



**CITY OF CORCORAN  
Corcoran Planning  
Commission Agenda  
August 3, 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: 840 8239 3368**

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

**Video Link and Instructions:**

<https://us02web.zoom.us/j/84082393368>

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

**Meeting ID: 840 8239 3368**

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. Agenda Approval**

**4. Open Forum**

**5. Minutes**

- a. July 6, 2023 Regular Meeting Minutes\*

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

- a. **Continue Public Hearing to September 7, 2023.** Red Barn Pet Retreat. (City File No. 23-008)
- b. **Public Hearing.** Bennett Garage CUP (City File No. 23-014)
  - i. Staff Report
  - ii. Open Public Hearing
  - iii. Close Hearing
  - iv. Commission Discussion & Recommendation
- c. **Public Hearing.** Corcoran Storage II Rezoning, Conditional Use Permit, Site Plan, and Variance (City File No. 23-016)
  - i. Staff Report
  - ii. Open Public Hearing
  - iii. Close Hearing
  - iv. Commission Discussion & Recommendation

**7. Reports/Information**

- a. Other Business
  - i. Adult-Use Cannabis Regulations Discussion
- b. Planning Project Update\*
- c. City Council Report\* – Council Liaison Schultz

**8. Commissioner Liaison Calendar**

City Council Meetings

8/10/2023	8/24/2023	9/14/2023	9/28/2023	10/12/2023	10/26/2023
Horn	Jacobs	Lanterman	Van Den Einde	Brummond	Horn

**9. 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**  
**July 6, 2023**

The Corcoran Planning Commission met on July 6, 2023, in Corcoran, Minnesota. All Planning Commissioners were present in the Council Chambers. 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 Lanterman, Brummond, Horn, Lind (formerly Jacobs), and Van Den Einde.

Also present: Planner Davis McKeown, Planning Technician Klingbeil, and Council Liaison Vehrenkamp.

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

**2. Pledge of Allegiance**

**3. Agenda Approval**

Motion made by Horn, seconded by Brummond, to approve the agenda for the July 6, 2023, Planning Commission meeting.

Voting aye: Lanterman, Brummond, Horn, Lind, and Van Den Einde.

(Motion passed 5:0)

**4. Open Forum**

**5. Minutes**

a. June 1, 2023, Regular Meeting Minutes\*

Motion made by Van Den Einde, seconded by Brummond, to approve the minutes for the June 1, 2023, Planning Commission meeting.

Voting aye: Lanterman, Brummond, Horn, Lind, and Van Den Einde.

(Motion passed 5:0)

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

a. **Continue Public Hearing to August 3, 2023.** Red Barn Pet Retreat. (City File No. 23-008)

Motion made by Brummond, seconded by Horn, to continue the Public Hearing for Red Barn Pet Retreat to the August 3, 2023, Planning Commission Meeting at 7 PM.

Voting aye: Lanterman, Brummond, Horn, Lind, and Van Den Einde

(Motion passed 5:0)

b. **Public Hearing.** Heidecker Garage CUP and IUP (City File No. 23-009)

i. Staff Report – Staff Report presented by Planner Davis McKeown

ii. Public Hearing -

Motion made by Horn, seconded by Brummond, to close the Public Hearing.

Voting aye: Lanterman, Brummond, Horn, Lind, and Van Den Einde

(Motion passed 5:0)

iii. Commission Discussion & Recommendation – Commission discussion and recommendation included clarification of the use of the building; matching the style of the building; the

engineering memo; removing condition 8b. in the draft resolution; the feasibility of meeting the engineer's drainage requirements; and clarification of the use of the second story of said structure.

Motion made by Brummond, seconded by Horn, to recommend approval of the resolution for a Conditional Use Permit and an Interim Use Permit to allow a Conditional Home Occupation for Tyler Heidecker, with the removal of condition 8b.

Voting aye: Lanterman, Brummond, Horn, Lind, and Van Den Einde  
(Motion passed 5:0)

**7. Reports/Information**

- a. Other Business - None.
- b. Planning Project Update\* - Planning Project Update included a question about future land use in the area surrounding the Kariniemi Jensen concept plan.
- c. City Council Report\* – Council Liaison Schultz – City Council Report included a question about installing cameras at traffic lights.

**8. Commissioner Liaison Calendar**

City Council Meetings

<b>7/13/2023</b>	<b>7/27/2023</b>	<b>8/10/2023</b>	<b>8/24/2023</b>	<b>9/14/2023</b>	<b>9/28/2023</b>
Van Den Einde	Brummond	Horn	Jacobs	Lanterman	Van Den Einde

**9. Adjournment**

Motion made by Brummond, seconded by Van Den Einde, to adjourn the July 6, 2023, Planning Commission meeting.

Voting aye: Lanterman, Brummond, Horn, Lind, and Van Den Einde.  
(Motion passed 5:0)

Meeting adjourned at 7:24 PM.

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

## STAFF REPORT

## Agenda Item 6a.

<b>Planning Commission Meeting:</b> August 2, 2023	<b>Prepared By:</b> Kendra Lindahl, AICP
<b>Topic:</b> Red Barn Pet Retreat Comprehensive Plan Amendment, Rezoning, Preliminary Plat, Conditional Use Permit, and Site Plan (PID 01-119-23-44-0045) (City File No. 23-008)	<b>Action Required:</b> Continue Public Hearing

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**Review Deadline:** November 6, 2023

### 1. Request

The applicant, Daniel Benjamin of Red Barn Pet Retreat, asks for approval of a land use application with several components: a comprehensive plan amendment (CPA), rezoning, preliminary plat, conditional use permit (CUP) and site plan. The goal of his application is to expand his existing pet daycare and boarding business that operates out of his home further west on Stieg Road to this new site.

### 2. Background

The Planning Commission was originally scheduled to hold a public hearing and review this item at the June 1, 2023, meeting. The applicant requested the item be continued to work through concerns that were raised in the staff analysis of the application. The Planning Commission continued this item to the July 7, 2023 meeting and then on July 7<sup>th</sup> they continued the item to the August 3<sup>rd</sup> meeting.

The applicant is still working to revise plans and has provided a written extension of the statutory review period. Staff will continue to work with the applicant with the goal of providing updated plans for the September 7, 2023 Planning Commission meeting.

### 3. Recommendation

Staff recommends the Planning Commission make a motion to continue the public hearing for this item to the September 7, 2023 regular Planning Commission meeting at 7:00 pm.

# STAFF REPORT

# Agenda Item 6b.

<b>Planning Commission Meeting:</b> August 3, 2023	<b>Prepared By:</b> Natalie Davis McKeown
<b>Topic:</b> Bennett Garage CUP (PID 05-119-23-34-0019) (City File No. 23-014)	<b>Action Required:</b> Recommendation

## 1. Application Request

Lee Bennett, the applicant, requests approval of a conditional use permit (CUP) for a garage with a sidewall height of greater than 10' located in the side yard for his property at 10208 Hage Drive.

## 2. Context

### *Zoning and Land Use*

The proposed property is guided for Rural/Ag Residential and zoned Rural Residential (RR). The property has an existing single-family home with an attached garage. Most of the property appears to be within the Shoreland Overlay District for Rush Creek. The property is outside of the Metropolitan Urban Service Area (MUSA).

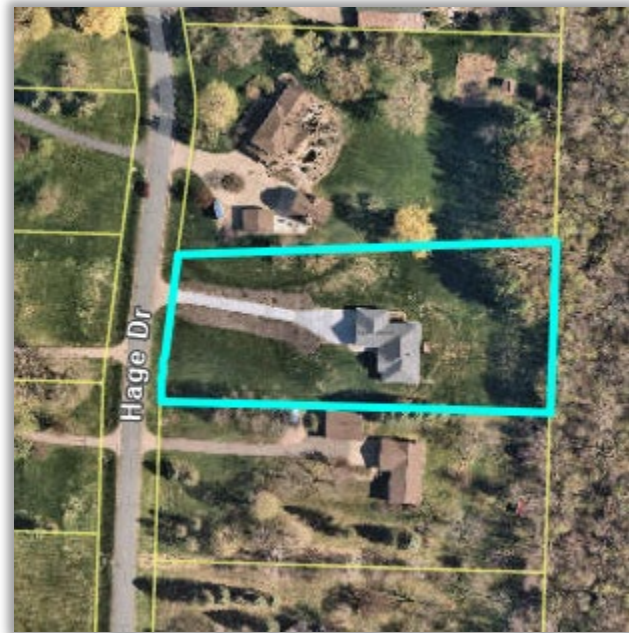


Figure 1 Site Location

### *Surrounding Properties*

All surrounding properties are guided for Rural/Ag Residential, within the RR district, and outside of the MUSA. Some properties to the north, east, and south appear to be within the Shoreland Overlay District.

### *Natural Characteristics of the Site*

The 2040 Comprehensive Plan's Natural Resource Inventory Areas map does not appear to identify natural communities within the property, but a creek and floodplain forest are identified to the east of the subject property. According to the Hennepin County Natural Resources Map, the northeast corner of the property contains a small portion of a seasonally flooded basin or flat that is part of the larger wetland complex consisting of the creek to the east. It was determined the proposed location of the

structure will not affect this larger complex. A portion of Rush Creek is located within the adjacent property to the east, and the Shoreland Overlay District extends 300' from the Ordinary High-Water Level (OHWL) of Rush Creek. Per the City's Zoning Map, a majority of the subject property is within the Shoreland Overlay.



Figure 2 Hennepin County Natural Resources Map

### 3. Analysis

Planning staff coordinated review of the request for consistency with the Comprehensive Plan, Zoning Ordinance, City Code requirements, and City policies. The City Engineer's comments are incorporated into this staff report. The detailed comments are included in the attached Engineering Memo, and the approval conditions require compliance with the Memo.

The City's discretion in approving or denying a CUP is limited to whether the proposed request meets the standards outlined in the City Code. If it meets these standards, the City must approve the CUP.

- I. Accessory Structure CUP



plan appears to comply with this standard with roughly 8,200 square feet of impervious surface coverage where an estimated 11,900 square feet is allowed.

### *Building Height*

The building is located in the side yard and is limited to a maximum sidewall height of 10'. To accommodate the garage door necessary to fit the applicant's RV and groundskeeping equipment, the applicant requests a sidewall height of 12'. This can be granted through a CUP. The building does not exceed the 35' height limit for the RR district, and the building does not exceed the 25' height limit for the Shoreland Overlay district.

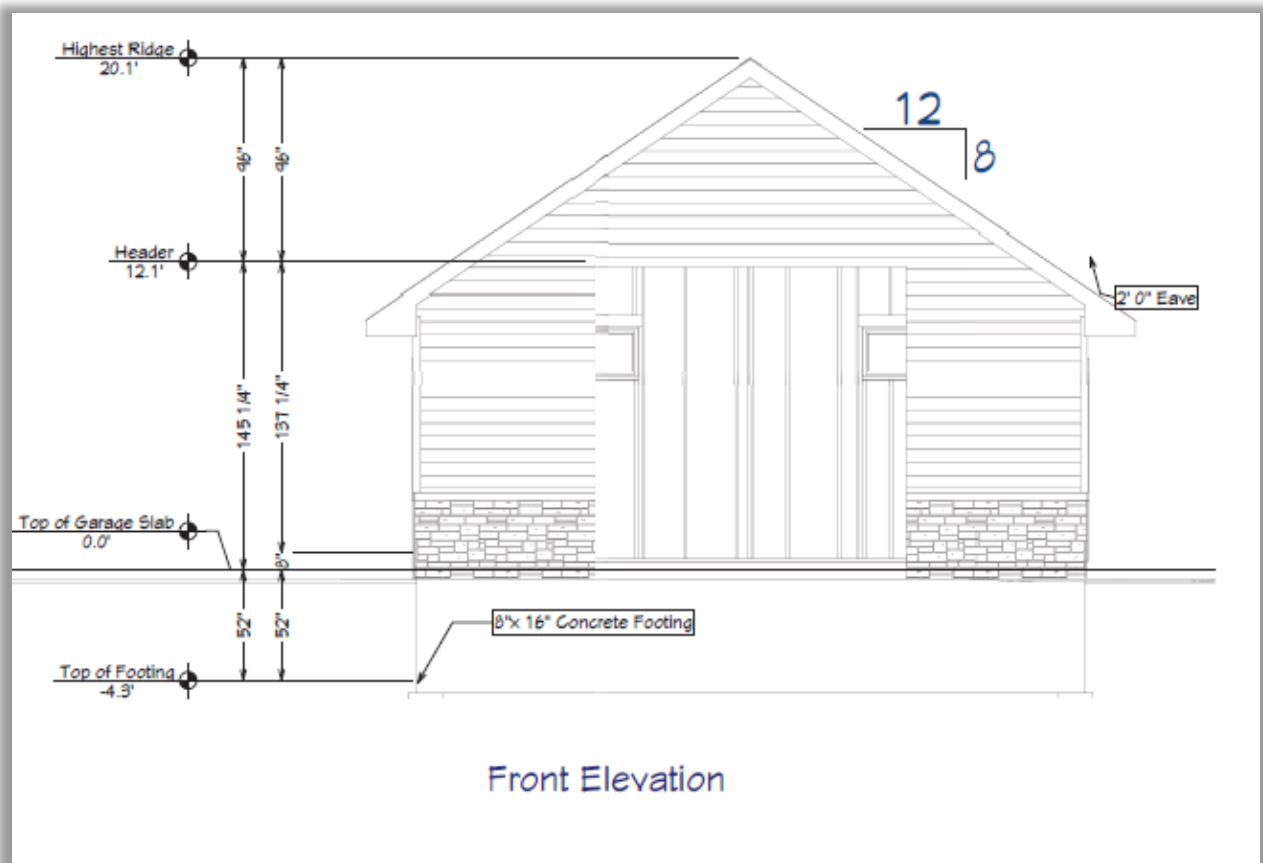


Figure 4 Front Elevation

### *Architectural Standards*

The plans show a typical detached garage with the use of stone veneer wainscot and lap siding on the front elevation in addition to an architecturally styled garage door with windows. This provides architectural interest on the most visible façade. The other elevations incorporate windows with a door located on the east (noted as "right") elevation.



The building plans confirm the use of lap siding and timberline shingles (AKA architectural shingles that utilize asphalt and granules). The plans also note the siding, shingles, and soffit/fascia are intended to match the house. This complies with the material standards for accessory structures.

The Zoning Ordinance requires eaves (i.e., the underside or soffits on the side) of at least 12" and overhangs (i.e., the edge extending over the front and rear elevations) of at least 18" for buildings with a sidewall height of 12'. The plans show eaves of 24" which exceed the minimum requirement. However, the overhangs are only 12". A condition of approval is for the plans to be revised for the overhangs to meet the 18" minimum.

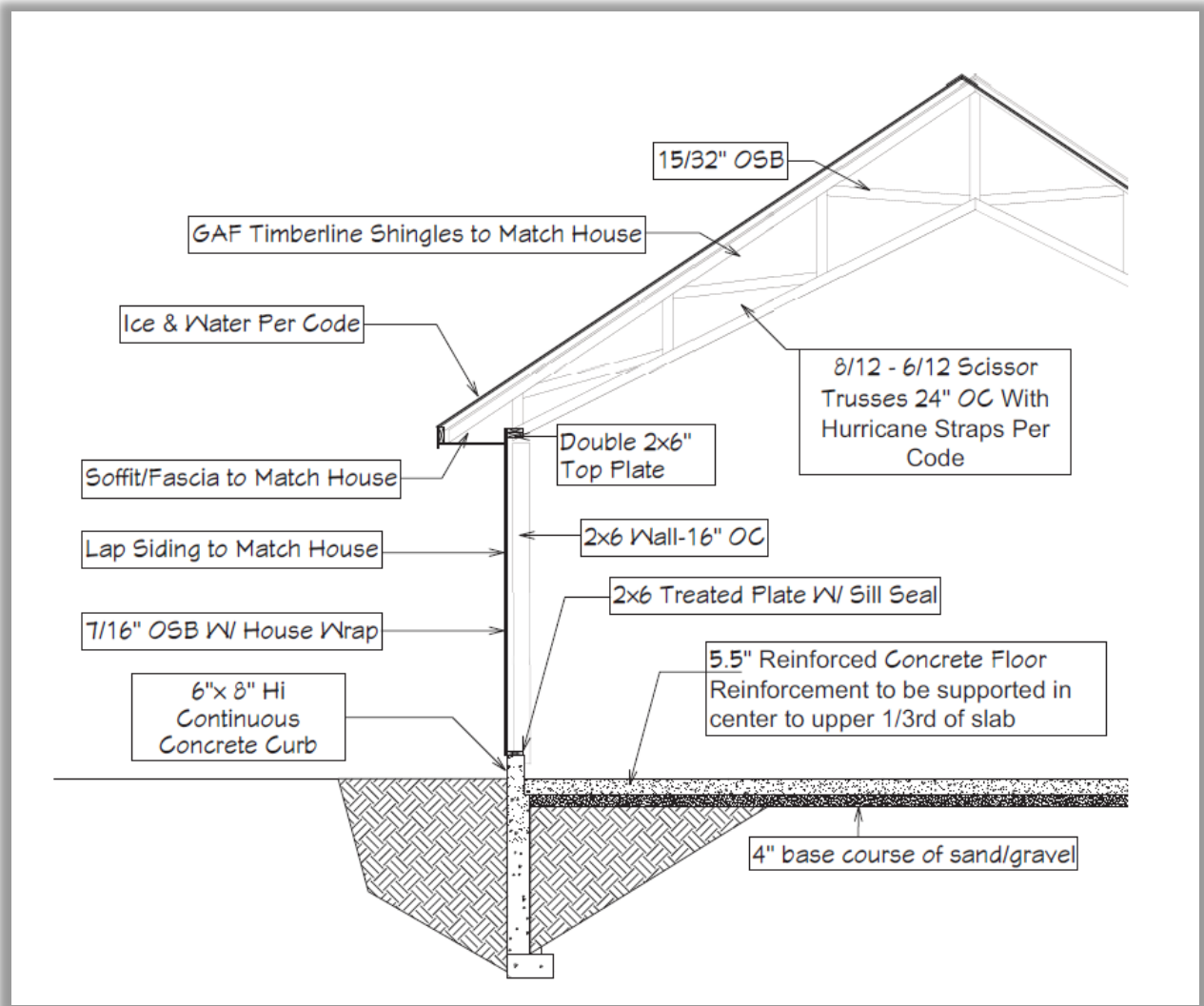


Figure 5 Cross Section

### Grading and Drainage

The Engineering Memo notes that the grading plan will be required to show a swale along the north property line to convey increased volume of drainage created by the garage. The swale can be located within the drainage easement along the north lot line. A condition of approval is for the plans to be revised for review and approval by the City Engineer.

Accessory structures within the Shoreland Overlay must be at least 2 feet above the regional flood elevation. The flood elevation, per the FEMA Flood Map Service Center, appears to be 951 feet. The proposed finished floor elevation (FFE) for the structure is 970.3 and far exceeds this requirement.

#### *Conditional Use Permit Standards*

The applicant requests a CUP to exceed the maximum sidewall height as allowed by Section 1030.020, Subd. 5(D). This provision in City Code allows any building to exceed the allowable building height with a CUP. In order to grant a CUP, the following standards must be met:

1. *The proposed use shall be in conformance with all City regulations.*

The proposed use is in conformance with the City regulations. The proposed improvements meet setbacks, the accessory structure footprint, architectural requirements, and the requirements of the Shoreland Overlay. The taller building sidewall is required to accommodate storage of the applicant's personal vehicles and equipment. A condition of approval included in the draft resolution is that the structure cannot be used for commercial uses without a separate approval for a home occupation.

2. *A certificate of survey shall be required that identifies all existing structures on site, including buildings, septic sites, and wells. In addition, the survey shall include the proposed structure, flood plain, wetlands, and any recorded easements.*

The applicant submitted a certificate of survey and site plan that show the required features.

3. *Applicable criteria as outlined in Section 1070.020 (Conditional Use Permits) of the Corcoran Zoning Ordinance.*

Staff finds that the taller building height would comply with the standards as follows:

- a. *Compliance with and effect upon the Comprehensive Plan, including public facilities and capital improvement plans.*

The proposed taller building has no impact on the Comprehensive Plan.

- 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 CUP for the taller building would not be detrimental to or endanger the public health, safety, morals, or comfort of the surrounding neighborhood. The building would be below the 35' maximum building height allowed for principal buildings in the RR district and is below the 25' maximum height allowed in the Shoreland Overlay. The building would meet or exceed all setback requirements for the RR and Shoreland Overlay districts.

- 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.*

Assuming the recommended conditions of approval are adopted, staff does not find reason to believe the CUP for the taller building would be injurious to the use and enjoyment of the surrounding properties for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The proposed building is below the maximum building height and meets or exceeds all required setbacks. The structure may go as far to improve enjoyment of nearby properties and protect property values by providing interior storage for the applicant's RV and personal equipment.

- 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.*

The surrounding properties are used for a mix of residential and agricultural uses. The proposed building does not preclude improvement or further development of the surrounding properties.

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

Adequate public facilities are available to accommodate the proposed use. The taller building will not impact the demand for services.

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

If the CUP is approved with the conditions of approval as recommended by staff, the use will comply with the district regulations for the RR and Shoreland Overlay

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

If the CUP is approved with the conditions of approval as recommended by staff, the use will comply with the performance standards for accessory structures.

4. *The building materials standards required by this Section have been met.*

As noted previously, the applicant proposes to use lap siding and timberline shingles. These materials comply with the building materials allowed for accessory structures on properties less than 2 acres.

5. *The proposed building will be compatible with surrounding land uses.*

The proposed use is compatible with the surrounding land uses.

#### **4. Recommendation**

Staff recommends approval of the draft resolution approving the CUP for a detached garage exceeding a sidewall height of 10' in the side yard.

#### **Attachments:**

1. Draft Resolution 2023-xx Approving the CUP
2. Applicant Narrative
3. Site Plan
4. Building Plans
5. Engineering Memo

**RESOLUTION NO. 2023-**

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

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DETACHED  
STRUCTURE FOR LEE BENNETT AT 10208 HAGE DRIVE (PID 05-119-23-34-0019) (CITY  
FILE 23-014)**

**WHEREAS**, Lee Bennett, the applicant and landowner, requests approval of a conditional use permit to allow an accessory building with a sidewall height of 12' at property legally described as follows:

*See Attachment A*

**WHEREAS**, the Planning Commission reviewed the conditional use permit request at a duly called Public Hearing and recommends approval, and;

**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 conditional permit is approved, in accordance with the application received by the City on June 4, 2023, and additional information received on June 27, 2023, and June 28, 2023, except as amended by this resolution.
2. The applicant shall comply with all conditions of the City Engineer's memo dated July 13, 2023.
3. A conditional use permit is approved to allow a 1,040 sq. ft. accessory building with sidewalls taller than 10 feet in the side yard, based on the finding that that conditional use permit standards in section 1070.020 have been satisfied.
4. The structure cannot be used for commercial purposes unless the applicant applies for City approval of a home occupation and such approval is granted.
5. Prior to issuance of a building permit, the following must be submitted for review and approval by the City:
  - a. The applicant must revise plans for the overhangs to meet the 18" minimum.
  - b. The grading and drainage plan must be revised per the Engineering Memo and provided to the City Engineer for review and approval.
  - c. The applicant/landowner must record the approving resolution at Hennepin County and provide proof of recording to the City.

**RESOLUTION NO. 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 24<sup>th</sup> day of August 2023.

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

**ATTEST:**

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

*City Seal*

**RESOLUTION NO. 2023-**

**ATTACHEMENT A**

Lot 2, Block 1, Acre Lake 3<sup>rd</sup> Addition, Hennepin County, Minnesota

**Please attach a brief description of your project/reason for your request.**

The property owner requests permission to construct a 26' x 40' detached garage with 12' sidewalls. The 12' sidewalls exceed the 10' limit for structures located on a side yard. The garage will be used to house an RV and groundskeeping equipment.



# Surveyors Certificate

## Garage Construction Staking Survey For:

LEE BENNETT

Property located in Section  
5, Township 119, Range 23,  
Hennepin County, Minnesota

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- Denotes Existing Contours
- - - Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ↖ Denotes Surface Drainage

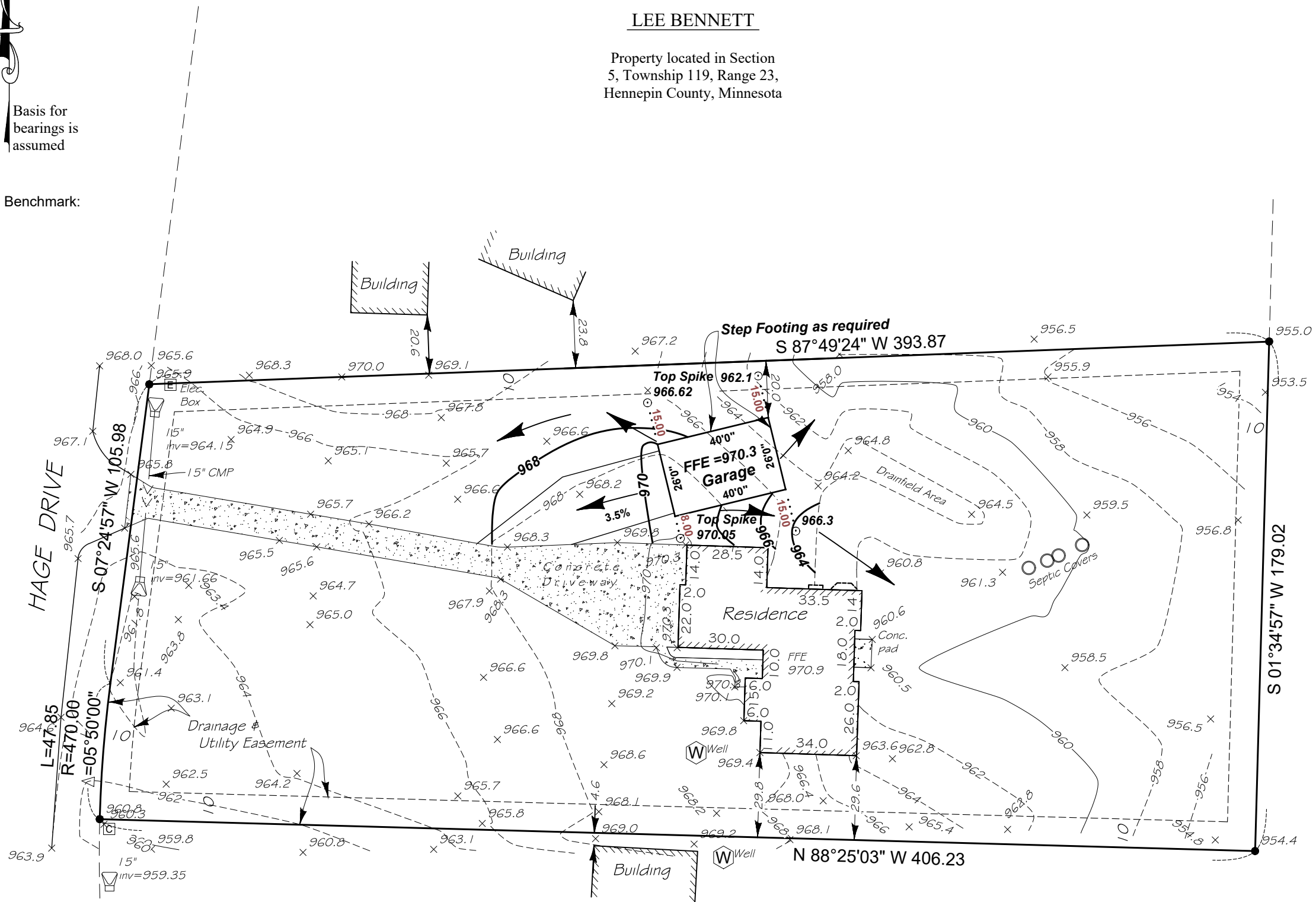
NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

NOTE: The relationship between proposed floor elevations to be verified by builder.

NOTE: The only easements shown are from plats of record or information provided by client.


Basis for bearings is assumed

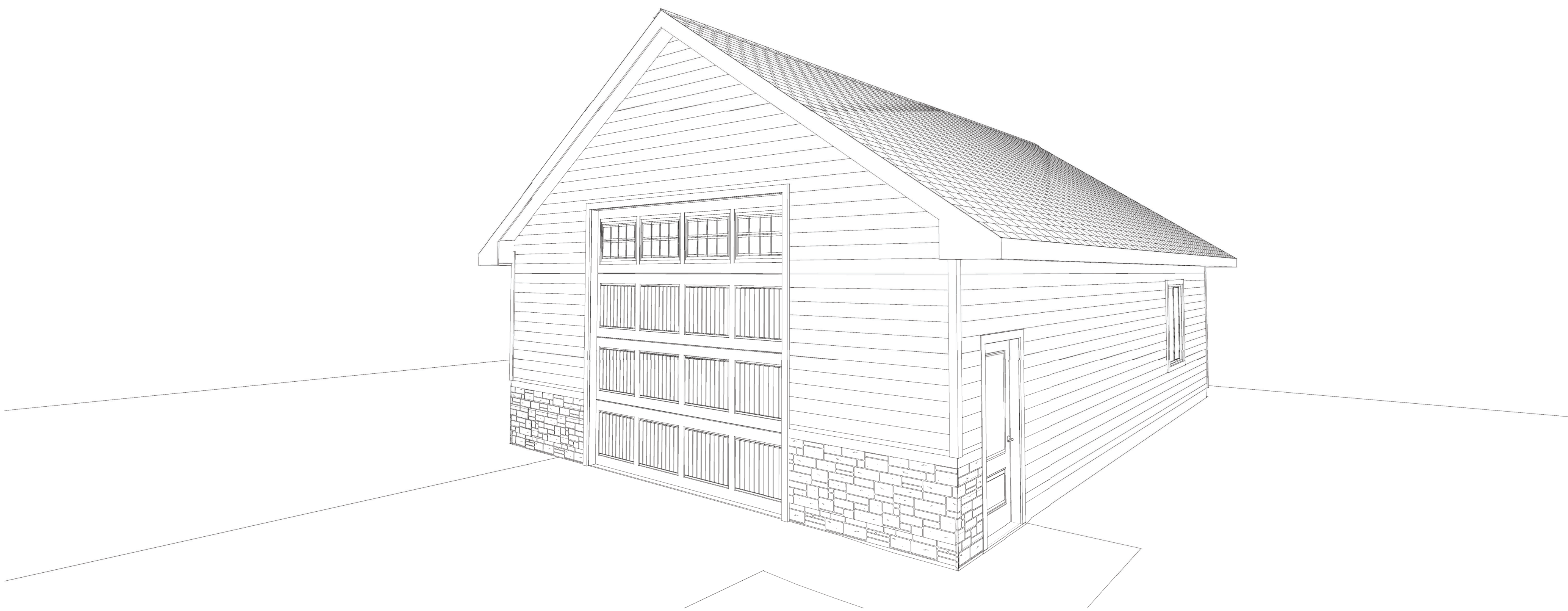
Benchmark:



970.3 Proposed Garage Floor

Type of Building  
SLAB ON GRADE

Legal Description	
Lot 2, Block 1, ACRE LAKE 3RD ADDITION Hennepin County, Minnesota	
<b>DEMARC</b> LAND SURVEYING & ENGINEERING 7601 73rd Avenue North (763) 560-3093 Minneapolis, Minnesota 55428 Demarcinc.com	
Project No. 88678C	Scale: 1" = 40'
F.B.No. -	Drawn By BJ
Address: 10208 Hage Drive Rogers, MN	
rev	
I 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. Surveyed this 27th day of June 2023.	
Signed  Gregory R. Praszch, Minn. Reg. No. 24992	



DRAWINGS PROVIDED FOR:

Lee & Darlene Bennett  
10208 Hage Dr, Rogers

Date Drawn:  
03/12/2023

Revised:  
03/24/2023  
04/24/2023

SCALE:

SHEET:

A-1



# FOUNDATION

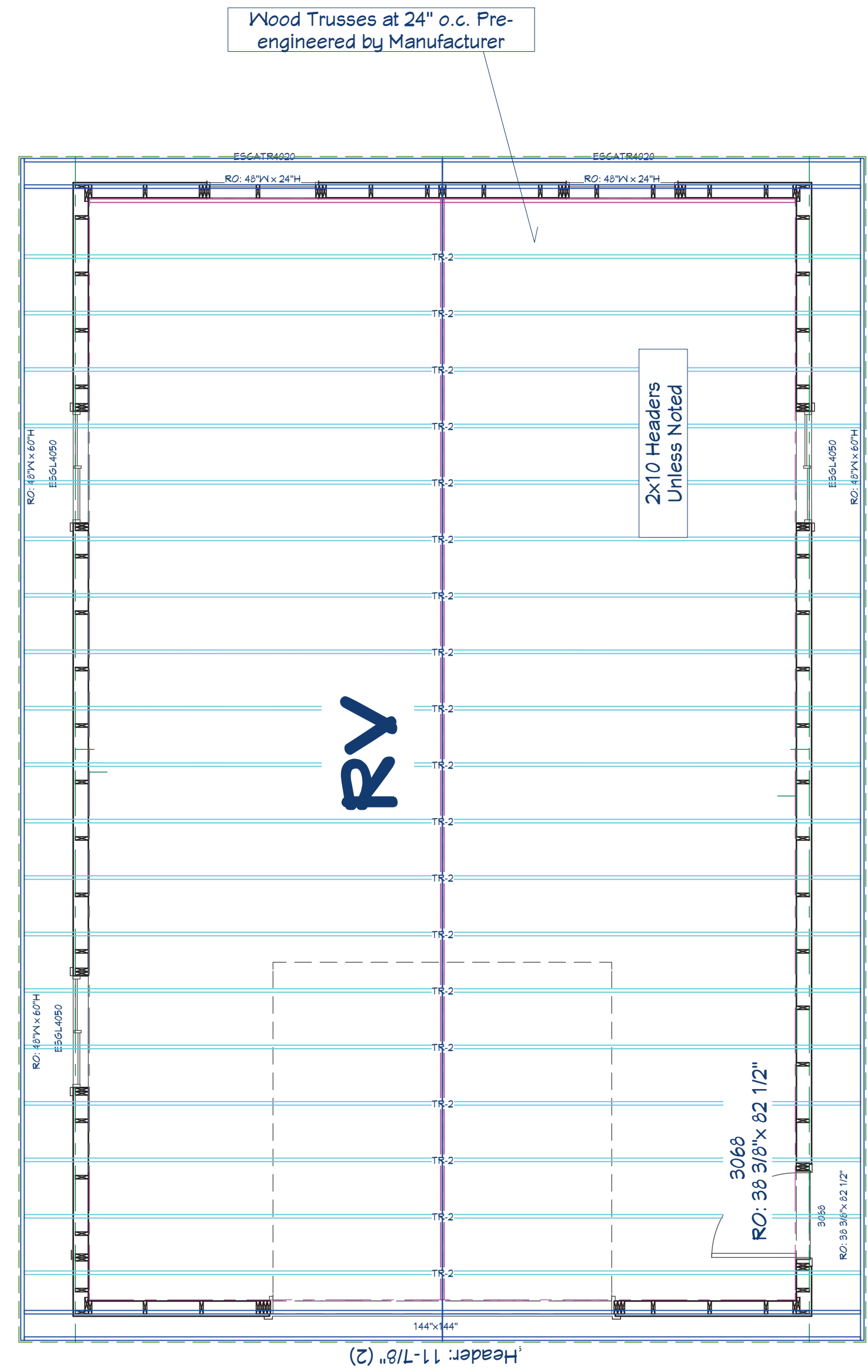
DRAWINGS PROVIDED FOR:  
**Lee & Darlene Bennett**  
 10208 Hage Dr, Rogers

Date Drawn:  
 03/12/2023

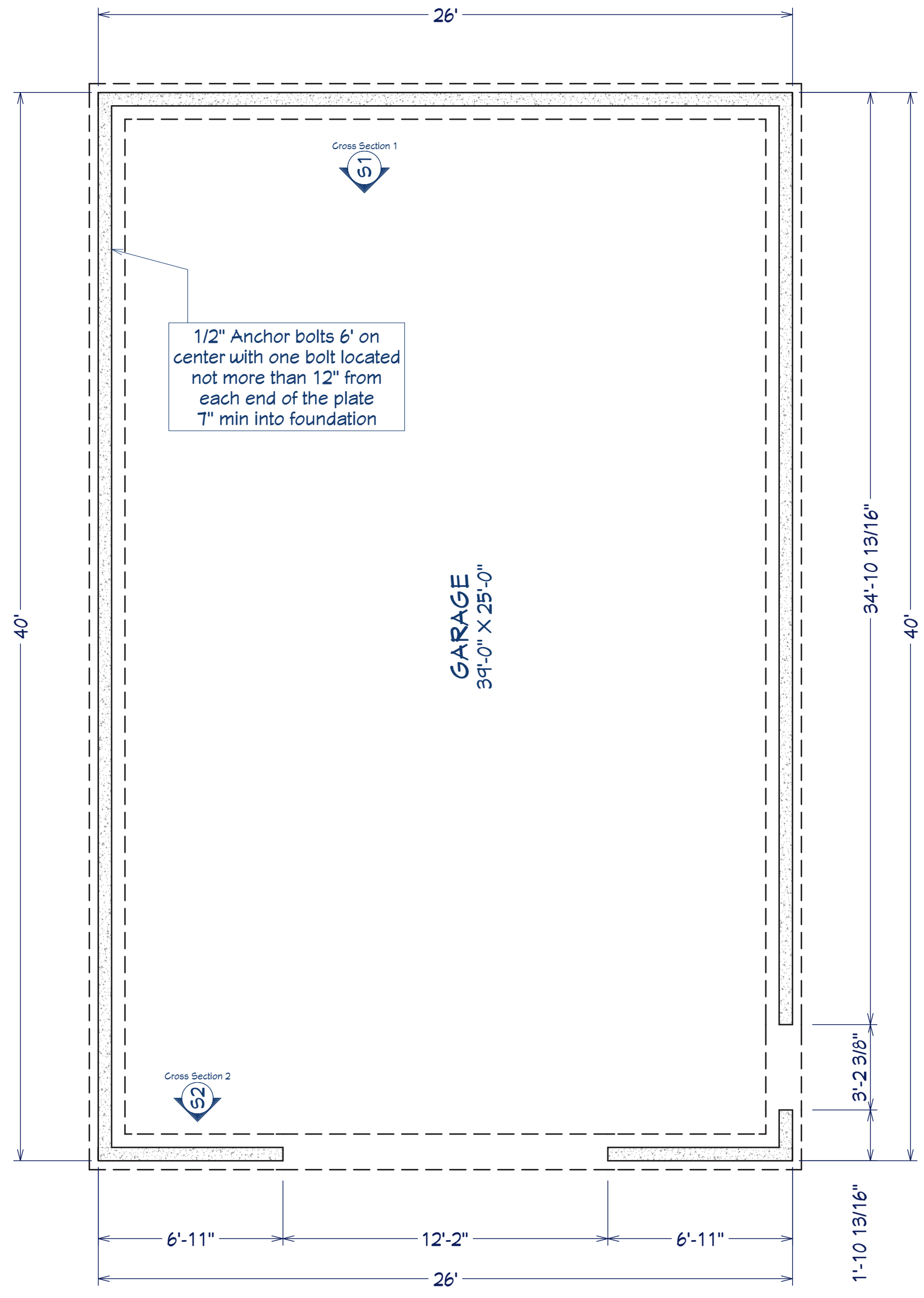
Revised:  
 03/24/2023  
 04/24/2023

SCALE:  
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SHEET:  
**A-3**

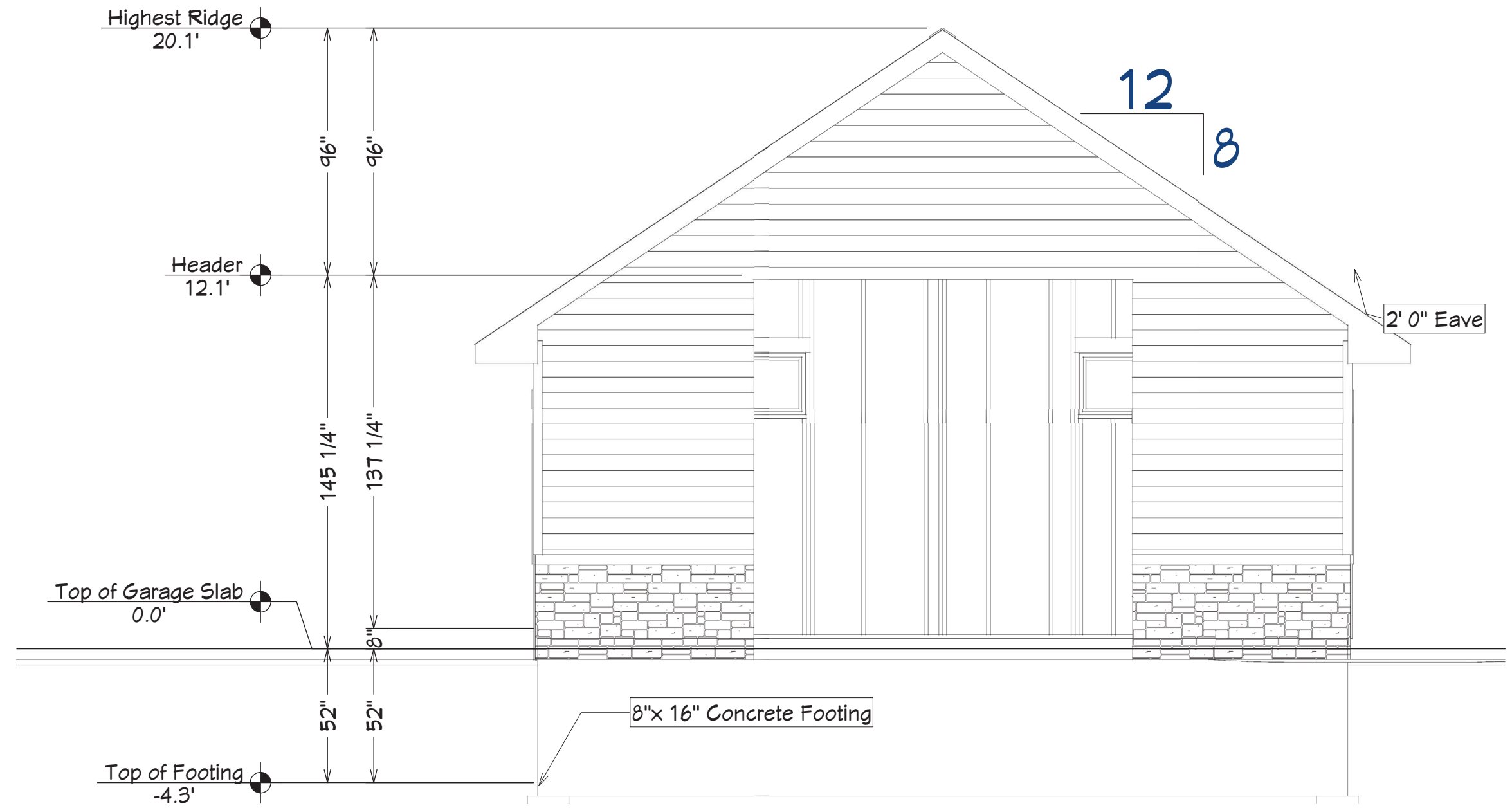


RO: See Manufacturer's Instructions

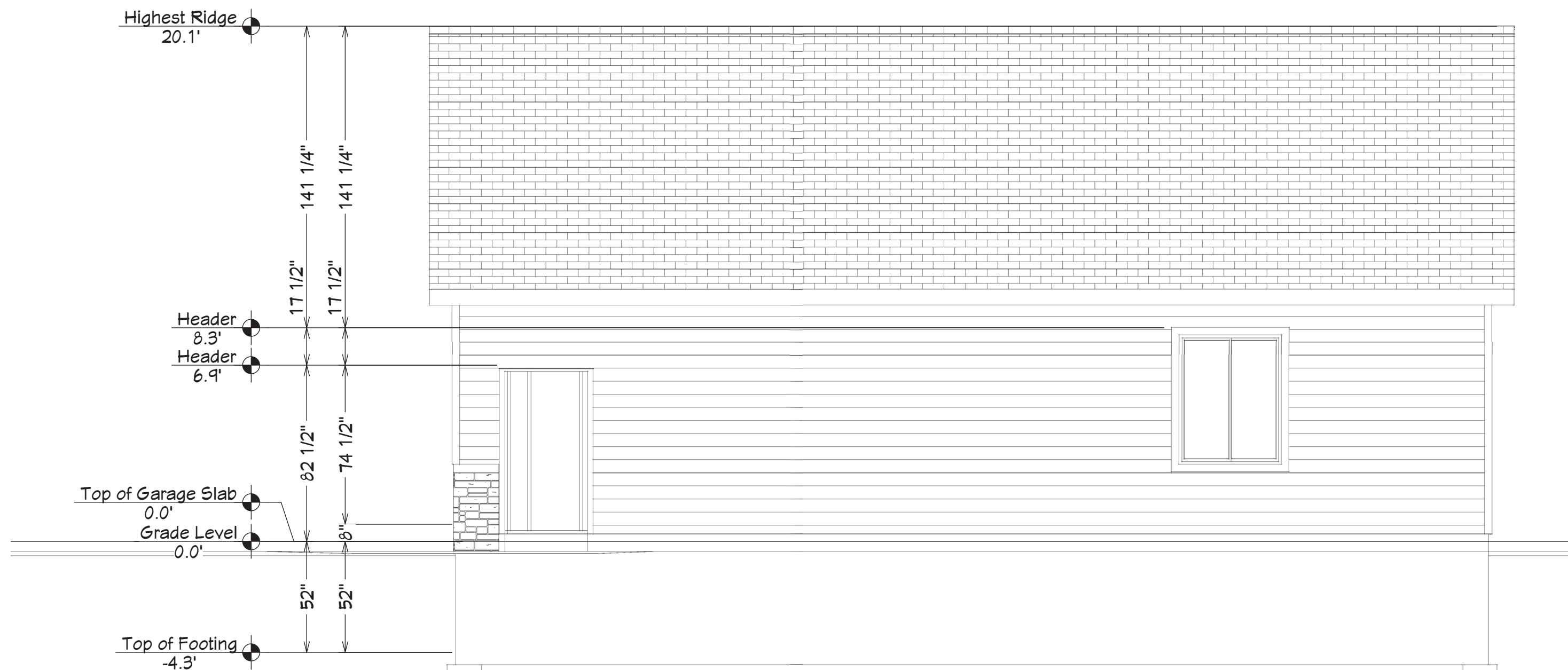


**GARAGE DOORS**  
Garage doors must meet minimum wind resistance standards and must come with a label indicating the door complies with ANSI/DASMA 108. Garage doors require a basic design wind speed of 90 mph for a 3-second gust in the state of Minnesota.

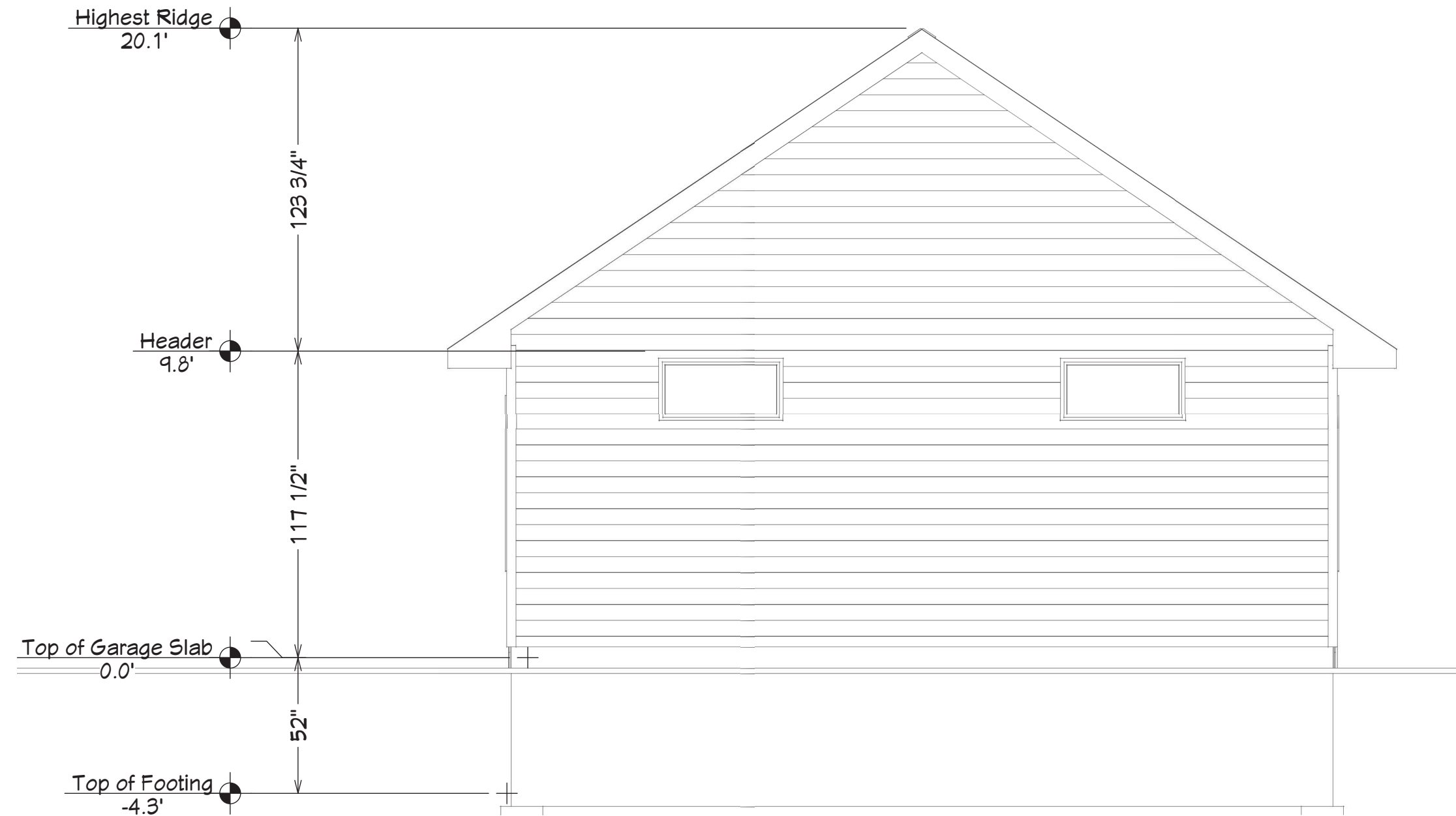
**WALL BRACING**  
Exterior walls to be braced in accordance with Minnesota State Building Code section R602 to resist wind loads and racking.  
Wall bracing, straps and/or hold-downs for garage door wall to will be engineered to meet Minnesota Code



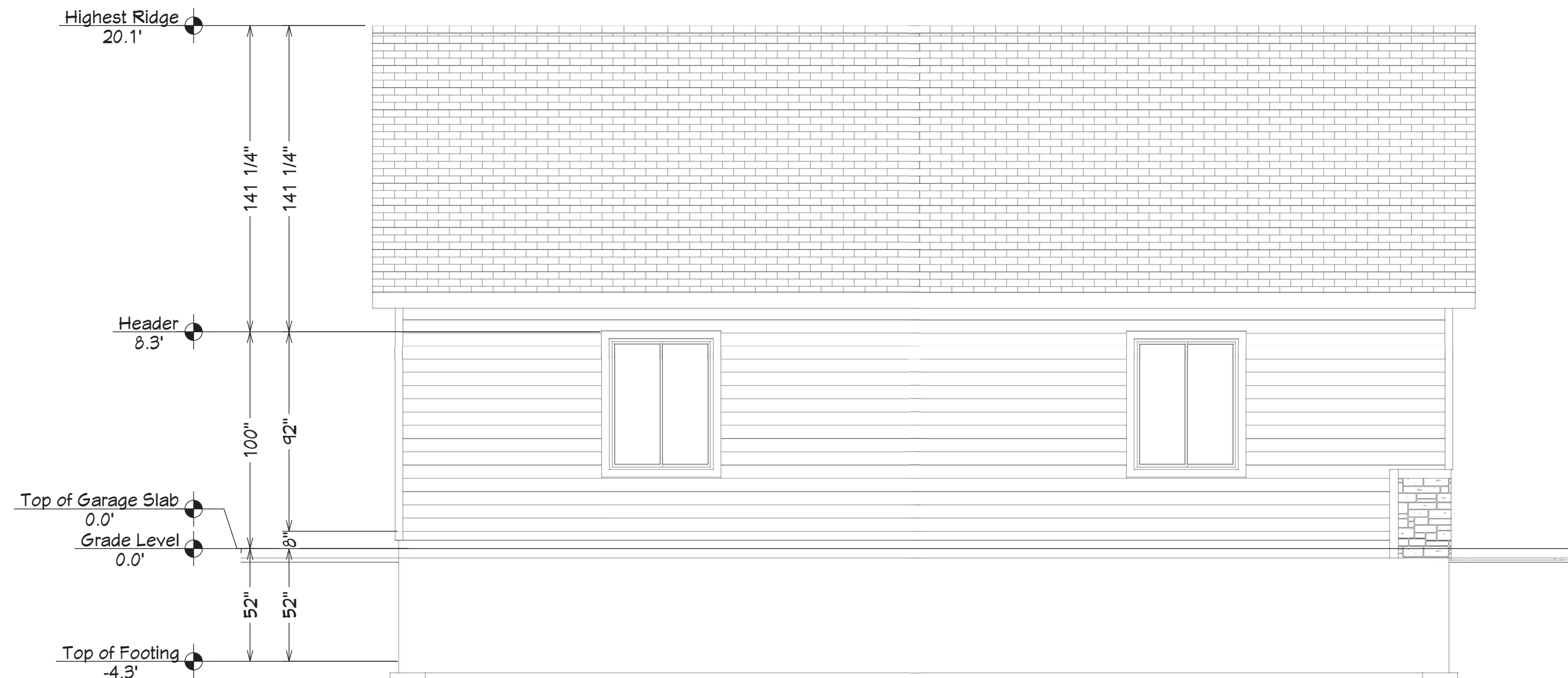
Front Elevation



Right Elevation



Back Elevation



Left Elevation

DRAWINGS PROVIDED FOR:

Lee & Darlene Bennett  
10208 Hage Dr, Rogers

Date Drawn:  
03/12/2023

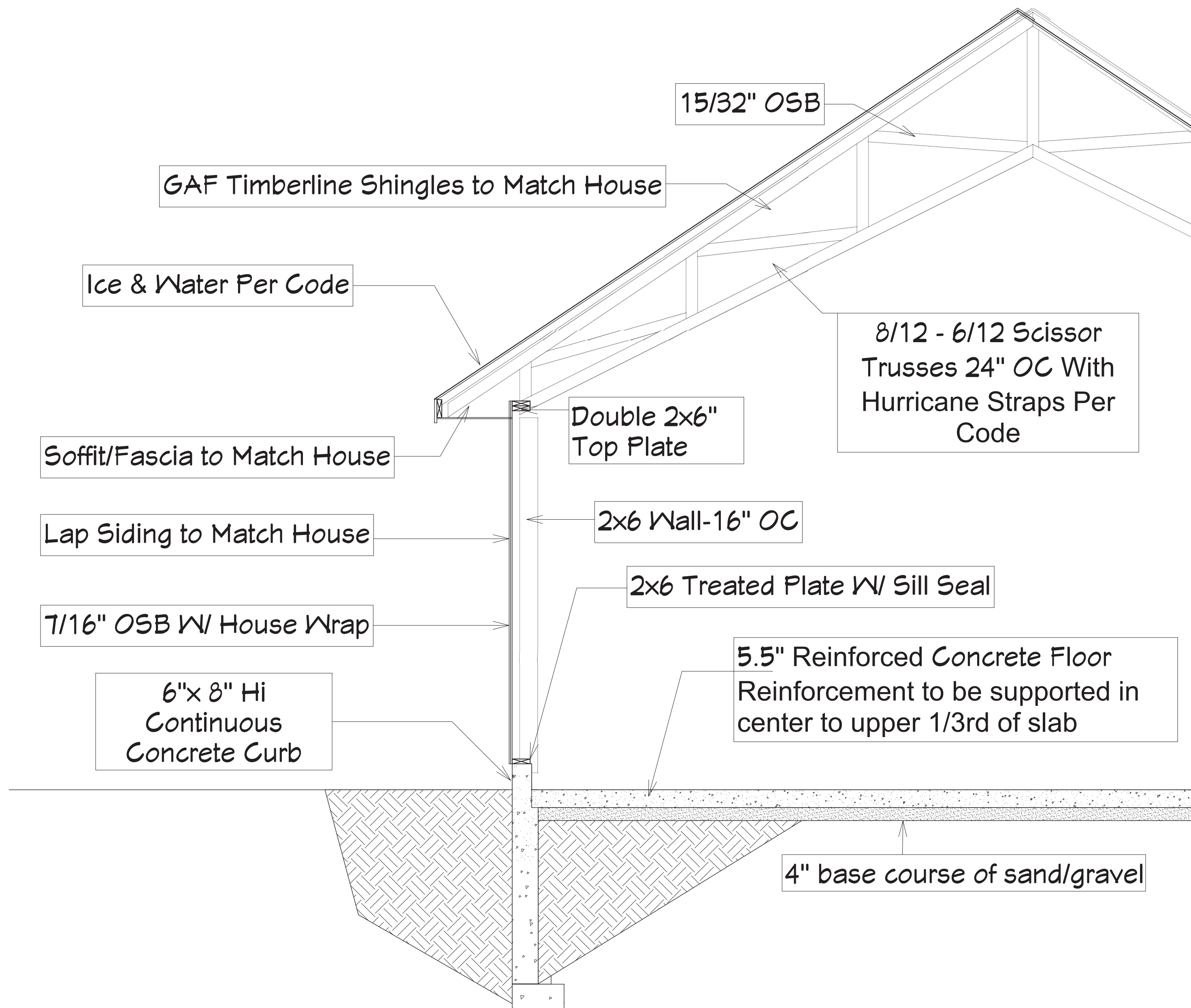
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03/24/2023  
04/24/2023

SCALE:  
1/4"=1'0"

SHEET:

**A-5**

# ELEVATIONS



Scale- 1/2"=1'-0"

DRAWINGS PROVIDED FOR:

Lee & Darlene Bennett  
10208 Hage Dr, Rogers

Date Drawn:  
03/12/2023

Revised:  
03/24/2023  
04/24/2023

SCALE:  
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SHEET:  
**A-6**



# GARAGE WALL LAYOUT

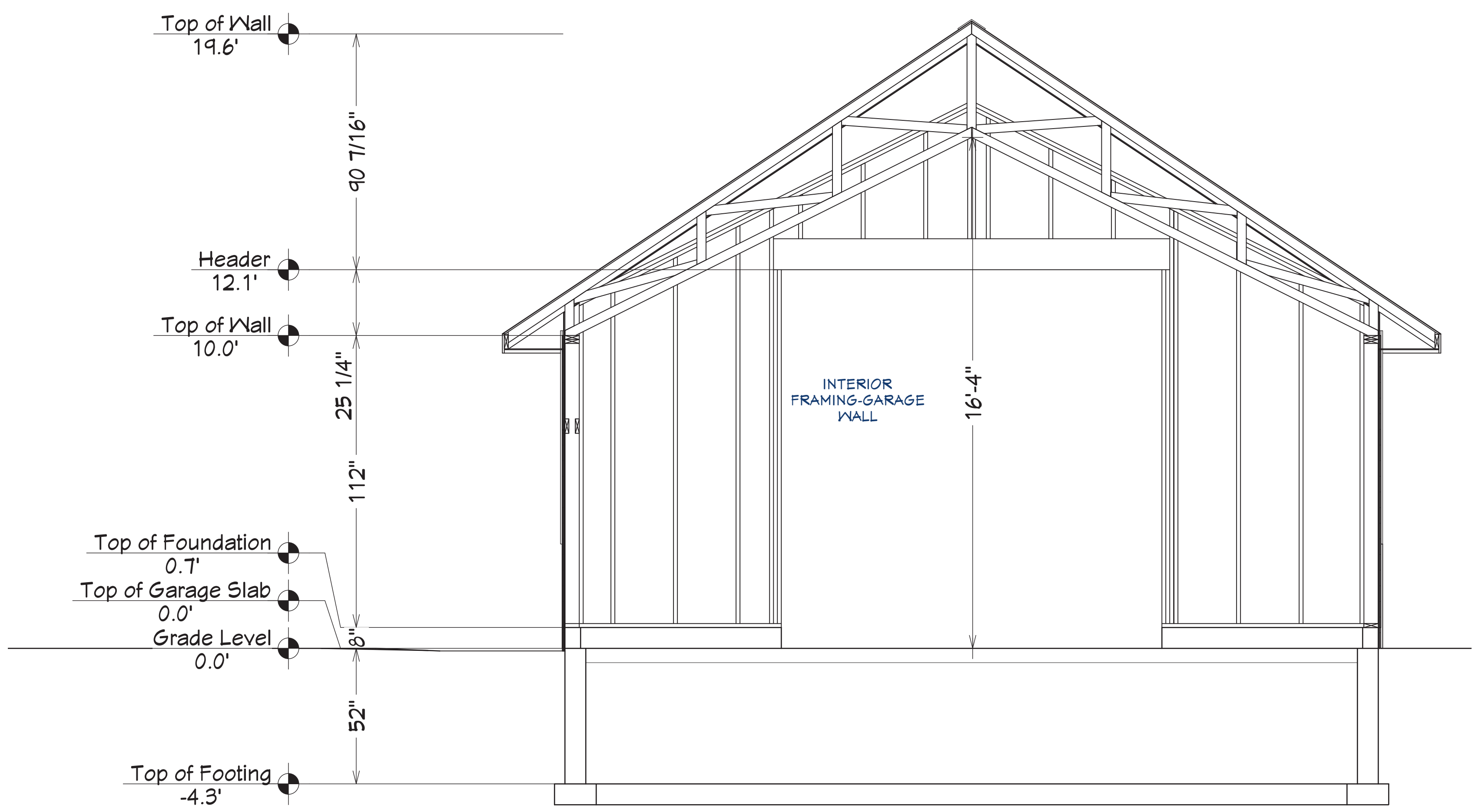
DRAWINGS PROVIDED FOR:  
**Lee & Darlene Bennett**  
10208 Hage Dr, Rogers

Date Drawn:  
03/12/2023

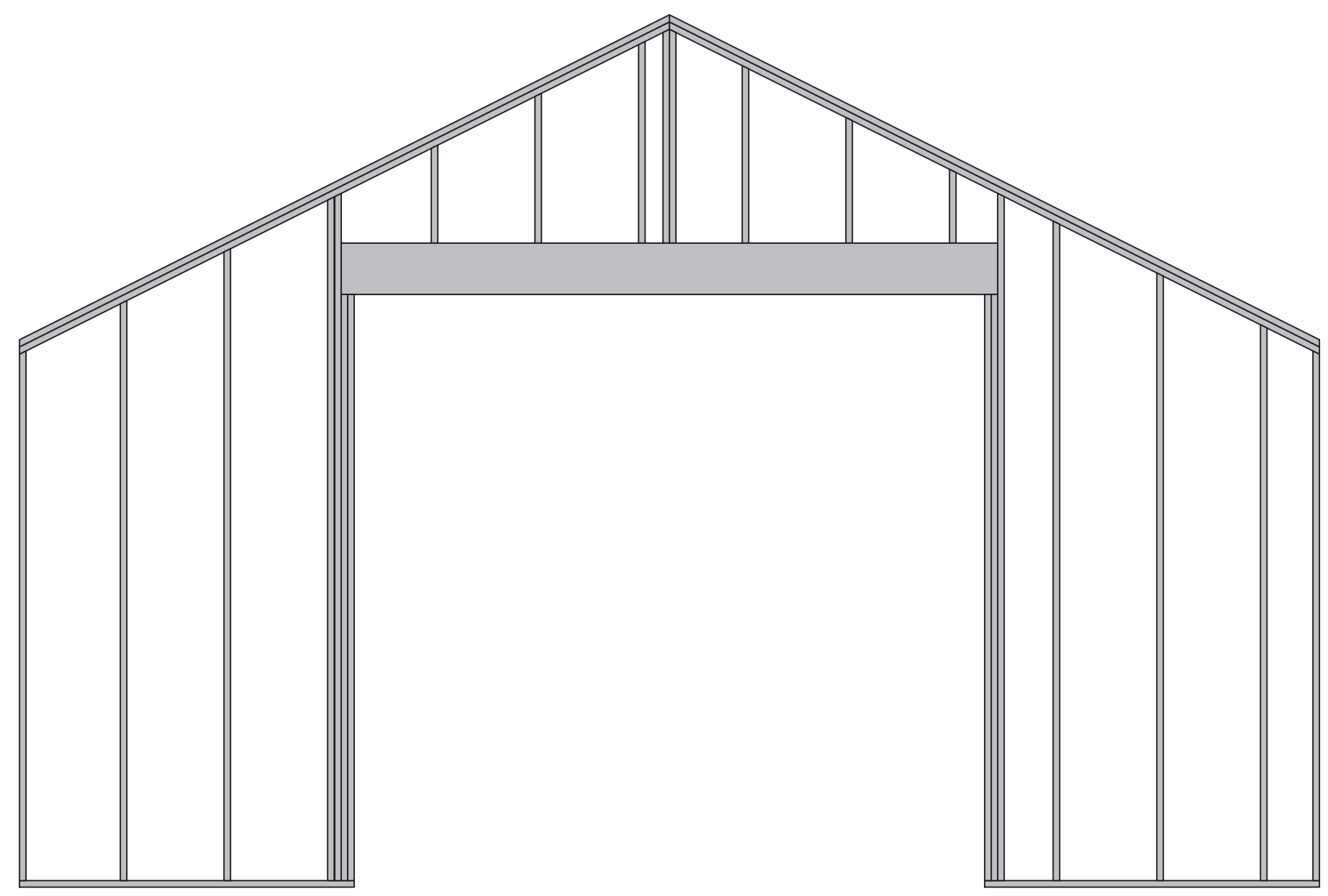
Revised:  
03/24/2023  
04/24/2023

SCALE:  
3/8"=1'0"

SHEET:  
**A-7**



Cross Section 2



Wall Layer 4 - Viewed From Outside



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To: Natalie Davis McKeown  
Planner

From: Kent Torve, PE  
City Engineer

Project: Bennett Garage CUP

Date: July 13, 2023

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**Document:**

The Bennett Garage CUP grading plan provided by DeMarc Land Surveying and Engineering dated 06/27/2023.

**Existing Drainage**

The existing drainage pattern is split towards the front yard (Hage Drive road ditch) and also across property line to the north.

**Garage Drainage**

The garage will create some increased volume, therefore a grading plan is required with the building permit application that shows a swale along the north property line to convey garage drainage to the low area at the rear (east) lot line. The swale can be located within the drainage easement along the north lot line.

It is recommended to protect the existing septic field during grading.

# STAFF REPORT

# Agenda Item 6c.

<b>Planning Commission Meeting:</b> August 3, 2023	<b>Prepared By:</b> Nicholas Ouellette through Kendra Lindahl
<b>Topic:</b> Rezoning, Site Plan, Variances and Conditional Use Permit for Corcoran Storage II at 23730 Highway 55 (PID 31-119-23-33-0001) (City file no. 23-016)	<b>Action Required:</b> Recommendation to City Council

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**Review Deadline:** September 8, 2023

## 1. Request

The applicant, Craig Scherber of Scherber and Associates, LLC, is requesting approval of a rezoning, site plan, variances and conditional use permit to allow for the development of six new buildings as part of a proposed mini storage/self storage facility. The six buildings will be subdivided into smaller storage spaces for rent.

The applicant is requesting to rezone the property located at 23730 Highway 55 from Urban Reserve (UR) district to Light Industrial (I-1) district. A conditional use permit is required for the proposed “mini storage/self storage facilities” use which is permitted as a conditional use in the I-1 district. The applicant is also requesting variances to allow:

- a. Development of the parcel within the Municipal Urban Service Area (MUSA) in advance of municipal sewer and water utilities being available to serve the area,
- b. Provision of the required buffer yard area outside of the parcel boundaries where they are required on the perimeter of the lot, extending out to the property line and
- c. A 20-foot setback adjacent to residential where 50-feet is required.

## 2. Context

### *Zoning and Land Use*

The property is guided Light Industrial in the 2040 Comprehensive Plan and zoned UR district. The site is within the MUSA and is included in the Future Study Area for sanitary sewer as identified in the Comprehensive Plan. There is an existing single family residence and two detached accessory structures, all of which will be removed as part of the proposed development.

*Surrounding Properties*

The property that surrounds the site to the north and east is guided Light Industrial and zoned Urban Reserve. The site abuts the City of Greenfield to the west and the City of Medina to the south (across Highway 55). The property to the west, within Greenfield, is zoned Rural Residential and the property to the south, within Medina, is zoned Rural Residential-Urban Reserve. The existing use of the surrounding properties appears to be agricultural and single family residential. The site also abuts Highway 55 to the south.

*Natural Characteristics of the Site*

The 2040 Comprehensive Plan Natural Resources Inventory Areas Map does not identify any significant natural plant communities within the proposed site.

There are trees along the west property line and patches of woods throughout the east half the property that extends beyond the north and east property lines. A wetland delineation report provided by the applicant indicates there is a small portion of wetland in the southeast corner of the site.



**3. Analysis**

Staff has reviewed the application for consistency with the Comprehensive Plan, Zoning Ordinance and City Code requirements, as well as City policies. The City Engineer’s and Public Safety Committee’s comments are incorporated into this staff report and the detailed comments are included in the attached engineering memo and Public Safety Committee memo. The draft approval conditions require compliance with the memos.

**A. Level of City Discretion in Decision Making**

The City has a relatively high level of discretion in approving or denying a rezoning application. The proposed zoning for a property must be consistent with the City’s Comprehensive Plan. If the proposed zoning is not consistent with the Comprehensive Plan the City must deny the rezoning application.

The City’s discretion in approving a site plan is limited to whether or not the plan meets the standards outlined in the Zoning Ordinance. The City must approve the site plan if it meets these standards.

The City’s discretion in approving or denying a conditional use permit is limited to whether or not the proposed request meets the standards outlined in the City Code. If it meets these standards, the City must approve the conditional use permit.

The City has a higher level of discretion with a variance because the burden of proof is on the applicant to show that the variance standards have been met.

B. Consistency with Ordinance Standards

Rezoning

The site is currently zoned UR district and the applicant is requesting the site be rezoned to I-1 district. The rezoning request shall be evaluated by the following factors from Section 1070.010, Subd. 2 of the Zoning Ordinance:

- A. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.*

The proposed mini storage/self storage facility is consistent with the policies and provisions for the I-1 district in the Comprehensive Plan, which intends to provide areas for manufacturing, warehousing, automotive, trucking office and other related uses throughout the I-1 district, except that the I-1 standards in Section 1040.125 of the Zoning Ordinance states "New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area." The applicant is requesting a variance to allow development in advance of municipal sewer and water being available. This is discussed in the variance section of the staff report. The City could find that development of this site in advance of municipal sewer and water is premature development and is inconsistent with the Comprehensive Plan.

The Future Land Use Map from the Comprehensive Plan designates the property at 23730 Highway 55 as Light Industrial. If the City Council believes that the variance standards have been met to allow development in advance of municipal services, the City could find that the proposed action is consistent with plans for public facilities and capital improvements and require the developer to connect to those utilities once they are available.

- B. *The proposed action meets the purpose and intent of this Ordinance or, in the case of a map amendment, it meets the purpose and intent of the individual district.*

The proposed mini storage/self storage use of the site meets the purpose and intent of the Light Industrial district which is to provide a full range of industrial, manufacturing, warehousing and similar uses.

- C. *There is adequate infrastructure available to serve the proposed action.*

The applicant has indicated that the mini storage/self storage facility will not require sewer and water to operate. Fire protection will be provided exterior fire walls and fire department connections to the rear sides of Buildings C and D. The proposed use will not have any demand for municipal or private sewer and water; therefore, there is adequate infrastructure available to serve the proposed use.

*D. There is adequate buffer or transition provided between potentially incompatible districts.*

Adjacent properties to the south and west are within the jurisdiction of other cities. A buffer yard is provided in the west portion of the site and Highway 55 buffers the site from properties to the south. Buffer yards are provided along the north and east property lines and are situated both on and off-site. These buffer yards do not comply with the ordinance standards and the applicant is requesting multiple variances from the buffer yard standards. The variances are discussed in the variance section of the staff report.

If the City Council approves the variances, the City could find that the landscaping provided within the buffer yards and existing trees within the off-site buffer yards will provide an adequate buffer between the site and adjacent properties.

If the City Council does not approve the buffer yard variances, the applicant would need to revise the plans to comply with the buffer yard standards and the City would then be able to find that adequate buffer is provided.

### Site Plan

The request is for approval of a site plan to allow a mini storage/self storage facility use in the I-1 district. The proposed development includes six buildings and a total of 56 individual rental storage units. The existing buildings and on-site utilities will be removed.

### Lot Standards and Setbacks

Lot standards for the I-1 district are as follows:

	I-1 District Standards	Proposed Mini Storage/Self Storage Facility
Minimum lot area	1 acre	4.87 acres
Minimum lot width	100 feet	751 feet
Minimum lot depth	200 feet	223 feet
Setbacks		
Front, from major roadways	100 feet	100 feet
Front, from all other streets	50 feet	51.1 feet*
Side	20 feet	29.8 feet
Rear	20 feet	20 feet
Adjacent to residential	50 feet	20 feet
Maximum Principal Building Height	45 feet	20 feet
Maximum impervious surface coverage	70%	45.2%

\* Setback measured from proposed Building B to the future street easement.

The proposed development complies with the lot standards for the I-1 district with the exception of a reduced 20-foot setback from residential property to the north and east where a 50-foot setback is required. A variance from the required building setback to residential property is discussed further in this report.

### Design Guidelines and Architecture

The proposed development is subject to the performance standards in Section 1060 of the Zoning Ordinance and the Southwest District Design Guidelines in Appendix A of the Zoning Ordinance.

Plans for the proposed development show six buildings ranging in height from 18.4- to 19.8-feet tall. The number of units ranges from 5 to 11 units per building for a total 56 rental units.

Building materials include gray integral color concrete block walls with wainscot of a contrasting color in the same material, lap siding



for the sides of gabled roofs and asphalt shingles. The material for the lap siding is not provided in the architectural plans. City Code permits fiber cement siding and does not permit vinyl siding; however, other materials deemed appropriate may be approved

subject to review by the Zoning Administrator. Staff has included a condition the applicant provide detailed descriptions of the proposed building materials.

The south elevations of the buildings that front Highway 55 include windows, gables and cantilevered elements with lap siding, which provide visual contrast and break up the long stretch of building facades. The north elevation of the northern buildings have windows to break up the long elevations but not the change in materials or building articulation. The building materials comply with ordinance standards for design and architecture.

- The design guidelines in Appendix A of the Zoning Ordinance state “Buildings should be designed with quality materials on all sides; all facades shall be articulated with a variety of materials, glazing or other details to add visual interest, although the front façade may have a unique design or more significant glazing; long blank exterior surfaces shall be avoided.” The Planning Commission should discuss whether these building elevations comply with these guidelines and whether vinyl siding would be acceptable (if proposed).

Additionally, foundation planting shrubs are proposed along the south, east and west perimeters of buildings, which provide visual interest along the building walls.

The design guidelines for commercial development in the Southwest District, while minimal, call for high quality business parks with well-landscaped setbacks and buffers. The orientation of buildings and individual unit entrances generally face away from adjacent residential properties. Landscape buffer yards are also provided and are discussed further in this report.

Like the Garages Two project by the same developer planned east of this site, no trash enclosure is proposed. Tenants are responsible for disposal of trash off-site.

### *Lighting*

Plans do not indicate the location for any proposed lighting; however, for safety we expect that some lighting will be provided. The applicant shall be required to update plans to show the location of proposed building and freestanding lighting. A light fixture cut sheet and photometric plan shall be provided to ensure compliance with the Zoning Ordinance standards for lighting.

### *Parking*

The site plan shows a bituminous parking surface with concrete curb and gutter. No designated parking spaces are provided on the site. The applicant’s narrative indicates there will be no public traffic, extended on-site employee presence or overnight parking allowed. Customers will be able to park in the drive aisle in front of their units on a temporary basis to load and unload materials from the unit, the plans show 50- to 65-foot of separation between buildings, which would be adequate for parking in front of a unit and allowing traffic to pass unobstructed.

The applicant has submitted a sample lease agreement, which indicates that no parking of vehicles is permitted outside of the units and no overnight parking is permitted on site. To enforce the overnight parking rule, the property will be equipped with surveillance equipment and a controlled gate to restrict access to customers only.

### *Streets and Access*

Access to the mini storage/self storage facility is provided through a 24-foot wide private driveway along the west property line that connects to Highway 55 to the south. The driveway narrows to approximately 21 feet in width where a gate is proposed to restrict access to the site. There is an existing driveway to the residential building that will be removed with the redevelopment. MnDOT approval must be obtained by the applicant for the new access from Highway 55.

The Southwest District Design Guidelines indicate that future driveways and other direct access to new developments from Highway 55 shall not be permitted. As shown on the Southwest District map, a street extension is shown along the west side of the proposed development. The plans provide a street easement for the future street. An encroachment agreement is necessary for the access drive located within the street easement. The driveway will be removed once the street is constructed and the mini storage/self storage facility will then have access from the new public street. This has been allowed for other developments in the City. This has been included as a condition of approval.



The future street is positioned along the boundary between the Cities of Corcoran and Greenfield. Development of the future street will be done in coordination with the City of Greenfield.

The Public Safety Committee requires that a turning radius exhibit be provided to the City for review and approval to ensure adequate space is provided for emergency vehicles to maneuver within the site. Staff has included the requirement that a turning radius exhibit be provided as a condition of approval.



### Grading

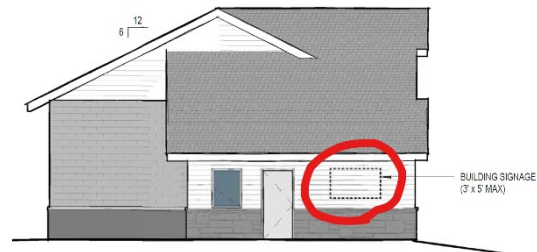
The City Engineer’s memo provides detailed comments on the proposed development. There are three existing road signs that are not shown on the plans which will be impacted by grading and installation of site improvements. The signs are in the Highway 55 right-of-way where the proposed access drive is located. The plans must be revised to show the signs and proposed relocation areas (subject to MNDOT approval).



There are 3:1 slopes around the perimeter of the buildings where required landscaping and buffer yards are necessary. The slope can make it difficult to install the required number of plant materials and ensure they adequately grow and provide a transitional buffer.

### Signage

One 15 square foot sign is proposed on the west façade of Building A for owner and lease contact information. Signs in the industrial districts are restricted to 10% of the primary building face; it appears the proposed signage complies with this standard. Further details for the proposed sign shall be provided with a sign permit application.



The sample lease agreement provided by the applicant indicates no tenant signage is allowed by the business. Rental units will have unit number identification signs by the entrance to each unit.

### Utilities

The existing septic and well systems will be removed and abandoned according to MPCA and MDH requirements. Development of the site does not include any new well or septic utilities. The proposed mini storage/self storage facility will not have any extended employee or customer presence and does not necessitate the installation of on-site well and septic.

The site is located within the MUSA and is required to connect to municipal services prior to any new development; however, municipal services are not available to the site at this time. The applicant has requested variance from the requirement to connect with municipal services is discussed further in this report. Staff has included a condition that connections to municipal services shall be required once they are available to connect with the site.

### *Stormwater Management*

The City Engineer's memo provides detailed comments on stormwater management for the site. The proposed stormwater management basin is situated in the south half of the property. Stormwater is ultimately discharged off-site via an existing MnDOT culvert and the applicant is required to obtain MnDOT approval.

### *Wetlands*

A wetland report has been completed showing a small wetland in the southeast corner of the site. Section 1050.010 establishes standards for the wetland overlay district. Wetland buffer monuments are required at each lot line where it crosses a wetland buffer and where needed to indicate the contour of the buffer, with a maximum spacing of 200 feet along the buffers edge. Plans show a 25-foot wetland buffer with adequate signage to delineate the wetland buffer edge. The developer shall be responsible for installation and maintenance of the wetland buffer in compliance with City standards. A detailed planting plan must be provided for review and approval by the City.

### *Landscaping and Buffer Yards*

The Southwest District Design Guidelines recommend landscaping should be designed to work with the existing topography of the area, preserving the rolling hills and natural view corridors. In this case, the majority of the site will be graded and most of the existing vegetation will be removed. The grading plan shows that the finished floor elevations for the proposed buildings will be approximately 8- to 9-feet higher than the finished grades at the north and east property lines.

For the development, Section 1060.070 of the Zoning Ordinance requires one overstory tree per 1,000 square feet of gross building floor area or one tree per 50 lineal feet of site perimeter, whichever is greater, and one understory shrub for each 300 square feet of gross building floor area or one shrub per 30 lineal feet of site perimeter, whichever is greater. The Zoning Ordinance standards require 50 overstory trees and 167 shrubs for the proposed development (i.e. the "development trees"). Plans show 61 overstory trees and 181 shrubs, which exceeds the required number of development trees.

Section 1060.070 of the Zoning Ordinance also requires buffer yards and buffer yard plantings be provided when a developing property is adjacent to or across a local street from property in a less intensive zoning district. Buffer yards are required to be located on the outer perimeter of a parcel, extending to the parcel boundary line. Buffer yards must be located within permanent easements. The Zoning Ordinance requires the provision of buffer yards shall be responsibility of the more intensive use. The variance for off-site buffer yard easements is discussed further in the variance section of this report.

The applicant is proposing to utilize off-site vegetation as natural buffers on adjacent property in lieu of providing the required buffer yard plant materials. The proposed off-site natural buffers may only be accepted if the variance for off-site buffer yard

easements are approved. The ordinance gives the City Council discretion to accept major roadways and existing wooded areas as acceptable methods for establishing a buffer yard transition. Staff does not believe the provided plans include enough information to ensure compliance. If the City Council allows the off-site buffer, the applicant must provide a tree survey to ensure the existing woods provide an adequate buffer yard transition.

The applicant is only proposing to preserve existing natural vegetation outside the perimeter of the site within the 20-foot off-site buffer yard is proposed to the north and east. No vegetation is proposed to be preserved on-site and no buffer yard plant materials are proposed within the on-site buffer yard easements where off-site vegetation is proposed to be preserved. The applicant must provide a tree survey that shows the proposed off-site natural vegetation will serve as an adequate transition buffer if the Council supports this off-site buffer. No buffer yard is provided along the south property line as the ordinance allows the Council to waive the buffer requirements on the south because the residential property in Medina is separated from this site by a major roadway (Highway 55).

Property to the west is within the City of Greenfield and zoned Rural Residential district. A Class D 50-foot-wide buffer yard is provided along the west side of the development, but the landscaping does not meet the minimum ordinance requirements. A 40-foot wide future street easement is provided along the west property line. The future street easement could serve as a natural buffer yard to the west; the classification for the future road is not shown on the Comprehensive Plan.

- The Planning Commission should discuss whether a buffer yard is required for property outside of the City of Corcoran's boundaries.
- If a buffer yard is required along the west property line, the Planning Commission should also discuss whether the future street easement could be used as a natural buffer to meet the buffer yard requirements.

This industrial site is abutting residentially zoned property in the City of Corcoran on the north and west. As such, the minimum number of required overstory trees, understory trees and shrubs for both the development and buffer yards is shown in the table below.

Staff believes that the intent of the buffer yard standards is to have buffer yard plant materials in addition to the required development trees; however, the ordinance does not specifically state this as requirement. If the Planning Commission determines that development trees may be used to fulfill the buffer-yard tree requirements there will be an adequate number of overstory trees and shrubs to comply with the overstory tree requirements, but some plant materials will need to be relocated to buffer yard areas. Plans must also be revised to provide the minimum number of understory trees. The applicant is proposing to provide half the required buffer yard on the north and west on the adjacent property. If the buffer landscaping is required in addition to the development landscaping and off-site natural buffers are not accepted, the applicant will

need to provide additional plant materials to comply with total number of required buffer yard plant materials and development trees as shown in the table below:

	Required Overstory Trees	Required Understory Trees	Required Shrubs
Development Trees	50	N/A	167
Class D 40-foot Buffer Yard (Northwest)	20	30	60
Class D 50-foot Buffer Yard (West)	14	21	42
<b>TOTAL</b>	<b>84</b>	<b>51</b>	<b>269</b>

The buffer zone shown on the west property and the western 300 feet of the north property line are the only areas where the applicant is showing buffer trees will be planted. However, neither area meets minimum buffer yard planting requirements and must be revised to show compliance regardless of the Planning Commission recommendations regarding off-site buffer yards and whether the development trees can be used to meet the buffer yard landscape requirements.

- The Ordinance does not explicitly require buffer materials in addition to the minimum number development trees. However, staff believe the intent is to require the buffer yard plant materials in addition to the minimum number of development trees as has been required for building setback through additional landscaping standards. The applicant is requesting a variance and the additional trees could be required as a condition of the variance. The Planning Commission should provide direction.

The applicant has requested variances from the required buffer yard standards to:

1. Utilize required development trees to meet buffer yard plant requirements.
2. Provide the required buffer yard easement area on- and off-site.

The approval of these variances will impact whether the applicant must revise plans to provide on-site buffer-yard easements and/or the required amount of buffer yard plant materials for the whole site. These variances are discussed in detail further in this report.

### Conditional Use Permit

The applicant is requesting a conditional use permit to allow “self storage facilities” for the site. Section 1040.090, Subd. 4 of the Zoning Ordinance allows the landowner to request a conditional use permit if they comply with the following standards:

1. *Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity, except as allowed by this Section.*

Units will be leased to companies and private individuals for storage of items ranging from company vehicles, supplies, automobiles, recreational vehicles, trucks and trailers. No commercial-type vehicles will be allowed within the units. No public traffic or extended employee presence will be allowed. The applicant has also indicated no outdoor storage or outside over-night parking of any kind will be allowed. The City has approved other self-storage projects and has determined that commercial businesses using the units for storage is allowed.

- 2. Combining office and/or retail space with a self-service storage facility may be allowed by Conditional Use Permit.*

Combining office and/or retail space with the proposed mini storage/self storage facility is not proposed. The mini storage/self storage facility will not allow for retail or leasing office operations because no bathroom facilities will be provided on site. Signage on proposed Building A will provide prospective customers with contact details for renting units.

- 3. Storage of hazardous or flammable materials is prohibited.*

Staff has included a condition that the storage of hazardous or flammable materials is prohibited.

- 4. No exterior storage is allowed.*

The applicant has indicated that no exterior storage or over-night parking is allowed on the site. To that effect, the applicant has indicated that they will contract with a towing service to remove vehicles in violation of these rules.

- 5. The facility shall be secured by either the walls of the structure and/or fencing. All the doors on the units shall face inward and away from the street and property lines.*

Each unit is secured by the walls of the structure. A gate secures the entrance drive and restricts access to the public. All doors on the units face inwards and away from the adjacent properties.

6. *An on-site manager is only allowed where adequate sanitary facilities are provided, either through the use of a septic system or through connection to the public sanitary sewer system. Use of portable sanitary facilities does not fulfill this requirement.*

As indicated by the applicant, no extended employee presence is planned for the operation of the mini storage/self storage facility. As such, sanitary facilities are not necessary or provided.

The proposed mini storage/self storage must also comply with the general conditional use standards in Section 1070.020 of the Zoning Ordinance, specifically:

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

The proposed mini storage/self storage facility use is consistent with the commercial uses anticipated for areas guided Light Industrial in the Comprehensive Plan. The proposed use does not impact public facilities and capital improvement plans.

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

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.

Alternatively, the Planning Commission could find that if the variances are granted conditions for this standard have not been met because the reduced building setback and buffer yard encroachment may be detrimental to adjacent properties.

- 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 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 proposed use is a conditional use in the I-1 district and the applicant has worked with the adjacent landowner to preserve the existing woods outside the perimeter of the site for the purposes of a buffer yard.

Alternatively, the Planning Commission could find that if variances are granted conditions for this standard have not been met because the reduced building setback and buffer yard encroachment may reduce the enjoyment of property and/or diminish property values.

- 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.*

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.

- 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 and private utilities will not be provided; however, the proposed use does not require sewer or water utilities in order to operate.

Alternatively, if the variance to develop the site in advance of municipal services is not granted the Planning Commission could find this condition is not met.

- 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 and site conforms to the performance standards as specified by this Chapter.*

Staff has analyzed the performance standards of this Chapter and has included conditions to ensure compliance with the performance standards.

## Variances

### *Variance for Municipal Services Requirement*

The applicant has requested a variance from the requirement in Section 1040.125, Subd. 1 of the Zoning Ordinance that new development in the I-1 district will be allowed only when a full range of municipal services and facilities are available to serve the area.

*A. There are practical difficulties in complying with the zoning ordinance.*

New development within the MUSA shall only be allowed when a full range of municipal services and facilities are available to serve the area. The site is located in the 2035-2040 stage of the Comprehensive Plan 2040 Staging Plan map, but the area is subject to a Metropolitan Council study which is not expected to be completed until the next Comprehensive Plan update.

Alternatively, the Planning Commission could find that there is no practical difficulty because the applicant can wait for municipal services to be extended prior to development. In the interim, the applicant does have the ability to develop the property consistent with the UR district standards.

*B. That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.*

The property does not have access to municipal sewer and water services which restricts the ability to develop the site and this condition will not change if the proposed development is approved. This development does not require sewer or water services. The constraints to conform with a connection to municipal sewer and water services were not created by the current landowners.

Alternatively, the Planning Commission could find that all properties outside of the initial Sanitary Sewer Staging area are subject to the same restrictions and the conditions are not unique to this property.

*C. That the granting of the variation will not alter the essential character of the locality.*

The granting of the variation will not alter the essential character of the locality. Allowing redevelopment of the site to Light Industrial from Low Density Residential is consistent with the future land use projected for the site. The surrounding residential properties will remain essentially unchanged. This property is on the western border of the City and allowing development without municipal utilities will preclude development of adjacent properties.

Alternatively, the Planning Commission could find that granting the variation will alter the essential character of the locality because light industrial redevelopment is not anticipated until municipal services are available to serve the area.



*D. The proposed variance would be in harmony with the general purposes and intent of the ordinance.*

The variance will be in harmony with the general purpose and intent of the I-1 district, which is to provide for the establishment of warehousing and light industrial development. While this development is proposed without municipal services available to the site, such services are not required to facilitate the proposed use. The development would be required to connect to municipal services once they become available. Staff recommend this as a condition of approval.

*E. The variance is consistent with the Comprehensive Plan.*

The variance would allow for the development of a mini storage/self storage facility that is consistent with the industrial uses anticipated in the Comprehensive Plan.

*F. The City may impose conditions on the variance to address the impact of the variance.*

Staff has included a condition that when municipal sewer and water are available to the site the applicant will be required to connect the facility to those services.

#### *Variance for On-Site Buffer Yard Requirement*

Section 1060.070, Subd. 2 of the Zoning Ordinance requires a Level D buffer from this I-2 zoned property to the UR zoned property to the north and east. The properties to the south and west are also zoned residential but are outside of City limits. The ordinance provides five options to meet this buffer requirement:

- a. A 30-foot wide buffer yard easement with six overstory trees, nine understory trees, 36 shrubs or tall native grasses and a minimum six-foot tall fence, per 100 feet of distance.
- b. A 40-foot wide buffer yard easement with four overstory trees, six understory trees, 24 shrubs or tall native grasses and a minimum six-foot tall fence, per 100 feet of distance.
- c. A 40-foot wide buffer yard easement with eight overstory trees, 12 understory trees and 24 shrubs or tall native grasses, per 100 feet of distance.
- d. A 50-foot wide buffer yard easement with six overstory trees, nine understory trees and 18 shrubs or tall native grasses, per 100 feet of distance.
- e. A 50-foot wide buffer yard easement with three overstory trees, four understory trees, nine shrubs or tall native grasses and a minimum six-foot tall berm.

Additionally, the ordinance allows the Council to waive the buffer requirements on the south because the Medina property is separated from this site by Highway 55 (a major roadway).

The applicant is proposing to satisfy the requirement on the north and east with a 40-foot-wide buffer yard that straddles the property line with a 20-foot buffer yard around the perimeter of the site on-site and a 20-foot buffer yard off-site. Section 1060.070 of the Zoning Ordinance requires that the location of buffer yards shall be on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. The Ordinance also requires the provision of buffer yards shall be the responsibility of the more intensive use. The applicant is requesting a variance from the requirement that all buffer setback and landscaping be on site.

*A. There are practical difficulties in complying with the zoning ordinance.*

The applicant has indicated there are practical difficulties in complying with the on-site buffer yard requirement because the limited north-south width of the parcel, required setback from Highway 55 and access constraints make it difficult to develop the parcel.

However, the Planning Commission could find that the site could be redesigned to reduce building size, redesign the stormwater or propose a different use that does fit on the site and that the proposed use is simply too big for the site.

*B. That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.*

The constraints of the parcel shape and development constraints unique to the parcel and were not created by the landowner.

However, the Planning Commission could find that the size and shape of this 4.87-acre lot does not preclude development that could comply with the ordinance standard. The variance is only required for this proposal, therefore, the conditions that required the variance are due to applicant's desire to maximize development on the site and are not unique to this site.

*C. That the granting of the variation will not alter the essential character of the locality.*

The Planning Commission could find that granting of the variation will not alter the essential character of the locality. Existing tree stands would be preserved within the 20-foot off-site buffer yard easement. The surrounding residential properties will remain essentially unchanged.

Alternatively, the Planning Commission could find that granting of the variation will alter the essential character of the locality because light industrial redevelopment would not provide the required on-site buffer and would alter the essential character of the locality.

*D. The proposed variance would be in harmony with the general purposes and intent of the ordinance.*

The proposed variance would be in harmony with the general purposes and intent of the ordinance which is to provide 40- and 50-foot wide buffer yard easements. The applicant's proposal would be to provide a 20-foot buffer easement on this property and obtain a 20-foot buffer easement from the neighbor.

However, the Planning Commission could find proposed variance is not in harmony with the intent of the ordinance standard that requires the more intensive land use to be responsible for the provision of required buffer yards which are required to be within the perimeter of the parcel. Buffer-yard easements must be permanent and the provision of off-site easements may impact the future development of adjacent parcels.

*E. The variance is consistent with the Comprehensive Plan.*

The variance would allow for the development of a mini storage/self storage facility that is consistent with the industrial uses anticipated in the Comprehensive Plan.

*F. The City may impose conditions on the variance to address the impact of the variance.*

Staff has included conditions on the variance to address responsibility for and preservation of the required buffer yard easements.

*Variance for Building Setback from Residential Property Line Requirement*

The applicant is requesting a 20 foot setback on the north and east property lines where 50 feet is required from residential properties. The adjacent parcel is zoned UR district which is a residential district.

*A. There are practical difficulties in complying with the zoning ordinance.*

The applicant has indicated there are practical difficulties in complying with the setback requirement because the limited north-south width of the parcel and

access constraints make it difficult to develop the parcel once site development constraints are imposed.

However, the Planning Commission could find that the site could be redesigned to reduce building size, redesign the stormwater or propose a different use that does fit on the site in compliance with the Ordinance standards.

- B. That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.*

The constraints of the parcel shape and impact of development constraints are unique to the parcel and were not created by the landowner.

However, the Planning Commission could find that the size and shape of this 4.87-acre lot does not preclude development that could comply with the setback standards. The variance is only required for this proposal, therefore, the conditions that required the variance are due to applicant's desire to maximize development on the site.

- C. That the granting of the variation will not alter the essential character of the locality.*

Granting the variation will not alter the essential character of the locality. Allowing redevelopment of the site to light industrial from low density is consistent with the future land use projected for the site. The adjacent residential properties will remain essentially unchanged. The adjacent properties are guided for industrial development and will be rezoned from UR to I-1 when development proposed. The proposed 20-foot setback on this property is consistent with what will be required when those properties redevelop.

However, the Planning Commission could find granting the reduced building setback variance will alter the essential character of the area by allowing a more light industrial development on the site and closer to adjacent residential lots than otherwise anticipated. The adjacent property is currently zoned UR and has an existing home on it. The intent of the 50-foot setback is to protect adjacent residential properties from the impact of industrial development. Allowing the reduced setback will alter the essential character of the locality.

*D. The proposed variance would be in harmony with the general purposes and intent of the ordinance.*

The intent of the I-1 district is to provide for the establishment of warehousing and light industrial development. The proposed self-storage facility use is a low impact use and generally compatible with adjacent low density residential uses. The applicant is proposing a 20-foot setback from the north and east property lines where a 50-foot setback is required. A 20-foot on-site and 20-foot off-site buffer yard will be provided. The only adjacent residential building is situated approximately 150 feet from the nearest proposed building.

However, the Planning Commission could find the proposed variance is not in harmony with the general intent of the Ordinance to provide a transitional area between light industrial buildings and residential lots.

*E. The variance is consistent with the Comprehensive Plan.*

The variance would allow for the development of a mini storage/self storage facility that is consistent with the industrial uses anticipated in the Comprehensive Plan.

*F. The City may impose conditions on the variance to address the impact of the variance.*

None

### Summary

Staff has reviewed the plans with the applicable standards outlined in the Comprehensive Plan and Zoning Ordinance and finds that the standards for the proposed rezoning, conditional use permit and site plan could be met. However, we find that standards for the proposed variances have not been met as outlined in the variance section of the staff report. Staff believes that the buffer yard location and building setback variance standards have not been met and that there is no practical difficulty other than a desire to maximize development on site. Economic considerations alone do not constitute a practical difficulty under the law.

Staff had prepared drafted resolutions for approval of all requests for Planning Commission consideration. Any outstanding issues that must be addressed have been included as conditions in the attached draft resolutions.

Staff has also prepared a recommendation for denial of all requests because without the variances, the site would require a significant enough redesign that a new application would be required to be submitted.

#### **4. Recommendation**

Staff recommends that the Planning Commission recommend approval of the one if the following:

- A. If the Planning Commission finds that the ordinance standards have been met, they should recommend approval of the following:
  - 1. Draft ordinance approving rezoning
  - 2. Draft resolution with findings of fact for rezoning
  - 3. Draft resolution approving conditional use permit
  - 4. Draft resolution approving variances
  
- B. If the Planning Commission finds that the ordinance standards have not been met they should recommend approval of the draft resolution denying the request for rezoning, conditional use permit and variances.

#### **Attachments**

- 1. Draft Ordinance Approving Rezoning
- 2. Draft Ordinance with Findings of Fact for Rezoning
- 3. Draft Resolution Approving Site Plan and Conditional Use Permit
- 4. Draft Resolution Approving Variances
- 5. Draft Resolution Denying the Request
- 6. Site Location Map
- 7. Landscaping Ordinance Amendment dated April 27, 2023
- 8. City Engineer Memo dated July 24, 2023
- 9. Public Safety Memo dated July 24, 2023
- 10. Applicant Narrative dated July 19, 2023
- 11. Site Plan and Civil Plans dated July 19, 2023
- 12. Landscape Plan dated July 10, 2023
- 13. Sample Lease Agreement dated July 10, 2023

**ORDINANCE NO. 2023-XX**

**Motion By:  
Seconded By:**

**AN ORDINANCE AMENDING TITLE X (ZONING ORDINANCE) OF THE CITY CODE TO CLASSIFY CERTAIN LAND LOCATED AT 23730 HIGHWAY 55 (PID 31-119-23-33-0001) (CITY FILE NO. 23-016)**

THE CITY OF CORCORAN ORDAINS:

**Section 1.** Amendment of the City Code. Title X of the City Code of the City of Corcoran, Minnesota, is hereby amended by changing the classification on the City of Corcoran Zoning Map from Urban Reserve (UR) district to Light Industrial (I-1) district, described as follows:

*See Exhibit A*

**Section 2.** Effective Date. The amendment shall take effect upon adoption of the resolution approving the final plat for this project.

**ADOPTED by the City Council on the xx day of August, 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

---

Tom McKee - Mayor

**ATTEST:**

---

Michelle Friedrich – City Clerk

*City Seal*

**ORDINANCE NO. 2023-XX**

**Exhibit A**

THAT THAT PART OF SW 1/4 OF SECTION 31, TOWNSHIP 119, RANGE 23, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

ABSTRACT PROPERTY



**RESOLUTION NO. 2023-XX**

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

**APPROVING FINDINGS OF FACT FOR REZONING FOR 23730 HIGHWAY 55 (PID 31-119-23-33-0001) (CITY FILE NO. 23-016)**

**WHEREAS**, Craig Scherber, (the “applicant”), has requested approval to rezone 4.87 acres legally described as follows:

*See Exhibit A*

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA**, that it should and hereby does support the request for reclassification of the property, based on the following findings and conditions:

1. The proposed development has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans. The proposed development is consistent with the policies and provisions for the Light Industrial (I-1) district and the Future Land Use Map designates the site as Light Industrial.
2. The proposed mini storage/self storage use of the site meets the purpose and intent of the I-1 district which is to provide a full range of industrial, manufacturing, warehousing and similar uses.
3. There is adequate infrastructure available to serve the proposed action. The proposed mini storage/self storage use does not require sewer and water to operate and no sewer and water infrastructure is proposed as part of the development. There is adequate infrastructure available to serve the proposed action.
4. There is an adequate buffer or transition provided between potentially incompatible districts. Adjacent properties to the north and east are zoned Urban Reserve (UR) district and properties to the south and west are residential. Buffer yard space and vegetation is provided along the north, east and west perimeters of the site to provide adequate transition between the different intensity of uses. Highway 55 to the south of the site provides an adequate transition for residential property to the south.

**VOTING AYE**

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

**VOTING NAY**

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

**RESOLUTION NO. 2023-XX**

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

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

**ATTEST:**

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

**City Seal**

**RESOLUTION NO. 2023-XX**

**Exhibit A**

THAT THAT PART OF SW 1/4 OF SECTION 31, TOWNSHIP 119, RANGE 23, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

ABSTRACT PROPERTY

**RESOLUTION NO. 2023-XX**

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

**APPROVING A SITE PLAN AND CONDITIONAL USE PERMIT FOR THE PROPERTY  
LOCATED AT 23730 HIGHWAY 55 (PID 31-119-23-33-0001) (CITY FILE NO. 23-016)**

**WHEREAS**, Craig Scherber, (the “applicant”), is requesting approval of a site plan and conditional use permit for the property located at 23730 Highway 55, legally described as follows:

*See Exhibit A*

**WHEREAS**, the Planning Commission has reviewed the site plan and conditional use permit request at a duly called Public Hearing and recommends approval, and;

**NOW, THEREFORE, BE IT 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 six buildings for a mini storage/self storage facility as shown on the application and plans received by the City on June 20, 2023 and additional information received on July 10, 2023, July 13, 2023 and July 19, 2023, except as amended by this resolution.
2. Approval of the site plan and conditional use permit is contingent upon approval of the requested rezoning and variances.
3. A conditional use permit is approved, subject to the finding that the applicable criteria as outlined in Section 1070.020 (Conditional Use Permits) of the Zoning Ordinance have been met, specifically:
  - a. The proposed mini storage/self storage use is consistent with the commercial uses anticipated for areas guided Light Industrial in the Comprehensive Plan. The proposed use does not impact public facilities and capital improvement plans.
  - 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.
  - 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 or impair property values within the neighborhood. The proposed use is a conditional use in the I-1 district and the applicant has worked with the adjacent landowner to preserve the existing woods outside the perimeter of the site for the purposes of a buffer yard.

**RESOLUTION NO. 2023-XX**

- 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.
  - e. The site is located within the MUSA but municipal sewer and water are not available to the site, nor will private utilities be provided. The proposed use does not require sewer or water in order to operate.
  - f. Staff has proposed draft conditions to ensure compliance with the Zoning Ordinance regulations.
  - g. Staff has analyzed the performance standards of this Chapter and has included conditions to ensure compliance with the performance standards.
4. The conditional use permit must comply with the criteria as outlined in Section 1040.090, Subd. 4 of the Zoning Ordinance, specifically:
- a. Units will not be used for retailing, auto repair, human habitation or any commercial activity, except as allowed by Section 1040.090.
  - b. The only proposed use for the site is a mini storage/self storage facility. No retail sales of goods or purchases will be allowed and no office space will be provided on site for staff or customers.
  - c. No hazardous or flammable materials are allowed for storage on the property.
  - d. No exterior storage or overnight parking (outside of units) is allowed.
  - e. Each unit is secured by the walls of the structure and all unit doors face inwards and away from residential property lines as much as possible.
  - f. No extended employee presence is planned for the mini storage/self storage facility. As such, no sanitary facilities are provided on the site.
5. The applicant must comply with all conditions in the City Engineer's memo dated July 24, 2023.
6. The applicant must comply with the Public Safety Plan review comments dated July 24, 2023.
7. Prior to initiation of grading or any other site work, the applicant must provided a turning radius exhibit to ensure that emergency vehicles can safely move throughout the site and update the site plan as needed to ensure compliance.
8. The applicant is responsible for obtaining an access permit from MnDOT.
9. The applicant is responsible for obtaining approval and financing any requirements from MnDOT including for any work within or affecting the MnDOT right-of-way.

**RESOLUTION NO. 2023-XX**

10. The plans must be revised to show all signs in the Highway 55 and City of Greenfield rights-of-way adjacent to the new access road. The applicant is responsible for obtaining approval from sign owners for removing and relocating road signs where the proposed access drive is situated.
11. Detailed description of the proposed building materials and cut sheets must be provided for review and approval by City staff.
12. The existing driveway and access to the residential building on 23730 Highway 55 shall be removed.
13. If the proposed street (as shown in the Southwest District Guidelines) along the west property line is constructed, access to State Highway 55 shall be removed and redirected to the new street.
14. All permanent wetland buffer monument signs must be erected along the wetland buffer line as required by Section 1050.010, Subd. 7 of the Zoning Ordinance.
  - a. Wetland buffer monument signs must be purchased from the City.
  - b. Wetland buffer monument signs must be installed on treated 4"x4" wooden posts.
  - c. The installation of wetland monument buffer signs according to the approved plan must be certified by a registered land surveyor.
  - d. Wetland buffers must be planted and inspected by the City prior to issuance of building permits.
  - e. Where buffer areas are not vegetated or have been disturbed within the last 10 years, such buffer areas shall be replanted and maintained according to the standards in Section 1050.010, Subd. 8 of the Zoning Ordinance.
    - i. If existing wetland buffers are proposed to remain, the City's wetland buffer specialist must inspect and confirm existing buffers are undisturbed an in an acceptable condition.
15. Drainage and utility easements shall be provided over all wetlands, wetland buffers and ponds.
16. Sign permits will be required prior to the installation of any signs.
17. If trees marked for preservation are removed during construction the applicant shall be required to provide an equivalent caliper-inch replacement for the lost trees.
18. Plans must be revised to show the signs in the Highway 55 right-of-way and proposed relocation areas (subject to MnDOT approval).
19. The off-site buffer as shown on the plans is acceptable, subject to the following conditions:
  - a. The plans must be revised to show a detailed survey of all existing trees in the off-site buffer to ensure compliance with the buffer yard standards in Section 1060.070 of the Zoning Ordinance. If additional trees and/or shrubs are required too meet the ordinance requirements, the applicant must obtain written permission from the landowner to plant on their property and provide a copy to the City.

**RESOLUTION NO. 2023-XX**

- b. The on-site and off-site buffer yards must be placed in a permanent conservation easement. The conservation easement shall provide standards for establishment and maintenance of the buffer in perpetuity.
- c. Plans must be revised to show:
  - i. 20 overstory trees, 30 understory trees and 60 shrubs or tall native grasses in the 40-foot wide Class D buffer to the northwest.
  - ii. 14 overstory trees, 21 understory trees and 42 shrubs or tall native grasses in the 50-foot wide Class D buffer to the west.

FURTHER, that the following conditions must be met prior to issuance of building permits:

- 20. The developer shall enter into a site improvement performance agreement and submit a financial guarantee for the work as outlined in Section 1070.050, Subd. 9 of the Zoning Ordinance.
- 21. A building permit is required prior to beginning construction.
- 22. The applicant shall submit any and all necessary permits to the watershed and receive approval and provide proof of permits to the City.
- 23. A site improvement performance agreement must be executed by the developer and City and must be recorded at Hennepin County.
- 24. The following documents must be approved by the City Attorney:
  - a. Site Improvement Performance Agreement.
  - b. Stormwater Maintenance Agreement.
  - c. Buffer Yard Conservation Easements.
  - d. Rental/Lease Agreement.
- 25. The following documents must be recorded at Hennepin County and proof of recording provided to the City:
  - a. Approving Resolutions.
  - b. Site Improvement Performance Agreement.
  - c. Stormwater Maintenance Agreement.
  - d. Buffer Yard Conservation Easements

FURTHER, that the following conditions must be met prior to release of remaining escrow:

- 26. Any request for the City 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 (including wetland and pond buffers) have been correctly installed in compliance with the plans and specifications will suffice.
- 27. Any request for the City to inspect the required pond and wetland buffers in order to reduce financial guarantees must be accompanied by a recertification/verification of field inspection by the project Landscape Architect. A letter signed by the Landscape

**RESOLUTION NO. 2023-XX**

Architect verifying buffers have been correctly seeded in compliance with the plans and specifications will suffice.

28. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

**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 August, 2023.

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

ATTEST:

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

*City Seal*



**RESOLUTION NO. 2023-XX**

**Exhibit A**

THAT THAT PART OF SW 1/4 OF SECTION 31, TOWNSHIP 119, RANGE 23, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

ABSTRACT PROPERTY

**RESOLUTION NO. 2023-XX**

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

**APPROVING VARIANCES FOR THE PROPERTY LOCATED AT 23730 HIGHWAY 55 (PID 31-119-23-33-0001) (CITY FILE NO. 23-016)**

**WHEREAS**, Craig Scherber, (the “applicant”), is requesting approval of variances for the property located at 23730 Highway 55, legally described as follows:

*See Exhibit A*

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

**NOW, THEREFORE, BE IT 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. The requested variance from the Municipal Services Requirement is approved based on the following findings:
  - a. That there are practical difficulties in complying with the Zoning Ordinance. New development within the MUSA shall only be allowed when a full range of municipal services and facilities are available to serve the area. The site is located in the 2035-2040 stage of the Comprehensive Plan 2040 Staging Plan map, but the area is subject to a Metropolitan Council study which is not expected to be completed until the next Comprehensive Plan update. The property does not have access to municipal sewer and water services which restricts the ability to develop the site and this condition will not change if the proposed development is approved. This development does not require sewer or water services. The constraints to conform with a connection to municipal sewer and water services were not created by the current landowners.
  - b. That the conditions upon which a petition for a variation is based are unique to the parcels of land for which the variance is sought and were not created by the landowners. The property does not have access to municipal water and sewer services which restricts the ability to develop the site and this condition will not change with an approved development.
  - c. That the granting of the variation will not alter the essential character of the locality. The granting of the variation will not alter the essential character of the locality. Allowing redevelopment of the site to Light Industrial from Low Density Residential is consistent with the future land use projected for the site. The surrounding residential properties will remain essentially unchanged.
  - d. The proposed variance would be in harmony with the general purposes and intent of the ordinance. The variance will be in harmony with the general purpose and intent of the I-1 district, which is to provide for the establishment of warehousing and light industrial development.
  - e. The variance is consistent with the Comprehensive Plan. The variance would allow for the development of a mini storage/self storage facility that is consistent with the industrial uses anticipated in the Comprehensive Plan.

**RESOLUTION NO. 2023-XX**

- f. The City may impose conditions on the variance to address the impact of the variance. The applicant shall be required to connect the site to municipal sewer and water when those services are available to the site.
2. The requested variance from the on-site buffer yard requirements is approved based on the following findings:
  - a. That there are practical difficulties in complying with the Zoning Ordinance. The applicant has indicated there are practical difficulties in complying with the on-site buffer yard requirement because the limited north-south width of the parcel, required setback from Highway 55 and access constraints make it difficult to develop the parcel.
  - b. That the conditions upon which a petition for a variation is based are unique to the parcels of land for which the variance is sought and were not created by the landowners. The constraints of the parcel shape and development constraints unique to the parcel and were not created by the landowner.
  - c. That the granting of the variation will not alter the essential character of the locality. Existing tree stands will be preserved within the 20-foot off-site buffer yard easement and surrounding properties will remain essentially unchanged.
  - d. The proposed variance would be in harmony with the general purposes and intent of the ordinance. The proposed variance would be in harmony with the general purposes and intent of the ordinance which is to provide 40- and 50-foot wide buffer yard easements. The applicant's proposal would be to provide a 20-foot buffer easement on this property and obtain a 20-foot buffer easement from the neighbor.
  - e. The variance is consistent with the Comprehensive Plan. The variance would allow for the development of a mini storage/self storage facility that is consistent with the industrial uses anticipated in the Comprehensive Plan.
  - f. The City may impose conditions on the variance to address the impact of the variance. Off-site buffer yards shall be provided in permanent easements. The applicant shall be responsible for the preservation of trees and maintenance of the on- and off-site buffer yard easements and plant materials.
3. The requested variance from the required building setbacks from residential property lines is approved based on the following findings:
  - a. That there are practical difficulties in complying with the Zoning Ordinance. The applicant has indicated there are practical difficulties in complying with the on-site buffer yard requirement because the limited north-south width of the parcel and access constraints make it difficult to develop the parcel once site development constraints are imposed.
  - b. That the conditions upon which a petition for a variation is based are unique to the parcels of land for which the variance is sought and were not created by the landowners. The constraints of the parcel shape and impact of development constraints are unique to the parcel and were not created by the landowner.
  - c. That the granting of the variation will not alter the essential character of the locality. Allowing redevelopment of the site to light industrial from low density is consistent with the future land use projected for the site. The adjacent residential properties will remain essentially unchanged. The proposed buffer yard will provide an adequate transition between the reduced setback and adjacent

**RESOLUTION NO. 2023-XX**

- properties. The proposed 20-foot setback is consistent with the required setback for when adjacent residential properties redevelop as light industrial.
- d. The proposed variance would be in harmony with the general purposes and intent of the ordinance. The intent of the I-1 district is to provide for the establishment of warehousing and light industrial development and the proposed self storage facility use is a low impact use generally compatible with adjacent low-density residential areas. The adjacent residential building to the east is situated approximately 150 feet from the nearest self storage building.
  - e. The variance is consistent with the Comprehensive Plan. The variance would allow for the development of a mini storage/self storage facility that is consistent with the industrial uses anticipated in the Comprehensive Plan.

**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 August, 2023.

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

ATTEST:

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

*City Seal*

**RESOLUTION NO. 2023-XX**

**Exhibit A**

THAT THAT PART OF SW 1/4 OF SECTION 31, TOWNSHIP 119, RANGE 23, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

ABSTRACT PROPERTY

**RESOLUTION NO. 2023-XX**

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

**DENYING A REZONING, SITE PLAN, CONDITIONAL USE PERMIT AND VARIANCES FOR THE PROPERTY LOCATED AT 23730 HIGHWAY 55 (PID 31-119-23-33-0001) (CITY FILE NO. 23-016)**

**WHEREAS**, Craig Scherber, (the “applicant”), is requesting approval of a rezoning, site plan, conditional use permit and variances for the property located at 23730 Highway 55, legally described as follows:

*See Exhibit A*

**WHEREAS**, the Planning Commission has reviewed the rezoning, site plan, conditional use permit and variance requests at a duly called Public Hearing and recommends denial;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA**, that it should and hereby does deny the variance requests based on the finding that the Variance Standards in Section 1070.040 of the Zoning Ordinance have not been met, specifically:

1. The requested variance for the Municipal Services Requirement is denied based on the following findings:
  - a. There are no practical difficulties in complying with the zoning ordinance. The City finds that the applicant could redesign the site to reduce building size, redesign the stormwater or propose a different use that fits on the site in compliance with the Ordinance standards.
  - b. That the conditions upon which a petition for a variation is based are not unique to the parcel of land for which the variance is sought and were created by the landowner. The City finds that all properties outside of the initial Sanitary Sewer Staging area are subject to the same restrictions and such conditions are not unique to the property.
  - c. The City finds that granting of the variation will alter the essential character of the locality because light industrial redevelopment is not anticipated until municipal services are available to serve the area.
  - d. The proposed variance would not be in harmony with the general purposes and intent of the ordinance because the intent of the Ordinance is to allow redevelopment of the site once municipal services are available to serve the site.
  - e. The variance is not consistent with the Comprehensive Plan because the proposed development is not anticipated in the area until municipal services are available to serve the site.
2. The requested variance for the on-site buffer yard requirements is denied based on the following findings:
  - a. There are no practical difficulties in complying with the zoning ordinance. The City finds that the applicant could redesign the site to reduce building size,

**RESOLUTION NO. 2023-XX**

- redesign the stormwater or propose a different use that fits on the site in compliance with the Ordinance standards.
- b. That the conditions upon which a petition for a variation is based are not unique to the parcel of land for which the variance is sought and were created by the landowner. The City finds that the size and shape of this parcel does not preclude development that could comply with the ordinance standards. The variance is only required for this proposal, therefore, the conditions that required the variance are due to applicant's desire to maximize development on the site and are not unique to this site.
  - c. That the granting of the variation will alter the essential character of the locality because light industrial redevelopment would not provide the required on-site buffer and would alter the essential character of the locality.
  - d. The proposed variance would not be in harmony with the general purposes and intent of the ordinance standard that requires the more intensive land use to be responsible for the provision of required buffer yards within the perimeter of the parcel. Off-site easements may impact the future development of adjacent parcels.
  - e. The variance is not consistent with the Comprehensive Plan because the proposed development is not anticipated in the area until municipal services are available to serve the site.
3. The requested variance for the required building setback from residential property lines is denied based on the following findings:
- a. There are no practical difficulties in complying with the zoning ordinance. The City finds that the applicant could redesign the site to reduce building size, redesign the stormwater or propose a different use that fits on the site in compliance with the Ordinance standards.
  - b. That the conditions upon which a petition for a variation is based are not unique to the parcel of land for which the variance is sought and were created by the landowner. The City finds that the size and shape of this parcel does not preclude development that could comply with the ordinance standards. The variance is only required for this proposal, therefore, the conditions that required the variance are due to applicant's desire to maximize development on the site and are not unique to this site.
  - c. That the granting of the variation will alter the essential character of the locality by allowing light industrial development on the site and closer to residential lots than otherwise anticipated. The intent of the required 50-foot setback is to protect adjacent residential properties from the impact of industrial development.
  - d. The proposed variance would not be in harmony with the general purposes and intent of the ordinance because the general intent is to provide a transition area between light industrial buildings and residential uses.
  - e. The variance is not consistent with the Comprehensive Plan because the proposed development is not anticipated in the area until municipal services are available to serve the site.

**RESOLUTION NO. 2023-XX**

**FURTHER, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA**, that it should and hereby does deny the request for a rezoning based on the finding that the standards in Section 1070.010, Subd. 2 of the Zoning Ordinance have not been met, specifically:

1. The proposed action has been considered in relation to specific policies and provisions of and has been found to be inconsistent with the City Comprehensive Plan, including public facilities and capital improvement plans. The variance standards have not been met to allow development in advance of municipal services.
2. The proposed action does not meet the purpose and intent of the Light Industrial (I-1) district which does not allow new development within the district until a full range of municipal services and facilities are available to serve the area.
3. There is not adequate infrastructure available to serve the proposed action. Municipal services and facilities are not available to serve the area.
4. There is not adequate buffer or transition provided between potentially incompatible districts. The buffer yard variance has not been approved and the applicant must revise plans to comply with the buffer yard standards.

**FURTHER, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA**, that it should and hereby does deny the request for a site plan and conditional use permit based on the finding that it cannot proceed without the requested variances and rezoning.

**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 August, 2023.

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

ATTEST:

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

*City Seal*



**RESOLUTION NO. 2023-XX**

**Exhibit A**

THAT THAT PART OF SW 1/4 OF SECTION 31, TOWNSHIP 119, RANGE 23, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

ABSTRACT PROPERTY



PARCEL ID: 3111923330001

OWNER NAME: Craig E Scherber

PARCEL ADDRESS: 23730 State Hwy No 55, Corcoran MN 55357

PARCEL AREA: 4.87 acres, 211,960 sq ft

A-T-B: Abstract

SALE PRICE:

SALE DATE:

SALE CODE:

ASSESSED 2022, PAYABLE 2023  
PROPERTY TYPE: Residential  
HOMESTEAD: Non-Homestead  
MARKET VALUE: \$300,000  
TAX TOTAL: \$3,870.36

ASSESSED 2023, PAYABLE 2024  
PROPERTY TYPE: Residential  
HOMESTEAD: Non-Homestead  
MARKET VALUE: \$271,900

### Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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## 1060.070 – LANDSCAPING

- Subd. 1. Purpose. The purpose of this Ordinance is to provide for a diversity of landscaping plant materials and design elements within the City through the establishment of minimum standards for landscape plans and maintenance requirements for required landscaping.
- Subd. 2. Required Landscaping and Maintenance. Prior to approval of a building permit, all semi-public, non-residence uses, and residential developments of four units or more, shall be subject to a mandatory landscape plan and specification requirements. Residential developments of less than 4 units shall not require a landscape plan but shall be required to install a minimum number of trees as outlined in this Section, item G.
- A. The landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure.
  - B. Required Ground Cover. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be sodded or seeded and mulched within 30 days of building occupancy or a financial guarantee shall be provided to guarantee said installation.
  - C. Required Plantings. In addition to required ground cover specified in Subd. 2(B) above and exclusive of required buffering or screening, all new development shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one year following the date of building occupancy. Where landscaping is required as part of City approvals, any plant material that is diseased or dies shall be replaced with a like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.
  - D. Minimum Size Requirements. All plants must at least equal the following minimum size:

<b>Table 1 – Minimum Plant Size Requirements</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

- E. Spacing. Plant material centers shall not be located closer than 3 feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of the City staff.
  
- F. Types of Plantings. The landscape plan shall be reviewed by City staff to ensure that appropriate plant materials are used to accomplish the intent of the landscaping, including screening where required.
  
- G. Number of Plantings. The minimum number of plantings on any given site shall be as follows:
  - 1. Residential uses shall provide a minimum of one overstory tree per dwelling unit.
  - 2. Non-Residential Uses. Non-residential uses shall contain at a minimum:
    - a. One overstory tree per 1,000 square feet of gross building floor area or one tree per 50 lineal feet of site perimeter, whichever is greater.
    - b. One understory shrub for each 300 square feet of building or one tree per 30 lineal feet of site perimeter, whichever is greater.
  - 3. Understory Trees. Up to 50 percent of the required number of overstory trees may be substituted with the use of understory trees in combination with other design elements. In such cases, not less than 3 understory trees shall be provided for each one required overstory tree substituted.
  - 4. At the sole discretion of the City, a portion of the total number of required trees for any development may be planted at a public location when it is determined by the City that site constraints or existing vegetation limit the ability to plant on site. Cash fees based on the estimated cost of materials and installation of required

materials may be substituted for public location planting at the discretion of the City.

5. No more than 33 percent of the required number of trees shall be of one species.
  
- H. Irrigation. Underground irrigation shall be required on all new multi-family and non-residential development where municipal water is available.
  
- I. Landscape Guarantee. All new plants shall be guaranteed for 2 full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced per the approved plan. Security in the form of letter of credit or cash shall be provided to guarantee the installation per the approved plan.
  
- 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.
  
    - 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 outlet 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.
  - 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.

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

1 Zoning district RMF includes RMF-1, RMF-2, and RMF-3

2 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.

<b>Table 3 – Buffer Yard Options</b>					
Buffer Yard Class	Width	Overstory Plantings <sub>1</sub>	Understory Plantings <sub>1</sub>	Shrubs or Tall Native Prairie Plantings <sub>1 2</sub>	Structures <sub>3</sub>
A <sub>4</sub>	10 feet	1	2	0	None
	15 feet	1	1.5	0	None
	20 feet	0.5	1.25	0	None
B	10 feet	1	4	6	Minimum 4-foot fence
	20 feet	3	6	9	None
	20 feet	1	2	3	Minimum 4-foot fence
	30 feet	2	4	12	None
	30 feet	1	2	4	Minimum 4-foot berm
C	20 feet	3	3	12	Minimum 4-foot fence
	30 feet	2	2	9	Minimum 4-foot fence
	30 feet	4	6	24	None
	40 feet	3	4	18	None
	40 feet	2	2	12	Minimum 4-foot berm
D	30 feet	6	9	36	Minimum 6-foot fence
	40 feet	4	6	24	Minimum 6-foot fence
	40 feet	8	12	24	None
	50 feet	6	9	18	None
	50 feet	3	4	9	Minimum 6-foot berm

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

<sub>2</sub> Requirement must be met by shrubs, tall native prairie plantings, or a combination deemed acceptable by the City

<sub>3</sub> Fences are subject to requirements in Section 1060.080

<sub>4</sub> A local road fulfills the Buffer Yard Class A requirement

- g. Planting Requirements.
  - i. All plantings shall be subject to the size and spacing requirements in Subd. 2(D) and 2(E) of this Section.
  - ii. Plantings used to meet the buffer yard requirement shall be native or naturalized species approved by City Council. Naturalized plants are defined as plant species that grow and reproduce outside their native homelands, with little to no effect on their new environment.
- 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.



- 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 establishment, maintenance, and protection 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.
2. Screening with the use of landscaping, fencing and walls should be accomplished with the existing topography where possible. When the existing topography prohibits effective screening, berming may be used.
- a. Planting screens are the preferred method of screening. The planting screen shall consist of hardy trees that will provide a minimum of 80 percent opacity year-round. Planting screens shall contain a mix of overstory and understory plantings and a mix of deciduous and coniferous materials.
  - 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.

- c. Earth berms may be used for screening when topography requires the earth berm to adequately screen the property. Berms shall not exceed 3:1 slope.
  - 3. Parking areas with 4 or more stalls shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
  - 4. Loading and service areas shall be screened from properties guided or zoned residential and from public streets.
- K. Building Setback Flexibility through Additional Landscaping. A reduction in the required front setback adjacent to arterial streets may be approved by the City Council if the applicant provides landscaping beyond the minimum requirements or preserves significant landscaping in this area. The required setback may be reduced up to 40 percent if the applicant provides a minimum of one overstory deciduous tree, one overstory coniferous tree, 2 ornamental trees and 10 understory shrubs per 100 feet of the length of the property line where the flexibility is requested, or preserves the equivalent amount of existing trees and shrubs. These materials must be provided in addition to the minimum landscape requirements.
- L. Parking Setback Flexibility through Additional Landscaping. A reduction in the required front setback adjacent to arterial streets may be approved by the City Council if the applicant provides landscaping beyond the minimum requirements or preserves significant landscaping in this area. The required setback may be reduced to the required front setback from other streets in that district if the applicant provides a minimum of one overstory deciduous tree, one overstory coniferous tree, 2 ornamental trees and 10 understory shrubs per 100 feet of the length of the property line where the flexibility is requested, or preserves the equivalent amount of existing trees and shrubs. These materials must be provided in addition to the minimum landscape requirements.

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To: Kevin Mattson, PE Public Works Director

From: Kent Torve, PE City Engineer  
Steve Hegland, PE  
Ben Otto, EIT

Project: Corcoran Storage II

Date: July 24, 2023

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**Exhibits:**

This Memorandum is based on a review of the following documents:

- Architectural Plans, Prepared by SDK Architects, dated 06/20/2023
- Drainage Analysis, Prepared by Civil Engineering Site Design, Dated 07/19/2023
- Land Use Application, Prepared by Civil Engineering Site Design, Dated 06/20/2023
- Narrative, Prepared by Craig Scherber, Dated 07/19/2023
- Survey 23730 HWY 55, Prepared by Northwestern Surveying and Engineering, Dated 06/16/2023
- Corcoran Storage II Plans, Prepared by Civil Engineering Site Design, Dated 07/19/2023

**General:**

The stormwater management system needs revision and additional review will be performed.

1. Consistent with the review process, a comment response letter shall be provided in response to the following comments provided in this Memorandum in which the applicant provides a written response to each item.
2. In addition to engineering related comments per these plans, the proposed plans are subject to additional planning comments and all other applicable codes of the City of Corcoran.
3. Final approval by the Elm Creek Watershed Management Commission must be attained before any grading or site work activity may commence. City must provide signature on application to watershed for watershed to begin review. Preparation of and compliance with a SWPPP shall be required for construction.

**Future Street and Storage Facility Access Driveway**

1. Submit copy of MnDOT access approval.
2. Applicant is proposing a 24' street driveway from Highway 55 also the drive entrance into their site. Both of these meet the standard as required by the City of Corcoran.
3. A 40' Street Easement is being proposed at the entrance to the development. At this time, the developer is proposing to construct a 24' driveway access within the 40' easement which shall be constructed by and maintained by the developer. If in the future, additional development to the north necessitates the need for a shared drive or public roadway, this corridor should be further evaluated. This may include a shared roadway with the City of Greenfield as there is an existing 39.5' ROW within the City of Greenfield along the shared lot line.
4. The language for the street easement shall be reviewed and approved by the City Attorney.

## Grading

1. The contours to the south and east of the pond shall be a maximum of 4:1 slopes. Applicant shall verify that all other 3:1 are adequate for their site operations and can be maintained by their staff.
2. Drainage swales between buildings should be further detailed with spot elevations to ensure site drains properly.
3. Additional spot elevations shall be added along western property line to ensure water isn't trapped and affects offsite property to the west.

## Stormwater

1. Show the offsite path for the north drainage route that appears to eventually discharge to the TH 55 / MnDOT 48-inch pipe and provide MnDOT approval permit.
2. The eastern proposed discharge is into an existing gully that has been field inspected and is shown to be eroded with downed timber and debris. The applicant shall submit a design for clearing and stabilization of this area which ensures the site remains stabilized at and around the proposed discharge point to the existing MNDOT culvert. MnDOT shall review and approve of any work in the ROW.
3. Provide a minimum separation of 1' between the HWL and the EOF of the basin and an additional 1' between the EOF and the top of berm. Pond shows a HWL of 1058.7 and an EOF at an elevation of 1059.50 not meeting the 1' requirement.
4. City strongly prefers a NURP pond with filter bench (offset to one side of the pond) be used with adequate maintenance access. The filter bench design is efficient from land use and requires less future maintenance as compared to other treatment options.
  - a. Show filtration tile/trench on plan view and a profile. Current filtration detail shall be removed and City standard should be shown.
5. Show driveway culvert under the access along HWY 55. Submit calculations and a copy of MNDOT approval.

## Modeling

1. Soils show dual classification hydrologic soil groups C/D. Model shall use C soils in the existing conditions model and downgraded one letter to D soils in proposed conditions modeling unless left undisturbed.
2. Within the model, turn off the minimum time of concentration (TC) option. The TC's should be calculated using sheet and shallow concentrated flow. A direct entry TC of 7 minutes is allowed in the proposed condition.
3. TC calculations for existing conditions appear to be underestimated. For example, the TC's would increase using sheet flow with woods surface instead of the calculations associated with grass. Update the TC calculations accordingly and submit calculation of TC flow paths.
4. Provide the pond elevation contours below the NWL for Pond 11P Filtration Basin so that volumes can be reviewed and verified.
5. It appears that areas to the west of the plat boundary may drain toward and through the site. These offsite drainage areas shall be shown on existing drainage figure and incorporated into the stormwater management plan.

July 2023

Corcoran Storage II

Kevin Mattson

Page 3 of 3

## **Construction Plans and Details**

### Stormwater

1. Provide additional detail for the revised filtration basin submittal. The following must be updated for clarity:
  - a. The filtration trench area of the basin should be shown with a hatch or keynotes on the plans.
  - b. Show tile linework, clean out locations, inverts, and slopes on the plans and profile.
  - c. Provide elevations on the filtration cross section detail.
2. Plans must show TRM call out and hatching for pond EOF per Corcoran detail STO-12.
3. Plans must show a pond maintenance access route.
4. Bituminous details call out a sand drainage layer but no drain tile is provided. We recommend placing drain tile within subdrainage layer.
5. The SWPPP identifies an impaired water within 1 mile of the project site. Update SWPPP for compliance included enhanced inspection timelines.

### Sewer and Water

1. This area is not within the current MUSA. The applicant has not identified the need to sewer or water with this facility.
2. The City shall be provided permits for the abandonment of the existing well and removal of existing septic system within the property.

**End of Comments**



## CITY OF CORCORAN

8200 County Road 116, Corcoran, MN 55340

763.420.2288

E-mail - [general@corcoranmn.gov](mailto:general@corcoranmn.gov) / Web Site - [www.corcoranmn.gov](http://www.corcoranmn.gov)

# Memo

**To:** Planning (Planners Lindahl and Davis McKeown)  
**From:** Lieutenant Burns  
**Date:** July 24, 2023  
**Re:** City File 23-016 Corcoran Storage II Site Plan

---

A Public Safety plan review meeting was held on July 12, 2023 to review a site plan application received by the City on June 20, 2023 for 23730 Highway 55. In attendance were: Lieutenant Ryan Burns, Planner Davis McKeown, Fire Chief Leuer, Fire Chief Malewicki, Fire Chief Farrens, and Building Official Geske. The comments below are based on the preliminary review of the plans and are intended as initial feedback, and further plan review will need to be completed as construction plans are finalized.

1. 150' hose pull is required throughout the site.
2. A turn radius exhibit is required.
3. The proposed turn around needs to meet City standards.
4. The driveway into the site needs to accommodate two-way traffic with a minimum width of 24' to meet engineering standards.

## **Executive Summary**

Storage space is in demand and this development responds to fill that need for the area surrounding the West Metro of Hennepin County. The buildings are attractive, well-built and will be a welcomed addition to the City of Corcoran.

## **Overview**

Craig Scherber proposes this project for the City of Corcoran's consideration. The Project will be located at 23730 State Highway 55 in Corcoran, Minnesota. Building spaces will be leased to companies and private individuals seeking protected and secure storage for their possessions ranging from company vehicles, supplies, automobiles, recreational vehicles, trucks and trailers. Each rental space has its own entrance, its individual level of interior finishes, its own power, heat and lighting.

Home-based businesses located in the City of Corcoran and surrounding communities will now have an option to office out of their home per city ordinances, but store their business equipment, supplies and other non-ordinance compliant items off-site in this facility. This option will allow Corcoran residents to conduct their business in compliance with city regulations. However, no public traffic or extended employee presence will be allowed for this development and no outdoor storage or over-night parking of any kind will be allowed on this property. Finally, the only signage allowed is located on Building "A" (leasing information) and the unit number at each rental space.

This property will be equipped with surveillance equipment and a controlled access gate to maintain a high level of security for tenants.

## **Programming**

Business model research revealed area market needs in the leasing of large volume storage spaces with limited office space. This was evident in the West Metro of Hennepin County for small service-oriented businesses as well as certain private individuals. To meet this market need the Project has been designed with the following features:

- 1) Rental Lease Agreement- standard company form will be used for this project as submitted by Garages Too LLC in a recently approved development; detailed limits and responsibilities are outlined for both Owner and Tenant
- 2) Upon final City Council approval, developer requests immediate approval for a Site Improvement permit allowing site clearing and rough grading to commence ahead of building construction
- 3) Six Total Structures- development proposes six (6) stand-alone buildings to maximize development in most efficient manner (identified as Buildings "A" thru "F"); all buildings are non-sprinkled (NS)
- 4) Building "A" Signature Unit- storage unit with special features identifying it as the main focal point of the project (includes the facility maintenance space)
- 5) Typical Rental Unit
  - a) Large Warehouse Space- 12' x 12' high overhead door; 45' & 34' depths for large items
  - b) Electrical Service- 200amp with separate / individual meters
  - c) Heating System- ceiling mounted individual direct-fired natural gas heaters for each unit

### **Site Development**

A 24 foot wide access road will be constructed to provide access to the facility from Highway 55. No change to Highway 55 is anticipated other than the improvement connected to the new site access. No turn lane improvements are required for Highway 55 as this facility will generate only 30 trips per day far below the 100 daily trips threshold required for any new turn lane<sup>1</sup>. Chapter 3 of Mn/DOT Access Management Manual includes a series of requirements or warrants when considering design criteria for its roadway system<sup>2</sup>. None of the 9 warrants listed are triggered by this project. Six separate buildings are served by bituminous paving. Surface storm water will be collected and routed to a storm water management basin on-site with discharge on-grade. The discharge point is protected with rip-rap to address erosion. No exterior storage of any kind is allowed on the property.

### **Landscape Design**

Landscape design is proposed that is reasonable and appropriate for the proposed development.

Tree plantings are proposed with a variety of coniferous and deciduous trees with a quantity that complies with the city requirement based on building square footage by code 1060.070.2.G.2. Tree plantings are proposed along the perimeter north, west, and south sides of the site where appropriate. Plantings on the west boundary are located outside of future street right-of-way and are positioned to allow for future street construction. Plantings on the south provide screening from MN Highway 55. Adjacent properties to the north and east have comprehensive plan designation of Light Industrial and like kind uses are anticipated. The total number of tree plantings proposed meets the calculation result based on building square footage required by code 1060.070.2.G.2. The number of tree plantings exceeds the calculation result based on site perimeter required by code 1060.070.2.G.2.

Shrub plantings are proposed along select building walls that have primary visibility from adjacent MN Highway 55 and future street along west boundary. The total number of shrubs proposed exceeds the calculation result based on building square footage required by code 1060.070.2.G.2. The number of shrubs proposed exceeds the calculation result based on site perimeter required by code 1060.070.2.G.2.

Buffer yards are provided meeting the intent of code 1060.070.2.J. A 50 ft width Class D Buffer Yard is provided on the west side of the site between proposed buildings and future street right-of-way. A 40 ft width Class D Buffer Yard is provided on the north and east boundaries of the project. The 40 ft width is to be provided by combination of 20 ft width between buildings and property line, and 20 ft width on adjacent property. A landscape easement will be secured from the adjacent landowner for preservation of landscape screening and plantings. The landscape easement will be recorded with defined legal description of the 20 ft wide area. A variance is requested to allow the 20 ft width landscape easement on adjacent property to be considered acceptable in combination with 20 ft width provided along the outer perimeter of the north and east boundaries of the development parcel.



### **Building Construction**

- Project consists of six (6) masonry structures, using decorative masonry units for all exterior walls and wood roof trusses with asphalt shingle roofing, pre-finished metal fascia, and soffits; 14'-0" truss bearing height, pre-finished doors and windows (see attached Drawings);
- Building "A" – 5 individual rental units; the signature design feature is finished with stone veneer base and stone cap, lap siding and trim; includes the space to house maintenance equipment and supplies required to keep this facility looking and operating at high levels
- Building "B" – 7 individual rental units;
- Building "C" – 11 individual rental units;
- Building "D" – 11 individual rental units;
- Building "E" – 11 individual rental units;
- Building "F" – 11 individual rental units;
- Total Individual Rental Units – 56
- No outdoor / exterior storage is allowed at any time.

### **Site Information**

*Parcel Identification Number (PIN): 31-119-23-33-0001*

Total parcel size: 4.87 acres

Development Density: FAR = 0.236

*Total Allowed Impervious Surfaces: 70%*

*Total Proposed Impervious Surface: 45.2%*

### **City Approvals Requested**

The following is a summary of the city approvals needed:

- 1) Rezone to I1 Light Industrial
- 2) Variance for municipal services requirement (municipal services not needed)
- 3) Variance for buffer yard requirement (20 ft width on-site in combination with 20 ft width on adjacent property)
- 4) Site Plan
- 5) Conditional Use Permit

## Variance Requests

Two variances are requested.

Variance for municipal services requirement:

The project proposed does not need sanitary sewer or water service. It is not practical to delay the development of a site that will not require municipal sewer and water service connection. The constraint to conform to with a connection to municipal sewer and water services was not created by the landowner. The development proposed is consistent with future land uses for this property and adjacent properties.

Variance for buffer yard required by Section 1060.070, Subd. 2.

Owner proposes to satisfy the intent of the buffer yard requirement by securing a 20 ft landscape easement area parallel and adjacent to north and east boundaries to provide for preservation of existing landscape screening and proposed landscape screening. The existing parcel configuration has limited north-south width and results in a practical difficulty once setback and site development constraints are imposed. The parcel configuration was not created by the landowner. The development proposed is consistent with future land uses for this property and adjacent properties.

### Footnotes:

- 1 Tod Sherman Email, dated 12-14-20 (attached)  
Tod Sherman, Planning Director  
Office of Planning, Program Management and Transit  
1500 West County Road B-2  
Roseville, MN 55113  
(651) 234-7794  
[Tod.sherman@state.mn.us](mailto:Tod.sherman@state.mn.us)
- 2 Mn/DOT Access Management Manual – Chapter 3  
Section 3.4.9 Turn Lanes  
<http://www.dot.state.mn.us/accessmanagement/resources.html>

# CORCORAN STORAGE II

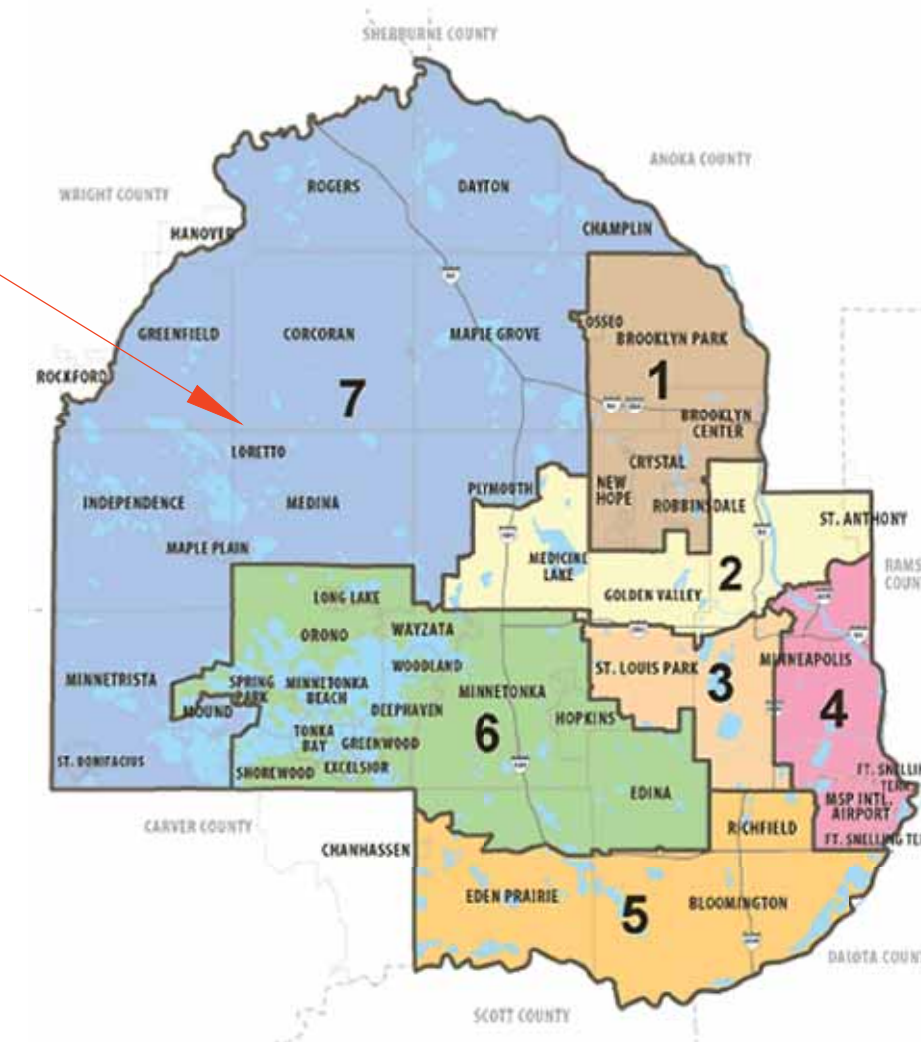
## SITE IMPROVEMENT PROJECT

### CORCORAN, MN



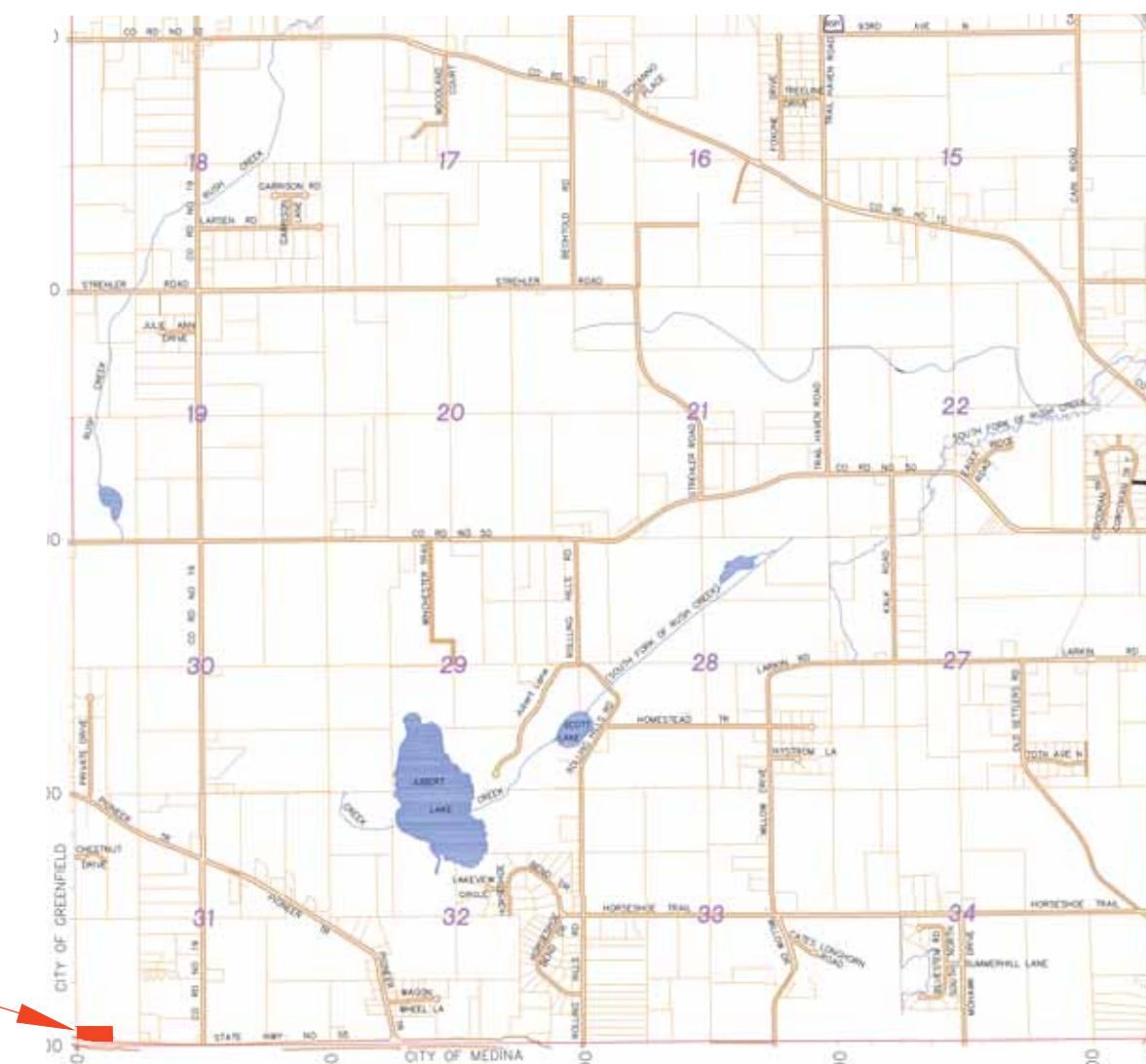
MINNESOTA

SITE



HENNEPIN COUNTY

SITE



CITY OF CORCORAN, MN



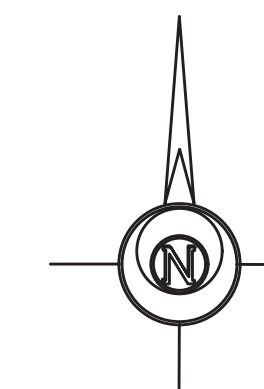
SITE

Town Line Road

State Highway No. 55

Hwy 55

PROJECT LOCATION



#### INDEX OF CIVIL SITE DRAWINGS:

- C0 PROJECT LOCATION PLAN
- C1 SITE PLAN
- C2 GRADING AND DRAINAGE PLAN
- C3 STORM SEWER PLAN
- C4 STORM WATER POLLUTION PREVENTION PLAN
- C5 EXISTING CONDITIONS & REMOVAL PLAN
- C6 DETAILS
- C7 DETAILS

CLIENT:

**SCHERBER & ASSOCIATES, LLC**

305 Lakeview Ave.  
Tonka Bay, MN 55331

Craig Scherber  
612-810-8400  
cescherber@yahoo.com

**CORCORAN STORAGE II  
SITE IMPROVEMENT PROJECT**

**23790 State Highway No. 55  
Corcoran, Minnesota 55340**

**PROJECT LOCATION PLAN**

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.

Date: 07/19/23 Reg. No. 24348

PREPARED BY: **CIVIL ENGINEERING**  
SITE DESIGN

1118 East Broadway St.  
Monticello, Mn 55362  
Phone: 763-314-0929  
www.civilred.com

REVISIONS  
02/10/23 INDICATE LANDSCAPE EASEMENT, SHIFT ACCESS LOCATION  
02/19/23 CLARIFY BUFFER YARD LOCATION, ADJ. SITE ELEVATIONS

DATE 06/20/23

DRAWN BY SD

DESIGNED BY SD

CHECKED BY SD

FILE NO. 00915

**CO**

Project Location plan

**SITE PLAN NOTES**

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

**GENERAL NOTES**

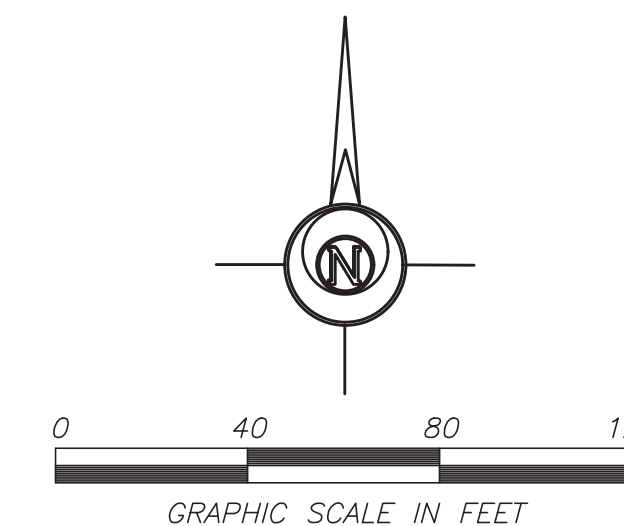
- PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY THE PERMITTING AUTHORITIES.
- WORK SHALL BE PERFORMED 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.
- SITE CLEARING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND PIPING, VALVING, ETC.
- 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.
- 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.
- 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.
- 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.

**KEY NOTES:**

- BITUMINOUS PAVEMENT; SEE SECTION ON DETAIL SHEET
- 4 FT CONCRETE VALLEY GUTTER (SEE DETAIL)
- CONCRETE PAVEMENT HEAVY DUTY; 4,500 PSI MIX; SEE SECTION ON DETAIL SHEET
- CONCRETE PAVEMENT LIGHT DUTY; 4,500 PSI MIX; SEE SECTION ON DETAIL SHEET (PRIVATE SIDEWALK)
- B612 (6") CONCRETE CURB & GUTTER MIX 3F32 FOR MACHINE PLACEMENT (MnDOT 2461) MIX 3F52 FOR MANUAL PLACEMENT (MnDOT 2461)
- B612 (6") CONCRETE OUTFLOW CURB & GUTTER (TIP-OUT FLOWLINE). MIX 3F32 FOR MACHINE PLACEMENT (MnDOT 2461) MIX 3F52 FOR MANUAL PLACEMENT (MnDOT 2461)
- PERVIOUS AREA. SEE LANDSCAPE PLAN
- SITE ACCESS PRIVATE DRIVE
- CONTROLLED ACCESS GATE AND CLEARED TURN-AROUND AREA. CONTROLS TO LIMIT ACCESS TO CODE ENTRY AND LIMITED ACCESS TO OPEN HOURS.
- FIRE DEPARTMENT CONNECTION. DRY LINE STANDPIPE FOR SUPPLY TO CONNECTION AT REAR WALL OF BUILDING. CONFIRM LOCATION AND SIGNAGE WITH FIRE DEPARTMENT. ADJUST LOCATION AS NECESSARY.
- WETLAND BUFFER SIGN. SEE CITY DETAIL GEN-8.
- 20" CONCRETE RIBBON CURB, SEE DETAIL ON C7
- TRANSITION TO 20" RIBBON CURB
- DIRECTIONAL TRAFFIC SIGN ON STEEL CHANNEL POST  
a = STOP SIGN  
b = NO PARKING SIGN  
c = TURN-AROUND / NO PARKING SIGN

**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
NORTHWESTERN SURVEYING & ENGINEERING, INC.  
P.O. BOX 3067  
BEMIDJI, MN 56601  
DATED: 06/16/2023  
BENCHMARK:  
MNDOT MONUMENT 2722 L  
ELEVATION=1063.794 NAVD88  
NGVD29+0.40=MAVD88



**LEGEND:**

- EXISTING BOUNDARY
- EXISTING EASEMENT
- EXISTING R/W LINE
- CONCRETE LIGHT DUTY
- CONCRETE HEAVY DUTY
- BITUMINOUS PAVEMENT
- PROPOSED CURB AND GUTTER STANDARD
- PROPOSED CURB AND GUTTER TIP-OUT
- 50 FT WIDTH BUFFER YARD
- 40 FT WIDTH BUFFER YARD
- 25 FT WIDTH WETLAND BUFFER

**PROJECT LOCATION**

PART OF THE SW 1/4 SECTION 31 TOWNSHIP 119, RANGE 23, HENNEPIN COUNTY, MINNESOTA.

**EXISTING PROPERTY DESCRIPTION**

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

**SITE DATA:**

EXISTING ZONING:	UR URBAN RESERVE
PROPOSED ZONING:	I1 LIGHT INDUSTRIAL
GROSS AREA:	212,096 SF = 4.87 ACRES
TOTAL PROPOSED BUILDINGS:	50,050 SF
PERCENT BUILDING COVERAGE:	23.6 %
(% of lot area)	
FLOOR AREA RATIO (50,050 / 212,096)	0.236
EXISTING IMPERVIOUS AREA:	5,126 SF
(includes existing buildings, existing pavement areas)	
PROPOSED IMPERVIOUS AREA:	95,845 SF
PROPOSED PERCENT IMPERVIOUS:	45.2 %
(% of lot area; 95,845 / 212,096)	
PROPOSED PERVIOUS AREA:	116,251 SF
(landscape, turf areas)	
PROPOSED PERCENT PERVIOUS AREA:	54.8 %
(% of lot area; 116,251 / 212,096)	
DISTURBANCE AREA:	210,811 SF = 4.8 AC

**SETBACKS:**

LOCATION:	BUILDING:
FRONT, FROM MAJOR ROADWAYS	100'
FRONT, FROM ALL OTHER STREETS	50'
SIDE YARD	20'
REAR YARD	20'
ADJACENT TO RESIDENTIAL	50'

LOCATION:	PARKING:
FRONT	50'
SIDE YARD	10'
REAR YARD	10'

**MINIMUM LOT REQUIREMENTS**

I-1 LOT MINIMUMS:	
LOT AREA	1.0 AC.
LOT WIDTH	100 FT
LOT DEPTH	200 FT
MAXIMUM LOT COVERAGE	70%

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- C5 EXISTING CONDITIONS & REMOVAL PLAN
- C6 DETAILS
- C7 DETAILS

CLIENT:

**SCHERBER & ASSOCIATES, LLC**  
305 Lakeview Ave.  
Tonka Bay, MN 55331

Craig Scherber  
612-810-8400  
cescherber@yahoo.com

**CORCORAN STORAGE II  
SITE IMPROVEMENT PROJECT**

23790 State Highway No. 55  
Corcoran, Minnesota 56340

SITE PLAN

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.

Date: 07/19/23 Reg. No. 243418  
PREPARED BY: CIVIL ENGINEERING SITE DESIGN  
1118 East Broadway St.  
Monticello, MN 56362  
Phone: 763-314-0929  
www.civilsd.com

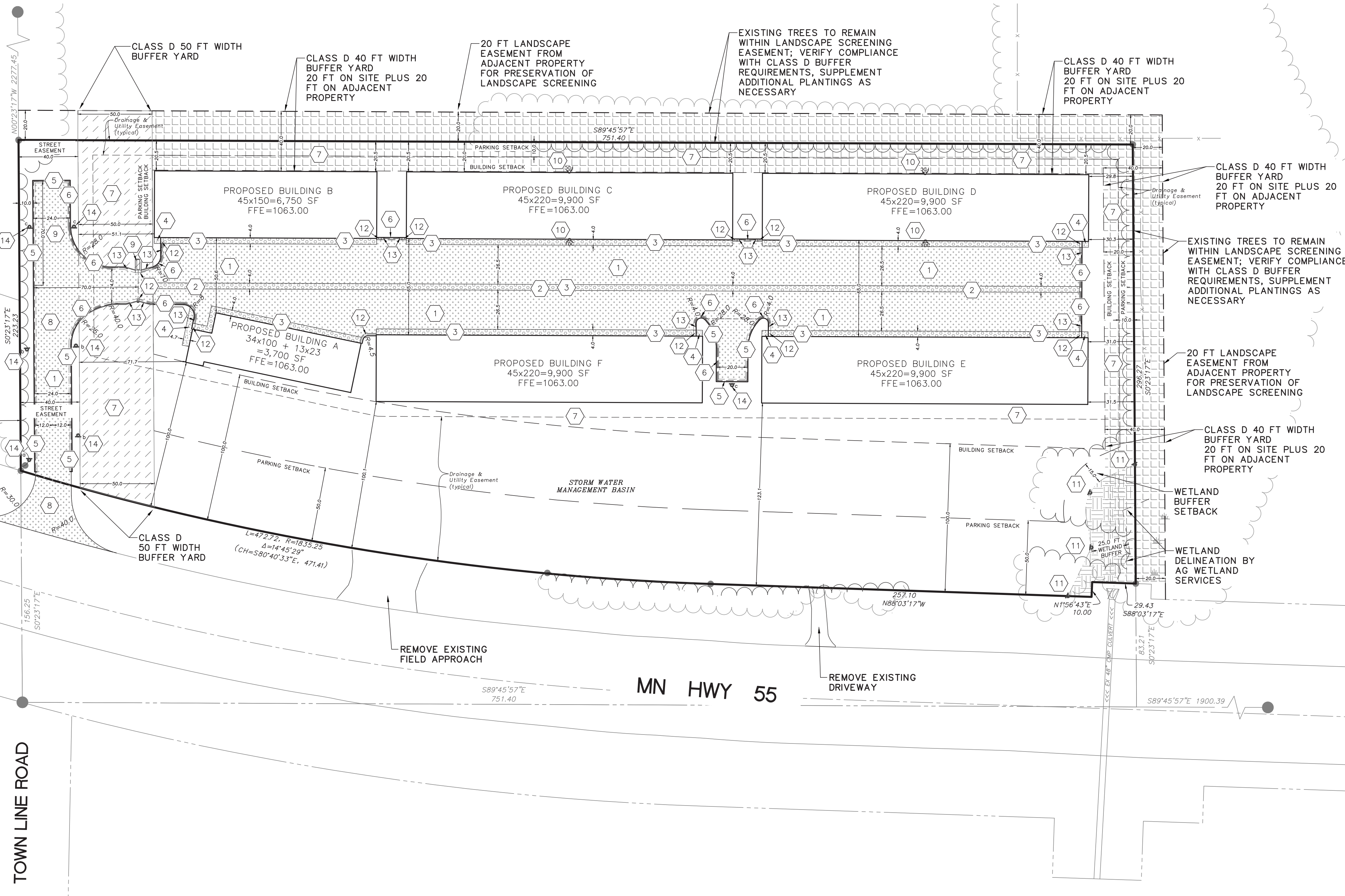
REVISIONS  
02/10/23 INDICATE LANDSCAPE EASEMENT, SHIFT ACCESS LOCATION  
02/19/23 CLARIFY BUFFER YARD LOCATION, ADJ. SITE ELEVATIONS

DATE	06/20/23	SD	SD	SD
DRAWN BY				
DESIGNED BY				
CHECKED BY				

FILE NO. 00915

**C1**

Site Plan



**GENERAL GRADING NOTES:**

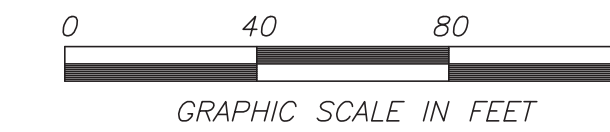
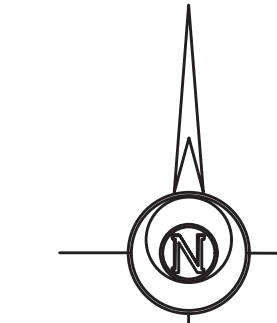
- Specifications applicable for this project: Current standard specifications for City of Corcoran, MN, and the latest Minnesota Department of Transportation Specifications for Highway Construction and all NPDES requirements except where modified by these contract documents.
- OSHA requirements shall be followed for all work on this project.
- The Contractor shall notify "Gopher State One Call" 48 hours prior to any excavation (1-800-252-1166.)
- The Grading Contractor shall verify all locations and elevations of underground utilities with utility companies prior to any construction, and immediately notify the Engineer of any conflicts.
- Erosion Control shall be constructed, as applicable, as sequenced below:
  - Silt Fence.
  - Rock Construction Entrance.
  - Demolition
  - Common excavation (grading).
  - Seed and mulch or sod (See notes on Landscape plan).
- Final Plat shall govern for easements and lot dimensions.
- Any erosion control items necessary to protect adjacent properties shall be constructed by the Grading Contractor.
- Erosion control maintenance shall be performed by the Grading Contractor, and removed as per the Contract Documents or as directed by the Engineer, followed by all necessary restoration of disturbed area. This work shall be incidental to the grading contract.
- The Grading Contractor shall schedule the soils engineer to facilitate certification of all controlled fills in a timely fashion. Density tests shall meet the following:
  - Within the upper 3' of streets, the Grading Contractor shall utilize approved soils that are within 1% of the optimum moisture content as defined by the Standard Proctor Test--ASTM: D-698 with compaction meeting 100% Standard Proctor Density and not exceeding this compaction by more than 1%. Below the upper 3', compaction shall meet 95% Standard Proctor Density, and be within 3% of the optimum moisture content. Grading tolerances shall be 0.1'.
  - Grading tolerances for the remainder of the site shall be 0.25'.
- All areas of unsuitable soils found in the pad described above that cannot be corrected shall be located in the field by the Grading Contractor. The Grading Contractor shall immediately notify the Engineer of these areas and provide information as to their size and location.
- The Grading contractor shall provide positive drainage on the site at all times.
- The Grading Contractor shall keep public streets and travel ways clear of soil and debris. Daily cleaning at the construction entrance shall be performed, especially at the end of each day's work.
- All silt fence shall be removed at project completion.
- All proposed elevations are at curb flow line or finished bituminous surface unless otherwise noted.
- All erosion control best management practices shall be per City standards.

CLIENT:

**SCHERBER & ASSOCIATES, LLC**

305 Lakeview Ave.  
Tonka Bay, MN 55331

Craig Scherber  
612-810-8400  
cescherber@yahoo.com

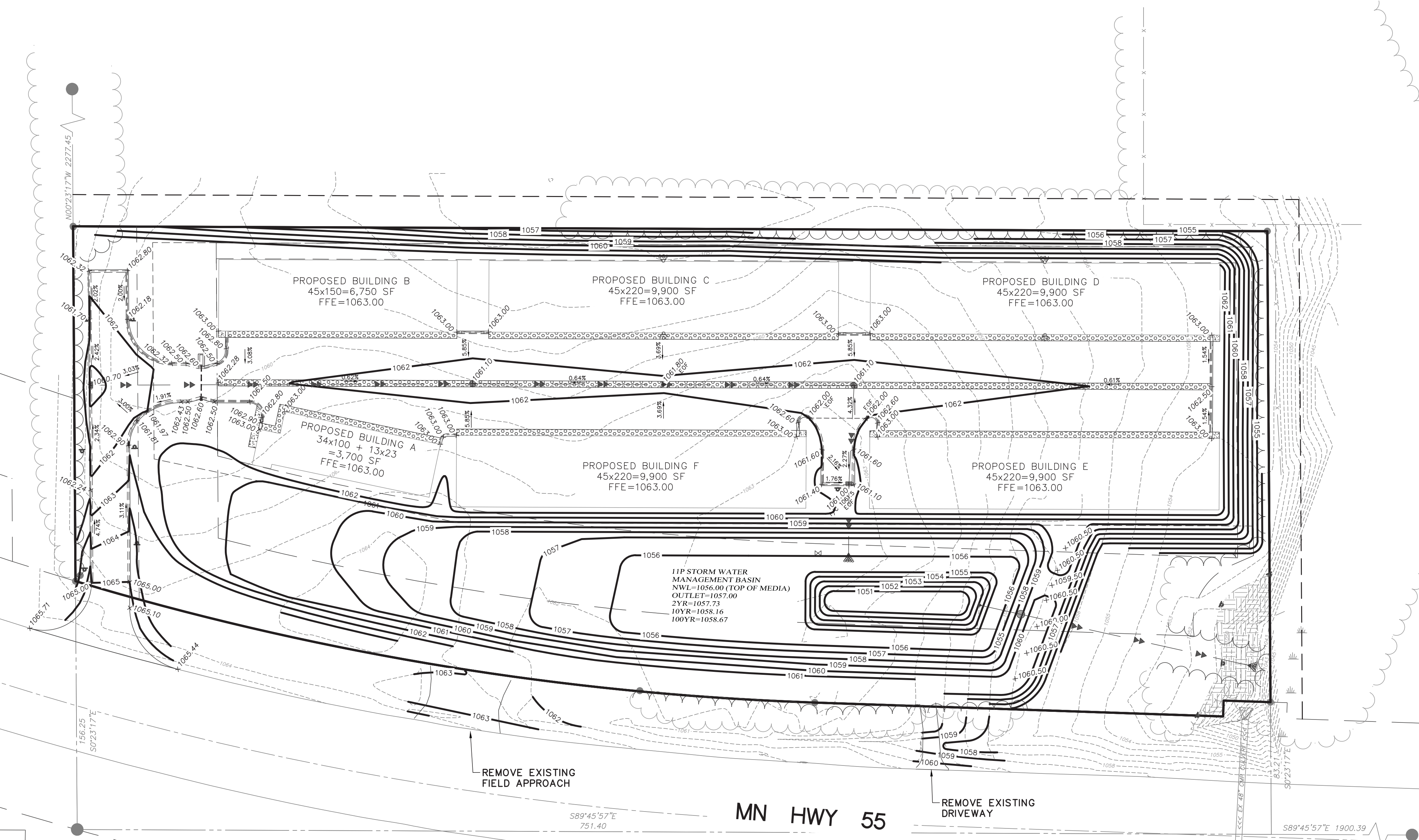


**LEGEND:**

- 908 — Existing Contours
- >> Existing Storm Sewer
- x 908.0 Existing Spot Elevation
- 908 — Proposed Contours
- ▶ Proposed Storm Sewer
- x 943.50 Proposed Spot Elevation
- 2.40% Flow Direction
- ⇒ Overflow Route

**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
NORTHWESTERN SURVEYING & ENGINEERING, INC.  
P.O. BOX 3067  
BEMIDJI, MN 56601  
DATED: 06/16/2023  
BENCHMARK:  
MNDOT MONUMENT 2722 L  
ELEVATION=1063.794 NAVD88  
NGVD29+0.40=MAVD88



**CORCORAN STORAGE II  
SITE IMPROVEMENT PROJECT**

23790 State Highway No. 55  
Corcoran, Minnesota 56340

**GRADING & DRAINAGE PLAN**

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.  
*Sheri D. Walker*

Date: 07/19/23 Reg. No. 24348  
PREPARED BY: CIVIL ENGINEERING SITE DESIGN  
1118 East Broadway St.  
Monticello, Mn 56362  
Phone: 763-314-0929  
www.civillead.com

REVISIONS  
02/10/23 INDICATE LANDSCAPE EASEMENT, SHIF ACCESS LOCATION  
07/19/23 CLARIFY BUFFER YARD LOCATION, ADJ. SITE ELEVATIONS

DATE	06/20/23	DRAWN BY	SD
DESIGNED BY	SD	CHECKED BY	SD

FILE NO. 00915

**INDEX OF CIVIL SITE DRAWINGS:**

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**C2**

Grading & Drainage Plan



**SWPP NARRATIVE**

This LIGHT industrial project construction will consist of site clearing, grading, utilities, and parking lot construction. Construction is planned for 2023.

First, perimeter silt fence and rock construction entrance shall be installed. Then site work shall commence. The contractor shall dispose all debris off-site within 24 hours. Then the site can be graded, utilities installed, building constructed, curbing and pavements installed, final grade tolerance, and landscape final stabilization. Once final grade is established and certified, the site shall be stabilized with seed and mulch or sod. Once vegetation is established, temporary erosion control measures shall be removed.

**POLLUTION PREVENTION NOTES**

Solid waste: collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction debris and other wastes must be disposed of properly off-site and must comply with MPCA regulations.

Hazardous materials: oils, gasoline, paint, and any hazardous substance must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal must be in compliance with MPCA regulations.

External washing of trucks or other construction vehicles is not allowed on site. No engine degreasing is allowed on site. No concrete washouts are allowed on site.

Concrete truck washout is not to be allowed on site unless washout waste is contained with no discharge to ground surface or site drainage facilities. Containment systems are to be located a minimum 50 feet away from drainage facilities and watercourses. Containment systems shall have an impermeable liner. Containment system shall be clearly marked with signage.

All sanitary waste must be collected from portable toilet units on site by a licensed waste management contractor. The units must be secured and shall be maintained on a regular basis as needed to prevent overflowing.

**DESIGN CALCULATIONS**

Design calculations, including soil types are on file with: Civil Engineering Site Design

SWPPP Designer: Scott Dahlike (Expires 2025)

**EROSION CONTROL MAINTENANCE SCHEDULE**

- Erosion control measures shall be inspected by the contractor's representative and maintained by the contractor every Friday and within 24 hours after any rainfall event larger than 1/2" until the project is completed. Maintenance requirements are as follows: silt fence - 1/3 height of fence or damaged, remove sediment and/or repair fence within 24 hours; rock entrance - refresh as necessary to conform to detail; inlet protection inserts - remove sediment after each rain event, clean or replace filter when clogged; surface water - drain and stabilize, within 7 days of discovery; and street sweeping - remove all sediment tracked onto paved surfaces within 24 hours or as directed by City Engineer.
- Replacement - Fabric shall be replaced promptly when it decomposes or becomes ineffective before the barrier is no longer necessary.
- Any sediment remaining in place after silt fence is no longer required shall be dressed to conform with the existing grade, prepared, and seeded with appropriate seed mix, as directed by the engineer.
- Removal of the silt fence - Silt fences shall be removed when they have served their useful purpose, but not before the upward sloping area has been permanently stabilized.

**VEGETATION GROUND COVER SCHEDULE**

- Stabilization of all exposed soil areas must be initiated immediately but in no case completed later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. Seeding and mulching shall conform to the latest NPDES requirements for installation schedule with regards to grading.
- Permanent turf ground cover shall include all disturbed areas be covered with a minimum 6" topsoil and sodded or seeded as allowed by City, or as proposed on City approved landscape plan for the project. If not otherwise specified, turf seed to be MnDOT mix 25-141 applied at 59 lbs/ac and stormwater filtration basin seed to be 33-261 applied at 35 lb/ac in bottom of filtration basin and up 3 feet from bottom and stormwater pond seed to be 33-261 applied at 35 lb/ac to be planted for 10 feet outside of the normal water level. Transition zone seed to be MnDOT mix 35-241 applied at 36.5 lb/ac to be planted to the top of the embankments. MnDOT Type 3 mulch shall be applied at 2 tons/ac and disc anchored in areas not covered by sod or erosion blanket. Seeding and mulching shall conform to the latest NPDES requirements for installation schedule with regards to grading.
- Temporary ground cover to be MnDOT seed mix 22-111 shall be applied at 31 lbs/ac, or equivalent as approved by City. MnDOT Type 1 mulch shall be applied at 2 tons/ac and disc anchored in areas not covered by sod or erosion blanket.
- Fertilizer for turf shall be MnDOT Type 3 22-5-10 and applied at 350 lb/ac. Disc fertilizer into top 3" of soil. Fertilizer for stormwater basin seed shall be Type 4, 18-1-8 at 120 lb/ac. Specification reference is MnDOT 2574.
- Dormant seed mix shall be used after November 1 or when temperatures do not exceed 40° F, using some rates specified above. No seed shall be placed on snow or ice greater than 2" in depth.
- Any seeded areas that do not become established with vegetation shall be re-seeded at Contractor's expense.
- Erosion blanket shall be installed in seed areas with ground surface slopes of 3H:1V or steeper.

**EROSION CONTROL NOTES**

- All devices necessary to control erosion and sediment (i.e. perimeter silt fence, rock construction entrances, swales, ponds, berms, etc.) shall be installed prior to any other construction operations.
- After completion of final grading, exposed soils must be permanently stabilized within 7 days. Stabilization shall consist of disc-anchored seed & mulch, HECP with fiber reinforced matrix, erosion blanket with seed, or sod.
- The site must be kept in a well drained condition at all times. The contractor shall be responsible for temporary ditches, or other means necessary to ensure proper drainage. The building pad must be provided with a positive outflow. This work shall be incidental to the grading contract.
- Entering/exiting of the site shall occur only at rock construction entrance to reduce tracking of dirt onto paved streets. Sediment tracked onto streets during working hours must be reclaimed by street scraping and sweeping at the end of each working day.
- Stormwater discharge pipe outlet energy dissipation shall be provided by rip-rap with size, quantity, and placement in accordance with City standards. Rip-rap installation shall be within 24 hours of pipe installation.
- Install silt fence around all temporary inactive stockpiles which are not place within existing silt fence area or other perimeter erosion controls.
- Stabilization of temporary or permanent drainage ditches that drain water from the construction site must be initiated within 24 hours of connecting the drainage ditch to any storm water conveyance system and must be completed using erosion blanket.
- Sufficient personnel, equipment, and materials shall be mobilized within 24 hours of written order (i.e. email) by the owner or owners representative to conduct corrective work and install temporary erosion control work in the case of an emergency.

**EROSION CONTROL INSTALLATION SCHEDULE**

- Silt fence shall be installed or restored prior to any construction. Silt fence shall be located as shown to intercept runoff. The area located beyond the perimeter silt fence shall not be disturbed during construction.
- Rock Construction Entrance shall be installed prior to grading operations.
- All storm sewer inlets shall have inlet protection inserts installed. Inserts shall be "Road rain-Top Slab" or "Road Drain-Curb & Gutter" inlet protection devices as manufactured by WIMCO (or approved equal) and installed per manufacturer's recommendations.
- All erosion control installations shall remain in place and be maintained in good condition by the contractor until the site has been re-vegetated, at which time it shall be removed by the contractor. For proposed paved surface areas, the contractor may remove necessary silt fencing to stormwater roadway, while maintaining adequate erosion control in adjacent areas.
- Sufficient topsoil shall be stockpiled to allow for the replacement of 6" topsoil for disturbed areas to be re-vegetated.
- The contractor shall schedule site grading, utility installation and roadway construction so that the general site can be mulched and re-seeded soon after disturbance. Areas that will not be subject to construction traffic for 14 days shall be seeded and mulched or sodded within 7 days of final grading.

**RESPONSIBLE PARTY**

Contact information for the responsible party for erosion control is:

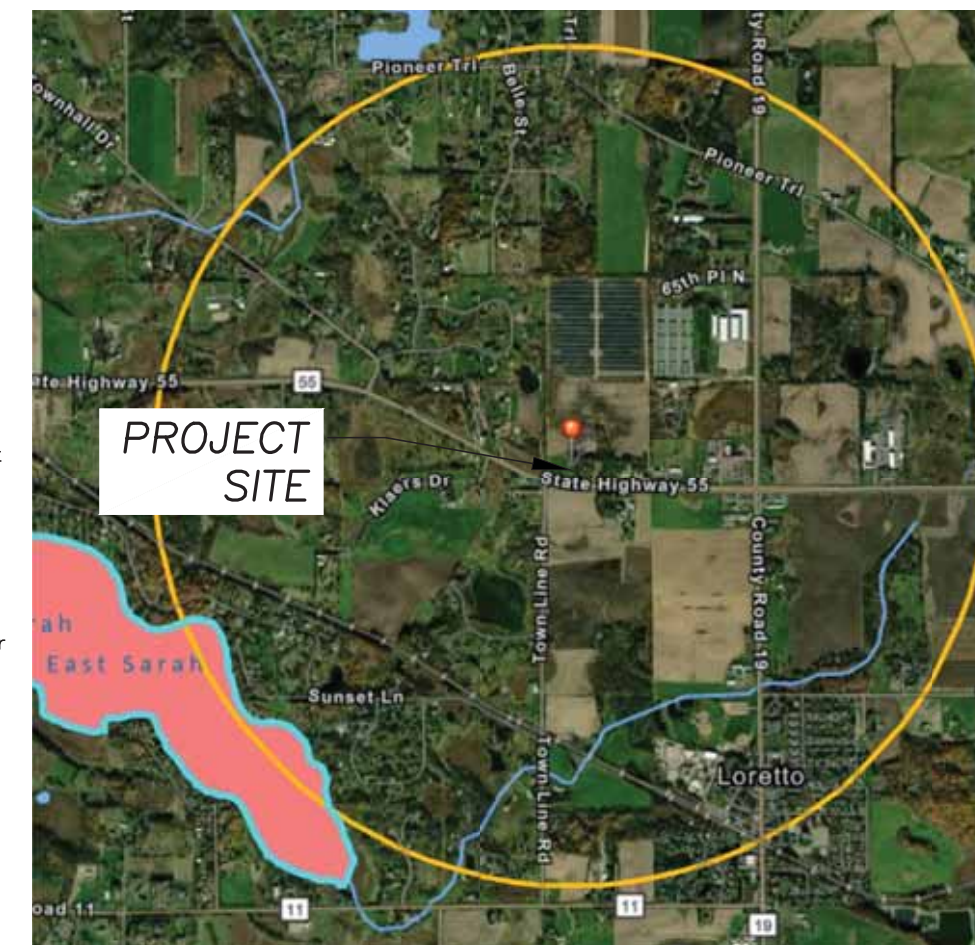
Owner: SCHERBER AND ASSOCIATES, LLC  
305 Lakeview Ave.  
Tonka Bay, MN 55331

Contractor: Not Known Yet

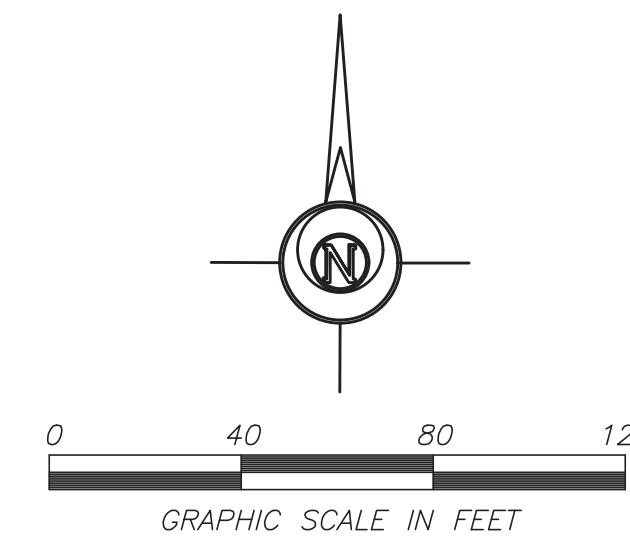
Manager: Not Known Yet

**FILTRATION BASIN NOTES**

- Filtration area shall be staked off during construction to restrict heavy equipment traffic from compacting native soils.
- Install appropriate temporary erosion control devices to prevent sediment from entering the practice during construction.
- Grading of the filtration basin shall be accomplished using low impact earth-moving equipment to prevent compaction of the underlying soils. Small tracked dozers and skid-steers with runner tracks are recommended.
- In the event that sediment is introduced into the BMP during or immediately following excavation, this material will need to be removed from the basin prior to initiating the next step in the construction process.
- Install sediment control around basin after completion of basin grading.
- Seeding and installation of erosion control shall be completed within 48 hours of final grading of basin.



EAST SARAH, IMPAIRED WATER WITHIN 1 MILE RADIUS OF PROJECT SITE



**LEGEND:**

- 908 — Existing Contours
- >> — Existing Storm Sewer
- 908 — Proposed Contours
- ► — Proposed Storm Sewer
- - - - Proposed Silt Fence
- 0 — Proposed Fiber Logs
- ⊙ Proposed Storm Sewer Inlet Protection
- Flow Direction
- ▨ Proposed Erosion Blanket

**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY: NORTHWESTERN SURVEYING & ENGINEERING, INC. P.O. BOX 3067 BEIDJ, MN 56601

DATED: 06/16/2023

BENCHMARK: MNDOT MONUMENT 2722 L ELEVATION=1063.794 NAVD88

NGVD29+0.40=MAVD88

**PROJECT LOCATION**

PART OF THE SW 1/4 SECTION 31, TOWNSHIP 119, RANGE 23, HENNEPIN COUNTY, MINNESOTA.

**EXISTING PROPERTY DESCRIPTION**

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 379.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.

**SITE DATA:**

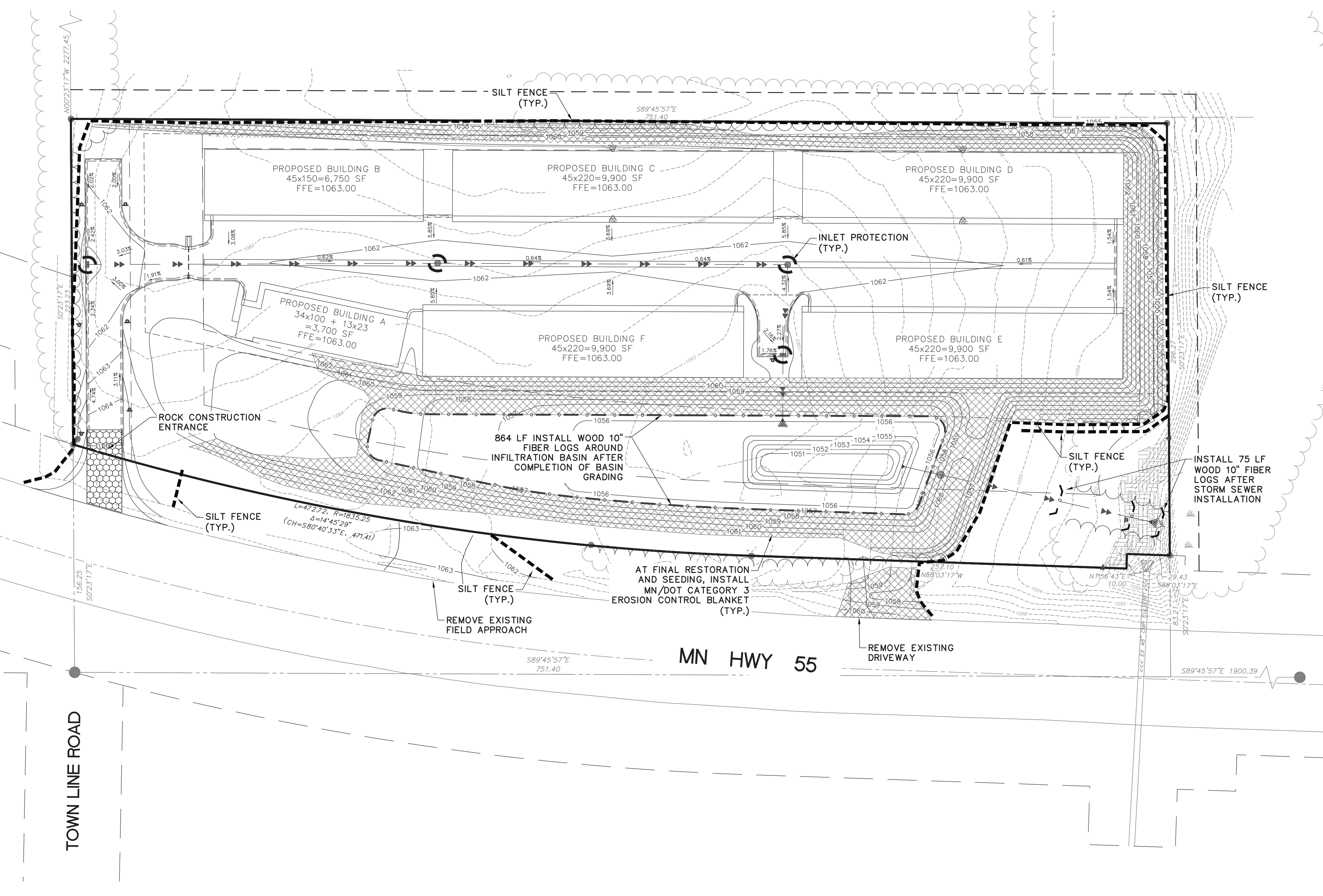
EXISTING ZONING:	UR URBAN RESERVE
PROPOSED ZONING:	I1 LIGHT INDUSTRIAL
GROSS AREA:	212,096 SF = 4.87 ACRES
TOTAL PROPOSED BUILDINGS:	50,050 SF
PERCENT BUILDING COVERAGE:	23.6 %
FLOOR AREA RATIO (50,050 / 212,096)	0.236
EXISTING IMPERVIOUS AREA: (includes existing buildings, existing pavement areas)	5,126 SF
PROPOSED IMPERVIOUS AREA:	95,845 SF
PROPOSED PERCENT IMPERVIOUS: (% of lot area; 95,845 / 212,096)	45.2 %
PROPOSED PERVIOUS AREA: (landscape, turf areas)	116,251 SF
PROPOSED PERCENT PERVIOUS AREA: (% of lot area; 116,251 / 212,096)	54.8 %
DISTURBANCE AREA:	210,811 SF = 4.8 AC

**EROSION CONTROL QUANTITIES:**

ITEM:	QUANTITY	UNIT
ROCK ENTRANCE	1	EA
SILT FENCE	1,646	LF
10" WOOD FIBER LOG	864	LF
MULCH TYPE 3 & DISC ANCHORING	0.54	AC
EROSION BLANKET CAT. 3	5,131	SY
INLET PROTECTION	3	EA

**INDEX OF CIVIL SITE DRAWINGS:**

- C0 PROJECT LOCATION PLAN
- C1 SITE PLAN
- C2 GRADING AND DRAINAGE PLAN
- C3 STORM SEWER PLAN
- C4 STORM WATER POLLUTION PREVENTION PLAN
- C5 EXISTING CONDITIONS & REMOVAL PLAN
- C6 DETAILS
- C7 DETAILS



CLIENT:

**SCHERBER & ASSOCIATES, LLC**

305 Lakeview Ave.  
Tonka Bay, MN 55331

Craig Scherber  
612-810-8400  
cescherber@yahoo.com

**CORCORAN STORAGE II  
SITE IMPROVEMENT PROJECT**

23790 State Highway No. 55  
Corcoran, Minnesota 56340

**STORM WATER POLLUTION  
PREVENTION PLAN**

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.

Date: 07/19/23 Reg. No. 24348

PREPARED BY: CIVIL ENGINEERING SITE DESIGN

1116 East Broadway St.  
Monticello, Mn 56362  
Phone: 763-314-0929  
www.civiled.com

REVISIONS  
02/10/23 INDICATE LANDSCAPE EASEMENT, SHIF ACCESS LOCATION  
07/19/23 CLARIFY BUFFER YARD LOCATION, ADJ. SITE ELEVATIONS

DATE	06/20/23	SD	SD	SD
DRAWN BY				
DESIGNED BY				
CHECKED BY				

FILE NO. 00915

**C4**

Storm Water Pollution  
Prevention Plan

**DEMOLITION NOTES**

1. Install perimeter sediment controls as soon as possible during clear and grub operations. See Erosion Control Plan.
2. Provide air quality control measures at the request of the Engineer or City Representatives. Take necessary measures to keep dust levels to a minimum. Provide sweeping of adjacent paving as needed, or as required by the City Engineer.
3. Locate and protect all utility lines prior to and during demolition. Utility locations shown are based on best available information and are not guaranteed. Contact private utility service for disconnection and removal.
4. Remove or relocate all existing site features that interfere with the proposed construction.
5. Protect existing site features that are to remain during construction. Replace anything damaged with new construction.
6. Pavement shall be saw cut at limits of removal unless noted otherwise. Do not impede existing traffic circulation to adjacent businesses or streets.
7. Sufficient topsoil shall be stockpiled to allow for the replacement of 6" of topsoil in disturbed areas to be re-vegetated.
8. All construction and post-construction parking shall be on-site. At no time shall parking, loading, or unloading be allowed on public streets.
9. Storage of materials or equipment shall not be allowed within public Right-of-Way and shall be maintained on site within project boundaries.

**SURVEY DATA**

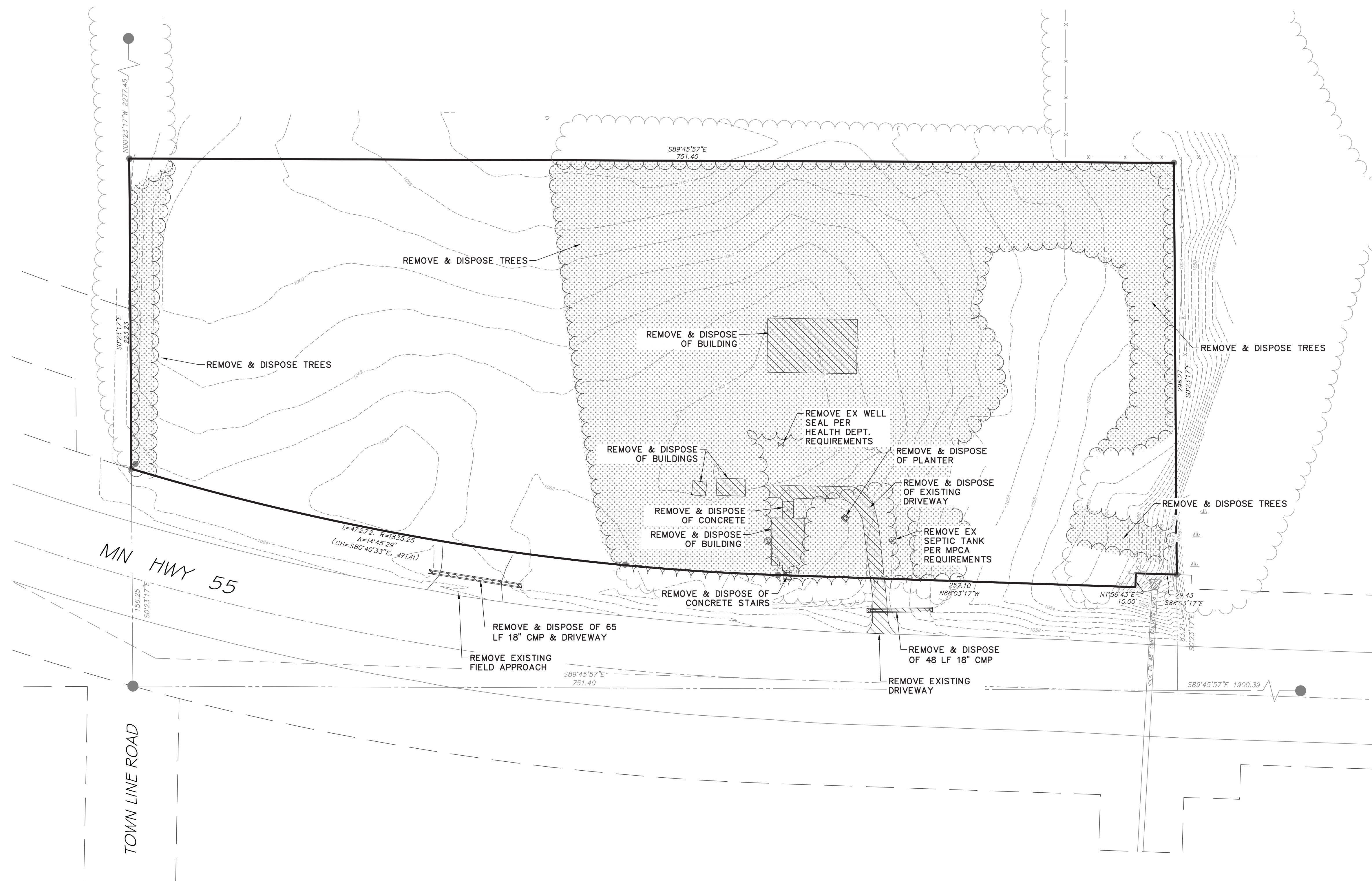
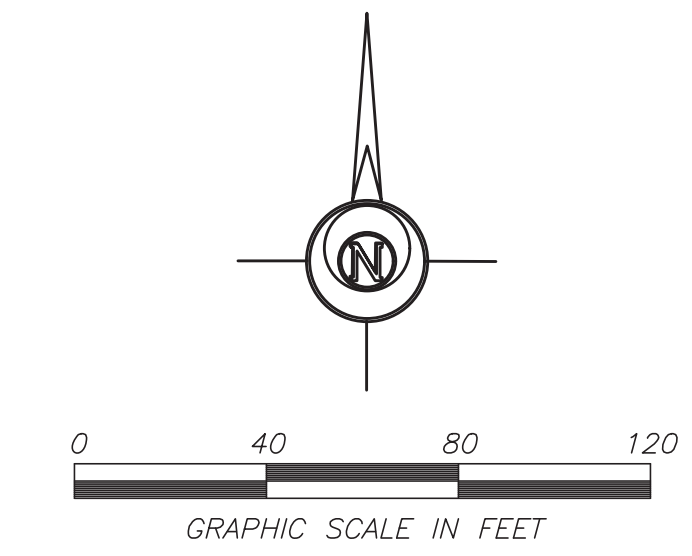
SURVEY INFORMATION PROVIDED BY:  
 NORTHWESTERN SURVEYING & ENGINEERING, INC.  
 P.O. BOX 3067  
 BEMIDJI, MN 56601  
 DATED: 06/16/2023  
 BENCHMARK:  
 MNDOT MONUMENT 2722 L  
 ELEVATION=1063.794 NAVD88  
 NGVD29+0.40=MAVD88

**LEGEND:**

- 908 --- Existing Contours
- Existing Sanitary Sewer
- Existing Water Main
- Existing Storm Sewer
- Existing Trees
- Existing Bndy Line
- [Hatched Box] PROPOSED DEMOLITION & REMOVAL AREA
- [Dotted Box] PROPOSED TREE REMOVAL AREA

**EXISTING PROPERTY DESCRIPTION**

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW 1/4, 378.48 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4, 751.4 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID SW 1/4 TO THE NORTHERLY LINE OF STATE TRUNK HIGHWAY NO. 55, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SW 1/4, THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, EXCEPT ROAD.



CLIENT:  
**SCHERBER & ASSOCIATES, LLC**  
 305 Lakeview Ave.  
 Tonka Bay, MN 55331  
 Craig Scherber  
 612-810-8400  
 cescherber@yahoo.com

**CORCORAN STORAGE II  
 SITE IMPROVEMENT PROJECT**  
 23790 State Highway No. 55  
 Corcoran, Minnesota 56340  
**EXISTING CONDITION &  
 REMOVAL PLAN**

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.  
*Sar D. Walker*  
 Date: 07/19/23 Reg. No. 24348  
 PREPARED BY: CIVIL ENGINEERING SITE DESIGN  
 118 East Broadway St.  
 Monticello, Mn 55362  
 Phone: 763-314-0929  
 www.civileng.com

REVISIONS

DATE	DESCRIPTION
02/10/23	INDICATE LANDSCAPE EASEMENT, SHIF ACCESS LOCATION
07/19/23	CLARIFY BUFFER YARD LOCATION, ADJ. SITE ELEVATIONS

DATE	06/20/23
DRAWN BY	SD
DESIGNED BY	SD
CHECKED BY	SD

FILE NO. 00915

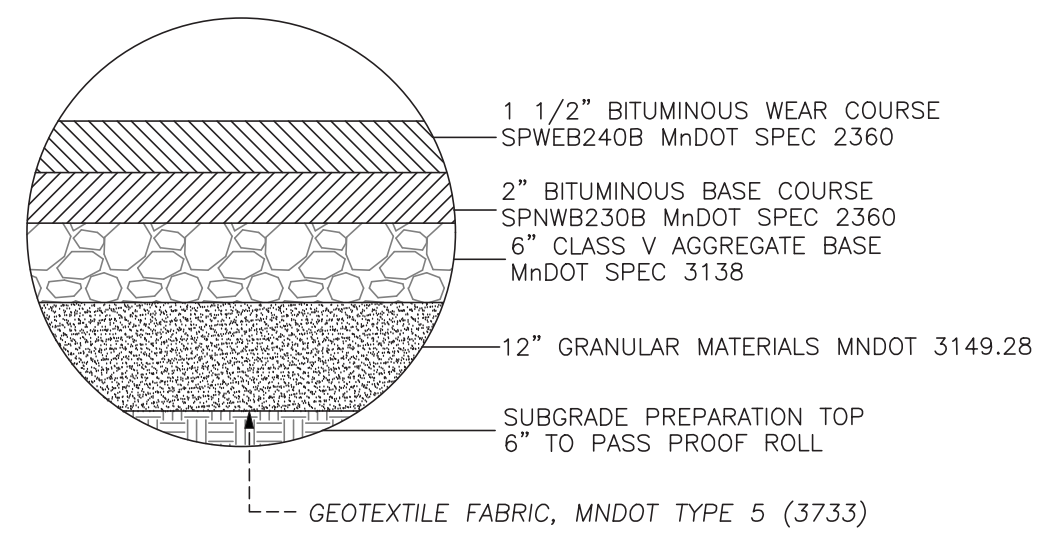
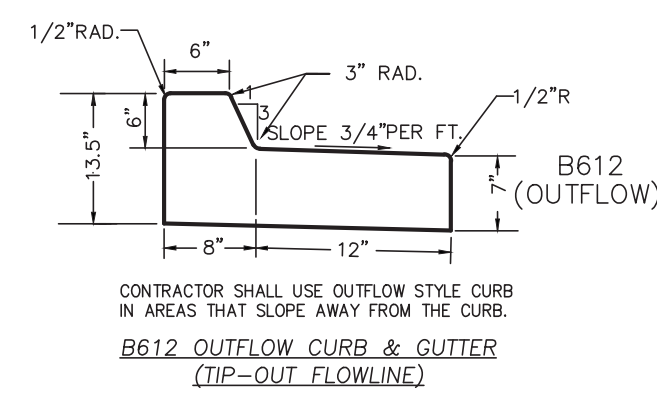
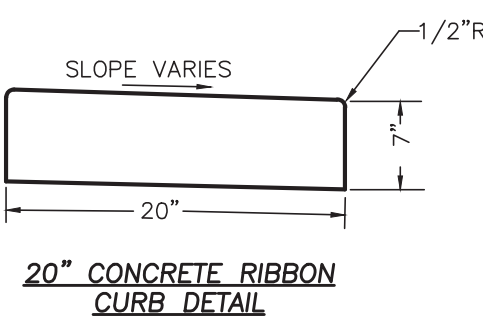
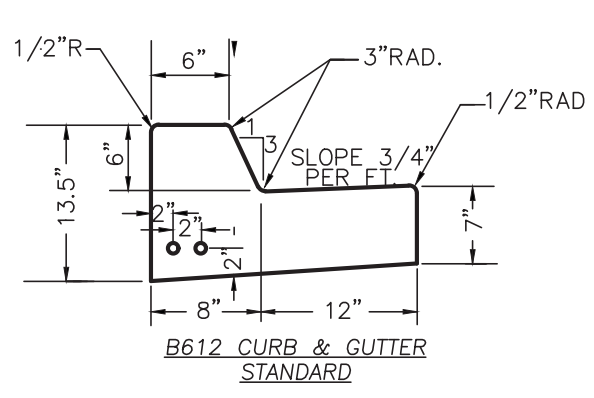
**INDEX OF CIVIL SITE DRAWINGS:**

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- C5 EXISTING CONDITIONS & REMOVAL PLAN
- C6 DETAILS
- C7 DETAILS



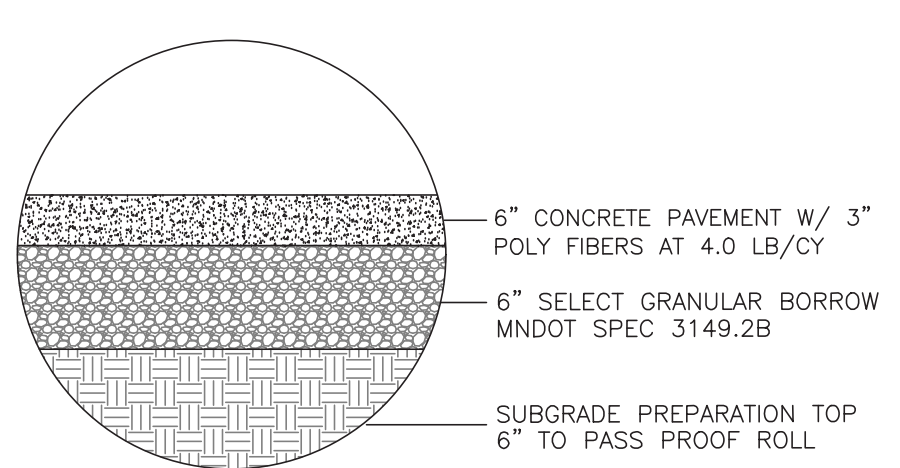
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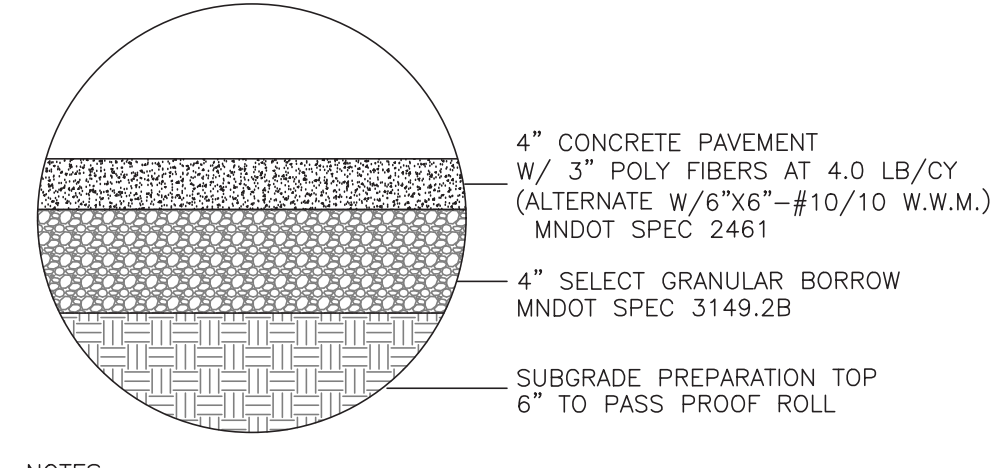
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**BITUMINOUS PAVEMENT**



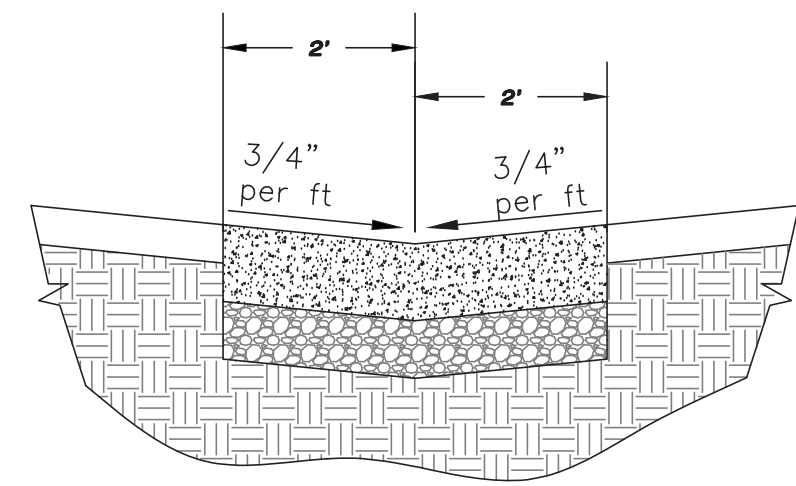
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- CONCRETE MIX SHALL CONFORM TO MNDOT SPEC. 2461  
MIX No. 3F32 FOR SLIPFORM PLACEMENT  
MIX No. 3F52 FOR MANUAL PLACEMENT
  - CONCRETE PLACEMENT SHALL CONFORM TO MNDOT SPEC. 2301
  - CONTRACTOR SHALL SPACE THE CONTRACTION JOINTS AT 12'-0" O.C.
  - SOILS SPECIFICATIONS SUPERSEDE ABOVE LISTED SPECIFICATIONS

**CONCRETE PAVEMENT - HEAVY DUTY**



- NOTES:
- CONCRETE MIX SHALL CONFORM TO MNDOT SPEC. 2461  
MIX No. 3F32 FOR SLIPFORM PLACEMENT (4,500 PSI)  
MIX No. 3F52 FOR MANUAL PLACEMENT (4,500 PSI)
  - CONCRETE PLACEMENT SHALL CONFORM TO MNDOT SPEC. 2301
  - CONTRACTOR SHALL SPACE THE CONTRACTION JOINTS AT 6'-0" O.C.
  - SOILS SPECIFICATIONS SUPERSEDE ABOVE LISTED SPECIFICATIONS

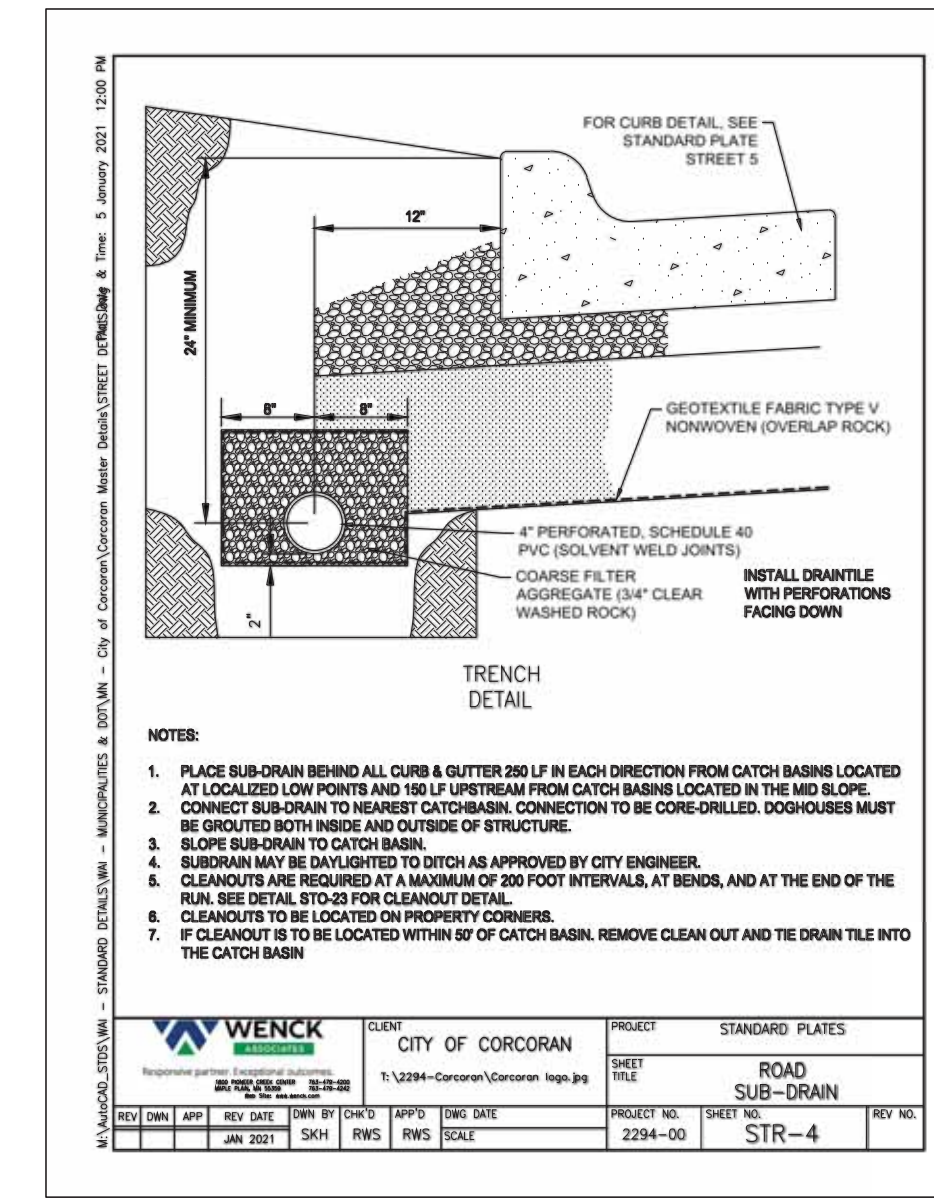
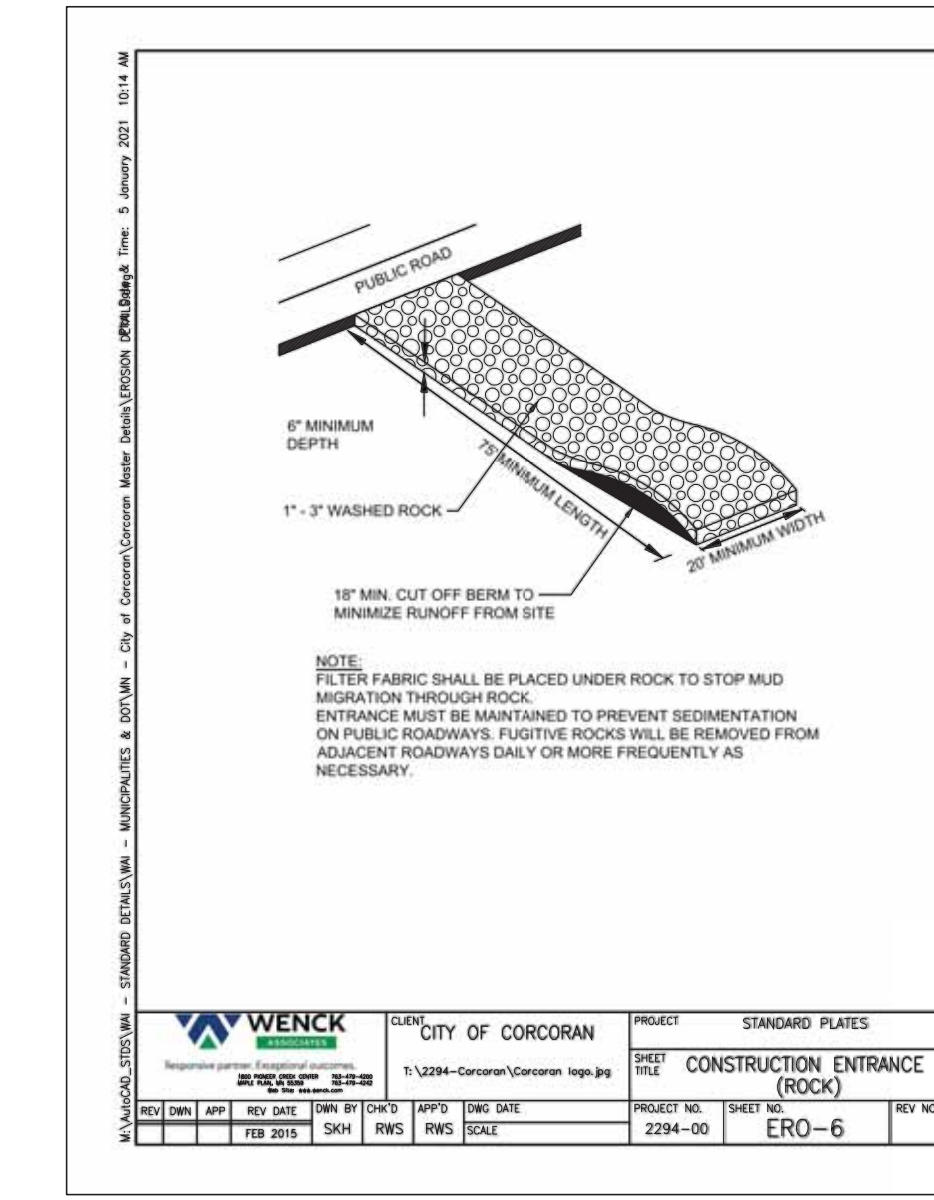
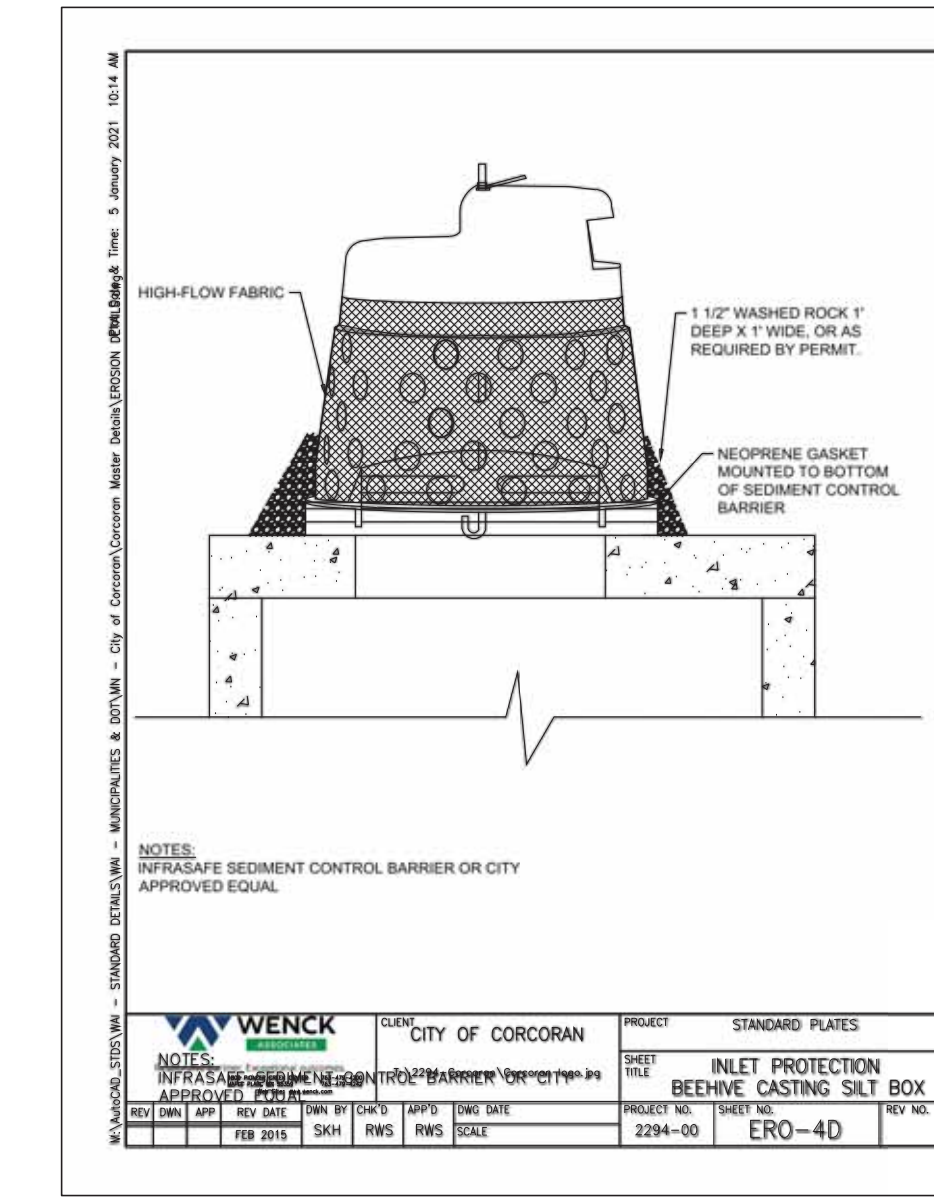
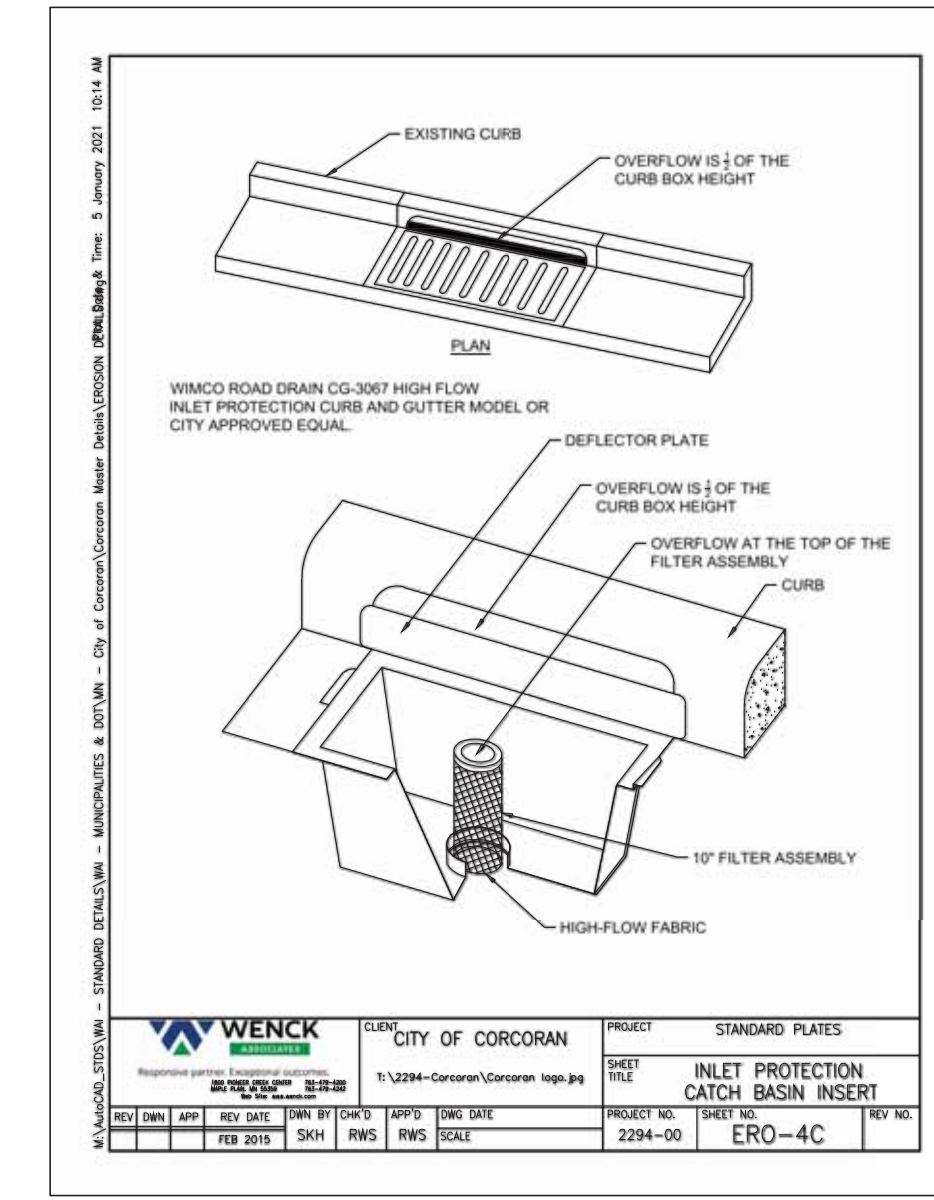
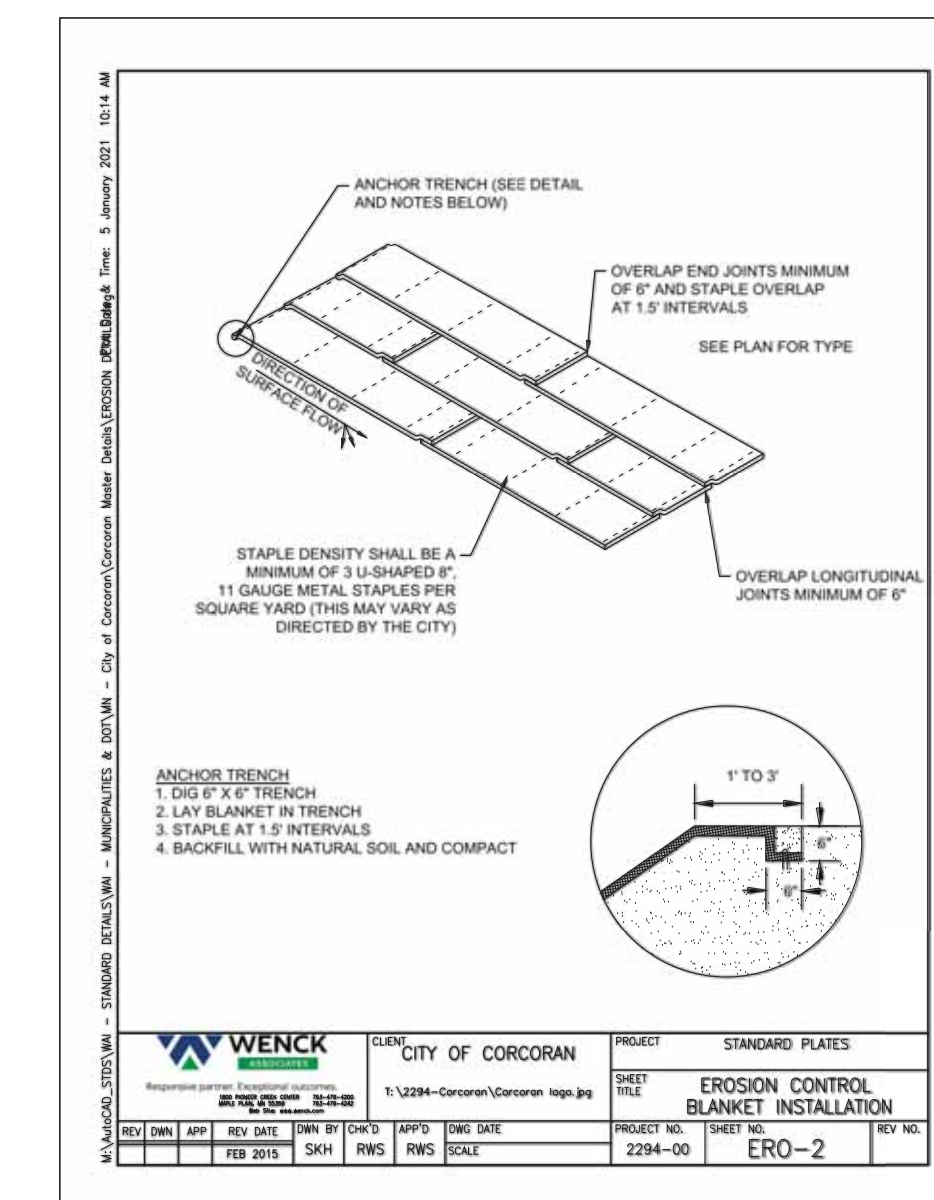
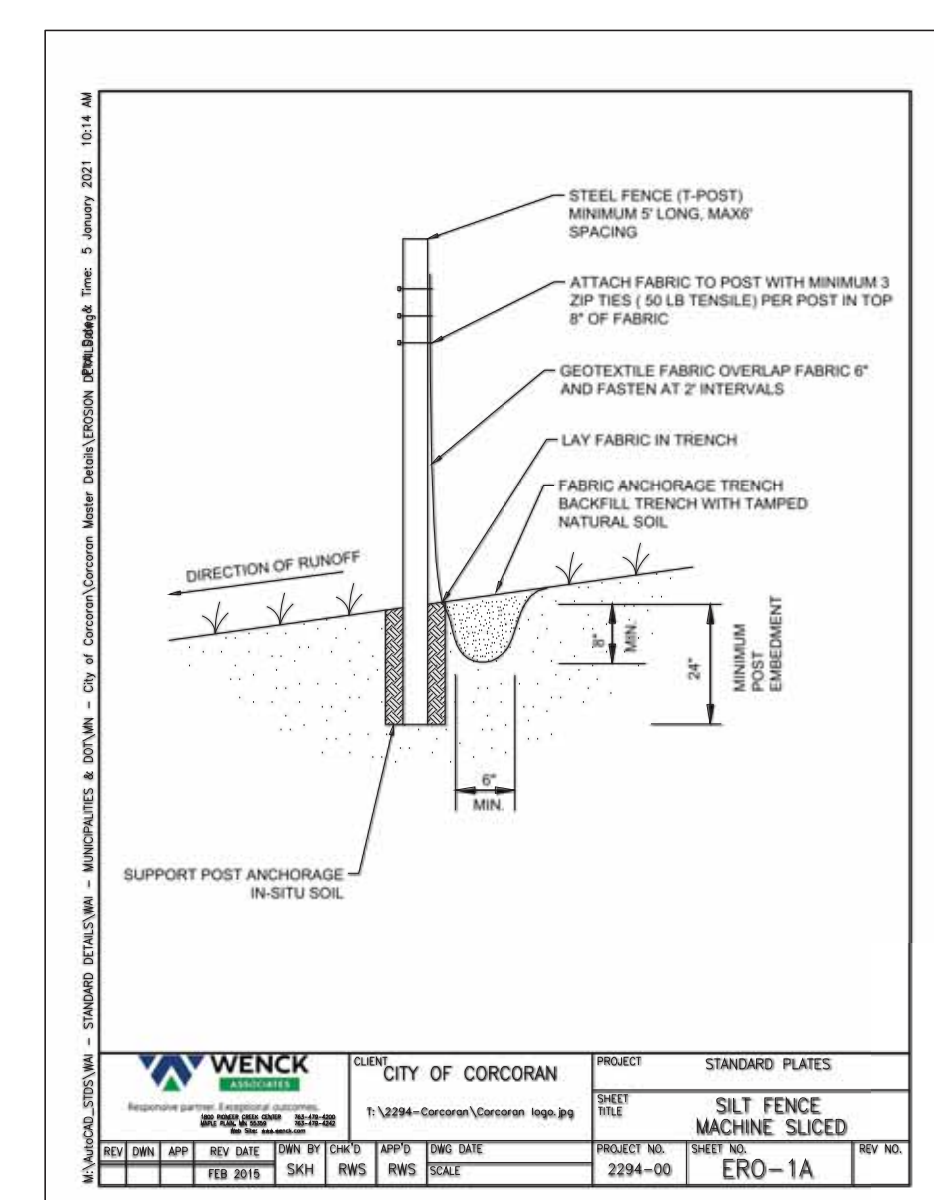
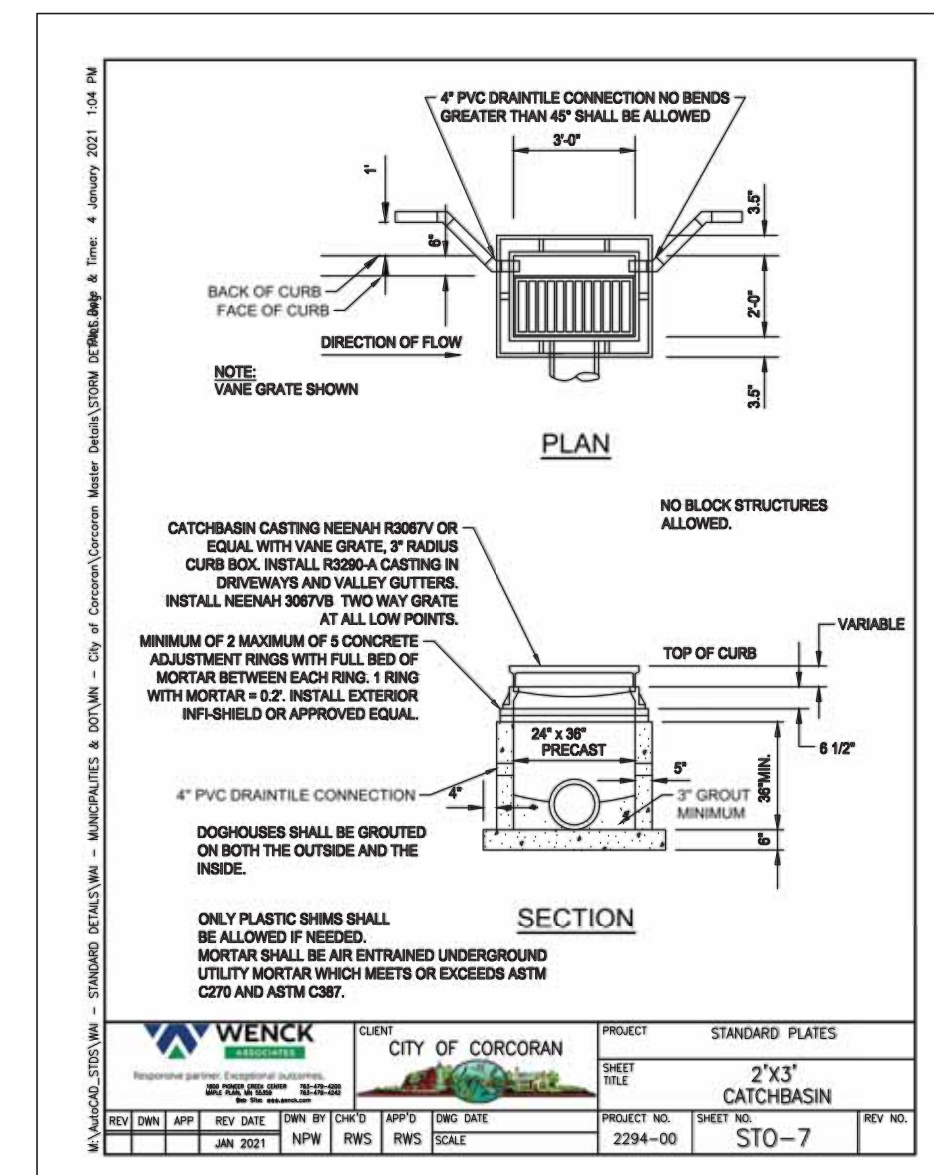
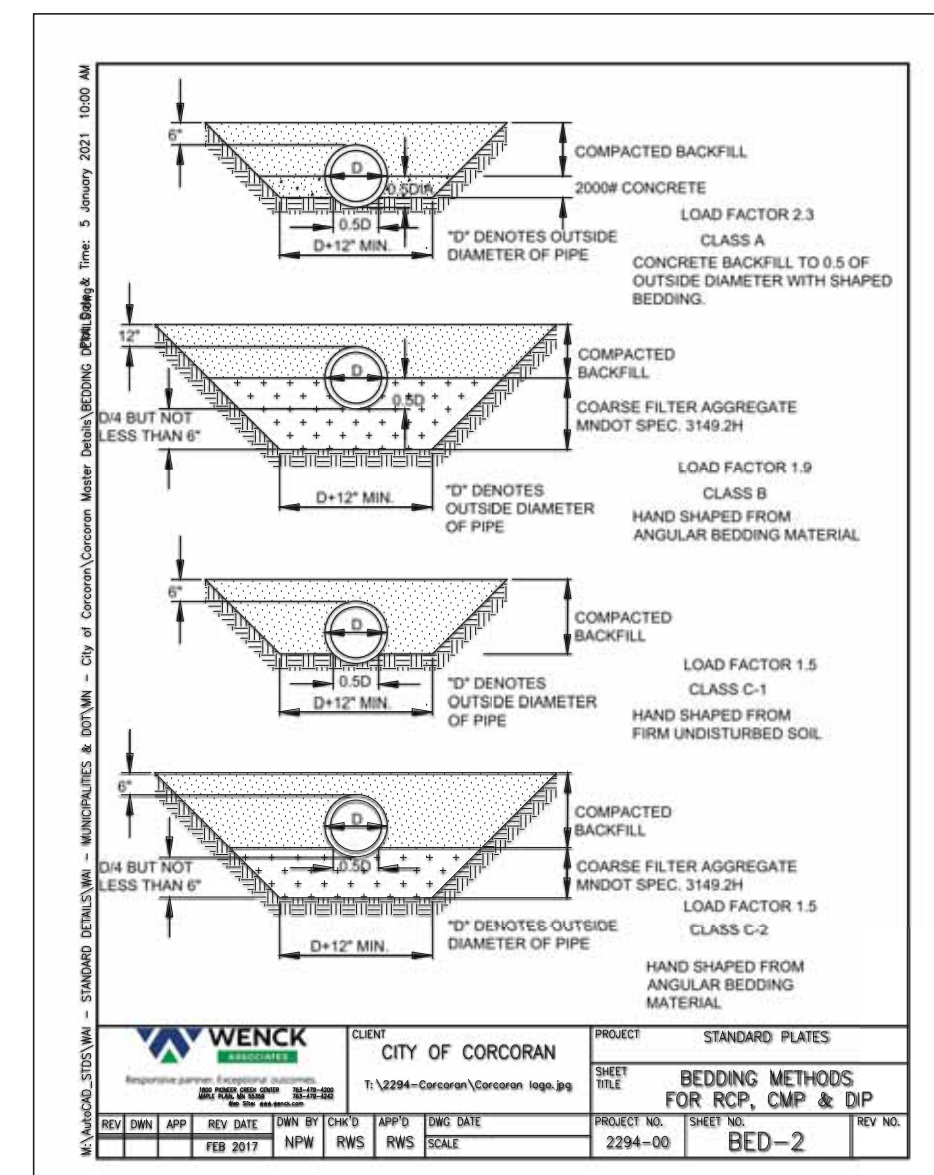
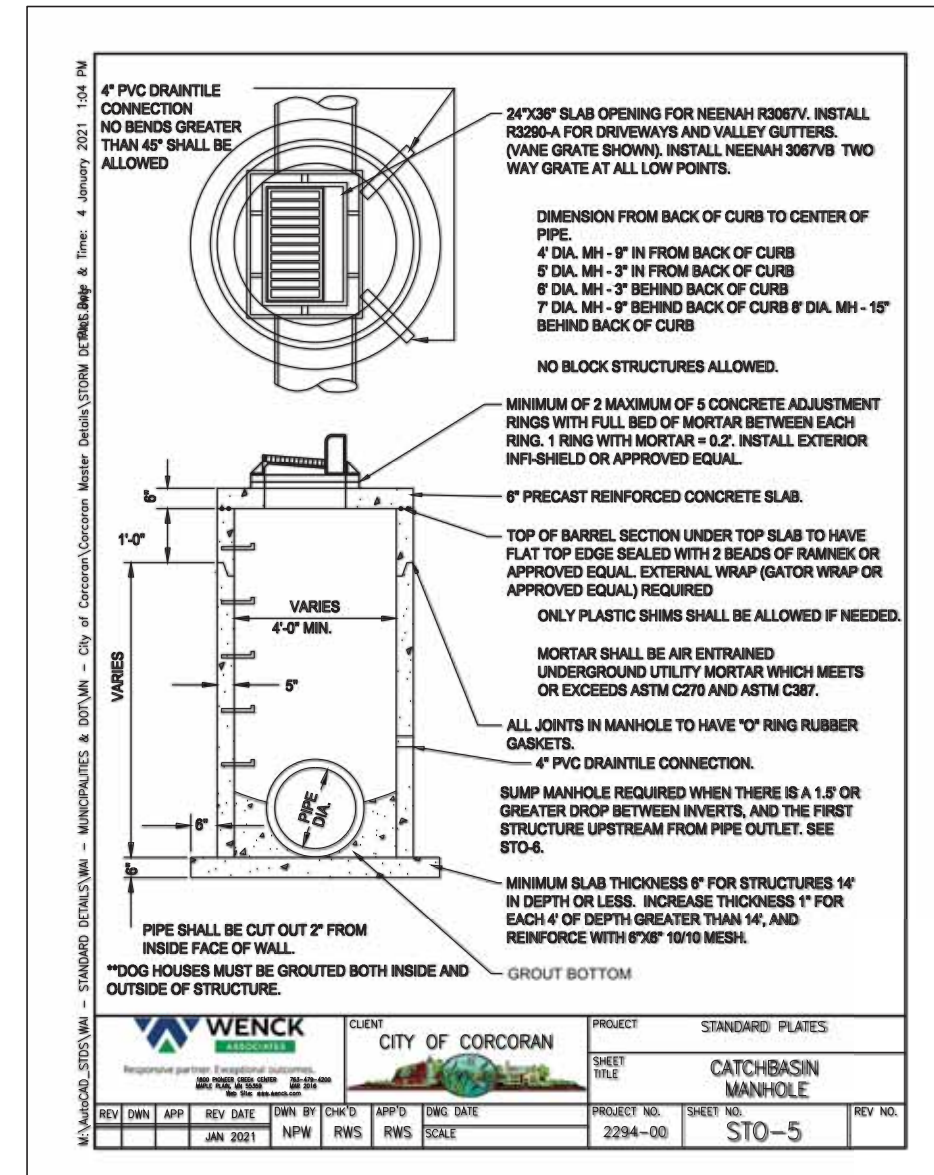
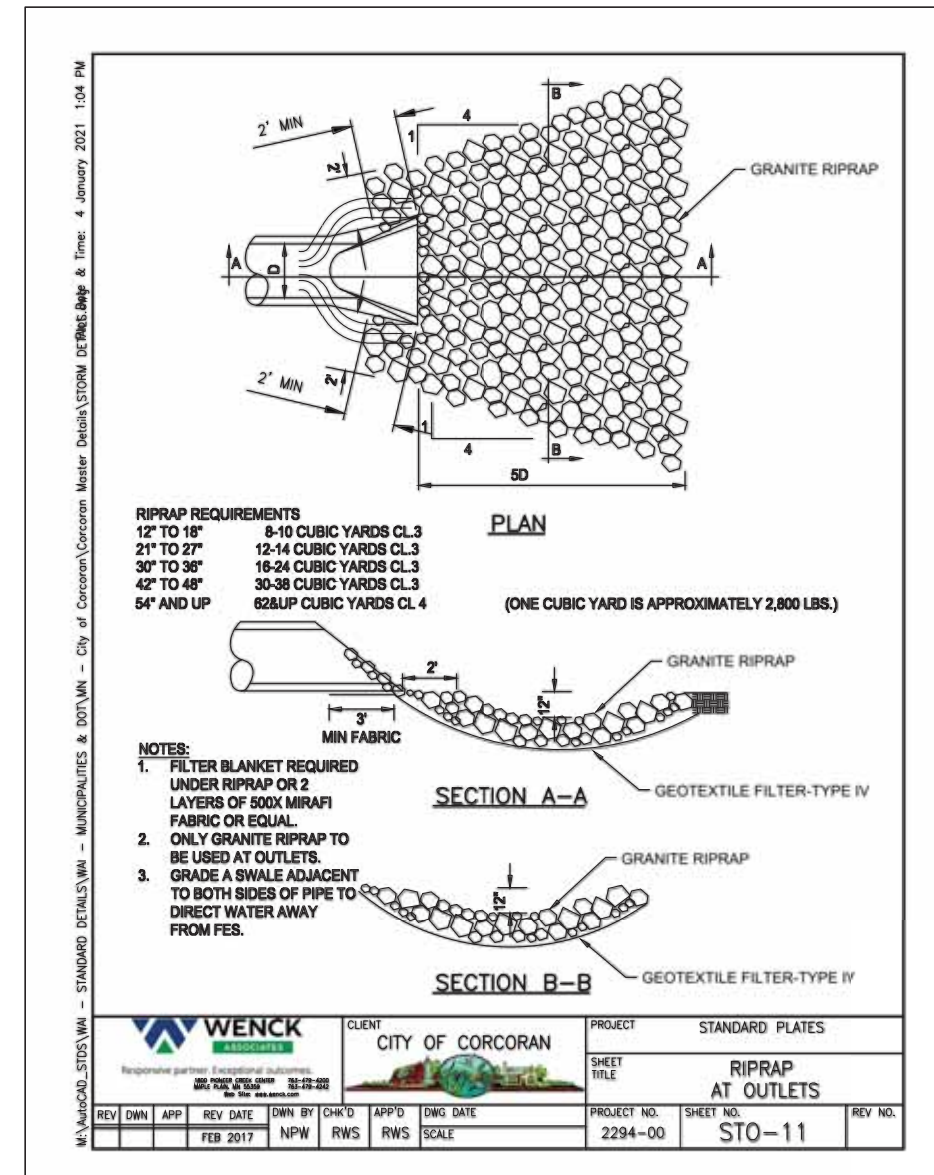
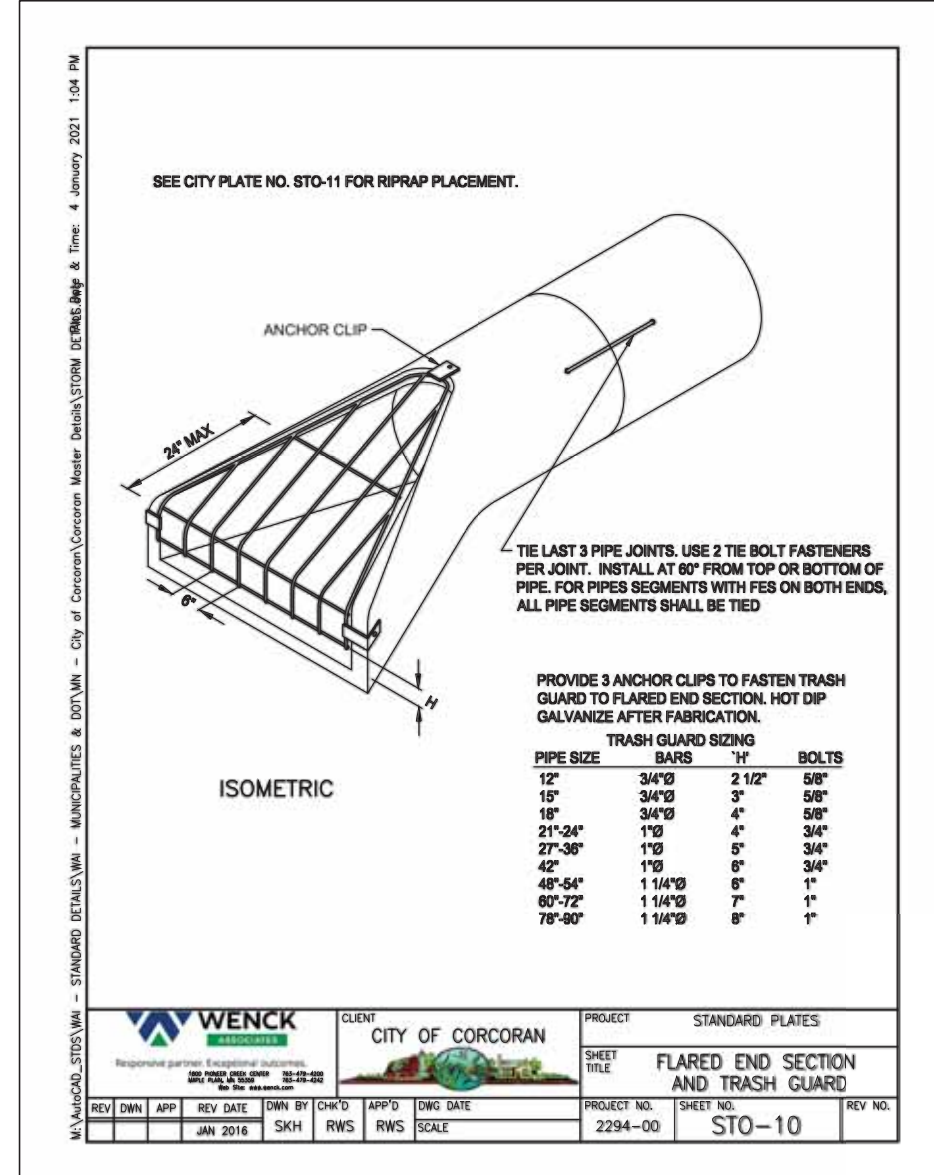
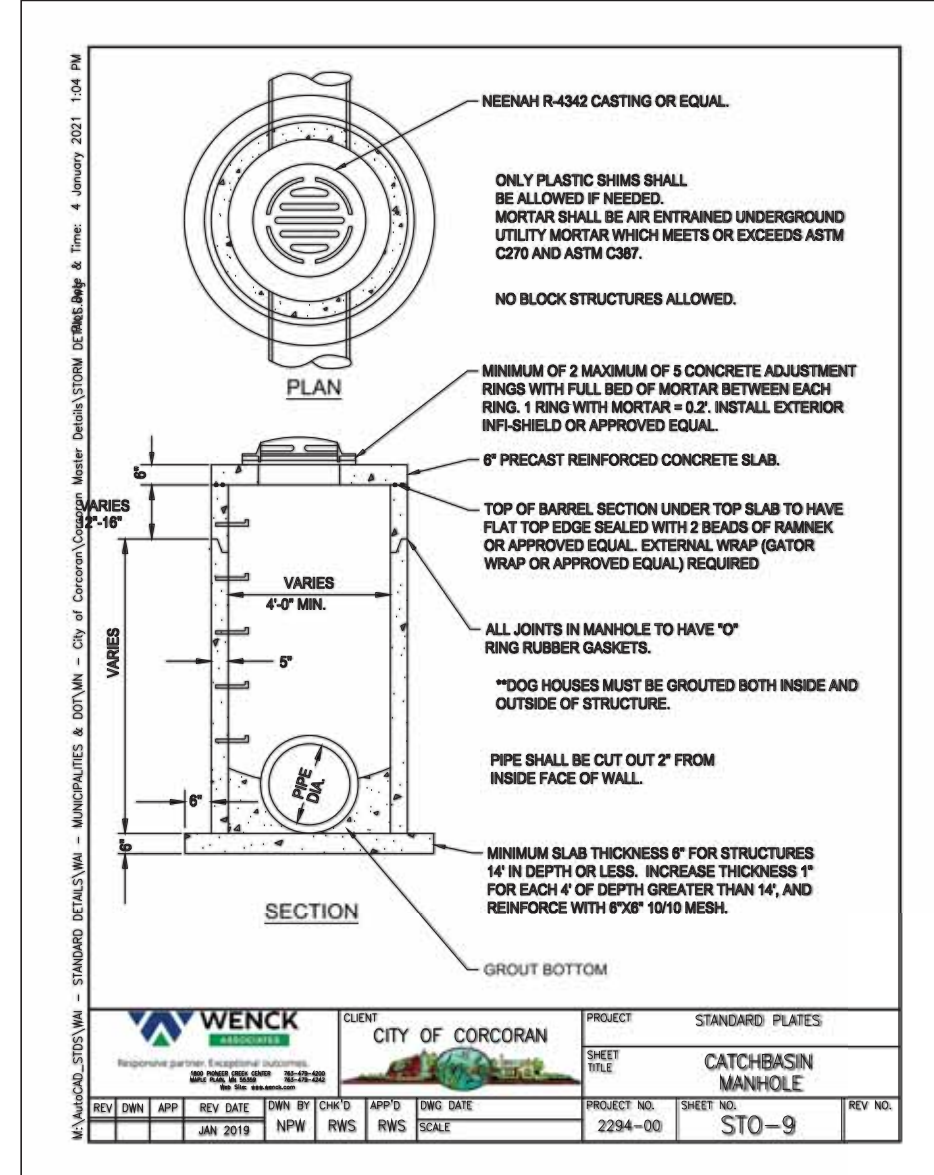
**CONCRETE PAVEMENT - LIGHT DUTY (PRIVATE SIDEWALK)**



**CONCRETE VALLEY GUTTER**

CLIENT:  
**SCHERBER & ASSOCIATES, LLC**  
305 Lakeview Ave.  
Tonka Bay, MN 55331  
Craig Scherber  
612-810-8400  
cescherber@yahoo.com

**CORCORAN STORAGE II SITE IMPROVEMENT PROJECT**  
23790 State Highway No. 55  
Corcoran, Minnesota 55940  
**DETAILS**



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.  
Date: 07/19/23 Reg. No. 24348  
PREPARED BY: CIVIL ENGINEERING SITE DESIGN  
1118 East Broadway St.  
Monticello, Mn 55362  
Phone: 763-314-0929  
www.civilread.com

REVISIONS

NO.	DATE	DESCRIPTION
01	07/19/23	INDICATE LANDSCAPE EASEMENT, SHIFT ACCESS LOCATION
02	07/19/23	CLARIFY BUFFER YARD LOCATION, ADJ. SITE ELEVATIONS

DATE	06/20/23	SD
DRAWN BY		SD
DESIGNED BY		SD
CHECKED BY		SD

FILE NO. 00915

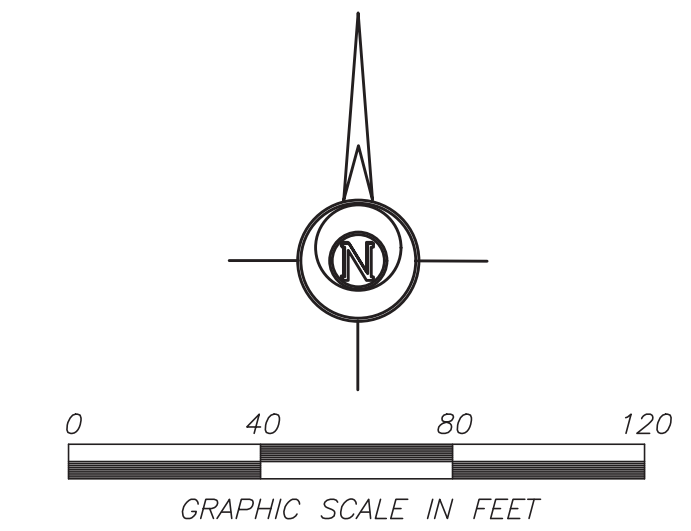
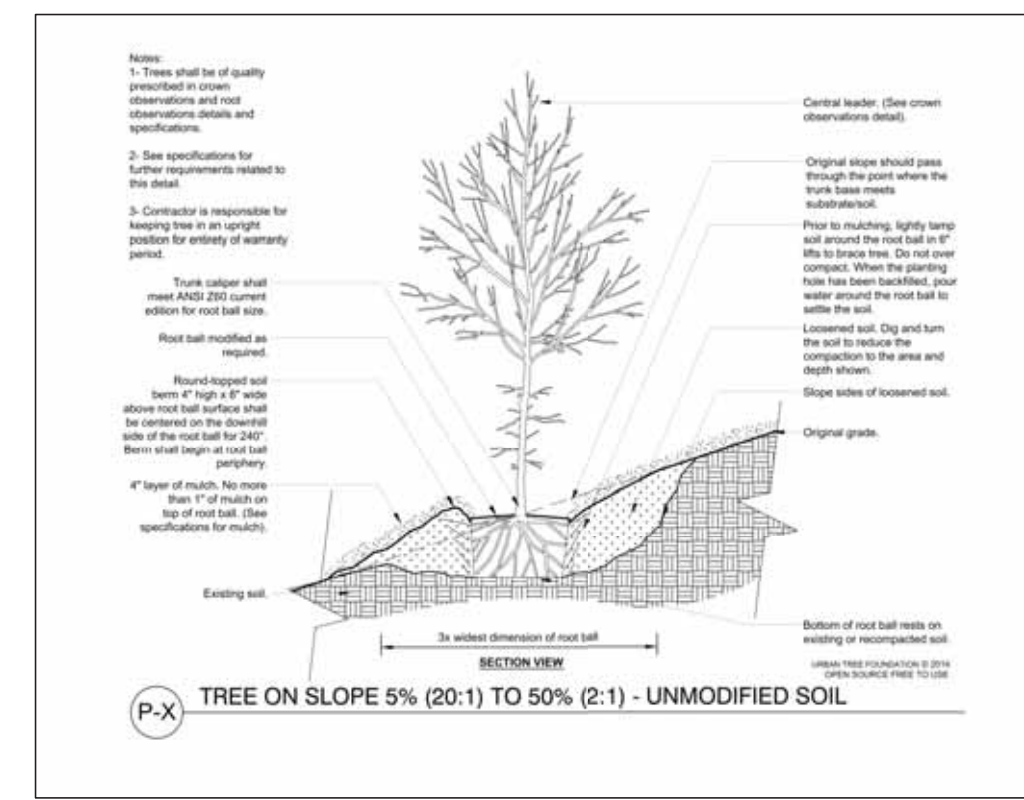
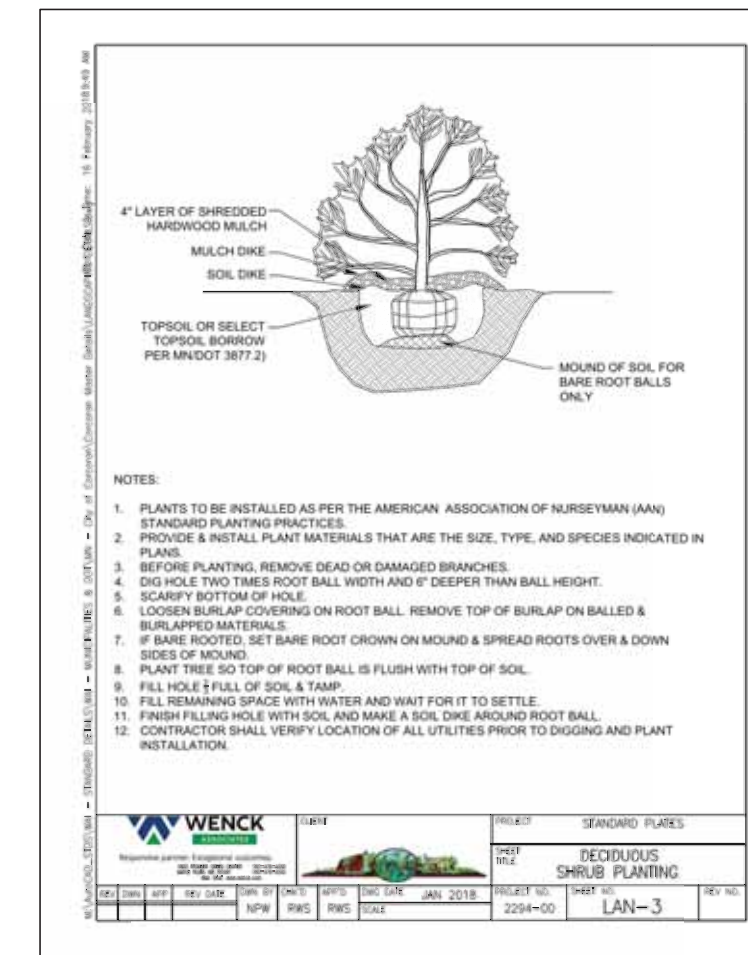
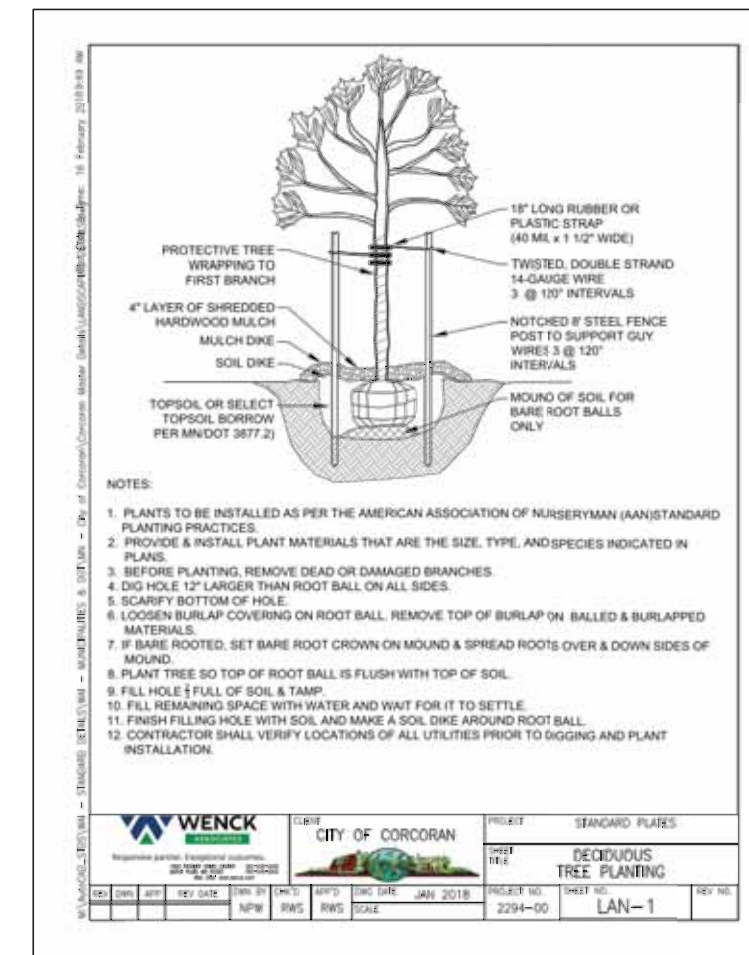
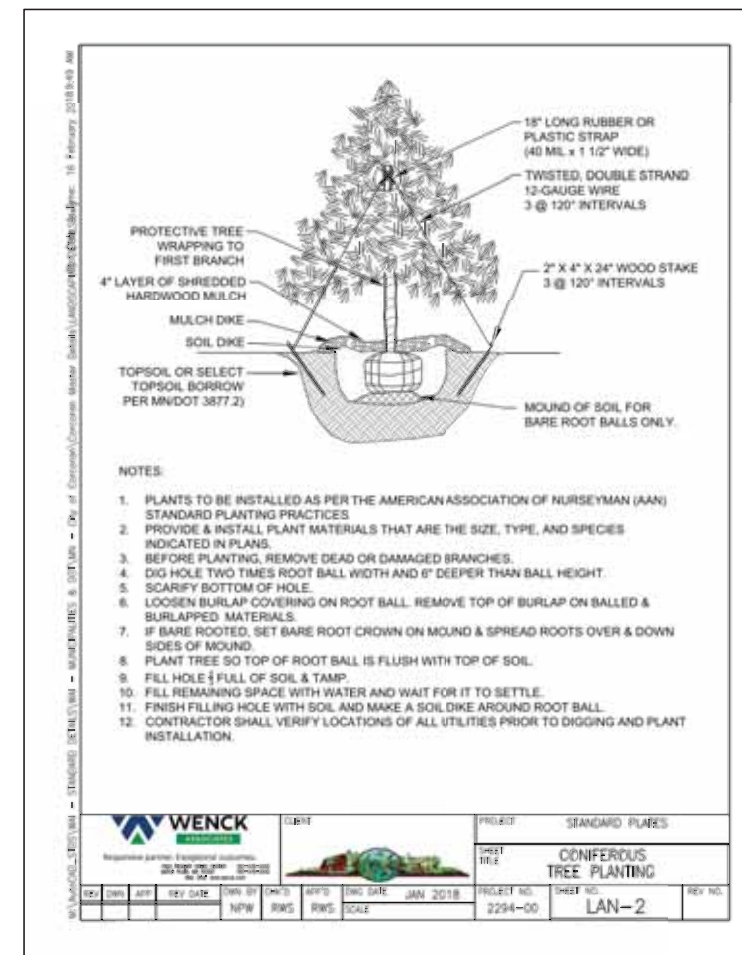
**INDEX OF CIVIL SITE DRAWINGS:**

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- C4 STORM WATER POLLUTION PREVENTION PLAN
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- C6 DETAILS
- C7 DETAILS

**C6**

Details





CLIENT:  
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 305 Lakeview Ave.  
 Tonka Bay, MN 55331  
 Craig Scherber  
 612-810-8400  
 cescherber@yahoo.com

**CORCORAN STORAGE II  
 SITE IMPROVEMENT PROJECT**  
 23790 State Highway No. 55  
 Corcoran, Minnesota 55340  
**LANDSCAPE PLAN**

**TREES:**  
 GREATER QUANTITY; 1 TREE PER 50 LF OF SITE PERIMETER OR 1 TREE PER 1,000 SF OF BUILDING.  
 PERIMETER: 2,040 LF x 1/50 = 40 TREES  
 BUILDING: 50,050 SF x 1/1,000 = 50 TREES (GREATER QUANTITY)

**SHRUBS:**  
 GREATER QUANTITY; 1 SHRUB PER 30 LF OF SITE PERIMETER OR 1 SHRUB PER 300 SF OF BUILDING.  
 PERIMETER: 2,040 LF x 1/30 = 68 SHRUBS  
 BUILDING: 50,050 SF x 1/300 = 167 SHRUBS (GREATER QUANTITY)

**BUFFER:**  
 BUFFER YARD CLASS D TO BE PROVIDED ON WEST BOUNDARY FOR FUTURE STREET, LENGTH = 234 FT, WIDTH = 50 FT.  
 REQUIRED: D50 OVERSTORY SELECTED OPTION: 6 TREES PER 100 FT x 234 FT / 100 FT = 14 TREES

BUFFER YARD CLASS D TO BE PROVIDED ON WESTERLY 250 FT OF NORTH BOUNDARY THAT DOES NOT HAVE EXISTING TREE SCREENING LENGTH = 250 FT, WIDTH 40 FT  
 REQUIRED: D40 OVERSTORY SELECTED OPTION: 8 TREES PER 100 FT x 250 FT / 100 FT = 20 TREES

**PROVIDED PLANT MATERIALS**  
 61 OVERSTORY TREES (14 TREES SATISFY D50 ON WEST BOUNDARY)  
 181 SHRUBS

**TREE LIST: TOTAL SITE**

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE/ROOT
<b>TREES</b>				
23	RP	Pinus resinosa	Red Pine	6' B&B
22	SP	Pinus sylvestris	Scotch Pine	6' B&B
6	RB	Betula nigra	River Birch	2-1/2" B&B
6	CH	Celtis occidentalis	Common Hackberry	2-1/2" B&B
4	SL	Gleditsia triacanthos inermis	'Skycotec' Skyline Honeylocust	2-1/2" B&B
61	<b>TOTAL</b>			

**SHRUB LIST: TOTAL SITE**

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE/ROOT
<b>SHRUBS</b>				
137	FF	Forsythia 'Fiesta'	Fiesta Forsythia	3 Gal. Pot
44	SGJ	Juniperus chinensis 'Sea Green'	Sea Green Juniper	5 Gal. Pot
181	<b>TOTAL</b>			

**PLANTING NOTES:**

Contractor shall provide two year guarantee of all plant materials. The guarantee begins on the date of the Landscape Architect's written acceptance of the initial planting. Replacement plant materials shall also have a one year guarantee commencing upon planting.

All plants to be northern-grown and hardy. Plants to be installed as per standard AAN planting practices. Contractor shall verify locations with all utilities prior to installation of plants.

Staking of trees optional; reposition if not plumb after one year.

Open top of burlap on BB materials; remove pot on potted plants; split and break apart peat pots.

Prune plants as necessary - per standard nursery practice.

Owner shall be responsible for maintenance after acceptance of the work by the Owner.

Double shredded dark brown hardwood mulch 4" deep shall be provided around all new trees.

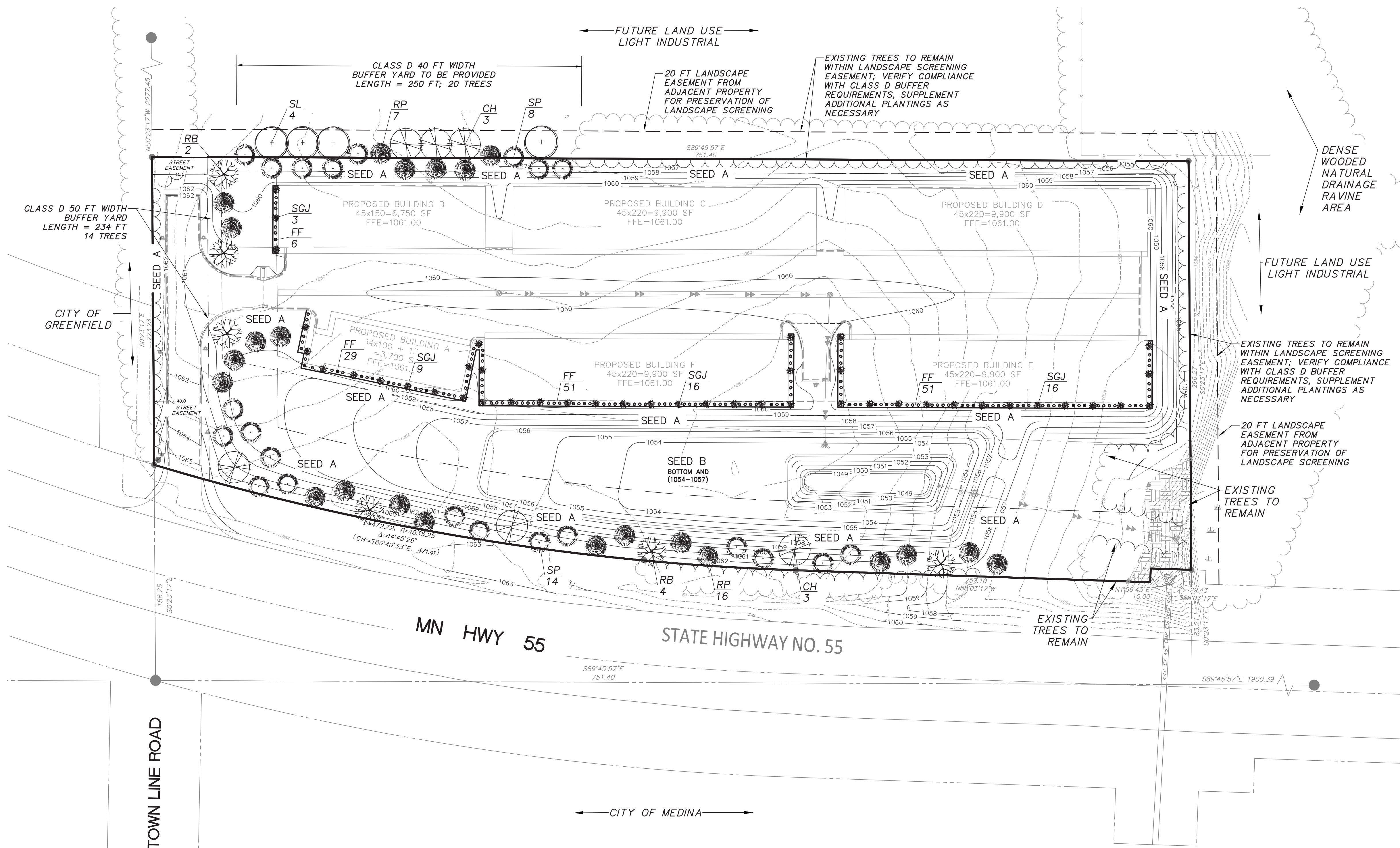
Field adjust tree and shrub locations to fit utility locations and any changes that may have occurred to the site plan and/or building overall design. Place foundation plantings to align with building/window design.

All seeding shall be done according to the current MNDOT Seeding Manual for rates, application methods, soil preparations, fertilization, and cover crop or erosion cover methods.

Seed A Mesic Prairie General area (MNDOT 35-24), or an approved equivalent by City. Seed upland buffer in areas of low maintenance and periodic mowing. Seed basin slopes from the 1024 contour around the basin to the outer top of basin berm at contour 1036.7 and to the buildings. Provide a 6 foot overlap of seed mixtures.

Seed B Stormwater Facility area (MNDOT 35-24), or an approved equivalent by City. Seed sides of storm pond from normal water level at 1033.7 contour to the 1036.7 contour and filtration basin bottom and from 1031.2 contour to the 1036.7 contour.

Stone mulch shall be 1.5" River Rock or equal as approved by owner.



**INDEX OF CIVIL SITE DRAWINGS:**

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C4	STORM WATER POLLUTION PREVENTION PLAN
C5	EXISTING CONDITIONS & REMOVAL PLAN
C6	DETAILS
C7	DETAILS
C8	LANDSCAPE PLAN

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.

Date: 07/10/23 Reg. No. 24348  
 PREPARED BY: CIVIL ENGINEERING SITE DESIGN  
 118 East Broadway St.  
 Monticello, MN 55362  
 Phone: 763-314-0929  
 www.civildesign.com

**REVISIONS**

DATE	DESCRIPTION	BY	CHKD
02/20/23	INDICATE LANDSCAPE EASEMENT, SHEET ACCESS LOC.	SD	SD

DATE 06/20/23  
 DRAWN BY SD  
 DESIGNED BY SD  
 CHECKED BY SD

FILE NO. 00915  
**C8**  
 Landscape Plan

**LEASE**

**THIS LEASE** is made as of \_\_\_\_\_, \_\_\_\_\_, between \_\_\_\_\_  
\_\_\_\_\_ ("**Landlord**") and \_\_\_\_\_ ("**Tenant**").

The contact information for the Tenant and Personal Guarantor(s) is as follows:

**TENANT:**

Principal Contact Person (Name and Relation to Tenant):	
Address:	
Email Address:	
Phone Number No. 1	
Phone Number No. 2	

**PERSONAL GUARANTOR(S)**

Name of Personal Guarantor(s), and Relation to Tenant	
Address:	
Email Address:	
Phone Number No. 1	
Phone Number No. 2	

The following are short summaries and references to Sections in the Lease regarding certain matters and requirements to which Landlord wants to direct Tenant's attention. According Tenant must initial next to each item to confirm that Tenant has read and understands each of the short summaries.

No.	Item	Section	Initial Box
1	Overnight parking by the Tenant or Tenant's agents, employees, or invitees is strictly prohibited, and will result in the immediate towing, of the vehicle. The cost of such towing will be considered to be Additional Rent	3	
2	Substantial Late Fees incurred if the Rent payments are not made on a timely basis.	7	
3	Premises cannot be used for "residential" purposes.	3	
4	Upon the termination of the Lease, the Tenant is required to remove all personal property and trash from the Premises, and return the Premises to the same condition as they were in at the time of the commencement of the Lease. If this requirement is not met, Landlord will remove the personal property and trash, clean the Premises, and the Tenant shall pay a "clean out" fee in the amount of One Thousand Dollars (\$1,000).	26	
5	The Landlord has a lien on all personal property in the Premises and has the right to prohibit access to Premises if the Rent is not paid in a timely manner.	28	

\*\*\*\*\*

**1. Premises.** Landlord hereby leases to Tenant and Tenant hereby leases from Landlord a portion of the property located at \_\_\_\_\_ ("Property"), commonly referred to as Unit No. \_\_\_\_\_, as crosshatched on Exhibit A attached hereto (the "Premises").

**2. Term.** The term of this Lease is two (2) years, and shall commence on \_\_\_\_\_ (the "Commencement Date") and shall expire \_\_\_\_\_ ("Expiration Date)," unless earlier terminated as provided in this Lease. If for any reason, Landlord cannot deliver possession of the Premises to Tenant on the Commencement Date, this Lease shall not be void or voidable, nor shall Landlord or its agents be liable to Tenant for any loss or damage resulting from such delay. In that event, however, the Commencement Date shall be extended for the period of such delay except that if in Landlord's judgment any part of the delay is caused by Tenant, rent shall not be abated for the period of delay caused by Tenant. Landlord will use reasonable good faith efforts to deliver the Premises to Tenant on or before the Commencement Date. If Landlord determines that it cannot deliver possession of the Premises to Tenant, Landlord may by notice to Tenant terminate this Lease without any liability to Tenant, in which case Tenant shall have no further liability to Landlord. In no event shall the expiration of this Lease be extended beyond the Expiration Date.

**3. Use of Property.** Tenant shall not permit use of any portion of the Premises for residential purposes. For the purposes of this section, the term "residential purposes" includes, but is not limited to, activity such as sleeping or napping; watching television or video screens; consumption of alcohol or illegal drugs; sitting or resting on furniture or other items being stored in the Premises; cooking;

congregating with others in the Premises except for the purposes of moving stored items in or out of the Premises; or, studying. Tenant shall not store, keep or place anything outside the Premises, except during the moving in or removal of stored items in the Premises. Tenant shall not park or store any vehicles, equipment, or trailers in any areas of the Property for any continuous period in excess of two (2) hours without Landlord's prior written consent, which consent may be granted or denied in the sole discretion of the Landlord. Overnight parking by the Tenant or Tenant's agents, employees, or invitees is strictly prohibited, and will result in the immediate towing, of the vehicle. The cost of such towing will be considered to be Additional Rent. TENANT HEREBY ACKNOWLEDGES THAT FAILURE TO COMPLY WITH THIS SECTION SHALL BE A MATERIAL BREACH OF THIS AGREEMENT RESULTING IN IMMEDIATE TERMINATION OF THIS LEASE AND LOSS OF ACCESS TO PREMISES AND THE PROPERTY. Tenant shall not make any alterations or improvements to the Premises (the "Tenant Improvements") except as expressly agreed to by the Landlord as set forth in the attached Exhibit B.

4. **Base Rent.** Tenant will pay Landlord Base Rent in the sum of \_\_\_\_\_, per month. The Base Rent shall be payable as provided in Section 6 of this Leases.

5. **Additional Rent.** It is the express intent of the parties that Tenant will pay, as Additional Rent, the cost of all utilities and communication services, including water and power, sewer, heating (steam or other), lighting, air conditioning and ventilating the Premises ("Utilities"). If the Utilities are sub-metered to the Premises, Tenant shall make arrangements with the utility provider to bill the Tenant directly. If the Utilities to the Premises are not sub-metered Tenant shall pay to Landlord, as Additional Rent, the amount of Fifty Dollars (\$50) per month, which amount shall be paid together with the monthly payments described in Section 6. All charges payable according to the terms of the Lease, including, but not limited to Late Charges, shall be considered Additional Rent, due according to the terms of the lease. The Base Rent together with Utilities and any other Additional Rent shall be collectively referred to as "Gross Rental." Tenant shall timely pay Utilities as required by the utility provider. .

6. **Rent Payment and Security Deposit.** Base Rent shall be paid, in lawful money of the United States, to the Landlord at a place as Landlord may hereafter designate in writing in monthly installments. The first installment of is due on execution of this Lease. Subsequent monthly installments of Base Rent of are due on or before the first day of each calendar month beginning on \_\_\_\_\_, and continuing until the expiration of the term of this Lease. Rent is due as provided in this Lease, without demand and without any reduction, abatement, counterclaim or setoff. If the term of this Lease commences on other than the first day of a month or terminates on other than the last day of a month, then the monthly installments of Base Rent provided for herein for such month or months shall be prorated and paid in advance.

A security deposit to secure the Tenant's performance under this Lease in the amount of \_\_\_\_\_ shall also be due on the execution of this Lease.

7. **Late Charge.** Late payment by Tenant of any rent or other sums due under this Lease will cause Landlord to incur costs not contemplated by this Lease, the exact amount of such costs being difficult and impracticable to ascertain. Such costs include, without limitation, processing and accounting charges and late charges that may be imposed on Landlord by the terms of any encumbrance on or note secured by the Premises. Therefore, if any rent is not paid within five (5) days after it is due or any other sum due from Tenant is not paid when due, Tenant shall pay to Landlord an additional sum of Seventy-Five and no/100 Dollars (\$75.00). If any rent remains unpaid ten (10) days after it is due, Tenant shall pay to Landlord an additional sum of \$250.00, which represents a fair and reasonable estimate of the costs that Landlord will

incur by reason of any such late payment. Additionally, all delinquent rent or other sums, plus this late charge, shall bear interest at the lesser of the then maximum lawful contract rate permitted to be charged by Landlord, or 18% per annum (the "Default Rate"). All interest and late charges owed pursuant to this section shall referred to as "Late Charges" and considered additional rent.

**8. Definitions.** For the purpose of this Lease, the following are additional defined terms;

(a) "Building" means the structure(s) situated on the Property, whether now or hereinafter constructed.

**9. Acceptance of Premises.** Taking of possession of the Premises by Tenant shall be conclusive evidence that the Premises was, on that date, in good, clean and Tenantable condition, and that Tenant has accepted the Premises "AS IS." Tenant acknowledges that no representations as to the repair of the Property or promises to alter, remodel or improve the Property, have been made by Landlord, except as may be provided in Exhibit B or in another writing signed by the parties.

**10. Alterations, Additions, Improvements by Tenant.** Tenant agrees not to make or allow to be made any alterations or physical additions in or about the Property without first obtaining the written consent of Landlord, which consent may be granted, withheld, or conditioned in Landlord's sole discretion.

**11. Tenant Equipment.**

Tenant shall not install any other equipment of any kind or nature whatsoever which will or may require any changes, replacements or additions to or in the use of heating, air conditioning, electrical or plumbing systems of the Property or of the Building without first obtaining the prior written consent of Landlord, which consent may be granted, withheld, or conditioned in Landlord's sole discretion.

**12. Maintenance and Repairs.**

Tenant shall maintain Utilities to the Premises. Tenant agrees to keep the inside and outside of the Premises clean and maintain the Premises in good repair, ordinary wear and tear excepted, at its sole expense. Tenant shall not paint or decorate any part of the interior or exterior of the Premises or any part of the interior of the Premises visible from the exterior, nor post or any signs visible from the exterior of the Premises. Tenant shall maintain the Premises in a clean, orderly and sanitary condition and free from all insects, rodents, vermin and other pests. Tenant shall remove any garbage, trash, rubbish or refuse on a regular basis in accordance with local codes; Tenant shall maintain the Premises, including in good repair, all mechanical, electrical and plumbing apparatus within the Premises, ordinary wear and tear excepted. Tenant shall replace promptly, at its expense, any broken door closers and any cracked or broken glass of the Premises with glass of like kind and quality, and replace all light bulbs and tubes when no longer serviceable.

Landlord shall exercise reasonable diligence to remove snow from the parking areas of the Property and other areas which provide access to the Premises.

Any and all damages or injury to the Property or Premises caused by moving the property of Tenant in or out of the Property, or due to the same being on the Property, shall be repaired by and at the sole cost of Tenant.

**13. Mechanic's Liens.** Tenant will not permit any mechanic's, laborer's or materials supplier's liens to stand against the Property or the Building for any labor or material furnished to or on

account of Tenant, or claimed to have been so furnished in connection with any work performed or claimed to have been performed in, or about the Property. Tenant shall indemnify and hold Landlord harmless from and against any and all losses, liabilities, costs and expenses, including reasonable attorneys' fees, based on or arising out of asserted claims or liens against the Tenant's leasehold estate or against the right, title and interest of the Landlord in the Premises, the Building, or the Property on account of any labor performed or materials furnished in connection with any work performed by, or at the instance of, Tenant.

**14. Compliance with Ordinances, Rules and Regulations; Nuisances.**

(a) Tenant agrees not to occupy or use, or permit any portion of the Property to be occupied or used for any business or purpose which is unlawful, disreputable, or deemed to be extra hazardous on account of fire, or permit anything to be done which would in any way increase the rate of fire or other insurance coverage on the Building or its contents; and if any increase in the rate of fire or other insurance is stated by any insurance company or by the applicable insurance rating bureau to be due to the activity or equipment of Tenant in, on or about the Property, such statement shall be conclusive evidence that such increase in such rate is due to such activity and/or equipment and as a result thereof, Tenant shall be liable for such increase and shall reimburse Landlord therefore.

(b) Tenant agrees to comply with all applicable laws, ordinances, orders, rules and regulations now or hereafter in force which impose a duty on Landlord or Tenant relating to the use, condition alteration or occupancy of the Premises and the Property. Tenant will comply with the rules of the Landlord adopted by Landlord from time to time for the safety, care and cleanliness of the Property, the Premises, and the Building and for the preservation of good order therein.

(c) Tenant agrees to control its agents, employees, and invitees in such manner as not to create any nuisance, or interfere with, annoy or disturb any other tenant or Landlord in its use or operation of the Property.

(d) Tenant represents, warrants, and covenants to Landlord that Tenant shall at no time use or permit the Property to be used in violation of any statute, regulation, rule, order or governmental determination of any kind whatsoever which relate to or govern hazardous materials and/or environmental conditions. Tenant shall assume sole and full responsibility for, and shall remedy at its sole cost and expense, all such violations, and fully indemnify Landlord from any liability for any such violation.

**15. Landlord's Right of Entry.** Tenant agrees to permit Landlord, or its agents or representatives, upon reasonable notice to Tenant, to enter into any part of the Property at all reasonable hours to inspect the same, clean, make repairs, alterations or additions thereto or exhibit the Premises to prospective Tenants, purchasers or others, or for other reasonable purposes as Landlord may deem necessary or desirable, and Tenant shall not be entitled to any abatement or reduction of Base Rent, Operating Costs, or any other sums due under this Lease by reason of any inconvenience, annoyance or injury to business caused by any such activities. Landlord has the right to enter upon the Property at any time with or without notice in case of emergency.

**16. Assignment or Sublease by Tenant.**

(a) Tenant shall not assign, encumber or in any manner transfer this Lease or any interest therein nor sublet the Property or any part or parts thereof, nor permit occupancy by anyone without the prior written consent of Landlord, which consent may be granted, withheld, or conditioned in the sole discretion of the Landlord. Consent by the Landlord to one or more assignments of this Lease or to one or more sub-lettings of the Property shall not operate as a waiver of Landlord's rights under this Section.



No assignment or other such encumbrance or transfer shall release Tenant of any of its obligations under this Lease or be construed or taken as a waiver of any of Landlord's rights hereunder. The acceptance of rent from someone other than Tenant shall not be deemed to be a waiver of any of the provisions of this Lease or consent to any assignment or subletting of the Property. Landlord shall have the right to terminate this Lease in the event of Tenant's failure to comply with the terms of this Section.

(b) Neither this Lease nor any interest therein shall pass to any trustees or receiver in bankruptcy, or any assignee for the benefit of creditors, or by operation of law. This Lease shall terminate upon the happening of any one of the events in this sub-paragraph (b) or subparagraph (d).

(c) Tenant shall promptly pay to Landlord as Additional Rent hereunder any rent or other payments pursuant to any sublease which exceed the amounts payable hereunder and all other consideration paid or to be paid by reason of any assignment or sublease.

(d) No interest of Tenant in this Lease shall be assignable by involuntary assignment through operation of law (including without limitation the transfer of this Lease by will, intestacy, merger, consolidation, dissolution or foreclosure), including, but not limited to the following occurrences:

(1) Tenant becomes insolvent as defined in the Federal Bankruptcy Code, admits in writing its insolvency or its present or prospective inability to pay its debts as they become due, is unable to or does not pay all or any material portion (in number or dollar amount) of its debts as they become due, permits or suffers a judgment against it which affects Tenant's ability to conduct its business in the ordinary course, (unless enforcement thereof is stayed pending appeal), makes or proposes an assignment for the benefit of creditors, convenes or proposes to convene a meeting of its creditors, or any class thereof, for purposes of effecting a moratorium upon, or extension or composition of its debts, proposes any such moratorium, extension, or composition, or commences or proposes to commence any bankruptcy, reorganization, or insolvency proceeding, or other proceeding under any provision or chapter of the Federal Bankruptcy Code or any other federal, state, or other law for the relief of debtors.

(2) Tenant fails to obtain the dismissal, within thirty (30) days after the commencement thereof, of any bankruptcy, reorganization, or insolvency proceeding, or other proceeding, or other proceeding under any law for the relief of debtors, instituted against it by one or more third parties or fails actively to oppose any such proceeding, or, in any such proceeding, defaults or files an answer admitting the material allegations upon which the proceeding was based or alleges its willingness to have an order for relief entered or its desire to seek liquidation, reorganization, or adjustment of any of its debts.

(3) Any receiver, trustee, or custodian is appointed to take possession of all or any assets of Tenant or any committee of Tenant's creditor, or any class thereof, is formed for the purpose of monitoring or investigating the financial affairs of Tenant or enforcing such creditors' rights.

**17. Subordination to Mortgage.** Tenant covenants and agrees that this Lease is subject and subordinate to any mortgage or deed of trust which may now or hereafter encumber the Property, and to all renewals, modifications, consolidations, replacements and extensions thereof. This clause shall be self operative and no further instrument of subordination need be requested by any mortgagee. In confirmation of such subordination, however, Tenant shall at Landlord's request execute promptly any appropriate certificate, instrument or other document that Landlord may request. In the event of the enforcement by the trustee, mortgagee or the beneficiary under any such mortgage of the remedies

provided for by law or by such mortgage, Tenant will, upon receiving an assurance of nondisturbance from any person or parties succeeding to the interest of Landlord as a result of such enforcement, and upon request therefrom, automatically become the Tenant of, and attorn hereunder to, such successor in interest without change in the terms or other provisions of this Lease. Within 10 days of receipt of written request by such successor in interest, Tenant shall execute and deliver any instrument or instruments prepared by such successor in interest confirming the attornment herein provided for. Notwithstanding any foregoing provision hereof to the contrary, if the mortgagee or holder of any Mortgage hereinbefore described elects to have Tenant's interest in this Lease superior to any such instrument, then by notice to Tenant from such mortgagee or holder, this Lease shall be deemed superior to such lien whether this Lease was executed before or after said mortgage. Tenant shall at any time hereafter on demand execute any instruments, releases or other document which may be required by any such mortgagee or holder for the purpose of evidencing the superiority of this Lease to the lien of any such mortgage.

**18. Estoppel Certificate.** At Landlord's request, Tenant will execute an estoppel certificate addressed to any mortgagee, assignee or any other transferee of Landlord certifying as to information required by such mortgagee, trustee, assignee or transferee and agreeing to such notice provisions and other matters as any mortgagee may reasonably require in connection with Landlord's transfer or financing.

**19. Signs and Graphics.** Tenant shall not be permitted to place any lettering, signage, advertisement, notice or object and permit no such display on any windows or doors or on the outside of the perimeter walls of the Premises or Property or any other portion of the outside or inside of the Property except with the prior written consent of Landlord, which consent may be granted, withheld, or conditioned in Landlord's sole discretion. Any sign, lettering, or other display not approved by the Landlord may be removed by it and the cost of such removal and the restoration of the Property resulting therefrom shall be deemed additional rent and paid forthwith by Tenant.

**20. Acceptance of Goods.** Tenant hereby releases Landlord, its agents and employees from any and all liabilities resulting from or related to the acceptance by Landlord of goods addressed to Tenant and delivered to the Building.

**21. Tenant Insurance.**

(a) Tenant at its cost, shall maintain broad form comprehensive general liability insurance, including personal injury, property damage, products liability, completed operations and fire legal liability coverage with a single combined liability limit of not less than \$1,000,000 for bodily injury, property damage and personal injury. Such coverage shall insure against all liability of Tenant and its authorized representatives arising out of or in connection with Tenant's use or occupancy of the Property. The broad form comprehensive liability insurance shall insure performance by Tenant of the indemnity provisions of this Lease, and the policy shall name Landlord as additional insured.

(b) Tenant shall, at its cost, maintain workers' compensation and employers' liability insurance affording statutory workers' compensation benefits for the state in which the Property are located, if Tenant is obligated by law to provide such insurance, and employers' liability coverage in an amount not less than \$100,000.00

(c) At its sole cost, Tenant shall maintain a policy of standard fire and extended coverage insurance with vandalism and malicious mischief endorsements and "all risk" coverage, including earthquake and flood, on all Tenant's property in or about the Property, for all of its full replacement value. Such insurance shall include Contingent Liability from Operation of Building Laws, demolition and increased costs to rebuild coverage's; valuable papers and records coverage, providing for reproduction

costs measure of recovery; and coverage for damage to electronic data processing equipment and media, including coverage of the perils of mechanical breakdown and electronic disturbance. The proceeds from any such policy shall be used by Tenant for the replacement of personal property and the restoration of Tenant's improvements or alterations, if any. Tenant may, with the prior written consent of Landlord, elect to have reasonable deductibles.

(d) Tenant shall maintain all other insurance Landlord requires in connection with Tenant's work or improvement of the Property, if any is expressly allowed by the Landlord. All insurance required to be provided by Tenant under this Lease shall be in a form, and in amounts acceptable to Landlord, and include a provision that they insurance will not be terminated or modified by the insurer without providing Landlord with thirty (30) days notice thereof.

(e) If Tenant fails to comply with this Section, Landlord may obtain such insurance, and Tenant shall pay to Landlord upon demand as additional rent the premium cost thereof.

(f) Prior to the Tenant's occupancy of the Premises, and at any time thereafter if requested by Landlord, Tenant shall provide Landlord with proof of all insurance required to be maintained by the Tenant pursuant to the provisions of this Lease.

**22. Landlord's Obligations.** Landlord agrees as follows:

(a) To request public utilities to furnish any electricity and water utilized in operating any and all of the facilities serving the Property.

(b) That Tenant shall and have the Property, subject to the other terms hereof, provided that Tenant pays the rental herein recited and performs all of Tenant's covenants and agreements herein contained. It is understood and agreed that this covenant and any and all other covenants of Landlord contained in this Lease shall be binding upon Landlord and its successors or assigns only with respect to breaches occurring during its and their respective ownership of the Landlord's interest hereunder.

(c) Landlord shall insure the Property and maintain public liability insurance for the protection of Tenant and Landlord, as their interests may appear. If Landlord elects to insure the Property and maintain such insurance, the amounts thereof and the deductibles in connection therewith shall be determined by Landlord in its sole discretion, provided that the limits of said insurance for covering the Tenant's personal property in the Premises shall be \_\_\_\_\_. Tenant shall, as additional rent, pay, or reimburse Landlord for the premiums for any insurance obtained by Landlord within 10 days of Landlord's request.

**23. Assignment by Landlord.** Landlord shall have the right to transfer and assign, in whole or in part, all its rights and obligations hereunder and in the Property, and in such event and upon its transferee's assumption of Landlord's obligations hereunder (any such transferee to have the benefit of, and be subject to, the provisions of this Lease), no further liability or obligations shall thereafter accrue against Landlord hereunder. Tenant agrees upon notice thereof to attorn to such transferee in accordance with the provisions of this Lease.

**24. THIS SECTION INTENTIONALLY OMITTED.**

**25. Damage to Building.** If the Building or any building located on the Property is damaged

or destroyed by fire or other casualty, the Landlord shall have the right to terminate this Lease provided it gives written notice thereof to Tenant within ninety (90) days after such damage or destruction. If a portion of a building located on the Property is damaged by fire or other casualty and this Lease is not thereby terminated, the Landlord may, at its expense, restore the Property to as near the condition which existed prior to such damage or destruction as reasonably possible, and rent shall abate during such time if the Premises are untenable, in the proportion that the untenable portion of the Premises bears to the entire Property. Landlord shall not be responsible to the Tenant for damage to, or destruction of, Tenant's personal property any changes made by Tenant in, on or about the Premises, regardless of the cause of damage or destruction, except as may be expressly stated elsewhere herein.

**26. Surrender of Premises; Holding Over.**

(a) Upon the expiration of the Term, the Tenant is required, at it's own expense, to remove all personal property and trash from the Premises, and return the Premises to the same condition as they were in at the time of the commencement of the Lease. If this requirement is not met, Landlord, in its sole discretion, will remove all personal property and trash, clean the Premises, and the Tenant shall pay a "clean out" fee in the amount of One Thousand Dollars (\$1,000). Landlord shall be permitted to dispose of such personal property as Landlord sees fit, and Tenant waives all claims against Landlord for any damage to Tenant resulting from Landlord's retention or disposition of Tenant's personal property.

(b) If Tenant, *with Landlord's written consent*, remains in possession of the Property after expiration of this Lease, such possession by Tenant shall be deemed to be a month-to-month tenancy on all provisions of this Lease, except those pertaining to term and rent. Tenant shall pay Base Rent in an amount equal to 125% of Base Rent for the last full calendar month during the regular term, which, which payments shall be made in monthly installments as described in to Section 6. Landlord shall have the rights provided it at law or in equity including, without limitation, the right to terminate Tenant's right to possession of the Property upon notice as provided by law with respect to month-to-month tenancies.

**27. Attorneys' Fees and Court Costs.** Tenant agrees to pay the Landlord's attorneys' fees, court costs, and disbursements incurred by Landlord to enforce this Lease, or any part thereof, or collect any rent due, or to become due hereunder, or recovery of the possession of the Property.

**28. Default by Tenant.** If default be made in the payment of any sum to be paid by Tenant under this Lease, and default shall continue for fifteen (15) days, or default shall be made in the performance of any of the other covenants or conditions which Tenant is required to observe and to perform, and such default shall continue for seven (7) days, or if the interest of Tenant under this Lease shall be levied on under execution or other legal process, or if any petition shall be filed by or against Tenant to declare Tenant bankrupt or to delay, reduce or modify Tenant's debts or obligations, or if any petition shall be filed or other action taken to reorganize or modify Tenant's capital structure if Tenant is a corporation or other entity, or if Tenant be declared insolvent according to law, or if any assignment of Tenant's property shall be made for the benefit of creditors, or if a receiver or trustee is appointed for Tenant or its property, or if Tenant shall vacate or abandon the Property during the term of this Lease or any renewals or extensions thereof, then Landlord may treat the occurrence of any one or more of the foregoing events as a breach of this Lease (an "Event of Default") and thereupon, at Landlord's option, Landlord may have any one or more of the following described remedies in addition to all other rights and remedies provided at law or in equity:

(a) Landlord may terminate this Lease and forthwith repossess the Property and re-enter and remove all persons or property therefrom as permitted by law, and be entitled to recover forthwith as

damages a sum of money equal to total of:

- (1) the cost of regaining possession of the Property, including the costs of removal of any personal property or trash in the Premises;
- (2) attorney's fees, costs and disbursements incurred by Landlord as a result of the Event of Default;
- (3) unpaid rent;
- (4) a sum equal to the entire amount of rent, including all amounts treated as additional rent hereunder, for the residue of the stated term hereof plus any other sums provided herein to be paid by Tenant for the remainder of the Lease term; and
- (5) any other amounts necessary or provided for under applicable law to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform its obligations under the Lease or which in the ordinary course of things would be likely to result therefrom.

Landlord shall not be obligated to notify Tenant of the due date of rent nor demand payment thereof on its due date, the same being expressly waived by Tenant. The acceptance of any sums of money from Tenant less than the amount due, or after their due date, shall be taken to be payment on account by Tenant and shall not constitute a waiver by Landlord of any rights nor shall it reinstate the Lease or cure a default on the part of Tenant. All rights and remedies of Landlord under this Lease shall be cumulative and shall not be exclusive of any other rights and remedies provided to Landlord under applicable law.

(b) Landlord, in its sole discretion, may terminate Tenant's right of possession (but not this Lease) and may re-enter and repossess the Property without demand or notice of any kind to Tenant and without terminating this Lease, in which event Landlord may, but shall be under no obligation to do so, relet the same for the account of Tenant for such rent and upon such terms as shall be satisfactory to Landlord. For the purpose of such reletting, Landlord is authorized to restore the Property to building standards, and (i) if Landlord shall fail or refuse to relet the Property, or (ii) if the same are relet and a sufficient sum shall not be realized from such reletting after paying the unpaid Gross Rental due hereunder earned but unpaid at the time of reletting plus interest thereon from due date, the cost of recovering possession and all of the costs and expenses of decorations, repairs, changes, alterations and additions by Landlord and the expense of such reletting and of the collection of the rent accruing therefrom, to satisfy the rent provided for in this Lease to be paid, then Tenant shall pay to Landlord as damages a sum equal to the amount of the rent reserved in this Lease for such period or periods, or if the Property has been relet, Tenant shall satisfy and pay any such deficiency upon demand therefore from time to time and Tenant agrees that Landlord may file suit to recover any sums falling due under the terms of this Section from time to time on one or more occasions without Landlord being obligated to wait until expiration of the term of this Lease; such reletting shall not be construed as an election of the part of Landlord to terminate this Lease unless a written notice of such intention be given to Tenant by Landlord. Notwithstanding any such reletting without termination Landlord may at any time thereafter elect to terminate this Lease for such previous breach.

**(c) Landlord shall have a statutory lien upon all of the personal property located in the Premises, and may deny access to any such personal property pursuant to the provisions of the "Minnesota Liens on Personal Property in Self-Storage Act" Minn. Stat. Sections 514.970 – 514.979 (the "Self-Storage Lien Act"), and also enforce the statutory lien pursuant**

**to the Self-Storage Lien Act.**

Failure of Landlord to declare any default immediately upon occurrence thereof, or delay in taking any action in connection therewith, shall not waive such default, but Landlord shall have the right to declare any such default at any time thereafter.

If Tenant defaults in the observance or performance of any Tenant's covenants, agreement or obligations hereunder wherein the default can be cured by the expenditure of money, Landlord may, but without obligation, and without limiting any other remedies which it may have by reason of such default, cure the default, charge the costs thereof to Tenant, and Tenant shall pay the same as additional rent forthwith upon demand, together with interest thereon.

**29. Hold Harmless/Waiver of Subrogation.** Tenant shall indemnify Landlord from and against any and all demands and liabilities arising from or relating to injury or loss of life to persons or arising from Tenant's negligence or intentional misconduct in the use of the Property and the conduct of Tenant's agents and invitees in or around the Premises, Building and the Property. Landlord shall indemnify Tenant from and against any and all demands and liabilities for or relating to injury or loss of life to persons or damage to or loss of property to the extent arising from Landlord's negligence or willful misconduct in and around that portion of the Building other than the Premises. In the event of an act or occurrence in which both Landlord and Tenant are attributed some degree of fault, the parties' respective rights to contribution and indemnity shall be as generally provided at law or in equity. The duty to indemnify contemplated hereby includes the duty to pay all reasonable and necessary attorneys' fees and costs incurred by the indemnitee in connection with any such proceedings.

To the extent possible, Landlord and Tenant release one another, and their respective shareholders, members, partners, officers, directors, governors, director, employees, and agents, from all liability to the other, or anyone claiming through them by way of subrogation or otherwise, for any loss or damage covered by property insurance, or coverable by a customary policy of insurance required by this Lease, even if such loss or damage was caused by the fault or negligence of the other party, or anyone for whom such party may be responsible.

**30. Severability.** If any term or provision of this Lease, or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Lease shall be valid and enforceable to the extent permitted by law.

**31. Waiver of Covenants.** Failure of Landlord to insist in any one or more instances upon strict performance of any term, covenant or condition of this Lease or to exercise any remedy or option herein contained, shall not be construed as a waiver or a relinquishment for the future of such term, condition, remedy or option, but the same shall continue and remain in full force and effect. The receipt by Landlord of rents with knowledge of a breach in any of the terms, covenants or conditions of this Lease to be kept and performed by Tenant shall not be deemed a waiver of such breach, and Landlord shall not be deemed to have waived any provision of this Lease until expressed in writing and signed by Landlord.

**32. Notices.** All notices, demands consents and approvals which may or are required to be given by either party to the other hereunder shall be in writing and shall be deemed to have been fully given

when deposited in the United States mail by “verified mail” to the addresses of the Party set forth below. The term “verified mail” is defined the Self-Storage Lien Act as any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

Landlord:	
Tenant:	

The above address may be changed by a party on at least fifteen (15) days' notice to the other party.

The Self-Storage Lien Act requires that the Tenant be allowed to provide an alternate contact person for the purposes of providing notice(s) of default under Minn. Stat. Section 514.973. That alternate contact person is:

Tenant’s Alternate Contact Person:	
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If the Tenant declines to name an Alternate Contact Person, the Tenant MUST initial the statement below:

Tenant hereby confirms that Tenant declines to provide an alternate contact. \_\_\_\_\_  
 Tenant’s Initials

**33. Miscellaneous.**

(a) No rights to light or air over any property, whether belonging to Landlord or any other person, are granted to Tenant by this Lease.

(b) This Lease shall be binding upon and inure to the benefit of Landlord its successors and assigns, and shall be binding upon and inure to the benefit of Tenant, and, to the extent assignment may be approved by Landlord hereunder, Tenant's successors or assigns.

(c) All rights and remedies of Landlord under this Lease shall be cumulative and none shall exclude any other rights or remedies allowed by law; and this Lease is declared to be a Minnesota contract, and all of the terms hereof shall be construed according to the laws of the State of Minnesota.

(d) The captions in this Lease are for convenience only and are not part of this Lease.

(e) This Lease may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(f) The exhibit(s) attached to this Lease are hereby made a part of this Lease.

Landlord and Tenant respectively, have duly signed this Lease as of the day and year first above written.

**(34) Military Service.** Tenant hereby discloses and confirms, by initialing below, whether or not Tenant is, or is not, a member of the uniformed services as the term is defined in United States Code, title 10, section 101(a)(5), or a member of the National Guard or a reserve component under United States Code, title 32, section 101.

Tenant is such a member \_\_\_\_\_

Tenant is not such a member \_\_\_\_\_

**(35) Statutory Disclosures.**

a. The name and address of the person authorized to manage the Property and Premises is:

Name:	Address:

b. The name and address of the owner of the Property, or an agent authorized to by the owner to accept service of process, and give receipt for notices and demands is:

Name:	Address:

[SIGNATURE PAGE FOLLOWS]



Landlord: \_\_\_\_\_

Tenant: \_\_\_\_\_

By \_\_\_\_\_

Craig Scherber

Its: Chief Manager

By: \_\_\_\_\_

Its: \_\_\_\_\_

The undersigned personally guaranties performance of Tenant's obligations under the terms of this Lease, and confirms that the Landlord will not enter into the Lease without this personal guaranty and that there is adequate consideration for this personal guaranty.

Date: \_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A**

**To Lease Dated** \_\_\_\_\_  
\_\_\_\_\_, **as**

**Landlord**  
**And**

\_\_\_\_\_, **as**

**Tenant**  
**Depiction of Premises**

**EXHIBIT B  
To Lease Dated**

\_\_\_\_\_, as  
**Landlord**

\_\_\_\_\_, as  
**Tenant**

**Tenant Improvements**

# STAFF REPORT

# Agenda Item 7a.

<b>Planning Commission Meeting:</b> August 3, 2023	<b>Prepared By:</b> Natalie Davis McKeown
<b>Topic:</b> Adult Use Cannabis Regulation Discussion	<b>Action Required:</b> Recommendation

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## 1. Request

The City Council requested for the Planning Commission to provide feedback on the appropriate zoning district(s) to allow the sale of lower-potency cannabis products (i.e., edibles and beverages infused with tetrahydrocannabinol (THC) and can be referred to as “edible cannabinoids”). In addition to providing feedback on the zoning district, the Council would like feedback on the license density for the district(s) and a potential radius from specific types of land uses. For example, stores selling lower-potency cannabis products must be at least 500 feet away from a public park.

## 2. Background

In 2022, the Minnesota Legislature adopted M.S. § 151.72, making it legal for businesses to sell certain edibles and beverages infused with THC, the cannabis ingredient extracted from hemp. On August 25, 2022, the City instituted an interim ordinance limiting the sale of edible cannabinoids within Corcoran until further study could be completed. Additional legislation further legalizing types of cannabis products was finalized in 2023. The Planning Commission discussion is more specific to the 2022 legislation. A new interim ordinance to handle the 2023 legislation is expected to be implemented by the City Council in August 2023.

Staff is working with the City Attorney to review the sale of edible cannabinoid products to recommend limitations on the sale of edible cannabinoids. Enclosed is a draft of the proposed ordinance update. While the draft makes reference to zoning, it is important to note that the proposed ordinance is being handled as a business regulation and will not be located within the Zoning Ordinance.

The specific questions related to edible cannabinoids presented to the City Council at the July 13, 2023, regular meeting include the following:

- How many licenses should be allowed?
  - o The City Attorney confirmed at the meeting that licensing will be handed by the State, and the City will be involved in the licensing process in a limited capacity.
  - o It is unclear how many licenses the City is required to allow, but the City Attorney recommends that at least 2 be allowed.

- What zoning districts should be allowed to have sales?
  - o While the statute precludes the City from creating an additional licensing process, the City is allowed to regulate the zoning districts where edible cannabinoids can be sold.

The City Council had an in-depth discussion surrounding these questions. There was dialogue about limiting the eligible zoning district to the Rural Commercial (CR) district, but there was also concern noted that this may divert traffic to a remote area of the City. The City Attorney also warned about establishing zoning regulations that effectively ban the sale of cannabinoid edibles. There is an argument that the City's will want to create zoning districts where eligible properties have a reasonable likeliness to obtain a license for sales of edible cannabinoids, and this may be a concern by limiting sales to the CR as a majority of businesses in this area are contractor's operations and unlikely to sale these products.

Another idea discussed was the use of radiuses to further limit licenses granted for the sale of lower-potency cannabinoids. One specific recommendation from City Council was to use a 2,500-foot radius from public land. In other words, properties within the appropriate zoning district that fall within the radius from an identified land use would not be eligible for a license even though they are within the zoning district.

The Council directed staff to have the Planning Commission further discuss the appropriate zoning districts, potential radiuses, and appropriate license density. To assist in guiding the discussion, staff prepared two maps based on the City Council direction and further discussion with the City Attorney.

### **3. Analysis**

Staff believes the three commercial districts in the City make the most sense to consider for the sale of cannabinoid edibles. This includes the CR, Neighborhood Commercial (C-1), and Community Commercial (C-2) districts. For the sake of discussion, staff completed map analyses using all three commercial districts for the purposes of visualizing and evaluating different radiuses. Two maps are attached to this report that complete slightly different analyses.

The first map looks at "public property" such as public parks, City Hall, and the Public Works building. A 2,500-foot radius is used as well as a 500-foot radius. While there are eligible properties using either radius, there is some concern this type and extent of radius may be challenged when considered in combination with the 2023 legislation. The 2023 legislation only allows cities to use up to a 1,000-foot radius from schools, 500-foot radius from parks with amenities (such as playgrounds and athletic fields), and 500 feet from licensed daycares in the establishment of store locations for higher-potency cannabis products. With this in mind, staff prepared a second map based on the 2023 legislation radiuses, which is the City Attorney's recommendation.

In total, there are currently 46 commercial properties within the three commercial districts. Using a 2,500-foot radius from public land, this leaves 7 eligible properties that could obtain a license per the City's zoning rules within the CR and C-2 districts on the west side of the City. Using a 500-foot radius from public land, there are 36 eligible properties within all three commercial zoning districts. Using the City Attorney recommendation, there would be 30 eligible properties within all three commercial zoning districts. It may make sense to further limit the licenses to a density of one per zoning district. This would limit the overall licenses in the City to three.

#### **4. Discussion**

Staff recommends for the Planning Commission to provide feedback on the appropriate zoning district(s) and radiuses to establish for the location of licenses for the sale of lower-potency cannabinoid edibles. Additionally, it is recommended for the Planning Commission to provide a recommendation to City Council on the appropriate density of licenses within said district(s).

#### **Attachments:**

1. Draft Ordinance
2. Map Analysis With 2,500-Foot Buffer and 500-Foot Buffer From Public Land.
3. Map Analysis Using City Attorney Recommendation

**CHAPTER 119: CANNABIS, EDIBLE CANNABINOIDS, AND DRUG PARAPHERNALIA**

**119.01: PURPOSE.**

In 2022, the Minnesota Legislature adopted M.S. § 151.72, making it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. In 2023, the Minnesota Legislature approved 2023 Session Law Ch. 63, expanding both the legalization of types of THC and cannabis products and also the types of THC and Cannabis businesses permitted, and further making certain amendments to existing law related to the possession of drug paraphernalia. The City Council deems it necessary to provide for the regulation of these products in order to protect the public health safety and welfare and to ensure that the products are sold in accordance with State Law.

**119.02: PUBLIC USE OF CANNABIS PROHIBITED**

It is unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as each is defined by state law, in a public place within the City of Corcoran. For the purposes of this Section, “public place” shall not include:

- (a) A private residence, including the curtilage or yard of the same;
- (b) Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (c) The premises of an establishment or event licensed to permit on-site consumption, provided the use complies with the on-site consumption permitted.

Any violation of this Section shall be a petty misdemeanor.

**119.03: LIMITATIONS ON THE SALE OF EDIBLE CANNABINOID PRODUCTS**

Edible Cannabinoid Products, as defined by M.S. § 151.72, which contain no more than 0.3% Tetrahydrocannabinol (commonly known as “THC”), may only be sold by businesses which are registered with the City and the State of Minnesota and licensed, when required by state law. To be eligible to register to sell edible cannabinoid products within the City, an applicant must comply with all of the following:

- (a) Pay the applicable registration fee to the City; and
- (b) Comply with all state and local registration and state licensing requirements; and
- (c) Locate the principal place of business which will conduct the sales within the \_\_\_\_\_ zoning district and, at the time of the application, no more than one other business which does not qualify as a “Cannabis Business” pursuant to M.S. Chapter 342 is currently registered or licensed to sell edible cannabinoid products within that district; and
- (d) The sale of edible cannabinoid products outside of the zoning district or in excess of the applicable registration limitations set forth in §119.03(c) is prohibited.

**Commented [JT1]:** Placeholder language indicates no more than 2 registrations in one zoning district. This number can be adjusted based on what the Council prefers. We can also allow the sale in more than one zoning district, if desired.

The City specifically intends that the requirements of this §119.03(c) and (d) be considered local zoning requirements or regulations for the purposes of compliance with M.S. Chapter 342.

Any person or principal of any business found to be engaging in unlawful commercial activity in violation of this Section shall be guilty of a misdemeanor.

**119.04: POSSESSION OF DRUG PARAPHERNALIA PROHIBITED**

It is unlawful for any person knowingly or intentionally to use or possess drug paraphernalia. For the purposes of this Section, drug paraphernalia is defined as all equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products.

“Drug paraphernalia” does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

Any violation of this Section shall be a petty misdemeanor.

**119.99: SEVERABILITY AND SAVING CLAUSE**

If any section or portion of this chapter shall be found, by a court of competent jurisdiction, to be unconstitutional or out of compliance with or preempted by state law, the unconstitutional, non-compliant or preempted portions shall be deemed stricken exclusively to the extent of the non-compliance or preemption and the remainder of this chapter shall remain in full force and effect.





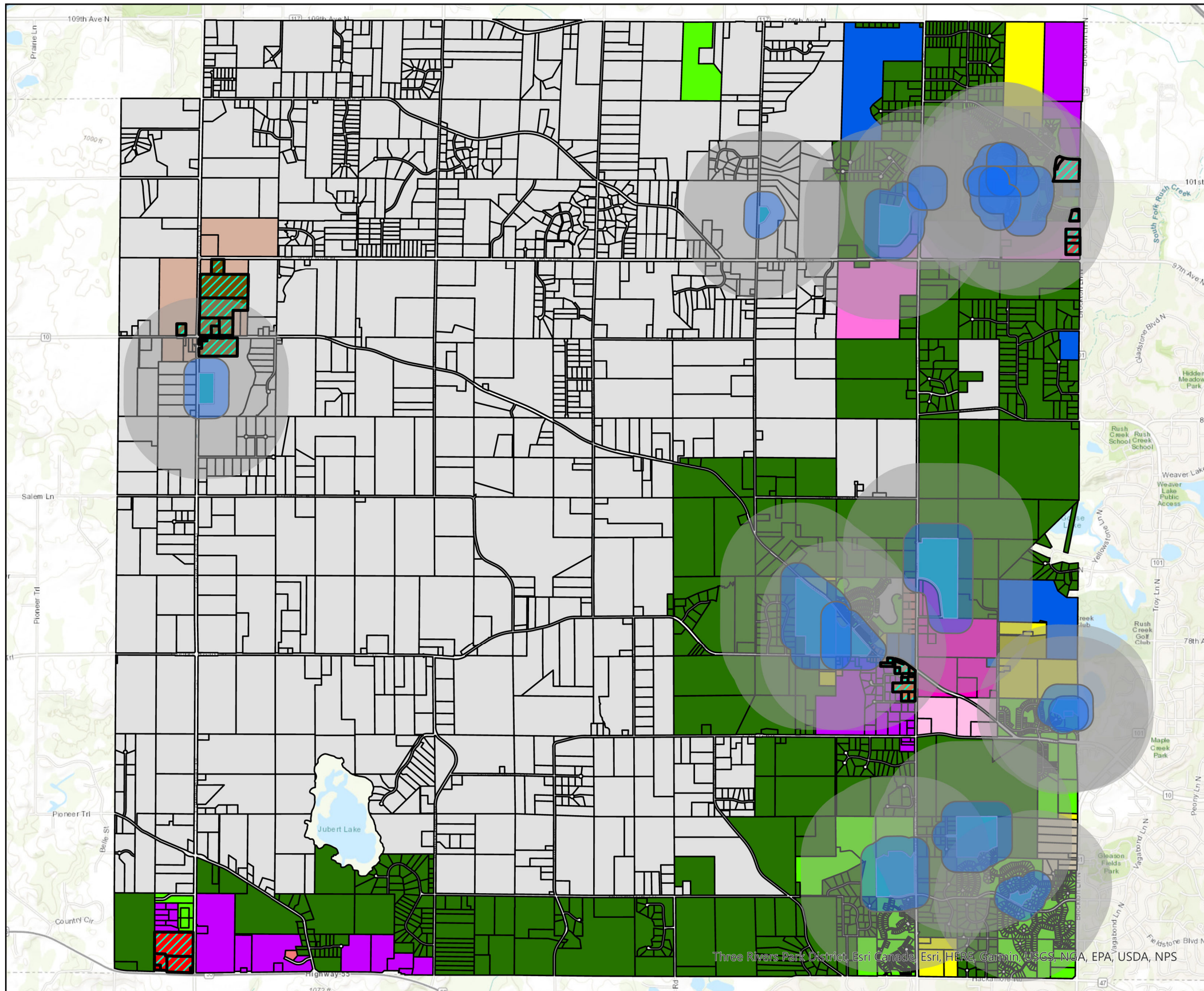
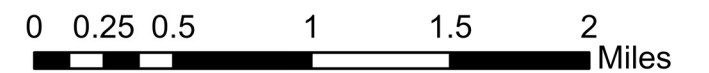
# City of CORCORAN

## Legend

- Public Land 2500 Buffer
- Public Land 500 Buffer
- Commercial Properties 500 Feet Away From Public Land

## Zoning

- I-1
- PUD
- RSF-2
- UR
- P-I
- C-2
- RR
- TCR
- CR
- GMU
- C-1
- RSF-1
- BP
- RMF-1
- DMU
- MP
- RMF-2



Three Rivers Park District, Esri, Canada, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS



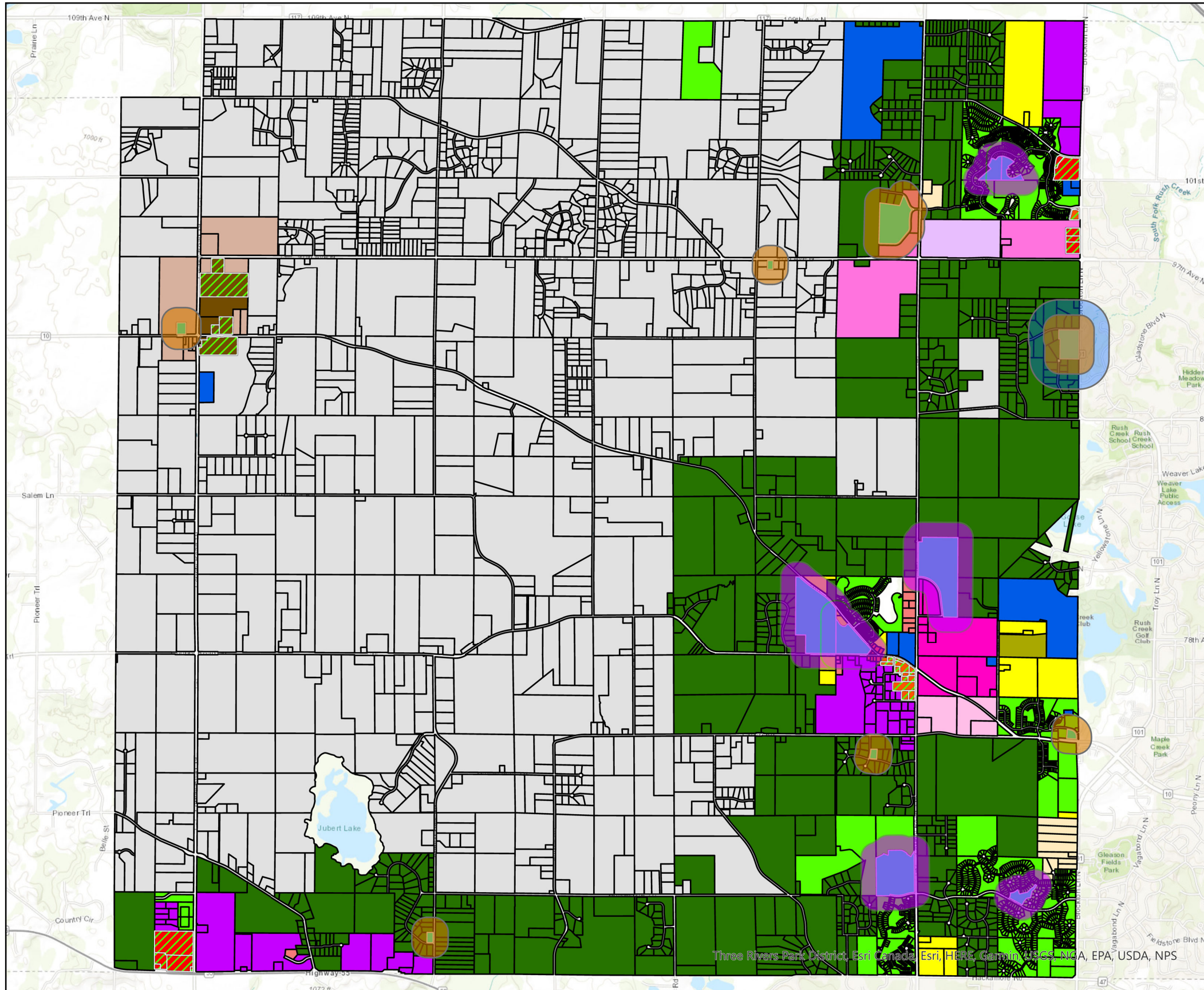
# City of CORCORAN

## Legend

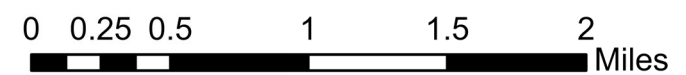
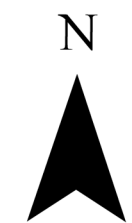
- School
- School 1,000 Buffer
- Parks with Amenities
- Parks With Amenities 500 Buffer
- Licensed Daycares
- Licensed Day Care 500 Buffer
- Commercial Properties Outside of Buffers

## Zoning

- I-1
- PUD
- RSF-2
- UR
- P-I
- C-2
- RR
- TCR
- CR
- GMU
- C-1
- RSF-1
- BP
- RMF-1
- DMU
- MP
- RMF-2



Three Rivers Park District, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS





# CITY OF CORCORAN

8200 County Road 116 • Corcoran, MN 55340  
763-420-2288 • www.corcoranmn.gov

## MEMO

Meeting Date: August 3, 2023  
To: Planning Commission  
From: Dwight Klingbeil, Planning Technician  
Re: Active Corcoran Planning Applications

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*Projects/comments in blue italics are new.*

The following is a status summary of active planning projects:

1. **Rental Ordinance (City File No. 22-046).** Staff and City Council continue to work through the draft ordinance and planning for administrative implementation. *After several discussions and revisions, this Ordinance was adopted at the June 22, 2023, Council Meeting.*
2. **Hope Community Sketch Plat (PID 11-119-23-14-0003) (City File No. 22-074).** Brian Lothar submitted a concept plan application for a proposed residential and mixed-use development on the properties surrounding Hope Community Church. The concept includes medical offices, retail space, market rate apartments, townhomes, senior villas, and some assisted living units. The Council authorized EAW distribution at the May 25, 2023, regular meeting. *The comment period for the EAW concluded on July 6 and the Notice of Decision is scheduled for the July 27, 2023, Council meeting.*
3. **“Kwik Trip CUP, Lot Line Adjustment, and Site Plan” (PID 12-119-23-14-0006; 12- 119-23-14-0004) (City File No. 23-006).** 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. A feasibility study was required to evaluate the infrastructure needs of the project. The infrastructure feasibility study has been distributed to the applicant. This item is not currently scheduled for any upcoming meetings.
4. **“Red Barn Pet Retreat” (PID 01-119-23-44-0045) (City File No. 23-008)** Daniel Benjamin submitted an application for the expansion of his business, “Red Barn Pet Retreat” to a site on the Northwest corner of Stieg Road and County Road 101. This application includes a Comprehensive Plan Amendment, Rezoning, Preliminary Plat, Conditional Use Permit, Variance, and a Site Plan.

*Due to last minute additions and insufficient materials, this item was continued at the July 6, 2023, Planning Commission meeting. The applicant was not able to meet the deadline for the August Planning Commission meeting and has requested that the review period be extended another 90 days.*

5. **Heidecker Garage (PID 22-119-23-42-0009) (City File No. 23-009)** Tyler Heidecker applied for a Conditional Use Permit and an Interim Use Permit to construct a detached garage of 1750 square feet on his property at 7985 Eagle Ridge Road. The IUP will allow for storage of business equipment within the structure. *After the Public Hearing on July 6, the Planning Commission recommended approval of the Conditional Use Permit and the Interim Use Permit. This item is scheduled for the July 27, 2023, Council meeting.*
6. **Expansion of Nonconforming Residential Structures Zoning Ordinance Amendment (Citywide) (City File No. 23-011).** Council directed staff to move forward with a minor zoning ordinance amendment which would allow some expansions of legal nonconforming residential structures to be approved administratively. *This item was adopted at the June 22, 2023 Council meeting.*
7. **Leuer Sketch Plat (PID 25-119-23-11-0001) (City File No. 23-013)** Bergeron Homes and Development, Inc. submitted a sketch plat for a residential development consisting of 75 single-family lots at the Geur farm directly west of Cook Lake, otherwise known as the “Leuer property.” The sketch plat includes minimum lot-widths of 55 feet, with 24 lots being at least 70 feet wide. The applicant received Council feedback at the June 22, 2023, meeting and is not scheduled for any upcoming meetings.
8. **Bennett Garage CUP (PID 05-119-23-34-0019) (City File No. 23-014)** Lee Bennett submitted a Conditional Use Permit application for a detached garage with sidewalls exceeding 10 feet in height in the front yard of 10208 Hage Drive. *This item is complete for review and is scheduled for the August 3, 2023, Planning Commission Meeting.*
9. **Sunram IUP (PID 26-119-23-21-0006) (City File No. 23-015)** *Ryan Sunram applied for an Interim Use Permit to allow staging and stockpiling soil for construction projects at 20305 County Road 50. This item is being reviewed for completeness. If complete, this item could be reviewed as early as September by the Planning Commission and City Council.*
10. **Corcoran Storage II (PID 31-119-23-33-0001) (City File No. 23-016)** *Scherber and Associates, LLC. applied for a Site Plan, Conditional Use Permit, Variance, and a Rezoning to allow a 6-building storage facility at 23730 Highway 55. This item is complete for review and is scheduled for the August 3, 2023, Planning Commission meeting.*
11. **NE Hackamore 116 Sketch Plat (PID 36-119-23-33-0010) (City File No. 23-017)** *Gonyea Company and Lakeview Development submitted a sketch plat application for a home development on the northeast corner of Hackamore Road and County Road 116. The concept is to rezone 36.75 acres from Single Family Residential 2 (RSF-2) to Single Family and Two Family Residential (RSF-3) to allow the development of 66 single family homes with a minimum lot*

*width of 65'. This item is scheduled for the July 27, 2023, Council Meeting.*

12. **Kariniemi/Jensen Concept Plan (PID 11-119-23-21-0002) (City File No. 23-018)**  
*Nate Kariniemi submitted a concept plan for a proposed Open Space and Preservation plat subdivision at 20400 County Road 30. The concept consists of 16 single-family lots ranging from 1-2.2 acres and a 52.4-acre outlot. This item is scheduled for the July 27, 2023, Council meeting.*



# CITY OF CORCORAN

8200 County Road 116 • Corcoran, MN 55340  
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## MEMO

Meeting Date: August 3, 2023  
To: Planning Commission  
From: Jessica Beise, City Administrator  
Re: City Council Report

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The Planning Commission last met on June 15, 2023. The following is a recap of some of the items discussed at City Council meetings since that time. A full recap can be found by reviewing the approved City Council minutes on the website.

### **July 13, 2023, Council Meeting**

- Donation for City Park
  - Accepted a donation for City Park from the Corcoran Athletic Association.
- City Center Drive & 79<sup>th</sup> Place – Utility and Street Improvements – Accept Plans/Specs; Authorize Bids
  - Discussed the project and provided feedback; accepted plans and specifications and authorized bids.
- Public Works Maintenance Worker – Authorization to Hire Vacant Position and Temporary Full Time Position
  - Authorized hire as requested.
- Adult Use Cannabis Regulation Discussion
  - Discussed regulations related to edible cannabinoids, public use of cannabis and drug paraphernalia which will be brought forward in August and a moratorium while the high potency cannabis.
- Schedule Work Sessions
  - Scheduled work session for August 10 to discuss the City logo and September 14 to discuss underlying zoning districts.

### **July 27, 2023, Work Session Meeting**

- Draft 2024 Budget Discussion
  - Provided direction on the budget draft.

### **July 27, 2023, Council Meeting**

- Hope Community EAW Notice of Decision

Agenda Item 10a.

- Accepted the EAW notice of decision.
- 116/Hackamore Concept Plan
  - Provided feedback to the applicants.
- Kariniemi/Jensen Concept Plan
  - Provided feedback to the applicants.
- Granicus Project Update and Council Chamber Sound System.
  - Approved the Granicus software program.
- City Center Drive
  - Discussed adding a bid alternate for flower hangers on light poles.
- City Administrator Search Process
  - Discussed the City Administrator search process.