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Meeting Announcement and Agenda of the Cambridge Planning Commission  
City Hall Council Chambers  
Regular Meeting, Tuesday, December 5, 2017, 7:00 pm

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Members of the audience are encouraged to follow the agenda. When addressing the Commission, please state your name and address for the official record.

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**AGENDA**

1. Call to Order and Pledge of Allegiance
2. Approval of Agenda (p. 1)
3. Approval of Minutes
  - A. November 7, 2017 Regular Meeting (p. 3)
4. Public Comment: For items not on the agenda; speakers may not exceed 5 minutes each.
5. New Business
  - A. Auto Dealerships - Zoning restrictions and performance based standards (p. 13)
  - B. Places of Worship and Exterior Materials discussion (p. 34)
  - C. **PUBLIC HEARING** - Variance request for 237 Cypress St. S. for extra impervious surface Brandy Herbst (p. 40)
6. Other Business/Miscellaneous
  - A. City Council Update
  - B. Parks, Trails, and Recreation Commission (PTRC) Update
7. Adjourn

Notice to the hearing impaired: Upon request to City staff, assisted hearing devices are available for public use.

Accommodations for wheelchair access, Braille, large print, etc. can be made by calling City Hall at 763-689-3211 at least three days prior to the meeting.

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## PLANNING COMMISSION MEETING MINUTES

Tuesday, November 7, 2017

Pursuant to due call and notice thereof, a regular meeting of the Cambridge Planning Commission was held at Cambridge City Hall, 300 – 3<sup>rd</sup> Avenue NE, Cambridge, Minnesota.

**Members Present:** Mike Stylski, Chad Struss, Julie Immel, Brandon Grell, Bob Erickson, Robert Nelson, and Kersten Barfknecht-Conley (City Council Representative). All present, no absences.

**Staff Present:** Community Development Director Westover and City Administrator Woulfe

### **CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Stylski called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Stylski moved agenda items 5G after agenda item 5C. Immel moved, seconded by Grell to approve the agenda as presented. Motion carried unanimously.

### **APPROVAL OF MINUTES**

#### ***October 3, 2017 Regular Meeting Minutes***

Grell moved, seconded by Immel to approve the October 3, 2017 meeting minutes as presented. Motion carried unanimously.

### **PUBLIC COMMENT**

Stylski opened the public comment period at 7:03 pm and without any comments, closed the public comment period at 7:04 pm.

### **NEW BUSINESS**

#### ***Public Hearing: Interim Use Permit for Above Ground Storage Tank (Waste Management)***

Westover stated Waste Management has recently moved into the former NRI building at 1505 11<sup>th</sup> Ave NE and is requesting to add an additional above ground tank. The tank requested will be a 10,000 gallon diesel fuel tank used for refueling the refuse/recycling fleet trucks. Westover showed a site plan indicating the location of the tank and reported that previously, the property was approved through a Conditional Use Permit for two 1,000 gallon fuel tanks, one oxygen container, and one aggregate container for sand which will remain on site and used as-is.

Westover reported since the property is within the well head protection plan, SEH has reviewed the proposed tank's location and their review indicates no real effect on the well head protection actions, however recommended the following as the City's due diligence:

1. Obtain all local, state, and federal regulatory permits for the tank installation.
2. Provide confirmation that all local, state, and federal regulatory permits have been obtained.
3. Provide confirmation of all applicable environmental plans have been obtained such as Stormwater Pollution Prevention Plan (SWPPP), Spill Prevention, Containment, and Countermeasure Plan (SPCCPlan), etc.
4. Provide applicable design details including features relating to tank design, secondary containment, spill prevention, emergency shut-offs, etc.

Stylski opened up the public hearing at 7:04 pm and without public comment, closed the public hearing at 7:05 pm.

Nelson moved, seconded by Conley to recommend Council approve the draft resolution for an above ground 10,000 gallon fuel tank with the following conditions:

1. The Interim Use Permit is valid for five years and shall be void as of November 20, 2022. Applicant may request another Interim Use Permit if desired prior to this date.
2. The Interim Use Permit is not transferrable and is only valid for Waste Management at the location of 1505 11<sup>th</sup> Ave NE.
3. Obtain all local, state, and federal regulatory permits for the tank installation.
4. Provide confirmation that all local, state, and federal regulatory permits have been obtained.
5. Provide confirmation of all applicable environmental plans have been obtained such as Stormwater Pollution Prevention Plan (SWPPP), Spill Prevention, Containment, and Countermeasure Plan (SPCCPlan), etc.
6. Provide applicable design details including features relating to tank design, secondary containment, spill prevention, emergency shut-offs, etc.

Motion carried unanimously.

***Public Hearing: Cambridge Opportunity Industrial Park 6<sup>th</sup> Addition Preliminary Plat  
Cambridge Opportunity Industrial Park 6<sup>th</sup> Addition Final Plat***

Westover reported the City of Cambridge currently owns the proposed land in the Cambridge Opportunity Industrial Park which is zoned I-1 Low Impact Business-Industrial District. Westover stated the City is working with Stars Hollow Corporation and intends to sell approximately 12.6 acre parcel for their new business. Westover



explained Stars Hollow Corporation is an Aquaculture firm that raises fish and uses a Hydroponics system to grow fresh vegetables for sale.

Westover explained staff has reviewed the preliminary plat and there are a few items the applicant and surveyor need to correct. Westover reviewed the items that have been added as conditions of plat approval. Westover noted at this time, condition number two as identified in the staff report has been completed and can be removed from the proposed conditions.

Westover reported staff finds the preliminary and final plats are consistent as proposed and can be review simultaneously since no new infrastructure is required as part of the plat.

Stylski opened the public hearing at 7:08 pm.

Paul Uren with Everstrong Construction located at 36379 Hwy 71 Redwood Falls introduced himself and Architect Keith Nichols and stated they were there to answer any questions related to how the property is going to be used.

Stylski closed the public hearing at 7:10 pm.

Immel moved, seconded by Grell to recommend that City Council adopt resolutions approving the preliminary and final plats of Cambridge Opportunity Industrial Park 6<sup>th</sup> Addition as long as the following conditions are met:

1. A Site Plan Review application is required and approval by the City is needed.
2. Provide total acreage of the lot including the area above the pond and the pond area.
3. Final plat must be recorded with the Isanti County Recorder's office within 120 days of final plat approval.
4. A copy of the recorded final plat must be submitted to the City within 5 days of recording.

Motion carried unanimously.

***Resolution R17-02 Finding that a Modification to Development Program for Development District No. 6 and Tax Increment Financing Plan for Tax Increment Finance District No. 6-19 Conforms to the General Plans for the Development and Redevelopment of the City***

Woulfe stated staff has been in contact with Stars Hollow Corporation (SHC) on building a new 164,234 square foot facility on over 12 acres in the Cambridge Opportunity Industrial Park.

Woulfe explained that SHC is a start-up sustainable food grower and distributor of fresh fish products and high-value, certified organic/non-gmo verified produce within a Plant

Factory Artificial Lighting (PFAL) system. For SHC to achieve necessary organic produce quantities and most cost effective is to construct a customized building, designed specifically for operational efficiencies.

Woulfe reported the City is selling the land to Stars Hollow Company for \$1.00 and placing this site in a TIF District enabling the City to recoup the cost of the land. We are estimating the land price with 12.3 acres equals 535,738 sq. ft. @ \$1.50 sq. ft. equals \$803,682 of land cost write down which we would have to recoup through TIF.

Woulfe stated as part of the creation of this district, the Planning Commission is required to find that the TIF District is in conformance with the City's general plans for development and redevelopment of the City. As described above, the program Modification and tax Increment Financing (TIF) Plan for Development District No. 6 and TIF District No. 6-19 is in conformance with the City's Comprehensive Plan.

Struss asked if they have other facilities that are similar. Woulfe stated they have a small scale production in Sunrise Township, but this is their first large scale production.

Grell moved, seconded by Struss to approve Resolution R17-02 as presented, finding that the Modification to the Development Program for Development District No. 6 and the Tax Increment Financing Plan for TIF District No. 6-19 is in conformance with the City's Comprehensive Plan.

### ***Public Hearing: Auto Dealership Parking Ordinance Amendment***

Westover reported Council directed staff to bring the auto dealership parking requirements to the Planning Commission for review. Westover explained the review stems from Kevin and Briana Wudel's Interim Use Permit for Automobile Sales in the B-1 District at 140 1st Ave W.

Westover stated at their meeting on October 3, 2017, the Planning Commission compared other cities and discussed the auto dealership parking requirements. Westover reported the Planning Commission recommended bringing back the ordinance amendment as proposed on October 3, 2017.

Westover reviewed the language in the proposed ordinance which would require one space for every 500 GFA (Ground Floor Area) plus one for each employee on a major shift, or as otherwise determined by the Planning Commission and City Council through an Interim Use Permit (IUP).

Stylski opened the public hearing at 7:18 pm.

Kevin Wudel of 416 11<sup>th</sup> Ave SW, Cambridge, MN 55008 stated his attorney could not be present at the meeting, however, he wanted to list reasons that he is against limiting the number of auto sales Woulfe provided a point of order indicating Wudel was speaking in relation to a different agenda item. Wudel responded that he would address

the Commission at the time it is appropriate regarding the limitation on auto dealerships. Wudel continued to state regarding the parking restrictions, the most customers he has had on the lot at any given time is three and felt the proposed ordinance amendment was still too restrictive. Wudel noted although his building size is approximately 4,000 square feet, he only uses a small portion of the building for his business and the rest of the building is vacant.

Monte Dybvig of 132 Ashland St N. and 115 Main St N., Cambridge, MN 55008 stated he has not had any issues with parking on Wudel's lot. Dybvig encouraged the Commission to look at the specific zoning and what long term affects it could have.

Steve Maas owner of 716 Main St S., Cambridge, MN 55008 asked if the parking spots would have to be designated and noted he has been operating his lot for 25 years and asked if there is a grandfather clause. Westover stated staff would need to do a historical review of each of the properties this ordinance amendment would affect. Westover stated there are statute requirements that protect existing non-conforming properties.

Bob Roby of 237 2<sup>nd</sup> Ave SW, Cambridge, MN 55008 stated he was Chair of the Downtown Committee and has had extensive discussions with staff on trends the Committee would like to see happen. Roby reported there is an overlay district being discussed with staff and the Committee is supportive of relaxing the parking requirements. Roby noted some parking spots in the downtown area are used during the day and some are used in the evening.

Stylski closed the public hearing at 7:30 pm.

Staff and the Commission discussed the possibility of only calculating the ground floor area the business actually utilizes. Westover recommended having the business submit a site plan at the time of an Interim Use Permit Application indicating what part of the building is being used for the business of vehicle sales.

Nelson questioned the ideology of using the ground floor area instead of the amount of inventory. Staff explained it is a planning practice that is used universally with many cities. Nelson asked about the possibility of determining the spaces on a case by case basis. Woulfe cautioned this due to legal ramifications.

Struss confirmed when there are different uses in a building, each use has its own parking requirement.

Struss moved, seconded by Immel to recommend Cambridge City Council approve the draft ordinance amending the language to add "utilized" after "500 GFA". Motion carried unanimously.

### ***Auto Dealerships – Zoning Restrictions and Performance Based Standards***

Westover stated the Planning Commission has had discussions on potential business restrictions in the past and at the October 3, 2017 meeting, the Commission requested that all interested parties come to a future meeting to discuss. Westover stated the interested parties include the Downtown Task Force Committee and Auto Dealership Business Owners and she has invited all parties to the meeting.

Westover reported staff started exploring the idea of limiting the number of certain businesses because of the negative feedback from residents regarding the amount of certain businesses in Cambridge and since the Comprehensive Plan update was completed last spring, the discussion can continue.

Westover explained the biggest concern in Cambridge currently is automobile sales so staff is requesting the majority of discussion to occur on this topic. Westover noted thrift stores can be discussed as well, in addition to tattoo shops and massage parlors, but these topics should be brought back to another meeting for more in depth conversation if the Commission wishes.

Westover stated the reason they are discussing this now is to be proactive in shaping the future of the city since other cities have had similar discussions after problems arose.

Westover stated she has had discussions with City Attorney Jay Squires on the legalities of such limitations and he explained there is more ability in State Statutes to limit thrift stores/second hand stores and it is more common for cities to limit these. Westover reported used car dealerships are different and the city could look at more performance based standards (stronger standards) if we choose. The standards could include: lot size minimums, traffic flow, parking, only one use per lot (no secondary business on a lot), separation (3,000 ft. from another) to reduce blight, etc. Westover noted reasons for this can include building value, aesthetics, and a diverse economy.

Westover reviewed feedback gathered from other cities regarding auto dealerships. Cities have limited the automobile sales in certain zoning districts and/or required a Conditional Use Permit or Interim Use Permit. Some cities have created stronger standards like a minimum lot size of 1, 2 or 4 acres. Woodbury only allows auto sales in a warehouse and industrial zoning district through a Conditional Use Permit and requires all vehicles for sale to be housed indoors (no outdoor storage of any kind allowed). Shakopee has decided to not allow any newly formed used car dealerships to start in their city. Shakopee had a concern with 13-15 used car dealerships and their population is 40,610. Westover reported for comparison purposes, Cambridge has 10 car dealerships and the population is 8,749.

Westover explained the current Cambridge code requires the lot width for any automobile sales use be 100 foot minimum and it does not specify the requirements for the remaining lot size standards. Therefore, the lot can be a very small triangle with a 100' width at the front. Cambridge currently has an auto dealership with this lot scenario. Westover noted the property is struggling to come into compliance with the



rest of the regulations because the lot is not conducive to an auto dealership, however, since the lot is in the B-2 district, automobile sales is permitted.

Westover reviewed the current Zoning Code language which included:

- 100' minimum width at front yard
- Permitted by right in the B-2 Highway Business District and BT Business Transitional
- Allowed with an Interim Use Permit (IUP) in the B-1 Downtown Business District and B-1A Downtown Fringe Business District

Westover reviewed some possible code changes to discuss which included:

- Lot size (maybe we require a 100 foot minimum lot width and one/two acres of land)
- Interim Use Permits required for all automobile sales uses in all Business Zoning districts
- Remove automobile sales from a certain zoning district (i.e. B-1 Downtown Business District), but keep them in all other Business Districts
- Only allow automobile sales in the B-2 General Business District
- Remove automobile sales from all Business Districts, only allow them in Industrial Districts

Westover read into the record an email from William O'Neill that he is not opposed to auto dealership limits, however, limiting any business that draws in consumers to the city, draws those consumers to other businesses as well. O'Neill went on to state if you push businesses out, you short change those businesses that benefit from their presence.

Stylski offered the audience to address the commission.

Kevin Wudel of 416 11<sup>th</sup> Ave., Cambridge, MN 55008 stated he feels the car lots in town seem to do a good job with keeping their lots clean. They bring a lot of traffic into town and dealerships are a good economic tool for other businesses. They also deal with other local businesses such as auto parts, printing, etc.

Steve Maas owner of 716 Main St S., Cambridge, MN 55008 stated he agrees with Kevin that customers come from all over the state and the business of auto sales has changed dramatically with the internet. However, he feels there is enough auto dealerships in the Cambridge area, especially along the main arteries. Maas noted there are some car lots in Cambridge that are blight.

Monte Dybvig of 132 Ashland St N. and 115 Main St N., Cambridge, MN 55008 stated staff, the Commission, and Council need to set up goals and a consistent plan for car lots. Dybvig stated the downtown business owners held a meeting and a resounding theme was that everyone was irritated with the exceptions. Dybvig stated they do not want to shove auto dealerships away from Cambridge altogether, but felt they should be

in an area that makes sense such as the edge of the downtown core areas. Dybvig asked the Commission to think about the vision of Cambridge and the vision of the downtown to help it grow and succeed. He noted it is important to think about what they want the City of Cambridge to look like which they can control through zoning.

Bob Roby of 237 2<sup>nd</sup> Ave SW, Cambridge, MN 55008 stated he was Chair of the Downtown Committee and wanted to provide context to the discussion. Roby questioned whether the City should be able to organize itself to put certain businesses in specific areas around the town to optimize the experience into coming into the downtown area. Roby challenged the Commission to think about how to engage as many stakeholders as they can. To progress towards a better draw and experience in the downtown area. Roby asked the Commission to think about the idea that if nothing is done, then certain areas of the city will die but at the same time, if they do things too fast, they will run over people which isn't good either. Roby encouraged the Commission to keep having these discussions and to invite people to the table for these discussions. Roby also asked the Commission to let people know the motives are positive and that people should be aware of "why" the decisions are made which affects the vision of the future more so than affecting current businesses. Roby encouraged the audience to read the proposal carefully which is geared towards future development.

Immel asked those in attendance if they felt it would make a difference if their business was located in a different location. Those in attendance voiced the opinion that they felt if they were not located on a major corridor, their businesses would suffer.

Nelson confirmed auto sales currently are not allowed in the industrial zoning districts.

Immel posed the question if the ordinance changes to not allow dealerships in the downtown zoning district, what would happen when those auto dealerships reapply for their interim use permit. After discussion, staff will need to consult with the City Attorney on this concern.

Erickson felt the Commission should look at limiting the number of dealerships.

Conley recommended and encouraged to keep the vision of the downtown area.

The consensus of the Commission was to have staff do additional research with the city's attorney and come back with additional ideas along with inviting the same people to the next Planning Commission meeting in December.

### ***Annexation of Kelly Property***

Westover stated Corinne Kelly and Gayland Hokanson have requested by petition to have two parcels they own annexed into the City. Westover explained Kelly and Hokanson also own over 100 acres of land adjacent to these small parcels, often referred to by staff as the "Kelly" property. The 100 acre Kelly property is within the City

limits and the owners plan to develop when the time is right. These two smaller parcels were purchased more recently and were not included in the original annexation.

Westover explained annexation can occur by Ordinance in this case when the City receives a petition from the owners, the land abuts the municipality, and the land is 120 acres or less. The township and adjacent property owners have been notified and a public hearing on the annexation request will be heard at the City Council meeting on December 4, 2017.

Struss confirmed staff has not heard back from Cambridge Township.

Nelson moved, seconded by Grell to recommend to the Cambridge City Council to approve the draft ordinance to annex two parcels from Cambridge Township, property identification numbers: 03.031.2400 and 03.031.0300. Motion carried unanimously.

Patrick Kelly asked for clarification regarding the accesses to these two properties. Kelly explained the college owns property to the east which land locks his property from access to Spirit River Dr. S. Kelly confirmed the college has no interest in selling the property so an extension of 2<sup>nd</sup> Ave SW is not in the immediate future. Kelly asked if they develop these two lots could they put in accesses off of Highway 95. Staff and the Commission confirmed this is a Minnesota Department of Transportation decision but encouraged Kelly to have a site plan for them to review.

## **OTHER BUSINESS / MISCELLANEOUS**

### ***City Council Update***

Westover and Conley updated the Commission on the previous City Council meeting.

### ***Parks, Trails, and Recreation Commission Update***

Westover stated the Parks, Trails and Recreation Commission did not meet last month.

## **ADJOURNMENT**

Immel moved, seconded by Conley, to adjourn the meeting at 8:49 pm. Motion carried unanimously.

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Mike Stylski  
Cambridge Planning Commission Chair

ATTEST:

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Marcia Westover  
Community Development Director\City Planner

DRAFT

**Review**

The Planning Commission has had discussions on potential business restrictions on March 2, 2016, May 3, 2016, October 3, 2017, and November 7, 2017. I have attached the minutes from these meetings for your reference. This meeting is continued to further discuss the issue with the interested parties including the Downtown Task Force Committee and Auto Dealership Business Owners. I have again invited all parties to this meeting.

**New Information Requested**

At the November 7, 2017 meeting, it was asked that staff bring back information from the City Attorney on the existing Interim Use Permits (IUP's) in the B-1 Downtown Business District (currently Valder's Vehicles and Kevin Wudel's North Metro Auto Sales).

If the current zoning code is changed to no longer allow auto dealerships in the B-1 Downtown district, the existing businesses operating under an IUP would not be able to renew their IUP. However, language can be added to the zoning code to expressly allow continuation of those specific IUP's through an extension request.

In addition, a moratorium can be adopted by ordinance. A moratorium would suspend any new auto dealership to open in Cambridge until the moratorium is removed. This would allow the Planning Commission and City Council more time to fully review the issues, if needed. The City Council needs to approve a moratorium. If the Planning Commission wishes to go forward with this, then staff can present to Council as a recommendation and bring back an ordinance to a future Council meeting.

**Background from previous meetings**

City staff had started to explore the idea of limiting the number of certain businesses because of the negative feedback from residents regarding the amount of certain businesses in Cambridge. Now with the recent feedback from the Planning Commission regarding 140 1<sup>st</sup> Ave W (Wudel's auto sales request) and the Discover Downtown Cambridge Committee on revitalization efforts, this discussion is being heard again. In addition, the Comprehensive Plan update was completed last spring therefore the discussion can continue.

The biggest concern in Cambridge currently is automobile sales. Staff is requesting the majority of discussion to occur on this topic. Thrift stores can be discussed as well, in addition to tattoo shops and massage parlors. These topics should be brought back to another meeting for more in depth conversation if the Commission wishes.

The reason we are discussing this now is to be proactive in shaping the future of our city. Other cities have had similar discussions after problems arose. Please see the attached 2016 article from the Star Tribune.

I had a discussion with City Attorney Jay Squires on the legalities of such limitations. He explained that there is more ability in State Statutes to limit thrift stores/second hand stores



and it is more common for cities to limit these. Used car dealerships are different and the city could look at more performance based standards (stronger standards) if we choose. Standards could include: lot size minimums, traffic flow, parking, only one use per lot (no secondary business on a lot), separation (3,000 ft. from another) to reduce blight, etc. Reasons for this can include: building value, aesthetics, and a diverse economy.

Attached please find some feedback gathered from other cities regarding auto dealerships. If cities have decided to restrict auto sales, they have done as our City Attorney has advised. They have limited the automobile sales in certain zoning districts and/or required a Conditional Use Permit or Interim Use Permit. Some cities have created stronger standards like a minimum lot size of 1, 2 or 4 acres. Woodbury only allows auto sales in a warehouse and industrial zoning district through a Conditional Use Permit and requires all vehicles for sale to be housed indoors (no outdoor storage of any kind allowed). Shakopee has decided to not allow any newly formed used car dealerships to start in their city. Shakopee had a concern with 13-15 used car dealerships and their population is 40,610. For comparison purposes, Cambridge has 10 car dealerships and the population is 8,749.

The current Cambridge code requires that the lot width for any automobile sales use be 100 foot minimum. It does not specify the requirements for the remaining lot size standards. Therefore, the lot can be a very small triangle with a 100' width at the front. Cambridge currently has an auto dealership with this lot scenario. The property is struggling to come into compliance with the rest of the regulations because the lot is not conducive to an auto dealership. The lot is in the B-2 district and automobile sales is permitted.

Cambridge current Zoning Code language:

- 100' minimum width at front yard
- Permitted by right in the B-2 Highway Business District and BT Business Transitional
- Allowed with an Interim Use Permit (IUP) in the B-1 Downtown Business District and B-1A Downtown Fringe Business District

For discussion purposes, the following are possible code changes to discuss:

- Lot size (maybe we require a 100 foot minimum lot width and one/two acres of land)
- Interim Use Permits required for all automobile sales uses in all Business Zoning districts
- Remove automobile sales from a certain zoning district (i.e. B-1 Downtown Business District), but keep them in all other Business Districts
- Only allow automobile sales in the B-2 General Business District
- Remove automobile sales from all Business Districts, only allow them in Industrial Districts

**Planning Commission Action**

Discuss the attached draft ordinance and direct staff on how to proceed with any language amendments to the city code. Also direct staff as to whether or not you would like to bring back thrift stores, tattoo shops, and massage parlors for further discussion.

**Attachments**

1. 2017 Automobile Sales Research-other cities
2. 2016 Star Tribune Article
3. March 2, 2016, May 3, 2016, October 3, 2017, November 7, 2017 Planning Commission Minutes
4. Maps (Auto Dealerships, Zoning Map with Auto Dealerships)
5. Ordinance Language

Auto Dealership - Limitations Within City Limits

9/22/2017

- North Branch The City of North Branch does not regulate the number of dealers. Car dealers are allowed in the B3 zoning district and allowed by CUP in the CBD and B2 zoning districts
- Blaine No, we do not restrict the number of auto dealerships. However, they are restricted to the B-3 Zoning District, require a CUP, and need to meet certain requirements:
- (c) Vehicle sales lot, for passenger vehicles only. (Amend 4 3 86. Ord 86 936)
- (a) Vehicle Sales Lot Standards
- Each Conditional Use Permit for a vehicle sales lot will be reviewed in conjunction with the following standards:
1. Minimum lot size shall be four (4) acres.
  2. Minimum building size shall be 25,000 square feet.
  3. Site to incorporate extensive berming along street frontages.
  4. Vehicle storage and display areas to have minimum 25-foot setback from all interior property lines and 40-foot setback from any public right-of-way.
- Waite Park Waite Park does not have any distance requirements or number caps on used car dealerships. However, given that they are only permissible within certain zoning districts, largely within the built-up area of the community, there's essentially a natural limitation on how many available properties there are. We have received lots of pressure over the past 18 months or so to open up additional options for standalone used-car sales (as opposed to used cars associated with new car dealers, those taken in on trade), but after staff review and discussion with City Council we have opted to leave things as-is. I've found it's difficult to codify and differentiate between "nice" used car dealers that deal in either newer or upscale vehicles, and not-so-nice ones that are pretty much bargain/surplus lots that tend to draw more ire.
- Hastings No limitations;
- Zimmerman No limitations.
- Monticello No limitations.
- Hopkins We do not have a limit for the number of car dealerships within Hopkins. Car dealerships are a conditional use in the B-3 district subject to the conditions outlined in Section 535.03, Subdivision 2.A and also require a license under Section 1115.
- Forest Lake No limitations.
- Mora
- Columbia Hts. The City does not limit the number of used auto dealerships specifically. In 2016, the City passed an Ordinance updating how it addresses auto related uses (convenience stores, auto sales used/new, auto repair etc.), and requiring that any new auto related use be located on a lot with a minimum of one acre. So if it is an existing auto related use operating on a lot that is under an acre it cannot be expanded. Also, this means that if a used auto dealership for example, wanted to locate on a lot within the City, it would have to be on a minimum of one acre of land. At the same time, the City also removed Auto Repair (formerly permitted) from the Central Business District.

Bloomington Yes, the City restricts auto sales in two ways.

First, the Comprehensive Plan limits auto sales with inventory on site to sites that are guided Regional Commercial. This is the greatest restriction, as the only sites with this designation have excellent access to Interstate Highways for the most part.

Second, the Zoning Code breaks up auto sales into 4 categories:

1. Motor Vehicle Sales, Class I. The sale and service of new motor vehicles obtained directly from the manufacturer.
2. Motor Vehicle Sales, Class II. The sale of used motor vehicles displayed on the premises, and taken in trade as part of the sale of a new or used motor vehicle or purchased or recovered from another dealer, leasing or rental business, or private individual, and where the primary purpose of the business is the sale of such used motor vehicles.
3. Motor Vehicle Sales, Class III. The sale of used motor vehicles which are stored and displayed on the premises of a business whose primary activity is other than the acquisition of such vehicles for sale, resale, rental or leasing and in a location on the property which does not occupy parking spaces otherwise required to meet the requirements of this code.
4. Motor Vehicle Sales, Class IV. The sale, brokering, lease or rental of new or used motor vehicles where no such vehicles for sale, rental or leasing are stored or displayed on the premises of the business. Class IV Motor Vehicle Sales shall be considered permitted uses in all zoning districts where offices and office uses are permitted.

Used auto sales is considered Class II. Class II auto sales is restricted in many of the zoning districts. The use tables in our zoning code can be found here: [www.code.blm.mn/21.209](http://www.code.blm.mn/21.209).

Burnsville We don't differentiate between new or used cars. Typically a Conditional Use Permit is required if there is outdoor storage and display associated with the car dealership. We have specific performance standards such as screening and landscaping see below:

10-7-46: OPEN SALES/RENTAL LOT:

(A) Open sales/rental lots shall be allowed only if permitted in the underlying zoning district and are subject to the following provisions and restrictions:

1. Shall have a principal structure on the lot. (Ord. 1226, 1-18-2011)
2. The view from headlights shall be one hundred percent (100%) screened from adjacent property lines and the public right of way.
  - a. Items approved by the city council for display on designated display pads are exempt from this headlight screening requirement. This exemption shall only apply to items oriented toward the public right of way and not adjacent properties. Display pads shall be physically separated from parking lots and drive aisles and shall comply with the applicable district's parking setback requirements. (Ord. 1316, 4-8-2014)
3. Open rental and sales lots shall only be considered for vehicles of a noncommercial nature.
4. Parking lot landscaping shall comply with all requirements of section 10-7-26 of this chapter.
5. A minimum of eight percent (8%) of the interior of the sales lot shall be landscaped. Said landscaping shall count toward meeting the overall site green space requirement identified by chapter 30A of this title, for the underlying zoning district.
6. No auctions shall be permitted.
7. No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential uses.
8. Delivery and loading hours shall be limited to the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. for all open sales/rental lots that abut or are across the street from a residential use.
9. Accessory car wash/vacuums shall be subject to the requirements of section 10-7-43 of this chapter. (Ord. 1226, 1-18-2011)

Burnsville #2 Burnsville does not have restrictions on the number or concentration of used or new auto dealerships in the City. The Burnsville Zoning Ordinance allows Open Sales/Rental Lots as a Conditional Use Permit in our B3, General Commercial, B4, Highway Commercial, I1, Industrial Park and I2, General Industrial zones.

Hutchinson Hopkins No limitations.

White Bear Lake No limitations. White Bear Lake does not limit the number of used auto dealers; however, we do require a minimum lot area of 2 acres and building area not less than 20% of the lot area which significantly reduces the number of available sites in our community. Let me know if you would like me to forward our B-3 Zoning District provisions, or you can find them on our website.

Woodbury We do not have restrictions on the number of auto dealerships that are allowed within our City. We regulate motor vehicle sales under a conditional use permit and it is only permitted in our B-4 Office Warehouse District and 1-1 Light Industrial District.

Additionally, by ordinance we do not permit any exterior storage. This means all auto dealers must find a space where they can store the vehicles within a building.

Shakopee At this time, we have no restrictions on numbers of dealerships or the proximity to one another. We are however not allowing any more used car dealerships. The only way to sell used cars is if they are selling them as part of a New Car Dealership. We currently have this change in with our codifiers for the City Code Update.

The City Council adopted the ordinance restricting any additional only used dealers because we were seeing an inordinate amount of requests for used car dealerships. In one afternoon we had contact with 3 different parties looking to open a used car lot. For instance, if a restaurant or gas station closed, we would have someone looking to open a used car lot before another restaurant or gas station would look at the space. Used car lots were a listed conditional use at that time.

At the time of the ordinance adoption I believe there were 13-15 different sites with used vehicle sales licenses within the city. The zoning district that permitted used car lots covers large areas of the city, from areas near the downtown on smaller lots to a multiple mile long stretch of highway on larger lots. Setting what may have seemed like a reasonable proximity requirement could still have allowed multiple more dealerships, which the majority of the council was not interested in. The City also has had a goal of strengthening the downtown area as a retail and service destination. Setting a numerical cap wouldn't keep more car lots away from the downtown area without some other zoning text amendment or new zoning district. When we did the ordinance change we notified all of the dealers in the city of the proposed change prior to the public hearing with a letter and an FAQ page. A couple dealers called with questions, but none attended the public hearing. The existing dealerships are able to change ownership within the requirements of the non-conforming use statute, or they may sub-lease.

We do have an allowance in our light industry zone for vehicle repair businesses to sell cars, with a limit on the sales not exceeding 20% of their business. The ordinance change in our highway business zone did not impact this requirement.





NORTH METRO

## Suburbs temporarily ban some businesses, hold out for better mix

In Columbia Heights, leaders want to limit auto businesses on Central Avenue.

By Shannon Prather (<http://www.startribune.com/shannon-prather/188067161/>) Star Tribune

JANUARY 16, 2016 — 6:38PM

Columbia Heights residents can buy an oil filter on nearly every corner of Central Avenue. But there's no coffee shop where they can linger over a newspaper and sip a latte.

That's a problem, city leaders say.

Fearful that a glut of mechanics, auto-parts stores and gas stations along Columbia Heights' main drag is pulling down the city's image and muscling out other businesses, the City Council is banning new auto-related businesses for up to six months.

City leaders figure that will be enough time to tighten up zoning regulations and set more design controls with an eye toward attracting a more eclectic mix of restaurants, shops and small service businesses along Central Avenue.

"Residents think we have too many auto places," said Mayor Gary Peterson. "Central Avenue has always been an auto-related corridor. It has an auto history. But we want to make sure we are planning for our downtown area, planning ways to make it more sustainable with salons, offices, restaurants."

Others believe that tighter controls and business bans can raise fears of gentrification or, worse yet, result in empty buildings.

"I think they are crazy to move it off this street," said Tricia Ayers, owner of Auto Max Muffler & Brake Shop in Columbia Heights for the past 23 years. "I believe in free enterprise. ... Automotive is what it is. It's hard to keep clean."

The old "take-what-you-can-get" mentality, in which businesses were accepted indiscriminately, left some suburbs with a mashup on Main Street. So suburban leaders often try to harness market forces to reshape their cities and meet demand for the jobs, amenities and businesses that city dwellers take for granted.

"Do you accept your fate because of decisions made 40 years ago or do you look to where you want to be?" said Brooklyn Park Mayor Jeff Lundie, whose city has made similar decisions.

Columbia Heights already has limited the number of thrift stores and check-cashing places that can operate in the city. Other suburbs have followed suit.

After the number of massage businesses in Blaine passed 20, the city this year limited their number to one for every 2,500 residents. The Spring Lake Park City Council halted all commercial and industrial development for a year so it could rework its 1970s-era zoning code.

Last winter, St. Louis Park passed a moratorium on issuing new off-sale liquor licenses through the end of this year. Burnsville officials temporarily banned thrift stores so they could rethink regulations.

In Columbia Heights, more than two dozen auto-related businesses line Central Avenue, ranging from small mom-and-pop garages to national chains. People entering the city from the south are greeted with an O'Reilly Auto Parts on one side and the colorful two-story Bobby & Steve's Auto World on the other.

Robert "Bobby" Williams, Bobby & Steve's co-owner, sits on the Columbia Heights City Council and voted for the temporary ban on auto businesses.

"I like competition. It makes us better, but we do have a lot of automotive stuff," Williams said.



[http://www.startribune.com/images/own\\_1450566](http://www.startribune.com/images/own_1450566)  
Central Avenue in Columbia Heights.

Drew Mickelson checked on the antilock brake system on a car at Auto Max on Dec. 11 in Columbia Heights.

**More appealing, attractive**

Talk about a temporary ban was jump-started by efforts to revive Columbia Heights' downtown, a row of Central Avenue storefronts between 39th and 40th avenues anchored by the historic Heights Theater, a retro Dairy Queen and a \$7 million city library now under construction.

An auto shop opened in an old building across the street from the library site, and Peterson said the city had no authority under its code to require improvements. "It's not the greatest asset to Columbia Heights," he said.

Peterson said he's leaning toward permanently banning new auto businesses in the downtown district and enacting new design standards for the rest of the city. Trees, landscaping, retaining walls and architectural standards can make a world of difference, he said.

Joe Hogeboom, Columbia Heights' community development director, said the city has cracked down on illegal signs along Central, will hang new banners on its downtown light poles and is looking into adding benches and other amenities.

"We are really trying to focus on making that street more walkable, more appealing, more attractive," Hogeboom said. "The revitalization of Central Avenue is the big goal. There are many pieces to it."

Neighboring Minneapolis restricts auto businesses along stretches of Central Avenue south of Columbia Heights, including the Lowry Avenue NE. intersection -- a shopping and business district area that planners call "Northeast Downtown."

Hogeboom believes that's part of the problem. Turned away at Minneapolis City Hall, the auto businesses head north, he said.

**'Too old-fashioned'**

Some Columbia Heights business owners question the wisdom of trying to alter a bustling, established urban corridor known as an auto alley. They point out that the avenue reflects the working-class community in many ways.

Ayers, a longtime auto business owner in the city, said that the auto businesses serve the surrounding suburbs and working-class Columbia Heights, where residents tend to drive older cars. She said she would support efforts to beautify the boulevard with more trees, landscaping and architectural details, but said that design standards should apply to all types of businesses.

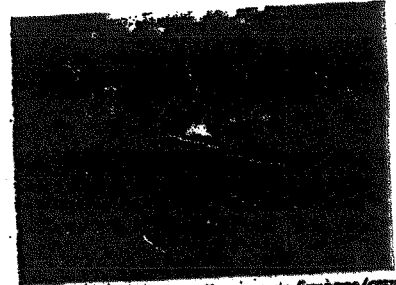
"I don't think they should pick on automotive," said Ayers, pointing to a bar across the street. "There are a lot of things we can talk about."

Juan Collier, who owns and operates the neat and tidy Heights Barber Lounge in downtown Columbia Heights, agreed that the city could use a more diverse mix of shops but added that he worries that vision may not match its diverse, urban vibe.

"It's too old-fashioned," he said.

Columbia Heights resident Dolores Strand said she has faith in the City Council.

"Hopefully it's going to be a positive thing," she said. "Their intention seems to be for the best. You never know because the economy and the financial climate is so uncertain."



([http://stmedia.startribune.com/images/cws\\_1450566](http://stmedia.startribune.com/images/cws_1450566))

The Heights Barber Lounge owner Juan Collier cut customer Senghor Shirwen's hair. Many of Collier's neighbors in Columbia Heights are...

***Auto Dealerships – Zoning Restrictions and Performance Based Standards***

Westover stated the Planning Commission has had discussions on potential business restrictions in the past and at the October 3, 2017 meeting, the Commission requested that all interested parties come to a future meeting to discuss. Westover stated the interested parties include the Downtown Task Force Committee and Auto Dealership Business Owners and she has invited all parties to the meeting.

Westover reported staff started exploring the idea of limiting the number of certain businesses because of the negative feedback from residents regarding the amount of certain businesses in Cambridge and since the Comprehensive Plan update was completed last spring, the discussion can continue.

Westover explained the biggest concern in Cambridge currently is automobile sales so staff is requesting the majority of discussion to occur on this topic. Westover noted thrift stores can be discussed as well, in addition to tattoo shops and massage parlors, but these topics should be brought back to another meeting for more in depth conversation if the Commission wishes.

Westover stated the reason they are discussing this now is to be proactive in shaping the future of the city since other cities have had similar discussions after problems arose.

Westover stated she has had discussions with City Attorney Jay Squires on the legalities of such limitations and he explained there is more ability in State Statutes to limit thrift stores/second hand stores and it is more common for cities to limit these. Westover reported used car dealerships are different and the city could look at more performance based standards (stronger standards) if we choose. The standards could include: lot size minimums, traffic flow, parking, only one use per lot (no secondary business on a lot), separation (3,000 ft. from another) to reduce blight, etc. Westover noted reasons for this can include building value, aesthetics, and a diverse economy.

Westover reviewed feedback gathered from other cities regarding auto dealerships. Cities have limited the automobile sales in certain zoning districts and/or required a Conditional Use Permit or Interim Use Permit. Some cities have created stronger standards like a minimum lot size of 1, 2 or 4 acres. Woodbury only allows auto sales in a warehouse and industrial zoning district through a Conditional Use Permit and requires all vehicles for sale to be housed indoors (no outdoor storage of any kind allowed). Shakopee has decided to not allow any newly formed used car dealerships to start in their city. Shakopee had a concern with 13-15 used car dealerships and their population is 40,610. Westover reported for comparison purposes, Cambridge has 10 car dealerships and the population is 8,749.

Westover explained the current Cambridge code requires the lot width for any automobile sales use be 100 foot minimum and it does not specify the requirements for the remaining lot size standards. Therefore, the lot can be a very small triangle with a

100' width at the front. Cambridge currently has an auto dealership with this lot scenario. Westover noted the property is struggling to come into compliance with the rest of the regulations because the lot is not conducive to an auto dealership, however, since the lot is in the B-2 district, automobile sales is permitted.

Westover reviewed the current Zoning Code language which included:

- 100' minimum width at front yard
- Permitted by right in the B-2 Highway Business District and BT Business Transitional
- Allowed with an Interim Use Permit (IUP) in the B-1 Downtown Business District and B-1A Downtown Fringe Business District

Westover reviewed some possible code changes to discuss which included:

- Lot size (maybe we require a 100 foot minimum lot width and one/two acres of land)
- Interim Use Permits required for all automobile sales uses in all Business Zoning districts
- Remove automobile sales from a certain zoning district (i.e. B-1 Downtown Business District), but keep them in all other Business Districts
- Only allow automobile sales in the B-2 General Business District
- Remove automobile sales from all Business Districts, only allow them in Industrial Districts

Westover read into the record an email from William O'Neill that he is not opposed to auto dealership limits, however, limiting any business that draws in consumers to the city, draws those consumers to other businesses as well. O'Neill went on to state if you push businesses out, you short change those businesses that benefit from their presence.

Stylski offered the audience to address the commission.

Kevin Wudel of 416 11<sup>th</sup> Ave., Cambridge, MN 55008 stated he feels the car lots in town seem to do a good job with keeping their lots clean. They bring a lot of traffic into town and dealerships are a good economic tool for other businesses. They also deal with other local businesses such as auto parts, printing, etc.

Steve Maas owner of 716 Main St S., Cambridge, MN 55008 stated he agrees with Kevin that customers come from all over the state and the business of auto sales has changed dramatically with the internet. However, he feels there is enough auto dealerships in the Cambridge area, especially along the main arteries. Maas noted there are some car lots in Cambridge that are blight.

Monte Dybvig of 132 Ashland St N. and 115 Main St N., Cambridge, MN 55008 stated staff, the Commission, and Council need to set up goals and a consistent plan for car lots. Dybvig stated the downtown business owners held a meeting and a resounding theme was that everyone was irritated with the exceptions. Dybvig stated they do not want to shove auto dealerships away from Cambridge altogether, but felt they should be in an area that makes sense such as the edge of the downtown core areas. Dybvig

asked the Commission to think about the vision of Cambridge and the vision of the downtown to help it grow and succeed. He noted it is important to think about what they want the City of Cambridge to look like which they can control through zoning.

Bob Roby of 237 2<sup>nd</sup> Ave SW, Cambridge, MN 55008 stated he was Chair of the Downtown Committee and wanted to provide context to the discussion. Roby questioned whether the City should be able to organize itself to put certain businesses in specific areas around the town to optimize the experience into coming into the downtown area. Roby challenged the Commission to think about how to engage as many stakeholders as they can. To progress towards a better draw and experience in the downtown area. Roby asked the Commission to think about the idea that if nothing is done, then certain areas of the city will die but at the same time, if they do things too fast, they will run over people which isn't good either. Roby encouraged the Commission to keep having these discussions and to invite people to the table for these discussions. Roby also asked the Commission to let people know the motives are positive and that people should be aware of "why" the decisions are made which affects the vision of the future more so than affecting current businesses. Roby encouraged the audience to read the proposal carefully which is geared towards future development.

Immel asked those in attendance if they felt it would make a difference if their business was located in a different location. Those in attendance voiced the opinion that they felt if they were not located on a major corridor, their businesses would suffer.

Nelson confirmed auto sales currently are not allowed in the industrial zoning districts.

Immel posed the question if the ordinance changes to not allow dealerships in the downtown zoning district, what would happen when those auto dealerships reapply for their interim use permit. After discussion, staff will need to consult with the City Attorney on this concern.

Erickson felt the Commission should look at limiting the number of dealerships.

Conley recommended and encouraged to keep the vision of the downtown area.

The consensus of the Commission was to have staff do additional research with the city's attorney and come back with additional ideas along with inviting the same people to the next Planning Commission meeting in December.



***Potential Future Business Restrictions (Used Auto Dealers, Thrift Stores/Second Hand Stores, Tattoos, Massage) (Continued from May 3, 2016 Meeting)***

Westover stated the Planning Commission started discussion on potential business restrictions in 2016. The first meeting was on March 2, 2016 and the discussion was tabled to May 3, 2016. On May 3, the Commission tabled the discussion until after the Comprehensive Plan update was complete.

Westover stated that City staff had started to explore the idea of limiting the number of certain businesses because of the negative feedback from residents regarding the amount of these businesses in Cambridge. Now with the recent feedback from the Planning Commission regarding 140 1<sup>st</sup> Ave W (Wudell's auto sales request) and the Discover Downtown Cambridge Committee on revitalization efforts, this discussion is being heard again. In addition, the Comprehensive Plan update was completed last spring, therefore the discussion can continue.

Westover stated the biggest concern in Cambridge currently is automobile sales. Staff is requesting the majority of discussion to occur on this topic. Thrift stores can be discussed as well, in addition to tattoo shops and massage parlors. These topics could be brought back to another meeting for more in depth conversation if the Commission wishes. The reason we are discussing this now is to be proactive in shaping the future of our city. Other cities have had similar discussions after problems arose.

Westover stated she had a discussion with City Attorney Jay Squires on the legalities of such limitations. He explained that there is more ability in State Statutes to limit thrift stores/second hand stores and it is more common for cities to limit these. Used car dealerships are different and the City could look at more performance based standards (stronger standards).

Westover referred to some feedback gathered from other cities regarding auto dealerships. If cities have decided to restrict auto sales, they have done as our City Attorney has advised. They have limited the automobile sales in certain zoning districts and/or required a Conditional Use Permit (CUP) or Interim Use Permit (IUP). Some cities have created stronger standards like a minimum lot size of 1, 2 or 4 acres. Woodbury only allows auto sales in a warehouse and industrial zoning district through a CUP and requires all vehicles for sale to be housed indoors (no outdoor storage of any kind allowed). Shakopee has decided to not allow any newly formed used car dealerships to start in their city. Shakopee had a concern with 13-15 used car dealerships and their population is 40,610. For comparison purposes, Cambridge has 10 car dealerships and the population is 8,749.

Westover pointed out the current Cambridge code requires that the lot width for any automobile sales use be 100 foot minimum. It does not specify the requirements for the remaining lot size standards. Therefore, the lot can be a very small triangle with a 100' width at the front. Cambridge currently has an auto dealership with this lot scenario. The property is struggling to come into compliance with the rest of the regulations

because the lot is not conducive to an auto dealership. The lot is in the B-2 district and automobile sales is permitted.

Westover stated Cambridge current Zoning Code language is as follows: (1) 100' minimum width at front yard; (2) Permitted by right in the B-2 Highway Business District and BT Business Transitional; and (3) Allowed with an Interim Use Permit (IUP) in the B-1 Downtown Business District and B-1A Downtown Fringe Business District.

Westover stated for discussion purposes, the following are possible code changes to discuss: (1) Lot size (maybe we require a 100 foot minimum lot width and one/two acres of land); (2) Interim Use Permits required for all automobile sales uses in all Business Zoning districts; (3) Remove automobile sales from a certain zoning district (i.e. B-1 Downtown Business District), but keep them in all other Business Districts; (4) Only allow automobile sales in the B-2 General Business District; and (5) Remove automobile sales from all Business Districts, only allow them in Industrial Districts.

The Commission discussed inviting the owners of auto dealerships that are outside of the B-1 District to see what their opinion is on this versus the owners of auto dealerships in the B-1 district. The Commission also discussed inviting the Downtown Committee to a future meeting. Zoning districts and further zoning review of was also discussed.

The Commission recommended staff table this discussion and invite the appropriate interested parties for a deeper discussion with the Planning Commission.

excerpt from the  
May 3, 2016  
Planning Commission  
minutes

### **Potential Business Restrictions**

Westover stated City staff is exploring the idea of limiting the number of certain types of businesses in the City and proposing ideas to the Planning Commission for discussion. The businesses currently being reviewed include used automobile sales and thrift stores (to include all second hand stores). Westover stated at the March 2, 2016, Planning Commission meeting, the Commission tabled this item to the May 3, 2016 meeting.

Westover explained staff would like the Commission to discuss the issue of limiting the number of used automobile sales and thrift stores/second hand stores and determine whether to have staff bring back proposals or leave the businesses as is. Westover stated the reason for discussions at this point is to be proactive in shaping the future of our City as other cities have had similar discussions after problems arose.

Westover reported she spoke with City Attorney Jay Squires on the legalities of such limitations and said Squires explained there is more ability in State Statutes to limit thrift stores/ second hand stores and it is more common for cities to limit these. Westover said Squires stated used car dealerships are different and the City could look at more performance based standards (stronger standards). Westover stated these standards could include lot size minimums, traffic flow, parking, only one use per lot (no secondary business on a lot), separation (3,000 feet from another) to reduce blight, etc. Westover said reasons for this can include building value, aesthetics, and a diverse economy.

The Commissioners discussed the restrictions of potential future businesses. Klossner stated the Commissioners role is to look at the Comprehensive Plan, at the zoning and approved use of the property and make recommendations based on this information. Klossner continued stating the Commission is not charged with being the keeper of free market enterprise in the City. Klossner posed the question is it better to let a property sit vacant and deteriorate rather than allow a business to move in and use the property, even if there are many businesses like it already in the city?

Nelson stated that he wouldn't have been in favor of the Goodwill and thinks it will hurt other thrift stores.

Basta stated that the City shouldn't consider selective enforcement. Basta continued that the City doesn't have adequate staffing levels to add this type of enforcement.

Westover stated staff is asking the Commissioners to consider choosing to be proactive in restricting the number of certain types of businesses before the City reaches a point of having issues that can't be controlled. Godfrey asked what the process would be if they chose to restrict certain types of businesses. Westover stated amendments would be made to the current ordinance(s), a public hearing would be held and a recommendation to amend the ordinance(s) would then be made to the City Council.

Godfrey suggested that since the City recently received the Minnesota Design Team recommendations and is currently just beginning to revise the Comprehensive Plan, to wait on making any decisions on this request at this time.

Nelson moved, seconded by Struss to table this discussion until a draft of the Comprehensive Plan is presented. Motion carried 7/0.

Excerpt from the  
March 2, 2016  
Planning Commission  
minutes

**Discuss Potential Future Business Restrictions (used auto dealers,  
thrift stores/second hand stores, tattoos, massage)**

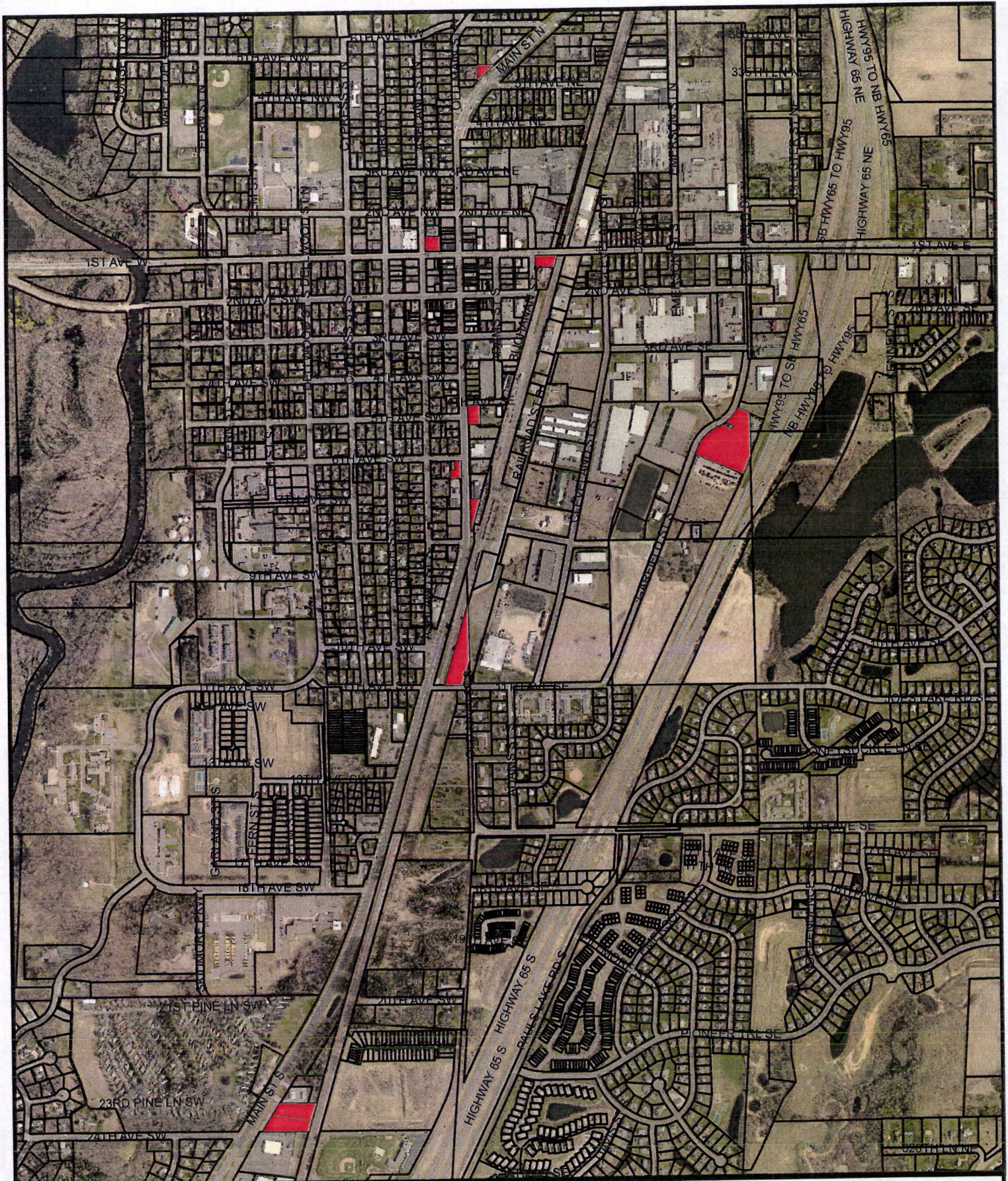
Westover explained City staff is exploring the idea of limiting the number of certain types of businesses in the City and proposing ideas to the Planning Commission for discussion. The businesses currently being reviewed include used automobile sales and thrift stores (to include all second hand stores). Westover stated staff would like Commission to let staff know if they would like to explore the option further and have staff bring back proposals or leave the businesses as they are. Westover explained the reason staff wants to discuss this now is to be proactive in shaping the future of our City as other cities have had similar discussions after problems arose.

Westover stated she spoke with City Attorney Jay Squires about the legalities of such limitations. Westover said Squires explained thrift stores/second hand dealers are a common item to limit but used car dealerships are different and the city should look at more performance based standards. Westover stated Squires said the City could put a moratorium on these types of businesses which would limit any additional businesses of this nature coming into the City until a decision is made but pointed out this process would require a public hearing.

The Commissioners discussed these potential business restrictions. Godfrey asked if there are any businesses of this type applying for business licenses at the present. Westover stated no, but the city did have an inquiry into a used auto dealer last fall. Basta asked if there were any complaints regarding the number of these types of businesses. Westover stated there are no formal complaints about the number of businesses. Morin stated the City Council has heard informal complaints regarding the appearance and upkeep of the buildings and overcrowding of the parking on car dealership lots. Westover confirmed that the city does receive complaints on parking, appearance, and this is handled through the property maintenance process. Klossner stated if it came down to a choice, he would rather not see empty buildings or storefronts if a business wanted to move into Cambridge. Struss stated it would be difficult to choose which businesses can come in and which ones cannot. Westover stated this process may allow the City to either determine which businesses can be limited or at least develop stronger standards.

Further discussion centered around whether to table this discussion to May until after the Minnesota Design Team visit and the start of the Comprehensive Plan process. Godfrey stated Commissioner Nelson expressed an interest in being present for this discussion. The consensus was to table the discussion until a later meeting. Morin moved, seconded by Klossner to table this discussion until the May Planning Commission meeting. Motion passed 5/0.

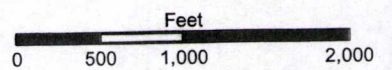




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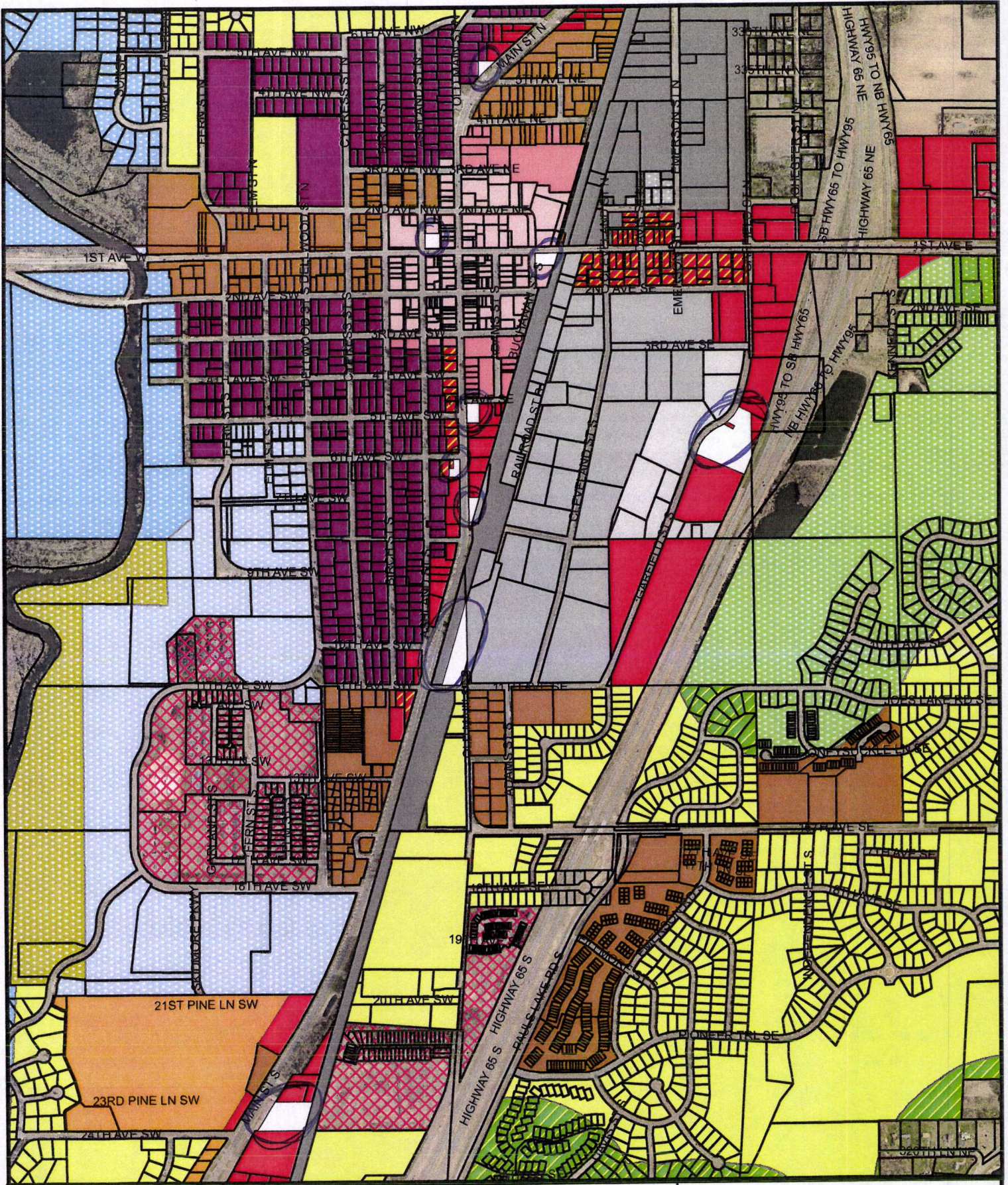
## Auto Dealerships



clevitski

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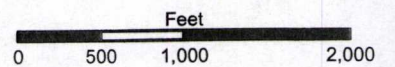




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## Auto Dealerships



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**ORDINANCE NO. XXX**

*An Ordinance to Amend Cambridge City Code Title XV: Land Usage, Chapter 156 Zoning, Section 156.040 Business Districts and Section 156.090 Auto Oriented Uses*

**THE CITY OF CAMBRIDGE, MINNESOTA DOES HEREBY ORDAIN** that Section 156.040 and Section 156.090 are hereby amended as follows:

**§ 156.040 Business Districts**

**§ 156.040 BUSINESS DISTRICTS.**

**(A) Purposes of business districts.**

(1) *B-1, Downtown Business District.* The Downtown Business District is intended to provide a unified and organized business-center which serves a broad service area with a variety of retail, service, office and public uses that primarily serve pedestrian traffic. The district will be kept compact by encouraging a high density of development, public or joint parking for efficient use of space.

(2) *B-1A, Downtown Fringe Business District.* The Downtown Fringe Business District is intended to provide an area around the Downtown Business District that will contain a broad range of services and goods primarily for one-stop shopping trips by automobile. These uses, which might otherwise be incompatible with other downtown uses, will help to maintain a compact and convenient downtown shopping district. Buildings will be set back from the sidewalks and off-street parking will be required for individual businesses.

(3) *B-2, Highway Business District.* The Highway Business District is intended to provide space for auto-oriented uses and service businesses which are located in close proximity to major thoroughfares or highways in order that highway service types of land use can be provided.

(4) *BT, Business Transition District.* The Business Transition District is intended to provide a means of transition from residential uses to highway business uses, while still allowing existing residences to continue.

**(B) Allowable uses in business districts.** The uses listed below are allowable in the business districts indicated. "P" indicates the use is permitted if it conforms with all other City and State building and use regulations. "C" indicates that a conditional use permit must be issued by the city prior to use or construction. "I" indicates that an interim use permit must be issued by the City prior to use or construction. No letter indicates the use is not allowed in the district. If a use is not listed, the Planning Commission shall determine if a proposed use is similar to one that is listed, it is not allow.

<b>DISTRICT</b>				<b>USE</b>
<b>B-1</b>	<b>B-1A</b>	<b>B-2</b>	<b>BT</b>	<b>RESIDENTIAL USES</b>
				Auto Convenience Stations, pursuant to § 156.090
		P	P	Auto Repair and Service, Major, pursuant to § 156.090
		P	P	Auto Repair and Service, Minor, pursuant to § 156.090
		P	P	Automobile Sales, pursuant to § 156.090
				Automobile Wash and/or Automatic Automobile Wash, pursuant to § 156.090



**§ 156.090 AUTO-ORIENTED USES.**

**(A) Application.**

(1) The provisions of this section shall apply to all auto-oriented businesses. Auto-oriented uses are uses which involve vehicles and vehicular traffic, such as auto convenience stations, auto and machinery sales, auto service establishments, drive-in establishments, parking areas and ramps, auto washes and the like. All parking, loading, driving and paved areas shall meet the landscaping requirements for parking lots and loading areas in §§ 156.060 and 156.061, except where more restrictive standards may be required by this section.

(2) All other applicable provisions of this chapter shall be met, including but not limited to requirements for signs, outdoor merchandise display, outdoor storage, lighting, landscaping/screening, parking, noise, and the like. Any more restrictive standards required by this section shall prevail.

(3) No public address system shall be audible from a Protected Residential Area as defined herein.

(4) No display, parking or storage of vehicles shall be permitted within any public right-of-way.

(5) No test driving shall be permitted on local residential streets.

(6) No motor vehicle transport or unloading shall be permitted on any local residential street except for emergency towing situations.

(7) A lighting plan shall be prepared and approved. Lighting shall be hooded and so directed that the light source is not visible from the right-of-way or abutting Protected Residential Areas. All illuminated signs shall also be included with the lighting plan. All lighting shall comply with § 156.073.

(8) The entire site other than that taken up by a building, sidewalk, other structure or plantings/landscaping shall be hard surfaced in conformance with City standards for parking lots. Interior curbs conforming with city standards shall be constructed to separate driving surfaces from sidewalks, landscaped areas, and streets. Truck and machinery sales uses may be exempt from this requirement provided all the entire site other than that taken up by a building, sidewalk, other structure or plantings/landscaping shall be surfaced with a material to control dust and drainage, which is subject to approval of the City Engineer.

(9) All vehicles shall be parked on a paved surface. Vehicles for truck and machinery sales uses may be exempt from this requirement provided they are parked on an area surfaced with a material to control dust and drainage, which is subject to approval of the City Engineer.

(10) Access shall be from a collector or arterial roadway as defined herein and shall create a minimum of conflict with through traffic movements.

**(C) Automobile sales, truck and machinery sales.**

(1) No non-operable vehicles shall be stored outdoors on the premises, except through the issuance of a conditional use permit.

(2) All sales and rental lots shall be operated in conjunction with a building or buildings.

(3) The building and sales or rental lot shall be on one contiguous site.

(4) All customer and employee parking shall be clearly designated and signed.

(5) The minimum lot width shall be 100 feet measured at the minimum required front yard setback.

(6) Where vehicle preparation or repair work conducted is conducted as accessory use, no vehicle shall be parked or be waiting service outdoors longer than 15 days.

All other sections and subsections of this Chapter shall remain as written and previously adopted by the City Council. This ordinance shall become effective upon publication.

Adopted by the Cambridge City Council this 16<sup>th</sup> day of October, 2017.

Date of publication: October 25, 2017

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Marlys A. Palmer, Mayor

ATTEST:

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Lynda J. Woulfe, City Administrator

**Review**

Two recent requests for potential new "churches" have been brought to the City's attention. They have both asked about exterior material requirements. The current city code is silent on specific requirements for places of worship.

Places of worship are allowed in both the city's residential and commercial zoning districts. New dwellings in residential districts are required to have a residential appearance (i.e. vinyl, asphalt roof, pitched roof, etc.). New buildings in commercial districts are required to have specific commercial exterior materials (brick, rock face block, stone, finished pre-cast panels, glass, stucco). One question for the Planning Commission is whether or not the city should allow a vinyl exterior for a place of worship, or should commercial standards should be required?

Staff had a discussion on this and determined that for the time being until the Planning Commission and Council can discuss, places of worship would be considered commercial use and therefore need to adhere to the commercial exterior standards.

Since the city code does not define exterior materials for places of worship, the concern is that other requests for materials like steel or plain block would be requested. Our current commercial standards do not allow steel, plain block, etc. Our residential standards aren't specific either, the code states that residential structures shall have a residential appearance including a residential type siding and roofing materials (which staff interprets as typically vinyl or other hardy board type siding and asphalt or steel roof).

Places of worship are currently in limbo and staff is looking for an opinion from the Planning Commission to move forward. Exterior materials are the main issue at this time. Other items such as signage, lot coverage, and accessory buildings are also items of concern. In addition, the definition of Place of Worship should be better defined to meet today's standards. I have drafted an ordinance amendment, attached, for review and discussion.

**Planning Commission Action**

Discuss the attached draft ordinance and direct staff on how to proceed with any language amendments to the city code. If discussion leads to specific code language amendments, then staff will bring back an ordinance for public hearing in January.

**Attachments**

1. City Code Section 156.088 Exterior Building Finishes (Commercial/Industrial)
2. City Code Section 156.078 Residential Structures (requirements)
3. Ordinance Language

Excerpt from  
Chapter 156 Zoning Code  
City of Cambridge

**§ 156.088 EXTERIOR BUILDING WALL AND ROOF FINISHES.**

(A) *Purpose and intent.* All commercial and industrial buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, durable with a permanent finish, and of a quality that is both compatible with adjacent structures and consistent with the City's standards for the zoning district in which the building is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes, or other architectural features in the overall architectural concept.

(B) *Major exterior wall surface materials.*

(1) *Commercial buildings.*

(a) Major exterior surfaces on all walls shall be face brick, rock face block, cementitious siding, stone, finished precast panels, glass, architectural metal siding, stucco, or synthetic stucco.

(b) Under no circumstances shall sheet plywood, sheet metal, corrugated metal, asbestos, iron, or plain concrete block (whether painted or color-integrated or not) be deemed acceptable as exterior wall materials on buildings.

(2) *Industrial buildings.*

(a) Major exterior surfaces on all walls shall be face brick, rock face block, cementitious siding, stone, finished precast panels, glass, architectural metal siding, stucco, synthetic stucco or cast in place and/or precast panels.

(b) Under no circumstances shall sheet plywood, sheet metal, corrugated metal, asbestos, iron, or plain concrete block (whether painted or color-integrated or not) be deemed acceptable as exterior wall materials on buildings.

(C) *Minimum percentage of major exterior surface materials.*

(1) *Commercial buildings.*

(a) In commercial areas, at least 75% of the exterior surface must be covered with the major exterior surface materials required in subpart (B)(1) above.

(b) The remainder of the exterior surfaces may be architectural concrete, cast in place or precast panels or decorative block when they are incorporated into an overall design of the building that is determined by the City to be appropriate with the use of the building, and is compatible with adjacent structures. All decorative concrete block shall be colored only by means of a pigment impregnated throughout the entire block.

(2) *Industrial buildings.*

(a) In industrial areas, the exterior surface must be covered with the major exterior surface materials required in subpart (B)(2) above as follows:

- |    |  |              |
|----|--|--------------|
| 1. | I-1, Low Impact Business - Industrial District | 65% coverage |
| 2. | I-2, Light Industrial District                 | 50% coverage |
| 3. | I-3, General Industrial District               | 25% coverage |

(b) The remainder of the exterior surfaces may be architectural concrete, or decorative block when they are incorporated into an overall design of the building that is determined by the City to be appropriate with the use of the building, and is compatible with adjacent structures. All decorative concrete block shall be colored only by means of a pigment impregnated throughout the entire block.

**(D)** *Accent materials.* Wood and metal may be used as accent materials, provided that they are appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage. Accent materials shall not comprise more than 25% of a building exterior.

**(E)** *Exceptions.* The following exceptions are permitted:

(1) Exterior walls that are built within six inches of and parallel to an existing wall of an adjacent building shall be exempt from the requirements of subparts (B) and (C) above.

(2) The Zoning Administrator may approve other new materials that are equal to or better than the materials listed in this section.

**(F)** *Roofs.* Roofs that are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs which are generally parallel with the first floor elevations are not subject to these material limitations.

**(G)** *Additions and alterations.* All subsequent additions and exterior alterations constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the City to require upgrading of the quality of materials used in a remodeling or expansion program.

**§ 156.078 RESIDENTIAL STRUCTURES.**

(A) All single family dwellings shall:

- (1) Be at least 21 feet wide and at least 30 feet long. Width measurements shall not include overhangs and other projections beyond the principal walls.
- (2) Be placed on a permanent foundation as prescribed in the State Building Code.
- (3) Have a pitched roof of at least 3/12, with the exception of earth sheltered homes.
- (4) The roof shall have a minimum eave projection and roof overhang on at least two sides of six inches which may include a gutter.
- (5) Meet the applicable requirements of the State Building Code or the applicable manufactured housing code.
- (6) Additional minimum size requirements may be set forth in individual zoning districts.
- (7) Have a residential appearance including a residential type siding and roofing materials.

(B) Multiple family dwellings shall:

- (1) Have minimum floor areas of:
  - (a) Efficiency: 400 S.F./D.U.
  - (b) Bedroom: 600 S.F./D.U.
  - (c) 2 Bedroom: 700 S.F./D.U.
  - (d) 3 Bedroom: 800 S.F./D.U.
  - (e) 4 Bedroom: 960 S.F./D.U.
- (2) Be of fireproof construction if more than three stories in height.
- (3) Have an elevator if more than three stories in height.

(C) Repairs. If repairs or improvements to the exterior of any residential dwelling are made, all siding and roofing materials shall match as close as possible to the existing structure.

**ORDINANCE NO. XXX**

*An Ordinance to Amend Cambridge City Code Title XV: Land Usage, Chapter 156 Zoning, Section 156.007 Definitions and Section 156.092 Overnight Shelters in Places of Worship*

*This ordinance is to amend the definition of Place of Worship and to provide additional regulations for Places of Worship.*

**THE CITY OF CAMBRIDGE, MINNESOTA DOES HEREBY ORDAIN** that Section 156.007 and Section 156.092 are hereby amended as follows:

**§ 156.007 DEFINITIONS.**

**Place Of Worship.** ~~A building or structure, or groups of buildings and structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses~~ Any building used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501 (c ) (3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship, which may include overnight shelters as regulated herein.

**§ 156.092 ~~OVERNIGHT SHELTERS IN PLACES OF WORSHIP.~~**

~~(1)~~  Places of Worship shall be considered a commercial use for the purposes of exterior materials allowed and must adhere to the commercial exterior materials as provided in Section 156.088.

~~(2)~~  Signage provided for a place of worship must adhere to the specific zoning district sign regulations in which the place of worship is located.

~~(3)~~  Lot Coverage and impervious surface coverage must adhere to the specific zoning district in which the place of worship is located.

~~(4)~~  Accessory structures/uses are allowed for places of worship. Lot coverage, impervious surface coverage, exterior materials, height, and any other building code and/or zoning codes must be met. The number of structures is not necessarily limited but will be determined by lot coverage and/or impervious surface coverage.

~~(2- 5)~~ Temporary overnight shelters may be allowed in places of worship as an accessory use provided the following conditions are met:

- (A)** No more than six families, with a maximum of 24 persons, may be housed at any one time.
- (B)** Any given place of worship shall be able to provide shelter for families with children experiencing homelessness for up to eight weeks a year. These weeks may run consecutive for up to four weeks.
- (C)** The shelter shall operate only between the hours of 5:00 p.m. and 9:00 a.m. daily.
- (D)** Shelter guests shall be provided with an enclosed waiting area one hour prior to opening evening.
- (E)** Shelters shall meet state building codes and fire codes.

All other sections and subsections of this Chapter shall remain as written and previously adopted by the City Council. This ordinance shall become effective upon publication.

Adopted by the Cambridge City Council this XX<sup>th</sup> day of \_\_\_\_\_, 2017.

Date of publication: \_\_\_\_\_, 2017

\_\_\_\_\_  
Marlys A. Palmer, Mayor

ATTEST:

\_\_\_\_\_  
Lynda J. Woulfe, City Administrator



**5C Planning Commission  
Variance Request to Exceed Impervious  
Surface Maximum Amount  
237 Cypress St. S.**

**December 5, 2017**

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Author: Carri Levitski

**PUBLIC HEARING...VARIANCE REQUEST TO EXCEED IMPERVIOUS SURFACE  
MAXIMUM AMOUNT**

**Overview**

In July, 2017 the owner of the property at 237 Cypress St. S., Brandy Herbst contacted staff asking questions about installing additional concrete to expand their driveway. At that time, staff requested Ms. Herbst to submit a site plan showing where she intended to install the new portion of driveway so we could review it along with reviewing the impervious surface lot coverage. Staff did not receive a site plan and the work commenced without proper approvals.

Staff received a complaint that the new portion of driveway was closer than five feet to the property line and our building inspector, Matt Small was out to the property on July 27, 2017. At that time he could not determine where the property stakes were and we requested a surveyor come out to mark the property pins.

Matt and I went back out to the property on August 21, 2017 after the property pins were located by a surveyor and we verified the newly installed portion of the driveway was closer than five feet. At this time, I noticed there was quite a bit of impervious surface on the property. I told Ms. Herbst that I would follow-up with her once I was able to do an approximate calculation of impervious surface.

On August 22, 2017 I sent Ms. Herbst an email letting her know that staff estimates the property to be 32% covered with impervious surface and they needed to remove concrete in order to be below the maximum amount of 30%.

September 12, 2017 we sent a letter to Ms. Herbst explaining the background and history of the issue and instructed Ms. Herbst to remove 503 square feet of impervious surface along with meeting the setback requirements on the west side of her property or staff would need to pursue legal action. We stated in the letter that if Ms. Herbst did not agree with our calculations, she would need to have the property surveyed to determine the correct amount of impervious surface. Ms. Herbst contacted staff and the soonest a surveyor could be out to the property would be the middle of October.

On October 19, 2017, staff received the survey which determined the property has a total of 8,072 square feet of impervious surface which equals 34.1%. In order to meet 30% impervious surface, the owner would need to remove 961.4 square feet of impervious surface.

On October 23, 2017 staff received a zoning application requesting a variance to allow the property to exceed the impervious surface maximum amount.

The purpose of the variance process is to review applications on a case by case basis

**5C Planning Commission  
Variance Request to Exceed Impervious  
Surface Maximum Amount  
237 Cypress St. S.**

**December 5, 2017**

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to determine whether relief may be granted from unforeseen particular applications of the zoning code that create practical difficulties. In considering an application for a variance, the Planning Commission shall recommend the approval of the variance only upon the finding that an application complies with the standards set forth below:

1. *General Standard.* No variance shall be granted unless the applicant shall establish that conforming to the strict letter of the provisions of this chapter would create practical difficulties.

**Staff finds that conforming to the strict letter of the provisions of the chapter does not create practical difficulties because there are areas where concrete or other impervious surfaces, such as structures, can be removed.**

2. *“Practical Difficulties”*, as used in conjunction with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the area.

**Staff finds the issue of parking surfaces is a circumstance that is created by the landowner. If the variance is granted and other properties are allowed to have excess impervious surface this could cause an issue with runoff into our storm sewer system.**

3. *Harmony.* Variances shall only be permitted if they are in harmony with the general purposes and intent of the Zoning Ordinance and Comprehensive Plan.

**Staff finds this request is not in harmony with the general purposes and intent of the Zoning Ordinance and Comprehensive Plan. Policy 1:1 in the 2016 Comprehensive Plan lays out what the City shall consider during the review of zoning applications: (f) The importance of preserving natural drainage systems, wetlands and ground water recharge areas and mitigate the impact of development activities on the infiltration and runoff of water, storm water storage and plant and animal habitat. The impact of impervious surfaces on stormwater runoff and water quality has been studied by many scientists. Impervious surfaces inhibit the natural infiltration of rainwater into the ground, which leads to more stormwater runoff and higher stormwater peak flows. These surfaces collect pollution like heavy metals, grease, and oils. Runoff generated by water can mobilize and transport these pollutants and other contaminants, like harmful bacteria to the Rum River.**

**The Zoning Ordinance limits residential properties to 30% impervious surface coverage to allow for water runoff to protect our stormwater.**

**5C Planning Commission  
Variance Request to Exceed Impervious  
Surface Maximum Amount  
237 Cypress St. S.**

**December 5, 2017**

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4. *Economic Considerations.* Economic considerations alone shall not constitute a practical difficulty; the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.

**Staff finds the owner stores vehicles on the property besides personal vehicles such as utility trailers and recreational vehicles. These types of vehicles have the opportunity to be stored off-site in order to accommodate their personal vehicles within the allowed impervious surface area. Although it could cost the property owner to store vehicles off-site, it could provide the parking needed to accommodate the owner and their children.**

5. *No other remedy.* There are no less intrusive means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.

**Staff finds the alleged hardship can be avoided or remedied if they remove other portions of impervious surface and park utility and recreational vehicles off-site.**

6. *Variance less than requested.* A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

**Staff finds there are other remedies such as storing certain vehicles off-site or removing structures to meet their individual parking needs.**

7. *Essential character of the area.* In considering whether a proposed variance will have an effect on the essential character of the area, the following factors shall be considered:
- Would the variance be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property for improvements permitted in the vicinity;
  - Would the variance materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
  - Would the variance substantially increase congestion in the public streets due to traffic or parking;
  - Would the variance unduly increase the danger of flood or fire;
  - Would the variance unduly tax public utilities and facilities in the area; and
  - Would the variance endanger the public health or safety.

**Staff finds that through granting the proposed variance it could be a danger to the public health or safety due to the impact on stormwater runoff which would unduly tax public utilities and facilities in the area.**

**5C Planning Commission  
Variance Request to Exceed Impervious  
Surface Maximum Amount  
237 Cypress St. S.**

**December 5, 2017**

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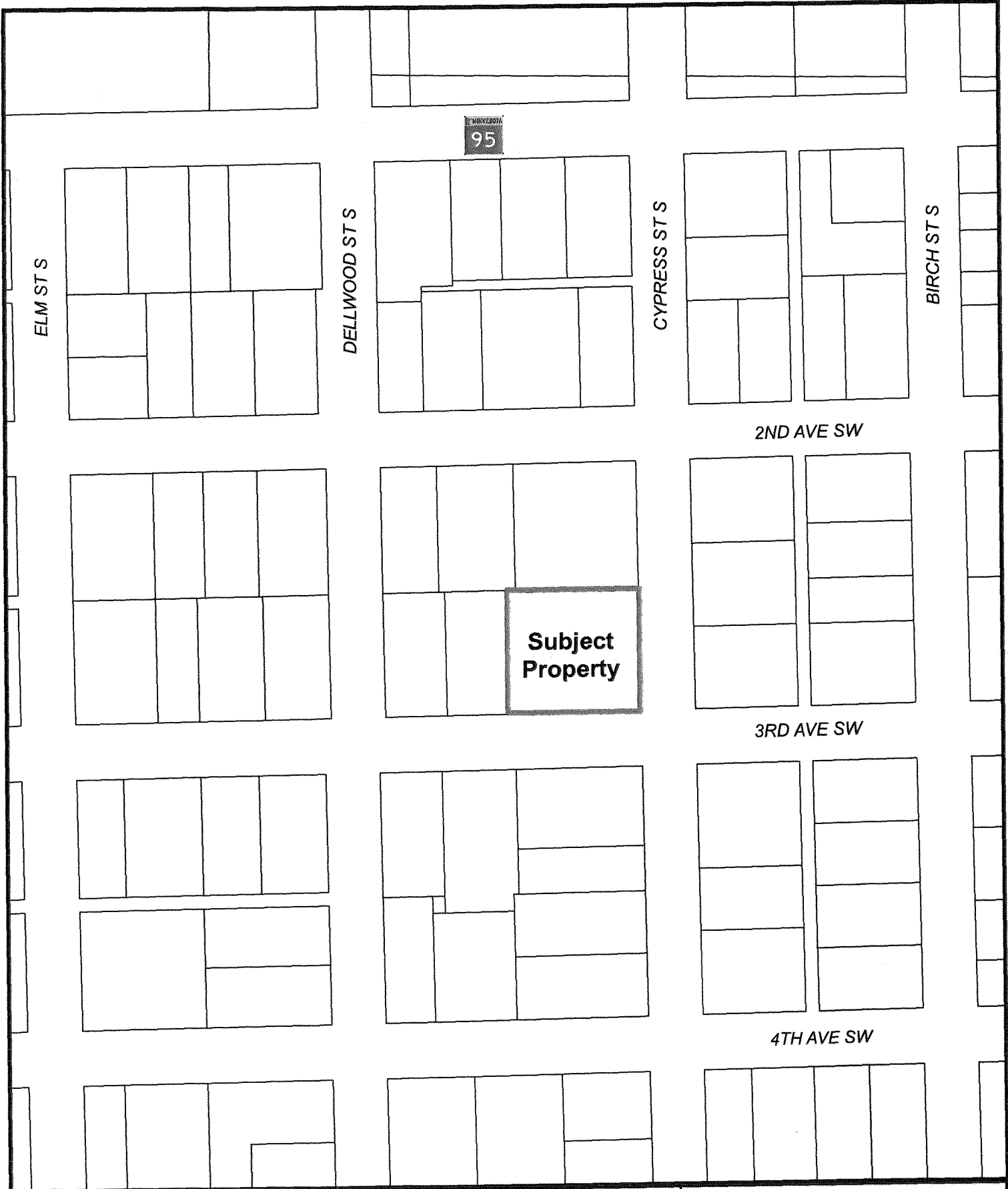
**Planning Commission Action:**

Motion to recommend the City Council deny the granting of the variance request and recommend approval of the attached findings of facts.

This item will go to City Council on January 2, 2017 since Council will not be meeting on December 18, 2017.

**Attachments**

1. Location map
2. Survey
3. Lot coverage worksheet
4. Letter to Herbst
5. Request for variance letter from Brandy Herbst
6. Draft Resolution



MINNESOTA  
95

ELM ST S

DELLWOOD ST S

CYPRESS ST S

BIRCH ST S

2ND AVE SW

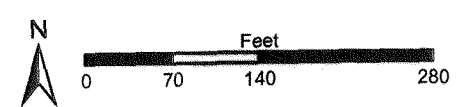
**Subject  
Property**

3RD AVE SW

4TH AVE SW

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**Brandy Herbst is requesting a variance  
to allow 34% total impervious surface  
coverage**



clevitki

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources and is to be used for reference purposes only. The City of Cambridge does not warrant that the GIS data used to prepare this map are error free, and the City of Cambridge does not represent that the GIS data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that the City of Cambridge shall not be liable for any damages which arise out of the user's access or use of data provided.

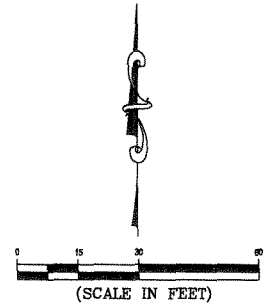
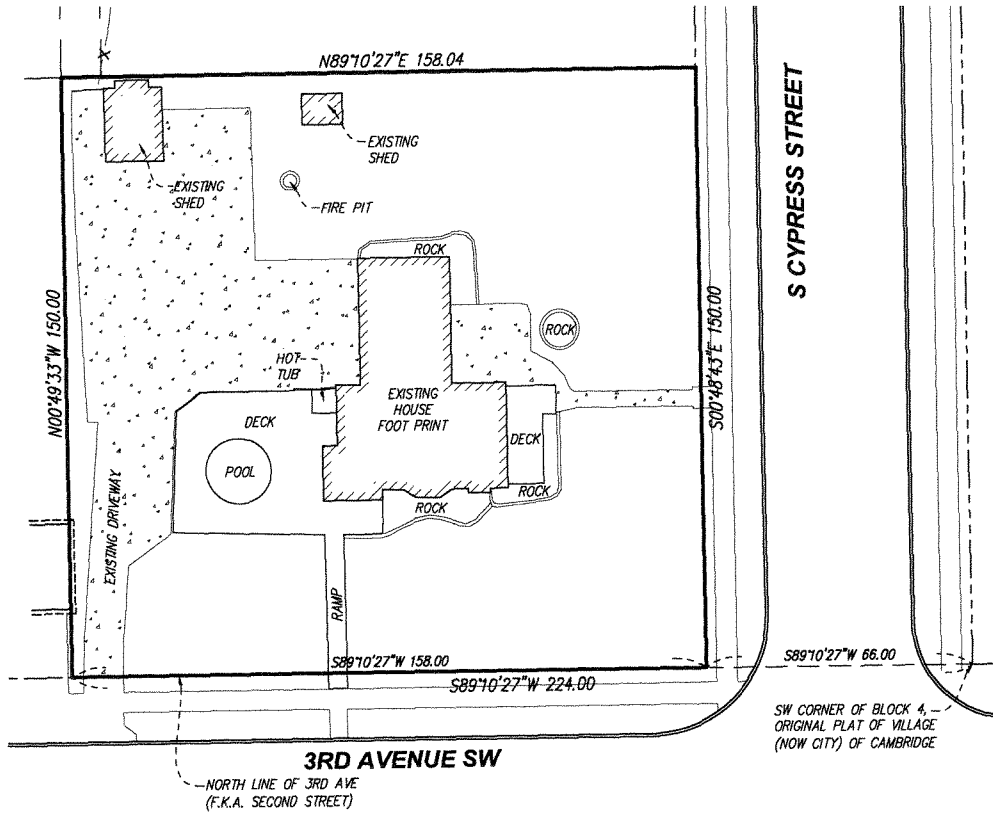
# Impervious Surface Exhibit

Prepared For: Brandy Herbst



## AREA CALCULATIONS

R1-A ONE FAMILY RESIDENTIAL DISTRICT  
 MAXIMUM IMPERVIOUS SURFACE COVERAGE 30%

LOT AREA=23,702 S.F.  
 BUILDINGS (GARAGE, HOUSE, SHEDS)=2,299 S.F.  
 CONCRETE (WITHIN PROPERTY LINES)=5,530 S.F.  
 POOL AND HOT TUB=243 S.F.  
 TOTAL IMPERVIOUS PERCENTAGE=34.1%



## LEGEND

-  DENOTES CONCRETE AREA USED IN CALCULATION
-  DENOTES STRUCTURE AREA USED IN CALCULATION

SW CORNER OF BLOCK 4,  
 ORIGINAL PLAT OF VILLAGE  
 (NOW CITY) OF CAMBRIDGE



**PERFORMANCE  
 DRIVEN DESIGN.**  
 LHBcorp.com  
 200 3rd Ave NE, Suite 100 | Cambridge, MN 55008 | 763.888.4042

# Lot Coverage Worksheet

Zoning District RIA

Address 2371 Cypress St. S

Dwellings with an attached garage - **one** additional accessory building allowed, and limited to **25%** total lot coverage.

Dwellings with no attached garage - **two** additional accessory buildings allowed, and limited to **30%** total lot coverage.

Impervious surface coverage is limited to **30%** per lot and decks are not included in impervious surface coverage.

Maximum allowable lot coverage area (buildings/structures)

$$\frac{23,702}{\text{(lot area)}} \times \frac{.25}{\text{(.25)}} = \underline{5,925.5} \text{ sq. ft.}$$

Maximum allowable impervious surface (Shoreland Zoning District is 25%)

$$\frac{23,702}{\text{(lot area)}} \times \frac{.30}{\text{(.25 or .30)}} = \underline{7,110.6} \text{ sq. ft.}$$

1. Total structure area, excluding eaves:

- A. Dwelling \_\_\_\_\_ sq. ft.
- B. Garage 2,299 \_\_\_\_\_ sq. ft.
- C. Shed \_\_\_\_\_ sq. ft.
- D. Deck 412 \_\_\_\_\_ sq. ft.
- E. Other \_\_\_\_\_ sq. ft.

2. Impervious surfaces

- A. Driveway \_\_\_\_\_ sq. ft.
- B. Sidewalks 5,530 \_\_\_\_\_ sq. ft.
- C. Pools 243 \_\_\_\_\_ sq. ft.
- D. Other \_\_\_\_\_ sq. ft.

- 3. Total structure area utilized 2,711 \_\_\_\_\_ sq. ft.
- 4. Total impervious surface coverage 8,072 \_\_\_\_\_ sq. ft.  
(not including decks)
- 5. Total area remaining for structure area 3,214.5 \_\_\_\_\_ sq. ft.
- 6. Total area remaining for impervious surface coverage <9,614> over \_\_\_\_\_ sq. ft.  
(not including decks)
- 7. Total percentage of lot coverage for structure area 12% \_\_\_\_\_ %
- 8. Total percentage of lot coverage for impervious surface 34% \_\_\_\_\_ %  
(not including decks)

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September 12, 2017

*Sent via email and US Mail*

Brandy Herbst  
237 Cypress St S  
Cambridge, MN 55008

RE: Impervious Surface Coverage/Setback Issues

Dear Ms. Herbst,

I am writing to you as follow-up to your attached email on August 22, 2017. Per your conversation with Community Development Director, Marcia Westover on July 24, 2017, you were asked to submit a site plan showing where you intended to install the new portion of the driveway so staff could review it along with reviewing the impervious lot coverage. We never received this site plan and you installed the new portion of your driveway without proper review.

Building Inspector, Matt Small and I field verified the driveway was too close to the property line on Monday, August 21, 2017. At this time you were going to contact the individual that installed the concrete to remove a portion of the driveway in order to meet the City's setback requirement. I calculated the approximate impervious surface coverage based on an aerial GIS image and determined your lot is currently 32% covered which exceeds the 30% maximum.

In your email on August 27, you indicated you would be obtaining a survey to show lot coverage calculations. The City has not received your survey as of the date of this letter. The new concrete is in violation of City Code §156.038 (D) Building Requirements and §156.060 (L) (7) Off-Street Parking Requirements. We must receive this survey showing the impervious surface requirement is met and the driveway meets setbacks no later than Thursday, September 22, 2017 or the City shall seek legal action.

This survey needs to indicate where all impervious surface and structures are on your property and the setback to the newly installed concrete driveway. Impervious surface by definition of our City Code is areas where water cannot readily penetrate the soil such as an artificial or natural surface through which water, air, or roots cannot penetrate. Examples include, but are not limited to, patios, walkways, driveways, sheds, pools, concrete/asphalt pads, and all buildings.



If you choose to not submit a survey of your property, you hereby accept the City's calculations and you will be required to remove 503 square feet of impervious surface along with meeting the setback requirements on the west side of your property no later than Thursday, September 22, 2017.

I have enclosed email correspondence between you and Marcia and you and me along with our lot coverage calculations for your review. If you have any questions, you can contact me at 763-552-3257 or [clevitski@ci.cambridge.mn.us](mailto:clevitski@ci.cambridge.mn.us). Thank you for your attention to this matter.

Respectfully,



Carri Levitski  
Community Development Administrative Assistant

Enclosures

c: Jay Squires, City Attorney  
Marcia Westover, Community Development Director  
Matt Small, Building Inspector

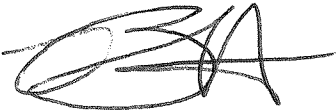
To Whom It May Concern;

My name is Brandy Herbst and I am one of the owners for 237 Cypress St S Cambridge. I am writing this as a formal request for a variance on my non-permeable surfaces. Per city code it is 30% coverage and I do understand it is so the rain water goes into the grass and not down the storm drain, but with that being said I have been sent multiple emails and my children have received parking tickets from parking on the non-cement areas and the road. As per many of my conversations with the city I have asked multiple times for assistance and have also brought it to the attention of the city that I have 7 children, 6 that drive and one that is autistic. When speaking to the city they were unable to give a good solution, so I went ahead and poured the last cement to make sure all vehicles and trailers where were the city wanted them. I also have brought it to the attention of the city that when doing this work I needed more information and at the times that I called I was not receiving the information until my neighbor got mad and complained. Now the city has decided that this was going to be a larger issue even though I made the attempts to do it the correct way.

I understand that the city has these issues throughout the city and per Carri a lot of the time they are not caught as they do not get a complaint until it is past a time anything can be done. I am not stating that I am right because I could have gotten away with it without the complaint. I am stating that after the amount of interaction with the city on my property and parking I am trying everything in my power to fix the issue and make my property up to city standard.

At this point to remove cement it would again make a parking issue and/or also cause some other hazards as we made sure to put rebar in so it would not crumble like you see on other properties.

I would be grateful for this one time variance as the property is fully up to code other than this and I have always been easy to work with if there is something that needs to be done.



Thank you for reading this

Brandy Herbst



**Resolution No. R18-XXX**

**RESOLUTION OF FINDINGS OF FACT DENYING THE APPLICATION FOR A  
VARIANCE TO EXCEED IMPERVIOUS SURFACE MAXIMUM AMOUNT  
237 Cypress St S**

**WHEREAS**, Brandy Herbst, owner of the property at 237 Cypress St S, Cambridge, MN, 55008, applied for a Variance from the provisions of the City Code Section 156.038 Building Requirements; and

**WHEREAS**, The Planning Agency of the City has completed a review of the application and city staff has made a report pertaining to said request, a copy of which has been presented to the City Council; and

**WHEREAS**, The Planning Commission of the City, on the 5th day of December, 2017, following proper notice, held a public hearing regarding the request, and following said public hearing, the Commission recommended denial of the application request for a Variance upon finding the application does not comply with the standards set for variance approval in Section 156.112 Variances of the City Code; and

**WHEREAS**, The City Council met at its regularly scheduled meeting on the 2<sup>nd</sup> day of January, 2018 and finds that the seven (7) required standards to approve a variance request have not been satisfied as follows:

- (1) *General standard. No variance shall be granted unless the applicant shall establish that conforming to the strict letter of the provisions of this chapter would create practical difficulties.*

**Staff finds that conforming to the strict letter of the provisions of the chapter does not create practical difficulties because there are areas where concrete or other impervious surfaces, such as structures, can be removed.**

- (2) *“Practical difficulties”, as used in conjunction with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the area.*

**Staff finds the issue of parking surfaces is a circumstance that is created by the landowner. If the variance is granted and other properties are allowed to have excess impervious surface this could cause an issue with runoff into our storm sewer system.**

- (3) *Harmony. Variances shall only be permitted if they are in harmony with the general purposes and intent of the Zoning Ordinance and Comprehensive Plan.*

**Staff finds this request is not in harmony with the general purposes and intent of the Zoning Ordinance and Comprehensive Plan. Policy 1:1 in the 2016 Comprehensive Plan lays out what the City shall consider during the review of zoning applications: (f) The importance of preserving natural drainage systems, wetlands and ground water recharge areas and mitigate the impact of development activities on the infiltration and runoff of water, storm water storage and plant and animal habitat. The impact of impervious surfaces on stormwater runoff and water quality has been studied by many scientists. Impervious surfaces inhibit the natural infiltration of rainwater into the ground, which leads to more stormwater runoff and higher stormwater peak flows. These surfaces collect pollution like heavy metals, grease, and oils. Runoff generated by water can mobilize and transport these pollutants and other contaminants, like harmful bacteria to the Rum River.**

**The Zoning Ordinance limits residential properties to 30% impervious surface coverage to allow for water runoff to protect our stormwater.**

- (4) Economic Considerations. Economic considerations alone shall not constitute a practical difficulty; The alleged hardship shall not include the inability of the property owner to realize a greater profit than if the variance were not granted.*

**Staff finds the owner store vehicles on the property besides personal vehicles such as utility trailers and recreational vehicles. These types of vehicles have the opportunity to be stored off-site in order to fit their personal vehicles within the allowed impervious surface area. Although it could cost the property owner to store vehicles off-site, it could provide the parking needed to accommodate the owner and their children.**

- (5) No other remedy. There are no less intrusive means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.*

**Staff finds the alleged hardship can be avoided or remedied if they remove other portions of impervious surface and park utility and recreational vehicles off-site.**

- (6) Variance less than requested. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.*

**Staff finds there are other remedies such as storing certain vehicles off-site or removing structures to meet their individual parking needs.**

- (7) Essential character of the area. In considering whether a proposed variance will have an effect on the essential character of the area, the following factors shall*

*be considered:*

*(a) Would the variance be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements permitted in the vicinity;*

*(b) Would the variance materially impair an adequate supply of light and air to the properties and improvements in the vicinity;*

*(c) Would the variance substantially increase congestion in the public streets due to traffic or parking;*

*(d) Would the variance unduly increase the danger of flood or fire;*

*(e) Would the variance unduly tax public utilities and facilities in the area; and*

*(f) Would the variance endanger the public health or safety.*

**Staff finds that through granting the proposed variance it could be a danger to the public health or safety due to the impact on stormwater runoff which would unduly tax public utilities and facilities in the area.**

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Cambridge, Minnesota, denies the application for a Variance to exceed the maximum amount of impervious surface at 237 Cypress St S

Adopted by the Cambridge City Council  
this 2<sup>nd</sup> day of January, 2018.

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Mariys A. Palmer, Mayor

ATTEST:

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Lynda J. Woulfe, City Administrator