



**PLANNING COMMISSION AGENDA**  
**MONDAY, JANUARY 22, 2024**  
**CITY HALL 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 from October 23, 2023 Meeting
- 6. PUBLIC HEARING**
  - [A.](#) Public Hearing - Conditional Use Permit for Northtown Auto Sales, 8325 University Ave NE, to Permit Auto Repair
  - [B.](#) Public Hearing - Conditional Use Permit for Prior Performance Motorcycles, 8421 Center Drive NE, Suite A to Allow Auto Service/Motorcycle Repair
  - [C.](#) Public Hearing - Amendment to Chapter 16 of the Zoning Code Relating to Sacred Communities
- 7. OTHER**
  - [A.](#) Discussion of Commercial District Use Table
- 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 81<sup>st</sup> 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 October 23, 2023, at the City Hall, at 7:00 PM

### 1. CALL TO ORDER

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

### 2. ROLL CALL

#### MEMBERS PRESENT

Commissioner Rick Cobbs  
Commissioner Eric Julien  
Commissioner Brad Delfs  
Commissioner Sharon Weighous

#### MEMBERS ABSENT

Chairperson Hans Hanson  
Commissioner Kelsey Hollihan

#### STAFF PRESENT

Building Official Jeff Baker, Administrator Daniel Buchholtz

#### OTHERS PRESENT

Lisa Dircks, 773 83<sup>rd</sup> Avenue NE, Spring Lake Park  
Alexandra Rivera Cedno, 7925 6<sup>th</sup> Street NE, Spring Lake Park  
Marcos Muniz, 7925 6<sup>th</sup> Street NE, Spring Lake Park

### 3. PLEDGE OF ALLEGIANCE

### 4. APPROVAL OF MINUTES

#### A. Approval of Minutes – February 27, 2023

Motion made by Commissioner Cobbs, seconded by Commissioner Julien, to approve the minutes from the February 27, 2023 Planning Commission meeting.

Voting Yea: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Vice Chairperson Delfs. Motion carried.

### 6. PUBLIC HEARING

#### A. Public Hearing - Conditional Use Permit Applications at 7925 6<sup>th</sup> St NE to Allow a Residential Kennel

Administrator Buchholtz reported the City received an application from Alexandra Rivera Cedeno requesting a Conditional Use Permit (CUP) for her property located at 7925 6<sup>th</sup> Street NE to increase the number of dogs in her single-family home from three to four. He stated that the definition of a Kennel- Private in the ordinance that is triggering the CUP.

Administrator Buchholtz stated that the property is in a residential neighborhood between 80<sup>th</sup> Avenue NE and 79<sup>th</sup> Avenue NE. He said the property is guided Single Family Residential in the 20240 Comprehensive Plan.

Administrator Buchholtz reported that the applicant is requesting a CUP for the housing of one additional dog on the residential parcel. He said that the that the building is a single family 1 story dwelling. The backyard is fenced in, and it is approximately 75 feet by 45 feet. He states that the applicant states there is no effect on others use and enjoyment of other properties. The applicant states no odor and other nuisance.

Administrator Buchholtz said that Chapter 9.12 of the Code of Ordinance requires kennels to be licensed. He stated that this applies to any person who owns more than three dogs over the age of six months. He stated that each individual dog is required to be licensed and registered with the City.

Administrator Buchholtz states that staff recommends that the Planning Commission recommend to the City Council approval of the application for a CUP to allow a Kennel- Private in the R-1 Single Family Residential district with the following conditions:

1. The owner shall keep up-to-date licenses for the Kennel and individual dogs.
2. The owner shall take appropriate steps to clean up the yard at regular intervals through the entire year to eliminate smell for adjacent neighbors.
3. The dogs shall be contained within a fenced yard.
4. All actions necessary shall be taken to reduce incessant dog barking outside.

Vice Chairperson Delfs opened the public hearing at 7:05 PM.

Marcos Muniz, 7925 6<sup>th</sup> Street NE, stated that all of the dogs are fixed and trained. He stated that the yard is fenced in for the dogs and that the dogs spend the majority of the time in the house.

Vice Chairperson Delfs asked if Mr. Muniz if he will be breeding dogs in the future. Mr. Muniz said no.



Commissioner Cobbs inquired if under the Private Kennel License if the applicant could board for profit. Administrator Buchholtz said no, stating that the applicant would need a Commercial Kennel License.

Commissioner Weighous inquired if there was a restriction on the breeds allowed. Administrator Buchholtz stated there is no restriction on dogs but if a dog is determined to be dangerous there are special licensing procedures a resident would need to follow.

Hearing no additional comments, Vice Chairperson Delfs closed the public hearing at 7:08 PM.

Motion made by Commissioner Cobbs, second by Weighous to approve Conditional Use Permit/Dog Kennel at 7925 6<sup>th</sup> Street NE with the following conditions:

1. The owner shall keep up-to-date licenses for the Kennel and individual dogs.
2. The owner shall take appropriate steps to clean up the yard at regular intervals through the entire year to eliminate smell for adjacent neighbors.
3. The dogs shall be contained within a fenced yard.
4. All actions necessary shall be taken to reduce incessant dog barking outside.

Voting Yea: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Vice Chairperson Delfs. Motion carried.

## 7. OTHER

### A. Cannabis Discussion

Administrator Buchholtz gave an update on the Legalization of Cannabis. He reported on the City Council's Interim Ordinance. He stated that the City Council's Interim Ordinance does three things:

- The ordinance prohibits various cannabis-related activities, including sale, testing, manufacturing, cultivation, transportation, and distribution within the City.
- The interim ordinance will allow the City time to study the impact of cannabis businesses and products concerning land use and zoning to ensure public health, safety, and welfare.
- The interim ordinance will be effective until January 1, 2025, unless repealed earlier.

Administrator Buchholtz gave an overview of the local control and restrictions. He said that state law limits local control over cannabis; however, the City Council has control over Public Consumption, Business Licenses and Operational Restrictions.

Administrator Buchholtz said that the law permits residents to cultivate up to eight cannabis plants; however, the City has concerns from a code enforcement perspective. He stated that Code Enforcement is concerned with potential fire hazards, mold infestations, strong odors, and theft.

Administrator Buchholtz stated that the State created the Office of Cannabis Management (OCM). The OCM will license the shops, and the City will register them and complete compliance checks on the shops. He stated that once the OCM drafts model ordinances, the staff will review them and present recommendations to the Planning Commission and City Council for potential action.

## **8. ADJOURN**

Motion made by Commissioner Julien to adjourn.

Voting Yea: Commissioner Weighous, Commissioner Cobbs, Commissioner Julien, Vice Chairperson Delfs. Motion carried.

Meeting adjourned at 7:20 PM.

To:	Spring Lake Park Planning Commission	From:	Phil Carlson, AICP, Stantec
	City of Spring Lake Park		
File:	Northtown Auto Sales 8325 University Avenue NE Applicant: Muchtar Sajady Owner: Fatima Sajady Trustee	Date:	January 22, 2024

**Re: Conditional Use Permit, Northtown Auto Sales, Auto Service, 8325 University Avenue NE**

## INTRODUCTION

Northtown Auto Sales operates a car sales lot at 8325 University Avenue NE in the C-2 zoning district. The property has an existing conditional use permit (CUP) that allows for auto sales and cleaning of vehicles. The original CUP (then called a “special use permit” – same as a CUP) was approved in March 1985 and allowed auto sales, but no repair, with a maximum of 50 cars parked on site. A CUP amendment in December 1985 increased the allowed number of cars on site to 58 and allowed parking to within 5 feet of the front lot line. Two CUP amendments in 1993 allowed a taller garage door and added storage and cleaning of vehicles to the permitted uses. See attached Summary of Special Use Permit Actions.

Auto sales (“*Auto and marine; sales, leasing and rental*” in the official code language) and repair (“*Auto and marine; service, parts, and repair, excluding wash*”) are both listed as conditional uses in the table of uses in the Zoning Code for the C-2 district. A *conditional use* is considered in planning practice and Minnesota zoning rulings to be a *permitted use* to which reasonable conditions may be attached. It is generally not advisable to deny the use outright unless there are unusual issues with a given site that would make that use inappropriate even with reasonable conditions.

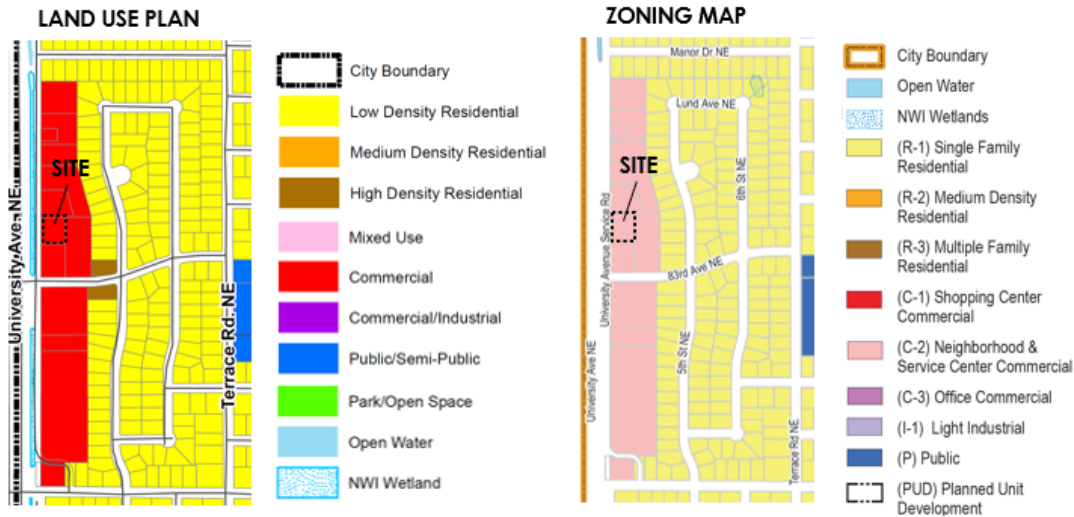


Using this approach, we assume that auto repair can be allowed but that the City can attach conditions to the permit to address issues on site. Since there is already a CUP on the property we will consider this request an amendment to that CUP – all conditions now in effect would remain unless specifically altered in an amended CUP.

## PLANNING & ZONING CONTEXT

The property is guided Commercial on the City’s Land Use Plan and zoned C-2 Neighborhood and Service Center Commercial, as illustrated on the map excerpts on the next page. The properties on all sides of the site are also commercial, in Spring Lake Park and across University Avenue to the west in Fridley. All properties in this area are served by a frontage road adjacent to University Avenue. The land immediately east behind the Northtown Auto site is vacant commercial property, part of the parcel belonging to the business fronting 83<sup>rd</sup> Avenue to the southeast. That vacant piece could be developed some day but has sat vacant for many years. The next properties to the east are all single family homes on 5<sup>th</sup> Street NE. The homes are about 230 feet from the property line of Northtown Auto Sales.

**Re: Conditional Use Permit, Northtown Auto Sales, 8325 University Avenue NE**



**HISTORY**

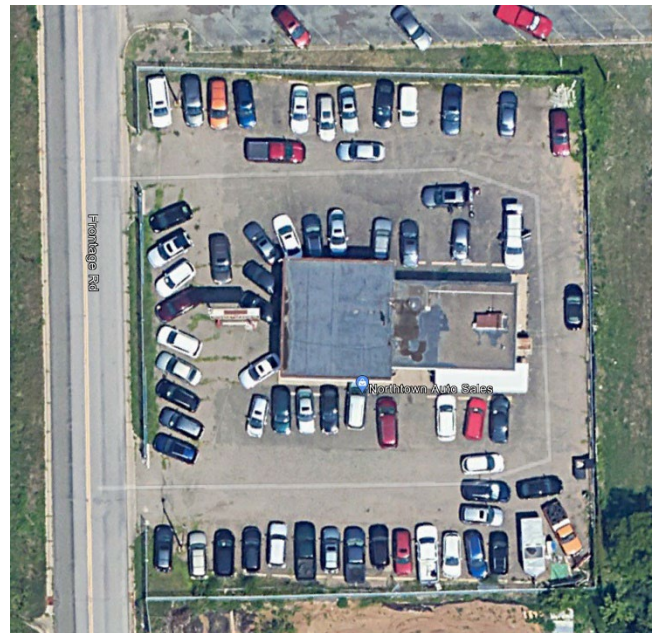
The original 1985 SUP was issued to a previous owner. Mr. Sajady has owned the property since before the 1993 SUP amendments. City files show a number of complaints and violations of the permit conditions several times over the years, both with the previous owner and with Mr. Sajady. The complaints have involved too many cars on site, lighting spilling into neighboring properties, and hours of operation. As recently as May of 2023 a Google Earth aerial photo shows over 60 cars on the site (see photo, right).

**ZONING ISSUES**

As noted above, the auto repair use being requested is listed as an allowed conditional use in the C-2 district. The questions are whether there are conditions that can be attached to the request to address site conditions that have an impact on surrounding properties or if there is anything about that use that would inherently disqualify it from this site. The site is approximately 25,700 sq ft in area.

The basic relevant zoning standards in the C-2 district for this property are the following, compared to the estimated existing conditions on site:

- Front parking setback: 25 ft required (5 ft existing)
- Rear parking setback: 10 ft required (0-5 ft existing)
- Side parking setback: 10 ft (0-5 ft existing)
- Impervious site coverage: 75% maximum (92% existing)



**Google Earth aerial photo, 5/23/2023**



**Re: Conditional Use Permit, Northtown Auto Sales, 8325 University Avenue NE**

The existing site is out of compliance in terms of setbacks and site coverage, a condition that is not unusual for older properties. Changes in the property, however, can be a time for the City to consider ways to bring the site more into compliance with the spirit and letter of the Zoning Code. It has been a goal of the City for some time to improve the appearance of the University Avenue streetscape, and the Northtown Auto site has that opportunity now.

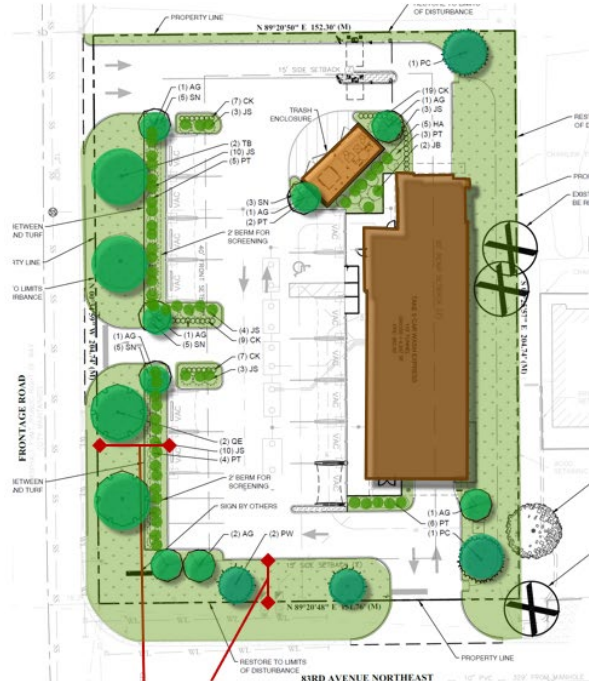
An example is the property immediately to the south of Northtown Auto Sales on the University Avenue frontage road, the Take 5 Express Car Wash, now under construction. The redevelopment of that property improves the previous condition of zero setbacks on the street frontages with new landscaped boulevards – 25 ft on the University Avenue frontage road and 15 ft on the side setback to 83<sup>rd</sup> Avenue NE.

**8301 University Ave NE  
 Previous**



No Setback

**8301 University Ave NE  
 New Take 5 Car Wash (Under Construction)**



15 ft Landscaped Setback  
 25 ft Landscaped Setback

Requiring the site to come into compliance with the zoning code standards is covered in Section 16.08.010:

**16.08.0101. Scope Of Regulations**

1. No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other department, which would authorize the use or change in use of any land or building contrary to the provisions of this title, or the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this title. [underline added]

**Re: Conditional Use Permit, Northtown Auto Sales, 8325 University Avenue NE**

Reviewing this CUP application and requiring it to come into complete compliance with the code would be permitted by this section, but we understand that complete compliance would be difficult and unreasonable. Some improvements however can be made and are reasonable to expect in this situation.

### **CONDITIONAL USE CRITERIA**

The criteria in Section 16.56.030(E)(1) of the Zoning Code related to Conditional Uses are as follows:

- 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;***

The use – auto repair – is assumed to be necessary and desirable.

- 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 use, if conducted properly, will not be detrimental to people in the vicinity.

- c. *The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;***

The site does not comply with the setback and lot coverage regulations, as noted above. This is an issue to be addressed in this CUP request.

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

The use is listed as a Conditional Use in the C-1 district.

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

The use and enjoyment of this part of the University Avenue is impacted by the appearance of the businesses along it. Improving that appearance is one of the issues to be addressed in this request, by adding more of a landscaped boulevard which will bring it more into compliance with the setback and lot coverage standards.

- f. *The use will not lower property values or impact scenic views in the surrounding area;***

The conduct of the use itself will not lower property values, but as noted, the appearance of the site with many cars and little green space and landscaping does impact the scenic value of the area.

- g. *Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;***

The streets are adequate to serve the use.

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

Limiting the number of cars on site is one of the key issues with this property going back many years. The business must comply with the reasonable limit to the number of vehicles on site.

**Re: Conditional Use Permit, Northtown Auto Sales, 8325 University Avenue NE**

**i. The use includes adequate protection for the natural drainage system and natural topography;**

The site can handle the drainage.

**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**

It is assumed that the use will continue to limit odor, fumes, dust, noise and vibration as required by the code.

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

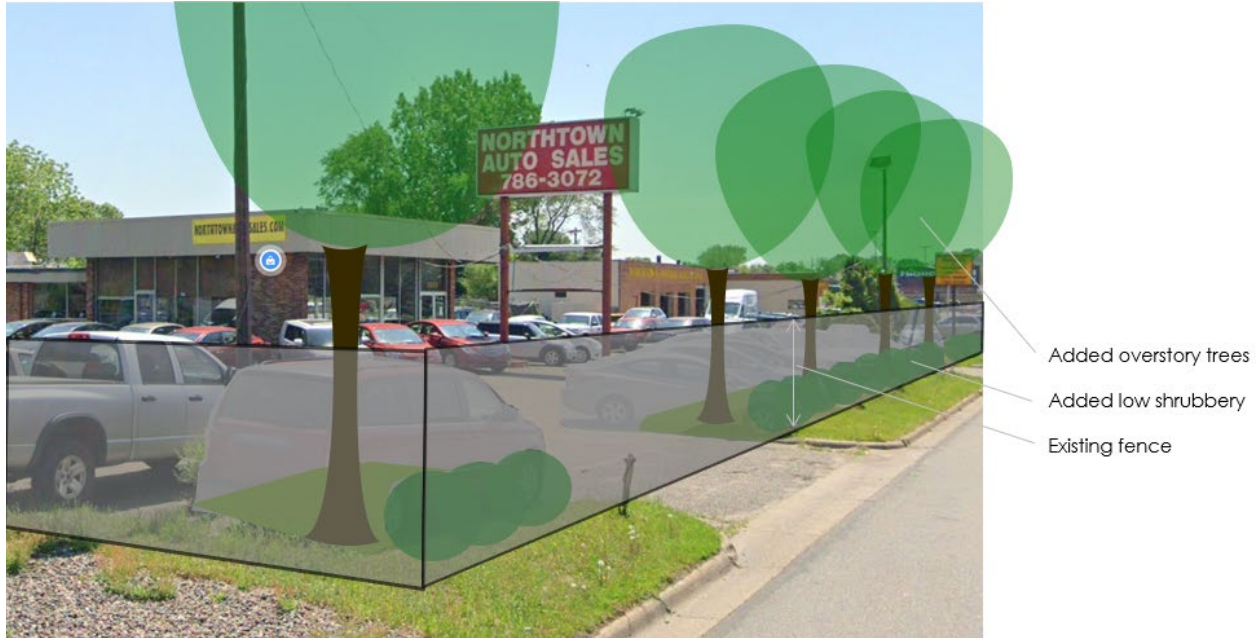
Not applicable.

**NEW LANDSCAPED BOULEVARD**

To accomplish the improved appearance of the University Avenue frontage an expanded landscape boulevard could be added to the west side of the site adjacent to the frontage road, as illustrated below. The new boulevard area would add 8 ft of width to the existing 5 ft of width. Landscaping would consist of low shrubbery that would not block visibility to cars on display on the site and overstory trees approximately 30 ft on center whose branches would also be above the cars on display so as not to block visibility. We estimate this plan would remove 12 parking spaces and add back 4, for a net of 8 spaces lost, and a total of 50 spaces on the site, compared to the 58 spaces allowed under the current permit. The plan would add about 1,000 sq ft of green space to the site, or about 4%, reducing the impervious coverage from about 92% to about 88%. The new plan would be prepared by the owner for review and approval by the City Planner and City Engineer.



**Re: Conditional Use Permit, Northtown Auto Sales, 8325 University Avenue NE**



**Recommended Site Concept**  
8325 University Ave NE, Spring Lake Park  
Conceptual for discussion only 1-2-24

## RECOMMENDATION

I recommend that the Planning Commission recommend voiding the current Special Use Permit at 8325 University Avenue NE and recommend approval of a new Conditional Use Permit including auto repair use for Northtown Auto Sales, with the following conditions which incorporate, restate, and modify the current permit conditions, with the following findings of fact:

### *Conditions of Approval*

- 1) The current Special Use Permit at 8325 University Avenue NE, approved in March 1985 and amended in December 1985 and December 1993, is voided and replaced with a new Conditional Use Permit.
- 2) Auto repair may be conducted on site as long as all repair work is done completely within the building and all other conditions of this permit are adhered to.
- 3) A new landscaped boulevard along the University Avenue frontage road will be added as illustrated in the Planner's report of January 22, 2024, consisting of an additional 8-ft-wide landscaped area, in addition to the existing 5-ft-wide landscaped area, for a total of 13 ft wide. The new boulevard will be planted with overstory trees approximately 30 ft on center and low shrubs in a plan to be prepared by the owner and reviewed and approved by the City Planner and City Engineer. All landscaping will be installed as indicated on the approved landscape plan and guaranteed for at least one year. The plan is to be completed by October 1, 2024.
- 4) The number of cars on site at any one time, including vehicles for sale, involved in repair, or customer parking, is limited to 50, as illustrated on the Recommended site plan in the Planner's report of January 22, 2024.



**Re: Conditional Use Permit, Northtown Auto Sales, 8325 University Avenue NE**

- 5) All vehicles on site must be legal and operational for public highways.
- 6) Hours of operation are 9 am to 9 pm, Monday to Friday and 9 am to 6 pm on Saturdays.
- 7) On-site lighting to be confined to the premises. Any changes in site lighting plan are to be reviewed and approved by the City Engineer.
- 8) Existing green space to be maintained.
- 9) Fencing will be kept in good repair and attractive appearance.
- 10) All other City standards related to drainage of the site and other site features are to be followed. Any changes must be reviewed and approved by the City Engineer.

*Finding of Fact for Approval*

- 1) Northtown Auto Sales has operated at 8325 University Avenue NE under a Special Use Permit approved in 1985 and amended in 1993.
- 2) The City has standards in the zoning code for setbacks and lot coverage which are reasonable to promote the health, safety, and welfare of the City, its residents, and businesses. One of the purposes of the setbacks is to encourage and allow the attractive landscaping of business sites.
- 3) The current site at 8325 University Avenue NE is zoned C-2 and does not comply with the required standards in the zoning code for setbacks and impervious site coverage, summarized as follows:
  - a. Front parking setback: 25 ft required (5 ft existing)
  - b. Rear parking setback: 10 ft required (0-5 ft existing)
  - c. Side parking setback: 10 ft (0-5 ft existing)
  - d. Impervious site coverage: 75% maximum (92% existing, estimated)
- 4) With a new landscaped boulevard as recommended with the new Conditional Use Permit the front parking setback would be increased to 13 ft and the impervious site coverage would be reduced to about 88%. The side and rear setbacks would not be affected.
- 5) The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

**OPTIONS**

- 1) Recommend approval of the CUP as presented with the recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the CUP, with findings for denial.
- 3) Continue the items to a future meeting to gather more information or more discussion.

**60-DAY RULE**

The Conditional Use Permit application was received on November 16, 2023. Due to scheduling over holidays the City has already extended the deadline for final action an additional 60 days to 120 days as allowed by State statute 15.99. The deadline for final action by the City Council is March 16, 2024.

# 8325 University Avenue NE

## Summary of Special Use Permit Actions

(from City files)

- March 1985: Petition for SUP, Northtown Auto Sales
- December 1985: Amendment to SUP – to store more vehicles and reduce green space
- December 1993: Amendment to SUP – to clean and maintain vehicles and change door

### **March 1985:** Petition for SUP for Northtown Auto Sales, 8325 University Ave

Decision: Approval of Special Use Permit for Northtown Auto Sales, 8325 University Ave NE with following conditions and amendment stipulating that the SUP be reviewed in one year.

- 1) Number of cars displayed for sale to be limited to 50.
- 2) Hours of operation: 9 am to 9 pm
- 3) On-site lighting to be confined to the premises
- 4) Lighting plan to be approved by the City Engineer
- 5) Existing green space to be maintained
- 6) Fencing be repaired
- 7) No repair work to be done in the existing building
- 8) Drainage of the site to be approved by the City Engineer
- 9) No junkers (all vehicles not legal operational for public highways) be allowed

### **December 1985:** Amendment of Special Use Permit granted for Lenny's Auto Sales, 8325 University Avenue to reduce the green space to within 5 feet of the curb and increase the number of display cars to 58 from 50.

Decision: Approval to reduce the amount of green space to within 5 feet and increase the number of display cars to 58.

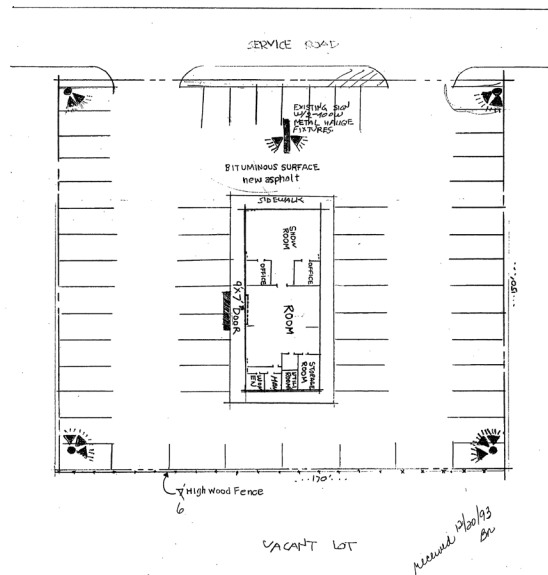
Discussion points:

- [Owner] explained that he currently has 58 spaces and if his request is approved, he will have 8 to 10 additional spaces, bringing the total to 66 or 68.
- [Owner] said that he cannot asphalt until Spring but would like to start parking cars in the designated area.
- Council Member observed that the issue of green space in commercial properties has been a recurring problem in Spring Lake Park and asked if the City could adopt a guideline for calculating the minimum amount of green space required for a building keeping in mind its size, amount of blacktop etc. City Engineer explained that adopting a guideline will be difficult as some uses require more green space than others. Site plan review process was recommended to give the Council the opportunity to review each individual case.
- Council Member recalled that the amount of green space varies considerably along University Service Drive and would be difficult to establish a standard as it is difficult to evaluate the effect of reducing green space without actually measuring and viewing the site. Council Member recalled that the original SUP was approved with the condition that the existing green space would remain as it and the number of parking spaces were adequate to operate the business and added that he cannot support the reduction in green space. Cohen explained that additional of spaces is essential to increase his visibility and exposure and not for the want of more space. His earlier request for an amended SUP to park cars right up to the street was denied but he observed that the cars parked next door at Northtown Imports parked closer to the street than his cars will be. Council Member expressed his opinion that the green space will add to the appearance of the business. There were varying opinions on the different businesses that existed along Service Drive and their aesthetic appearances. It was concluded that Owner is maintaining the property much better than its previous owners.

**December 1993:** Amendment of SUP to store and clean vehicles

Decision taken: The council approved an amended SUP for 8325 University Avenue N.E to store and clean vehicles with the following conditions:

- 1) Plans for modifying the concrete curb and sidewalk to provide access to the overhead door shall be submitted by July 1, 1994.
- 2) Lighting plan to be submitted for consideration by the City Council and approval by the City Engineering by July 1, 1994.
- 3) A fence to be re-installed on the east side of the property in accordance with the code by July 1, 1994.
- 4) Permission for a new overhead door is granted.
- 5) Cleaning of exterior and interior of vehicles is permitted but, cleaning of engines or engine parts is prohibited. (Mr. Sajady stated that any engine cleaning would be done at Northtown imports which has the proper oil traps and pressure hoses while being questioned by Commissioner Johnson)
- 6) Additional asphalt in front the building will be permitted in accordance with the plan submitted on December 20, 1993 (attached below).
- 7) No repair work to be performed in the existing building.
- 8) Hours of operation maybe from 9 am to 9 pm, Monday to Friday and 9 am to 6 pm on Saturdays.
- 9) No junkers are allowed on the lot.



Plan submitted on December 20, 1993

**4) December 1999:** Letter sent to owner Mr. Sajady that the SUP allows maximum of 58 cars on display not 73 vehicles which are currently on display. The memorandum states that all the vehicles were parked on the paved surface and no vehicles were parked on the lawn. No response from the owner was received.

Council Member asked Administrator if SUP could be denied that evening. On discussion with City Attorney, it was concluded that revocation of SUP would be an expensive procedure. The Council took the decision to deny the license and not take any action of SUP immediately as this could compel Mr. Sajady to bring his property into compliance. Council Member directed the Staff to notify Northtown Auto Sales that their lots must be in compliance with their Special Use Permit.

5) November 2023: The owners of the property have applied for a Conditional Use Permit for repairing and servicing used vehicles. The existing use of the property is to auto sales and services.

**References to Complaints or Violations**

Date	Type of complaint	Nature	Response
12/20/1993	Lighting	Continuing problem with lighting on the property, complaints received from a resident on 5 <sup>th</sup> Street. Council member Carson also observed the lighting problem when she visited the resident's home and observed the reflection in the kitchen window and identified the light located in the northwest corner of the site causing this problem.	Lights on the west side facing east, is tuned off at 9.30 pm but the signs stay on for security reasons and Mr. Sahady offered to tip the fixture downward as far as it will go before turning it off at 9.30 pm.
12/20/1993	Asphalt	Previous owners were required to expand the asphalt by Spring but did not follow through	Mr. Sajady stated that even with additional asphalt, the property will have more green space than other businesses along University Avenue
12/7/1999	73 vehicles in display, permitted vehicles is 58	No response from Mr. Sajadi to the letter advising him that the property's special use permit allows a maximum of 58 cars on display and not 73 vehicles (6 vehicles appear to be inoperable), which are currently on the lot as stated in the Memorandum dated December 6 <sup>th</sup> , 1999	License denied and Minnesota license division notified for further action
12/20/1999	Memorandum - 73 vehicles in display, permitted vehicles is 58	Currently 73 vehicles parked on the lot. All vehicles parked on the paved surface and no vehicles parked on the lawn	
12/28/1999	2000 Used car Dealership License	Inspections carried on December 7 <sup>th</sup> and 20 <sup>th</sup> not corrected immediately, the City Council will consider moving against the SUP under which the business is permitted to exist	

# 154944



**City of Spring Lake Park**  
1301 81st Avenue NE  
Spring Lake Park, MN 55432  
763-784-6491 (p) 763-792-7257 (f)  
[info@slpmn.org](mailto:info@slpmn.org)

For Office Use Only	
Case Number:	
Fee Paid:	2000 11/16/23
Received by:	
Date Filed:	
Date Complete:	
Base Fee:	500
Escrow:	1500

### DEVELOPMENT APPLICATION

<b>TYPE OF APPLICATION</b> (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____
<b>PROPERTY INFORMATION</b>		
Street Address: 8325 University Ave NE		
Property Identification Number (PIN#): 02-30-24-21-0100 Current Zoning: Commercial		
Legal Description: See Attach. for Description (Attach if necessary):		
<b>APPLICANT INFORMATION</b>		
Name: Muchtar Sajady	Business Name: Northtown Auto Sales & Services	
Address: [REDACTED]		
City: [REDACTED]	State: MN	Zip Code: [REDACTED]
Telephone: [REDACTED]	Fax:	E-mail:
Contact: Muchtar Sajady	Title: Owner	
<b>OWNER INFORMATION</b> (if different from applicant)		
Name:	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
<b>DESCRIPTION OF REQUEST</b> (attach additional information if needed)		
Existing Use of Property: Auto Sales and services		
Nature of Proposed Use: Repairing and servicing used vehicles		
Reason(s) to Approve Request: It is important that vehicles be repaired and serviced so they are safe on the road and stay on the road so people can live their lives.		
<b>PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE</b>		
Project Name:	Date of Application:	
Nature of Request:		
<b>NOTE:</b> Applications only accepted with ALL required support documents. See City Code		

**APPLICATION FEES AND EXPENSES:**

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

E-mail fatima.sajady@msa.com  Fax \_\_\_\_\_  USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: \_\_\_\_\_ Date: 11-15-2023  
Owner: [Signature] \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: Applications only accepted with ALL required support documents. See City Code**

**City of Spring Lake Park  
Conditional Use Permit Worksheet**

A conditional use permit cannot be approved unless the Planning Commission and the City Council make certain findings and recommendations. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary. If some items are not applicable for your project, write N/A. Contact the Zoning Administrator with any questions.

1. That 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.

The proposed use is necessary and desirable to the neighborhood because it will provide high quality products and repairs at an affordable price. IF you check our inventory we have a lot of late model vehicles, with low miles, at the lowest price.

2. That the proposed use will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the use or injurious to property values/ improvements within the vicinity of the use.

The proposed use is in line with the current use and will not be detrimental

3. That the proposed use will comply with the regulations specified in Chapter 16 of the City Code.

It will be in compliance.

4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity.

As mentioned in #2, the proposed use is in line with the current use and will not have a detrimental effect of other property in the immediate vicinity.

5. That the proposed use will not lower property values or impact scenic views in the surrounding area. It will not lower property values or impact scenic views

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6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. there will be no change

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7. Sufficient off-street parking and loading space is available to serve the proposed use. N/A

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8. That the proposed use includes adequate protection for the natural drainage system and natural topography. N/A

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9. That 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. N/A

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10. That the proposed use will not stimulate growth incompatible with prevailing density standards.

N/A

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Attachment:

We been doing this business in the beautiful city of Spring Lake Park for over three decades now. Serving the community with honesty, decency, and respect. We love the community and will continue to serve them.



**Anoka County**  
 Property Records and Taxation  
 2100 3rd Avenue  
 Anoka, MN 55303-2281  
 www.anokacounty.us  
 (763) 323-5400

*M.A.S*

**Taxpayer(s):**

94047\*287\*\*G50\*\*1.242\*\*1/6\*\*\*\*\*AUTO5-DIGIT 55433  
 SAJADY TRUSTEE, MUCHTAR



Property I.D.: 02-30-24-21-0100  
 Property Description: THAT PRT OF OUTLOT 10 TERRACE MANOR 4TH  
 DESC AS FOL: BEG AT NW COR OF OUTLOT 9 SD ADD, TH E ALG N LINE  
 OF SD OUTLOT 9 150 FT, TH N PRL/W W LINE OF SD OUTLOT 10 170  
 FT, TH W

8325 UNIVERSITY AVE NE, SPRING LAKE PARK MN 55432-0000  
 TCA: 41016G

Owner(s): SAJADY TRUSTEE, MUCHTAR  
 SAJADY TRUSTEE, FATIMA

Tax Statement		2023
2022 Values for Taxes Payable in		
Step 1	<b>Values and Classification</b>	
	Taxes Payable Year:	2022 2023
	Estimated Market Value:	283,800 302,200
	Homestead Exclusion:	
Step 2	Taxable Market Value:	283,800 302,200
	New Improvements:	
Step 3	Property Classifications:	COMMERCIAL COMMERCIAL
	<b>Proposed Taxes Notice</b>	
	2023 Proposed Property Tax:	\$7,053.04
		<i>Sent in March 2022</i>
		<i>Sent in November 2022</i>
		<b>Property Tax Statement</b>
1st Half Taxes:		\$3,544.13
2nd Half Taxes:		\$3,544.13
Total Taxes Due in 2023:		\$7,088.26

**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?** *Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2022	2023
1. Use this amount on Form M1PR to see if you are eligible for a homestead credit refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$0.00	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$7,662.34	\$7,035.02
4. Credits that reduce property taxes		
A. Agricultural and rural land credits	\$0.00	\$0.00
B. Other credits	\$0.00	\$0.00
5. Property taxes after credits	\$7,662.34	\$7,035.02
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$866.50	\$861.40
B. Regional rail authority	\$10.40	\$10.92
7. County/municipal public safety system	\$10.66	\$10.62
8. City or town	\$1,395.40	\$1,328.46
9. State general tax	\$1,243.26	\$1,004.62
10. School district #16:		
A. Voter approved levies	\$685.30	\$760.96
B. Other local levies	\$696.74	\$587.96
11. Special taxing districts		
A. Metropolitan special taxing districts	\$65.10	\$67.14
B. Other special taxing districts	\$84.78	\$89.16
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$2,604.20	\$2,313.78
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$7,662.34	\$7,035.02
<b>Special Assessments</b>		
14. Special Assessments		
A. Solid waste management charge	\$53.24	\$53.24
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$7,715.58	\$7,088.26



**CITY OF SPRING LAKE PARK**  
**1301 81ST AVE NE**  
**SPRING LAKE PARK, MN 55432-**  
**(763) 784-6491 FAX: (763) 792-7257**



ISSUED:10/05/2022

**ADDRESS** : 8325 UNIVERSITY AVE NE  
**PIN** : 02-30-24-21-0100  
**LEGAL DESC** : TERRACE MANOR 4TH ADD  
: LOT 0 BLOCK 10  
**PERMIT TYPE** : ZONING  
**PROPERTY TYPE** : COMMERCIAL  
**CONSTRUCTION TYPE** : FENCE

**APPLICANT**

TOWN AND COUNTRY FENCE  
8511 XYLON AVE N  
BROOKLYN PARK, MN 55445-  
(763) 425-5050

ZONING	60.00
STATE LICENSE VERIFICATION/LOOKUP	5.00
<b>TOTAL</b>	<b>65.00</b>
<b>Payment(s)</b>	
CREDIT CARD	144870 65.00

**OWNER**

SAJADY MUGHTAR  


**AGREEMENT AND SWORN STATEMENT**

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

This permit becomes null and void if construction authorized is not commenced within 180 days, or if construction is suspended for a period of 180 days at any time after work is commenced.



November 21, 2023

Muchtar Sajady  
[REDACTED]

Dear Mr. Sajady,

On November 16, 2023, The City of Spring Lake Park received your application for a Conditional Use Permit (CUP) for 8325 University Avenue NE.

The City hereby notifies you that it is extending the time period for City action under Minn. Stat. 15.99, subd. 3(f). The initial 60-day time period would end January 15, 2024. The time period is extended until March 16, 2024.

The reasons for this extension are:

- 1) The deadline for the November 27, 2023 Planning Commission meeting was missed.
- 2) The City does not hold a Planning Commission meeting in December. The next Planning Commission meeting is January 28, 2024.

I understand the importance of adhering to timelines and assure you that this request is not made lightly. We are committed to ensuring the timely review of your CUP request.

Your request for the CUP will be heard at the next Planning Commission Meeting on January 28, 2024 at 7:00 PM.

If you have any questions, please feel free to contact me at 763-792-7219, Monday – Friday between the hours of 8:00 AM – 4:30 PM, or at [wbrown@slpmn.org](mailto:wbrown@slpmn.org).

Thank you for your time and consideration.

Sincerely,

Wanda Brown  
Deputy City Clerk  
City of Spring Lake Park

CITY OF SPRING LAKE PARK  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Spring Lake Park Planning Commission will hold a public hearing on Monday, January 22, 2024 at 7:00pm, or soon thereafter, to consider the following:

Property Owner: Sajady Trustee, Fatima  
Applicant: Muchtar Sajady  
Location: 88325 University Avenue NE  
Petition: The applicant is seeking a conditional use permit to allow auto repair and servicing on used vehicles in the C-2, Neighborhood and Service Center Commercial District

The public hearing will be held at Spring Lake Park City Hall, 1301 81<sup>st</sup> Avenue NE, Spring Lake Park, MN. Agenda materials will be available on the Friday prior to the meeting at [www.slpmn.org/meetings](http://www.slpmn.org/meetings). Interested individuals or organizations are encouraged to submit written comments prior to the hearing. All interested parties will be heard.

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Daniel R. Buchholtz  
Administrator, Clerk/Treasurer

Posted: January 12, 2024  
Published: January 12, 2024

BOING US HOLDCO INC  
PIN: 02-30-24-21-0098  
440 S CHURCH ST STE 700  
CHARLOTTE, NC 28202

FASTEEN SOLBERG, LESLIE J  
PIN: 02-30-24-21-0133  
8330 5TH ST NE  
SPRING LAKE PARK, MN 55432

FRIDLEY RETAIL LLC  
PIN: 02-30-24-22-0011  
56 E BROADWAY SUITE 200  
FOREST LAKE, MN 55025

JOHNSON, RONALD  
PIN: 02-30-24-21-0128  
8380 5TH ST NE  
SPRING LK PK, MN 55432

8355 UNIVERSITY AVE LLC  
PIN: 02-30-24-21-0102  
8870 RENDOVA ST NE  
CIRCLE PINES, MN 55014

JOHNSON JAMES C & MARIA S  
PIN: 02-30-24-21-0135  
8310 5TH ST NE  
SPRING LAKE PARK, MN 55432

6939 BAIRD LLC  
PIN: 02-30-24-21-0093  
7800 METRO PKWY SUITE 300  
BLOOMINGTON, MN 55425

PYRAMID GROUP LLC  
PIN: 02-30-24-21-0101  
10620 W RIVER RD  
BROOKLYN PARK, MN 55443

SAJADY TRUSTEE, FATIMA  
PIN: 02-30-24-21-0100  
8325 UNIVERSITY AVE NE  
SPRING LAKE PARK, MN 55432

GORDON LEE PROPERTIES LL...  
PIN: 02-30-24-21-0163  
8421 UNIVERSITY AVE NE  
SPRING LAKE PARK, MN 55432

6939 BAIRD LLC  
PIN: 02-30-24-24-0014  
7800 METRO PKWY STE 300  
BLOOMINGTON, MN 55425

WAL-MART STORES INC  
PIN: 02-30-24-22-0014  
PO BOX 8050 MS 0555  
BENTONVILLE, AR 72716

GREENHECK PETER  
PIN: 02-30-24-21-0099  
1846 FAIRMONT AVE  
ST PAUL, MN 55105

SCHLICHTING STEVEN J & M R  
PIN: 02-30-24-21-0127  
8390 5TH ST NE  
SPRING LAKE PARK, MN 55432

AFFORDABLE DAN HOLDINGS ...  
PIN: 02-30-24-24-0088  
26649 FREMONT DR  
ZIMMERMAN, MN 55398

TONA, ANTENALU  
PIN: 02-30-24-21-0132  
8340 5TH ST NE  
SPRING LAKE PARK, MN 55432

SONG, SOU  
PIN: 02-30-24-21-0129  
8370 5TH ST NE  
SPRING LK PK, MN 55432

MAXWELL MATTHEW J & JOAN ...  
PIN: 02-30-24-21-0134  
8320 5TH ST NE  
SPRING LAKE PARK, MN 55432

PILTZ DAVID M & MARY KAY  
PIN: 02-30-24-21-0130  
8360 5TH ST NE  
SPRING LAKE PARK, MN 55432

ADEBOWALE, CHRISTIANAH A...  
PIN: 02-30-24-21-0131  
8350 5TH ST NE  
SPRING LAKE PARK, MN 55432

To: Spring Lake Park Planning Commission      From: Phil Carlson, AICP, Stantec  
 City of Spring Lake Park  
 File: Prior Performance Motorcycles      Date: January 22, 2024  
 8421 Center Drive NE, Suite A  
 Applicant: Brandon Prior  
 Owner: Center Drive Holdings LLC

**Re: Conditional Use Permit, Auto Service (Motorcycle Repair), 8421 Center Drive NE, Suite A**

## INTRODUCTION

Brandon Prior owns and operates Prior Performance, a motorcycle shop in the multi-tenant building at 8421 Center Drive in the I-1 Light Industrial district, where they “*repair, maintain and build custom motorcycles as well as ship our manufactured parts*” (owner’s description). The existing and requested uses involve several of the uses listed for the I-1 district in *Appendix D, Schedule of Permitted Uses by District*, Section 16.64.040 of the zoning code:

- “*Light manufacturing*” is a permitted use, which fits the existing part of the business building custom motorcycles and parts.
- “*Automobile repair*” (which would include motorcycles) is listed as a conditional use.
- Also listed as a conditional use is “*Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards.*”

There is no conditional use permit (CUP) on file for the business. The current application stems from City staff visiting the business and seeing that repair was being done on site without a permit. If approved, this new CUP would describe and include all aspects of the business so that they and the City understand what is being done on site.

A *conditional use* is considered in planning practice and Minnesota zoning rulings to be a *permitted use* to which reasonable conditions may be attached. It is generally not advisable to deny the use outright unless there are unusual issues with a given site that would make that use inappropriate even with reasonable conditions.

The multi-tenant building on Center Drive is divided into various suites, with different addresses – 8407 to 8427 Center Drive, illustrated to the right. Prior Performance occupies the southern storefront, Suite A, of the two-suite portion of the building at 8421, which also has the Shashe Grocery Store in Suites B and C.





Re: **Conditional Use Permit, Prior Performance, Conditional Use Permit, Auto Service, 8421 Center Drive NE**

**PLANNING & ZONING CONTEXT**

The property is guided Commercial/Industrial on the City’s Land Use Plan and zoned I-1 Light Industrial, illustrated on the map excerpts to the right. The properties on the north, south, and east are zoned I-1; the properties across Center Drive to the west are zoned C-1 Shopping Center Commercial.

The issues involved in auto service – motorcycle repair in this instance – are typically where work is being done on the vehicles (inside or outside); parking for vehicles being repaired and for customers; hours of operation; and noise, odor, etc. We expect all work to be done within the enclosed building, and that noise and odor are not objectionable.

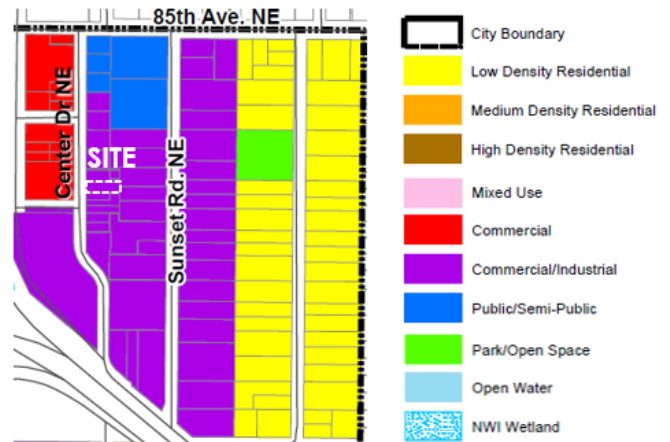
**SITE ISSUES**

There are issues associated with auto repair that are in the City’s interest and in the interest of the property owner. We contacted the owner, Mike Sowers, representing Center Drive Holdings LLC who shared the following issues on behalf of the property owner:

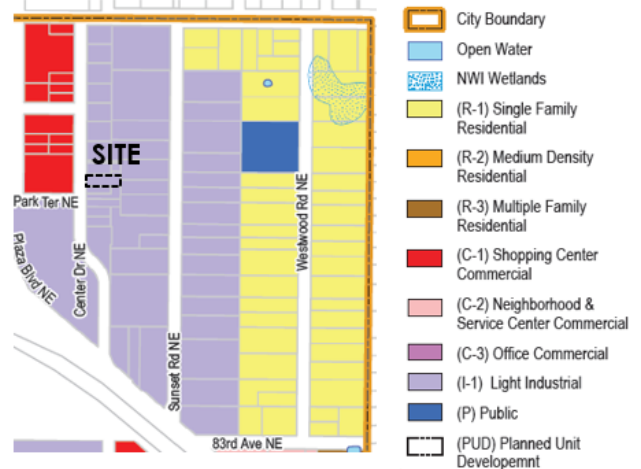
- 1) *No oil changes, or work on any vehicles that involves the fluids from the vehicles being added or removed is permitted unless the tenant first (1) installs a flammable waste trap at their own expense, (2) adds fire safety measures in accordance with the city of Spring Lake Park’s recommendations, and (3) insures the building for this use and names Center Drive Holdings LLC as an additional insured and provides evidence of such and (4) an additional security deposit of \$25,000 is placed on file with the lease to protect landlord against any environmental claims. Upon expiration of the lease the tenant shall hire a qualified environmental company at their own expense who shall certify the site is clean and contamination free at which point the security deposit shall be released.*
  
- 2) *No storing of tires for sale, or old tires removed from vehicles is permitted under any circumstances unless an additional deposit is placed on file with the Landlord by Tenant of \$25,000 and all storing of tires or oil is done in accordance with acceptable practices as is customary with licensed oil change and tire sales facilities includes bullet point 1 and never viewable from outside the facility.*
  
- 3) *Each tenant shall only park vehicles directly in front of or behind their suite and shall not ever park inoperable vehicles of any kind on the site, or park in front of or behind any one else’s suite or impede the flow of traffic in front of or through the rear of the building.*

The City can stipulate similar conditions for the use of the property, even though the City does not get between a landlord and tenant on their specific agreement.

**Future Land Use Plan (portion)**



**Zoning Map (portion)**





**Re: Conditional Use Permit, Prior Performance, Conditional Use Permit, Auto Service, 8421 Center Drive NE**

*Parking*

Parking is an issue the City is concerned about, to insure safety on the property and on public streets, was well as avoid unsightly appearance. The parking for Prior Performance as stipulated by the property owner is illustrated to the right. There are six spaces dedicated to Prior Performance – three in front and three in the rear for this suite. The back side of the rear parking area must be kept open for access around the building for other tenants.

Note that existing parking in the front of this building extends out into the public ROW of Center Drive. This is an existing condition that has been in place for many years and the City does not intend at this time to change it.

*Outside Storage/Outside Work on Vehicles*

The City does not have the same issue with oil changes or storing of tires as the property owner does, but the City does have an interest in the orderly appearance of the property. Therefore, the City can require that all work on vehicles be done within the enclosed building and that no materials or equipment are stored outside the building.



**CONDITIONAL USE CRITERIA**

The criteria in Section 16.56.030(E)(1) of the Zoning Code related to Conditional Uses are as follows:

- 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;**

The use – auto (motorcycle) repair – is assumed to be necessary and desirable.

- 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 use, if conducted properly, will not be detrimental to people in the vicinity.

Re: **Conditional Use Permit, Prior Performance, Conditional Use Permit, Auto Service, 8421 Center Drive NE**

- c. *The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;***

The site does not comply with the parking setback and lot coverage regulations, but the building is existing and no changes are proposed or required.

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

The use is listed as a Conditional Use in the I-1 district.

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

The use and enjoyment of this part of Center Drive will not be impacted by the operation of this business if it is conducted with the building and if parking is adequately handled.

- f. *The use will not lower property values or impact scenic views in the surrounding area;***

The conduct of the use itself will not lower property values, and will involve no change to the property.

- g. *Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;***

The streets are adequate to serve the use.

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

There is not sufficient off-street parking but this is a feature of this building going back many years. The City can expect that parking be limited to what can be parked in front and behind the business.

- i. *The use includes adequate protection for the natural drainage system and natural topography;***

Site drainage is not changing.

- 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***

It is assumed that the use will continue to limit odor, fumes, dust, noise and vibration as required by the code.

- k. *The proposed use will not stimulate growth incompatible with prevailing density standards.***

Not applicable.

**Re: Conditional Use Permit, Prior Performance, Conditional Use Permit, Auto Service, 8421 Center Drive NE**

## **RECOMMENDATION**

I recommend that the Planning Commission recommend approval of a Conditional Use Permit including auto repair use (for motorcycles) to business owner Brandon Price of Prior Performance and property owner Center Drive Holdings LLC at 8421 Center Drive with the following conditions and findings of fact:

### *Conditions of Approval*

- 1) All work on vehicles will be conducted within the enclosed building.
- 2) No storage of tires, vehicles, vehicle parts or other materials is permitted outside the building.
- 3) All vehicles parked on site will be operable and street worthy.
- 4) Parking for the business is limited to three parking spaces immediately in front of Suite A of the building on Center Drive and the three spaces immediately behind Suite A at the rear of the building. Parking at the rear will maintain the access aisle open serving the entire building.
- 5) Operations on site will at all times follow the performance standards in Section 16.28.010 of the Spring Lake Park Zoning Code for noise, odor, fumes, light and other impacts.

### *Finding of Fact for Approval*

- 1) Center Drive Holdings LLC owns the building at 8421 Center Drive NE. Brandon Prior operates the Prior Performance a motorcycle business in Suite A at that address that repairs, maintains and builds custom motorcycles and ships manufactured parts.
- 2) The property at 8421 Center Drive NE is zoned I-1 Light Industrial. Light manufacturing is a permitted use, automobile repair (which would include motorcycles) is listed as a conditional use.
- 3) Motorcycle repair requires a conditional use permit in the I-1 district. There is no permit on file with the City for that business or that property. Issuing this conditional use permit with conditions attached will bring the business into compliance with the conditional use provisions of the zoning code.
- 4) The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

## **OPTIONS**

- 1) Recommend approval of the CUP as presented with the recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the CUP, with findings for denial.
- 3) Continue the items to a future meeting to gather more information or more discussion.

## **60-DAY RULE**

The Conditional Use Permit application was received on November 27, 2023. Due to scheduling over holidays the City has extended the deadline for final action an additional 60 days to 120 days as allowed by State statute 15.99. The deadline for final action by the City Council is March 27, 2024.



**City of Spring Lake Park**  
 1301 81<sup>st</sup> Avenue NE  
 Spring Lake Park, MN 55432  
 763-784-6491 (p) 763-792-7257 (f)  
[info@slpmn.org](mailto:info@slpmn.org)

For Office Use Only	
Case Number:	
Fee Paid:	00
Received by:	WBS
Date Filed:	11/27/23
Date Complete:	
Base Fee:	500
Escrow:	1500

### DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 8421 Center Dr Suite A		
Property Identification Number (PIN#):		Current Zoning:
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: Brandon Prior		Business Name: Prior Performance LLC
Address: [REDACTED]		
City: [REDACTED]	State: MN	Zip Code: 55038
Telephone: 763-367-0576	Fax:	E-mail: <a href="mailto:brandon.prior@priorperformance.com">brandon.prior@priorperformance.com</a>
Contact:		Title: owner
OWNER INFORMATION (if different from applicant)		
Name:		Business Name:
Address:		
City:	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:		Title:
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use: operation of motorcycle repair facility		
of Property:		
Nature of Proposed Use:		
Reason(s) to Approve Request:		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:		Date of Application:
Nature of Request:		
<b>NOTE:</b> Applications only accepted with ALL required support documents. See City Code		

**APPLICATION FEES AND EXPENSES:**

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. *All fees and expenses are due whether the application is approved or denied.*

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. *I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.* This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.



I wish to be notified of additional costs in the following manner (select one):

E-mail Brandon@priorperformance.com  Fax \_\_\_\_\_  USPS - Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant:  Date: 11/21/23  
Owner:  Date: 11/21/23

**NOTE: Applications only accepted with ALL required support documents. See City Code**

City of Spring Lake Park  
Conditional Use Permit Worksheet

A conditional use permit cannot be approved unless the Planning and Zoning Commission and the City Council make certain findings and recommendations. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary. If some items are not applicable for your project, write N/A. Contact the Zoning Administrator with any questions.

1. That 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. Locally the only motorcycle repair facility is the HD dealer in Blaine, we provide a friendly, cost conscious option in a market with limited options.
2. That the use will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the use or injurious to property values/improvements within the vicinity of the use. Being a small business we have a small chemical footprint & do not make a lot of noise which could impact other businesses or homes in the area
3. That the proposed use will comply with the regulations specified in Chapter ~~163~~ of the Zoning code. We are compliant with Chapter 16<sup>16</sup> as we do not make excessive noise, we store vehicles & tires inside and keep our Dumpster in containment.
4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. We have found to be a good fit for the industries surrounding us, very automotive based. We have a great upstanding client base who patronize other local business.

5. That the use will not lower property values or impact scenic views in the surrounding area.  
We are self contained & keep our site in & out looking good as well as pulling weeds & snow that is left behind by management.

6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. We have minimal traffic & most on motorcycles so we contain our customers to our parking lot.

7. That the use includes adequate protection for the natural drainage system and natural topography. Drainage will not be hindered.

8. That 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. We do not deal with toxic chemicals & only test ride bikes on the open road so as not to be loud on site.

9. That the proposed use will not stimulate growth incompatible with prevailing density standards. We will be looking for growth but if it were to get near that level we would relocate as our property would not limit.





December 7, 2023

Brandon Prior  
[REDACTED]

Dear Mr. Prior,

On November 27, 2023, The City of Spring Lake Park received your application for a Conditional Use Permit (CUP) for 8421 Center Drive NE, Suite A.

The City hereby notifies you that it is extending the time period for City action under Minn. Stat. 15.99, subd. 3(f). The initial 60-day time period would end January 26, 2024. The time period is extended until March 26, 2024.

The reasons for this extension are:

- 1) The deadline for the November 27, 2023 Planning Commission meeting was missed.
- 2) The City does not hold a Planning Commission meeting in December. The next Planning Commission meeting is January 28, 2024.

I understand the importance of adhering to timelines and assure you that this request is not made lightly. We are committed to ensuring the timely review of your CUP request.

Your request for the CUP will be heard at the next Planning Commission Meeting on January 28, 2024 at 7:00 PM.

If you have any questions, please feel free to contact me at 763-792-7219, Monday - Friday between the hours of 8:00 Am – 4:30 PM, or at [wbrown@slpmn.org](mailto:wbrown@slpmn.org).

Thank you for your time and consideration.

Sincerely,

Wanda Brown  
Deputy City Clerk  
City of Spring Lake Park



CITY OF SPRING LAKE PARK  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Spring Lake Park Planning Commission will hold a public hearing on Monday, January 22, 2024 at 7:00pm, or soon thereafter, to consider the following:

Property Owner: Center Drive Partners LLC  
Applicant: Brandon Prior  
Location: 8421 Center Drive NE Suite A  
Petition: The applicant is seeking a conditional use permit to operate a motorcycle repair facility in the I-1, Light Industrial District.

The public hearing will be held at Spring Lake Park City Hall, 1301 81<sup>st</sup> Avenue NE, Spring Lake Park, MN. Agenda materials will be available on the Friday prior to the meeting at [www.slpmn.org/meetings](http://www.slpmn.org/meetings). Interested individuals or organizations are encouraged to submit written comments prior to the hearing. All interested parties will be heard.

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Daniel R. Buchholtz  
Administrator, Clerk/Treasurer

Posted: January 12, 2024  
Published: January 12, 2024

SPRING LAKE PARK TREES LLC  
PIN: 01-30-24-11-0078  
145 PATENT RD W  
BEDFORD HILLS, NY 10507

SCHENDEL, BARBARA  
PIN: 01-30-24-11-0053  
8413 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

WELLS FARGO BANK NA  
PIN: 01-30-24-12-0030  
PO BOX 2609  
CARLSBAD, CA 92018

RISE INCORPORATED  
PIN: 01-30-24-11-0069  
8406 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

CENTER DRIVE HOLDINGS LLC  
PIN: 01-30-24-12-0060  
2550 UNIVERSITY AVE W STE 4...  
SAINT PAUL, MN 55114

QUARVE CONTRACTING INC  
PIN: 01-30-24-11-0089  
N8916 LAKESHORE DR  
HAYWARD, WI 54843

PORATH, DIANE KAY  
PIN: 01-30-24-12-0064  
555 43RD AVE NE  
COLUMBIA HEIGHTS, MN 55421

TINMEN LLC  
PIN: 01-30-24-11-0080  
22175 GULL LAKE DR  
NISSWA, MN 56468

WELLS FARGO BANK NA  
PIN: 01-30-24-12-0031  
PO BOX 2609  
CARLSBAD, CA 92018

RISE INC  
PIN: 01-30-24-11-0068  
8392 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

CENTER DRIVE HOLDINGS LLC  
PIN: 01-30-24-12-0082  
2550 UNIVERSITY AVE W STE 4...  
SAINT PAUL, MN 55114

QUARVE CONTRACTING INC  
PIN: 01-30-24-11-0088  
N8916 LAKESHORE DR  
HAYWARD, WI 54843

FRANCEN INVESTMENTS LLC  
PIN: 01-30-24-12-0075  
8329 CENTRAL AVE NE  
SPRING LAKE PARK, MN 55432

CENTER DRIVE HOLDINGS LLC  
PIN: 01-30-24-12-0065  
2550 UNIVERSITY AVE W STE 4...  
SAINT PAUL, MN 55114

SHAMSO, JAMA MIRE  
PIN: 01-30-24-11-0051  
8401 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

WELLS FARGO BANK NA  
PIN: 01-30-24-12-0046  
PO BOX 2609  
CARLSBAD, CA 92018

FRANCEN INVESTMENTS LLC  
PIN: 01-30-24-12-0073  
8329 CENTRAL AVE NE  
SPRING LAKE PARK, MN 55432

CENTER DRIVE HOLDINGS LLC  
PIN: 01-30-24-12-0081  
2550 UNIVERSITY AVE W STE 4...  
SAINT PAUL, MN 55114

EFC REAL ESTATE LLC  
PIN: 01-30-24-12-0011  
8455 CENTER DR NE  
SPRING LAKE PARK, MN 55432

CENTER DRIVE HOLDINGS LLC  
PIN: 01-30-24-12-0080  
2550 UNIVERSITY AVE W STE 4...  
SAINT PAUL, MN 55114

QUARVE CONTRACTING INC  
PIN: 01-30-24-12-0068  
N8916 LAKESHORE DR  
HAYWARD, WI 54843

FRLJ, ADISA  
PIN: 01-30-24-12-0078  
1477 105TH AVE NW  
COON RAPIDS, MN 55433

EAGLE BROOK CHURCH  
PIN: 01-30-24-11-0081  
7015 20TH AVE  
CENTERVILLE, MN 55038

QUARNSTROM RONDY & JEAN...  
PIN: 01-30-24-11-0074  
13452 LEXINGTON AVE NE  
HAM LAKE, MN 55304

WELLS FARGO BANK NA  
PIN: 01-30-24-12-0029  
PO BOX 2609  
CARLSBAD, CA 92018

RISE INC  
PIN: 01-30-24-11-0072  
8406 SUNSET RD NE  
SPRING LK PK, MN 55432

KOOM SAB LLC  
PIN: 01-30-24-12-0067  
554 JANESVILLE ST NE  
FRIDLEY, MN 55432

CLIFTON PROPERTIES LLC  
PIN: 01-30-24-12-0012  
8445 CENTER DR NE  
MINNEAPOLIS, MN 55432

RISE INC  
PIN: 01-30-24-11-0071  
8406 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

WELLS FARGO BANK NA  
PIN: 01-30-24-12-0045  
PO BOX 2609  
CARLSBAD, CA 92018

SPRING LAKE PARK TREES LLC  
PIN: 01-30-24-11-0079  
145 PATENT RD W  
BEDFORD HILLS, NY 10507

HALL, SCOTT R  
PIN: 01-30-24-11-0050  
8429 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

FREDERICKSON, SUSAN  
PIN: 01-30-24-11-0052  
8425 SUNSET RD NE  
SPRING LAKE PARK, MN 55432

CENTER DRIVE HOLDINGS LLC  
PIN: 01-30-24-11-0075  
2550 UNIVERSITY AVE W STE 4...  
SAINT PAUL, MN 55114

SPRING LAKE PARK TREES LLC  
PIN: 01-30-24-11-0090  
145 PATENT RD W  
BEDFORD HILLS, NY 10507

JACOBS, MICHAEL B  
PIN: 01-30-24-12-0013  
2840 113TH LN NW  
COON RAPIDS, MN 55433

JOCHUM CYRIL & JOANNE  
PIN: 01-30-24-11-0049  
25430 BLUFF SIDE RD  
DEERWOOD, MN 56444



# Memorandum

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**To:** Chair Hansen and Members of the Planning Commission

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

**Date:** January 9, 2024

**Subject:** Sacred Communities Ordinance

Beginning on January 1, 2024, cities must allow faith communities to site micro units on religious property to house chronically homeless individuals, extremely low-income individuals, and volunteers.

The micro-unit dwellings within these “sacred settlements” are intended to provide an additional means for faith communities to serve chronically homeless individuals, designated volunteers, and extremely low-income individuals in accordance with their religious vocations.

The proposed ordinance incorporates the Sacred Settlement law into the City’s zoning ordinance.

- Section 1 establishes a parking requirements of 1 parking space per volunteer unit for the sacred settlement. This is in addition to any parking requirements due to the religious use.
- Section 2 adds sacred communities as a conditional use in the R-1, R-2, R-3, C-1 and C-2 zoning districts.
- Section 3 establishes the performance standards for the sacred settlements. All of the performance standards are set forth under M.S. § 327.30, the Sacred Communities Law. The performance standards include the following:
  - Be no more than 400 gross square feet
  - Be built on a permanent chassis and anchored to pin foundations with engineered fasteners.
  - Have exterior material compatible in composition, appearance and durability to materials used in standard residential construction.
  - Meet minimum framing standards and insulation ratings for doors and windows and include a dry, compostable or plumbed toilet meeting MPCA rules.
  - Include smoke and carbon monoxide detectors and complex with municipal setback requirements.
  - Have access to water and electric utilities either by connecting the units to the principal building or by providing access to permanent common kitchen facilities and common facilities for toilet, bathing, and laundry consistent with boarding house requirements under Minnesota Rules, part 1305.2902.

The performance standards also establish minimum standards for the religious institution's operation of the settlement itself. These standards include:

- Appropriate level of insurance and have between one-third and 40% of the micro units occupied by designated volunteers.
- Adherence to all laws governing landlord and tenants under Minnesota Statutes Chapter 504B.
- A written plan provided to the city in which the settlement is approved by the religious institution's governing board that includes:
  - Plans for disposal of water and sewage if not plumbed and septic tank drainage if plumbed units are not connected to the primary worship location's system.
  - Adequate parking, lighting, and access to units by emergency vehicles.
  - Protocols for security and addressing conduct within the settlement as well as safety protocols for severe weather.
  - Requirement to obtain a conditional use.

The City is unable to add additional standards to the conditional use permit that are not included in the law. However, the creation of a sacred settlement cannot cause the site to go out of compliance with any provision of the City's zoning code nor can it cause a public nuisance as outlined in City Code.

Staff recommends the Planning Commission review the proposed sacred community ordinance and refer the ordinance to the City Council for final adoption.

If you have any questions, please do not hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK  
ORDINANCE 491**

**AN ORDINANCE TO AMEND CHAPTER 16 OF THE CITY CODE RELATING TO  
SACRED COMMUNITIES**

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

**SECTION 1:**            **AMENDMENT** “16.64.010 Appendix A: Schedule Of Off-Street Parking And Loading Requirements” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.64.010 Appendix A: Schedule Of Off-Street Parking And Loading Requirements

*A. Parking requirements.*

<b><i>Category</i></b>	<b><i>Use</i></b>	<b><i>Parking Requirements</i></b>
Commercial	Bank, business, or professional office	4 spaces per each 1,000 square feet of gross floor area
Commercial	Beauty or barber shop	2 spaces per chair plus 1 space per 3 employees
Commercial	Bowling alley	5 spaces per lane
Commercial	Car wash, machine	10 spaces per lane
Commercial	Day care center	1 (adult or child) space per employee plus 5 additional spaces per building
Commercial	Laundromat	1 space per each 2 washing machines
Commercial	Liquor store	4 spaces per each 1,000 square feet of gross floor area
Commercial	Medical or dental clinic	6 spaces per 1,000 square feet of gross floor area
Commercial	Mortuary	1 space per each 4 seats
Commercial	Motel	1 space per unit plus 1 space per employee
Commercial	Restaurant, drive-in	35 spaces per each 1,000 square feet of gross floor area

Commercial	Restaurant, carry-out	10 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, sit-down	15 spaces per each 1,000 square feet of gross floor area
Commercial	Retail store, department store	10 spaces per each 1,000 square feet of gross floor area
Commercial	Roller rink	5 spaces per each 1,000 square feet of gross floor area
Commercial	Service station	3 spaces per each service bay plus 1 per each employee on major shift
Commercial	Shopping center	5.5 spaces per each 1,000 square feet of gross floor area
Commercial	Supermarket	5 spaces per each 1,000 square feet of gross floor area
Educational, cultural, and institutional	<del>Church</del> <u>Places of worship</u> , theater, or auditorium, with permanent seats	1 space per each 3 seats or 5 feet of pew space
Educational, cultural, and institutional	<del>Church</del> <u>Places of worship</u> , theater, or auditorium, without permanent seats	1 space per 100 square feet gross floor area <u>E</u>
<u>Educational, cultural, and institutional</u>	<u>Sacred Communities, as regulated by SLPC 16.36.010</u>	<u>1 space per volunteer unit</u>
Educational, cultural, and institutional	Elementary school	2 spaces per classroom
Educational, cultural, and institutional	Hospital, nursing or convalescent home	1 space per each 4 beds plus 1 space per each 2 employees on the major shift
Educational, cultural, and institutional	Junior high school	2 spaces per classroom
Educational, cultural, and institutional	Senior high school	1.5 spaces per classroom plus 1 space per 5 students, based on design capacity
		Either 1 space per 1.5 plant employees, 1



Industrial	Related to personnel; or related to floor area	space per managerial employee, and 1 space per 10 managerial employees for visitors; or 1 space per 1,000 square feet of gross floor area used for warehousing and distribution, 2 spaces per 1,000 square feet of gross floor area used for manufacturing, and 2.5 spaces per 1,000 square feet of office floor area
Residential	Elderly housing	1 space per 2 units
Residential	Medium density dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Mobile home park	2 spaces per unit
Residential	Multiple-family dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Single-family residence	2 spaces per unit, 1 enclosed
Residential	Two-family residence	2 spaces per unit, 1 enclosed per unit

B. *Loading requirements.*

<i>Category</i>		<i>Loading Requirements by Structure Size</i>	
		<i>Size in Square Feet</i>	<i>Spaces</i>
Commercial	All	Less than 5,000	1
Commercial	All	5,000 to 10,000	2
Commercial	All	10,000 to 20,000	3
Commercial	All	20,000 to 40,000	4
Commercial	All	Each part of 50,000 over 40,000	1 additional
Educational, cultural, and institutional	<del>Church</del> <u>Places of worship</u> , theater, or auditorium	Under 100,000	1
Educational, cultural, and institutional	<del>Church</del> <u>Places of worship</u> , theater, or auditorium	Over 100,000	2
Educational, cultural, and			

institutional	Elementary school	-	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Under 10,000	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	10,000 to 50,000	2
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Each part of 50,000 over 50,000	1 additional
Educational, cultural, and institutional	Junior high school	-	1
Educational, cultural, and institutional	Senior high school	-	1
Industrial	All	Less than 10,000	1
Industrial	All	10,000 to 20,000	2
Industrial	All	20,000 to 40,000	3
Industrial	All	40,000 to 70,000	4
Industrial	All	70,000 to 110,000	5
Industrial	All	Each part of 50,000 over 110,000	1 additional
Residential	Elderly housing	-	1
Residential	Medium density dwelling	-	None
Residential	Mobile home park	-	None
Residential	Multiple-family dwelling	-	1
Residential	Single-family residence	-	None
Residential	Two-family residence	-	None

**SECTION 2: AMENDMENT** “16.64.040 Appendix D: Schedule Of Permitted Uses By District” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.64.040 Appendix D: Schedule Of Permitted Uses By District

A. *Residential districts.* The following uses are allowed in the various residential districts either as permitted, accessory, conditional, or interim uses.

<i>Use</i>	<i>Details</i>	<i>District</i>		
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Boarding or rental of rooms	Note: family members, as defined in this title, may enter into rental agreements	C	C	C
Cemetery		C	C	C
<del>Churches, chapels, temples</del> Places of worship	<u>Includes sacred communities as regulated by SLPC 16.36.010</u>	C	C	C
Dwellings	Cluster developments	-	-	C
Dwellings	Medium density dwellings	-	P	P
Dwellings	Mobile homes	-	-	C
Dwellings	Multiple-family dwellings over six units per building	-		C
Dwellings	Single-family detached dwellings	P	P	P
Dwellings	Two-family dwellings	C	P	P
Essential public service and utility structures or uses		P	P	P
Fallout shelter		A	A	A
Family daycare	Within the residence of the daycare provider	P	P	P
Living quarters of persons employed on the premises		-	-	A
Off-street parking lots or				

garages				A
Parks and recreation	Private owned or operated areas	C	C	C
Parks and recreation	Private recreation facilities for the enjoyment of residents and guests only	A	A	A
Parks and recreation	Public owned or operated areas	P	P	P
Private garage		C	C	C
Professional offices and studios		C	C	C
Schools	Day schools or nurseries	C	C	C
Schools	Public or private	C	C	C
Small wireless facility in right-of-way, as regulated in SLPC 12.48		C	P	P
Swimming pool		A	A	A
Tool house, shed, and similar storage		A	A	A
Uses customarily incident to the permitted, conditional or interim uses allowed in the district		A	A	A
Other public or semi- public facilities		C	C	C
Key: A = accessory uses; P = permitted uses; C = conditional uses; I = interim uses				

B. Commercial districts.

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Accessory uses customarily incident to the permitted, conditional or interim uses allowed in the district	A	A	A
Adult daycare facilities	C	C	C
Assembly uses, including auditoriums, religious places of			

worship and philanthropic uses	C	C	-
Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing and SLPC 16.36.010 Paragraph A)	-	I	-
Auto and marine; service, parts, and repair, excluding wash	C	C	-
Boarding and lodging houses	C	-	-
Boarding school	C	-	-
Brewer taprooms and cocktail rooms	P	P	-
Bus stations or terminal	P	P	P
Business, commercial, or trade schools	P	P	P
Clinics, medical offices	P	P	P
Commercial recreation such as bowling alleys, billiard halls, miniature golf, and the like	C	C	-
Convalescent, assisted living and nursing homes	-	-	C
Child daycare facilities (see SLPC 16.36.010 Paragraph D)	C	C	C
Drive-in restaurants, or similar uses providing goods and services to patrons in autos	C	C	-
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Equipment rental	-	P	-
Financial institutions	P	P	C
Greenhouses, nurseries	-	P	-
Hospitals	-	C	-
Laboratories; medical, dental	P	P	P
Medical equipment rental	-	P	C
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold	P	P	C

Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in SLPC 16.40.010	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices (as above); with merchandising services	C	P	C
Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 Paragraph G (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing	C	C	-
Personal services and repair establishments such as barber and beauty shops, shoe repair, and the like	P	P	P
Pet and animal shops, clinics, taxidermists	P	P	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Restaurants, night clubs, and the like	P	P	-
Retail shops and stores (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	C
<u>Sacred communities, as regulated by SLPC 16.36.010</u>	<u>C</u>	<u>C</u>	
Schools and studios: artistic, music, photo, decorating, dancing, health, and the like	C	C	-
Sexually oriented businesses as defined in SLPC 11.48 and regulated in SLPC 16.36.010 Paragraph H	C	-	-
Signs as regulated by SLPC 16	A	A	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P	P	P
Theaters (indoor only)	P	P	-
Vending machines for ice, milk, and the like	P	P	-
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses			

C. *Light industrial district.* Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56.030 Paragraph E, relating to conditional uses. Interim uses in this paragraph shall be governed by criteria enumerated in SLPC 16.58, relating to interim uses.

<i>Uses in I-1</i>	<i>Category</i>
Automobile repair	C
Automobile sales	I
Bottling establishments	C
Brewing taprooms and cocktail rooms	P
Building material sales and storage	P
Camera and photographic supplies manufacturing	P
Cartage, express, freight terminals	C
Cartography and book binding	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Governmental and public utility buildings and structures	P
Jewelry manufacture	P
Light manufacturing	P
Medical, dental, and optical laboratories	P
Off-street parking and loading as regulated by SLPC 16.40.010	A
Offices, office buildings	P
Printing, publishing	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district	C
Signs as regulated by this title	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P
Storage, warehousing, or wholesaling business	P
Any manufacturing, production, processing, cleaning, storage,	



servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	C
All uses customarily incident to the permitted (P), conditional (C) or interim (I) uses above	A
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses	

**SECTION 3: AMENDMENT “16.36.010 Specific Development Standards”** of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.36.010 Specific Development Standards

The purpose of this section is to establish specific development standards to provide supplemental regulations to address the unique characteristics of specific uses.

*A. 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.

*B. Auto and marine; service and repair.*

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
4. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.
6. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

*C. Car wash.*

1. Water from the car wash shall not drain across any sidewalk or into any public right-of-way.
2. Vacuum facilities shall be located in an enclosed structure or located at least 50 feet from any residential property line to avoid noise impacts.
3. The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

*D. Child daycare center.*

1. The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
2. The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.
3. At least 50 square feet of outside play area shall be provided for each child under care. .
4. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area

shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

5. The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

*E. Drive-in restaurants.*

1. The site shall accommodate vehicle stacking in accordance with the provisions of this title.
2. Any speaker system shall not be audible from any residentially zoned property or any residential use.

*F. Home occupations.*

1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.
3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
6. Home occupations shall not include employment of persons not residing on the premises.
7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

*G. Pawnshop.*

1. The use shall be located at least 3,000 feet from all existing pawnshops, currency exchanges, consignment/secondhand stores and precious metal dealerships.
2. The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into and out of the building at eye level.
3. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
4. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
5. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

H. *Sexually-oriented businesses.*

1. Conditions outlined in SLPC 11.44.040, Conditional Use Permit Required; Conditions, in SLPC 11.44, Sexually Oriented Businesses, as may be amended from time to time, are adopted by reference.
2. The use shall be located at least 1,000 feet from any other adult entertainment use.
3. Activities classified as obscene as defined by M.S. § 617.241, or successor statute, are prohibited.
4. No more than one adult entertainment use shall be located on the property.
5. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not contain material classified as advertising.

I. *Boarding school.*

1. Dormitory must be supervised by adult staff members whenever students are present.
2. Dormitory must have sufficient personal space for students to sleep in and store their belongings, with suitable furniture of sufficient size for the number of students, as well as appropriate separation between gender and age groups.
3. In addition to sleeping rooms, dormitory must include provision of support spaces (e.g. living room, activity room, study rooms, storage, laundry, kitchen/dining area, bathrooms, etc.).
4. Dormitory must have bathroom and washing facilities that ensure maximum privacy of students, as well as personal hygiene. Bathrooms, showers and toilets must be designed in such a way that staff is able to open them from the outside in case of an emergency.
5. Dormitory must provide a space for health care, such as sick rooms/bays with an appropriate first aid kit.

J. *Liquor establishments; ~~churches~~places of worship, schools.*

1. No on-sale or off-sale liquor establishment shall be located within 500 feet of a school or ~~church~~place of worship, consistent with SLPC 11.08.010 Paragraph Q, as amended from time to time.
2. No ~~place of worship~~~~church~~ or school shall be located within 500 feet of an on-sale or off-sale liquor establishment licensed by the city. A ~~church~~place of worship or school located within 500 feet of an on-sale or off-sale liquor establishment prior to the effective date of this section shall be considered a legal, non-conforming use.

K. *Bulk deicer storage facilities.*

1. *Applicability.* The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials.
2. *General Requirements.*
  - a. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.

- b. All salt, sand and other deicing materials stored outdoors must be covered at all times.
  - (1) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
  - (2) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.
  - (3) Facility siting.
    - (A) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
    - (B) Each facility must be located outside of floodplains and 100 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
    - (C) A facility must be located on impermeable surfaces.
    - (D) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures as identified by the City Engineer shall be instituted to protect vulnerable areas.
  - (4) *Transfer of materials.* Practices must be implemented in order to reduce exposure (e.g. sweeping, diversions, and/or containment) when transferring salt or other deicing materials.
  - (5) *Snow piles.* Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

L. Sacred communities.

- 1. Definitions. All definitions under M.S. § 327.30, subd. 1, as amended from time to time, are hereby adopted by reference.
- 2. General Requirements.
  - a. All Sacred Communities must have a Conditional Use Permit prior to commencement of use.
  - b. All Sacred Communities must comply with all requirements of M.S. § 327.30, as amended from time to time, and such requirements are

- hereby adopted by reference.
- c. Appropriate insurance coverage for the religious institution and all proposed uses must be obtained and proof provided to the City prior to the commencement of the use.
  - d. Between one-third (1/3) and forty percent (40%) of the micro units must be occupied by volunteers.
  - e. All units must be connected to electric service.
  - f. All units must be less than four hundred (400) square feet and be built on a permanent chassis and anchored to pin foundations with engineered fasteners.
  - g. Prior to commencement of use, all Sacred Communities must provide the City with a written and sufficiently detailed plan, approved by the religious institution's governing board , that outlines the following:
    - (1) disposal of water and sewage from micro units if not plumbed;
    - (2) adequate parking, lighting, and access to units by emergency vehicles;
    - (3) protocols for security and address conduct within the settlement; and
    - (4) safety protocols for severe weather.
  - h. Units must be built in accordance with the American National Standards Institute (ANSI) Code 119.5, as amended from time to time, which includes standards for heating, electrical systems, and fire and life safety.
  - i. Compliance with all setback requirements consistent with manufactured homes per SLPC 16.64.050 and SLPC 15.08 and must be placed in the least conspicuous feasible location as determined by the Zoning Administrator, including not being placed in easements, sight triangles or in parking spaces otherwise required for the site.
  - j. Must be placed on the primary site of the religious institution's worship location or on property directly contiguous to the primary site.
  - k. A Sacred Community must provide an annual certification that residents of the micro units meet the eligiblity requirements as designated volunteers, chronically homeless individuals, or individual with extremely low income and at the occupancy levels required by state law and City Code.
  - l. No Sacred Community occupant, unit or site may create a public nuisance of any type as outlined in City Code.
  - m. All units must either be connected to City services and provide the following services in-unit; or have twenty four (24) hour access to shared facilities connected to City services: kitchens, laundry, toilet, and bathing facilities. Shared facilities must be within 100 feet door to

door of all units. The required number of these facilities shall be regulated by M.R., part 1305.2902, as amended from time to time. No individual unit or shared facility may be connected to a septic system or holding tank.

- n. Placement of Sacred Communities must not cause the site to become noncompliant with any City Code.
- o. All access paths to units, entrances to units and common facilities must be well lit at all times.
- p. All units must be clad in a material which is compliant with the City's residential exterior material codes.
- q. One (1) parking space per volunteer unit shall be provided on site and may not make the remainder of the site non-compliant with parking requirements of this Code.
- r. Applicants and permit holders shall make all units and facilities within a Sacred Community available and accessible to the City at all reasonable times for inspection to ensure compliance with the terms of this Section. A permit may be denied, suspended or revoked by the City Council due to non-compliance with this Section. In the event of non-compliance, the City shall notify the permit holder of the violation and provide reasonable opportunity to cure. If the violation is not promptly addressed, the matter shall be presented to the City Council for potential action on the permit and the permit holder shall be notified. The permit holder shall have an opportunity to present any relevant evidence at a hearing before the City Council, prior to any action being taken on the permit by the City Council. The Building Official shall also have authority to temporarily and immediately suspend a permit to address an emergency situation. In such event, the action of the Building Official on the permit shall be promptly reviewed by the City Council.

**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

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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



# Memorandum

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**To:** Chair Hansen and Members of the Planning Commission

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

**Date:** January 9, 2024

**Subject:** Review of Use Table

The City Council has requested the Planning Commission review the use table for the City's commercial districts in an effort to enhance the City's economic and social vitality. The City Council wants to ensure that the Zoning Code meets the City's land use goals, particularly to "provide for a mix of commercial uses that provide goods and services to residents and that benefit from the City's proximity to major highways and roads."

Staff proposes the following steps to complete this work:

- *Assessment of the Current Zoning Code.* Review the current commercial land use table (included with the packet) to familiarize yourselves with the currently permitted and conditional uses in the C-1, C-2 and C-3 zoning districts.
- *Community engagement.* Engage with the community to gather input on the types of businesses they wish to see in our commercial districts.
- *Research.* Review commercial land use tables from other communities similar to Spring Lake Park. Staff will pull this information together for a future meeting.
- *Draft a set of recommendations for the City Council.* Based on the research and discussions by the Commission, provide a draft ordinance for review by the City Council.

If the Commission has any additional steps it would like to take in the project, please let staff know.

If you have any questions, please do not hesitate to contact me at 763-784-6491.

**16.64.040 Appendix D: Schedule Of Permitted Uses By District**

A. *Residential districts.* The following uses are allowed in the various residential districts either as permitted, accessory, conditional, or interim uses.

Use	Details	District		
		R-1	R-2	R-3
Boarding or rental of rooms	Note: family members, as defined in this title, may enter into rental agreements	C	C	C
Cemetery		C	C	C
Churches, chapels, temples		C	C	C
Dwellings	Cluster developments	-	-	C
Dwellings	Medium density dwellings	-	P	P
Dwellings	Mobile homes	-	-	C
Dwellings	Multiple-family dwellings over six units per building	-		C
Dwellings	Single-family detached dwellings	P	P	P
Dwellings	Two-family dwellings	C	P	P
Essential public service and utility structures or uses		P	P	P
Fallout shelter		A	A	A
Family daycare	Within the residence of the daycare provider	P	P	P
Living quarters of persons employed on the premises		-	-	A
Off-street parking lots or garages				A
Parks and recreation	Private owned or operated areas	C	C	C
Parks and recreation	Private recreation facilities for the enjoyment of	A	A	A

	residents and guests only			
Parks and recreation	Public owned or operated areas	P	P	P
Private garage		C	C	C
Professional offices and studios		C	C	C
Schools	Day schools or nurseries	C	C	C
Schools	Public or private	C	C	C
Small wireless facility in right-of-way, as regulated in SLPC 12.48		C	P	P
Swimming pool		A	A	A
Tool house, shed, and similar storage		A	A	A
Uses customarily incident to the permitted, conditional or interim uses allowed in the district		A	A	A
Other public or semi-public facilities		C	C	C
Key: A = accessory uses; P = permitted uses; C = conditional uses; I = interim uses				

B. Commercial districts.

<b>Use</b>	<b>District</b>		
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Accessory uses customarily incident to the permitted, conditional or interim uses allowed in the district	A	A	A
Adult daycare facilities	C	C	C
Assembly uses, including auditoriums, religious and philanthropic uses	C	C	-
Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing and SLPC 16.36.010 Paragraph A)	-	I	-
Auto and marine; service, parts, and repair, excluding wash	C	C	-

Boarding and lodging houses	C	-	-
Boarding school	C	-	-
Brewer taprooms and cocktail rooms	P	P	-
Bus stations or terminal	P	P	P
Business, commercial, or trade schools	P	P	P
Clinics, medical offices	P	P	P
Commercial recreation such as bowling alleys, billiard halls, miniature golf, and the like	C	C	-
Convalescent, assisted living and nursing homes	-	-	C
Child daycare facilities (see SLPC 16.36.010 Paragraph D)	C	C	C
Drive-in restaurants, or similar uses providing goods and services to patrons in autos	C	C	-
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Equipment rental	-	P	-
Financial institutions	P	P	C
Greenhouses, nurseries	-	P	-
Hospitals	-	C	-
Laboratories; medical, dental	P	P	P
Medical equipment rental	-	P	C
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold	P	P	C
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in SLPC 16.40.010	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices (as above); with merchandising services	C	P	C

Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 Paragraph G (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing	C	C	-
Personal services and repair establishments such as barber and beauty shops, shoe repair, and the like	P	P	P
Pet and animal shops, clinics, taxidermists	P	P	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Restaurants, night clubs, and the like	P	P	-
Retail shops and stores (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	C
Schools and studios: artistic, music, photo, decorating, dancing, health, and the like	C	C	-
Sexually oriented businesses as defined in SLPC 11.48 and regulated in SLPC 16.36.010 Paragraph H	C	-	-
Signs as regulated by SLPC 16	A	A	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P	P	P
Theaters (indoor only)	P	P	-
Vending machines for ice, milk, and the like	P	P	-
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses			

- C. *Light industrial district.* Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56.030 Paragraph E, relating to conditional uses. Interim uses in this paragraph shall be governed by criteria enumerated in SLPC 16.58, relating to interim uses.

<b>Uses in I-1</b>	<b>Category</b>
Automobile repair	C
Automobile sales	I
Bottling establishments	C
Brewing taprooms and cocktail rooms	P
Building material sales and storage	P

Camera and photographic supplies manufacturing	P
Cartage, express, freight terminals	C
Cartography and book binding	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Governmental and public utility buildings and structures	P
Jewelry manufacture	P
Light manufacturing	P
Medical, dental, and optical laboratories	P
Off-street parking and loading as regulated by SLPC 16.40.010	A
Offices, office buildings	P
Printing, publishing	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district	C
Signs as regulated by this title	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P
Storage, warehousing, or wholesaling business	P
Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	C
All uses customarily incident to the permitted (P), conditional (C) or interim (I) uses above	A
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses	

HISTORY

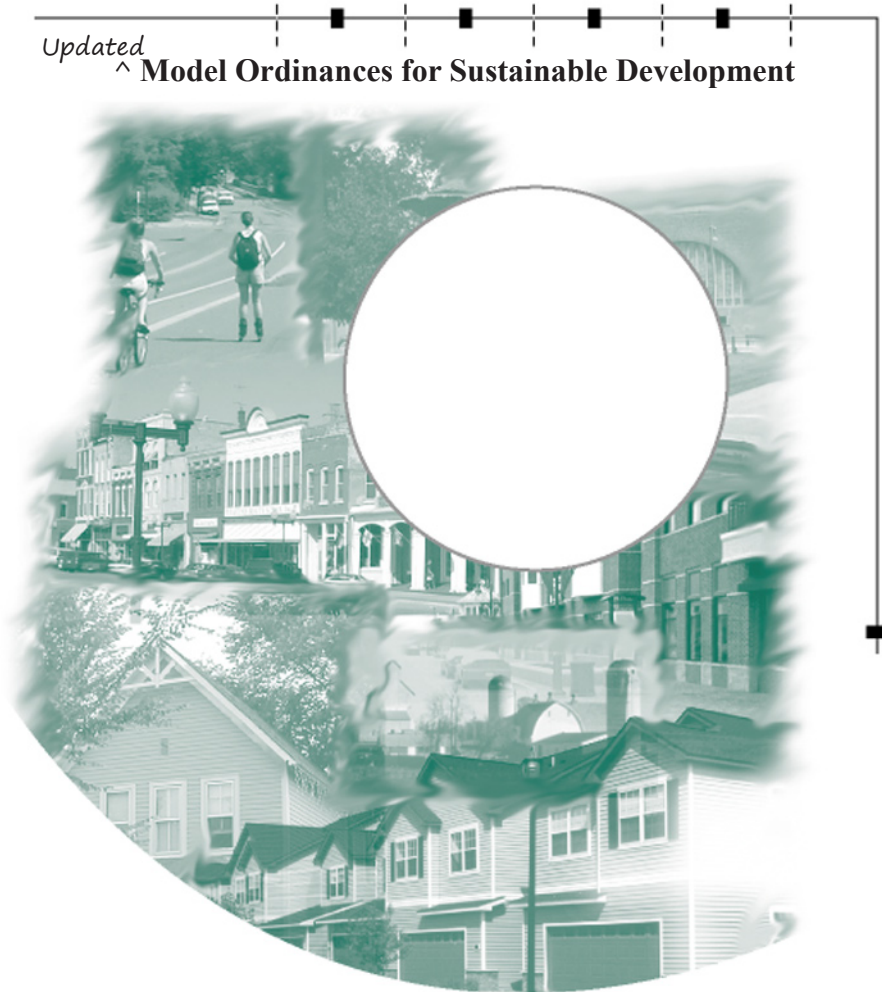
Amended by Ord. [477](#) on 11/1/2021

Amended by Ord. [482](#) on 7/5/2022





# From Policy to Reality



Primary Author:



CUNINGHAM  
G R O U P

| Suzanne Rhees

Project Coordinator:

**C R** Planning, Inc.  
Community  
Resources

## INTRODUCTION

In most communities, highway-oriented commercial development is a common land use pattern. While convenient, its appearance and orientation towards automobile traffic and parking often lacks visual appeal and discourages pedestrian or bicycle movement. Yet highway corridors of this type are often the gateways into – and the places that visitors get their first impressions of – communities. Can this development pattern be made more attractive and walkable? This ordinance draws on recent examples of design standards for “big box” and other highway commercial development to try to achieve this goal.

- I. **Purposes** - The Highway Commercial District is intended for use in locations along Model Community’s primary commercial corridors where automobile-oriented businesses are already present or are planned. Allowed businesses include those that typically benefit from access and visibility from major highway corridors. Businesses that involve outdoor display, storage and/or sales, motor vehicle repair and other intensive or outdoor uses are allowed with appropriate screening. The HC District regulations specifically implement the following goals from the Comprehensive Plan:
  - A. **Goal** – Create more walkable and attractive commercial corridors by scaling streets, blocks and buildings to the needs of pedestrians.
  - B. **Goal** – Encourage buildings with a human scale, which evoke traditional buildings without imitating them, and to create a pedestrian-friendly internal site layout and streetscape.
  - C. **Goal** – Encourage transit use by locating commercial uses so that they are directly visible and accessible from an existing or planned transit route.
  - D. **Goal** – Preserve the functionality of major thoroughfares by controlling access to such streets and incorporating shared internal circulation.
  - E. **Goal** – Minimize the potential for increased traffic congestion, noise, glare, and other negative impacts that may result from commercial development.
  - F. **Goal** – For [Corridor or Highway X], project the image and character of an attractive and distinctive gateway into Model Community.

**II. Use Regulations**

A. **Table of Uses** - The following table indicates allowed land uses with the following abbreviations: P for Permitted Use, C for Conditional Use, N for Not Permitted.

*Because of the primarily commercial nature of the HC district, residential uses are conditional (some residential uses may already exist in the district or be appropriate on large sites where they can be buffered from traffic).*

	<b>DMU</b>
<b>Residential Uses</b>	
Single-family dwelling	C
Two-family dwelling	C
Townhouse, rowhouse	C
Dwelling unit located at ground floor	N
Dwelling unit located above ground floor	C
Secondary dwelling	C
Community residential facility	C
Live-work space	C
<b>Civic and Semi-Public Uses</b>	
Libraries, museums, community centers	C
Colleges and universities, commercial schools and professional training facilities	C
Religious assemblies	C
Schools, public and private	C
Day care centers	C
Parks and recreation facilities	P
Hospitals, clinics, nursing homes	C
Transit stations and related parking facilities	P
<b>Commercial Uses</b>	
Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments	P
Services such as beauty shops, barbershops, and dry-cleaning establishments.	P

	DMU
Professional business and general offices such as banks, offices, clinics, medical, dental and doctor's offices, government and public utility office buildings, post offices, opticians' offices and similar uses.	P
Hotels, motels, inns, bed and breakfasts	P
Convention centers and halls, conference centers, exhibition halls	N
Theaters, indoor entertainment facilities, fitness centers, health clubs	P
Sports facilities, arenas, stadium	C
Structured parking facilities	P
Restaurants including open air or sidewalk cafes	P
Food and beverage sales	P
Taverns, lodges or private clubs	P
Art and craft galleries and studios	P
Farmers' markets	P
Mixed-use developments or multi-use developments	P
Drive-through facilities in conjunction with a permitted use	P
Office-showrooms and office-warehouses	C
Agricultural implement sales and service	P
Lumberyards and construction material sales	P
Garden and landscaping sales and service	P
Automotive service stations, including convenience stores with fuel sales	P
Motor vehicle sales and service	P
Recreational vehicles and equipment sales and service	P
Outdoor sales and storage in conjunction with a permitted use	P

*Auto-oriented uses are permitted with standards for their siting, screening of outdoor sales and storage, and design of drive-through facilities.*

### III. Dimensional Standards

	Min. Lot Area, sq. ft.	Min. Lot Width, feet	Min. Front Yard, feet	Min. Side Yard, feet	Min. Rear Yard, feet
Commercial or Mixed-Use Building	20,000	66	20 from right-of-way	10, corner 20	20
Townhouse, Rowhouse, Live-Work Building	2,000/unit	25/unit	20	8 (end unit)	20
Multifamily Building	1,000/unit	60	20	10	20
Other Building Type	To be determined through Conditional Use process				

### IV. Density and Height Standards

Minimum FAR	0.3 [1]
Minimum Height	1.5 stories
Maximum Height	4 stories/50 feet
Maximum Building Footprint	75,000 square feet [2]

[1] Public gathering spaces, landscaped areas, public art, and outdoor seating areas may be counted toward building square footage in calculating the FAR.

[2] Larger building footprints may be allowed through the approval of a conditional use.

### V. Design Standards

- A. **Intent of this Section** - The intent of this section is to encourage buildings with a human scale, which evoke traditional buildings without imitating them, and to create a pedestrian-friendly internal site layout and streetscape.

*The maximum building footprint limit is intended to ensure that buildings with the largest floorplates receive an additional level of public review through the conditional use process.*

*The building façade standards in this section are rapidly becoming common practice in the design of contemporary shopping centers. The internal circulation guidelines are also being used in more locations to create more pedestrian-friendly (while still auto-oriented) environments. Not all standards will be appropriate in all locations.*

- B. **Building Placement** - In order to encourage pedestrian circulation and shared parking among uses:
1. Distances between principal buildings, or between the most distant entrances of a single building, should not exceed 300 feet. This standard can be achieved through the arrangement of free-standing buildings in compact groups, the design of single buildings in an “L” or “I” shape, or similar strategies.
  2. Building entrances should be located as close to abutting streets as possible, and no further than 85 feet from the street right-of-way. This standard may be achieved through the creation of one or more public or private internal streets within a large site.
- C. **Architectural Style** - No single architectural style or styles are required. The contemporary adaptation of elements of historic commercial architectural styles found in Downtown Model Community, including [Italianate, Neoclassical and Early Twentieth Century Commercial], is encouraged. If a particular style is used, it should be used consistently. The combination of elements of a variety of styles in one building is discouraged.
- D. **Building Width and Façade Articulation** - Buildings of more than 40 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective.
1. **Façade Modulation** - Stepping back or extending forward a portion of the façade
  2. Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
  3. Division into storefronts, with separate display windows and entrances
  4. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
  5. Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
  6. Providing a lighting fixture, trellis, tree, or other landscape feature with each interval
- E. **Scale, Proportion and Placement** - In general building elements such as windows, doors, arcades, towers, etc. should be arranged symmetrically across the façade, in a regular and logical manner. Window and door openings should be proportional to façade length and height. Large elements (i.e. clock tower) may be appropriate, but there should be an emphasis on maintaining a human scale at the ground level.



- F. **Building Height and Roof Design** - In order to improve the appearance of uninterrupted facades:
  - 1. Buildings over 100 feet in length shall be at least 1-1/2 stories in height for at least 30% of their length.
  - 2. Roofs shall be designed with one or more of the following:
    - a. Sloping roofs with a minimum roof pitch of at least 1 foot of rise to 4 feet of run.
    - b. Flat roofs with a decorative parapet concealing rooftop equipment. Average parapet height shall not exceed 15 percent of the height of the supporting wall and maximum parapet height at any point shall not exceed one-third the height of the supporting wall.
    - c. Overhanging eaves, extending no less than 18 inches past the surrounding walls.
  
- G. **Ground-Floor Windows** - In order to allow views into and out of buildings, to enliven the streetscape, increase a sense of security and allow opportunities for display of merchandise:
  - 1. The primary street level façade of large retail or office establishments (over 25,000 square feet) that faces a public street or walkway shall be transparent between the height of 3 and 8 feet above sidewalk grade for at least 40 percent of the horizontal length of the building façade.
  - 2. The primary street level façade of smaller retail or office establishments (25,000 square feet or less) shall be transparent for at least 50 percent of the horizontal length of the building façade, between the height of 3 and 8 feet above sidewalk grade, at minimum.
  
- H. **Entries** - In order to ensure that entries contribute to the visual attractiveness of the building and are readily visible to the customer, entries to principal buildings shall feature at least two of the following features:
  - 1. Canopy, portico, overhang, arcade or arch above the entrance
  - 2. Recesses or projections in the building façade surrounding the entrance
  - 3. Peaked roof or raised parapet over the door
  - 4. Display windows surrounding the entrance
  - 5. Architectural detailing such as tile work or ornamental moldings
  - 6. Permanent planters or window boxes for landscaping
  - 7. Primary building entrances shall face the primary abutting public street, not a side or rear parking area.
  
- I. **Number of Entrances** - In order to reduce walking distance from parking areas, adjoining streets and adjacent buildings, and to avoid the appearance of unbroken walls:

1. A retail building accessible by more than one public street shall provide customer entrances on at least two of the street frontages. The entrance facing the secondary street shall be clearly distinguished using the methods listed above under “Entries”.
  2. Each additional retail store within a principal building shall provide at least one exterior customer entrance clearly distinguished using the methods listed above.
- J. **Building Materials** - In order to ensure that high-quality, authentic materials that evoke traditional downtown settings are used in new commercial development, buildings shall be constructed of high-quality materials such as brick, stone or textured, cast stone or tinted masonry units.
1. The following materials are prohibited:
    - Unadorned plain or painted concrete block
    - Tilt-up concrete panels
    - Pre-fabricated steel or sheet metal panels
    - Reflective glass
    - Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
    - Wood siding
  2. Accent materials may be used on up to 15% of the building’s façade. These may include metal, glass block, spandrel glass or similar materials as approved by the Planning Commission.
- K. **Side and Rear Treatments** - In order to ensure continuity of materials and façade treatments on all visible facades, all building facades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.
- L. **Building Colors** - In order to ensure that building colors are aesthetically pleasing and compatible with surrounding buildings, building colors shall consist of subtle, neutral or muted colors, with low reflectance. Recommended colors include browns, grays, tans , beiges, and dark or muted greens, blues and reds. No more than two principal colors may be used on a façade. Bright, white or primary colors should be used only as accents, occupying a maximum of 10 percent of building facades.
- M. **Parking** - In order to improve the appearance and convenience of parking lot circulation for vehicles and pedestrians, parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and reduce the overall scale of the paved surface.
1. No more than 50 percent of the off-street parking area for the entire site shall be located between the front façade of the principal building and the primary abutting street.

2. Alternatively, one or more internal accessways that are similar to streets may be used to divide the site into parking areas no greater than 55,000 square feet.
    - a. Internal accessways must have at least one auto travel lane, curbs, and sidewalks on both sides at least six (6) feet wide. Accessways must be landscaped along their entire length with trees, shrubs and planting beds.
    - b. On-street parking (angled or parallel) must be provided along both sides of the accessway, except within 75 feet of street intersections. Curb extensions that are at least the full depth of the parking stall shall be provided at all internal and external street intersections, as shown.
- N. **Parking Lot Landscaping** - In order to soften and improve the appearance of parking lots when viewed from an abutting street or sidewalk, all parking and loading areas (including drive-through facilities, pump island service areas and stacking spaces) fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
1. A landscaped yard at least 5 feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required yard shall be increased to 8 feet in width.
  2. Screening consisting of either a masonry wall, fence, berm or hedge or combination that forms a screen a minimum of 3 feet in height, a maximum of 4-1/2 feet in height, and not less than 50 percent opaque.
  3. One tree shall be provided for each 25 linear feet of parking lot frontage on a public street or accessway (see Figure 19).
- O. **Interior Parking Lot Landscaping** - The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
1. In parking lots containing more than 100 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 12 spaces or fraction thereof, containing one deciduous shade tree. The remainder shall be covered with turf grass, native grasses, perennial flowering plants, vines or shrubs.
- P. **Placement and Screening of Service, Loading and Storage Areas**
1. Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall or screen of plant material at least 6 feet in height, or a planting screen shall be provided parallel to the property line, street or walkway.
  2. Loading docks, truck parking, HVAC equipment, trash collection and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets. Areas for the outdoor storage and sale of merchandise,

where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.

- Q. **Lighting** - Exterior lighting shall be the minimum necessary for safety and security. Lighting shall be designed to coordinate with building architecture and landscaping. Building-mounted fixtures shall be compatible with the building facades. Overall lighting levels should be consistent with the character and intensity of the surrounding area. All light fixtures shall be shielded or other directed to ensure that light is not directed onto adjacent properties.
- R. **Pedestrian and Bicycle Access** - Sidewalks may be required along some or all public streets that abut the proposed development in order to provide pedestrian connections from all adjacent neighborhoods and activity centers.
1. A well-defined pedestrian path shall be provided from the sidewalk to each principal customer entrance of a building. Walkways shall be located so that the distance between street and entrance is minimized. Walkways shall be at least 5 feet in width, and shall be distinguished through pavement material from the surrounding parking lot. Walkways shall be landscaped for at least 50 percent of their length with trees, shrubs, and planting beds.
  2. Sidewalks of at least 8 feet in width shall be provided along all front building facades that abut public parking areas.
  3. Walkways and sidewalks should be defined by design features such as towers, arcades, porticoes, pedestrian-scale light fixtures, planters, and other architectural elements.
  4. Bicycle parking shall be provided in a convenient and visible location no farther from the principal entrance than the closest automobile parking space, at a ratio of 1 space per 25 automobile parking spaces. Bicycle parking shall consist of a bike rack designed so that the bicycle frame can be locked to the rack, subject to the review of the City Engineer.
- S. **Community Amenities** - Each retail development of over 75,000 square feet in floor area shall provide a patio or outdoor seating area, which may also provide outdoor cafes or dining areas, with the stipulation that at least 50 percent of the area shall be reserved for public use. The outdoor area shall include seating and a water feature, clock tower or other central focal point.

# From Policy to Reality

Updated  
^ Model Ordinances for Sustainable Development



2000  
Environmental  
Quality Board  
  
2008  
Minnesota Pollution  
Control Agency

Primary Author:



CUNINGHAM  
G R O U P

| Suzanne Rhees

Project Coordinator:

**C R** Planning, Inc.  
Community  
Resources

## INTRODUCTION

This ordinance would be appropriate for a community with a small center, typically unincorporated; sometimes called a townsite, village or hamlet. Many such centers have grown up around a church, school, manufacturing enterprise or crossroads tavern, usually surrounded by a cluster of predominantly single-family homes on small lots. Many county zoning ordinances recognize the existence of several such communities through a Village or Rural Townsite district. The ordinance could also be tailored to meet the needs of a small downtown or commercial node within an incorporated city. Most centers of this type lack central utilities, but some have community systems for water or wastewater service. Therefore, this ordinance includes dimensional standards for uses with or without central utilities.

- I. **Purposes** - The Village Mixed Use District is designed to recognize and enhance the vitality of Model Community’s village center by allowing and encouraging retail, service, residential and civic uses that are compatible with the scale and character of the village center. The VMU District regulations specifically implement the following goals from the Comprehensive Plan:
  - A. **Goal** – Maintain and enhance Model Community’s village center as an activity center and community gathering place.
  - B. **Goal** – Encourage the concentration of convenience retail and services and employment opportunities in the village center.
  - C. **Goal** – Encourage the development of compatible new housing in the village center as opposed to scattered site development in agricultural protection areas.
  - D. **Goal** – Encourage provision of community wastewater treatment and water services to serve the village center and allow it to expand.



*The nature and intensity of agricultural uses allowed in a village center will depend on local context and preferences. Typically, feedlot operations would be restricted.*





**II. Use Regulations** - The following table indicates allowed land uses with the following abbreviations: P for Permitted Use, C for Conditional Use, N for Not Permitted.

	VMU
<b>Agricultural Uses</b>	
Agricultural operations, not including animal agriculture	P
Expansion of existing animal agricultural operations	C
Seasonal farm stand	P
<b>Residential Uses</b>	
Single-family dwelling	P
Two-family dwelling	C
Townhouse, rowhouse	C
Dwelling unit located at ground floor	C
Dwelling unit located above ground floor	P
Secondary dwelling	C
Community residential facility	P
Live-work space	P
<b>Civic and Semi-Public Uses</b>	
Libraries, museums, community centers	P
Religious assemblies	P
Schools, public and private	P
Day care centers	P
Parks and recreation facilities	P
Clinics, nursing homes	C
Bed and breakfast	C
<b>Commercial Uses</b>	
Retail sales and service establishments	C
Services such as beauty shops, barbershops, and dry-cleaning establishments.	P



	VMU
Professional business and general offices such as banks, offices, clinics, medical, dental and doctor’s offices, government and public utility office buildings, post offices, opticians’ offices and similar uses.	P
Restaurants including open air or sidewalk cafes	P
Food and beverage sales	P
Taverns, lodges or private clubs	P
Art and craft galleries and studios	P
Farmers’ markets	P
Agriculturally-oriented business	P
Mixed-use developments or multi-use developments containing more than one permitted use	C
Drive-through facilities in conjunction with a permitted use	C
Automotive service stations, including convenience stores with fuel sales	C
Automobile sales and service	C
Outdoor sales and storage in conjunction with a permitted use	C
Existing industrial or manufacturing uses; except that additions or expansions of such uses shall be treated as a conditional use.	P
Any use of land which is consistent with the purpose of the VMU district and not expressly prohibited, and which, by its nature, does not constitute a public or private nuisance.	C

*This ordinance allows additional land uses to be considered as conditional uses. This level of flexibility may be appropriate in a small rural community.*

- A. **Maximum Floorplate** - Commercial uses listed as “permitted” in Table \_\_\_ shall not exceed 5,000 square feet of gross floor area on the ground floor, except by conditional use permit. The maximum size and floorplate of conditional nonresidential uses shall be as determined by conditional use permit.
- B. **Nonresidential Use Locations** - New nonresidential or mixed uses shall be restricted to lots adjacent to existing commercial or industrial uses or lots at corner locations.

*Placement of nonresidential uses is restricted in order to reinforce the existing pattern of land uses. If a master plan for the area has been developed, that plan would typically establish locations for nonresidential uses.*

III. Dimensional Standards

Minimum Lot Area	On-site utilities	Centralized Utilities
Single-Family Dwelling	1 acre[1]	10,000 sf
Attached Dwelling	n/a	7,500 sf/unit
Nonresidential or mixed use	1 acre[1]	10,000 sf
Minimum Lot Width		
Single-Family Dwelling	75 feet or based on block context	50 feet or based on block context
Attached Dwelling	n/a	25 feet
Nonresidential or mixed use	75 feet or as determined by CUP	75 feet or as determined by CUP
Maximum Impervious Coverage		
Single-Family Dwelling	40%	
Attached, nonresidential, mixed-use	50%	
Minimum Front Yard Setback		
Residential	20 feet or based on block context	
Nonresidential, mixed-use	None[2]	
Minimum Side Yard Setback		
Residential	10 feet	
Nonresidential, mixed-use	6 feet, except for commercial buildings that share a party wall	
Minimum Rear Yard Setback	40% of lot depth	
Maximum Height	35 feet	

- [1] Minimum lot area must be adequate for on-site wastewater treatment and may need to be increased to meet this requirement.
- [2] Establishing a build-to line that places building facades within a specified distance from the sidewalk, is also an option (similar to the Downtown Mixed-Use District).

IV. Design Standards

- A. **Scale of Construction** - The scale of new construction shall be consistent with that of surrounding buildings. Specifically, buildings shall not exceed the average façade length or area (height times length) of buildings within 200 feet by more than 50%, except by conditional use. Building orientation, height to width ratio, and placement of door and window openings should be proportional to those of surrounding storefront buildings, where present.
- B. **Design Standards for Dwellings** - New dwellings shall be designed with similar or compatible materials, roof forms, orientation and scale to existing residential buildings on the same block face. Off-street parking shall not be located within the front yard, except for driveways leading to an attached or detached garage. Front-loaded garage doors shall be located no closer to the street than the dwelling’s front façade. Side-loaded garages, or detached garages in rear yards, are encouraged.
- C. **Accessory Buildings** - Detached accessory buildings must utilize similar or compatible materials to the principal structure.
- D. **Street Connectivity** - New or extended streets within the district shall connect to at least two other streets unless physical barriers or sensitive natural resources preclude such connection. Cul-de-sac streets are not permitted except as temporary street-ends.
- E. **Sidewalks Required** - Sidewalks shall be provided along both sides of all streets, except where streets abut a park or other public space with entrances and pathways in other locations.
- F. **Parking Location** - Off-street parking is not permitted between the front façade of a building and the primary street. Parking may be located to the rear or side of a building, provided that no more than 35 percent of the lot frontage along the primary street is devoted to parking or drives.

*Another option would be to reference some or all of the Pedestrian-Oriented Design Standards in this section.*

