

**AGENDA
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
NOVEMBER 8, 2022
8:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action may be deferred to staff for research and future Planning Commission Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak.

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for October 11, 2022.**

SCHEDULED PUBLIC HEARINGS:

- 2. Rezoning: Z-22-003: Rural Residential II District (R2) to Rural Residential I District (R1)
Variance: V-22-001: for Lot Width and Depth.
Preliminary & Final Plats: D-22-012 & 013, – “Newman Estates”
Location: 5759 250th Street – Southeast corner of 250th Street & Fondant Avenue
Applicant: Kelly Newman
Property ID Number: 21.11125.38**
- 3. Preliminary & Final Plats: D-22-014 & 015 – “Mayorga Meadows”
Location: 7580 250th Street – Between Hazel Avenue and Lake Blvd./Highway 8
Applicant & Owner: Luis Reyes-Camacho on behalf of Noe Mayorga
Property ID Number: 21.10508.00**

NEW BUSINESS:

OLD BUSINESS:

COMMUNICATIONS:

UPDATES:

Comprehensive Plan Surrounding Communities Review Comments due on November 18th.

ADJOURN**UPCOMING:**

November 22nd - Rosenbauer MN LLC Site Plan Review & Variance, Accessory Structure

December 13th - Katie's Glen C.U.P. for a Planned Unit Development & Preliminary Plat

**UNAPPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
OCTOBER 11, 2022
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for October 11, 2022 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Michael Naumann, Katie West, Roger Carr, and Dan Iverson

ABSENT: Council Liaison Brett Ohnstad

Also Present: Fred Weck Zoning Administrator and Robb Linwood City Administrator

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for September 27, 2022

A MOTION WAS MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER NAUMANN, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR SEPTEMBER 27, 2022 AS SUBMITTED.

<i>Voting Aye:</i>	<i>West, Carr, Naumann, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

SCHEDULED PUBLIC HEARINGS:

2. **City of Wyoming Comprehensive Plan update**
Location: The City of Wyoming, MN
Applicant: The City of Wyoming, MN

Chair Lobermeier explained that the purpose of this public hearing was to hear comments regarding the Comprehensive Plan. He noted that the Planning Commission is a recommending body and the ultimate approval would come from the City Council. He stated that the Commission started talking about a Comprehensive Plan update in 2016 with the last version adopted in 2009. He explained that things started moving forward again in 2019 when the Commission developed the themes around the Comprehensive Plan, held an Open House, conducted a community survey, and put together a first draft in early 2021. He expressed his appreciation to the various

Planning Commission members including Frank Storm, Matt Engstrom, who chaired the Planning Commission while parts of the plan were worked on as well as former Planning Commissioners Judy Coughlin and Bryan Murdock for their efforts to get the Comprehensive Plan to this point.

Zoning Administrator Weck stated that the most recent update from Eric Zweber at WSB was received yesterday. He stated that tomorrow he will send out a copy of the Comprehensive Plan to the surrounding communities for comments and will ask that they be submitted within 30 days.

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER NAUMANN, TO OPEN THE PUBLIC HEARING at 7:07 P.M.

<i>Voting Aye:</i>	<i>West, Carr, Naumann, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

Ken Tolzmann, 7039 Lake Boulevard, stated that back when the Comprehensive Plan came up back in 2008/2009, was about the same time that his father passed away. He stated that since that time, he has spoken to people in the neighborhood who have addresses that backup to Greenway Lane and also to real estate appraisers in order to try to get a gut feeling about the situation. He stated that the appraisers have said that the commercial market is pretty much zilch for this kind of property because the big problem is access because nobody knows if MnDot will actually do something with Highway 8. He stated that as it stands now, MnDot shows an access road off of Greenway which would really tie in nicely with what they are asking the Commission to consider. He explained that they would like to ask the City to allow the front portion of the property that has road visibility from Highway 8, to be commercial and the back portion be some sort of multi-family housing.

Chair Lobermeier stated that the point of tonight's public hearing is to get comments from residents and noted that there are both opportunities and challenges along this corridor. He noted that right now they envision this corridor as commercial and asked Zoning Administrator Weck about the zoning.

Zoning Administrator Weck stated that zoning, right now, is commercial and noted that in the 1990 Township Comprehensive Plan, it was Highway Business, which became the City's commercial. He stated that if sewer and water were available, he thinks the back residential area, as Mr. Tolzmann, stated, could be a good fit, however, he did not think sewer and water will ever get back there and will just be well and septic, so multi-family is probably not a good choice.

Chair Lobermeier thanked Mr. Tolzmann for taking the time to come out and give his feedback to the Commission.

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO CLOSE THE PUBLIC HEARING AT 7:10 P.M.

<i>Voting Aye:</i>	<i>West, Carr, Naumann, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

Chair Lobermeier noted that the Commission would not be taking any action until the 30 day period happens in order to give the surrounding communities an opportunity to comment on the Comprehensive Plan. He encouraged residents to continue to offer their feedback on the plan by

contacting staff.

NEW BUSINESS: NONE

OLD BUSINESS: NONE

COMMUNICATIONS:

Chair Lobermeier reminded everyone that the November 8, 2022 Planning Commission meeting will be held at 8:00 p.m. after the polls close.

Zoning Administrator Weck noted that he has nothing on the agenda for the October 25, 2022 Planning Commission meeting, so that will be cancelled.

UPDATES:

A MOTION WAS MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER WEST, TO ADJOURN THE OCTOBER 11, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:12 PM.

<i>Voting Aye:</i>	<i>West, Carr, Naumann, Iverson, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

**CITY OF WYOMING
PLANNING AND ZONING**

TO:	Planning Commission
DATE:	11/8/2022
FROM:	Kim Lindquist, City Planner
	Fred Weck
RE:	Plat Review, Rezoning, Variance
	Application
APPLICANT:	Kelly Newman
PROPERTY:	5759 250th Street, R.21.11125.38
FILE NO.:	D-22-012 & 013, Z-22-003, V-22-001

OVERVIEW

Kelly Newman (“Applicant”) has requested review and approval of both a Preliminary and Final Plat to subdivide the parcel at 5759 250th Street into two properties along Fondant Avenue. The applicant is also applying for both a rezoning from R2 to R1 and two variances to address the ordinance requirements, lot depth and lot width, associated with the subdivision request. As proposed, the northern Lot 1 would be 1.00 acres and the southern Lot 2 would be 1.12 acres. Currently Lot 1 is developed with a residential dwelling and its accessory structures. The newly subdivided parcel, Lot 2, is planned for future residential development. The site is currently zoned as R2 – Rural Residential II.

The proposed rezoning would change the property to be zoned as R1-Rural Residential I, which is needed because the property does not have the required lot size to meet current zoning standards in the R2. The lot size standards for the R-2 District is 2 acres with a 1-acre buildable lot requirement, and the R-1 District requires a minimum 1-acre lot with 1 acre buildable.

The applicant is requesting two variances. One, is a variance permitting Lot 1 to have a lot width of 190 feet, 25 feet less than the standards set in the R1 Zoning District. The lot width requirement is 200’ or 215’ on a corner lot. The other, is a variance permitting Lot 2 to have a lot depth of 190 feet, 10 feet less than the R1 Zoning District standards. Both of the variances are prompted by the width of the current parent parcel. The standards are stated in Section 40 – 185 of the City Ordinances.

In addition, there is a wetland along the south property line that may impact whether Lot 2 has the required amount of buildable area. The wetland delineation report is currently being reviewed; preliminary results indicate the presence of nearby wetlands will not affect the size of the lot or its buildability.

Given the property location, the plan must meet R1 – Rural Residential, Subdivision, and Wetland ordinance standards.

STAFF RECOMMENDATION

Based on staff's analysis of the request and the standards for approval, staff recommends approval of the rezoning of the property from R2 – Rural Residential II to R1 – Rural Residential I.

Based on staff's analysis of the requests and the standards for approval, staff recommends that the variance requests from 215' lot width to 190' for Lot 1 and a 190' lot depth when 200' is required for Lot 2 be approved based on the practical difficulties in meeting the ordinance requirements. Accordingly, staff recommends that the Planning Commission make a finding of fact in their recommendation to the council that the proposed variances will not:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public right-of-way.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood.
- (e) Cause an unreasonable strain upon existing municipal facilities and services.
- (f) Be contrary in any way to the spirit and intent of this Ordinance.
- (g) Have a negative direct or indirect fiscal impact upon the City or school district.

The requirements of Article III, Division 2 and Article III, Division 3, "The Preliminary Plat" and "The Final Plat", as contained in the City of Wyoming Subdivision Ordinance have been complied with. Accordingly, staff recommends approval of both with the following conditions:

1. All required local, state and/or federal permitting must be obtained.
2. Compliance with any Engineering comments provided on the marked-up Plat drawings.
3. The applicant should confirm the wetland delineation and ensure there is 1-acre of buildable area on Lot 2 before filing of the final plat and if the delineation reduces the buildable area a variance from that standard is required.
4. Both the rezoning and the two variance requests are approved by the Planning Commission.

STAFF REVIEW

Comprehensive Plan and Zoning Review

The subject property is currently zoned R2 – Rural Residential II, but with the proposed rezoning it will be zoned as R1-Rural Residential I. It is guided as Lower-Density Suburban Neighborhood in the City of Wyoming's Comprehensive Plan which can result in an R1 or R2 zoning. The zoning and surrounding uses are as follows:

North – R1 – Rural Residential I; Heims Lake

South – A – Agriculture, R2 – Rural Residential II

East – R1 – Rural Residential I, MXD – Mixed Use District

West – R2-Rural Residential II, R1-Rural Residential I; a general mix of low-density residential housing

This parcel is not located within either the Shoreland Management Overlay or a FEMA-designated floodplain area. The following table summarizes the regulations associated with the site, outlining the standards for property zoned as R1 – Rural Residential I.

Zoning District	<u>R1-Rural Residential</u>	<u>R2 – Rural Residential</u>	<u>Proposed</u>
Lot Width	215 feet (corner lot) 200 feet (interior lot)	215 feet (corner lot) 200 feet (interior lot)	*Lot 1 – 190 feet Lot 2 – 255 feet
Lot Depth	200 feet; shall not be greater than four times the lot width	200 feet; shall not be greater than four times the lot width	Lot 1 – 229 feet *Lot 2 – 190 feet
Lot Size	One (1) acre, at least one (1) acre of which must be buildable	Two (2) acres, at least one (1) acre of which must be buildable	Lot 1 – 1.00 Acres Lot 2 ~ 1.12 Acres
Front Yard Setback	73 feet from the centerline of street	73 feet from the centerline of street	Lot 1 (Existing) - 76 feet
Side Yard Setback	Principal – 10 feet Accessory – 3 feet Driveway – 5 feet	Principal – 10 feet Accessory – 3 feet Driveway – 5 feet	Lot 1 (Existing) – 44 feet
Rear Yard Setback	Principal – 35 feet Accessory – 3 feet	Principal – 35 feet Accessory – 3 feet	Lot 1 (Existing) – 121 feet from the proposed property line

***Variance Required**

Roads and Traffic

There are no new public roads proposed as part of this subdivision, but it is anticipated that a new driveway from Fondant Avenue will be created for Lot 2 upon development. There does not appear to be any geographical constraints or sight distance issues for private access to Lot 2.

Drainage/Natural Resource/Wetlands

Because there is no proposed excavation or disturbance at this time, a NPDES stormwater permit is not required. While the site is located within the Comfort Lake Forest Lake Watershed District, a CLFLWD permit is only required with subdivisions of more than 3 lots and therefore not required for this proposal. There is no floodplain in the area, so no floodplain permitting is required. Since there is no increase in impervious ground cover, no stormwater plan is required. Upon development of Lot 2, additional permitting for drainage and grading will be reviewed and permitting may be triggered through CLFLWD depending on the proposed improvements. Any future development that may alter or drain any of the wetland located on the property will require additional permitting and authorization. In addition, no structure shall be erected, reconstructed, altered, or moved nearer than twenty (20) feet from any of the wetland on the property.

Wetland delineation on the property will need be reviewed and confirmed to ensure that Lot 2 has at least 1 acre of buildable space. Preliminary review indicates that the wetland will not negatively impact the buildability of the lot or meeting the 1-acre standard.

Utilities

Municipal sanitary sewer and watermain services are not currently available on this site, and none are proposed as part of the subdivision. If any future utilities are proposed, a corresponding utility plan would need to be submitted by the applicant.

Park Dedication

Article IV of the Subdivision Ordinance sets forth the park dedication requirements. The policy for minor subdivisions is that when three or fewer lots are being created that the minimum park and trail fees will be collected without the need for the Joint Park Planning Board to meet unless the development is in an area where the City is looking to acquire park land. This policy was reaffirmed at a Joint Park Planning Board held on October 28, 2014.

The area of the proposed subdivision is not an area that the City is looking to acquire land and as such the City will require park and trail dedication funds. The minimum park dedication for the proposed subdivision equals \$1,500.00 plus the minimum trail dedication of \$300.00. The fees are to be collected prior to final plat approval.

Rezoning Request

The applicant wishes to amend their property's current zoning of R2-Rural Residential II to instead be R1-Rural Residential I.

Section 40 - 141 (4) (a) outlines the standards for rezoning. The City may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendment shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City. The following factors shall also be considered.

1. Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The proposed rezoning will not create excessive demand on existing public facilities or services as it permits creation of one additional buildable lot.

2. Whether the amendment is sufficiently compatible so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.

The proposed rezoning would allow for a subdivision that is generally compatible with the surrounding existing development, and it would not negatively affect the value of any nearby property.

3. The amendment in the opinion of the City is reasonably related to the overall needs of the City.

This rezoning is consistent with the lower-density suburban neighborhood designation given to this property and the surrounding area.

4. The amendment is consistent with the intent and purposes of the zoning ordinance.

The purpose of the R1 - Rural Residential I district is provide an area for very low-density housing with on-site wastewater systems in locations that are similarly developed. The

property rezoning would allow for the development of a new lot served by on-site well and septic.

5. The amendment will not cause traffic hazard or congestion.

The rezoning will not cause traffic hazard or congestion.

Variance Standards

The applicant is requesting two variances. One, is a variance permitting Lot 1 to have a lot width of 190 feet, 25 feet less than the lot width standard for corner lots in the R1 Zoning District. The other, is a variance permitting Lot 2 to have a lot depth of 190 feet, 10 feet less than the R1 Zoning District standards. Both of these standards are stated in Section 40 – 185 of the City Ordinances.

The City of Wyoming Zoning Ordinance Section 40 – 120, (5), and Minnesota State Statute 462.357 specify the following criteria must be met in order to grant a variance. The criteria with analysis is provided below for both the lot width and lot depth variance.

(a) The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.

The planned future residential development on Lot 2 cannot be achieved without both a lot width variance for Lot 1 (an existing condition) and a depth variance for Lot 2. This proposed subdivision is consistent with the density of the surrounding neighborhood and the general purpose of the R1 zoning district.

(b) Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property, since enactment of this Ordinance, have had no control.

The pre-existing parent parcel lot dimensions are set and cannot be increased. Lot 1 is already developed, and the undersized lot width is a pre-existing condition. With the subdivision, Lot 2 has a minor lot depth variance due to the existing lot dimensions. Lot 2 has more lot width than required. Both parcels are considered buildable from a lot size and buildability standpoint.

(c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

A literal interpretation of R1-Rural Residential I lot standards would deprive the applicant of the rights commonly enjoyed by other properties in the same district.

(d) The special conditions or circumstances do not result from actions of the applicant.

The variances are a result of existing conditions, particularly as it is related to the Lot 1 lot width variance.

(e) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

The variances requested will not confer the applicant any special privilege that is not permitted to other property owners in the same zoning district.

(f) The variance requested is the minimum variance which would alleviate the hardship.

The requested variances are the minimum variances necessary to alleviate the hardship.

(g) The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.

The variances requested would not be detrimental to the purposes of the ordinance or to any property in the same zone.

(h) Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.

Economic conditions or circumstances alone are not the only consideration for granting of the variances.

(i) In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.

This property is not located in the Floodplain District.

(j) Variances shall be granted for earth sheltered construction by state statutes when in harmony with this Ordinance

This criterion is not relevant to the applied variances.

Plat Review Standards

In accordance with Sec. 32 – 42, the following criteria shall be considered during the Plat review application process:

(a) Consistency with the design standards and other requirement of this ordinance.

The planned subdivision does not comply with RI-Rural Residential I lot standards, and therefore there are multiple variances required – which the applicant is pursuing. Outside of these, the subdivision is consistent with all other design standards.

(b) Consistency with the City's Comprehensive Plan, Stormwater Management Plan, and any other development plans officially adopted by the City.

The planned subdivision is consistent with the lower-density suburban neighborhood designation of the City's Comprehensive Plan. In addition, there are no complications relating to the City's Stormwater Management Plan or any other formally adopted plans.

(c) The physical characteristics of the site, including but not limited to topography, erosion, flooding potential, development, and major vegetation.

The applicant must ensure that the wetland area located near the southern property line does not reduce Lot 2's buildable area to less than one acre.

(d) The proposed development's fiscal impact and environmental impact.

The proposed development will have no major negative fiscal or environment impact.

(e) Whether the proposed subdivision is in conflict with applicable general and specific plans (e.g. growth management system goals and policies, capital improvement programs, ordinances).

The proposed subdivision is not in conflict with any specific or general plans.

(f) Whether the design or improvement of the proposed subdivision is in conflict with applicable development plans.

This criterion is met.

(g) That the site is physically suitable for the proposed density of the development.

With the requested rezoning and related variances, this site is physically suitable for future low-density rural residential development.

(h) Whether the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.

The design of the subdivision should not cause substantial environmental damage.

(i) Whether the design of the subdivision or the type of improvements are likely to cause serious public health problems.

The design of the subdivision should not cause serious public health problems.

(j) Whether the design of the subdivision or the type of improvements will conflict with easements of record or of easements established by judgment of a court.

The design of the subdivision should not conflict with any easement of record or easement established by judgment of a court.

In addition, per Sec. 32 – 51, the Final Plat shall substantially conform to the Preliminary Plat.

This criterion is met.

Next Steps

The City Council will review the Planning Commission's Plat, rezoning, and variance review at the next regularly scheduled meeting.



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

LAND USE APPLICATION: ORDINANCE AMENDMENT

This application initiates a request to change the text of a city ordinance or to change the boundaries of a zoning district (rezoning). Any person owning real estate within the city may initiate an ordinance amendment request.

Property Address: 5759 250th St Forest LK, Mn

Applicant(s): Name(s) Kelly Neuman

Address 5759 250th St

City Forest Lake State Mn Zip 55025

Phone Number 218-522-0181 Email _____

Owner(s) - If other than Applicant(s):

Name(s) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Email _____

Owners(s) Signature(s) [Signature] Date 10/18/22

Legal description of property (if rezoning) OR proposed text amendment (attach additional pages if necessary):

Present use of property: Residential

Property Identification Number(s): R.21 11125-38

Present Zoning District: R-2 Proposed Zoning District: R1

This application and the following attachments must be submitted to be considered a complete application:

- ☒ 1. Stated reason for requested change Letter
- ☒ 2. Statement of compatibility to the City Comprehensive Plan
- ☒ 3. Text of the portion of the existing ordinance to be amended (If applicable)
- ☒ 4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this ordinance
5. Additional information as may be requested by the Planning Commission - Rezoning requests will require a map of the area to be rezoned
6. The application fee and escrow must be paid at the time of application.

Applicant(s) Signature(s) [Signature] Date 10/18/22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. Article V, Division 9, Zoning Amendments, is attached to this application. By signing this application, the applicant acknowledges that it has been read and understood.

A public hearing can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Application # Z-22-003

Date Complete Application Received 10/18/22

Fee: \$220.00 + Escrow \$750.00

Revised 07/28/22

Date Application Received 10/17/22

60 Days 12/18/22

Date Paid 10/18/22

By: [Signature]
Official

Check # ✓

To City of Wyoming,

I would like to request an Ordinance Amendment for 5759 250th st., Forest Lake, MN 55025 to split the lot to build a new home on the South lot.

Thank you,

Kelly Newman

Kelly Newman 10/18/22

Z-22-003



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

LAND USE & VARIANCE APPLICATION

A variance application initiates a request for an allowance to vary from the terms of the Ordinance and is heard by the Planning Commission who will make a recommendation to the City Council. The City Council will make the final decision.

Property Address: 5759 250th St Forest LK Mn 55025

Applicant(s) Information:

Name(s) Kelly Newman
Address 5759 250th St
City Forest Lake State Mn Zip 55025

Home 218-522-0181
Work _____
Email KTN 4758@yahoo.com

Owner(s) Information: (if other than Applicant(s))

Name(s) _____
Address _____
City _____ State _____ Zip _____

Home _____
Work _____
Email _____

Owner(s) Signature(s) [Signature]

Date 10/18/22

Legal description of property: Residential

Property Identification Number: R.21 11125.38

Present Zoning: _____

Present use of property: Residential

Proposed use of property: Residential

Description of request: Split lot Variance for lot width and lot

This application and the following attachments must be submitted to be considered a complete application: Depth

1. A detailed map of the property showing the location of existing and proposed structures and improvements and existing land uses and buildings of adjacent properties within 500 feet. A survey is required for all setback variances.
2. A letter to the Planning Commission describing the variance request and how the request satisfies the criteria found in Sec. 40 - 120, (5), (a) - (j).
3. A completed Variance Worksheet (attached).
4. The variance fee (\$220.00) must be paid at the time of application. The application fee and escrow must be paid at the time of application. The fee is not refundable. The unused portion of the escrow will be returned to the applicant.
5. Any other information deemed necessary by the Zoning Administrator or Planning Commission. (A variance application for a property in a Shoreland District must include a valid Septic System Certificate of Compliance)

A public hearing can be scheduled only after a complete application has been received.

Applicant(s) Signature [Signature] Date 10/18/22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. All of Article V, Division 7, Variances, is attached to this application and by signing this application, the applicant acknowledges that it has been read and understood.

OFFICE USE ONLY

Application # V-22-001

Date Complete Application Received 10/17/22

Fee \$220.00 + Escrow \$750.00
Revised 07/27/22

Date Application Received 10/17/22

60 Days 12/18/22

Date Paid 10/18/22

By: [Signature]
Official

Check # ✓

To City of Wyoming,

I would like to request a variance for 5759 250th St. Forest Lake, MN 55025. A Variance of 190ft from the old 200ft which equals a 10ft variance needed. I will also need a 25ft variance from the existing 215ft variance.

Thank you,

Kelly Newman

Kelly Newman 10/18/22

Variances

*Lot 1, Block 1, Newman Estates - corner lot width 215'
40-185, (2)(a) - has 190'*

*Lot 2, Block 1, Newman Estates Lot Depth 200'
40-185, (3) - has 190'*

City of Wyoming Variance Worksheet

Applicant(s): Kelly Newman Phone: 218-522-0181
Address: 5759 250th St Forest LK Mn
Variance request description: From 200' to 190' 10' variance / 215 to 190 25' variance
City Ordinance Section number: _____

Answer the following questions based on the criteria found in Sec. 40 – 120, (5), (a) – (j). If needed, use a separate page. **All questions must be answered.**

Criteria #1 The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.

Applicant - Can the property in question be put to a reasonable use if used under the conditions allowed by this Ordinance? ☒ Yes ☐ No

Describe: its just for residential

Criteria #2 Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.

Applicant - Do exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and do they result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control?

☐ Yes ☒ No

Describe: Just want to split it

Criteria #3 That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

Applicant - Does the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

☐ Yes ☒ No

Describe: its just my back acre

Criteria #4 The special conditions or circumstances do not result from actions of the applicant.

Applicant - Do the special conditions or circumstances result from actions of the applicant?

☒ Yes ☐ No

Describe: I request to do it

City of Wyoming Variance Worksheet (Continued)

Criteria #5 That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

Applicant - Will granting the variance requested confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? ☒ Yes ☐ No

If yes, describe. yes changing from R2 to R1

Criteria #6 The variance requested is the minimum variance which would alleviate the hardship.

Applicant - Is the variance you are requesting the minimum variance which would alleviate the hardship? ☒ Yes ☐ No

Describe: each is an acre or over

Criteria #7 The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.

Applicant - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? ☐ Yes ☒ No

Describe: I want to build a home

Criteria #8 Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.

Applicant - Is the requested variance for economic reasons? ☐ Yes ☒ No

Describe: _____

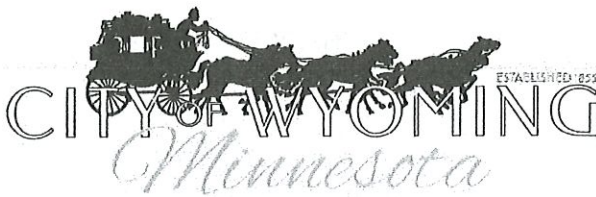
Criteria #9 In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.

Applicant - Is the property in a Flood Plain District? ☒ Yes ☐ No

Criteria #10 Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.

Applicant - Is the variance for earth-sheltered construction? ☒ Yes ☐ No

If yes, how is the request in harmony with the ordinance? _____



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

SUBDIVISION APPLICATION: PRELIMINARY PLAT

A preliminary plat application is filed after the Planning Commission has reviewed the sketch plan application for the proposed subdivision. The application is reviewed by the Plat Review Committee and then forwarded on to the Planning Commission for a public hearing. After the public hearing the application is considered by the City Council.

Applicant(s): Name(s) Kelly Newman
Address 5759 250th St
City Forest Lake State Mn Zip 55025
Phone Number 218-522-0181 Email 1CTN4758@yahoo.com

Owner(s) - If other than Applicant(s):

Name(s) _____
Address _____
City _____ State _____ Zip _____
Phone Number _____ Email _____

Signature of owner(s) [Signature] Date _____

Legal description of property: _____

Property Identification Number: R.21. 11125.38

Present use of property: Residential

Proposed use of property: Residential

Present zoning of property: R2

Total acreage of property: 2.12
Number of proposed lots: 2

Total acreage in wetlands or floodplain: 0
Acreage of proposed parkland dedication: 0

☒ 4 full size copies of the proposed preliminary plat

☒ 1 electronic version legibly detailing all features

☒ A copy of proposed protective covenants, if applicable

☒ Septic site evaluation reports

☒ Applications for any necessary variances, conditional use permits, or rezoning

☒ 2 reduced copies (no larger than 11 X 17)

☒ Environmental Assessment Worksheet, if necessary

☒ Grading, drainage and erosion control plans

☒ Wetlands delineation report

☒ Copies of permit application submittals to all agencies with jurisdiction over wetlands or water bodies and channels on the development site

☐ List of any special assessments

Applicant(s) Signature: [Signature] Date 10/18/22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

A public hearing can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Application # D-22-012

Date Application Received 10/17/22

Date Complete Application Received 10/20/22

120 Days 2/17/23

Fee: \$450.00 + \$70.00/Lot + Consultant Escrow = \$

Date Paid 10/18/22

By: [Signature]
Official

Check # [Signature]

Consultant Escrow = \$1,000 without improvements or \$10,000 with improvements + \$500.00/lot for 30+ lots

Revised 07/27/22



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

SUBDIVISION APPLICATION: FINAL PLAT

Applicant(s): Name(s) Kelly Newman
Address 5759 250th St
City Forest Lake State MN Zip 55025
Phone Number 218-522-0181 Email KTN 4758@YAHOO.COM

Owner(s) - if other than Applicant(s):
Name(s) _____
Address _____
City _____ State _____ Zip _____
Phone Number _____ Email _____

Signature of owner(s) Kg Newman Date 10/18/22

Legal description of property: _____

Property Identification Number: R.21. 11125.38

Present use of property: Residential

Proposed use of property: Residential

Present zoning of property: R-2

Surveyor: Name Widjeth Phone _____

Engineer: Name _____ Phone _____

Real Estate Agent: Name _____ Phone _____

This application and the following attachments must be submitted to be considered a complete application:

Total size of property: 2.12 Total acreage in wetlands or floodplain: 0

Number of proposed lots: 2 Current zoning and use of property: _____

- ☒ 4 full size copies of the final plat drawings
☒ Improvements complete & accepted
☒ Performance guarantee for the improvements
☒ Soil perc tests and borings
☒ Park Dedication Submitted
☒ Other
☒ The application fee and escrow must be paid at the time of application
- OR
- ☒ 2 reduced copies (no larger than 11 x 17)
☒ Developers Agreement
☒ Certificate of Title & Opinion
☒ Receipt proving that the taxes have been paid
☐ Legal & Engineering Fees Paid

Applicant(s) Signature: Kg Newman Date 10/18/22
As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

The meeting can be scheduled only after a complete application is received.

OFFICE USE ONLY

Application # 0-22-013
Date Complete Application Received ____/____/____

Date Application Received 10/17/22

120 Days ____/____/____

By: _____
Official

Fee: \$200.00 + Escrow \$1,000.00
Revised 07/27/22

Date Paid 10/18/22

Check # _____

PRELIMINARY PLAT
OF
NEWMAN ESTATES

PROPERTY DESCRIPTION: (per Warranty Deed No. 237768)

Lot 1, Block 2, Wildlife Estates

SURVEY NOTES:

- Orientation of this bearing system is based on the Chisago County Coordinate System NAD83 (1996 adj.)
- Property's address: 5759 250th Street, Forest Lake, MN, 55025.
PID No. 21.11125.38
- Existing Total Acreage: = 92,150 Sq. Ft. or 2.12 Acres
- Proposed Acreages:
Lot 1, Block 1 43,560 Sq. Ft. or 1.00 Acres
Lot 2, Block 1 48,590 Sq. Ft. or 1.12 Acres
- The Property is currently zoned R-2 - Rural Residential II (per City of Wyoming Zoning Map)
Proposed Zone is R1 - Rural Residential I (per City of Wyoming Zoning Map)

Building Setbacks (per City of Wyoming City Code - Zoning District Provisions Division 3- Rural Residential I)

Front Yard: = 40 feet
Side Yard: Principal Building/Accessory Building = 10 feet / 3 feet
Rear Yard: Principal Building/Accessory Building = 35 feet / 3 feet
Driveway: = 5 feet

Rural Residential I Zoning District Regulations:
Minimum Lot Area = 1 Acre w/ 1 Acre of buildable
Minimum Lot Width = 200 feet
Minimum Lot Depth = 200 feet
- The property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain per FEMA Flood Insurance Rate Map No. 27025C0375D, Community No. 270076, effective date April 17, 2012.
- Local Benchmark: MnDOT Geodetic Benchmark "SHANDO" Elev. = 912.85 NAVD 88
Site Benchmark: Top of well head behind attached garage - Elev. = 913.54 NAVD88
- The field work was performed on October 3rd and October 14th, 2022.

OWNER & DEVELOPER

KELLY NEWMAN
5759 250TH ST
FOREST LAKE, MN 55025
(218) 522-0181

LAND SURVEYOR

WIDSETH
5368 266TH STREET
WYOMING, MN 55092
PHONE (651) 464-3130
FAX (651) 464-4822

SOIL TESTER

JOHN H. GORMAN
48397 RIVER ROAD
RUSH CITY, MN 55069
(320) 358-0268 / (320)-358-4934
MPCA CERT. #L3316

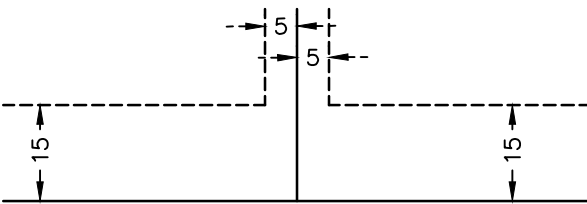
WETLAND SPECIALIST

JACOBSON ENVIRONMENTAL, PLLC
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
(612)-802-6619

LEGEND

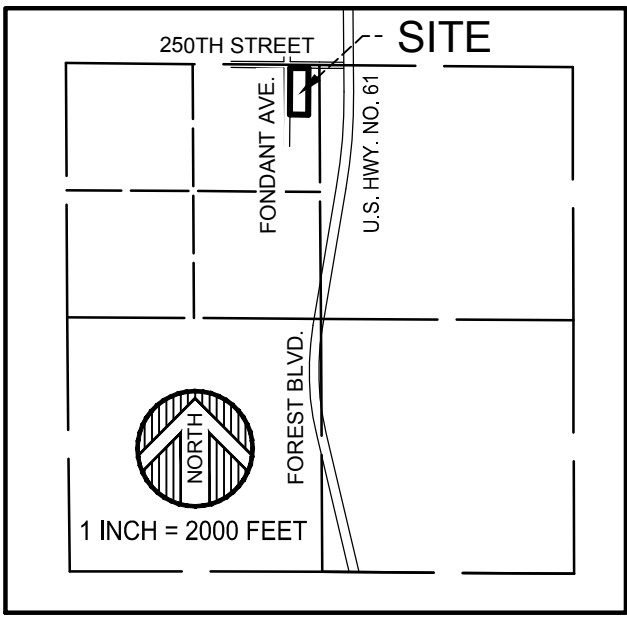
- SANITARY CLEANOUT
- SOIL BORING
- TREE DECIDUOUS
- TREE CONIFER
- WATER WELL
- TELE PEDESTAL
- GAS METER
- SEPTIC LIFT STATION
- SHRUB
- PROPOSED LOT LINE
- RIGHT OF WAY EXISTING
- BOUNDARY LINE
- PRINCIPAL BUILDING SETBACK LINE
- SOIL BORING AREA
- LOT LINE
- CHAIN LINK FENCE
- EASEMENT
- BUILDING WALL HATCH
- CONCRETE SURFACE
- BITUMINOUS SURFACE

DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:

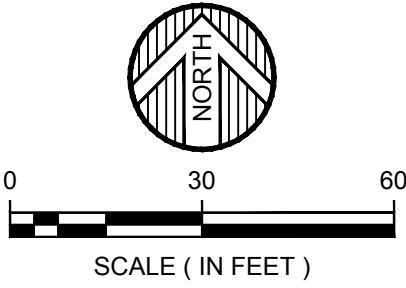


BEING 5 FEET IN WIDTH, UNLESS
OTHERWISE INDICATED, AND ADJOINING
LOT LINES, AND 15 FEET IN WIDTH
AND ADJOINING STREET LINES, AS
SHOWN ON THIS PLAT.

VICINITY MAP



SEC. 32, T33, R21
CHISAGO COUNTY, MINNESOTA



● DENOTES A FOUND 1/2" IRON PIPE
MONUMENT W/ CAP MARKED 6617
UNLESS OTHERWISE SHOWN

UNCHECKED PLAT
SUBJECT TO CHANGE
REVISED 10/18/22

OFFICIAL PLAT

NEWMAN ESTATES

KNOW ALL PERSONS BY THESE PRESENTS: That Kelly T. Newman, single, owner and proprietor of the following described property situated in the County of Chisago, State of Minnesota, to wit:

Lot 1, Block 2, WILDLIFE ESTATES according to the plat thereof Chisago County, Minnesota.

Has caused the same to be surveyed and platted as NEWMAN ESTATES and does hereby donate and dedicate to the public for public use forever the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Kelly T. Newman, single has hereunto set his hand this ____ day of _____, 20____.

Kelly T. Newman

COUNTY OF _____
The foregoing instrument by Kelly T. Newman, single was acknowledged before me this ____ day of _____, 20____.

(signature)

(print name)

Notary Public, Minnesota
My Commission Expires 1/31/20____

I hereby certify that I have surveyed and platted or directly supervised the surveying and platting of the land described on this plat; this plat is a correct representation of the boundary survey; all mathematical data and labels are correctly designated on the plat; all monuments depicted on the plat have been or will be correctly set within one year; all water boundaries and wet land as of this date are shown and labeled; and all public ways are shown and labeled.

Shawn M. Kupcho, Land Surveyor
Minnesota Licensed Surveyor No. 49021

STATE OF MINNESOTA
COUNTY OF CHISAGO
The foregoing Surveyor's Certificate by Shawn M. Kupcho, Minnesota License No. 49021, was acknowledged before me this ____ day of _____, 20____.

(signature)

(print name)

Notary Public, Minnesota
My Commission Expires 1/31/20____

Approved by the City Council of the City of Wyoming, Minnesota, this ____ day of _____, 20____, and is in compliance with the provisions of Chapter 505.03, Subdivision 2, Minnesota Statutes.

Signed: _____ Mayor Signed: _____ Clerk

This plat was approved as to form and execution this ____ day of _____, 20____.

City of Wyoming Attorney

Pursuant to Chisago County Subdivision Ordinance Number 99-2, I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes

this ____ day of _____, 20____.

Chisago County Surveyor

No delinquent taxes and transfer entered this ____ day of _____, 20____.

Chisago County Auditor

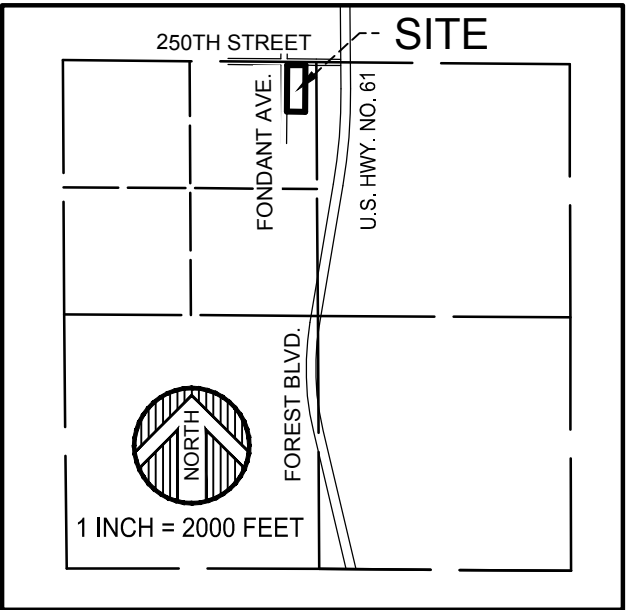
I hereby certify that the taxes for the year 20____ on the property described herein are paid this ____ day of _____, 20____.

Chisago County Treasurer

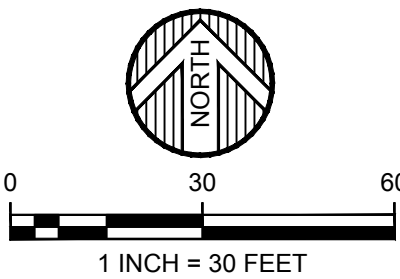
Document No. _____
I hereby certify that this instrument was filed in the Office of the County Recorder for record on this ____ day of _____, 20____, at ____ o'clock ____ M., and
was duly recorded in the Chisago County Records.

Chisago County Recorder

VICINITY MAP



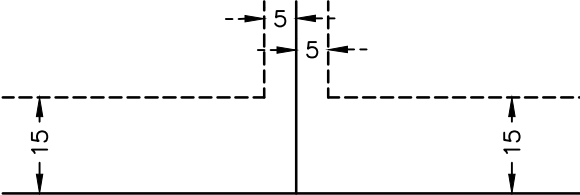
SEC. 32, T33, R21
CHISAGO COUNTY, MINNESOTA



FOR THE PURPOSES OF THIS PLAT, THE BEARINGS
ARE BASED ON THE CHISAGO COUNTY COORDINATE
SYSTEM HARN GEODETIC POSITION NAD83 (1996)

- DENOTES A SET 1/2" IRON PIPE MONUMENT
W/CAP MARKED LS 49021
- DENOTES A FOUND 1/2" IRON PIPE
MONUMENT W/CAP MARKED LS 6617

DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:



BEING 5 FEET IN WIDTH, UNLESS
OTHERWISE INDICATED, AND ADJOINING
LOT LINES, AND 15 FEET IN WIDTH
AND ADJOINING STREET LINES, AS
SHOWN ON THIS PLAT.

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

**CITY OF WYOMING
PLANNING AND ZONING**

TO:	Planning Commission
DATE:	11/8/2022
FROM:	Kim Lindquist, City Planner Fred Weck
RE:	Preliminary/Final Plat Review,
APPLICANT:	Luis Reyes-Camacho Noe Mayorga
PROPERTY:	7580 250th Street, R.21.10508.00
FILE NO.:	D-22-014 & 015

OVERVIEW

Noe Mayorga (“Applicant”) has requested a review and approval of both a Preliminary and Final Plat to subdivide the 14.75-acre parcel at 7580 250th Street into two properties. Surrounding the parcel, are similarly zoned R1 Rural Residential lots to the north and west and R2 Rural Residential to the east with Agriculture directly south of the site.

The parcel is proposed to be subdivided north to south, with the western Lot 1, containing the existing residence and accessory buildings. As proposed, Lot 1 would be 9.78 acres and the remainder, Lot 2 would be 4.66 acres. The newly subdivided parcel, Lot 2, is planned for future residential development. The site is zoned as R1 – Rural Residential I and some of the parcel is within the Shoreland Management Overlay. In addition, there is over four acres of wetland located on the property, in the east and central portion of the site.

Of note, a driveway easement is located on the parcel along the eastern border. However, the installed driveway that serves as the sole access point to a property located directly north of the property, 7660 250th Street, is not contained with the easement. The newly proposed Lot 2 would require use of this existing driveway due to the location of wetlands on the property. It is unclear at this time if access is permitted from the existing driveway for the new lot; additional information by the applicant is needed.

Given the property location, the plan must meet R1 – Rural Residential, Shoreland Management Overlay, Subdivision, and Wetland ordinance standards.

STAFF RECOMMENDATION

The requirements of Article III, Division 2 and Article III, Division 3, “The Preliminary Plat” and “The Final Plat”, as contained in the City of Wyoming Subdivision Ordinance have been complied with. accordingly, staff recommends approval of the preliminary and final plat subject to the following conditions:

1. All required local, state and/or federal permitting must be obtained.
2. Compliance with any Engineering Comments provided on the marked-up Plat drawings.
3. The applicant should confirm the specific wetland delineation on Lot 2 before filing of the final plat.

4. Prior to recording of the final plat, the Applicant shall confirm they have legal access to the building site on Lot 2 through the existing private access easement and access to the existing, constructed driveway. To maintain the existing driveway, the private drive easement should be modified, and a shared driveway agreement be recorded with the plat.

STAFF REVIEW

General Comprehensive Plan and Zoning Review

The subject property is zoned R1 – Rural Residential I and is located within the Shoreland Management Overlay. In addition, the property is guided as Lower-Density Suburban Neighborhood in the City of Wyoming’s Comprehensive Plan. The zoning and surrounding uses are as follows:

North – R1 – Rural Residential I; Comfort Lake

South – A – Agriculture; and a mix of commercial and low-density housing to the south of Lake Boulevard

East – R1 – Rural Residential I; Comfort Lake

West – R2-Rural Residential II, R1-Rural Residential I; a general mix of low-density residential housing

Zoning District	<u>R1-Rural Residential</u>	<u>Shoreland Management Overlay (Comfort Lake 13-53)</u>	<u>Proposed</u>
Lot Width	200 feet	*Underlying Zoning Applies	Lot 1 ~ 331 feet Lot 2 ~ 325 feet
Lot Depth	200 feet; shall not be greater than four times the lot width	*Underlying Zoning Applies	Lot 1 ~ 1,282 feet Lot 2 ~ 634 feet
Lot Size	One (1) acre, at least one (1) acre of which must be buildable	*Underlying Zoning Applies	Lot 1 ~ 9.78 acres Lot 2 ~ 4.66 acres
Front Yard Setback	73 feet from the centerline	75 feet from OHWL	Lot 1 (Principal) ~ 102 feet Lot 1 (Accessory) ~ greater than 158 feet for all structures

Side Yard Setback	10 feet for principal buildings (3 feet for accessory)	75 feet from OHWL	Lot 1 (Principal) ~ 78 feet from the proposed subdivided lot line Lot 1 (Accessory) ~ greater than 43 feet for all structures from the proposed subdivided lot line
Rear Yard Setback	35 feet for principal buildings (3 feet for accessory)	75 feet from OHWL	Lot 1 (Principal) ~ 1,164 feet Lot 1 (Accessory) ~ greater than 1,015 feet for all structures

Roads, Traffic, and Access

It is anticipated that the proposed development creates no new access points unto a public street. Because of the existing driveway to 7660 250th Steet, and the residence at 7580 250th, no additional driveways should be added. For that reason, and because of the amount of on-site wetlands, Lot 2 would need to utilize the existing driveway from 250th Street. To ensure that the applicant has the legal right to use the existing driveway in the future, the title work will need to be further inspected. In addition, the driveway is not currently located within the easement, and for future clarity, the easement should be modified so that it encompasses the existing driveway. This issue must be resolved prior to recording of the plat. To ensure compliance with Subdivision Ordinance Sec. 32 – 83(12), any planned future addition to the existing driveway cannot cause any access hardships for the property to the north.

Drainage/Natural Resource/Wetlands

Because there is no proposed excavation or disturbance, a NPDES permit is not required. While the site is located within the Comfort Lake Forest Lake Watershed District, a CLFLWD stormwater permit is only required for subdivisions of three or more lots – which this plat is not proposing. The delineated creek on Lot 1 is shown as a stream on CLFLWD maps and the lot split may trigger CLFLWD Rule 4.0 if the creek is classified as a stream by CLFLWD; this should be confirmed. Future development may require an erosion control permit if there is any land disturbance with wetland impacts, or if there is extensive grading, filling, or land alteration on the property. There is no floodplain in the area, so no floodplain permitting is required. Since there is no increase in impervious ground cover, no stormwater plan is required. The delineated creek on Lot 1 is not a Department of Natural Resources Public Waterway, meaning no additional regulations are present.

Any future development that may alter or drain the 4 plus acres of wetland located on the property will require additional permitting and authorization. In addition, no structure shall be erected, reconstructed, altered, or moved nearer than twenty (20) feet from any of the wetland on the property.

For future reference, as a requirement of the Shoreland District Overlay, a grading and filling permit is required for the movement of more than ten (10) cubic yards of materials within the shoreland overlay zones, or for movement of more than fifty (50) cubic yards of materials outside of shoreland overlay zones.

Utilities

Municipal sanitary sewer and watermain services are not currently available on this site, and none are proposed as part of the subdivision. If any future utilities are proposed, a corresponding utility plan would need to be submitted by the applicant.

Park Dedication

Article IV of the Subdivision Ordinance sets forth the park dedication requirements. The policy for minor subdivisions is that when three or fewer lots are being created that the minimum park and trail fees will be collected without the need for the Joint Park Planning Board to meet unless the development is in an area where the City is looking to acquire park land. This policy was reaffirmed at a Joint Park Planning Board held on October 28, 2014.

The area of the proposed subdivision is not an area that the City is looking to acquire land and as such the City will require park and trail dedication funds. The minimum park dedication for the proposed subdivision equals \$1,500.00 plus the minimum trail dedication of \$300.00.

PRELIMINARY AND FINAL PLAT REVIEW STANDARDS

In accordance with Sec. 32 – 42, the following criteria shall be considered during the Plat review application process:

- (a) Consistency with the design standards and other requirement of this ordinance.

This criteria is met as the proposed subdivision meets all zoning and overlay district standards.

- (b) Consistency with the City's Comprehensive Plan, Stormwater Management Plan, and any other development plans officially adopted by the City.

The proposed subdivision aligns with the guidance of the City's Comprehensive Plan for lower-density suburban neighborhood housing.

- (c) The physical characteristics of the site, including but not limited to topography, erosion, flooding potential, development, and major vegetation.

Considering the wetland area located on the property, there is still adequate space for a future residential development without major ecological disturbance. Use of the existing driveway located along the eastern property line will need to be clarified before any planned development.

- (d) The proposed development's fiscal impact and environmental impact.

As proposed, the subdivision will have no negative fiscal or environmental impact.

- (e) Whether the proposed subdivision is in conflict with applicable general and specific plans (e.g. growth management system goals and policies, capital improvement programs, ordinances).

The proposed subdivision is not in conflict with any relevant plans or ordinances.

(f) Whether the design or improvement of the proposed subdivision is in conflict with applicable development plans.

The proposed subdivision is not in conflict with any applicable development plans.

(g) That the site is physically suitable for the proposed density of the development.

There is more than the adequate amount of space required for a low-density residential development in Lot 2. This standard is met.

(h) Whether the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.

It is not intended that the applicant will be within the wetland area and will meet all shoreland overlay requirements. There should be no substantial environmental damage.

(i) Whether the design of the subdivision or the type of improvements are likely to cause serious public health problems.

The proposal will not cause any serious public health problems.

(j) Whether the design of the subdivision or the type of improvements will conflict with easements of record or of easements established by judgment of a court.

Before recording of the final plat, additional title work is needed to assess whether the new lot, Lot 2 can gain access from the existing driveway. Additionally, the access easement shall be modified to encompass the existing driveway, so no new driveways are allowed on the site and no wetlands impacts are needed to develop the site.

In addition, per Sec. 32 – 51, the Final Plat shall substantially conform to the Preliminary Plat.

This standard is met.

Next Steps

The City Council will review the Planning Commission's Preliminary and Final Plat review at the next regularly scheduled meeting.



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

SUBDIVISION APPLICATION: PRELIMINARY PLAT

A preliminary plat application is filed after the Planning Commission has reviewed the sketch plan application for the proposed subdivision. The application is reviewed by the Plat Review Committee and then forwarded on to the Planning Commission for a public hearing. After the public hearing the application is considered by the City Council.

Applicant(s): Name(s) Luis Reyes-Camacho
Address 635 Bielenberg Drive Suite 100
City Woodbury State MN Zip 55125
Phone Number 651-410-3107 Email luisreyesmn@kw.com

Owner(s) - If other than Applicant(s):
Name(s) Noe Mayorga
Address 7580 250th Street
City Wyoming State MN Zip 55092
Phone Number Authentisign Email noe@bestinsulationmn.com

Signature of owner(s) Noe Mayorga Date 10/19/22

Legal description of property: Part of the Southwest Quarter of Section 27, Township 33, Range 21, Chisago County, Minnesota.

Property Identification Number: R.21. 10508.00

Present use of property: Residential

Proposed use of property: Residential

Present zoning of property: Rural Residential 1 and Shoreland Overlay

Total acreage of property: 14.75
Number of proposed lots: 2

Total acreage in wetlands or floodplain: 4.49 ac
Acreage of proposed parkland dedication: 0

- ☒ 4 full size copies of the proposed preliminary plat
☒ 1 electronic version legibly detailing all features
☐ A copy of proposed protective covenants, if applicable
☒ Septic site evaluation reports
☐ Applications for any necessary variances, conditional use permits, or rezoning

- ☒ 2 reduced copies (no larger than 11 X 17)
☐ Environmental Assessment Worksheet, if necessary
☐ Grading, drainage and erosion control plans
☒ Wetlands delineation report
☒ Copies of permit application submittals to all agencies with jurisdiction over wetlands or water bodies and channels on the development site

☐ List of any special assessments
Authentisign
Noe Mayorga

Applicant(s) Signature: Noe Mayorga Date 10/19/22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

A public hearing can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Application # D-22-014

Date Application Received 10/17/22

Date Complete Application Received 10/20/22

120 Days 2/17/23

Fee: \$450.00 + \$70.00/Lot + Consultant Escrow = \$

Date Paid 10/20/22

By: [Signature] Official

Check # ✓

Consultant Escrow = \$1,000 without improvements or \$10,000 with improvements + \$500.00/lot for 30+ lots



City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
Phone (651) 462-4947
permits@wyomingmn.org

SUBDIVISION APPLICATION: FINAL PLAT

Applicant(s): Name(s) Luis Reyes-Camacho
Address 635 Bielenberg Drive Suite 100
City Woodbury State MN Zip 55125
Phone Number 651-410-3107 Email luisreyesmn@kw.com

Owner(s) - if other than Applicant(s):
Name(s) Noe Mayorga
Address 7580 250th Street
City Wyoming State MN Zip 55092
Phone Number Email noe@bestinsulationmn.com

Signature of owner(s) Noe Mayorga Date 10/19/22

Legal description of property: Part of the Southwest Quarter of Section 27, Township 33, Range 21, Chisago County, Minnesota.

Property Identification Number: R.21.10508.00

Present use of property: Residential

Proposed use of property: Residential

Present zoning of property: Rural Residential 1 and Shoreland Overlay

Surveyor: Name Kelly Jordan Phone 651-358-2343

Engineer: Name None Phone

Real Estate Agent: Name Luis Reyes-Camacho Phone 651-410-3107

This application and the following attachments must be submitted to be considered a complete application:

Total size of property: 14.75 Total acreage in wetlands or floodplain: 4.49 ac

Number of proposed lots: 2 Current zoning and use of property: see above

- | | |
|--|---|
| ☒ 4 full size copies of the final plat drawings | ☒ 2 reduced copies (no larger than 11 x 17) |
| ☒ Improvements complete & accepted | OR ☒ Developers Agreement |
| ☒ Performance guarantee for the improvements | ☒ Certificate of Title & Opinion |
| ☒ Soil perc tests and borings | ☒ Receipt proving that the taxes have been paid |
| ☐ Park Dedication Submitted | ☒ Legal & Engineering Fees Paid |
| ☒ Other | |
| ☒ The application fee and escrow must be paid at the time of application | |

Applicant(s) Signature: Noe Mayorga Date 10/19/22

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

The meeting can be scheduled only after a complete application is received.

OFFICE USE ONLY

Application # 0-22-015

Date Application Received 10/17/22

Date Complete Application Received / /

120 Days / /

Fee: \$200.00 + Escrow \$1,000.00

Date Paid 10/20/22

By: Official

Check #

PRELIMINARY PLAT OF MAYORGA MEADOWS

JAN MARIE JOHNSON PID
NO. 21.10510.02

RYAN KIEFFER
PID NO. 21.10510.05
OUTLOT B

DEAN AND SHIRLEY ERICKSON
PID NO. 21.10510.03

↑

EXCEPTION

ROBERT LINDGREN
PID NO. 21.10509.00

 BLOCK 1 NOE MAYORGA
PID NO. 21.10508.00

NOE MAYORGA
PID NO. 21.10508.00

KARL AND KEETA DOLL
PID NO. 21.10507.00



	MAILBOX
	LIFT STATION
	ELEC POLE
	GAS METER

 TELE PEDESTAL
 WATER WELL
 GUY ANCHOR
 WETLAND

	DELINEATED WETLAND UNLESS NOTED OTHERWISE
	OVERHEAD ELECTRIC
	BUILDING WALL HATCH

GRAVEL SURFACE

10 FT. WIDE ACCESS PER
WARRANTY DOC. NO. A-651049

DATE:	October 2022
SCALE:	AS SHOWN
DRAWN BY:	JMM
CHECKED BY:	KLJ
FILE NUMBER:	2022-11276

DATE	AMENDMENTS

BY	PREPARED FOR: NOE MAYORGA
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I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kelly L. Jordan

DATE: 10/17/2022 LIC. NO. 42648

1. Orientation of this bearing system is based on the Chisago County Coordinate System NAD83 (1996 adj.)
2. Vertical Control: MNDOT "1308 B" Elev. = 912.06 NAVD88
Contours shown are LIDAR derived on the NAVD88 datum provided by MnDNR.
3. The property address is 7580 250th St., Wyoming, MN 55092
PID No. 21.10508.00
4. Existing driveway is not located within written easement description. We recommend amending the driveway easement description to follow the traveled driveway.
5. The future building pad for Lot 2 will be located within the test area and must meet all current building criteria at the time of construction. The lowest floor elevation must be at least 2 feet above the Ordinary High Water elevation for the adjoining wetlands.
6. The subject property is within the Comfort Lake/Forest Lake Watershed District.
7. The subject property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain per FIRM Map No. 27025C0375D, effective April 17, 2012.
8. Gopher State One-Call, Ticket No. 222170744, dated 08/05/2022. A Gopher State One Call (GSOC) request was placed on 08/05/2022 for utility locates on this site. The underground utility locations, shown hereon, if any, are approximate and are based upon locates from those utility providers that actually performed a locate as a result of this request. The surveyor has not physically located the underground utilities. Pursuant to MS 216.0 contact Gopher State One Call at (651-454-0002) prior to any excavation.

The total acreage of subject property 642,523 Sq. Ft. or 14.75 Acres

Lot 1, Block 1:	425,837 Sq. Ft. or 9.78 Acres
Lot 2, Block 1:	203,197 Sq. Ft. or 4.66 Acres

Dedicated Right of Way of 250th Street	13,489 Sq. Ft. or 0.31 Acres
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ZONING:
RURAL RESIDENTIAL
SHORELAND OVERLA

MINIMUM REQUIREMENTS:
MINIMUM LOT SIZE:
MINIMUM BUILDABLE AREA:
MINIMUM LOT WIDTH:
MINIMUM LOT DEPTH:

MINIMUM BUILDING SETBACKS:
CENTERLINE OF TOWNSHIP ROAD:
SIDE YARD:
REAR YARD:
WETLAND:
WETLAND BUFFER:

1 ACRE
1 ACRE
200 FT.
200 FT.

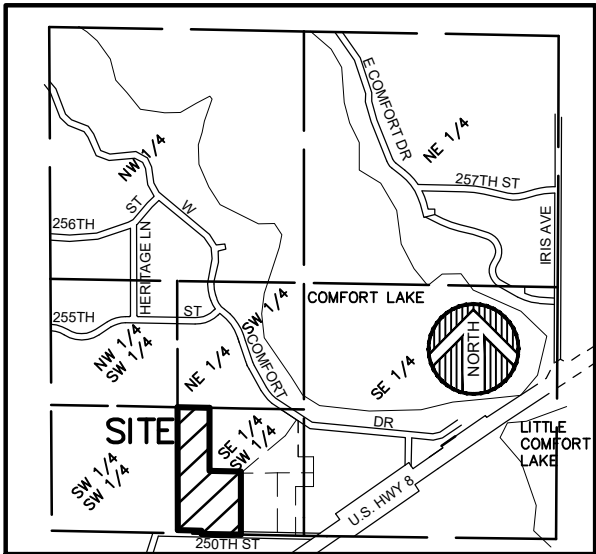
73 FT.
10 FT.
35 FT.
20 FT.
25 FT.

	PROPERTY LINE
DRIVEWAY:	5 FT.
SEPTIC TANK:	10 FT.
SEPTIC DRAINFIELD:	10 FT.

	BUILDING	WELL
SEPTIC TANK	10 FT.	50 FT.
SEPTIC DRAINFIELD	20 FT.	50 FT.
BUILDING	NA	3 FT. TO BUILDING OVERHANG

VICINITY MAP

"=2000'



SEC. 27, T33, R21
CITY OF WYOMING
CHISAGO COUNTY, MINNESOTA

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WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS

KNOW ALL PERSONS BY THESE PRESENTS: That Noe Mayorga, owner and proprietor of the following described property

The West Half of the Southeast Quarter of the Southwest Quarter (W 1/2 SE 1/4 SW 1/4) of Section 27, Township 33 North, Range 21 West, Chisago County Minnesota, described as follows: West Half Southeast Quarter Southwest Quarter, Section 27, EXCEPTING a piece of land 2 rods wide and 15 rods long, deeded to Fritol Isrealson and described as following: Commencing at the Southwest Corner of the Southeast Quarter of the Southwest Quarter; thence running East along the South line of said Southeast Quarter Southwest Quarter 15 rods to the West line of Forest Lake Chisago City Road; thence along the said West line of said road 2 rods; thence West 15 rods to the West line of said Southeast Quarter Southwest Quarter; thence South along said West line 2 rods to the place of beginning; and EXCEPTING: Commencing at the Northeast corner of the West Half of Southeast Quarter of Southwest Quarter of Section 27, Township 33 North, Range 21 West of the 4th Principal Meridian running West along the North line of said West Half Southeast Quarter Southwest Quarter 325 feet; thence South and parallel to the East line of the said West Half Southeast Quarter Southwest Quarter 658 feet; thence East and parallel with the North line of said West Half Southeast Quarter Southwest Quarter 325 feet, more or less, to the East line of said West Half Southeast Quarter Southwest Quarter; thence North along the said East line of said West Half Southeast Quarter Southwest Quarter 658 feet, more or less, to the place of beginning; also a right of way 10 feet wide along the East line of said West Half of Southeast Quarter of Southwest Quarter of Section 27, Township 33 North, Range 21 West, running from the hereinbefore deeded tract to the South line of said West Half of Southeast Quarter of Southwest Quarter of Section 27.

Chisago County, Minnesota.

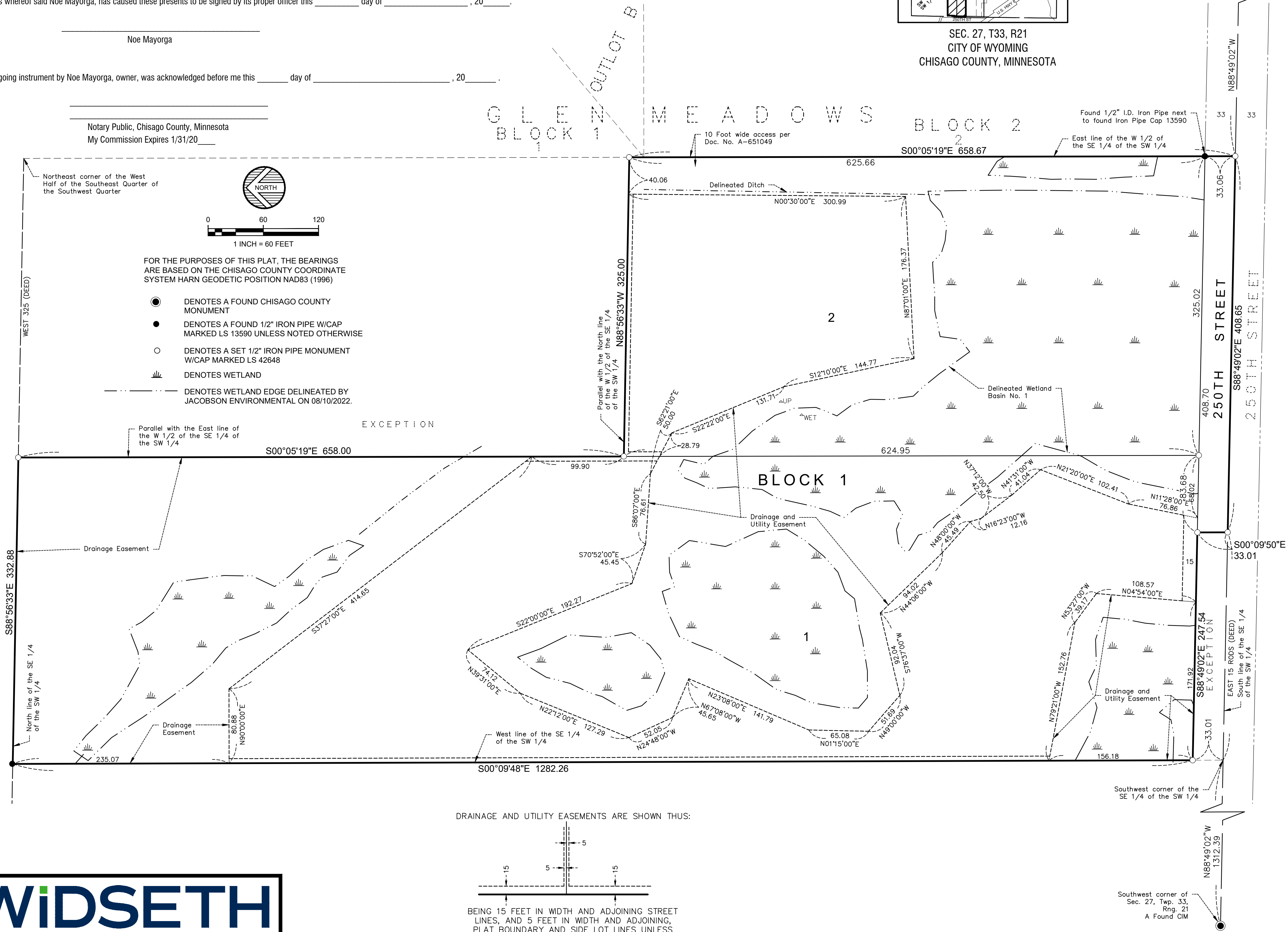
Have caused the same to be surveyed and platted as MAYORGA MEADOWS, and do hereby denote and dedicate to the public for public use forever the public ways and also easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Noe Mayorga, has caused these presents to be signed by its proper officer this _____ day of _____, 20_____

Noe Mayorga

This foregoing instrument by Noe Mayorga, owner, was acknowledged before me this _____ day of _____, 20____.

Notary Public, Chisago County, Minnesota
My Commission Expires 1/31/20____



I hereby certify that I have surveyed and platted or directly supervised the surveying and platting of the land described on this plat; this plat is a correct representation of the boundary survey; all mathematical data and labels are correctly designated on the plat; all monuments depicted on the plat have been correctly set; all water boundaries and wet lands as of this date are shown and labeled; and all public ways are shown and labeled.

Dated this _____ day of _____, 20____.

Kelly L. Jordan, Licensed Land Surveyor
Minnesota License No. 42648

STATE OF MINNESOTA
COUNTY OF CHISAGO

The foregoing Surveyor's Certificate by Kelly L. Jordan, Minnesota License No. 42648, was acknowledged before me, this _____ day of _____, 20_____.

Notary Public, Chisago County, Minnesota
My Commission Expires 1/31/20__

Approved by the City Council of the City of Wyoming, Minnesota, this _____ day of _____, 20 ____, and is in compliance with the provisions of Chapter 505.03, Subdivision 2, Minnesota Statutes.

Signed _____ Mayor

Signed _____ Clerk

This plat was approved as to form and execution this _____ day of _____, 20 ____.

City of Wyoming Attorney

Pursuant to Chisago County Subdivision Ordinance Number 99-2, I hereby certify that this plat has been checked and approved as to compliance with Chapter 505.021, Minnesota Statutes this _____ day of _____, 20 ____.

Chisago County Surveyor

No delinquent taxes and transfer entered this _____ day of _____, 20____.

Chisago County Auditor

I hereby certify that the taxes for the year 20 ____ on the property described herein are paid this _____ day of _____, 20 ____.

Chisago County Treasurer

Document No. _____

I hereby certify that this instrument was filed in the Office of the County Recorder for record on this _____ day of _____, 20 __, at ____ o'clock __.M., and was duly recorded in the Chisago County Records.

Chisago County Recorder