

**AGENDA  
MAPLE PLAIN PLANNING COMMISSION  
MAPLE PLAIN CITY HALL  
AUGUST 1, 2013  
7:00 PM**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ADOPT AGENDA**

**IV. CONSENT AGENDA**

- A. Approval of the June 6, 2013 regular meeting minutes.
- B. Approval of the June 17, 2013 special meeting minutes.

**V. PUBLIC HEARINGS**

- A. 5330 Highway 12 Conditional Use Permit

**VI. ADMINISTRATIVE REPORTS**

**VII. OLD BUSINESS**

- A. Industrial Zoning Code Update

**VIII. NEW BUSINESS**

**IX. COMMISSION REPORTS & OTHER BUSINESS**

**X. VISITORS TO BE HEARD**

*Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentation will be limited to 3 minutes. This session will be limited to 15 minutes.*

**XI. ADJOURN**

***Next meeting: Thursday, September 5, 2013, 7 p.m. at Maple Plain City Hall***

**City of Maple Plain Planning Commission  
Meeting Notes  
June 6, 2013  
Maple Plain City Hall  
7:00 PM**

**I. CALL TO ORDER**

**Chair Bliss called the meeting to order at 7:04 p.m.**

Present: Commission Chair Michele Bliss, and Commissioners Mardelle DeCamp, John Fay and Stephen Shurson; Council liaison Dave Eisinger; Planning Consultant Tom Goodrum (MFRA); and Assistant to the City Administrator Maggie McCallum.

Absent: Commissioner Barb Rose.

**II. PLEDGE OF ALLEGIANCE**

**III. ADOPT AGENDA**

Chair Bliss added a Planned-Unit Development (PUD) discussion to the agenda under New Business.

**Shurson moved to adopt the Agenda as amended; DeCamp seconded. Motion passed 4-0.**

**IV. CONSENT AGENDA**

**DeCamp moved to approve the Consent Agenda including edits to the meeting minutes; Fay seconded. Motion passed 4-0.**

Items approved under the Consent Agenda:

A. Approval of the May 2, 2013 regular meeting minutes.

**V. PUBLIC HEARINGS**

A. Industrial Zoning Ordinance Update

Assistant the City Administrator, Maggie McCallum, summarized the process of updating the Industrial Zoning Code, stating that about a year ago the Planning Commission decided that the code needed to be brought up to date and better reflect the existing uses in the Industrial Parks. She stated that, through the efforts of Commissioner Fay and then Commissioner DeLuca, the review process was initiated. McCallum informed that the Planning Commission has reviewed and edited the updated code on several occasions and feel that it is ready for approval.

McCallum commented on changes that were made to the code. Changes included the elimination of outdated uses, the addition of several new definitions, a clearer distinction between light and heavy manufacturing, and minor shifts and rewording of information throughout the code.

**Chair Bliss opened the Public Hearing at 7:09 p.m.**

Kent Anderson, owner of Tri-K, asked if the changes made to the industrial zoning ordinance would impact his business. Anderson specifically asked about the retail component of his business.

Goodrum stated that the Commission looked at current businesses within the Industrial Districts to gain perspective as to what uses were in the districts. He indicated that with this information, the Commission did its best to make sure that current businesses would not be affected by the changes.

To answer Anderson's questions, Goodrum stated that Tri-K would not be affected by changes to the code and that if retail was a part of his business, that that is permitted.

**Chair Bliss closed the Public Hearing at 7:12 p.m.**

Goodrum asked the Commission for the clarification of two items that he mentioned in his staff report. Goodrum stated that while great lengths were taken to ensure that existing uses remained conforming, there were six business that would become legal non-conforming with the ordinance change. Goodrum asked the Commission their thoughts on that. Second, Goodrum asked if the Commission wanted to keep "refuse/garbage collection" as a permitted use within the I-2 District. He stated that previous discussion suggested the possibility of allowing it under a Conditional-Use Permit instead.

Bliss said that a refuse/garbage collection would not be able to store on site and that it would serve more so as a transfer station. She informed that she was okay with it being a permitted use.

Bliss stated that she was okay with the legal non-conforming businesses.

**Commissioner Fay moved to recommend to the Council approval of the Industrial Zoning Ordinance updates; Commissioner Shurson seconded. Motion passed 4-0.**

**VI. ADMINISTRATIVE REPORTS**

None.

**VII. OLD BUSINESS**

A. Ordinance review list and discussion

Bliss introduced the ordinance review list and discussion. She indicated that at the last meeting, the Commission agreed to look through a list of ordinances to determine and prioritize which needed to be reviewed and when. Bliss mentioned the once the list is compiled, the Commission could coordinate a workshop with the City Council to get their input as well.

The Commission reviewed the list and determined the top five items to either review in current code or development into code.

1. Home Occupation Permit
2. Conditional Use Permit (CUP)
3. Livestock/animals
4. Low-Impact Development
5. Residential Code Sections R1 – R3, Misc. outdated code sections, and code pertaining to hand guns.

Ziemer stated that if the Commission was going to review the CUP section of the code, that they should also review the Interim-Use Permit section as well, since the reference one another.

## **VIII. NEW BUSINESS**

### **A. Planning Commission Membership Amendment**

City Administrator Jason Ziemer introduced this item to the Planning Commission. Ziemer stated that the City Council has been discussing a possible membership amendment to the Planning and Park Commissions, which would allow for non-resident, business owners to participate on the commissions. He informed that at the May 13 council meeting, the Council discussed the amendment and is seeking feedback from both commissions on the issue. Ziemer added that the Council also discussed capping the number of allowed non-resident, business owners to two seats.

Ziemer informed that he discussed the amendment with several other cities and received mixed opinions. He stated that some cities said to keep it to residents only, while others said it did not matter if the City had a solid application process that will hopefully eliminate candidates with any “conflict of interest”.

Lastly, Ziemer inquired into whether the Commission would be interested in reducing the number of members from seven to five. He stated that the Park Commission is currently functioning under this structure; allowing five members, with two alternates.

Commissioner Shurson inquired into why the Council was interested in making the amendment. Council Liaison Eisinger explained that the idea was brought forth by Mayor Hackbarth as a means to give business owners an opportunity to get involved in the community.

DeCamp stated that she was not interested in the Planning Commission reducing its membership from seven to five. Chair Bliss agreed not to reduce the number of seats.

Bliss stated that she is opposed to allowing business owners, who are not residents, to participate on the commissions. She explained that businesses play an economic role in the community and not a political or government role and therefore should not be able to make decisions for the City. Bliss pointed out that businesses do have the opportunity to get involved in the community through the Economic Development Authority or the Chamber.

Fay conveyed that he is also not in favor of the amendment. Nonetheless, he is in favor reducing to number of planning commission seats from seven to five since it has been difficult to fill the seats. Fay agreed that businesses are able to get involved in the community, specifically by attending public hearings and public meetings.

Shurson stated that the membership should not be amended. With regard to business owners as member, he said that there would be too much conflict-of-interest. Shurson explained that a business owner's perspective would be valuable, nevertheless, that the City could explore alternative ways to obtain that insight.

Ziemer asked business owner, Kent Anderson, what he thought about the amendment. Anderson responded that business owners want to participate and be involved in the community, however more so in an advisory way.

Fay acknowledged that he would appreciate input from business owners who participate as an advisory role.

No vote was taken, however three of the four commissioners were in favor of keeping all seven seats, while one was in favor of reducing the number of seats to five.

## B. Planned-Unit Development

Ziemer explained that at the Council meeting on May 30, the Council accepted a development project to be located in the Gateway District.

Ziemer explained that the proposed site for the project will occur across three parcels of land; one of which is owned by the City. He stated that the developer would like to purchase the city-owned property. Ziemer informed that with the sale of public land, a public hearing must be held and therefore the Commission will be scheduling a hearing for July 17. At this time, the Commission would receive public comment on the project and would also have to determine if the

project supports the City's Comprehensive Plan; also a requirement when selling public land.

Ziemer said that the developer would like to get started on the project as early as the fall.

**IX. COMMISSION REPORTS & OTHER BUSINESS**

None.

**X. VISITORS TO BE HEARD**

None.

**XI. ADJOURN**

**Shurson moved to Adjourn; Fay seconded. Motion passed 4-0. Meeting adjourned at 9:01 p.m.**

*Prepared by*



Maggie McCallum, Assistant to the City Administrator

**City of Maple Plain Planning Commission  
Public Hearing - Meeting Notes  
June 17, 2013  
Maple Plain City Hall  
7:00 PM**

**I. CALL TO ORDER**

**Chair Bliss called the meeting to order at 7:01 p.m.**

Present: Commission Chair Michele Bliss, and Commissioners Mardelle DeCamp, John Fay and Stephen Shurson; Council liaison Dave Eisinger; Planning Consultant Tom Goodrum (MFRA); City Administrator Jason Ziemer; and Assistant to the City Administrator Maggie McCallum.

Absent: Planning Commissioner Barb Rose.

**II. PLEDGE OF ALLEGIANCE**

**III. ADOPT AGENDA**

**Shurson moved to adopt the Agenda as amended; Fay seconded. Motion passed 4-0.**

**IV. PUBLIC HEARINGS.**

A. Gateway townhome development, Howard Avenue public land sale.

City Administrator Jason Ziemer introduced a residential townhome development project as an item for review and discussion by the Planning Commission. Ziemer informed that the project is proposed to be located in the City's Gateway District on three parcels of land; one currently owned by the City. He stated that the parcels are located to the west of Howard Avenue and to the south of Main Street. Ziemer explained that the project developer, Willi Abbott, proposes a two-phase project of up to 33-35 townhome units on the combined 1.1 acres of land.

Ziemer indicated that Minnesota State statute requires a public hearing for the sale of any public land. In addition, the use of the public land has to support the City's Comprehensive Plan. Ziemer specified that the Commission would have to provide findings as to whether the use would or would not support the Plan; the findings would then go the EDA for consideration at the June 18 public hearing, and if approved by the EDA, to the Council on June 24.

Goodrum provided background on the city-owned property. He explained that the site location is zoned Mixed-Use and is located in the City's Gateway District. Goodrum explained that while the land is zoned Mixed-Use, the city code requires that projects such as this one needs to be rezoned as a Planned Unit

Development (PUD). He reported that a PUD provides a safety net for the City, and allows for flexibility and negotiations between the City and the developer.

Goodrum detailed the development project. He asked the Commission to comment on the project and provide feedback based on whether:

1. The development complies with the City's Comprehensive Plan,
2. Allows for the appropriate mixing of land uses that is not currently allowed,
3. Flexibility in zoning standards would provide improvements beyond the requirements of the City code,
4. The development creates a more efficient approach to land use,
5. Natural resources are preserved,
6. There is an improvement in the efficiency of public streets and utilities, and
7. Whether the development establishes an appropriate transition to surrounding land uses.

Goodrum recommended that the Commission provide findings, related to the City's Comprehensive Plan, that support or deny the sale of the City land, for the EDA. Also, he recommended that they provide comments on the development plan, based on the intent of the PUD, and sketch plan comments that will be presented to the City Council at a later date.

The project developer, Willi Abbott, of Broadway Group, introduced himself and his project to the Commission. Abbott indicated that multi-family housing is a great need in Maple Plain and that it will serve as a catalyst for future redevelopment projects throughout the City.

Abbott specified that the townhomes would be an attractive contemporary design, well-built, and will match the character of the City.

Abbott mentioned that he would like to put in a bike path that extends along the south of the property. He requested that the City provide a connection between that path and other existing pedestrian infrastructure.

#### **Chair Bliss opened the Public Hearing at 7:34 p.m.**

Maple Plain resident, Jerry Ree of 4565 Main Street stated that he was excited about the potential development. Since Ree's property would abut the project, he asked Abbott what he would be looking at from his back yard. In addition, Ree asked about the drainage plan that would be implemented. Abbott explained that Ree's backyard would face the back of the townhomes and that a master drainage plan is being developed for the site.

Resident, Deborah Moulds, of 1560 Howard Avenue, mentioned that she was concerned about the accessibility of the units by persons who use a wheelchair.

Abbott explained that at this time, the units would not be built to be wheelchair accessible, nevertheless, that he could look into building two units to be. He stated that accessibility is important and that future phases could be designed to be accessible. Moulds stated that she would like to see that the units are affordable and asked Abbott how they could be more affordable. Abbott replied that he could build some of the units with unfinished basements to bring to cost down.

### **Chair Bliss closed the Public Hearing at 7:49 p.m.**

Bliss stated that she thought the project met the vision of the Comprehensive Plan. She emphasized that the project would be compact, sustainable, and would provide connectivity between the City.

Shurson agreed that it meets the intent of the Comprehensive Plan in that it provides medium-density housing that is more affordable, with sustainable improvements. He stated that the development would provide a good transition between the businesses to the south and the residential homes to the north of the site.

Fay stated that he agreed that the project meets the aspects of the Comprehensive Plan.

Shurson expressed concern over the lack of green space proposed for the site.

DeCamp pointed out that there would not be a lot of parking options for visitors. DeCamp agreed that the project supports Comprehensive Plan.

The Planning Commission compiled a list of findings with regards to the project and how it meets the Comprehensive Plan. The project will:

1. Be compact and sustainable,
2. Increase connectivity,
3. Provide medium-density housing,
4. Add transitional housing, and
5. Meets the housing-density requirement of at least 13 units/acre; as cited in the Comprehensive Plan.

Shurson questioned whether the townhomes should be considered affordable since they cost would not be that different compared to single-family housing. Abbott acknowledged that they are not cheap, but they are not expensive either. Abbott added that he believes that the cost of the townhomes would be satisfactory.

## **V. NEW BUSINESS**

A. Gateway townhome development PUD sketch plan review.

Shurson pointed out that he was underwhelmed with the proposed exterior aesthetics and recommended that Abbott take a look at the City's Design Guidelines. Shurson explained that he would like to see diversity in roof angles, setbacks and materials used. Shurson asked if the road and the building could be zigzagged a little bit. He acknowledged that it would be nice if some sort of green space was preserved, like a community space. Shurson commended the trail and suggested that if it were to become a regional trail in the future, that planning be done to ensure the trail would fit in that space. Shurson added that the trail would provide connectivity between the development and the downtown, through the HAWK signal.

Abbott asked if the City would consider investing in infrastructure that would connect the development's trail with other existing pedestrian infrastructure.

Fay also indicated that he was also "underwhelmed" with the exterior of the buildings and recommended some changes to the design. He endorsed the use of quality building materials. Fay liked the idea of a community center.

## **VI. ADJOURN**

**Shurson moved to Adjourn; Fay seconded. Motion passed 4-0. Meeting adjourned at 9:00 p.m.**

*Prepared by*



Maggie McCallum, Assistant to the City Administrator



Agenda Information Memorandum  
August 1, 2013 Maple Plain Planning Commission

**V. PUBLIC HEARINGS**  
**A. 5330 HIGHWAY 12 CONDITIONAL USE PERMIT AMENDMENT**

**ACTION TO BE CONSIDERED**

To amend the current condition for AC Motors, located at 5330 Highway 12, which currently allows a maximum 12 vehicles on site and would increase the number to 34 vehicles, with a revised parking plan.

**FACTS**

- In 1995, Gary Keller, obtained a Conditional Use Permit (CUP) for the purpose of operating an auto sales business located at 5330 Highway 12.
- The CUP was approved with six conditions, one being that the maximum number of vehicles allowed on site being 12.
- Keller is not requesting changes to the five other conditions.
- The site is currently being leased by AC Motors of New Hope and has occupied the site since 2012.
- The site is designated Mixed-Use Budd District (MU-B) where auto sales are allowed under a Conditional-Use Permit (CUP).
- The request has been made to support the current business on site, which has been successful.
- The business would like to be allowed 28 stalls for for-sale vehicles, 2 customer stalls and 2 employee stalls; a total of 32.
- Staff is recommending approval of the Conditional-Use Permit amendment with conditions.

**ATTACHMENTS**

Attached on page(s) \_\_\_\_ through \_\_\_\_ is a memorandum from City Planner, Tom Goodrum, and other information related to the application.

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# MEMORANDUM

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**TO:** Chair Bliss and Planning Commission  
**FROM:** Tom Goodrum, Planning Consultant  
**DATE OF REPORT:** July 24, 2013  
**DATE OF MEETING:** August 1, 2013  
**RE:** Conditional Use Permit Amendment for AC Motors

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Chair Bliss and Commissioners,

Gary Keller obtained a Conditional Use Permit (CUP) in 1995 for the purpose of operating an auto sales business. The CUP was approved with six conditions. One condition was a maximum number of 12 vehicles allowed on the property, including employee vehicles. Mr. Keller has since leased the property to AC Motors of New Hope in 2012.

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

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

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

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

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

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

### **Proposed Request**

The purpose of the request is to meet sales needs to continue the operation of a successful business. It is their business plan that the turn-over ratio for the site is 25 cars per month. They

are currently averaging 16 sales per month. The added vehicles will improve the sales ratio, thus their request of 28 for-sale vehicles. (See the attached narrative and parking plan)

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

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

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

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

The applicant has made their request per direction of the city staff. It has been documented that the number of cars on site has been exceeding the allowed 12 on a continual basis. An April inspection noted 22 vehicles on the site. To ensure compliance staff recommended that the CUP be amended. Staff's review of the site, even though the cars exceeded the allotted amount, was that the site was kept in an orderly fashion and created no known negative impact to the surrounding area. Staff **has not** received any complaints regarding the business.

## **FINDINGS**

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

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

## **Recommendation**

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

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

Sincerely,

Tom Goodrum, City Planner (MFRA)

Gary Neil Keller  
132 Creekview Lane  
Loretto, MN 55357  
June 5, 2013

Jason Ziemer, City Administrator  
City of Maple Plain  
1620 Maple Avenue  
P.O. Box 97  
Maple Plain, MN 55359

Dear Mr. Ziemer:

This is in reference to the property at 5330 US Highway 12, Maple Plain, MN 55359 and regarding: (A) City Ordinance #153.029DZ and Permit # 153.140 and (B) Lot combination and attaining an amended Conditional Use Permit which will maximize the number of vehicles the city will approve.

(A) April 15, 2012, AC Motors and myself initiated a lease. At that time AC Motors completed improvements which I believe have enhanced both the property and the city landscape. It is my desire to apply for an amended Conditional Use Permit, combine my two lots, and increase the number of parking and display spaces.

Conditional Use Permit Checklist:

(1) This project ensures continued use and enjoyment of other property in the immediate vicinity. AC Motor's mission for this location is to operate a viable business that benefits the community and its employees. Their community goal is to be an exemplary citizen and add to the success of the city's value. (2) There is no impedance of the normal and orderly development and improvement of surrounding vacant properties. (3) Adequate utilities, road accesses, drainage and other facilities are provided and are the same as they were since 1995. (4) AC Motors plans to designate two spaces (numbers 33 and 34 per plan) for customer parking. There is no loading or unloading of product, etc. (5) AC motors has already installed

security cameras and additional lighting to help prevent crime. Prevention of offensive odors, dust and noises are not applicable. (6) The east side of the property is the only one used for ingress and egress. The west entrance has not, and will not be used in the future. A maximum of two employees will be at the location at the same time. Currently the location has an average of less than three visits by prospective buyers per business day resulting in an average of 16 sales per month. (7) The proposed use is in compliance with Zoning Ordinances and the Comprehensive Plan. The lot has been operating with the current Conditional Use Permit since 1995, by A+ Auto Brokers, Inc., and a major improvement was done to the property at that time which was well received by the Maple Plain Community. Since that time AC Motors has also made considerable improvements to the property.

B. Reasons for amended Conditional Use Permit and lot combination with additional parking and display spaces:

(1) Based on years of experience, AC Motors estimates that this location needs to generate an average sale of 15 vehicles per month to cover the cost of operation. The optimistic and somewhat realistic goal is 25 cars per month. In order to accomplish this pace, AC Motors estimates that a very efficient operation could turn over the inventory seven to eight times per year. Using this turn over ratio, the inventory needed would be approximately 28 vehicles on the property.

(2) The use of the location by A+ Auto Brokers, Inc. from 1995 through 2011, has been exclusively that of sales of used vehicles. The use by AC Motors will be the same. There will be no repair or installation on site, and there are no plans to change any of the existing components of the lot or building.

(3) I am requesting an amended Conditional Use Permit that approves the additional spaces for parking and display.

(4) I am also applying to combine the two lots at the existing site. Combining the lots should facilitate the availability of more spaces.

(5) I have recently retained Gromberg & Associates, Inc., 445 N. Willow Drive, Long Lake, MN 55356, (952-473-4141) to update a survey providing the necessary information to combine the two lots, including a drawing of a vehicle placement plan.

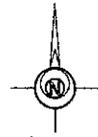
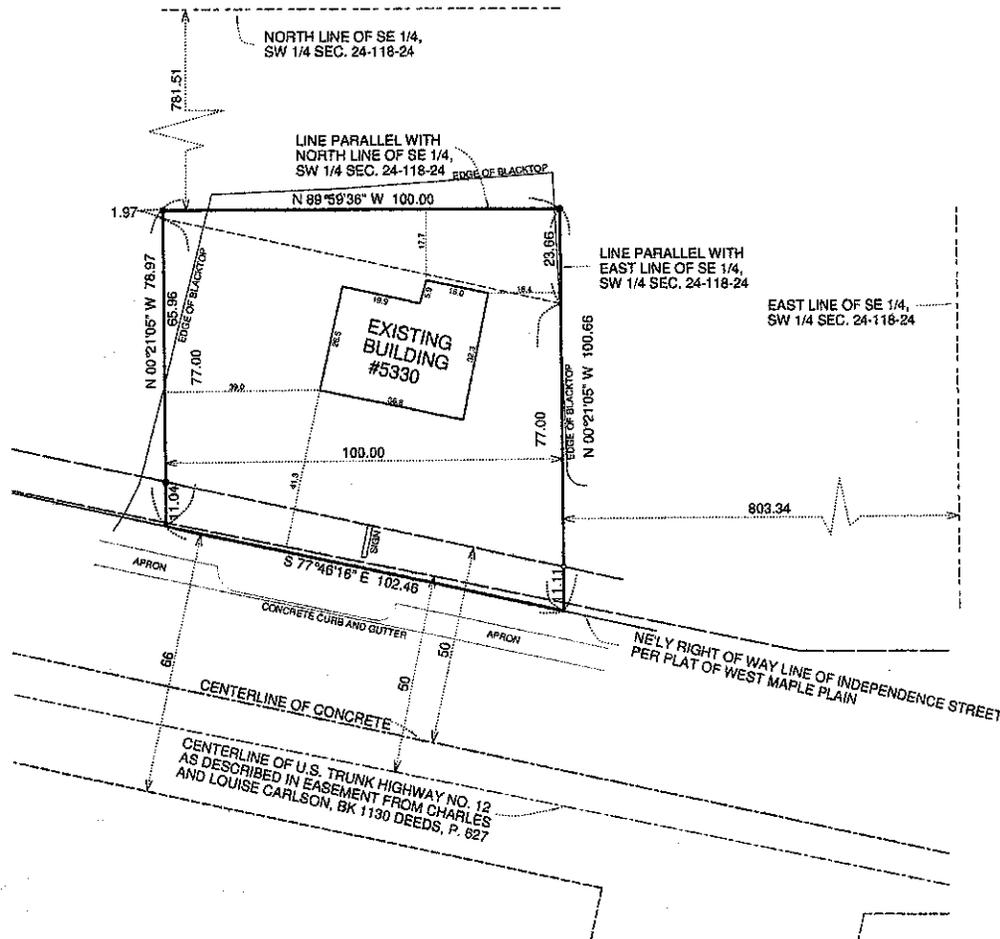
I have personally known and done business with the owner/operator of AC motors, John Prosser, for more than 25 years. He is one of the most successful and principled business men with whom I have associated. AC Motors operates three other locations. All are considered assets to their community, and they maintain a profile and appearance that reflects their professionalism.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Keller", with a long horizontal flourish extending to the right.

Gary Keller

**CERTIFICATE OF SURVEY FOR  
GARY KELLER  
IN THE SW 1/4 OF SECTION 24-118-24  
HENNEPIN COUNTY, MINNESOTA**



**PROPOSED PARCELS TO BE COMBINED:**

That part of the Southeast Quarter of the Southwest Quarter of Section 24, Township 118 North, Range 24 West of the 5th Principal Meridian described as follows: Beginning at a point in the North line of Independence Street in West Maple Plain, 803.34 feet west of the East line of said Southeast Quarter of the Southwest Quarter; thence north parallel with said East line a distance of 77.00 feet; thence northwesterly parallel with the North line of said Independence Street to a point 903.34 feet west of said East line of the Southeast Quarter of the Southwest Quarter; thence south parallel with said East line to the north line of said Independence Street; thence southeasterly along said north line to the point of beginning.

**ALSO**

That part of the west 100 feet of the East 903.34 feet of the Southeast Quarter of the Southwest Quarter of Section 24, Township 118 North, Range 24 West of the 5th Principal Meridian, lying south of the North 781.51 feet of said Southeast Quarter of the Southwest Quarter and lying north of a line running parallel with and distant 77 feet north of the northerly line of Independence Street, according to the recorded plat thereof. (For purposes of this description, the 77 foot distance is to be measured parallel with the East line of said Southeast Quarter of the Southwest Quarter).

This survey intends to show the boundaries of the above described property, and the location of an existing building and blacktop areas thereon. It does not purport to show any other improvements or encroachments.

- : Iron marker found
  - : Iron marker set
- Bearings shown are based upon an assumed datum



SCALE IN FEET

DESIGNED	REVISION	DATE	DESCRIPTION

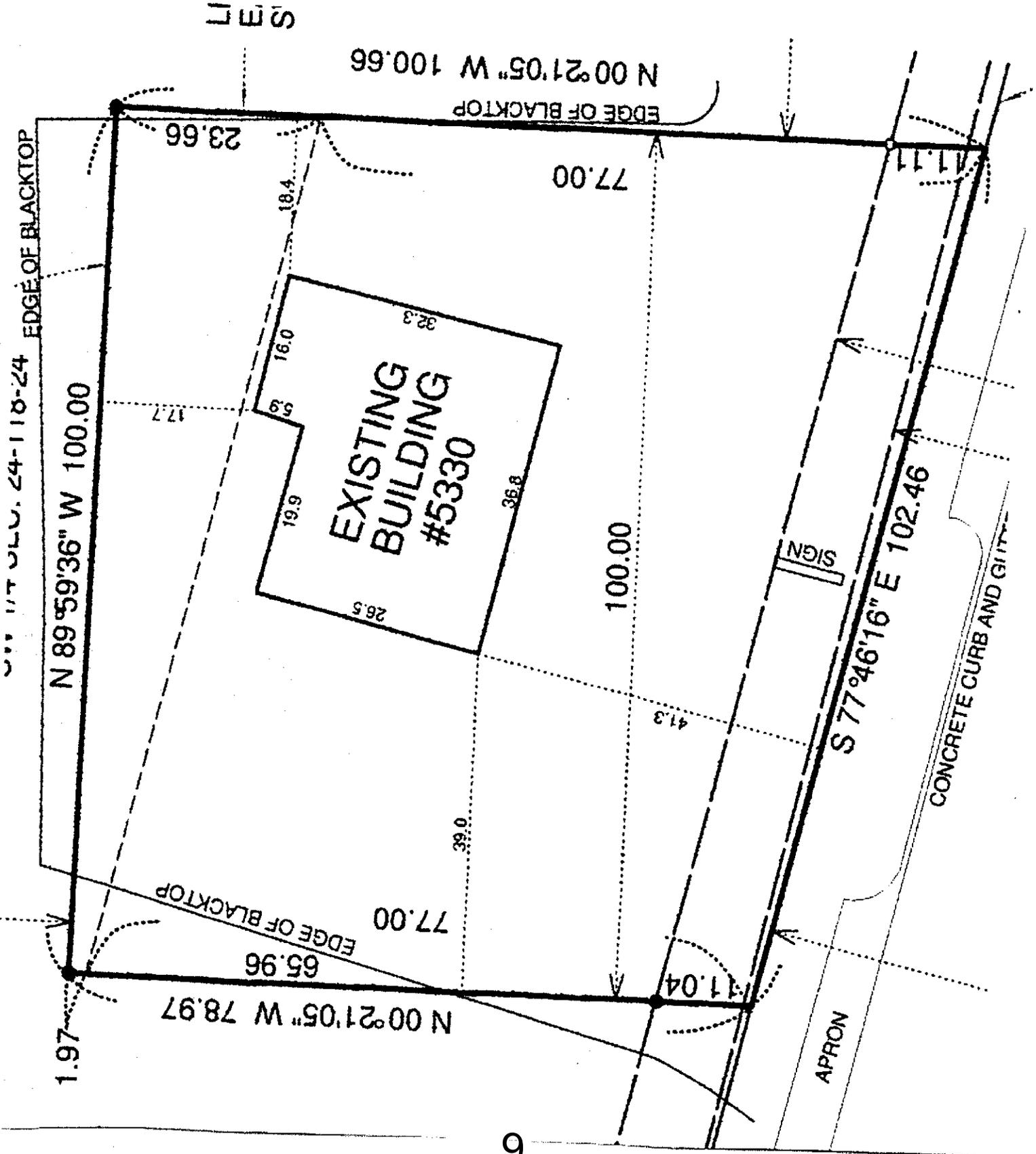


**GRONBERG & ASSOCIATES, INC.**  
CONSULTING ENGINEERS, LAND SURVEYORS  
SITE PLANNERS  
445 N. WILLOW DR. LONG LAKE, MN. 55356  
952-473-4141

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 \_\_\_\_\_ MN LICENSE NUMBER \_\_\_\_\_

SCALE  
13-145  
DATE  
4-19-13  
JOB NO.  
13-145



SMI

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

EDGE OF BLACKTOP

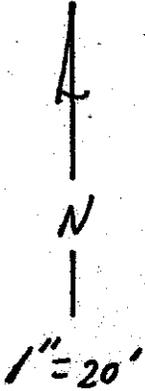
N 89°59'36" W 100.00

1.97

N 00°21'05" W 78.97

LINE PA  
EAST LI  
SW 1/4 S

N 00°21'05" W 100.66



S 77°46'16" E 102.46

APRON

CONCRETE CURB AND GUTTER

APRON

NE'L  
PER I

CENTERLINE OF CONCRETE

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

- T : TRACK 20' x 8' SPACE
- L : LARGE CAR 18' x 7' SPACE
- C : COMPACT CAR 15' x 6' SPACE

West Hennepin Recycling Commission

Marjorie Vigoren

SOS Municipal Commission

Jeff Walton  
Marion Alger  
Rae Kurth (alt)

The foregoing motion was seconded by member Lemmerman. Voting in favor were: Mayor Walton and Councilmembers Alger and Lemmerman. Voting against: Kurth. Abstaining: none. Motion passed.

Conditional Use Permit  
5230 Highway #12 - Gary Keller

The Council reviewed the application of Gary Keller for a conditional use permit to operate an auto sales lot at 5230 Highway #12. The Planning Commission has recommended that this request be approved subject to five (5) conditions. The Council felt that the suggested 20 car maximum is too high for the lot size and reduced the number to 12. A motion was made by member Kurth that we approve the request of Gary Keller for a conditional use permit to operate an auto sales lot at 5230 Highway #12 subject to the following conditions:

1. The present gas station would close operation and the underground fuel storage tanks be removed. This must be completed before the property could be used as an auto sales lot.
2. A limit of 12 vehicle maximum, including employee vehicles, be allowed on this site.
3. No repair shop work be permitted, including painting or auto body repairs, on this site.
4. All vehicles being offered for sale be in good repair.
5. All parking areas be paved.
6. No additional lights be installed except a motion detector security light on the back lot for security purposes.

The foregoing motion was seconded by member Lemmerman. All members voted in favor of such motion.

The Council further discussed the driveway entrance to the property. A motion was made by Kurth that the previous motion be amended by adding condition seven (7) requiring that the drive through be maintained and that backing out on to Highway #12 be prohibited. The motion was seconded by member Lemmerman. All members voted in favor of such motion.

FEB 14, 1995 CITY COUNCIL MINUTES

## Jason Ziemer

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**From:** Jason Ziemer  
**Sent:** Friday, July 12, 2013 4:37 PM  
**To:** garyneilkeller@gmail.com  
**Cc:** Tom Goodrum (tgoodrum@mfra.com)  
**Subject:** CUP

**Importance:** High

Gary,

I reviewed the parking issue with Tom Goodrum, City Planner. He indicated you had advised him you were going to have Mark Gronberg draw up that plan for you. I would advise you do that. The plan does need to be drawn to scale, and it needs to follow the scaling Mark used to draw up the survey. I realize that is an extra expense, but after looking at the site what is shown on the map you provided is not going to work. I would think Mark would be able to do what we need fairly quick.

Jason

***Jason Ziemer***

***Maple Plain City Administrator***

Office: (763) 479-0515

Cell: (612) 490-5829



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# MAPLE PLAIN

EST. 1868 INC. 1912

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](http://www.mapleplain.com)

June 18, 2013

Gary Keller  
132 Creek View Lane  
Loretto, MN 55357

Mr. Keller,

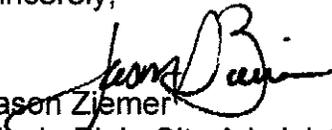
We are in the process of reviewing your conditional use permit (CUP) amendment request. During the review Tom Goodrum, City Planner, raised a few potential issues he is exploring further. Please take a few minutes to review his notes and contact him to discuss what would be needed to resolve these items. Here were Tom's comments:

- (REQUEST WAS AN ESTIMATE)
1. The site plan does not match the request. The request includes: 28 stalls for car inventory, 2 stalls for customer parking and 2 stalls for employee parking for a total of 32 stalls. The site plan identifies 34 stalls.
  2. The site plan should directly identify which stalls are being used for which use: cars for sale, employee and/or customer parking.
  3. The site plan is not to scale, making it difficult to determine sufficient vehicle access and maneuvering for operations and emergency vehicles.
  4. A minor subdivision application may be needed for the combination of the two lots.

He noted the rest of the application appears complete.

Tom may be reached at (763) 746-1645. Again, please arrange a time to meet with him to go over his comments above. As more comments come in from City staff I will forward them to you.

Sincerely,

  
Jason Ziemer  
Maple Plain City Administrator



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July 2, 2013

Gary Keller  
132 Creek View Lane  
Loretto, MN 55357

Mr. Keller,

The attached letter was sent to your attention on June 18. It described several issues that required resolution in order to proceed with the conditional use permit (CUP) amendment request. City Planner Tom Goodrum spoke with you on June 21 regarding these items. The 15-day review period for your application expires on July 3, 2013. As the items mentioned in the letter and discussed with Mr. Goodrum remain unresolved, your application, for now, has been deemed incomplete.

Please submit responses to the items discussed so that we may complete our review of your application and schedule the public hearing. As that hearing was initially planned for the August 1 Planning Commission meeting all materials must be turned in to the City no later than Friday, July 12. This will enable the City to meet its 10-day notice requirements for CUP hearing.

Again, you may contact Tom at (763) 746-1645 with any questions.

Sincerely,

  
Jason Ziemer  
Maple Plain City Administrator

enc: June 18, 2013 letter



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June 18, 2013

Gary Keller  
132 Creek View Lane  
Loretto, MN 55357

Mr. Keller,

We are in the process of reviewing your conditional use permit (CUP) amendment request. During the review Tom Goodrum, City Planner, raised a few potential issues he is exploring further. Please take a few minutes to review his notes and contact him to discuss what would be needed to resolve these items. Here were Tom's comments:

1. The site plan does not match the request. The request includes: 28 stalls for car inventory, 2 stalls for customer parking and 2 stalls for employee parking for a total of 32 stalls. The site plan identifies 34 stalls.
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4. A minor subdivision application may be needed for the combination of the two lots.

He noted the rest of the application appears complete.

Tom may be reached at (763) 746-1645. Again, please arrange a time to meet with him to go over his comments above. As more comments come in from City staff I will forward them to you.

Sincerely,

  
Jason Ziemer  
Maple Plain City Administrator



engineering  
surveying  
planning  
energy

Date June 18, 2013  
To Jason Ziemer, City Administrator  
From Tom Goodrum, planner consultant  
RE AC Motors CUP amendment staff review

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Jason,

Per my review of the application I have noted several items that need to be clarified:

1. The site plan does not match the request. The request includes; 28 stalls for car inventory, 2 stalls for customer parking and 2 stalls for employee parking for a total of 32 stalls. The site plan identifies 34 stalls.
2. The site plan should directly identify which stalls are being used for which use.
3. The site plan is not to scale, making it difficult to determine sufficient vehicle access and maneuvering for operations and emergency vehicles.
4. A minor subdivision application may be needed for the combination of the two lots.

The rest of the application appears complete. With an updated site plan the application would be complete for my purposes. If you feel that you can get an updated plan for my review without declaring the application incomplete then I will rely on your judgement.



Agenda Information Memorandum  
August 1, 2013 Maple Plain Planning Commission

**VII. OLD BUSINESS**  
**A. INDUSTRIAL ZONING CODE UPDATE**

**ACTION TO BE CONSIDERED**

To review changes made to the Industrial Zoning code and make a recommendation to the City Council.

**FACTS**

- The Planning Commission held a public hearing on June 6 on proposed changes to the City's Industrial zoning codes, recommending approval of Ordinance No. 274.
- Commissioners recommended minimal changes to the existing structure, keeping both the I1 and I2 districts, but updating the language to reflect current and possible future uses.
- During the June 24 Council meeting City staff requested the ordinance be reviewed further to consider revising the code sections to have one Industrial zoning code.
- City Administrator Jason Ziemer and City Planner Tom Goodrum (MFRA) have discussed and agree the City should have one Industrial District. Uses guided for I2 would be allowed by conditional use permits.
- The purpose for the revision is that the City has no specifically designated area for I2 uses as those are high-intensity uses. There are also two properties with current I2 designations that would otherwise be permitted in the current I1 District.
- Ziemer will talk with owners of both properties as the change to one zoning district would require a City-guided rezoning and formal public hearing. There would be no cost to either property owner.
  - If neither owner is in agreement with the code would be brought back as presented on June 24.
  - City staff would make additional changes to ensure the uses on the two properties would be permitted uses and not legal non-conforming.
- The revised ordinance and public hearings would take place at the August 12 City Council meeting.

**ATTACHMENTS**

Attached on page(s) \_\_\_\_ through \_\_\_\_ is a memorandum from City Administrator Jason Ziemer and a copy of Ordinance No. 274.

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**MEMORANDUM**

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**TO:** Chair Michele Bliss and Planning Commission  
**FROM:** Jason Ziemer, City Administrator  
**DATE OF REPORT:** July 25, 2013  
**DATE OF REPORT:** August 1, 2013  
**RE:** Industrial District zoning code

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Chair Bliss and Commissioners

In June the Planning Commission completed its review of the City's two industrial zoning districts. Changes recommended by the Commission were to update the two code sections primarily regarding uses and definitions. City staff presented Ordinance No. 274, with changes as recommended by the Commission, to the City Council on June 24. At that meeting, City Planner Tom Goodrum and I requested additional time to review the ordinance.

Staff wanted to review the possibility of switching to a single industrial zoning code for the entire City. This item was discussed very early on by Commission. However, to keep changes to a minimum the Commission opted to update these two code sections, but keep the existing structure. After further review, City staff recommended to the City Council on July 22 the code section should be switched to a single code section. The reason for this recommendation:

1. The City's Comprehensive Plan guides for only one classification of "industrial" uses. By comparison, residential areas are defined by more intense type of uses.
2. There are only two properties in town that have an I-2 General Industrial Zoning designation; both of those properties would fall under the existing I-1 Light Industrial Zoning District.
3. There is minimal differentiation between the existing I-1 and I-2 Districts.
4. As a result of point 2, any future requests would be rezoning requests.
5. Having one industrial zoning district improves administration of zoning requests and oversight of such uses, and reduces complexity and/or confusion between the two codes.
6. The heavier, more intense industrial uses would require issuance of a conditional use permit uses versus being considered permitted uses, which would enable the City to establish some requirements for those operations. Although a CUP is permanent with the property, having some oversight over those uses, especially one that has some potential for negative impacts is a better approach.

One of the two properties that fall under the current I-2 zoning code has more accessory buildings than would otherwise be permitted in I-1 or the single industrial district. In the proposed revisions to the I-2 district those types of past uses would be allowed so as

not to create legal, non-conforming uses. We added a provision that also recognized the “excessive” accessory buildings by making them permitted uses but uses that cannot be expanded.

With these changes in mind the City Council referred the revised zoning code to the Planning Commission for further discussion. As there are no significant changes to the zoning code City Attorney Jeff Carson noted no public hearing would be required. We will review these changes with the owners of the two properties under the current I-2 zoning district for concurrence. The Planning Commission should review these changes and re-submit a recommendation to the City Council. City staff plans to take the Commission’s recommendation to the August 12 meeting.

Please understand City staff appreciates the Commission’s work on the zoning code. This by no means should be viewed as any discredit to that work on the project as we understand the amount of time the Commission spent on the Industrial District discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Ziemer". The signature is written in a cursive style with a large, stylized initial "J".

Jason Ziemer  
Maple Plain City Administrator

**CITY OF MAPLE PLAIN  
ORDINANCE NO. 274**

**AN ORDINANCE REPEALING THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT, SECTION §153.031, & THE I-2 GENERAL INDUSTRIAL ZONING DISTRICT, SECTION §153.032, & CREATING A SINGLE INDUSTRIAL “I” ZONING DISTRICT OF THE MAPLE PLAIN CITY CODE**

The City Council of the City of Maple Plain ordains as follows:

**SECTION I.** City Code Section §153.007 is being amended by ~~striking~~ the following material and adding the following underlined material.

**ACCESSORY.** A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

**ANTENNA/COMMUNICATION TOWER.** Any system of wires, poles, rods, reflecting discs, access points, and similar devices used for the transmission, reception, of both of electromagnetic waves, and shall include, but not be limited to antennas used by cellular utilities.

**AUTOMOBILE SALES.** An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. May include farm or industrial equipment, machinery, and supplies.

**CONDITIONAL USE PERMIT.** A permit issued by City Council in accordance with the procedures specified within this Ordinance as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.

**CONTRACTOR.** A person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

**EXCAVATION OR MINING.** The removal of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone or other matter or the use of an area for stockpiling, storage and processing of sand, gravel, black dirt, clay and other minerals resulting in a substantial alteration as defined in Section 150.60, Excavation Permits.

**INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow said use. per section 153.170 of the zoning code.

**MACHINE SHOPS.** A workshop in which machine tools are operated.

**MANUFACTURING – LIGHT.** The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated

parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of surgical instruments; processing, and packing of food products or cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item. Light manufacturing does not include an individual's production of hand-crafted or custom made items.

**MANUFACTURING – HEAVY:** The manufacturing of products from raw or unprocessed materials. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations; lumber milling and planing facilities; aggregate, concrete and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

**MINI (SELF) STORAGE.** An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household goods and personal belongings.

**OFFICE.** Professional and business office, nonretail activity. Used for conducting the affairs of a business profession, service, industry or government.

**OPEN SALES LOT.** Any open land used or occupied for the purpose of display of merchandise for sale and/or rent.

**OUTDOOR STORAGE/STORAGE YARDS.** An outside area where equipment, vehicles, trailers, or material relating to the principal use of the parcel of land is stored. This includes semi-trucks and trailers. The stored items are not for sale or display but are used in the everyday operation of the principal use.

**PRINCIPAL USE.** The primary or predominant use of any lot and/or building.

**PUBLIC UTILITY.** Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public.

**RECREATIONAL FACILITY – INDOOR.** An indoor facility providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, laser tag, paint ball, miniature golf or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, climbing wall, snack bar, restaurant, retail sales of related sports, health or fitness items and other support facility. The said establishment may or may not include membership.

**RESEARCH LABORATORY.** A facility for scientific and/or academic research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**TRUCKING TERMINAL.** Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than permanent or long term storage. The terminal facility might include storage of areas for trucks and buildings for truck maintenance and repair.

**WAREHOUSE AND DISTRIBUTION FACILITIES.** A building or portion of a building used primarily for the long- or short-term storage of goods and materials awaiting transportation or distribution, and not generally accessible to the general public. Incidental storage, repair, and maintenance of trucks associated with the distribution of goods from the warehouse are allowed.

**WAREHOUSING.** The storage of materials or equipment within an enclosed building as a principal use.

**WHOLESALE STORES OR DISTIBUTORS.** Establishments or places of business primarily engaged in selling large volume or bulk merchandise to retailers.

**SECTION II.** City Code Section §153.031 is hereby repealed in its entirety, and replaced by the following underlined material.

**§153.031 “I” INDUSTRIAL ZONING DISTRICT.**

- (A) Intent. The purpose of the Industrial District is to support the types of industrial uses which, because of their nature of products or character of activities, may require separation and/or isolation from residential, commercial and mixed-use districts or other sensitive areas. Such industrial uses result in the creation of products that impose objectionable influences or create noises, vibrations, dust, heat, smoke, odor, etc.
- (B) Permitted Uses. The following uses are permitted in the I-1 General Industrial District:
- (1) Manufacturing—Light, that includes but is not limited to the fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies, and equipment; machine shops, printing and bottling establishments;
  - (2) Lumber Yards, for the purpose of storing and selling of lumber products plus occasional cutting and finishing services;
  - (3) Wholesale Business, provided that the business does not participate in retail sales except for products made at the facility or that are directly related to the primary use or product of the business;
  - (4) Warehousing and Distribution Facilities;
  - (5) Office Campus minimum of a 10-acre parcel containing an office building(s) that has a separate access to a principal or arterial road;
  - (6) Recreational Facility-Indoor;
  - (7) Research Laboratories;

- (8) Contractor Shops, for contractors including plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, electrical, carpentry, welding, landscaping, excavating, and general contracting, including contractor storage of equipment and building materials if enclosed within a building; and,
  - (9) Essential Services as defined in §153.007.
- (C) Permitted Accessory Uses. The following are permitted accessory uses in the I District:
- (1) Offices accessory to a principal use, that occupy no more than forty (40) percent of the gross floor area of the principal building;
  - (2) Accessory buildings and structures not exceeding thirty (30) percent of the gross floor area of the principal building. Accessory buildings shall be constructed with materials and color that is compatible with the principal structure;
    - (a) Accessory buildings and structures in excess of thirty (30) percent of the gross floor area of the principal building in existence upon adoption of this code may continue as permitted uses but may not be expanded.
  - (3) Outdoor storage (not open sales lots) provided that:
    - (a) The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per § 153.063 (C) and (D) of the City Code;
    - (b) The storage area is fenced in a manner approved by the City;
    - (c) The storage area shall be paved or surfaced (concrete or blacktop) to control dust and erosion, unless determined by the city that a vegetative or alternative low impact development surface is more appropriate in order to reduce hard surface but will maintain water runoff and quality;
    - (d) All lighting shall be in compliance with City's light standards identified in § 150.01;
    - (e) The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards;
    - (f) The storage area shall not abut property zoned for residential use, including land in another city. "Abutting" includes across the street. "Abutting" does not include properties that touch only corner to corner;
    - (g) The ratio of storage area to building footprint shall not exceed 3:1; and
    - (h) Storage shall not include material considered hazardous under Federal or State Environmental Law.
- (D) Conditional Uses. The following uses shall require a conditional use permit based on the procedures set forth in § 153.140:

- (1) Manufacturing--Heavy, including but not limited to; concrete product plants, building materials production and similar uses provided that:
  - (a) All applicable Minnesota Pollution Control Agency requirements are satisfactorily met;
  - (b) Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with § 153.063 (C) (D);
  - (c) Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer; and
  - (d) Provisions acceptable to the City shall be made to control and minimize noise, air and water pollution.
  
- (2) Recycling and refuse/garbage collection facilities provided that:
  - (a) No refuse or garbage shall be stored or in any way disposed of on the site;
  - (b) Vehicle parking and storage areas are screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with § 153.063 (C) (D);
  - (c) Vehicle parking/storage areas shall be hard surfaced with a bituminous material with curb and gutter to control dust;
  - (d) The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis;
  - (e) All in bound and out bound trucks and equipment, excluding employees personal vehicles, shall be restricted to designated routes established by the City, except for times when providing collection service to customers within the City limits;
  - (f) Provisions acceptable to the City shall be made to control and minimize noise, air and water pollution; and
  
- (3) Trucking terminals provided that:
  - (a) Vehicular access points shall be located along arterial streets and shall be limited and designed and constructed to create a minimum of conflict with through traffic movement;
  - (b) A drainage system subject to the approval of the City Engineer shall be installed;
  - (c) Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with § 153.063 (C) (D); and

- (d) Provisions are made to control and minimize noise, air and water pollution.
- (4) Mini self-storage facilities provided that:
- (a) No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes;
  - (b) There is no “on-premises” caretaker dwelling unit provided on the site;
  - (c) Adequate space is provided for snow storage;
  - (d) All driveways and parking areas shall be hard (blacktop or concrete) surfaces and adequate turning radius for fire truck maneuverability is to be maintained throughout the site;
  - (e) Any structures having exposure to an adjacent residential use or public right-of-way, park, or similar public use areas shall be of brick, natural stone, wood, stucco facing material or material(s) approved by the City that are deemed to be in character with surrounding uses; and
  - (f) No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.
- (5) Automobile and truck repair provided that:
- (a) Unlicensed or inoperable vehicles shall be stored inside or within an approved area that is adequately screened;
  - (b) No sales or display of vehicles, unless under a separate conditional use permit;
  - (c) Repair, assembly or disassembly of vehicles must be done indoors, except minor servicing; and
  - (d) Parking and buildings must be setback 50 feet from any residential districts as noted in the Comprehensive Plan unless an adequate screening of views; noise and light plan is approved by the city.
- (6) Open Sales Lot provided that:
- (a) The sales lot is landscaped and screened from neighboring residential uses and shall not abut a residential zoning district, including neighboring cities. “Abutting” does not include properties that touch only corner to corner;
  - (b) Sales area is paved or surfaced (concrete or blacktop) to control dust and erosion, unless determined by the city that a vegetative or alternative low impact development surface is more appropriate if the sales area will be used temporarily throughout the year or in order to reduce hard surface but maintain water runoff and quality;
  - (c) All lighting shall be in compliance with City’s light standards identified in § 150.01;

- (d) The sales area does not take up parking space or loading space as required for conformity to this Ordinance;
  - (e) The sales area shall be limited to the size, location and times of operation as determined through the conditional use permit; and
  - (f) Outdoor storage shall not include material considered hazardous under Federal or State Environmental Law.
- (7) Automotive Sales provided that:
- (a) Parking area and building has a setback of 40 feet and adequately screened/buffered from adjacent residential land shown in the Comprehensive Plan;
  - (b) The minimum building size for any vehicle sales shall comply with the standards in the table below.

<b>MINIMUM BUILDING SIZE FOR VEHICLE SALES/RENTAL USES</b>		
<b>PARCEL SIZE</b>	<b>LOT COVERAGE PERCENT*</b>	<b>MINIMUM BUILDING SIZE*</b>
<u>&lt; 2 Acres</u>	<u>5.0%</u>	<u>2,500 square feet</u>
<u>2 Acres &gt; 4 Acres</u>	<u>10.0%</u>	<u>10,000 square feet</u>
<u>&gt; 4 Acres</u>	<u>15.0%</u>	<u>40,000 square feet</u>

*\* Whichever requires the larger building.*

- (c) All lighting shall be in compliance with § 150.01;
  - (d) The outside sales and display area shall be hard surfaced;
  - (e) The outside sales and display area does not utilize parking spaces which are required for conformance with this ordinance;
  - (f) Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City; and
  - (g) There is a minimum lot area of twenty-two thousand five hundred (22,500) square feet and minimum lot dimensions of one hundred fifty (150) feet by one hundred thirty (130) feet.
- (8) Antenna towers provided that:
- (a) All antennas and towers shall be in compliance with all State Building and Electrical Code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required federal, state, or local agency licenses;
  - (b) Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be necessary, as determined by the City Engineer, shall be verified and approved by a

professional engineer;

- (c) When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner;
  - (d) Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety;
  - (e) If a new tower of seventy-five (75) feet or greater in height is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and antennas for at least one (1) additional use, including but not limited to other personal wireless service communication companies, local police, fire and ambulance companies. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;
  - (f) Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency;
  - (g) All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower;
  - (h) Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations;
  - (i) All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person; and
  - (j) The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, federal and state law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.
- (9) Animal Kennels and Boarding provided that:
- (a) All animals must be kept inside except when accompanied by an employee within a fenced outdoor walking area; and
  - (b) A waste management plan acceptable to the City.
- (E) Lot Requirements and Setbacks. The following minimum requirements shall be observed in the I District subject to additional requirements, exceptions and modifications set forth in this Ordinance:
- (1) Lot Area. As necessary to meet all setbacks, parking, and yard requirements;

(2) Lot Width. None;

(3) Yard and setback requirements:

(a) Front yard – 35 feet minimum;

(b) Side yard – 20 feet minimum;

(c) Rear yard – 20 feet minimum; and

(d) Where a property abuts a railroad easement or right-of-way, no side or rear yard shall be required.

(F) Interim Uses. The following interim uses are allowed in the I-1 District:

(1) Excavation site.

**Section III.** This ordinance shall become effective upon its adoption and publication.

Adopted by the Maple Plain City Council this 12<sup>th</sup> day of August, 2013.

---

Roger Hackbarth, Mayor

Attest:

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Jason Ziemer, City Administrator

Summary ordinance published in *The Pioneer* on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.