



PLANNING COMMISSION AGENDA
MONDAY, APRIL 27, 2020
VIRTUAL MEETING at 7:00 PM

To follow or join the meeting please call:

Phone Number: (312) 626-6799

Meeting ID: 938-6359-9440 Password: 241837

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - [A.](#) Approval of Minutes from March 23, 2020 Meeting
- 4. PUBLIC HEARING**
 - [A.](#) Public Hearing - Variance Application for 8457 Sunset Road NE - Tony Mezzenga
- 5. OTHER**
 - A. Administrator Reports
- 6. ADJOURN**

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

1 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 March 23, 2020 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT:

Commissioner Bernhagen
Commissioner Eischens
Commissioner Julien
Commissioner Ali
Commissioner Hansen

STAFF PRESENT:

City Planner Carlson; Administrator Buchholtz and Executive Assistant Gooden

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

a. Approval of Minutes from February 24, 2020 Meeting

Motion made by Commissioner Bernhagen, seconded by Commission Eischens approving the minutes of February 24, 2020.

Voting Yea: Commissioners Bernhagen, Eischens, Julien, Cobbs, Ali and Chairperson Hansen.

5. PUBLIC HEARING

a. Comprehensive Plan Amendment - Future Land Use Map - 7700 Monroe St NE

City Planner Carlson reviewed the Planning Report with the Planning Commission. He reported that an amendment to the Comprehensive Plan is needed for the two-acre site at 7800 Monroe Street NE that has been approved for residential development for JP Brooks. Mr. Carlson reported that the property is guided Public/Semi-Public in the City's Land Use Plan and zoned R-1 Single Family Residential. He stated that when the PUD was reviewed and approved last year, the Land Use Plan should have also been amended to Single Family Residential, so that the Zoning and Land Use Plan are in conformity. He stated that step was missed in the process, and the Planning Commission is now asked to amend the Land Use Plan map and Zoning map.

Mr. Carlson reported that staff recommends that the Planning Commission recommends to approval of the amendment to the City Council.

Commissioner Eischens inquired if the proposed site was the parking lot site on the Prince of Peace site. Mr. Carlson stated that it is the ball field site on the property.

Chairperson Hansen inquired if the time approval of the Comprehensive Plan and this amendment will delay JP Brooks construction time frame. Mr. Carlson stated that he was not aware of JP Brooks time frame but feels that the timeline is still workable for them. He reported that the Comprehensive Plan will be proposed to be approved on April 8, 2020, and the City would then submit the amendment to the Metropolitan Council soon after. He stated that Comprehensive Plan could then be approved by the City Council at the April 20, 2020 meeting.

Administrator Buchholtz stated that he feels all the approvals will be completed by May 1, 2020. He stated that he felt that should not be much of a delay for JP Brooks.

Chairperson Hansen inquired if this amendment was considered a large amendment for the Metropolitan Council to approve. Mr. Carlson stated that this request is not a large one. He stated that major developments to land or highways within a city are considered a large amendment.

Chairperson Hansen opened the public hearing at 7:10 PM.

There was no discussion from the floor.

Chairperson Hanson closed the Public Hearing at 7:11 PM.

6. OTHER

a. Administrator Report

Administrator Buchholtz reported that the 2040 Comprehensive Plan will be approved by the Metropolitan Council on April 8, 2020. He stated that the City Council will approve the plan at its April 20, 2020 meeting.

Administrator Buchholtz reported that the April Planning Commission meeting will include a proposal from Hampton Companies. He stated that proposal is for a one level assisted living/memory care 32-unit facility to be built at 525 Osborne Road NE. He reported that that a neighborhood meeting is planned however, with the COVID-19 virus precautions the meeting could be virtual meeting format and comments would be forwarded to the Planning Commission.

Administrator Buchholtz reported that interior plans for the Hy-Vee store have been received by the City. He stated that plan review will take about two weeks and standard

construction time for Hy-Vee is approximately six months. He stated that the store could open in the Fall of 2020.

7. ADJOURN

Motion made by Commissioner Bernhagen; seconded by Commissioner Julien to adjourn.

Meeting adjourned at 7:19 PM.

To: Planning Commission
 City of Spring Lake Park

File: Variance Request
 8457 Sunset Road NE

From: Phil Carlson,
 Stantec

Date: April 27, 2020

Re: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

BACKGROUND

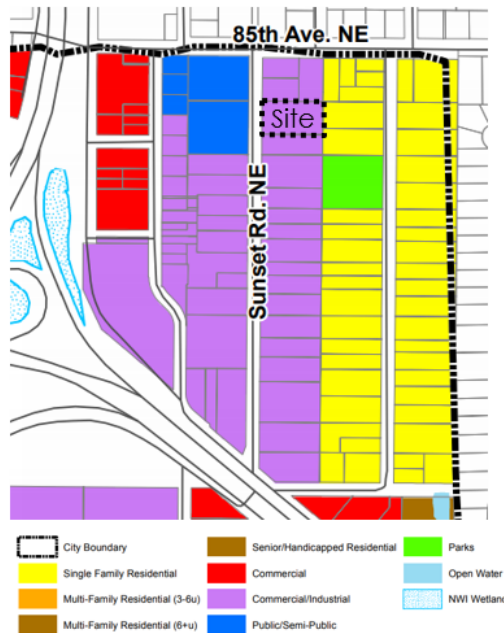
The 1.1-acre Industrial site at 8457 Sunset Road NE is a rectangular parcel located in the northeast corner of Spring Lake Park in the industrial park, south of 85th Avenue NE, fronting Sunset Road NE on its west side. The site abuts existing single family homes to the north, which are guided Industrial but still occupied as single family homes. The applicant Tony Mezzenga wants to build a 12,000-sq-ft building for an as yet undecided industrial use on the I-1 zoned property. The Zoning Code requires larger setbacks from industrial to residential uses and the applicant is requesting a variance to the side yard setback for the project.

The property is currently vacant and borders another industrial use to the south, the Eagle Brook Church to the west across Sunset Road, two single family homes to the north, and single family homes to the east, which front on Westwood Road NE.

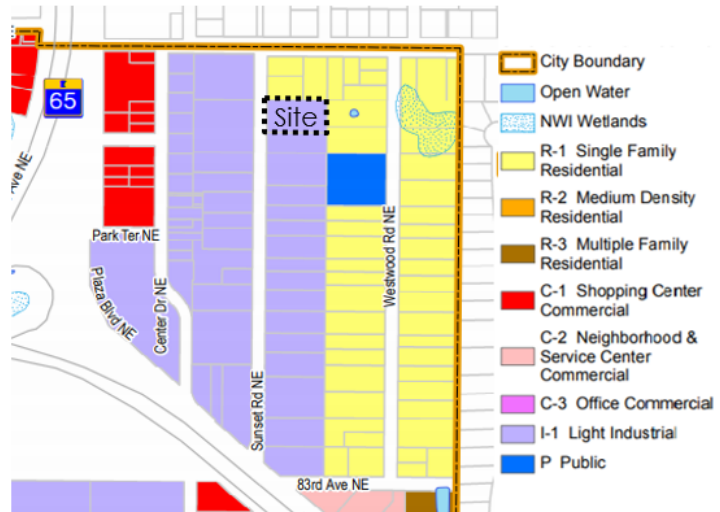


Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

Land Use Plan



Zoning Map



LAND USE & ZONING

The land use and zoning pattern in the area is complex, but the request is simple (see map excerpts above):

- The site at 8457 Sunset Road NE is guided Commercial/Industrial and zoned I-1 Light Industrial.
- The Eagle Brook Church across Sunset Road NE is guided Public/Semi-Public but zoned I-1 Light Industrial.
- The homes to the north are guided Commercial/Industrial but zoned R-1 Single Family Residential.
- The homes to the east are guided and zoned Single Family Residential.
- In the Metropolitan Area, cities are obliged to have the zoning conform to the Land Use Plan. The Land Use Plan take precedence over the zoning.
- The single family homes north of the site could therefore be rezoned and redeveloped with Industrial uses at any time – the City would be obliged to rezone the property to I-1 to conform with the Land Use Plan.
- The request is for a variance to the side setback to the north that is the same as a future industrial use would require (if zoned according to the Land Use Plan) vs. what the existing residential uses require.

The required setbacks are as follows in the I-1 Light Industrial district, compared to what is proposed on the site plan:

| <u>Yard</u> | <u>To Comm or Ind</u> | <u>To Residential</u> | <u>Proposed</u> |
|-----------------|-----------------------|-----------------------|-----------------|
| Side – Building | 25 ft | 50 ft | 25 ft |
| Rear - Building | 35 ft | 50 ft | 68 ft |
| Rear - Parking | 10 ft | 20 ft | 20 ft |

Only the side yard to the north (bold type above) needs a variance. The other yards meet the required setbacks for building and parking, even the greater setback to residential uses.

Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

VARIANCE REQUEST

The variance request and related dimensions are illustrated on the map below. The proposed site plan for the property is superimposed on the aerial photo, with the required 50-ft side yard setback shown in the red dashed line, the requested 25-ft side yard setback in the yellow dashed line, and the distances to the three homes that abut the property with white arrows – two homes to the north and one to the east.

As the map shows, the requested side yard setback variance would result in the building being 57 ft and 125 ft to the residences to the north. The rear yard setbacks to building and parking are met by the proposed site plan – no variance is needed on the east side of the site. The dimensions shown here are slightly different than those provided by the applicant. The dimensions below are taken from the occupied portion of the adjacent homes to the proposed building, whereas his dimensions are from the garage in two instances and only to the property line, not to the proposed industrial building or parking.

The site plan is laid out to have a blank wall and landscaping facing north to the existing residences. There will be no parking, loading or other activities on that side of the site. It should be noted that the site plan could be laid out to place parking and loading areas on the north side of the site and meet all required setbacks – no variance needed – but the applicant has chosen to locate this activity on the south side toward the existing industrial site and put the “quiet” side of the project toward the existing residences. Screening is required for all parking areas abutting residential uses per Zoning Code Section 153.138, but that will be handled in the Site Plan review process and no variance is requested for that here.



Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

Section §153.224 of the City of Spring Lake Park’s Zoning Code requires that practical difficulty be proven for the approval of a variance, according to the following criteria:

(a) *Is the variance in harmony with the purposes and intent of the Ordinance?*

The Zoning Code has setbacks to provide reasonable separation of uses. The separation provided by the requested variance is reasonable in this situation.

(b) *Is the variance consistent with the comprehensive plan?*

The 2040 Comprehensive Plan includes the following Land Use Policy 4 relevant to this proposal:

4. Continue to provide for zoning restrictions on properties designated for commercial/industrial uses so that there will be appropriate buffers between commercial/industrial development and adjacent residential uses.

This policy supports the increased setbacks and screening in the Zoning Code and the question is whether the requested variance and site plan provide an “appropriate buffer”.

(c) *Does the proposal put property to use in a reasonable manner?*

The use itself is reasonable – a typical industrial building on a site zoned for industrial. The specific proposal requests to develop the property using the setback that would be required for an industrial use, which is what is anticipated in the Land Use Plan. Furthermore, the site plan places most of the activity on site on the opposite side of the building away from the existing residential uses.

(d) *Are there circumstances unique to the property not created by the applicant? (physical characteristics of the property i.e. sloping topography or other natural features like wetlands or trees)?*

The circumstance unique to this property is that the adjacent properties are guided for industrial development but still zoned residential. That is not created by the applicant.

(e) *Will the variance maintain the essential character of the locality?*

The immediate neighborhood is mostly industrial and commercial in character, with a large church being the one active use nearby across the street. The character of this area is now industrial on this site and further south, but residential to the north. But the City has intended that the character of those residential properties eventually be industrial as well.

Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

CONCLUSION & RECOMMENDATION

I recommend that the Planning Commission recommend approval of the variance request as presented, with the following conditions:

- 1) The side setback to the north is approved at 25 feet vs. the required 50 feet only if the north side of the building has no main business entrances or loading areas facing that direction and no parking between the building and the north lot line.
- 2) 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.
- 3) 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.

OPTIONS

The Planning Commission has the following options:

- 1) Recommend approval of the variance as submitted with conditions noted.
- 2) Recommend approval of the variance as modified by the Planning Commission.
- 3) Recommend denial of the variance.
- 4) Continue the item to a future meeting to gather more information or for more discussion.

FINDINGS OF FACT

For any of the recommendations, the Planning Commission should adopt Findings of Fact. If the recommendation is for approval, Findings might be:

- 1) Developing the property with an industrial use if 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.
- 5) The request reasonably meets the criteria in the Zoning Code for approval of variances.

60-DAY DEADLINE

The variance application was received on March 3, 2020, but not considered complete until April 11, 2020. The 60-day deadline for final action by the City Council is June 10, 2020.

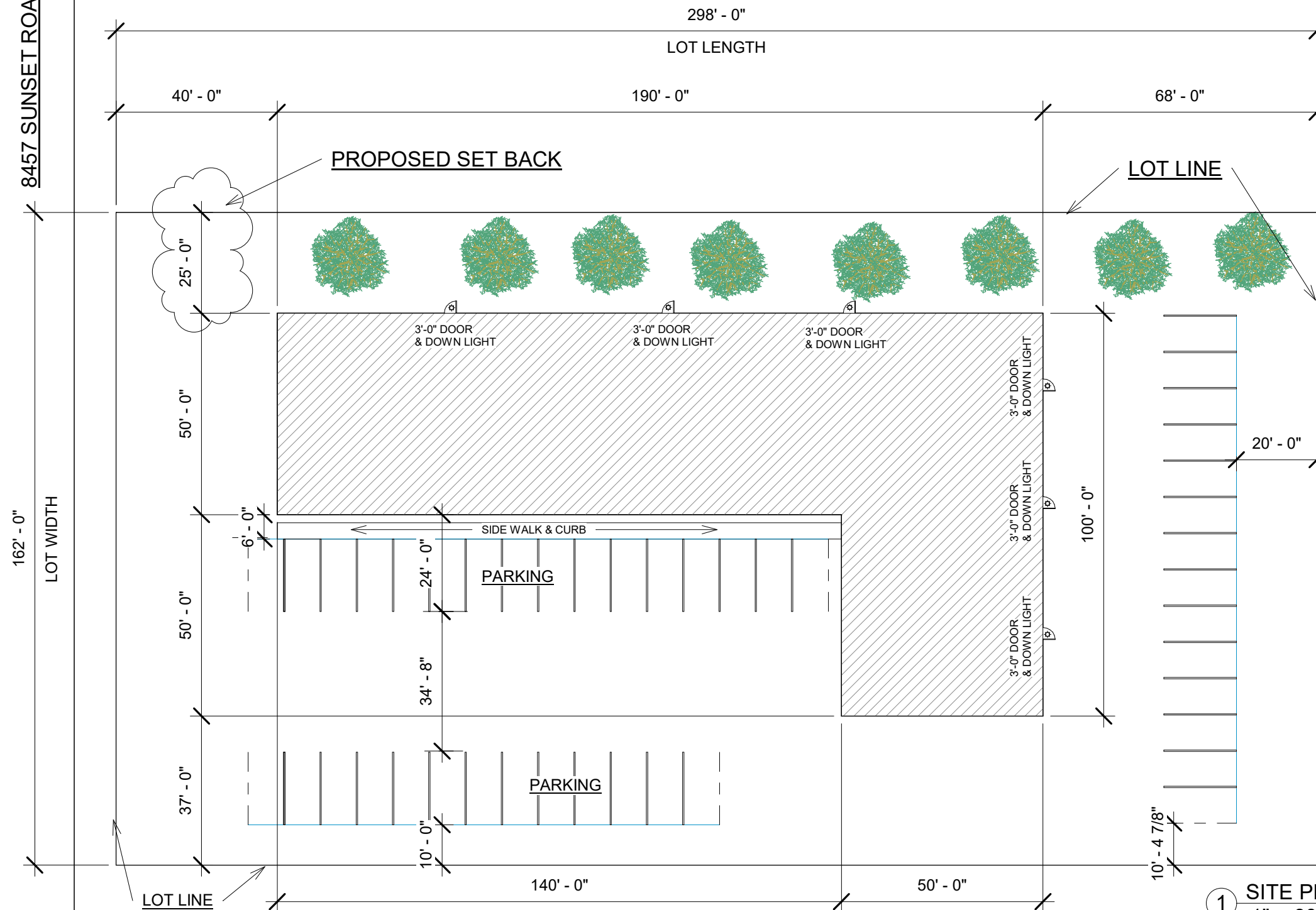
85TH AVE

PROJECT:
SITE PLAN

OWNER:
MEZZENGA TONY
8457 SUNSET ROAD
SPRING LAKE PARK, MINN. 55432



8457 SUNSET ROAD



REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|-----|------------|-----------------------|-------|
| 1 | 03/03/2020 | PROPOSED SETBACK | R.J.S |
| 2 | 04/11/2020 | PARKING SETBACK S & E | R.J.S |

PLANS PROVIDED BY:

SCHWIETERS HOME DESIGN
1628 COUNTY HIGHWAY 10 N.E.
SPRING LAKE PARK, MN 55432

TEL: (763) 785-2105
SchHomDsgn@aol.com

DATE: 03/03/2020 DRAWN: DICK S.

JOB NO: CHECKED: R.J.S.

SITE PLAN

SHEET DATE: 03/04/2020

SCALE: 1" = 30'-0"

PAGE NO: A-1

1 SITE PLAN
1" = 30'-0"



123288
3/3/2020

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: | 1375.00 |
| Received by: | |
| Date Filed: | 3/3/2020 |
| Date Complete: | |
| Base Fee: | 375 |
| Escrow: | 1000 |

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 type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Rezoning | <input checked="" 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: 8457 SUNSET ROAD, N.E. | | |
| Property Identification Number (PIN#): 01-30-24-11-0048 | | Current Zoning: I-1 |
| Legal Description (Attach if necessary): | | |
| APPLICANT INFORMATION | | |
| Name: Tony Mezzenga | Business Name: | |
| Address: S Maycomb Lane | | |
| City: St. Paul | State: MN | Zip Code: 55127 |
| Telephone: 612-804-0487 | Fax: | E-mail: woodshop6@gmail |
| Contact: Tony | Title: DWDER | |
| OWNER INFORMATION (if different from applicant) | | |
| Name: | Business Name: | |
| Address: | | |
| City: SAME | State: | Zip Code: |
| Telephone: | Fax: | E-mail: |
| Contact: | Title: | |
| DESCRIPTION OF REQUEST (attach additional information if needed) | | |
| Existing Use of Property: I-1 | | |
| Nature of Proposed Use: INDUSTRIAL Building with 25' SET BACK. | | |
| Reason(s) to Approve Request: THE ADJACENT RESIDENTIAL LOT ADJACENT TO THE SOUTH WILL BE ZONED I-1 AT SOME POINT. | | |
| PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE | | |
| Project Name: | Date of Application: | |
| Nature of Request: NONE | | |
| <p>NOTE: Applications only accepted with ALL required support documents. See City Code</p> | | |

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.

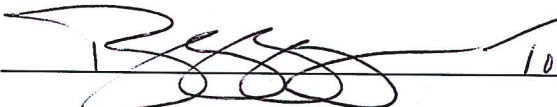
I wish to be notified of additional costs in the following manner (select one):


E-mail Woodshop6@gmail.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:  Tony MEZZENGA Date: 2/29/2020

Owner:  Tony MEZZENGA Date: 2/29/2020

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

**City of Spring Lake Park
Variance Application**

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

1. Applicant Information:

Name: Tony Mezzedea
Address: 5 MAYCOMB WAY
City/State/Zip: ST. PAUL, MN 55127

Telephone: 612-804-0487
Cell Phone: SAME
E-mail: Woodshop6@gmail.com

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

Name: SAME
Address: 8457 SUNSET RD. N.E.
City/State/Zip: SLP 55432

Telephone: /
Cell Phone: /
E-mail: /

3. Project Location (Address and Legal Description): 8457 SUNSET ROAD N.E.

4. Present Use of Property: I-1 LOT.

5. Description of Project: PROPOSING TO REDUCE SET BACK ON NORTH LOT LINE TO 25' FROM 50'

6. Specify Section of the Ordinance from which variance is sought: § 153.224

7. Explain how you wish to vary from the applicable provisions of this Ordinance:

PROPOSING TO REDUCE SET BACK ON NORTH LOT LINE TO 25' FROM 50'

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?

THE LONG TERM PLAN IS TO REZONE THE LOTS TO THE NORTH OF THIS SITE TO I-1 TO BE THE SAME AS PROPOSED SITE FOR SET BACK REDUCTIONS.

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

Yes No Why or why not?

The lots to the north of this proposed site
when rezoned will require 25' set back
which is what my proposed reduction is.

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

Yes No Why or why not?

The 25' set back would allow better
use of the site with parking and traffic
on south side of building blocking light to north
houses

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?

We are proposing a natural tree barrier
to the adjacent lots to the north.
for privacy to the houses to the north

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

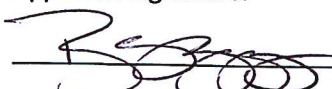
Yes No Why or why not?

We will build the same building
that would conform to I-1 requirements

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:

 Tony Mezzadisa

Date:

2/29/2020

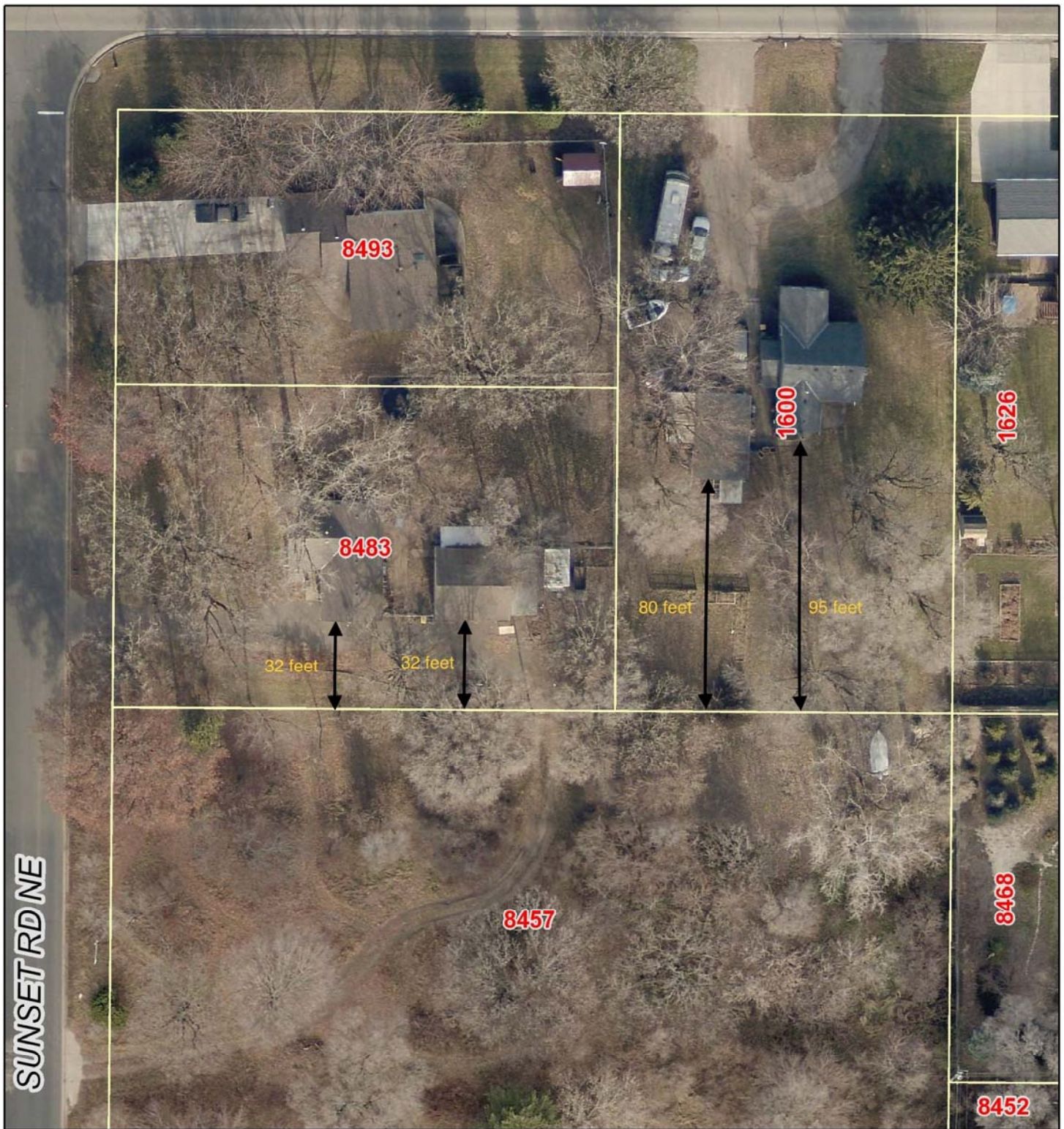
Fee Owner's (Property Owner) Signature:



Date:

2/29/2020

Anoka County, MN



April 21, 2020

Approximate distance
from buildings on
neighboring properties to
north property line of 8457
Sunset Road

