



**PLANNING COMMISSION AGENDA
MONDAY, OCTOBER 22, 2018
7:00 P.M.**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes – September 24, 2018
5. Approval of Special Planning Commission Meeting Minutes – October 1, 2018
6. Public Hearing - Zoning Ordinance Amendment to Chapter 153 of Zoning Code
7. Other
8. Adjourn

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.

DRAFT PROCEEDINGS

Minutes of the Spring Lake Park Planning Commission regularly scheduled meeting held on September 24, 2018 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

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

2. Roll Call

Members Present: Commissioners Bernhagen, Eischens, Dircks, Cobbs and Hansen

Members Absent: Commissioner Smith

Staff Present: Building Official Brainard; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Councilmember Delfs
Barbara Goodboe-Bisschoff, Spring Lake Park
Paddy Jones, Ham Lake
Donna Eiler, 8301 Pierce Street NE
Gene Eiler, 8301 Pierce Street NE
Mike Thomas, Thomland Homes
Karen Sorenson, 416 Maple Street NE

3. Pledge of Allegiance

4. Approval of Minutes – August 27, 2018

MOTION BY COMMISSIONER BERNHAGEN, SECONDED BY COMMISSIONER DIRCKS APPROVING THE MINUTES OF August 27, 2018. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

5. Public Hearing – Driveway Variance for 359 Manor Drive NE – Carolyn Lohman

Administrator Buchholtz reported that the City received a variance application from Carolyn Lohman at 359 Manor Drive NE to allow for the expansion of her driveway along the west edge of the property three feet into the required five-foot side-yard setback. He reported that the property is a 10,125 square foot residential site, along Manor Drive, between University Avenue and Terrace Road. He stated that the property includes a single-family residential home with an attached garage and driveway. He stated that neighboring properties are single-family residential homes. He reported that the applicant would like to use the expanded driveway to store her recreational vehicle (RV) on her property. He stated that he applicant currently stores her RV at Public Storage in Fridley, but Public Storage is eliminating their outdoor parking spaces to accommodate a climate controlled storage facility.

Administrator Buchholtz reported that the property is zoned R-1, Single Family Residential and guided Low Density Residential on the 2030 Future Lane Use Map. He stated that the driveway is an allowed accessory use in the R-1 zoning district and is consistent with the Comprehensive Plan.

Administrator Buchholtz reported that Section 153.224 of the Spring Lake Park Zoning Code outlines the purpose and process to approve a variance. He stated that this variance application has been analyzed with respect to the requirements and noted that a variance may be approved with conditions.

Administrator Buchholtz reported that the driveway is a standard feature on residential properties for off-street parking. He stated that the Comprehensive Plan guides this property as low density residential, which is the current use. He stated that the area is a residential neighborhood, with each property owner having access to the roadway through a driveway. He stated that the City Code allows one RV to be parked within the front yard setback provided that the vehicle may not be parked closer than five feet to the side yard property line on an approved driveway. He reported that there are a number of driveways on Manor Drive that are located within the required five-foot side yard setback. He stated that the applicant does not cite economic considerations as a reason to approve the variance. He reported that the parcel is standard width and length and includes no wetlands or waterbodies, and therefore no unique challenges or circumstances on the parcel.

Administrator Buchholtz reported that Section 153.152 of the City of Spring Lake Park Zoning Code outlines specific requirements off-street parking facilities, including driveways, in the city. He explained that in addition, Section 153.066 of the Zoning Code outlines specific requirements for the parking of motor and recreational vehicles.

Administrator Buchholtz reported that through the review of the application for the proposed driveway variance, the City has identified potential issues. He summarized the issues to as:

1. *Practical Difficulty and Unique Circumstances.* He stated that the applicant is requesting a variance to locate the driveway within the required five-foot setback from the western property line. The existing driveway is located 15 ½ feet from the property line. The applicant can expand the driveway an additional 10 ½ feet and still meet the five-foot side yard setback. The RV is 28 feet long and 8 ½ feet wide, meaning that the width that would be allowed would be able to accommodate her existing RV with one foot of pavement on each side. Providing the property owner with another three feet of driveway would make it easier for the property owner to park

the

RV on the approved parking surface, especially considering that there will be retaining wall installed on the west edge of the new driveway.

2. *Existing screening.* He stated that there was previously screening of the driveway with two pine trees. However, those pine trees have been cut down to accommodate the driveway. He stated that if the Commission wishes to grant the variance, staff would recommend some sort of screening in the remaining setback on the west property line to screen the neighbor's view of the RV.

Administrator Buchholtz stated that staff recommended the Planning Commission recommend to the City Council denial of the application for a variance with the following findings of fact:

1. Strict enforcement of Spring Lake Park Zoning Code section 153.152 does not result in a practical difficulty or unnecessary hardship inconsistent with the intent of Chapter 153 of the Spring Lake Park City Code and a reasonable use of the property remains.
2. There are no wetlands, bluffs, waterbodies or other unique property features that would create a practical difficulty for the property owner to deviate from the strict requirements of the Spring Lake Park Zoning Ordinance.

3. There are no exceptional, unique or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same district.

Administrator Buchholtz stated that if the Commission finds that there are practical difficulties and wishes to recommend approval of the variance, staff would recommend the conditions:

1. Applicant shall provide screening (vegetative or fencing) within the remaining side yard setback to screen the RV from the neighboring property to the west.
2. Applicant shall ensure that the RV is parked no closer than five feet from the property line in conformance with Section 153.066 of the Spring Lake Park Zoning Code.
3. Applicant shall install retaining wall and reseed all disturbed areas with grass.

Commissioner Eischens inquired if staying within the 5-foot driveway length setback would be better than going into 5-foot setback. Administrator Buchholtz stated that the City is recommending denial of setback because there is enough width to park the RV on approved surface and vehicles would be able to enter the garage.

Commissioner Dircks inquired how many other properties have driveways within side yard setbacks in place. Administrator Buchholtz stated that it appears that there are three other residents within the half block area. He stated that there is a struggle to find practical difficulty.

Commissioner Eischens stated that there was a letter in support of the variance from the neighbor to the west of the applicant.

Chairperson Hansen opened the public hearing at 7:13 PM.

Karen Sorenson, 416 Maple Street NE, stated that she is four houses from the applicant's residence and she did not see any problems or have any objections to granting the variance.

Chairperson Hansen inquired if requiring the driveway to conform with variance limits would cause an economic hardship since it would require narrowing the driveway and provide screening. Administrator Buchholtz stated that an economic hardship factor on its own would not be considered for the reason for approval or denial of a variance. He stated that the screening requirement is a staff recommendation to address potential property owner conflicts in the future.

Hearing no additional comments, Chairperson Hansen closed the public hearing at 7:15 PM.

Commissioner Dircks stated that she would feel more comfortable recommending the City Council review and make the decision on the variance as she felt the applicant could explain how the practical difficulties apply to this variance application at the City Council meeting.

MOTION MADE BY COMMISSIONER EISCHENS, SECOND BY BERNHAGEN, TO APPROVE DRIVEWAY VARIANCE FOR 359 MANOR DRIVE NE WITH THE FOLLOWING CONDITIONS: 1.) APPLICANT SHALL PROVIDE SCREENING (VEGETATIVE OR FENCING) WITHIN THE REMAINING SIDE YARD SETBACK TO SCREEN THE RV FROM THE NEIGHBORING PROPERTY TO THE WEST; 2.) APPLICANT SHALL ENSURE THAT THE RV IS PARKED NO CLOSER THAN FIVE FEET FROM THE PROPERTY LINE IN CONFORMANCE WITH SECTION 153.066 OF THE SPRING LAKE PARK ZONING CODE; 3.) APPLICANT SHALL INSTALL RETAINING WALL AND RESEED ALL DISTURBED AREAS WITH GRASS. ROLL CALL VOTE: COMMISSIONERS EISCHENS-AYE, BERNHAGEN-AYE, COBBS-AYE, DIRCKS-NAY AND CHAIRPERSON HANSEN-AYE. MOTION CARRIED.

6. Public Hearings – Lot Size Variance and Conditional Use Permit to Permit Twin Homes on Lots 1 and 2, Pride Rock Addition – Thomland Homes

Chairperson Hansen inquired if there was any objection to conducting the public hearings jointing since the variance and conditional use permit will pertain to the same lots. There was no objection from the Commission.

Administrator Buchholtz reported that Thomland Homes and Remodeling, LLC has submitted a Conditional Use Permit (CUP) application and a Variance application for the construction of two twin-home structures (two duplexes) with one structure on each of two lots, four units total, at 8360 Pierce Street. He reported that an earlier CUP application was filed on May 8, 2018, but was withdrawn by the applicant.

Administrator Buchholtz reported that in January 2018, the property was re-platted to allow for two single-family lots and at that time, the applicant stated that the existing house and garage would be removed to make way to build two new houses. He stated that the demolition has since taken place but the applicant has determined construction of two single-family homes is economically unfeasible.

Administrator Buchholtz stated that the property is zoned R-1 Single Family Residence. He stated that it was guided Commercial in the City's 2030 Land Use Plan but has been changed to Single Family Residential in the 2040 Land Use Plan. He stated that twin homes are a conditional use in the R-1 zoning district. He stated that additionally, the proposal does not meet the minimum lot area for twin homes, therefore variances are also required.

Administrator Buchholtz stated that the proposed construction of the two twin-home structures on 8360 Pierce Street NE requires two approvals:

- Conditional Use Permit (CUP) – Twin homes are allowed as a conditional use subject to the approval and contingent on stipulations set forth by the Planning Commission and City Council.
- Variance - A minimum lot area of 7,500 square feet is required for each two-family dwelling unit but only 6,750 square feet per unit are available. A variance to minimum lot area is requested.

Administrator Buchholtz stated that Section §153.202 of the City of Spring Lake Park's zoning code outlines the requirements to approve a conditional use permit by the City Council, provided the applicant has provided evidence establishing the requirements. He summarized the questions and criteria answered by the applicant. He reported that the applicant stated that the proposed use, two side-by-side twin homes on each of the two lots, will be beneficial to the community as it will allow for four new residential units and families to join the community, rather than the two total units permitted by the zoning district. He stated that the applicant believes that the addition of the four homes will increase property values along Pierce Street. He stated that the applicant feels that the proposed four new units will not substantially increase traffic along Pierce Street or surrounding streets.

Administrator Buchholtz reported that 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. He reviewed the practical difficulties and responses from the applicant.

Administrator Buchholtz stated staff recommends that the Planning Commission recommend to the City Council approval of the requests as follows:

1. Approval of a conditional use permit (CUP) for two twin-home structures in the R-1 zoning district at 8360 Pierce Street Northeast with the following conditions:

- a. Additional grading plans and drainage plans will be provided to the Engineer before building permit approval, including the items specified below:
 - i. Details on site drainage need to be reviewed. The grading for each building shall be completed so that no additional runoff is diverted to any adjacent property.
 - ii. Details on the driveway, sewer and water service connections, and street patching need to be reviewed for each lot.
2. Approval of variances to the lot standards to allow 6750 square feet per unit versus the 7500 square feet required by code.

Commissioner Eischens inquired if the driveway will be shared and if there will be a divider on the driveway. Building Official Brainard stated that a divider is not required on shared driveways. He stated a divider is required for shared decks.

Mike Thomas, Thomland Homes, reported that there will be private decks in the back with a divider wall between them. He stated that the driveway will be combined for the two units with no divider. He stated that the plans are set for three or four bedroom twin home with a finished basement. He stated that the goal is sell the unit to families.

Chairperson Hansen opened the public hearing at 7:35 PM.

Donna Eiler, 8301 Pierce Street NE, inquired if the units were going to be rental units or purchased units. Mr. Thomas stated that the homes will be marketed for purchase.

Ms. Eiler inquired if a fence will be put up similar to what has been placed on the property to block the commercial property. Mr. Thomas stated that one would be erected if it is required. He stated that Thomland Homes will work with the neighbors to assure the new twin homes fit into the neighborhood.

Ms. Eiler expressed that she would have rather have two single family homes built in the area, as traffic is significant concern of hers as well as the neighborhood. She requested that signage be placed stating that Pierce Street is not a through street for everyday traffic.

Barbara Goodboe-Bisschoff inquired on how long the driveway will be from the right of way. Administrator Buchholtz stated that 35 ½ feet will be the length of the driveway plus the right of way distance of 15 feet from the curb.

Mr. Thomas explained that there will be one driveway per unit that will be shared. He stated that the driveways between the other twin home would be a good distance apart with a break in between.

Ms. Goodboe-Bisschoff inquired on the statements noted on the plans regarding the placement of the homes by the owner and final driveway comments by the contractor. Mr. Thomas explained that the statements on the plans will be reviewed with the Building Official and Engineer on setbacks for the home and the surveyor for the best placement of the home. He stated that the homes will be centered as best they can be and will have the surveyor determine the drainage for the sites.

Chairperson Hansen asked for additional discussion from the floor. Hearing none, the public hearing was closed at 7:45 PM.

MOTION MADE BY COMMISSIONER DIRCKS, SECOND BY EISCHENS TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT TO PERMIT TWIN HOMES ON LOTS 1 AND 2, PRIDE ROCK ADDITION WITH THE FOLLOWING CONDITIONS: 1.) ADDITIONAL GRADING PLANS AND DRAINAGE PLANS WILL BE PROVIDED TO THE ENGINEER BEFORE BUILDING PERMIT APPROVAL, INCLUDING THE FOLLOWING ITEMS A.) DETAILS ON SITE DRAINAGE NEED TO BE REVIEWED. THE GRADING FOR EACH BUILDING SHALL BE COMPLETED SO THAT NO ADDITIONAL RUNOFF IS DIVERTED TO ANY ADJACENT PROPERTY; B.) DETAILS ON THE DRIVEWAY, SEWER AND WATER SERVICE CONNECTIONS, AND STREET PATCHING NEED TO BE REVIEWED FOR EACH LOT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

MOTION MADE BY COMMISSIONER EISCHENS, SECOND BY COBBS TO RECOMMEND APPROVAL OF LOT SIZE VARIANCE TO PERMIT TWIN HOMES ON LOTS 1 AND 2, PRIDE ROCK ADDITION SUBJECT TO THE APPROVAL OF VARIANCES TO THE LOT STANDARDS TO ALLOW 6750 SQUARE FEET PER UNIT VERSES THE 7500 SQUARE FEET REQUIRED BY CODE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Other

A. Special Planning Commission Meeting – Monday, October 1, 2018 at 6:00 PM

Administrator Buchholtz reported that the Planning Commission will be holding a special Planning Commission meeting to hold a public hearing for Pro Courier located at 8370 Sunset Road NE for a conditional use permit to operate a cartage/freight terminal and truck repair facility on the property.

8. Adjourn

MOTION BY CHAIRPERSON HANSEN TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting adjourned at 7:50 PM.

DRAFT PROCEEDINGS

Minutes of the Spring Lake Park Planning Commission special meeting held on October 1, 2018 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 6:00 P.M.

1. Call to Order

Chairperson Hansen called the meeting to order at 6:00 P.M.

2. Roll Call

Members Present: Commissioners Smith, Bernhagen, Eischens, Dircks, Cobbs and Hansen

Members Absent: None

Staff Present: Building Official Brainard; City Planner Carlson; Chief Ebeltoft; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Barbara Goodboe-Bisschoff, Spring Lake Park
Paddy Jones, Ham Lake
Greg Erickson, Pro Courier

3. Pledge of Allegiance

4. Public Hearing – Conditional Use Permit Application – Pro Courier – 8370 Sunset Road NE

City Planner Carlson reported that the City received an application for a Conditional Use Permit (CUP) from Pro Courier that is currently located at 8375 Sunset Road NE and would like to move their business across the street to 8370 Sunset Road NE. He stated the property is guided Industrial and zoned I-1: Light Industrial. He stated that “Express” and “cartage” services are considered a Conditional Use in this zoning district.

Mr. Carlson stated that the site is 78,221 square feet and is currently a gravel parking lot. He stated that the request is to build a 3,000 square foot structure with the site primarily used for parking. He stated that the site plan shows 85 standard-size parking stalls and 21 stalls that are 40 feet deep to accommodate delivery vehicles. He stated that the required impervious surface coverage for properties in the Commercial and Industrial districts is 75% - the proposal is for 74.8%

Mr. Carlson stated that the proposed use is compliant with all applicable standard in the I-1 industrial district. He stated that the site is vacant with two paved driveways that meet in a U shape in the back of the property. He stated that Pro Courier will make improvements to the site and eliminate any unintended uses of a vacant site. He noted that commercial traffic will have direct access to County Road J and the Highway 10 Service Road without needing to travel on any neighborhood streets.

Mr. Carlson reported that the applicant is supplying adequate parking for employees, delivery vehicles, and loading. He stated that the City Engineer has reviewed the proposed drainage plan and identified further action. He stated that he watershed has approved all the site permits and noted that the storm water ponds will be lined due to the proximity of the buffer zone by the City well. He stated that there would be no ponding near the filtration.

Mr. Carlson stated that staff recommends the Planning Commission recommend approval to the City Council for the Conditional Use Permit with the following conditions:

- 1.) The character of Sunset Road NE includes mature deciduous trees lining the corridor. The applicant shall plant deciduous trees in the area identified for seed mix along Sunset Road NE to satisfaction of the Zoning Administrator.
- 2.) The applicant shall comply with all the comments from the City Engineer outlined in the staff memo from Stantec dated October 2018.

Chairperson Hansen inquired if the applicant was expanding because of the expansion of Pro Courier. Mr. Erickson stated that the current location does not provide enough space for the trucks.

Commissioner Smith inquired on what percentage of the new location would be covered in asphalt. Mr. Erickson stated that all the vehicles will be parked on paved asphalt. He stated that he would like the entire site to be paved with no structure or building, however; he understands the City Code and realizes that a structure or a garage is required to be on site.

Commissioner Eischens inquired as to what will happen to the office that is currently on the 8375 Sunset Road site. Mr. Erickson stated that it has not been determined.

Commissioner Smith inquired on the landscaping will be planted and if a fence will be required. Mr. Erickson stated that grass would be planted and well maintained. He stated that he would follow the paving and will have a landscape plan that will include grass, trees and sod.

Chairperson Hansen opened the Public Hearing at 6:13 PM.

Barbara Goodboe-Bisschoff, Spring Lake Park, inquired on a retention pond on the property. Administrator Buchholtz stated that the plans indicate two drainage ponds. He stated that one would be in the front of the building and the other on the northwest corner of the property. He stated that the ponds would be lined because of their proximity to the drinking water area.

Ms. Goodboe-Bisschoff inquired if there will be other equipment stored onsite. Mr. Erickson stated that there is no other equipment stored. He stated that vehicles and a forklift are the only types of equipment that the business uses.

Mr. Brainard inquired on the two maintenance garages that appear on the plans. He was confirming that the buildings will be used for maintenance on the vehicles and noted that there is 6-inch irrigation line indicated for a sprinkler system. He opined that the building is not a pole barn construction but actually a stick construction building. Mr. Erickson confirmed.

Chairperson Hansen asked for additional discussion from the floor. Hearing none, he closed the public hearing at 6:15 PM.

MOTION MADE BY COMMISSIONER EISCHENS; SECOND BY SMITH TO APPROVE A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR PRO COURIER, 8370 SUNSET ROAD, TO PERMIT THE CONSTRUCTION OF A FACILITY FOR EXPRESS/CARTAGE SERVICES WITH THE FOLLOWING CONDITIONS: APPLICANT SHALL COMPLY WITH THE FOLLOWING ENGINEERING COMMENTS AS SPECIFIED IN THE OCTOBER 1, 2018 STAFF MEMORANDUM; 1.) A. PERMITS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SITE PERMITS INCLUDING PERMITS FROM THE COON CREEK WATERSHED DISTRICT (CCWD) AND MPCA STORMWATER PERMITS. B. STORMWATER. THE STORMWATER MANAGEMENT FACILITIES ON THE SITE SHALL BE CONSIDERED PRIVATE. MAINTENANCE OF THE STORMWATER MANAGEMENT

FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. C. STORMWATER. THE APPLICANT SHALL PROVIDE THE CITY WITH A SIGNED COPY OF THE CCWD REQUIRED MAINTENANCE AGREEMENT FOR THE STORMWATER MANAGEMENT FACILITIES. D. SANITARY SEWER. SANITARY SEWER SERVICE FOR THE SITE SHALL BE AS DIRECTED BY THE PUBLIC WORKS DIRECTOR AND INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC WORKS DIRECTOR. E. WATER MAIN. WATER SERVICE FOR THE SITE SHALL BE AS DIRECTED BY THE PUBLIC WORKS DIRECTOR AND INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC WORKS DIRECTOR. WATER MAIN CONNECTION SHALL BE COMPLETED BY CUTTING IN A 6X6 TEE. F. REMOVALS. EXISTING SEWER AND WATER SERVICE LINES TO THE SITE SHALL BE ABANDONED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC WORKS DIRECTOR. G. STREET PATCHING. CURB REPLACEMENT AND STREET PATCHING SHALL MATCH THE EXISTING AND SHALL BE COMPLETED PER THE REQUIREMENTS OF THE PUBLIC WORKS DIRECTOR. 2.) THE CHARACTER OF SUNSET ROAD NE INCLUDES MATURE DECIDUOUS TREES LINING THE CORRIDOR. THE APPLICANT SHALL PLANT DECIDUOUS TREES IN THE AREA IDENTIFIED FOR SEED MIX ALONG SUNSET ROAD NE TO THE SATISFACTION OF THE ZONING ADMINISTRATOR. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

8. Adjourn

MOTION BY CHAIRPERSON HANSEN TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting adjourned at 6:50 PM.



Memorandum

To: Chair Hansen and Members of the Planning Commission

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

Date: October 16, 2018

Subject: Zoning Ordinance Amendment

The City Council has requested that the Planning Commission consider an ordinance amendment to Chapter 153 of the Zoning Code.

The proposed ordinance would amend the use table in Appendix D, Section (B) as it relates to the C-3, Office Commercial, District. Three uses (assembly uses, schools and studios, and restaurants/night clubs) are considered conditional uses in the C-3 zoning district. Conditional uses are considered permitted with reasonable conditions. The City Council would like to prohibit these types of uses from the C-3 zoning district, finding that these assembly uses are not consistent with the general character of an office commercial zoning district. These assembly uses would continue to be allowed in the City's C-1, Shopping Center Commercial, and C-2, Neighborhood & Service Center Commercial, zoning districts.

There are three parcels currently zoned C-3 within the City - 525 Osborne Road, 505 Osborne Road and 7701 Terrace Road NE. The effect of this proposed change would be limited to these three parcels.

The proposed ordinance would also codify the licensing setback for churches and schools from licensed liquor establishments. The ordinance would create a 500 foot buffer between churches and schools and licensed liquor establishments. The City Council believes that there is a significant public policy interest in maintaining a separation between liquor establishments and schools/churches and this ordinance would achieve that objective.

The City Attorney has reviewed the draft ordinance. Staff recommends approval of the proposed ordinance.

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

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 153 OF THE SPRING LAKE PARK CITY
ORDINANCE RELATING TO ZONING**

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Appendix D, Section (B) is hereby amended as follows:

Use	District		
	C-1	C-2	C-3
Assembly uses, including auditoriums, religious and philanthropic uses	C	C	C ₋
Schools and studios: artistic, music, photo, decorating, dancing, health and the like	C	C	C ₋
Restaurants, night clubs, and the like	P	P	C ₋

Section 2. Section 153.120 of the Zoning Code is hereby amended as follows:

(J) Liquor Establishments; Churches, Schools

- (1) No on-sale or off-sale liquor establishment shall be located within 500 feet of a school or church.
- (2) No church or school shall be located within 500 feet of an on-sale or off-sale liquor establishment licensed by the City of Spring Lake Park. A church or school located within 500 feet of an on-sale or off-sale liquor establishment prior to the effective date of this ordinance shall be considered a legal, non-conforming use.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of _____ 2018.

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk