



MEMORANDUM

DATE: June 7, 2016
TO: Chairperson Hvidsten, Members of the Planning Commission, Administrator Kreft
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.2 Conditional Use Permit: Used Auto Sales/Service 405 Enterprise Drive

REQUEST SUMMARY

PZ Task: Conduct public hearing and recommend action to City Council.

Overview: Chris Wyman has filed for a conditional use permit to allow used auto sales with ancillary auto repair and rental trailer use at 405 Enterprise Drive.

Section 1105.10, Subd. 4(3) allows “motor vehicle fuel sales, truck stop or auto repair, including minor and tire and battery stores” and Section 1105.10, Subd. 4(5) allows “open or outdoor service, sale and rental other than those specified as a principal use”.

Locale: Highway commercial uses, cemetery

Land Use: Planned and zoned highway commercial

Attachments to Report: (a) Staff analysis of request;
(b) Application submittal;
(c) Site plan/certificate of survey **(pending) but not attached**;
(d) Draft Resolution No. 16-011.

Action Options: Action on Resolution 16-011 recommending approval or denial (specify) of the CUP. Alternatively, the PZ may postpone action pending receipt of additional information.

Staff Recommendation: Approval, with conditions specified in Resolution 16-011.

Notes: Chris Wyman is expected to be in attendance.



June 7, 2016

TO: Chairperson Hvidsten, Planning Commission Members, Administrator Kreft

FROM: Cynthia Smith Strack, Community Development Director

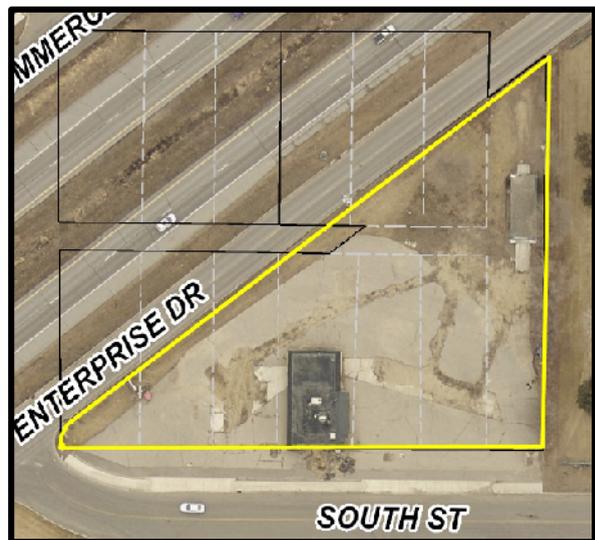
SUBJECT: Resolution 16 – 011: Conditional Use Permit 405 Enterprise Drive – Used Auto Sales/Repair

Chris Wyman, d.b.a. Belle Plaine Motor Company, LLC proposes used auto sales, auto repair, and rental of U-haul trucks/trailers at 405 Enterprise Drive. Section 1105.10, Subd. 4(3) allows “motor vehicle fuel sales, truck stop or auto repair, including minor and tire and battery stores” and Section 1105.10, Subd. 4(5) allows “open or outdoor service, sale and rental other than those specified as a principal use”.

Representations by the Applicant

The Applicant represents:

- The proposed conditional use permit will allow sale of used personal automobiles (cars, trucks), servicing of vehicles, detailing of vehicles, and rental of U-haul trucks/trailers.
- The volume of used cars/trucks for sale is estimated at forty (40) vehicles.
- The volume of U-haul trucks/trailers is estimated at six (6) trucks and four (4) trailers.
- The used autos and rental trucks/trailers will be stored in a neat and orderly fashion **(please note a site plan illustrated on a certificate of survey has been requested but has not been received as of distribution deadline for packet).**
- No structural alterations are proposed at this time.



Consistency with Comprehensive Plan & B-2 Highway Commercial District

The proposed activity is consistent with planned land use and allowed under CUP in the B-2 District.

Code Standard – Conditional Use Permit

Section 1103.08, Subd. 4 of the Code establishes general review criteria to be address during CUP review:

1. Consistency with goals, policies and objectives of the Comprehensive Plan.
2. Consistency with purpose/intent of zoning district.
3. Impact on governmental facilities, utilities, services or existing or proposed improvements.
4. Impact on the public health, safety or welfare.
5. Impact on the use and enjoyment of other property in the immediate vicinity.
6. Impact on the normal and orderly development and improvement of surrounding property for uses permitted in the district.
7. Adequacy of utilities, access roads, drainage and necessary facilities.
8. Adequacy of vehicular and pedestrian facilities.

Potential Findings

1. The proposed use is consistent with planned land use for the subject parcel.
2. The proposed use is consistent with the purpose of the B-2 Highway Commercial District specifically to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities.
3. The proposed use is located within the MUSA and will not adversely impact governmental facilities, utilities, services or existing or proposed improvements.
4. Proposed conditions limiting the volume of used cars and rental trucks/trailers for sale/lease and providing for the neat and orderly display will protect the public health, safety, or and welfare.
5. The proposed use will not adversely impact the use and enjoyment of other property in the immediate vicinity which include highway business oriented commercial establishments and a cemetery.
6. The proposed site has been previously developed. No changes to structures or impervious surface coverage is contemplated. Therefore, the proposed use will not adversely impact normal and orderly development and improvement of surrounding property.
7. No changes are proposed to existing utilities, access roads, and drainage patterns.
8. The site has existing access from South Street, a local street.

Staff Recommendation

Staff recommends approval of the CUP with the following conditions:

1. Uses of the subject property shall be limited to any combination of the following:
 - a. Display for sale of forty (40) or fewer licensed, passenger automobiles limited to cars, SUV's, and light duty trucks not to exceed gross capacity of 9000 pounds.
 - b. Minor automobile repair, clearly accessory and subordinate to auto sales.
 - c. Rental of up to ten moving trucks/trailers.
2. The total volume of all passenger automobiles stored on site shall at no time exceed fifty (50) vehicles, including those for sale and those undergoing repair. All autos shall be stored in a neat and orderly fashion on private property.
3. The total volume of moving trucks/trailers stored on site shall at no time exceed ten units of any combination of truck or trailer (e.g. five trucks and five trailers equals ten units).
4. Minor automobile repair is limited to passenger automobiles only and shall include: tune-ups, oil changes, auto detailing, brake replacement, exhaust system repair, shock replacement, tire sales and repair, and similar repairs. Major engine repair, vehicle painting, and auto body work such as dent removal are not authorized.
5. All passenger automobiles being repaired shall display current licenses and be in the process of being repaired in a timely fashion, generally within ten (10) days of being placed on site.
6. Outdoor storage of: vehicle parts, scrap metal, tires, engine parts, oil, fluids, vehicles or equipment not displaying current licenses, trailers, campers, buses, heavy construction equipment, miscellaneous debris, vehicles for sale, non-passenger automobiles, miscellaneous equipment, and similar items is strictly prohibited and not authorized under this conditional use permit.
7. The Property Owner shall obtain approval from the Building Official prior to commencing operation of the auto sales principal use and auto repair accessory use. Minor automobile repair must be conducted within a building structure and on a surface approved by the Building Official. At no time shall minor automobile repair be conducted outdoors or on a pervious surface.

8. Minor automobile repair shall only be conducted by the owner of the property and/or his or her employees.
9. A sign permit is needed prior to placing any signage on site.
10. This conditional use permit supersedes and replaces any previous conditional use permit in effect for the subject site.
11. This conditional use permit is in effect for the property at 405 Enterprise Drive and assigned to the current and/or any future owner of the property. The conditional use permit may be revoked by the City following written notice to the property owner if the conditions of the permit as listed herein are not met and/or maintained. The conditional use permit will expire if/when the use of the property is changed to a different use or vacant for greater than twelve (12) months.
12. Upon request, the Property Owner shall provide evidence to the City of and maintain compliance with any federal or state laws or regulations which are applicable (i.e. collection/disposal of hazardous materials, etc. on site).
13. No changes in the approved plans or scope of the conditional use shall be undertaken without prior approval of those changes by the City. Proposed permit modifications shall be classified as major or minor, as determined by the Zoning Administrator. Major permit modifications may include, but shall not be limited to, hours of operation, number of employees, expansion of structures and/or premises, operational modifications resulting in increased traffic, and the like.
14. The CUP shall be recorded with the Scott County Recorder's Office.



CITY OF BELLE PLAINE

218 Meridian Street North • Belle Plaine, MN 56011 • 952-873-5553

Permit Type: Z-Conditional Use Permit

Parcel No.: 200017720

Work Valuation: \$0.00

Permit No.: **D-160007**

Approved Date: 05/12/16

Expiration Date: 07/12/16

For ELECTRICAL inspections, call 507-665-3205, between 7:00-8:30 a.m.
ALL OTHER inspections call 952-873-5655, 24 hours in advance.



Owner Information:

LIESCH ASSOCIATES INC.
13400 15th Avenue N
Minneapolis MN 55441

Contractor Information:

Work Description/Requirement:

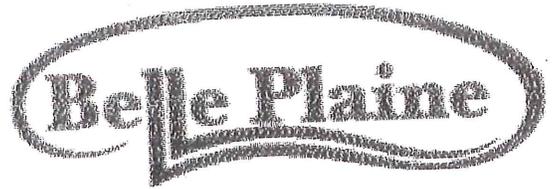
<u>Type of Inspection</u>	<u>Inspection</u>	<u>Completion</u>	<u>Comment</u>
APPLICATION TO ADMIN ASST.			
VERIFY PROPERTY INFORMATION			
PH NOTICE TO NEWSPAPER			
PH NOTICE MAILED			
APPLICATION TO CD DIRECTOR			
INTERNAL COMMENTS			
EXTERNAL COMMENTS			
PLANNING COMMISSION ACTION			
CITY COUNCIL ACTION			
FINAL DECISION			
FINAL RULING SENT			
OKAY TO ISSUE BUILDING PERMIT			
CUP INSPECTION			

Fee Description:

Conditional Use Permit Fee	\$300.00		
TOTAL FEE:	\$300.00	PAID:	\$300.00

405 ENTERPRISE DRIVE EAST

THIS PERMIT MUST BE POSTED AT THE ABOVE WORK ADDRESS AT ALL TIMES



CITY OF BELLE PLAINE
218 N. MERIDIAN STREET
PO BOX 129
BELLE PLAINE MN 56011
952-873-5553

Transaction 128033.1370
05/11/2016 02:51pm
sale @ BPCITY-7C

it D-160007 Z-Conditional Use Permit 405 ENTERPRISE DRIVE EAST	\$300.00
Receipt Total	\$300.00
Check Payment (91 SRM)	\$300.00



City of Belle Plaine
218 N. Meridian Street
P.O. Box 129
Belle Plaine, MN 56011

Community Development Department
Phone: 952-873-5553
Fax: 952-873-5509
www.belleplainemn.com

Fee:
\$300.00

CONDITIONAL USE PERMIT APPLICATION

Permit Number: D-160007

PROPERTY	Address: <u>405 Enterprise Drive E</u>		Belle Plaine, MN	P.I.N: <u>200017720</u>
Lot #: <u>004</u>	Block #: <u>127</u>	Subdivision: <u>cd</u>		
Zoning District: <u>B2</u>				
APPLICANT	<input checked="" type="checkbox"/> Owner	Name: <u>CHRIS WYMAN</u>	Phone:	
Mailing Address:			Cell: <u>952-913-0181</u>	
E-mail: <u>WYMANCAR@gmail.com</u>			Fax:	
OWNER		Name: <u>SAME AS ABOVE</u>	Phone:	
Mailing Address:			Cell:	
E-mail:			Fax:	

Conditional Use Permit is requested to: USED CAR SALES, UHAUL RENTAL /
Vehicle Repair and Detail

SUBMISSION OF APPLICATION MUST INCLUDE:

- Attached site plan (to scale) depicting present and proposed improvements

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application that the foregoing statements and answers herein contained and the information on the attached maps or site plans and any other documents submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

APPLICANT SIGNATURE: _____

DATE: 5-11-16

OFFICE USE ONLY

Zoning:	Application Fee: \$ <u>300.⁰⁰</u>	Form of Payment: <u>CIC 91</u>
<input type="checkbox"/> Site Plan Attached	Other Fee: \$	Date: <u>5-11-16</u>
	Total: \$ <u>300.⁰⁰</u>	Transaction Number: <u>128033</u>
		Collected By: <u>SRM</u>
Reviewed by Community Development Director	<input type="checkbox"/> Application Complete	Date:
Reviewed by Planning Commission	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:
Reviewed by City Council	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:

1105.10, Subd. 4(3)

Belle Plaine City Council

Belle Plaine Motor Company, LLC is requesting a conditional use permit to sell cars and trucks, service vehicles, detail vehicles, and provide U-haul rental services.

There will be an estimated 40 vehicles for sale, and estimated 6 U-haul trucks and 4 trailers for rental.

Thank You!

Chris Wyman
(952)-913-0181
wymancar@gmail.com



- Legend**
- City Limits
 - Parcels (6-1-2015)
 - Lot Lines
 - Minnesota River
 - Protected Waters
 - Public Water Basin
 - Public Water Wetland
 - Protected Waters - Watercourse
 - Parks



405 Enterprise Drive

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Belle Plaine is not responsible for any inaccuracies herein contained.



0 66 Feet

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ 16-011**

**A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR LICENSED
USED CAR SALES WITH SUBORDINATE MINOR AUTO REPAIR AND RENTAL OF MOVING
TRUCKS/TRAILERS AT 405 ENTERPRISE DRIVE IN THE B-2 HIGHWAY BUSINESS DISTRICT**

PID: 200017720

Legal: CITY OF BELLE PLAINE LOT 004, BLOCK 127 & LOTS 5-12 & P/O VAC ELM ST LYING
S'ERLY OF MNDOT ROW PLAT 70-31

WHEREAS, Chris Wyman d.b.a. Belle Plaine Motor Company, LLC has submitted an application for a Conditional Use Permit to allow a used car dealership with ancillary minor auto repair and rental of moving trucks/trailers at 405 Enterprise Drive; and,

WHEREAS, the property in question is zoned B-2, Highway Commercial District; and,

WHEREAS, the Planning Commission conducted a public hearing on the proposed Conditional Use Permit request on June 6, 2016 following mailed and published notice; and,

WHEREAS, The Planning Commission has reviewed the following criteria for granting a Conditional Use Permit and has found:

1. The proposed use is consistent with planned land use for the subject parcel.
2. The proposed use is consistent with the purpose of the B-2 Highway Commercial District specifically to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities.
3. The proposed use is located within the MUSA and will not adversely impact governmental facilities, utilities, services or existing or proposed improvements.
4. Proposed conditions limiting the volume of used cars and rental trucks/trailers for sale/lease and providing for the neat and orderly display will protect the public health, safety, or and welfare.
5. The proposed use will not adversely impact the use and enjoyment of other property in the immediate vicinity which include highway business oriented commercial establishments and a cemetery.
6. The proposed site has been previously developed. No changes to structures or impervious surface coverage is contemplated. Therefore, the proposed use will not adversely impact normal and orderly development and improvement of surrounding property.
7. No changes are proposed to existing utilities, access roads, and drainage patterns.
8. The site has existing access from South Street, a local street.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE THAT: It hereby recommends the City Council approve a Conditional Use Permit as requested by Chris Wyman d.b.a. Belle Plaine Motor Company LLC (Property Owner) to allow a used auto sales establishment with accessory minor auto repair and moving truck/trailer rental at 405 Enterprise Drive, contingent upon the following:

1. Uses of the subject property shall be limited to any combination of the following:
 - a. Display for sale of forty (40) or fewer licensed, passenger automobiles limited to cars, SUV's, and light duty trucks not to exceed gross capacity of 9000 pounds.
 - b. Minor automobile repair, clearly accessory and subordinate to auto sales.
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14. The CUP shall be recorded with the Scott County Recorder's Office.

The adoption of the foregoing resolution was duly moved by Commissioner _____ and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: _____.

and the following voted against the same: None..

Whereupon said resolution was declared duly passed and adopted. Dated this 7th day of June, 2016.

Nathaniel Hvidsten
Planning Commission Chairperson

Cynthia Smith Strack
Community Development Director