

AGENDA

Planning Committee of the City Council
Chair Vaughan, Balsanek, and Leifeld
July 9, 2019 – 6:00pm
Hastings City Hall Volunteer Room

1. [6:00-6:20pm - Climate Controlled Storage at County Crossroads –](#)
Discussion of a proposal by the owner of County Crossroads (Coborns Site) to allow climate controlled storage. The use is not currently allowed within the zoning district.
2. [6:20-7:00pm - Schoolhouse Square Senior Housing –](#) Discussion of potential senior housing facility and use of TIF.
3. [7:00-7:20pm - Motorcoach Commerce Facility –](#) Discussion of proposed Motorcoach Commerce Facility at 24xx Vermillion Street.
4. [7:20pm-7:40pm - Keeping of Chickens –](#) Discussion of potential changes to the City Code allowing the keeping of chickens in residential Districts



***Planning Committee of City Council
Memorandum***

To: Planning Committee of City Council (Chair Vaughan, Balsanek, and Leifeld)
From: John Hinzman, Community Development Director
Date: July 9, 2019
Item: Climate Controlled Storage – County Crossroads

Planning Committee Action Requested

Review the request of Ed Rymer to allow climate controlled storage at Crossroads Center (Coborns Area) as follows:

- Convert a portion of the County Crossroads Strip Mall formerly occupied by Sears (275 33rd Street W) into climate controlled storage.
- Construct a new climate controlled storage building at the northwest corner of the Coborns\Crossroads Church parking lot (Outlot A).

Planning Committee Meeting – June 6, 2019

The Committee discussed the issue at the June 6th Meeting and tabled the request to a future meeting. Committee Members discussed:

- Could City\HEDRA owned land within the Industrial Park be swapped to accommodate the use.
- Other locations that the proposed use could occur.
- What would be the larger effects of a change to allow storage at County Crossroads.
- Concern on having larger exclusively warehouse\storage areas within commercial districts.
- How does this fit within the Vermillion Street Corridor Plan.

Updates Since Planning Committee Meeting

Staff has attached a draft ordinance for Committee consideration that would allow storage within the C-4 Zoning District. The staff report also includes an example of conversion of space within an existing strip mall to climate controlled storage (Extra Space Storage in Roseville).

Definition

Climate controlled storage facilities provide storage units that are heated and cooled, as opposed to traditional mini-storage units that do not regulate temperature (i.e. garage storage). Climate controlled storage provides better protection of belongings from harsh

temperatures like extreme heat or cold, humidity or pests. The market for climate controlled storage has grown over the last few years.

Zoning

Crossroads Center is zoned C-4 Regional Shopping Center. Commercial districts within the City do not allow storage as the primary use of a property. The I-1 Industrial Park District does allow storage as a primary use of property.

Climate Controlled Storage in Commercial Districts

Many cities allow for climate controlled storage within commercial districts, most often on property that has limited retail value and visibility. Most often this involves the construction of a new facility for the specific purpose of storage. However vacant retail sites have been repurposed for climate controlled storage in the last few years.

Local examples of climate controlled storage in commercial districts include



More Space Self Storage
68 Moreland Ave E – West St Paul
Located one block west of Robert St.
Adjacent to existing retail and commercial



Simply Self Storage
593 Commerce Drive - Woodbury
Located behind Target west of Woodbury Drive.



Extra Space Storage
1750 Hwy 36 W - Roseville
Located in the former Sports Authority space in an existing strip mall south of Rosedale at Hwy 36 and Fairview.

Analysis

- What is the effect to adjacent businesses, is the conversion of retail space to storage detrimental to adjacent retail space.
- What does the conversion of existing retail space to storage look architecturally?
- The existing strip mall has seen increased vacancy over the last few years and mostly consists of service businesses.
- The two outlots located at the north end of the parking lot have been marketed for sale for over ten years with no sales to date.
- How would a change to allow storage at County Crossroads effect other areas of Hastings.
- The County Crossroads area has an overabundance of commercially zoned property.
- The Vermillion Street Corridor Plan identified conversion of many areas of County Crossroads to residential uses.
- Existing private development covenants may regulate the conversion of retail sites to storage in other shopping center areas in Hastings.
- The decline of brick and mortar retail sites may increase the desire for storage conversion elsewhere.
- There are not climate controlled storage facilities within the City of Hastings, however the City recently agreed to sell industrial park land to accommodate some climate controlled storage.
- Mixing storage uses among retail uses has been prohibited in Hastings based due to concerns of lessening retail viability of a site.

Options

- Direct no changes be made. Continue to prohibit climate controlled storage at County Crossroads.
- Direct staff to examine changes to the existing zoning code to allow for climate controlled storage in commercial districts.

Attachments:

- Draft Ordinance Amendment allowing Climate Controlled Storage.
- Climate controlled storage plans and background – Ed Rymer.

DRAFT

ALLOWANCE OF SELF STORAGE USES (MINI STORAGE) WITHIN THE C-4 DISTRICT

Planning Committee of City Council Draft
July 9, 2019

§ 155.02 DEFINITIONS.

SELF-SERVICE STORAGE FACILITY. A storage facility characterized by individual separate storage spaces which are accessible by customers for the storing and retrieval of personal effects and household goods. Also commonly referred to as “Mini-Storage”.

§ 155.32 C-4 REGIONAL SHOPPING CENTER.

(A) *Intent.* The intent of this chapter in establishing a regional shopping center district is in recognition of future needs for one or more large commercial areas to serve the city and surrounding areas.

(B) *Uses permitted.* All uses permitted in C-3 Community Regional Commerce District.

(1) Self-Service Storage Facility

(a) All storage activity must be conducted within a building. Exterior storage, or use of accessory buildings, pods, trailers, and the like shall be prohibited.

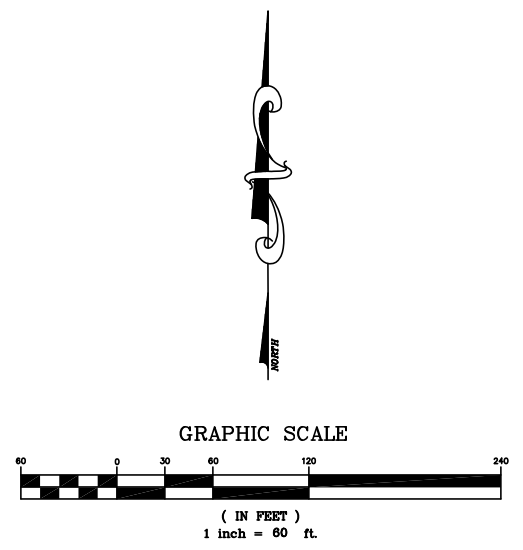
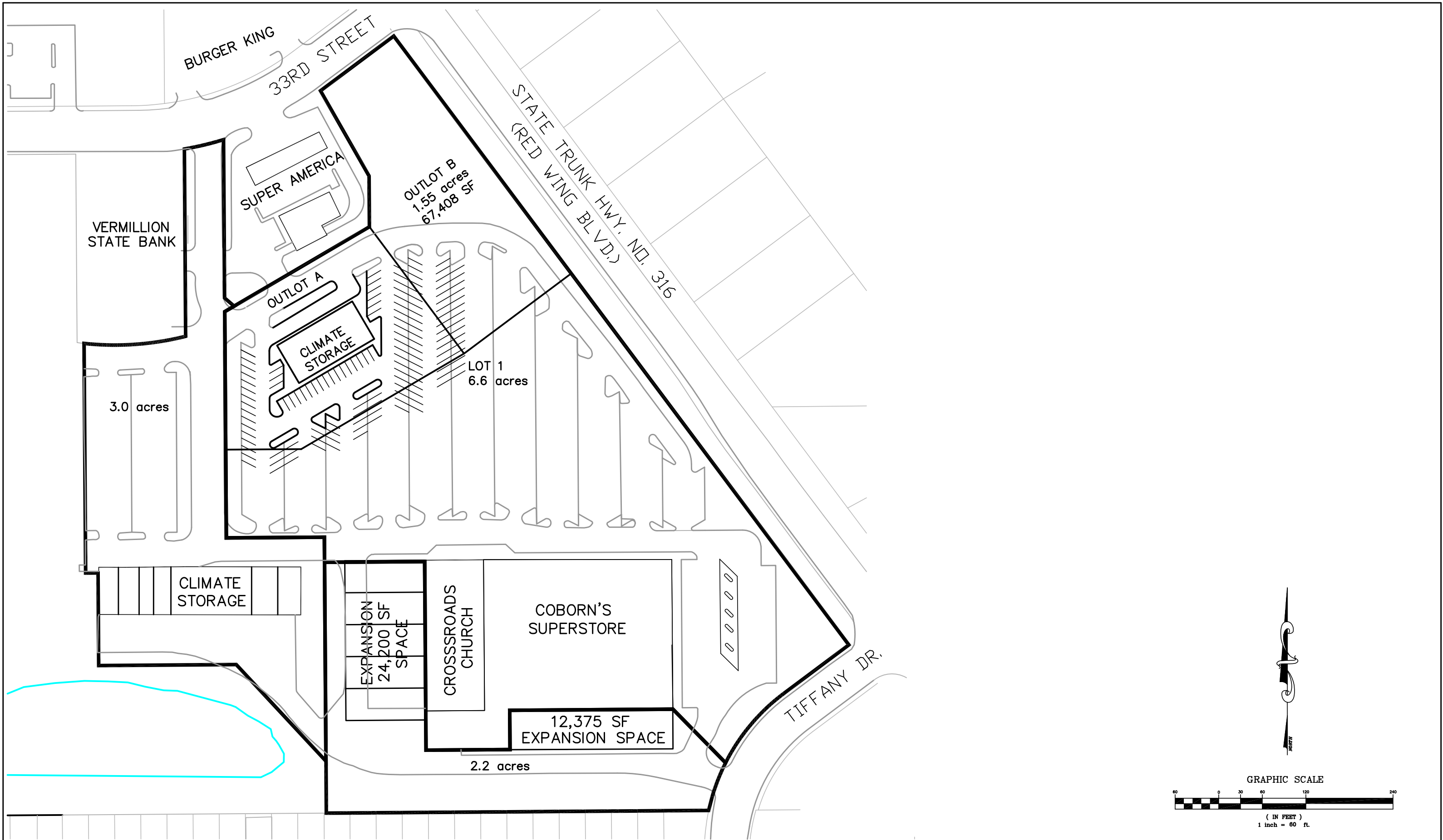
(b) Single occupant buildings less than 20,000 s.f.

(c) Multiple occupant buildings comprising no greater than 50 percent of the total building and no greater than 20,000 s.f. in total size.

Why utilize existing mall and parking lot space at Crossroads Mall for a climate-controlled self-storage facility?

- Building conversions have been an increasing popular option on a national basis for filling, expanding and utilizing vacant outlots in the self-storage and mini-storage industry. This opportunity exists at Crossroads Mall where one looks around and sees an old, empty shopping mall, a closed Sears store, or a going-out-of-business Best Buy with a sprawling parking lot.
- With the rising popularity of on-line retail, malls and traditional big box stores are closing left and right and standing empty.
- The Hastings area is greatly under-served with no temperature controlled self-storage for its citizens. Hastings typically has Class B/C storage and has not yet had the opportunity for a nice Class A site.
- Class A storage is defined as a 2000 or newer build in an ideal neighborhood. These can be temperature controlled and are always aesthetically pleasing with attractive landscaping, colored doors and pleasing lighting.
- Empty retail space and parking lots are an eyesore along this corridor. Adding a Class A self-storage site to this location would have a positive impact on the community and the surrounding businesses. Local residents and tenants would appreciate efforts to improve the area while tenants and adjoining businesses would benefit from additional exposure and customers.
- New retail and office tenants remain scarce and existing mall tenants need all the exposure and traffic they can get. As such, cities have become more willing to consider alternatives such as climate-controlled storage to get vacant land and buildings occupied.
- A typical site of 300 units will bring on average 5-10 cars a day – less than typical traffic of other businesses.
- An aesthetically pleasing site would act as a welcome for the “Hastings Corridor” on Red Wing Blvd. vs. seeing a Burger King and a gas station.
- A self-storage site consumes less water than a small house.
- The self-storage facility would generate additional income for Crossroads Mall and the city/county tax base.
- A self-storage facility would provide additional security and a sound barrier for homes in the area.
- The facility would be professionally managed by Easy Storage Management, which has a wealth of knowledge on the ins and outs of self-storage operations. Easy Storage Management currently manages more than 4,000 active clients in more than 9 countries across the world.





G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Geoffrey G. Griffin
DATE _____ REG. NO. 21940

DESIGNED _____ DJT
DRAWN _____
CHECKED _____

REVISED	BY	DATE

LATEST REVISION: 5-7-2019
Prepared For:
Crossroads Mall Inc.
Ed Rymer - Crossroads Mall Inc.
FILE NO.: EdRymer

CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA

CROSSROADS MALL

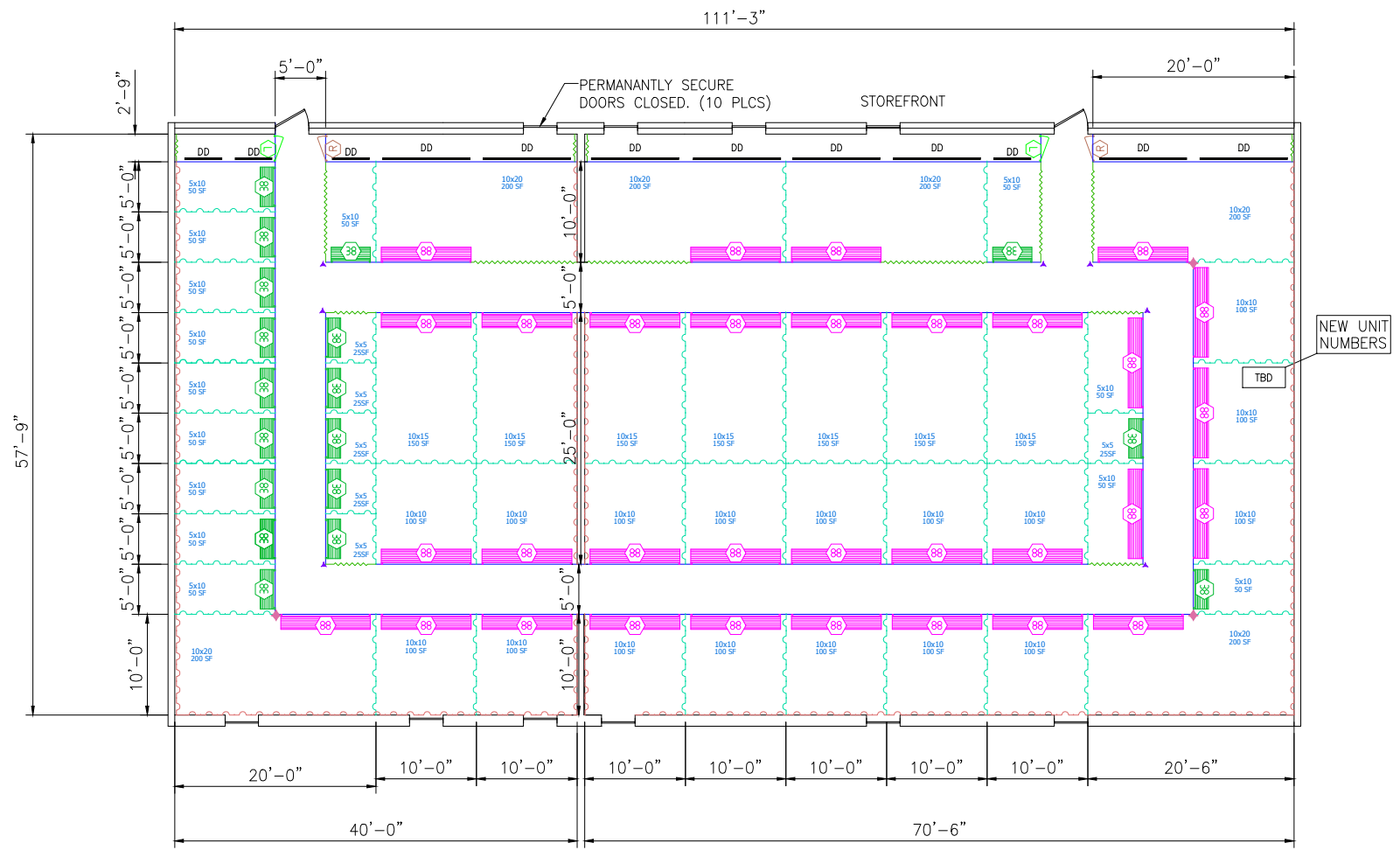
SITE PLAN
Outlot "A" 1.45 Acres 63,077 sq. ft.
Build To Suit - Tentative and Preliminary



JANUS INTERNATIONAL

135 Janus International Blvd
Tempe, Georgia 30179
866-562-2580 Toll-Free
(770) 562-2850
www.janusintl.com

NOTE TO CLIENT, CUSTOMER OR OWNER:
THIS PRELIMINARY UNIT MIX LAYOUT MAY NOT MEET LOCAL OR NATIONAL BUILDING CODES. IT IS THE CUSTOMER'S RESPONSIBILITY TO HAVE THE LAYOUT CHECKED BY A LICENSED ARCHITECT/ENGINEER TO VERIFY THAT IT MEETS ALL LOCAL CODES INCLUDING EGRESS, UNIT SIZES ARE NOMINAL AND ACTUAL DIMENSIONS MAY VARY DEPENDING ON BUILDING DIMENSIONS AND OBSTRUCTIONS.
EXCLUDES ANY ADA REQUIREMENTS
IT IS THE OWNER'S RESPONSIBILITY TO MAKE THE UNITS ADA ACCESSIBLE AND DESIGNATE WHICH UNITS ARE TO BE ASSIGNED AS SUCH.



Name	Rent As	Count	Total Sqft	%
5x5	25	6	150	3.13%
5x10	50	14	700	14.58%
10x10	100	17	1700	35.42%
10x15	150	7	1050	21.88%
10x20	200	6	1200	25.00%
		50	4800	100.00%
		Avg Sqft	96.00	

1

111'-3" x 57'-9" Unit Mix

Scale: 1/8" = 12"

rollups

Color Coded Drawing- Plot/Print in Color

8'-4" FINISHED HALLWAY HEIGHT
1'-4" HEADER HEIGHT

Revision: 00

Preliminary
No field measurements

STOKO SPEEDLING Country Crossroads Center HASTINGS, MN

Janus Print Number
28355

Store Number
-

Rev #	Date
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-
-	-

Drawn On 01.15.19
Drawn By M. Wilson
Checked By -

J100

Conv. Area



***Planning Committee of City Council
Memorandum***

To: Planning Committee of City Council (Chair Vaughan, Balsanek, and Leifeld)
From: John Hinzman, Community Development Director
Rusty Fifield, Economic Development Coordinator
Date: July 9, 2019
Item: Senior Housing Proposal – Schoolhouse Square – Real Estate Equities

Planning Committee Action Requested

Discuss conceptual plans by Real Estate Equities for the development of a four story building containing 94 affordable senior housing units at Schoolhouse Square. The site would be located between the existing commercial buildings along Vermillion Street and the townhomes located along Ramsey Street.

Items for Committee consideration include:

- Proposed density and scale of the development
- Creation of a Housing Tax Increment Finance (TIF) District.

BACKGROUND INFORMATION

Comprehensive Plan

The property is zoned Medium Density Residential within the current 2030 and draft 2040 Comprehensive Plans. The Plan may need to be amended to designate the property as High Density Residential to accommodate the proposed density.

Zoning

The property is zoned RMU – Residential Mixed Use. The proposed use and density are permitted under the RMU Zoning District. A Special Use Permit would be required to construct a building greater than 40 feet in height.

Existing Condition

The western side of the site is approximately 10 feet higher than the northern and eastern sides of the site. The site was mass graded as part of Schoolhouse Square in 2003. Scrub tree growth has occurred since grading.

Adjacent Zoning and Land Use

The following land uses about the property:

Direction	Use	Comp Plan District	Zoning District
North	Single Family Homes	Low Density Residential	R-2
East	Schoolhouse Square Townhomes	Medium Density Residential	RMU
South	Vacant – Planned Townhomes	Medium Density Residential	RMU
West	Commercial – Green Hill	Commercial	C-3

History

The entire Schoolhouse Square Site was acquired by Camegaran, LLC (Pat Regan) in 2002. A Master Development Plan was created for a mixture of commercial and residential uses. The senior housing site was originally planned as a four story mixed use building. Prior to Schoolhouse Square Hastings High School and Middle School were located on the site.

Schoolhouse Square Development Plan Agreement

The City executed a Development Plan Agreement for the entire Schoolhouse Site on September 3, 2002. It serves as a master plan for site development by outlining uses, density, parking, landscaping, and architectural style. The agreement allows up to 84 residential units. 12 units were previously constructed leaving 72 units available for construction. The Development Plan Agreement would need to be amended to accommodate the proposed density.

58 unit Condominium Building

In 2006 the City Council granted Site Plan and Special Use Permit approval to Real Life Cooperative to construct a 58 unit four story building on the site. The approval has since expired.

TIF FOR SENIOR HOUSING

The Developer will be requesting the use of tax increment financing (TIF) to enable this project to offer affordable rents. The following section provides a brief primer on TIF and its application to this project.

The concept of tax increment financing is simple the City establishes a “district” that captures the local property tax revenues from the additional property value created by new development in the district. The captured revenues (the “tax increment”) are used to facilitate the development. The core principle of TIF is that the development as proposed would not occur with the use of TIF (the “But For Test”). TIF is often viewed as a subsidy given to the Developer. The basic statutory requirement is that the use of TIF must serve a public purpose. The City uses the tax increment to invest in a project to receive public benefits that would not occur otherwise.

There are two clear public benefits in the proposed project:

1. The project creates an option for residents that want to move out of their existing home and remain in Hastings. This housing choice is an important gap in the local housing supply. The last senior housing project in Hastings was Rivertown Court in 2005. The supply of senior housing units has been static while in the local senior population has grown. Providing senior housing options has the additional benefit of expanding housing choice for younger people to move to Hastings.
2. The use of TIF allows rent to be affordable. The cost of constructing quality housing varies little from market rate to affordable. The difference is the amount of rent income available to make the project financially feasible. The TIF participation allows overall rents to be lower and make quality housing available to more people.

Both of these outcomes are very tangible positive outcomes in Hastings.

To grant this assistance, HEDRA would establish a “housing” TIF district. This type of district requires that either (1) 40% of the units are occupied by persons with incomes below 60% of the median income or (2) 20% of the units are occupied by persons below 50% of the median income. The Developer must document compliance every year that tax increment is collected. This ensures that the affordable housing is provided for the entire time the City provides assistance.

The City determines the terms of the tax increment use. Tax increment from a housing district may be collected for not more than 25 years from the date of receipt of the first tax increment. The City and the Developer negotiate total assistance to be paid, the percent of the annual tax increment paid to the Developer and the maximum number of years payments will be made. The assistance is provided on what is known as “pay-as-you-go” (PAYG). The tax increment are paid to the Developer only when and if they are collected. The City has no obligation to cover any shortfall in expected revenues. At the end of the term of the agreement, the City is not obligated to pay any eligible costs not reimbursed by TIF.

The statutory process to establish a housing TIF district typically occurs within a 90-day span. The steps in the process are:

1. HEDRA requests the City Council hold a public hearing on the TIF district and the related modifications of the Redevelopment Plan for the Vermillion Street Redevelopment Project Area.
2. The City Council passes a resolution calling for the public hearing.
3. Staff directs the preparation of the TIF Plan.
4. Published notice of hearing and distribution of the draft Plan to the County and School District are provided in accordance with State Law.
5. The modified Redevelopment Plan and the TIF Plan are reviewed by the Planning Commission.
6. HEDRA approves the modified Redevelopment Plan and the TIF Plan.

7. The City Council holds the public hearing and approves the modified Redevelopment Plan and the TIF Plan.
8. The TIF Plan is filed with the County and State.

A specific schedule of events for this project has not yet been set.

It is important to note that this process only creates the authority to collect and use tax increments. The actual parameters for the use of these funds lies in the Development Agreement. The creation and approval of the Agreement can occur at the same time as the establishment of the TIF district or at a later date.

Finally, the Dakota County Community Development Agency (CDA) desires to establish housing TIF districts. The CDA allows up to a maximum of 70% of the available tax increment to be used on any specific project. The CDA uses a portion of the remaining tax increment to assist other housing projects. We are recommending that the City conduct the TIF process for several reasons:

- TIF is likely to play a role in future housing and redevelopment projects. We gain valuable experience in the use of TIF by managing this project.
- We are better able to coordinate TIF and land use issues.
- The City has full control over the amount of tax increment used and the duration of the TIF district.

The next step would be for the Developer to submit an application for the use of TIF providing staff with the information needed to evaluate the need. If the request passes this review, then HEDRA would consider starting the process at its next meeting (August or later).

ATTACHMENTS

- Site Location Map
- Concept Plan for Development

LOCATION MAP





***Planning Committee of City Council
Memorandum***

To: Planning Committee of City Council (Chair Vaughan, Balsanek, and Leifeld)
From: John Hinzman, Community Development Director
Date: July 9, 2019
Item: Motorcoach Commerce Facility – 24xx Vermillion Street

Planning Committee Action Requested

Review the request of Summit Management, LLC (Mark Lambert) to construct a Motorcoach Commerce Facility on two vacant parcels generally located between Vermillion Street and the Asteria Inn located at 2450 Vermillion Street.

Commission actions include:

- **Concur with Staff's opinion that the proposal is not an allowable use within the zoning district.** City consideration of the proposal would cease. The property owner may take legal action to compel allowance of the use.
- **Direct staff to prepare an ordinance amendment to accommodate the use.** Review of the amendment would be forwarded to the Planning Commission for review and recommendation.

Motorcoach Commerce Facility

The property owner seeks to construct a "Motorcoach Commerce Facility" described as offering on-demand and pre-scheduled services for travel trailers and motorcoaches. The Facility would offer washes and waxes, detailing, sales of provisions, a water pump and a lift station. The Facility would accommodate 12 motorcoach sites for transient customers (parking of vehicles for overnight stays). Please see the attached concept plan for further information

Zoning

The property is zoned C-2 Highway Auto-Specialized Commerce. The proposal is not specifically identified as either a permitted or special use within the C-2 District. Staff does not agree with the property owner's assessment that the proposed use is consistent with other uses specifically identified within the C-2 District. The proposed use is most closely associated with a camping area which is identified as a permitted use within the A – Agriculture District. Please see the C-2 regulations for further information.

§ 155.29 C-2 HIGHWAY AUTO-SPECIALIZED COMMERCE.

(A) *Intent.* The intent of this chapter in establishing a highway-auto-specialized commerce district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise.

(B) *Uses permitted.*

(1) Commercial establishments which are oriented to the motorist including, but not limited to, eating places, automobile service stations, auto repair shops, car wash, and motel.

(2) Accessory uses incidental to the foregoing principal uses including, but not limited to, off-street parking.

(C) *Uses by special permit.*

(1) Commercial establishments requiring large sites for off-street parking or for outdoor display and sales such as farm implement sale, auto and truck dealers, manufactured home sales, and building material sales. Open sales or rental lots are subject to the site plan review requirements of § 155.51; and

(2) Towers as regulated by § 155.07. (Prior Code, § 10.19) Penalty, see § 10.99

Adjacent Zoning and Land Use

The following land uses abut the property:

Direction	Use	Comp Plan District	Zoning District
NW	Hastings Car Wash	Commercial	C-2
NE	Asteria Inn	Commercial	C-2
SE	Hastings Terrace Mobile Home Park	Commercial	C-2
SW	Vermillion Street Old Mill Pawn\Subway	Commercial	C-3

Site Plan Application

The property owner submitted an application for Site Plan Review on June 17, 2019 for construction of the Motorcoach Commerce Facility. On June 28, 2019 City Staff returned the application to the property owner determining the application incomplete for review due to the use being inconsistent with the underlying zoning district.

History

The property owner has discussed the idea of the Facility for the last couple of years. In June, 2017 a letter was sent to Councilmembers asking for their support in considering the Facility. The letter included a proposed site plan (similar to recent plans) as well as a draft of proposed RV rules and regulations. Please see the attached letter and plans for further information.

The subject property was platted in 1988 along with construction of the Super 8 Motel (now Asteria Inn) and was planned as a restaurant site.

Analysis

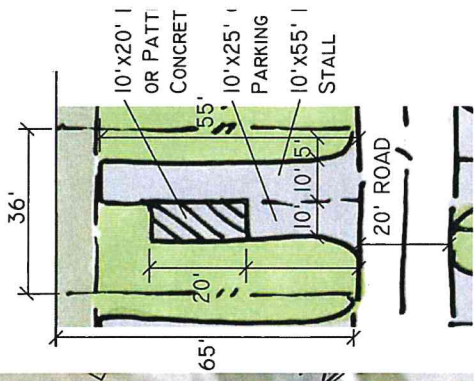
- The Vermillion Street Corridor Study has identified the site as an “Opportunity Site”. The Study states existing uses are appropriate for this area but can be enhanced with façade, parking lot, and access improvements.
- The Site is located directly upon Vermillion Street, with limited opportunity to provide a buffer between the motorcoaches and the roadway. Motorcoach pad sites would be located approximately 60 feet from the roadway.
- The C-2 District is a commercial district. Residential uses are not permitted.
- Length of stay for tenants of the Facility has not been determined; tenants may become permanent residents.
- Occupants of the site may seek to make improvements consistent with longer term occupancy including the erection of temporary buildings and exterior storage of personal items
- The site lies between Vermillion Street and the Asteria Inn hotel. Development of the Facility may negatively impact operations of the hotel.
- The City could consider an ordinance amendment to define the parameters of use including:
 - Requirement of a Special Use Permit for operation
 - Recording of covenants to ensure operation as a transient facility and to limit exterior storage of personal items, erection of accessory buildings, and conversion of Motorhomes into permanent residences.

Attachments:

- Location Map
- Concept Plan - 2019
- Letter to City Council - 2017
- Concept Plan – 2017
- Proposed RV Rules and Regulations – 2017

LOCATION MAP





LOT DETAIL
NTS

LANDSCAPE BUFFER



NORTH



DRAINAGE AND UTILITY EASEMENT

DETAILING AND COMMERCE CENTER

DUMP STATION AND WATER FILL



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

June 4, 2019

Mr. John Hinzman
Community Development Director
City of Hastings
101 4th Street East
Hastings, MN 55033

Re: Summit Management LLC: Hastings Motorcoach Commerce Facility
Our File 42,374-00

Dear Mr. Hinzman:

We represent Hastings Commons LLC and Summit Management LLC, (together, "Summit Management"), the owner and manager, respectively, of the commercial property located on the northeast corner of Vermillion Street and 25th Street East (PIDs 191955101030 and 191955101020) (together, the "Property") in the City of Hastings ("City"). On behalf of Summit Management, please accept the enclosed materials for site plan review approval to construct a new Motorcoach Commerce Facility ("Facility") location on the Property.

The Facility will provide a variety of on-demand and pre-scheduled services for travel trailers and motorcoaches. The Facility will offer washes and waxing, detailing, sales of provisions, a water pump, and a lift station. The Facility will accommodate twelve (12) motorcoach sites for transient customers. Services and booking of the Facility will be available both pre-scheduled and on-demand available online and through mobile devices. The improvements to the Facility will include twelve (12) parking pads; a ten (10) foot by twelve (12) foot commerce center building, nineteen (19) trees, twenty-four (24) bushes, and a six (6) foot fence along Vermillion Street.

C-2 District

The Property is zoned C-2 Highway Auto-Specialized Commerce District. The intent in the C-2 District "is to provide appropriate areas for commercial establishments which are oriented to the motoring public." City Code Sec. 155.29. The Facility is an allowed use under the C-2 District, which permits the following uses:

Commercial establishments which are oriented to the motorist including, but not limited to, eating places, automobile service stations, auto repair shops, car wash, and motel.

Sec. 155.29(B)(1). This definition is expansive as it identifies included uses, such as services stations, auto repair shops, and car washes, but is not limited to this list. The Facility is entirely consistent with this broad definition as it is a commercial establishment offering a variety of commercial services and products oriented to individuals operating motorcoaches and travel trailers, and who are members of the “motoring public.” Accordingly, the proposed commercial use of the Facility is a permitted use under the City Code.

The Minnesota Supreme Court has held that zoning ordinances are to be construed: (1) according to their plain and ordinary meaning; (2) strictly against a city and in favor of a landowner; and (3) in light of their underlying policy goals. *Frank's Nursery Sales, Inc. v. City of Roseville*, 295 N.W.2d 604, 608 (Minn. 1980). The courts hold municipalities “strictly” to their zoning standards. *Id.* Weight must be given to the interpretation of the ordinance that, “while still within the confines of the [ordinance], is least restrictive upon the rights of the property owner to use [its] land as [it] wishes.” *Id.* at 608-609. Courts have frequently relied upon these principles of interpretation to reverse governmental refusals to permit uses of land. *See, e.g., Frank's Nursery Sales*, 295 N.W.2d at 608-609 (rejecting City of Roseville’s conclusion proposed store selling lawn, garden, plant, and some craft items was not a “lawn and garden” center under city ordinance and affirming district court’s order directing issuance of building permit). Thus, based on the plain language of the City Code and the rules of construction established under *Frank's Nursery*, there is no way to construe the Facility as a use other than a commercial facility, which is a permitted use in the C-2 District.

Given that the Facility is a permitted use in the C-2 District, we respectfully request the City process the enclosed application in a timely manner. Please contact me with any questions regarding this letter or the enclosed materials.

Sincerely,

Jacob W. Steen, for

Larkin Hoffman

Direct Dial: 952-896-3239
Direct Fax: 952-842-1738
Email: jsteen@larkinhoffman.com

Enclosures: Land Use Application
Site Plan & Landscaping Plan
Sketch Plan
Civil Plans
Building Plans

Cc: Amanda Johnson, Counsel, Summit Management, LLC
~~Mark Lambert, Hastings Commons LLC~~
Rob Stefonowicz, Larkin Hoffman

MARK LAMBERT
PRESIDENT
PHONE: 612-840-1000
MLAMBERT@SUMMITRE.NET



333 NORTH MAIN STREET
SUITE 110
STILLWATER, MINNESOTA 55082

June 5, 2017

Councilmember Lori Braucks
101 4th Street East
Hastings, MN 55033

Dear Councilmember Braucks,

I am the owner of Hastings Terrace and also the owner of the adjacent lot vacant lot that is located directly in front of Value Stay Inn and Suites. For the at least the past thirteen years, I have diligently sought out an acceptable user for the vacant lot. Despite my best efforts to secure a tenant or use, I have been unsuccessful thus far, and it is unlikely I will be able to do so in the foreseeable future.

With the foregoing in mind, I would respectfully request that you would consider permitting an upscale RV Park on the current long vacant parcel. I believe that such a use would fit within the intent of the current zoning, *C-2: Highway Auto-Specialized Commerce*. It is my intention to operate this new RV park as an upscale park, with stringent restrictions on the type and condition of RV's that would be allowed. We currently have a number of high end RV's in Hastings Terrace, some are even valued at over \$100,000. It is these types of high end RV's that that I would anticipate being the ultimate users/residents of this new RV area. There is currently a significant demand for our RV lots located in Hastings Terrace, particularly from professional tradespeople who work at the Flint Hills Resources oil refinery in Rosemount. Many of these tradespeople are not permanent employees of Flint Hills, but rather work for several weeks or months and then move on to a different location. With these 'transient' tradespeople, I believe that we could easily fill the nine proposed lots.

For your reference, I have enclosed the following documents:

- Exhibit A – Proposed Site Plan
- Exhibit B – Aerial and Street Views of the subject property
- Exhibit C-1 – Representative photos of Class A motor coaches
- Exhibit C-2 – Representative photos of Class B motor coaches
- Exhibit D – Draft of proposed RV rules and regulations

I would welcome meeting or having a phone call to discuss this further with you.

Sincerely,
**Hasting Terrace, LLC, a Minnesota
limited liability company**

A handwritten signature in blue ink, appearing to read "Mark Lambert", written over a horizontal line.

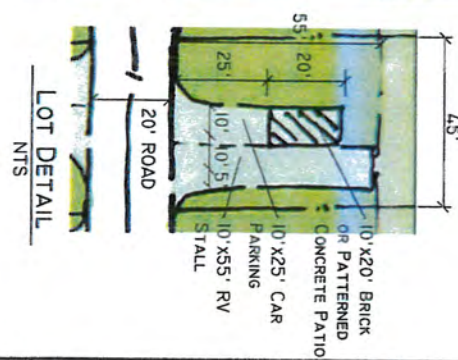
Mark Lambert
President

fed 06/19/17

**EXHIBIT A
PROPOSED SITE PLAN**



LANDSCAPE BUFFER



Hastings RV
US Hwy 61, Hastings, Dakota County, Minnesota.

**EXHIBIT A
PROPOSED SITE PLAN**

donald c. westphal
architectural, llc

Date:	11/11/2011
Drawn by:	DCW
Checked by:	DCW
Scale:	1" = 30'
Drawn by:	DCW

SHEET No.
1 OF 1

EXHIBIT D
DRAFT OF PROPOSED RV PARK RULES

We want you to and enjoy your stay at Hastings Terrace. The rules, policies and guest information are being provided to you to help make your stay with us carefree and without incident.

1. Hastings Terrace speed limit is 10 MPH. Speed limits are strictly enforced with zero tolerance. Because this is very important, residents who exceed the 10MPH limit will receive a written warning. If failure to comply by the third written warning, the resident will incur eviction.
2. Pet Fences may not exceed 64 square feet. All pet fences must be taken down on mow days.
3. Registration tags must be visibly displayed on all vehicles and RV's while on Hastings Terrace property.
4. All RV's must be RVIA or RVIC approved before entering Hastings Terrace. Owners must possess a current registration and be able to show proof of RV insurance.
5. Cab-over campers may NOT be removed from the vehicle and placed on the ground.
6. Tent camping, sleeping in cars or outside of the RV is prohibited. Tents or tent like structures are not allowed on the property.
7. Storage of personal items is prohibited under or around vehicles or RV's. Hastings Terrace Management will determine what constitutes storage violations and that determination may be affected by the overall appearance of the site. Structures external to the RV and not an integral part of the RV are prohibited. This includes, but is not limited to storage sheds, cabinets, enclosed gazebos/screen rooms, workbenches, fences and steps. Gas cans of any size are prohibited. External propane tanks which exceed 7 gallons of capacity are not allowed. Propane tanks must be attached to grills, smokers, heaters, etc. Excessive plants and ornamental objects are not allowed. Screened awning extensions that are hemmed and not tattered are permitted as long as they are not staked into the ground and are limited to one side of the awning. As with storage of personal items overall aesthetics will be considered by management staff in making the determination of a violation. Management staff will provide residents a written violation notice of their site and residents will be given a timeline of 24 hours to address the violation(s). Some violations will require immediate attention and will not be given a 24 hour timeline. Failure to do so will result in eviction.
8. Spikes, posts and other objects including decorative items or flag poles may not be driven into any surface on or around sites.
9. Picnic tables may not be moved onto the grassy areas of sites nor may rugs, carpets or any other items be placed on the grassy areas of sites, which in the view of management, may damage the grass.

10. Sites are designated for a maximum of (1) RV and two (2) motorized vehicles if space allows. Extra non-motorized towed units of conveyance, such as, but limited to, cargo trailers, boat trailers and utility trailers, must be placed into storage at an additional cost.
11. Due to safety and liability concerns the use of skateboards, boogie boards, scooters, roller skates or roller blades are not allowed anywhere on Hasting Terrace property.
12. Hastings Terrace residents are responsible for the conduct, behavior and control of their children and visiting guests.
13. Hastings Terrace residents are financially responsible for any damage to Hastings Terrace property, intentional or accidental. Willful damage or defacing of Hasting Terrace property will be cause for immediate eviction and prosecution.
14. Waste water must be discharged into authorized receptacles only and never discharged onto the ground. Sewer collars or approved sealed sewer connections are required at all times.
15. Open fires are not permitted at any time. Outdoor fire pits that are elevated and completely screened in, as well as charcoal or gas grills are acceptable.
16. Wildlife (eg. Pigeons/birds) are not considered pets and may not be fed at any time.
17. Clotheslines may not be erected for any purpose.
18. Residents are not permitted to cut or defoliate any trees, bushes or plants on Hasting Terrace property.
19. Firearms, lethal weapons or fireworks are prohibited on Hasting Terrace property.
20. Common courtesy will prevail between all persons in Hastings Terrace. Profane, abusive or threatening language or actions directed at Hastings Terrace personnel or other residents are prohibited. Anyone engaging in such activity will be evicted from Hastings Terrace. Any resident whose actions interfere with the operation of Hastings Terrace will be evicted.
21. All residents, guests and vendors are responsible for abiding by the Hasting Terrace rules and policies. Any person who fails to adhere to Hastings Terrace rules and policies may be evicted from Hastings Terrace at the sole discretion of Hastings Terrace management. These rules and policies supersede any previous rules or policies previously written or discussed.
22. Hastings Terrace reserves the right to make changes to the rules and policies at any time, without prior notice.

POLICIES AND GENERAL INFORMATION

WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE

- All sites rental fees are due and payable in advance. Checkout time is 12:00 noon. Check in time is 1:00pm. Late checkouts may be accommodated, depending on availability. You must contact the Front Desk for a late checkout if you plan to stay after 12:00 noon. An additional charge of \$10.00 per hour will be assessed for resident checking out/vacating their site after 12 noon. Residents who have not vacated their sites by 3:00pm will be assessed an additional night's rental fee. Hastings Terrace management reserves the right to refuse service to anyone. Residents must be 21 or older to register for an RV site.
- Residents use Hastings Terrace facilities and amenities at their own risk. Hastings Terrace is not responsible for loss or damage due to fire, accident, theft, weather or catastrophic events.
- Open and obvious conditions – Hastings Terrace is not responsible for residents or guests who hit, drive into, bump into, fall or trip into open and obvious structures such as trees, shrubs, fences, fire hydrants with vehicles or by person. These conditions do not carry warnings because the "obviousness" of the danger is sufficient.
- Vehicles must be parked on your assigned site or in designated parking areas only. Parking on grass areas or in the street is prohibited. Parking is not allowed on any area with grass landscaping to protect the irrigation system. Vehicles parked in violation of these rules are subject to being towed at the owner's expense.
- Hastings Terrace management reserves the right to approve or reject any resident based on the age and/or appearance of their vehicle or RV.
- All RV's and personal vehicles must be capable of being moved within a 24-hour notice. If an owner cannot move their vehicle or RV, owner must have it moved by a third party, at the owner's expense.
- "Quiet time" is between 10:00pm and 7:00am. All motorized vehicles and bicycles must be equipped with a forward projecting light and rear reflectors during this time. Minors under 18 years of age are required to be at their RV site during quiet time. The operation of generators is not allowed at any time in Hastings Terrace.
- Trash is to be placed in waste containers located throughout Hastings Terrace. Hastings Terrace waste containers cannot accommodate large items. Residents are to dispose of large items elsewhere out of the Hastings Terrace. Do not dispose of hazardous waste items at Hastings Terrace. Signs and other notices may not be posted in any areas unless Hastings Terrace management has provided prior approval. Residents may not sell, advertise or offer services while in Hastings Terrace. The Community Manager must approve any outside business operation on or from Hastings Terrace.
- Mechanical work of any kind is strictly prohibited unless performed by an authorized dealer.



Council Planning Committee Memorandum

To: City Council Planning Committee Members
From: Justin Fortney, City Planner
Date: July 9, 2019
Item: Ordinance Amendment Draft - Keeping of Chickens

Council Planning Committee Action Requested:

Review the proposed ordinance amendment draft and provide direction to staff.

Background Information:

An ordinance amendment allowing backyard chickens was presented to the City Council on May 20, 2019, which was not adopted. The City Council voted to direct staff to bring the proposal back to the Council Planning Committee to consider possible changes to the draft ordinance.

Financial Impact:

N\A

Advisory Commission Discussion:

The Planning Commission held a public hearing and discussed the original amendment at the April 22, 2019 meeting. They voted to recommend approval 3-2 (Martin & Alpaugh opposed). The Planning Commission has not reviewed this draft ordinance.

Council Committee Discussion:

The Planning Committee of the City Council (Chair Vaughan, Balsanek and Leifeld) met on March 25, 2019 to discuss the proposal. Council members voted 2 to 1 (Vaughan opposed) to bring forward a proposed amendment allowing backyard chickens.

The Council Planning Committee reviewed the previous proposal and directed a series of changes at the June 6, 2019 Council Planning Committee meeting and directed staff to bring a revised proposal back to the Committee for review.

Attachments:

- Draft Ordinance Amendment as directed

DRAFT as directed (clean version)
ORDINANCE NO. 2019- , THIRD SERIES

§ 155.07 APPLICATION OF DISTRICT REGULATIONS.

(l) *Keeping of chickens.*

(1) *Purpose.* The purpose of this division is to provide a means, through the establishment of specific standards and procedures, by which chickens can be kept in areas that are principally not used for agricultural. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed to negatively affect the character, health, safety or general welfare of the surrounding area.

(2) *Notice.* Consult your Home Owners Association if applicable, as they may prohibit the keeping of chickens or the improvements required by this ordinance to keep them. Pursuant to City Code Chapter § 91.33 Cruelty to Animals, no person shall torture, kill, neglect, injure or abandon any animal.

(3) *Regulations.* The keeping of chickens requires approval of a zoning permit issued by the Planning Department. The following conditions are requirements of the permit:

- (a) Allowed in specified zoning districts.
- (b) No roosters permitted.
- (c) Four chickens are allowed per parcel and an additional four per acre over the first acre.
- (d) Confinement restrictions. Chickens must be kept and confined as follows:
 - (1) Fenced area to keep the chickens contained on the property at all times with a minimum area of 8 square feet per chicken;
 - (2) Feeders must not be accessible to rodents and wild birds;
 - (3) Food storage containers must be kept from access by rodents
 - (4) Sanitary conditions must be maintained;
 - (5) Fecal matter shall not accumulate in a manner that causes odor;
 - (6) Injury or annoyance to others. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor or filth;
 - (7) Impounding chicken. Any chicken at large or in violation of this section may be impounded by the city, and after being impounded for 5 business days or more without being reclaimed by the owner, may be rehomed, sold, or humanely euthanized without notice. Failure to claim an impounded chicken may result in the revocation of the permit. A person reclaiming any impounded chicken shall pay the cost of impounding and keeping the same; and

- (e) Enclosure (coop) must be provided to protect chickens from the elements and predators. The required enclosure must meet the following requirements:
 - (1) Accessory building regulations under § 155.05(D);
 - (2) Completely covered, secured and with a solid floor; and
 - (3) Any device used for heating must be rated for that use and properly secured.
 - (4) The enclosure must provide at least four square feet per chicken.
 - (f) The permit shall not run with the land and shall not be transferable.
 - (g) Prior to issuing the permit, staff shall inspect the property to determine if all of the provisions of this section have been met.
 - (h) permits shall be renewed every five years
 - (i) Staff may revoke the permit if the conditions of this section are not followed or if unresolved nuisances arise.
 - (j) Zoning permit and renewal fees shall be paid to the city prior to acceptance of the zoning permit application. The license fee shall be established by ordinance (*Currently \$75*). (Prior Code, § 10.14) (Am. Ord. 2007-05, 3rd Series, passed 9-4-2007; Am. Ord. 2008-6, 3rd Series, passed 3-17-2008; Am. Ord. 2009-08, 3rd Series, passed 9-21-2009; Am. Ord. 2010-08, 3rd Series, Passed 6-21-2010) Penalty, see § 10.99
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§ 155.22 R-1 LOW DENSITY RESIDENCE.

(B) *Uses Permitted*

- (8) Keeping chickens pursuant to 155.07. (This automatically carries to R-1L and R-2)
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§ 155.24 R-3 MEDIUM HIGH DENSITY RESIDENCE.

(B) *Uses Permitted*

- (6) Keeping chickens pursuant to 155.07.
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