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| To:   | Spring Lake Park Planning Commission   | From: | Phil Carlson, AICP, Kribashini Moorthy, AICP-C; Stantec |
|       | City of Spring Lake Park   |       |   |
| File: | Big Chiefs Auto<br>1810 County Highway 10 NE<br>Applicant: Ajemchap T. Nkem<br>Owner: Clara J. Gallagher Trust | Date: | April 28, 2025  |

**Re: Conditional Use Permit, Big Chief's Auto Center, 1810 County Highway 10**

## INTRODUCTION

The commercial property at 1810 County Highway 10 is owned by the Clara Gallagher Trust. The property is about 0.28 acres in size and occupied by a vacant 4,000-sq-ft building. The lot to the south fronting on Spring Lake Park Road is owned by the same owner and will use that property for parking. Both properties are currently zoned C-2, Neighborhood and Service Center Commercial. The applicant Mr. Nkem wants to operate an auto business from the site, including auto repair, auto body work, tire sales, car wash and car rental, which require a conditional use permit (CUP) as detailed below.

Building Official Jeff Baker inspected the property in February and informed the owner that a CUP was necessary in order to operate an auto repair business on site.

## PLANNING & ZONING CONTEXT

The property is guided Commercial on the City's Land Use Plan and zoned C-2 Neighborhood and Service Center Commercial, as illustrated on the map excerpts on the next page.

For C-2 districts, auto and marine service, parts, and repair excluding wash are permitted as a Conditional Use as per 16.64.040 Appendix D: Permitted Uses for Commercial District.

A *conditional use* is considered in planning practice and Minnesota zoning rulings to be a *permitted use* to which reasonable conditions may be attached. It is generally not advisable to deny the use outright unless there are unusual issues with a given site that would make that use inappropriate even with reasonable conditions. Under this approach, we assume that auto repair can be allowed but that the City can attach conditions to the permit to address issues on site.

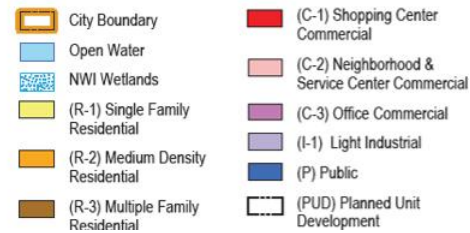
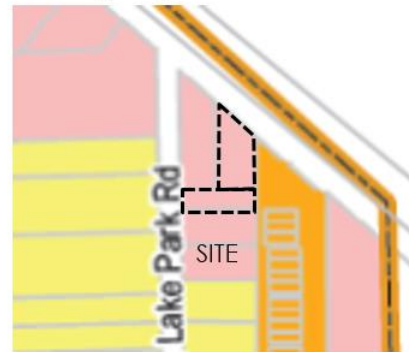


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### Future Land Use Map



### Zoning Map



## HISTORY

The property was previously occupied by SERVPRO, a construction company that used the building for storage and office space. It was an allowed use in the C-2 zoning district and hence it did not require a conditional use permit. The applicant, Ajemchap T.Nkem is renting the property and intends to use it for his business that includes automotive repair, body work and tire sales. These uses are allowed subject to reasonable conditions such as screening, hours of operation, lighting, etc.

## CONDITIONAL USE PERMIT

For auto repair body work and tire sales, a conditional use permit is required and is subject to the following specific development standards according to 16.36.010 Specific Development Standards.

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
4. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.
6. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

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## **CONDITIONAL USE CRITERIA**

The criteria in Section 16.56.030(E)(1) of the Zoning Code related to Conditional Uses are as follows:

- 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 use – auto repair – is assumed to be necessary and desirable.

- 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 use, if conducted properly, will not be detrimental to people in the vicinity. Issues could potentially come up, including noise, unsightly cars, activities late in the evening, venting of odors, gas and fumes, etc.

- c. *The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;***

The site complies with the setback, lot coverage and impervious surface coverage regulations.

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

The use is listed as a Conditional Use in the C-2 district.

- e. *The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;***

Despite the proposed use being permitted as a conditional use, it may have an adverse impact on the adjacent properties. The neighbors have expressed concerns regarding the auto business, particularly due to its proximity to residential properties.

- f. *The use will not lower property values or impact scenic views in the surrounding area;***

The conduct of the use itself will not lower property values, but as noted, the appearance or activity on site with many cars and no green space and landscaping may impact the area.

- g. *Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;***

The streets are adequate to serve the use.

- h. *Sufficient off-street parking and loading space will be provided to serve the proposed use;***

The use is most closely related to “service station” which requires “3 spaces per each service bay plus 1 per each employee on major shift” per 16.64.010 Appendix A: Parking Requirements. There are two service bays on the front of the building, which would require 6 spaces. On the south lot owned with the building site there is room for about 12 parking spaces. That would leave 6 spaces for employees or up to 6 employees. The parking available on site should be adequate.

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***i. The use includes adequate protection for the natural drainage system and natural topography;***

Since there are no proposed changes to the building and the site, there is adequate protection for natural drainage and 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***

It is assumed that the use will continue to limit odor, fumes, dust, noise and vibration as required by the code.

***k. The proposed use will not stimulate growth incompatible with prevailing density standards.***

Not applicable.

## **RECOMMENDATION**

We recommend that the Planning Commission recommend approval of the Conditional Use Permit including auto repair use for Big Chief's Auto, with the following conditions which incorporate, restate, and modify the current permit conditions, with the following findings of fact:

*Conditions of Approval*

- 1) Auto repair may be conducted on site as long as all repair work is done completely within the building and all other conditions of this permit are adhered to.
- 2) Body work would be allowed as part of auto service, parts and repair by conditional use.
- 3) Tire sales are allowed as part of conditional use allowed as part of auto service, parts and repair.
- 4) Car wash is not allowed, except to clean cars inside the building for repair customers.
- 5) Car rental is not allowed to outside customers, but only as a courtesy loner to auto repair customers.
- 6) If changes to the building or site are proposed, they must be reviewed by City staff as a potential amendment to the Conditional Use Permit.
- 7) All vehicles on site must be legal and operational for public highways.
- 8) Hours of operation are 9 am to 9 pm, Monday to Friday and 9 am to 6 pm on Saturdays.
- 9) On-site lighting to be confined to the premises. Any changes in site lighting plan are to be reviewed and approved by the City Engineer.
- 10) Adequate off-street parking needs to be provided.
- 11) All other City standards related to drainage of the site and other site features are to be followed. Any changes must be reviewed and approved by the City Engineer.

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*Finding of Fact for Approval*

- 1) The City has specific development standards in the zoning code.
- 2) The current site at 1810 County Highway 10 is zoned C-2 and no changes are proposed to be made to the site and building.
- 3) The uses requested in Conditional Use permit such as auto repair, body work and tire sales only are allowed as conditional use.
- 4) The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

**OPTIONS**

- 1) Recommend approval of the CUP as presented with the recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the CUP, with findings for denial.
- 3) Continue the items to a future meeting to gather more information or more discussion.

**60-DAY RULE**

The Conditional Use Permit application was received on February 13, 2025. The City has extended the deadline for final action upon request for additional 60 days to 120 days as allowed by State statute 15.99. The deadline for final action by the City Council is June 13, 2025.