

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on January 24, 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 Doug Eischens  
Commissioner Jeff Bernhagen  
Commissioner Rick Cobbs  
Commissioner Eric Julien

#### STAFF PRESENT

Building Official Baker, City Planner Lauren Wahlberg, Administrator Buchholtz

#### OTHERS PRESENT

Ryan and Kelsey Hollihan, 518 Rosedale Road NE  
Marty Fischer, Premier Commercial Properties  
Reverend Zuku John Yalley, Jesus Christ International Ministry

### 3. PLEDGE OF ALLEGIANCE

### 4. ELECT OFFICERS

#### A. Chair

Motion made by Commissioner Eischens, seconded by Commissioner Julien, to elect Commissioner Hansen as Chair for 2022.

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

#### B. Vice Chair

Motion made by Commissioner Julien, seconded by Commissioner Cobbs, to elect Commissioner Bernhagen as Vice Chair for 2022.

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

## 5. APPROVAL OF MINUTES

### A. Approval of Minutes - October 25, 2021

Motion made by Commissioner Bernhagen, seconded by Commissioner Julien, to approve the minutes from the October 25, 2021 Planning Commission meeting.

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

## 6. PUBLIC HEARING

### A. Conditional Use Permit for Assembly Use - Jesus Christ International Ministry, 1440 85th Ave NE

Planner Wahlberg provided an overview of the conditional use permit request from Jesus Christ International Ministry. She stated that the applicant is seeking to lease space in the 1440-1450 85<sup>th</sup> Avenue NE for a church, which is classified as an assembly use in the Zoning Code. She noted that the Zoning Code classifies assembly uses in the C-1 zoning district as a conditional use.

Planner Wahlberg said that the church will use 4,000 square feet of leased space for a preaching/sanctuary space, restrooms, educational space and administrative offices. She noted that the applicant stated that 22 people will be in the worship area and 10 children in the education area at any one time. She stated the church predicts a maximum parking need of 7 cars on Sunday mornings.

Planner Wahlberg stated that she has reviewed the application and is recommending approval of the application, with the following conditions:

1. The property owners will reserve at least 12 spaces on Sunday morning for exclusive use by the church. The applicant and the property owner will need to discuss the number of spaces the church needs during evenings and weekdays. The spaces for church use will be clearly marked and the building owner will enforce the use of them. If parking becomes a problem, in the City's sole opinion, on-site or on the street, the City reserves the right to review the Conditional Use Permit and impose additional conditions, limit the use of the space or revoke the Conditional Use Permit.
2. The property owner and church will arrange for off-site joint parking with an adjacent property if parking needs grow beyond available parking.
3. The church or the property owners will apply for a sign permit if and when the church wishes to install new signage, which will comply with the City's sign regulations.
4. Any changes proposed to the exterior of the building or site as a result of this church use, other than signage will be reviewed by City staff to see if such changes require review of the Conditional Use Permit. In such a case, the City reserves the right to refer the Conditional

Use Permit to the Planning Commission and City Council and impose additional conditions or limit the use of the space.

Rev. Zuku John Yalley, head pastor of Jesus Christ International Ministries (J-CIM), stated that they plan to start a small ministry in Spring Lake Park. He stated that J-CIM plans to deliver a service to the community, providing support to people in areas such as hunger, emotional stress, hopelessness, confusion, sickness, joblessness and homelessness.

Administrator Buchholtz inquired about growth plans for the congregation. Rev. Yalley stated that he is unsure how much the church will grow over the 4-year term of the lease. He stated that if the church outgrew the facility, they would look for a more permanent home.

Commissioner Eischens inquired about code requirements. Building Official Baker noted that, should the CUP be approved, the applicant will need to apply for a Certificate of Occupancy for the site, which could result in improvements to bring the site up to current Building and Accessibility Codes. Administrator Buchholtz noted that while these could be significant and could result in the applicant not moving forward, the Commission is evaluating the CUP application based on zoning ordinance requirements.

Commissioner Bernhagen inquired about parking lot striping. Administrator Buchholtz noted that parking lot striping can be included as a condition of approval.

Chair Hansen opened the public hearing at 7:45 pm. Hearing no public input, Chair Hansen closed the public hearing at 7:46 pm.

Motion made by Commissioner Cobbs, seconded by Commissioner Julien to recommend approval of the conditional use permit to J-CIM for an assembly use at 1440 85<sup>th</sup> Avenue NE, subject to the following conditions:

1. The property owners will reserve at least 12 spaces on Sunday morning for exclusive use by the church. The applicant and the property owner will need to discuss the number of spaces the church needs during evenings and weekdays. The spaces for church use will be clearly marked and the building owner will enforce the use of them. If parking becomes a problem, in the City's sole opinion, on-site or on the street, the City reserves the right to review the Conditional Use Permit and impose additional conditions, limit the use of the space or revoke the Conditional Use Permit.
2. The property owner and church will arrange for off-site joint parking with an adjacent property if parking needs grow beyond available parking.
3. The church or the property owners will apply for a sign permit if and when the church wishes to install new signage, which will comply with the City's sign regulations.
4. Any changes proposed to the exterior of the building or site as a result of this church use, other than signage will be reviewed by City staff to see if such changes require review of the Conditional Use Permit. In such a case, the City reserves the right to refer the Conditional Use Permit to the Planning Commission and City Council and impose additional conditions or limit the use of the space.

5. All parking lot areas shall be striped in accordance with current Code standards.

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

B. Variance from Impervious Surface Maximum and Maximum Percentage of Lot Coverage for Structures Regulations for Backyard Pool - Ryan & Kelsey Hollihan, 518 Rosedale Road NE

Administrator Buchholtz provided an overview of the variance application. He stated that Ryan and Kelsey Hollihan are requesting a variance from two sections of the City Code to permit the construction of a 16 foot by 32 foot in-ground swimming pool in their backyard for aquatic therapy purposes. He stated that the pool addition would require a variance from Section 16.20.090 of the Zoning Code which limits impervious surface coverage to 50% of any zoning lot in the R-1 district and from Appendix E of the Zoning Code limiting the maximum percentage of lot coverage for all structures in the R-1 district to 35%.

Administrator Buchholtz stated that staff's review determined the pool will not alter the character of the neighborhood as in-ground pools are found in the community and that the pool will be screened by existing fencing on the south and west property lines, the home to the north and the accessory building to the east. Administrator Buchholtz did note that concerns about excess impervious surface are valid and stormwater runoff from the additional impervious surface would need to be addressed.

Administrator Buchholtz stated that if the Planning Commission wished to recommend approval, it could do so with the following conditions:

1. Applicant shall comply with all swimming pool performance standards specified in Section 16.28.020 of the Zoning Code.
2. Applicant shall apply for a building permit prior to construction of the pool.
3. Applicant shall ensure that no runoff from the additional impervious surface shall impact property owners to the west and south of the applicant's property.
4. [Optional] Applicant shall construct a rain garden to treat stormwater runoff generated by additional impervious surfaces created by the swimming pool.

Kelsey Hollihan, 518 Rosedale Road NE, stated that she has been facing significant mobility issues resulting from nerve damage in her leg. She stated that she has exhausted surgical options to address the nerve damage and insurance benefits for off-site aquatic therapy. She stated that she had a letter from her surgeon strongly supporting the construction of the swimming pool.

Commissioner Julien inquired if there was a way to reduce the amount of impervious surface on the lot, including the possibility of replacing concrete with pervious pavers or an alternative solution. Ryan Hollihan, 518 Rosedale Road NE, stated that they could explore the installation of pervious pavers to replace concrete on the west side of the existing accessory building.

Chair Hansen opened the public hearing at 8:10 pm. Hearing no public comment, Chair Hansen closed the public hearing at 8:11 pm.

Commissioner Bernhagen expressed his opinion that the applicant has a number of structures and hard surfaces on the property already and that the addition of the swimming pool would be out of character for the neighbor and have negative stormwater impacts on neighboring properties and the City's stormwater collection system. Eischens agreed, stating he would like the applicant to make changes to the property to reduce the number of impervious surfaces and structures to meet the existing code.

Motion made by Commissioner Julien, seconded by Commissioner Cobbs, to approve the variance at 518 Rosedale Road NE with the following conditions:

1. Applicant shall comply with all swimming pool performance standards specified in Section 16.28.020 of the Zoning Code.
2. Applicant shall apply for a building permit prior to construction of the pool.
3. Applicant shall ensure that no runoff from the additional impervious surface shall impact property owners to the west and south of the applicant's property.
4. Applicant shall construct a rain garden to treat stormwater runoff generated by additional impervious surfaces created by the swimming pool. Rain garden design and location shall be reviewed by the City Engineer prior to construction.
5. Applicant shall remove the concrete walkway located on the west side of the existing accessory building and replace it with pervious pavers or other pervious surface to reduce storm water runoff.

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

## **7. OTHER**

Administrator Buchholtz reported that there is an opening on the Planning Commission. He requested that any residents interested in serving on the Commission to please contact City Hall for an application.

## **8. ADJOURN**

Motion made by Commissioner Eischens, seconded by Commissioner Bernhagen, to adjourn.

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

Meeting adjourned at 8:20pm.