

PLANNING COMMISSION

AUGUST 9, 2021

6:30 O'CLOCK P.M.

1. Call to Order
2. Minutes of the Previous Meeting – July 12, 2021
3. PUBLIC HEARING – Conditional Use Permit for fill in Flood Fringe
4. PUBLIC HEARING – FENCE Ordinance Update
5. Update on Plaza 57 Coffee
6. Update on Transportation Map/Plan
7. Other
8. Adjourn

MINUTES OF PLANNING COMMISSION MEETING

July 12, 2021

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 12th day of July, 2021 at 6:30 PM

THE FOLLOWING WERE PRESENT: Chairman Ferris, Commissioner Burton, Commissioner Thompson, Commissioner Torkelson, Commissioner Zelinske, and Commissioner Fitch

THE FOLLOWING WERE ABSENT: Commissioner Tinsley

THE FOLLOWING WERE ALSO PRESENT: Clerk Rappe, Laura Chamberlain – HKGi, Mike Marti and Tim O'Morro

CALL TO ORDER AT 6:30PM

MINUTES OF THE PREVIOUS MEETING – June 14, 2021 - Motion to Approve the Minutes as Submitted made by Commissioner Burton, second by Commissioner Fitch With All Voting Aye.

FENCE ORDINANCE DISCUSSION – Laura Chamberlain, Planner from HKGi, went through the changes proposed in the fence ordinance. It is proposed to use the conditional use permit process instead of a variance for anyone wanting to put their fence closer than 3 feet to the property line. This would be recorded with the property and could include an access easement for maintenance of the fence. The penalty for not complying would reference the penalty in the zoning ordinance. Commissioner Burton is concerned with over regulation. The Planning Commission was in agreement that hedges and plantings should not be included as a fence. Ms. Chamberlain stated that as a Zoning Board you can make regulations based on aesthetics. The Planning Commission agreed that we should add a sentence referring to the sight triangle and a sentence stating that if the front yard fence is under 36 inches you can put in whatever you want but if it is over that there would be an opacity factor. The Planning Commission does not think a permit should be required.

UPDATE ON PLAZA 57 COFFEE – This is for the Commission's information it will only be a kiosk with drive through access on both sides. Ms. Chamberlain stated that the application is not complete yet.

UPDATE ON MARTI SUBDIVISION LOT 3 BUILDING IN FLOODPLAIN – This will be a public hearing at the August meeting. The engineer for the Marti project is meeting with HKGi tomorrow. And this requires a cup because they are building in the flood fringe. It is not buildable at its present grade and Mr. Marti wants to take advantage of excess fill he has.

TRANSPORTATION MAP/PLAN – Commissioner Burton brought back a map that he made suggestions on.

OTHER

ADJOURN – 7:21pm

Respectfully Submitted,

Linda Rappe, City Clerk

29-213572 CS01.dwg

7/20/2021 3:55:55 PM

STATEMENT OF INTENT

IT IS THE INTENT OF THE APPLICANT TO CONSTRUCT A PROPOSED STRUCTURE TO BE UTILIZED AS AN OFFICE/SHOP ON LOT 3, BLOCK 1 EAST CREEK COMMERCIAL ADDITION. PROPOSED SITE IMPROVEMENTS WILL INCLUDE THE CONSTRUCTION OF THE STRUCTURE, OFF-STREET PARKING, STORMWATER CONVEYANCE FACILITIES, UTILITIES AND ASSOCIATED GRADING.

SITE DATA

PROPERTY ADDRESS: 603 3RD STREET SE
RECORD/OWNER: CITY OF KASSON
TAX MAP REFERENCE: 24.203.0103
AREA (DEED): 2.61 ACRES (GROSS)
WATER: PUBLIC CITY OF KASSON
SANITARY SEWER: PUBLIC CITY OF KASSON

ZONING DISTRICT: I-1 BUSINESS / LIGHT INDUSTRIAL

MINIMUM LOT AREA:	REQUIRED 7,500 S.F.	PROPOSED 113,633 S.F.
MINIMUM LOT WIDTH:	75 FEET	269.40 FEET
FRONT YARD SETBACK:	30 FEET	36.05 FEET
SIDE YARD SETBACK:	20 FEET	48.32 FEET
REAR YARD SETBACK:	40 FEET	252.75 FEET

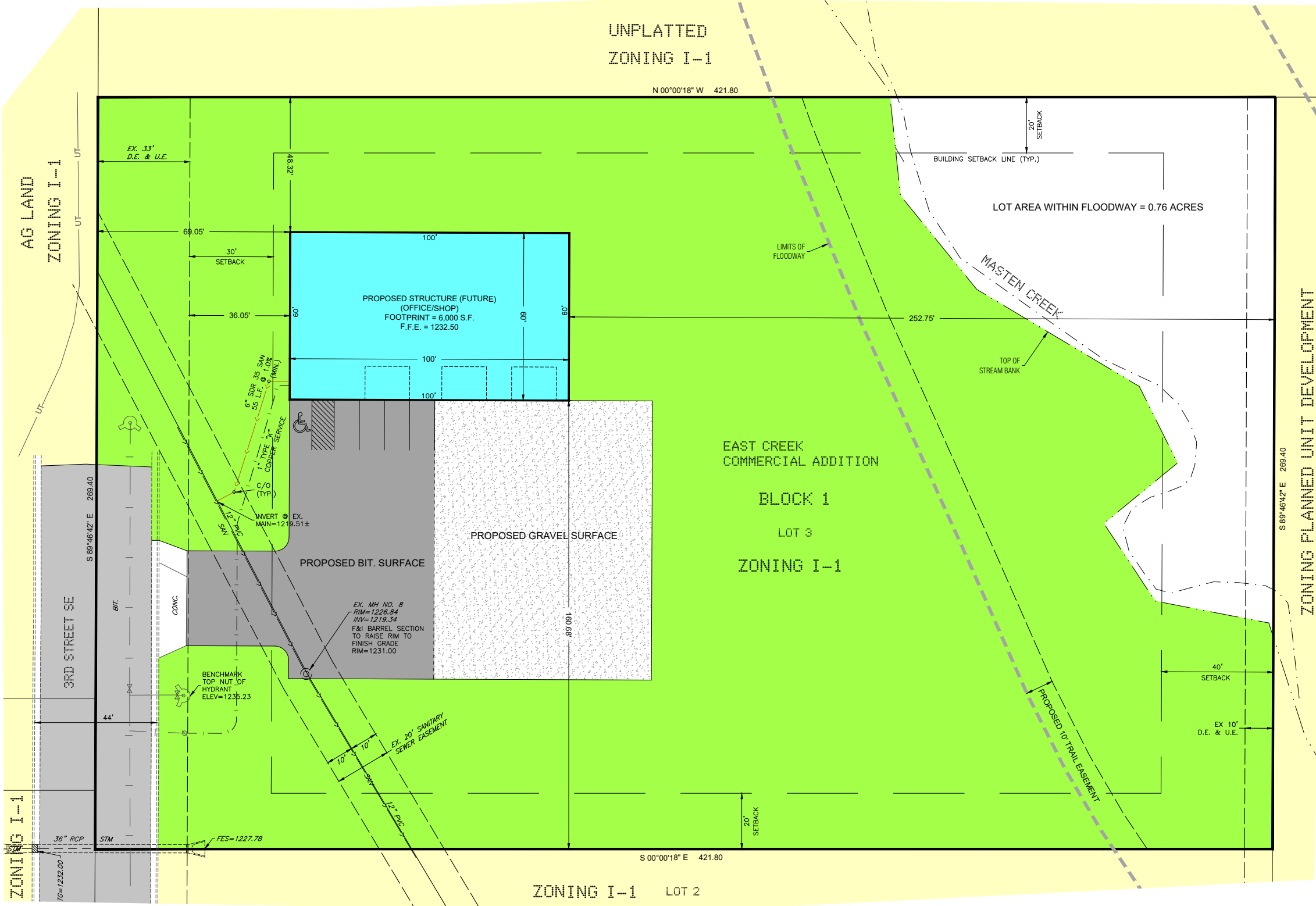
MAXIMUM BUILDING HEIGHT:	PERMITTED 45 FEET	PROPOSED 15'-9"
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PROJECT LAND USE SUMMARY:

Item	Area (ac)
Parcel Identification Number	24.203.0103
Plat Area	2.61
Disturbed Area	1.33
Pre-development Impervious Area	0.08
Pre-development Pervious Area	2.53
Post-development Impervious Area	0.54
Post-development Pervious Area	2.07
Proposed New Impervious Area	0.46

OFF-STREET PARKING TABULATION

USAGE	SIZE	REQ. PARKING	REQUIRED	PROVIDED
OFFICE/SHOP	6,000 SF	1 SPACE PER EMPLOYEE	4 SPACES	5 SPACES



LEGEND

[Pattern]	EXISTING BITUMINOUS AREA
[Pattern]	PROPOSED GRAVEL AREA
[Pattern]	PROPOSED BITUMINOUS PAVING
[Pattern]	PROPOSED BUILDING
[Pattern]	LANDSCAPE AREA
[Pattern]	ADJACENT PROPERTIES
[Pattern]	FLOODWAY AREAS IN AE

THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.



OWNER INFORMATION:
Owner: MIKE MARTI
Address: 63793 250th AVE, KASSON, MN 55944
Phone: (507) 634-2000
email: martielelectric@kmtel.com

CONSULTANT INFORMATION:
Owner: WSE MASSEY ENGINEERING & SURVEYING
Address: 33 B VETERANS MEMORIAL HIGHWAY E,
PO BOX 100, KASSON, MN. 55944

Name: LES CONWAY
Phone: (507) 634-4505
email: les@wse.engineering

PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1712 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

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.

Les Conway
Les Conway
23292 07/21/2021
Number Date

REV.	DATE	DESCRIPTION

CONDITIONAL USE PERMIT / SITE PLAN
LOT 3, BLOCK 1
EAST CREEK COMMERCIAL ADDITION
KASSON, MINNESOTA

SCALE: AS SHOWN
DATE: 07/21/2021
DRAWN BY: CJK
JOB NUMBER: 029-213572
DWG. FILE: 029-213572 CS01

Sheet 1 of 2

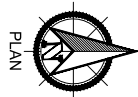
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GENERAL NOTES

1. ALL WORK SHALL CONFORM TO AND BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.
2. THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE ENGINEERING DEPARTMENTS AND UTILITY COMPANIES 72 HOURS PRIOR TO CONSTRUCTION. ALL NECESSARY PRECAUTIONS SHALL BE TAKEN TO AVOID DAMAGE TO ANY EXISTING UTILITY.
3. THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND ROCK ELEVATIONS ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES AND ROCK ELEVATIONS BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES AND ROCK ELEVATIONS.
4. THE CONTRACTOR SHALL VISIT THE SITE AND INSPECT THE PROJECT AREA AND THOROUGHLY FAMILIARIZE HIMSELF WITH THE ACTUAL JOB CONDITIONS PRIOR TO BIDDING AND THE START OF ANY WORK. FAILURE TO VISIT THE SITE SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING THE WORK IN ACCORDANCE WITH THESE DRAWINGS.
5. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS, AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES, OMISSIONS, AND/OR CONFLICTS PRIOR TO PROCEEDING WITH THE WORK.
6. THE CONTRACTOR SHALL NOT SCALE DRAWINGS. DIMENSIONS SHALL GOVERN. LARGE SCALE DRAWINGS SHALL GOVERN OVER SMALL SCALE DRAWINGS. NOTES AND DETAILS ON THE DRAWINGS SHALL APPLY TO ALL SIMILAR CONDITIONS WHETHER THEY ARE REPEATED OR NOT.
7. ALL SITE UTILITY RELATED CONTRACTORS TO PROVIDE A LIST OF ANY PERMIT FEES NOT INCLUDED IN THE BASE BID. THIS LIST SHALL ACCOMPANY THE BID.
8. BUILDING SHALL BE WATERPROOFED ACCORDING TO APPLICABLE CODES. IN NO CASE SHALL UNTREATED WOOD BE ALLOWED WITHIN 6 INCHES OF FINISHED GRADING.
9. WITHIN 7 DAYS OF FINAL GRADING THE ENTIRE DISTURBED AREA OF THE SITE NOT COVERED WITH STRUCTURE OR SURFACING SHALL BE COVERED WITH 6" OF TOP SOIL AND SEEDED.
10. THE SLOPES OF THE ADA PARKING SPACE AND STALL SHALL NOT EXCEED 2% IN EITHER DIRECTION AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.
11. INCIDENTAL DISTURBED AREAS SHALL BE REPAIRED TO THEIR ORIGINAL CONDITION OR BETTER.
12. IT IS THE CONTRACTORS RESPONSIBILITY TO DOCUMENT THE EXISTING CONDITIONS OF THE SITE PRIOR TO THE START OF CONSTRUCTION.
13. THE ELEVATION OF THE 100 YEAR BASE FLOOD ELEVATION OF 1229.9 (NGVD 29) WAS TABULATED BASED ON THE JULY 6, 1981 FLOOD INSURANCE STUDY FOR THE CITY OF KASSON.
14. THE CONVERSION FACTOR FROM NGVD 29 TO NAVD 88 IS +0.04 FEET.
15. THE FLOODWAY IS DEPICTED BASED ON THE FEMA FLOOD BOUNDARY AND FLOODWAY MAP, CITY OF KASSON, EFFECTIVE DATE 1/6/82 AND COMMUNITY PANEL # 270581 0001.
16. THE PROJECT SITE IS LOCATED WITHIN THE 100 YEAR FLOOD FRINGE. THE REGULATORY 100 YEAR FLOOD ELEVATION IS 1229.90 (NGVD 29), THE 100 YEAR FLOOD ELEVATION WITH FLOODWAY IS 1230.3 (NGVD 29) AND THE FLOOD PROTECTION ELEVATION IS 1231.3 (NGVD 29).
17. THE STRUCTURE SHALL BE CONSTRUCTED ON FILL SO THAT THE F.F.E. IS AT OR ABOVE THE FLOOD PROTECTION ELEVATION. THE FINISHED FILL ELEVATION SHALL BE NO LOWER THAN 1 FOOT BELOW THE FLOOD PROTECTION ELEVATION AND SHALL EXTEND AT LEAST 15 FEET BEYOND THE LIMITS OF THE STRUCTURE.
18. NORTH AMERICAN GREEN S75BN TEMPORARY MATTING SHALL BE PLACED ON ALL PROPOSED SLOPES 3:1 OR GREATER.
19. DUMPSTER PAD SHALL BE SCREENED.

PROJECT LAND USE SUMMARY:

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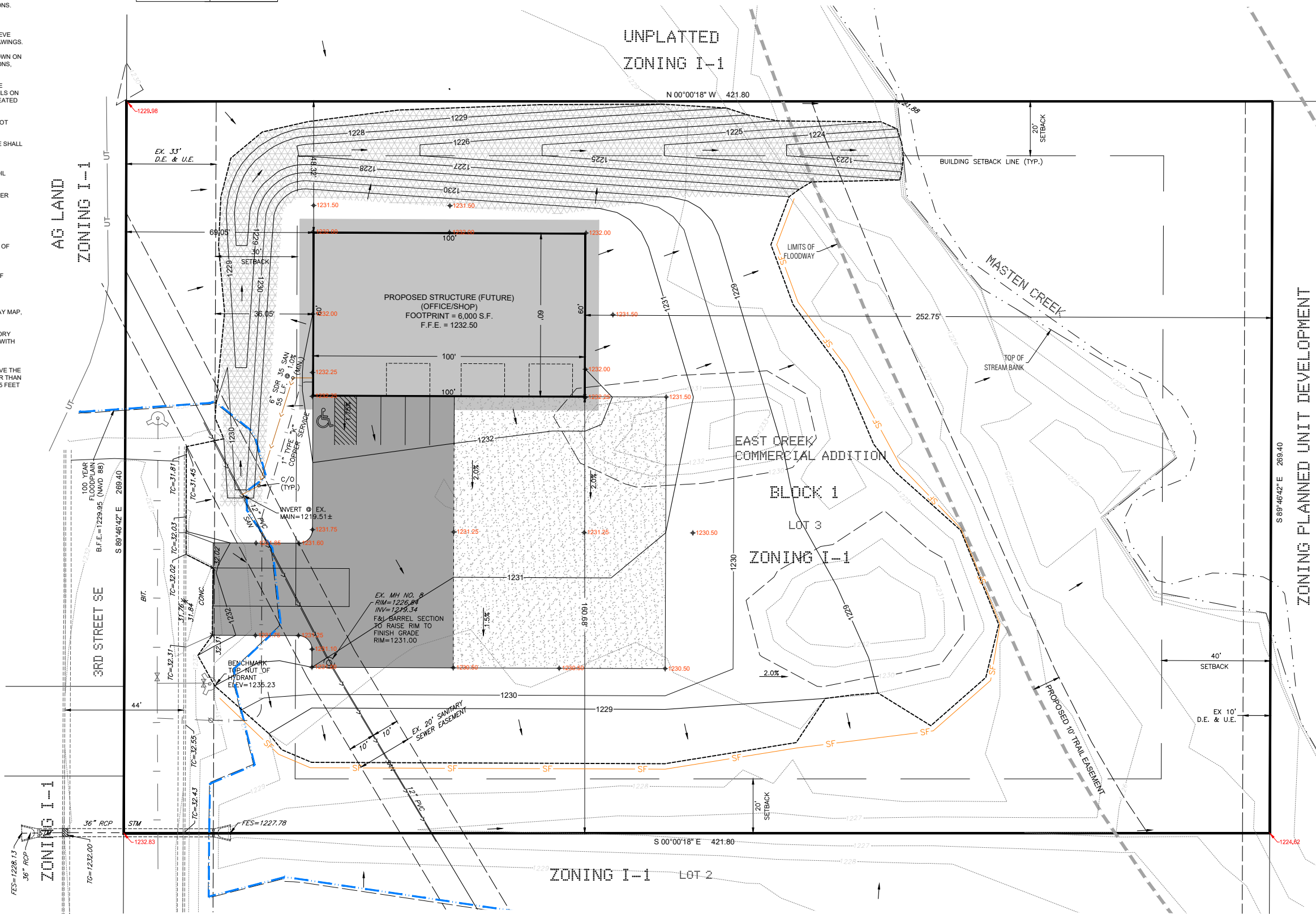
0 20 40
SCALE IN FEET

LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED SPOT ELEVATION
	DRAINAGE DIRECTION
	SILT FENCE - SDP 7-01
	INLET PROTECTION - SDP 7-05
	CONSTRUCTION EXIT - SDP 7-06
	TURF REINFORCEMENT MAT - SDP 7-07
	INPLACE WATERMAIN PIPE
	INPLACE STORM SEWER PIPE
	INPLACE SANITARY PIPE
	GRADING LIMIT
	ENGINEERED FILL

EARTHWORK VOLUMES
(TOTAL DISTURBED AREA)

RAW CUT	1147 Cu. Yd.
RAW FILL	2880 Cu. Yd.
NET FILL	1733 Cu. Yd.



OWNER INFORMATION:

Owner: MIKE MARTI
Address: 63793 250th AVE, KASSON, MN 55944
Phone: (507) 634-2000
email: martielecric@kmtel.com

CONSULTANT INFORMATION:

Owner: WSE MASSEY ENGINEERING & SURVEYING
Address: 33 B VETERANS MEMORIAL HIGHWAY E,
PO BOX 100, KASSON, MN. 55944
Name: LES CONWAY
Phone: (507) 634-4505
email: les@wse.engineering



PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1712 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

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.

Les Conway

Les Conway
23292 07/21/2021
Number Date

REV.	DATE	DESCRIPTION

SITE GRADING PLAN
LOT 3, BLOCK 1
EAST CREEK COMMERCIAL ADDITION
KASSON, MINNESOTA

SCALE: AS SHOWN
DATE: 07/21/2021
DRAWN BY: CJK
JOB NUMBER: 029-213572
DWG. FILE: 029-213572 CS01

7/20/2021 3:55:57 PM



STAFF REPORT

TO: Planning and Zoning Commission
FROM: Laura Chamberlain, Consulting Planner, HKGi
DATE: August 5, 2021
SUBJECT: Consider Conditional Use Permit for Fill in Flood Fringe
APPLICANT: Mike Marti
OWNER: Mike Marti
LOCATION: 603 3rd Street Southeast; PID No. 24.203.0103
MEETING DATE: August 9, 2021
COMPREHENSIVE PLAN: Open Space
ZONING: I-1 Business Park / Light Industrial District

BACKGROUND

The applicant, Mike Marti, has applied for a conditional use permit for cumulative placement of fill in excess of 1,000 cubic yards within the flood fringe at the property at 603 3rd Street Southwest. The floodplain overlay standards listed in Sec. 154.143 requires a conditional use permit for the placement of fill in the flood fringe when fill exceeds 1,000 cubic yards.

The applicant is proposing just to do grading on the site, to build up an area that is elevated outside of the floodplain so that the property can be developable in the future. When a specific use and building are proposed for the site, the property will be required to go through a Site Plan Review prior to approval of a building permit.

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the conditional use permit application was determined to be July 21, 2021. The City's deadline for action is on Sept 19, 2021.

Public Hearing

City Code § 154.067 requires a public hearing for review of a conditional use permit to be held by the Planning and Zoning Commission. The public hearing notice for the CUP was published in the Dodge County Independent and posted on the City website. The CUP public hearing notice was mailed to all affected property owners located within 350 feet of the subject properties.

As the application is for a CUP within the floodplain, the Minnesota Department of Resources (DNR) was notified of the application and given a chance to review and provide comment. As of the writing of this Staff Report, the DNR has not provided comment on the CUP.

APPLICATION REVIEW

Existing Site Character



- The parcel is approximately 2.63 acres, fronting on 3rd Street Southeast
- Masten Creek runs across the northern portion of the site
- The entirety of the site is shown within the 100-year floodplain on the FEMA map, published in 1982
- There are no buildings currently on site
- The property is part of the East Creek Commercial Addition, which was platted in 2000
 - At the time, the right-of-way for 3rd Street Southeast was not dedicated

- The Plat to the south (Advantage Industrial Park) dedicated their half of the 3rd Street Southeast right-of-way in 2003
- The City is working with owners of the East Creek Commercial Addition to clean up this dedication

Proposed Improvements

- The applicant has submitted a Site Plan and a Grading Plan with their request.
- They are proposing to add 1,733 net cubic yards of fill to the site to create an area in the south portion of the property that will provide future buildability for the lot.
- The Site Plan and Grading Plan show general location for a future structure that's 6,000 square feet and a parking area and driveway access
 - No structure or site improvements are being proposed at this time
 - When the owner is ready to develop the site, they will have to go through a Site Plan Review process with the City prior to obtaining a building permit
- The Flood Protection Elevation for this portion of Masten Creek is 1231.3'
 - The Grading Plan shows the entire building location above this elevation
 - At time of Site Plan approval, it will need to be verified that no finished floor is below the Flood Protection Elevation, and that a buffer of that elevation extends 15' around the building
- The applicant has shown a 10' Trail Easement on the northern side of the property, running within the Floodway

Comprehensive Plan Consistency

- The property is guided for Open Space by the 2040 Comprehensive Plan:
Open Space represents areas where the community intends to preserve and manage the valued natural resources. Open space is more passive in character. Recreational trails may be included in open space corridors where appropriate, but development is kept to a minimum.
 - The Comprehensive Plan shows all areas within the floodplain as Open Space
 - By filling a developable portion of the property to be lifted outside of the floodplain, while still preserving the green corridor of Masten Creek, this application appears to meet the intent of the Comprehensive Plan
- The Comprehensive Plan shows this property as having a future trail connection, following along the south side of Masten Creek – the applicant has shown a proposed trail easement going through the floodway.

Zoning Standards

- The property is zoned I-1 Business Park / Light Industrial District. The district is intended to provide locations for small and large scale business park uses as well as light industrial and light manufacturing uses which are compatible and may benefit from co-location with other similar uses
- A significant portion of the property is within the Flood Fringe overlay district and the northern portion of the property is within the Floodway overlay district
- The Flood Fringe district allows for cumulative fill in excess of 1,000 cubic feet only through a conditional use permit

- The I-1 District standards will be evaluated when a building/use are proposed for the site
- Applicable development standards, such as parking requirements and landscaping requirements will be evaluated when a building/use are proposed for the site

Conditional Use Permit Review

As described in Section 154.067(D)(4), the following should be considered during review of a conditional use permit application:

- (1) The effects of the proposed use on the comprehensive plan; and
- (2) The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.

Additionally, the following findings should be made, when applicable:

- (1) The proposed conditional use meets all of the applicable use specific standards listed within §§ 154.175 to 154.178;
- (2) The use is not in conflict with the comprehensive plan of the city;
- (3) The use is consistent with the purpose of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- (4) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the city in order to handle the additional traffic generated by the use;
- (5) Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property;
- (6) Adequate utilities, parking, drainage and other necessary facilities will be provided;
- (7) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (8) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property;
- (9) The use will not disrupt the character of the neighborhood; and
- (10) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

Finally, after consideration and discussion of the proposal, the Planning and Zoning Commission may recommend additional conditions as may be appropriate to facilitate the use on the site.

ENGINEER'S REVIEW

The following are comments from the City Engineer:

- 3rd St SE has been maintained as a public road but appears to be partially on private property. Recommend the City and developer “clean up” the area and provide the adequate ROW needed to make it a public road.
 - 3rd St SE should be dedicated as ROW across all three Marti properties and the Tri-Star property to the west property line as shown on the attached figure.
 - Without the ROW It appears the property does not have adequate access for the proposed conditional use and land use.
 - Without the ROW is appears the City is maintaining a roadway and removing snow from private property.
- The City watermain system is inadequate in the area due to the lack of looping. This area has experienced excessive disruptions of service due to the lack of looping.
 - The City has a planned loop from the end of 3rd Street SE to Commerce Drive in the Capital Improvement Plan to address this issue.
 - Recommend a requirement to dedicate a utility easement across the adjacent property (Don Marti Property) to allow City to loop watermain. This easement could parallel the existing sanitary sewer easement. The loop will benefit the Marti’s property.
- The proposed trail easement should be 20’ wide to provide adequate width to construct the trail.
- A FEMA elevation certificate shall be required.
- Aggregate surfacing is not allowed.
- MH adjustment shall include:
 - 12” External wrap per ASTM C877 on all joints exposed as part of raising manhole
 - Internal chimney seal (top hat per City Detail)
- The sanitary service tap in the main shall be insert a tee or powerseal. The City prefers to remove the clean outs on the sanitary sewer service.

Recommend approval of the CUP with the conditions above and resubmittal of the site plan subject to City Engineer approval.

RECOMMENDATION

Planning staff recommends that the Planning and Zoning Commission make recommendation to the City Council to approve the application for a CUP for to allow for fill placement within the flood fringe in excess of 1,000 cubic feet at 603 3rd Street Southeast, with the following conditions:

- (1) The applicant shall dedicate to the City the strip of land along the southern border, measuring 33’ in width, as public right-of-way
- (2) The applicant shall resubmit a Site Plan showing the following changes prior to grading being allowed to commence on the site:
 - (a) The trail easement shall be expanded to be 20’ in width; the location of the trail easement shall also be shown outside of the floodway
 - (b) MH adjustment shall include:
 - (i) 12” External wrap per ASTM C877 on all joints exposed as part of raising manhole
 - (ii) Internal chimney seal (top hat per City Detail)

- (c) The sanitary service tap in the main shall be insert a tee or powerseal.
- (3) No future use, building, or development will be allowed on the site until the following have been met:
 - (a) The property shall obtain an utility access easement across the adjacent property to the southwest (PID No. 24.033.0301) to allow for a watermain loop that is needed to meet the water supply needs of the site; this easement could parallel the existing sanitary sewer easement.
 - (b) The property owners within the East Creek Commercial Addition have dedicated right-of-way for 3rd Street Southeast to the City
 - (c) A FEMA elevation certificate shall be required
 - (d) Prior to use or building construction on the site, the applicant shall submit an application with the City for a Site Plan Review. In addition to standards set forth by the Site Plan Review procedures in § 154.066, any building or use proposed on the site shall meet the standards set forth in §154.143
 - (e) Development of the site shall not adversely affect the hydraulic capacity of the channel and adjoining floodway.
- (4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (5) Aggregate surfacing shall not be allowed on the site
- (6) The applicant shall be responsible for payment of all costs associated with the land use request.

In recommending approval of the conditional use permit, staff offer the following findings of fact:

- (1) The proposed conditional use meets all of the applicable floodplain specific standards listed within §154.143;
- (2) The use is not in conflict with the comprehensive plan of the city;
- (3) The use is consistent with the purpose of Chapter 154 Zoning of the City Code and the purposes of the I-1 Business Park / Light Industrial District;
- (4) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the city in order to handle the additional traffic generated by the use;
- (5) Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property;
- (6) Adequate utilities, parking, drainage and other necessary facilities will be provided;
- (7) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;

- (8) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property; and
- (9) The use will not disrupt the character of the neighborhood.

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning and Zoning Commission, it will be forwarded to the City Council for action at the August 11th, 2021 meeting.

ATTACHMENTS

- A. Site Plan, July 21, 2021
- B. Grading Plan, July 21, 2021

§ 154.312 FENCES AND WALLS.

(A) General.

(1) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.

(2) Barbed wire or above ground electric fences shall not be permitted, used or constructed, except in industrial districts or where livestock are permitted.

(3) All fences shall be maintained and kept safe and in a state of good repair and the finished side or decorative side of a fence shall face adjoining property and provide a clearance for maintenance without entering upon the neighboring property, except as provided in §154.312 (B)(3).

(4) All fences, walls, and hedges shall comply with the clear sight triangle regulations provided in §154.271.

(4)(5) No fence, or wall or hedge shall exceed six feet in height, as measured from the finished grade, unless required by the city for screening, buffering or safety.

(5)(6) No portion of a fence, or wall or hedge projecting into the front yard of a property shall exceed 3639 inches in height unless one or more of the following is met:

(a) The height is required by the city for screening, buffering or safety

(b) The transparency of the fence is 50% or more.

(6)(7) The area between a fence and property line shall be maintained in an attractive condition at all times.

(8) Screening or fencing shall not be erected any closer than three (3) feet from the property line, except as allowed with a conditional use permit as seen in §154.312 (B)(3).

(9) Where the property line is not clearly defined and located, a certificate of survey may be required by the Zoning Administrator or City Administrator to establish the property boundary prior to issuance of approval.

(B) Approval required.

(1) Fences on properties with three or more unit residences or nonresidential uses shall require a site plan review application and approval with the city, as described in § 154.066.

(2) Retaining walls measuring four feet in height or more shall require a building permit application and approval.

(3) Property-line Screening or Fencing. A conditional use permit (CUP) shall be required for placement of screening or fencing closer than three (3) feet to the property line.

a. Applicants will follow the process for a CUP, as described in §154.067

b. An access easement on adjacent property may be required to ensure the ability to maintain the fence without trespassing on neighboring property.

(C) Temporary fences.

(1) Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals.

(2) Such fences shall comply with the setback requirements set forth in this chapter.

(3) Temporary fences shall not be erected for more than 45 days.

(D) *Nonconforming fences.* Any fence existing on the effective date of this Code of Ordinances and not in conformance with this section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this section.

(Ord. 879, passed 10-28-2020)