



**CITY OF ISANTI  
PLANNING COMMISSION MEETING  
TUESDAY, July 20, 2021  
Immediately following the 7:30pm Budget Work Session  
CITY HALL**

- 1. Meeting Opening**
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Roll Call
  - D. Agenda Modifications
  - E. Adopt the Agenda
- 2. Meeting Minutes**
  - A. Approval of Minutes from the June 15, 2021 Planning Commission Meeting
- 3. Public Hearing**
  - A. Request by Isanti Self-Storage for Variances under City Ordinance 445, Section 21, Article 5, said request is to allow storage units to encroach within the 30-foot rear setback requirement of the I-1 Zoning District, and for the site to exceed 75% maximum impervious surface, located at 515 1<sup>st</sup> Ave NW.
  - B. Request by Wolf River Electric Co. for Site Plan approval under City Ordinance 445 Section 18 request is for an office warehouse building located at PID 16.124.0020
- 4. Other Business**
- 5. Discussion Items**
- 6. Adjournment**

## CITY OF ISANTI

### PLANNING COMMISSION MEETING

**TUESDAY, June 15, 2021**

Immediately following the 7:00 P.M City Council Meeting;

#### 1. Meeting Opening

- A. Call to Order: Chair Johnson called the meeting to order at 7:26 p.m.
- B. Pledge of Allegiance
- C. Roll Call: Members present: Jeff Johnson, Steve Lundeen, Jimmy Gordan, Paul Bergley, Dan Collison, Arissya Simon.  
Members Absent: Alexander Collins  
Staff present: Community Development Director Sheila Sellman, Community Development Specialist Ryan Saltis
- D. Agenda Modifications: None
- E. Adopt the Agenda  
Motion to adopt the agenda by Lundeen, second by Collison motion passes 6-0.

#### 2. Meeting Minutes

- A. Approval of Minutes from the May 18, 2021 Planning Commission Meeting motion by Lundeen, second by Simon motion passes 6-0.

#### 3. Public Hearing

- A. An amendment to City Ordinance 445, Section 13, Article 2, Subd. 21, said request is to allow small wind energy conversion systems in residential zoning districts. Sellman explained the ordinance amendment request to allow for small wind energy conversion systems in the R-1A, R-1, R-2, R-3A, and R-3B zoning districts. Currently wind energy conversion systems are allowed only in the B-2, I-1, T1-B, and T1-I Districts as a Conditional Use. Staff requested that these small wind energy conversion systems be allowed as an accessory use in residential zoning districts without a conditional use permit. There was no one from the public present at the public hearing to speak on the topic. Motion for approval of the ordinance amendment by Lundeen, second by Bergley, motion passed 6-0.
- B. Request by Image Contracting, LLC for approval of Site Plans under City Ordinance 445 Section 18, said request is for a BP Metals manufacturing and office building located at 825 East Dual Blvd NE. Saltis presented the Site Plans for a proposed BP Metals Manufacturing Building in the Isanti Industrial Park. The applicants representing BP Metals and Image Contracting were present at the meeting and available for questions from the Planning Commission members. The Planning Commission asked if BP Metals was planning to keep their Blaine location in addition to this proposed Isanti location. Blake Pendzimas from BP Metals explained that they are looking to keep their Blaine location for the time being, with potential to

expand the Isanti location in the future. The Planning Commission also asked about the number of employees that would be working at the facility in which the applicant explained that there would be 3 shifts of 15 or more employees per shift and the facility will be open 24 hours per day. There was no one from the public present at the public hearing to speak on this item. Motion to approve the site plans with conditions listed in the staff report and City Engineer's Memo dated 6-2-2021 by Lundeen, 2<sup>nd</sup> by Simon, motion passes 6-0.

**5. Other Business:** None

**6. Discussion Items:**

A. **Zoning Code Update** Community Development Director Sellman explained to the Planning Commission that staff will be working on updating the City's Zoning Ordinances in a full review. Changes made to the Zoning Ordinances will be brought to a future Planning Commission meeting for approval.

**7. Adjournment:** Motion by Lundeen, 2<sup>nd</sup> by Bergley to adjourn, motion passed 6-0 meeting adjourned at 7:42 p.m.

Respectfully submitted by Ryan Saltis, Community Development Specialist



## MEMORANDUM

TO: Planning Commission

FROM: Sheila Sellman, Community Development Director

DATE: July 20, 2021

SUBJECT: Request by Isanti Self-Storage for Variances under City Ordinance 445, Section 21, Article 5, said request is to allow storage units to encroach within the 30-foot rear setback requirement of the I-1 Zoning District, and for the site to exceed 75% maximum impervious surface, located at 515 1<sup>st</sup> Ave NW.

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**Request:** The Owner's of Isanti Self-Storage are requesting variances to allow storage units to encroach within the 30-foot rear setback requirement of the I-1 Zoning District, and for the site to exceed 75% maximum impervious surface, for property located at 515 1st Ave NW.

#### Overview/Background

In April, staff was notified that additional storage units were added around the outside perimeter of the subject site, no permits were applied for prior to construction. Upon further research of the history of the site and original approvals, the units added were not part of the original site plans for the facility. City staff determined that since the site has been altered, a site plan review for the new units is necessary. Self-Storage is a conditional use in the I-1 Industrial Park District, the site does not currently have a Conditional Use Permit (CUP) for the three original buildings. Adding the new units increases the intensity of the site trigger the CUP requirement.

City staff met with the applicants on site to look at the units that were added, and take pictures for clarification. There were 32 units added to the site, where 11 are located near the south property line and 21 larger units are located along the west property line. In May the applicant applied for site plan approval and a CUP; however, the plans were not clear and setbacks were not identified. The Council approved the CUP to allow self-storage on the site (for the existing buildings), but determined that a variance is necessary for the location of the new units and exceeding the impervious surface maximum. The Council also directed the applicant to remove the units on the south property line. At the time this memo was drafted those units are still along the southern property line.

The applicant has made application for a variance. The variance is to the rear setback requirements of 30 feet and the impervious maximum of 75%. The submitted plans show 9 units along the rear (west) property line with a 9-foot setback, the setback minimum for this district is 30 feet. The impervious maximum allowed in the Industrial district is 75% which is 39,907 square feet for the subject site, as shown on the site plan approximately 50,000 square feet of the lot is impervious (the total lot area is 53,210 square feet). Additional pavement has been installed, without approval. The greenspace in the southeast corner has been paved as well as pavement between the strips of the new containers on the west side. The green space on

the west side of the property (now paved and partial gravel) functioned as runoff treatment prior to the water sheeting off the existing the parking lot and leaving the site. The City Engineer recommends this area be returned to the prior state. In addition, a portion of the containers are located in the drainage and utility easement, structures are not allowed in drainage and utility easements unless they are approved in that location and can easily be moved. A storage unit with content is not easily moved, nor was it approved. The City Engineer recommends the containers not be in the easement.

The Fire Chief provided a memo and sited that structures used for storage shall be 10 feet from the property line.

The Building Official has determined that a building permit is required for each structure. A separate building permit is required for each structure. The structures do not currently meet the work exempt from permit rule found in the MN State Building Code Chapter 1300.0120 Subp. 4. A. (1). The structures are not considered “accessory” and are part of the principal nature and use of the business and property.

Construction plans shall be submitted along with the building permit application to indicate compliance with the applicable current MN State Building Codes. The plans shall ensure that the structures comply with floor and roof loads (dead and live) and wind design (including uplift). Plans shall also include the type of construction, including the exterior walls as some of the exterior walls may be required to be fire-resistance rated per Table 602 in the MN State Building Code. All applicable fire codes shall apply and be reviewed as part of the building permit.

In review of the standards established within Section 21 Administration and Enforcement, Article 5 Variances, Subdivision 4 Procedures (D), the following conclusions have been made (*conclusions to each requirement are shown in italics*):

An application for a variance shall not be approved unless the variance, if permitted, is in harmony with the general purposes and intent of the ordinance and is consistent with the Comprehensive Plan and findings are made that failure to grant the variance would result in practical difficulties on the applicant. Practical difficulties used in connection with the granting of a variance, means that the property owner meets all of the following criteria:

- A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance. *Self-storage facilities are a Conditional Use in the Industrial Park zoning district. The subject site does not currently have a Conditional Use Permit (CUP) and is considered legally non-conforming for that use. A CUP has been applied for and has been approved for the use, not the site plan and not for the increased storage units. The site is maxed out with the existing storage facilities and is over on impervious already. The proposed addition of 9 more units is not reasonable use of the property as stated it is already maxed out with the existing structures.*
- B. The plight of the landowner is due to circumstances unique to the property and has not been caused by the landowner. *This property is not unique and the circumstances are directly caused by the owners.*
- C. A variance, if granted, will not alter the essential character of the locality. *Granting a variance for setbacks and impervious surface does alter the essential character of the locality. The additional units are out of place and inconsistent with the area's greenspace and impervious coverage.*
- D. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.

*Not applicable.*

- E. Economic considerations alone do not constitute practical difficulties.  
*Economic considerations alone are the only reason for this variance request. The applicant has not demonstrated any other hardship, the need is purely for their economic gain.*

**Staff Recommendation:**

Staff recommends denial of the variance request. The findings of fact to approve a variance are not met. The applicant paved more of their lot without consulting the city and have increased their impervious surface and are now impeding runoff from their site based on this action. The applicant added the additional storage units without consulting the city or pulling any building permits. Had they consulted staff they wouldn't have spent time and money on the units because they would not be allowed. There is no hardship or practical difficulty to grant these variances.

If the Planning Commission would like to grant the variances, findings of fact will need to be made by the Commission at the meeting as part of the recommendation for City Council.

If the recommendation is to approve the following conditions should be added to the recommendation:

1. A building permit for each structure shall be applied for
2. The units along the southern lot line shall be removed by September 1, 2021
3. The units shall be moved out of the drainage and utility easement
4. The owner shall address runoff issues as identified by the City Engineer
5. The variance is limited to the 9 units shown on the site plan
6. The applicant shall record the variance with the County

**Attachments**

- Letter from the Applicant
- Site Plan
- Memo from City Engineer
- Memo from Fire Chief
- League of Minnesota Cities Informational Memo

June 25, 2021

City of Isanti  
Attn: Sheila Sellman  
110 1st Ave NW  
Isanti, MN 55040

**RE: Isanti North Self Storage, 515 First Avenue Northwest, Isanti, MN 55040**  
**Parcel Identification Number 16.058.0051**

Ms. Sellman,

Enclosed with this letter, please find a Variance Application from PRC-CSS RE, LLC ("PRC"), the owner of the Property located at 515 First Avenue Northwest, Isanti, Minnesota 55040 ("Property").

Following the Planning Commission meeting on Tuesday, May 18, 2021, we began to collaborate with City Staff to develop a new plan to create larger setbacks, removing the existing buildings on the southern property line, and minimizing any disruption to the residents of Isanti who currently rent from Isanti Self Storage.

Attached to this application is an updated site plan which outlines the proposed location of the additional storage sheds and their dimensions. These fully enclosed sheds are stick-framed structures comprised of corrugated steel on all sides and the roofs. The floors, which are unviewable to the public, are wooden, ribbed planks situated on the frame. Each unit contains a steel door on one side. The sheds' character and constitution in this regard match those of the nearby garages. With this application, we are proposing nine sheds that are 8-feet by 20-feet. A diagram of the storage sheds with dimensions has been provided to staff. The additional storage sheds at Isanti Self Storage are located on the western part of the Property and do not limit the enjoyment or diminish the value of the neighboring properties.

Isanti Self Storage is a locally owned storage facility that has been operating in Isanti since 1992. The additional storage sheds are an essential component of our business. Outside of being viewed positively by all renters, the additional property taxes, the storage sheds generate approximately \$2,000 in sales tax per year.

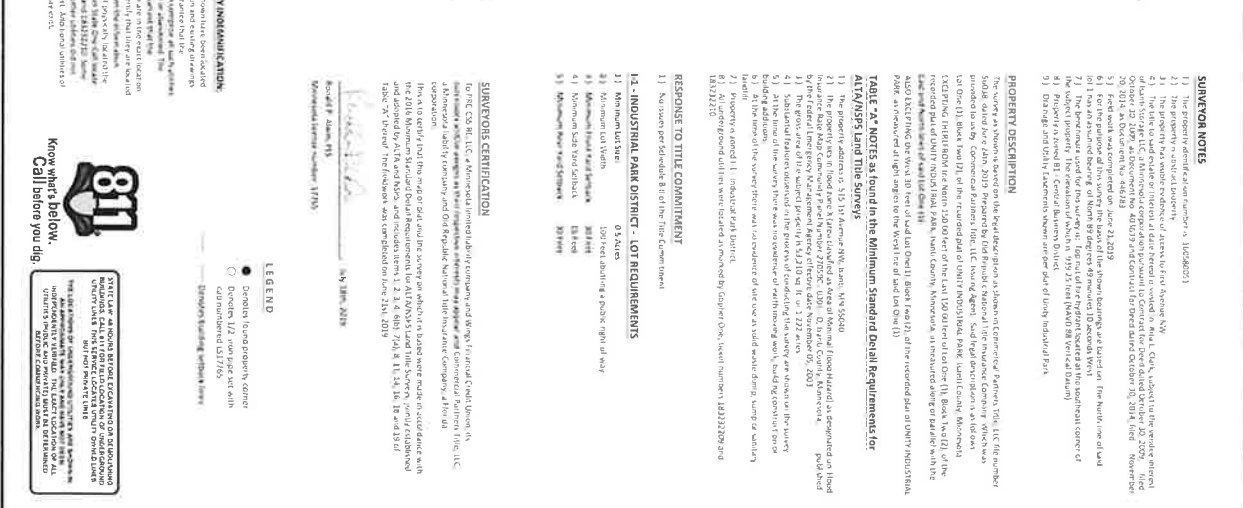
With this application, we ask for a variance to have the additional storage sheds be within 9' feet of the western property line. If the variance is approved, PRC will work with City Staff to relocate the additional storage sheds on the Property to adhere to the approved variance.


Thank you for your consideration.

Sincerely,



Jon Taxdahl  
PRC-CSS RE, LLC



1 of 1	SHEET	DATE: 07/11/2017 DRAWN BY: JRM/MLK CHECKED BY: JRM/MLK	ALTA/NSPS LAND TITLE SURVEY FOR: PRC-CSS, LLC 4530 West 77th Street, Suite 345 Eden Prairie, MN 55343	TAB	REV	DESCRIPTION	REV	BY	DATE	PROPERTY LOCATION  515 1ST Avenue NW Isanti, MN 55008	 Consulting Engineers P.A. 3640 TALMAGE CIR. VADNAIS HEIGHTS 651.344.8783 - amiconsult.com SUPERIOR - IRON RANGE





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Bolton-Menk.com

## MEMORANDUM

**Date:** July 12, 2021  
**To:** Sheila Sellman, Community Development Director  
**From:** Jason W Cook, P.E.  
City Engineer  
**Subject:** Isanti Self Storage – Container Site Layout Review  
City of Isanti, MN  
Project No.: 0R1.123130

We have reviewed the site plan layout regarding the addition of self-storage containers along the west of the site as submitted on June 25, 2021.

We have reviewed the submitted document and performed a site visit and have the following comments:

1. Additional pavement has recently been placed on the site. The green space in the southeast corner has been paved as well as pavement between the strips of containers on the west side of the site.
  - a. The pavement and gravel should be removed and returned to green space.
    - i. This pavement and gravel work was not authorized and exceeds the impervious area maximums on the site.
    - ii. The green space that is supposed to exist on the west side of the property functioned as runoff treatment prior to the water sheeting off the existing parking lot and leaving the site.
2. The containers are connected into large strips and once the containers are full, it would be extremely difficult for these containers to be moved should the city need access to the existing drainage and utility easement. The easement should not have any unmovable structures on it.

We recommend the containers be removed from the drainage and utility easement and all recent gravel and pavement be removed and restored to green space.

Please contact me if you have any questions.

July 14, 2021

City of Isanti

RE: Isanti Self Storage CUP Request



Isanti Fire has reviewed the proposed CUP application for Isanti Self Storage at 515 1<sup>st</sup> Ave NW, PID 16.058.0057 in the City of Isanti.

Concerns listed below are noted fire safety matters, which are listed with language from the 2015 Minnesota State Fire Code. This code is enforceable in the City of Isanti under 111-13, ordinance number 711 adopted on November 5, 2019.

- 1) Structures used for storage are placed within 10'-of lot line(s).

**315.4 Outside storage.**

Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Jankovich".

Alan Jankovich | Fire Chief  
Isanti Fire District



## INFORMATION MEMO

# Land Use Variances

*Learn about variances as a way cities may allow an exception to part of their zoning ordinance. Review who may grant a variance and how to follow and document the required legal standard of "practical difficulties" (before 2011 called "undue hardship"). Links to a model ordinance and forms for use with this law.*

### RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 6

Minn. Stat. § 462.357, subd. 6

Minn. Stat. § 462.357, subd. 6

## I. What is a variance

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed "use variances" as opposed to "area variances" from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located.

## II. Granting a variance

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

### **III. Legal standards**

When considering a variance application, a city exercises so-called “quasi-judicial” authority. This means that the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

#### **A. Practical difficulties**

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

##### **1. Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

##### **2. Uniqueness**

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

## RELEVANT LINKS:

2011 Minn. Laws, ch. 19,  
amending Minn. Stat. §  
462.357, subd. 6.

*Krummenacher v. City of  
Minnetonka*, 783 N.W.2d 721  
(Minn. June 24, 2010).

Minn. Stat. § 462.357, subd.  
6  
Minn. Stat. § 394.27, subd. 7.

See Section I, *What is a  
variance*.

See Section IV-A, *Harmony  
with other land use controls*.

### 3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

### B. Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law. After a long and contentious session working to restore city variance authority, the final version of HF 52 supported by the League and allies was passed unanimously by the Legislature. On May 5, Gov. Dayton signed the new law. It was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The 2011 law restores municipal variance authority in response to a Minnesota Supreme Court case, *Krummenacher v. City of Minnetonka*. It also provides consistent statutory language between city land use planning statutes and county variance authority, and clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes.

## RELEVANT LINKS:

[Issuance of Variances, LMC Model Ordinance.](#)

[Variance Application, LMC Model Form.](#)  
[Adopting Findings of Fact, LMC Model Resolution.](#)

[Minn. Stat. § 462.357, subd. 6.](#)

[See LMC information memo, \*Taking the Mystery out of Findings of Fact.\*](#)

[Minn. Stat. § 462.357, subd. 6.](#)

### C. City ordinances

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

The models linked at the left reflect the 2011 variance legislation. While they may contain provisions that could serve as models in drafting your own documents, your city attorney would need to review prior to council action to tailor to your city's needs. Your city may have different ordinance requirements that need to be accommodated.

## IV. Other considerations

### A. Harmony with other land use controls

The 2011 law also provides that: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan." This is in addition to the three-factor practical difficulties test. So a city evaluating a variance application should make findings as to:

- Is the variance in *harmony with* the purposes and intent of the ordinance?
- Is the variance *consistent with* the *comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

### B. Economic factors

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met.

## RELEVANT LINKS:

Minn. Stat. § 462.357, subd.  
6.

### **C. Neighborhood opinion**

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

### **D. Conditions**

A city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the effect of excess height.

## **V. Variance procedural issues**

### **A. Public hearings**

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

### **B. Past practices**

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

## RELEVANT LINKS:

Minn. Stat. § 15.99

Minn. Stat. § 15.99, subd. 2

See LMC information memo,  
*Taking the Mystery out of  
Findings of Fact.*

Minn. Stat. § 15.99, subd. 2

Jed Burkett  
LMCIT Land Use Attorney  
jburkett@lmc.org  
651.281.1247

### C. Time limit

A written request for a variance is subject to Minnesota's 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval.

### D. Documentation

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

## VI. Variances once granted

A variance once issued is a property right that "runs with the land" so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

## VII. Further assistance

If you have questions about how your city should approach variances under this statute, you should discuss it with your city attorney. You may also contact League staff.





## MEMORANDUM

TO: Planning Commission

FROM: Ryan Saltis, Community Development Specialist

DATE: July 20, 2021

SUBJECT: Site Plan Review for a proposed office warehouse building located at 687 East Dual Blvd. PID 16.157.0020 (Wolf River Electric)

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**Request:** The applicant, Wolf River Electric is requesting site plan approval for a proposed office warehouse building located at 687 East Dual Blvd (PID 16.157.0020).

**Overview/Background:** The applicant proposes to construct an office warehouse building on a vacant lot located in the Industrial Park District and legally described as Lot 2 Block 1, Isanti Centennial Complex 7<sup>th</sup> Rearrangement (PID 16.157.0020) with potential future expansion on the north lot. Any future expansions will need to be submitted separately and are not included in this site plan review.

This parcel is currently zoned I-1 Industrial Park District in which “Office-Warehouse” is a permitted use. The building is intended to provide offices and storage space for electric equipment in a warehouse setting. The building is proposed to be roughly 16,125 square feet and provide forty-one parking stalls with two of these stalls designated as handicap accessible.

**Analysis of Application:** The site plan for the building shall comply with the following requirements for the I-1 Industrial Park District:

### **Lot Requirements**

- Lot Size Minimum .5 acre
- Minimum Width of Lot at ROW 100 ft
- Minimum landscaping 25% of total lot area

*The area of the parcel is roughly 5.01 acres in size and exceeds the lot size minimum.*

### **Setbacks – Principal Building**

- Front Yard Setback 30 feet
- Side Yard Setback 15 feet
- Rear Yard Setback 30 feet

*The proposed building will be located roughly 100 ft from the east property lines near East Dual Blvd NE and will meet all required setbacks for the I-1 zoning district.*

### **Impervious Surface Coverage**

There shall be a required minimum of twenty-five percent (25%) reservation of the total lot area for landscaping use. A landscaping plan must be submitted to and be approved by the Planning Commission or its designee.

*Impervious surfaces on site will include the building, paved asphalt parking lot and driveway surfaces. The landscaping requirement of 25% of the total lot area as green space will be met.*

### **Surfacing**

All areas devoted for parking space and driveways shall be surfaced with asphalt, concrete, or other surface materials, as approved by the City Engineer, suitable to control dust and drainage. All parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques.

*The parking areas and truck court are proposed to be surfaced with standard duty asphalt. Concrete sidewalks are proposed around the perimeter of the building.*

### **Curbing**

Except for single-family dwellings, two-family dwellings, and townhouses, all parking areas located in the R-1, R-2, R-3, and R-4 as well as B-1, B-2, B-3, CBT, RC, I-1, or S-1 zoning districts must have curb and gutter around the perimeter of the parking lot.

*Concrete curbing and gutters will extend around the entire perimeter of the parking lot and paved area on site. Valley gutters shall be installed through both proposed entrances.*

### **Striping**

All parking stalls shall be marked with either yellow or white painted lines not less than four (4) inches wide.

*Four-inch-wide yellow or white striping will be used across the site for designated parking stalls. Two stalls will be striped to indicate no parking for handicap access stalls.*

### **Parking Lot Setbacks**

- Front Yard Setback 10 feet
- Rear Yard Setback 10 feet
- Street Side Yard Setback 10 feet
- Side Yard Setback 10 feet

*Parking areas on site will meet the required 10-foot setbacks from property lines.*

### **Parking Standards**

#### **Number of Required Parking Spaces**

The following minimum number of off-street parking and loading spaces shall be provided and maintained:

#### **Industrial Uses**

Warehouse / Storage	1 space per 1,500 square feet of floor area (Ord. No. 617)
---------------------	--

*Based on the proposed use and square footage of the proposed building, 11 parking spaces are required in which one stall shall be designated as handicap accessible. The site plans show 41 parking stalls, in which two parking stalls are designated as handicap accessible. The site plans meet the required number of parking spaces for the proposed use.*

#### **Stall, Aisle and Driveway Design**

Except in the case of single family and two-family dwellings, and townhouses, parking areas shall comply with the following standards

**TABLE 9: Parking Lot and Parking Stall Dimensions**

Angle of Parking	Stall Width	Curb Length Per Car	Stall Length	Aisle Width One Way	Aisle Width Two Way
90 degrees	9 feet	9 feet	19 feet	26 feet	26 feet

*The site features 90-degree parking stalls and will have two-way traffic. Stall dimensions are shown as 9 feet in width and 19 feet in length and follow this requirement. The drive aisle widths are proposed for at least 26 feet and meet the requirement for two-way vehicle circulation.*

### **Lighting**

Any lighting used to illuminate off-street parking areas, signage, or buildings shall be directed away from residential properties and shall meet the standards as stipulated within Section 14 of this Ordinance.

## Outdoor Lighting s

### A.

*An exterior lighting plan shall be submitted that shows lighting types that are proposed on site and include freestanding light poles and wall mounted sconces. All lighting types proposed shall be downlit and designed to reduce glare. These light sources shall meet all criteria listed in Section 14 of the City Zoning Ordinances. Freestanding light poles shall be illustrated on site plans to determine their location to ensure that the foot candles near property lines are being met.*

## Curb Cuts

*There are two curb cuts proposed along East Dual Blvd NE. These two proposed curb cuts are spaced 242 feet apart and are an adequate distance from each other complying with City Standards. The curb cut on the north access to the site is proposed at 30 feet in width and the south access is proposed at 26 feet in width.*

## Building Design and Construction

- A. The design and location of the buildings constructed on a lot shall be attractive and shall complement existing structures and the surrounding natural features and topography with respect to height, design finish, color, size and location.
- B. Load bearing structural components shall be steel or structural concrete. Other materials of greater strength may be used if expressly allowed by the City Council.
- C. Architecturally and aesthetically suitable building materials shall be applied to, or used on, all sides of all buildings that are adjacent to other existing or future structures or roads. Exterior walls of iron, aluminum, or wood will be permitted only with the specific written approval of the City Council. Exterior walls of masonry, concrete and glass are encouraged. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings.
- D. All exterior wall finishes on any building shall be comprised of any one or a combination of the following materials:
  - 1. Face brick
  - 2. Natural stone
  - 3. Glass
  - 4. Specially designed pre-cast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture.
  - 5. Factory fabricated, finished 26 Ga. Metal panel
  - 6. Decorative concrete block approved by the City Council.

7. Architectural metal accent panels, generally with a value greater than pre-cast concrete units, and as specifically approved by the City Council.
8. When material noted in (5) above is used, there shall be a wainscot of material noted in (1), (2.) or (6) above, Wainscot shall be located across a minimum of 50% of the linear perimeter of the building and shall be located where most visible from streets and as specifically approved by the City Council. Minimum wainscot height shall be one-third of the sidewalk height and/or specifically approved by the City Council.
9. Other materials as approved by the City Council and in conformance with existing design and character of the Property.

*Exterior building materials include rock-faced concrete block and other various types of concrete blocks in two neutral colors, a prefinished metal canopy, metal flashing and aluminum windows and door frames. As proposed, this meets the design standards.*

#### **Screening, and Landscaping**

- A. **Fencing and Screening.** Fencing and screening of the following shall be in accordance with Section 15 of this Ordinance.

1. The ground level view of mechanical utilities shall be completely screened from adjacent properties and streets, or designed to be compatible with the architectural treatment of the principal structure.

*Mechanical equipment is not displayed on site plans. If mechanical equipment is on the exterior of the building, site plans shall be altered to show the location of the equipment.*

2. External loading and service areas shall be completely screened from the ground level view of adjacent residential and commercial properties, and adjacent streets.

*There are no loading and service areas displayed on site plans. A building of this size (under 100,000 square ft) does not require a designated loading area.*

3. When abutting or directly across the street from a Residential District, a fencing and/or screening is required.

*The site does not abut a residential area.*

5. Light from automobile headlights and other sources shall be screened when adjacent to a residential district.

*Site does not surround a residential area. The landscape plan shows privacy trees and plantings around the twenty-five parking stalls facing East Dual Blvd NE to shield from automobile headlights.*

#### **Landscaping**

Non-Residential Requirements: In addition to the general requirements noted, properties located within non-residential districts, shall be subject to the following regulations:

Minimum Landscaping Requirements. All open areas of a lot which are not used or improved for required building areas, parking areas, building expansion areas, drives, sidewalks, storage, or similar hard surface materials shall be landscaped with a combination of sod, overstory trees, understory trees, shrubs, flowers, ground cover materials and/or other similar site design features or materials in a quantity acceptable to the City.

Maintenance of Landscaping. The owner, tenant, and their respective agents shall be responsible for the maintenance of all landscaping provided on the parcel(s) in a condition presenting a healthy, neat, and orderly appearance; free from refuse and debris. Plants and ground cover that are required by an approved site or landscape plan and which have died shall be replaced within three (3) months from receipt of notification by the City. The time for compliance may be extended to nine (9) months, due to seasonal weather conditions.

Soil Requirements. A minimum of four (4) inches of topsoil shall be provided upon all lots.

Turf Requirements. All areas disturbed by new construction or not covered by established lawn or turf shall be sodded. Those areas to be maintained as natural areas as provided for within a developer's agreement or any wetlands that may be located on the property are exempt from this provision. The Building Official may waive this requirement upon inspection of the property.

Tree Requirements.

- a. Landscaping shall provide for an appropriate mix of plantings around the exterior footprint of all buildings. Landscaping shall improve the appearance of the structure and break up large unadorned building elevations. Plantings are not intended to obscure views of the building or accessory signage.
- b. Where undeveloped or open areas of a site are located adjacent to a public right-of-way, the plan shall provide for deciduous trees. A minimum of one (1) tree per fifty (50) feet of street frontage is required. The city may approve an alternative if such alternative appears to meet the intent of this article.
- c. In addition to deciduous and coniferous trees; shrubs, ornamental trees, perennials and annual flowers and bulbs as well as ornamental grasses and ground cover shall be used to compliment the landscape plan.
- d. Trees shall be of varying species and shall be in accordance with the City Tree Lists, as presented within the Section. If four (4) or more trees are used, the trees shall be of at least three (3) different species. If seven (7) or more trees are planted, trees shall be of at least four (4) different species. Other types of trees not listed on the City Tree Lists may be permitted at the discretion of City Staff.

*The landscaping plan proposes to include small plantings and a mix of ornamental and overstory trees in between the proposed parking area and the East Dual Blvd NE. Small shrubs and plantings will be placed in planting beds and sod will surround the parking*

*area curbing. The City Landscaping Ordinance requires that the site have at least 7 trees based on the lot frontage calculation (1 tree per 50 ft of lot frontage) and the proposed amount of 19 trees will meet this standard.*

### **Refuse and Trash Receptacle Enclosures**

- B. Trash Dumpsters and Garbage Receptacles Required: All new uses and buildings in all zoning districts, with the exception of the “R-1”, “R-2”, and “R-3A” Districts; shall have trash dumpsters or garbage receptacles provided on the parcel or lot and be adequately screened and enclosed. The location of trash dumpsters and garage receptacles shall be approved during the site plan approval process.
- C. Standards for Trash Enclosures: Trash dumpsters and garbage receptacles shall be screened from all lot lines and public roadways, in accordance with the following provisions:
  - 1. The screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and shall meet the requirements as specified in Section 15 of this Ordinance.
  - 2. Trash enclosures shall be lit.
  - 3. Trash enclosures shall be of an adequate size to accommodate all refuse and recyclables.
- D. Enclosure and Receptacle Maintenance Required: Fencing and landscaping for trash dumpsters and garbage receptacles shall be maintained in good condition and shall be kept litter-free at all times.

*The trash receptacle is proposed to be located in the parking area near the proposed stormwater pond. The trash enclosure on the site plan shows that it will be 16 ft in width and 24 ft in length. The appearance and materials of the trash enclosure have not been shown on submitted plans, the enclosure shall follow the regulations set in Section 14, Subdivision 3 of the City’s Zoning Ordinances and shall be enclosed. The trash enclosure shall also be illuminated for the safety of employees. The landscape plan shows three black hills spruce trees proposed around the trash enclosure for shielding from surrounding properties.*

### **Signs**

*Sign permits will need to be applied for separately from the site plans. All signs will need to follow criteria listed in Section 16 of the City’s Zoning Ordinances. Permits will be needed for approval of location and dimensions determined at a later date.*

**Staff Recommendation:** Staff recommends approval of the proposed Wolf River Electric office warehouse building located at 687 East Dual Blvd PID 16.157.0020 with the following conditions:

1. Location of freestanding light poles and exterior building lighting shall be shown on site plans and approved by staff prior to applying for a building permit
2. Trash enclosure plans shall be submitted for staff review and approval prior to applying for a building permit
3. A photometrics plan shall be submitted to review lighting types and foot candle readings prior to applying for a building permit
4. All signs shall require a sign permit when applicable to determine dimensions and locations and shall follow Section 16 of the City's Zoning Ordinances
5. Applicant shall apply for all permits associated with the building including but not limited to a building permit, mechanical permit, plumbing permit, electrical permit, and sewer and water hookup.
6. All conditions/comments listed in the City Engineer's memo dated 7/12/2021 shall be addressed

**Attachments:**

- Site Plans, Floor Plans, Exterior Elevations and Landscape Plans
- City Engineer's Memo Dated 7/12/2021



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- SITE GENERAL NOTES

<b>WOLF RIVER ELECTRIC</b> LOT 2 - BLOCK 1 ISANTI CENTENNIAL COMPLEX 5TH REARRANGEMENT CITY OF ISANTI, MN 55040		<b>OWNER:</b> XXX
<b>Street Name</b> SITE PLAN	<b>Creation Number</b> XXX	<b>Date</b> 11/10/2008
<b>Sheet</b> A1	<b>Drawn by</b> J.A.	<b>City</b> ISANTI

Becklin & Dalrymple  
 Consulting Engineers, Inc.  
 155 N. 4th Street  
 P.O. Box 411  
 Cambridge, MN 55603  
 Phone: 763.952.5653  
 Fax: 763.952.5653  
 E-mail: info@becklin.com

THESE PLANS WERE PREPARED BY THE ENGINEER AND THE ENGINEER HAS CONDUCTED A VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED BY THE CLIENT AND THE INFORMATION PROVIDED BY THE CITY OF ISANTI. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED BY THE CLIENT AND THE INFORMATION PROVIDED BY THE CITY OF ISANTI. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED BY THE CLIENT AND THE INFORMATION PROVIDED BY THE CITY OF ISANTI.

**WOLF RIVER  
ELECTRIC**

LOT 2 - BLOCK 1,

ISANTI CENTENNIA  
COMPLEX 5TH

## REARRANGEMENT

CITY OF ISANTI, MN  
55040

OWNER

xxx

Characterization of the \_\_\_\_\_

Drawn	IF	Checked	IA
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Becklin &amp; Wilney

Consulting Engineers, Inc.  
139 1st Ave. E., Suite 100  
Bloomington, MN 55401

Cambridge, MN 55008  
Phone: (763) 689-5631

FA: 1 (5) 551-551  
I HEREBY CERTIFY THAT THIS PLAN  
SPECIFICATION OR REPORT WAS PREPARED

BY ME OR UNDER MY DIRECT SUPERVISION  
AND THAT I AM A DULY REGISTERED  
PROFESSIONAL ENGINEER UNDER THE LAW

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WORKSHEET: **EXPENSE**  
DATE: **XX XX XX** LC NO: **1111**

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## SITE PLAN

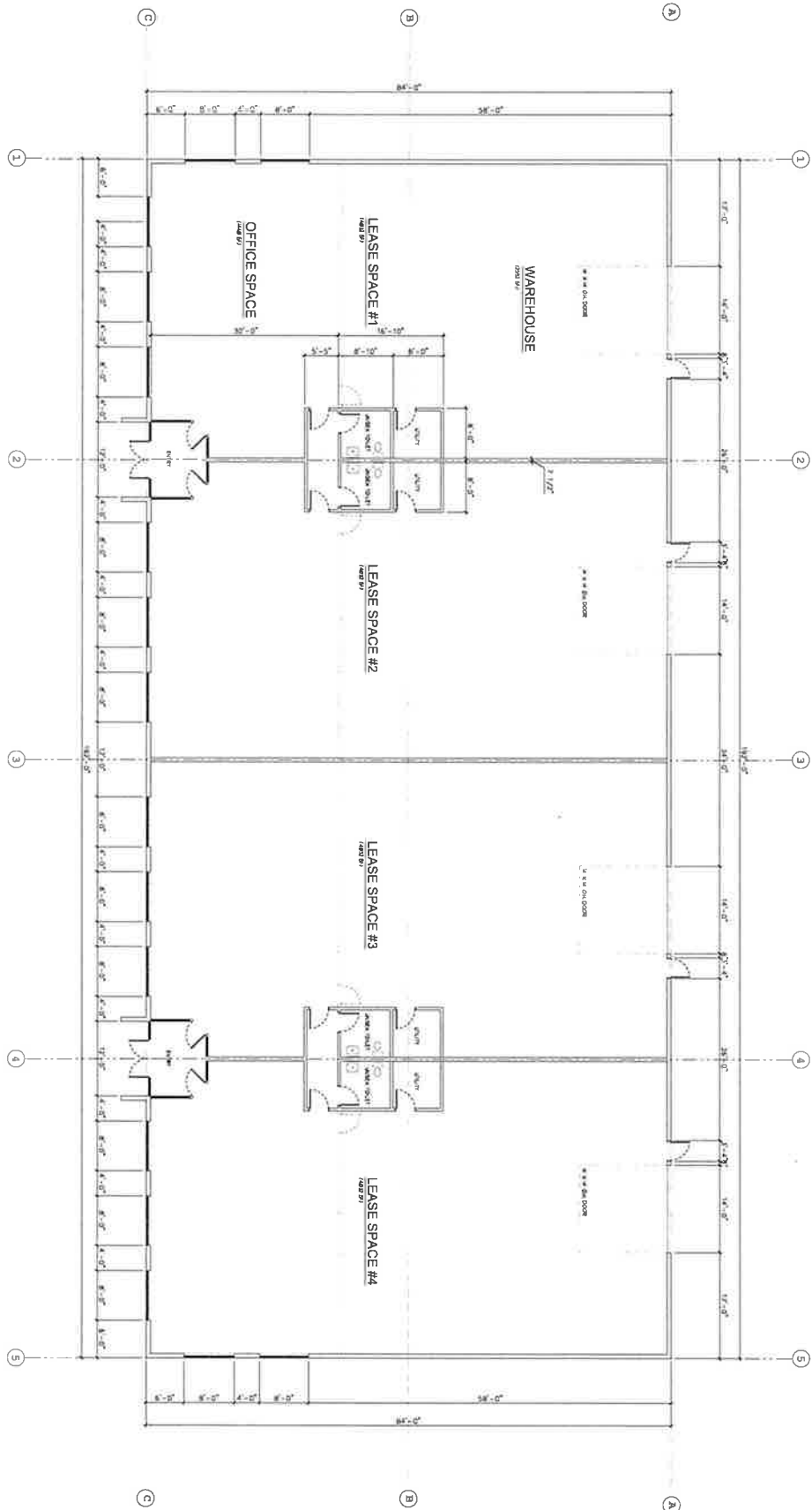
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Sheet 1

A.

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# MAIN FLOOR PLAN



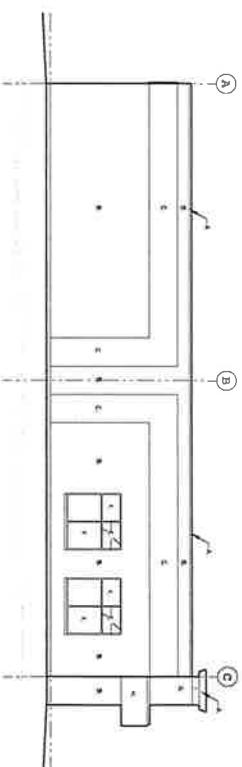
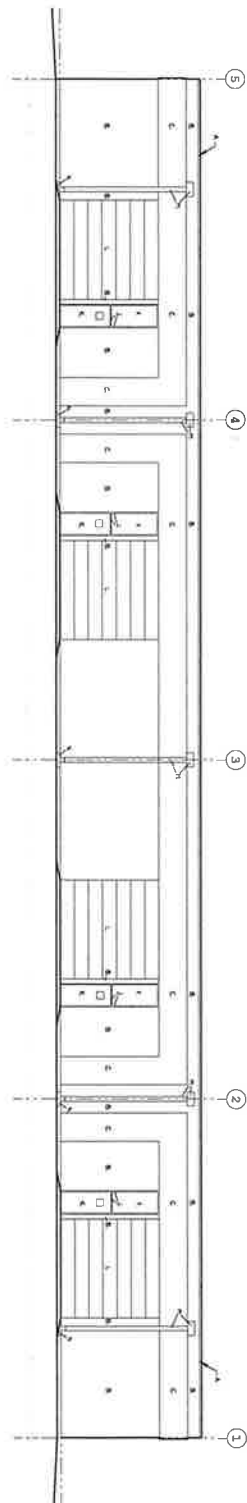
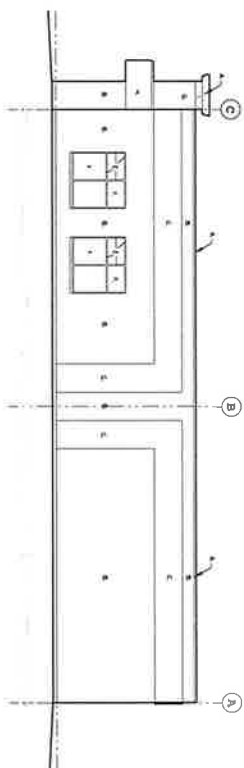
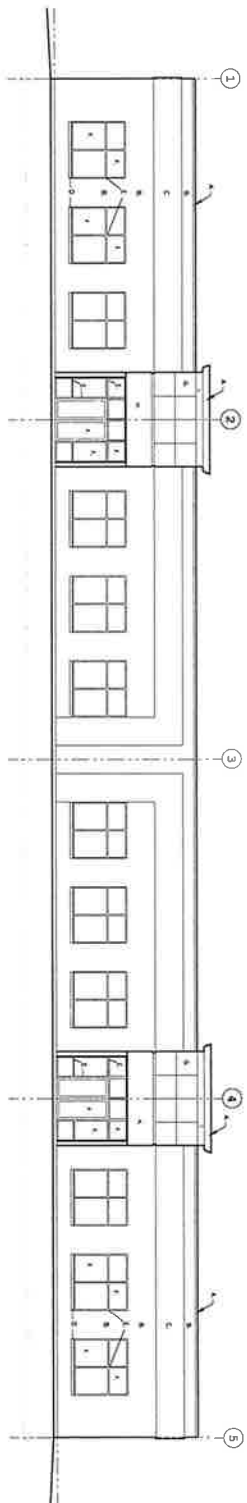
SHEET NAME  
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 PLAN  
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DRAWN BY: J.A.  
 CHECKED BY: J.A.  
 DATE: 05/05/2017  
 PROJECT: WOLF RIVER ELECTRIC LOT 2 - BLOCK 1, ISANTI CENTENNIAL COMPLEX 9TH REARRANGEMENT  
 CITY OF ISANTI, MN 55040  
 OWNER: XXX

PROJECT: WOLF RIVER ELECTRIC LOT 2 - BLOCK 1, ISANTI CENTENNIAL COMPLEX 9TH REARRANGEMENT  
 CITY OF ISANTI, MN 55040  
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 CITY OF ISANTI, MN 55040  
 OWNER: XXX

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### EXTERIOR FINISH SCHEDULE

**NORTH ELEVATION**

### EAST ELEVATION

## WEST ELEVATION

### SOUTH ELEVATION

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 Architect under laws of the State of Minnesota.

Print Name: Jeffrey W. Anderson  
 Signature: [Signature]  
 Date: 06-29-2007 Reg No: 03613

LOT 2 - BLOCK 1,  
ISANTI CENTENNIAL  
COMPLEX 5TH  
REARRANGEMENT  
CITY OF ISANTI, MN  
55040

CITY OF ISANTI, MN  
55040

OWNER  
xxx

Commission Number	Date
XXX	XX/XX/XX
Drawn JF	Checked JA

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139 1st Ave E, Suite 100  
P.O. Box 471  
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Fax: (763) 552-5631

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

William A. Becking, P.E.  
DATE: MAY 20, 2004 LIC NO: 18494

## ELEVATIONS

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Date 06-10-2017 By: TFO 14099

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OF THE STATE OF MINNESOTA

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## MEMORANDUM

**Date:** July 12, 2021  
**To:** Sheila Sellman, Community Development Director  
**From:** Jason W Cook, P.E.  
City Engineer  
**Subject:** Wolf River Electric – Site Plan Review  
City of Isanti, MN  
Project No.: 0R1.123130

We have reviewed the Site Plan and supporting documents entitled “Wolf River Electric” with a date of June 20, 2021.

The plan includes the construction of a new building, parking lot and pond.

An existing and proposed stormwater model was also submitted.

A future concept layout of a three lot subdivision was also included. We have not reviewed the other concept layouts at this time, however, we have verified the lot width at East Dual Boulevard is based on the currently platted lot lines.

We have reviewed the submitted documents and have the following comments:

### Site Plan:

1. Sheet C3 Erosion & Sediment Control Plan:
  - a. Submit SWPPP to City prior to beginning work as over 1 acre of surface will be disturbed.
2. Sheet C5 – Civil Site Plan:
  - a. No future layout linework will be reviewed as submitted. Those expansions will need to be submitted in the future for full plan review.
  - b. Construct valley gutter through both proposed entrances.
  - c. Obtain ingress/egress easement from Lot 1 and give one to Lot 1.
3. Sheet C6 – Grading Plan:
  - a. Provide slope percent labels along curb and in pavement.
  - b. Show the handicap stall areas do not exceed 2%, and show the ped ramps onto the sidewalk.
  - c. The proposed infiltration basin needs to have 3 feet of separation from the pond bottom to the ground water level.



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- d. The proposed infiltration basin will need to have a soil boring to determine the water table, and a percolation test to determine infiltration rate.
  - e. Show the EOF spot elevation for the proposed pond.
  - f. Submit pond maintenance plan.
4. Sheet C7 – Utility Plan:
- a. Provide a outlet structure for the proposed pond.
  - b. A sanitary sewer service and water service are already stubbed to the property line. See attached record drawing. Connect to these services, as opposed to cutting into the street if possible.
  - c. The storm sewer inverts appear to be at or near the groundwater level. This does not allow room for infiltration.

Stormwater Modeling:

1. Submit subcatchment maps for the existing and proposed models.
2. Use Atlas-14 storm event modeling.
3. Submit summary table of 2, 10, and 100 year storm event flow rates pre and post development.
4. Verify ground water will be over 3-feet below the bottom of the proposed infiltration basin. Provide geotechnical report showing this and have percolation tests completed to determine infiltration rate. Revise model as needed. Correct soil to not exceed maximum allowed infiltration rates.

We recommend approval of the site plan once the above items are addressed.

Please contact me if you have any questions.