

## **AGENDA**

**MAPLE PLAIN PLANNING COMMISSION MEETING  
MAPLE PLAIN CITY HALL  
November 3, 2016  
7:00 PM**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT THE AGENDA**
- 4. APPROVAL OF PLANNING COMMISSION MEETING MINUTES**
  - a. Planning Commission Meeting Minutes – October 6, 2016
- 5. NEW BUSINESS**
  - a. PUBLIC HEARING: Mike Shannon (Owner of Total Auto Sale), (Applicant) requests that the City consider the following action for the property located at 5330 US Highway 12 (PID No. 24-118-24-34-0020).
    - i. A variance to allow reduced setbacks from US Highway 12, along the north, east and west property lines and to allow a reduction in the requisite parking stall size and drive aisle width.
  - b. Discussion on Planning Commission Meeting Date and Time
- 7. ADJOURN**

***\*Next meeting: Thursday, December 1<sup>st</sup>, 2016 at 7 PM***

**MINUTES  
CITY OF MAPLE PLAIN  
PLANNING COMMISSION MEETING  
MAPLE PLAIN CITY HALL  
Thursday, October 6, 2016  
7:00 PM**

**1. CALL TO ORDER**

Present: Chair Michele Bliss, Commissioners Stephen Shurson, Mardelle DeCamp, John Fay, and Barbara Korri. Also present: Councilmember Dave Eisinger, Assistant to the City Administrator Taylor Richter, and City Planner Mark Kaltsas.

**2. PLEDGE OF ALLEGIANCE**

**3. ADOPT THE AGENDA**

**Motion by Commissioner DeCamp, seconded by Commissioner Shurson, to adopt the agenda as written. Motion passed 5-0.**

**4. CONSENT AGENDA**

A. September 1, 2016 Planning Commission Meeting Minutes

Commission Chair Bliss stated that she had some changes to the minutes. Staff noted to check a grammar error as well as listing the full details of a motion approved. Commissioner DeCamp wanted verification of who made the motions and who seconded them. Commissioner Shurson wanted more details of discussion included in the Planning Commission Meeting minutes. Staff Liaison, Assistant to the City Administrator Richter, noted all of the changes and agreed to make the changes and take note for future meetings.

**Motion by Commissioner Shurson, seconded by Commissioner DeCamp to approve the consent agenda as written with corrections to the September 1, 2016 Planning Commission Meeting Minutes. Motion passed 5-0.**

**5. NEW BUSINESS**

A. Consider Recommendation of Ordinance Amending Chapter 151 of the Maple Plain City Code Relating to Floodplain Management Regulations

City Planner Kaltsas was present to provide information on the Floodplain Management Regulations Code in Maple Plain. Kaltsas described the following; The Federal Emergency Management Agency (FEMA) has recently completed an update of the federal Flood Insurance Rate Maps (FIRMS). Along with the updated maps, the City is required to

update certain local controls pertaining to the updated mapping information. The Department of Natural Resources (DNR) administers the federal floodplain management regulations for the State of Minnesota.

The City has an existing Floodplain Ordinance which was adopted in 2005. There are several references and regulations in the City's ordinance that need to be updated as a result of the recent FIRM map changes. The DNR has reviewed the City's ordinance and recommended that the City repeal the current ordinance and adopt a new code based on the DNR model ordinance. The City is obligated to have an ordinance which meets the federal guidelines prior to the maps becoming effective on November 4, 2016. Failure to adopt the requisite changes to the ordinance will cause for a City to be suspended from the National Flood Insurance Program.

Staff has reviewed the requested changes and agrees with the DNR to adopt a new ordinance. Staff has prepared a draft of the City's ordinance for further review and consideration by the City. The proposed ordinance and the existing ordinance are similar in format and most content. Changes relate primarily to the map section numbers, several definitions and several floodplain provisions. The DNR will review the final ordinance following consideration by the Planning Commission and prior to adoption by the City Council. The City has limited ability to make changes to the recommended language provided by the DNR if it wants to remain in the National Flood Insurance Program.

Kaltsas also expressed that some language is mandatory to be used in an updated city ordinance.

He also explained the timeline of the process of updating the ordinance. Maple Plain and other cities began receiving letters regarding the impending changes around June. More information and mapping has been released since this point, to allow cities to approve a change by November 4, 2016. Kaltsas stated this process can be completed by the November 4 deadline.

Kaltsas stated that some parts are not pertinent to the city, but opting out of them will not benefit the city at all, and an all-encompassing ordinance will not harm the city. The overall purpose is to allow those in the city to be able to secure flood insurance.

Kaltsas addressed concerns of commissioners that the ordinance will not supersede any other ordinance the city has, and reaffirmed that if there is a gray area, the more strict provision will prevail.

Commissioner Bliss stated she recognized this is necessary, and the commission adopted the pre-constructed language previously in 2005.

Commissioner Fay asked of Kaltsas what an ordinance would look like if the provided ordinance was not adopted. Kaltsas stated that some language is mandatory, but it would most likely be formatted differently. Kaltsas recommended adopting the provided language.

**Motion by Commissioner Shurson, seconded by Commissioner Fay, to recommend approval of the Ordinance Amending Chapter 151 of the Maple Plain City Code relating to Floodplain Management Regulations. Motion passed 5-0.**

**6. ADJOURN**

**Motion by Commissioner Fay, seconded by Commissioner Shurson, to adjourn the meeting. Motion passed 5-0.**

***\*Next meeting: Thursday, November 3, 2016, at 7:00pm***

## City of Maple Plain

### Request by Total Auto Sales for a Variance to Allow Reduced Setbacks and Parking Space and Aisle Dimensions for the Property Located at 5330 Highway 12

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*To:* Planning Commission  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* November 3, 2016  
*Applicant:* Mike Shannon, Total Auto Sales  
*Owner:* Gary Keller  
*Location:* 5330 Highway 12

**Request:**

Mike Shannon (Owner of Total Auto Sale), (Applicant) requests that the City consider the following action for the property located at 5330 US Highway 12 (PID No. 24-118-24-34-0020).

- a. A variance to allow reduced setbacks from US Highway 12, along the north, east and west property lines and to allow a reduction in the requisite parking stall size and drive aisle width.

**Property/Site Information:**

The property is located along the north side of Highway 12 and nearly across from Delano Avenue. The property has an existing commercial building and parking lot. The property has the following characteristics:

Property Information: 5330 Highway 12  
Zoning: Mixed Use – Budd Avenue (*MU-B*)  
Comprehensive Plan: *Mixed Use*  
Acreage: .17 Acres (7,480 SF)



**Discussion:**

The applicant is seeking a variance from the City's zoning ordinance to allow reduced setbacks for parking on all sides of the subject property along with reduced size parking spaces and drive aisles. The property has historically had a conditional use permit to allow the operation of a car sales lot. In 2013, the owner of the property was granted an amendment to the conditional use permit that allowed for an increased number of vehicles for sale on the property. The conditional use permit amendment approval was subject to several new conditions. One of the primary conditions required of the applicant was the submittal of a site plan in compliance with all applicable zoning ordinance requirements. There were several conditions in addition to the site plan also required of the applicant (see conditions below):

BE IT FURTHER RESOLVED, that the approval of the requested amendment shall include the following conditions:

1. The submittal of a parking plan to city staff that designates the parking area of the for-sale vehicles, employee vehicles and customer vehicles plus the appropriate maneuvering area in compliance to city standards;
2. An eight-foot wide open area must be designated around the building for fire protection;
3. The plan is subject to the fire suppression and access needs per the direction of the Fire Chief and Public Safety;
4. All areas to be used for vehicle parking shall be paved;
5. If the two parcels used for the business are to be combined a minor subdivision will be required.

The owner of the property and the City do not have a record of a code compliant plan being submitted and or approved following the approval of the CUP amendment in 2013. The owner recently leased the property to Total Auto Sales who will be the new operator on the property. In June of 2016, the City received a request from Total Auto Sales to sign off on the State of Minnesota vehicle dealer license application. In order to sign the verification application, the City is required to verify that the property meets all applicable zoning requirements of the City. Upon review of the file by the City, it was determined that the property, and specifically the lack of a code compliant site plan, did not meet the conditions established in the conditional use permit amendment. Therefore, it was determined that the site did not have a compliant conditional use permit. The City notified the applicant and the owner of the deficiency and explained the process for bringing the property and conditional use permit into compliance.

The subject property is less than 10,000 SF in overall size. The City has required setbacks for both buildings and parking areas on all commercial properties within the City. The applicable setbacks for this property are as follows:

(c) *Parking setbacks and standards.* The following parking requirements shall be established. All parking bays shall be located, whenever possible, to the rear of a structure and shall not be visible from main roads and thoroughfares. Vegetation and berms may be used to help buffer parking areas from visibility when site constraints make it infeasible to locate parking behind a structure. When a shared parking lot is approved, no setback variances are required.

<i>Setback From Abutting Properties</i>	
Collector and local roads	10 feet
Highway 12	50 feet
Residential	20 feet
Commercial	5 feet
Mixed-use comm./residential	10 feet
Industrial	5 feet

The following standards shall also apply to parking bays, drive aisles and other paved areas within the sub-districts.

1. *Fencing of parking areas.* Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge or a combination of these elements, to a minimum height of 3 feet and a maximum height of 4-1/2 feet above the level of the parking lot, at the yard setback line.

2. *Drive-through or drive-in lanes.* Drive-through or drive-in lanes are not allowed within the setback line or in front of any building; they must be located to the side or rear of a building. This does not pertain to driveways.

3. *Fences or hedgings.* Parking lots, drive-through lanes and driveways must be screened by a fence or vegetative hedge when adjacent to residential properties.

For this property, the parking areas are subject to the following requirements:

1. Setback from Highway 12 – **50 feet**
2. Setback from Side Yard – **5 feet**
3. Setback from Rear Yard – **5 feet**
4. Parking Space Dimensions – **9 feet x 20 feet**
5. Minimum Driveway Aisle Width for One Sided Parking – **22 feet**

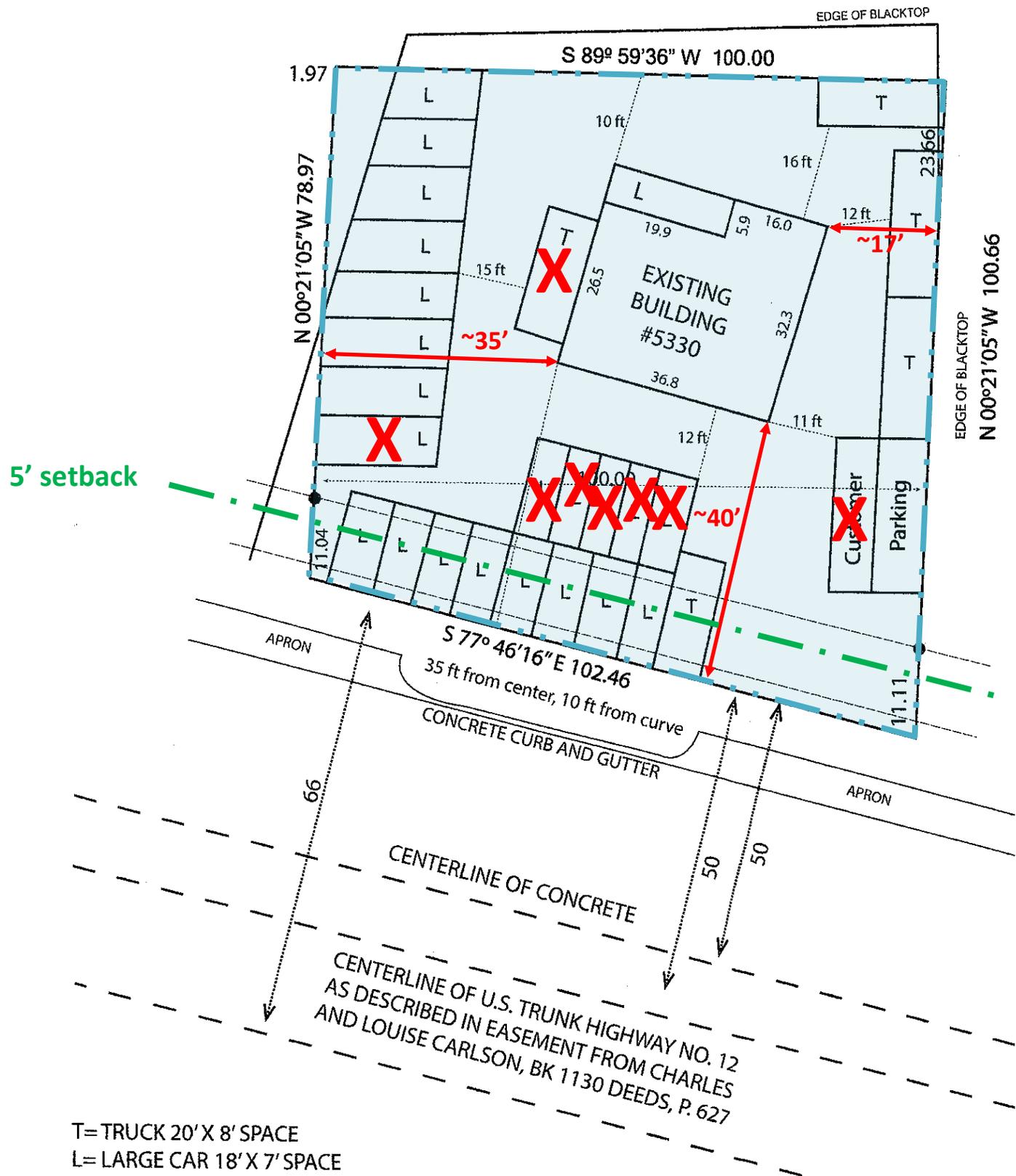
The applicant has prepared a proposed site plan for this property. The site plan indicates that the applicant is proposing to park cars up to the property line on all sides of the site. According to the plan submitted, the applicant is also proposing to maintain a 10-15 foot drive aisle width/open space around the perimeter of the building. Upon review of the proposed site plan, it was found that the dimensions shown on the plan do not actually align with the actual dimensions of the site. It is probable that the applicant is considering utilization of a portion of the Highway 12 right of way in their calculations. The City should require an official survey and scaled site plan if any action is to be considered.

Based on the City's review, there are approximately 8 parking spaces that would not fit on the existing site (see image below). The image below shows that the actual dimensions of the site would not accommodate certain parking spaces proposed by the applicant. The double row of parking spaces along Highway 12 would take up 36 feet (18' length plus 18' length). If the site only has 40 feet between the property line and the building, it would not be possible to accommodate two rows of parking plus a drive aisle. The proposed customer parking spaces along the east property line appear to interfere with the ability to travel around the building. One of the proposed customer parking spaces would need to be removed. Along the west property line the plan proposes 7 parking spaces. Seven spaces would consume 56 feet in width. The existing dimension along the west property line would not accommodate the proposed seven spaces. It can be seen from the image that the proposed site plan would need to be modified to even meet the actual dimensions of the property.

The applicant is asking the City to allow zero property line setbacks on all sides of the property. The City has historically considered relief from the 50 foot Highway 12 setback. The amount of relief has varied depending on the property and surrounding uses. The historic use of this property has utilized reduced setbacks. Typically, the City will work towards bringing properties into compliance when changes to the property, ownership or use occur. In this instance, the City granted an amendment to the conditional use permit in 2013 to allow the continued use of this property as a car sales lot. Due to the small size of this property, some relief from the City's current standards could be considered in order to allow the reasonable continued use of the property.

The City reached out to Maple Plain Fire and West Hennepin Public Safety for comments pertaining to the site circulation, traffic safety and emergency access to the property. West Hennepin Public Safety noted that the City should consider some form of a setback along Highway 12 to provide site line visibility for cars exiting the adjacent property to the west. Maple Plain Fire has asked that the site maintain an 8 foot wide clear access aisle around the perimeter of the building.

Based on the aforementioned evidence, there are several considerations that the City should make when reviewing the proposed request:



1. Approximately 20 parking spaces could fit on this site based on the actual dimensions of the property and holding the applicant to a reasonable standard.
2. All parking spaces would need to be professionally striped (painted) in order for the City and applicant to manage the permitted parking, customer and emergency vehicle access.
3. The City may want to consider a 5-10 foot setback from Highway 12 in order to comply with comments made by WHPS and to maintain adequate separation from the right of way.
4. The required side and rear yard setback is five feet. The City has not typically reduced this setback unless adjoining another parking lot or similar use. The City has examples of both noncompliance and compliance with these setbacks on the surrounding properties. The City will need to consider whether or not the requested reduction in setbacks will impact or take away from the current or future use of the surrounding properties.
5. The proposed reduced parking space size is less than that which the City has recently considered. Parking spaces for an auto sales lot could be smaller than typical "public" parking spaces because there would not be public movement of the cars in and out of the spaces. Parking spaces that are 7 feet in width by 18 feet in length are likely in accordance with the "standard" for automobile sales lots.
6. The MU-B zoning district contemplates the screening of parking areas from Highway 12. While this standard is typically modified for car sales or similar uses, the City could consider some screening along the property to be consistent with other recently approved redevelopment projects.
7. The overall site is comprised of two properties. The CUP amendment required that the applicant combine the two parcels into one parcel if the use was going to continue (condition #5). The City does not have a record of a lot combination occurring for this property. The applicant should furnish the City with verification that the properties have been combined or make application to the City seeking a lot combination.

Staff is seeking direction from the Planning Commission relating to the request to allow reduced setbacks, parking space size and drive aisle widths as proposed.

The City can grant a variance if it finds that granting a variance is consistent with the Comprehensive Plan and the applicant can establish practical difficulties in complying with the requirements of the zoning ordinance. The review criteria for granting a variance are as follows:

- H) *Approval procedure and conditions. Pursuant to Minnesota Statutes, an application for a variance or appeal shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant.*
- I) *Review criteria.*

- (1) *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with this chapter.*
- (2) *PRACTICAL DIFFICULTIES, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this chapter; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.*
- (3) *Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.*
- (4) *Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, Subd., when in harmony with the ordinance.*
- (5) *The City Council may not permit as a variance any use that is not allowed under this chapter for property in the zone where the affected person's land is located. The City Council as the case may be, may permit as a variance for the temporary use of a one-family dwelling as a two-family dwelling.*
- (6) *The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.*

The strict enforcement of the City's standards would significantly reduce the amount of parking that could be located on the subject property. The property is small for the use proposed and any use outside of a car sales lot (i.e. office or retail) would require significantly less parking spaces (~5 parking spaces). It is likely that the requisite number of spaces required to accommodate a different use would be able to meet applicable setbacks. The City has been working on bringing non-conforming properties into compliance when the use, ownership or other changes to a property occur. The City will need consider whether or not the applicant has met the criteria for granting the requested variances.

**Neighbor Comments:**

The City has not received any comments pertaining to this request.

**Recommendation:**

Staff is seeking direction from the Planning Commission relating to the requested Variance. Should the Planning Commission recommend approval of the requested action to the City Council, the following findings and conditions should be included:

1. The proposed variance meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.
2. Approval of the variance by the Planning Commission is subject to the following conditions:
  - a. The Applicant shall submit an official survey and professionally prepared scaled site plan.
  - b. The Applicant shall provide verification to the City that the lot combination has been completed or make application for a minor subdivision.
  - c. The Applicant shall comply with any comments provided by the Planning Commission pertaining to the variance.
3. All parking spaces would need to be professionally striped (painted) in order for the City and applicant to manage the permitted parking, customer and emergency vehicle access.
4. The Applicant shall pay for all costs associated with the City's review of the variance.

***Attachments:***

1. Application
2. Letter from Applicant
3. Conditional Use Permit Planning Commission Report from 2013.
4. Conditional Use Permit Resolution from 2013
5. Site Plan



City of Maple Plain  
 1620 Maple Avenue  
 P.O. Box 97  
 Maple Plain, MN 55359  
 Office: (763) 479-0515  
 Fax: (763) 479-0519

# ZONING & LAND USE APPLICATION

## APPLICANT INFORMATION

Applicant Name <i>Mike Shannon</i>	Company, if applicable <i>Total Auto Sales</i>
Address <i>5330 W. Highway 12</i>	Phone Number <i>612-382-1895</i>
City, State, Zip <i>Maple Plain MN 55359</i>	Email <i>total auto sales 1809411.com</i>
Are you the owner of the property? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No. (If not, property owner information is required.)	

Owner Name <i>Gary &amp; Sharon Kellor</i>	Company, if applicable
Address <i>132 Creekview Ln</i>	Phone Number <i>763-479-1076 Home</i>
City, State, Zip <i>Loreto MN 55357</i>	Email <i>763-245-9277 cell</i>

Applicant Signature <i>[Signature]</i>	Owner Signature
Date <i>9-2-16</i>	Date

## PROJECT INFORMATION

Site Address or Property Identification Number \_\_\_\_\_  
 Type of Request (Check all that apply.)

	Fee	Escrow		Fee	Escrow
<input type="checkbox"/> Appeal Administration Decision	\$250	\$250			
<input type="checkbox"/> Concept Plan Review	\$500				
Residential Application	Fee	Escrow	Commercial Application	Fee	Escrow
<input type="checkbox"/> Conditional Use Permit	\$500	\$1500	<input type="checkbox"/> Conditional Use Permit	\$1000	\$2500
<input type="checkbox"/> Interim Use Permit	\$500	\$1500	<input type="checkbox"/> Interim Use Permit	\$1000	\$2500
<input type="checkbox"/> Site Plan	\$500	\$1500	<input type="checkbox"/> Site Plan	\$1000	\$2500
<input type="checkbox"/> Minor Subdivision	\$500	\$1500	<input type="checkbox"/> Minor Subdivision	\$1000	\$2500
<input type="checkbox"/> Variance	\$500	\$1500	<input checked="" type="checkbox"/> Variance	\$1000	\$2500
<input type="checkbox"/> Rezoning	\$500	\$1500	<input type="checkbox"/> Rezoning	\$1000	\$2500
<input type="checkbox"/> Text Amendment	\$500	\$1500	<input type="checkbox"/> Text Amendment	\$1000	\$2500
<input type="checkbox"/> Vacation of Property	\$500	\$1500	<input type="checkbox"/> Vacation of Property	\$1000	\$2500
			<input type="checkbox"/> Home Occupation	\$200	\$1000

Residential/Commercial Industrial/Office Planning and Zoning Application	Fee	Escrow	Grading and Excavation	Fee	Escrow
<input type="checkbox"/> Preliminary Plat	\$500	\$3000	<input type="checkbox"/> <100 Cubic Yards	N/C	
<input type="checkbox"/> Subdivision Application	\$500	\$3000	<input type="checkbox"/> >100 Cubic Yards	\$500	
<input type="checkbox"/> Rezoning	\$500	\$3000	<input type="checkbox"/> >1000 Cubic Yards	\$1000	
<input type="checkbox"/> Comprehensive Plan Amendment	\$500	\$3000	<input type="checkbox"/> Right of Way Permit	\$250	\$500
<input type="checkbox"/> Final Plat	\$500	\$3000	<input type="checkbox"/> Park Dedication Fee	\$3750 per unit	
<input type="checkbox"/> Planned Unit Development	\$1000	\$3000	<input type="checkbox"/> Park Dedication Fee (other)	\$0.258 per square foot	
<input type="checkbox"/> Final Plat	\$500	\$3000	<input type="checkbox"/> Signage Permanent	\$250	
			<input type="checkbox"/> Temporary Sign	\$25	\$250

**Brief Project Narrative / Overview** (Use additional paper if necessary. Please be thorough.)

**NOTICE TO APPLICANT**

The Maple Plain City Code guides and enables development activities within the City by ensuring proper and well-coordinated projects. The land use application is the mechanism that allows the City to examine proposed land uses to ensure compatibility with the City Codes, design and development standards, and the surrounding land uses and natural environments. The review is intended to ensure positive growth for the community.

All applications are reviewed individually and are evaluated based on their own merit. Each land use request has an associated checklist of required items. Applicants are encouraged to participate in the City's pre-application workshop prior to submitting a formal land use application. The workshop is an opportunity to informally discuss the conceptual idea of the proposed project in an effort to reduce delays. Participation in the pre-application process does not provide approval, or guarantee of approval, of the project. The City shall not accept plans, drawings or other information related to the project except upon submittal of a formal application. The City reserves the right to reject an incomplete application.

**APPLICATION FEE STATEMENT**

All expenses pertaining to project reviews are the responsibility of the applicant. Planning review deposits and other applicable fees must be paid when submitting land use applications and accompanying materials. All fees, which are set annually by City ordinance, help cover costs incurred by the City to review the application. The City of Maple Plain often uses consulting firms to assist in the review of projects. City staff and consultant review costs are billed hourly; all other costs are billed at cost. Applicants shall be billed directly for incurred expenses upon receipt by the City. The City reserves the right to request an applicant to submit a development escrow in advance of the formal project review.

Please refer to the City's Fee Schedule for information on planning review fees and deposits, and other applicable costs.

By signing this form, the applicant recognizes his/her responsibility for any and all fees associated with the land use application from project review through to construction and release of financial guarantees for an approved project. All fees associated with a project that is denied or withdrawn remain the sole responsibility of the applicant and shall be paid upon receipt of invoice.

**I hereby understand the fee statement and responsibilities associated with this land use application:**

Applicant Signature

Date

  
9-2-16

Owner Signature

Date

  
9-2-16

**REVIEW REQUIREMENTS**

Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is required to complete the review. Once complete, a formal 60-day review period begins. The City has the ability to extend the review period an additional 60 days, if necessary, due to insufficient information or scheduling difficulties.

Please review the corresponding checklist that goes with the request as all materials are required unless waived by the City. All applications must be received by the deadline(s) attached hereto. Failure to submit by the date shown may result in a delay of the review by the Planning Commission and City Council.

**DEADLINES**

Planning Commissioning meetings are held on the first Thursday of the month at 7:00 P.M.  
All applications are due 30 days prior to meeting.

**OFFICE USE ONLY**

<b>Application Type</b>	<b>Review Deadline</b> <input type="checkbox"/> 15 Business Days: _____ <input type="checkbox"/> 60 Day Review: _____ <input type="checkbox"/> 120 Day Review: _____
<b>Fees Collected</b> <input type="checkbox"/> Application Fee Collected: \$ _____ <input type="checkbox"/> Escrow: \$ _____ <input type="checkbox"/> Total Receipt: \$ _____	<b>Received by</b> <input type="checkbox"/> Name: _____ <input type="checkbox"/> Signature: _____ <input type="checkbox"/> Date: _____
<b>Receipt</b> <input type="checkbox"/> Receipt Number(s) _____	<b>Application Complete</b> Are there any missing materials? <input type="checkbox"/> Yes. <input type="checkbox"/> No. If yes, was the application accepted? <input type="checkbox"/> Yes. <input type="checkbox"/> No.



City of Maple Plain  
5050 Independence St  
P.O. Box 97  
Maple Plain, MN 55359  
Office: (763) 479-0515  
Fax: (763) 479-0519

# VARIANCE CHECKLIST & PROCEDURE

## APPLICATION REQUIREMENTS

The following materials are required in order for each application to receive consideration. The City reserves to waive certain requirements. An application that is missing materials may not be accepted.

- Completed Land Use Application and pay all applicable fees.
- All materials as required by City Zoning Code regarding Variances.
- Address labels of property owners within 350 feet (available through Hennepin County).
- Certified survey of property (8 full size, 10 reduced) plus CAD and PDF electronic files.
- Written narrative of outlining project and purpose of request.
- Scaled site plan showing dimensions & distances
- Existing & proposed property conditions (*see below*)

The review criteria for a variance request.

- Identified exceptional or extraordinary circumstances or conditions that do not generally apply to other properties in the same zoning district.
- Preservation & enjoyment of a property right similar to that possessed by other, similar properties.
- No substantial detriment to adjacent properties.

## APPROVALS & PERMITS

Project applications may require review and comment from the following agencies. Applicants should allow for enough time for agency review. The City encourages applicants to contact each state and county agency and the appropriate watershed district prior to submitting formal application to understand agency requirements.

- |  |   |
|--|---|
| <input type="checkbox"/> City of Maple Plain             | <input type="checkbox"/> MN Pollution Control Agency (NPDES)      |
| <input type="checkbox"/> Hennepin County                 | <input type="checkbox"/> Minnehaha Creek Watershed District       |
| <input type="checkbox"/> MN Department of Transportation | <input type="checkbox"/> Pioneer-Sarah Creek Watershed Commission |

## NOTICE TO APPLICANT

In order to receive consideration, the applicant must complete a number of steps.

1. Meet with City staff to discuss the proposed use, whether permitted or conditional, obtain a land use application packet, and schedule a pre-application meeting.
2. Assemble information outlining the request.
3. Submit a completed application packet, including all materials as required by City Zoning Code related to the type of request, to City Hall by the dates noted on the Land Use Application.
4. Participate in the review process by attending City staff and public meetings.
5. Attend all Public Hearings, and Planning Commission and City Council meetings.

By law, the City of Maple Plain must notify adjacent property owners of proposed projects that may impact their properties. This notification is mailed to property owners within 350 feet of the project area at least 10 days prior to the public hearing. A Certified List of Property Owners is available from Hennepin County (612) 348-5910.

## ADDITIONAL INFORMATION

**Drawings of Existing & Proposed Conditions** should include:

- existing and proposed property and other boundary lines
- grading, erosion control & drainage plan for proposed improvements
- location and size of existing buildings & infrastructure (water, sewer and storm sewer lines)
- wetlands and wetland delineation, if proposed, wooded areas & other natural and vegetative features
- tree inventory, including trees to be removed & saved
- location and dimension of all easements, public rights of way, streets and sidewalks/trails
- minimum building setback lines.

## ACKNOWLEDGEMENT

By signing this form, the applicant hereby acknowledges the receipt of the checklist and procedure for the project to be submitted for consideration. It is the responsibility of the applicant to submit all required materials. All permit requests should be submitted in a timely manner so as not to cause project delays.

**Applicant Signature**

**Date**

  
9-2-16

**Owner Signature**

**Date**

  
9-2-16

Updated March 2, 2016



Total Auto Sales•5330 West Highway 12• Maple Plain, MN 55359• Phone: 612-382-1895 • Fax: 952-737-1248  
E-Mail: michaelshannon@comcast.net Web: www.totalautosales.us

Date: September 6, 2016

Robert Schoen  
City Administrator  
City of Maple Plain  
5050 Independence Street  
PO Box 97  
Maple Plain, MN 55359

RE: Variance request for property at 5330 West Highway 12 Maple Plain  
Tenant: Michael T. Shannon  
Owner: Gary N. Keller

Dear Mr. Schoen:

1. There are parking setbacks currently required for property zoned mixed use Budd Avenue (MV-B)
  - a. Highway 12 - 50 foot setback
  - b. Side yard – 5 foot setback
  - c. Rear yard – 10 foot setback
2. Parking stalls are required to be 9 feet by 20 feet in dimension.
3. Drive aisles are required to be 25 feet in width

We believe a resolution was made under resolution number 13-0923-1 (see copy)

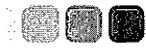
We're however addressing the parking setbacks in a more defined manner thru a variance request. In order to operate a used car business at the address above like there has been since 1995. The current setback would allow no vehicles to be parked on the property, thus making it impossible to operate a used car business. We believe this is the only area we need to address to allow us to be in compliance for our conditional use permit.

We are requesting the following variance:

- A. To allow a 35 foot setback on Highway 12 – basically a 10 foot setback from the curve. The setback on Highway 12 is from the middle of the highway.
- B. To allow no setback limit on the side and rear of the buildings. If we do not have this setback it will not allow our plan to allow a (8 ft. required) for fire protection service and proper display for our vehicles for sale. So we are asking not to have a 25 feet in width for drive aisles. Review lot display. Here attached.

We are proposing a variance for parking stalls for trucks to be 20 feet by 8 feet and for cars 18 feet by 7 feet to be used for displaying cars and instead of the required 20 feet by 9 feet.(see lot display) We have also designated an area for customer parking. We do not plan any employee parking as we drive cars from the lot.

If this variance is not approved there will be no way for a used car business to operate at this location in Maple Plain and



thus, allowing no return for Gary and Sharon Keller's investment in your community.

Your prompt attention to this matter would be greatly appreciated as the business license to operate Total Auto Sales cannot be transferred to the new address until this situation has been settled. This license is needed to be compliant with the state and for the floor planning company that is used to finance the vehicles.

Sincerely,

Michael T. Shannon  
Owner, Total Auto Sales

Gary and Sharon Keller  
Owner, 5330 West Highway 12 Property

**RESOLUTION NO. 13-0923-1**

**RESOLUTION AMENDING A CONDITIONAL USE PERMIT TO CHANGE THE ALLOTTED NUMBER OF FOR SALE VEHICLES AND TO CLOSE THE WEST ACCESS AT 5330 HIGHWAY 12**

WHEREAS, the City of Maple Plain is a municipal corporation in the Metropolitan area which is organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Maple Plain has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and,

WHEREAS, Gary Keller ("Applicant") is the owner of property in Maple Plain which is legally described as follows:

SEE ATTACHED SURVEY

WHEREAS, the Applicant property is located within the Mixed-Use zoning district and subject to zoning standards under the Mixed-Use Budd Ave zoning district and subsequent requirements; and,

WHEREAS, the Applicant's is proposing to amend his conditional use permit that;

- will remove the requirement of having no more than 12 vehicles to incorporating a parking plan that designates a "for sale area" plus parking for guests and employees;
- will allow the closing of the west access

WHEREAS, the Planning Commission reviewed the request on September 5, 2013, and recommended approval of the requested amendments with conditions; and,

WHEREAS, the City Council reviewed the request and finds that the proposed request is a reasonable use of the property without negatively impacting the neighbors or the public by the following findings of fact:

1. Customer and employee parking shall be designated to ensure they have adequate area to maneuver in and out of the site.
2. The parking plan shall be approved by the City fire and public safety staff. - I + W + J

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Maple Plain hereby approves the conditional use permit amendments for;

- removing the requirement of having no more than 12 vehicles and adding the requirement to incorporate a parking plan that designates a "for sale area" plus parking for guests and employees;
- allowing the closing of the west access

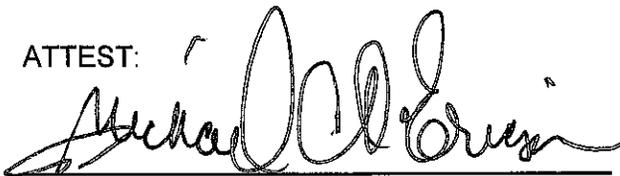
BE IT FURTHER RESOLVED, that the approval of the requested amendment shall include the following conditions:

1. The submittal of a parking plan to city staff that designates the parking area of the for-sale vehicles, employee vehicles and customer vehicles plus the appropriate maneuvering area in compliance to city standards;
2. An eight-foot wide open area must be designated around the building for fire protection;
3. The plan is subject to the fire suppression and access needs per the direction of the Fire Chief and Public Safety;
4. All areas to be used for vehicle parking shall be paved;
5. If the two parcels used for the business are to be combined a minor subdivision will be required.

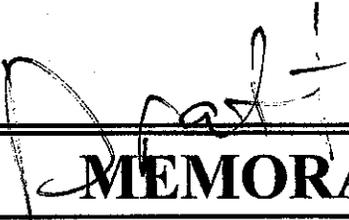
This resolution was adopted by the City Council of the City of Maple Plain on the 23rd day of September 2013. Members voting in favor: Councilmembers Michael DeLuca, Justin McCoy, and Jerry Young. Members voting against: None. Members Absent: Mayor Hackbarth and Councilmember Dave Eisinger.

  
\_\_\_\_\_  
Mayor Roger Hackbarth

ATTEST:

  
\_\_\_\_\_  
Michael Ericson  
Interim City Administrator

(SEAL)



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# MEMORANDUM

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**TO:** Chair Bliss and Planning Commission  
**FROM:** Tom Goodrum, Planning Consultant  
**DATE OF REPORT:** August 28, 2013  
**DATE OF MEETING:** September 5, 2013  
**RE:** Conditional Use Permit Amendment for AC Motors

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## ACTION TO BE CONSIDERED

- **Amendment to Conditional Use Permit:** to amend the current condition of a maximum of vehicles from 12 to 34 with a revised parking plan.

## STAFF REVIEW

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On August 1<sup>st</sup> the Planning Commission tabled the conditional use permit amendment in order for staff to address items raised at the public hearing regarding the accuracy of the site plan, closing of the west access, adequate maneuvering space of customer vehicles, impacts to neighboring properties, and the overall number of cars on the site. Staff has met with the applicant on these items and updated our report. A summary of our findings are as follows;

- The site plan was updated to be at a scaled drawing.
- The Fire Chief and Public Safety can support the closing of the west access.
- A maneuvering plan has been **provided by staff** that identifies potential customer and employee parking and adequate maneuvering space that would avoid using the neighboring property.
- The number of "for sale" cars on the site will be dependent on providing and maintaining safe and adequate parking and maneuvering space within the site.
- There are no changes to staff's recommendations.

Gary Keller obtained a Conditional Use Permit (CUP) in 1995 for the purpose of operating an auto sales business. The CUP was approved with seven conditions. Mr. Keller is requesting amendments to two of the conditions.

- One condition was a maximum number of 12 vehicles allowed on the property, including employee vehicles.
- A second condition was keeping both accesses from Hwy 12 open.

Mr. Keller is not requesting changes to the other five conditions:

- Closing of the pre-existing gas station;
- No repair work, including painting and auto body;
- All vehicles for sale be in good repair;
- All parking areas be paved;
- No additional lights;

Mr. Keller has since leased the property to AC Motors of New Hope in 2012.

## **Permitted Use, Building Size and Visibility**

The site is in the Mixed-Use Budd District (MU-B) where auto sales are allowed as a conditional use permit per the following standards.

- (a) Only within the MU-B District
- (b) Parking area and buildings must be setback 40 feet and adequately screened/buffered from adjacent residential land shown in the Comprehensive Plan;
- (c) Public Address systems shall not be audible from residential parcels;
- (d) Access is prohibited from a local street unless approved by the City.

The business is in conformance to the standards except for the parking area setback of 40 feet and the un-paved area in the northwest corner of the site. As a pre-existing business with an approved CUP the parking setback is a legal use. However, the paving of the NW corner should be provided.

## **Proposed Request**

The purpose of the request is to meet sales needs to continue the operation of a successful business. It is their business plan that the turn-over ratio for the site is 25 cars per month. They are currently averaging 16 sales per month. The added vehicles will improve the sales ratio, thus their request of 28 for-sale vehicles. (See the attached narrative and parking plan)

They are also requesting 2 stalls for customer parking, along the east side of the site (stall # 33 & 34) and they don't expect more than two employees at the site at any time.

There is a conflict between the proposed request of 34 stalls as shown on the site plan and the descriptive needs of 32 stalls (28 for-sale vehicles, 2 customer stalls and 2 employees).

To incorporate the requested cars the applicant is proposing to block the west access into the site. This would give the site a single access on the eastern side. The site is approximately 0.20 acres with a road frontage of 102 feet. The need for two accesses is typically not necessary in this situation except if recommended for safety purposes.

**The City Fire Chief and Hennepin County Public Safety have reviewed the application and the proposed closing of the west access. Both departments can support the closing of the west access. Their comments are attached to this report.**

The parking plan does not show the drive aisle width for customer and employee parking and maneuvering standards. City code requires that drive aisles should be a minimum of 22 feet and that there is sufficient maneuvering area within the site for customers and employees.

**A plan was created by staff that shows the required maneuvering space required by city codes.** With the necessary parking and maneuvering space the applicant will be restricted to parking "for sale" cars in the designated area. Per the "Auto Turn" transportation program we were able to identify turning maneuvers for two customer parking stall along the east side of the building. With this program it shows that proposed stalls 15-20 will need to be removed to provide adequate maneuvering space within his site.

To avoid having his customers using the neighbor's site painted stripes, bollards, signage or a fence may be necessary, even though adequate room is provided. It is staff's opinion that if customers continue to use the neighbors site after the city approves a parking plan that provides on-site maneuvering the applicant would be considered in violation of his operational plan and CUP. In this case the applicant would need to correct the problem with a fence or other approved methods.

The survey identifies two right-of-way lines, one being 11 feet further south than the other. The surveyor has shown both as there is conflicting information on the right-of-way. The business has historically used the southern line as their site boundary where they have parked cars and placed a sign. MnDOT has received this application and have not responded. Staff will recognize the south lot line for site plan purposes, but the applicant should be aware of the potential conflict.

The applicant has made their request per direction of the city staff. It has been documented that the number of cars on site has been exceeding the allowed 12 on a continual basis. An April inspection noted 22 vehicles on the site and subsequent inspections has noted similar number of cars at the site.

To ensure compliance staff recommended that the CUP be amended. Staff's review of the site, even though the cars exceeded the allotted amount, was that the site was kept in an orderly fashion and created no known negative impact to the surrounding area. Staff did not receive any complaints regarding the business prior the August Planning Commission. However, testimony was given at the August Planning Commission from the neighboring property owner about his concern of patrons of AC Motors using his property for access into and out of the site.

## **FINDINGS**

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After reviewing the application, it is staff's opinion that the proposed use is appropriate for the site, but a number of items will need to be addressed as conditions of an approval:

- The parking plan should be reduced from 34 stalls up to 32 stalls to be consistent with the narrative.
- Customer and employee parking shall be designated to ensure they have adequate area to maneuver in and out of the site. It is recommended that the 4 stalls be located on the east side of the building and defined by striping or signage as designated stalls. The employee and customer parking should be separated from the for-sale vehicles.
- The parking plan shall be approved by the City fire and public safety staff.
- The northwest corner should be paved so all cars are parked on a surfaced area. The applicant should be aware of the pavement extending into the property to the north.
- The applicant needs to identify if the fuel tanks were removed.
- Submit an application for a minor subdivision for the combination of the two parcels. Minor subdivision applications are heard by the City Council.

## **Recommendation**

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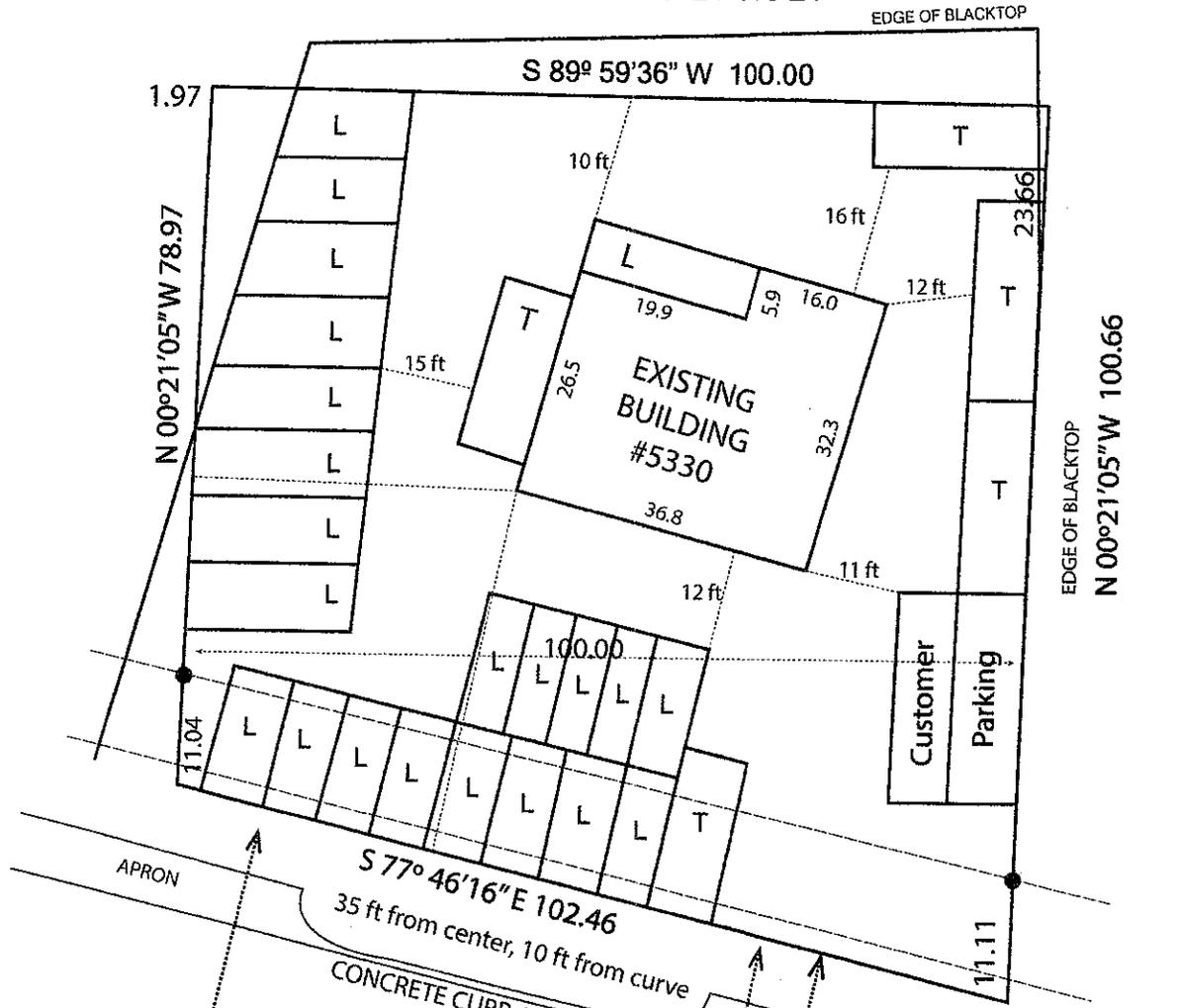
Staff is recommending approval for the conditional use permit amendment to increase the number of vehicles on the site, including customer and employees, from 12 up to 32 for the property at 5330 Highway 12 with the following conditions:

1. The submittal of a parking plan to city staff that designates the parking area of the for-sale vehicles, employee vehicles and customer vehicles plus the appropriate maneuvering area in compliance to city standards;
2. The plan is subject to the fire suppression and access needs per the direction of the Fire Chief and Public Safety;
3. All areas to be used for vehicle parking shall be paved;
4. If the two parcels used for the business are to be combined a minor subdivision will be required.

### **ATTACHMENTS**

Attached on pages \_\_\_\_\_ through \_\_\_\_\_

LINE PARALLEL WITH  
NORTH LINE OF SE 1/4,  
SW 1/4 SEC. 24-118-24



EDGE OF BLACKTOP

S 89° 59'36" W 100.00

1.97

N 00°21'05" W 78.97

EDGE OF BLACKTOP  
N 00°21'05" W 100.66

EXISTING  
BUILDING  
#5330

Customer  
Parking

S 77° 46'16" E 102.46

35 ft from center, 10 ft from curve

CONCRETE CURB AND GUTTER

APRON

APRON

CENTERLINE OF CONCRETE

CENTERLINE OF U.S. TRUNK HIGHWAY NO. 12  
AS DESCRIBED IN EASEMENT FROM CHARLES  
AND LOUISE CARLSON, BK 1130 DEEDS, P. 627

T= TRUCK 20' X 8' SPACE  
L= LARGE CAR 18' X 7' SPACE