

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: OCTOBER 25, 2011
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

September 27th, 2011

Brief Description of Meeting Process – Chair Larry Feldsien

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: October 3rd, 2011 & October 17th, 2011

4. NEW BUSINESS

A. MINOR SUBDIVISION

File.2431-11-24

Applicant: Robin Morse

Location: 5036 Lexington Avenue/5017 Turtle Lane West

B. RESIDENTIAL DESIGN REVIEW

File No: 2432-11-25

Application: Mezco Inc./Michael Gatzlaff

Location: 5230 Oxford Street

C. PUBLIC HEARING - COMPREHENSIVE GUIDE PLAN AMENDMENT

File No: 2421-11-14

Application: City of Shoreview

Location: City Wide

5. MISCELLANEOUS

- A. Discussion, DRAFT TEXT AMENDMENT – SETBACKS
- B. City Council Assignments for November 7th and November 21st, 2011
Commission Members *Proud and Wenner*.
- C. Planning Commission combined meeting for November and December,
December 6th @ 7:00 p.m.
- D. City Council Assignments for December 5th and December 19th, 2011
Commission Members *Solomonson and Mons*
- E. Planning Commission *Workshop before regular meeting December 6th, 2011 @ 6:00 PM.*

6. ADJOURNMENT

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: October 20, 2011
SUBJECT: File No. 2431-11-24; Minor Subdivision, Rob Morse, 5036 Lexington Avenue and 5017 Turtle Lane West

INTRODUCTION

A Minor Subdivision application has been submitted by Rob Morse to adjust the common rear property line at 5036 Lexington Avenue and 5017 Turtle Lane West. The two subject parcels are in common ownership. The lot line adjustment is intended to increase the size of the rear yard at 5017 Turtle Lane West, and the applicant proposes no alteration to the existing site improvements on either lot. Minor subdivision requests are reviewed by the City to ensure that the proposed parcels comply with the R1, Detached Residential District minimum lot requirements and the City's subdivision standards. Please see the attached plans.

PROJECT DESCRIPTION

Adjacent land uses in Shoreview are single-family residential, all located in the R-1 Detached Residential District. Across Lexington Avenue is the City of Arden Hills and the Army training center (AHAT).

The proposed adjustment of the rear property line separating these two parcels will result in the transfer of a 5,500 square foot area from 5036 Lexington Avenue to 5017 Turtle Lane West. The portion of the property that will be transferred is improved with a fence over part of the existing common rear lot line, but otherwise remains vacant. No improvements are proposed for either property.

Please see the attached plans.

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor subdivisions, including boundary adjustments, 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.

The City's subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer also must be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines if needed, as determined by the Public Works Director. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways. Public improvement dedication is also required as needed for roads and other public improvements.

The property is zoned R-1, Detached Residential. In this district, lot size standards require a minimum lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet. Minimum structure setbacks for a dwelling are 30 feet from a front and rear property line and 10 feet from an interior side lot line. A 40-foot minimum front setback is required from arterial roads, including Lexington Avenue. Minimum 5-foot side yards and 10-foot rear yards are required for accessory buildings and driveways.

STAFF REVIEW

The applicants propose to adjust the common rear lot line creating oddly shaped lot for 5017 Turtle Lane, however the same shape is present immediately to the south.

The houses and other improvements on each lot conform to the required rear setback from the proposed rear lot line.

As shown below, the proposed lots will comply with the dimensional requirements of the Development Code.

	Requirements	5036 Lexington Avenue		5017 Turtle Lane West	
		Existing	Proposed	Existing	Proposed
Area	10,000 sf	30,036 sf	19,586 sf*	21,611 sf	27,111 sf
Depth	125 feet	267.7 feet	196.22 feet	~187 feet	~242 feet
Width	75 feet	100 feet	100 feet	~92 feet	~95feet

*Net area after conveyance of an added 16.5 feet of right-of-way easement (1,650 sq. ft.).

The proposed adjustment will not alter existing drainage patterns, and the Public Works Director has determined that additional drainage and utility easements are not needed.

The survey shows a 16.5 foot added right-of way easement for the Lexington Avenue ROW, and this will provide a 49.5 foot half-width for Lexington Avenue. This is easement is consistent with the Ramsey County road plan and so acceptable to the County. The added easement reduces the front setback of the house at 5036 to 39.7 feet, less than the 40-foot setback required from an arterial street. City Code includes a provision that allows future alteration of a structure that becomes a legal non-conforming building due to the ROW conveyance, in an instance like as this, using the resulting front setback (here, 39.7 feet) without need for a variance.

There are three detached accessory structures on the property at 5017 Turtle Lane. There is no record of a permit for the 10- by 16 foot shed in the northwest corner, and that shed does not conform to the setback required from the existing lot lines. Staff recommends the shed be removed as a condition of approval.

PUBLIC AND AGENCY COMMENT

Property owners within 350 feet were notified of the applications and this hearing. No comments have been submitted in response to the notice.

The Rice Creek Watershed District has no objection and requires no further review. Ramsey County Public Works identified that the ROW conveyance shown on the survey meets the requirements of the County. See the attached comments.

STAFF RECOMMENDATION

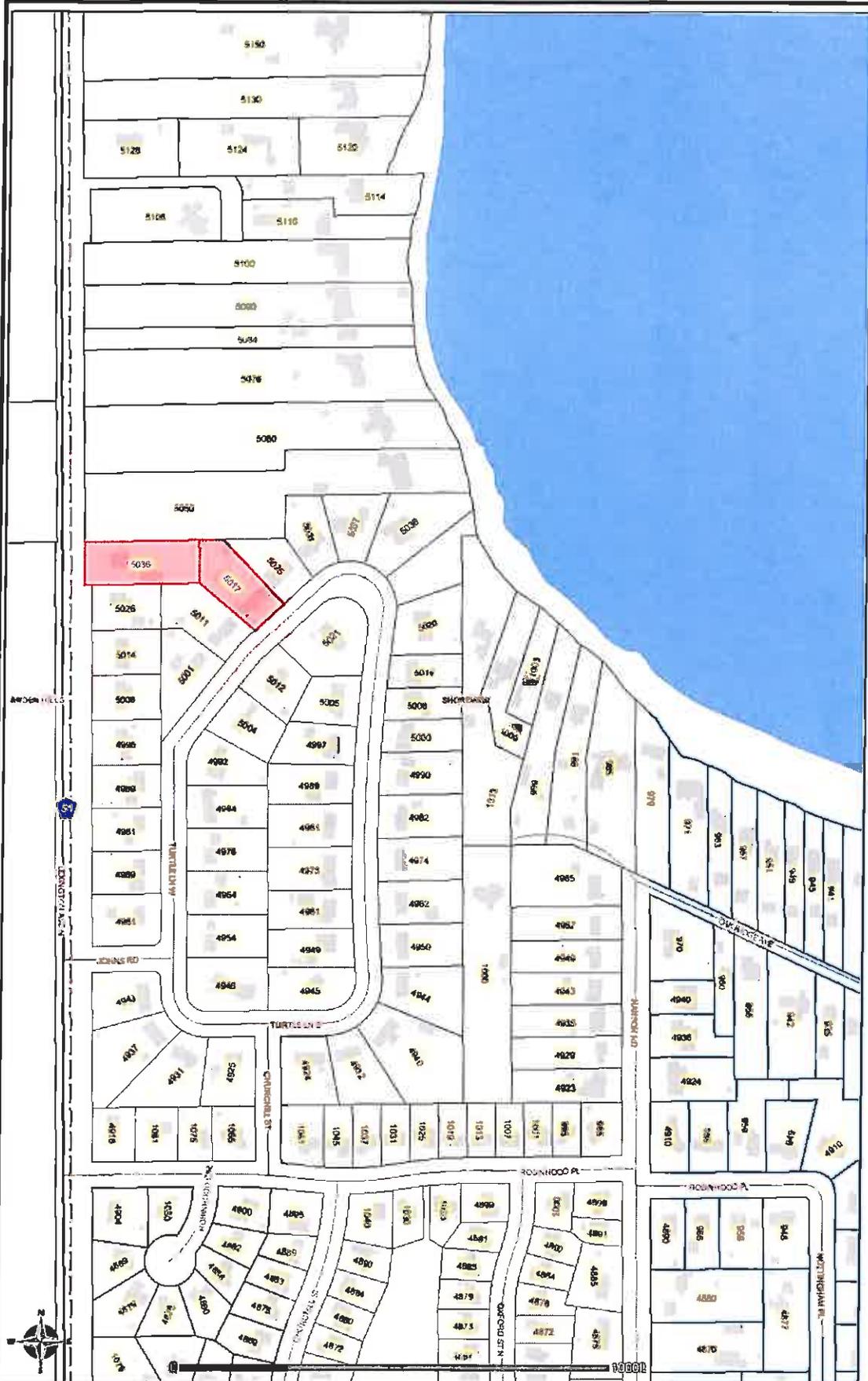
The application was reviewed by Staff in accordance with the standards of the Development Regulations. The proposed lots comply with the minimum standards of the R-1 District. Therefore, staff recommends the Planning Commission recommend the City Council approve the minor subdivision, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted, dated July 22, 2010.
2. The applicant shall convey an easement for right-of-way over the west 16.5 feet of 5036 Lexington Avenue to Ramsey County prior to the City endorsing deeds for recording with Ramsey County.
3. The non-conforming 10- by 16-foot shed located in the northwest corner of the existing property at 5017 Turtle Lane West shall be removed prior to the City endorsing deeds for recording with Ramsey County.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.
5. The 55- by 100-foot parcel resulting from this approval shall be combined with Lot 11, Block 6 LEXICON PLAT 2 (commonly known as 5017 Turtle Lane West).

Attachments

- 1) Location Map
- 2) Submitted Statements and Plans
- 3) Request for Comment
- 4) Motion

-  Selected Features
-  Municipalities
-  Road Centerlines (County)
-  County Road
-  Interstate Hwy
-  State Hwy
-  Roads
-  Water
-  Structures
-  Parcel Polygons
-  Highway Shields
-  Street Name Labels



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.
 SOURCES: Ramsey County (September 30, 2011), The Lawrence Group; September 30, 2011 for County parcel and property records data; September 2011 for

MINOR SUBDIVISION

~for~ ROB MORSE
 ~of~ 5017 TURTLE LANE
 SHOREVIEW, MN 55126

EXISTING PROPERTY DESCRIPTION:

Lot 11, Block 6, LEXICON PLAT 2, Ramsey County, Minnesota.
 (Area = 21,611sf)

AND

That part of Government Lot 1, Section 14, Township 30, Range 23, Ramsey County, Minnesota described as follows:

Commencing at the Northwest corner of said section; thence East on the North line of said section 300 feet; thence South at right angles, 100 feet; thence West at right angles 300 feet to the West line of said section; thence North on said West section line 100 feet to the place of beginning.
 (Area = 30,036sf)

(Per Warranty deeds 1559710 and 2596834)

PROPOSED PROPERTY DESCRIPTIONS:

PARCEL A:
 That part of Government Lot 1, Section 14, Township 30, Range 23, Ramsey County, Minnesota described as follows:

Commencing at the Northwest corner of said section; thence East on the North line of said section 300 feet; thence South at right angles, 100 feet; thence West at right angles 300 feet to the West line of said section; thence North on said West section line 100 feet to the place of beginning.
 Except the East 55 feet thereof. Subject to Lexington Avenue.

PARCEL B:
 Lot 11, Block 6, LEXICON PLAT 2, Ramsey County, Minnesota.

AND

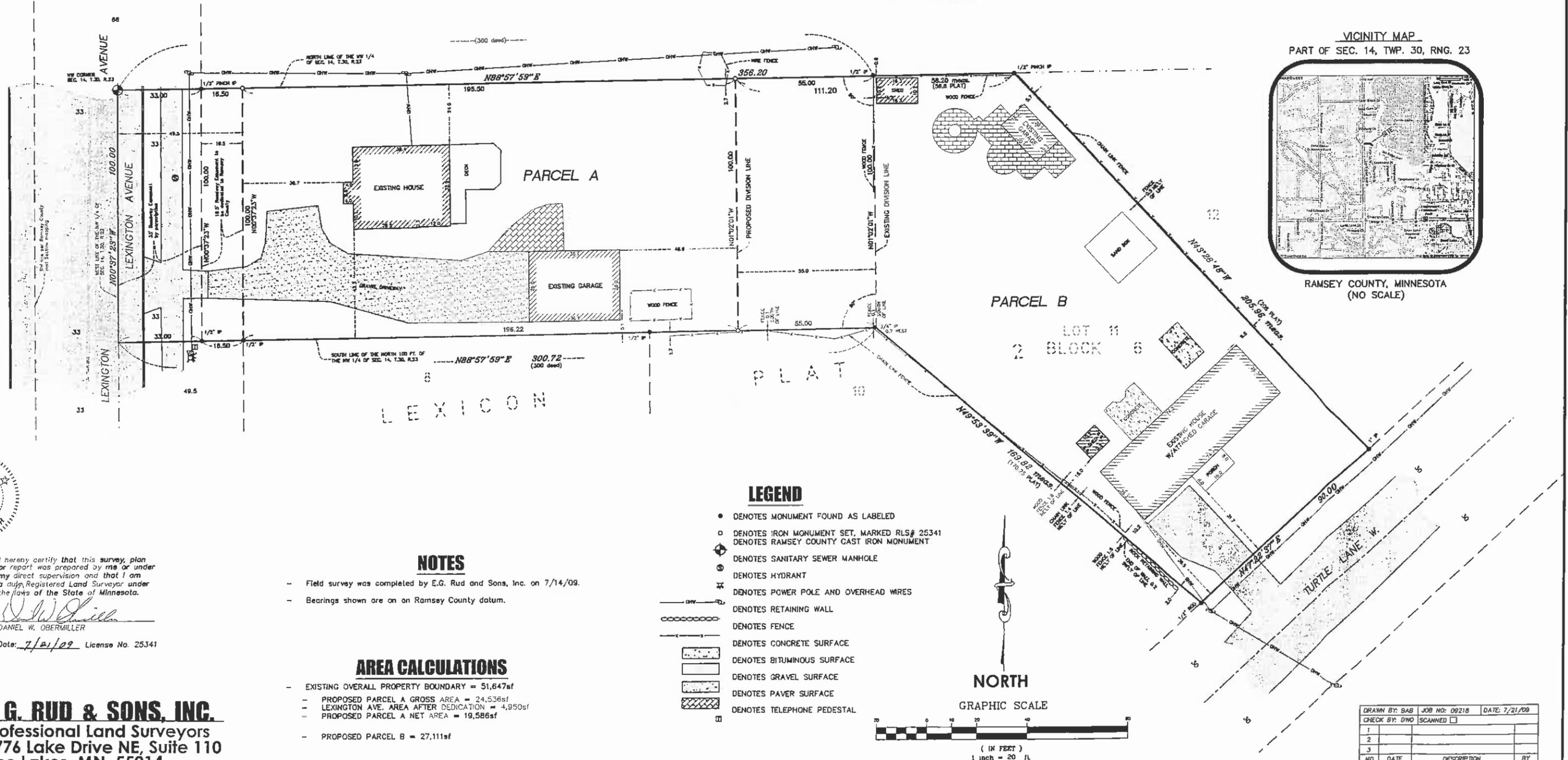
The East 55 feet of that part of Government Lot 1, Section 14, Township 30, Range 23, Ramsey County, Minnesota described as follows:

Commencing at the Northwest corner of said section; thence East on the North line of said section 300 feet; thence South at right angles, 100 feet; thence West at right angles 300 feet to the West line of said section; thence North on said West section line 100 feet to the place of beginning.

PROPOSED ROADWAY EASEMENT DEDICATION TO RAMSEY COUNTY FOR LEXINGTON AVENUE

The East 16.5 feet of the West 49.5 feet of that part of Government Lot 1, Section 14, Township 30, Range 23, Ramsey County, Minnesota described as follows:

Commencing at the Northwest corner of said section; thence East on the North line of said section 300 feet; thence South at right angles, 100 feet; thence West at right angles 300 feet to the West line of said section; thence North on said West section line 100 feet to the place of beginning.
 (Area = 1,650sf)



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Daniel W. Obermiller
 DANIEL W. OBERMILLER

Date: 7/21/09 License No. 25341

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 7/14/09.
- Bearings shown are on an Ramsey County datum.

AREA CALCULATIONS

- EXISTING OVERALL PROPERTY BOUNDARY = 51,647sf
- PROPOSED PARCEL A GROSS AREA = 24,536sf
- LEXINGTON AVE. AREA AFTER DEDICATION = 4,950sf
- PROPOSED PARCEL A NET AREA = 19,586sf
- PROPOSED PARCEL B = 27,111sf

LEGEND

- DENOTES MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25341
- DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES HYDRANT
- DENOTES POWER POLE AND OVERHEAD WIRES
- DENOTES RETAINING WALL
- DENOTES FENCE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES PAVER SURFACE
- ⊕ DENOTES TELEPHONE PEDESTAL

NORTH
 GRAPHIC SCALE



DRAWN BY: BAB	JOB NO: 09218	DATE: 7/21/09	
CHECK BY: DWO	SCANNED		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

ROBERT WARWICK - RE: Lot Line Boundary Adjustment - City of Shoreview

From: Kyle Axtell <KAxtell@ricecreek.org>
To: ROBERT WARWICK <rwarwick@SHOREVIEWMN.GOV>
Date: 10/12/2011 1:12 PM
Subject: RE: Lot Line Boundary Adjustment - City of Shoreview
CC: Nicholas Tomczik <ntomczik@ricecreek.org>

Robert,

As both residential lots are already developed, and the proposal is simply a boundary line adjustment that will have no impact on drainage patterns or have future development implications, the RCWD has no objection to the proposal and will not require further review. Thank you for the notice and the opportunity to comment.

Sincerely,

Kyle Axtell
Water Resource Specialist
Rice Creek Watershed District
4325 Pheasant Ridge Dr. NE #611
Blaine, MN 55449-4539
P: (763) 398-3072
F: (763) 398-3088
E: kaxtell@ricecreek.org

From: ROBERT WARWICK [mailto:rwarwick@SHOREVIEWMN.GOV]
Sent: Wednesday, October 12, 2011 12:48 PM
To: Joseph Lux; Kyle Axtell
Subject: Lot Line Boundary Adjustment - City of Shoreview

The City of Shoreview has received an application for a minor subdivision of the properties at 5017 Turtle Lane West and 5036 Lexington Ave. A location map and survey are attached. These are non-riparian lots located about 700 feet from Turtle Lake.

The subdivision is a boundary line adjustment affecting the common rear lot line of these two parcels. The properties are in common ownership.

The east 55 feet of 5036 Lexington will be conveyed and attached to the lot at 5017 Turtle Lane West, the applicant's residence. No site improvements have been proposed with this subdivision.

The surveyor anticipated that Ramsey Co. would require added ROW as shown on the survey and prepared a legal description for that conveyance.

The Planning Commission will review this application at their Oct 25th meeting. If you have comments, I would appreciate submittal by Oct 19th so the comments can be included in the PC packet.

ROBERT WARWICK - RE: 5230 Oxford St

From: "Lux, Joseph" <Joseph.Lux@CO.RAMSEY.MN.US>
To: "ROBERT WARWICK" <rwarwick@SHOREVIEWMN.GOV>
Date: 10/18/2011 9:33 AM
Subject: RE: 5230 Oxford St

Rob:

Yes, the right of way being dedicated at the 5036 Lexington avenue minor subdivision is consistent with the Ramsey County major road ordinance and is acceptable to us.

Joe Lux

Joseph Lux
Planning Specialist
Ramsey County Public Works
1425 Paul Kirkwold Drive
Arden Hills, MN 55112-3933
651-266-7114
651-266-7110 (fax)



From: ROBERT WARWICK [mailto:rwarwick@SHOREVIEWMN.GOV]
Sent: Tuesday, October 18, 2011 9:06 AM
To: Lux, Joseph
Subject: RE: 5230 Oxford St

The Red Fox development is 1-3 weeks away from commencing site work. The plan is that the developer will 'deliver' the shell for the 10,000 sf multi-tenant building on Lot 2 to the tenants in April 2012 for their tenant finish - and so they will open for business in late June/early July.

And if they can ink a tenant for the 14,000 sf market on lot 1 (reported to be very close) construction will soon

**MOTION
TO APPROVE THE MINOR SUBDIVISION APPLICATION**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the minor subdivision for 5036 Lexington Avenue, to increase the size of the property at 5017 Turtle Lane West, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted, dated July 22, 2010.
2. The applicant shall convey an easement for right-of-way over the west 16.5 feet of 5036 Lexington Avenue to Ramsey County prior to the City endorsing deeds for recording with Ramsey County.
3. The non-conforming 10- by 16-foot shed located in the northwest corner of the existing property at 5017 Turtle Lane West shall be removed prior to the City endorsing deeds for recording with Ramsey County.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.
5. The 55- by 100-foot parcel resulting from this approval shall be combined with Lot 11, Block 6 LEXICON PLAT 2 (commonly known as 5017 Turtle Lane West).

This approval is based on the following findings:

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. Once the resulting piece has been combined with the property at 5017 Turtle Lane West, both the proposed lots will conform to the adopted City standards for the R1 District.

VOTE:

AYES:

NAYS:

TO: Planning Commission

FROM: Rob Warwick, Senior Planner

DATE: October 20, 2011

SUBJECT: Residential Design Review: Mezco Inc., 5230 Oxford Street, File No. 2432-11-25

INTRODUCTION

Mezco Inc., on behalf of Michael and Carly Gatzlaff, submitted a Residential Design Review application for property located at 5230 Oxford Street. The property is a substandard riparian lot located on the west side of Turtle Lake. The property is currently vacant. Last winter the house and garage on the property were demolished while the lot was for sale.

The property has since been purchased by Mr. and Mrs. Gatzlaff. The plans propose construction of a new 1½-story house, with a lower level walk-out, and a three car attached garage. The application was complete October 12, 2011.

PROJECT DESCRIPTION

The subject property is a substandard riparian lot located in the R1 - Detached Residential District on the west side of Turtle Lake. The lot is 27,016 square feet in area. The lot has a width of about 75 feet at the front lot line and at the Ordinary High Water (OHW). The property is vacant. The lot elevation drops about 15 feet from the street to the lake.

The applicants propose construction of a 1½-story house, with a lower level walk-out. A 930 sq. ft. 3-car attached garage is proposed, with a total foundation area for the project of about 3,100 square feet. See the attached plans.

DEVELOPMENT CODE REQUIREMENTS

The Development Ordinance requires residential construction on substandard riparian lots to comply with design standards that have been adopted by the City and minimum setbacks.

The minimum front and OHW setbacks are calculated based on the setbacks of the houses on the adjoining parcels. The proposed 161.1 foot setback from the street and the 58.4 foot OHW setback comply with the calculated setback requirements.

The proposed house and garage also comply with the minimum side setbacks, with living area at least 10 feet, and the garage setback 5 feet from the side lot lines.

The proposed project also complies with the design standards for height, lot coverage, foundation area and architectural mass, as shown in the table below.

Standard	Allowed	Proposed
Lot Coverage	6,754 square feet (25%)	6,603 square feet (24.4%)
Building Height	35 feet	34 feet, 11 inches
Foundation Area	4,863 square feet (18% of lot area)	3,104 square feet (11.5 %)
Setbacks Front OHW (Lake) Side	160.2 – 180.2 feet 58.4 – 78.4 feet 10 feet – Living Area 5 feet –Garage Area	161.4 feet 58.4 feet 10.0 feet south; 12.5 feet north 5.0 feet north
Architectural Mass	Encourage use of natural colors/materials, landscaping.	Hardi shake and lap siding, and stone. Green earth tone, with white trim.

The house will be just less than the 35-foot maximum. This height is measured from the highest peak to the lowest grade, which will be on the lakeside at the walk-out level.

Three trees will be removed and one of these is a landmark tree. On lots with an area of more than 20,000 square feet, two replacement trees are required for each landmark tree removed. In this case, two replacement trees are required. Protective fencing and wood chips are necessary to minimize impact on retained trees. A tree protection plan shall be submitted for approval prior to issuance of a building permit, installed prior to construction, and maintained on the site work has been completed.

Site drainage will be managed with drainage swales along each side lot line.

The staff has reviewed the proposal and found that the proposed home has been designed in accordance with the design standards and other provisions of the City Code.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. The applicants have identified they will use Architectural Mass, and a second practice that is yet to be determined. The applicants are required to enter into a Mitigation Agreement with the City.

PUBLIC COMMENT

Property owners within 150 feet of the parcel were notified of this request. One comment has been submitted expressing concern about storm water runoff. The comment is attached.

STAFF RECOMMENDATION

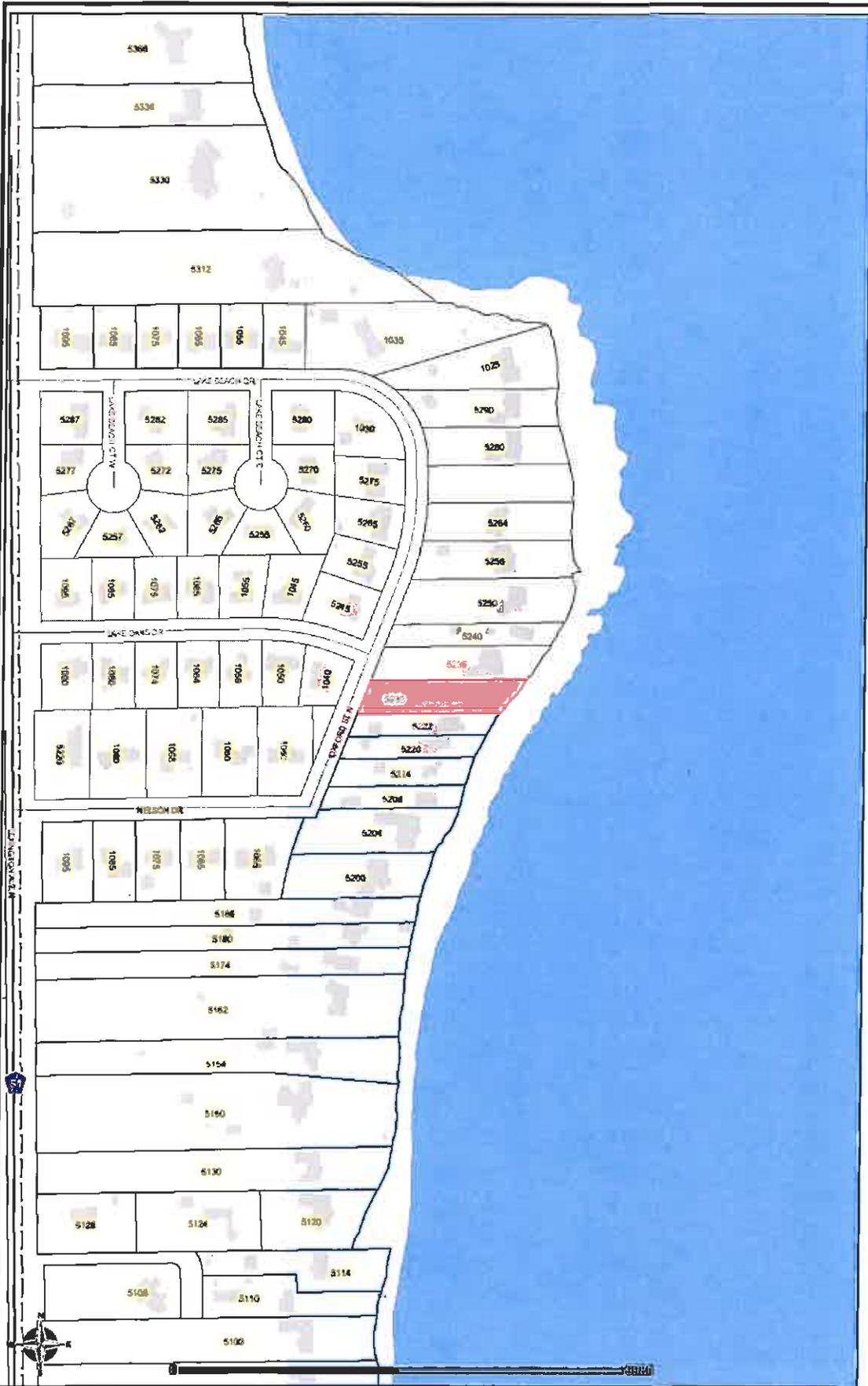
Staff recommends approval of the Residential Design Review for the project, as the proposal complies with the adopted standards, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review 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. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and one replacement tree is required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. A final site grading plan and an erosion control plan shall be submitted with the building permit application and implemented during construction of the new residence.
7. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

Attachments:

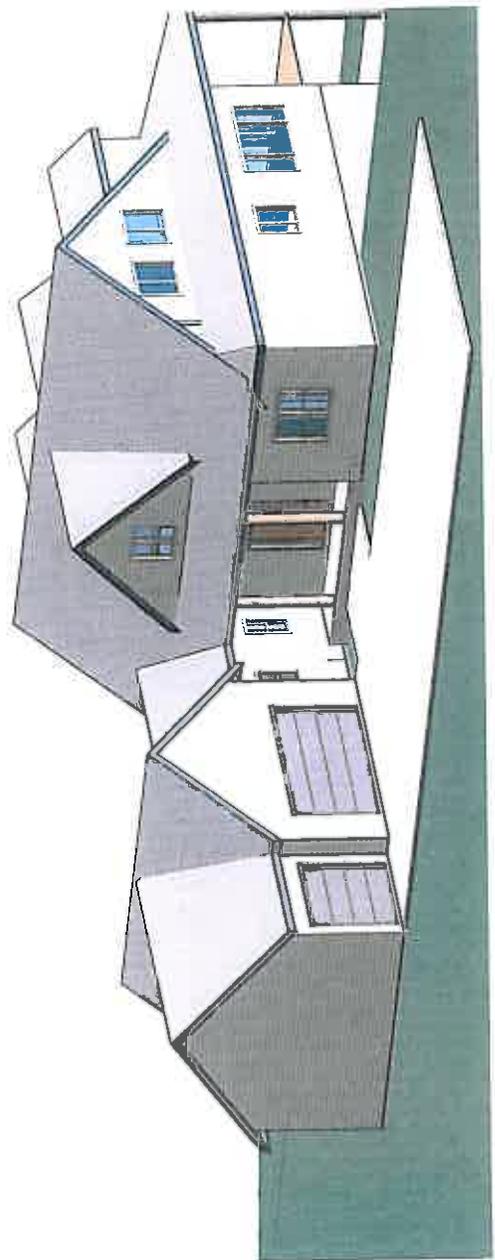
- 1) Location Map
- 2) Submitted plans
- 3) Comments
- 4) Mitigation Affidavit
- 5) Proposed Motion

-  Selected Features
-  Municipalities
-  Road Centerlines (County)
-  County Road
-  Interstate Hwy
-  State Hwy
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-  Structures
-  Parcel Polygons
-  Highway Shields
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PROJECT: TURTLE LAKE STORY AND HALF		NO. DATE DESCRIPTION BY	
OWNER: MICHAEL AND CARLY GATZLAFF			
CONTRACTOR: MEZZO INC.			
PLANS PROVIDED BY: SCHWIETERS HOME DESIGN 1628 COUNTY HIGHWAY 10 N.E. SPRING LAKE PARK, MN 55432 TEL: (763) 785-2105 Schwietersgr@aol.com		DATE: 09/21/11	
		DATE: OCTOBER 19, 2011 DRAWN: Author JOB NO: Project Number CHECKED: Checker	
		3-D PERSPECTIVE	
		SCALE	
		PAGE NO: D-1	



PROJECT
TURTLE1

OWNER:
MICHAEL

CONTRACTOR:
MEZZECC

NO.

PLAI

8CH

1824

SPR

TEL

Sch

DATE

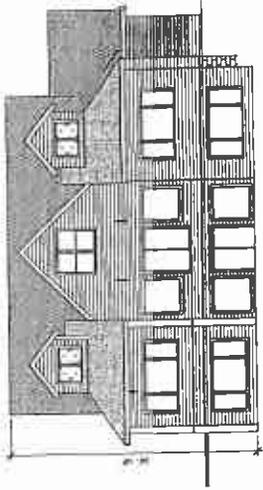
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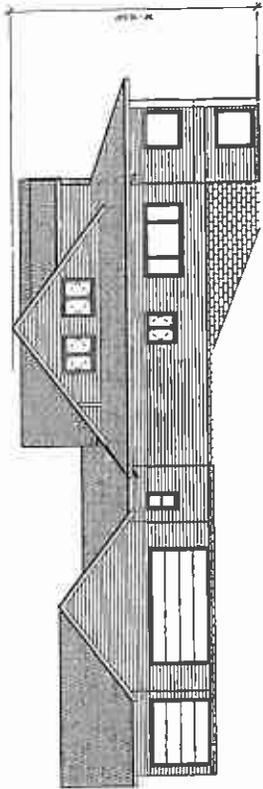
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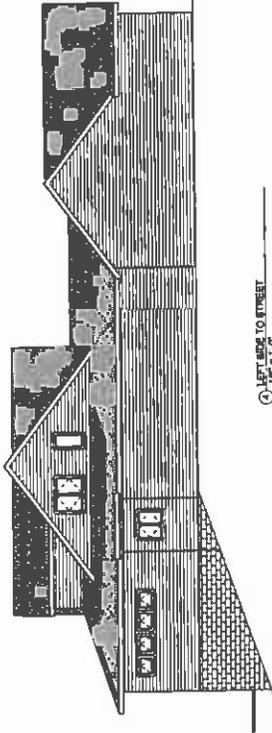
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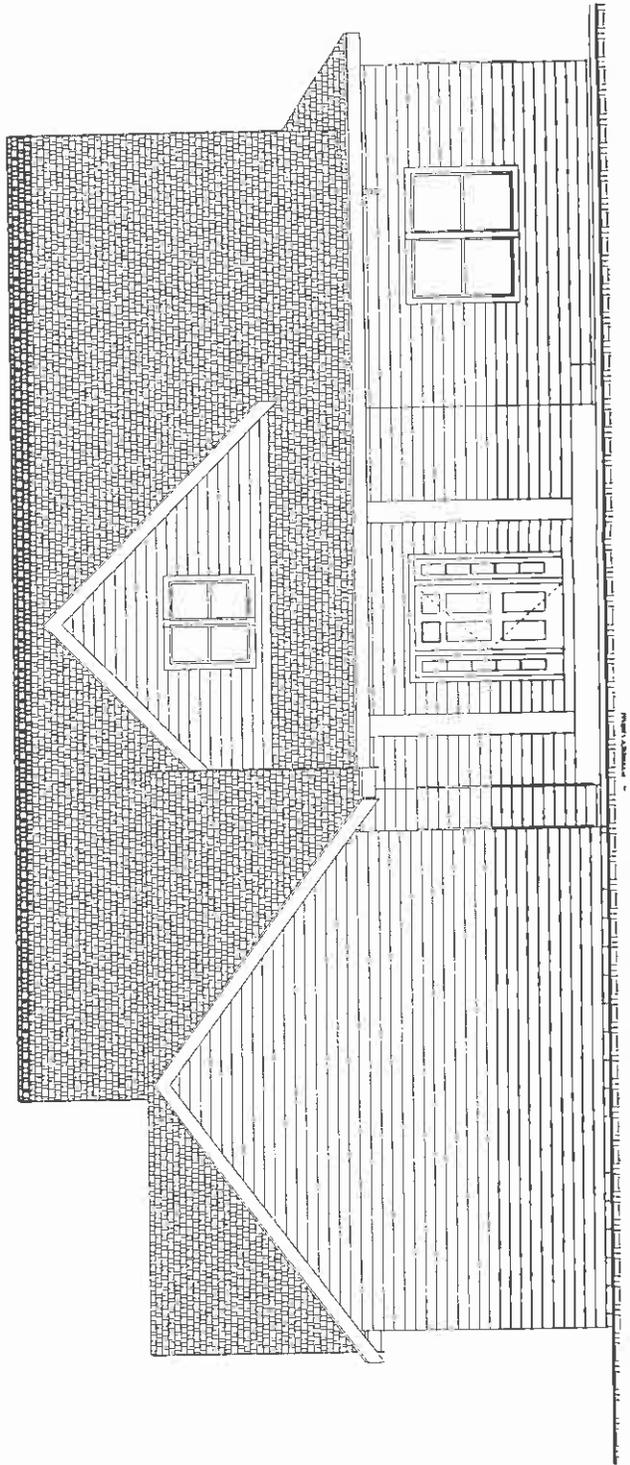
① FRONT VIEW
1/8" = 1'-0"



② RIGHT SIDE TO STREET
1/8" = 1'-0"

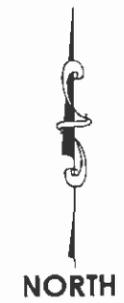
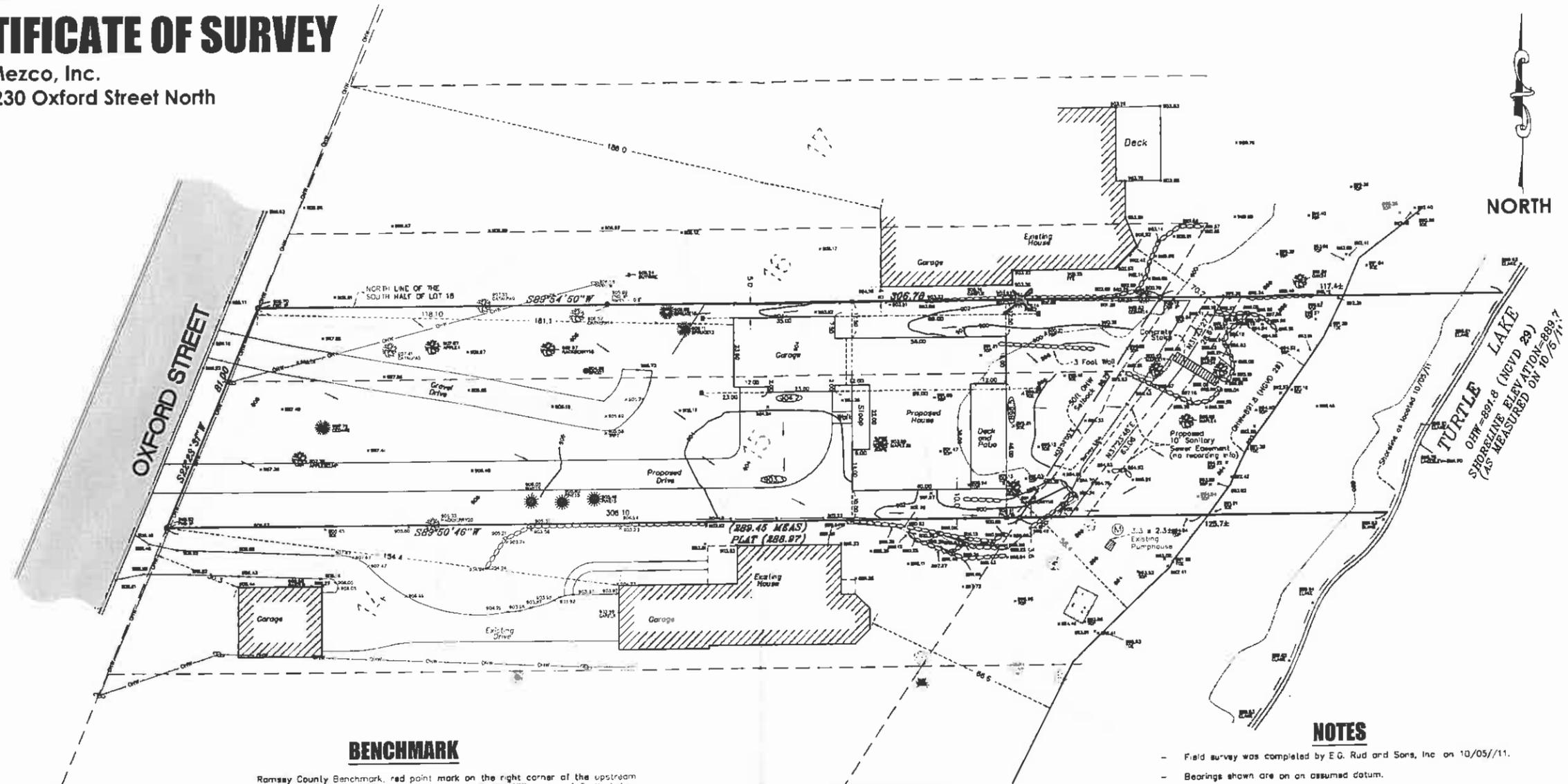


③ LEFT SIDE TO STREET
1/8" = 1'-0"



CERTIFICATE OF SURVEY

~for~ Mezco, Inc.
 ~of~ 5230 Oxford Street North



IMPERVIOUS SURFACE AREA:

TOTAL LOT AREA = 27,016 SQ. FT. (ABOVE OHW)
 EXISTING CONCRETE STAIRS = 51 SQ. FT.
 TOTAL EXISTING IMPERVIOUS AREA = 51 SQ. FT.
 TOTAL EXISTING IMPERVIOUS % = 0.2%

EXISTING CONCRETE STAIRS = 51 SQ. FT.
 PROPOSED HOUSE, STOOP AND PATIO = 3,668 SQ. FT.
 PROPOSED WALK = 28 SQ. FT.
 PROPOSED DRIVEWAY = 2,850 SQ. FT.

TOTAL PROPOSED IMPERVIOUS AREA = 6,597 SQ. FT.
 TOTAL PROPOSED IMPERVIOUS % = 24.4%

BENCHMARK

Ramsay County Benchmark, red point mark on the right corner of the upstream end of the right abutment on outlet structure in the NW corner of Turtle Lake Accessed through private property, 5424 Lexington Parkway Elevation = 893.07 (NGVD 29)

LEGEND

- DENOTES PROPOSED ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES EXISTING SPOT ELEVATION
- DENOTES PROPOSED RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES OVERHEAD WIRE
- DENOTES PROPOSED SILT FENCE
- DENOTES EXISTING TREE SPECIES/CALIPER
- DENOTES TREE TO BE REMOVED

PROPERTY DESCRIPTION

Lot 15, and the South Half of Lot 16, SHIFSKY'S ADDITION, Ramsey County, Minnesota

- BUILDER TO VERIFY HSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
- FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

JASON E. RUD
 Date: 10/11/11 License No. 41578

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc on 10/05/11.
- Bearings shown are on an assumed datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

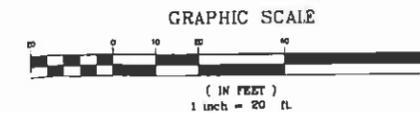
DIAGONAL: 74.50 X 52.00 = 90.85
 DIAGONAL: 115.00 X 25.50 = 117.79
 (12 Course Walkout Basement)

PROPOSED ELEVATIONS:

TOP OF BLOCK = 904.9
 GARAGE FLOOR = 904.5
 LOWEST FLOOR = 896.8
 TOP OF FOOTING = 896.5

E. G. RUD & SONS, INC.
 EST. 1877
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: MMD	JOB NO: 11482MS	DATE: 10/07/11	
CHECK BY: JER	SCANNED		
1 10/10/11	Revised House Location	MMD	
2 10/11/11	Revised House / Location	MMD	
3			
NO	DATE	DESCRIPTION	BY



RECEIVED
OCT 18 2011
BY: _____

Comments:

Everything seems fine and we are looking forward to having them as neighbors. The home looks great.

The only concern is drainage around the south side of the house. There are many drainage arrows pointing southeast and some on the driveway facing south. The existing property slopes toward us and I am concerned about run-off to our property rather than eastward to the lake. I assume this is being addressed.

Name: Jim Mark
Address: 5222 Oxford St North

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve residential design review application submitted by Mezco Inc. for 5230 Oxford Street, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review 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. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and one replacement tree is required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. A final site grading plan and an erosion control plan shall be submitted with the building permit application and implemented during construction of the new residence.
7. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – October 25, 2011

t:\pcf 2011\2432-11-25 5230 oxford/pc motion.doc

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: October 20, 2011
SUBJECT: File No. 2421-11-14; City of Shoreview, Comprehensive Plan Amendment

REQUEST

The Metropolitan Council adopted revisions to the 2030 Transportation and Regional Parks Plan which now requires the City to amend Chapter 5, Transportation, and Chapter 10, Parks and Open Space, of the Shoreview 2008 Comprehensive Plan so as to be consistent with the regional policies. These plan amendments need to be submitted to the Metropolitan Council by February 16, 2012.

The proposed amendments are being presented to the Planning Commission for review. Revisions to Chapter 5, Transportation, include updating information regarding the existing transportation system and planned improvements. Maps 5-5, Transit and 5-6, Trails and Bikeways are also being amended to reflect the regional policy statement. Revisions to Chapter 10, Parks and Open Space, includes updates to information regarding regional trails.

2030 TRANSPORTATION POLICY PLAN

This revised plan incorporates major changes to the metropolitan highway, transit and aviation systems. While many of these changes do not affect Shoreview’s Comprehensive Plan, some have a direct impact. The following summarizes those changes that do:

1. Metropolitan Highways

The Interstate 694 (I694) expansion project is no longer included in the updated transportation policy plan, however, the project has been reassessed. The reconstruction of bridges, the addition of a frontage road and one new general purpose lane between TH 10 and Lexington Avenue are included in the 2011 to 2014 Transportation Improvement Plan. A managed lane system is also visualized on westbound I694 between Lexington Avenue and Interstate 35 E (I35E) but is not funded by 2030.

For Interstate 35W (I35W) a managed lane system from downtown Minneapolis to the 95th Avenue exit in Blaine is identified as a short term priority.

2. Transit Routes and Facilities

Northbound I35W has been designated as a transitway corridor and an express bus corridor. The mode and alignment of the transitway corridor has not yet been determined.

3. Aviation

The northwest corner of Shoreview is within the influence area of the Anoka County airport located in Blaine. A Comprehensive Plan for the airport was recently adopted in June 2010 which reviewed existing conditions, analyzed current and future needs and provides recommendations regarding the airport operations, including improvements.

2030 REGIONAL PARKS POLICY PLAN

The updated 2030 Regional Parks Policy Plan addresses the extension of four regional trail corridors, the acquisition and development of twelve new regional trails, designation of the Landing in Shakopee as a regional special recreation feature, acknowledging a regional park study area in West and South St. Paul and deleting the regional park search area in Dakota County. The following summarizes changes affecting Shoreview:

1. Trout Brook Regional Trail Extension Search Corridor

This is a proposed regional trail search corridor that will extend from the Trout Brook Regional Trail north from Lake McCarron's County Park in Roseville with Vadnais Snail Lakes Regional Park.

Ramsey County will coordinate the planning process and Shoreview is expected to participate.

PROPOSED PLAN AMENDMENTS

Chapter 5, Transportation

Amendments proposed to this Chapter address those changes identified in the updated 2030 Transportation Policy Plan and Regional Parks Policy Plan. Revisions are also proposed updating transit ridership data and conditions at the Anoka County airport. Map 5-5, Transit, is being revised to include the I-35W transitway corridor and express bus corridor. Map 5-6, Trails and Bikeways, is also being revised to identify the Trout Brook Regional Trail search corridor.

Chapter 10, Parks and Open Space

Regional trails are also discussed in this Chapter. The proposed amendment includes language addressing the search area for the Trout Brook Regional Trail corridor.

These changes do not require any amendments to the goals, policies and recommended actions as stated in these Chapters.

BIKE AND TRAILWAYS COMMITTEE REVIEW

The amendment pertaining to the Trout Brook Regional Trail corridor are scheduled for review by the Bike and Trailways Committee at their November 3, 2011 meeting.

RECOMMENDATION

The adopted 2030 Transportation and Regional Parks Policy Plans have been reviewed by Staff. The key changes in the plans that affect Shoreview have been identified in the System Statements provided by the Metropolitan Council and reviewed by Staff. Amendments are needed to Shoreview's 2008 Comprehensive Plan to remain consistent with these updated Policy Plans. The amendments proposed are consistent with the Regional Policy Plans and will not negatively impact the local systems in the community. Staff is recommending the Planning Commission forward a recommendation to the City Council for approval subject to following condition:

- 1) Review and approval by the Metropolitan Council.

Attachments:

- 1) Motion
- 2) 2010 System Statement, including Transportation and Regional Parks
- 3) Proposed Amendment
- 4) Map 5-5 Transit
- 5) Map 5-6 Trails and Bikeways

2010 System Statement

City Of Shoreview

In 2010, the Metropolitan Council revised and updated both its 2030 Transportation Policy Plan and its 2030 Regional Parks Policy Plan. The Metropolitan Council is issuing system statements pursuant to state statute.

Receipt of this system statement and the metropolitan system plans triggers communities' obligations to review and, as necessary, amend their comprehensive plans within the next nine months. The complete text of the *2030 Regional Development Framework* as well as complete copies of the recently adopted metropolitan system plans are available for viewing and downloading at <http://www.metrocouncil.org/planning/framework/timeline.htm>. Paper copies are available by calling the Council's Data Center at 651-602-1140.

Metropolitan system plans are long-range comprehensive plans for the regional systems – Transit and highways and airports, wastewater services, and parks and open space, along with the capital budgets for metropolitan wastewater service, transportation and regional recreation open space. System statements explain the implications of metropolitan system plans for each individual community in the metropolitan area. They are intended to help communities prepare or update their comprehensive plan, as required by the Metropolitan Land Planning Act:

Within nine months after receiving a system statement for an amendment to a metropolitan system plan, and within three years after receiving a system statement issued in conjunction with the decennial review required under section 473.864, subdivision 2, each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review.

Local comprehensive plans will be reviewed by the Council for conformance with metropolitan system plans, consistency with Council policies and compatibility with adjacent and affected governmental units.

The system statement also contains an overview of the transportation and aviation, transit, regional parks system plan updates, and system changes affecting each community.

This system statement does not include or propose any changes to forecasts or geographic planning areas.

2010 Transportation System Statement for City of Shoreview

Key Changes in the revised 2030 Transportation Policy Plan

The revised *2030 Transportation Policy Plan* adopted by the Metropolitan Council on November 10, 2010, is the metropolitan system plan for highways, transit and aviation with which local comprehensive plans must conform. This system statement summarizes significant changes to these three systems as well as other changes made to the *2030 Transportation Policy Plan* since the last statement was issued in 2004 and highlights those elements that apply specifically to your community. In addition to reviewing this system statement, your community should consult the entire revised *2030 Transportation Policy Plan* to ensure that your community's local comprehensive plan and plan amendments conform to the current transportation system plan. A PDF file of the entire revised *2030 Transportation Policy Plan* can be found at the Metropolitan Council's website:

<http://www.metrocouncil.org/planning/transportation/TPP/2010/index.htm>

The revised *2030 Transportation Policy Plan* incorporates the following major changes:

Highway System Plan Changes since 2004:

- The Metropolitan Highway System is made up of principal arterials. Since 2004 two highways have been added to this system—TH 101 and TH 55. The Metropolitan Highway System is shown in Fig. 6-1.
- The revised *2030 Transportation Policy Plan* includes a list of the major highway projects either completed since 2004 or currently under construction. These projects include TH 212, sections of TH 610, the I-694/I-35E interchange, widening I-494 from TH 100 to I-394 and the I-35W/TH 62 Crosstown expansion.
- The *2030 Transportation Policy Plan* acknowledges that congestion cannot be eliminated or greatly reduced. The region's mobility efforts will need to focus on managing congestion and working to provide alternatives.
- This fiscally constrained plan incorporates expected funding generated by the 2008 transportation funding law (Chapter 152), which increased the state gas tax and registration tax and provided for a major bridge bonding program.
- The current plan presents a balanced investment strategy emphasizing preservation, safety, and bridges. Mobility investments have been limited to:
 - Active Traffic Management (ATM) such as traveler information systems and dynamic signing.

- A new transit market area was added, for a new total of 5 transit market areas. These geographic market areas and the typical services provided in them are shown on Fig 7-19 and described in the plan as well as in *Appendix G, Regional Transit Standards*.
- *Appendix G, Regional Transit Standards* and *Appendix H, Park and Ride Plan*, have been updated since 2004.
- Northstar commuter rail was opened in November 2009.
- The updated TPP shows a more recent map of existing bus routes and facilities than was shown in the 2004 plan. Cities should be aware that bus routes are subject to periodic change, depending on ridership and funding availability.
- Several maps show potential new bus routes for local service, arterial service and express service by 2030 which will require further planning and funding resources before they are implemented; therefore cities are not expected to show these in their local comprehensive plans at this time.

Aviation System Plan Changes since 2004:

- Fig. 10-1 shows the regional aviation system. Search Area A in northwest Hennepin County has been removed from the plan as future forecasts no longer indicate demand for an airport in this area.
- The 2010 TPP incorporates the first new forecasts and Long Term Comprehensive Plan (LTCP) update for MSP International airport since the 1996 TPP. It also acknowledges updated LTCPs for six of the reliever airports which are owned and operated by the Metropolitan Airports Commission (MAC).
- Appendices I-O have been added with additional detail on aviation plans and topics.

Other Plan Changes

- *Chapter 4: Transportation and Land Use* has been expanded to include policies and strategies to coordinate transportation investments and land use.
- *Chapter 5: Regional Mobility* describes how better management and more efficient use of existing transportation system capacity, pavement, and right-of-way, along with strategic capacity expansions can be used to address system wide traffic congestion.
- *Chapter 8: Freight and Goods Movement* acknowledges the multimodal freight movement system that connects the region to the rest of the nation and the world. The

-  Principal Arterial
-  Planned Principal Arterial

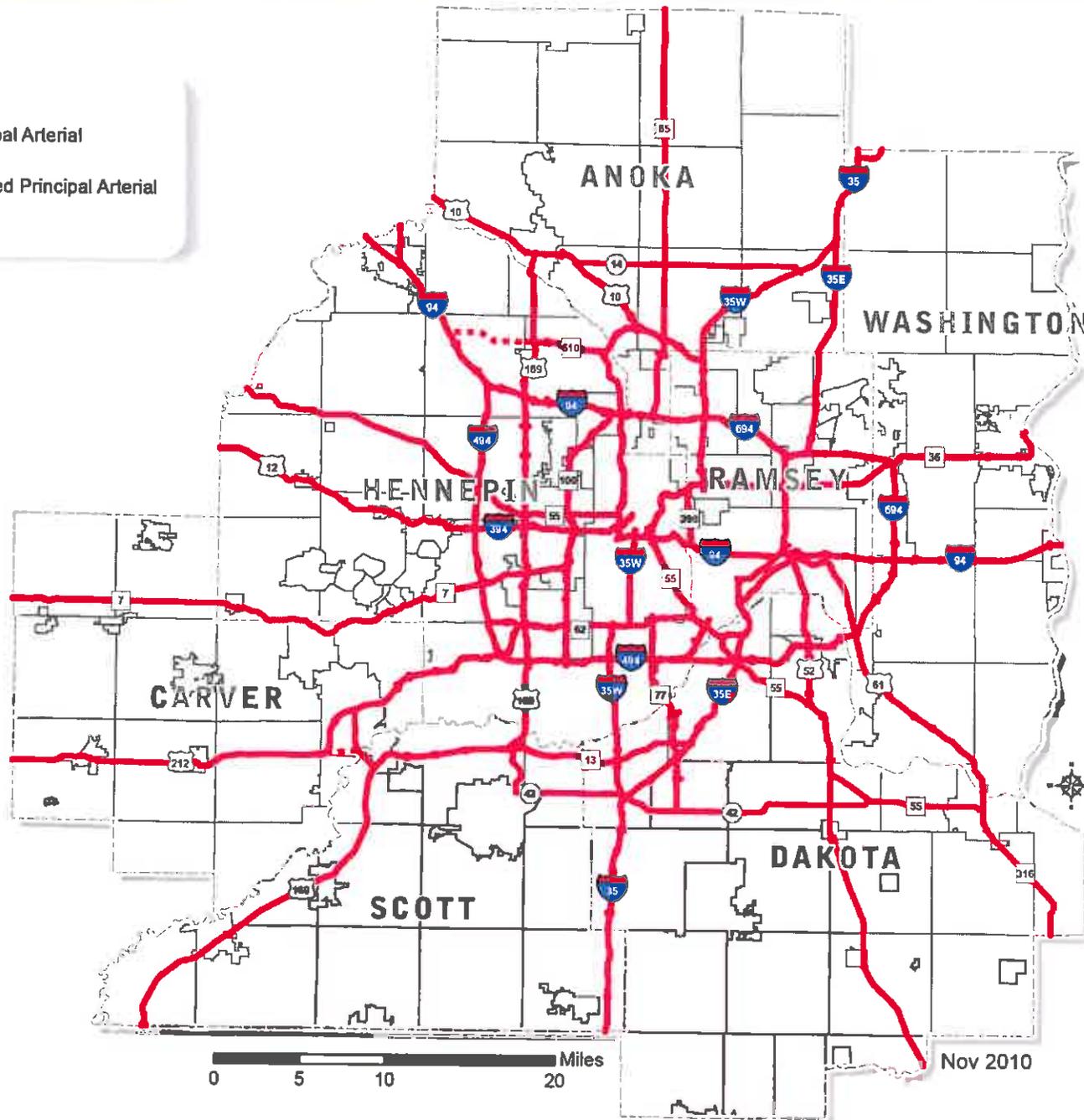


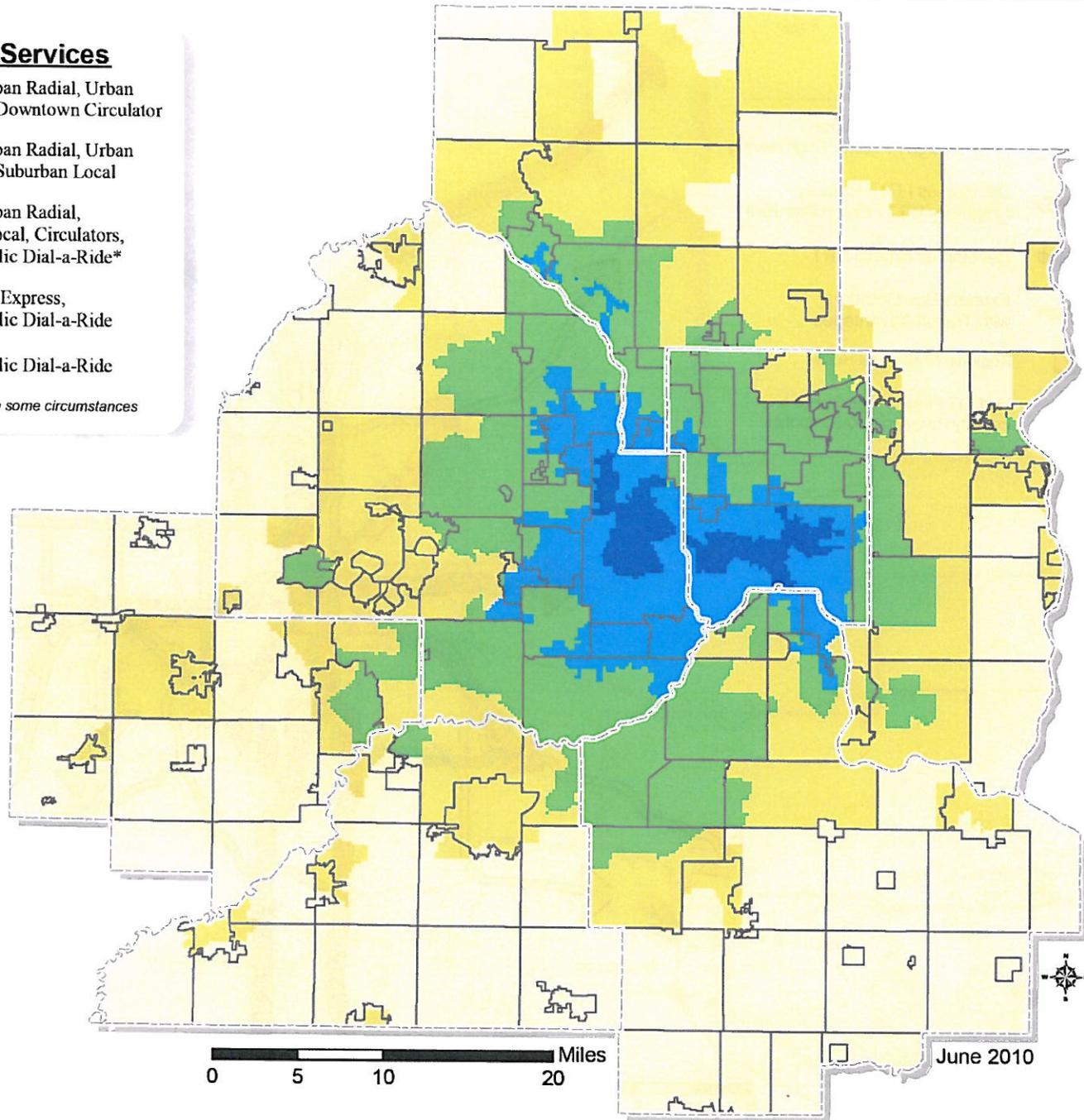
Figure 6-1: Metropolitan Highway System



Figure 7-19: Transit Market Areas

Market Area	Typical Services
 Area 1	Express, Urban Radial, Urban Crosstown, Downtown Circulator
 Area 2	Express, Urban Radial, Urban Crosstown, Suburban Local
 Area 3	Express, Urban Radial, Suburban Local, Circulators, General Public Dial-a-Ride*
 Area 4	Peak Period Express, General Public Dial-a-Ride
 Area 5	General Public Dial-a-Ride

* Market Area 3 Dial-a-Ride is appropriate in some circumstances



- ADA paratransit service follows federal and state regulations in the regular route service area

- Additional details on market areas and service standards are available in **Appendix G**

- Market area geography was calculated at the census block group level.





- Major
- Intermediate
- ▲ Minor
- ✚ Special Purpose

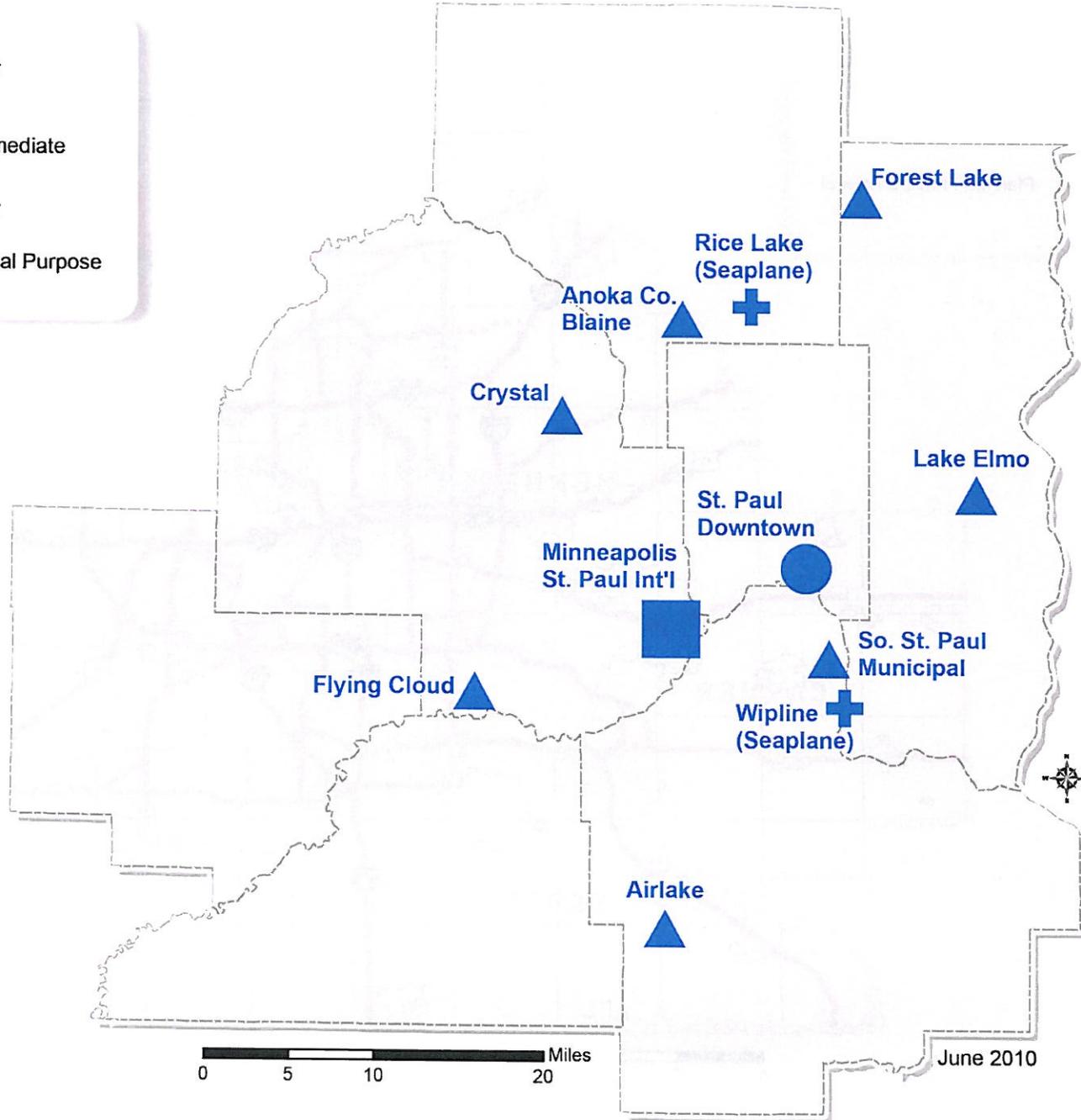
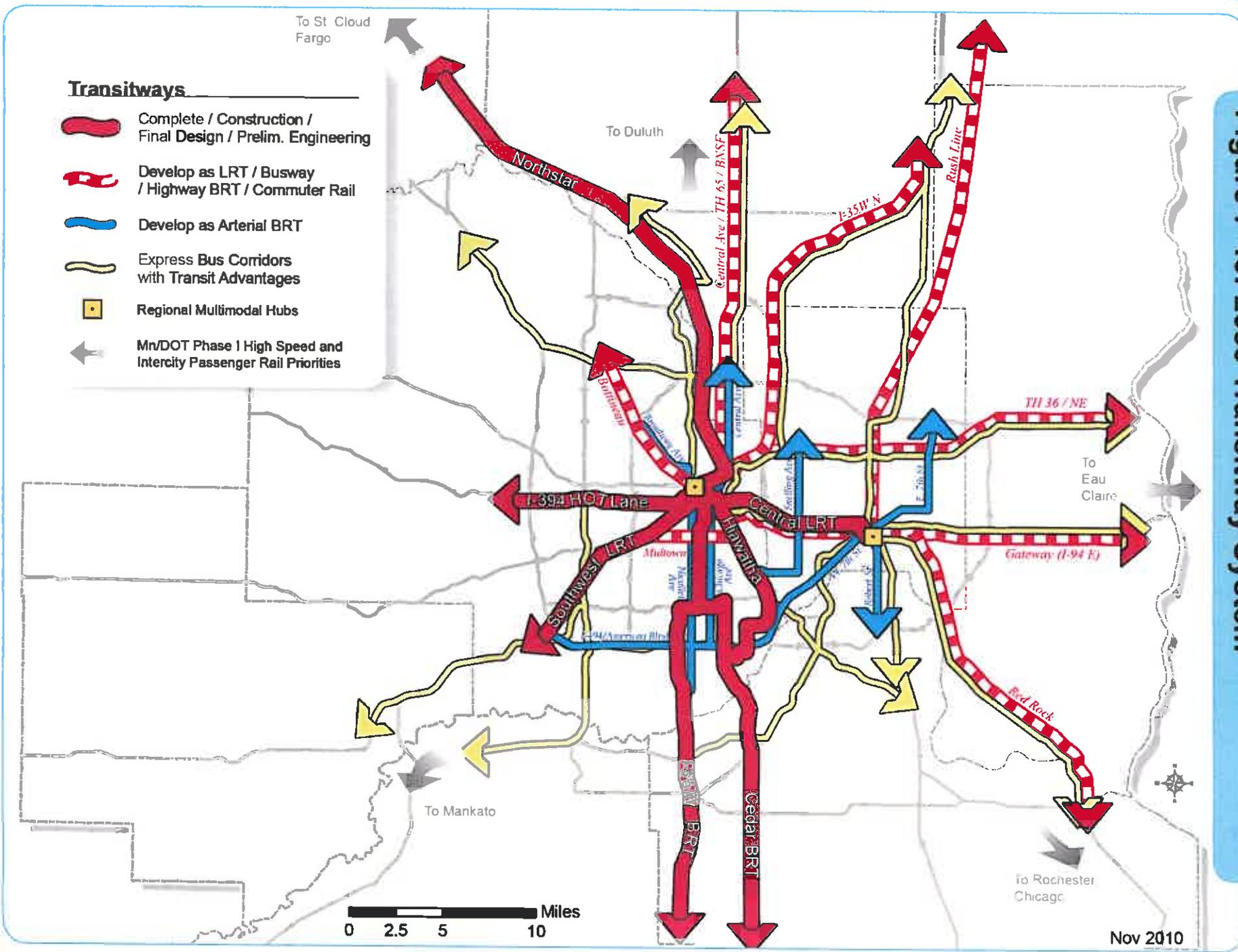


Figure 10-1: Regional Aviation System





Figure 7-43: 2030 Transitway System



2010 Regional Parks System Statement City of Shoreview

The updated *2030 Regional Parks Policy Plan* adopted by the Metropolitan Council in December 2010 is the metropolitan system plan for regional recreation open space with which local comprehensive plans must conform. This system statement highlights elements of the updated system plan which apply specifically to your community. The complete text of the updated *2030 Regional Parks Policy Plan* can be found at the Metropolitan Council's website: <http://www.metrocouncil.org/planning/parks/2010/index.htm>

To meet the needs of the region in 2030, the updated *2030 Regional Parks Policy Plan* includes the following changes to the current regional parks system:

- ✓ **Extend four regional trail corridors.**
 - Trout Brook Regional Trail in Ramsey County
 - Big Rivers Regional Trail in Scott County
 - Minnesota River Bluffs Regional Trail in Carver County
 - Add Manomin County Park to the Rice Creek West Regional Trail corridor in Anoka County

- ✓ **Acquire and develop twelve new regional trails. Search corridors include:**
 - The Union Pacific rail corridor and river crossing in Carver and Scott counties
 - A north-south trail along County Road 10 in Carver County
 - Three north-south trails in Scott County
 - An east-west trail in Scott and Dakota Counties
 - A north-south trail and an east-west trail in Dakota County
 - A north-south trail in Ramsey County
 - A north-south trail along Johnson Parkway in St. Paul
 - A north-south trail along the St. Croix River and an east-west trail along the Mississippi River in Washington County

- ✓ **Designate The Landing in Shakopee as a regional special recreation feature**

- ✓ **Acknowledge a Regional Park Study Area in West St. Paul and South St. Paul**

- ✓ **Delete the Regional Park Search Area in southwestern Dakota County**

Regional Park System Plan Changes Affecting Your Community

The following parks system changes as contained in the updated *2030 Regional Parks Policy Plan* affect your community.

Trout Brook Regional Trail Extension Search Corridor

This is a proposed regional trail search corridor that will extend the Trout Brook Regional Trail north from Lake McCarrons County Park in Roseville to connect with Vadnais Snail Lakes Regional Park.

Ramsey County will develop a master plan to establish this trail alignment and will include Shoreview and others in the process. Greg Mack, Ramsey County Parks Director, can be contacted at 651-748-2500 for further information regarding the regional trail search corridor.

In order to conform to the updated *2030 Regional Parks Policy Plan*, the community's comprehensive plan needs to:

- Depict the general alignment of the regional trail search corridors on a map, as shown in Figure 2.
- Acknowledge in the text that this regional trail search corridor is a component of the regional parks system.

~~Text proposed for deletion is stricken; text proposed for addition is underlined~~

Excerpts from the 2008 Comprehensive Plan

Chapter 5, Transportation

Existing Transportation System

Existing Transit Characteristics

According to the 2000 Census, approximately 1.9 percent of City residents used some form of public transportation as a means for traveling to work. Another 8.4 percent carpooled with one or more other individuals. A little less than Hhalf of the respondents to the 200510 Resident Survey reported that they left the City daily to go to work. ~~4%~~ 7% reported that they or a family member regularly use public transportation to get to work, an increase from 4% in 2005. Of those who do not use public transit, ~~33%~~ 5% reported that it is not convenient and another ~~46%~~ 6% reported that no transit service route is available. ~~When asked about the importance of public transit, 30% answered that it is very important, and 28% rated public transit good or excellent.~~ The 2000 Transportation Behavior Survey (Met. Council/MnDOT) reported that transit ridership accounts for about 2.5% of total trips in the metro area.

MetroTransit obtained boarding data in March, 2008 to estimate the ridership counts for some of the bus routes operated in Shoreview. This data was obtained at point checks and provides a good representation of ridership for the inbound and outbound weekday rush hour routes. The midday service ridership for Route 62 was not counted, however, it is estimated that there are about 20 residents served by this route. **Table 5-3** summarizes the findings:

Table 5-3. Weekday (Daily) Transit Boardings

<i>Route</i>	<i>Boarding Count</i>
62 - Local	19
225 - Circulator	78
227 - Circulator	50
250- Express	50
255 – Express	15
261 – Express	13
262 – Limited Stop	58

Source: Metro Transit

In addition, MetroTransit also provided the City with information regarding park and ride lot users. The two primary park and ride locations used by Shoreview residents are the Rosedale Transit Center (City of Roseville) and 1-35W/95th Ave Transit Center (City of Blaine). Ridership data found that 65 residents were using the Transit Center at Rosedale. The majority

of these users live in the southern and midsection of the City, however, some users reside on the City's northside. The Transit Center at I-35/95th Avenue is primarily used by residents who live north of County Road I. The data indicates that 19 residents use this facility. Other park and ride facilities are used by Shoreview residents, however, use of these facilities is low with one or two users.

Aviation

A small portion of the City lies within the influence area of the Blaine-Anoka County Airport, located just northwest of the I-35W/County Road J interchange. The areas within the City that fall under both the Airport Safety Zone C and the Airport Land Use Zone are shown on Map 5-7.

The Anoka County-Blaine Airport is the largest of the reliever airports in the Twin Cities Metro Area. The facility serves the most diverse aircraft mix in the reliever system including corporate jets, recreational pilots and many antique aircraft. The airport has a contract air traffic control tower, a 4,855-foot north-south runway and a 5,000-foot east-west runway equipped with an instrument landing system(ILS). Two full-service operators and a number of single-service operators are based at the airport. The airport supports more than ~~90,000~~ 230,000 takeoffs and landings annually and there are ~~490~~ 455 aircraft based at the airport.

Planned improvements at the Blaine-Anoka County Airport include improved instrumentation, the possible addition of runways parallel to each existing runway, and an extension of the existing east-west runway to 5,000 feet.

Since the airport runways run directly north-south and east-west the impacts of the airport on Shoreview are limited since the City lies to the southeast. The City of Shoreview does recognize its responsibility as a community to protect the general airspace surrounding this airport, as well as others in the region. Shoreview lies outside of the airport's safety zones A and B, but lies within zone C, which encompasses all land within an arc with a 6,000-foot radius from the ends of all runways. Uses in this zone are only subject to general restrictions regarding interference with electronic communications, airport lighting and the impairment of visibility. Shoreview does lie beyond the airport's existing and projected noise contours.

Structures which are 200 feet or higher above ground level may pose hazards to air navigation. The primary structures of this type in Shoreview are the broadcast towers located north of I-694. Because of their height, the Federal Aviation Administration (FAA) has established flight rules that prohibit aircraft from operating in the vicinity of the towers. The construction of any structure or alteration exceeding a height of 200 feet or any construction or alteration of greater height than an imaginary surface extending upward at a slope of 100:1 from the nearest point of the nearest runway of a public airport requires notification to the Mn/DOT Commissioner and potentially FAA.

Seaplane operations are permitted on two of the City's lakes: Turtle Lake and Lake Owasso. The Mn/DOT, Aeronautics Division, regulates these types of seaplane operations. On Lake Owasso, seaplane operations are restricted during the day on weekends and holidays in the summer (although limited use of personal seaplanes by residents is permitted). Mn/DOT does not monitor

the use of these lakes by seaplanes, unless conflicts are occurring. When lakes are frozen, ski-equipped craft may operate on all City lakes.

Analysis of Future Needs

Planned Improvements

The regional transportation system within the City is under the jurisdiction of Mn/DOT and Ramsey County, and these road authorities control the function, design, maintenance and improvement of these roadways. Many of transportation issues within the community relate to the regional transportation system, including issues such as interstate highway access, signalization, road design, speed, access management and congestion. When the need arises or when opportunities exist, the City works with the appropriate agencies to resolve these issues. Following is a list and brief description of planned transportation improvements within or adjacent to the City of Shoreview that will benefit area residents and will be carried out by Mn/DOT or Ramsey County. In some cases, funding for these improvements has not been identified and construction is not currently scheduled and is dependent upon funding availability.

- ~~I-694 Expansion: 35E to 35W. This project involves expansion of I-694 to a six-lane freeway section, construction of auxiliary lanes, and interchange improvements at the Rice Street, Victoria Street, and Lexington Avenue interchanges within the City of Shoreview. This project has been put on hold since the 2008 Transportation Policy Plan strives to preserve the existing system. The region will invest in low cost/high benefit projects that mitigate congestion and provide alternatives. These projects, in addition to expansion projects, will be assessed in a study to be conducted in 2009. The 2011 to 2014 TPP includes the reconstruction of bridges, the addition of a frontage road and one new general purpose land in each direction between TH 10 and Lexington Avenue. A managed lane system is planned for in the future but not currently funded.~~
- I-35W Managed Lane System Expansion Plan. This capacity expansion project would involve adding through lanes and auxiliary lanes along both southbound and northbound directions of I-35W. This project is not included in the 2030 TPP. A short term priority in the 2011 to 2014 TPP is the construction of a managed lane on I-35W from downtown Minneapolis to the 95th Avenue exit in Blaine.
- I-35W/County Road J/Lake Drive Interchange Reconstruction. Proposed improvements include constructing a northbound on-ramp from County Road J to I-35W, a southbound on-ramp from County Road J to I-35W, a southbound exit ramp from I-35W to County Road J, and a collector-distributor road for southbound I-35W traffic destined to Highway 10.
- Rice Street/I-694 Interchange Reconstruction. While this project has been identified with the I-694 Expansion: 35E to 35W Project, it may be constructed in advance of improvements to the rest of I-694. Ramsey County and Mn/DOT are coordinating efforts to accelerate improvements to the Rice Street Interchange.
- Vadnais Boulevard Reconstruction: Twin Lakes Boulevard to Rice Street. Construction of this Ramsey County project began in 2007 with completion of the improvements anticipated in 2008. This project will improve safety and operations at the Rice Street/Vadnais Boulevard intersection.

- County Road 96/Highway 10 Interchange Project and Reconstruction of CR 96 between Old Highway 8 in New Brighton to just west of Snelling Avenue in Arden Hills.

The City will maintain the network of city streets and make improvements to address safety and capacity as needed. The City has an aging roadway network that requires on-going maintenance. The City has a pavement management program to monitor the condition of local road and the City has adopted a street renewal program policy to guide the replacement and rehabilitation of local streets. The Capital Improvement Program is reviewed and updated annually to identify road maintenance expenditures over a rolling 5-year time frame. Some neighborhood roadways will be reconstructed in the planning timeframe. The City has recently identified the remaining substandard local street areas and tentatively programmed those for reconstruction over the next ten years (2008-2018). These streets are depicted on Map 5-12.

Transit

Metro Transit routinely monitors transit ridership and adjusts the number and frequency of routes based on transit demand. No significant changes in transit service are planned within the City of Shoreview. A new park-and-ride lot near I-35W and County Road 96 has been discussed that would benefit commuters in the City of Shoreview. In addition, Shoreview lies within the I-35W N transitway corridor and express bus corridor. The mode and alignment for the transitway has not yet been identified.

Regional Park Trails

The Metropolitan Council has identified a regional trail search corridor that will extend the Trout Brook Regional Trail north from Lake McCarrons County Park in Roseville to connect with Vadnais Snail Lakes Regional Park. Ramsey County will be developing a master plan to establish this trail Alignment. This trail alignment overlaps three of the neighborhoods in which the active living study recommended that neighborhood connections, including pedestrian and bicycle facilities need to be strengthened. This alignment is shown on Map 5-6, Trails and Bikeways.

Pedestrian and Bicycle Facilities

The City has completed most of the trail improvements identified in the adopted Basic Level of Service plan. That trail network is intended to provide an “arterial” trail system, with neighborhood connections. The existing system provides trails along most arterials and collector streets, and connects neighborhoods to community destinations, parks, schools, regional trails and open space. The City has recently received funding assistance to further explore Active Living principals and to identify areas within the community where these principals can be applied. Transportation infrastructure can provide for and encourage active transportation (walking, cycling), which is a key component of active living. The City will continue to strive for a connected, accessible, and safe trail system that will promote everyday use of these facilities, which will result in active living and better health for the community.

The Metropolitan Council has identified a regional trail search corridor that will extend the Trout Brook Regional Trail North from Lake McCarrons County Park in Roseville to connect with Vadnais Snail Lakes Regional Park. Ramsey County will be developing a master plan to establish this trail Alignment.

Aviation

The issues regarding aviation pertain to future expansion plans at the Blaine-Anoka County Airport and seaplane operations on local lakes. The long term Comprehensive Plan for this airport was amended in June, 2010. Recommendations address security gates, Xylite Street relocation, taxiway extension, pavement management, use and development and agency coordination. Development within the northwestern corner of the City will need to meet requirements regarding interference with electronic communications, airport lighting and impairment of visibility. Future work includes developing an airport zoning ordinance is being developed for the Blaine Anoka County Airport, and the City has two representatives on the zoning board. It is not expected that the Ordinance will affect development or land use within the City, and the City will participate in and comply with the land use requirements developed for the Airport.

Although two of the City's local lakes are designated seaplane lakes, use by seaplanes on these lakes is minimal. No known conflicts between lake users and seaplanes are occurring.

Active Living

As previously discussed in Chapter 4, Land Use, barriers to active living exist in the community due to the existing development pattern, the transportation network and lifestyles. Current studies have found that there is a strong association between land use, automobile dependency, the level of a person's physical activity and their health. The evidence indicates that automobile oriented land use policies reduce transportation choice, negatively affect air quality and safety and discourages physical activity. Transportation policies that support accessibility and a multi-modal transportation network have been found to encourage active living. Accessibility planning focuses on the degree to which people can easily get to destinations by a variety of transportation modes. Multi-modal transportation systems provide residents with greater choice and flexibility in deciding how to access activities and it also increases accessibility for residents who do not drive and/or are transit dependent.

Shoreview's past practices pertaining to transportation planning have recognized this multi-modal approach but have been challenged in developing a true multi-modal system due to roadway jurisdictions, the existing development pattern and limited transit service and use. The goals and policies that follow are intended to strengthen the system by improving accessibility for residents through transportation choice.

To increase opportunities for active living, the City commissioned the Shoreview Active Living Study, with funding received from Blue Cross and Blue Shield of Minnesota Prevention Minnesota program. This study identified three neighborhoods that are "isolated" because the existing transportation infrastructure creates barriers for pedestrian and cyclist movement.

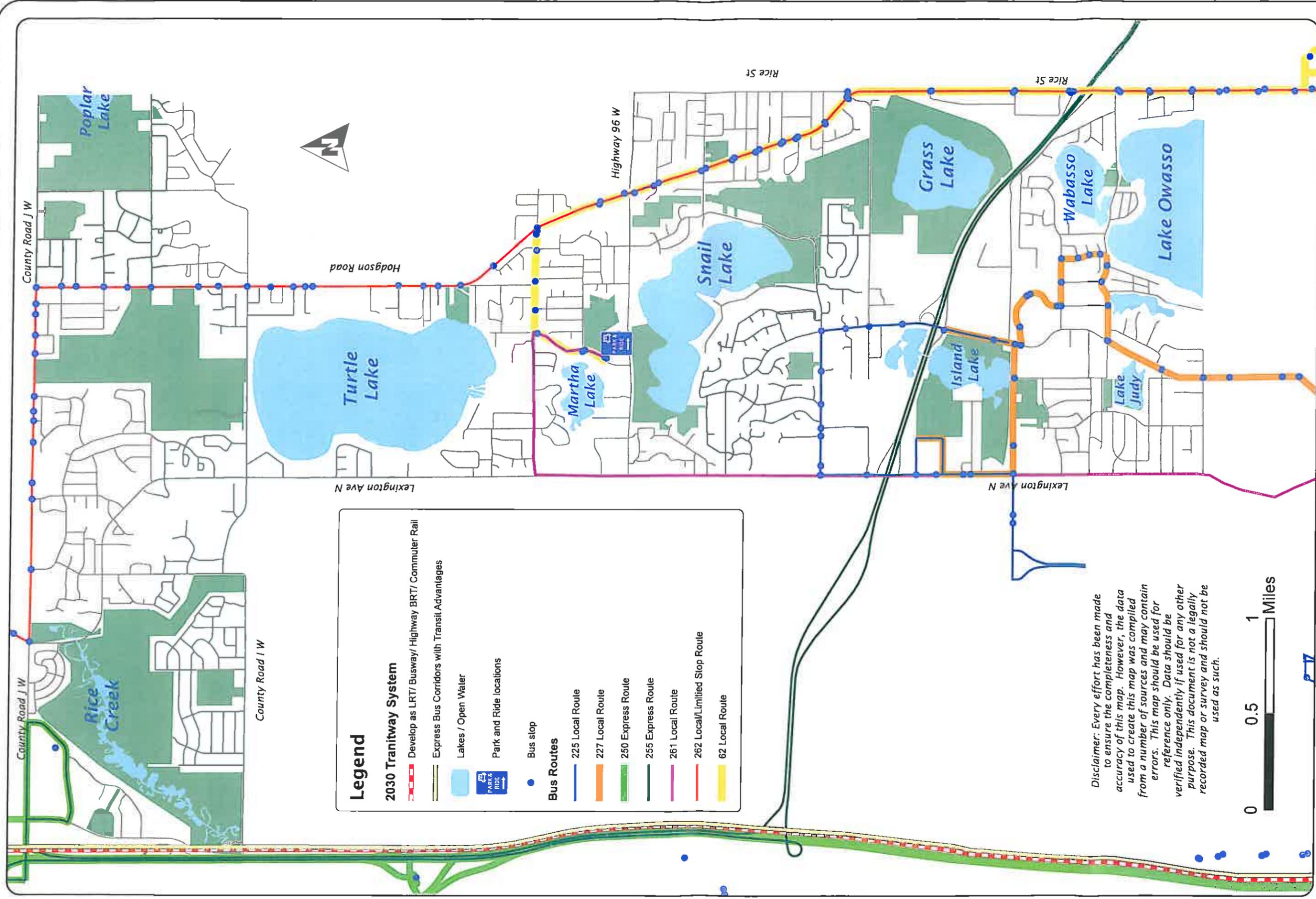
These neighborhoods include: Rice Street/Rustic Place, Soo Street and East Lake Owasso (**Map 5-6**) The study includes recommendations and an implementation plan for each of these neighborhoods to improve pedestrian and bicycle connections with the larger community. The recommendations are included in the discussion regarding goals, policies and recommended actions. These neighborhoods are located in the regional trail search corridor that will extend the Trout Brook Regional Trail.

Chapter 10, Parks and Open Space

Analysis of Future Needs

Regional Trails

The Metropolitan Council has identified a regional trail search corridor that will extend the Trout Brook Regional Trail north from Lake McCarrons County Park in Roseville to connect with Vadnais Snail Lakes Regional Park. Ramsey County will be developing a master plan to establish this trail Alignment. This trail alignment overlaps three of the neighborhoods in which the active living study recommended that neighborhood connections, including pedestrian and bicycle facilities need to be strengthened. This alignment is shown on Map 5-6, Trails and Bikeways.

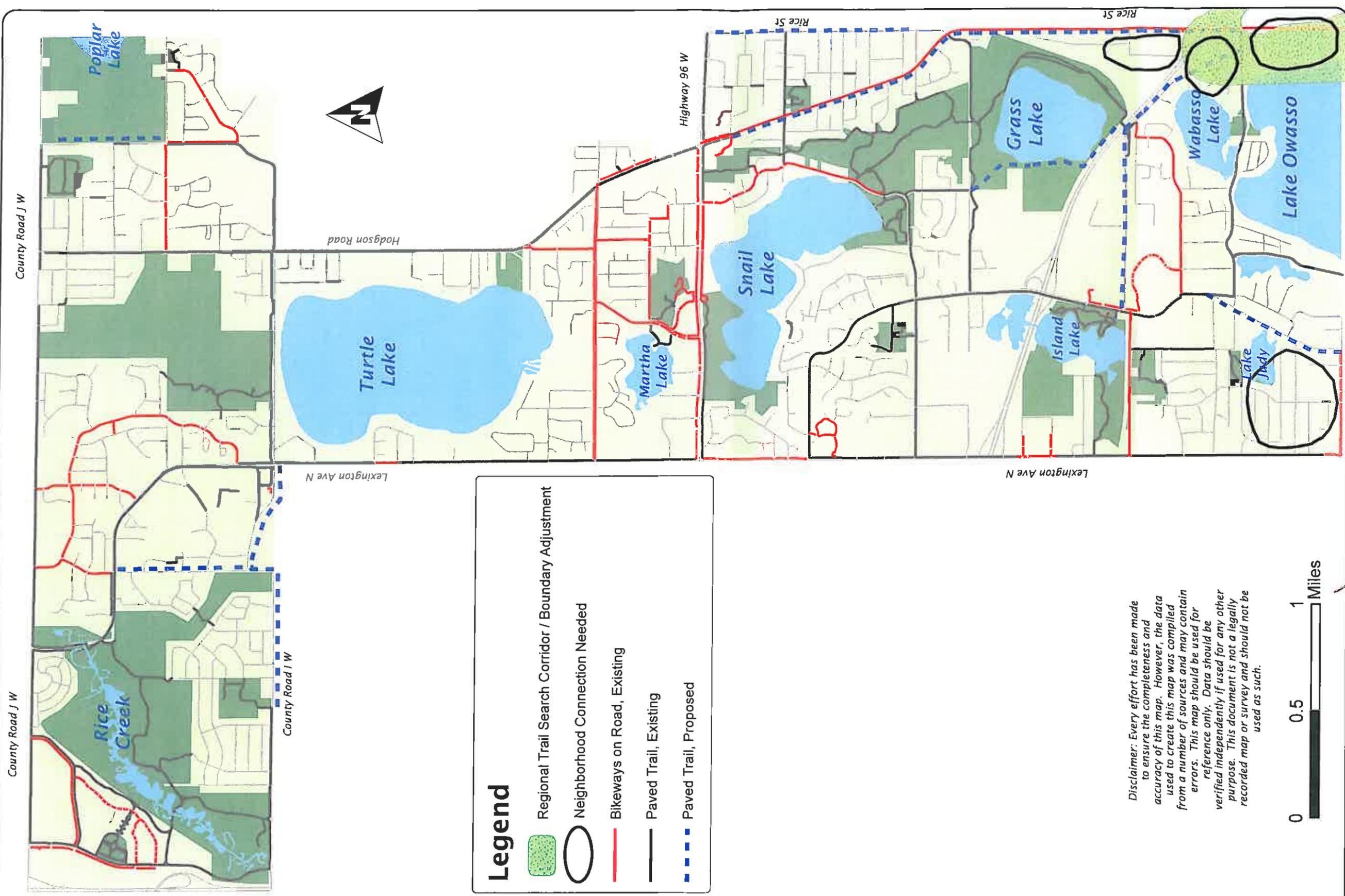


5.5 Transit Information

City of Shoreview - 2008 Comprehensive Plan



October 20, 2011



5.6 Trails and bikeways

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the amendments to the 2008 Comprehensive Plan, Chapter 5, Transportation and Chapter 10, Parks and Open Space. The amendments will not negatively impact Shoreview's local systems. The amendments are consistent with the updated 2030 Transportation and Parks Policy Plans adopted by the Metropolitan Council. Approval is subject to:

1. Review and approval by the Metropolitan Council.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – October 25, 2011

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
Rob Warwick, Senior Planner
DATE: October 21, 2011
SUBJECT: Draft Text Amendment, Setbacks in Residential Districts Discussion

BACKGROUND

Throughout the past few years, the City Council and Planning Commission have discussed issues related to residential redevelopment and infill in established single-family residential neighborhoods.

At the August workshop the Commissioners directed staff to prepare draft text amending City Code provisions related to setbacks in residential districts and to develop regulations pertaining to non-conformities that are consistent with State Statute.

The draft text (attached) is discussed below.

EXISTING CODE - RESIDENTIAL STRUCTURE SETBACKS

The Commission supported the reduction of front and side yard structure setback requirements as a method to provide flexibility for property owners who want to improve their existing homes. The existing regulations that were identified to be modified in order to provide flexibility for reduced structure setbacks include:

Front yard structure setbacks, including side yards abutting a street

- A minimum of 30-feet, but not more than 40-feet as measured from the property line;
- Where the dwellings on adjacent properties exceed the minimum front setback by more than 10-feet, the structure set is determined by average of the setbacks of the two adjacent dwellings, then adding and subtracting 10-feet to identify the required front yard setback range on the subject property; and
- A minimum of 40-feet from arterial roads.

The Planning Commission should note that the Development Code does allow certain structural elements or features to encroach into the required front and side yard. Reducing the front setback will not affect permitting encroachments specified in Code. As such, improvements such as 2-foot cantilevered areas, and 5- by 7-foot unenclosed stoops will still be allowed to encroach into the 25-foot front yard. A complete list of permitted encroachments is listed in the attached text.

PROPOSED TEXT AMENDMENTS

1. Reduce the minimum front yard setback required for structures from 30 feet to 25 feet, as measured from the front property line.

The proposed 25-foot minimum front setback has been applied to many developments, including newer subdivisions (Snail Lake Landing and Whispering Pines). Several older developments also have a 25-foot or less front setback, including the Villas of North Point, Willow Creek, Willow Glen, Heather Ridge and Turtle Lake Hills.

Applying this flexibility throughout all residential neighborhoods should not have a negative effect on neighborhood character since the general alignment of dwellings along the street would be maintained. Exceptions to the setback with the 'plus or minus 10-feet' results in a general structure alignment which is retained with the proposed regulations. Reducing the front setback to a 25-foot minimum should still result in a general alignment, with dwellings aligned within a 20-foot front setback range. In many areas of the City dwellings have been developed with uniform front setbacks of 30-feet, and the 5-foot reduction would therefore be in keeping with the intent of the Code. This reduction would apply to local and collector streets.

2. For parcels abutting a 60-foot right of way of a local road, reduce the required structure setback to a minimum of 20 feet from the front property line provided the structure is setback a minimum of 30 feet from the improved road surface.

Right-of-way widths of 60-feet were required for all local roads until the late-1980s. The boulevard area on these 60-foot ROW is typically 14-16 in depth, compared to the 9-foot boulevard for a street developed under the current 50-foot ROW standard. The areas developed with 60-foot ROWs include most of the areas where the house style is dominated by split level and ramblers where flexibility is most important. A further front setback reduction would increase flexibility for homeowners, while achieving the same visual setback from the developed street curb as a 25-foot setback on a 50-foot wide ROW. This would position any alterations 10-feet in front of adjacent houses developed with the minimum 30-foot setback from the front lot line. This reduction would apply to only to local streets, and not to collector roads which have a different function and have a more fully developed ROW than local streets.

3. Allow a building addition or alteration to maintain an existing side yard structure setback which is less than the required structure setback, provided the alteration is setback a minimum of 5 feet and is a single story.

Until about 1970, City Code permitted a minimum 5-foot side setback for living area. As a result there are many dwellings that have a side yard setback less than the current 10-foot minimum. The proposed text mimics the provisions currently applicable only to substandard riparian lots, where an existing side setback of at least 5 feet can be maintained for a single story alteration.

NON-CONFORMITIES

In addition to these proposed text changes, the City Attorney and Staff are reviewing changes in to the existing regulations related to nonconformities in response to changes in State Statute adopted in

2005. These changes provide owners of nonconforming uses and structures more rights regarding the longevity of these types of structures and uses. Prior to this change, the intent of the regulations were to “phase-out” non-conformities. Nonconforming uses and structures can now be retained and replaced under certain circumstances. The City Attorney will finalize the text prior to public review and action by the Planning Commission. A copy of the State Statute and existing City regulations is attached for the Commission’s review.

RECOMMENDATION

Based on Commission’s discussion and direction, text will be prepared for Public Hearing at the December 6th Planning Commission meeting. This will include amendments regarding the structure setbacks from the front and side property lines for residential structures as well as nonconformities.

205.080 Residential Districts Overview.

(D) Required Conditions. In addition to the standards of Sections 203-206, the following specifications apply to Residential Districts:

(1) Setbacks.

- (a) Corner Lots. Buildings on corner lots shall be set back from both streets, a distance equal to the established or required front yard setback for the use on both streets.
- (b) Minor Arterial and Collector Streets. Along minor arterial streets as identified in the Comprehensive Guide Plan, residential structures shall maintain a 40-foot setback. Along collector streets as identified in the Comprehensive Guide Plan, residential structures shall maintain a 30-foot setback, except as otherwise permitted pursuant to Section 205.082 (D)(2).
- (c) Shoreland. Lakeside setbacks in shoreland areas shall be regulated by the Shoreland Regulations in Section 209.080.
- (d) Major Subdivisions. The front yard setback for all residential structures in subdivisions platted after October 21, 2002 may be reduced to a minimum of 25 feet provided the minimum rear yard setback is increased to 35 feet. Application of the setback provisions shall be described in the Development Agreement.
- (e) Butt lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel.
- (f) Key lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel, or a minimum 40 feet from a rear lot line when that rear lot line abuts the side lot line of an existing parcel.
- (g) Exceptions to Minimum Front Yard Setback Requirements. Front yard setbacks established in the following manner shall not be reduced unless a variance is approved.

- (i) New Construction. Where existing dwellings are located on lots which are immediately adjacent to a vacant lot and have established front yard setbacks that exceed the minimum front yard setback allowed in the zoning district by more than fifteen (150)-feet, the front yard setback for a dwelling to be constructed on the vacant lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10-feet. If one of the immediately adjacent dwellings is located on a corner lot or on a lakeshore lot the setback of such dwelling shall not be

Note: As of Dec. 27, 2011, this setback provision had been selected to apply by the Developers to the following Major Subdivisions: Snail Lake Landing; Villas of Whispering Pines; and Whispering Pines.

The 10-ft max is increased to 15 feet more than the established 25 foot minimum to account for the general existing development pattern

utilized when computing the permissible front yard setback for the newly constructed dwelling, and, in such case, the front yard setback for the newly constructed dwelling shall be equal to the front yard setback for the remaining adjacent dwelling plus or minus ten (10) feet.

(ii) Additions to Existing Structures.

(aa) On lots where two or more existing adjacent dwellings have front yard setbacks which exceed the minimum front yard setback allowed in the zoning district by ~~ten~~~~fifteen~~ (15) or more feet, the front yard setback for an addition to any of the dwellings shall not be more than ten (10) feet less than the average of the front yard setbacks for such existing adjacent dwellings.

(bb) On non-riparian lots, if one of the immediately adjacent dwellings is located on a corner lot or a lakeshore lot, the front yard setback of such dwelling shall not be utilized when computing the permissible front yard setback for the addition to an existing dwelling, and, in such case, the front yard setback for the addition to an existing dwelling shall not be less than the front yard setback for the remaining adjacent dwelling, minus ten (10) feet.

(f) Encroachments. The following shall be considered as permitted encroachments on setback requirements:

(i) In any yard: eaves, gutters, awnings, chimneys, landings, sidewalks and fences.

(ii) In interior side and rear yards: decks, open terraces, balconies and unenclosed porches provided they are no closer than five feet to any property line.

(iii) In front yards and in side yards adjoining a right-of-way of property zoned for residential use, bay windows and cantilevered habitable area may encroach up to two feet into the required dwelling setback.

(iv) In side yards of corner lots zoned R-1 adjoining a public right-of-way, at-grade patios may encroach up to ~~five~~~~ten~~ feet into the required dwelling setback provided that the side yard does not abut a front yard on an adjacent property.

205.081 Residential Estate District (RE)

(3) Setbacks.

(a) Front Yard. Dwellings and accessory structures shall have a front yard setback of at least ~~twenty-five (25)~~~~thirty (30)~~ feet but in no event more than forty (40) feet, except as otherwise provided.

205.082 Detached Residential District (R1)

(D) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply:

(2) Setback. Dwelling and accessory structures shall have a front yard setback of at least ~~twenty-five (25) thirty (30)~~ feet but in no event more than forty (40) feet, except as otherwise provided. The side yard setback shall be a minimum of ten (10) feet except that on corner lots, the side yard setback shall be a minimum of ~~twenty-five (25) thirty (30)~~ feet. The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.

a. Except in those cases where an existing principal structure is set back less than 10 feet but at least 5 feet from the side property line, then the existing setback may be maintained provided the expansion, addition or reconstruction is no more than one story as defined by the Uniform Building Code. A minimum setback of 10 feet is required for any part of the structure that exceeds one story in height.

b. Except in those cases where the subject property abuts a local street with a right-of-way width of sixty (60) feet or more, the City Manager may allow the front setback to be reduced to a minimum of twenty (20) feet, provided there is a minimum of distance of thirty (30) feet from the proposed structure to the improved road surface or back of curb, and no further public improvements in the right-of-way are determined to be needed.

205.083 Attached Residential District (R2)

(C) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply for the Attached Residential District:

(2) Setback. A front yard of ~~25~~30 feet, a side yard of 10 feet except that corner lots shall have ~~25~~30 feet and a rear yard of 30 feet. Zero lot line developments shall be permitted.

209.080 Shoreland Management

(L)(2) Substandard Riparian Lots.

(c) Design Standards for Substandard Riparian Lots. Any structures expanded, constructed, or reconstructed on a substandard riparian lot shall comply with the following standards.

(iv) Building Setbacks.

- (aa) Minimum Setback from the Property Front Line: ~~Twenty-five (2530)~~ feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus 10 feet. In those cases where there is only one existing adjacent structure which has a setback greater than ~~twenty-five (2530)~~ feet, then the setback for the new dwelling or addition shall be equal to the average of ~~twenty-five (2530)~~ feet and the setback of the existing adjacent structure, plus or minus 10 feet.
- (bb) Minimum Setback from the Ordinary High Water Level. See Sections 209.080(D) and (F).
- (cc) Minimum Setback from an Interior Side Property Line: 10 feet. However, in those cases where an existing principal structure is set back less than 10 feet but at least 5 feet from the side property line, then the existing setback may be maintained provided the expansion, addition or reconstruction is no more than one story as defined by the Uniform Building Code. A minimum setback of 10 feet is required for any part of the structure that exceeds one story in height.
-

Subd. 1d. **Nuisance.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.

Subd. 1e. Nonconformities. (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

(f) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

(2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;

(3) impervious surface coverage must not exceed 25 percent of each lot; and

(4) development of the lot must be consistent with an adopted comprehensive plan.

(g) A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(h) Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

(i) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(j) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

Subd. 1f. Substandard structures. Notwithstanding subdivision 1e, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

Subd. 1g. Feedlot zoning controls. (a) A municipality proposing to adopt a new feedlot zoning control or to amend an existing feedlot zoning control must notify the Pollution Control Agency and commissioner of agriculture at the beginning of the process, no later than the date notice is given of the first hearing proposing to adopt or amend a zoning control purporting to address feedlots.

(b) Prior to final approval of a feedlot zoning control, the governing body of a municipality may submit a copy of the proposed zoning control to the Pollution Control Agency and to the commissioner of agriculture and request review, comment, and recommendations on the environmental and agricultural effects from specific provisions in the ordinance.

(c) The agencies' response to the municipality may include:

(1) any recommendations for improvements in the ordinance; and

SHOREVIEW DEVELOPMENT CODE

207.050 Nonconformities.

(A) Purpose. The purposes for the City's Nonconforming Use Regulations are:

- (1) To recognize the existence of uses, structures and lots which were lawfully established but which do not currently comply with the City's Development Regulations.
- (2) To prohibit the enlargement, expansion or extension of nonconforming principal uses and structures.
- (1) To require the elimination of nonconforming accessory uses, and structures utilized in connection therewith, within a reasonable period of time.
- (2) To regulate nonconforming uses and structures that are located in flood hazard areas in a manner consistent with State and Federal regulations in order to preserve the public health, safety and welfare.

(B) Nonconforming Use Restrictions.

- (1) A nonconforming principal use shall not be enlarged or extended to occupy a greater area of land or a larger portion of a structure, but may continue at the size, intensity and in the manner of operation existing upon the date on which the use became nonconforming.
- (2) A nonconforming principal use may be changed to lessen the nonconformity of the use.
- (3) When a nonconforming principal use has been changed to a conforming use, it shall thereafter comply with the City's Development Ordinance.
- (4) A nonconforming principal use shall not be re-established if discontinued for a continuous twelve-month period.
- (5) A nonconforming accessory use shall be terminated as provided in Section 207.050(G).
- (6) A nonconforming principal use, which is damaged by fire, wind, or other causes to the extent of 50% or more of its value, as determined by a qualified appraiser, shall not be resumed except in conformity with the City's Development Ordinance, unless a building permit to restore the damage is applied for within 180 days of the event causing the damage. In the event restoration work exceeds 50% of the value, the City may impose reasonable

conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

- (7) Any nonconforming use located in a flood hazard zone is also subject to the regulations of Section 205.091(K)(4).

(C) Nonconforming Lot Restrictions. The following requirements shall apply to all substandard non-riparian lots that do not satisfy the minimum dimension standards set forth in Development Ordinance. Substandard riparian lots shall comply with the requirements set forth in Section 209.080(L).

(1) Lot Standards:

- (a) Residential design review approval, in accordance with Section 203.034, must be obtained prior to improvement of any nonconforming lot of record for use as a separate home site if the lot was not in separate ownership on August 1, 1983, or any time thereafter.
- (b) No structures shall be expanded, constructed or reconstructed on a substandard lot of record unless Residential design review approval is first obtained from the City in accordance with Section 203.034.
- (c) Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof, floor, and four walls). Determination as to the extent of structural component replacement shall be made by the Building Official.
- (d) A dwelling shall not be constructed or reconstructed on a nonconforming lot of record unless, the lot meets or exceeds 80% of the minimum required lot width, area and depth standards.
- (e) No lot of record shall be used or reused as a separate home site unless it abuts an improved public right-of-way or, if the lot was legally accessed via a private way prior to December 10, 1992, said access may continue to be utilized provided:
- (i) There is no practical way to extend a public street to the property;
- (ii) The private access is protected by a permanent easement recorded to run with the title of the property; and
- (iii) The private way complies with the fire apparatus requirements set forth in the Uniform Fire Code.

(F) Nonconforming Structure Restrictions.

- (1) A structure which is nonconforming due to dimensions or setbacks from property lines may remain at its current size and location and/or may be structurally altered, including an area expansion, provided that the alteration complies with the City's current development regulations and procedures. If the nonconforming structure is a single family dwelling, its location on a substandard lot shall not be considered relevant for purposes of administering this provision.
- (2) A structure which is nonconforming due to setbacks from property lines, where such nonconformity is the result of a government taking for the construction or improvement of streets, drainage areas, storm water ponding areas, public recreational areas, or public utilities, may be structurally altered so long as the alteration is in compliance with the setback standards which were applicable when the structure was originally constructed, but, in no event, shall the alteration result in a front yard setback of less than 20 feet without an approved variance.
- (3) A nonconforming structure which is damaged by fire, wind or other causes to an extent of less than 50% of its fair market value, as determined by the real estate tax statement for the parcel exclusive of land value, may be restored to its former condition and in its former location if the restoration is completed within twelve (12) months after the date of damage. A nonconforming structure which is damaged by fire, wind or other causes to an extent of 50% or more of its fair market value, as determined by the real estate tax statement for the parcel exclusive of land value, shall not be repaired or rebuilt except in conformity with the City's Development Ordinance, unless a building permit to restore the damage is applied for within 180 days of the event causing the damage. In the event restoration work exceeds 50% of the value, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
- (4) If a nonconforming structure is moved to another zoning district, it shall comply with all regulations applicable to such district.
- (5) Normal repairs and maintenance necessary to keep a nonconforming structure in sound condition shall be permitted.
- (6) If a nonconforming accessory use terminates, the nonconforming accessory structure which it utilizes shall be removed unless such structure can be adapted to conform with the use regulations of its particular zone.
- (7) Any nonconforming structure located in a flood hazard district is also subject to Section 205.091(K)(4).

(G) Termination of Nonconforming Accessory Use. A nonconforming accessory use shall be removed within a reasonable time as determined by the City Council. In making such determination as to the time for the removal of such use, the City Council shall take the following factors into consideration:

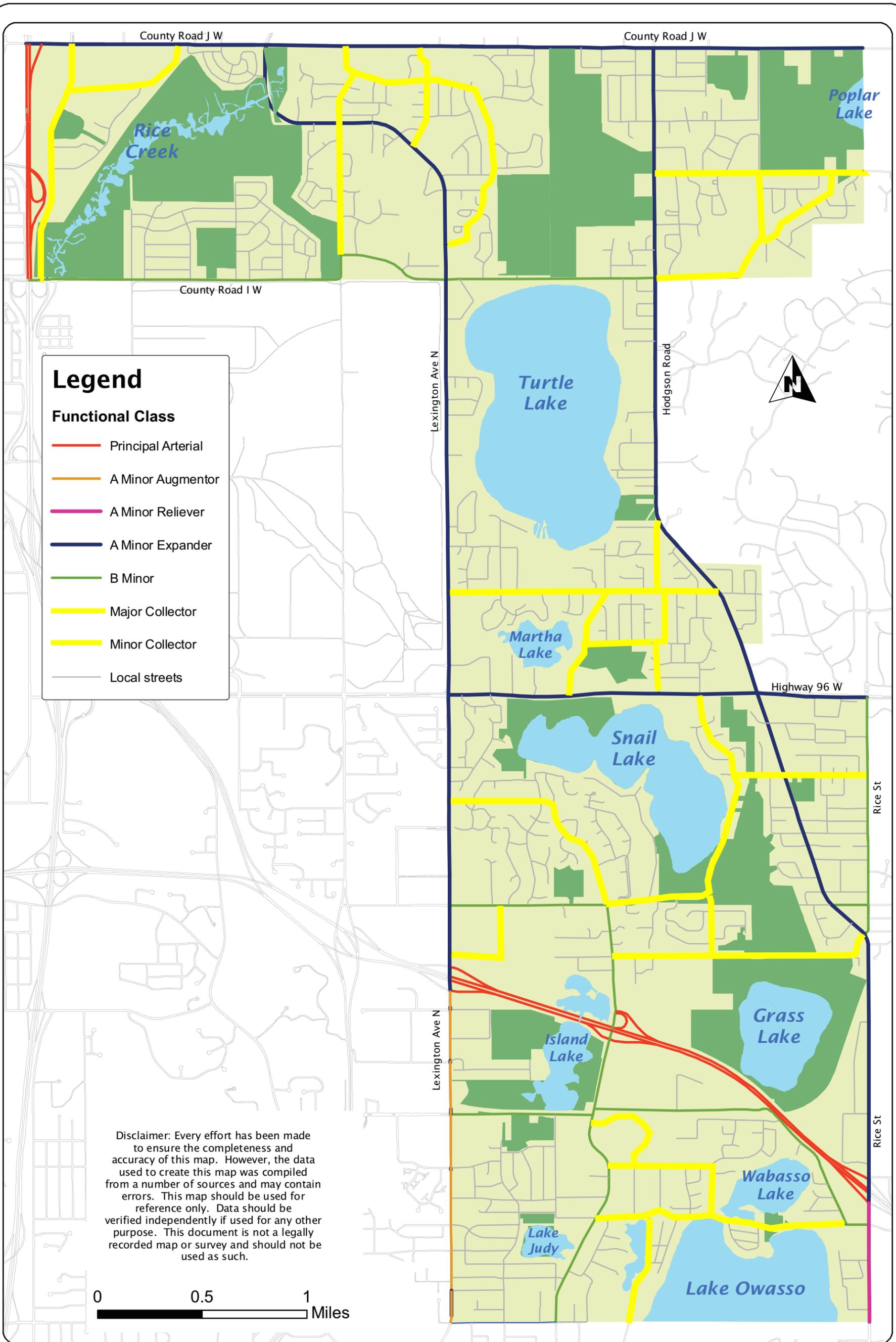
- (1) The date on which the accessory use was created.
- (2) The date when the accessory use became nonconforming.
- (3) The value of the structure utilized by the nonconforming accessory use.
- (4) The property owners' investment in the structure which supports the nonconforming accessory use.
- (5) The adaptability of the structure to other allowable uses.
- (6) The nature of the nonconforming accessory use.
- (7) The detriment caused by the existence of the nonconforming accessory use.
- (8) The character of the neighborhood surrounding the property on which the nonconforming accessory use is located.

(H) Nonconforming Commercial Antennas or Towers.

- (1) Existing commercial antennas or towers legally existing prior to the adoption of Ordinance No. 738, adopted by the City Council on March 19, 2001 except for towers used for public safety communications, shall be considered a legal non-conforming use.
- (2) Expansion of a legal non-conforming use shall be subject to City regulations pertaining to commercial antennas, towers and WTFs that are in effect at the time such expansion is proposed. Additional antennas may be placed on legal non-conforming commercial towers by existing users for the purposes for expanding capacity or for collocation by new users when a WTF permit is obtained pursuant to City regulations. The height of legal non-conforming commercial towers shall not be increased.
- (1) If a legal non-conforming antenna, tower or WTF is damaged to the extent of its estimated market value, as indicated in the records of the Ramsey County Assessor, or destroyed due to any reason or cause whatsoever, the antenna, tower or WTF may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit and commencing construction within 180 days of the date of the damage or destruction.

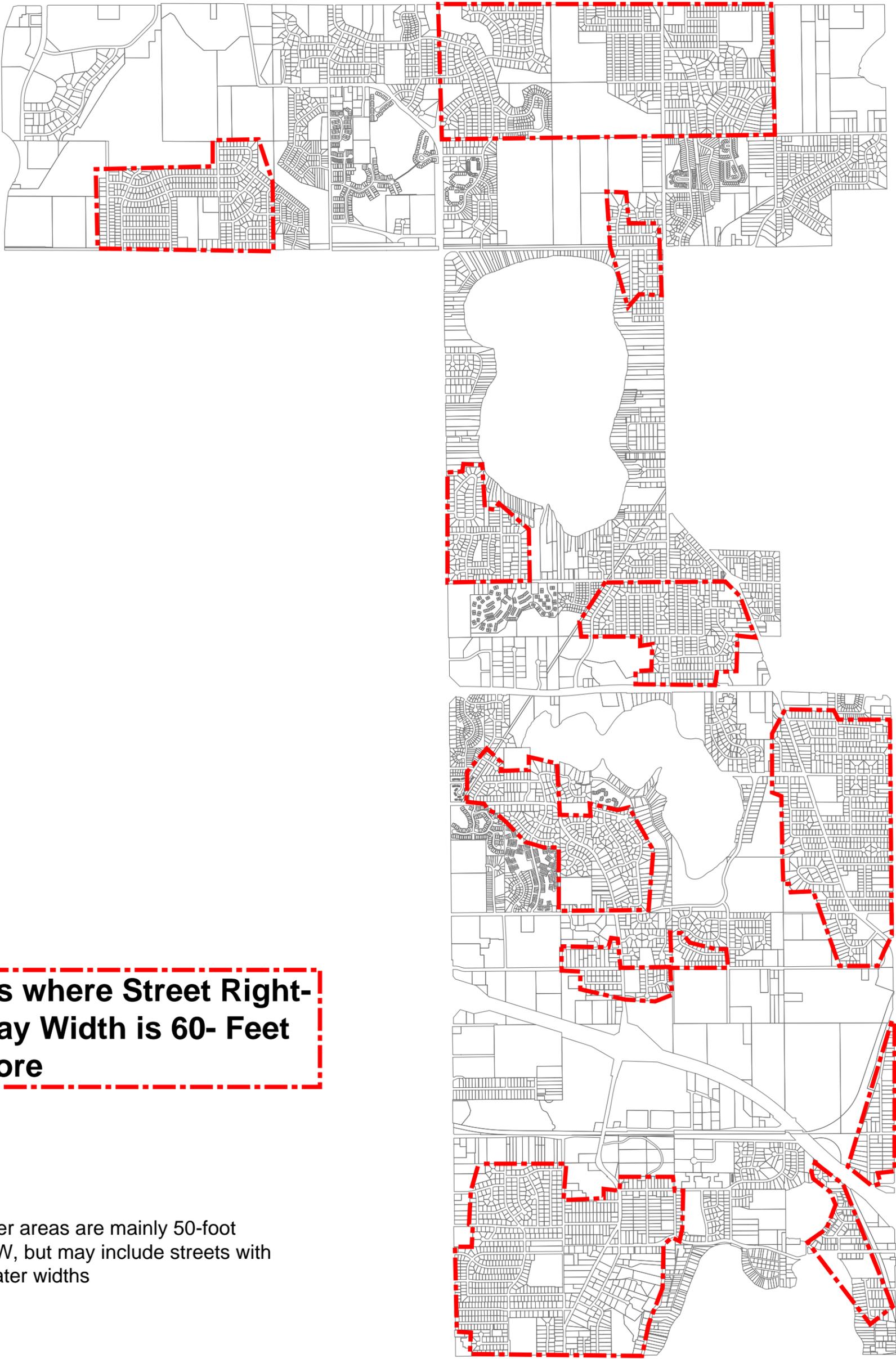
- (2) Routine maintenance of legal non-conforming commercial antennas and towers and WTFs is permitted.
- (3) If a legal non-conforming commercial antenna, tower and/or WTF is unused or abandoned for a period of one year, the antenna, tower and/or WTF shall lose its legal nonconforming status and shall be considered an illegal nonconforming use. If not removed, the City may remove the antenna, tower and/or WTF and assess the costs of removal to the property owner.
- (I) Nonconforming Signs. As regulated in Section 208.070, Alteration and/or Removal of Legal Nonconforming Permanent Signs.
- (J) Hearings. Property owners who receive notices to remove nonconforming accessory uses may file a request for a hearing on forms provided by the City Manager. Upon the receipt of the hearing request, the City Manager shall schedule a hearing before the City Council within sixty (60) days.
- (K) Illegal Uses. Owners of illegal uses or structures shall terminate such use and/or remove such structure or otherwise adapt such structure to a permissible use.

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Disclaimer: Every effort has been made to ensure the completeness and accuracy of this map. However, the data used to create this map was compiled from a number of sources and may contain errors. This map should be used for reference only. Data should be verified independently if used for any other purpose. This document is not a legally recorded map or survey and should not be used as such.

5.2 Functional road classifications



Areas where Street Right-of-Way Width is 60- Feet or more

Other areas are mainly 50-foot ROW, but may include streets with greater widths