

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: OCTOBER 27, 2015
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 22, 2015

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: October 5th, 2015 & October 19th, 2015

4. NEW BUSINESS

A. VARIANCE

File No: 2593-15-36

Applicant: Michael & Karin Meloch

Location: 756 County Road I

B. VARIANCE/ MINOR SUBDIVISION*

File No: 2594-15-37

Applicant: Gerald & Linda Walsh

Location: 175 Sherwood Road

C. PUBLIC HEARING - CONDITIONAL USE PERMIT/SITE AND BUILDING PLAN REVIEW*

File No: 2596-15-39

Applicant: Jeff Jensen-Minnesota Veterinary Hospital

Location: 4545 Hodgson Road

5. MISCELLANEOUS

A. Discussion – Accessory Structure Regulations

B. City Council Assignments for *November 2nd, 2015 & November 16th, 2015*
Commission Members *Schumer and Peterson*

C. City Council Assignments for *December 7th, 2015 & December 21st, 2015*
Commission Members *Thompson and McCool*

D. Planning Commission *Workshop before November 17th meeting @ 6:00 PM.*

6. ADJOURNMENT

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

NEW BUSINESS

VARIANCE/RESIDENTIAL DESIGN REVIEW

FILE NO.: 2590-15-33
APPLICANT: JONATHAN GUSDAL & SONJA HAGANDER
LOCATION: 3194 WEST OWASSO BOULEVARD

Presentation by City Planner Kathleen Castle

The applicants propose to demolish the existing home and build a new home in a similar location. The proposed new home would be a two-story design with walkout level and attached garage. It would consist of 2400 square feet of foundation area. Access will be from the existing drive, which will be realigned due to the slope of the property. The property is a substandard riparian lot with a width of 75 feet.

The proposal complies with City standards for foundation area, lot coverage, building height, side yard setbacks and architectural mass. The variances requested are to reduce the minimum setback from the Ordinary High Water (OHW) mark from 162.5 feet to 105.4 feet for a new house and to 97.6 feet for a patio; and to increase the setback from the West Owasso Boulevard right-of-way from 134.5 feet to 175.5 feet.

The applicant states that the location of the adjacent home to the south creates practical difficulty because it is placed closer to the street than other nearby homes. The applicant's proposed location for the new home is consistent with other houses and uses the level portion of the lot.

Staff agrees that practical difficulty is present and that the new home would be aligned with other homes along this section of West Owasso Boulevard and Lake Owasso. The proposal does not alter the character of the neighborhood. The home to the south creates practical difficulty because of its setback of 58.5 feet from the front property line. There are also unique circumstances of topography with the slope of the lot from West Owasso Boulevard to the lake.

Seven landmark trees are proposed to be removed, the majority of which are on the street side of the home. The City requires a 2:1 replacement ratio. The property will be regraded. Storm water will be managed with French drains located along the north and south property lines. Water will drain into the yard of the subject property. Shoreland Mitigation requirements are met with architectural mass and the reduction of impervious surface by 8.75%.

Property owners within 150 feet were notified of the proposal. No comments were received. Staff is recommending approval with the conditions listed in the staff report.

Chair Solomonson noted this application was reviewed in 2012. He asked the difference from the 2012 application and this application. Further, he asked for clarification on how a French drain works. Ms. Castle stated that in 2012 there was a building height variance requested which was not approved. The building height in this application is in compliance. A French drain is a

covered ditch with a perforated pipe from which storm water is channeled from lot lines into yard areas.

Mr. Jonathan Gusdal, Applicant, stated that there is a storm water pipe on the property that was abandoned by the City many years ago. He asked what plans the City has for that pipe, as it is an eyesore. He would like it to be taken away. Ms. Castle responded that the City Engineer will review the issue and make a determination.

Mr. Tim Holt, Project Architect, stated that a French drain system is an area that is porous so that any water that reaches it will flow down into the pipe and out to the yard. It will be kept as hidden as possible.

Commissioner Ferrington commended the use of native vegetation. She suggested that in the area where the French drains discharge water, rain gardens be added because they are very effective at infiltrating water.

Mr. Bill Champion stated that he lives in the adjacent home to the south. He stated that the storm water pipe referred to by the applicant continues to be used. There are drain pipes from his yard that connect to that storm water pipe. He asked the time line for resolving this issue, as he is leaving for the winter on October 3, 2015, and will not return until next May. He would like to have input if possible on the decision.

The consensus of Commissioners was that the applicants have presented a good design working with a difficult lot and agreement with staff that the home to the south does create practical difficulty.

MOTON: by Commissioner Schumer, seconded by Commissioner Ferrington to adopt Resolution 15-86 approving variance requests submitted by Jonathan Gusdahl and Sonja Hagander to construct a new home at 3194 West Owasso Boulevard. The variances approved are: 1) To reduce the minimum 162.5-foot structure setback from the Ordinary High Water (OHW) of Lake Owasso to 105.4 feet for the home and 97.6 feet for the patio , and 2) to increase the maximum 134.5-foot structure setback from the front property line to 175.5 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 25% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. Seven 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 permit from the Ramsey Washington Metro Watershed District shall be obtained, if required, prior to the issuance of a building permit.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any construction activity begins.
10. 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. The proposal is consistent with the City's housing policies regarding housing, neighborhood reinvestment, and life-cycle housing.
3. Practical difficulty is present as stated in Resolution 15-86.

VOTE: Ayes - 6 Nays - 0

PUBLIC HEARING –PRELIMINARY PLAT*

FILE NO: 2591-15-34
APPLICANT: RAMSEY COUNTY (LIBRARY)
LOCATION: 4570 VICTORIA, 805/795 HIGHWAY 96

Presentation by City Planner Kathleen Castle

Ramsey County has submitted a preliminary plat to create two parcels for a new County library. Rezoning and PUD Development Stage have previously been approved by the City Council. One parcel would be for the existing library; one would be for the new library. The site plan has been approved for a new 34,000 square foot library facility. The setback deviations requested under the PUD have been approved for the building and parking. The County will enter into a lease purchase agreement with the Mounds View School District for the sale of the existing library building.

There are no defined lot standards with the PUD. The plat combines three existing parcels into two parcels. Both proposed parcels are consistent with the PUD approval. Lot 1 would have 1.95 acres; Lot 2 over 2 acres for the new facility.

Staff is making an additional recommendation that a 10-foot drainage/utility easements would be required along Victoria Street and the Upper/Lower Commons Road. Shared driveway and maintenance agreements are required. An existing easement needs to be vacated with the Final Plat.

Property owners within 350 feet were notified, and the public hearing notice was published in the City's legal newspaper. No comments were received.

Staff finds that the plat is consistent with Code requirements and the previous PUD approval and recommends the application be forwarded to the City Council with a recommendation for approval.

Commissioner Ferrington asked if the 10-foot drainage easement would interfere with the building placement. Ms. Castle answered that there should be no impact to the placement of the building.

City Attorney Kelly stated that proper notice has been given for the public hearing.

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

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to close the public hearing at 7:34 p.m.

VOTE: Ayes - 6 Nays - 0

Commissioner McCool asked if Upper Commons Road is a public street. Ms. Castle answered, no. Commissioner McCool noted an encroachment on Upper Commons Road and asked if it that encroachment should remain part of Upper Commons Road. Ms. Castle explained that the Upper Commons Road alignment does not necessarily follow what is shown on the plan. She suggested a condition of approval for that issue to be reviewed before the Final Plat.

Mr. Bruce Thompson, Director Property Management for Ramsey County, introduced Mr. Paul McGinley, Vice President and Principal Land Surveyor for Loux Associates. **Mr. McGinley** stated that the encroachment is not on Upper Commons Road. It is an encroachment of a 20-foot water main easement that cuts through that corner. It will not impact the road corridor.

MOTION: by Commissioner Schumer, seconded by Commissione Ferrington to recommend the City Council approve the Preliminary Plat submitted by Ramsey County for the future regional library in the Shoreview Commons area. Said approval is subject to the following:

Preliminary Plat

1. The Final Plat shall include dedicated drainage and utility easements along the front property lines abutting Victoria Street and along the side and rear lot lines abutting the Upper and Lower Commons Road.

2. The applicant shall execute an agreement for this Plat addressing the shared driveway, parking and maintenance between Lots 1 and 2. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
3. The applicant shall submit a request to vacate the existing utility easement per Document 2599472 concurrent with the Final Plat application.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Institutional land use in the Comprehensive Plan.
2. The proposed plat complies with the standards (as conditioned) of the City's Subdivision Code.
3. The proposed plat is consistent with the approved Planned Unit Development.

Discussion:

Chair Solomonson offered an amendment before the motion was seconded that the motion state 10 feet for the easement. Commissioner Schumer accepted the amendment. Commissioner Ferrington seconded the motion as amended.

VOTE: Ayes - 6 Nays - 0

MISCELLANEOUS

DISCUSSION - ACCESSORY STRUCTURE REGULATIONS

Presentation by City Planner Kathleen Castle

Staff is proposing changes to accessory structure regulations based on previous discussions with the Planning Commission and City Council regarding applications for Conditional Use Permits and variances for detached accessory structures that serve as storage sheds. The goal of the City regulations is to insure that the dwelling unit remains the primary structure and primary use of the property. The new regulations allow more flexibility with a tiered system based on lot size. Four tables were presented to Commissioners. Each table lists proposed standards for properties that are less than one-half acre; one-half to 1 acre; 1 acre to 2 acres; or more than 2 acres.

Less than 1/2 acre: For an attached accessory structure, currently allowed 1000 square feet or 80% of the dwelling unit, whichever is more restrictive. If there is an attached garage less than two cars, or no attached garage, allowed 750 square feet is allowed or up to 75% of the dwelling unit for a detached garage. Total accessory structure permitted is 1200 square feet, or 90% of the dwelling foundation area. With an attached garage with two cars or more, accessory structures can be 150 square feet or between 150 square feet to 288 square feet with a Conditional Use Permit. All permitted accessory structures require a setback of 5 feet from a side lot line and 10 feet from a rear lot line. If there is a Conditional Use Permit, the setback must be 10 feet from the side lot line.

The change proposed would be to loosen requirements for detached accessory structures that serve as storage sheds. Square footage would be increased from 150 square feet to 200 square feet with

no change to the setback requirements. A Conditional Use Permit would allow 200 square feet to 288 square feet with no change to the setback requirements.

Property of 1/2 acre to 1 acre: Standards for detached accessory structures that serve as a garage would be loosened to allow 1000 square feet or 80% of the dwelling unit, whichever is more restrictive. Detached accessory structures to be used as a storage shed could be a maximum of 288 square feet. A Conditional Use Permit would allow from 288 square feet to 440 square feet. As this structure would be larger, it is proposed that setbacks be increased.

Property of 1 to 2 acres: Proposed changes to detached structures that serve as a garage would be 1000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive. The combined area would be 1500 square feet or 100% of the dwelling unit foundation area. A second detached accessory structure could be up to 440 square feet or larger. Anything over 440 square feet would require a Conditional Use Permit. Larger setbacks would be required with larger structures.

Property of 2 acres or more: Proposed changes would relate to detached accessory structures at 1000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive. The combined area could be 100% of the dwelling unit foundation area. A Conditional Use Permit would be required for accessory structure area above 100%. A second detached accessory structure could be up to 440 square feet. Anything over 440 square feet would require a Conditional Use Permit. Larger setbacks would be required with larger structures.

A number of example aerial photographs were shown of individual non-riparian and riparian properties of varying sizes and with varying dwelling unit foundation area and accessory structure area.

Commissioner Doan stated that a second dwelling unit may be increasingly requested as intergenerational families choose to live in close proximity. He noted that trends in technology and transportation discussions project not necessarily owning a car but having a membership to a car service. Three-car garages and larger accessory structures will not be needed in the future.

Chair Solomonson asked if garage space could be converted to living space. Ms. Castle stated that under the current regulations, living space has to be attached to the main dwelling unit. The main obstacle to converting a garage to living space is the setback requirement. Garages can have a setback of 5 feet; living space units must have a setback of 10 feet.

Commissioner Peterson stated that previously the size of accessory structures was based on under one acre or over one acre, and there were many circumstances that did not fit that definition. This tiered system is a good breakdown of possible situations. He asked if it is necessary to have Conditional Use Permits but rather use variances for anything outside of the now better defined categories.

City Attorney Kelly responded that under a Conditional Use Permit, the property owner has a right to the use or proposed structure, and the City, with a Conditional Use Permit, has the opportunity to place conditions on that use. With a variance, there is no entitlement, and the

three criteria must be met. The hardest measure to meet is to prove there is hardship not created by the property owner. A stricter position to not allow Conditional Use Permits.

Commissioner Peterson asked if conditions can be added to the Code regarding Conditional Use Permits. City Attorney Kelly stated that he would not advise specifying conditions in the Code because there will be situations that do not fit the defined conditions. Then it will be a question of whether a Conditional Use Permit can be used or a variance has to be used.

Ms. Castle explained that the standards for properties of 2 acres or more are looser because in order to have non-domestic animals, the property must be 2 acres or more. Some properties have older stables where non-domesticated animals were housed or could be housed.

Chair Solomonson thanked staff for the aerial photograph examples, which make it easier to understand the numbers proposed. He believes the dwelling unit should be the principal structure on the property. A Conditional Use Permit should be allowed because it would be impossible to justify a larger accessory structure under the criteria for a variance. He supports the proposed new regulations. He would like to know the average lot size and questioned whether the cutoff should be 0.5 acre or could be 0.45 acre.

Commissioner McCool stated that the proposed tiered system makes sense. He sees accessory structures as falling into three categories: 1) permitted uses; 2) conditional uses; and 3) variances. He sees the Conditional Use Permit as the narrowest category. He would like to see an upper size limit for a Conditional Use Permit for two-acre properties. Otherwise, it will be difficult for the City to deny any application. He noted that all lots are not the same. Some lots have a small amount of space that is buildable while other lots have space for buildings to be spread out. His question is whether there should be flexibility to deny an application for a lot that is 1.2 acres, but the size is distorted because of wetland or lake. Overall, the proposed changes are a real improvement.

Chair Solomonson agreed with Commissioner McCool that all lots are not the same. Even though within stated Code, the intensity of buildings having to be located close together is harder to approve. He asked a reasonable upper limit for a Conditional Use Permit. Ms. Castle stated that staff discussed it in terms of percent of dwelling, not square footage and reached 150%.

Commissioner McCool stated that 125% would be agreeable, but 1 1/2 times the size of a primary structure is large, and the Planning Commission should be able to deny that size.

Commissioner Doan agreed that Conditional Use Permits should have a cap for lots that are 2 acres or more. In the 1 to 2-acre lots, he would delete "or larger" and define a specific size limit above which would require a variance.

Commissioner Ferrington suggested an upper limit to a Conditional Use Permit of 125% of the dwelling unit foundation area for 1 to 2 acre size lots and 150% for 2 acre or more.

Commissioner McCool stated that he could support 100% of space of the primary dwelling unit for accessory structures, but he would not want to see one building that large.

Commissioner Peterson stated that he does not agree with 100% in 1 to 2 acre properties but can support 100% on property of over 2 acres.

Commissioner McCool agreed because those with attached garages should not be able to build a bigger accessory structure than those who have no garage.

Regarding setbacks, City Attorney Kelly stated that if it is reasonable to have a 5-foot setback, a variance would not be necessary, but the Commission could put a condition of an increased setback.

Chair Solomonson stated that he would definitely want setbacks tied to the size of a structure. Ms. Castle explained that if the structure was up to 200 square feet, the setback could be 5 feet. Anything larger would require a 10-foot setback. She will bring back proposed regulations based on this discussion. Then a joint meeting with the City Council will be scheduled.

City Council Assignments

Commissioners Ferrington and Solomonson will respectively attend the October 5, 2015 and October 19, 2015 City Council meetings.

Meeting Dates

It was the consensus of the Planning Commission to maintain the meeting dates for November and December to November 17, 2105 and December 15, 2015, to accommodate the holidays.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Doan to adjourn the meeting at 9:04 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: October 22, 2015

SUBJECT: File No. 2541-14-31, Variance – Michael and Karin Meloch, 756 County Rd I

INTRODUCTION AND BACKGROUND

A variance request has been submitted by Michael and Karin Meloch, 756 County Rd I, for several variances needed to enlarge a legal non-conforming detached garage. Mr. and Mrs. Meloch propose to increase the area of the garage from 448 square feet (22.4- by 20-feet) to 672 square feet (24- by 28-feet). The enlargement will expand the existing garage on the west and south sides.

The property is a standard riparian lot located on the north side of Turtle Lake. The proposal requires variances to increase the maximum allowed floor area from the existing area of 448 sq. ft. to 672 sq. ft. and exceed the maximum area permitted for all accessory structures on the property from 1200 sq ft to 1285 sq ft. The proposed detached accessory structure would be used to provide enclosed storage for vehicles and personal possessions. The application was complete October 5, 2015.

The property is a standard riparian lot located in the R1 – Detached Residential, and Shoreland Overlay Districts. The front lot line abuts County Rd I. The existing house is setback about 104 feet from the front lot line and about 84 feet from the OHW. The existing detached garage is setback 5.5 feet from the front lot line and 4.4 feet from the east side lot line.

The property is developed with a two-story house (foundation area of 2,250 square feet) with a finished basement and 540-square foot two-car attached garage. The lot has an area of 34,738 square feet (0.8 acres), and approximate widths of 170-feet feet at the front lot line and 120 feet at the OHW.

PROJECT DESCRIPTION

The applicant proposes to rebuild and expand the existing 448-square foot detached garage. The date of construction of the existing garage is not known, however it was enlarged in 1981, when the size of the garage was doubled. The existing structure is a legal non-conforming structure, and so may be reconstructed provided any expansion, of and by itself, conforms to current Code.

The existing garage is not parallel to the front or the side property line, and as a result the enlargement will further encroach into the required 5-foot side and 20-foot front setbacks.

The proposed structure has a peak height of 17'6" with 6-foot high attic storage space. The upper storage area will be accessed using a pull down stair. Please see to the attached plans.

DEVELOPMENT CODE

The City standards for accessory structures include provisions that when there is an attached two car or larger garage on a parcel less than one acre, a detached accessory structure is permitted with a maximum area of 288 square feet. The combined area of all accessory structures is limited to the lesser of 1,200 square feet or 90% of the foundation area of the dwelling. In this case, the maximum area permitted for a **new** detached accessory structure is 288 square feet, however the existing legal non-conforming 448 square foot building can be rebuilt without need for a variance or Conditional Use Permit provided there is no expansion. The applicant has requested a variance to expand the legal structure to a 672-square foot detached garage, bringing the total of all accessory structures to 1,285 square feet (about 57% of the dwelling foundation area).

The property is a standard riparian lot. On riparian lots, detached accessory structures can be placed in the front yard adjacent to the street provided certain standards are met, and a Riparian Lot – Detached Accessory Structure Permit is approved. From the front property line, accessory structures are required to maintain a minimum setback of 20-feet. The applicant intends to use the existing garage location, expanding the existing footprint 2-feet to the west and 8-feet to the south.

	ALLOWED	PROPOSED	EXISTING
Lot Coverage	13,895 square feet (40%)	10,105 square feet (29%)	10,065 square feet (28.97%)
Setbacks			
- Front	Minimum of 20 ft.	5.2 ft	5.5 feet
- Side	5 feet	4.1 feet east side	4.4 feet

On standard riparian lots, impervious coverage is a maximum of 25% of lot area, but that may be increased to 40% provided there are no structures in the Shore Impact Zone and that runoff from less than half the property drains directly to the lake. Those conditions are met here. The water-oriented structure is setback about 39-feet from the OHW, more than the 25-foot depth of the Shore Impact Zone. The majority of the property drains north to County Road I and County Ditch 8 (Turtle Creek). The expanded garage will add only 40 square feet of impervious, since most of the proposed expansion occurs over the existing concrete drive.

Shoreland Mitigation

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking land use approvals the City. The applicants identified architectural mass and stormwater infiltration for the two practices they plan to implement.

The proposed garage will utilize natural colors and materials and these will complement the finish of the dwelling. For the second mitigation practice, an infiltration basin will be installed to capture and infiltrate runoff from the enlarged garage.

The applicants are required to enter into a Mitigation Agreement with the City.

Accessory Structures

The existing garage is a legal non-conforming building, and so it can be removed and rebuilt, provided there no expansion of the building envelope or change of location.

	Existing	Proposed	Development Code Standard
Area			
Detached Accessory Structure	448 sf	672 sf *	448 sf for legal conforming garage (288 sf (with CUP))
All Accessory Structures	1,061 sf	1285 sf * (59.8 %)	1,200 sf or 90% of the dwelling unit foundation area (2,150 sf) – whichever is more restrictive
Setback			
Side lot line	4.4 ft	4.1 ft *	5 ft from a side lot line.
Front Lot line	5.5 ft	5.2 ft *	Minimum 20 foot front setback.
Height			
Roof Peak	14 ft	17.5 ft	18 ft
Sidewall	8 ft	8 ft	10 ft
Interior Storage Area	N/A	6 ft	6 ft
Exterior Design	Brown lap siding	Match existing house	Compatible with the residence and be similar in appearance
Screening	Berm and vegetation	Retain existing vegetation	Screening (fence, berm, or landscaping)

* Variance requested

The exterior design and materials used in the accessory structure must be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, massing, height and other aspects related to the accessory structure needs to be evaluated with consideration of structures and properties in the surrounding area.

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.

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

APPLICANT'S STATEMENT

The applicant states that they are requesting a variance to enable building a detached garage on their property. The variance requested will permit expanding the 448 square foot area of the existing detached structure, a legal non-conformity. The applicants have explored expanding the attached garage, however the existing side setback of 10.4 feet limits the potential for an addition on the east side. An addition to the west side would interfere with the living area of the house. Expansion towards the street would not improve the appearance of the structure. They also identify that the brick exterior of the structure increases the cost of an addition to the attached garage. They state that the large lake lot results in increased storage needs for water and yard equipment.

The applicants also describe the deteriorating condition of the existing detached garage and the need for them to restore that structure. With the expansion, the orientation of the garage and the existing screening will remain. The applicants' statement is attached.

STAFF REVIEW

Staff reviewed the plans in accordance with the variance criteria, and is able to make findings that practical difficulty is present.

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

A variance is needed to expand the existing non-conformity, and to exceed the maximum total floor area. On this property, a detached accessory structure of up to 150 square feet is permitted with a building permit. A detached accessory structure 150 square feet to 288 square feet in size is permitted with a conditional use permit. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots less than one-acre. The attached garage has a floor area of 540 square feet and the proposed detached garage has an area of 672 square feet. The foundation area of the house is about 2,150 square feet. The proposed 1,285 square feet of total accessory floor area is about 60% of the living area foundation, therefore, staff believes the home will remain the primary feature of the property.

Staff also believes that on large lake lots there is a need for greater storage space resulting from yard maintenance and water-oriented equipment used on the property.

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

Practical difficulty stems from the uniqueness of the parcel. The combination of a riparian lot, with a large area, and the existing legal detached garage are unique circumstances to this lot.

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

Staff believes that the variance will not alter the essential character of the existing neighborhood as the adjacent properties are riparian and detached garages are a common feature of the front yards near County Road I. The proposed size and small front setback of the structure is comparable to the existing garage here and to other detached accessory structures on nearby riparian properties. The screening for the garage will continue reduce the visual impact when viewed from County Road I. The existing screening is provided by deciduous shrubs and trees. Staff suggests that with the expansion, the applicants install several conifers so screening continues during the winter months.

COMMENT

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

The Building Official commented that the Building Code has required construction procedures for the portions of the proposed building that are located within 5-feet of a property line. His comment is attached.

Ramsey County Public Works staff has no objections to the proposed variances, since there are no plans to further improve County Road I, and the existing right-of-way is sufficient. Rice Creek Watershed District staff identify that a District permit is not required for the project as proposed. These agency comments are attached.

STAFF RECOMMENDATION

As noted above, staff is able to make affirmative findings regarding practical difficulty and so recommends the Planning Commission adopt Resolution 15-98, approving the variances. Staff believes that this structure complies with the spirit and the intent of the code as the house will remain the primary structure and the character of the neighborhood will not be altered.

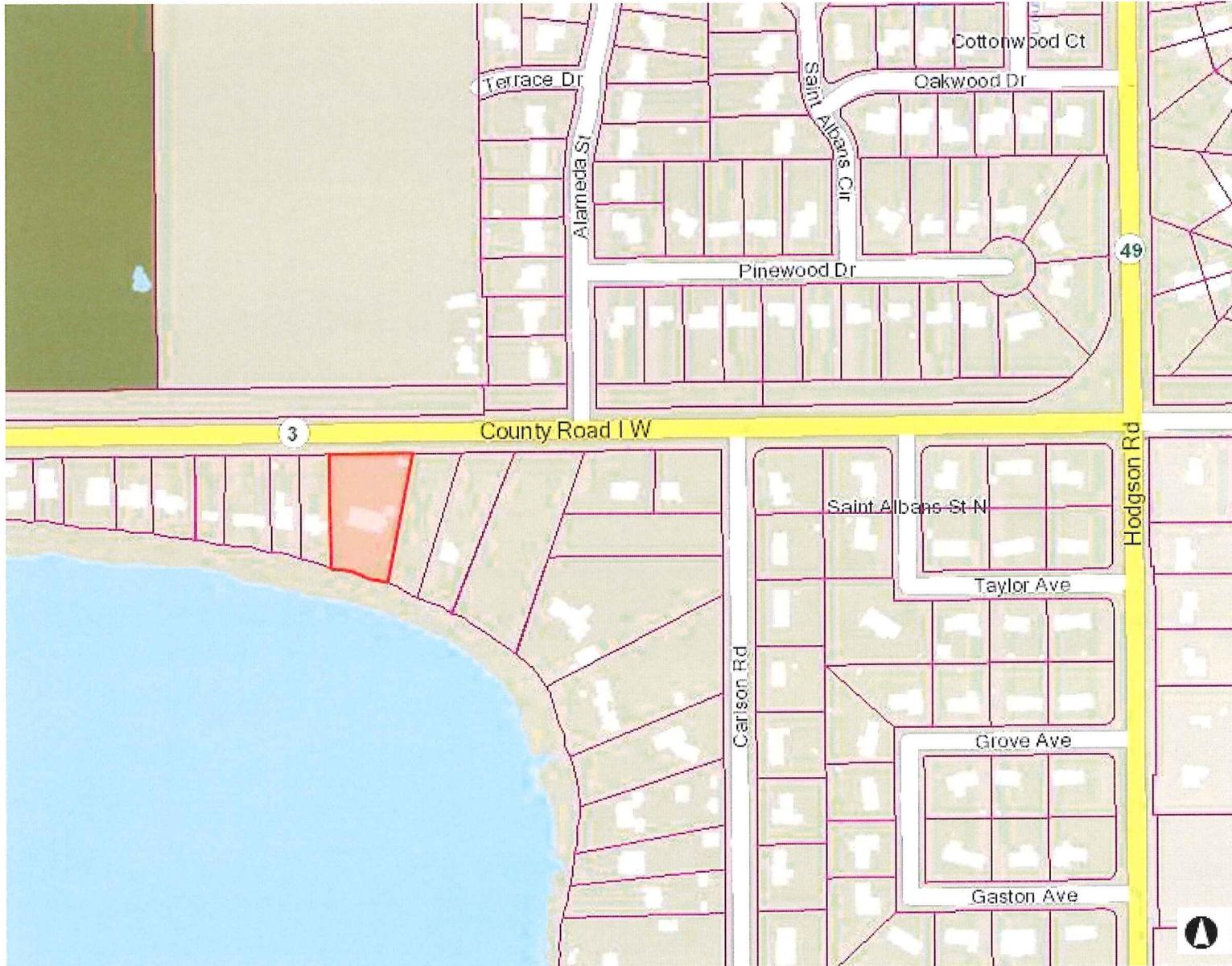
The approval should be subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

3. 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.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The applicants shall submit a landscape plan that shows the existing and proposed landscaping used to screen the garage from the north and east. The existing vegetation will be enhanced with a minimum of two conifer trees or shrubs. The landscape plan is subject to the approval of the City Planner.
6. Use of the accessory structure shall be for personal use only and no commercial use is permitted.

Attachments

- 1) Location Map
- 2) Aerial Map
- 3) Applicant's Statement and Submitted Plans
- 4) Comments
- 5) Resolution 15-98
- 6) Motion



Legend



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

Notes

Enter Map Description

600.0 0 300.00 600.0 Feet



Legend



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

Notes

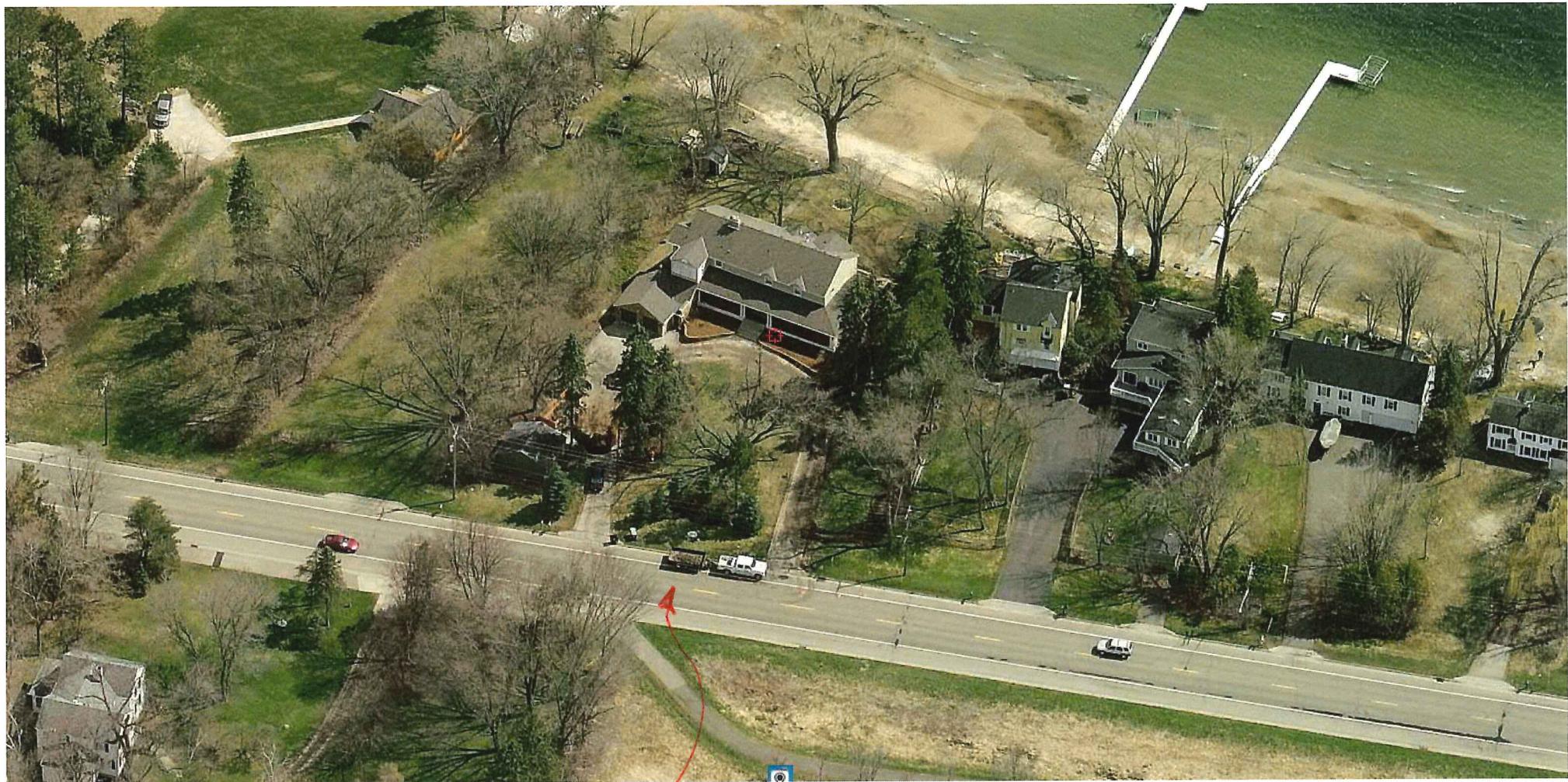
Enter Map Description

200.0 0 100.00 200.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



756 Co Rd I

September 18, 2015

To whom it may concern,

We are requesting a variance to build a bigger detached garage where the existing detached garage currently sits on our property at 756 County Road I West.

We are proposing a 672 square foot accessory structure on the street side of our lot where the current detached garage resides. This proposal requires a variance to increase the allowable floor area of a detached structure from our current 448 sq. ft. to 672 sq. ft. and will exceed the maximum area permitted for all accessory structures on the property from 1200 sq. ft. to 1246 sq. ft. This proposed detached structure would be used to provide additional parking and storage for the various items used while maintaining a family of six and living on the lake.

1. There are practical difficulties in expanding our current attached garage which is currently 448 sq. ft. Our current foundation is 900 sq. ft. which would allow us to have either 1000 sq. ft. attached garage structure or 80% of the foundation whichever is more restrictive. This would allow us to expand our attached garage up to 720 sq. ft. However it would be cost prohibitive because it is constructed primarily with brick and built in the 30's. Also, our attached garage is only 10.4 feet away from side lot line. The only way we could expand it would be towards the street. This would extend it into the driveway and cause it to protrude further in front of the house than it currently does. This would draw more attention to the attached garage than the house.
2. We are proposing to continue to use our property in a reasonable manner but the current size of the detached garage is inadequate. We are blessed with a large home over 5000 sq. ft. on Turtle Lake with over 34000 sq. ft. (8/10 of an acre) of land. We would be expanding the detached garage to accommodate lake living with additional storage needed for our boat, water toys, riding mower, a trailer to haul grass and branches to the compost, pop up camper and many lake supplies. We also are blessed with four children. Two of them are driving so an additional space is needed to keep only one car in the driveway. My wife serves on the board of the community soccer club NSSA (North Suburban Soccer Association). She coaches a U-14 C1 soccer team and also runs a soccer camp at the University of Northwestern in the summer so storage for goals, balls and equipment is needed as well. We would be expanding the detached garage about 224 sq. ft. which would not be out of proportion with the house structure or have a material impact on the focus of our property which would remain our two story brick house and wrap around porch.
3. The structure will maintain 6" of separation between grade and wood structure. We will be adding 40 sq. ft. of impervious surface. This would bring our impervious total to 10,105 sq. ft. but it would still remain the same percentage, 28.9%, of our property. The new structure will maintain the same location and orientation. We will be taking out existing concrete to expand the detached garage toward the attached garage. Access will remain from the driveway not from the street.

4. We have a unique circumstance with the current detached garage. We believe it was built in the 30's around the same time that house was built. In the public records we found a permit to double the size of the garage in 1981. The current detached garage was poorly constructed and lacks quality compared to our home. The existing structure framing is lower than grade and vegetation level, as a result we have mold in the summer and frost in the winter on the walls and floors. We need to tear this garage down and build something new that will be more functional and of better quality, while maintaining the style of our home and neighborhood.
5. Many houses in our neighborhood have a detached garage larger than 448 sq. ft. There was one approved in August 2014 on 1000 County Road I for 744 sq. ft. In June 2014 a 576 sq. ft. detached garage was approved for a house on 5110 Lexington Ave as well.
6. When you drive down County Road I heading east or west, our two story brick home and wrap around porch is the dominate visual structure. The detached garage will remain obscured and screened by vegetation from public right of way as it is now (see photographs attached). We will add to the current landscape that hides the garage and will not be removing any existing landmark trees in the area. Also the additional 2' height on the detached garage will have a visibly small impact on the property.
7. The new architectural styling and materials used on this garage will enhance the essential character of the neighborhood. We will maintain the residential feel for the detached garage but will improve the look by adding dormers, more windows and character to match the house. We will maintain a similar roof pitch as the house and shingle style.
8. We will satisfy the Shoreland Mitigation Plan by using a natural shade on our siding for the detached structure that will match neutral color of the exterior of our home. We will also put in an infiltration basin to capture the water which would otherwise run on the ground.

Here are additional development code standards versus proposed structure:

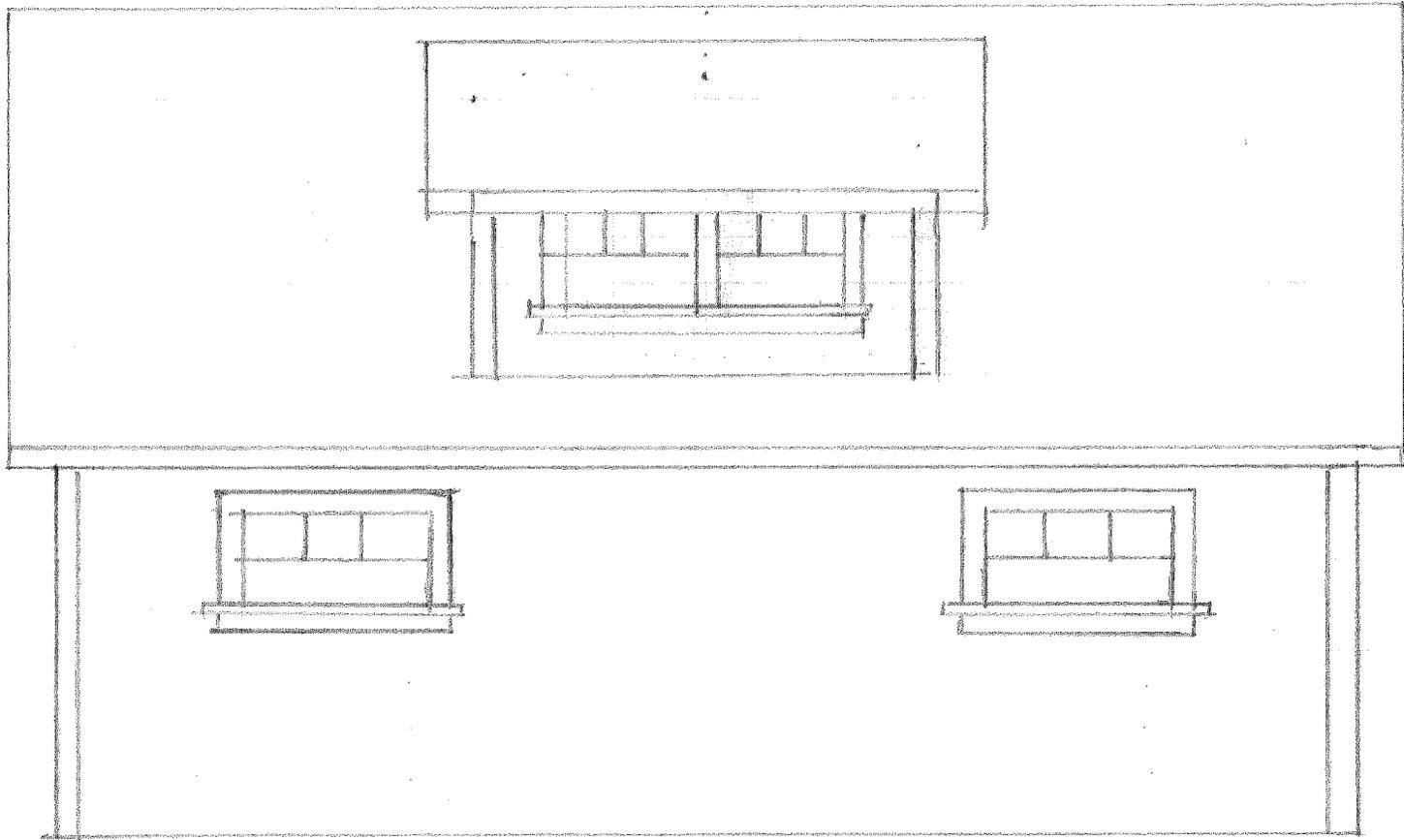
	Existing	Proposed	Development Code Standard
Area			
Detached Accessory Structure	448sf	672sf	1000sf or 80% of dwelling
All Accessory Structures	1042sf	1246sf	1200sf or 90% of dwelling
Setback			
Side lot line	4.6 – 6 feet	same	5 feet
Front Lot line	5.5 – 10 feet	same	10 feet
Height			
Roof Peak	15.8 feet	18 feet	18 feet
Sidewall	8 feet	10 feet	10 feet
Interior Storage Area	N/A	6 feet	6 feet
Exterior Design	Match Existing House	Compatible with the residence and be similar in appearance	
Screening	Trees and Shubs	Retain existing vegetation and add Additional landscaping	

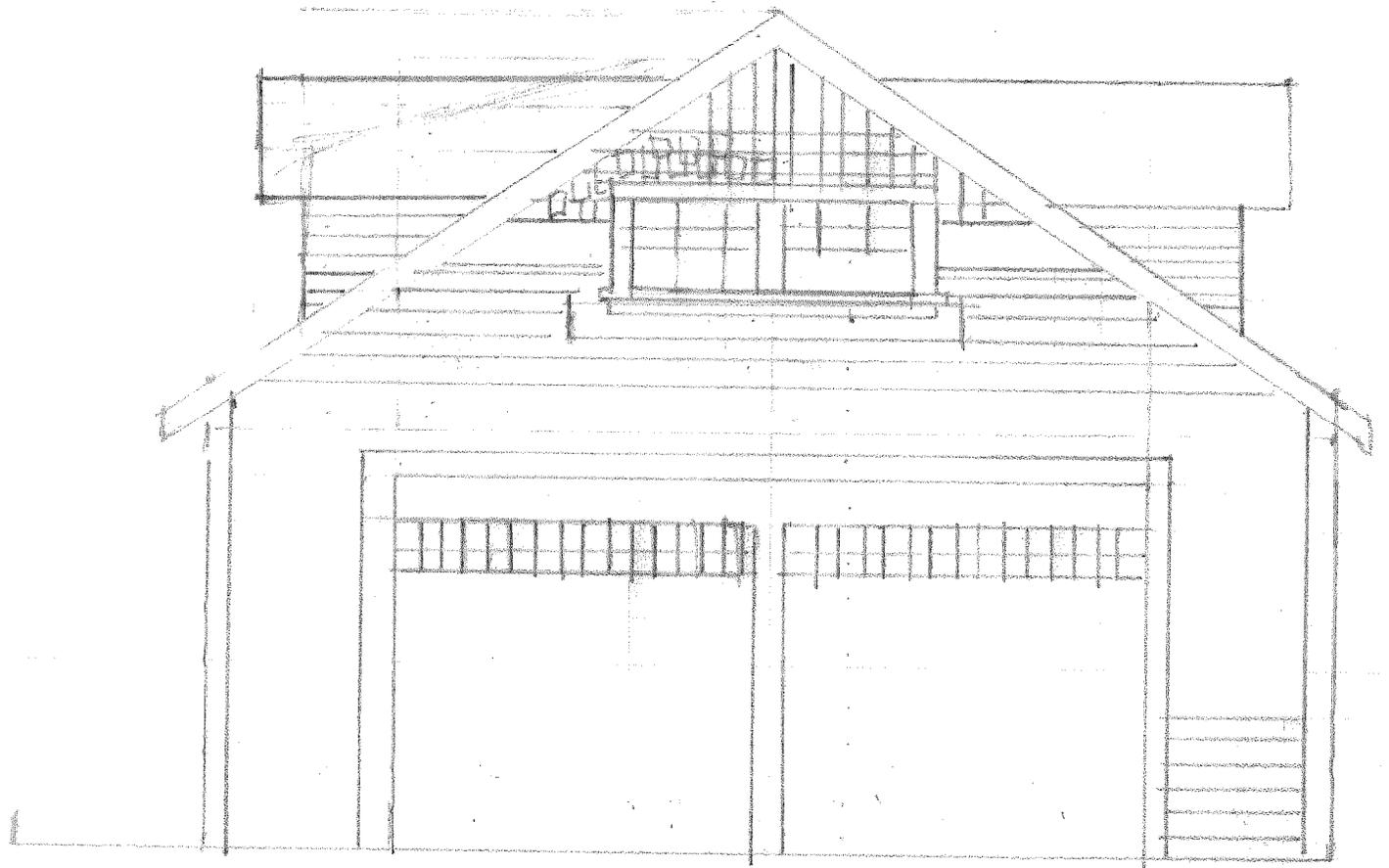
Thank you for taking the time to review our variance application, we trust everything is in order. Please contact me at the number listed below if there is any additional information that it needed. Our hope would be to start construction around the first week of November.

Respectfully submitted,

Mike and Karin Meloch

Cell (612) 749-3484

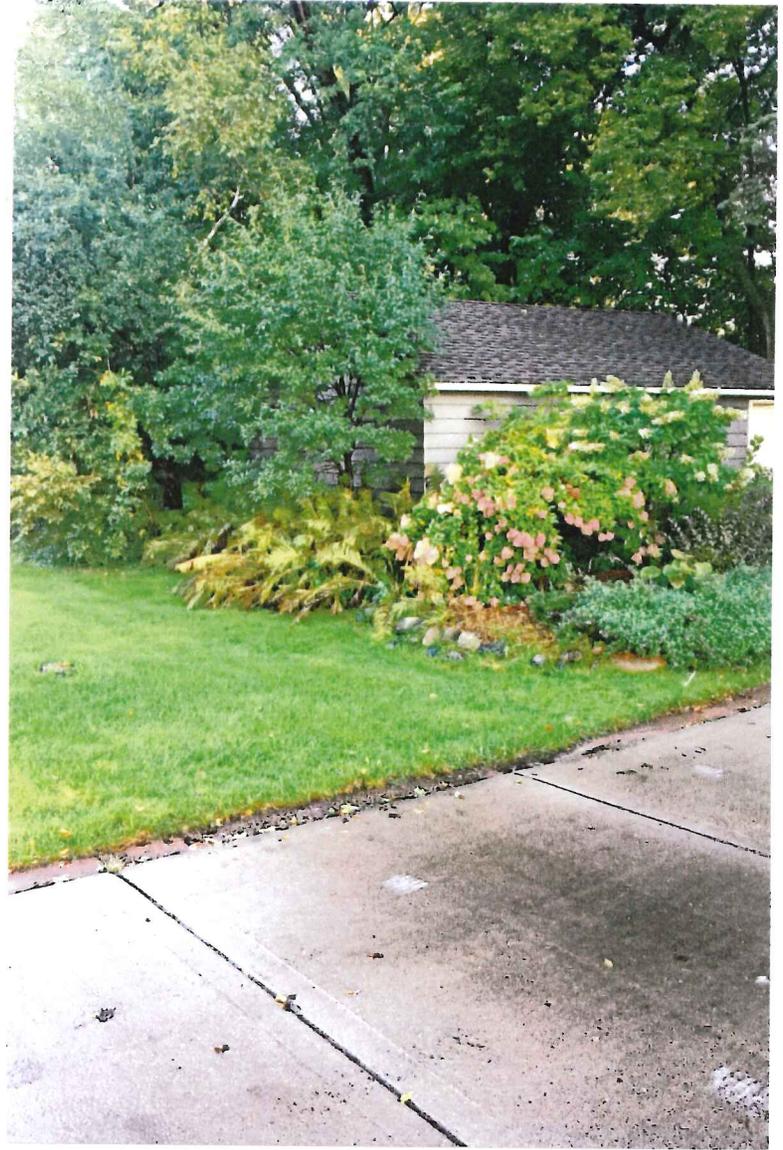


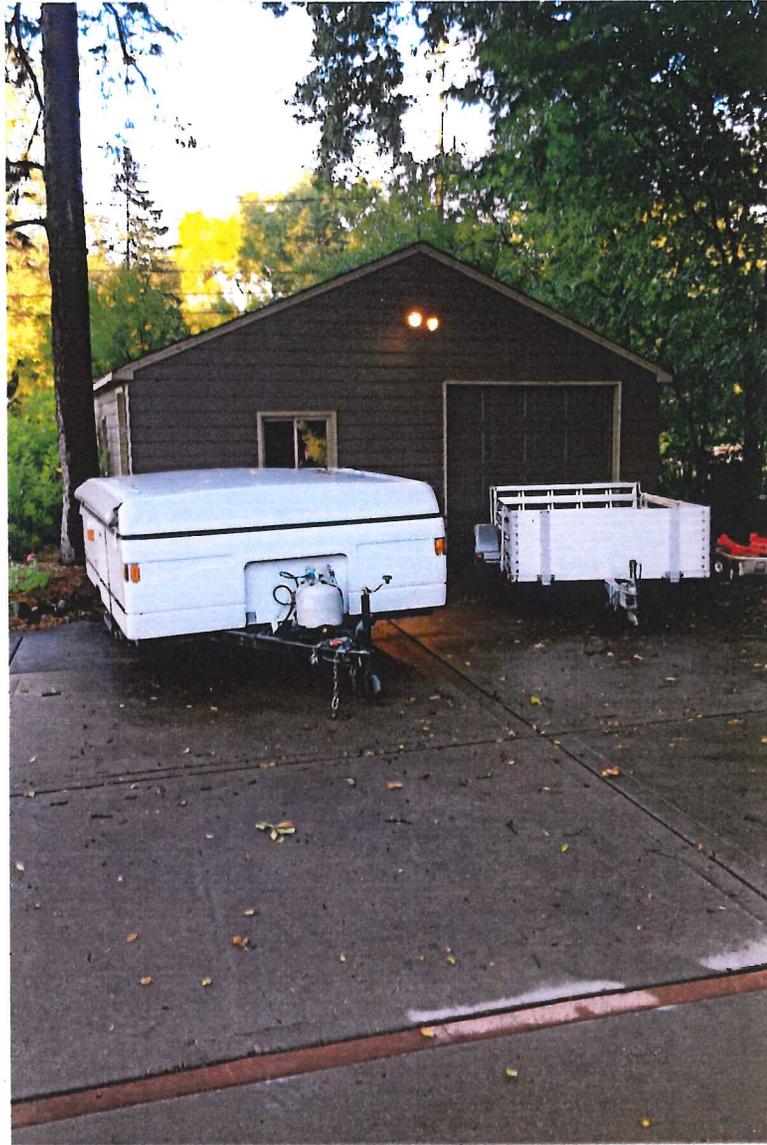


Traveling west



Traveling east





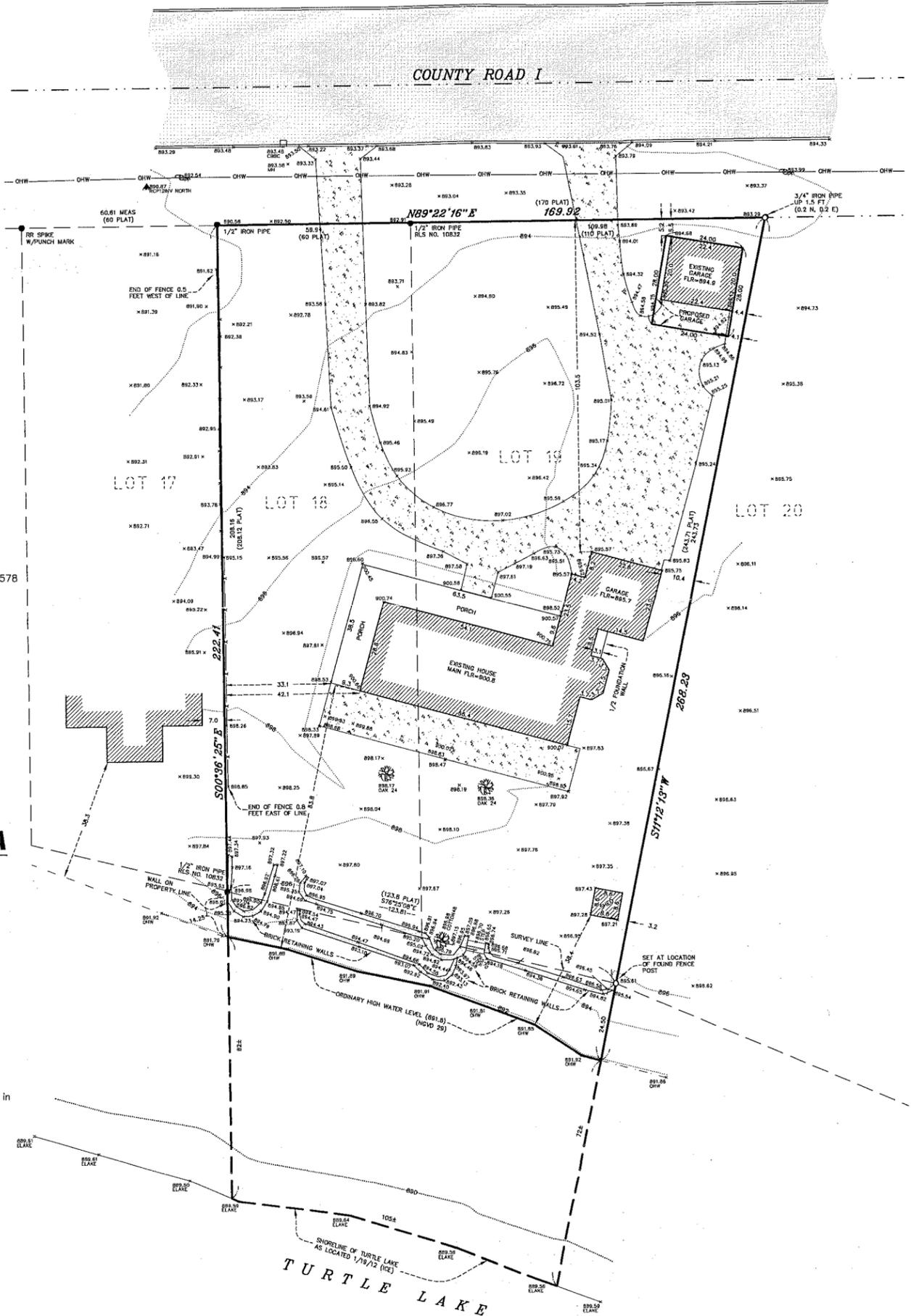


CERTIFICATE OF SURVEY

~for~ MIKE MELOCH
 ~of~ 756 COUNTY ROAD I WEST
 SHOREVIEW, MN 55126

PROPERTY DESCRIPTION:

Lots 18 and 19, TURTLE LAKE SHORES, Ramsey County, Minnesota.



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 1/19/2012.
- Bearings shown are the Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGEND:

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN
- DENOTES POWER POLE AND OVERHEAD WIRE
- x 892.39 DENOTES EXISTING SPOT ELEVATION
- ▲ DENOTES STORM SEWER APRON
- DENOTES EXISTING 2 FOOT CONTOUR
- DENOTES EXISTING TREE AS LABELED
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE

EXISTING IMPERVIOUS SURFACE AREA

AREA ABOVE OHW LEVEL = 34,738 S.F. (0.80 Acres)
 Existing House (includes porch) = 3,564 s.f.
 Existing Detached Garage = 448 s.f.
 Existing Shed = 73 s.f.
 Existing Concrete Driveway = 4,872 s.f.
 Existing Concrete Patio (back of house) = 1,108 s.f.
 Total Impervious Surface = 10,065 s.f. or 29% of lot.

BENCHMARK

Ramsey County Bench Mark on outlet dam (paint mark on right corner of upstream end of the right abutment located in SE corner of yard at address #5424 Lake Drive. Elevation = 893.07 (NGVD 29)

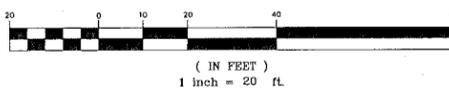
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
 JASON E. RUD

Date: 10/5/2015 License No. 41578

NORTH

GRAPHIC SCALE



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

DRAWN BY: BAB	JOB NO: 12020BT	DATE: 1/24/2012	
CHECK BY: JER	SCANNED <input type="checkbox"/>		
1	10/5/15	ADD PROPOSED GARAGE	
2			
3			
NO.	DATE	DESCRIPTION	BY



Robert Warwick <rwarwick@shoreviewmn.gov>

Variance Request - 756 County Road I, Shoreview

Patrick Hughes <PHughes@ricecreek.org>
To: Robert Warwick <rwarwick@shoreviewmn.gov>

Wed, Oct 21, 2015 at 8:27 AM

Rob,

Thanks for sending the plan. From your earlier description, I had a pretty good idea of what the plan would look like, but just wanted to confirm. The proposed project will not require a permit from RCWD. The disturbed area will be less than 10,000 square feet, and there don't appear to be any wetland impacts or floodplain fill. The applicant should contact the District if the scope of the project changes.

Thanks

Patrick Hughes

Regulatory Assistant

Rice Creek Watershed District

4325 Pheasant Ridge Dr. NE, #611

Blaine, MN 55449-4539

Ph: 763-398-3080

phughes@ricecreek.org



Please consider following the RCWD on Facebook.

From: Robert Warwick [mailto:rwarwick@shoreviewmn.gov]**Sent:** Tuesday, October 20, 2015 4:28 PM



Robert Warwick <rwarwick@shoreviewmn.gov>

Variance Request - 756 County Road I, Shoreview

Lux, Joseph <Joseph.Lux@co.ramsey.mn.us>
To: "rwarwick@shoreviewmn.gov" <rwarwick@shoreviewmn.gov>

Tue, Oct 20, 2015 at 10:09 AM

Hi, Rob:

I wanted to get Erin's comments on this before we replied and since she has no concerns (below), we're okay with it. On another topic, what's the status of the development on County Road E, west of Rice Street? We're meeting with Mark Maloney and Terry Schwerm in a couple of days to discuss the I-694/Rice Street interchange and are just curious about that and other re-development project around it (all in other cities, with the notable exception of the old Public Works site).

Joe Lux

Joseph Lux

Senior Planner

Ramsey County Public Works

1425 Paul Kirkwold Drive

Arden Hills, MN 55112-3933

651-266-7114



From: Laberee, Erin
Sent: Tuesday, October 20, 2015 9:52 AM
To: Lux, Joseph <Joseph.Lux@CO.RAMSEY.MN.US>
Subject: RE: Variance Request - 756 County Road I, Shoreview

Joe,

I don't have a lot of concern over this. I can't imagine we'll be expanding CR I anytime soon. There seems to be plenty of ROW if a trail or sidewalk were ever constructed. Do you have any concerns?

Erin

From: Lux, Joseph
Sent: Tuesday, October 20, 2015 7:20 AM
To: Laberee, Erin <Erin.Laberee@CO.RAMSEY.MN.US>
Subject: FW: Variance Request - 756 County Road I, Shoreview

Got a minute to discuss this one- they want to expand a shed into a garage really close to the R/W on CR I.

Joe Lux

Joseph Lux

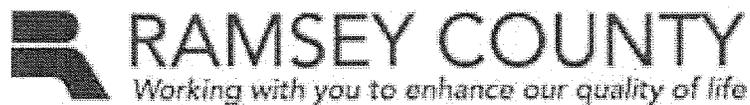
Senior Planner

Ramsey County Public Works

1425 Paul Kirkwold Drive

Arden Hills, MN 55112-3933

651-266-7114



From: Sorensen, Jenifer (DNR) [mailto:jenifer.sorensen@state.mn.us]
Sent: Monday, October 19, 2015 4:19 PM
To: Robert Warwick <rwarwick@shoreviewmn.gov>
Cc: Paige Ahlborg <paige.ahlborg@rwmwd.org>; Lux, Joseph <Joseph.Lux@CO.RAMSEY.MN.US>
Subject: RE: Variance Request - 756 County Road I, Shoreview

[Quoted text hidden]



Robert Warwick <rwarwick@shoreviewmn.gov>

garage variance

Steve Nelson <snelson@shoreviewmn.gov>

Mon, Oct 12, 2015 at 12:41 PM

To: "WARWICK, ROBERT" <rwarwick@shoreviewmn.gov>

Part of this structure is being constructed closer than 5 feet from the property line. If this is approved, certain provisions will be required by the building code when structures are located less than 5 feet from property lines including:

Walls. 1 hour tested in accordance with ASTM E 199 or UL 263 with exposure from both sides.

Projections. 1 hour on the underside, no openings are allowed.

Steve Nelson

*Building Official
City of Shoreview
4600 N Victoria Street
Shoreview, MN 55126
651-490-4691*

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD OCTOBER 27, 2015**

* * * * *

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. 15-98 FOR A VARIANCES RELATED TO A DETACHED
ACCESSORY STRUCTURE**

WHEREAS, Michael and Karin Meloch, submitted a variance application for the following described property:

Lots 18 and 19, TURTLE LAKE SHORES, RAMSEY COUNTY, MINNESOTA

(This property is more commonly known as 756 County Road I)

WHEREAS, the Development Regulations establish that on parcels less than 1 acre in size, when there is a two car or larger attached garage, a detached accessory structure shall have a maximum floor area of 150 square feet; and

WHEREAS, the Development Regulations state the a maximum area of all accessory structures shall not exceed 90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive; and

WHEREAS, the Development Regulations state that on riparian lots, a detached accessory structure shall be located a minimum of 20-feet from the front property line and a minimum of 5-feet from a side property line; and

WHEREAS, the Development Regulations state that a legal non-conforming structure can be rebuilt, provided however that any expansion must conform to current Code requirements; and

WHEREAS, the applicants are proposing to remove and rebuild a 448-square foot legal non-conforming detached garage. This structure is located 5.5 feet from the front property line and 4.4 feet from the side property line; and

WHEREAS, the applicant has requested the following variances for said structure;

- 1) To rebuild the detached garage, enlarging the floor area to 672 square feet; and
- 2) To exceed the maximum accessory structure square footage permitted of 1200 square feet as 1,285 square feet is proposed; and
- 3) To reduce the front setback to 5.2 feet and the side setback to 4.1 feet for the enlarged garage; 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 27, 2015 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.*

Variances are needed to allow the expansion of the legal non-conforming detached accessory structure. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots less than one-acre. The existing 448 square foot detached accessory the proposed detached garage has an area of 672 square feet. The foundation area of the house is 2,150 square feet. The proposed 1,285 square feet of total accessory floor area is about 60% of the living area foundation, therefore, the home will remain the primary feature of the property.

The variance request to rebuild the garage using the location of the existing garage represents a reasonable use of the property. City Code permits detached garages as an accessory use. Garages are needed for vehicle parking and storage of normal household equipment and supplies. Additionally, lake lots have the potential to create greater storage needs.

The 34,738 square foot property is significantly larger than the 15,000 square foot required lot size for a single family residential riparian property in the City and greater than the minimum lot area of 10,000 square feet required for properties in the R1 zoning district.

The expansion of the existing legal non-conforming, detached accessory structure is a reasonable use of the property.

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

The existing detached garage has been situated in this location since 1981. Enlarging the existing non-conforming reflects the unique needs of this large, riparian property, since lake and yard equipment is needed.

3. *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 existing neighborhood there are other detached garages located along County Road I. The size of the structure is comparable to other detached accessory structures on nearby properties, and will complement the architectural style of the home.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 756 County Road I, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. 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.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The applicants shall submit a landscape plan the shows the existing and proposed landscaping used to screen the garage from the north and east. The existing vegetation will be enhanced with a minimum of two conifer trees or shrubs. The landscape plan is subject to the approval of the City Planner.
6. Use of the accessory structure shall be for personal use only and no commercial use is permitted.

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:

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

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 27th day of October, 2015 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting Resolution 14-65.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 27th day of October, 2015.

Terry C. Schwerm
City Manager

SEAL

Adopted this 27th day of October, 2015

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Michael Meloch, 756 County Road I

Karin Meloch, 756 County Road I

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution 15-98 approving the variances to permit re-building a detached accessory structure located at 756 County Road I:

- To reduce the front 5.2 feet and the side setback to 4.1 feet;
- To increase the floor area of the detached accessory structure from 448-square feet to 672-square feet; and
- To increase the total floor area of all accessory structures from 1,200-square feet to 1,285-square feet.

This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. 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.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The applicants shall submit a landscape plan that shows the existing and proposed landscaping used to screen the garage from the north and east. The existing vegetation will be enhanced with a minimum of two conifer trees or shrubs. The landscape plan is subject to the approval of the City Planner.
6. Use of the accessory structure shall be for personal use only and no commercial use is permitted.

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. The proposed detached detached accessory structure and the total floor area of all accessory structures represent a reasonable use of the property which is located in the R-1 Detached Residential District and Shoreland Overlay District.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
October 27, 2015

TO: Planning Commission
FROM: Kathleen Castle – City Planner
DATE: October 23, 2015

SUBJECT: File No. 2594-15-37, Minor Subdivision/Variance – Walsh, 175 Sherwood Road

INTRODUCTION

Gerald and Linda Walsh submitted a minor subdivision application to divide their property at 175 Sherwood Road into two parcels creating one new parcel for single-family residential development. The existing house, attached garage and accessory structures will remain on the north lot (Tract A), and a new lot (Tract B) created on the south for future construction of a new house.

The property is in the Shoreland Management District for Poplar Lake which is designated as a Natural Environment Lake by the Minnesota Department of Natural Resources. The Shoreland District extends 1,000 feet from the shoreline of Poplar Lake and encompasses the majority of this property. The minimum lot requirements for parcels in this district are more stringent than the underlying R1, Detached Residential District. The subdivision proposal requires the following variances:

- 1) To reduce the minimum 40,000 square foot lot area required to 28,749.6 square feet for Tract B.
- 2) To reduce the minimum 125 foot lot width required to 115 feet for Tract B and 34.99 feet for Tract A.

The application was complete September 30, 2015.

SITE CHARACTERISTICS

The property is located on Sherwood Road and is adjacent to the Ramsey County Poplar Lake Park. This 430 acre park is undeveloped and consists of open space, wetland areas and Poplar Lake. The shoreline of Poplar Lake is undeveloped with only a few non-riparian parcels located in Shoreview and White Bear Township.

The property has a lot area of 1.74 acres, a width of 149.99 feet and a depth of 537.68 feet. The property is developed with a single-family home that has an attached garage, two detached accessory structures and driveway. The house is setback 388.82 feet from Sherwood Road.

MINOR SUBDIVISION

COMPREHENSIVE PLAN

The property is guided for Low Density Residential (0 to 4 units per acre) as are the adjoining properties to the east and south which are developed for single-family residential use. Also, to

the south is a City Park (Ponds Park) that is guided for park use. To the north and west, lies Poplar Lake County Park which is guided as Recreational Open Space.

DEVELOPMENT ORDINANCE REQUIREMENTS

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

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

The property is located in the R1, Detached Residential as are the adjoining properties to the east and south. In the R1 district, minimum lot standards (Sec. 205.082 (D)(1)) require a lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet.

Since the property is located within 1,000 feet of Poplar Lake, it is also located in a Shoreland Management District. Non-riparian parcels near lakes classified as Natural Environment are required to a 40,000 square foot minimum lot area and a 125-foot minimum lot width (Sec. 209.080 (D)).

Principal structure setbacks are required to be a minimum of 25 feet from a front property line, 10-feet from a side lot line and 30-feet from a rear property line (Sec. 205.082 (D)(2)). If the parcel is a key lot, then a 40-foot rear yard setback is required (Sec. 205.080 (D)(1)(f)). Attached accessory structures must be setback a minimum of 5-feet from a side property line. If the adjacent home has a front yard setback that exceeds 40-feet, then the minimum front yard setback required for a new home on the vacant property is calculated using the existing setback, plus or minus 10-feet (Sec. 205.080 (D)(1)(g)(i)).

STAFF REVIEW

Density

The proposed density is slightly more than 1 unit per acre and is consistent with the RL, Low Density Residential Land Use designation.

Minimum Lot Requirements

As shown below, the proposed parcels meet the depth requirements, however, both parcels are substandard to the required lot width and the area of Tract B is less than the minimum required. The lots are also key lots since Tract B’s rear lot line abuts the side lot line of Tract A.

	Requirements	Tract A (north)	Tract B (south)
Area (Shoreland District)	40,000 sf	47,119 sf	28,585 sf*

Width (Shoreland District)	125 feet	34.99 feet*	115 feet*
Depth (R1 District)	125 feet	537.68 feet	248.57 feet
Key Lot	140 feet		

Municipal Utilities

Municipal sanitary sewer and water are available in Sherwood Road. The future home on Tract B will be required to connect to these utilities.

Minimum Structure Setbacks

The existing residence on Tract A is setback more than 40-feet from the front lot line, therefore, the minimum structure setback from the front lot line for a new home on for Tract B is determined by averaging the setback of the home on Tract A with the minimum 25-foot structure setback permitted in the R1 District (as applied to the vacant park land), then adding and subtracting 10-feet to define a permitted setback range. The setback range for the future house on Tract B from the Sherwood Road right-of-way is 196.91 feet to 216.91 feet. With a lot depth of 248.57 feet and a required 40-foot rear yard setback, there is no buildable area causing the need for a future front yard setback variance.

An application for this variance has not been submitted since the applicants are planning to sell this parcel. Practical difficulty may be present due to size of the property, adjacency to the County parkland and development pattern of nearby homes on Sherwood Road.

Vegetation and Woodlands

The majority of the property is open lawn area with trees and other vegetation located in the northern portion of the property on Tract A. It appears that no landmark trees will need to be removed for the development of Tract B. Tree removal, replacement and protection will be addressed in the Development Agreement.

VARIANCE

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Comprehensive Plan and Development Ordinance. Practical difficulty is defined as (*Section 203.070*):

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

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

Applicants' Statement

The applicants identify that they propose to use the property in a reasonable manner by creating a single-family residential lot consistent with the R1, Detached Residential requirements. The property is unique since it is situated adjacent to the Poplar Lake County Park and within a Shoreland Management District. The future home on the property will be connected to city sewer and water and not have a negative impact on Poplar Lake. The subdivision is compatible with the neighborhood and is similar in character to the developed property immediately to the east.

STAFF REVIEW

Staff concurs with the applicant that practical difficulty is present due to the more stringent requirements for Poplar Lake

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The applicant is proposing to use the property in a reasonable manner by creating a parcel for single-family residential use which is permitted in accordance with the R1, Detached Residential District. Tract B exceeds the minimum lot area and width required for a standard residential property. Single-family residential uses are also permitted in the Shoreland Management District.
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 proximity of the property to Poplar Lake which is classified as a Natural Environment Lake by the Department of Natural Resources. This lake classification generally includes lakes that are less than 150 acres in size, have shallow shorelines and depths. Larger lots are required to minimize the development impacts.

Poplar Lake is surrounded by land owned by Ramsey County and does not have any developed riparian property in Shoreview. In addition, there are only a few non-riparian properties along Sherwood Road that fall in the Poplar Lake Shoreland District. Municipal sanitary sewer and water is available and any future home will be required to connect to these services. Development on a parcel that is smaller than the Shoreland standard will not negatively impact the lake resource. 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 subdivision meets the spirit and intent of the ordinance and will not alter the character of the neighborhood. The proposed subdivision replicates the development pattern found immediately to the east. Lot sizes of other residential parcels north of Sherwood Road in the City of Shoreview range from .76 acres to 1.46 acres with some properties encumbered by wetland area. While the proposed Tract B has a smaller lot area, the parcel does not contain any wetland area and has adequate upland area for a future home.

COMMENTS

PUBLIC WORKS COMMENT

The future home on Tract B is required to connect to municipal sanitary sewer and water.

Drainage and utility easements must be provided as required by the City Engineer and conveyed prior to the recording of the subdivision. These include the standard 5-foot easements along the side property lines, 10 foot easement the front and rear property lines, unless otherwise required.

A permit from Ramsey County will be required for any work completed in the Sherwood Road right-of-way.

PUBLIC COMMENT

Property owners within 350 feet were notified of the request. Two comments have been submitted in support as of the date of this report. Another comment received expressed concerns regarding the drainage, specifically from Tract A, the legal descriptions and future development potential. No improvements are proposed on Tract A at this time, therefore, there will be no change in the drainage patterns or stormwater run-off from this property. Comments regarding the legal description have been forwarded to the applicant's surveyor.

The future development pattern for this area was reviewed in 1996 when the property immediately to the east was developed. At that time, it was determined that further subdivision of property in this area was unlikely since cooperation from a number of property owners would be needed. A public road easement was not required and the eastern property owner (155 Sherwood Road) did receive approval to divide the front portion of their property off, similar to the Walsh's proposal, utilizing a private access easement.

Joe Lux, Ramsey County Public Works, also stated that the County has no concerns regarding the proposed subdivision.

STAFF RECOMMENDATION

The variance and minor subdivision applications have been reviewed in accordance with the standards of the Development Regulations. The proposed use of the property is consistent with the residential land use designation and supports Comprehensive plan policies related to housing and land use. The requested variances meet the spirit and intent of the development regulations by creating a parcel that is of sufficient size to support a residential uses. In Staff's opinion, practical difficulty is present. Staff is recommending the Planning Commission adopt Resolution 15-97, approving the variance and minor subdivision requests.

Variance

1. This approval is subject to the City Council's approval of the Minor Subdivision.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.

3. The approval is subject to a 5 day appeal period.

Minor Subdivision

1. Approval of the minor subdivision is contingent upon approval the lot width variances for Tracts A and B and lot area variance for Tract B.
2. The minor subdivision shall be in accordance with the plans submitted. 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. Municipal water and sanitary sewer service shall be provided to the resulting Tract B.
5. Items identified by the City Engineer in his memo shall be addressed as specified.
6. 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.
7. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
8. While Tract B appears to contain sufficient land area for single-family residential use, a front yard structure setback variance will be needed since the required setback for this parcel is determined by a setback average which utilizes the structure setback of the home on Tract A. Approval of the subdivision does not bind the City or guarantee approval of a future variance.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

Attachments

- 1) Resolution 15-97
- 2) 10-21-15 Memo – Tom Wesolowski - City Engineer
- 3) Aerial Location Maps
- 4) Submitted Statement and Plans
- 5) Response to Request for Comment
- 6) Motion

T:\2015 Planning Cases files\2594-15-37 175 Sherwood Rd-Walsh\preport

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD OCTOBER 27, 2015**

* * * * *

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

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 15-97
A VARIANCE WAIVING THE MINIMUM LOT AREA AND LOT WIDTH
STANDARDS – SHORELAND MANAGEMENT DISTRICT – POPLAR LAKE**

WHEREAS, Gerald and Linda Walsh, submitted a variance application for the following described property:

See Exhibit A

(This property is known as 175 Sherwood Road)

WHEREAS, pursuant to the Development Code Section 209.080, Shoreland Management, Development Regulations require newly created non-riparian parcels within the Poplar Lake Shoreland District to have a minimum lot area of 40,000 square feet and a minimum lot width of 125 feet; and

WHEREAS, the applicants have requested the following variances to this requirement in order to subdivide their property and create a new parcel for single-family residential development;

- 1) To reduce the minimum 40,000 square foot lot area required to 28,749.6 square feet for Tract B.
- 2) To reduce the minimum 125 foot lot width required to 115 feet for Tract B and 34.99 feet for Tract A.

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

WHEREAS, on October 27, 2015, the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner.* *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The applicant is proposing to use the property in a reasonable manner by creating a parcel for single-family residential use which is permitted in accordance with the R1, Detached Residential District. Tract B exceeds the minimum lot area and width required for a standard residential property. Single-family residential uses are also permitted in the Shoreland Management District.
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 proximity of the property to Poplar Lake which is classified as a Natural Environment Lake by the Department of Natural Resources. This lake classification generally includes lakes that are less than 150 acres in size, have shallow shorelines and depths. Larger lots are required to minimize the development impacts.

Poplar Lake is surrounded by land owned by Ramsey County and does not have any developed riparian property in Shoreview. In addition, there are only a few non-riparian properties along Sherwood Road that fall in the Poplar Lake Shoreland District. Municipal sanitary sewer and water is available and any future home will be required to connect to these services. Development on a parcel that is smaller than the Shoreland standard will not negatively impact the lake resource. 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 subdivision meets the spirit and intent of the ordinance and will not alter the character of the neighborhood. The proposed subdivision replicates the development pattern found immediately to the east. Lot sizes of other residential parcels north of Sherwood Road in the City of Shoreview range from .76 acres to 1.46 acres with some properties encumbered by wetland area. While the proposed Tract B has a smaller lot area, the parcel does not contain any wetland area and has adequate upland area for a future home.

And WHEREAS, on October 27, 2015, the Shoreview Planning Commission determined that practical difficulty is present and support the variances to waive the minimum lot area requirement for Tract B and minimum lot width requirements for Tracts A and B; and

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

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

3. The approval is subject to a 5-day appeal period.

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

And the following voted against the same:

Adopted this 27th day of October, 2015

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle
City Planner

ACCEPTANCE OF CONDITIONS:

Gerald Walsh

Linda Walsh

EXHIBIT A

Tract A

That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 30 North, Range 23 West of the 4th Principal Meridian, in Ramsey County, Minnesota described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road and to the point of beginning; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter a distance of 504.68 feet; thence South 89 degrees 01 minutes 38 seconds West, parallel to said south line of the Northeast Quarter, a distance of 150.01 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel to said east line of the Northeast Quarter, a distance of 256.10 feet; thence North 89 degrees 01 minutes 38 seconds East, parallel with said south line of the Northeast Quarter, a distance of 115.00 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel with said east line of the Northeast Quarter a distance of 248.57 feet to said northerly right-of-way line of Sherwood Road; thence North 89 degrees 01 minutes 38 seconds East, along said northerly right-of-way line of Sherwood Road, a distance of 34.99 feet to the point of beginning.

Together with a 10.00 foot wide utility easement over, under and across part of the Southeast Quarter of the Northeast Quarter, said easement being 5.00 feet left and 5.00 feet right of the following described centerline: Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road; thence South 89 degrees 01 minutes 38 seconds West, along said northerly right-of-way line of Sherwood Road, a distance of 135.00 feet to the point of beginning of the easement to be described; thence North 02 degrees 33 minutes 27 seconds West a distance of 229.41 feet; thence North 11 degrees 05 minutes 13 seconds East, a distance of 19.67 feet, more or less to the southerly line of the first described property.

And

Tract B

That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 30 North, Range 23 West of the 4th Principal Meridian, in Ramsey County, Minnesota described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01

feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road; thence South 89 degrees 01 minutes 38 seconds West, along said northerly right-of-way line of Sherwood Road, a distance of 34.99 feet to the point of beginning; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter, a distance of 248.57 feet; thence South 89 degrees 01 minutes 38 seconds West, parallel to the south line of said Northeast Quarter, a distance of 115.00 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel to said east line of the Northeast Quarter, a distance of 248.57 feet to said northerly right-of-way line of Sherwood Road; thence North 89 degrees 01 minutes 38 seconds East, along said northerly right-of-way line of Sherwood Road, a distance of 115.00 feet to the point of beginning.

Together with a 33.00 foot wide easement for ingress and egress over, under and across part of the Southeast Quarter of the Northeast Quarter, said easement being 16.50 feet left and 16.50 feet right of the following described centerline: Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road; thence South 89 degrees 01 minutes 38 seconds West, along said northerly right-of-way line of Sherwood Road 18.49 feet to the point of beginning of the easement to be described; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter a distance of 248.57 feet and said line there terminating.

MEMORANDUM

To: Kathleen Castle, City Planner
From: Tom Wesolowski, City Engineer
Date: October 21, 2015
Subject: Proposed Lot Split – 1475 Sherwood Road

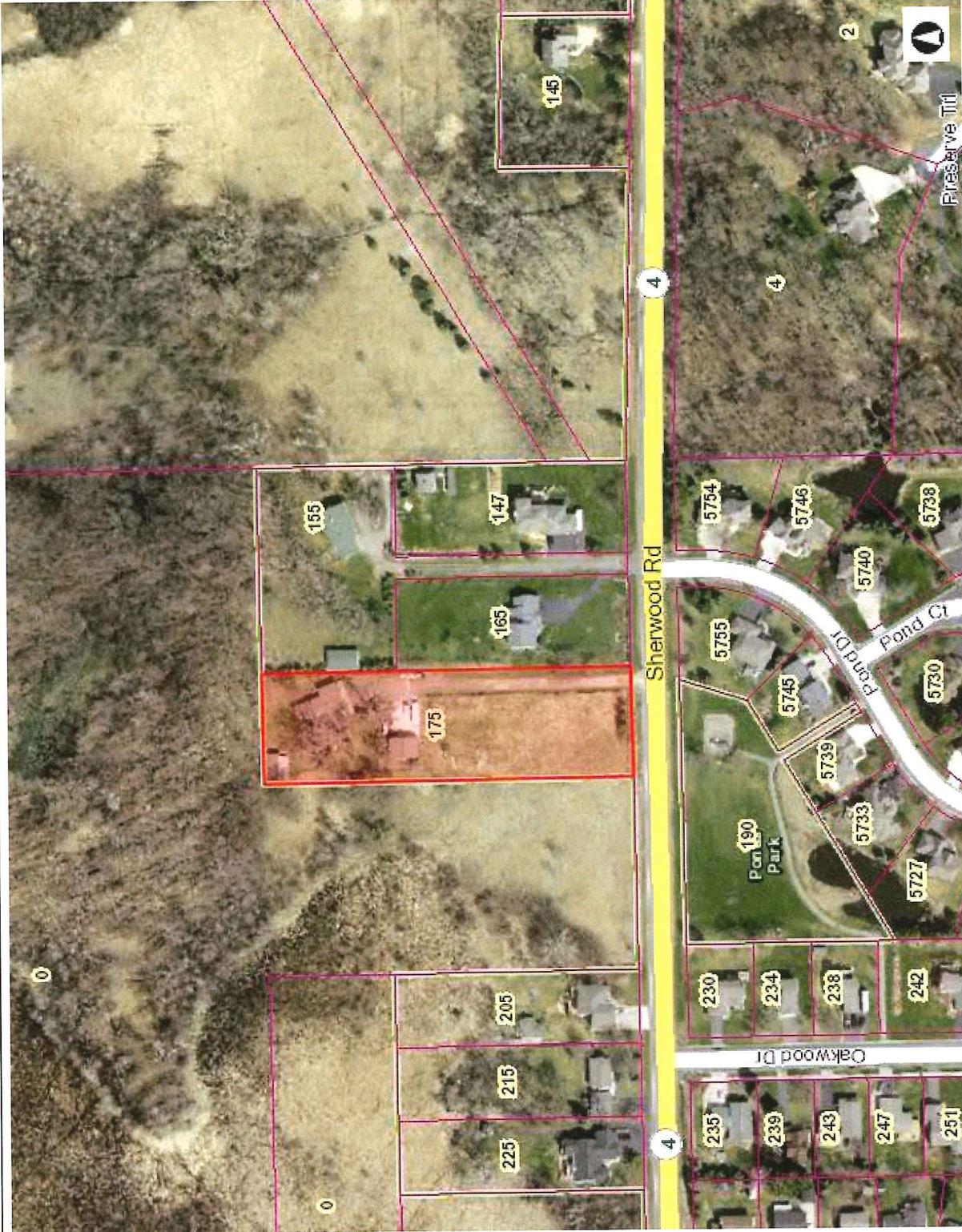
I have reviewed the proposed lot split for the above property and have the following comments.

1. Sherwood Road is under the jurisdiction of Ramsey County. Any work that is completed within the road right-of-way requires a permit from the County.
2. City sanitary sewer is located on the north side of the road and any new structure constructed on the propose lot would be required to connect to the City system.
3. City water main is located on the south side of the road and any new structure constructed on the proposed lot would be required to connect to the City system.
4. The property owner will need to contact Ramsey County concerning the construction of a driveway for the proposed lot.
5. The proposed plat shows acceptable easement widths along the lot lines and also over the existing water and sanitary sewer service lines that serve the existing structure.
6. Water and sanitary sewer charges and construction escrows will be required during development of the new lot. Costs will be determined during the creating of the development agreement.

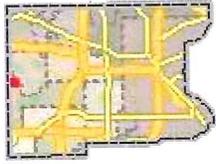
Please contact me if you have other questions or require additional information.



Walsh - 175 Sherwood Road



Legend



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

Notes

Minor Subdivision

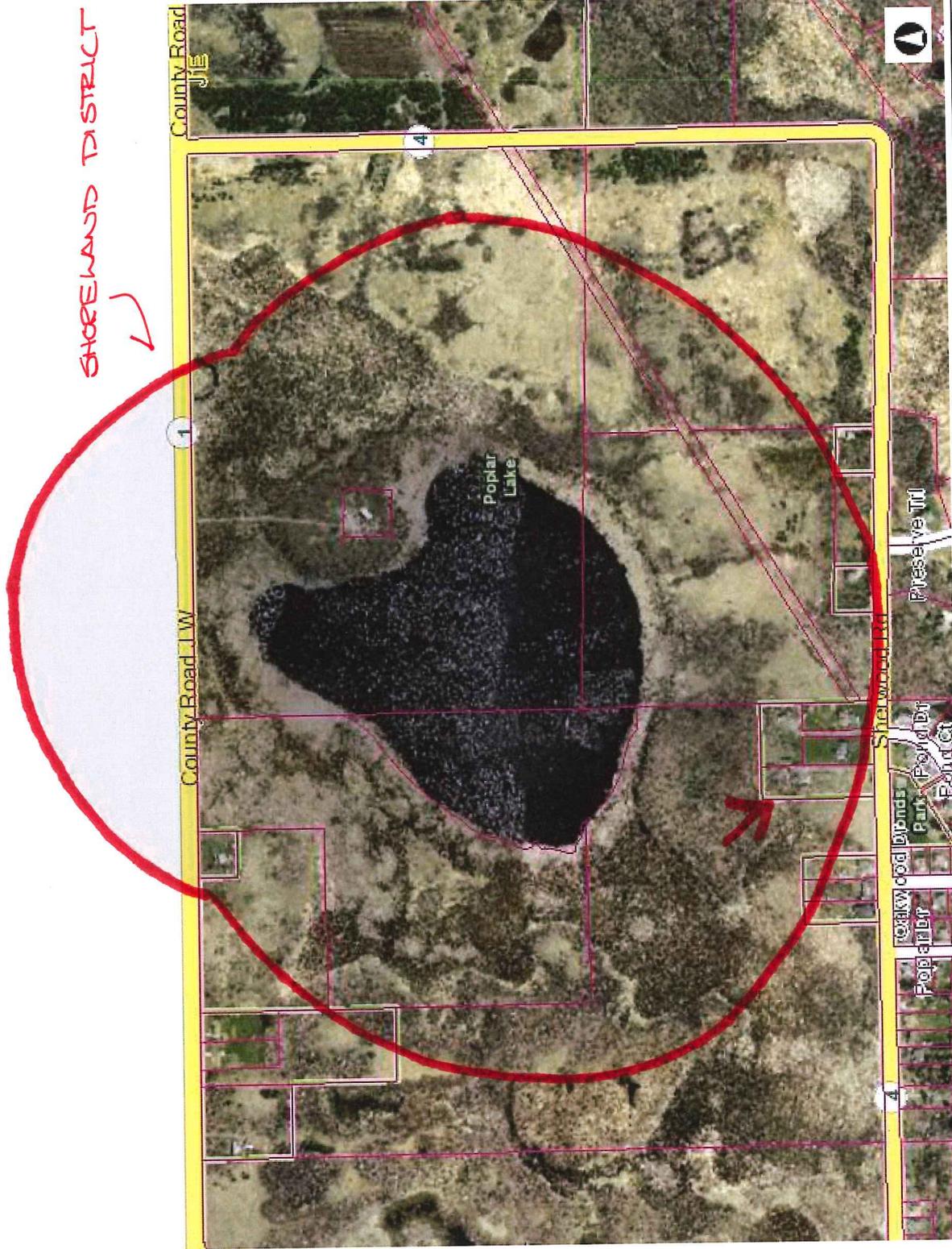


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Poplar Lake Buffer



Legend



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

Notes

Enter Map Description

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

1,333.3 666.67 1,333.3 Feet

0

Intended use of property

This lot is being subdivided for a single family home to be built in the future.

According to the city there are no outstanding assessments against this property.

Gerald / Linda Walsh

Request for Variances

Our property at 175 Sherwood Rd. falls within the Shoreland Management Code because it is approximately 650 feet from Poplar Lake. The property lot lines on the north and west sides are adjacent to Poplar Lake Open Space Park. Because of these circumstances, we are requesting 3 variances so that we may create a minor subdivision of this property.

Reasonable Manner

As property owners we are requesting a minor subdivision for a single family residential lot. This is the current zoning for our neighborhood.

Unique Circumstances

We are requesting a variance because of circumstances that are unique to the property. This property falls within the Shoreland Management Code because of its proximity to Poplar Lake. Under the Shoreland Management Code a lot must be 40,000 sq ft. This lot will not meet that requirement. However, the west lot line is adjacent to Poplar Lake Open Space Park. The creation of this lot will not have any negative environmental impact on Poplar Open Space Park because the sewer and water have already been put in. There would be no pollution from a sewer or septic installation and no leakage of phosphorus chemicals.

Character of the Neighborhood

The character of our small neighborhood would not be changed by granting this variance. In fact it would enhance it. It would finally complete the look of the neighborhood. Our house and our neighbor's house are approximately 400 ft off the road. There are 2 houses in front his house, close to the road. We are requesting a minor subdivision for a lot in front of our house, close to the road. We think this lot would be very compatible with our neighborhood.

EXISTING LEGAL DESCRIPTION PER DOC. #1945539

That part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 1, T. 30, R. 23, described as follows: Commencing at the SE corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec. 1; thence running West along the South line of said NE $\frac{1}{4}$ a distance of 280 feet to the point of beginning; thence running North and parallel with the East line of said Sec. 1 a distance of 538 feet; thence running West and parallel to the South line of said NE $\frac{1}{4}$ of Sec. 1 a distance of 150 feet; thence running South and parallel with the East line of said Sec. 1 a distance of 538 feet, more or less, to a point on the South line of said NE $\frac{1}{4}$ of said Sec. 1 distant 150 feet West of the point of beginning; thence running East along the said South line of said NE $\frac{1}{4}$ of said Sec. 1 a distance of 150 feet to the point of beginning.

LEGAL DESCRIPTION TRACT A

That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 30 North, Range 23 West of the 4th Principal Meridian, in Ramsey County, Minnesota described as follows: Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road and to the point of beginning; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter, a distance of 504.68 feet; thence South 89 degrees 01 minutes 38 seconds West, parallel to said south line of the Northeast Quarter, a distance of 150.01 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel to said east line of the Northeast Quarter, a distance of 256.10 feet; thence North 89 degrees 01 minutes 38 seconds East, parallel with said south line of the Northeast Quarter, a distance of 115.00 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel with said east line of the Northeast Quarter a distance of 248.57 feet to said northerly right-of-way line of Sherwood Road; thence North 89 degrees 01 minutes 38 seconds East, along said northerly right-of-way line of Sherwood Road, a distance of 34.99 feet to the point of beginning.

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LEGAL DESCRIPTION TRACT B

That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 30 North, Range 23 West of the 4th Principal Meridian, in Ramsey County, Minnesota described as follows: Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road; thence South 89 degrees 01 minutes 38 seconds West, along said northerly right-of-way line of Sherwood Road, a distance of 34.99 feet to the point of beginning; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter, a distance of 248.57 feet; thence South 89 degrees 01 minutes 38 seconds West, parallel to the south line of said Northeast Quarter, a distance of 115.00 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel to said east line of the Northeast Quarter, a distance of 248.57 feet to said northerly right-of-way line of Sherwood Road; thence North 89 degrees 01 minutes 38 seconds East, along said northerly right-of-way line of Sherwood Road, a distance of 115.00 feet to the point of beginning.

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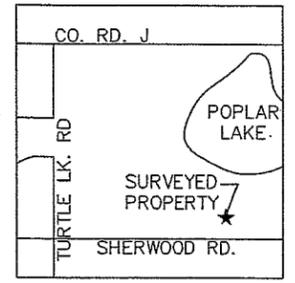
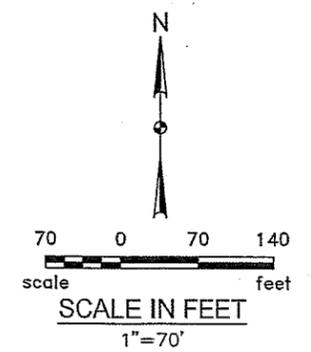
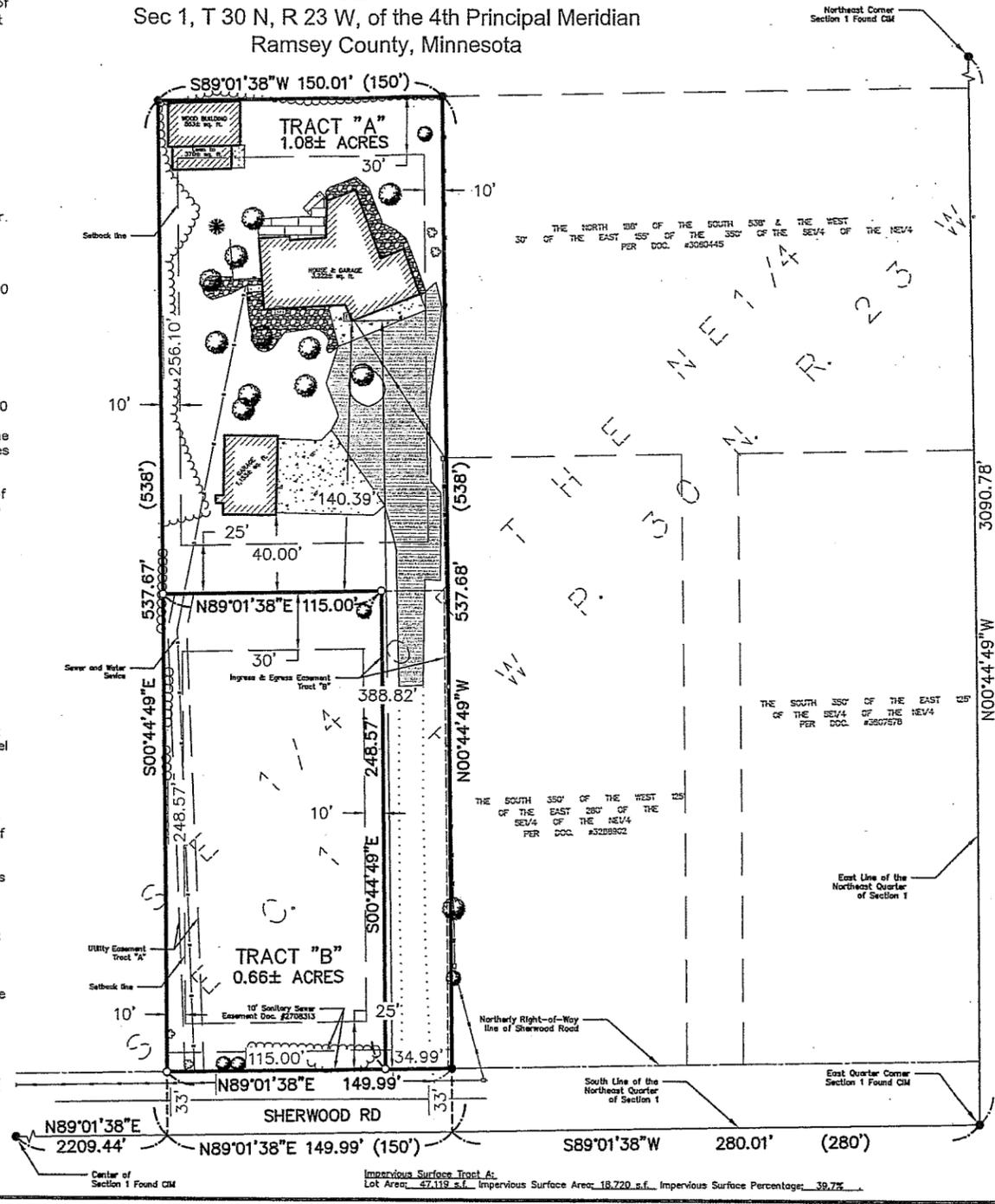
SURVEYOR'S CERTIFICATION

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

Signature: *Jacob M. Backowski* Printed Name: Jacob M. Backowski
Date: 9-30-15 Lic. No. 51693

CERTIFICATE OF SURVEY

GERALD & LINDA WALSH
Part of the Southeast Quarter of the Northeast Quarter of
Sec 1, T 30 N, R 23 W, of the 4th Principal Meridian
Ramsey County, Minnesota



VICINITY MAP
NTS

BASIS OF BEARING
MN County Coordinates System Ramsey
County NAD83 (2011) Adj., US Survey Feet

OWNER INFORMATION
Name: Gerald J. & Linda A. Walsh
Address: 175 Sherwood Road
Shoreview, MN 55728

LEGEND

●	Found Iron Monument	○	Set 5/8" Rebar with Plastic Cap marked RLS 51693
○	Record Distance	○	Brush or Shrub
○	Deciduous Tree	○	Evergreen Tree
○	Telephone Pedestal	○	Cable Service
○	Gas Meter	○	Electric Meter
○	Power Pole	○	Electrical Pedestal
○	Electric Box	○	Stone Landscaping
▨	Bituminous	▨	Concrete
▨	Building	▨	Deck

Rev'd.	Fieldbook
Certificate of Survey Gerald & Linda Walsh Shoreview, Minnesota	
SHEET NO. 1	
SE 1/4 OF THE NE 1/4 Sec. 1 T. 30 N. R. 23 W. 4TH P. M. RAMSEY COUNTY, MN	
DRAWN BY MMA	DATE 09/30/2015
CHECKED BY JMB	PROJECT NO. 51615117
Y:\Power\51615117-Walsh\CAD\51615117-Walsh.dwg	
© Kadmas, Lee & Jackson 2015	



Kathleen Castle <kcastle@shoreviewmn.gov>

175 Sherwood Road

Lux, Joseph <Joseph.Lux@co.ramsey.mn.us>
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Wed, Oct 21, 2015 at 9:57 AM

Hi, Kathleen:

I discussed this with Erin Laberee and we have no objections or comments.

Joe Lux

Joseph Lux

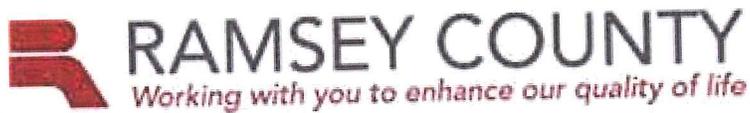
Senior Planner

Ramsey County Public Works

1425 Paul Kirkwold Drive

Arden Hills, MN 55112-3933

651-266-7114



From: Kathleen Castle [mailto:kcastle@shoreviewmn.gov]
Sent: Tuesday, October 20, 2015 4:35 PM
To: Lux, Joseph <Joseph.Lux@CO.RAMSEY.MN.US>
Subject: 175 Sherwood Road

[Quoted text hidden]

Walsh Minor Subdivision
175 Sherwood Road
File No. 2594-15-37

10-18-15

Comments:

To Whom it may concern:

We fully support the creation of
the Walsh Minor Subdivision as proposed.
We support the approval of the requested
variances.

Sincerely,

Richard and Ellen Sletten
Ellen K. Sletten

Name: Richard and Ellen Sletten
Address: 165 Sherwood Rd
Shoreview, MN
55126

Walsh Minor Subdivision
175 Sherwood Road
File No. 2594-15-37

Comments:

When the 'For Sale' signs went up, we assumed that the property would be sub-divided. The south portion of this lot was once a horse pasture. But, there have been no horse(s) there in 10-12 years. Good idea to put a new house there. We have no objections.

Name: Tim & Cheryl Dwyer
Address: 5755 Pond Drive



Kathleen Castle <kcastle@shoreviewmn.gov>

Walsh Minor Subdivision/Variance

1 message

Tim Dwyer <tdwyer@tjfans.com>
To: kcastle@shoreviewmn.gov

Tue, Oct 20, 2015 at 8:29 AM

Kathleen Castle, City Planner

Last week we mailed a letter indicating that we had no objection to Walsh's planned Subdivision. With this email we are now informing the City of Shoreview that we also do not object to Walsh's Variance request.

Although we do not know Gerald and Linda Walsh, they have been our across-the-street neighbors for 23 years. If they can make their property more valuable and more desirable by these minor changes as they approach retirement, more power to them.

Sincerely,

Tim and Cheryl Dwyer
5755 Pond Drive

Walsh Minor Subdivision
175 Sherwood Road
File No. 2594-15-37

Comments:

1. Increased future surface water runoff from Tract B should be directed away from the existing bituminous driveway since runoff from this driveway is currently causing drainage problems on the property to the east of Tract A.

2. The description of the existing parcel is the south 538 ft. The proposed description of Tract A has a dimension of 531.68 ft on the east line which doesn't fit the existing parcel or the adjoining parcel.

3. The existing legal description includes underlying fee ownership in Sherwood Rd. This underlying fee is not conveyed to Tract A or Tract B so would be retained by the current owner which is probably not intended.

4. The ingress and egress easement in favor of Tract B should instead be a public street easement and extend north into Tract A for possible future subdivision of adjoining properties into smaller lots for higher density.

Name: Mark Beatty / Bonnie Peterson

Address: 155 Sherwood Rd.

**MOTION
TO APPROVE A VARIANCE AND MINOR SUBDIVISION
GERALD AND LINDA WALSH
175 SHERWOOD ROAD**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution 15-97, approving the following variances:

- 1) To reduce the minimum 40,000 square foot lot area required to 28,749.6 square feet for Tract B.
- 2) To reduce the minimum 125 foot lot width required to 115 feet for Tract B and 34.99 feet for Tract A.

And to approve the minor subdivision request to subdivide the property into two parcels creating a new parcel for single-family residential use subject to the following conditions:

Variance

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

Minor Subdivision

1. Approval of the minor subdivision is contingent upon approval the lot width variances for Tracts A and B and lot area variance for Tract B.
2. The minor subdivision shall be in accordance with the plans submitted. 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. Municipal water and sanitary sewer service shall be provided to the resulting Tract B.
5. Items identified by the City Engineer in his memo shall be addressed as specified.
6. 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.
7. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
8. While Tract B appears to contain sufficient land area for single-family residential use, a front yard structure setback variance will be needed since the required setback for this parcel is

determined by a setback average which utilizes the structure setback of the home on Tract A. Approval of the subdivision does not bind the City or guarantee approval of a future variance.

9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

This approval is based on the following findings of fact:

1. The proposed residential use is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. Development will not have a negative impact on Poplar Lake due to the distance from the lake and proximity to the open space. Municipal sanitary sewer and water is required for a new home on Tract B.
3. Practical difficulty for the variance is present as stated in Resolution 15-97.
4. The requested variances meet the spirit and intent of the development regulations by creating a parcel that is of sufficient size to support a residential uses.

VOTE:

AYES:

NAYS:

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: October 23, 2015
SUBJECT: File No. 2596-15-39, Conditional Use Permit/Site and Building Plan Review – Minnesota Veterinary Hospital, 4545 Hodgson Road

INTRODUCTION

Jeff Jensen, Minnesota Veterinary Hospital, is proposing to install a 6-foot tall wooden privacy fence on the north side of the property to create an enclosed outdoor animal exercise area. The proposal requires an amendment to their existing conditional use permit and site and building plan review.

In 2002, the Jensen Family Partnership received a conditional use permit to expand the services offered at the veterinary hospital to include boarding services for animals that are not receiving medical care. The maximum number of kennels permitted is 30. No modifications to the site were permitted with this conditional use permit and all operations associated with the kennel were limited to the interior of the building, with the exception of animal exercise. Outdoor exercise occurs on the west side of the building. The dogs are leashed and walked with an attendant two to three times daily. An amendment is needed to the Conditional Use Permit to permit an enclosed outdoor exercise area.

The application was complete as of October 1, 2015.

PROJECT DESCRIPTION

The property is located on the southwest corner of Hodgson Road and Highway 96 and has an approximate lot area of 30,000 square feet and has approximately 145 feet of frontage on Hodgson Road. The property is triangular in shape with the narrow portion of the property being adjacent to Highway 96.

The property is developed with a one-story structure approximately 5,000 square feet in size that houses the veterinary hospital and kennel operations. The building is located in the central portion of the property with a wooded yard area on the north side. Off-street parking is provided on-site south of the building and accessed via a driveway off of Bridge Court and Hodgson Road.

Mr. Jensen is proposing to enclose a portion of the front yard area with a 6-foot tall wooden privacy fence for an outdoor animal exercise area. This fence would extend north of the building along Hodgson Road and enclose a portion of the front yard. The natural turf within this area would be replaced with an artificial turf that is designed for outdoor dog exercise areas. Please see the attached plans.

DEVELOPMENT CODE

Site and Building Plan Review

Fences are permitted in the Office District (Section 205.040 (C)) provided Site and Building Plan approval is received. Fences are required to comply with standards pertaining to height, location, construction and maintenance and fencing material. Fences cannot exceed 6-feet in height unless the fence is needed for security reasons, then an 8-foot height may be allowed.

The Site and Building Plan Review (Section 203.041) may be approved provide the proposed use is permitted in the zoning district and upon showing that the standards and criteria of the Development Code are met. The use must also be in harmony with the general purpose and intent of the Development Code and Comprehensive Plan.

In the Office Zoning District, veterinary clinics are a permitted use. Indoor kennels accessory to veterinary offices and clinics are permitted with a conditional use permit provided certain standards are met (Section 205.044 (C)(3)).

Conditional Use Permit

Section 203.032 Conditional Use Permit (Non-Floodplain) states that 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.

The approval of a conditional use permit requires the City Council to 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.

STAFF REVIEW

Site and Building Plan Review

The proposed fence complies with the fence standards for the Office District. The fence will not exceed 6-feet in height and will be located on the applicant's property. In addition, the wooden fence material is allowed and framing structure of the fence will face the interior.

Staff's primary concern relates to the visual impact since the fence will be located in the front yard and will be visible from Highway 96 and Hodgson Road. Mr. Jensen is proposing to place the fence along the Hodgson Road right-of-way line. While there is a boulevard area

that provides separation from the improved road and trail surface, Staff is recommending the fence be setback a minimum of 10-feet to provide area for landscaping. This proposed setback is consistent with the fence standards for residential properties that have frontage on arterial roadways.

Conditional Use Permit

An amendment to the Conditional Use Permit is needed for the outdoor exercise area. The original conditional use permit was approved with the following condition:

2) There shall be no exterior modifications to the building or site to accommodate this use. With the exception of animal exercise, all operations associated with the kennel shall occur within the building.

Canine's are currently exercised on the west side of the building with an animal care attendant or technician two or three times daily. Waste is picked up and disposed of properly. The City has not received complaints regarding the existing operations.

Mr. Jensen has stated that the proposed outdoor exercise area will better suit the needs of their clients and allow their business to remain competitive with other kennel operations. Further, he also expresses concern regarding safety of the animals since they are walked near the parking lot and a busy road (Hodgson Road). The fenced in outdoor exercise area would improve safety and provide better service for their clients. In addition, the turf area of the exercise area would be converted to an artificial turf specifically designed for this purpose.

See the applicant's statement for information on the proposed artificial turf, capacity, waste management and noise.

Comprehensive Plan Consistency

The land use designation for the property is O, Office and located in Policy Development Area #10, Highways 96 and 49. PDA's have been established in areas where parcels may be underdeveloped, pose concerns or present opportunities for development/redevelopment. Policies for the PDA address the impact future development may have on the single-family residential uses to the south, traffic impacts and pedestrian connections.

The expansion of the clinic/kennel facility with an outdoor exercise area is consistent with the land use designation and does not affect the nearby single-family land uses, traffic or pedestrian connections.

Development Code

Again, veterinary clinics are a permitted use in the O, Office zoning district and indoor kennels are permitted as a conditional use. The proposed outdoor exercise area is accessory to these uses and permitted provided the zoning and conditional use permit standards are met.

Staff is supportive of the proposed outdoor exercise area and finds that it is consistent with the spirit and intent of the zoning district and conditional use permit requirements. Outdoor exercise areas are not uncommon for veterinary clinics and kennels and if property managed will not negatively affect the surrounding businesses. The enclosure will improve safety for the canines as well as the employees by providing a contained play space. Concerns regarding waste disposal, noise and capacity have been met. The Staff is also recommending that conditions be attached addressing the operations to ensure that there are no negative impacts from this use.

REQUEST FOR COMMENT

Property owners within 350 feet were notified of the applicant's request. Ramsey County has indicated that they do not have any concerns regarding the proposal. Scandia Shores, 418 Highway 96, also indicated that they have no objections to the proposed fence and outdoor exercise area. The City Engineer has also indicated no concerns with the proposed fence. The separation of the trail from the fence provides adequate room for trail maintenance including snow removal.

RECOMMENDATION

Staff has reviewed the application and found that the proposed Conditional Use Permit request meets the requirements of the Development Ordinance and policies of the Comprehensive Plan. Therefore, staff recommends the Planning Commission recommend the City Council approve the conditional use permit and site and building plan review, subject to the following conditions:

Site and Building Plan Review

1. This approval permits the installation of a 6-foot tall wooden privacy fence for an outdoor animal exercise area located on the north side of the hospital/kennel building as identified on the approved plans.
2. The installation of the fence shall not result in the removal of any landmark trees on the property.
3. The fence shall maintain a minimum setback of 10 feet from Hodgson Road to provide an area for landscaping. A landscape plan shall be submitted for City review and approval prior to the issuance of a fence permit.
4. No signage is permitted on the fence.
5. A fence permit is required to install the proposed 6-foot tall fence. This fence shall be constructed and maintained in accordance with Section 205.040 (C)(9).

Conditional Use Permit

1. This permit amends the existing Conditional Use Permit for the indoor kennel facility, Minnesota Veterinary Hospital, as authorized in Resolution 02-11. This amendment permits an outdoor exercise area located on the north side of the hospital/kennel building.
2. Conditions as identified in Resolution 02-11 shall remain in effect. Condition No. 4 shall be amended to read:

The owners must comply with the management plan for the facility, including the outdoor exercise area. Animal waste that occurs outside the facility shall be picked up and disposed of daily. The owners must comply with Section 601.030 (D) and 209.020 (B)(8) regarding noise and Section 601.030 (E) regarding waste. The exterior of the site shall be maintained in accordance with Section 211, Property Maintenance Standards.

3. The outdoor exercise area shall be enclosed with a 6-foot tall wooden privacy fence. This fence shall be constructed and maintained in accordance with Section 205.040 (C)(9).
4. Artificial turf is permitted for the outdoor exercise area provided it is maintained in accordance with the manufacturer's specifications and Section 211, Property Maintenance Standards.
5. Use of the outdoor exercise area shall be restricted to canines receiving care at the Veterinary Hospital or being boarded in the kennel facility.
6. Use of the outdoor exercise area shall be managed and operated in accordance with the information submitted as part of the conditional use permit application.
7. The fence and outdoor exercise area shall be removed upon the expiration of the conditional use permit and/or a change in use on this property.

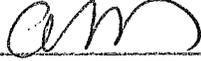
Attachments:

1. Resolution 02-11, Conditional Use Permit
2. Excerpt from Comprehensive Plan
3. Aerial Location Map
4. Applicant's Statement and Submitted Plans
5. Conceptual Fence Plan – 10 foot setback from Hodgson Road ROW
6. Comments received
7. Motion Sheet

0430
20-
2-
LK
CK
MF5-

DOC# 3487065

Certified Recorded On
APR. 03, 2002 AT 10:00AM

Signed: 
OFFICE CO. RECORDER
RAMSEY COUNTY MN

Fee Amount: \$27.00



**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF SHOREVIEW, MINNESOTA
HELD MARCH 4, 2002**

* * * * *

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

The following members were present: Quigley, Landwehr, Huffman, Wickstrom, Martin
And the following members were absent: none

Member Landweher introduced the following resolution and moved its adoption.

**RESOLUTION NO. 02-11
CONDITIONAL USE PERMIT**

WHEREAS, Jensen Family Partnership, applied for a conditional use permit to operate an indoor kennel accessory to their veterinary clinic, Minnesota Veterinary Hospital:

A Subj to hwy and rd, the N 283' of Lot 19 and Lot 20, J.F. Eisenmengers, Lake Villas

(This property is more commonly known as 4545 Hodgson Road, Shoreview, Minnesota)

WHEREAS, Section 203.032 (A) states that certain uses, while generally not suitable in a particular zoning district, may be suitable under some circumstances be suitable if conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare of the community and to insure harmony with the Comprehensive Guide Plan; and

WHEREAS, the applicant has proposed to operate an indoor kennel accessory to a veterinary clinic use in accordance with Section 205.044 (C)(3); and

WHEREAS, the Planning Commission held a public hearing on the proposed indoor kennel facility on January 29, 2002; and found that the proposed use was consistent with the Comprehensive Guide Plan and that the proposed use would not have a detrimental effect on the character and development of the neighborhood; and

1 of 3

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

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

1. The 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW CITY COUNCIL that a Conditional Use Permit to operate an indoor kennel facility accessory to the veterinary clinic, subject to the following:

1. This conditional use permit allows an indoor kennel accessory to the veterinary hospital at 4545 Hodgson Road. Animals not receiving medical care on-site may be boarded overnight at this facility. The maximum number of kennels permitted is 30 and the maximum number of dog runs permitted is 10.
2. There shall be no exterior modifications to the building or site to accommodate this use. With the exception of animal exercise, all operations associated with the kennel shall occur within the building.
3. Signage for the indoor kennel shall comply with Section 208 of the Development Ordinance. A sign permit may be required prior to the installation of any additional signs on the property.
4. The owners must comply with the management plan for the facility. Animal waste that occurs outside of the facility shall be picked-up and disposed of daily. The owners must comply with Section 601.220 (D) and (E) regarding noise and waste. The exterior of the site shall be maintained in accordance with Section 211 regarding property maintenance.
5. The use as permitted under the terms of this permit shall be established and conducted in conformity to the terms of such permit and any designated conditions. The permit shall remain in effect for as long as the conditions agreed upon are observed, provided that nothing in this approval shall prevent the City Council from taking action or amending the Development Ordinance to change the status of said use.

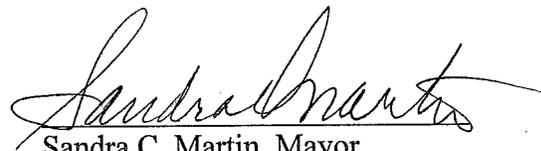
Resolution 02-11
Conditional Use Permit
Jensen Family Partnership

6. The permit shall expire and be considered null and void one year after it has been issued if the use has not been established or no construction has taken place, except that, upon written application of the owner of the affected land prior to the end of one year, the City Council may extend the expiration date of such permit for an additional period.
7. The indoor kennel shall comply with the regulations of Section 205.044 (C)(3). Failure to comply with the regulations of this Section or terms of this permit may result in revocation of the permit. If the applicant is found not to be in compliance with the terms of this permit, a hearing shall be scheduled before the City Council for the purpose of determining whether to revoke the permit.
8. Any requested changes in use or conditions of the permit shall require the permit to be amended. A request to amend the permit shall be administered in a manner similar to that required for a new permit.
9. The applicant shall operate the facility in accordance with industry standards and obtain other permits and approvals from other governmental agencies as required.

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

And the following voted against the same: none

Adopted this 4th day of March, 2002


Sandra C. Martin, Mayor
Shoreview City Council

ATTEST:


Terry Schwerm, City Manager

SEAL

Excerpt from the 2008 Comprehensive Plan

10. Highways 96 and 49

This PDA serves as one of the City's major commercial nodes and as the community's east gateway. It is divided into three sections: the northwest, southwest, and southeast corners of Highway 96 and 49. Road improvements in both the Highway 96 and Highway 49 corridors were intended to improve traffic flow, safety and access to these areas. Surrounding land uses include single-family residences, townhomes, condominiums, and open space. The property on the northeast corner of this intersection is located in the City of North Oaks and contains a commercial shopping center. Because of the area's complexity, each corner is discussed separately.

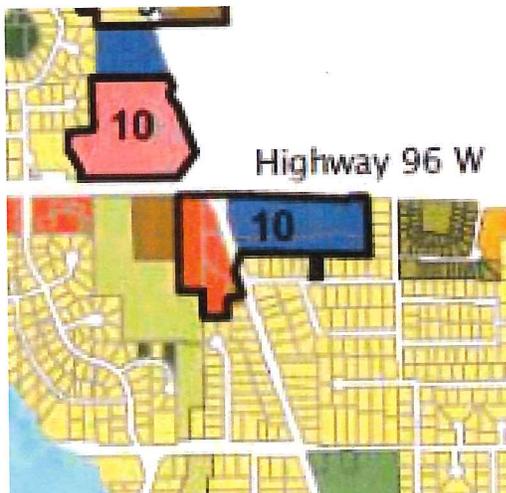
Southwest. Existing land uses in the area include a senior housing complex, a medical clinic, a veterinary office, retail/office development, vacant property and single-family residential. Access to the site is restricted off of Highway 96 and full access to these properties is gained from Bridge Court, which connects to Hodgson Road opposite Bridge Street. The future development of this area raises concerns regarding potential impacts on the neighborhood to the south.

Policies

Southwest. This PDA is designated for RM, Medium Density Residential, O, Office, and INST, Institutional uses. The existing retail/office building is designated Commercial (C). Any uses must comply with the following criteria:

- A. Limit impacts upon single-family homes to the south by ensuring that the proposed use is compatible with those nearby single-family residences. Options include offices that are residential in scale and design, a small institution such as a church, or townhomes.
- B. Assess traffic impacts of the proposed use and the possible need for a traffic signal at the Bridge Court/Hodgson Road intersection.
- C. If feasible, provide pedestrian trail and sidewalk connections, especially to the Snail Lake open space to the south. Consider construction of a pedestrian underpass to provide safe access to commercial areas on the north side of Highway 96.

Planned Land Use Map





Minnesota Veterinary Hospital



200.0

0

100.00

200.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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

Legend



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

Notes

4545 Hodgson Road



Kathleen Castle <kcastle@shoreviewmn.gov>

revised submission

Jeff Jensen <Jeff@mnvet.com>
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Thu, Oct 22, 2015 at 9:51 AM

Kathleen,

Minnesota Veterinary Hospital is looking to expand the comfort level of our canine boarders by adding a secure, fenced play yard on the property of our clinic. This yard will allow for our canine boarders to have more opportunity for exercise and play and create a bond between our staff and the dogs staying with us.

Many of our canine friends already love their boarding experience with us but a secure, fenced play yard will allow us to give your pup a more 'home-like' experience. Play is an essential element to having a happy, healthy dog and here at Minnesota Veterinary Hospital, we are always striving to make your pets' experience with us a great one!

The purpose of the fence is to provide a safe environment for dogs that are in our care. The fence is essential in creating a secure area that we can provide play sessions for dogs, and allow them to be off leash to run. These off leash play sessions will 'NOT' be unsupervised, as our trained Animal Care Team will be with them throughout the outdoor time session (REQUIRED). Currently, we have been leash walking the dogs in our yard, down around the cul-de-sac and along the busy highways (49/96). The thru-traffic in our parking lot gets to be sometimes dangerous, especially at night. Our Animal Care Team has made a diligent effort to keep away from our parking area because of the traffic. As far as waste, our team carries sandwich bags, which are used for the 'pick up' technique and we have a nice pooper scooper to sweep up the messes left behind. In addition, we have a nice trash container (located on the west side of the building) with a lid that limits the smell, as it is emptied daily. The urine in the yard is usually not a problem, however if there are times when we will need to spray off our yard, but only during droughts. When the fenced area is approved we would like to finish the area off with K9 Grass, which is an "artificial grass designed specifically for dogs!" The company www.foreverlawn.com has 4 major components which I think will improve the site.

1. Product Safety – Pet Safe AlphaSan antimicrobial agents are manufactured into the blades to protect against bacteria and other microbes. This antimicrobial additive is vital component to keeping the grass clean and safe, and helps to reduce odors
2. Drainable – Exclusive flow-through knitted backing provides immediate drainage, enabling liquid waste to be washed away by their patent pending flushing system (indoors) or to drain into their prepared base (outdoors).
3. Cleanable – Short dense blades make locating and removing solid waste easy. The no infill design allows for a variety of cleaning methods, products, and equipment to be used.
4. Durable – Specifically – designed grass blades are interwoven (knitted) with the backing, which provides an incredibly strong bond between blade and backing.

Bottom line is this will eliminate our current muddy yard and dirty paw clean up that we face today.

The capacity for our kennel is roughly up to 30 dogs. Hopefully we can get 15 dogs a day in our space daily, but that does not mean they are all outside together at one time. Our plan is to try to have 'play sessions' with up to 5 good dogs together for potentially 15 – 30minutes, in the am/pm. These 'play sessions' would always be supervised and managed by one of our Animal Care staff and all dogs in the group would be individually tested for compatibility within that play group.

Noise of the area – Currently the area is very noisy with the highway noise, but the dogs outside will be breath of fresh air! However, in the event the dogs are getting rowdy and start to bark, then our kennel staff will use positive reinforcement management techniques to regain their focus or use a doggy time out, in which they will be rested from play until they have calmed down. Either way, our trained staff will have control of all dogs in the play area at all times.

The setback issue... I do not think there will be an issue there; however would hope you would be able to provide me some clarification as to where the setback starts (10 feet from the curb on Hodgson)? Possibly walk the area with me before the meeting.

Please let me know if the above is good for my submission? I also have roughly 100 signatures with comments that are in favor of the proposed fence. Thank you for your time and efforts during this process!

Sorry to send you a revised copy....this is our final one. Thank you.

Kindest Regards,

Jeff Jensen – Hospital Administrator

Minnesota Veterinary Hospital

4545 Hodgson Rd.

Shoreview, MN 55126

[651-484-3331](tel:651-484-3331)

Fax - [651-403-6359](tel:651-403-6359)

jeff@mnvet.com

www.mnvet.com

HIGHWAY ab

100.25 (103.14)

100.2

107.8

71'

104.2

24.2

20'

20'

20'

EXISTING BUILDING

20' WARD

20'

20'

20'

20'

20'

20'

20'

20'

20'

OUTDOOR ANIMAL EXERCISE AREA

FENCE

EXISTING BUILDING

TOP OF SLAB EL. 927.42

REAR COURT

NEW DIRT SURFACE

CONCRETE

12.29 = 105.0' MIN. (NOTIFY IN FIELD)

148.12

NOTE: SEE PLANS FOR GRADING & PAVING LOT GRAD

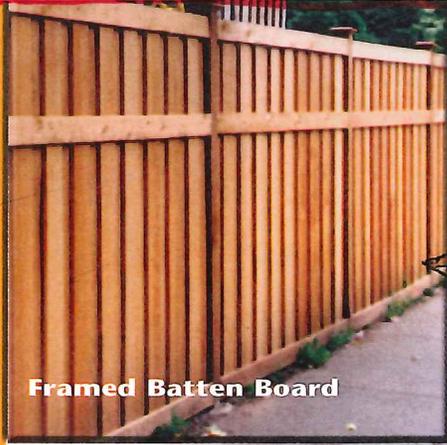
ROAD

HEDGECOCK

EXISTING ENTRY DRIVE

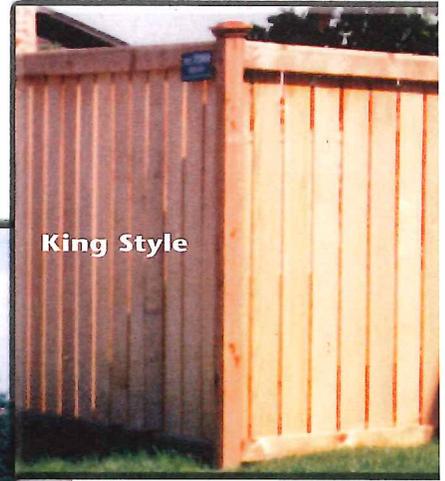
EXISTING DRIVE

WOOD PRIVACY



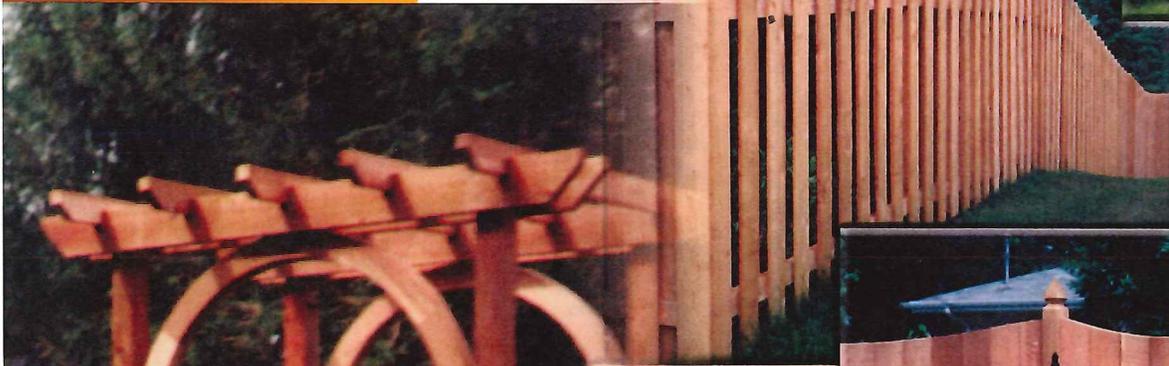
Framed Batten Board

33-50
PET
PLOW

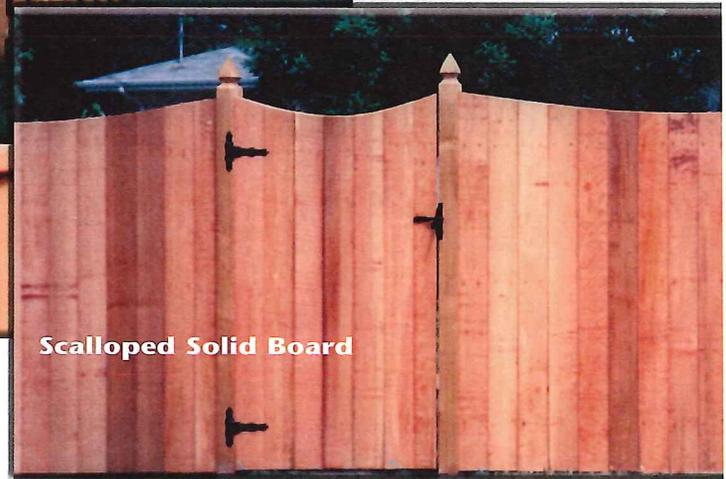


King Style

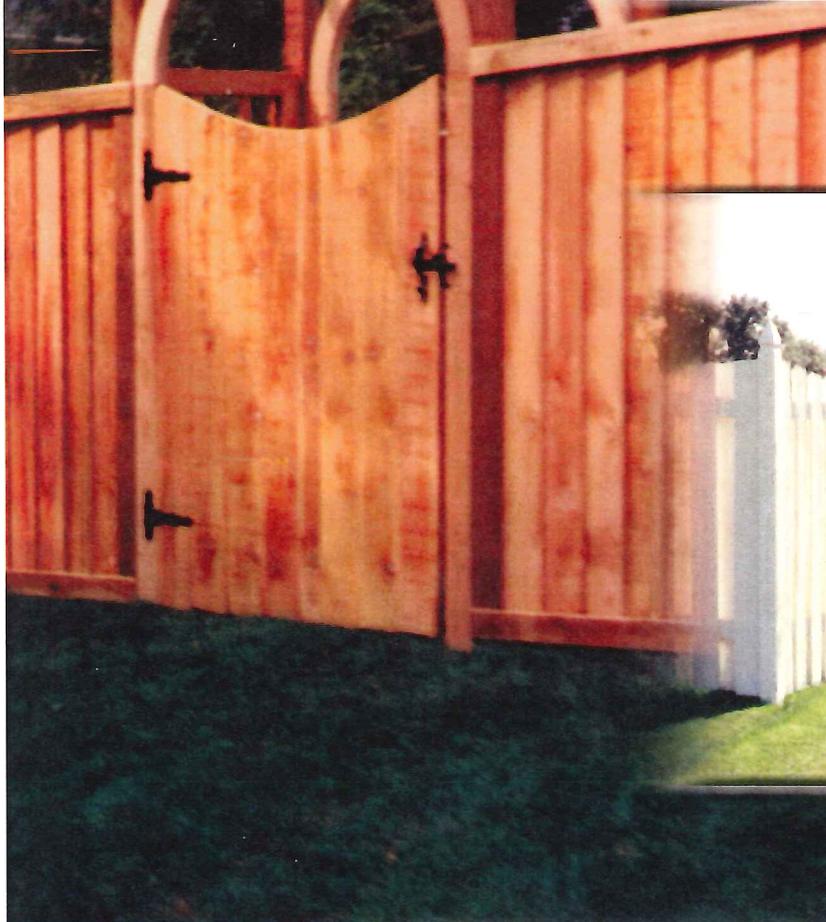
PROPOSED
FENCE



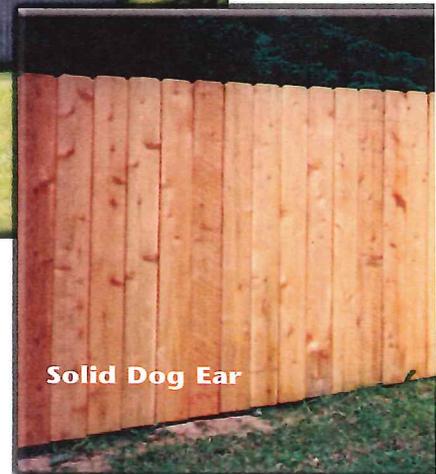
Alternating Board



Scalloped Solid Board

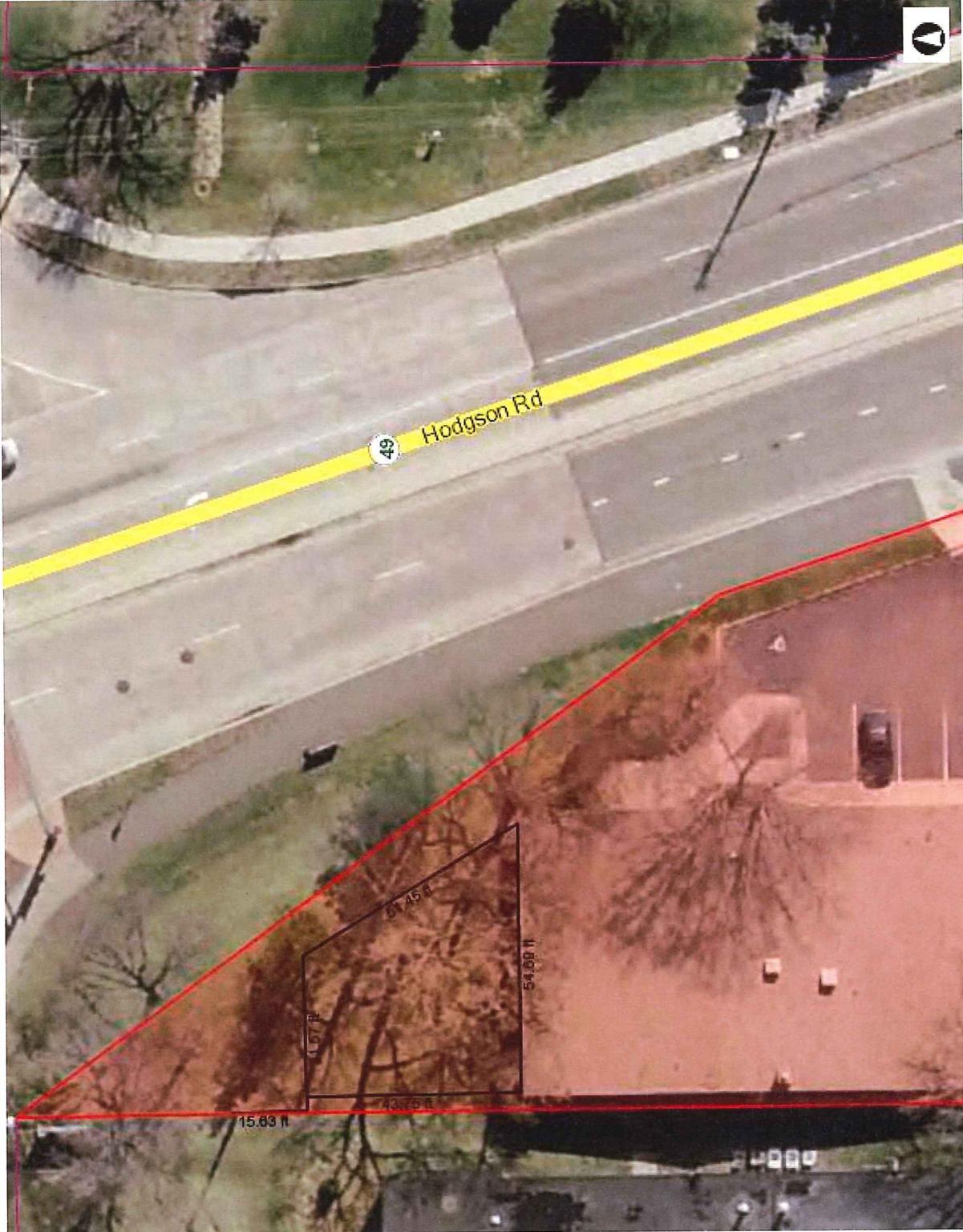


Scalloped
Alternating
Board



Solid Dog Ear

Solid Louvered



Legend



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

CONCEPTUAL
FENCE PLAND
WITH 10-FOOT
SETBACK FROM
HODGSON RD
RIGHT OF WAY

Notes

Enter Map Description

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NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division



Kathleen Castle <kcastle@shoreviewmn.gov>

Fence - 4545 Hodgson Road

Tom Wesolowski <twesolowski@shoreviewmn.gov>

Wed, Oct 21, 2015 at 11:48 AM

To: Kathleen Castle <kcastle@shoreviewmn.gov>

Cc: Tom Simonson <tsimonson@shoreviewmn.gov>, "SCHWERM, TERRY" <tschwerm@shoreviewmn.gov>, "WARWICK, ROBERT" <rwarwick@shoreviewmn.gov>, "MALONEY, MARK" <mmaloney@shoreviewmn.gov>, Nicole Hill <NHill@shoreviewmn.gov>, Joe <jkelly@kellyandlemmons.com>

Kathleen,

I do not have any comments.

Thank you, Tom W.

Tom Wesolowski, P.E. | City Engineer

City of Shoreview

4600 Victoria St. N.

Shoreview, MN 55126

twesolowski@shoreviewmn.gov

Direct Tel: 651-490-4652

Fax: 651-490-4696

[Quoted text hidden]



Kathleen Castle <kcastle@shoreviewmn.gov>

4545 Hodgson Road - Fence

Lux, Joseph <Joseph.Lux@co.ramsey.mn.us>
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Wed, Oct 21, 2015 at 9:59 AM

No objections here. We appreciate that they plan to square it off, which will preserve visibility on the adjacent roads.

Joe Lux

Joseph Lux
Senior Planner
Ramsey County Public Works
1425 Paul Kirkwold Drive
Arden Hills, MN 55112-3933
[651-266-7114](tel:651-266-7114)



From: Kathleen Castle [mailto:kcastle@shoreviewmn.gov]
Sent: Wednesday, October 21, 2015 9:50 AM
To: Lux, Joseph <Joseph.Lux@CO.RAMSEY.MN.US>
Subject: 4545 Hodgson Road - Fence

[Quoted text hidden]



Kathleen Castle <kcastle@shoreviewmn.gov>

Comments re: Conditional Use Permit / MM Veterinary Hospital

1 message

Nancy Ketchel <NKetchel@avinityseniorliving.org>
To: "kcastle@shoreviewmn.gov" <kcastle@shoreviewmn.gov>

Thu, Oct 22, 2015 at 3:28 PM

Hello Kathleen,

Management and employees at Scandia Shores have reviewed the Public Notice we received from your office regarding Minnesota Veterinary Hospital's application for a Conditional Use Permit and Site and Building Plan. We have no objection to the addition of the fence on the north side of their property to create an enclosed outdoor animal exercise area. Hopefully, this addition will enhance the comfort and safety of the animals cared for by the Minnesota Veterinary Hospital.

Sincerely,

Nancy Ketchel
Housing Administrator
nketchel@avinityseniorliving.org

Scandia Shores

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Blog   

Please consider the environment before printing this email.

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**MOTION
TO APPROVE A CONDITIONAL USE PERMIT
MINNESOTA VETERINARY HOSPITAL
4545 HODGSON ROAD**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommends the Planning Commission recommend the City Council approve the site and building plan review and conditional use permit for the Minnesota Veterinary Hospital, 4545Hodgson Road, subject to the following conditions:

Site and Building Plan Review

1. This approval permits the installation of a 6-foot tall wooden privacy fence for an outdoor animal exercise area located on the north side of the hospital/kennel building as identified on the approved plans.
2. The installation of the fence shall not result in the removal of any landmark trees on the property.
3. The fence shall maintain a minimum setback of 10 feet from Hodgson Road to provide an area for landscaping. A landscape plan shall be submitted for City review and approval prior to the issuance of a fence permit.
4. No signage is permitted on the fence.
5. A fence permit is required to install the proposed 6-foot tall fence. This fence shall be constructed and maintained in accordance with Section 205.040 (C)(9).

Conditional Use Permit

1. This permit amends the existing Conditional Use Permit for the indoor kennel facility, Minnesota Veterinary Hospital, as authorized in Resolution 02-11. This amendment permits an outdoor exercise area located on the north side of the hospital/kennel building.
2. Conditions as identified in Resolution 02-11 shall remain in effect. Condition No. 4 shall be amended to read:

The owners must comply with the management plan for the facility, including the outdoor exercise area. Animal waste that occurs outside the facility shall be picked up and disposed of daily. The owners must comply with Section 601.030 (D) and 209.020 (B)(8) regarding noise and Section 601.030 (E) regarding waste. The exterior of the site shall be maintained in accordance with Section 211, Property Maintenance Standards.

3. The outdoor exercise area shall be enclosed with a 6-foot tall wooden privacy fence. This fence shall be constructed and maintained in accordance with Section 205.040 (C)(9).

4. Artificial turf is permitted for the outdoor exercise area provided it is maintained in accordance with the manufacturer's specifications and Section 211, Property Maintenance Standards.
5. Use of the outdoor exercise area shall be restricted to canines receiving care at the Veterinary Hospital or being boarded in the kennel facility.
6. Use of the outdoor exercise area shall be managed and operated in accordance with the information submitted as part of the conditional use permit application.
7. The fence and outdoor exercise area shall be removed upon the expiration of the conditional use permit and/or a change in use on this property.

Approval is based on the following findings.

1. The property is zoned O, Office which allows veterinary hospitals as a permitted use and indoor kennels as a conditional use.
2. The land use complies with the designated land use (Office) of the Comprehensive Plan and policies of PDA #10. The proposed outdoor exercise area for the canine's will not affect nearby residential uses, traffic or pedestrian connections.
3. The outdoor exercise area is consistent with the standards required for an indoor kennel, Section 205.044 (C)(3).

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – October 27, 2015

TO: Planning Commission
FROM: Niki Hill, Economic Development and Planning Associate
DATE: October 27, 2015
RE: Accessory Structures

INTRODUCTION

Throughout the year Staff, the Planning Commission and the City Council have discussed the existing accessory structure regulations and increased requests for conditional use permits and variances. Planning Commission members and staff have most recently discussed options that provide more flexibility to property owners relating to the size of the structure based on the parcel size. The proposed ordinance changes establish area and setback regulations based on a tiered system while making sure that these structures remain subordinate to the principal structure on the property and do not negatively impact adjoining properties.

The majority of residential parcels in the City are one half acre (21,780 square feet) or less. The average parcel size is just over 17,600 square feet or .4 acres so the proposed regulation changes would minimally affect them as we would allow up to 200 square feet outright instead of the current 150 square feet. The Commission should note for parcels 1 acre or larger in size, lot area is measured above the ordinary high water line of a lake, pond or wetland area on the property. This restriction connects the buildable area of the property with the permitted accessory structure size and considers the building capacity of the site.

CURRENT DEVELOPMENT CODE

The Development Code (Section 205.082 (D)(5)(a)) establishes a maximum permitted area for accessory structures on parcels less than one acre. On these lots, an accessory structure are limited to 150 square feet in size but can be increased to 288 square feet in size provided a conditional use permit is received. In addition, the total of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is less.

On parcels greater than one acre, a conditional use permit is required to exceed the limits defined for parcels less than one acre. There is, however, no cap for the maximum area. If the conditional use permit criteria and standards can be satisfied, then the permit should be issued. Without a cap, there is some concern that larger accessory structures would not meet the spirit and intent of the Development Code which is to ensure that the dwelling remains the primary use of the property is residential and that an accessory structure, whether attached or detached, does not detract from the residential character of the property or neighborhood.

PROPOSED CHANGES

Information regarding existing lot sizes is being presented to the Commission as an attachment. The tiered approach for accessory structures was chosen to provide more flexibility to property owners while taking the size of their property and dwelling unit foundation into consideration. We have broken it down into four sizes:

- Under ½ Acre
- ½ Acre – 1 Acre
- 1 Acre to 2 Acres
- Over 2 Acres

The changes include increasing the maximum permitted sizes outright as well as increasing sizes allowed with a Conditional Use Permit for parcels ½ Acre and larger. There would also be a cap to the total amount of accessory square footage in all of the tiers – including the 2 acres and over. The Staff believes the intent of the code remains the same with accessory structures being a subordinate use/structure on the property.

RECOMMENDATION

Information attached includes the current regulations and the proposed changes. The Commission is being asked to review this information and have further discussion regarding potential ordinance changes. The next step would be to have a joint workshop with the City Council and Planning Commission.

Attachments

- 1) Section 205.082 Detached Residential District, R1
- 2) Proposed Section 205.082 changes with existing code to be removed
- 3) Proposed Section 205.082 changes after removal of existing code

Existing Development Code Requirements Relating to Accessory Structures

Section 205.082

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

(1) Funeral Homes (mortuaries) provided the site adjoins a collector or arterial roadway. The performance standards set forth in Section 205.043(C) (General Commercial District (Conditional Uses) shall also be imposed as a condition(s) of approval.

(2) Accessory Structures.

(a) On parcels less than 1 acre in size, accessory structures that have an area of 150 square feet to 288 square feet in size are permitted as a conditional use provided the standards in Section 205.082(C)(2)(c) are met.

(b) On parcels 1 acre or larger in size, accessory structures that exceed the maximum allowable square footage are permitted as a conditional use provided the standards in Section 205.082(C)(2)(c) are met.

(c) Performance Standards

(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.

(5) Accessory Structures.

(a) Maximum Area.

- (i) Attached Accessory Structure: 1,000 square feet or 80% of dwelling unit foundation area, whichever is more restrictive.
- (ii) Detached Accessory Structure:
 - a. Area shall not exceed the 75% foundation area of the dwelling unit or 750 square feet whichever is more restrictive.
 - b. Parcels less than 1 acre in size:
 - i. When there is no attached garage or an attached garage that is less than a two-car, a single detached accessory structure may consist of the maximum area allowed in Section 205.082(D)(5)(a)(ii)(a). However, the second detached structure shall not exceed 150 square feet. The area of the second detached accessory structure may be increased to a maximum of 288 square feet upon Conditional Use Permit approval.
 - ii. When there is an attached two-car garage or larger on the property, the total area of all detached accessory structures shall not exceed 150 square feet. The total area of all detached accessory structures may be increased to a maximum of 288 square feet upon Conditional Use Permit approval.
 - c. Parcels that have a lot area of one or more acres:
 - i. When there is no attached garage or an attached garage that is less than a two-car, a single detached accessory structure may consist of the maximum area allowed in Section 205.082(D)(5)(a)(ii)(a). However, the second detached structure shall not exceed 288 square feet.
 - ii. When there is an attached two-car garage or larger on the property, the total area of all detached accessory structures shall not exceed 288 square feet.
 - iii. The maximum allowable square footage for accessory structures may be exceeded upon Conditional Use Permit approval.
- (iii) The combined area of all accessory structures shall not exceed 90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive.

(b) Minimum Setbacks

i. Attached Accessory Structures

- a. Rear yard setback: Not less than 30 feet or the minimum setback required for the principal structure
- b. Side yard setback: 5 feet

ii. Detached Accessory Structures

- a. Side yard: 5 feet
- b. Rear yard: 10 feet
- c. Alleys:
 - i. 20 feet if a garage overhead door faces the alley.
 - ii. 10 feet if a garage overhead door is side loaded and does not face the alley.

iii. Location of the accessory structure shall not interfere with vehicle visibility or traffic movement in the alleyway.

- iii. Accessory structures on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1).
- iv. No accessory structures shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of Section 203.039 (Riparian Lot-Detached Accessory Structure Permit).
- v. Structures housing non-domestic animals: 100 feet from all property lines except as permitted by the City's licensing provisions.

(c) Height – Detached Accessory Structures

- i. Height of sidewalls cannot exceed 10 feet.
- ii. Maximum height: 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory structure exceed the height of the dwelling unit

iii. Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet.

(d) Maximum Number of Detached Accessory Structures: 2

(e) Exterior Design and Construction

(i) The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.

(ii) Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.

(iii) All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.

(iv) All accessory structures shall have a finished flooring system, with the exception of boathouses.

(v) No accessory structure shall be constructed prior to the construction of a principal structure.

(f) Use: Accessory structures are to be used for personal use only and no commercial use or commercial related storage is permitted.

(g) Escrow: A cash escrow may be required to insure the removal of any accessory structure on the property if said structure must be removed to comply with this Ordinance.

(h) Evaluation of Impact. The proposed design, scale, massing, height and other aspects related to the accessory structure of any permit requested herein shall be evaluated by the City Manager with respect to the structures and properties in the surrounding area. A building permit 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 reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to ensure that the proposed structure does not have a negative impact on the surrounding areas.

(a) Add 15 feet for the minimum corner lot width requirement.

(3) Setbacks.

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5/20/13
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(a) Front Yard. Dwellings and accessory structures shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet.

(b) Rear Yard. Dwellings shall have a rear yard setback of at least 30 feet and accessory structures shall have a rear yard setback of at least 10 feet, regardless of lot area requirements.

(c) Side Yard. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Dwellings and accessory structures shall maintain minimum side yard setbacks as follows:

<u>District</u>	<u>Dwelling</u>	<u>Accessory Structures</u>
RE (20)	10	5
RE (40)	10	5
RE (60)	15	10
RE (80)	15	10

(d) Lot Coverage. Lot coverage shall be restricted as follows:

<u>District Title</u>	<u>Maximum Lot Coverage</u>
RE (20)	30%
RE (40)	20%
RE (60)	15%
RE (80)	15%

(D) Lots of Record. Legal lots of record that existed prior to a rezoning to a Residential Estate District shall continue to be classified as buildable lots, provided any new construction complies with the RE District standards to extent practical, as determined by the Director of Community Development.

205.082 Detached Residential District (R1)

(A) Purpose. In addition to the purposes defined in Section 205.080 (Residential Overview), the Detached Residential District is established to reserve appropriately located areas for single-family living at reasonable population densities consistent with the Land Use Plan Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses. In addition to the uses defined in Section 205.080 (Residential Overview), the following activities are permitted in the Detached Residential District:

- (1) Single-family structures and accessory structures.
- (2) Accessory apartments subject to permit requirements of Section 203.031 (Accessory Apartment Permit).
- (3) Manufactured homes.
- (4) The keeping of non-domestic animals is permitted on property containing two (2) or more acres. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if the Council determines that it is in the best interest of the public's health, safety or general welfare; provided, however, that the raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Section 601.020(D).
- (5) The keeping of Wild Animals is permitted pursuant to the provisions of Section 601.020(B) and provided a license is obtained in accordance with the requirements of that Section.

Rev.Date
5/3/10
Ord. #868

Rev. Date
11/17/08
Ord. 837

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

(1) Funeral Homes (mortuaries) provided the site adjoins a collector or arterial roadway. The performance standards set forth in Section 205.043(C) (General Commercial District (Conditional Uses) shall also be imposed as a condition(s) of approval.

(2) Accessory Structures ~~that exceed the maximum allowable permitted as a conditional use permit provided that the standards in Table 205-A are met.~~

~~(a) On parcels less than 1 acre in size, accessory structures that have an area of 150 square feet to 288 square feet in size are permitted as a conditional use provided the standards in Section 205.082(C)(2)(e) are met.~~

~~(b) On parcels 1 acre or larger in size, accessory structures that exceed the maximum allowable square footage are permitted as a conditional use provided the standards in Section 205.082(C)(2)(e) are met.~~

(a) ~~(e)~~ Performance Standards

(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.~~

Rev.Date
4/17/06
Ord. #789

The accessory structure shall be subordinate to the single-family residential dwelling unit.

- (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.

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

- (1) Lot Size. A lot of not less than 10,000 square feet with a minimum width of 75 feet and a minimum depth of 125 feet.
- (2) Setback. Dwelling and accessory structures shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet. The side yard setback shall be a minimum of ten (10) feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.
- (3) Height. 35-feet maximum.
- (4) Lot coverage. Maximum of 40%.
- (5) Accessory Structures are subject to the maximum size and setback standards of Table 205-A below.

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5/20/13
Ord. 907

~~(a) Maximum Area.~~

~~(i) Attached Accessory Structure: 1,000 square feet or 80% of dwelling unit foundation area, whichever is more restrictive.~~

~~(ii) Detached Accessory Structure:~~

~~a. Area shall not exceed the 75% foundation area of the dwelling unit or 750 square feet whichever is more restrictive.~~

~~b. Parcels less than 1 acre in size:~~

~~i. When there is no attached garage or an attached garage that is less than a two-car, a single detached accessory structure may consist of the maximum area allowed in Section~~

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~~205.082(D)(5)(a)(ii)(a). However, the second detached structure shall not exceed 150 square feet. The area of the second detached accessory structure may be increased to a maximum of 288 square feet upon Conditional Use Permit approval.~~

~~ii. When there is an attached two-car garage or larger on the property, the total area of all detached accessory structures shall not exceed 150 square feet. The total area of all detached accessory structures may be increased to a maximum of 288 square feet upon Conditional Use Permit approval.~~

~~e. Parcels that have a lot area of one or more acres:~~

~~i. When there is no attached garage or an attached garage that is less than a two-car, a single detached accessory structure may consist of the maximum area allowed in Section 205.082(D)(5)(a)(ii)(a). However, the second detached structure shall not exceed 288 square feet.~~

~~ii. When there is an attached two-car garage or larger on the property, the total area of all detached accessory structures shall not exceed 288 square feet.~~

~~iii. The maximum allowable square footage for accessory structures may be exceeded upon Conditional Use Permit approval.~~

~~(iii) The combined area of all accessory structures shall not exceed 90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive.~~

Table 205-A

Lot Area	Type of Accessory Structure	Maximum Area	Minimum* Side Setback	Minimum* Rear Setback
Less than 1/2 acre				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	750 square feet or 75% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 200 square feet	5 ft.	10 ft.
		CUP - 200 square feet to 288 square feet	10 ft.	10 ft.
	Combined – Attached and Detached	1,200 square feet or 90% of the dwelling unit foundation area		
1/2 acre to 1 acres				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft. 10 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 288 square feet	5 ft. up to 200 sq ft. 10 ft. above 200 sq ft.	10 ft.
		CUP – Up to 440 square feet	10 ft.	10 ft.
	Combined – Attached and Detached	1,200 square feet or 90% of the dwelling unit foundation area		

Lot Area	Type of Accessory Structure	Maximum Area	Minimum* Side Setback	Minimum* Rear Setback
1 acre to 2 acres				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 440 square feet	5 ft. up to 200 sq ft. 10 ft. above 200 sq ft.	10 ft.
		CUP - 440 square feet or larger	10 ft.	10 ft.
	Combined – Attached and Detached	1,500 square feet or 100% of the dwelling unit foundation area		
2 acres or more				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 440 square feet	5 ft. up to 200 sq ft. 10 ft. above 200 sq ft.	10 ft.
		CUP - 440 square feet or larger	10 ft.	10 ft.
	Combined – Attached and Detached	125% of the dwelling unit foundation area		

* Greater Setbacks may be required to mitigate impacts on adjoining properties.

(a) Additional Setback Standards:

i. Attached Accessory Structures

~~a. Rear yard setback: Not less than 30 feet or the minimum setback required for the principal structure~~

~~b. Side yard setback: 5 feet~~

~~ii. Detached Accessory Structures~~

~~a. Side yard: 5 feet~~

~~b. Rear yard: 10 feet~~

i. Alleys:

~~a.i. 20 feet if a garage overhead door faces the alley.~~

~~b.ii. 10 feet if a garage overhead door is side loaded and does not face the alley.~~

~~c. iii. Location of the accessory structure shall not interfere with vehicle visibility or traffic movement in the alleyway.~~

~~ii.iii. Accessory structures on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1).~~

~~iii.iv. No accessory structures shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of Section 203.039 (Riparian Lot-Detached Accessory Structure Permit).~~

~~iv.v. Structures housing non-domestic animals: 100 feet from all property lines except as permitted by the City's licensing provisions.~~

~~(b)(e) Height – Detached Accessory Structures~~

i. Height of sidewalls cannot exceed 10 feet.

ii. Maximum height: 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory structure exceed the height of the dwelling unit

iii. Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet.

~~(c)(d) Maximum Number of Detached Accessory Structures: 2~~

~~(d)(e) Exterior Design and Construction~~

- (i) The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
 - (ii) Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.
 - (iii) All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.
 - (iv) All accessory structures shall have a finished flooring system, with the exception of boathouses.
 - (v) No accessory structure shall be constructed prior to the construction of a principal structure.
- ~~(e)~~ Use: Accessory structures are to be used for personal use only and no commercial use or commercial related storage is permitted.
- ~~(f)~~ Escrow: A cash escrow may be required to insure the removal of any accessory structure on the property if said structure must be removed to comply with this Ordinance.
- ~~(g)~~ Evaluation of Impact. The proposed design, scale, massing, height and other aspects related to the accessory structure of any permit requested herein shall be evaluated by the City Manager with respect to the structures and properties in the surrounding area. A building permit 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 reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to ensure that the proposed structure does not have a negative impact on the surrounding areas.

205.083 Attached Residential District (R2)

(A) Purpose. In addition to the purposes defined in Section 205.080(A) (Residential Overview), the Attached Residential District is established to:

- (1) Provide for all income levels an opportunity to enjoy a medium density environment.
- (2) Reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with the Land Use Chapter of the Comprehensive Guide Plan.

(a) Add 15 feet for the minimum corner lot width requirement.

(3) Setbacks.

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(a) Front Yard. Dwellings and accessory structures shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet.

(b) Rear Yard. Dwellings shall have a rear yard setback of at least 30 feet and accessory structures shall have a rear yard setback of at least 10 feet, regardless of lot area requirements.

(c) Side Yard. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Dwellings and accessory structures shall maintain minimum side yard setbacks as follows:

<u>District</u>	<u>Dwelling</u>	<u>Accessory Structures</u>
RE (20)	10	5
RE (40)	10	5
RE (60)	15	10
RE (80)	15	10

(d) Lot Coverage. Lot coverage shall be restricted as follows:

<u>District Title</u>	<u>Maximum Lot Coverage</u>
RE (20)	30%
RE (40)	20%
RE (60)	15%
RE (80)	15%

(D) Lots of Record. Legal lots of record that existed prior to a rezoning to a Residential Estate District shall continue to be classified as buildable lots, provided any new construction complies with the RE District standards to extent practical, as determined by the Director of Community Development.

205.082 Detached Residential District (R1)

(A) Purpose. In addition to the purposes defined in Section 205.080 (Residential Overview), the Detached Residential District is established to reserve appropriately located areas for single-family living at reasonable population densities consistent with the Land Use Plan Chapter of the Comprehensive Guide Plan.

(B) Permitted Uses. In addition to the uses defined in Section 205.080 (Residential Overview), the following activities are permitted in the Detached Residential District:

- (1) Single-family structures and accessory structures.
- (2) Accessory apartments subject to permit requirements of Section 203.031 (Accessory Apartment Permit).
- (3) Manufactured homes.
- (4) The keeping of non-domestic animals is permitted on property containing two (2) or more acres. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if the Council determines that it is in the best interest of the public's health, safety or general welfare; provided, however, that the raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Section 601.020(D).
- (5) The keeping of Wild Animals is permitted pursuant to the provisions of Section 601.020(B) and provided a license is obtained in accordance with the requirements of that Section.

Rev.Date
5/3/10
Ord. #868

Rev. Date
11/17/08
Ord. 837

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

- (1) Funeral Homes (mortuaries) provided the site adjoins a collector or arterial roadway. The performance standards set forth in Section 205.043(C) (General Commercial District (Conditional Uses) shall also be imposed as a condition(s) of approval.
- (2) Accessory Structures **that exceed the maximum allowable permitted as a conditional use permit provided that the standards in Table 205-A are met.**
 - (a) Performance Standards
 - (1) 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.
 - (2) **The accessory structure shall be subordinate to the single-family residential dwelling unit.**
 - (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.

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

- (1) Lot Size. A lot of not less than 10,000 square feet with a minimum width of 75 feet and a minimum depth of 125 feet.
- (2) Setback. Dwelling and accessory structures shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet. The side yard setback shall be a minimum of ten (10) feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.
- (3) Height. 35-feet maximum.
- (4) Lot coverage. Maximum of 40%.
- (5) Accessory Structures are subject to the maximum size and setback standards of Table 205-A below.

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Table 205-A

Lot Area	Type of Accessory Structure	Maximum Area	Minimum* Side Setback	Minimum* Rear Setback
Less than 1/2 acre				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	750 square feet or 75% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 200 square feet	5 ft.	10 ft.
		CUP - 200 square feet to 288 square feet	10 ft.	10 ft.
	Combined – Attached and Detached	1,200 square feet or 90% of the dwelling unit foundation area		

* Greater Setbacks may be required to mitigate impacts on adjoining properties.

Lot Area	Type of Accessory Structure	Maximum Area	Minimum* Side Setback	Minimum* Rear Setback
1/2 acre to 1 acres				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft. 10 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 288 square feet	5 ft. up to 200 sq ft. 10 ft. above 200 sq ft.	10 ft.
		CUP – Up to 440 square feet	10 ft.	10 ft.
	Combined – Attached and Detached	1,200 square feet or 90% of the dwelling unit foundation area		
1 acre to 2 acres				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 440 square feet	5 ft. up to 200 sq ft. 10 ft. above 200 sq ft.	10 ft.
		CUP - 440 square feet or larger	10 ft.	10 ft.
	Combined – Attached and Detached	1,500 square feet or 100% of the dwelling unit foundation area		

* Greater Setbacks may be required to mitigate impacts on adjoining properties.

Lot Area	Type of Accessory Structure	Maximum Area	Minimum* Side Setback	Minimum* Rear Setback
2 acres or more				
	Attached	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2 car attached)	1,000 square feet or 80% of the dwelling unit foundation area whichever is more restrictive	5 ft.	10 ft.
	Detached Accessory Structure (with 2-car or more attached garage)	Up to 440 square feet	5 ft. up to 200 sq ft. 10 ft. above 200 sq ft.	10 ft.
		CUP - 440 square feet or larger	10 ft.	10 ft.
	Combined – Attached and Detached	125% of the dwelling unit foundation area		

* Greater Setbacks may be required to mitigate impacts on adjoining properties.

(a) Additional Setback Standards:

- i. Alleys:
 - a. 20 feet if a garage overhead door faces the alley.
 - b. 10 feet if a garage overhead door is side loaded and does not face the alley.
 - c. Location of the accessory structure shall not interfere with vehicle visibility or traffic movement in the alleyway.
- ii. Accessory structures on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1).
- iii. No accessory structures shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of Section 203.039 (Riparian Lot-Detached Accessory Structure Permit).
- iv. Structures housing non-domestic animals: 100 feet from all property lines except as permitted by the City’s licensing provisions.

(b) Height – Detached Accessory Structures

- i. Height of sidewalls cannot exceed 10 feet.
- ii. Maximum height: 18 feet as measured from the highest roof peak to the lowest finished grade; however, in no case shall the height of the accessory structure exceed the height of the dwelling unit
- iii. Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet.

(c) Maximum Number of Detached Accessory Structures: 2

(d) Exterior Design and Construction

- (i) The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
- (ii) Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.
- (iii) All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.
- (ii) All accessory structures shall have a finished flooring system, with the exception of boathouses.
- (iii) No accessory structure shall be constructed prior to the construction of a principal structure.

(e) Use: Accessory structures are to be used for personal use only and no commercial use or commercial related storage is permitted.

(f) Escrow: A cash escrow may be required to insure the removal of any accessory structure on the property if said structure must be removed to comply with this Ordinance.

(g) Evaluation of Impact. The proposed design, scale, massing, height and other aspects related to the accessory structure of any permit requested herein shall be evaluated by the City Manager with respect to the structures and properties in the surrounding area. A building permit 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 reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to ensure that the proposed structure does not have a negative impact on the surrounding areas.

205.083 Attached Residential District (R2)

(A) Purpose. In addition to the purposes defined in Section 205.080(A) (Residential Overview), the Attached Residential District is established to:

- (1) Provide for all income levels an opportunity to enjoy a medium density environment.
- (2) Reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with the Land Use Chapter of the Comprehensive Guide Plan.
- (3) Provide special requirements for common facilities, parking and other conditions created by an increased population density.

(B) Permitted Uses. In addition to the uses defined in Section 205.080(B) (Residential Overview), buildings with 2-6 residential units are permitted in the Attached Residential District.

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

- (1) Lot size. Minimum zoned area of 5 acres unless being rezoned from Urban Underdeveloped; minimum lot size of 10,000 square feet per building plus 1,000 square feet per unit and a width of not less than 80 feet per building.
- (2) Setback. A front yard of 30 feet, a side yard of 10 feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Zero lot line developments shall be permitted.
- (3) Height. 35-foot maximum.
- (4) Lot Coverage. A maximum of 55%. Maximum lot coverage may be increased to 60% if best management practice measures are taken to minimize negative effects on the environment as documented in the current editions of Minnesota Construction Site Erosion and Sediment Control Planning Handbook (MBWSR) and Protecting Water Quality in Urban Areas (MPCA).
- (5) Accessory Structures.
 - (a) No accessory structures, other than attached or detached garages approved in conjunction with the building plans, shall be permitted.