

## **6.01: Public Hearing: Consider a Site Plan, Variance, and Conditional Use Permit for a Proposed Automotive Repair Shop at 5195 142<sup>nd</sup> Avenue**

### **Public Hearing**

Chairperson Gengler called the public hearing to order at 7:03 p.m.

### **Presentation**

Senior Planner Anderson presented the staff report stating that the Environmental Policy Board recommends approval of the landscape plan, contingent upon compliance with staff's review comments and also recommends approval of the variance to the impervious surfacing coverage. Staff recommends approval of the Site Plan and Conditional Use Permit, contingent upon compliance with staff's review comments. Staff received one written comment from a resident which was provided to the Commission via e-mail and in paper version tonight.

Commissioner VanScoy asked if the southeastern edge of the fence is where the applicant designed and whether there was a condition to move that.

Senior Planner Anderson replied that is addressed in the staff review comments. He noted that could also be added as a condition if desired by the Commission.

Commissioner Heineman referenced the western entrance proposed for 142<sup>nd</sup> and asked if that would be a right-in/right-out.

Senior Planner Anderson replied that police raised a concern with shifting the access closer to 47 and the applicant is aware of that concern. He stated that the applicant has stated that the entrances as they exist today would create issues with moving vehicles around the site. He explained that vehicles could enter the site through the second entrance before getting to Xkimo.

Commissioner Heineman commented that he would support a do not enter sign at the western entrance.

### **Citizen Input**

Mitchell Web, applicant, stated that everything within the fenced area would be screened. He stated that he does not operate a business where vehicles sit for a long time as this is not an auto body shop with crashed cars. He stated that the vehicles leave in a short period of time after the repair is completed. He stated that they have spent a lot of time and energy looking at ways to reconfigure the parking lot and entrances. He noted that the more they shift the western entrance away from 47, the more difficult it will be for the vehicles in those parking spots to get out of those spots. He noted that reconfiguration would also cause them to lose three parking stalls and they want to ensure the site has sufficient parking available.

Commissioner Heineman asked if the applicant would see any issues with using the eastern entrance for vehicles coming into the site and the western entrance for people leaving.

Mr. Web stated that he could look into that. He stated that they have been working cooperatively with staff throughout this process and their goal is to ensure it is safe for customers and the public to come in and out of the site. He stated that he would want to ensure that there would not be conflict with vehicles coming into the site and whatever is going on behind the screened area.

Commissioner Heineman asked the hours of the business.

Mr. Web stated that their hours would be 8:00 a.m. to 6:00 p.m. He stated that all three of the current locations have one or two property lines that abut residential, and they have not had any issues or complaints, often serving vehicles of the neighboring residents.

Senior Planner Anderson commented that he spoke with the City of Andover today as that location is very similar to this proposed location. He stated that the staff member had been there for the past five years and has not received any complaints, noting that site actually borders two single-family home properties. He noted that site is clean and well maintained.

Commissioner Peters asked if there would be a zipper drain in the floor.

Mr. Web commented that they would use proper drainage with an array of drainage systems throughout the building and explained how that system functions and is cleaned.

Commissioner VanScoy commented that the City is concerned with moving the fence and asked for the thoughts from the applicant.

Mr. Web commented that their initial drawing was more drastic, with the fence two feet from the sidewalk and landscaping inside the fence. He stated that if they move the trees to the outside of the fence, they would only have nine to ten feet between the curb and fence in some spots in order for the trees to grow correctly. He believed that they could put some trees and landscaping outside of the fence in an attempt to meet in the middle as he also has concerns with having enough space for snow storage in the winter. He stated that he has talked to staff about potentially leaving the fence as proposed and adding landscaping on the outside of the fence. He stated that the screened fence does not look terrible, and they are a professional business.

Commissioner VanScoy asked if the fence were required to be moved, would that create a major issue for the applicant.

Mr. Web commented that he feels that would create a major issue. He stated that they do not have a lot of room for snow storage on the western side of the site and therefore want to ensure there is space for snow storage on the east. He noted that they did move the fence on the north to add three or four trees on the outside. He believed that they could collaborate to find a solution that would work for everyone.

Senior Planner Anderson commented that staff could explore shifting some of the plantings into the boulevard if there is sufficient space. He stated that they could also look at column growing

arborvitae that do not require much space. He stated that the applicant has been very open to this discussion, and they continue to work together to find a solution.

Commissioner Heineman commented that it does not appear that the other locations have screened fencing and asked if that is correct.

Mr. Web stated that is not correct. He provided details noting that they use black screen privacy fencing, explaining that the installation of the fencing at one location was delayed until the time a tenant moved out of the building and they were able to install the fence.

Commissioner VanScoy asked for clarification on whether staff wants the fence in a specific location.

Senior Planner Anderson replied that staff is not specifying where the fence will be, they just want the plantings moved to the outside of the fence.

Commissioner VanScoy referenced the need of the business owner for storage space.

Senior Planner Anderson believed that they could look at alternative species of trees that will require much less growing space. He believed that staff could continue to work with the applicant to find a solution that would leave enough space for snow storage and place plantings on the outside of the fence.

Commissioner Hunt referenced the DNR comments related to stormwater runoff. He asked if the pond would have adequate storage space to accommodate for this site and what would happen if there were not adequate space.

Senior Planner Anderson commented that there is a stretch of undeveloped parcels that face this same situation and therefore staff is confident in this proposed solution for treatment. He believed that the City would be able to obtain the necessary approvals to expand the regional pond.

Chairperson Gengler asked if the east entrance would typically be open during business hours.

Mr. Web replied that the goal would be to have that open during the majority of the time.

Senior Planner Anderson commented that crossing a painted median into a driveway is legal, therefore there is nothing that would prohibit that movement for people to turn into the western entrance.

Wendy West, 14233 Xkimo Street, commented that her neighbor sent the letter mentioned. She noted that her major concerns are related to the entrance. She believed that using the eastern entrance for traffic to enter the site and exit to the west would be the best flow for traffic. She also agreed with the mention to have a narrower growing tree to use on the outside of the fence. She commented that the traffic on Xkimo is awful, and she has difficulty turning out of her driveway. She commented that the applicant appears to be doing a great job working with City staff and

therefore does not have any objections. She asked how residents would receive updates on the progress.

Senior Planner Anderson commented that the next step would be to move these recommendations forward to the April 9<sup>th</sup> or 23<sup>rd</sup> City Council meeting. He stated that there would not be another mailing, but the City Council agendas can be found on the City website.

Motion by Commissioner Heineman, seconded by Commissioner VanScoy, to close the public hearing.

A roll call vote was performed:

Commissioner Hunt	aye
Commissioner VanScoy	aye
Commissioner Heineman	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Chairperson Genger	aye

Motion Carried.

Chairperson Gengler closed the public hearing at 7:46 p.m.

### **Commission Business**

Motion by Commissioner Hunt, seconded by Commissioner Peters, to approve Resolution #24-088 Granting a Variance to the Maximum Impervious Surfacing Standard in the Scenic River Protection Overlay District.

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner Peters	aye
Commissioner Heineman	aye
Commissioner VanScoy	aye
Commissioner Hunt	aye
Chairperson Genger	aye

Motion Carried.

Motion by Commissioner Heineman, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #24-089 to Approve the Site Plan and Conditional Use Permit with the City Council to consider the feasibility of the alternate entrance.

A roll call vote was performed:

Commissioner Hunt	aye
Commissioner VanScoy	aye
Commissioner Heineman	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Chairperson Genger	aye

Motion Carried.

DRAFT