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**CITY OF PEQUOT LAKES**  
**SPECIAL MEETING AGENDA**  
**PLANNING AND ZONING COMMISSION**

Monday, May 7, 2007 at 6:30 PM

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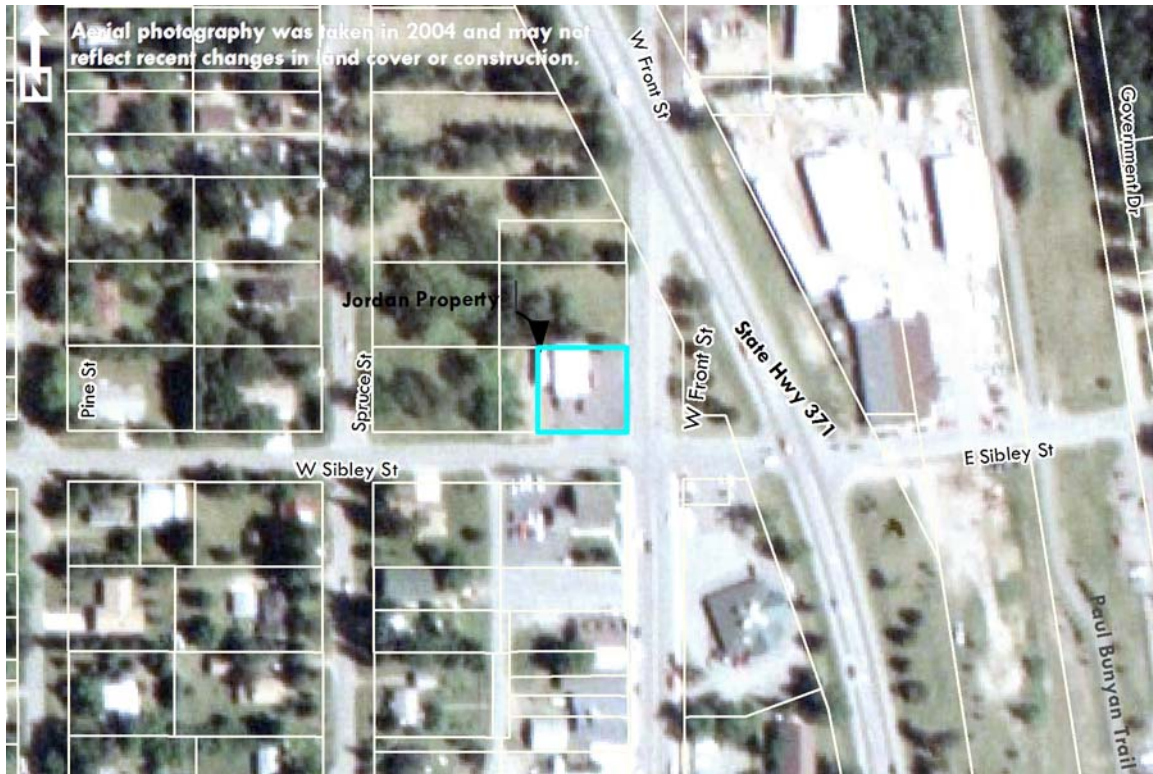
1. Call to Order
2. Roll Call
3. Public Hearings
  - a. Conditional Use Permit for Auto Sales  
Jordan Auto Sales  
Application 07-23
4. Adjournment

## STAFF REPORT

**Application:** Conditional Use Permit for Auto Sales

**Applicant:** Jordan Auto Sales

**Background:** The subject property is located on the northwest corner of the intersection of Front Street and Sibley Street. The property contains a structure and related parking area, formerly the home of Auto Value, an automotive parts store. The property has been vacant for the last several months.



The applicant proposes to re-use the existing property for the retail sales of pre-owned vehicles. The business would have an average of 15 to 20 vehicles for sale on the property, with an existing parking area having a maximum parking capacity for 25 vehicles. The applicants have indicated that they intend to perform some improvements to the existing building, including the installation of a second overhead door, new paint, and new carpet inside the building. The applicants had also indicated that they plan to remove brush and material from the rear of the building and to reuse the existing sign structure on the property for their signage.

**Applicable Statutes:** The purpose and intent of the Downtown Mixed Use District is to provide a zoning classification for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways as well as connection to municipal water and sanitary sewer utilities. Downtown Mixed-Use zones should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.

Section 5.10, Subdivision 4 indicates performance standards that apply to all developments in the Downtown Mixed Use zone, including:

- A. **Parking.** Commercial developments within the DMU District are exempt from the parking standards of Section 7.10. Residential development within the DMU District is not exempt. Developments shall minimize the appearance of parking areas.
  - i. **Location.** Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.
  - ii. **Landscape Buffering.** Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.
  - iii. **Maximum Parking Ratio.** Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s).
- B. **Pedestrian Amenities.** Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- C. **Lighting.** All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.
- D. **Fences.** Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

Section 7.10 lists standards for Parking and indicates that parking sites shall be a minimum of 20 feet long and 10 feet wide. In addition, this section states that the Planning Commission and City Council have the discretion to determine the appropriate parking ratio for other uses that are not described in the section. Additional standards are listed in this section pertaining to location of parking areas, providing appropriate landscaping, reducing glare from lighting, and providing adequate drainage for parking areas.

Since this application is a Conditional Use Permit, the CUP provisions contained in Section 11.6, Subdivision 3 also apply. Those provisions include the following:

1. The following must be met:
  - A. The use or development is an appropriate conditional use in the land use zone.
  - B. The use or development, with conditions, conforms to the comprehensive land use plan.
  - C. The use with conditions is compatible with the existing neighborhood.
  - D. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
2. The following must be considered:
  - A. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
  - B. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
  - C. The conditional requirements at public cost for public facilities and services and will

- not be detrimental to the economic welfare of the community.
- D. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares.
  - E. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
  - F. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
  - G. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
  - H. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
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**Staff Findings:** The Staff provides the following findings of fact for consideration by the Planning Commission:

1. The proposed use is an appropriate conditional use in the Downtown Mixed Use District. The Land Use Matrix indicates the unclassified commercial uses are considered conditional uses in the Commercial zone.
  2. The proposed use conforms to the Comprehensive Land Use Plan, which indicates that the City must maintain the agglomeration of its businesses and seek to infill and redevelop commercial properties as they become available.
  3. The proposed use, with conditions, would be compatible with the existing neighborhood. The downtown mixed use area provides for many business types, such as professional offices, retail, and food and beverage related businesses. The use of the property for a auto sales, formerly automotive parts sales, is consistent with these uses and the surrounding area, which is largely undeveloped to the north and contains a variety of businesses to the south.
  4. The proposed use would not be injurious to the public health, safety, or welfare as it is located in an existing building in an established retail/service area.
  5. The proposed use is unlikely to be injurious to the use and enjoyment of other properties in the immediate vicinity. The retail sales of the proposed use would be outdoors, but are unlikely to create noise, dust, or other similar effects that would constitute a nuisance.
  6. The proposed use should not impede the normal and orderly development and improvement of surrounding vacant properties, especially as the proposed use is, in itself, a reuse of existing vacant property. There are no additional public services or facilities required for the development of this property.
  7. The property contains access points on both Front Street and Sibley, and should not create traffic congestion or interference with traffic on the surrounding streets.
  8. The site of the proposed use contains existing parking facilities.
  9. The proposed use is unlikely to produce noise, dust, or odors at a level that would constitute a nuisance beyond the existing conditions of the site.
  10. The proposed use is contained within an existing structure and will not result in the destruction or removal or any scenic or historic sites of major significance. The applicant has proposed the removal of some of the brush in the rear of the building.
  11. The proposed use is contained within an existing structure and will not require additional storm water management improvements.
  12. The applicant has indicated that improvements will be made to the existing building, but that the size and footprint of the building will remain unchanged.
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**Planning Commission Direction:** The Planning Commission can recommend approval of the conditional use permit, recommend denial, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

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**Staff Recommendation:** Based on the findings of fact presented in this report, the Staff recommends approval of the conditional use permit application.