

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on April 25, 2022 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 Jeff Bernhagen
Commissioner Rick Cobbs
Commissioner Kelsey Hollihan
Commissioner Eric Julien

STAFF PRESENT

Building Official Baker, City Planner Wahlberg, Administrator Buchholtz

OTHERS PRESENT

Sue McColley, 1168 79th Avenue (8162 Middletown RD NE)
Matt & Joan Maxwell, 8320 5th Street NE
Joe Petersen, 7740 Central Avenue NE

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes – March 28, 2022

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

Voting Yea: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

5. PUBLIC HEARING

A. Public Hearing – Ordinance Amending Section 16.28 of the City Code Relating to Performance Standards.

Administrator Buchholtz stated that the City Council approved an interim ordinance (Ordinance 479) establishing a moratorium on the approval of building permits that require site plan

review under Section 16.20.060 of the City Code. He said staff has been working on an amendment to Section 16.28 of the Zoning Code relating to performance standards. He stated the proposed ordinance amendment updates the existing performance standards to meet current development standards.

Administrator Buchholtz said after review of neighboring city codes, the vast majority required a significant upgrade on building materials over Spring Lake Park's current standards. He said the proposed ordinance limits non-residential exterior building finishes to be materials of comparable quality to:

- Face brick
- Natural or cementitious stone
- Decorative concrete block or integral colored block
- Architectural glass
- Stucco, including EFIS
- Fiber cement siding
- Precast concrete
- Curtain wall panels of steel, fiberglass and aluminum so long as they are factory fabricated and do not exceed 20% of any wall surface (minus overhead doors).
- Other materials deemed appropriate and subject to approval by the Zoning Administrator.

Commissioner Cobbs noted that what was being proposed and is not overly restrictive and it falls in line with other cities he has seen. Buchholtz said that the proposed ordinance is trying to give guidance to builders on what types of materials can be used without telling the builder how to build their structure.

Commissioner Hanson made a comment about how obnoxious and detrimental odors are being defined. Buchholtz commented that the definitions are defined by the MPCA Standards. Commissioner Bernhagen asked what happens if a noise is determined obnoxious. He wanted to know if a warning is given and if there are more than 3 warnings what happens. Administrator Buchholtz said that there are consequences referenced in other parts of the City Code.

Chair Hansen opened the public hearing at 7:15 pm.

Joe Petersen, 7740 Central Avenue NE, said that while in the middle of trying to build a 33,500 sq. ft. warehouse on 1229 Osborne Rd NE. He said that he contacted the City Planner to see if the building he proposed would be permitted. He expressed concern with the rules changing while he was researching construction of a building. He inquired of the Commission what can be done to get the building he is proposing built.

Administrator Buchholtz noted that under the current code the proposed structure would have been allowed, but it is not the Council's vision for commercial or industrial buildings.

Commission discussed the possibility of using a lighter touch on materials for an industrial building vs. a commercial building. Planner Wahlberg stated that the Commission should look at the standards for the whole community, not just a single building.

Chair Hansen closed the public hearing at 7:52 pm.

6. OTHER

A. Review Draft Ordinance Amending Section 9.20.020 Relating to Public Nuisances (Noise)

Administrator Buchholtz noted Commissioner Bernhagen inquired about the City's nuisance ordinance, particularly around the issue of noise. He said that staff reviewed ordinances from neighboring cities and a nuisance ordinance template from the League of Minnesota Cities which were utilized to draft the proposed amendment to the nuisance ordinance.

He explained the proposed ordinance declares any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. He said the ordinance defines plainly audible as a sound that can be detected by a person using their unaided hearing faculties. He stated the proposed ordinance also adopts Minn. Rules Ch. 7030 by reference.

Administrator Buchholtz noted the proposed ordinance also restricts operation of domestic power equipment, refuse hauling, construction activities, radios/music devices/paging systems to certain hours. He said the proposed ordinance also may require anyone requesting a zoning change to draft a noise impact statement. He stated the proposed ordinance also address participation in noisy parties or gatherings and individuals must disburse immediately at the request of a peace officer.

The proposed ordinance does provide exemptions for emergency work.

The consensus of the Planning Commission was to express support for the proposed ordinance, noting that the new language will be easier for the City to enforce.

7. ADJOURN

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

Voting Yea: Commissioner Hollihan, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Julien, Chair Hansen. Motion carried.

Meeting adjourned at 8:09 PM.