

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on September 27, 2021 at the City Hall, at 7:00 PM.

### 1. CALL TO ORDER

Chair Hansen called the meeting to order at 7:00 PM.

### 2. ROLL CALL

#### MEMBERS PRESENT

Commissioner Aisha Ali  
Commissioner Jeff Bernhagen  
Commissioner Rick Cobbs  
Commissioner Doug Eischens  
Commissioner Hans Hansen  
Commissioner Eric Julien

#### STAFF PRESENT

Building Official Jeff Baker; Administrator Daniel Buchholtz; Planner Lauren Walburg, Stantec

#### OTHERS PRESENT

Jan Corrigan, 8452 Westwood Road NE  
Cathy Lachinski, 8452 Westwood Road NE  
Bill and Kim Henrickson, 8317 Fillmore Street NE  
Marty Fisher, Premier Commercial Properties  
Maftuha Hassan, Peaceful Adult Day Care  
Burqaa Bullo, 8421 Center Drive NE, Unit B  
Hector Lura, 8375 Sunset Road NE  
Rodoko Lura, 8375 Sunset Road NE  
Michele Schnitker, Vice President, Spring Lake Park Office Condominium Association  
Brad Delfs, City Council

### 3. PLEDGE OF ALLEGIANCE

### 4. APPROVAL OF MINUTES

#### A. Approval of Minutes - August 23, 2021

Motion made by Commissioner Eischens, seconded by Commissioner Bernhagen, to approve the minutes from the August 23, 2021 Planning Commission meeting.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

## 5. PUBLIC HEARINGS

### A. Public Hearing - Side Yard Variance - 8317 Fillmore Street

Administrator Buchholtz provided an overview of the request from Bill Henrickson. He stated that Mr. Henrickson was seeking a 1-foot variance to the 5-foot side yard setback requirement to allow for a 22 foot by 26 foot addition to his detached accessory building and a 1-foot variance for his existing driveway to facilitate its reconstruction. He stated that he evaluated the project against other code provisions and found that the proposed project complied with all other provisions of the Zoning Code. He stated the findings of fact to include 1) the proposed addition will not alter the character of the neighborhood as the proposed addition is residential in nature; 2) the proposed addition will not change the aesthetic of the home and property, increasing the value and usability of the property; and 3) will create a more functional building by allowing a flat wall along the north property line rather than a 1-foot jog in the building.

Administrator Buchholtz recommended approval with the following conditions: 1) addition must be architecturally compatible with the existing garage (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City's zoning code; 2) driveway modifications must be constructed pursuant to the standards set for by the City. Applicant must secure a zoning permit from the Code Enforcement Department for the expanded driveway; 3) drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property; and 4) applicant must apply for all building permits as required.

Chair Hansen inquired about the timeline for construction. Bill Henrickson, 8317 Fillmore Street NE, expressed his desire to begin construction this fall.

Chair Hansen opened the public hearing at 7:05 PM. Hearing no public comment, Chair Hansen closed the public hearing at 7:06 PM.

Commissioner Eischens expressed his support for the proposed project, commending the property owner for reinvesting in his property.

Motion made by Commissioner Eischens, seconded by Commissioner Cobbs to recommend approval of the side yard variance at 8317 Fillmore Street, subject to the following conditions: 1) addition must be architecturally compatible with the existing garage (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City's zoning code; 2) driveway modifications must be constructed pursuant to the standards set for by the City. Applicant must secure a zoning permit from the Code Enforcement Department for the expanded driveway; 3) drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property; and 4) applicant must apply for all building permits as required.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

B. Public Hearing - Variance from Side Yard Setback for Industrial Property next to Residential Property - 8457 Sunset Road NE

City Planner Walburg provided an overview of a request from City Moving and Storage to construct a building at 8457 Sunset Road NE. She stated that the property owner is requesting a variance from the following setback standards: north property line, 25 feet instead of 50 feet; south property line, 17 feet instead of 25 feet; and front parking setback, 10 feet instead of 25 feet. She stated that the variances will facilitate the construction of a 12,000 square foot building for an industrial use of office and storage/warehouse. She stated that a variance from the side yard setback was approved originally in May 2020, but noted that the new site plan for the property is significantly different than the original site plan, requiring a new variance approval.

Planner Walburg reviewed the request against the practical difficulties test outlined in Statute and has made the following findings in support of the proposed variance: 1) developing the property with an industrial use is reasonable on property that is guided and zoned for industrial use; 2) adhering to the side yard setback required for industrial uses is reasonable considering that the property to the north is guided for industrial uses in the City's Land Use Plan; 3) arranging the site plan so that there is a minimum of activity on the north side facing the existing single family uses is reasonable and appropriate; 4) the proposed site plan and landscape plan provide an appropriate buffer as suggested in the 2040 Comprehensive Plan policy; and 5) the request reasonably meets the criteria in the Zoning Code for approval of variances.

Chair Hansen opened the public hearing at 7:18 PM.

Cathy Lachinski, 8452 Westwood Road NE, addressed the variance by asking about the impact on residential property values in the area, traffic impacts on Westwood Road, what happens if the building changes hands, and the hardships necessitating the variance. She stated that increasing the number of businesses on Sunset Road will have a negative impact to surrounding property values. She also inquired about the quality of fencing, noting that the neighboring building's fencing needs repair.

Administrator Buchholtz stated that he would have Code Enforcement inspect the fencing at 8445 Sunset Road for compliance with the City's Property Maintenance Code. He stated that he did not believe there would be any traffic spillover from this building onto Westwood Road. He stated that if the building were to be purchased by a different party, they would still be required to follow the City's Property Maintenance Code in keeping up the property.

City Planner Walburg stated that the setback is a hardship which is not of the property owner's creation and that the residential properties to the north are guided for industrial in the City's 2040 Comprehensive Plan, which means that if an applicant wished to seek rezoning of these properties, the City would be obligated to do so.

Hearing no further comments, Chair Hansen closed the public hearing at 7:25 PM.

Motion made by Commissioner Cobbs, seconded by Commissioner Ali to recommend approval of the variance request for 8457 Sunset Road NE, subject to the following conditions: 1) the side setback to the north is approved at 25 feet versus the required 50 feet only if the main entrance to the building is not located on the north side and requested fence and landscaping is installed as indicated on the site plan; 2) variances to the side setback to the south and parking setback in the front yard are approved only if the entire site is fenced for security; 3) landscaping shall be provided in the north side yard as suggested on the site plan, with details to be reviewed and approved by the City Planner at the time of Site Plan review; and 4) all other details of the proposed development will be reviewed in the Site Plan review process, including grading, drainage, stormwater management, landscaping and screening, signage, lighting, number of parking spaces and other details as required by City Code.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

C. Public Hearing - Conditional Use Permit for Adult Daycare - 1330-1334 81st Ave NE

City Planner Walburg provided an overview of the conditional use permit request from Peaceful Adult Day Center to operate an adult day care center at 1330-1334 81<sup>st</sup> Avenue NE. She stated that this building is part of the Spring Lake Park Office Suites complex. She said that current uses in the office complex include office uses and service businesses. She noted that the applicant is not proposing any changes to the exterior of the building but would reconfigure the inside of the building to accommodate this use.

Planner Walburg noted that the City Code has outlined specific performance standards for day care uses. She stated that since the proposed use is an adult day care use and does not cater to children, flexibility could be shown to these standards. She noted that the Code requires at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.

Planner Walburg stated that she is recommending approval of the conditional use permit with the following conditions: 1) the applicant shall apply for and receive all applicable building permits prior to beginning work; 2) the applicant shall ensure daycare participants are secured within the building for their safety, except supervised outdoor time; 3) the applicant shall provide outdoor seating for adult daycare participants, including at least two (2) benches; and 4) the applicant shall ensure that employee and customer cars are parked only in spaces designated for use by Peaceful Adult Day Center.

Marty Fisher, Premier Commercial Properties, stated that he was representing the seller in this transaction and assisting the owner of Peaceful Adult Day Center with the application process. He stated that Ms. Hassan currently operates an adult day care facility in Fridley and found this location to be a suitable location for a second location. He stated that the clientele suffers from medical conditions such as dementia, minimizing their need for outdoor space. He said the age ranges of participants are 18-88. He said that programming includes education, counseling, and

playing games and cards. He said most of the participants are dropped off by family in the morning and then picked up at the end of the day.

Chair Hansen inquired about the capacity of the facility. Mr. Fisher stated that the applicant is seeking to serve up to 30 participants and would employ 4-5 individuals to care for the participants.

Commissioner Eischens inquired about parking. Mr. Fisher stated that the width of the building governs the amount of dedicated parking at the building, with shared parking on the site. He said there is at least five parking spaces in front of the building, with additional spaces available in the parking lot.

Administrator Buchholtz asked if this facility was state licensed. Ms. Hassan responded affirmatively. Mr. Fisher noted that there are regulations about the maximum number of participants in a space as well as a ratio of staff to participants. Mr. Fisher stated that the applicant will also need to meet Anoka County Health Department requirements.

Chair Hansen asked about food preparation. Ms. Hassan stated that there is no on-site food preparation. Mr. Fisher stated that food is catered in and disbursed to the participants out of the food prep area.

Chair Hansen opened the public hearing at 7:41 PM.

Michele Schnitker, Vice President of the Spring Lake Park Office Condominium Association ("Association"), stated that the outdoor space, sidewalks and parking are exclusively controlled by the Association. She stated that outdoor spaces are not dedicated to a particular unit. She stated that there are not designated parking areas within the site; it is shared amongst all the users on the site. She stated that the applicant has not approached the Association about the proposed use and any special needs required by the use. She stated that two of the four conditions outlined in the planning report will not be able to be met without Association approval as they involve common elements.

Hearing no further comments, Chair Hansen closed the public hearing at 7:46 PM.

Commissioner Cobbs expressed his preference to table the application for a month to allow the applicant to address concerns from the Association. Administrator Buchholtz stated that tabling the application would provide staff the opportunity to look at either a variance or a code amendment that would address concerns raised by Ms. Schnitker.

Motion made by Commissioner Julien, seconded by Commissioner Bernhagen, to table the conditional use permit application until the October 25 Planning Commission meeting.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

D. Public Hearing - Conditional Use Permit for Market/Boutique Shop and Office - 8409-8421 Center Drive

City Planner Walburg provided an overview of the conditional use permit request where the applicant is proposing to open a small convenience store at 8421B Center Drive. She stated that retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of the person employed in the district are considered a conditional use in the I-1, Light Industrial, zoning district.

Planner Walburg stated that she is recommending approval of the conditional use permit with the following conditions: 1) the applicant shall apply for and receive all applicable building and signage permits prior to beginning work; and 2) the applicant shall ensure that any customer or employee cars are parked only in spots designated for use by Shashe Market. If parking becomes a problem, in the City's opinion, the City reserves the right to revisit the Conditional Use Permit and impose conditions or limit the use of the space.

Chair Hansen opened the public hearing at 8:05 PM.

Administrator Buchholtz read a letter sent by Jim Herzong, Vice President of LSV Metals Inc at 8424 Sunset Road NE, which stated that LSV Metals and Tinmen LLC oppose the conditional use permit to operate a retail market/boutique shop. The letter noted that Tinmen LLC owns the parking lot to the rear of 8424 Sunset Road NE and does not want or agree to any access and/or traffic associated with this business that requires passage through their private property parking lot.

Commissioner Bernhagen expressed concern about parking, in light of access concerns to the rear of the building outlined in the LSV Metals letter.

Commissioner Julien inquired how deliveries would be made to the business. Burqaa Bullo, applicant and owner of Sashe Market, stated that deliveries would be made at the front door. Commissioner Julien asked about garbage collection. Mr. Bullo stated that garbage collection is in the rear of the building. Building Official Baker described the City's efforts to bring this property in compliance with the City's dumpster enclosure ordinance.

Commissioners spent time discussing access to the rear of the property and determined that additional information was needed from the property owner before the Commission could proceed with making a recommendation on the application.

Hearing no further public comment, Chair Hansen closed the public hearing at 8:18 PM.

Motion made by Commissioner Eischens, seconded by Commissioner Julien to table the conditional use permit application until the October 25, 2021 Planning Commission meeting.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

E. Public Hearing - Conditional Use Permit to Operate Construction Business with Auto Repair and Outdoor Storage - 8375 Sunset Road

City Planner Walburg provided an overview of the conditional use permit request where the applicant proposes to open an auto repair and auto sale business. She stated the proposed auto sales use is allowed as a conditional use in the I-1, Light Industrial, district, but that automobile sales are not permitted in the district.

Planner Walburg stated that she is recommending approval of the conditional use permit for the auto repair business with the following conditions: 1) the applicant shall apply for and receive all applicable building permits prior to beginning work; 2) the applicant shall conduct auto repair work inside the building, with the garage door shut; 3) hours of operation shall be 7:00 AM to 9:00 PM seven days per week (or as modified by the City Council); 4) applicant shall provide screening to the residential properties to the east, including fencing or additional landscaping, to the satisfaction of the City Planner; 5) outdoor storage shall be screened as soon as practical after the approval of the permit, and before a certificate of occupancy is issued for the property; and 6) should the applicant decide to improve the building, the conditional use permit and conditions will be revised to ensure compliance.

Building Official Baker stated that he discovered the use in operation during a fire inspection. He stated that the applicant shared with him his desire to operate auto repair in the rear of the building and possibly selling vehicles or tools in the front. He said the building is in good condition.

Chair Hansen opened the public hearing at 8:26 PM.

Hector Lura, 8375 Sunset Road NE, stated that he purchased the building in 2021. He stated that the building is well formatted for auto repair. He stated that he would like to repair damaged cars on site, and use the office space in the front of the building as a dealership to sell those vehicles. He stated that he would build a nice fence along the east, south and north property lines to screen the damaged vehicles.

Administrator Buchholtz noted that auto sales use is not an allowed use in the I-1 district. Mr. Lura stated that he will need to determine a different use for the front area. Administrator Buchholtz stated that Mr. Lura should approach City staff when that use is identified so it can be determined if additional zoning approvals are required.

Hearing no public comment, Chair Hansen closed the public hearing at 8:36 PM.

Commissioner Bernhagen inquired about business hours. Mr. Lura stated that business hours would be Monday through Friday, 7:00 AM to 7:00 PM and Saturday, 7:00 AM to 4:00 PM. Commissioner Bernhagen expressed his preference for these hours rather than the City Planner's recommendation.

Motion made by Commissioner Bernhagen, seconded by Commissioner Julien, to recommend approval of the conditional use permit with the following conditions: 1) the applicant shall apply for and receive all applicable building permits prior to beginning work; 2) the applicant shall conduct auto repair work inside the building, with the garage door shut; 3) hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday and 7:00 AM to 4:00 PM on Saturday; 4) applicant shall provide screening to the residential properties to the east, including fencing or additional landscaping, to the satisfaction of the City Planner; 5) outdoor storage shall be screened as soon as practical after the approval of the permit, and before a certificate of occupancy is issued for the property; and 6) should the applicant decide to improve the building, the conditional use permit and conditions will be revised to ensure compliance.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

## 6. NEW BUSINESS

### A. Review 2022 Street Improvement Project for Compliance with Comprehensive Plan

Administrator Buchholtz provided an overview of the 2022 Street Improvement Project, which includes the reconstruction of Garfield Street, Hayes Street and 80<sup>th</sup> Avenue NE. He stated that M.S. 429 states that the Planning Commission must review the project for compliance with the Comprehensive Plan. He stated that the proposed project does comply with the 2040 Comprehensive Plan, fulfilling a policy that states that the city “continue regular maintenance of existing City streets, including reconstruction of older streets as necessary.”

Motion made by Commissioner Cobbs, seconded by Commissioner Julien to find that the proposed 2022 Street Improvement Project complies with the City’s 2040 Comprehensive Plan and to authorize Chair Hansen to submit a letter to the City Council communicating that finding.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

## 7. OTHER

### A. Administrator Report – No report.

## 8. ADJOURN

Motion made by Commissioner Eischens, seconded by Commissioner Julien, to adjourn.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

The meeting was adjourned at 8:45 PM.