

**PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
MAY 5, 2014
6:30 P.M.**

AGENDA

- I. CALL TO ORDER
 - A. Introduction of Building Official, Jake Depuydt

- II. CONSENT AGENDA
 - A. Minutes (page 1)

- III. NEW BUSINESS
 - A. Variance Request – AMPI (page 2)
 - B. Alley Vacation Petition – AMPI (page 12)

- IV. OLD BUSINESS
 - A. Preliminary Plat – Fuchs Farms (page 15)
 - B. Housing Study - Update

- V. INFORMATIONAL
 - A. Next Meeting – May 19, 2014
 - B. Building Permit Reports
 - C. Building Official Open House – for Contractors, Planning Commission Members, and City Council – Tuesday, May 6, 2014 from 7:30 a.m. – 8:30 a.m.

- VI. ADJOURN

Reminder: 6:45 p.m. Fuchs Farms – Preliminary Plat Public Hearing

Please contact Renee Eckerly at 320-243-3714 ext. 227 or at renee@paynesvillemn.com if you can't attend the meeting.

**Members: Dan Roberts, Darlene Loven, Ron Mehr, Bob McDaniel, and Donovan Mayer.
Advisory Member: Renee Eckerly**

This agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville Planning Commission. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Paynesville Planning Commission meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: May 5, 2014

Agenda Section: Consent

Originating Department: Administration

Item Number: II - A

ITEM DESCRIPTION: Minutes

Prepared by: Staff

COMMENTS:

Minutes from the April 7, 2014 Planning Commission meeting may be emailed out prior to and/or distributed at the meeting.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the minutes from the April 7, 2014 Planning Commission meeting.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: May 5, 2014

Agenda Section: New Business

Originating Department: Administration

Item Number: III - A

ITEM DESCRIPTION: Variance Request – AMPI

Prepared by: Staff

COMMENTS:

The City has received a Variance Application from Associated Milk Producers, Inc., to allow the following:

a) The replacement of existing milk silo #4 with a new silo with an actual silo height of 78 feet to be set on an existing pad, which is 6 feet above the street level, giving the silo a height of 84 feet from street level, which is 39 feet higher than the building height limitation in Chapter 11 of the City Code, Section 11.50, Subd. 5(c); and

b) Moving existing silo #4 from its current location to a new location. Silo #4 is 54 feet in height. It will sit on an existing pad which is 27 inches above street level, giving the silo a height of 56 feet 3 inches from street level, requiring a Variance from the building height limitation of Chapter 11, Section 11.50, Subd. 5(c), of 45 feet maximum height; and

Please review the attached application and Report & Recommendation Of Planning Commission On Application.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the Report & Recommendation Of Planning Commission On Application For Variance.

✓

**CITY OF PAYNESVILLE
VARIANCE APPLICATION**

221 Washburne Ave. ~ Paynesville, MN 56362
Phone: 320-243-3714 ~ Fax: 320-243-3713

List All Property Owners: Associated Milk Producers, Inc

Contact Person: Matt Quade, Steve Vaske

Address: 200 Railroad Street

Telephone No.: 320-243-3794 Parcel No.: 70.70461.000
70.39050.000

Legal Description: Lot: Attached Block: Addition:

ZONE: I2

EXISTING USE OF PROPERTY:
Milk Storage

Application Fee: \$250.00
(non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Recording \$46.00 (actual), Postage \$33.00 (average), Legal \$123.00 (average), totaling \$250.00.

IS THE VARIANCE NEEDED TO REPLACE AN EXISTING STRUCTURE OR ADD AN ADDITIONAL STRUCTURE? Replacement

IF REPLACING, IS THE EXISTING STRUCTURE NON-CONFORMING? Yes

DESCRIPTION OF REQUEST: (use separate sheet if needed)

Attached

DRAWING OF PROPOSED VARIANCE: (use separate sheet)

Application Must Include:

- A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets, and private right of ways bordering and adjacent to the site, the use and location of all adjacent property.
- The specific feature or features of the proposed use, construction, or development that requires a variance.
- Specific provisions of Ordinance from which a variance is sought and the precise variance there from being sought.
- Statement of characteristics of the property that prevent compliance with the provisions of the Ordinance.
- Legal description from abstract.
- Any written or graphic data required by the City Administrator.

Matt Quade
All Property Owners Must Sign This Application

4-16-14
Date

For office use only:

Application Fee: \$250.00 (non-refundable)

For office use only: Cash _____

Check No. 585432

Date Paid 4/21/14

Present To Planning Commission Date: 5/5/14 630pm

Board of Adjustment Set Public Hearing Date: 5/12/14 6pm

Board of Adjustment Public Hearing Date: 6/11/14 630pm

Board of Adjustment Makes Determination Date: 6/11/14

PLANNING COMMISSION ACTION:

Recommended to Board of Adjustment Approved _____ Denied _____ Date: _____

BOARD OF ADJUSTMENT ACTION:

Approved _____ Denied _____ Date: _____

Date Received in Office: (Stamp) **RECEIVED**

LEGAL DESCRIPTION Parcel 70.70461000
"EXHIBIT A"

All that part of the Soo Line Railroad Company right of way described as follows: Beginning at the intersection of the Northerly extension of the Westerly line of Washburn Avenue in HAINES ADDITION to the City of Paynesville, Minnesota, according to the recorded plat thereof, and on a line parallel with and 8.5 feet Southerly (measured at right angles) from the center line of said Soo Line Railroad Company Track No. 2; thence Westerly, along said parallel line to the intersection with a line parallel with and 25.00 feet Southerly (measured at right angles) from the center line of the main track of said Soo Line Railroad Company; thence Westerly along last said parallel line, to Railroad Survey Station 4379480; thence Southerly, deflecting to the left 90 degrees 00 minutes, a distance of 25.00 feet to the Northerly line of Block 5 of said HAINES ADDITION; thence Easterly, along said Northerly line, to the Northeast corner of said Block 5; thence Southwesterly, along the Southeasterly line of said Block 5, to the Northerly line of Railroad Street in said HAINES ADDITION; thence Easterly, along last said Northerly line, to the intersection with said Northerly extension of the Westerly line of Washburn Avenue; thence Northerly, along said Northerly extension, to the point of beginning.

Parcel # 70.39050.000

Section 16 Twp 122 Range 032

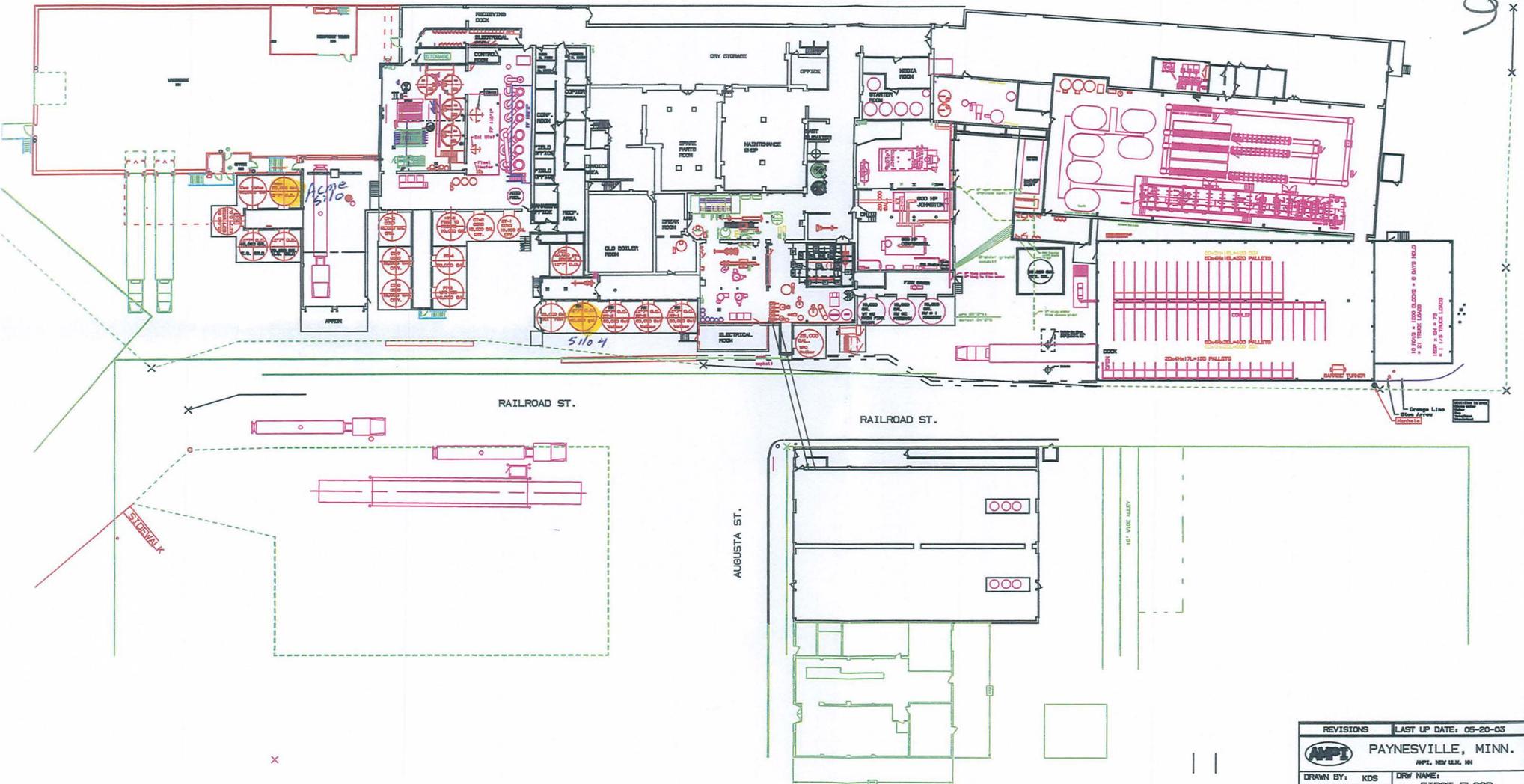
Haines Addition

NE 2A of B1K 5

4

RAILROAD

20



REVISIONS	LAST UP DATE: 05-20-03
AMP PAYNESVILLE, MINN. <small>AMP, INC. U.S.A. INC.</small>	
DRAWN BY: KOS	DRW NAME:
DATE: 11-15-90	FIRST FLOOR LAYOUT
MAT'L:	DRW NO: 20-0001
SCALE: 3/64" = 1'	

**REPORT & RECOMMENDATION OF PLANNING COMMISSION
ON APPLICATION FOR VARIANCE**

WHEREAS, the City Administrator has received from Associated Milk Producers, Inc., a Variance Application to allow the following:

a) The replacement of existing milk silo #4 with a new silo with an actual silo height of 78 feet to be set on an existing pad, which is 6 feet above the street level, giving the silo a height of 84 feet from street level, which is 39 feet higher than the building height limitation in Chapter 11 of the City Code, Section 11.50, Subd. 5(c); and

b) Moving existing silo #4 from its current location to a new location. Silo #4 is 54 feet in height. It will sit on an existing pad which is 27 inches above street level, giving the silo a height of 56 feet 3 inches from street level, requiring a Variance from the building height limitation of Chapter 11, Section 11.50, Subd. 5(c), of 45 feet maximum height; and

WHEREAS, Associated Milk Producers, Inc., is the owner of a parcel of property located at 200 Railroad Street, in the City of Paynesville, Stearns County, Minnesota; and

WHEREAS, said property is more particularly described as Parcel Nos. 70.70461.000 and 70.39050.000, which parcels are described respectively on Exhibits A and B attached hereto and incorporated herein by reference; and

WHEREAS, the property in question is zoned "I-1" – Light Industrial District; and

WHEREAS, City Code Chapter 11, Section 11.50, Subd. 5(c), provides that no structure hereafter erected shall exceed 45 feet in height within this zoning district; and

WHEREAS, the structure proposed to be built on the premises will have a height from street level of 84 feet; and

WHEREAS, it is further proposed to relocate an existing silo on the structure which would then have a height from street level of 56 feet 3 inches; and

WHEREAS, the Planning Commission believes that the owner's use of the property is reasonable; and

WHEREAS, the Planning Commission finds that the Variance, if granted, will not alter the essential character of the locality; and

WHEREAS, the Planning Commission finds that the use of the property is in harmony with the general purpose and intent of the zoning ordinance, and that the Variance as sought by the property owner will not change the fact that the use of the property is in harmony with the general purpose of the ordinance; and

WHEREAS, the Planning Commission is satisfied that the strict enforcement of the requirements of the Zoning Ordinance with regard to the building height limitation would cause the owner practical difficulties with the property; and

WHEREAS, the Planning Commission finds that the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance; that the Variance as sought by the property owner will not change the fact that the use of the property is in harmony with the general purpose and intent of the ordinance, and the use for which the property is zoned; and



WHEREAS, the Planning Commission is satisfied that the strict enforcement of the requirements of the Zoning Ordinance with regard to the height limitations would cause the owner practical difficulties with the use of the property as a modern milk processing plant, which use is consistent with the zoning of the property; and

WHEREAS, the Planning Commission finds that the proposed use of the property and the proposed Variance from the height limitations will not alter the essential character of the locality and will not create issues related to public safety; and

WHEREAS, the grant of Variance is consistent with the Comprehensive Plan of the City of Paynesville;

NOW, THEREFORE, the Planning Commission recommends that this request for Variance be granted.

PAYNESVILLE PLANNING COMMISSION

Date: May 5, 2014

By: _____
Daniel Roberts, Chairperson

ATTEST:

Renee Eckerly, City Administrator

LEGAL DESCRIPTION
"EXHIBIT A"

All that part of the Soo Line Railroad Company right of way described as follows: Beginning at the intersection of the Northerly extension of the Westerly line of Washburn Avenue in HAINES ADDITION to the City of Paynesville, Minnesota, according to the recorded plat thereof, and on a line parallel with and 8.5 feet Southerly (measured at right angles) from the center line of said Soo Line Railroad Company Track No. 2; thence Westerly, along said parallel line to the intersection with a line parallel with and 25.00 feet Southerly (measured at right angles) from the center line of the main track of said Soo Line Railroad Company; thence Westerly along last said parallel line, to Railroad Survey Station 4379480; thence Southerly, deflecting to the left 90 degrees 00 minutes, a distance of 25.00 feet to the Northerly line of Block 5 of said HAINES ADDITION; thence Easterly, along said Northerly line, to the Northeast corner of said Block 5; thence Southwesterly, along the Southeasterly line of said Block 5, to the Northerly line of Railroad Street in said HAINES ADDITION; thence Easterly, along last said Northerly line, to the intersection with said Northerly extension of the Westerly line of Washburn Avenue; thence Northerly, along said Northerly extension, to the point of beginning.

EXHIBIT B

The Northeast two (2) acres of Block 5, Haines Addition, Stearns County, Minnesota.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: May 5, 2014

Agenda Section: New Business

Originating Department: Administration

Item Number: III - B

ITEM DESCRIPTION: Alley Vacation Petition - AMPI

Prepared by: Staff

COMMENTS:

The City has received an Alley Vacation Petition from Associated Milk Producers, Inc., the property owners of the land abutting the alley between Lot 4, Block 4, of Haines Addition, and Lot 3, Block 4, of Haines Addition, legally described as follows: That part of the alley, as delineated and dedicated on said plat of Haines Addition, in said Block 4 lying Southerly of that portion of the alley previously vacated per Notice of Completion Document No. 865312, according to the document on file and of record in the office of the Recorder, Stearns County, Minnesota, and lying Northerly of the Westerly extension of a line parallel with and 10.00 feet North of the South line of Lot 3, said Block 4, Haines Addition.

The petition requests the City Council, pursuant to M.S.A. §412.851, vacate said portion of the alley way, it being the intention of the Petitioners that the vacation of this portion, together with the vacation of the portion of the alley lying to the North, which was previously completed by that certain Resolution Vacating Alley adopted by the Council February 11, 1998, and the accompanying Notice of Completion of the Proceedings Vacating Alley signed by the City Administrator of the City of Paynesville on February 18, 1998, and filed for record as Document No. 865312, in the office of the Stearns County Recorder on February 24, 1998.

Please see attached petition.

ADMINISTRATOR COMMENTS:

This is being presented as information only.

COMMITTEE/COUNCIL ACTION:



April 21, 2014

Ms. Renee Eckerly
City Administrator
Paynesville MN

Associated Milk Producers, Incorporated petitions the City of Paynesville Minnesota for the vacation of the platted alley on Block 004 between lots 3 and 4 of the Haines Addition. AMPI owns the property surrounding this alley. The alley serves no public purpose for access as the platted alley between lots 1 and 2 has been previously vacated.

Respectfully submitted

Matthew Quade
Matthew Quade
Division Manager
AMPI Paynesville MN

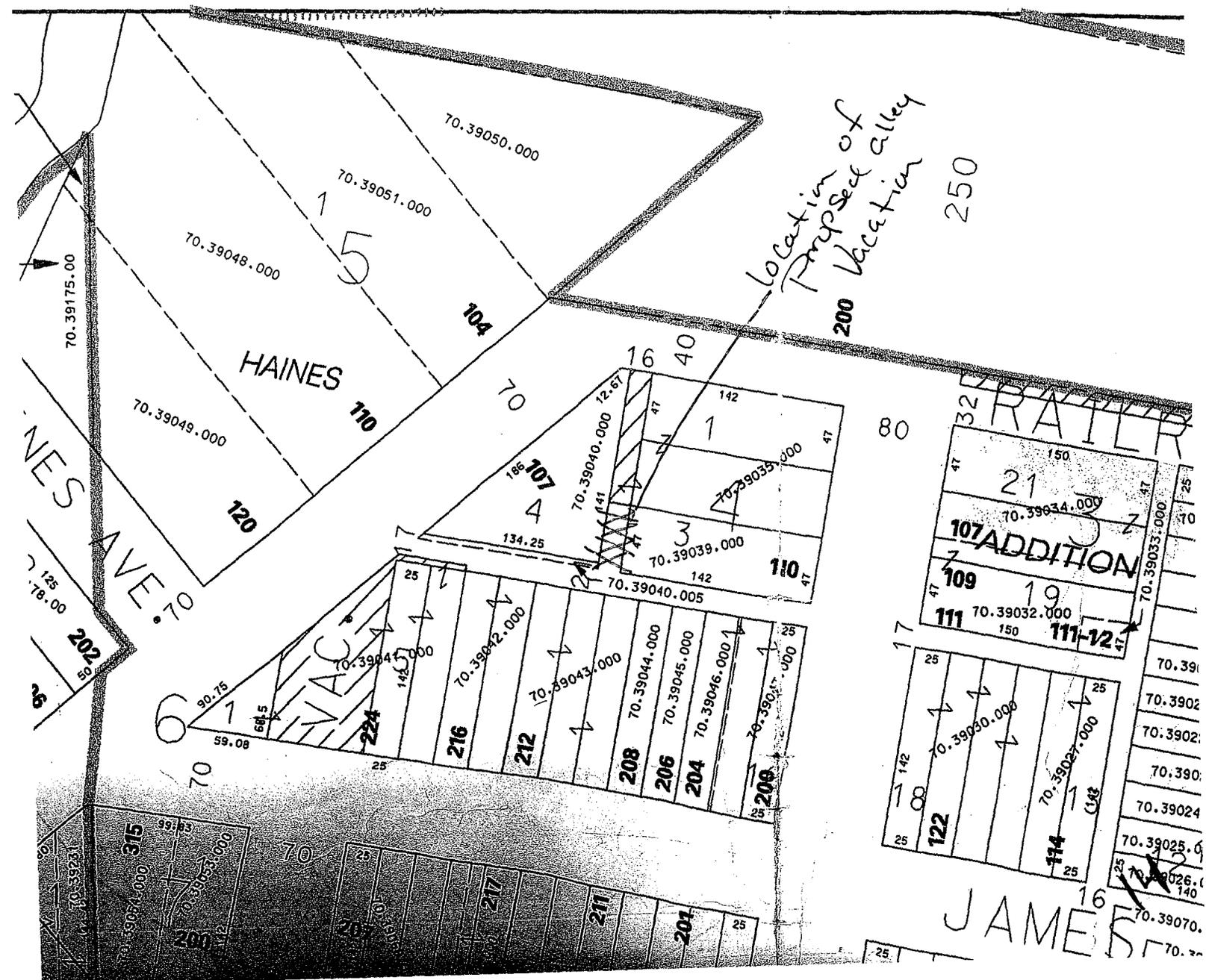
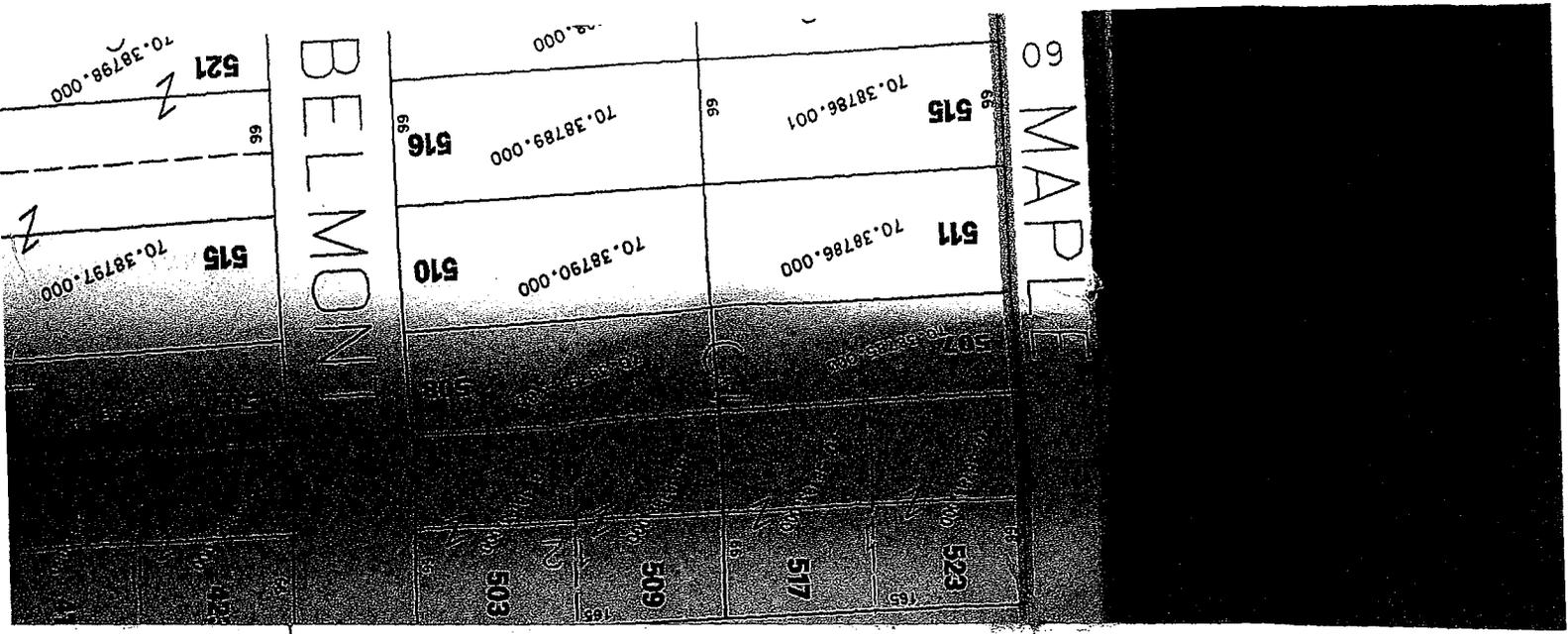
CITY OF PAYNESVILLE

REC#: 00034235 4/21/2014 1:39 PM
OPER: FRONT TERM: 001
REF#: 000400605

TRAN: 10.000 STREET VACATION
AMPI VACATION PETITION
PERMIT FEES 175.00CR

TENDERED: 175.00 CHECK
APPLIED: 175.00

CHANGE: 0.00



REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: May 5, 2014

Agenda Section: Old Business

Originating Department: Administration

Item Number: IV - A

ITEM DESCRIPTION: Preliminary Plat – Fuchs Farms

Prepared by: Staff

COMMENTS:

A Preliminary Plat Application has been submitted by Urban & Dorine Fuchs & Family to plat their exiting property on Minnie Street into two parcels. Please review the attached application, and Title Opinion (verifying owners of the property) and Report and Recommendation Of Planning Commission Regarding Application For Approval Of Preliminary Plat Of Fuchs Farms.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the Report and Recommendation Of Planning Commission Regarding Application For Approval Of Preliminary Plat Of Fuchs Farms.

CITY OF PAYNESVILLE PRELIMINARY PLAT APPLICATION

221 Washburne Ave. ~ Paynesville, MN 56362
Phone: 320-243-3714 ~ Fax: 320-243-3713

Name of Subdivision: Fuchs Farms

List All Property Owners: Urban & Dorine Fuchs

Contact Person: Linda J Henrichs POA

Address: 809 14th Ave S., St. Cloud, MN 56301

Telephone No.: (320) - 293 - 2637

Legal Description: ~~That~~ That part of the NW 1/4 of NW 1/4, SIC 15, T. 122, R.

32. See preliminary plat for full legal.

Number of Lots: 2 Lots	Proposed Zone: R-1 - existing	Application Fee: \$150.00 (non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Postage \$33.00 (average), Legal \$123.00 (average), totaling \$204.00.
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PRELIMINARY PLAT

- The application must contain all information found in Section 12.07 Preliminary Plat, Subdivision 1, and Subdivision 2 found in the attached Ordinance No. 86, 2nd Series.
- Submit application and fee with three (3) large and one (1) reproducible 8.5" x 11" copies of the plat at least ten (10) business days prior to the Regular Planning Commission meeting.

Linda J Henrichs POA

Signature of Applicant(s) _____ Date _____

For Office Use Only.
Application Fee: \$150.00 Cash _____ Check No. 5393 Date Paid 3.24.14

Present To City Administrator & Set Date for Public Hearing. Planning Comm. Set p.H. 4/7/14
Planning Public Hearing Date: 5/5/14 6:45pm Council Makes Determination Date: 5/12/14 6pm

PLANNING COMMISSION ACTION:

Recommended to Council Approved Denied Date: _____

CITY COUNCIL ACTION:

Approved Denied Date: _____

Date Application Received in Office:
(Stamp)

RECEIVED

MAR 24 2014

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CITY OF PAYNESVILLE

REC#: 00033819 3/25/2014 11:55 AM
OPER: FRONT TERM: 001
REF#: 5393

TRAN: 10.0500 PLATTING FEES
FUCHS FARMS PRELIMINARY PLAT
PLATTING FEES 150.00CR

TENDERED: 150.00 CHECK
APPLIED: 150.00-
CHANGE: 0.00

PRELIMINARY PLAT OF:
FUCHS FARMS
 CITY OF PAYNESVILLE
 STEARNS COUNTY, MN

LEGAL DESCRIPTIONS

Tract of land lying and being in the County of Stearns, State of Minnesota described as follows, to-wit:
 That part of the NW 1/4 of the NW 1/4 of Section 15, Township 122, Range 32, Stearns County, Minnesota, described as follows: Commencing at the Northwest corner of said NW 1/4 of the NW 1/4, thence in an assumed bearing of South 00 degrees 22 minutes 14 seconds East along the west line of said NW 1/4 of the NW 1/4, a distance of 33.00 feet, to the southerly origin of way line of Moore Street and the point of beginning of the tract of land to be described; thence North 89 degrees 40 minutes 55 seconds East along said southerly right of way line, a distance of 664.22 feet, thence South 37 degrees 38 minutes 04 seconds East, a distance of 162.70 feet, to the northerly right of way line of the road, formerly known as Trunk Highway 23, thence South 32 degrees 19 minutes 50 seconds West, along said northerly right of way line, a distance of 419.56 feet, to the northerly right of way line of the Soo Line Railroad, thence North 79 degrees 23 minutes 32 seconds West, along said northerly right of way line of the Soo Line Railroad, a distance of 113.26 feet, to said West line of said NW 1/4 of the NW 1/4, thence North 09 degrees 32 minutes 18 seconds West, along the west line of said NW 1/4 of the NW 1/4, a distance of 664.47 feet, to the point of beginning.

Subject to easement of record, if any.

NOTES:

ZONING:
 Existing - Residential (R-1)

PRIMARY BUILDING SETBACKS:
 Front = 20 feet (From Right of Way)
 Side = Least Width 5 feet
 Total both sides 13 feet

SOILS:
 Entire site is 41A - Effersville sandy loam, 0 to 2 percent slopes

TOTAL ACREAGE:
 7.08 Acres +/-

Owner Name:
 Urban M. & Darlene K. Fuchs
 Contact: Mary Coleman
 (218) 381-2514
 3754 County Road 126
 St. Cloud, MN 56301

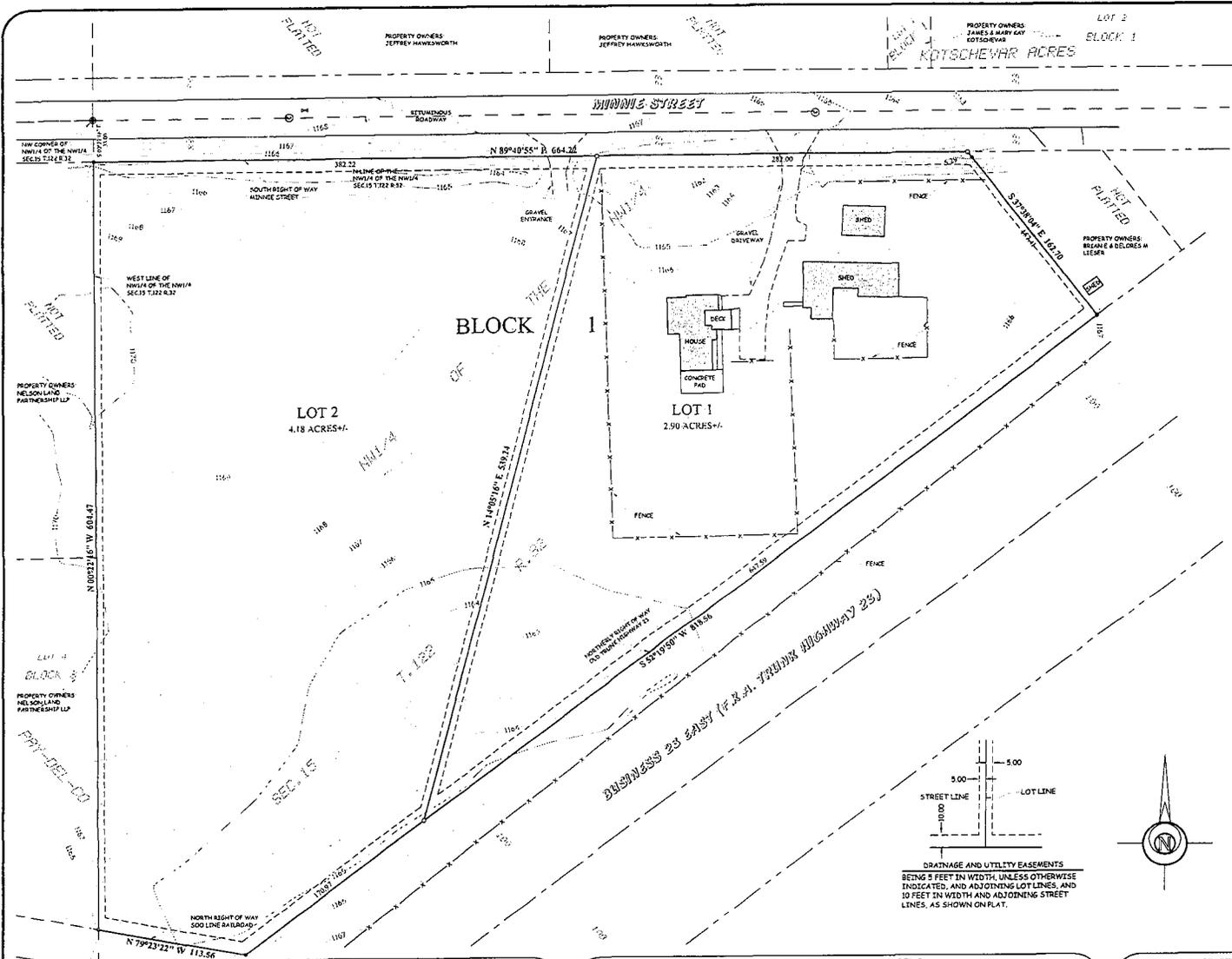
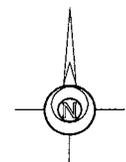
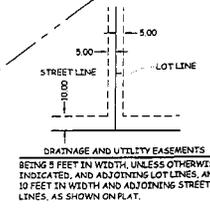
Surveyor:
 Daniel M. Kron
 (218) 683-5905
 370 Chapel Hill Road,
 Suite 105
 Cold Spring, MN 56320

CERTIFICATE OF SURVEY PREPARED FOR:
MARY COLEMAN

JOB NO: 2013-224
 FILE NAME: 2013-224 PP.dwg
 LOCATION: 15-122-032



- Legend
- INDICATES IRON MONUMENT PLACED
 - INDICATES IRON MONUMENT FOUND
 - ⊙— INDICATES STEARNS COUNTY CAST IRON MONUMENT
 - ⊕ INDICATES SANITARY MANHOLE
 - ⊕ INDICATES WATER VALVE



NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 CHAPEL HILL RD., SUITE 105
 COLD SPRING, MN 56320
 PH. 320-685-5905
 FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & KRON
 LAND SURVEYORS, INC.

1004 2nd ST. SE
 WILLMAR, MN 56201
 PH. 320-235-4012
 FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: 01/19/14
 DANIEL M. KRON
 MINNESOTA REGISTRATION NO. 42021

SHEET 1 OF 1

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1993), or unreleased federal tax liens or state tax liens filed for record for the past 10 years and 30 days or unreleased federal civil judgments or federal criminal money judgments filed for record for the past 20 years in the office of the Stearns County Recorder, and that there are no Judgments docketed in the office of the Clerk of District Court or Judgments docketed in the office of the Clerk of County Court, in and for said county and state, for the past 10 years against the following names: **Richard A. Fuchs; Daniel W. Fox; Thomas J. Fuchs; Linda C. Henrichs; Mary L. Jacobson; Susan J. Fuchs Hoeschen; William M. Fuchs; Urban M. Fuchs; Dorine K. Fuchs**

2. Stearns County Records indicate certifies that there are no delinquent real estate taxes against the said real estate in the Office of the Stearns County Auditor. Further, that the **2014** real estate taxes against the said real estate, in the office of the County Treasurer, payable this year, are as follows (Note - No search or certification has been made for Green Acres deferred taxes.): **Parcel No. 70.39242.0054: \$2,006.00 is one-half paid.** Further, that there are special assessments for improvements against said real estate in the office of the County Auditor as follows: **\$10.00 included in 2014 taxes.**
3. You are advised to make an inspection of the property and cautioned that matters not appearing on the Abstract may affect title. Such matters include:

SURVEY: This opinion does not cover questions of survey such as the location of boundary lines or the location of buildings upon the property. Uncertainty as to matters of survey may be resolved through a survey by a registered land surveyor.

POSSESSION: You are charged with the notice of the rights of parties in possession of the property. In this regard, an inspection of the premises should be made to determine claimed rights of the parties actually occupying or using any portion of the property.

MECHANIC'S LIENS: Liens for labor performed or materials furnished may be filed at any time within 120 days after the last item of labor is performed or the last material furnished. For this reason, such liens may not appear on the Abstract. An inspection of the premises should be made to determine whether or not there have been any recent improvements. Uncertainty regarding possible outstanding claims for improvements may be resolved by obtaining lien waivers from the parties performing the labor or furnishing the materials.

USE REGULATIONS: Ordinances and regulations of the City of Paynesville and Paynesville Township and the County of Stearns, such as zoning and building codes may restrict the permitted uses of the property. Information as to the possible existence of such regulations may be obtained from the Clerks of the City of Paynesville and Paynesville Township and from the Stearns County Auditor.

ASSESSMENTS: A check should be made with the Clerks of the City of Paynesville and Paynesville Township as to any unpaid assessments for public improvements which may constitute a lien against the subject premises. A further check with the Clerks of the City of

Paynesville and Paynesville Township should be made as to the existence of any pending assessments proceeding which may result in a lien against the property.

UNIFORM COMMERCIAL CODE FILINGS: Liens may be created in fixtures located upon the property by filing financing statements in the Office of the County Recorder of Stearns County, Minnesota. A check for the possible existence of such financing statements is not included in the normal abstract continuation. To satisfy any doubt in this area, a check of the financing statements on file can be made.

ZONING AND SUBDIVISION: If the property is located in a municipality or county having subdivision, zoning or other land use ordinances, you should inquire to determine whether the use of the property conforms to such ordinances since any existing nonconformities or violations might render title unmarketable.

ENVIRONMENTAL CONCERNS: This Title Opinion does not purport to include any opinion as to environmental hazards which would be disclosed by an environmental assessment of the property herein. A thorough environmental assessment by a competent professional should be completed if there is any concern in this regard.

THIS TITLE OPINION IS INTENDED SOLELY FOR THE USE AND BENEFIT OF THE PARTY TO WHOM IT IS ADDRESSED.

Dated: April 21, 2014

/s/ David T. Johnson
David T. Johnson

DTJ/slb

**REPORT & RECOMMENDATION OF PLANNING COMMISSION
REGARDING APPLICATION FOR APPROVAL OF PRELIMINARY PLAT
OF FUCHS FARMS**

REPORT

WHEREAS, Linda J. Henrichs, pursuant to a Power of Attorney and on behalf of Urban Fuchs and Dorine Fuchs, has submitted an application to approve a Preliminary Plat of that certain parcel of real estate described on Exhibit A attached hereto and incorporated herein by reference, platting the same as Fuchs Farms; and

WHEREAS, all of the required information and payment of the appropriate application fee were made and submitted more than 15 days in advance of the Planning Commission hearing set for April 7, 2014; and

WHEREAS, the Preliminary Plat has been reviewed by technical staff and appears to properly address issues of water supply, sewage disposal, drainage, flood control, and to contain the information required by Chapter 12, Section 12.06 of the City Code; and

WHEREAS, the Preliminary Plat has been prepared by a licensed land surveyor in acceptable form which complies with the requirements of Chapter 12, Section 12.07 of the City Code and the design standards in Chapter 12, Section 12.09 of the City Code; and

WHEREAS, the Planning Commission set a public hearing for consideration of the Preliminary Plat for May 6, 2014, at 6:45 p.m., before

the Planning Commission at Council Chambers at Paynesville City Hall, 221 Washburne Avenue, Paynesville, MN 56362; and

WHEREAS, the City Administrator did cause notices of the public hearing to be mailed to all property owners of property located within 350 feet of the proposed subdivision, and further caused notice of the hearing to be published in the Paynesville Press at least 10 days prior to the public hearing in accordance with the requirements of the City Code of the City of Paynesville and the laws of the State of Minnesota; and

WHEREAS, the Planning Commission is satisfied that the proposed Preliminary Plat meets the design standards and requirements of Chapter 12 of the City Code, including 12.07 and 12.09; and

WHEREAS, the Planning Commission is satisfied that the proposed Plat will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and

WHEREAS, the Planning Commission is satisfied that the proposed subdivision conforms with existing zoning regulations applicable at the time of the proposed Preliminary Plat and is consistent with the long range plan of the City of Paynesville; and

WHEREAS, the Planning Commission is satisfied that the owner/subdivider has taken every effort to mitigate the impact of the proposed subdivision on health, safety and welfare; and

WHEREAS, all members of the public wishing to be heard on approval of this preliminary plat had an opportunity to present their views to the Planning Commission. There was no objection to approval of the proposed Preliminary Plat.

NOW, THEREFORE, the Planning Commission makes the following:

RECOMMENDATION

The Planning Commission recommends that the City Council approve the Preliminary Plat of Fuchs Farms.

DATED: May 5, 2014

PAYNESVILLE PLANNING COMMISSION

By: _____
Daniel Roberts, Chairperson

ATTEST:

Renee Eckerly, City Administrator