



SPRING LAKE PARK **PLANNING SERVICES**

May 5, 2025



**BOLTON
& MENK**

Real People. Real Solutions.

Contact:

Nathan Fuerst, AICP

612-210-8150

Nathan.Fuerst@bolton-menk.com

111 Washington Ave South

Suite 650 | Minneapolis, MN 55401

612-416-0220 | Bolton-Menk.com



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May 5, 2025

Daniel R. Buchholtz
Administrator, Clerk/Treasurer
City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, MN 55432

RE: Proposal for Spring Lake Park
Planning Services

Dear Daniel:

The City of Spring Lake Park is seeking to enhance its planning, zoning, and land use functions to sustain the community's character and services with balanced redevelopment and growth. Bolton & Menk, Inc. is uniquely positioned to provide the professional planning services you need to achieve these goals. With our extensive experience and deep understanding of municipal planning, we are ready to help Spring Lake Park navigate the complexities of redevelopment, infill development, and manage land use ordinances and policies to maintain neighborhood character. Our commitment to creating safe, sustainable, and beautiful communities aligns with your city's vision.

EXPERTISE IN DAILY PLANNING SUPPORT – Bolton & Menk has been providing planning and urban design services to clients for more than a decade. Our team of experienced planners has worked with numerous cities to administer zoning ordinances, conduct development reviews, and implement comprehensive plans. We pride ourselves on our collaborative approach, clear communication, and responsiveness to our clients' needs. As your primary planner, I will bring nearly a decade of city planning experience in the Twin Cities metro area along with support from a qualified team of metro based planning staff.

PRIOR CITY EXPERIENCE – Our team brings a wealth of experience from working directly for city governments. Myself, Madison Richard, and Jenni Faulkner have all served in various municipal planning roles before joining Bolton & Menk. This unique perspective allows us to understand the specific needs and challenges faced by city staff and decision-makers.

PROVEN SUCCESS IN THE METRO AREA – We have successfully delivered planning services to municipalities such as Newport, Lake Elmo, Arden Hills, Forest Lake, Victoria, and Empire. In our service to these communities, we ensure compliance with statutory requirements and Metropolitan Council regulations. Our familiarity with local regulations and processes, combined with our strong working relationships with the Metropolitan Council, Washington County, MnDOT, DNR, MPCA, and watershed districts, positions us well to serve Spring Lake Park effectively.

Thank you for considering our proposal. We look forward to the opportunity to work with the City of Spring Lake Park and contribute to its continued growth and success. I will serve as your project manager. Please feel free to contact me at 612-210-8150 or Nathan.Fuerst@bolton-menk.com if you have any questions regarding our proposal.

Respectfully submitted,
Bolton & Menk, Inc.

Nathan Fuerst, AICP
Senior Planner, Project Manager



FIRM AND STAFF QUALIFICATIONS

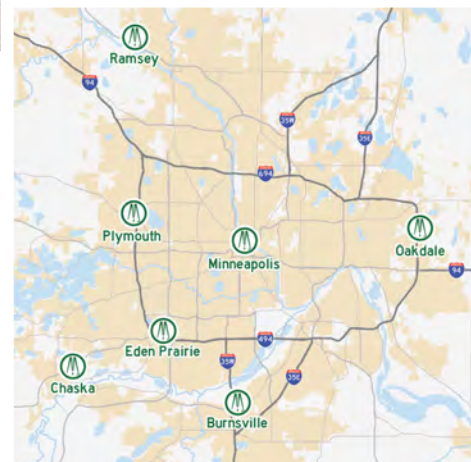
Bolton & Menk's commitment to communities began in 1949, serving the needs of municipal clients. As we continue to grow in both numbers and experience, our dedication to building trust and ensuring a true partnership with our clients remains the same. Our goal is to help communities make progress by listening to what people want, finding the best solutions for their needs, and treating them right. Simply put, we're people helping people. Today, Bolton & Menk has more than 1,000 employees including a professional staff of more than 300 engineers, planners, landscape architects, and surveyors.

Our dedication to our clients shines through in the work we provide. We are committed to cultivating and delivering exceptional community infrastructure solutions. From advocating for our communities to designing their dreams to finding funding; we take pride in our work because we live here too. We believe in the power of face-to-face meetings, friendly conversations, and collaborative decision-making to keep your projects on schedule, within budget, and focused on real, workable solutions.

We promise every client two things:

**WE'LL WORK HARD FOR YOU
AND WE'LL DO A GOOD JOB.**

We take a personal interest in the work being done around us and do our part to build a better quality of life for all. At the end of the day, we're Real People offering Real Solutions.



SOLUTIONS PROVIDED AT BOLTON & MENK

- » Civil/Municipal Planning and Engineering
- » Planning and Urban Design
- » Water and Wastewater Engineering
- » Transportation Planning and Engineering
- » Land Surveying
- » Structural Services
- » Water Resources Engineering
- » Environmental Planning and Permitting
- » Construction Administration and Inspection
- » Geographic Information Systems
- » Project Funding Support
- » Project Communication and Graphics

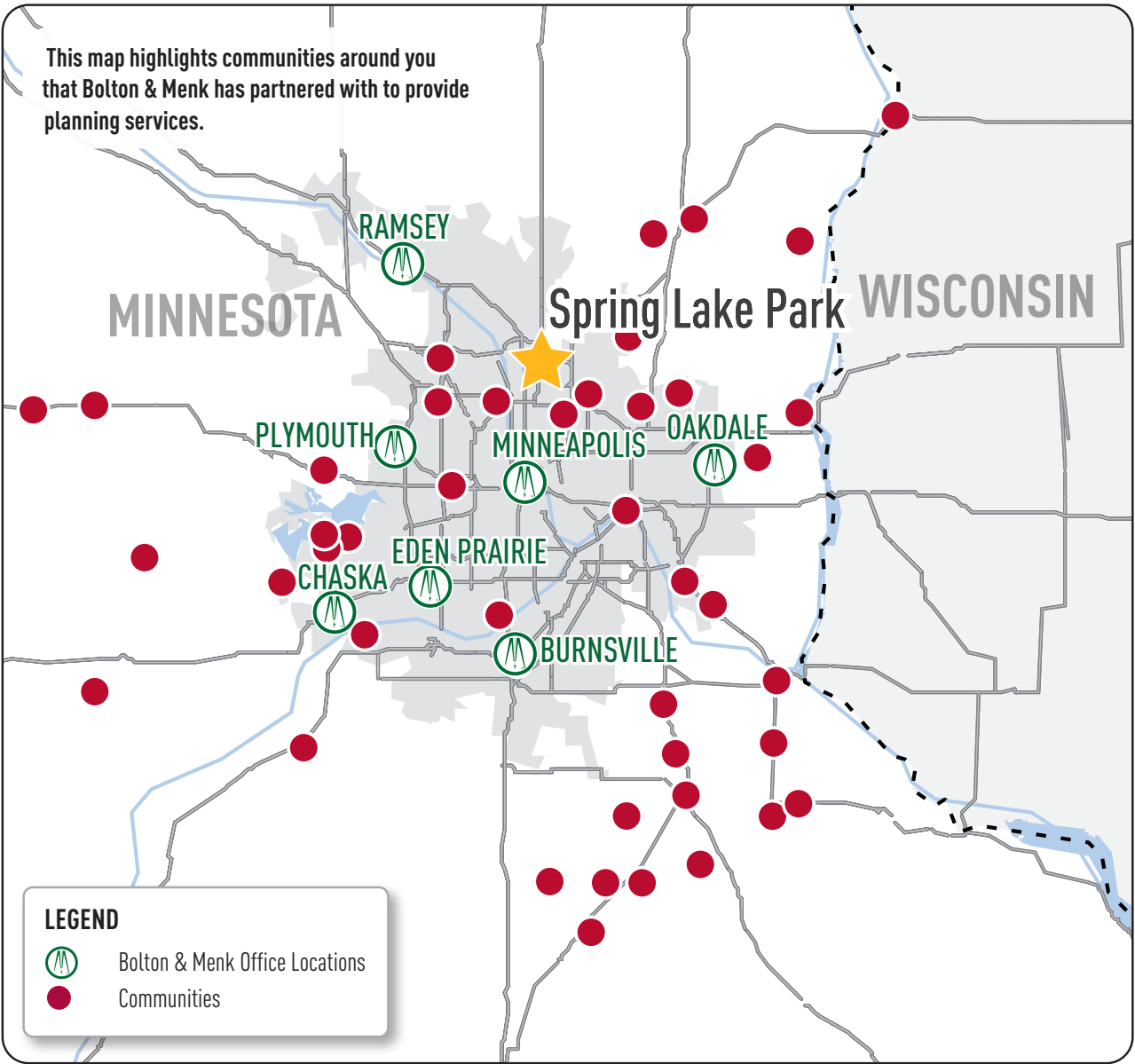
The Bolton & Menk community planning staff help clients identify their goals and plan for the future. Rooted in skilled technical analysis, visionary yet practical insights, and intentionally inclusive public engagement, our team facilitates community-centered consensus for buildable, sustainable solutions. Bolton & Menk helps solve multifaceted problems with technical, regulatory, funding, and community expertise. **We deliver planning services that reduce the burden placed on community staff, commissions, and boards, while elevating their ability to make informed and conscientious decisions.**

Alongside our expertise in community planning, our firm's comprehensive approach to planning includes public and private site design, park and small area plans, transportation planning, water resources, funding, project communication, and related services. We can help Spring Lake Park attain, and maintain, the community it hopes to be.

WE'RE ALREADY IN YOUR NEIGHBORHOOD

Completing successful projects requires building upon experience and trusted relationships. Our approach ensures the city’s objectives and needs are achieved through collaboration and consensus building.

Bolton & Menk provides ongoing planning and engineering services to more than 100 communities in Minnesota. Below is a map showing the communities where Bolton & Menk has provided planning services throughout the Twin Cities.



TEAM

QUALIFICATIONS

The proposed team we've highlighted in this proposal provides you with the optimum combination of accessibility, community knowledge, and specialized expertise. All personnel identified will be 100 percent available to perform their assigned tasks as identified. Your project manager, Nathan Fuerst, will be supported by key individuals and support staff. Aside from this team, we can draw on other team members throughout our firm, as needed, to meet your needs. Project team member bios are included below. Full résumés can be found in the appendix.



NATHAN FUERST, AICP

Lead City Planner and Project Manager

Nathan will lead all client service efforts and will receive support from the Bolton & Menk team as needed or appropriate.

Nathan is a senior planner at Bolton & Menk, his career started in 2016 with professional planning experience coming primarily from work in the Twin Cities metro area. His responsibilities include leading planning services in client communities across the metro from Newport to Lake Elmo to Victoria. Nathan regularly leads the development of planning studies and reports, comprehensive plan and ordinance updates, and the review of complex development projects.

Nathan prioritizes clear and transparent communication with community stakeholders and has built strong interagency relationships in all of his roles. He has strong working relationships with the Metropolitan Council's staff and is an active member of the Minnesota chapter of the American Planning Association. Nathan currently serves as the city planner for the City of Newport, and provides regular planning support for the Cities of Lake Elmo, Forest Lake, and Victoria.



TJ HOFER

Lead Support Planner

TJ will be your lead support planner, supporting Nathan and filling in when needed.

TJ began his career as a planner at Bolton & Menk in 2019. His responsibilities include interpreting and enforcing zoning ordinance and comprehensive plans for his clients. He is also responsible for assisting in developing plan studies, comprehensive plans and ordinance updates, and preparing and presenting staff reports. TJ is a great communicator and is forward-thinking. He assists with community engagement and outreach during the planning process. TJ has worked toward his passion of helping clients both establish and meet their goals—he loves seeing the process unfold from start to finish. He currently serves as the city planner in Scandia and also provides on-call planning support for the Greenvale Township and Taylors Falls, working closely with legal counsel and watersheds as part of his work.



MADISON RICHARD

Support Planner

Madison will support the team with all planning efforts.

Madison is a planner at Bolton & Menk, working to provide support to municipalities in daily planning services and assisting on larger-scale plan studies, reports, and updates. Prior to joining Bolton & Menk in 2024, she worked for three years doing public sector planning in Ohio, focusing on zoning and land use planning and application process management. Madison has a passion and desire to make planning more accessible to improve the lives of the communities and people she works with.



JENNI FAULKNER

Senior Planning Advisor

Jenni will support Nathan and to provide land use planning expertise and support. Jenni leads our metro community planning team and will manage projects as needed.

Jenni is a senior planner on the Bolton & Menk team who began her professional career in 1995. Her 30 years of expertise spans the fields of city planning and land use, economic development, and housing. Her passion stems from her desire to provide sustainable and beautiful solutions to the communities she works in. Prior to joining Bolton & Menk, Jenni

served as a planner and the Community Development Director for the City of Burnsville—a fully developed city—for more than 20 years. While at Bolton & Menk, she has provided planning support for a variety of clients, large and small, urban and rural.

will work with us has tailored project communication
watches your bottom line is creative and innovative
has an award winning resume has proven partnerships

A CONSULTANT WHO...

offers an array of services is worth their fee
has proven expertise has creative problem solving skills
builds community support you can trust is proactive
plays well with others has local expertise



PROJECT APPROACH

OUR APPROACH TO PLANNING

At Bolton & Menk, we believe all people should live in safe, sustainable, and beautiful communities and we take pride in our ability to make that happen. Our diverse team of professionals collaborates with city staff and stakeholders to work through issues and develop solutions. Each of us makes it our personal, ethical, and professional mission to prepare well-crafted and research-based reports and plans. Our integrated, creative, and transparent approach makes us stand out from other firms.

Our approach to providing on-call planning services to Spring Lake Park is one of value and expertise:

Using a team with a diverse mix of planners can provide cost-effective service to meet Spring Lake Park's needs as they are ever evolving. **Nathan Fuerst** will be your lead planner and project manager for this project. He will lead on complex projects and land use issues with **TJ Hofer** and **Madison Richard's** assistance on more routine land use and development reviews. These positions will be managed and supported by senior planning advisor, **Jenni Faulkner**. This allows for the most efficient use of resources while meeting or exceeding your service needs. Efficiencies can also be gained with the use of our multidisciplinary team and ability to use in-house specialty resources if needed. Bolton & Menk does not anticipate using subcontractors for on-call planning services.

Our planning staff is very familiar with state statutes along with city and county zoning codes and procedures. From understanding basic permit and development reviews to following the "60-Day Rule" to strategizing for group homes and comprehensive plans, our team is very knowledgeable in all aspects of community planning. We are also strong communicators and coordinators, both internally and externally. We will work with concerned neighbors, adjacent jurisdictions, the county and state, and other stakeholders. We are also very familiar with Met Council, MnDOT, DNR, MPCA, and watershed regulations and processes. Should environmental reviews be required, we can be a resource for navigating those processes and regulations.

Staying at the forefront of changing practices and regulations:

Our planners are educated in urban planning and have specific experience with municipal planning in Minnesota. We stay at the forefront of legislation and understand statutes and court cases regarding land use and related subjects such as licensing or permitting. As a firm and local planning team, we are engaged with the APA Minnesota Chapter as well as Metro Cities and League of Minnesota Cities to stay in-the-know of emerging issues affecting planning practice. We also present at workshops and conferences, and provide planning commission training on local planning. As practicing daily planners, we also engage regularly with municipal attorneys and can bring our varied experience from other cities to assist in our work with Spring Lake Park.

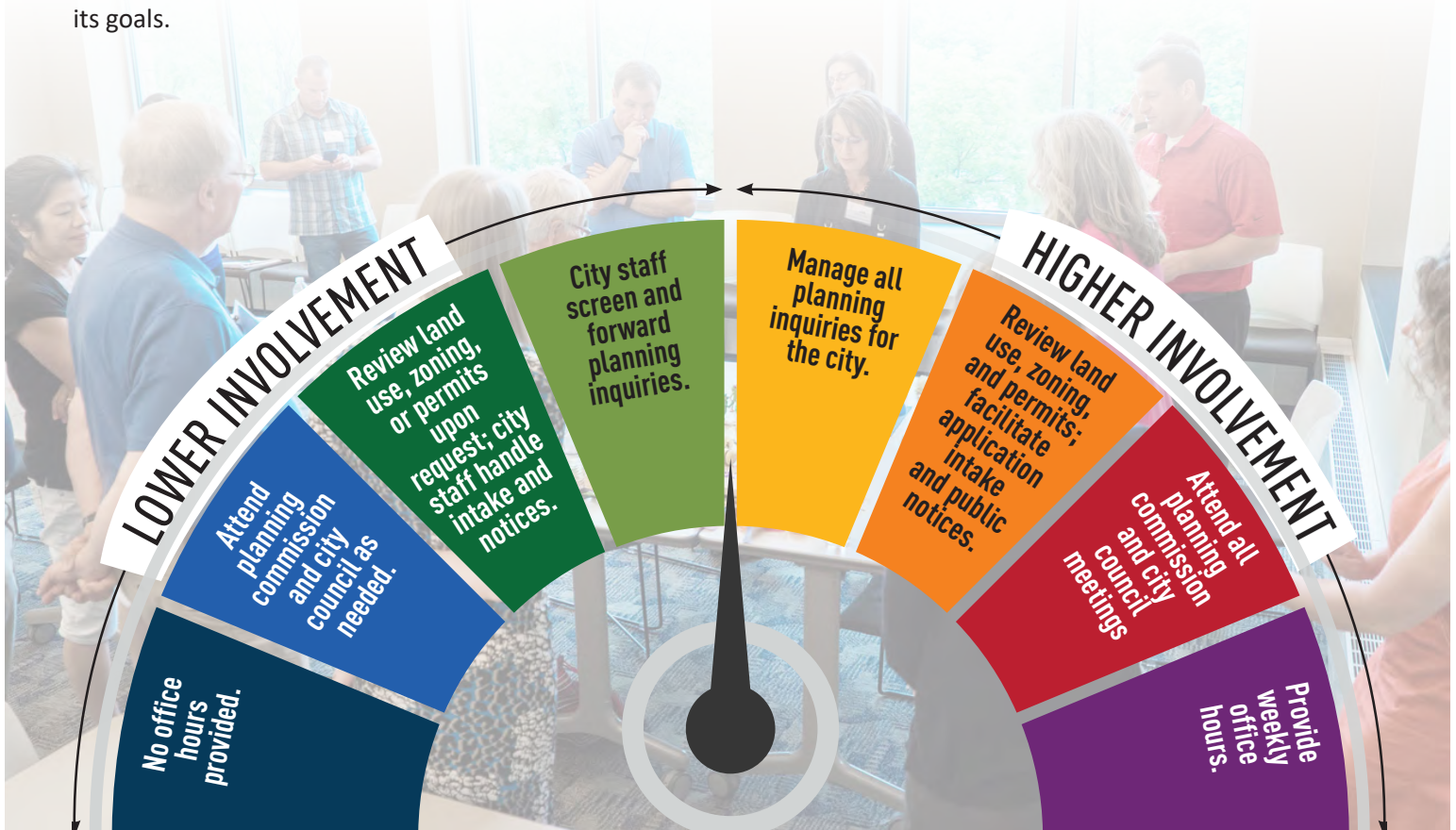


Creating Strong Relationships:

As an extension of your staff, we will develop and maintain good working relationships with all city staff, elected and appointed officials, other jurisdictions, and the public. We have a proven track record of maintaining excellent working relationships within the communities in which we serve. As your planning consultant, and at your direction, we will meet with stakeholders (i.e., developers, engineers, property owners, contractors, etc.) to discuss, advise, explain processes, and suggest improvements regarding potential projects, pre-applications, sketch plan, other development meetings, or land use applications (CUPs, IUPs, or variance) consultations. We will do this in a responsive and professional manner for every interaction.

Dialing it in:

We take pride in providing just the right amount of planning support that the community is looking for. Our approach to community planning is intended to proactively address planning issues before they become problems for the community. As your consulting planner, we will listen to the city's residents, staff, and decision makers to understand what issues are important so that we can best deliver the information desired by the city, and tailor our guidance to help Spring Lake Park meet its goals.




RELEVANT EXPERIENCE


Client satisfaction through quality deliverables, cost-effective rates, and timely project delivery are top priorities for Bolton & Menk on all projects. Below we've identified a few of our current clients, their contact information, and the length of time since our first project (planning or non-planning related) with them. Please contact them to evaluate our performance.

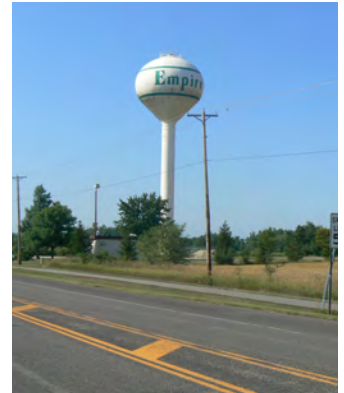
PLANNING SERVICES

EMPIRE TOWNSHIP/CITY OF EMPIRE, MINNESOTA

Bolton & Menk has been serving as Empire's city planner and city engineer since 2018. In this role, we provide development review coordination, presentations, ordinance updates, long-range planning, and comprehensive plan amendments. We also conducted research and provide land use training for commissioners and the council.

 **Staff Involved:** Jenni Faulkner, Madison Richard


 **Project Reference:** Charles Seipel-Teng, Clerk Administrator, 651-463-4620




INTERIM PLANNING SERVICES

CITY OF LAKE ELMO, MINNESOTA

Bolton & Menk has served as the consulting planner for the City of Lake Elmo since 2023, providing a variety of planning and zoning administration on complex development projects, including assisting residents and business owners with zoning and land use questions, development review, preparation of staff reports, and attendance at planning commission meetings. The Bolton & Menk community planning team continues to work closely with Lake Elmo's planning team as the community continues its rapid growth.

 **Staff Involved:** Nathan Fuerst, Jenni Faulkner

 **Project Reference:** Nicole Miller, City Administrator, 651-777-5510 | Sarah Sonsalla, City Attorney, 612-337-9200




INTERIM PLANNING SERVICES

CITY OF ARDEN HILLS, MINNESOTA

Bolton & Menk has provided interim planning services for the City of Arden Hills since 2019. Services provided have ranged from office hours with front counter support to large scale development review, including the first development in the Twin Cities Army Ammunition Plant.

 **Staff Involved:** TJ Hofer, Jenni Faulkner


 **Project Reference:** Jessica Jagoe, City Administrator, 612-665-9394




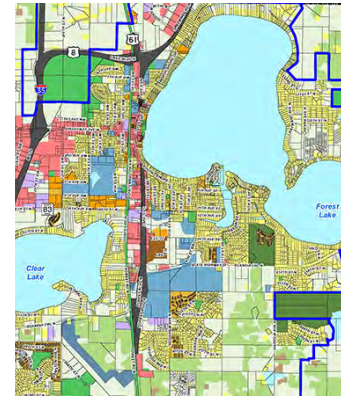
INTERIM PLANNING SERVICES

CITY OF FOREST LAKE, MINNESOTA

Bolton & Menk has served as the consulting planner for the City of Forest Lake since 2021, providing a variety planning services including assisting residents and business owners with zoning and land use questions, zoning and building permit reviews, development review, preparation of staff reports, and attendance at planning commission and city council meetings. Bolton & Menk also serves as the city engineer, providing for streamlined services to the community.

 **Staff Involved:** Nathan Fuerst,
Madison Richard


 **Project Reference:** Abbi Wittman,
Community Development Director,
651-209-9752



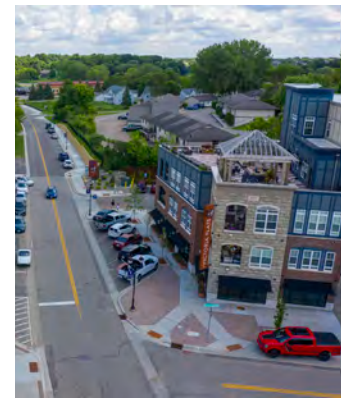
INTERIM PLANNING SERVICES

CITY OF VICTORIA, MINNESOTA

Bolton & Menk has served as the consulting planner and city engineer for the City of Victoria since 2022, providing a variety planning services including complex development reviews, zoning and building permit reviews, public inquiry responses, zoning ordinance and comprehensive plan updates, preparation of staff reports, and attendance at planning commission and city council meetings.

 **Staff Involved:** Nathan Fuerst,
Jenni Faulkner


 **Project Reference:** Jenn Brewington,
Community Development Director,
952-443-4219




PLANNING SERVICES

CITY OF NEWPORT, MINNESOTA

Bolton & Menk has served as Newport's city planner since 2021, with Nathan's leadership on this project beginning in 2022. Newport is a unique metropolitan community—nestled along the Mississippi River and between larger communities, the city maintains its own identity and character. Planning in these communities is crucial in order to review and monitor the impact to existing development, as well as to promote opportunities in the city. Bolton & Menk assembled a planning team based on our experience providing planning services for similar communities throughout Minnesota. With Nathan Fuerst serving as Newport's designated city planner, we have collaborated with city staff and stakeholders to work through issues and develop tailored solutions. We have been able to bring an innovative, problem-solving approach to provide ongoing planning services to the city.

 **Staff Involved:** Nathan Fuerst,
Madison Richard

 **Project Reference:** Joe Hatch,
City Administrator, 651-556-4600



SERVICES

Bolton & Menk's philosophy is to staff all major projects using a team approach. This ensures you will receive efficient and cost-effective service based on the nature of the item being discussed or project under review. Our team will always maintain close coordination with the city's staff and consultants.

For the services requested, we propose an hourly rate billed monthly as services are provided. Detailed pricing can be found on the Fee Proposal page of this proposal.

Our full suite of community planning services includes:

- » Daily planning support in person or remote
- » Development review including technical review, preparation of reports, and presentations to advisory bodies and city council
- » Ordinance review and amendments
- » GIS analysis and updating maps
- » Permit review
- » Comprehensive planning and amendments
- » Process review and improvement
- » Redevelopment
- » Small area planning and design
- » Code updates for statutory and legal compliance
- » Area studies and future development planning
- » Downtown planning
- » Design guidelines
- » Environmental review coordination
- » Community engagement
- » Code enforcement
- » Commission training



→ PROPOSED SCOPE OF SERVICES

Bolton & Menk is confident we can provide outstanding on-call planning services to meet your needs. As desired, Spring Lake Park can increase or decrease our level of involvement and therefore cost. We're here to serve you however you prefer.

PLANNING AND ZONING ADMINISTRATION

Our planners are experienced in processing land use applications. We will competently review and process zoning requests and inquires including:

- » Minor and major subdivisions (preliminary and final plat)
- » Variances
- » Conditional use permits (CUPs)
- » Interim use permits (IUPs)
- » Administrative permits
- » Sign permits
- » Architectural design reviews
- » Rezoning
- » Lot line adjustments
- » Lot splits and combinations
- » Comprehensive plan amendments
- » Zoning and subdivision ordinance updates

60-Day Rule Compliance

Our planners are very familiar with the 60-Day Rule—Minnesota Statutes, Section 15.99 and those additional statutory requirements for subdivisions. We understand the importance of reviewing for completeness and sending letters in a timely manner. We implement a project review schedule that provides comments within specified timelines and can provide reviews with shorter timelines, as requested by the city.

CONSISTENT MEETING ATTENDANCE

Lead planner, Nathan Fuerst, will be present at city hall for all pre-application, development review, city council, and planning commission meetings as requested by the city. Nathan will also be available to attend any other meetings or work sessions as requested. He will provide concise professional presentations for public meetings with technologies available, and successfully does this for other clients. Bolton & Menk's team-based approach means we can provide experienced planning staff as backup in the event Nathan cannot make a meeting.

DEVELOPMENT REVIEW

We are comfortable reviewing any nature of planning issue or request against the city's 2040 plan, zoning ordinance, applicable site and architectural design requirements, and other policies. We have experience with presenting our analysis and recommendations in any format, or at any forum, desired by the city.

ZONING CODE MODERNIZATION

We will quickly get up to speed with the city's adopted ordinances and policies. The Bolton & Menk team brings a wealth of experience with municipal zoning ordinances and land use policies. As professional planners, and through involvement in organizations such as the American Planning Association, we continually review for current best practices. Our team stays on top of ever-evolving Minnesota statutory requirements and case law, and will provide a proactive assessment of areas for improvement.

COMPREHENSIVE PLAN IMPLEMENTATION

With a staff of professional and experienced planners, we can analyze projects for compliance with the 2040 comprehensive plan. Our team is experienced in all levels of updates to metro area comprehensive plans, from minor updates to major overhauls. We pride ourselves on strong working relationships with the Metropolitan Council's staff and an understanding of their review procedures and timelines. When it comes

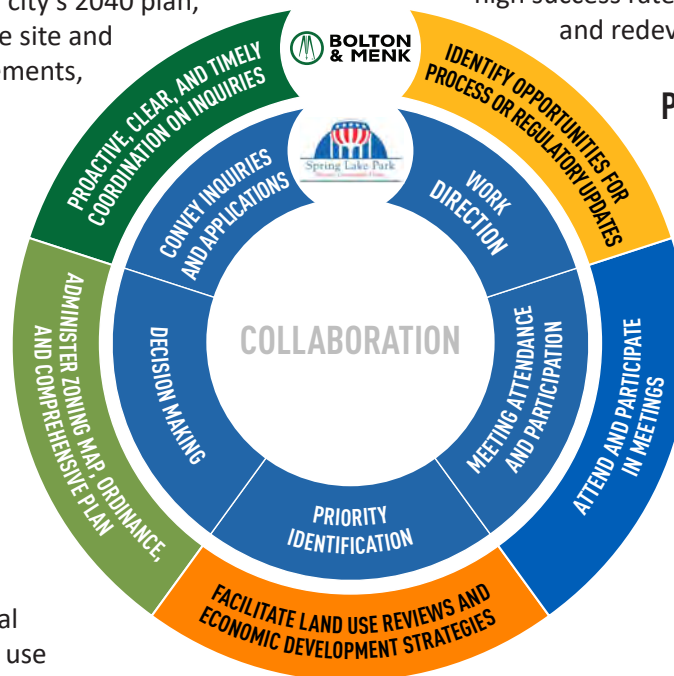
time for the city to perform the required decennial update, we can assist with necessary updates to your 2040 comprehensive plan.

ECONOMIC DEVELOPMENT SUPPORT

Our team is experienced in foundational strategies for economic development and the tools that are available to Minnesota's cities. We have successfully formed and implemented economic development strategic plans, downtown plans, and comprehensive plans. We also work regularly with municipal financial advisors to coordinate economic development initiatives. Our team regularly helps communities process complicated development and redevelopment projects, and has a high success rate with grant funding for planning and redevelopment work.

PUBLIC INQUIRIES

We are comfortable with answering questions and providing information to the public. We take pride in our ability to efficiently respond to and resolve routine inquiries, and will respond within one business day to inquiries that come our way as directed by the city's staff or council.



FEE PROPOSAL

For planner consulting services, Bolton & Menk will bill on an hourly basis and can adjust to meet the city's needs. Unless otherwise noted, the fees include vehicle and personal expenses, mileage, telephone, and other office or routine expendable supplies; no separate charges will be made for these activities and materials. Our invoices are typically set up to indicate hours worked on each specific development review project for projects that are billed to applicants or others. The hourly rates are the same for technical assistance or attending meetings.

2025 RATES FOR OUR IDENTIFIED PERSONNEL ARE AS FOLLOWS:

EMPLOYEE	HOURLY RATE
Nathan Fuerst, Project Manager	\$176 per hour
TJ Hofer, Lead Planner	\$164 per hour
Madison Richard, Support Planner	\$148 per hour
Jenni Faulkner, Senior Planning Advisor	\$228 per hour

NOTE ON SPECIAL PROJECTS:

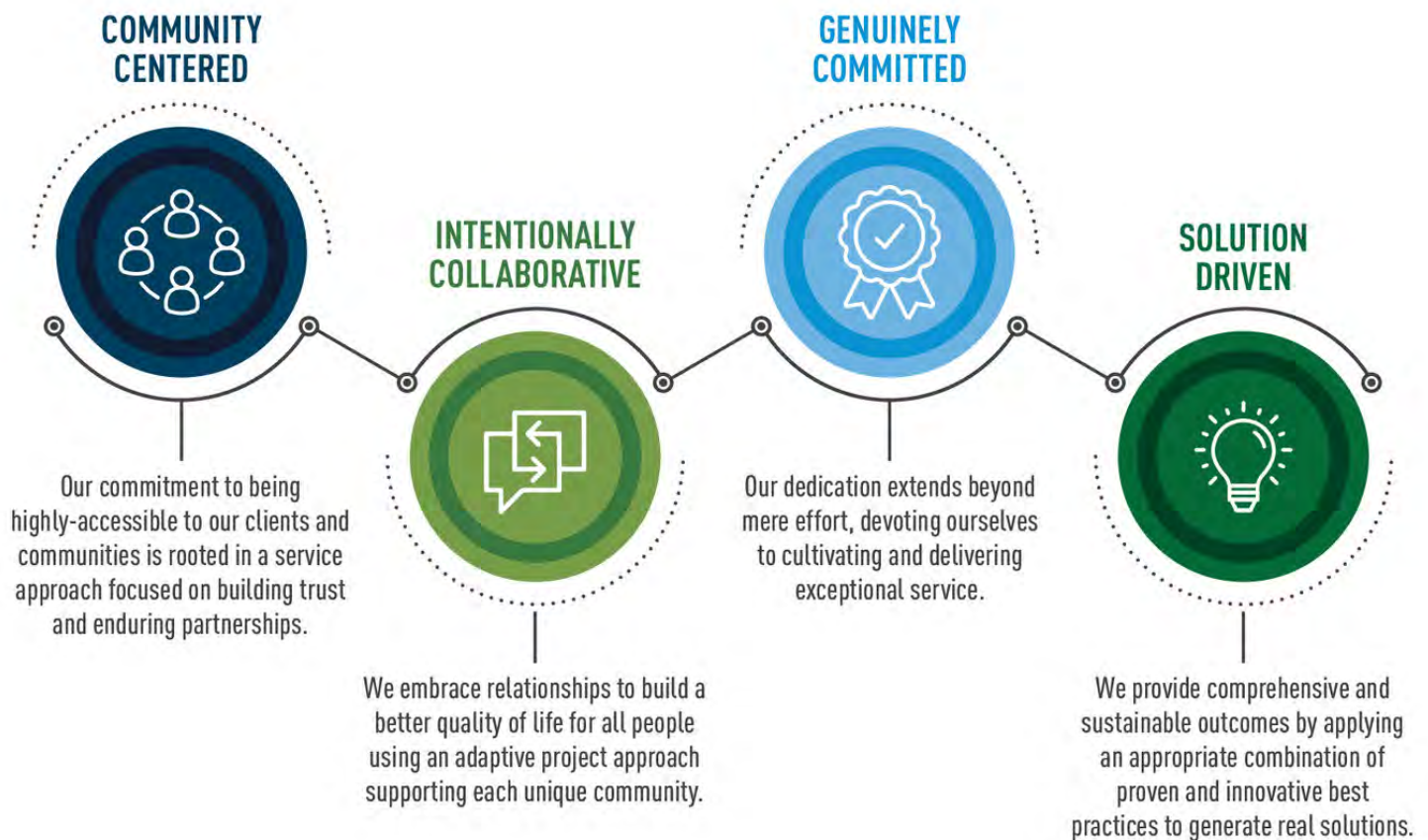
Specialized projects usually have a specific timeframe for completion. Examples of these projects include environmental reviews, master plans, small area studies, complete zoning ordinance rewrites, or other special planning studies. Projects are not a part of this proposal. We will work with the city to define the scope of services and budget for other special projects, as they come up.

WHY BOLTON & MENK?

As previously stated throughout the proposal, we believe we have the expertise the Spring Lake Park is looking for in providing planning services. We are committed to providing excellent planning services with the team provided in this proposal. Just ask our current or past clients.

As a growing company and work group, we have the capacity to make and keep Spring Lake Park a priority client from the onset. We are excited and ready to serve as an extension of your staff and we promise to bring our integrated services and our professional insights to collaborate with your team as needed.

We are excited about the opportunity to assist Spring Lake Park with on-call planning services and can step in whenever you are ready! We will work hard to ensure that there is a smooth transition.





APPENDIX

RESUMES

WORK SAMPLE



NATHAN FUERST, AICP

PROJECT MANAGER



Real People. Real Solutions.

EDUCATION

Bachelor of Science - Environmental Science
University of Minnesota - Twin Cities

Master of Arts - Urban and Regional Planning
University of Southern California

CERTIFICATIONS

Certified Planner - AICP
(American Institute of Certified Planners)

Low Salt Design Strategies - LSiD TM
Bolton & Menk Authorized Trainer

SUMMARY

Nathan is a senior planner at Bolton & Menk, his career started in 2016 with professional planning experience coming primarily from work in the Twin Cities metro area. His responsibilities include leading planning services in client communities across the metro from Newport to Lake Elmo to Victoria. Nathan regularly leads the development of planning studies and reports, comprehensive plan and ordinance updates, and the review of complex development projects. Nathan prioritizes clear and transparent communication with community stakeholders and has built strong interagency relationships in all of his roles. He has strong working relationships with the Metropolitan Council's staff and is an active member of the Minnesota chapter of the American Planning Association. Nathan currently serves as the City Planner for the City of Newport, and provides regular planning support for the Cities of Lake Elmo, Forest Lake, and Victoria.

EXPERIENCE

- City Planner, City of Newport, MN
- Planning Services, City of Lake Elmo, MN
- Property Reviews, Randolph City, MN
- Zoning and Subdivision Ordinance, Castle Rock City, MN
- Planning Services, City of Victoria
- Zoning and Subdivision Ordinance, Chisago County, MN
- Planning Services, City of Forest Lake, MN
- Property Reviews, City of Forest Lake, MN
- City Planner and Economic Development Specialist, City of Jordan, MN*

*Completed prior to Bolton & Menk



TJ HOFER

CITY PLANNER



Real People. Real Solutions.

EDUCATION

Bachelor of Arts, Concordia College - St. Paul

Master of Arts - Urban and Regional Planning
University of Minnesota - Twin Cities

SUMMARY

A planner at Bolton & Menk, TJ began his career in 2019 and works with a wide range of clients to provide planning services. In this role, he interprets and enforces zoning ordinances, reviews development plans, maintains and updates ordinances, meets with residents, and prepares and presents staff reports to governing bodies. He regularly assists with community engagement and outreach during the planning process. Since beginning his career, TJ has worked toward his passion of helping clients identify, establish, and implement their goals—he loves seeing the process unfold from start to finish.

EXPERIENCE

- Planning Services, City of Jordan, MN
- Planning Services, City of Scandia, MN
- Planning Services, City of Empire, MN
- 2040 Comprehensive Plan Update, City of Scandia, MN
- 2040 Comprehensive Plan Update, City of Forest Lake, MN
- Planning Services, City of Arden Hills, MN
- Planning Services, Greenvale City, MN
- Planning Services, City of Taylors Falls, MN
- City Code Update, City of New Trier, MN (Ongoing)
- Downtown Area Plan, City of West Fargo, ND
- Planning Services, City of Randolph, MN
- Housing Study, City of International Falls, MN
- Planning Services, City of Cottage Grove, MN
- Unified Development Code, City of New Prague, MN (Ongoing)
- Planning Services, City of Chisago City, MN



MADISON RICHARD

SUPPORT PLANNER



Real People. Real Solutions.

EDUCATION

Bachelor of Science - City and Regional Planning
Ohio State University

Bachelor of Science - Environment, Natural
Resources, and Community Development
Ohio State University

SUMMARY

Madison is a planner at Bolton & Menk, working to provide support to municipalities in daily planning services and assisting on larger-scale plan studies, reports, and updates. Prior to joining Bolton & Menk in 2024, she worked for three years doing public sector planning in Ohio, focusing on zoning and land use planning and application process management. Madison has a passion and desire to make planning more accessible to improve the lives of the communities and people she works with.

EXPERIENCE

- Planning Services, City of Arden Hills, Minnesota
- Interim Planning Services, City of Lake Elmo, Minnesota
- Planning Services, City of Newport, Minnesota
- Planning Services, Empire City, Minnesota
- Planning Services, City of Jordan, Minnesota
- On-Call Planning Services, City of Scandia, Minnesota
- On-Call Planning Services, Waterford City, Minnesota
- On-Call Planning Services, City of Taylors Falls, Minnesota
- Planning and Zoning Services, City of Hampton, Minnesota
- Cokato Trail Improvements, City of Dassel, Minnesota
- CSAH 1 Improvements, City of Winsted, Minnesota
- Planning Services, City of Coates, Minnesota
- W 3rd-4th Ave Ally Reconstruction, City of Aurora, Minnesota
- Scenic Acres Road & Hwy 135 Trail, Town of White, Minnesota
- Unified Development Code, City of New Prague, Minnesota



JENNI FAULKNER

SENIOR PLANNING ADVISOR



Real People. Real Solutions.

EDUCATION

Bachelor of Arts - Urban Studies
University of Minnesota - Minneapolis

Master of Arts - Urban Planning
Minnesota State University, Mankato

SUMMARY

Jenni is a planning project manager on the Bolton & Menk team who began her professional career in 1995. Her expertise spans the fields of city planning and land use, economic development, and housing. Her passion stems from her desire to provide sustainable and beautiful solutions to the communities she works in. Jenni says, "In my profession, I have the ability to positively impact and influence how people experience their physical environment."

EXPERIENCE

- City Planner, City of Empire, MN
- City Planner, City of Albertville, MN
- Zoning Code Update (Parking Ordinance), City of New Brighton, MN
- City Planning Services, City of Jordan, MN
- Planning Services, City of Victoria, MN
- Downtown Redevelopment Vision Plan, City of Savage, MN
- Development Review Planning Services and Oversight, City of Lake Elmo, MN
- Greenvale City Zoning and Subdivision, Dakota County CDA
- Zoning Code Update and Planning Services, City of Taylors Falls, MN
- 2000-2005 City Planner, City of Burnsville MN*
- 2005-2022 Community Development Director, City of Burnsville MN*

*Completed prior to Bolton & Menk



CITY OF NEWPORT
2060 1ST Avenue
Newport, MN 55055
(651) 459-5677
ci.newport.mn.us

Memorandum

To: Newport City Council
From: Nathan Fuerst, AICP, City Planner
Date: January 7, 2025
Subject: Keller Fence – Interim Use Permit

Background:

The City approved a conditional use permit for Keller fence on January 5, 2023 through Resolution 2023-07. Keller Fence's CUP allows the land use "building materials and services" with conditions for operating the business on site.

After the initial approval, the Applicant began to compile final site plans and satisfy conditions for approval. At that time environmental contamination was identified on site through a phase I environmental review. This paused the site development plans to address environmental remediation requirements that occur when contamination is identified. To abate the contamination, more environmental review was needed in the form of a phase II study.

The City of Newport successfully received funding to study environmental contamination on the site and to form a plan with the applicant for remediation required to develop the site. On October 3, 2024, the City extended the approval for Keller Fence for one year, through January 5, 2025. In 2024, additional time was needed to complete the environmental work on site and resolve the identified issues with the Minnesota Pollution Control Agency (MPCA). The City extended once more, on October 3, 2024, creating a new deadline of January 6, 2026.

Staff have been able to confirm with the MPCA that no further changes will be needed to the site plan originally approved by the City through Resolution 2023-07. The applicant is now seeking to take ownership of the property. They have requested an Interim Use Permit and to allow for temporary use of the property as a site for storage of materials associated with their business while starting over on project financing and building plans.

Interim Use Permits:

An Interim Use Permit (IUP) is a zoning "tool" nearly identical to a Conditional Use Permit (CUP) but used far less often. This is because IUP's are typically intended to allow land uses which are currently acceptable but are not in the long-term interests of the community.

Newport City Code, Section 36-49, permits the City Council to approve Interim Use Permits with the following (summarized) criteria:

- a) Zoning compliance - The use must be consistent with the allowed uses in a zoning district.

- b) Termination - An IUP will terminate on a specific date, not more than three years from the time the IUP is granted.
- c) Conditions – The city council may attach conditions to an IUP to mitigate issues reasonably anticipated with the use.
- d) Revocation - An interim use permit may be revoked in the same manner as a conditional use permit.

Request:

The Applicant, Keller Fence, has requested the IUP to allow for reasonable use of their property from the time a closing can occur until they are able to begin construction of their building and establishment of their use under the approved CUP. The proposed IUP would consist of the following:

- Materials storage located in the existing principal structure, and outdoors in a 70' x 80' area on the property behind the existing principal structure.
- Access to site would remain at its current location on 7th Avenue, with vehicles entering the site intermittently. Vehicles accessing the site would be limited to Ford F550 trucks or Isuzu Flat Bed trucks per the Applicant.
- A wooden fence facing 7th Avenue would be removed and replaced with black vinyl fence and swing gate to screen and secure the storage area.
- The duration of this IUP is expected to be about one year, as the Applicant needs to work on project financing and building plans with the builder.

Applicant's Narrative:

"We would like to use the block garage and area behind the block garage for storage. The block garage would be used for truck and equipment storage inside. The area immediately behind the block garage would be used for material storage. Material would not exceed the height of the garage. Truck traffic would be limited to several times a month at most. Our construction season is at low December through March. Hours of use would be 7:30am to 3:30pm. The existing broken wood fence would be replaced with a screening fence and gate to eliminate view of the yard."

Analysis:

This land use appears to meet the minimum criteria for an IUP. With a CUP already granted for the *building materials and services* land use from the City Council, staff find that this use satisfies the land use provision.

Since the storage will take place both within the existing building, and would be completely screened behind an existing structure, there are no visual impacts expected with this use.

Access to the site will be minimized to intermittent trips by smaller commercial vehicles, and not semis. Therefore, traffic impacts to the surrounding community are anticipated to be negligible.

Findings:

Staff have reviewed the request and recommend that it be approved with the following findings:

- a) *Consistency with the comprehensive plan.* The proposed use is consistent with the City's adopted 2040 Comprehensive Plan.
- b) *Health and safety.* The proposed interim use is not anticipated to negatively impact the health or safety of the community. All storage will be secured within the principal building, or secured behind privacy fencing.

- c) *Compliance with standards.* The requested interim use permit is compliant with Section 36-49 of the City Code and will allow for a temporary land use prior to establishment of the conditional use approved by the City through Resolution 2023-07.
- d) *Public infrastructure services.* Adequate public facilities and services are available to the site where the use is proposed. The use will not be detrimental to providing such services to the Community.
- e) *Screening and landscaping.* Landscaping will not be altered except for within the storage area to be approved by the City. All materials will be fully screened from the public view on 7th Avenue as a condition of approval.
- f) *Architectural standards.* There will be no changes to the site visible from 7th Avenue.
- g) *Zoning.* The use shall be consistent with the requirements of the zoning ordinance with approval of the IUP.
- h) *Traffic.* Intermittent access to this site by the Applicant, as controlled by the IUP, will cause negligible impacts on traffic along 7th Avenue.

Recommended Conditions:

Staff recommend approval with the following conditions:

1. This interim use permit is exclusively to allow for the storage of equipment and materials associated with the “building materials and services” land use within the principal structure and outdoor storage area proposed by the applicant.
2. The outdoor storage area is identified on the site plan attached to the City Staff’s report dated January 16, 2025.
3. No outdoor storage is permitted outside of the proposed 70 foot by 80 foot storage area.
4. Improvements to the subject property are required in conformance with the site plan included in the Staff Report to the Planning Commission dated January 7, 2025.
5. No other site improvements are permitted by the interim use permit.
6. Applicant must receive any required city permits prior to beginning any work on site.
7. Access to the site shall be limited to weekdays between the hours of 7:30 and 3:30.
8. Outside of permitted daily parking, no outdoor material, equipment, or vehicle storage may be visible from 7th Avenue.
9. Vehicles, trailers, or other related equipment must be stored on a compliant parking surface.
10. Unless extended by the City Council, the Interim Use Permit shall expire one year from approval or when substantial construction has begun on the property.

Recommended Action

City Code Section 36-49 creates the ability to place a specific date or event that will terminate the interim use and the ability to place conditions on the use. Given the Concept Plan for Keller Fence already has a required construction date of January 5, 2026, staff recommend an expiration date for the interim use as one year out, ending January 16, 2026.

Example Motion

“Move to recommend the City Council approve the Interim Use Permit requested by Keller Fence to allow for temporary use of the site for one year with the conditions proposed by staff”



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MEMORANDUM

Memo Date: December 23, 2022
Meeting Date: January 5, 2023
To: Newport City Council
From: Nathan Fuerst, AICP, City Planner
Subject: Conditional Use Permit Request - Keller Fence

Action Requested: Review the Conditional Use Permit request and provide a determination.

Overview

Applicant: Keller Fence
Owner: Presidential Recovery Services, LLC

PIDs: 0102722210031, 0102722210030,
0102722210029, 0102722210028

Zoning: B-2 General Business

Future Land Use: Mixed
Commercial/Residential

60 Day Period: January 20, 2023

Summary of Proposal

The City has received a Conditional Use Permit request from Keller Fence regarding the largely undeveloped parcels south and east of the former Newport City Hall property. Keller Fence is looking to acquire, combine, and redevelop the four subject parcels to create a new base for their business operations. This use is classified as *Building Materials and Services* under Sec. 36-229 of the Newport City Code and only allowed with a Conditional Use Permit (CUP).



The City's Planning Commission reviewed and held a public hearing on this request at its regular meeting on November 15th. The Commission unanimously voted to table this item, requesting additional information on traffic impacts, and screening.

This item was reviewed again by the City's Planning Commission on December 13th, 2022, and the Planning Commission voted 3-2 to recommend denial for this requested CUP.

Site Plan Review

Application materials submitted with this request have been reviewed by staff for conformance with the zoning code's performance standards. A summary of this review is below.

Building Design

The exterior building materials meet the City Code's requirements for commercial structures established in Sec. 36-162.1.b, which requires that the building facades be covered in at least 60% of either Class I or II materials. In this case, precast concrete panels qualify as a worthy Class II material. Metal siding is a permitted accent material. Finished metal standing seam roofing is permitted in all zoning districts.

Lighting

The submitted plans meet the City's performance standards for lighting on private developments. Lighting does not exceed maximum thresholds on surrounding properties.

Parking/Loading Areas

With the office and warehousing uses, the City Code requires a combination of 26 plus 2 stalls respectively. As proposed, the site meets this standard as 46 stalls will be provided. Proposed parking and loading areas also meet the requirements for parking lot landscaping and surfacing requirements.

Landscaping

The Site meets the minimum planting requirements for trees in relation to square feet of open area. This requirement (Sec. 36-162.11.b) requires the following:

There shall be a minimum of one tree for every 1,000 square feet of non-impervious surface area on the lot.

As proposed, the site plan shows a total of 57,954 S.F., which translates to a requirement of 58 trees. By removing an estimated 18,000 S.F. required for the storm basins, we are left with 39,954 S.F. of non-impervious area, or 40 trees. The applicant is proposing that many trees, and therefore meets code requirements.

Screening

The Applicant is proposing two different types of screening at the suggestion of City Staff. Along the 7th Avenue Corridor, the Applicant is proposing a continuous row of overstory deciduous trees. This will help to satisfy tree planting requirements while buffering the use visually from adjacent properties.

In addition, the applicant is proposing fencing along the perimeter of their outdoor storage and ponding areas. Fences and gates are proposed at 8'. Fencing will be comprised of coated vinyl chain link fence with slating to fully screen the storage area.

Site Access

There are two access points proposed for this site, which line up at the intersections of 7th Avenue and 5th and 4th streets. The southerly access, at 4th street, will be utilized primarily for the ingress and egress of delivery and fleet vehicles from this site. Controlled gate access into that access point is proposed. It is staff's recommendation that access to this site from fleet or delivery vehicles be limited to the southerly access point at 4th Street.

Traffic Impacts

Staff asked that the Applicant provide more detailed information on the nature of traffic to serve this use. The following details were provided:

- **Deliveries** - The trucks that the Applicant's vendors use for deliveries have 48' beds. The Applicant intends to have these deliveries pull entirely into the storage yard for off loading.
- **Fleet Vehicles** – The Applicant has 10 F450s (GVW 8500 – 8700 lbs) that are in use daily along with 2 Isuzu cab over trucks
- **Routing** – The Applicant is open to routing their vehicles south.
- **Material Deliveries** – Whenever possible, the Applicant has materials delivered directly to job sites. If timing doesn't work, then materials will be delivered to this site. The Applicant currently keeps inventory and will continue to do so.
- **Delivery Windows** – The Applicant reports a set delivery window on Fridays from 8-10am on a typical day. They also reported that there "is usually one other during the week as needed with a similar window".

7th Avenue Restrictions

7th Avenue is constructed to allow for 9 tons per axle. This means that it's designed to withstand heavy vehicles, including semis. In 2004, among concerns regarding truck traffic along 7th Avenue, the Newport City Council unanimously passed Resolution 2004-55. That Resolution restricted the weight of vehicles on 7th Avenue between 2nd Street and the Glen Road Interchange to 10,000 pounds of gross vehicle weight.

Functionally, Resolution 2004-55 restricted 7th Avenue from heavy truck through traffic, namely prohibiting semis that served the refineries in neighboring St. Paul Park. At the time that this resolution was passed, the Council clarified that heavy vehicles such as furniture delivery or moving vans making deliveries were not subject to this restriction.

When the CUP amendment was approved for what is now Absolute Towing and Recovery in 2016, the City Council provided a number of different conditions to mitigate the anticipated impacts of the use with respect to traffic. Those restrictions include the following:

- Requirement to divert traffic to and from this site south, to the 70th Street exit off Highway 61.
- Requirements for truck traffic to utilize the southerly site access point
- Gates must remain closed when not in use
- Limited daily operation hours for deliveries or work outdoors on site from 8am to 8pm, unless headlight and backup alarm controls were in place
- Limit for any truck traffic to 9 tons in weight, year-round

Back Up/Reverse Alarms

Community members also shared concerns regarding the use of alarms when backing up to maneuver on the property. Such alarms are commonly required by OSHA and other federal, state, or local agencies as standard for many different types of commercial vehicles.

In recent years, the use of broadband alarms has proliferated specifically in context of delivery vehicles. As opposed to a piercing noise emitted by standard tonal alarms, broadband alarms issue a noise which could be considered less intrusive or more similar to a white noise. In reaction to public concern, staff have proposed a condition of approval requiring either this technology to be implemented or for site circulation of vehicles such that they do not need to back up.

Public Hearing

A public hearing was noticed for and held by the Planning Commission at its regular meeting on November 15, 2022. The Planning Commission heard several public comments both written and in person. Several residents raised concerns about the impact of the truck traffic along 7th avenue. Specifically, Resolution 2004-55 was referenced when discussing traffic concerns.

Generally, comments were made with concern for surrounding residential uses, and the potential impacts that development of this site with the proposed use could have. Specifically, residents were concerned that traffic impacts could be created by this project, or other commercial or multifamily developments. Traffic concerns with this project included semi vehicle deliveries and ingress/egress of fleet vehicles tied to the land use. Outdoor storage, screening, and lighting were also concerns of residents, and the commission's review of screening was requested.

Although not noticed as a public hearing, and not required by City Code or Minnesota Statute, the Planning Commission determined that as a number of residents had shown up with concern for this item to the December 13, 2022 meeting, they would be heard by the Commission. The Planning Commission heard similar concerns to the November 15 meeting from the community members in attendance. Complaints generally related to traffic impacts such as noise, lights, pedestrian safety, speeding and general heavy traffic along the corridor.

Conditional Use Permit

The applicant has requested a conditional use permit pursuant to City Code section 36-241, Uses in the Nonresidential Districts.

Criteria for Consideration

The Planning Commission and City Council are required to consider criteria a – h in City Code Section [36-45 \(d\)\(3\)](#) when determination whether to approve a Conditional Use Permit request. Headings for those criteria are provided below:

- a) *Consistency with the Comprehensive Plan*
- b) *Health and Safety*
- c) *Compliance with standards*
- d) *Public infrastructure services*
- e) *Screening and landscaping*
- f) *Architectural standards*
- g) *Zoning*
- h) *Traffic*

Consistency with Criteria and Proposed Findings

Staff have reviewed the Applicant's site plan and find that it is generally consistent with the criteria for approval established in Section 36-45. Staff propose the following findings:

- a) Consistency with the Comprehensive Plan - The 2040 Comprehensive Plan guides Mixed Residential and Commercial areas for a wide variety of land uses compatible in type and scale with residential uses. The B-2 zoning district designation for this site is aligned with the adopted Future Land Use Map and provides for gradual transition along 7th avenue from more predominantly residential to the north, to more predominantly industrial uses to the south. The B-2 zone permits the proposed land use through a conditional use permit.
- b) Health and Safety - As proposed, the land use is not expected to detract from health and safety of those land uses surrounding. Site alterations are not anticipated to create any detrimental impacts

to surrounding properties. Anticipated impacts from this land use, on this property, can be mitigated through conditions of approval which require the land use to reduce real or perceived issues not limited to noise, light, traffic, parking, aesthetics, stormwater, or odor.

- c) Compliance with standards - As proposed, the land use and site plan meet applicable zoning and subdivision standards. It will be required to meet, or continue meeting, City standards through proposed conditions of approval.
- d) Public infrastructure services - This land use will be adequately served by public infrastructure. It will not create demand in excess of what can be supported by existing infrastructure.
- e) Screening and landscaping - Any non-temporary parking and outdoor storage will be screened either behind the principal structure or by use of fencing. Plantings meet minimum requirements and will be used to soften the appearance of the property as seen from neighboring parcels or public rights of way. Conditioned approval will require that screening and storage surfaces be maintained to continue proper function.
- f) Architectural standards - The building and site design conform with established design standards.
- g) Zoning - The B-2 zoning district permits the use requested, Building materials and services, through a Conditional Use Permit. The applicant's submittal indicates a use consistent with City Code Section 36-241. Through site plan and design review, staff have not identified any inconsistencies with City Code site or design performance standards.
- h) Traffic - Access points will align with existing intersections. Parking demand for this use is satisfied by dedicated parking on site. Traffic entering and egressing from the site due to the proposed use will not exceed what is currently supported on the surrounding street network. Mitigating conditions will regulate traffic associated with this use to limit impacts on surrounding residential land uses.

Conditions of Approval

City Code section 36-45(d)(5) allows the City to establish considerations relating to review of sites and address various performance issues on an individualized basis. Staff have generated a list of proposed conditions should the City wish to approve this conditional use permit.

Staff Recommended Conditions

Should the City seek to approve this request, it may do so with conditions of approval. Staff have drafted conditions considerate of public testimony and Planning Commission discussion, and recommend the following:

1. Applicant must receive any required city permits prior to beginning any work on site.
2. Applicant must pay all fees and escrows associated with this application.
3. Applicant must submit a lot combination application and any necessary documentation to satisfy City Engineering review requirements.
4. Applicant must adequately address comments in the City Engineer's review memo dated September 30, 2022, prior to issuance of a building permit.
5. Applicant must prepare, submit for review, and record acceptable drainage and utility easement agreements prior to issuance of the building permit.
6. Applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport City Code and the South Washington Watershed District rules.
7. All permanent stormwater facilities shall be contained within a drainage and utility easement.
8. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
9. All traffic to the site must weigh less than 9 tons per axle year-round.
10. All fleet and delivery vehicle traffic associated with this use shall be directed to access the site from the south, using the 70th Street exit from Highway 61 and 7th Avenue.

11. All fleet and delivery vehicle traffic shall use the southerly site access proposed at the intersection of 4th Street and 7th Avenue.
12. All fleet and delivery vehicle traffic on site shall be restricted from 7am to 7pm, on weekdays.
13. Diesel vehicles shall not be idled or operated outside of regular operating hours between 7am to 7pm on weekdays.
14. Vehicles on site with back up signals must either utilize broadband alarms while backing up or a circular traffic pattern around the site to avoid the need to back up.
15. Outdoor storage shall only consist of building materials and shall not be visible from the public right of way on 7th Avenue.
16. Gates shall remain closed when not in use.
17. Parking required by this use should be fully accommodated on the site, no customer, staff, or delivery parking may take place on 7th Avenue.
18. Parking, loading, and exterior storage surfaces shall be maintained sufficiently to keep them in good condition and dust free.
19. Fencing and gates shall be maintained sufficiently to keep such improvements in good condition and meeting screening requirements.
20. Landscaping shall be provided and routinely maintained to meet applicable city standards.
21. A trash enclosure, meeting applicable City standards, must be constructed if refuse is to be stored outdoors outside of regular collection.
22. Retail sales are not permitted on site.
23. Intensification of the use on site by expansion of the principal structure, or as otherwise identified by staff, shall require a CUP amendment per Sec. 36-45.
24. Site improvements must conform with those proposed in the site plans reviewed at the City Council meeting on November 17, 2022. Deviations from the reviewed plans must be reviewed consistent with Sec. 36-51.

Planning Commission Recommendation

The Planning Commission reviewed and discussed this item at its meeting on November 15. At that meeting, and in consideration of public testimony, the Planning Commission voted unanimously to table consideration. The commission requested additional information on 7th avenue regulations, proposed site conditions, and information relating to traffic impacts.

Staff brought this item back to the Planning Commission at its regular meeting on December 13, 2022. At that meeting, as noted and summarized above, a number of residents were allowed by the Commission to make public comments relating to this request. The Planning Commission discussed this request and the potential impacts that it felt could or could not be mitigated by conditions of approval. Commissioners discussed impacts to surrounding properties including noise, traffic, safety, and health and wellbeing.

Ultimately, the Planning Commission voted 3-2 to recommend that the City Council deny this request based on the following findings of fact, summarized by City Staff:

- Inconsistency with Criteria b – The use will create health and safety impacts to the surrounding community which cannot be mitigated with proposed conditions. Concern is for noise or light created on site which could impact the health of surrounding residents, and proximity to a public library which provides programming to youth.
- Inconsistency with Criteria h – Commissioners were concerned with the amount of traffic that this use will generate during hours of operation. The City cannot easily enforce the conditions that would be required to mitigate concerns about traffic routing and intensity.

The planning commission discussed three changes to possible conditions of approval should this request ultimately be granted:

1. Restrictions are desired to prevent customer, staff, fleet, or delivery vehicles associated with Keller Fence from parking on surrounding properties.
2. Restricting all fleet and delivery vehicle traffic from accessing the site from the north along 7th Avenue.
3. Creating more strict language relating to noises emitted from reverse or back up alarms. Language should only allow for broadband (white noise) alarms or circulation which creates no need to back up.

Staff Recommended Action

The City Council is reminded that this determination is *quasi-judicial* and should refer to information from the City Attorney on how such determinations should be made.

Were this proposed land use any number of different uses permitted “by-right”, there would be no opportunity for the City to decide upon the use itself. The only review allowed would be to determine if the site meets City Code design and performance standards. Permitted uses in the B-2 district, found in City Code Section 36-241, include the following:

- Funeral Homes
- Medical Clinics
- Post Offices
- Schools
- Breweries/Distilleries
- Gas/diesel or other motor vehicle sales
- Hotels
- Wholesale retail

Staff have proposed findings fact that indicate conformance with required criteria for approval. Concerns relayed from the members of the community and Planning Commission are acknowledged and incorporated into the conditions of approval. It is Staff’s opinion that the conditions of approval can reasonably mitigate the impacts that this use may have on surrounding properties or residents. Therefore, approval of this request is recommended.

City Council Action

The City Council may take several actions on this item:

- Approve
- Approve with conditions
- Denial
- Table (Action must be taken by January 20, 2023)

Should the City Council seek to approve this request, Staff suggest the aforementioned 24 conditions of approval.

Staff have provided an example motion approving the project as follows:

“Move to adopt Resolution 2023-xx [approving/denying] approval of the Keller Fence Conditional Use Permit [with conditions of approval, 1-24, as proposed by staff]”

Name: Keller Fence – Conditional Use Permit

Date: January 5, 2023

Page: 8

Resources:

- Application Documents (attached)
- Zoning Code ([link only](#))
- Citywide Zoning Map ([link only](#))
- 2040 Comprehensive Plan ([link only](#) - Land Use chapter begins on pg 31)



STAFF REPORT
DATE: 12/3/2024
REGULAR AGENDA

TO: Lake Elmo City Council
FROM: Nathan Fuerst, AICP, Consulting Planner
AGENDA ITEM: **Cannabis Regulations – Draft Registration and Land Use Standards**
REVIEWED BY: Jason Stopa, Community Development Director
Sophia Jensen, City Planner
Joseph Sathe, Kennedy & Graven

BACKGROUND:

In 2023, Chapter 342 of Minnesota State Statutes was established legalizing cannabis for recreational adult use and the sale, possession, use, and growth of cannabis. The same statute also created the Office of Cannabis Management (OCM), a new State agency that regulates cannabis use and businesses in Minnesota. The OCM is currently finalizing rules and standards for licensing and use of facilities that will deal with cannabis. The OCM recently closed the application period for Social Equity Applicants and received over 1,800 applications.

Licenses are anticipated to be issued shortly after the rules are finalized in 2025. To avoid the possibility of creating legal nonconforming uses, city staff are proposing that the City adopt registration and land use standards before January 1, 2025.

On November 12, 2024, the City Council and several Planning Commissioners were present for a joint workshop and provided staff with direction on regulations for cannabis and hemp businesses.

On November 25, 2024, the Planning Commission held a public hearing and discussed the proposed regulations.

Given feedback received through the review process, the following general changes have been made to staff's proposed ordinances:

- Staff have drafted Ordinance 2024-20, and ordinance creating a registration process for cannabis and hemp retail businesses.
- Ordinance 2024-21 was amended as follows:
 - Cultivation in greenhouses is prohibited, buildings must be compliant with design standards.
 - Requirement added for temporary cannabis events to be held indoors.

ISSUE BEFORE THE CITY:

The City Council is asked to review the proposed ordinances. If it seeks to adopt the standards, it should do so or advise staff on changes for a future meeting.

REGISTRATION VS. LICENSING:

The OCM will issue and manage licenses for cannabis businesses. Retail operations for cannabis must register with local units of government before making retail sales to customers or patients. Currently, local government units are required to allow for one registration for every 12,500 residents. The statute specifies these registrants as cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement. This minimum of one applies only to cannabis retailer registration. It is currently unclear if the City will be able to limit non-retailer uses to any capacity, however, staff believes uses that are not required to register cannot be prohibited.

The pros and cons of registering locally vs with Washington County are generally laid out below:

Pros:

1. Local control on the number of registrants, Lake Elmo can limit to up to two retail businesses.
2. Local control on process of registration such as background checks, enforcement, etc.

Cons:

1. Use of limited staff resources for processing registrations.
2. County registration process or potentially the number of retail registrants in Lake Elmo are out of the City's control.

PROPOSED ORDINANCE UPDATES:

All cannabis businesses are required to comply with local zoning ordinances. Upon receipt of an application for a license, the OCM will reach out to local governments to certify zoning compliance during their application process. Cities without zoning controls in place will have a difficult time responding that uses do or do not comply with their ordinance.

Per State law, cities may place reasonable restrictions on the *time, place, and manner* of a cannabis business but may not outright ban one. A city is required to issue a retail registration to a cannabis retailer and/or any cannabis business seeking a retail endorsement if compliant with the City's rules.

Cannabis Businesses and Uses

Minnesota State Statute defines the term "cannabis business." This term means the following uses:

1. cannabis microbusiness;
2. cannabis mezzobusiness;
3. cannabis cultivator;
4. cannabis manufacturer;
5. cannabis retailer;
6. cannabis wholesaler;
7. cannabis transporter;
8. cannabis testing facility;
9. cannabis event organizer;
10. cannabis delivery service;

11. medical cannabis cultivator;
12. medical cannabis processor;
13. medical cannabis retailer; and
14. medical cannabis combination business.

These “businesses” correlate with the types of licenses that will be available from the OCM. Without amendments to the Zoning Ordinance, cannabis uses may be grouped in with existing land use classifications. The figure below is intended to provide an assessment of land use elements associated with each type of cannabis businesses.

		Use								
		Grow		Sell to		Consume	Manufacture/ Process	Packaging	Wholesale	Research/ Laboratory
		Indoor	Outdoor	Customers	Other Businesses					
License Type	Microbusiness	X	X	X	X	X	X	X		
	Mezzobusiness	X	X	X	X		X	X		
	Cultivator	X	X		X		X	X		
	Manufacturer				X		X	X		
	Retailer			X						
	Wholesaler								X	
	Testing									X
	Event			X						
	Transporter	N/A								
	Delivery Services	N/A								

Cannabis Retail Business Registration

Application Fees: Application fees are limited by State Statute. The draft ordinance adopts the highest fee permitted which is \$500 (and sometimes less) for initial registration, and \$1000 (and sometimes less) for renewal. State law allows for the first renewal to be made without a fee.

Application Procedure: The City will create a form and applicants will need to supply all required information. The City will require certification that the business is compliant with zoning standards. Where the retail business operation requires Conditional Use Permit, the City will not issue its registration unless or until the business has received approval of a CUP.

Annual Compliance Checks: State law requires the City to perform compliance checks on registered retailers. This includes age verification compliance checks by individuals, in coordination with law enforcement, that are between the age of 17 and 21 who attempt to purchase products.

Number of Retail Businesses: The only cannabis business which the City is permitted by state statute to limit per number of registered business is the retail sale of cannabis products. This type of business can be limited to 1 per every 12,500 residents of a City, Township, or County. It may be possible to limit retail registrations to zero if there are enough licensed retailers in the county to satisfy the 1 business per 12,500 resident ratio county-wide.

Micro and Mezzobusinesses

Microbusiness and mezzobusinesses are the two unique use names within cannabis. These uses can be compared to something like a small winery or brewery; however, on-site consumption of intoxicating products is only allowed by state licenses for microbusinesses. Microbusinesses and mezzobusinesses are allowed to cultivate, manufacture/process, package, and sell with their license. Businesses licensed as microbusinesses or mezzobusinesses can operate multiple locations and the cultivation and manufacturing part of the license can be located separately from the retail location. As such, the uses may have multiple parts of a singular building that make up a single structure such as a warehouse type facility for storage and processing and a greenhouse for cultivation, but these all serve the principal use of microbusiness or mezzobusiness.

Draft Zoning Standards

Staff are recommending the following changes at this time:

- Establishment of definitions for cannabis and hemp uses.
- Revision of land use tables in Mixed Use, Business, and Industrial Districts to regulate the specific cannabis business uses.
- Establishment of performance standards for cannabis businesses and the process for temporary cannabis events.

Zoning District Use Table Amendments

Changes to allow low potency hemp product sales in the Village Districts in LEC 105.12.780:

	V-LDR	V-MDR	V-HDR	VMX
Accessory Uses:				
<u>Lower-potency hemp edible sales</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>

[remainder of page intentionally blank]

Changes to allow cannabis businesses in Commercial Districts in LEC 105.12.870 and 105.12.920:

	LC	CC	C	BP	MU-C	MU-BP
Sales of Merchandise:						
<u>Cannabis Cultivation</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Cannabis Event, Temporary</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cannabis Mezzobusiness</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>
<u>Cannabis Microbusiness</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>
<u>Cannabis Sales</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Cannabis Wholesaling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>
<u>Lower-Potency Hemp Edible Manufacturing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>
<u>Lower-Potency Hemp Edible Sales</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Accessory Uses:						
<u>Cannabis Delivery</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

District Abbreviations:

LC = Limited Commercial, CC = Convenience Commercial, C = Commercial, BP = Business Park/Light Manufacturing District, MU-C = Mixed Use Commercial, MU-BP = Mixed Use Business Park

Buffers/Setbacks

State statute allows cities to adopt restrictions if they choose by prohibiting registrations within:

- 1,000 feet of a school
- 500 feet of a daycare
- 500 feet of a residential treatment facility
- 500 feet from an attraction in a public park regularly used by minors, such as a playground or athletic field.

Staff have drafted an ordinance with all buffers adopted as the most restrictive option. However, the buffers from daycare and residential treatment facilities are more difficult to administer and may be less of a concern for public safety.

Odor Control

OCM has left odor control to be controlled at the local level aside from Minnesota Pollution Control Standards for nuisances. The draft standards include a condition that odor control systems be installed for uses where odor would be expected as part of the regular businesses (indoor cultivation, manufacturing, wholesaling). In researching standards for this, some communities require verification from a qualified industrial hygienist that appropriate odor control systems have

been installed and continual monitoring was required. If the Council wishes to require this, the standards should be modified to reflect this.

Lighting

All uses will be required to meet the standards within the City Code for outdoor lighting, however, indoor cultivation has a specific need for lighting to facilitate plant growth. At this time, staff are recommending not to permit greenhouses as light impacts on neighboring properties are expected in winter months. All buildings and sites will therefore need to comply with applicable design standards.

Outdoor Use Prohibitions

The draft ordinance restricts outdoor storage to only the daily parking of vehicles. This standard will apply to all cannabis businesses. As part of a cultivator, microbusiness, and mezzobusiness license, cultivation is allowed and can either be indoor cultivation (greenhouses, hydroponics) or outdoor cultivation. Outdoor cultivation is not expected to be largely utilized as the growing conditions in Minnesota are not optimal for cannabis. The draft ordinance does not allow outdoor cultivation.

Cannabis Testing Facilities

Although not currently recommended, the City may want to consider regulating cannabis testing facilities separately from the “Research, and testing” use that exists within the code as a conditional use in Business Parks and Mixed-Use Business Parks. It is not yet known how prevalent cannabis testing facilities will be in the Twin Cities metro area.

Temporary Cannabis Events

The City is encouraged to consider proactively adopting standards for Temporary Cannabis Events. It is staff’s opinion that this use must be permitted somewhere in the City. The standards proposed are summarized below:

- Permit required – a permit is required for such events to allow the City time to process a request.
- Application and Fees – application and fee requirements are established.
- Process – a permit application would initiate a review process with city council approval of permits for temporary cannabis events.
- Standards:
 - OCM license is required for the business.
 - Temporary Cannabis Events are only permitted at approved Cannabis Cultivation, Cannabis Mezzobusiness, Cannabis Microbusiness, Cannabis Retail, and Low Potency Hemp Retail Locations.
 - Temporary Cannabis Events may not be held outdoors.
 - Temporary Cannabis Events must last no more than four consecutive calendar days.
 - No more than four Temporary Cannabis Events may be conducted at a single location in a calendar year.
 - Hours of operation for a Temporary Cannabis Event are limited to 10:00 AM to 5:00 PM.

Public Hearing

A public hearing notice was published in the City's official paper. No written public comments have been received. The noticed public hearing was held at the City's Planning Commission meeting on November 25, 2024.

One verbal comment was provided at the public hearing. That commenter was appreciative of the public review process and made remarks favoring the limitation of cannabis business uses strictly to commercial districts. Design standards that were discussed by staff and the commission were seen as favorable.

Draft Ordinance Timeline

Staff propose the following timeline for review and approval of an ordinance before the new year:

- ~~November 12, 2024 – Joint workshop between Planning Commission and City Council~~
- ~~November 25, 2024 – Public Hearing at Planning Commission~~
- December 3, 2024 – City Council Review of draft ordinance

Planning Commission Recommendation:

The Planning Commission discussed this item at its regular meeting on November 25, 2025. The Planning Commission found that the suggested land use standards were acceptable. It was suggested that temporary cannabis events take place indoors, and staff have revised the ordinance accordingly.

Ultimately, the Planning Commission voted unanimously to recommend the ordinances to the City Council for approval.

Recommendation:

Staff suggest adoption of the revised ordinances. The City Council can do so through the following example motions:

“Move to Adopt Ordinance 2024-20 establishing registration requirements for cannabis retail businesses”

“Move to Adopt Ordinance 2024-21 establishing land use and performance standards for cannabis and hemp businesses.”

“Move to Adopt Resolution 2024-130 authorizing summary publication of Ordinances 2024-20 and 2024-21.”

ATTACHMENTS:

- Draft Ordinance – Land Use Standards
- Draft Ordinance – Registration Standards
- Draft Resolution – Authorizing Summary Publication of Land Use and Registration rules
- A Guide for Local Minnesota Governments of Adult Use Cannabis, Version 1.4