

Memo

To: Honorable Mayor and City Council
From: Joe Kohlmann, City Administrator
Date: March 12, 2013
Re: Linder's Seasonal Outdoor Sales Permit at Tonka Village

Tonka Village Shopping Center has applied for a Temporary/Seasonal Outdoor Sales permit to allow Linder's Greenhouses to conduct business from April 8 – July 8, 2013.

Attached are the following:

1. Application and written permission from the property owner (giving permission to operate the flower mart from April 8 – July 8).
2. Site plans showing the location which is the same as 2012.
3. Ordinance Section 1024 which defines the performance standards that must be met for a permit to be issued.

There have been no issues reported in 2011 or 2012 regarding previous permits for Linder's. The neighboring businesses have been notified of this application and the City Council meeting date.

Council Action Requested:

Motion to approve the 2013 Seasonal Outdoor Sales Permit at Tonka Village for Linder's Greenhouses.

**CITY OF TONKA BAY
APPLICATION FOR TEMPORARY/SEASONAL OUTDOOR SALES**

4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994 Fax: 952-474-6538
www.cityoftonkabay.net

RECEIVED

FEB 25 2013

APPLICATION DATE: 2/21/13

SITE ADDRESS: Tonka Village, Co. Rd. 19, Tonka Bay, MN 55331

PROPERTY OWNER: C/O
Anderson Property Mgmt

(Name) (Address) (Zip Code) (Telephone)

COMPANY REQUESTING PERMIT:
Linder's Greenhouses, Inc 275 W. Wheelock Pkwy, St. Paul, MN 55117 - 612-685-7993

(Name) (Address) (Zip Code) (Telephone)

SUBMIT THE FOLLOWING MATERIALS TO COMPLETE YOUR APPLICATION:

1. Permit Applications

Application for a permit is made to the City Administrator. This permit application shall contain and will be considered complete upon submission of the following items:

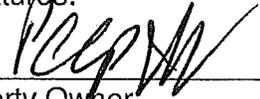
- A. Application Fee: \$75.00 (1/1/12) ¹³
- B. Application Form
- C. Scale drawings showing location and area of the proposed sales area and the location of all existing and proposed equipment.

2. Additional Information Required

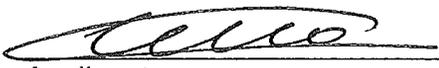
- A. Hours of operation: 7 AM to 8 PM - 7 DAYS A WEEK
- B. Description of materials/items to be sold: Bedding plants, hanging baskets, potted plants, nursery stock & related items to home gardening
- C. Dates sales will commence and terminate (cannot exceed ninety days):

April 8 to July 8

Signatures:



Property Owner



Applicant

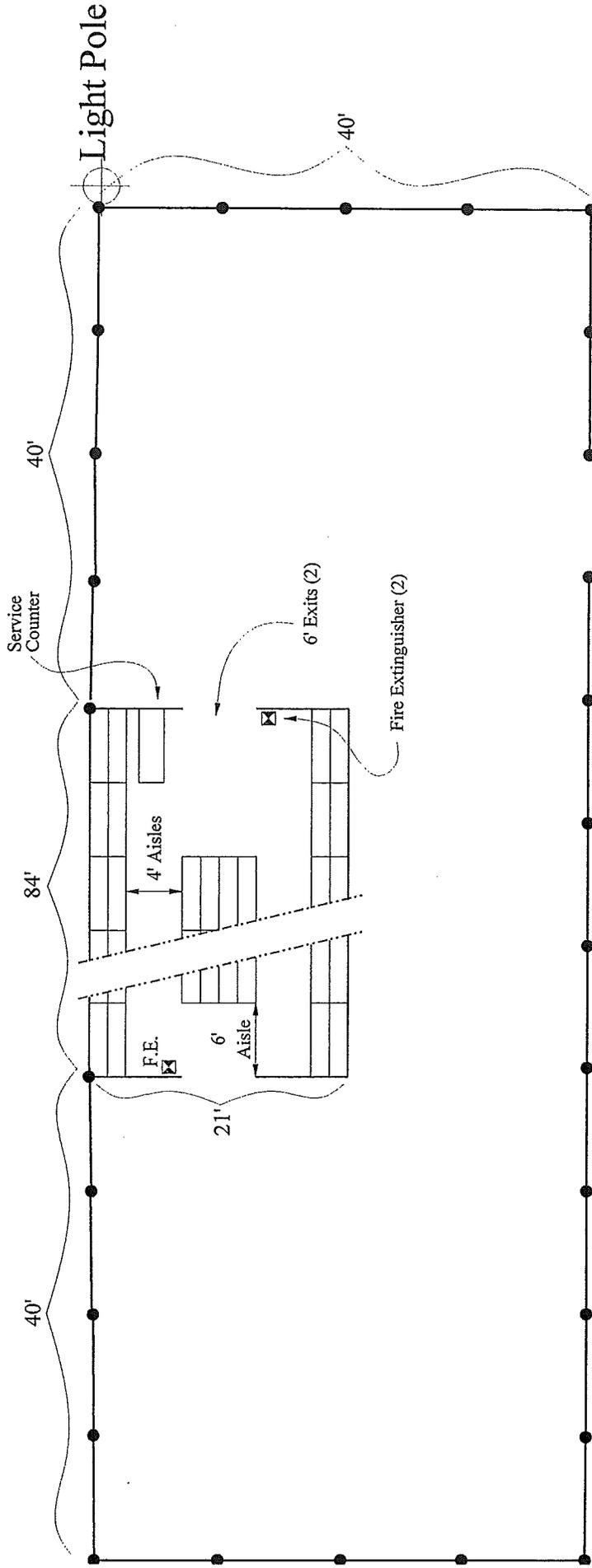
By _____
Its _____

By CAROL CELCA
Its Div. Manager - Flower Marts

FOR CITY USE ONLY:	
Payment Made (\$75)	<u>2-25-13</u>
PERMIT APPROVED	
PERMIT NOT APPROVED	
COUNCIL MEETING DATE	<u>3-12-13</u>

Effective 1/1/12

Tonka Bay - Tonka Village Floor Plan

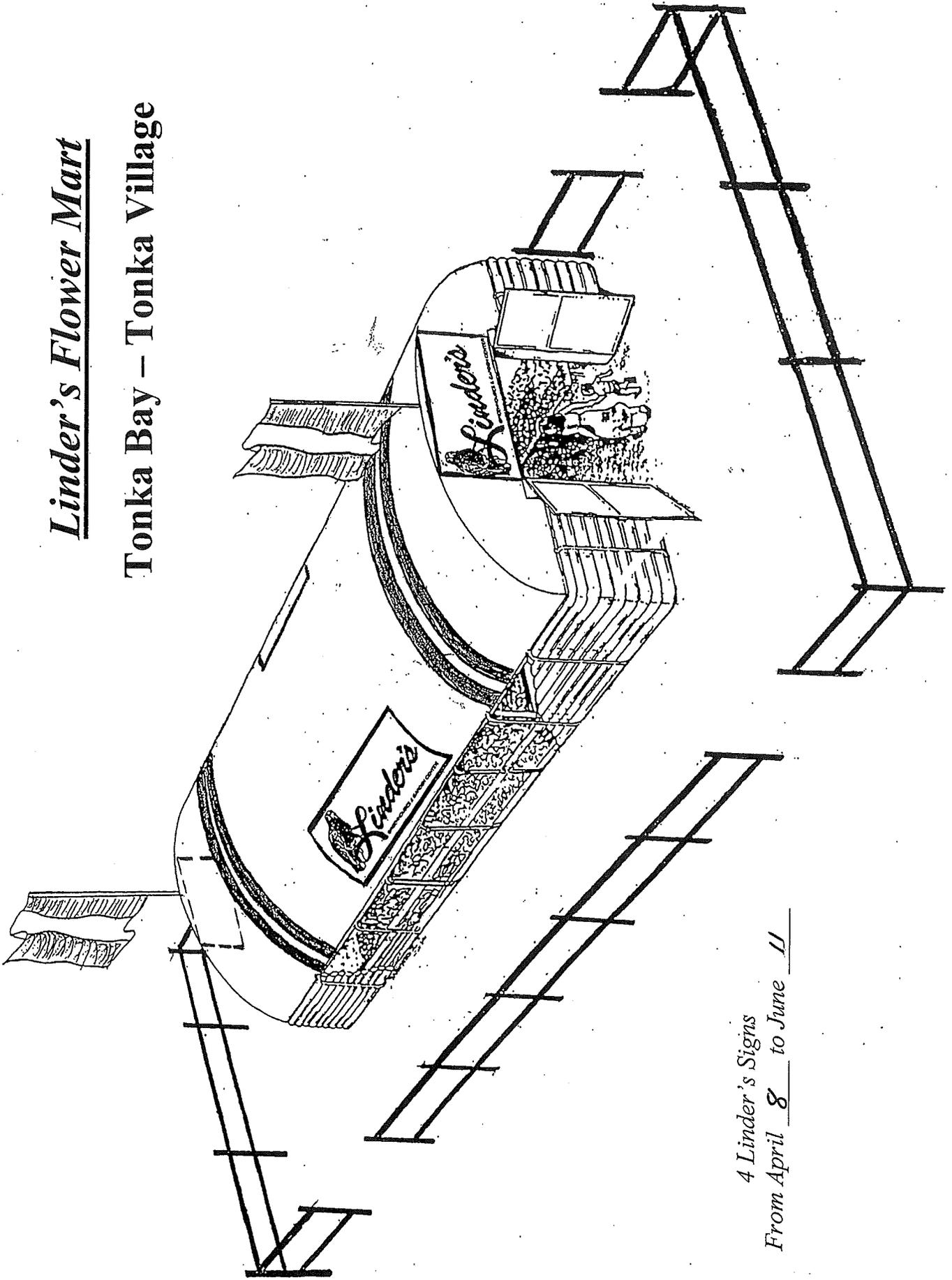


12' High Greenhouse
Scale: 1/12" = 1'



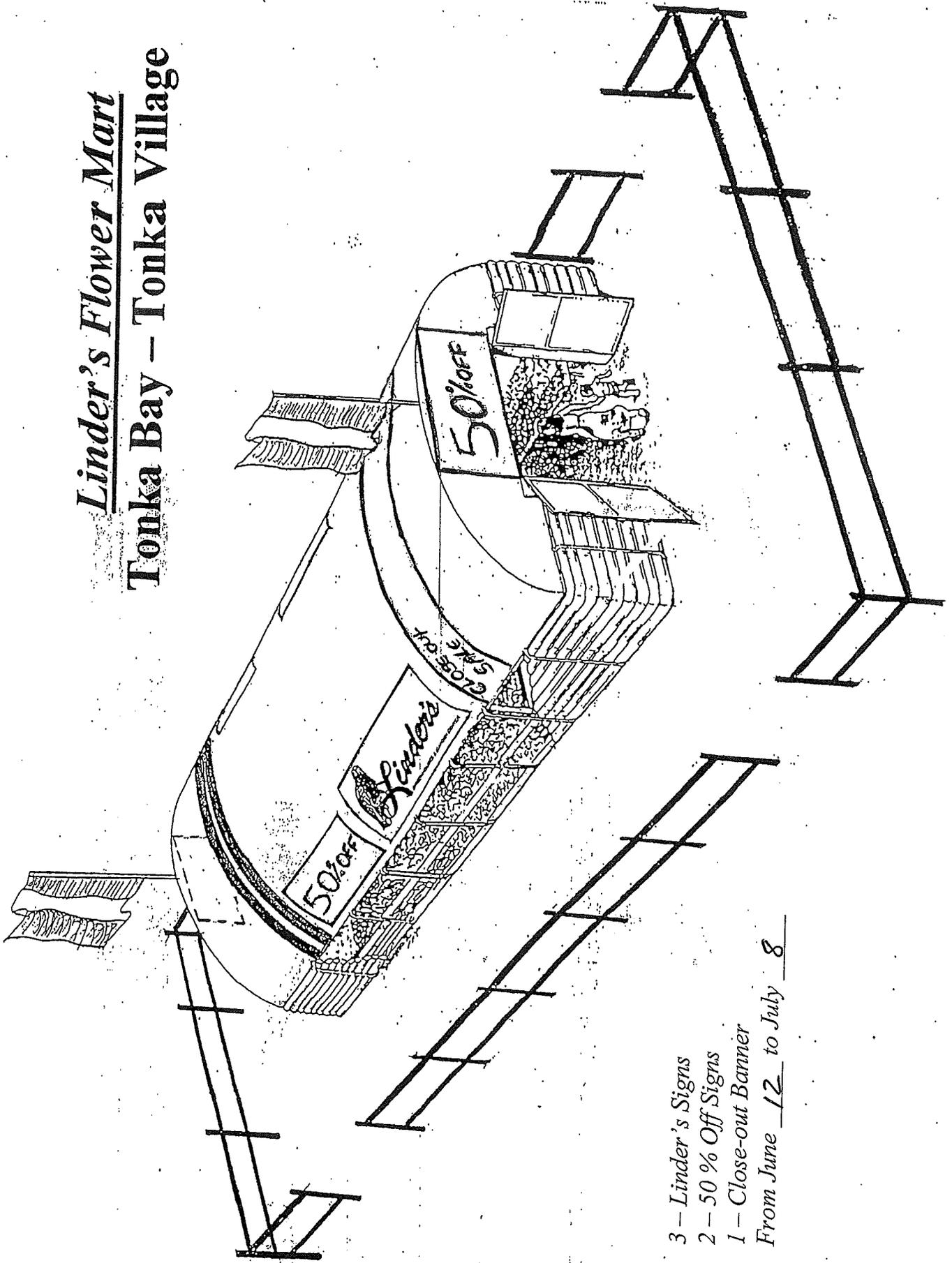
Linder's Flower Mart

Tonka Bay – Tonka Village



4 Linder's Signs
From April 8 to June 11

Linder's Flower Mart
Tonka Bay - Tonka Village



- 3 - Linder's Signs
 - 2 - 50 % Off Signs
 - 1 - Close-out Banner
- From June 12 to July 8

- m. Whenever fuel pumps are to be installed, pump islands shall be installed.
- n. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by the State regulations for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

Subd. 43. Licensed day care centers, provided that:

- a. They have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;
- b. They have outdoor play areas located and designed in a manner which mitigates visual and noise impacts on adjoining residential and commercial areas;
- c. The applicant obtains and maintains all applicable state, county, and city licenses.

 Subd. 44. Temporary Seasonal/Outdoor Sales. (added 4/17/03)

- a. No person shall conduct temporary/seasonal outdoor sales without first having received a permit as provided below.
- b. The application for a permit shall include a site plan, a list of materials to be sold or displayed, and the duration of the sale.
- c. A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding twelve (12) month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding twelve (12) month period.
- d. The applicant shall pay the new or renewal permit fee as established annually by the city council. The permit fee shall be paid in full with the application.
- e. Permits issued under this section shall be for a period not to exceed ninety (90) days. No more than two (2) permits shall be issued to the same applicant or property owner in any calendar year.

- f. This section shall not apply to promotional events such as sidewalk sales or shopping center carnivals accessory to the principal use of the property limited to no more than five (5) consecutive days.
- g. The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property owner, the owner must notify the City of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.
- h. The city council shall issue a new or renewal permit if the applicant demonstrates that the following performance standards will be met:
 - 1. Off-street parking and loading areas are provided where required.
 - 2. No public address system shall be used.
 - 3. The number, area, bulk, height, location, frequency and duration of such uses is controlled. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
 - 4. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - 5. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right-of-way or other public property.
 - 6. The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except that when a sale is held only during the time when all permanent businesses on the site are closed, parking spaces may be obstructed.
 - 7. No portion of the use or event shall take place within one hundred (100) feet of any residential buildings.
- i. No renewal permit shall be issued if the operator failed to comply with any performance standards during the term of a previously issued new or renewal permit, except upon the approval of the City Council.
- j. A temporary/seasonal outdoor sales permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another without the written consent of the City.
- k. Failure to comply with any performance standard or any other violation of this section shall constitute sufficient cause for the termination of the permit by the City Council following a public hearing.