

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: MARCH 27, 2012
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

February 28, 2012

Brief Description of Meeting Process – Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS:

Meeting Date: March 5, 2012 and March 19, 2012

4. NEW BUSINESS

A. PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO: 2443-12-6

APPLICANT: David Nelson & Claire Imsland

LOCATION: 5155 Hodgson Road

B. RESIDENTIAL DESIGN REVIEW / VARIANCE

FILE NO: 2444-12-7

APPLICANT: Christine Anderson

LOCATION: 4327 Snail Lake Road

C. PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO: 2445-12-8

APPLICANT: Automotive Ventures Group, Inc. / Karen Properties, LLC

LOCATION: 3854 Lexington Ave North

5. MISCELLANEOUS

*A. City Council Assignments for April 2nd and April 16, 2012 Commission Members
Proud and Solomonson*

6. ADJOURNMENT

**SHOREVIEW PLANNING COMMISSION MEETING
February 28, 2012**

Draft

CALL TO ORDER

Chair Solomonson called the meeting of the February 28, 2012 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

Chair Solomonson welcomed new Commissioners Elizabeth Thompson and Brian McCool.

The following members were present: Chair Solomonson; Commissioners McCool, Proud, Schumer, Thompson and Wenner.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to approve the February 28, 2012 agenda as submitted.

VOTE: **Ayes - 7** **Nays - 0**

APPROVAL OF MINUTES

MOTION: by Commissioner Ferrington, seconded Commissioner Schumer to approve the January 24, 2012 Planning Commission minutes as submitted.

VOTE: **Ayes - 5** **Nays - 0** **Abstain - 2 (McCool, Thompson)**

Commissioners McCool and Thompson abstained, as they were not members of the Planning Commission at that meeting.

REPORT ON COUNCIL ACTIONS

City Planner Kathleen Nordine noted that the City Council did approve the text amendment regarding nonconformities, as recommended by the Planning Commission at the February 6, 2012 City Council meeting.

On March 21, 2012, at 7:00 p.m., the Environmental Quality Committee series continues with Dr. Larry Baker from the University of Minnesota speaking on "The Twin Cities Ecosystem Project." Discussion will focus on how local decisions impact the global environment.

NEW BUSINESS

VARIANCE

FILE NO.: 2441-12-04
APPLICANT: JAMES & LORIE COSTELLO
LOCATION: 255 COTTAGE PLACE

Presentation by Senior Planner, Rob Warwick

This application is for a side yard setback reduction from 10 feet to 5 feet for the purpose of constructing a 68-square foot addition on the west side of their 1.5 story home. The addition will accommodate increased closet area and laundry space with a new main floor bedroom to eliminate the need for the owner to use stairs. The existing living space of the house has a setback of 5 feet from the same lot line. The zoning is R1 Detached Residential. The lot is a substandard lot with a width of 61.5 feet and tapers to a width of 24 feet at the alley.

The house was built in 1978. An addition of 200 square feet was built above the garage in 1992 with a setback of 5 feet from the west side lot line. In 2003, the front deck was replaced with a variance to reduce the front setback. A rear deck is now being constructed that was permitted in 2011. The addition will be constructed on post footings. Existing gutters will be extended and the downspout redirected.

Neighborhood property owners were notified of the application. Two responses were received--one in support and one that expressed concern about runoff and erosion.

The applicant states that the irregular shape of the lot creates the need for this variance. Staff agrees and has determined that the proposal complies with all design standards with the exception of the side setback of 5 feet. The proposal is also consistent with the City's Comprehensive Plan, and staff recommends approval.

Commissioner Wenner asked the distance of the house on the abutting property from the applicant's house on the west side. This is the neighbor with concerns about runoff. Mr. Warwick answered approximately 22 feet from the lot line. He explained that there is a slope for runoff water to flow to Soo street. He believes that the runoff problem is not from this property.

Commissioner Proud asked if any information was submitted any architectural or engineering information regarding redirection of the gutters. Mr. Warwick stated that the downspout will be directed to the driveway in front and then flow to the street.

Commissioner Schumer noted that the neighbor claims the side setback is 4.2 feet, not 5 feet. He asked if a determination on this question has been made. Mr. Warwick stated that 5 feet is more accurate. The existing fence appears to encroach on the subject property to avoid trees.

Chair Solomonson opened the discussion to public comment.

Mr. Jim Costello, Applicant, stated that the fence is his and was constructed on his property. He further explained that the gutter will be run from the back of the house to the front.

Commissioner Ferrington stated that she supports the application, as it is consistent with the City's redevelopment policies and allows the owners to stay in their home.

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to adopt Resolution 12-14 approving the variance request submitted by James and Lorie Costello for 255 Cottage Place to reduce the side setback to 5-feet for a 68 square foot addition, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Gutters shall be installed and maintained on the west side of the house. The downspouts shall direct stormwater to the driveway and street.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. **Reasonable Manner.** The proposed expansion of the living area of this small residence makes it more livable with a closet and laundry area for a main floor bedroom. This is common in detached single-family residences and so a reasonable use of the property.
3. **Unique Circumstances.** The pie-shaped lot and location of the existing house create unique circumstances. The living area of the house is currently setback 5 feet from the side lot line, and the proposed addition will not encroach nearer than the existing house.
4. **Character of the Neighborhood.** There is currently living area on this property that is setback 5-feet from the same side lot line. Furthermore, houses in the neighborhood include many styles and designs, and many of these structures do not conform to the current setback requirements of City Code. By approving the variance, the essential character of the neighborhood should not be affected.

VOTE: AYES: 7 NAYS: 0

PUD – CONCEPT STAGE

File No.: 2442-12-05
Applicant: Lakeview Terrace LLC/Tycon Companies
Location: 3588 Owasso Street

Presentation by City Planner Kathleen Nordine

A Planned Unit Development Concept Stage application has been submitted by Tycon Companies for redevelopment of Midland Plaza. The project proposes a high density apartment complex of 120 units. The project includes a public road improvement with the realignment of Owasso Street and improvements to the intersection of Owasso Street, County Road E and Victoria Street.

Midland Plaza was owned and managed by the same owners as 400+ unit Midland Terrace. As part of a pilot program under the Urban Land Institute and Regional Council of Mayors, this site was identified as a redevelopment project to diversify rental opportunities in the City. In 2011, the Metropolitan Council awarded a grant to the City in the amount of \$655,000 to offset road improvement and redevelopment costs.

The redevelopment project would demolish Midland Plaza and a detached garage. Owasso Street would be realigned with the west leg of County Road E. A waterfront parcel would be developed with higher end apartment units. Included would be relocation of utilities, replacement of the sidewalk and a new trail. Engineering and construction management will be handled by SEH. The design for the final roadway is in process. The main building would consist of 120 one-, two- and three-bedroom units; a surface parking lot and underground parking garage. The exterior is shown as brick with a standing seam metal mansard roof. The applicant is seeking flexibility from building height regulations.

Staff found that the proposal satisfies criteria for a PUD relating to architectural and site design, sustainability and redevelopment. The property is currently zoned C, Commercial and RH, High Density Residential, which is 8 to 20 units per acre. The project supports the designated land use and City housing goals with redevelopment of an underutilized parcel, a high quality development proposal, and expands housing choices in Shoreview. It is also located near regional transportation system and employment being located just south of the I694 interchange. The City's Housing Action Plan identifies this site as a key redevelopment site in the City.

Land uses abutting this property include low density residential to the south, a school, church and park to the west, and railroad and business park to the north. The proposed use should not adversely impact surrounding land uses. The wetland pond on the site provides separation from the low density, single-family residential neighborhood to the south.

Placement of the building is determined by the wetland pond area, road right-of-way and parking. The applicants will seek flexibility for structure setbacks from Owasso and Victoria Streets and the interior side property line. Setbacks increase with increased height. The minimum front setback is 30 feet; with increased height, the setback should be 75 feet. The applicant is requesting 25 feet. The below grade parking structure is at the property line. Adjacent to Victoria, the setback requirement is 40 feet; with increased height, the setback would be 85 feet. Again, the applicant is requesting 25 feet. The interior side property line requirement is 30 feet; 75 feet with increased height. The request is a setback of 40 feet. These setbacks may fluctuate in succeeding stages.

The wetland pond area has a setback of 50 feet, which exceeds the City standard by 16.5 feet. The maximum height allowed is 35 feet. Additional height may be allowed if it does not exceed firefighting capabilities of the Lake Johanna Fire Department, and an additional foot of setback is provided for every foot height increases. One concern is the impact of the proposed height of 80 feet on the low density residential neighborhood to the south. However, staff believes that the separation distance of over 500 feet mitigates the impact. Exterior design and materials will also mitigate the wall of the building.

The density is 19 units per acre. Surface parking will have 91 stalls. Below grade parking will have 146 stalls, which is 1.97 stalls per unit and a total of 237 stalls. City Code requires 300 parking stalls, or 2.5 stalls per unit. The number of parking stalls may be reduced if shared or proof of parking is shown. An additional parking area will be built adjacent to the building where the detached garage is torn down.

Traffic is estimated to be slightly higher than Midland Plaza. However, distribution will be different with residents mostly using County Road E and Victoria. There will be no retail plaza which draws traffic from the neighborhoods.

The Fire Department has reviewed the proposal and has no concerns.

Commissioner Wenner asked what would be done to accommodate the the need for retail services, which will be closed. Ms. Nordine stated that there is one tenant in the current retail space and is more than 50% vacant. No commercial development is proposed. The City does not see this area as a vital commercial corner, as retail services have developed on Lexington.

Commissioner Proud recused himself from this discussion because his firm is a subcontractor with SEH. City Attorney Filla stated that there would be no conflict of interest for Commissioner Proud to participate in the discussion. Commissioner Proud stated that he would prefer not to participate.

Commissioner Ferrington clarified that the existing 420 units will not be demolished when the new units are built. Secondly, she noted that the site does not accommodate City Code setback regulations requiring an added one foot of setback for every

additional foot of height. The height must be within firefighting capabilities, and she asked if it would not be a fire hazard to be flexible with the setbacks. Ms. Nordine stated that the minimum setback from Owasso Street would be 30 feet. The intent is to minimize the height impact on neighboring properties. It is not a fire hazard.

Chair Solomonson asked the current setback of Midland Plaza. Ms. Nordine answered, approximately 35 feet. Chair Solomonson noted the request is for a 25-foot setback. He further asked how the height request of 80 feet compares to other structures in Shoreview. Ms. Nordine stated that the south water tower on County Road E is 160 to 165 feet. The Hilton Garden Inn is 59 feet to the peak. Country Inn Suites is 56 feet to the peak. PaR Systems is 49 feet. A new billboard recently installed is 75 feet.

Commissioner Solomonson expressed concern about the magnitude of the requested height variation in comparison to other structures in the 'City.

Commissioner McCool asked if right-of-way is calculated in the density calculation. Ms. Nordine stated that the right-of-way is not included in the density calculation. He further asked if additional turn lanes would impact the number of units proposed and if there has been discussion about moving the building further east to increase setbacks along Owasso and Victoria. Ms. Nordine stated that acreage of the site is consistent with the current density plans. There may be a slight change if increased right-of-way is needed for Victoria Street. Commissioner McCool asked if there has been discussion can be made for moving the building further east to meet setback requirements. Ms. Nordine stated that adequate space is needed for the parking area, but there may be room for some changes.

Commissioner Wenner asked if there would be any confusion for traffic trying to connect from the west leg of County Road E to the east leg and crossing through residential development. Ms. Nordine stated that design features are being considered to address that issue.

Commissioner Ferrington expressed concern about the expected increased traffic. Ms. Nordine stated that traffic calculation is based on Midland Plaza being fully occupied. Staff does not believe the impact will be significant, as Victoria and County Road E, are two arterial streets. The concern is how the traffic is distributed. She would not expect increased traffic on Owasso to Harriet. Commissioner Ferrington stated that her concern is how this increased traffic will impact traffic of the nearby school. Ms. Nordine stated that with the realignment will mitigate some of the traffic conflict with the school drop off and pickup times. It will be safer, but not all conflicts will be solved.

Mr. Noah Bly, Urban Works Architecture, 901 N. 3rd, Minneapolis, Project Architect, introduced Max Segler from Tycon; Al Menning and Dan Tilson from GQ who is the civil engineer. This will be an upscale housing product. The building is concrete frame and fully clad in brick. Work continues for the proposed building to fit the SEH road design. The units are 15% larger than what is currently being built. Features include a high efficiency mechanical system and low maintenance building. Parking outside is on top

of the underground parking and not included in the footprint. Parking is adequate at almost a 2 to 1 ratio for each unit. If more parking is needed, there are adjacent surface stalls. The owner does not want to build parking that will not be used. Between the building and parking is a green area to keep cars away from the building making ground floor units very attractive. The building will sit higher than the surrounding grade. Amenities include a club room, exercise room, oversize windows, stone counters. Storm water treatment will include rain gardens and a facility to catch water from paved areas. This will be a significant improvement for the lake. A dock and patio area will be near the lake. The height relates to quality. The project would not be economically viable without the height for the proposed density. Setback flexibility is requested to fit the building on the site. Setbacks are required to protect adjoining land uses. In this instance, the adjoining use is owned by the same owner.

Commissioner McCool asked how the proposed building will compare to other market rate products in the City and how it will be priced. Mr. Bly responded that this building is unusual with a concrete frame and full brick exterior. The unit sizes average 1100 square feet; other urban products average 900 square feet. To cover capital costs, rentals will be significantly higher. This is an upgrade rental product. There is a shift from home ownership to higher end rentals.

Commissioner McCool requested that information be provided as to the number of excess parking spaces are available on the adjoining property and that a parking agreement be executed. Mr. Bly stated that the applicant's preference is to receive approval of the project based on the PUD with parking requirements as an amendment.

Commissioner Ferrington asked the height of interior ceilings and whether there would be an opportunity there to lower the height. Mr. Bly answered that interior ceilings are 9 feet. The advantages of the architecture need to be considered with the height.

Commissioner Wenner asked if the owner owns the land under Lake Shoreview and if so, are there plans for an association to protect that lake? Mr. Bly responded that the site includes the lake. Improving water quality is important to the project, but specific measures are beyond the proposed project. Commissioner Wenner asked if the planned trails will be public. Mr. Bly stated that the trails will be for the enjoyment of the site residents; it will not be public.

Chair Solomonson opened the discussion to public comment.

Mr. Jim Purcell, 675 Harriet, stated he has no qualms with the apartment complex. They are good neighbors. He referred Commissioners to the written statement he and his wife submitted. The biggest problem is the height. The building was originally proposed as a five-story building. It was a surprise to find that it is being proposed as a six-story building. He referred to the Southview Senior Living building was required to reduce its height. It will be difficult to reject anything after this project that is higher than 35 feet. It seems that the goals of the City's Housing Action Plan take precedence over City Code. He and his wife have never complained about any development in the City.

They gave up an additional lot when Owasso Street was improved. This building does not fit in the neighborhood.

There were no further public comments or questions.

Final Comments of Commissioners Re: Concept Stage PUD

Commissioner Ferrington stated that there is a lot to like--redevelopment for the City, grant award for the road realignment, high quality materials, water improvements. The problem for her is the height. While understanding the economy of scale, that is not considered in the City's decision. The building does not fit in the neighborhood being so close to the road. She does not have a problem with the flexibility requirements, except for height. Also, there is no talk of upgrading the existing units. It was her understanding that Midland Terrace would also be improved. She thanked the developers for the opportunity to provide input at the Concept Stage.

Commissioner Schumer stated that he would like to see the building further from the water to give residents more room in the back yard. His main concern is also the height. The setback flexibility is a result of the height. It looks to be a very nice development, but his concern is the height.

Commissioner McCool stated that this is an expensive product. The height is also a concern but not a project stopper for him. He encouraged further consideration of how height can be reduced or why it does not work to reduce the height.

Commissioner Wenner echoed others' comments. The question is what is the City getting for the PUD? It is apparent there will be a high quality building. The owner has been in the City a long time and came to the City early with this proposal. The quality details are far above the minimum. It fits into the larger City plan for life cycle housing and supports the project. However, he is concerned about the height and the fact that neighbors have brought the same concern to the Commission's attention.

Commissioner Thompson expressed her appreciation to review the project at the Concept Stage. It is a beautiful high quality building. She noted consideration of a first level retail services and stated that including that element may make this development more attractive to the neighborhood. She has some concern about traffic because of the two elementary schools on Victoria.

Chair Solomonson stated that although the height is daunting, the high density in the area, the nearby water tower, the proximity to the lake makes this site suitable for this proposal. He does not believe a big adverse impact from the height. It is his understanding that the owner has a plan to slowly replace buildings, and this is the beginning. This would be a nice gateway to the apartment complex. His only concern is proximity to Victoria Street and would like to see the setback closer to 35 feet, not 25 feet as proposed. Considering the zoning and location, he is comfortable with the proposal as presented.

City Planner Nordine noted that this item will go to the City Council on March 5, 2012. Anyone wishing to attend that meeting is welcome.

PUBLIC HEARING

TEXT AMENDMENT - CHAPTER 209 - ENVIRONMENTAL STANDARDS

FILE NO.: 2439-12-02
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by Environmental Officer Jessica Scham

The amendments address water quality and shade tree management issues in Sections 202, *Definitions*; 209, *Environmental Standards*; 210, *Nuisances*; 211, *Property Maintenance*; of the City Code. A draft text was previously reviewed by the Planning Commission, Environmental Quality Committee and City Council. Feedback from those meetings have been incorporated.

The regulations proposed would regulate illicit discharge pollutants to the storm drainage system by any user. The proposed amendments are consistent with City permit requirements and are required by federal and state law. The amendments also establish violations penalties in Section 101.040.

There will be a 14-day deadline to establish permanent vegetation after construction to prevent excess soil erosion. This is a change from six months. Construction done in the winter will have a deadline of May 15th. Extensions may be granted, if needed.

A shade tree is defined as any woody perennial. All disease or plant pests are defined by the Department of Agriculture and DNR. The proposed amendments update the City Code in response to the arrival of the Emerald Ash Borer. Inspection and diagnosis of trees to be done by tree inspectors consistent with current field methodologies. Outdated laboratory testing will be removed. Diseased wood will be removed according to the quarantine area and City Management Plan. Enforcement of nuisances is strengthened to include any living or dead standing tree(s), firewood, or stumps infected to any degree by a shade tree disease or plant pest.

These amendments qualify the City to apply for grand funding opportunities. The changes also prepare the City to be able to address the next pest that appears.

Notice of the public hearing was published February 15th. No comments have been received. Staff recommends that the amendments be forwarded to the City Council for approval.

Commissioner Proud asked if the definition includes fruit trees. He requested that the term “fecal coliform” be deleted and replaced with “feces,” as it would be clearer.

City Attorney Filla stated that the public notice has been published and is in correct legal form.

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

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to close the public hearing.

VOTE: Ayes - 7 Nays - 0

Commissioner McCool asked if there is a difference between an illegal discharge and an illicit discharge. They appear to be used interchangeably, as in Section 209.060 refers to illicit discharge, while in Section 202, the reference is illegal discharge. The references should be consistent. Ms. Nordine stated that there are two definitions.

Further, Commissioner McCool suggested that stating “any non storm water discharge” would be clearer than stating “direct or indirect non storm water discharge.” Ms. Scham stated that direct connections would be waste water piping connected to the storm drain. Indirect connections would include infiltration from cracked sanitary systems or spills collected in a drain.

Motion: by Commissioner Proud, seconded by Commissioner Schumer to recommend the City Council approve the text amendments to Sections 202, 209, 210, and 211 of the Municipal Code pertaining to water quality and shade tree management. The amendments are intended to insure that the Municipal Code reflects the State and Federal regulations for protecting water quality and shade tree diseases to include all plant pests.

The recommendation is based on the following findings:

1. The City’s National Pollutant Discharge Elimination System (NPDES) requires an illicit discharge ordinance as one of the minimum permit requirements to protect and improve water quality.
2. The City’s 2008 Comprehensive Plan and 2005 Surface Water Management Plan identify erosion and sediment control as an important facet of pollution prevention.
3. The shade tree management amendment updates existing Code to include both the Department of Agriculture and Department of Natural Resources statutes which regulate all plant pests or diseases.
4. This recommendation is based upon, as determined by staff, the updates and corrections discussed at this meeting with possible changes in text.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

Council Meetings

Commissioner McCool and Chair Solomonson will respectively attend the March 5th and 19th City Council meetings.

ULI Workshop

Ms. Nordine stated that the workshop is being held by the Urban Land Institute on *Navigating the New Normal*, at 6:30 p.m., March 12, 2012, in the City Council Chambers. Planning Commission members are invited and urged to attend.

Planning Commission Workshop

Chair Solomonson stated that the Planning Commission will adjourn into a workshop session after this regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the regular Planning Commission Meeting of February 28, 2012, at 9:12 p.m. to convene a workshop meeting.

VOTE: Ayes - 7 Nays - 0

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: March 21, 2012
SUBJECT: File No. 2443-12-06, Nelson/Imsland, 5155 Hodgson Road – Conditional Use Permit

INTRODUCTION

David Nelson and Claire Imsland submitted an application for a conditional use permit to retain an existing storage shed on their property at 5155 Hodgson Road. A conditional use permit is required because the structure exceeds the maximum size for a detached structure on a lot with an existing detached two plus car garage. The application was complete March 12, 2012.

PROJECT DESCRIPTION

The subject property is located in the R-1 Detached Residential District and has a lot width of 109 feet, a depth of 330 feet and an area of 35,970 square feet (.82 acres). The applicant constructed a 224 square foot storage shed in the rear yard of the property in 2004 without obtaining a building permit. The City became aware of the structure during an inspection of the property by the Housing and Code Enforcement Officer. The height of the structure is 13.4 feet and has 8-foot tall sidewalls. It is setback of 15 feet from the north side lot line and 30 feet from the rear lot line. The structure is used to house lawn equipment and tools. Please see the attached plans.

DEVELOPMENT ORDINANCE REQUIREMENTS AND REVIEW

The City's Development Regulations require a Conditional Use Permit when a structure exceeds 150 square feet, but is less than 288 square feet on a lot with an existing two-car garage. The Conditional Use Permit was established for these types of structures because of the potential impact they may have on adjoining properties. Structures of this size may be permitted provided certain conditions are met. The standards for a Conditional Use Permit are:

1. The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
2. The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.

3. For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
4. The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
5. The structure shall comply with the standards of Section 205.082(D)(5) of this ordinance.

In addition to these standards, a Conditional Use Permit may be granted if the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

STAFF REVIEW

The proposal was reviewed in accordance with the standards identified in the Development Code. The proposed accessory structure complies with the location, height, design and setback requirements for a second detached accessory structure. In addition, the combined area of all accessory structures (1,184 square feet) is less than the maximum 1,200 square feet permitted.

The Conditional Use Permit also requires that the accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof. Due to the distance of the structure from Hodgson Road and location behind the detached garage, visibility of the structure from Hodgson Road is limited. It is visible from adjoining properties, however, existing vegetation, size of the property and location of the storage shed minimize these visual impacts on adjoining properties.

The applicants indicate that the shed will be used for the storage of lawn related equipment and tools. This use is consistent with the residential use of the property and neighborhood.

PUBLIC COMMENT

Property owners within 350' of the property, including the City of North Oaks, were notified of the application. Comments in support of the request were received.

RECOMMENDATION

A Conditional use permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Code are satisfied. The criteria for a conditional use permit includes that the use is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan and that the structure/land use conforms with the Comprehensive Plan and are compatible with the existing neighborhood. In staff's opinion, these criteria are met. An accessory structure of this size is compatible with the neighborhood provided the conditional use permit standards are adhered to. Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit subject to the following:

File No. 2443-12-06 Nelson/Imsland
5155 Hodgson Road
Conditional Use Permit

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The applicant shall obtain a building permit for the structure within 30-days of the approval for the Conditional Use Permit.
3. The structure shall be used for storage purposes of household and lawn supplies and equipment.
4. The structure shall not be used in any way for commercial purposes.

Attachments

1. Location Map
2. Aerial Photo
3. Applicant's statement and submitted plans
4. Request for Comment

5155 Hodgson Road

Conditional Use Permit

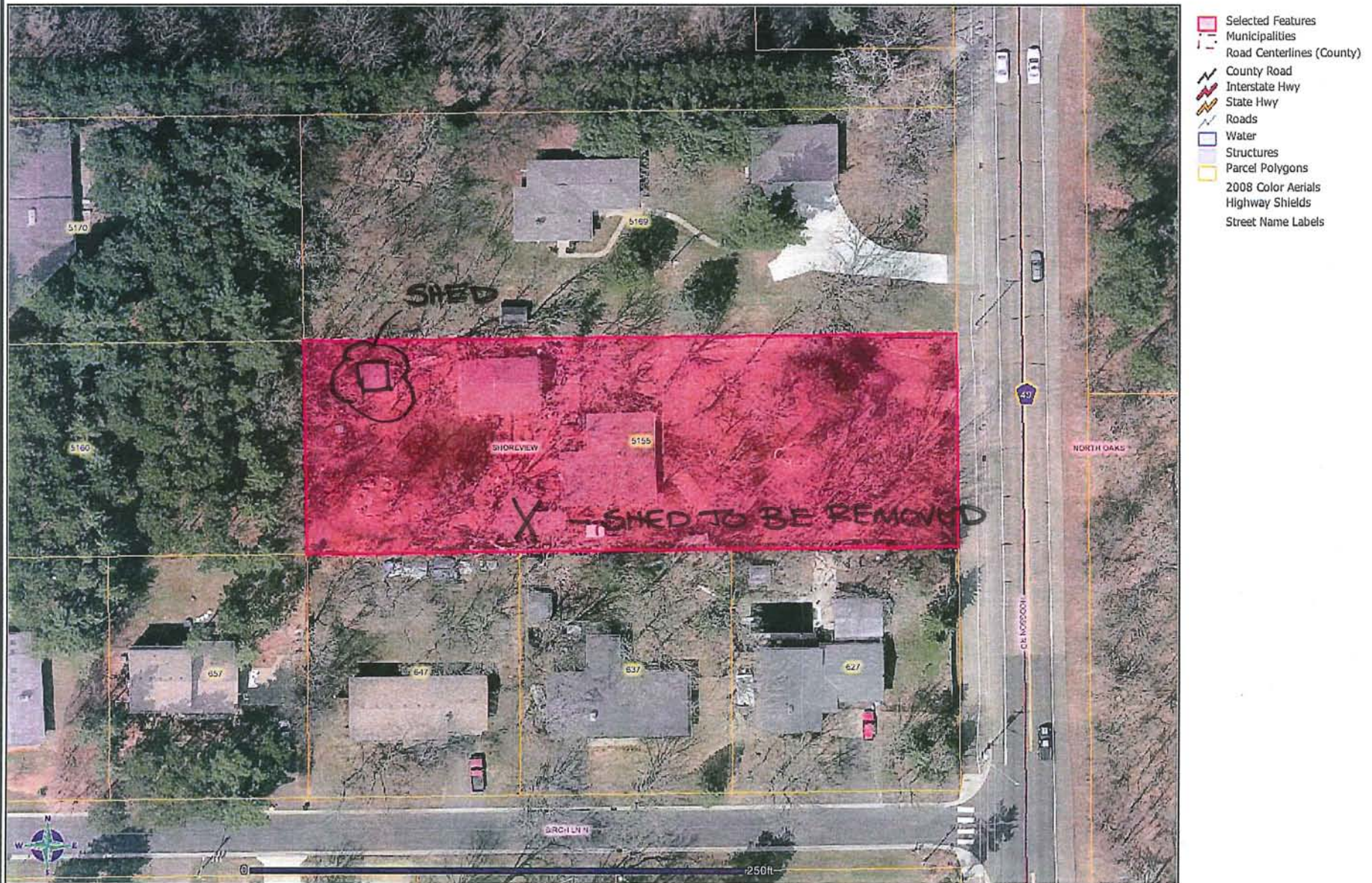


DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (February 27, 2012), The Lawrence Group; February 27, 2012 for County parcel and property records data; February 2012 for commercial and residential data; April 2009 for color aerial

5155 Hodgson Road

Conditional Use Permit



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SOURCES: Ramsey County (February 27, 2012), The Lawrence Group; February 27, 2012 for County parcel and property records data; February 2012 for commercial and residential data; April 2009 for color aerial

February 23, 2012

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview MN 55126

Re: 5155 Hodgson Road

Dear Community Development Department:

Please find enclosed the following: Conditional Use Permit Application; plat drawing of property; check payable to City of Shoreview for \$250; check payable to Ramsey County for \$46.

The application for the Conditional Use Permit is for our existing storage shed. This shed is used to store various lawn and garden tools and implements. This includes but is not limited to: John Deere lawn tractor; lawn mower; shovels; rakes; hoses and miscellaneous tools for the yard and garden.

The shed is 224 square feet in size. It is set back 15' from the side or North property line and 30' from the rear or West property line. The sides of the shed are 8 feet high. From the peak of the roof to the base of the building it is 13.4 feet. The exterior of the building matches that of the house and the garage, including the shingles. The pitch of the roof is in line with the garage. The shed is located in the back part of the yard. One of the adjoining properties has a 6' or so high fence and the other properties are wooded such that the residents do not currently use the space but rather they keep it natural or wild.

Thank your for your consideration of this request.

Sincerely,



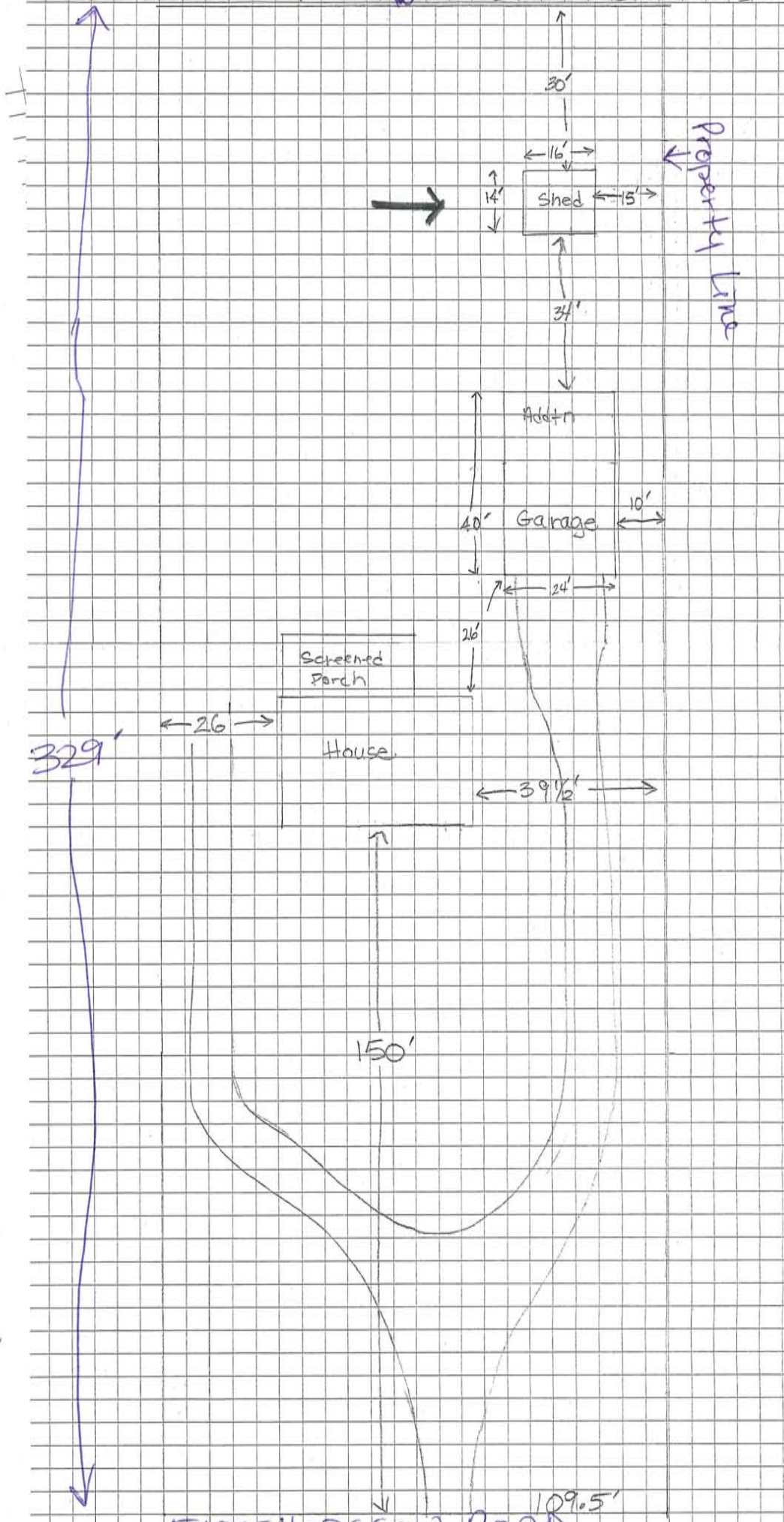
David Nelson



Claire Imsland

Property Lines

Property Line



one square = 5'

5155 HODGSON ROAD





City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



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

March 15, 2012

REQUEST FOR COMMENT

Dear Shoreview Property Owner:


Please be advised that on **Tuesday, March 27 2012 at 7:00 p.m.**, the Shoreview Planning Commission will review a Conditional Use Permit application submitted by Mr. David Nelson and Ms. Claire Imsland, 5155 Hodgson Road. The conditional use permit is needed to permit an existing shed over 150 square feet to remain on the property. The shed was constructed without a building permit. Please see the attached plan.

The property is zoned R1, Detached Residential. On parcels less than 1 acre in size, accessory structures that have an area of 150 square feet to 288 square feet are permitted with a conditional use permit provided certain standards are met. The storage shed has an area of 224 square feet and is located in the rear yard of the property. This shed would be used to store various lawn and garden tools and implements.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Your comments should be submitted by **Thursday, March 22** to be included in the Planning Commission agenda packet. Comments received after that date but before the meeting date will be distributed at the Planning Commission meeting. You are also welcome to attend the meeting. The meeting is held at City Hall, 4600 N. Victoria Street in the City Council Chambers.

If you would like more information or have any questions, please call me at 651-490-4682 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at knordine@shoreviewmn.gov.

Sincerely,


Kathleen Nordine
City Planner

Comments:

WE think the shed should be allowed - a shed helps keep yards clean.

Name: *Burt + Rita Kroon*
Address: *684 Birch Lane N.*

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



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

March 15, 2012

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

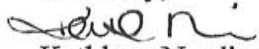
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The property is zoned R1, Detached Residential. On parcels less than 1 acre in size, accessory structures that have an area of 150 square feet to 288 square feet are permitted with a conditional use permit provided certain standards are met. The storage shed has an area of 224 square feet and is located in the rear yard of the property. This shed would be used to store various lawn and garden tools and implements.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Your comments should be submitted by **Thursday, March 22** to be included in the Planning Commission agenda packet. Comments received after that date but before the meeting date will be distributed at the Planning Commission meeting. You are also welcome to attend the meeting. The meeting is held at City Hall, 4600 N. Victoria Street in the City Council Chambers.

If you would like more information or have any questions, please call me at 651-490-4682 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at knordine@shoreviewmn.gov.

Sincerely,


Kathleen Nordine
City Planner

Comments:

I AM DAVE NELSON'S NEIGHBOR, TO THE SOUTH OF HIS PROPERTY. I HAVE NO PROBLEM WITH HIM KEEPING THE SHED (WITH 224 SQ. FT.). DAVE HAS ALWAYS BEEN A CONSIDERATE AND HELPFUL NEIGHBOR, FOR THE PAST 24 YEARS OR SO.

Name: KURT E BARB OLSON
Address: 637 BIRCH LANE NORTH



MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit for a 224 square foot detached accessory structure at 5155 Hodgson Road for David Nelson and Claire Inslard. Said approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The applicant shall obtain a building permit for the structure within 30- days of the approval for the Conditional Use Permit.
3. The structure shall be used for storage purposes of household and lawn supplies and equipment.
4. The structure shall not be used in any way for commercial purposes.

This approval is based on the following findings:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. The use is in harmony with the policies of the Comprehensive Guide Plan.
3. Certain conditions as detailed in the Development Ordinance exist.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
March 27, 2012

TO: Planning Commission

FROM: Kathleen Nordine

DATE: March 21, 2012

SUBJECT: File No. 2444-12-07, Residential Design Review/Variance, Stonehearth Remodeling/Christine Anderson, 4327 Snail Lake Boulevard

REQUEST

Greg Oothouldt, Stonehearth Custom Homes, on behalf of Christine Anderson, submitted Residential Design Review and Variance applications for the property at 4327 Snail Lake Boulevard. The property is a substandard riparian lot located on the east side of Snail Lake. An addition over the existing garage is being proposed to increase the living space in the home. The house is currently a one-story design with a lower level lakeside walk-out and an attached garage. The proposal requires the following approvals by the Planning Commission:

- 1) Residential Design Review: Residential design review for the proposed addition is required because the property is a substandard lake lot. This application is reviewed to verify that the proposed dwelling complies with adopted City standards regarding building setbacks, building height, impervious surface coverage, foundation area and use of natural colors.
- 2) Variances:
 - A) To reduce the minimum 30-foot structure setback from the front property line to 28 feet.
 - B) To reduce the minimum 10-foot structure setback for required from a side property line for living space to; 5 feet 9 inches from the north side property line and 7 feet 5 inches from the south side property line.

The application was complete March 19, 2012.

PROJECT DESCRIPTION

The subject property is a substandard riparian lot located in the R1 – Detached Residential District on the east side of Snail Lake. The lot has an area is about 6,200 square feet and a width of about 40 feet at the street.

The property is currently developed with a single story house that has a lower level walk-out on the lake side. The existing house is setback 1-foot 11 inches from the north side lot line and 6 feet 5 inches from the south side lot line. In 1991, a variance was granted to a previous property owner permitting the construction of an attached garage on the front of the home, setback 28 feet from the Snail Lake Road right-of-way.

To improve the livability of the home, an addition is proposed above the existing attached garage. The proposed addition is designed with two bedrooms, a bathroom and small office area. The overall

height of the structure is 30 feet 6 inches as measured on the west (lakeside) elevation. The exterior will be finished with gray lap siding to match the existing structure.

DEVELOPMENT CODE REQUIREMENTS

Setbacks

The property is located in the R-1 and Shoreland Overlay Districts. From the street right-of-way, structures must be setback a minimum of 30 feet; however, if the existing setbacks for the two adjacent dwellings exceed this requirement, the setback for any new dwelling or new addition shall be equal to the average setbacks for the two adjacent dwellings, plus or minus 10 feet. A minimum 10-foot structure setback is required for living area from a side property line. For garages, a minimum 5-foot setback from a side lot line is required.

Design Standards

The Development Ordinance requires residential construction on substandard riparian lots to comply with design standards that regulate the height, foundation area, lot coverage and setbacks for the project. The applicants have submitted an application that has been determined to comply with the adopted standards, except for front and side setbacks. The existing lot coverage and foundation area exceed the maximum permitted by the City's Development Code. The Code does allow the property owner to retain the existing impervious surface coverage and foundation area; however, these cannot be increased unless a variance is granted.

The total lot area of 6,200 square feet is used as the basis for review.

| Standard | Allowed | Proposed |
|---------------------------|--|--|
| Lot Coverage | 1,860 square feet (30%) Existing - 2,393.75 square feet (38.6%) | 2,393.75 square feet (38.6%) |
| Building Height | 35 feet | 30.5 feet |
| Foundation Area | 1,116 square feet (18%) Existing - 1,532 square feet (24.7%) | 1,532 square feet (24.7%) |
| Setbacks | | |
| Front (Street) | 50.1 to 70.1 feet | 28 feet ** |
| OHW (Lake) | 49.15' to 69.15 feet | 69 feet |
| Side | | |
| North | 10 feet | 5 feet 9 inches** |
| South | 10 feet | 7 feet 5 inches** |
| Architectural Mass | Encourage use of natural colors/materials, landscaping. | Match the existing color – gray siding |

****Variance required for front and east side setback.**

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 variance is in keeping with the spirit and intent of the Comprehensive Plan and Development 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.

The applicants state that the proposed addition is above the existing garage and will not increase the foundation area or impervious surface coverage. The 40-foot width of the lot prohibits expanding the building footprint. The proposed addition, which adds bedroom space, uses the property in a reasonable manner. The home currently has one bedroom. The proposal is in keeping with the character of the neighborhood as other setback encroachments exist and the style of homes vary from one-story, split levels and two-story designs. Please see the attached statement.

STAFF REVIEW

The staff has reviewed the proposal in terms of the Comprehensive Plan and Development Ordinance requirements for residential design review and variances.

The continued use of the property as single family residential complies with the policies of the Comprehensive Plan Land Use Chapter, which guides use of this area for low density (0 to 4 units/acre) residential development. The proposed project will not result in a change in land use density or alteration of existing development patterns. Staff finds the project in keeping with the policies outlined in the Comprehensive Plan.

The proposed home has been designed in accordance with the requirements of the Development Code, including residential design standards, except for the front and side yard setbacks, and so the discussion below is focused on the variance criteria.

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The intent of the proposed expansion is to provide additional bedroom space to improve the livability of the home. Currently, the home has only one bedroom and has a small 956 square foot foundation area (excludes garage area) with about 1,500 square feet of living area. The proposal to add bedroom space is reasonable and is consistent with the City's housing policies regarding housing and neighborhood reinvestment and life-cycle housing.

2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The property is a substandard riparian lot that has a small lot area and narrow width. The current structure encroaches upon the required side yard setbacks. These are unique circumstances related to the property and not created by the property owner.
3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* The neighborhood is eclectic with a variety of lot sizes and house styles. The applicant's property is one of the smaller lots in the neighborhood. Expansion of the structure towards the lake would have greater impacts on the lakeshore environment and adjoining properties. Houses on the adjoining properties are also setback only a few feet from the side property lines. Placing the addition above the garage will minimize impacts on these adjoining homes since the garage area is not directly adjacent to the living areas of the two adjacent residential structures

Staff agrees that practical difficulties are present and the setback variance requests are justified.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. The applicant has identified one practice, Architectural Mass. Prior to the issuance of a building permit for the project, a second practice will need to be identified and a mitigation affidavit executed.

PUBLIC COMMENT

Property owners within 150 feet of the parcel were notified of this request. No comments have been received.

STAFF RECOMMENDATION

Staff believes the requested variance to reduce the front and side-yard setbacks meets the spirit and intent of the Development Regulations, and recommends approval. Practical difficulties are present based on the size and width of the parcel, location of the home on the property, small foundation and living area and characteristic of the neighborhood.

Resolution 12-21 reflects this, and is recommended for adoption by the Planning Commission, approving the variance request. With approval of the Variance, the Residential Design Review application, which complies with all other adopted standards, is recommended for approval, subject to the following conditions:

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

File 2444-12-07

Stonehearth/Anderson, 4327 Snail Lake Boulevard

Variance and Residential Design Review

Page 5

2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage and foundation area shall not be increased above the current coverage areas without a variance.
4. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new addition.
5. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity or site work begins.

Attachments

- 1) Location Map
- 2) Resolution No. 12-21
- 3) Mitigation Affidavit
- 4) Submitted plans
- 5) June 7, 1991 correspondence from Randy Johnson
- 6) 1991 approved site plan
- 7) Proposed Motion

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD MARCH 27, 2012**

* * * * *

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. 12-21 FOR A VARIANCE TO REDUCE THE FRONT AND SIDE
YARD SETBACKS FOR AN ADDITION**

WHEREAS, Greg Oothoudt, Stonehearth Custom Homes, on behalf of Christine Anderson submitted a variance application for the following described property:

Sub To Snail Lk Blvd The N 36 74/100 Ft Of S 70 58/100 Ft Of Part W Of Cl Of Sd Blvd Of Lot
49, J. F. Eisenmenger's Lake Villa, Ramsey County, MN
(commonly known as 4327 Snail Lake Boulevard)

WHEREAS, the Development Regulations establish a minimum building setback range of 50.1 to 70.1 foot from the front property line based on the setback of the homes on the adjacent lots; and

WHEREAS, the Development Regulations establish a minimum building setback for living space of 10-feet from a side property line; and

WHEREAS, a variance was granted in 1991 allowing the reduction of the front yard setback to 28 feet for the construction of an attached garage; and

WHEREAS, THE applicant has requested a variance to construct an addition above the garage at the existing 28-foot front setback, 5 feet 9 inches from the north side property line and 7 feet 5 inches from the south side property line; and

1. *Reasonable Manner.* *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The intent of the proposed expansion is to provide additional bedroom space to improve the livability of the home. Currently, the home has only one bedroom and has a small 956 square foot foundation area (excludes garage area) with about 1,500 square feet of living area. The proposal to add bedroom space is reasonable and is consistent with the City's housing policies regarding housing and neighborhood reinvestment and life-cycle housing.
2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The property is a substandard riparian lot that has a small lot area and narrow width. The current structure encroaches upon the required front and side yard setbacks. These are unique circumstances related to the property and not created by the property owner.
3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* The neighborhood is eclectic with a variety of lot sizes and house styles. The applicant's property is one of the smaller lots in the neighborhood. Expansion of the structure towards the lake would have greater impacts on the lakeshore environment and adjoining properties. Houses on the adjoining properties are also setback only a few feet from the side property lines. Placing the addition above the garage will minimize impacts on these adjoining homes since the garage area is not directly adjacent to the living areas of the two adjacent residential structures

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

WHEREAS, on March 27, 2012 the Shoreview Planning Commission made the following findings of fact:

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 4327 Snail Lake Boulevard, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage and foundation area shall not be increased above the current coverage areas without a variance.
4. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new addition.
5. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity or site work begins.

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 27th day of March, 2012

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Nordine, City Planner

ACCEPTANCE OF CONDITIONS:

Greg Oothoudt, Stonehearth Custom Homes, Inc.

Christine Anderson, 4327 Snail Lake Boulevard

MITIGATION AFFIDAVIT AND AGREEMENT

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

The undersigned Affiants, for themselves, their heirs, successors and assigns hereby states, affirms and agrees:

1. Christine Anderson, hereafter referred to as the Affiant, is the record fee owner of the following described property:

Sub To Snail Lk Blvd The N 36 74/100 Ft Of S 70 58/100 Ft Of Part W Of Cl Of
Sd Blvd Of Lot 49, J. F. Eisenmenger's Lake Villa, Ramsey County, MN
(commonly known as 4327 Snail Lake Boulevard)

2. That as a condition of approval for Variance and Residential Design Review applications approved by the Shoreview Planning Commission on December 6, 2011, the Affiants will use the following practices to mitigate the adverse effects land development (mitigation practices) has on water quality and the lake environment:
 - a. Architectural Mass. Pursuant to Section 209.080 (M1c), the use of natural color(s) and/or materials on the exterior surface of the addition on the Affiants dwelling shall be used to reduce the visual impact. Natural colors are shades of brown, gray, and green. Natural materials include wood or stone that complement the setting of the structure. The decks shall be of a natural color.
 - b. To be determined
3. The mitigation practices identified in item #2 above shall be completed by March 27, 2013 unless an extension is administratively approved by the City of

Shoreview. The mitigation practices shall be maintained unless said requirement is rescinded by the City of Shoreview. Said mitigation may be rescinded if a building permit is not issued for the development project for which said mitigation is required.

Dated this _____ day of _____, 2012.

Christine Anderson

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012.

Notary Public

4327 Snail Lake Boulevard

Residential Design Review/Variance



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (February 27, 2012), The Lawrence Group; February 27, 2012 for County parcel and property records data; February 2012 for commercial and residential data; April 2009 for color aerial

Statement of Justification

We believe this variance is justified and consistent with the City Code and State Law. Our belief is supported by:

1. Existing wide variability in setback of structures in the immediate vicinity on Snail Lake Road. Specifically we point to 4269 and 4259; both structures appear to be within 2-3 feet of the lot line.
2. The existing lot is 40' wide. With the lake and the proximity to the street, we are prohibited from going wider or changing the footprint.
3. Practical Difficulties:
 - a. Reasonable Manner-The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
 - b. Unique Circumstances-The plight of the property owner is unique as she has recently become a new mother. The existing structure is one bedroom and with a young baby it is not feasible to continue living with one bedroom or with the child living on a separate level of the home. Therefore, her proposal to add two bedrooms and a bathroom above the garage is reasonable given the unique circumstances. The variance granted in or around 1990 on this property supports the unique circumstances that we refer to.
 - c. Character of the Neighborhood-The variance, if granted, will not alter the essential character of the neighborhood. It is evident in reviewing properties in the very near vicinity that similar applications have been made and approved and that this variance would not alter the character in any way.

Variance Request

We are requesting a variance from the street and side yard set backs. The proposed project will add living space above an existing garage. The foundation size will not increase and no hardcover will be added.

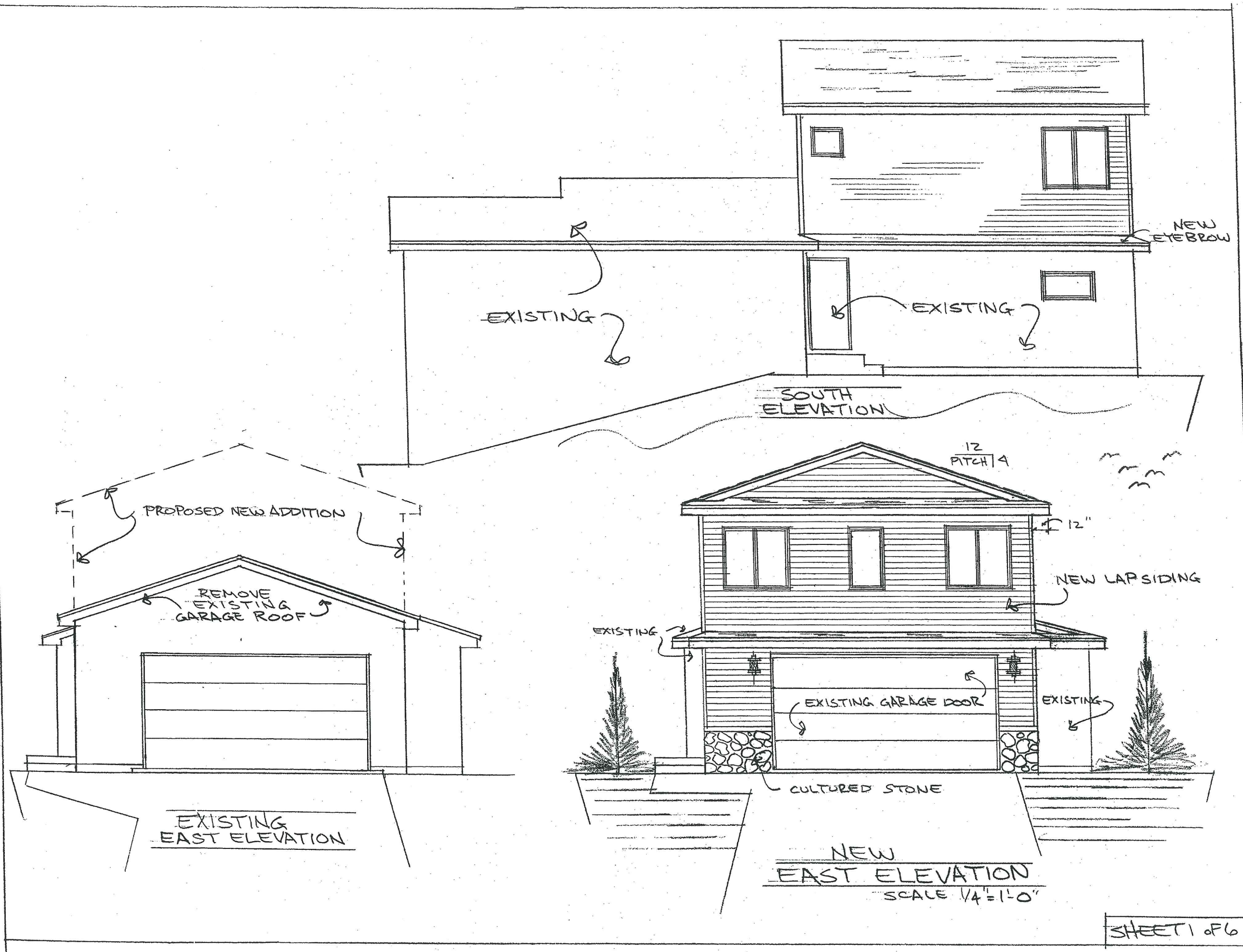
Variance/Residential Design Review

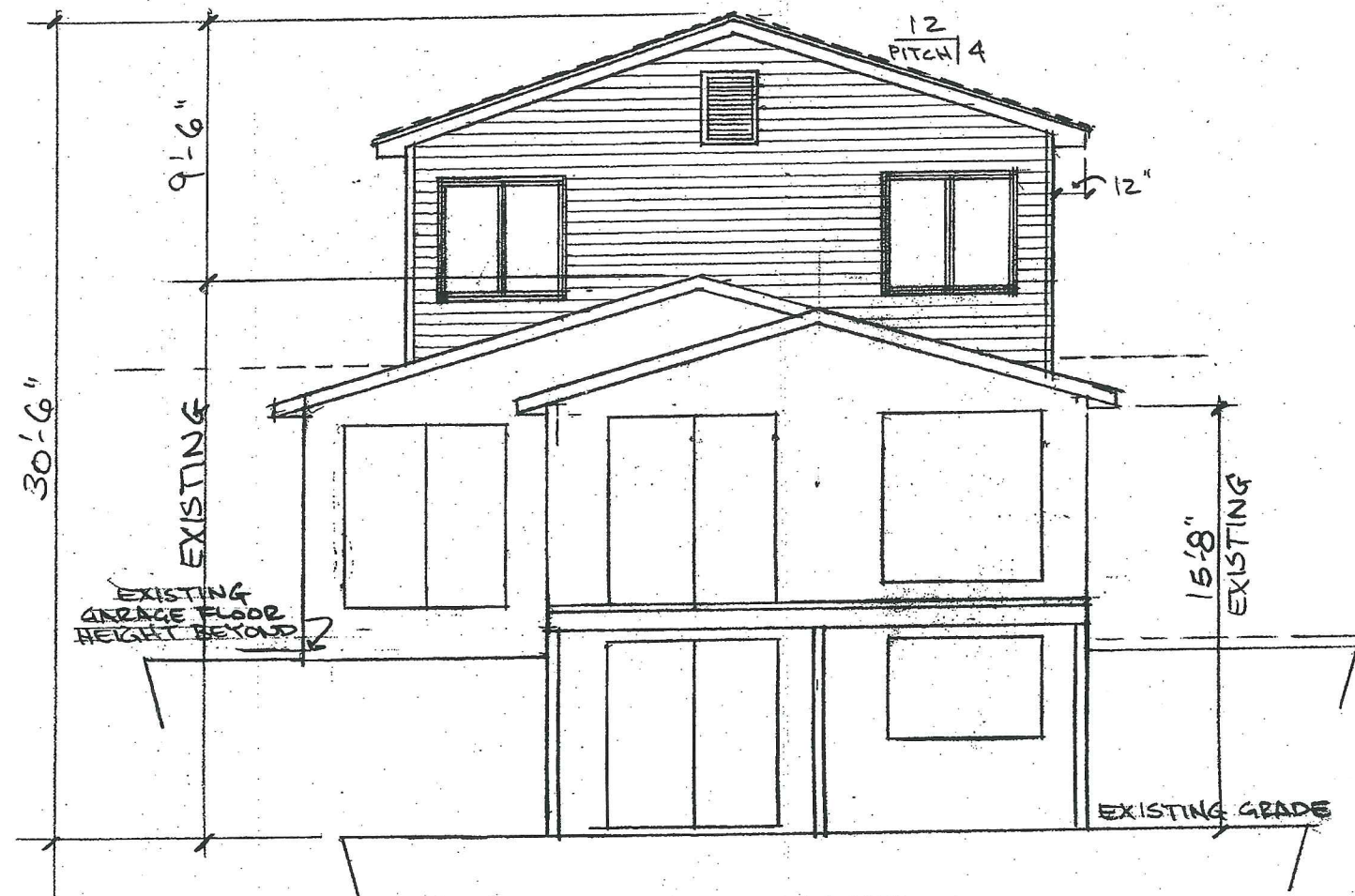
4327 Snail Lake Boulevard



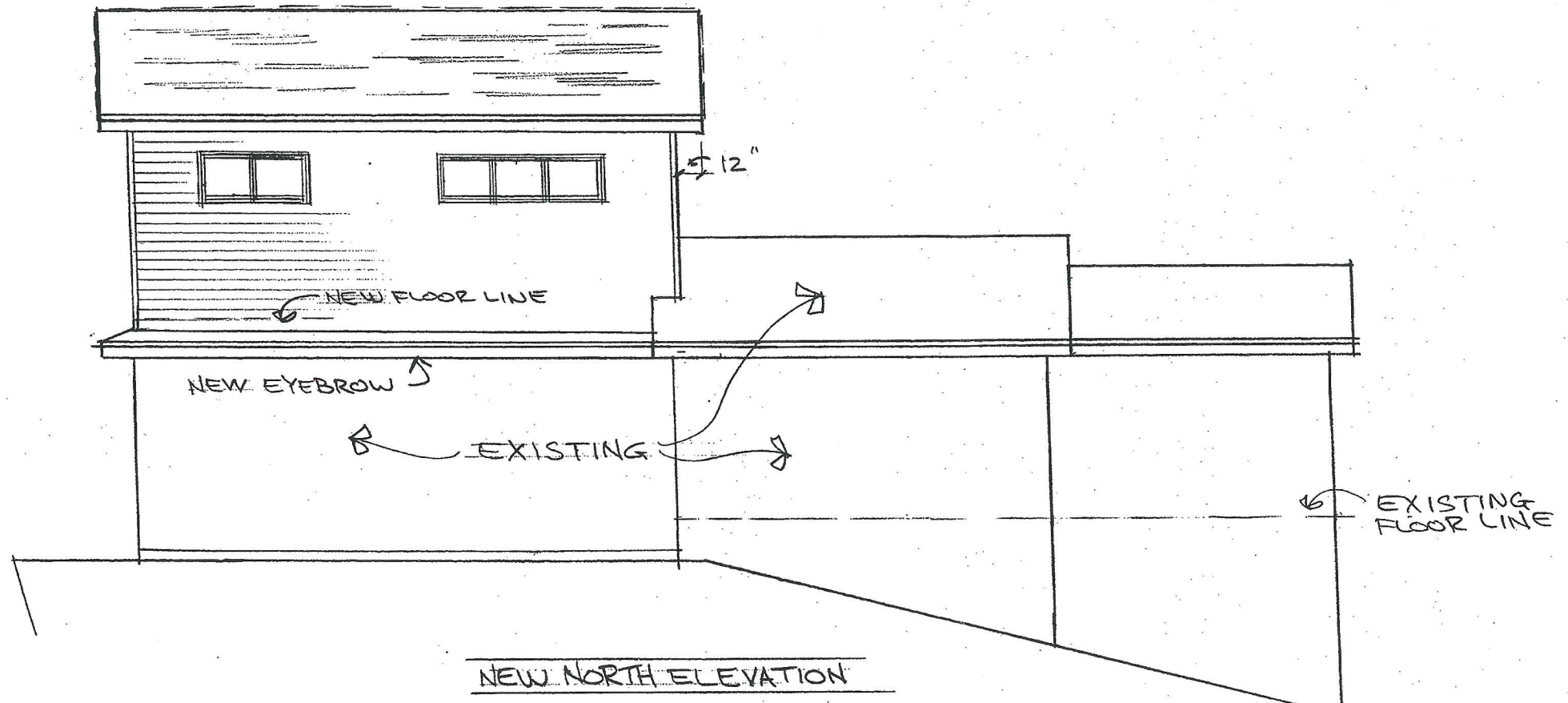
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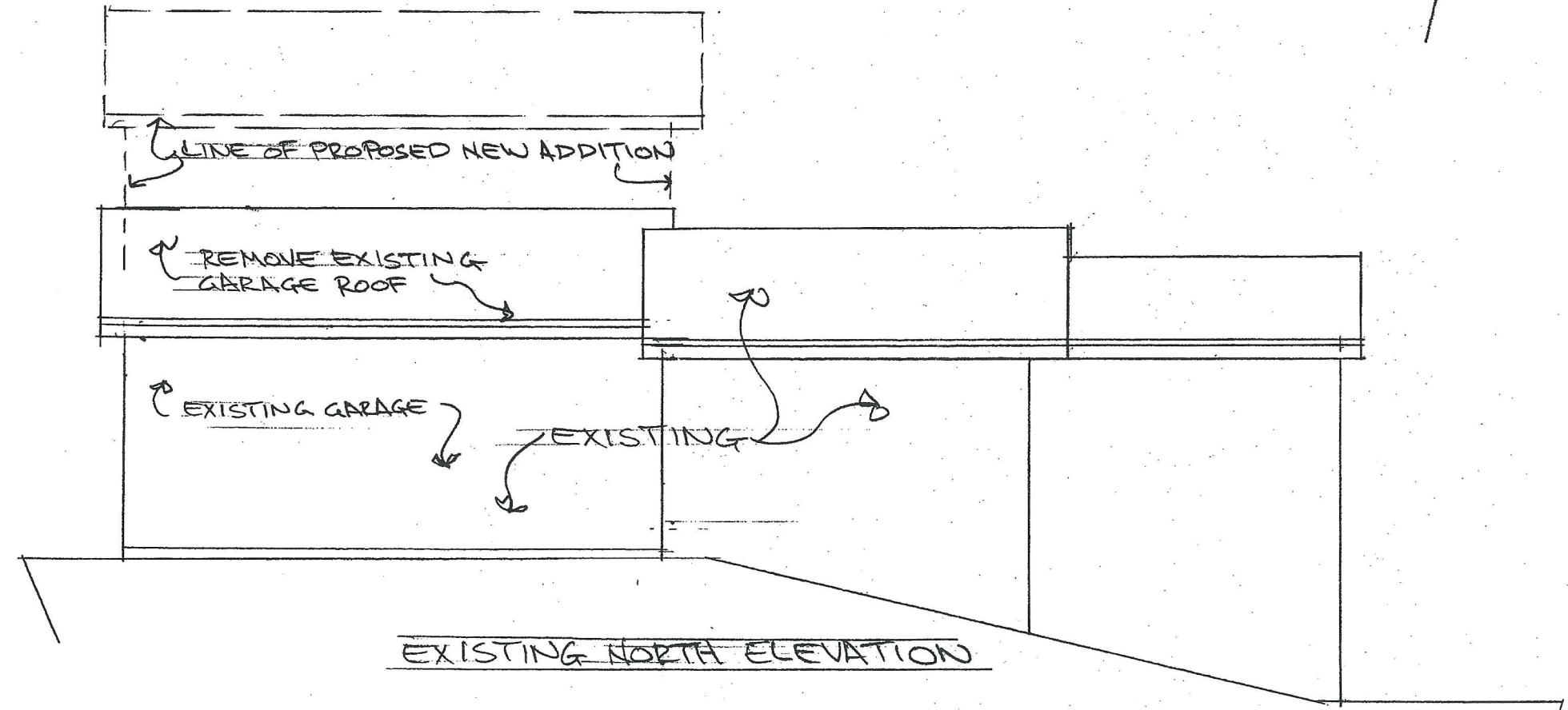




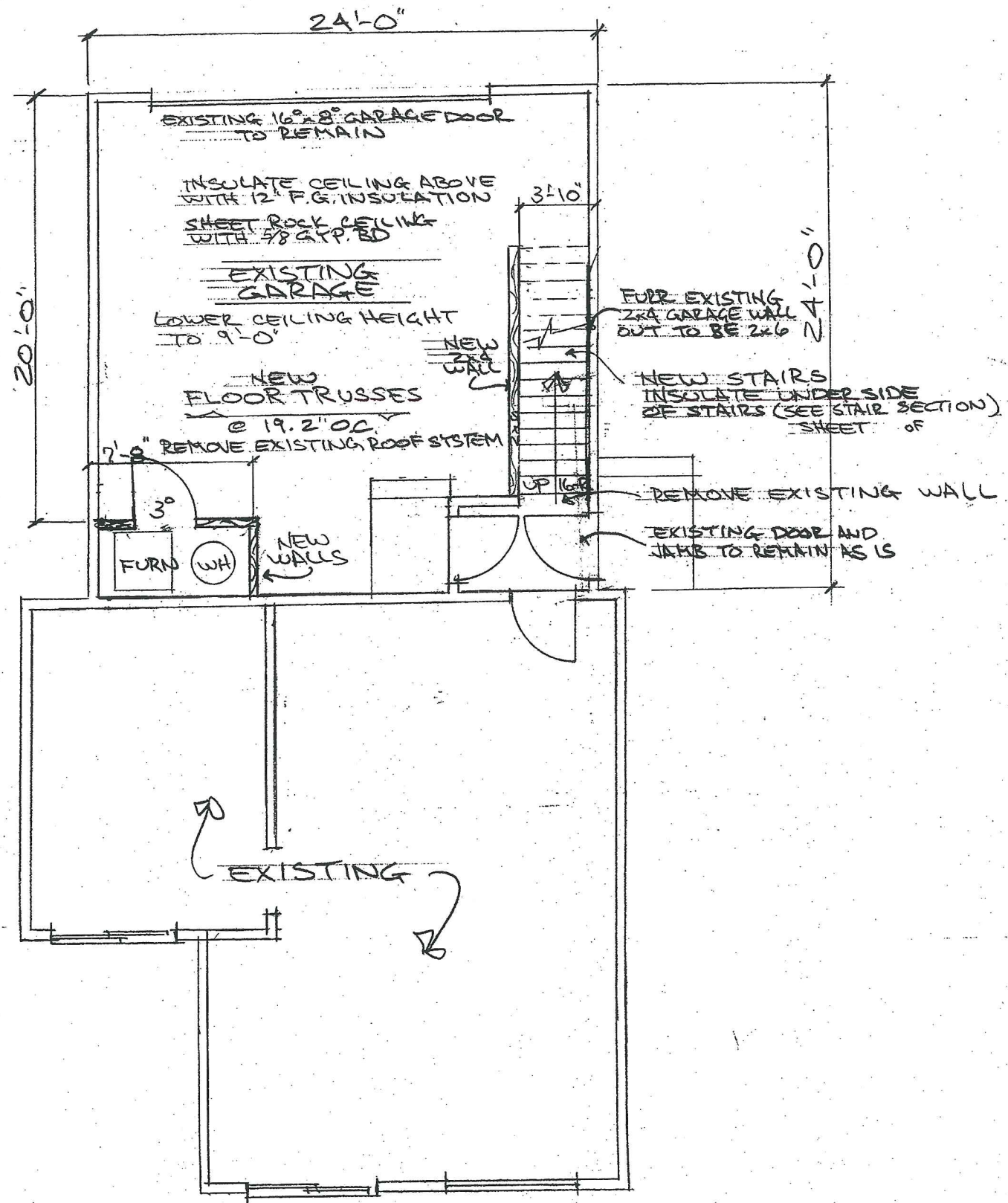
VIEW FROM LAKE
WEST ELEVATION
SCALE 1/4" = 1'-0"



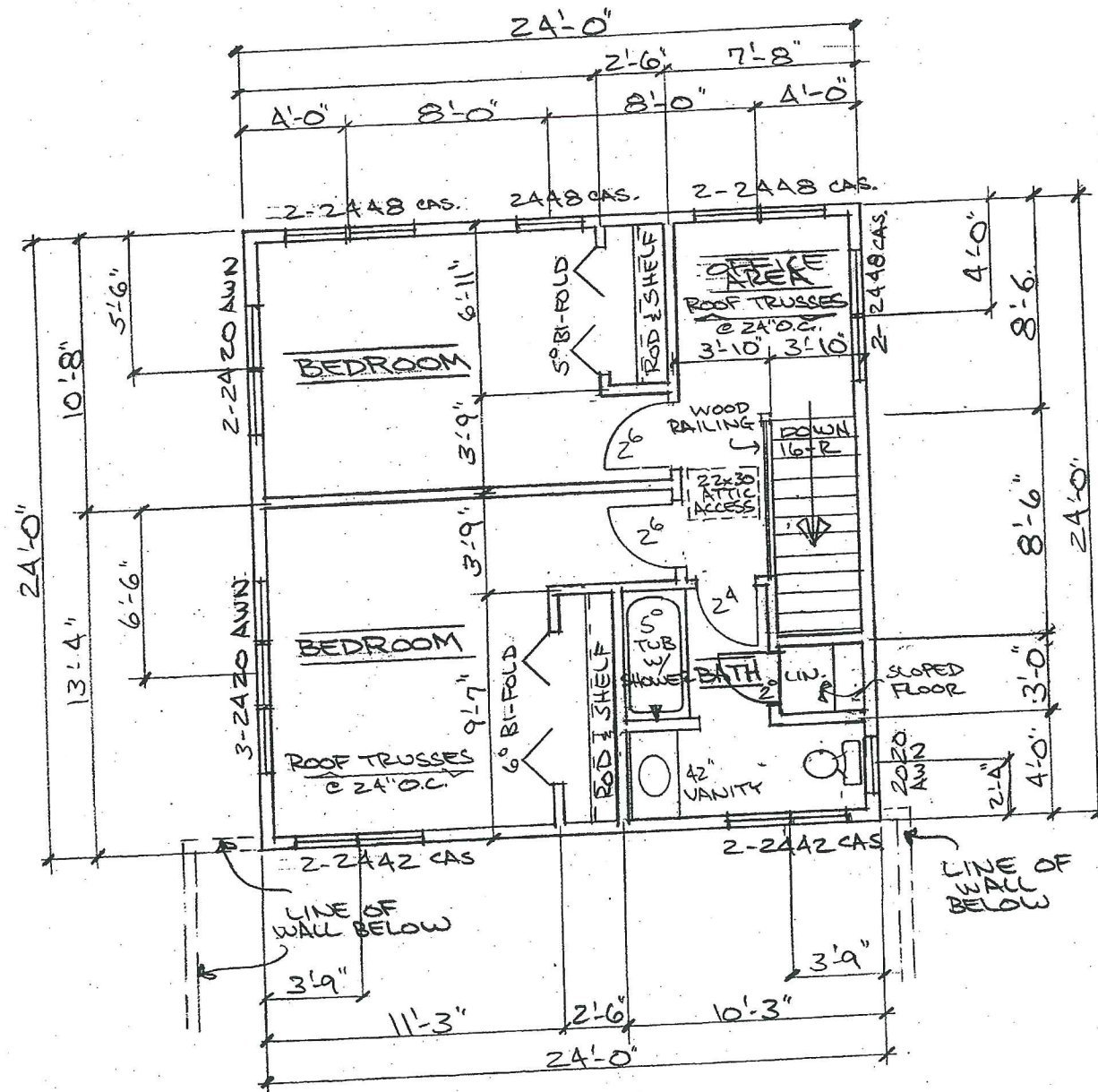
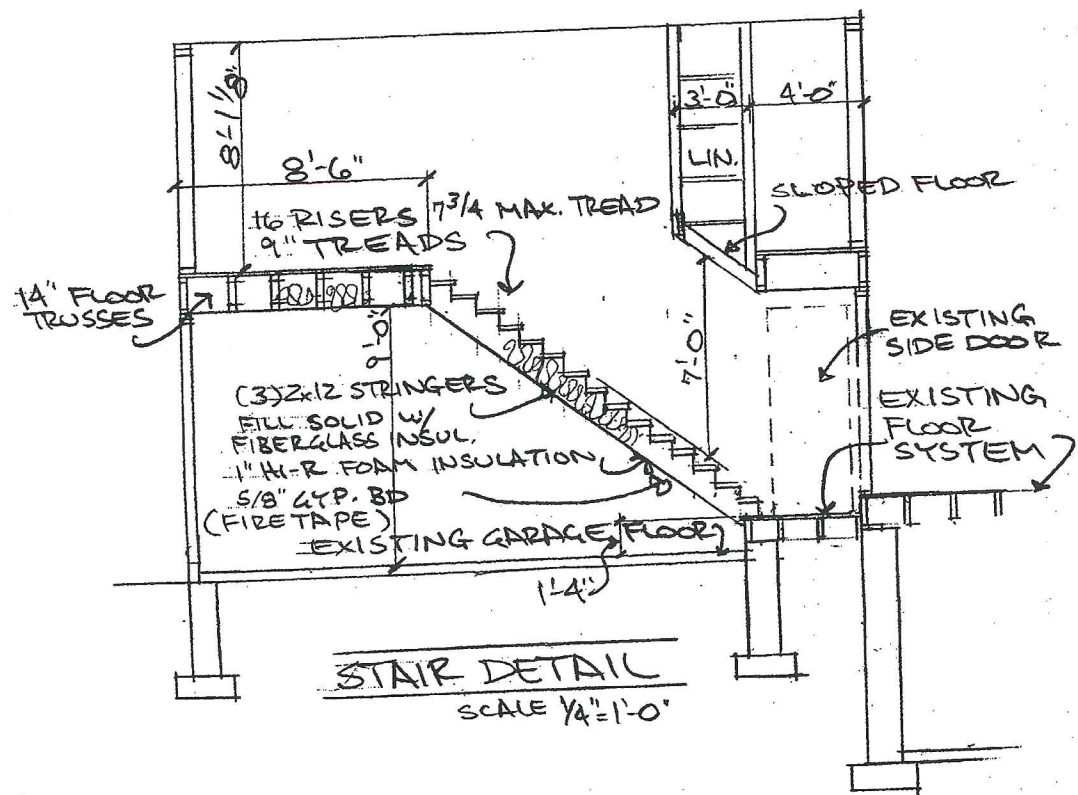
NEW NORTH ELEVATION

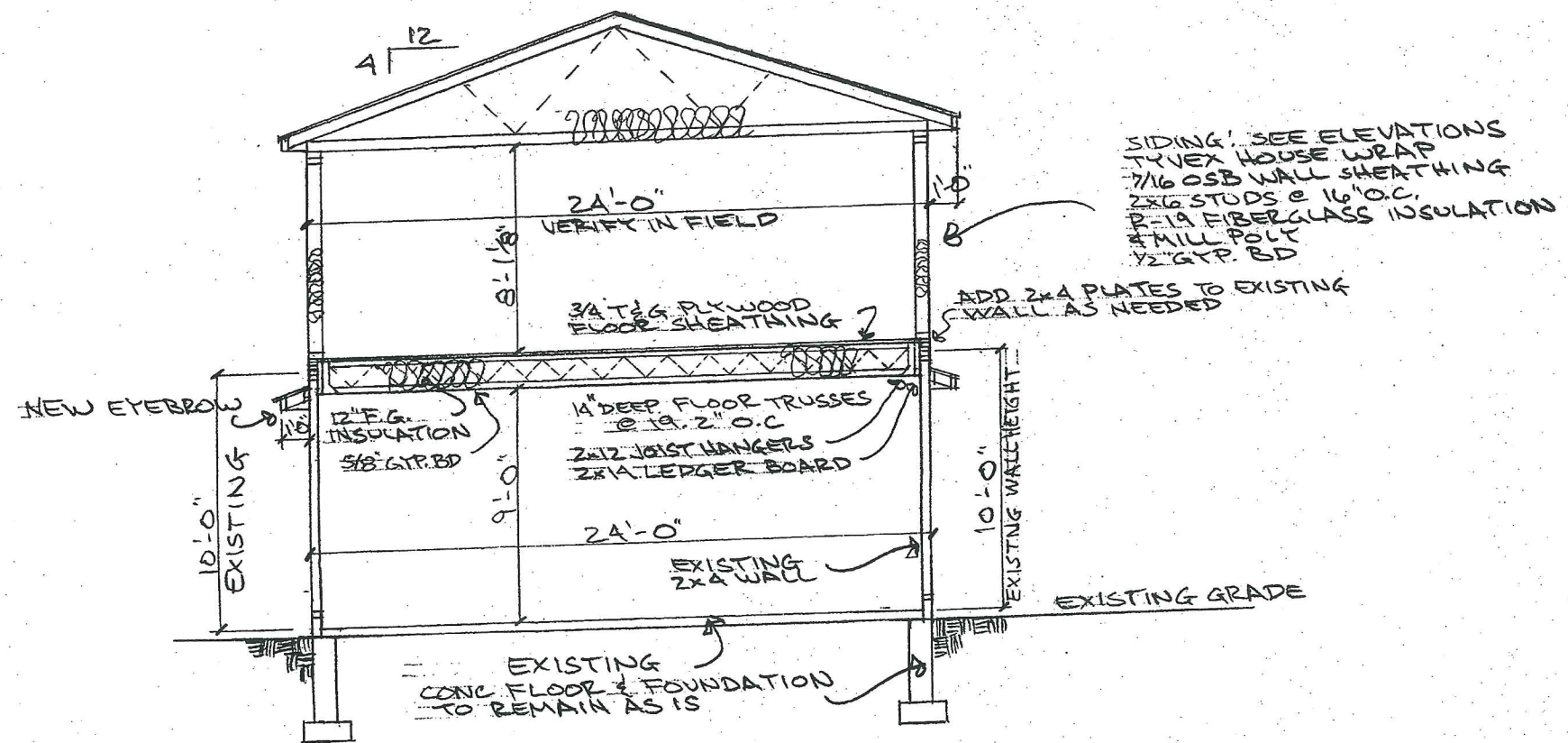


EXISTING NORTH ELEVATION



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"





CROSS SECTION
 SCALE 1/4" = 1'-0"



CITY OF SHOREVIEW

4600 North Victoria Street, Shoreview, MN 55126 • Phone (612) 490-4600 • Fax (612) 490-4699

Mailed 6/7

June 7, 1991

Walter Kromm
4327 Snail Lake Boulevard
Shoreview, MN 55126

File #
1336-90-40

Setback Variance Approval

Your request to construct a garage 28 feet from the Snail Lake Boulevard right-of-way as illustrated on the enclosed plans has been approved. This approval will become null and void if any of the following conditions is not satisfied:

1. Compliance with the approved plans, dated 6/7/91.
2. Verification with the City Building Inspector at the time of the footing inspection, through the location of land survey monuments, that the proposed garage will be setback at least 28 feet from the Snail Lake Boulevard right-of-way.
3. A building permit must be issued within one year of the date of this letter

Please be advised that City Code requires your neighbors to be notified of this approval. They have five days to appeal my decision after which time, if no appeal is received, you may be issued a building permit.

Sincerely,

Randall L. Johnson, AICP
City Planner

enclosures

WALTER + WENDY KRUMM
4327 SNAIL LAKE BLVD
SHOREVIEW - MINN

NEIGHBOR GARAGE

13-6

PROPERTY

101 TO CL FENCE

5' SURVAY STAKE

34'

PROPOSED 24X24
ATT GARAGE

EXISTING HOUSE

SEWER LINE

EDGE ROAD

11' TO ROAD CL

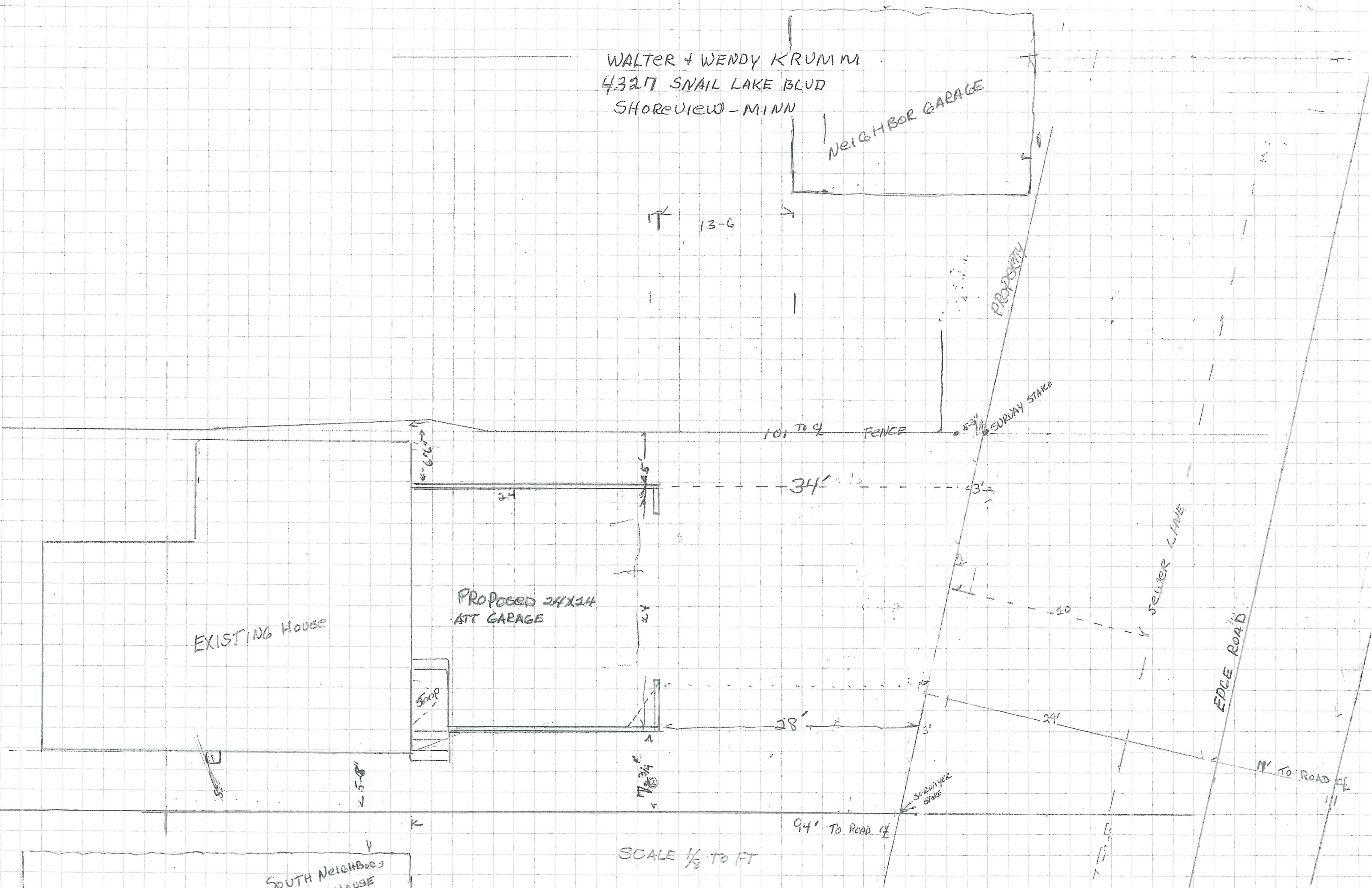
94' TO ROAD CL

38'

29'

SCALE 1/8" TO FT

SOUTH Neighbor's
HOUSE



MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution 12-21 approving the residential design review and variance requests submitted by Greg Oothoudt, Stonehearth Custom Homes, Inc., on behalf of Christine Anderson, to construct an addition on to the existing home at 4327 Snail Lake Boulevard. The variances approved are: 1) To reduce the minimum 30-foot structure setback from the front property line to 28 feet, and 2) to reduce the minimum 10-foot structure setback for required from a side property line for living space to; 5 feet 9 inches from the north side property line and 7 feet 5 inches from the south side property line.

Approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage and foundation area shall not be increased above the current coverage areas without a variance.
4. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new addition.
5. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity or site work begins.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. **Reasonable Manner.** The intent of the proposed expansion is to provide additional bedroom space to improve the livability of the home. Currently, the home has only one bedroom and has a small 956 square foot foundation area (excludes garage area) with about 1,500 square feet of living area. The proposal to add bedroom space is reasonable and is consistent with the City's housing policies regarding housing and neighborhood reinvestment and life-cycle housing.
3. **Unique Circumstances.** The property is a substandard riparian lot that has a small lot area and narrow width. The current structure encroaches upon the required front and side yard setbacks. These are unique circumstances related to the property and not created by the property owner.

4. **Character of Neighborhood.** The neighborhood is eclectic with a variety of lot sizes and house styles. The applicant's property is one of the smaller lots in the neighborhood. Expansion of the structure towards the lake would have greater impacts on the lakeshore environment and adjoining properties. Houses on the adjoining properties are also setback only a few feet from the side property lines. Placing the addition above the garage will minimize impacts on these adjoining homes since the garage area is not directly adjacent to the living areas of the two adjacent residential structures

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
March 27, 2012

t:\2012pcf\2444-12-074327SnailLakeBlvd/pc motion

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: March 22, 2012
SUBJECT: File No. 2445-12-08, Conditional Use Permit - Automotive Ventures, Inc/Karen Properties, LLC – 3854 Lexington Avenue

INTRODUCTION

Automotive Ventures, Inc/Karen Properties, LLC submitted an application to amend the existing conditional use permit for the automotive fuel and service station located at 3854 Lexington Avenue. Automotive Ventures is proposing to use a portion of the property for automotive sales. The intent of the request is to allow the sale of vehicles which have been repaired then forfeited or bought from customers due to economic reasons.

PROJECT DESCRIPTION

Prior to this application, special use or conditional use permits were issued in 1970, 1983, 1986, 1993 and 1999. The conditional use permit allows the operation of a fuel service station, including retail sales, and automobile service station on the property. The amendment granted in 1983 included a condition prohibiting the sale of vehicles on the property. The amendment in 1999 also included a condition that no vehicles be stored on site for more than 30 consecutive days.

Automotive Ventures is asking that the restriction regarding vehicle sales be removed. There has been an increase in the number of vehicles being forfeited by customers for economic reasons after repairs are made. In addition, the station may be able to acquire a vehicle from a customer who cannot afford the repairs, repair it, and then offer it for sale to the general public. The maximum number of vehicles that would be for sale and displayed on-site at any one time is five (5). These vehicles would be located in the western portion of the parking lot adjacent to Lexington Avenue and the I-694 interchange.

DEVELOPMENT ORDINANCE REQUIREMENTS

The property is zoned C-2, General Commercial. The C-2 district permits a variety of commercial uses including retail services, restaurants, fuel stations and hotels. Automobile service stations and vehicle sales are permitted with a conditional use permit. For automotive service stations, the ordinance requires a minimum of one stall per employee plus 5 stalls per service bay. In addition, fuel stations require a minimum of 4 stalls plus 1 stall per 150 square feet of retail space.

A conditional use permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Code are satisfied. The criteria for a conditional use permit includes that the use is in harmony with the general purposes and intent of the

Development Code and Comprehensive Plan and that the structure/land use conforms with the Comprehensive Plan and is compatible with the existing neighborhood.

STAFF REVIEW

When reviewing an application for a conditional use permit, the Planning Commission needs to consider the comprehensive plan policies, the development code standards and the effect the proposed use may have on the character and development of the neighborhood. Other factors to consider include noise, lighting, traffic conditions, parking and effect on surrounding property values. Conditions can be attached to this permit regulating the business operations. The primary issues related to this application concern parking and the proposed sales use.

Parking

Parking for the service station/retail area is provided in an off-street parking area located north and east of the building. Thirty-eight stalls are provided plus there are an additional 6 stalls located on the east side of the car wash. There are also 16 parking stalls at the fuel pump islands.

The parking area proposed for vehicle sales is located in the western portion of the parking lot adjacent to the Lexington Avenue/Interstate 694 interchange. A maximum of 5 stalls would be dedicated for this use. In order for the business to qualify for a State license, a minimum of 5 stalls must be provided on the property from which the vehicles are being sold. The applicant has indicated that they generally would have up to 2 vehicles per month.

The staff has reviewed the parking in accordance with the City's parking standards and the business needs. The uses on the property require 48 parking stalls. A total of 60 stalls are currently located at the site, with 44 stalls provided in the surface parking lot and 16 stalls at the fuel pump islands. In addition, representatives of Automotive Ventures have stated that approximately 50% of the stalls are used by employees and for service vehicles. In staff's opinion, adequate parking is available on-site to accommodate limited automotive vehicle sales.

Automotive Sales Use

The primary issue related to this proposal is the introduction of automobile vehicles sales on this property, which is already used intensively for the fuel station/convenience store, car wash and service station.

The proposal limits the maximum number of vehicles to 5 that could be displayed for sale at any one time. The proposed location for the vehicle sales is in an existing off-street parking area that does not interfere with the other uses of the property.

While staff believes the property can sufficiently accommodate the proposed added use by limiting the number of vehicles for sale to 5, there are concerns on how this use will be managed so as to not create enforcement issues including excessive signage and third-party sales. If approved, staff suggests that conditions be incorporated to prohibit any

allowance of third-party vehicle sales and not allow additional signage on site for the car sale advertisement (with the exception of a window sticker) or other visual promotional techniques often associated and used by auto sales enterprises. Enforcement by the City may be difficult monitoring the number of cars for sale on the property and their ownership. If a violation to the Conditional Use Permit is found, the City Council has the authority to revoke the permit.

While the use is permitted as a conditional use in the C2 district, there is some concern about the introduction of automobile vehicle sales in this commercial area. Recent retail development approvals and investment in the immediate area by a private developer will provide a higher level of quality site and building design and commercial services. Automobile sales, if not sufficiently restricted, could negatively impact surrounding properties.

The size of the subject property, ample parking lot area and spaces, and location at an interstate interchange, make this proposal unique and approval of a conditional use permit should not be considered as establishing a precedent for allowing auto sales at other service stations or vehicle repair shops in the community.

Conditional Use Permit Criteria

The request for a conditional use permit needs to be reviewed in accordance with the standards of the City's Development Code. The Code does not include any specific performance standards for automotive vehicle sales, but establishes criteria for the Conditional Use Permit.

- 1) *The use is in harmony with the general purposes and intent of the Development Ordinance.* The proposed use is permitted as a conditional use in the C2 zoning district of which the property is zoned. This district is intended for uses that services to area residents. If regulated, the addition of limited automobile sales on the property should not negatively impact traffic and the surrounding commercial land uses.
- 2) *The use is in harmony with the policies of the Comprehensive Plan.* The Comprehensive Plan designates this property and the properties to the south and east for commercial purposes. Commercial land uses are also located to the west, across Lexington Avenue, in the City of Arden Hills. Immediately north of the property is Interstate 694. The proposed use is consistent with the Comprehensive Plan provided the sales are limited as proposed.
- 3) *Certain conditions as detailed in the Development Code exist.* Again, the property is located in a C2, General Commercial District and is adjacent or near other local and regional commercial uses. The proposal does not require any additional improvements to the property as the automotive vehicle sales will be located within the existing parking lot. The parking lot has the capacity, in accordance with the parking standards and business needs, to accommodate this use.
- 4) *The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood.*

Automotive vehicle sales are considered a commercial use and are consistent with the commercial land use designation for this property and adjoining properties. Commercial land uses are also located to the west in the City of Arden Hills.

PUBLIC COMMENT

Property owners within 350' of the property were notified of the request. No comments have been received.

RECOMMENDATION

The application has been reviewed in accordance with the Development Code and Comprehensive Plan policies. The use of the property for automotive vehicle sales is consistent with the commercial land use designation of the Comprehensive Plan and commercial zoning as identified in the Development Code. However, when considered with the other uses occurring on the property, the automotive vehicle sales needs to be restricted as proposed to no more than 5 vehicles for sale at any one time. Staff is recommending the following conditions be attached if recommended for approval to the City Council.

Conditional Use Permit amendment

- 1) This amendment permits automobile sales on the property provided the maximum number of vehicles for sale at any one time does not exceed 5.
- 2) Condition No. 4 in Conditional Use Permit 971-83-22 which states "no vehicles may be offered for sale on the property" is rescinded.
- 3) Condition No. 4 in Conditional Use Permit 99-18 is hereby modified as follows. The parking area shall be used for employee parking, the parking of customer vehicles currently being serviced and vehicle sales as conditioned with this permit. Exterior storage is not permitted on this property. All vehicles shall be licensed and operable. No vehicles, with the exception of those for sale, shall be stored on the site for more than 30 consecutive days.
- 4) Automobile vehicles for sale shall be displayed on the property in the parking area as identified in the submitted site plan. .
- 5) Additional signage advertising car sales is not permitted on the property, with the exception of window signage displayed in the vehicle being offered for sale.
- 6) Third party sales are prohibited.

If the Commission does not support the proposed use, specific findings must be made demonstrating the use is not consistent with the Comprehensive Plan policies and Development Code Standards.

Attachments

- 1) Location Map
- 2) Applicant's Letter and submitted plans
- 3) Special/Conditional Use Permits -1993 and 1999
- 4) Proposed Motion

3854 Lexington Avenue

Conditional Use Permit



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (February 27, 2012), The Lawrence Group; February 27, 2012 for County parcel and property records data; February 2012 for commercial and residential data; April 2009 for color aerial

3854 Lexington Avenue

Conditional Use Permit



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Automotive Ventures Group

DBA Shoreview Exxon.

3854 Lexington Ave. N.

651-483-1219.

Amending Conditional Use Permit. 971-83-22.

REMOVING SPECIAL CONDITION / RESTRICTION # 4

No vehicles may be offered for sale on the property.

Automotive Ventures Group Inc. An automotive service station would like their Conditional Use Permit (971-83-22) amended to remove the restriction on selling vehicles.

As a modern automobile repair facility operating in today's market it has become necessary to occasionally sell a vehicle. More often customers are walking away from vehicles after approved repairs are made. We are stuck with a vehicle that we have already repaired. Often times these repairs are substantial and it is not economical or possible to simply undo them. Our only option to recoup our costs is to sell these vehicles. We can also help our customers by occasionally purchasing their vehicle when they cannot afford a major repair. This affords them an opportunity to get some value from their vehicle which enables them to purchase another. This also allows us to keep our service technicians employed and busy.

We are not trying to become a Used Car Lot. We are simply trying to create a solution to a problem that is rising. We do not for see or plan to have a large stock pile of vehicles for sale. We are more than happy to work with the City to put together a plan to help us survive in this economical climate and times. We have been a long time member of this community and look forward to working with you in the future.

Please contact Mark McLean for any questions or comment.

Mark McLean

612-801-0733. mclean54@msn.com

Shoreview Exxon.

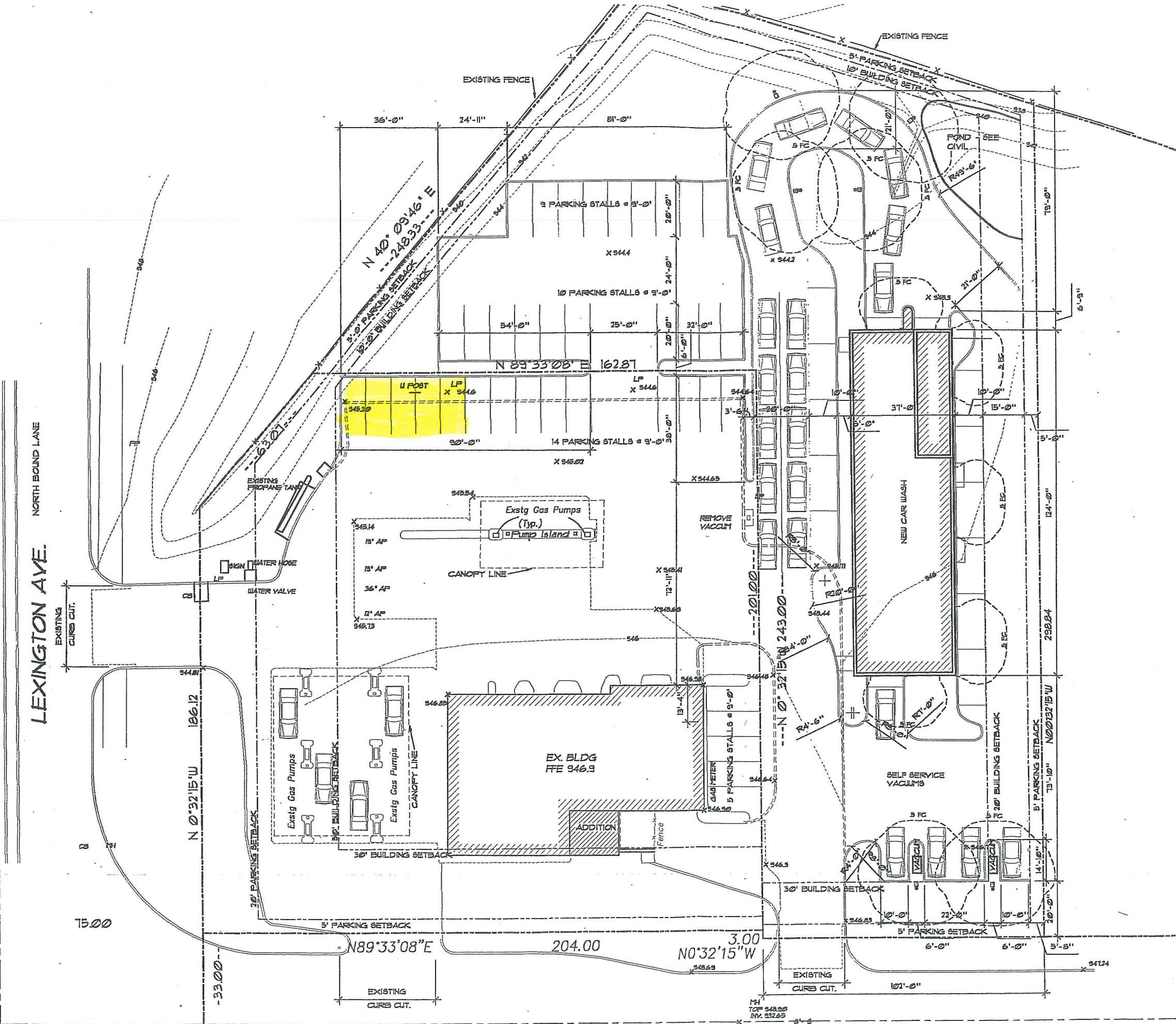
SOUTH BOUND LANE

LEXINGTON AVE.

NORTH BOUND LANE

RED FOX ROAD

Proposed Vehicle Sales



SITE PLAN



CONSTRUCTION CONSULTANTS, INC.
 3531 NEVEDA AVE. NORTH SUITE 201
 NEW HOPE, MN 55421
 (612) 537-5780 FAX (612) 537-3790

SHOREVIEW AMOCO
 CAR WASH BUILDING
 3084 LEXINGTON AVE. NO.
 SHOREVIEW, MINNESOTA

Date Req. No.
 I hereby certify that the plan, specification, description, and notes on this plan are true and correct to the best of my knowledge and belief and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

SITE PLAN
 comm. 09.82 date 2.23.99.
 drawn WAJ checked JLO
 revised 2/9/99

A 1

CONDITIONAL USE PERMIT AMENDMENT

STREET LOCATION: 3854 N. Lexington Avenue

PROPERTY OWNER: George Reiling
661 Heinel Drive
Roseville, MN 55113

LEGAL DESCRIPTION The East 174 feet of the West
229 feet of the South 184
feet of the Southwest 1/4 of
the Northwest 1/4 of Section
26, Township 30, Range 23

ZONING DISTRICT: C-2, Hwy. Commercial

SPECIAL USES PERMITTED: Operation of an automobile
service station including a
car wash, outside display
areas and grocery sales and
in accordance with the
following special conditions
or restrictions.

SPECIAL CONDITIONS OR RESTRICTIONS:

1. This Special Use Permit shall supersede all conditions listed in the Special Use Permit dated October 5, 1970.
2. The property shall be used and maintained in accordance with the Site Plan and building floor plan dated 8-5-83 and signed by the City Planner.
3. No work shall be done on the premises which requires painting or automobile body work.
4. No vehicles may be offered for sale on the property.
5. The property shall be maintained in a neat and orderly condition at all times.
6. All refuse shall be stored and screened as shown on the Site Plan.
7. Outside display areas shall be limited to the following areas as shown on the site Plan:
 - A. New tire display on the north side of the building.
 - B. Vacuum cleaner service on the north side of the building.
 - C. Concrete walkway adjacent to the front of the building.
 - D. Gasoline pump islands.
8. It is recognized that as a permitted use, retail sales of groceries will be conducted on the property in the area designated on the floor plan dated 8-5-83.
9. All parking spaces shall be designated with paint on the blacktop.

10. The existing sanitary sewer dumping station shall be available to the public for disposal of contents of sewage holding tanks of mobile trailers.
11. The applicant is responsible for obtaining necessary permits or licenses from the Ramsey County Department of Health and the Minnesota Department of Agriculture.
12. The City retains the right to inspect the facility at any time to insure conformity with applicable codes, appearances and safety standards, including adverse effects on surrounding properties.
13. The applicant and property owner shall reimburse the City for all costs incurred in order to enforce the provisions of the special use permit including attorney fees.
14. To protect against on site and off site littering, at least one trash container shall be provided at each exit door and on each gasoline pump island.
15. The City retains the right to inspect the facility at any time to insure conformity with applicable codes, appearances and safety standards, including adverse effects on surrounding properties.
16. Any request for major deviation from this permit will require an amendment.
17. In the event that any interest in the property is conveyed, in total or in part, the provisions of this Special Use Permit shall be conveyed.

Approved by the City Council of Shoreview, Minnesota this 6th day
of September, 1983.

APPLICANT:

Myron P. J. Smith

PROPERTY OWNER:
Gary L. Dickson

CITY OF SHOREVIEW:

Richard A. Wedell
Richard A. Wedell, Mayor
Gary L. Dickson
Gary L. Dickson, City Manager

DATE: September 7, 1983

#971

NEW DRAWING SUBMITTED
8-5-83
w.l.

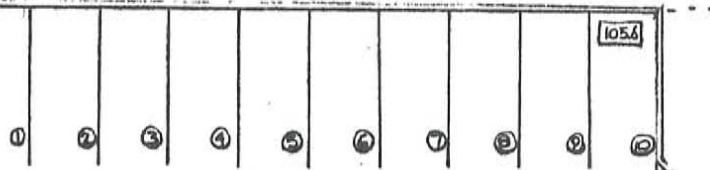


FUTURE PARKING

PL 154.0"

99.10

10'x16'-8" T&O SIGN



105A

SANITARY TRAVEL TRAILER STATION

102A

102B

ASPHALT DRIVE

TIRE RACKS

TRAILER SERVICE ISLAND

CONCRETE DRIVE

1030

CLUSTER FUTURE FENCING

6000 GAL AMOCO 91
10,000 GAL REGULAR
6000 GAL PREMIUM L.P.

Duo-1 REG.
Duo-2 REG.
Duo-1 REG.

FL-EL
10700

68-PA-14E-2L-P5

PASS DOOR

OIL FIRED FURNACE & DUCTWORK

w/o

f/o

LEXINGTON AVENUE

PL 184.0

60' x 100' T&O SIGN

16'-0" 9'-0" 16'-0" 16'-0" 15'-0" 13'-0" 10'-0" 11'-0" 11'-0" 3'-0" 20'-0" 18'

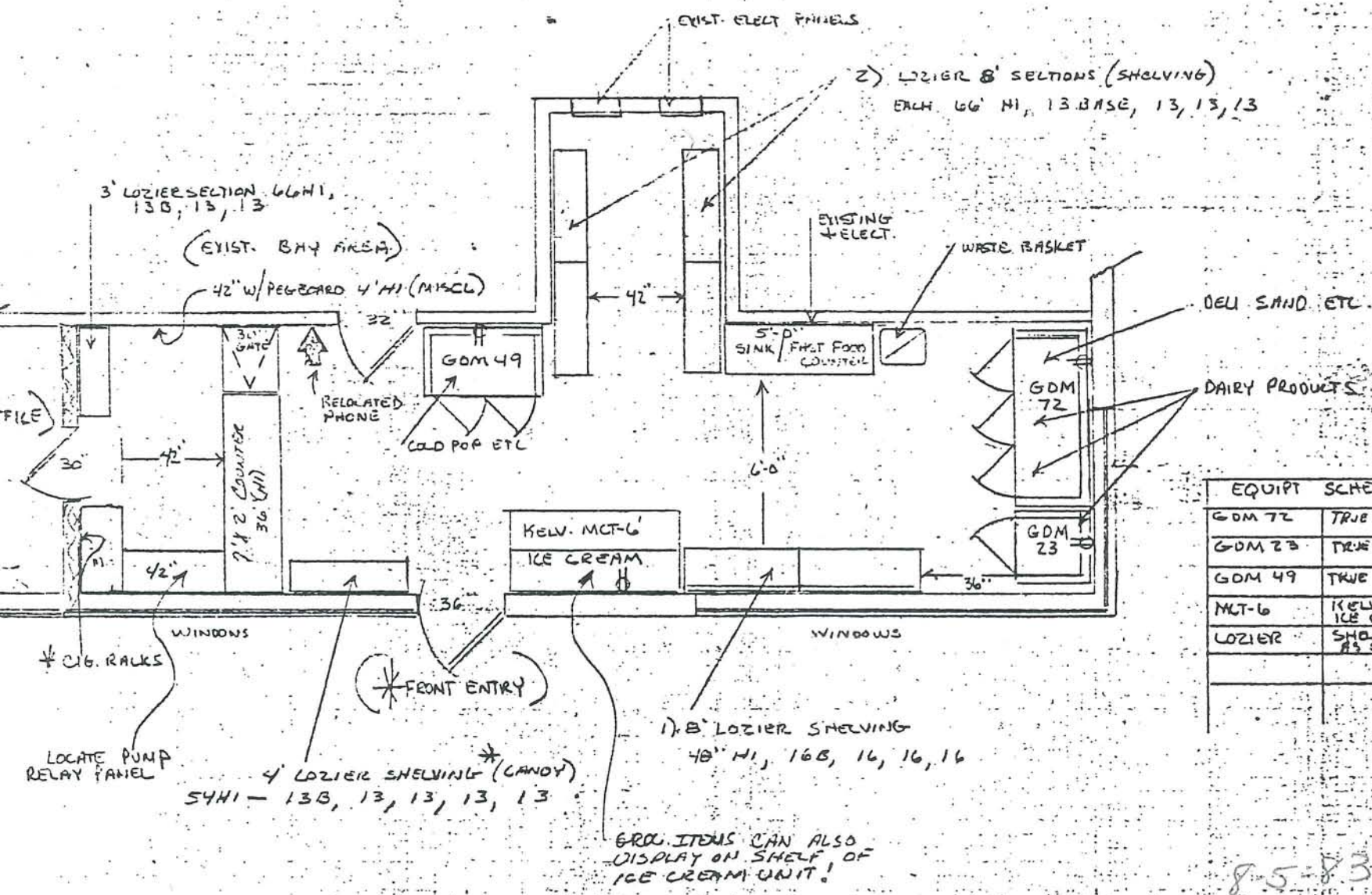
20'-0" 17'-0" 2'-0" 11'-0" 11'-0" 3'-0" 20'-0" 07'-0"

PL 184.0"

100.88

PL 154.0"

101.73



| EQUIPT SCHEDULE | |
|-----------------|----------------------|
| GDM 72 | TRUE COOLER |
| GDM 23 | TRUE COOLER |
| GDM 49 | TRUE LOZLEY |
| MCT-6 | KELVINATOR ICE CREAM |
| LOZIER | SHELVING AS SHOWN |
| | |
| | |

85-83

1742

File

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD MARCH 1, 1999**

* * * * *

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

The following members were present: Mayor Martin, Councilmembers Huffman, Landwehr, Reiter and Wickstrom.

And the following members were absent: none

Member Wickstrom introduced the following resolution and moved its adoption.

**RESOLUTION NO.99-18
CONDITIONAL USE PERMIT AMENDMENT**

WHEREAS, the Automotive Ventures, Inc. applied for a conditional use permit amendment to construct an addition onto and remodel the existing service station, expand the parking lot and construct a car wash facility at the property described in the preliminary plat as:

Lot 1, Block 1, George Reiling 2nd Addition

(This property is more commonly known as 3854 Lexington Avenue North, Shoreview, Minnesota.)

WHEREAS, automotive service stations are a conditional use in the C-2, General Commercial, Zoning District; and

WHEREAS, the applicant is requesting an amendment to expand the existing Amoco Service Station at 3854 Lexington Avenue North which is within a C-2 Zoning District; and

WHEREAS, the Planning Commission held a public hearing on the proposal and found that the proposed use was consistent with the Comprehensive Guide Plan and that the proposed use would not have a detrimental effect on the character and development of the neighborhood; and

WHEREAS, the City Council is authorized by state law and the City of Shoreview Development Code to make final decisions on conditional use permit requests.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW CITY COUNCIL, that the above-described conditional use permit be approved on the basis of the following findings of fact:

1. The proposed improvements would not have a negative effect upon the health, safety and general welfare of the occupants of surrounding lands, including, but not limited to, the factors of noise, glare, odors, and existing and anticipated traffic conditions, including parking facilities on adjacent streets.

2. The proposed improvements would be an improvement to the existing condition and would not have a detrimental effect on property values in the surrounding areas.
3. The proposed improvements are located on a parcel designated as C, Commercial, in the Comprehensive Guide Plan. This designation allows commercial uses such as an automotive service station. Therefore, the proposed improvements would conform to the Comprehensive Guide Plan.
4. The proposed addition complies with the requirements of the C-2, General Commercial Zoning District.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW CITY COUNCIL that a Conditional Use Permit Amendment for the expansion of the existing Amoco Service Station is hereby approved, subject to the following conditions:

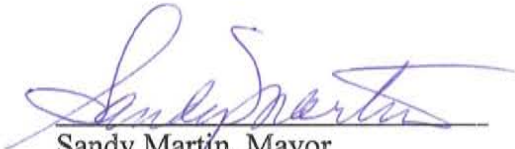
- 1) This amendment permits the following improvements on the property:
 - a) the construction of a detached 4,588 square foot car wash
 - b) the construction of a 288 square foot office addition
 - c) the remodeling of the existing service station to provide two additional services bays and a customer lounge
 - d) the expansion of the parking area
- 2) These improvements shall be constructed in accordance with the plans submitted.
- 3) The applicant shall adhere to the conditions of the previous special/conditional use permits issued for this property.
- 4) The parking area shall be used for employee parking and the parking of customer vehicles currently being serviced. Exterior storage is not permitted on this property. All vehicles shall be licensed, and no vehicles shall be stored on site for more than 30 consecutive days.
- 5) The final plat is approved by the City Council and recorded with Ramsey County.
- 6) Approval is received by the City Council for the rezoning and site and building plan review.
- 7) No additional signage is allowed on site until approval is received from the City Council for the Comprehensive Sign Plan.

Resolution 99-18
Page 3

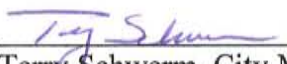
The motion was duly seconded by Huffman and upon a vote being taken thereon, the following voted in favor thereof: all members present.

And the following voted against the same: none

Adopted this 1st day of March, 1999.


Sandy Martin, Mayor
Shoreview City Council

ATTEST:


Terry Schwerm, City Manager

SEAL

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit for Automotive Ventures, Inc./Karen Properties, LLC allowing automobile sales on the property at 3854 Lexington Avenue. Said approval is subject to the following conditions:

- 1) This amendment permits automobile sales on the property provided the maximum number of vehicles for sale at any one time does not exceed 5.
- 2) Condition No. 4 in Conditional Use Permit 971-83-22 which states "no vehicles may be offered for sale on the property" is rescinded.
- 3) Condition No. 4 in Conditional Use Permit 99-18 is hereby modified as follows. The parking area shall be used for employee parking, the parking of customer vehicles currently being serviced and vehicle sales as conditioned with this permit. Exterior storage is not permitted on this property. All vehicles shall be licensed and operable. No vehicles, with the exception of those for sale, shall be stored on the site for more than 30 consecutive days.
- 4) Automobile vehicles for sale shall be displayed on the property in the parking area as identified in the submitted site plan. .
- 5) Additional signage advertising car sales is not permitted on the property, with the exception of window signage displayed in the vehicle being offered for sale.
- 6) Third party sales are prohibited.

This approval is based on the following findings:

- 1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- 2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- 3) Certain conditions as detailed in the Development Ordinance exist.
- 4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
March 27, 2012