

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on May 23, 2022 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

Chair Hansen called the meeting to order at 7:00 PM.

2. ROLL CALL

MEMBERS PRESENT

Chair Hans Hansen
Commissioner Jeff Bernhagen
Commissioner Rick Cobbs
Commissioner Kelsey Hollihan
Commissioner Eric Julien

STAFF PRESENT

Building Official Jeff Baker, City Planner Lauren Wahlburg, Administrator Daniel Buchholtz

OTHERS PRESENT

Matthew Gilbert, 26434 Red Cliff Ridge
Alexander Silvers, 327 W Tremont Avenue
Triet Nguyen, 1313 Osborne Road NE
Kathy Peacock, 8182 Middletown Road NE
Brittney Whitley, Mister Car Wash – Tucson AZ
Barbara Goodboe-Bisschoff, 8309 Monroe Street NE

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes – April 25, 2022

Motion made by Commissioner Bernhagen, seconded by Commissioner Julien to approve the minutes from the April 25, 2022 Planning Commission meeting.

Voting Aye: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

5. PUBLIC HEARING

A. Variance Application – Take 5 Car Wash – 8301 University Avenue NE

Ms. Wahlburg reported that the applicant has requested a variance to construct a Take 5 Car Wash at 8301 University Avenue. A variance is a way that cities may permit applicant relief from the setback requirements set forth in the zoning code.

She noted that a City may grant a variance if enforcement of a zoning ordinance provision (in this case setbacks), as applied to this particular property would cause the landowner “practical difficulties.” Section §153.224 of the City of Spring Lake Park’s Zoning Code requires that practical difficulty be proven for the approval of a variance, according to criteria set forth in the Code.

Mr. Matthew Gilbert, Director of Corporate Brands discussed what they were proposing at 8301 University Avenue NE. He said the car wash uses a single vacuum system and that stacking is reduced due to the tunnel. The tunnel can handle 120 cars per hour but back off 50%. He noted that that the hours of 8:00 am – 6:00 pm are the modified hours because of the location. Landscaping comes with a 18 month warranty from the General Contractor, and they are accountable for 1 year. The Corporation has a crew that focuses on property upkeep. Mr. Gilbert made note that the concrete is heated at the entrance and the exit, and use air doors (air doors blow heat down at 90-degree angles).

Chair Hansen opened the Public Hearing at 7:45 PM Hearing no public no input, Chair Hansen closed the Public Hearing at 7:46.

Motion by Commissioner Cobbs, Seconded by Commissioner Hollihan to recommend Approval of Variance Application – Take 5 Car Wash – 8301 University Avenue NE with the Following Conditions:

1. That the variance is conditioned on the approval of the Conditional Use Permit for the site described in this report and the applicant’s supporting materials.
2. Landscaping and screening shall be provided site as stipulated in the Conditional Use Permit.
3. Lighting on the building shall be as approved in the Conditional Use Permit with downcast shielded fixtures allowing no more than 0.5 foot-candle beyond the property line.
4. The engineering issues raised in the Conditional Use Permit conditions will be reviewed and approved by the City Engineer before issuing a building permit.
5. Handling of odors, gas, and fumes will be reviewed and approved by the City Engineer and Building Official before a building permit is issued.

Findings of Fact for Approval of Variance

1. The construction of a car wash adjacent to University Ave NE on a property zoned commercial is a reasonable use of the property.

2. Regulation of setbacks, screening, noise and traffic for commercial uses is a reasonable and necessary part of the City's Zoning standards.
3. Proper design and shielding of lighting on commercial properties to prevent light spillage and glare to adjacent properties is a reasonable standard within the Zoning Code.
4. Limiting odors, gas, and fumes from commercial auto uses is a reasonable protection of health, safety and welfare.
5. The proposed car wash as modified with these conditions meets the criteria for approval of a variance in the City Zoning Code.

Voting Aye: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

B. Conditional Use Permit Application – Take 5 Car Wash – 8301 University Avenue NE

Planner Wahlburg reported that the City received a Conditional Permit Application from Take 5 Car Wash at 8301 University Avenue NE. She stated that Take 5 Car Wash is proposing to build a new car wash facility. She noted that the property is guided commercial and zoned C-2, Shopping Center Commercial. She reported that auto and marine; service, parts, repair and wash are considered a Conditional Use in this zoning district.

Ms. Wahlburg reported that the site is located on the now occupied Northtown Imports Auto Repair. The site is accessible from University Avenue Frontage Road and 83rd Avenue NE. and that the adjacent uses are commercial fronting University Avenue NE both north and south of the site, with additional commercial east on 83rd Ave NE and single and multi-family residential beyond that further east. Across University Avenue NE to the west is a strip commercial development in Fridley.

Motion by Commissioner Bernhagen, Seconded by Commissioner Cobbs to recommend Approval of Conditional Use Permit Application – Take 5 Car Wash – 8301 University Avenue NE with the Following Conditions:

1. The applicant will submit architectural elevations for review by the City Planner prior to building permit approval.
2. Hours of operation will be 8:00 am to 6:00 pm.
3. Given the proximity of the site to the nearest commercial use and residential uses to the east, a solid fence or wall 8 feet in height will be installed on the east side of the site to block noise from the vacuum and parking area. The fence or wall will be of materials and colors compatible with the building, to be reviewed and approved by the City Administrator.
4. Building materials will conform to Performance Standards as shown in Section 16.28.010 of the zoning code.
5. All lighting will be downcast cutoff type fixtures that allow no more than 0.5 footcandle of light spillage beyond the property lines or onto the public road rights-of-way.
6. Signage will be submitted for a sign permit before a building permit is issued.

7. All landscaping will be installed as indicated on the landscape plan and guaranteed for at least one year.
8. Traffic. If car stacking on University Service Drive becomes a problem, applicant shall install signs indicating that no queuing in University Service Drive is permitted.
9. Traffic. We are concerned about washed vehicles tracking water on to 83rd Avenue and possible icing issues. The applicant shall provide improvements to prevent the tracking of water on to the city street. Consider adding heated concrete to the vehicle exit area.
10. Grading. Site plan shall be revised to create high points in all 3 driveways to prevent site drainage from draining directly on to 83rd Ave. NE or University Service Drive. Utilize proposed green space(s) for stormwater management.
11. Drainage. Review permitting requirements with Coon Creek Watershed District. All stormwater management facilities shall be considered private and shall be maintained by the property owner.
12. Drainage. Provide copies watershed district permit and stormwater facilities maintenance agreement to city.
13. Site. Coordinate all street and curb work with City Public Works Director. Discuss the need for sidewalk improvements on 83rd Ave NE
14. Sanitary Sewer. Show existing sanitary sewer service(s) on utility plan. Re-use an existing sewer line for site service (no new connection). Locate and plug any existing sewer service that is not to be used.
15. Water Works. Show existing water service(s) on utility plan. Locate and plug any existing water service that will not be reused (plug at the main).
16. Water Works. A separate water main connection for site irrigation is not permitted.
17. Water Works. A larger water service will likely be required for building fire suppression services. If a larger main is required for fire suppression, the domestic water service can come off of the larger main. Meter to be in the building.
18. General. Final site work construction plans to be approved by City Public Works Director prior to beginning site work.
19. General. A Preconstruction Conference, including the City Public Works Director, shall be held prior to beginning site work.

Finding of Fact for Approval of Conditional Use Permit

1. The City has standards for review of conditional uses to review and regulate potential impacts to surrounding properties and public roadways.
2. The proposed car wash use may generate traffic that could impact area roadways. Limiting and regulating traffic on and around the site is a reasonable exercise of the City's authority.
3. The proposed car wash use may generate noise beyond an acceptable level given its location near existing residential uses. Requiring screening to block noise is a reasonable exercise of the City's authority.
4. The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

Voting Aye: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

C. Conditional Use Permit Application – Tint Pros – 1313 Osborne Road NE

Ms. Wahlburg reported that the applicant, Tint Pros is applying for a Conditional Use Permit and a Text Amendment to City Code Section 16.64.040. She said Tint Pros is currently located at 7703 Central Avenue NE. She stated that they purchased the adjacent property at 1313 Osborne Road NE. She said Tint Pros will be relocating their business and due to the size of the new building they are seeking to expand their business to include selling higher end vehicles that would be stored inside the garage building. 1313 Osborne Road is currently located in an I-1 Light Industrial Zone, which does not allow auto sales. She stated that Tint Pros is requesting an Ordinance Text Amendment specifying auto sales as part of the conditional use as a permitted use. She said automobile repair is currently allowed by conditional use permit in I-1 district.

Ms. Wahlburg said that the property is guided Commercial/Industrial in the 2040 Comprehensive Plan. She said that there are specific requirements for property in the I-1 Industrial district include the following:

- a. If any yards are to be landscaped, they shall be landscaped attractively with lawns, trees, shrubs, and the like. Any areas left in a natural state shall be properly maintained in a slightly and well-kept condition (§16.20.040).
- b. Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide a buffer yard and screening along the boundary of the residential property.
- c. All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the commercial and industrial districts or within the confines of an opaque wall or fence not less than six feet high. No storage of any type shall be permitted within the required front or side street setback (§16.20.120).
- d. Specific development standards regarding auto and marine service and repair uses are regulated by §16.36.010(B). These standards regulate vehicle storage and documentation and venting odors, gas, and fumes.
- e. Performance standards apply to buildings within the I-1 Light Industrial district, as guided in §16.28.010. It is the intent of these standards to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following: odor, exterior lighting, glare, vibration, fumes and gases, smoke, dust, hazards, and visual impacts.
- f. Parking requirements are as follows: 3 spaces per each service bay plus 1 per employee on major shift.

Performance Standards for auto and marine; sales, leasing, and rental (§16.36.010(A)):

- a. The use shall be served by a major collector or higher classification of roadway.
- b. An open-aired used auto and marine sales or rental lot as a stand-alone business is prohibited.
- c. Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.
- d. Used automobiles may not be sold accessory to businesses other than new car dealerships. Outdoor vehicle displays for used vehicles shall be limited to 30% of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.
- e. Outdoor vehicle display areas within the public right-of-way are prohibited.
- f. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
- g. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
- h. Music or amplified sounds shall not be audible from adjacent residential properties.
- i. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- j. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

Chair Hansen opened the public hearing at 8:10 pm. Hearing no public comment, Chair Hansen closed the public hearing at 8:10 pm.

Motion made by Commissioner Cobbs, seconded by Commissioner Hollihan to Recommend Approval of Conditional Use Permit Application for Tint Pros at 1313 Osborne Road NE with the following conditions:

1. The conditional use permit for auto sales is only approved if the Ordinance Text Amendment allowing auto sales within the I-1 Light Industrial District is approved.
2. The applicant shall apply for and receive all applicable permits prior to signage and landscape installation.
3. The applicant shall conduct auto services inside the building, with the garage door shut.
4. The applicant shall store auto sale vehicles inside the building; no outdoor storage of vehicles and associated merchandise is permitted.
5. The applicant shall ensure sufficient parking for customers and employee cars and will stripe the lot to ensure that service bays and parking spaces are clearly designated.

Findings of fact for approval of the Conditional Use Permit:

1. The proposed use is a reasonable use of the property, anticipated as a Conditional Use in the amended I-1 Light Industrial district.
2. The use is screened from adjacent residential uses and is therefore not expected to have a detrimental effect on surrounding properties or lower property values.
3. Adjacent roadways and the existing parking lot are adequate to handle anticipated traffic and vehicles using the site.
4. No changes are proposed to site grading and drainage and therefore stormwater management should be adequate as it exists now.
5. Unusual odors, fumes, dust, noise or vibration associated with the use will be adequately mitigated by the applicant, and work will be conducted indoors.
6. No residential use is proposed on the site and therefore incompatible growth in that regard is not an issue with this use.

Voting Aye: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

D. Request for Text Amendment to City Code Section 16.64.040 – Appendix D: Schedule of Permitted Uses by District

Ms. Wahlburg noted an ordinance text amendment is required because auto sales are currently only allowed as a conditional use within the C-2 zoning district, and the proposed text amendment would add auto sales to the schedule of permitted uses as a conditional use in the I-1, Zoning District. She said that within the C-2, the City currently allows “auto and marine; sales, leasing and rental” as a conditional use. The City could consider using the same language in the industrial district, Option 1, which is Auto and marine; sales, leasing and rental. She said the City could also consider only allowing auto sales, which is Option 2.

Commissioners asked if any new car dealers would have to comply with the new standard. Buchholtz noted in the affirmative that they would have to comply.

Motion made by Commissioner Cobbs, seconded by Commissioner Julien to Recommend the Request for Text Amendment to City Code Section 16.64.040 – Appendix D: Schedule of Permitted Uses by District using Option 2: Auto sales.

Voting Aye: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

6. UNFINISHED BUSINESS

A. Conditional Use Permit Application – Mister Car Wash – 8188/8200 Highway 65 NE

Planner Wahlburg reported that Mr. Car Wash proposes to build a new car wash facility at 8200 Central Avenue NE, on the parcel currently occupied by Taco Lindo restaurant and Hope's Chinese Buffet. She said the Planning Commission heard the initial request on March 28, 2022 where it was continued to get additional information on traffic, noise and building materials.

Ms. Wahlburg said that the plan will eliminate the second driveway existing on the north side of the site to access Highway 65. She said that all traffic will enter and exit the site from Middletown Road on the northwest side of the site at the two side by side driveways. She said that the building has been shifted slightly to the north and the bypass lane around the east side of the site has been removed. She said there will be a short bypass lane added near the entry to the car wash tunnel.

She noted Kimley-Horn did an analysis of the traffic as requested. She said tht the study showed that the facility would generate 190 trips in the PM peak hour, which is well within the capacity of Middletown Road NE. She said they concluded that there will be adequate stacking on the site and that there should be no issue with cars spilling out onto the street at busy times.

She stated that David Braslau Associated conducted a noise study for the car wash facility by measuring existing noise in the area with a sound meter. She said the study predicted that the State standards noise level would be exceeded but if a noise wall was built it would fall within the State standards. Ms. Wahlburg said that the recommended noise walls would be about 9 feet in height and connected to the building at the entry and the exit. She also recommended that the City measure the noise level within a year after operation to verify that the noise walls are still working, and the City can reserve the right to require additional mitigation if necessary.

Ms. Wahlburg recommended the Conditional Use Permit for the proposed Mister Car Wash at 8200 Central Avenue NE be approved as submitted on revised plans from Kimley-Horn dated 5-13-2022 and revised architectural elevations from Mister Car Wash (no date, received 5-13-22), with following conditions:

1. Hours of operation will be 7:30 am to 7:00 pm.
2. Nosie walls will be provided as recommended by David Braslau Associates, to be reviewed and approved by the City Engineer and City Planner, verifying that the desired result can be achieved with the revised site plan dated 5-13-22. The owner will conduct noise monitoring at their expense under the direction of David Braslau Associates or another qualified noise expert within one year of operation of the car wash facility to verify if the site meets State noise standards as predicted in the Braslau sound study. The City may require such monitoring periodically, but no more than once every two

years, for the life of the project. If it is found that noise from the operation causes receptors identified in the sound study to exceed State noise standards, the City reserves the right to require additional mitigation or to revoke the Conditional Use Permit.

3. If the City becomes aware of problems with cars stacking in the street or other traffic problems on site, the City Council reserves the right to review and potentially revoke the Conditional Use Permit.
4. Exterior building materials will be as depicted on revised architectural drawings received 5-13-22.
5. All lighting will be downcast cutoff type fixtures that allow no more than 0.5 footcandle of light spillage beyond the property lines or onto the public road rights-of-way.
6. Signage will be submitted for a sign permit before a building permit is issued.
7. All landscaping will be installed as indicated on the landscape plan and guaranteed for at least one year.
8. All requirements of the City Engineer will be followed for engineering and utility issues prior to issuing a building permit.

Finding of Fact for Approval of Conditional Use Permit

1. The City has standards for review of conditional uses to review and regulate potential impacts to surrounding properties and public roadways.
2. The proposed car wash use may generate traffic that could impact area roadways. Limiting and regulating traffic on and around the site is a reasonable exercise of the City's authority.
3. The proposed car wash use may generate noise beyond an acceptable level given its location near existing residential uses. Requiring noise mitigation on site and regular monitoring to ensure compliance with State noise standards is a reasonable exercise of the City's authority.
4. The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

Commissioner Bernhagen noted that the Take 5 Car Wash was approved for operating hours of 8:00 am – 6:00 pm. Ms. Whitley and Mr. Hitley confirmed that it would not be an issue to change the hours to 8:00 am – 6:00 pm since a majority of their sites utilize those hours of operation.

Commissioner Julien inquired if the lighting on the west side of the building could be eliminated so there is no infringement on the residents. Ms. Whitley said that could be accommodated since the site is at a visible intersection. Commissioner Hollihan asked with the elimination of the exit to the north how will traffic leave the site. Ms. Whitley said that the traffic will be right in and left out.

Motion made by Commissioner Cobbs, seconded by Commissioner Julien to recommend Approval of the Conditional Use Permit Application for Mister Car Wash with the

conditions stated by Planner Wahlburg with the operation of hours being 8:00 am – 6:00 pm.

Voting Aye: Commissioner Hollihan, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Voting Nay: Commissioner Bernhagen. Motion carried.

B. Preliminary Plat Application – Middletown 65 Addition

Ms. Wahlburg recommends the Planning Commission approve the preliminary plat with the following conditions:

1. Include a 5-wide drainage and utility easement along the south and east sides of the plat.
2. Include a 15-foot wide drainage and utility easement along the west and north sides of the plat.
3. Provide a separate, 10-foot wide road and sidewalk easement document covering the west and north sides of the plat. Record this road and sidewalk easement when the plat is recorded.

Finding of Fact for Approval of Preliminary Plat

1. The City has reasonable expectations for provision of streets, sidewalks, utilities, and other public functions. Requiring property to dedicate easements for such features is reasonable.

Motion made by Commissioner Cobbs, seconded by Commissioner Hollihan to Approve the Preliminary Plat – Middletown 65 Addition.

Voting Aye: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

C. Performance Standards Ordinance Review

Administrator Buchholtz reminded the Commission that they reviewed the draft performance standards ordinance at the April 25 meeting. The ordinance would update Section 16.28.010 of the Zoning Code.

The Commission had no objections to the proposed amendments to 16.28.010(B)(!) through 16.28.010(B)(13). The majority of the discussion centered around the visual standards, 16.29.010(B)(14) in the commercial and industrial districts. Administrator Buchholtz suggested a joint work session with the City Council. Planning Commission thought it would be a good idea to hold a joint work session so they could everyone's point of view would be heard. He said he will schedule a work session for June 13, 2022.

7. OTHER

None

8. ADJOURN

Motion made by Commissioner Julien, seconded by Commissioner Bernhagen to adjourn.

Voting Yea: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

Meeting adjourned at 8:55 PM.