



# Planning Commission Staff Report

Agenda Item	Community Development Department	Date: 9/2/21
<b>Statement of Issue:</b>	Consider a recommendation to the City Council regarding amendments to the Zoning Ordinance that would update and amend multiple sections of Chapter 30 <i>Land Development Regulations</i> .	
<b>Background:</b>	<p>Over the past year, staff had accumulated a short list of sections within Article VI (Zoning) of Chapter 30 (Land Development of the Municipal Code that could use review, and if deemed necessary, new added text, updating due to inconsistencies, duplication, need of further clarification, or simply being outdated.</p> <p>On May 6, 2021 the Planning Commission formally initiated this review process, and formed a subcommittee of three Commissioners to work with staff on further developing potential amendments to the text of the Zoning Ordinance, which would then be presented to the full Planning Commission for review and recommendation to the City Council.</p> <p>Generally, the Planning Commission initiated amendments pertained to the following areas/sections of the Zoning Ordinance: (<i>Staff Report from the 5/6/21 meeting is attached</i>)</p> <ul style="list-style-type: none"> <li>• Sec. 30-596. <i>Parking lot design and maintenance standards.</i> – pertaining to private driveway and street intersection separation requirements.</li> <li>• Section 30-512. <i>Table of permitted uses.</i> – consider adding Salon/Barbershop use to permitted use table under “Retail” subheading.</li> <li>• Section 30-482. <i>Zoning districts map.</i> – change designated office where official zoning map is kept.</li> <li>• Section 30-628. <i>Minimum number.</i> - Review off-street parking requirements for Car Washes and the footnote establishing stacking spaces for the wash bays.</li> <li>• Consider the addition and establishment of a “Small Scale Agricultural” or “Grower Stand” use within the Rural Residential zoning district areas of town, as recommended by the 2020 Comprehensive Plan.</li> </ul> <p>The Planning Commission Subcommittee met with staff July 19<sup>th</sup> to review the Sections of the Ordinance proposed for amendment, as well as have further discussion on the salon/barbershop use, parking requirements for car washes, and the development of the “Small Scale Agricultural” or “Grower Stand” use within the Rural Residential zoning district.</p>	

Staff provided the Subcommittee overview of the areas of the Zoning Ordinance which were suggested and initiated by the Planning Commission for review, and also potential new draft language, and amendments to the existing sections of the Zoning Ordinance, as well as thoughts behind the proposed changes, and identified Zoning Ordinance and Comprehensive Plan support for potential amendments:

1. **EXHIBIT “1” - Sec. 30-596. *Parking lot design and maintenance standards.***

This Section establishes standards to promote the safe and efficient storage, circulation and channelization of motor vehicles development on-site.

***Subpart b(2) – current language.***

*#2 No closer than 25 feet to the nearest point of any street/alley intersection. (This measurement refers to distance between a private driveway entrance and the nearest street intersection).*

***Proposed Amendment: #2 No closer than 50 feet to the curb return of any street/alley intersection.***

\*Amend to 50 feet and define where measurement is taken from per City Engineers recommendation and for consistency with MnDot guidelines

2. **EXHIBIT “2” - Section 30-512 Table-1. *Table of permitted uses.*** – pertaining to salon(beauty)/barber shop uses

Section is a list of uses permitted by right (permitted uses), uses permitted with restrictions, and conditional uses, within the various zoning districts.

The proposed amendment would create consistency with Section 30-628, which establishes off-street parking requirements that are unique to this use. Currently, without a separately listed use in 30-512 Table-1, the salon(beauty)/barber shop use has thus far been classified as “general retail sales & services use”, which is permitted by right within the Central Business District and the General Business zoning districts, and permitted within the Limited Business and Airport zoning districts with certain restrictions.

**Proposed Amendments:**

- Add Salon/Barbershop use to permitted use table Section 30-512 Table -1 under “Retail” subheading.
- “Salon” replaces word “Beauty” (as was listed in Sect. 30-628 off-

street parking minimum numbers), modernization of the use description.

- Add Salon/Barbershop as a use permitted by right (P) within the CBD (Central Business District) and GB (General Business).
- Add Salon/Barbershop as a use permitted by right (P) within the \*Business Park zoning district.
- Add Salon/Barbershop as a use permitted with restrictions (R) within the R-3 and R-4 (multi-family residential) zoning districts: restriction - Must be accessory to a permitted senior housing with services principal use. Ex. Salon/barber shop within Majestic Pines or the Manor House.
- Add Salon/Barbershop as a use permitted with restrictions (R) within the Limited Business zoning district: restriction - maximum size of structure shall be limited to 3,000 square feet gross floor area (this is consistent with building size requirements in the LB zoning district)

**Staff Comments:** \*The Salon/Barbershop use within the Business Park zoning district would be a new zoning district to allow this type of use. Discussion was related to if this use is complementary to the Business Park zoning district. Section 30-511 Purpose of Districts, and excerpts pertaining to the Business Park district, and mixed-use goals, from the Comprehensive Plan, are included as attachments.

**3. EXHIBIT “3” - Section 30-482. Zoning districts map**

*The location and boundaries of the districts established in section 30-481 are shown upon the official zoning map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this division as if fully set forth and described in this section. The zoning map shall be kept on file in the office of the city administrator.*

**Proposed Amendment:**

*Zoning map has historically been kept on file or displayed in the office of the “Zoning Administrator”.*

**4. EXHIBIT “4” Section 30-628. Minimum number.** – pertaining to car wash parking/stacking requirements

Section establishes a minimum numbers of off-street parking spaces to be provided and maintained for various identified uses.

**Business Uses: - current requirements**

# 7 Car washes (principal use) - 3 plus (see footnote 4 )

#8 Car washes (accessory) - 4 stacking spaces per bay

<sup>4</sup> a) 4 stacking spaces per manual self-serve bay; b) 12 stacking spaces per automatic bay; and c) 1 per 140 square feet gross floor area of retail space.

**Proposed Amendment:**

Require 6 Stacking Spaces for both listed types of automatic car washes.

**Staff Comments:**

In reviewing other municipality's parking and stacking space requirements for car washes, those that could be found... the minimum number requirements, and especially the few stacking space requirements, were ranging from none (0) listed to 30 stacking spaces. If an average were to be picked, I would estimate a range from 4 to 9 stacking spaces being most common. This review included reviewing overhead Google Map areas that included car washes in a variety of cities and calculating stacking spaces. It was also concluded, that several cities calculated parking and stacking spaces for car washes through the Conditional Use Permit process, or during administrative review of a proposed project.

Six stacking spaces is consistent with restaurant drive thru stacking spaces, which generally, move faster than car wash lines. At a minimum 18 ft. in length (minimum for a stacking space) 6-spaces equals 108 ft. on a property (as opposed to 216 ft. of length with our current requirement of 12 for a stand-alone car wash.

5. **EXHIBIT "5"** Consider the addition of, and establishment of a "Small Scale Agricultural" or "Farm Stand" use within the Rural Residential zoning district areas of town, as recommended by the 2020 Comprehensive Plan.

**Proposed Amendments:**

- Add definition of a "Grower Stand" to Section 30-411 Definitions: *Grower stand, means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site where the total sales area does not exceed 1,500 square feet.*

\*Through research, this seemed to be a use description, which fit the existing use in our community. "Farm Stands" definitions generally described a roadside stand,

or a stand we are accustomed to seeing in the parking lots around town in the mid-summer to early fall months. We have typically categorized these uses as Temporary Outdoor Sales, which are permitted with restrictions (see Section 30-564 (now #57) uses with restrictions).

- Add “Grower Stand” use to permitted use to Section 30-512 Table -1 under “Agricultural Sales & Service” subheading.
- Add Grower Stand as a use permitted with restrictions (R) within the Agricultural and Shoreland/Rural Residential zoning districts within Section 30-512 Table -1 (restrictions below).
  - Add “Grower Stand” to Section 30-564 *Uses with restrictions (now #29)*. As use permitted with restrictions within the Agricultural, Rural Residential & Shoreland Rural Residential zoning districts:
    - A grower stand is allowed only if it is accessory to an on-site agricultural operation where farm products and value-added farm products are produced.
    - The total sales area of a grower stand shall not exceed 1,500 square feet.
    - A grower stand shall comply with the height and setback requirements that apply in the zone in which the property is located.
    - No more than 15% of the grower stands sales shall come from off-site agricultural products or value-added farm products.
    - Adequate on-site parking for consumers and employees shall be provided. If a grower stand consists of a structure, one off-street parking space shall be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces.
    - One sign shall be permitted during the operation of the growers stand, with a maximum size of 16 square feet (four feet by four feet). Such sign may contain up to two sides, and shall not encroach on the public right-of-way.
- Add definition of “value added farm product” to Section 30-411 Definitions: *Value-added farm product, means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a*

	<p><i>similar alteration, so as to increase the value of the farm product.</i></p> <p><b>Staff Comments:</b></p> <p>Staff reviewed the proposed Grower Stand amendments with Will and Brynden Lenius owners of Bryndlewood Gardens (3251 Horseshoe Lake Rd.) to gather thoughts and comments related to the draft amendments, and how they would pertain to their business, as well as other future residential farmers.</p> <p>Section 30-511 Purpose of Districts and excerpts pertaining to the Rural Residential district &amp; Small Scale Agriculture references from the Comprehensive Plan are included as attachments.</p> <p>The approach to have the Grower Stand use, a use, permitted with restrictions (Sect. 30-564), was taken for consistency with other similar uses (these sections are included for your review): Customary home occupations (#15), Farm Animals (#23), and Temporary Outdoor Sales (now #57), and it is a less burdensome process for the proposer; the use may take place, provided the listed conditions are adhered to.</p> <p>The amendments for your consideration and are depicted within Exhibits 1 – 5, and are shown in the “marked-up” attachments. The draft amendments may be forwarded to the City Council “as is”, or with any additional amendments the Planning Commission deems appropriate.</p> <p>* Draft Amendments are attached: deleted language <b>red</b> / new text <b>blue</b></p>
<p><b>Considerations:</b></p>	<p>The Planning Commission should make specific findings of fact regarding the proposed amendments to the ordinance:</p> <ol style="list-style-type: none"> <li>1. Will the change affect the character of the neighborhood?</li> <li>2. Will the change foster economic growth in the community?</li> <li>3. Would the proposed change be in keeping with the spirit and intent of the Zoning Ordinance?</li> <li>4. Would the change be in the best interest of the general public?</li> <li>5. Would the change be consistent with the Comprehensive Plan?</li> </ol>
<p><b>Recommendation:</b></p>	<p>Based on the above findings the Commission should consider a recommendation to the City Council in regard to these draft changes.</p>
<p><b>Required Action:</b></p>	<p>Pass a motion, based on the findings of fact, to forward either a favorable recommendation, either with or without changes to the draft amendments, to</p>

	<p>the City Council, or pass a motion, based on the findings of fact, forwarding an unfavorable recommendation to the City Council regarding amendments to Chapter 30 of the Zoning Ordinance.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby forward a <b>(favorable)(unfavorable)</b> recommendation to the City Council regarding draft amendments, which update and amend multiple sections of Chapter 30 <i>Land Development Regulations</i>, as depicted in Exhibits “1” – “5”.</p>
<p><b>Attachments:</b></p>	<ul style="list-style-type: none"> <li>• Draft Text Amendments <ul style="list-style-type: none"> <li>○ Exhibits “1” – “5”</li> </ul> </li> <li>• May 6, 2021 Meeting Staff Report</li> <li>• Text Amendment Considerations</li> </ul>