



**PLANNING COMMISSION REGULAR AGENDA**  
**MONDAY, FEBRUARY 24, 2020**  
**CITY HALL at 7:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
  - [a.](#) January 27, 2020 Minutes
- 5. OLD BUSINESS**
  - [a.](#) Conditional Use Permit - Cars R Us, LLC, 1109 County Road 10 NE
- 6. OTHER**
- 7. ADJOURN**

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND  
DISCUSSION FROM THE FLOOR**

## **CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS**

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
  - a. Those wishing to comment are asked to limit their comments to 3 minutes
  - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
  - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

## 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.





# Memorandum

---

**To:** Chair Hansen and Members of the Planning Commission

**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

**Date:** February 20, 2020

**Subject:** Cars R Us CUP Application – 1109 County Highway 10 NE

At the January 27 meeting, the Planning Commission held a public hearing on an application from Cars R Us, LLC to open an auto detailing business at 1109 County Highway 10 NE. The Commission, after receiving the staff report, had additional questions regarding hours of operation and parking requirements. The applicant, despite being notified of the meeting, was not present at the public hearing to answer the Commission's questions. Subsequently, the Commission tabled the CUP request until the February 24, 2020 meeting.

Over the past month, staff has attempted to gather additional information from the applicant, with limited success. In fact, in response to an email, the broker for the property stated that Cars R Us, LLC has moved out of the space and that they are looking for a tenant to backfill that leased space.

Unfortunately, the applicant did not submit a letter or e-mail stating they wished to withdraw the CUP application. Therefore, the Planning Commission and City Council must still make a determination on the CUP application with the information it has presently.

Staff is recommending denial of the CUP application to permit an auto detailing business at 1109 County Highway 10 NE with the following findings:

1. Prior to the applicant's request, the site was home to a previously unpermitted auto detailing business which generated a number of complaints and ordinance violations. Due to the site's past history, the conditional use permit application requires additional scrutiny to ensure its operation complies with the City's zoning code.
2. The Planning Commission was unable to obtain key information from the applicant regarding parking requirements and hours of operation from the application, information which is required to determine if the proposed use complies with the City's zoning code.
3. Applicant has been non-responsive to staff and Commission requests for information.

If you have any questions, please don't hesitate to contact me at 763-784-6491.





**City of Spring Lake Park**  
 1301 81<sup>st</sup> Avenue NE  
 Spring Lake Park, MN 55432  
 763-784-6491 (p) 763-792-7257 (f)  
[info@slpmn.org](mailto:info@slpmn.org)

For Office Use Only	
Case Number:	
Fee Paid:	
Received by:	
Date Filed:	
Date Complete:	
Base Fee:	Escrow:

## DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____

PROPERTY INFORMATION	
Street Address: 1109 COUNTRY HOLLOW HIGHWAY 10 NE	
Property Identification Number (PIN#):	Current Zoning:
Legal Description (Attach if necessary):	

APPLICANT INFORMATION		
Name: GORDON LARSON	Business Name: CARS R US LLC	
Address: 2821 KNOX AVE N		
City: MPLS	State: MN	Zip Code: 55411
Telephone: 612-226-2259	Fax:	E-mail: CARSRUSLLC
Contact: GORDON	Title: OWNER	

OWNER INFORMATION (if different from applicant)		
Name:	Business Name:	
Address:		
City	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	

DESCRIPTION OF REQUEST (attach additional information if needed)
Existing Use of Property: VACANT
Nature of Proposed Use: AUTO DETAILING

Reason(s) to Approve Request: SMALL BUSINESS OWNER, PAY TAXES, EMPLOY PEOPLE AND I WILL KEEP THE APPEARANCE OF THE SHOP IN THE
--

PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE BEST CONDITION	
Project Name:	Date of Application: AS POSSIBLE
Nature of Request:	

CARSRUSLLC@GMAIL.COM

### APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park required all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

☒ E-mail CARUSLUC2010@GMAIL.COM ☐ Fax \_\_\_\_\_ ☐ USPS - Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: GORDON LARSON Date: 12.4.19

Owner: GORDON LARSON Date: 12.4.19

**NOTE:** Applications only accepted with ALL required support documents.  
See City Code

**City of Spring Lake Park  
Conditional Use Permit Worksheet**

A conditional use permit cannot be approved unless the Planning and Zoning Commission and the City Council make certain findings and recommendations. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary. If some items are not applicable for your project, write N/A. Contact the Zoning Administrator with any questions.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community. I WILL BE USING  
THE SHOP FOR MY OWN PERSONAL  
BUSINESS OF AUTO DETAILING
2. That the use will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the use or injurious to property values/improvements within the vicinity of the use. I WILL MAKE SURE EVERYTHING  
IS UP TO CODE AND KEEP A CLEAN,  
SAFE SHOP
3. That the proposed use will comply with the regulations specified in Chapter 153 of the Zoning Code. I WILL COMPLY
4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. FRIENDLINESS IS KEY

5. That the use will not lower property values or impact scenic views in the surrounding area. \_\_\_\_\_

I WILL MAKE SURE THE APPEARANCE  
IS CLEAN AT ALL TIMES

6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. \_\_\_\_\_

NO BLOCKING THE  
PARKING LOT

7. That the use includes adequate protection for the natural drainage system and natural topography. \_\_\_\_\_

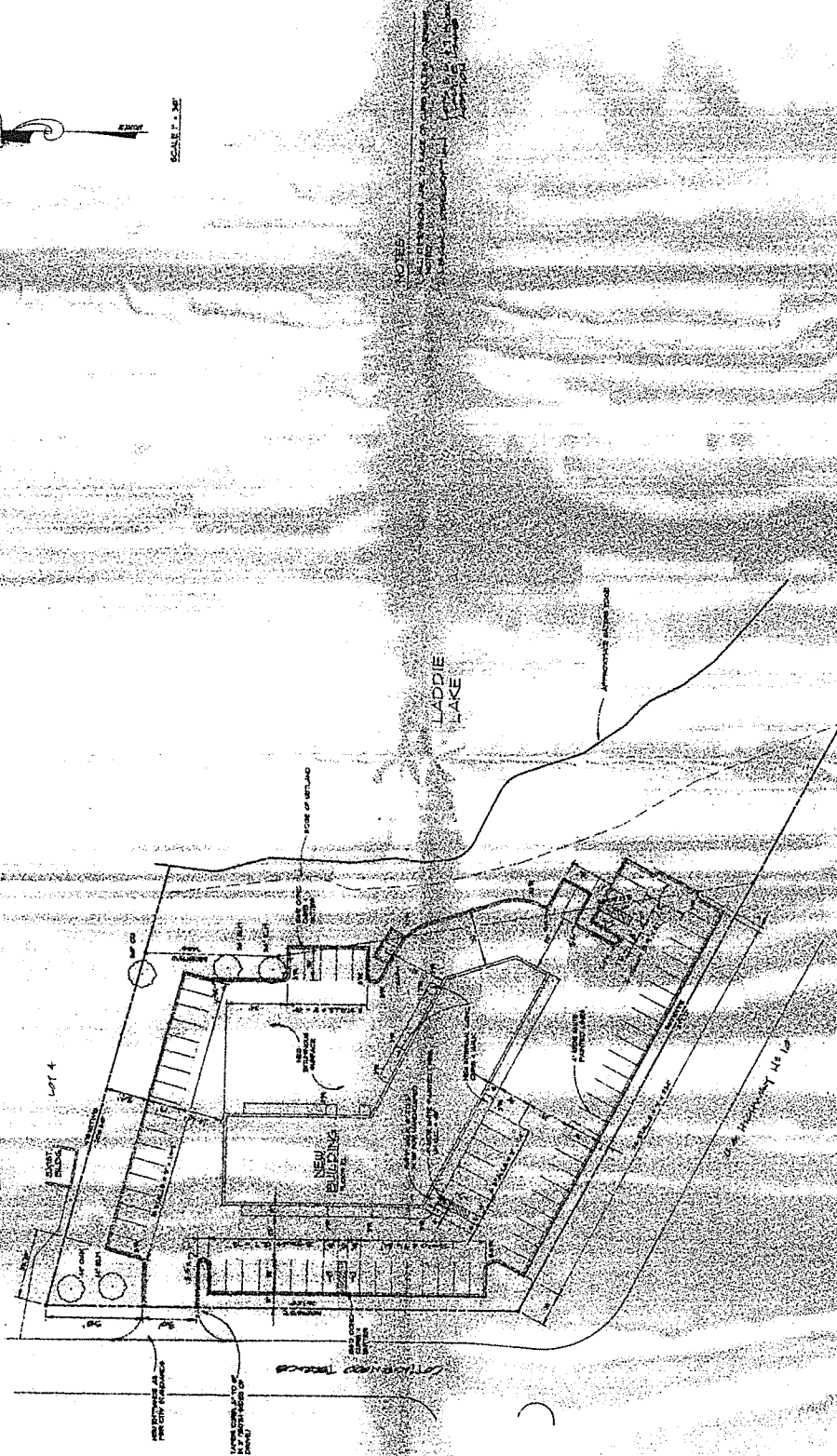
NO BLOCKING DRAINS AND KEEP  
THEM CLEAN

8. That 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. \_\_\_\_\_

I WILL COMPLY

9. That the proposed use will not stimulate growth incompatible with prevailing density standards. \_\_\_\_\_

I WILL COMPLY





To:	Planning Commission City of Spring Lake Park	From:	Phil Carlson, Lauren Walburg, Stantec
File:	Cars R Us LLC – Conditional Use Permit	Date:	January 27, 2019

Re: **Cars R Us LLC CUP | 1109 County Highway 10 NE**

## BACKGROUND

Cars R Us LLC proposes to open an auto detailing business in the same building as Car-X, Batteries Plus Bulbs and C & C automotive at 1109 County Highway 10 NE. The property is guided Commercial and zoned C-2: Neighborhood and Service Center Commercial. Auto and marine; service, parts, repair and wash are considered a Conditional Use in this zoning district.

The site is located on the north side of County Road 10 NE and north west of the County Highway 10/Central Avenue NE interchange. 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. The Legends of Spring Lake Park senior apartments are across Highway 10 from the site.

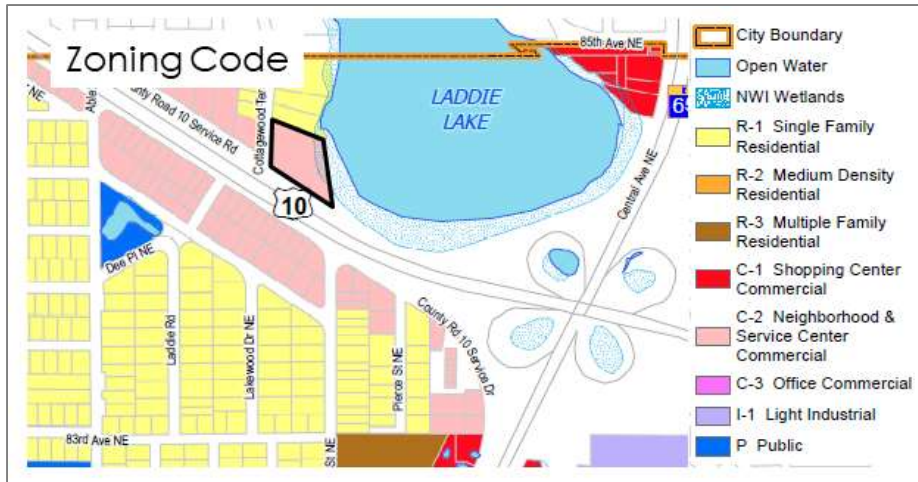


## PLANNING ISSUES DISCUSSION

- 1) **Comprehensive Plan and Zoning.** The property is guided Commercial in the 2040 Comprehensive Plan. The zoning is C-2: Neighborhood and Service Center Commercial which is intended as a business district which may be located in close proximity to a major thoroughfare or highway in order that highway service types of land can be provided.



**Reference: Cars R Us LLC CUP | 1109 County Highway 10 NE**



Other requirements for property in the C-2 district include:

- 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 sightly and well-kept condition (§153.058).
- Where any business or industrial use (i.e., structure, parking or storage) abuts a residential zone or use, such business or industry shall provide a buffer yard and screening along the boundary of the residential property. The buffer area and screening shall also be provided where a business or industry is across the street from a residential zone or use, but not on that side of a business or industry considered to be the front as defined by the city. (§153.064)
- 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. (§153.066)
- Performance standards apply to buildings within the C-2 Commercial district, as guided in §153.100. These standards regulate noise, odor, exterior lighting, glare, vibration, fumes and gases, smoke, dust, hazards, and visual impacts. The site plan review process implements these regulations to ensure that development is compatible with neighboring properties and that negative external impacts are minimized.

- 2) **Application Request.** The storefront that the applicant proposes to use for Cars R Us LLC auto detailing is currently vacant. Current building tenants in the same building include Car-X, Batteries Plus Bulbs and C & C automotive. The property itself is currently comprised of an existing multi-tenant retail/service building and a surface parking lot. The request is to use the space as an auto detailing business. The prior use of the space was also an auto detailing business, the Perfect "10" detail shop. The applicant is not proposing any changes to the existing building or lot. There is existing tree screening between this lot and the single-family residential to the north of the site. The applicant proposes to use an overhead garage door in the back of the building to bring cars inside and ensures that all work will be done inside the building. The parking spaces are assigned by the building owner, and no changes are proposed to the parking lot itself. Cars that have been detailed will be

**Reference: Cars R Us LLC CUP | 1109 County Highway 10 NE**

parked outside in the parking lot while they wait to be picked up. The applicant proposes to use the existing pylon and building signage.

As mentioned, the previous tenant was also an auto detailing business but did not have a CUP on file with the City. A violation was noted on the previous business's (Perfect 10 Auto Glass and Detailing) C.O. Checklist that there was no CUP. There have also been issues with this property in the past having an overflow of vehicles waiting to be detailed encroaching on parking stalls for the Batteries Plus business.

- 3) **Conditional Use Permit.** Section §153.202 of the City of Spring Lake Park's zoning code outlines the requirements to approve a conditional use permit. This application has been analyzed with respect to those requirements, listed below. 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 a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;**

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 it 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 specifically 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 or site itself. The applicant proposes to conduct all work inside 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;**

**Reference: Cars R Us LLC CUP | 1109 County Highway 10 NE**

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;**

This 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; and**

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.

## **RECOMMENDATIONS**

We recommend that the Planning Commission recommend approval of the Conditional Use Permit for 1109 County Highway 10 NE with the following conditions, based on the analysis provided by Planning staff:

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

## **FINDINGS OF FACT**

We recommend the following 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 C-2 zoning 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.

**Reference: Cars R Us LLC CUP | 1109 County Highway 10 NE**

- 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) There are no unusual odors, fumes, dust, noise or vibration associated with the use, and all 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.