



PLANNING COMMISSION AGENDA
MONDAY, SEPTEMBER 28, 2020
CITY HALL at 7:00 PM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
 - A. Approval of Minutes - May 26, 2020
5. **PUBLIC HEARING**
 - A. Public Hearing - Rear Yard Setback Variance at 841 Manor Drive (Patricia Beberg)
6. **OTHER**
7. **ADJOURN**

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
 - a. Those wishing to comment are asked to limit their comments to 3 minutes
 - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
 - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on May 26, 2020, at 7:00 PM.

1. CALL TO ORDER

Chairperson Hansen called the meeting to order (virtually) at 7:00 PM.

2. ROLL CALL

PRESENT

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

STAFF PRESENT

Administrator Buchholtz and City Planner Carlson

VISITOR

Jeremy Larson, Hampton Companies/Suite Living

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes from March 23, 2020 and April 27, 2020

Motion made by Commissioner Eischens, Seconded by Commissioner Bernhagen to approve Minutes of March 23, 2020 and April 27, 2020.

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

5. PUBLIC HEARING

A. Public Hearing - Planned Unit Development (PUD) Application for a 1 story, 32-unit Assisted Living/Memory Care Facility at 525 Osborne Road NE -- Hampton Companies

City Planner Carlson reviewed the staff memo regarding an application for a Planned Unit Development and Site Plan Review for 525 Osborne Road NE. He reviewed the site plan and possible site issues. He provided conditions for the recommendation of the approval of the Planned Unit Development and the Site Plan.

Commissioner Ali inquired what type of screening or security would be provided to the residents of the Osborne Apartments open access area. Planner Carlson stated that the recommendations are for visual protection and feels that vegetation or shrubs would be sufficient to add privacy from traffic.

Commissioner Ali inquired if any additional landscaping such as shrubs or vegetation will be added along Osborne Road. Planner Carlson stated that he would recommend a three- or four-foot shrub hedge would be sufficient enough to block the headlight glow from vehicles. He does not feel that a fence is necessary.

Commissioner Eischens inquired if the Osborne Apartment building is included in the new water system and a separate shut off for the apartments. Administrator Buchholtz reported that the City has reached out to the owner of Osborne Apartments as well as the town-home development to make them aware of the project and the ability to connect to the water main at this time. He stated that the town-home development has not responded. He reported that the shut off valves and connections will be added now and, in the future, if the town home development decides to add on at a later date, they would have the ability to do that.

Commissioner Bernhagen inquired if the facility is considered senior living. Mr. Larson reported that the facility will have 32 rooms with 32 residents. He stated that 12 of the residents will be memory care units and 20 of the units will be for residents who need high acuity care. He stated that the memory care residents will have their own secured wing. He reported that most residents will live at the facility for three years.

Commissioner Bernhagen inquired if the fence should be placed around the entire pond rather than only around the west side of the property. He expressed concern with residents from the facility escaping the facility and going near the pond. Mr. Larson stated that the facility is locked down to the residents from the inside and from the outside. He stated that is with the residents at all times outdoors. He noted that the residents are in a wheelchair or use a walker.

Commissioner Cobbs inquired if there were any comments or concerns received from the town-home owners. Administrator Buchholtz reported that no comments were received. He stated that all the residents received the public hearing notice 10 days in advance of the meeting.

Commissioner Bernhagen inquired if there has been any flooding on this site. Administrator Buchholtz stated that he was not aware of any flooding on the site. He stated that there has been flooding concerns on 79th Avenue and Terrace Road however a storm water pipe has been installed.

Administrator Buchholtz stated that this piece of property is very unique and Hampton Companies has done a good job developing the site. He stated that the site fits well into the residential area and will be an asset to the community.

Chairperson Hansen inquired on the pricing of the units at the facility. Mr. Larson stated that there is not a set price point as every resident has different care levels and needs. He stated that prices are associated with care levels. He explained that the facility does allow the Elderly Waiver which allows the elderly affordable care and housing.

Chairperson Hansen opened the public hearing at 7:38 PM.

Hearing no discussion or concerns from the public, Chairperson Hansen closed the public hearing at 7:39 PM.

Motion made by Commissioner Cobbs, Seconded by Commissioner Julien to recommend approval of Planned Unit Development Application for a 1 story, 32-unit Assisted Living/Memory Care Facility at 525 Osborne Road NE - Hampton Companies with the following conditions:

- 1.) Additional landscaping and screening will be provided to the west neighbor in the form of a fence and shrubbery.
- 2.) Additional landscaping will be provided on the south side of the parking lot toward Osborne Road to screen cars and headlights to a height of between 3 and 4 feet, if approved by SPRWS, to be reviewed and approved by the City Planner.
- 3.) Additional landscaping will be provided on the north side of the site to the Osborne Apartments to screen the building and garage.
- 4.) The plans will be revised per the City Engineers comments:
 - a. Grading Plan. Expand stormwater pond to maximize onsite storage
 - b. Grading Plan. Modify grading plan to direct site runoff Emergency Overflow route to southwest corner of site. We are concerned about additional drainage to the north of the site.
 - c. Grading Plan. Show second SPRWS water pipe.
 - d. Utility Plan. Move proposed fire hydrant southward approximately 105 feet to be more accessible. Have valve on hydrant lead within 10-feet of tee.
 - e. Utility Plan. All onsite sanitary sewer, water main, storm sewer, and drainage facilities shall be considered private and shall be maintained by the property owner.
 - f. Utility Plan. Show second SPRWS water pipe.
 - g. Utility Plan. As noted on plans, site sewer and water construction will need to be coordinated with offsite city sewer and water construction.

- h. Drainage and Stormwater. A separate drainage review will be completed when revised information is provided. Site will require a CCWD Permit and maintenance plan.
- i. Landscape Plan. Landscape plan will need to be modified to reflect expanded storm pond size.
- j. Other. Final site infrastructure plans shall be reviewed the by the city Engineer and City Public Works Director prior to construction.
- k. Other. No engineering review of lighting, parking ,sidewalk, or other miscellaneous issues was completed.

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

6. OTHER

A. Administrator Report

Administrator Buchholtz reported that staff has been working on finishing approvals for the JP Brooks development. He stated that the sewer permit was received.

Administrator Buchholtz reported that City staff has been working on COVID-19 procedures for City Hall and staff. He reported that City Hall will be open fully to the public on June 1, 2020. He stated that face masks are required to enter into City Hall. He stated that the Parks and Recreation Department is working on programs that could be offered later this summer on a modified basis.

Chairperson Hansen inquired if the county reports the number of COVID-19 cases specifically in Spring Lake Park. Administrator Buchholtz stated that the county releases the number of cases daily. He reported that as of May 26, 2020, there are 25 confirmed cases in Spring Lake Park.

7. ADJOURN

Motion made by Commissioner Julien, second by Hansen to adjourn.
Meeting was adjourned at 7:44 PM.

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: September 14, 2020
Subject: Variance – 841 Manor Drive

Background

Patricia Beberg, 841 Manor Drive NE, submitted an application for a variance from the rear yard setback standard for a home addition to accommodate a sun room and indoor swim spa.

The applicant is seeking a variance from the 40 foot rear yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

The site is located on the 800 block of Manor Drive NE, between Able Street and Monroe Street. The property is guided for low density residential in the 2040 Comprehensive Plan. The property is zoned R-1, Single Family Residential - allowed uses include single-family homes. Property records show that the house on the property was constructed in 1983.



The City's current yard setback standards for the R-1 zoning district is as follows:

Dwelling, single family – front yard	35 feet
Dwelling, single family – rear yard	40 feet
Dwelling, single family – side yard	10 feet

Accessory uses, rear yard	5 feet
Accessory uses, side yard	5 feet

In addition, Section 16.20.070 states that a detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this title. Staff's analysis of the drawings provided by Rust Architects show that the existing detached garage will be approximately 9.5 feet from the new addition.

Appendix D sets the maximum percentage of lot coverage of all structures in the R-1 district at 35%. The applicant's property is approximately 13,185 square feet, which would accommodate a maximum structure lot coverage of 4,614 square feet. With the addition, the total square footage of all structures on the property is 3,304.03 or 25% of the total lot size.

The applicant is proposing to utilize the addition to accommodate an enclosed sunroom and swim spa to accommodate physical therapy needs for the applicant and her family. The applicant noted that, due to the COVID-19 pandemic, it has been difficult to have access to the water therapy she and her family needs to maintain their mobility. The applicant has assured the City that this swim spa will be for private use only. The applicant is seeking a five foot variance from the rear yard setback (35 feet from the northern property line instead of 40 feet). The applicant will remove an existing concrete patio in the rear yard to accommodate the addition.

Previous applications: No other applications are on file.

Variance

Section §16.60.040 of the City of Spring Lake Park's zoning code outlines the criteria 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."

Recommendation

Staff recommends approval of the variance. Staff's analysis of the application shows that the proposed addition will not alter the character of the neighborhood as the proposed addition will not be visible from the street. Staff believes that the addition to house an indoor sun room and swim spa uses are reasonable uses of the property as they will provide for the applicant's therapeutic needs year-round. In addition, due to the dimensions of the swim spa, the proposed addition accommodates the swim spa in the most feasible manner.

If the Planning Commission wishes to recommend approval of the variances, it would be with the following conditions:

1. Addition must be architecturally compatible with the existing home and must comply with all other requirements as set forth in the City's zoning code.
2. Applicant must apply for all building permits as required.

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



City of Spring Lake Park
 1301 81st Avenue NE
 Spring Lake Park, MN 55432
 763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

For Office Use Only	
Case Number:	
Fee Paid: \$450	CK# 8210
Received by: JG	
Date Filed: 9-2-2020	
Date Complete:	
Base Fee: \$150	Escrow: 300

PC mtg 9/28/20

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Ordinance Amendment (Text) <input type="checkbox"/> Rezoning <input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Site Plan/Building Plan Review <input type="checkbox"/> Conceptual Plan Review <input type="checkbox"/> Conditional Use Permit <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Lot Combination <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 841 MANOR DRIVE		Current Zoning: RES
Property Identification Number (PIN#):		
Legal Description (Attach if necessary): LOT 4 BLOCK 1 DAHLMEIER ACRES		
APPLICANT INFORMATION		
Name: PATRICIA C BERBERG	Business Name:	
Address: 841 MANOR DRIVE NE		
City: SPRING LAKE PARK, MN 55432	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
OWNER INFORMATION (if different from applicant)		
Name: SAME	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: RESIDENTIAL		
Nature of Proposed Use: ADDITION TO ADD SWIMSPA FOR HOME WATER PHYSICAL THERAPY		
Reason(s) to Approve Request: SPACE NEEDED TO ACCOMMODATE SWIMSPA AREA WITH WHEELCHAIR		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:		Date of Application:
Nature of Request:		
NOTE: Applications only accepted with ALL required support documents. See City Code		

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

E-mail pcbeberg@mithral.com Fax _____ USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Patricia C Beberg Date: Sept 2 2020
Owner: Patricia C Beberg Date: Sept 2 2020

**NOTE: Applications only accepted with ALL required support documents.
See City Code**

**City of Spring Lake Park
Variance Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: PATRICIA C BEBERG Telephone: 763 784 2659
Address: 841 MANOR DRIVE NE Cell Phone: 763 234 1538
City/State/Zip: SPRING LAKE PARK MN 55432 E-mail: pbeberg@withral.com

2. Property Owner Information (if different from above):

Name: SAME Telephone: _____
Address: _____ Cell Phone: _____
City/State/Zip: _____ E-mail: _____

3. Project Location (Address and Legal Description): LOT 4 BLOCK 1 DAHLMEIER ACRES

4. Present Use of Property: RESIDENTIAL

5. Description of Project: ADDITION SUN ROOM, SWIM SPA ROOM

6. Specify Section of the Ordinance from which variance is sought: _____
BACK LOT LINE 40'

7. Explain how you wish to vary from the applicable provisions of this Ordinance: _____
35' FROM BACK LOT LINE

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. **Practical Difficulties Test:** Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?
 Yes No Why or why not?

b. In your opinion, is the variance consistent with the Comprehensive Plan?

Yes No Why or why not?

c. In your opinion, does the proposal put property to use in a reasonable manner?

Yes No Why or why not?.

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?

Yes No Why or why not?

e. In your opinion, will the variance maintain the essential character of the locality?

Yes No Why or why not?

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant Signature:

Patricia C Beberg

Date:

Sept 2nd 2020

Fee Owner's (Property Owner) Signature:

Patricia C Beberg

Date:

Sept 2nd 2020

MODEL E500 15' x 89" W x 58" D



ENDLESS POOLS® FITNESS SYSTEMS
2019 COLLECTION

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

FOR Patricia Beberg

KURTH SURVEYING, INC.

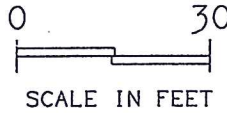
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE (763) 788-9769 FAX (763) 788-7602
E-MAIL: ksi@kurthsurveyinginc.com.

DATE: July 9, 2020

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

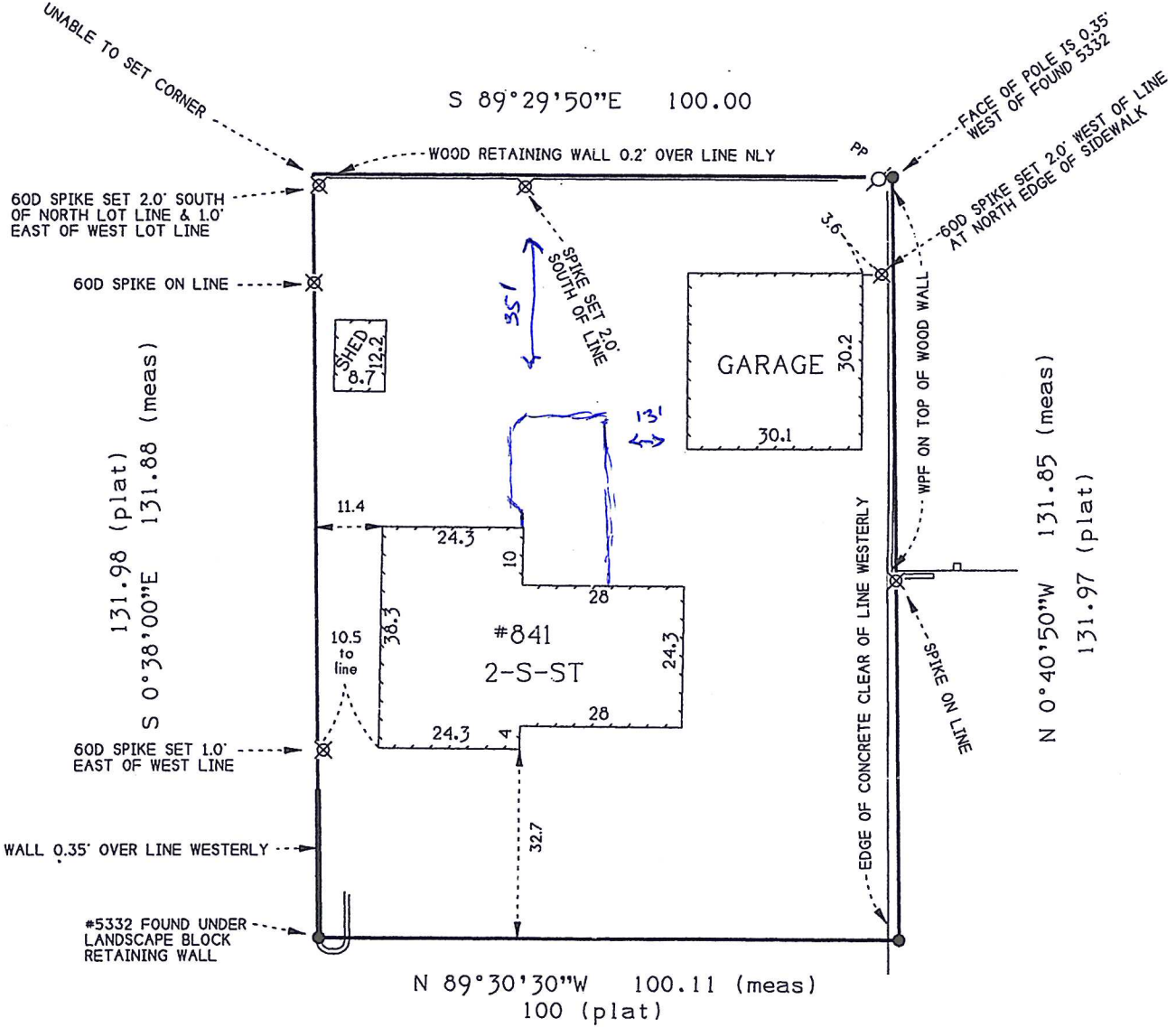
[Signature]

Randy L. Kurth, L.L.S. No. 20270
Russell J. Kurth, L.L.S. No. 16113



- = IRON PIPE MONUMENT SET
 - = IRON PIPE MONUMENT FOUND
 - ✕ = SPIKE SET
 - ⊥ = WOOD FENCE - wpf
 - *— = CHAIN LINK FENCE - clf
- BEARINGS ARE ASSUMED DATUM

NOTE: THE PURPOSE OF THE SURVEY WAS TO MARK CORNERS AND LINES FOR FENCE AND WALL REPLACEMENT.
NOT ALL FENCES AND WALLS ALONG LOT LINES ARE SHOWN



841 MANOR DRIVE (66' R/W)

PROPERTY DESCRIPTION

Lot 4, Block 1, DAHLMEIER ACRES , Anoka County, Minnesota

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

FOR Patricia Beberg

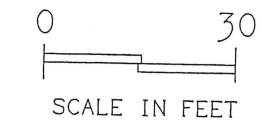
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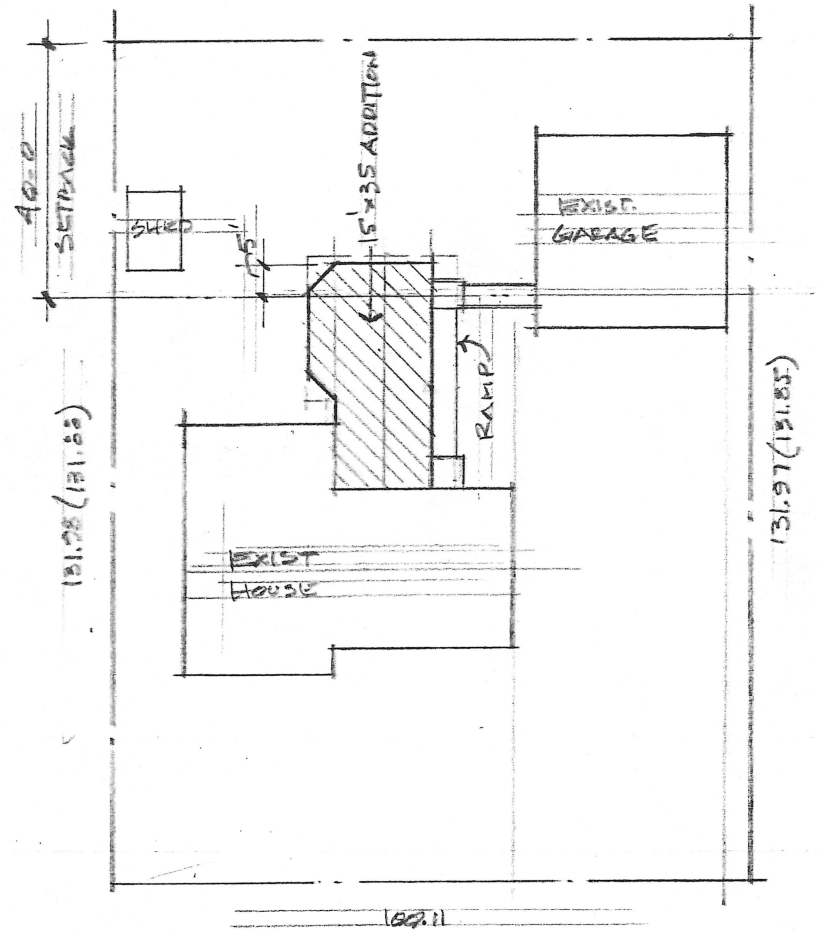
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- = IRON PIPE MONUMENT FOUND
- ⊗ = SPIKE SET
- ▭ = WOOD FENCE - wpf
- *— = CHAIN LINK FENCE - clf



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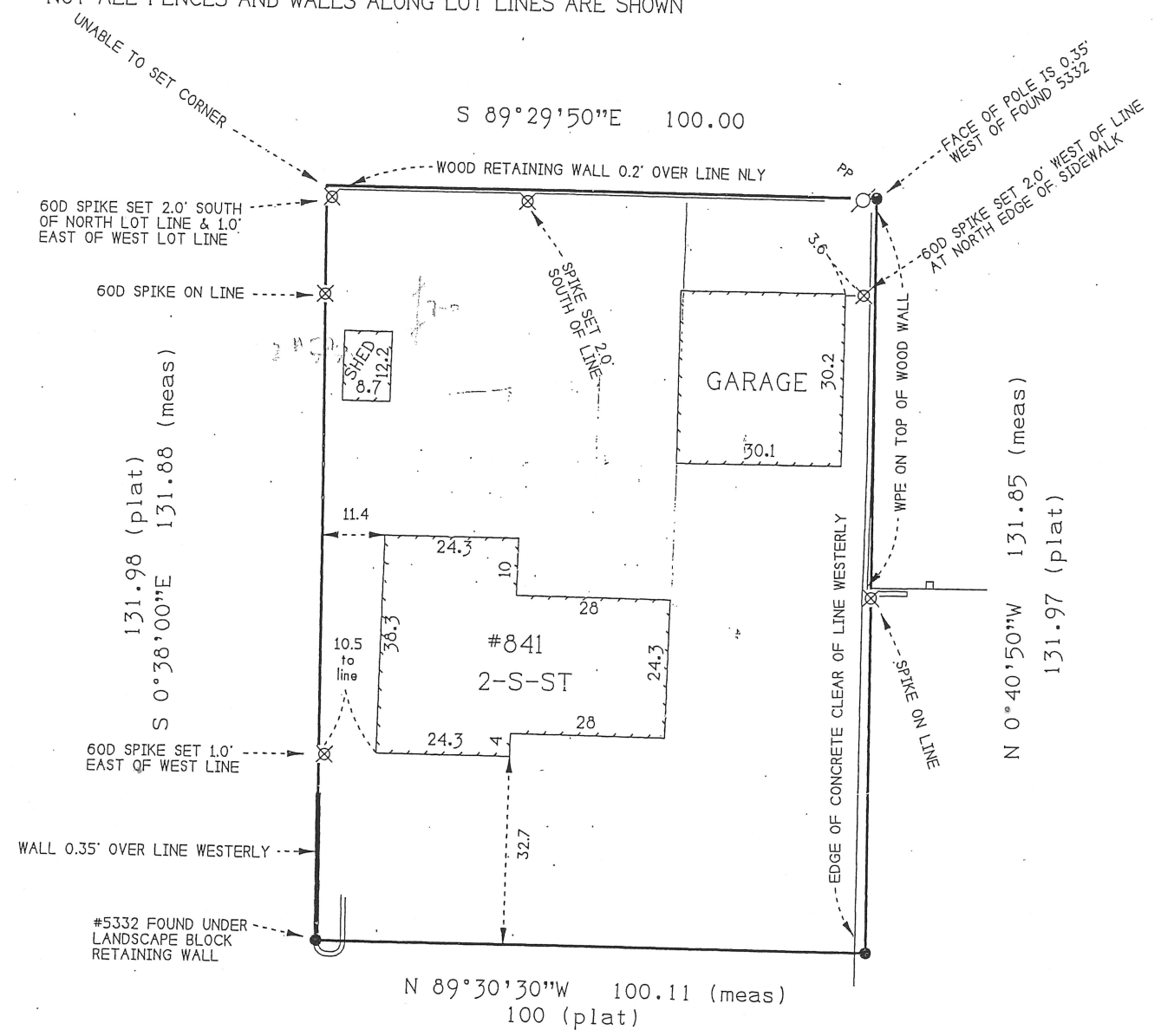


MANOR DRIVE

SITE PLAN - BEBERG PROJECT

1" = 30'

DATE
9/8/2020



MANOR DRIVE (66' R/W)

PROPERTY DESCRIPTION

Lot 4, Block 1, DAHLEMEIER ACRES, Anoka County, Minnesota





EAST ELEVATION REBERG HOME (ADDITION)

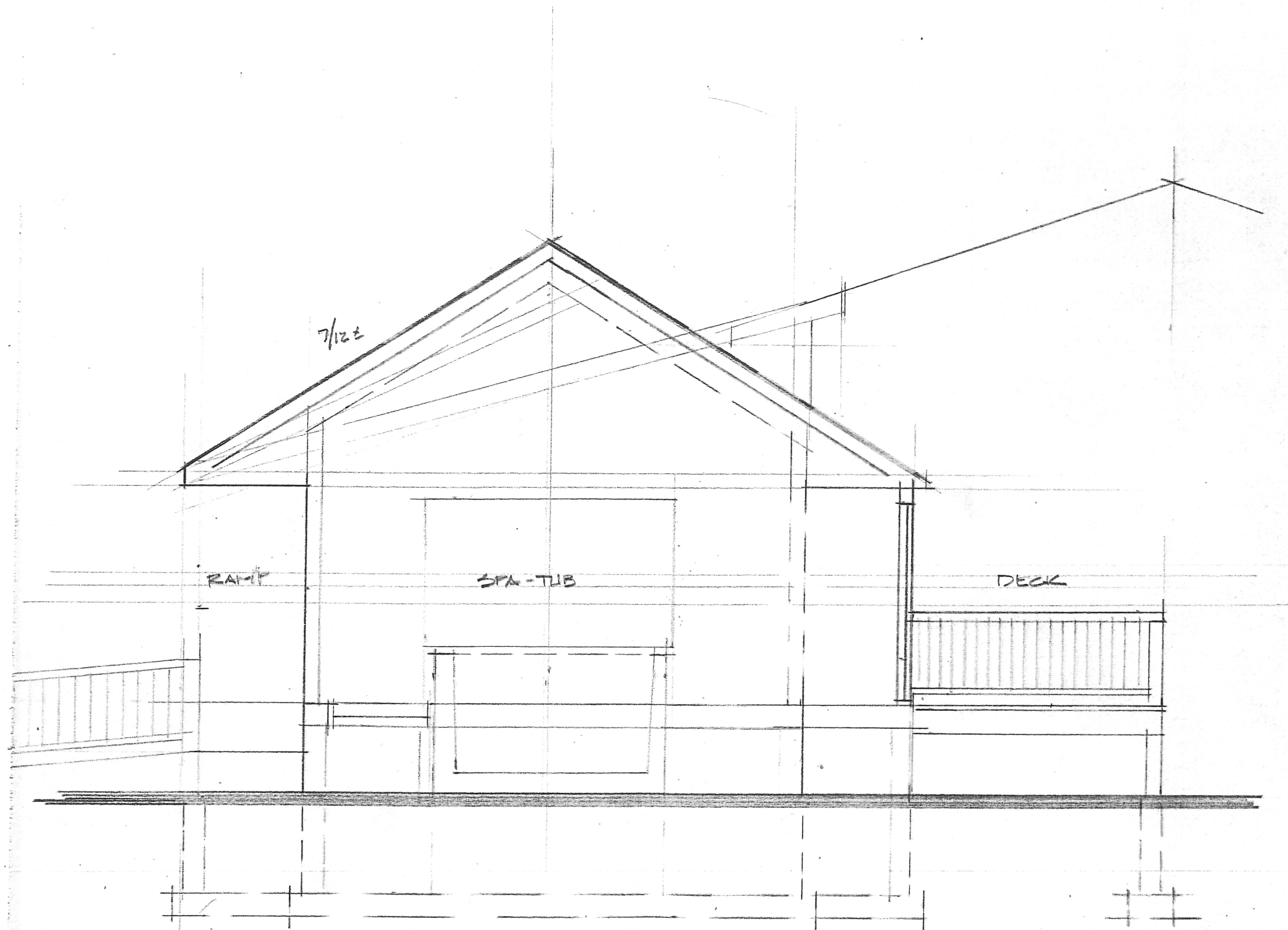
1/4" = 1'-0"

RUST ARCHITECTS P.C. RUST

9/8/2020



4744 Washington Square
White Bear Lake, MN 55110



BUILDING SECTION (E/W) PEPPER HOME

1/4" = 1'-0"

RUST ARCHITECTS CONSULT. 9/8/20



4744 Washington Square
White Bear Lake, MN 55110

BEBERG 2020 ENCLOSED SWIM SPA ADDITION

841 Manor Drive NE, Spring Lake Park, MN 55432

* H 763-784-2659 C 763-234-1538

I have discussed my Swim Spa enclosed addition for home Therapy use with my neighbors.
Per their signatures below, there is no opposition to the addition location on my Lot.

Patricia C. Beberg Patricia C Beberg Date Sept 1, 2020

NAMES Printed Cory PIERCE Melanie Pierce

Signatures [Signature] [Signature]

Address 859 MANOR DR

Phone 763 717 1414 Date 9-1-2020

NAMES Printed DO VU

Signatures [Signature]

Address 819 MANOR DR

Phone 651-343-5164 Date 9-1-2020

NAMES Printed Jan Bergstrom

Signatures 856 Maple St NE

Address SJP

Phone 763-784-3931 Date 9-1-2020

NAMES Printed ROBERTO VILLASERVA

Signatures [Signature]

Address 842 MAPLE ST. NE

Phone (763) 639 29 62 Date 9-2-2020

NAMES Printed Veronica garcia

Signatures _____

Address 842 Maple st.

Phone 763) 4391313 Date 9-2-2020

