

To: Spring Lake Park Planning Commission From: Phil Carlson, AICP, Stantec
 City of Spring Lake Park
 File: Prior Performance Motorcycles Date: January 22, 2024
 8421 Center Drive NE, Suite A
 Applicant: Brandon Prior
 Owner: Center Drive Holdings LLC

Re: Conditional Use Permit, Auto Service (Motorcycle Repair), 8421 Center Drive NE, Suite A

INTRODUCTION

Brandon Prior owns and operates Prior Performance, a motorcycle shop in the multi-tenant building at 8421 Center Drive in the I-1 Light Industrial district, where they “*repair, maintain and build custom motorcycles as well as ship our manufactured parts*” (owner’s description). The existing and requested uses involve several of the uses listed for the I-1 district in *Appendix D, Schedule of Permitted Uses by District*, Section 16.64.040 of the zoning code:

- “*Light manufacturing*” is a permitted use, which fits the existing part of the business building custom motorcycles and parts.
- “*Automobile repair*” (which would include motorcycles) is listed as a conditional use.
- Also listed as a conditional use is “*Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards.*”

There is no conditional use permit (CUP) on file for the business. The current application stems from City staff visiting the business and seeing that repair was being done on site without a permit. If approved, this new CUP would describe and include all aspects of the business so that they and the City understand what is being done on site.

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.

The multi-tenant building on Center Drive is divided into various suites, with different addresses – 8407 to 8427 Center Drive, illustrated to the right. Prior Performance occupies the southern storefront, Suite A, of the two-suite portion of the building at 8421, which also has the Shashe Grocery Store in Suites B and C.



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PLANNING & ZONING CONTEXT

The property is guided Commercial/Industrial on the City’s Land Use Plan and zoned I-1 Light Industrial, illustrated on the map excerpts to the right. The properties on the north, south, and east are zoned I-1; the properties across Center Drive to the west are zoned C-1 Shopping Center Commercial.

The issues involved in auto service – motorcycle repair in this instance – are typically where work is being done on the vehicles (inside or outside); parking for vehicles being repaired and for customers; hours of operation; and noise, odor, etc. We expect all work to be done within the enclosed building, and that noise and odor are not objectionable.

SITE ISSUES

There are issues associated with auto repair that are in the City’s interest and in the interest of the property owner. We contacted the owner, Mike Sowers, representing Center Drive Holdings LLC who shared the following issues on behalf of the property owner:

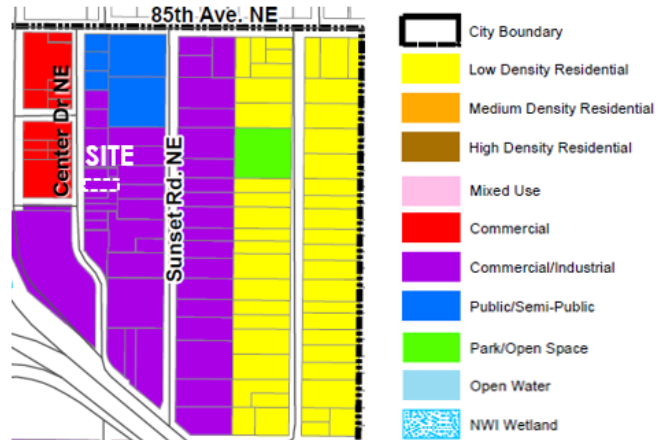
- 1) *No oil changes, or work on any vehicles that involves the fluids from the vehicles being added or removed is permitted unless the tenant first (1) installs a flammable waste trap at their own expense, (2) adds fire safety measures in accordance with the city of Spring Lake Park’s recommendations, and (3) insures the building for this use and names Center Drive Holdings LLC as an additional insured and provides evidence of such and (4) an additional security deposit of \$25,000 is placed on file with the lease to protect landlord against any environmental claims. Upon expiration of the lease the tenant shall hire a qualified environmental company at their own expense who shall certify the site is clean and contamination free at which point the security deposit shall be released.*

- 2) *No storing of tires for sale, or old tires removed from vehicles is permitted under any circumstances unless an additional deposit is placed on file with the Landlord by Tenant of \$25,000 and all storing of tires or oil is done in accordance with acceptable practices as is customary with licensed oil change and tire sales facilities includes bullet point 1 and never viewable from outside the facility.*

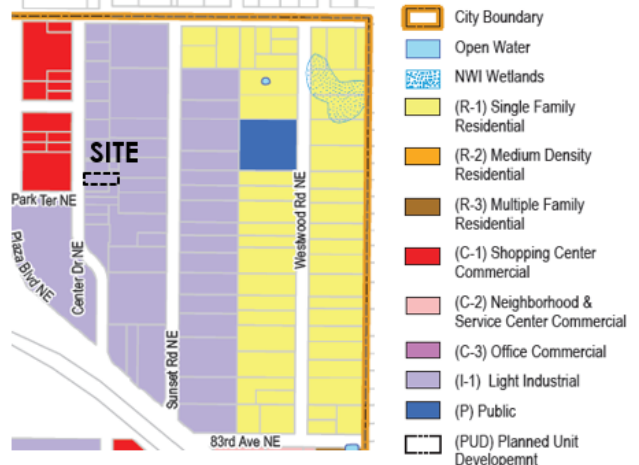
- 3) *Each tenant shall only park vehicles directly in front of or behind their suite and shall not ever park inoperable vehicles of any kind on the site, or park in front of or behind any one else’s suite or impede the flow of traffic in front of or through the rear of the building.*

The City can stipulate similar conditions for the use of the property, even though the City does not get between a landlord and tenant on their specific agreement.

Future Land Use Plan (portion)



Zoning Map (portion)



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Parking

Parking is an issue the City is concerned about, to insure safety on the property and on public streets, was well as avoid unsightly appearance. The parking for Prior Performance as stipulated by the property owner is illustrated to the right. There are six spaces dedicated to Prior Performance – three in front and three in the rear for this suite. The back side of the rear parking area must be kept open for access around the building for other tenants.

Note that existing parking in the front of this building extends out into the public ROW of Center Drive. This is an existing condition that has been in place for many years and the City does not intend at this time to change it.

Outside Storage/Outside Work on Vehicles

The City does not have the same issue with oil changes or storing of tires as the property owner does, but the City does have an interest in the orderly appearance of the property. Therefore, the City can require that all work on vehicles be done within the enclosed building and that no materials or equipment are stored outside the building.



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 (motorcycle) 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.

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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 does not comply with the parking setback and lot coverage regulations, but the building is existing and no changes are proposed or required.

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 I-1 district.

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

The use and enjoyment of this part of Center Drive will not be impacted by the operation of this business if it is conducted with the building and if parking is adequately handled.

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, and will involve no change to the property.

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;

There is not sufficient off-street parking but this is a feature of this building going back many years. The City can expect that parking be limited to what can be parked in front and behind the business.

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

Site drainage is not changing.

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.

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RECOMMENDATION

I recommend that the Planning Commission recommend approval of a Conditional Use Permit including auto repair use (for motorcycles) to business owner Brandon Price of Prior Performance and property owner Center Drive Holdings LLC at 8421 Center Drive with the following conditions and findings of fact:

Conditions of Approval

- 1) All work on vehicles will be conducted within the enclosed building.
- 2) No storage of tires, vehicles, vehicle parts or other materials is permitted outside the building.
- 3) All vehicles parked on site will be operable and street worthy.
- 4) Parking for the business is limited to three parking spaces immediately in front of Suite A of the building on Center Drive and the three spaces immediately behind Suite A at the rear of the building. Parking at the rear will maintain the access aisle open serving the entire building.
- 5) Operations on site will at all times follow the performance standards in Section 16.28.010 of the Spring Lake Park Zoning Code for noise, odor, fumes, light and other impacts.

Finding of Fact for Approval

- 1) Center Drive Holdings LLC owns the building at 8421 Center Drive NE. Brandon Prior operates the Prior Performance a motorcycle business in Suite A at that address that repairs, maintains and builds custom motorcycles and ships manufactured parts.
- 2) The property at 8421 Center Drive NE is zoned I-1 Light Industrial. Light manufacturing is a permitted use, automobile repair (which would include motorcycles) is listed as a conditional use.
- 3) Motorcycle repair requires a conditional use permit in the I-1 district. There is no permit on file with the City for that business or that property. Issuing this conditional use permit with conditions attached will bring the business into compliance with the conditional use provisions of the zoning code.
- 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 November 27, 2023. Due to scheduling over holidays the City has extended the deadline for final action an additional 60 days to 120 days as allowed by State statute 15.99. The deadline for final action by the City Council is March 27, 2024.