

RESOLUTION NO. 21-18

**RESOLUTION EXTENDING EXPIRATION DATE FOR A VARIANCE FROM THE
SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF AN INDUSTRIAL
USE AT 8457 SUNSET ROAD NE**

WHEREAS, the City Council, on May 4, 2020, granted a variance to Tony Mezzenga, Woodcrest Development of Shoreview, from the side yard setback for an industrial use abutting a residential property; and

WHEREAS, development on the parcel has not yet commenced; and

WHEREAS, Section 16.60.040(H) of the City Code states that “if the development does not proceed within one year of the date on which the variance was granted, such variance shall become void, except that, on application, the City Council may extend the variance for such additional period as it deems appropriate; and

WHEREAS, Mr. Mezzenga has made a request for an extension of the variance; and

WHEREAS, the City Council finds that, due to the COVID-19 pandemic, that an extension is warranted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park that the City Council does hereby approve a one-year extension of the variance from the side yard setback for 8457 Sunset Road, as granted by Resolution 20-18, with the same conditions as outlined in the aforementioned Resolution.

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof

And the following voted against the same: .

Whereon the Mayor declared said Resolution duly passed and adopted the 17th day of May, 2021.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

State of Minnesota)
Counties of Anoka and Ramsey) ss
City of Spring Lake Park)

I, Daniel R. Buchholtz, duly appointed and qualified City Clerk in and for the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, do hereby Certify that the foregoing is a true and correct copy of Resolution No. 21-18, A Resolution Extending Expiration Date For A Variance From The Side Yard Setback To Allow The Construction Of An Industrial Use At 8457 Sunset Road NE, adopted by the Spring Lake Park City Council at their regular meeting on the 3rd day of May, 2021.

(SEAL)

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

Dated: _____



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: April 2, 2021

Subject: Variance Extension – 8457 Sunset Road NE

The City Council, at its May 4, 2020 meeting, granted a variance to the side yard setback to facilitate construction of an industrial building at 8457 Sunset Road NE. To date, there has been no action on the variance.

Section 16.60.040(H) of the Spring Lake Park City Code states that “if the development does not proceed within one year of the date on which the variance was granted, such variance shall become void, except that, on application, the City Council may extend the variance for such additional period as it deems appropriate.”

City staff received an email from property owner Tony Mezzenga requesting an extension of the variance deadline (see attached).

Staff believes that the proposed development is still a good fit for the area and recommends the City Council extend the variance approval for an additional year, until May 4, 2022.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

Daniel Buchholtz

From: Tony Mezzenga <woodshop6@gmail.com>
Sent: Friday, April 30, 2021 12:00 PM
To: Daniel Buchholtz
Subject: variance

Dan,

As per our conversation today, I would like to submit this letter asking to extend the approved variance from may 4th 2020 for 8457 Sunset Road Spring Lake Park MN 55432. With the delays with material and how busy contractors are we need more time to proceed with the building plans and process.

Have a great weekend!
Thank you in advance!

Tony Mezzenga

RESOLUTION NO. 20-18

**A RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD SETBACK TO
ALLOW THE CONSTRUCTION OF AN INDUSTRIAL BUILDING AT
8457 SUNSET ROAD NE**

WHEREAS, Tony Mezzenga, Woodcrest Development of Shoreview, has made application for a variance from the side yard setback for an industrial use abutting a residential property; and

WHEREAS, the property, 8457 Sunset Road NE, is legally described as follows:

The North 162 feet of Lot 18, Spring Lake Park Plat A, subject to easement of record; and

WHEREAS, mailed and published notice of a public hearing to consider the proposed variance was given; and

WHEREAS, a public hearing to consider the proposed variance was held April 27, 2020; and

WHEREAS, the request was made to reduce the side yard setback for an industrial use abutting a residential property from 50 feet to 25 feet; and

WHEREAS, the Planning Commission has considered the application against the practical difficulties test as outlined in Section 153.224 of the Spring Lake Park Zoning Code; and

WHEREAS, the Planning Commission has recommended approval subject to reasonable conditions, based on the following findings of fact:

1. Developing the property with an industrial use is reasonable on property that is guided and zoned for industrial use;
2. Reducing the side yard setback of this property to match the required side yard setback for industrial properties surrounded by other 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; and

WHEREAS, the Spring Lake Park City Council has reviewed the application and hereby accepts the findings and recommendations of the Spring Lake Park Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council hereby approves the request of Tony Mezzenga, Woodcrest Development of Shoreview, for a variance to reduce the side yard setback on the north side of the property from 50 feet to 25 feet to accommodate construction of an industrial building, 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 north side of the building has no main business entrances or loading areas facing that direction and if there is no parking between the building and the north lot line.
2. Landscaping, as suggested on the site plan, as well as a privacy fence shall be provided in the north side yard. Details of the landscaping and privacy fence shall be reviewed and approved by the City Planner at the time of Site Plan review.
3. All other details of the proposed development will be reviewed in the Site Plan review process, including grading, drainage, stormwater management, landscaping/screening, signage, lighting, parking and other details as required by City Code.

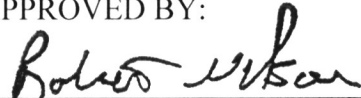
The foregoing Resolution was moved for adoption by Councilmember Wendling.

Upon Vote being taken thereon, the following voted in favor thereof: Councilmembers Wendling, Delfs, Goodboe-Bisschoff, Dircks and Mayor Nelson.

And the following voted against the same: None.

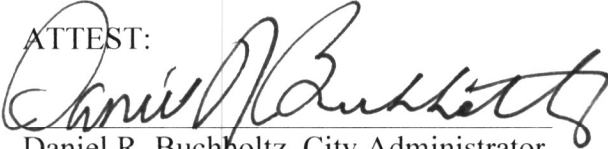
Whereon the Mayor declared said Resolution duly passed and adopted the 4th day of May, 2020.

APPROVED BY:



Robert Nelson, Mayor

ATTEST:



Daniel R. Buchholtz, City Administrator

To: Planning Commission
City of Spring Lake Park

From: Phil Carlson,
Stantec

File: Variance Request
8457 Sunset Road NE

Date: April 27, 2020

Re: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

BACKGROUND

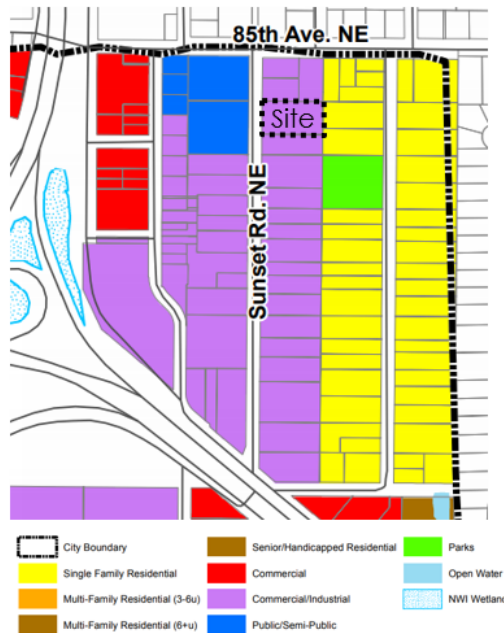
The 1.1-acre Industrial site at 8457 Sunset Road NE is a rectangular parcel located in the northeast corner of Spring Lake Park in the industrial park, south of 85th Avenue NE, fronting Sunset Road NE on its west side. The site abuts existing single family homes to the north, which are guided Industrial but still occupied as single family homes. The applicant Tony Mezzenga wants to build a 12,000-sq-ft building for an as yet undecided industrial use on the I-1 zoned property. The Zoning Code requires larger setbacks from industrial to residential uses and the applicant is requesting a variance to the side yard setback for the project.

The property is currently vacant and borders another industrial use to the south, the Eagle Brook Church to the west across Sunset Road, two single family homes to the north, and single family homes to the east, which front on Westwood Road NE.

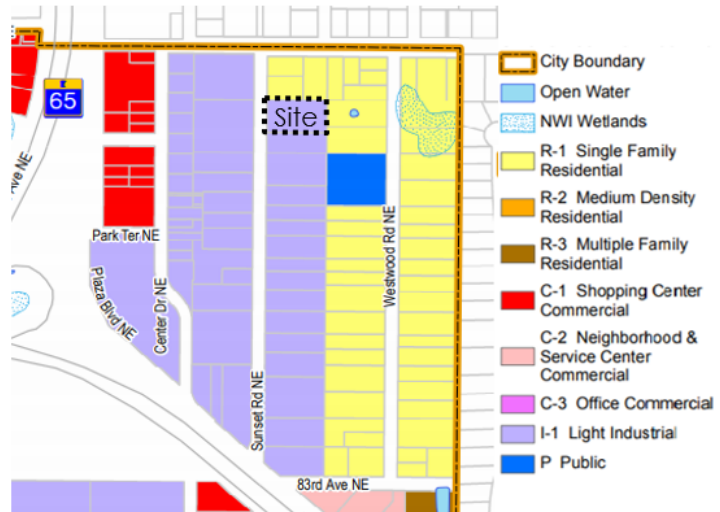


Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

Land Use Plan



Zoning Map



LAND USE & ZONING

The land use and zoning pattern in the area is complex, but the request is simple (see map excerpts above):

- The site at 8457 Sunset Road NE is guided Commercial/Industrial and zoned I-1 Light Industrial.
- The Eagle Brook Church across Sunset Road NE is guided Public/Semi-Public but zoned I-1 Light Industrial.
- The homes to the north are guided Commercial/Industrial but zoned R-1 Single Family Residential.
- The homes to the east are guided and zoned Single Family Residential.
- In the Metropolitan Area, cities are obliged to have the zoning conform to the Land Use Plan. The Land Use Plan take precedence over the zoning.
- The single family homes north of the site could therefore be rezoned and redeveloped with Industrial uses at any time – the City would be obliged to rezone the property to I-1 to conform with the Land Use Plan.
- The request is for a variance to the side setback to the north that is the same as a future industrial use would require (if zoned according to the Land Use Plan) vs. what the existing residential uses require.

The required setbacks are as follows in the I-1 Light Industrial district, compared to what is proposed on the site plan:

<u>Yard</u>	<u>To Comm or Ind</u>	<u>To Residential</u>	<u>Proposed</u>
Side – Building	25 ft	50 ft	25 ft
Rear - Building	35 ft	50 ft	68 ft
Rear - Parking	10 ft	20 ft	20 ft

Only the side yard to the north (bold type above) needs a variance. The other yards meet the required setbacks for building and parking, even the greater setback to residential uses.

Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

VARIANCE REQUEST

The variance request and related dimensions are illustrated on the map below. The proposed site plan for the property is superimposed on the aerial photo, with the required 50-ft side yard setback shown in the red dashed line, the requested 25-ft side yard setback in the yellow dashed line, and the distances to the three homes that abut the property with white arrows – two homes to the north and one to the east.

As the map shows, the requested side yard setback variance would result in the building being 57 ft and 125 ft to the residences to the north. The rear yard setbacks to building and parking are met by the proposed site plan – no variance is needed on the east side of the site. The dimensions shown here are slightly different than those provided by the applicant. The dimensions below are taken from the occupied portion of the adjacent homes to the proposed building, whereas his dimensions are from the garage in two instances and only to the property line, not to the proposed industrial building or parking.

The site plan is laid out to have a blank wall and landscaping facing north to the existing residences. There will be no parking, loading or other activities on that side of the site. It should be noted that the site plan could be laid out to place parking and loading areas on the north side of the site and meet all required setbacks – no variance needed – but the applicant has chosen to locate this activity on the south side toward the existing industrial site and put the “quiet” side of the project toward the existing residences. Screening is required for all parking areas abutting residential uses per Zoning Code Section 153.138, but that will be handled in the Site Plan review process and no variance is requested for that here.



Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

Section §153.224 of the City of Spring Lake Park's Zoning Code requires that practical difficulty be proven for the approval of a variance, according to the following criteria:

(a) Is the variance in harmony with the purposes and intent of the Ordinance?

The Zoning Code has setbacks to provide reasonable separation of uses. The separation provided by the requested variance is reasonable in this situation.

(b) Is the variance consistent with the comprehensive plan?

The 2040 Comprehensive Plan includes the following Land Use Policy 4 relevant to this proposal:

4. Continue to provide for zoning restrictions on properties designated for commercial/industrial uses so that there will be appropriate buffers between commercial/industrial development and adjacent residential uses.

This policy supports the increased setbacks and screening in the Zoning Code and the question is whether the requested variance and site plan provide an "appropriate buffer".

(c) Does the proposal put property to use in a reasonable manner?

The use itself is reasonable – a typical industrial building on a site zoned for industrial. The specific proposal requests to develop the property using the setback that would be required for an industrial use, which is what is anticipated in the Land Use Plan. Furthermore, the site plan places most of the activity on site on the opposite side of the building away from the existing residential uses.

(d) Are there circumstances unique to the property not created by the applicant? (physical characteristics of the property i.e. sloping topography or other natural features like wetlands or trees)?

The circumstance unique to this property is that the adjacent properties are guided for industrial development but still zoned residential. That is not created by the applicant.

(e) Will the variance maintain the essential character of the locality?

The immediate neighborhood is mostly industrial and commercial in character, with a large church being the one active use nearby across the street. The character of this area is now industrial on this site and further south, but residential to the north. But the City has intended that the character of those residential properties eventually be industrial as well.

Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

CONCLUSION & RECOMMENDATION

I recommend that the Planning Commission recommend approval of the variance request as presented, with the following conditions:

- 1) The side setback to the north is approved at 25 feet vs. the required 50 feet only if the north side of the building has no main business entrances or loading areas facing that direction and no parking between the building and the north lot line.
- 2) 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.
- 3) 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.

OPTIONS

The Planning Commission has the following options:

- 1) Recommend approval of the variance as submitted with conditions noted.
- 2) Recommend approval of the variance as modified by the Planning Commission.
- 3) Recommend denial of the variance.
- 4) Continue the item to a future meeting to gather more information or for more discussion.

FINDINGS OF FACT

For any of the recommendations, the Planning Commission should adopt Findings of Fact. If the recommendation is for approval, Findings might be:

- 1) Developing the property with an industrial use if 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.
- 5) The request reasonably meets the criteria in the Zoning Code for approval of variances.

60-DAY DEADLINE

The variance application was received on March 3, 2020, but not considered complete until April 11, 2020. The 60-day deadline for final action by the City Council is June 10, 2020.

