



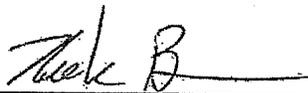
7. Are local streets capable of handling traffic which is generated by the proposed use? Explain: \_\_\_\_\_

Yes. This use has been planned for this property. Access to the property is being improved through the DOT and city as part of this project.

\*\*\*PROVIDE ADDITIONAL SUPPORTING DOCUMENTS AND DATA TO HELP EXPLAIN THIS REQUEST INCLUDING, BUT NOT LIMITED TO, A SITE PLAN SHOWING PROPERTY LINES AND PROPOSED PROJECT AREA\*\*\*

The owner hereby agrees that, in case such conditional use permit is granted, that all the work which shall be done and all materials which shall be used shall comply with the plans and specifications therefore herewith submitted and with all ordinances of said City of Eyota applicable thereto. The owner hereby agrees that the application fee is non-refundable.

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and my other papers submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

Applicant Signature:  Date: 8/5/20  
Owner Signature: Nick Brenner, Real Estate Representative, Menard, Inc. Date: \_\_\_\_\_

<b>FOR OFFICE USE ONLY:</b>			
Completed Application Received on:	_____		
Public Hearing Date:	_____		
Planning Commission:	<input type="checkbox"/> Recommend Approval	<input type="checkbox"/> Recommend Denial	Date: _____
City Council:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denial	Date: _____

August 19, 2020

To: Planning & Zoning Commission  
From: Jane Kansier, Consultant Planner  
Date: August 12, 2020  
Subject: Menards, Inc. – Conditional Use Permit (CUP) Application

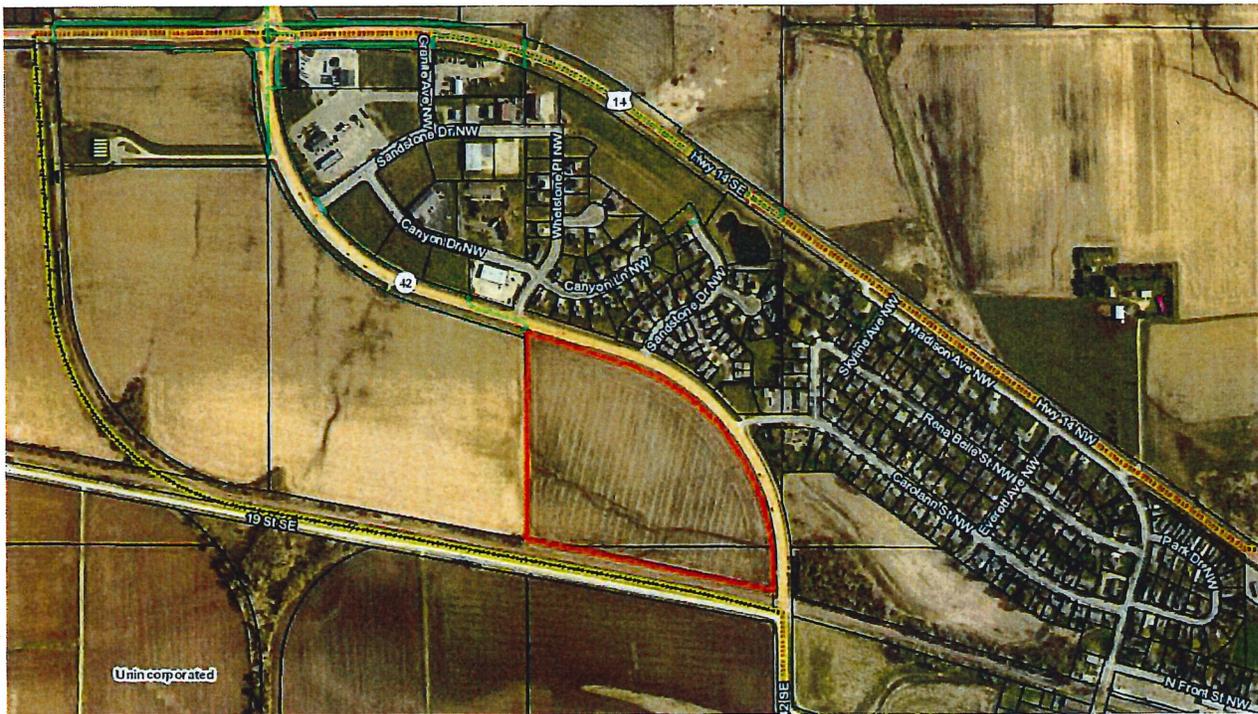
MEETING DATE: August 19, 2020

I. REQUEST:

Applicant: Menards, Inc.  
Owner: Ready Mix Concrete Company, LLC  
Location: Part of SE ¼ of Section 10, Township 106 North, Range 12 West,  
and Part of the NE ¼ of Section 15, Township 106 North, Range  
12 West, Olmsted County, Minnesota

II. STAFF REPORT

Menards, Inc., has filed an application for a Conditional Use Permit (CUP) to allow the construction of a nail plant facility. The property is located south and west of Hwy 42 SE, and north of the railroad tracks and 19<sup>th</sup> Street SE.



Site Information

Lot: The parcel is approximately 26 acres in area.

Comprehensive Plan: This property is designated for Commercial and Industrial uses on the Future Land Use Plan. According to the Plan, this designation "provides locations for commercial and industrial and manufacturing developments. Retail, office, service, manufacturing, warehousing, major

transportation, and wholesaling uses of a similar character and intensity.”

Zoning: The property is zoned Industrial (M-1).

Wetlands/Soils: There are wetlands and hydric soils located in the southeast corner of the site.

Access: The access point at Hwy 42 is at Whetstone Place NW on the Pries property, directly east of this parcel. The City is working with the Pries’ to obtain right-of-way and has applied for grants to construct the access. This access point will provide access to both the Menard’s site and the Pries property.

Traffic Volume: 4,600 Average Daily Trips on Highway 42. Highway 42 is classified as a Strategic Regional Arterial on the Olmsted County Transportation Plan:

Surrounding Property Uses: The site is adjacent to Highway 42 on the north and east. Across Highway 42 are single family dwellings and townhouses. To the south and west is agricultural land.

Details of the request

Proposed Use: The applicant is proposing what they refer to as a “nail plant.” Essentially, this is a distribution center for Menards. Incoming trucks deliver large packages and nails, screws, and other similar materials. These are sorted and packaged and sent to the various distribution centers in the Midwest. The use falls under the transmission and distribution category of uses in the Zoning Ordinance and requires a CUP in the M-1 district.

Building: The proposed building is 270’ 400’, 108,000 square feet in size. The required and proposed setbacks are shown in the table below:

	Required	Proposed
Front Yard	25’	200’ (at the closest point to Hwy 42)
Side Yard	10’	80’
Rear Yard	25’	368’

Building Height: The maximum height within 200’ of a residential district is 55 feet. The proposed building is 53’9” in height.

Hours of Operation: The facility will run 2 shifts, generally between 6:00 am and 10:00 pm.

Employees: 20-30

Parking: A minimum of 2 stalls per employee on the largest shift is required. The proposal provides a total of 30 parking stalls.

Truck Parking: The facility has 20 truck bays on the east side of the building. There are also 20 truck parking spaces. The applicant anticipates a total of 15-20 trucks will enter and exit the site each day.

Signage: There is one monument sign located at the entrance to the site on the west side of the

property. This sign is 8' in height, with an 8' by 4' sign face. The sign may be illuminated by a ground mounted spotlight.

Lighting: There is no lighting shown on the plan, but the owner will likely include parking lot and building safety lights.

Outdoor Storage: No outdoor storage is proposed. All activity will take place within the enclosed building.

Bufferyard: Section 153.136 of the Zoning Ordinance requires a Class D bufferyard along Highway 42. According to the site plan, the length from the northwest corner of the site to the approximate wetland is about 1,800 feet. The required plantings in a 25' wide bufferyard with or without a 4' berm are shown below:

	25' Wide/No Berm	25' Wide/4' High Berm
Deciduous Trees	30 (1/60')	30 (1/60')
Coniferous Trees	45 (1/40')	60 (1/30')
Understory Trees	36 (1/50')	--
Hedge	597 (plants on 3' center)	--

Grading/Stormwater Management: The applicant has provided a preliminary grading plan that shows stormwater management on the site. There is a pond located to the east of the building, and swales around the perimeter of the building and access drive. The grading and stormwater plan has not been approved by the City Engineer.

Neighborhood Notification: All property owners within 350' feet of this property were notified within ten days of the public hearing and notice of the hearing was published in the Post Bulletin. A public hearing will be held on August 19, 2020 for this conditional use permit request.

Recommended Conditions:

1. The applicant must submit detailed plans for staff review and approval prior to receiving a building permit. These include:
  - a. A final site plan with all setbacks and dimensions;
  - b. A lighting plan for the site.
  - c. Utility and grading construction plans;
  - d. Stormwater management plan, including summary memo and calculations;
  - e. A landscaping plan identifying the bufferyard and plantings;
  - f. MPCA Construction Stormwater Permit.
2. Signage on the site will require a separate permit.
3. A certificate of occupancy for the use will not be issued until the access from Highway 42 is constructed.
4. No outdoor storage will be permitted on the site without an amendment to this CUP.
5. The site must be maintained in a neat and clean condition.
6. Any requirements cited by the City Engineer must be addressed.
7. Building Permits and construction on the site must commence within six months of approval of the permit.

August 19, 2020

III. PLANNING COMMISSION ACTION:

Following is a sample motion for both approval and denial which may be used by the Planning Commission in their decision.

WHEREAS, an application for a Conditional Use Permit has been submitted by the applicant and the property owner of the property described as:

Part of the east half of the Southeast Quarter of Section 10, Township 106, Range 12 West  
Parcel Identification Number 62.10.44.032672, 26.0 acres;

also

Part of the east half of the Northeast Quarter of Section 15, Township 106 North, Range 12  
West, Parcel Identification Number 62.15.11.032714, 2.5 acres

WHEREAS, the site is designated for Commercial and Industrial uses on the Future Land Use Plan; and

WHEREAS, the site is zoned Industrial (M-1); and

WHEREAS, distribution facilities are allowed with a Conditional Use Permit in the M-1 district; and

WHEREAS, The Planning Commission provides the following findings:

- a) The intent of the M-1 district is to provide land area for land uses of an industrial nature including, but not limited to, manufacturing, major transportation, and communication facilities, utilities, warehousing, wholesaling and uses of a similar character and intensity.
- b) The proposed use is consistent with the standards for conditional uses listed in Section 153.193, G of the Zoning Ordinance.
- c) Conditions placed in this CUP will protect the health, safety & general welfare of the community and neighbors use and enjoyment of property and their property values.
- d) There are no potential public health implications.
- e) The proposed use is consistent with the City's Comprehensive Land Use Plan.
- f) Ingress and egress will be provided by the extension of Whetstone Place on the south side of Highway 42.
- g) The site has access to city sewer and water service.

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission recommends the City Council approve the Conditional Use Permit for a Menard's Nail Plant on the property described above allowing for the construction of one building, parking and loading and stormwater facilities as indicated in the site plan, with the following conditions:

1. The applicant must submit detailed plans for staff review and approval prior to receiving a building permit. These include:
  - a. A final site plan with all setbacks and dimensions;
  - b. A lighting plan for the site.
  - c. Utility and grading construction plans;
  - d. Stormwater management plan, including summary memo and calculations;

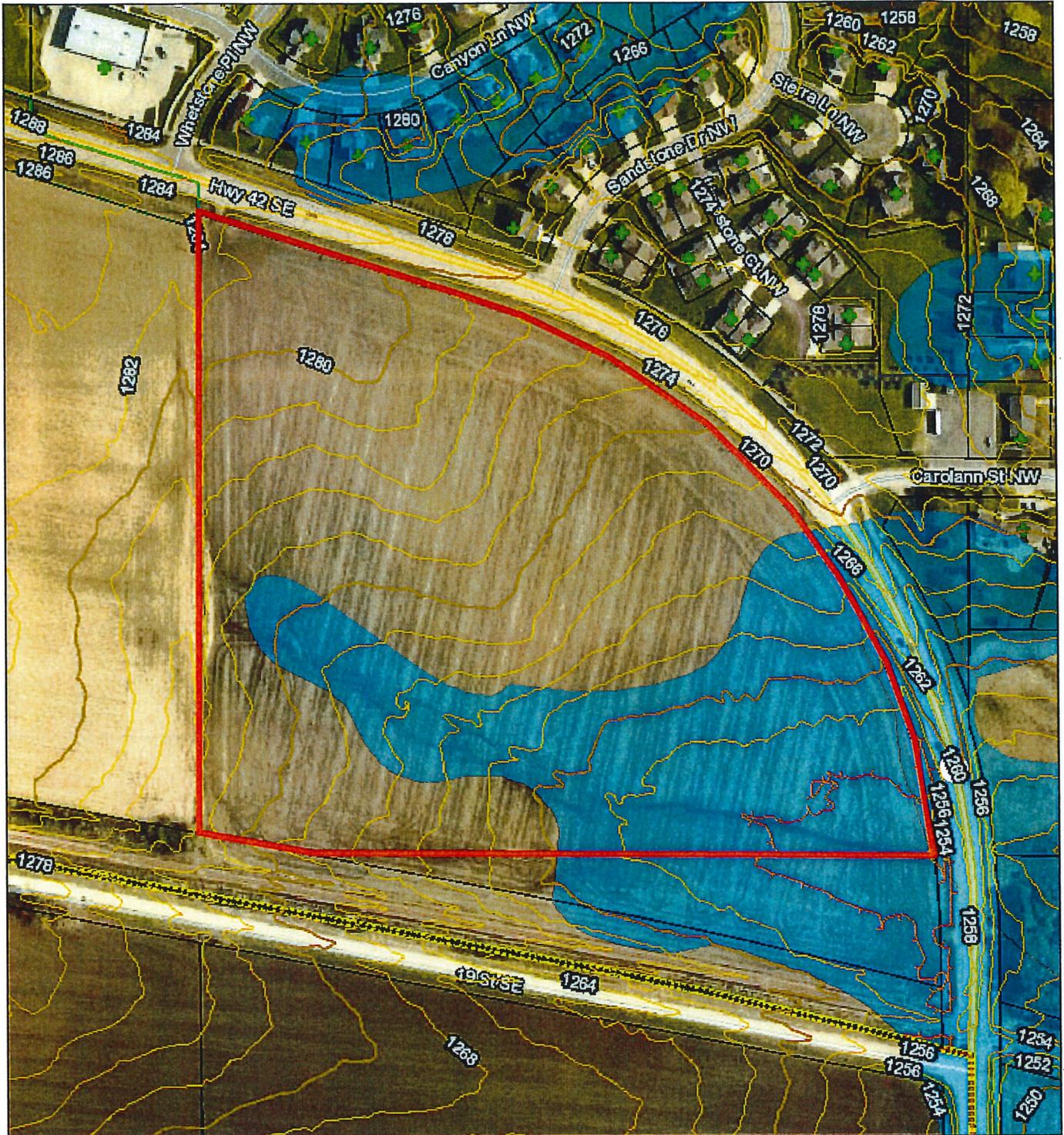
August 19, 2020

- e. A landscaping plan identifying the bufferyard and plantings;
  - f. MPCA Construction Stormwater Permit.
2. Signage on the site will require a separate permit.
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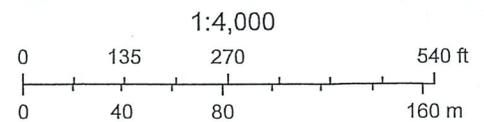
IV. REPORT ATTACHMENTS:

1. Location Map
2. CUP Application
3. Site Plan
4. Preliminary Grading Plan
5. Building Elevations

# Menards CUP



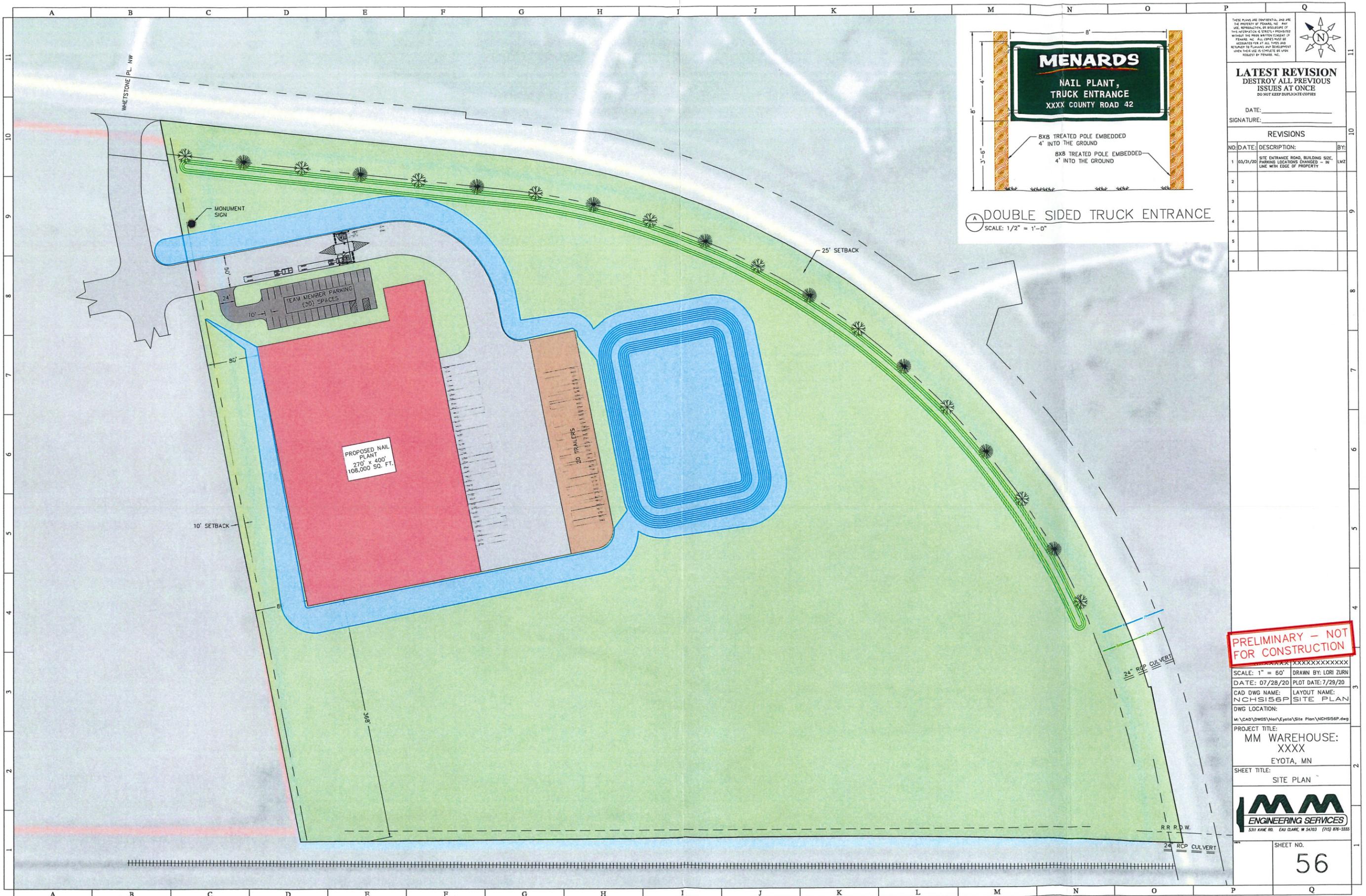
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Olmsted County, MN GIS Division. , Olmsted County, MN GIS Division and Olmsted County, MN Property Records and Licensing., Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

Olmsted County, MN is not responsible for omissions or errors contained herein. If discrepancies are found within this application, please notify the Olmsted County GIS Division at 507-328-7100.

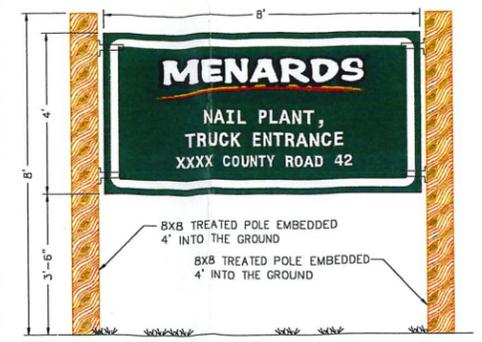


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DESTROY ALL PREVIOUS ISSUES AT ONCE  
DO NOT KEEP DUPLICATE COPIES

DATE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	03/31/20	SITE ENTRANCE ROAD, BUILDING SIZE, PARKING LOCATIONS CHANGED - IN LINE WITH EDGE OF PROPERTY	LMZ
2			
3			
4			
5			
6			

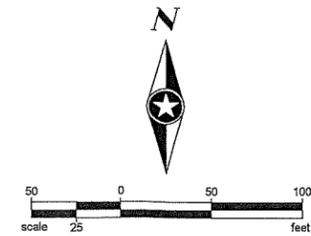


**PRELIMINARY - NOT FOR CONSTRUCTION**

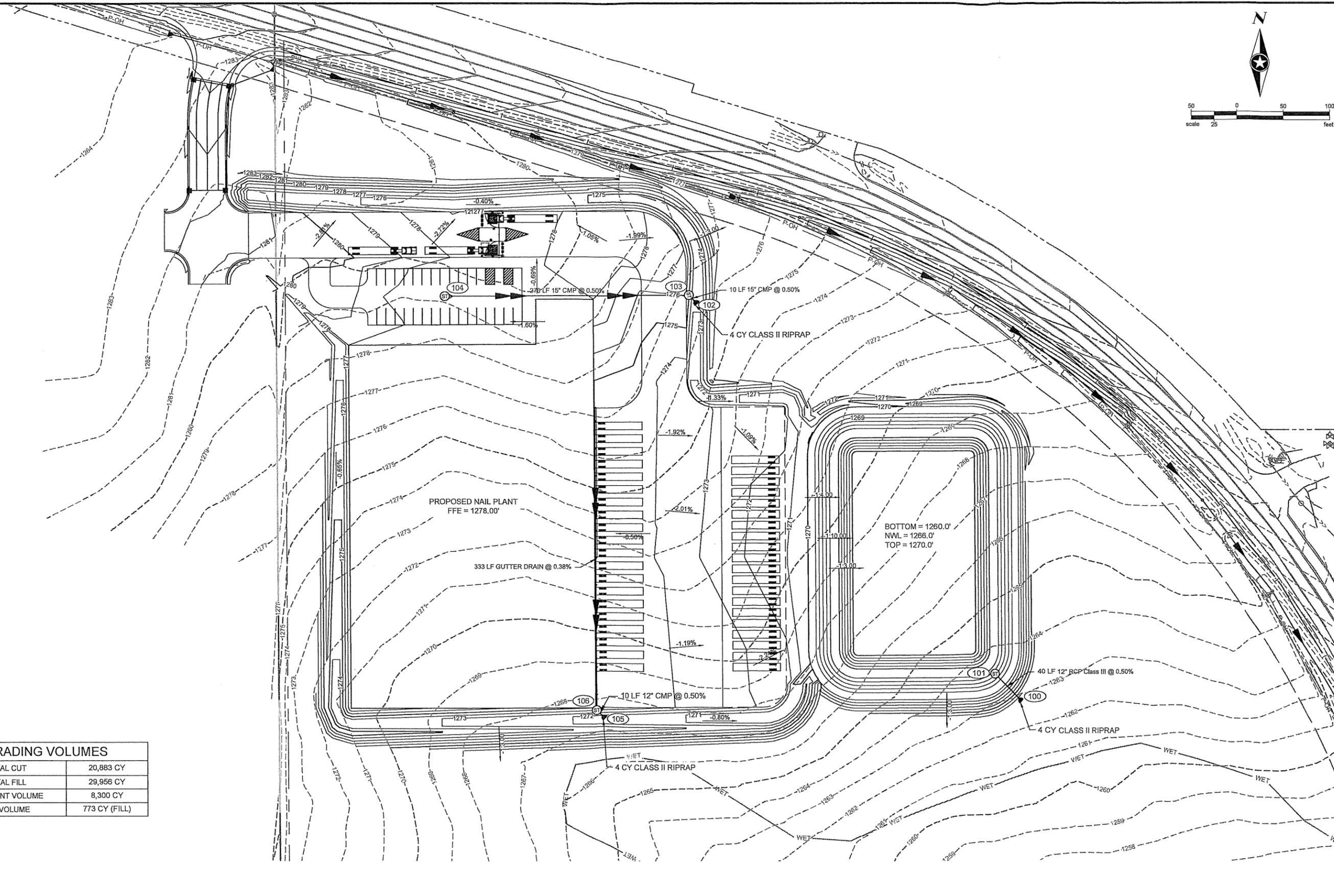
SCALE: 1" = 60' DRAWN BY: LORI ZURN  
DATE: 07/28/20 PLOT DATE: 7/29/20  
CAD DWG NAME: NCHS156P LAYOUT NAME: NCHS156P SITE PLAN  
DWG LOCATION: M:\CAD\DWGS\NCH\Eyota\Site Plan\NCHS156P.dwg  
PROJECT TITLE: MM WAREHOUSE: XXXX  
EYOTA, MN  
SHEET TITLE: SITE PLAN



SHEET NO.  
**56**



GRADING VOLUMES	
TOTAL CUT	20,883 CY
TOTAL FILL	29,956 CY
PAVEMENT VOLUME	8,300 CY
NET VOLUME	773 CY (FILL)



Save: 7/9/2020 1:41 PM I:\brown\Plot: 7/14/2020 1:53 PM X:\KOMM\MENAR\1555405-final-dgn\151-drawings\10-Civil\grading\sheet\MIE155540GP10.dwg

DRAWN BY: TJB				
DESIGNER: DDL				
CHECKED BY: DDL				
DESIGN TEAM	NO.	BY	DATE	REVISIONS

PHONE: 320.228.4300  
1200 25TH AVENUE SOUTH  
P.O. BOX 1717  
ST. CLOUD, MN 56302-1717  
www.sehinc.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MINNESOTA.

**PRELIMINARY**

Date: XX/XX/XX Lic. No. XXXXXX

EYOTA,  
MINNESOTA

OVERALL SITE GRADING PLAN  
EYOTA SITE DESIGN

FILE NO.  
MENAR 155540

XXX

A B C D E F G H I J K L M N O P Q

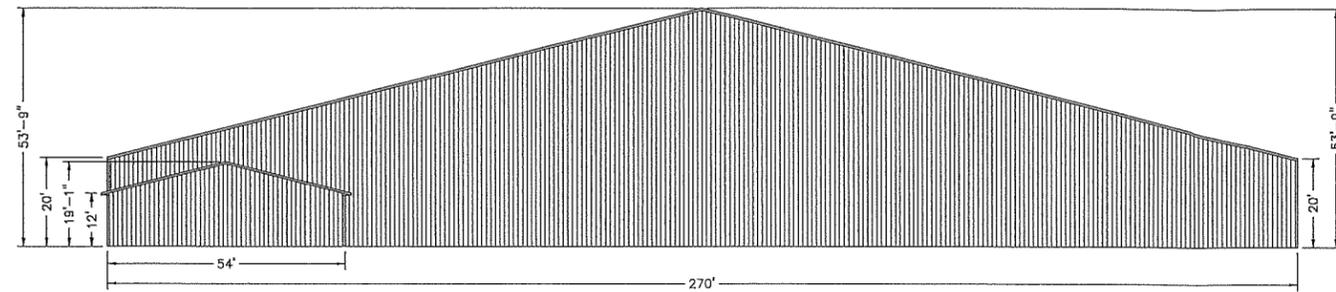
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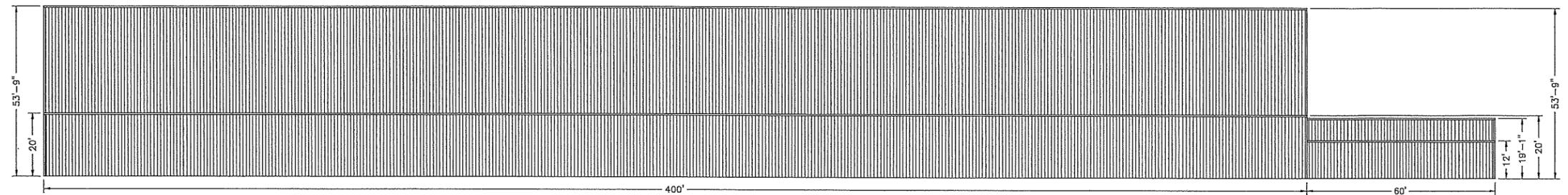
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DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

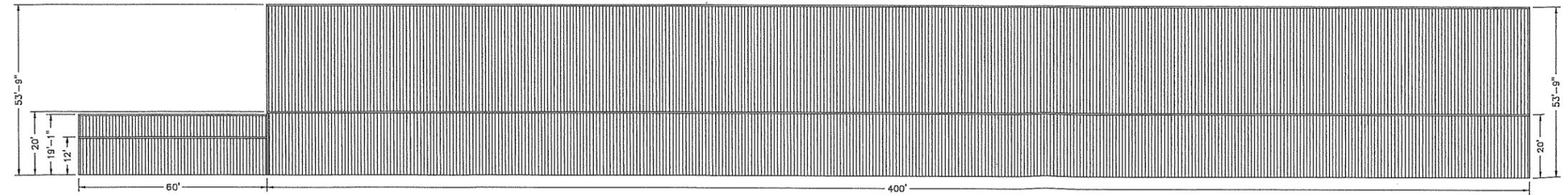
REVISIONS		
NO.	DATE	DESCRIPTION
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6		



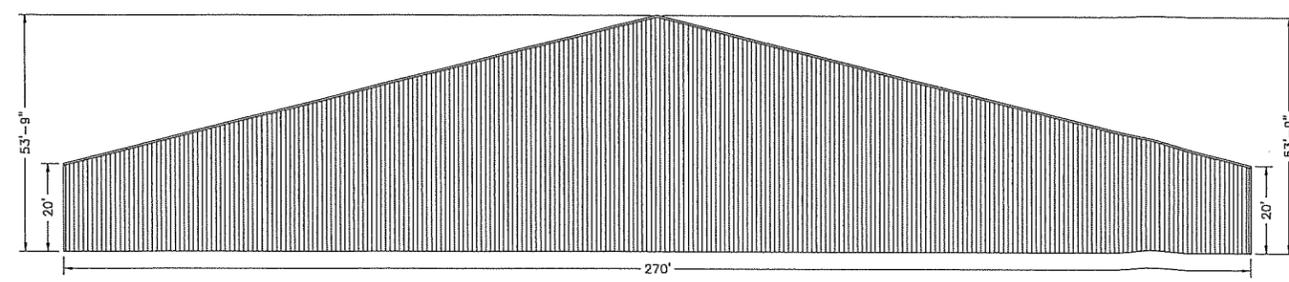
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



**PRELIMINARY - NOT FOR CONSTRUCTION**

DESIGNER: \_\_\_\_\_  
 DRAWN BY:  
 LORI ZURN  
 SCALE: 1" = 20'  
 DATE: 08/11/20 PLOT DATE: 8/11/20  
 CAD DWG NAME: NEYSO2P ELEVATIONS LAYOUT NAME:  
 DWG LOCATION: M:\CAD\DWGS\Wall\Eyote\Sections\NEYSO2P.dwg  
 PROJECT TITLE:  
 MM WAREHOUSE:  
 XXXX  
 EYOTA, MN  
 SHEET TITLE:  
 ELEVATIONS



**VARIANCE APPLICATION - City of Eyota**  
CODE of ORDINANCES - TITLE 15: LAND USAGE - CHAPTER 153: ZONING

Location of Project/Property: \_\_\_\_\_ 586 Keefe Ct NW, SE corner deck \_\_\_\_\_

Legal Description: \_\_\_\_\_ Single Family Residence \_\_\_\_\_

Applicant Name: \_\_\_\_\_ James & Jacquell Perry \_\_\_\_\_

Address (physical/mailling): \_\_\_\_\_ 586 Keefe Ct NW, Eyota, MN 55934 \_\_\_\_\_

Phone: 507-696-8840 Alternate Phone: 507-273-4143 Email: jeperry86@gmail.com

Property Owner Name: (if different from above)

Address (physical/mailling): \_\_\_\_\_

Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Description of Proposed Project: \_\_\_\_\_ 15 X 15 patio deck made of composite wood, to be attached to the back SE corner of the residence, with stairs coming off the west side of the deck \_\_\_\_\_

Specify the section of the Code of Ordinance from which a variance is sought: 153.056 - Low Density Residential (5) Minimum Rear Yard (a) Measured 25 ft from foundation to property line \_\_\_\_\_

Explain how you wish to vary from the applicable provisions of the Code:

(Describe in detail and state unusual conditions that cause hardship. Attach additional sheets if needed.)

The SE corner of our house is approximately 27 feet from our property line. When we had our house built in 2017, we had a 14X14 concrete slab patio installed at the same SE corner, as our residence is a walk-out. Our plan is to build a 15X15 deck that would go above the concrete patio. Our proposed plan would have the back side of our deck come within approximately 12 feet of our property line. We built our house to have a deck, with a 16 ft. deckboard already attached to the rear of the house, and an upstairs door that will eventually open up to our deck. The residence directly behind us (547 Canyon Lane NW) is approximately 95 feet from our lot line, which we feel our deck would not encroach on to their house, even if they were to build a future deck.

Please attach a site plan or accurate survey as may be required by ordinance.

The Planning Commission must make an affirmative finding on all of the five criteria listed below in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the Code?  
Yes (  )      No (  )      Why or why not?

We plan on building a 15X15 deck on the SE corner of our lot, which would come within approximately 12 feet of our property line. The back side of our back yard neighbors (547 Canyon Lane NW) is approximately 95 feet from our property line. We believe that even with our deck installed, it would not encroach or come anywhere near other residences, even if the other homes have decks built in the future.

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2. In your opinion, is the variance consistent with the Comprehensive Plan?  
Yes (  )      No (  )      Why or why not?

The 2009 Comprehensive Plan promotes growth within the low-density residential areas within the city of Eyota. Our house, located in the Stone Ridge development area, is located near several newly built homes, along with several open lots that have yet to be built on. We anticipate having new neighbors within the next few years, and believe having our own deck would allow us to host parties and gatherings with both family, friends, and others who move to our area. Other newly built homes near our residence have their decks built already, and the other houses on Canyon Lane also either have decks, or have deck boards attached for their future deck builds.

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3. In your opinion, does the proposal put property to use in a reasonable manner?  
Yes (  )      No (  )      Why or why not?

Our house was built in 2017, with the plan of building a deck in the future. We built our house with a deckboard attached, an upstairs door that will eventually lead out to a deck, and a 14X14 concrete slab which the deck would be built over. The closest our deck would come to would be within approximately 12 feet of our lot line, and we feel it would not encroach or be close to any other residences behind us. Having a deck would allow us to host social gatherings and enjoy our family time during the warmer months by having a spacious outdoor area to use.

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4. In your opinion, are there circumstances unique to the property?  
Yes (  )      No (  )      Why or why not?

Our property line runs diagonally, with the closest portion being near our SE corner where we wish to build our deck. We would have no other way to build a deck utilizing our deck board and upstairs patio door if we did not obtain this variance. We feel the two residences directly behind us are nowhere close to our property line, and a deck would not encroach on either their residences or any future decks they

wish to build. Also, we built our house to be handicap accessible, as we have a son who is in a wheelchair. Having a larger-size deck would allow him to move freely and not feel too constrained if we have family and friends over for social gatherings.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. In your opinion, will the variance maintain the essential character of the locality?

Yes (X) No ( ) Why or why not?

Several of our neighbors, both next door and our back yard neighbors, have decks. The homes that don't have decks have deck boards attached for future deck builds. The back yard area within our surrounding homes is large enough that all homes could have decks without any being too close to other houses.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned certifies that they are familiar with the application fees and other associated costs, and also with the procedural requirements of Code of Ordinance §153.170-153.173 and other applicable ordinances.

Applicant's Signature: James Pung  
Date: 7/31/2020

City Zoning Signature: Mark Knowlton Clerk/Treas  
Date: 7/31/2020

KEY DATES:

7-31-20 Application Submitted with Application Fee \$ 350-

7-31-20 Submittal Date – 21 days (typical) prior to Planning Commission hearing

8-5-20 Neighborhood Notification – at least 10 days prior to the hearing  
(mailed to surrounding properties within 350')

8-8-20 Publication Notice – to be published at least 10 days prior to the hearing

8-19-20 Public Hearing Date – hearing held by the Planning Commission

8-19-20 Date Approved or ~~Denied~~ by the Planning Commission

Appeal Process if Requested N/A Date City Council Consideration Date

N/A Date approved or Denied by the City Council

**CODE of ORDINANCES - TITLE 15: LAND USAGE - CHAPTER 153: ZONING**

BOARD OF ADJUSTMENT

Byron Chatfield Dover Elgin Eyota Kasson Plainview St. Charles Stewartville

Ordinance										
No street parking November - April					X					
<i>No street parking November - April after 2"</i>								X		
<i>No street parking after any snowfall</i>										X
<i>No street parking after 2"</i>					X					
<i>No street parking after 3"</i>										
<i>No street parking if plows are out</i>	X									
<i>No street parking if snow emergency declared</i>										X
<b>How snow is plowed</b>										
Public Works	X	X			X	X	?	X		?
Contracted				X						
<b>When snow is plowed</b>										
Public Works makes decision	X	X			X	X		X	X	X
Councilmember and contractor make decision				X						
<b>Are cars towed?</b>										
Yes										X
No	X	?		X	X		?			?
<b>Are tickets issued?</b>										
Yes - via County Law Enforcement	X			X	X					
Yes - via City Police		X				X		X		X
No				X*	X**					
<i>*city clerk puts signs on cars telling them to move or get ticketed and/or towed</i>										
<i>**tickets issued only if city requests that law enforcement issue one</i>										
<b>Does city issue alerts or snow emergencies?</b>										
Yes	X*	X**						X***		?
No				X	X		?			
<i>*Olmsted County &amp; Facebook-50 residents signed up for alerts</i>										
<i>**Kttc &amp; City Website</i>										
<i>***Facebook</i>										
<i>****Olmsted County</i>										

"Exhibit C"