



PLANNING COMMISSION AGENDA

MONDAY, JANUARY 27, 2025

ABLE PARK BUILDING, 8200 ABLE STREET NE at 7:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ELECT OFFICERS**
 - A. Election of Chair
 - B. Election of Vice Chair
- 5. APPROVAL OF MINUTES**
 - [A.](#) Approval of Minutes - November 25, 2024 Planning Commission Meeting
- 6. OLD BUSINESS**
 - [A.](#) Review and Recommend Approval of Proposed Sight Distance Triangle Ordinance
- 7. OTHER**
- 8. ADJOURN**

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
 - a. Those wishing to comment are asked to limit their comments to 3 minutes
 - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
 - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on November 25, 2024 at the ABLE PARK BUILDING, 8200 ABLE STREET NE, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

MEMBERS PRESENT

Commissioner Rick Cobbs
Commissioner Brad Delfs
Commissioner Eric Julien
Commissioner Sharon Weighous
Chair Hans Hansen

MEMBERS ABSENT

Commissioner Kelsey Hollihan

STAFF PRESENT

Building Official Jeff Baker, Administrator Buchholtz

VISITORS

Jeff Taylor, Beezwax, 23530 University Ave, Bethel
Mutez Amro, 995 Lynde Dr NE #26, Fridley

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes - October 28, 2024 Meeting

Motion by Commissioner Cobbs, seconded by Commissioner Julien to approve the minutes of the October 28, 2024 Planning Commission meeting.

Voting Aye: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Commissioner Delfs, Chair Hansen. Motion carried.

5. PUBLIC HEARING

A. Ordinance Amending SLPC Chapter 11, Business Regulations, and SLPC Chapter 16, Zoning, Relating to Adult Use Cannabis Businesses

Administrator Buchholtz stated that the proposed ordinance regulating adult-use cannabis businesses had been developed over an extended period during the moratorium, which is set to expire at the end of the year. He explained that the ordinance was in response to state legislation passed in May 2023 and signed into law by Governor Walz, legalizing adult-use cannabis effective August 1, 2023. He noted that the City enacted a temporary moratorium on June 20, 2023, under Minnesota Statute 462.355, to allow time for studying zoning, public health, and safety considerations.

Administrator Buchholtz stated that the Council reviewed and authorized the ordinance at its November 4, 2024, work session, and the draft was now before the Planning Commission for public hearing. He explained that the ordinance amends SLPC Chapter 11 (business regulations) and Chapter 16 (zoning), establishing a framework for cannabis business registration and compliance checks. He outlined that the ordinance prohibits cannabis businesses within 1,000 feet of schools and 500 feet of daycares, residential treatment facilities, and parks, while permitting retail cannabis sales in C1 and C2 zoning districts and allowing non-retail cannabis businesses and hemp manufacturing in the I1 district.

Administrator Buchholtz stated that the ordinance sets operational hours for cannabis businesses between 10:00 AM and 9:00 PM, which he noted is more restrictive than state law. He also explained that temporary cannabis events are allowed under the ordinance but require separate permits from the City, and onsite consumption is prohibited. He added that penalties for violations include fines and potential suspension of registrations, which would place an additional burden on the Police Department.

Administrator Buchholtz said the ordinance does not designate cannabis businesses as conditional uses but instead includes detailed performance standards within the zoning code. He explained that this approach avoids the temptation to improperly deny conditional use permits, which could lead to conflicts with state law. He noted that the ordinance would permit the City to operate a municipal cannabis store, there are no plans to pursue this option.

He concluded by reiterating that the ordinance reflects extensive study and preparation and invited questions from the Planning Commission, stating that cannabis regulation has been a complex issue since its adoption by the state.

Chair Hansen asked about the license duration. Administrator Buchholtz stated that cannabis registrations are issued annually. Commissioner Delfs inquired if about the registration. Buchholtz responded that the registration would link with the license issued by the Office of Cannabis Management and would remain with that license until its

conclusion. Delfs asked about compliance checks. Administrator Buchholtz said the Police Department would perform the compliance checks in accordance with state law. Delfs inquired if the registration is transferrable. Buchholtz stated that registrations are not transferrable. Delfs asked about background checks for cannabis licensees. Buchholtz stated that since the State issues the license, the City will rely on the State's background process in issuing the registrations. He noted that the registration is essentially a verification to the state that the business is permitted under the City's zoning code.

Hansen opened the public hearing at 7:21pm.

Jeff Taylor introduced himself as a Blaine resident and representative of Beeswax, which he stated is one of the largest THC manufacturers in Minnesota. He shared his extensive experience in the cannabis industry, including contributing to legislation, working with cities, and educating policymakers. He stated that he owns a 36,000-square-foot manufacturing facility and emphasized the professional and regulated nature of his operations.

Mr. Taylor stated his willingness to answer any questions about the cannabis industry. Taylor emphasized that opening licensed cannabis stores would help diminish the black market by providing safe, regulated products. He noted that Minnesota's tax framework for cannabis is designed to be competitive and prevent the over-taxation issues seen in other states, such as Illinois, where high taxes drive consumers back to illegal sources. He stated that while the black market will not be completely eliminated, legal cannabis businesses will significantly reduce its size.

Mr. Taylor also highlighted the challenges faced by the Office of Cannabis Management (OCM), noting delays in implementation and the difficulty of establishing a new regulatory system. He stated that while enforcement is challenging, the OCM and police are actively inspecting businesses and imposing fines for noncompliance. He reiterated that regulated businesses must comply with strict rules, including the use of Certificates of Analysis (COA) to ensure product safety.

Mr. Taylor concluded by stating that society would prefer buying safe, tested products from licensed stores rather than from illegal sources. He noted that regulated cannabis would likely lead to fewer public safety concerns than alcohol and reduce access for minors over time. Taylor invited city officials to tour his manufacturing facility to better understand the industry and reiterated his willingness to answer any questions.

Hearing no further comment, Chair Hansen closed the public hearing at 7:49pm.

Commissioner Cobbs expressed his opinion that the buffers between schools, daycares and parks should match the City's liquor regulations. He also stated that the hours of operation for cannabis businesses should also match off-sale liquor store hours.

Motion by Commissioner Cobbs, seconded by Commissioner Julien, to amend the proposed ordinance to reduce the buffer from schools from 1,000 feet to 500 feet and to increase the house of operation from 10:00am to 9:00pm to 8:00am to 10:00pm.

Voting Aye: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Commissioner Delfs, Chair Hansen. Motion carried.

Motion by Commissioner Cobbs, seconded by Commissioner Delfs, to recommend approval the proposed cannabis business ordinance, as amended.

Voting Aye: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Commissioner Delfs, Chair Hansen. Motion carried.

B. Ordinance Amending Chapter 16 of the Spring Lake Park City Code Relating to Sight Distance Triangles

Building Official Baker provided an overview of the proposed amendment to the zoning code relating to sight distance triangles. He stated that there were conflicting provisions within the code and the proposed amendment would eliminate the conflicting language. He said staff proposes a 50-foot measurement from the curb to define the triangle, as it is easy for residents to identify without a survey.

Chair Hansen opened the public hearing at 8:01pm.

Hearing no public comment, Chair Hansen closed the public hearing at 8:02pm.

Commissioner Julien raised concerns about the impact on existing fences and vegetation and suggested reducing the sight triangle distance. Building Official Baker stated that the ordinance grandfathers in existing fences and that this ordinance change would have no impact on existing fences. Commissioner Cobbs agreed that the proposed sight distance triangle was too big and suggested reducing it to either 30 feet or 40 feet. Cobbs also suggested clarifying allowances for chain-link and other see-through fencing.

Motion by Commissioner Delfs, seconded by Commissioner Cobbs, to table the ordinance.

Voting Aye: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Commissioner Delfs, Chair Hansen. Motion carried.

6. **OTHER** -- None

7. ADJOURN

Motion by Commissioner Julien, seconded by Commissioner Weighous, to adjourn.

Voting Aye: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Commissioner Delfs, Chair Hansen. Motion carried.

Meeting adjourned at 8:05pm.



Memorandum

To: Chair Hansen and Members of the City Council
From: Jeff Baker, Building Official
Date: January 23, 2025
Subject: Sight Triangle Ordinance Amendment

Attached is the revised ordinance addressing sight distance triangles, which incorporates the changes requested by the Planning Commission at its meeting on November 25, 2024. These updates aim to provide a clear, consistent standard for maintaining visibility at intersections while ensuring public safety.

Key Updates to the Ordinance:

- 1. Clear and Consistent Definition:** The sight triangle is defined as two sides measuring 30 feet along the curb lines from the intersection of two streets, with the third side connecting these points. This replaces any prior conflicting language.
- 2. Transparency and Height Standards:**
 - Within the sight triangle, fences, walls, or other structures must maintain at least 75% transparency.
 - No structure within this area may exceed 48 inches in height from grade level.
- 3. Conflict Resolution:** Previous inconsistent descriptions and standards have been removed to create a unified and enforceable standard.
- 4. Safety Emphasis:** The ordinance prioritizes unobstructed visibility within the sight triangle to enhance traffic safety for both motorists and pedestrians.

These revisions address the feedback provided by the Commission and ensure that property owners, staff, and enforcement officials have a clear and effective framework to follow.

Please review the attached ordinance and provide any additional recommendations before final consideration by the City Council. Should you have any questions or require further clarification, feel free to contact me directly at 763-784-6491.

**SPRING LAKE PARK
ORDINANCE 501**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE SPRING LAKE PARK CITY
CODE RELATING TO SIGHT DISTANCE TRIANGLES**

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

SECTION 1: **AMENDMENT** “16.20.080 Yard Requirements And Regulations” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.20.080 Yard Requirements And Regulations

- A. *District requirements.* Yard requirements shall be specified for each district in this title.
- B. *Extent of front yards.* Except for driveways, the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot.
- C. *Walls, fences, and hedges.* A wall, fence, or hedge may occupy part of the required front, side, or rear yards.
- D. *Double frontage lots.* On double frontage lots, the required front yard shall be provided on both streets.
- E. *Corner lots.*
 - 1. ~~The required front yard of a corner lot shall contain no wall, fence, or other structure, tree, shrub, or growth which may cause danger to traffic on a street or public road by obscuring the view. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running from the corner of the property along the property lines to points 20 feet from the corner of the property.~~ The required front yard of a corner lot shall remain free of any wall, fence, structure, tree, shrub, or growth that does not maintain at least 75 percent transparency and could obstruct visibility, creating a traffic hazard. Chain link or decorative fencing that maintains at least 75 percent transparency may be allowed, provided it does not exceed a height of 48 inches from grade level at the lot line. The sight triangle is defined as a triangle formed by two sides measuring 30 feet along the curb lines from the intersection of two intersecting streets, with the third side being a straight line connecting the endpoints of these measurements.
 - 2. In all instances, there shall be a minimum of 25 feet side yard setback when abutting a street.

Cross-reference:

Intersection Sight Triangle, see SLPC 16.64.040

- F. *Rear yards opening onto alleys.* In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half of the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard, subject to the following qualifications:
1. The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception; and
 2. If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet.
- G. *Exemptions to yard regulations.* Measurements for yards required in each district shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
1. Cornices, canopies, or eaves may be extended into the required front yard a distance not exceeding four feet, six inches;
 2. Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches;
- H. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing may be placed around the place;
1. A covered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The covered area shall not exceed 60 square feet and shall be architecturally compatible (siding, roof material, roof pitch, and the like) with the principal structure. An open railing may be placed around the porch.
 2. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.

SECTION 2: **AMENDMENT** “16.28.030 Fences” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.030 Fences

- A. *Purpose.* The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the city by regulating the location, height, type of construction, and maintenance of all fences.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- BOUNDARY FENCE.** Any fence parallel to the property line.

FENCE. Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary, or within the required yard. A **FENCE** shall not include naturally growing shrubs, trees, other foliage, or trellis.

PRIVACY FENCE. Any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired. **PRIVACY FENCES** shall not require a permit as stipulated in the following paragraph.

C. *Permit required.* No fence shall be erected or substantially altered in the city without securing a permit from the Building Inspector. All permits of this type shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee as set from time to time by Council resolution shall be paid with each application.

D. *Location of fences.*

1. Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner, but not on the property line, except by mutual consent of both property owners prior to construction. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, and the like, shall be placed on the side of the fence which faces the street or the adjacent property.
2. No fences shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or overground utilities. Further, the city or any utility company having authority to use those easements shall not be liable for repair or replacement of these fences in the event they are damaged or destroyed by virtue of lawful use of the easement.

3.

E. *Construction and maintenance.*

1. All fences shall be constructed in conformity with the wind, stress, foundation, structural, and other requirements of the State Building Code and every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If a fence is allowed to become and remain in such a condition, the Building Inspector is authorized to notify the owner or owners of the fence of the condition and allow the owner or owners ten days in which to repair or demolish the fence.
2. Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
3. No barbed wire or barbed wire fences shall be allowed on private property in residential districts.

F. *Residential district fences.* In single- and multiple-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this title. In these districts, fences along the side lines to the rear of the front

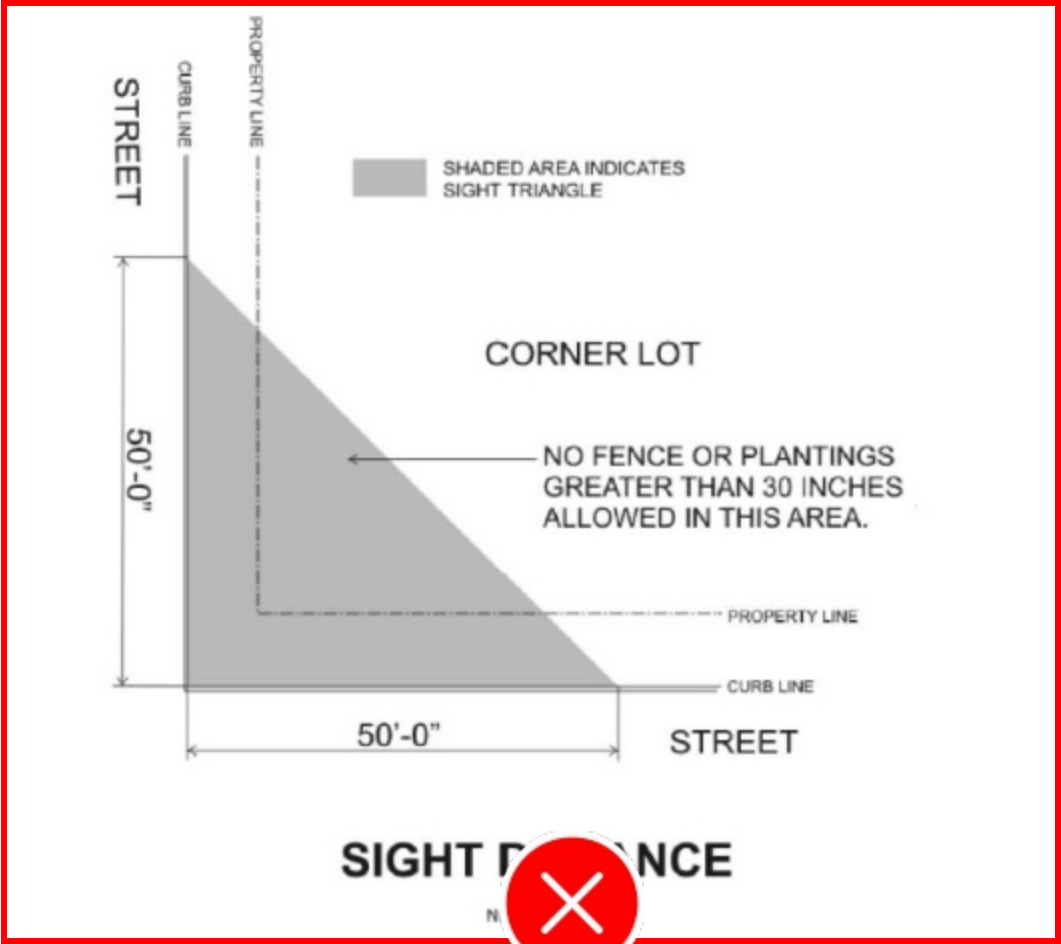
line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle as shown in SLPC 16.64.030, App. C.

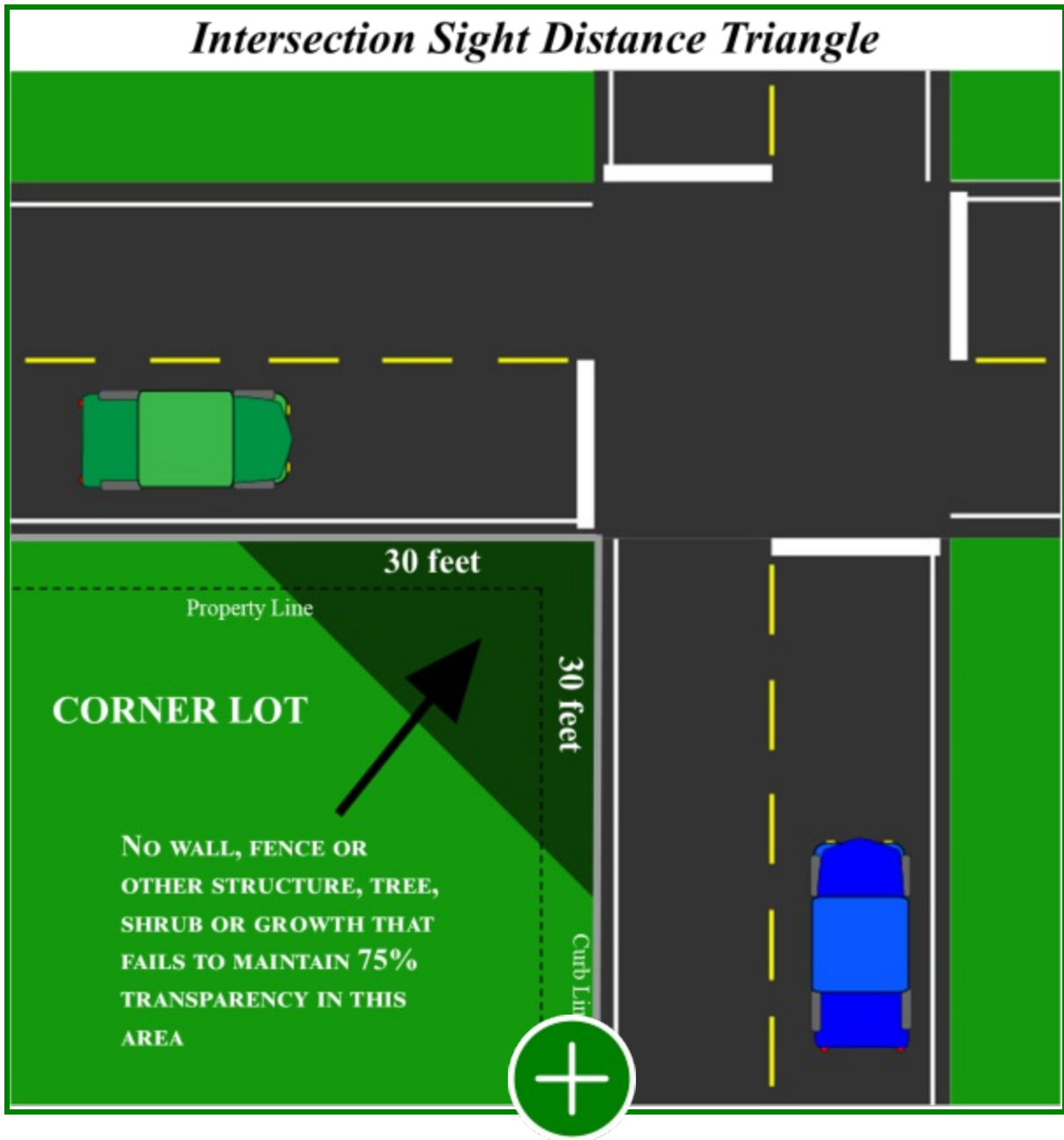
- G. *Commercial and industrial fences.* In business and industrial districts, fences may not exceed eight feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one foot of any fence in these districts may be constructed of barbed wire. Fences located within the sight distance triangle, as defined in SLPC 16.64.030, Appendix C, shall be no less than 75% transparent and shall not exceed a maximum height of 48 inches measured from ground level.
- H. *Special purpose fences.*
1. Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City Council after a recommendation by the Planning Commission, and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.
 2. The approval of these buffer fences may include stipulations as to the material, height, or location of the special purpose fence.
- I. *Non-conforming fences.* All existing fences at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other sections of this chapter, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

SECTION 3:**AMENDMENT** “16.64.030 Appendix C: Intersection Sight Distance Triangle” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.64.030 Appendix C: Intersection Sight Distance Triangle





SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

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

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

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