

To:	Planning Commission City of Spring Lake Park	From:	Lauren Walburg Stantec
File:	HLP Construction LLC – Conditional Use Permit	Date:	September 27, 2021

Re: **HLP Construction LLC CUP | 8375 Sunset Road NE**

BACKGROUND

HLP Construction LLC currently operates a construction siding business at 8375 Sunset Road NE. The applicant proposes to open an auto repair and auto sale business for their company vehicles. The property is guided Commercial/Industrial and zoned I-1 Light Industrial. The siding business, categorized as light manufacturing/building materials sales and storage, is a permitted use within the I-1. The proposed auto repair use is allowed as a conditional use in the light industrial district, and automobile sales are not permitted in the district.

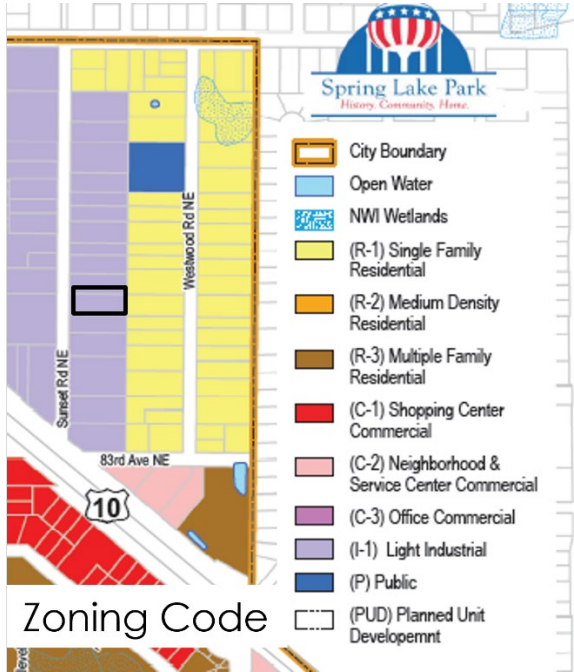
The site is located on the east side of Sunset Road NE and north west of the County Highway 10/Central Avenue NE interchange in the industrial park. The site is accessible by Sunset Road NE and the adjacent uses are single-family residential to the east, Aggressive Industries to the south, and industrial uses to the west and north.



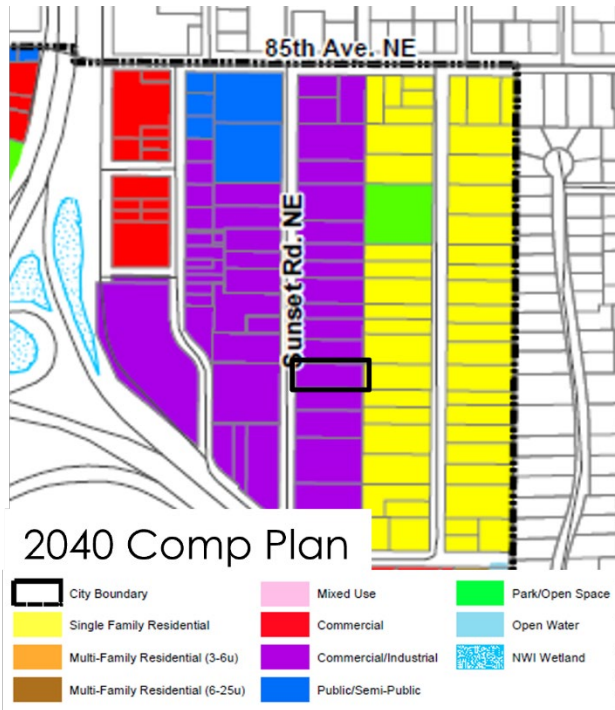
PLANNING ISSUES DISCUSSION

- 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 to provide employment opportunities and to group certain uses in locations accessible to highways for the safe and effective movement of raw materials, finished products and employees.

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Zoning: I-1 Light Industrial



Land Use Guidance: Commercial/Industrial in 2040 Comprehensive Plan

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Requirements for property in the I-1 zoning 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 I-1 Industrial 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.** Because auto repair is a conditional use within the I-1 district, the City can attach reasonable conditions to the permit to ensure the use is not harmful to neighboring properties or the community. Although the applicant is also requesting to sell vehicles at the property, auto sale is not currently a permitted use within the I-1 district, so that use is not being considered at this time. The applicant is not proposing any changes to the existing building or lot at this time, although has said that changes to the building to improve storage may be necessary in the future. If changes to the building or site are made in the future, the Planning Commission may want to revisit the conditional use permit at that time to ensure compliance.

Currently, the property also is being used for outdoor storage of materials and vehicles. The building inspector has informed the applicant that to receive a Certificate of Occupancy and comply with City regulations, the outdoor storage will need to be fenced for screening to adjacent properties. The property also abuts a residential zone to the east, where the applicant will be required to provide a buffer yard and screening along the boundary of the residential property. The applicant will need to work with the City Planner to ensure screening and buffering to residential uses is adequate.

Similar to other auto repair uses, the applicant proposes to conduct maintenance inside their building. The Planning Commission could also consider conditions regarding hours of operation and noise to surrounding properties. The parking lot is unstriped and relatively informal, so calculating parking spaces available is challenging. The applicant has stated that they currently have two employees working at the property, although this may increase should the auto repair use be approved. Even with increased employees, the applicant appears to have sufficient parking on-site to accommodate both their siding business and auto repair 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;

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The auto repair use is compatible with the industrial/commercial nature of the district. The ability to conduct maintenance on their own vehicles would provide a service to the business, and the neighborhood should the applicant choose to expand this business.

(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 applicant will be required to provide a buffer to the residential properties to the east and provide screening for any outdoor storage on their property. The Planning Commission should also consider conditions that set reasonable hours of operation and require work to be done inside to lessen the impact on neighboring properties.

(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.

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

Auto repair is considered 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 applicant will be required to install the buffer and screening as discussed, and the applicant is not proposing any changes to the building or site itself. The Planning Commission could also consider conditions that lessen the effect on properties in the immediate vicinity.

(f) The use will not lower property values or impact scenic views in the surrounding area;

There is existing screening to the residential properties to the east and the applicant will be required to add additional screening for their outdoor storage, improving the visual appearance of the property.

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

This property can be accessed from Sunset Road NE, which is 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 the proposed auto repair business. The applicant has stated that currently two employees work at the property, which could increase with the addition of an auto repair business. While the parking lot is not striped, and it is difficult to assess how many parking spaces are available, an estimated 30 cars would fit on the property, which is more than adequate for the proposed uses.

(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.

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(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

Measures should be put in place to ensure that noise is minimal from the auto repair business, however 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

At this point, planning staff has no recommendation for this request. Should the Planning Commission feel that they have enough information to make a recommendation to the City Council, the following conditions could be included. If the Planning Commission feels that more information is needed to make a recommendation to the City Council, the PC could consider continuing the request to their next meeting.

- 1) The applicant shall apply for and receive all applicable building permits prior to beginning work.
- 2) The applicant shall conduct auto repair work inside the building, with the garage door shut.
- 3) Hours of operation shall be 7am to 9pm seven days per week (or as modified by City Council).
- 4) Applicant shall provide screening to the residential properties to the east, including fencing or additional landscaping, to the satisfaction of the City Planner.
- 5) Outdoor storage shall be screened as soon as practical after the approval of the permit, and before a certificate of occupancy is issued for the property.
- 6) Should the applicant decide to improve the building, the conditional use permit and conditions will be revisited to ensure compliance.

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 I-1 zoning district.
- 2) The use is screened from adjacent residential uses and additional screening will be added, therefore it is 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) There are no unusual odors, fumes, dust, noise or vibration associated with the use, and all work will be conducted indoors.

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- 6) No residential use is proposed on the site and therefore incompatible growth in that regard is not an issue with this use.



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: 8/11/21
Received by: <i>NRB</i>
Date Filed: 8/11/21
Date Complete:
Base Fee: \$500.00 Escrow: \$1,500.00

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: <i>8375 Sunset Rd. Spring Lake Park, MN 55432</i>		
Property Identification Number (PIN#):		Current Zoning: <i>Industrial</i>
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: <i>Hector Lara Mondragon</i>		Business Name: <i>HLP Construction LLC</i>
Address: <i>161531 Reader Rd</i>		
City: <i>Eden Prairie</i>	State: <i>MN</i>	Zip Code: <i>55347</i>
Telephone: <i>763-742-6325</i>	Fax: <i>N/A</i>	E-mail: <i>hlprconstruction@gmail.com</i>
Contact: <i>N/A</i>		Title: <i>@hotmail.com</i>
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: <i>some material storage, parking lot for company vehicles.</i>		
Nature of Proposed Use: <i>to create more efficient and organized storage unit for the company.</i>		
Reason(s) to Approve Request: <i>It benefits our business. Would be more visually pleasing to surrounding neighboring businesses.</i>		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:		Date of Application:
Nature of Request:		
NOTE: Applications only accepted with ALL required support documents. See City Code		

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires 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.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

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 hlpconstructionllc@hotmail.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, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Hector Lara Mandragon Date: 08/05/21
Owner: [Signature] Date: 08/05/21

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. Yes because the proposed use will boost our business, when businesses in an area do well so does the community around it.

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. The proposed use will add efficient storage to empty space that will help the business store things neatly and organized, thus boosting the safety and improve the property.

3. That the proposed use will comply with the regulations specified in Chapter 153 of the Zoning Code. If it didn't we wouldn't be allowed to move forward with our use.

4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. There is zero possibility of that happening, our use will not interfere and does not involve other properties.

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

Will not. matter of fact it will add to the scenic view because our use will be a quality build

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

Yes, there is not going to be a surge of traffic because that's not its intended use.

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

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. N/A

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

No it will not stimulate incompatible growth, because that is not the intended use.

Sent

For SLP.pdf



Hector,

The City received your application for a CUP on August 6, 2021. In reviewing the application, the escrow amount (\$1,500) and the CUP application fee (\$500) has not been paid. As such, pursuant to M.S. 15.99, the application is deemed incomplete. Please submit the \$1500 escrow amount and \$500 application fee at your earliest convenience. If we receive the application fee by September 2, 2021, we can proceed with the public hearing at the September 27, 2021 City Council meeting.

I have copied the Cities Administrator on this email. Dan Buchholtz is the contact for the CUP process.

Regards

Jeff Baker, CBO, CFI-II
Building Official/Fire Marshal
City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park MN 55432
763-792-7212



www.slpark.org



