

To: City Council
 From: Lauren Walburg, Stantec
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 City of Spring Lake Park

File: Tint Pros – Ordinance Text Amendment and Conditional Use Permit
 Date: June 6, 2022

Re: Tint Pros, Ordinance Text Amendment and Conditional Use Permit | 1313 Osborne Rd NE

BACKGROUND

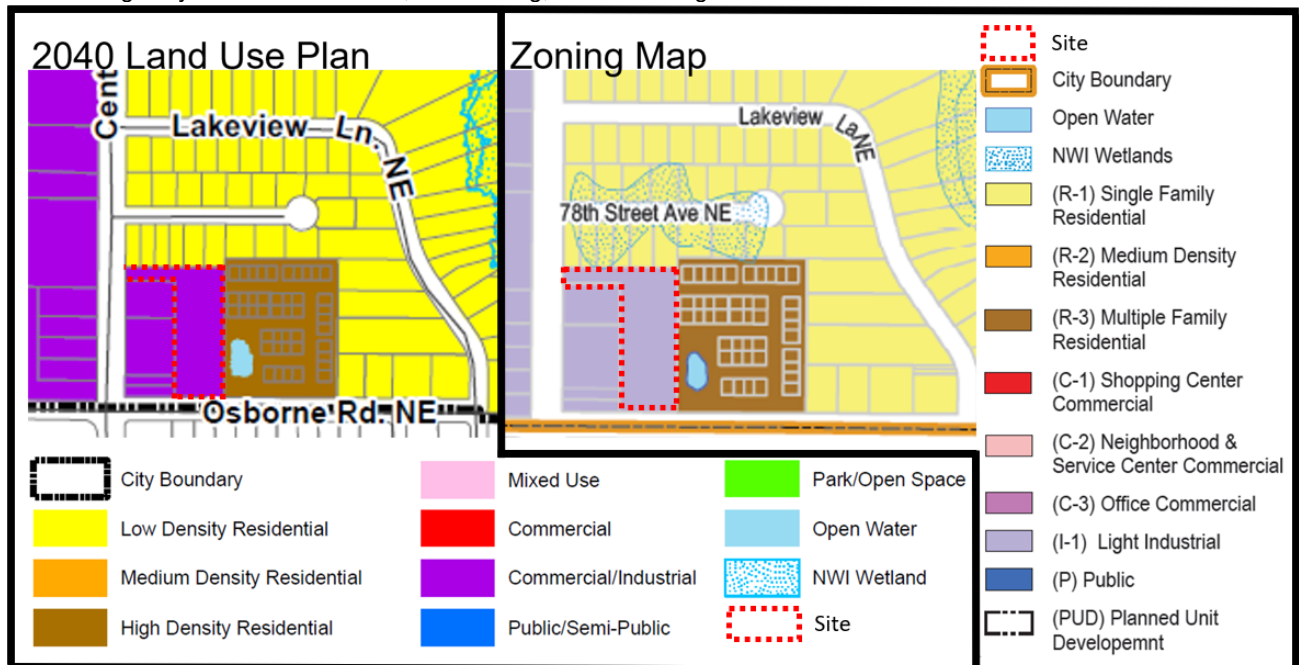
Tint Pros (Applicant) is a business currently located at 7703 Central Avenue NE. They have purchased the adjacent property at 1313 Osborne Road NE which houses an old bus garage building and surface parking lot.

Tint Pros offers window tinting, vinyl wraps, detailing, light mechanical work and other associated car services. The applicant intends to relocate their business to 1313 Osborne, terminating their lease at 7703 Central Avenue NE. As part of this relocation and due to the large size of the old bus garage building, the applicant would like to expand their business to include selling higher end vehicles that would be stored inside the garage building. I-1 Light Industrial zoning does not presently allow auto sales, and Tint Pros is requesting an Ordinance Text Amendment specifying auto sales as a conditional use in the table of permitted uses. Automobile repair is currently allowed by conditional use permit in the I-1 district. The Planning Commission considered this request at their May 23rd meeting and recommended approval of the Ordinance Text Amendment and Conditional Use Permit.

The applicant has been operating Tint Pros in Spring Lake Park for 5 years and is in good standing with City. The applicant has been quick to address any issues raised by code enforcement and the City rarely receives any complaints about the business.

PLANNING ISSUES DISCUSSION

- 1) **Comprehensive Plan and Zoning.** The property is guided Commercial/Industrial in the 2040 Comprehensive Plan. The zoning is I-1 Light Industrial which is intended for employment opportunities, industrial areas near highways and administrative, wholesaling, manufacturing and related commercial uses.



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Requirements for property in the I-1 Industrial district include:

- 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 sightly 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 display 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.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

- 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.

License Requirements for Used Car Dealers (§11.20.040(F)(4)):

- a. No license shall be granted if the premises are located within 500 feet of any other new or used car sales dealership or auto or marine leasing or rental facility.
- 2) **Application Request.** Tint Pros offers window tinting, vehicle wraps, exterior detailing, and other associated car services. The property Tint Pros has purchased, 1313 Osborne Rd NE, is zoned I-1 Light Industrial. There is an existing bus garage on the property, which the Applicant intends to make minor repairs and cosmetic improvements. The Applicant is not proposing any substantial changes to the property or exteriors of the existing building. South of the property is Osborne Rd NE, an arterial, and property to the west are zoned I-1 Light Industrial. Residential uses are to the north and east of the property. There is substantial tree screening at the north and east property boundaries, appropriately fulfilling screening requirements for industrial uses that abut residential uses.



3) **Ordinance Text Amendment.**

The City Council should first consider the ordinance text amendment to allow auto sales as a conditional use within the I-1 zoning district. 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. 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, as shown in Option 1 below. The City could also consider only allowing auto sales, as requested by this application and shown in Option 2 below. The planning commission recommended Option 2 at their May 23rd meeting. As previously mentioned and shown below, Automobile repair is already included in the schedule of permitted uses as a conditionally permitted use, so no change is needed to the ordinance to allow for that use of the property.

The City Council has the discretion over whether to approve the ordinance text amendment and should consider whether auto sales are an appropriate use within the I-1, light industrial district. This is an issue that has come up in the past, and for which the City has included performance standards in their zoning ordinance (§16.36.010(A)). Stantec would be supportive of allowing auto sales within the I-1, as it fits with the intent of the district, and there are additional standards already in place guiding their development.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

Appendix D: Schedule of Permitted Uses by District (§ 16.64.040)

<i>Uses in I-1</i>	<i>Category</i>
Automobile repair	C
Option 1: Auto and marine; sales, leasing and rental	<u>C</u>
Option 2: Auto sales	<u>C</u>

- 4) **Conditional Use Permit.** Section §16.56 of the City of Spring Lake Park’s zoning code outlines the requirements to approve a conditional use permit. The Zoning Code allows the City to impose reasonable conditions on certain uses to address issues that may impact surrounding properties or public health, safety, and welfare. Conditional uses are considered *permitted uses to which reasonable conditions may be attached based on findings of fact*. The assumption is that the use is allowed and the City needs to articulate the conditions under which the use might be approved, rather than deny it because of potential conditions that do not yet exist. If it appears there is no reasonable way to accommodate the use in this location, the City can deny the use.

This application has been analyzed with respect to requirements in the zoning code, listed below. The City Council should consider both automobile repair, as a use currently allowed by CUP in the I-1, as well as auto sales, which will require an ordinance text amendment to be considered as a conditional use in the I-1. 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;

Window tinting, vehicle wraps, exterior detailing, and other associated car services are compatible with other uses allowed in I-1 Light Industrial. Tint Pros has been operating for 5 years at the property adjacent to this one and have been able to expand their existing business due to demand. Indoor auto sales specified in §16.36.010(A), as amended to be allowed by CUP in I-1 Light Industrial, are also compatible within the property and nearby uses, under the screening and use mitigation requirements of §16.28.040 and §16.28.010.

(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 substantial existing screening and is buffered to the adjacent R-1 Single-Family and R-3 Multi-family residential uses. The site is accessible from Osborne Rd NE and Central Ave NE, and the use is not expected to

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

be detrimental to the surrounding area. The business has been operating for the past 5 years in this area and the City rarely received complaints, and the applicant is quick to respond to code enforcement issues.

(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 I-1 Light Industrial district, as amended for auto sales. The proposed use is over 1000 feet away from the nearest car dealership.

(d) The use is one of the conditional uses specifically listed for the district in which it is to be located;

Auto repair is currently allowed as a conditional use within the I-1 district. Auto sales require a zoning text amendment to operate as a conditional use in the I-1 Light Industrial district.

(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 substantial changes to the building footprint and exterior of the 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;

The property does not have any significant scenic views. There is existing screening to adjacent residential properties. Additional screening could be required if proximity to the residential areas is of concern.

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

This property can be accessed from Osborne Rd NE and Central Ave NE. Osborne Rd NE is an "other arterial" and Central Ave NE is a "major collector." 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 customers. Auto sales will be restricted to inside the property building – no outdoor storage is permitted. Parking spaces are to be provided by the building owner, and spaces will be appropriately striped and signed.

(i) The use includes adequate protection for the natural drainage system and natural topography;

The applicant is proposing minor landscaping improvements that are not anticipated to impact the natural drainage system and natural topography.

(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

Tint Pros offers window tinting, vehicle wraps, exterior detailing, other associated car services, and, upon approval, auto sales. The business has been operating in good standing at 7703 central Ave NE, and the Applicant agrees to continue implementing mitigation efforts for the conditions stated in §16.28.010 and §16.28.010. The applicant also agrees to operate their auto sales business indoors.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

(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.

PROCESS

The City Council should first consider the Ordinance Text Amendment to allow auto sales as a conditional use within the I-1 Light Industrial District. The Council should consider whether they would approve this text amendment, and if so, make a motion recommending specific language for the schedule of permitted uses to the City Council. The two options Stantec would recommend are shown in this staff report, and the Planning Commission recommended Option 2.

Regardless of the outcome of the first motion, the City Council should consider the Conditional Use Permit request for auto sales and auto repair. Auto repair is currently allowed as a conditionally permitted use within the I-1, while auto sales will only be allowed in the I-1 with approval of the Ordinance Text Amendment.

RECOMMENDATIONS

Ordinance Text Amendment

Amending the zoning ordinance is something the City has considerable discretion over. The City Council should carefully consider whether they want to approve auto sales as a conditional use in industrial areas of the City. This would allow other applicants to apply for a Conditional Use Permit for auto sales within the I-1. Stantec would be supportive of allowing auto sales within the I-1 Light Industrial District, as it fits with the intent of the district, and there are additional standards already in place guiding their development. However, this is a question for the community to answer, not an outside consultant, so we do not make a specific recommendation on this request.

Suggested Findings of Fact for Approval of Ordinance Text Amendment

- 1) The proposed auto sales use is not allowed within the I-1, Light Industrial district, the current zoning on the property. An Ordinance Text Amendment to add auto sales to the schedule of permitted uses within the I-1 as a conditional use would allow this use to move forward by conditional use permit.
- 2) The intent of the I-1 Light Industrial District includes commercial uses and the applicant proposes to operate their business in accordance with specific Performance Standards for this use, therefore auto sales could be a reasonable use within the Light Industrial District.
- 3) Amending and updating the zoning ordinance regularly is a reasonable exercise conducted by the City.

Suggested Findings of Fact for Denial of Ordinance Text Amendment

- 1) The zoning ordinance as written for the I-1 Light Industrial District allows a wide range of industrial and related commercial activities, giving the property owner many reasonable uses of the property.
- 2) The City has considered acceptable uses within the I-1 Light Industrial District and has determined that auto sales are an appropriate use within the C-2 Commercial District, but not compatible with uses within the I-1 Industrial District.

Reference: Tint Pros, Ordinance Text Amendment, CUP | 1313 Osborne Rd NE

Conditional Use Permit

Regardless of the City Council action above, they should act on the conditional use permit for both auto sales and auto repair.

We recommend that the City Council approve the Conditional Use Permit for 1313 Osborne Rd NE with the following conditions, based on the analysis provided by Planning staff:

- 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.

Suggested Findings of Fact for Approval of the Conditional Use Permit

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 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.

60-DAY RULE

State Statute 15.99 required final action on zoning applications received within 60 days of receiving a completed application. The application was received on May 4, 2022. The 60-day limit for final action by the City Council is July 4, 2022. This can be extended by the City for another 60 days if more time is needed to review the application.