



Planning Commission –AGENDA
March 10, 2025 – 5:30 P.M.
Foley City Hall

1. Approve the agenda.
2. Approve the Planning Commission Minutes.
 - February 10, 2025
3. City Council Update
4. Todd Swanson – 651 Broadway Avenue N Subdivision Request
 - Request to create lot smaller than minimum requirements.
 - A smaller lot did exist prior to combination requested by then property owner in 1997.
5. Nick Kotsmith – Kotsmith Lumber – 6773 Hwy 25 NE – New Commercial Lumberyard
 - Property is in process of being annexed per OAA.
 - Property will connect to city sewer via grinder pump.
 - Variance for number of parking spaces – 15 required by code.
 -
 -
6. Other Items
 - Anticipate application from Benton County for new government center this spring.
 - Will continue discussion on parking regulations next meeting.
7. Next Meeting Date
 - TBD
8. Adjourn

Current Planning Members:

Bill Bronder, Candice Kantor, Jeff Gondeck, Rosalie Musachio, Deb Mathiowetz, Jonathan Brenny

Planning Commission Minutes
February 10, 2024 -5:30 p.m.
Foley City Hall

- Members Present: Bill Bronder, Candice Kantor, Deb Mathiowetz, Rosalie Musachio and Jonathan Brenny
- Members Absent: Jeff Gondeck
- Meeting called to order at 5:31 pm. Jeff Gondeck was absent.
- Added Nick Kotsmith to the agenda after approval of the minutes. Edited agenda approval motioned by Bill, seconded by Rosalie, motion passed.
- Meeting minutes edited to show a 6 pm start time for the January meeting. Approval of edited minutes motioned by Deb, seconded by Johathan, motion passed.
- Nick Kotsmith was in attendance to discuss his upcoming project to purchase land across from Henry's Catering, annex it into the City of Foley, and build/operate a lumber yard. His goal is to start building in April and be operational by June. He is hoping to have civil drawings completed by the 24th to be on the agenda for the March planning commission meeting and wanted to know the process if he is unable to meet that deadline. He mentioned he has been talking to you and other city staff. We indicated city staff review of plans prior to the plans being sent to the planning commission and city council approval after review at a planning commission meeting.
- City council update - Deb gave a brief update since Jeff was not in attendance. The council discussed operations with TriCounty Humane Society - how much to spend and what to do when that money runs out, and that the city wants the same process as the county used. No update on the medical clinic. The housing project on the south side of town is out for a new RFP.
- Parking requirements
 - The planning commission would like to know if city staff have any recommendations about certain categories to revise or thresholds to use based on comments from residents/businesses/potential developers
 - There was agreement about changing the restaurants requirement to 1 space per 4 seats
 - There was discussion about moving forward with the restaurant requirement at that meeting, and it was decided to wait so that all the changes can be made at one time since the ordinance revision will require council approval and public hearing. We would like to hopefully have a consensus on all proposed revisions at the next meeting.
 - Other categories to consider revisions: churches, medical clinic (use per doctor/dentist instead of sf), drive in/fast food (use spaces per seats in similar structure to restaurants), office buildings, retail store, retail/warehouse, car wash serviced (10 spaces seems high)

- Downtown parking
 - Should we have a separate ordinance for the "downtown" zone because those businesses cannot build additional parking and use primarily communal street parking
 - Is the south lot officially being converted to 24 hour, if not can that be discussed with public works? Would it be beneficial to have a representative from public works attend the next planning commission meeting to discuss concerns/options so we can find an option to make some changes to overnight downtown parking?
 - Also discussed if there is a need for 2 hour parking limits, allowing overnight parking on the streets downtown, issuing permits for downtown apartments for overnight parking
- Next meeting - we will likely need a March meeting. Second Monday is the 10th, meeting time 5:30 pm.
- Motion to adjourn meeting by Deb, seconded by Bill, motion passed. Meeting adjourned at 6:50 pm.

Submitted by: Candace Kantor, along with recording

City of Foley Subdivision Development Plat Review Application

Street Location of Property: 651 Broadway Avenue North
 Legal Description of Property: 24-037-029 HALLS 3rd Addition to Foley Lot-001 & Lots
 Current Zoning of Property: R-1 Proposed Zoning: R-1 2, 3+4
 Type of Request: Split property to original - see attached
 *** (Attach narrative describing details of project scope) ***

Property Owner: Todd Swanson 320.980.3380
Name 23819 North Platte Lake Rd Phone
Address Hillman MN 56338 Fax
Email todd@premierhome
Search.com

Applicant: Todd Swanson 320.980.3380
Name 23819 North Platte Lake Rd Phone
Address Hillman MN 56338 Fax
Email todd@premierhomesearch
corp

Type of Request & Fee Amount:

<input type="checkbox"/> Rezoning/Amendment	\$250.00
<input type="checkbox"/> Conditional Use Permit	\$250.00
<input checked="" type="checkbox"/> Variance	\$250.00
<input type="checkbox"/> Planned Unit Development	\$250.00

<input type="checkbox"/> Preliminary Plat	\$500.00
<input type="checkbox"/> Final Plat	\$
<input type="checkbox"/> Annexation	\$400.00 +
<input type="checkbox"/> Site Plan Review/Other	
Total Fees Paid	\$

Has a request been made previously on this property? Yes No Explain: _____

This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions. A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and that I am responsible for all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or purchase agreement), or I am the authorized person to make this application and the fee owner has also signed this application.

- Supporting Documents Attached
- Appropriate Fees Paid
- Review by City Staff
- Completed Application Accepted

Application Filed: _____
 Date Fees Paid: _____
 Staff Initials: _____
 Date Application Accepted: _____

Todd Swanson 2-20-25
Signature of Applicant Date

Todd Swanson 2-20-25
Signature of Fee Owner Date

RE: 651 Broadway Ave N, Foley

I am writing to request a variance for the property located at 651 Broadway Ave N in Foley. This property was originally compromised of two separate parcels, which were combined by the previous owner. Each parcel was individually connected to water and sewer services.

Granting this variance would allow for the re-establishment of the two original parcels, thereby creating two residential properties. This is particularly beneficial given the current low inventory in the housing market. Additionally, this division would distribute the upcoming assessments between the two properties, rather than placing the entire burden on a single property.

Thank you for considering this request. I look forward to your response

SECTION 13 VARIANCES

Subdivision 1: PLANNING COMMISSION RECOMMENDATION

The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Commission may prescribe conditions that it deems necessary to or desirable for the public interest. In making its findings, as required below, the Planning Commission will take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed effect of the proposed subdivision upon traffic conditions in the vicinity.

Subdivision 2: STANDARDS

The recommendation for a variance shall not be granted unless the Planning Commission finds:

- A. That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of her or his land.
- B. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That strict application of the subdivision regulations would create an undue hardship on a property owner as opposed to a mere inconvenience.
- D. That the granting of the variance is not generally in conflict with the Comprehensive Plan.

Subdivision 3: COUNCIL ACTION

After review of the Planning Commission's recommendation on a variance, the Council shall make a final decision as to whether or not the variance will be granted.

Subdivision 4: PROCEDURE

All variances and variance appeals under this Section shall follow all of the procedures and requirements set forth in Section 24 of the City's Zoning Ordinance in addition to the requirements of this Section.

Certificate of Survey

for
Todd Swanson
 Lots 1, 2, 3 and 4, Block 1, HALL'S 3RD ADDITION
 TO THE VILLAGE OF FOLEY
 City of Foley, Benton County, Minnesota

Property Description (Warranty Deed - Doc. No. 470942):
 Lots One (1), Two (2), Three (3) and Four (4), Block One (1), Hall's Third Addition to the Village (now City) of Foley, Benton County, Minnesota.

Proposed Parcel A Description PID: 13.00446.00:

Lot 1 and that part of Lot 2, HALL'S 3RD ADDITION TO THE VILLAGE OF FOLEY, Benton County, Minnesota, lying northwesterly of the following described line:

Commencing at the southeast corner of Lot 4, said Block 1; thence northwesterly along the northeasterly line of said Block 1, a distance of 63.00 feet to the point of beginning; thence southwesterly deflecting to the left 90 degrees to the southwesterly line of said Lot 2 and there terminating.

Proposed Parcel B:

Lots 3, 4, and that part of Lot 2, HALL'S THIRD ADDITION TO THE VILLAGE OF FOLEY, Benton County, Minnesota, lying southeasterly of the following described line:

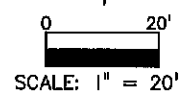
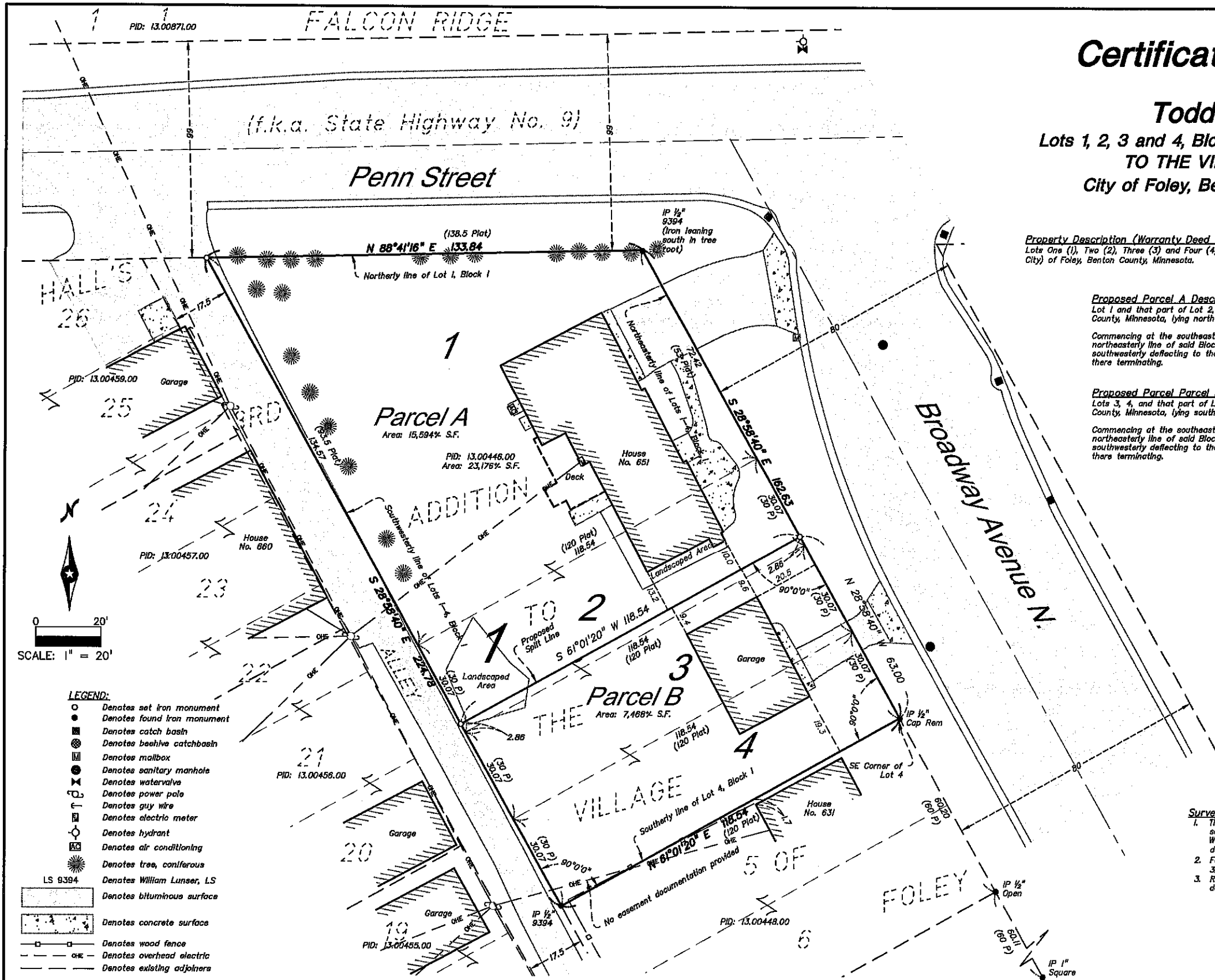
Commencing at the southeast corner of Lot 4, said Block 1; thence northwesterly along the northeasterly line of said Block 1, a distance of 63.00 feet to the point of beginning; thence southwesterly deflecting to the left 90 degrees to the southwesterly line of said Lot 2 and there terminating.

ZONING
 R-1 Single and Two Family Residential District
 (Existing Lot)

SETBACKS
 20' Front
 5' Side

Survey Notes:

- This survey was performed without the benefit of a title report. No search for restrictions or easements was made by the surveyor. We reserve the right to update this survey upon receipt of title documentation.
- For the purposes of this survey, the East line of Block 1, HALL'S 3RD ADDITION, is assumed to bear S 28°58'40" E.
- Reference Survey for Mike Westra by William Lunser, LS 9394 dated April 1997.



- LEGEND:**
- Denotes set iron monument
 - Denotes found iron monument
 - Denotes catch basin
 - ⊗ Denotes beehive catchbasin
 - Denotes mailbox
 - ⊙ Denotes sanitary manhole
 - ⊕ Denotes water valve
 - ⊖ Denotes power pole
 - ⊗ Denotes guy wire
 - ⊙ Denotes electric meter
 - ⊕ Denotes hydrant
 - ⊖ Denotes air conditioning
 - ⊗ Denotes tree, coniferous
 - ⊕ Denotes tree, deciduous
 - ⊖ Denotes William Lunser, LS
 - ▭ Denotes bituminous surface
 - ▭ Denotes concrete surface
 - ▭ Denotes wood fence
 - ▭ Denotes overhead electric
 - ▭ Denotes existing adjunctions

SHEET NO.
 1
 OF SHEETS

Todd Swanson
 L1,2,3 & 4, B1, HALL'S 3RD ADD. TO FOLEY
 651 Broadway Ave.
 City of Foley, Benton County, Minnesota
 Certificate of Survey

BOGART, PEDERSON & ASSOCIATES, INC.
 LAND SURVEYING
 CIVIL ENGINEERING
 MAPPING
 13076 FIRST STREET, BECKER, MN 55308-9322
 TEL: 763-262-8822 FAX: 763-262-8844

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.
 Signed: *Craig A. Wensmann*
 Craig A. Wensmann
 Date: 2/7/25 Lic. No. 47466

DATE:	REV NO.	DATE	DESCRIPTION
1/2/25			
DESIGN BY:			
DRAWN BY:	CK/RT		
CHECKED BY:	CAW		
DWG FILE:	25-0017COS		
FILE NO.:	25-0017.00		

City of Foley Variance Application

Street Location of Property: 6773 Hwy 25 NE 020036700
 Legal Description of Property: _____
 Current Zoning of Property: Commercial Proposed Zoning: Commercial
 Type of Request: will be Annexed into city
 *** (Attach narrative describing details of project scope) ***

Property Owner: JOHN ARNOLD 370-398-3810
 Name _____ Phone _____
P.O. box 388 _____
 Address _____ Fax _____
KIMBALL MN 55357 _____
 Email _____

Applicant: Nick Kosmitz 370-250-8420
 Name _____ Phone _____
14th 47th ST NE _____
 Address _____ Fax _____
Foley MN 56329 _____
 Email _____

Type of Request & Fee Amount:

<input type="checkbox"/>	Rezoning/Amendment	\$250.00
<input type="checkbox"/>	Conditional Use Permit	\$250.00
<input checked="" type="checkbox"/>	Variance	\$250.00
<input type="checkbox"/>	Planned Unit Development	\$250.00

<input type="checkbox"/>	Preliminary Plat	\$500.00
<input type="checkbox"/>	Final Plat	\$
<input type="checkbox"/>	Annexation	\$400.00 +
<input type="checkbox"/>	Site Plan Review/Other	
Total Fees Paid		\$

Has a request been made previously on this property? Yes No Explain: _____

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- Supporting Documents Attached
- Appropriate Fees Paid
- Review by City Staff
- Completed Application Accepted

Application Filed: _____
 Date Fees Paid: _____
 Staff Initials: _____
 Date Application Accepted: _____

Nick Kosmitz 2-24-25
 Signature of Applicant Date

 Signature of Fee Owner Date

**City of Foley
Variance Supplementary Application**

Please use this form to explain how your variance request meets the requirements for a variance.

- (1) Describe how will the variance demonstrates harmony with the general purposes and intent of the zoning ordinance.

8 off street parking plus 1 per 600 sq ft of office →

- (2) Describe how the variance is consistent with the Comprehensive Plan.

The yard will provide many parking & driving space for customers & vehicles. Looking to only have 8 parking spots out front that is paved & enclosed parking to the south in class 5 GRAVEL

- (3) Demonstrate the "practical difficulties" in complying with the zoning ordinance. *

1. How is the proposed use a reasonable manner not permitted by the zoning ordinance?

many customers have trailers and drive into & park in the yard - not parking lot.

2. Demonstrate the plight of the landowner is due to circumstances unique to the property not created by the landowner.

I will own after closing on 3-4-25

3. Demonstrate, if granted, how the variance will not alter the essential character of the neighborhood.

will still provide parking for customers just fewer spots out front.

*Economic considerations alone do not constitute practical difficulties.

City of Foley Site Plan Review Application

Street Location of Property: Arnolds North LLC 020036700

Legal Description of Property: _____

Current Zoning of Property: Commercial Proposed Zoning: Annexed to

Type of Request: _____ City of Foley

*** (Attach narrative describing details of project scope) ***

Property Owner: JOHN ARNOLD

Name P.O. box 388

Address Kimball MN 55357

320-398-3910
Phone:

Fax:
Jarnode@arnoldsim.com
Email

Applicant: Nick Kosmitz

Name 14963 47th ST NE

Address Foley MN 56329

320-250-8420
Phone:

Fax:
Nkosmitz@gmail.com
Email

Type of Request & Fee Amount:

<input type="checkbox"/> D	Rezoning/Amendment	\$250.00
<input type="checkbox"/> D	Conditional Use Permit	\$250.00
<input type="checkbox"/> D	Variance	\$250.00
<input type="checkbox"/> D	Planned Unit Development	\$250.00

<input type="checkbox"/> D	Preliminary Plat	\$500.00
<input type="checkbox"/> D	Final Plat	\$
<input type="checkbox"/> D	Annexation	\$400.00 +
<input checked="" type="checkbox"/> D	Site Plan Review/Other	\$
Total Fees Paid		\$

Has a request been made previously on this property? D Yes D No Explain: Email sent to Sarah on 2-10-25

This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions. A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

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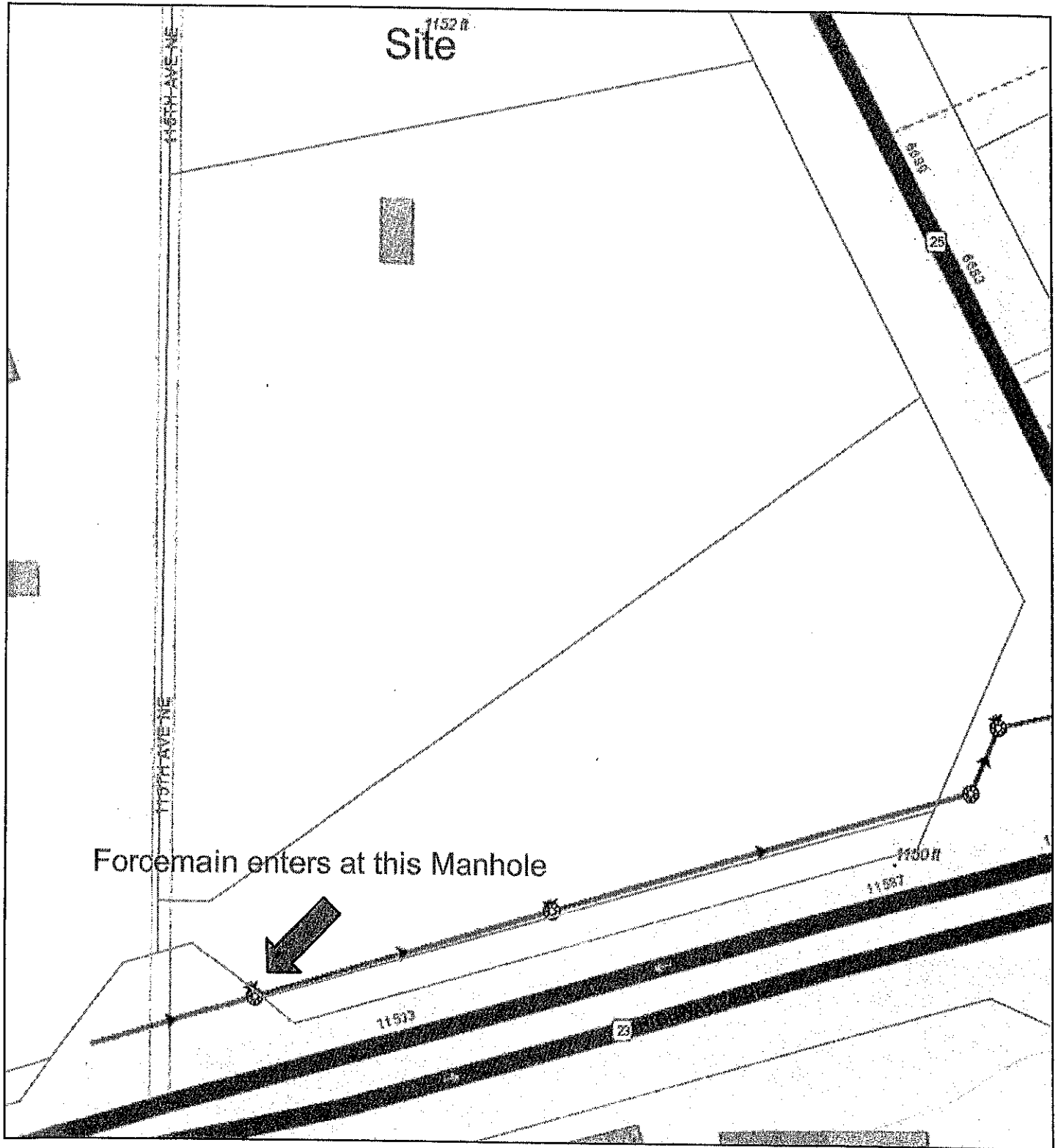
- D Supporting Documents Attached
- D Appropriate Fees Paid
- D Review by City Staff
- D Completed Application Accepted

Application Filed: _____
Date Fees Paid: _____
Staff Initials: _____
Date Application Accepted: _____

Signature of Applicant Date

Signature of Fee Owner Date

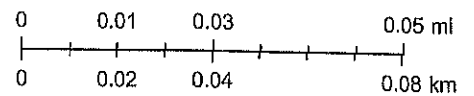
ArcGIS Web Map



2/24/2025, 9:32:23 AM

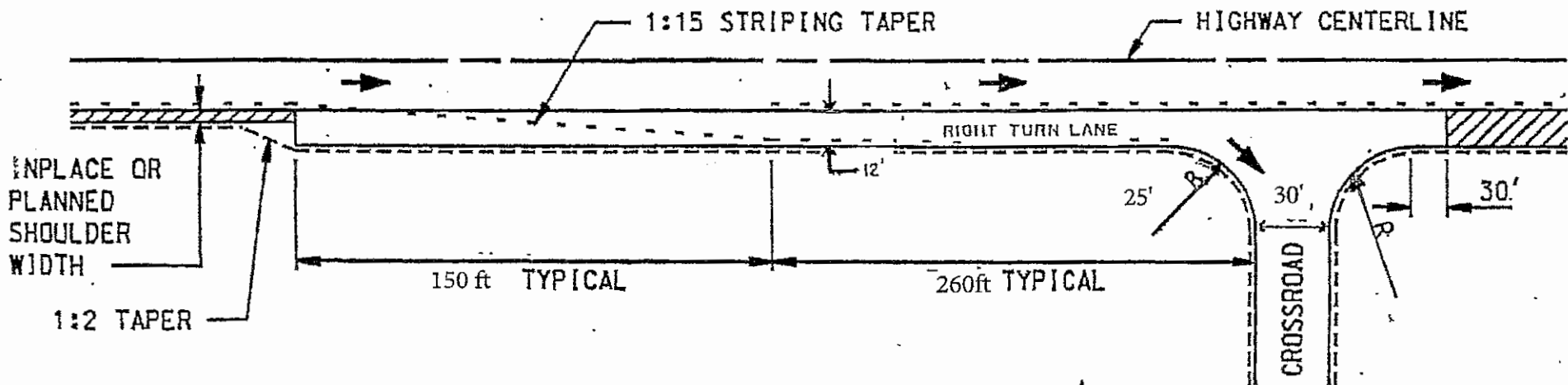
1:2,257

- Sewer Network Structures
- Sewer Manholes
- Sewer System Valves
- Sewer Clean Outs
- Sewer Pressurized Mains
- Sewer Gravity Mains
- Sewer Detention Areas
- Benton_Co_Data - Benton Parcels

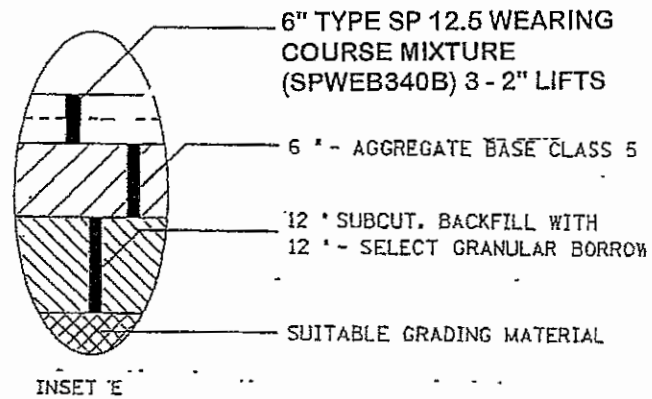
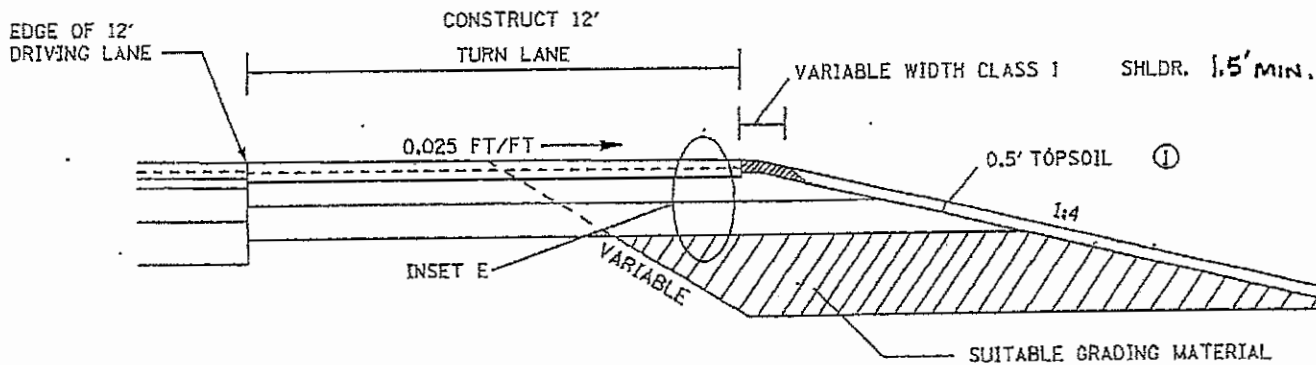


Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

PLAN VIEW
RIGHT TURN LANE



CROSS SECTION VIEW
SURFACING DETAILS



See Special provisions for Bituminous mixture requirements

① STRIP AND REUSE TOPSOIL

NOTE: REMOVE INPLACE SHOULDER PRIOR TO CONSTRUCTION.

KOTSMITH FOLEY

NICK KOTSMITH

STATE HWY 25 NE & 115TH AVE NE

CITY OF FOLEY, BENTON COUNTY, MN

FEBRUARY 2025

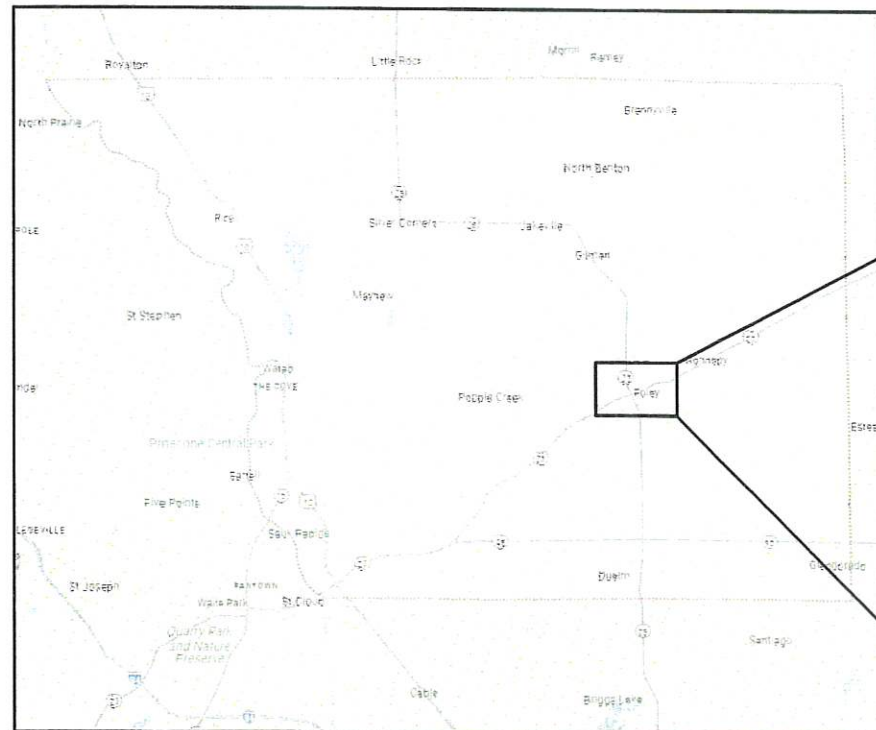
CIVIL & SURVEY PLANS PREPARED BY:



**Bogart, Pederson
& Associates, Inc.**
CIVIL ENGINEERING
LAND SURVEYING
ENVIRONMENTAL SERVICES

Traditional Values · Creative Solutions

Sheet Number	Sheet Title
	Cover
C1	Site Plan
C2	Grading Plan
C3	Erosion Control Plan
C4	Details
C5	Details



BENTON COUNTY, MINNESOTA

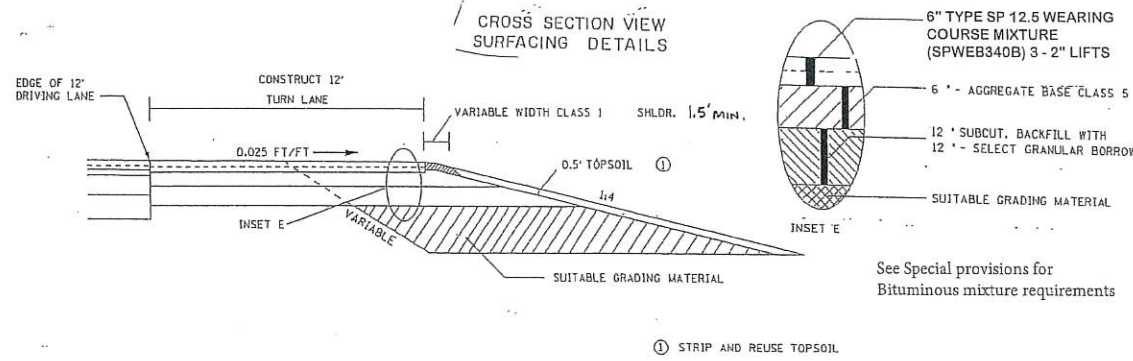
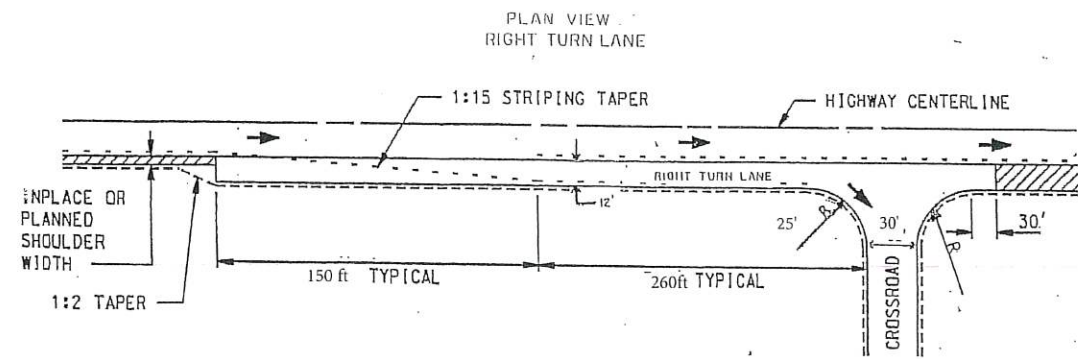
PROJECT LOCATION



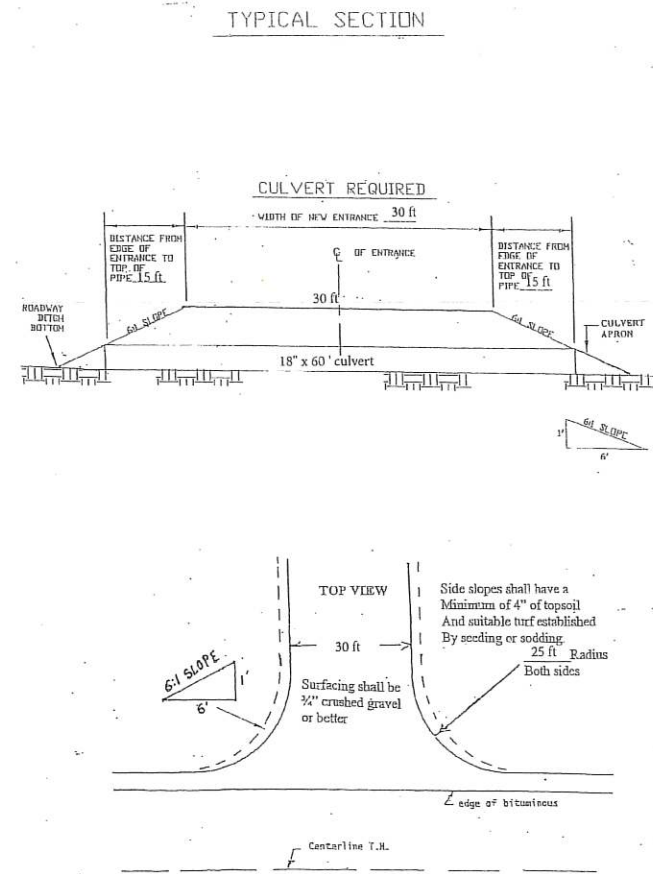
VICINITY MAP

REV NO.	DATE	DESCRIPTION

PRIVATE UTILITIES SHOWN ARE QUALITY LEVEL D.
QUALITY LEVEL D PROVIDES THE MOST BASIC LEVEL OF INFORMATION. IT INVOLVES
COLLECTING DATA FROM EXISTING UTILITY RECORDS. RECORDS MAY INCLUDE AS-BUILT
DRAWINGS, DISTRIBUTION AND SERVICES MAPS, EXISTING GEOGRAPHIC INFORMATION
SYSTEM DATABASES, CONSTRUCTION PLANS, ETC.



NOTE: REMOVE INPLACE SHOULDER PRIOR TO CONSTRUCTION.

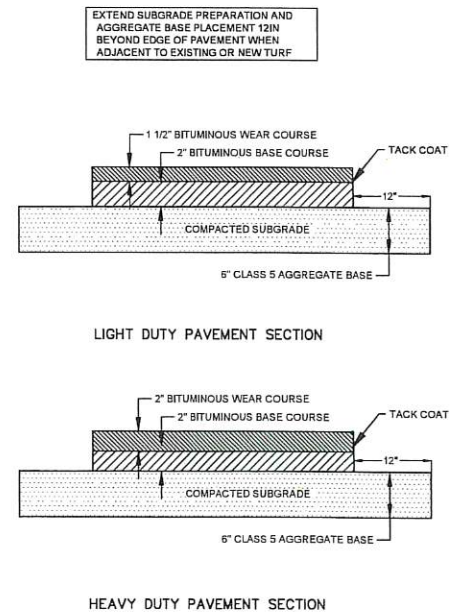


NOT FOR CONSTRUCTION

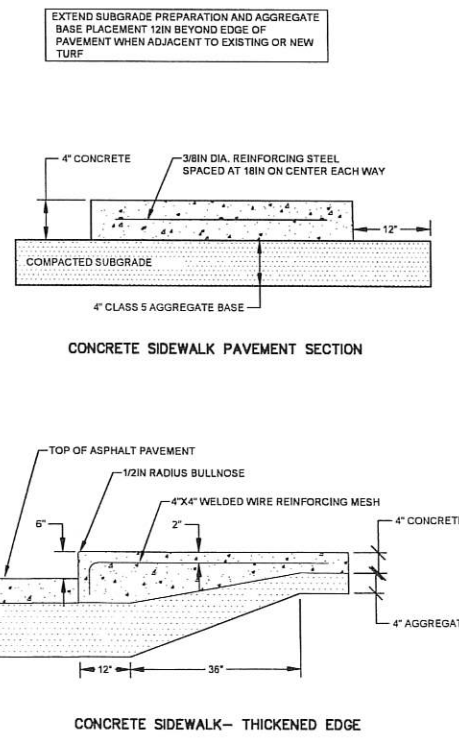
BOGART, PEDERSON & ASSOCIATES, INC.
 LAND SURVEYING
 CIVIL ENGINEERING
 ENVIRONMENTAL SERVICES
 13076 FIRST STREET, BECKER, MN 55208-8322
 TEL: 763-262-8622 FAX: 763-262-8644

NICK KOTSMITH
 City of Foley, Benton County, MN

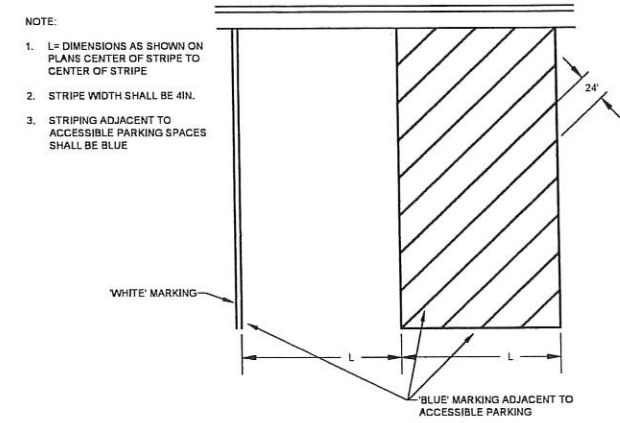
SHEET NO.
C4



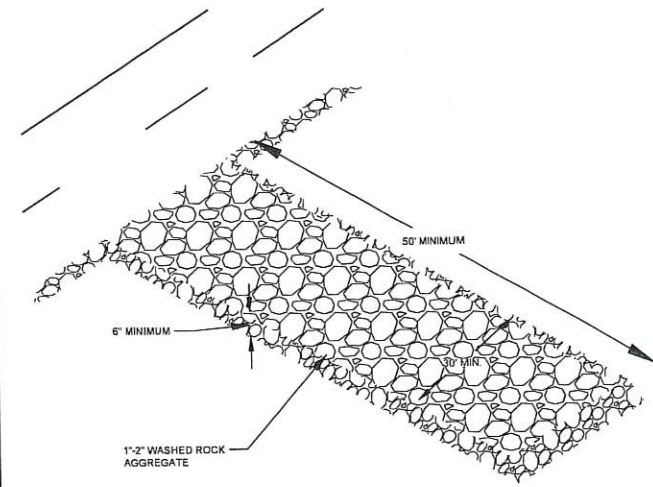
ASPHALT PAVEMENT SECTIONS
N.T.S.



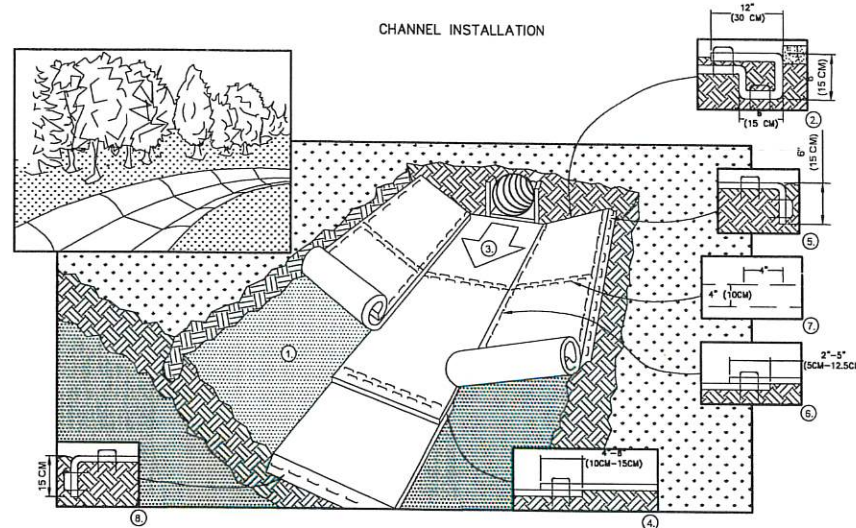
CONCRETE SIDEWALK PAVEMENT SECTION
N.T.S.



PAINTED PAVEMENT MARKINGS
N.T.S.



ROCK CONSTRUCTION EXIT
N.T.S.



WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.

WITH APPROXIMATELY 12" (30cm) OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30cm) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30cm) PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30cm) APART ACROSS THE WIDTH OF THE BLANKET.

AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.

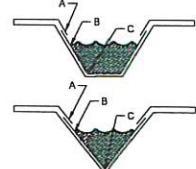
STAPLES STAGGERED 4" (10cm) APART AND 4" (10cm) ON CENTER TO SECURE BLANKETS.™

12" (30cm) APART IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

TO ENSURE PROPER SEAM ALIGNMENT, PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE BLANKET BEING OVERLAPPED.

A DOUBLE ROW OF STAPLES STAGGERED 4" (10cm) APART AND 4" (10cm) ON CENTER OVER ENTIRE WIDTH OF THE CHANNEL.

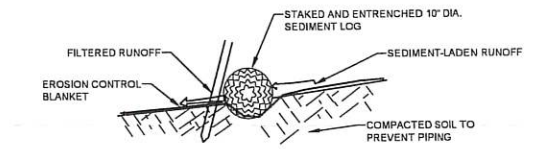
IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.



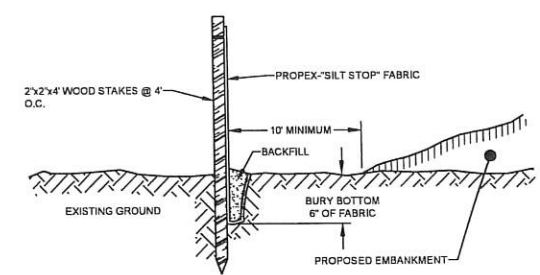
CRITICAL POINTS
 A. OVERLAPS AND SEAMS
 B. PROJECTED WATER LINE
 C. CHANNEL BOTTOMSIDE SLOPE VERTICES

NOTE:
 * HORIZONTAL STAPLE SPACING SHOULD BE ALTERED IF NECESSARY TO ALLOW STAPLES TO SECURE THE CRITICAL POINTS ALONG THE CHANNEL SURFACE.
 ** IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 cm) MAY BE NECESSARY TO PROPERLY ANCHOR THE BLANKETS.

1. THE SEDIMENT LOGS SHALL BE TRENCHED 4" INTO THE GROUND AND SHALL BE STAKED BY STEEL FENCE POSTS OR 2" X 2" WOOD STAKES.
2. SOIL SHALL BE COMPACTED ON THE UPSLOPE SIDE OF LOGS.



SEDIMENT LOG INSTALLATION



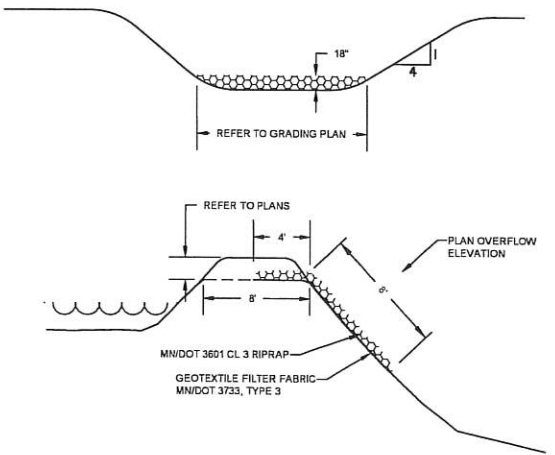
SILT FENCE DETAIL (NTS)

REV. NO.	DATE	DESCRIPTION
02/16/2025	CJD	DESIGN BY:
	CJD	DRAWN BY:
	CJD	CHECKED BY:
		DETAILS
		DWG FILE: 24-0656-01
		FILE NO.:

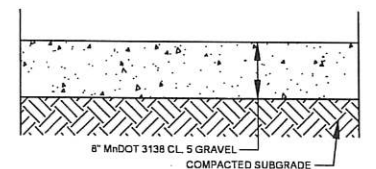
NOT FOR CONSTRUCTION

EROSION CONTROL MATTING (FOR POND)
 N.T.S.

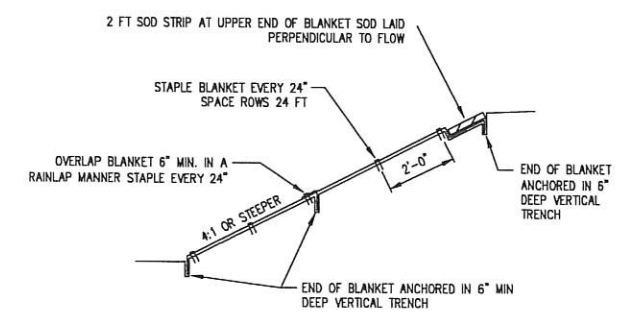
TEMPORARY SEDIMENT CONTROL DEVICES
 N.T.S.



EMERGENCY OVERFLOW WEIR DETAIL
 N.T.S.



GRAVEL SECTION
 N.T.S.



NOTE: EROSION CONTROL BLANKET ON 4:1 SLOPES OR STEEPER AND SWALES WITH LONGITUDINAL SLOPES OF 0.5% OR GREATER

EROSION CONTROL BLANKET
 N.T.S.

BOGART, PEDERSON & ASSOCIATES, INC.
 LAND SURVEYING
 CIVIL ENGINEERING
 ENVIRONMENTAL SERVICES
 13075 FIRST STREET, SUITE 200
 BENTON COUNTY, MINNESOTA 55005-9322
 TEL: 763-656-8422 FAX: 763-656-8844

NICK KOTSMITH
 City of Foley, Benton County, MN

SHEET NO.
C5

DETAILS

Sarah Brunn

From: Ashley Bukowski <ABukowski@rinkenoonan.com>
Sent: Friday, February 28, 2025 11:01 AM
To: Nancy Scott; Sarah Brunn
Cc: Jarod Griffith; Mark Pappenfus
Subject: RE: Kotsmith Lumber - Variance for Parking & Site Plan Review

Hello, everyone,

I do not have concerns regarding the legality of granting this variance request. I would encourage the Planning Commission and the City Council to focus on the practical difficulties (i.e., because of the configuration of the property, there isn't adequate room to provide the required 15 parking spaces). The application doesn't go into detail about the practical difficulties present, but I believe we are all familiar with the property and can understand why this variance is being requested.

Thank you!

Ashley M. Bukowski
Attorney

RINKE NOONAN
1015 West Saint Germain Street
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 257-3862 Direct

From: Nancy Scott <nscott64@hotmail.com>
Sent: Friday, February 28, 2025 10:51 AM
To: Sarah Brunn <sbrunn@ci.foley.mn.us>
Cc: Ashley Bukowski <ABukowski@rinkenoonan.com>; Jarod Griffith <jgriffith@sehinc.com>; Mark Pappenfus <mpappenfus@ci.foley.mn.us>
Subject: Re: Kotsmith Lumber - Variance for Parking & Site Plan Review

None from building code at this point. I am in contact with the architect on the project.

Nancy J. Scott, CBO#2099
AllSpec Services, LLC
(320)293-5298

On Feb 28, 2025, at 10:43 AM, Sarah Brunn <sbrunn@ci.foley.mn.us> wrote:

Just following up if there are any comments related to this item?

Thanks much.

Sarah Brunn

From: Jarod Griffith <jgriffith@sehinc.com>
Sent: Friday, February 28, 2025 11:43 AM
To: Ashley Bukowski; Nancy Scott; Sarah Brunn
Cc: Mark Pappenfus
Subject: RE: Kotsmith Lumber - Variance for Parking & Site Plan Review

Good Morning-

The submittal is incomplete from a Civil standpoint so I will need more documents to complete the review.

High level comments...

Plans

- We should have a utility plan for the water (from the well to building) and sanitary (from pump to building and connection to city system).
- Include a SWPPP
- Handicap sign
- MnDOT review for the turn lane and ditch drainage
- County review for wetland impacts/mitigation
- Access easement area is roughly half wetland. This may be something the county might want to mitigate now or provide more space to the west for access.

Drainage

- Provide storm water calcs
- Information likely in the calcs but of note items would be draining off site to the south property, pond deeper than wetland, and ditch culvert is 0%.

Certificate of Survey

- The survey calls out ambiguities in the descriptions on the North and South lines of this property. It states further action should be taken with an experienced real Estate Attorney. Have they worked with an attorney and the neighboring properties to settle the ambiguous descriptions. Set backs appear to fine so shouldn't be an issue from a City standpoint.
- They show a 33' offset from the centerline of 115th Ave NE. Does the City want an easement recorded there?

Thanks

Jarod R. Griffith, PE (MN)
Engineer IV
Short Elliott Hendrickson, Inc.
320.229.4304 direct | 218.849.0539 mobile | 320.229.4300 main

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From: Ashley Bukowski <ABukowski@rinkenoonan.com>
Sent: Friday, February 28, 2025 11:01 AM
To: Nancy Scott <nscott64@hotmail.com>; Sarah Brunn <sbrunn@ci.foley.mn.us>

Stacy Graham

From: Sarah Brunn
Sent: Monday, March 10, 2025 1:00 PM
To: Stacy Graham; Bill Bronder; Noel Lewandowski; Jeff Gondeck; Rosalie Musachio; Deb Mathiowetz; Jon Brenny; Nancy Scott (nscott64@hotmail.com); Jarod Griffith; Ashley Bukowski; Mark Pappenfus
Subject: RE: Planning Meeting Packet for 3-10-25 Meeting
Attachments: FW_ Kotsmith Lumber - Variance for Parking & Site Plan Review-Engineer Comments 02-28-25.pdf; Civil Plans - Kotsmith Lumber-Sarahs Comments 2-28-25.pdf; RE_ Kotsmith Lumber - Variance for Parking & Site Plan Review - Legal and Building.pdf; Variance - Findings.pdf
Importance: High

Planning Members –

Here are some additional comments that staff had related to the Kotsmith application. I had shared the engineering ones with the applicant on 2/28 and hoped they would be incorporated into the revised plans for your packet. Revised plans did not come in last week while I was on vacation so I apologize you did not receive these comments earlier. I will have my staff also print copies of these for you tonight.

Also – with the Swanson variance request – it is a subdivision variance so treated a little differently. It was initially multiple lots that were combined. They are now asking to split it apart into 2 single family residences/lots. It does not meet the minimum lot size but does create 2 lots which are similar to other sized lots in the neighborhood – this is the old part of town with very small lots. Both structures also meet building code standards and have their own water/sewer services.

I am out sick today but the city attorney will be attending the meeting in my place and can help you with the findings for the variance requests. I have attached the zoning findings form.

Thank you.

Sarah A. Brunn
City Administrator
sbrunn@ci.foley.mn.us



City of Foley
251 4th Avenue North
P.O. Box 709
Foley, MN 56329
www.ci.foley.mn.us
320-968-7260 Office

320-968-6325 Fax

From: Stacy Graham <sgraham@ci.foley.mn.us>
Sent: Thursday, March 6, 2025 11:25 AM
To: Bill Bronder <bbronder@outlook.com>; Noel Lewandowski <amaxindinc@gmail.com>; Jeff Gondeck <kato6820@gmail.com>; Rosalie Musachio <musachiolaw@gmail.com>; Deb Mathiowetz <debtosh50@icloud.com>; Jon Brenny <jonathan@jonathanbrenny.com>; Nancy Scott (nscott64@hotmail.com) <nscott64@hotmail.com>; Jarod Griffith <jgriffith@sehinc.com>; Ashley Bukowski <ABukowski@rinkenoonan.com>; bk.gilmanton@gmail.com
Cc: Sarah Brunn <sbrunn@ci.foley.mn.us>
Subject: Planning Meeting Packet for 3-10-25 Meeting

Hello Happy Thursday!!

Attached you will find the packet for the Planning Meeting on Monday, March 10.

For those of you that typically received a hard copy, we were waiting for a few plans. We have received them today, the packets will be delivered this afternoon.

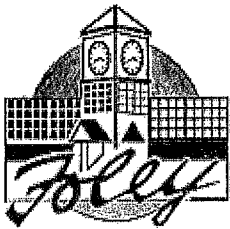
Please let me know if you have any questions, I am more than happy to help. Have a great weekend!

Thank you

Stacy Graham

Administrative Assistant / UB Clerk

sgraham@ci.foley.mn.us



City of Foley

251 4th Avenue North

P.O. Box 709

Foley, MN 56329

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320-968-7260 Office

320-968-6325 Fax

From: [Sarah Brunn](#)
To: ["Chris Dahn, PE"](#)
Cc: [Nick Kotsmith](#)
Subject: FW: Kotsmith Lumber - Variance for Parking & Site Plan Review
Date: Friday, February 28, 2025 12:31:00 PM
Attachments: [image001.png](#)
Importance: High

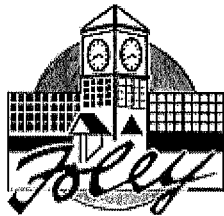
Received these comments from engineering – we will need these items submitted/updated on plans.

Thanks.

Sarah A. Brunn

City Administrator

sbrunn@ci.foley.mn.us



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From: Jarod Griffith <jgriffith@sehinc.com>

Sent: Friday, February 28, 2025 11:43 AM

To: Ashley Bukowski <ABukowski@rinkenoonan.com>; Nancy Scott <nscott64@hotmail.com>; Sarah Brunn <sbrunn@ci.foley.mn.us>

Cc: Mark Pappenfus <mpappenfus@ci.foley.mn.us>

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Thanks

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On Feb 28, 2025, at 10:43 AM, Sarah Brunn <sbrunn@ci.foley.mn.us> wrote:

Just following up if there are any comments related to this item?

Thanks much.

Sarah A. Brunn
City Administrator
sbrunn@ci.foley.mn.us

<image001.png>

City of Foley

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320-968-7260 Office

320-968-6325 Fax

From: Sarah Brunn

Sent: Wednesday, February 26, 2025 2:38 PM

To: 'Ashley Bukowski' <ABukowski@rinkenoonan.com>; Jarod Griffith <jgriffith@sehinc.com>; Pappenfus, Mark <mpappenfus@ci.foley.mn.us>; 'Scott, Nancy' <nscott64@hotmail.com>

Subject: Kotsmith Lumber - Variance for Parking & Site Plan Review

Importance: High

Here is the combined application of Kotsmith Lumber.

This is scheduled for planning review on March 10th – I'm scheduled to be out of the office next week so if possible I would appreciate comments back by Friday morning.

A couple notes:

1. They will be connecting to city sewer via a grinder pump and piping along the township road.
2. A request for annexation has been made and after 30 days the council can adopt a resolution completing the annexation based on the agreement with the township.
3. The parking requirements are 15 spaces – they are only proposing 11.
4. I have suggested they provide some type of screening for the yard area from the highway– they have a fence proposed.
5. The city attorney is working on a simple development agreement which will outline how connection to permanent utilities will occur once city runs additional pipe.

Thanks.

Sarah A. Brunn

City Administrator

sbrunn@ci.foley.mn.us

<image001.png>

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For more information please visit <https://www.mimecast.com>

From: [Sarah Brunn](#)
To: ["Chris Dahn, PE"; Nick Kotsmith](#)
Cc: [Pappenfus, Mark](#); [Stacy Graham](#); [Judson-Brown, Sara](#)
Subject: Civil Plans - Kotsmith Lumber
Date: Friday, February 28, 2025 2:46:00 PM
Attachments: [image001.png](#)
Importance: High

Good afternoon.

I had forwarded some comments from the engineer earlier today. In addition we need a bit more information on lighting, type of fixtures and where they will be located. Once we get those incorporated we will need hard sets dropped off.

Please provide 3 large sets and 6 – 11x17 sets of the plans in addition to emailing me a digital version no later than Wednesday @ 2pm.

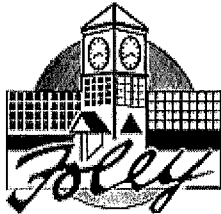
I am out of the office next week but have the tentative planning packet ready to be distributed on Wednesday. I would like to incorporate any updates to the packet planning receives as it will make the review process go smoother.

Thank you.

Sarah A. Brunn

City Administrator

sbrunn@ci.foley.mn.us



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From: [Ashley Bukowski](#)
To: [Nancy Scott](#); [Sarah Brunn](#)
Cc: [Jarod Griffith](#); [Mark Pappenfus](#)
Subject: RE: Kotsmith Lumber - Variance for Parking & Site Plan Review
Date: Friday, February 28, 2025 11:01:07 AM

Hello, everyone,

I do not have concerns regarding the legality of granting this variance request. I would encourage the Planning Commission and the City Council to focus on the practical difficulties (i.e., because of the configuration of the property, there isn't adequate room to provide the required 15 parking spaces). The application doesn't go into detail about the practical difficulties present, but I believe we are all familiar with the property and can understand why this variance is being requested.

Thank you!

Ashley M. Bukowski
Attorney

RINKE NOONAN
1015 West Saint Germain Street
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 257-3862 Direct

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Cc: Ashley Bukowski <ABukowski@rinkenoonan.com>; Jarod Griffith <jgriffith@sehinc.com>; Mark Pappenfus <mpappenfus@ci.foley.mn.us>
Subject: Re: Kotsmith Lumber - Variance for Parking & Site Plan Review

None from building code at this point. I am in contact with the architect on the project.

Nancy J. Scott, CBO#2099
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Sarah A. Brunn
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<image001.png>

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Subject: Kotsmith Lumber - Variance for Parking & Site Plan Review
Importance: High

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5. The city attorney is working on a simple development agreement which will outline how connection to permanent utilities will occur once city runs additional pipe.

Thanks.

City of Foley
Variance
Findings & Order

Date: _____

Applicant: _____

Variance Requested: _____

1. Does the variance demonstrate harmony with the general purposes and intent of the zoning ordinance?

Yes No

Why or why not: _____

2. Is the proposed variance consistent with the city comprehensive plan?

Yes No

Why or why not: _____

3. Is the proposed use a reasonable manner not permitted by the zoning ordinance?

Yes No

Why or why not: _____

4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Yes No

Why or why not: _____

5. Granting the variance will not alter the essential character of the neighborhood?

Yes No

Why or why not: _____

6. Are the "practical difficulties" more than economic?

Yes No

Why or why not: _____

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING A VARIANCE HAVE BEEN MET.

❖ *Facts supporting the answer to each question above are hereby certified to be the Findings.*

THE FOLEY PLANNING COMMISSION RECOMMENDS THE VARIANCE:

Approved Not Approved

Date

Chair, Foley Planning Commission

Date of Public Hearing: _____ Time: _____

Results: _____

THE FOLEY CITY COUNCIL DETERMINES THE VARIANCE:

Approved Not Approved

The following conditions to be imposed on the property to insure compliance and to protect adjacent properties and the public interest:

Date

Mayor