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|-------|---|-------|-----------------------|
| To: | Spring Lake Park Planning & Zoning Commission City of Spring Lake Park | From: | Phil Carlson, Stantec |
| File: | Collision Doctor, Auto Repair 8370 Pierce Street NE Applicant: Charles Schatz, Reprise Design Owner: Olmedo Alvarado | Date: | November 23, 2020 |

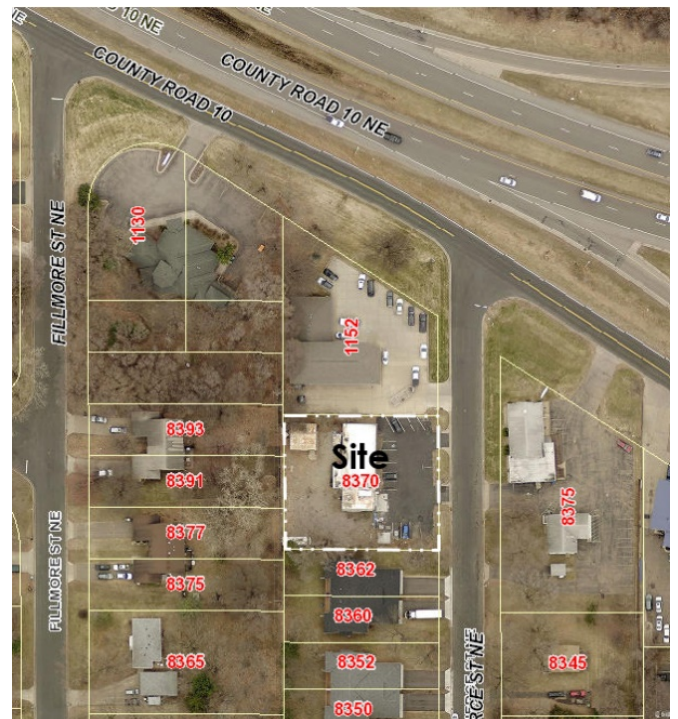
Re: Variance, Side Setback, 8370 Pierce Street NE

INTRODUCTION

The Collision Doctor auto repair business occupies the lot at 8370 Pierce Street NE on a block that also includes single family residences behind it to the west, twin homes to the south, commercial to the north, and a church and church residence to the east across the street. The property is less than a block from the County Road 10 service road to the north.

The business wants to expand by constructing an addition to the rear of the building in the northwest corner of the site. The proposed addition would line up with the existing building edge, which is 10 ft from the north lot line, whereas a 15-ft side setback is required by code. A variance is requested to construct the addition with a 5-ft variance to the side setback.

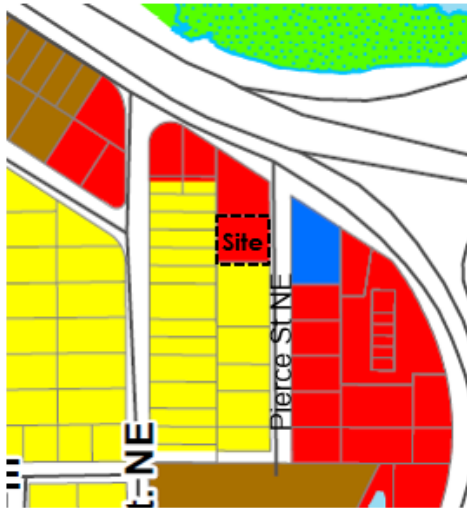
Auto repair uses are a conditional use in the C-2 district. In the course of reviewing the variance application within the 15-day review period we informed the applicant that the project would also require a Conditional Use Permit (CUP), which was not applied for nor was it noticed for a public hearing for the October 26 Planning Commission meeting. At the applicant's request the Planning Commission continued the variance request from the October 26 meeting to the November 23 meeting. The applicant has now applied for a CUP and that request is on this November 23 Planning Commission meeting agenda, together with the variance.



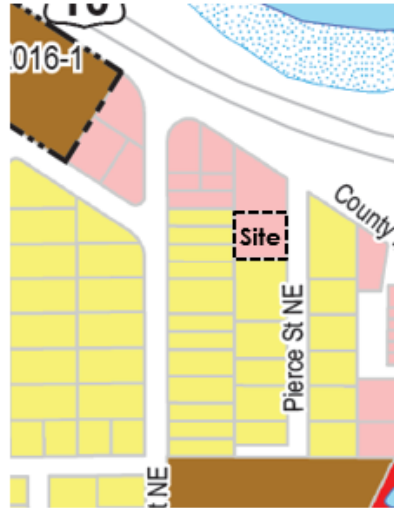
The current Land Use Plan map and Zoning Map are excerpted on the next page, as well an aerial photo of the vicinity with surrounding uses noted.

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2040 Land Use Plan



Zoning



- City Boundary
- Open Water
- NWI Wetlands
- (R-1) Single Family Residential
- (R-2) Medium Density Residential
- (R-3) Multiple Family Residential
- (C-1) Shopping Center Commercial
- (C-2) Neighborhood & Service Center Commercial
- (C-3) Office Commercial
- (I-1) Light Industrial
- (P) Public
- (PUD) Planned Unit Development

- City Boundary
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Commercial/Industrial
- Public/Semi-Public

Surrounding Uses



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SITE ISSUES – CONDITIONAL USE PERMIT

The Zoning Code standards that apply to auto service uses are included at the end of this report as are the criteria for approval of a Conditional Use Permit. The pertinent issues are discussed below.

Setbacks

| | <i>Required Bldg</i> | <i>Required Parking</i> | <i>Requested</i> |
|----------------------|----------------------|-------------------------|-------------------------|
| • Front (east) | 40' bldg | 25' parking | |
| • Rear (west) to R | 30' bldg | 20' parking | 12' parking recommended |
| • Side (north) to C | 15' bldg | 10' parking | 10' bldg requested |
| • Side* (south) to R | 40' bldg | 20' parking | 14' parking recommended |

* Different setback applies if adjacent to residential district

- The proposed building addition is setback 10 ft from the north side lot line, encroaching 5 ft into the required 15-ft north side setback (as does the existing building, which may remain as a legal non-conforming structure).
- The proposed new rear asphalt parking area encroaches into the required 20-ft rear setback and the required 20-ft side setback to the residential use to the south.

Lot Coverage

| | <i>Maximum Bldg</i> | <i>Maximum Impervious</i> |
|---|---------------------|---------------------------|
| • Code Requirement | 35% max | 75% max |
| • Total Site: | 19,505 sq ft | |
| • Existing buildings: | 3,501 sq ft (18%) | |
| • Existing Impervious: | 16,708 sq ft (86%) | |
| • Proposed buildings: | 4,248 sq ft (22%) | |
| • Proposed Impervious: | 14,538 sq ft (75%) | |
| • If the stie is developed as recommended in this report, with less paving that the applicant's plan but not the full required side and rear parking setbacks, approximately 780 sq ft of asphalt would be subtracted from the numbers on the applicant's proposed plan, leaving the following: | | |
| • Proposed buildings: | 4,248 sq ft (22%) | |
| • Proposed Impervious: | 13,748 sq ft (71%) | |

Screening

Screening or buffering between commercial uses and residential uses is required by the Zoning Code, in the form of landscaping or a fence or wall. With this request for a variance and a CUP we recommend that significant landscape screening be added on the west (rear) and south side setback areas to screen headlights, parking, and activity.

Lighting

Two new lights will be added on site over the garage door and the man door of the new addition. The applicant indicates these will be downcast, fully shielded light fixtures and will comply with the Code standard of adding less than 0.5 foot-candle of light at the property line.

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Stormwater Management

The City engineer recommends adding an 18-inch deep storage area in the SE corner of the lot as indicated on the Concept Plan and that the new parking area have curb to direct drainage east to Pierce Street.

Parking & Traffic

The site has 13 parking spaces in the front of the lot and space for at least 6 more in the rear parking area as recommended on the Concept Plan. Parking for the use should be adequate, but it is understood that damaged vehicles must be stored within the building or completely screened from the street and neighboring properties.

The existing site has gravel in the rear part of the site to within 3-4 ft of the south side and rear/west lot lines. The applicant's site plan shows new asphalt at 5-6 ft from those same lot lines. Required parking setback is 20 ft to both the south side and rear, but there is existing gravel parking area within the setbacks which could remain or be replaced and improved as a legal non-conforming use. It is being improved with asphalt but is proposed much closer to the residential properties than Code allows. There are typical dimensions for parking areas that could be applied here – a 25-ft-wide drive aisle, a 42-ft-deep parking bay with drive aisle, and 18-ft-deep parking spaces. We propose a compromise to allow these dimensions for the new rear parking area – greater setbacks than what the applicant proposed, but not the full setbacks required by Code. These proposed dimensions are shown on the Concept Plan.

Signage

No additional signage has been requested. Any new signage on site will need a permit per Zoning Code standards.

Vehicles on Site; Odors, Gas and Fumes

The following standards in Section 16.36.010 will be followed:

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

Sale of vehicles is not requested or approved with this Conditional Use Permit

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.

No specific information on venting the facility has been provided. This will be reviewed and approved by the City Engineer and Building Official before a building permit is granted.

Re: **Variance, Side Setback, 8370 Pierce Street NE**

VARIANCE

Section §153.224 of the Zoning Code has the following criteria for approving a variance:

- (a) **Is the variance in harmony with the purposes and intent of the Ordinance?** – Among the purposes of the City’s zoning code is providing an orderly and compatible arrangement of buildings, preventing overcrowdings and supporting healthy living conditions. The variance for this project would allow the north side of the building addition to be aligned with the existing building edge. Adhering to the west and south side setback and screening requirements will support those purposes.
- (b) **Is the variance consistent with the comprehensive plan?** – The use is consistent with the intended land use for the property. Otherwise, there are no significant issues connected to the comprehensive plan.
- (c) **Does the proposal put property to use in a reasonable manner?** – The proposed building addition for the business is a reasonable use of the property; matching the existing building edge is also reasonable.
- (d) **Are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?** – The location of the existing building within 10 ft of the north side lot line might be considered an existing physical characteristic of the property which could be taken into account in the review of the variance.
- (e) **Will the variance maintain the essential character of the locality?** The neighboring use to the north is commercial, and the existing building is 10 ft from the lot line. The proposed addition would be in character with that side of the lot. The west and south side neighbors are residential, so adhering to the required setbacks and adding screening would be appropriate to maintain the residential character on those two sides. The addition would not be seen from the east across Pierce Street.

CONCLUSION & RECOMMENDATION

The Conditional Use Permit and variance are closely tied together in this application, since the variance is for a use that is only allowed by CUP, and a variance can have conditions attached like a CUP. I suggest that the CUP be acted upon first, since a CUP could be granted for a building addition and conditions applied without approval of a setback variance for the addition. Then the variance request would follow, but only if the CUP is recommended for approval. The Concept Plan that we prepared and referenced here is attached at the end of this report.

Conditional Use Permit

I recommend that the Planning Commission recommend approval of the Conditional Use Permit for a building addition and site improvements at 8370 Pierce Street as described in this report, with the following conditions:

- 1) The Conditional Use Permit applies to the use of the property assuming all setbacks and other Zoning Code standards are met, including the required 15-ft side setback to the north side, without a variance. If a variance is approved as requested for the north side setback of the building addition, that would be in addition to the conditions in the Conditional Use Permit.
- 2) Additional screening and landscaping on the west and south sides of the lot will be provided as depicted on the Concept Plan in the Planner’s report of 11-23-2020, to screen headlights and activity on site, such landscaping to be reviewed and approved by the City Planner and City Engineer before a building permit is granted.

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- 3) The new proposed asphalt parking area in the rear of the site will provide a 12-ft rear setback and a 14-ft south side setback as depicted on the Concept Plan in the Planner's 11-23-2020 report, recognizing that there has been an existing legal non-conforming gravel parking area in the rear of the property.
- 4) All work will be done within the building.
- 5) Vehicles stored on site must display current license.
- 6) Damaged or inoperable vehicles, as well as parts and equipment, must be stored within the building or completely screened from the street and neighboring properties.
- 7) Additional lighting on the new building addition over the garage door and man door will be downcast, fully shielded fixtures allowing no more than 0.5 foot-candle of light beyond the property line.
- 8) Handling of odors, gas, and fumes will be reviewed and approved by the City Engineer and Building Official before a building permit is issued.
- 9) A stormwater drainage feature approximately 18 inches deep will be provided in the southeast corner of the site to be reviewed and approved by the City Engineer before a building permit is granted.
- 10) All other grading, drainage, stormwater, utility, and engineering issues will be reviewed and approved by the City Engineer before a building permit is granted.

Findings of Fact for Approval of the CUP

- 1) Regulation of setbacks and screening for commercial uses adjacent to residential uses is a reasonable and necessary part of the City's Zoning Code standards.
- 2) Proper design and shielding of lighting on commercial properties to prevent light spillage and glare to adjacent properties is a reasonable standard within the Zoning Code.
- 3) Adequate provision for handling of stormwater is necessary to protect neighboring properties and the larger watershed.
- 4) Limiting odors, gas, and fumes from commercial auto service uses is a reasonable protection of health, safety and welfare.
- 5) The proposed building site development as modified with these conditions meets the criteria for approval of a Conditional Use Permit in the City Zoning Code.

Variance

I recommend that the Planning Commission recommend approval of the variance for a building addition at 8370 Pierce Street as depicted on the applicants plans with the following conditions:

- 1) The variance is conditioned on approval of a Conditional Use Permit for the site as described in this report and the applicant's supporting materials.
- 2) The building addition will be constructed to be similar and compatible in appearance to the original building.

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- 3) Screening and setbacks shall be provided on the west and south sides of the site as stipulated in the Conditional Use Permit.
- 4) Lighting on the building shall be as described by the applicant and approved in the Conditional Use Permit with downcast shielded fixtures allowing no more than 0.5 foot-candle beyond the property line.
- 5) Grading, drainage, stormwater, utility and other engineering issues will be reviewed and approved by the City Engineer before issuing a building permit.
- 6) Handling of odors, gas, and fumes will be reviewed and approved by the City Engineer and Building Official before a building permit is issued.

Findings of Fact for Approval of the CUP

- 1) A building addition for the existing auto service business is a reasonable use of the property.
- 2) Aligning the new building addition with the edge of the existing building is reasonable and practical in making efficient use of the site.
- 3) Regulation of setbacks and screening for commercial uses adjacent to residential uses is a reasonable and necessary part of the City's Zoning Code standards.
- 4) Proper design and shielding of lighting on commercial properties to prevent light spillage and glare to adjacent properties is a reasonable standard within the Zoning Code.
- 5) Adequate provision for handling of stormwater is necessary to protect neighboring properties and the larger watershed.
- 6) Limiting odors, gas, and fumes from commercial auto service uses is a reasonable protection of health, safety and welfare.
- 7) The proposed building addition as modified with these conditions meets the criteria for approval of a variance in the City Zoning Code.

OPTIONS

The Planning Commission should make separate motions on the CUP and variance. Options:

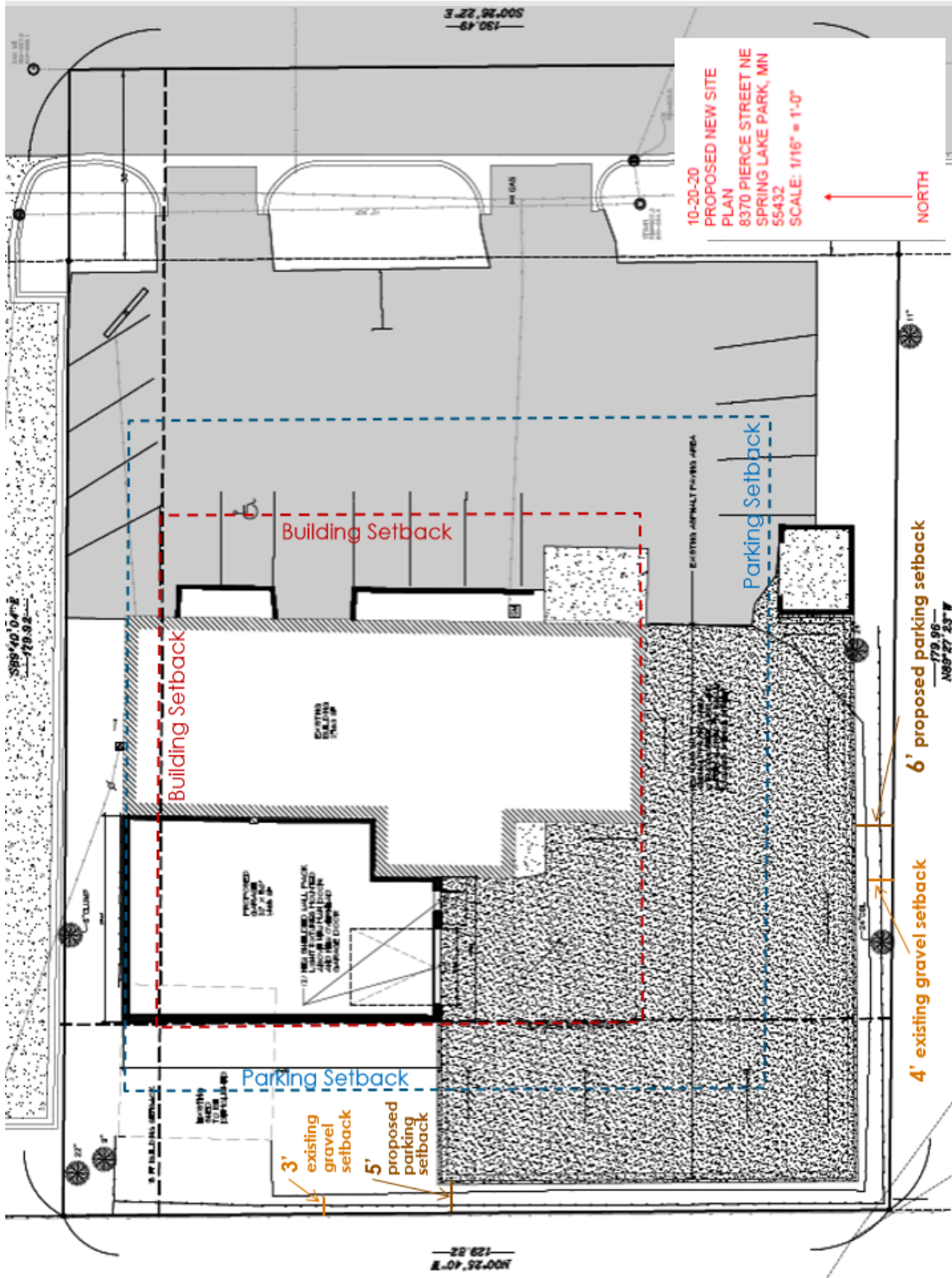
- 1) Recommend approval of the CUP and the variance as submitted with the recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the CUP and variance, with findings for denial for each.
- 3) Continue the items to a future meeting to gather more information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

60-DAY RULE

The variance application was considered complete on October 20, 2020 with the receipt of requested additional information. The Conditional Use Permit application was received November 4, 2020. The 60-day deadline for final action by the City Council on the variance is December 19, 2020; for the CUP, January 3, 2021.

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APPLICANT'S SITE PLAN



Re: Variance, Side Setback, 8370 Pierce Street NE

SPECIFIC DEVELOPMENT STANDARDS – SECTION 16.36.010.B:

- B. Auto and marine; service and repair.
 - 6. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
 - 7. All work shall be performed within a completely enclosed building.
 - 8. 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.
 - 9. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
 - 10. 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.
 - 11. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

CONDITIONAL USE CRITERIA – SPRING LAKE PARK ZONING CODE SECTION 16.56.030.E:

- 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;
 - 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;
 - 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;
 - d. The use is one of the conditional uses specifically listed for the district in which it is to be located;
 - e. The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;
 - f. The use will not lower property values or impact scenic views in the surrounding area;
 - g. Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;
 - h. Sufficient off-street parking and loading space will be provided to serve the proposed use;
 - i. The use includes adequate protection for 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
 - k. The proposed use will not stimulate growth incompatible with prevailing density standards.

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. This site has already been operated for 13 years by the previous owner as an automobile repair shop, but a conditional use permit is not on file. This is a valuable and convenient business to have in the neighborhood, and we are seeking a conditional use permit to continue operation of this business while being able to improve the building and surrounding site.

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. We are proposing to continue use of the site as an auto repair shop, which is a beneficial use to the neighborhood. We are also proposing improvements to the property such as renovation of the existing building, removal of an unsightly shed building, and additional landscaping for screening from the adjacent residential districts.

3. That the proposed use will comply with the regulations specified in Chapter 153 of the Zoning Code. Per 16.64.040, C-2 zoning allows for auto service/repair as a conditional use, and this site has been used for this purpose by the previous owner for many years. Our plans will continue use of the site as an auto repair shop, and it will comply with the specific development standards outlined in 16.36.010.

4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. This site will continue to offer the same business with numerous improvements (outlined in #2) that will visually enhance the neighborhood.

5. That the use will not lower property values or impact scenic views in the surrounding area. _____
The proposed improvements to the site (outlined in #2) will positively impact the views and property values of the surrounding area.

6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. This site is easily accessible by the County Hwy 10 Service Road. The existing roads accommodate the current traffic levels, and we are proposing to continue to use this site with the same type of business.

7. That the use includes adequate protection for the natural drainage system and natural topography. We are proposing a reduction in the existing impervious area on the site, which will improve site drainage.

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. _____
The new addition to the building will comply with the specific development standards for auto repair shops outlined in 16.36.010. All work will occur in an enclosed garage to minimize noise, and odors will be vented a minimum of ten feet above grade and directed away from residences.

9. That the proposed use will not stimulate growth incompatible with prevailing density standards. The proposed addition is a single story and will not alter the density of the neighborhood.

**City of Spring Lake Park
Variance Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: Charles Schatz - Reprise Design Telephone: 952 362-3732
Address: 12400 Portland Av. S. #100 Cell Phone: 612 669 4729
City/State/Zip: Burnsville, MN 55337 E-mail: cschatz@reprise
design.com

2. Property Owner Information (if different from above):

Name: Olmedo Alvarado Telephone: _____
Address: 8370 Pierce St. NE Cell Phone: 612 251-7590
City/State/Zip: Spring Lake Park, MN E-mail: metropolitn@yahoo.com

3. Project Location (Address and Legal Description): 8370 Pierce St. NE

4. Present Use of Property: Auto Repair garage

5. Description of Project: 1,495 SF addition to the
existing building.

6. Specify Section of the Ordinance from which variance is sought: 10.04.050 Appendix
Section B - Minimum non-residential dimensional requirements

7. Explain how you wish to vary from the applicable provisions of this Ordinance: We are
requesting a five foot variance from the
15 ft side yard setback requirement.

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. **Practical Difficulties Test:** Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?

Yes No Why or why not?

The existing building is 10 feet from the
required setback and we are aligning
with it which maintains the existing
building configuration and is in harmony
with the purposes & intent of the Ordinance

b. In your opinion, is the variance consistent with the Comprehensive Plan?

Yes No Why or why not?

Because the adjacent property from which we are requesting the 5ft. variance is zoned C-2 and not residential we believe it is consistent with the Comp Plan.

c. In your opinion, does the proposal put property to use in a reasonable manner?

Yes No Why or why not?

Because it will align with the exist'g building it puts the property to use in the most reasonable manner possible

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?

Yes No Why or why not?

The property is unique because it is a grandfathered use in a residentially zoned district.

e. In your opinion, will the variance maintain the essential character of the locality?

Yes No Why or why not?

The variance will not affect the essential character of the locality whatsoever.

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant Signature:

Chuck Blunts

Date:

10/5/2020

Fee Owner's (Property Owner) Signature:

[Signature]

Date:

10/5/2020

