

## DRAFT PROCEEDINGS

Minutes of the Spring Lake Park Planning Commission regularly scheduled meeting held on January 27, 2020 at the Spring Lake Park Community Center, 1301 81<sup>st</sup> Avenue N.E., at 7:00 P.M.

### 1. Call to Order

Chairperson Hansen called the meeting to order at 7:00 P.M.

### 2. Roll Call

Members Present: Commissioners Hansen, Julien, Bernhagen, Eischens and Cobbs

Members Absent: None

Staff Present: Building Inspector Baker; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Lauren Walburg, Stantec Planner  
Councilmember Goodboe-Bisschoff  
Linda Kerbs, Property Owner of 1109 County Road 10 NE

### 3. Pledge of Allegiance

### 4. Elect Officers

#### A. Elect Chair

Chairperson Hansen opened nominations for Chairperson.

Commissioner Eischens nominated Hans Hansen as chairperson for the year 2020.

Administrator Buchholtz called three times for further nominations and hearing none, declared nominations closed.

MOTION BY COMMISSIONER BERNHAGEN; SECONDED BY COMMISSIONER JULIEN TO SUSPEND THE RULES AND CAST AN UNANIMOUS BALLOT TO ELECT HANS HANSEN CHAIRPERSON OF THE PLANNING COMMISSION FOR THE YEAR 2020. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### B. Vice Chair

Chairperson Hansen opened nominations for Vice Chairperson.

Commissioner Eischens nominated Jeff Bernhagen as Vice Chairperson for the year 2020.

MOTION BY COMMISSIONER EISCHENS, SECONDED BY COMMISSIONER JULIEN TO SUSPEND THE RULES AND CASE AN UNANIMOUS BALLOT TO ELECT JEFF BERNHAGEN VICE CHAIRPERSON OF THE PLANNING COMMISSION FOR THE YEAR 2020. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

5. Approval of Minutes – November 25, 2019

Commissioner Julien requested that a sentence in paragraph 5, page 2 be removed from the minutes as he does not recall making that statement.

MOTION BY COMMISSIONER EISCHENS, SECONDED BY COMMISSIONER BERNHAGEN, APPROVING THE MINUTES OF NOVEMBER 25, 2019 AS AMENDED. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

6. Public Hearing – Conditional Use Permit – Car R Us, LLC. 1109 County Highway 10 NE Highway 65 NE

Planner Walburg reported that the City received a Conditional Use Permit application from Cars R Us LLC at 1109 County Highway 10 NE. She stated that Cars R Us LLC is proposing to open an auto detailing business in the same building as Car-X, Batteries Plus Bulbs and C & C Automotive. She reported that the property is guided commercial and zoned C-2, Neighborhood and Service Center Commercial. She reported that auto and marine; service, parts, repair and wash are considered a Conditional Use in this zoning district.

Ms. Walburg reported that the site is located on the north side of County Road 10 NE and northwest of County Road 10/Central Avenue NE interchange. She stated that the site is accessible by Cottagewood Terrace NE and the adjacent uses are multi-family residential to the west, single family residential to the north, Laddie Lake to the east and County Highway 10 to the south. She stated that the Legends of Spring Lake Park senior apartments are across Highway 10 from the site.

Ms. Walburg stated that the storefront that the applicant proposes to use for Cars R Us LLC auto detailing is currently vacant. She stated that the property itself is currently comprised of an existing multi-tenant retail/service building and a surface parking lot. She stated that the request is to use the space as an auto detailing business. She reported that the prior use of the space was use also an auto detailing business, the Perfect “10” detail shop. She stated that the applicant is not proposing any changes to the existing building or lot. She stated that there is existing tree screening between this lot and the single-family residential to the north of the site. She stated that the applicant proposed to use an overhead garage door in the back of the building to bring the cars inside and ensures that all work will be done inside the building. She reported that the parking spaces are assigned by the building owner, and no changes are proposed to the parking lot itself. She stated that cars that have been detailed will be parked outside in the parking lot while they wait to be picked up and the applicant proposes to use the existing pylon and building storage.

Ms. Walburg reported that Section §153.202 of the City of Spring Lake Park zoning code outlines the requirements to approve a conditional use permit. She stated that the City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

- a. **The proposed use at the particular location requested is necessary or desirable to provide a service or facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community** – The applicant stated that the auto detailing use is compatible with the location along Highway 10 and other uses within the building.
- b. **The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or**

- injurious to property values or improvements in the vicinity** - The site has robust existing screening and is buffered to the adjacent single-family residential. The site is accessible from Highway 10 and Cottagewood Terrace NE and the use is not expected to be detrimental to the surrounding area.
- c. **The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located.** – The proposed use is compliant with all applicable standards in the C-2 Neighborhood and Service Center Commercial district.
  - d. **The use is one of the conditional uses specifically listed for the district in which is to be located** – Auto and marine; service, parts, repair and wash are considered a Conditional Use in the C-2 Neighborhood and Service Center Commercial district. The auto detailing would be considered auto wash, which is specially listed in the zoning code.
  - e. **The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity** - The property has existing screening in place, and the applicant is not proposing any changes to the building, and the use is not anticipated to have a detrimental effect on neighboring properties
  - f. **The use will not lower property values or impact scenic views in the surrounding area** – The property is located adjacent to Laddie Lake but is not expected to have a detrimental effect on views to the lake. There is robust existing screening between the property and Laddie Lake. There is also existing screening to single-family residential properties.
  - g. **Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic** – The property can be accessed from Cottagewood Terrace NE, County Highway 10 Frontage Road and County Highway 10 NE. All of these roads are adequate to handle the minimal amount of traffic expected from this type of use.
  - h. **Sufficient off-street parking and loading space will be provided to serve the proposed use-** The applicant is supplying adequate parking for employees and company vehicles. Parking spaces are provided by the building owner, and no changes are proposed to the parking lot.
  - i. **The use includes adequate protection for the natural drainage system and natural topography** – The applicant does not propose any changes to the property, therefore the natural drainage system and natural topography will not be affected.
  - j. **The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these will constitute a nuisance** – Cars R Us LLC is an auto detailing business and all work will be conducted inside the existing building. It will not require measures to mitigate odor, fumes, dust, noise, and vibrations.
  - k. **The proposed use will not stimulate growth incompatible with prevailing density standards-** The applicant is not proposing any residential units as part of the project.

Ms. Walburg reported that staff recommends that the Planning Commission recommend to the City Council approval of the conditional use permit with the following conditions:

1. Applicant shall apply for and receive all applicable building permit prior to beginning work.
2. Applicant shall conduct auto detailing work inside the building, with the garage door shut.
3. Applicant shall ensure that customer cars are parked only in spots designated for use by Cars R Us.

Chairperson Hansen opened the public hearing at 7:14 PM.

Commissioner Bernhagen inquired as to what the hours of operation will be. Ms. Walburg stated that they are undetermined. She stated that they were not provided on the application.

Commissioner Eischens inquired the business would be open on the weekends. Building Inspector Baker stated that he is not aware of the planned hours of operation.

Commissioner Eischens inquired how many employees there would be at the business. He stated that there are many unanswered questions and it is hard to get answers when the applicant is not present.

Commissioner Bernhagen inquired as to how many parking spaces are available for the proposed business. Ms. Kerbs stated that she is the owner of the building and there are a total of 90 parking spaces. She inquired as to what the formula is to know how many each business needs to assigned.

Administrator Buchholtz stated that the formula is based off the square footage of each business and there is a maximum that a business can have. He stated that the businesses will have to identify the parking spaces with signage.

Commissioner Eischens stated that he is aware of several complaints from one the existing tenants regarding the previous tenants that had an auto detailing business.

Commission Bernhagen stated that parking has always been an issue for this property.

Ms. Kerbs stated that she was not aware of the complaints and would follow up with the tenants regarding their concerns. She inquired on the process and reason for a Conditional Use Permit as well as questioned the fee amounts for the application process. Administrator Buchholtz explained the reasoning for a Conditional Use Permit for businesses and explained that the fees include an application fee and an escrow amount for planner fees.

Ms. Kerbs inquired as to what the complaints are from the tenants in the building and why so much pressure is being placed on the new business owners. Mr. Baker stated that he is willing to work with the applicant so that all the proper information is provided. He stated that the City wants to ensure that all life safety requirements are in place prior to occupancy and that the use complies with the City's Zoning ordinance.

Commissioner Eischens stated that he feels that there are too many missing details on the application and questions for the applicant that need to be answered before a recommendation could be made to the City Council. He stated that information on business hours, number of employees and parking spaces need to be provided before a recommendation could be made to the City Council.

Ms. Kerbs stated that she is willing to work with the applicant and get the needed information as well as work on the parking space requirements based on the current tenants and square footage of each tenant.

Ms. Kerbs inquired as to what the recommended recommendation of the Planning Commission is for the proposed business. Administrator Buchholtz stated that staff initially recommended approval with conditions; however, he agreed that there is important missing information that needs to be provided.

Chairperson Hansen closed the public hearing at 7:35 PM.

MOTION MADE BY COMMISSION COBBS, SECONDED BY COMMISSIONER JULIEN TO TABLE APPROVAL OF CONDITIONAL USE PERMIT FOR CAR R US, LLC. LOCATED AT 1109 COUNTY ROAD 10. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Other - None

8. Adjourn

MOTION BY COMMISSIONER BERNHAGEN, SECONDED BY COMMISSIONER JULIEN TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting adjourned at 7:38 PM.