
CITY OF MOTLEY

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
March 29, 2016



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
March 29, 2016
6:30 pm – Motley City Hall

1. Call to Order
2. Roll Call
3. Public Hearings
(NOTE: members of the public wishing to comment on a particular public hearing will be given an opportunity during the appropriate public hearing)
 - a. Conditional use permit to operate a contractor's equipment yard with outdoor storage (softener salt business - storage and transfer) in an Industrial (I) zoning district. Applicant, North Country Salt Service, Inc.. Property Owner: ME Fabrication & Install, Inc.. Legal Description: Lots 7-9, Block 12 of Lawrence's Addition. Parcel ID: 41.0291.000.
 - b. Conditional use permit and preliminary plat application to allow for the creation of four residential lots (two twinhomes, four total residential units) in a Residential – Medium Density (R-2) zoning district. Applicant: Jim Albrecht. Property Owner: Rainy Day Enterprises, LLC. Legal Description: Outlot A, Mill Pond Townhomes First Addition and part of Outlot B, Mill Pond Townhomes Second Addition. Parcel IDs: 41.0373.000 and 41.0366.000.
4. Additions or Deletions to Agenda
5. Open Forum
(NOTE: the open forum is an opportunity for members of the public to comment on any item not related to a specific agenda item, but relating to land use regulations or planning within the City)
6. Approval of Minutes
 - a. February 23, 2016
7. Planning and Zoning Administrator's Report
8. Other Business
 - a. Discussion – Use of land within Industrial Park
 - b. Discussion – Regulation of land uses within zoning districts
9. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

Members of the public:

Please see the next page for the City of Motley's policy regarding "Standards of Conduct at Public Meetings".

**CITY OF MOTLEY
STANDARDS OF CONDUCT AT PUBLIC MEETINGS**

The City Council encourages good-faith testimony from its citizens and desires to provide an environment based on respect and civility. In order to do so, the City Council of the City of Motley has established the following Standards of Conduct at Public Meetings, based on the norms of acceptable and courteous business behavior:

1. Members of the audience wishing to address the Council shall first secure the permission of the Chairperson.
2. Members of the audience will refrain from disruptive actions such as hand clapping, stamping of feet, whistling, cheering, yelling or similar demonstrations, which conduct disturbs the peace and good order of the meeting and which conduct might have an intimidating effect upon members of opposing viewpoints.
3. Persons addressing the City shall also refrain from slurs against race, creed, color, religion, national origin, gender, sexual or affectional orientation, marital status, familial status, age, disability, or status with regard to public assistance.
4. Profanity, slander, false statements, violence, or the threat of violence in any form shall not be tolerated.
5. City Officials shall also comply with these **STANDARDS OF CONDUCT**, the City of Motley's **CODE OF ETHICS FOR PUBLIC OFFICIALS** and the **CITY OF MOTLEY CONFLICTS OF INTEREST POLICY**.

Violations of these **STANDARDS** shall be determined by the opinion of the Chairperson of the meeting or, absent such opinion, by the opinion of the majority of the members of the deliberating body.

1. Any person violating these standards shall be called to order by the Chairperson of the meeting. If such conduct continues, said person may, at the discretion of the Chairperson, lose the floor. With the exception of Elected Public Officials (e.g. City Council) at City Council meetings, said person may be denied further audience before the City for that meeting.
2. If said person refuses to come to order and obey the directives of the Chairperson of the meeting, the Chairperson may request that said person leave the building. An exception to this is made for Elected Public Officials at City Council meetings as protected by law.

STAFF REPORT

Application: Conditional use permit to operate a contractor's equipment yard with outdoor storage (softener salt business - storage and transfer) in an Industrial (I) zoning district.

Applicant: North Country Salt Service, Inc

Agenda Item: 3(a)

Background Information:

- Proposal:** The applicant is proposing to construct a salt storage structure such as is shown in the attached photos and operate a business involving the loading of salt storage bins from semi-trucks and the loading of salt storage bins on pickup trucks. The salt is then delivered off-site to residences and businesses for water softening.

The proposed site is located within an Industrial (I) zoning district on land that is currently vacant. The surrounding properties are also zoned Industrial. The nearest residentially zoned property is one block to the north and currently contains a twinhome.

- Location:**
 - o Property address: None
 - o Parcel number(s): 41.0291.000
 - o Partial Legal Description: Lots 7-9, Block 12 of Lawrence's Addition.
 - o Applicant, North Country Salt Service, Inc.
 - o Property Owner: ME Fabrication & Install, Inc.
- Zoning:** Industrial (I)
- Lot size** (from submitted survey): About 22,500 sq ft (about 0.52 acres).
 - Existing Impervious Coverage (based on aerial photo):
 - 0 acres (0 percent)
 - Proposed Impervious Coverage (estimated):
 - o About 10-20 percent
- Natural Features:**
 - Floodplain: The property is not within an identified floodplain.
 - Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes. It is very flat.
 - Wetlands: There property does not contain any wetlands.

Applicable Statutes/Ordinances:

Minnesota Statutes

SECTION III - RULES AND DEFINITIONS

3.2 DEFINITIONS

The following words shall be defined as follows for the purpose of this Ordinance:

249. Warehousing. The principle use is the storage of materials or equipment within an enclosed building.

SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS

5.7 **Industrial. (I)**

1. Purpose: To provide a zoning classification for light-industrial and heavy commercial uses. Development in this zone requires high accessibility and municipal water and sanitary sewer service. Industrial zones should be clustered to control negative impacts of industrial activities and to efficiently facilitate maximum interaction between light-industrial and heavy commercial enterprises.

2. Permitted Uses. (I)¹
See Section 5.11

3. Conditional Uses. (I)²
See Section 5.11

4. Accessory Uses. (I)³

5. Excluded Uses. (I)⁴
See Section 5.11

6. Lot and Use Requirements. (I)
Impervious surface coverage - maximum.....50%
Setback, right-of-way - feet.....50
Setback, parking from lot line - feet.....30
Setback, side - feet.....10
Setback, rear - feet.....30
Building height - feet, maximum.....25
Building above highest known groundwater.....3
Minimum lot size - square feet.....20,000
Onsite sign setback - feet.....10

7. Performance Standards. (I)
A. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any

¹ Ordinance 2009-3, 4/28/2009
² Ordinance 2009-3, 4/28/2009
³ Ordinance 2009-3, 4/28/2009
⁴ Ordinance 2009-3, 4/28/2009

other nuisances.

- B. Parking. Adequate off-street parking shall be provided. On-street parking is not allowed under any circumstances.
- C. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 25% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- D. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- E. Outside storage shall be screened.
- F. Highway access will be limited to one driveway per three hundred (300) linear feet of highway frontage. In the case of an egress and ingress driveway for safety reasons, both will be allowed within the 300 linear feet.
- G. All proposed industrial uses shall be required to disclose any environmentally sensitive emissions, discharges or waste products at the time of hearing. The allowable level of these parameters shall be established in the conditional use permit to be at least as restrictive as the applicable State or Federal standards, and a testing program shall be established to monitor the facility. Exceeding the allowable level of any parameter shall constitute a failure to perform a condition of the C.U.P.
- H. For new construction or additions/alterations, at least ten percent (10%) of the land area shall be landscaped with grass, shrubs, trees or other approved ground cover and ornamental landscaping. All landscaped areas shall be maintained and kept free of weeds and debris.
- I. All areas not used for buildings shall be graded to provide drainage and shall not drain unto abutting property. All areas not designated for structures, parking or driveways shall be landscaped and maintained. Landscaping shall be completed within nine months of the end of development construction.
- J. Impervious Coverage. The impervious coverage may be increased by 50% provided the following:
 - a. A stormwater management plan that retains the 10-year, 24-hour rain event is provided. Upon approval, the plan must be fully implemented.
 - b. Direct runoff to adjacent properties in a 10-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary means.

5.11 Land Use Matrix⁵

Table 1. City of Motley Land Use Matrix

A – Denotes Allowed without a Permit					AC – Denotes <i>Accessory use</i>				
P – Denotes <i>Permitted use</i>					E – Denotes Excluded Use				
C – Denotes <i>Conditional use</i>									
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Contractors Equipment Yards</i>					E				C
<i>Outside Storage</i>		E			E				C
<i>Warehousing</i>		E			E		C	E	C

SECTION IX - ADMINISTRATION

9.5 Conditional Use Permits.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following⁶:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing or decreasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.
 - g. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Stormwater runoff management.
 - j. Reducing impervious surfaces.
 - k. Increasing setbacks.
 - l. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

⁵ Ordinance 2009-3, 4/28/2009

⁶ Amended by Ordinance 153.05, 3/9/2010

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - a. The following must be met:
 - i. The use or development is an appropriate conditional use in the land use zone.
 - ii. The use or development, with conditions, conforms to the comprehensive land use plan.
 - iii. The use with condition is compatible with the existing neighborhood.
 - iv. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 - b. The following must be considered:
 - i. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.
 - ii. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - iii. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - iv. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.
 - v. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - vi. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 - vii. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 - viii. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

Staff Findings: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1. **The use or development is an appropriate conditional use in the land use zone.** Contractor's Equipment Yards, Outside Storage and Warehousing are all identified as a conditional use by the Land Use ordinance in the I zoning district where this property is located. The proposed use contains elements of all of those uses.
2. **The use with condition is compatible with the existing neighborhood.** The proposed site is surrounded by land also zoned Industrial (I). The surrounding parcels contain the city water tower to the south, a vacant parcel to the north, the Motley Area Food Shelf building to the east and an industrial building to the northeast.
3. **The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.** The applicant notes that the proposed use will involve a semi-truck delivery every 4-6 weeks and pickup truck loading 3-4 times per week. No lighting will be necessary for the business. Provided the site is kept up in a neat appearance, the impact on neighboring properties should be minimal.
4. **The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.** See answer to #3 above. The proposed use does not involve significant or unusual nuisance characteristics provided it is operated and maintained in a professional manner.
5. **The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.** The proposed use would not present any hindrance to the normal and orderly development of surrounding land, which is generally already developed, zoned for similar or more-intensive uses and well-served by public utilities and streets.
6. **The conditional [use will not increase] public cost for public facilities and services and will not be detrimental to the economic welfare of the community.** The applicant will not need to connect to the available city sewer and water infrastructure. The proposed use will add some limited additional tax base in the City.
7. **The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.** Traffic levels are not expected to be more than 3-4 pickup truck loadings per week and one semi-truck deliver every 4-6 weeks. That is a low level of traffic compared to what would be expected for other allowable uses in the Industrial (I) zoning district and congestion would not be expected.
8. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.** The proposal includes space for off-street parking if necessary, although none is expected. There is sufficient space for loading of the type expected (semi-trucks unloading and pickup trucks loading).

9. **Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.** Outside of normal construction activities, these types of nuisances would not be expected to be an ongoing problem or nuisance given the low level of traffic expected, the lack of need for lighting and the nature of the business.
10. **The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.** The proposed additions would not appear to have any impact on any natural, scenic or historical features as the property is flat, undeveloped and without trees or other significant natural features.
11. **The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.** The proposed use should not create much potential for sedimentation or pollution as limited area will be disturbed. Any spills of salt should be promptly addressed so as to prevent salt being washed into the soil and onto streets or the river.

Planning Commission / Board of Adjustment Direction: The Planning Commission / Board of Adjustment may approve the conditional use request(s), deny the request(s), or table the request(s) if the PC/BOA should need additional information from the applicant. If the PC/BOA should approve or deny the request, they should state the findings which support either of these actions.

Staff Comments: Staff comments related to the request are noted below:

1. The ordinance requires screening of outside storage in the Industrial (I) district. The City should determine whether they consider this use to be outside storage or not. The ordinance does not define "outside storage". Staff is comfortable considering the structure with the salt storage bins to not be outside storage, as all materials are contained and not stored on the open ground.
2. The City may wish to require a condition relating to how spills of salt would be addressed.

Staff Recommendation: Based on the findings of fact and discussion listed above, Staff recommends approval of the proposed conditional use, subject to the following conditions:

1. That the applicant cleans up any spills of salt within 12 hours.
2. That the property and buildings shall be maintained in a neat and orderly appearance such that excessive weed growth does not occur, that structures are maintained in a safe and attractive manner and that parking and outside storage of materials is screened, enclosed or otherwise located so as not to be a detriment to surrounding properties.
3. That any required building permits, as well as any other state or federal permits that may be required shall be obtained.

APP # _____
 Date _____
 (for office use only)

**CITY OF MOTLEY
 CONDITIONAL USE APPLICATION**

Name of Applicant North Country Salt Service, Inc. Phone 218-825-3722
 Mailing Address 101 13th St SE, Ste 525 Email lindaolson181@gmail.com
 City, State, Zip Brainerd, MN 56401

Applicant ~~is~~ will be:
 Legal Owner
 Contract Buyer
 Option Holder
 Agent
 Other _____

Title Holder of Property:
Michael Nielsen sale pending to:
 (Name)
North Country Salt Service, Inc
 (Address)
101 13th St SE, Brainerd, MN 56401
 (City, State, Zip)

Signature of Owner, authorizing application (required): _____
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): North Country Salt Service, Inc by Linda Olson
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:
Lots 7 thru 9 Blk 12 of Lawrence's Add'n

Fire No. _____, Parcel ID No. 41.0291.000 Zoning District Industrial

Read and Initial (required):

When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits. When applying for a permit through the City of Motley, you may be charged additional fees. If you have questions regarding your permit and need to contact Hometown Planning, you may be charged up to \$100.00 per hour in additional fees. You are liable for paying the fees. If the fees are not paid prior to the approval of your permit, these additional fees may be assessed to your property taxes. Please initial and date after reading.

Applicant must initial: lo

State nature of request in detail: (What are you proposing for the property?)

This would be a loading site for our 1 ton pickup with 5+ wheel trailer. We will only be loading our own truck with salt here.

What changes (if any) are you proposing to make to this site?

Building: NONE

Landscaping: Pour six concrete footings, erect load-out salt bins

Parking/Signs: NONE

Other: _____

Pursuant to the Motley City Ordinance, Section 9.5, the applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects.

- (1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

The impact will be minimal. Our truck will be there 3-4 times per week. The semi will be there once every 4-6 weeks.

- (2) Describe the character and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

We will be erecting our salt load-out bins.

- (3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

We will not be hooking up water or sewer.

- (4) Describe the impact on the character of the neighborhood in which the property is located.

This is an industrial area next to the water tower. The impact to the neighborhood will be minimal. There will be no lights.

- (5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

Traffic will be minimal. We will load out 3-4 times per week and a semi will deliver once every 4-6 weeks

- (6) Discuss any environmental limitations of the site or area.

There are none. There will be no water or septic, no lights or electricity

Google Maps



Imagery ©2016 Google, Map data ©2016 Google 50 ft

Google Maps Lots 7, 8 & 9 BK12 Lawrence's Addition, City of Motley
 We will pour 6 footings for the legs of the structure.
 The footings will be two feet across and 5-6 feet deep.
 Then after curing, we will set structure on footings.
 I will call David Barsody, for inspection.
 612-219-2252



our structure is: $10\frac{1}{2}$ feet wide
and $22\frac{1}{2}$ feet long

The top photo shows our first delivery truck.
We now have a 1 ton pickup pulling a 5th wheel
trailer that has three tanks instead of two
as shown above.

No water or septic
No lights or electricity

Linda Olson
North Country Salt Service, Inc.
20681 211th Ave.
Verndale, MN 56481

March 3, 2016

Mr. Michael Nieken
PO Box 651
Aviston, IL 62216

Dear Michael:

In order to put my tanks on the lot in Motley, I need a Conditional Use Permit. Enclosed please find a copy of the application.

Because the transfer of title will probably not be complete by the time of the zoning meeting, I need your signature of approval on this form.

Please sign page 2 and either mail, just that page, back to me or email it to: lindaolson181@gmail.com.

Your prompt response is greatly appreciated. Thank you very much.

Linda
218-825-3722

Linda Olson
North Country Salt Service, Inc.
20681 211th Avenue
Verndale, MN 56481

March 7, 2016

Mr. Michael Nieken
PO Box 651
Aviston, IL 62216

Dear Michael,

Enclosed please find 2 copies of our Purchase Agreement.

Please review, sign both copies, keep one and mail the second one back to me as soon as possible. Or again, you can email it to me at: lindaolson181@gmail.com

Thank you for your prompt response.

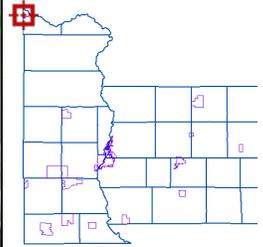
Linda



218-825-3722



Overview



Legend

- Corporate Limits
- Political Township
- Subdivisions
- Parcels
- Main Roads**
- State Highway
- US Highway
- Road Centerlines
- ACUB Easements
- PZ_Zoning**
- Agricultural
- Commercial
- Mississippi Headwaters Board
- Manufacturing/Ind
- Residential
- Rural Residential
- Shoreland Commercial
- Shoreland Special Protection
- Shoreland Residential
- PZ_Flood Plain**
- IN
- OUT, 500yr
- PZ_Army Compatible Use Buffer
- PZ_Urban Fringe Zoning
- PZ_FeedLots

Parcel ID	410291000	Alternate ID	n/a
Sec/Twp/Rng	n/a	Class	3A-Commercial/Industrial/Public Utility
Property Address		Acreage	n/a
District	MOTLEY CITY-School District 2170		
Brief Tax Description	LAWRENCE'S ADDN Lot 007 Block 012 of LAWRENCE'S ADDN Lot 008 Block 012 of LAWRENCE'S ADDN Lot 009 Block 012 of LAWRENCE'S ADDN		

Owner Address ME FABRICATION & INSTALL INC
PO BOX 651
AVISTON IL 62216

STAFF REPORT

Application: Conditional use permit and preliminary plat application to allow for the creation of four residential lots (two twinhomes, four total residential units) in a Residential - Medium Density (R-2) zoning district.

Applicant: Jim Albrecht

Agenda Item: 3(b)

Background Information:

- Proposal:** The applicant is proposing to construct two separate twinhomes (4 total dwelling units) on the approximate $\frac{3}{4}$ acre property. Each unit would be on its own parcel and be sold separately. This is the same arrangement as is on the other lots within the previous three phases of the Mill Pond Townhomes development.

The project would include additional improvements of a private road that already serve the previous phases of the development (installation of sewer/water and eventual paving of the remainder of the road out to Cemetery Road). The primary public right of -way entrance/exit to the property would be from the east (Third Avenue South) with secondary access to Cemetery Road via an existing gravel surface that is planned to be fully paved once the second twinhome is constructed.

To the south of the proposed lots is Mill Pond, which is identified as having floodplain. The proposed development, however, is located at the top of a bank that rises approximately 8 feet above the pond and does not appear to be in the floodplain as identified in the FEMA Flood map (see map attached to this report). Mill Pond has previously been identified as a DNR-protected water, but is not subject to shoreland regulations at this time as per previous conversations with DNR staff.

The project may be subject to NPDES stormwater permit requirements from the State of Minnesota (MPCA) - although it appears they have an open NPDES permit from 2003 that may cover this additional phases. The developer is responsible for meeting MPCA regulations.

The proposed development appears to be close to the limit of 25% impervious coverage. Staff is working to have more specific information presented regarding this matter, although preliminary information shows that they would be at about 24% coverage. There are provisions in the ordinance to allow for up to 37.5% impervious coverage with a sufficient stormwater management plan.

Sewer and water has been installed to the edge of the property and would need to be extended. Those services are installed within the private road and are privately maintained.

- Location:**
 - o Property address: None
 - o Parcel number(s): 41.0373.000 and 41.0366.000

- Partial Legal Description: Outlot A, Mill Pond Townhomes First Addition and part of Outlot B, Mill Pond Townhomes Second Addition
 - Applicant: Jim Albrecht.
 - Property Owner: Rainy Day Enterprises, LLC.
- **Zoning:** Medium Residential (R2) and Natural Resource (NR)
 - **Lot size** (from submitted survey): Proposed lots range in size from 7,581 sq ft to 9,844 sq ft. The total area to be subdivided is 33,244 sq ft.
 - **Natural Features:**

Floodplain: The property does have floodplain along Mill Pond (PID 41.0366.000). The Base Flood Elevation in that area, according to the DNR, is 1227.5. It appears that the constructed buildings would be above the BFE and thus not subject to floodplain regulations. If they were, the lowest floor of a structure would be required to be at 1228.5 (the Regulatory Floor Protection Elevation - RFPE).

Bluff/Steep Slopes: The property is flat in the area where buildings are proposed. There is a steep slope at the shoreline of Mill Pond on Block Two that should not be impacted by construction with proper care and precautions.

Wetlands: There do not appear to be any wetlands on the property that would be directly impacted by the construction. There may be small wetland areas at the shoreline of Mill Pond.

Applicable Statutes/Ordinances:

Minnesota Statutes

SECTION III - RULES AND DEFINITIONS

3.2 DEFINITIONS

The following words shall be defined as follows for the purpose of this Ordinance:

163. Planned Unit Development (P.U.D.). A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.

165. Planned Unit Development, Residential. Residential Planned Unit Development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.

SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS

5.3 Residential – Medium Density (R-2)

1. Purpose: To establish and maintain a medium density land use Zoning District, which will provide a buffer between Residential – Low Density (R-1) and higher density residential and commercial is non-riparian.
2. Permitted Uses. (R-2)¹
See Section 5.11
3. Conditional Uses. (R-2)²
See Section 5.11
4. Excluded Uses. (R-2)³
See Section 5.11
5. Lot and Use Requirements. (R-2)

Lot Width – feet, minimum	50
Buildable Lot Area - minimum	10,000 sq ft with city sewer/water, 2.5 acres with an ISTS
Setback, right-of-way, local streets – feet, minimum	15
Setback, right-of-way, collector and arterial streets – feet, minimum	25
Setback, side - feet, minimum	10
Setback, corner side – feet, minimum	15
Impervious coverage - maximum	25%
Building height - feet, maximum	25
Building height, accessory structure - feet, maximum	13
Accessory Structure Size – square feet, maximum, cumulative	1,280 for parcels 2.5 acres or less, 1,280 for each additional 2.5 acres parcel size
Building above highest known groundwater lot lake level – feet, minimum	3
Maximum Density	1 unit/10,000 sq. ft.

6. Performance Standards (R-2)

Side Yard Setback. The side-yard setback may be reduced by 50% provided one of the following is completed:

¹ Ordinance 2009-3, 4/28/2009

² Ordinance 2009-3, 4/28/2009

³ Ordinance 2009-3, 4/28/2009

- a. The property owner has the lot line in question surveyed by a licensed surveyor. The survey monuments establishing the lot line must be clearly visible so a determination of the encroachment can easily be made.
- b. The property owner shall install flags, stakes or other devices establishing the location of the property line. The property owner and the adjacent property owner on the line to be encroached upon must both sign and have notarized an agreement stating that they both agree upon the property line, as marked by the property owner.

Impervious Coverage. The impervious coverage may be increased by 50% provided the following:

- a. A stormwater management plan that retains the 10-year, 24-hour rain event is provided. Upon approval, the plan must be fully implemented.
- b. Direct runoff to adjacent properties in a 10-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary means.

5.11 Land Use Matrix⁴

Table 1. City of Motley Land Use Matrix

A - Denotes Allowed without a Permit		AC - Denotes <i>Accessory use</i>							
P - Denotes <i>Permitted use</i>		E - Denotes Excluded Use							
C - Denotes <i>Conditional use</i>									
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Dwelling, Duplex</i>		C	P		P				
<i>PUD, Residential</i>	E	E	C		P				

SECTION VI - SUBDIVISION STANDARDS

6.2 Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres,

A Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres shall contain the following data: (except as waived by the Planning Commission); along with other reasonable information required by the Commission needed to make a proper evaluation of the proposal:

- 1. Existing Conditions
 - A. Boundary lines with lengths and bearings drawn to exact scale of no

⁴ Ordinance 2009-3, 4/28/2009
 City of Motley
 March 29, 2016

less than 1" = 100' taken from a boundary survey by a Registered Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.

- B. Topography consisting of 2-foot contour intervals, or at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from the USGS mapping with additional field determined spot elevations added to define drainage ways, 100 year floodplains, wetlands, slopes and the Ordinary High Water Mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.
- C. Tree cover limits, specimen tree locations.
- D. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the Planning Commission.
- E. Location of adjoining streets, wetlands, structure and property lines within 200-feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
- F. Significant historical sites.
- G. Date of boundary survey, topography and proposed plat.

2. Proposed Design

- A. Layout of proposed streets, walkways, blocks, lots, buildings if known, drawn to same scale as existing data.
- B. Dimensions scaled to nearest 5 feet of all lot lines, street widths, easement widths and waterfront lengths.
- C. Areas of proposed lots.
- D. Structure setback lines from streets, lot lines and Ordinary High Water Mark.
- E. Proposed Green Space with area shown.
- F. Proposed public dedication areas other than streets or walkways with the area shown.
- G. Proposed City sewer or water system connections and extensions existing and proposed with grades shown.
- H. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot.
- I. Information regarding adequacy of domestic water supply,
- J. Proposed storm drainage system and erosion control, both during

and after construction activities.

- K. Proposed street standards and profiles.
- L. Potential principal structure and accessory structure locations and elevations.
- M. Extent of anticipated vegetation and topographic alterations.
- N. Proposed covenants.
- O. Name of Subdivision and proposed street names.
- P. Stages of development proposed.

- 3. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

6.3 Final Plat or Final Condominium Plat.

A Final Plat or Final Condominium Plat shall contain all elements required by this Ordinance and Minnesota Statutes 505, 515A or 515B respectively, and the State Plat Manual including but not limited to the following:

- 1. Conformance with approved Preliminary Plat or agreed upon portion thereof.
- 2. Design standards in conformance with the Ordinance and the Motley Zoning and Subdivision Ordinance.
- 3. Preparation by a Registered Land Surveyor. Signatures of Mayor, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
- 4. Dedication to the public of easements, right-of-ways, walkways and land to become public.
- 5. Drainage and utility easements over natural drainage ways and significant wetlands.
- 6. Reservation of private streets in Out lots (Planned Unit Development).
- 7. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
 - A. The Association shall consist of all benefited lot owners including the sub divider.
 - B. The Association shall be responsible for all costs of maintenance and replacement.
 - C. The costs shall be uniformly divided by lots served.
 - D. The costs shall be lien able against the lots by the Association if payment is not forthcoming.
 - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.

- F. Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the Association.
8. Concurrent documents
- A. Title Opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
 - B. Evidence of plat check by an independent Registered Land Surveyor,
 - C. Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the Engineer for the uncompleted required improvements.
 - D. Development contract acceptable to the City Attorney, if required.

6.4 Design Layout Standards - Minimum.

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration. Land subject to flooding, land below the ordinary high water mark, wetlands, and areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
3. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
4. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
5. Lot layouts shall be compatible with the existing layout of adjoining properties.
6. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a

Planned Unit Development shall have a minimum of 33 feet of frontage on a public right of way.

- 7. Proposed streets shall conform to the Comprehensive Plan of the City, County and State highway plans and existing boundary conditions.
 - A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 15% for minor roads.
 - B. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.
 - C. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed.
 - D. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
 - E. Streets will be designed as collectors or local streets in accordance with the Comprehensive Plan of the City.
 - F. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) and shall not exceed 1200 feet in length.
 - G. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City.

H. Right of Way shall be dedicated to the public:

Cul-de-sac (turnaround).....	68' radius
Arterials....	100' or as determined by Morrison and/or Cass Co
Collectors	66'
Local Streets	66'

Additional Right of Way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.

- I. Intersections
 - 1. Street centerlines shall intersect at not less than 75 degrees.
 - 2. Street jogs shall be no less than 200' from centerline to centerline.
 - 3. Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%.
- J. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when any

other reasonable and feasible placement alternatives exist.

K. Street names shall conform to the pattern of the City, continue an existing name on the same alignment and generally promote a direction in the community.

8. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

Water main	20 feet
Sanitary Sewer	40 feet
Storm Sewer	20 feet
Electrical, telephone or cable television	10 feet
Drainage way	10 feet

9. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

6.5 Survey Standards.

Survey Standards shall be those required by Minnesota Statutes 505 including the placement of all monuments including block corners, lot corners, curve points and water survey line points on lot lines. All US, State, County and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

6.6 Street Improvement Standards.

All streets within the subdivision shall be constructed by the sub divider or otherwise provided for by agreement in a Development Contract between the sub divider and the City Council with all expenses borne by the sub divider. Local streets and collector streets shall be constructed according with the established minimum standards.

6.7 Sanitary Provision Standards.

No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the sub divider constructs a cluster system serving the lots to be owned and maintained by a property owner’s association or the lot is provided with sanitary service by a municipal sewer system at the expense of the sub divider.

1. A municipal sewer system shall be extended to the lot at the sub divider’s expense by agreement in a Development Contract between the sub divider and the City Council if the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the Engineer and Planning Commission or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the Engineer.
2. Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, Individual Sewage Treatment Systems Standard, Chapter 7080, and provide for two (2) treatment sites for drain

fields.

3. Municipal sewage facilities shall be designed by a Registered Engineer approved by the City Engineer, approved by the Minnesota Pollution Control Agency, and installed according to "Standard Utilities Specifications", City Engineer's Association of Minnesota.

6.8 Water Supply Standards.

The sub divider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, onsite sewage disposal sites, and potential well locations to allow the well installations in conformance with the City of Motley Zoning Ordinance requirements or the sub divider shall provide the lot with a cluster water supply system to be owned and operated by a property owner's association or the sub divider shall provide municipal water service to the lot.

1. A municipal water system shall be extended to the lot at the expense of the sub divider by agreement in the Development Contract between the sub divider and the Council if the existing municipal system is adjacent to the parcel being subdivided or reasonably close in the opinion of the engineer and Planning Commission or if the density of the proposed development necessitates a municipal water connection. The water main shall also be extended to the exterior boundary at locations designated by the Engineer.
2. Onsite wells or cluster water systems shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 "Water Well Construction Code", and the cluster system shall receive the approval of the City Engineer.
3. Municipal water facilities shall be designed by a Registered Engineer, approved by the City Engineer, approved by the Minnesota Department of Health and installed according to "Standard Utilities Specifications" City Engineer's Association of Minnesota.

6.9 Drainage/Grading Standards.

The sub divider shall consider the retention of natural stormwater/snowmelt drainage patterns in the design of his proposed subdivision. The sub divider shall be responsible to provide adequate drainage facilitates for his development and upstream properties.

1. All natural drainage ways draining properties upstream from the subject property shall be preserved, and no structures shall be less than one (1) foot above the water level in the drainage way created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed except by Conditional Use Permit.
2. All streets, building sites and subsurface sanitary disposal sites shall be drained to a natural drainage way. The sub divider shall provide adequate grading or drainage structured so no inundation or ponding will occur from a storm of a 5-year, 24-hour rain event.
3. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the sub divider. No

storage area shall be considered part of the minimum lot area requirement. All storage areas shall be vegetated and designed to lower naturally after a storm.

4. All drainage structures provided shall be sufficient in size to pass a 5-year, 24-hour storm to a natural drainage way and to pass a 100-year, 24-hour storm along a drainage way.
5. All areas disturbed by grading, street construction or structure installation shall be covered with a 3 inch natural topsoil and seeded. Drainage ways over 2% in gradient shall, at a minimum, be sodded.
6. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or public water.
7. Erosion control measures shall be provided where necessary in the opinion of the Engineer.

6.10 Dedication to the Public - Standards.

1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the sub divider shall dedicate, to the public, lands for highway right of ways, street right of ways, utility easements, wetland easements and similar lands required for perpetual and public improvements.
2. In addition, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the Planning Commission, with the concurrence of the City Council, shall require a payment to the City, in lieu of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, of a sum not to exceed ten percent (10%), of the fair market value of the land to be subdivided. The fair market value of the land to be subdivided shall be the value as determined by the Morrison and/or Cass County Assessor at the time of Final Plat approval by the City Council. The amount of the payment shall be set by the Planning Commission, with the concurrence of the City Council, after taking into consideration the open space, park, recreational or common areas and facilities with the applicant proposes to reserve for public use within the subdivision. Funds received by the City, in lieu of land dedication, shall be placed in a special fund in accordance with Section 462.358, Subdivision 2b, of the Minnesota Statutes.
3. All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the City in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

SECTION IX - ADMINISTRATION

9.5 Conditional Use Permits.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following⁵:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing or decreasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.
 - g. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Stormwater runoff management.
 - j. Reducing impervious surfaces.
 - k. Increasing setbacks.
 - l. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - a. The following must be met:
 - i. The use or development is an appropriate conditional use in the land use zone.
 - ii. The use or development, with conditions, conforms to the comprehensive land use plan.
 - iii. The use with condition is compatible with the existing neighborhood.
 - iv. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 - b. The following must be considered:
 - i. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially

⁵ Amended by Ordinance 153.05, 3/9/2010
City of Motley
March 29, 2016

- diminishes or impairs values in the immediate vicinity.
- ii. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - iii. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - iv. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.
 - v. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - vi. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 - vii. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 - viii. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

9.8 Subdivision

- 4. Preliminary Plat or Preliminary Condominium Plat Approval. The preliminary Plat or Preliminary Condominium plan approval constitutes formal approval of the concept and design of the subdivision. The Planning Commission review shall include a public hearing and may include a field review at their discretion. All reports of City staff, DNR and Road authorities shall be reviewed and included in the hearing record. Related variance requests, rezoning requests and conditional use requests shall be heard concurrently with a subdivision request.
 - A. The sub divider shall submit 9 copies of his proposed plat or condominium plat to the Zoning Administrator 30 days prior to the normal Planning Commission meeting, pay the required fees and request a public hearing.
 - B. The Zoning Administrator shall notify all property owner's within 350 feet, by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in

the advertisement. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member, if the proposal is adjacent to a County Highway, one (1) copy to the County Engineer, and if the plat is in shorelands, one (1) copy to the DNR postmarked at least ten (10) days before the public hearing for review and comment.

- C. The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary variances, from the Zoning Ordinance and this Ordinance, necessary rezoning or necessary conditional use permits, and advise the sub divider and the Planning Commission of his findings.
- D. The sub divider shall make addition application for the necessary permits at least 30 days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if sub divider desires to have a concurrent public hearing for variance, conditional use or rezoning.
- E. The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.
- F. The Planning Commission shall recommend the approval of the Preliminary Plat or Preliminary Condominium Plat to the Council within one hundred twenty (120) days of submission, and the findings shall be sent to the sub divider. The Planning Commission shall consider the following in it's decision:
 - i. Is the property properly zoned?
 - ii. Does the proposal conform to the requirements of the Zoning Ordinance?
 - iii. Does the proposal conform to the requirements of the Subdivision Ordinance?
 - iv. Have the concerns of the affected agencies been addressed?
- G. The City Council shall review the findings and recommendations of the Planning Commission at their next regular meeting and make the final determination.
- H. The City Council will hear any appeal within thirty (30) days of the Planning Commission action and will re-notify anyone noticed for the Public Hearing. Said appeals will be filed with the City Clerk within fifteen (15) days of the decision.
- I. Failure of the sub divider to act after an approval of Preliminary Plat or Preliminary Condominium Plat within one (1) year shall void the approval unless extended by the Planning Commission. A second

extension shall require a new public hearing.

5. Final Plat or Final Condominium Plat Approval. Upon approval by the Planning Commission, the sub divider shall cause the Final Plat or Final Condominium Plat, documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council. All coincident variance requests, conditional use permit requests and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.
 - a. The sub divider shall submit 9 paper copies of the Final Plat or Final Condominium Plat and concurrent documents to the Zoning Administrator 30 days prior to the Planning Commission meeting.
 - b. The Zoning Administrator shall distribute the information received to the City Attorney and City Engineer, who shall review the submission for conformance with the standards and comment thereupon to the Planning Commission. The Zoning Administrator shall compare the Final Plat or Final Condominium Plat to the Preliminary Plat or Preliminary Condominium Plat and comment thereupon. The Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the City Council.
 - c. The Planning Commission shall review the reports of the Attorney, Engineer and Zoning Administrator and make recommendation to the City Council within 45 days of submission. The Planning Commission shall consider the following:
 - i. Has the applicant compiled with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or execution of appropriate agreements assuring performance?
 - ii. Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
 - iii. Does the City Attorney agree that all parties with an interest in the property are shown as signers of the document?
 - iv. Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security.?
 - v. Does an independent Professional Land Surveyor agree the final document meets the statutory requirements?
 - vi. Has financial security been posted in the appropriate amount
 - d. The City Council shall review the proposal at their next regular meeting and decide the approval within sixty (60) days of the submission of the

Final Plat or Final Condominium Plat to the City.

- e. Following approval by the City Council, the sub divider shall submit to the Zoning Administrator, two (2) double mounted cloth backed prints on card stock (hard-shells) and two (2) mylar prints of the Final Plat or Final Condominium Plat for signature by the Mayor and Clerk. The Zoning Administrator shall send one copy of any approved Final Plat within shorelands to the DNR postmarked within ten (10) days of approval.
- f. Upon signature, the sub divider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan, within two (2) years shall void the approval unless extended by the City Council.

Staff Findings: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1. **The use or development is an appropriate conditional use in the land use zone.** Duplex housing is identified as a permitted use and Planned Unit Development is identified as a conditional use by the Land Use ordinance in the R-2 zoning district where this property is located.
2. **The use with condition is compatible with the existing neighborhood.** The site is just north and west of a planned unit development subdivision that was developed as a townhome planned unit development in the same manner as the current proposal. A clinic and bank are located to the southeast of the proposed development and a church is located to the east. The land directly to the north and west is undeveloped, including additional land that is part of what would be subdivided in this proposal. The property borders a backwater area of the Long Prairie River (Mill Pond) to the south.
3. **The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.** The proposed duplexes/twinhomes, if developed professionally, in an attractive manner, and with proper stormwater management should not be injurious to any of the above factors.
4. **The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.** See answer to #3 above. The proposed use is similar to that of the use of property to the south and east and represents a reasonable continuation of the similar development to the south and east.
5. **The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.** The proposed use would not present any hindrance to the normal and orderly development of surrounding land, which is generally already developed or well-served by public utilities and streets.

6. **The conditional [use will not increase] public cost for public facilities and services and will not be detrimental to the economic welfare of the community.** City sewer and water have been installed through the private road serving the adjacent PUD to the east edge of the proposed subdivision. They will need to be extended at the applicant's cost.
7. **The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.** The vehicular approaches to the proposed lots would be typical residential driveway. They are accessed via a private roadway.
8. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.** The proposal includes space for off-street parking as typically needed for residential properties.
9. **Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.** Outside of normal construction activities, these types of nuisances would not be expected to be an ongoing problem or nuisance.
10. **The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.** The primary natural and scenic feature of concern would be Mill Pond. Which lies adjacent to Block Two. The proposed setbacks for the structures is similar to that that was approved for the PUD to the south and east. The DNR and Morrison County SWCD have previously expressed concern regarding setbacks such as those proposed in terms of the potential for damage to property should the river change course in the future, as it has done in the past.
11. **The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.** The greatest likelihood for pollution from this use would be from the increased impervious surfaces on the lot, which could facilitate the movement of pollutants to the storm sewer system and Mill Pond. No stormwater retention pond has been proposed for the site, but may be required by MPCA regulations. If this, or some other stormwater management infrastructure and/or practices (both for temporary and permanent controls) are put in place and sufficient for preventing pollution, the potential for pollution of surface waters should be adequately reduced.
12. The proposed lots to be subdivided sit within Outlots A and B of the previous phases of development on this property.
13. The contours indicated on the survey show that the adjacent elevation at the proposed structure location is 1228. As this is above the Base Flood Elevation (BFE) of 1227.5, the structures should not be subject to floodplain requirements.
14. When factoring in the entire development (including Outlot D, which contains a church), the density is within that allowable in the zoning ordinance (1 unit/10,000 sq ft).

- a. There are 20 existing dwelling units within the various phases of the Mill Pond Townhomes development.
 - b. The current proposal is to add 4 additional units, for a total of 24.
 - c. With Outlot D included, the max. allowable number of dwelling units is 34.
 - d. Without Outlot D included, the max. allowable number of dwelling units is 20.
15. The layout of the lots is consistent with the layout of other properties already created within the subdivision.
 16. Access to the properties is provided off of a commonly owned roadway. Each property owner will have interest in the roadway. The roadway accesses off of Third Street and Cemetery Road, both dedicated public rights-of-way. Therefore, each property can be accessed off of a public right-of-way.
 17. Proposed streets do not conform to the City's minimum standards for municipal streets. The streets will be privately owned and maintained.
 18. Utility easements have not been provided as the road, sewer and water is to be privately maintained.
 19. Water and sewer service will need to be extended and have previously been required to be approved by the City (during previous phases of development of the Mill Pond Townhomes development). Plans and specifications should be prepared by a licensed engineer.
 20. The applicant has an open NPDES permit from MPCA from 2003. The applicant is responsible for meeting any MPCA requirements.
 21. There are no public dedications required as part of the subdivision as the road and utilities are to be privately maintained.
 22. The Owners Association in the Mill Pond Townhomes development has previously requested that the City take over the road within the development. The City has rejected that request as the road is not up to City standards.

Planning Commission / Board of Adjustment Direction: The Planning Commission / Board of Adjustment may approve the conditional use request(s), deny the request(s), or table the request(s) if the PC/BOA should need additional information from the applicant. If the PC/BOA should approve or deny the request, they should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact and discussion listed above, Staff recommends approval of the proposed conditional use and preliminary plat, subject to the following conditions:

1. The applicant shall submit an elevation certificate completed by a licensed surveyor indicating that the lowest floor of the proposed buildings will meet the required 1228.5 elevation for flood protection. However, the applicant should be

aware the buyer's may be subject to additional flood insurance costs and that eliminating the additional flood insurance costs may require submittal and approval of a Letter of Map Amendment or other required forms through FEMA. The City of Motley does not control those aspects of flood insurance.

2. That the proposed structures meet a minimum setback of 50 feet to Mill Pond (the proposed locations indicate that they will).
3. (For discussion) The applicant shall pay to the City of Motley the required park dedication fee of 10% of the fair market value of the land to be subdivided at the time of Final Plat.
4. That the applicant meets any requirements of the MPCA for stormwater treatment as a residential development.
5. That any other state or federal permits that may be required shall be obtained.
6. That the road through the development shall remain private; the City does not accept any public ownership or maintenance responsibilities as a result of this approval.
7. (For discussion) That any future development of the remaining Outlots within the various phases of the Mill Pond Townhomes development shall be subject to the density restrictions at the time and shall include Outlot D in that calculation.

APP # _____
 Date _____
 (for office use only)

**CITY OF MOTLEY
 SUBDIVISION/REZONING APPLICATION**

Name of Applicant JIM ALBRECHT Phone 218-821-8514
 Mailing Address 2381 EAST RIVER ROAD Email acs@drainerd.net
 City, State, Zip MOTLEY, MN 56466

Applicant is:		Title Holder of Property:	
Legal Owner	<input checked="" type="checkbox"/>	<u>JIM ALBRECHT - RAINY DAY ENTERPRISES</u>	
Contract Buyer	<input type="checkbox"/>	(Name)	<u>LLC</u>
Option Holder	<input type="checkbox"/>	<u>2381 EAST RIVER RD</u>	
Agent	<input type="checkbox"/>	(Address)	
Other	_____		

Signature of Owner, authorizing application: Jim Albrecht
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:
MILLDONA STREET - MOTLEY

Fire No. _____, Parcel ID No. 41.0323.000 Zoning District _____
41.0366.000

Nature of request (select only one):

- Preliminary Plat
- Final Plat
- Metes and Bounds
- Rezoning

Read and Initial (required):
 When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits. When applying for a permit through the City of Motley, you may be charged additional fees. If you have questions regarding your permit and need to contact Hometown Planning, you may be charged up to \$100.00 per hour in additional fees. You are liable for paying the fees. If the fees are not paid prior to the approval of your permit, these additional fees may be assessed to your property taxes. Please initial and date after reading.

Applicant must initial: JA

APP # _____
 Date _____
 (for office use only)

**CITY OF MOTLEY
 SUBDIVISION/REZONING APPLICATION**

Name of Applicant JIM ALBRECHT Phone 218-821-8514
 Mailing Address 2381 EAST RIVER ROAD Email acs@brainerd.net
 City, State, Zip MOTLEY, MN 56466

Applicant is:		Title Holder of Property:
Legal Owner	<input checked="" type="checkbox"/>	<u>JIM ALBRECHT - RAINY DAY ENTERPRISES, LLC</u>
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	<u>2381 EAST RIVER RD</u>
Agent	<input type="checkbox"/>	(Address)
Other	_____	

Signature of Owner, authorizing application: [Signature]
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

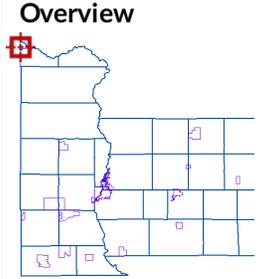
Location of property involved in this request:
MALDONA STREET - MOTLEY

Fire No. _____, Parcel ID No. 41.0323.000 Zoning District _____
41.0366.000

- Nature of request (select only one):
- Preliminary Plat
 - Final Plat
 - Metes and Bounds
 - Rezoning

Read and Initial (required):
 When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits. When applying for a permit through the City of Motley, you may be charged additional fees. If you have questions regarding your permit and need to contact Hometown Planning, you may be charged up to \$100.00 per hour in additional fees. You are liable for paying the fees. If the fees are not paid prior to the approval of your permit, these additional fees may be assessed to your property taxes. Please initial and date after reading.

Applicant must initial [Signature]



- Legend**
- Corporate Limits
 - Political Township
 - Subdivisions
 - Parcels
 - Main Roads**
 - State Highway
 - US Highway
 - Road Centerlines
 - ACUB Easements
 - PZ_Zoning**
 - Agricultural
 - Commercial
 - Mississippi Headwaters Board
 - Manufacturing/Ind
 - Residential
 - Rural Residential
 - Shoreland Commercial
 - Shoreland Special Protection
 - Shoreland Residential
 - PZ_Flood Plain**
 - IN
 - OUT, 500yr
 - PZ_Army Compatible Use Buffer
 - PZ_Urban Fringe Zoning
 - PZ_FeedLots

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This imagery is displayed at a scale of 1 inch=9 inch pixel resolution, (9 inches on the ground is 1 pixel on your screen). In the areas of Pierz and the NWNE lakes, the image is 1 inch=4 inch pixel resolution and is the highest quality imagery on this site. These images were flown by Pictometry in the spring of 2013.

PRELIMINARY PLAT
OF
MILL POND TOWNHOMES FOURTH ADDITION

FESTLER LAND SURVEYING

16096 173RD STREET, LITTLE FALLS, MN 56345 (320) 632-4396

OWNER/DEVELOPER: Rainy Day Enterprises, LLC
Jim Albrecht
2279 East River Road
Motley, MN 56466
218-821-8514

CURRENT ZONING: Residential - Medium Density (R-2)

DESCRIPTION: PART OF OUTLOT A, MILL POND
TOWNHOMES FIRST ADDITION
AND
PART OF OUTLOT B, MILL POND
TOWNHOMES SECOND ADDITION

AREA OF PROPOSED PLAT:

LOT 1, BLOCK 1: 8162 SQ.FT.
LOT 2, BLOCK 1: 7581 SQ.FT.
LOT 1, BLOCK 2: 9844± SQ.FT.
LOT 2, BLOCK 2: 7657± SQ.FT.
TOTAL AREA: 33244± SQ.FT.

FIRM PANEL #2703000001C INDICATES A PORTION OF THE DEVELOPMENT
ADJACENT TO MILL POND TO BE WITHIN ZONE A, NO BASE FLOOD
INFORMATION IS AVAILABLE

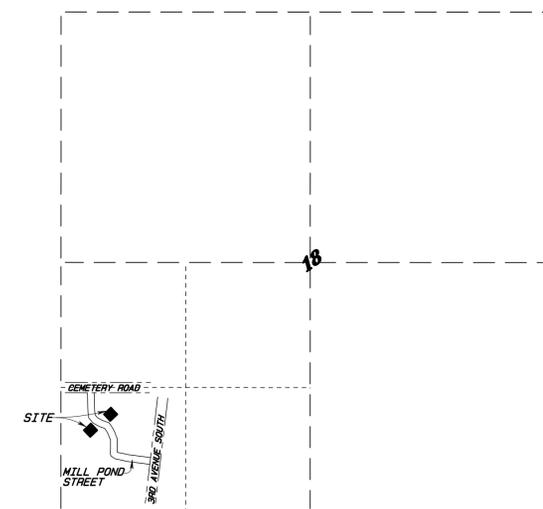
PROPOSED LOT USE: DUPLEX TOWNHOUSE RESIDENTIAL

VERTICAL DATUM: NAVD 88

DATE OF SURVEY: FEBRUARY 25, 2016

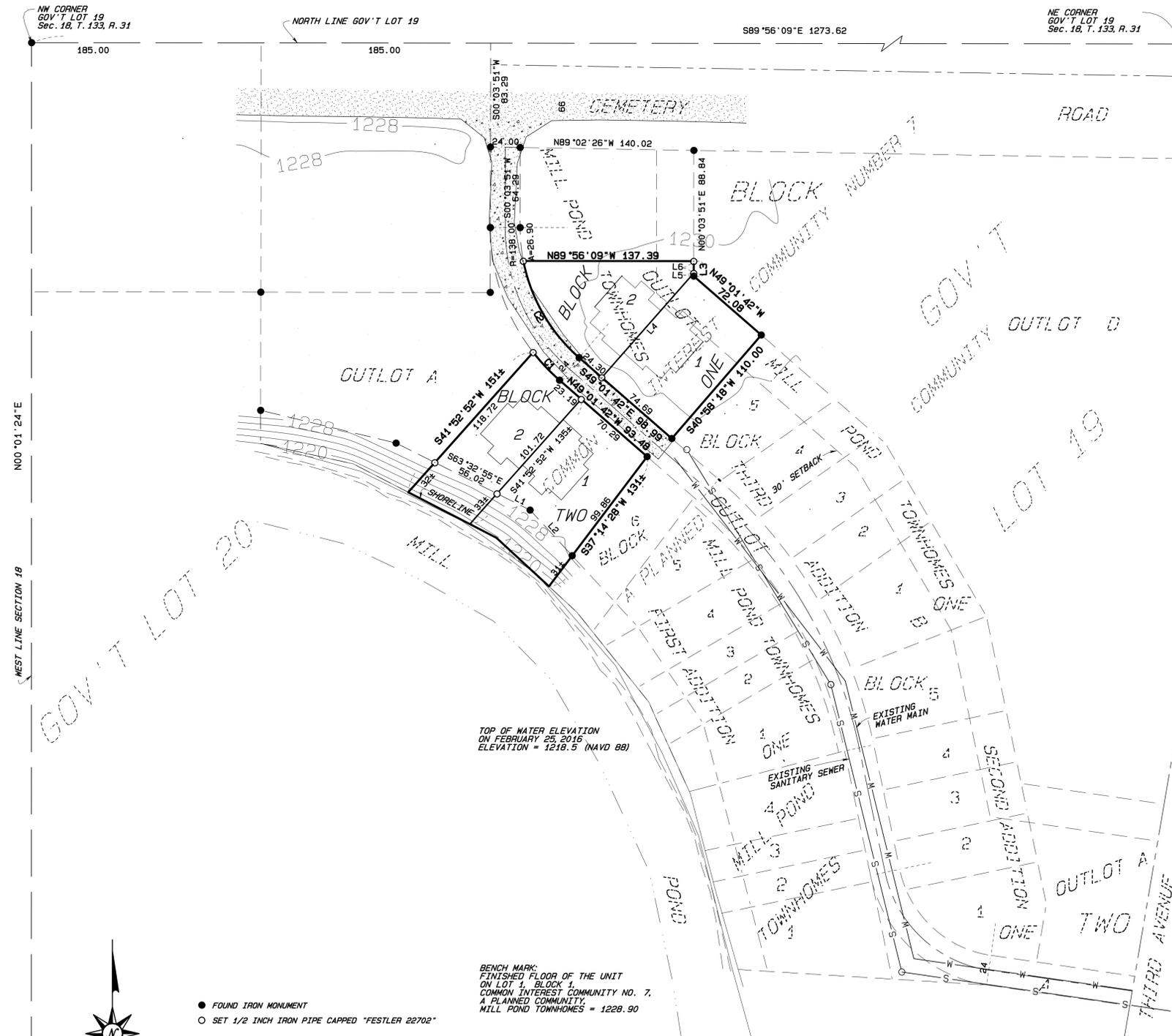
KEVIN FESTLER 22702 MARCH 8, 2016
REG. NO. DATE

VICINITY MAP
(NOT TO SCALE)



LINE	BEARING	DISTANCE
L1	S63°32'55"E	29.75
L2	S42°48'47"E	49.89
L3	N00°03'51"E	12.05
L4	N41°29'32"E	111.84
L5	N00°03'51"E	2.43
L6	N00°03'51"E	9.62

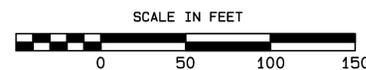
LINE	ARC	RADIUS	DELTA
C1	30.95	162.00	10°56'53"
C2	91.34	138.00	37°55'18"



TOP OF WATER ELEVATION
ON FEBRUARY 25, 2016
ELEVATION = 1218.5 (NAVD 88)

BENCH MARK:
FINISHED FLOOR OF THE UNIT
ON LOT 1, BLOCK 1,
COMMON INTEREST COMMUNITY NO. 7,
A PLANNED COMMUNITY,
MILL POND TOWNHOMES = 1228.90

- FOUND IRON MONUMENT
- SET 1/2 INCH IRON PIPE CAPPED "FESTLER 22702"



ORIENTATION OF THIS BEARING SYSTEM
IS BASED ON THE NORTH LINE OF GOVERNMENT
LOT 19 BEARING SOUTH 89°56'09" EAST.