

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: NOVEMBER 15, 2016
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

1. CALL TO ORDER

**ROLL CALL
APPROVAL OF AGENDA**

2. APPROVAL OF MINUTES

October 25, 2016

3. REPORT ON CITY COUNCIL ACTIONS

MEETING DATE: November 7, 2016

Brief Description of Meeting process- Chair John Doan

4. NEW BUSINESS

A. VARIANCE

FILE NO: 2644-16-43

APPLICANT: Delores Mittelmark

LOCATION: 266 Lion Lane

B. STANDARD VARIANCE-MINOR SUBDIVISION*

FILE NO: 2642-16-41

APPLICANT: Policoff/ Loewen

LOCATION: 4380/ 4376 Reiland Lane

C. SITE AND BUILDING PLAN REVIEW - Withdrawn

FILE NO: 2640-16-39

APPLICANT: Ventures 2000

LOCATION: 1030 County Road E

5. MISCELLANEOUS

A. City Council Meeting Assignments for November 21, 2016 and December 5, 2016
Planning Commissioners Peterson and Thompson

B. Planning Commission Workshop- November 15, 2016 before regular meeting @ 6:00 pm

6. ADJOURNMENT

**These agenda items require City Council review or action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward the application to City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at City Council, please check the City's website at www.shoreviewmn.gov or contact the Planning Department at 651-490-4682 or 651-490-4680*

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
October 25, 2016**

CALL TO ORDER

Chair Doan called the October 25, 2016 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Doan; Commissioners McCool, Peterson, Solomonson, Thompson and Wolfe.

Commissioner Ferrington was absent.

APPROVAL OF AGENDA

Chair Doan added recognition of Senior Planner Rob Warwick's retirement under the Miscellaneous portion of the meeting.

MOTION: by Commissioner Peterson, seconded by Commissioner Solomonson to approve the October 25, 2016 Planning Commission meeting agenda as amended.

VOTE: **Ayes - 6** **Nays - 0**

APPROVAL OF MINUTES

MOTION: by Commissioner Solomonson, seconded by Commissioner Thompson to approve the September 27, 2016 Planning Commission meeting minutes as submitted.

VOTE: **Ayes - 5** **Nays - 0** **Abstain - 1 (McCool)**

Commissioner McCool abstained as he did not attend the September 27th meeting.

REPORT ON CITY COUNCIL ACTIONS

Presentation by City Planner Kathleen Castle

One item was reviewed by the City Council at the October 17, 2016 Council meeting. An appeal was heard on the Planning Commission's decision regarding the variance for Golden Valley Land Company to waive key lot requirements for lot Nos. 1-5 on the proposed Gramsie Road

residential development. The City Council upheld the Planning Commission's decision on the variance and approved the preliminary plat and rezoning.

NEW BUSINESS

SPECIAL PURPOSE FENCE

FILE NO.: 2636-16-35
APPLICANT: SARA MCGUINESS
LOCATION: 224 JANICE STREET

Presentation by City Planner Kathleen Castle

The property is located on the corner of Janice and Son Streets. The application is for a special purpose 6-foot fence around the perimeter of the property. Currently, there is a 3-foot tall fence around the perimeter. The property area is 16,944 square feet with a lot width of 96.6 feet on Janice Street and 142 feet on Soo Street. The property is zoned R1, Detached Residential.

The proposed fence would be a Special Purpose Fence because it exceeds the maximum 4-foot height for residential districts. A Special Purpose Fence may be permitted with City Council approval in any district. Side yard fences may be 6 feet if the property is adjacent to an arterial roadway, which would be Soo Street. A 6-foot fence must be set back a minimum of 10 feet with landscaping provided between the fence and right-of-way. The proposed fence would be on the property line.

The applicant states that her son has autism, developmental delay, severe cognitive delay and apraxia. He has a history of wandering away from the home. Therefore, a 6-foot chain link fence is requested to be located in the same place as the existing 3-foot fence for her son's safety. The son's Occupational Therapist has submitted a letter of need for the 6-foot fence.

Staff is requesting the fence be placed outside of the traffic visibility triangle, which would be 15 feet from the intersecting property lines along Soo Street and Janice Street. Fence placement in the front yard provides security. Staff does not believe increasing the setback would alter the aesthetic character of the fence, and there is some vegetation for screening. Existing vegetation along Soo Street makes it difficult to place the fence at the required 10-foot setback.

Ramsey County has reviewed the proposal and has no objections. One comment was received in support. Staff believes the applicant has demonstrated that the proposed fence will serve a public purpose and recommends the Planning Commission forward the application to the City Council with a recommendation for approval with the conditions outlined in the staff report.

Commissioner Solomonson asked if there is a maximum height restriction within the traffic triangle. Ms. Castle stated that the Code requires that no structure or vegetation shall be in the traffic triangle. There is no height restriction.

Mr. Stan Harpstad, 1277 Nursery Hill Lane, Arden Hills, stated that the applicant asked him to represent her, as she was unable to attend this meeting. She is willing to accept staff recommendations of approval. This is clearly a situation of special need.

Commissioner Solomonson noted the applicant indicated a 5-foot fence would be acceptable. He also asked if there is a large tree within the traffic visibility triangle. **Mr. Harpstad** responded that the applicant did get a bid for a 5-foot fence that would surround the property. There are two large oak trees. Within the triangle there is a pine tree that would be removed.

Commissioner Peterson stated that he visited the site. Although he has concern about the proximity of the fence to the street, it will not be inconsistent with other fences on other properties in the area. He supports the motion as recommended by staff.

Commissioner Solomonson stated that because of the proximity to the roadway, he would support a 5-foot fence.

Commissioner McCool stated that a condition of removal should be recorded in land records if the property is sold or the applicant's son moves out of the home. If a 5-foot fence addresses the problem, he would support it. He supports the fence for the special purpose but is concerned about setting a new standard for this neighborhood. Ms. Castle explained that the front fence and the portion adjacent to Soo Street would have to be removed because it is those portions that do not comply with Code. She added that after talking to the Occupational Therapist, staff supports a 6-foot fence because it would be better for this situation. Mrs. McGuiness' son will need care through his adult years.

MOTION: by Commissioner McCool, seconded by Commissioner Thompson to recommend the City Council approve the Special Purpose Fence Permit for Sarah McGuiness to install a 6-foot tall fence on her property at 224 Janice Street. The fence will serve as a safety barrier for her son. Approval is subject to the following conditions;

1. The approval permits a 6-tall chain link fence along the perimeter of the property at 224 Janice Street, with the exclusion of the traffic visibility triangle. The fence height exceeds the maximum 4-foot height permitted in the front yard and side yard adjacent to a street.
2. The fence shall not be placed within the traffic visibility triangle which extends 15 feet from the intersecting street right-of-way lines for Janice Street and Soo Street.
3. The fence serves a special purpose which is to provide personal safety and security for the applicant's son. Upon sale of the property or vacation of the property by the applicant and/or her son, the fence shall be brought into compliance with the City's Development Code. The applicant shall notify the City a minimum of 30-days prior to said sale or vacation of the property.
4. The fence shall be maintained in accordance with the standards of the Development Code.

5. The fence shall be constructed in accordance with the submitted plans. The fence material is restricted to chain link (open mesh). No portion of the structure can be constructed with wood or include privacy screening slats.
6. The applicant shall obtain a building permit for the structure.
7. A copy of the Special Fence Permit or a Memorandum memorializing the conditions of a Special Fence Permit as approved by Staff shall be recorded at Ramsey County.

This approval is based on the following findings:

1. The proposed fence is consistent with the purpose and intent of a Special Purpose Fence.
2. Fences are permitted in the R1, Detached Residential Zoning District.

VOTE: AYES: 6 NAYES: 0

VARIANCE

FILE NO.: 2638-16-37
APPLICANT: WILLET REMODELING/BRISCH
LOCATION: 3275 OWASSO HEIGHTS ROAD

Presentation by Senior Planner Rob Warwick

At the June 28th and July 26th Planning Commission meetings, the application from Jayme Brisch and Willet Remodeling were considered for improvements to the existing one-story house. The residential design review and variance applications were approved for a 624-foot second story with a 5-foot side setback and a 554 square foot addition onto the rear with a 10-foot side setback.

A building permit was issued for the project on August 10, 2016, and the single story rear addition foundation was installed and framing begun. On September 30, 2016, staff issued a Stop Work Order because the house had been demolished with roof, walls and part of the floor removed. Reconstruction is defined as removal of three or more of the six structural components: roof, floor, and four walls. The July variance approved a second story addition to the existing non-conforming dwelling. Currently, a new, two-story house is proposed with a 5-foot side setback, which is less than the required 10 feet. The variance requested is to reduce the north side setback to 5 feet for the new house using the old foundation. The side setback of the foundation on the south side is approximately 20 feet.

The property is a non-riparian lot on the west side of Owasso Heights Road but in the shore land district of Lake Owasso. The property is substandard for the R1 Residential District with lot area of 8,401 square feet, less than the 10,000 square feet minimum. The lot width is 50 feet, less than the 75 feet minimum.

The property is developed with a foundation area of 815 square feet and a small detached garage of 249 square feet. The proposed house will have 1344 square feet of main floor living area, and

a total living area of approximately 2000 square feet. The project complies with City standards with the exception of the north side setback.

The applicant identifies practical difficulty as the location of the foundation on the property and structural problems found after construction began. The house design previously reviewed has not changed, and those findings remain valid. It is requested that economic considerations be taken into account. Photos show hinged frame walls that would be inadequate to hold a second story.

Staff agrees that relocation of the foundation and footings to comply with a 10-foot setback results in increased land disturbance and construction impacts. Staff finds that a two-story dwelling is a reasonable use of the property. The previous home was a legal non-conforming structure. Non-conforming houses that do not comply with 10-foot side setbacks are a common feature in the neighborhood. Granting the variance will not alter the character of the neighborhood.

The issue is that the unique circumstance of a legal non-conforming structure was lost when the structure was removed by action of the applicant. Therefore, staff cannot affirm unique circumstances. There must be affirmative findings for all three criteria for a variance in order to grant the variance. There has been time and opportunity to expose the structural issues, but no report was received by the City from a structural engineer. No notice was given to the City and no inspection was requested prior to demolition. Staff is unable to recommend approval.

Property owners within 150 feet were notified of the revised request. One comment was received in support and three comments were received expressing concerns with the impact of the 5-foot north side setback.

Staff recommends denial of the variance with the condition that Resolution 16-60, adopted at the July 26th meeting, be rescinded. There would be a 5-day appeal period.

Commissioner McCool asked if, in fact, the hinged wall is inadequate for a second story. Mr. Warwick responded that staff was not given an opportunity to inspect the structure. One solution for a hinged wall would be to apply a layer of plywood to enhance the structural capacity of the wall. Whether that would have been an adequate solution is not known.

Commissioner Solomonson asked the City Attorney on the legal status of the foundation. City Attorney Beck responded that given how Code is written, four of six structural components were removed.

Mr. William Forbes, Attorney for Jayme Brisch, Applicant and Willet Construction. He introduced Wayne Ricks from Willet Construction. He stated that the end result is the same as the variance approved and look of the house.

Mr. Wayne Ricks, Willet Construction, stated that he did demolish the house. He was requested to reuse the dry wall and frame of the house. However, he found all hinged walls that are structurally sound. There is 2 foot on center studs that is not sound. Code requires 16 inches on

center. He cannot be liable for putting thousands of pounds of second story on such a wall. All of these issues were hidden. He further stated that he has 27 years of carpentry. He has built homes, supervised construction crews, and reconstruction. He has never found a house that was hinged on all four walls. The outside stucco was holding the house together. Applying plywood would create a vapor barrier, in his opinion, that would eventually cause mold.

Chair Doan asked if a structural engineer was consulted for options and whether the county engineer or city engineer was consulted before demolition. Mr. Forbes stated that there was no consultation. It was an honest mistake, but the contractor felt in all honesty a second story could not be put on the home. The procedure could have been different but reconstruction of the walls on the same foundation will result in the same outcome as the original variance approved.

Commissioner Solomonson asked the condition of the existing foundation. Mr. Ricks stated that 90% of the foundation is sound. One small portion has to be removed. The rear addition has been framed, but no work has been done since receiving the City's Stop Work Order. **Mr. Forbes** stated that to move the foundation to the 10-foot setback would range in cost from \$40,000 to \$60,000. Although this process is out of order, there is no intent to circumvent the City.

Commissioner Solomonson asked if the rear addition would have to be changed if the foundation were moved to the 10-foot setback. Mr. Ricks answered, no.

Commissioner McCool questioned that moving the foundation to be in compliance would be \$40,000 to \$60,000. It was his understanding that cost included demolition which has now occurred. **Mr. Forbes** stated that he cannot specifically itemize the \$40,000 to \$60,000 cost, but the cost is significant for the applicant.

Chair Doan opened the discussion to public comment.

Ms. Sue Kramer, 3279 Owasso Heights Road, showed photographs of the proximity of the applicant's house to her house with the 5-foot setback. There are no other houses on the block that are as close. They are evenly spaced. The proximity of the applicant's house does change the character of the neighborhood. She requested the 10-foot setback and she and her husband would agree to the pitch of the roof flipped back as originally presented. They are concerned about drainage and snow. After even a mild rain, their sump pump is on.

Kelly and Michael Lydon, 3262 Owasso Heights Road, stated that they oppose the variance request. They agree with the City that unique circumstances criterion is not met. It is also not reasonable to build a home at a 5-foot setback. At the July Planning Commission meeting, Commissioners required the addition to the rear of the house be moved to comply with the 10-foot setback requirement. They also live on a substandard lot. The house to the south is 17 feet from their house. Living on a substandard lot affects everything. Putting a ladder up means thinking about how it affects the neighbors. If neighbors decide to sit on the deck at 2:00 a.m., the conversation can sound like it is in your own house. There have to be adjustments when there are 17 feet between houses. It will be more so at an even closer distance.

Mr. Lydon agreed that there are other non-conforming houses in the neighborhood, but the applicant's house is unique in its proximity to the property line. The tightest distance between houses is between 3287 and 3285 at between 15 and 16 feet. The distance between 3285 and 3281 is 23 feet. The distance between 3281 and 3279 is 18 feet. The distance between 3279 and the applicant's property at 3275 is 10 to 12 feet. This is not the essential character of the neighborhood. The house needs to be carefully planned to get maximum return from the investment, and the impact to the neighbor needs to be considered. He would propose the applicant provide a quote on cost for the north wall of the house to be moved.

Mr. Jeff Bud, 3270 Owasso Heights Road, stated that the applicant is a young person starting out and works for Ramsey County. This additional expense is a real challenge for her. If the variance is granted, the same plan will be built as was approved in July.

Commissioner Solomonson asked if the variance previously approved is still in force. City Attorney Beck stated that the resolution language is to approve a variance to build a second story on the existing structure. With no existing structure, the variance is a moot point and void.

Commissioner Peterson asked if a new design review would be needed if the variance is denied and if the roof peak is flipped. Mr. Warwick stated that the house design remains the same. There would be less concern about the house wall at the required setback of 10 feet. If the Commission agrees, staff could administratively decide the residential design review with the 10-foot setback. He would expect that the house design would show the roof peak on the south side as approved by the Planning Commission. Should the Commission vote to approve the variance and the house design can be reviewed administratively, there should be a separate condition to that effect in the motion.

Commissioner Solomonson state that there is nothing in the Code about distance separation from houses, but because the house is now being reconstructed, he would like to see a 10-foot setback and deny the variance.

Commissioner McCool stated that he voted no on the first application. He does not believe modifications to the foundation to comply with the 10-foot setback will be \$40,000 to \$60,000. It is harder now to allow a 5-foot setback that makes the neighbor the loser.

Commissioner Peterson stated he agrees there was no intentional circumvention. The application cannot be based on economic circumstances. He agreed with the earlier comment that the Commission did require the new addition to be at a 10-foot setback. He would deny the variance but would like staff to be able to do the residential design review and not bring it back before the Commission.

Commissioner Solomonson asked if such a condition is appropriate in a motion to deny. City Attorney Beck stated he would not recommend a residential design review condition. If the Commission denies the variance, it is difficult to know what steps the applicant will take to move forward.

Commissioner Peterson stated that it will make considerable difference with a 10-foot setback and he would let staff administratively review the design and angle and pitch of the roof without having to come back to the Planning Commission.

Commissioner McCool suggested that instead of the motion rescinding Resolution 16-60 in total, only rescind the variance for the 5-foot setback. The residential design review is approved, and the applicant is entitled to make non-substantial revisions. Ms. Castle stated that variances are approved by resolution. The residential design review approval is not a resolution. She would hesitate to administratively review a residential design review if it is significantly different, which would include a shift in the roof pitch.

Chair Doan stated that as with every other proposal, staff should review it and decide whether action is needed from the Planning Commission. It is a tough position for the Commission and staff to know whether further review is needed by the Planning Commission without knowing what will be proposed.

Commissioner Solomonson stated he would support an administrative review if there are no significant changes to the residential design.

Mr. Forbes stated that the applicant will seek to move forward as expeditiously as possible if the variance is not granted. She will not seek to change the house design or flip the pitch of the roof at this point. What has been approved is what will be presented with the 10-foot setback. If the design could be approved except for the 10-foot setback that would be the applicant's preference.

Commissioner McCool stated that if the house design approved previously is moved to the conforming 10-foot setback, he agrees that the Commission does not need to see it again.

Ms. Kramer stated that the builder was originally concerned about water runoff. She and her husband agree and would like to see the roof flipped back to the original design.

Chair Doan explained that the pitch of the roof is the decision of the homeowner, and the Planning Commission did approve the roof as presented. While he understands budget constraints, he also supports denying the variance.

MOTION: by Commissioner Peterson, seconded by Commissioner Solomonson to adopt Resolution No. 16-99, denying the variance request to reduce the side setback to 5-feet for the reconstruction of the dwelling with an added second story submitted by Jayme Brisch and Willet Remodeling for the property located at 3275 Owasso Heights Road, subject to the following findings, and to rescind Resolution 16-60, approved by the Planning Commission at the July 26, 2016 meeting.

This action is based on the following finding:

1. The plight of the owner is due to their action to demolish the dwelling from the property, removing a non-conforming structure. Reconstruction of the dwelling with a second

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to recommend the City Council approve the Comprehensive Sign Plan amendment for Topline Advertising/Target Corporation to install change one existing wall signs and add one addition wall sign the existing monument sign. The proposed signage will not appear to be out of scale for the building. The proposed wall signs are acceptable due to the mass and scale of the building and building setback from the adjacent roadways. Said approval is subject to the following:

Comprehensive Sign Plan

1. The addition of the “Wine and Spirits” wall sign on the west building elevation will be as identified in the submittal.
2. Sign permits shall be obtained before the installation of any new signage on the property.

Discussion:

Commissioner McCool recused himself from the vote on this matter.

VOTE: Ayes - 5 Nays - 0 Abstain -1 (McCool)

COMPREHANSIVE SIGN PLAN

FILE: 2639-16-38
APPLICANT: Tyme Properties LLC
LOCATION: 3999 Rice Street

Presentation by Senior Planner Rob Warwick

This application is a Comprehensive Plan Amendment to replace signs at the gas station canopy at Gramsie Square to advertise the new Minnaco Fuel Station. The identification sign is near the intersection of Gramsie Road and Hodgson Road. Minnoco decals will be installed on all three faces of the canopy. LED lighting will also be installed on the canopy. Each Minnoco decal has an area of 22.5 square feet. All the signs are uniform.

Sign Code requires that canopy signs not exceed 10% of the canopy fascia area. Illuminated canopy fascia is included in the sign area. The sign plan for the center as a whole excludes the fuel station. The fuel station market has two wall signs facing Hodgson Road and Rice Street. The three canopy signs will exceed the number of wall signs allowed by one and, therefore, is a deviation. The planned LED illumination increases the area of the signs. The east fascia is 2 square feet larger than allowed without including the illuminated area.

Staff believes that the fascia signs are reasonable due to the odd road alignment of Rice Street and Hodgson Road intersecting with Gramsie Road. Also, other fuel stations use accent lighting on their canopies, such as BP and Shell.

The proposal is to demolish the existing vacant industrial building to redevelop the property with multi-family residential apartments. The building is located in the Shoreview Corporate Center that has five buildings with 553,000 square feet of space. Eagle Ridge owns the property and has made improvements. A preliminary plat has been approved to better align parking needs with users. The building at 1005 has been vacant since 2007 and consists of 160,000 square feet. The building is structurally substandard and requires substantial renovation or removal.

The redevelopment proposed for 1005 Gramsie would be four new buildings of five stories each with a total of 400 market rate apartment units to be constructed in two phases. Each building would have approximately 100 apartment units. Parking would include 400 underground stalls and 200 surface parking stalls that would be shared with the Corporate Center. This means 1.5 stalls per unit, less than the City requirement of 2.5 stalls per unit. The applicant states that Shoreview is underserved with apartments, and this site is ideal. This redevelopment would help meet life-cycle housing needs and diversify housing options in Shoreview.

The underlying zoning of the Corporate Center PUD is Business Park. Residential is not permitted in Business Park districts. Staff would recommend a PUD Amendment for Mixed Use that would allow residential use. The applicant is presenting the plan as a concept plan to determine the appropriateness of the proposal, land use compatibility and to identify issues that will need to be addressed. The site consists of 7.14 acres. The proposed density is 56 units per acre. Mixed Use allows 45 units per acre. If the the entire Corporate Center were used in the density formula, density would be reduced to 11.56 units per acre.

Staff finds that this site may be appropriate for high density residential, as it is close to Lexington Avenue, I-694, employment areas and business uses. Staff requests that the developer show how the site will interact with the adjoining business park. Also, a long-term vision for the Corporate Center is needed to identify future improvements and how this land use fits.

Flexibility will be needed for building height and setbacks. The building heights of 55 to 60 feet exceed the 35-foot maximum permitted. There is a minimum 30-foot setback from all property lines, but taller buildings require greater setbacks. One characteristic is that Gramsie Road has an 80-foot right-of-way.

Traffic impacts must be addressed with the Development Stage application along with access points. Access is proposed off Chatsworth, but Gramsie has a Corporate Center driveway that will interact with this site. Lexington Avenue improvements restrict westbound Gramsie traffic to a right turn only. Traffic southbound will have to go to County Road F. The plan must address how this development will impact the intersection at County Road F.

Ramsey County reviewed the proposal and indicated that traffic in the AM and PM peak hours would be increased. Traffic would be increased at the Chatsworth/County Road F intersection. A traffic impact study will be needed to consider this proposal.

Commissioner Thompson stated that her big concern is the increase of traffic on County Road F. Ms. Castle noted the required traffic study by Ramsey County and the fact that next year County

Road F will be improved which opens the possibility for modifications to address the increase from this development.

Commissioner Thompson asked if there has been any discussion about providing restaurants on the street level of the apartment buildings. Ms. Castle stated there was early discussion about putting in restaurants, but the decision was to build only residential.

Commissioner Solomonson asked if the area of Phase 2 would become parking if Phase 2 is not built, or whether a different use from residential could be built in Phase 2. Ms. Castle responded that details of phased construction have not been discussed. She would anticipate that the entire site would be graded and seeded until construction occurs. The PUD agreement would be specific to Residential. A PUD Amendment would be needed to change the use. Parking will be 1.5 stalls per unit when Phase 1 is built.

Commissioner Peterson expressed concern about the building height and setbacks. He noted the Hilton Garden Inn nearby is 59 feet and asked the setback of the Hilton. Ms. Castle estimated 30 feet.

Chair Doan asked the parking ratio at Shoreview Hills. He also asked if Mixed Use zoning includes restaurants. Ms. Castle stated that staff is working on parking ratios and is collecting that information from all apartment complexes in the City. At this time she does not have specific information for Shoreview Hills. Mixed Use does include restaurants, but it would require a PUD Amendment.

Commissioner Solomonson asked if there has been discussion as to how the adjacent Tower property would be developed. Mr. Warwick responded that the Comprehensive Plan guides that property for Office development.

Mr. Josh Branstad, Greco Development, stated that his company is a local development property management company that focuses on urban core development, of multi-family use.

Ms. Chris Meyer, Eagle Ridge Partners, stated that Eagle Ridge purchased the property a year ago for the second time. The building at 1005 is very challenging with structural instability and soils issues and is TIF eligible. Marketing the building has been difficult because the competition is build-to-suit sites. The bottom line is that the costs generated that are TIF eligible would exceed the amount of TIF available based on the value of the building, which is estimated at \$1.8 million. The increase in value of the building renovated would be roughly \$7 million to \$9 million, which would generate \$1 million to \$3.2 million in TIF. That amount of TIF is not sufficient to address all the insufficiencies of the building. The building is functionally obsolete and likely would only attract a warehouse use. The question then is whether the Corporate Center should have a warehouse that is minimally updated or if another use would be more appropriate. In 2018, Land O'Lakes will likely move to Arden Hills. That building will be difficult to market if a nearby warehouse does not fit the vision of the Corporate Center. A low-cost use is not the direction Eagle Ridge would like to see. The building at 4000 Lexington is fully occupied. The property is for sale, but the question of prospective buyers is always about what will happen to the neighboring buildings.

Mr. Branstad described a number of projects in the Twin City area that are similar in character to this one, fitting multi-family housing into a business area. The housing planned is high end with many amenities that include: outdoor pool and entertainment deck, outdoor kitchens and grilling areas, dog run, clubhouse and cyber cafe, outdoor fireplaces, business center, lawn game court and enhanced outdoor green space.

Ms. Meyer stated that the 1005 Gramsie building is 160,000 square feet with 125,000 square feet of office space. She noted that if the building had been occupied with office/warehouse use as designed, the Lexington Avenue reconfiguration would have taken into account 600 to 700 cars through the County Road F intersection from this building. Unit occupancy planned is approximately 500 to 550, which is significantly below the number of cars with office/warehouse use. Also, residents will be leaving as other Corporate Center workers are coming in and returning when workers are leaving. There are 2,066 parking stalls currently on the Corporate Center site. Shared parking agreements will be executed among existing companies, which will allow more green space. She noted that within a 1-mile radius, 10% of the population is renting; but within a 3-mile or 5-mile radius, 25% of the population rents. This is an opportunity to provide a quality housing option for employees in companies in Shoreview and Arden Hills.

Mr. Branstad added that one parking stall per unit will be underground. Since the final plat has not been completed, property lines can be adjusted to accommodate more surface parking. The project will probably develop 8 acres, which is approximately 50 units per acre that is closer to Code requirements. This development will be a good catalyst for continued development and redevelopment at the site. As for retail and restaurant within the project, the rental costs do not justify the cost for construction. Phase 1 and Phase 2 construction would be about 200 units each with projected completion by the fall of 2022, and beginning in summer of 2017. The total project cost is estimated at \$72 million to \$77 million.

Commissioner Peterson expressed his appreciation for this type of development with this site as opposed to a storage facility. The proposal has a lot of potential. Parking has been a problem on this site and he asked how parking will impact the tenants of the other four buildings and how much of the surface parking will be shared. **Mr. Branstad** responded that one parking stall is needed per bedroom. There is a 50/50 split between one- and two-bedroom units, thus the need for 600 parking stalls. Approximately 3% to 4% of the population will not have cars. Shared parking works well because of the opposite time schedule of workers and residents. Commissioner Peterson further noted that parking is allowed on both sides of Chatsworth, which may be a problem with the amount of traffic to the County Road F intersection. However, he is intrigued with providing a housing option for corporate companies. He asked if short-term apartments would be available to employees who are brought in for temporary assignments. **Mr. Branstad** answered that those types of housing opportunities would be available with this project.

Commissioner Solomonson stated that he is pleased to see the amount of green space. His one concern is the vision for the long-range plan of the site, how this development would fit with the other uses on the site. **Mr. Branstad** responded that more study will be done. **Ms. Meyer** added that there is a 12-foot differential from the north to south side of the site. That is helpful for underground parking access and a better buffer from other uses on the site.

Commissioner McCool stated that if the Comprehensive Plan and zoning is changed for this site, there are strong feelings in the community for more retail and restaurant offerings. His concern is how this multi-family residential would impact other nearby multi-family sites. He would like to hear more about market demand. He would not want to convert land to residential, when there is a large multi-family site although it needs upgrades. **Mr. Branstad** noted that there is a market study currently being done that will be available later in November.

Chair Doan stated that the proposal is creative. He believes it will work because of the adjacent uses. He asked how the number of 400 units was decided and whether more units could be offered. There are not many sites in the community that can handle this level of density. He would be open to higher density. He suggested further consideration about creative ways to fully utilize Mixed Use. **Mr. Branstad** stated that the number is based on the layout of the buildings and land purchase cost. The number will be between 380 to 400 units. Across from the subject site a daycare and restaurant are proposed, although not in Shoreview.. Retailers, when looking at the site, naturally want to draw close to the corner with the most traffic, not the apartment portion of the site.

Chair Doan stated that he would like to see higher density with an offering of affordable units. That would be a great tradeoff for the community. **Mr. Branstad** stated that they are not far enough along in planning to know if affordable units can be designated.

MISCELLANEOUS

Commissioners Peterson and Wolfe respectively will attend the City Council meetings on November 7, 2016 and November 21, 2016.

The next Planning Commission meeting will be November 15, 2016. There will also be a Planning Commission workshop meeting on November 15, 2016, prior to the regular meeting at 6:00 p.m.

Chair Doan recognized and congratulated Senior Planner Rob Warwick's on his retirement. A celebration for him will be November 4, 2016, from 2:30 to 4:00 p.m. in the Weddell Community Room at the Community Center. Chair Doan thanked Mr. Warwick for all his work for the Planning Commission.

Mr. Warwick expressed his appreciation for working with the Planning Commission and the high bar that is set in their work.

ADJOURNMENT

MOTION: by Commissioner McCool, seconded by Commissioner Solomonson to adjourn the meeting at 10:15 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission
FROM: Niki Hill, AICP Economic Development and Planning Associate
DATE: November 9, 2016
SUBJECT: File No. 2644-16-43, Variance, 266 Lion Lane, Delores Mittelmark

INTRODUCTION

Ms. Mittelmark is requesting a variance be granted to reduce the minimum 10-foot setback required from a rear property line to 3-feet to allow the placement of a shed on an existing concrete slab where a previous shed was situated.

The application was complete November 2, 2016.

PROJECT DESCRIPTION

The applicant is requesting to move her existing 160 square foot storage shed from the 10 foot required setback to an existing concrete pad in the backyard that is 3 feet from the property line. This is less than the required 10 foot setback and as such a variance is being requested.

The property is a partial corner lot located on the south side of Lion Lane to the west of Galtier Street, and to the west of a platted right of way/walk-way in the R1, Detached Residential District, as are the surrounding properties. According to tax records, the property consists of an area of 14,810 square feet, with a width of 100 feet and a depth of 150 feet. The size and dimensions of the parcel all significantly exceed the City's minimum standards for a single-family lot. The property is developed with a single-family home that has a foundation area of 1,260 square feet with a 440 square foot attached garage.

The applicant applied for and received a permit to install a 160 square foot shed in her rear yard in August of this year. At that time the permit required the new shed structure to be setback to the minimum of 10 feet as required by Municipal Code. Unfortunately, in order for the shed to be placed at the proper setback it is not situated onto an existing concrete slab that served a previous shed structure for a number of years until the shed was damaged beyond repair from heavy snow and was replaced. Therefore, the applicant is seeking this variance to allow the new shed to be relocated onto the previously constructed and existing concrete slab which is located closer to the rear property line. Please refer to the attached information.

DEVELOPMENT CODE

Accessory Structures – Section 205.082(C)(2)

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line, except when a Conditional Use Permit is required, then the minimum setback increases to 10 feet from all property lines.

Variance Criteria – Section 203.070

When considering a variance request, the Planning Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

For a variance to be granted, all three of the criteria need to be met.

APPLICANT STATEMENT – JUSTIFICATION OF PRACTICAL DIFFICULTY

The applicant states that the variance requested is relatively minor and clearly meets and complies with the purpose and intent of the City’s Comprehensive Plan. The applicant requests a variance allowing a 3 foot setback from the rear property line for the placement of the shed on a pre-existing concrete slab. The current position of the shed is 10 feet from the property line which puts in half on and half off the existing slab making it difficult to comply with the tie-down requirements as well as putting the shed in an “awkward” setting in the yard.

Positioning of the shed in the yard is also limited as the east side of the property is an unimproved road right-of-way and structures are prohibited in this restricted area. Placing the shed completely on the existing slab farther back in the trees allows the shed to blend in visually in a low-key, unobtrusive manner with the surroundings and enables it to be properly and safely adhered to the concrete slab.

In its current position a tree stump blocks the entrance to the large doors and makes it very difficult, if not impossible, to add a ramp so a lawn tractor can be driven inside the structure.

Please see attached statement.

STAFF REVIEW

The variance request to waive the 10 foot rear setback requirement and allow a 3 foot setback was reviewed by staff in accordance with the variance criteria. It is staff’s opinion that there is practical difficulty present as the applicant is proposing to use the property in a reasonable manner, unique circumstances stem from the location of the existing foundation, and the character of the neighborhood will not change.

Staff believes practical difficulty is present, based on the following findings:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The variance request to locate the shed in the proposed location closer to the rear lot line represents a reasonable use of the property. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. The variance request stems from the uniqueness of the existing cement foundation location that was not created by the property owner. The concrete slab was constructed by a previous owner, and the previous shed was located on the pad at least a decade ago (as verified for aerial photographs), well before the applicant purchased the property a few years ago. Locating the new shed on the existing cement foundation would have the least amount of impact to the existing vegetation on the lot and would allow the homeowner to install a ramp for access.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The shed location will not alter the essential character of the existing neighborhood. The proposed shed location is the same location as the previous shed that collapsed under the weight of the snow. Additionally, there is a fence between the structure and the rear yard which assists with screening along with a row of trees inside the neighboring property line. There are no homes within close proximity to the proposed shed location, and no additional visual impact caused by the structure being closer to the property line. The applicant has also provided letters from adjacent neighbors indicating their support on moving the structure back to the concrete pad location where the previous shed was located.

PUBLIC COMMENT

Property owners within 150' of the property were notified of the application. Again, all three adjacent property owners have signed letters stating no objection to the reduced setback. One additional comment in support was received.

RECOMMENDATION

Staff has reviewed the submitted variance application in accordance with the Development Code and Variance criteria. Staff believes that the proposed location is reasonable due to the site characteristics. The existing slab was in place prior to the property owner purchasing the property and allowing the shed to be moved to the slab increases the safety of the structure and reduces potential impacts on the vegetation if a new slab were to be poured. There was a shed previously in that location so the character of the neighborhood will not be negatively impacted.

Staff recommends the Planning Commission adopt Resolution 16-106 approving the variance request, subject to the following conditions:

File No. 2644-16-43
Mittelmark
266 Lion Lane

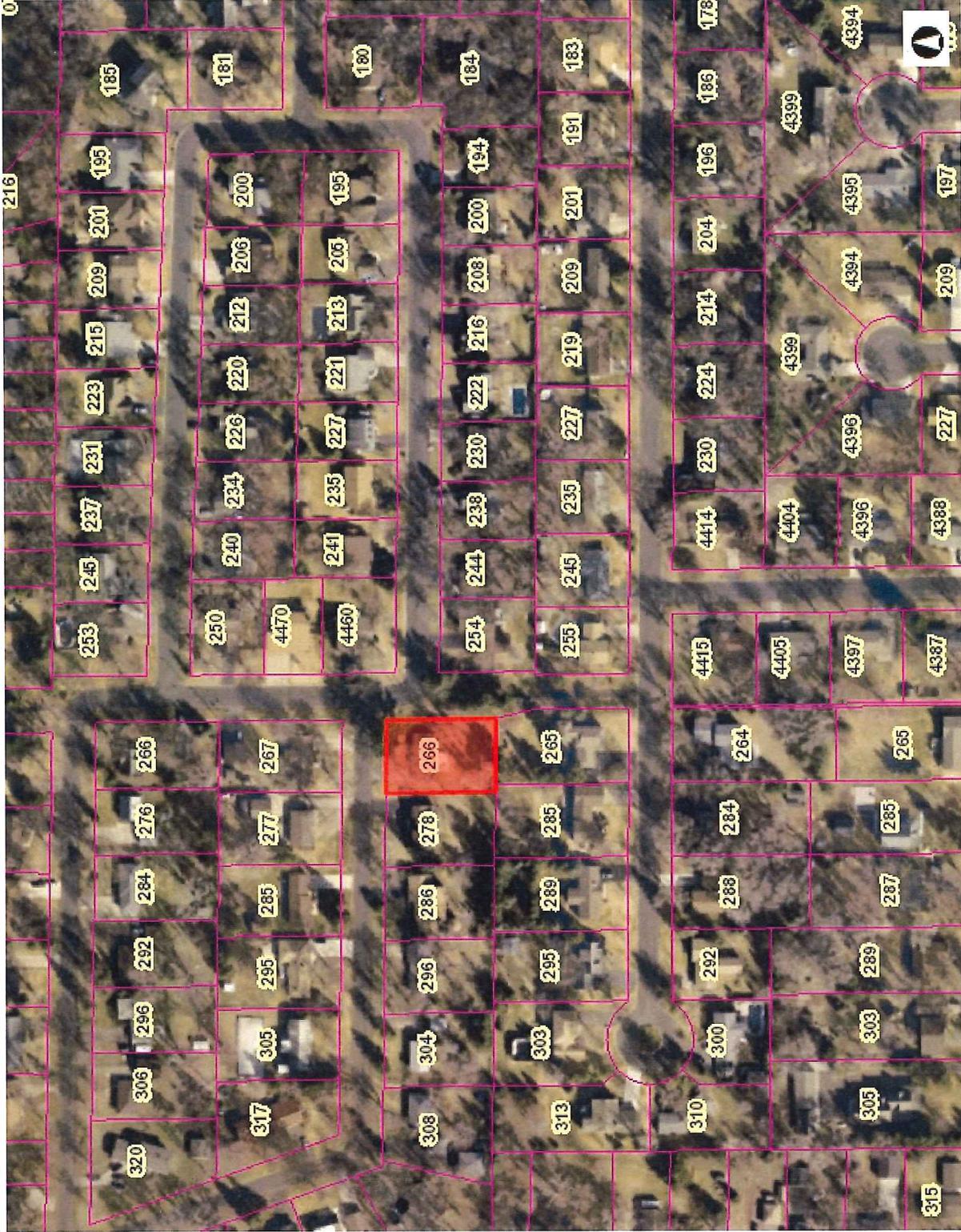
1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if the structure is not relocated.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.
5. This approval is subject to a 5-day appeal period.

Attachments:

1. Location Map
2. Applicant's Statements and Submitted Plans
3. Public Comments
4. Resolution 16-106
5. Motion



266 Lion Lane - Mittelmarm



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

Notes

Variance

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

TO: Department of Community Development

City of Shoreview

4600 North Victoria St.

Shoreview, MN 55126

October 24, 2016

STATEMENT OF PURPOSE:

This request is for a variance to change the rear yard setback to 3 feet allowing a shed to sit on a pre-existing concrete 10 x 23 slab.

STATEMENT OF JUSTIFICATION:

This proposal is to request and substantiate the grant of a Variance for the residence at 266 Lion Lane in Shoreview. The variance requested is relatively minor and clearly meets and complies with the Purpose and Intent provisions of City Code Section 201.010 and with the policies of the City's Comprehensive Plan.

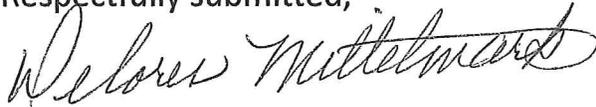
The petitioner requests a Variance allowing a 3 foot setback from the rear property line for the placement of a shed on a pre-existing concrete slab. The current position of the shed is 10 ft from the property line which puts it half on and half off the existing slab making it difficult to comply with the tie-down requirements as well as putting the shed in an "awkward" setting in the yard. Positioning of the shed in the yard is limited as the east side of the property is an unimproved road and structures are restricted. Placing the shed completely on the existing slab farther back in the trees allows the shed to blend in visually in a low-key, unobtrusive manner with the surroundings and enables it to be properly and safely adhered to the concrete slab.

Also, in its current position, a tree stump blocks the entrance to the large doors and makes it very difficult, if not impossible, to add a ramp so a lawn tractor can be driven in. There are other sheds in the neighborhood some which are not in

compliance with the 10-foot rear property line set back so the integrity and character of the neighborhood is not altered.

Photos and diagrams in support of the requested Variance are attached.

Respectfully submitted,

A handwritten signature in cursive script that reads "Delores Mittelmark". The signature is written in black ink and is positioned above the printed name.

Delores Mittelmark

266 Lion Lane

Shoreview, MN 55126

650-888-6078

dmittelmark@gmail.com

GALTIER Rd

WALKING PATH

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

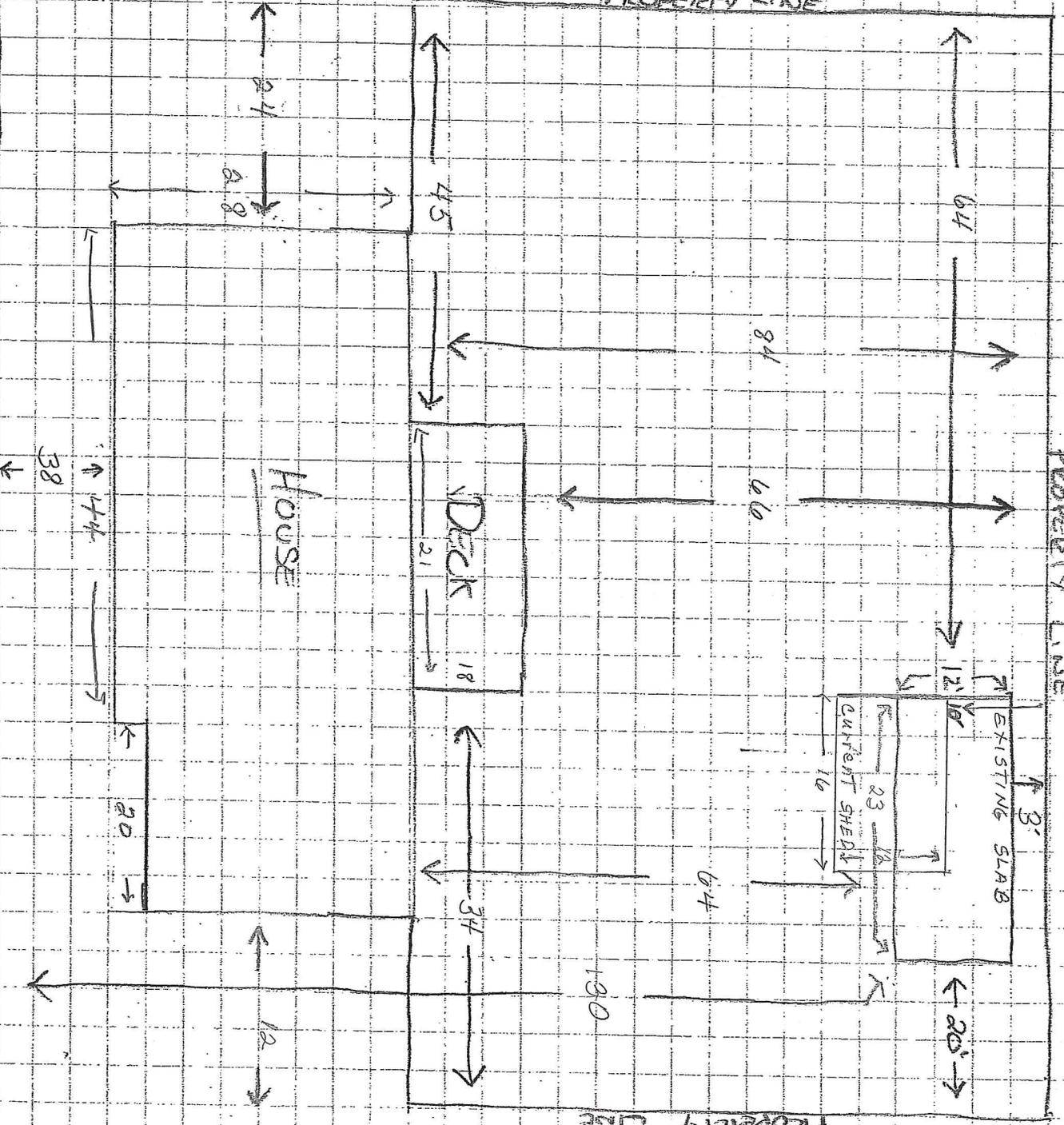
LION LANE

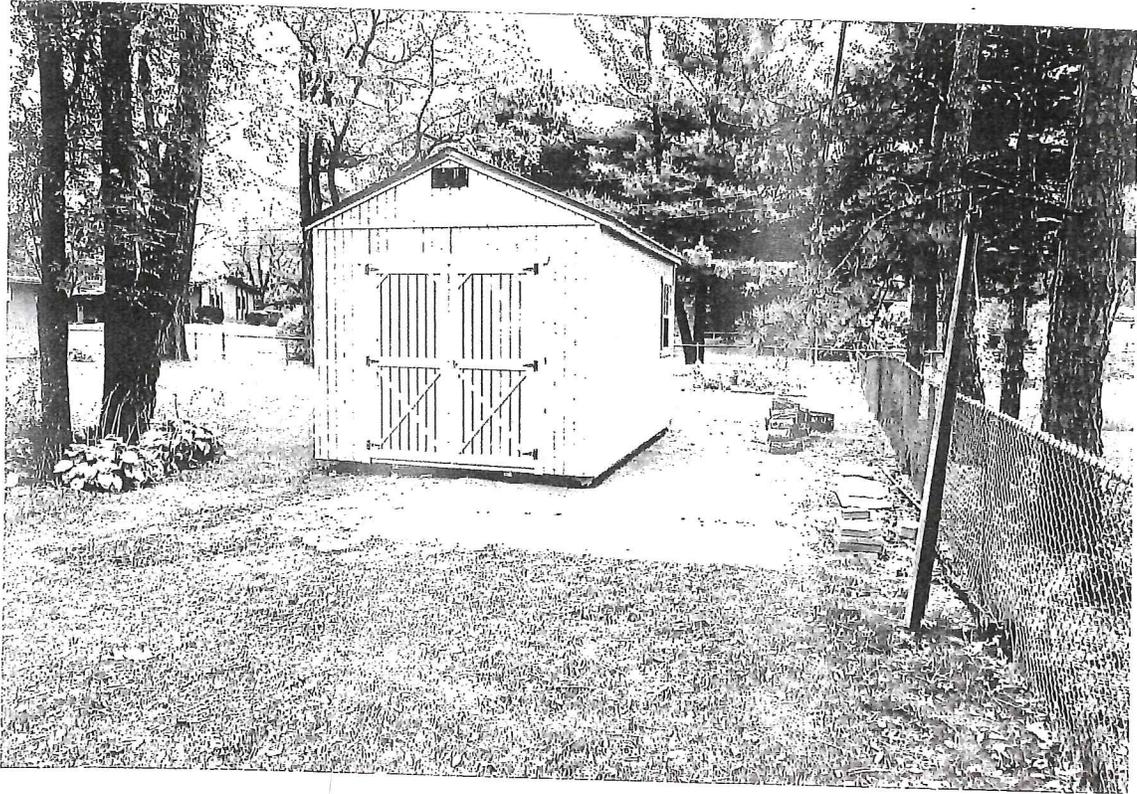
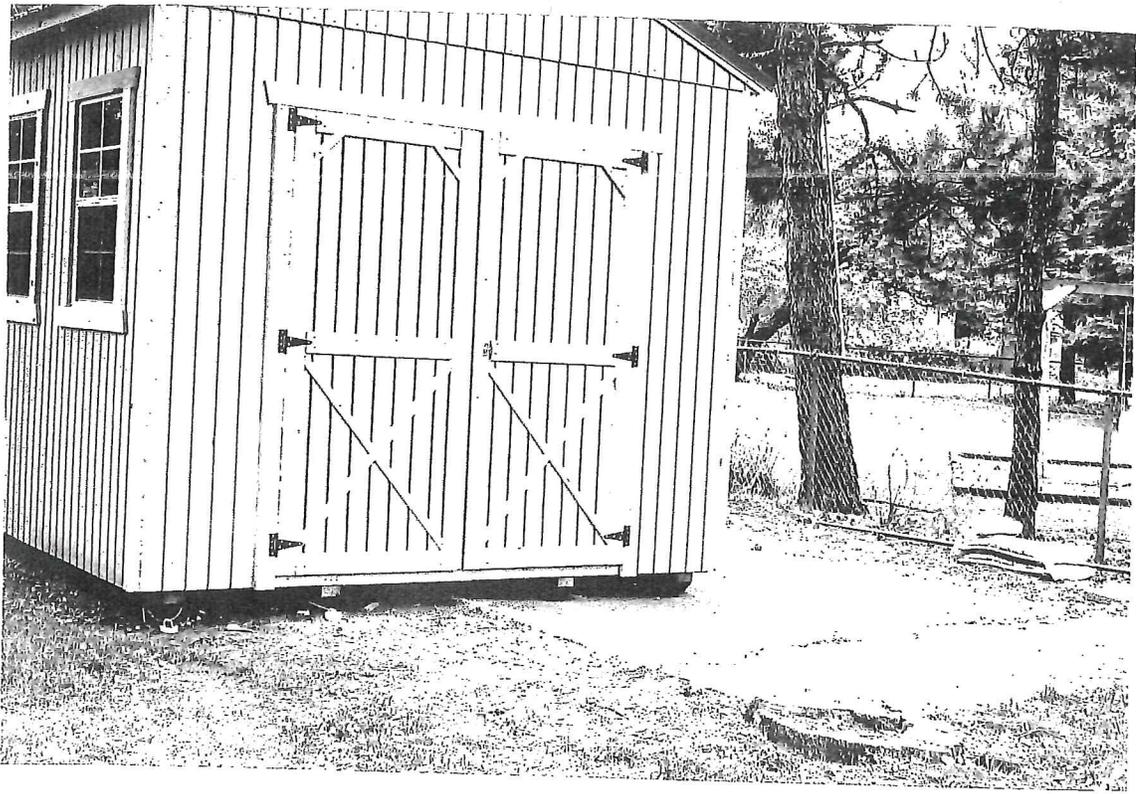
HOUSE

DECK

EXISTING SLAB

CURRENT SHELL





October 23, 2016

TO: Department of Community Development
City of Shoreview
4600 North Victoria St.
Shoreview, MN 55126

I have been consulted about and have no objection to or disagreement with the approval of the proposed variance to reduce the rear property line setback from 10 feet to 3 feet enabling a shed to sit fully on the pre-existing concrete slab for the property at 266 Lion Lane, Shoreview, MN.

Danilo Weed

Name

285 Jansa Drive, Shoreview, MN 55126

Address

October 23, 2016

TO: Department of Community Development
City of Shoreview
4600 North Victoria St.
Shoreview, MN 55126

I have been consulted about and have no objection to or disagreement with the approval of the proposed variance to reduce the rear property line setback from 10 feet to 3 feet enabling a shed to sit fully on the pre-existing concrete slab for the property at 266 Lion Lane, Shoreview, MN.

Thomas Dewis

Name

265 JANSA DRIVE

Address

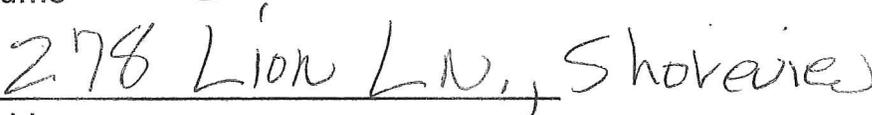
October 23, 2016

TO: Department of Community Development
City of Shoreview
4600 North Victoria St.
Shoreview, MN 55126

I have been consulted about and have no objection to or disagreement with the approval of the proposed variance to reduce the rear property line setback from 10 feet to 3 feet enabling a shed to sit fully on the pre-existing concrete slab for the property at 266 Lion Lane, Shoreview, MN.



Name



Address

File 2644-16-43
Mittelmark
266 Lion Lane

Comments:

We have lived at this address
for 51 yrs & are not opposed to
this proposal. It seems to make
sense to put shed on the existing
slab.

Name:

Address:

Larry & Linda Fogarty
377 Lion Lane

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD NOVEMBER 15, 2016**

* * * * *

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 16-106
VARIANCE**

WHEREAS, Delores Mittelmark, a single person, has applied for a variance on her property, legally described as:

Lot: 1 Block: 2, Lion Addition, Ramsey County, Minnesota

(This property is commonly known as 266 Lion Lane, Shoreview, Minnesota.)

WHEREAS, the Development Regulations establish structure setbacks from the property lines; and

WHEREAS, City Code regulations for accessory specify that the rear setback shall be a minimum of 10 feet from rear property line. 205.082(D)(5)(b)(ii)(b.); and

WHEREAS, the applicants have requested a variance to this requirement to decrease the permitted structure setback from 10 feet to 3 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on November 15, 2016 the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

The variance request to locate the shed in the proposed location closer to the rear lot line represents a reasonable use of the property. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Staff agrees that the variance request stems from the uniqueness of the existing cement foundation location that was not created by the property owner. The concrete slab was constructed by a previous owner, and the previous shed was located on the pad at least a decade ago (as verified for aerial photographs), well before the applicant purchased the property a few years ago. Locating the new shed on the existing cement foundation would have the least amount of impact to the existing vegetation on the lot and would allow the homeowner to install a ramp for access.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

Staff believes that the proposed shed location will not alter the essential character of the existing neighborhood. The proposed shed location is the same location as the previous shed that collapsed under the weight of the snow. Additionally, there is a fence between the structure and the rear yard which assists with screening along with a row of trees inside the neighboring property line. There are no homes within close proximity to the proposed shed location, and no additional visual impact caused by the structure being closer to the property line. The applicant has also provided letters from adjacent neighbors indicating their support on moving the structure back to the concrete pad location where the previous shed was located.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 3435 Milton St N. be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.

2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.
5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

The motion was duly seconded by Member Thompson and upon a vote being taken thereon, the following voted in favor thereof: All Present

And the following voted against the same: None

Adopted this 15th day of November, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Delores Mittelmark

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve the variance request submitted by Delores Mittelmark, 266 Lion Lane, to reduce the required 10 foot rear setback to 3 feet for an accessory structure and adopt Resolution 16-106, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if the structure is not relocated.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.

This approval is subject to a 5-day appeal period.

This motion is based on the following findings:

1. The variance request to locate the shed in the proposed location closer to the rear lot line represents a reasonable use of the property. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.
2. The variance request stems from the uniqueness of the existing cement foundation location that was not created by the property owner. The concrete slab was constructed by a previous owner, and the previous shed was located on the pad at least a decade ago (as verified for aerial photographs), well before the applicant purchased the property a few years ago. Locating the new shed on the existing cement foundation would have the least amount of impact to the existing vegetation on the lot and would allow the homeowner to install a ramp for access.
3. The shed location will not alter the essential character of the existing neighborhood. The proposed shed location is the same location as the previous shed that collapsed under the weight of the snow. Additionally, there is a fence between the structure and the rear yard which assists with screening along with a row of trees inside the neighboring property line. There are no homes within close proximity to the proposed shed location, and no additional visual impact caused by the structure being closer to the property line. The applicant has also provided letters from adjacent neighbors indicating their support on moving the structure back to the concrete pad location where the previous shed was located.

VOTE:

AYES:

NAYS:

TO: Planning Commission
FROM: Niki Hill, AICP, Economic Development and Planning Associate
DATE: November 9, 2016
SUBJECT: File No. 2642-16-41, Minor Subdivision and Variance, Policoff/Loewen 4380 Reiland Lane

INTRODUCTION

Ivan and Joan Policoff have submitted a minor subdivision application to adjust the property boundary between their property located at 4380 Reiland Lane and the neighboring property to the east at 4376 Reiland Lane owned by Keith and Kendal Loewen. The Loewen's have requested a variance for the requirement that riparian parcels have a minimum 100 foot width.

The application was complete November 2nd, 2016

BACKGROUND

The boundary adjustment will detach the 9,586 square feet portion of Lot 4 owned by the Policoff's (see attached map), with the exception of the 191 square foot driveway area in the southwest corner, so it can be combined with the 9,939 square foot other half of Lot 4 at the adjoining property to the East at 4376 Reiland Lane. No additional lots will be created, no trees will be removed, no buildings will be constructed, and no private driveways will be changed. A variance is need because the combination of both parts of Lot 4 will still not meet the 100 foot width requirement of a riparian lot per our Shoreland Regulations.

Both of the riparian properties are developed with detached single-family uses with access off of Reiland Lane.

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

As both the properties are riparian lots on general development waters they are subject to the City's Shoreland Regulations. Riparian properties in the Shoreland District of Snail Lake must be at least 15,000 square feet in size and have a width of at least 100' as measured at the front property line, building setback, and OHW.

VARIANCE CRITERIA

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

APPLICANTS' STATEMENTS

The applicant states that the purpose of the subdivision request is to transfer 9,586 square feet of land from Lot 4 to their neighbors Mr. and Mrs. Loewen at 4376 Reiland Lane, who own the other ½ of lot 4. The applicants will sell their ½ of Lot 4 to Mr. and Mrs. Loewen to make-up Lot 4, as originally platted, but reserving to applicants a driveway area in the southwest corner of Lot 4 to applicants continue to have access from Reiland Lane to their home which sits on Lots 5 and 6.

STAFF REVIEW

Variance

The variance request to waive the 100 foot lot width requirement that was submitted with Minor Subdivision application was reviewed by staff in accordance with the variance criteria. In staff's opinion, practical difficulty is present based on historical and unique circumstances.

Staff believes practical difficulty is present, based on the following findings:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner. The current homes and access will stay the same with the land exchange. No new development is proposed.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Staff believes that unique circumstances are present due to the existing lot configurations. The property at 4376 Reiland Lane is a substandard riparian lot that has a current frontage of 42 feet at the front property line. With Lot 4 being split into the separate parcels currently, combining the two parts would double the amount of average width to approximately 89 feet as measured from the front, building setback and OWH lines. This will also nearly double square footage for the property at 4376 Reiland Lane.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created.

Minor Subdivision

The boundary adjustment will detach the 9,586 square feet portion of Lot 4 owned by the Policoff's (see attached map) so it can be combined with the 9,939 square foot other half of Lot 4 at the adjoining property to the East at 4376 Reiland Lane. The increased area will be to keep double the size of 4376 Reiland lane as well as assist the marketability of the lot. No new lots or further subdivision is being proposed as this time.

With the proposed lot line adjustment, the resulting parcels will be exceed the minimum lot area and but 4836 Reiland Lane will not meet the required 100 foot width requirement per the Shoreland Regulations.

	Width	Area
4380 Reiland Lane	Approx. 160 feet	142,085 sq. ft.*
4376 Reiland Lane	Approx. 89 feet	19,525 sq. ft.*
City Requirement Riparian	100 feet	15,000 sq. ft.*
City Requirement R1	75feet	10,000 sq. ft

* Area is measured above the Ordinary High Water of Snail Lake

Both of the existing homes would remain. New drainage and utility easements are proposed for the new lot boundaries. The existing setbacks of structures on each existing lot are not affected by the boundary adjustment.

The proposed subdivision complies with City requirements. No Public Recreation Use Dedication fee is required for this property boundary adjustment since no new homesite will be created as a result of this approval.

SHORELAND MITIGATION

A shoreland mitigation plan must be submitted for residential development that requires a land use approval, including a variance. The intent of the plan is to mitigate the adverse effects land development has on water quality and the lake environment. Site disturbance for this project will be non-existent and not have an impact on water quality and the lake environment. Therefore, City staff is recommending the mitigation requirement be waived.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant's request. No comments have been received.

STAFF RECOMMENDATION

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards. Staff recommends that the Planning Commission approve Resolution 16-105, approving the variance to waive the 100 foot width requirement and to also recommend approval of the minor subdivision to the City Council, subject to the following conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5 day appeal period.

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
4. Resulting Parcel B shall be combined with the existing property at 4376 Reiland Lane (Parcel A), creating a single lot.
5. Approval of the Minor Subdivision is contingent upon the approval of a variance permitting waiving the 100 foot width requirement for 4376 Reiland Lane.
6. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

- 1) Location Map
- 2) Submitted Statement and Plans
- 3) Response to Request for Comment
- 4) Resolution 16-105
- 5) Motions



1,333.3 0 666.67 1,333.3 Feet

NAD_1983_HARN_AdJ_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports
- Parks (8-64K)
 - State Park
 - Regional Parks, Preserves, and Ob
 - County Park
 - Local Parks
 - Golf Course
 - Special Use Facility
 - Rec Center

Notes

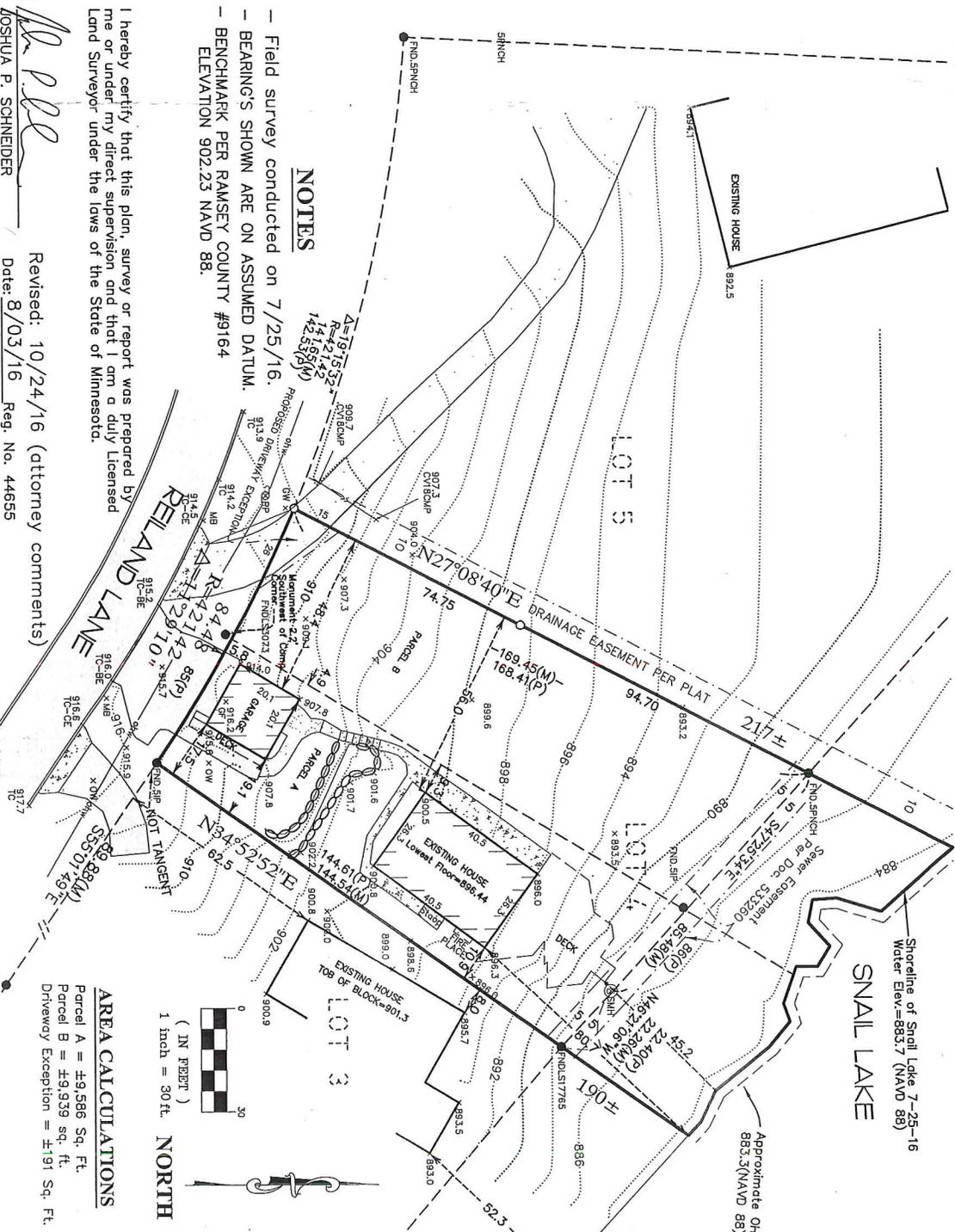
Enter Map Description

CERTIFICATE OF SURVEY

for Ivan and Joan Polcoff & Keith and Kendal Loewen

PROPERTY ADDRESS: 4376 Reiland Lane
Shoreview, MN

MINOR SUBDIVISION



NOTES

- Field survey conducted on 7/25/16.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- BENCHMARK PER RAMSEY COUNTY #9164 ELEVATION 902.23 NAVD 88.

I hereby certify that this plan, survey 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.

Revised: 10/24/16 (attorney comments)
Date: 8/03/16 Reg. No. 44655
J. P. Schneider
JOSHUA P. SCHNEIDER

CAUsers\Josh\Drive\Land Desktop 2008\16414ms-Baken Addition Plat No 2.dwg\16414ms.dwg 10/24/2016 11:53:54 AM CDT

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES UTILITY POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES EXISTING CONTOUR
- DENOTES OVERHEAD WIRE
- DENOTES STORM SEWER
- DENOTES RETAINING WALL
- x1011.2 DENOTES EXISTING ELEVATION.
- DENOTES GRAVEL
- DENOTES CONCRETE
- DENOTES BITUMINOUS
- DENOTES PATIO PAVERS

Parcel A

LEGAL DESCRIPTION Per Certificate #364652
That portion of Lot 4, Block 3, Baken Addition Plat No. 2, that lies Southeasterly of a line which bisects this Lot and which lies midway between the common boundary line of Lots 3 and 4 and the common boundary line of Lots 4 and 5, all of said lots lying in Block 3.

Parcel B

LEGAL DESCRIPTION Per Certificate #209496
That part of Lot 4, Block 3, Baken Addition Plat No. 2, that lies Northwestly of a line which bisects this Lot and which lies midway between the common boundary line of Lots 3 and 4 and the common boundary line of Lots 4 and 5, Block 3, Baken Addition Plat No. 2.

DRIVEWAY EXCEPTION

That part of Lot 4, Block 3, BAKEN ADDITION PLAT NO. 2, Ramsey County, Minnesota described as follows:

Beginning at the southwest corner of said Lot 4, thence northeasterly 15 feet along the northwesterly line of said Lot 4; thence southeasterly to a point on the south line of said Lot 4 distant 26 feet from the point of beginning; thence northwesterly along said south line to the point of beginning.

AREA CALCULATIONS

Parcel A = ±9,586 Sq. Ft.
Parcel B = ±9,939 sq. ft.
Driveway Exception = ±191 Sq. Ft.

1 inch = 30 ft.
NORTH

ACRE LAND SURVEYING

Serving Twin Cities Metro
area and beyond
763-298-6278 jsacrelandsurvey@gmail.com

JOB #16414

Minor Subdivision: additional filing requirements

Evidence of legal interest of applicant: see attached copy of Certificate of Title no. 209494

A statement describing the intended use of the property: Our neighbors, Mr. and Mrs. Loewen at 4376 Reiland Lane, own the other ½ of Lot 4. Applicants will sell their ½ of Lot 4 to Mr. and Mrs. Loewen to make-up Lot 4 as it was originally platted, but reserving to applicants a driveway area in the southwest corner of Lot 4 (see attached survey) so applicants continue to have access from Reiland Lane to their home which sits on Lots 5 and 6. Mr. and Mrs. Loewen will be submitting their required application at the same as this application for minor subdivision.

Attached: Certificate of Survey

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.
2. A written statement identifying each requested variance. The City will act only on variances identified on this statement.

This variance request is for Keith and Kendal Loewen of 4376 Reiland Lane to purchase the other half of their existing ½ of Lot 4, which is part of 4380 Reiland Lane, from Ivan and Joan Policoff. Policoffs are submitting an application for a subdivision of their existing lot.

This purchase will make up Lot 4 as it was originally platted, but reserving to Policoffs a driveway area in the southwest corner of Lot 4 so they continue to have access from Reiland Lane to their home on Lots 5 and 6.

The legal description for Loewen's existing lot at 4376 Reiland Lane is:

Section / Township / Range 23-30-23

Plat Baken Addition Plat No. 2

Legal Description Sely 1/2 Of Lot 4 Blk 3

3. A written statement of justification that demonstrates that the need for the requested variance is consistent with the findings required by State Law and City Code, which are:
 - a. The variance request shall comply with the purpose and intent provisions of City Code Section 201.010 and with the policies of the City's Comprehensive Plan.
 - b. Practical Difficulties. The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview Development Regulations. c. "Practical Difficulties" means:
 - i. **Reasonable Manner.** The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.

The property is zoned R1, Detached Residential. The property will be continued to be used for single-family residential purposes. The subdivided land area will be combined with the existing homestead parcel and be used for yard area.

No development or change to the existing lot is being requested or planned.

- ii. **Unique Circumstances.** The plight of the property owner is due to circumstances unique to the property not created by the property owner.

The unique circumstances stem from the substandard condition of the existing Parcel A. The Parcel A is substandard because it does not meet the minimum 100-foot lot width or 15,000 square feet needed for lot area. Parcel A is 9,586 square feet. The part of Parcel B being purchased is 9,748 square feet. Combining Parcels A and B results in a lot size of 19,334 square feet. Increasing the lot width and area, will reduce the nonconformity and bring the parcel closer to compliance with the City Code.

iii. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

Since no development or change in use of the property is proposed, there will be no impact on the neighborhood character. The additional land area will result in a parcel that is more consistent with other parcels on Reiland Lane.

d. Economic Consideration. Economic considerations alone shall not constitute Practical Difficulties
Not applicable – no development or change to the existing lot is being requested or planned.

4. A completed application(s) for all other approvals necessary for the proposed development (e.g. Comprehensive plan amendment, rezoning, subdivision, and site and building plan approvals.)
Policoffs are submitting an application to subdivide their existing property to allow the requested purchase.

5. A scaled property line map and site plan submitted shall at minimum include: (Note: A survey may be required)

Please see the attached property survey.

a. The gross site area, property dimensions and all minimum required building setback lines
Please see the attached property survey.

b. The location and dimensions of any existing development and easements
Please see the attached property survey.

c. The proposed use, structure locations(s) and dimensions

d. Not applicable – no development or change to the existing lot is being requested or planned.

e. The distance to all structures located within ten feet of the applicant's property, land, the location of all-abutting streets, and alleys may be needed as determined by Staff.
Please see the attached property survey.

6. Grading, drainage, and utility plan, drawn to scale, with contour interval of two-feet, may be required as determined by Staff.

Not applicable – no development or change to the existing lot is being requested or planned.

7. Building elevations drawn to scale for all sides of any proposed structure or addition, including notes on proposed exterior colors and materials.

Not applicable – no development or change to the existing lot is being requested or planned.

8. Landscape plan showing existing and proposed vegetation.

Not applicable – no development or change to the existing lot is being requested or planned.

9. One folded and collated copy of the plan sheets identified above drawn to scale. An 11"x17" print may be acceptable provided it is to scale and legible. Four large prints (24" x 36") drawn to scale copies of each plan sheet may also be required. One 8½"x11" reproducible print for each required sketch, drawing, or plan

Not applicable – no development or change to the existing lot is being requested or planned.

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD NOVEMBER 15, 2016**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 16-105 FOR A VARIANCE TO WAIVE THE 100 FOOT LOT
WIDTH REQUIREMENT**

WHEREAS, Keith and Kendal submitted a variance application for the following described property:

That portion of Lot 4, Block 3, Baken Addition Plat No. 2, that lies Southeasterly of a line which bisects this Lot and which lies midway between the common boundary line of Lots 3 and 4 and the common boundary line of Lots 4 and 5, all of said lots lying in Block 3

(This property is more commonly known as 4736 Reiland Lane and as Parcel A in the Certificate of Survey dated 8/3/2016)

WHEREAS, pursuant to the Development Code Section 209.080 Shoreland Management, the Development Regulations require general development water riparian parcels to have 100 feet of average width; and

WHEREAS, the applicants have requested a variance to this requirement in order to combine a newly subdivided section of the adjacent parcel with their existing parcel; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on November 15th 2016, the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

The applicant is proposing to use the property in a reasonable manner. The current homes and access will stay the same with the land exchange. No new development is proposed.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Unique circumstances are present due to the existing lot configurations. The property at 4736 Reiland Lane is a substandard riparian lot that has a current frontage of 42 feet at the front property line. With Lot 4 being split into the separate parcels currently, combining the two parts would double the amount of average width to approximately 89 feet as measured from the front, building setback and OWH lines. This will also nearly double square footage for the property at 4376 Reiland Lane.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 4376 Reiland Lane, be approved, subject to the following conditions:

1. This approval is subject to approval of the Minor Subdivision application of 4380 Reiland Lane by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.

The motion was duly seconded by Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 15th day of November, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Niki Hill, AICP
Economic Development and Planning Associate

ACCEPTANCE OF CONDITIONS:

Keith Loewen

Kendal Loewen

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 15th day of November, 2016 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting Resolution 16-106.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 15th day of November, 2016.

Terry C. Schwerm
City Manager

SEAL

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve the variance request submitted by Keith and Kendal Loewen for their property at 4376 Reiland Lane, to waive the 100 foot width requirement and adopt Resolution No. 16-105 subject to the following conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5 day appeal period.

This motion is based on the following findings:

1. The applicant is proposing to use the property in a reasonable manner. The current homes and access will stay the same with the land exchange. No new development is proposed.
2. Unique circumstances are present due to the existing lot configurations. The property at 4736 Reiland Lane is a substandard riparian lot that has a current frontage of 42 feet at the front property line. With Lot 4 being split into the separate parcels currently, combining the two parts would double the amount of average width to approximately 89 feet as measured from the front, building setback and OWH lines. This will also nearly double square footage for the property at 4376 Reiland Lane.
3. The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created.

VOTE:

AYES:

NAYS:

MOTION TO RECOMMEND MINOR SUBDIVISION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend approval to the City Council of the Minor Subdivision request submitted by Ivan and Joan Policoff for their property at 4380 Reiland Lane, subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
4. Resulting Parcel B shall be combined with the existing property at 4376 Reiland Lane (Parcel A), creating a single lot.
5. Approval of the Minor Subdivision is contingent upon the approval of a variance permitting waiving the 100 foot width requirement for 4376 Reiland Lane.
6. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

VOTE:

AYES:

NAYS:

City Council:
Sandy Martin, *Mayor*
Emy Johnson
Terry Quigley
Cory Springhorn
Ady Wickstrom



City of Shoreview
4600 Victoria Street North
Shoreview MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

November 9, 2016

PUBLIC NOTICE – APPLICATION WITHDRAWN

Dear Shoreview Property Owner:

You recently received public notice regarding application submitted by **Ventures 2000** for property located at **1030 County Road E**. A portion of the existing building is proposed to be used by a church for services and special events. This application is no longer scheduled to be reviewed by the Planning Commission at their November 15th meeting. It has been determined that the use of the property for church services and special events complies with the existing Development Agreement therefore it does not need to be reviewed by the Planning Commission.

All other items for scheduled for this meeting remain on the agenda. The Planning Commission agenda packet will be available on the City website by late afternoon on Thursday, November 10th. The packet can be accessed by using the following weblink: www.shoreviewmn.gov/pc/documents.

If you would like more information or have any questions, please call me at 651-490-4658 between 8:00 a.m. and 4:30 p.m., Monday through Friday. Please note City Offices are closed on November 11th, 2016. You may leave a voice mail message at any time. I can also be reached via email at nhill@shoreviewmn.gov.

Sincerely,

Niki Hill, AICP
Economic Development and Planning Associate