

**Cambridge Planning Commission Meeting Minutes  
Tuesday, June 2, 2020**

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

**Members Present:** Commissioners Aaron Berg (Chair), Robert Boese (Vice Chair), Jessica Kluck, Monte Dybvig, David Redfield, and Arianna Weiler and Bob Shogren (City Council Representative). All present, no absences.

**Staff Present:** Community Development Director Marcia Westover and Community Development Specialist Carri Levitski.

**Call To Order and Pledge of Allegiance**

Berg called the meeting to order at 7:05 p.m. Berg led the Commissioners in the Pledge of Allegiance.

**Approval of Agenda**

Shogren moved, seconded by Dybvig to approve the agenda. Upon call of the roll, Dybvig, Redfield, Berg, Shogren, Boese, Weiler, and Kluck all voted aye. Motion carried unanimously.

**Approval of Minutes**

***April 7, 2020 Regular Meeting Minutes***

***May 5, 2020 Regular Meeting Minutes***

Boese moved, seconded by Redfield to approve the April 7, 2020 and May 5, 2020 meeting minutes. Upon call of the roll, Dybvig, Redfield, Berg, Shogren, Boese, Weiler, and Kluck voted aye. The motion carried unanimously.

**Public Comment**

Due to the COVID-19 pandemic, this meeting was held through electronic means and in person. Berg opened the public comment period at 7:08 pm. Westover stated she received no written comments or email comments prior to this meeting and there were no comments on Facebook Live. There was no one present at the meeting for public comment in the Council Chambers at City Hall. Berg closed the public comment period at 7:09 pm.

**New Business**

***PUBLIC HEARING – Ordinance amending Title XV Land Use, Chapter 156 Zoning, Section 156.040  
Business Districts for automobile convenience stations and automobile washes in the B-2 district***

Westover stated staff has been working with a developer on their gas station/convenience store/car wash site on the east side of the city in the B-2 Highway Business District. Current city code requires an Interim Use Permit (IUP) for convenience stores and car washes.

Westover stated in talking with the developer, an Interim Use Permit is unrealistic for their multi-million-dollar investment; they cannot invest if there is no guarantee they will be able to keep their business.

Westover said an Interim Use Permit is temporary and has an end date. The developer would need to keep re-submitting extension requests for the IUP, and if the City finds the use incompatible with the area, the City can exercise its authority and not extend the IUP. The developer requested the City either allow them by right or require a Conditional Use Permit (CUP).

Westover stated the B-2 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. Convenience Stores and car washes are important for auto-oriented uses. Westover stated perhaps requiring an IUP is unrealistic since the City intends to have these uses in the B-2 zoning district.

Westover stated, however, convenience stores and car washes may come with unusual characteristics (noise, water use, outdoor storage, etc.). Because of these characteristics, a "conditional use" could require particular considerations (conditions) in relation to the location of adjacent uses and in overall planning purposes for the City.

Westover explained a CUP stays with the land forever. Once a CUP is approved, the land can always be used for what was approved (convenience store and car wash). There is no end date and no extension request necessary. Westover stated if the owner is violating any specific condition related to the CUP (outdoor storage, noise, parking, traffic, etc.), then the City can exercise its authority and revoke the CUP. The property owner would need to come back into compliance before the CUP revocation is lifted.

Westover stated the City can consider allowing convenience stores and car washes "by right" and allowing them without an IUP or CUP in the B-2 zoning district. There would be no public hearings or approvals needed; only site plan review and code enforcement if there is an issue that doesn't meet City code. Westover pointed out the auto-oriented uses section of the code has several standards in place for convenience stores and car washes already. Staff would need to assure those code items are being met.

Westover stated she looked at the four cities surrounding Cambridge to see how they manage convenience stores and car washes. North Branch and Mora allow them "by right"; they are permitted. Isanti and Princeton require CUPs. No surrounding city requires an Interim Use Permit therefore staff would recommend either permitting them by right or requiring a CUP.

Berg opened the public hearing at 7:12 pm. No one appeared and there were no comments on Facebook Live so Berg closed the public hearing at 7:13 pm.

Shogren confirmed if this ordinance is amended, it will change for all convenience stores and car washes located in the B-2 zoning district.

Berg asked what the logic was in 2013 in moving away from CUPs and towards IUPs instead.

Westover stated the CUP stays with the land forever and City can never take that back once it issued to the land. Westover stated an example that in 50 years, the land is no longer suited for a car wash and a convenience store, that owner has that right forever even though the City might desire the land to be residential. The owner could still put a car wash or convenience store on that land.

Berg asked if the CUP stays with the same owner of the property. If it changes hands, then it doesn't matter.

Westover replied no, the CUP stays with the land. Ownership can change.

Berg confirmed that doesn't mean they have to have a car wash on the property. They could transform it into anything else allowable in that zoning district but they could conceivably continue the car wash.

Westover gave another example if the owner wanted to build a restaurant on this land, that would be allowed in the B-2 zoning district. It doesn't have to be a car wash and convenience store. But if they do have a CUP, they always have that right.

Berg stated he sees that current location being commercial use anyway with no changes in the future.

Westover stated the City's future land use plan extends the commercial north and the City doesn't see any plans changing.

Berg pointed out the CUP option would allow the City a little more restriction on what the City could require.

Redfield agreed with Berg, stating a CUP would allow a little more oversight than the by right option.

Shogren moved, seconded by Dybvig, to recommend the City Council adopt the Ordinance Amending Title XV Land Use Chapter 156, Zoning, Section 156.060 by allowing automobile convenience stores and automobile washes by right (listing them as a Permitted use) in the B-2 zoning district.

Redfield asked Shogren if there was any specific reason he would not consider a CUP.

Shogren replied that his primary reason is because we have way too much government in the City of Cambridge as it is.

Berg would favor CUPs versus by right because there are already car washes and convenience stores under CUPs or IUP's in Cambridge. In fairness to these businesses and in fairness to keeping things consistent, Berg thinks this would be in the City's best interest. But we can deal with the existing nonconforming as we have in the past as we go down the road.

Shogren asked if this were to pass as by right, would this mean the other businesses in B-2 zoning district would fall under the same ordinance now so they could, without having a CUP?

Dybvig stated so it would be equitable.

Berg asked how does that transfer to those who already have a CUP? Now that the ordinance has changed, is there any requirement that would void those CUPs?

Westover stated there would be no requirement to void previous CUP's. The CUP stays with the land forever. These businesses received a CUP at an earlier date when the City's ordinance stated they needed a CUP. Now, anyone moving forward from whenever Council approves this ordinance, has to follow the new ordinance.

Berg stated so we would have a little inconsistency in enforcement if we had to do enforcement between the different establishments.

Westover stated the city keeps records to know which ones have a CUP or an IUP versus none.

Shogren stated that he thinks it is fair to say that those businesses agreed to those conditions and he didn't think there is an issue of fairness because they made the decision.

Upon call of the roll, Dybvig , Shogren, Boese, Weiler, and Kluck voted aye, Redfield and Berg voted nay. The motion passed 5/2.

***PUBLIC HEARING – Ordinance amending Title XV Land Use, Chapter 156 Zoning, Section 156.093  
Mobile Food Vendors***

Levitski stated in June of 2019, staff repealed and replaced the Mobile Food Vendor section of the Zoning Code. Those amendments were to match the State of Minnesota Department of Health's regulations and enhance the standards of units that are within the City of Cambridge.

Levitski explained the reason for amending the City's section of the Zoning Code in 2019 was to match state law and enhance the standards for the units that are in the City limits on a longer term. A mobile food vendor cannot be in the same location for more than 21 days at a time. For those with a seasonal permanent license, at a length of six months in one location, staff would like to make sure the standards are higher so they fit within our community.

Levitski stated that since last June, there has been some confusion as it relates to mobile food vendors that are exempt from a City license. The intent of the code was to exempt restaurants that operate a mobile food unit that have an existing brick and mortar restaurant within the City limits. The reasoning behind the exemption is because these businesses already pay taxes on their restaurant. However, permission from the property owner is needed in order to be located on privately owned property.

Levitski stated in an effort to lessen the ambiguity of the current exemption language, Staff have added specific requirements that include the original intent.

Shogren asked whether this amendment means the City cannot give permission for privately owned public property. City cannot give permission, for instance, to allow a food truck to be located at the Liquor Store location, correct?

Levitski stated City property is exempt from the City licensing requirement.

Redfield asked if this would include public parks as well.

Levitski cited the City ordinance: "Mobile food vendors may be allowed to operate with a valid license in all zoning districts for special events provided the existing property is owned by a public institution, place of worship or as a multiple family dwelling containing three or more units."

Shogren stated the key word is special events and owned by a public institution.

Levitski stated the City would not allow a vendor to come in for a City event without a valid state-issued license.

Shogren clarified that Northbound Liquor is off limits on this because the ordinance states for special events.

Levitski stated in the past, the taco truck has been at the liquor store and they had to get a license from the State and also from the City to be in that location because it was not a special event.

Shogren then stated, according to the ordinance, the taco truck could not be located on the liquor store property due to it not being on private property.

A discussion ensued regarding public institutions and special events. If a special event is held on public property, vendors would be exempt from getting a City license. Examples would be Bridge Park Apartments and Central Greens Park events.

Shogren asked if the ordinance wording needed to be changed?

Levitski stated the key reason for including this privately owned language in the ordinance is so they are not in the Right Of Way.

Shogren just wanted to make sure the ordinance is solid and there is a reason the City can point to as to why the City would not approve it.

Berg asked whether Item G is written as an exemption to say that if I own a restaurant and I own a food truck, and I want to put my food truck in my back parking lot on my own private property, I don't need a City license to do that because I own the restaurant. Is that the exception we are talking about?

Levitski stated that is a piece of it. The other piece is if someone owned a restaurant inside the city limits of Cambridge, such as Applebee's or Perkins or Cambridge Bar & Grill, and you own a mobile food truck and you are going to be operating within the City limits on privately owned property aside from where the brick and mortar restaurant is, you will still be exempt from the City license.

Berg stated the way that the exemption reads right now is they wouldn't need a license on their own property.

Levitski added and on any other privately-owned property.

Shogren wanted to make sure the ordinance is clear as to the privately owned property.

Levitski stated, for now, the City Council would have to approve it for ownership permission to be on public property. Aside from that one incident, Levitski stated staff has not gotten any requests for any type of mobile food vendor to be on public property aside from special events. The City has had only one instance where a taco truck was on the liquor store property. This was not a good idea due to the amount of traffic at the Northbound Liquor Store, individuals coming and going for delivery and people standing in line for the food truck. Levitski stated the City will not allow this to happen again.

Westover shared comments from Facebook Live which included comments from Corey Sprandel who asked how is this fair? They pay taxes for the property that they have the building on, the people that own the property pay the taxes on that property. Food trucks should pay a license fee and should not be able to park on private property for free or a permit from the City. They are two separate restaurants. Would a company that owned two brick and mortar restaurants, one license or two?

Shogren stated the way the ordinance is written doesn't allow a vendor to go on to public property but only on someone's private property who is paying taxes with permission.

Levitski stated if they had a state issued license for a mobile food unit, temporary food stand or any of those other definitions, catering license, and they have a brick and mortar store within the City of Cambridge they pay their taxes on, they would be exempt from a City license.

Weiler asked how do Walmart parking lots play into all of this? Walmart parking lots are public and people are allowed to park RVs and trucks and trailers in their parking lots. So if it not a special event, how can food trucks able to park at a Walmart parking lot for a day?

Berg replied although Walmart parking lot is open to the public, it is still private property. Walmart owns it.

Weiler then asked if Walmart could say no to their request? They would have to ask for Walmart's permission.

Berg stated that is correct.

Levitski stated there was another comment on Facebook from Mr. Sprandel who said he has seen a food truck on the Isanti County Fairgrounds. Levitski stated the fairgrounds are outside of the City limits. Rollin Nolan's Barbeque has been there on and off for quite some time. They did have a valid City license and they were in the Fleet Farm parking lot.

Levitski stated staff have also heard some feedback about the cheese curd stand and wanted to make some clarifications. Levitski explained the 21 day maximum rule is not a City ordinance; it is a State statute. What that means is that if any mobile food unit, temporary food stand or other wants to operate for more than 21 days in any single location, in other words the same location, they have to get permission from the State. In order to get permission from the State, the State needs to have permission from the City, but they also have to have a special operator's license from the State and then permission from the City as well.

Levitski shared an example of the Taco Truck that was in the Guetschoff parking lot for up to six months. The Taco Truck had permission from the Minnesota Department of Health to operate for more than 21 days. The City ordinance allows up to six months in any one location per license. In this instance, they have two different trucks, two different licenses, same owner and they would switch that truck out. They had to get permission from the State to operate for more than 21 days. This is a City ordinance but it is superceded by the State statute. The City can be more restrictive than the State but cannot be less restrictive. So the City would not be able to allow Rollin Nolan's Barbeque to operate for more than 21 days at the Fleet Farm location without approval from the Department of Health.

Dybvig asked if the State Department of Health has to get permission from the City?

Levitski stated part of the Department of Health's process is saying that the City is supportive of it and because we allow mobile food units and mobile food vendors to be in any one location for up to six months, the City would then say yes, it is allowed for up to six months as long as they get that approval from the State.

Berg opened the public hearing at 7:43 pm. Since Facebook Live comments were monitored and shared with the Commissioners and no one appeared at the meeting, Berg closed the public hearing at 7:44 pm.

Dybvig moved, seconded by Shogren, to recommend the City Council adopt Ordinance 710, Amending Title XV Land Use Chapter 156, Zoning, Section 156.093 Mobile Food Vendors. Upon call of the roll, Dybvig, Redfield, Berg, Shogren, Boese, Weiler and Kluck all voted aye. Motion carried unanimously.

#### **Other Business/Miscellaneous**

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


Councilmember Shogren gave an update on the City Council meetings. The Council discussed options for allowing outdoor dining including changing the sidewalk ordinance and allowing restaurants to set up dining areas in front of other businesses. The Council voted to close 2<sup>nd</sup> Ave SE in front of Sidelines for outdoor dining and opening up the empty lot at the Arlington site for outdoor dining. The City will pay for picnic tables for the Arlington site. Shogren said he was glad the City is putting their money where their mouth is in support of helping local restaurants in this way. Berg appreciated the City making exceptions to the ordinances and helping provide outdoor dining options.

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

Levitski gave an update for the Parks, Trails, and Recreation Commission. Levitski stated Parks Meetings were suspended during the COVID19 period as they were not deemed as essential services. Levitski stated the City has received the shuffleboard equipment for Parkwood Park and are anticipating the fitness equipment will be shipped sometime in June. Affinity Plus Credit Union is interested in making a donation for Parkwood Park which would purchase the wheelchair swing. Levitski stated the Parks Commission tour of the parks has been postponed due to the COVID19 period but will hopefully be rescheduled for the August meeting.

#### **Adjournment**

Being no further business before the Commission, Dybvig moved, seconded by Shogren, to adjourn the regular meeting at 7:50 pm. Upon call of the roll, Dybvig, Redfield, Berg, Shogren, Boese, Weiler and Kluck all voted aye. Motion carried unanimously.



Aaron Berg, Chair  
Cambridge Planning Commissioner

ATTEST:



Marcia Westover  
Community Development Director