. *In addition to the parking spaces required for the principal dwelling unit on the lot, two off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.*

The applicant's plans show a parking area of roughly 25' by 25' off the existing driveway area that exceeds the 10' setback requirement from the side property line. The proposed parking will comfortably accommodate two vehicles and will not create a conflict with parking for the principal dwelling. This standard is satisfied.

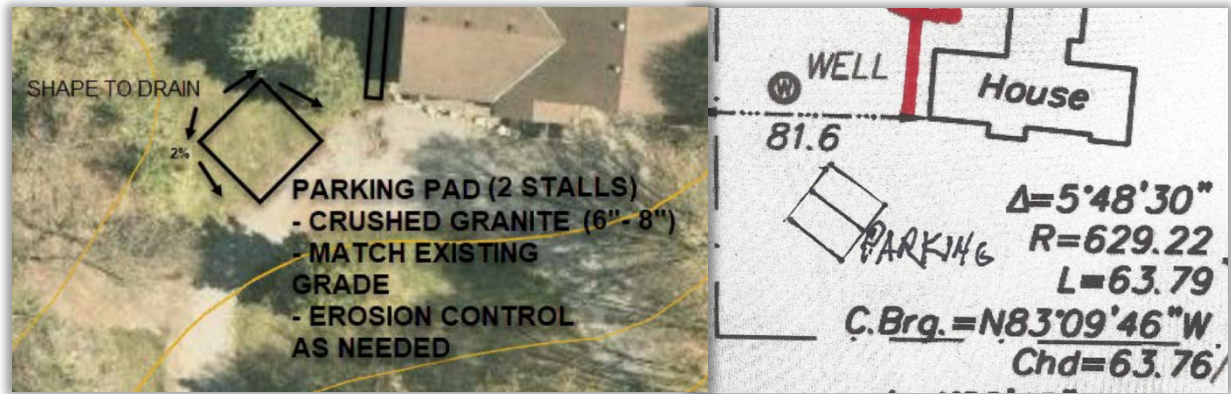


Figure 7 Grading and Site Plan Showing Parking

9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.

The address and identifying signage will be finalized at building permit. Per Public Safety's recommendation, staff anticipates an address of 22600 Oakdale Dr, Building (Bldg.) 1 for the principal dwelling and 22600 Oakdale Dr, Bldg. 2 for the detached ADU. The applicant's plans show an improved walkway to be added from the driveway to an existing walkway in the backyard that connects to the accessory structure. This standard is satisfied with a condition of approval to finalize addressing and signage at building permit.

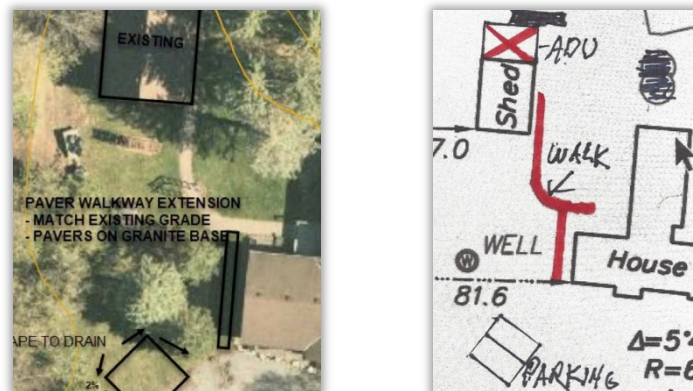


Figure 8 Grading & Site Plan Showing Walkway



10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

Maximum principal building height in RR district is 35 feet. Building height for a pitched or hip roof is defined as the vertical distance to be measured from the grade of a building line to the mean distance of the highest gable. Based on the submitted elevations, the ADU height measures at roughly 15.6'. This measurement is an estimate, and staff recommends that the plans be revised to clearly dimension the height of the structure per the City Code definition. Regardless, the structure complies with the district limit of 35'. Additionally, ADUs cannot exceed the height of the principal structure. The house was built in the 1970s, and the City does not appear to have a record of the original building permit and building plans from this time. The applicant submitted rough dimensions to staff in March taken from the interior of the building. After taking into account the grade of the building, staff is comfortable concluding that the height of the ADU does not exceed the height of the principal dwelling.

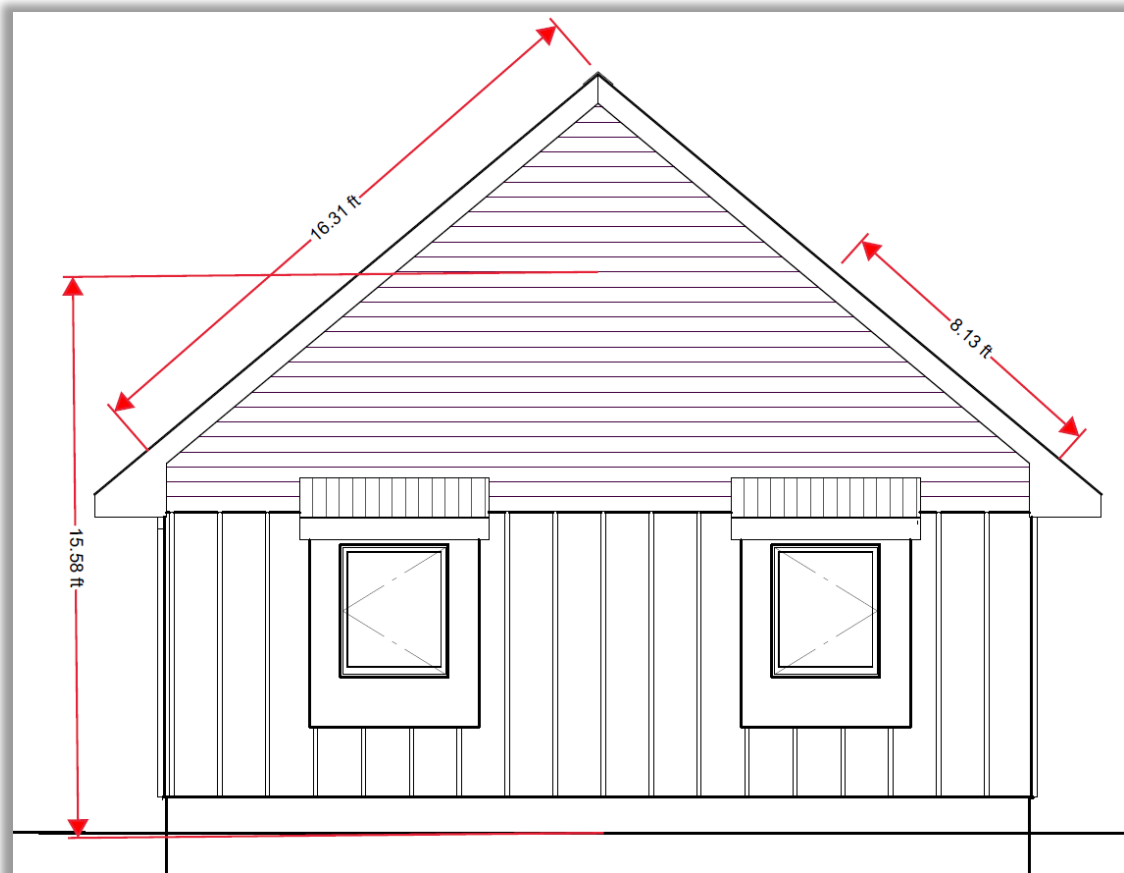


Figure 9 Elevation with Estimated Building Height

*General CUP Evaluation Criteria*

Section 1070.020, Subd. 3 of the Zoning Ordinance provides 7 general factors to consider in the review of a CUP request.

*A. Compliance with and effect upon the Comprehensive Plan, including public facilities and capital improvements plans.*

The proposed ADU is compatible with the 2040 Comprehensive Plan. The Rural/Ag Residential land use category is intended to include natural areas, planted fields, pastureland, hobby farms, and large residential lots. Since the ADU cannot be separated from the principal dwelling, the density of the area will remain roughly 1 unit for every 10 acres as anticipated in the Comprehensive Plan. The Engineering Memo (attached to this report) notes there are no concerns with infrastructure or drainage. The proposed ADU does not impact capital improvement plans.

*B. The establishment, maintenance, or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.*

The establishment and ongoing use of the ADU will promote the general public welfare as it will allow for the current homeowners to age in place and future homeowners to have options for their own family or economic opportunities. There is no evidence to suggest an ADU that complies with the standards established by the City will be detrimental to or endanger the public health, safety, morals, or comfort.

*C. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*

The ADU will be housed in an accessory structure that exists today. The applicant's narrative explains the addition will be screened from public view and adjacent properties by mature trees on all sides. Minimal impact, if any, to the existing trees is expected as a result of this project. It is unlikely that the surrounding residents and property will be negatively affected by the addition of a bathroom and kitchen and ongoing residential use of the accessory structure.

*D. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

There is no evidence to suggest that the ADU will impede normal and orderly development of the surrounding properties.

*E. Adequate public facilities and services are available or can be reasonably provided to accommodate the proposed use.*

This property is served by private septic and well. The ADU is proposed to be served by a septic system installed in 2021 for a five-bedroom home that was installed with the objective of an eventual ADU in mind. The private well for the property will be shared with the ADU and the casing is tapped for an additional service line per the applicant's narrative. Staff has no concerns with the ability of the applicant to provide utilities to the ADU.

*F. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

The ADU conforms to all applicable regulations of the RR district as discussed throughout this report.

*G. The conditional use and site conform to performance standards as specified by this Chapter.*

The ADU and site conform to the applicable performance standards as discussed throughout this report. No concerns or nonconformities were noted in the analysis of the applicant's plans.

#### **4. Recommendation**

Staff recommends approval of the draft Resolution approving the CUP for an ADU of 1,152 square feet at 22600 Oakdale Drive with a few conditions.

#### **Attachments:**

1. Draft Resolution 2023- Approving the Conditional Use Permit for an Accessory Dwelling Unit
2. Applicant's Narrative
3. Engineering Memo
4. Aerial Photo Mark-up
5. Site Plan
6. Grading Plan
7. Building Plans
8. Preliminary Plat Gmach Farm Subdivision

**RESOLUTION NO. 2023-**

**Motion By:**  
**Seconded By:**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT FOR GEORGE GMACH AT 22600 OAKDALE DRIVE (PID 05-119-23-13-0011) (CITY FILE NO. 23-002)**

**WHEREAS**, George Gmach (“the applicant”) requested approval of a conditional use permit to construct an accessory dwelling unit on an existing 2.97-acre parcel legally described as:

*See Attachment A*

**WHEREAS**, the Planning Commission reviewed the plan at a duly called Public Hearing and recommends approval;

**NOW, THEREFORE, BE IT RESOLVED** that the Corcoran City Council approves the request for a conditional use permit, subject to the following conditions:

1. A conditional use permit is approved to allow construction of an accessory dwelling unit, in accordance with the application materials and plans received by the City on January 6, 2023, February 1, 2023 and February 3, 2023 except as amended by this resolution.
2. The applicant shall comply with the City Engineer’s Memo dated February 21, 2023.
3. A conditional use permit to allow an accessory dwelling unit of 1,152 square feet is approved, subject to the following findings that specific criteria as outlined in Section 1040.030, Subd. 4 are satisfied:
  - a. No more than one accessory dwelling unit shall be allowed on the property.
  - b. The accessory dwelling unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
  - c. The accessory dwelling unit shall not exceed 1,200 square feet.
  - d. The detached accessory dwelling unit complies with applicable regulations under Section 1030 of the Zoning Ordinance.
  - e. The exterior design of the accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal dwelling on the lot.
  - f. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
  - g. There shall be no separate ownership of the accessory dwelling unit.

**RESOLUTION NO. 2023-**

- h. Two off-street parking spaces shall be provided for the accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the Zoning Ordinance requirements.
  - i. The accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
  - j. The accessory dwelling unit is subject to the same height restriction for principal structures in the Rural Residential district but must not exceed the height of the principal dwelling.
4. A conditional use permit is approved to allow for an accessory dwelling unit of 1,152 square feet subject to the findings that applicable criteria as outlined in Section 1070.020 (Conditional Use Permits) of the Corcoran Zoning Ordinance are satisfied. Specifically:
- a. The accessory dwelling unit complies with the Comprehensive Plan, including public facilities and capital improvement plans. The project is consistent with the Rural/Ag Residential land use designation and maintains the density and desired rural character of the area.
  - b. The establishment and ongoing use of the accessory dwelling unit will promote the general public welfare by allowing for additional housing and economic opportunities for the existing and future property owners. There is no evidence to suggest an accessory dwelling unit that complies with the standards established by the City will be detrimental to or endanger the public health, safety, morals, or comfort.
  - c. The accessory dwelling unit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The accessory dwelling unit will be an addition to an existing accessory structure that is screened by mature trees on all sides and is unlikely to negatively affect adjacent properties.
  - d. The establishment of the accessory dwelling unit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - e. Adequate facilities can be reasonably provided to accommodate the accessory dwelling unit.
  - f. The accessory dwelling unit conforms in all other respects to the applicable regulations of the Rural Residential district.

**RESOLUTION NO. 2023-**

- g. The accessory dwelling unit and site conform to performance standards in the Zoning Ordinance.
- 5. A building permit is required prior to beginning construction.
- 6. A unit address will be assigned at building permit and City-approved identifying signage will be required for the principal and accessory dwelling units.
- 7. FURTHER, that the following conditions must be met prior to issuance of a building permit:
  - a. The building plans must be revised to show the following:
    - i. An overhang on the addition portion of the building of at least 12 inches.
    - ii. Dimension the building height as defined in Section 1020 of the Zoning Ordinance.
    - iii. Confirm the final roof covering to be used on the accessory dwelling unit.
      - 1. If metal roofing is selected, a Certificate of Compliance will be required.
      - 2. If metal roofing is selected, the principal dwelling must also be updated with a matching metal roof.
  - b. The applicant must record the approving resolution at Hennepin County and provide proof of recording to the City.
- 8. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use.

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan, Jeremy
- Vehrenkamp, Dean

Whereupon, said Resolution is hereby declared adopted on this 13<sup>th</sup> day of April 2023.

\_\_\_\_\_  
Tom McKee - Mayor

ATTEST:

\_\_\_\_\_  
Michelle Friedrich – City Clerk

*City Seal*

**RESOLUTION NO. 2023-**

**ATTACHMENT A**

Lot 4, Block 1, Gmach Farm Subdivision, Hennepin County, Minnesota.

George Gmach  
22600 Oakdale Drive  
Rogers, MN 55374

City of Corcoran  
8200 CR 116  
Corcoran, MN 55340

January 6, 2023

Honorable Mayor, City Council and Planning Commission,

We are owners of Lot 4, Block 1, Gmach Farm Subdivision (PID: 05-119-23-13-0011). We built the home on a corner of the family farm in 1976. The original lot was reconfigured and additional ROW was dedicated with a replat in 2017. The current lot is 3.0 acres after the road ROW is excluded (rounded to the nearest tenth).

We are requesting a conditional use permit for an Accessory Dwelling Unit (ADU) that exceeds the 960 square foot limit for administrative approval but is under the 1,200 square foot conditional use limit in the rural residential zone. The proposed ADU requires a 16' long addition to the north side of an existing building. The principal dwelling unit main floor square footage is 1,972 square feet. The recreation building is 768 square feet, and the addition will make it 1,152 square feet. We will be under the 1,813 allowed accessory size for the lot.

The addition is screened from public view and the adjacent properties. The addition will not be visible from the road and is screened by mature trees on all sides. There is no impact on drainage for adjacent lots.



View from road – ADU is to the left and behind the house and trees.





View from the north end of the lot near the border of the family farm – ADU is on the right. The structure on the left is an 11x20 shelter for a maple syrup evaporator.



Interior finish of existing building. The intent is to preserve the naturally oxidized white pine interior. The interior height is 9' at sidewalls and 15' at center.



View of the existing building looking NW from the principal dwelling. The roof peak is 20' high. The SW corner is 37' from the side lot line. The remaining building is slightly angled away from the lot line.

The addition allows for a bathroom and small kitchen without significant modifications to the existing building which was constructed in 1996. The roofline it intended to match the existing 10:12 pitch. The plan shows a metal roof. Our intent is to get alternate bids for metal or architectural asphalt. If metal is selected the plan is to reroof the principal dwelling unit to match. If asphalt is chosen it will match the existing principal dwelling unit.

We do not anticipate renting the ADU. The ADU will be built to allow for handicapped accessibility should that become necessary in the future. A future owner could be expected to either continue the current use or comply with the rental ordinance. The unit is not a commercial enterprise and is to be continuously used as an ADU.

The unit is not intended to house employees.

There are no animals.

There is no added traffic. Space for parking two cars will be improved as required.

A new septic system installed in 2021 was sized for a five-bedroom home with the longer-range objective of adding an ADU. The well is 214 feet deep in bedrock and the casing is tapped for an additional service line. The pressure tank and controls will remain in the principal dwelling unit.

There is no environmental impact of any significance. The building is screened from adjacent uses by mature trees. There are no expansion plans.

Adjacent uses north and south are agricultural. Adjacent uses east and west are large lot residential.

A preliminary plat map shows location of buildings and the well. The septic has been replaced as previously noted. The property was delineated for wetlands at the time of the re-plat. There are no wetland impacts.

All property taxes are paid. The records can be viewed on the Hennepin County website.

Sincerely,  
George B. Gmach and Jean L. Gmach

Enclosures: Plans  
Photo of surrounding area  
2017 survey  
Application for CUP

---

To: Natalie Davis McKeown  
Planner

From: Kent Torve, PE  
City Engineer

Project: Gmach ADU CUP

Date: February 21, 2023

---

**Summary:**

- The parking pad grading (2 stalls), walkway extension and building addition reviewed for the Gmach ADU do not affect City infrastructure or drainage.
- Building permit will still be required to show drainage and land disturbance areas.





A = ADDITION      P = PARKING AREA      W = WALKWAY EXTENSION



L. U. U. U. U.

West Line of the S.E. 1/4  
of the S.W. 1/4 of the  
N.E. 1/4 of Section 5

S.W. Corner of the S.E.  
1/4 of the S.W. 1/4 of the  
N.E. 1/4 of Section 5

N01°34'52"E 544.50

S01°34'52"W 494.49

Tree Line

N88°

200.00

90°0'0"

90°0'0"

63.49

SEPTIC

4

Area = 2.97 ACRES

Shed

ADU

WALK

WELL

House

37.0

81.6

PARKING

$\Delta=5'48'30''$

R=629.22

L=63.79

C.Brg.=N83°09'46"W

Chd=63.76

$\Delta=4'00'48''$

R=629.22

L=44.08

C.Brg.=S88°04'25"E

Chd=44.07

S89°55'11"W 156.00

OHE

OHE

50.02

S89°55'11"W 200.08

953.69

OHE

136.50

958

960

960

958

956

Area =

$\Delta=7'$

R=6

L=4

C.Brg.

Chd=

Field Line

SB

SB F

50

3



SHAPE TO DRAIN

2%

ADDITION

EXISTING

PAVER WALKWAY EXTENSION  
- MATCH EXISTING GRADE  
- PAVERS ON GRANITE BASE

SHAPE TO DRAIN

2%

PARKING PAD (2 STALLS)

- CRUSHED GRANITE (6" - 8")  
- MATCH EXISTING  
GRADE  
- EROSION CONTROL  
AS NEEDED

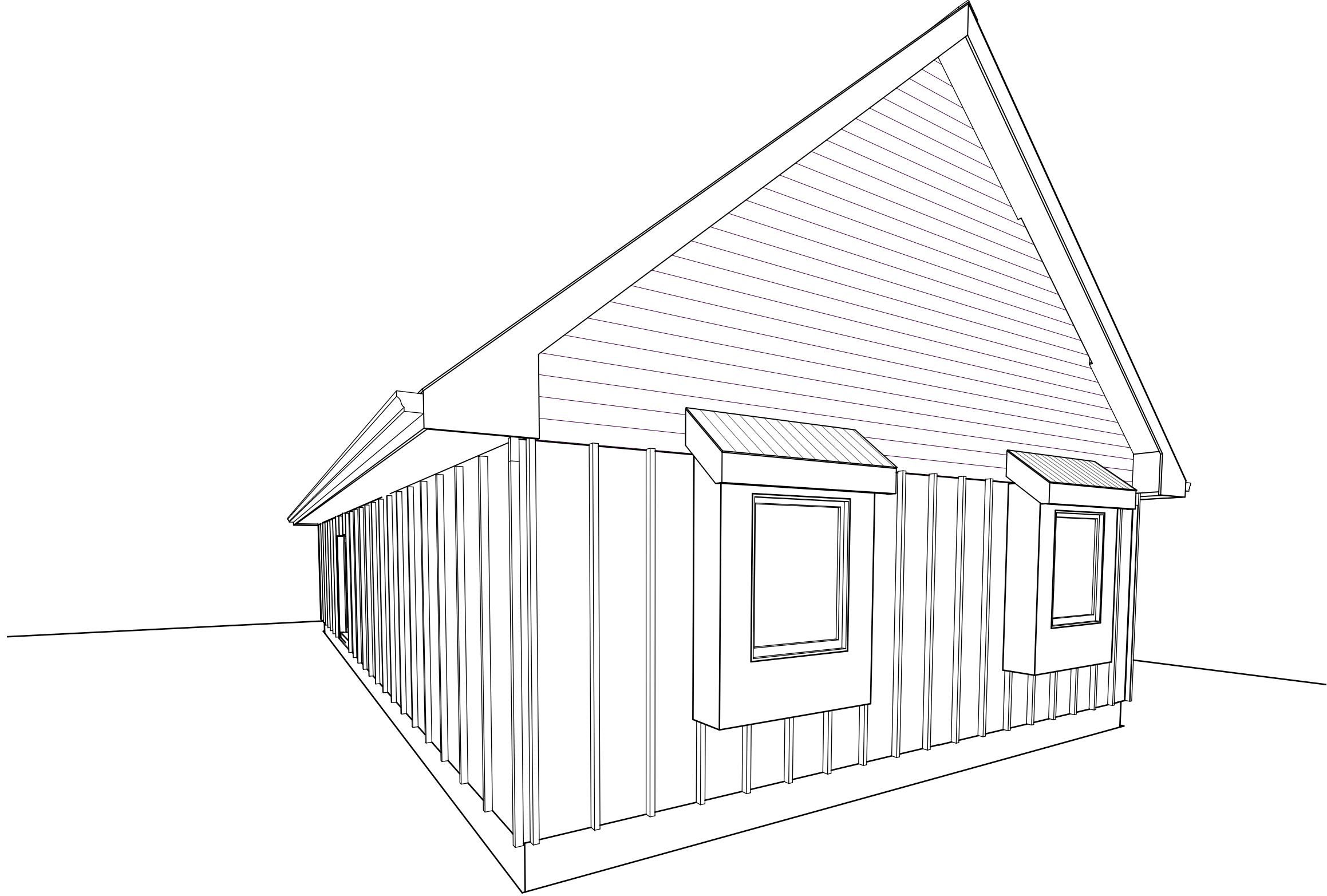




# George & Jean Gmach ADU Addition



COVER PAGE



DRAWINGS PROVIDED FOR:

George & Jean Gmach

Date Drawn:  
04/11/2022

Revised:  
06/03/2022  
07/24/2022

SCALE:

SHEET:

A-1





# MAIN FLOOR

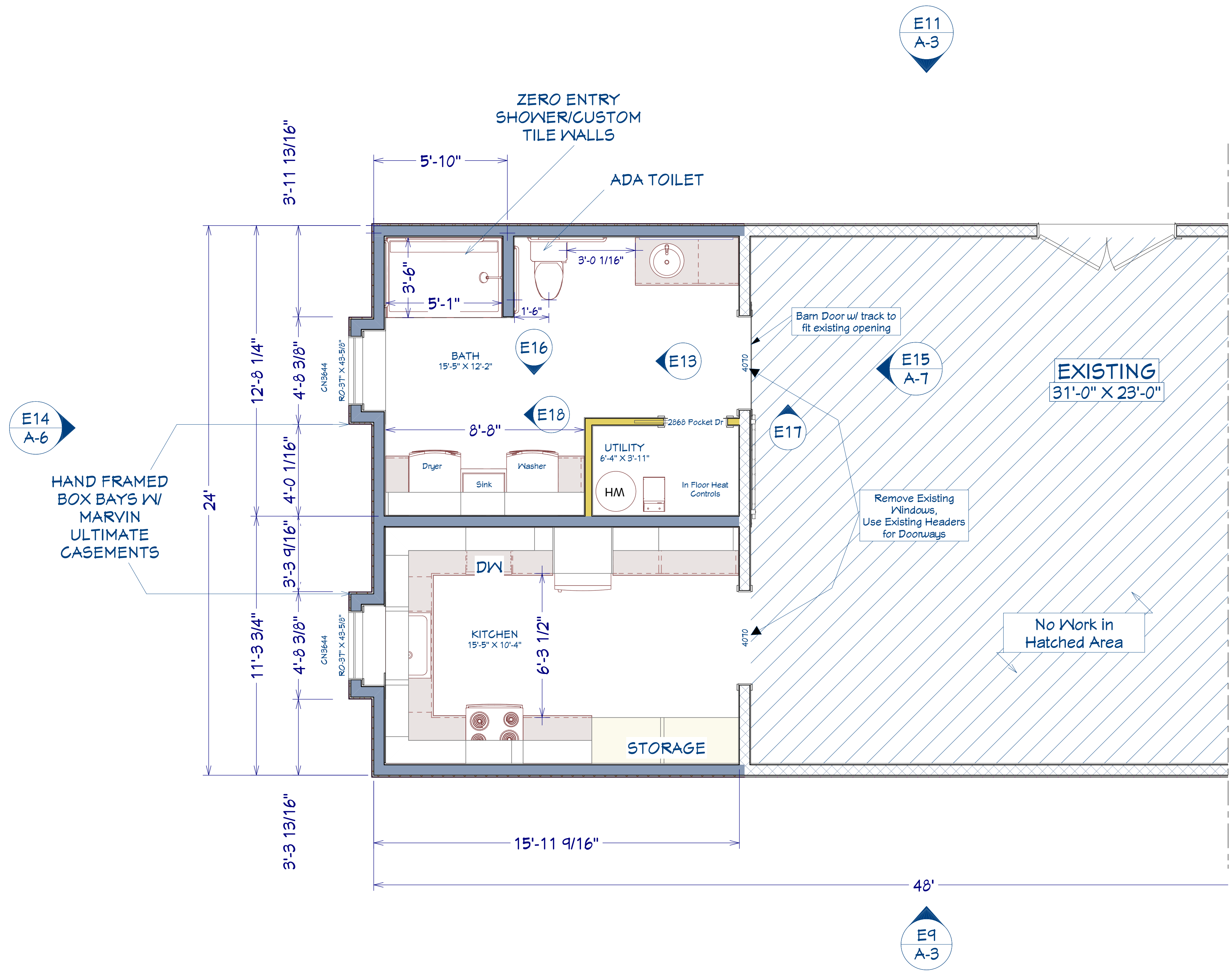
DRAWINGS PROVIDED FOR:  
**George & Jean Gmach**

Date Drawn:  
04/11/2022

Revised:  
06/03/2022  
07/24/2022

SCALE:  
3/8" = 1'-0"

SHEET:  
**A-2**



**EXTERIOR FINISH NOTES:**

Exterior finish to be Board & Batten siding over 23/32" sheathing/house wrap.

Gable end to be lap siding to match existing

Window trim to match existing

**MATERIALS AND COLOR BY OWNER.**

Roofing TO BE Standing Seam Metal Roof (Color TBD)

FINISH GRADE SHALL SLOPE AWAY FROM STRUCTURE MIN. 1/2" PER FOOT OF RUN FOR 4' MIL

**INTERIOR FINISH NOTES:**

Walls & Ceilings to be Pine T&G siding to match existing

Windows to be Marvin Ultimate Casements w/ Wash Mode-Color to match existing

Utility Room-Pocket Door, style to be determined

Bathroom-Barn Door with track, style to be determined

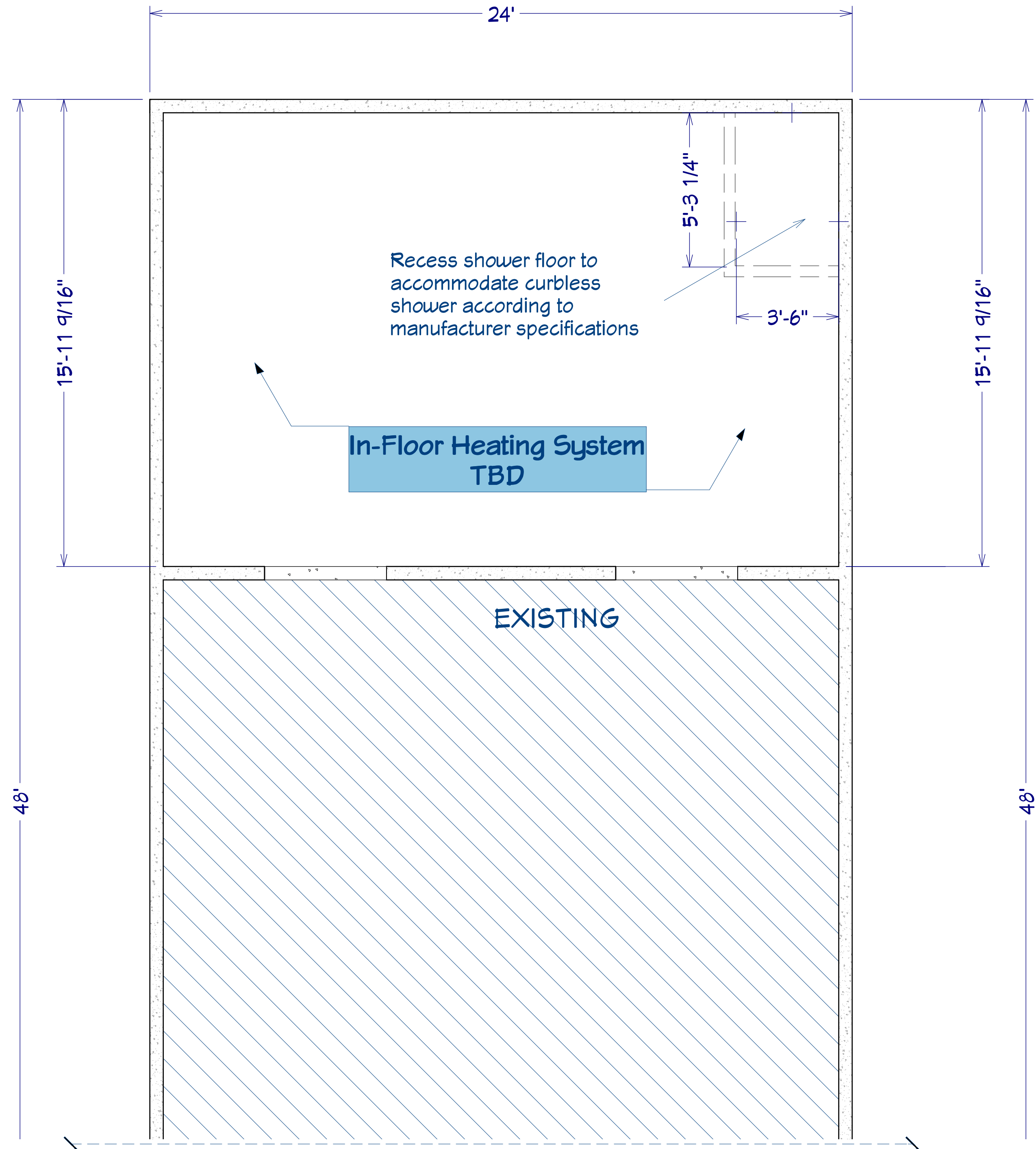
ADA Toilet with 18" clearance on wall side, minimum 36" clearance on cabinet side

Addition to have in-floor heating w/ heater unit in Utility Room

Concrete floor in shower area to be recessed to allow for zero entry shower floor

Shower walls & floor to be large format tile, Color TBD

Include sink in laundry area w/ removable counter



**FOUNDATION PLAN**

DRAWINGS PROVIDED FOR:

**George & Jean Gmach**

Date Drawn:  
04/11/2022

Revised:  
06/03/2022  
07/24/2022

SCALE:  
3/8" = 1'-0"

SHEET:

**A-4**

EXTERIOR ELEVATIONS

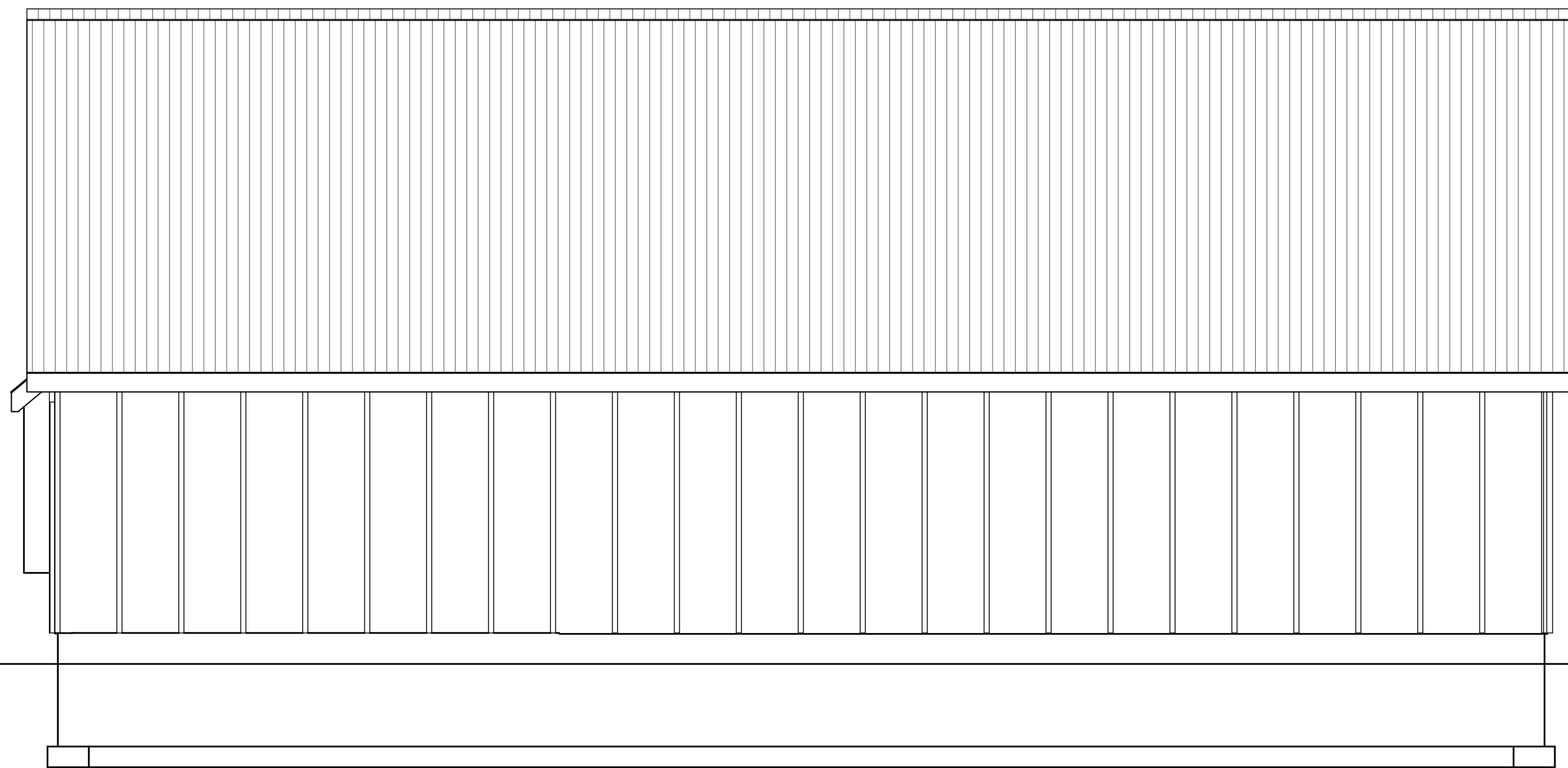
DRAWINGS PROVIDED FOR:  
George & Jean Gmach

Date Drawn:  
04/11/2022

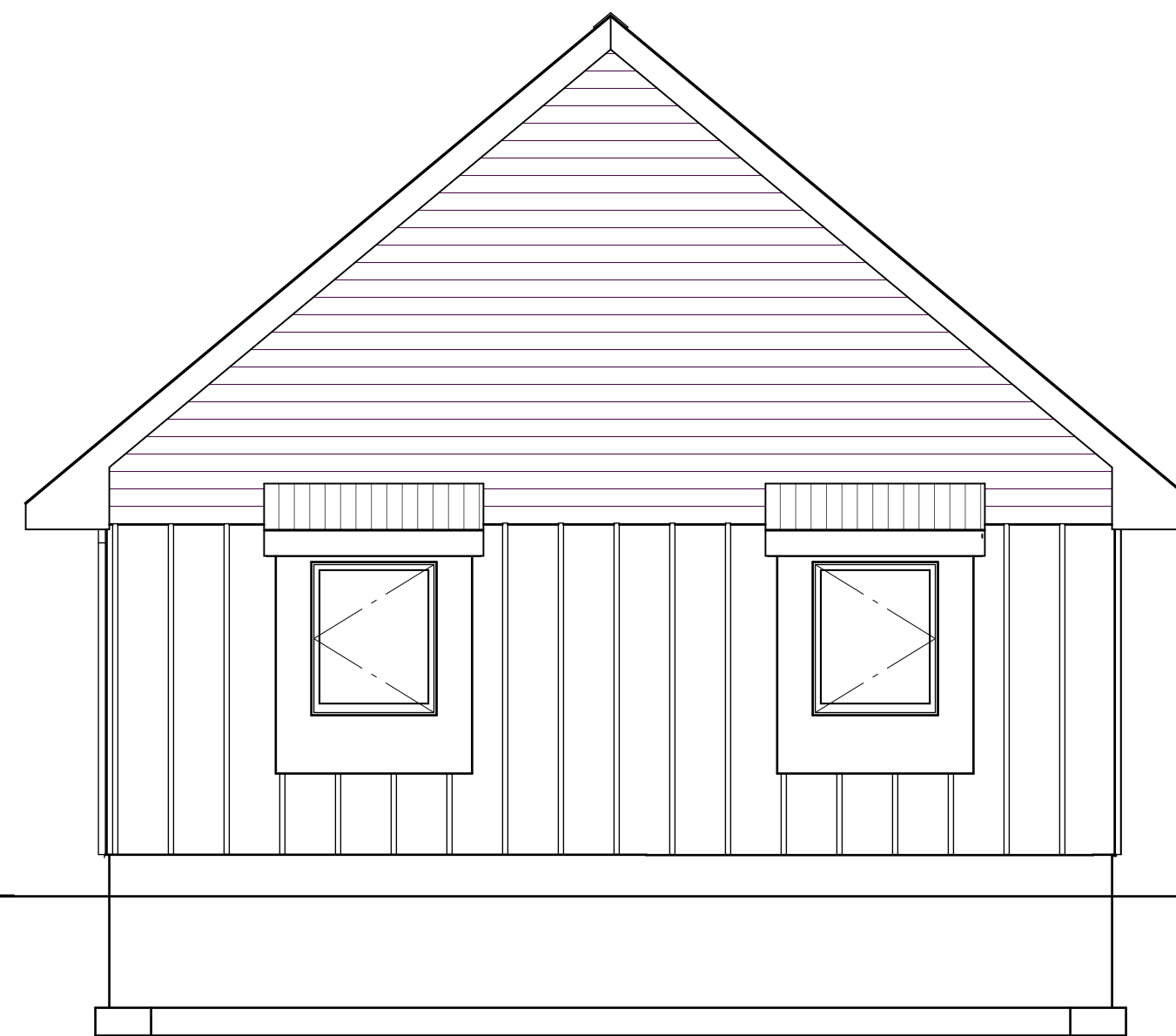
Revised:  
06/03/2022  
07/24/2022

SCALE:  
1/4" = 1'-0"

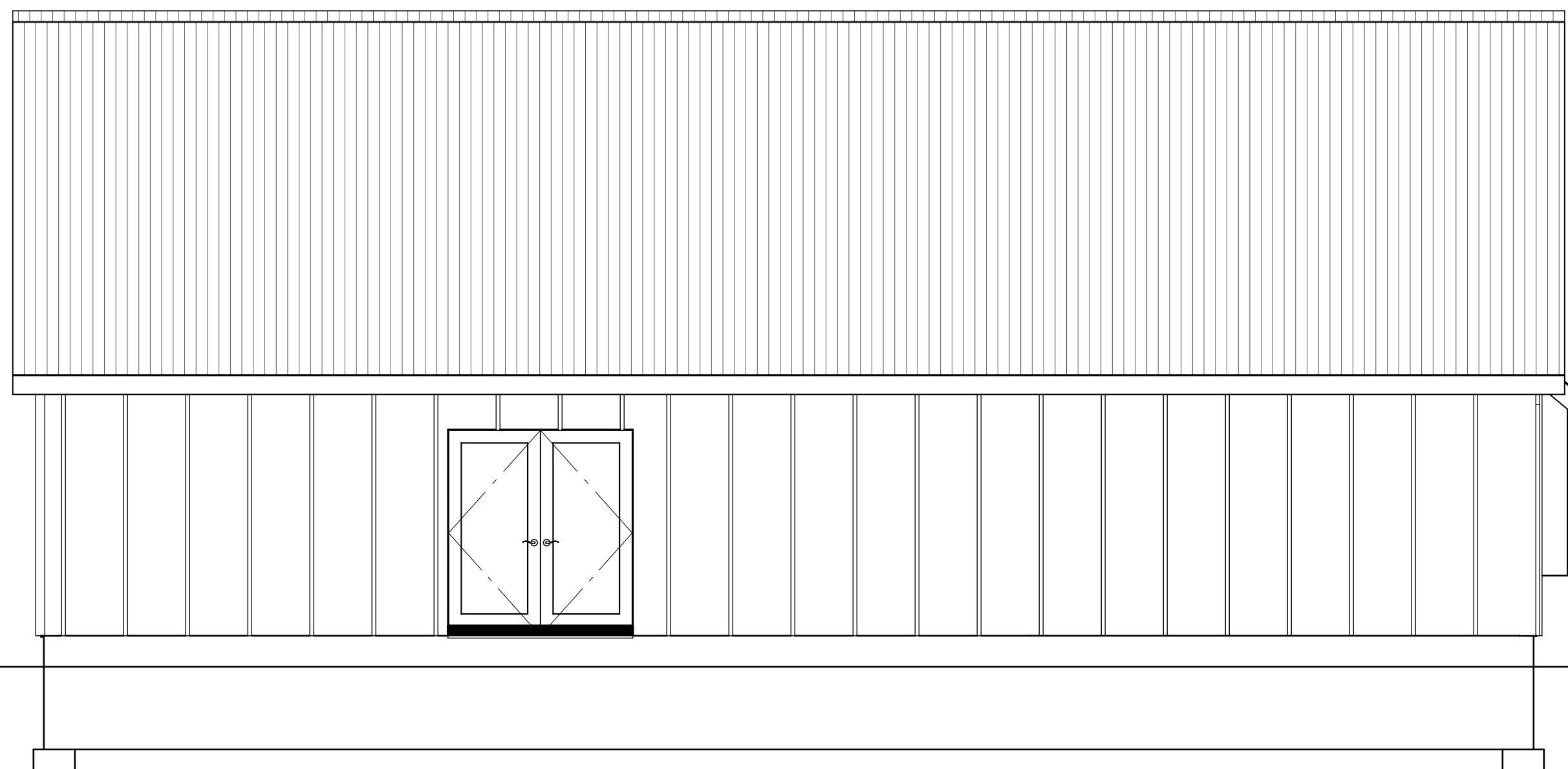
SHEET:  
A-3



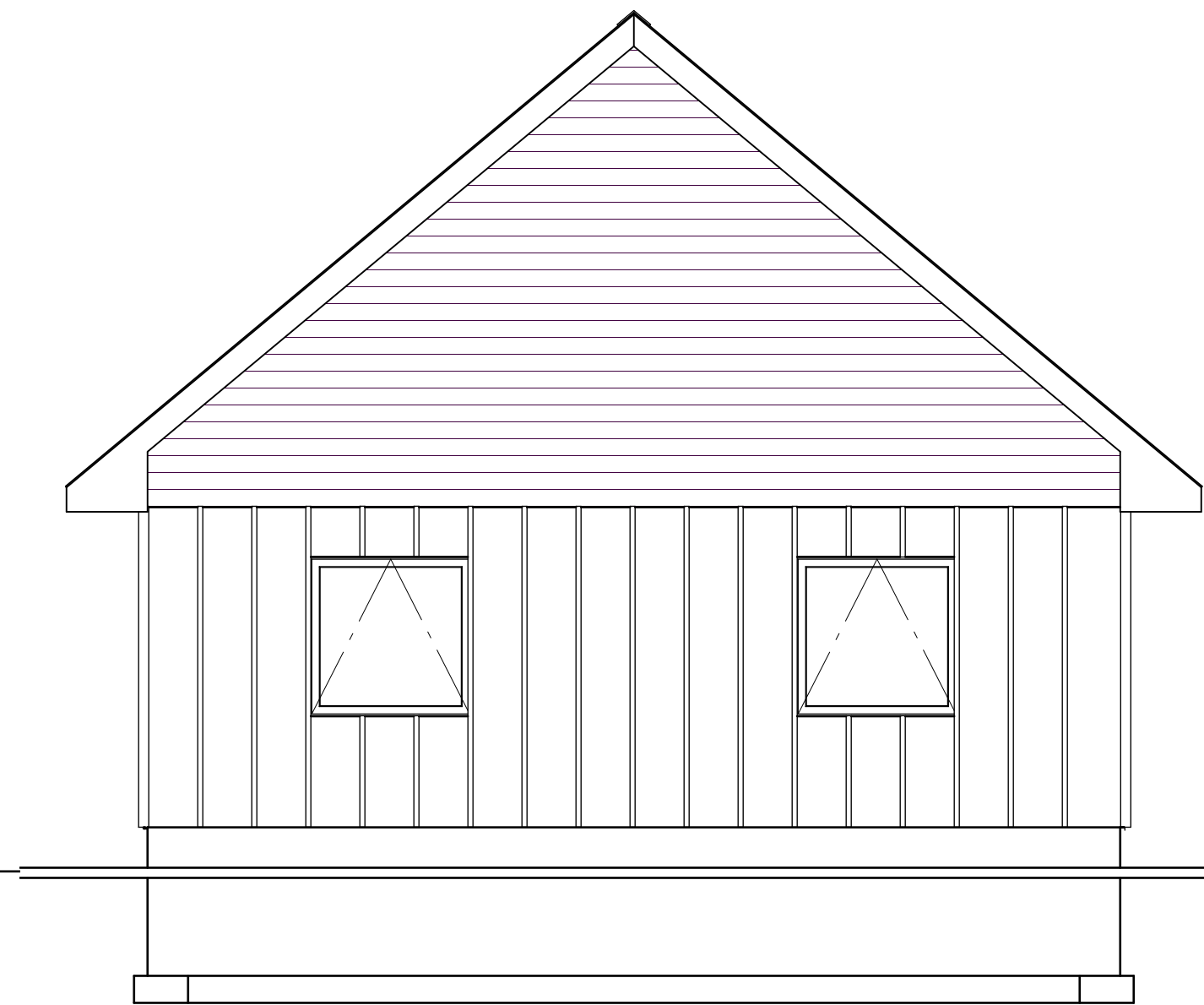
E9 Exterior Elevation Front



E10 Exterior Elevation Left



E11 Exterior Elevation Back



E12 Exterior Elevation Right

# Wall/Roof Section

George & Jean Gmach

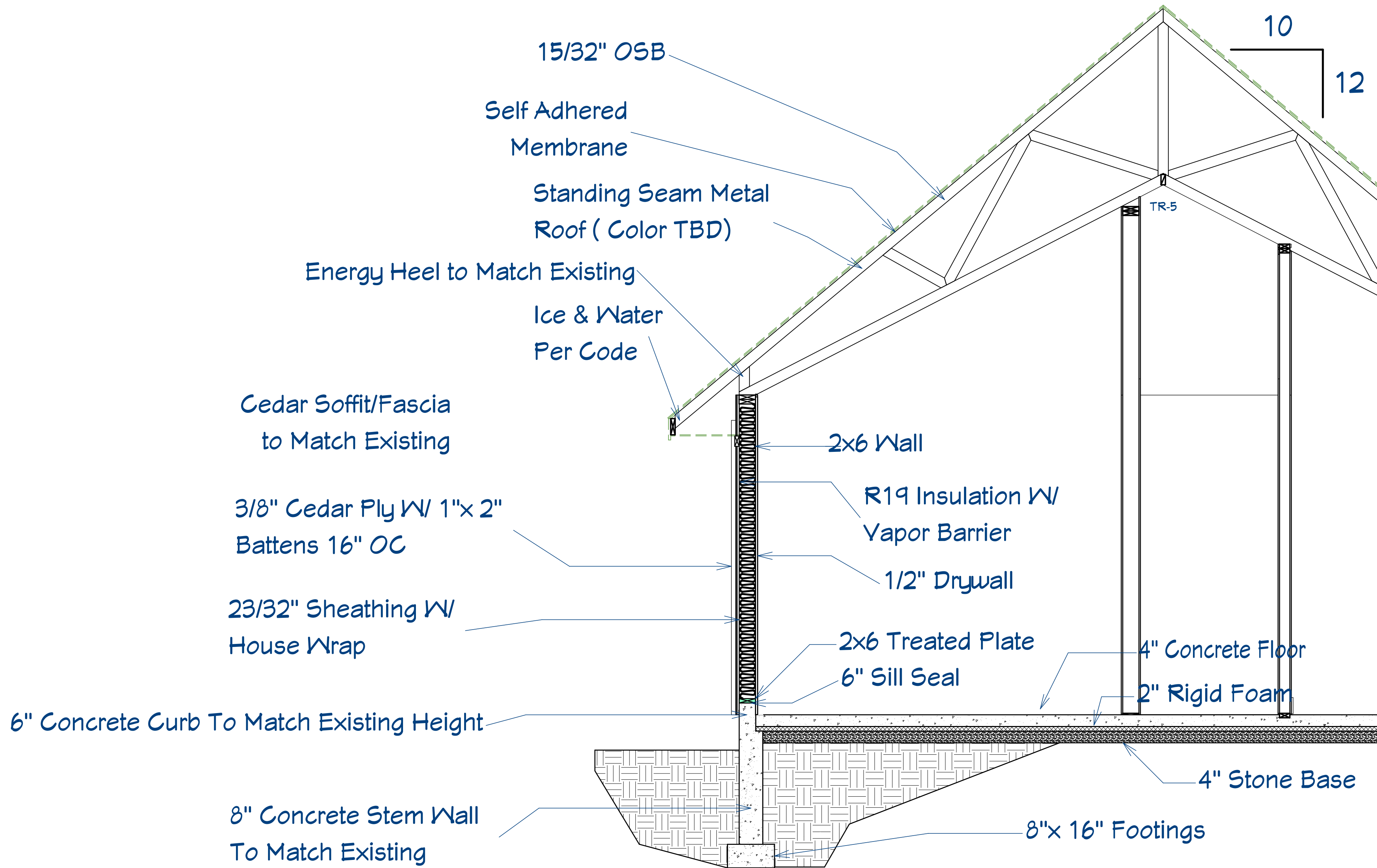
DRAWINGS PROVIDED FOR:

Date Drawn:  
04/11/2022

Revised:  
06/03/2022  
07/24/2022

SCALE:  
1/4" = 1'-0"

SHEET:  
**A-5**



S1

1/2" = 1'-0"



EXTERIOR STORYPOLE

George & Jean Gmach

DRAWINGS PROVIDED FOR:

Date Drawn:  
04/11/2022

Revised:  
06/03/2022  
07/24/2022

SCALE:  
1/4" = 1'-0"

SHEET:  
**A-6**

Highest Ridge  
241.7"

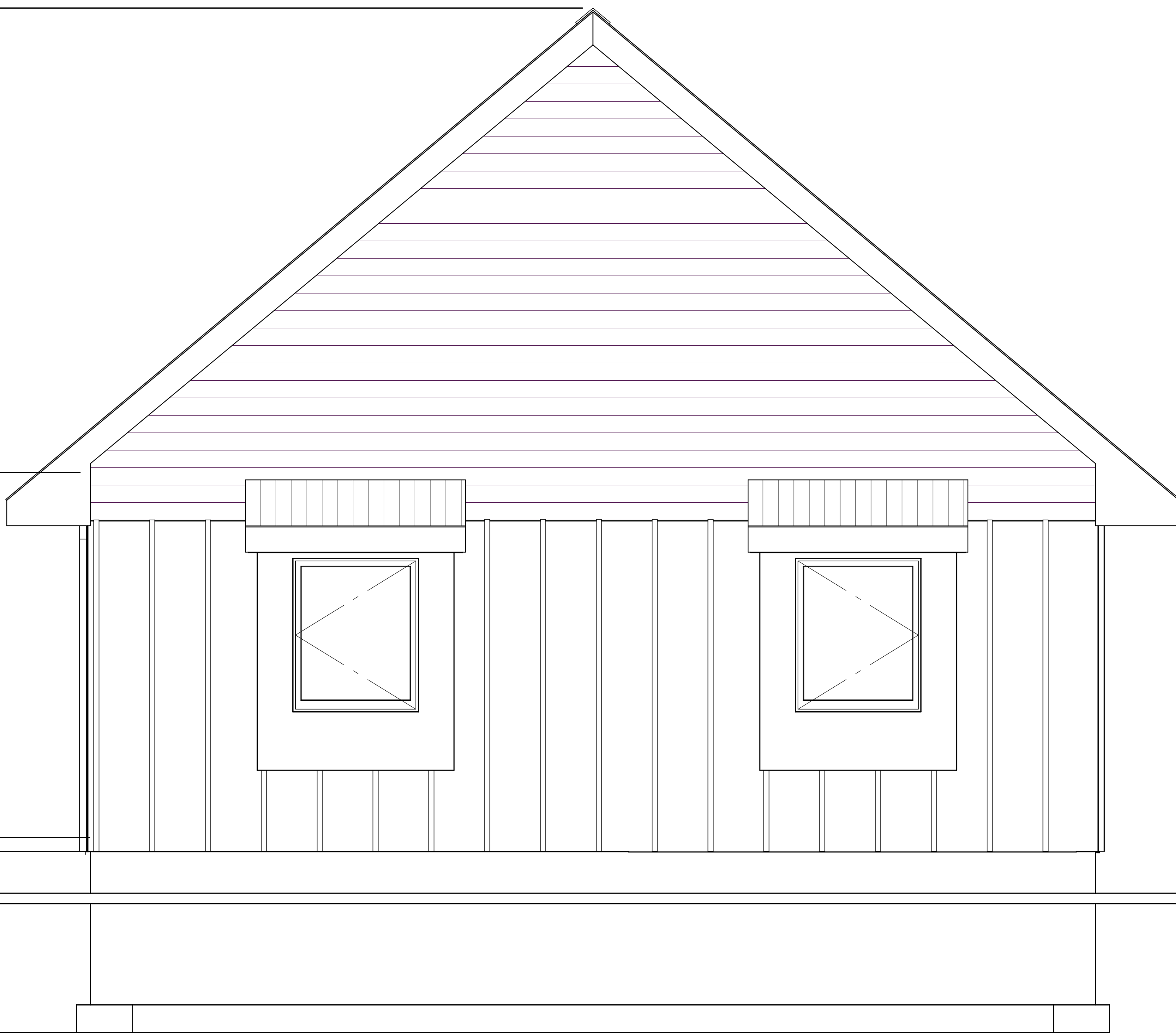
Highest Rough Ceiling  
108.6"

Top of Foundation  
4.0"  
Top of Slab  
0.0"  
Grade Level  
-4.0"

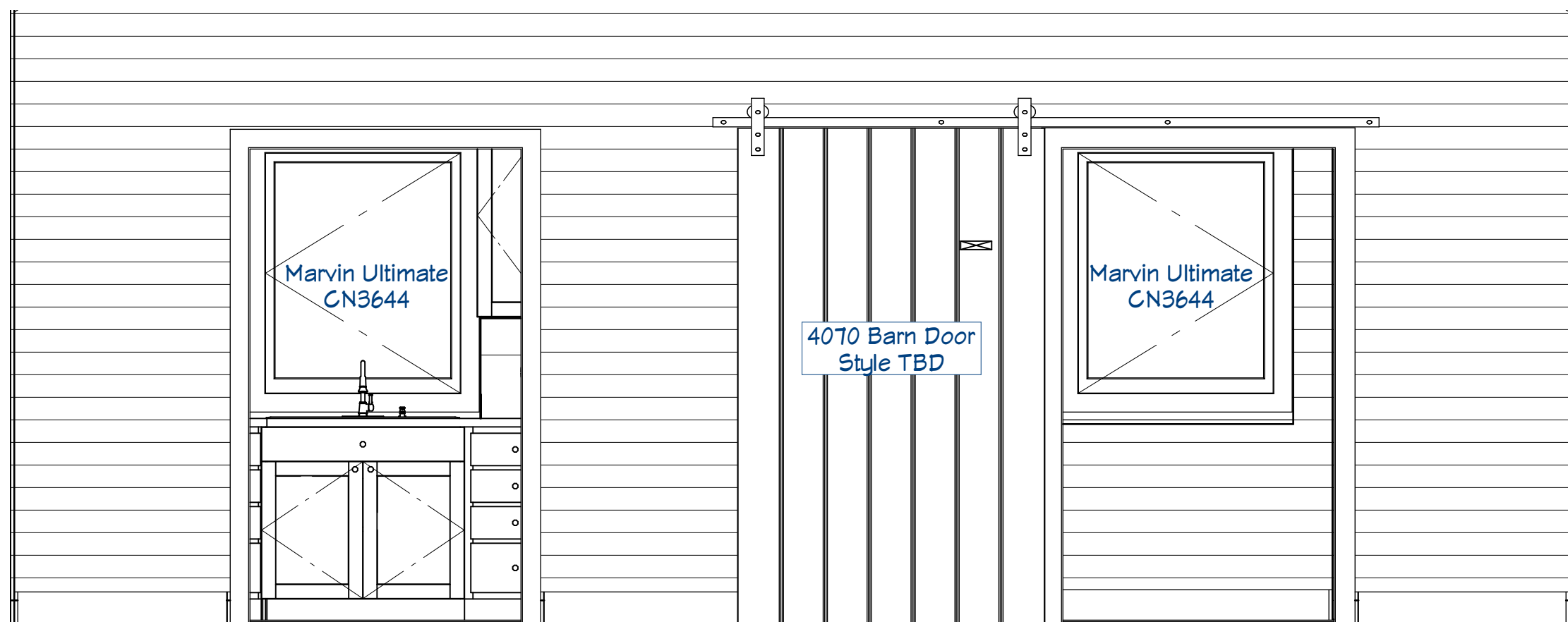
Bottom of Footing  
-52.0"



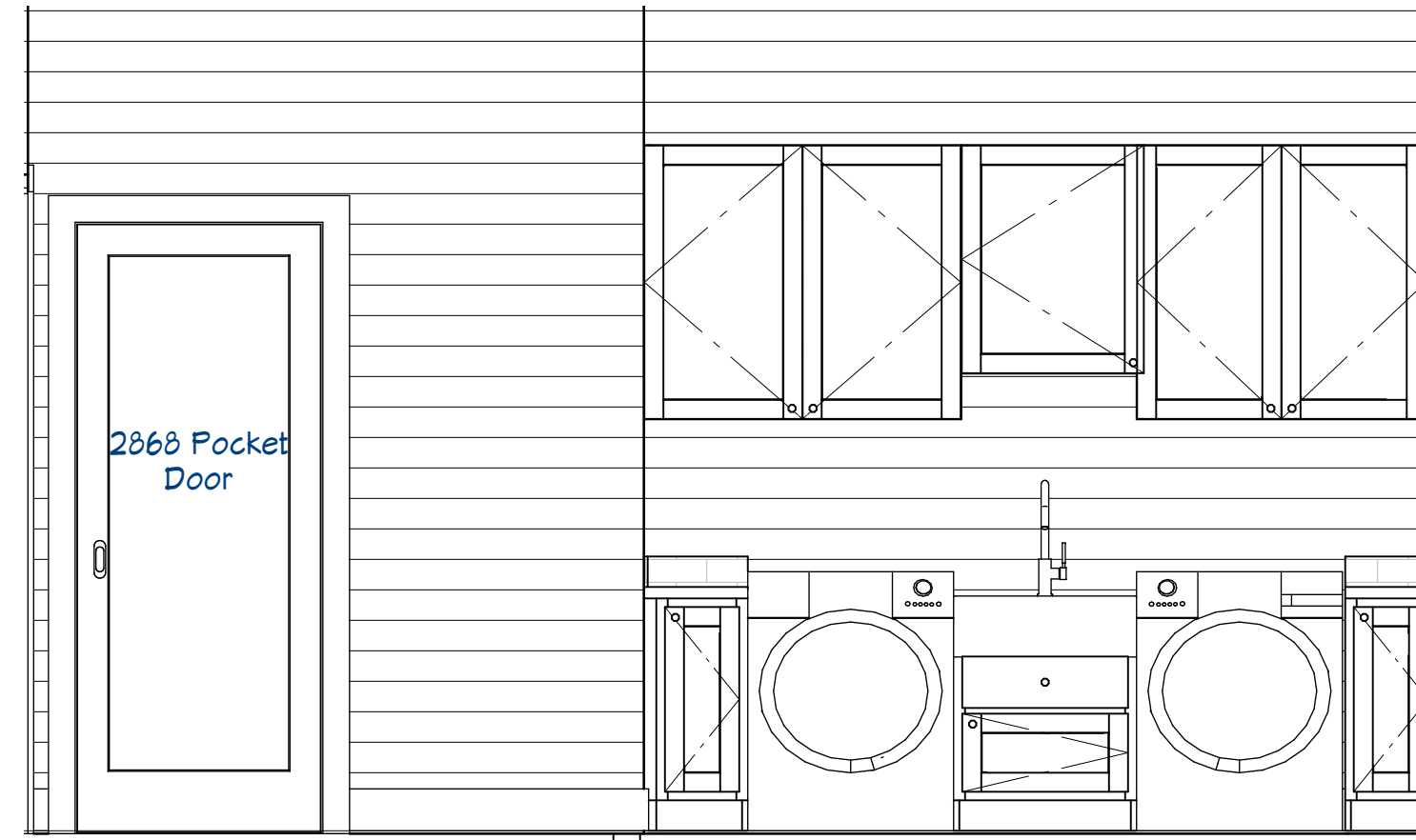
Exterior Story Pole Elevation



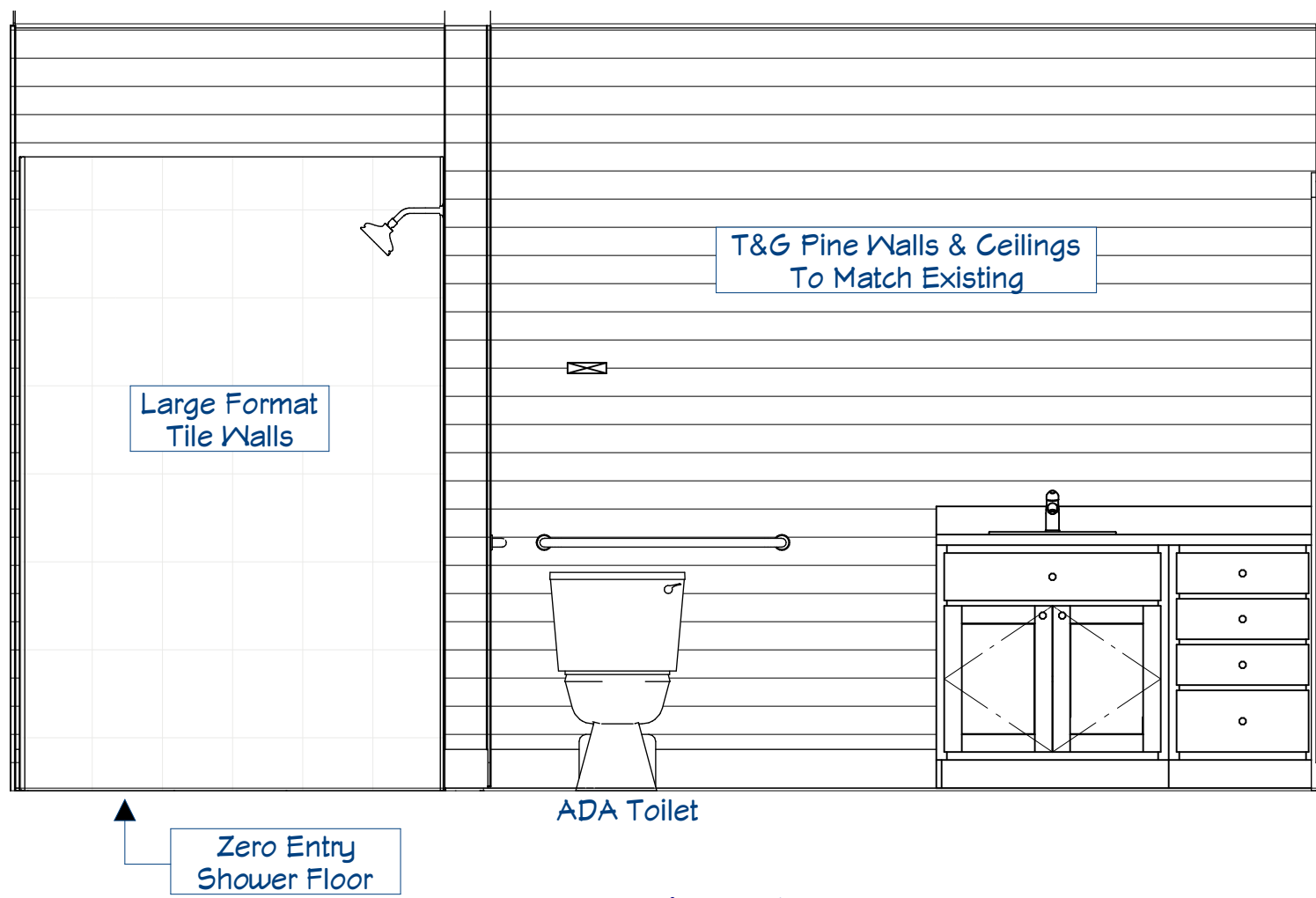




Elevation 15



Elevation 16

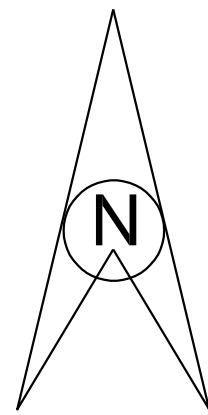


Elevation 17



Elevation 18

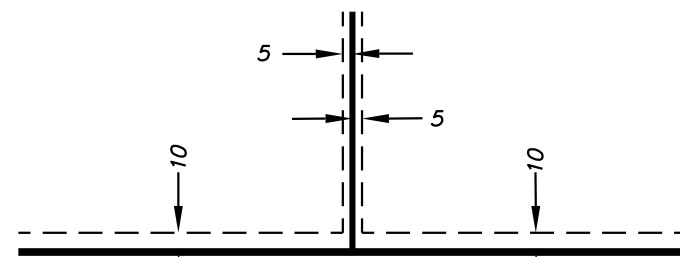
# Preliminary Plat of GMACH FARM SUBDIVISION



0 100 200 Feet  
TOTAL PLAT AREA = 39.99 ACRES

- LEGEND**
- 988 --- denotes Existing Contour
  - 988.00 X denotes Existing Spot Elevation
  - ⊙ denotes Soil Boring
  - ⊙ denotes Guy Wire
  - ⊙ denotes Power Pole
  - OHE — denotes Overhead Electric Line
  - denotes Building Setback Line  
Front = 100' from major roadways  
= 40' from all other streets  
Side = 10'  
Rear = 30'
  - P denotes Possible Primary Septic Area
  - A denotes Possible Alternate Septic Area
  - H denotes Possible House Pad Location

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

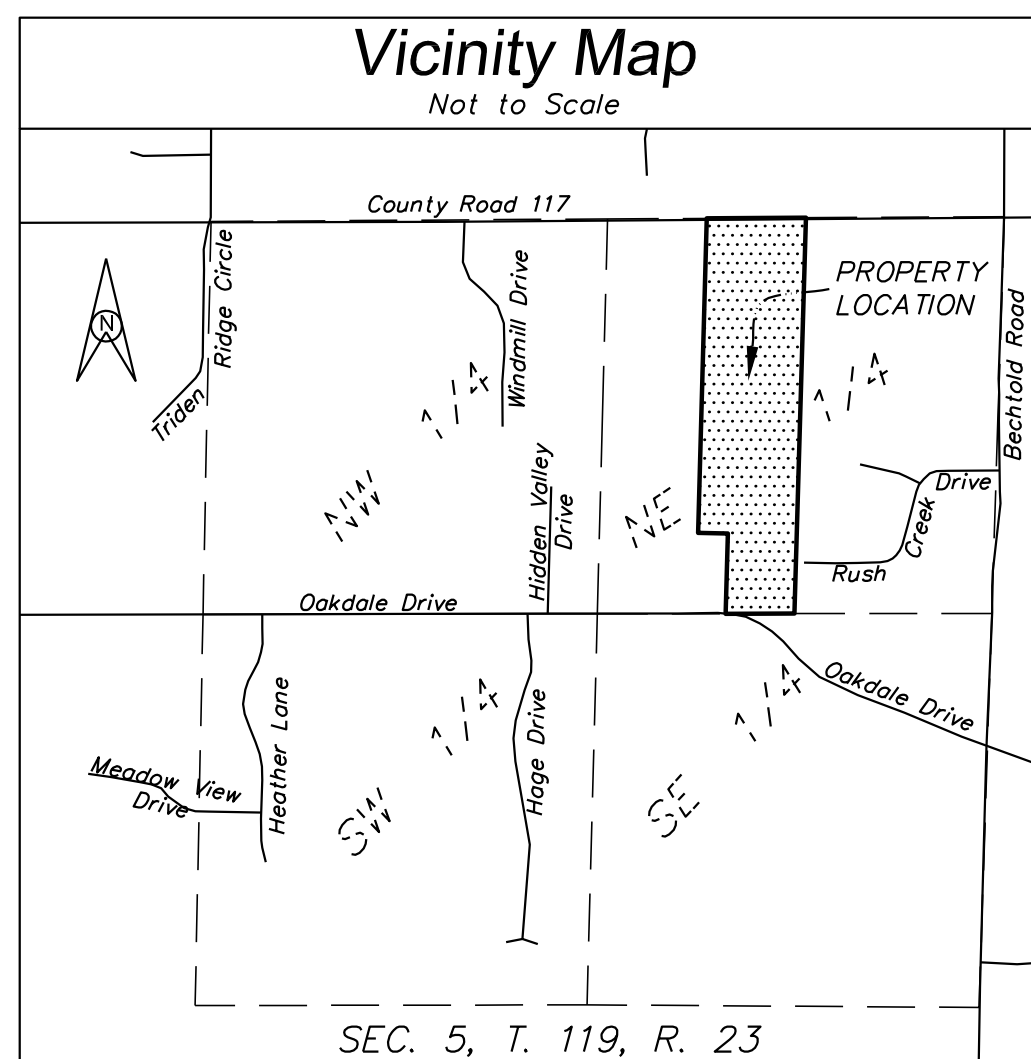
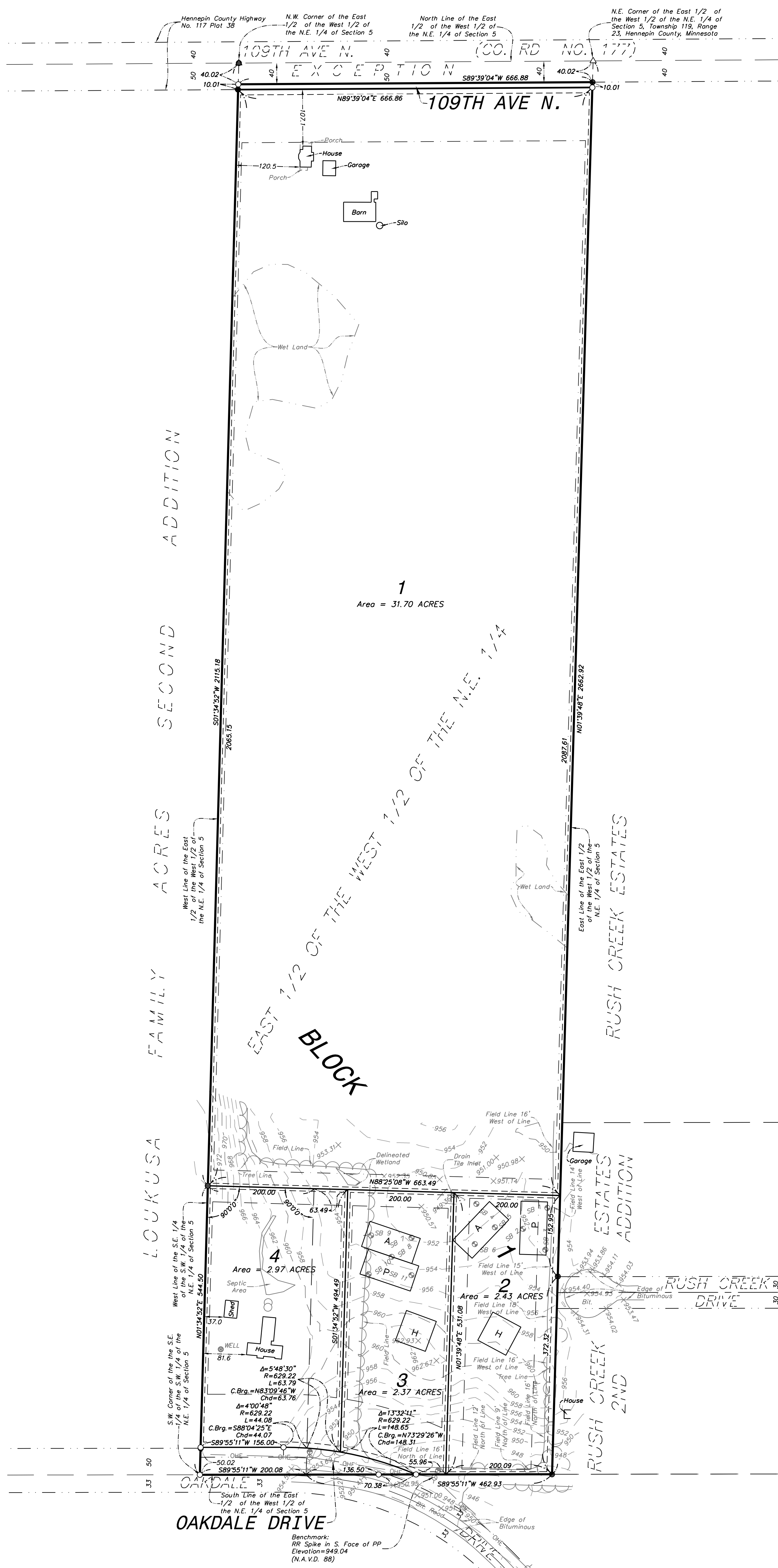


BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 5 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.

Wetland Delineation completed by others

Property Description:

That part of the East Half of the West Half of the Northeast Quarter of Section 5, in Township 119, of Range 23, Hennepin County, Minnesota, except the North 40.00 feet thereof



Preliminary Plat on part of the East 1/2 of the West 1/2 of the N.E. 1/4 of Section 5, Township 119, Range 23, Hennepin County, Minnesota.

Revised:  
6-21-17 - Proposed Lot Lines - S.O.S.  
6-29-17 - Proposed Lot Lines - T.J.B.  
7-31-17 - Proposed Lot Lines - S.O.S.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul E. Otto  
License #40062 Date: 8-16-17

Requested By:  
**George Gmach**

Date: 6-5-17  
Drawn By: S.O.S.  
Scale: 1"=100'  
Checked By: P.E.O.

**OTTO ASSOCIATES**  
Engineers & Land Surveyors, Inc.

www.ottoassociates.com  
9 West Division Street  
Buffalo, MN 55313  
(763)682-4727  
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062
- △ denotes P.K. nail set

Project No. 17-0124

# STAFF REPORT

Agenda Item \_\_\_\_.

<b>Planning Commission Meeting:</b> April 6, 2023	<b>Prepared By:</b> Chris Hong through Kendra Lindahl, AICP
<b>Topic:</b> PUBLIC HEARING. Buffer Yard Ordinance (City file 22-034)	<b>Action Required:</b> Recommendation

---

## 1. Description of request

City staff recommends approval of a Zoning Ordinance amendment to Section 1060.070 regarding landscaping to include requirements for buffer yards.

## 2. Background

The Council held a work session on May 12, 2022 to review the 2022 Council work plan and priorities related to natural resource ordinance updates. They discussed how buffer yard requirements would be applied, what the standards would be and how to equitably apply it as land develops and redevelops. The Council directed staff to bring back buffer yard requirements from other municipalities to see what options are available.

Staff reviewed buffer yard ordinances from six cities: Maple Grove, Medina, Plymouth, Ramsey, Rochester and Rogers as well as landscaped buffer best practices from the American Planning Association. In order to compare specific standards and requirements, staff chose to look at the ordinances that were the most clear-cut: Medina, Ramsey and Rochester.

The Council held a work session on October 27, 2022 to discuss the pertinent questions that arose from staff's research. These included how the buffer yard requirements would be determined, what the standards of the buffer yards would be and who would own and manage them. Staff prepared a revised ordinance to reflect the Council direction.

The Council held a work session on January 26, 2023 to review the draft buffer ordinance written by staff. The council suggested changes to the draft ordinance and requested that staff conduct additional research on how other municipalities implement and enforce buffer yard requirements.

The Council held a work session on February 23, 2023 to review the revised draft buffer ordinance written by staff. The council requested some final changes and directed staff to schedule a public hearing at the April 6<sup>th</sup> Planning Commission meeting.

## 3. Analysis

Buffer yards are a landscaped area along lot lines provided to separate or buffer adjacent land uses. In addition to plantings, a buffer yard can also include berms and/or



fencing depending on the requirement by the City. Depending on the intent behind a municipality's buffer yard ordinance, its purpose can be to create a visual obstruction, a physical barrier from negative externalities or a natural transition between land uses.

Section 1060.070 describes the existing landscape standards, including screening and buffering. Staff recommends adding the new buffer standards to this section as Section 1060.070, Subd. 2.J.1.

The key issues of discussion at Council work sessions were:

- Ownership of the buffer yard (landowner vs. third part ownership)
- Basis for the buffer yard requirements (land use vs. zoning)
- Buffer yard standards
- Permitted uses within the buffer yard
- Implementation and enforcement of the requirements

### Ownership

There are three main options for the ownership of the buffer zone:

1. ownership by the landowner with the buffer zone,
2. joint ownership with between the landowner and the adjacent landowner or
3. ownership through a third party such as a Homeowners Association (HOA).

All three options create challenges that the City must consider when creating the ordinance. The option of leaving ownership in the hands of the landowner is seemingly the simplest approach, but over time the owner of the newly created lot may wish to remove trees in the buffer area and it would be the responsibility of the City to require restoration or maintenance of trees on private property. Staff at the City of Ramsey has indicated that they have been challenged by residents asserting their property rights on the single family home lots.

Joint ownership would require the developer and the adjacent existing landowner(s) to ensure maintenance together. Staff believes that could be challenging to set up the initial agreement and more challenging to handle maintenance and potential disputes over time. Staff did not recommend approval of this option.

Transferring buffer yard ownership to a third party works well for multi-family or commercial/industrial developments where an association is typically created to maintain common areas. The buffer would be located in a common area (an outlot or common lot) that would be association maintained. This, however, is much more challenging in a single family neighborhood. Many new single family neighborhoods are developed without Homeowners Associations. Therefore, this would necessitate the creation of an association to maintain the buffer and the buffer does not benefit all homeowners in the development but rather benefits adjacent property owners. The

HOA could choose not to maintain the area and the City would need to come in and do maintenance and then assess it back to the HOA. The HOA could allow the property to go tax forfeit if there is no benefit to the larger association and the City could choose to acquire and maintain the property.

Moving the buffer yard into separate ownership may also mean allowing for smaller lot sizes to accommodate them or increasing the amount of land that is required to be undeveloped on a residential lot, which would require a larger lot adjacent to the buffer. In either scenario, the overall residential density (number of dwelling units per gross acre) is reduced. The low density residential land use category requires 3-5 units per net acre. It is theoretically possible to meet the minimum density goals under the existing RSF-2 zoning district standards. However, if lots are required to be larger to accommodate the buffer yard and retain a usable back yard, the lot sizes in the remainder of the neighborhood will likely need to be reduced. That could be accommodated through a PUD or by modifying the zoning district standards to allow compliance with a standard plat.

The Council decided that they prefer flexibility in the ownership of the buffer yard. The ordinance allows the ownership to stay in the hands of the original developer or be transferred to a third party as long as maintenance of the buffer yard is maintained by a restrictive easement and covenants. The draft ordinance would allow the buffer to be a separate outlot or an easement over the affected parcels.

### Basis for Buffer Yard Requirements

When deciding when to require buffer yards, we must decide whether to categorize future developments by the land on which they are zoned or by the proposed land use. In Medina and Ramsey, proposed development in a district that is zoned “more intensive” than the adjacent zoning district of an established development will require a buffer yard. In the City of Rochester, the intensity of the proposed and the existing adjacent development are categorized in 11 “buffer yard indicators”. The indicators take into account both the land use and the zoning district of the development.

The Council directed staff to use zoning districts rather than the land use designation to determine the buffer yard requirements. A “Determination of Buffering Level” table was created in the ordinance, which pairs the zoning of the proposed development with the zoning of the existing adjacent neighborhood to determine the buffer yard requirement. It also identifies the level of buffering required, which is classified into four buffer yard classes. The buffer yard ordinances in our research had similar tables to illustrate the requirements.

### Buffer Yard Standards

The City must also consider how complicated they wish to make the buffer yard standards. Medina has five options defined by their opacity level. The required opacity level can be achieved through a combination of yard width, planting “points,” and

structures (such as a berm or fence). When proposed residential developments are adjacent to residential zoned land, the City of Ramsey defines buffer yard requirements with four transition levels that are achieved with a vegetative buffer. A less dense vegetative buffer can be used if a berm is also built. The vegetative buffer requires overstory, understory and evergreen plantings and a minimum buffer width. When the proposed development is not residential, the buffer yard requirement is defined by the minimum width and the percentage of the total required site landscaping. This must be in addition to the required plantings for the zoning district. The City of Rochester has 11 buffer yard classes, the requirements of which must be met through a combination of yard width, canopy plantings, understory plantings, shrubs, and structures. This feels overly complicated for a city the size of Corcoran.

The Council expressed a desire to provide options for developers to use to meet the intended buffer in each class. Developers are allowed different combinations of buffer yard width, overstory trees, understory trees, shrubs and a berm or fence. The “Buffer Yard Options” table in the ordinance provides the permitted combinations.

Developers are also given the option to use natural features such as existing topographical features, water bodies and roadways in place of some of the buffer yard requirements. The ordinance gives the City Council discretion on whether or not these features will qualify.

Furthermore, the Council added language to exempt existing development from these standards as long as there is no change in use or building expansion.

### Permitted Uses

In order to achieve the desired effect of the buffers, Council had to consider what uses would be permitted within them. If the purpose of the buffer yard is to lessen the impact of incompatible land uses, it follows that permitted uses should include those that create no negative outside impact. This might include seating, paved and unpaved paths, stormwater facilities and utility boxes. If, instead, the purpose is to create an aesthetically pleasing visual screen, stormwater facilities, utilities and other such structures can be restricted. If the purpose is to create a natural-looking space, uses can include stormwater facilities but not include utilities, paved surfaces or structures.

To maintain a natural aesthetic to the buffer yards, the Council recommended that the permitted uses be restricted to temporary structures such as benches. Recreational structures, raised bed gardens and storage sheds are not permitted. Up to ten feet of the length of a stormwater pond may encroach in a buffer yard but are otherwise not permitted.

### Implementation and Enforcement

In Medina and Ramsey, there is inconsistency between implementation and enforcement requirements as stated in the Code and what occurs in practice. Medina’s

City Code does not explicitly state that the buffer yard is required to be managed by a homeowner's association. Ramsey's Code only states that the buffer yard be in "common ownership" without stating how that occurs. Planners in both cities remarked that enforcement is an ongoing challenge. The planner in Rochester could not recall a time when a buffer yard was impacted but noted that it would be treated as a zoning violation if that happened.

The ordinance requires an easement to protect the buffer to be drafted and recorded against the property. The attached easement example from Ramsey could serve as a model for a Corcoran template. If the ordinance is adopted by the Council, staff will work with the City attorney to create a template.

### Example

To demonstrate what the application of the draft ordinance may look like, we have included an exhibit (Attachment 4). This illustrates how the Hope Community Church development concept plan would need to be revised to allow for the required buffer yards along the north and west edges of the development (the east and west perimeter abuts major roadways and is exempt from the buffer ordinance, but subject to the larger major roadway setbacks). The existing cemetery is exempt from the buffer ordinance by Section 1060.070 J.1.b.iii.

## **4. Requested Action**

Staff recommends that the Planning Commission move to recommend approval of the following:

- a. Ordinance approving an Amendment to Section 1060.070
- b. Resolution approving Findings of Fact

## **Attachments**

1. Ordinance approving Amendment to Section 1060.070
2. Resolution approving Findings of Fact
3. City of Ramsey Buffer Yard Easement
4. Hope Community Church concept plan with required buffer yards.

**ORDINANCE NO. 2023-XX**

**Motion By:**  
**Seconded By:**

**AN ORDINANCE AMENDING THE TEXT OF SECTION 1060.070 OF TITLE 10 OF THE CORCORAN CITY CODE (ZONING ORDINANCE) (CITY FILE 22-034)**

**THE CITY OF CORCORAN ORDAINS:**

**SECTION 1. Amendment of the City Code.** The text of Chapter 1060.070 Subd. 2 D. of the Zoning Ordinance of the Corcoran City Code is hereby amended by adding the underlined material as follows:

D. Minimum Size Requirements. All plants must at least equal the following minimum size:

<b><u>Table 1 - Minimum Plant Size Requirements</u></b>	
	Potted/Bare Root or Balled and Burlapped
Shade Trees (overstory)	2.5-inch diameter
Ornamental Trees (understory)	1.5-inch diameter
Evergreen Trees (overstory)	4-6 feet high
Tall Shrubs and Hedge Material (deciduous or coniferous)	3-4 feet high
Low Shrubs (deciduous)	5 gallon

**SECTION 2. Amendment of the City Code.** The text of Chapter 1060.070 Subd. 2 G. of the Zoning Ordinance of the Corcoran City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

G. Number of TreesPlantings. The minimum number of trees-plantings on any given site shall be as follows:

**SECTION 3. Amendment of the City Code.** The text of Chapter 1060.070 Subd. 2 J. of the Zoning Ordinance of the Corcoran City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

J. Required Screening and Buffering.

1. Buffer Yards.

a. Definition. For the purpose of this Section, a buffer yard shall be a land area containing landscaping, berms, fences, or some combination thereof used to promote orderly transition between developments and to minimize the adverse impacts of differing land uses. Buffer yards shall be preserved in perpetuity by an easement or an outlet.

## ORDINANCE NO. 2023-XX

- b. Required Buffer Yard. A buffer yard shall be required when a developing property is adjacent to or across a local street from property in a less intensive zoning district.
  - i. The buffer yard standards only apply to the parcels abutting the conflicting zoning district.
  - ii. Parcels within the same development are not required to adhere to the buffer yard requirements. The buffer yard requirement applies only to the perimeter of the development.
  - iii. A buffer yard shall not be required for new developments adjacent to or across a local street from a permanently undevelopable parcel, such as an outlot for stormwater ponds, but shall be required adjacent to outlots that may be developed in the future.
  - iv. A buffer yard shall not be required for existing developed parcels if they are replatted as long as there is no change in use or building expansion.
- c. Responsibility. Provision of buffer yards shall be the responsibility of the more intensive use and shall be required at the time of development.
- d. Location of Buffer Yard. Buffer yards, when required, shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
  - i. Buffer yards shall not be located on any portion of an existing or dedicated public right-of-way or private street easement, unless otherwise specified by this ordinance.
  - ii. Buffer yards may be located within required yard setbacks. Structures must comply with both the setbacks in the zoning district and the buffer yard requirements.
- e. Determination of Buffering Level. This subsection applies to proposed developments that are adjacent to an existing residential neighborhood. Matching the development to the adjacent existing neighborhood in the following chart determines the level of buffering required.
  - i. If the proposed development is in a PUD zoning district, the underlying zoning district used to establish the PUD shall be used to determine the buffering level.

**ORDINANCE NO. 2023-XX**

ii. A buffer level of “X” denotes a buffer yard is not required.

iii. Perimeter Setback. For a buffer yard requirement noted with an asterisk (\*) in Table 2, the development is required to maintain side and rear setbacks equivalent to the rear setback requirement. No additional buffer plantings are required in the setback.

**Table 2 – Determination of Buffering Level**

		Proposed Development Zoning District										
		<u>UR</u>	<u>RR</u>	<u>RSF-1</u>	<u>RSF-2</u>	<u>RSF-3</u>	<u>RMF<sub>1</sub></u>	<u>MP</u>	<u>TCR</u>	<u>PI</u>	<u>C<sub>2</sub></u>	<u>BP<sub>1, I-1</sub></u>
Zoning of Existing Neighborhood	<u>UR</u>	*	X	A	A	B	C	C	D	D	D	D
	<u>RR</u>	X	*	A	A	B	C	C	D	D	D	D
	<u>RSF-1</u>	X	X	*	A	A	B	B	C	C	C	D
	<u>RSF-2</u>	X	X	X	*	A	B	B	C	C	C	D
	<u>RSF-3</u>	X	X	X	X	*	A	B	B	B	B	C
	<u>RMF<sub>1</sub></u>	X	X	X	X	X	*	A	B	B	B	C
	<u>MP</u>	X	X	X	X	X	X	*	B	B	B	B

<sup>1</sup> Zoning district RMF includes RMF-1, RMF-2, and RMF-3

<sup>2</sup> Zoning district C includes DMU, GMU, CR, C-1, and C-2

f. Options for Buffer Yard Classes. The following table is used to list appropriate landscape buffer options to fulfill the requirements of the buffer yard classes in Table 2 of this Section. Proposed alternatives must be approved by City Council.

**Table 3 – Buffer Yard Options**

<u>Buffer Yard Class</u>	<u>Width</u>	<u>Overstory Plantings<sub>1</sub></u>	<u>Understory Plantings<sub>1</sub></u>	<u>Shrubs<sub>1</sub></u>	<u>Structures<sub>2</sub></u>
<u>A<sub>3</sub></u>	<u>10 feet</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>None</u>
	<u>15 feet</u>	<u>1</u>	<u>1.5</u>	<u>0</u>	<u>None</u>
	<u>20 feet</u>	<u>0.5</u>	<u>1.25</u>	<u>0</u>	<u>None</u>
<u>B</u>	<u>10 feet</u>	<u>1</u>	<u>4</u>	<u>6</u>	<u>Minimum 4-foot fence</u>
	<u>20 feet</u>	<u>3</u>	<u>6</u>	<u>9</u>	<u>None</u>
	<u>20 feet</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>Minimum 4-foot fence</u>
	<u>30 feet</u>	<u>2</u>	<u>4</u>	<u>12</u>	<u>None</u>
	<u>30 feet</u>	<u>1</u>	<u>2</u>	<u>4</u>	<u>Minimum 4-foot berm</u>
<u>C</u>	<u>20 feet</u>	<u>3</u>	<u>3</u>	<u>12</u>	<u>Minimum 4-foot fence</u>
	<u>30 feet</u>	<u>2</u>	<u>2</u>	<u>9</u>	<u>Minimum 4-foot fence</u>
	<u>30 feet</u>	<u>4</u>	<u>6</u>	<u>24</u>	<u>None</u>
	<u>40 feet</u>	<u>3</u>	<u>4</u>	<u>18</u>	<u>None</u>
	<u>40 feet</u>	<u>2</u>	<u>2</u>	<u>12</u>	<u>Minimum 4-foot berm</u>
<u>D</u>	<u>30 feet</u>	<u>6</u>	<u>9</u>	<u>36</u>	<u>Minimum 6-foot fence</u>
	<u>40 feet</u>	<u>4</u>	<u>6</u>	<u>24</u>	<u>Minimum 6-foot fence</u>

**ORDINANCE NO. 2023-XX**

	<u>40 feet</u>	<u>8</u>	<u>12</u>	<u>24</u>	<u>None</u>
	<u>50 feet</u>	<u>6</u>	<u>9</u>	<u>18</u>	<u>None</u>
	<u>50 feet</u>	<u>3</u>	<u>4</u>	<u>9</u>	<u>Minimum 6-foot berm</u>

<sup>1</sup> per 100 feet of distance

<sup>2</sup> Fences are subject to requirements in Section 1060.080

<sup>3</sup> A local road fulfills the Buffer Yard Class A requirement

g. Planting Requirements. All plantings shall be subject to the size and spacing requirements in Subd. 2(D) and 2(E) of this Section.

h. Natural Buffers. Any of the following buffers may qualify as an acceptable method of attainment for transitioning (in whole or in part) if deemed acceptable by City Council:

i. Existing topographical features on vacant lands such as hills and swales.

ii. Wetlands, lakes, rivers and streams.

iii. Major Roadways. Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

iv. Local Roads as shown on the as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan may fulfill the Buffer Yard Class A requirement.

v. Existing wooded areas.

i. Use of buffer yards. Buffer yards shall be left in a predominantly undeveloped state.

i. Plantings in addition to those required by this ordinance are permitted.

ii. No passive recreation, paths, storage containers, lighting fixtures, raised planting beds or any permanent structures shall be allowed.

iii. Temporary structures such as benches shall be allowed.

iv. Paving shall be limited to areas necessary to provide access to the subject property.



## ORDINANCE NO. 2023-XX

- v. Stormwater ponds and bio-retention ponds are allowed in perimeter setbacks. They are allowed to encroach a maximum of 10 feet into required buffer yards.
- j. Ownership of Buffer Yards. Ownership of the buffer yard will vary depending on whether it is an outlot or an easement.
  - i. Buffer yards shall remain in the ownership of the original developer, or they shall be transferred to any consenting grantees, such as adjoining landowners, a homeowners association, or an open-space or conservation group, subject to City approval.
  - ii. Any such conveyance must adequately guarantee the protection and maintenance of the buffer yard for its intended purpose in perpetuity.
  - iii. Easements protecting the buffer shall be recorded against the property and filed at Hennepin County.
- k. Enforcement. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty for any crime that is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be identical to the penalty enumerated in MN Stat. §609.02, Subd. 3, as amended from time to time.

**SECTION 4. Amendment of the City Code.** The text of Chapter 1060.070 Subd. 2. J. 2. b. of the Zoning Ordinance of the Corcoran City Code is hereby amended by adding the underlined material as follows:

b. Fences or walls may be used in conjunction with landscaping to provide screening. When required for screening, a minimum of 80 percent opacity shall be provided. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

### **Section 5. Effective Date**

This Ordinance shall be in full force and effect upon its adoption.

**ORDINANCE NO. 2023-XX**

**ADOPTED** by the City Council on the xx<sup>th</sup> day of April 2023.

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

Whereupon, said Resolution is hereby declared adopted on this xx day of April 2023.

\_\_\_\_\_  
Tom McKee - Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Beise – City Administrator

*City Seal*

**RESOLUTION NO. 2023-XX**

**Motion By:**  
**Seconded By:**

**A RESOLUTION APPROVING FINDINGS OF FACT FOR AN ORDINANCE AMENDING THE  
TEXT OF SECTION 1060.070 OF TITLE 10 OF THE CORCORAN CITY CODE (ZONING  
ORDINANCE) (CITY FILE 22-034)**

WHEREAS, the City of Corcoran has proposed an amendment to the landscaping standards related to buffer yard requirements; and

WHEREAS, the Planning Commission has reviewed the proposed text amendment at a duly called Public Hearing and recommends approval;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA, that it should and hereby does approve the amendment based upon the finding that:

1. The proposed amendment would be consistent with State law and the City's Comprehensive Plan, and compatible with other provisions of the City Code.
2. The proposed amendment provides landscaping options to separate or buffer land uses while maintaining the rural character of the City.
3. The proposed amendment is consistent with the screening standards in other sections of the City Code, which require a landscaping zone in certain zoning districts.

**VOTING AYE**

- McKee, Tom  
 Bottema, Jon  
 Nichols, Jeremy  
 Schultz, Alan  
 Vehrenkamp, Dean

**VOTING NAY**

- McKee, Tom  
 Bottema, Jon  
 Nichols, Jeremy  
 Schultz, Alan  
 Vehrenkamp, Dean

Whereupon, said Resolution is hereby declared adopted on this xx day of April 2023.

---

**Tom McKee - Mayor**

**ATTEST:**

---

**Jessica Beise – City Administrator**

**City Seal**



2194517.006

**DENSITY TRANSITION EASEMENT**

THIS EASEMENT IS MADE and entered into this 8<sup>th</sup> day of March, 2018, by and between Royal Oaks Realty, Inc., a Minnesota Corporation, Grantor, and the CITY OF RAMSEY, a Minnesota municipal corporation, Grantee.

A. Grantor is the fee owner of the tracts of land described as follows:

Lots 1-3, Block 1, ESTATES OF SILVER OAKS SECOND ADDITION, Anoka County, Minnesota (the Property).

B. As a condition of approval of the Estates of Silver Oaks Second Addition plat, Grantee required Grantor to grant a density transition easement for the protection of existing and required trees on a portion of the Property.

NOW THEREFORE, in consideration of Grantee's plat approval, Grantor hereby grants to Grantee, its successors and assigns, the following Density Transition Easement, which is intended to reduce and/or eliminate future controversies between Property owners concerning the forested areas that are subject to this easement.

**Easement.** Within the Easement Area set forth in Exhibit A, Grantor shall maintain existing natural wooded areas and ensure that the forested areas, at all times hereafter, remain (as much as is possible) in their current undisturbed condition, subject to the following:

**Density Transition Restrictions.** Grantor, for itself, and its successors and assigns, covenants and agrees that it shall not itself perform nor shall it give permission to any third party to perform any of the following activities within the Easement Area, as described in Exhibit A and depicted in Exhibit B:

- a. Constructing, installing, storing or maintaining anything made by man, including but not limited to buildings, structures, walkways, clothes line poles and playground equipment;
- b. Parking of Vehicles;
- c. Planting of gardens or any non-native vegetation;
- d. Storage of firewood; or
- e. Clear-cutting or removal of native vegetation or trees

**Exceptions to Restrictions.** Grantor, for itself and its successors and assigns, further covenants and agrees that the Easement Area shall be continued in its present condition, save and except as may be required to:

1. Control, manage and eliminate noxious weeds and prohibited invasive species. "Noxious Weeds," both "primary" and "secondary" shall be removed, but only in accordance with recommended and accepted control methods. Vegetation that is considered to be a nuisance (e.g., overhanging, damaged or dead limbs or vegetation protruding through fences), or presents a real or potential hazard to personal property, may be trimmed in accordance with accepted standards;
2. Manage restricted noxious weeds including, but not limited to, Common or European Buckthorn, Glossy Buckthorn, and Garlic Mustard;
3. Manage pathogens and insect infestations through industry accepted control strategies, which can include removal;
4. Allow the City to use and exercise its easement rights to that portion of the Easement Area that may be encumbered by a drainage and utility easement;
5. Allow any federal, state or local government agency, other than the landowner, which may have jurisdiction over the easement area to enforce any rule, ordinance, statute or regulation;
6. Install fencing in accordance with provisions of Ramsey City Code so long as said installation does not result in the removal of any woody plant or tree with a Diameter at Breast Height (DBH) of four inches or greater; and
7. Plant and/or establish native trees and other native vegetation so long as said action(s) does not result in damage to or loss of existing trees.

**Inspection.** Grantor grants to Grantee the right to enter upon the Easement Area for the purposes of inspection and enforcement of this Density Transition Easement and to take whatever actions are necessary to restore the Easement Property to its agreed-upon nature. Grantee may assess the reasonable costs of restoration against the Property, and Grantor waives all rights to contest those costs. Further, Grantee may enforce the terms of this Easement by any proceeding in law or in equity to restrain violations, compel compliance, or to recover damages, including attorneys' fees and costs of the enforcement actions.

**No Public Access.** This Density Transition Easement does not convey a right to the public to use the Easement Property nor does it convey any right of possession in the Easement Property to the public or the Grantee.

**Duration.** This Density Transition Easement shall be effective upon recording and shall have perpetual duration.

**Binding Effect.** The Property, and any portion thereof, shall be held, transferred, sold, conveyed, and occupied subject to and together with the covenants and restrictions contained in this Density Transition Easement. This Density Transition Easement shall be binding upon all parties having any right, title or interest in the Property, and their respective heirs, successors and assigns, and shall ensure to the benefit of each owner of the lots included within the Property, and shall run with the land.



Grantee

City of Ramsey, a Minnesota municipal corporation

By: [Signature]

Its: Mayor Pro tem

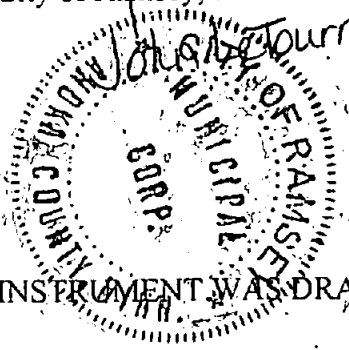
AND

By: [Signature]

Its: City Administrator

STATE OF MINNESOTA )  
                                          ) ss.  
COUNTY OF ANOKA     )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2018, by ~~Sarah Strommen~~, the Mayor of the City of Ramsey, and Kurtis G. Ulrich, the Administrator of the City of Ramsey, a Minnesota municipal corporation, on behalf of the corporation.



[Signature]  
Notary Public



THIS INSTRUMENT WAS DRAFTED BY:  
City of Ramsey  
7550 Sunwood Drive NW  
Ramsey, MN 55303



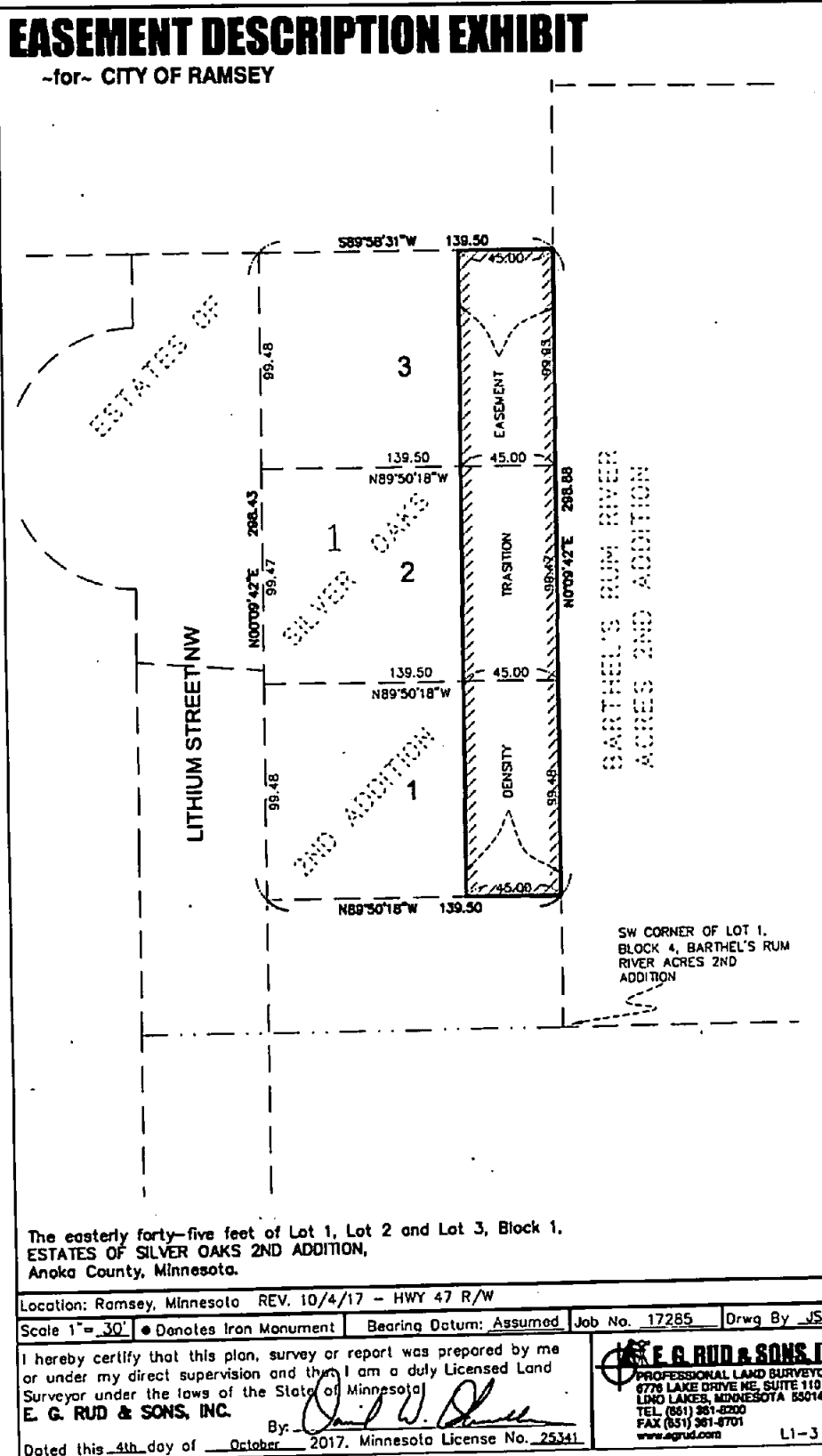
**EXHIBIT A**

**DENSITY TRANSITION EASEMENT DESCRIPTION:**

The easterly forty-five feet of Lot 1, Lot 2, and Lot 3, Block 1, ESTATES OF SILVER OAKS 2<sup>ND</sup> ADDITION, Anoka County, Minnesota.

*Remainder of page intentionally left blank*

EXHIBIT B



ANOKA COUNTY MINNESOTA

Document No.: 2194517.006 ABSTRACT

I hereby certify that the within instrument was filed in  
this office for record on: 03/08/2018 1:41:00 PM

Fees/Taxes In the Amount of \$46.00

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

ERC, Deputy

Record ID: 4097926



# STAFF REPORT

Agenda Item: 7c.

<b>Planning Commission Meeting:</b> April 6, 2023	<b>Prepared By:</b> Nicholas Ouellette through Kendra Lindahl, AICP
<b>Topic:</b> Time Extension for Scherber Roll Off Conditional Use Permit and Site Plan Approval at 23240 County Road 30 (city file 21-007)	<b>Action Required:</b> Recommendation

---

**Review Deadline:** N/A

## 1. Request

The applicant, Trevor Scherber, has requested a second one-year time extension to the Conditional Use Permit (CUP) and Site Plan approvals granted for T Scherber Demolition and Excavation by Resolution 2021-50 for the property located at 23240 County Road 20 (PID 07-119-23-13-0003).

## 2. Background

On May 27, 2021, City Council approved the conditional use permit and site plan to allow a contractor's operation with outside storage.

On June 1, 2022, City staff administratively approved a one-year extension, pursuant to Section 1070.020, Subd. 7 of the City Code. The one year extension expires on May 27, 2023.

## 3. Analysis

The Zoning Ordinance has standards for the extensions of conditional use permits (Section 1070.020 Subd. 7) and site plans (Section 1070.050, Subd. 8) which allow a request for an extension not exceeding one year subject to the review and approval of the Zoning Administrator. Should a second extension of time be requested, it shall be presented to the Planning Commission for a recommendation to the City Council for a decision. The request for extension must be received at least 30 days before the expiration of said approvals.

In making the determination for an extension, the applicant must demonstrate a good faith attempt to utilize the site plan approval. The Planning Commission and City Council may consider such factors as the type and design of the proposed construction, applicable restrictions to financing or special circumstances beyond the control of the applicant which may have caused the delay.

The applicant has been working with staff to revise plans in compliance with the conditions of Resolution 2021-50 approving the CUP and site plan.

#### **4. Recommendation**

Move to recommend approval of the draft resolution approving a the one-year extension for the approvals granted in Resolution 2021-50.

#### **Attachments**

1. Draft Resolution 2023-XX Approving a One-Year Extension
2. Resolution 2021-50 dated May 27, 2021
3. Time Extension Request dated March 8, 2023
4. Site Plan dated February 25, 2023

**RESOLUTION NO. 2023-XX**

**Motion By:**  
**Seconded By:**

**A RESOLUTION APPROVING A SECOND ONE-YEAR EXTENSION OF THE CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR THE PROPERTY LOCATED AT 23240 COUNTY ROAD 30 (PID 07-119-23-13-0003) (CITY FILE NO. 21-007)**

**WHEREAS**, the Corcoran City Council adopted Resolution 2021-50 approving a conditional use permit and site plan for T Scherber Demolition and Excavation (the “applicant”) on May 27, 2021;

**WHEREAS**, the City of Corcoran Zoning Administrator administratively approved a one-year extension for the approvals in Resolution 2021-50 on June 1, 2022 pursuant to Section 1070.020, Subd. 7 and Section 1070.050, Subd. 8 of the City Code and the extension expires May 27, 2023;

**WHEREAS**, Section 1070.020, Subd. 7 and Section 1070.050, Subd. 8 of the Corcoran City Code state that should a second extension be requested it shall be presented to the Planning Commission for a recommendation to the City Council for a decision;

**WHEREAS**, the applicant submitted a written request for an extension on March 8, 2023;

**WHEREAS**, the Planning Commission has reviewed the one-year extension for the conditional use permit and site plan approvals on April 6, 2023 and recommends approval;

**WHEREAS**, the City Council finds that the applicant is making good faith efforts to complete the site improvements, revise plans to resolve outstanding conditions of approval and that granting the time extension request does not damage the City of Corcoran and is in the best interest of the applicant;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA**, that it should and hereby does approve the request for an extension of the conditional use permit and site plan approvals until May 31, 2024, subject to the following:

1. Approval shall expire within one year of the date of this extension unless the applicant comments the authorized use and completes the required improvements.
2. The applicant must record this resolution and all associated documents at Hennepin County prior to May 31, 2024.
3. The applicant shall provide proof of recording to the City prior to release of any remaining escrow.
4. No business operations, including storage of equipment, is permitted on site until all conditions of approval have been met and commercial use of the site is authorized by City staff.



**RESOLUTION NO. 2023-XX**

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

Whereupon, said Resolution is hereby declared adopted on this xx<sup>th</sup> day of April 2023.

\_\_\_\_\_  
Tom McKee - Mayor

**ATTEST:**

\_\_\_\_\_  
Michelle Friedrich – City Clerk

*City Seal*

**RESOLUTION NO. 2021-50**

**Motion By:** Bottema  
**Seconded By:** Schultz

**APPROVAL OF A SITE PLAN AND CONDITIONAL USE PERMIT FOR THE PROPERTY  
LOCATED AT 23240 COUNTY ROAD 30 (PID 07-119-23-13-0003) (CITY FILE NO. 21-007)**

**WHEREAS**, T Scherber Demolition and Excavating (“the applicant”) is requesting approval of a site plan and conditional use permit to allow a contractor’s yard with outside storage in the CR (rural commercial) district on property legally described as follows:

*Attachment A*

**WHEREAS**, the Planning Commission has reviewed the site plan and conditional use permit at a duly called public hearing and recommends approval.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA**, that it should and hereby does approve the request, subject to the following findings and conditions:

1. A site plan and conditional use permit are approved to allow for the construction of a building addition as shown on application and plans received by the City on February 9, 2021, and additional information received on March 11, 2021, March 22, 2021, and April 20, 2021, except as amended by this resolution.
2. The applicant must comply with the City Engineer’s memo dated April 26, 2021.
3. A conditional use permit is approved to allow for contractor’s yard with outside storage, subject to the finding that the applicable criteria in Section 1070.020 (Conditional Use Permits) of the Corcoran Zoning Ordinance have been met. Specifically;
  - a. The proposed use is consistent with uses anticipated by the Comprehensive Plan and does not impact the public facilities or capital improvement plans.

The Comprehensive Plan states:

“This area is intended to continue as a rural service area with commercial uses that may be maintained utilizing individual septic systems or approved alternative systems. This area is not expected to have public sanitary sewer and water service within the 2040 planning period.

This area will have less strict building and site development standards than other commercial areas to allow for contractors’ yards and similar uses. The area can provide a relocation opportunity within the City for businesses that would not typically locate in high land-value areas. Zoning regulations will be developed to address the minimum design standards and specific screening requirements for this unique land use.”

## RESOLUTION NO. 2021-50

This business would also address Goal 2, Policy 2 of the Economic Competitiveness chapter of Chapter of the Comprehensive Plan to recruit new businesses in appropriate locations.

- b. The establishment of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort of the community if the conditions of approval are met. The use is allowed within the CR district.
  - c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The new business is a conditional use in the CR district and conditions have been proposed to ensure compliance with ordinance standards.
  - d. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. This is the type of business the City anticipated when the CR district was created.
  - e. Adequate public facilities and services are available or can be reasonably provided to accommodate the proposed use. Municipal sewer and water are not available to the site, but private utilities would be provided.
  - f. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. Staff has proposed draft conditions to ensure compliance with the Zoning Ordinance regulations.
  - g. The conditional use generally conforms to performance standards as specified by this Chapter and the has included conditions to ensure compliance with the performance standards.
4. The parking and access area between County Road 30 and the outside storage area (generally the area in front of the sheds/screen fence) must be paved. Concrete curb is required.
  5. A revised stormwater management plan must be submitted for review and approval by the City Engineer.
  6. The outside storage area must be screened from public streets and adjacent property to a height of six feet with a minimum opacity of 80%
    - a. The plans must be revised to show how this screening will be provided and submitted for City review and approval.
    - b. Landscaping, fencing or a combination shall be provided to provide the required screening from the south, north, east and west.
    - c. Fencing shall be added to screen the outside storage area and provide the boundary between the paved area and the gravel storage areas.

**RESOLUTION NO. 2021-50**

7. The applicant shall provide additional fence details for review and approval by the City.
  - a. Material and dimension details should be provided for any planned fencing.
  - b. Fencing over seven feet high will require a building permit.
8. A revised landscape plan shall be submitted to show the following as required by Section 1060.070 of the Zoning Ordinance:
  - a. An additional 26 overstory trees and 93 shrubs must be provided to meet the minimum of ordinance standards.
9. Drainage and utility easements (if required) must be provided to the city in recordable form for review and approval by the City Attorney.
10. The developer shall enter into a site improvement agreement and submit a financial guarantee for the proposed work as outlined in Section 1070.050, Subd. 9 of the Zoning Ordinance.
11. All signage must comply with ordinance standards. All signs require a permit in order to be constructed and will be reviewed at the time of permit submittal.
12. FURTHER, that the following conditions be met prior to beginning site work:
  - a. The applicant shall submit any and all necessary permits to the watershed and receive approval and shall provide proof of permits to the City.
  - b. Record the approving resolution and required easements at Hennepin County and provide proof of recording to the City.
13. FURTHER, any request to inspect the required landscaping in order to reduce financial guarantees must be accompanied by recertification/verification of field inspection by the project landscape architect. A letter signed by the project landscape architect verifying plantings have been corrected and is in compliance with the plans and specifications will suffice.
14. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

**RESOLUTION NO. 2021-50**

**Attachment A**

The South 761.52 feet of the West 629.18 feet of the Southwest Quarter of the Northeast Quarter of Section 7, Township 119, Range 23, Hennepin County, Minnesota



**RESOLUTION NO. 2021-50**

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Thomas, Manoj

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Thomas, Manoj

Whereupon, said Resolution is hereby declared adopted on this 27<sup>th</sup> day of May 2021.

  
\_\_\_\_\_  
Tom McKee - Mayor

ATTEST:

  
\_\_\_\_\_  
Jessica Beise – Administrative Services Director

City Seal

**RECEIVED**

By Kendra Lindahl, AICP at 8:40 am, Mar 15, 2023

March 08, 2023

City of Corcoran  
Attn: Natalie Davis  
8200 County Road 116  
Corcoran, MN 55340

RE: Time extension regarding Conditional Use Permit and Site Plan for the Property located at 23240 County Road 30 (PID 07-119-23-13-0003) (city file no. 21-007).

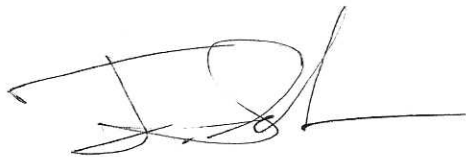
Dear Natalie,

I am writing to request a 1 year time extension to the approvals regarding Conditional Use Permit and Site Plan for the Property located at 23240 County Road 30 (PID 07-119-23-13-0003) (city file no. 21-007). We will submit revised plans when available, and coordinate regarding a Site Improvement Performance Agreement and financial guarantee prior to proceeding with site improvements.

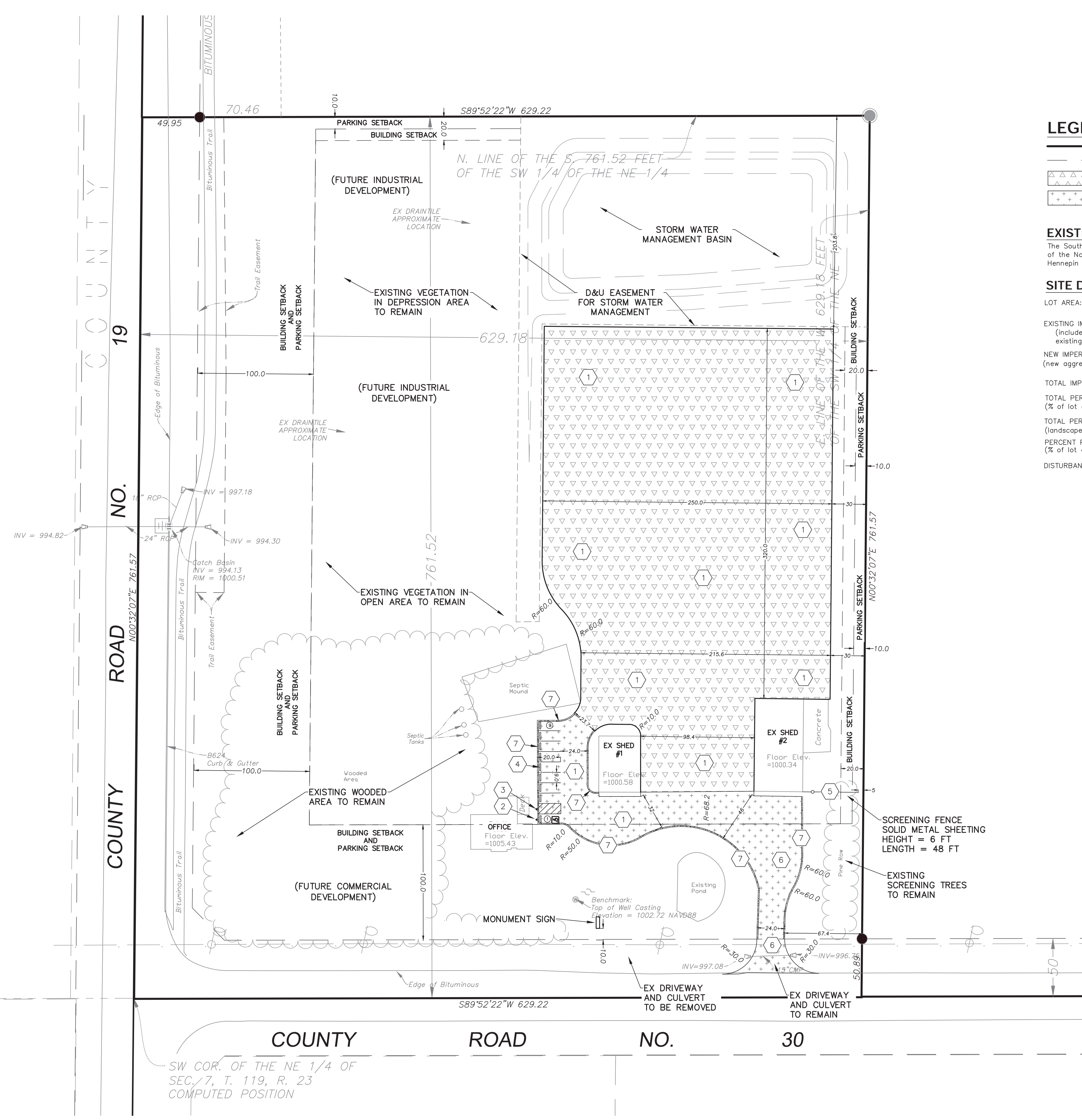
Thank you for all your assistance with this matter.

Sincerely,

Trevor Scherber

A handwritten signature in black ink, appearing to read 'T. Scherber', with a horizontal line extending to the right from the end of the signature.





**LEGEND:**

- EXISTING BOUNDARY
- EXISTING R/W LINE
- ▲▲▲▲▲▲▲▲ AGGREGATE SURFACE
- BITUMINOUS SURFACE

**EXISTING PROPERTY DESCRIPTION**

The South 761.52 feet of the West 629.18 feet of the Southwest Quarter of the Northeast Quarter of Section 7, Township 119, Range 23, Hennepin County, Minnesota.

**SITE DATA:**

LOT AREA: 479,160 SF = 11.00 ACRES GROSS  
9.46 ACRES NET (Excludes Co Rd ROW)

EXISTING IMPERVIOUS AREA: 27,160 SF  
(includes existing buildings, existing gravel surface areas)

NEW IMPERVIOUS AREA: 87,403 SF  
(new aggregate/bit surface areas)

TOTAL IMPERVIOUS AREA: 114,563 SF

TOTAL PERCENT IMPERVIOUS AREA: 27.8%  
(% of lot area; 118,650/412,130)

TOTAL PERVIOUS AREA: 297,567 SF

PERCENT PERVIOUS AREA: 72.2%  
(% of lot area; 297,567/412,130)

DISTURBANCE AREA: 181,708 SF  
4.2 AC

**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
OTTO ASSOCIATES ENGINEERS & LAND SURVEYORS INC.  
9 WEST DIVISION STREET  
BUFFALO, MN 55313

DATED: NOVEMBER 2, 2020

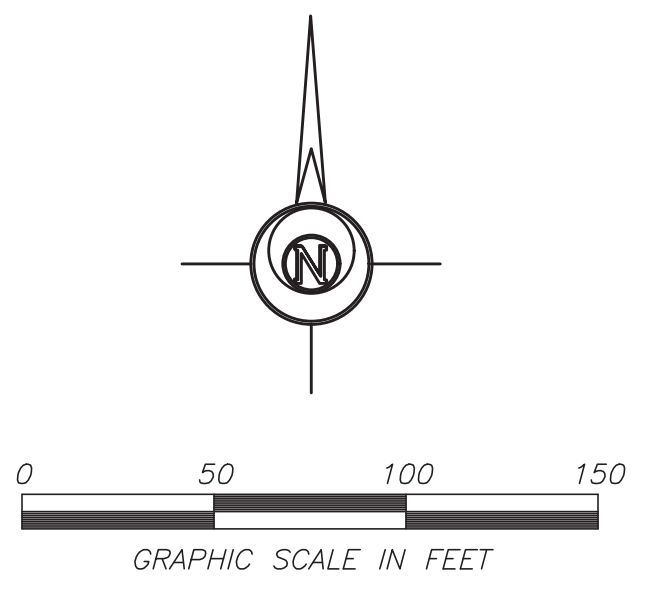
BENCHMARK:  
Top of Well Casting  
Elev.=1002.72 (NAVD88 Datum)

**EXISTING ZONING**

OR RURAL COMMERCIAL

**PROJECT LOCATION**

PART OF SECTION 07,  
TOWNSHIP 119, RANGE 23,  
HENNEPIN COUNTY, MINNESOTA



**KEY NOTES:**

- 1 AGGREGATE SURFACE; SEE SECTION ON DETAIL SHEET
- 2 ACCESSIBLE PARKING SIGN (MnDOT NOS. R7-8A & R7-8B). CENTER SIGN ON PARKING STALL. LOCATION PER GENERAL CONTRACTOR. MOUNT ON STEEL CHANNEL POST.
- 3 NO PARKING SIGN (MNDOT # R8-3). CENTER SIGN ON ADA ACCESS AISLE. LOCATION PER GENERAL CONTRACTOR. MOUNT ON STEEL CHANNEL POST. SIGN HEIGHT PER MN ADA REQUIREMENTS.
- 4 CONCRETE PARKING BLOCKS
- 5 SCREENING FENCE 6 FT HEIGHT SOLID METAL SHEETING
- 6 BITUMINOUS PAVEMENT; SEE SECTION ON DETAIL SHEET
- 7 CONCRETE RIBBON CURB 12 INCH WIDTH (AT EDGE OF BITUMINOUS ABUTTING LANDSCAPE AREAS ONLY); SEE SECTION ON DETAIL SHEET MIX 3F32 FOR MACHINE PLACEMENT (MnDOT 2461) MIX 3F52 FOR MANUAL PLACEMENT (MnDOT 2461)

**SITE PLAN NOTES**

1. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
2. MATCH EXISTING GRADES AT EXISTING PAVEMENT TO REMAIN.
3. EXISTING PAVEMENT TO REMAIN SHALL BE SAW CUT FOR CLEAN EDGE. TACK SHALL BE USED ON ALL VERTICAL EDGES PRIOR TO PATCHING.
4. CONTRACTOR SHALL VERIFY AND COORDINATE CONDUIT REQUIREMENTS FOR UNDERGROUND UTILITIES IF ANY WITHIN THE WORK ZONE WITH THE OWNER PRIOR TO PAVING.
5. CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH FIRE MARSHALL FOR POSTING OF FIRE LANES, CURB MARKING AND SIGNAGE AS REQUIRED.
6. CONTRACTOR IS RESPONSIBLE FOR DEMOLITION AND REMOVAL OF ALL EXISTING SITE FEATURES THAT INTERFERE WITH NEW WORK AS SHOWN.

**GENERAL NOTES**

1. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY THE PERMITTING AUTHORITIES.
2. WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY. THE SOILS REPORT AND RECOMMENDATION SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE OWNER OF ANY DISCREPANCY BETWEEN SOILS REPORT AND PLANS.
3. SITE CLEARING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND PIPING, VALVING, ETC.
4. SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT IF OWNER HAS PROVIDED SUCH REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, YIELDING OR UNSUITABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED. IF REQUESTED BY THE OWNER, CONTRACTOR SHALL SUBMIT A COMPACTION REPORT PREPARED BY A QUALIFIED SOILS ENGINEER, LICENSED WITHIN THE STATE WHERE THE WORK IS PERFORMED, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AND PAVEMENT AREAS HAVE BEEN COMPACTED IN ACCORDANCE WITH THE SPECIFICATIONS AND RECOMMENDATIONS SET FORTH IN THE SOILS REPORT.
5. THE LOCATIONS OF THE UNDERGROUND FACILITIES SHOWN ON THIS PLAN ARE BASED ON AVAILABLE SURVEY RECORDS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO STARTING CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE.
6. ALL EXISTING DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
7. ALL EXISTING CONCRETE CURBING AND PAVEMENT TO REMAIN SHALL BE PROTECTED FROM DAMAGE. CONTRACTOR TO REPAIR ANY DAMAGED EXISTING CURB AND PAVEMENT AT CONTRACTORS EXPENSE.

**INDEX OF CIVIL SITE DRAWINGS:**

- C0 PROJECT LOCATION PLAN
- C1 SITE PLAN
- C2 GRADING AND DRAINAGE PLAN
- C3 SWPPP
- C4.1-4.2 EXISTING CONDITION & REMOVAL PLAN
- C5 LANDSCAPE PLAN
- C6 DETAILS

CLIENT:  
**T. Scherber Demolition & Excavating**  
11415 Vally Drive  
Rogers, MN 55374  
Trevor Scherber  
trevor@tscherber.com  
952-292-9633

**T. SCHERBER DEMOLITION & EXCAVATION**  
CONDITIONAL USE PERMIT PLANS  
23240 County Road No. 30  
Corcoran, Minnesota 55374

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
*T. Scherber*  
Date: 02/10/23 Reg. No. 24348  
PREPARED BY: CIVIL ENGINEERING  
SITE DESIGN  
118 East Broadway St.  
PO Box 566  
Monticello, Mn 55362  
Phone: 763-314-0929  
www.civilsco.com

REVISIONS	DATE	BY	SD	CHECKED BY	SD
03/11/21 SUBMITTAL TO CITY	2/09/21				
03/15/21 ADD PARKING SETBACK DATA					
04/19/21 ADD PAVEMENT EAST DRIVEWAY; REMOVE WEST DRIVEWAY					
02/10/23 CITY COMMENTS					

DATE	2/09/21	DRAWN BY	SD	DESIGNED BY	SD	CHECKED BY	SD
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FILE NO. 00790

**C1**  
Site Plan

COUNTY ROAD NO. 19  
COUNTY ROAD NO. 30  
SW COR. OF THE NE 1/4 OF SEC. 7, T. 119, R. 23 COMPUTED POSITION





# CITY OF CORCORAN

8200 County Road 116, Corcoran, MN 55340  
763-420-2288

email: [general@corcoranmn.gov](mailto:general@corcoranmn.gov) / website: [www.corcoranmn.gov](http://www.corcoranmn.gov)

## MEMO

Meeting Date: March 23, 2023  
To: City Council  
From: Dwight Klingbeil, Planning Technician  
Re: Active Corcoran Planning Applications

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The following is a status summary of active planning projects:

- 1. Transition/Buffer Zones ZOA (City File 22-034).** After multiple discussions on this topic in 2022, the City Council reviewed a draft of a Buffer Yard Ordinance at the January 26<sup>th</sup> work session. Remaining questions and discussion regarding enforcement was discussed further at the February 23<sup>rd</sup> regular Council meeting. *The public hearing for this item is scheduled for the April 6<sup>th</sup> Planning Commission meeting and will return to the City Council at the April 27<sup>th</sup> Meeting.*
- 2. Pioneer Trail Industrial Park, Rezoning and Preliminary Plat and PUD (PID 32-119-23-34-0013, 32-119-23-34-0007, 32-119-23-43-0005 and 32-119-23-43-0006) (City File No. 22-039).** An application was submitted to move forward with the preliminary approvals for the Pioneer Trail Industrial Park off Highway 55. The item was reviewed by the Planning Commission at a Public Hearing on December 1<sup>st</sup> and was recommended for approval on a 3-1 vote. The City Council reviewed this item at the January 12<sup>th</sup> meeting, and the application was approved at the January 26<sup>th</sup> regular meeting.
- 3. PUD Standards Zoning Ordinance Amendment (City File No. 22-045).** After various discussions on planned unit development standards in 2022, staff and City Council continued to discuss verbiage changes in the working draft of the new PUD district standards at the January 26<sup>th</sup> City Council Work Session as well as a joint Work Session with the Planning Commission and Parks and Trails Commission on February 9<sup>th</sup>. The Council asked the Planning Commission to continue discussion of the point categories. *This item is scheduled for further discussion at the March 23<sup>rd</sup> Council Meeting. This is expected to go to the Planning Commission for a public hearing in the first half of 2023.*
- 4. Rental Ordinance (City File No. 22-046).** Staff and City Council continue to work through the draft ordinance and planning for administrative implementation. *This item will go to another Council work session on April 13<sup>th</sup> before proceeding with Council approval.* Since the Rental Ordinance will not be contained within the Zoning or Subdivision Ordinances of City Code, a public hearing is not required.

5. **Keefe Minor Subdivision (PID 33-119-23-12-0007) (City File No. 22-063).** An application for a two-lot subdivision at 6801 Willow Drive was submitted. *The application has been determined to be complete for review. This type of application does not require review by the Planning Commission and is tentatively scheduled for the April 27<sup>th</sup> City Council meeting.*
6. **Dish Tower Site Plan Amendment (PID 25-119-23-44-0005) (City File No. 22-066).** A minor site plan amendment application was submitted for installation of new ground equipment at an existing telecommunications tower at 7205 County Road 101. *The applicant provided all the materials necessary, and staff approved this application administratively.*
7. **“Vollrath Compost Site Sketch Plan” (PID 19-119-23-12-0002) (City File No. 22-078).** Trent Vollrath submitted an application to ask the Council for feedback on allowing a commercial compost site within the Rural Residential district. The application was determined to be incomplete at this time.
8. **“MS4 Updates” (Citywide) (City File No. 23-001).** Staff anticipates needing to process further changes to MS4-related regulations to comply with the City’s MS4 permit. Currently, Public Works and Engineering are focusing efforts on establishing new requirements for salt storage. The salt storage ordinance amendments are tentatively scheduled for Council review on March 9<sup>th</sup>. *The salt storage ordinance was approved by City Council at the March 9<sup>th</sup> meeting.*
9. **“Gmach Accessory Dwelling Unit CUP” (PID 05-119-23-13-0011) (City File No. 23-002).** George Gmach submitted an application for a conditional use permit to allow an accessory dwelling unit over 960 square feet at 22600 Oakdale Drive. *This item was intended to be discussed at the March Planning Commission meeting. Due to a lack of quorum, the public hearing was rescheduled to the April 6<sup>th</sup> Planning Commission Meeting with City Council Review on April 13<sup>th</sup>.*
10. **“Amira Village” (PID 25-119-23-12-0002) (City File No. 23-003).** Hempel Acquisition Company submitted a sketch plat application for a 141-unit development consisting of single-family homes for a senior living rental community at the Chastek property on Maple Hill Rd. *This item was pulled from the City Council meeting on February 23<sup>rd</sup> and is scheduled to return to the Council at the March 23<sup>rd</sup> meeting.*
11. **“Kariniemi/Wicht Sketch Plat” (PID 18-119-23-11-0002; 18-119-23-42-0001) (City File No. 23-004).** Nathan Kariniemi of Willow1 LLC submitted a sketch plat application for an Open Space & Preservation plat near Kariniemi Meadows on County Road 19 and County Road 10. The plan includes three commercial lots that wrap around the existing Public Works building in addition to 8 small residential lots off Larsen Road. The plat includes a 40-acre outlot to be preserved as open space. *The Council provided the applicant informal feedback on their concept plan and is not scheduled for another meeting at this time.*
12. **“Kwik Trip CUP, Lot Line Adjustment, and Site Plan” (PID 12-119-23-14-0006; 12-119-23-14-0004) (City File No. 23-005).** *Kwik Trip Inc. submitted a Site Plan, Lot Line Adjustment and CUP application for the two parcels north of Mama G’s. The application was determined to be incomplete for City review and is not currently scheduled for review by the City Council.*