

## City of Maple Plain

### Request by Collision Corner for a Conditional Use Permit Amendment to Modify the Previously Approved CUP on the Property Located at 5060 US Highway 12

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<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 25, 2018
<i>Applicant:</i>	Kurt and Michelle Kroll
<i>Owner:</i>	Kurt and Michelle Kroll
<i>Location:</i>	5060 US Highway 12

#### ***Request:***

Kurt and Michelle Kroll, (Applicants/Owners) request that the City consider the following action for the property located at 5060 US Highway 12 (PID No's. 25-118-24-12-0049, 25-118-24-12-0044, 25-118-24-12-0045, 25-118-24-12-0046).

- a. Conditional use permit amendment to revise the site plan and allow for the expansion of the existing building.

#### ***Property/Site Information:***

The property is located just north of Highway 12 at the intersection of Boundary Avenue and US Highway 12. There is an existing building and detached accessory building located on the property. The subject property is accessed via Boundary Avenue. The property has the following characteristics:

Property Information: 5060 US Highway 12  
Zoning: *MU-G Mixed Use – Gateway*  
Comprehensive Plan: *Mixed Use*  
Acreage: 0.89 Acres

5060 US Highway 12 Aerial Photograph



***Discussion:***

In 2015, the City granted a conditional use permit amendment to the owners of Collision Corner in an effort to update the CUP and clean up ongoing violations on the property. The City adopted a resolution stipulating all conditions of the CUP approval. The City has continued to work with the property owners following approval of the 2015 CUP amendment to monitor parking and storage and complete all applicable conditions. The applicant experienced a fire in their paint booth at the end of 2017 and is now seeking to amend the conditional use permit and site plan approval to allow for the construction of a new attached paint booth on the subject property. The applicant has submitted a revised site plan along with building plans and elevations detailing the proposed building and its site impacts.

This property was initially granted a Conditional Use Permit by the City in 1988. The CUP was subsequently amended by the City several times with the most recent amendment occurring in 2015. The current CUP has the following provisions:

**Part 1 (Oak Street is not improved)**

- a. Approval of the existing site improvements shall include:
  - i. Perimeter fence
  - ii. Landscaping
  - iii. Building and street lighting
  - iv. No parking signage
  - v. Provide emergency vehicle/public safety access route as designated on plan
  - vi. Parking lot striping
  - vii. Parking and storage in designated areas only
  - viii. Total Parking on Site as follows:
    - 1. Oak Street ROW – no parking or use
    - 2. Boundary Avenue – 15 spaces
    - 3. In Front of Building – 5 spaces (customer parking)
    - 4. Behind Building – 31 spaces
    - 5. For Sale Vehicle Parking – 10 spaces

**Total Spaces:      61 Spaces**

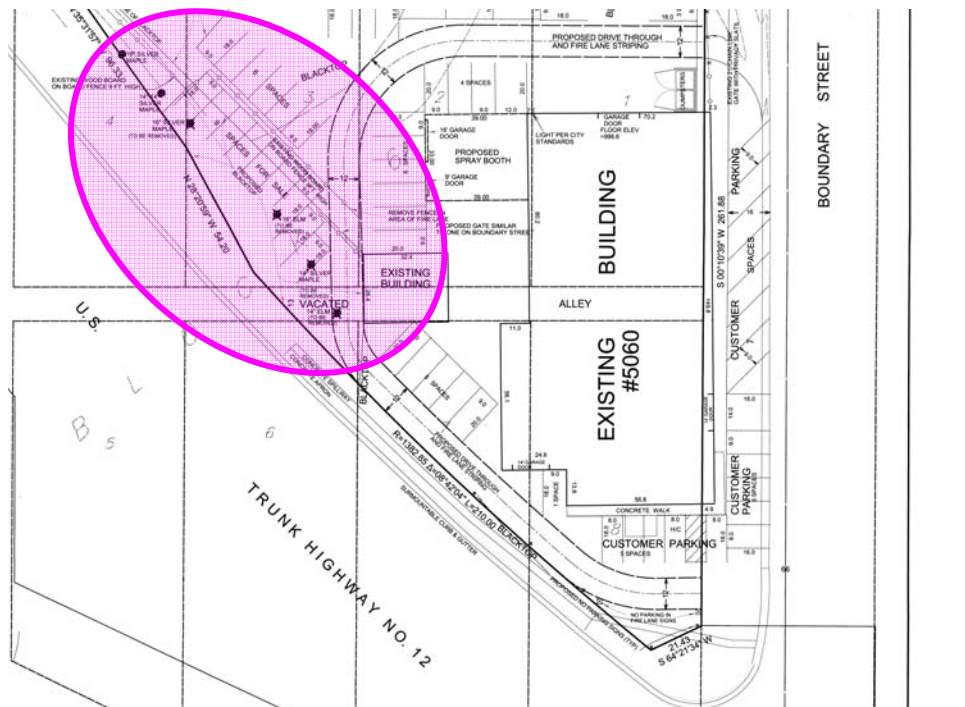
Staff has reviewed the proposed site and building plans and provided comments and feedback to the applicant. Staff is seeking additional direction from the City relating to the proposed building addition and various site configuration components:

- 1. The plan amendment shows the location of the proposed attached paint building. The building is located to the west of the existing building near the northwest corner. The proposed building is approximately 1,000 square feet in overall size. The proposed building would be a metal pole type construction with exterior finish materials (veneer finish) that would be similar (essentially match) those on the existing building. There would be one overhead door and one access door located on the west elevation of the proposed paint building addition. No mechanical equipment is shown on the proposed plans. All mechanical equipment is required to be screened from view including anything that projects through the roof. The proposed building addition appears to comply with general requirements. The petitioner will need to submit a screening plan for all roof mounted equipment.
- 2. As it relates to the revised site plan, the following comments should be considered:
  - a. Parking – the applicant has revised the site plan to incorporate the proposed paint building into the plans. The applicant shows a reconfigured parking space and site layout with the following number of parking spaces as follows:
    - i.
      - 1. Boundary Avenue:      14 spaces – decrease of 1 space

- |                          |  |
|--------------------------|--|
| 2. In Front of Building: | 11 spaces - additional 6 spaces          |
| 3. Behind Building:      | 37 spaces – additional 6 spaces          |
| 4. For Sale Parking:     | 9 spaces – decrease of 1 space           |
| <b>Total Spaces:</b>     | <b>71 Spaces – increase of 10 spaces</b> |

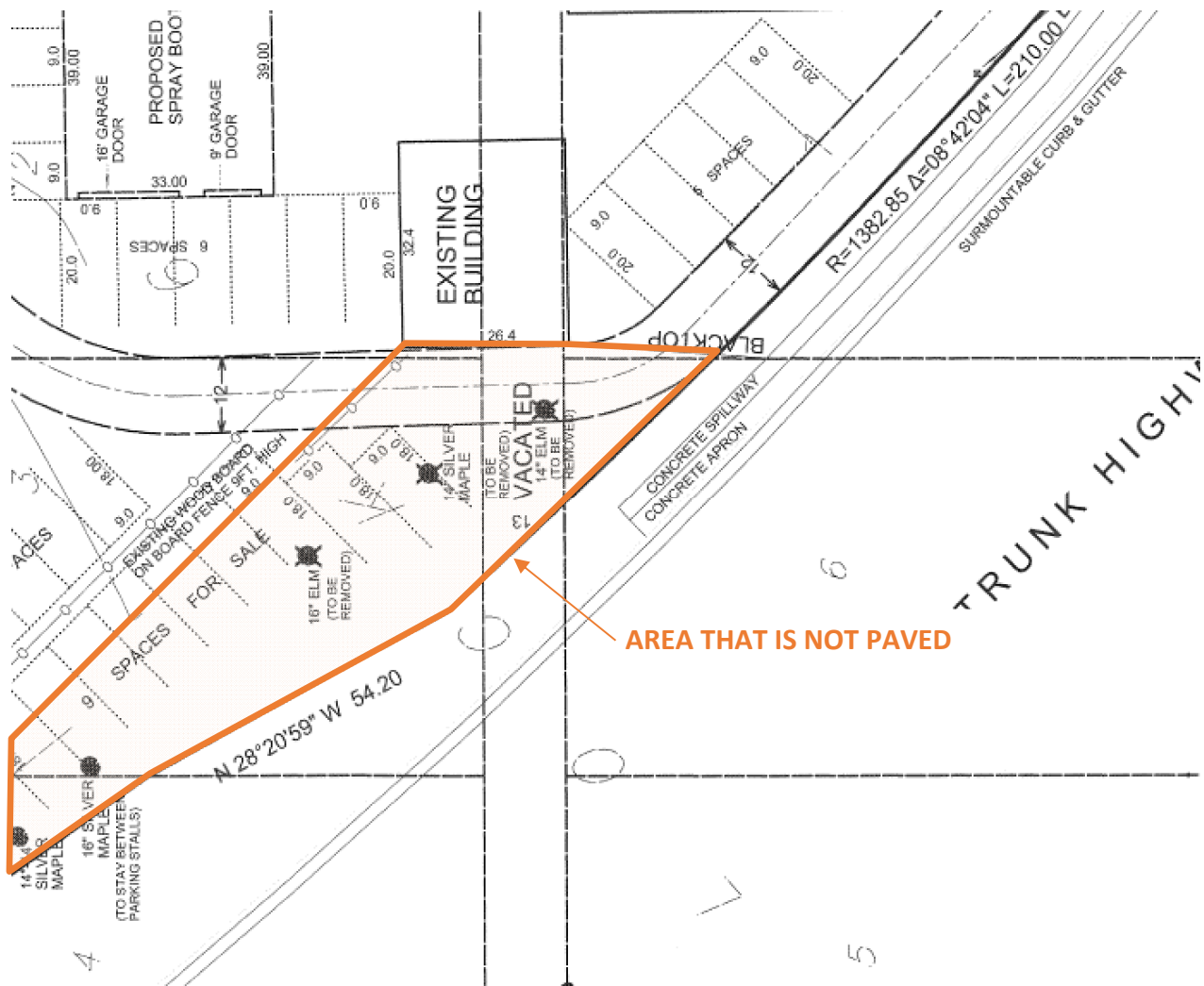
ii. Staff would like feedback and direction from the Planning Commissions relating to the following parking issues:

1. The applicant has provided the City with updated survey information relating to the south property line, edge of pavement and the right of way for TH 12. The applicant is showing 9 “for sale” parking spaces along the south property line. These spaces do not have enough space to be accessed via the site and require the applicant to drive on a dirt path within the MNDOT right of way. Planning Commissioners recommended that the applicant revise the plans to show how the spaces can be accessed without encroaching onto MNDOT right of way. The applicant is now proposing to pave the area that is used for “for sale” parking spaces. This includes the driveway that allows access to the spaces. Staff is seeking feedback from the Council relating to whether or not additional paving of this site should be permitted along with the 9 “for sale” spaces. In addition, the applicant will need to remove 4 existing trees to allow the “for sale” spaces.

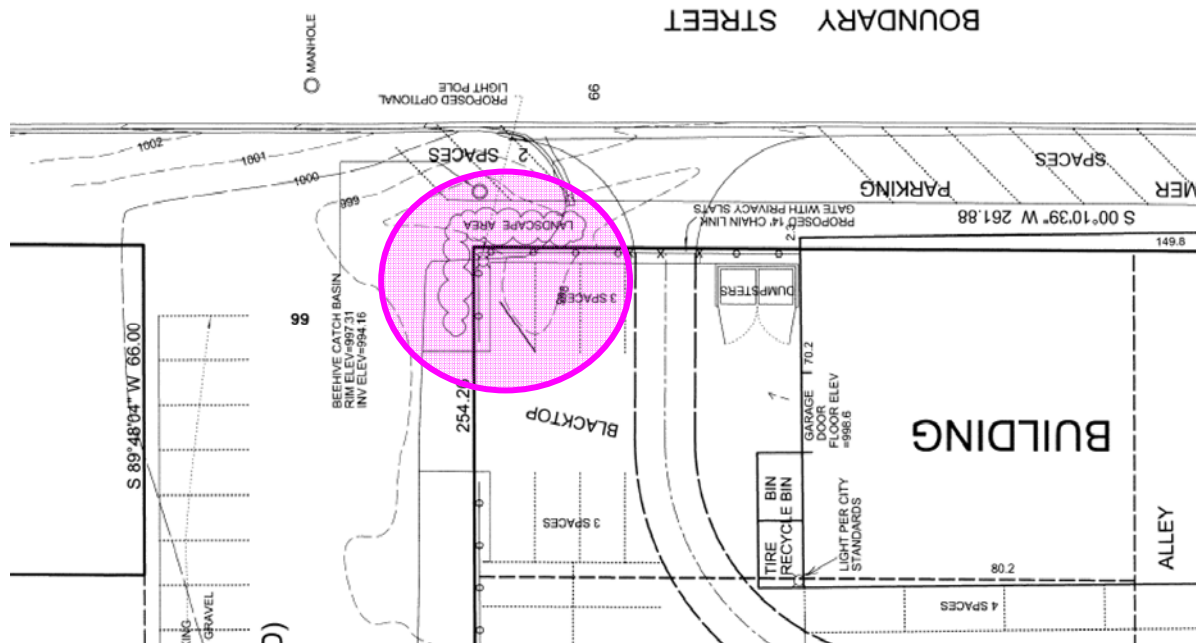




2. The proposed parking plan shows a fire lane/access road around the perimeter of the site. A portion of this proposed road is located to the west of the existing detached shed/accessory building. In order to construct this road, one existing tree would need to be removed. The area to the west of the shed is not currently paved. The plans show that this area would be paved. The plans have been revised to show that a portion of fence would be removed and a new gate installed at this location. It is recommended that this route be striped so that no parking or temporary parking is permitted within the access route. The plans indicate that the fire lane would be striped. An additional striping/signage detail should be provided to the City.



3. A review of the site identified several conditions that have not been completed since the approval of the CUP in 2015. The following items were required and do not appear to be completed:
  - a. Parking Lot Striping: All parking spaces shown on the approved site plan were required to be striped. The fire/access lane was also required to be striped.
  - b. No parking signage relating to the fire lane was required to be installed.
  - c. Some required landscaping was installed on the north side of the Oak Street right of way. Landscaping around the northeast corner of the fence to screen that portion of the site was required as follows:
    - i. To screen the northeast corner of the site, the applicant should include seven - 6' height arborvitae, nine - 36" height dwarf burning bush or similar and twenty five - one gallon feather reed grass or similar ornamental grasses along the fence. In order to achieve this planting, the applicant will need to remove existing asphalt.



- d. The applicant was required to install/sign one accessible parking stall in the front of the building. This space does not currently meet the ADA requirements for a single-space. The plans show that the area will be re-striped to meet minimum ADA standards.

### ***Planning Commission Discussion:***

The Planning Commission reviewed the request and asked questions of staff and the petitioner. Commissioners discussed the proposed building addition. Commissioners recommended that the applicant be required to screen the roof chimney and ventilation equipment. Commissioners discussed the parking spaces that are proposed to be located in front of the overhead doors and felt that the applicant would be able to manage moving cars in front of doors to the rear of the site. Commissioners reviewed the number of cars that are being requested in the front of the building and ultimately recommended 10 cars be permitted versus 5 that are currently allowed. Commissioners recommended that a gate be installed to the west of the accessory building to screen the rear of the site from Highway 12. Ultimately Commissioners recommended approval of the CUP amendment to the City Council.

### ***Planning Commission Recommendation:***

The Planning Commission recommended approval of the conditional use permit amendment with the the following findings and conditions:

1. The proposed conditional use permit amendment meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.
2. Approval of the conditional use permit is subject to the applicant providing additional information and receiving City approval for the following items:
  - a. The Applicant shall revise the plans to show a striping and signage detail relating to the no parking signage and fire/access lane.
  - b. The Applicant shall provide the City with a roof plan showing the proposed chimney, vent, mechanical equipment and a detail and plan of the proposed screening.
  - c. The Applicant shall prepare a grading/restoration and erosion control plan for review by the City relating to the proposed access lane paving to the west of the existing accessory building.
  - d. The Applicant shall revise the plans to show the number of parking spaces recommended by the City Council.
  - e. The Applicant shall address all comments made by the City Council.
3. The Conditional Use Permit will be amended to include the following additional or revised conditions. All other conditions of the conditional use permit shall be maintained.

- a. Parking shall be limited to the approved number and type of spaces as identified on the site plan and further defined within the conditions of approval. The total number of vehicles permitted on the site shall be as follows:

1. Boundary Parking:	14	spaces
2. Front of Building:	10	spaces (to include 1 ADA space, customer parking)
3. Rear of Building:	37	spaces
4. <u>For Sale Parking:</u>	<u>9</u>	<u>spaces</u>
<b>Total Spaces:</b>	<b>70</b>	<b>spaces</b>

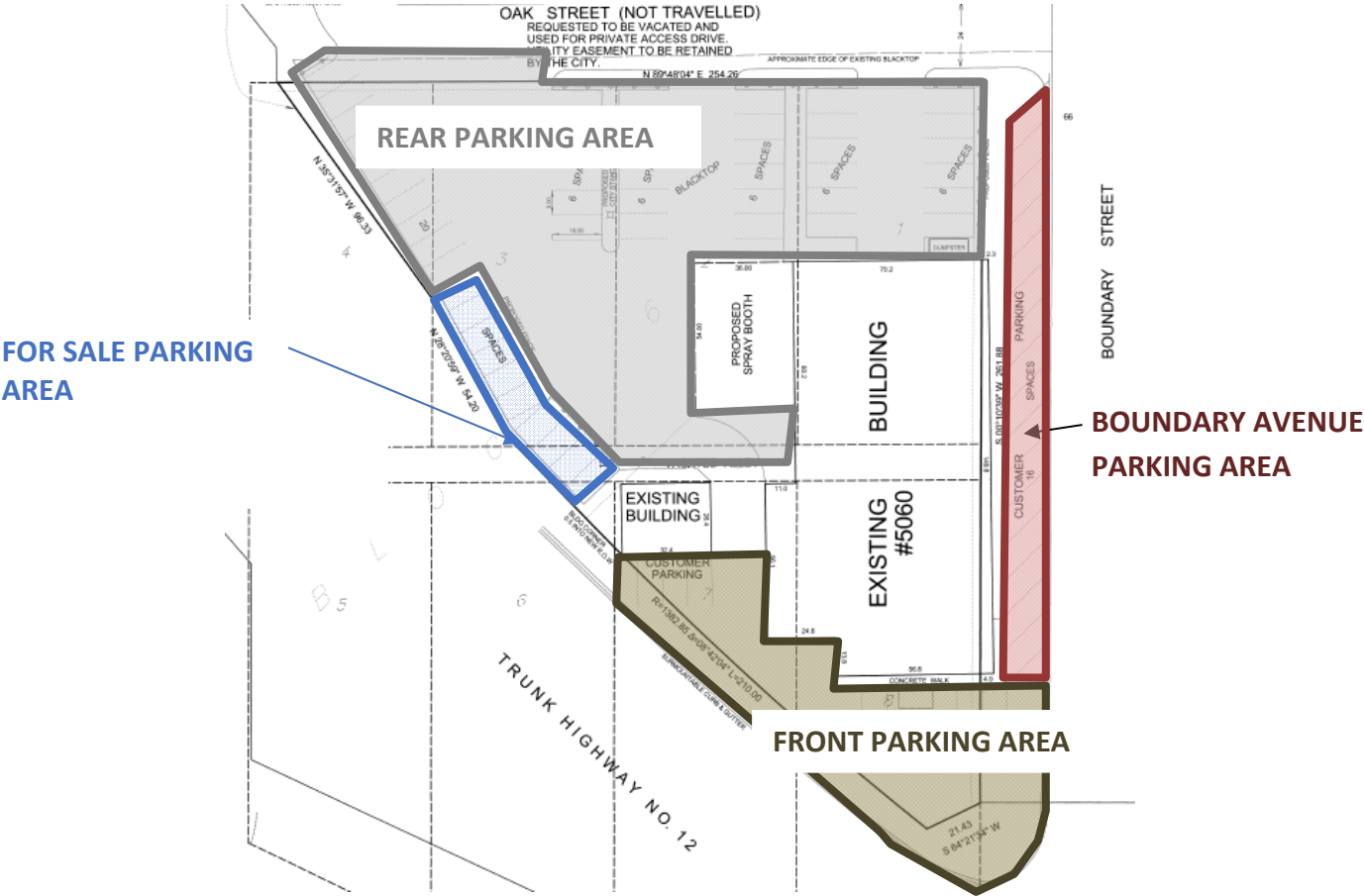
4. All conditions of the CUP relating to the site improvements, landscaping and parking, shall be fully satisfied prior to issuance of a building permit for the paint building.
5. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

***Attachments:***

1. General Parking Areas Exhibit
2. Applicable Standards
3. Building Façade Image
4. Amended Site Plan
5. Building Elevations
6. 2015 CUP Resolution



General Parking Areas Exhibit



## Applicable Standards

### ***CONDITIONAL USE PERMITS***

#### **' 153.140 CONDITIONAL USE PERMITS.**

(A) *Purpose.* The purpose of a conditional use permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.

(B) *Pre-application meeting.* Prior to the submission of a conditional use permit for consideration by the Planning Commission, the applicant shall meet with the City Administrator and Planner as necessary to explain the application and obtain the necessary requirements.

(C) *Staff analysis.* Upon receiving a complete application, as determined by the City Planner, copies of the conditional use permit and all related documents shall be submitted to city staff and other applicable public agencies as needed. The City Planner shall instruct the appropriate staff person to:

- (1) Coordinate an analysis of the application;
- (2) Prepare technical reports; and
- (3) Assist in preparing a recommendation to the Planning Commission and City Council.

(D) *Notice.* Written notice of the application shall be sent by the City Administrator to all adjoining property owners within 350 feet of the boundary of the property in question. The notice shall be mailed not less than 10 days prior to approval of the minor subdivision, and shall contain a description of the application and the legal description of the property. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city's official newspaper at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate subsequent approval of the conditional use permit.

(E) *Application requirements.* A request for a conditional use permit shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully explaining the purpose of the proposal, and including any proposed development. For conditional use permits requiring site improvements of any kind, a full set of plans following ' 153.045 shall be submitted as part of the review process. The applicant shall also submit a set of mailing labels of all property owners located within 350 feet of the site in a format prescribed by the Planner. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(F) *Conditional use permit criteria.* The Planning Commission shall review the conditional use permit for its conformance with the City Code and shall not recommend approval unless all the following conditions are met:

(1) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;

(2) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area;

(3) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

(4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

(5) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;

(6) That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use; and

(7) The proposed use is in compliance with this chapter and Comprehensive Plan of the city.

(G) *Planning Commission consideration.* The Planning Commission shall consider the request for a conditional use permit and hold a public hearing. The Planning Commission shall consider possible adverse effects of the proposed conditional use following the review criteria outlined in this section and create findings of fact based on its review of the conditional use.

(H) *City Council consideration.* The City Council shall consider the conditional use and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application, for which approval shall require passage by a 2/3 vote of the full City Council. If the conditional use is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(I) *Revocation.* The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and

*Image of Building Façade*



**CITY OF MAPLE PLAIN  
RESOLUTION NO.18-0625-03**

**A RESOLUTION APPROVING THE REQUEST BY COLLISION CORNER FOR AN  
AMENDEMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR THE  
PROPERTY LOCATED AT 5060 US HIGHWAY 12**

**WHEREAS**, the City of Maple Plain (the “City”) is a municipal corporation under the laws of Minnesota; and

**WHEREAS**, the City adopted a comprehensive plan in 2008 to guide the development of the community; and

**WHEREAS**, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

**WHEREAS**, Kurt and Michelle Kroll (the “Applicants/Owner”) submitted an application seeking an amendment to the existing conditional use permit for the property located at 5060 US Highway 12 (the “Property”); and

**WHEREAS**, the Property is zoned Mixed Use – Gateway (MU-G); and

**WHEREAS**, the Property is legally described on attached **Exhibit A**; and

**WHEREAS**, the requested amendment to the conditional use permit meets all requirements, standards and specifications of the City of Maple Plain Zoning Ordinances for property zoned MU-G; and

**WHEREAS**, the Planning Commission held a public hearing on May 3, 2018 to review the application for an amendment to the existing conditional use permit following mailed and published noticed as required by law; and

**WHEREAS**, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA**, that it should and hereby does approve the application by Kurt and Michelle Kroll for an amendment to the existing conditional use permit per the City’s zoning regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.



2. Approval of the conditional use permit is subject to the applicant providing additional information and receiving City approval for the following items:
  - a. The Applicant shall revise the plans to show a striping and signage detail relating to the no parking signage and fire/access lane.
  - b. The Applicant shall provide the City with a roof plan showing the proposed chimney, vent, mechanical equipment and a detail and plan of the proposed screening.
  - c. The Applicant shall prepare a grading/restoration and erosion control plan for review by the City relating to the proposed access lane paving to the west of the existing accessory building.
  - d. The Applicant shall revise the plans to show the number of parking spaces recommended by the City Council.
  - e. The Applicant shall address all comments made by the City Council.
3. The Conditional Use Permit will be amended to include the following additional or revised conditions. All other conditions stated in **Resolution 15-1026-01** approving an amendment to the conditional use permit shall be maintained in full force.
  - a. Parking shall be limited to the approved number and type of spaces as identified on the site plan and further defined within the conditions of approval. The total number of vehicles permitted on the site shall be as follows:

1. Boundary Parking:	14	spaces
2. Front of Building:	10	spaces (to include 1 ADA space, customer parking)
3. Rear of Building:	37	spaces
4. For Sale Parking:	9	spaces
<b>Total Spaces: 70 spaces</b>		
4. All conditions of the CUP relating to the site improvements, landscaping and parking, shall be fully satisfied prior to issuance of a building permit for the paint building.
5. The applicant shall construct all improvements in accordance with the approved site and building plans attached hereto as **Exhibit B**.
6. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

This resolution was adopted by the City Council of the City of Maple Plain on this 25<sup>th</sup> day of June 2018, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Julie Mass-Kusske, Mayor

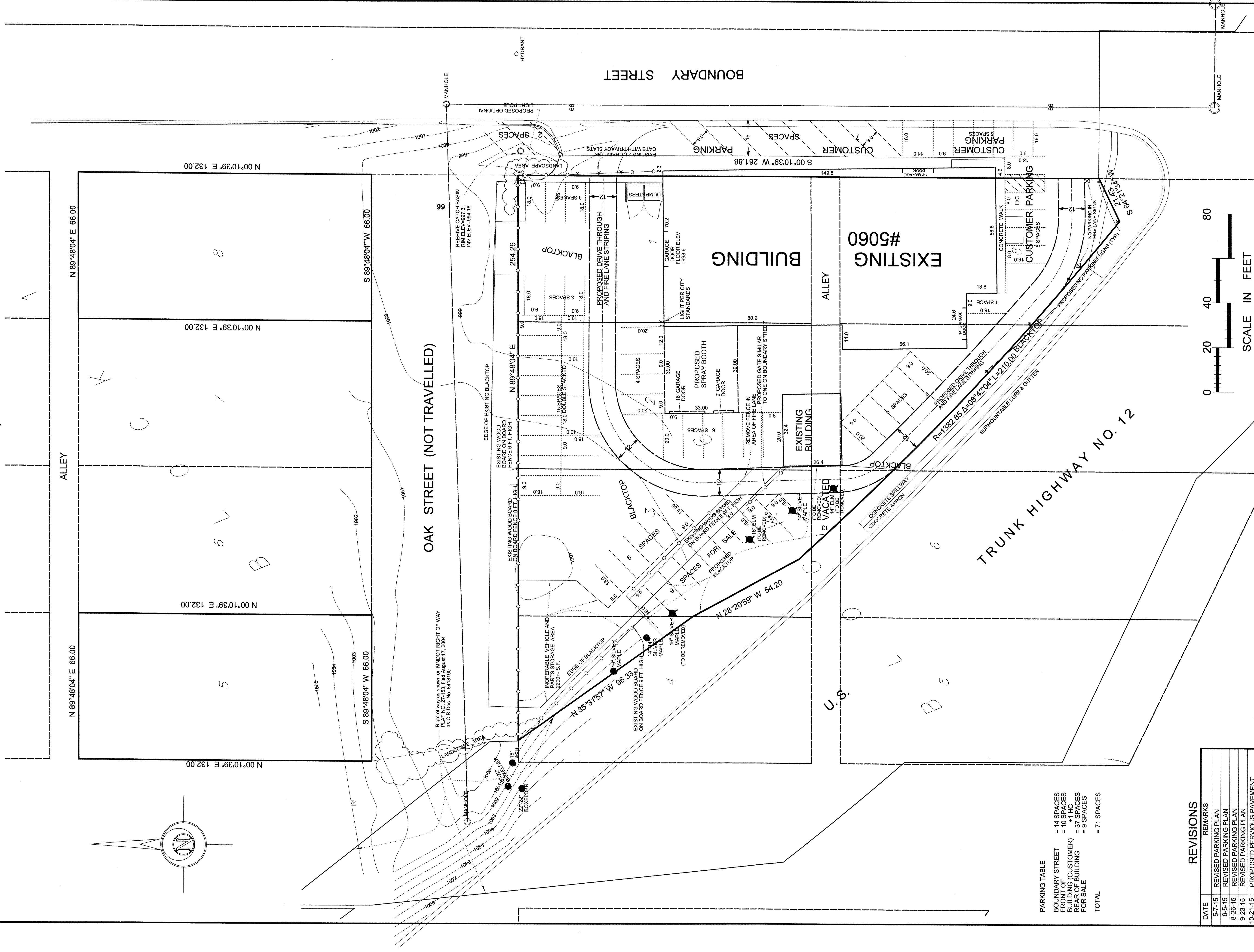
ATTEST:

\_\_\_\_\_  
Robert Schoen, City Administrator

**Exhibit A**  
**Legal Description**

**Exhibit B**  
**Site and Building Plans**

PROPOSED PARKING FOR  
KURT & MICHELLE KROLL  
IN BLOCKS 1 AND 6, MAPLE PLAIN  
HENNEPIN COUNTY, MINNESOTA



PARKING TABLE	
BOUNDARY STREET	= 14 SPACES
FRONT OF BUILDING (CUSTOMER)	= 10 SPACES
REAR OF BUILDING	= 11 HC
FOR SALE	= 37 SPACES
TOTAL	= 71 SPACES

REVISIONS

DATE	REMARKS
5-7-15	REVISED PARKING PLAN
6-5-15	REVISED PARKING PLAN
8-26-15	REVISED PARKING PLAN
9-23-15	REVISED PARKING PLAN
10-21-15	PROPOSED PREVIOUS PAYMENT
12-14-15	REVISED PARKING PLAN
8-4-16	REVISED PARKING PLAN
9-26-16	REVISED
2-27-18	ADDED PROPOSED SPRAY BOOTH AND REVISED ACCESS DRIVE AND PARKING
3-16-18	REVISED EXISTING CONDITIONS
4-6-18	ADDITIONAL INFORMATION
6-15-18	REVISIONS PER CITY

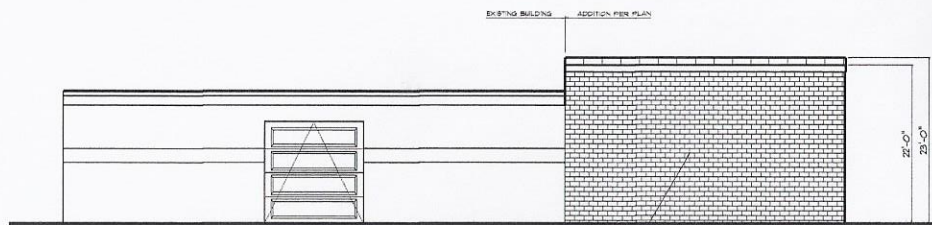
DESIGNED  
DRAWN  
CHECKED

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

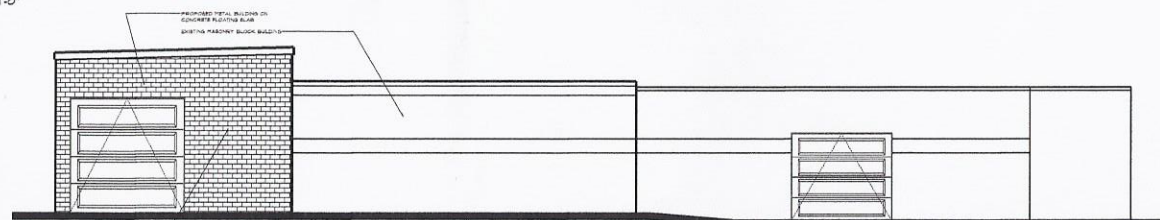
GRONBERG & ASSOCIATES, INC.  
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
445 N. WILLOW DRIVE LONG LAKE, MN 55356  
PHONE: 952-473-4141 FAX: 952-473-4435



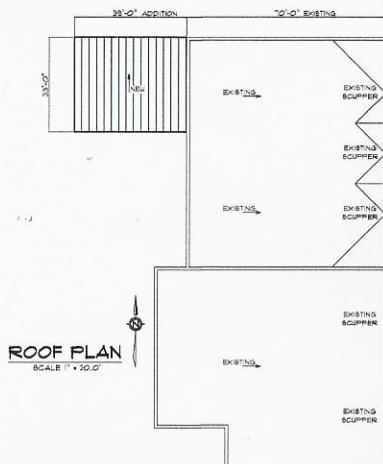




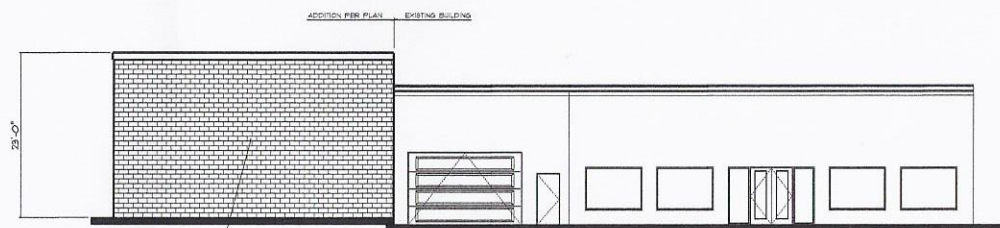
**NORTH ELEVATION**  
SCALE 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE 1/8" = 1'-0"



**ROOF PLAN**  
SCALE 1" = 20'-0"



**SOUTH ELEVATION**  
SCALE 1/8" = 1'-0"

**JIM  
MACKEY  
ARCHITECT**

**JIM MACKEY  
ARCHITECT**  
122 Laurel Avenue  
St. Paul, MN 55104  
Jim Mackey  
Office 651-444-0565  
Registration # 15018  
Designed by  
Todd Ostrum  
Office 764-434-5676  
Cell 953-594-5776  
tostum@tcodesign.net

**TCO DESIGN**  
drafting and more design

**TCO DESIGN**  
drafting and more design  
1332 Three Rivers North  
Brooklyn Park, MN 55443  
Office 764-434-5676  
Cell 953-594-5776  
tostum@tcodesign.net  
Designed by  
Todd Ostrum  
Office 764-434-5676  
Cell 953-594-5776  
tostum@tcodesign.net

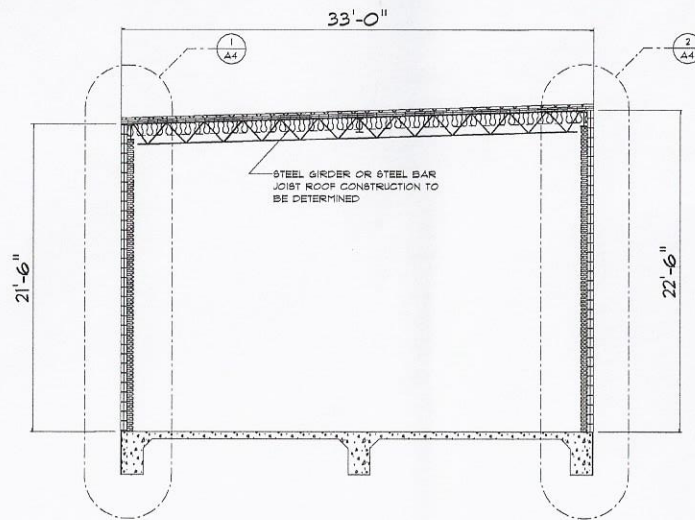
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PSS.M 1-1-11  
PSS.M 1-20-11  
PSS.M 1-20-11  
PSS.M 1-20-11

**COLLISION CORNER**  
30000 U.S. Highway 12  
Tropic, MN

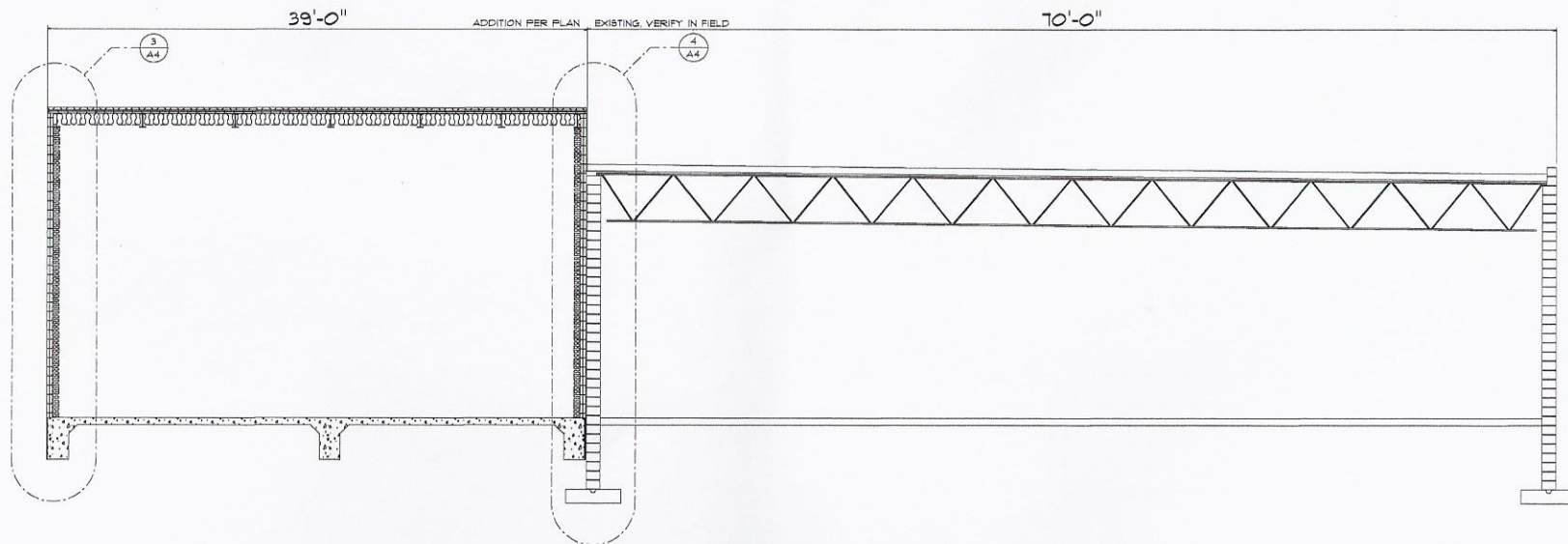
**TCO DESIGN**  
drafting and more design

Design #  
tco201730

**A2**  
A2 OF 4



1  
A3  
**ADDITION CROSS SECTION**  
SCALE 1/4" = 1'-0"



2  
A3  
**BUILDING SECTION**  
SCALE 1/4" = 1'-0"

**JIM  
MACKEY  
ARCHITECT**

**JIM MACKEY  
ARCHITECT**  
100 Leiford Avenue  
St. Paul, MN 55104  
J.M. Mackey  
Office 651-644-0565  
Registration # 0009  
Drawing by  
Todd Ostrum  
Office 763-434-3476  
Cell 953-894-8776  
tost@tostdesign.com

**TCO DESIGN**  
drawing and home design

**TCO DESIGN**  
drawing and home design  
5500 Thrane Avenue North  
Brooklyn Park, MN 55444  
Office 763-434-3476  
Cell 953-894-8776  
tost@tostdesign.com  
Registered by  
Todd Ostrum  
Office 763-434-3476  
Cell 953-894-8776  
tost@tostdesign.com

Plan Date  
FEB. 11, 2013  
FEB. 11, 2013

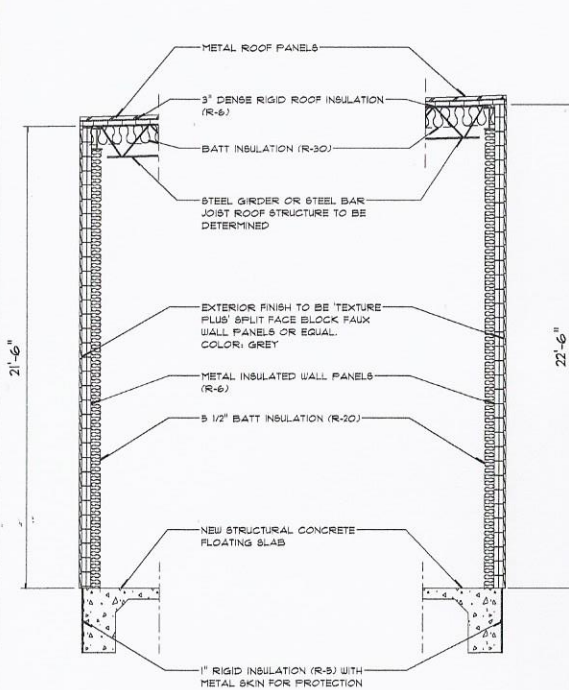
**COLLISION CORNER**  
80040 U.S. Highway 10  
Tipton, MN

**TCO DESIGN**  
drawing and home design

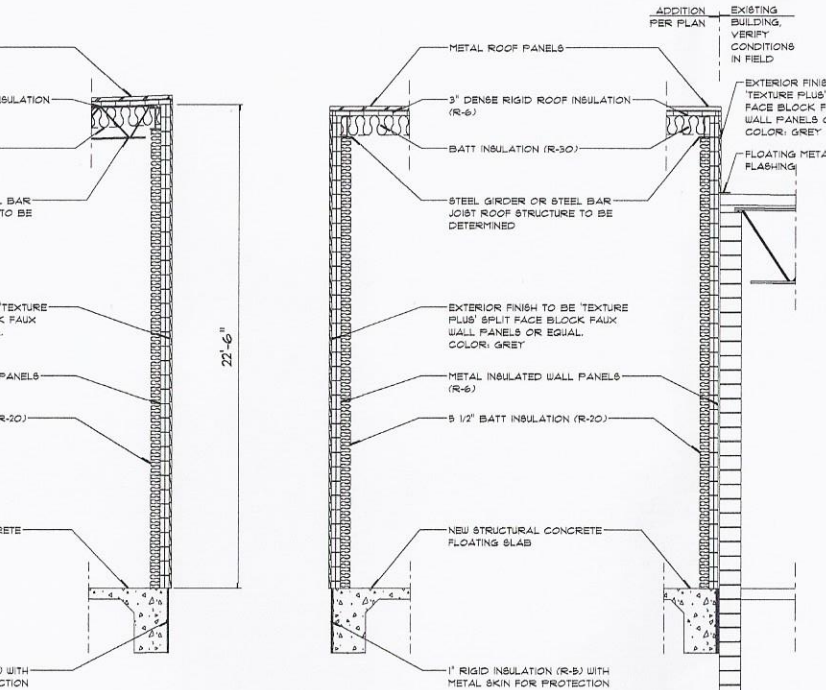
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**A3**  
A3 OF 4

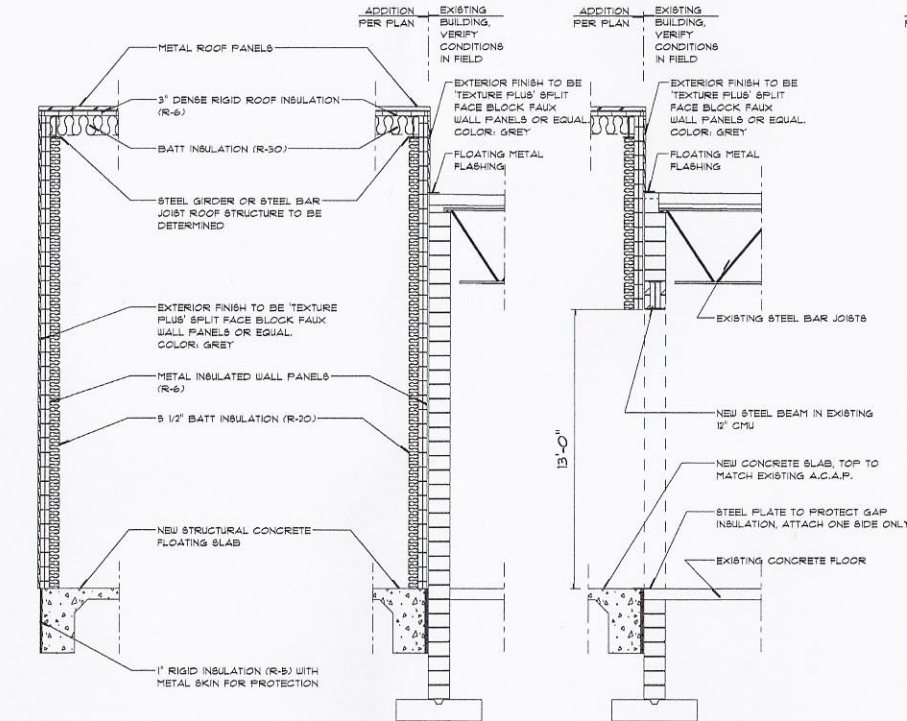




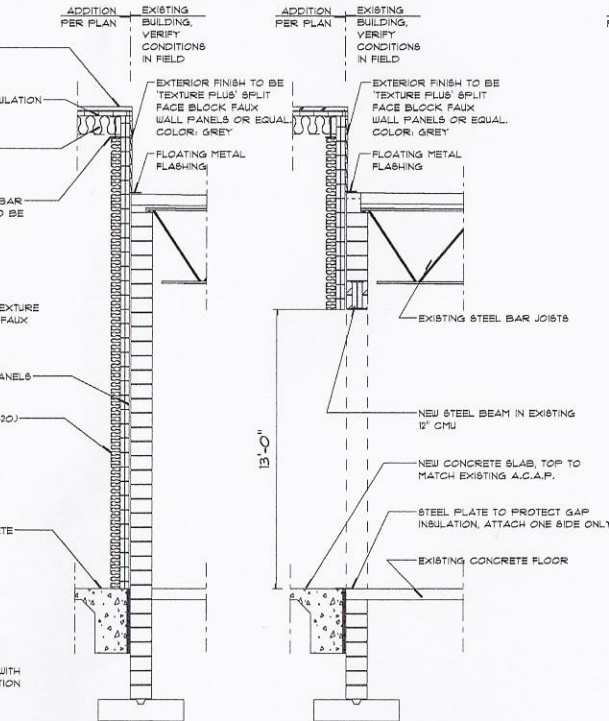
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SCALE 3/8" = 1'-0"



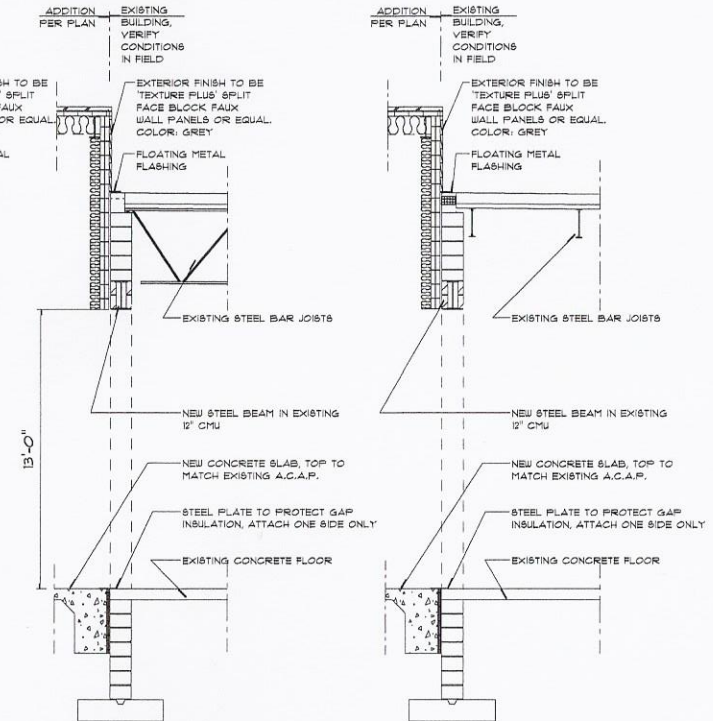
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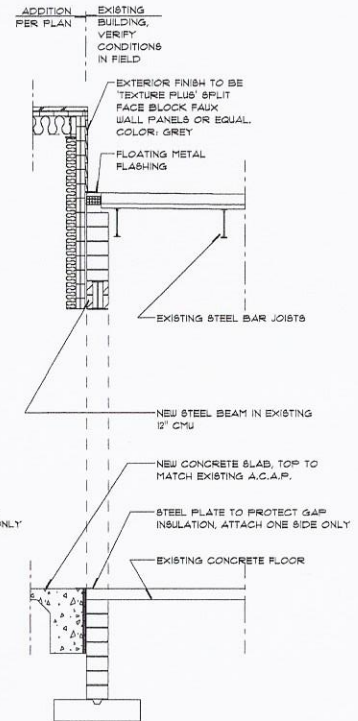
3 WALL SECTION  
SCALE 3/8" = 1'-0"



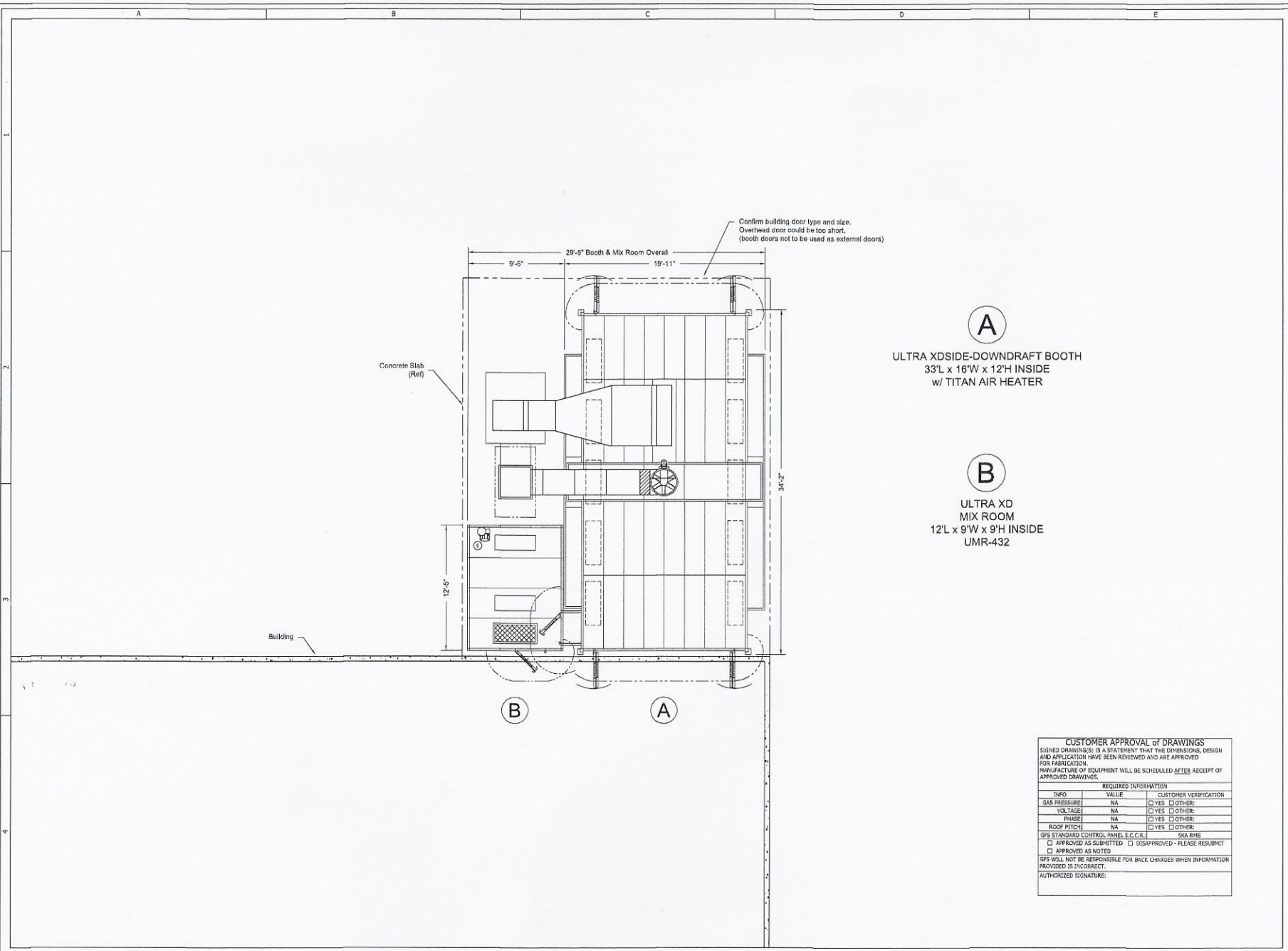
4 WALL SECTION  
SCALE 3/8" = 1'-0"



5 WALL SECTION  
SCALE 3/8" = 1'-0"



6 WALL SECTION  
SCALE 3/8" = 1'-0"



**A**

ULTRA XD SIDE-DOWN DRAFT BOOTH  
33'L x 16'W x 12'H INSIDE  
w/ TITAN AIR HEATER

**B**

ULTRA XD  
MIX ROOM  
12'L x 9'W x 9'H INSIDE  
UMR-432

CUSTOMER APPROVAL OF DRAWINGS		
SIGNED DRAWINGS IS A STATEMENT THAT THE DIMENSIONS, DESIGN AND APPLICATION HAVE BEEN REVIEWED AND ARE APPROVED FOR FABRICATION.		
MANUFACTURE OF EQUIPMENT WILL BE SCHEDULED AFTER RECEIPT OF APPROVED DRAWINGS.		
REQUIRED INFORMATION		
INFO	VALUE	CUSTOMER VERIFICATION
GAS PRESSURE:	NA	<input type="checkbox"/> YES <input type="checkbox"/> OTHER:
VOLTAGE:	NA	<input type="checkbox"/> YES <input type="checkbox"/> OTHER:
PHASE:	NA	<input type="checkbox"/> YES <input type="checkbox"/> OTHER:
ROOF FITCH:	NA	<input type="checkbox"/> YES <input type="checkbox"/> OTHER:
GPS STANDARD CONTROL PANEL S.C.C.B.1 S.K.A.B.H.S.		
<input type="checkbox"/> APPROVED AS SUBMITTED <input type="checkbox"/> DISAPPROVED - PLEASE RESUBMIT		
<input type="checkbox"/> APPROVED AS NOTED		
GPS WILL NOT BE RESPONSIBLE FOR BACK CHARGES WHEN INFORMATION PROVIDED IS INCORRECT.		
AUTHORIZED SIGNATURE:		

**GLOBAL FINISHING SOLUTIONS**  
12731 NORWAY ROAD  
OSSEO, WI 54758 USA  
800-848-8738  
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DESCRIPTION			
GENERAL LAYOUT - GF'S EQUIPMENT			
DATE	REVIEWED BY	DATE	
1/24/2018	MLG		
SCALE	DRAWN BY	DATE	
1/4" = 1'-0"	MLG		
CUSTOMER: CHASSIS LINER SUPPLY for COLLISION CORNER			
SUBMITTAL SET DS		REVISION	
ORDER / SERIAL NUMBER U87234-DS-GL			
SHEET 1 of 1			



RESOLUTION NO.15-1026-01

A RESOLUTION APPROVING THE REQUEST BY COLLISION CORNER FOR AN  
AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR THE PROPERTY  
LOCATED AT 5060 US HIGHWAY 12

WHEREAS, the City of Maple Plain (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2008 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Kurt and Michelle Kroll (the “Applicants/Owner”) submitted an application seeking an amendment to the existing conditional use permit for the property located at 5060 US Highway 12 (the “Property”); and

WHEREAS, the Property is zoned Mixed Use – Gateway (MU-G); and

WHEREAS the requested amendment to the conditional use permit meets all requirements, standards and specifications of the City of Maple Plain Zoning Ordinances for property zoned MU-G; and

WHEREAS the Planning Commission held a public hearing on July 1, 2015 to review the application for an amendment to the existing conditional use permit following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA that it should and hereby does approve the application by Kurt and Michelle Kroll for an amendment to the existing conditional use permit per the City’s zoning regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.

2. Approval of the conditional use permit is subject to the applicant providing additional information and receiving City approval for the following items:
  - a. The applicant shall enter into a licensing agreement with the City pertaining to the use of the Oak Street right of way.
  - b. The Applicant shall submit a grading and drainage plan and requisite storm water calculations. Based on the calculations, the applicant shall meet all applicable standards pertaining to storm water, grading and drainage.
  - c. The applicant shall obtain all requisite approvals from Minnehaha Creek Watershed District.
  - d. The applicant shall revise the plans to provide a 25' wide drive aisle and 20' long spaces within the Oak Street right of way.
  - e. The applicant shall revise the plans to indicate the detailed locations of the no parking signage and fire lane striping.
  - f. The Applicant shall address all comments made by the Planning Commission relating to building architecture, color and materials.
  - g. The applicant shall revise the parking plan to include an accessible parking stall in the front of the building.
  - h. The Applicant shall provide the City with a revised lighting plan that includes the detailed photometric information for the lights proposed. The applicant shall provide new building lighting as indicated on the approved site plan along with a new decorative light pole at the northeast corner of the property. The new light pole shall match the City's approved standards as indicated in the Downtown Design Guidelines.
  - i. The applicant shall provide the City with a revised landscaping plan to include landscaping as follows:
    - a. To screen the northeast corner of the site, the applicant should include seven - 6' height arborvitae, nine - 36" height dwarf burning bush or similar and twenty five - one gallon feather reed grass or similar ornamental grasses along the fence. In order to achieve this planting the applicant will need to remove existing asphalt.
    - b. To screen the western edge of the Oak Street right of way, the applicant should include five 6' height evergreen trees (i.e. Black Hills Spruce or similar).
    - c. To further screen the improved Oak Street right of way, the applicant shall provide three additional 6' height evergreen trees on the north side of the right of way. The applicant will work with the City to identify the best locations.

- j. The applicant shall address and satisfy all Fire Department comments relating to the building and site.
3. The Conditional Use Permit will be amended to include the following conditions:

**Part 1 (Oak Street is not improved)**

- a. Approval of the existing site improvements shall include:
  - i. Building addition
  - ii. Perimeter fence
  - iii. Landscaping
  - iv. Building and street lighting
  - v. No parking signage
  - vi. Provide emergency vehicle/public safety access route as designated on plan
  - vii. Parking lot striping
  - viii. Parking and storage in designated areas only
  - ix. Total Parking on Site as follows:
    - 1. Oak Street ROW – no parking or use
    - 2. Boundary Avenue – 15 spaces
    - 3. In Front of Building – 5 spaces (customer parking)\*
    - 4. Behind Building – 30 spaces
    - 5. For Sale Vehicle Parking – 10 spaces

**Total Spaces: 60 Spaces**

*\* Delivery service vehicles, vehicle carriers, mail carrier vehicles and other similar vehicles which are in the active process of dropping off or picking up items or customers from the business shall not be subject to the total number of vehicles provided that they meet the following conditions:*

- *A maximum of 5 additional vehicles of any type can be located in this area.*
- *Cannot be parked outside of designated parking spaces for a time period of longer than 15 minutes.*
- *Cannot block designated fire or access lanes.*
- *Cannot be parked in no parking areas.*

**Part 2 (Oak Street is improved)**

- b. Approval of the additional site improvements shall include:
  - i. Pavement of Oak Street as permitted by the license agreement
  - x. Landscaping
  - xi. Parking space striping
  - xii. Parking in designated areas only
  - xiii. Total Parking on Site as follows:

1. Oak Street ROW – 43 spaces (17 employee, 26 spaces for mechanical repair drop-off)
2. Boundary Avenue – 17 spaces (customer parking)
3. In Front of Building – 5 spaces (customer parking)
4. Behind Building – 36 spaces
5. For Sale Vehicle Parking – 10 spaces

**Total Spaces: 111 Spaces**

- c. Parking shall be limited to the approved number and type of spaces as identified on the site plan and further defined within the conditions of approval.
- d. No vehicles shall be stored, temporarily stored, parked or otherwise located in any location other than those specifically designated on the approved plan.
- e. No parking of vehicles shall be permitted on Boundary Avenue outside of the areas designated on the approved site plan.
- f. Parking of vehicles within the Oak Street and Boundary Street right of way shall be limited to employees of the business and customer drop-off and pick-up of vehicles in need of mechanical repair. No vehicle with body damage shall be parked in the rights of way.
- g. All of the required improvements identified on the approved plans shall be installed and approved in accordance with the following schedule: prior to the applicant receiving approval of this amendment.

a. Part I

i. The following Part I improvements shall be installed prior to January 1, 2016:

1. No parking signs installed in front of building as indicated on approved plans.
2. The number of vehicles parked in front (along Hwy 12) of the building shall not exceed the number approved on the site plan (five vehicles). The designated parking spaces shall be striped in accordance with the approved plans.
3. Five 6' height evergreen trees shall be installed along the northeast corner of the Oak Street right of way as shown on the approved plans.

ii. The following Part I improvements shall be installed prior to May 1, 2016:

1. The portion of fence along Highway 12 as shown on the approved plans.

b. Part I and II

i. The following Part I improvements shall be installed prior to October 1, 2016:

1. Building addition
2. Perimeter fence
3. Landscaping
4. Lighting – both building and parking lot lighting
5. Parking lot/space striping
6. No parking signs and fire lane signs along building
7. No parking signs installed in front of building as indicated on approved plans.
8. Provide emergency vehicle/public safety access route as designated on plan
9. Parking and storage in designated areas only
10. Pavement of Oak Street as permitted by the license agreement

- h. There shall be no storage of vehicles or parts within the Oak Street and Boundary Street rights of way.
- i. All requisite fencing shall be maintained by the applicant for the duration of the conditional use permit. Maintenance shall include, but is not limited to keeping the fence true, upright, without missing boards or sections and in all locations indicated on the approved plan.
- j. All requisite landscaping shall be maintained by the applicant for the duration of the conditional use permit.
- k. The hours of operation shall be permitted between the hours of 6:00 a.m. and 10:00 p.m. Monday through Friday and 7:00 a.m. and 7:00 p.m. Saturday and Sunday. No work outside of the building shall occur outside of the aforementioned times.
- l. No boat or watercraft storage shall be permitted on the property. Boats that are being repaired shall be allowed on the subject property for a period not to exceed three (3) months.
- m. The tire bin shall not exceed the height of the screen fence and shall be located wholly within the subject property and not within the City's right of way.
- n. The trash dumpster shall be fully screened from view by the proposed fencing and shall be located wholly on the subject property and not within the City's right of way.
- ~~4. The applicant shall complete the Part 1 improvements within six (6) months of the City's approval of the conditional use permit amendment.~~
5. The use of the Oak Street right of way will be subject to the applicant completing the Part 2 improvements.



6. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

This resolution was adopted by the City Council of the City of Maple Plain on this 26<sup>th</sup> day of October, 2015, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Jerry Young, Mayor

ATTEST:

\_\_\_\_\_  
Tessia Melvin, City Administrator

(SEAL)

RES. NO. \_\_\_\_\_  
CUP – Collision Corner 5060 US Highway 12