



STAFF REPORT

DATE: 10/18/22

**REGULAR
MOTION**

TO: City Council
FROM: Ben Hetzel, Lake Elmo City Planner
AGENDA ITEM: Crossroads East CUP Request – Carden Equities

INTRODUCTION:

Carden Equities recently submitted a conditional use permit application for a automotive maintenance and repair use at the northeast quadrant of intersection Hudson Boulevard N and Lake Elmo Avenue N (PID 3602921330020).

The proposed use would be located in the Crossroads East First Addition Business Park PUD development. City Council approved the Crossroads East First Addition final plat and final planned unit development (PUD) on November 3, 2021. As part of the PUD approval, there are specific uses that are readily permitted that would normally require conditional use permit approval. This proposed use was specified as conditional use in the final approval.

No additional buildings or structures are being proposed as part of this request. The request is to allow the use to operate and occupy space within the approximate 150,000 square foot Crossroads East Office Warehouse that has already been approved on Block 1 Lot 1 of the Crossroads East First Addition Plat.

ISSUE BEFORE THE CITY COUNCIL:

Should the City Council approve the requested conditional use permit for an automotive maintenance and repair use?

REQUEST DETAILS/ANALYSIS:

<i>Applicant:</i>	Carden Equities
<i>Property Owner:</i>	Crossroads East LLC
<i>Location:</i>	11160 Hudson Blvd N, Suites 140-145
<i>Request:</i>	Conditional Use Permit for automotive maintenance and repair
<i>Site Area:</i>	12.9 acres
<i>Existing Land Use:</i>	Large commercial building under construction
<i>Existing Zoning:</i>	Business Park/ Light Manufacturing PUD
<i>Surrounding:</i>	North - Low Density Residential PUD South - NA East – Rural Transitional West – Rural Transitional
<i>Comprehensive Plan:</i>	Business Park

Deadline for Action: Application Complete – 8/25/22
 60 Day Deadline – 10/25/22
 Extension Letter - NA

Regulations: Article XV Commercial Districts
 LEC 105.12.110(b)(6)
 LEC 105.12.110(b)(11)
 LEC 105.12.410 Off-Street Parking

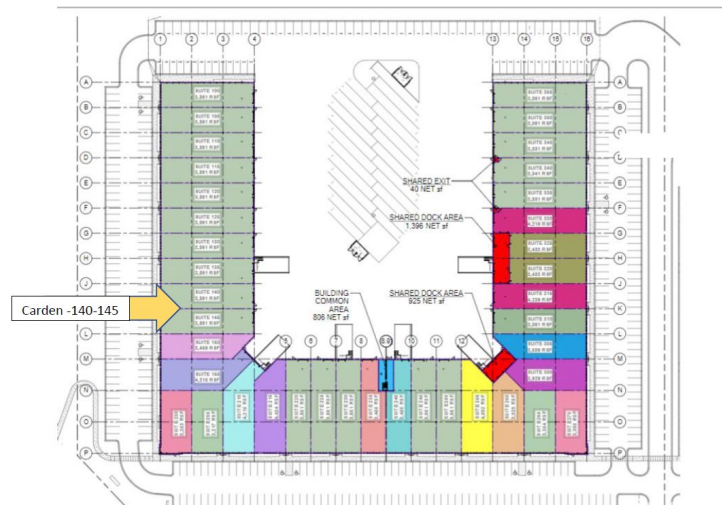
PROJECT ANALYSIS

Carden Equities provides metal fabrication and design services that specializes in race cars and street rods. Vehicle chassis would arrive at this location, then the vehicle body is manufactured to fit the chassis. The vehicle bodies consist of bent sheet metal panels that have sheet vinyl appliques applied for color, numbers, and lettering. Other work includes suspension installation, fitting race vehicles for wheels and tires, installing suspension, and preassembled engine work. No painting or engine rebuilds are part of the proposed use. All work is to be contained within the building.

The proposed use would be located in suites 140-145 and involve 2-3 employees. Two to five vehicles and two to three trailers will be kept onsite at any time within 7,722 square foot tenant space. The owners also have their own race cars and trailers outfitted to haul race cars and parts that are kept indoors for security purposes. There are several weeks that the owners and employees are not onsite as they attending racing events around the county. If approved, this and future automotive maintenance and repair uses must comply with the adopted Conditions of Approval and intensification of the use would require approval by the City Council.

Parking

The final plat and planned unit development approval has a condition that there must be a breakdown of the types of uses and their floor spaces with a detailed parking calculation for each. The Lake Elmo City Code requires 1 parking space per 250 square feet of gross floor area used for sales or customer service, plus two spaces per service bay for an automotive maintenance service. This proposal does not require any sales space, customer service space, or service bay. The only parking spaces needed are for the 2-3 employees and one semi parking spot for an occasional trailer.



REVIEW COMMENTS

Fire Department (Summary of Memo dated September 9, 2022)

1. Building address numbers and suite identification shall be plainly visible from the street and have contrasting color from the background. Size and placement shall be approved by the Fire Department.
2. The fire sprinkler system shall be installed compliant with code.
3. Dry chemical fire extinguishers shall be provided and installed.
4. Rooms containing controls for air-conditioning systems, roof access, elevator equipment, sprinkler risers and valves, or other fire detection/suppression equipment shall be identified for the use of the fire department.

Landscape Architect

The applicants would be tenants with the Crossroads east development with no additional exterior improvements/changes being proposed. These CUP applications do not require landscape or tree preservation review.

RECOMMENDED CONDITIONAL USE FINDINGS

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met. Staff recommends the following findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The site has already been rezoned to the zoning guided by the 2040 Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is within the Crossroads East First Addition development. The lot directly to the east is also within the Crossroads East First Addition development, which is allowed similar permitted or conditionally permitted uses. The property to the west is undeveloped, but is guided for Mixed-Use Commercial zoning which has the ability to incorporate vehicle related uses as well. As proposed with this particular business the use will have little to no impact on the Low Density Residential development to the north as the use is contained indoors and does not produce excessive traffic, noise, fumes, glares, or odors. The developer is improving the screening along the residential development by placing a 6 foot high opaque fence on top of the existing berm and relocating trees by December 2022.***
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. ***As proposed, the use meets all the specific development standards for an automotive maintenance and repair use set forth in LEC 105.12.950(h). Because the conditional use permit runs with the land, any future automotive maintenance and repair use must also meet the standards.***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets

all the specific standards for such use listed in Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use is not in a flood plain management or shoreland area.***

6. The proposed use will be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use does not require the construction of any new buildings or change in appearance of the Crossroads East Office Warehouse. The building has already been approved and near completion. All work and storage of vehicles will be indoors with the exception of an occasional trailer.***

7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The use is not hazardous and will not create a nuisance. All work is to be conducted indoors. There will be many weeks with little to no activity onsite while owners and employees travel the country.***

8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The proposed use will be served adequately by essential public facilities and services.***

9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at a public cost.***

10. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors. ***As proposed, the use will not produce excessive traffic, noise, fumes, glare, or odors. All vehicle maintenance and repair activities will be conducted indoors and the amount of traffic generated is minimal based on the projected number of vehicles, trailers, and employees onsite at any given time.***

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***The amount of traffic produced by this use alone should not create congestion on approaches to the property or interfere with traffic on surrounding public thoroughfares. Approval of the Crossroads East development required the installation of turn lanes into the property entrance, minimizing the chances for traffic congestion.***

12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. ***The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.***

FISCAL IMPACT:

None

CONDITIONS OF APPROVAL

1. The applicant must obtain all other necessary City, State, and other governing body permits and approvals before receiving an occupancy permit.
2. Intensification of the use beyond what is proposed and approved will require City approval and a Conditional Use Permit Amendment.
3. All conditions in the Fire Chief's memorandum dated September 9/9/22 must be met prior to receiving an occupancy permit.
4. This approval is for an automotive maintenance and repair use in suites 140-145 only. Any expansion outside the designated suites will require approval from the City of Lake Elmo.
5. A change in use of the proposed space shall require a review from the Fire Department.
6. All work shall be conducted indoors.
7. Overhead doors shall remain closed unless a vehicle is entering or exiting the tenant space.
8. Outdoor storage of serviced vehicles and parts are not included in this approval.
9. No additional outdoor lighting shall be added without City approval.
10. No automotive maintenance and repair activities may occur outside the hours of 7:30 AM to 5:30 PM Monday through Friday.

PUBLIC COMMENT:

A public hearing notice was sent to surrounding property owners on September 14, 2022 and published in the Stillwater Gazette on September 16, 2022. Staff has received two comments via email stating that they did not have issues with the proposed use as long as overhead doors are closed during working hours except for vehicle entering and exiting.

The public hearing on September 26th produced comments and concerns mainly concerning the ongoing construction onsite such as inadequate screening, closed roads, fumes dust control and not following working hours. There were concerns that there would be an inability to control tenants.

OPTIONS:

The City Council may:

- Approve the request.
- Approve the request with conditions.
- Deny the request, citing findings of fact for denial.

RECOMMENDATION:

The Planning Commission recommended approval of the proposed use at the September 26, 2022 meeting.

Staff recommends that the City council approve the conditional use permit request from Carden Equities to allow an automotive maintenance and repair use with conditions in suites 215-220 at 11160 Hudson Blvd N.

“Motion to approve Resolution No. 2022-095 with conditions, approving the subject conditional use permit for an automotive maintenance and repair use in suites 140-145 at 11160 Hudson Boulevard N.”

ATTACHMENTS:

- 1) Land Use Application

- 2) Written Statements
- 3) Location Map
- 4) Site Plan
- 5) Suite Location
- 6) Fire Department Memo dated September 9, 2022
- 7) Public Comments

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3880 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications

Applicant: Dennis Larson - Carden Equities dba QualityFab Inc
Address: 11160 Hudson Blvd N Lake Elmo MN 55042
Phone #: 612-670-3545
Email Address: dlarson@hancousa.com

Property Owner: Crossroads East, LLC
Address: 7200 Hudson Blvd N, Suite 230 Oakdale MN 55128
Phone #: 651-731-0708
Email Address: d.johnson@crossroadsproperties.net

Property Address: 11160 Hudson Blvd N Lake Elmo MN 55042
PID#: 36.029.21.33.0020

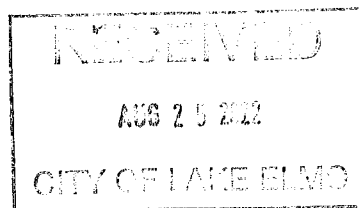
Detailed Reason for Request: Required Conditional Use permit per PUD

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Dennis Larson Date: 8/24/2022

Signature of property owner: David W Johnson Date: 8/25/22



Land Use Application -Conditional Use Permit- Section 2. Written Statement

a. Contact Information:

Crossroads East, LLC 7200 Hudson Blvd. Suite 230, Oakdale, MN 55128.
David Johnson (651)731-0708 d.johnson@crossroadsproperties.net

b. Site Data:

Address	11160 Hudson Blvd N, Lake Elmo MN 55042
Current Zoning	BP Business Park
Parcel Size	Total: 14.20 acres Land: Lot 12.91 acres 562,558 sq. ft. Outlot: 1.28 acres 55,898 sq. ft.
Property ID (PIN)	36.029.21.33.0020 and 36.029.21.33.0022
Legal Description	Lot 1, Block 1, and Outlot A, Crossroads East First Addition

c. Property History:

Past use	Agricultural
Current Use	Single level, 148,999 square foot multi-tenant office warehouse building under construction

d. Proposed use:

Tenant:	Carden Equities, LLC DBA Quality Fab Inc.
Property:	11160 Hudson Blvd, Lake Elmo, MN
Suite(s):	140-145
Architectural Code:	Warehouse F-1

Description: Race car fabricator. Quality metal fabrication and design specializing in race cars and street rods. Typically, the chassis of the vehicle arrives at their location, and they manufacture and fit the body to the chassis. Bodies consist of bend sheet metal panels that have sheet vinyl appliques applied for color, numbers, lettering etc. There is no painting involved. Other related activities involve fitting race vehicles for wheels and tires, installing suspension and racing related parts. Any engine work involves preassembled engines. They do not build or rebuild engines. All work is done internal to the building. The owners also race their own cars and have trailers outfitted to haul race cars and parts that are typically kept indoors for security and temperature reasons.

Website: [None](#)

No of Employees: 2-3

Office SF 0 SF

Warehouse 7722 SF

Parking Requirements 1 Center for a trailer and 2 daily parking spots. There are many weeks they aren't there as they are racing around the country.

From PUD Allowed Uses

2.e.i Automobile maintenance and repairs, interior only

e. Justification of proposed use: This use meets all requirements in this section.

Parking Requirements: They will have 16 semi-trailer secure parking spots in the middle of the secure lot. No other secure parking will be needed. Not all tractor trailers run every day. The trucks leave early morning and come back in the afternoon.

They have a need for between 3-17 daily parking spaces depending on business activity.

PUD Requirements

b. Services

xv) Transportation services

e. Justification of proposed use: This use meets all the requirements in this section.

Tenant: Carden Equities, LLC DBA Quality Fab Inc.

Property: 11160 Hudson Blvd, Lake Elmo, MN

Suite(s): 140-145

Architectural Code: Warehouse F-1

Description: Race car fabricator. Quality metal fabrication and design specializing in race cars and street rods. Typically, the chassis of the vehicle arrives at their location and they manufacture and fit the body to the chassis. Bodies consist of bend sheet metal panels that have sheet vinyl appliques applied for color, numbers, lettering etc. There is no painting involved. Other related activities involve fitting race vehicles for wheels and tires, installing suspension and racing related parts. Any engine work involves preassembled engines. They do not build or rebuild engines. All work is done internal to the building. The owners also race their own cars and have trailers outfitted to haul race cars and parts that are typically kept indoors for security and temperature reasons.

Website: None

No of Employees: 2-3

Office SF 0 SF

Warehouse 7722 SF

Parking Requirements 1 Center for a trailer and 2 daily parking spots. There are many weeks they aren't there as they are racing around the country.

Vehicle Number: Two to five vehicles onsite any time all kept within the tenant space. Two or three trailers all kept within the secured fenced area.

Noise Concerns: All work is performed within their space and relates to attaching metal body parts, mounting tires, and installing suspension parts. No loud noises are generated by the work.

Lighting Nothing beyond the stand exterior lighting that we have proposed for the project.

Public Health Concerns There are no concerns related to endangering public health or welfare for the neighborhood or city.

Conforms to City Comp Plans The development conforms to the city comprehensive plan

LEC 105.12, art IX The proposed use meets all specific development standard for such use listed in LEC 105.12, art. IX

Floodplain mgmt. Not Applicable for this project.

Exterior Character of Project The proposed use does not modify the current look and construction of the CR East project.

Hazard or Nuisance The use of this tenant will not be hazardous or create a nuisance, as defined, to existing or future neighboring structures.

Public Facilities Service The proposed use will be adequately supplied by the public facilities as per the CR East plan requirements

Add'l Public Costs There are no additional requirements at public cost for public facilities and services and will not impact the economic welfare of the community.

Traffic, Noise, smoke, etc. This business does not produce excessive traffic, noise, smoke, fumes, glare or odors.

Vehicle Congestion This business will not create any traffic congestion or interfere with traffic on the surrounding Hudson Blvd and Lake Elmo Ave roadways.

Destruction Nature This business will not damage or remove any natural or scenic feature of major importance.

From PUD Allowed Uses

2.e.i Automobile maintenance and repairs, interior only

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2022-097

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT WITH
CONDITIONS FOR A COMMERCIAL VEHICLE REPAIR USE IN SUITES 215-
220 AT 11160 HUDSON BOULEVARD N.**

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Heppner's Auto Body (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for a commercial vehicle repair use in suites 215-220 at 11160 Hudson Blvd N (PID# 3602921330020) (the "Property"); and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on September 26, 2022; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 18, 2022; and

WHEREAS, the City Council considered said matter at its October 18, 2022 meeting; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 105.12.290.
- 2) That all the submission requirements of said Section 105.12.290 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit is for a commercial vehicle repair use.
- 4) The approved Planned Unit Development for Crossroads East First Addition lists a commercial vehicle repair as a conditional use.
- 5) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City.***
- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The site has already been rezoned to the zoning guided by the 2040 Comprehensive Plan.***

- 7) The use or development is compatible with the existing neighborhood. ***The proposed use is within the Crossroads East First Addition development. The lot directly to the east is also within the Crossroads East First Addition development, which is allowed similar permitted or conditionally permitted uses. The property to the west is undeveloped, but is guided for Mixed-Use Commercial zoning which has the ability to incorporate vehicle related uses as well. As proposed, the use will have little to no impact on Low Density Residential development to the north as the use is contained indoors and does not produce excessive noise, fumes, glares, or odors. The developer is improving the screening along the residential development by placing a 6 foot high opaque fence on top of the existing berm and relocating trees by December 31, 2022.***
- 8) The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The use meets all the specific development standards for a commercial vehicle repair use set forth in LEC 105.12.110(b)(6). Because the conditional use permit will run with the land, any future commercial vehicle repair use must also meet the standards.***
- 9) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Article XIX (Shoreland Management) and Title I00 (Flood Plain Management). ***The proposed use is not in a flood plain management or shoreland area.***
- 10) The proposed use will be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed use does not require the construction of any new buildings or change in appearance of the Crossroads East Office Warehouse. The building has already been approved and near completion. All work and storage of vehicles will be indoors.***
- 11) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The use is not hazardous and will not create a nuisance. Vehicles arriving onsite have already had body work completed and just need sensor calibration inside the building. The conditions of approval are designed to prevent nuisances.***
- 12) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The proposed use will be served adequately by essential public facilities and services.***
- 13) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The proposed use will not create excessive additional requirements at a public cost.***
- 14) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors. ***As***

proposed, the use will not produce excessive traffic, noise, fumes, glare, or odors. Vehicles will be transported onsite intermittently throughout the day and immediately brought indoors. The work does not include activities that produce noise, smoke, fumes, glare, or odors.

- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *The amount of traffic produced by this use alone should not create congestion on approaches to the property or interfere with traffic on surrounding public thoroughfares. Approval of the Crossroads East development required the installation of turn lanes into the property entrance, minimizing the chances for traffic congestion.*
- 16) The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. *The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.*
- 17) That, in accordance with City Code Section 105.12.290, the commercial vehicle repair use is permissible under the Conditions 1-10 as provided in the decision below, and incorporated herein:

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approves the request by Heppner's Auto Body for a Conditional Use Permit for a commercial vehicle repair use in suites 215-220 on the property located at 11160 Hudson Blvd N, and grants the same, subject to the following conditions of approval:

1. The applicant must obtain all other necessary City, State, and other governing body permits and approvals before receiving a certificate of occupancy.
2. Intensification of the use beyond what is proposed and approved will require City Approval of a Conditional Use Permit Amendment.
3. All conditions in the Fire Chief's memorandum dated September 9/9/22 must be met before receiving a certificate of occupancy.
4. The approval is for a commercial vehicle repair use in suites 215-220 only. Any expansion beyond the designated suites will require approval from the City of Lake Elmo.
5. All work shall be conducted indoors.
6. Overhead doors must remain closed unless vehicles are entering or leaving.
7. All serviced vehicles shall be stored indoors.
8. No additional outdoor lighting shall be added without City approval.
9. The hours of operation shall be limited to 7:30 AM to 5:30 PM Monday through Friday.
10. The Fire Department must review if there is a change of use in the space in the future.

Passed and duly adopted this 18th day of October, 2022 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Charles Cadenhead

ATTEST:

Julie Johnson, City Clerk