



CITY COUNCIL/PLANNING COMMISSION JOINT WORK SESSION AGENDA
MONDAY, JUNE 13, 2022
CITY HALL at 5:30 PM

- 1. CALL TO ORDER**
- 2. DISCUSSION ITEMS**
 - A. Performance Standards Ordinance Discussion
 - B. Ordinance Amending Section 16.64.040(C) of the Zoning Code relating to Automobile Sales as a Conditional Use in the I-1 Zoning District
- 3. REPORT**
 - A. Planning Commission/City Council Reports
 - B. Administrator Report
- 4. ADJOURN**



Memorandum

To: Mayor Nelson and Members of the City Council
Chair Hansen and Members of the Planning Commission

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: June 9, 2022

Subject: Performance Standards

The City Council requested a joint work session with the Planning Commission to discuss updating the City's performance standards. The City Council wishes to gain perspective from the Commission on their recommendation on the visual performance standards and come to consensus on the appropriate regulation of visual performance standards for commercial and industrial zoning districts.

Minutes from the April 23 Planning Commission meeting and the May 9 City Council work session are included with this memorandum as a reference to the discussion. Also included are visual performance standard ordinances from various cities in close proximity to Spring Lake Park to help educate members on the topic.

Various businesses in Spring Lake Park have moved forward with projects that meet or exceed the proposed visual building standards set forth in the proposed ordinance.

- Hy-Vee, 8155 Highway 65 NE
- Public Storage, 7807 Highway 65 NE
- Pro Courier, 8370 Sunset Road NE
- City Moving and Storage, 8457 Sunset Road NE (construction to start soon)

Over the past ten years, staff has discouraged the use of pole building construction and metal siding within the City. As such construction is generally prohibited in cities throughout the Twin Cities metropolitan area, these commercial builders did not challenge this and have constructed projects with alternative materials.

Staff is seeking direction on how to proceed with the performance standard ordinance. We look forward to a good discussion.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK
ORDINANCE 481**

**AN ORDINANCE AMENDING SECTION 16.28.010 REGARDING PERFORMANCE
STANDARDS**

(AS RECOMMENDED BY PLANNING COMMISSION)

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “16.28.010 Performance Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.010 Performance Standards

A. Intent. It is the intent of this section to establish performance standards to minimize conflict between land uses, to preserve the use and enjoyment of property, and to protect the public health, safety and welfare. These standards shall apply to all uses of land and structures and are in addition to any requirements applying to specific zoning districts.~~provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.~~

B. Standards.

1. Noise. Minn. Rules § 7030, as may be amended from time to time, is hereby adopted by reference as a minimum standard for noise. In addition, any use established must be so operated that no noise resulting from the use is noticeable above typically expected levels to a reasonable person beyond the boundaries of the lot line of the site on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction or normal maintenance operations. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

~~a. At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm²) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American~~

Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, screech, and the like) or shrillness.

b. For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.

2. ~~Odor. No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. Standards concerning odors referred to in Paragraph B,8 shall be adhered to.~~ No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

3. ~~Exterior lighting. All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property:~~

a. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in the public right-of-way shall be excepted from these standards.

b. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and types of fixtures. The city may also limit the hours of operation of outdoor lighting if it is necessary to reduce impacts on the surrounding neighborhood.

c. No flickering or flashing lights shall be permitted.

- d. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the applicant can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by fixture design and/or location.
- e. The city may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this chapter.
4. *Glare*. Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
5. *Vibration*. ~~Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.~~ No use shall at any time cause earth vibrations perceptible beyond the limits of the property on which the operation is located.
6. *Smoke and particulate matter*. No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency. ~~As regulated by the State Pollution Control Agency.~~
7. *Dust*. ~~As regulated by the State Pollution Control Agency.~~
8. *Toxic or noxious matter*. No use or operation shall emit a concentration of toxic, noxious or corrosive matter across the property line which exceeds applicable regulations established by the Minnesota Pollution Control Agency. ~~*Fumes or gases*. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards -- Maximum Allowable Concentration for eight hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Ch. 5, Physiological Effects, that contains these tables, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.~~
9. *Radiation*. No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.
10. *Hazard*. Every operation shall be carried on with reasonable precautions

against fire and explosion hazards. All materials regulated in this section shall be utilized, stored, manufactured and handled in accordance with the Minnesota State Fire Code, as may be amended from time to time.

11. Heat and humidity. No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons or ordinary sensitivity.
12. Electromagnetic interference. No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.
13. Liquid or solid waste. All uses shall be subject to applicable regulations or the city governing discharge into a public storm or sanitary sewer, waterway or stream.
14. Visual.

a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.

b. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state, including, but not limited to, the Minnesota State Building Code. ~~On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.~~ The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.

c. Commercial districts.

(1) All structures in commercial districts shall have an exterior finish consisting of the following permitted materials:

- (A) Brick
- (B) Stone (natural or cementitious)
- (C) Decorative concrete block or integral colored block
- (D) Architectural glass
- (E) Stucco (natural or artificial, including exterior insulated finishing systems (EFIS))
- (F) Fiber cement siding
- (G) Precast concrete
- (H) Modern metal paneling materials, as an exterior

material for architectural trim

(1) Other comparable materials as approved by the Zoning Administrator.

(2) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades and angles to maximize architectural uniqueness.

(3) All buildings shall contain a concrete floor.

(4) All building shall incorporate four-sided design.

d. Light industrial district.

(1) All structures in the light industrial district shall have an exterior finish consisting of the following permitted materials:

(A) Materials listed in c(1) above.

(B) Based on building size, height, location and/or special use, the city may approve the use of modern metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling or its equivalent shall not exceed thirty five percent (35%) of the cumulative area of all building walls. The Council may approve a greater percentage, not to exceed sixty percent (60%) of the cumulative area of all building walls, provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section. Modern metal paneling materials shall be used primarily on the rear wall and secondarily on the side and/or front wall.

(2) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:

(A) The facade shall be divided architecturally by means of significantly different materials or textures; or

(B) Horizontal offsets of at least four feet in depth; or

(C) Vertical offsets in the roofline of at least four feet, or fenestration at the first floor level that is recessed horizontally at least one foot into the facade.

(3) All building shall contain a concrete floor.

e. Prohibited materials. Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-

pigmented structural concrete block, galvanized metal, sheet metal, either corrugated or plain, unglazed structural clay tile or common or back-up quality brick, or similar materials.

C. *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: May 5, 2022

Subject: Performance Standards Updates

At the April 18 meeting, the City Council approve a moratorium on building permits which required site plan approval under Section 16.20.060 of the City Code to allow for a study to be completed on performance standards within the City.

The moratorium was prompted by inquiries from a builder representing Quickway Rigging to construct a 120' wide by 280' long all-metal building next to the former Shorty's Towing building on Osborne Road. A rendering of the proposed building is included with this memorandum.

Staff presented draft performance standards to the Planning Commission (see attached ordinance) at its April 25 meeting. The Planning Commission, with the exception of a minor change to B(2) regarding odors, was satisfied with the changes presented in Section A and Section B(1)-B(13) of the proposed ordinance. Significant discussion centered on B(14), which centered around visual elements of buildings.

Green - added language; Red - ~~deleted language~~

14. *Visual.*

- a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.
- b. **All buildings must be built in conformance with the Minnesota State Building Code.** All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. ~~On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.~~ The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately

- indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.
- c. Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. For non-residential districts, exterior building finishes shall consist of materials comparable in grade and quality to the following:
 - (1) Face brick
 - (2) Natural or cementitious stone
 - (3) Decorative concrete block or integral colored block
 - (4) Architectural glass
 - (5) Stucco (natural or artificial), including exterior insulated finishing systems (EFIS)
 - (6) Fiber cement siding
 - (7) Precast concrete
 - (8) Curtain wall panels of steel, fiberglass and aluminum (non structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design. Up to 20% of any wall surface may consist of the materials outlined herein (excludes overhead doors)
 - (9) Other materials deemed appropriate and subject to approval by the Zoning Administrator.
 - d. *Prohibited materials.* Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/nonpigmented structural concrete block, galvanized metal, unglazed structural clay tile or common or back-up quality brick.
 - e. The building design should exhibit architectural uniqueness in building lines, shades and angles to maximize architectural uniqueness.

After hearing testimony from the owner of Quickway Rigging about the added costs associated with the new performance standards, the Planning Commission asked staff to draft language that separates buildings in commercial districts from those in industrial districts and to add more flexibility in building materials for buildings in industrial districts.

Quickway Rigging did present a drawing to the Planning Commission on Monday night that depicted additional architectural features on the proposed building. Staff was not able to obtain a copy.

Staff has made amendments to the proposed ordinance to incorporate the Planning Commission's feedback. That draft is included with this memorandum. Staff is seeking feedback from the City Council on this topic before taking this matter back to the Planning Commission.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on April 25, 2022 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

Chair Hansen called the meeting to order at 7:00 PM.

2. ROLL CALL

MEMBERS PRESENT

Chair Hans Hansen
Commissioner Jeff Bernhagen
Commissioner Rick Cobbs
Commissioner Kelsey Hollihan
Commissioner Eric Julien

STAFF PRESENT

Building Official Baker, City Planner Wahlberg, Administrator Buchholtz

OTHERS PRESENT

Sue McColley, 1168 79th Avenue (8162 Middletown RD NE)
Matt & Joan Maxwell, 8320 5th Street NE
Joe Petersen, 7740 Central Avenue NE

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes – March 28, 2022

Motion made by Commissioner Bernhagen, seconded by Commissioner Julien to approve the minutes from the March 28, 2022 Planning Commission meeting.

Voting Yea: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

5. PUBLIC HEARING

A. Public Hearing – Ordinance Amending Section 16.28 of the City Code Relating to Performance Standards.

Administrator Buchholtz stated that the City Council approved an interim ordinance (Ordinance 479) establishing a moratorium on the approval of building permits that require site plan

review under Section 16.20.060 of the City Code. He said staff has been working on an amendment to Section 16.28 of the Zoning Code relating to performance standards. He stated the proposed ordinance amendment updates the existing performance standards to meet current development standards.

Administrator Buchholtz said after review of neighboring city codes, the vast majority required a significant upgrade on building materials over Spring Lake Park's current standards. He said the proposed ordinance limits non-residential exterior building finishes to be materials of comparable quality to:

- Face brick
- Natural or cementitious stone
- Decorative concrete block or integral colored block
- Architectural glass
- Stucco, including EFIS
- Fiber cement siding
- Precast concrete
- Curtain wall panels of steel, fiberglass and aluminum so long as they are factory fabricated and do not exceed 20% of any wall surface (minus overhead doors).
- Other materials deemed appropriate and subject to approval by the Zoning Administrator.

Commissioner Cobbs noted that what was being proposed and is not overly restrictive and it falls in line with other cities he has seen. Buchholtz said that the proposed ordinance is trying to give guidance to builders on what types of materials can be used without telling the builder how to build their structure.

Commissioner Hanson made a comment about how obnoxious and detrimental odors are being defined. Buchholtz commented that the definitions are defined by the MPCA Standards. Commissioner Bernhagen asked what happens if a noise is determined obnoxious. He wanted to know if a warning is given and if there are more than 3 warnings what happens. Administrator Buchholtz said that there are consequences referenced in other parts of the City Code.

Chair Hansen opened the public hearing at 7:15 pm.

Joe Petersen, 7740 Central Avenue NE, said that while in the middle of trying to build a 33,500 sq. ft. warehouse on 1229 Osborne Rd NE. He said that he contacted the City Planner to see if the building he proposed would be permitted. He expressed concern with the rules changing while he was researching construction of a building. He inquired of the Commission what can be done to get the building he is proposing built.

Administrator Buchholtz noted that under the current code the proposed structure would have been allowed, but it is not the Council's vision for commercial or industrial buildings.

Commission discussed the possibility of using a lighter touch on materials for an industrial building vs. a commercial building. Planner Wahlberg stated that the Commission should look at the standards for the whole community, not just a single building.

Chair Hansen closed the public hearing at 7:52 pm.

6. OTHER

A. Review Draft Ordinance Amending Section 9.20.020 Relating to Public Nuisances (Noise)

Administrator Buchholtz noted Commissioner Bernhagen inquired about the City's nuisance ordinance, particularly around the issue of noise. He said that staff reviewed ordinances from neighboring cities and a nuisance ordinance template from the League of Minnesota Cities which were utilized to draft the proposed amendment to the nuisance ordinance.

He explained the proposed ordinance declares any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. He said the ordinance defines plainly audible as a sound that can be detected by a person using their unaided hearing faculties. He stated the proposed ordinance also adopts Minn. Rules Ch. 7030 by reference.

Administrator Buchholtz noted the proposed ordinance also restricts operation of domestic power equipment, refuse hauling, construction activities, radios/music devices/paging systems to certain hours. He said the proposed ordinance also may require anyone requesting a zoning change to draft a noise impact statement. He stated the proposed ordinance also address participation in noisy parties or gatherings and individuals must disburse immediately at the request of a peace officer.

The proposed ordinance does provide exemptions for emergency work.

The consensus of the Planning Commission was to express support for the proposed ordinance, noting that the new language will be easier for the City to enforce.

7. ADJOURN

Motion made by Commissioner Julien, seconded by Commissioner Hollihan to adjourn.

Voting Yea: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

Meeting adjourned at 8:09 PM.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Work Session was held on May 9, 2022 at the Spring Lake Park City Hall, 1301 81st Avenue NE, at 5:30 PM.

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 5:30 PM.

MEMBERS PRESENT

Mayor Robert Nelson

Councilmember Ken Wendling

Councilmember Brad Delfs

Councilmember Barbara Goodboe-Bisschoff

Councilmember Lisa Dircks

MEMBERS ABSENT

STAFF PRESENT

Building Official Jeff Baker, Administrator, Clerk/Treasurer Daniel Buchholtz

OTHERS PRESENT

Chris Bower, MnDOT Metro District North Area Engineer; Marcell Walker, Bolton & Menk, Inc; David Elvin, MnDOT Metro District Principal Planner

2. DISCUSSION ITEMS

A. Review Proposed Nuisance Ordinance Amendment (Noise)

Administrator Buchholtz presented proposed amendments to the City's nuisance ordinance relating to noise. He said the proposed ordinance moves noise regulations from under Section 9.20.020(D) to a new section, 9.20.020(E). He stated the proposed language defined prohibited noises and declared them a public nuisance, places hourly restrictions on the use of domestic power equipment, refuse hauling, construction activities and music devices, allows the City Council to require persons applying for a zoning change to submit a noise impact statement, and prohibits people from participating in any party or other gathering giving rise to noise, disturbing the peace, quiet and repose of other persons. He said there was an exception for emergency work. He stated that the new nuisance language can be more easily enforced by Code Enforcement and the Police Department than current language.

Council held considerable discussion on the hourly restrictions for certain operations, building consensus that hourly restrictions should be every day rather than separated between weekdays and weekends to minimize confusion for residents. The Council came to consensus to limit domestic power equipment usage between the hours of 7:00am and 10:00pm daily and construction hours between the hours of 7:00am and 8:00pm daily. A question was raised about whether the new language would increase citizen expectations on noise enforcement.

Administrator Buchholtz stated that the same noise complaints the City receives currently will likely continue, but that the new ordinance will provide staff tools to address the complaints.

Discussion moved to the need for a public hearing on the proposed ordinance. Administrator Buchholtz stated that there was nothing in state law that would require a hearing. He said that staff can post information about the proposed ordinance on Facebook. He said that the proposed ordinance is posted on the City's website.

CONSENSUS OF THE CITY COUNCIL was to direct staff to solicit public feedback on the ordinance and present it to the City Council at a future meeting.

B. Trunk Highway 47/65 Phase 2 Update Presentation

Chris Bower and David Elvin, MnDOT, and Marcell Walker, Bolton & Menk, gave a presentation on Minnesota State Highway 65 and Highway 47 safety improvements. They provided an overview of the crash history of these corridors, noting that there were 7 fatalities on State Highway 47 between 2015-2019. They reported that a number of short-term safety projects were completed as an outcome of the 2018 Road Safety Audit, which includes new striping, updated striping, new four section left flashing arrow upgrade, new LED lighting and upgraded LED lighting. They outlined proposed 2025 improvements scheduled for Highway 47 and Highway 65 in Spring Lake Park. These improvements include curb radii tightening and ADA improvements at Osborne Rd/Highway 47; curb radii tightening and ADA improvements at 81st Avenue/Highway 47, curb radii tightening at 83rd Avenue/Highway 47; curb radii tightening and median refuge at Osborne Rd/Highway 65, median refuge at 81st Avenue/Highway 65; and median extension at 85th Avenue/Highway 65.

They noted that there is a long-term Pedestrian and Environmental Linkages Study which is primarily focused on vehicle safety, corridor safety for walkers/bicyclists and pavement condition. Secondary considerations included mobility for walkers/bicyclists and vehicle mobility. Additional considerations included cost effectiveness and consistency with local, state and regional plans, programs and projects. He said MnDOT is in the concept development process right now.

They stated that a number of options are on the table right now and that there will be a strong public engagement process, including holding community workshops and attending community festivals.

Discussion surrounded possible long-term concepts for the Highway 47 and Highway 65 corridors, including shared-use paths, added pedestrian lighting, intersection modifications, roadway modifications, traffic signal improvements, access management, enhanced crosswalks and enhanced connectivity to transit. Councilmembers encouraged Mr. Walker to get in contact with the Recreation Department about obtaining a booth at Tower Days.

No action was taken on this item.

C. Performance Standard Ordinance Update

Administrator Buchholtz apprised the City Council of the performance standards ordinance update. He stated that the consensus of the Planning Commission was to create two sets of exterior standards; one for commercial districts with strong exterior standards and one for the light industrial district which would permit metal siding so long as its use would better integrate the building with the surrounding area and further the intent of the ordinance.

After discussion on the proposed ordinance, the Council requested staff to schedule a joint work session with the City Council to further discuss the ordinance.

D. Development Update

Administrator Buchholtz stated that he has received a development inquiry for three parcels near the southwest corner of CSAH 10 and Spring Lake Park Road. He said the inquiry was either a one-story, 40-unit assisted living/memory care facility or a three-story, 95-100 unit senior market rate apartment building. He stated that the developer's preference was for the assisted living/memory care project, but that the developer would be requesting tax increment financing for the project as the cost of land acquisition was higher than their pro-forma. He said the senior market rate apartment would require no subsidy.

Councilmembers expressed support for the memory care/assisted living project but reluctance to granting a business subsidy to facilitate the project. Opinions were split on the market rate senior apartment. Administrator Buchholtz stated he would share the City Council's discussion with the developer to help inform how they might proceed.

3. REPORTA. Administrator Report

Administrator Buchholtz stated that work on the 2022 Street Project would begin the week of May 9.

B. Councilmember Reports -- None**4. ADJOURN**

Mayor Nelson adjourned the work session at 6:50pm.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

Commercial/Industrial Zoning District Exterior Building Requirements

Spring Lake Park

All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein. (Section 16.28.010)

Fridley

Exterior Materials. The type of building materials used on exterior walls shall be face brick, natural stone, specifically designed pre-cast concrete, factory fabricated and finished metal frame paneling, glass or other materials approved by the City.

Blaine

31.091 - Architectural control.

(a) All buildings erected shall be a type of construction as defined in the Minnesota Building Code. (Ord. No. 00-1835, amended 3-16-2000; Ord. No. 00-1876, amended 10-19-2000)

(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.

(c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast-in-place panel, architectural concrete with other permitted materials, or glass.

Use of modern metal paneling materials or its equivalent shall be considered for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed thirty-five percent (35%) of any individual wall surface.

(d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.

(e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.

(f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

Mounds View

§ 160.284 STANDARDS.

For development of properties within the County Road 10 Overlay District, the following standards will be applied where these standards supersede requirements set forth in the B-1 (Neighborhood Business), B-2 (Limited Business), B-3 (Highway Business), B-4 (Regional Business), PUD (Planned Unit Development), R-3 (Medium Density Residential) and R-4 (High Density Residential) zoning districts. All other standards and requirements of the above-mentioned zoning districts shall continue to apply.

(A) Construction materials.

(1) At least 50% of all exterior wall finishes on any building will be comprised of a combination of at least two of the following materials:

- (a) Brick;
- (b) Natural stone or cultured stone;
- (c) Glass;
- (d) Masonry stucco; and
- (e) Other comparable or superior material as approved by the city.

(2) The remaining 50% of all exterior wall finishes must be comprised of any combination of decorative or rock face concrete block, concrete panels, metal or wood. All building materials subject to approval of the city.

(3) Buildings may be constructed of primarily one of the materials listed in division (A)(1) above, if the design exceeds the intent of the ordinance and is approved by the city.

(4) Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings and wood sided buildings unless such metal buildings and wood sided buildings are enhanced on all elevations by the application of brick, decorative masonry or decorative stucco surfaces in combination with decorative fascia overhangs and trim.

Coon Rapids

-801.2 Development Guidelines. Developments must satisfy the following guidelines. Determination of whether these guidelines are satisfied will be made by the Planning Commission or by the City Council after receiving a recommendation from the Planning Commission.

(1) The design of buildings must have a comparable, compatible and complementary relationship to surrounding land uses. Buildings must be designed with varied exterior materials, setbacks and architectural features and details.

(2) Vary building massing, using methods including staggering building components, adding columns, recessing doorways, creating interesting shapes and short, uneven facades.

(3) Articulate building facades using techniques such as staggering, arcades, awnings, special window treatments, ornamentation and unique details. Face primary entries to public or private streets and orient doors for loading and unloading goods away from public or private streets.

(4) Provide a variety of roof shapes using techniques including pitched, gable or hip roofs or detailed parapets and cornices creating interesting roof profiles for flat roofs.

(5) Every building must include a focal element or feature adding interest or distinction, using techniques such as elevating parts of buildings, towers, or emphasizing a prominent part of the building such as a corner or main entry or by using features such as canopies, porticoes, overhangs, arcades, facade recesses and projections and peaked roofs or raised parapets above doors or windows.

(6) High quality, exterior building materials must be used. All exterior wall surfaces must include a variation in building materials and color, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Acceptable exterior building materials include the following:

(a) Brick or similar custom masonry unit having brick like appearance.

(b) Natural or cementitious stone.

(c) Architectural glass (i.e., curtain wall).

(d) Architectural, single skin roll formed profiles metal panel, minimum 22 gauge.

(e) Masonry stucco, or EFIS in conformance with ICC ES report.

(f) Integrally colored split face (rock face), burnished or glazed concrete masonry units.

(g) Integrally colored architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, natural stone veneer, brick face and/or cast stone type finish (excluding single-T or double-T panels, plain, uncolored, or raked finish).

The Council may approve an alternative material or mix of materials provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section. Front facades and side and rear facades visible from a public right-of-way, parks and adjacent residential uses must be composed of not more than 65 percent of any one acceptable material. Brick with a distinctively different color may be considered a second material. Side and rear facades not visible from a public right-of-way, parks and adjacent residential uses may use any combination of acceptable material. Other materials may be used as accents if found they are compatible with the listed materials and provided it does not cover more than 15 percent of a building face.

(7) Where approved, the motor vehicle fuel pump canopy roof must have the same shape, materials, and color as the roof of the principal building. Canopy supports shall be enclosed in decorative masonry or metal columns.

Columbia Heights

(N) Building design standards.

(1) Purpose. The purpose of this section is to promote quality development throughout the community that is attractive and visually compatible with adjacent development.

(2) Design review required. Approval of building elevations is required for all new commercial, industrial, institutional and multi-family development. Building design approval is also required for any remodeling or expansion activity that increases the overall size of the building by 10% or more.

(3) Building materials and design. The following material and design standards shall be adhered to:

(a) Building materials for all projects shall be durable, require low maintenance and be of the same or better quality than that used on surrounding properties; and shall consist of any of the following materials: Brick; natural stone; stone treated concrete panels; glass curtain wall panels; wood, provided surfaces are finished for exterior use and only woods of proven exterior durability are used such as cedar, redwood, and cypress; factory fabricated and finished metal frame paneling; or other materials of high architectural quality as approved by staff.

(b) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinct character. Building facades shall contain windows at the ground level or first floor in order to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility. Special care should be given to building elevations that face a public right-of-way or a residential area. Doors, window frames, screening walls, and other architectural features should be finished to complement the color and material of the principal building. At least 20% of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors for residential uses. At least 20% of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level for non-residential uses. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two feet and ten feet above the finished level of the first floor.

(c) All additions, exterior alterations or accessory buildings constructed after the original buildings shall be of the same material and design as the original structure. However, this provision shall not prohibit the upgrading of the quality of materials used in a remodeling or expansion activity, provided said upgraded material complements the original.

(d) All structures over 120 square feet shall have full perimeter footings.

(e) Steel frame structures with metal siding and roof are allowed in commercial and industrial districts provided 50% or more of the front of the structure is masonry type veneer and windows, and the side walls shall be at least four feet from grade with the same type of masonry veneer.

(4) Application of master plan district provisions. Properties located within the district boundaries of master plan area shall also be subject to the district provisions of the master plan.

(5) Design guidelines. The City Council may adopt by resolution design guidelines that shall apply to designated areas or districts of the city with greater specificity than the standards in this section. Where there is a conflict between the design guidelines and the standards in this section, the guidelines shall apply.

Arden Hills

D. Buildings shall be constructed of materials that are enduring, timeless, and well-detailed. Other new materials of equal or better quality to those listed may be approved by the Community Development Department. (revised 11/25/13)

1. At least seventy-five percent (75%) of the exterior building materials shall be of brick masonry, tile masonry, natural stone (or synthetic equivalent), decorative concrete plank, transparent glass or any combination thereof. (revised 11/25/13)

2. Trim and other accent or decorative features may be metal, wood, split faced block, EIFS, or stucco. Metals shall have a matte finish and have visible corner moldings and trim when used on exterior walls. EIFS shall be located at least twelve (12) feet above the ground line. (revised 11/25/13)

3. Undesirable materials shall include simulated brick, vinyl or aluminum siding, sheet or corrugated metal siding, plain concrete blocks or panels, brightly colored metal roofing or canopies, pre-cast tilt-up walls, mirrored or reflective glass, and materials that represent corporate colors or logos not in conformance with approved building materials. (revised 11/25/13)

E. Building Design. The arrangement, massing, materials and colors shall work to create a high quality development that is responsive to existing buildings, site features, and site design on adjoining sites in the district. (revised 11/25/13)

1. At least fifty percent (50%) of the largest building on each site shall be constructed at the front setback line.

2. Façade treatment shall be carried around all sides. Architectural elements such as, but not limited to, windows, shutters, awnings, doors, masonry exterior veneers, cornice detailing, window casings, and other architectural details should demonstrate consistency on all sides of the structure that are reasonably visible to the general public. Plain flat walls shall not be permitted when viewable from the public right-of-way or public areas.

3. To avoid long unbroken expanses and to increase visual interest from the street, buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet) through articulation of the facades to convey the impression of individually-constructed small storefronts or, in the case of housing, housing units. This can be achieved through the combination of the following techniques:

- a) The use of windows and doors;
- b) Façade modulation-stepping backward or forward or extending a portion of the façade;
- c) Vertical divisions into storefronts with separate display windows and entrances;
- d) Recesses and projections such as porches, dormers and bays that create shadows and add visual interest;
- e) Variation in the rooflines by using multiple roof and ridge lines perpendicular to one another, offsetting single roof lines, stepped roofs;
- f) Providing a lighting fixture, trellis, tree, or other landscape feature with each interval.

4. Awnings or overhangs shall be provided at the primary entryway and at all entrances fronting a public street to provide protection for pedestrians. Awnings shall be opaque so as not to create a

glowing effect with lights under the awnings. Awnings shall be constructed of durable and protective material, and shall be properly maintained. Plastic or fiberglass awnings shall not be permitted. (revised 11/25/13)

5. Any multi-level building shall distinguish the ground floor level from the upper floors by use of any or a combination of these techniques: an intermediate cornice line, difference in building materials or details, awnings trellis or arcade, special window details, or brick corbels or quoins. A strong base and top for multi-story buildings shall be established; middle layers shall be simpler. Detail shall be an integral part of the architecture rather than a series of applied elements.

6. Standardized corporate or franchise architecture identified with a particular chain shall be discouraged unless it is compatible with surrounding architecture and conforms to these design standards. (revised 11/25/13)

7. Entrances shall have convenient access to the street frontage and to parking serving the use. For those properties along County Road E, access to the street frontage shall be given priority where feasible.

F. Window and Door Openings (revised 10/25/21)

1. Commercial Façade Transparency.

a) Fifty percent (50%) of all first level building façades that front a public street shall be comprised of transparent windows or doors in order to allow views of interior uses and activities.

b) If the building is a one story design and the first floor elevation exceeds twelve (12) feet, then only the first twelve (12) feet shall be included in calculating the façade area. (revised 11/30/15)

c) The City may consider a proportional reduction in the transparent window and door requirement on the public street façade if additional transparent glass is used on the remaining sides. (revised 11/30/15)

2. Residential Façade Transparency. Twenty percent (20%) of all residential building façades that front a public street shall be comprised of transparent windows or doors in order to allow views of interior uses and activities. Transparency requirement may be waived by the City where privacy concerns warrant. (revised 11/30/15)

3. Configurations. The shape, size, and placement of windows and doors shall emphasize the intended organization and articulation of the façade. Windows and doors shall be recessed at least one inch rather than being flush with the building façade. (revised 11/25/13)

4. Materials. Acceptable materials for window trim include anodized aluminum, steel, wood, and clad wood. Door trim shall be made of steel, wood, or clad wood. (revised 11/25/13)

5. For buildings with a use or function that does not readily allow windows (e.g. cooler or freezer areas, mechanical rooms, security areas, storage areas) the transparent window standards may be reduced at the discretion of the City Council. However, aesthetic interest must be provided by the use of upper level windows or architectural detailing that provides arches, patterning, recesses, and shadowing. Architectural detailing may include such things as change in materials, change in color and other significant visual relief provided in a manner or at intervals in keeping with the size, mass, and scale of the wall. (revised 11/25/13)

G. Building Color. Building colors shall be muted. Recommended colors include browns, grays, tans, beiges, and dark or muted green, blues, and reds. Bright or brilliant colors and sharply contrasting colors may be used for only accent purposes occupying a maximum of five percent (5%) of building façades. (revised 11/25/13)

Brooklyn Park

(B) Building design and materials.

(1) All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan and the Village Master Plan. Building materials shall be attractive in appearance, durable with a permanent finish, and of a quality that is consistent with the standards and intent of the Master Plan. Where appropriate, buildings shall carry over materials and colors of adjacent buildings, with the exception of prohibited materials.

(2) All building designs shall be subject to the review of an architect to assure compatibility with the intent of the city regulations. The architect shall be selected by the city, with the cost of review charged to the planning escrow submitted by the applicant.

(3) All buildings shall include the following elements:

(a) Accent materials shall be provided and included on all sides of a building and all sides shall be treated the same.

(b) Buildings containing office and retail uses shall maintain 50% transparency from grade to a height of 12 feet on each first floor front that faces a street or public open space (sidewalk or plaza).

(c) Complimentary major material colors.

(d) A combination of vertical and horizontal pattern designs in the building facade.

(C) Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:

(1) The facade shall be divided architecturally by means of significantly different materials or textures; or

(2) Horizontal offsets of at least four feet in depth; or

(3) Vertical offsets in the roofline of at least four feet, or fenestration at the first floor level that is recessed horizontally at least one foot into the facade.

(D) Exterior commercial building materials shall be classified as primary, secondary, or accent materials. Primary materials shall cover at least 60% of the facade of a building. Secondary materials may cover no more than 30% of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements and may cover no more than 10% of the facade. Allowable materials are as follows:

(1) Primary exterior building materials may be natural or cementitious brick or stone, glass or equivalent if approved by the city's architect.

(2) Secondary exterior building materials may be integrally colored decorative block, integrally colored stucco or equivalent if approved by the city's architect.

(3) A water managed Exterior Insulation Finish System (EIFS) may be permitted as a secondary material on upper floors only.

(4) Accent materials may include wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.

(5) All materials shall be integrally colored.

(6) Sheet metal, corrugated metal, plain flat concrete block (whether painted or integrally colored) are prohibited materials unless they are approved on a specific design as accent materials.

(7) Lighting may be used to accent the building and site and shall be identified at the time of site plan review.

SPRING LAKE PARK

ORDINANCE XXX

AN ORDINANCE AMENDING SECTION 16.64.040(C) OF THE ZONING CODE RELATING TO AUTOMOBILE SALES AS A CONDITIONAL USE IN THE I-1, LIGHT INDUSTRIAL, ZONING DISTRICT

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: AMENDMENT “16.64.040(C) of the Spring Lake Park Municipal Code is hereby amended as follows:

<i>Uses in I-1</i>	<i>Category</i>
Automobile sales	<u>C</u>

SECTION 2: This Ordinance shall be effective from and after its final passage, approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK CITY COUNCIL this 6th day of June 2022.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest:

Robert Nelson, Mayor

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer

To: City Council
 From: Lauren Walburg, Stantec
 Michelle Lincoln, Stantec
 City of Spring Lake Park

File: Tint Pros – Ordinance Text Amendment and Conditional Use Permit
 Date: June 6, 2022

Re: Tint Pros, Ordinance Text Amendment and Conditional Use Permit | 1313 Osborne Rd NE

BACKGROUND

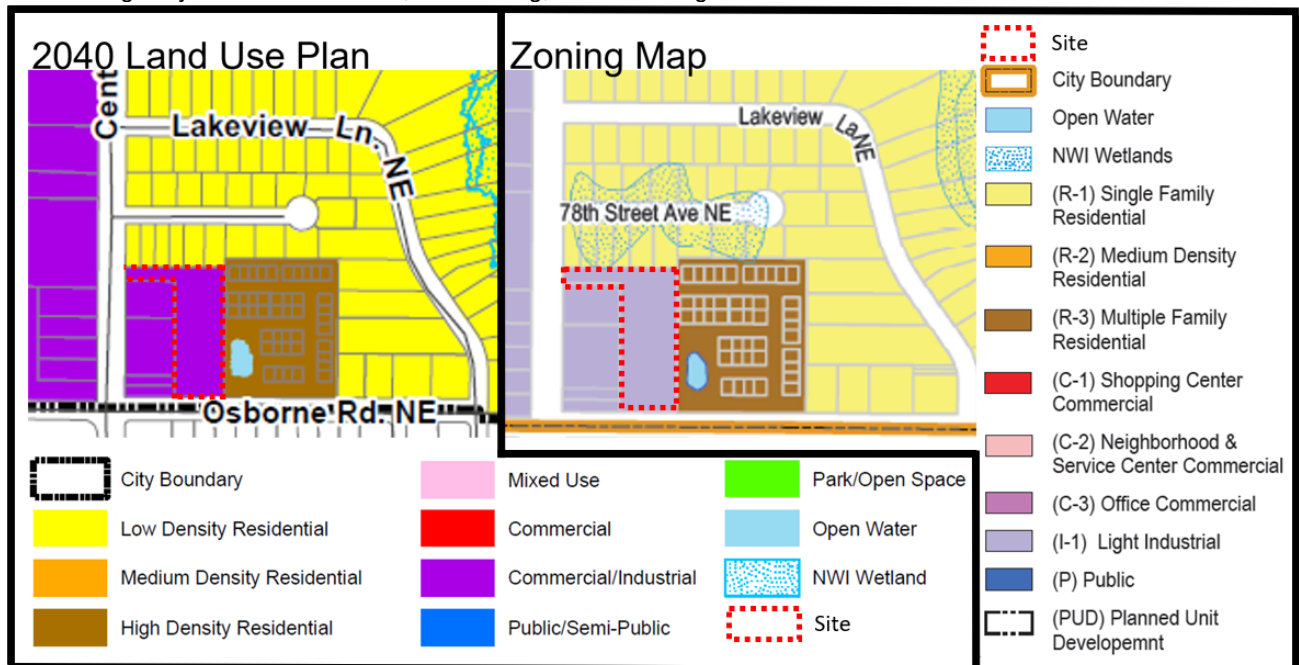
Tint Pros (Applicant) is a business currently located at 7703 Central Avenue NE. They have purchased the adjacent property at 1313 Osborne Road NE which houses an old bus garage building and surface parking lot.

Tint Pros offers window tinting, vinyl wraps, detailing, light mechanical work and other associated car services. The applicant intends to relocate their business to 1313 Osborne, terminating their lease at 7703 Central Avenue NE. As part of this relocation and due to the large size of the old bus garage building, the applicant would like to expand their business to include selling higher end vehicles that would be stored inside the garage building. I-1 Light Industrial zoning does not presently allow auto sales, and Tint Pros is requesting an Ordinance Text Amendment specifying auto sales as a conditional use in the table of permitted uses. Automobile repair is currently allowed by conditional use permit in the I-1 district. The Planning Commission considered this request at their May 23rd meeting and recommended approval of the Ordinance Text Amendment and Conditional Use Permit.

The applicant has been operating Tint Pros in Spring Lake Park for 5 years and is in good standing with City. The applicant has been quick to address any issues raised by code enforcement and the City rarely receives any complaints about the business.

PLANNING ISSUES DISCUSSION

- 1) **Comprehensive Plan and Zoning.** The property is guided Commercial/Industrial in the 2040 Comprehensive Plan. The zoning is I-1 Light Industrial which is intended for employment opportunities, industrial areas near highways and administrative, wholesaling, manufacturing and related commercial uses.



Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

Requirements for property in the I-1 Industrial district include:

- a. If any yards are to be landscaped, they shall be landscaped attractively with lawns, trees, shrubs, and the like. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition (§16.20.040).
- b. Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide a buffer yard and screening along the boundary of the residential property.
- c. All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the commercial and industrial districts or within the confines of an opaque wall or fence not less than six feet high. No storage of any type shall be permitted within the required front or side street setback (§16.20.120).
- d. Specific development standards regarding auto and marine service and repair uses are regulated by §16.36.010(B). These standards regulate vehicle storage and documentation and venting odors, gas, and fumes.
- e. Performance standards apply to buildings within the I-1 Light Industrial district, as guided in §16.28.010. It is the intent of these standards to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following: odor, exterior lighting, glare, vibration, fumes and gases, smoke, dust, hazards, and visual impacts.
- f. Parking requirements are as follows: 3 spaces per each service bay plus 1 per employee on major shift

Performance Standards for auto and marine; sales, leasing, and rental (§16.36.010(A)):

- a. The use shall be served by a major collector or higher classification of roadway.
- b. An open-aired used auto and marine sales or rental lot as a stand-alone business is prohibited.
- c. Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.
- d. Used automobiles may not be sold accessory to businesses other than new car dealerships. Outdoor vehicle display for used vehicles shall be limited to 30% of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.
- e. Outdoor vehicle display areas within the public right-of-way are prohibited.
- f. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
- g. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
- h. Music or amplified sounds shall not be audible from adjacent residential properties.
- i. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

- j. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

License Requirements for Used Car Dealers (§11.20.040(F)(4)):

- a. No license shall be granted if the premises are located within 500 feet of any other new or used car sales dealership or auto or marine leasing or rental facility.
- 2) **Application Request.** Tint Pros offers window tinting, vehicle wraps, exterior detailing, and other associated car services. The property Tint Pros has purchased, 1313 Osborne Rd NE, is zoned I-1 Light Industrial. There is an existing bus garage on the property, which the Applicant intends to make minor repairs and cosmetic improvements. The Applicant is not proposing any substantial changes to the property or exteriors of the existing building. South of the property is Osborne Rd NE, an arterial, and property to the west are zoned I-1 Light Industrial. Residential uses are to the north and east of the property. There is substantial tree screening at the north and east property boundaries, appropriately fulfilling screening requirements for industrial uses that abut residential uses.



3) **Ordinance Text Amendment.**

The City Council should first consider the ordinance text amendment to allow auto sales as a conditional use within the I-1 zoning district. An ordinance text amendment is required because auto sales are currently only allowed as a conditional use within the C-2 zoning district, and the proposed text amendment would add auto sales to the schedule of permitted uses as a conditional use in the I-1. Within the C-2, the City currently allows “auto and marine; sales, leasing and rental” as a conditional use. The City could consider using the same language in the industrial district, as shown in Option 1 below. The City could also consider only allowing auto sales, as requested by this application and shown in Option 2 below. The planning commission recommended Option 2 at their May 23rd meeting. As previously mentioned and shown below, Automobile repair is already included in the schedule of permitted uses as a conditionally permitted use, so no change is needed to the ordinance to allow for that use of the property.

The City Council has the discretion over whether to approve the ordinance text amendment and should consider whether auto sales are an appropriate use within the I-1, light industrial district. This is an issue that has come up in the past, and for which the City has included performance standards in their zoning ordinance (§16.36.010(A)). Stantec would be supportive of allowing auto sales within the I-1, as it fits with the intent of the district, and there are additional standards already in place guiding their development.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

Appendix D: Schedule of Permitted Uses by District (§ 16.64.040)

<i>Uses in I-1</i>	<i>Category</i>
Automobile repair	C
Option 1: Auto and marine; sales, leasing and rental	<u>C</u>
Option 2: Auto sales	<u>C</u>

- 4) **Conditional Use Permit.** Section §16.56 of the City of Spring Lake Park’s zoning code outlines the requirements to approve a conditional use permit. The Zoning Code allows the City to impose reasonable conditions on certain uses to address issues that may impact surrounding properties or public health, safety, and welfare. Conditional uses are considered *permitted uses to which reasonable conditions may be attached based on findings of fact*. The assumption is that the use is allowed and the City needs to articulate the conditions under which the use might be approved, rather than deny it because of potential conditions that do not yet exist. If it appears there is no reasonable way to accommodate the use in this location, the City can deny the use.

This application has been analyzed with respect to requirements in the zoning code, listed below. The City Council should consider both automobile repair, as a use currently allowed by CUP in the I-1, as well as auto sales, which will require an ordinance text amendment to be considered as a conditional use in the I-1. The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

(a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

Window tinting, vehicle wraps, exterior detailing, and other associated car services are compatible with other uses allowed in I-1 Light Industrial. Tint Pros has been operating for 5 years at the property adjacent to this one and have been able to expand their existing business due to demand. Indoor auto sales specified in §16.36.010(A), as amended to be allowed by CUP in I-1 Light Industrial, are also compatible within the property and nearby uses, under the screening and use mitigation requirements of §16.28.040 and §16.28.010.

(b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;

The site has substantial existing screening and is buffered to the adjacent R-1 Single-Family and R-3 Multi-family residential uses. The site is accessible from Osborne Rd NE and Central Ave NE, and the use is not expected to

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

be detrimental to the surrounding area. The business has been operating for the past 5 years in this area and the City rarely received complaints, and the applicant is quick to respond to code enforcement issues.

(c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;

The proposed use is compliant with all applicable standards in the I-1 Light Industrial district, as amended for auto sales. The proposed use is over 1000 feet away from the nearest car dealership.

(d) The use is one of the conditional uses specifically listed for the district in which it is to be located;

Auto repair is currently allowed as a conditional use within the I-1 district. Auto sales require a zoning text amendment to operate as a conditional use in the I-1 Light Industrial district.

(e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;

The property has existing screening in place, and the applicant is not proposing any substantial changes to the building footprint and exterior of the site itself. The applicant proposes to conduct all work inside the building, and the use is not anticipated to have a detrimental effect on neighboring properties.

(f) The use will not lower property values or impact scenic views in the surrounding area;

The property does not have any significant scenic views. There is existing screening to adjacent residential properties. Additional screening could be required if proximity to the residential areas is of concern.

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

This property can be accessed from Osborne Rd NE and Central Ave NE. Osborne Rd NE is an "other arterial" and Central Ave NE is a "major collector." All of these roads are adequate to handle the minimal amount of traffic expected from this type of use.

(h) Sufficient off-street parking and loading space will be provided to serve the proposed use;

The applicant is supplying adequate parking for employees and customers. Auto sales will be restricted to inside the property building – no outdoor storage is permitted. Parking spaces are to be provided by the building owner, and spaces will be appropriately striped and signed.

(i) The use includes adequate protection for the natural drainage system and natural topography;

The applicant is proposing minor landscaping improvements that are not anticipated to impact the natural drainage system and natural topography.

(j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

Tint Pros offers window tinting, vehicle wraps, exterior detailing, other associated car services, and, upon approval, auto sales. The business has been operating in good standing at 7703 central Ave NE, and the Applicant agrees to continue implementing mitigation efforts for the conditions stated in §16.28.010 and §16.28.010. The applicant also agrees to operate their auto sales business indoors.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

(k) The proposed use will not stimulate growth incompatible with prevailing density standards.

The applicant is not proposing any residential units as part of the project.

PROCESS

The City Council should first consider the Ordinance Text Amendment to allow auto sales as a conditional use within the I-1 Light Industrial District. The Council should consider whether they would approve this text amendment, and if so, make a motion recommending specific language for the schedule of permitted uses to the City Council. The two options Stantec would recommend are shown in this staff report, and the Planning Commission recommended Option 2.

Regardless of the outcome of the first motion, the City Council should consider the Conditional Use Permit request for auto sales and auto repair. Auto repair is currently allowed as a conditionally permitted use within the I-1, while auto sales will only be allowed in the I-1 with approval of the Ordinance Text Amendment.

RECOMMENDATIONS

Ordinance Text Amendment

Amending the zoning ordinance is something the City has considerable discretion over. The City Council should carefully consider whether they want to approve auto sales as a conditional use in industrial areas of the City. This would allow other applicants to apply for a Conditional Use Permit for auto sales within the I-1. Stantec would be supportive of allowing auto sales within the I-1 Light Industrial District, as it fits with the intent of the district, and there are additional standards already in place guiding their development. However, this is a question for the community to answer, not an outside consultant, so we do not make a specific recommendation on this request.

Suggested Findings of Fact for Approval of Ordinance Text Amendment

- 1) The proposed auto sales use is not allowed within the I-1, Light Industrial district, the current zoning on the property. An Ordinance Text Amendment to add auto sales to the schedule of permitted uses within the I-1 as a conditional use would allow this use to move forward by conditional use permit.
- 2) The intent of the I-1 Light Industrial District includes commercial uses and the applicant proposes to operate their business in accordance with specific Performance Standards for this use, therefore auto sales could be a reasonable use within the Light Industrial District.
- 3) Amending and updating the zoning ordinance regularly is a reasonable exercise conducted by the City.

Suggested Findings of Fact for Denial of Ordinance Text Amendment

- 1) The zoning ordinance as written for the I-1 Light Industrial District allows a wide range of industrial and related commercial activities, giving the property owner many reasonable uses of the property.
- 2) The City has considered acceptable uses within the I-1 Light Industrial District and has determined that auto sales are an appropriate use within the C-2 Commercial District, but not compatible with uses within the I-1 Industrial District.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

Conditional Use Permit

Regardless of the City Council action above, they should act on the conditional use permit for both auto sales and auto repair.

We recommend that the City Council approve the Conditional Use Permit for 1313 Osborne Rd NE with the following conditions, based on the analysis provided by Planning staff:

- 1) The conditional use permit for auto sales is only approved if the Ordinance Text Amendment allowing auto sales within the I-1 Light Industrial District is approved.
- 2) The applicant shall apply for and receive all applicable permits prior to signage and landscape installation.
- 3) The applicant shall conduct auto services inside the building, with the garage door shut.
- 4) The applicant shall store auto sale vehicles inside the building; no outdoor storage of vehicles and associated merchandise is permitted.
- 5) The applicant shall ensure sufficient parking for customers and employee cars and will stripe the lot to ensure that service bays and parking spaces are clearly designated.

Suggested Findings of Fact for Approval of the Conditional Use Permit

We recommend the following findings of fact for approval of the Conditional Use Permit:

- 1) The proposed use is a reasonable use of the property, anticipated as a Conditional Use in the amended I-1 Light Industrial district.
- 2) The use is screened from adjacent residential uses and is therefore not expected to have a detrimental effect on surrounding properties or lower property values.
- 3) Adjacent roadways and the existing parking lot are adequate to handle anticipated traffic and vehicles using the site.
- 4) No changes are proposed to site grading and drainage and therefore stormwater management should be adequate as it exists now.
- 5) Unusual odors, fumes, dust, noise or vibration associated with the use will be adequately mitigated by the applicant, and work will be conducted indoors.
- 6) No residential use is proposed on the site and therefore incompatible growth in that regard is not an issue with this use.

60-DAY RULE

State Statute 15.99 required final action on zoning applications received within 60 days of receiving a completed application. The application was received on May 4, 2022. The 60-day limit for final action by the City Council is July 4, 2022. This can be extended by the City for another 60 days if more time is needed to review the application.



Memorandum

To: Mayor Nelson and Members of the City Council
Chair Hansen and Members of the Planning Commission

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: June 8, 2022

Subject: Used Car Sales Ordinance

Mayor Nelson requested that the ordinance expanding car sales in the I-1 district be added to the joint Planning Commission/City Council work session on Monday, June 13. He requested a history of used car regulation be included with the packet. This memo will attempt to provide that history.

Used car dealerships were permitted as a conditional use in all of the City's commercial zoning districts.

Regulation of used car dealerships began on May 2, 1988, when the first used car dealership licensing ordinance approved. The license fee was \$100. After that time, there was discussion at the City Council about further restricting used car dealerships, particularly on properties abutting residential zoning districts. However, no action was taken on that matter.

In 1989, the City issued 5 used car dealership licenses. That number increased to 12 in 2011.

On May 2, 2011, the City Council instituted a moratorium on used car sales lots to study the zoning code as it relates to the impact of used car sales business within the City. This moratorium was in response to the fact a CUP application was made for a 13th dealership. While that car dealership was approved, an ordinance was adopted on November 7, 2011 that amended the zoning code to limit used car dealerships to only the C-2 zoning district by conditional use permit. The licensing ordinance was also amended to prohibit used car dealerships on premises located within 500 feet of any other new or used car dealership or auto or marine leasing or rental facility.

The Zoning Code was further amended in 2015 to codify the 500 foot setback into the zoning code use table in addition to the licensing ordinance, as well as to establish performance standards for used car lots. Those performance standards are listed below:

Auto and marine; sales, leasing and rental.

1. The use shall be served by a major collector or higher classification of roadway.
2. An open-aired used auto and marine sales or rental lot as a stand-alone business is prohibited.

3. Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.
4. Used automobiles may not be sold accessory to businesses other than new car dealerships. Outdoor vehicle display for used vehicles shall be limited to 30% of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.
5. Outdoor vehicle display areas within the public right-of-way are prohibited.
6. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
7. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
8. Music or amplified sounds shall not be audible from adjacent residential properties.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
10. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

In 2022, the City has 8 licensed used car dealerships.

Tint Pros, LLC has submitted an application for an amendment to Appendix D of the Zoning Code (the I-1 use table in Section 16.64.040(C)) to permit car sales in the I-1 district so long as they are stored inside a building. This would be the first expansion of car sales in the Zoning Code in over 34 years.

The question to be discussed today is the same question that was first discussed in 1988: how many car dealerships are appropriate within the City? What are the best locations in the City for used car dealerships? What are appropriate performance standards for used car dealerships?

The joint work session is a good time to review these questions and provide staff direction on how to proceed with these questions, as well as to discuss the proposed ordinance amending the use table to allow car sales in the I-1 Zoning District.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

11.20.040 Used Car Dealers

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

MOTOR VEHICLE. All vehicles propelled by any power other than muscular power, which do not run upon rails, except traction engines, road rollers, and farm tractors.

USED CAR DEALER. Any person whose principal business is the buying and selling or storage of secondhand motor vehicles, parts, and accessories.

B. *License Required.* No person shall, within the limits of the city, engage in or carry on the business of dealing in, buying, selling, storing, exchanging, or assembling secondhand motor vehicles without first having obtained and paid for a license herein provided.

C. *License Application.*

1. Every person desiring to procure a license, as provided in this section, shall file with the Administrator, Clerk/Treasurer a written application upon a form prepared and furnished by the city.
2. The application shall contain the names and residences of the applicant, if an individual, partnership, or firm, or the names of the principal officers and their residences if the applicant is an association or corporation. The application shall also describe in detail the character of the business in which he or she desires to engage. It shall also state the following:
 - a. The length of time the applicant, if an individual, firm, or partnership, or the manager or person in charge, if the applicant is a firm, partnership, corporation, or association, has or have resided in the city, his or her places of previous employment, whether married or single, whether he or she has been convicted of a felony or misdemeanor, and, if so, what offense, when, and what court;
 - b. The premises where or from which the business is to be located or carried on, giving street and number;
 - c. Whether the applicant has, either alone or with someone else, previously been a used car dealer or motor vehicle junk dealer; and
 - d. Other information as may be required by the City Council.

D. *License Fee; Term; Transfer; Duplicates.* Every used car dealer shall pay an annual license fee for each established place of business, as set from time to time by Council resolution. All licenses shall be issued as of January 1 and shall continue in force until January 1 next succeeding the date of issuance thereof, unless sooner revoked by the City Council. No license shall be used by any person other than the original licensee, and any holder of a license who permits it to be used by any other person, and any person who uses a license granted to any other person, shall be guilty of a violation of this section. Whenever a license shall be lost or destroyed without fault on the part of the holder or his or her employee, a duplicate license in lieu thereof under the original application may be issued by the Administrator, Clerk/Treasurer in his or her discretion, setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

E. *License Issuance And Content; Re-Application After Denial.*

1. Upon the filing of the application as provided in this section, the City Council may, upon

its approval of the application after such investigation as it shall require, and the payment to the city of the license fee provided in this section, issue to the applicant a license to engage in the business as provided in this section. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the house or place of business in or from which the person receiving the license shall be authorized to carry on the business as used car dealer, the kind of business, the date of issuance and expiration of the license, and the name and address of the licensee.

2. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he or she can show that the reason for the rejection no longer exists.

F. Restrictions.

1. No person shall carry on the business at or from any other place in the city than the one designated in the license therefor; nor shall he or she continue to carry on business after the license has been revoked or has expired.
2. No license herein provided shall be granted to any person who or any member of which shall have been convicted, within one year of the date of application, of a violation of this section; also any person who or any member of which shall have, within five years of the date of application, been convicted of a felony or knowingly receiving stolen goods.
3. No license shall be granted to any person doing business in a location contrary to the provisions of SLPC 16, regarding zoning, or amendments thereof, unless special permit is granted therefor in accordance with the provisions of SLPC 16. Nor shall any person be permitted to move a business licensed hereunder to a location within the city prohibited by SLPC 16.
4. No license shall be granted if the premises are located within 500 feet of any other new or used car sales dealership or auto or marine leasing or rental facility.

G. Revocation. The City Council may, at any time, for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this section. Whenever any license shall be revoked, no refund of an unearned portion shall be made and no license shall be granted to any person whose license has been revoked within a period of one year from the date of that revocation. Notice of the revocation and the reasons therefor in writing shall be served by the Administrator, Clerk/Treasurer upon the person named in the application by mailing the same to the address given in the application.

H. Changing Place Of Business. In case any licensee shall move his or her place of business from the place designated in the license, he or she shall immediately thereon give notice to the Administrator, Clerk/Treasurer and have the same endorsed on the license.

I. Records Required. Every person licensed under this section shall keep and preserve a book in which there shall be made at the time of the transaction, a record in English of every purchase, sale, storage, exchange, or wreckage of all secondhand motor vehicles, purchased, sold, stored, exchanged, wrecked, or left in his or her possession for sale, storage, or wreckage. These records shall include the following information: the name, place of residence, including street and number, and a personal description of each person from whom a secondhand motor vehicle is obtained, or to whom such a vehicle is delivered; the date and hour received or delivered; and a description of the secondhand motor vehicle, and manufacturers' numbers and any other serial number and any peculiar mark or marks of identification whatsoever, style of body, seating or other capacity, color, and car and license number.

J. Inspection Of Records And Materials. The books provided for in Paragraph I and all secondhand motor vehicles, parts, and accessories in the possession of the licensee shall be, at all

reasonable times, open to the inspection of the Police Chief, any member of the police force, or any person duly authorized in writing by the Police Chief for that purpose. No licensee or clerk, agent, or other person in charge of the premises or business of a licensee, shall refuse to admit thereto any person authorized in this paragraph to examine records, or fail to exhibit to him or her on demand all motor vehicles, parts, or accessories and books, papers, and inventories relating thereto.

K. *Violations.* The violation of any paragraph of this section shall constitute a misdemeanor.