

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: OCTOBER 22, 2013
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA

1. CALL TO ORDER

ROLL CALL

Approval of Agenda

2. APPROVAL OF MINUTES

September 24th, 2013

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: October 7th, 2013 and October 21st, 2013

4. OLD BUSINESS

A. VARIANCE / RESIDENTIAL DESIGN REVIEW – EXTENSION

File:2463-12-26

Applicant: Jonathan Gusdal and Sonja Hagander / Hamlin & Ruth Hagander

Location: 3194 Owasso Blvd.

5. NEW BUSINESS

A. PUBLIC HEARING - CONDITIONAL USE PERMIT

File No: 2499-13-26

Applicant: Matthew & Rachel Karel

Location: 863 Tanglewood Drive

B. PUBLIC HEARING - CONDITIONAL USE PERMIT

File No: 2504-13-31

Applicant: Thomas & Susan Walgren

Location: 212 Bridge Street

C. MINOR SUBDIVISION / VARIANCE

File No: 2503-13-30

Applicant: Saint Marie, LLC

Location: 181 St. Marie Street

D. COMPREHENSIVE SIGN PLAN REVIEW

File No: 2501-13-28

Applicant: Dr. Robert L. Thatcher / John Traeger

Location: 1050 County Road E

6. MISCELLANEOUS

A. City Council Assignments for *November 4th*, and *November 18th*
Commission Members *Schumer and Solomonson*

B. City Council Assignments for *December 2nd* and *December 16th*
Commission Members *Wenner and Thompson*

C. Planning Commission *Workshop before November & December 3rd meeting @ 6:00 PM.*

7. ADJOURNMENT

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
September 24, 2013**

CALL TO ORDER

Chair Solomonson called the September 24, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Commissioners Ferrington and McCool were absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Wenner, seconded by Commissioner Schumer to approve the September 24, 2013 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 5 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the August 27, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Proud)

REPORT ON CITY COUNCIL ACTIONS:

Presentation by City Planner Kathleen Castle

The City Council did approve the Midland Terrace site and building plan. A condition included in the Development Agreement encourages the developer to apply for a PUD and create a Master Plan for the site at the time another land use application is submitted.

NEW BUSINESS

MINOR SUBDIVISION/VARIANCE

FILE NO.: 2495-13-22
APPLICANT: LOUISE OSTERGREN/KEVIN & SARA OUSDIGIAN
LOCATION: 5107 ALAMEDA STREET

Presentation by City Planner Kathleen Castle

The applicants propose to subdivide the property into two parcels. The single family home on one parcel would be kept; the second vacant parcel would be developed as single-family residential. Two variances are requested with this application--one to reduce the minimum lot width of both parcels. The second is to reduce the required structure setback from the front property line for the vacant parcel, Parcel B.

Currently, the site is developed with a single-family home and detached garage. The property is surrounded by single-family homes on the north, west and south. To the east is Turtle Lake. The lot width of the two parcels combined is 172 feet. The minimum requirement for lot width in the Shoreland District is 100 feet, hence the request for a variance. Drainage and utility easements would be required along the property lines. City sewer and water is available to both parcels. The lots comply with the minimum lot area and depth required but not width. Tree impacts would be determined with a future building permit application.

The application shows a lot width of 93.49 feet for Parcel A and 78.69 feet for Parcel B. The lot size is 1.5 acres, and staff believes the lot is large enough to support a minor subdivision. Neighboring lots range from 50 feet to 100 feet with an average of 66.3 feet. Both parcels exceed the average and will not alter the character of the neighborhood.

The proposal includes a variance request to reduce the front property line setback from the required 145.79 feet to 120 feet in order to create a building pad that fits the topography. The depth of the building pad when the code standards are applied varies from 45 feet to 90 feet because of an inlet on the adjoining parcel to the south which impacts the ordinary high setback. The houses to the north are aligned with the lake. Houses to the south are on smaller lots and aligned with the street.

Property owners within 350 feet were notified of the application. Responses were received both in support and opposition to the subdivision. Staff finds that the proposed parcels are consistent with the neighborhood development pattern with sufficient area and width. Practical difficulty is present with the lot area, width and neighborhood character. The subdivision supports City policies to provide additional new housing opportunities. Staff is recommending approval of the variance and minor subdivision subject to the conditions listed in the staff report. Staff further recommends that the front lot setback variance for Parcel B be tabled, as it is premature absent a building application.

Commissioner Proud asked if there would be any jeopardy to the neighborhood or City if the Commission takes action on the lot width variance but not the Parcel B front setback variance. Ms. Castle stated she believes there is sufficient space for the development proposed. She noted adjustments that need to be made to an existing porch in order to comply.

Mr. Kevin Ousdigian, Applicant, showed a graph of lot widths north and south of the subject property. Eight lots are 60 feet or less in width. The two parcels he proposes would fit better in the neighborhood than the one large lot now there. He thanked staff for all their work. He concurs with the staff findings including tabling the setback variance request for Parcel B. He

does not believe there would be jeopardy in approving what is before the Commission without the setback variance for Parcel B.

Commissioner Schumer noted the letter from the Fire Marshall and asked how the driveways would be handled. **Mr. Ousdigian** responded that the driveway could be shared, but he does not believe it is necessary. He would be open to the Commission's feedback. Parcel A is rather flat, but Parcel B is hilly. He showed a logical placement for the garage with the shared driveway that would reduce impervious surface. The Fire Marshall would approve it as long as the driveway is clearly marked.

Chair Solomonson opened the discussion to public comment.

Ms. Diane Napier, 5901 Alameda Street, stated that she lives next door to the proposed Parcel B. She read a letter submitted to the City indicating her opposition to the proposal and requesting her letter be placed in the public record. The letter is here summarized. The lot at 5107 has existed as it is for 60 years. That configuration should be honored. She has lived in Shoreview 57 years. The City should honor preferences of long-standing residents, not the requests of those wanting to come in and upset the neighborhood. The zoning regulations should be adhered to and not broken. Variances are granted for hardship of which there is none on this property. It will change sunlight and shade on her property. The change will adversely impact her property value.

Mr. Jerry Weiskoff, 5100 Alameda Street, read a letter he submitted to the City in opposition to the proposal. In summary, Alameda is 20 feet wide with too many cars and delivery trucks. There is no sidewalk but many pedestrians and bikers. This subdivision would add more cars. Turtle Lake is already too populated. The boat launch only accommodates 22 spaces for boat trailers because the County did not want to allow any more boats on the lake. He purchased his property across the street from the subject property having been satisfied through the Building Inspector that 5107 would not be subdivided because it would create two substandard lots. The existing substandard lots were platted many years ago. The subdivision is only to financially benefit the purchaser of the property.

Ms. Tury Brosi, 5088 Alameda Street, read a letter summarized as follows: the development of lakeshore property should not create crowded lots that do not meet minimum requirements. The variance for lot width is not negligible. Increased traffic and construction will detract from the now attractive street. She would like to understand the reasoning for consideration of the variances.

Commissioner Proud stated that he believes the two parcels could work, but he is hesitant to approve a variance based on a condition created by the applicant.

Chair Solomonson stated that Parcel B looks to be a difficult lot to build on and asked what a building pad would look like. Ms. Castle referred the Commission to a survey that shows the proposed setbacks. The red lines show the setbacks as required by code, and the resulting building pad which ranges from 45 feet to the south to 90 feet on the north.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to approve the minor subdivision application as it has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards, except for the proposed lot widths. The Commission believes that variance request for lot widths are reasonable, in keeping with the spirit and intent of the Development Code, and that practical difficulty exists due to the existing 173-foot width of the parcel. The motion adopts Resolution 13-85 approving the variance to the lot widths, and recommends approval of the minor subdivision to the City Council.

And to table the variance request for the Parcel B structure setback, and extend review period to 120-days to provide the applicant opportunity to develop a building plan.

The approvals are subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City endorses the deed to create Parcel B. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director, including a conveyance expanding to the existing sanitary easement to fully encompass the City's sewer interest. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B.
5. Municipal water and sanitary sewer service shall be provided to Parcel B. Payment in lieu of assessments for City water availability to the new lot in the amount of \$4,325 for the Water Unit and \$1,209 for the street unit. The cost of connection and SAC fees, together with permit charges, will be due with the building permit.
6. An escrow for the work to connect to the existing city sewer will be required in the amount of \$3,000.
7. Driveways and all other work within the Alameda Street right-of-way are subject to the permitting authority of the City of Shoreview.
8. The existing screened porch shall be modified to meet setback requirements prior to the City endorsing the Deed for Parcel B.
9. The garage shall be removed prior to the City endorsing the Deed for Parcel B or a financial surety submitted to the City to ensure removal.
10. A tree protection plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
11. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.

12. A final site-grading and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
13. A Mitigation Affidavit is required for both parcels. For Parcel A, this Affidavit shall be executed prior to the City's release of the deed for recording. For Parcel B, this Affidavit shall be required with the Residential Design Review process.
14. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

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Variances

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

This approval is based on the following findings:

Variance

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The subdivision is a reasonable use of the property as both of the proposed lots comply with and exceed the minimum standards of the Shoreland District, except for the widths of the parcels. With lot areas over the minimum 15,000 square feet, Parcel A is able to maintain the current single family residence and Parcel B has adequate area for a single family residence.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* The unique circumstance is that no subdivision of the large 1.5 acre property is possible unless a variance is approved because of the lot width requirements. Staff believes the proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern, relationship to the adjacent properties, and character of the neighborhood.
3. *The variance will not alter the essential character of the neighborhood.* In this neighborhood, other riparian parcels have a similar development pattern, with lot sizes ranging from 50 to 100 feet, with an average of 66.3 feet. The two parcels created by this subdivision will result in lot widths greater than the average for the neighborhood and should not alter the character of the neighborhood.

Minor Subdivision

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards for the Shoreland District.

Discussion:

Commissioner Schumer stated that while he would like to honor long-time residents, this lot is bigger than any other in this lake neighborhood. He believes the proposal has done a good job of subdivision and won't hurt the neighborhood. The City also wants to welcome people in.

Chair Solomonson stated that it is difficult with lake lots that were often started with small cabins and become substandard under current regulations. The lots north and south are substandard and the two lots being created are bigger. The building pad for the proposed Parcel B provides a suitable area for a house.

VOTE: Ayes - 4 Nays - 1 (Proud)

RESIDENTIAL DESIGN REVIEW

FILE NO.: **2498-13-25**
APPLICANT: **SUMMIT DESIGN BUILD, LLC/DAREN AND JESSICA WICKUM**
LOCATION: **3200 WEST OWASSO BOULEVARD**

Presentation by City Planner Kathleen Castle

This application is a request to expand and remodel the existing home by removing the garage and building a new garage with basement and second story. The basement footprint is larger than the existing garage. The proposal is also to enclose the lower level deck/porch on the lake side of the home. Such enclosure would not change the setback of the home. An existing rain garden on the west side of the home would be replaced. The property is zoned R1 Detached Residential within the Shoreland Overlay District of Lake Owasso. The property is substandard with a width of 75 feet. It is developed with a new single-family home built in 2006 that consists of two stories with walkout lower level and three-car attached garage. In 2006, a mitigation affidavit was required which identified a requirement to reduce impervious surface lot coverage to 22.3%.

The proposal complies with all Development Code requirements. Impervious surface will be less than 22.3%. Pervious material will be used for a portion of the driveway and sidewalks. Storm water drains west to east, and this pattern will not change.

Property owners within 150 feet of the subject property were notified of the proposal. No comments were received. The DNR was also notified, and there were no comments. Staff is recommending approval with the conditions listed in the staff report.

Mr. Todd Hines, 3189 West Owasso Boulevard, President of Summit Design Build, LLC, stated that he represents the property applicants and would be happy to answer any questions.

Commissioner Wenner noted the size of the addition as large as a gymnasium and asked what assurance the City has that it will not be used as such or for business use. Ms. Castle responded that the addition can be used for any type of single-family residential use.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to approve residential design review application submitted by Summit Design Build, LLC Inc. on behalf of Daren and Jessica Wickum 3200 West Owasso Boulevard, to expand the existing home, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The mitigation affidavit executed on December 6, 2006 shall remain in effect.
4. The erosion control plan that is submitted with the building permit application shall address the erosion control methods, scheduling, staging and removal of stockpiled material associated with the excavation of the basement and other foundation work.
5. The Grading Certificate (as-built survey) required for the project shall confirm that the impervious surface coverage and foundation area were constructed in compliance with this approval.
6. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

The approval is based on the following findings:

1. The proposal is consistent with the Land Use Chapter of the Comprehensive Plan and the Development Code.
2. The proposal complies with the adopted standards for construction on a substandard riparian lot.

VOTE: Ayes - 5 Nays - 07

SITE AND BUILDING PLAN REVIEW

FILE NO.: 2497-13-24
APPLICANT: KASS WILSON ARCHITECTS/STEVEN SCOTT
MANAGEMEN/LAKESHORE OAKS APARTMENTS LLP
LOCATION: 505, 525, 555, 585 AND 605 HARRIET AVENUE

Presentation by Senior Planner Rob Warwick

Site improvements and renovations are proposed for Lakeshore Apartments that include:

- Rain gardens and landscaping
- Removal of tennis courts
- Put in fire pit, grille and outdoor seating

- New trash enclosure
- New monument sign
- New sidewalks and patio
- Replace concrete pool deck and pool fencing
- New entrance canopies for each building
- Remodel corridors, security system, laundries and stairs in each building
- New kitchen cabinets, kitchen appliances, bath fixtures and floor coverings in each of the 240 apartments.

The complex consists of five 3-story buildings with 48 apartments in each building and underground parking provided. The buildings were built in 1970/71. There is also a Community building with office and group space.

The proposal is in compliance with standards of the Development Code. The property is zoned R-3, Multi-Dwelling Residential District, where 8 to 20 units per acre is permitted. The complex also complies with the 65% maximum impervious surface with 43.1%; the 30-foot front, side and rear setbacks; and 35 feet in height for the buildings. Drainage is to the street or north to a drainage swale that flows east. Rain gardens will provide bio-filtration. Proposed landscaping includes more than 30 trees and 175 shrubs and several hundred perennials.

Adjacent Planned Land Uses are Light Industrial to the north and Low Density Residential to the west, south and east with High and Medium Density Residential intermixed. The proposal also supports the City's policies on affordable housing and housing reinvestment. Staff does not believe the proposal would have any negative impact to adjacent planned land uses.

The community building is located on the same tax parcel as the building at 525. The addition of 21 feet will extend the building across the south boundary of the tax parcel at 555. Current building code requires the two parcels remain in communion ownership. The community building will have new siding. The entry canopies for each of the five apartment buildings will be updated, and the secondary building entries will have new glass fronts, doors and fabric canopies.

The Fire Marshall requires the fire pit to be in compliance with a diameter of three feet or less, located a minimum of 25-feet from any structure. The magnetic locks used on laundry doors require testing after installation.

Property owners within 350 feet received notice of the proposal. One response was received expressing concern about construction noise and parking. Construction hours are limited by City Code. Construction parking will be limited to on-site parking. The Environmental Quality Committee reviewed the plans and commented on the added shade trees. They encourage reuse of any salvaged materials. They encouraged added windows for daylight in the community building. The EQC was pleased to note that the reduction in impervious surface and proposed rain gardens would qualify the project for consideration for a Green Community Award.

Staff finds the application to be consistent with City Code and the Comprehensive Plan. It is recommended that the application be forwarded to the City Council for approval.

Commissioner Wenner asked if the parcels could be joined into one rather than the stipulation for common ownership. Mr. Warwick responded that the most recent deed is for a single parcel. The five tax parcels are described by metes and bounds, not a plat. The City encourages a future rezoning to a PUD, a modern zoning standard that would allow multiple buildings per parcel.

Commissioner Thompson asked if any consideration was given to keeping at least one tennis court that children use play games on every day. There is no park directly accessible because of the busy street. The large green area and play court would provide more play flexibility for children.

Mr. Link Wilson, Kaas Wilson Architects, stated that the property is managed and owned by a sophisticated family. He anticipates that in the next six months there will be a conversion to a PUD. One limitation is to keep the site area for renovation to less than an acre. The tennis courts are not used for tennis but other activities. A bocci court will remain. The club house addition will separate office space from recreational use.

Commissioner Wenner asked for further clarification on drainage of runoff from this property. Mr. Warwick stated that the soil is clay, and the runoff is very slow. The rain gardens will have bio-filtration to clean the water with plants. The drain pipe will discharge water beneath a parking lot to insure the surface stays drained. Aeration can be discussed with the applicant. No problems have been identified with drainage.

Commissioner Proud expressed appreciation to the applicant for continued reinvestment in the community.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the Site and Building Plan review application submitted Kaas Wilson Architects for the Lakeshore Oaks Apartment complex at 505, 525, 555, 585 and 605 Harriet Avenue.

This approval is subject to the following:

1. This approval permits the construction of a 933 square foot addition to the community center, new building canopies, grading and stormwater management, and other site improvements shown on the submitted plans. These improvements are being made in conjunction with extensive remodeling of all of the apartment units. Any significant change to the plans will require review and approvals by the City Council.
2. Approval of the final grading, drainage, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. Prior to issuance of a building permit, the property owner shall execute an affidavit, in a form approved by the City, requiring that the two tax parcels on which the community

building will be located will remain in common ownership. The executed affidavit shall be submitted to the City along with the County recording fee.

5. The project shall comply with the requirements of the Fire Marshall.
6. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Residential (8-20 units per acre) land use of the Comprehensive Plan.
2. The proposed development complies with the standards identified in the City's Development Code.
3. The proposed improvements meet the spirit and intent of the Comprehensive Plan and the Development Code.

VOTE: Ayes - 5 Nays - 0

MISCELLANEOUS

City Council Assignments

Chair Solomonson and Commissioner Wenner will respectively attend the October 7th and October 21st City Council meetings.

November/December Meeting Date

The regular November and December Planning Commission meetings will be scheduled for one meeting on December 3, 2013.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to adjourn the meeting at 8:32 p.m.

VOTE: Ayes - 5 Nays - 0

ATTEST:

Kathleen Nordine
City Planner

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: October 17, 2013
SUBJECT: Variance and Residential Design Review Approval Extension, Hagander, 3194 West Owasso Boulevard, File No. 2463-12-26

INTRODUCTION

In October 2012, the Planning Commission approved requests submitted by Jonathan Gusdahl and Sonja Hagander, on behalf of Hamlin and Ruth Hagander, for Variance and Residential Design Review. The project included demolition of the existing home and detached garage on the property at 3194 West Owasso Boulevard, followed by the construction of a new dwelling and attached garage.

The variance reduced the OHW setback and increased the front setback for the new house, to allow using the existing topographically flat area of the property for the new residence. The Planning Commission approved the variance, at the October 23, 2012 meeting. A condition of approval required that work commence within one year of approval.

The applicant is asking that the variance be extended for an additional one year period.

BACKGROUND

Attached is a statement from the applicant. The survey depicting the redevelopment site and the approved Resolution 12-94 for the variance are also attached.

The approved variance reduced the structure setback from the Ordinary High Water (OHW) of Lake Owasso from the minimum of about 163 feet to 95.6 feet and increased the front setback from a minimum of 114 feet to 177.2 feet. Both setbacks are calculated using the setbacks of the houses on the properties north and south of the Hagander property.

The unique circumstances that were considered is that the house on the property adjacent to the south is located very near to the street and far from the OHW, a decidedly difference location than occurs on properties along the shore to the north. Because the front and OHW setback are calculated, the building pad for the subject property is pulled towards the street and pushed from the OHW due to the location of the house to the south.

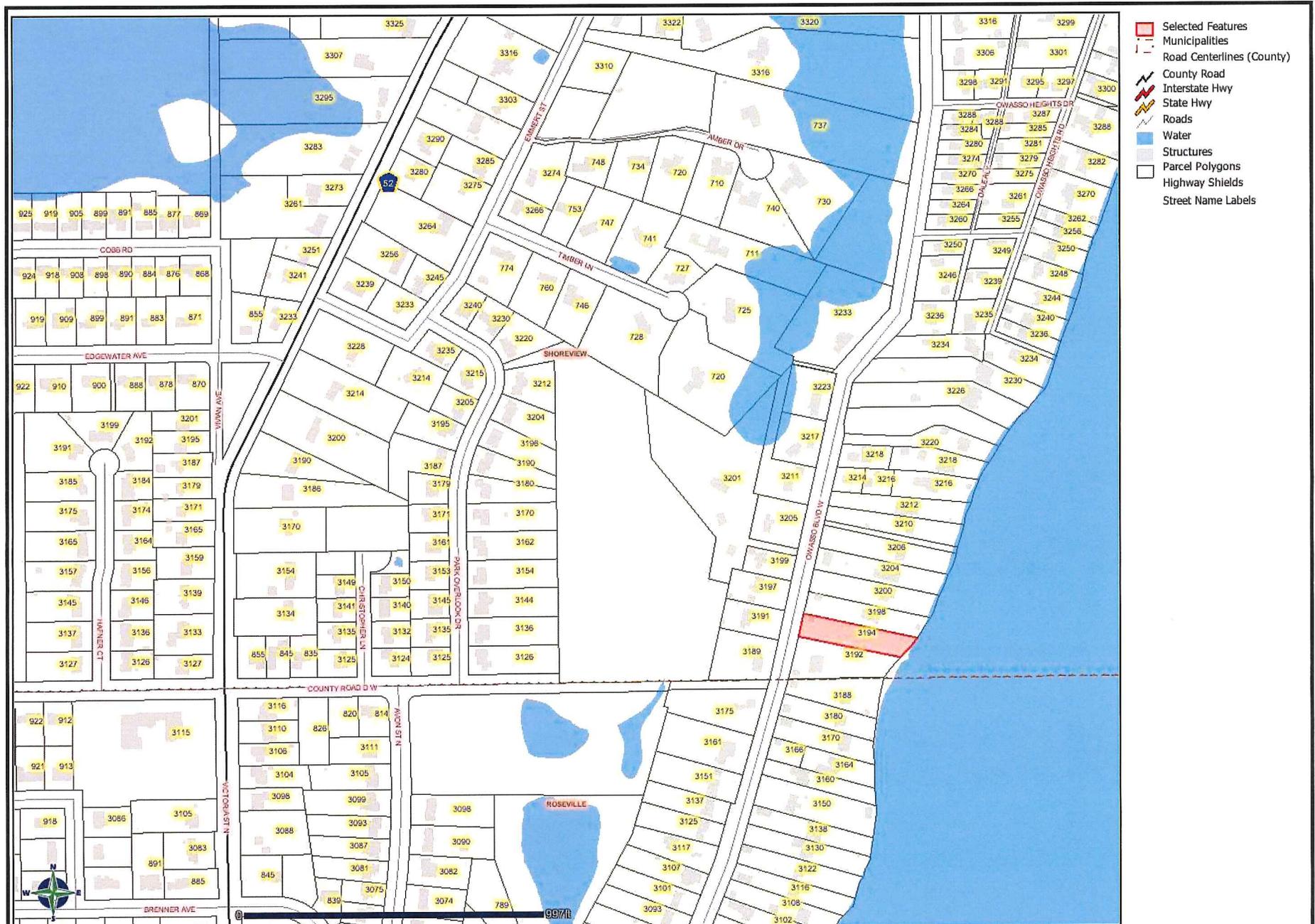
STAFF RECOMMENDATION

The request to extend the variance approval for an additional year seems reasonable. Extending the variance will not have any adverse impact on the adjoining properties. Staff recommends the Planning Commission approve the request to extend the variance approval for one year, to October 24, 2014. All other conditions as identified in the Resolution will remain in effect.

Attachments

- 1) Location Map
- 2) Applicant's Statement
- 3) Approved Survey
- 4) Planning Commission Meeting Minutes, Oct. 23, 2012 and Resolution 12-94
- 5) Motion

t:\2012pcf\2463-12-26 hagander 3194 owasso blvd west\10-22-13 hagander extension request pcreport



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 (October 1, 2012), The Lawrence Group/October 1, 2012 for County parcel and property records data; October 2012 for commercial and residential data; April 2009 for color aerial imagery; All



Robert Warwick <rwarwick@shoreviewmn.gov>

Gusdal/Hagander Request for Extension

Jonathan Gusdal <jgusdal@usa.net>
To: rwarwick@ci.shoreview.mn.us

Tue, Sep 24, 2013 at 11:29 AM

Hello, Rob;

We have been unable to get everything in order to begin with our building plans at 3194 W Owasso Blvd. I would like to request additional time if possible.

This past year has brought some significant changes and difficulties. Hamlin Hagander, Ruth's husband and Sonja's father, died in May after illnesses that had him in and out of the hospital and rehabilitation over many months. In addition to that, both Sonja and I have started new jobs which has been very good, but also stressful and distracting from moving ahead with our plans.

Please let me know if there's anything else I need to do in order to get an extension. We appreciate your understanding!

Best regards,

Jonathan

Jonathan Gusdal
612-246-4930

EXISTING LEGAL DESCRIPTION:

LOT 58, LAKE OWASSO HEIGHTS, RAMSEY COUNTY, MINNESOTA.

AREAS:

TOTAL AREA TO OHW=27,661 SQ. FT.

EASEMENT NOTE:

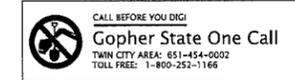
NO TITLE WORK WAS PROVIDED FOR THIS SURVEY. POSSIBLE EASEMENTS MAY EXIST FOR STORM SEWER PURPOSES AND DRAINAGE PURPOSES.

UTILITY NOTE:

NO UNDERGROUND UTILITIES WERE LOCATED AS PART OF THIS SURVEY

SURVEY NOTES:

1. BEARINGS ARE ASSUMED.
2. ELEVATIONS ARE BASED ON THE CITY OF SHOREVIEW PUBLIC WORKS OFFICE.



LEGEND:

- MANHOLE
- ⊙ CATCHBASIN
- ⊙ SANITARY MANHOLE
- FENCE
- CONCRETE
- DENOTES FOUND 1/2" IRON PIPE
- DENOTES SET 1/2" IRON PIPE MARKED RLS 25718 TO BE SET
- ⊕ HYDRANT
- ⊕ SIGN
- ⊕ LIGHT POLE
- ⊕ TELE/ELEC BOX
- OVERHEAD UTILITIES
- SAN. SEWER
- WATERMAIN
- STORM SEWER
- ⊕ DENOTES 10' OFFSET HUB
- ⊕ DENOTES PROPOSED ELEV. PROPOSED CONTOURS
- DENOTES CONSTRUCTION LIMITS
- DENOTES SILT FENCE

OWNER:

HAMLIN & RUTH HAGANDER
3194 OWASSO BLVD. W.
SHOREVIEW, MN 55126

CONTACT:

Josh Clendenen
Summit Design-Build LLC.
1835 Northwestern Ave.
Stillwater, MN 55082
O-651-674-3013
C-651-307-1839
F-651-674-3067

COUNTY:

RAMSEY COUNTY
CITY OF SHOREVIEW

SEAL:

THE STATE OF MINNESOTA DOES NOT REQUIRE A SEAL.

CERTIFICATION:

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

Daniel L. Thurnes
Daniel L. Thurnes Registration No: 25718
Date: 09-25-09

REVISIONS:

DATE	REVISION
09-25-09	INITIAL ISSUE
9-28-2012	SITE PLAN
10-10-12	CITY COMMENT REVISION
10-18-12	CITY COMMENT REVISION

PROJECT LOCATION:

3194
WEST OWASSO BLVD

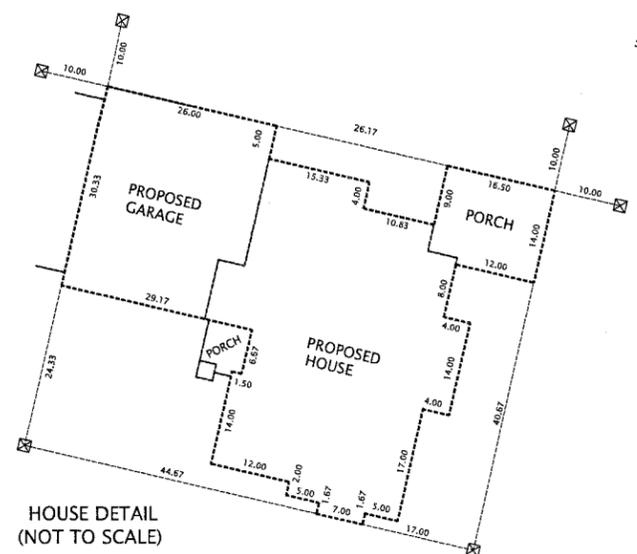
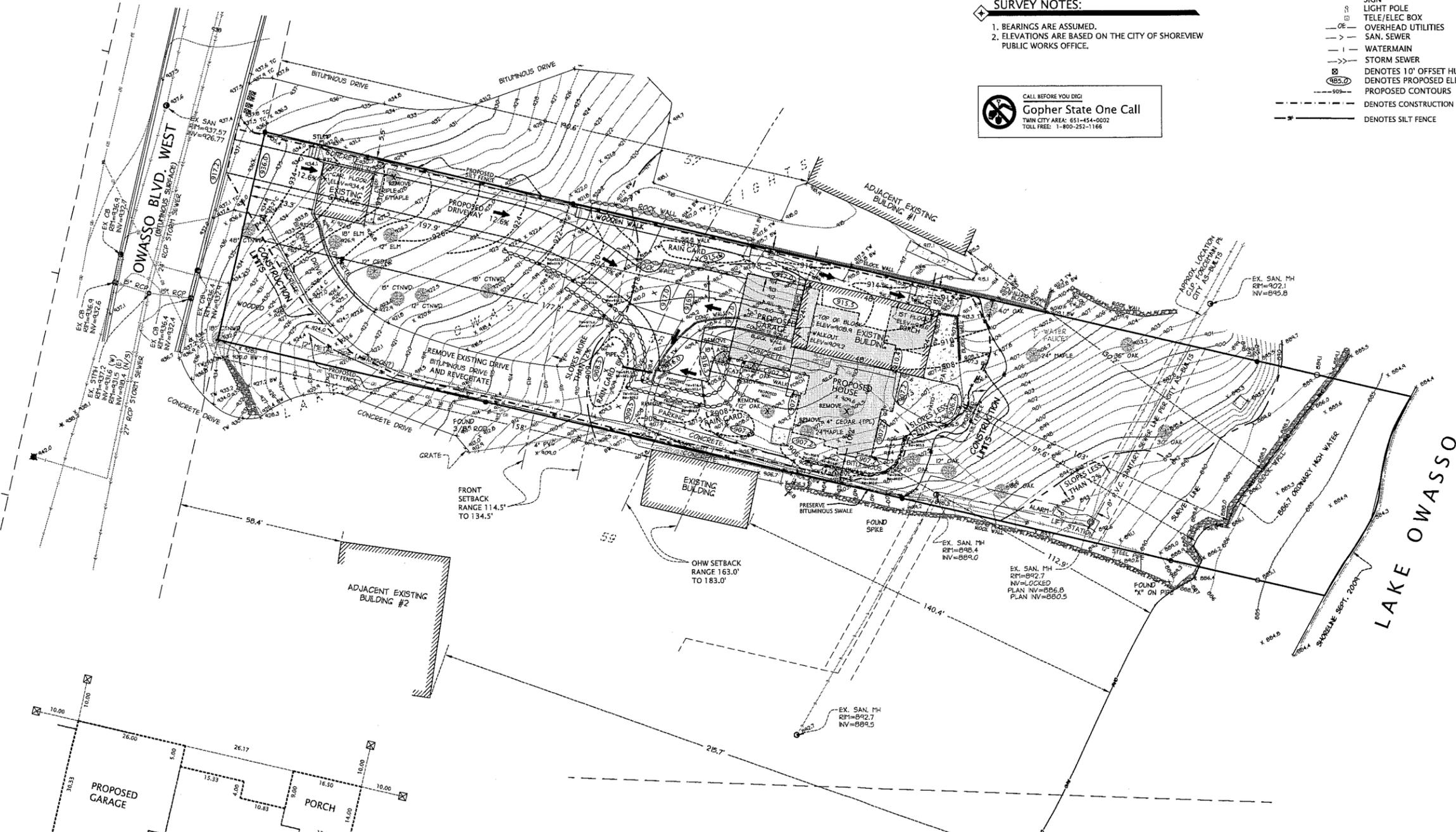
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Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@
cssurvey
.net

CORNERSTONE
LAND SURVEYING, INC

FILE NAME SURV5A07A
PROJECT NO. SA09007A

SITE/GRADING/
PLAN



PROPOSED MITIGATION:

IMPERVIOUS REDUCTION
7,428 SQ.FT. EXISTING IMPERVIOUS
6,736 SQ.FT. PROPOSED IMPERVIOUS

9.31% REDUCTION

PROPOSED ELEVATIONS:

BASEMENT FLOOR=907.5
TOP OF BLOCK HOUSE=916.2 (9' POURED)
GARAGE FLOOR=917.3
TOB OF BLOCK GARAGE = 917.7
FIRST FLOOR=918.05

PROPOSED IMPERVIOUS AREAS:

PROPOSED AREAS:
HOUSE=2,404 SQ. FT.
DRIVEWAY=2,842 SQ. FT.
FRONT PORCH=50 SQ.
FRONT SIDEWALK = 111 SQ.FT.
WALLS=125 SQ. FT.
REAR PATIO = 475 SQ.FT.
LIFT STATION=51 SQ. FT.
FUTURE IMPROVEMENTS = 678 SQ.FT.
TOTAL = 6,736 SQ.FT.

25% IMPERVIOUS
TOTAL TO OHW= 27,661 SQ.FT.
ALLOWABLE = 6,915 SQ.FT.

EXISTING IMPERVIOUS AREAS:

EXISTING AREAS:
HOUSE=1,155 SQ. FT.
GARAGE=336 SQ. FT.
DRIVE=3,289 SQ. FT.
CONC. BY GARAGE=420 SQ. FT.
ROCK WALL (BY WOOD WALK) = 74 SQ. FT.
CONCRETE AROUND HOUSE=1,618 SQ. FT.
LIFT STATION=51 SQ. FT.
LOWER ROCK WALL=211 SQ. FT.
BLOCK WALLS=56 SQ.FT.
WOOD WALKWAY=218 SQ.FT.
TOTAL IMPERVIOUS AREA=7,428 SQ. FT.



NORTH



EXISTING LEGAL DESCRIPTION:

LOT 58, LAKE OWASSO HEIGHTS, RAMSEY COUNTY, MINNESOTA.

AREAS:

TOTAL AREA TO OHW=27,661 SQ. FT.

EASEMENT NOTE:

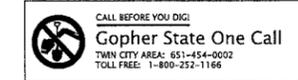
NO TITLE WORK WAS PROVIDED FOR THIS SURVEY. POSSIBLE EASEMENTS MAY EXIST FOR STORM SEWER PURPOSES AND DRAINAGE PURPOSES.

UTILITY NOTE:

NO UNDERGROUND UTILITIES WERE LOCATED AS PART OF THIS SURVEY

SURVEY NOTES:

1. BEARINGS ARE ASSUMED.
2. ELEVATIONS ARE BASED ON THE CITY OF SHOREVIEW PUBLIC WORKS OFFICE.



LEGEND:

- MANHOLE
- CATCHBASIN
- SANITARY MANHOLE
- FENCE
- CONCRETE
- DENOTES FOUND 1/2" IRON PIPE
- DENOTES SET 1/2" IRON PIPE MARKED RLS 25718 TO BE SET
- HYDRANT
- SIGN
- LIGHT POLE
- TELE/ELEC BOX
- OVERHEAD UTILITIES
- SAN. SEWER
- WATERMAIN
- STORM SEWER
- DENOTES 10" OFFSET HUB
- DENOTES PROPOSED ELEV.
- PROPOSED CONTOURS
- DENOTES CONSTRUCTION LIMITS
- DENOTES SILT FENCE

OWNER:

HAMLIN & RUTH HAGANDER
3194 OWASSO BLVD. W.
SHOREVIEW, MN 55126

CONTACT:

Josh Clendenen
Summit Design-Build LLC.
1835 Northwestern Ave.
Stillwater, MN 55082
O-651-674-3013
C-651-307-1839
F-651-674-3067

COUNTY:

RAMSEY COUNTY
CITY OF SHOREVIEW

SEAL:

THE STATE OF MINNESOTA DOES NOT REQUIRE A SEAL.

CERTIFICATION:

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

Daniel L. Thurmes
Daniel L. Thurmes Registration No: 25718
Date: 09-25-09

REVISIONS:

DATE	REVISION
09-25-09	INITIAL ISSUE
9-28-2012	SITE PLAN
10-10-12	CITY COMMENT REVISION
10-18-12	CITY COMMENT REVISION

PROJECT LOCATION:

3194
WEST OWASSO BLVD

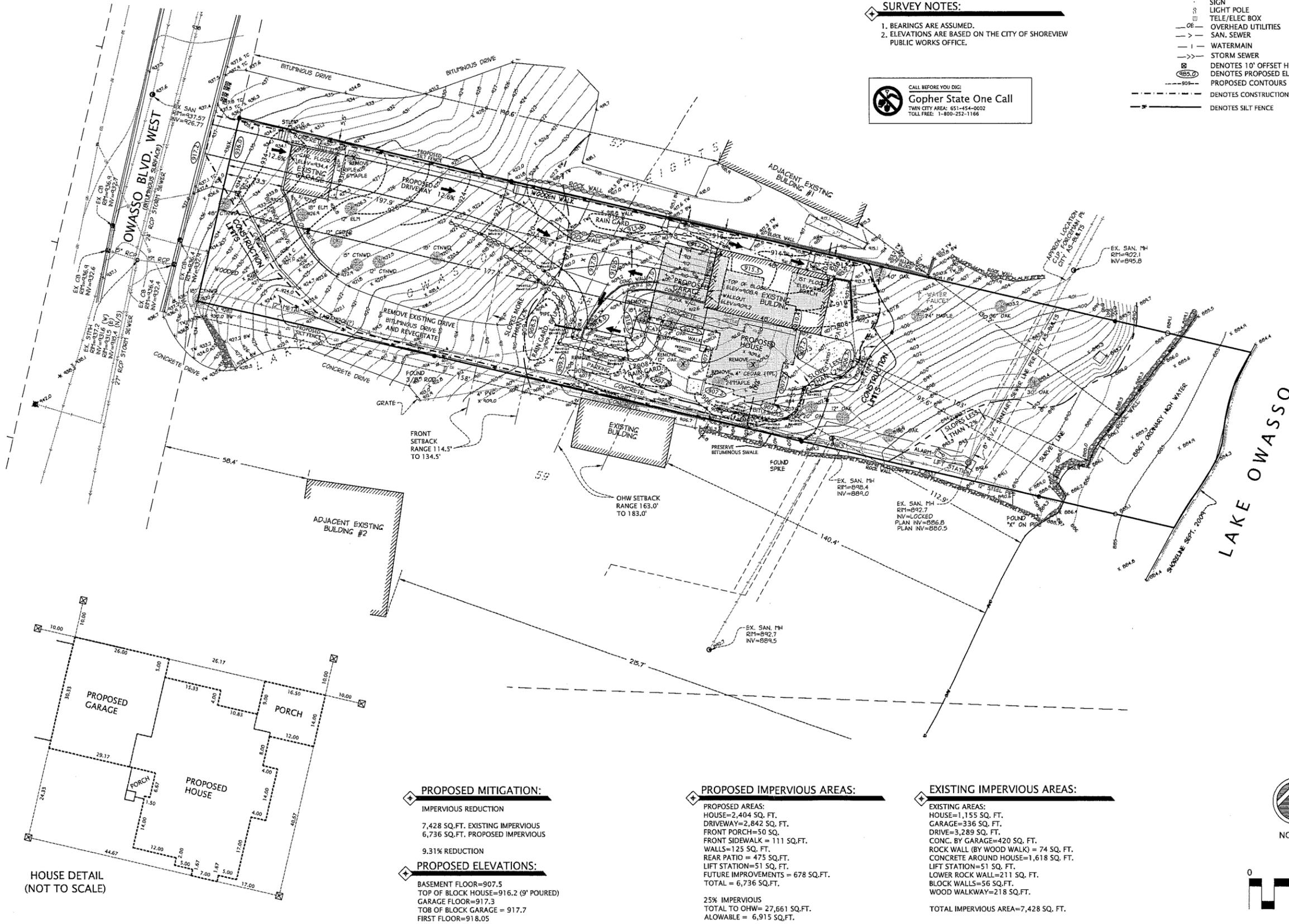
PID#353023440021

Suite #1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@
cssurvey
.net

CORNERSTONE
LAND SURVEYING, INC

FILE NAME SURV5A07A
PROJECT NO. SA09007A

SITE/GRADING/
PLAN



PROPOSED MITIGATION:

IMPERVIOUS REDUCTION
7,428 SQ.FT. EXISTING IMPERVIOUS
6,736 SQ.FT. PROPOSED IMPERVIOUS
9.31% REDUCTION

PROPOSED ELEVATIONS:

BASEMENT FLOOR=907.5
TOP OF BLOCK HOUSE=916.2 (9" POURED)
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LOWER ROCK WALL=211 SQ. FT.
BLOCK WALLS=56 SQ.FT.
WOOD WALKWAY=218 SQ.FT.

TOTAL IMPERVIOUS AREA=7,428 SQ. FT.



This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner since it will improve the livability of the permitted single-family residential use. The proposed covered porch will enhance the appearance of the home by providing a visual relief to the south building wall, provide shelter and a seating area. The proposal represents a reasonable use of the property.
3. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Unique circumstances relate to the platting of this property, the placement/orientation of the home on the property and the platted width of Tomlyn Avenue. The property was platted prior to the dedication of Tomlyn Avenue along the south boundary. Since Tomlyn Avenue was not dedicated at the time the house was constructed, the house could have been setback closer to the southern lot line.

Tomlyn Avenue does have a right-of-way width of 60 feet, which is greater than the 50-foot width currently required for local streets. This larger right-of-way results in a larger boulevard width and with the addition, the home will be setback 38' from the street curb. At this distance, the addition will not impose on the public realm.

4. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The variance will not alter the essential character of the neighborhood. The visual impacts are reduced by the overall design of the porch (1-story, open, width). Also, the house is located on a corner and not situated in the middle of a block which should lessen the visual impact of the setback encroachment on neighboring properties.

VOTE: Ayes - 6 Nays - 0

VARIANCE/RESIDENTIAL DESIGN REVIEW

FILE NO.: 2463-12-26
APPLICANT: HAMLIN & RUTH HAGANDER
LOCATION: 3194 WEST OWASSO BLVD.

Presentation by Senior Planner Rob Warwick

This application is to demolish the existing home and detached garage, including the driveway, in order to build a new home. The property is a substandard riparian lot on the west shore of Lake Owasso. Variances requested would 1) reduce the structure setback from the Ordinary High Water Mark (OHW) from 163 feet to 95 feet measured to the patio; and 2) increase the structure setback from West Owasso Boulevard from 114 feet to 177.2 feet.

The property has an area of 27,661 square feet and a lot width of 75 feet. The property slopes steeply (approximately 50 feet) from the street to the shoreline. It is zoned R1, Detached Residential in the Shoreland Overlay District. A municipal sanitary sewer line is located between the existing house and lakeshore. A sanitary sewer lift station is at the southeast corner of the property near the shoreline.

The new home of 2,400 square feet is designed as a multi-generational house for the applicants and their parents. It will be a two-story home with a 3-car attached garage. A new driveway will be put in along the north side lot line. The lower level will be a walk-out on the lake side. The significant amount of grading that will be required will be addressed with the building permit.

The proposed project complies with residential design standards except from the setback variances requested. The applicant states that locating the proposed house further south creates practical difficulty. The proposed location is similar to homes along the lake. The selected building site also uses the level topography of the property and increases the setback from the street. The proposed site would allow for a driveway with a gentle slope. In the past, there has been difficulty for emergency vehicle access in the winter due to the steepness of the existing driveway.

Staff finds that practical difficulty is present. Using the level topography for the building site will help to minimize disturbance on this site. Shoreland mitigation is required. The applicants have identified three practices: 1) architectural mass; 2) reduction of impervious surface by 9%; and 3) the use of rain gardens.

Property owners within 150 feet were notified of the proposal. One comment was received expressing concern about the proposed height, which has been reduced to comply with City requirements. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Ferrington asked if the proposed new home would encroach closer to the lake. Mr. Warwick explained that the house will not, but a patio is proposed that would be closer to the lake than the existing house. Commissioner Ferrington expressed concern for the adjacent house to the south with the amount of grading and fill that will be used. She asked how that house will be protected. Mr. Warwick stated that along the south lot line there is an asphalt gutter that helps control runoff. There is a drainage problem in that there is a substantial amount of water that flows from the north across the property. There are well defined proposed swales for final site drainage. There must be a temporary drainage plan during construction and a final plan when the project is complete. The three proposed rain gardens will help redirect and manage storm water.

Commissioner Ferrington asked the level of the subject property after the fill is brought in and how it will impact the small home to the south. Mr. Warwick explained that the amount of fill drops off toward the south, although there will be a limited grade change. The City Engineer has noted that the drainage plan must show that runoff flow to the south is controlled.

Chair Solomonson asked how height is measured. Mr. Warwick stated that on substandard riparian lots it is measured from the lowest elevation to the highest peak of the house.

Commissioner Ferrington asked how the height of the house will be reduced to come into compliance. Mr. Jonathan Gustal, Applicant, stated that it will be a combination of lowering the roof line and using I-beams between floors.

Mr. Josh Clendenen, and **Mr. Todd Heinz**, Summit Design Build, project designers, introduced themselves. **Mr. Clendenen** explained that there is little grade change proposed on the south property line. Some of the runoff from the proposed driveway will be directed north. The rain gardens can be arranged to have rock swales, so that spillover occurs within the property itself.

Commissioner Proud asked if the slope of the driveway will be toward the north to use the rain garden for runoff. **Mr. Clendenen** stated that the driveway will be surfaced with a swale in it to split runoff north and south.

Mr. Heinz noted that the second house to the south is not a permanent residence. The primary home is closer to the street. The design will mitigate the amount of water flowing south with the rain gardens.

Commissioner Proud asked if the plan will include a hydro-geological analysis. Mr. Clendenen stated that volume capacity of the rain gardens can be provided if requested.

Commissioner McCool encouraged the applicant to increase the depth of the rain garden to increase capacity for draining runoff.

Commissioner Ferrington asked if the soil is amenable to a working rain garden. **Mr. Clendenen** stated that soil borings have not been done but agreed that there is a mix of soils. If a rain garden cannot be sustained, other man-made measures will have to be taken.

Commissioner Proud stated that he would support the proposal. However, because of the challenges of the site topography, he believes the design plan warrants a review by a professional engineer with a specialty in hydrology.

Commissioner Ferrington suggested a stronger statement regarding storm water management within the motion for approval.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adopt Resolution 12-94 approving variance requests submitted by Jonathan Gusdahl and Sonja Hagander, on behalf of Hamlin and Ruth Hagander, to construct a new two-story residence at 3194 West Owasso Boulevard. The variances approved are: 1) To reduce the calculated minimum 163.2-foot structure setback from the Ordinary High Water (OHW) of Lake Owasso to 95.6 feet, and 2) to increase the calculated maximum 134.5-foot structure setback from the front property line to 177.2 feet. These approvals are subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. Four landmark trees will be removed as a result of the development, and eight replacement trees are required. A cash surety to guarantee the replacement trees shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. A final site grading, stormwater management, and erosion control plan shall be submitted prior to the issuance of a building permit for the project. This plan shall include a phased, or sequenced, erosion control and stormwater management plan that details the methods that will be used during the phases of the project, and is subject to the approval of the City Engineer.
7. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

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 proposal is consistent with the City's housing policies regarding housing, neighborhood reinvestment, and life-cycle housing. The proposed location of the home is reasonable as it is aligned with the majority of homes along this portion of the lake, is placed in the same area of as the existing home, utilizing the level portion of the lot.
3. **Unique Circumstances.** Unique circumstances present include the topography of the lot and location of the adjoining homes. The property contains steep slopes which impact the potential location for a home. The proposed location of the home is on that part of the

lot which is the least amount of grade change. The location of the house to the south, close to the street, affects the permitted setbacks for this lot. When the permitted setback range is applied, the buildable area encompasses steep slopes causing difficulties for the home construction

4. **Character of Neighborhood.** The proposed setback meets the spirit and intent of the ordinance and will not alter the character of the neighborhood, since other nearby dwellings on lakeshore are at similar setbacks from Lake Owasso.

Discussion:

Commissioner Proud stated that he does not believe added conditions are needed and that condition No. 6 covers the issue adequately.

VOTE: Ayes - 6 Nays - 0

SITE & BUILDING PLAN REVIEW

File No: **2466-12-29**
Applicant: **Tom Houck**
Location: **4610 North Milton Street**

Presentation by City Planner Kathleen

This application is for a 952 square foot addition on the east side of the existing building for production space for the applicant's business, Houck Transit Advertising. The property consists of 23,572 square feet. The existing building is 4,000 square feet. Parking is shared with the property to north at 4620 Milton Street. A temporary storage shelter was approved in 1978. There was no deadline for removal, and it remains to this day. The proposed addition would be built over existing impervious surface. It would be one story with a flat roof. Currently, the lot coverage is at 75% and may be increased to 80%, if Best Management Practices are used. This project would increase impervious surface to 71%.

The property is located in the Comprehensive Plan Policy Development Area No. 6, Town Center and Targeted Redevelopment Area No. 1. The property is zoned Industrial. Adjacent properties to the north, south and west are also zoned Industrial. Property to the east is zoned R1, Detached Residential, which is the Shoreview Maintenance Center. The land use designation for that site is Institutional.

The Town Center designates this area to transition to mixed land uses consisting of residential, civic and commercial. The Comprehensive Plan recognizes existing land uses will continue and provides for allowing additions and improvements to those properties as long as the land use remains the same. The required building setback from the rear property line is 20 feet and 5 feet from the side property line. The proposal complies with the minimum required setbacks. The shared parking lot has 22 stalls; 6 are required for the applicant. Staff is recommending a condition that the stalls be striped.

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD OCTOBER 23, 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: Chair Solomonson, Commissioners Proud, Ferrington, McCool, Schumer, and Thompson.

And the following members were absent: Commissioner Wenner

Member Schumer introduced the following resolution and moved its adoption.

**RESOLUTION NO. 12-94 FOR VARIANCES TO REDUCE THE SETBACK FROM
THE ORDINARY HIGH WATER OF LAKE OWASSO, AND TO INCREASE THE
FRONT SETBACK FOR A NEW HOUSE.**

WHEREAS, Jonathan Gusdahl and Sonja Hagander, on behalf of Hamlin and Ruth Hagander submitted a variance application for the following described property:

Lot 58, LAKE OWASSO HEIGHTS, RAMSEY COUNTY, MINNESOTA
(commonly known as 3194 West Owasso Boulevard)

WHEREAS, the Development Regulations establish a building setback range of 163.2 to 183.2 foot from the Ordinary High Water(OHW) of Lake Owasso that is based on the setback of the homes on the adjacent lots; and

WHEREAS, the Development Regulations establish a building setback range of 114.5 to 134.5 foot from the front property line that is based on the setback of the homes on the adjacent lots; and

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

WHEREAS, on October 23, 2012, the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner.* *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposal is consistent with the City's housing policies regarding housing and neighborhood reinvestment and life-cycle housing. The proposed location of the home is reasonable as it is aligned with the majority of homes along this portion of the lake, is placed in the same area of as the existing home, utilizing the level portion of the lot.
2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances present include the topography of the lot and location of the adjoining homes. The property contains steep slopes which impact the potential location for a home. The proposed location of the home is on that part of the lot which is the least amount of grade change. The location of the house to the south, close to the street, affects the permitted setbacks for this lot. When the permitted setback range is applied, the buildable area encompasses steep slopes causing difficulties for the home construction. 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 proposed setback meets the spirit and intent of the ordinance and will not alter the character of the neighborhood, since other nearby dwellings on lakeshore are at similar setbacks from Lake Owasso.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 3194 West Owasso 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 application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. Four landmark trees will be removed as a result of the development, and eight replacement trees are required. A cash surety to guarantee the replacement trees shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. A final site grading, stormwater management, and erosion control plan shall be submitted prior to the issuance of a building permit for the project. This plan shall include a phased, or sequenced, erosion control and stormwater management plan that details the methods that will be used during the phases of the project, and is subject to the approval of the City Engineer.
7. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
8. A building permit must be obtained before any construction activity begins.
9. This approval is subject to a 5-day appeal period.

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

And the following voted against the same: None

Adopted this 23rd day of October, 2012

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Rob Warwick, Senior Planner

ACCEPTANCE OF CONDITIONS:

Hamlin Hagander, 3194 West Owasso Boulevard

Ruth Hagander, 3194 West Owasso Boulevard

**PROPOSED MOTION
TO EXTEND THE VARIANCE APPROVAL
3194 WEST OWASSO BOULEVARD**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To extend the variance approval for 3194 West Owasso Boulevard, reducing the minimum setback from the OHW of Lake Owasso and increasing the maximum front yard setback for a new home on the property. The extension is for one-year, and will expire October 22, 2014. Conditions attached to the variance approval shall remain in effect.

VOTE:

AYES:

NAYS:

TO: Planning Commission

FROM: Niki Hill, Economic Development and Planning Technician

DATE: October 18, 2013

SUBJECT: File No. 2499-13-26, Conditional Use Permit – Matthew and Rachel Karel, 863 Tanglewood

INTRODUCTION

Matthew and Rachel Karel, submitted a conditional use permit application to construct a detached accessory structure on their property. On single-family residential parcels one acre or larger in size, accessory structures that exceed the maximum allowable square footage are permitted with a conditional use permit. The intent of the conditional use permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan.

PROJECT DESCRIPTION

The property is land locked without any public right of way frontage, and has access to Tanglewood Drive via a private driveway easement. It is located to the south of a property that abuts Turtle Lake and north of a property along Tanglewood. The property is zoned RE, Residential Estate, as are the adjacent properties. The adjoining riparian parcels are part of the Shoreland Management District of Turtle Lake.

The property is 1.77 acres and has a width of 110 feet, and a depth of 700 feet. The property is developed with a single family home that has a foundation area of 1,164 square feet and a 506 square foot attached garage. The house and attached garage are located 79.2 feet from the southern property line, and over 580 feet from the northern property line. The property shares the long driveway with the adjoining lot to the north and the south via a 25 foot wide private driveway easement that parallels the east property line. The applicant proposes to construct a 20 foot by 20-foot (400 square foot) accessory structure with a peak height of just over 10 feet. The structure location will be approximately 80 feet north of the house, over 190 feet from the south lot line, and 39 feet from the east side lot line, over 10 feet from the private driveway easement. On lots over 1 acre, a Conditional Use Permit is required to construct anything over 288 square feet. The applicant has submitted an application for this, and that will be reviewed administratively upon conclusion of the CUP review process. Please see the attached plans.

DEVELOPMENT CODE

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. The maximum area permitted for a detached accessory structure is 150 square feet and the total of all detached accessory structures is 288 square feet since there is an attached 2

plus car garage on the property. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive. On parcels 1 acre or larger in size, accessory structures may exceed the maximum allowable square footage permitted by Code with a conditional use permit provided certain standards are met.

Accessory structures must be setback a minimum of 5 feet from a side lot line, 10 feet from a rear lot line, and 10 feet from any private easements. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

Conditional Use Permit

Attachment A summarizes the standards which must be met for the conditional use permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

APPLICANT'S STATEMENT

The applicant states that the detached garage will be used as a 4 season structure to house their hot-tub. See attached statement.

STAFF REVIEW

The proposal was reviewed in accordance with the standards specified in the Development Code. The proposed accessory structure complies with the location, height, design and setback requirements for a detached accessory structure. Existing vegetation, size of the property and location minimize the visual impacts on adjoining properties.

The proximity of the structure to the existing shared driveway means the neighbor to the north will drive past the garage when using the private drive. Staff considers this a difficult view to mitigate since the driveway will be separated by the 10 foot setback requirement.

The following table summarizes the proposal in terms of the Development Code standards.

	Existing	Proposed	Development Code Standard
Area			
Detached Accessory Structures	506	400 sf	*288 sf
All Accessory Structures	506	906 sf	*1,200 sf or 90% of the dwelling unit foundation area (1047 sq ft) – whichever is more restrictive
Setback			
Side lot line	NA	38 ft	10 ft
Private Drive	NA	10 ft	10 ft
Height			
Roof Peak	NA	10 ft	18 ft
Sidewall		8 ft	10 ft
Exterior Design		Comply with standards	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Structure shall be screened from view of public streets.

*Standard may be exceeded with a Conditional Use Permit

The proposed structure complies with the City’s standards regarding setbacks, height, exterior design and screening from adjoining properties.

In Staff’s opinion the proposed structure is also in harmony with general purpose of the Development Code and Comprehensive Plan policies. While the proposed area of the detached structure exceeds that which is permitted by right, the structure meets the conditional use permit standards. The total floor area of accessory structures will be 77.8% of the dwelling unit foundation area. Staff believes that the 80 foot separation between the structures and the house with attached garage will not visually tie the two accessory structures together and that the dwelling unit will remain the primary feature and use of the property.

The applicant indicated that the structure will be used for a 4 season hot tub room shelter. This use is consistent with the residential use of the property and neighborhood.

COMMENT

Property owners within 350' of the property were notified of the application. One comment was received with no issues with the proposed project.

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 project adheres to the conditional use permit standards. Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit subject to the following:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the structure shall be compatible with the dwelling.
3. A minimum setback of 10-feet is required from the private driveway easement line.
4. The structure shall not interfere with the septic system located on the property.
5. The applicant shall obtain a building permit for the structure.
6. The structure shall be used for the hot tub and other related household items and equipment.
7. The structure shall not be used in any way for commercial purposes.

Attachments:

1. Location Map
2. Applicant's Statement and Submitted Plans
3. Comments
4. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
5. Motion Sheet



Legend



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



Notes

696.0 0 348.01 696.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend



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

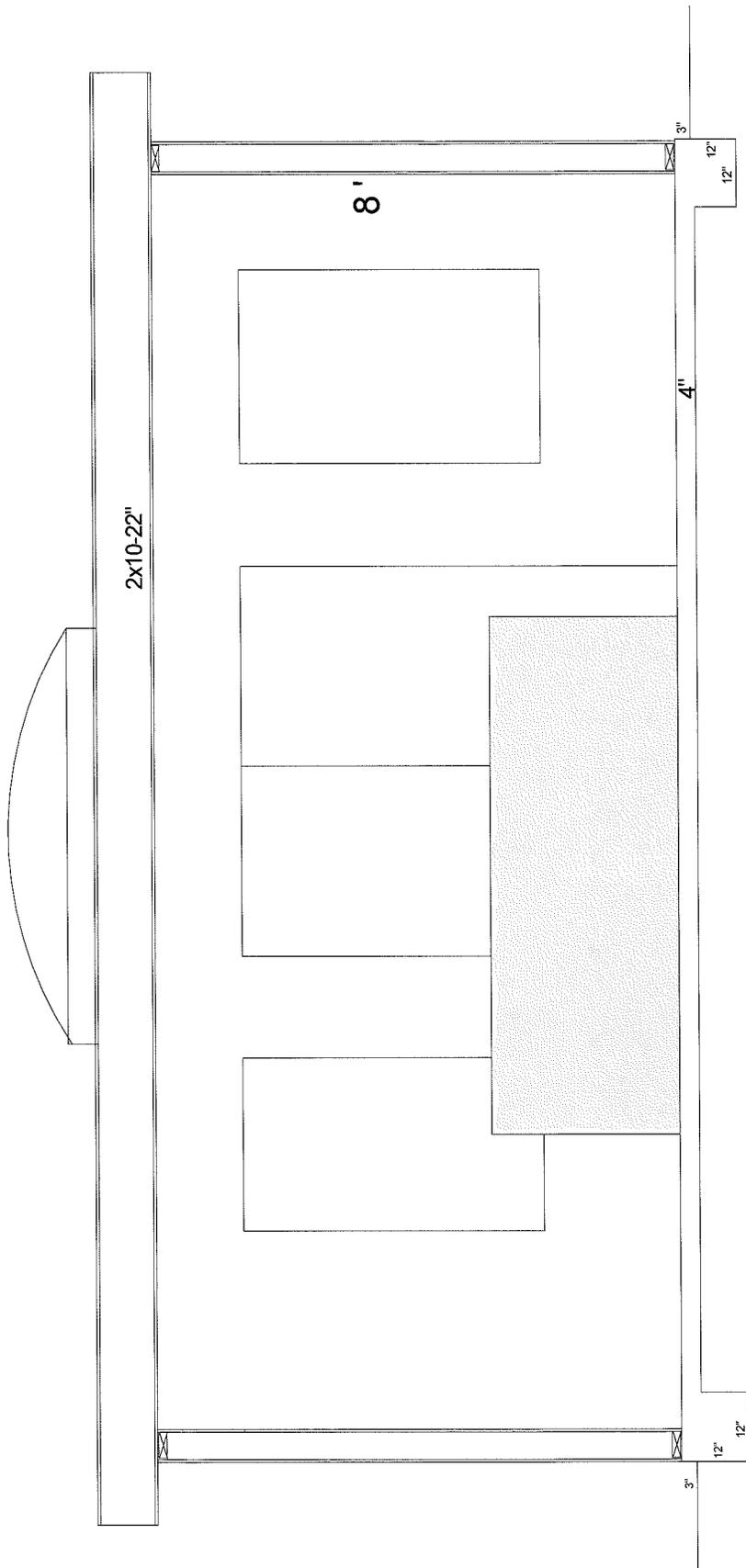


Notes

Enter Map Description

773.1 0 386.57 773.1 Feet

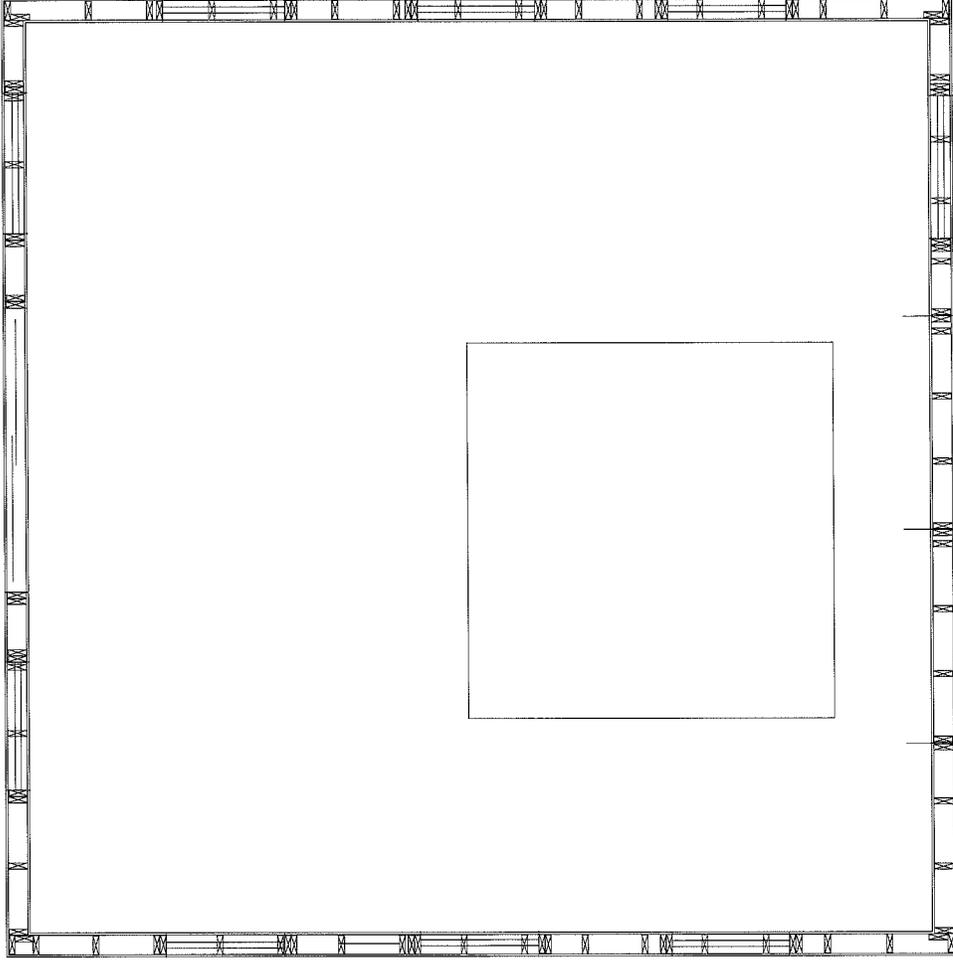
We would like to build this structure to house a hot tub for 4-season use. It will be used for accessory residential purposes only. All nearby areas are residential use as well so this structure will not adversely impact nearby planned uses. Since this structure exceeds the maximum allowable square footage as permitted, it will be located in the rear yard of the property. It will be setback 38 feet from the property line and 10 feet from the edge of our driveway easement. The accessory structure is not in view of any adjacent home or public street. The structure will comply with all height and design standards.



Matthew & Rachel Karel
 863 Tanglewood

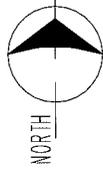
Building cross section

3/8"=1'-0"

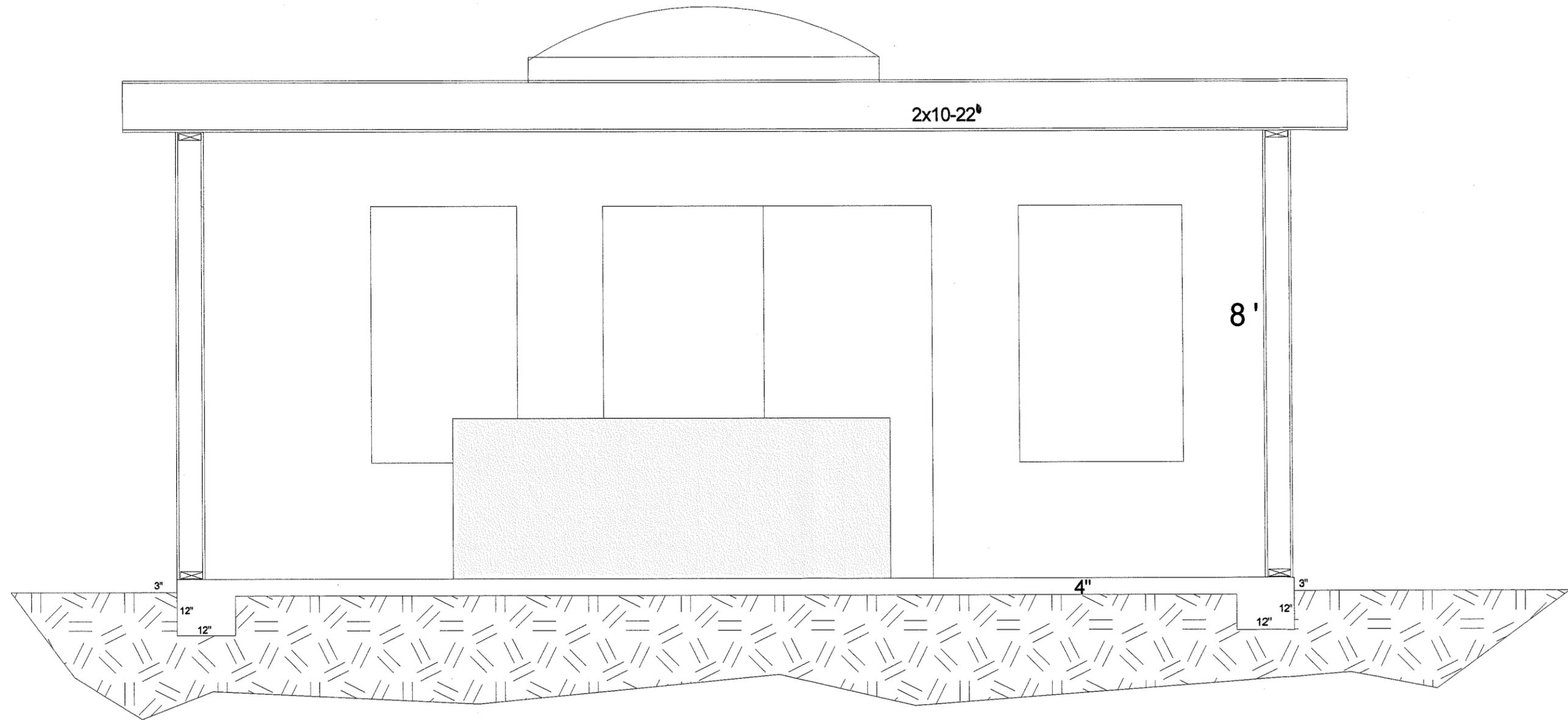


Matthew & Rachel Karel
863 Tanglewood Dr

Floor Plan



1/4" = 1'-0"



Matthew & Rachel Karel
863 Tanglewood Dr.

Building Cross section



1/2"=1'-0"

CERTIFICATE OF SURVEY

FOR: MATT KAREL

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES 12 INCH METAL SPIKE SET (UNLESS OTHERWISE NOTED)

EXISTING PROPERTY DESCRIPTION

The north 700.00 feet of the south 943.00 feet of the east 110.00 feet of Government Lot 2, Section 14, Township 30, Range 23.

This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

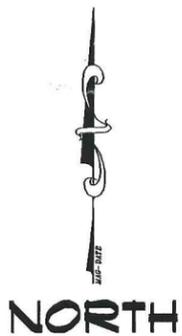
NOTES

- Bearing's shown are on assumed datum.
- Field survey conducted on March 17th, 2008.

GRAPHIC SCALE



(IN FEET)
1 inch = 60ft.

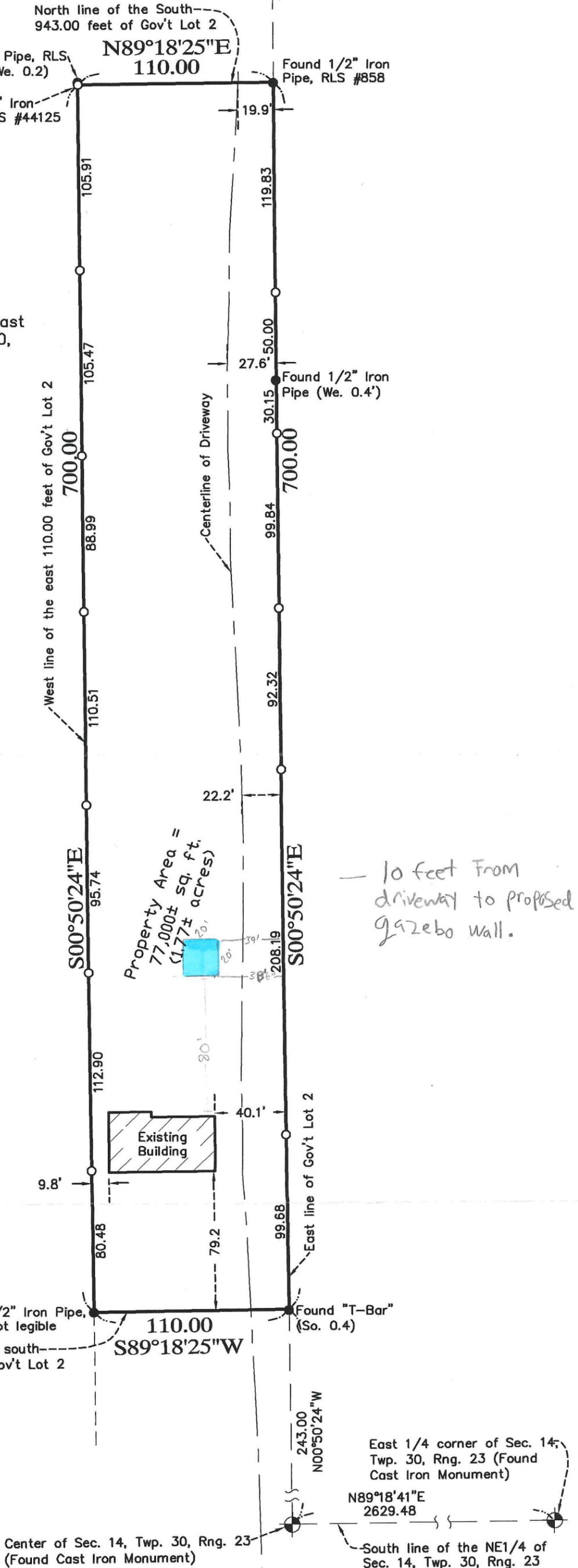


I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Eric R. Vickaryous
ERIC R. VICKARYOUS

Date: March 17th 2008 Reg. No. 44125

ACRE LAND SURVEYING
Ham Lake, MN 55304
763-458-2997 acrelandsurvey@gmail.com



10 feet from driveway to proposed gazebo wall.

Comments:

To City Council

I have no issues with this structure. It is OK with us.

Name:

Address:

Scott Clemens
821 Tanglewood Dr

ATTACHMENT A

- (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.

Conditional Use Permit Criteria

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (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.

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit submitted by Matthew and Rachel Karel, 863 Tanglewood Drive, to construct a detached accessory structure on their property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the structure shall be compatible with the dwelling.
3. A minimum setback of 10-feet is required from the private driveway easement line.
4. The structure shall not interfere with the septic system located on the property.
5. The applicant shall obtain a building permit for the structure.
6. The structure shall be used for the hot tub and other related household items and equipment.
7. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will be maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
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
October 22, 2013

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: October 17, 2013
SUBJECT: File No. 2504-13-31, Walgren – 212 Bridge Street, Conditional Use Permit

INTRODUCTION

Thomas and Susan Walgren, 212 Bridge Street, are proposing to construct a detached accessory structure on their property. The proposal requires a Conditional Use Permit since the structure exceeds 150 square feet in area. The intent of the Conditional Use Permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan.

PROJECT DESCRIPTION

The property is an interior lot located on Bridge Street and is zoned R1, Detached Residential as are the surrounding properties. The property has an area of 10,720 square feet and a width of 80 feet along Bridge Street. The property is developed with a single family home that has a foundation area of 1,550 square feet with an 864 square foot attached three-car garage.

The Walgrens are in the process of re-landscaping the rear yard of their property. A grading permit has been issued that addresses stormwater management and the installation of the patio. This plan also includes the construction of a 175 square foot gazebo that is one-story in height. Please see the attached plans.

DEVELOPMENT CODE

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. On parcels less than 1 acre or larger in size, accessory structures that are larger than 150 square feet but less than 288 square feet require a Conditional Use Permit. The Conditional Use Permit process enables the City to review the proposed use for compliance to the Development Code standards and ensure compatibility with nearby land uses through a public hearing. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition,

sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City’s Comprehensive Plan’s policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

Conditional Use Permit

Attachment A summarizes the standards which must be met for the Conditional Use Permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

APPLICANT’S STATEMENT

The applicant states that the detached accessory building (gazebo) will be used for the enjoyment of their property. It will be furnished with casual furniture and other residential related items. The structure will not be used as a storage shed or garage. The use is incidental to the residential use of the property.

STAFF REVIEW

The proposal was reviewed in accordance with the Conditional Use Permit standards identified in the Development Code. The proposed structure complies with the City’s standards regarding height, exterior design and screening from adjoining properties. The following table reviews the proposal in terms of these standards.

	Existing	Proposed	Development Code Standard
Area			
Gazebo		175 sf	150 sf to 288 sf
Attached Garage	864 sf		Not applicable
All Accessory Structures	864 sf	1,039 sf (67% of dfa)	*1,200 sf or 90% of the dwelling unit foundation area (1,550) – whichever is more restrictive

Setback – side lot line		12 ft	10 ft
Height Roof Peak Sidewall		16.5 ft 8 ft	18 ft 8 ft
Exterior Design		Cedar	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

In Staff’s opinion, the proposed gazebo is in harmony with general purpose of the Development Code and Comprehensive Plan policies. The overall size of this structure when combined with all accessory structures is less than 90% of the dwelling unit foundation area, therefore, the dwelling unit will remain the primary feature and use of the property. The use of the structure is incidental to the primary residential use of the property and will enhance the appearance and use of the backyard. The intended use of the structure is for passive leisure or recreational use. The applicant indicated that the structure will not be used for the storage of lawn/garden related items or other uses associated with storage sheds and garages. This use is consistent with the residential use of the property and neighborhood.

There is existing vegetation along the perimeter of the property that will be retained. In addition, a 6-foot tall privacy fence is planned along the side property lines.

PUBLIC COMMENT

Property owners within 350’ of the property were notified of the application. Several comments in support have been received.

RECOMMENDATION

The applicant’s proposal is consistent with the Conditional Use Permit criteria and standards for detached accessory structures. The residential use of the proposed gazebo is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan. The structure/land use conforms to the Comprehensive Plan and is compatible with the residential neighborhood. The existing home will remain the primary feature and use of the property.

Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit, subject to the following:

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 exterior design and finish of the addition shall be consistent with the plans submitted and complement the home on the property.
3. The existing vegetation along that portion of the west side property line adjacent to the proposed structure must remain and be maintained.
4. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
5. The structure shall be used for the recreational and leisure use consistent with the residential use of the property.
6. The structure shall not be used in any way for commercial purposes.

Attachments:

1. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
2. Aerial Photo
3. Applicant's Statement, Submitted Plans and Photographs
4. Comments received
5. Motion Sheet

ATTACHMENT A

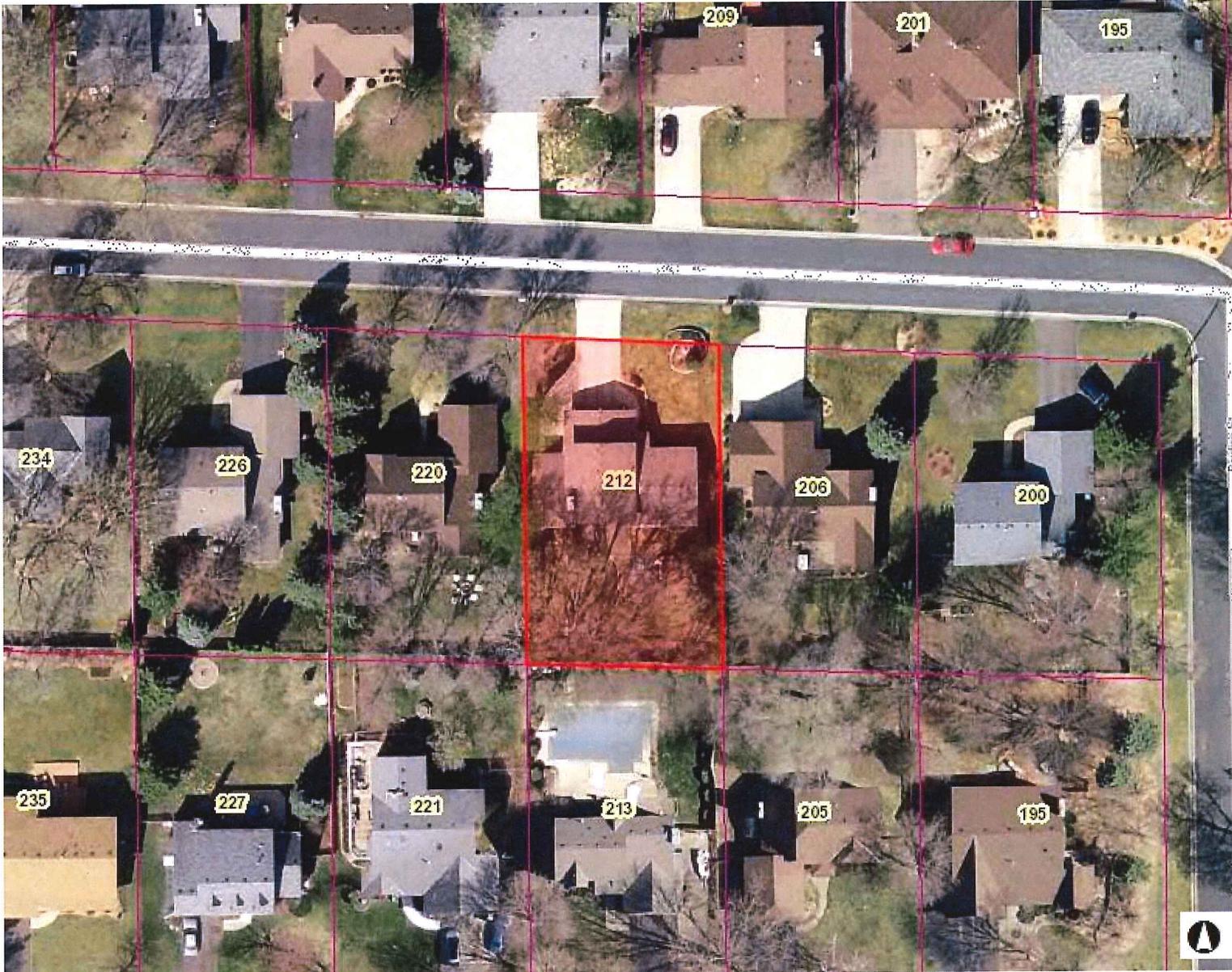
- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater 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.

Conditional Use Permit Criteria

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (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.



Legend



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

121.3 0 60.63 121.3 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Conditional Use Permit

10/3/13

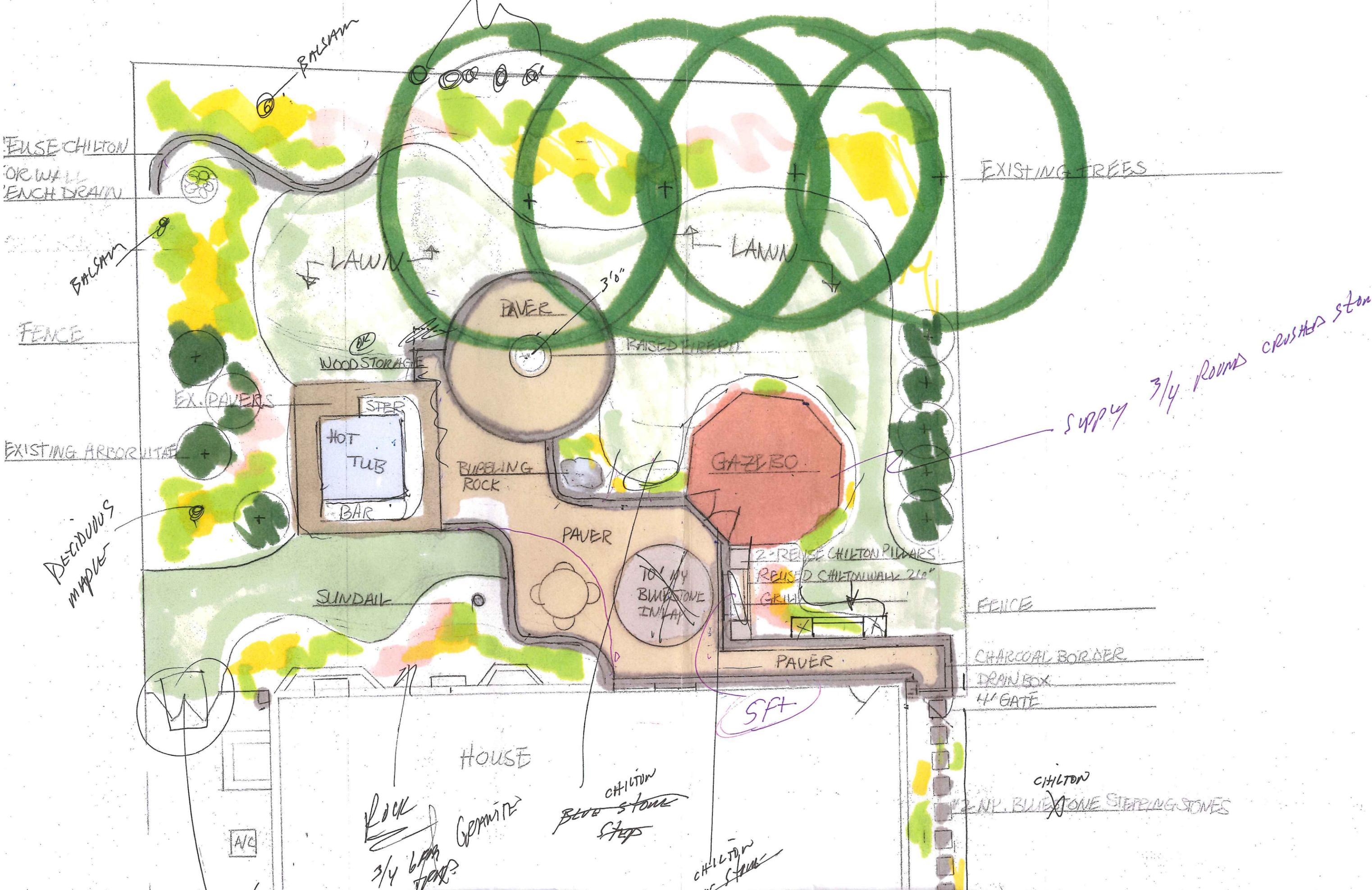
TO WHOM IT MAY CONCERN:

THIS STATEMENT IS PROVIDED TO
DESCRIBE THE INTENDED USE OF OUR
REQUEST FOR A 16' GAZEBO, WITH 175 FT.²
TO BE INSTALLED IN THE REAR OF OUR
YARD FOR OUR PERSONAL ENJOYMENT.
IN NO WAY WILL THIS BE USED AS
A "SECOND HOME." WE PLAN TO
FURNISH THE GAZEBO WITH CASUAL
FURNITURE AND POSSIBLY A TELEVISION, AND
USE FOR OUR PERSONAL, RESIDENTIAL USE.



THOMAS F. WALGREEN





REUSE CHILTON
OR WALL
ENCH DRAIN

BALSAM
FENCE

EXISTING ARBOR VITAE

DECIDUOUS
MAPLES

EX. PAVERS

WOOD STORAGE

STEP
HOT
TUB
BAR

BUBBLING
ROCK

PAVER

TO MY
BLUESTONE
INLAY

GAZEBO

SFT

HOUSE

Rock
3/4 6mm
floor?

Granite

CHILTON
BLUE STONE
STEPS

CHILTON
BLUE STONE

EXISTING TREES

LAWN

LAWN

PAVER

RAISED FIRE PIT

supply 3/4 ROUND CRUSHED STONE

FENCE

CHARCOAL BORDER

DRAIN BOX
4" GATE

CHILTON

2" NY. BLUESTONE STEPPING STONES



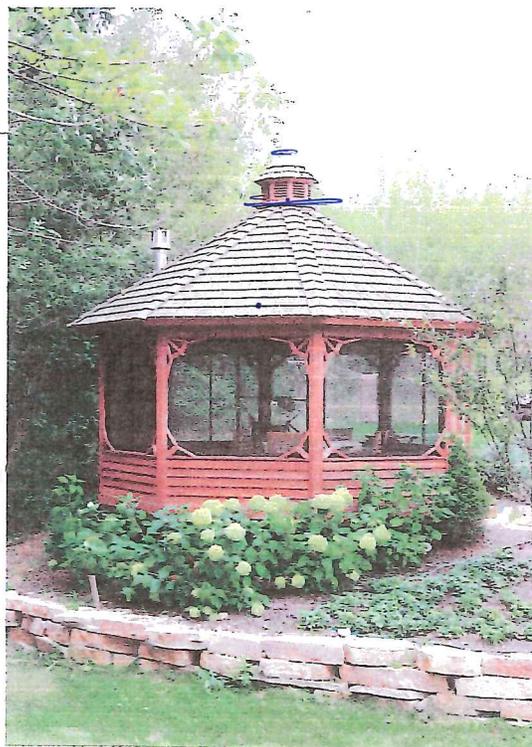
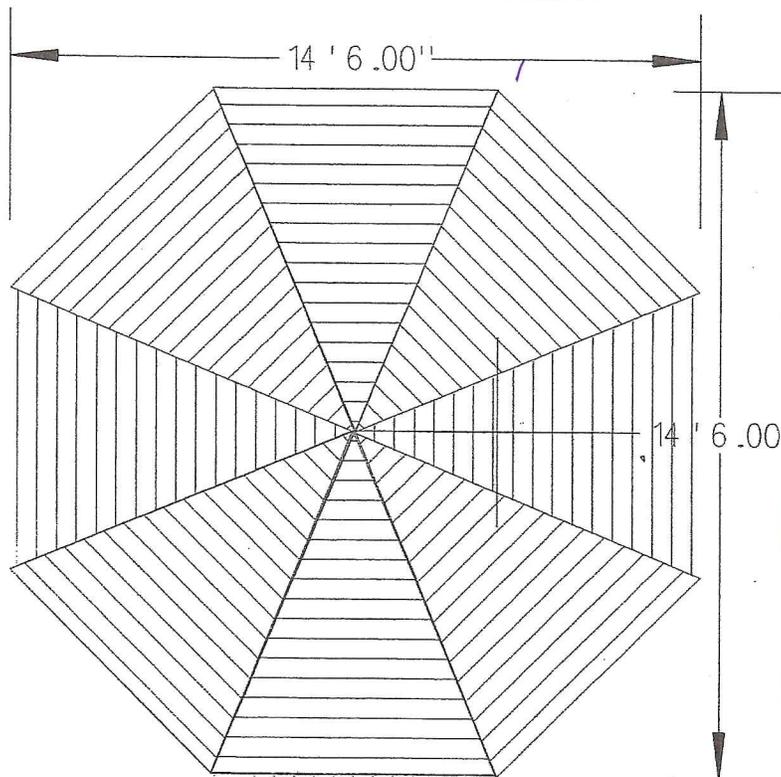
Garden Getaway Gazebos, Inc.
 1234 West Scott Street
 Fond du Lac, WI 54937
 866-923-9070

two tier gazebo with standard brackets and blend of 4 stone on owners foundation and deck

16' gazebo, 175 square feet
 from floor to ceiling 14' high

8 deck sections, 94 1/4" radian, 6' ends. Tongue and groove 2x6 western red cedar flooring, (also available tongue and groove 2x6 douglas fir flooring). No surface fasteners. Floor sections are numbered and predrilled for dowels. Four coats of Sherwin Williams waterborne polyurethane varnish are applied to the floor. Interior walls and ceiling have 2 coats of a cedartone Sherwin Williams Woodscapes exterior finish, SW3513 Spice Chest. Deck sections are fastened to a foundation grade, .60 pressure treated wood foundation wall set on a 3/4" stone footing. Foundation is continuously perimeter vented and rodent proofed. 6 mil poly and gravel over interior soil. Exterior has a 60 mil neoprene rubber applied to the foundation. Foundation is backfilled with 3/4" stone. Wall sections have 1/2"x5 1/2" clear, vertical grain beveled siding. Aluminum extrusions slider windows with full screens. Solid cedar, double entrance doors with Schlage leverlock entrance hardware. Prewired for ceiling fan (owner supplied and installed), 2 scone lights or track lights, 2 Polk Audio RC55i speakers with AM-FM single CD stereo, 4 duplex outlets, 2 wall switches, all accessible for future changes or additions. Roof sections with 1x12 knotty western red cedar, (optional clear 5/4 x 4 tongue and groove cedar or Douglas fir), 2x4 s4s knotty western red cedar rafters, 18" tapersawn vertical grain #1 western red cedar shakes applied with 8" exposure.

PERMITS IF REQUIRED TO BE OBTAINED BY OWNERS



16' single tier shown with standard brackets

upper roof section

one-6" hardened-steel timberframe screw through 2x4 top plate of ring into hip rafter, one per upper roof section.

one 3" deck screw and clear acrylic latex sealant fastens each ring section to the 2x6 cedar ledger

cedar 2x4 ripped at 30 degrees and applied (in our shop) with 3" screws and polyurethane constructions adhesive to the 2x4 top plate of roof section

lower roof section

minimum one per lower roof section
4" hardened steel timberframe screw through the top plate into the rafter.

2x4

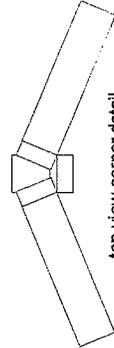
#3 knotty 1x12 western red cedar

Briteway extruded aluminum double slider window with tempered glass and full exterior screen

interior

walls are 92 1/2" tall side cross section of wall

4x4 knoched with two vertical 2x4 studs



top view corner detail

1/2x 5 1/2" clear VG cedar siding applied interior and exterior, 15# felt under exterior siding smooth to interior, rough sawn to exterior

2x4 flat

2x2 fastened to 2x4 flat with two 3" prime plus deck screws each end

Garden Getaway Gazebos, Inc.
1234 West Scott Street
Fond du Lac, WI 54937
866-923-9070

Standard walls for 3 season gazebo

1 1/2" eps foam panels fit tight between studs



Kathleen Castle <kcastle@shoreviewmn.gov>

212 Bridge St

1 message

John Towle <jtowle@gbp.com>

Tue, Oct 15, 2013 at 2:52 PM

To: kcastle@shoreviewmn.gov

Kathlem,

My name is John Towle, and I live at 200 Lion Lane, Shoreview MN.

I am replying to a request for comment on the Conditional Use Permit application from Thomas & Susan Walgren.

I no concerns with their proposed project.

Thank You,

John Towle

Cell# 612-968-1144

City Council:
Sandy Martin, Mayor
Emy Johnson
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

October 8, 2013

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, October 22nd at 7:00 p.m.**, the Shoreview Planning Commission will hold a public hearing for a Conditional Use Permit application submitted by **Thomas and Susan Walgren** to construct a 175 square foot detached accessory structure (gazebo) in the rear yard of their property at **212 Bridge Street**.

On parcels less than 1 acre or larger in size, accessory structures that are larger than 150 square feet but less than 288 square feet require a Conditional Use Permit. The Conditional Use Permit process enables the City to review the proposed use through a public hearing for compliance to the Development Code standards and ensure compatibility with nearby land uses. Please see the attached plan.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. You may also send your comments to me via email. Comments received by **October 17th** will be distributed to the Planning Commission with their agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting which will be held in the **City Council Chambers, Shoreview City Hall, 4600 North Victoria Street**.

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. I can also be reached via e-mail at kcastle@shoreviewmn.gov.

Sincerely,

Kathleen Castle
City Planner

Comments:

Everything the walgrens do to
their house & yard look first
class. I think it looks great!

Name: Cheryl Hiner
Address: 244 Lion W SU



Kathleen Castle <kcastle@shoreviewmn.gov>

212 Bridge Street

1 message

Mike & Teresa Gallagher <mike.teresa@comcast.net>

Thu, Oct 17, 2013 at 9:22 AM

To: kcastle@shoreviewmn.gov

Kathleen,

We received your letter regarding Tom and Sue Walgren, 212 Bridge St. relating to a conditional use permit.

We are completely in favor of this gazebo project. We live on the street directly south of the Walgrens and have visual access to their back yard. We don't see the construction as anything but an enhancement to their already well maintained property. We have been neighbors of the Walgrens for over 10 years and they have always kept a clean and well maintained yard (as have most of the families in our neighborhood). Furthermore, there are many trees and other shrubbery that the gazebo will blend in with nicely.

Again, we are in favor!

Mike & Teresa Gallagher

222 Lion Lane

City Council:
Sandy Martin, Mayor
Amy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
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October 8, 2013

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Sincerely,

Kathleen Castle
City Planner

Comments:

LOOKS NICE - LET THEM BUILD
IT. MAKE SURE ALL SET-
BACKS ARE MET.

ALL LIGHTING SHOULD BE LOW
VOLTAGE TO AVOID CARRYOVER
TO ADJACENT PROPERTIES

Name: TOM PALANSKY
Address: 234 GALTIER

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
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October 8, 2013

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Sincerely,

Kathleen Castle
City Planner

Comments:

I'm surprised to receive this request for comments due to my proximity to the residence in question. Maybe this was meant for 226 Bridge Street?

Name: Sherry Rue
Address: 226 Galtier Place, Shoreview

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit application submitted by Thomas and Susan Walgren, 212 Bridge Street, to construct a detached accessory structure (gazebo) on their property, 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 exterior design and finish of the addition shall be consistent with the plans submitted and complement the home on the property.
3. The existing vegetation along that portion of the west side property line adjacent to the proposed structure must remain and be maintained.
4. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
5. The structure shall be used for the recreational and leisure use consistent with the residential use of the property.
6. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will be maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
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
October 22, 2013

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: October 17, 2013

SUBJECT: File No. 2503-13-30; Minor Subdivision/Variance – Saint Marie, LLC – 181 Saint Marie Street

INTRODUCTION

Willie Abbott, of Saint Marie, LLC has submitted applications for a Minor Subdivision and Variance for the property 181 Saint Marie Street. The property is located on the northwest corner of the intersection of Rustic Place and Saint Marie Street. It has a lot area of 25,000 square feet, a lot width of 100 feet, and a lot depth of 250 feet.

The minor subdivision would divide the existing lot into two parcels. The existing home will remain on Parcel B. Parcel A will be developed in the future with a single-family home. Minor subdivision requests are reviewed by the City to ensure that the proposed parcels comply with the R1, Detached Residential District minimum lot requirements and the City's subdivision standards.

The variance application requests the following:

- 1) Reducing the minimum 125-foot lot depth required to 100 feet for Parcel A
- 2) Reducing the minimum 40-foot structure setback from the front property line to 30 feet for Parcel A.

This application was complete as of September 30, 2013.

BACKGROUND

The property is currently being used for single-family residential purposes. Site improvements include the existing home, a detached two-car garage, driveway, sidewalk and patio areas. The topography of the property is generally level. Adjacent land uses include single-family residential to the north, west and south and east.

Access to the property and garage is gained off an existing driveway off Rustic Place. The garage is setback 15.4 feet from the street right of way, which is less than the 30 feet required.

MINOR SUBDIVISION

DEVELOPMENT ORDINANCE REQUIREMENTS

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

The City’s subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer also must be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways.

The property is zoned R-1, Detached Residential. In this district, lot standards require a minimum lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet. Minimum structure setbacks for a dwelling are 25 feet from a front, 30 feet from a rear property line and 10 feet from an interior side lot line. When an existing dwelling located on a lot immediately adjacent to a vacant lot exceeds a 40-foot front yard setback, then the front setback for the dwelling to be constructed on the vacant lot shall be equal to the average setbacks of the adjacent dwelling, plus or minus 10 feet. Lakeshore and corner lots are not used in this calculation. The home immediately to the north at 3633 Rustic Place is setback 50 feet from the front property line, therefore a minimum 40-foot front yard setback is required for the proposed Parcel A.

STAFF REVIEW

The applicant is proposing to divide off the eastern portion of this property to create a buildable parcel. As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations, except for the Depth of Parcel A.

	Requirements	Parcel A (North)	Parcel B (South)
Area:	10,000 sf	14,350 sf	10,650 sf
Width:	75 feet	106.5 feet	100 feet
Depth:	125 feet	100 feet*	143.5 feet

**125 feet is required, and a variance is requested.*

The existing dwelling on Parcel A exceeds the 30-foot minimum required rear setback from the proposed property line. The detached garage also complies with the minimum 10-foot setback from a rear property line. The garage, however, does not conform to the minimum 25-foot front setback required, and so is a legal non-conforming structure. The non-conformity does not affect the minor subdivision request.

Municipal sanitary sewer and water are available to the proposed parcel from the utility lines located in Rustic Place. Service lines will need to be extended to the property and fees will be charged and identified in the Development Agreement.

Tree impacts cannot be fully evaluated until a house layout is proposed on Parcel A, however, the survey identifies three landmark trees in the proposed building envelope. These are required to be replaced at a ratio of 2:1. Tree removal and protection will be addressed in the Development Agreement.

VARIANCE

VARIANCE CRITERIA

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

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

The applicant states that the existing lot has a width of 100 feet and has ample area to subdivide and meet the minimum lot area required, however, there are no other lot configurations that would comply with the minimum 125 foot lot depth. Also, this parcel has a larger minimum front yard setback required (40 feet) due to the placement of the home on the property to the north which is setback 50 feet. This condition hinders the use of the property. Please see the attached statement.

STAFF REVIEW

In staff's opinion, additional information is needed to evaluate the proposed variance request. All three of the findings need to be met for the variances to be approved. The two findings that are presenting some concern are the unique circumstances and character of neighborhood. The following evaluates the proposal in terms of the practical difficulty criteria

Reasonable Manner

The proposed subdivision of this oversized lot is reasonable. The resulting parcels meet the minimum 10,000 square feet required for a parcel in the R1 district. Both parcels are of an adequate size for single-family residential use.

Unique Circumstances

While the application for the minor subdivision could be considered a circumstance created by the property owner, this standard has generally been applied to the characteristics of the property. The property is a corner lot with a 100-foot lot width along Saint Marie and a depth along Rustic Place. This lot depth, public road frontage and availability of municipal services create an opportunity to subdivide the property into two lots. Although the resulting 100 foot depth is less than the 125 feet required, there would be sufficient buildable area if flexibility is given to the required 40-foot setback.

In the R1 District, the minimum setback required from a front property line is 25 feet. This setback is increased if the adjacent homes exceed this setback by more than 15 feet. The existing home on Parcel B is not considered in this calculation because it is a corner lot. In this case, the required 40-foot setback is driven by the setback of the home to the north which is 50-feet. In staff's opinion, the placement of a home at the 30-foot setback proposed may be reasonable due to the characteristics of the improvements on Parcel B. The existing home on Parcel B is setback 28.8 feet from the side lot line adjacent to the Rustic Place. The detached garage is setback 15.4 feet from the Rustic Place right-of-way. Placing a house at the proposed 30-foot setback would not seem out of character due to the placement of these structures. It will still provide a transition between the improvements on Parcel B and the adjoining property to the north.

Existing homes in this neighborhood are subject to the same standards and in some cases may be able to build closer to the front and side property lines.

Character of Neighborhood

This neighborhood is dominated by lots larger than the R1 minimum standard with the homes on these lots generally setback at greater distances than required in the R1 district. Although the proposed lot areas for Parcels A and B comply with the minimum lot area required, they are smaller than others in this neighborhood. The average lot area in the immediate vicinity of this property is 27,242 square feet. The majority of parcels in the neighborhood do not have subdivision potential due to their lot width. Some parcels, specifically corner lots, may have adequate area to be subdivided. The lot widths tend to also be a 100 feet and a variance would be required for lot depth.

While the character of the area does have larger lots, the construction of a single family home, if properly designed and scaled proportionately to the parcel, may not impact the character of this neighborhood. Parcel A would be considered a legal non-conforming lot and subject to residential design review standards pertaining to lot coverage, structure setbacks, building height, foundation area and architectural design.

As a mature community with little land available for residential development, opportunities for new development are limited to infill parcels such as this or redevelopment. The creation of a new vacant lot would support the City's housing goals by providing a parcel for a new single-family home.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicant's request. The comments received express opposition to the proposal. Concerns expressed include the impact on the character of the neighborhood due to the smaller lot areas, impact on nearby residences due to smaller structure setbacks, and the absence of unique circumstances.

STAFF RECOMMENDATION

The requests have been reviewed by the staff in accordance with the subdivision standards, development code requirements and variance criteria. While the existing parcel does have adequate lot area to create a new parcel, staff does have concerns regarding the potential impact this proposal could have on the adjoining property and neighborhood due to the smaller lot areas and reduced structure setbacks. The creation of a new lot, however, does support the City housing goals by providing an opportunity for new housing.

The staff is recommending the Commission table the applications to provide the applicant with additional time to address the issues raised and develop a more specific house plan for the property. The applicant has indicated a willingness to develop the property with a home that has a varying setback from the front property line and is architecturally in scale with the neighborhood. Prior to moving forward, staff believes detailed plans are needed. A motion to table both the subdivision and variance applications and extend the review period to 120 days is attached.

However, if the Commission finds that practical difficulty is present, Resolution # 13-91 is attached for adoption. The attached motion also includes a recommendation to the City Council to approve the subdivision. Approval of the subdivision and variance is subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Payment for City municipal services and escrow deposits as outlined in the attached memo from Tom Hammitt, Senior Engineer Technician dated October 15th.
5. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
6. Driveways and all other work within the Rustic Place right-of-way are subject to the permitting authority of the City of Shoreview.

7. A tree protection and replacement plan shall be submitted prior to issuance of a building permit for Parcel A. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
8. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
9. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. The future home on Parcel A shall be placed no closer than 30-feet to the Rustic Place right-of-way. This home shall have a varied setback from the front property line as shown in the applicant's submittal.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

Attachments

- 1) Resolution 13-91
- 2) Memo – Tom Hammitt
- 3) Site Aerial Photo
- 4) Submitted Statement and Plans
- 5) Survey – Required and Proposed Building Setbacks
- 6) Response to Request for Comment
- 7) Motion

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD OCTOBER 22, 2013**

* * * * *

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. 13-91 FOR A VARIANCE TO REDUCE THE LOT DEPTH FOR A
NEW PARCEL AND REDUCE THE MINIMUM FRONT YARD SETBACK REQUIRED**

WHEREAS, Saint Marie, LLC submitted a variance application for the following described property:

The South 250 feet of Lot 5, Block 2, Rowe and Knudsons Wooded Homesites, according to the
recorded plat thereof, Ramsey County, Minnesota
(commonly known as 181 Saint Marie Street)

WHEREAS, the Development Regulations require a minimum 125-foot lot depth; and the Development Regulations require a minimum structure setback of 40 feet from the front property line; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 100-feet; and to reduce the required structure setback from the front property line to 30 feet; and

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

WHEREAS, on October 22, 2013 the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed subdivision of the 100 foot wide by 250 foot deep lot for a future detached single family dwelling is a reasonable use of this property since the resulting parcels comply with the minimum lot area in the R1 district and the subdivision standards.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The unique circumstance to the property relates to the existing lot width, lot configuration and existing structure setbacks. The existing 100-foot lot depth becomes the width for the property. This width cannot be increased due to the existing lot configuration. The required 40-foot setback is driven by the setback of the home to the north which is 50-feet. The placement of a home at the 30-foot setback proposed is reasonable due to the characteristics of the improvements on Parcel B. From Rustic Place, this home is setback 28.8 feet from the side lot line adjacent to the street and the detached garage is setback 15.4 feet from the Rustic Place right-of-way. Placing a house at the proposed 30-foot setback would not seem out of character due to the placement of these structures. It will still provide a transition between the improvements on Parcel B and the adjoining property to the north.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* While the character of the area does have larger lots, the construction of a single family home, if properly designed and scaled proportionately to the parcel, may not impact the character of this neighborhood. Similarly situated corner lots also have the potential to subdivide due to their lot area.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 181 Saint Marie Street, is approved, subject to the following conditions:

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. The future home on Parcel A shall placed no closer than 30-feet to the Rustic Place right-of-way. This home shall have a varied setback from the front property line as shown in the applicant's submittal.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

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

And the following voted against the same:

Adopted this 22nd day of October, 2013

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

SEAL

ACCEPTANCE OF CONDITIONS:

Willie Abbott, Saint Marie, LLC

MEMORANDUM

To: Kathleen Castle
Community Development

From: Tom Hammitt
Senior Engineering Tech

Date: October 15, 2013

Subject: Proposed Lot Split – 181 St Marie Street

I have reviewed the water and sanitary sewer related information for the above property. Currently the existing house is connected to City water and sanitary sewer.

Water

The City water was installed in the street in 1974 under Project 73-1. The property was assessed for the 100 foot frontage along St Marie Street. There is no water service for the northern portion of the lot on the Rustic side. If the property is subdivided, an assessment is required to be paid at the time of lot split. The water cost is \$1,580.46 based on the 1974 footage rate and the frontage of the proposed lot. This cost is in addition to the normal permit charges of \$540.13 (2013) which is for the water meter, connection charge and permit/inspection. The property owner would be required to have the water main tapped and extended to the property line where a curb stop would be installed. From there the service line runs to the house. Since the water installation will disturb the road, an escrow will be required for the street repairs.

Sanitary Sewer

The sanitary sewer was installed in 1961 under Sewer Project 1. At that time, assessments were by front footage. The property was assessed the full frontage along Rustic and for two services. No further assessments for sewer are required.

The 1962 as-built indicates a sewer stub for the proposed lot but it did not extend all the way to the property line. The 2002 road reconstruction plan shows the stub may be capped at the wye location. This situation will require the property owner to dig in the street to connect to the sanitary sewer wye and extend the service to the new house. There would be an escrow for the sewer connection since the excavation would extend close the center of the street. The normal permit fees would be \$305 which is for the connection charge and permit/inspection. The new house would also pay Metro SAC charge on the building permit of \$2,435 (2013).

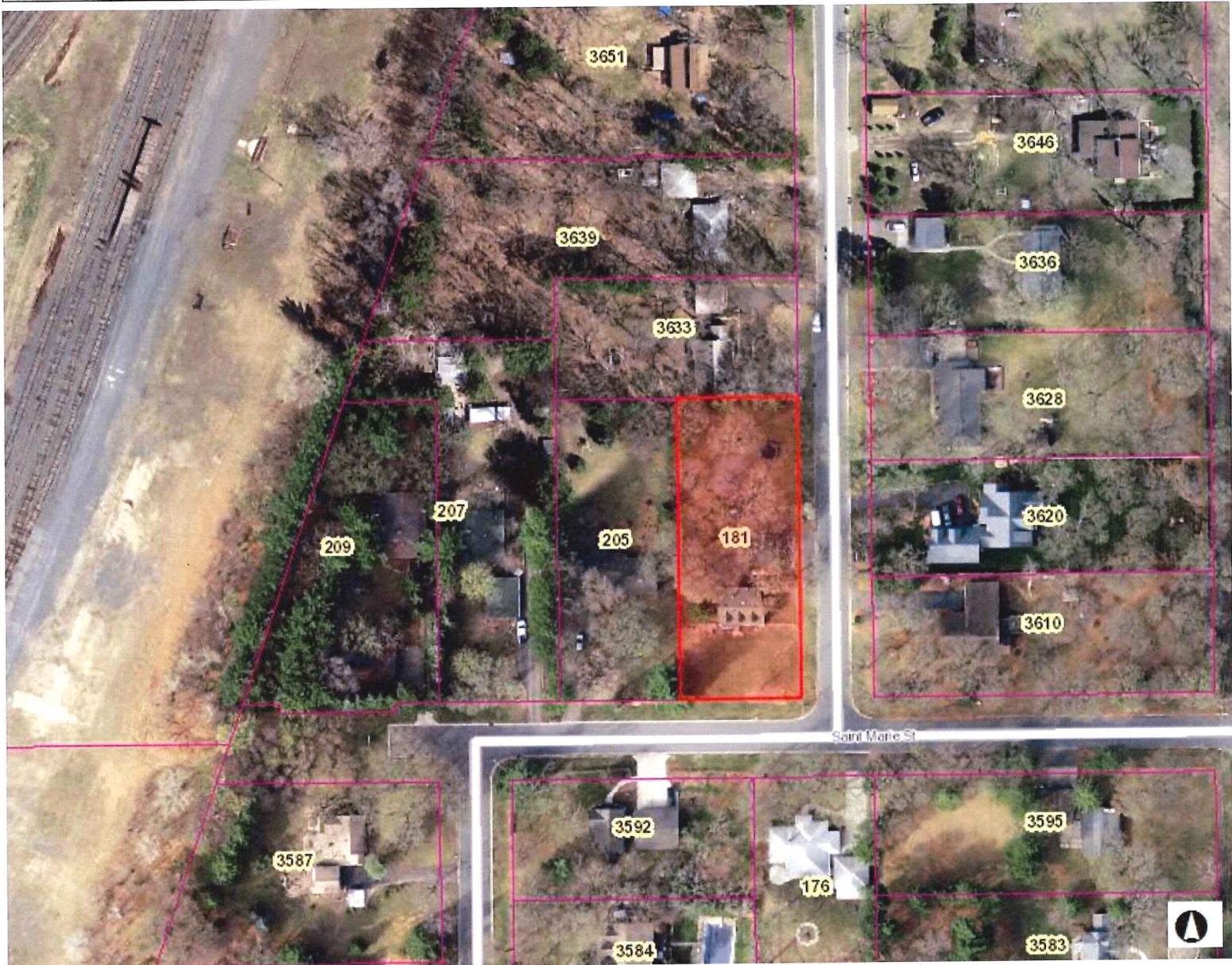
Street

The street was reconstructed under Project 02-01. A street assessment should be collected at a unit cost of \$1,320.00. Since both water and sanitary sewer construction start in the roadway, an escrow in the amount of \$6,000 will be required for street repairs. This escrow could be collected either at the time of lot split or when a building permit is issued for the new lot.

If you have other questions or need more information, please let me know.



181 Saint Marie Street



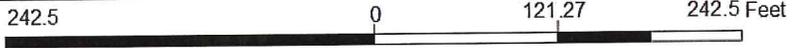
Legend



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

Notes

Minor Subdivision and Variance
 Sainte Marie, LLC



NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

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

Shoreview City Planning Members,

This letter is in reference to an application for residential subdivision and variance for a property located in the Cardigan Neighborhood of Shoreview.

My name is Willi Abbott and I am requesting a minor subdivision of a R1 underutilized piece of land currently owned by my company Saint Marie, LLC. One variance of 25' to the 125' minimum lot depth and a second variance for the required front yard set back of 40' to a stepped setback of 30'-40' are needed for this subdivision.

I have been designing, building and remodeling properties around the Twin Cities since 1990. I am personally involved with each step of every property from planning and design to building and all the way through the marketing process. I use a small group of local tradesmen who take pride in what they do and hold themselves to the same high standards that I expect for each project I undertake. I also work with local reputable builders whom I trust to carry out my visions.

I have come to realize that there are certain communities near the Twin Cities that stand apart from others, communities that value their residents, businesses and environments. These unique cities work hard to create and maintain environments that promote active, involved, accessible living for their residents. They pride themselves on being well balanced and meeting the community's needs and desires for a high quality of life. Their school systems are exemplary and housing in their neighborhoods is highly desired.

The city of Shoreview is obviously in this category. It has been at the top of lists of "best towns to live" and is one of the highest rated suburbs in the metropolitan area.

Often cities like this have a demand for more housing, but little opportunity due to lack of building area. In areas designated as Developed Communities, cities must become creative and resourceful in finding opportunities to meet the demand for new housing. I have become

proficient at finding properties and building or redeveloping houses in a way that fits the size and character of the existing neighborhood. Thus, helping cities to fulfill their growth demands, creating desirable homes that attract new residents or meet the needs of current residents looking to move and satisfying the standards of the current neighborhood.

I have found that today's housing consumer desires a moderately sized house with updated, higher-end finishes. I work closely with a design architect who studies surrounding neighborhoods to determine the best style of structure and types of finishes to construct on each property. I have developed and follow a set of design standards that makes my structures fit seamlessly into each established neighborhood.

The City of Shoreview 2008 Comprehensive Plan acknowledges the need for infill and redevelopment as the best means of addressing the need for more housing stock. In subdividing large residential lots without increasing the minimum density, proposed infill developments such as mine will be able to maintain the size character of the surrounding neighborhood without overburdening the existing infrastructure. I am also very mindful of the surrounding homes during the design phase and it is my goal to build for the demand while staying true to the feel and style of existing nearby properties.

In addition, I have seen first hand how this type of infill and redevelopment acts as a catalyst for surrounding neighbors to complete maintenance and upgrades to their properties, raising the value of the entire neighborhood without gross overdevelopment. As the Cardigan Neighborhood was established in the 1950's, there is an increasing need for structural maintenance and updating. This proposed subdivision has the ability to be that catalyst.

The existing structure remaining on the original parcel of land, of the proposed subdivision, is in the process of reconstruction. Enhancements to the property include updated plumbing and electrical, HVAC, insulation, open floor plan, new kitchen, mudroom, main floor laundry, updated and

new bathrooms, interior doors and trim, finished basement, new windows and exterior doors, exterior siding, finished garage with new doors and landscaping with corrective grading. The updating of this decrepit neighborhood blemish is an example of how I transform houses and initiate neighborhood revitalization.

The city of Shoreview could put, within the variance approval could be written in such a way that it included a specific set of design standards to ensure the integrity project.

I carefully custom design each home with family living in mind. Most of my floor plans include an open layout, 3-4 bedrooms, main level powder room, mudroom with built-in lockers, 2 family rooms, a fireplace and a master suite. My homes are finished with a design and quality usually only found in much higher priced homes. To extend living space outdoors I incorporate large decks and patios around my homes. I also take pride in a homes exterior by preparing custom landscape designs to maximize privacy and beauty.

The subdivision of this lot will create one new buildable lot that falls within the size restrictions for building in this residential neighborhood. I am requesting 2 variances on the proposed subdivided lot located at 187 St Marie St in the Cardigan Neighborhood. The first variance requested is 25 feet, which would reduce the required lot depth of 125 feet to a depth of 100 feet on the newly created parcel. In addition, I am also requesting a front setback variance of 10 feet for the main structure and 5 feet for attached garage. This would reduce a calculated 40-foot setback to a graduated setback as follows: main house to be constructed with a front setback of 30 feet, an attached two stall garage to be constructed with a front setback of 35 feet and a third stall garage to be constructed without need of a variance at a front setback of 40 feet.

The home I would like to build on this lot would match the size and character of the existing neighborhood. A garage would be attached to the home with two of the stalls set back 5 feet from the main house and a

third stall set back another 5 feet. Being that the house to the south has a garage built 15.8 feet from the street and the house on the north being setback 50 feet, this would create a stepped appearance to the house, which would give the street view a more continuous line. (See attached drawing.

The current lot as it stands is 100 feet wide. While there is ample land to subdivide and stay within the R1 Development Regulations, there is no lot configuration that allows for a 125 foot depth. In addition, the new lot falls within the R1 Development Regulations for front yard setbacks of "at least twenty-five (25) feet but in no event more than forty (40) feet". However, because the adjacent property to the north was allowed to be built on with a 50 foot setback the required set back for the new lot changes to 40 feet which hinders the best use of the land. These practical difficulties can be easily remedied by granting the 2 variances.

The City of Shoreview's Comprehensive Plan stresses that infill development is the best way to fulfill new housing growth requirements. The Cardigan neighborhood is an ideal area as it has the second lowest density rate in the city. The proposed subdivision will maintain minimum lot size as well as remain in the 4 unit per acre zoning. The neighborhood has also been cited as a Neighborhood Housing Opportunity Area. If allowed, this type of infill development will encourage other property owners to complete needed maintenance and perform additional upgrades, revitalizing the neighborhood and falling in line with the cities goal of high quality living.

The subdivision and placement of the housing structure being considered has been planned in such a way that the impact to the neighborhood will only be positive. The reduction of the lot depth size does not affect the view or use of the adjacent property to the west (205 St Marie Street, behind the proposed house) as the dwelling on that lot is situated south of the new lot line. The new structure will be built to match the existing character of the neighborhood and with the "stepped" front setback it

will create a good transition from the garage to the south (181 St Marie Street) and the house to the north (3633 Rustic Place).

The structure to be built will be designed to make the best use of the size and shape of the new lot without hindering the views of adjacent properties. Granting these variances will not create the need to adjust or vary any other city policies or code regulations for this property.

I have attached sketches and photos of homes and floor plans that are representative of what I would like to be built on this subdivided property. Also attached are photos of past properties I have constructed.

Thank you for your time and consideration.

Best,

Willi Abbott

VARIANCE REQUEST

I am requesting a variance on a proposed subdivided lot located at 181 St Marie St in the Cardigan Neighborhood. The variance requested is 25 feet, which would reduce the required lot depth of 125 feet to a depth of 100 feet on the newly created parcel. In addition, I am requesting a front setback variance of 10 feet for the main structure and 5 feet for attached garage. This would reduce a calculated 40-foot setback to a graduated setback as follows: main house to be constructed with a front setback of 30 feet, an attached two stall garage to be constructed with a front setback of 35 feet and a third stall garage to be constructed without need of a variance at a front setback of 40 feet.

The home I would like to build on this lot would match the size and character of the existing neighborhood. A garage would be attached to the home with two of the stalls set back 5 feet from the main house and a third stall set back another 5 feet. Being that the house to the south has a garage built 15.8 feet from the street and the house on the north being setback 50 feet, this would create a stepped appearance to the house, which would give the street view a more continuous line.

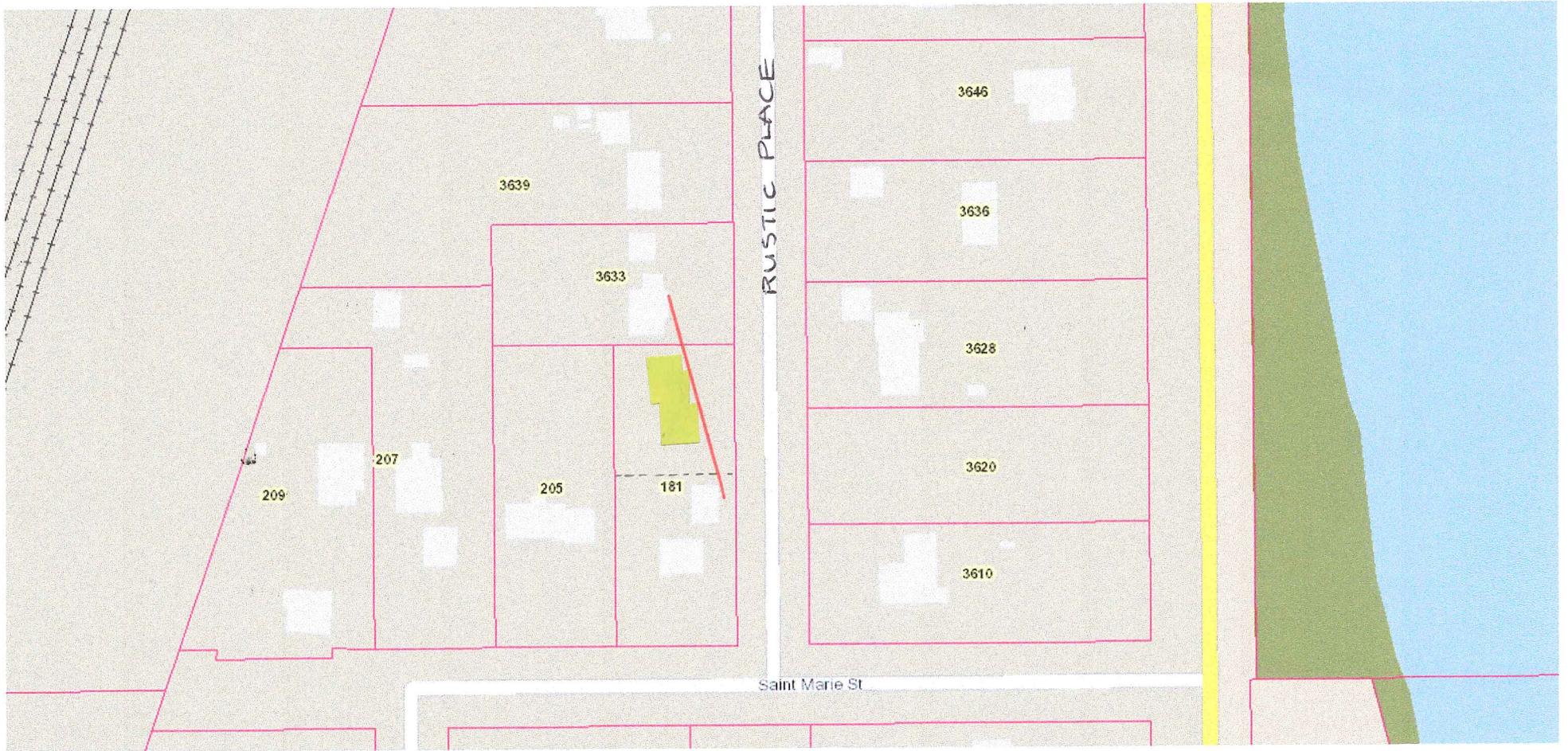
PRACTICAL DIFFICUTIES

The current lot as it stands is 100 feet wide. While there is ample land to subdivide and stay within the R1 Development Regulations, there is no lot configuration that allows for a 125 foot depth. In addition the new lot falls within the R1 Development Regulations for front yard setbacks of "at least twenty-five (25) feet but in no event more than forty (40) feet". However, because the adjacent property to the north was allowed to build with a 50 foot setback the required set back for the new lot changes to 40 feet which hinders the best use of the land.

ADDITIONAL NOTES

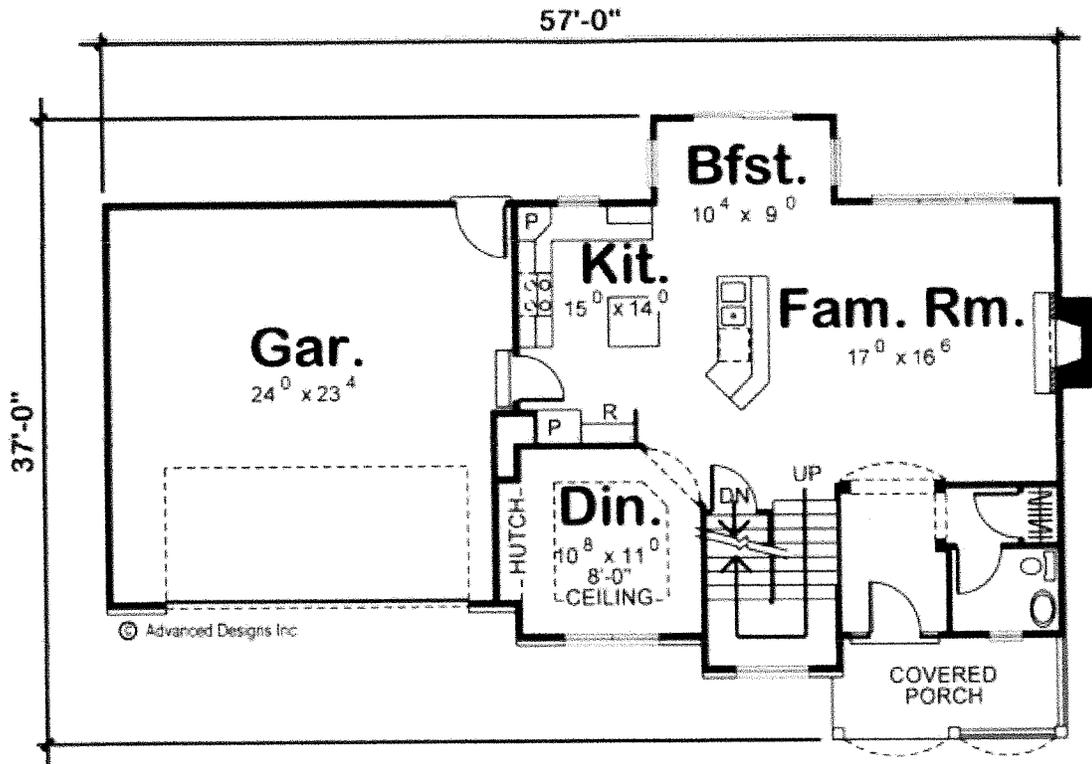
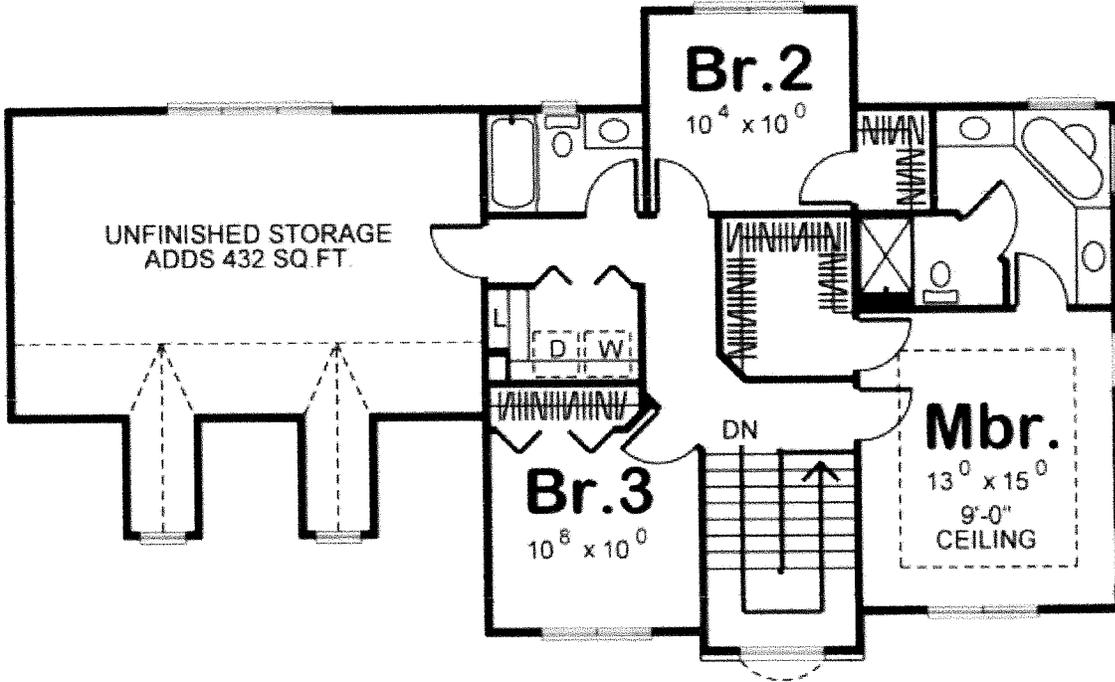
The City of Shoreview's Comprehension Plan stresses that infill development is the best way to fulfill new housing growth requirements. The Cardigan neighborhood is an ideal area as it has the second lowest density rate in the city. The proposed subdivision will maintain minimum lot size as well as remain in the 4 unit per acre zoning. The neighborhood has also been cited as a Neighborhood Housing Opportunity Area. If allowed, this type of infill development will encourage other property owners to complete needed maintenance and perform additional upgrades, revitalizing the neighborhood and falling in line with the cities goal of high quality living.

The subdivision and placement of the housing structure being considered has been planned in such a way that the impact to the neighborhood will only be positive. The reduction of the lot depth size does not affect the view or use of the adjacent property to the west (205 St Marie Street, behind the proposed house) as the dwelling on that lot is situated south of the new lot line. The new structure will be built to match the existing character of the neighborhood and with the "stepped" front setback it will create a good transition from the garage to the south (181 St Marie Street) and the house to the north (3633 Rustic Place).



PLAT MAP WITH STEPPED SET BACK CONCEPT.
PROPOSED HOUSE SHOWN IN GREEN

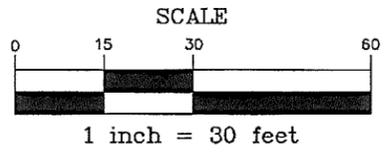
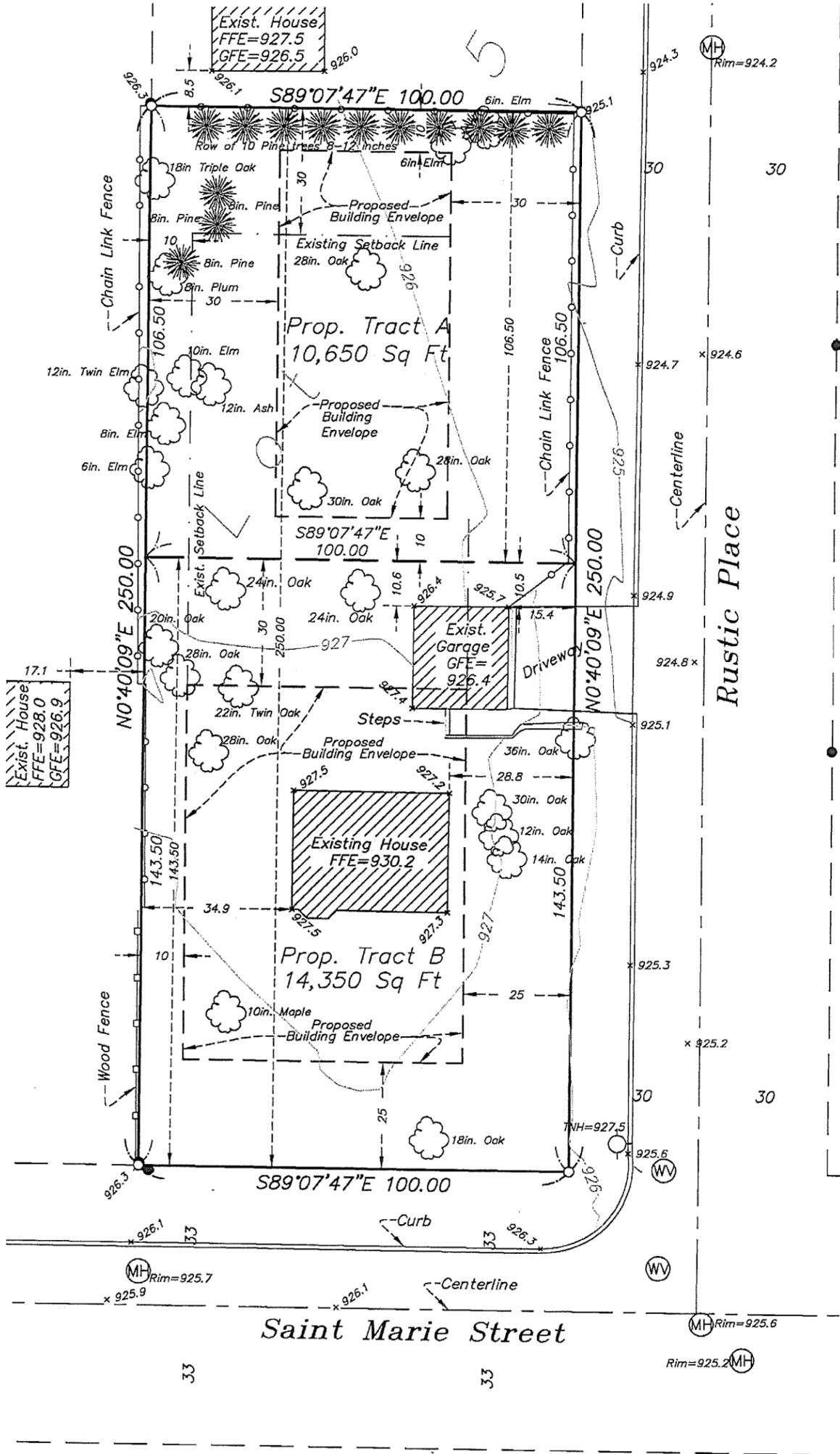




Certificate of Survey

Prepared for:
Saint Marie LLC and Broadway Group

Gross Site Area = 25,000 sq. ft.



Underlying Description (supplied by client)
The South 250 feet of Lot 5, Block 2, ROWE AND KNUDSONS WOODED HOMESITES, according to the recorded plat thereof, Ramsey County, Minnesota.

Legend

- Found Iron Monument
- Set Iron Monument (LS 14700)
- ⊙ Cast Iron Monument
- x 000.0 Existing Elevation

Bearings based on assumed datum.

SCHOBORG LAND SERVICES INC.

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

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

Paul B. Schoborg
Paul B. Schoborg

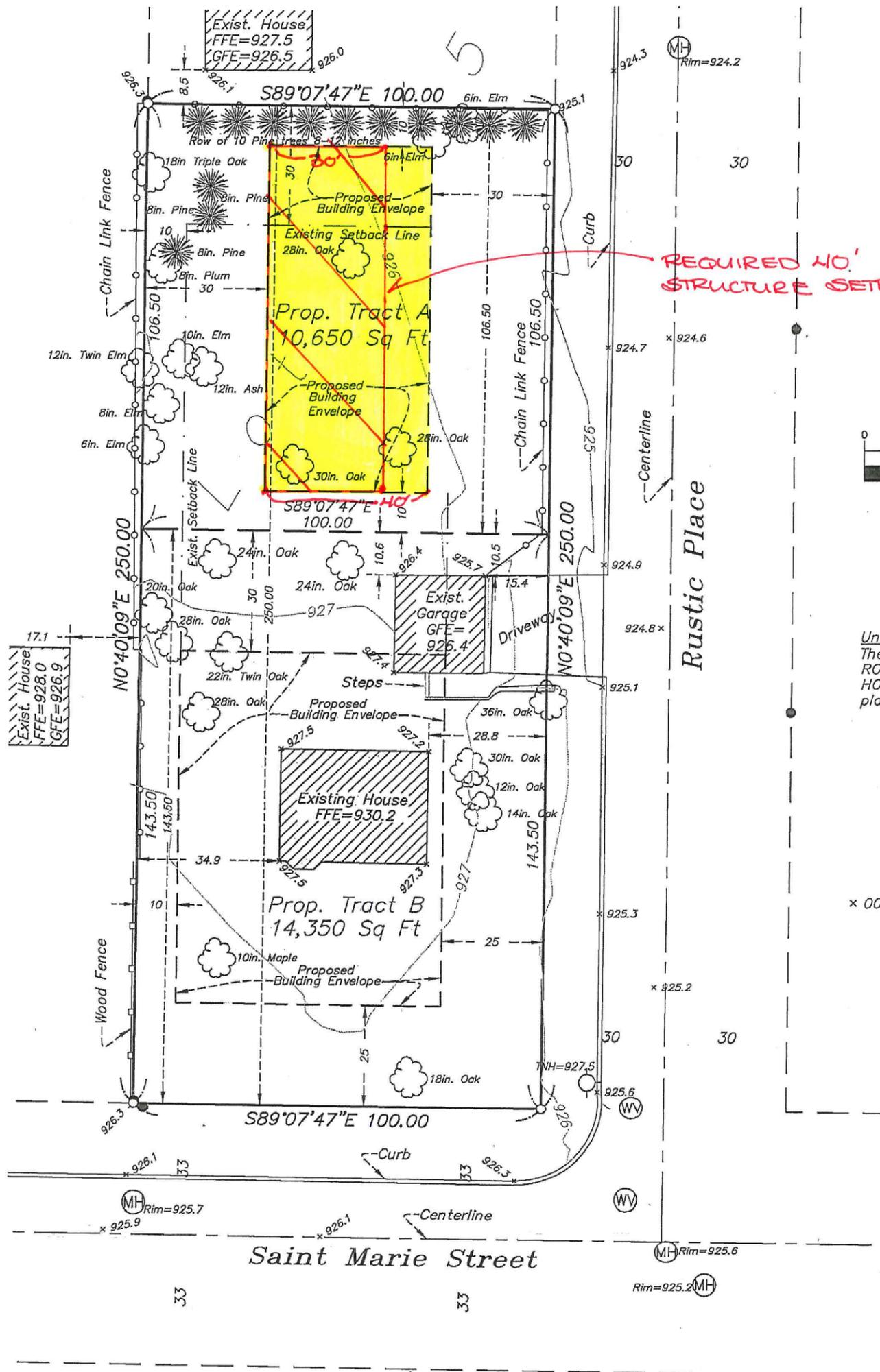
Date: Oct. 14, 2013 Registration No. 14700

Job Number:	7663
Book/Page:	77/37
Survey Date:	9-17-13
Drawing Name:	broadway-group.dwg
Drawn by:	KLB
Revisions:	9-22-13 (total area & setbacks) 10-14-13 (setbacks Tract A)

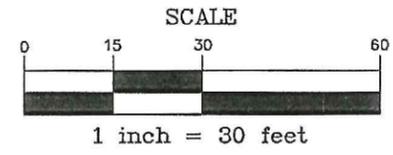
Certificate of Survey

Prepared for:
Saint Marie LLC and Broadway Group

Gross Site Area = 25,000 sq. ft.



REQUIRED 10' STRUCTURE SETBACK



Underlying Description (supplied by client)
The South 250 feet of Lot 5, Block 2, ROWE AND KNUDSONS WOODED HOMESITES, according to the recorded plat thereof, Ramsey County, Minnesota.

- Legend**
- Found Iron Monument
 - Set Iron Monument (LS 14700)
 - ⊙ Cast Iron Monument
 - × 000.0 Existing Elevation

Bearings based on assumed datum.

SCHOBORG
LAND SERVICES
INC.

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

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

Paul B. Schoborg
Paul B. Schoborg

Date: Oct. 14, 2013 Registration No. 14700

Job Number:	7663
Book/Page:	77/37
Survey Date:	9-17-13
Drawing Name:	broadway-group.dwg
Drawn by:	KLB
Revisions:	9-22-13 (total area & setbacks)
	10-14-13 (setbacks Tract A)



Kathleen Castle <kcastle@shoreviewmn.gov>

181 Saint Marie Street

1 message

Kasel, Kelly M. <Kelly.Kasel@minneapolismn.gov>
To: "kcastle@shoreviewmn.gov" <kcastle@shoreviewmn.gov>

Wed, Oct 16, 2013 at 11:58 AM

Kathleen Castle,

Please distribute this email to the Planning Commission. If there is anything else that we need to do before the October 22nd, 2013 meeting please let us know.

Sincerely,
Kelly Kasel

October 16th, 2013

Dear Shoreview Planning Commission,

This letter is in response to Minor Subdivision and Variance application for 181 Saint Marie Street Submitted by Saint Marie, LLC.

We moved into this neighborhood approximately 9 years ago and the main reason we choose this neighborhood was for the rustic feel, larger lot sizes, mature trees, and general spacious feel. We believe that if this subdivision and variance is granted it would negatively impact the essential character of the neighborhood.

If this subdivision and variance is allowed we feel the integrity of the neighborhood would be greatly impacted in a negative way.

It appears that Ste. Marie LLC is creating the, Practical Difficulties by attempting to split a lot that was originally designed as a single lot.

We feel that if this subdivision and variance is allowed other builders may attempt to purchase other houses in this neighborhood with the intention of not preserving the integrity of this neighborhood but rather to continue to split up lots and reconfigure the neighborhood.

The proposed building envelope for the future house would be obviously different from the rest of the neighborhood leaving very little green space and open yard. Thus changing the general feel of the neighborhood. Regardless of the size of house that would be put in the split lot, any house placed there would not conform to the neighborhood. Either way the essential character of the neighborhood would be altered.

We would like the Planning Commission to deny the request for the subdivision and variance.

Sincerely,

Kelly Kasel & Mark Kaspszak
3628 Rustic Place
Shoreview, MN 55126
[651-484-1174](tel:651-484-1174)

City Council:
Sandy Martin, Mayor
Emy Johnson
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

October 8, 2013

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, October 22nd at 7:00 p.m.**, the Shoreview Planning Commission will review Minor Subdivision and Variance applications for **181 Saint Marie Street** submitted by **Saint Marie, LLC**. The applicant proposes to subdivide the property into two parcels. The existing house and detached garage will remain on the southern lot, and the proposed northern lot will be used for the future construction of a new single family residence. A variance has been requested to reduce the required lot depth from the required 125-foot minimum to 100 feet and reduce the minimum 40-foot front yard setback required to 30 feet. The proposed lots conform to other requirements of the Municipal Code. Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Comments received by **October 17th** will be distributed to the Planning Commission with the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting. The meeting is held in the City Council Chambers at Shoreview City Hall, 4600 North Victoria Street.

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 kcastle@shoreviewmn.gov.

Sincerely,

Kathleen Castle
City Planner

Comments:

We are opposed for several reasons: We recently purchased property in this neighborhood mainly because the homes are spaced apart. Once you allow a property owner to divide his lot, you open the door for the entire neighborhood to follow suit. If we provided a driveway easement, we could potentially build another house on our lot. Please do NOT grant these variances!

Name: Colleen & Jim DeCorsey

Address: 3639 Rustic Place

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
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October 8, 2013

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Sincerely,

Kathleen Castle
City Planner

FAX 651.490.4694

Comments:

SEE COMMENTS ON PG. 2 ATTACHED

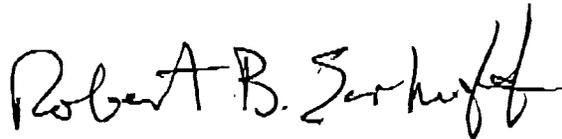
Name: ROBERT EARLUFF
Address: 3566 & 3574 RUSTIC PLACE

Comments re: 2013 Planning Case Files\2461-12-24 181 SaintMarieStreet- Saint Marie, LLC

As the owner of 3566 & 3574 Rustic Place, I object to the proposed variance and subdivision of 181 Saint Marie Street.

The proposal is not consistent with the existing character of the neighborhood. A neighborhood made up of large lots, with plenty of privacy due to the abundance of natural plant life. A neighborhood which has been a tight knit community since my wife's grandfather first built his house at 209 Saint Marie Street in the 1940's.

I also object to the fact that whoever is proposing this is hiding behind a Limited Liability Corporation, and not being forth coming with the neighbors. I fear they are a professional house flipper who will not take the ambience of the neighborhood into consideration as they attempt to maximize their profits by splitting the parcel of land.

A handwritten signature in black ink that reads "Robert B. Earhuff". The signature is written in a cursive, slightly slanted style.

Robert B. Earhuff
3566 & 3574 Rustic Place
Shoreview, MN 55126



Kathleen Castle <kcastle@shoreviewmn.gov>

181 Saint Marie Street

1 message

Marcia Figus <marciafigus@hotmail.com>

Tue, Oct 15, 2013 at 8:39 PM

To: "kcastle@shoreviewmn.gov" <kcastle@shoreviewmn.gov>

In response to the mailing of the application to subdivide the property into two parcels, I strongly object to the variance requested.

The proposed new parcel would be very close to both properties north and south. It would be "dumped" on the property and not fit into the personality of the neighborhood. The proposal doesn't fit the ambiance of the Rowe & Knudson's Wooded Homesites. I as a resident of this area for 40 years do not feel this should be approved.

Marcia Figus
3538 Rustic Place
Shoreview, MN 55126



Kathleen Castle <kcastle@shoreviewmn.gov>

Comment on Request for Variance at 181 St Marie Street

DENNIS AND DENISE HAMILTON <sedeni@msn.com>

Tue, Oct 15, 2013 at 11:46 AM

To: "kcastle@shoreviewmn.gov" <kcastle@shoreviewmn.gov>

Good Morning Kathleen,

Thank You for your help (Rob too) in understanding the subdivision and variance process. I have learned a great deal and have enjoyed looking into it. Please forward the text of our comments below to the other members of planning commission. (for some reason I cannot attach it as a file)

I look forward to the Planning Commission meeting on October 22nd

Thanks
Dennis Hamilton

####

October 15, 2013

City of Shoreview Planning Commission

RE: Applications for Minor Subdivision and Variance for 181 Saint Marie Street.

Commissioners,

We received a letter dated October 8th, 2013 asking for comments regarding the proposal for a variance and minor subdivision request for 181 Saint Marie Street. We have two main areas of comment.

First, the Shoreview city code states that, "The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview Development Regulations." And that Practical Difficulties means:

- i. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
- ii. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.

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

Please consider items ii, and iii.

The property owner, Saint Marie LLC, by requesting a minor subdivision appears to be creating circumstances unique to the property. That is, only if the minor subdivision, requested by Saint Marie LLC., is granted does Saint Marie LLC have a practical difficulty that requires a significant variance for both lot depth and setback. Since item ii of the Shoreview Development Regulations specifically states that it cannot be created by the property owner, the request should be denied.

We also believe that a variance, if granted will result in a significant alteration of the essential character of the neighborhood. The character of the neighborhood is one that is perhaps best described by the name of the street that runs through it, Rustic Place. The homes are almost all on lots of half acre size or more and are set back on tree filled lots. There is a fair amount of space between homes, often 25 to 45 feet. Most homes were built in the 1950's-1970's.

If the variance is granted, any home built on the resulting non-conforming lot will be much closer to the street than the other homes nearby on Rustic Place. Most are set back 60 feet or more. Saint Marie LLC wants to halve that. The setback line on the west side of Rustic Place is very consistent all the way north until the street turns to the Northeast. A structure on the proposed lot would not gently alter that row, but suddenly thrust a home closer to the road than all others. This is perhaps why the City Planners wrote into the development regulations that a structure built next to another should only be a maximum of 10 feet closer to the road than the adjacent structure, once the corner lot structure is removed from consideration. A structure built on the non-conforming lot could be only 18 feet from the house to the north, yet 30 feet closer to the road, 50% closer! This awkward placement would stick out badly in this neighborhood and dramatically alter its open and roomy character. There is a garage at 181 Saint Marie street that is close to the road, but consider that the garage is very small when set next to a modern house.

Also, if a house is built on the non-conforming lot, it would need a driveway. The result would be six drive ways accessing Rustic Place in a space of only 245 feet. And that on the close approach to a Stop sign. Again, a significant alteration to the character of the neighborhood.

Another aspect of the neighborhood's character is that the homes come in a wide variety. There are small houses on large lots and small houses on small lots. There are large houses on large lots. There are no large houses on small lots. To be economically feasible, it is certain that any house built on the non-conforming would be as large as possible. It would be the only large house on a small lot in the neighborhood. It would be close to everything around it. Utterly unique in the neighborhood.

I also took the time to look at another area of Shoreview where a lot had been subdivided and developed on two non-conforming lots in an older area. I looked at 3297 Owasso Heights Drive. Two homes were built, with variances. These homes actually fit into the neighborhood. This is in part because that neighborhood is characterized by many homes built close together, perhaps due to its proximity to Lake Owasso. There are multi-million dollar homes a stone's throw from a row of homes built very close to each other on narrow lots. To build two homes on non-conforming lots in a neighborhood full of non-conforming lots, makes sense. Even so, there is more consistency in the setback of these two homes than what is proposed for Rustic Place.

To conclude, the variance requested is no minor change. We believe that the Practical Difficulties are caused solely by the property owner. We believe that a variance, if granted, would dramatically alter the character of the

neighborhood. By awkwardly placing a house, close to the street, on a small lot, in a manner completely different than the other houses in the area, with one more driveway in a very short distance, the roomy and spacious character of the neighborhood would be gone forever. If granted, the result would be quite different from what has been done in other parts of our city. We request that the planning commission deny the request for variance and minor subdivision.

Sincerely,

Dennis and Denise Hamilton

3633 Rustic Place

Shoreview, MN 55126

[651 766 2592](tel:6517662592) home, [612 709 0975](tel:6127090975) cell, sedeni@msn.com

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



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October 8, 2013

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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 kcastle@shoreviewmn.gov.

Sincerely,

Kathleen Castle
City Planner

Comments:

The variance would put 2 houses within 50 feet of our property line. We feel that will reduce our privacy and peacefulness of our property. We also feel it brans up the feel of the neighborhood by crowding a lot with two houses.

Name:

Address:

Alan & Richard Otisener
205 Saint Marie St.

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
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October 8, 2013

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Sincerely,

Kathleen Castle
City Planner

We completely reject acceptance of a Minor Subdivision and Variance application for the property at 181 Saint Marie Street.

The charm of this "pocket" neighborhood is the careful planning that went into its original generous wooded lots. We were immediately attracted to this element much more than the amenities of the 1955 small ranch home we subsequently bought. Now that charm will be lost, with yet another home squeezed into a space never intended for additional housing.

A couple of years ago we made a too hasty decision to sign a variance for a similar project immediately to our east on Ste. Marie. Now our access to our own backyard on the east side of our garage is limited to a couple of feet and plantings have been established to emphasize this fact. When that home is built there will be a very crowded intersection at Ste. Marie and Rustic Place.

We are hemmed in here; have you noticed? Surrounded by busy Rice Street, roaring Highway 694, and an increasingly intrusive railroad, we still maintain a rural, wooded island in the midst of all this urban activity which visitors always admire.

No to more building on back lots!

Comments:

We support the concerns of the neighbors - Denise & Dennis Hamilton - that the lot is too small for new construction

Name: Mike & Jacci Krebsbach
Address: 207 St Marie

T:\2013 Planning Case Files\2461-12-24 181SaintMarieStreet-Saint Marie, LLC\Neighborhood Request for Comment.docx

Comments:

I am not in favor of the lot split. I think it takes away from the integrity of the neighborhood. Several years ago I built a new garage. My old one was closer to the street. I wanted to put the new one in its place but was required to move back to comply with the set back. If I am required so should they.

Name: Mark Peterson
Address: 3592 Rustic Pl.

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**PROPOSED MOTION
TO TABLE THE LOT WIDTH/FRONT YARD SETBACK VARIANCE AND MINOR
SUBDIVISION APPLICATIONS FOR SAINT MARIE, LLC
181 SAINT MARIE STREET**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To table the applications and provide the applicant with additional time to address the issues raised regarding the buildable area of the property, required structures setbacks, impact on adjoining home and character of neighborhood. Additional information regarding the proposed home on the property will allow the Commission and Staff to better evaluate the proposal in terms of the Development Code standards and variance criteria. The review period for the application is extended to 120 days.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
October 22, 2013

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**PROPOSED MOTION (ALTERNATE)
TO APPROVE THE LOT WIDTH/FRONT YARD SETBACK VARIANCE AND MINOR
SUBDIVISION APPLICATIONS FOR SAINT MARIE, LLC
181 SAINT MARIE STREET**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution 13-91, approving the lot depth variance and front yard setback variance needed for the proposed Parcel A and recommend the City Council approve the minor subdivision for 181 Saint Marie Street dividing the property into two parcels, creating a new parcel for single-family residential development. Said approval is subject to the following:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. The future home on Parcel A shall be placed no closer than 30-feet to the Rustic Place right-of-way. This home shall have a varied setback from the front property line as shown in the applicant's submittal.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Payment for City municipal services and escrow deposits as outlined in the attached memo from Tom Hammitt, Senior Engineer Technician dated October 15th.
5. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
6. Driveways and all other work within the Rustic Place right-of-way are subject to the permitting authority of the City of Shoreview.
7. A tree protection and replacement plan shall be submitted prior to issuance of a building permit for Parcel A. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
8. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
9. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings:

Variance

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed subdivision of the 100 foot wide by 250 foot deep lot for a future detached single family dwelling is a reasonable use of this property since the resulting parcels comply with the minimum lot area in the R1 district and the subdivision standards.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The unique circumstance to the property relates to the existing lot width, lot configuration and existing structure setbacks. The existing 100-foot lot depth becomes the width for the property. This width cannot be increased due to the existing lot configuration. The required 40-foot setback is driven by the setback of the home to the north which is 50-feet. The placement of a home at the 30-foot setback proposed is reasonable due to the characteristics of the improvements on Parcel B. From Rustic Place, this home is setback 28.8 feet from the side lot line adjacent to the street and the detached garage is setback 15.4 feet from the Rustic Place right-of-way. Placing a house at the proposed 30-foot setback would not seem out of character due to the placement of these structures. It will still provide a transition between the improvements on Parcel B and the adjoining property to the north.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* While the character of the area does have larger lots, the construction of a single family home, if properly designed and scaled proportionately to the parcel, may not impact the character of this neighborhood. Similarly situated corner lots also have the potential to subdivide due to their lot area.

Minor Subdivision

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted subdivision standards.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
October 22, 2013

t:\2013pcf\2504-13-30saintmariellc\pcmotion

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: October 17, 2013
SUBJECT: Comprehensive Sign Plan, 1050 County Road E, File 2501-13-28

INTRODUCTION AND BACKGROUND

On behalf of John Traeger, Dr. Robert Thatcher submitted a Comprehensive Sign Plan application for the property at 1050 County Road E. The office building was constructed in 2006, and a freestanding monument sign completed in 2007. The building is owned by Mr. Traeger.

The existing monument sign has an area of 47 square feet, and includes space for two panels identifying building tenants. The applicant has now submitted a comprehensive sign plan, proposing to alter the existing monument sign by adding an integrated message center sign in place of the tenant panels. The message center sign is 14 square foot, which is less than the minimum 20-square foot area required for a message center sign. Deviations from requirements of the Sign Code are permitted with approval of a Comprehensive Sign Plan. The application was complete October 1, 2013.

PROJECT DESCRIPTION AND DEVELOPMENT CODE REQUIREMENTS

The property is located near the southeast corner of the intersection of Lexington Avenue and County Road E. The one-story office building has approximately 6,500 square feet of gross floor area, occupied by the John W. Traeger Insurance Agency and the Health and Wellness Center of Mid-America, operated by Dr. Thatcher.

The zoning designation is PUD, Planned Unit Development, with an underlying designation of O, Office. All adjoining land uses are commercial. The nearest residential use is more than 650 feet to the east along County Road E. There are also residential uses on Richmond Court, southeast of the subject property, but the location of the sign on the subject property is screened by the office building here when viewed from the southeast. Given these conditions, the review is based on a determination that the proposed message center sign will not impact nearby residential uses.

Monument signs for a building with less than 20,000 square feet of floor area are permitted with a maximum area of 60 square feet and a maximum height of 12 feet. The existing sign complies with the standards for a monument sign.

The 13.9 square-foot message center sign is designed to use the area of the monument originally intended to display two tenant panels. It is not possible to modify the existing sign to accommodate a larger message center, and so the area represents a deviation from the Code. An approved comprehensive sign plan may vary from the design and dimensional standards of the Sign Code.

- The message center sign must be integrated into a freestanding monument sign.
 - The name of the facility shall dominate all other sign features.
- A maximum area of 50-square feet in the Office District.
- A minimum area of 20-square feet in all districts
- A static display with a minimum 8-second duration.
- No flashing, scrolling, fades, or other imitation of movement is permitted.
- The text must be limited to allow passing motorists to read the entire copy.
- Brightness for the sign must be set at a minimum level which the sign is to be read, and must include an automatic dimmer control to adjust brightness for ambient light conditions.

Dr. Thatcher plans to display services provided by his clinic on the message center full-color display, using an 8-second minimum duration for each display. See the applicant's statement for examples of the messages anticipated. Conditions are recommended to minimize the distraction the sign might present to drivers viewing the sign from County Road E.

STAFF REVIEW

Comprehensive Sign Plan review considers five elements governing sign design within the site: location, materials, size, color and illumination. When a deviation is proposed approval shall be based on required findings, and these findings are reviewed below:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign.* The property currently has one sign, the monument sign proposed to employ the message center sign.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The message center sign has been designed to fit into the existing monument sign, and the area available is limited to the proposed 14 square foot area sign.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The deviation will allow a message center sign that is effectively integrated into the existing monument sign.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The sign display will use 7 to 8 inch letters and short messages to retain visibility for passing motorists.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The sign plan amendment proposes signs with a consistent design that conform to the intent of Code.

REQUEST FOR COMMENT

Property owners within 350 feet of the site were notified of the requests. Two comments from adjacent property owners have been submitted in response to the notice, and both express support for the proposal.

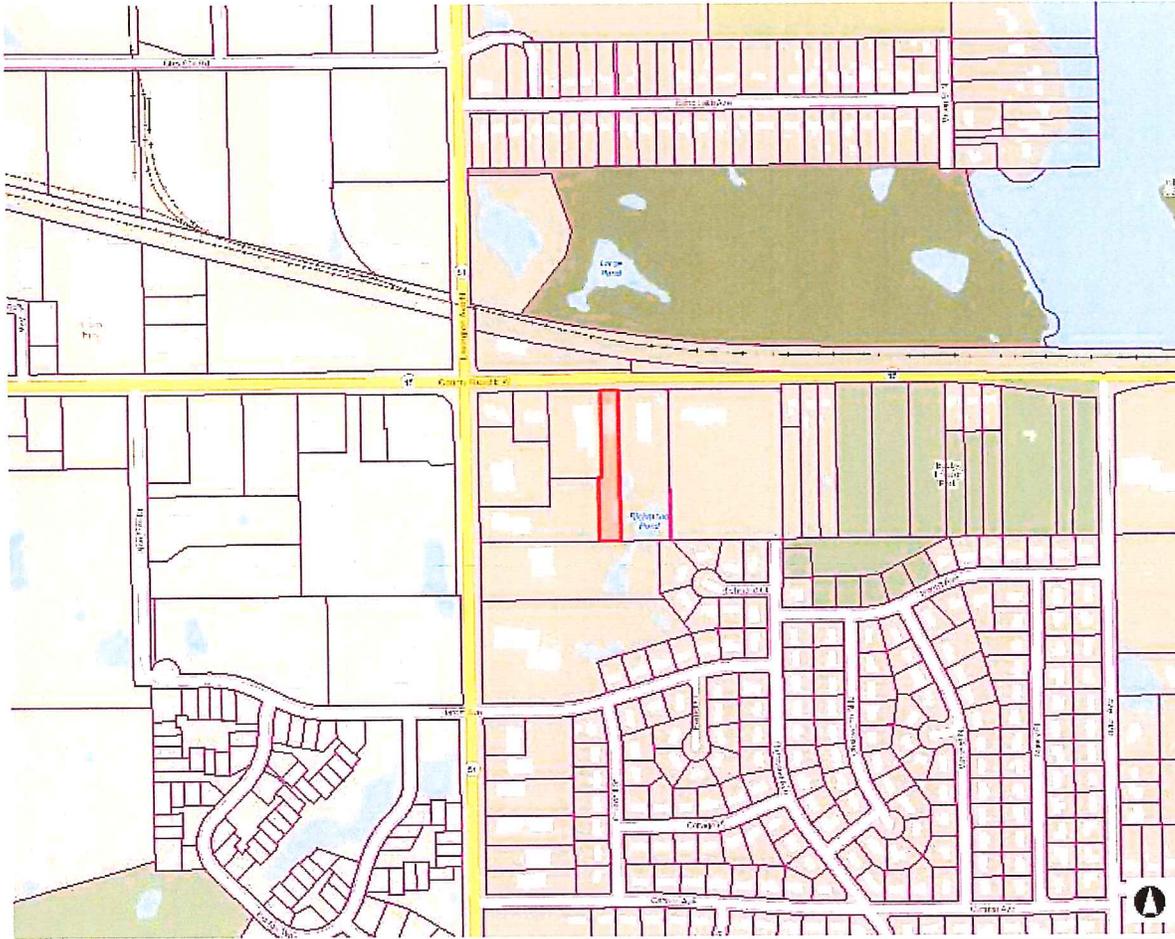
RECOMMENDATION

Staff reviewed the proposal in accordance with the sign criteria and has included conditions to address concerns regarding the proposed signage. If the Planning Commission concurs with the Staff and is able to make affirmative findings for the proposal, the application should be forwarded to the City Council with a recommendation for approval, with the following conditions:

- A. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
- B. The applicant shall obtain a sign permit prior to the installation of any signs on the property.
- C. The message center sign shall:
 - 1. Display text using a minimum 6-inch letter height, sufficient to be readable by passing motorists without distraction.
 - 2. Messages shall be limited to allow passing motorists to read the entire copy.
 - 3. Messages shall not include telephone numbers, email addresses or internet urls.
 - 4. Messages shall be displayed for a minimum of 8 seconds, and shall change instantaneously.
 - 5. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
 - 6. The brightness of the sign shall not exceed 0.3 foot-candles above ambient conditions, when measured at a distance of 37.4 feet from the sign.

Attachments:

- 1. Location Map
- 2. Approved Monument Sign
- 3. Submitted Plan
- 4. Proposed Motion



Legend



- Parcel Points
- Parcel Boundaries
- County Borders

Notes

Location Map

1,159.7 0 579.85 1,159.7 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend



- Parcel Points
- Parcel Boundaries

300.0 0 150.00 300.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
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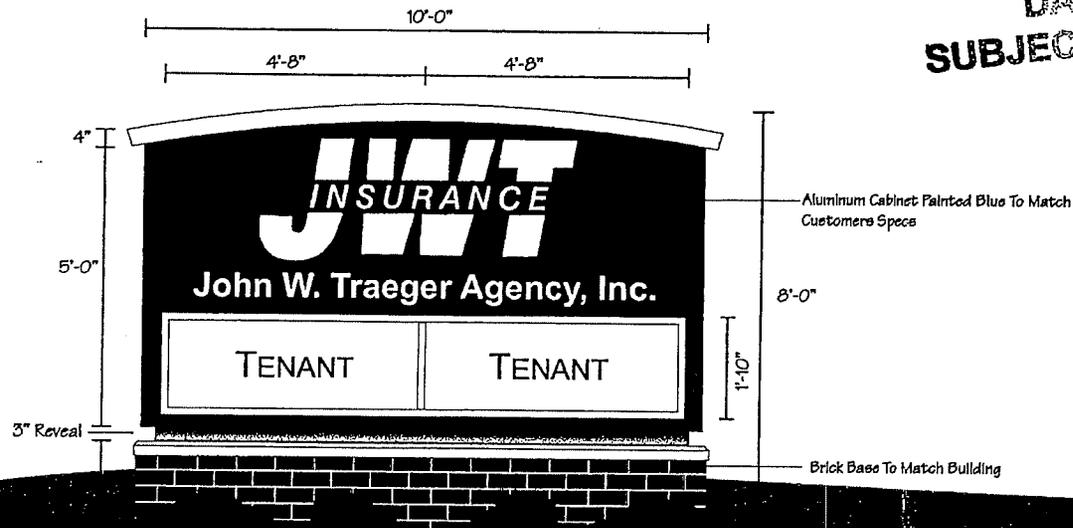
Notes

Enter Map Description

DOUBLE FACE ILLUMINATED MONUMENT

- Aluminum Cabinet Will Be Painted Blue To Match Customers Specs.
- Face Will Have Routed Out Copy & Logo With 3/4" Clear Acrylic Push Thru Letters.
- Tenant Panels Will Be White Lexan With Translucent Vinyl Graphics Applied To The Face.
- T-Bars & Retainers Will Be Painted Light Grey.
- Cabinet Will Be Lit With High Output Fluorescent Lighting.
- Aluminum Top Cap & Reveal Will Be Painted Light Grey.
- Brick Base to Match Building Brick.

APPROVED
CITY OF SHOREVIEW
 BY (PW)
 DATE 4/12/07
SUBJECT TO FIELD INSPECTION



Aluminum Cabinet Painted Blue To Match Customers Specs

Brick Base To Match Building

PRINTED COLORS & GRADIENTS AS SHOWN MAY VARY FROM ACTUAL FINISHED COLOR.

DOUBLE FACE ILLUMINATED MONUMENT

SCALE: 1/2" = 1'-0"

Lawrence ign

846 PIERCE BUTLER ROUTE, ST. PAUL, MN 55104
 WWW.LAWRENCEIGN.COM

JWT INSURANCE

JWT INSURANCE
 CLIENT

SHOREVIEW, MN
 LOCATION

TED KROSKA
 ACCOUNT EXECUTIVE

JON JASPER
 DESIGNER

JWT INSURANCE
 DRAWING

4-9-07
 DATE

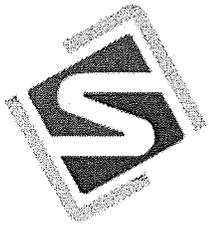
REVISION

X
 CUSTOMER APPROVAL

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF LAWRENCE SIGN AND ARE THE RESULT OF THE ORIGINAL WORK OF ITS EMPLOYEES. THEY ARE SUBMITTED TO YOUR COMPANY FOR THE SOLE PURPOSE OF YOUR CONSIDERATION OF WHETHER TO PURCHASE THESE PLANS OR TO PURCHASE FROM LAWRENCE SIGN A SIGN MANUFACTURED ACCORDING TO THESE PLANS. DISTRIBUTION OR EXHIBITION OF THESE PLANS TO ANYONE OTHER THAN EMPLOYEES OF YOUR COMPANY, OR USE OF THESE PLANS TO CONSTRUCT A SIGN SIMILAR TO THE ONE EMBODIED HEREIN, IS EXPRESSLY FORBIDDEN. IN THE EVENT THAT SUCH EXHIBITION OCCURS, LAWRENCE SIGN EXPECTS TO BE REIMBURSED \$2,000 IN COMPENSATION FOR TIME AND EFFORT ENTAILED IN CREATING THESE PLANS.

modify panels that read "Tenant"

Existing Monument Sign



stewart signs

America's Premier Sign Company

October 7, 2013

Dr. Thatcher,

Thank you for your continued interest in the Stewart Sign Company--America's Premier Sign Company since 1968.

Our DayStar EXP LED cabinet 20MM 24 x 112 that you are interested in ordering has the following dimensions:

Actual Display Height is 1' 6.9" by Actual Display Width of 7' 4.2"

Total Cabinet is 1'10" x 7' 7.2"

You are able to display (3) lines of text at 5.5" tall characters and 19-23 characters per line.

You can also display one line of 18.9 " tall characters.

The DayStar 20mm LED display is the perfect signage to capture the passing motorist that is doing 45mph or less pass your business.

Our DayStar has the capabilities of displaying video--text--animation--graphics.

The DayStar comes with its' own proprietary software and is very user friendly. You can control the led display sign to do about anything including when to run your messages. You can tell the sign when you want your message to appear and for how long. You can program your sign up to a year in advance and all your data is stored on the embetted Linux PC 32 gb controller.

The Stewart Sign Company has been providing top quality signage to the American public for the last 46 years.

We are the largest provider of LED signage to the US Military and we just installed a large LED display at the Kennedy Space Center for NASA.

I look forward to welcoming HEALTH AND WELLNESS CENTER to the Stewart Sign family of satisfied customers.

Regards,

Rick Fontaine

2201 Cantu Court Suite 215 Sarasota, FL 34232
(941) 378-4242 (800) 237-3928 Fax (941) 378-2765

stewartsigns.com

Stewart

AMERICA'S PREMIER SIGN COMPANY

Changeable Letter Size Chart

Important: Change "page scaling" to "none" in your print options to ensure the sample letters are printed at the correct size.

Page Scaling:

The *times in seconds* are calculated assuming a 1" letter to be readable at 50 feet. Each 1" increase results in an additional 50 foot readability. By industry studies, the 50 foot per inch readability criterion is generous.

The chart on the right also assumes free flowing traffic. Traffic lights, stop signs, and other conditions can, in some cases, justify smaller character heights.

Remember, the figures in the chart represent the time from which letters first become readable until one passes by a sign. The need to monitor traffic conditions, and normal driving concerns restrict the amount of time a driver can dedicate to reading your message. The answer, whenever possible, is to allow the driver more time to read the message through larger letter sizes.

The premier quality of an effective sign is readability. If a sign cannot be read from a distance sufficient to allow time to read it, then the message it carries is silenced. This chart will help you choose the best letter size for the speed of traffic passing by.

From years of study, it has been determined that the recommended minimum reading time is 5 seconds.

Imagine you are the driver of a car driving past your sign. At your speed, what size letter will the sign require to allow you time to read the message before you pass it?

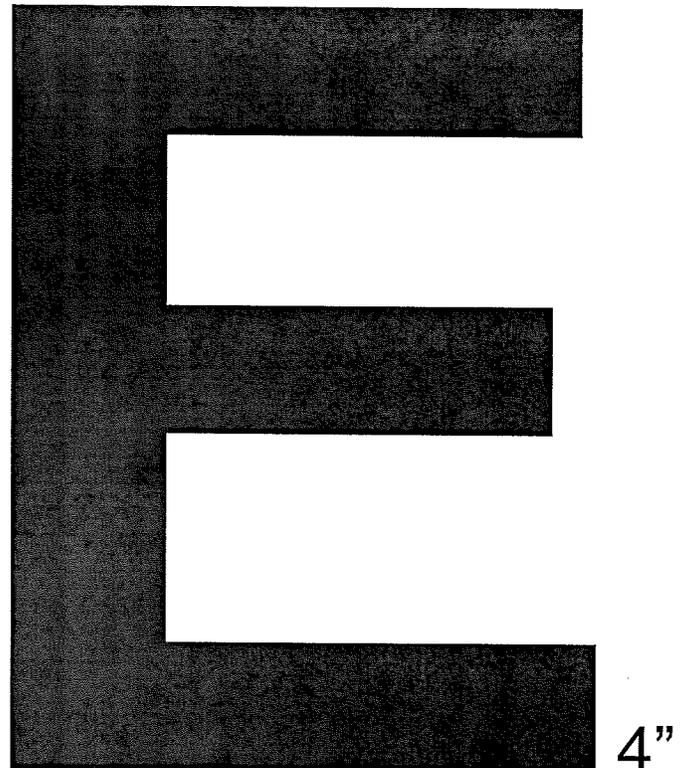
INSTRUCTIONS FOR SIZE SELECTION CHART

This letter chart has been designed to help you select the most readable letter size for your sign.

We recommend that you:

1. Place the chart perpendicular to the road where your new sign will be located. It may be held, tacked to a wooden stake or tree, or taped to an existing sign.
2. Drive by the letter chart at the normal traffic speed.
3. Choose the letter size that is the most readable.

		Letter Size			
		4"	6"	8"	10"
M.P.H.	25	5.5	8.2	10.9	13.6
	35	3.9	5.8	7.8	9.7
	45	3.0	4.5	6.1	7.6
	55	2.5	3.7	5.0	6.2
	65	2.1	3.1	4.5	5.7





John W. Traeger Agency, Inc.

1050 County Road E West, Suite 100 • St. Paul, MN 55126
Office: (651) 414-6400 Fax: (651) 414-6401

September 13th, 2013

City of Shoreview
Planning Commission

To whom it may concern:

I recently have had discussion with my long time renter, Dr. Robert Thatcher of the Health and Wellness Center located at 1050 County Road E. West. Shoreview, MN. Dr. Thatcher is interested in replacing the designated signage he has in my monument sign with an LED sign.

The new sign would fit exactly within his designated space without any re-configuration to my current monument sign. He has discussed the design and it meets my requirements.

The reason for the request for the new sign is to provide Dr. Thatcher with the ability to attract new patients and to pass along exactly what his clinic does. He is the only other tenant besides my office in the building.

Thank you for your consideration of the slight variance he is asking to make compared to the village rules. My understanding is that the city minimum is 20 square feet of readable sign space and he is asking for you to approve 18 square feet.

It is not realistic for me to tear down a 7 year old sign and build a new one to create 2 additional square feet to satisfy the current rules of the city. I fully support his request for variance.

I am hopeful the Planning Commission will recommend to the City Council that this variance is reasonable and support Dr. Thatcher's request.

Thank you,

A handwritten signature in black ink, appearing to read 'John Traeger', written over a horizontal line.

John Traeger
651-414-6402



Robert Warwick <rwarwick@shoreviewmn.gov>

Bob Thatcher

DRchina@aol.com <DRchina@aol.com>

Tue, Oct 15, 2013 at 4:12 PM

To: rwarwick@shoreviewmn.gov

Cc: drchina@aol.com

Sign options:

Shoreview Physical Therapy

3rd Opinion Pain Relief Center

Integrated Health Care

Time and Temp

Laser Pain Specialists

Acupuncture Services

These are examples of our sign usage.

Thanks...

Bob

Subj: **RE: Dr. Bob Thatcher/Sign**
Date: 9/17/2013 1:01:30 P.M. Central Daylight Time
From: mschoonover@sbwinc.com
To: DRchina@aol.com

Bob-If it's ok with the City, it is ok with me.

I approve the use of your new sign.

Mike

From: DRchina@aol.com [mailto:DRchina@aol.com]
Sent: Tuesday, September 17, 2013 10:59 AM
To: Mike Schoonover
Subject: Dr. Bob Thatcher/Sign

Mike...do you have any issues with our modifying our building sign?

Bob T

Dr. Robert L. Thatcher
Clinic Director
Doctor of Chiropractic, DipAp
Health and Wellness Center
MidAmerica
651-484-8448 -- Office
<http://www.bewelltoday.us/>



Subj: **County Road E Signage**
Date: 10/2/2013 11:55:23 A.M. Eastern Daylight Time
From: keithe@remax.net
To: drchina@aol.com

I am a partner in the two neighboring buildings at 1000 County Road E and 1050 County Road E. I am fine with the sign changes that you mentioned to me.

--
Regards-
Keith Eibensteiner
Real Estate Consultant
RE/MAX Results
651-248-0590
Email: keith.eibensteiner@results.net
www.results.net/keith.eibensteiner



MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Comprehensive Sign Plan submitted by Dr. Robert Thatcher, for 1050 County Road E, subject to the following conditions:

- A. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
- B. The applicant shall obtain a sign permit prior to the installation of any signs on the property.
- C. The message center sign shall:
 1. Display text using a minimum 6-inch letter height, sufficient to be readable by passing motorists without distraction.
 2. Messages shall be limited to allow passing motorists to read the entire copy.
 3. Messages shall not include telephone numbers, email addresses or internet urls.
 4. Messages shall be displayed for a minimum of 8 seconds, and shall change instantaneously.
 5. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
 6. The brightness of the sign shall not exceed 0.3 foot-candles above ambient conditions, when measured at a distance of 37.4 feet from the sign.

This approval is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign.* The property currently has one sign, the monument sign proposed to employ the message center sign.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The message center sign has been designed to fit into the existing monument sign, and the area available is limited to the proposed 14 square foot area sign.

3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The deviation will allow a message center sign that is effectively integrated into the existing monument sign.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The sign display will use 7 to 8 inch letters and short messages to retain visibility for passing motorists.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The sign plan amendment proposes signs with a consistent design that conforms to the intent of Code.

VOTE:

AYES:

NAYS:

***Regular Planning Commission Meeting
October 22, 2013***