

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: February 27, 2018  
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**  
*PC Workshop Minutes, January 9 2018  
January 23, 2018*
  
- 3. REPORT ON CITY COUNCIL ACTIONS**  
*Meeting Date: February 5, February 20, 2018  
Brief Description of Meeting process- Chair John Doan*
  
- 4. NEW BUSINESS**
  - A. VARIANCE**  
*FILE NO: 2686-18-06  
APPLICANT: Zawadski Homes  
LOCATION: 474 West Shore Court*
  
  - B. MINOR SUBDIVISION\* – VARIANCES**  
*FILE NO: 2683-18-03  
APPLICANT: Summit Design Build LLC  
LOCATION: 3316 Victoria Street*
  
  - C. MINOR SUBDIVISION\* - VARIANCE**  
*FILE NO: 2685-18-05  
APPLICANT: Karen Kramlinger  
LOCATION: 4161 Rice Street*
  
  - D. TEXT AMENDMENT-CHAPTER 200, REFUSE CONTAINERS AND  
ADMINISTRATION CITATIONS\***  
*FILE NO: 2682-18-02  
APPLICANT: City of Shoreview  
LOCATION: City Wide*
  
- 5. MISCELLANEOUS**
  - A.** City Council Meeting Assignments for *March 5, 2018, and March 19, 2018* are Commissioners *Solomonson, and Yarusso*.

## 6. ADJOURNMENT

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

**MINUTES**  
**PLANNING COMMISSION WORKSHOP**  
**JANUARY 9, 2018**

The meeting commenced at approximately 7:00 pm.

**Roll Call**

The following Commissioners were present: Commissioners Doan, Peterson, Thompson, McCool, Wolfe and Yarusso.

The following Commissioner was absent: Solomonson

**December 12, 2017 Minutes**

Minutes of this meeting were available and presented to the Commission.

**Chapter 7, Housing**

The draft of the Housing Chapter is being presented to the Commission for discussion. Staff reviewed the contents of the Chapter with the Commission members. The Chapter includes the information required by the Metropolitan Council but also addresses housing from our local perspective. Our future housing needs, goals, policies and recommended actions address our changing demographics, reinvestment in housing and neighborhoods, infill and redevelopment opportunities, mixed income housing/affordability, connections and partnerships.

Recommendations pertaining to the Goals, Policies and Recommended Actions were received from the Planning Commission at the December 12<sup>th</sup> workshop and have been added to the text. Words that are stricken are proposed for removal and words highlighted in red have been added. At this workshop, Staff is looking for feedback from the Commission members on the draft Chapter.

A Commission member recommended the Staff review the demographic numbers on Page 1 to ensure they are accurate.

Information regarding housing types as compared with the Metropolitan Area was also suggested as well as home ownership rate

The Commission also discussed the section on affordability and the tables associated with that section. Table 9 headings should be revised and be inclusive of the lower level income as the categories progress. Additional information on rents within the City was suggested.

The Commission then discussed the changing demographics of the community, the impact on housing needs and need for neighborhood/housing reinvestment. It was suggested that the Plan be revised to specifically address Townhome and Condominium communities since these types of home make up about 20% of the housing stock. Also, the Commission members recommended the Manufactured Housing Park be addressed in more detail. Members asked that additional language be

added to address the tensions that occur when redevelopment projects are proposed adjacent residential neighborhoods.

Regarding the Goals, Policies and Recommended, Commission members reviewed the previous changes that address the character of the community and neighborhood, apartment/townhome reinvestment, accessibility and partnerships.

### **Vision and Guiding Principles**

The Vision and Guiding Principles developed by the Community Roundtable were presented to the Commission. The Vision seeks to describe how the community will look, feel, and function over the next 20 years, while the Guiding Principles further define and describe the community's character and priorities. Now that the Vision and Guiding Principles have been established, the Staff will ensure that they are reflected throughout the Plan, including the Goals, Policies and Recommended actions.

### **Adjournment**

Meeting was adjourned at approximately 9:00 pm

---

Kathleen Castle, City Planner



**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
January 23, 2018**

**CALL TO ORDER**

Chair Doan called the January 23, 2018 Shoreview Planning Commission meeting to order at 7:02 p.m.

**ROLL CALL**

The following Commissioners were present: Chair Doan; Commissioners Peterson, Solomonson and Yarusso.

Commissioner Thompson arrived late.  
Commissioners McCool and Wolfe were absent.

**APPROVAL OF AGENDA**

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Peterson to approve the January 23, 2018 Planning Commission meeting agenda as submitted.

**VOTE:**       **AYES:**       **Peterson, Solomonson, Yarusso, Doan**  
                  **NAYS:**       **None**  
                  **ABSENT:**   **McCool, Thompson, Wolfe**

**APPROVAL OF MINUTES**

**Minutes of December 12, 2017 Workshop**

Commissioner Solomonson noted that Commissioner Thompson should be listed under Roll Call.

**MOTION:** by Commissioner Peterson, seconded by Commissioner Solomonson to approve the December 12, 2017 Workshop meeting minutes as amended.

**VOTE:**       **AYES:**       **Peterson, Solomonson, Yarusso, Doan**  
                  **NAYS:**       **None**  
                  **ABSENT:**   **McCool, Thompson, Wolfe**

**Planning Commission Meeting Minutes December 19, 2017**

**MOTION:** by Commissioner Peterson, seconded by Commissioner Yarusso to approve the December 19, 2017 Planning Commission meeting minutes as presented.

**VOTE:**       **AYES:**       **Peterson, Solomonson, Yarusso, Doan**  
                  **NAYS:**       **None**  
                  **ABSENT:**   **McCool, Thompson, Wolfe**

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Castle stated that no Planning Commission matters have been acted on by the City Council because either final approval was given by the Planning Commission, or the matter was continued.

Ms. Castle reported that the City Council has appointed two new Planning Commission members. Anna Riechers and Chris Anderson will fill the seats being vacated by Commissioners McCool and Thompson. The City Council will appoint Planning Commission Chair and Vice Chair for 2018 at its February 5, 2018 meeting.

**OLD BUSINESS**

**STANDARD VARIANCE/CONDITIONAL PERMIT\***

**FILE NO.:**           **2667-17-29**  
**APPLICANT:**       **WALKER ANGELL**  
**LOCATION:**           **5327 HODGSON**

**Presentation by Associate Planner Aaron Sedey**

The request is for a Conditional Use Permit to construct a new detached accessory structure. The structure, as proposed, requires variances for overall height, sidewall height and interior second level height. The property consists of 2.25 acres and is located in the Shoreland Overlay District of Turtle Lake.

The front setback for the house was approved at the December 19, 2017 Planning Commission meeting. The Conditional Use Permit was tabled to give the applicant time to address concerns of the Commission regarding height and landscaping for screening the structure. The applicant has since reduced the overall height. A height of 18 feet is allowed. The applicant requests a reduced height of 28 feet from the originally proposed 31 feet 11.5 inches. The maximum storage height above the main floor requested is reduced to 16 feet 2.5 inches, a reduction of 2 feet. The maximum sidewall height allowed is 10 feet; the proposal is 17 feet 3.25 inches, a reduction of 2 feet 2 inches.

The applicant states that the added height is to be able to install a solar component using Tesla solar shingles. The optimum height for energy efficiency for the Tesla shingle is 28 feet. The project is an investment in alternative energy sources that helps preserve and protect the City's natural resources. The proposed detached accessory structure will not impact the adjoining property. A taller attached garage would create a "wall effect" on the adjoining property.

Staff supports the accessory structure with a solar component, but height continues to be a concern as the applicant has previously stated that 25 feet of height would receive the same 90% solar access. Placing the solar equipment on the principal structure is an option, which would not require a variance. There are also concerns about the interior second floor height which could allow future conversion to a livable apartment or business not allowed by City Code.

Staff finds that practical difficulty does not exist because the property can be used in a reasonable manner with options. The size of the property offers different locations for solar placement, including the principal structure, or the accessory structure could be lowered in height to more closely comply with City regulations. Other accessory structures in the neighborhood are one story or 1.5 stories. Staff believes there is an option to bring the height of the proposed accessory structure closer to that of the adjoining neighbor.

Notices were sent to property owners within 350 feet. No public comments were received. The City Engineer has requested review of specifications for the storm water system. There were two comments of support with the last notice.

Staff appreciates the applicant's effort to reduce height and the utilization of solar energy but does not find that practical difficulty is present.

Commissioner Peterson asked for further information about landscaping and screening.

Commissioner Thompson arrived at the meeting at this time.

**Mr. Walker Angell**, Applicant, stated that the accessory structure cannot be seen from Hodgson Road, and there is screening for both neighbors to the north and south with crab apple trees of approximately 24 feet in height. Both neighbors support this proposal. There are a number of two-story houses in alignment with the accessory structure so it will not change the character of the neighborhood. Mr. Angell stated that they worked very hard to reduce height, which changes how the second floor workshop can be used. Below a height of 25 feet solar power is unusable. Between 25 feet and 28 feet, there is not a huge difference in solar but a big difference in usability. Under 28 feet solar would not work on a separate structure.

Chair Doan asked if the Tesla shingles will be used and the difference between Tesla shingles and solar panels. Mr. Angell stated that this project is one of the first for the rollout use of Tesla shingles. The structure will be delayed as long as possible. If the Tesla shingles are not available in time, solar panels will be used. It is believed that solar panel and Tesla shingle efficiency are the same. There is some uncertainty about whether there is additional collection or fall off from sun angles because calculations are based on standard panels.

Chair Doan asked if the height is driven by the desire for a workshop or efficiency for solar energy. Mr. Angell answered, both. Below 28 feet the shop and studio on the second floor cannot be done. A large attached garage would have to be designed, which the neighbors do not want. The detached accessory structure is further from the lake and in alignment with other structures.

City Attorney Beck stated that proper notice was given for the public hearing.

Chair Doan opened the public hearing. There were no public comments or questions.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Thompson to close the public hearing at 7:27 p.m.

**VOTE:**       **AYES:**       **Peterson, Solomonson, Yarusso, Doan**  
                  **NAYS:**       **None**  
                  **ABSENT:**   **McCool, Thompson, Wolfe**

Commissioner Solomonson stated that the plan works for the size lot, but the variance request is large. The problem is that the accessory structure is as large as a house. If the property were subdivided, the accessory structure could become a house. The garage is being used like a house. His issue is whether such a large size structure is needed to enable solar power. The intensity of development would be higher with any future subdivision.

Commissioner Thompson agreed with Commissioner Solomonson but noted the neighbors are not objecting to the proposal. She would support it because of the use of solar energy and because she believes the proposal fits the character of the neighborhood.

Commissioner Peterson stated he would have liked to see a landscape plan because even though large, the property is narrow. There are other homes in excess of 30 feet but no accessory structures at that height. There are other 1.5 story accessory structures in the neighborhood, but this proposal is for two stories. This is not in the character of the neighborhood. There are no unique circumstances for the use of solar, which could be placed on the house and which is an accepted standard. He would support staff's recommendation to deny the application.

Commissioner Yarusso stated that the choice being made is for a two-story structure with the requested variances to accommodate a workshop rather than a larger one-story structure. There are a variety structures on properties on Turtle Lake. She does not believe this proposal would upset the character of the neighborhood.

Chair Doan stated that this project is a small impact to the community and adjoining properties. Because of the size and character of the lot, he leans toward supporting the proposal. The desire of the owner for a workshop and use of solar are commendable but creation of the property owner not the lot. The uniqueness is the long narrow size of the lot.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Thompson to adopt Resolution No. 18-04, approving the variance requested to build an accessory structure and to recommend to the City Council to approve the Conditional Use Permit submitted by Hendel Homes on behalf of Walker and Jan Angell, to construct a 1,050 square foot accessory structure for the property locate at 5327

Hodgson Road, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the structure shall be compatible with the dwelling.
3. Vegetation and/or screening shall be installed on the north side of the garage to lessen the visual impact to the adjacent home to the north.
4. The applicant shall obtain a building permit for the structure.
5. A riparian lot – detached accessory structure permit is required prior to the building permit.
6. The structure shall be used for storage of personal property and other garage related purposes.
7. The structure shall not be used in any way for commercial purposes.
8. The structure shall not be used for livable or habitable space for the life of the building.
9. A solar power component shall be a part of this accessory structure for the life of the property.

This action is based on the following findings:

1. The applicant proposes to use the property in a reasonable manner that is allowed in the RE(40) Residential Estate 40,000 sq. ft. or more District.
2. The unique circumstances are tied to the shape and size of the land and the surrounding mature vegetation on the property and neighboring properties. The height of the structure is needed to capture solar.
3. The character of the neighborhood will be not be altered by the construction of the accessory structure and the investment of the renewable resource.

Discussion:

Commissioner Yarusso requested a condition that the lot not be further subdivided. City Attorney Beck responded that subdivision is a valid issue, but he does not see how it relates to the conditions before the Commission. No subdivision is before the commission, and he would not recommend tying a restriction for subdivision to the accessory structure.

Chair Doan asked if a restriction for further subdivision could be added as a 10th condition. City Attorney Beck stated it is problematic to bind a valid subdivision under the Code to an accessory structure. Any litigation would require justification for this condition. He believes subdivision would be more difficult with the construction of this accessory structure. If a condition is added to restrict subdivision, he would recommend strong findings of fact to support that action.

Chair Doan asked the applicant about the possibility of subdivision. **Mr. Rick Hendel**, Hendel Homes, stated that because of the width and depth of the lot, it is not likely that there could be a subdivision.

Commissioner Peterson stated that he believes caution needs to be taken. The size lot is not a precedent for two-story garages in Shoreview.

**VOTE:**           **AYES:**           **Solomonson, Thompson, Doan, Yarusso**  
                  **NAYES:**          **Peterson**  
                  **ABSENT:**       **Wolfe, McCool**

**NEW BUSINESS**

**PLANNED UNIT DEVELOPMENT - CONCEPT REVIEW\***

**FILE NO:**           **2681-18-01**  
**APPLICANT:**       **UNITED PROPERTIES RESIDENTIAL, LLC**  
**LOCATION:**          **VACANT LAND NEAR 4194 LEXINGTON AVENUE,**  
                          **SHOREVIEW BUSINESS CAMPUS**

**Presentation by City Planner Kathleen Castle**

United Properties is proposing a mixed residential development of senior housing and small lot single-family homes or townhouses for the vacant parcel at the Shoreview Business Campus. The other parcel in the Shoreview Business Campus is developed with an office building. Detailed plans are not presented at the Concept Stage Review. Feedback is requested on the proposal in terms of land use compatibility. This project would require a Comprehensive Plan Amendment and approval of a Plat.

In 1987, a PUD was approved for this site to develop three office buildings. One was built. A private access drive serves the office building and was intended to serve the other buildings. There was a conservation easement on the property that has since been relinquished. The owner is now interested in development of the site.

The senior residential portion of the proposal would be on the northern part of the property, which consists of approximately 4.75 acres. The 3-story building would have 120 rental units. Parking would be provided with 115 underground stalls and 45 surface stalls, which total 160 stalls.

The small lot single-family residential would be on the eastern portion of the site, which consists of approximately 4.4 acres. The access drive would be extended to connect to Oxford Street. Residential development to the east is medium density with duplexes on Oxford Street at 4 to 8 units per acre. To the north are townhouses that are part of the Weston Woods development, which is low density residential or 0 to 4 units per acre. To the south is the Shoreview Hills apartment complex, which is high density residential.

The property is identified as a Policy Development Area (PDA) #11 in the City's Comprehensive Plan. PDAs are established to guide development of underutilized or vacant properties in the City. The PDA identifies a land use category and establishes

specific policies for development. PDA #11 is guided for office and medium density residential development. The density for the proposed project would exceed medium density residential, which is 4 to 8 units per acre. Therefore, the Comprehensive Plan would have to be amended.

PUD criteria staff would be looking for include high quality building design, expansion of housing choice in the City, using sustainability in the design, and how this development would meet a public need. If this proposal were to move forward, a market study is needed to show how this proposal differs from other senior housing in the City and how it expands housing choice.

The maximum height permitted for a building is 35 feet. Increased height would require one foot of additional setback for every foot of increased height. The grade of the site property is approximately 10 feet higher than adjoining residential uses. The developer is urged to minimize impacts by considering reduced height with a two-story building and increasing the setback from the north lot line.

Overall density would be 15 units per acre. The senior housing portion would be 25 units per acre; the single-family homes would be 3.6 units per acre. The developer plans recreational amenities that include a half basketball court and play area. There is also interest in purchasing Outlot A of Weston Woods from the City for additional landscaping, a putting green and gazebo. When Weston Woods was developed, Outlot A was created, and now owned by the City, for future access to the Shoreview Business Campus. Trail connections include a trail from Westcliff Curve to Oxford Street, and staff recommends a connection to the trail on Lexington Avenue.

The proposed extension of the private driveway to Oxford Street would create two access points. This would be beneficial because of the traffic volume on Lexington. However, there are concerns about the impact such a connection would have to the Oxford Street neighborhood. Generally, traffic from high density residential is directed to a collector or arterial road, not a local street. A traffic study is required and the developer is encouraged to consider other options. A traffic signal at Lexington is not possible because it would be too close to two other traffic signals already on Lexington.

The proposed total of 160 parking stalls is a ratio of 1.3 stalls per unit, which is less than the 2.5 stalls required by Code. However, it is within the range of other senior housing projects which have a 1 to 2 stalls per unit. It is possible that shared parking may be an option with the office building to the south.

Property owners within 350 feet were notified of the proposal. Comments received address intensity of the development, traffic impacts and the driveway connection to Oxford, and building height. A permit from the Rice Creek Watershed District is required. The Lake Johanna Fire Department has requested that emergency accessibility requirements be met.

Commissioner Solomonson asked if there is a drainage ditch and grade change between the development site and Outlet A. Ms. Castle stated that there is a retaining wall and drainage swale along the boundary on the Weston Woods side.

Commissioner Peterson noted there is substantial parking on the private driveway. He asked how parking is governed on private streets, whether it is by the owner of the office building. Ms. Castle responded that covenants on the property and compliance with emergency access would determine parking availability.

Chair Doan asked if there was any intention on the part of the City for a connection to Oxford Street. Ms. Castle stated that when the area was developed in 1984, there was an intent to have a connection to Oxford. When the PUD was approved for the office building in 1987, it did not include a connection. Currently the driveway is private. Future discussion is needed on whether it should be a public road if the project moves forward and includes a connection to Oxford.

**Mr. Mark Nelson**, United Properties, Director for Senior Housing, 651 Nicollet Mall, stated that his company has been in business 100 years and started senior housing about 15 years ago. The current proposal would be senior rental units. The concept proposal is presented in order to take advantage of the availability of the site, although construction is not anticipated until 2019. Because the site is over 9 acres and larger than needed for the senior residence proposal, United has partnered with a custom home builder to design, market and develop the townhouse portion of the site.

**Mr. Nelson** showed a chart from year 2000 to 2045 that indicates the approximately 35% growth in the senior population from 2000 to the present. Future years show unprecedented accelerated growth of the senior population. Today there are approximately 300,000 seniors in the metro area population, which is expected to double by 2030 because of the Baby Boomers. However, succeeding generations are as large in population as the Baby Boomers, which means the facilities being built will have long-time, sustaining use for senior housing. The proposed building does not offer food or nursing services. Amenities will be for active, independent seniors.

Utilities run along the private drive intended to connect to Oxford and also in Outlet A. The proposal is for connection to Oxford and to use Outlet A for the public benefit and amenities for residents. The senior building will be as close to Lexington as possible. This will be a high quality development. Residential use on this site will have less impact than the current zoning.

**Mr. Mike Halley**, Halley Land Corporation stated that Shoreview is a very attractive location because of the vibrant community and school district. The homes will be detached townhouses within an association. The price point will be \$500,000 to \$600,000. Hanson Builders will custom build all the homes. There will not be individual lots. The homes will be approximately 3000 square feet. There is enough room for 3-car garages.



The association will take care of road and ground maintenance. There have been discussions with Weston Woods to deed the Outlot to Weston Woods. United Properties would build the amenities and maintenance would be shared with Weston Woods. A sidewalk system is planned. The connection to Oxford is important. There would be a heavily landscaped island entry to Oxford that would slow traffic.

Storm water ponds are anticipated to be 45 feet in depth with fountains which the association would maintain.

**Mr. Nelson** responded to the issue of height of the senior building by saying that what is proposed is as small as is economically feasible. A 35-foot setback is proposed and can be increased. A pitched roof is proposed which looks more like a neighborhood. This could mean 47 feet to the peak. There will be 15- to 16-foot evergreen tree screening for the senior building. United plans to work with neighbors to achieve satisfactory setback and landscaping.

Oxford is an important connection for the single-family homes. Senior housing is a good choice in terms of traffic because peak time traffic will not increase significantly. He does not see Oxford as a convenient cut-through to Lexington. Plans are to negotiate shared parking with the office building. He agreed there are grade issues with access to Outlot A but does not anticipate problems in addressing that issue.

Commissioner Solomonson noted that the density is higher than Applewood Point, another senior housing facility in Shoreview. He asked if unique geometries can be used to minimize the impact to homes to the north, as was done at Applewood Point. **Mr. Nelson** responded that Applewood Point has larger units of approximately 1500 square feet. The units proposed in this development will be approximately 1200 to 1250 square feet. Although space is more limited than at Applewood Point, an effort will be made to break up the long wall look to the north. It may be possible to step the building back at the ends, but it would be difficult in the middle. Increasing the setback and landscaping will address the issue.

Commissioner Solomonson asked if consideration was given to putting the residential homes along the north and moving the senior building to the east and there would be no need for a connection to Oxford. Mr. Nelson stated it would be better to have the senior building as close to Lexington as possible.

Chair Doan asked the anticipated rent for the senior units. Mr. Nelson answered, approximately \$2.00 per square foot, or \$2400 to \$2500. The size of unit and cost of amenities have not been finally determined. The goal is to keep rent under \$3000.

Chair Doan opened discussion to public comment.

**Mr. Sandy McClure**, President of the Weston Woods Townhouse Association, stated he met with the developer. The height of the wall is 10 feet. There will be 14 to 16 feet from the lower level of the townhouses to the top of the wall. The property line

closer to Lexington is 5 to 10 feet, and the further east it is below the wall. Outlot A will be at least 10 feet, which will be an access issue. Using Oxford to get to Lexington sooner will not happen because Allina is always packed, and there is a stop light at both ends. The south side of Allina is not used because the new entry is on the north. It will be faster to use County Road F to reach Lexington. Getting out of this complex is going to be difficult, especially for seniors. He asked if the proposed townhouses are two houses to a building or one and whether there is extra parking for townhouse for guests. He noted there are numerous springs in the area that cause a lot of water problems.

**Mr. Bob Harvey, 1096 Westcliff Curve**, stated that Applewood Point is a quality development. His concern is the height. A 3-story development would mean residents would have a direct view into his living rooms, bedrooms and dining rooms of the townhouses to the north. That is a real privacy issue. He would favor redesigning the parcel to move the senior building to the site where the single-family homes are proposed because that would impact many fewer homes.

**Mr. John Bridgeman, 1074 Westcliff Curve**, stated that his house and 1080 share the yard with Outlot A. A putting green will bring people in all summer long. He would not be happy to see a putting green. The Outlot has been maintained by Weston Woods, and he would not want to turn ownership over to the developer. The parking at Allina is a big issue and people have difficulty getting onto Lexington. In front of the retaining wall is a drainage ditch that runs from the northeast corner to the pond. There have been a lot of problems with water in Weston Woods.

**Mr. Ken Skok, 4200 Oxford**, stated that one concern is elevation of the property. In considering switching the senior housing location with the townhouse raises the issue that the homes on Oxford sit lower in elevation than the townhouses to the north. Traffic flowing to County Road F will run into traffic coming from Gramsie where there is a new apartment building being built. Taking Gramsie to Lexington it would be difficult to make a left turn. A second lane extended to Victoria may be needed to handle the traffic.

**Mr. Tom Kramer, 4274 Weston Way**, stated that because of the underground springs, he is concerned about an underground garage. He suggested the senior housing be two 2-story buildings, or all townhouses without worrying about 3-story buildings. A lot in Shoreview is between \$200,000 and \$250,000. He agreed that Applewood is excellent and he would like to see this development, but what would it look like if the senior building is 47 feet above the townhouses to the north. He would like to see the developer present elevation plans. The townhouses will attract younger people with traffic going in and out. Is this the best use of single-family homes and rental? The rental of \$3000 seems to be a little steep.

**Mr. Will Salzbacka, 4178 Oxford Court**, stated the traffic will cut through from Lexington to County Road F. It should be restricted access. A sidewalk will be needed on Oxford. Water is a concern because the two ponds are in tough shape

because of fertilizer from other development. The sidewalk from Oxford to Lexington should be on the south side where people will want to walk. Crowding that many homes into a small area will be wall to wall roofs and parking area with no place for greenery.

**Mr. Ryan Naylor**, 4194 Oxford Street, stated they bought a house on a dead end street for a quiet neighborhood. It will put residents on Oxford in a tough situation to put in a through street with Allina at the other end. It was never meant to be connected. This proposal makes the most sense from a residential standpoint, but there is concern about connecting neighborhoods because of different neighborhood demographics. There is no benefit to being connected to Lexington. He does not know what 30-year-olds will be able to buy a \$500,000 home. The sidewalk would bring people through the neighborhood. This is a beautiful neighborhood that residents don't want taken away with through traffic.

**Ms. Kathy Grafum**, 4190 Oxford Street, agreed with the traffic issues raised. She is very concerned that she will lose property value if it is not on the dead end street. She does not want to see the developer turn the pond into a wetland area. The pond is in her back yard and has provided for not only wildlife but recreation for her children. The neighborhood is strong and distinct. It would be changed if there were a connection. Strangers will not understand where children live. Outlot A would funnel traffic onto controlled Victoria rather than funneling traffic through Oxford to uncontrolled County Road F.

**Ms. Terry Soderberg**, 4143 Oxford Street, stated she bought her home because Oxford is a dead end street. It is a unique neighborhood. Her main concern is the increase of traffic on Oxford and she does not want to see it opened.

Chair Doan responded to the questions raised by public comment.

1. Clarification of townhouses or single-family homes: **Mr. Halley** responded that the residential lots will be 38 feet wide and 72 feet deep, minimum 12 feet between each home. There is an association for plowing, sidewalk maintenance, trash collection, mowing. Each home will be different. The homes on the west will be on slab or on foundations. The other homes will be two-story with a walkout basement. The driveways are 22 feet long to accommodate two parked cars. The street is 26 feet wide back of curb to back of curb with parking on one side.
2. There are eight guest parking stalls north of the recreation court. Also possibly parking at the office building.
3. **Mr. Nelson** stated that no consideration has been given to build all townhouses and no senior building.
4. **Mr. Nelson** stated that traffic calming measures will be used to dissuade a cut-through on Oxford to County Road F to reach Lexington.
5. **Mr. Nelson** stated that currently, there is not a proposal to use Weston Way as a road connection.

6. **Mr. Nelson** stated that there is market demand for single-family units and senior rentals. Four different financing tiers are offered. Less equity down payment is a higher monthly payment in the cooperative. **Mr. Halley** added new homes are being sold in Shoreview at \$775,000. He is confident that homes at \$500,000 and \$600,000 can be sold. It is not possible to sell single-family homes across from Allina on Lexington.
7. Ponds are deeded as existing drainage easements. No changes are proposed for the pond areas.

### **Planning Commission Discussion**

Commissioner Solomonson stated that one concern is the topography and the height issue with a 3-story walled building. At Applewood Point, the building was tiered to address that issue. He would like to see creative geometry used to minimize the impact to residents to the north, either with a lower height or increased setback. There is a concern about density of the senior building that is too tall and too dense. The townhomes are more compatible to the homes to the east. There is also a concern about the use of the outlot and the impact on water in the area and drainage.

Commissioner Peterson stated that he is pleased United Properties and Hanson Builders are interested because they are reputable, local firms. Applewood Point is a good development. He agreed senior housing will not run out. He also agreed it will be difficult to find younger people in their 30s who can afford a \$500,000 house. It is harder to pry empty nesters out of \$300,000 to \$350,000 homes that would provide opportunities for more affordable homes. This development would provide another opportunity for seniors. If this facility is smaller, it will have to be sufficiently similar to Applewood Point to attract people who will pay \$3000 a month. He would like to see the number of units be reduced so the design can be geometrically broken up to eliminate a wall effect. He supports staff's suggestion that Oxford be accessible only to emergency vehicles and townhouse residents, not to senior housing or office traffic. The Bikeways and Trailways Committee needs to look at the trail plan and where the placement of the sidewalk on Oxford should be.

Commissioner Yarusso stated that the concern of traffic on Oxford is legitimate. Creating a dead end extension to serve the single-family homes is reasonable. The entrance on Lexington with traffic not able to turn south is an issue. Shoreview Hills to the south will be eventually be redeveloped. Perhaps a connection to County Road F could be included. Height is a concern, but a home could be 35 feet. The main obstacle is the wall effect. She also would like to see a design that addresses that issue.

Commissioner Thompson stated that her biggest concern is traffic. A traffic study at the next stage should answer the issues raised at this meeting.

Chair Doan stated that opposing this plan will not bring a better plan. The conservation easement has expired and the owner is selling the property. The question

is to steer development that has as low impact as possible. While it may be undesirable to have a putting green or gazebo on the Outlot, it will then be kept as an Outlot and not an access point. He would like to see the traffic study show the best options for traffic access, whether on Oxford or Weston Way. Density is difficult, but density along Lexington and along County Road F and other arterials is where higher density should be located. The idea of a dead end connection to the single-family homes is interesting, but it is more important to build connections as a community. The developer and builder are planning long-term so good relations can be developed. Maybe more amenities are possible. Perhaps this is when the existing ponds or other facilities can be improved.

Chair Doan thanked all who attended and offered their comments and thoughts.

Chair Doan called a five-minute break and then reconvened the meeting.

### **COMPREHENSIVE SIGN REVIEW\***

**FILE NO:** 2678-17-31  
**APPLICANT:** Sign Art/Sign Producers  
**LOCATION:** 157 County Road E West

#### **Presentation by Associate Planner Aaron Sedey**

The Comprehensive Sign Plan has been submitted for the McMillan development located on Rice Street and formerly County Road E West, which is now Grass Lake Place. The development is a PUD with a Mixed Use building.

The sign plan for the building consists of wall signs on canopies above entrances—two for residential and for future commercial space. There is a roof sign and a project identification sign at the corner of the site. Code requirements for the identification sign allow only the development name and major tenant. The maximum height is 12 feet and maximum area of 32 square feet. The set back must be 5 feet from the right-of-way.

Wall signs for commercial space less than 50,000 square feet are limited to 10% of the building elevation to which they are affixed with a minimum of 20 square feet in area. The length of the sign cannot exceed 20% of the length of the building. Residential wall signs are also limited to 20 square feet.

Roof and projecting signs are not permitted without a Comprehensive Sign Plan. Since roof signs are not permitted in the Code, there are no regulations established for them. The roof sign is the letter “M” that would be internally lit.

There is a McMillan Canopy sign at the north and south end of the building. Each is proposed at 58.6 square feet. The maximum allowed is 20 square feet. Signs for future commercial spaces on the south and east are proposed to be 9 square feet each.

The project identification sign is proposed to be 23.7 square feet; the maximum allowed is 32 square feet.

The plan uses consistent color, illumination, size and materials throughout the site. Staff finds the proposed signs to be consistent in style and reflect the architectural style of the building. There is a practical difficulty on the property. The building is Mixed Use on an arterial road near I-694. Staff finds the deviations proposed are reasonable for a Mixed Use building of this size. The wall signs are modest and placed over entryways. The roof sign can be considered an architectural element. The roof sign faces south toward I-694, not toward the single-family neighborhood.

The deviations result in a unified plan with greater aesthetic appeal. Residential and commercial signs are the same style. Approval with the attached conditions will result in a unified sign package.

Approving a deviation will not confer a special privilege on the applicant. Mixed Use buildings are not defined in the Sign Code. The roof sign is internally lit for the “M” only and not the entire structure that holds the “M.” It faces south away from family homes. Staff believes the sign plan is effective, functional and attractive as well as compatible with community standards.

Property owners within 350 feet were notified of the proposed sign plan. Several comments were received, mostly expressing concern about the roof sign and lighting. Ramsey County Senior Transportation Planner Joe Lux requested the project identification sign be located outside of the temporary road construction easement. He also requested the sign be installed after the roundabouts are constructed.

Staff recommends the Planning Commission take public comment and forward the application to the City Council with a recommendation for approval.

Commissioner Peterson asked about the lighting of the roof sign. If the material is translucent, it is lit on all sides. Mr. Sedey clarified that the “M” is clad in metal and only lit on the south side. Commissioner Peterson requested that be made clear in the resolution and the word, “translucent” be eliminated.

Commissioner Solomonson asked if the sign on the southeast corner is a monument sign and its dimensions. He also asked if the roof sign is necessary or for visibility from the freeway. Mr. Sedey stated that the corner project identification sign will be on the ground and is 3 feet in height.

**Mr. Mike Mergens**, Elevage and McMillan Properties, stated that the project identification monument sign and the roof sign have been part of the project application since submittal of the PUD. Every apartment building built along an interstate has a sign of identification. That is the reason for building next to the interstate.

**Ms. Brenda Pierce**, Sign Producers, 514 N. 3rd Street, Minneapolis, stated that the sign is not translucent, as noted. The roof sign on the southwest corner has a bar and an “M.” The bar lights blue and the “M” lights white. It is a channel letter that has a metal back, metal sides and a translucent face. The sign is lit toward I-694.

Commissioner Peterson asked if the canopy sign for the residence is where deliveries are dropped off. **Ms. Pierce** answered that is the main entrance to the residential area and where deliveries arrive. Commissioner Peterson noted the small size of the commercial signs of 9 square feet. **Ms. Pierce** responded that the commercial signs may be too small, but since the space is not leased, it is difficult to provide an exact sign dimension. What is provided is a placeholder. The signs are tasteful and cohesive. There is very little signage on the building.

Commissioner Solomonson asked if a study has been done to find out the best sight line from the freeway. **Mr. Mergens** stated no study has been done, but there are a number of very qualified people involved and everyone on the team is comfortable with the location of the roof sign. Commissioner Solomonson noted that the sign at the southeast corner on ground level will not be seen from the freeway and probably only seen by traffic going through the roundabout. He asked if the sign could be higher. **Ms. Pierce** explained that the signage is low profile, not lit and meant to be residential in character. The lettering could be put on top of the bar to make it higher if that is required. Commissioner Solomonson noted that by the time the roof sign is seen from the freeway, it is too late to access the property. **Mr. Mergens** explained that the roof sign is not designed to direct traffic to the development. It is designed to raise curiosity about what is located there. Commissioner Solomonson asked the location of the restaurant sign, if it will be at the main tunnel archway entrance on the south to direct people. **Mr. Mergens** explained that until the restaurant is known, it is a place holder. At this time there are two possible tenants for the commercial space. A second tenant sign will be on the parking lot side of the tunnel. When the leases are signed, details of entryway signs and exact location of signs will be known. The restaurant sign will be over the door of the restaurant. Commissioner Solomonson asked if there will be a sign to direct people. **Ms. Pierce** suggested that there may be a need for additional direction signs that will be submitted when tenants are known.

Commissioner Solomonson asked if the identification sign will be installed in coordination with the County request. **Mr. Mergens** responded that they are working with Mr. Lux. If there is too much delay, efforts will be made to find a solution acceptable to the County.

Chair Doan asked if there will be a restaurant sign on both the north and south ends of the building. **Mr. Mergens** answered that at the present time, one sign is planned. It is anticipated that there will be amendments to the Comprehensive Sign Plan once all the tenants are known. He would expect the restaurant to request the maximum limit for sign size. Chair Doan noted that the requested 9 square feet for commercial signage is actually a deviation because it is less than the stated minimum in the Code.

**Mr. Mergens** agreed and suggested language for commercial signage between the minimum and maximum sizes allowed by Code.

Commissioner Peterson suggested keeping the language of 9 square feet for commercial signage. Allowing a range between the minimum and maximum would mean the maximum size could be allowed without review. **Mr. Mergens** agreed to the minimum size with the opportunity for the tenant to apply for a larger sign, if needed.

Commissioner Solomonson stated that if only the minimum size is designated, the sign might then be too small and become unreadable and a safety issue. Ms. Castle suggested that if the maximum size is considered too large, the Commission can put a cap on the size. If the minimum and maximum range is used, then whatever sign is proposed will be in compliance and the benefit of further review would be questionable.

Chair Doan opened the discussion to public comment.

**Ms. Marcia Figus**, 3538 Rustic Place, stated her home borders the development, which is a 55-foot monolithic wall. Her concern is mostly the roof sign. It cannot be seen driving east or west on I-694 until exiting on the ramp. The roof sign does create a sky glow. There is already too much light from this development. What is proposed is against the Shoreview Municipal Code. Chapter 200 prohibits a roof sign and a projecting sign. The parking lot lights are not shielded. There are lights from worker vehicles. The 6-foot fence is really a 4-foot fence because the parking lot is 2 feet higher in the northwest quadrant. There will always now be car lights and truck lights shining into homes. When the other PUD was discussed, there was concern about not too large an impact. This development has been a huge impact.

She requested the roof light not be approved, as it serves no purpose. She requested the residents please be heard.

**Ms. Jan Bundy**, 3681 Rustic Place, stated that she drives I-694 often and cannot see the roof sign until exiting. Going north on Rice Street it is somewhat visible. When the trees are leafed out again, the sign will not be visible and have no purpose if it is not visible from I-694.

Commissioner Peterson agreed that the roof sign is not visible. It is located in the middle depth wise on the west side of the building. In order to see it, one must go to the west side of the building so there seems no purpose. He does not believe this would have been approved, if this plan had been received prior to construction.

Chair Doan asked if any approvals would be necessary if the roof sign were unlit. He asked if a calculation of glow can be provided to know if there is impact to the neighbors to the north.



Ms. Castle explained that because the “M” conveys a message, it is considered a sign and requires approval.

Chair Doan called a brief break and reconvened the meeting.

**Ms. Pierce** responds that the roof sign is a structure is solid and south facing. The M and the bar are the only things that light toward the south toward I-694. It is a logo and not very large. It is six feet tall and four feet wide. Residents to the north will not see it because it will not be shining toward the north. The calculation of brightness can be provided.

Commissioner Solomonson expressed appreciation of the statements from neighbors but stated that the roof sign is more of an art piece and any impact from the sign will be minimal.

Commissioner Peterson stated that the issue of light may be more impactful from the parking lot, but he does not believe the roof light will add significant additional light.

Chair Doan stated the size of the sign may not seem large from a manufacturer’s perspective, but it is a large size on a large building only facing one direction. It is noticeable because it is high on the building, but light will not have an impact. He suggested not leaving the commercial signs at 9 square feet but making an adjustment.

**MOTION:** by Commissioner Peterson, seconded by Commissioner Solomonson to approve the Comprehensive Sign Plan submitted by Sign Art USA, 157 Grass Lake Place, subject to the following conditions with a fifth condition added that the roof sign can only be internally lit on the south side. No roof sign is allowed on the north side.

1. Future signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation of any signs on the property.
3. Shielding on the bottom “M” sign of the rooftop sign shall be part of the sign when installed.
4. The property identification located on the corner of Rice St and Grass Lake Place must be setback five feet from the right-of-way.
5. Roof only internally lit on the south side. No roof sign on the north side.

Approval is based on the following findings:

1. *The plan proposes signs consistent in color, illumination, size and materials throughout the site.* Staff believes the signs proposed are consistent in style and materials throughout the development and reflect the architectural style of the building.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* This building is a unique mixed use development in the City of Shoreview located on an arterial road and near interstate 694. The deviations proposed are reasonable for a mixed use building of this size. In Staff’s opinion, the wall signs are modest as they are placed only over entryways. The roof sign can be viewed as an architectural element. With the sign facing south towards 694, there will be no impact on the nearby residential single family neighborhood.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* Staff believes with the attached conditions approved, it will be a more unified sign package.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* Mixed use buildings are not defined in the Sign Code and are unique. The roof sign is internally lit for the “M” and not the entire roof sign structure and faces south. The sign is an architectural feature that goes with the other proposed signage and design of the building. Staff does not believe this approval will confer a special privilege on the applicant.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* Staff believes the signs proposed offer an effective and functional method to advertise the building, in a manner compatible with the commercial and residential uses. The intent of the signs is to provide a modern look to the building and identify the structure and tenants.

Discussion:

Chair Doan asked if the restaurant sign should be adjusted to a larger size than 9 square feet. It was the consensus of the commission to not make an adjustment but address the issue when the restaurant applies for desired signage.

**VOTE:**       **AYES:**       **Solomonson, Thompson, Peterson, Yarusso, Doan**  
                  **NAYS:**       **None**  
                  **ABSENT:**   **Wolfe, McCool**

**MINOR SUBDIVISION\***

**FILE NO:**           **2679-17-32**  
**APPLICANT:**      **Gregory Peterson- Silver lake Investments**  
**LOCATION:**         **771 Gramsie Road**

## **Presentation by Associate Planner Aaron Sedey**

The property consists of 0.985 acre and is 429 feet deep with a width of 99.98 feet. The proposal is to split the property into two parcels. It is currently developed with a single-family home and accessory structures. The property is zoned R1, Detached Residential. Adjoining properties to the east, south and west are single-family homes, low density residential. High Density Residential is the guided development to the north.

The existing home is on the south side of the property. When the property is divided both parcels will exceed Code requirements of 10,000 square feet of area, 75 feet in width, and 125 feet in depth. Each parcel has sufficient buildable area after required setbacks are applied. Municipal water and sewer are available for Parcel 1, the new lot. The proposal is consistent with the R1, Low Density Residential land use designated in the Comprehensive Plan.

Notices were sent to property owners within 350 feet of the subject property. One comment has no problem with the proposal. One comment expressed concern about tree conservation, the gradual grade and home values.

Staff finds that the application complies with the Development Code and recommends the Planning Commission forward the minor subdivision proposal to the City Council with a recommendation for approval.

Commissioner Peterson asked if the swamp area is a low area or an actual wetland. Mr. Sedey answered that it is a low area. He noted that at 761, the back portion is low and a subdivision would not be granted, as it is unbuildable.

Mr. Sedey noted a revised motion with condition No.6.

Commissioner Peterson asked if, in condition No. 6, removal of the accessory structure should include removal of the fence. It was the consensus of the Commission to not add that requirement.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Thompson to recommend the City Council approve the minor subdivision request to subdivide the property at 771 Gramsie Road into two parcels creating one new parcel for a single-family residential use subject to the following conditions:

### **Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel 1, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.

3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel 1.
5. Driveway and all other work within the Crystal Ave right-of-way are subject to the permitting authority of the City of Shoreview. An escrow shall be required for a driveway approach to be constructed by the builder in the amount of \$1,250.
6. Removal of the accessory structure on Parcel A will need to be completed prior to recording the minor subdivision unless addressed in the development agreement.
7. A tree protection and replacement plan shall be submitted prior to issuance of a building permit (including the 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.
8. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
9. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings of fact:

- a. The proposed land use is consistent with the policies of the Comprehensive Plan, including the Land Use.
- b. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
- c. The parcels comply with the minimum standards of the R1, Detached Residential District.

**VOTE:**

**AYES: Solomonson, Thompson, Peterson, Yarusso, Doan**

**NAYS: None**

**ABSENT: McCool, Wolfe**

**RESIDENTIAL DESIGN REVIEW/VARIANCE**

**FILE NO: 2680-17-33**

**APPLICANT: ZAWADSKI HOMES**

**LOCATION: 461 WEST SHORE COURT**

**Presentation by Niki Hill, AICP, Economic Development and Planning Associate**

The property is a substandard riparian lot located on the west side of Lake Wabasso. It has a total area of 101,945 square feet. A significant portion extends into the lake so only 29,645 square feet are above the Ordinary High Water (OHW) mark. The lot width is 72.16 feet along West Shore Court and 100 feet at the OHW.

The proposal is to build a new 2-story home with attached garage. Two variances are requested. The required OHW setback range is 93.5 to 113.5 feet. The proposal is for an OHW setback of 146.6. The second variance is to exceed the maximum 35-foot building height to 36 feet. All other dimensions are within Code compliance.

The applicant states that practical difficulty with the OHW setback is a result from the plat creating Lot 4, the most logical place for a holding pond that sits between the house pad and the lake. The height variance is needed for energy efficient roof trusses. A 35-foot height is possible with a 4/12 roof pitch. An effort is being made to maintain standard floor elevation heights and not compromise new roof insulation standards. The view from the front will show this new home to be the shortest at elevation grade in the neighborhood. The 36-foot height view from the lake will be only negligibly taller and difficult to discern from most directions.

Staff agrees with the applicant's statement and finds practical difficulty is present. The lot is irregular shaped and located at the end of a cul-de-sac with a riparian lot to the south and a standard non-riparian lot to the west. The location of the storm water pond causes the OHW to be pushed back. The setback location from the OHW for the new home is dictated by the storm water pond and will not alter the character of the neighborhood. The greater distance from the OHW will likely lessen any impact on the lakeside. Staff does not anticipate any adverse impacts on the character of the neighborhood. The property owners will be required to enter into a Shoreland Mitigation Agreement with the City.

Notices were sent to property owners within 150 feet. No comments were received. Staff recommends the Planning Commission approve the Variance and Residential Design Review applications, with the conditions listed in the staff report.

Commissioner Peterson noted a boathouse that is proposed to be remodeled and asked if it is a non-conforming structure. Ms. Hill answered that the boathouse is a conforming structure within the allowed 20-foot setback.

Chair Doan noted that the roof style will make the height variance less noticeable.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Thompson to approve the variance requests and the residential design review submitted by Zawadski Homes for the construction of a new home at 461 West Shore Court. Said approval allows a variance for the OHW setback to 146.6 feet and maximum height of 36'. This approval is subject to the following conditions:

1. The minimum setback for the proposed home is 146.6 feet from the OHW line.
2. The maximum height for the home from lowest grade to peak is 36'.

3. The project must be completed in accordance with the plans submitted as part of the Variance and Residential Design Review applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
4. A Tree Protection and Replacement Plan shall be submitted with the Building Permit application. Tree removal requires replacement trees at a ratio of 6:1, per executed Development Agreement for the Plat.
5. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
6. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
7. 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 will expire after one year if a building permit has not been issued and construction commenced.
10. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Land Use and Housing Chapters of the Comprehensive Plan.
2. Practical difficulty is present as stated in Resolution 18-03.

**VOTE:**        **AYES:**        **Solomonson, Thompson, Peterson, Yarusso, Doan**  
                  **NAYS:**        **None**  
                  **ABSENT:**    **Wolfe, McCool**

**MISCELLANEOUS**

Chair Doan recognized Commissioner Thompson with a Certificate of Appreciation for her six years of service on the Planning Commission.

Commissioner Thompson expressed her appreciation

**Council Meetings**

Chair Doan and Commissioner Wolfe are tentatively scheduled to attend the February 5, 2018 and February 19, 2018 City Council meetings.

**2018 Planning Commission Schedule**

Ms. Castle noted the 2018 schedule sent to Commissioners. She asked Commissioners to please let staff know of any conflicts.

**ADJOURNMENT**

**MOTION:** by Commissioner Thompson, seconded by Commissioner Solomonson to adjourn the meeting at 11:18 p.m.

**VOTE:**      **AYES:**    **Peterson, Solomonson, Thompson, Yarusso, Doan**  
                  **NAYS:**     **None**  
                  **ABSENT:** **McCool, Wolfe**

ATTEST:

---

Kathleen Castle  
City Planner

**TO:** Planning Commission  
**FROM:** Niki Hill, AICP, Economic Development and Planning Associate  
**DATE:** February 22, 2018  
**SUBJECT:** File No.2686-18-06, Variance: Zawadski Homes, 474 West Shore Court

## **INTRODUCTION**

Zawadski Homes submitted a variance application to reduce the required rear yard setback at 474 West Shore Court. The property is a key lot located in the R1 – Detached Residential District. Access to the property is gained from West Shore Court. The lot area is 10,014.44 square feet, with a width of 87 feet along West Shore Court and depth of 126.90 on the west side and 96.67 feet on the east side due to the cul de sac. A variance was granted for the lot depth as it did not meet the extra 15 feet required for a key lot. The key lots complied with all other City requirements, including the increased rear setback of 40 feet. As part of the variance, the Planning Commission imposed a condition of a 45 foot rear setback, which is 5 feet more than the 40 foot rear setback as required for a key lot.

Zawadski Homes is proposing to construct a new home on a vacant lot as part of the Wabasso Shores subdivision. The proposed home is designed as two story, look out residence. Zawadski Homes submitted a variance application to exceed required rear setback of 45 feet. 40.4 feet is proposed.

## **BACKGROUND**

When the Planning Commission approved the variance to the key lot depth standards for Lots 6, 7, and 8, the Planning Commission added an additional 5 feet of setback in response to concerns from the neighbor. The Commission did discuss the possibility of pushing the homes closer to the street to create more open space and distance between neighboring homes and these key lots. It was stated by our City Attorney that pushing them closer to the street could be considered arbitrary and good grounds would be needed to alter what is required by code. Conifer screening between these lots and the adjacent property to the south was also included as a condition.

The property owner agreed to the additional setback conditions for the lots without any analysis on impacts to the proposed lots. The applicant states that they had not taken into account the impacts of the cul-de-sac on a future home with the additional setbacks. A variance has been requested to reduce the 45 foot required setback to 40.4 feet.

## **DEVELOPMENT CODE REQUIREMENTS**

The property is located in the R1, Detached Residential District. In this District, the principal structure shall be setback 25 feet from the front lot line. A minimum side yard setback of 10-feet is required for living area and 5-feet for accessory structures and driveways/parking areas. As the lot is a key lot with their rear lot line abutting the side lot line of 3410 Chandler Road.



### ***Variance Criteria (Section 203.070)***

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

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

### **APPLICANT'S STATEMENT**

The applicant states that the 45 foot rear setback was a last minute condition attached to the variance application associated with the Wabasso Shores Subdivision. At the time, the owner of the development, Don Zibell, and the developer Zawadski Homes, agreed to this condition "on the spot." After further analysis, the additional restriction is proving to be very geometrically challenging. Lot 6 is on the cul de sac with a crescent setback in the front. With the 45' setback at the rear, coupled with the side-setbacks, the buildable pad becomes overly restrictive in accepting a normal, 2-story home for this neighborhood. A recent example of this is a 55' x 54' home that was recently sold. This home would not fit on this lot.

The developer has further assisted in establishing additional buffer by an ample planting of trees on the development and land and improving the drainage to the South. The neighbors to the south also received additional tree plantings that were placed on their property. The applicant is willing to participate even further in establishing effective buffering.

### **STAFF REVIEW**

Staff concurs with applicant that site characteristics creates a practical difficulty.

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The use of this property for a single family residence is reasonable and consistent with the comprehensive plan land use designation and R1 zoning district. The 40 foot rear setback proposed for a new home represents a reasonable use of the property and complies with the development code requirement.
2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances are present and cause practical difficulty. This lot is located on the south western side of the West Shore Court cul de sac. The cul de sac causes the front setback to have an irregular shape and

limits the building pad depth to 25 feet on the east side of the property when the 45 foot rear setback is applied.

Furthermore, the additional 5 foot setback that was required was put in place without any analysis on the potential impacts to any future home/building pad. Staff believes that the required 40 foot setback for a key lot – which is 10 feet more than a standard 30 foot rear setback - is in place to mitigate impacts to the properties that are adjacent to key lots.

3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* The applicant is proposing to build a new single family home. The reduction of 4.6 feet of the rear setback will not change the essential character of the neighborhood. Single-family residential next to single-family residential is a compatible use. Landscaping was installed along the rear property line as part of the screening/buffering requirement of the approved subdivision.

### **PUBLIC COMMENT**

Property owners within 150 feet were notified of the applicant's request. Written comments that have been received are attached.

### **STAFF RECOMMENDATION**

In Staff's opinion, practical difficulty is present. Staff is supportive of the proposed variance. The Staff is recommending the Commission adopt Resolution 18-13 approving the variance request subject to the following conditions:

1. The minimum setback for the proposed home, including accessory structures, is 40.4 feet from the rear property line.
2. A building permit must be obtained before any construction activity begins.
3. This approval will expire after one year if a building permit has not been issued and construction commenced.
4. This approval is subject to a 5-day appeal period.

#### Attachments:









- 1) Location Map
- 2) Applicant's Statement and Submitted Plans
- 3) Comments
- 4) Resolution No. 18-13
- 5) Motion





### Legend



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



### Notes

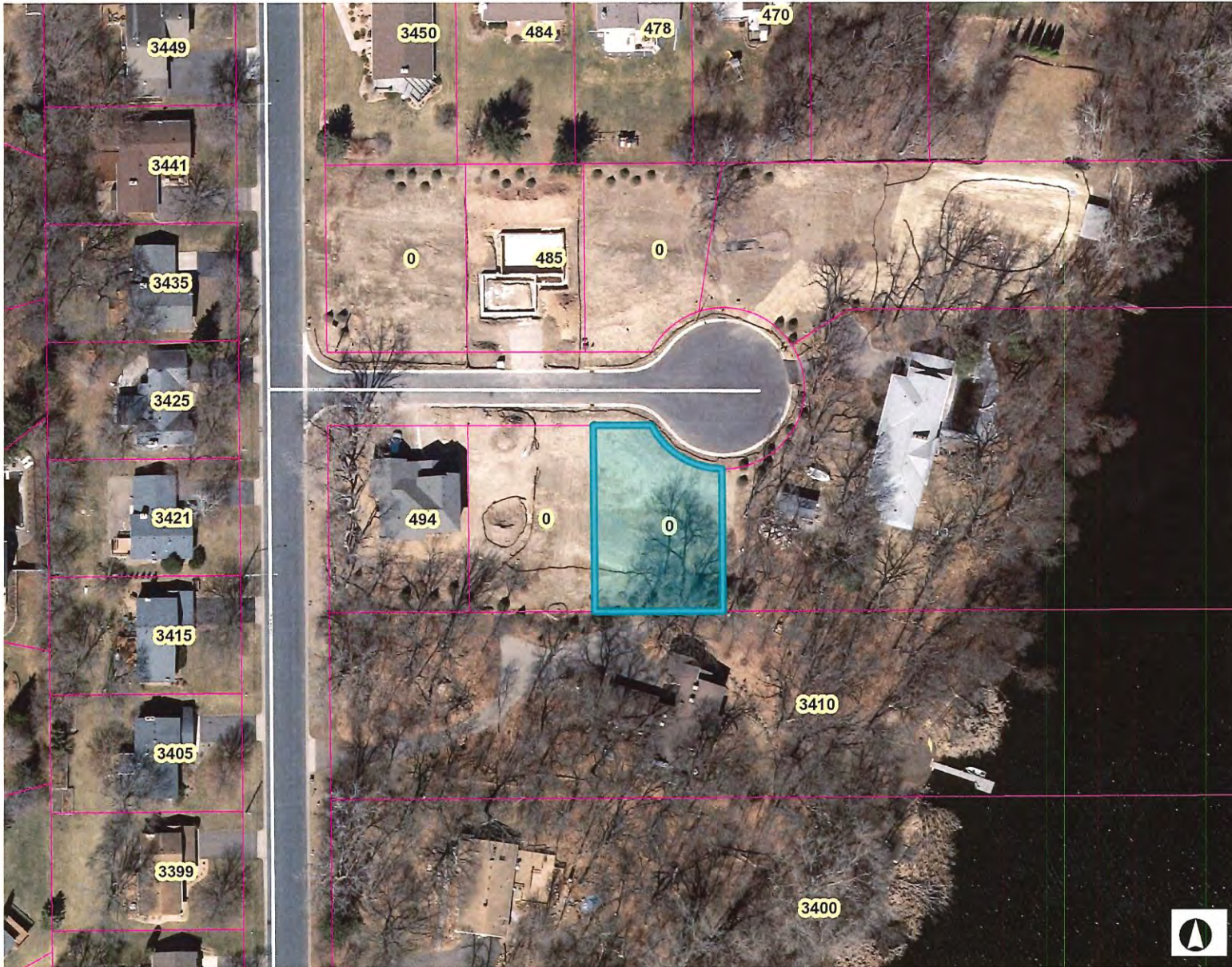
Enter Map Description

1,333.3                      0                      666.67                      1,333.3 Feet

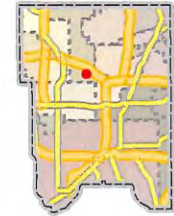
NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

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





**Legend**



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



**Notes**

474 West Shore Court

200.0 0 100.00 200.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

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

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





License # 20345856

4614 Churchill St  
Shoreview, MN 55126  
Phone: 651-483-0518  
Fax: 651-483-9057

Date: January 31, 2018

To: City of Shoreview,  
Attn: Niki Hill, Shoreview Planning

Re: Application for Design Review & Variance, 474 West Shore Court  
Applicant: Zawadski Homes, Inc.  
Owners: Nick and Anna Zawadski

Dear Ms. Hill,

Enclosed please find for review;

1. Application for Variance
2. Check
3. Survey/site plan for the above address
4. Architectural floor plan
5. Architectural elevation

### **Background Information for Variance Application**

The owners, Nick and Anna Zawadski, have designed a new residential 2 story home for construction in the recently approved development, Wabasso Bay. The legal description is Lot 6, Block 1, Wabasso Bay. Two months ago, the owners submitted a house plan for building permit thinking that the rear yard setback was the standard 35 feet; the permit application was not accepted, as a more restrictive setback was set at 45 feet.

In March of 2016, when the development Wabasso Bay was first approved by the Planning Commission, a last minute condition was attached to the variance application increasing the rear yard setback to 45 feet. At that time, the owner of the development, Don Zibell, and the developer, Zawadski Homes, agreed to this condition (on the spot, so to speak, without doing their homework). Now, after the fact, the additional restriction is proving to be very geometrically challenging.

Lot 7 is on the cul de sac with a crescent setback on the front. With the 45' setback at the rear, coupled with the side setbacks, the buildable pad becomes overly restrictive in accepting a normal, 2- story home for this neighborhood.

An architect has now assisted in the re-designing and fitting of a smaller home. A new design is being submitted for a 40' rear yard setback; this new home is still challenging to make work, but it is possible, on the diagonal.

### **Issues**

1. Rear Yard Setback Variance ;  
The Applicant seeks a variance to the 45' rear lot setback.

January 31, 2018

At the time, City staff was presenting and recommending to the Planning Commission that the rear yard setback be set at 40 feet. One or more Planning Commission members at the evening meeting suggested adding an additional 5 feet to this setback, making it 45 feet. The purpose was undoubtedly to add additional buffer to the property to the South.

Zawadski Homes, as developer for the owner, further assisted in establishing additional buffer by an ample planting of trees on the development land and improving the drainage to the South. The neighbors to the South also received additional tree plantings that were placed on their property as well.

Philosophically, and from a public planning position, the Applicant supports the goal of buffering. Applicant, on behalf of the Lot 6 owners, will participate even further in establishing effective buffering.

The issue is solely down to the fact that, with a 45' rear yard setback, the construction pad does not allow for a reasonably sized building pad. Zawadski Homes just completed and sold a model in the same development on Lot 4. Lot 4 is a standard lot, and the house was 55 feet wide, by 54 feet deep. This is a normal representation of a home going onto this street. A 55' x 54' home would definitely not fit on applicants' Lot 6.

However, Lot 6 can have an interesting home on it, with just enough room. If the setback was returned back to 40', the proposed new home can be made to fit, by tightening the home design to approx.. 30' at each end of the crescent, and then still be approx.. 40' deep at the middle.

In conclusion, the owners really like this corner lot in the cul de sac, and have redesigned their home plan to accommodate the additional restriction. The owners, with the architect, have found a plan that works with a 40' rear yard setback, but they cannot make a layout work with a 45' setback. The proposed home will be of reasonable size, and will still fit within the character of the neighborhood. Given the uniqueness of the lot, applicant hopes that the City give special consideration to this variance request.

Respectfully submitted

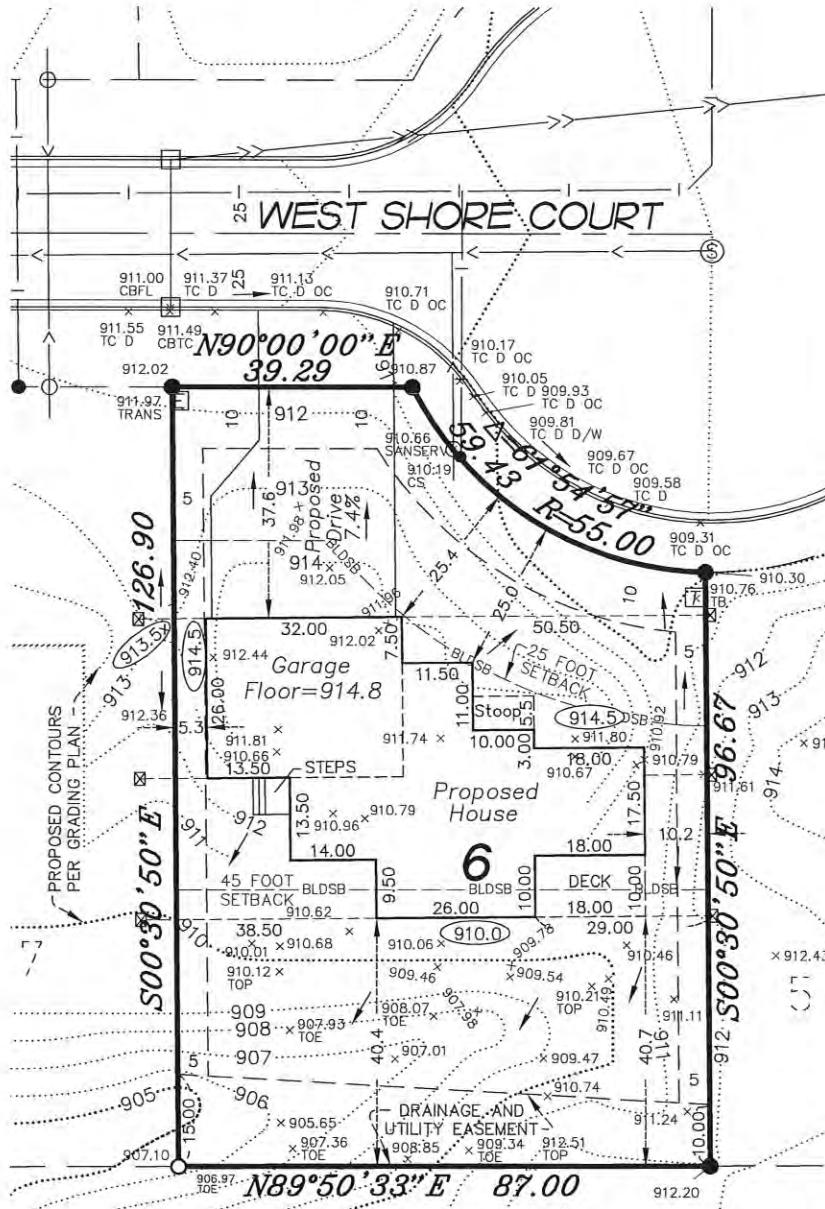


Jay Johnson  
Zawadski Homes  
O 651-483-0518  
© 651-387-9051



# CERTIFICATE OF SURVEY

~for~ ZAWADSKI HOMES  
~of~ 474 WEST SHORE COURT



(1023) DENOTES PROPOSED ELEVATION.  
x1011.2 DENOTES EXISTING ELEVATION.  
DENOTES DIRECTION OF DRAINAGE.  
☒ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET.  
(UNLESS OTHERWISE NOTED)

DIAG HOUSE:  
49.00 X 93.50 = 105.56

(POURED 9 FOOT WALL LOOKOUT)  
PROPOSED ELEVATIONS:

TOP OF WALL AT HOUSE = 916.2  
GARAGE FLOOR = 914.8 (DROPPED 1.0 FEET)  
LOWEST OPENING = 910.7  
LOWEST FLOOR = 907.5  
TOP OF FOOTING = 907.2

- \*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

Lot 6, Block 1, WABASSO BAY, Ramsey County, Minnesota

Location: Shoreview REV. 01-11-18, 01-19-18; 01-24-18; 01-31-18; 02-20-18 added setbacks JEN

Scale 1" = 30' ● Denotes Iron Monument Bearing Datum: Assumed Job No. 18018HS Drwg By JEN

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

**E. G. RUD & SONS, INC.**

By: **PRELIMINARY**

Dated this 20th day of February 2018. Minnesota License No. 41578

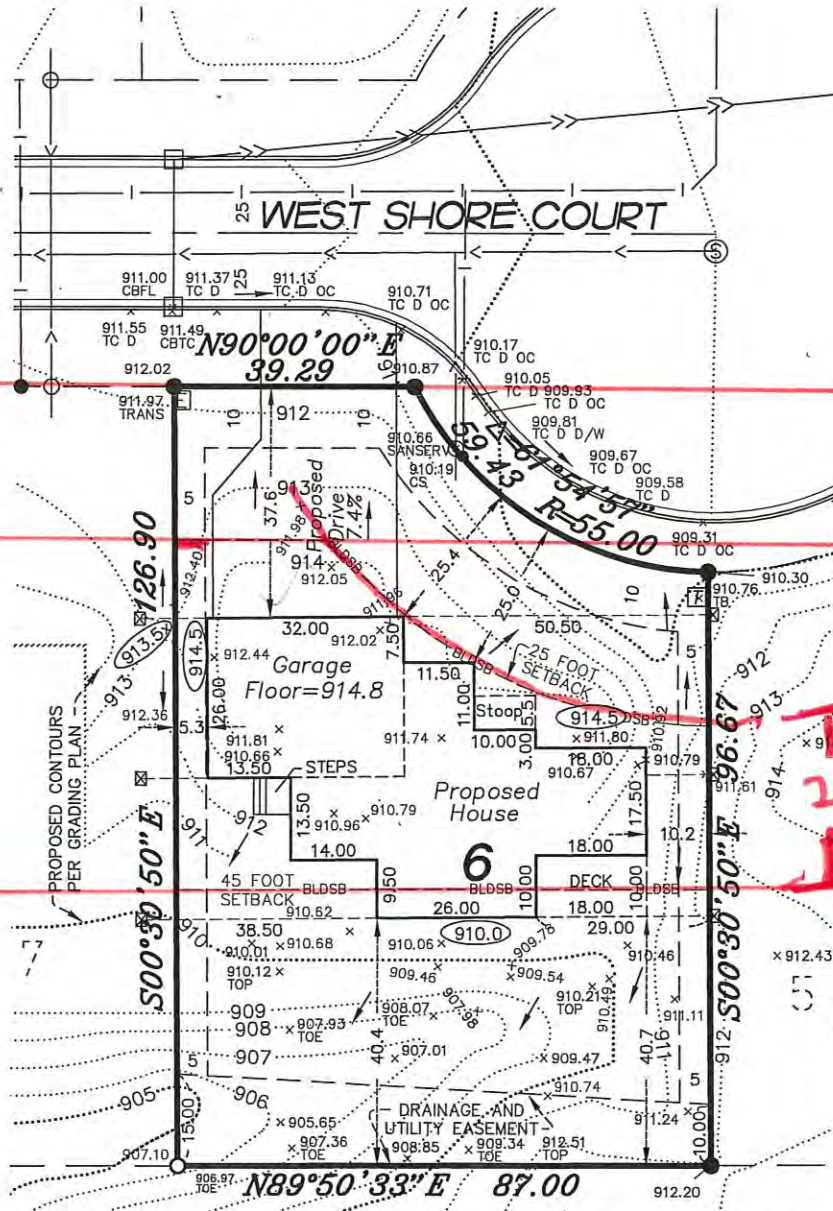
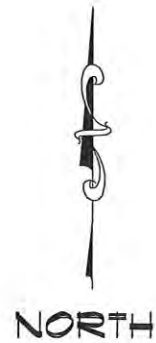
**E. G. RUD & SONS, INC.**  
PROFESSIONAL LAND SURVEYORS  
6776 LAKE DRIVE NE, SUITE 110  
LINO LAKES, MINNESOTA 55014  
TEL. (651) 361-8200  
FAX (651) 361-8701  
www.egrud.com L6-B1





# CERTIFICATE OF SURVEY

~for~ ZAWADSKI HOMES  
 ~of~ 474 WEST SHORE COURT



(1023) DENOTES PROPOSED ELEVATION.  
 x1011.2 DENOTES EXISTING ELEVATION.  
 DENOTES DIRECTION OF DRAINAGE.  
 DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET.  
 (UNLESS OTHERWISE NOTED)

DIAG HOUSE:  
 49.00 X 93.50 = 105.56

(POURED 9 FOOT WALL LOOKOUT)

**PROPOSED ELEVATIONS:**

TOP OF WALL AT HOUSE = 916.2  
 x912.43 GARAGE FLOOR = 914.8 (DROPPED 1.0 FEET)  
 LOWEST OPENING = 910.7  
 LOWEST FLOOR = 907.5  
 TOP OF FOOTING = 907.2

- \*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

Lot 6, Block 1, WABASSO BAY, Ramsey County, Minnesota

Location: Shoreview REV. 01-11-18, 01-19-18; 01-24-18; 01-31-18; 02-20-18 added setbacks JEN

Scale 1" = 30' ● Denotes Iron Monument Bearing Datum: Assumed Job No. 18018HS Drwg By JEN

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

**E. G. RUD & SONS, INC.**

By: **PRELIMINARY**

Dated this 20th day of February 2018. Minnesota License No. 41578

**E. G. RUD & SONS, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 6776 LAKE DRIVE NE, SUITE 110  
 LINO LAKES, MINNESOTA 55014  
 TEL. (651) 361-8200  
 FAX (651) 361-8701  
 www.egrud.com L6-B1



# AERIAL VIEW EXHIBIT

~for~ ZAWADSKI HOMES



Lot 6, Block 1,  
WABASSO BAY,  
Ramsey County, Minnesota

REV.2-21-18 Rev Prop. Hse. JEN

- Denotes Iron Set
- Denotes Iron Found

Scale 1" = 30'

Job No.: 18018hs

Bearings shown are on  
County datum.

Drawn By: JEN  
Project Manager: JER

I hereby certify that this plan, survey 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. Dated this 21st day of February, 2018.



License No. 41578

 **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



Nicole Hill <nhill@shoreviewmn.gov>

---

## Variance-474 West Shore Court

1 message

---

**Greg & Laurie Pickert** <russpick@gmail.com>

Sat, Feb 17, 2018 at 11:21 AM

To: nhill@shoreviewmn.gov

Dear Niki,

Thank you for sending us the information on the variance request for 474 West Shore Ct. We very much support the variance to allow the 40 foot set back.

Sincerely,

Greg and Laurie Pickert  
494 West Shore Ct.  
Shoreview, MN 55126





---

## Comments for 2/27 meeting

---

Megen@gtcys.org <Megen@gtcys.org>  
To: NHill@shoreviewmn.gov

Tue, Feb 20, 2018 at 4:00 PM

Comments for the February 27 Planning Commission Meeting regarding Zawadski Homes' request for a variance at 474 West Shore Court

File No. 2686-18-06.

As the neighbors directly south of the three key lots that are being developed on the Zibell Subdivision, we encourage the planning commission to decline the request to reduce the rear setback from the originally approved 45 feet to 40.4 feet. In May 2015, the Planning Commission used its official review and approval process to determine the 45' rear setback noting concerns about open space and distance between neighboring houses to the Key Lots ([minutes from that meeting are here](#)). What has changed to warrant modifying the Commission's original decision and approving this new request?

Of the three key lots, the property in question – Lot 6 – is the closest in proximity to our home. Thus, it is our hope that the 45' rear setback will be upheld. We understand that this 45' setback presents a design challenge for the builder whose son is buying the lot and likely wants the option of building a larger house. Since the development's inception, this lot has been positioned on the cul de sac, squeezed in alongside two other small lots. The builder's design challenges should not be our concern, nor should we have to bear the burden of closer proximity simply for their convenience.

As an alternative to satisfy all parties, we encourage Zawadski Homes to request a variance reducing the front setback from 25 feet to 20 feet.

We are also concerned about the integrity of the building process and enforcement. Zawadski Homes' surveyor, Rudd, recently staked out the property, marking the rear house corners at 26' and 27' from the rear property line. The discrepancy from the 45' requirement was noticeable and I raised the issue with the City who then contacted the builder. It wasn't until then that Zawadski Homes requested a variance and reached out to us. Mr. Zawadski implied that this was the surveyors' simple mistake. Knowing that surveyors typically work off of plans provided by the builder, it is hard to understand that missing the mark by 15 feet was a "simple mistake" on Rudd's part. Does this mean that Zawadski Homes overlooked the 45' requirement? Was the new house on Lot 8 built with a 45' setback or less? What is the process to follow through on these requirements?

This follows two years of challenges created by the subdivision. Though unrelated to the request for variance, we would like the Planning Commission to understand the negative impact we have experienced as adjacent property owners:

- A new catch basin for water drainage from Lots 6, 7, 8 was supposed to be installed entirely on Lot 7, but "accidentally" ended up partially on our property.
- As a result of significant standing water and clearcutting all but a few trees on the entire development, a wind storm in July 2016 took down 15 mature trees on our property adjacent to lots 6, 7, and 8 – our last buffer from the most visible part of the development.
- A second storm in August 2016 took down an additional 6 mature trees on our property behind Lot 6 creating a significant hole in our sideyard and backyard landscape.

- Both storms created a massive amount of time and physical labor on our part to cut and pile up the downed trees. To be fair, Mr. Zibell was empathetic to the tree damage that we sustained, and he covered the cost for removing the removal of debris and stumps, and he endorsed replacing several trees at his expense. We are grateful for this. Zawadski Homes acknowledged their responsibility and was responsive in trying to appease our landscape concerns which we appreciated. In reality, however, the subcontractor's implementation was far from what we were promised, in spite of our repeated attempts to communicate with the landscaper about details before any steps were taken. Trees were planted on our property without our input or scheduling (we were surprised to come home one day to find our property along Lots 6, 7, and 8 had been planted even though we were told that we'd be able to select tree types and locations to ensure a thick buffer – while the trees are attractive, there is no thick buffer and we can't afford to have them moved). Tons of river rocks which were supposed to be removed and saved ended up buried by the landscaper. Once heavily wooded, our property was significantly altered, exposing the new development even more. In our lifetime, we will not regain our property's tree canopy that we once had along the key lots.
- As a result of something going awry with the development, our water turned brown for nearly a week while we had out of town guests staying at our home. We were told by the City utility department that this wasn't a concern and should clear up in a few days.
- After having just 2 neighbors to the north side of our property, we will now have at least 12 people and 2 dogs (based on the families anticipated to move in) right next to us. For the next 10-15 years until the new trees grow along our driveway, this loss of privacy will be a constant reminder every time we come and go.

Of course there's been the expected construction disruption with two consecutive (soon to be three) summers of noise, severe vibrations, dust, and traffic. We suspect that our property value has diminished from the loss of mature trees and privacy now that our lot is exposed to the street, not to mention the time and aggravation dealing with the challenges outlined above. We did not ask for any of this.

We understand the City's and builder's desire to maximize lots and tax revenue. We understand progress. However, as tax-paying homeowners and in spite of attempts to be reasonable throughout this multi-year process, we are disappointed that this has continually been a lose-lose situation for us. With 5 more houses to build, it will likely continue.

Megen Balda & Jon Kjarum

[3410 Chandler Road, Shoreview](#)



**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD FEBRUARY 27, 2018**

\* \* \* \* \*

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

The following members were present:

And the following members were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 18-13  
VARIANCE**

WHEREAS, Nick and Anna Zawadski, married to eachother, submitted a variance application for the following described property:

Lot 6, Block 1, WABASSO BAY, RAMSEY COUNTY, MINNESOTA

*(This property is commonly known as 474 West Shore Court)*

WHEREAS, the subdivision approval required a 45 foot setback from the rear lot line; and

WHEREAS, the applicants have requested a variance to this requirement reducing the rear setback to 40.4'; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for 474 West Shore Court be approved on the basis of the following findings of fact:

WHEREAS, on February 27, 2018, the Shoreview Planning Commission approved the variance and adopted the following findings of fact:

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The use of this property for a single family residence is reasonable and consistent with the comprehensive plan land use designation and R1 zoning district. The 40 foot rear setback proposed for a new home represents a reasonable use of the property and complies with the development code requirement.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* Unique circumstances are present and cause practical difficulty. This lot is located on the south western side of the West Shore Court cul de sac. The cul de sac causes the front setback to have an irregular shape and limits the building pad depth to 25 feet on the east side of the property when the 45 foot rear setback is applied.

Furthermore, the additional 5 foot setback that was required by the Planning Commission was put in place without any analysis on the potential impacts to any future home/building pad. Staff believes that the required 40 foot setback for a key lot – which is 10 feet more than a standard 30 foot rear setback - is in place to mitigate impacts to the properties that are adjacent to key lots.

3. *The variance will not alter the essential character of the neighborhood.* The applicant is proposing to build a new single family home. The reduction of 4.6 feet of the rear setback will not change the essential character of the neighborhood. Single-family residential next to single-family residential is a compatible use. Landscaping was installed along the rear property line as part of the screening/buffering requirement of the approved subdivision.

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

1. The minimum setback for the proposed home is 40.4 feet from the rear property line.
2. A building permit must be obtained before any construction activity begins.
3. This approval will expire after one year if a building permit has not been issued and construction commenced.
4. This approval is subject to a 5-day appeal period.

File No. 2686-18-06  
474 West Shore Court  
Resolution 18-13  
Page 3 of 4

Adopted this 27<sup>th</sup> day of February, 2018

---

John Doan, Chair  
Shoreview Planning Commission

ATTEST:

---

Niki Hill, AICP  
Economic Development and Planning Associate

ACCEPTANCE OF CONDITIONS:

---

Nick Zawadski

---

Anna Zawadski





**MOTION  
TO APPROVE VARIANCE  
ZAWADSKI HOMES  
474 WEST SHORE COURT**

**MOVED BY COMMISSION MEMBER:** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER:** \_\_\_\_\_

To approve adopt Resolution 18-13 approving the variance request submitted by Zawadski Homes for 474 West Shore Court, reducing the 45 foot rear setback to 40.4 feet. This approval is subject to the following conditions:

1. The minimum setback for the proposed home is 40.4 feet from the rear property line.
2. A building permit must be obtained before any construction activity begins.
3. This approval will expire after one year if a building permit has not been issued and construction commenced.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Land Use and Housing Chapters of the Comprehensive Plan.
2. Practical difficulty is present as stated in Resolution 18-13
3. The proposed 40.4' setback complies with the Development Code.

**VOTE:**

**AYES:**

**NAYS:**

**TO:** Planning Commission  
**FROM:** Aaron Sedey, Associate Planner  
**DATE:** February 22, 2018  
**SUBJECT:** File No. 2683-18-03; Minor Subdivision and variances, 3316 Victoria St N

### **INTRODUCTION AND BACKGROUND**

Summit Design Build, submitted a minor subdivision application to divide the property at 3316 Victoria St N into three parcels. Also, an application for two variances to retain the detached accessory structure and to reduce the rear yard setback for the existing house was submitted.

The property is a double fronted lot located east of Victoria St and west of Emmert St and is developed with a single-family residence, detached accessory structure and other ancillary site improvements. The house will remain on Parcel A and new single-family residential homes would be constructed on the newly created Parcel B and C in the future. All adjacent land uses are single-family residential. The existing home is serviced with city sewer and water off of Victoria St.

This application was complete as of February 15, 2018.

### **DEVELOPMENT ORDINANCE REQUIREMENTS**

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

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 where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways.

The property is zoned R1, Detached Residential, as are the adjacent properties. In this district, lot standards (205.082(D)) 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 25 feet from a front and 30 feet from a rear property line and 10 feet from an interior side lot line. A 5-foot minimum side yard is required for accessory buildings including detached garages.

For ½ acre to less than one acre (205.082(D)(5)), a detached accessory building with two car or more attached garage are allowed up to 288 square feet or up to 440 square feet with a Conditional Use Permit.



***VARIANCE CRITERIA***

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

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

**APPLICANTS STATEMENT**

The applicant states that the home is in excellent condition and is cost prohibitive to move the home farther from the rear property line as it is on a slab foundation. With this reduced setback it allows for two standard residential lots to be developed. The variance for the garage which is in excellent condition and would still meet the necessary setbacks if the proposed subdivision were to be approved. The lot is close to an acre, and those lots are allowed to have accessory structures over 440 square feet. The area of the attached and detached accessory structures are under the combined maximum area permitted. Some neighbors have detached garages of similar or larger in size.

**STAFF REVIEW**

***Variances***

The variances requested to retain the detached accessory building and decrease the rear yard setback from the required 30 feet to 22.4 feet, was submitted with the Minor Subdivision application was reviewed by staff in accordance with the variance criteria. The proposed Parcel “A” with the home and detached structure is .93 acres.

Lot Size	Detached Accessory Structure with 2 or more stalls attached	Combined – Attached and Detached
½ acre to under 1 acre	Up to 440 sqft	1200 sqft or 90% of dwelling unit foundation, whichever is more restrictive
1 acre to under 2 acre	Larger than 440 sqft	1200 sqft or 90% of dwelling unit foundation, whichever is more restrictive

The home’s foundation is 2,627 square feet, therefore they are allowed 1,200 square feet for combined attached and detached accessory structures for either lot size. The current attached garage is 588 square feet and detached garage is 576 square feet for a total of 1,164 square feet combined.

In staff’s opinion practical difficulty is present, based on the following findings:

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



to use the property in a reasonable manner. The current home will be retained and used as a single family residence and the two proposed parcels will meet the minimums for a lot for single family residential and would be marketed as such. Retaining the home will have less impact than tearing it down and rebuilding a home on the property.

2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Staff believes that unique circumstances are present due to the existing lot configurations and the placement of the house in almost the middle of the current parcel, leaving Parcel “A” as an underutilized parcel. The proposed minor subdivision will create two lots that meet the standards of the code offering opportunities for single family homes.
3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* The character of the neighborhood will not be altered. The minor subdivision will be comparable to previously ones done in the neighborhood that have split lots in a similar fashion.

**Minor Subdivision**

The applicant is proposing to leave the existing site improvements and divide the property into three parcels, with the new Parcels of B and C being for future single-family residential development. As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations.

	<b>Requirements</b>	<b>Parcel A (Emmert St)</b>	<b>Parcel B (Northern Victoria)</b>	<b>Parcel C (Southern Victoria)</b>
<b>Area:</b>	<b>10,000 sf</b>	40,511 sf	12,525 sf	12,529 sf
<b>Width:</b>	<b>75 feet</b>	200 ft	100 ft	100.08 ft
<b>Depth:</b>	<b>125 feet</b>	202.46 ft average	125.21 ft average	125 ft average

Each vacant parcel has adequate buildable area for a new home when the minimum structure setbacks are applied. The existing driveway will be removed and relocated to Emmert St providing access to the existing home.

There has been a previous history of subdivision in the area between Victoria St and Emmert St. Most recent was the subdivision 3335 Emmert from 3330 Victoria in 2014, 3308 Victoria from 3289 Victoria in 2011, 3285 Emmert from 3275 Emmert in 2004 and 3245 Emmert from 3256 Victoria in 1988. Lot areas for these new parcels range from .29 acres to .46 acres. The development pattern and lot sizes of recent minor subdivision are consistent with the proposed minor subdivision.

Municipal sanitary sewer and water service is already established to Parcel A and are available from Victoria St and Emmert St. The standard drainage and utility easements along the property lines will be required.



Tree impacts will be evaluated further during the building permit review process. The submitted survey does identify some trees on the property and the homes shown are placeholders and not approved, which may be impacted by the construction of a new home on Parcel B and C. Tree removal, replacement and protection will be addressed in the building permit for the new house construction.

A grading and drainage plan will also need to be submitted with the building permit application. The grades as shown on the submittal cannot be fully evaluated until a building permit application with the house design is submitted.

### **COMMENTS**

Property owners within 350 feet were notified of the applicant's request. Two comments against the proposal that touched on, tree conservation, potential drainage and water issues in the neighborhood. Please see attached comments.

The Watershed commented that Parcel A has a wetland and a wetland delineation would be required and the enforcement of any City wetland setbacks.

Ramsey County reviewed stated no additional easements or ROW is required. Any improvements to Victoria Street will need further approval from Ramsey County and a permit.

City Engineer Tom Wesolowski commented that the current home will need to have water and sewer be off of Emmert and the two new homes be serviced off Victoria St. He also addressed the wetland and the buffer required for it.

### **STAFF RECOMMENDATION**

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards. Leaving the existing home and the creation of two additional lot for single-family residential development supports the City's land use and housing policies by creating an opportunity for new housing. Staff is recommending the Planning Commission Resolution 18-12, approving the variances to retain the detached garage and decreasing the rear yard setback and recommendation of approval of the minor subdivision to the City Council, subject to the following conditions:

#### **Variances**

1. Rear yard setback for the principal structure on Parcel "A" is to be 22.4 feet, a reduction from the required 30 feet. Future additions or expansion of home will need to comply with the 30 foot minimum rear setback.
2. To retain the detached garage at the size of 576 square feet an increase from the maximum 440 square feet allowed.
3. This approval is subject to approval of the Minor Subdivision application by the City Council.
4. Mature plantings of conifers are required to be in the rear setback of the current home and the proposed home on Parcel C, subject to the approval of the City Planner.
5. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
6. The approval is subject to a 5 day appeal period.

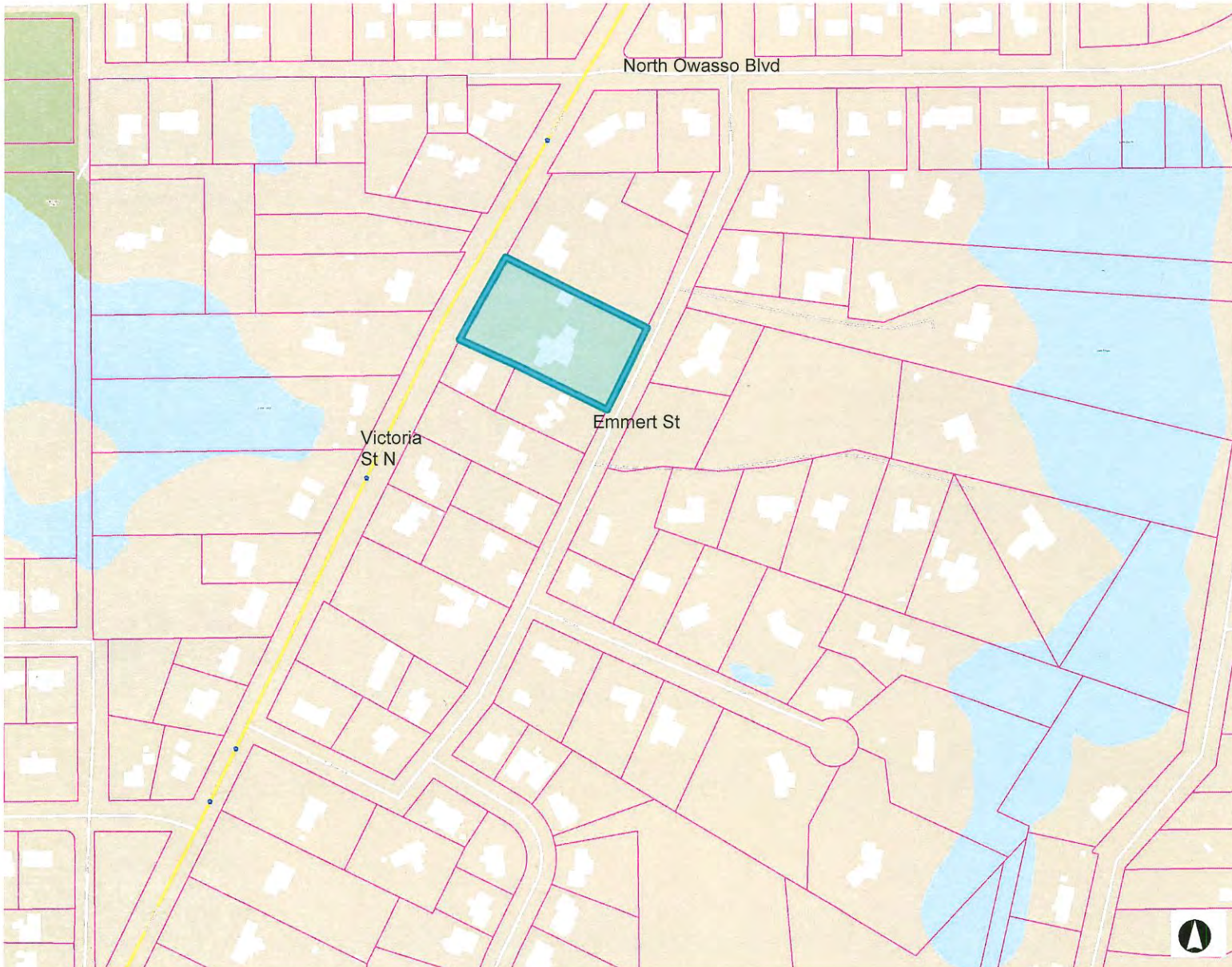
### **Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B and C, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Municipal water and sanitary sewer service shall be provided to all three parcels as reflected in the City Engineers comments as well as curb and gutter with associated permit fees and escrows.
5. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B and C.
6. The driveway for Parcel A will be altered to use Emmert as its access to leave and enter the property. Driveway and all other work within the Emmert St right-of-way are subject to the permitting authority of the City of Shoreview. An escrow shall be required for a driveway approach to be constructed by the builder in the amount of \$1,250.
7. The applicant shall submit the wetland delineation to the Rice Creek Watershed District and obtain a watershed permit, prior to the issuance of a building permit for a new home.
8. A tree protection and replacement plan shall be submitted prior to issuance of a building permit (including the 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.
9. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
10. Any improvement or work in the Victoria Street right-of-way will need approval by Ramsey County.
11. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
12. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

### **Attachments**









- 1) Location Map
- 2) Submitted Statement and Plans
- 3) Response to Request for Comment
- 4) Resolution 18-12
- 5) Motion





## Legend



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

## Notes

Enter Map Description

600.0 0 300.00 600.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Todd Hinz

---

3160 West Owasso Blvd., Roseville MN 55113 | 651-431-8890 | todd@summitdesign-build.com

**February 15, 2018**

Kathleen Castle

City Planner

City of Shoreview

4600 Victoria Street North, Shoreview MN 55126

## Variance Application

**Dear Kathleen Castle:**

This application is requesting a variance to waive the city's standard requiring a detached garage to be no larger than 440 square feet for lots that are ½ acre to 1 acre in size. The detached garage exists as part of the residence with the current address of 3316 Victoria Street as part of our minor subdivision application. Our request would be to leave the existing 576 square foot garage approved by the City of Shoreview and built in 1993 as is. Practical difficulty is present to allow for this variance from the City's regulation, based on the following:

1. **Reasonable Manner.** I, the property owner am proposing to use the property in a reasonable manner. The property is guided for low density residential use and zoned for single-family residential uses. The property far exceeds the minimum lot area for a standard residential property and the subdivision will result in three parcels that comply with the width and area requirements for lots in the R-1, detached residential district. The existing garage is in excellent condition; therefore, it is reasonable to retain it. While it will be larger than the 440 square feet required, it is not out of character in size for the surrounding neighborhood. Furthermore, the proposed Parcel A with which the garage would remain is within 3000 square feet of lot size to be over 1 acre.
2. **Unique Circumstances.** The property is unique due to the size and width, which exceed the minimum standards for the R-1 zoning district, and site improvements. The existing lot configuration and location of the home and detached garage have affected the proposed subdivision design. The location of the lot with it abutting both Victoria Street on the West and Emmert Street on the East, and with the home being centrally located on the lot, also were considered. Orientation of the two new parcels toward Victoria Street and reorganizing the existing home to Emmert Street creates the existing garage requiring the variance to exceed the 440 square feet minimum.
3. **Character of Neighborhood.** The proposed variance for the existing garage will not alter the character of the neighborhood. Two parcels within 500 feet have existing detached garages that are similar or larger in size to this garage, and a review of the greater neighborhood shows over a dozen detached garages of varying size. Adequate separation between the existing garage and the future home on Parcel B will be maintained, due to the required 30-foot rear yard setback for a

new home. Vegetation between the existing garage and new home including old growth trees will be retained to mitigate the visual impact.

Additionally, the area of Shoreview where this parcel is located is unique where there is an eclectic mix of uses for the parcels, with lots and homes varying in size, orientation, location, and access to each. I feel this variance request along with the minor subdivision are the best uses of this parcel and are the best match for this neighborhood. Furthermore, with the passing of this variance we save an existing garage in excellent condition from needlessly ending up in a landfill just to meet the city's standard requirements.

**Sincerely,**

**Todd Hinz**

# Todd Hinz

---

3160 West Owasso Blvd., Roseville MN 55113 | 651-431-8890 | todd@summitdesign-build.com

**February 15, 2018**

Kathleen Castle

City Planner

City of Shoreview

4600 Victoria Street North, Shoreview MN 55126

## **Variance Application**

**Dear Kathleen Castle:**

This application is requesting a variance to waive the city's standard requiring a 30 feet rear yard setback for the residence with the current address of 3316 Victoria Street as part of our minor subdivision application. Our request would be for a maximum of 7.6 feet off the required 30 feet for a total existing setback at its least amount of 22.4 feet. Practical difficulty is present to allow for this variance from the City's regulation, based on the following:

1. **Reasonable Manner.** I, the property owner am proposing to use the property in a reasonable manner. The property is guided for low density residential use and zoned for single-family residential uses. The property far exceeds the minimum lot area for a standard residential property and the subdivision will result in three parcels that comply with the width and area requirements for lots in the R-1, detached residential district. The existing home is in excellent condition; therefore, it is reasonable to retain it. While it will be setback less than the 30-feet required, there will be adequate separation from the future home on Parcel C since a 30-foot rear yard setback is required for the new home.
2. **Unique Circumstances.** The property is unique due to the size and width, which exceed the minimum standards for the R-1 zoning district, and site improvements. The existing lot configuration and location of the home and detached garage have affected the proposed subdivision design. The location of the lot with it abutting both Victoria Street on the West and Emmert Street on the East, and with the home being centrally located on the lot, also were considered. Orientation of the two new parcels toward Victoria Street and reorganizing the existing home to Emmert Street creates the rear yard requiring the variance for the 30 feet setback.
3. **Character of Neighborhood.** The proposed 22.4-foot rear yard setback for the existing home adjoining Parcel C will not alter the character of the neighborhood. Adequate separation between the existing home and future home on Parcel C will be maintained due to the required 30-foot rear yard setback for a new home. Vegetation between the existing and new home including old growth trees will be retained to mitigate the visual impact.



Additionally, the area of Shoreview where this parcel is located is unique where there is an eclectic mix of uses for the parcels, with lots and homes varying in size, orientation, location, and access to each. I feel this variance request along with the minor subdivision are the best uses of this parcel and are the best match for this neighborhood. Furthermore, with the passing of this variance we save an existing home in excellent condition from needlessly ending up in a landfill just to meet the city's standard requirements.

**Sincerely,**

**Todd Hinz**





# MINOR LOT SUBDIVISION

## EXISTING LEGAL DESCRIPTION:

Legal Description of Property as shown on Ramsey County Certificate of Title number 601955:

Lot 9, Block 1, LAMBERT PARK

## PROPOSED LEGAL DESCRIPTION:

### PROPOSED PARCEL A:

The southeasterly 200.00 feet of the northeasterly 100.00 feet of Lot 9, Block 1, LAMBERT PARK, Ramsey County, Minnesota together with that part of the southeasterly 205.17 feet of said Lot 9 lying southwesterly of the northeasterly 100 feet thereof.

### PROPOSED PARCEL B:

That part of the northeasterly 100.00 feet of Lot 9, Block 1, LAMBERT PARK, Ramsey County, Minnesota which lies northwesterly of the southeasterly 200.00 feet thereof.

### PROPOSED PARCEL C:

That part of Lot 9, Block 1, LAMBERT PARK, Ramsey County, Minnesota which lies southwesterly of the northeasterly 100.00 feet thereof and which lies northwesterly of the southeasterly 205.17 feet thereof.

## CONTACT:

SUMMIT DESIGN-BUILD  
1902 Greeley Street South  
Stillwater, MN 55082  
P:651-674-3013

## COUNTY/CITY:

RAMSEY COUNTY  
CITY OF SHOREVIEW

## TITLE NOTES:

The following items are shown as memorials on the Ramsey County, Minnesota Certificate of Title number 601955:

Easement in favor of Township of Mounds View per document number 341191. (SHOWN ON SURVEY)

## ZONING NOTES:

SUBJECT PROPERTY IS ZONED R1-DETACHED RESIDENTIAL PER THE CITY OF SHOREVIEW ZONING MAP.

MINIMUM ZONING STANDARDS:  
LOT SIZE: 10,000 SQ.FT.  
LOT WIDTH: 75 FEET  
LOT DEPTH: 125 FEET  
MAXIMUM HEIGHT: 35 FEET

SETBACKS:  
FRONT YARD: 25 FEET(MIN.)/40 FEET(MAX.)  
SIDE YARD: 10 FEET  
REAR YARD: 30 FEET

ACCESSORY BUILDINGS ARE SUBJECT TO THE RESTRICTIONS AND PERFORMANCE STANDARDS SET FORTH IN SECTION 205 OF THE CITY OF SHOREVIEW MUNICIPAL CODE.

## REVISIONS:

DATE	REVISION
1-30-18	PRELIMINARY ISSUE

## CERTIFICATION:

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

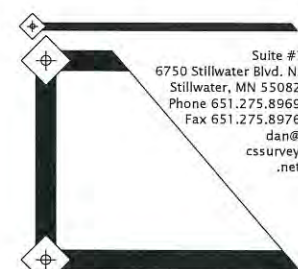
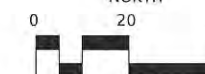
*Daniel L. Thurmes*  
Daniel L. Thurmes Registration Number: 25718  
Date: 1-30-18

## PROJECT LOCATION:

**3316**  
VICTORIA STREET NORTH  
PID#353023420005

## SURVEY NOTES:

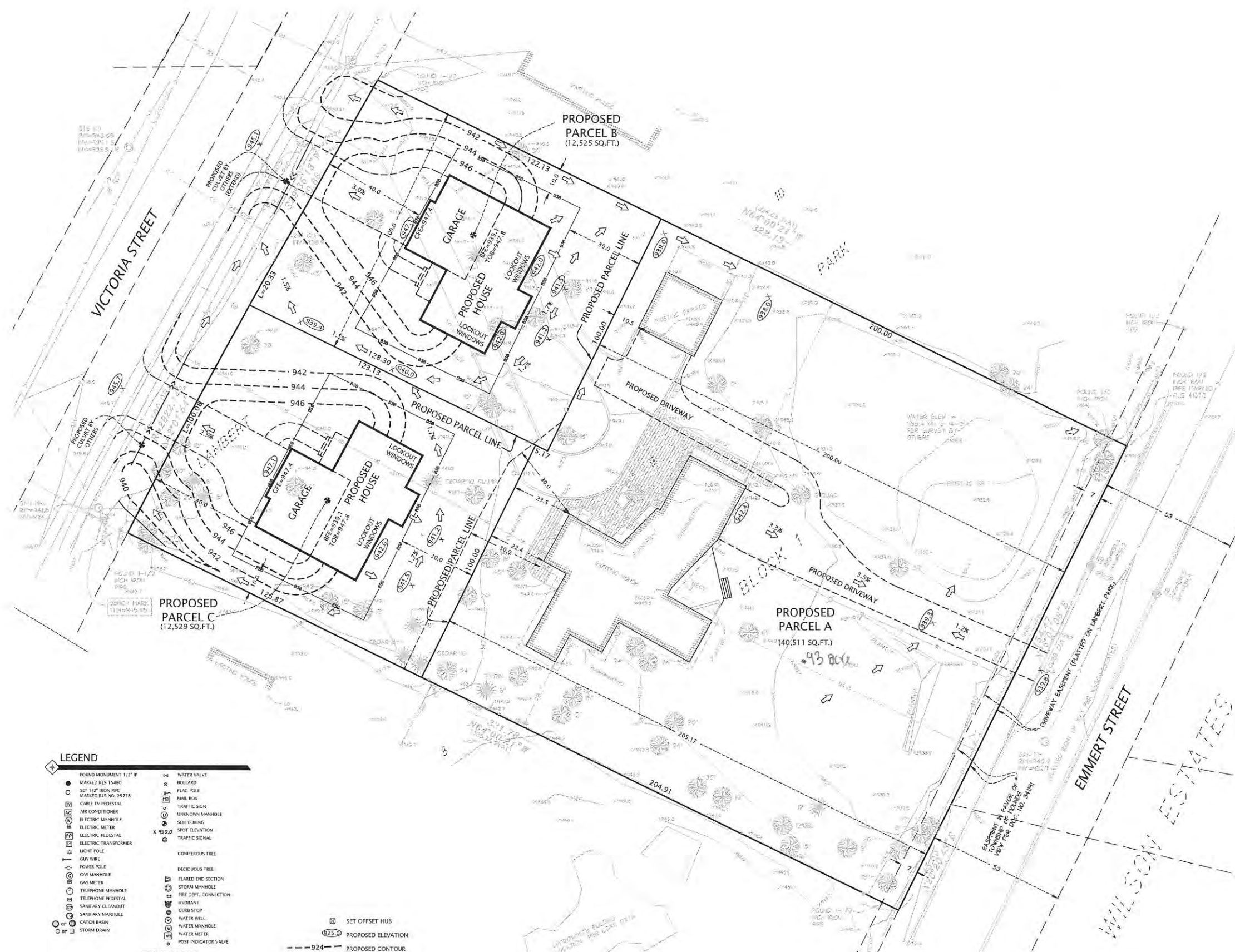
- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE RAMSEY COUNTY SURVEYORS OFFICE.
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILT PLANS PROVIDED BY THE CITY OF SHOREVIEW PUBLIC WORKS DEPARTMENT.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- OFF SITE BUILDINGS SHOWN PER DNR LIDAR DATA OBTAINED FROM THE MNTPO WEBSITE. NOT FIELD VERIFIED.



CORNERSTONE  
LAND SURVEYING, INC.

FILE NAME: SURVSUM04  
PROJECT NO.: SUM17004

MINOR LOT  
SUBDIVISION



LEGEND	
●	FOUND MONUMENT 1/2" IP
○	MARKED RIS 15480
○	SET 1/2" IRON PIPE
○	MARKED RIS NO. 25718
○	CABLE TV PEDESTAL
○	AIR CONDITIONER
○	ELECTRIC MANHOLE
○	ELECTRIC METER
○	ELECTRIC PEDESTAL
○	ELECTRIC TRANSFORMER
○	LIGHT POLE
○	CITY WIRE
○	POWER POLE
○	GAS MANHOLE
○	GAS METER
○	TELEPHONE MANHOLE
○	TELEPHONE PEDESTAL
○	SANITARY CLEANOUT
○	SANITARY MANHOLE
○	CATCH BASIN
○	STORM DRAIN
○	WATER VALVE
○	BOLLARD
○	FLAG POLE
○	MAIL BOX
○	TRAFFIC SIGN
○	UNKNOWN MANHOLE
○	SOIL BORING
○	SPOT ELEVATION
○	TRAFFIC SIGNAL
○	CONIFEROUS TREE
○	DECIDUOUS TREE
○	FLARED END SECTION
○	STORM MANHOLE
○	FIRE DEPT. CONNECTION
○	HYDRANT
○	CURB STOP
○	WATER WELL
○	WATER MANHOLE
○	WATER METER
○	POST INDICATOR VALVE
○	UNDERGROUND ELECTRIC
○	UNDERGROUND CABLE TV
○	UNDERGROUND FIBER OPTIC
○	UNDERGROUND TELEPHONE
○	OVERHEAD UTILITY
○	UNDERGROUND GAS
○	SANITARY SEWER
○	STORM SEWER
○	WATERMAIN
○	FENCE
○	CURB (TYPICAL)
○	CONTOURS
○	DENOTES EXISTING ACCESS CONTROL AS SHOWN ON RECORDED PLAT
○	SET OFFSET HUB
○	PROPOSED ELEVATION
○	PROPOSED CONTOUR
○	PROPOSED DRAINAGE



## MEMORANDUM

To: Aaron Sedey, Associate Planner

From: Tom Wesolowski, City Engineer

Date: February 22, 2018

Subject: Minor Subdivision – 3316 Victoria St N

1. The proposed lot split will create a new Parcel A fronting on Emmert Street, which will require an Emmert Street address.
2. The home on Parcel A is currently served by water and sewer services from Victoria Street, which will need to be abandoned if Parcel B & C are created. To provide water and sewer service to the existing home, service connections will be required to the water and sewer mains located on Emmert Street. Sanitary sewer is located in the center of the street and water is located under the west curb line. An escrow and associated permit and connection fees will be required prior to the installation of the service lines.
3. Based on information from Map Ramsey the proposed driveway for Parcel A appears to encroach into the wet area located in the NE corner of the property. City Code requires a 16.5-foot buffer around wetland areas. The wetland area must be delineated to establish the buffer area, which may affect the layout of the proposed driveway.
4. The concrete curb and gutter on Emmert Street will need to be removed and a driveway approach installed to accommodate the proposed driveway for Parcel A. An escrow and associated permit fees will be required prior to the installation of the driveway approach.
5. Parcel C could connect to the existing water and sewer services that would be abandoned by the existing home, but given the age of the services the Developer may elect to install new services. City water is located on the east side of Victoria Street in the right of way and may not require digging up the road surface. The sanitary sewer service connects to a manhole located in the right-of-way on the east side of Victoria Street off the SW corner of the lot and may not require digging up the road surface. Victoria Street is under the jurisdiction of Ramsey County and permits will be required from the County for any work in the right-of-way, including sewer and water service installations, and driveway access. An escrow and associated permit and connection fees will be required prior to the installation of services.
6. Water and sewer services would be required for Parcel B. The option for the water service would be as described above. The sanitary sewer main is located on the west side of Victoria Street in the right-of-way and depending on the installation method used, digging up road surface may not be required. The sanitary sewer service could also be

installed along the front lot line of Parcel C and connected to the manhole located off the SW corner of the property as described above. With this option clean-outs would be required due to the length of the service and the ownership and maintenance of the service line from the home to the manhole would be the responsibility of the homeowner. A private utility easement would also be required along the front lot line of Parcel C.

7. The proposed grades for the properties along Victoria Street are much higher than the properties to the north and south. The grading plan will be required to demonstrate that stormwater runoff for the proposed parcels will not be directed onto the adjacent properties to the north and south.

Please contact me if you have any questions.



January 5, 2018

Craig Hinzman  
Ramsey County Surveyor  
1425 Paul Kirkwold Dr.  
Arden Hills, MN 55112

Re: 3316 Victoria Street North Subdivision Sketch

Dear Mr. Hinzman,

I have reviewed the subdivision sketch for 3316 Victoria Street. The Major Street Plan requires 86 feet of right of way on Victoria Street which exists today. No addition easements or right of way is required.

Any improvements that require access to Victoria Street will need approval by Ramsey County. A permit will be required for all work occurring within the County's right of way. Prior to issuance of a permit construction plans shall be submitted to the County for review. The County's Permit Coordinator is Doug Heidemann. He can be contacted at [douglas.heidemann@co.ramsey.mn.us](mailto:douglas.heidemann@co.ramsey.mn.us) or 651-266-7186.

Sincerely,



Erin Laberee, PE  
Traffic Engineer

**Nicole Soderholm** <nicole.soderholm@rwmwd.org>  
To: Aaron Sedey <asedey@shoreviewmn.gov>

Wed, Feb 21, 2018 at 9:44 AM

Hi Aaron,

It appears from the attachments that you meant to inquire about 3316 Victoria instead of 3166, correct?

While we would not prohibit subdividing the property, I do have concerns with proposed Parcel A as it contains a wetland. The developer will have to do a wetland delineation to ensure any future plans for that area do not cause any wetland impacts.

We also met onsite with the proposed developer awhile back and indicated it would be wise to collect soil borings. Generally wetland soils are not preferred for house construction. Does the city have wetland edge setbacks?

Thanks,

**Nicole Soderholm**

Permit Coordinator | Ramsey-Washington Metro Watershed District

2665 Noel Dr | Little Canada, MN 55117 | Direct: 651-792-7976

[www.rwmwd.org](http://www.rwmwd.org)

**From:** Aaron Sedey [mailto:asedey@shoreviewmn.gov]  
**Sent:** Friday, February 16, 2018 12:06 PM  
**To:** Nicole Soderholm  
**Subject:** 3166 Victoria Minor Subdivision and Variances

[Quoted text hidden]

---

**Aaron Sedey** <asedey@shoreviewmn.gov>  
To: Nicole Soderholm <nicole.soderholm@rwmwd.org>

Wed, Feb 21, 2018 at 1:49 PM

Hi Nicole,

Thanks for reviewing this and yes, it is 3316 Victoria, they used the wrong number on their application.

Last I talked to them they had done three soil borings. We are including that the applicant complete a wetland delineation and they City's setback is 16.5 feet and can enforce that after their wetland delineation is completed.

Are there any other comments?

Thanks!  
Aaron

---





Aaron Sedey &lt;asedey@shoreviewmn.gov&gt;

---

**Minor subdivision for 3316 Victoria**

2 messages

---

**Jaime Willoughby** <jbwerkme@gmail.com>

Mon, Feb 19, 2018 at 8:53 AM

To: asedey@shoreviewmn.gov

Greetings Aaron,

This is in response to the minor subdivision application submitted by Summit Design Build to subdivide the property of 3316 Victoria. This does seem very profitable for Summit to convert this property into three properties, however I do not feel it is profitable for the neighborhood. Before moving into our house what drew us to the property was countless trees, the distance between the houses, and the "up north" lake feel (except we are in the city). By subdividing this property, more trees would be removed reducing the lovely canopy down Victoria and increasing the issue of drainage when three houses would drain into the pond on the back on the property. This pond fills up and is home to many wood ducks and mallards. I am sure other types of ducks frequent there, but those are the types I have seen. This pond will fill up faster since the earth is covered by two extra houses. I am concerned where the water would go within the pond when it overflows. I live at 3351 Emmert and we had this same issue. Instead of 1 house draining into the culvert, 3 houses now do. We are working on this issue and seem to have a solution, but my concern is for our neighbor at 3335 Emmert. Due to the drainage issue, they have two sump pumps running in spring and summer. My concern is the water would fill up in the pond on 3316 Victoria and start to move towards the property on 3335 Emmert and then eventually ours.

If subdivision is a must, I can see splitting the property into two since it is over an acre. I thought in the area we are in all the lots needed to be .5 acres are more and could not be subdivided into less. I could be wrong, but when we were looking into our current property, that was one of the highlights. The two houses would be one on the west side of the lot and one on the East side. Unfortunately this would require some creative thinking if the current house were to remain, but if less disturbance to trees and earth are of a concern, then this would need to be considered. For every tree that is displaced, I would recommend replacing by 3 instead of 2.

As I stated above trees are a concern which I know they can be replanted but it would take over 30+ years to get trees like those again. Also subdividing into 3 properties seems excessive and I worry about the drainage issue. Has summit considered tearing down the current house and building a lovely larger house or adding on to the current house? This would be less money for them, but would still be advantageous for the neighbors and it would decrease the drainage issue. Just a thought. Overall I would recommend to not subdivide 3316 Victoria into 3 properties.

Thank you,  
Jaime

---

**Aaron Sedey** <asedey@shoreviewmn.gov>

Tue, Feb 20, 2018 at 7:58 AM

To: Jaime Willoughby &lt;jbwerkme@gmail.com&gt;

Hi Jamie

February 19, 2018

Dear City of Shoreview Planning Commission Members,

I am writing in response to your Request for Comment regarding the Minor Subdivision application submitted by Summit Design Build to subdivide the property at 3316 Victoria St. N. into 3 parcels as well as to address two variances to retain existing detached garage and retain the existing house with smaller rear yard setback than Code allows.

My home is located at 3330 N. Victoria St., directly next door to the proposed subdivision and I also own the vacant parcel directly behind this property on Emmert Street as well.

**I AM STRONGLY OPPOSED TO THIS MINOR SUBDIVISION REQUEST FOR SEVERAL REASONS:**

1. Summit Design Build is requesting to build two homes in the front yard of a property that has existed here for 45 plus years. The current home has a lovely park like front yard with over a dozen healthy large trees, which the home next door (3330 N. Victoria) has enjoyed for the past 30 plus years. I assume the remodeling of 3330 Victoria in 2010 was done so with this in mind, as it was remodeled with its focal point picture window overlooking 3316 Victorias front yard. This proposed project is NOT SENSITIVELY incorporated with the existing neighborhood, damaging 3330 Victoria, in particular.
2. With this proposed subdivision plan, the side of one of the two homes garages is literally 10 feet from 3330 Victoria's property line and DIRECTLY BLOCKS 3330 Victorias dining room/living room picture window. It is the focal point of the house!!! It will ruin this home from an aesthetic point of



view, inside and outside, greatly reducing it's curb appeal and property value.

**I cannot change the location of this window.**

3. While I recognize that, theoretically, this subdivision falls within "city lot" subdivision standards, it does not mean it should be allowed. Shoreview, and the charming neighborhood this house resides in, in particular, has always had oversized lots. It is part of the charm of living here and having an excellent quality of life because of it. It has been a highly desirable location. This proposed subdivision split will most definitely impact in a very negative way, 3330 Victoria, in particular and this neighborhood in general.
4. I am also concerned about overcrowding and overcapacity in terms of the sewer and water seepage problems in this neighborhood. 3330 Victoria has had 2 water seepage issues and 2 sewage backups in the past 6 years. The current house at 3116 Victoria does not even have a basement due to the weird water table. The soil is very claylike, doesn't absorb water quickly and the sewer on Victoria has been a problem for many years. Having 2 additional homes so close to 3330 Victoria, will overstress an already overstressed sewer and water situation. The City allowed two homes across the street from 3330 Victoria to be built recently. One is occupied, the second is in the process of being completed....now you are trying to allow TWO MORE HOMES CLOSE BY? Where is the water supposed to go?
5. Oh yes, here is where the water goes....the natural drainage for this property flows into the "wetland pond" located in the backyard of 3316 Victoria. As you can see from the plat drawing, Summit Builders intends to change the location of the driveway of 3316 Victoria Street from Victoria Street to Emmert Street, effectively putting the driveway in the middle of a wetland pond which absorbs much of the water runoff for part of this

neighborhood. Not to mention the vegetation and wildlife that this little neighborhood pond supplies for our ecosystem.

6. This also brings up the question of further development. As we are all aware, the costs of a minor subdivision vs a major subdivision are substantial. By looking at the plat submitted, it would be a very easy next step for the builder to then do an additional minor subdivision of the backyard and put in two additional homes facing Emmert Street. He would have already filled in the wetland by using the basement diggings from the two houses from the front yard and could then accomplish this goal relatively easily and inexpensively.

WHERE IS THIS WATER SUPPOSED TO GO? I do not need water in my basement nor do I need that pond to transform into my backyard because there is nowhere else for the water to go.


I have lived in this neighborhood for the past 32 years. I have raised my children here and have owned and still own a lot of property in this neighborhood. I have always tried to be a good steward of the land **BUT I CANNOT DO THIS ALONE.** Sometimes, there are more important things than money. There is only one land and when it is gone, it is gone ! **The Planning Commission of Shoreview has a responsibility of oversight to maintain its citizens quality of life. Just because you CAN, doesn't mean YOU SHOULD!** This minor subdivision does not enhance anything except the builders wallet! It will forever change the complexion of this neighborhood in a very negative, drastic manner. **THIS MINOR SUBDIVISION AS IT IS BEING REQUESTED IS NOT GOOD FOR ME, THIS NEIGHBORHOOD OR THE CITY OF SHOREVIEW AND ITS RESIDENTS! I respectfully urge the City of Shoreview's Planning Commission to deny this request.**



**I also request denying the variances, if Summit Design was not overcrowding the lot, they would not be necessary !**

While I understand and appreciate Summit Design Build wanting to make a profit from purchasing 3316 Victoria, this is not the way to go about it. Two homes in this space aka, a front yard, are simply TOO MUCH! It is not well thought out from the perspective of anyone that lives here and certainly not sensitively incorporated with current residents. I strongly object to its approval as is.

I apologize for not being there in person, as this is incredibly important to me. I have had previous plans to visit my 90 year old mother out of state, and I was only given one weeks' notice to respond to this notice.

Sincerely, 

Jill Wilson (612-210-5395) good neighbor and property tax payer of:

3330 N. Victoria Street, Shoreview, MN

737 Amber Drive, Shoreview, MN

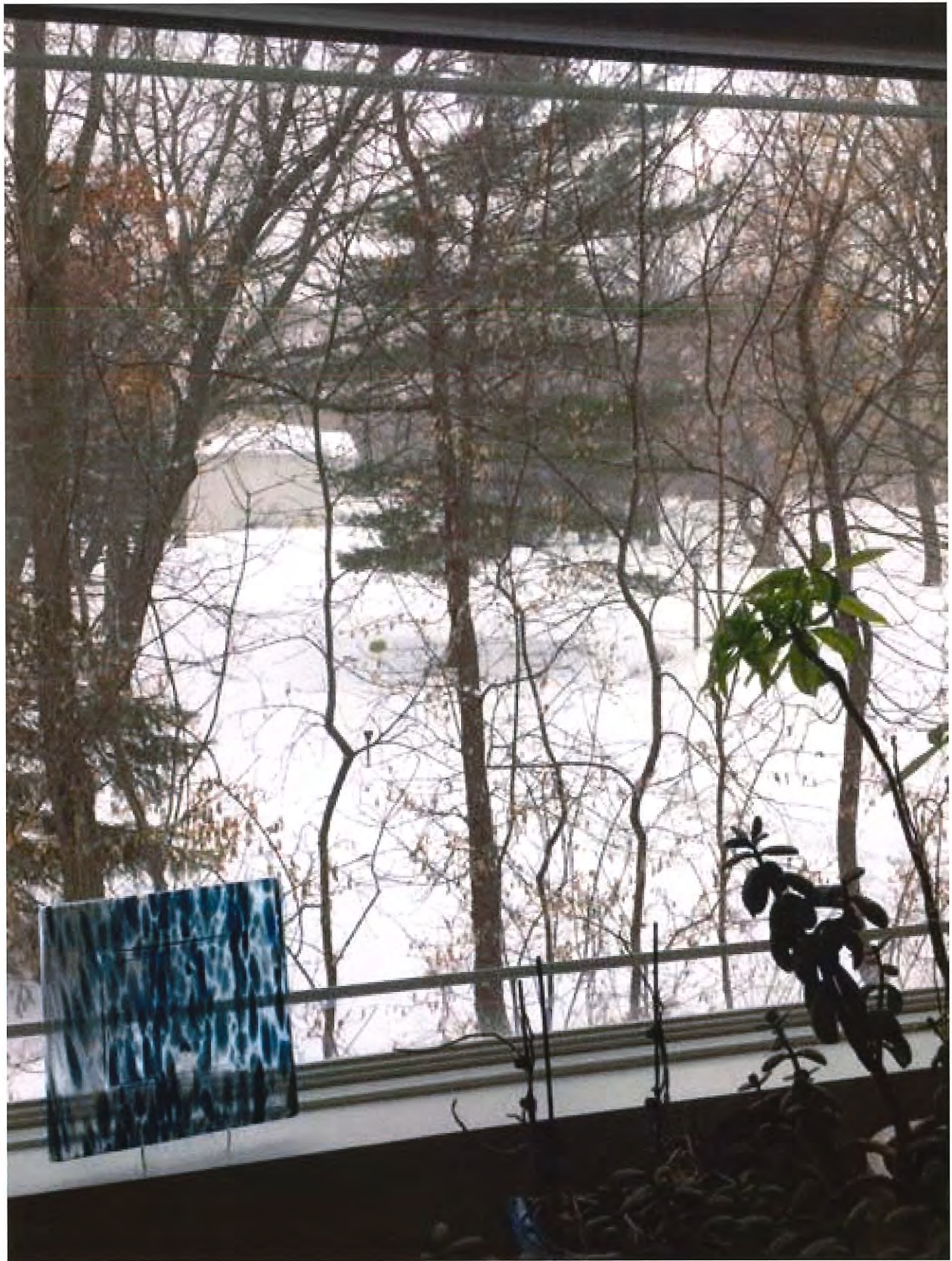
Lot 2, Block 1, Wilson Estates, 0 Emmert Street

Lot 3, Block 1, Wilson Estates, Amber Drive















**MOTION  
TO APPROVE VARIANCES AND  
TO RECOMMEND APPROVAL A MINOR SUBDIVISION  
SUMMIT DESIGN BUILD  
3316 VICTORIA STREET**

**MOVED BY COMMISSION MEMBER:** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER:** \_\_\_\_\_

To approve variances requested for rear yard setback and to retain the detached garage in its current size. Also to recommend the City Council approve the minor subdivision request to subdivide the property at 3316 Victoria St into three parcels creating two new parcels for a single-family residential use subject to the following conditions:

**Variances**

1. Rear yard setback for the principal structure on Parcel "A" is to be 22.4 feet, a reduction from the required 30 feet. Future additions or expansion of home will need to comply with the 30 foot minimum rear setback.
2. To retain the detached garage at the size of 576 square feet an increase from the maximum 440 square feet allowed.
3. This approval is subject to approval of the Minor Subdivision application by the City Council.
4. Mature plantings of conifers are required to be in the rear setback of the current home and the proposed home on Parcel C, subject to the approval of the City Planner.
5. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
6. The approval is subject to a 5 day appeal period.

**Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B and C, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Municipal water and sanitary sewer service shall be provided to all three parcels as reflected in the City Engineers comments as well as curb and gutter with associated permit fees and escrows.
5. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B and C.
6. The driveway for Parcel A will be altered to use Emmert as its access to leave and enter the property. Driveway and all other work within the Emmert St right-of-way are subject to the permitting authority of the City of Shoreview. An escrow shall be required for a driveway approach to be constructed by the builder in the amount of \$1,250.
7. The applicant shall submit the wetland delineation to the Rice Creek Watershed District and obtain a watershed permit, prior to the issuance of a building permit for a new home.

8. A tree protection and replacement plan shall be submitted prior to issuance of a building permit (including the 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.
9. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
10. Any improvement or work in the Victoria Street right-of-way will need approval by Ramsey County.
11. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
12. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan, including the Land Use.
2. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
3. The parcels comply with the minimum standards of the R1, Detached Residential District.

**VOTE:**

**AYES:**

**NAYS:**

**ABSENT:**



**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD FEBRUARY 27, 2018**

\* \* \* \* \*

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

The following members were present:

And the following members were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 18-12 APPROVING VARIANCES TO EXCEED THE SIZE  
REQUIREMENTS FOR A DETACHED ACCESSORY STRUCTURE AND FOR THE  
REAR YARD SETBACK FOR A PRINCIPAL STRUCTURE**

WHEREAS, Summit Design Build submitted a variance application for the following described property:

*The southeasterly 200.00 feet of the northeastly 100.00 feet of Lot 9, Block 1 Lambert Park, Ramsey County, Minnesota together with that part of the southeasterly 205.17 feet of said Lot 9 lying southwesterly of the northwesterly 100 feet thereof.*

*(This property is more commonly known as 3316 Victoria)*

WHEREAS, the Development Regulations establish that in the Residential Districts a minimum 30 feet for a rear yard setback of a principal structure; and

WHEREAS, the Development Regulations establish that in the Residential Districts with a lot of ½ acre to less than one acre a maximum detached accessory structure area of 440 square feet is allowed; and

WHEREAS, the applicant proposed a rear yard setback of the principal structure at 22.4 feet; and



WHEREAS, the applicant proposed a detached accessory structure of 576 square feet; and

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

WHEREAS, on February 27, 2018 the Shoreview Planning Commission made the following to approve based on findings of fact:

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

The applicant is proposing to use the property in a reasonable manner. The current home will be retained and used as a single family residence and the two proposed parcels will meet the minimums for a lot for single family residential and would be marketed as such. Retaining the home will have less impact than tearing it down and rebuilding a home on the property.

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

Staff believes that unique circumstances are present due to the existing lot configurations and the placement of the house in almost the middle of the current parcel, leaving Parcel "A" as an underutilized parcel. The proposed minor subdivision will create two lots that meet the standards of the code offering opportunities for single family homes.

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

The character of the neighborhood will not be altered. The minor subdivision will be comparable to previously ones done in the neighborhood that have split lots in a similar fashion.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 3316 Victoria Street, be approved, subject to the following conditions:

1. Rear yard setback for the principal structure on Parcel "A" is to be 22.4 feet, a reduction from the required 30 feet. Future additions or expansion of home will need to comply with the 30 foot minimum rear setback.
2. To retain the detached garage at the size of 576 square feet an increase from the maximum 440 square feet allowed.
3. This approval is subject to approval of the Minor Subdivision application by the City Council.
4. Mature plantings of conifers are required to be in the rear setback of the current home and the proposed home on Parcel C, subject to the approval of the City Planner.

5. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
6. The approval is subject to a 5 day appeal period.

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

And the following voted against the same:

Adopted this 27<sup>th</sup> day of February, 2018

\_\_\_\_\_  
John Doan, Chair  
Shoreview Planning Commission

ATTEST:

\_\_\_\_\_  
Aaron Sedey, Associate Planner

ACCEPTANCE OF CONDITIONS:

\_\_\_\_\_  
Summit Design Build





**TO:** Planning Commission  
**FROM:** Niki Hill, AICP, Economic Development and Planning Associate  
**DATE:** February 22, 2018  
**SUBJECT:** File No. 2685-18-05, Minor Subdivision and Variance, Karen Kramlinger, 4161 Rice Street

### **INTRODUCTION AND BACKGROUND**

Ms. Kramlinger proposes to demolish the existing home and then subdivide her property at 4161 Rice Street for two new single family homes. The property has a width of 163.34 feet, a depth of approximately 500 feet and an area of 1.87 acres. The lot is developed with an existing home, detached garage, and two storage sheds.

A variance is required because the proposed Parcel A, the northerly of the two, does not meet the 90 foot width required for a key lot.

The application was complete February 6, 2018.

### **MINOR SUBDIVISION**

#### **DEVELOPMENT ORDINANCE REQUIREMENTS**

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

The City's subdivision standards (Sec. 204) require all lots to have frontage on a public right-of-way. Municipal sanitary sewer and water service must be provided to the new lots. The standards also require 5-foot public drainage and utility easements along side property lines, and 10-feet along front and rear lines. Public drainage easements are also required over watercourses, drainages or floodways, as necessary.

The property is located in the R-1, Detached Residential. In this district, minimum lot standards (Sec. 205.082 (D)(1)) require a lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet.

Principal structure setbacks are required to be a minimum of 10-feet from a side lot line and accessory structures setback a minimum of 5-feet from a side lot line. Here since the existing residence on 4151 Rice Street is setback more than 40-feet from the front lot line, the front setback for Parcel B is required to equal that setback, plus or minus 10-feet. Both the future homes would be required to comply with the setback standards specified by City Code.

Parcel A, the proposed northern lot, is a Key Lot, and so an additional 15-feet of width is required for the lot (Sec. 204.030(C)(9)) for a lot width of 90-feet. The added width is required to insure that the minimum 20-foot side setback for principal structures can be accommodated

(Sec.205.080(D)(1)(f)). Please note that Key Lots are discouraged, and when proposed the unique characteristics of the lot proposed for subdivision must be evident (Sec. 204.030(C)(9)). Staff believes that these characteristics are now present, stemming from the existing development pattern and configuration of the lot.

**STAFF REVIEW**

As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations, except for the width of the Parcel B. The lot areas and depths shown below are exclusive of the 49.5 foot right-of-way shown for Rice St.

	<b>Requirements</b>	<b>Parcel A (north)</b>	<b>Parcel B (south)</b>
<b>Area</b>	10,000 sf	47,118 sf	42,429 sf
<b>Width</b>	75 feet	75 feet	--
<b>Key Lot</b>	90 feet	--	88.34 feet*
<b>Depth</b>	125 feet	483.9 feet	483.9 feet

\* 90-feet is required, and a variance is requested.

Municipal sanitary sewer and water are available to proposed Parcel A from existing City mains located on the west side of the Rice St. right-of-way.

The 20 foot north side building pad setback shown for the future dwelling on Parcel A meets the 20-foot minimum requirement for a Key Lot.

For any future homes, removal of landmark trees requires replacements based on the area of the lot. For a lot with this area, three replacement trees are required for each landmark tree removed. Tree removal and protection will be addressed in the Development Agreement.

**VARIANCE**

***Variance Criteria (Section 203.070)***

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



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

### **APPLICANTS STATEMENT**

The applicant states that the historic creation of this and adjacent lots created the practical difficulty now encountered, since the existing 163.34-foot width of the existing parcel does not allow for reasonable use of the property. The proposed 88.34-foot width still allows a 20-foot side setback in keeping with the spirit and intent of the City Code. A similar subdivision was approved just south of this lot at 4129 and 4135 Rice Street. Please see the attached statement.

### **STAFF REVIEW**

The property is located in the R-1, Detached Residential District. The adjacent properties located in Shoreview are all designated in the City's Comprehensive Plan for Low Density Residential uses (0-4 units/acre). To the east, across Rice St., is the City of Vadnais Heights where the development pattern consists of single family detached residential development.

Staff believes that the proposed subdivision creating a new lot for detached residential development does not conflict with the policies of the Comprehensive Plan and concurs with the applicant that practical difficulty is present.

*Reasonable Manner.* The large lot area and prior subdivision approval indicate that the proposed use is reasonable. While a variance is required to reduce the lot width of Parcel A by about 3-feet, the house constructed on Parcel A will be setback a minimum the 20-feet required from the north side lot line. This setback complies with the letter, and the intent of the Code, which was adopted to maintain separation between structures when new development altered the existing lot pattern. The proposed subdivision does not change the existing lot configuration as the existing parcel now meets the definition of a Key Lot, but the density of development will be increased with the addition of a second home. The north side lot line of both the existing and proposed lots abuts the rear yards on the adjacent parcels that front on Hawes Avenue.

The existing lot is about 1.87 acres, and staff believes it is reasonable to expect higher intensity use for a property in the R-1 District with this large lot area. The proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern and relationship to adjacent properties.

*Unique Circumstances.* The property's larger lot area and width is unique to the residential development pattern established west of Rice Street. This property is surrounded by smaller residential lots along the north and west boundaries whose widths range from 75 feet to 80 feet



(with the exception of the corner lots). The development pattern along Rice Street is similar with smaller residential properties, except for the three properties immediately to the south of this parcel. In staff's opinion, the property's large lot area and width are unique to the surrounding residential development pattern and contribute the need for a variance.

*Character of Neighborhood.* The proposed width of the property, though slightly less than the minimum 90 feet required, is not out of character for the neighborhood.

The final consideration for staff is the proposed 47,118 square foot area of Parcel A. The requested reduction in width is offset by the large lot area, well in excess of the 11,250 square foot area for a Key Lot with the minimum required 90 by 125 foot dimensions. The open area that will remain on Parcel further aids in complying with the intent of Code to preserve the open areas provided by common abutting rear yards of residential lots.

## **COMMENTS**

### ***PUBLIC WORKS COMMENT***

City Engineering staff report that the existing house is connected to municipal water and sanitary sewer. No water or sewer is stubbed to the proposed Parcel A and services would have to be tapped off of the existing City sanitary and water mains. An escrow along with appropriate connection and permit fees would be required when the service lines are installed. The sanitary sewer main is located on the west side of Rice Street in the right of way and should not require digging up the road surface. The water main is located approximately 17-feet east of the property line, as shown on the attached record drawing. Based on the Ramsey County GIS map the water main is located just under the west edge of Rice Street, which would require digging up at least a portion of Rice Street for the connection. Rice Street is a Ramsey County road and permits will be required from Ramsey County for any work in the right-of-way, including sewer and water and driveway access. Their comment is attached.

### ***PUBLIC COMMENT***

Property owners within 350 feet were notified of the request. One comment has been received by phone in support.

### ***AGENCY COMMENT***

Staff notified Ramsey County Public Works of the subdivision request. The County has no objections. They find the use is consistent with the adjacent area and should not create any problems. The proposal shows an additional 16.5 feet of right-of-way for Rice Street, which is compliant with the County's highway plan. The applicant will need to obtain permits from Ramsey County for all work located within the right-of-way, including driveway and utility work to connect to City water and sewer mains.

Ramsey Washington Watershed District has no objections to the subdivision. A Watershed grading permit will be required if any future development disturbs 1+ acres.



## **STAFF RECOMMENDATION**

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with the adopted City standards, except for the width of proposed Parcel A. Approval of the minor subdivision is contingent upon approval of the variance to reduce the lot width for Parcel A.

Staff believes that the variance request is in keeping with the spirit and intent of the Development Code, and that practical difficulty exists due to the existing configuration of the parcel. Staff recommends the Planning Commission adopt Resolution 18-14 approving the variance and to recommend approval of the minor subdivision to the City Council, subject to the attached conditions. If the Commissioners are not able to make affirmative findings for the three variance criteria, the variance request must be denied and the minor subdivision cannot be recommended for approval to the Council.

### **Variance**

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the North side lot line is required for the dwelling, including attached garage and any future accessory buildings developed on Parcel A.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

### **Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. A minimum setback of 20-feet from the North side lot line is required for the dwelling, including attached garage and any future accessory buildings developed on Parcel A.
5. Municipal water and sanitary sewer service shall be provided to resulting Parcel A. The applicant shall submit a cash escrow to the City to insure the water and sewer service taps are performed in accordance with the requirements of the City Engineer.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. All work within the Rice Street right-of-way is subject to the permitting authority of Ramsey County.
8. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.

9. The existing home, detached garage and storage shed buildings shall be removed prior to the City's endorsement of the deeds for recording.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

- 1) Location Map
- 2) Site Aerial Photo
- 3) Submitted Plans
- 4) Response to Request for Comment
- 5) Resolution 18-14
- 6) Motion









T:\2018 Planning Case Files\2685-18-05 - 4161 Rice Street - Minor Subdivision\pc report.docx





**Legend**



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



**Notes**

Enter Map Description

1,333.3      0      666.67      1,333.3 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

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



Minor Subdivision and Variance on 4161 Rice Street

File No. 2685-15-05

To Who it may concern,

2/2/2018

Narrative

If approved the two lots will be used for single family homes approximately \$500,000 and higher. Exterior elevations are included with this letter.

The lot split will create a Key Lot, the current lot frontage size is just a couple of feet short of that requirement. That is why I need a variance. The lots created will be .86 acres and 1.01 acres for the Key Lot. The city has already approved the same type of lot split and variance just south of this lot at 4129 and 4135 Rice Street.

The created lots will be used reasonably by using them as single family homes.

The character of the neighborhood will remain the same if not enhanced by the new homes.

The current house, garage, and shed will be removed prior to construction of homes.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Kramlinger", with a long, sweeping underline.

Karen Kramlinger



# MINOR SUBDIVISION

~for~ KAREN KRAMLINGER  
~of~ 4161 RICE ST.  
SHOREVIEW, MN 55126

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 12/11/17.
- Bearings shown are on Ramsey County Coordinate System.
- Benchmark: Ramsey County Benchmark 9068. Elevation=923.64 (NAVD 88).
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Existing zoning district: R-1
- Proposed building setbacks: Front (Rice St.) = 81 ft.; Side = 10 ft.; Rear = 10 ft.

## EXISTING PROPERTY DESCRIPTION:

The south 163.33 feet of the north 489.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota. (87,125 sq. ft.)

## PROPOSED PROPERTY DESCRIPTION:

### PARCEL A

The south 88.33 feet of the north 414.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota. Subject to an easement for public right of way over the east 49.5 feet thereof. (47,118 sq. ft.)

### PARCEL B

The south 75.00 feet of the north 489.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota. Subject to an easement for public right of way over the east 49.5 feet thereof. (40,008 sq. ft.)

## PROPOSED EASEMENT DESCRIPTIONS:

### PROPOSED ROAD EASEMENT

A perpetual easement for public right-of-way purposes over, under and across the west 16.5 feet of the east 49.5 feet of the south 163.33 feet of the north 489.99 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota.

### PROPOSED DRAINAGE AND UTILITY EASEMENTS

A perpetual easement for drainage and utility purposes over, under and across the north 5 feet, the south 5 feet, the west 10 feet and the west 10 feet of the east 59.5 feet of the following described property:

The south 88.33 feet of the north 414.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota.

AND

A perpetual easement for drainage and utility purposes over, under and across the north 5 feet, the south 5 feet, the west 10 feet and the west 10 feet of the east 59.5 feet of the following described property:

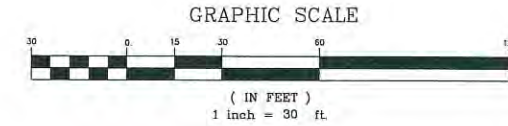
The south 75.00 feet of the north 489.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota.

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

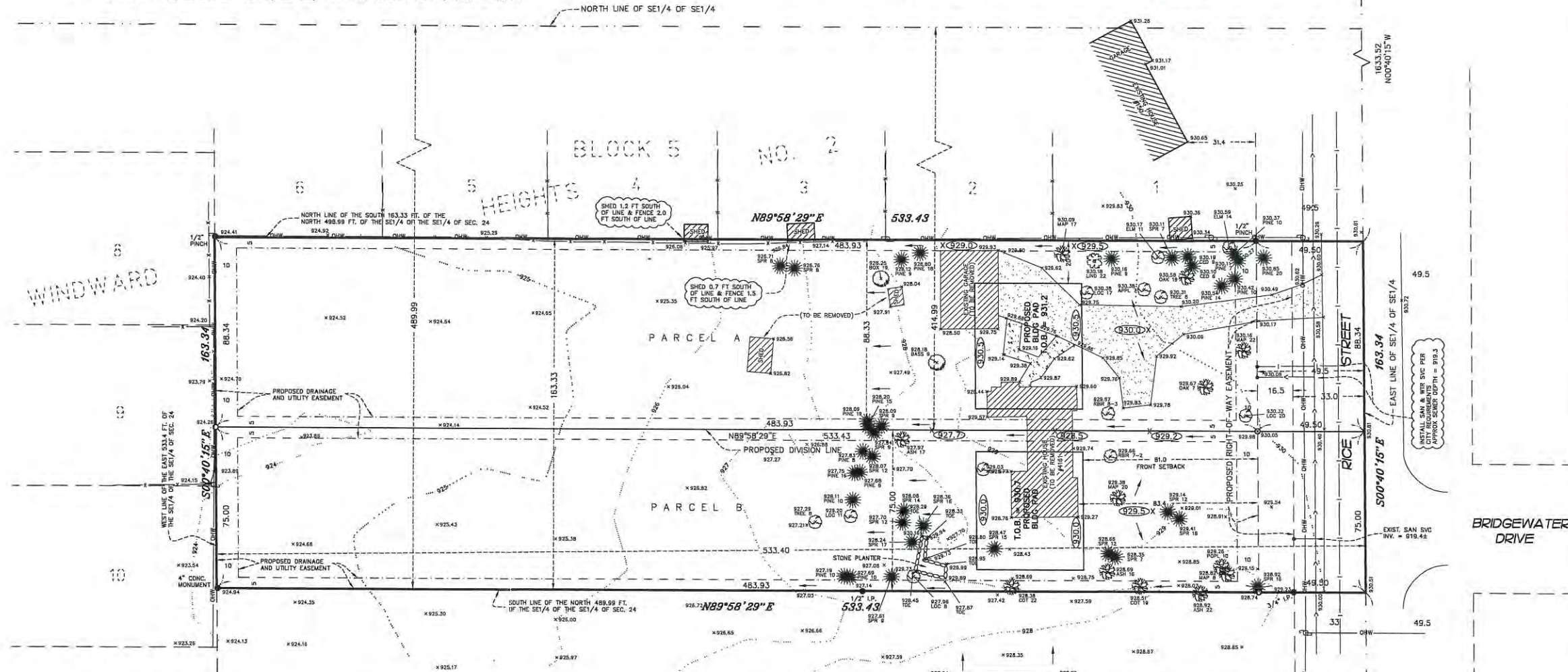
Date: 1/08/2018 License No. 41578

 **E.G. RUD & SONS, INC.**  
EST. 1977 Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701



NORTH

EAST QUARTER CORNER  
SEC. 24, T.30, R.23  
RAMSEY CO. CM  
\*928.84



## VICINITY MAP

PART OF SEC. 24, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES 1/2" IRON PIPE SET, MARKED RLS# 41578
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- ⊙ DENOTES POWER POLE
- OHW — DENOTES OVERHEAD WIRE
- X — DENOTES FENCE
- — — DENOTES RETAINING WALL
- — — DENOTES EXISTING CONTOURS (1 FT. INTERVAL)
- X 923.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES CONCRETE SURFACE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES GRAVEL SURFACE
- — — DENOTES EXISTING 9" VSP SANITARY SEWER
- — — DENOTES EXISTING WATERMAIN, SIZE UNKNOWN
- DENOTES DIRECTION OF SURFACE DRAINAGE
- 925.5 DENOTES PROPOSED SPOT ELEVATION
- - - - DENOTES PROPOSED DRAINAGE AND UTILITY EASEMENT

## TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

SOUTHEAST CORNER  
SEC. 24, T.30, R.23  
RAMSEY CO. CM

DRAWN BY: BAB	JOB NO: 17963PP	DATE: 12/19/17
CHECK BY: JER	SCANNED	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY



Date: February 22, 2018  
To: Niki Hill, Economic Development and Planning Associate  
From: Tom Wesolowski, City Engineer  
Subject: Minor Subdivision – 4161 Rice Street

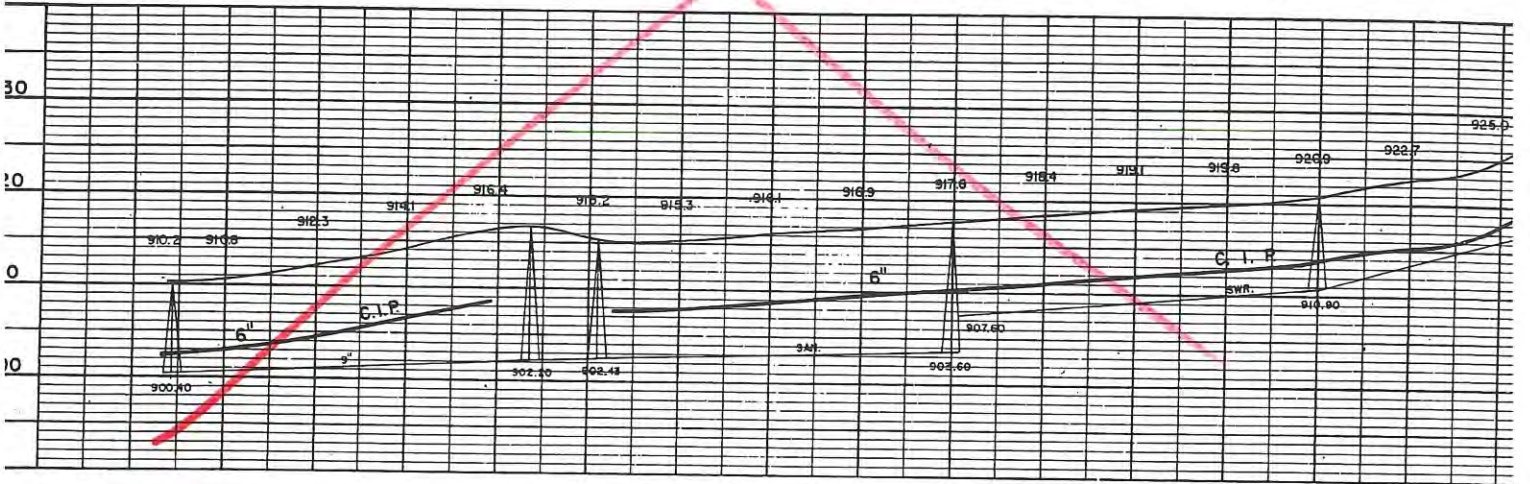
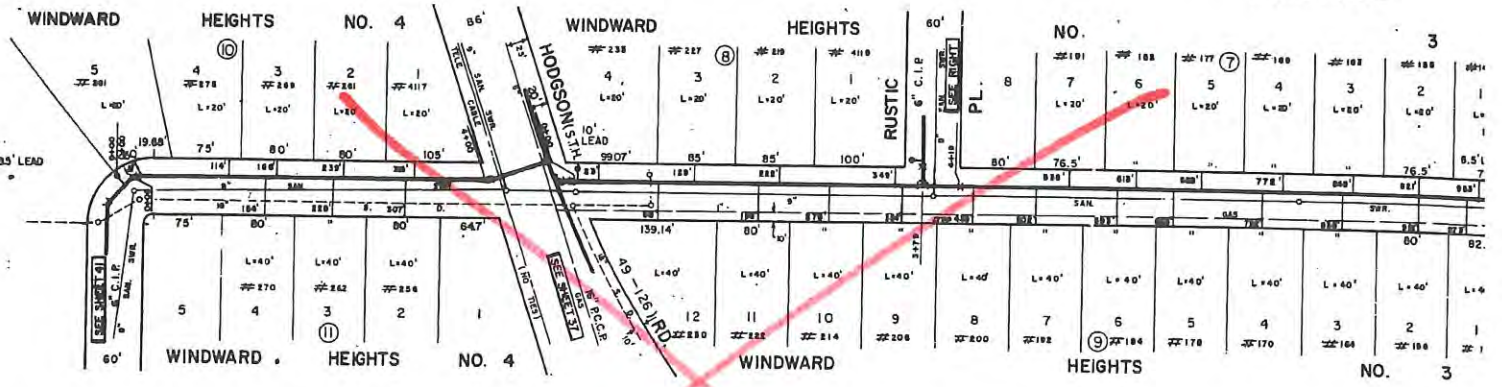
Engineering staff has reviewed the proposed minor subdivision and survey drawing dated December 19, 2017 and have the following comments:

1. Water and sewer services are available for Parcel B.
2. No water or sewer is stubbed to the proposed Parcel A and services would have to be tapped off of the existing City sanitary and water mains. An escrow along with appropriate connection and permit fees would be required when the service lines are installed. The sanitary sewer main is located on the west side of Rice Street in the right of way and should not require digging up the road surface. The water main is located approximately 17-feet east of the property line, as shown on the attached record drawing. Based on the Ramsey County GIS map the water main is located just under the west edge of Rice Street, which would require digging up at least a portion of Rice Street for the connection. Rice Street is a Ramsey County road and permits will be required from Ramsey County for any work in the right-of-way, including sewer and water and driveway access.

If you have questions, please contact me in the Engineering Department at 651-490-4652.

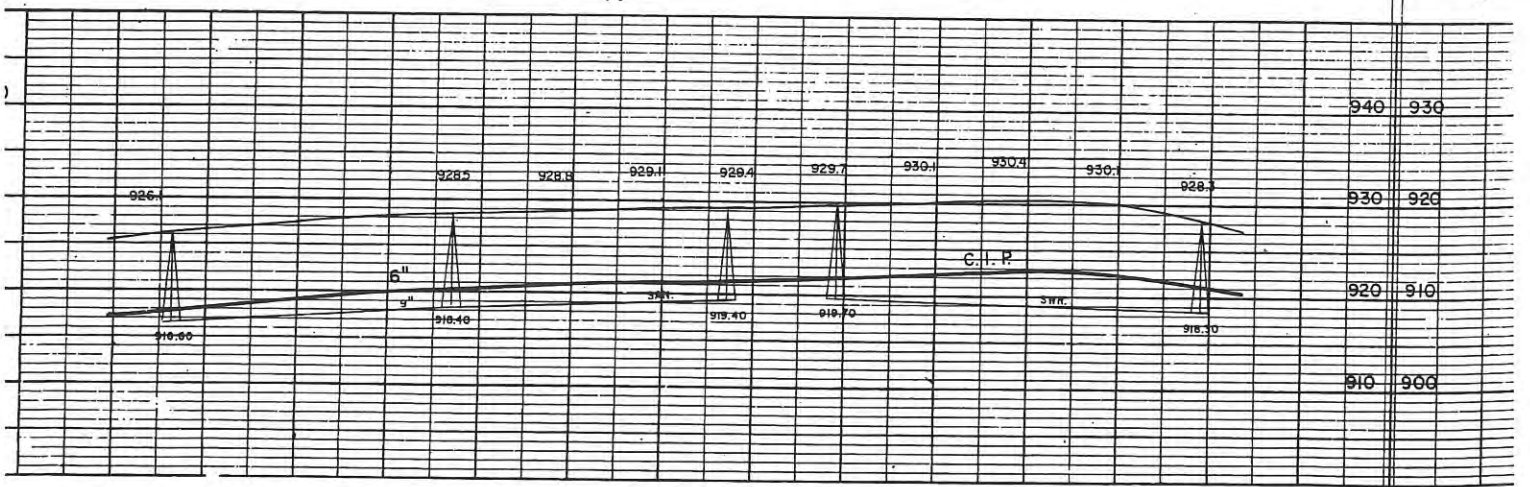
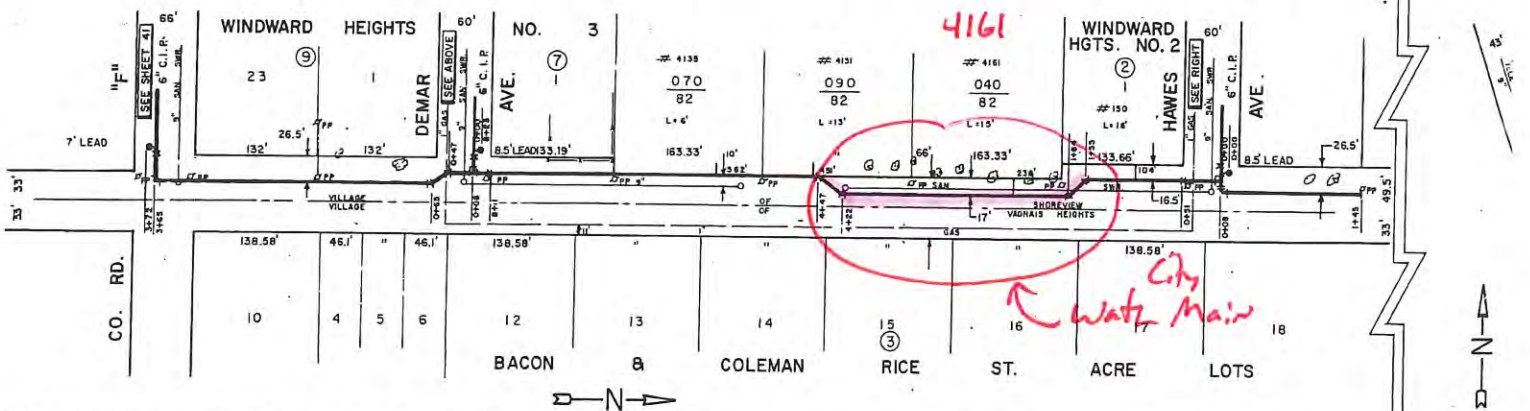
# DEMAR

# AVENUE



# RICE

# STREET







Nicole Hill <nhill@shoreviewmn.gov>

---

## Request for Comment - 4161 Rice Street - Shoreview

---

**Lux, Joseph** <Joseph.Lux@co.ramsey.mn.us>

Mon, Feb 12, 2018 at 1:20 PM

To: Niki Hill <nhill@shoreviewmn.gov>

Cc: "Laberee, Erin" <Erin.Laberee@co.ramsey.mn.us>, Kathleen Castle <kcastle@shoreviewmn.gov>, "Heidemann, Douglas" <Douglas.Heidemann@co.ramsey.mn.us>

Hi, Niki:

We have no objections to the proposed minor subdivision of 4161 Rice Street, nor to the variance requested for lot width. While we are always concerned with adding additional access to an arterial route, this use is consistent with the adjacent area and should not create problems. Access permits are required for the driveways and appropriate permits will also be required for utility connections in County right of way and any other work in the right of way. Permit questions should be directed to Doug Heidemann, 651-266-7186 (office) or 651-755-7747 (cell).

*Joe Lux*

Joseph Lux

Senior Transportation Planner

Ramsey County Public Works

1425 Paul Kirkwold Drive, Arden Hills, MN 55112

651-266-7114



**From:** Niki Hill [mailto:nhill@shoreviewmn.gov]

**Sent:** Friday, February 09, 2018 2:49 PM

**To:** Lux, Joseph <Joseph.Lux@CO.RAMSEY.MN.US>

**Subject:** Request for Comment - 4161 Rice Street - Shoreview

[Quoted text hidden]





Nicole Hill <nhill@shoreviewmn.gov>

---

## Request for Comment - 4161 Rice Street - Shoreview

---

Paige Ahlborg <paige.ahlborg@rwmwd.org>  
To: Niki Hill <nhill@shoreviewmn.gov>

Mon, Feb 12, 2018 at 10:07 AM

Hi Niki,

No comments on the subdivision split.

An RWMWD grading permit will be required if any future development disturbs 1+ acre.



PAIGE AHLBORG | Watershed Project Manager  
651.792.7964 | [www.rwmwd.org](http://www.rwmwd.org)  
2665 Noel Drive | Little Canada, MN 55117

Ramsey-Washington Metro Watershed District

**From:** Niki Hill [mailto:[nhill@shoreviewmn.gov](mailto:nhill@shoreviewmn.gov)]  
**Sent:** Friday, February 9, 2018 2:53 PM  
**To:** Paige Ahlborg <[paige.ahlborg@rwmwd.org](mailto:paige.ahlborg@rwmwd.org)>  
**Subject:** Request for Comment - 4161 Rice Street - Shoreview

[Quoted text hidden]

**EXTRACT OF MEETING MINUTES FOR THE SHOREVIEW, MINNESOTA  
PLANNING COMMISSION HELD FEBRUARY 27, 2018**

\* \* \* \* \*

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

The following members were present:

And the following members were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 18-14 TO REDUCE THE MINIMUM WIDTH FOR A NEW  
PARCEL**

WHEREAS, Karen Kramlinger, a single person, has submitted a variance application for the following described property:

The south 163.33 feet of the north 489.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota

Rice Street, RAMSEY COUNTY, MINNESOTA.  
*(This property is commonly known as 4161 Rice Street)*

**EXTRACT OF MEETING MINUTES FOR THE SHOREVIEW, MINNESOTA  
PLANNING COMMISSION HELD FEBRUARY 27, 2018**

\* \* \* \* \*

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

The following members were present:

And the following members were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 18-14 TO REDUCE THE MINIMUM WIDTH FOR A NEW  
PARCEL**

WHEREAS, Karen Kramlinger, a single person, has submitted a variance application for the following described property:

The south 163.33 feet of the north 489.99 feet of the east 533.40 feet of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota

Rice Street, RAMSEY COUNTY, MINNESOTA.  
*(This property is commonly known as 4161 Rice Street)*



Which when subdivided will be legally described as:

**Parcel A**

The south 88.33 feet of the north 414.99 feet of the east 533.40 of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Rang 23, Ramsey County Minnesota. Subject to an easement for public right of way over the east 49.5 feet thereof.

And

**Parcel B**

The south 75.00 feet of the north 489.99 feet of the east 533.40 of the Southeast Quarter of the Southeast Quarter of Section 24, Township 30, Rang 23, Ramsey County Minnesota. Subject to an easement for public right of way over the east 49.5 feet thereof.

WHEREAS, the Development Regulations establish a minimum width of 90 feet for new Key Lots, as defined in the City of Shoreview Municipal Code; and

WHEREAS, the applicant has requested a variance to this requirement to reduce the width of Parcel A from 90 feet to 88.34 feet; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request to reduce the lot width to 88.34-feet for Parcel A be approved on the basis of the following findings of fact:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The existing lot area is about 1.87 acres. Subdividing to create two residential lots represents a reasonable use of the property in the R-1 Detached Residential District, creating two lots with areas well in excess of the requirements of City Code.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. The unique circumstance is that no subdivision of the large 1.87 acre property is possible unless a variance is approved because of the lot width requirements. Staff believes the proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern, relationship to the adjacent properties, and character of the neighborhood, while complying with the side setback requirement for Key Lot.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The north lot line has functioned as a side lot line for about 60 years, and so the essential character of the neighborhood should not be altered.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW PLANNING COMMISSION that the variance requested for 4161 Rice Street be approved subject to the following conditions:

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the North side lot line is required for the dwelling, attached garage, and future accessory buildings developed on Parcel A.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

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

\_\_\_\_\_  
John Doan, Chair  
Shoreview Planning Commission

ATTEST:

\_\_\_\_\_  
Niki Hill, AICP  
Economic Development and Planning Associate

**ACCEPTANCE OF CONDITIONS:**

\_\_\_\_\_  
Karen Kramlinger, 4161 Rice Street





**PROPOSED MOTION  
TO APPROVE THE LOT WIDTH VARIANCE AND MINOR SUBDIVISION  
APPLICATIONS FOR KAREN KRAMLINGER  
4161 RICE STREET**

**MOVED BY COMMISSION MEMBER \_\_\_\_\_**

**SECONDED BY COMMISSION MEMBER \_\_\_\_\_**

To adopt resolution 18-14 approving the variance to reduce the lot width for Parcel A to 88.34 feet, and to recommend approval of the minor subdivision to the City Council.

The approval is subject to the following conditions:

**Variance**

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the North side lot line is required for the dwelling, including attached garage and any future accessory buildings developed on Parcel A.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

**Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. A minimum setback of 20-feet from the North side lot line is required for the dwelling, including attached garage and any future accessory buildings developed on Parcel A.
5. Municipal water and sanitary sewer service shall be provided to resulting Parcel A. The applicant shall submit a cash escrow to the City to insure the water and sewer service taps are performed in accordance with the requirements of the City Engineer.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. All work within the Rice Street right-of-way is subject to the permitting authority of Ramsey County.

8. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
9. The existing home, detached garage and storage shed buildings shall be removed prior to the City's endorsement of the deeds for recording.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings:

1. Practical difficulty is present as stated in Resolution 18-14.
2. The subdivision is consistent with the policies of the Comprehensive Plan and with the spirit and intent of the Development Code.
3. The proposed lots conform to the other adopted City standards for the R-1 Detached Residential District.

**VOTE:**

**AYES:**

**NAYS:**



**TO:** Planning Commission  
**FROM:** Kathleen Castle, City Planner  
**DATE:** February 22, 2018  
**SUBJECT:** File No. 2682-18-02, Text Amendment – Refuse Container Storage and Administrative Citations

## **INTRODUCTION**

In the Spring of 2017, the City Council asked Staff to draft potential amendments to the City Code that address the exterior storage of refuse containers. Enforcement options were also discussed and Staff was asked to develop an administrative citation process which could be used when violations to the refuse container storage requirements occur. These ordinances were presented to the City Council earlier this year and after review and are now being presented to the Planning Commission.

## **DEVELOPMENT CODE**

The storage of these containers is regulated in Section 211.020, Refuse. This section states:

(B) All refuse shall be properly contained in a closed container sufficiently designed for the storage of all refuse accumulating on the premises between collections. Refuse containers shall be stored within a fully enclosed building or in an area designed for such purpose and property screened from adjoining properties and in the public right-of-way.

In accordance with Section 101.040, any violation of the City Code is classified as a misdemeanor. In the case of property maintenance violations, a citation is issued and a hearing is scheduled with the Ramsey County District Court. A misdemeanor is a criminal offense for which a sentence of not more than 90 days imprisonment or a fine of not more than \$1,000 (or both) may be imposed. While this process can be effective, criminal prosecutions tend to take longer due to the length of time involved with the Court hearing. In some instances, the code violation is not remedied until the Court takes action.

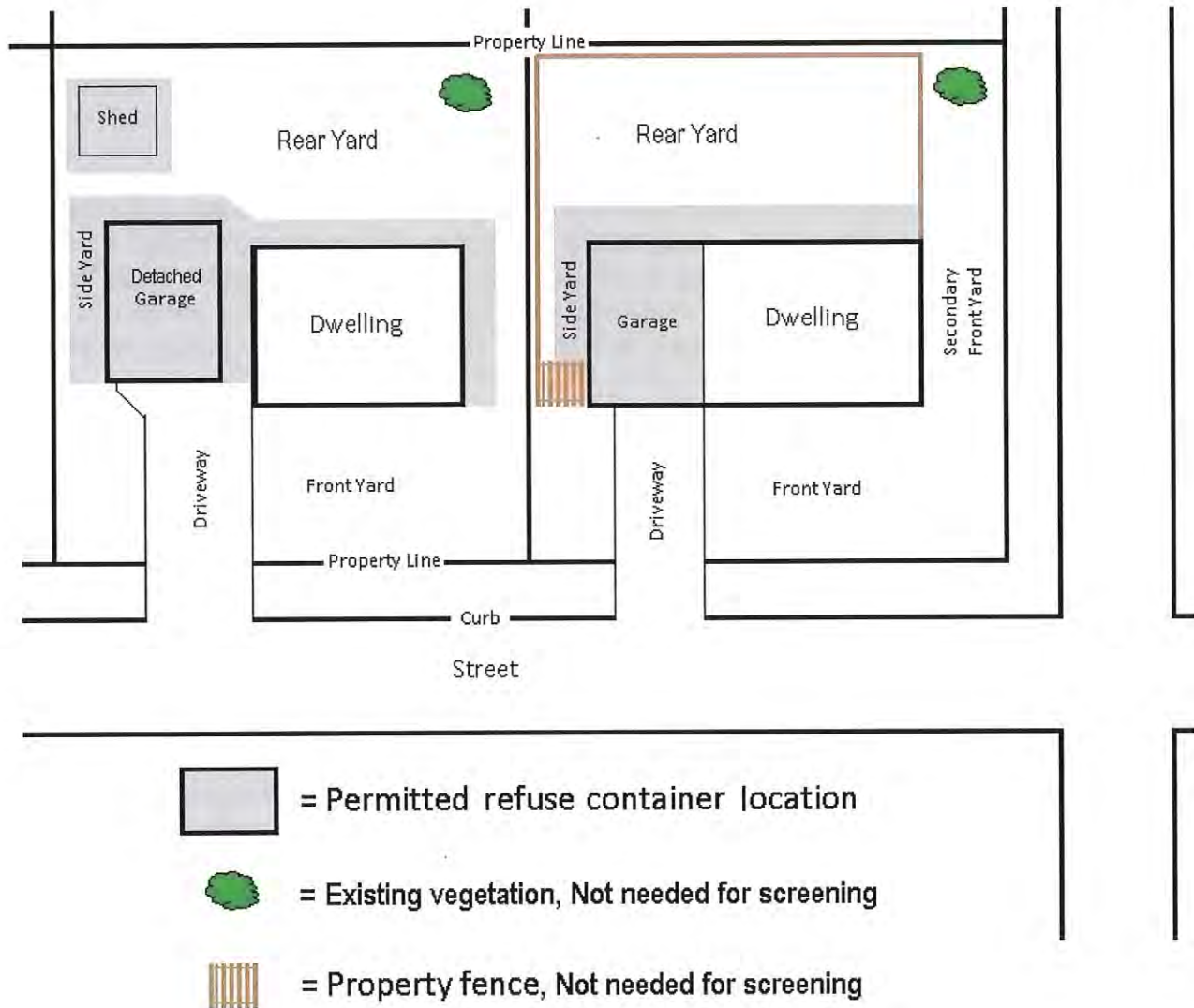
## **DEVELOPMENT CODE REVISIONS**

The purpose and intent of the City's regulations are to mitigate the negative impact the exterior storage of garbage cans may have on a neighborhood by requiring the refuse containers to be stored within a building or screened from public view. While the ordinance does establish standards, enforcement has become problematic with regards to the level of screening required, length of time permitted to be stored at the curb and the ambiguity of the term "public view".

The intent of the text amendment is to establish reasonable regulations that address the visual impact, maintain the appearance and quality of our neighborhoods and are more easily



administered. The proposed amendment requires containers to be stored within a building, or behind the front line of the home, adjacent to a structure (Figure 1). Also, the proposed amendment permits containers at the curbside between 5:00 pm the night preceding collection day until 8:00 am on the day after the collection day.



**Figure 1 – Refuse Container Storage**

**ADMINISTRATIVE CITATIONS**

The administrative citation process is an alternate method designed to resolve code enforcement violations without going through the District Court system. This method is used by some communities to address less serious violations such as on-street parking, lawn watering and illegal dumping.

The administrative process is a quasi, non-judicial alternative remedy. Upon the issuance of an administrative citation, the resident has the option to correct the violation and pay a fine (as established by the Council) or request a hearing before a City appointed Hearing Officer. At the hearing, property owners/residents have the opportunity to present their case before the Administrative Hearing Officer. When violations are found, penalties typically follow a pre-established schedule with more nominal fees for a first violation and increased penalties for subsequent acts. The advantage to establishing an administrative hearing procedure is that it is less formal, less costly, and potentially less intimidating than the court system. The accused is given a chance to come into compliance, with fines collected by the city and not distributed through the state court system. Administrative citations are also considered civil offenses whereas misdemeanors are classified as criminal offenses.

To establish an administrative citation process, the City needs to adopt an ordinance, establish penalty fees and appoint a Hearing Officer. The attached ordinance creates an administrative hearing process for all property maintenance violations and not just those related to the storage of garbage cans. The proposed fees are not included in this ordinance but will be addressed when the City Council considers the text amendment.

### **PUBLIC COMMENT**

Notice of the proposed text amendment and the hearing was published in the City's legal newspaper. There was an error in the hearing notice, therefore, the formal public hearing will be scheduled before the City Council.

No public comments have been received.

### **RECOMMENDATION**

The Planning Commission needs to hold the hearing, discuss the proposed amendments and forward a recommendation to the City Council. The proposed refuse container storage ordinance, Ordinance 961, revises current regulations and clarifies the City's expectations pertaining to the refuse container storage on residential properties. These regulations support the City's efforts in preserving and maintaining the quality of our neighborhoods. Ordinance 962 creates an administrative citation process which the City could use for property maintenance violations in lieu of a criminal citation that is heard in District Court. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council. The amendments are consistent with the City Council's direction.

#### Attachments:

- 1) Current Ordinance Section 211.020, Refuse
- 2) Ordinance 961, Refuse Containers
- 3) Ordinance 962, Administrative Citations
- 4) Proposed Motion

## **Current Ordinance**

### **211.020 Refuse**

- (A) Definition. Refuse means all solid waste products which are composed wholly or partly of the following materials: garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, domestic solid wastes, organic wastes, residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass trimmings, paper products, straw, rags, clothing, and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair or alteration of structures or buildings; and accumulated waste materials composed of cans, containers, tires, junk, vehicle parts, appliances, electronic devices or other substances which may become a nuisance.
- (B) Refuse is considered a nuisance and/or hazardous to safety or welfare and every person shall arrange for the collection and disposal of all accumulations of refuse on their property at least once a week, by a collector of refuse, licensed by the City.
- (C) All refuse shall be properly contained in a closed container sufficiently designed for the storage of all refuse accumulating on the premises between collections. Refuse containers shall be stored within a fully enclosed building or in an area designed for such purpose and properly screened from adjoining properties and the public right-of-way.
- (D) Any hazardous materials must be disposed in accordance with applicable State and Federal regulations.



DRAFT ORDINANCE  
STATE OF MINNESOTA  
**COUNTY OF RAMSEY**  
**CITY OF SHOREVIEW**

**ORDINANCE NO. 961**

**AN ORDINANCE TO AMEND CHAPTER 200 OF THE MUNICIPAL CODE  
SECTION 211**

The Shoreview City Council ordains that Chapter 200, Development Regulations, is hereby amended by revising Section 211, Property Maintenance Standards, adding language pertaining to Refuse *(New language highlighted red)*.

**211.020 Refuse**

- (A) Definition. Refuse means all solid waste products which are composed wholly or partly of the following materials: garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, domestic solid wastes, organic wastes, residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass trimmings, paper products, straw, rags, clothing, and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other noncombustibles; waste debris resulting from the construction, demolition, repair or alteration of structures or buildings; and accumulated waste materials composed of cans, containers, tires, junk, vehicle parts, appliances, electronic devices or other substances which may become a nuisance.
- (B) Refuse is considered a nuisance and/or hazardous to safety or welfare and every person shall arrange for the collection and disposal of all accumulations of refuse on their property at least once a week, by a collector of refuse, licensed by the City.
- (C) All refuse shall be properly contained in a closed container sufficiently designed for the storage of all refuse accumulating on the premises between collections. *Containers shall be kept in a tidy, sanitary and orderly manner, with lids closed, and all refuse stored within.*
- (D) *In residential areas (RE, R-1 & R-2 Zoning Districts), refuse, recycling and yard waste containers shall be permitted at curbside or other permitted collection point from 5:00 p.m. of the night preceding collection day until 8:00 a.m. on the day after designated collection day.*
- (E) With the exception of Subsection (D) above, containers shall be stored within an enclosed building, *or in the side or rear yard immediately adjacent to a structure.*
- (F) *Containers shall not be stored in the front yard forward of the principal structure or accessory structure facing the street. For properties adjacent to more than one public street, both sides shall be deemed the front yard.*

(G) Any hazardous materials must be disposed in accordance with applicable State and Federal regulations.

Effective Date. This ordinance shall become effective the day following its publication in the City's official newspaper.

Publication Date. Published on the \_\_\_\_ of \_\_\_\_, 2018.

SEAL

---

Sandra C. Martin, Mayor

DRAFT ORDINANCE

STATE OF MINNESOTA  
COUNTY OF RAMSEY  
CITY OF SHOREVIEW

ORDINANCE NO. 962

**AN ORDINANCE TO AMEND CHAPTER 200 OF THE MUNICIPAL CODE, SECTION 203**

The Shoreview City Council ordains that Chapter 200, Development Regulations, is hereby amended by revising Section 203, Administration, by adding the following:

**203.090**      **Administrative Citations**

- (A)    **Purpose and Findings.** The City Council finds that there is a need for alternative methods of enforcing the provisions of Section 211. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the City and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard City Code violations as being important. Accordingly, the City Council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for City Code violations.
- (B)    **Administrative Citations and Civil Penalties.** This Section governs administrative citations and civil penalties for violations of Section 211.
- (C)    **General provisions.** A violation of Section 211 may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
- (D)    **Administrative Citation.** The City Manager and his/her designee may issue an administrative citation upon the finding that a Code violation has occurred. The citation must be issued in person or by mail to the property owner and/or person responsible for the violation offense. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.
  - (1)    **Response to Citation.** A recipient shall respond to the citation within 14 days of receipt. The recipient may:
    - (a) Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.



- (b) Deny the violation stated in the citation and request a hearing within fourteen (14) calendar days after issuance.

(E) **Administrative Hearing.**

(1) **Hearing Officers.** The City shall maintain a list of hearing officers available to conduct hearings on the merits of an administrative citation, if requested by a recipient. Hearing officers shall have executed a contract to provide hearing officer services with the City of Shoreview. The hearing officer is not a judicial officer but is a public officer as defined by Minn. Stat. § 609.415. The hearing officer must not be a City employee. The City Manager must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and City staff. These reports must be provided to the City Council.

(a) **Removal of Hearing Officer.** The accused will have the right to request, no later than five (5) calendar days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the City Clerk. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The City Clerk may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the City Clerk will assign another hearing officer.

(2) **Request For Hearing.** If the recipient responds by requesting a hearing, the City Manager shall assign the case to a hearing officer on the list. The Manager shall notify the hearing officer, the recipient and the issuing officer of the assignment in writing. The hearing officer shall schedule a hearing within a reasonable date of receiving the notice. Any delays in holding the hearing shall be reported to the City Manager by the hearing officer.

(3) **Citation Materials.** At assignment, the City Manager shall transmit a copy of the citation to the hearing officer. Within five days of assignment, the issuing officer or the officer's department shall transmit copies of all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but at least three days in advance of the hearing.

(4) **Notice of Hearing.** Notice of the hearing must be served on the person responsible for the violation at least fourteen (14) calendar days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by first class mail and will be complete upon mailing.

(5) **Hearing.** At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the

issuing officer, and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing officer is not required to attend the hearing.

- (6) **Decision/Findings.** After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the statute or statutes identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the City Manager within five days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal.
  - (7) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.
- (F) **Payment Following Finding Of Violation.** If the hearing officer finds a violation, the fine for the Code Violation is due within 30 days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the fine for any offense or combine multiple offenses into a single fine. Payment of fines due shall be made to the City Manager.
- (G) **Recovery of Civil Penalties.** If a civil penalty is not paid within the time specified, the City has the authority to take the following actions:
- (1) A lien may be assessed against the property and collected in the same manner as taxes.
  - (2) A personal obligation may be collected by appropriate legal means.
  - (3) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
- (H) **Criminal Penalties.** The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Code Section 203.090 (E)(4); (ii) failure to pay a civil penalty imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the City may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the City from pursuing a criminal conviction

for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

Effective Date. This ordinance shall become effective the day following its publication in the City's official newspaper.

Publication Date. Published on the \_\_\_\_ of \_\_\_\_\_, 2018.

SEAL

---

Sandra C. Martin, Mayor



**PROPOSED MOTION**

**MOVED BY COMMISSION MEMBER** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER** \_\_\_\_\_

To recommend the City Council adopt Ordinance 961 addressing refuse container storage and Ordinance 962 establishing an administrative citation process. The proposed refuse container storage ordinance clarifies the City's expectations pertaining to the refuse container storage on residential properties and supports the City's efforts in preserving and maintaining the quality of our neighborhoods. Ordinance 962 creates an administrative citation process which the City could use for property maintenance violations in lieu of a criminal citation that is heard in District Court.

**VOTE:**

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

Regular Planning Commission Meeting – February 27, 2018