



PLANNING COMMISSION AGENDA
MONDAY, SEPTEMBER 26, 2022
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 - August 22, 2022
- 5. PUBLIC HEARING**
 - [A.](#) Public Hearing - Side Yard Variance for 482 Sanburnol Drive
- 6. OTHER**
- 7. ADJOURN**

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

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

CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS

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

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

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

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on August 22, 2022 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

MEMBERS PRESENT

Chair Hans Hansen
Commissioner Jeff Bernhagen
Commissioner Rick Cobbs
Commissioner Eric Julien
Commissioner Kelsey Hollihan
Commissioner Sharon Weighous

STAFF PRESENT

Administrator Daniel Buchholtz

OTHERS PRESENT

Brad Delfs, City Councilmember
Kamaal Seeroo, 8302 Highway 65 NE
Donna Eiler, 8301 Pierce Street NE

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes – July 25, 2022

Motion made by Commissioner Cobbs, seconded by Commissioner Bernhagen to approve the minutes from the July 25, 2022 Planning Commission Meeting.

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

5. PUBLIC HEARING

A. Interim Use Permit for American Enterprises LLC at 8302 Highway 65 NE

Administrator Buchholtz stated that the City received an application from American Enterprises, LLC DBA Efficient Auto Sales, 8302 Highway 65 NE for an interim use permit to permit automobile sales at their property.

Administrator Buchholtz said the property is currently has a Conditional Use Permit for an auto repair business/transportation company, which was approved in August 2019. American Enterprises is seeking an auto dealer's license to allow them to purchase vehicles at an auto auction for his business. He said that in order to participate in the auto auction, American Enterprises needs to have a dealer's license.

Administrator Buchholtz noted that automobile sales are an interim use in the C-2 zoning district. He said SLPC 16.36.010(A) establishes performance standards for auto sales within the City SLPC 11.20.040 addresses used car dealer licensing. That ordinance establishes a 500-foot setback between auto sales dealerships. He noted that this property would be in compliance with that provision.

He stated that staff recommends approval of the interim use permit with the following conditions:

1. The applicant intends to use the interim use permit to purchase vehicles at wholesale or through auto auctions. Should the applicant choose to sell a vehicle under this license, the applicant must store any vehicles for sale inside the building, in compliance with SLPC 16.36.010(A). No outdoor storage of vehicles for sale permitted.
2. The interim use permit shall expire either upon the sale or transfer of ownership of the building and/or business, a violation of the conditions of the interim use permit or a change in the City's zoning regulations which renders the use nonconforming, whichever is earlier.

He presented the following findings of fact for approval of the interim use permit:

1. The proposed use is a reasonable use of the property, anticipated as an Interim Use in the C-2 zoning district
2. Applicant is primarily utilizing the dealer's license to purchase vehicles at wholesale or through an auto auction. Such a use will not 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 interim use.
6. No residential use is proposed on the site and therefore incompatible growth in that regard is not an issue with this use.

Mr. Seeroo gave an overview of his business. He said that he runs a transportation service for schools. He transports children with special needs and out of district.

Commissioner Hansen inquired about the number of vans that he currently operates. Mr. Seeroo said he currently operates 36 minivans and they are getting older. He noted that they are unable to use vehicles over 12 years old. Commissioner Weighous asked if there was a set number of vehicles Mr. Seeroo would like to get his fleet up to? Mr. Seeroo stated he would like to get his fleet up to 45 vans.

Chair Hansen opened the public hearing at 7:12 PM.

Donna Eiler, 8301 Pierce Street NE, inquired about the fence and the shrubbery. She stated she would just like to see that the property is kept up.

Chair Hansen closed the public hearing at 7:16 PM.

Motion made by Commissioner Julien, seconded by Commissioner Hollihan to recommend the Interim Use Permit Request from American Enterprises LLC at 8302 Highway 65 NE.

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

6. OTHER

Administrator Buchholtz noted that he will be putting together information for the Commission to start evaluating the use tables.

7. ADJOURN

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

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

Meeting adjourned at 7:18 PM.



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:	Wanda
Date Filed:	8/29/22
Date Complete:	
Base Fee:	150
Escrow:	300

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: 482 SANBURNOL DR NE
 Property Identification Number (PIN#): _____ Current Zoning: _____
 Legal Description (Attach if necessary): _____

APPLICANT INFORMATION

Name: ENES GLUHIC	Business Name: SMC CONSTRUCTION INC
Address: 8465 PLAZA BLVD NE	
City: SPRING LAKE PARK MN	State: MN Zip Code: 55432
Telephone: 612-245-9255	Fax: _____ E-mail: ENES@SMCMN.COM
Contact: ENES	Title: _____

OWNER INFORMATION (if different from applicant)

Name: STEWART TINGELSTAD	Business Name: _____
Address: 482 SANBURNOL DR NE	
City: SPRING LAKE PARK	State: MN Zip Code: 55432
Telephone: 763-742-4896	Fax: _____ E-mail: _____
Contact: _____	Title: _____

DESCRIPTION OF REQUEST (attach additional information if needed)

Existing Use of Property: SINGLE FAMILY HOME, THE LOCATION IS USED FOR OUTSIDE STORAGE

Nature of Proposed Use: STORAGE OF CAMPER, CONCRETE PAD IN ORDER TO STORE IT ON SOLID SURFACE, AND IN ORDER TO NOT HIT EXISTING GARAGE WE NEED TO HAVE CONCRETE IN EASEMENT

Reason(s) to Approve Request: CORNER LOT DIFFICULTIES, SIDE YARD/BACK YARD NO OTHER PLACE WHERE THE CAMPER COULD BE PUT WITHOUT BEING IMPACTED. NICELY TUCKED AWAY HERE

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.

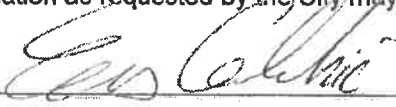
I wish to be notified of additional costs in the following manner (select one):

- E-mail: ENES@SMCMN.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: 08/19/2022

Owner: _____ Date: _____

**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: SMC CONSTRUCTION Telephone: _____
Address: 8465 PLAZA BLVD NE Cell Phone: 612-245-9255
City/State/Zip: SPRING LAKE PARK MN, 55432 E-mail: ENES@SMCMN.COM

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

Name: Stewart Tinglestad Telephone: 763-742-4896
Address: 482 SANDBURNOL DR NE Cell Phone: _____
City/State/Zip: SPRING LAKE PARK MN, 55432 E-mail: SMTINGO1959@GMAIL.COM

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

4. Present Use of Property: SINGLE FAMILY HOME

5. Description of Project: CONCRETE PAD TO ALLOW PARKING OF CAMPER

6. Specify Section of the Ordinance from which variance is sought: EASEMENT ON BACK OF PROPERTY CORNER LOT / SIDE PROPERTY, 5 FT UTILITY EASEMENT

7. Explain how you wish to vary from the applicable provisions of this Ordinance: _____
CONCRETE PAD NEEDS TO BE WIDER TO ALLOW PARKING ON A SOLID SURFACE WHICH WOULD ENCROACH A UTILITY EASEMENT WHICH IS FOR ABOVE GROUND UTILITIES.

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. **IF WE DON'T PUT CONCRETE INTO EASEMENT THERE IS NOT ENOUGH SPACE FOR PARKING OF THE CAMPER. BEING A CORNER LOT THIS IS ONLY SPOT THAT WOULD FIT**

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

UTILITY EASEMENT IS FOR ABOVE GROUND UTILITIES. THIS WOULD NOT BE AFFECTING ANY OF IT

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

Yes No Why or why not?

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

Yes No Why or why not?.

OTHER OWNERS CAN PARK BEHIND THEIR HOMES, THIS BEING MY BEHIND AND SIDE LOT

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?

SIDE LOT OR BACK LOT OF A CORNER PROPERTY DILEMA, LIMITS USE OF MY PROPERTY.

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

Yes No Why or why not?


THERE IS ALREADY A PARKING SPOT AND GARAGE NEXT TO IT USED FOR PARKING OF VEHICLES

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: 

Date:
08/18/2022

Fee Owner's (Property Owner) Signature: 

Date:
08/18/2022

Adding a concrete slab behind an existing fence allows utilization of the property better than having to put the camper on the dirt.

Encroaching into easement allows us to be able to park easier without having to cut corner of the garage roof and risk damaging camper as well as the existing garage.

Have a letter from the neighbor that they are ok with us putting up a shade sail to protect camper from sun and weather. Attached below. Relocating fence gate to allow easier parking. Not adding to streetcurb.

Putting up 4 posts to allow stretching of sun shade sails that are removable since we can't make a permanent structure adequate enough in this location. 6x6 posts that are 12 foot tall.





I JEFF PEDERSON RESIDING AT

483 MAPLE ST SPRING LAKE PARK

GIVE MY CONSENT TO PUT NEW POST

ON THE CORNER OF MY EXISTING

FENCE LINE.

Jeff Pederson E-17-22
JP



Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: September 22, 2022
Subject: Variance Request – 482 Sanburnol Drive

Background

Stewart Tingelstad has submitted a variance request to permit a driveway expansion within the five foot side yard setback. The property owner is also seeking ability to install a shade sail within the side yard setback.



The applicant is seeking a variance from the 5 foot front yard setback requirement for driveways, as set forth in Spring Lake Park Code (“SLPC”) 16.40.030.

The property is a corner lot located on the 400 block of Rosedale Road NE, at the southeast corner of Sanburnol Drive and Terrace Road. 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 1958. While the house faces Sanburnol Drive, the garage faces Terrace Road NE.

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

SLPC 16.40.030 reads as follows:

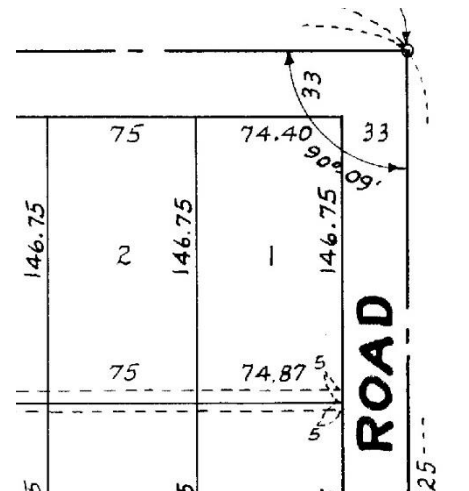
“Off-street parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use district in which the parking is located, with the following exceptions:

In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages, and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; *however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with SLPC 16.20.120 Paragraph B,2 are also exempted from the above yard setback regulations.* [Emphasis added]

There is currently a slab on the south side of the garage. The applicant is seeking to expand that into the side yard setback.

There is a 5 foot drainage and utility easement on the south side of the property. The easement is currently utilized for overhead utilities. A concrete slab could be permitted within the easement so long as it does not interfere with the current or future use of the easement. Any improvements within an easement of this nature are made at the risk of the property owner.

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 10,875 square feet, which would accommodate a maximum structure lot coverage of 3,806 square feet. With the addition, the total square footage of all structures on the property is 2,954.7 or 27.1% of the total lot size.



The proposed shade sail would not be allowed in the easement as it would interfere with the ability for Xcel Energy to access the above ground utilities.

Previous applications:

- Variance to permit construction of garage (8/18/1969)
- Variance to permit wider driveway (5/3/2010)

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 parking encroachment will not alter the character of the neighborhood as there are other residential driveway encroachments in the vicinity.

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

1. No additional driveway width will be permitted in the City's right of way.
2. No improvements may be made that interferes with the ability of the owner of the utility to access overhead power lines. Property owner understands that any damage to the portion of the concrete slab located within the utility easement due to the legal use or maintenance of the easement is the property owner's responsibility.
3. Applicant must apply for a zoning permit as required.

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