



PLANNING COMMISSION AGENDA
MONDAY, OCTOBER 25, 2021
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 - September 27, 2021
- 5. PUBLIC HEARING**
 - [A.](#) Public Hearing - Front Yard Variance - 790 Manor Drive
 - [B.](#) Public Hearing - Preliminary Plat Application - 1628 County Road 10 NE
 - [C.](#) Public Hearing - Ordinance Amendment - Sections 16.36.10, 16.64.010 and 16.64.040 relating to Daycare Facilities
- 6. PUBLIC HEARING**
 - [A.](#) Conditional Use Permit for Market/Boutique Shop and Office - 8409-8421 Center Drive
- 7. OTHER**
 - [A.](#) Application Withdrawal - CUP for Adult Daycare at 1330-1334 81st Avenue NE
 - B. Administrator Report
- 8. 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 September 27, 2021 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

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

STAFF PRESENT

Building Official Jeff Baker; Administrator Daniel Buchholtz; Planner Lauren Walburg, Stantec

OTHERS PRESENT

Jan Corrigan, 8452 Westwood Road NE
Cathy Lachinski, 8452 Westwood Road NE
Bill and Kim Henrickson, 8317 Fillmore Street NE
Marty Fisher, Premier Commercial Properties
Maftuha Hassan, Peaceful Adult Day Care
Burqaa Bullo, 8421 Center Drive NE, Unit B
Hector Lura, 8375 Sunset Road NE
Rodoko Lura, 8375 Sunset Road NE
Michele Schnitker, Vice President, Spring Lake Park Office Condominium Association
Brad Delfs, City Council

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes - August 23, 2021

Motion made by Commissioner Eischens, seconded by Commissioner Bernhagen, to approve the minutes from the August 23, 2021 Planning Commission meeting.

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

5. PUBLIC HEARINGS

A. Public Hearing - Side Yard Variance - 8317 Fillmore Street

Administrator Buchholtz provided an overview of the request from Bill Henrickson. He stated that Mr. Henrickson was seeking a 1-foot variance to the 5-foot side yard setback requirement to allow for a 22 foot by 26 foot addition to his detached accessory building and a 1-foot variance for his existing driveway to facilitate its reconstruction. He stated that he evaluated the project against other code provisions and found that the proposed project complied with all other provisions of the Zoning Code. He stated the findings of fact to include 1) the proposed addition will not alter the character of the neighborhood as the proposed addition is residential in nature; 2) the proposed addition will not change the aesthetic of the home and property, increasing the value and usability of the property; and 3) will create a more functional building by allowing a flat wall along the north property line rather than a 1-foot jog in the building.

Administrator Buchholtz recommended approval with the following conditions: 1) addition must be architecturally compatible with the existing garage (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City's zoning code; 2) driveway modifications must be constructed pursuant to the standards set for by the City. Applicant must secure a zoning permit from the Code Enforcement Department for the expanded driveway; 3) drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property; and 4) applicant must apply for all building permits as required.

Chair Hansen inquired about the timeline for construction. Bill Henrickson, 8317 Fillmore Street NE, expressed his desire to begin construction this fall.

Chair Hansen opened the public hearing at 7:05 PM. Hearing no public comment, Chair Hansen closed the public hearing at 7:06 PM.

Commissioner Eischens expressed his support for the proposed project, commending the property owner for reinvesting in his property.

Motion made by Commissioner Eischens, seconded by Commissioner Cobbs to recommend approval of the side yard variance at 8317 Fillmore Street, subject to the following conditions: 1) addition must be architecturally compatible with the existing garage (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City's zoning code; 2) driveway modifications must be constructed pursuant to the standards set for by the City. Applicant must secure a zoning permit from the Code Enforcement Department for the expanded driveway; 3) drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property; and 4) applicant must apply for all building permits as required.

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

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

playing games and cards. He said most of the participants are dropped off by family in the morning and then picked up at the end of the day.

Chair Hansen inquired about the capacity of the facility. Mr. Fisher stated that the applicant is seeking to serve up to 30 participants and would employ 4-5 individuals to care for the participants.

Commissioner Eischens inquired about parking. Mr. Fisher stated that the width of the building governs the amount of dedicated parking at the building, with shared parking on the site. He said there is at least five parking spaces in front of the building, with additional spaces available in the parking lot.

Administrator Buchholtz asked if this facility was state licensed. Ms. Hassan responded affirmatively. Mr. Fisher noted that there are regulations about the maximum number of participants in a space as well as a ratio of staff to participants. Mr. Fisher stated that the applicant will also need to meet Anoka County Health Department requirements.

Chair Hansen asked about food preparation. Ms. Hassan stated that there is no on-site food preparation. Mr. Fisher stated that food is catered in and disbursed to the participants out of the food prep area.

Chair Hansen opened the public hearing at 7:41 PM.

Michele Schnitker, Vice President of the Spring Lake Park Office Condominium Association ("Association"), stated that the outdoor space, sidewalks and parking are exclusively controlled by the Association. She stated that outdoor spaces are not dedicated to a particular unit. She stated that there are not designated parking areas within the site; it is shared amongst all the users on the site. She stated that the applicant has not approached the Association about the proposed use and any special needs required by the use. She stated that two of the four conditions outlined in the planning report will not be able to be met without Association approval as they involve common elements.

Hearing no further comments, Chair Hansen closed the public hearing at 7:46 PM.

Commissioner Cobbs expressed his preference to table the application for a month to allow the applicant to address concerns from the Association. Administrator Buchholtz stated that tabling the application would provide staff the opportunity to look at either a variance or a code amendment that would address concerns raised by Ms. Schnitker.

Motion made by Commissioner Julien, seconded by Commissioner Bernhagen, to table the conditional use permit application until the October 25 Planning Commission meeting.

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

D. Public Hearing - Conditional Use Permit for Market/Boutique Shop and Office - 8409-8421 Center Drive

City Planner Walburg provided an overview of the conditional use permit request where the applicant is proposing to open a small convenience store at 8421B Center Drive. She stated that retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of the person employed in the district are considered a conditional use in the I-1, Light Industrial, zoning district.

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 and signage permits prior to beginning work; and 2) the applicant shall ensure that any customer or employee cars are parked only in spots designated for use by Shashe Market. If parking becomes a problem, in the City's opinion, the City reserves the right to revisit the Conditional Use Permit and impose conditions or limit the use of the space.

Chair Hansen opened the public hearing at 8:05 PM.

Administrator Buchholtz read a letter sent by Jim Herzong, Vice President of LSV Metals Inc at 8424 Sunset Road NE, which stated that LSV Metals and Tinmen LLC oppose the conditional use permit to operate a retail market/boutique shop. The letter noted that Tinmen LLC owns the parking lot to the rear of 8424 Sunset Road NE and does not want or agree to any access and/or traffic associated with this business that requires passage through their private property parking lot.

Commissioner Bernhagen expressed concern about parking, in light of access concerns to the rear of the building outlined in the LSV Metals letter.

Commissioner Julien inquired how deliveries would be made to the business. Burqaa Bullo, applicant and owner of Sashe Market, stated that deliveries would be made at the front door. Commissioner Julien asked about garbage collection. Mr. Bullo stated that garbage collection is in the rear of the building. Building Official Baker described the City's efforts to bring this property in compliance with the City's dumpster enclosure ordinance.

Commissioners spent time discussing access to the rear of the property and determined that additional information was needed from the property owner before the Commission could proceed with making a recommendation on the application.

Hearing no further public comment, Chair Hansen closed the public hearing at 8:18 PM.

Motion made by Commissioner Eischens, seconded by Commissioner Julien to table the conditional use permit application until the October 25, 2021 Planning Commission meeting.

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

E. Public Hearing - Conditional Use Permit to Operate Construction Business with Auto Repair and Outdoor Storage - 8375 Sunset Road

City Planner Walburg provided an overview of the conditional use permit request where the applicant proposes to open an auto repair and auto sale business. She stated the proposed auto sales use is allowed as a conditional use in the I-1, Light Industrial, district, but that automobile sales are not permitted in the district.

Planner Walburg stated that she is recommending approval of the conditional use permit for the auto repair business with the following conditions: 1) the applicant shall apply for and receive all applicable building permits prior to beginning work; 2) the applicant shall conduct auto repair work inside the building, with the garage door shut; 3) hours of operation shall be 7:00 AM to 9:00 PM seven days per week (or as modified by the City Council); 4) applicant shall provide screening to the residential properties to the east, including fencing or additional landscaping, to the satisfaction of the City Planner; 5) outdoor storage shall be screened as soon as practical after the approval of the permit, and before a certificate of occupancy is issued for the property; and 6) should the applicant decide to improve the building, the conditional use permit and conditions will be revised to ensure compliance.

Building Official Baker stated that he discovered the use in operation during a fire inspection. He stated that the applicant shared with him his desire to operate auto repair in the rear of the building and possibly selling vehicles or tools in the front. He said the building is in good condition.

Chair Hansen opened the public hearing at 8:26 PM.

Hector Lura, 8375 Sunset Road NE, stated that he purchased the building in 2021. He stated that the building is well formatted for auto repair. He stated that he would like to repair damaged cars on site, and use the office space in the front of the building as a dealership to sell those vehicles. He stated that he would build a nice fence along the east, south and north property lines to screen the damaged vehicles.

Administrator Buchholtz noted that auto sales use is not an allowed use in the I-1 district. Mr. Lura stated that he will need to determine a different use for the front area. Administrator Buchholtz stated that Mr. Lura should approach City staff when that use is identified so it can be determined if additional zoning approvals are required.

Hearing no public comment, Chair Hansen closed the public hearing at 8:36 PM.

Commissioner Bernhagen inquired about business hours. Mr. Lura stated that business hours would be Monday through Friday, 7:00 AM to 7:00 PM and Saturday, 7:00 AM to 4:00 PM. Commissioner Bernhagen expressed his preference for these hours rather than the City Planner's recommendation.

Motion made by Commissioner Bernhagen, seconded by Commissioner Julien, to recommend 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 conduct auto repair work inside the building, with the garage door shut; 3) hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday and 7:00 AM to 4:00 PM on Saturday; 4) applicant shall provide screening to the residential properties to the east, including fencing or additional landscaping, to the satisfaction of the City Planner; 5) outdoor storage shall be screened as soon as practical after the approval of the permit, and before a certificate of occupancy is issued for the property; and 6) should the applicant decide to improve the building, the conditional use permit and conditions will be revised to ensure compliance.

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

6. NEW BUSINESS

A. Review 2022 Street Improvement Project for Compliance with Comprehensive Plan

Administrator Buchholtz provided an overview of the 2022 Street Improvement Project, which includes the reconstruction of Garfield Street, Hayes Street and 80th Avenue NE. He stated that M.S. 429 states that the Planning Commission must review the project for compliance with the Comprehensive Plan. He stated that the proposed project does comply with the 2040 Comprehensive Plan, fulfilling a policy that states that the city “continue regular maintenance of existing City streets, including reconstruction of older streets as necessary.”

Motion made by Commissioner Cobbs, seconded by Commissioner Julien to find that the proposed 2022 Street Improvement Project complies with the City’s 2040 Comprehensive Plan and to authorize Chair Hansen to submit a letter to the City Council communicating that finding.

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

7. OTHER

A. Administrator Report – No report.

8. ADJOURN

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

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

The meeting was adjourned at 8:45 PM.

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: October 19, 2021
Subject: Variance Request – 790 Manor Drive NE

Background

John Clark, 790 Manor Drive NE, submitted an application for a variance from the front yard setback standard for a small home addition to accommodate an uncovered stairway into his home.



The applicant is seeking a variance from the 35 foot front yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

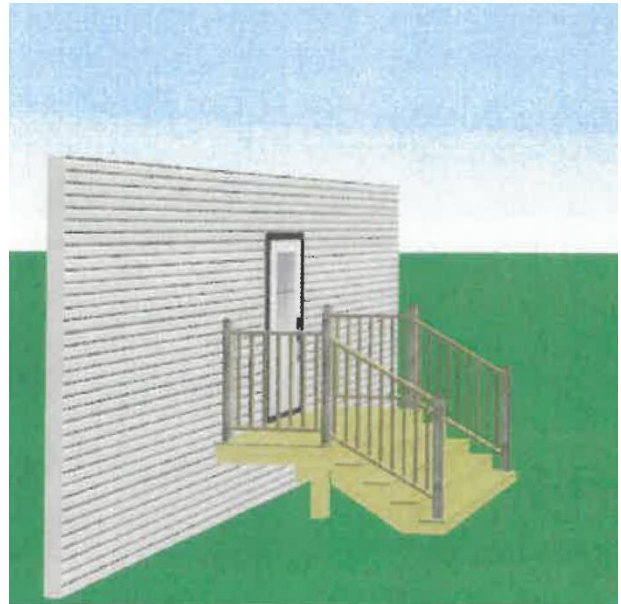
The site is located on the 700 block of Manor Drive NE, between Able

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 2021.

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

Section 16.20.080(H)(1) permits a covered porch to extend into the front yard setback a distance not exceeding 6 feet if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The Code restricts the covered area to 60 square feet and requires it to be architecturally compatible with the principal structure. The applicant already has a 48 square foot covered area encroaching 6 feet into the front yard setback (encroachment serves as the front door on the west side of the front of house). The applicant is seeking an additional encroachment to allow a small landing and entrance stairs at the front door. The dimensions of the encroachment are 8 feet 5 inches wide by 7 feet 8 inches long.



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 13,200 square feet, which would accommodate a maximum structure lot coverage of 4,620 square feet. With the addition, the total square footage of all structures on the property is 2,850 or 21.5% of the total lot size.

The applicant is proposing to utilize the addition to accommodate an uncovered stair and land place exceeding the permitted encroachment granted under Section 16.20.080(H)(1).

Previous applications: Building permit for new home on site in 2020/2021.

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 is residential in nature. Staff believes the proposed addition will improve the aesthetic of the home, thereby increasing the value of their property and the surrounding neighborhood.

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

1. Applicant must apply for all building permits as required.

If the Planning Commission wishes to recommend denial of the variance, it would be with the following findings of fact.

1. The proposed addition greatly exceeds the standards for permitted encroachments in the front yard setback, thereby impacting the character of the neighborhood.
2. All of the homes along the south side of Manor Drive in this area are at the required front yard setback, thereby the proposed addition would negatively impact the character of the neighborhood.

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:	450.00
Received by:	Wanda
Date Filed:	
Date Complete:	
Base Fee:	150
Escrow:	300.00

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 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: 790 MAJOR DR.		
Property Identification Number (PIN#):		Current Zoning:
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: John Clark		Business Name:
Address: 790 MAJOR DR.		
City: SPRING LAKE PARK	State: MN.	Zip Code: 55432
Telephone: 763-780-5813	Fax:	E-mail:
Contact:		Title:
OWNER INFORMATION (if different from applicant)		
Name:		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:		
Nature of Proposed Use:		
Reason(s) to Approve Request:		
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 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 _____
- 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: _____ Date: _____

Owner: John W Clark Date: 10-4-21

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

**City of Spring Lake Park
Variance Supplemental 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: John Clark

Telephone: _____

Address: 790 Manor Dr.

Cell Phone: 763-780-5813

City/State/Zip: Spring Lake Park MN
55432

E-mail: _____

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

Name: _____

Telephone: _____

Address: _____

Cell Phone: _____

City/State/Zip: _____

E-mail: _____

3. Project Location (Address and Legal Description): _____

4. Present Use of Property: Family home

5. Description of Project: Front entry steps

6. Specify Section of the Ordinance from which variance is sought: Front door

7. Explain how you wish to vary from the applicable provisions of this Ordinance: distance
From property 38.10" - 6.2" = 31.9"

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?

Front steps to enter house

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

Yes No Why or why not?

A BETTER LOOK TO THE FRONT OF HOUSE

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

Yes No Why or why not?

A NECESSARY NEEDED STEP

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?

IT'S SAND

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

Yes No Why or why not?

IT WILL FIT THE LOOK OF THE HOUSE

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:

John W Clark

Date:

10-4-21

Fee Owner's (Property Owner) Signature:

John W Clark

Date:

10-4-21

16.60.040 Variances

- A. *Purpose.* 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 the 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.
- B. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- C. *Application.* An application for a variance shall be filed with the Zoning Administrator and shall state the unique circumstances claimed as a basis for the variance. The application shall contain at least the following information:
1. The signature of each owner of affected property or his agent.
 2. The legal description of the property and the common address.
 3. A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.
 4. The present use.
 5. Any maps, drawings and plans that the Zoning Administrator considers to be of value in considering the application.
- D. *Referral to Planning Commission.* The application shall be referred to the Planning Commission for study concerning the effect of the proposed variance upon the Comprehensive Plan, and upon the character and development of the surrounding neighborhood. The Planning Commission shall make a recommendation to the City Council to grant or deny the variance, and may recommend imposing conditions in the granting of the variance. The conditions may include considerations such as location, character and other features of the proposed building.
- E. *Approval; denial.* Variances require the approval of a majority vote of the City Council. Variances may be denied by motion of the City Council and such motion shall constitute a determination that the findings required for approval do not exist. No application for a variance which has been denied in whole or in part shall be resubmitted within six months of the date of the order of denial, except upon grounds of new evidence or upon proof of change of conditions. The City Council may impose conditions upon the granting of a variance. The conditions may include considerations such as location, aesthetics and other features of the proposed buildings. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- F. *Decision period.* All applications shall be reviewed consistent with M.S. § 15.99.
- G. *Revocation.* A violation of any condition attached to the approval of a variance shall constitute a violation of this title and shall constitute sufficient cause for the termination of the variance by the

City Council.

H. *Expiration.* 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.

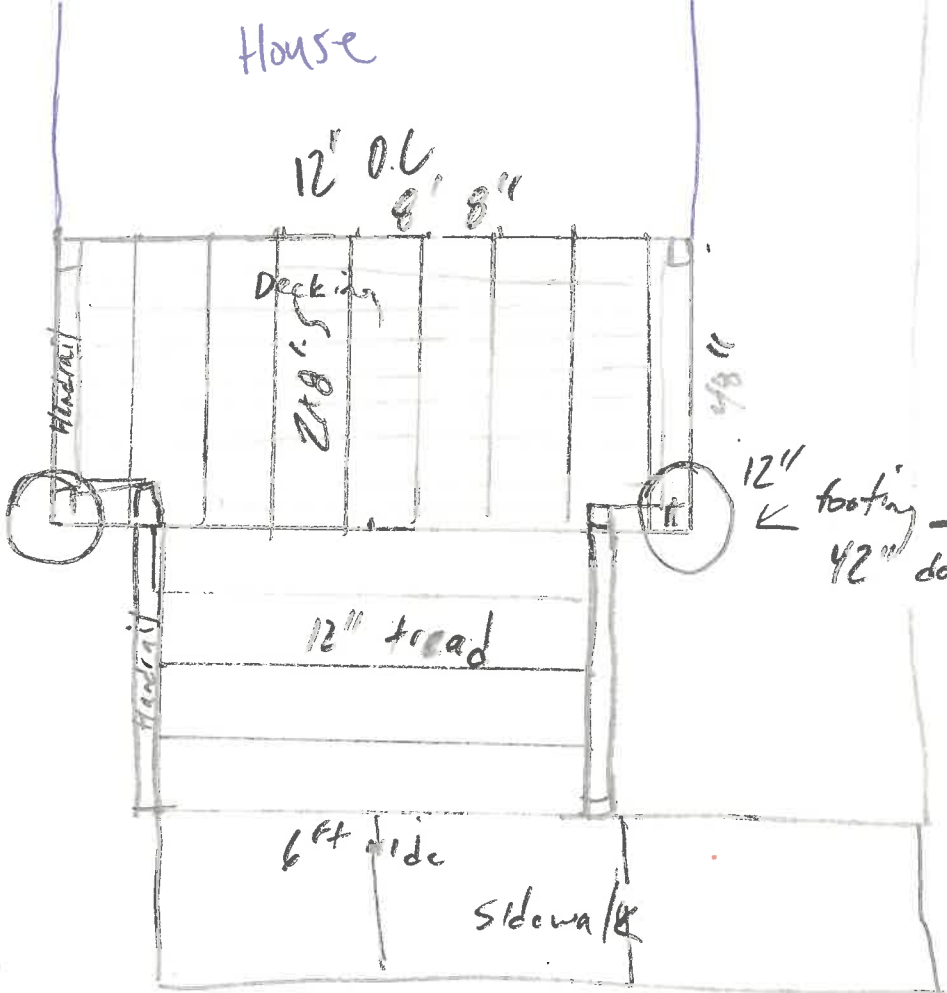
House

12" O.C.
8' 8"

Decking

2x8's

32"
off
ground



12" footing
42" down

Steps
5 risers

12" tread

6ft wide

Sidewalk

YARD

driveway

Design ID: 318851147116
Estimate ID: 4272

MENARDS
Design & Buy DECK

Additional Options

Deck Flashing: No Rolled Joist Flashing

Lattice/Skirting: None

Underdecking: No Underdecking

Design ID: 318851147116
Estimate ID: 4272

L1

Height off the ground: 2' 8"
Width: 8' 5"
Length: 4' 0"

S1

Height off the ground: 2' 8"
Width: 8' 5"
Length: 3' 8"

Decking

Deck Board Material Type: AC2 Green Treated
Deck Board: 5/4x6 Thick Deck
Deck Board Fastener: 6-Lobe Drive Tan Premium Exterior Deck Screw

Framing

Framing Material Type: AC2 Green Treated
Joist: 2x8
Joist Spacing: 16" On Center
Beam: 2x8
Framing Post: 6x6 Framing Post
Framing Fastener Type: Galvanized Framing Fastener
Footing: 12" Poured Footing
Footing Depth: 48" Footing Depth
Joist Hanger Type: Galvanized Joist Hanger
Joist Hanger Fastener Type: Joist Hanger Fastener Nail

Railing

Railing Material Type: AC2 Railing
Railing Style: Traditional Railing
Spindle: 2x2x36 Square
Handrail: 2 x 4 Handrail
Graspable Handrail: No Graspable Handrail
Railing Post: 4 x 4 x 54 AC2 Treated Chamfered Deck Post
Base Ring: No Ring
Mounting Style: Joist Mount

L1 - Railing Posts

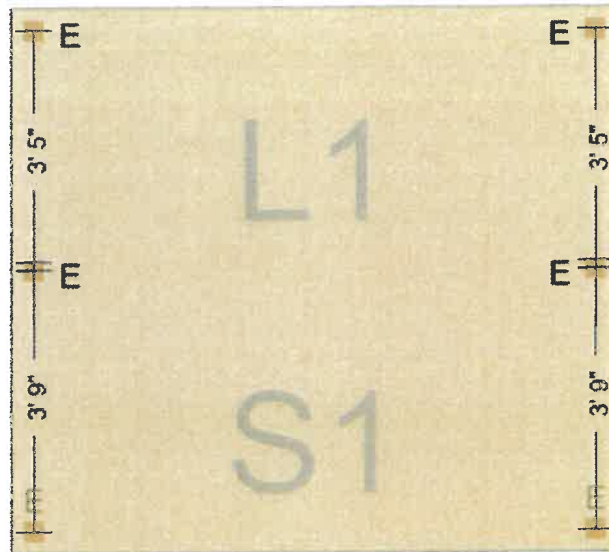


Illustration does not represent all available railing post placement options.
Railing post dimensions are on center.

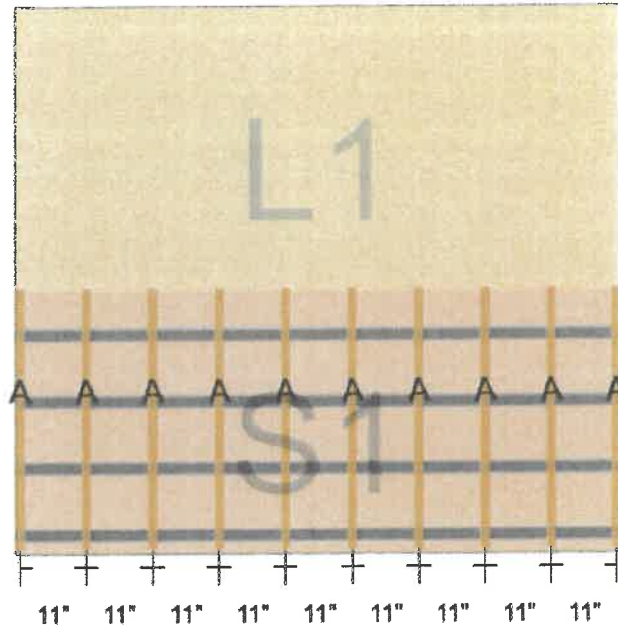
L1

Label	Count
E - End Post	2
E - End Post	2

S1

Label	Count
E - End Post	2

L1 - Stair Framing



S1 - Stringer

Label
A

Length
3' 7"

Count
10

How to purchase at the store

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into the Deck Estimator Search Saved Designs page.
3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Select the Deck Estimator from the Project Center.
3. Select Search Saved Designs.
4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your deck to the cart and purchase.

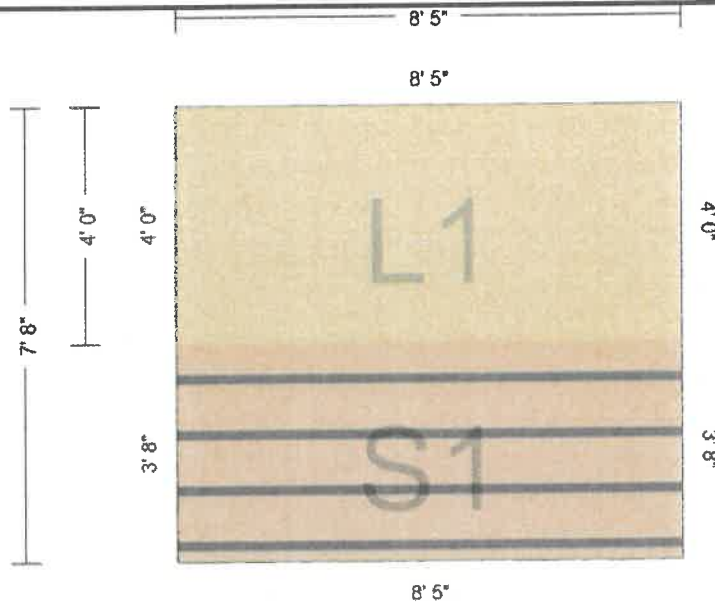


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

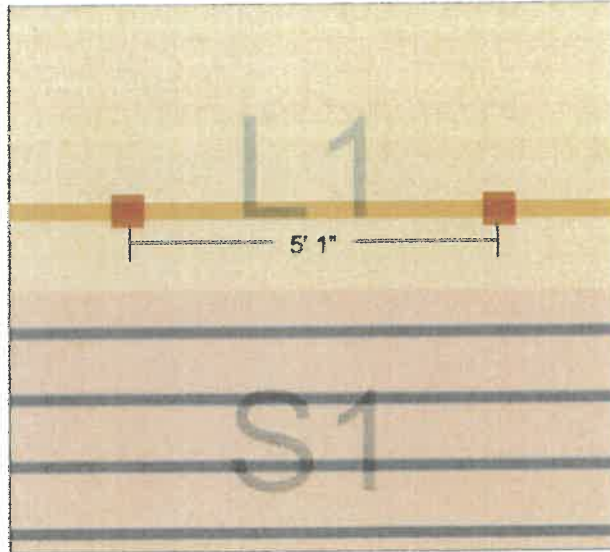
Estimated Price: \$1,201.73

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

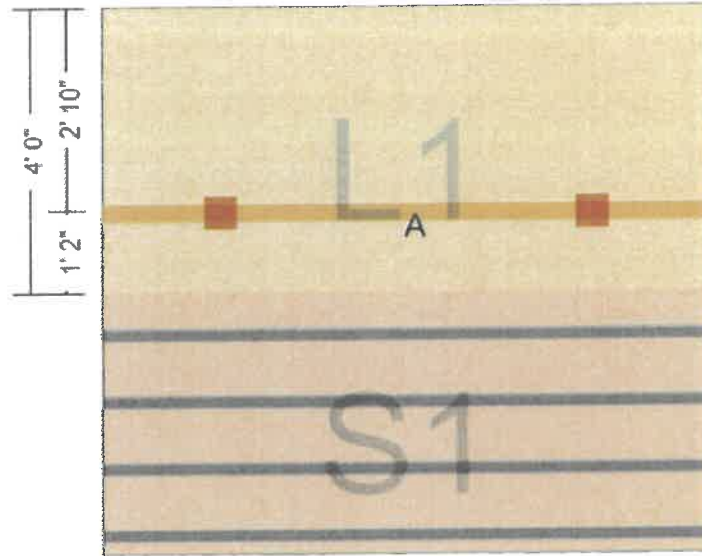
Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. **MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN.** All information on this form, other than price, has been provided by the guest. Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. **MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.**

L1 - Posts and Footings



Dimensions displayed are from center of post to center of post.

L1 - Beams



2 boards nailed together is 2 ply

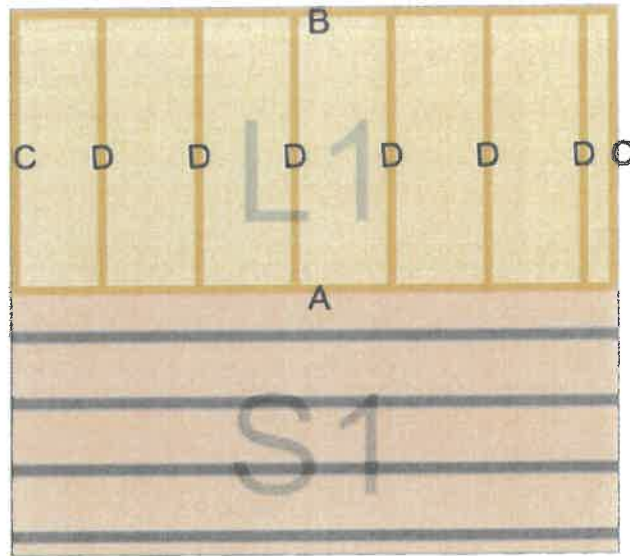
L1 - Lumber: 2 ply - 2 x 8 AC2

Label
A

Length
8' 5"

Count
1

L1 - Joists



Lumber: 2 x 8 AC2

Joist Spacing: 16" on center

Label	Length	Count	Usage
A	8' 5"	1	Rim Joist
B	8' 5"	1	Ledger Joist
C	3' 9"	2	Rim Joist
D	3' 9"	6	Internal Joist

How to purchase at the store

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3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

How to recall and purchase a saved design at home

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3. Select Search Saved Designs.
4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your deck to the cart and purchase.

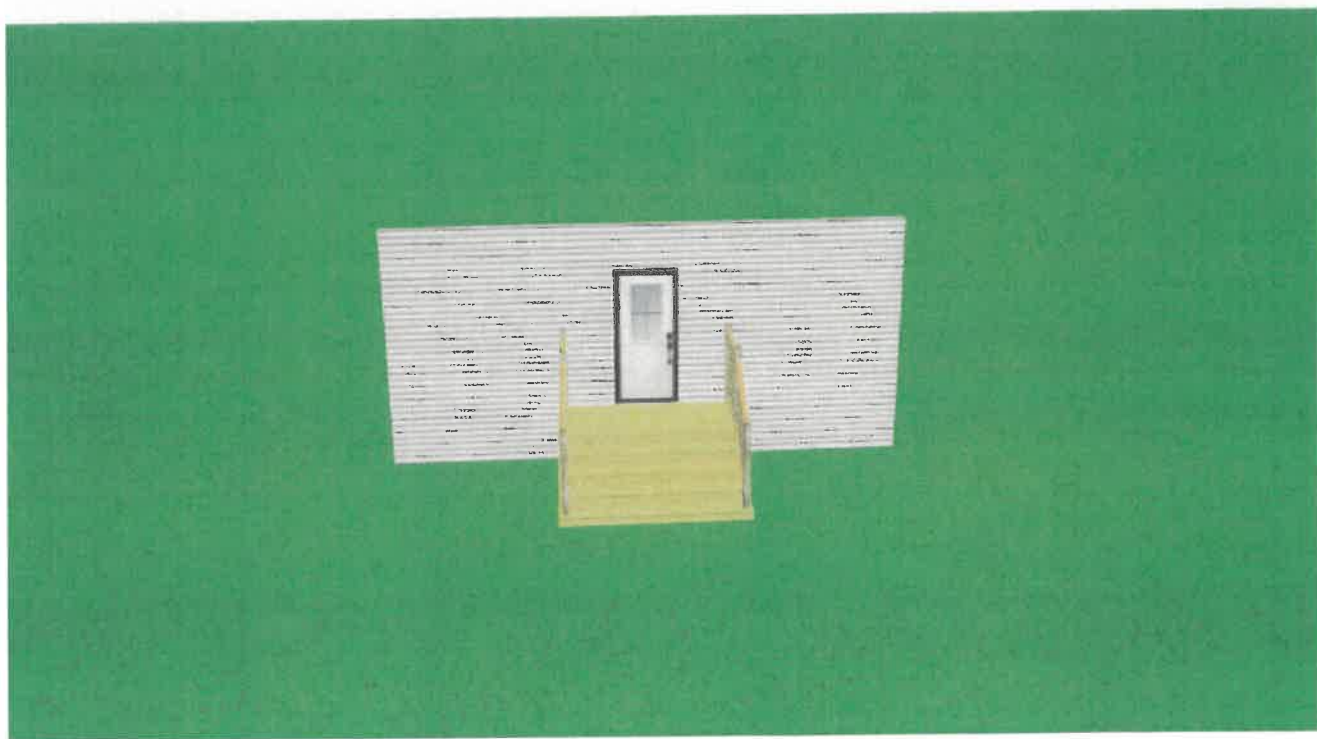


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Estimated Price: \$1,201.73

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

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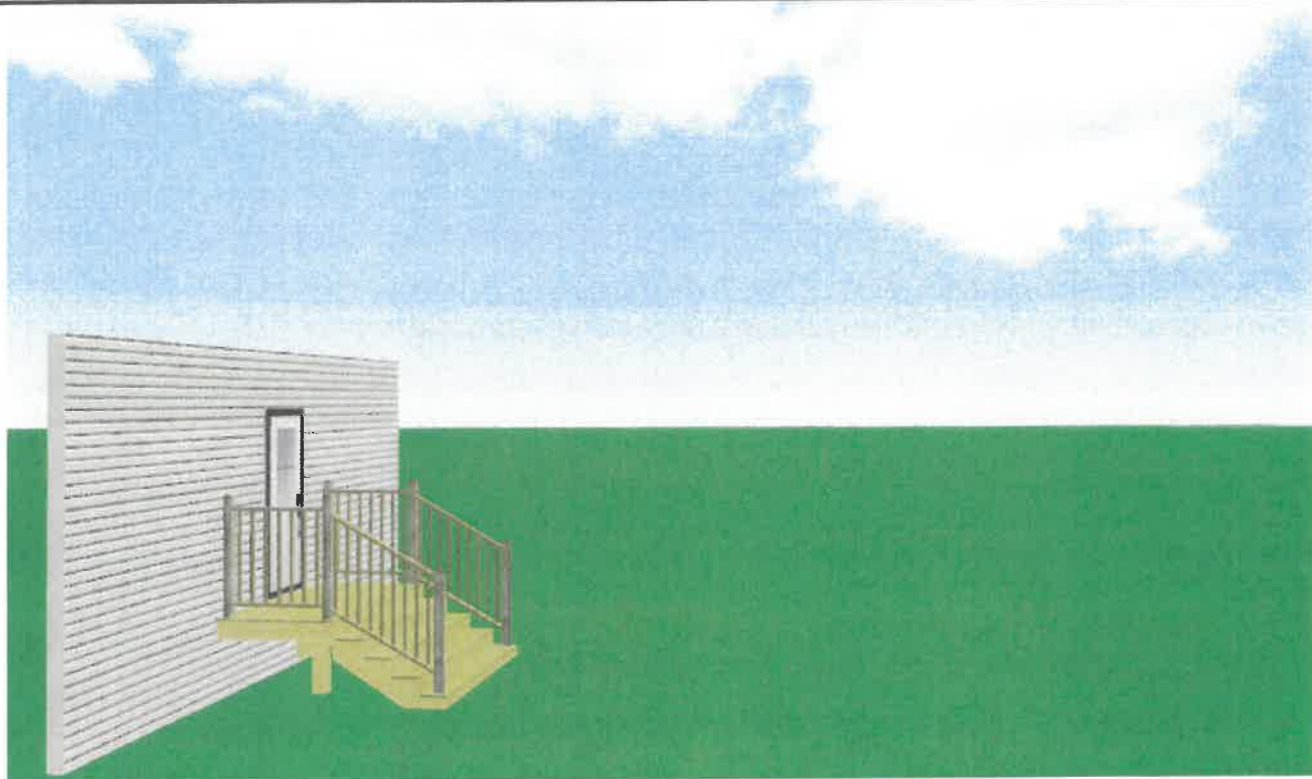


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To: Spring Lake Park Planning Commission
 City of Spring Lake Park

File: 1628 & 1638 County Road 10 NE,
 Preliminary and Final Plat
 Brian Scholten, SLPH10, LLC

From: Phil Carlson and Phil Gravel
 Stantec

Date: October 25, 2021

Re: 1628 & 1638 County Road 10 NE, Preliminary & Final Plat

BACKGROUND

Brian Scholten is requesting approval of a preliminary and final plat for the properties at 1628 and 1638 County Road 10 NE, to divide the parcel into separate commercial parcels sharing a parking lot. The two addresses now include three separate buildings on eight separate lots of record. The proposed Atlas Commercial Park plat would divide the property into four new lots with an access easement across most of the parking lot.

The properties are part of the commercial uses on the frontage road south of County Road 10 at the eastern edge of Spring Lake Park between Pleasant View Drive and Arthur Street.

The application notes the 1628 address, but the properties owned by SLPH10 LLC involved in the plat include both 1628 and 1638 County Road 10 NE, all in the Warren Addition, platted in 1951.

EXISTING PROPERTY

The properties involved are now legally described as follows:

- **1628 County Road 10 NE:**
 - Lot 12 Warren Addn PID 01-30-24-14-0016
 - Lot 13 Warren Addn PID 01-30-24-14-0017
 - Lot 14 Warren Addn PID 01-30-24-14-0018
 - Lot 30 Warren Addn PID 01-30-24-14-0034
 - Lot 31 Warren Addn PID 01-30-24-14-0035
 - Lot 32 Warren Addn PID 01-30-24-14-0036
- **1628 County Road 10 NE:**
 - Lot 15 Warren Addn PID 01-30-24-14-0019
 - Lot 29 Warren Addn PID 01-30-24-14-0033
- There is also a 33-ft-wide segment of vacated right-of-way for McKinley Street behind these lots which is incorporated into the new plat.



Re: 1628 & 1638 County Road 10 NE, Preliminary & Final Plat

1628 & 1638 County Road 10 NE Street View



PROPOSED PLAT

The new Atlas Commercial Park plat will have the following parcels, illustrated to the right:

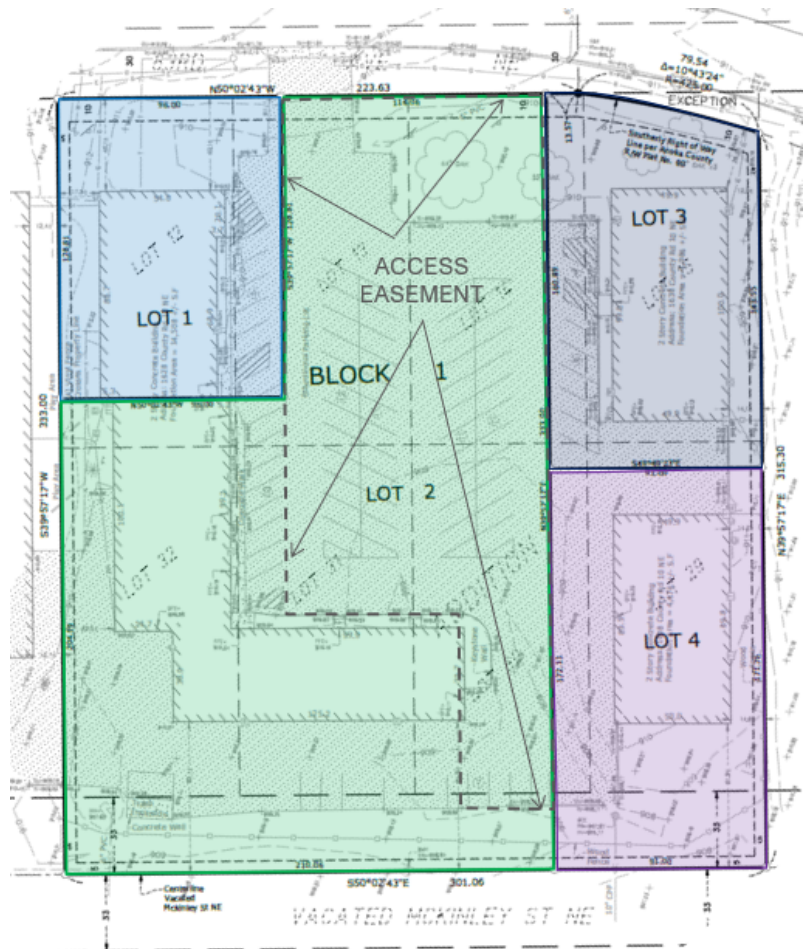
- Lot 1 Block 1 Atlas Commercial Park
- Lot 2 Block 1 Atlas Commercial Park
- Lot 3 Block 1 Atlas Commercial Park
- Lot 4 Block 1 Atlas Commercial Park

As noted above, an access easement will be recorded across Lot 2 to provide cross access and parking among all four lots and buildings.

PLANNING ISSUES

Dividing the lots in a different arrangement with an access easement between them makes sense and is frequently done for commercial properties.

The plat involves just the rearrangement of lots; there is no building, grading, or other construction work proposed on site with this plat.



Re: 1628 & 1638 County Road 10 NE, Preliminary & Final Plat

ENGINEERING ISSUES

Engineering and Public Works have the following comments on the proposed plat:

1. Revise ALTA survey to include the location of existing sanitary sewer and water services for each building.
2. Provide a copy of an agreement covering the cross use and maintenance responsibilities for the sanitary sewer and water services on the site. This is particularly important for any existing piping that may be located under an existing structure or that will be used by more than one building.
3. Along the southwest edge of the site, provide an access to the existing sanitary sewer manhole for city maintenance vehicles. This can include either removal of a portion of the existing fence or the installation of a gate in the existing fence.
4. Include a 33-foot wide drainage and utility easement along the entire southwest edge of the site.
5. Provide all materials required by Chapter 14 Subdivision Control of the Spring Lake Park code prior to final approval of the final plat.

RECOMMENDATION

We recommend that the Planning Commission recommend approval of the preliminary plat and final plat for Atlas Commercial Park as submitted, with the five conditions noted above in the engineering comments.

MOTION TEMPLATE

Motion for Approval of the Preliminary and Final Plat

The Planning Commission recommends that the City Council approve the preliminary and final plat for Atlas Commercial Park as submitted, with the five conditions noted in the Planning Report from Stantec dated October 25, 2021, and with the Findings of Fact noted in that report.

FINDINGS OF FACT

1. The proposed lots and easements in Atlas Commercial Park are reasonable and appropriate for the property involved.
2. SLPH10, LLC has submitted materials for a preliminary and final plat meeting the requirements of the Spring Park subdivision ordinance.

DEADLINE FOR ACTION

A preliminary plat has a 120-day deadline for final action, different from the 60-day limit for zoning actions. The plat application was received on September 21, 2021. Final deadline for action by the City Council is January 20, 2022.



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:	
Received by:	
Date Filed:	
Date Complete:	
Base Fee: _____	Escrow: _____

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 type="checkbox"/> Variance <input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Lot Combination <input checked="" type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 1628 County Rd 10 NE, Spring Lake Park		
Property Identification Number (PIN#): 01-30-24-14-0016		Current Zoning: C-1
Legal Description		LOT 12 WARREN ADD, SUBJ TO EASE OF REC
(Attach if necessary):		
APPLICANT INFORMATION		
Name: Brian Scholten		Business Name: SLPH10, LLC
Address: 2923 Aspen Lake Dr NE		
City Blaine	State: MN	Zip Code: 55449
Telephone: 763-392-0201	Fax:	E-mail: brian@caspiarealty.com
Contact:		Title: Manager
OWNER INFORMATION (if different from applicant)		
Name:		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:	General commercial park	
Nature of Proposed Use:	General commercial park	
Reason(s) to Approve Request:	This new plat puts property lines where they should be. It also ensures each building gets separately owned and dedicated parking removing conflict.	
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:	Atlas Commercial park.	Date of Application: 9/21/21
Nature of Request:	Slightly modify lot lines to properly delineate each building + parking	
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 brian@caspianrealty.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:  Date: 9/29/21

Owner: _____ Date: _____

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

Transaction Identification Data for reference only:

Issuing Agent: **Guaranty Commercial Title, Inc.**
Issuing Office: **465 Nicollet Mall, Suite 230, Minneapolis, MN 55401**
Loan ID Number:
Issuing Office File Number: **66358**
Property Address: **1628 County Highway 10, Spring Lake Park, MN 55432**
Supplemental Number: **not applicable**

COMMITMENT FOR TITLE INSURANCE

Issued by

Old Republic National Title Insurance Company

SCHEDULE A

1. Commitment Date: **June 21, 2021, 8:00 AM**
2. Policy to be issued:
 - (a) 2006 ALTA® Owners Policy
Proposed Insured: **Topline Properties LLC, a Minnesota limited liability company**
Proposed Policy Amount: **\$1,050,000.00**
 - (b) 2006 ALTA® Loan Policy
Proposed Insured:
Proposed Policy Amount:
3. The estate or interest in the land described or referred to in this Commitment is:
Fee Simple
4. The title is, at the Effective Date vested in:
SLPH10 LLC, a Minnesota limited liability company
5. The land referred to in this Commitment is described as follows:
SEE ATTACHED EXHIBIT "A"

Countersigned
Guaranty Commercial Title, Inc.



By: _____
Authorized Signatory

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in good standing as of the date of use. All other uses are prohibited.
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EXHIBIT "A"

Parcel 1:

Lots 12, 13, 14, 15, 29, 30, 31 and 32, [Warren Addition](#), Anoka County, Minnesota, EXCEPT that part of Lot 15 described as Parcel 2 of [Anoka County Highway Right of Way Plat No. 60](#), together with that part of vacated McKinley Street accruing thereto.

Parcel Identifier Numbers:

01-30-24-14-0016; 01-30-24-14-0017; 01-30-24-14-0018; 01-30-24-14-0019; 01-30-24-14-0033;
01-30-24-14-0034; 01-30-24-14-0035; and 01-30-24-14-0036

(Abstract)

Parcel 2:

Lot 35, Warren Addition, Anoka County Minnesota, together with that part of vacated McKinley Street accruing thereto.

Parcel Identifier Number:

01-30-24-14-0039

(Abstract)

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COMMITMENT FOR TITLE INSURANCE

Issued by

Old Republic National Title Insurance Company

SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. **Deed of conveyance from SLPH10 LLC, a Minnesota limited liability company, to Topline Properties LLC, a Minnesota limited liability company.**
6. **Mortgage to secure your loan.**
7. **Real Estate Mortgage dated November 14, 2019, filed April 08, 2020, as Document No. [2257160.004](#), to secure indebtedness in the amount of \$1,760,000.00 and any other sums which may become due and payable under the terms thereof, executed by SLPH10 LLC, a Minnesota limited liability company, as mortgagor, to Royal Credit Union, as mortgagee. (as to Parcels 1 and 2)**
 - a. Satisfaction, release or subordination is required.
8. **Assignment of Leases and Rents dated November 14, 2019, filed April 08, 2020, as Document No. [2257160.005](#), executed by SLPH10 LLC, a Minnesota limited liability company, as assignor, to Royal Credit Union, as assignee.**
 - a. Satisfaction, release or subordination is required.
9. **Financing Statement filed April 08, 2020 as Document No. [2257160.006](#) between SLPH10 LLC, debtor and Royal Credit Union, as secured party.**
 - a. Satisfaction, release or subordination is required.

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SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by public records.
3. Rights or claims of parties in possession and easements or claims of easements not shown by the public records, boundary line disputes, overlaps, encroachments, and any matters not of record which would be disclosed by an accurate survey of the premises.
4. **Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$33,423.36 (Base tax \$33,034.52) are one-half paid on PID No. 01-30-24-14-0016. Non-Homestead. (Lot 12)**

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$1,726.46 (Base tax \$1,726.46) are one-half paid on PID No. 01-30-24-14-0017. Non-Homestead. (Lot 13)

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$1,726.46 (Base tax \$1,726.46) are one-half paid on PID No. 01-30-24-14-0018. Non-Homestead. (Lot 14)

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$11,144.24 (Base tax \$10,971.38) are one-half paid on PID No. 01-30-24-14-0019. Non-Homestead. (Lot 15)

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$10,372.54 (Base tax \$10,199.68) are one-half paid on PID No. 01-30-24-14-0033. Non-Homestead. (Lot 29)

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$1,739.88 (Base tax \$1,739.88) are one-half paid on PID No. 01-30-24-14-0034. Non-Homestead. (Lot 30)

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$1,739.88 (Base tax \$1,739.88) are one-half paid on PID No. 01-30-24-14-0035. Non-Homestead. (Lot 31)

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Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$1,739.88 (Base tax \$1,739.88) are one-half paid on PID No. 01-30-24-14-0036. Non-Homestead. (Lot 32)

Taxes due and payable in 2020 and prior years are paid. Taxes due and payable in 2021 in the total amount of \$5,639.64 (Base tax \$5,586.40) are one-half paid on PID No. 01-30-24-14-0039. Non-Homestead. (Lot 35)

NOTE: This commitment does not cover utility bills against the subject property that are not shown on current taxes or assessment searches.

5. **NOTE:** There are no special assessments, levied or pending, now a lien on said property.
6. Terms and conditions of City of Spring Lake Park special use permit to conduct used car retail sales, filed March 24, 1998 as Document No. [1329906.0](#). (as to Lots 12, 13, 31, and 32)
7. Broadband Communications easement(s) over subject premises in favor of Comcast of Minnesota, Inc., as created in Document No. [2020387.001](#). (as to Lot 12)
8. Use and quiet enjoyment easement(s) over the Land as evidenced by Document No(s). [917537](#). (as to Parcel 2)
9. Declaration of Driveway Easement dated May 10, 2018, filed June 05, 2018, as Document No. [2200931.001](#) which contain no forfeiture provision. (as to Parcel 2)

INFORMATIONAL NOTE: Fee owner took title to Parcel 1 by vesting deed Document No. [2257160.001](#). Fee owner took title to Parcel 2 by vesting deed Document No. [2257160.002](#). McKinley Street was vacated by City Council Resolution 83-16 filed as Document No. [612867](#). Anoka County Highway Right-of-Way Plat No. 60 was filed as Document No. [1566350](#).

This commitment was prepared by Matthew Foli.

If there are any questions or requests, please contact your Closer, Jodi Tagessen, at jtagessen@guarantytitle.net / 612-746-0416 and Assistant Closer, Tristan Evenson, at tevenson@guarantytitle.net.

**COMMITMENT FOR TITLE INSURANCE
ISSUED BY
Old Republic National Title Insurance Company**

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 180 Days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Guaranty Commercial Title, Inc.. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
 - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
 - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I - Requirements;
 - (f) Schedule B, Part II - Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.
4. **COMPANY'S RIGHT TO AMEND**
The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I - Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
 - (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
 - (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Guaranty Commercial Title, Inc.. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

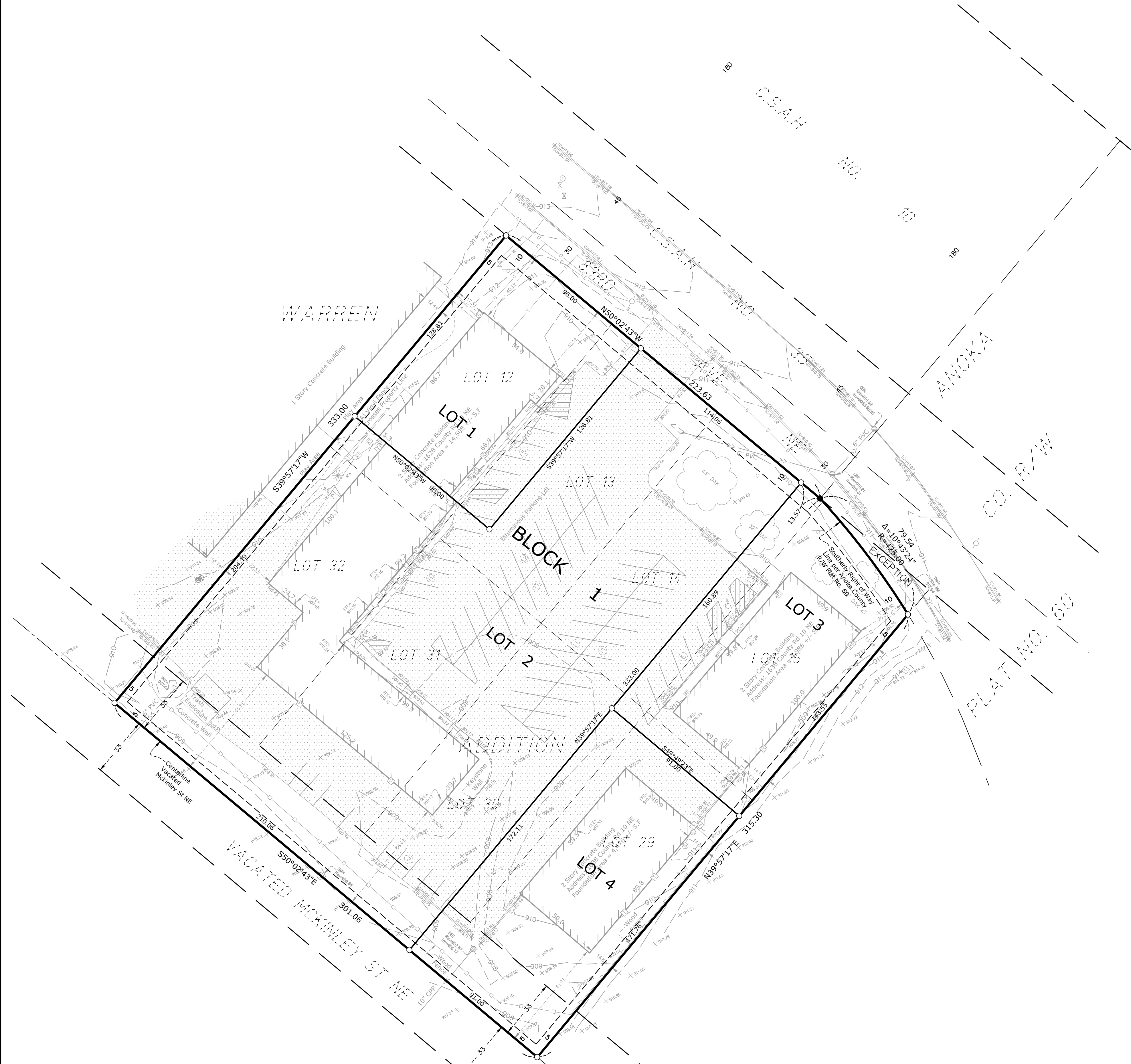
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Guaranty Commercial Title, Inc.. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

PRELIMINARY PLAT: ATLAS COMMERCIAL PARK



PRELIMINARY PLAT GENERAL NOTES

PROPERTY DESCRIPTION:

Lots 12, 13, 14, 15, 29, 30, 31 and 32, Warren Addition, Anoka County, Minnesota, EXCEPT that part of Lot 15 described as Parcel 2 of Anoka County Highway Right of Way Plat No. 60, together with that part of vacated McKinley Street accruing thereto.
(Abstract)

DATE OF PREPARATION:

9-14-2021

APPLICANT:

SLPH10 LLC, a Minnesota limited liability company
Brian Scholten
763-392-0201

BENCHMARKS:

Site Benchmark is the top nut hydrant, located 18 +/- feet north of the most easterly property corner, having an elevation of 913.94 feet, as shown hereon.

AREAS:

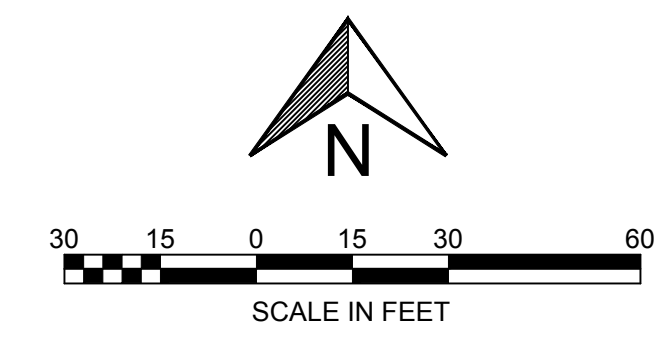
Proposed Lot 1 = 12,365 Sq. Ft. or 0.284 Acres
Proposed Lot 2 = 57,585 Sq. Ft. or 1.322 Acres
Proposed Lot 3 = 14,070 Sq. Ft. or 0.323 Acres
Proposed Lot 4 = 15,646 Sq. Ft. or 0.359 Acres
Total Property Area = 99,666 Sq. Ft. or 2.288 Acres

FLOOD ZONE:

This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27003C0401E, effective date of December 16, 2015.

Rory L. Synsteliem
rory@civilsitegroup.com

Minnesota License No. 44565



Linetype & Symbol Legend

—E—E—E—E—	ELECTRIC LINE	☐	AIR CONDITIONER	☐	UTILITY VAULT
---E---E---E---	ELECTRIC LINE (RECORD)	☐	CABLE TV BOX	☐	UTILITY MANHOLE
---F---F---F---	FIBER/COMM. LINE	☐	ELECTRIC MANHOLE	☐	ELECTRICAL OUTLET
---F---F---F---	FIBER/COMM. LINE (RECORD)	☐	ELECTRIC TRANSFORMER	☐	HAND HOLE
—G—G—G—G—	GASMAIN	☐	ELECTRICAL METER	☐	BOLLARD
---G---G---G---	GASMAIN (RECORD)	☐	FIBER/COMM. MANHOLE	☐	FLAG POLE
—OH—OH—OH—OH—	OVERHEAD UTILITIES	☐	POWER POLE	☐	FUEL TANK
—S—S—S—S—	SANITARY SEWER	☐	GUY WIRE	☐	HANDICAP SYMBOL
---S---S---S---	SANITARY SEWER (RECORD)	☐	GAS METER	☐	LIGHT POLE
—SS—SS—SS—SS—	STORM SEWER	☐	GAS MANHOLE	☐	MAIL BOX
---SS---SS---SS---	STORM SEWER (RECORD)	☐	GAS VALVE	☐	SEWER CLEAN OUT
—T—T—T—T—	TELEPHONE LINE	☐	ROOF DRAIN	☐	SANITARY MANHOLE
---T---T---T---	TELEPHONE LINE (RECORD)	☐	SEWER CLEAN OUT	☐	STORM MANHOLE
—W—W—W—W—	WATERMAIN	☐	SANITARY MANHOLE	☐	STORM MANHOLE
---W---W---W---	WATERMAIN (RECORD)	☐	CATCH BASIN	☐	TRAFFIC SIGNAL
—X—X—X—X—	CHATLINK FENCELINE	☐	FLARED END SECTION	☐	TELEPHONE MANHOLE
—W—W—W—W—	WOODEN FENCELINE	☐	TELEPHONE BOX	☐	TELEPHONE BOX
—G—G—G—G—	GUARDRAIL	☐	TRAFFIC SIGNAL	☐	TELEPHONE MANHOLE
—C—C—C—C—	CONCRETE SURFACE	☐	HYDRANT	☐	WATER MANHOLE
—P—P—P—P—	PAVER SURFACE	☐	FIRE CONNECTION	☐	WATER VALVE
—B—B—B—B—	BITUMINOUS SURFACE	☐	POST INDICATOR VALVE	☐	WELL
—G—G—G—G—	GRAVEL/LANDSCAPE SURFACE	☐	WATER MANHOLE	☐	
		☐	WATER VALVE	☐	
		☐	WELL	☐	

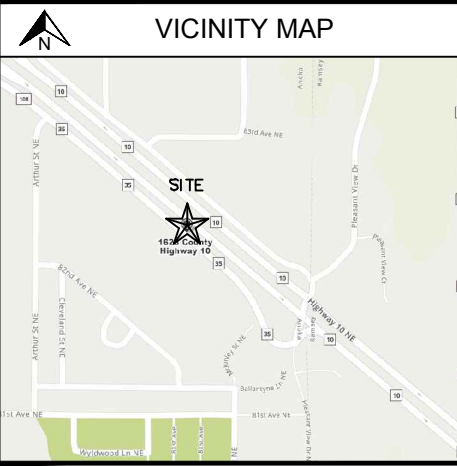
PROJECT
1628 County Road 10 NE
Spring Lake Park, Anoka County, MN 55432

CLIENT
Caspian Group
7401 Bush Lake rd, Edina, MN 55439

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.

RORY L. SYNSTELIEM
DATE 9-21-2021 LICENSE NO. 44565

QA/QC
FIELD CREW
DRAWN BY JRN
REVIEWED BY CJ
UPDATED BY

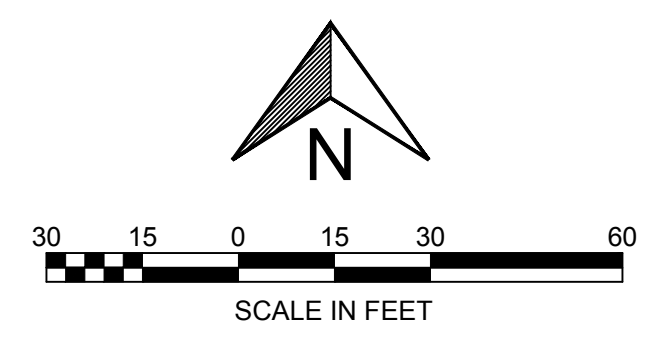
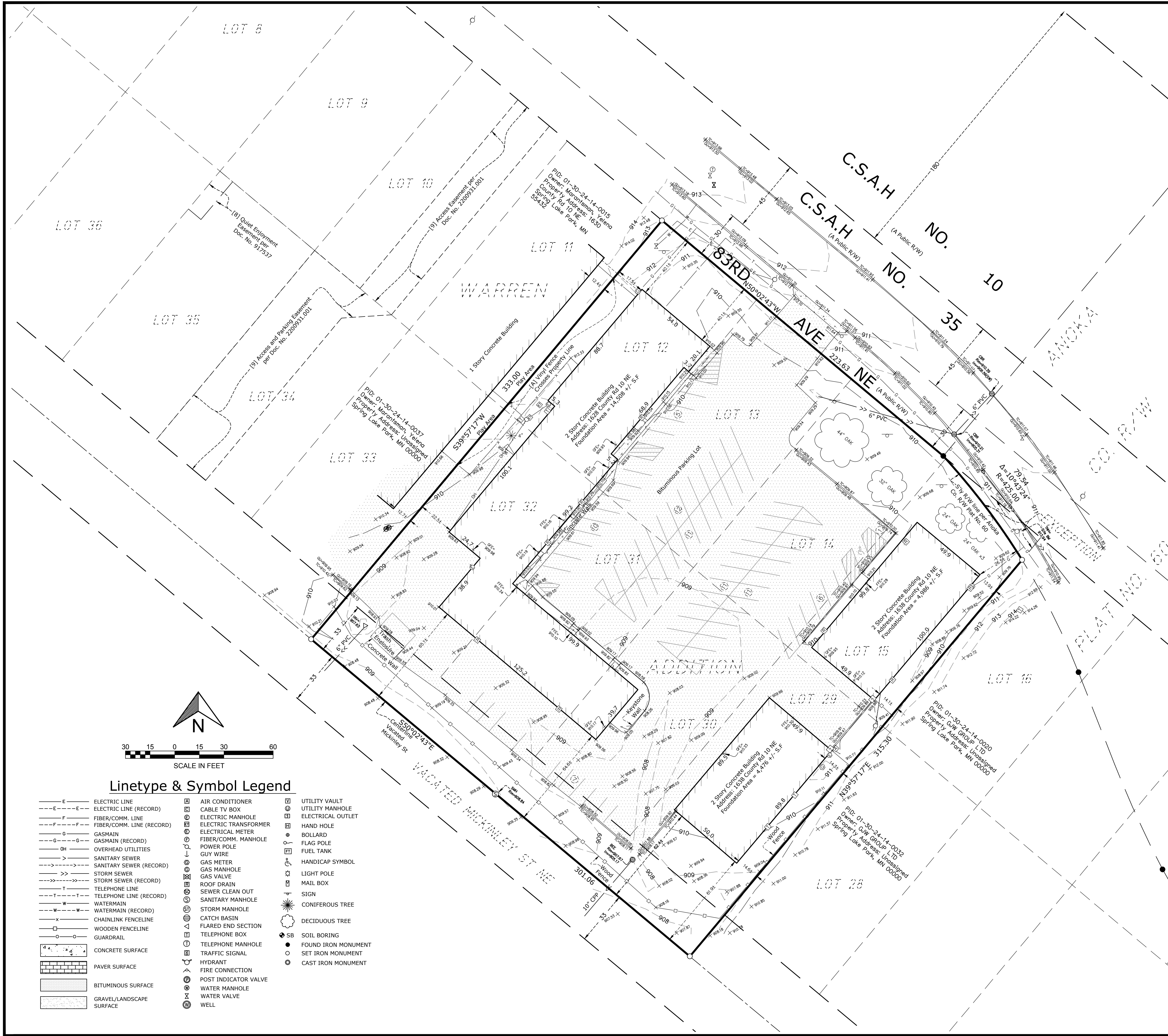


REVISION SUMMARY	
DATE	DESCRIPTION

PROJECT NO.: 21318

PRELIMINARY PLAT

V2.0



Linetype & Symbol Legend

—E—	ELECTRIC LINE	⊠	AIR CONDITIONER	⊠	UTILITY VAULT
- - -E - - -	ELECTRIC LINE (RECORD)	⊠	CABLE TV BOX	⊠	UTILITY MANHOLE
—F—	FIBER/COMM. LINE	⊠	ELECTRIC MANHOLE	⊠	ELECTRICAL OUTLET
- - -F - - -	FIBER/COMM. LINE (RECORD)	⊠	ELECTRIC TRANSFORMER	⊠	HAND HOLE
—G—	GASMAIN	⊠	ELECTRIC METER	⊠	BOLLARD
- - -G - - -	GASMAIN (RECORD)	⊠	FIBER/COMM. MANHOLE	⊠	FLAG POLE
—OH—	OVERHEAD UTILITIES	⊠	POWER POLE	⊠	FUEL TANK
—S—	SANITARY SEWER	⊠	GUY WIRE	⊠	HANDICAP SYMBOL
- - -S - - -	SANITARY SEWER (RECORD)	⊠	GAS METER	⊠	LIGHT POLE
—SS—	STORM SEWER	⊠	GAS MANHOLE	⊠	MAIL BOX
- - -SS - - -	STORM SEWER (RECORD)	⊠	GAS VALVE	⊠	SIGN
—T—	TELEPHONE LINE	⊠	ROOF DRAIN	⊠	CONFEROUS TREE
- - -T - - -	TELEPHONE LINE (RECORD)	⊠	SEWER CLEAN OUT	⊠	DECIDUOUS TREE
—W—	WATERMAIN	⊠	SANITARY MANHOLE	⊠	SOIL BORING
- - -W - - -	WATERMAIN (RECORD)	⊠	STORM MANHOLE	⊠	FOUND IRON MONUMENT
—X—	CHAINLINK FENCELINE	⊠	CATCH BASIN	⊠	SET IRON MONUMENT
—Y—	WOODEN FENCELINE	⊠	FLARED END SECTION	⊠	CAST IRON MONUMENT
—Z—	GUARDRAIL	⊠	TELEPHONE BOX		
—4—	CONCRETE SURFACE	⊠	TELEPHONE MANHOLE		
—P—	PAVER SURFACE	⊠	TRAFFIC SIGNAL		
—B—	BITUMINOUS SURFACE	⊠	HYDRANT		
—G—	GRAVEL/LANDSCAPE SURFACE	⊠	FIRE CONNECTION		
		⊠	POST INDICATOR VALVE		
		⊠	WATER MANHOLE		
		⊠	WATER VALVE		
		⊠	WELL		

DESCRIPTION OF PROPERTY SURVEYED

Parcel 1:
 Lots 12, 13, 14, 15, 29, 30, 31 and 32, Warren Addition, Anoka County, Minnesota, EXCEPT that part of Lot 15 described as Parcel 2 of Anoka County Highway Right of Way Plat No. 60, together with that part of vacated McKinley Street accruing thereto.
 Parcel Identifier Numbers:
 01-30-24-14-0016; 01-30-24-14-0017; 01-30-24-14-0018; 01-30-24-14-0019; 01-30-24-14-0033; 01-30-24-14-0034; 01-30-24-14-0035; and 01-30-24-14-0036 (Abstract)

Parcel 2: (Not included in survey.)
 Lot 35, Warren Addition, Anoka County Minnesota, together with that part of vacated McKinley Street accruing thereto. Shown hereon for reference only.
 Parcel Identifier Number:
 01-30-24-14-0039 (Abstract)

GENERAL SURVEY NOTES

- Bearings are based on the Anoka County Coordinate System (1986 Adjustment).
- Elevations are based on the NGVD 29 Datum. Site Benchmark is the top nut hydrant located 18 +/- feet north of the most easterly property corner, having an elevation of 913.94 feet, as shown hereon.
- We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

ALTA/NSPS LAND TITLE SURVEY NOTES

- (numbered per Table A)
- Monuments placed and/or found at all major corners of the boundary of the surveyed property as shown hereon.
 - Site Address: 1628 County Road 10 NE, Spring Lake Park, MN 55432.
 - This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27003C0401E, effective date of December 16, 2015.
 - The Gross land area is 99,666 +/- square feet or 2.288 +/- acres.
 - The current Zoning for the subject property was not provided. Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.
 - (a) Exterior dimensions of buildings at ground level as shown hereon.
 (b) Square footage of exterior footprint of buildings at ground level as shown hereon.
 - Substantial features observed in the process of conducting the fieldwork as shown hereon. Please note that seasonal conditions may inhibit our ability to visibly observe all site features located on the subject property.
 - The number of striped parking stalls on this site are as follows: 74 Regular + 1 Handicap = 75 Total Parking Stalls.
 - Evidence of underground utilities existing on or serving the surveyed property (in addition to the observed evidence as stated in the General Notes section above) shown hereon as determined by:
 (b) markings coordinated by the surveyor pursuant to a private utility locate. Private utility locate performed by Civil Site Group.
 - The names of the adjoining owners of the platted lands, as shown hereon, are based on information obtained from Anoka County GIS.

SURVEY REPORT

- This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company, File No. 7858879, dated August 19, 2019. We note the following with regards to Schedule B of the herein referenced Title Commitment:
 - Item no.'s 1-6, are not survey related.
 - The following are numbered per the referenced title Commitment:
 - Broadband Communications easement(s) over subject premises in favor of Comcast of Minnesota, Inc., as created in Document No. 2020387.001. (as to Lot 12) Please note this easement is blanket in nature and not plottable. This easement allows for access and maintenance of broadband services.
 - Use and quiet enjoyment easement(s) over the Land as evidenced by Document No(s). 917537 (as to Parcel 2) As shown hereon over the northwest portion of Lot 35.
 - Declaration of Driveway Easement dated May 10, 2018, filed June 05, 2018, as Document No. 2200931.001 which contain no forfeiture provision. (as to Parcel 2) As shown hereon over Lots 10 and 34.
- Conflicts such as (but not limited to): encroachments, protrusions, access, occupation, and easements and/or servitudes:
 [A] Please note there is a vinyl fence that crosses the northwesterly property line, as shown hereon.

ALTA CERTIFICATION

To: SLPH10 LLC, a Minnesota limited liability company; Topline Properties, LLC, a Minnesota limited liability company; Old Republic National Title Insurance Company; and Guaranty Commercial Title, Inc.
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, 11(b) and 13 of Table A thereof.
 The fieldwork was completed on 9-7-2021.
 Dated this 14th day of September, 2021.

Rory L. Synsteliien
 rory@civilsitegroup.com
 Minnesota License No. 44565

CivilSite GROUP
 Civil Engineering • Surveying • Landscape Architecture
 4931 W. 35th Street, Suite 200
 St. Louis Park, MN 55416
 civilsitegroup.com 612-615-0060

PROJECT
 1628 County Road 10 NE
 Spring Lake Park, Anoka County, MN 55432

CLIENT
 Caspian Group
 7401 Bush Lake rd, Edina, MN 55439

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.

RORY L. SYNSTELIEN
 DATE 9-14-2021 LICENSE NO. 44565

QA/QC	OF
FIELD DREW	OF
DRAWN BY	JRN
REVIEWED BY	CJ
UPDATED BY	

VICINITY MAP



REVISION SUMMARY

DATE	DESCRIPTION

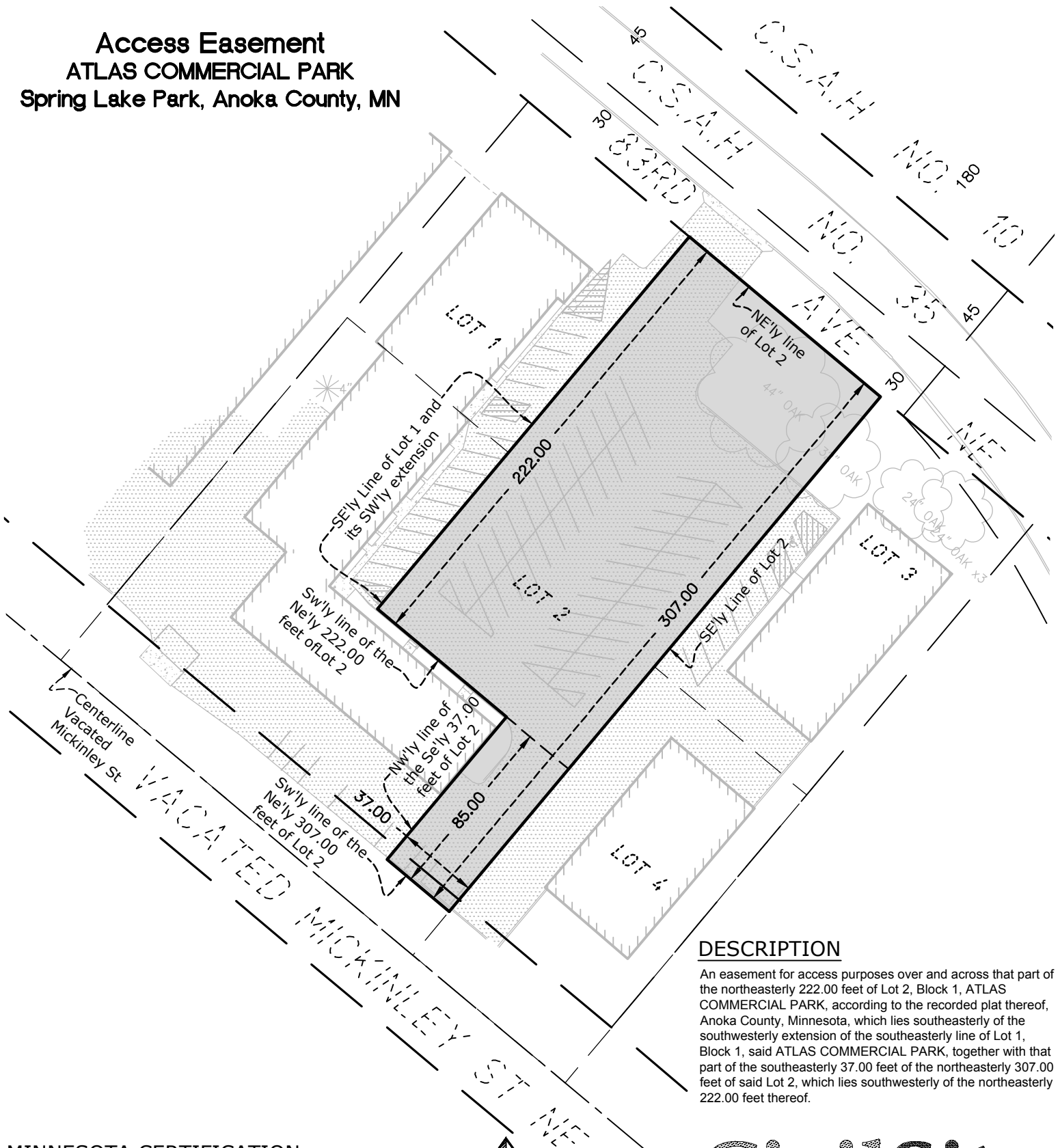
PROJECT NO.: 21318

ALTA/NSPS LAND TITLE SURVEY

V1.0

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**Access Easement
ATLAS COMMERCIAL PARK
Spring Lake Park, Anoka County, MN**



DESCRIPTION

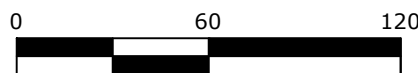
An easement for access purposes over and across that part of the northeasterly 222.00 feet of Lot 2, Block 1, ATLAS COMMERCIAL PARK, according to the recorded plat thereof, Anoka County, Minnesota, which lies southeasterly of the southwesterly extension of the southeasterly line of Lot 1, Block 1, said ATLAS COMMERCIAL PARK, together with that part of the southeasterly 37.00 feet of the northeasterly 307.00 feet of said Lot 2, which lies southwesterly of the northeasterly 222.00 feet thereof.

MINNESOTA CERTIFICATION

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.

Dated this 21st day of September, 2021


Rory L. Synsteliem Minnesota License No. 44565



SCALE IN FEET

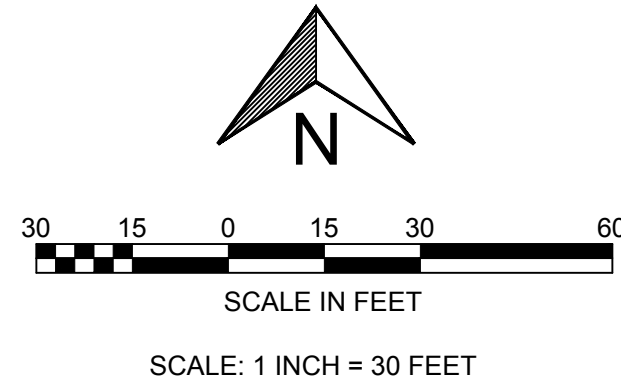


4931 W. 35TH ST. SUITE 200
ST. LOUIS PARK, MN 55416
CivilSiteGroup.com

Drawn By: JRN
Project No. 21318

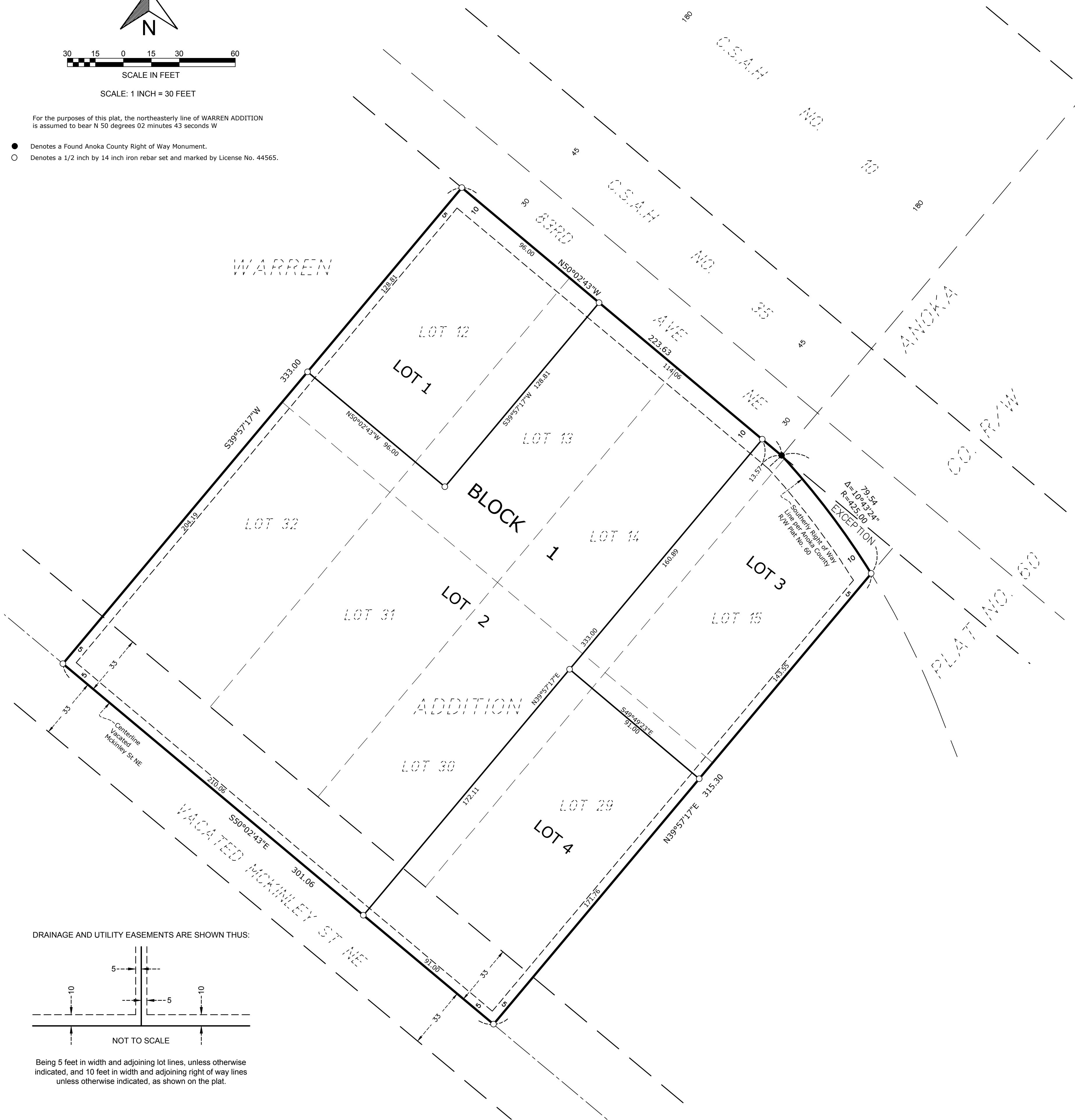
ATLAS COMMERCIAL PARK

CITY OF SPRING LAKE PARK
 COUNTY OF ANOKA
 SEC. 1, T. 30, R. 24



For the purposes of this plat, the northeasterly line of WARREN ADDITION is assumed to bear N 50 degrees 02 minutes 43 seconds W

- Denotes a Found Anoka County Right of Way Monument.
- Denotes a 1/2 inch by 14 inch iron rebar set and marked by License No. 44565.



KNOW ALL PERSONS BY THESE PRESENTS: That SLPH10 LLC, a Minnesota limited liability company, owner of the following described property:

Lots 12, 13, 14, 15, 29, 30, 31 and 32, Warren Addition, Anoka County, Minnesota, EXCEPT that part of Lot 15 described as Parcel 2 of Anoka County Highway Right of Way Plat No. 60, together with that part of vacated McKinley Street accruing thereto.

Has caused the same to be surveyed and platted as ATLAS COMMERCIAL PARK and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said SLPH10 LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20____.

SLPH10 LLC

By _____ Its _____

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20____, by _____ of SLPH10 LLC, a Minnesota limited liability company, on behalf of the company.

My Commission Expires: _____

Notary Public, Signature _____ Notary Public, Printed Name _____

Notary Public _____ County, _____

SURVEYORS CERTIFICATE

I Rory L. Synstelen do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20____.

Rory L. Synstelen, Licensed Land Surveyor
 Minnesota License No. 44565

STATE OF MINNESOTA, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20____ by Rory L. Synstelen.

My Commission Expires: _____

Notary Public, Signature _____ Notary Public, Printed Name _____

Notary Public _____ County, _____

CITY COUNCIL

City Council, City of Spring Lake Park, Minnesota

This plat of ATLAS COMMERCIAL PARK was approved and accepted by the City Council of the City of Spring Lake Park, Minnesota at a regular meeting thereof held this ____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Spring Lake Park, Minnesota

By: _____ Mayor
 _____ Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20____.

By: _____
 David M. Ziegler
 Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subdivision 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20____.

By: _____ Property Tax Administrator
 By: _____ Deputy

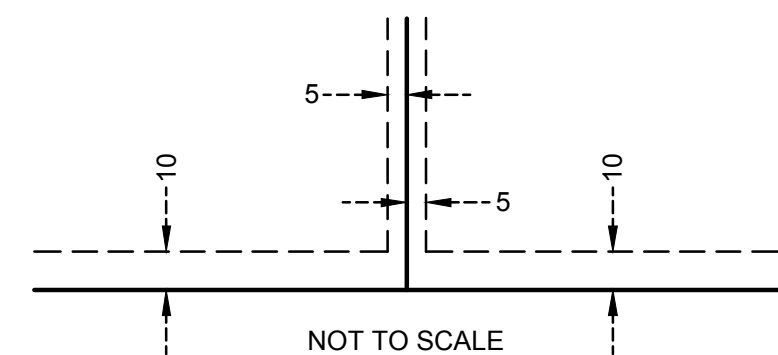
COUNTY RECORDER/REGISTRAR OF TITLES

County of Anoka, State of Minnesota

I hereby certify that this plat of ATLAS COMMERCIAL PARK was filed in the Office of the County Recorder/Registrar of Titles for public record on this ____ day of _____, 20____, at _____ o'clock _____ M., and was duly recorded as Document Number _____

By: _____ County Recorder/Registrar of Titles
 By: _____ Deputy

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines unless otherwise indicated, as shown on the plat.



Memorandum

To: Chair Hansen and Members of the Planning Commission

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

Date: October 19, 2021

Subject: Zoning Ordinance Amendment – Daycare Uses

In response to an application from Peaceful Adult Daycare, city staff discovered that language in the zoning code relating to daycare uses is in need of an update. Even though the Peaceful Adult Daycare conditional use permit application was withdrawn, staff believes the requirements are worth a discussion by the Planning Commission.

Staff reviewed city codes from the surrounding cities. No city abutting the City of Spring Lake Park has specific development standards associated with adult daycare facilities.

The proposed ordinance amends Section 16.36.10(D) to limit the scope of the Daycare center regulations to child daycare centers. Outdoor area requirements for adult daycare facilities would be removed from the Code. Section 16.64.010(A) would be amended to clarify the parking requirements outlined in the code for daycare uses applies to both child and adult daycare facilities. Finally, Section 16.64.040(D) is amended to add Adult Daycare Facilities as a conditional use in the C-1, C-2 and C-3 zoning districts. With it being a conditional use, the Planning Commission and City Council can make reasonable conditions associated with each individual application, rather than a blanket policy, which will allow the City the ability to more easily address these types of challenges as we faced with the Peaceful Adult Daycare application.

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

**SPRING LAKE PARK
ORDINANCE 477**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY CODE RELATING TO
DAY CARE FACILITIES**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** Subsection D, “16.36.010 Specific Development Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.36.10 Specific Development Standards

D. Child ~~D~~ daycare center.

1. The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
2. The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.
3. ~~For child daycare centers, a~~ At least 50 square feet of outside play area shall be provided for each child under care. ~~For adult daycare facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.~~
4. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
5. The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

SECTION 2: **AMENDMENT** Subsection A, “16.64.010 Appendix A: Schedule Of Off- Street Parking And Loading Requirements” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

A. *Parking requirements.*

<i>Category</i>	<i>Use</i>	<i>Parking Requirements</i>
Commercial	Bank, business, or professional office	4 spaces per each 1,000 square feet of gross floor area
Commercial	Beauty or barber shop	2 spaces per chair plus 1 space per 3 employees
Commercial	Bowling alley	5 spaces per lane
Commercial	Car wash, machine	10 spaces per lane
Commercial	Day care center (<u>adult or child</u>)	1 space per employee plus 5 additional spaces per building
Commercial	Laundromat	1 space per each 2 washing machines
Commercial	Liquor store	4 spaces per each 1,000 square feet of gross floor area
Commercial	Medical or dental clinic	6 spaces per 1,000 square feet of gross floor area
Commercial	Mortuary	1 space per each 4 seats
Commercial	Motel	1 space per unit plus 1 space per employee
Commercial	Restaurant, drive-in	35 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, carry-out	10 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, sit-down	15 spaces per each 1,000 square feet of gross floor area
Commercial	Retail store, department store	10 spaces per each 1,000 square feet of gross floor area
Commercial	Roller rink	5 spaces per each 1,000 square feet of gross floor area
Commercial	Service station	3 spaces per each service bay plus 1 per each employee on major shift
Commercial	Shopping center	5.5 spaces per each 1,000 square feet of gross floor area
Commercial	Supermarket	5 spaces per each 1,000 square feet of gross floor area
Educational,	Church, theater, or	1 space per each 3 seats or 5 feet of pew

cultural, and institutional	auditorium, with permanent seats	space
Educational, cultural, and institutional	Church, theater, or auditorium, without permanent seats	1 space per 100 square feet gross floor area
Educational, cultural, and institutional	Elementary school	2 spaces per classroom
Educational, cultural, and institutional	Hospital, nursing or convalescent home	1 space per each 4 beds plus 1 space per each 2 employees on the major shift
Educational, cultural, and institutional	Junior high school	2 spaces per classroom
Educational, cultural, and institutional	Senior high school	1.5 spaces per classroom plus 1 space per 5 students, based on design capacity
Industrial	Related to personnel; or related to floor area	Either 1 space per 1.5 plant employees, 1 space per managerial employee, and 1 space per 10 managerial employees for visitors; or 1 space per 1,000 square feet of gross floor area used for warehousing and distribution, 2 spaces per 1,000 square feet of gross floor area used for manufacturing, and 2.5 spaces per 1,000 square feet of office floor area
Residential	Elderly housing	1 space per 2 units
Residential	Medium density dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Mobile home park	2 spaces per unit
Residential	Multiple-family dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Single-family residence	2 spaces per unit, 1 enclosed
Residential	Two-family residence	2 spaces per unit, 1 enclosed per unit

SECTION 3: AMENDMENT Subsection B, “16.64.040 Appendix D: Schedule Of Permitted Uses By District” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.64.40 Appendix D: Schedule Of Permitted Uses By District

B. Commercial districts.

Use	District		
	C-1	C-2	C-3
Accessory uses customarily incident to the permitted or conditional uses allowed in the district	A	A	A
<u>Adult daycare facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>
Assembly uses, including auditoriums, religious and philanthropic uses	C	C	-
Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing)	-	C	-
Auto and marine; service, parts, repair and wash	C	C	-
Boarding and lodging houses	C	-	-
Boarding school	C	-	-
Brewer taprooms and cocktail rooms	P	P	C
Bus stations or terminal	P	P	P
Business, commercial, or trade schools	P	P	P
Clinics, medical offices	P	P	P
Commercial recreation such as bowling alleys, billiard halls, miniature golf, and the like	C	C	-
Convalescent and nursing homes	-	-	C
<u>Child D</u> daycare facilities (as regulated in see SLPC 16.36.010)	C	C	C
Drive-in restaurants, or similar uses providing goods and services to patrons in autos	C	C	-
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Equipment rental	-	P	-
Financial institutions	P	P	C

Greenhouses, nurseries	-	P	-
Hospitals	-	C	-
Laboratories; medical, dental	P	P	P
Medical equipment rental	-	P	C
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold	P	P	C
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in SLPC 16.40.010	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices (as above); with merchandising services	C	P	C
Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing	C	C	-
Personal services and repair establishments such as barber and beauty shops, shoe repair, and the like	P	P	P
Pet and animal shops, clinics, taxidermists	P	P	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Restaurants, night clubs, and the like	P	P	-
Retail shops and stores (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	C
Schools and studios: artistic, music, photo, decorating, dancing, health, and the like	C	C	-
Sexually oriented businesses as defined in SLPC 11.48 and	C	-	-

regulated in SLPC 16.36.010 Paragraph H			
Signs as regulated by SLPC 16	A	A	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P	P	P
Theaters (indoor only)	P	P	-
Vending machines for ice, milk, and the like	P	P	-
Key: A= accessory uses; P = permitted uses; C = conditional uses			

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon passage and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park



Memorandum

To: Chair Hansen and Members of the Planning Commission

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

Date: October 18, 2021

Subject: CUP application for Shashe Market. 8421 Center Drive NE

At the September 27, 2021 Planning Commission meeting, an objection was raised by LSV Metals about access to the rear of the 8409-8421 Center Drive NE property. The Planning Commission tabled the CUP application to provide time to research the access issue.

Center Drive holdings owns 8409 Center Drive, 8413 Center Drive, 8415 Center Drive, 8419 Center Drive and 8421 Center Drive. Quarve Contracting owns 8427 Center Drive. Diane Porath owns 8407 Center Drive. All of these addresses have common walls, having the appearance of being one larger building.

Staff has researched this matter and has determined that there is an access easement behind the 8427 Center Drive property on the north end of the building and an access easement behind the building at 8407 Center Drive. With those access easements, there is an ability to access the rear of the building from both the north end and the south end of the building. Center Drive Holdings is in the process of identifying the exact location of these easements.

With the rear building access question solved, there appears to be adequate parking for the proposed use.

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

To:	Planning Commission City of Spring Lake Park	From:	Lauren Walburg Stantec
File:	Shashe Market – Conditional Use Permit	Date:	September 27, 2021

Re: **Shashe Market CUP | 8421B Center Drive NE**

BACKGROUND

Shashe Market proposes to open a small convenience store in the building located at 8409-8421 Center Drive NE. The multi-tenant building is owned by Center Drive Holdings LLC and includes a variety of commercial and light industrial tenants. Shashe Market would occupy the space at 8421B, which includes roughly 3,510 rentable square feet. The property is guided Commercial/Industrial and zoned I-1: Light Industrial. Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of the persons employed in the district are considered a Conditional Use in this zoning district.

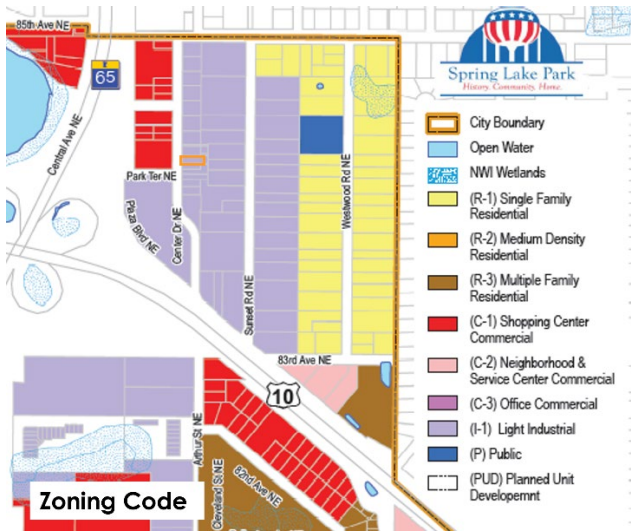
The site is located on the east side of Center Drive NE and north east of the County Highway 10/Central Avenue NE interchange. The site is accessible by Center Drive NE and the adjacent uses are commercial/industrial to the west including Dala Thai Restaurant, Wells Fargo and Spring Lake Park Lumber, commercial/industrial to the north, commercial/industrial to the east and multi-family residential to the south.



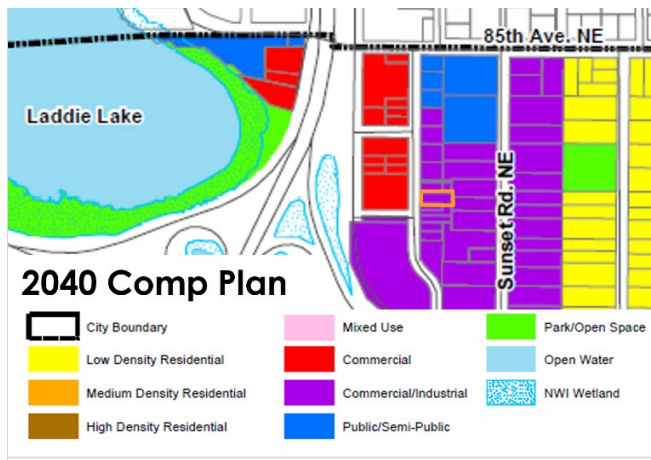
Reference: Shashe Market CUP | 8421B Center Drive NE

PLANNING ISSUES DISCUSSION

- 1) **Comprehensive Plan and Zoning.** The property is guided Commercial/Industrial in the 2040 Comprehensive Plan. The zoning is I-1: Light Industrial which is intended to provide employment opportunities and to group certain uses in locations accessible to highways for the safe and effective movement of raw materials, finished products and employees



Zoned I-1: Light Industrial



Guided Commercial Industrial in 2040 Comprehensive Plan

Reference: Shashe Market CUP | 8421B Center Drive NE

Other requirements for property in the I-1 district include:

- If any yards are to be landscaped, they shall be landscaped attractively with lawns, trees, shrubs, and the like. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition (§16.20.040).
- Where any business or industrial use (i.e., structure, parking or storage) abuts a residential zone or use, such business or industry shall provide a buffer yard and screening along the boundary of the residential property. The buffer area and screening shall also be provided where a business or industry is across the street from a residential zone or use, but not on that side of a business or industry considered to be the front as defined by the city. (§16.200.100(l)(4)(a.))
- All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the commercial and industrial districts or within the confines of an opaque wall or fence not less than six feet high. (§16.20.120)
- Performance standards apply to buildings within the I-1 Light Industrial district, as guided in §16.28.010. These standards regulate noise, odor, exterior lighting, glare, vibration, fumes and gases, smoke, dust, hazards, and visual impacts. The site plan review process implements these regulations to ensure that development is compatible with neighboring properties and that negative external impacts are minimized.

2) **Application Request.** The storefront that the applicant proposes to use for Shashe Market is currently vacant. Other tenants in the building include auto-related commercial businesses, Lyke’s boxing gym and Quarve Contracting adjacent, but in a separately owned building. The approximate location of the space is shown in the diagram below. The entire multi-tenant building is roughly 19,000 square feet with a 40-spot surface parking lot. However, 8421 is its own parcel, which includes about a 6,930 square foot building and 11 total parking spaces. The request is to use the space as a small grocery/convenience store offering Ethiopian and American groceries and other convenience items. The applicant is proposing minor changes to the interior of the building to make the space an open storefront, instead of office space, but no external changes to the building or site. The leased space is about 3,510 square feet.

The parking spaces are assigned by the building owner, and no changes are proposed to the parking lot itself. The entire lot owned by Center Drive Holdings has 40 parking spaces. The tenants at 8421 share 11 of those 40 parking spaces, and the prorated share of stalls available for the tenants of 8421B is 7 stalls.



Reference: Shashe Market CUP | 8421B Center Drive NE

- 3) **Conditional Use Permit.** Section §16.56 of the City of Spring Lake Park's zoning code outlines the requirements to approve a conditional use permit. This application has been analyzed with respect to those requirements, listed below. The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

(a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

The proposed use of a small convenience grocery store can serve employees of the businesses in the area, as well as other residents of Spring Lake Park. The proximity to Highway 10 and Central Ave NE could also bring residents from elsewhere within and surrounding the community.

(b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;

The applicant is not proposing any modifications to the exterior of the building or outdoor storage that would be detrimental to the other businesses in the vicinity. While a small convenience grocery store is a commercial use, it would fit with the general light industrial and commercial nature of the existing tenants and businesses in the area.

(c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;

The proposed use is compliant with all applicable standards in the I-1 Light Industrial district.

(d) The use is one of the conditional uses specifically listed for the district in which it is to be located;

Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district are considered a Conditional Use in the I-1 light industrial district. The convenience store will provide a service to employees within the vicinity.

(e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;

While the property does not have existing screening in place, the nature of the industrial and commercial businesses, and the guiding of the area for industrial/commercial fits with this use. The applicant is not proposing any changes to the building or site itself, and all business will be conducted within the building.

(f) The use will not lower property values or impact scenic views in the surrounding area;

The applicant is not proposing any changes to the exterior of the building. The business will attract employees within the district and will not lower surrounding property values or scenic views in the area. The nearest existing residential use is south of the property but is surrounded by existing commercial/industrial uses and is guided commercial/industrial in the 2040 Comprehensive Plan.

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

Reference: Shashe Market CUP | 8421B Center Drive NE

This property can be accessed from Center Drive NE and Highway 10 Service Road and is adjacent to the Highway 10/Central Ave NE interchange, which are adequate to handle the minimal amount of traffic expected from this type of use.

(h) Sufficient off-street parking and loading space will be provided to serve the proposed use;

Depending on peak business times and the overall traffic to the business, the applicant may need more parking than is provided currently. The owner of the building has stated that the applicant will have use of 7 parking spaces on site in the shared parking lot and there is no on-street parking on Center Drive NE. The Spring Lake Park zoning code requires 10 spaces of parking per 1,000 square feet of gross floor area for retail and department stores. Without additional context, this would require 30 spaces of parking for this use alone. However, a small convenience store is not the same as a large department store. Given that this space is within an industrial/commercial district, we could also calculate parking based on the industrial standard which is calculated by square footage/use of the building. The applicant proposes about 1,600 square feet of retail space and about 1,900 square feet of distributing/warehouse/storage space. Adding these uses together with their required parking would equal roughly 7 parking spaces, which is the amount provided on site. If there is concern regarding parking, the owner and applicant could also discuss ways to increase the parking available including allocating more spaces on site to the business or sharing parking with adjacent uses with excess parking.

(i) The use includes adequate protection for the natural drainage system and natural topography;

The applicant does not propose any changes to the property, therefore the natural drainage system and natural topography will not be affected.

(j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

All business at Shashe Market will be conducted inside the existing building. The business will not require measures to mitigate odor, fumes, dust, noise, and vibrations.

(k) The proposed use will not stimulate growth incompatible with prevailing density standards.

The applicant is not proposing any residential units as part of the project.

RECOMMENDATIONS

We recommend that the Planning Commission recommend approval of the Conditional Use Permit for 8421B Center Drive NE with the following conditions, based on the analysis provided by Planning staff:

- 1) The applicant shall apply for and receive all applicable building and signage permits prior to beginning work.
- 2) The applicant shall ensure that customer any employee cars are parked only in spots designated for use by Shashe Market. If parking becomes a problem, in the City's opinion, the City reserves the right to revisit the Conditional Use Permit and impose conditions or limit the use of the space
- 3) Optional: If parking is a concern, the planning commission could require the owner and applicant to work together to either provide more parking on-site or share parking with an adjacent use with excess parking.

Reference: Shashe Market CUP | 8421B Center Drive NE

FINDINGS OF FACT

We recommend the following findings of fact for approval of the Conditional Use Permit:

- 1) The proposed use is a reasonable use of the property, anticipated as a Conditional Use in the I-1 zoning district.
- 2) The use is not adjacent to residential uses and is within a commercial/industrial district and is therefore not expected to have a detrimental effect on surrounding properties or lower property values.
- 3) Adjacent roadways and the existing parking lot are adequate to handle anticipated traffic and vehicles using the site.
- 4) No changes are proposed to site grading and drainage and therefore stormwater management should be adequate as it exists now.
- 5) There are no unusual odors, fumes, dust, noise or vibration associated with the use, and all work will be conducted indoors.
- 6) No residential use is proposed on the site and therefore incompatible growth in that regard is not an issue with this use.



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

CK# 396
 8/17/2021
 #136051

For Office Use Only	
Case Number:	
Fee Paid:	500 + 1500 escrow
Received by:	KP
Date Filed:	8/17/2021
Date Complete:	
Base Fee:	500
Escrow:	1500

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 8409 - 8421 Center Dr NE, Minneapolis, MN 55432		
Property Identification Number (PIN#): 01-30-24-12-0081		Current Zoning: Industrial Pref
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: Burqaa Adema Bullo		Business Name: Shashe Market
Address: 1189 Bradley St		
City: St Paul, MN	State: MN	Zip Code: 55130
Telephone: 651 214 9752	Fax:	E-mail: daalebullo@yahoo.com
Contact:		Title: owner
OWNER INFORMATION (if different from applicant)		
Name: CENTER DRIVE HOLDINGS LLC		Business Name:
Address: 2738 winnetka ave n #201		
City: New Hope	State: MN	Zip Code: 55427
Telephone: 6125980780	Fax:	E-mail: Mike@commercialinvestorsgroup.com
Contact: Mike sowers		Title:
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property:		Mixed Use
Nature of Proposed Use:		Market and Boutique shop and office
Reason(s) to Approve Request:		This business will bring value to the building and the community
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		

daalebullo@yahoo.com

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 daalebulio@yahoo.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: BURGA BUID  Date: 08/17/21

Owner:  Date: Aug 17, 2021
Mike Sowers (Aug 17, 2021 11:48 CDT)

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

**City of Spring Lake Park
Conditional Use Permit Worksheet**

A conditional use permit cannot be approved unless the Planning and Zoning Commission and the City Council make certain findings and recommendations. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary. If some items are not applicable for your project, write N/A. Contact the Zoning Administrator with any questions.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community. The location is center and comply the interest of neighborhood or community. It will be social and economic welfare of the community.
2. That the use will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the use or injurious to property values/improvements within the vicinity of the use. The use of this location will not harm anyone or any property under any circumstances. It will be improvements of the surrounding property.
3. That the proposed use will comply with the regulations specified in Chapter 153 of the Zoning Code. The proposal use will obey and established based on the zoning code. It will comply with all rule and regulations and conditions specified in the zoning code.
4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. the proposed use will not cause any harm to the other properties in our area or around us. for example by avoiding activities that led to the threat of others property like soliciting loitering and idling using our business area

5. That the use will not lower property values or impact scenic views in the surrounding area. _____
 The proposed use and development will not cause anything that lower property values.

6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. _____
 No traffic congestion, will not cause demonstrably undue traffic congestion nor draw demonstrably significant amount of traffic through residential or community.

7. That the use includes adequate protection for the natural drainage system and natural topography. _____
 The proposal will not cause destruction or loss, or damage to any natural or historic feature of significant importance.

8. That the proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these will constitute a nuisance. _____
 The proposed will use adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration.

9. That the proposed use will not stimulate growth incompatible with prevailing density standards. _____
 The proposed use will not rise level of physiological or nervous activity in any biological system we will make sure that the proposed use will not be contradictory with the current use. We will adhere to the city regulation by not littering and allowing mechanical works
 8.






8421 Center Drive Development App Filled Out

Final Audit Report

2021-08-17

Created:	2021-08-17
By:	James Smith (james@commercialinvestorsgroup.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6b2Vryf_q6FXZNRIFhfoPDI4WGrxdB8

"8421 Center Drive Development App Filled Out" History

-  Document created by James Smith (james@commercialinvestorsgroup.com)
2021-08-17 - 3:14:35 PM GMT- IP address: 68.46.30.162
-  Document emailed to Mike Sowers (mike@commercialinvestorsgroup.com) for signature
2021-08-17 - 3:16:35 PM GMT
-  Email viewed by Mike Sowers (mike@commercialinvestorsgroup.com)
2021-08-17 - 4:46:54 PM GMT- IP address: 74.125.212.136
-  Document e-signed by Mike Sowers (mike@commercialinvestorsgroup.com)
Signature Date: 2021-08-17 - 4:48:43 PM GMT - Time Source: server- IP address: 174.219.8.210
-  Agreement completed.
2021-08-17 - 4:48:43 PM GMT

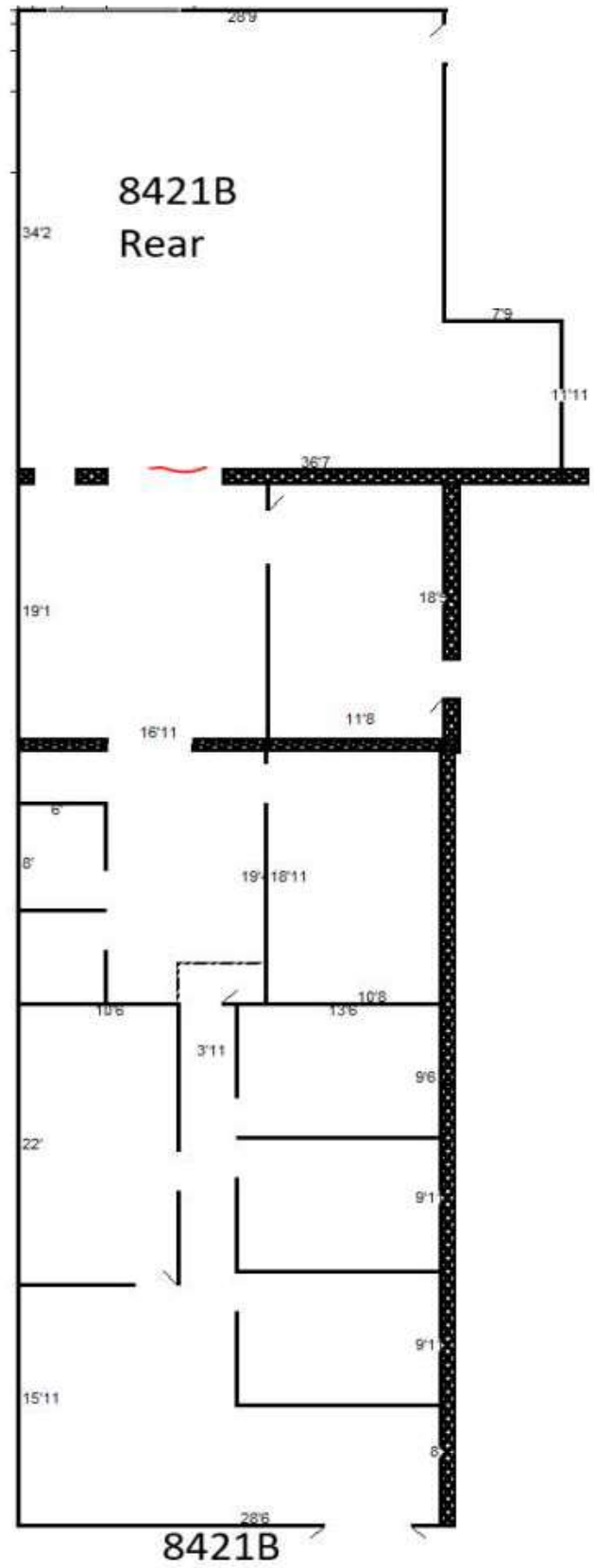


7401 Bush Lake Rd
Suite 7
Edina MN 55439

8421B

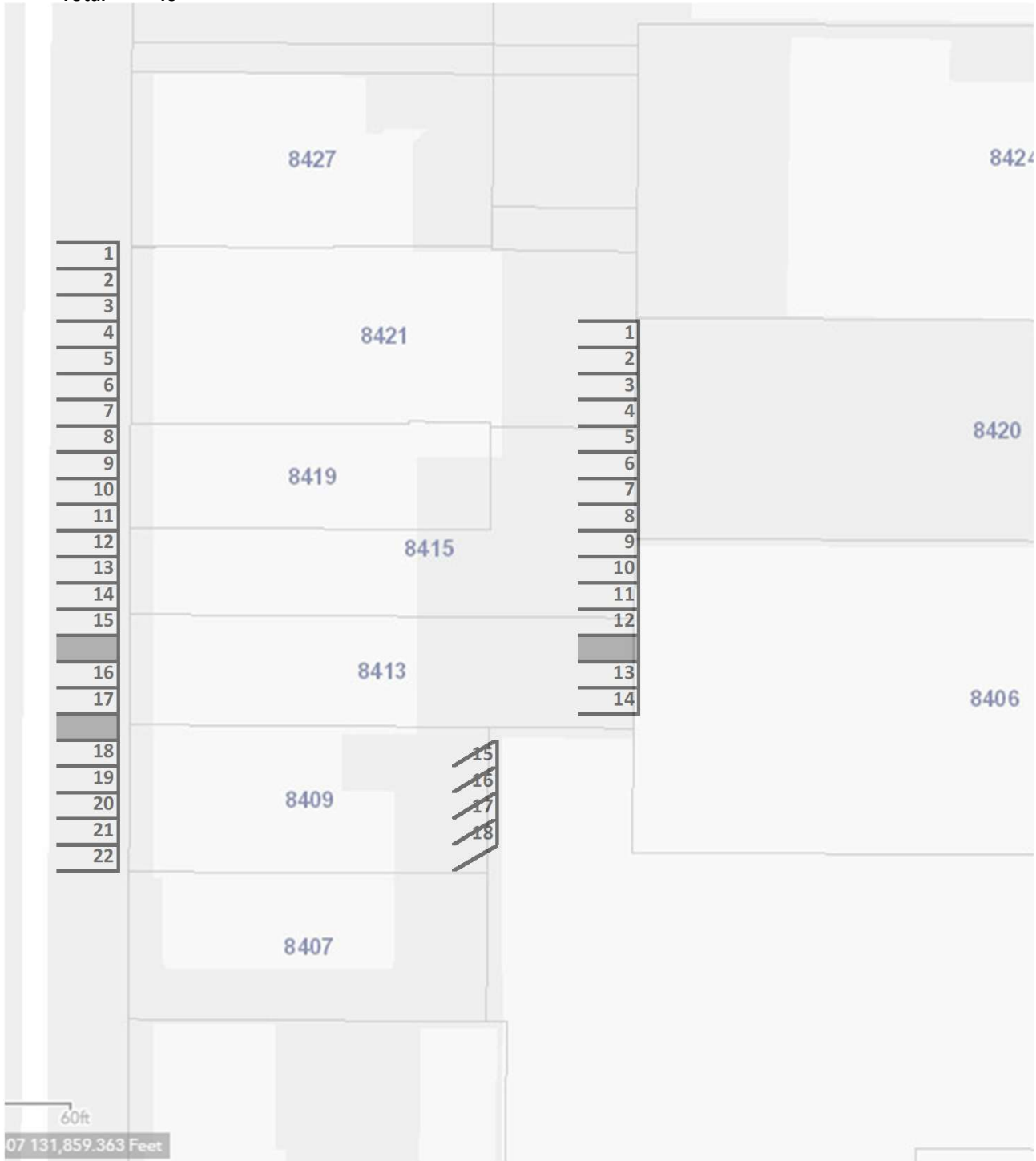
Center Dr, Spring Lake Park, MN 55432\

3,510 RSF



8409-8421 Center Drive Parking
 Parking Stalls owned by Center Drive Holdings

Front	22
Rear	18
Total	40



From: [Mike Sowers](#)
To: [Walburg, Lauren](#)
Date: Friday, September 10, 2021 8:31:33 PM
Attachments: [suntide-commercial-realty_small_e0047168-3b30-4db7-be2a-db517a28c639.jpg](#)
[phoneicon\(2\)_a883bb43-6975-4502-a3fa-da41254836db.jpg](#)
[line_design_bc87bbe6-a4f0-4b87-b461-aaa597001402.jpg](#)
[782c90cb-1120-436f-b085-c0c8b104d601.png](#)
[420d3930-9e84-40af-9b0d-56da81869304.png](#)
[60b3a279-d9fc-47c9-b75f-95fd8810fbe4.png](#)
[8409-8421_Parking_Plan.pdf](#)
[8421B Space Plan.pdf](#)

Here you go!

Mike Sowers, CCIM
612.598.0780

mike@commercialinvestorsgroup.com

This email was composed on a mobile phone. I appreciate your grace in excusing any errors.

----- Forwarded message -----

From: **Rebekah Buck** <Rebekah@suntide.com>
Date: Tue, Sep 7, 2021, 4:46 PM
Subject: RE: Spring Lake Park - application for Shashe Market
To: Mike Sowers <mike@commercialinvestorsgroup.com>
Cc: James Smith <james@commercialinvestorsgroup.com>

Attached are Parking and 8421B plans along with notes below in Green. Parcel 8421 has 11 parking spaces and Center Drive Holdings owned properties have a total of 40 parking stalls.

- Total square feet in the building. **Parcel 8421 has 6,930 RSF**
- Square feet of space being leased to Shashe Market. **Tenant is taking entire 8421B (Front and Back) totaling 3,510 RSF**
- Total parking spaces on site **There are 11 parking stall on Parcel 8421. Center Drive Holdings owned properties has 40 stalls.**
- Number of parking spaces reserved for Cargreen and the other businesses **11 Parcel stalls shared with one tenant in 8421A. 8421B prorated share of Center Drive Holding owned stalls is 17.71% or 7 stalls.**
- This information is needed to ensure that there is adequate parking for all the activities on site.

Let me know if you would like me to send this information to the tenant and Lauren Walburg.

Rebekah Buck | Property Manager

Suntide Commercial Realty, Inc.

o [651-603-0321](tel:651-603-0321) | **d** [651-209-9610](tel:651-209-9610) | **c** [612-481-8653](tel:612-481-8653)

Maftuha Hassan
Peaceful Adult Day Center LLC
6267 University Avenue NE
Fridley, MN 55432

October 11, 2021

Daniel R. Buchholtz
Administrator, Clerk/Treasurer
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432


RE: Withdrawal of Conditional Use Permit Application for 1330-1334 81st Avenue NE

Dear Daniel:

This letter is to inform the City of Spring Lake Park that I am withdrawing my application for a conditional use permit for an adult daycare use at 1330-1334 81st Avenue NE.

Please refund any unused escrow balance.

Sincerely,



Maftuha Hassan

10/12/21

NOTICE TO TERMINATE PURCHASE AGREEMENT

Peaceful Adult Day Center LLC
Maftuha Hassan and Assia Hassan
6267 University Ave NE
Fridley MN 55432
P) 763-432-3750
(F) 763-432-3857
(C) 763-742-0952
peacefuladuldaycenter@gmail.com

Marty Fisher
Broker/Owner
Premier Commercial Properties, LLC
A Real Estate Services Company
612-708-2873 cell
763-862-2005 office
763-862-1925 fax
mfisher@premiercommercialproperties.com

Date: September 29, 2021

RE: NOTICE TO TERMINATE PROPERTY PURCHASE AGREEMENT

I, **Maftuha Hassan and Assia Hassan** ("Owner"), hereby terminate the property purchase agreement dated September 29, 2021 with Bolder Property, LLC ("Seller"). This notice is in regard to the following real estate located at: Spring Lake Park Office Condos ("Project"), a condominium under Minnesota Statutes Chapter 515B (the "Act") located at 1330 and 1334 81st Avenue NE Spring Lake Park, Minnesota 55432

The reason for termination is: One of your parking policies can't allow me to park day and night any PADC vehicles. We do have Three Busses, Two Ford Transit and Two minivan that we use for my client's transportation from their houses to center and take them back to their houses.

The purchase agreement shall terminate effective Immediately.

Sincerely,

Peaceful Adult Day Center LLC
Maftuha Hassan and Assia Hassan
6267 University Ave NE
Fridley MN 55432
P) 763-432-3750
(F) 763-432-3857 (C) 763-742-0952