

Memo

To: Honorable Mayor and City Council
From: Joe Kohlmann, City Administrator
Date: May 28, 2013
Re: Temporary/Seasonal Sales Permit at Tonka Village –
Sever's Farm Market

Tonka Village Shopping Center has applied for a Temporary/Seasonal Outdoor Sales permit to allow Sever's Farm Market to sell farm produce (fruit and vegetables) from June 28 – August 25 (59 days; 90 days allowed).

Attached you will find the ordinance section which defines the performance standards that must be met for a permit to be issued.

At the February 28 meeting, the City Council approved a permit for Linders Greenhouse at Tonka Village from April – July. While these sales will coincide for some time (June 28 – July 8), the locations are not conflicting (see attached map).

Council Action Requested:

Motion to approve the Outdoor Seasonal Sales Permit at Tonka Village for Sever's Farm Market.

- 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.

Subd. 45. And such other uses as in the determination of the City Council are in a similar nature.

1024.03 **INTERIM USES.** Subject to the applicable provisions of this Ordinance, the following are interim uses in the C-2 District and are governed by Section 1007 of this Ordinance.

Subd. 1 None.

1024.04 **ACCESSORY USES.** Subject to the applicable provisions of this Ordinance, the following are permitted accessory uses in the C-2 District:

Subd. 1. Accessory uses customarily incidental to the uses allowed in Sections 1024.02 and 1024.05 of this Ordinance.

Subd. 2. Off-street parking and loading areas and structures in compliance with Sections 1011.05 and 1011.06 of this Ordinance.

Subd. 3. Commercial or business buildings and structures for a use accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.

1024.05 **CONDITIONAL USES.** Subject to the applicable provisions of this Ordinance, the following are conditional uses in a C-2 District. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 1003 of this Ordinance.)

Subd. 1. Public regulated utility buildings and structures necessary for the health, safety and general welfare of the community, provided that:

- a. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
- b. Equipment is completely enclosed in a permanent structure with no outside storage.
- c. Adequate screening and landscaping from neighboring residential districts is provided.
- d. The provisions of Section 1003, Subd. 8 of this Ordinance are considered and satisfactorily met.

Subd. 2. Open and outdoor storage as a principal or accessory use, provided that:

- a. The area is fenced and screened from view of neighboring residential uses.

**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

MAY 16 2013

APPLICATION DATE: 4/17/13

SITE ADDRESS: 5609 Manitou Rd. Tonka Bay Village Ctr. CITY OF TONKA BAY

PROPERTY OWNER:

Anderson Property Mgmt. 6205 Parkwood Dr. Edina, MN 55436 952-931-9538
(Name) (Address) (Zip Code) (Telephone)

COMPANY REQUESTING PERMIT:

Sever's Farm Market 15900 Flying Cloud Dr. Eden Prairie, MN 55347 952-937-1315
(Name) Nicola Peterson (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 (1/1/13)
- 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: 10:30am - 6:30pm
- B. Description of materials/items to be sold: Fresh farm produce
- C. Dates sales will commence and terminate (cannot exceed ninety days):
July 28 - August 25, 2013

Signatures:

Martha O. Anderson
Property Owner

[Signature]
Applicant

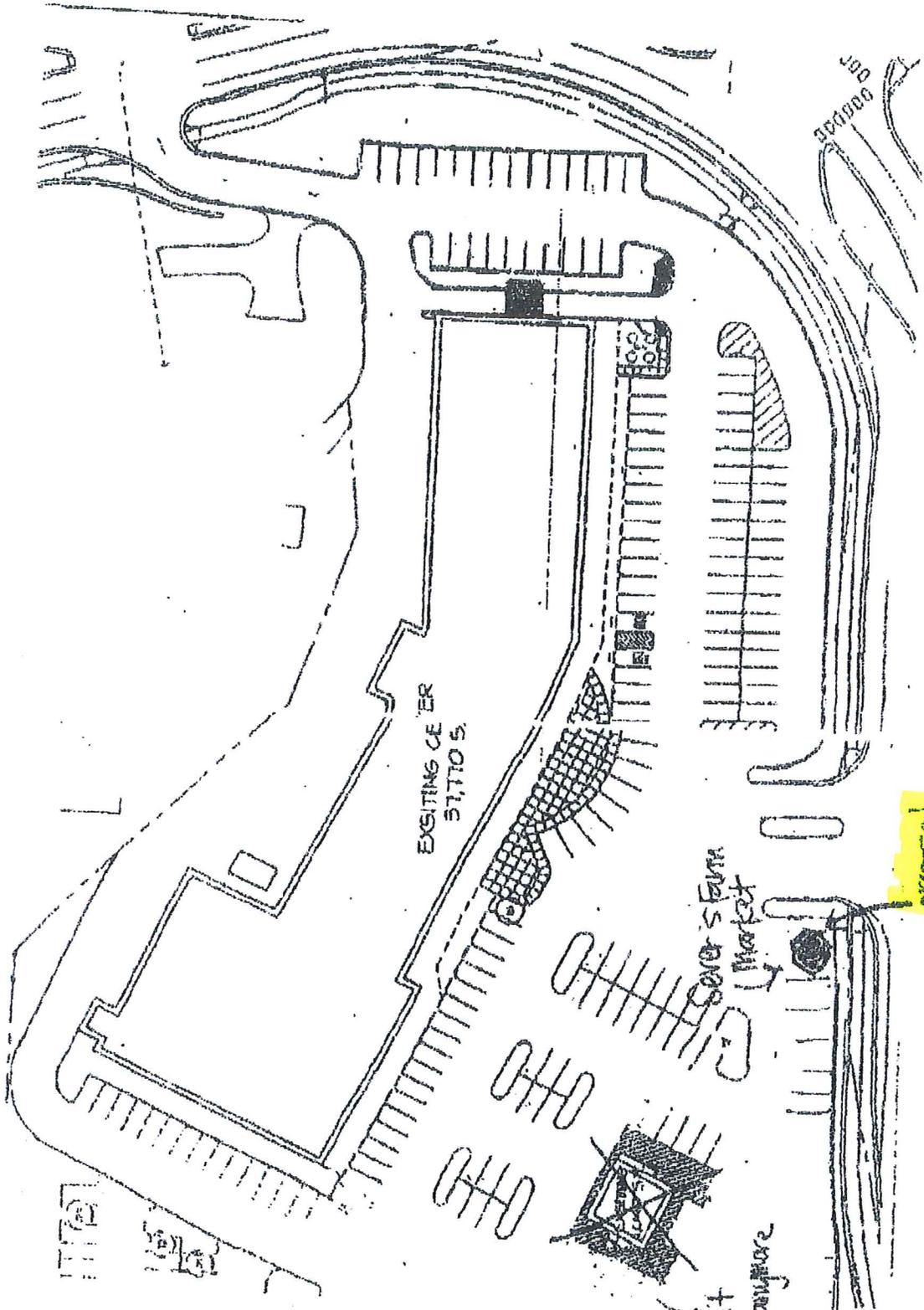
By Martha Anderson
Its Manager

By Nicola Peterson
Its Manager

FOR CITY USE ONLY:	
Payment Made (\$75)	<u>5-20-13 CAH</u>
PERMIT APPROVED	
PERMIT NOT APPROVED	
COUNCIL MEETING DATE	

Effective 1/1/12

Tonka Bay Village Center



Lindero's
location
↓

Saver's Farm
Market

doesn't
exist anymore

proposed
location