

**AGENDA
MAPLE PLAIN PLANNING COMMISSION
MEETING
MAPLE PLAIN CITY HALL
July 1, 2015
7:00 PM**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT THE AGENDA**
- 4. CONSENT AGENDA**
 - a. Minutes from June 4, 2015 meeting
- 5. NEW BUSINESS**
 - a. Collision Corner Conditional Use Permit
- 6. OLD BUSINESS**
 - a. Barber Shop – Land Use in MU-B District
 - b. Joint Meeting Summary and Planning Commission Priorities
- 7. COMMISSION REPORT AND OTHER BUSINESS**
- 8. VISITORS TO BE HEARD**
- 9. ADJOURN**
 - c. *Next meeting: Thursday, August 6, at 7 p.m.*

**City of Maple Plain Planning Commission
Meeting Minutes
June 4, 2015
7 p.m.**

1. CALL TO ORDER

Chair Bliss called the meeting to order at 7:05 p.m.

Present: Chair Michele Bliss and Commissioners John Fay, Stephen Shurson, Barb Rose and Mardelle DeCamp. Also in attendance were Councilmember Dave Eisinger, City Planner, Mark Kaltsas and City Administrator, Tessia Melvin.

2. PLEDGE OF ALLEGIANCE

3. ADOPT THE AGENDA

Commissioner Shurson moved to adopt the agenda. Commissioner Rose seconded. Motion passed 5-0.

4. CONSENT AGENDA

Commissioner Fay moved to adopt the consent agenda (Minutes from march 5, 2015). Commissioner Shurson seconded. Motion passed 5-0.

5. NEW BUSINESS

A. Barber Shop- Land Use in MU-B District

Mark Kaltsas, City Planner, reported that 5260 Independence Street is currently zoned MU-B and the permitted uses of this zoned area does not specify whether barber shops are allowed, nonetheless does specify beauty shops are not allowed in this zone.

The ordinance states:

“The following list is not meant to be all encompassing, but all uses not identified on this list shall be subject to review by city staff and must be identified as ‘similar’ in use to others listed, permitted or conditional uses otherwise the use shall be deemed not permitted. Any dispute of staff’s decision shall be brought before the City Council upon written request to be submitted to city staff to be placed on the next available agenda.”

Kaltsas stated that the City could find that a Barber Shop is similar to a Beauty Shop and therefore would not be permitted by the ordinance. Staff would like to have the Planning Commission review the proposed use (Barber Shop) and

provide feedback relating to whether or not it should be considered in the MU-B district.

Commissioner DeCamp stated that while a Barber Shop is similar to a Beauty Shop the intended zoning districts were for redevelopment. DeCamp said that she would welcome the Barber Shop in the area, and would appreciate if it were possible for him to move into the downtown development when it is constructed that DeCamp concluded that she would rather see a business coming to Maple Plain than not allowing them because of a zoning district.

Chair Bliss stated that the Planning Commission created the zoning districts to help beautify the City of Maple Plain. While she welcomes the business, it is not permitted in the zoning area. Commissioner Faye agreed, but asked if it were possible to have the applicant complete an interim use permit, with the idea that once the downtown is developed, he could move there.

City Planner Kaltsas stated that the interim use permit could be completed, but that it would have to go before the Planning Commission again.

Gary Kangas, the applicant, stated that he appreciated the chance to meet with the Planning Commission. He added that his intention is to have one chair and that he is a master barber. He agreed to complete the interim use permit and would consider moving his business once the downtown area is developed.

Commissioner Shurson moved to ask direct the applicant to complete an interim use permit. Commissioner Rose seconded. Motion passed 5-0.

6. OLD BUSINESS

a. Walking and Biking Plan

There was much discussion by the Planning Commission on changes that should be made to the walking and biking plan. Recommendations were noted by staff.

Commissioner Bliss added that she found in past Council minutes that it had been approved by the City Council. There was much discussion on the implementation of the plan in regards to bike paths. Commissioner Shurson stated that the Main Street West and Rainbow Avenue project was a missed opportunity. Commissioner DeCamp stated that according to the map, the project was not high traffic area and that there are other priorities in the City.

Commissioner Fay added that he would like to see other areas of the City addressed first.

After much discussion, staff agreed to add this to the Joint City Council meeting and get Council feedback on the implementation of the Biking and Walking Plan

b. Planning Commission Priorities

Kaltsas reported that in 2014 the Planning Commission identified 5 focus areas and at the February 2015 meeting the Commission added to the areas. The Planning Commission created 11 items of focus that include:

1. R1-R3 Zoning Districts
2. Home Occupation Permit
3. Consolidation of traffic and parking sections
4. Conditional Use permit
5. Wind Power
6. Low Impact Development
7. Outdated Codes (Municipal Liquor, Flood Plain)
8. Handguns
9. Microbreweries
10. Storm Water
11. Rental Ordinance

Commissioners Rose and DeCamp stated that they would be unable to attend the June 22 joint workshop with the City Councilmembers.

7. COMMISSION REPORT AND OTHER BUSINESS

City Planner Mark Kaltsas asked if the July meeting could be changed due to the Fourth of July.

The Commission decided to reschedule for July 1, 2015.

8. VISITORS TO BE HEARD

9. ADJOURN

Commissioner Rose moved to adjourn the meeting at 8:35 p.m.;
Commissioner Fay seconded. Motion passed 5-0.

Prepared by: Tessia Melvin ,City Administrator

Memorandum

To: Planning Commissioners and City Planner Mark Kaltsas
From: Tessia Melvin, City Administrator
Date: June 22, 2015
Re: Council Priorities for the Planning Commission

BACKGROUND

The City Council and the Planning Commission met on Monday, June 22 to discuss the priorities for the Planning Commission. Commissioners Bliss and Shurson were in attendance.

HISTORY

Melvin presented the topic to the Councilmembers. The Planning Commission had created a priority list in 2014 and recently updated it to include the following topics:

1. R1-R3 Zoning Districts
2. Home Occupation Permit
3. Consolidation on traffic and parking sections
4. Conditional Use Permit
5. Wind Power
6. Low Impact Development
7. Outdated Codes (Municipal Liquor, Flood Plain)
8. Handguns
9. Microbreweries
10. Storm Water
11. Rental Ordinance

Melvin stated that the purpose of the meeting was for the Commission and Council to create a strategic plan on priorities for the Planning Commission.

Mayor Young asked about the timeliness of the microbreweries and the solar energy. City Planner Kaltsas reported that the City did have an inquiry about a microbrewery. Chair Bliss stated that the Planning Commission wants to be proactive on this issue.

Chair Bliss talked about the home occupation and that they had been asked by some residents. Mayor Young stated that the City needs to move forward with this to ensure that public safety is not compromised. Young stated that a current home business is

creating some parking issues and directed staff to work with West Hennepin Public Safety on the parking concerns addressed by residents.

Councilmember McCoy asked who should own the sidewalk/trail plan? Melvin stated that at the last council meeting the Parks Commission recommended adding some sidewalks in the parks and the Council directed the staff to create a comprehensive sidewalk and trail plan that would include yearly improvements.

Commissioner Shurson added that he believes it is a Planning Commission item that can be collaborated with the Parks Commission. Shurson stated that he believed the creation and implementation of such a plan should be a joint effort.

Councilmember DeLuca asked if the Planning Commission owns the Biking and Walking trail, who should be implementing it? Chair Bliss answered that the Planning Commission is currently updating the report and creating a ranking of the areas that should be addressed. Bliss added that the Planning Commission aims to begin at the most noticeable streets.

Councilmember Eisinger added that the City needs to look at the trails and sidewalks to focus on trail extensions. It is the goal of the City to have connected trails.

Councilmember DeLuca asked if there are current vacancies on the Planning Commission. Chair Bliss stated that there were two vacancies. Councilmember DeLuca asked if they had considered sharing a Planning Commission with the City of Independence? Chair Bliss stated that this had not been considered and her intent of the Planning Commission is to have members of Maple Plain. Bliss added that the Design team had been made up of community members, including Independence.

Mayor Young asked about the non-compliant playground surfacing. Commissioner Shurson reported on the details that needed to be done at the parks to make them ADA compliant.

Councilmember McCoy concluded that the Council appreciates the ordinance work of the Planning Commission and their foresight in planning for the future of Maple Plain. Councilmember Eisinger added that he enjoys serving as a liaison to the Planning Commission and appreciates their work.

Melvin summarized the top priorities for the Planning Commission as the following:

1. Home Occupation Permits
2. Wind and Solar energy
3. Handguns

4. Microbreweries

5. Rental Ordinance

6. Implementation of the walking and biking trail ongoing projects.

Mayor Young added that the implementation of the walking and biking trail project should begin soon, so projects can be included in the 2016 budget.

RECOMMENDATION

Staff recommends that the Planning Commission begin creating the implementation plan of sidewalk and trail improvements.

City of Maple Plain

Request by Gary Kangas for an Interim Use Permit to Allow a Barber Shop to be Located on the Property at 5260 Independence Street

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 1, 2015
<i>Applicant:</i>	Gary Kangas
<i>Owner:</i>	Clair Rood
<i>Location:</i>	5260 Independence Street

Request:

Gary Kangas, (Applicant) requests that the City consider the following action for the property located at 5260 Independence Street (PID No. 24-118-24-34-0017).

- a. Interim Use Permit to allow a barber shop in the MU-B zoning district.

Property/Site Information:

The property is located just north of Highway 12 and just west of Budd Street on Independence Street. There is an existing building located on the property which also houses the Control Freaks business and a warehouse. The subject property is accessed via Independence Street or Highway 12. The property has the following characteristics:

Property Information: **5260 Independence Street**

Zoning: *MU-B Mixed Use – Budd/Highway 12*

Comprehensive Plan: *Mixed Use*

Acreage: *1.65 Acres*



Discussion:

The City has been approached by a barber that is interested in opening a barber shop in the downtown area. The barber shop would be a single-chair shop with just the owner cutting hair. The potential business owner found a space to lease in the existing building located at 5260 Independence Street. The building currently has a retail establishment (Control Freaks) in the western two-thirds of the building. The property is zoned MU-B (Mixed Use – Budd/Highway 12 District). The City has a table that provides permitted uses in the various mixed use districts. The list does not specifically address barber shops, but does provide for beauty shops. Beauty shops are not permitted in the MU-B zoning district, but is permitted in the other MU districts. The ordinance states the following about uses listed in the table:

The following list is not meant to be all encompassing, but all uses not identified on this list shall be subject to review by city staff and must be identified as ‘similar’ in use to other listed, permitted or conditional uses otherwise the use shall be deemed not permitted. Any dispute of staff’s decision shall be brought before the City Council upon written request to be submitted to city staff to be placed on the next available agenda.

This issue was brought before the Planning Commission and City Council at their last respective meetings to discuss the intended use and determine if the use could be deemed similar to Beauty Shops (a use

specifically not permitted in the MU-B district). In addition, the Planning Commission and City Council were asked to confirm the City's intent in not allowing that particular use in the MU-B zoning sub district. The item was discussed and it was recommended to the applicant that they seek an Interim Use Permit (IUP) for the proposed use. The IUP would allow the applicant to operate the business in the desired located until such time as there was a viable lease space in the MU-D or MU-G zoning sub districts. IUPs are generally intended to allow the temporary use on a property.

The City specifies that uses allowed in other MU- districts can be considered as an Interim Use if the City can find that the use meets the requisite criteria. The criteria are stated below and essentially state that the intended use must meet the general purpose of the district as stated in the Compressive Plan, shall not negatively impact surrounding uses and generally comply with City requirements.

Applicable Standards

§ 159.029 "MU" MIXED-USE DISTRICT.

(E) Interim uses.

(5) Uses allowed in other MU Districts.

(a) Must meet the general purpose of the subject district as described in the Comprehensive Plan and Design Guidelines.

(b) The city finds sufficient reasons that the use is appropriate for the subject district and that it does not negatively impact the goals of the approved district.

(c) Must submit an approved operational plan detailing the business management and operations.

(d) Subject to one-year review.

§ 153.170 PURPOSE AND INTENT.

(A) The purpose and intent of allowing interim uses is:

(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(2) To allow a use that is presently acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.

(3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Municipal Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development. (Ord. 246, passed 8-23-2010)

§ 153.171 GENERAL STANDARDS.

An interim use permit may be granted only if the City Council finds as follows:

- (A) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
- (B) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
- (C) The use will not adversely impact implementation of the comprehensive plan.
- (D) The date or event that will terminate the use is identified with certainty.
- (E) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.
- (F) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
- (G) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel. (Ord. 246, passed 8-23-2010)

The proposed use of the existing retail space as a barber shop does not appear to have a negative impact on the surrounding land uses. Various types of mixed use retail and services are permitted within the MU-B zoning district. The subject building is zoned for mixed use and currently used as both retail and a warehouse building. The MU-B zoning district general allows more intense uses (warehousing) than those permitted in the MU-D zoning district where Beauty Shops are permitted.

The applicant is seeking an IUP for a one-chair barber shop. Typically, parking for a barber shop would require 1 parking space per employee and 1-2 parking spaces per work area (chair). The purpose use would have a parking requirement of 3 parking spaces. There are approximately 15 parking spaces allocated for the retail spaces in this building (8 to the west of the building and 7 spaces in front of the

building). The City does not have good data on the number of spaces required for the adjacent Control Freaks business; however, based on several visual inspections, there does not appear to be more than 2-3 spaces being used at any given time. Therefore, it appears that the existing parking can accommodate the proposed use of this space as a barber shop.

Given the interim nature and scale of the proposed use, the City has not reviewed the building or site to determine compliance with the downtown design guidelines. In addition, the applicant has not provided the City with any information pertaining to a sign for the proposed business. It is anticipated that the applicant will apply for a sign that will meet all applicable standards of the City. The applicant is seeking permission to use the site for a set amount of time or an event that will be defined by the City. The period of time or the event that would end the interim use permit has to be known and clearly established by the City. For the requested use, the City could consider granting the IUP for a period of time and or the occurrence of an event. The event that was discussed was the availability of a comparable retail space in the MU-D or MU-G zoning districts. The occurrence of an event may be difficult for the City to administer given the potential subjective nature of determining the availability of a suitable retail space. A typical time period for granting an IUP is somewhere between 1-5 years. In order to provide the applicant with a reasonable amount of time to establish the business, the City could consider a period to not exceed 5 years from the date granted. Staff will be seeking direction from the Planning Commission regarding this issue.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Interim Use Permit. Should the Planning Commission make a positive recommendation to the City Council, it is recommended that the following findings and conditions be included:

1. The proposed Interim Use Permit meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.
2. Prior to the City Council's review of the Interim Use Permit, the applicant shall complete the following items:
 - a. The applicant shall sign a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.
 - b. The applicant shall confirm that the proposed lease space meets all applicable building codes.
3. The Interim User Permit shall be granted for a period of five (5) years from the date of City Council approval. The applicant shall remove all signage and business related materials from the site by the ending date of the IUP.
4. The Applicant shall pay for all costs associated with the City's review of the Interim Use Permit application.

Attachments:

1. Building Façade Image

Image of Building Façade





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

ZONING & LAND USE APPLICATION

APPLICANT INFORMATION

Applicant Name <u>Gary Kangas</u>	Company, if applicable
Address <u>20047 Hillside DR</u>	Phone Number <u>612-562-4608</u>
City, State, Zip <u>Coorcoran MN 55374</u>	Email <u>garykangas@gmail.com</u>
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 <u>Clair Rood</u>	Company, if applicable
Address <u>PO Box 339</u>	Phone Number <u>952-471-8548</u>
City, State, Zip <u>Maple Plain MN 55359</u>	Email
Applicant Signature <u>[Signature]</u>	Owner Signature <u>[Signature]</u>
Date <u>6-23-15</u>	Date <u>6-24-15</u>

PROJECT INFORMATION

Site Address or Property Identification Number 5260 Independence Drive

Type of Request (Check all that apply)	Fee	Escrow		Fee	Escrow
General Application			Conditional Use Permit		
<input type="checkbox"/> Site Plan Review	\$500	\$3,000	<input type="checkbox"/> Home Occupation	\$200	\$1,000
<input type="checkbox"/> Rezoning	\$500	\$2,000	<input type="checkbox"/> Commercial / Industrial	\$500	\$2,000
<input type="checkbox"/> Preliminary Plat	\$500	\$3,000	<input type="checkbox"/> Cell Towers	\$500	\$2,000
<input type="checkbox"/> Final Plat	\$500	\$1,500	<input type="checkbox"/> Amendment	\$200	\$2,000
<input type="checkbox"/> Comprehensive Plan Amendment	\$500	\$5,000	<input type="checkbox"/> Others	\$200	\$2,000
Simple / Minor Subdivision			Planned Unit Development		
<input type="checkbox"/> Lot Split	\$350	\$1,000	<input type="checkbox"/> Concept Plan	\$500	
<input type="checkbox"/> Lot Combination	\$350	\$1,000	<input type="checkbox"/> General Plan	\$1,000	\$5,000
<input type="checkbox"/> Lot Line Rearrangement	\$350	\$1,000	<input type="checkbox"/> Final Plan	\$500	
Subdivision			Variance		
<input type="checkbox"/> 1-5 Lots	\$500	\$3,000	<input type="checkbox"/> Residential	\$100	\$750
<input type="checkbox"/> More than 5 Lots	\$500	\$3,000	<input type="checkbox"/> Commercial / Industrial	\$250	\$1,500
Vacate Public Rights of Way			Special Uses		
<input type="checkbox"/> Vacation of Property	\$400		<input checked="" type="checkbox"/> Interim Use Permit	\$350	\$3,000

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

My plan is to open a 1 chair barber shop at 5260 Independence Drive. I am a licensed master barber, that will be running the shop myself. I plan to sign the lease as soon as I can and start right away on taking necessary steps to opening.

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

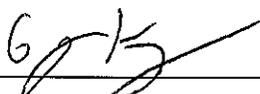
All expenses pertaining to project reviews are the responsibility of the applicant. Planning review deposits and other applicable fees must be paid when submitting land use applications and accompanying materials. All fees, which are set annually by City ordinance, help cover costs incurred by the City 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



Owner Signature

Date 6-23-15

Date

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.

OFFICE USE ONLY

Application Type	Review Deadline <input type="checkbox"/> 15 Business Days: _____ <input type="checkbox"/> 60 Day Review: _____ <input type="checkbox"/> 120 Day Review: _____
Fees Collected <input type="checkbox"/> Application Fee Collected: \$ _____ <input type="checkbox"/> Escrow: \$ _____ <input type="checkbox"/> Total Receipt: \$ _____	Received By <input type="checkbox"/> Name: _____ <input type="checkbox"/> Signature: _____ <input type="checkbox"/> Date: _____
Receipt <input type="checkbox"/> Receipt Number(s) _____	Application Complete 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. Please list what was missing according to the



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



Owner Signature

Date

6-23-15

Date

Updated March 7, 2014

City of Maple Plain

Request by Collision Corner for a Conditional Use Permit Amendment to Modify the Previously Approved CUP on the Property at 5060 US Highway 12

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: July 1, 2015
Applicant: Kurt and Michelle Kroll
Owner: Kurt and Michelle Kroll
Location: 5060 US Highway 12

Request:

Kurt and Michelle Kroll, (Applicants/Owners) request that the City consider the following action for the property located at 5060 US Highway 12 (PID No's. 25-118-24-12-0049, 25-118-24-12-0044, 25-118-24-12-0045, 25-118-24-12-0046).

- a. Conditional use permit amendment to modify the conditions of the existing conditional use permit.

Property/Site Information:

The property is located just north of Highway 12 at the intersection of Boundary Avenue and US Highway 12. There is an existing building located on the property. The subject property is accessed via Boundary Avenue. The property has the following characteristics:

Property Information: 5060 US Highway 12
Zoning: *MU-G Mixed Use – Gateway*
Comprehensive Plan: *Mixed Use*
Acreage: 0.89 Acres



Discussion:

In 2014, the City notified the owners of Collision Corner that they were in violation of their Conditional Use Permit (CUP) and that they had expanded their parking area without a permit or approval from the City/ Watershed. The City has also been working with the applicant for some time to limit the parking of vehicles on Boundary Avenue. The City has received numerous complaints regarding vehicles obstructing the right of way and therefore use of Boundary Avenue.

This property was initially granted a Conditional Use Permit by the City in 1988. The CUP was subsequently amended by the City several times with the most recent amendment occurring in 2001. In December of 2014, the City met with the applicant and discussed the possibility of amending their CUP to be consistent with the current use of the property. The City explained that the current operation was in violation of the conditions of the existing CUP and that revocation of the existing CUP would be the next step of the City. The City offered the owners of the property the possibility of amending their CUP so that the City and applicant could consider a reorganization of their site that would benefit both parties. The City noted that the applicant would likely need to make changes to the site (fencing, layout, landscaping, etc.) in order for the City to consider any expansion (increase in the number of vehicles and area on site permitted

to be used) of the previously approved CUP amendment. The current CUP has the following provisions:

1. 49 total parking spaces
 - a. 31 spaces in the back parking lot
 - b. 13 front parking spaces
 - c. 5 parking spaces for retail sales

2. No more than 9 vehicles can be parked outside of the fenced area after hours

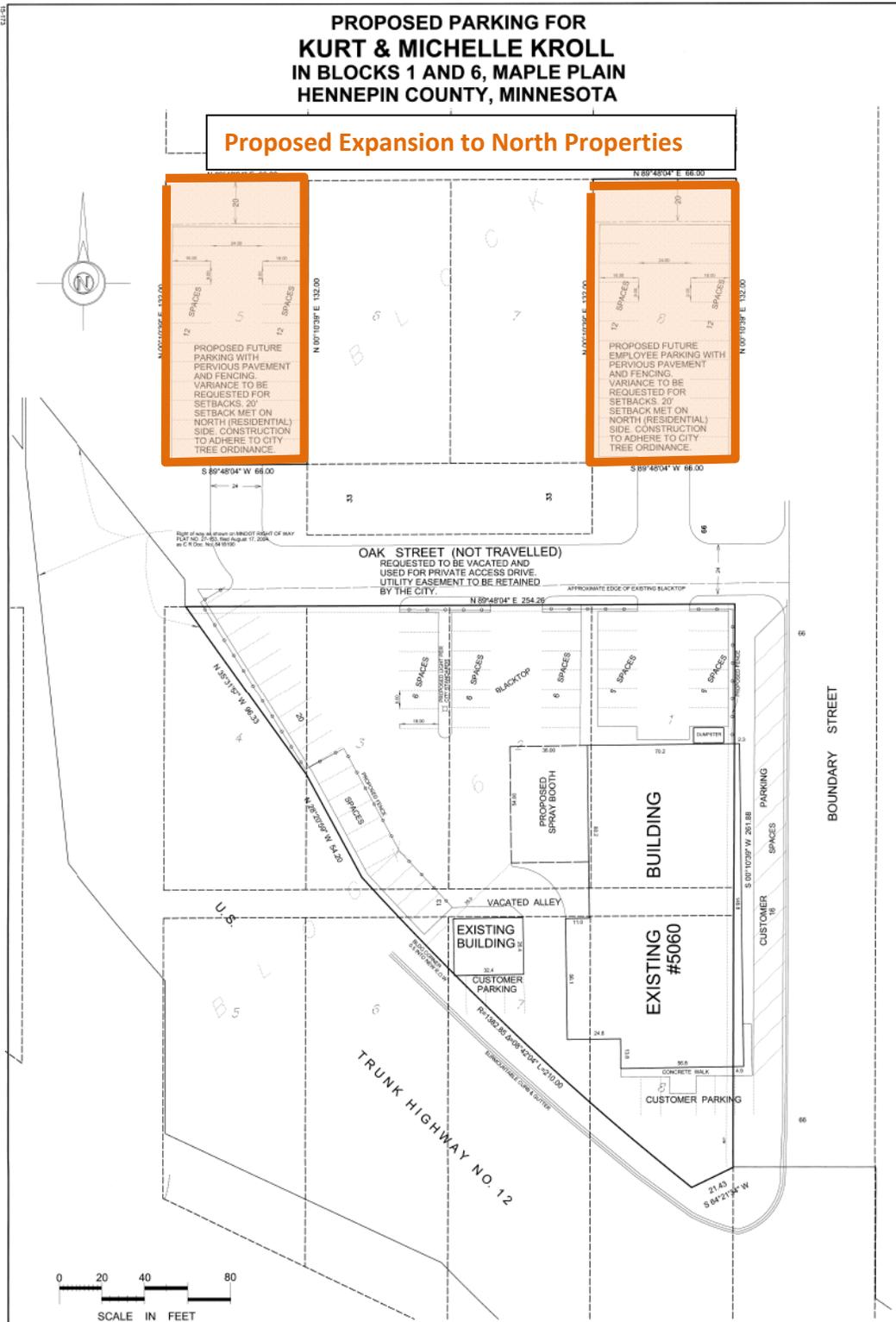
The owner of the property has now applied for an amendment to their conditional use permit. The amendment is requesting the reconfiguration of the site and an expansion of the CUP to allow the use of two (2) adjacent properties to north (owned by the applicant) as well as use of the City's Oak Street right of way for access into the site. The applicant has acquired two properties which are located just north of the existing site and the City's Oak Street right of way (unimproved). Automobile sales, service and repair is not permitted within the MU-G zoning district. The use of the existing property is permitted by conditional use and is considered legal non-conforming

In addition to the expansion of the current use to the two north properties, the applicant is seeking approval of an amended site configuration. Staff has reviewed the proposed site plan and provided comments and feedback to the applicant. Staff is seeking additional direction from the City relating to the various site configuration components:

1. **Expansion of CUP to north properties:**
 - a. The applicant would like the City to consider an expansion of the use to the two additional properties to the north. The City limits expansion of non-conforming uses to a maximum of 10% of the total site area in the mixed use zoning district. Based on the expansion provision, the City could consider allowing the expansion of the existing use by 3,877 SF. Each parcel is approximately .20 acres or 8,712 SF. The total area of either property would exceed the amount of square footage allowed for expansion of a non-conforming use. The City could consider additional methods for allowing the expansion of the use into that property (i.e. amend the ordinance to allow the use in the MU-G district). It should be noted that in order to fit the parking proposed by the applicant, a variance would be required to allow relief from the side and rear setbacks. A tree preservation/removal plan would be required as a part of the City's review for any construction on these properties. Due to the potentially large increase in the number of parking spaces, staff is seeking direction from the City on whether or not it would consider the expansion of the use onto the north properties.

**PROPOSED PARKING FOR
KURT & MICHELLE KROLL
IN BLOCKS 1 AND 6, MAPLE PLAIN
HENNEPIN COUNTY, MINNESOTA**

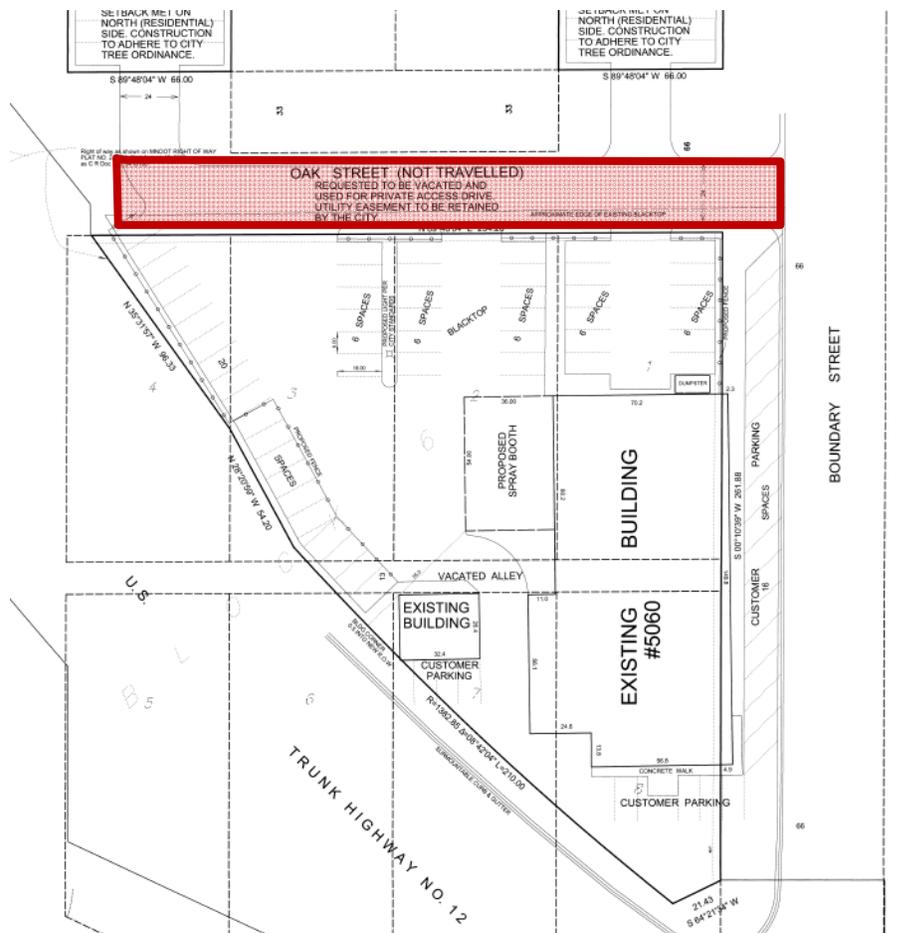
Proposed Expansion to North Properties



REVISIONS DATE BY REVISIONS 5-7-15 REVISED PARKING PLAN 5-8-15 REVISED PARKING PLAN		DESIGNED BY DRAWN BY CHECKED BY DATE MINN. LICENSE NUMBER	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.	G GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 N. WILLOW DRIVE LONG LAKE, MN 55356 PHONE: 952-473-4141 FAX: 952-473-4435
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2. Use of Oak Street Right of Way for Private Access Driveway:

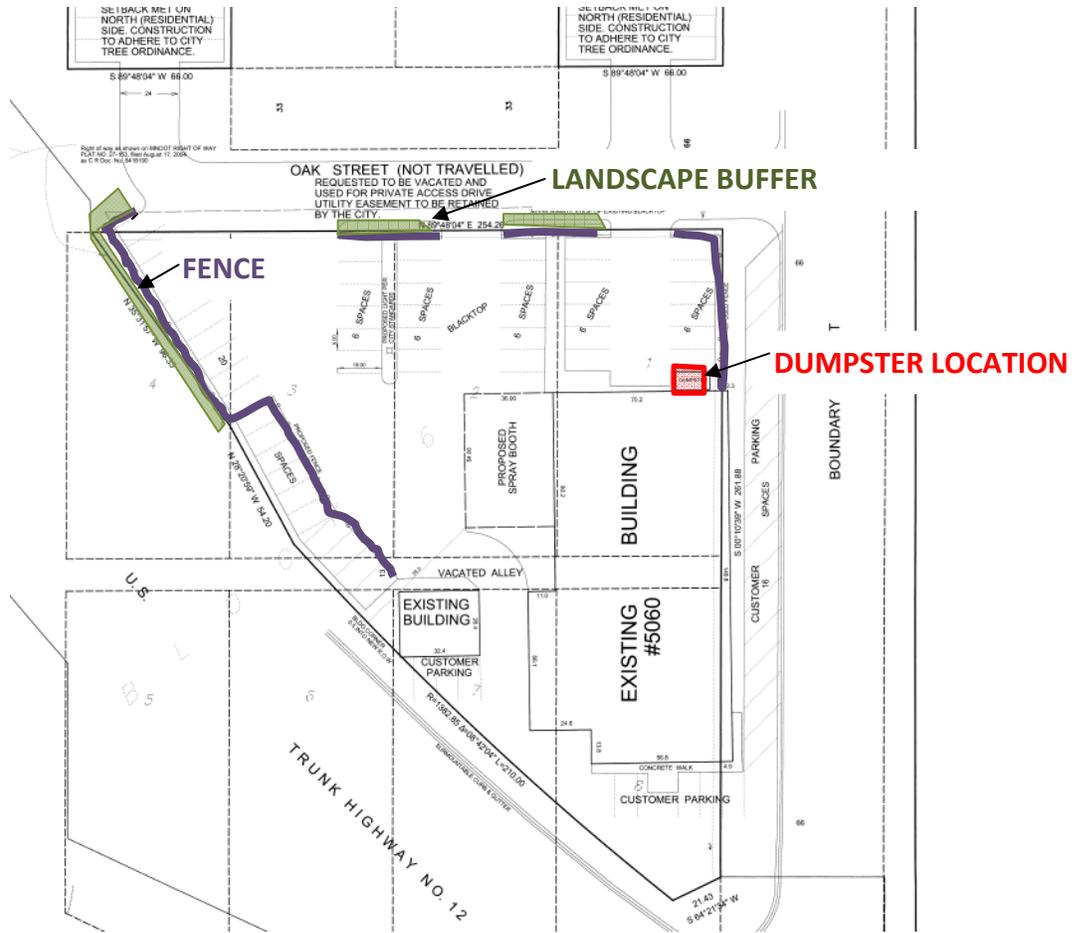
- a. The applicant is seeking permission from the City to construct a private access drive on the Oak Street right of way. The use of the right of way for a private driveway could be “licensed” by the City. The private driveway would allow the applicant to increase the number of parking spaces on the site by shifting the access road to the right of way and allowing more parking on the property. The cost of constructing the private driveway and maintenance would be the responsibility of the applicant. The City would retain the ability to maintain the utilities located within this right of way and construct a public street if warranted in the future. Allowing the use of the right of way would potentially provide for better functionality of the existing parking areas. Should this use be considered by the City, additional information pertaining to screening, use and lighting of this area along with an agreement with the applicant would be required. Staff is seeking direction from the Planning Commission on whether or not the City would consider allowing the use of the Oak Street right of way.



3. Screening/Landscaping/Dumpster Enclosure:

- a. The applicant is proposing to screen the realigned parking areas using an opaque fence. The applicant would need to provide additional details to the City identifying the materials and height of the proposed fence.
- b. In addition to installing a fence, staff has recommended that the exterior area of the fence be landscaped to provide additional buffering and to tie into the "gateway" design standards. Areas of importance would be the Highway 12 and Boundary Avenue frontages (with the exception of the area directly south of the building).
- c. The dumpster and tire bin are currently located at the northeast corner of the building. Staff has recommended that the applicant move the bins so that they would be located inside of the fenced rear yard area and accessed from the parking lot and not Boundary Avenue. The applicant has proposed locating the dumpster inside the proposed fence in the rear yard area.

Staff is seeking direction from the Planning Commission on the location of the fence, fence type and whether or not additional landscaping should be required.



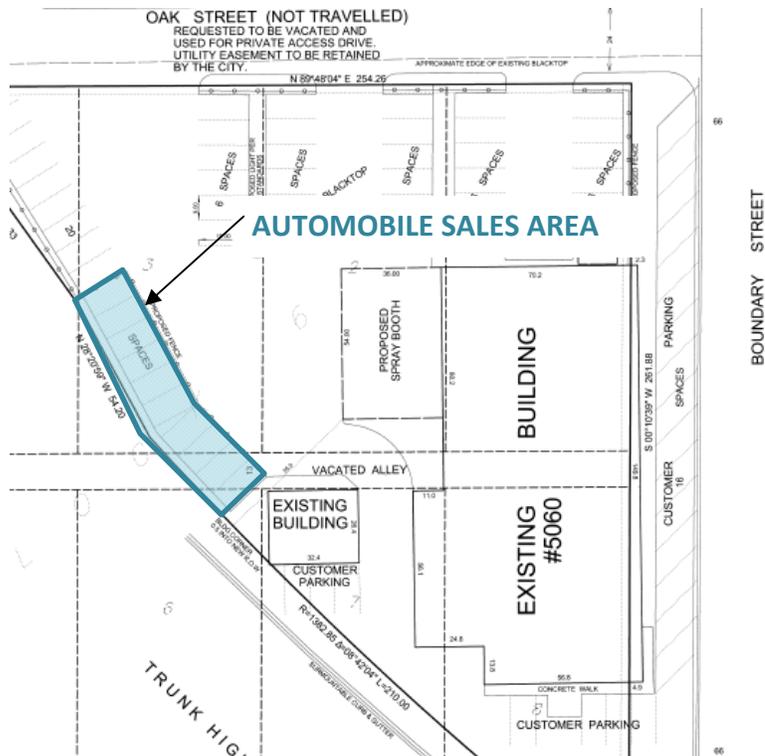
4. Proposed Building Expansion:

- a. The applicant is seeking permission to expand the building to allow a new spray booth on the west side of the building. In 2001, the City approved an amendment to the CUP to allow the expansion of the building for a new spray booth. The City does not have a drawing on record indicating the size or location of the spray booth. The applicant is proposing to locate the spray booth to the west of the existing building. Staff has asked the applicant for additional information pertaining to the proposed building materials and elevations of the building. Staff is seeking direction from the Planning Commission relating to the expansion of the existing building for a new spray booth as shown on the site plan.



5. Automobile Sales on Highway 12:

- a. The current CUP allows for the retail sales of up to five (5) cars on the subject property. The location of the cars for sale was not specified in the CUP. Currently the applicant uses the area west of the main building entrance and along Highway 12 to sell vehicles. The applicant is now seeking permission to sell ten (10) cars along Highway 12 west of the smaller existing building. The proposed fence would be located to allow the cars to be viewed from the highway. Staff has asked the applicant to indicate how the cars would be able to access the area given the proposed fence location. That information has not yet been provided. It was noted that historically, the applicant has used the unpaved right of way on Highway 12 to access this general area and to showcase vehicles for sale. The City does not permit the use of the right of way. Staff is seeking direction from the Planning Commission relating to the proposed expansion of automobile sales on the property.



6. Parking:

- a. The current CUP allows for parking on this site as follows:
 - i. 49 Total Parking Spaces
 - 1. 13 spaces in front of site
 - 2. 31 spaces in rear of site
 - 3. 5 parking spaces for retail sales along Highway 12

- b. The proposed amendment indicates the following parking counts:
 - i. 121 Total Parking Spaces (Including both North Properties)
 - 1. 73 spaces south of Oak Street right of way
 - 2. 48 spaces north of Oak Street right of way
 - 3. 9 spaces in front of existing building
 - 4. 40 spaces in rear of existing building
 - 5. 10 spaces for retail sales along Highway 12
 - 6. 14 spaces located in Boundary Avenue right of way

- c. Staff has visited the site on several occasions to count the number of vehicles parked on the property. On June 26, 2015 it was observed that there were approximately 129 vehicles located on the property (approximate estimate based on not going inside the

building and several vehicles not being considered a whole vehicle). The number of vehicles located on the property was as follows:

- i. 129 Total Vehicles
 1. 25 vehicles parked in front of building along Highway 12
 2. 9 vehicles parked on Boundary Street
 3. 83 vehicles parked to the rear of building
 4. 12 vehicles parked inside of building

The number of vehicles parked on the site exceeds the number permitted by the existing CUP (49 total vehicles) by 80 vehicles. Based on the number of vehicles parked on the site, the applicant does not have enough room on the current site to accommodate the number of vehicles currently in use for the business. Should the City not want to consider allowing expansion of the site to the north properties, the applicant does not appear to have sufficient space for the current number of vehicles if parked or stored in an organized manner as required by the existing CUP. There were approximately 12 vehicles parked in the state right of way at the time of the site visit. Parking too many vehicles in the front of the building makes it difficult for customers to enter the site and or turn around in the parking lot and for West Hennepin Public Safety to navigate the site. The City could consider limiting the number of parking spaces in the front of the building and prohibiting use of the Highway 12 right of way for parking. In addition, the applicant is proposing to utilize several spaces along Boundary Avenue for customer parking. Use of some of this area for customer parking would help to mitigate the congestion in front of the building.

The rear of the site could be organized in a manner that would allow some outdoor storage of parts and materials in an arrangement that would not require individual parking spaces. Staff has asked the applicant to consider identifying an area in the rear of the site that could be utilized for this purpose. The current plan does not identify this area on the plan. Utilization of an area for outdoor storage could increase the number of vehicles that could be stored on the site as the space could be "stacked". This would potentially increase the total number of vehicles that could be considered to be permitted on the site

West Hennepin Public Safety has asked that the applicant maintain a vehicular access path through the site and also provide for lighting to the rear of the building. The applicant is proposing to install 1 pole mounted light in the rear parking area (shown on site plan). All lighting would be required to be reviewed by the City and meet all applicable standards.

Staff is seeking feedback from the Planning Commission on the proposed parking layout and number of vehicles proposed in each area of the site.

(d) Subject to one-year review.

§ 153.170 PURPOSE AND INTENT.

(A) The purpose and intent of allowing interim uses is:

(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(2) To allow a use that is presently acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.

(3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Municipal Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development. (Ord. 246, passed 8-23-2010)

§ 153.171 GENERAL STANDARDS.

An interim use permit may be granted only if the City Council finds as follows:

(A) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.

(B) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.

(C) The use will not adversely impact implementation of the comprehensive plan.

(D) The date or event that will terminate the use is identified with certainty.

(E) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.

(F) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

(G) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel. (Ord. 246, passed 8-23-2010)

Recommendation:

Prior to seeking a formal recommendation from the Planning Commission, staff would like direction relating to the six points identified in this report. Adding additional parking to the north properties, utilization of Oak Street right of way and reconfiguration of the existing lot all would require additional information and detail to be provided by the applicant. Due to the potential implications of each point noted in the report, staff is seeking Planning Commission direction prior to requesting additional information and or applications (i.e. variance for parking setbacks) from the applicant. Based on the direction provided by the Planning Commission, staff will advise the applicant of the necessary steps to complete the review of the requested cup amendment.

Attachments:

1. Building Façade Image
2. Site Pictures
3. Staff Review Letter
4. Site Plan

Image of Building Façade



Image of Front Parking Area



Image of Trash Container



Image of Boundary Avenue





1620 MAPLE AVENUE | P.O. BOX 97 | MAPLE PLAIN, MN 55359 (763) 479-0515
Ph: (763) 479-0515 | Fax: (763) 479-0519 | www.mapleplain.com

January 30, 2015

Kurt and Michelle Kroll
PO Box 402
Maple Plain, MN 55359

Dear Kurt and Michelle:

Thank you for submitting a preliminary plan and application for an amendment to the existing conditional use permit on your property. The City would like to work with you to resolve the issue of non-compliance on your property. It is anticipated that several iterations of plans will need to be prepared/reviewed in an effort to reach a plan that can be considered by the City.

The City has completed a review of the information submitted. The City has prepared comments for your review. Please review the comments and provide the additional information requested. As a formality and in accordance with Minnesota State Statute 15.99, the City is required to notify you that at this time the application is found to be incomplete. The reasons that the application is incomplete are listed below in this letter. In order to allow the City the time required to complete a full review and process this application, the City is notifying you that it will extend the review period by an additional 60 days. The review period for this application will end on or about May 1, 2015.

There were several issues identified during the City's initial review of your application that should be addressed by providing additional information along with a revised plan set. These items should be addressed prior to proceeding with Planning Commission and City Council review. I offer the following recommendations/requests for your review and revision:

1. This plan will be subject to the review of the Minnehaha Creek Watershed District.
2. The current conditional use permit allows 49 vehicles to be parked inside the fenced area (was to be provided) and 9 vehicles located outside of the fenced area. The site does not have a fenced (screened) area as previously prescribed by the conditional use permit.
3. The proposed plan shows a total of 131 parking spaces. The spaces are broken down as follows:

Parking Spaces South of Oak Street ROW:	59
Parking Spaces North of Oak Street ROW:	56
<u>Parking Spaces Adjacent to Boundary Avenue:</u>	<u>16</u>

Total: 131

The City will need to better understand how these spaces are intended to be used. How many spaces will be used for vehicles being serviced? How many spaces will be used for vehicles that are inoperable? How many spaces will be used for customer parking? How many spaces will be used for employee parking? Will any of the proposed spaces be used for the storage of other materials? Please provide the City with the intended breakdown of how the parking spaces will be used.

4. The plan provided to the City indicates parking to the north and west of the existing building with no parking shown to the south of the building. The plan does not show any of the existing parking, paving or other site features (i.e. parking on south side of building and along State Highway 12). Please show all existing parking, paving, fencing and other existing site features on the plan.
5. As a result of the plan not indicating the existing pavement and site features, it is difficult to determine how the proposed parking relates to the existing paved areas. There are required setbacks for parking (i.e. 50 feet from State Highway 12) that may be applicable. Further review will be made following submittal of the revised plan with existing site information provided.
6. Any use of the site for the storage of inoperable vehicles and or parts or other outdoor storage of materials will need to be screened on all sides. It is recognized that there is an existing fence located along a portion of the south property line on State Highway 12. The City would like to see a combination of landscaping and fencing to adequately screen the outdoor storage areas.
7. Lighting of the outdoor storage and parking areas will need to be addressed. It is understood that there is some existing security lighting on the north and west sides of the building. West Hennepin Public Safety has noted that the lighting has not been working on a consistent basis and should be improved. All lighting will need to meet the City's lighting requirements of cut-off type fixtures. Further information pertaining to the lighting (i.e. lighting and photometric plan) may be required.
8. It is not clear from the plans if you are intending to utilize the Oak Street right of way for access into both proposed parking lots to the north and the existing parking lot to the south. Please provide additional information relating to your intended access to the proposed and existing parking lots. The City will need to either consider making public improvements for a street or possibly licensing the use of the right of way for private use.
9. The proposed parking lots located to the north of Oak Street right of way do not appear to meet the City's setback standards for parking lots. Parking abutting mixed-use property must be setback a minimum of 10 feet (south, east and west sides). The proposed parking spaces will need to be setback a minimum of 20 feet from the property line of the residential properties to the north.
10. The proposed parking lots to the north of Oak Street and east of Boundary Avenue will need to be screened from view utilizing landscaping or fencing or a combination of both.

11. West Hennepin Public Safety has noted that they used to be able to drive around the building in order to complete routine safety checks during non-business hours. Please consider providing a route that would allow routine safety inspections of the property.
12. West Hennepin Public Safety has noted that cars have been parked on the property that block the stop sign located at State Highway 12 and Boundary Avenue.
13. The City's fire department will review the proposed plans and provide comments following a resubmittal of the requested additional information.
14. It was noted in our initial meeting that you have future plans for an addition to the existing building. Please add the conceptual area onto the proposed site plan so that any parking impacts can be accommodated.
15. Please see the comments provided by the City's Engineer, Dan Boyum - Stantec, dated January 20, 2015 pertaining to engineering.

The comments provided in this letter are based on the information that has been submitted to the City. Following the submittal of additional information, the City may have additional comments or require additional information. Please prepare a revised submittal which address all of the comments pertained herein. Please submit a point by point response letter to each comment so that the City can quickly review the revised plan submittal. It may be a good idea to schedule a meeting with the City to review these comments prior to proceeding with a revised submittal. If you have any questions, would like to schedule a meeting or discuss the aforementioned comments, please contact me at (612) 567-8786.

Sincerely,



Mark Kaltsas, PLA
Planner

Attachment

CC: Tessia Melvin - City Administrator
Jeff Carson – City Attorney
Gary Kroells – Chief of Police
Dan Boyum - Engineer

To: Mark Kaltsas
City Planner

From: Dan D. Boyum
City Engineer

File: 193801803

Date: January 20, 2015

Reference: Collision Corners – CUP Site Plan Review

Mark – We have reviewed the Proposed Parking Plan prepared by Gronberg and Associates and received on January 14, 2015 and have the following preliminary comments:

1. The applicant should submit stormwater calculations showing existing and post conditions including any proposed storm sewer improvements. Permits should be applied for with the appropriate watershed.
2. Will the applicant be constructing a 42' width street based on the submitted drawing? We anticipate since the drawing was intended as a proposed parking drawing, the width of the street may not be set at this time.
3. A street profile and typical section should be submitted for review.
4. Will the fire department require a turn-around at the west end of Oak Street?
5. The proposed parking stall and parking lot lane widths should be reviewed to confirm they are meeting the current City code requirements.
6. Lighting of lots adjacent to residential properties should be discussed.
7. Fencing and landscaping for sight lines should be discussed.
8. Generally the City would have the applicant provide drainage and utility easements along lot lines.
9. Encroachment on an alley area is shown with the northerly parking areas. Possible vacation of alleys should be discussed if these are no longer used or maintained.
10. MNDOT has indicated in some past areas that improvements adjacent to their ROW may require review by their planning department.
11. Letters of Credits would need to be provided on any public improvements.

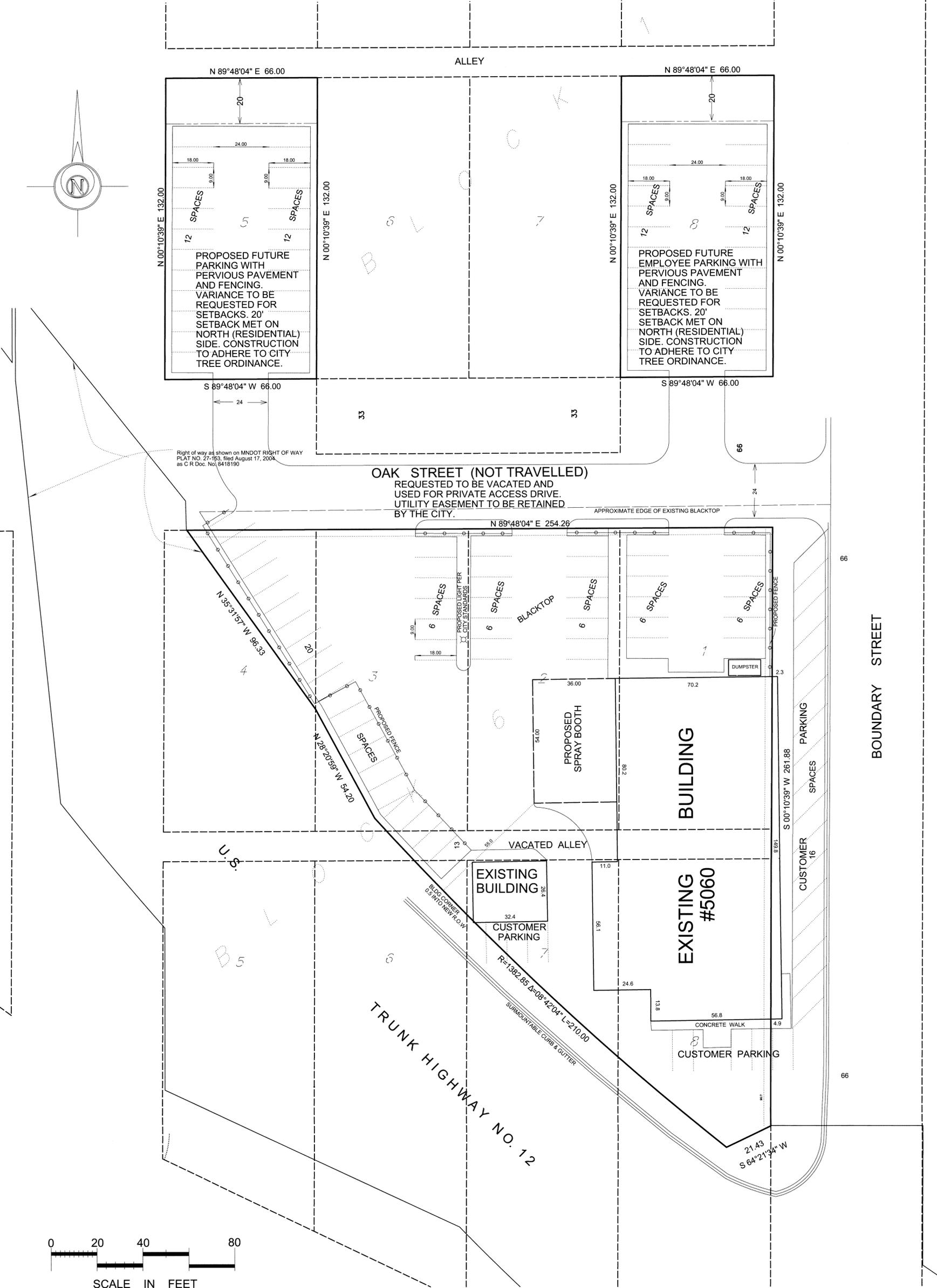
STANTEC CONSULTING SERVICES INC.

Dan D. Boyum
City Engineer
Phone: (651) 604-4829
Dan.Boyum@stantec.com

c. Tessia Melvin, Jeff Carson, Gary Kroells, Matt Morris, Maggie McCallum

PROPOSED PARKING FOR KURT & MICHELLE KROLL IN BLOCKS 1 AND 6, MAPLE PLAIN HENNEPIN COUNTY, MINNESOTA

15-173



Right of way as shown on MNDOT RIGHT OF WAY PLAT NO. 27-163, filed August 17, 2004 as C R Doc. No. 0419190

OAK STREET (NOT TRAVELLED)
REQUESTED TO BE VACATED AND USED FOR PRIVATE ACCESS DRIVE. UTILITY EASEMENT TO BE RETAINED BY THE CITY.



REVISIONS		DESIGNED	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.	DATE	9-3-14
DATE	BY	DRAWN		SCALE	
5-7-15		CHECKED	JOB NO.	15-173	
6-5-15			SHEET OF SHEETS	15-173	

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435