AGENDA
MAPLE PLAIN PLANNING COMMISSION
MAPLE PLAIN CITY HALL
October 2, 2014
7 p.m.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ADOPT AGENDA**

4. **CONSENT AGENDA**
   a. Minutes from June 5, 2014
   b. Minutes from September 4, 2014

5. **PUBLIC HEARING TO CONSIDER A SITE PLAN REVIEW, VARIANCE AND SUBDIVISION TO PERMIT A LOT COMBINATION FOR THE TWO PROPERTIES LOCATED AT 1675 SPRING AVENUE (PID NO. 24-118-24-33-0010 AND 24-118-24-33-0009**

6. **PUBLIC HEARING TO CONSIDER SITE PLAN REVIEW TO ALLOW A NEW LIQUOR BUSINESS TO OCCUPY THE EXISTING BUILDING AT 5030 HIGHWAY 12.**

7. **PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS FOR THE FOLLOWING MAPLE PLAIN ORDINANCES:**
   a. **TITLE IX, CHAPTER 92 ANIMALS, CONSIDERATION TO AMEND THE ORDINACE TO FURTHER DEFINE THE TOTAL NUMBER AND TYPE OF ANIMALS PERMITTED.**

   b. **TITLE XV, LAND USEAGE, CHAPTER 153.063 GENERAL FENCING, SCREENING, LANDSCAPING, AND STORAGE, CONSIDERATION TO AMEND THE ORDINANCE TO PROVIDE MORE DETAILS PERTAINING TO FENCING REQUIREMENTS AND FENCING PERMITS.**

8. **ADMINISTRATIVE REPORTS**
   a. **Update on Development Opportunities**

9. **OLD BUSINESS**
   a. **Schedule November Planning Workshop**

10. **NEW BUSINESS**

11. COMMISSION REPORTS AND OTHER BUSINESS

12. VISITORS TO BE HEARD

Note: This is a courtesy extended to persons wishing to address the Commission who are not on the agenda. A completed public comment form should be presented to the City Administrator prior to the meeting. The presentation will be limited to 3 minutes. The session will be limited to 15 minutes.

13. ADJOURN

City of Maple Plain Planning Commission
Meeting Minutes
June 5, 2014
7 p.m.

1. **CALL TO ORDER**

   Chair Bliss called the meeting to order at 7 p.m.
   Present: Commission Chair Michele Bliss, Stephen Shurson and Mardelle DeCamp. Also in attendance were Councilmember Liaison, Dave Eisinger, City Planner, Mark Kaltsas, and City Administrator, Tessia Melvin.

   Absent: Commissioners Barb Rose and John Fay

2. **PLEDGE OF ALLEGIANCE**

3. **ADOPT AGENDA**

   Commissioner DeCamp moved to adopt the Agenda; Commissioner Shurson seconded. Motion passed 4-0.

4. **CONSENT AGENDA**

   There was no consent agenda.

5. **PUBLIC HEARING**

   The Public Hearing opened at 7:10 p.m. City Planner, Mark Kaltsas, presented the proposed Meadows of Maple Plain Subdivision, Rezoning and Preliminary and Final Plat.

   City Planner Mark Kaltsas presented a subdivision, rezoning preliminary plat and general plat approval for the Meadows of Maple Plain. The request is to have Council approve the following:
   - Subdivision of the property into 18 single-family home sites
   - Rezoning to Planned Unit Development- Mixed Use
   - General Plan/Preliminary Plat

   The applicant, RoseCreek Builders, presented the same information to the staff and all concerns were addressed.

   Kaltsas reported that the plat includes:

- A new east to west street and cul-de-sac to provide access into the development.
- The utilities are proposed to be public.
- The applicant is proposing a tot lot to satisfy the park dedication recommendation. The outlet would be deeded to the City as part of the development agreement and final plat.

Kaltsas reported on the public facilities:

- Previously the City requested that the applicant provide easement for a potential trail. The Planning Commission did not recommend obtaining a trail easement in this location.
- The applicant is proposing a five-foot sidewalk along the length of the proposed Oak Street.
- The storm water infrastructure will be maintained by the homeowner's association.
- The applicant will install lights that are in accordance to the City's recommendations and meet the City's design standards.
- Based on the fire department's recommendation, the developer will be installing 3 new fire hydrants and making the cul-de-sac along with street lights meet the necessary standards to allow the landing of an emergency helicopter.

Kaltsas reported on the landscaping and signage proposed by the developer:

- The developer has prepared a tree preservation plan for the area.

There was much discussion on this topic. All Commissioners agreed to have the developer include more landscaping along both the north and south property lines.

Commissioner Shurson commented on the complete review by staff and how this has helped this project.

The developer added that they will provide a monument sign for the project, which will meet the City's design guidelines. The Commission agreed that this would be a nice addition to Maple Plain.

Chair Bliss commented that the property proposed for the development are smaller than the existing lots. The Commission approved the lot size to allow decks.

The Commission agreed to approve the subdivision, rezoning and preliminary plat and final plat with the following conditions:

- The proposed subdivision, rezoning and preliminary and final plats meet all applicable conditions, criteria and restrictions stated in the City of Maple Plain Subdivision and Zoning Ordinance.
- The Applicant shall address all comments outlined in the staff reports, including the Engineering Review Report.
- The Applicant shall comply with all applicable regulations and conditions presented by Minnehaha Creek Watershed District.
- The Applicant shall enter into a development agreement with the City for this development.
- The Applicant shall present a letter of credit as established by the development agreement for all improvements associated with this development.
- The Applicant shall provide the City with the copies of the HOA agreement and covenants including information related to the maintenance plantings and storm water easements.
- The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
- The Applicant shall pay for all costs associated with the City's review of the subdivision, rezoning and approval and permits prior to construction.
- The Applicant shall file the final plat with the County within six months of the approval.

Approval of Subdivision, Rezoning, Preliminary and Final Plat Approval Request for A New Eighteen Lot Subdivision to be Known as the Meadows of Maple Plain.

Commissioner Shurson moved to approve the Preliminary and Final Plat approval request for Meadows of Maple Plain; seconded by Commissioner DeCamp. Motion passed 3-0.

Commissioner Shurson moved to approve the rezoning of Planned Unit-Mixed Use; seconded by Commissioner DeCamp. Motion passed 3-0.

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6. ADMINISTRATIVE REPORTS

City Administrator, Tessia Melvin, reported on the following items:

- Melvin reported that the Metropolitan Council Environmental Services (MCES) asked the City of Maple Plain to participate in a grant program

designed to help residents pay for repairs to help reduce the inflow and infiltration levels. In 2013 staff sent flyers out to residents about the grant program and received 10 applications. Nine properties were qualified for grant funding. MCES has provided the City with $7,194.53 in grant funds to reimburse residents upon the completion of their work.

- The City has launched its new website. It has a new look, navigation and added services. Melvin asked the Commission to review and provide any comments.
- Maple Plain Days would be coming up in August and the Committee is working hard on all of the events and activities.
- The Water Meter Project is complete and the bills will be out in July. Melvin thanked all residents for their cooperation with this project.
- Melvin reported that the Main Street West and Rainbow Avenue Project has experienced some delays due to the wet spring, but continues going forward. She reminded the Commission that the City is dedicated to providing complete and up-to-date communications regarding this project. Staff has created a project hotline at 763.479.2266 and sends out daily e-mails to those wanting to subscribe.

Kaltsas reported on the following activities:

- Nuisance complaints regarding a newly constructed fence.
- Verizon Wireless on antennaes
- Review CUP relating to Collision Corner, as they are considering an improvement to their site
- Working with residents on setbacks, zoning, subdivision and other planning questions.

7. OLD BUSINESS

There was no old Business

8. NEW BUSINESS

There was no additional new business.

10. COMMISSION REPORTS AND OTHER BUSINESS

Melvin asked the Commission to comment on their past strategic planning process. Commissioners commented that they had done comprehensive strategic planning, but had wanted to meet with the Council to discuss some ideas and concerns.

11. VISITORS TO BE HEARD

There were no visitors.

12. ADJOURN

Commissioner Shurson moved to adjourn the meeting at 8:15 p.m., seconded by Commissioner DeCamp. Motion passed 3-0.

City of Maple Plain Planning Commission

September 4, 2014
7 p.m.

1. **CALL TO ORDER**

   Chair Bliss called the meeting to order at 7:03 p.m.
   Present: Chair Michele Bliss and Commissioners John Fay, Stephen Shurson and Mardelle DeCamp. Also in attendance were Councilmember Liaison, Dave Eisinger, City Planner, Mark Kaltsas, and City Administrator, Tessia Melvin.

   Absent: Commissioner Barb Rose

2. **PLEDGE OF ALLEGIANCE**

3. **ADOPT AGENDA**

   Commissioner Shurson moved to adopt the Agenda; Commissioner DeCamp seconded. Motion passed 4-0.

4. **CONSENT AGENDA**

   A. Minutes from April 17, 2014 Meeting
   B. Minutes from June 5, 2014 Meeting

   Commissioner Fay moved to accept the April 17 meeting minutes, but to table the June 5 minutes for corrections to be done and presented back to the Commission at their October meeting; Commissioner Shurson seconded. Motion passed 4-0.

5. **REVIEW OF PRELIMINARY PLANS FOR DOG GROOMING BUSINESS AT 1765 SPRING AVENUE**

   City Planner Mark Kaltsas presented a preliminary site plan to allow for the construction of a new commercial building and site development for the property located at 1765 Spring Avenue. The applicant Traci King was in attendance along with Carol King for questions. Kaltsas added that the former owner had proposed a plan and lot combination, but that it did not go through the Planning Commission. The current owner would like to relocate a dog grooming business from Minnetonka and are looking for a 800-1,000 square foot building.

   Kaltsas reminded the Commission that the property is located with the Mixed Use-Downtown District. The property previously had an existing residential home

and detached garage that was razed by the current owner (Bill Woods) to make way for a new commercial building.

Kaltsas reported that the applicant is relocating her existing business to Maple Plain and that dog grooming is permitted in the Mixed Use-Downtown zoning district. The applicant is proposing to construct an approximately 800 square feet 1.5 story building on the subject properties. In addition the applicant is proposing to construct an off-street parking area to support the proposed building. The parking area would consist of 3 off-street parking spaces. Kaltsas added that the parking area will accommodate the intended use of the building.

Kaltsas presented the architectural guidelines that were provided to the applicant. They first floor guidelines consist of:

- 60% openings window, doors, fenestration (23% is being proposed in the applicants plan)
- 35% wood, brick stone, hardie board siding
- 5% other materials

The second floor guidelines consist of:

- 40% windows fenestration (24% is being proposed by the applicant)
- 50% wood, brick, stone, hardie board siding
- 5% other materials

Kaltsas commented that the applicant is proposing a cottage type structure that appears to be generally consistent with the City's design guidelines for the downtown district. The applicant would need to provide hardie siding for the building in order to meet the requisite siding percentages for first and second floors. Kaltsas noted that the one area of concern is the amount of fenestration, as it does not meet the recommended percentages as directed in the guidelines.

There was much discussion by the Commission about the amount of fenestration on the project. Chair Bliss commented that the City welcomes businesses and a dog grooming business would be a great addition to the City, but she is concerned with the preliminary site plan, as it does not comply with the City's design guidelines.

Commissioner Fay added that his concern is that the proposed plan is underwhelming and is not is cohesive to the design guidelines. He referenced the design guidelines examples, photos and language. Fay stated that the intent of the project should be consistent with the design guidelines and the Planning Commission would need to see more details.

Commissioner Shurson added similar concerns about the proposed plan not meeting design guidelines. He also added parking lot lighting concerns and questioned the ability of the building to meet setbacks. Commissioner Shurson

commented that he would like to see the building rotate to face Spring Avenue, which he believed would help meet the setback requirements. In addition, he would like to see more variety in the architecture presented by the applicant.

Commissioner DeCamp asked if there is code for moving a building onto the property. Kaltsas answered that this is allowed with the current code.

The Commission did concur that out of the two potential buildings proposed, they preferred the 1.5 story building that had dark brown siding with doors and shutters in deep purple.

Kaltsas asked the Planning Commission for specific recommendations to give the applicant. Melvin referenced the photos in the design guidelines and added that not all of the examples used met the fenestration requirements. The Commission agreed that the fenestration, while important, was not the main issue. Rather there was much discussion on how the building would fit into the neighborhood, which is mostly residential, while also acting as a corridor to the downtown area.

Commissioner Fay asked if the City had received any concerns. Melvin reported the City has received questions from the neighboring property about off-street parking, the expected number of parking at one time and the hours of business. The applicant, Traci King, explained that the business will be open during regular business hours and that parking is not an issue, as the customers do not stay long. They are either dropping off or picking up their dogs. Melvin added that another concern was the current fence. King said that the current fence would remain.

After much discussion on the preliminary plan, the Commission agreed that they would like to see a revised site plan at their October meeting that would include building elevations, a conceptual plan of the exterior of the building for their final consideration of the site plan. The Commission concluded that they welcome the business, but want to be fair and consistent with the implementation and management of the design guidelines. Kaltsas added that staff would prepare the lot combination for the October Planning Commission meeting.

6. FENCE ORDINANCE

Kaltsas presented the current fence ordinance to the Planning Commission. He described that the current ordinance does not address the location of fences in a sufficient manner. He reported that staff this summer received a dozen questions. The problem that staff has discovered is that many fences are being built on property lines or they are being built without zoning permits. Staff asked the Commission to consider adding detail to the ordinance to create zoning permits, which would show the lot dimensions and give staff the opportunity to explain the requirements in more detail.

Chair Bliss commented that enforcement has been a problem, but questioned if a permit would help this problem.

Commissioner Shurson added that the current language is not specific enough and should include language that addresses a required permit, inspections, maintenance of the fence and a mutual agreement with neighbors if necessary. The Commission agreed that the permit cost should be low, and ensure that fences cannot be located in utility easements.

Kaltsas concluded that staff would bring back options of language to the Commission.

7. ADMINSTRATIVE REPORTS

Melvin provided a brief update on the Downtown Development Project. She reported that the City Hall will be moving to the Discovery Center mid-October. She added that staff and the commercial broker have met with potential developers interested in the site. In addition, staff is working with some potential tenants of the new development.

Commissioner DeCamp commented on the move and how it was determined and if necessary. Melvin reported that the City Council hired an engineering firm to conduct a facility needs assessment. They reported several options for the City on the location of a new City Hall. While the City Council agreed that the best location for a new City Hall would be the fire department, near the public works building, the Council agreed that the budget does not allow for this cost. Melvin added that the lease is for five years, and includes all building maintenance, utility bills and other amenities.

8. OLD BUSINESS

Melvin provided a brief update on the Meadows of Maple Plain. She explained that the developer of the proposed townhome development is currently waiting for Xcel Energy to bury the current utilities. She added that the developer is hopeful to begin work this fall. The developer has 5 potential buyers waiting for properties and is hopeful that once the model is complete, more orders will follow.

9. NEW BUSINESS

No new business was discussed.

10. COMMISION REPORTS AND OTHER BUSINESS

Commissioner Fay asked about the history and current status of a building permit for a pole shed located on Halgren and Main. Staff agreed to find the permit and provide an update to the Commission at their October meeting.

Melvin asked the Commission about a future workshop to discuss their prior workplans. Melvin added that she and Kaltsas are new and that it would be beneficial for the Commission to provide an update of their workplan, their goals and set a new workplan for 2015. Commissioner Shurson added that the Commission has done much work and they would like to continue with some of their projects and agreed to have a workshop. Shurson added that some projects that need to be addressed again are the Walkability and Bike Plan, Adding Bike Lanes to the City, and updating some of the ordinances regarding code enforcement.

Chair Bliss referenced the Commission's workplan and added that some of their goals included completing the animal ordinance update and a fence ordinance. She added that the goals seem to be matching the City's goals and the needs of the community.

Commissioner DeCamp added that the Commission had done a lot of previous work on the City Code and does not want that to get lost or forgotten.

11. VISITORS TO BE HEARD

Note: this is a courtesy extended to persons wishing to address the Commission who are not on the agenda. A completed public comment form should be presented to the City Administrator prior to the meeting. The presentation will be limited to 3 minutes. The session will be limited to 15 minutes.

There were no visitors to be heard.

12. **ADJOURNMENT**

Commissioner Shurson moved to adjourn the meeting at 8:35 p.m.; Commissioner Fay seconded. Motion passed 4-0.

City of Maple Plain

Request by Tracy King/Lucky Dog for Site Plan Review, Varaince and Lot Combination to Allow Construction of a New Commercial Building and Site Development for the Property Located at 1765 Spring Avenue

To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	October 2, 2014
Applicant:	Tracy King/Lucky Dog
Owner:	Bill Woods
Location:	1765 Spring Avenue

UPDATE:

Planning Commissioners reviewed this request at their last regularly scheduled meeting in September. At that time the Planning Commission asked the applicant to provide additional information pertaining to the proposed building architecture and site plan. Since the last meeting, the applicant has found another existing building that they would like the City to consider allowing on this property. The applicant has prepared building elevations to illustrate the intended improvements, colors and building materials for the new building. In addition, the applicant has provided an updated site plan that shows the parking, orientation of the building, landscaping and proposed setbacks.

The proposed building is a single-story building measuring 24 feet wide by 40 feet long. The building is proposed to be oriented so that the front door would face Spring Avenue as discussed at the last meeting. The applicant is proposing to access the front door of the building via a sidewalk from the parking lot. The applicant has proposed landscaping around the foundation of the building. The building is constructed of wood siding which is consistent with the approved materials in the architectural guidelines. The front (street level) façade is comprised of 52% windows, doors and openings and 48% wood siding. The north elevation is comprised of approximately 30% windows and 70% wood siding. The applicant is proposing to paint the building an earth brown color which is consistent with the architectural guidelines. The applicant is also proposing to add flower boxes and accent trim to further enhance the building. The City will need to decide if the proposed building and improvements meet the intent of the architectural guidelines.

<u>Architectural Guidelines:</u>

First Floor:

- 60% openings, window, doors, fenestration, (52% proposed)

- 35% wood, brick, stone, hardie board siding (48% proposed)
- 5% other materials

The proposed building is set back 50 feet from the Highway 12 right of way. The City requires a 50 foot setback from Highway 12 for both the building and parking lot. The building is proposed to be located 10 feet off of the south property line. There is no setback requirement for the side yard (south property line). The applicant is proposing to construct 3 off-street parking spaces on the Spring Avenue side of the building. The applicant is seeking a variance to locate the requisite parking and driveway approximately 33.1 feet from the Highway12 right of way rather than 50 as required. The resulting variance being requested is 16.9 feet. The proposed parking lot would be located 5 feet off of the south property line which is required. Given the width of the lot (83.1 feet), there is not enough space to construct a parking lot and access drive on the property without some relief from the 50 foot setback. Maintaining the minimum setback of 5 feet from the south property line does provide some room for screening from the adjacent residential property.

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 requirements. The size of the existing property appears to limit its usability without relief from the requisite setbacks. The City's ordinance suggests that there are some properties along Highway 12 that will require relief from the setbacks. This property seems to be a property that would benefit from a setback variance to allow the parking lot to be located closer than 50 feet from the Highway 12 right of way.

The applicant is proposing to combine the two existing properties into one property. The owner of the property has provided the City with a legal description of the combined properties. Combining the properties into one will alleviate any future sale of the smaller parcel and allow for adequate room to construct a commercial building on this property. The minor subdivision to allow the lot combination meets all applicable criteria of the City.

Request:

Tracy King (Applicant) and Bill Woods (Owner) request that the City consider the following action for the properties located at 1675 Spring Avenue (PID No.s 24-118-24-33-0010 and 24-118-24-33-0009):

a. Site Plan Approval to allow a new building and associated site improvements to be constructed on the subject property.

b. Subdivision to permit a lot combination which would combine the two parcels into one parcel.

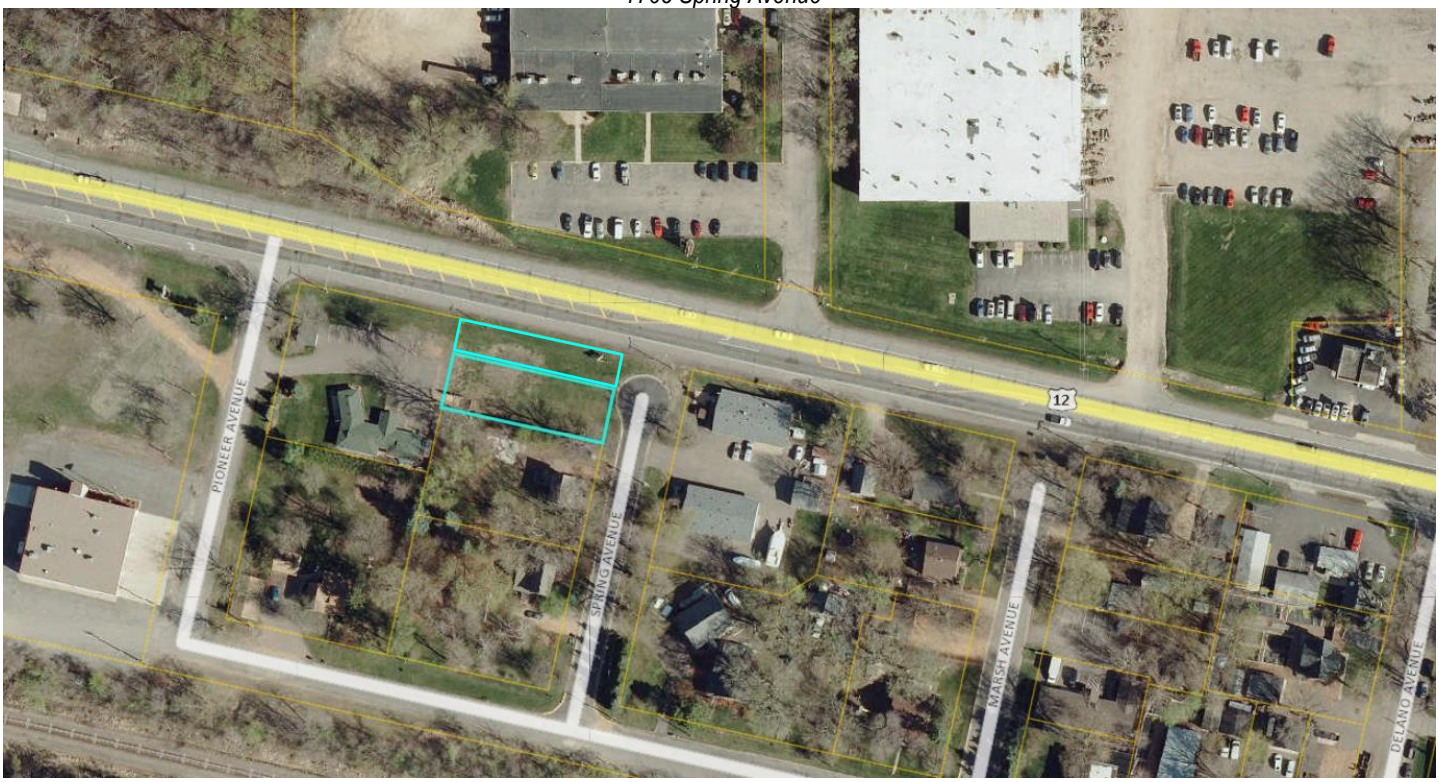
c. A variance from the Highway 12 setback of 50 feet. The proposed parking lot would require a 16.9 foot variance.

Property/Site Information:

The property is located along the south side of State Highway 12 on the west side of Spring Avenue. The subject property is located within the Mixed Use – Downtown District. This property previously had an existing residential home and detached garage that was razed by the owner to make way for a new commercial building. The property has the following characteristics:

Property Information: **1765 Spring Avenue**
Zoning: *Mixed Use - Downtown*
Comprehensive Plan: *Mixed-Use*
Acreage: .28 *Acres (12,197 SF)*

1765 Spring Avenue



Discussion:

The applicant is seeking site plan approval to construct a new commercial building and associated parking lot on the subject property. All commercial and industrial development is required to go through the site plan review process. Site plan review requires the review of the Planning Commission and City Council. The Planning Commission holds a public hearing as a part of the site plan review process. The City shall consider the proposed site plan and subsequent effects relating to evaluation criteria established in the City's ordinance.

153.045 INTENT AND PROCEDURE

(I) Evaluation criteria. The Planning Commission and City Council shall evaluate the effects of the proposed site plan. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan, provisions of this chapter (Design Guidelines and City Engineering Requirements).

The applicant is proposing to relocate their existing business to this location and construct a new building and associated parking lot. The applicant runs a dog grooming business in a nearby city. Dog grooming is a permitted use in the Mixed Use – Downtown zoning district. The applicant is proposing to construct an approximately 950 square feet 1 story building on the subject properties. The proposed building would need to comply with the City's design standards for commercial buildings in the MU-D zoning district. In addition to the building, the applicant is proposing to construct an off-street parking area to support the proposed building. The parking area would consist of 3 off-street parking spaces. The following summarizes the parking, setback and architectural standards for the proposed use.

Parking Summary:

Retail and service establishment – 1 space per 250 sf (800 sf/ 250) = 3 spaces required
Total Number of Parking Spaces Required = 3
Total Number of Parking Spaces Provided = 3 off-street, 2-3 on-street

The proposed off-street parking area will accommodate the intended use of the building. The City does consider the use of on-street parking spaces toward the total parking requirement. In this case, there are approximately 2-3 on-street parking spaces that could be utilized by the applicant for the business. The proposed parking area would be paved asphalt.

Architectural Guidelines:

First Floor:

- 60% openings, window, doors, fenestration, (23% proposed)
- 35% wood, brick, stone, hardie board siding
- 5% other materials

Second Floor:

- 40% windows, fenestration (25% proposed)
- 50% wood, brick, stone, hardie board siding
- 5% other materials

~~The applicant is proposing a "cottage" type structure that appears to generally be consistent with the intent of the City's design guidelines for the downtown district. The applicant has proposed siding (would need to be hardie board) for the majority of the building. The proposed hardie board siding would meet the requisite siding percentages for the first and second floors. The proposed fenestration for the first and second floors does not meet the recommended percentage as directed in the guidelines. The City will~~

~~need to determine if the proposed building is consistent with the intent of the design guidelines (see attached guidelines)~~

Setbacks Required:

Minimum Lot Size: 6,000 SF
Minimum Lot Width: 100 feet
Front Yard Setback: 5-10 feet
Side Yard Setback Building: 0 foot setback
Rear Yard Setback: 10 feet minimum
Parking Setback: 10 feet from collector streets, 50 feet from Highway 12, 5 foot side yard (commercial)

Setbacks Proposed:

Minimum Lot Size: 12,197 SF
Minimum Lot Width: existing lot of record
Front Yard Setback: 36.5 feet
Side Yard Setback Building: 10 feet
Rear Yard Setback: 60 feet
Parking Setback: 18 feet from collector street, 33.1 feet from Highway 12 and 5 feet from side yard

In the MU-D Zoning District, the required parking setback from Highway 12 is 50 feet. Complying with the required setback would make it difficult to construct an off-street parking area and building on this property. The buildable width that remains after the required setbacks (50 feet from Highway 12 and 10 feet from adjacent property to the south) are applied is 23.1 feet. The City does mention in the ordinance that there are going to be certain properties that require relief from this requirement. The applicant is seeking a variance from the 50 foot Highway 12 setback.

Parking Space Design:

Minimum Parking Space Width: 9 feet
Minimum Parking Space Length: 20 feet
Minimum Parking Aisle Width: 25 feet

The applicant is proposing a three space parking area adjacent to the building. The applicant is proposing to meet all applicable parking space design criteria established by the City.

Parking Lot Lighting:

Parking lot lighting shall be arranged as to deflect light away from any adjoining residential property and from the public streets. The applicant will need to provide the City with proposed lighting for the parking lot that meets all applicable criteria.

Landscaping:

The applicant has provided the City with a landscape plan. Landscaping will need to be provided between the proposed parking lot and the adjacent residential property as well as along the Spring Avenue and Highway 12 frontages. The applicant will need to update the landscape plan to include additional landscaping between the proposed parking lot and Spring Avenue and the adjacent property and the parking lot.

Storm Water Management, Grading and Drainage:

Pioneer Sarah Creek Watershed Commission has reviewed the preliminary plan and found that this project does not trigger the Watershed review of stormwater management. The City's engineer will review the final plans prepared by the applicant. Any conditions required as a result of the City's review will be incorporated into the conditions of approval should the site plan be approved.

The proposed site plan generally meets the requirements established by the City.

Additional Considerations:

This property is located in an area that is zoned mixed use – downtown. The area still has a mix of residential and commercial properties. The property is unique in that it has Highway 12 and Spring Avenue frontage, with no access to Highway 12. The City would ideally like to see parking located to the rear or side of the structure rather than solely on Highway 12. The parking for this property will either be located along Highway 12 or Spring Avenue as a result of the lots geographic orientation. The applicant did explore the possibility of adding additional parking to the west of the building which would cross in front (on the north side) of the proposed building. This configuration would take away from the front of the building and add additional impervious coverage to the site.

The property is currently made up of two parcels. The City is requiring that the parcels be combined as a part of this process to eliminate the "remnant" parcel and ensure that he proposed setbacks are memorialized for the future.

Neighbor Comments:

The City has received questions relating to the proposal from the adjacent property owner.

Recommendation:

Staff is seeking direction from the Planning Commission relating to the requested Site Plan Review, Variance and Minor Subdivision to permit a Lot Combination. Should the Planning Commission recommend approval of the requested actions to the City Council, the following findings and conditions should be included:

1. The proposed site plan, variance and subdivision meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning and Subdivision Ordinance.

2. Prior to the City Council's review of the site plan, the applicant shall complete the following items:
   a. The Applicant shall address all engineering comments that may arise as a result of their final

review of the site plan.

b. The Applicant shall provide the City with a revised landscape plan delineating the proposed landscape species as well as adding additional landscaping between the proposed parking lot and Spring Avenue and the adjacent property to the south.

c. The Applicant shall provide the City with a lighting plan indicating the proposed locations of any lights for the building and parking area.

3. The Applicant shall pay for all costs associated with the City's review of the site plan review, variance and minor subdivision.

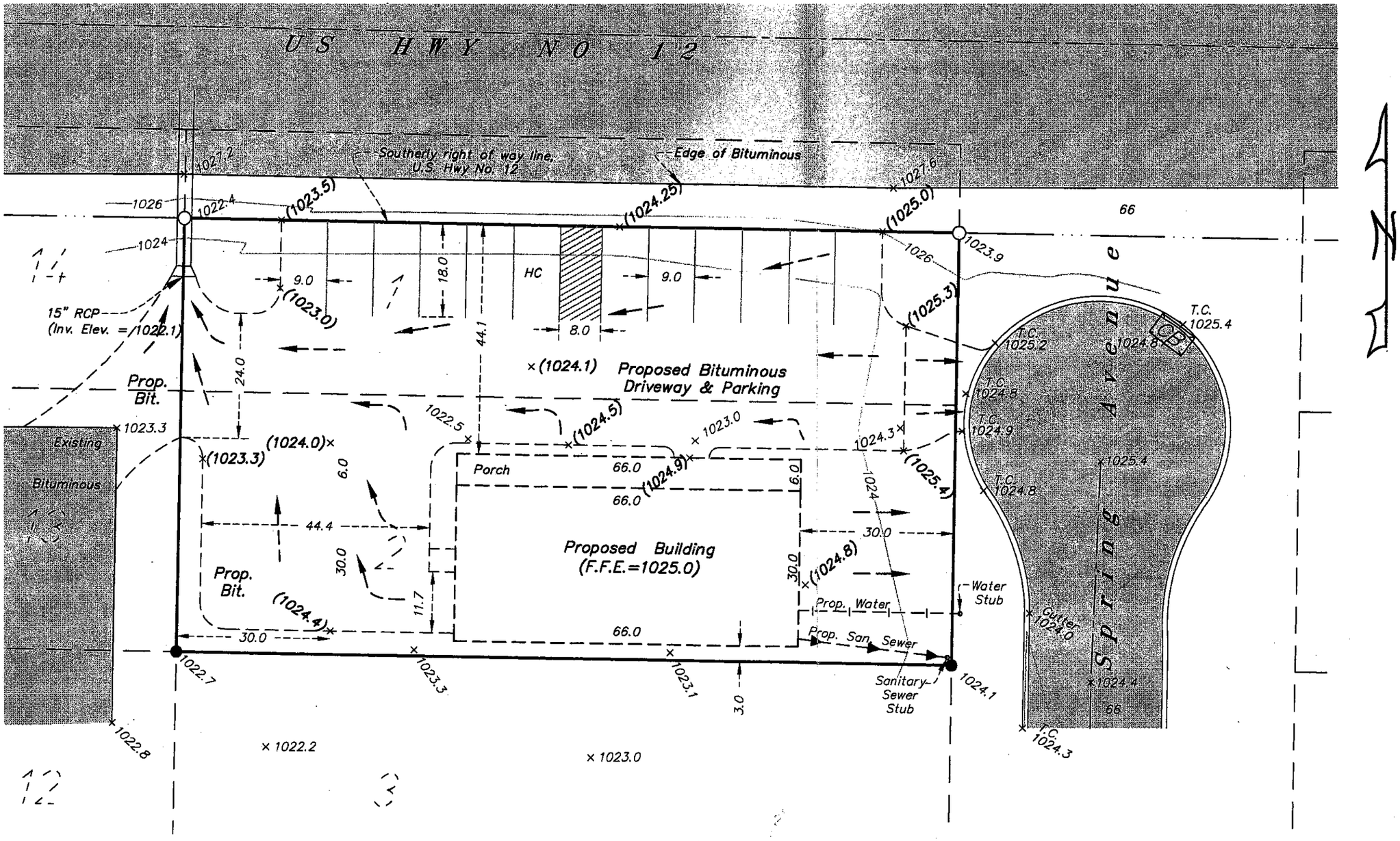
Attachments:

1. Property Pictures
2. Survey
3. Site Plan
4. Building Elevations
5. Existing Building Pictures
6. Downtown Design Guidelines

Aerial Photograph (looking west)

BUILDING PERMIT SURVEY

Prepared for: Hetherwood



Legal Description (supplied by client)
Lots 1 and 2, Block 5, WEST MAPLE PLAIN, Hennepin County, Minnesota, according to the recorded plat thereof. Except that part taken for highway right of way.

Legend
- ● Found Iron Monument
- ○ Set Iron Monument (LS 14700)
- × 000.0 Existing Elevation
- ×(000.0) Proposed Elevation

SCALE
20 0 10 20 40
1 inch = 20 feet
Bearings based on assumed datum.

Job Number:	6896
Book/Page:	70/11
Survey Date:	04-30-08
Drawing Name:	hetherwood.dwg
Drawn by:	KLB
Revisions:	10-28-08 (site plan)
	4-10-09 (bldg., utilities, curb)

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Paul B. Schoborg

Date: APR. 16, 2009 Registration No. 14700

SCHOBORG LAND SERVICES INC.
763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

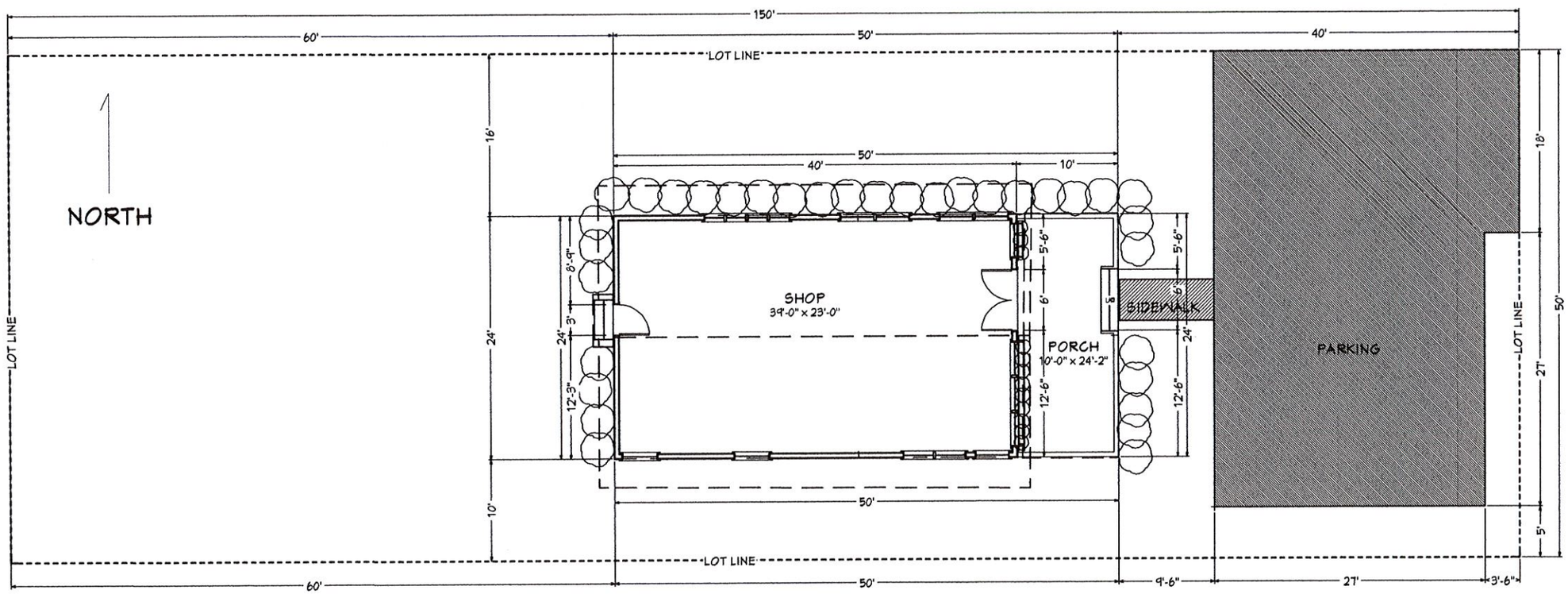
Looking West

Looking East

Looking across the street Hwy 12

1675 Spring Ave
Facing

Commercial bldg.
all wood siding
Bldg 24 x 40 + (Cover + front WALK 10 x 24)
long side facing Hwy 12
1675 Spring Ave



CONTRACTOR TO VERIFY ALL DIMENSIONS. INFORMATION DEEMED RELIABLE BUT NOT GAURANTEED.

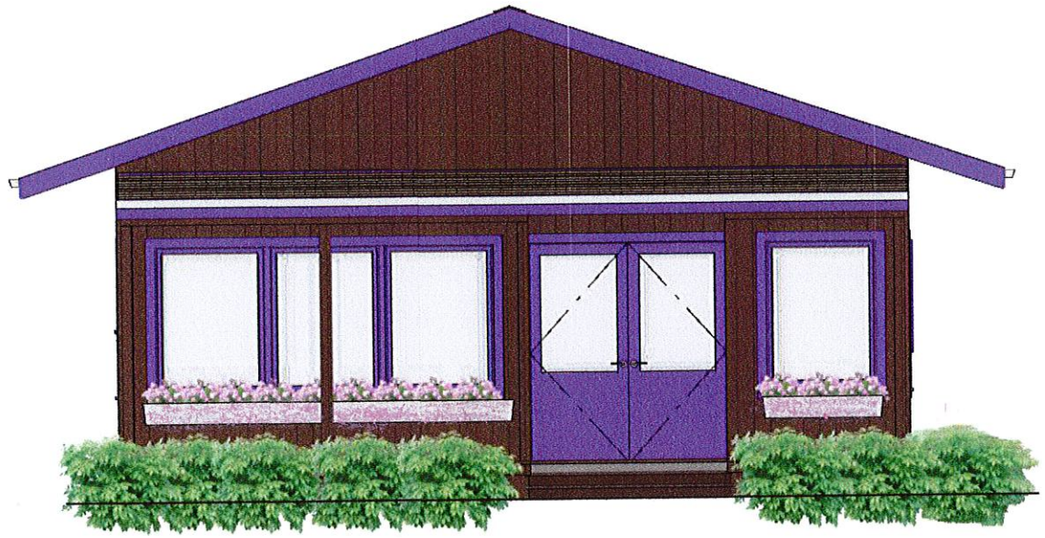
PROJECT FOR: TRACY KING / LUCKY DOG
1765 SPRING AVE.
MAPLE PLAIN, MN 55359

DRAWINGS PROVIDED BY:

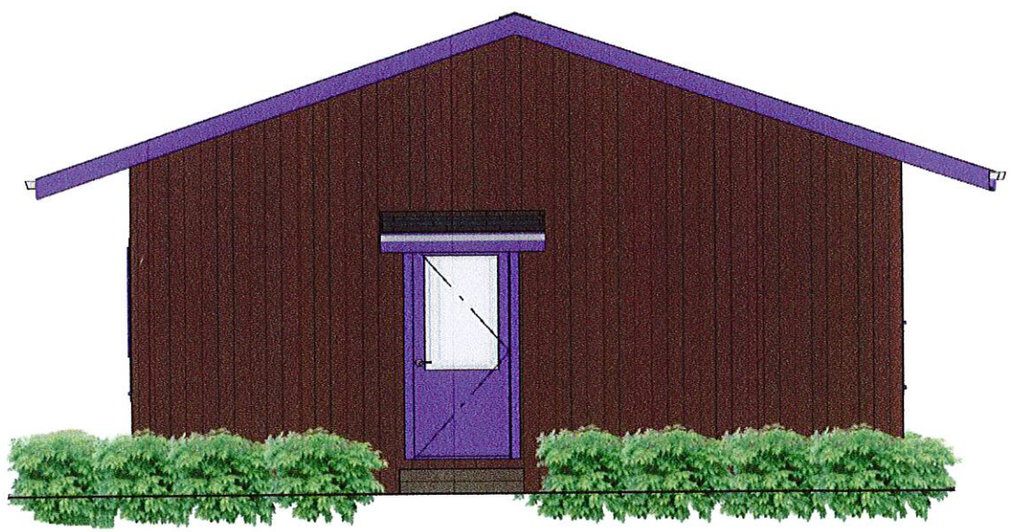
D.B. RASKOB CONSTRUCTION
2864 ARDMORE AVE. MEDINA, MN 55359 (763) 479-1393 ALRASKOB@MCHSI.COM

SCALE
NO SCALE

SHEET: 1
9/28/2014



FRONT ELEVATION



REAR ELEVATION

CONTRACTOR TO VERIFY ALL DIMENSIONS. INFORMATION DEEMED RELIABLE BUT NOT GAURANTEED.

PROJECT FOR: TRACY KING / LUCKY DOG
1765 SPRING AVE.
MAPLE PLAIN, MN 55359

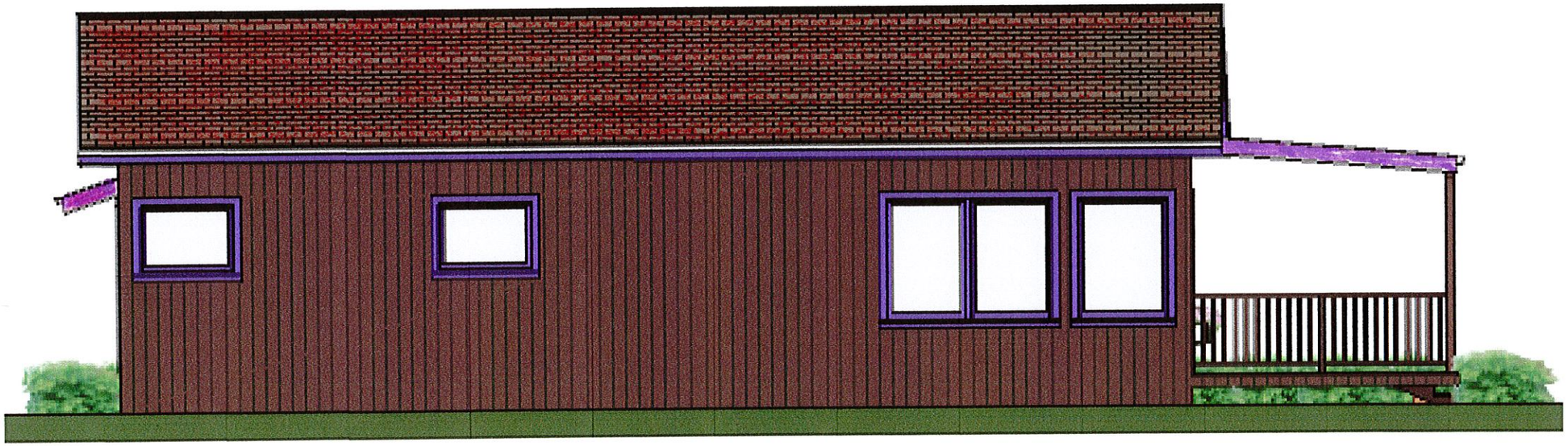
DRAWINGS PROVIDED BY:

D.B. RASKOB CONSTRUCTION
2864 ARDMORE AVE. MEDINA, MN 55359 (763) 479-1393 ALRASKOB@MCHSI.COM

SCALE
3/16" = 1'-0

SHEET:
2
9/28/2014

SIDE / NORTH ELEVATION



SIDE / SOUTH ELEVATION

CONTRACTOR TO VERIFY ALL DIMENSIONS. INFORMATION DEEMED RELIABLE BUT NOT GAURANTEED.

PROJECT FOR: TRACY KING / LUCKY DOG
1765 SPRING AVE.
MAPLE PLAIN, MN 55359

DRAWINGS PROVIDED BY:

D.B. RASKOB CONSTRUCTION
2864 ARDMORE AVE. MEDINA, MN 55359 (763) 479-1393 ALRASKOB@MCHSI.COM

SCALE
3/16" = 1'-0

SHEET:
3
9/28/2014

MAPLE PLAIN
EST.1868 INC.1912
1620 MA
Ph: (763) 479-0515 | Fax: (763) 479-0519 | www.mapleplain.com

September 25, 2014

Schumacher Properties
5020 Highway 12
Maple Plain, MN 55359

Re: Site Plan Review – Liquor Depot

Dear Steve,

Your application for a Site Plan Review and Variance was received by the City on September 3, 2014. The City has completed a review of the plans and offers comments that will need to be addressed in a revised set of plans.

The City offers the following comments for review:

1. The retail portion of the building is 5,000 sf. Using a parking requirement of 1 space per 250 sf of retail area, the retail portion of the building will require 20 parking spaces. The remaining 2,000 square feet of area will require 8 parking spaces if also developed as retail. The total number of parking spaces shown on the plans is 26. The City acknowledges the cross parking agreement with the adjacent property which should satisfy the parking requirements. A restaurant would require additional parking and would need a separate site plan review to determine if adequate parking was available.

2. The parking spaces are not dimensioned on the plans. The City requires a minimum parking space length of 20', a width of 9' and a minimum drive aisle width of 25'. Please provide the parking dimensions on the plans.

3. The City has adopted design guidelines which provide more detailed standards for architecture, landscaping, lighting and development within the commercial zoned areas of the City. The design guidelines require a certain percentage of windows and openings in the facades of

buildings. In addition, the guidelines provide direction pertaining to building colors and architecture. The guidelines suggest the following percentages:

i. Front Façade:
   40% windows/openings
   25% brick/stone/hardie board
   10% other materials

ii. Other Building Sides:
   15% windows/openings
   50% brick/stone/hardie board
   10% other materials

Please provide the City with a breakdown of the proposed building as it relates to the percentages of each type and side.

4. The colors proposed for the accent materials do not appear to meet those suggested in the design guidelines. Please review the colors suggested and consider revising the proposed color scheme of the building.

5. The City requires all areas that are not paved as a part of the parking and circulation to be landscaped. There were no landscape plans included with the submittal. Please provide a landscape plan with the revised submittal. The plan should address screening around the proposed trash enclosure, screening along Highway 12 and screening between the existing building and adjacent residential property to the north.

6. The narrative indicates that the existing gravel area to the east of the building will be "improved". Please provide more information relating to the type of improvement proposed.

7. The City's engineer has reviewed the plans and offered comments. Please see the attached letter from Stantec and Dan Boyum pertaining to their comments.

8. The plans show some signage on the building. A sign permit application shall be submitted for the proposed signage plan.

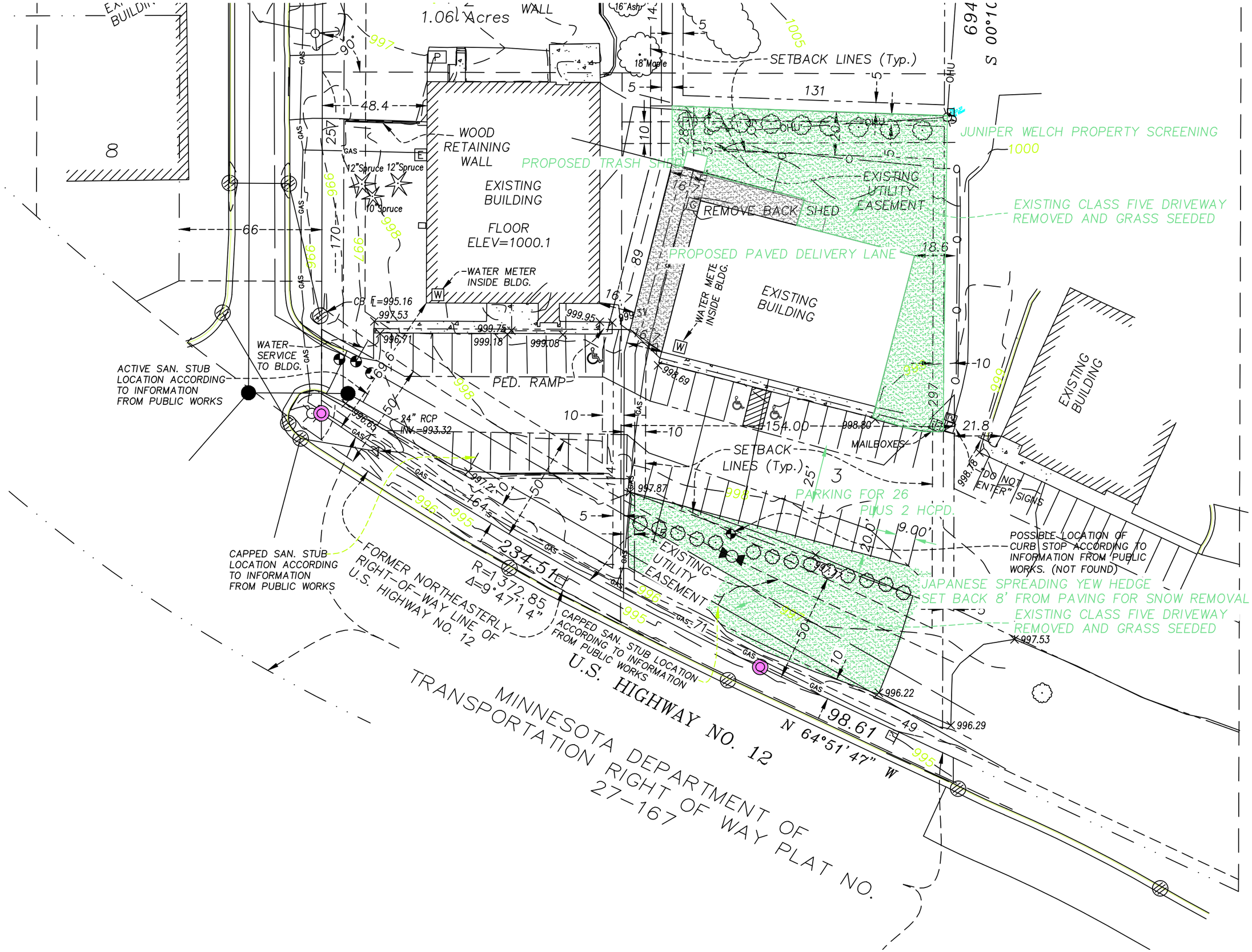
Please let me know if you have any questions regarding any recommendations/comments or would like additional information. Please provide a revised set of plans addressing the concerns identified in this letter.

Sincerely,

Mark Kaltsas, PLA
City of Maple Plan

ATTACMENTS

CC: Tessia Melvin, City Administrator
Dan Boyum, City Engineer



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Name: Paul D. Jaunich

Signature:

Date: Registration No. 21238

Paul D. Jaunich-Architect
Assistance in Design & Development
325 South 5th St., Delano, Mn. 55328
(763) 972-3822

Liquor Depot
5020 Highway 12
Maple Plain, MN. 55359
Sean 952 484-4479

Sheet
A-1.1

051514

Maggie McCallum

From: Jeff Carson <jac@carsoncs.net>
Sent: Thursday, September 18, 2014 3:32 PM
To: Maggie McCallum
Subject: Re: Liquor Depot. Maple Plain MN, Land Use Application

Maggie
I have reviewed the application of Schumacher Properties for a Liquor Depot and I have no comments at this time

Sent from my iPad

On Sep 16, 2014, at 12:20 PM, Maggie McCallum <mmccallum@mapleplain.com> wrote:

> Hi Jeff and Gary,
>
> Attached is the Land-Use Application for the new liquor store. Please review and make any comments if applicable.
>
> Thanks!
>
> Sincerely,
>
> Maggie McCallum
>
> <Narrative.pdf>
>
> <Plans.pdf>
>
> <Design_Color.pdf>
>
> <Proposed Easement.pdf>

Stantec

Memo

To:	Mark Kaltsas	From:	Dan D. Boyum
	City Planner		City Engineer
File:	193801803	Date:	September 23, 2014

Reference: Liquor Depot – Proposed Building Design and Narrative

We have reviewed the information received on September 16, 2014. The narrative dated August 27, 2014 from Paul D. Jaunich, the developer's architect, discusses the following:

- They will address all four sides of the existing building with various reliefs and aluminum panels
- striping the existing parking lot and designating two handicap parking stalls
- removing existing class 5 aggregate and placing topsoil and seeding to the south of the existing parking area
- a monument sign with landscaping will be part of a future signage package
- a 12' x 6' trash enclosure will be placed in the NE corner of the site
- class 5 around the building will be improved and will maintain positive drainage

Our comments related mostly to the site narrative would be as follows:

1. From the exterior elevation details, will there be any screening done on rooftop equipment, especially as it relates to the future residential homes that will be built to the north of this site.
2. The striping of parking stalls should match the City's standard of 9' x 20'. Handicap stalls should match ADA requirements.
3. Any work in the MNDOT ROW related to removal of existing class 5 and placement of topsoil/seeding may require a MNDOT grading and excavation permit. Topsoil should be placed at 6" based on past comments from MNDOT.
4. We can provide comments on the monument when this location and package is submitted.
5. Trash enclosures should be made of complimentary materials and colors.
6. It does not sound like the developer will be changing any drainage patterns.
7. Screening of the north side of this property from the future homes that will be built to the north should be discussed. The development to the north is showing some screening, but the combination of both properties placing some screening when a backyard of a single family home will be to the north of the facility should be considered.

Reference: Liquor Depot – Proposed Building Design and Narrative

Please contact me with any questions.

STANTEC CONSULTING SERVICES INC.

Dan Boyum
Associate
Phone: (651) 604-4829
Fax: (651) 636-1311
Dan.Boyum@stantec.com

Attachment: None

c. Maggie McCallum, Tessia Melvin

Maggie McCallum

From: Gary Kroells <GKroells@westhennepin.com>
Sent: Wednesday, September 24, 2014 2:31 PM
To: Maggie McCallum; Jeff Carson(jac@carsoncs.net)
Subject: RE: Liquor Depot. Maple Plain MN, Land Use Application

Thanks for allowing me to review it. Would it be possible to see any of the lighting plans to go over crime prevention through environmental design issues. In a more basic form, Where are the exterior lights in regards to the entrances? Lights or at least motion lights should be at each point of entry. This would cut down on break ins. Lights do prevent break ins.

Chief Gary Kroells
West Hennepin Public Safety
1918 County Road 90
Maple Plain, MN 55359
Phone: 763-479-0500
Cell: 612 328-1905
Fax: 763-479-0504
westhennepin.com
gkroells@westhennepin.com

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From: Maggie McCallum [mailto:mmccallum@mapleplain.com]
Sent: Tuesday, September 16, 2014 12:20 PM
To: Jeff Carson (jac@carsoncs.net); Gary Kroells
Subject: Liquor Depot. Maple Plain MN, Land Use Application

Hi Jeff and Gary,

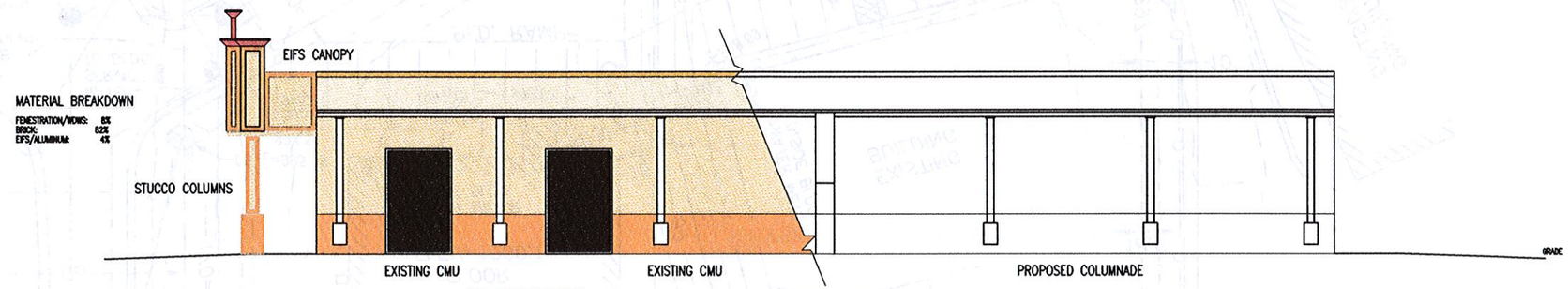
Attached is the Land-Use Application for the new liquor store. Please review and make any comments if applicable.

Thanks!

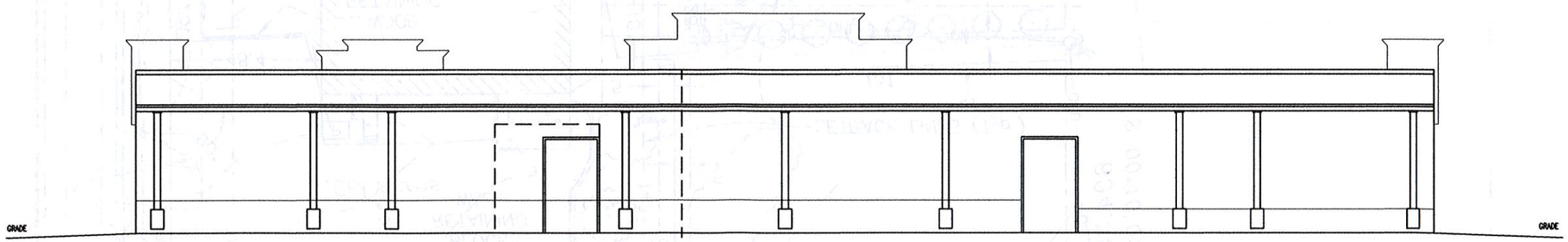
Sincerely,

Maggie McCallum

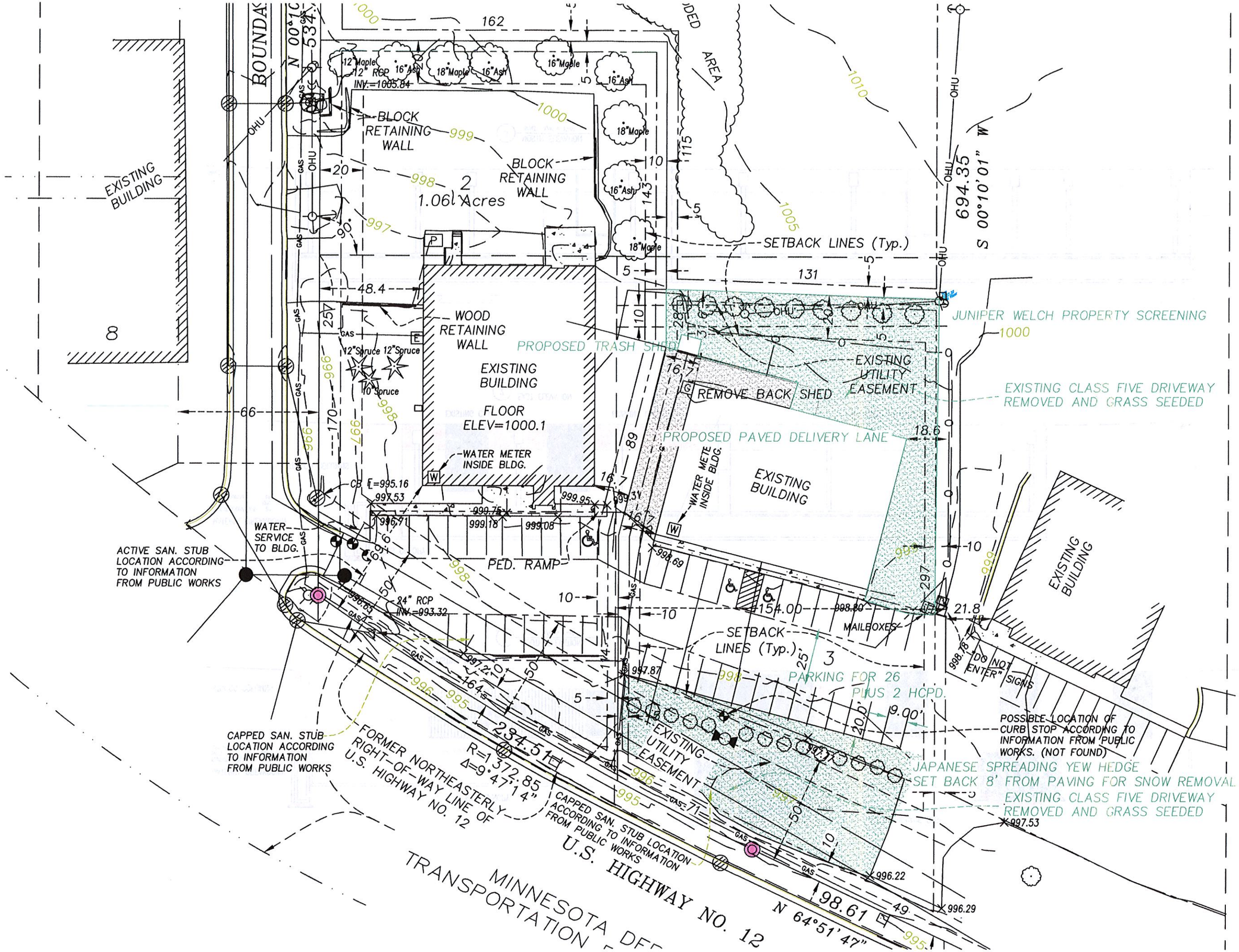
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION



3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



I hereby certify that this plan,specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Name: Paul D. Jaunich

Signature:

Date: Registration No. 21238

Paul D. Jaunich–Architect
Design & Development Assistance
325 South 5th St., Delano, Mn. 55328
(763) 972-3822

Liquor Depot
5020 Highway 12
Maple Plain, MN. 55359
Sean 952 484-4479

City of Maple Plain

Proposed Text Amendments to the City of Maple Plain Ordinances Title IX, Chapter 92 Animals and Title XV, Land Usage, Chapter 153.063 General Fencing, Screening, Landscaping, and Storage,

To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	October 2, 2014

Consideration:

Proposed text amendments to the City of Maple Plain Ordinances as follows:

a. Title IX, Chapter 92 Animals, consideration to amend the ordinance to further define the total number and type of permitted animals.

b. Title XV, Land Usage, Chapter 153.063 General Fencing, Screening, Landscaping, and Storage, consideration to amend the ordinance to provide more details pertaining to fencing requirements and fence permits.

Discussion (Animals):

The City has received complaints pertaining to the keeping and harboring of several different types of animals. The City's ordinance currently addresses animals in two areas of the ordinance as follows:

1. Chapter 92 Animals – this chapter addresses dogs, cats and other similar animals. This chapter limits the total number of animals through its definition of kennels (Chapter 92.01 – Kennel).

2. Chapter 153 Zoning Districts – The City provides for permitted uses in all zoning districts. In Chapter 153.025, B, 5, the City prohibits livestock as permitted uses in residential areas.

There are several areas of the City's ordinance that would benefit from additional clarification. In the case of Chapter 153, the City does not provide a detailed definition of livestock. Providing a clear definition of livestock to include certain animals that are typically associated with farms/agriculture would help the City to clarify the intent of its ordinance. It has also been found that the kennel definition limits the total number of animals that can be kept on a given property to no more than two (2). Limiting the total number of animals on a property to no more than two (2) may be too restrictive. It is more common for Cities to limit the total number of animals permitted on a property to three (3).

Staff would like the City to clarify the animal and land use ordinances by adding detail to several definitions, revising the definition of kennel, adding a definition of livestock and adding a new section which would

govern the harboring and keeping of chickens. Staff has prepared draft language for consideration and discussion by the Planning Commission.

DRAFT ANIMAL ORDINANCE

CHAPTER 92: ANIMALS

Section 92.01 Definitions

92.02 Licenses and fees

92.03 Display of license

92.04 Prohibitions

92.05 Designation of dangerous or potentially dangerous dogs; registration requirement

92.06 Violations

92.07 Cats and other animals

92.08 Harboring and Keeping of Chickens

92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMALS. Animals include livestock and all other animals, reptiles, and feathered birds or fowl, except dogs, cats, ferrets, gerbils, hamsters, rabbits, and caged household birds.

ANIMAL CONTROL OFFICER. The city=s police/public safety agency or such other person or agency under contract with the city to provide animal control services.

AT LARGE. A dog is AT LARGE when he or she is off the property of his or her owner and not under restraint.

CHICKEN. Chicken means a fowl of the genus *Gallus* and species *Gallus domesticus* that is commonly referred to as domesticated fowl.

CHICKEN COOP. *Chicken coop* means any structure used for the housing of chickens.

CHICKEN RUN. *Chicken run* means a fenced outdoor area for the keeping and exercising of chickens.

DANGEROUS DOG. Any dog that has:

(1) Without provocation, inflicted substantial harm on a human being on public or private property;

(2) Killed a domestic animal without provocation while off the owners property; or

(3) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

LIVESTOCK. Livestock means cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.

KENNEL. It is unlawful for any person to keep or harbor a total of four or more dogs, cats, ferrets, or rabbits, or a combination thereof, over six months of age. ~~*A place where more than 2 dogs over 3 months of age are kept, or a place at which the business of selling, boarding, breeding, showing, or treating dogs is conducted.*~~

OWNER. Any person, group, or corporation owning, harboring, or having custody of a dog.

ROOSTER. Rooster means a male chicken.

92.04 PROHIBITIONS.

(A) It is unlawful for any person to keep or harbor any animal, not in transit, except (1) animals used in a parade for which a permit has been issued, or (*2*) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian, or (3) animals kept in a pet shop licensed under the City Code, or (4) as otherwise provided in this section.

~~*(A)*~~ *(B) It shall be unlawful for the dog or cat, of any person who owns, harbors, or keeps a dog or cat, to run at large. A person who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading Dogs or Cats Prohibited.*

~~(B)~~ (C) (1) Habitual barking. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking must also be audible off of the owners or caretakers premises.

(2) Warrant required. The animal control officer or police officer shall not enter the property of the owner of an animal described in this division (B) unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in ' 10.20, to search for and seize the animal.

~~(C)~~ (D) Any person in control of a dog off the property of its owner shall be responsible to pick up and dispose of the dogs feces.

92.08 Harboring and keeping of chickens.

A. *Chicken permit required*. It is unlawful for any person to keep, harbor, maintain, possess, or otherwise control any chicken within the city, except:

1. Pursuant to a permit issued by the city under this subdivision on a parcel of record zoned for single family detached dwelling.

B. *Permit application and permit fees*. An application for a permit hereunder shall be filed with the city administrator upon an application form furnished by the city. The permit fee, which shall be paid and filed with the permit application, shall be in an amount established by city council resolution. A permit issued hereunder shall be for duration of one year from its date of issuance. An application for permit renewal shall be filed 60 days prior to the expiration of the current permit. The permit application shall include, but not be limited to, the following:

1. The full name and address of the following persons:
   (a) The applicant signed thereto; and
   (b) The owner(s) of the premises on which chickens are sought to be kept and for which the permit would apply;

2. The street address of the premises on which chickens are sought to be kept;

3. The number of chickens to be kept on the premises;

4. A detailed sketch plan of the premises on which chickens are sought to be kept, including the location, the dimensions and design of the coop and run, establishing compliance with the chicken coop and run specifications provided in this subdivision;

5. A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of chickens on the property for which the application is sought;

6. If the applicant is not the fee owner of the premises on which the chickens are sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.

7. Any other and further information as the city deems necessary.

C. *Granting or denying issuance of permit*. The city administrator may grant an initial or renewal permit under this subdivision; however, a permit may not be issued or renewed unless the application filed demonstrates compliance with the requirements of this subdivision. A permit shall not be issued or renewed until the animal control officer inspects and approves the premises, including the chicken coop and run, at which chickens are sought to be kept. The city administrator shall deny a permit hereunder for any of the following reasons:

1. The application is incomplete or contains false, fraudulent or deceptive statements.

2. The applicant does not or has not complied with one or more of the provisions of this subdivision.

3. The premises for which the permit is sought, including, but not limited to, the proposed or existing chicken coop or run, is not in compliance with any provisions of this subdivision, other city code provisions or state laws relating to zoning, health, fire, building or safety.

4. The proposed chicken coop would result in a violation of or be inconsistent with the accessory structure zoning regulations elsewhere in this Code.

5. The applicant or owner of the premises where the chickens are to be kept has been convicted of a violation under this subdivision.

6. The applicant is not the owner of the chickens proposed to be kept on the premises.

7. The applicant is not the occupant of the premises for which the permit is sought to be issued.

D. *Conditions of permit*. A permit granted under this subdivision shall be subject to the following conditions:

1. *Ownership*. The owner of the chickens must occupy the premises for which the permit is issued.

2. *Inspection*. The premises, including the coop and run thereon, for which a permit is issued shall at all reasonable times be open to inspection by the animal control officer or any other city official to determine compliance with this subdivision, other city code provisions and state laws relating to zoning, health, fire, building or safety.

3. *Transferability of permit*. A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any chicken on property that is not identified on the permit.

4. *Specifications for feeding chickens*. All feed for the chickens shall be stored in water-tight and vermin-proof containers.

5. *Specifications of chicken coop and run*. A chicken coop and run are required. The construction and location of the chicken coop and run shall be in compliance with the applicable building and zoning regulations of the city and the following requirements:

(a) The interior floor space of the chicken coop shall be a minimum size of two square feet for each chicken authorized under the permit.

(b) The exterior finish materials of the chicken coop shall be: (i) weather-resistant, protective covering material, decay-resistant wood, or if exterior finish wood is not decay resistant, then the wood finish shall be protected from the

elements and decay by paint or protective covering (e.g., siding, fascia wrap); and (ii) in accordance with the accessory structure regulations set forth in the zoning regulations in this Code.

(c) The construction of and materials used for the chicken coop and run must be adequate to prevent access by rodents.

(d) The chicken run shall be attached to the chicken coop. The chicken coop and run shall be deemed as a single structure and subject to the accessory structure regulations set forth in the zoning regulations of this Code.

(e) The floor area of the chicken run shall be a minimum size of five square feet for each chicken authorized under the permit.

(f) The chicken run shall be fully enclosed by fencing or other similar material.

(g) No chicken coop or run, or any portion thereof, shall be within 25 feet of the outer perimeter of any inhabitable building.

(h) The chicken coop and run shall be setback at least ten feet from the rear lot line and at least five feet from the side lot lines. The chicken coop and run, or any portion thereof, shall not be located in the front yard.

(i) The chicken coop and run shall be kept in good repair as to be in compliance with the property maintenance regulations elsewhere in this Code.

(j) The chicken coop and run shall be kept in a sanitary and odor-free condition, including the regular and frequent removal and proper disposal of any accumulated chicken feces or waste, dirt or filth that could create a safety or health hazard.

(k) The chicken coop and run shall be immediately removed if a permit granted under this subdivision expires or is revoked.

6. *Regulations*. The keeping, harboring, maintaining, or possessing of any chicken under a permit issued pursuant to this subdivision shall be in accordance with the following:

(a) No more than five chickens shall be kept or harbored on the premises to which the permit applies.

(b) Roosters are prohibited.

(c) Slaughtering of chickens on any property zoned for residential use is prohibited.

(d) No chickens shall be kept, maintained, housed or permitted inside any residential dwelling or any garage.

(e) No chicken shall be permitted to run at large. The term "run at large" is defined as any chicken freely roaming in any area not on the premises to which the permit applies. The chicken shall be deemed to be permitted to run at large when the premises to which the permit applies is not securely enclosed by a proper boundary fence as to prevent a chicken from leaving the premises.

(f) If the chickens are not contained at all times to the coop and run and allowed to freely roam within the yard, the property shall be enclosed by a fence in accordance with the fence regulations set forth in the zoning regulations of this Code and which by material and design prevents a chicken from leaving the premises.

(g) Chickens shall not be kept in such a manner as to constitute a public nuisance. Any violation of the provisions of this subdivision shall be deemed a public nuisance.

(h) No chicken eggs shall be sold or offered for sale; all chicken e eggs shall be for personal use or consumption.

7. *Revocation of permit*. A violation of any provision of this subdivision or any provisions of the permit issued hereunder shall constitute grounds for revocation of a permit.

Discussion (Fencing):
The City receives many inquiries from residents and contractors pertaining to fences throughout the construction season. The City does its best to explain where fences can be located, but do not currently have any way to ensure its comprehension. In order to make certain that fences are installed in accordance with the City's requirements, a zoning level plan review could be required. The City would require that residents or their contractors would submit a site plan to the City for review. The plan would identify the proposed fence location, property lines, structures and setbacks. The City would be able to review the plan and ensure compliance with all applicable requirements. This process would help to reduce the possibility that a fence would be located in a prohibited location.

In addition, the City has had complaints from neighboring property owners relating to fences being located on the property lines. One way to address this concern would be to require neighboring property owners to "sign-off" on a fence proposed to be located on the property line. Staff researched the idea of requiring a fence to be setback a minimum distance from the property line. Establishing a minimum setback distance could possibly create unmaintained "strips" of land between fences. The practice of requiring a minimum setback is not common among most Cities. The City will need to determine if they want to establish a maintainable area on the neighboring property side of a fence.

Staff has prepared draft language for Planning Commission discussion and consideration. The proposed language establishes the requirement of a zoning permit, neighbor signature for fences on the property line and additional language relating to easements.

DRAFT FENCE ORDINANCE

§ 153.063 GENERAL FENCING, SCREENING, LANDSCAPING, AND STORAGE.

(B) Fencing.

(1) A zoning permit is required for fences 6 feet in height and less. A building permit is needed for fences greater than 6 feet in height.

~~(1)~~ (2) Fences must be located entirely upon the private property of the person constructing the fence ~~where they are constructed~~ and must be set back from all property boundaries ~~at~~ a distance necessary to allow for maintenance as defined by § 93.19(B)(19). A fence may be allowed on the property line with written permission of all the adjacent property owners. Property corner irons must be located, exposed, and verified at the time of final inspection, unless deemed unnecessary by the City Administrator.

~~(2)~~ (3) Fences must be constructed so that the side containing the framing supports and cross pieces face the interior of the owner's lot.

~~(3)~~ (4) No fence shall exceed 6 feet in height and in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

~~(4)~~ (5) Fencing located in a front yard or in front of the principal dwelling in residential districts may not exceed 4 feet in height, or 3 feet as defined under § 153.063(A) above, and must be no greater than 50% opacity. A corner property, or property abutting 2 city streets, shall be determined to have 2 front yards.

~~(5)~~ (6) Barbed wire fences are not allowed and chain link fences must be constructed so that no barbed ends are exposed.

~~(6)~~ (7) All in-ground swimming pools must be surrounded by a fence and the pool cannot be filled until a fence that meets requirements is completed and approved.

~~(7)~~ (8) No fence may be located within any public rights-of-way.

(9) Fences may be constructed within public and private utility and drainage easements provided that the fence cannot be located within a drainage or utility easement if there is a utility, either public or private, located within the easement. Removal of a fence or a portion of for the purpose of utilizing the easement shall be at the property owner's expense.

Recommendation:

Staff is seeking direction from the Planning Commission relating to the proposed text amendments. Planning Commissioners can make a recommendation to amend the ordinance(s) to the City Council or make/request suggested changes to the proposed language and ask that the ordinance(s) be brought back for additional review, discussion and consideration.