



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 81st Avenue NE
 Spring Lake Park, MN 55432
 763-784-6491 (p) 763-792-7257 (f)
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"/> Comprehensive Plan Amendment <input type="checkbox"/> Ordinance Amendment (Text) <input type="checkbox"/> Rezoning <input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Site Plan/Building Plan Review <input type="checkbox"/> Conceptual Plan Review <input checked="" type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Lot Combination <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: <u>1109 COUNTY HIGHWAY 10 NE</u>		
Property Identification Number (PIN#):		Current Zoning:
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: <u>GORDON LARSON</u>		Business Name: <u>CARS R US LLC</u>
Address: <u>2821 KNOX AVE N</u>		
City: <u>Mpls</u>	State: <u>MN</u>	Zip Code: <u>55411</u>
Telephone: <u>(612) 226-2259</u>	Fax:	E-mail: <u>CARSRUSLLC</u>
Contact: <u>GORDON</u>	Title: <u>OWNER</u>	
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: <u>VACANT</u>		
Nature of Proposed Use: <u>AUTO DETAILING</u>		
Reason(s) to Approve Request: <u>SMALL BUSINESS OWNER, PAY TAXES, EMPLOY PEOPLE AND I WILL KEEP THE APPEARANCE OF THE SHOP IN THE BEST CONDITION</u>		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:	Date of Application: <u>AS POSSIBLE</u>	
Nature of Request:		

CARSRUSLLC@GMAIL.COM

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

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 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 CARUSULL2010@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

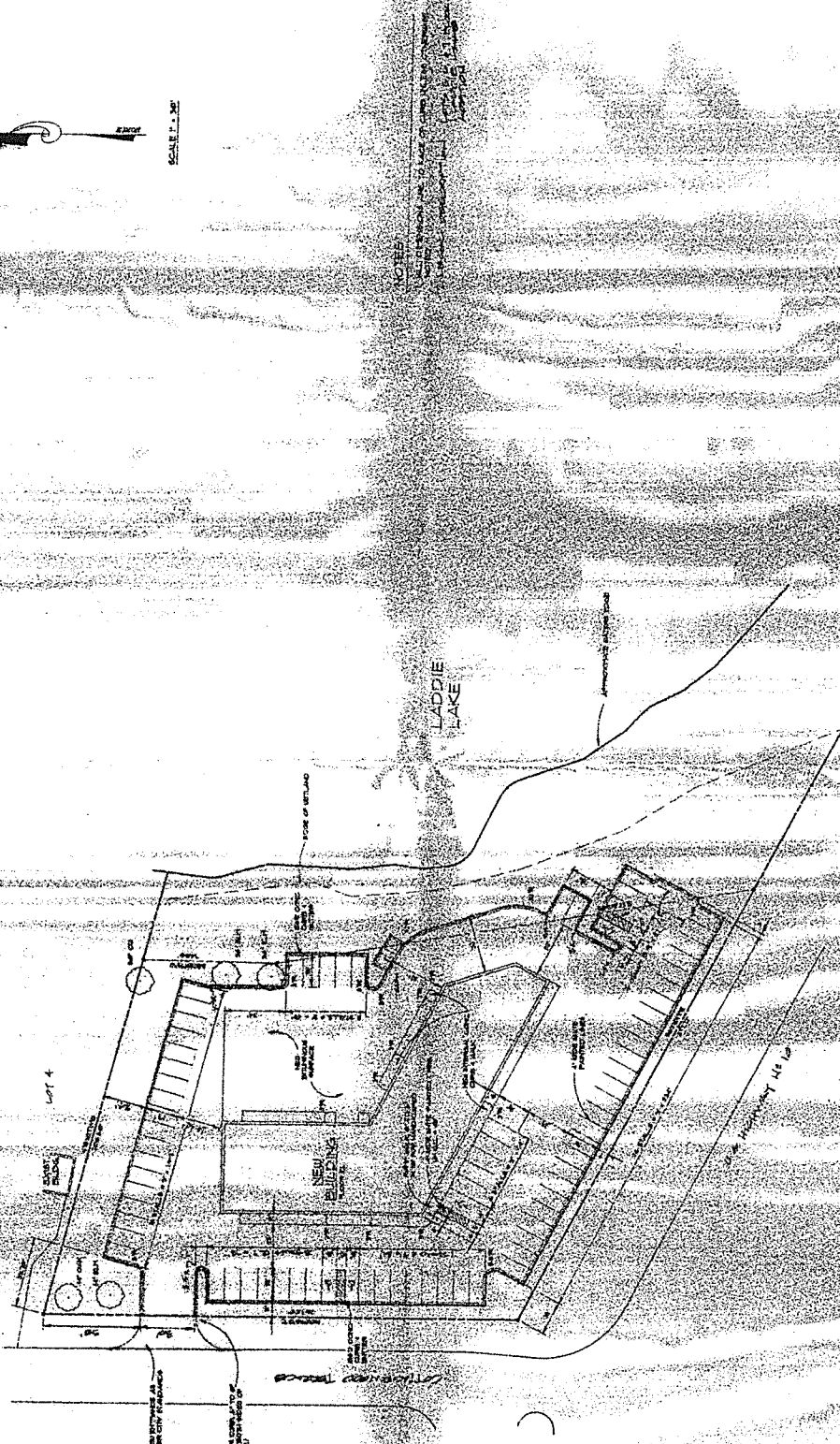
SHEET NO. 2

LATVOT PLAN
CAR-X
115 HIGHWAY NO. 9, COTTAGEWOOD TRACT

ENGINEERING & DESIGN
1000 N. 10TH AVENUE
DENVER, COLORADO 80202

PARA MOUNT
ENGINEERING & DESIGN
1000 N. 10TH AVENUE
DENVER, COLORADO 80202

DATE: 10-15-71
SCALE: 1" = 40'
DRAWN BY: [Signature]
CHECKED BY: [Signature]



SCALE: 1" = 40'



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.

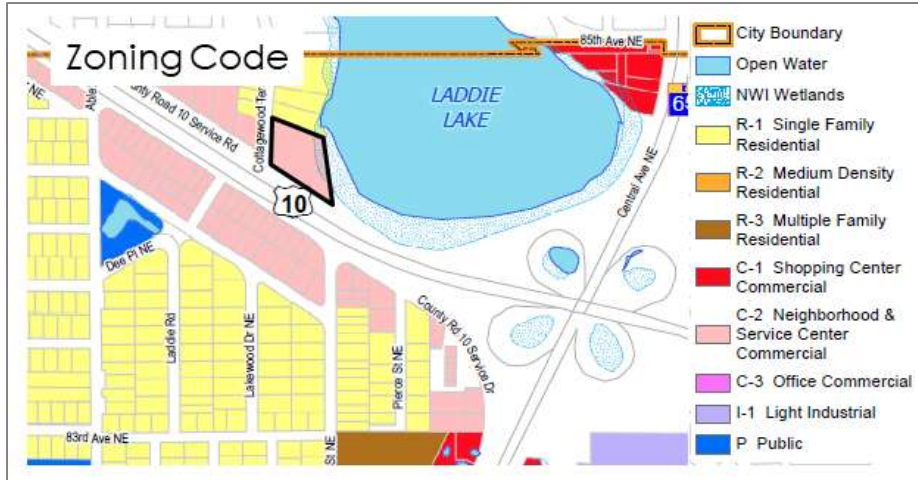
The site is located on the north side of County Road 10 NE and north west of the County Highway 10/Central Avenue NE interchange. The site is accessible by Cottagewood Terrace NE and the adjacent uses are multi-family residential to the west, single-family residential to the north, Laddie Lake to the 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.