

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 81st 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