

PLANNING COMMISSION AGENDA

Thursday, April 4, 2024

CITY OF DAYTON, MINNESOTA

12260 So. Diamond Lake Road, Dayton, MN 55327

REGULAR MEETING OF THE PLANNING COMMISSION - 6:30 P.M.

To Participate in the Meeting, please see cityofdaytonmn.com Calendar for Zoom Invitation.

6:30 **1. CALL TO ORDER**

6:30 **2. PLEDGE OF ALLEGIANCE**

(Roll Call)

6:30 **3. ROLE OF THE PLANNING COMMISSION**

The Planning Commission consists of five residents appointed by the City Council. The Commission administers the Comprehensive Plan, Zoning and Subdivision regulations. The Commission conducts Public Hearings and provides recommendations to the City Council. It is the City Council who may approve or deny land use applications.

6:35 **4. APPROVAL OF AGENDA**

6:35 **5. CONSENT AGENDA**

These routine or previously discussed items are enacted with one motion. Note: Commissioners absent from previous meetings may still vote to approve minutes.

A. Planning Commission Minutes, March 7, 2023

6:35 **6. OPEN FORUM**

Public comments are limited to 3 minutes for non-agenda items; state your name and address; No Commission action will be taken, and items will be referred to staff. Group commenters are asked to have one main speaker.

6:40 **7. COUNCIL UPDATE**

A. March 12, 2024

B. March 26, 2024

6:45 **8. PUBLIC HEARINGS**

6:45 A. (none)

6:45 **9. NEW BUSINESS**

7:05 A. Interim Use Permit for an Extended Home Business, Lawn Smart, 17480 117th Avenue N.

7:30 B. Interim Use Permit for an Event Center, Dehn's Pumpkins, 17270 125th Ave.

8:00 C. Discussion: Minimum Garage Size

The City of Dayton's mission is to promote a thriving community and to provide residents with a safe and pleasant place to live while preserving our rural character, creating connections to our natural resources, and providing customer service that is efficient, fiscally responsible, and responsive.

8:20 D. Discussion: Driveway Aprons

8:25 **10. NOTICES AND ANNOUNCEMENTS**

A. The next Regular Planning Commission Meeting is tentatively scheduled for May 2, 2024 at 6:30pm.

8:30 **11. ADJOURNMENT** (Motion to Adjourn)

I. CALL TO ORDER

Browen called the March 7, 2024 Planning Commission Meeting to order at 6:30 p.m.

Present: DeMuth (online) Browen, Crosland, Preisler, and Van Asten

Absent:

Also in Attendance: Mayor, Dennis Fisher; Jason Quisberg, City Engineer; Kevin Shay, Planning Consultant; Jon Sevald, Community Development Director

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Sevald requested to strike VIII (B) Discussion: Neighborhood Character from the agenda.

MOTION by Crosland, second by Preisler, to approve the agenda as amended. The motion carried unanimously.

IV. CONSENT AGENDA

A. Planning Commission Minutes for December 7, 2023

B. Planning Commission Minutes for January 4, 2024

MOTION by Crosland, second by Van Asten, to approve the consent agenda as presented. The motion carried unanimously.

V. OPEN FORUM

Stacy Swain, 16380 Division Street, came forward and expressed concern about the potential change of character for her “forever home” by the number of people moving into the area, but her greater concern is the higher taxes preventing them from being able to stay in the area. Ms. Swain stated the number of trees matters a lot. She expressed grave concern for the fact that the plantings will not survive the dry seasons. Finally, Ms. Swain made mention of the fact that the greenhouse near her current home removes water from the river for irrigation, and it is obnoxiously loud. It is her opinion that the potential townhome buyers should be forewarned of the noise.

VI. COUNCIL UPDATE

A. February 13, 2024, City Council Meeting

Fisher updated the Commission on Council actions. City Council had a Work Session on the topic of rural character. The Pavement Study was completed. The scoring was more accurate than has been received in the past.

B. February 26, 2024, City Council Meeting

Fisher updated the Commission on Council actions. A Drone Ordinance was passed so airspace above your property is now off limits to drones unless written permission is granted. The Water Trail Grants were discussed. There is \$850,000 worth of grant money, but it has not all been approved. Some preliminary designs have been approved. There will be a trail from Cloquet to 142nd. Three Rivers Park District will participate in some of the funding. The 113th Avenue improvements were not approved as City Council felt there were still some missing pieces that needed to be addressed prior to investing in this particular project. Wellhouse #5 was approved to set up design plans and go out for bid. City Council approved a new company to clean the City facilities. A Special Assessment Policy was discussed but the City Council opted to not use special assessments for road maintenance or road improvements.

VII. PUBLIC HEARINGS

A. Pride of Homes, LLC: Zoning Map Amendment, Preliminary Plat, and Site Plan for Riverview Villas, 16361 Dayton Avenue and 18541 Levee Street

Sevald came forward and stated that the applicant is Erum Lucero, on behalf of Pride of Homes, LLC. There are three applications: 1) Zoning Map Amendment; 2) Preliminary/Final Plat; and 3) Site Plan. The Zoning Map request is to rezone 18541 Levee Street (west property) from R-O Old Village Residential to GMU-3 General Mixed Use. With regard to the Site Plan, the Planning Commission agreed during their January meeting to allow less frontage on Dayton Avenue than the code currently calls for.

Mr. Lucero came forward and described the changes that he and his wife made to the project.

Additional conversation ensued regarding the landscaping.

There was no actual Site Plan to view, so additional time was spent attempting to determine the measurements on the Preliminary Site Plan.

Browen asked if the units would be rentals or owner-occupied. The answer is that in the beginning, the units will be rentals. The applicant is open to the potential of owner-occupied units at some point in the future.

Van Asten asked if any of the existing trees on the property can be saved. The answer is no.

Additional discussion ensued regarding the landscaping.

Crosland inquired as to the placement of the utility meters. They will not be placed on the front of the units, rather they will be on the side. Each unit will be individually metered.

Preisler suggested that perhaps a few trees could be planted between the buildings if it is possible to bring the utilities up the sides of the buildings.

Browen stated that he would prefer the builder use cement board for the siding of the two buildings. The builder defended the use of vinyl siding. Brown stated it is more about the precedent that is being set for the Historic Village. Brown further stated that if vinyl siding is allowed, then we should change the Code. Van Asten asked for the rational against vinyl siding. Brown stated that cement board lasts longer and looks better.

Browen opened the Public Hearing at 7:22 p.m.

No one was present for the public hearing.

Sevald stated that he received a telephone call from a resident who was opposed to the increased density of this project.

Browen closed the Public Hearing at 7:23 p.m.

There was additional discussion regarding the use of vinyl siding and the way the Code is currently written for the Historic Village.

MOTION by Preisler, second by Van Asten, to amend the Zoning Map for Riverview Villas, 16361 Dayton Avenue, and 18541 Levee Street, without conditions on materials, but with conditions for the trees to be moved to the median and additional bushes along the side yard with the Intent of a future discussion regarding building materials for the Historic Village. The motion carried unanimously.

MOTION by Preisler, second by Van Asten, to approve the Preliminary Plat for Riverview Villas, 16361 Dayton Avenue, and 18541 Levee Street with the condition that the alleyway has a 20-foot right-of-way and a 12-foot paved area. The motion carried unanimously.

MOTION by Preisler, second by Van Asten, to approve the Site Plan for Riverview Villas, 16361 Dayton Avenue, and 18541 Levee Street with the previously discussed conditions. The motion carried unanimously.

B. Preliminary Plat of Ziegler Dayton Addition, and Amend Conditional Use Permit for an Open Rental Lot, 18151, and 18171 Territorial Road (CNH Architects)

Sevald stated that the property referenced above is located at 18151 and 18171 Territorial Road. The applicant is Wayne Hilbert, of CNH Architects. They are requesting a Preliminary Plat of Ziegler Dayton Addition and an amendment for Conditional Use Permit for Outdoor Sales. Currently this is two separate properties. The applicant is requesting that the two properties be combined as one and to amend the Conditional Use Permit to allow both businesses to use the entire property. Ziegler Rental is located on the west property and Ziegler Truck Group is located on the east property. Staff recommends substantial screening to hide the outdoor storage.

Brown asked if there have been any discussions regarding the City obtaining any additional right-of-way from these properties. The answer is yes.

Wayne Hilbert, 7300 West 147th Street, Suite 504 in Apple Valley, MN, and Terry Draper of 901 West 94th Street in Wilmington, MN, came forward to take questions from the Planning Commission.

Brown asked if a better use has been formulated for the east building that is currently used for truck sales. The answer is yes. Draper went on to describe their plans and further stated that the entire yard would eventually be fenced-in and secure. Brown requested that the fence come directly off the building. The applicants prefer to have the fence on the property line.

Brown asked for the applicant's timetable. The answer is as soon as possible.

Brown opened the Public Hearing at 7:56 p.m.

No one was present for the public hearing.

Brown closed the Public Hearing at 7:57 p.m.

Van Asten stated that it is important to allow existing, successful businesses, who have invested a lot of time, effort, and money in their businesses for the opportunity to grow, even if their property is guided Commercial.

DeMuth typed a question because his audio was not working. He asked if this is an Interim Use Permit or a Conditional Use Permit. The answer is Conditional Use Permit. DeMuth's also asked for the percentage of outdoor storage. The answer is 30%.

Preisler pointed out that Staff asked for direction on a second driveway. Preisler stated that he has no issue with the approval of a second driveway. Everyone concurred.

Sevald stated that DeMuth asked if the percentage of storage on the back of the property could be eliminated. Brown stated that as long as the outdoor, combined storage for both properties stay within the 30% threshold, it should be fine.

Brown stated that he's okay with the fence as proposed by the applicant, but he'd rather it attach to the building.

MOTION by Preisler, second by Van Asten, to approve the Preliminary Plat of Ziegler Dayton Addition and amend the Conditional Use Permit for an Open Rental Lot, 18151 and 18171 Territorial Road conditioned on landscape screening to fully screen the outdoor storage while allowing for 1,200 square feet for display. The motion carried unanimously.

C. Conditional Use Permit for Auto Sales, 18078 Territorial Road (Driven Auto Sales)

Sevald noted this is an existing business. The applicant is Leon Volkov, and he's requesting a Conditional Use Permit for the purpose of selling automobiles. The applicant intends to purchase salvaged vehicles, make repairs on site, and sell off-site through a third party. The appearance of the property will not change. There is an existing Conditional Use Permit from 1993 that allows for significantly more outdoor storage than would be allowed today.

There are three critical issues: 1) Should there be a limit to the number of parking stalls for vehicle sales; 2) Is there potential for environmental contamination; and 3) Should there be landscape screening?

Conversation ensued regarding the potential landscaping. A tenant is making the request for the Conditional Use Permit, but an owner would ultimately be responsible for landscaping. Fisher spoke up and asked how a tenant can apply for a Conditional Use Permit. Sevald stated that the property owner had to consent to the application.

Brown stated he would prefer that the City not get in the business of approving Conditional Use Permits for five-car-dealerships.

Van Asten asked if an Interim Use Permit could be used in this particular situation. The answer is no.

Brown opened the Public Hearing at 8:26 p.m.

Brown closed the Public Hearing at 8:27 p.m.

MOTION by Brown, second by Crosland, to deny the Conditional Use Permit for auto sales, 18078 Territorial Road (Driven Auto Sales). The motion carried, 4 ayes, 1 nay (DeMuth).

D. Concept Plan, 11XXX Maple Court (Kwik Trip)

Sevald stated the applicant, Dean George, is requesting that the above reference property be rezoned from BP to B-3 in order to provide for a gas station with an overnight truck stop. This is the exact same request that was made in 2021/2022 and denied by the City Council, citing concerns about an increased amount of crime along with a higher and better use for the property.

Sevald stated that this is a Concept Plan, so there will be no formal vote. Staff is simply looking for your comments.

Brown directed the following question to Fisher, "When the highest and best use was discussed with the City Council, were there specific uses discussed?" Fisher recalled that the truck stop aspect had nothing to do with the concern for crime. The mere fact that a convenience store draws crime was a real concern.

Brown asked how long the Kwik Trip has been open on 81. The answer is 17 months.

Dean George, 1626 Oak Street, Lacrosse, WI, came forward and stated that his other store in Dayton seems to be well-received.

Preisler stated that the market has shown us what the highest and best use is for this property. Since turning down a gas station, another gas station has been presented, and here sits the original gas station proposal. When this comes before the City Council again, Preisler believes it is important to present information from the other Kwik Trip. DeMuth concurred online.

There was consensus to keep the plans exactly as they are to present to City Council.

VIII. NEW BUSINESS

A. Discussion: Dayton Parkway Master Plan

Kevin Shay came forward to present the background. There is a City-initiated effort to create an area plan to guide the next Comprehensive Plan update due in 2028. The Master Plan provides direction for how the City expects future development to occur in this area. The Master Plan informs the future alignment of the Dayton Parkway, as well as future street connections and street design. The Master Plan reevaluates land uses in the study and recommends modifications to better reflect the City's vision. The Master Plan provides guidelines for the type and style of development in this area.

On June 27, 2023 the City Council approved a work effort to be more proactive in its efforts and to establish a Master Plan for the Dayton Parkway area. On September 7, 2023, the Planning Commission held a Work Session to review the major components of the Master Plan, including Land Use, Transportation, Parks/Trails, and Design Standards. An online survey was posted on October 23, 2023 to receive feedback from residents on various topics surrounding the Master Plan. The survey received in excess of 200 responses. An Open House at the Dayton Community Center was held on November 29, 2023.

Shay explained the Master Plan is a stand-alone-document that can be used in tandem with the Zoning Ordinances and Zoning District Standards. Whenever the documents conflict with one another, the more restrictive document applies. The Master Plan will inform the 2050 Comprehensive Plan update.

One of the Master Plan principles is that building architecture shall adhere to the ordinance standards unless development is located within the Town Center where higher architectural quality and standards are required. Development not within the Town Center are still encouraged to employ the standards of the GMU-2 district. A second principle is to protect and preserve the natural resources, especially the maple-basswood forests and wetland complexes.

There was discussion regarding the density of housing, followed by a discussion regarding the placement of a park.

It was noted that transportation is a big component of the Master Plan. The transportation focuses on the expansion of the existing transportation network, specifically the Dayton Parkway as the major corridor through the area. A street hierarchy has been established that will determine the street sections and access limitations.

Brown stated as these documents become more public, there are some areas that really need to be cleaned up. Brown also suggested that there should be a healthy discussion about the Town Center Parkway. Brown stated that there should be more discussion about the Dayton Parkway street design.

According to the Master Plan, the street design focuses on the expansion of the existing transportation network, specifically the Dayton Parkway, as the major corridor through the area. The street hierarchy has been established that will determine the street sections and access limitations.

There was consensus that landscaped medians are not preferred as they impede the sight lines, are costly to install, and require a lot of extra maintenance.

It was noted the Master Plan has identified a new public park adjacent to French Lake. Screening standards have been included. Parking areas have been required to have additional green space and landscaped islands. Landscaping encourages more diversity in plantings and native plants along with maintenance plans to ensure survivability.

The Master Plan requires that each development must incorporate at least three of the following resiliency options: 1) permeable pavers; 2) rain gardens/bioretention systems; 3) native species landscaping; 4) green rooftops; 5) aesthetic design; 6) chloride management plans; or 5) alternative energy. The Master Plan also encourages using stormwater

management systems as aesthetic components that create desirable open space areas.

There was discussion regarding a potential attraction to draw people to this area.

The Master Plan requires that the Town Center has a variety of architectural styles with a blend of modern and traditional designs. Building placement and scale will reflect on pedestrian environment. Franchise designs will need to incorporate and blend into the Town Center. There are additional architecture standards surrounding materials, entrances, windows, roofs, appearance, articulation and accent elements.

Brown suggested that building heights be discussed. Shay explained the current zoning ordinances already address building heights.

The discussion shifted to strip malls v/s indoor malls with the idea that six months per year, people don't want to park far away during the winter.

The overwhelming majority of residents surveyed desired a focus on the public square and a green space. Residents desire a mixture of civic, office, commercial, and residential spaces that are accessible by pedestrians and bicyclists.

Sevald gave DeMuth's comments: 1) Consider one-way streets; and, 2) the maintenance be maintained by an improvement district or an HOA in the residential areas. Shay stated that is possible, but it is hard to know until things begin to be developed.

It was noted the City Council will review the draft of the Master Plan along with the feedback from the Planning Commission at their March 12, 2024 meeting. An Open House will be held following the City Council review to present the draft. Staff is working to identify a date for the Open House. A Public Hearing is tentatively scheduled for the Planning Commission on April 4, 2024. The Commission will take public comments on the draft at that meeting. The City Council is tentatively scheduled to review and approve the Dayton Parkway Master Plan at their April 23, 2024 meeting.

Brown asked how to incorporate potential land use discussions/changes into the above referenced timeline. The answer was by commenting today. Brown stated that because it is 10:00 p.m., it isn't possible to give it the attention needed.

Additional conversation ensued. Shay stated that he will attempt to schedule a Joint Work Session for the Planning Commission and the City Council for March 26, 2024.

B. Discussion: Neighborhood Character

This item was removed from the agenda.

IX. NOTICES AND ANNOUNCEMENTS

- A.** The next Planning Commission meeting is tentatively scheduled for April 4, 2024 at 6:30 p.m.
- B.** Joint Work Session for Planning Commission and City Council at 5:00 p.m. on Tuesday, March 26, 2024.
- C.** Tori Leonhardt has resigned from her position as Associate Planner II. We are in the process of attempting to fill the position.

X. ADJOURNMENT

MOTION by Crosland to adjourn, Preisler seconded the motion. Motion carried unanimously. The meeting adjourned at 10:06 p.m.

Respectfully submitted,

Sandra Major, Recording Secretary
TimeSaver Off Site Secretarial, Inc

PRESENTER:

Michael Groves, Lawn Smart

ITEM:

Interim Use Permit for an Extended Home Business, Lawn Smart, 17480 117th Avenue N.

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Recommend Approval or Denial of an IUP for a Home Extended Business

BACKGROUND:

The Applicant purchased the property in 2022, and relocated Lawn Smart to this property from a commercial property in Maple Grove. Lawn Smart is a lawncare and snow removal business with four FTE employees and up to 12 seasonal employees. Employees come to the property to pick up equipment. Employee parking is located in front of the red Accessory Building. The building is used for storage of construction equipment (excavator, skid steers). Behind the building is a shipping container used for salt storage, bulk fuel tanks, outdoor storage of snowplows, skid steer attachments, and a carport containing lawnmowers. Lawn Smart has six trucks.

In addition to Lawn Smart, the Applicant uses the property for seasonal outdoor storage of about 20 RV's, boats, and other vehicles.

The property is zoned A-1 Agriculture, and is 4.6 acres in size, located at the intersection of 117th Avenue and Dayton Parkway, across from The Cubes.



CITY COUNCIL REGULAR MEETING

A Home Extended Business includes businesses conducted outside of the home, involving an accessory building, and/or outdoor storage.

Home Extended Businesses require an Interim Use Permit (IUP) in Agricultural and Residential zones on 1-acre or larger. If 2.5 acres or larger, screened outdoor storage is permitted up to 20% of the lot (e.g. 0.92 acres, or 40,487 sq ft). The business shall have a minimum 100' setback from adjacent homes. One accessory structure may be used for the business. The business must be operated by the homeowner. There may be up to two employees or contract workers. The business may have one vehicle up to 12,000 lbs on the property, and one vehicle up to 18,000 lbs parked inside or screened outside.

The City Council may allow the IUP to exceed these restrictions.¹

The Applicant installed about an acre of gravel in 2022-2023 to raise low-wet areas (excess gravel from West French Lake Road project).

CRITICAL ISSUES:

- The business exceeds the amount of outdoor storage permitted. Outdoor storage is not clearly delineated. It appears to be about 1¼ acres, whereas City Code limits it to about 1-acre (20% of lot). Outdoor storage must be adequately screened from adjacent homes. The neighboring home is about 150' away. The treeline along the side yard is not adequate screening.
- The business exceeds the number of employees permitted (2), whereas there are about 12.
- The business exceeds the number of trucks permitted (2), whereas there are six.
- The business uses a shipping container for salt storage. Shipping containers are not permitted as permanent structures.²
- The business uses a carport for storage of lawnmowers. Carports are limited for the parking of vehicles, not materials or refuse.³

60/120-DAY RULE (IF APPLICABLE):

Complete Application	60-Days	120-Days
IUP – Jan 29, 2024	Mar 29, 2024 ⁴	May 29, 2024

RELATIONSHIP TO COUNCIL GOALS:

Create a Sought After Community

BUDGET IMPACT:

N/A

¹ City Code 1001.13, Subd 4(2) (Home Extended Business performance standards)

² City Code 1001.35, Subd 2(5)(b) (Requirements are for residential districts over 1 acre in size)

³ City Code 1001.35, Subd 2(5)(6) (Carports).

⁴ The Applicant had a conflict with the dates of the March city meetings, which delayed the Planning Commission/City Council meeting to April. The 60-Day Rule has been extended to 120-Days. Notice was provided to the Applicant on March 27, 2024.

RECOMMENDATION:

Staff recommends DENIAL of the IUP. It is Staff's opinion that the size of the business, number of employees and amount of outdoor storage exceed the City Code's intent for a Home Business. Lawn Smart would be more appropriate in an Industrial Park.

However, the property is adjacent to an Industrial Park, but is guided for Medium Density Residential in the 2040 Comprehensive Plan, and the DRAFT Dayton Parkway Master Plan. Plans intend for Dayton Parkway to be extended north through the middle of this property, meaning the current use of this property should be considered temporary.

If an IUP is approved, Staff recommends a 5-year expiration of the IUP, providing the owner adequate time to find a more permanent location.

ATTACHMENT(S):

Aerial Photo

Site Photos

Applicant's Narrative

City Code 1001.13 Home Occupations

Resolution



SITE PHOTOS



17480 117th Ave, view of front yard (photo March 6, 2024)



17480 117TH Avenue N, view of shop, looking north. Shop is used to store excavation equipment (photo March 6, 2024)



17480 117th Avenue N, view of outdoor storage behind red shop (plows and skid steer attachments. Carport is used for storage of mowers. Shipping container is used for salt storage (March 6, 2024).

CITY COUNCIL REGULAR MEETING



17480 117th Avenue N, panoramic view from NE corner, looking south (left) to west (right) (photo March 6, 2024).



17480 117th Avenue N, view near rear property looking south through outdoor storage area (photo March 6, 2024).

To whom it concerns,

LawnSmart is a small grounds maintenance company. We provide commercial services to HOA and industrial properties. Our current outdoor storage requirements are trucks, trailers, 1 John Deere tractor, and winter equipment such as plows and salters. We also have one small front end loader. In the summer, we employ roughly 5-6 people who work on Monday – Thursday from 7a-5p. They park on our property, in front of our pole barn. They are not working onsite, as we leave each day to mow other properties.

We also have 20 storage spaces in the middle of our property: Items in storage include boats, campers, 5th Wheels and a few vehicles. Our clients can choose year-round or season storage.

1001.13 HOME OCCUPATIONS.

Subd. 1 Purpose.

The purpose of this Subsection is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Subsection is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

Subd. 2 Home Business Categories

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

Subd. 3 General Provisions

All Home Occupations shall meet the following standards:

(1) All Home Occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

(2) The applicant shall reside in the home associated with the Home Occupation.

(3) No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(4) No Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling.

(5) No Home Occupation shall be visible from the outside of the dwelling. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from the outside of the dwelling with the exception of one directional or identification/business sign not to exceed 2 square feet in area.

(6) All Home Occupations shall comply with the provisions of the City Nuisance Ordinance and City Noise Ordinance.

(7) All parking associated with the Home Occupation shall occur on-site on the driveway.

(8) The Home Occupation shall not cause septic waste flow to exceed the design capacity of the septic system.

(9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle.

(10) No Home Occupations shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(11) No equipment shall be used in the operation of a Home Occupation which will create electrical interference to surrounding properties.

(12) All Home Occupations shall meet all applicable fire and building codes.

(13) No Home Occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless the Home Occupation does not require any on-street or off-street parking facilities or require in person customer interaction on site (e.g. telecommuting).

(14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 p.m. and 7:00 a.m.

Subd. 4 Performance Standards

(1) Administrative Home Occupation Performance Standards.

a. The occupation shall not use more than 25% of the floor area of the home (excluding the garage area). State licensed day care facilities serving 12 or fewer persons are exempt from this Subsection.

b. No part of any detached garage or accessory building can be used for the occupation.

c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.

d. The home occupation is conducted entirely by the occupants of the home and up to 2 nonresident employee, or contract employee, working on, or reporting to, the home.

e. No direct sale of goods to the consumer are allowed to occur at the home occupation site.

f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home. The Home Occupation shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.

g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

(2) Home Extended Business performance standards (interim use permit required). Home Extended Business occupations shall only be allowed in Agricultural Zoned Districts, or any Residential Zoned Properties over 1 acre.

a. The occupation use of the home shall not exceed 30% of the floor area of the principal dwelling (excluding the garage area). State licensed day care facilities are exempt from this Subsection.

b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the

outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.

d. The garage or 1 accessory building may be used for the business, provided there is still a garage space to park a vehicle. Accessory buildings shall meet the accessory building design requirements in Section 1001.35, Accessory Buildings and Structures.

e. The Home Extended Business shall be conducted entirely by the occupants of the home and up to 2 nonresident employees, or contract employees, working at, or reporting to, the home.

f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight rating of 18,000 lbs. and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties. The Home Extended Business shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.

g. Direct sale of goods that are not produced on the site is prohibited.

h. Dust control measures may be required.

i. Any other reasonable conditions required by the City Council.

j. The City Council may allow Home Occupations to operate in excess of the provisions in this section provided the City has reasonable assurance, due to the nature of the Home Occupation or through mitigation measures (e.g. increase landscaping, or screening than required), that the Home Occupation will not adversely impact neighboring properties or become a nuisance.

Subd. 5 Procedures and Permits

(1) *Administrative home occupation permit.*

a. An application form and fee for a home occupation permit must be completed and filed with the City.

b. Administrative Home Occupations complying with all the provisions as provided in this section may be approved by the City Administrator or the Administrator's designee.

c. The City on an annual basis may review Administrative Home Occupation permits. If the Administrative Home Occupation is in compliance of City Code the City Administrator may renew the permit. If the Administrator finds that the use is not in compliance the permit holder will be notified and shall have 60 days to bring the use into compliance.

d. The permit shall remain in full force and effect until such time as there has been a change in ownership or until such time as the provisions of this Subsection have been breached. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.

(2) *Home Extended Business interim use permit.*

a. An application form, fee and supporting materials for an interim use permit must be filed with the City. See Subsection 1001.23 for the interim use permit application and review process.

b. Home Extended Businesses must comply with all the provisions of this section and all conditions associated with issuance of an interim use permit.

c. The City shall notify the County Tax Assessor when any Home Extended Business permit is granted and provide a copy of such permit to the Assessor.

d. The City Council shall approve the Home Extended Business IUP with a 5 year time limit. If the City Zoning Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the Home Extended Business' noncompliance continue past 60 days the Home Extended Business IUP shall be revoked.

e. Whenever an application for an interim use permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial.

(3) *Transferability.* Home Extended Business interim use permits and Administrative Home Occupation permits shall not run with the land and shall not be transferable. If the Home Extended Business or Administrative Home Occupation is discontinued for a period of one year, or non-compliance beyond 60 days, the Home Occupation permit, or Home Extended Business interim use permit shall be revoked.

(4) *Renewal of permits.* An applicant shall not have a vested right for a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

(5) *Inspection.* The City hereby reserves the rights upon issuing any permit to inspect the premises in which the home business is being conducted to ensure compliance with the provisions of this Subsection or any conditions additionally imposed.

Subd. 6 Non-conforming and Existing Home Business Uses

(1) Home Occupations lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain permits, as may be required by this section, for their continued operation. Any existing Home Occupation that is discontinued for a period of more than 1 year, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this section.

(2) When identified and notified by the City, existing Home Occupations that do not have a permit from the City, shall within 30 days make application for an Administrative Home Occupation permit or Home Extended Business interim use permit as may be required by this section.

(Prior Code, § 1001.12, Subd. 7) (Ord. 2006-14, passed 12-14-06; Am. Ord. 2018-11, passed 5-8-2018)

RESOLUTION No. __-2024

CITY OF DAYTON

COUNTIES OF HENNEPIN AND WRIGHT

**RESOLUTION APPROVING / DENYING AN INTERIUM USE PERMIT FOR A HOME
EXTENDED BUSINESS, 17480 117TH AVENUE**

BE IT RESOLVED, by the City Council of the City of Dayton, Minnesota, as follows:

WHEREAS, the Applicant, Michael Groves, is requesting an Interim Use Permit for a Home Extended Business, located at 17480 117th Avenue North, Dayton MN, 55327, legally described as:

PID: 29-120-22-33-0003

The East Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter, except road, Section 29, Township 120, Range 22, Hennepin County, Minnesota.

WHEREAS, the Application was received on January 29, 2024 and reviewed by Staff for consistency with the Comprehensive Plan and Zoning Ordinance. The City's review of the Application was extended from 60-days to 120-days, consistent with MN Statute 15.99, Subd 3(f); and,

WHEREAS, on April 7, 2024, the Planning Commission considered the request, recommending APPROVAL / DENIAL; and,

WHEREAS, on April 23, 2024, the City Council conducted a Public Hearing, received and considered the application, at which the Applicant was present and presented information; and,

WHEREAS, the City Council makes the following:

FINDINGS

The approval of a conditional use permit requires that the City Council shall find that conditions can be established to ensure all of the following criteria will always be met:

1. The proposed use **IS / IS NOT** consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

The property is zoned A-1 Agricultural, intended for agricultural use in areas that are not served by public sewer and water. The IUP is consistent agricultural uses. The property is guided Medium Density Residential in the 2040 Comprehensive Plan. The IUP is consistent with Goal 6: "preserve the rural character by maintaining a balance between the expanding urban area and rural nature of the community."

2. The proposed use **WILL / WILL NOT** substantially diminish or impair property values within the immediate vicinity of the subject property.

The IUP will have no demonstrable effect on property values.

3. The proposed use **WILL / WILL NOT** be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

The IUP will not be detrimental to persons residing or working in the area.

4. The proposed use **WILL / WILL NOT** impede the normal and orderly development of surrounding property.

The IUP will not impede orderly development of surrounding property. The IUP includes minimal investment in the physical property, and will not hinder the expansion of development.

5. The proposed use **WILL / WILL NOT** create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
6. The proposed use **IS / IS NOT** adequately screened.

The IUP will include outdoor storage, which will be adequately screened within 60-days.

7. The proposed use **WILL / WILL NOT** create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

The IUP will not create a nuisance.

8. The proposed use **WILL / WILL NOT** provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

The IUP will provide adequate parking, loading, and storage.

9. The proposed use **WILL / WILL NOT** protect sensitive natural features.

The IUP will have no affect on sensitive natural features (there are none known).

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

DECISION:

NOW, THEREORE, BE IT RESOLVED, by the City Council of the City of Dayton, based upon the Findings, Staff Report, the Planning Commission's recommendation, and in consideration of public testimony, the City Council does hereby APPROVE. DENY an Interim Use Permit for a Home Extended Business, with the following conditions:

1. The Applicant shall remove the shipping container from the property within 60-days (June 23, 2024).

2. The Applicant shall sufficiently screen outdoor storage from view of the street, and neighboring properties within 60-days (June 23, 2024). Screening shall consist of a 6' privacy fence, and/or row of 6' coniferous trees.
3. Employee parking shall be located in the backyard.
4. The Interim Use Permit shall expire, and the Home Extended Business cease in five years (April 23, 2029).

Adopted by the City Council of the City of Dayton, this 23rd day of April, 2024.

Mayor Dennis Fisher

ATTEST:

City Clerk Amy Benting

Motion by _____, Second by _____

Resolution ***Approved***

MOTION DECLARED PASSED

PRESENTER:

Bruce Dehn, Dehn's Pumpkins

ITEM:

Approving an Interim Use Permit for an Event Center (Dehn's Pumpkins), 17270 125th Ave.

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Motion to Approve an Interim Use Permit for an Event Center.

BACKGROUND:

The City adopted an Event Center ordinance in 2023, and has reached out to known event centers to request they apply for an IUP.

Dehn's Pumpkins has operated at this location since 2005 as a non-conforming use. Staff asked Dehn's to provide a list of every possible type of event they may hold, although Dehn's may not do them all;

- Corn maze
- Hayrides / sleighrides
- Haunted attraction
- Concerts
- Ice Castles
- Christmas tree sales / Birthday parties / corn pit / inflatables
- Weddings & receptions
- Easter activities
- Motorcross

The Dehn family owns about 600 acres in this area (300 acres used for the Event Center). Event Center activities will be concentrated around the farmstead at the corner of East French Lake Road & 125th Avenue. The farm includes two wooded areas planned for haunted wagon rides. An existing dirt bike track is planned for small motorcross events.¹ Parking is planned across from the farmstead, south of the road.

The properties are zoned A-1 Agricultural, and guided Low, Medium, and High Density Residential in the 2040 Comprehensive Plan. The 2040 Staging Plan guides the properties for 2040 and Post 2050 sewer.

CRITICAL ISSUES:

- Traffic: The Event Center may attract hundreds of customers at a given time. The nearest home to activities is about 1,000' away. The farmstead is one of the

¹ In 2000, Leo Dehn (Dehn's Riding Park) applied for an IUP for a Dirt Bike Track. The City Attorney opinioned that the use was not permitted in the SA zoning district, nor were commercial uses permitted on Agricultural Preserve land. The Planning Commission tabled action at the Applicant's request. The Applicant waived the 60-Day Rule.

most remote areas of Dayton, meaning that although events will substantially increase traffic, it should not cause congestion on local roads.

- **Safety:** Each event type is unique. Staff is requiring the Applicant to submit an Emergency Operations Plan for administrative review, specific to each type of event. All traffic control, on-site security, and EMT personnel are to be provided by the Applicant.
- **Parking:** Parking is required to be on an improved surface.² Currently, parking is in a field, and is proposed to stay unimproved, to allow the land to be farmed. There is enough land to accommodate 1,000+ vehicles.
- **Nuisance:** The Event Center will generate noise, odors, and scenery that is not characteristic to its rural setting.
- **Buildings:** Indoor activities will be held in an existing pole barn(s), which does not comply with building & fire codes for the type of occupancy. The building(s) will need to be compliant prior to their use for the Event Center.
- **Storage:** Agricultural buildings are used for seasonal storage, which requires an IUP for a Home Extended Business. The attached Resolution includes a condition allowing indoor seasonal storage as part of the Event Center.

Staff reached out to communities hosting similar Event Centers. Information is attached.

60/120-DAY RULE (IF APPLICABLE):

Application	60-Days	120-Days
March 4, 2024	May 3, 2024	July 3, 2024

RELATIONSHIP TO COUNCIL GOALS:

Preserving our Rural Character
Create a Sought After Community

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends Approval.

The Event Center is a large use. It is anticipated that the types of events and operations will be adjusted regularly to improve efficiency. As an Interim Use Permit, this is a temporary use (five years). If something is not working, the City Council has the ability to Amend or Revoke the IUP at any time. The Resolution includes conditions allowing Public Safety officials to close operations immediately, if warranted.

² City Code 1001.051, Subd 1(h) (Off street parking shall be provided....)

ATTACHMENT(S):

Aerial Photo

Applicant's Narrative

Site Plan

Ordinance 2023-05 Event Centers

Resolution __-2024

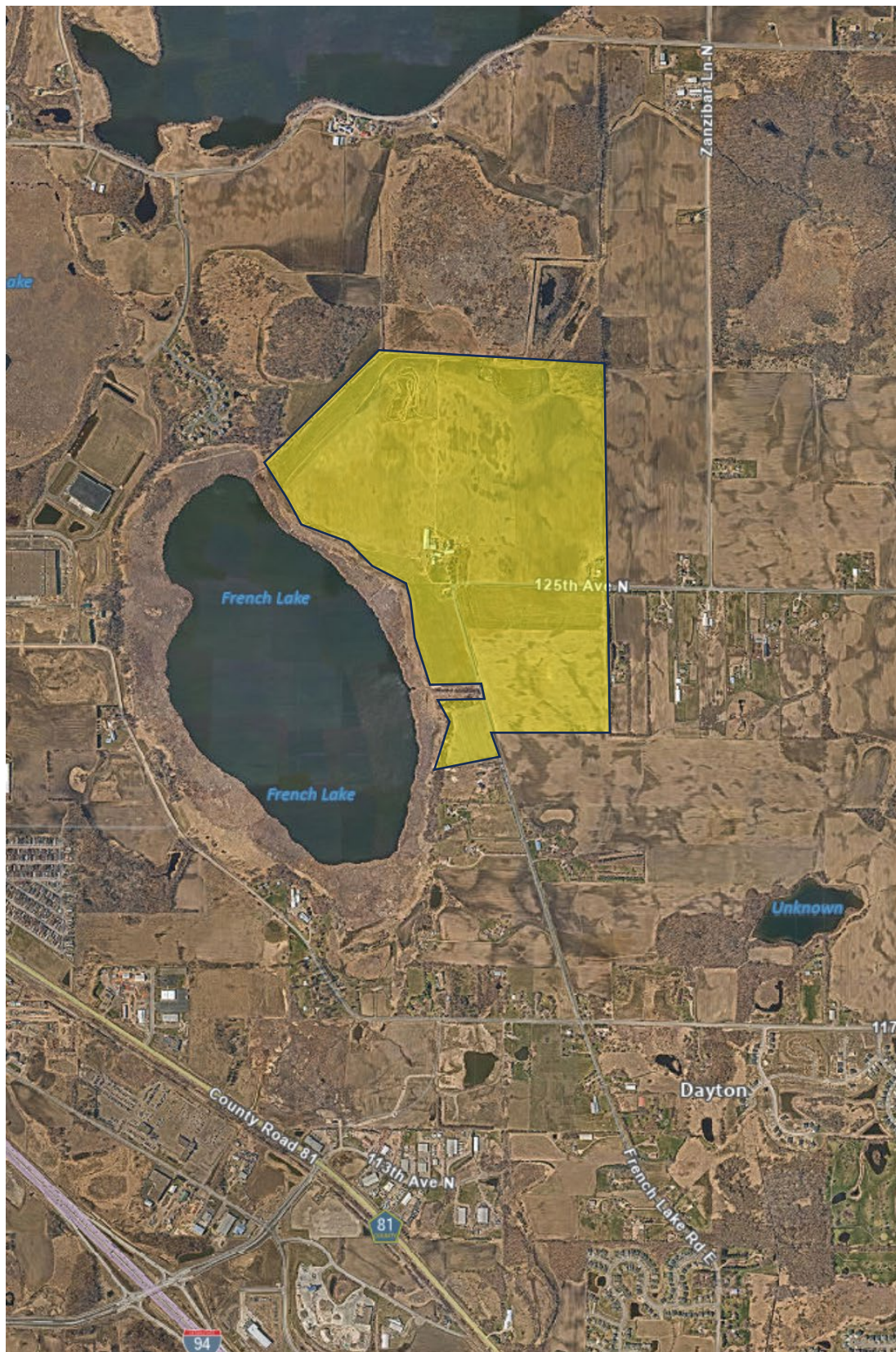
ERX CUP (Elk River)

Nightmare Halloween (Dead End Hayride) CUP (Wyoming)

Scream Town CUP (Carver County)

Severs IUP (Scott County)

AERIAL PHOTO



AERIAL PHOTO



AERIAL PHOTO

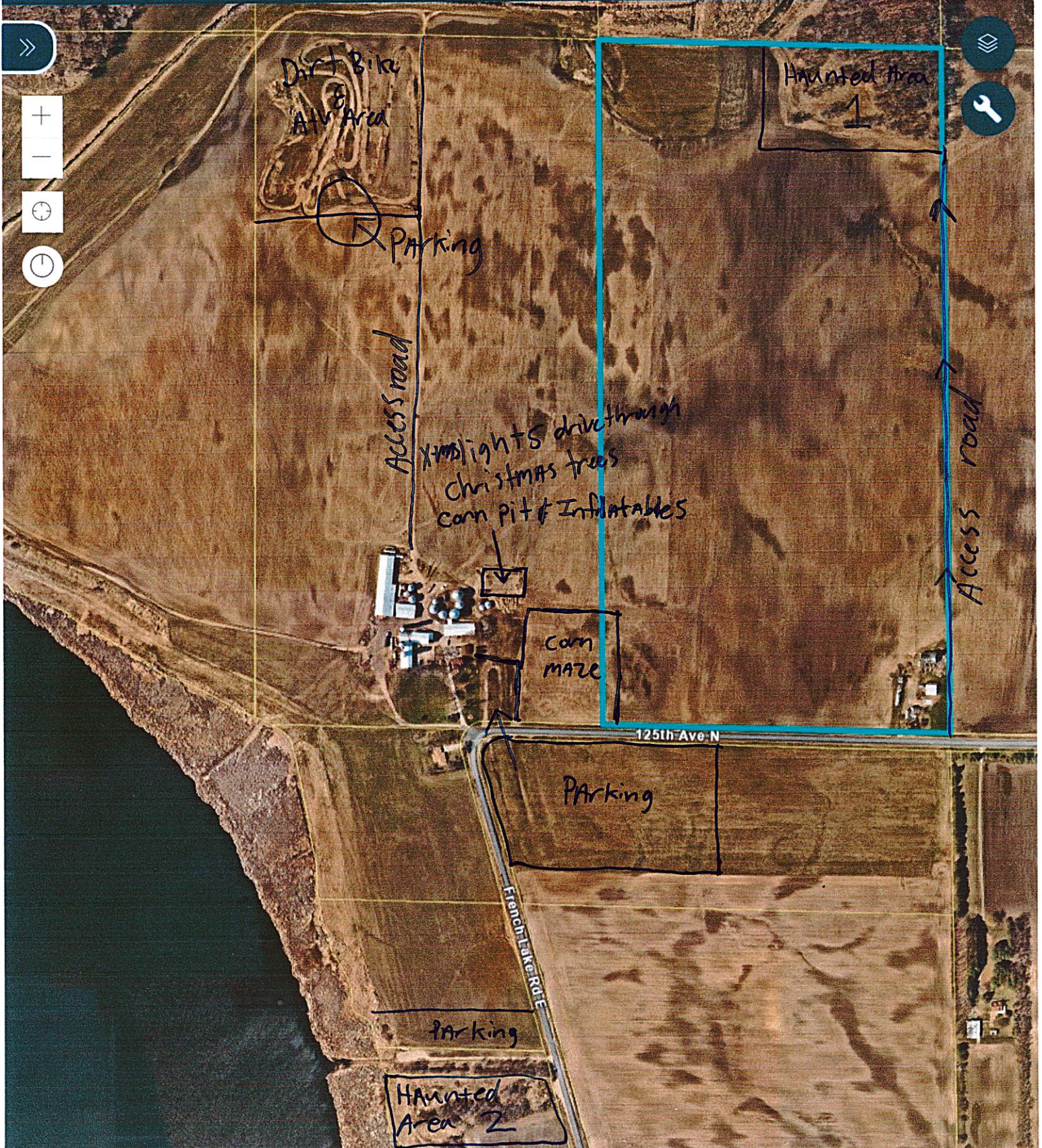


Corn MAZE
spring/summer Birthday Parties - main Building 1
open pit & Inflatables main Building 1
christmas tree sales main Building 1
main building 1 christmas lights - drive through / walk - sleigh rides
Dirt Bike practice track
| Music ^{events} ~~events~~
| Haunted Attractions
| Spring Babies / Easter Activities
| Ice castles
| Weddings / receptions
~~Ice cream~~



Property Map

HENNEPIN COUNTY
MINNESOTA



Dehns At Dark

2024 Sep-Oct

(17270 125th Ave N, Dayton, MN 55327)

- Weekend Only operation. Dates as follows Sep 27-28, Oct 4-5, 11-12, 18-19, 25-26,
- Evening Operation Hours 7pm-11:30pm
- On-Site Parking (lighted) with Parking Attendant (traffic control)
- 2 Security Guards staffed for event
- Customers will park in Dehns normal parking lot to purchase tickets
- Customers will then board wagon for moonlight wagon ride to drop them off at back corner of farm for haunt. After customers go through haunt they will receive a ride back to parking lot.
- Actual haunt is constructed of fireproof O.S.B and inside of 4 Storage shipping containers.
Actual size will be 40x40 with no permanent structure.
- Haunt will have emergency exits every 15 feet with fire extinguishers available at every 15 feet
- Haunt will have approximately 25 people staffed at all hours of the event times.
- Parking lot and haunt area to have porta Johns.
- Haunt is running on Gas Generator no actual electrical will be ran.
- We will inform emergency services of our dates and times and have them on call, Fire and safety
- This will be a Family entertainment venue for kids 12 and up and adults.
- 1 event manager to be on duty at all times running event
- Noise level will be kept to appropriate level to not disrupt any neighboring residents.
- No land or trees or wetland will be obstructed or bothered as this is temporary structure only.

Thank you for your time and consideration.

Dehns AT DARK

Corn / Pumpkin
FIELD

X
WOODS



HAUNTED HOUSE

EXIT

ENTER

X Wagon
Drop

WAGON
ROUTE

X
WAGON
pickup

BOO
BARK

X
TICKETS

Parking
Light

X

Petera John

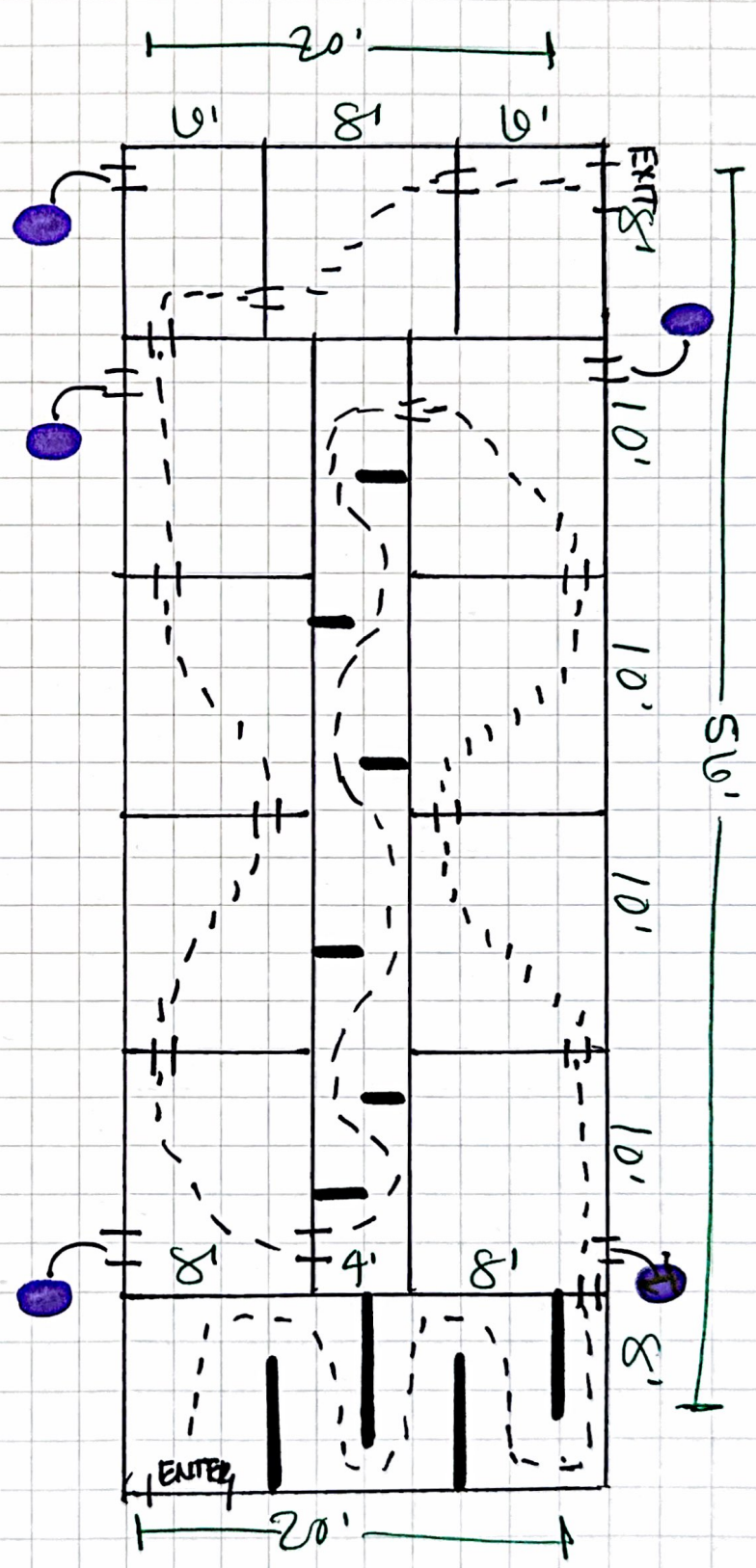
Dehns
Pumpkins

125th Ave

HOUSE

French Lake

182 = 2'



Hunted

Huss

- - EMERGENCY EXIT
- = 15 FIRE EXT
- = 7 EXITS

ORDINANCE NO. 2023-05
CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA
AN ORDINANCE AMENDING DAYTON CITY CODE
REGARDING EVENT CENTERS

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. AMENDMENT. Dayton City Code Section 1001.03 Subd. 2 is hereby amended by adding the underlined material as follows:

EVENT CENTER: A facility located on private property that primarily functions to provide a facility for any type of social gathering that is available for use by various groups for such activities as public assemblies, meetings, private meetings, retreats, parties, weddings, receptions and dances.

SECTION 2. AMENDMENT. Dayton City Code 1001.05, Subd. 12 is hereby amended by adding the underlined material as follows:

Subd. 12 Allowable Uses; Table 5.1

Table 5.1			N-Not Permitted	
Residential - Agricultural Use Classifications			P-Permitted	
			C-Conditional Permit	
			I-Interim Use Permit	
			A-Accessory	
	Zoning District			
	SA	A-1	A-2	RO

Table 5.1			N-Not Permitted	
Residential - Agricultural Use Classifications			P-Permitted	
			C-Conditional Permit	
			I-Interim Use Permit	
			A-Accessory	
	Zoning District			
	SA	A-1	A-2	RO
Accessory buildings	A	A	A	A
Agriculture	P	P	P	N
Attached or interior accessory dwelling unit as regulated by Subsection 1001.36	A	A	A	N
Bed and breakfast	N	I	I	I
Boarding houses	N	I	I	I
Bus/transit station	N	C	C	C
Cemeteries	N	C	C	N
Commercial composting and land spreading	I	I	I	N
Commercial recreation	N	C	C	N
Day care 13 or fewer persons ¹	A	A	A	A
Day care 14 or more persons ¹	C	C	C	C
Detached accessory dwelling units as regulated by Subsection 1001.36	I	I	I	N
Essential services	P	P	P	P

<u>Event Center</u>	<u>I</u>	<u>I</u>	<u>N</u>	<u>N</u>
Fences*	A	A	A	A
Feedlots and poultry facilities ¹	C	C	C	N
Golf courses/driving ranges	N	N	N	N

SECTION 3. AMENDMENT. Dayton City Code 1001.051, Subd. 12 is hereby amended by adding the underlined material as follows:

Section 1001.051 - Residential District Special Requirements

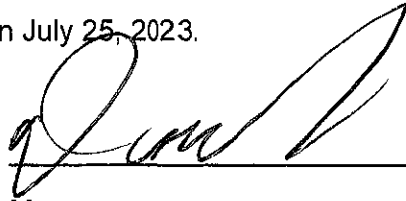
Subd. 1. Event Centers, subject to the following:

- a. The minimum size of the event center operations must be 30 acres. This may include multiple lots.
- b. Access to the site must be from a paved street.
- c. The hours of operation shall be no later than 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday.
- d. The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
- e. Noise from an event shall comply with Section 130.08 of the City Code.
- f. No sound amplifications systems may be used outdoors after 8:00 p.m.
- g. Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. No Sanitary facilities shall be located closer than 200 feet from a neighboring property line. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring property line.
- h. Off street parking shall be provided to accommodate 1 stall per 2 guests based on the maximum occupancy of the buildings. If no buildings are present for the event center then parking will be determined by city staff. Off street parking shall be setback 20 feet from any property line. Off street parking must be on an improved surface such as class 5 gravel or pavement.

- i. Screening may be required for outdoor facilities related to the event center and may include permanent landscaping, berms, fences, or walls.
- j. All light fixtures shall be downcast style fixtures. Reflected glare or spill light from all exterior lighting shall not exceed 0.1 foot-candle measurement on the property line when adjoining residential and agricultural zoned property.
- k. No overnight camping shall be allowed as part of an event center.
- l. As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.
- m. Compliance with all applicable regulations including State Health Code, State building codes, and local liquor licensing requirements.

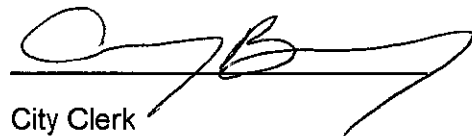
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton on July 25, 2023.



Mayor

ATTEST:



City Clerk

Published in the Champlin Dayton Press on August 03, 2023

Motion made by Trost, seconded by Henderson

Motion passed unanimously

RESOLUTION __-2024

CITY OF DAYTON

COUNTIES OF HENNEPIN AND WRIGHT

**RESOLUTION APPROVING AN INTERIUM USE PERMIT FOR AN
EVENT CENTER FOR DEHN’S PUMPKINS, 17270 125TH AVENUE**

BE IT RESOLVED, by the City Council fo the City of Dayton, Minnesota as follows:

WHEREAS, the Applicant Bruce Dehn (Dehn’s Pumpkins) is requesting an Interim Use Permit for an Event Center, located at 17270 125th Avenue North, legally described as (see Exhibit A):

PID: 2012022320001
Address: 17270 125th Ave N
Legal Description: W 1/2 Of Sw 1/4 Ex Road

PID: 1912022440001
Address: (unaddressed)
Legal Description Com 1 Rod S Of Ne Cor Of Se 1/4 Th W 13 R Th S 44 Deg 34 Min W
135 R Th S 61 Deg 21 Min E 125 R To Se Cor Of Sec Th N To Beg

PID: 2012022310001
Address: 16710 125th Ave N
Legal Description: E 1/2 Of Sw 1/4 Ex Road

PID: 2912022210001
Address: 12481 French Lake Rd E
Legal Description N 1/2 Of Lot 1 And N 1/2 Of Ne 1/4 Of Nw 1/4 Ex Road

PID: 2912022210002
Address: (unaddressed)
Legal Description: S 1/2 Of Ne 1/4 Of Nw 1/4 And The N 28 65/100 Rods Of Se 1/4 Of Nw
1/4 Also That Part Of S 1/2 Of Govt Lot 1 And Of N 28 65/100

PID: 2912022230003
Address: (unaddressed)
Legal Description:

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and,

WHEREAS, the Planning Commission considered the request at its April 4, 2024 meeting, recommending Approval; and,

WHEREAS, the City Council held a Public Hearing on April 23, 2024. A Public Hearing Notice was published by The Press on April 11, 2024, and mailed to property owners within 500' of the subject properties. The Applicant was present for the City Council's discussion; and,

NOW, THEREFORE, based upon the Staff Report, Planning Commission recommendation, and in consideration of public testimony, the City Council makes the following:

FINDINGS

1. The properties are guided Low Density Residential, Medium Density Residential, and High Density Residential in the 2040 Comprehensive Plan (2040 Comprehensive Plan; Chapter 5 Land Use; Figure 3: Future Land Use Map).
2. The properties are zoned A-1 Agricultural. *Event Centers* are an Interim Use (City Code 1001.05, Subd 12 (Table 5.1)).
3. Consistent with City Code 1001.051, Subd 1 (*Event Centers*), the DECISION, and Conditions of Approval listed, address requirements for the Event Center.
4. Consistent with City Code 1001.23, Subd 1(e) (*Conditional Use Permits; Process*), the City Council has considered the criteria for granting a Conditional Use Permit to be applicable to this Interim Use Permit:

- a. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

The Event Center is consistent with the Comprehensive Plan and the A-1 Zoning District, as an Interim Use.

- b. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

The Event Center will have no demonstrable impact to property values.

- c. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

The Event Center will have no detrimental affect to persons residing or working in the area. The Event Center is located in a remote agricultural area of the city.

- d. The proposed use will not impede the normal and orderly development of surrounding property.

The Event Center is located on land guided by the 2040 Staging Plan for sewer in 2040 and Post 2050. The Event Center will not impede development as an interim use.

- e. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The Event Center will not create a burden on public facilities. The Event Center will operate according to an Emergency Operations Plan, which shall address traffic management.

- f. The proposed use is adequately screened.

The Event Center activities are separated from the nearest home (home not associated with the Dehn family) by about 1,000'. Existing screening (existing trees) is adequate.

- g. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

The Event Center will create nuisances that are manageable considering its remote location. Such nuisances may not be appropriate as the area develops, and population increases. This is the reasoning for an Interim Use.

- h. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

The Event Center has ample parking and loading space.

- i. The proposed use will protect sensitive natural features.

The Event Center is located on tilled land, and within three non-tilled areas:

North wooded area: The Minnesota Land Cover Classification System (MLCCS) classifies landcover quality as High, Good, Moderate, Poor, Altered with Native Species Present, and Altered with Non-Native Species Present. The MLCCS classifies the north woods as "Good Quality". The Applicant shall preserve healthy Heritage and Significant trees.

South wooded area: The MLCCS does not identify any landcover quality for the south woods.

Motorcross area: The Motorcross area encroaches into the 1% Annual Chance Flood Zone (aka 100-year Flood Zone). Land use alterations and structures shall comply with Floodplain regulations (City Code 1001.09 (Floodplain)). The intent is that no structures shall impeded the flow of floodwaters, and no land alteration shall displace floodwater storage.

- j. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

DECISION

5. Hours of operation shall be limited to: Sunday – Thursday, 9:00 am – 10:00 pm, and Friday - Saturday 9:00 am – 11:00 pm. The Event Center may operate daily, 365 days per year.

6. Prior to indoor operations, buildings shall be made compliant with building, fire, and health codes. Each building used for the Event Center shall be posted with its maximum capacity and shall not exceed this capacity.
7. Prior to operations, the Applicant shall submit an Emergency Operations Plan to the City for administrative approval. The Plan shall address responses to fire, weather events, medical emergencies, power failure, bomb threats, active shooter, and other emergencies. Event capacity shall be based on the Applicant's ability to effectively manage events based on weather and site conditions, and staffing. Public Safety agencies may limit or close events based on weather and site conditions, and the Applicant's ability to manage event participants. All Event Center activities shall be accessible by emergency services. Accessibility shall be at the discretion of the Police Chief, Fire Chief, and Building Official.
8. All structures and site improvements shall be compliant with the City Code, and public health requirements.
9. The Applicant shall control nuisances, such as picking up litter daily during events, removing refuse when full, providing an adequate number of portable toilets based on event attendance, directing traffic such that there is minimal congestion on 125th Ave / East French Lake Road. Noise shall not exceed MPCA requirements, measured at residences.
10. Temporary Signs are prohibited from the right-of-way (excluding traffic control). Off-premise signs are prohibited (excludes properties owned by Dehn Heritage Farms, Leo/Diane Dehn, James/Bernadette Dehn).
11. It is anticipated that the Applicant will adjust Event Center operations from time to time. The property owner(s) shall permit City Staff to inspect the properties during operating hours, and at reasonable times, for compliance with this IUP, and the Emergency Operations Plan.
12. Agricultural buildings located on the farmstead, 17270 125th Avenue, may be used for indoor seasonal storage.
13. Overnight camping is prohibited.
14. The Applicant shall preserve Heritage Trees and Significant Trees in the North Wooded area. Heritage Trees are defined as healthy deciduous trees 27" or greater in diameter, and healthy coniferous evergreen trees greater than 50' in height. Significant Trees are defined as healthy deciduous trees 6" in diameter (DBH), an existing healthy common tree measuring a minimum of 12" in diameter (DBH), or an existing healthy coniferous/evergreen tree measuring 12' in height.
15. All land alterations and structures within the Floodplain shall comply with City Code 1001.09 (Floodplain).
16. The IUP shall expire in five years (April 23, 2029). The Applicant may apply for a new IUP.

Adopted by the City Council of the City of Dayton, this 23rd Day of April, 2024.

Mayor Dennis Fisher

ATTEST:

City Clerk Amy Benting

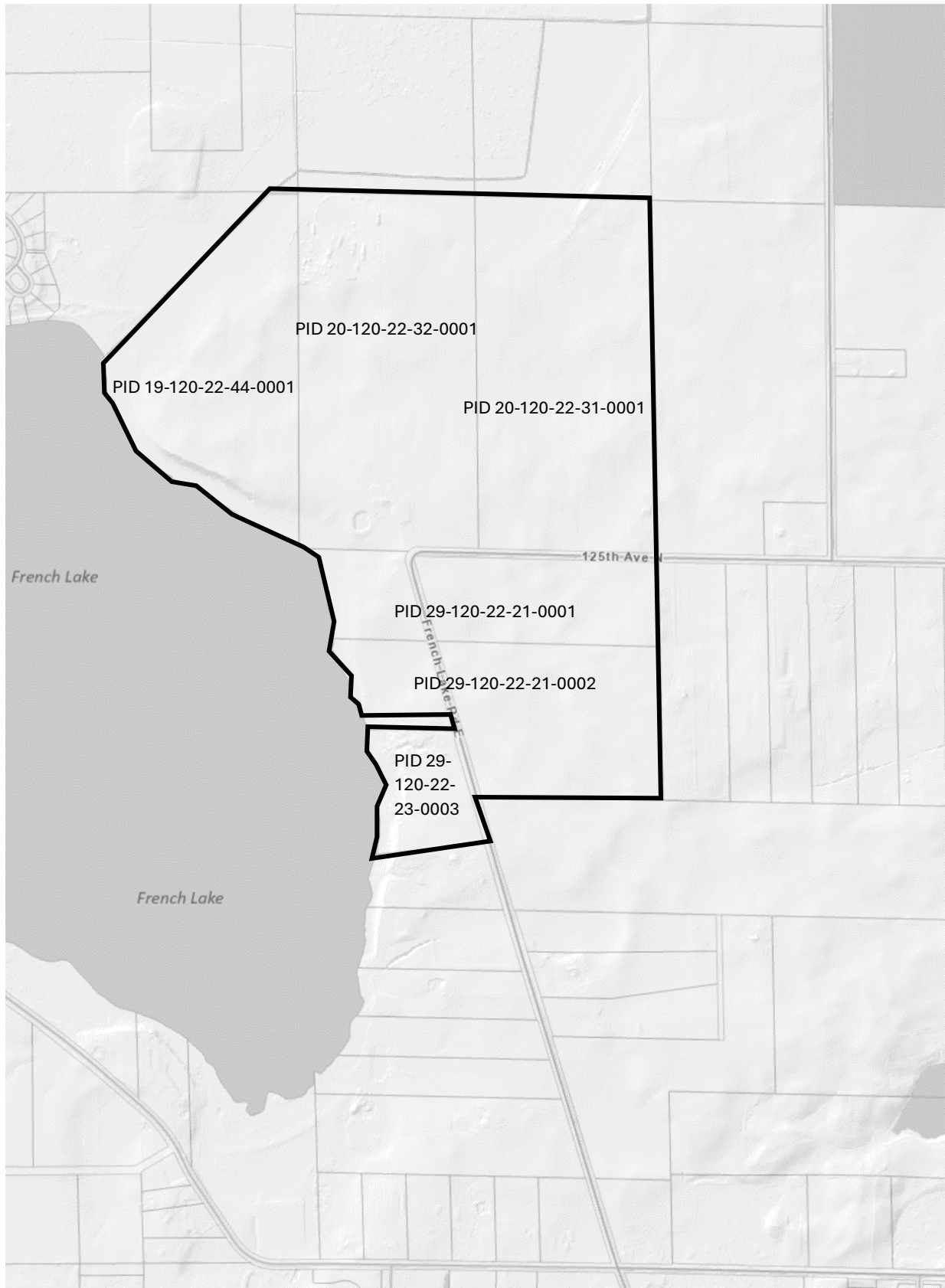
Motion by _____, Second by _____

Resolution ***Approved***

MOTION DECLARED PASSED

DRAFT

EXHIBIT A



CITY OF ELK RIVER
SHERBURNE COUNTY

CONDITIONAL USE PERMIT
Case No. CU 22-09

Permit. Subject to the terms and conditions set forth herein, the City of Elk River hereby grants a conditional use permit ("Permit") requested by ERX Properties, LLC for the following use:

Conditional Use Permit to allow expansion of the off-road racing track, construction of a roofed viewing area, and installation of a changeable copy sign at 21591 US Highway 169 NW

Property. The Permit is for the following described property ("Subject Property") in the City of Elk River, Sherburne County, Minnesota:

See Attached Exhibit A

Owner. Owner of the Subject Property at time of the approval of the Permit:

Plaisted Property Management LLC

ERX Properties, LLC, owner

Conditions. The Permit is issued with the following conditions to satisfy the standards set forth in Section 30-654:

1. No more than five Special Event Recreational Camping events per year may occur on the properties that are regulated by this Conditional Use Permit.
2. The hours of operation shall be:
 - a. Sunday through Wednesday 7:00 a.m. – 9:00 p.m.
 - b. Thursday 7:00 a.m. – 10:00 p.m.
 - c. Friday and Saturday 7:00 a.m. – 11:00 p.m.
 - d. Five (5) three (3) day events per year, by special event permit, will be granted for extended hours to midnight.
3. Motorized events are prohibited within 1,000 feet of any residence, livestock shelter, and/or arena, regardless of when they were erected.
4. All motorized and non-motorized trails must be set back 50 feet from the north, east, and south property lines, and 45 feet from all delineated wetlands.

5. Staff will continually work with the applicant on the location of future trials to ensure they are not impacting wetlands and/or required buffers.
6. Existing structures used for any type of gathering, assembly, spectators, viewing, and/or customers shall be reviewed by the building official for compliance with all state and local building codes.
7. Camping areas shall be as identified on the site plan dated May 16, 2022, and shall not be closer than 50 feet to any property line.
8. An amendment to this Conditional Use Permit will be required for future expansions/additions not shown on the site plan dated May 16, 2022.
9. A wetland delineation shall be completed and approved by the state. The updated boundary must be included on the final plat of Aggregate Commercial 6th Addition.
10. Staff approval of the Safety and Crisis Communication Plan.
 - a. This plan shall be reviewed annually by all parties prior to May 1.
11. Staff approval of an on-site traffic/distribution plan that demonstrates:
 - a. Logical on-site distribution of participants, spectators, and public safety.
 - b. Adequate on-site stacking for admission and egress.
 - c. Adequate off-site stacking for access and egress without impacting U.S. Highway 169.
12. The Aggregate Commercial 6th Addition plat (Case File PE 22-01) shall be recorded.
13. Noise generated on the property via the Conditional Use Permit shall comply with those outlined in the MPCA Guide to Noise Control.
14. The changeable copy sign shall not exceed 70 square feet and must comply with the standards set forth in Sec. 30-864 (e). A sign permit is required.
15. A Minnesota Department of Natural Resources (DNR) Appropriation Permit shall be required for any water use that is above 10,000 gallons a day or totaling 1 million gallons or more within a year. This includes snow-making applications and spraying for dust control and other construction needs.
16. Conditional Use Permit (CU 18-10) will become void upon the recording of this permit.

Termination of Permit. The Permit shall remain in effect only for so long as the conditions set for the herein are complied with. The City may revoke the Permit following a public hearing for violation of the terms and/or conditions set forth in the Permit.

Lapse. If within two (2) years of the issuance of the Permit the proposed work described in a conditional use permit has not been substantially completed, the permit shall expire and become void, except that the council may, following recommendation of the planning commission, extend the permit for an additional period determined by the council on the receipt of a request for a permit extension prior to its expiration. A conditional use permit authorizes only the use specified in the permit and shall expire if, for any reason, the authorized use ceases for more than six (6) months.

Criminal Penalty. Both the owner and any occupant of the Subject Property are responsible for compliance with the permit. Violation of the terms of the Permit is a criminal misdemeanor.

Recording. The Permit shall be recorded against the title to Subject Property.

Dated: July 5, 2022.

CITY OF ELK RIVER

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)

COUNTY OF SHERBURNE) ss.
)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by John J. Dietz and Tina Allard, respectively, the Mayor and City Clerk of the City of Elk River, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

Notary Public

DRAFTED BY:
City of Elk River
13065 Orono Parkway
Elk River, MN 55330
763-635-1000

Exhibit A

Legal Descriptions

75-110-1105 Plaisted

NW 1/4 OF NE 1/4 & THEN N 1/2 OF NE 1/4 OF NE 1/4

75-111-2201 Plaisted

NW 1-4 OF NW 1-4

75-110-1100 Plaisted

S 1-2 OF NE 1-4 OF NE 1/4

75-825-0040 – ERX Properties LLC

OUTLOT D Except plat of Aggregate Commercial Fourth Addition and Aggregate Commercial Fifth Addition Aggregate Commercial Second Addition,

75-825-0010 – ERX Properties LLC

OUTLOT A Except plat of Aggregate Commercial Fourth Addition and Aggregate Commercial Fifth Addition, Aggregate Commercial Second Addition

75-878-0105 ERX Properties LLC

Lot 1, Block 1, AGGREGATE COMMERCIAL FIFTH ADDITION, Sherburne County,
Minnesota

871081

75-877-0105 ERX Properties, LLC

Lot 1, Block 1, Aggregate Commercial Fourth Addition, Sherburne County, Minnesota

871079

75-110-4400 ERX Properties LLC

S 1-2 of SE 1-4

830256



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota

I hereby certify that this document was filed in this office
on 10/04/2004 at 10:30:00 AM and was duly
recorded as document number **A-437124**

ELAINE OFTELIE – County Recorder, by _____ Deputy.

Well Certificate: _____ Received _____ Not Required

Fees:

EQUIPMENT FUND	\$1.00
STATE SURCHARGE	4.50
GENERAL ABSTRACT	14.00
Total	\$19.50

Received from/return to:
TOWN OF WYOMING
7665 WYOMING TRAIL
WYOMING, MN 55092

**RESOLUTION NO. 04-21
RESOLUTION APPROVING
CONDITIONAL USE PERMIT
FOR
NIGHTMARE HALLOWEEN HAYRIDES
AT
28186 KETTLE RIVER BOULEVARD
PINEHAVEN TREE FARM**

WHEREAS, the Town of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the Board of Supervisors of the Town of Wyoming has adopted zoning and subdivision regulations, per Ordinances 00-02 and 00-03, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the Town; and,

WHEREAS, Jean Sockness of Nightmare Halloween Hayrides has applied for a Conditional Use Permit to operate a haunted house and hayride as a commercial outdoor recreation activity, at the Pinehaven Tree Farm site on property legally described as:

Section Seven (7), Township Thirty-Three (33), Range Twenty-One (21). The North one-half of the Southeast Quarter (N1/2 of SE 1/4), and the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) except that part deeded to the State of Minnesota for road purposes. Also except that part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) described in Document No. 214678 on file and recorded at the Office of the County Recorder, Chisago County, on the 29th day of December, 1988 A.D. at 1:00 o'clock p.m., consisting of 10.00 acres more or less, described as follows:

Beginning at the Southeast corner of said Section 7; thence west along the south line of Section 7 a distance of 865.9 feet to the point of beginning; thence north at right angles 630 feet; thence east parallel with the south line of Section 7 a distance of 738.75 feet, more or less, to the point of intersection with a line drawn parallel with and distant 250 feet westerly of the center line of the north-bound lane of Interstate 35; thence southwesterly along said parallel line 637 feet, more or less, the south line of Section 7; thence west along said south line 645.75 feet, more or less, to the point of beginning. Except that part included in Interstate 35 right-of-way. Subject to 280th Street North along the south line. Together with a 66-foot easement lying easterly of and abutting the most easterly line of said tract. Subject to and together with other valid easements, restrictions and reservations.

WHEREAS, on September 7, 2004 the Planning Commission held a public hearing in accordance with the Ordinance and the laws of the State of Minnesota; and,

WHEREAS, the Town Board of Supervisors and Planning Commission have reviewed the application, as submitted, and have made the following findings of fact:

1. The use is in conformity with the Comprehensive Plan and development policies of the Town.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the Town is reasonably related to the overall needs of the Town and to the existing land use.
The use will be consistent with the purpose of this and other Town Ordinances.
6. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.
The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.
7. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
8. The establishment or maintenance of the use shall not be detrimental to the public, health, safety or general welfare.
9. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness or other nuisances.
10. The use will preserve and incorporate the site's important natural and scenic features into the development design.
11. The use will cause minimal adverse environmental effects.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the Town of Wyoming hereby **GRANTS** the Conditional Use Permit, as requested by the applicant, with the following conditions:

1. That a maintenance schedule agreeable to the Wyoming Township Street Superintendent is established for Kettle River Boulevard, and that the maintenance schedule is reevaluated each

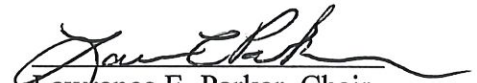
A-437124

year prior to that seasons event and is to be reevaluated periodically during the course of the event."

2. That following the 2004 season a permanent structure will be constructed to replace what currently exists on the site.
3. That each year, prior to the opening of the haunted house, an operational permit per the state fire code is granted by the township Building Official or Fire Marshal.
4. That the haunted house only operates through the dates of September 15 – November 15 of each year.
5. That the haunted house closes by midnight each day that it is open.
6. That an amended Conditional Use Permit is required if the dates of operation or closing time are changed.

This resolution was adopted by the Board of Supervisors of the Town of Wyoming on the 14th day of September 2004, by a vote of 5 Ayes and 0 Nays.

A-437124


Lawrence E. Parker, Chair
Town Board of Supervisors

ATTEST:



Norma I. Olson
Clerk, Town Board of Wyoming



This document was drafted by:
Town of Wyoming
7665 Wyoming Trail
Wyoming, MN 55092

The undersigned, as applicant(s) for the Conditional Use Permit have read and understood the findings and conditions of Resolution No. 04-21 and agree to be bound by the conditions therein.

The undersigned further understands that the Conditional Use Permit will be revoked if:

1. The use has not commenced within one year of its approval.
2. The use ceases operation for a period of one year.
3. The use is operated in violation of the conditions of Resolution No. 04-21.

[Signature] (Signature)

Sean Sockness (Printed)

____ (Signature)

____ (Printed)

STATE OF MINNESOTA)
COUNTY OF Ramsey) Ss.

On this 30th day of September, 2004, before me, a Notary Public within and for said County, personally appeared Sean Sockness, known to me to be the person described in and who executed the foregoing instrument and acknowledged that s/he executed the same as his/her free act and deed.



[Signature]
Notary Public

My Commission Expires Jan 31, 2005

This document was drafted by:

Town of Wyoming
7665 Wyoming Trail
Wyoming, MN 55092

A-437124



**COUNTY OF CARVER
State of Minnesota**

FILE #: PZ20230020
APPLICANT: Matt Dunn
OWNER: SSP Holdings LP
SITE ADDRESS: 7410 Highway 212 Chaska, MN 55318
PERMIT TYPE: Large Scale Activity (Recreational)
PURSUANT TO: County Code, Chapter 152, Section 152.080 (C)(6)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCELS #: 04-009-0600

Drafted by: Land Management
Return to: Land Management

CONDITIONAL USE PERMIT #PZ20230020

PLANNING COMMISSION RESOLUTION #: 23-10

ORDER #: PZ20230020

DATE ISSUED: August 8, 2023

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Chapter 152 of the Carver County Code.

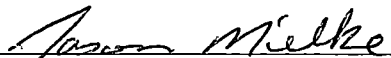
THE RECREATIONAL LARGE-SCALE ACTIVITY USE IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20230020, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20230020. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY ZONING CODE, SECTION 152.080 (C)(6) FOR THE OPERATION OF A RECREATIONAL LARGE-SCALE ACTIVITY (SCREAM TOWN) ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE PREVIOUS CUP (#PZ20080001) WOULD BE TERMINATED UPON FINAL APPROVAL (AND RECORDING) OF THE NEW CUP (#PZ20230020). THEREFORE, CUP #PZ20230020 WOULD SUPERSEDE ANY PRIOR APPROVALS. THE FOLLOWING CONDITIONS SHOULD BE ATTACHED TO THE PERMIT:

1. The permit is subject to Compliance Review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Operations shall be substantially in accordance with the operational plan "applicant narrative" (dated: April 17, 2023), Site Plan and Map of Operation (received April 5, 2023). The hours of operation for patrons within the areas of attractions shall be 5:30PM until 11PM (Thursday-Sunday) the last full weekend in September to the first full weekend of November, as well as Wednesday and Thursday of MEA. Days of operation may also include Monday or Tuesday of Halloween week as well as Halloween (if on Monday-Wednesday), with hours of operation for patrons to cease at 10PM. The total number of days allowed during the operating event season is limited to 23 days.

3. The permittee must maintain records of the number of tickets sold to enter the site each day of operation and provide a copy of this record to the Land Management Department at the end of each season or upon request. A maximum 2,000 persons shall be allowed to utilize the facility at any one time.
4. All operational areas, theatrical stages, access roads, and parking areas shall maintain a 10-foot setback from property lines. The permittee shall survey and submit a certificate of survey to the County the western property line along the length of the newly expanded hayride road to ensure the 10-foot setback is maintained.
5. To reduce the potential for dust, vegetation shall be preserved as much as possible. Dust control measures (calcium chloride or other similar substance) shall be applied to all internal access roads with two applications the first season (2023) and a minimum of one application prior to the operating season (annually) thereafter. The Permittee shall be responsible to apply additional applications prior to or during the operating season (annually), at the discretion of the Zoning Administrator.
6. The permittee shall contract with a private security firm to provide on-site security in the operational area (i.e., night trails, night maze, courtyard, and parking areas). A copy of the contract agreement shall be provided to the Land Management Department prior to any public activities taking place on the property (annually).
7. From dusk until the last patron vehicle leaves the site, temporary three-bulb portable lighting or other approved lighting measures shall illuminate the Highway 212 and site driveway intersection. The lighting must be turned off promptly after the last patron vehicle leaves. Lighting shall be approved by the road authority, if applicable.
8. The Permittee shall obtain an appropriate access, signage and construction permits and/or approval(s) from MnDOT prior to any public activities taking place on the property. Any measures required by the appropriate road or zoning authority must be completed in accordance with MnDOT standards prior to public activities taking place on the property. The permittee shall also provide warning signage and lights as required by the road authority.
9. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. Measures shall be implemented to minimize tracking onto the Highway 212 and a sweeper shall be utilized within 12 hours of discovery of mud accumulation on Highway 212, if applicable. Permittee shall obtain CCWMO permit approval, install the permitted improvements, and complete all CCWMO permit requirements prior to the start of the 2023 operating season.
10. The Permittee shall furnish a certificate of Insurance to the County providing coverage by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for public liability, vehicle liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability, and bodily injury liability in the amount of at least \$2,000,000 for injury of any one person in any one occurrence. Property damage insurance coverage shall be in force with a minimum amount of at least \$1,000,000. Further, the Permittee shall furnish proof of workman's compensation coverage. Insurance certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
11. All structures used in conjunction with the business including tents, facades, and the like, shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building and septic permit(s) shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary. Any fences over seven feet in height require a building permit.
12. Any structure(s), not utilized for the business, shall be used only by the occupant(s) of the property owner for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by the County Zoning Code and shall meet State Building Code, if applicable.

13. The permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within any structure(s) utilized as part of the business operation, if applicable. Portable restrooms shall be maintained by a licensed company and a copy of the contract agreement shall be submitted annually to the Carver County Land Management Department.
14. The permittee is responsible for obtaining and abiding by all appropriate permits from the Department of Health, Dept of Agriculture and all required food service and alcohol licenses and permits. The Permittee shall submit copies of all required permits and licenses to the Carver County Land Management Department (annually).
15. The permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. Signage for the activity shall not exceed the provisions set forth in the Carver County Sign Ordinance of the Carver County Code.
16. The permittee shall comply with all conditions of Chapter 50: Solid Waste Management of the Carver County Code of Ordinances pertaining to the storage and disposal of solid waste materials.
17. The permittee is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements.



Jason Mielke
Land Use Manager

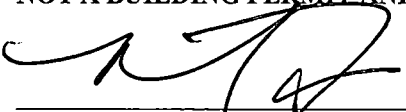
8-28-23
Date

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT. FAILURE OF THE APPLICANT TO SIGN AND RETURN PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BE CAUSE FOR CANCELLATION OF THE PERMIT.

Applicant signature block

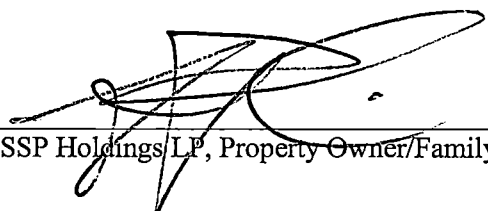
I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SIGNIFICANT ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

FAILURE OF THE APPLICANT TO SIGN AND RETURN THE PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BECAUSE FOR CANCELLATION OF THE PERMIT. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.



Matt Dunn, Scream Town

8/17/2023
Date



SSP Holdings LP, Property Owner/Family Representative

8/25/2023
Date

Conditions of Approval:

1. This Interim Use Permit (IUP) is issued to Sever Peterson & Family (Severs) as a private day park for the operations described in their June 24, 2019 application narrative to include corn mazes, jumping pillows, corn pits, live music, obstacle course, petting zoo, entertainment shows (such as magic shows, wildlife shows and jugglers), pig races, pumpkin/snow ball blasters, zip lines, gourd walk, spider web, straw bale maze, parakeet landing, tire mountain, ropes course, picture boards and photo opportunities, kiddie train, play structures, hayrides, giant slide, arcade, pony rides, camel rides, antique tractor and fire truck displays. All activities included in the festival admissions and shall occur in the locations designated on the site plan dated February 1, 2019 during festival hours.
2. The applicant is to notify Scott County Zoning Administration in January of each year, stating they are in compliance with the conditions of the IUP. Any operational changes or site improvements shall be presented to the Louisville Township Board and Scott County before/during June of each year to determine compliance with the IUP, with the ability to add or modify the conditions of the IUP.
3. Any permanent structure shall require platting of the property as required by the Scott County Zoning Ordinance.
4. The seasonal duration of the day park uses are: Fall Festival (mid-August through the first weekend in November), Winter Festival (January to March), and holiday light display (mid-November through December). The Holiday Light Display shall be limited to the main parking area (Parking Area 1 on the parking plan) north of the drainage way.
5. Hours of day park operations shall be from 8:30am to 10:00 pm, which are hours defined by the State of Minnesota as daytime hours.
6. The applicant/owner shall, upon reasonable advanced notice, provide the Township and County staff and/or its agents with access to the property for inspection for determining compliance with this interim use permit.
7. The IUP holder shall pay an annual IUP inspection fee, if and when Scott County adopts an inspection fee ordinance.
8. The property shall be developed in substantial compliance with the approved project narrative dated June 24, 2019 and site plans dated February 1, 2019, and according to the performance standards listed in the Scott County Zoning Ordinance. Any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and the Louisville Town Board. To the extent there are any conflicts between either the plans or the narrative and this permit, the conditions of the permit shall control.
9. The applicant shall obtain a permit for installation of the drainage way crossing culvert and shall maintain drainage through this culvert as approved by Scott County Water Resources Engineer.
10. A Hazardous Waste Inspection shall be scheduled with Scott County Environmental Services to determine if a Hazardous Waste License is required.
11. The property shall be maintained in a neat and orderly manner. The Applicant shall promptly remove all garbage, trash, and all other nonessential or nonfunctional materials from the property.
12. All landscaping trees planted to provide a buffer and screening shall be maintained, including removal of any diseased or dead trees and replacement as required by the County Zoning Ordinance.
13. All parking shall be provided on site and in accordance with the parking locations on the site plans. No parking for activities on the site shall be allowed on any public or private roads. Signage and parking personnel shall be stationed to direct customers to the festival access entrance and to the extent possible facilitate traffic flow off of County Road 14 and allow vehicle stacking within the festival grounds. At no time shall any parking be allowed on MN Valley Bluff Drive, and if necessary parking personnel shall be stationed at this entrance to direct traffic to the main site entrance.
14. The applicant shall comply with the area traffic management plan developed in conjunction with the MN Renaissance Festival, MnDOT, County Transportation, Louisville Township, and the Scott County Sheriff's Office. In the event of traffic issues the Scott County Sheriff's Office shall be the final authority for safe routing of event traffic and/or stationing of law enforcement personnel to aid in traffic management. Any costs borne by the Scott County Sheriff's Office specific to the Severs IUP day park events shall be the responsibility of the applicant.
15. Building permits are required for any temporary tents or structures used for the day park festival events, and shall meet all requirements of the State Building Code, Fire Code, and all applicable codes as determined by the Scott County Building Official and/or the City of Shakopee Fire Marshal.

16. All signage shall comply with the Scott County Sign Ordinance. Directional signage is allowed at the discretion of Scott County Transportation and the Scott County Sheriff's Office to allow for traffic management.
17. All lighting shall comply with the Scott County Zoning Ordinance and shall be hooded so as not to be directed at any adjacent residential use.
18. Amplified noise or other noise generation shall be in compliance with the State of Minnesota Noise Rules established by the MPCA. Scott County may require the permit holder to prepare a noise control plan as described and required in Section 4-6 of the Zoning Ordinance if there are valid complaints.
19. Issuance of the IUP is not a substitute for any other permit required in conjunction with the Project, including but not limited to building permits, electrical permits, and road permits.
20. Applicant shall construct and operate the Project in full compliance with the approved application narrative, approved project plans and in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.
21. A right turn lane and center left turn lane shall be installed on County Road 14 (150th Street West) at the intersection with the main entrance of the day park. The applicant shall enter into an agreement with Scott County Transportation to participate in the funding of these safety improvements.
22. This IUP shall terminate if/when the property is further subdivided by the applicant/land owner or upon the sale of the property or business.
23. Severs shall at all times be in compliance with the conditions of this IUP. Upon written notice of any violation the IUP holder shall promptly remedy the violation within the time period specified. Any violation not remedied or addressed shall be subject to IUP review and may be basis for IUP termination.

PRESENTER:

Jon Sevald, Community Development Director

ITEM:

Discussion: Minimum Garage Size

Discussion: Driveway Aprons

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Amending City Code related to minimum garage size, and driveway aprons.

BACKGROUND:

Staff has a long list of To Do's related to City Code amendments, policies, and plans. Two topics are garage sizes, and driveway aprons.

Garage Size:

Problem #1 we're trying to solve is that garages are too small for their intended use (2-3 vehicles, garbage/recycling/organic bins, bicycles, snowblower, lawnmower, workbench, etc.). There is no correct answer. Builders will build what sells.

	Minimum	Maximum^{1 2}
R-1 Single-Family	440 sq ft	Living area of home, ³ or 1,000 sq ft. ⁴ If ≥ 1 acre, then 1,200. If ≥ 2 acres, then 2,000 sq ft. If ≥ 3 acres, then 3,000 sq ft. If ≥ 5 acres, then 4,000 sq ft. ⁵
R-2 Single Family	-	(same as R-1)
RE Residential Estate	-	(same as R-1)
R-3 Single Family Attached and Detached	440 sq ft ⁶ (with basement), 540 sq ft (without basement) ⁷	Living area of home, or 800 sq ft. ⁸

¹ A CUP is required to exceed maximum Garage Size (City Code 1001.35, Subd 5(1).

² *Attached private garages. A private garage attached to the principal building shall not exceed 1,000 square feet as measured by interior dimensions and shall be subject to all building and setback requirements of the principal structure, except as provided for herein.* (City Code 1001.35, Subd 5(5))

³ Garage width shall not comprise more than 70% of the viewable street-facing linear building frontage (City Code 1001.05, Subd 1(4)(g))

⁴ City Code 1001.35, Subd 5(3)

⁵ City Code 1001.35, Subd 5

⁶ City Code 1001.05, Subd 5(8)(a)

⁷ City Code 1001.05, Subd 5(9)(c)(8)(b)

⁸ City Code 1001.35, Subd 5(3)

CITY COUNCIL REGULAR MEETING

RM Medium Density Residential	440 sq ft (with basement), 540 sq ft (without basement) ⁹	800 sq ft. ¹⁰
RH High Density Residential	-	800 sq ft ¹¹
RMH Manufactured Housing	-	800 sq ft ¹²
A-1 Agricultural, and SA Special Agricultural	-	If ≤ 1 acre, then Living area of home. ¹³ If > 1 acre, then max 10% lot impervious surface area. ¹⁴
A-2 Special Homestead Agricultural	-	30% lot impervious surface area. ¹⁵
RO Historic Village Residential	2-car garage ¹⁶	800 sq ft if lot is $< 12,000$ sq ft. 1,000' sq ft if \geq lot is 12,000 sq ft ¹⁷

Within the A-1 and A-2 districts, agricultural buildings used for agricultural uses are limited to the maximum impervious surface area.¹⁸

Driveway Aprons:

Problem #2 we're trying to solve is preventing driveways from settling and cracking where they meet the garage. City Code requires permits for new driveways. A permit is not required to resurface an existing driveway.

Driveways in Residential districts must be hard surfaced with 4" compact gravel, and 2" bituminous or 4" concrete. City Code requires a hard surface driveway apron between the road and property line.¹⁹ Aprons at the garage are not required.

RECOMMENDATION:

Staff is requesting direction.

1. Should the minimum attached garage size be increased (to what size)?
2. Should concrete driveway aprons be required at the garage?

ATTACHMENT(S):

Garage example (690 sq ft)

Driveway Apron detail

⁹ City Code 1001.05, Subd 6(7)(g)(2). Garage shall be minimum 20' in width.

¹⁰ City Code 1001.35, Subd 5(3)

¹¹ City Code 1001.35, Subd 5(3)

¹² City Code 1001.35, Subd 5(3)

¹³ City Code 1001.35, Subd 4(4)(b)

¹⁴ City Code 1001.35, Subd 9(5)

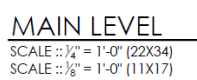
¹⁵ City Code 1001.05, Subd 10(5)

¹⁶ City Code 1001.05, Subd 11(9)(a)(1)

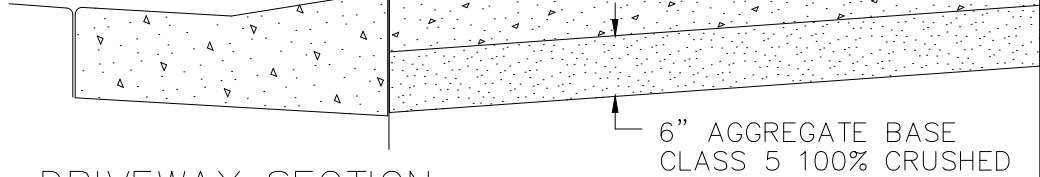
¹⁷ City Code 1001.35, Subd 5(3)

¹⁸ City Code 1001.32, Subd 4(4)(a)

¹⁹ City Code 1001.14, Subd 9(3) (Driveway aprons)

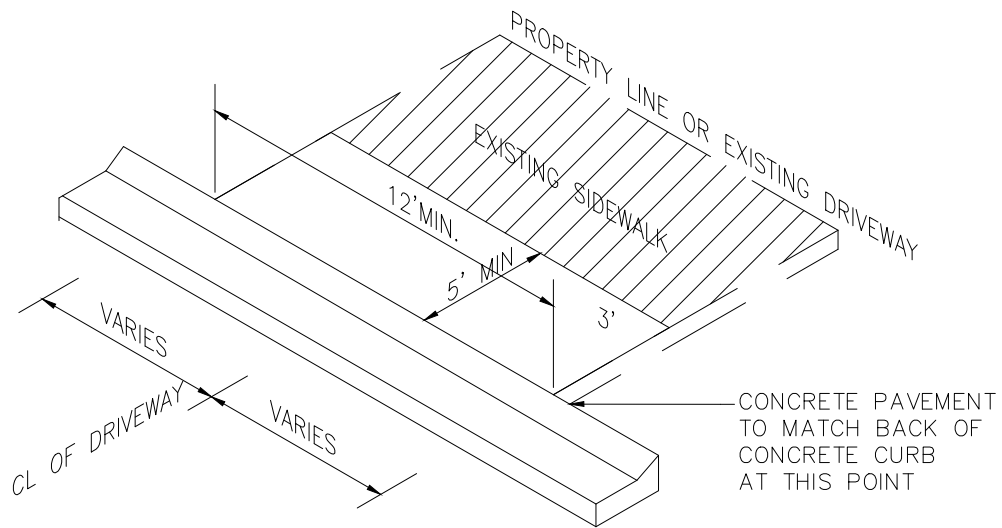


CONCRETE CURB
AND GUTTER (SEE
PLATE STR-4)



DRIVEWAY SECTION
NO SCALE

1. PANEL WIDTH SHALL NOT EXCEED 10 FEET WITHOUT A CONTRACTION JOINT.
2. DRIVEWAY TO BE ONE COURSE CONCRETE PAVEMENT.
3. 6" THICK FOR RESIDENTIAL DRIVE, 8" THICK FOR COMMERCIAL DRIVE AND ALLEY OR SPECIFIED.
4. MAXIMUM DRIVEWAY WIDTH = 24'.
5. MINIMUM DISTANCE FROM LOT LINE = 5' AS MEASURED FROM THE BACK OF CURB.
6. ALL DRIVEWAYS MUST BE AT LEAST 60' FROM INTERSECTIONS MEASURED FROM C-C TO CENTER OF DRIVEWAY.



DRIVEWAY ISOMETRIC
NO SCALE

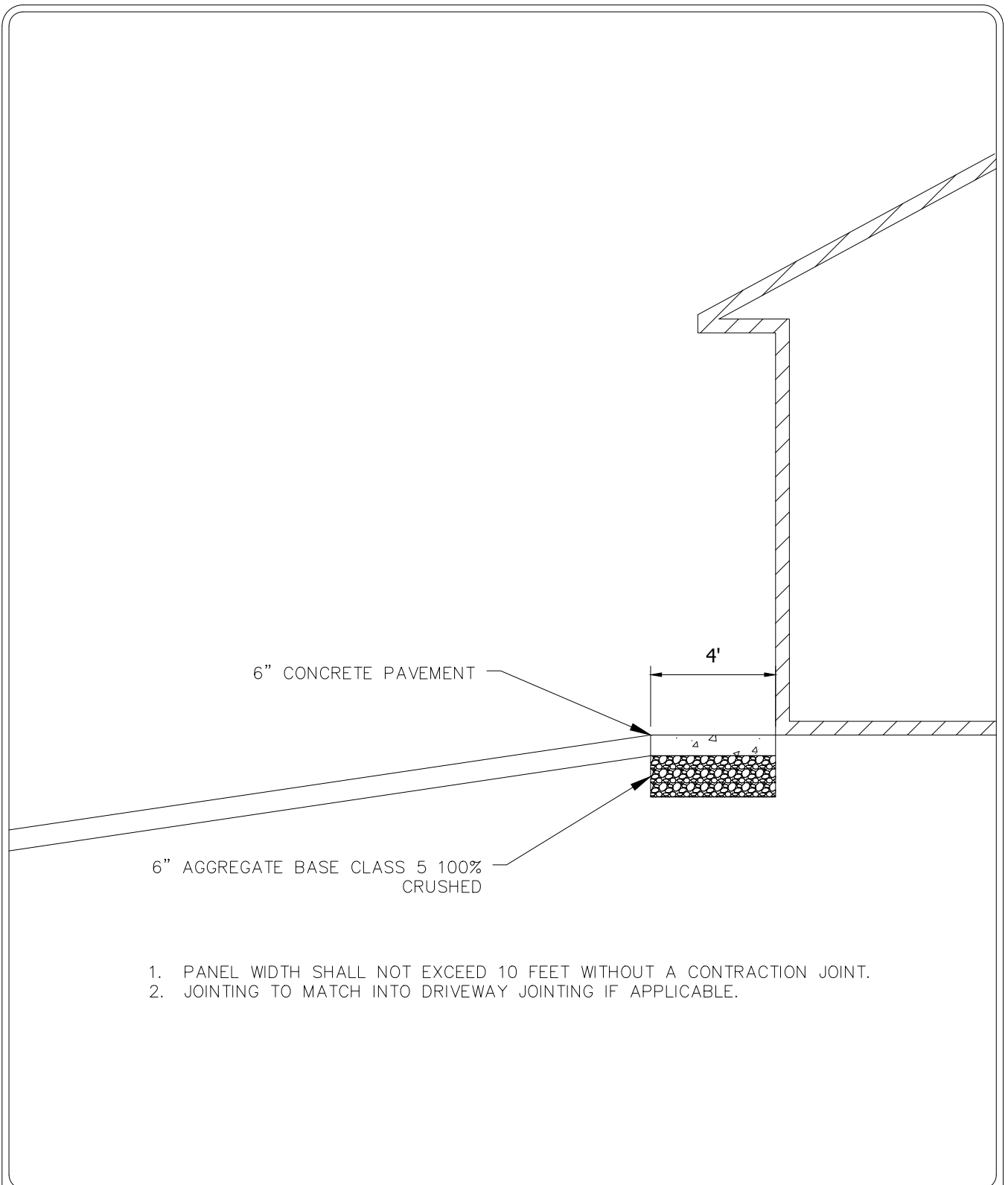
NOTE:
CONTROL JOINTS IN CONCRETE CURB
NOT TO EXCEED 10' SPACING
THROUGH DRIVEWAY SECTION.



RESIDENTIAL DRIVEWAY APRON

LAST REVISION:
MAR 2024

PLATE NO.



1. PANEL WIDTH SHALL NOT EXCEED 10 FEET WITHOUT A CONTRACTION JOINT.
2. JOINTING TO MATCH INTO DRIVEWAY JOINTING IF APPLICABLE.



RESIDENTIAL GARAGE APRON

LAST REVISION:
MAR 2024

PLATE NO.