

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on February 27, 2023, 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

Chair Hans Hansen

Commissioner Rick Cobbs

Commissioner Eric Julien

Commissioner Brad Delfs

Commissioner Sharon Weighous

#### MEMBERS ABSENT

Commissioner Kelsey Hollihan

#### STAFF PRESENT

Building Official Jeff Baker, Administrator Daniel Buchholtz

#### OTHERS PRESENT

Greg & Colleen Pettersen, 1409 Osborne Road NE

Shari Wilson, 1436 Osborne Road NE, Fridley

### 3. PLEDGE OF ALLEGIANCE

### 4. ELECT OFFICERS

#### A. Chair

Motion made by Commissioner Cobbs, seconded by Commissioner Julien, to elect Commissioner Hansen as Chair for 2023.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien. Abstain: Chairperson Hansen. Motion carried.

#### B. Vice Chair

Motion made by Commissioner Julien, seconded by Commissioner Cobbs, to elect Commissioner Delfs as Vice Chair for 2023.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

## 5. APPROVAL OF MINUTES

### A. Approval of Minutes – November 28, 2022 Meeting

Motion made by Commissioner Cobbs, seconded by Commissioner Julien, to approve the minutes from the November 28, 2022 Planning Commission meeting.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

## 6. PUBLIC HEARING

### A. Variance and Conditional Use Permit Applications for 1409 Osborne Road NE

Administrator Buchholtz stated that the City received an application from Greg and Colleen Pettersen, 1409 Osborne Road NE, for a variance and conditional use permit that would permit a 2-family dwelling at the property. The application would allow the property owner to rent a fully separate two-bedroom apartment located above their garage.

Administrator Buchholtz said that the applicant is seeking a variance from the requirement that a parcel has 7,500 square feet for each dwelling (15,000 square feet total), as set forth in Spring Lake Park Code 16.64.050 (A)(1). He noted that if the variance is granted, Mr. & Mrs. Pettersen are seeking a conditional use permit to allow a two-family dwelling on the property.

Administrator Buchholtz stated that the area is guided Low Density Residential in the 2040 Comprehensive Plan. He said the property is zoned R-1, Single Family Residential, which allows single family homes, as well as two family dwellings by conditional use permit.

Administrator Buchholtz gave an overview of the City of Spring Lake Park's zoning code Section 16.60.040 for considering variances:

“The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. “Practical difficulties” as used in connection with granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of

the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.”

Administrator Buchholtz noted that Section § 16.56.030, F of the zoning code outlines the findings required prior to issuance of a conditional use permit:

1. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
2. The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;
3. The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;
4. The use is one of the conditional uses specifically listed for the district in which it is to be located;
5. The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;
6. The use will not lower property values or impact scenic views in the surrounding area;
7. Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;
8. Sufficient off-street parking and loading space will be provided to serve the proposed use;
9. The use includes adequate protection for the natural drainage system and natural topography;
10. The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and
11. The proposed use will not stimulate growth incompatible with prevailing density standards.

Administrator Buchholtz noted that staff believes the applicant has shown that the proposed use would be reasonable and would not alter the essential character of the location. He stated that the applicants request meets the tests for a variance – the use itself is reasonable, the request would not alter the essential character of the locality, granting the variance is not for economic reasons alone, and there are circumstances unique to the property not created by applicant that make it impossible to meet the ordinance lot size standard.

Administrator Buchholtz stated that If the Commission grants the variance, staff believes the use will qualify for a conditional use permit with the following findings:

- The proposed use will contribute to the general welfare of the neighborhood or community by creating a dwelling unit.

- The use will not be detrimental to the health, safety, morals or general welfare of persons residing or working the vicinity of the use or injurious to property values/improvements within the vicinity of the use as the second dwelling unit is located above the garage and maintains the residential character of the existing neighborhood.
- If the variance is approved, the proposed use complies with Chapter 16 of the City Code.
- Existing infrastructure is adequate to accommodate anticipate traffic generated by the proposed use.
- The use will not impact the natural drainage system and natural topography of the site.
- Adequate measures are included to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these will constitute a nuisance.
- That the proposed use is compatible with prevailing density standards as the R-1 zoning district

Administrator Buchholtz reported that staff recommends approval of the variance and the conditional use permit application.

Greg Pettersen, the applicant gave an overview of what the issue is for his properties lot size. He mentioned the original depth of the ditches and were the boundaries were placed back in the 40's. He gave an overview of the current apartment unit and its amenities.

Commissioner Delfs inquired of the applicant if he had been renting the unit prior to getting a license. Mr. Pettersen answered in the affirmative. He stated that he called the City to see if one was need and was informed that as long as it was homestead he did not need a rental license. Commissioner Delfs asked if the variance and the CUP are tied to the rental permit.

Building Official Baker noted that the variance and the CUP would be sent to Anoka County as a two-family dwelling. Once the County gets the paperwork the property would be classified as a duplex.

Commissioner Weighous inquired if the renters had separate utilities. Mr. Pettersen said that the rent included the utilities.

Commissioner Hansen asked if the variance and the CUP were separate. Administrator Buchholtz stated that both applications were tied to the land. He informed the Commission that if the Conditional Use Permit is not used for a year it expires.

Chair Hansen opened the public hearing at 7:37 PM.

Shari Wilson, 1436 Osborne Road NE, stated that she was in support of the application and that the Pettersens, were good neighbors and all the renters have been polite.

Chair Hansen closed the public hearing at 7:39 PM.

Motion made by Commissioner Cobbs, seconded by Commissioner Julien to recommend the variance for 1409 Osborne Road NE.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

Motion made by Commissioner Julien, seconded by Commissioner Weighous to recommend the Conditional Use Permit for 1409 Osborne Road NE.

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

## **7. OTHER**

Administrator Buchholtz gave an overview of the City Hall Renovation and Expansion Project.

## **8. ADJOURN**

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

Voting Yea: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Commissioner Julien, Chairperson Hansen. Motion carried.

Meeting adjourned at 7:44 PM.