



## **OLD BUSINESS**

### **RESIDENTIAL DESIGN REVIEW - VARIANCE**

**FILE NO.:** 2624-16-23  
**APPLICANT:** ZAWADSKI HOMES, INC.  
**LOCATION:** 951 OAKRIDGE AVENUE

#### **Presentation by Senior Planner Rob Warwick**

At the July 26, 2016 Planning Commission meeting this application was tabled and the review period extended because of concerns that the proposed accessory floor area was too large a variance from recently adopted standards. The applicants have revised their plans.

The lot is a substandard riparian lot on Turtle Lake with a width of 68 feet, less than the standard of 100 feet. The proposal is to tear down an existing home, detached garage and shed. A water-oriented structure of 331 square feet will remain. A new house will be constructed with a one-story design and walkout lower level with an attached 987 square foot garage. The house has a foundation area of 2090 square feet. A variance is requested to increase total floor area for accessory structures and to reduce the front setback to 139.5 feet.

The application has changed in that the detached garage of 788 square feet will be removed. The new attached garage, which was 600 square feet, is now proposed at 987 square feet, which complies with the 1000 square foot maximum or 80% of the dwelling unit foundation area. The total accessory floor area proposed is 1,318 square feet or 63.7% of the dwelling unit foundation area. This amount exceeds the 1200 square foot maximum permitted. Currently, there is 1,299 square feet of accessory structures on the property.

The calculated range of front setback is between 155.15 to 175.15 feet as based on the setbacks of houses on adjacent lots; the proposed front setback is 139.61 feet. Also, the west side of the house is 7.3 feet from the lot line; the required permitted minimum setback is 10 feet. All other residential design review standards are in compliance.

Two shore land mitigation practices are required. The practices chosen by the applicants are: 1) vegetation protection area that extends 50 feet upland from the OHW; and 2) architectural mass with use of natural colors.

Retention of the water oriented structure limits a three-car attached garage. Staff believes the dwelling will be the dominant feature on the property. Total accessory floor area is approximately 64% of the 2090 square feet of dwelling foundation area. The attached garage will be less noticeable than the detached garages in the neighborhood. The house and water oriented structure are well screened and difficult to see. Staff does not believe the character of the neighborhood will change.

Notice of the revised proposal was mailed a second time to property owners within 150 feet. In July, three comments of support were received. No comments were received in August. Staff is recommending approval with the conditions in the staff report.

Commissioner McCool stated that it was his recollection that it was his recollection that with a 3-car garage and removal of the detached garage, accessory structure area would be in compliance.

**Ms. Christine Wahlin**, Applicant, stated that a 3-car garage is being removed, and a 3-car garage is being attached to the house but not at the end of the house. It is a side entry to the garage. The reason a few extra feet were added to the garage is because the stairs must be ADA accessible due to health issues. Neighbors requested the lakeside setback be increased so as not to obstruct views, which is why it is at 139.61 feet.

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

Commissioners expressed their support and appreciation that the feedback from the Planning Commission at the last meeting was taken seriously.

**MOTION:** by Commissioner Thompson, seconded by Commissioner Ferrington to adopt Resolution 16-67, approving the variance requests, and to approve the residential design review application.

Approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the 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. 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.

Discussion:

Commissioner Solomonson asked if removal of the shed and detached garage should be stipulated in the motion.

City Attorney Beck recommended this condition be added.

Commissioner Solomonson offered an amendment to the motion as condition No. 7, that the applicant shall remove the 788 square foot detached garage and 180 square foot shed. Commissioner Peterson seconded the amendment.

**VOTE ON THE AMENDMENT:                      Ayes - 7                      Nays - 0**

**VOTE ON MOTION AS AMENDED: Ayes - 7**

**Nays - 0**

**NEW BUSINESS**

**VARIANCE**

**FILE NO.: 2629-16-28**  
**APPLICANT: JOHN & VALERIE KELLY**  
**LOCATION: 650 HIGHWAY 96 WEST**

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

The applicants seek a variance to reduce the minimum 40-foot setback from the front property line, which is on the street side, to 3.8 feet for a front porch addition; 19.8 feet from the front property line for the garage addition; and 10.8 feet from the front lot line for additional living space. A 40-foot setback is required on an arterial road, such as Highway 96. The road right-of-way extends into their 40-foot setback.

Also, a variance is requested to reduce the minimum 10-foot setback from the west side lot line to 7.3 feet to convert the existing attached garage into living space.

The property is zoned R1, Detached Residential and is a standard riparian lot so not subject to the Residential Design Review standards.

The applicant states that reduction of the front setback variances are a result of the design of the existing home, placement of the home on the property, and the topography of the site. Conversion of the existing garage into living space will not impact the adjacent home because the homes are not aligned. The setback for the garage cannot be increased due to the topography of the property. The front porch addition is to provide sheltered space for visitors.

Staff finds the justification for setback variances reasonable. The property is zoned R1, which allows single-family homes as a permitted use. The foundation of this home is approximately 989 square feet and smaller than other nearby homes on Snail Lake. The existing setback of the home on the west lot line is 7.3 feet. Conversion of the garage to living area adds living space to the house. Staff finds this request reasonable, as no further encroachment into the setback will be made. Replacing the garage with a 3-car garage is also reasonable for lakeshore property. The 19.6-foot setback of the garage will provide off-street parking on the applicant's property. The porch is designed to enhance the appearance of the home, and the 3.8-foot setback will not interfere with improvements in the Highway 96 right-of-way.

There are unique circumstances to this property with the presence of Highway 96, which is under the jurisdiction of Ramsey County. It is an improved roadway with four lanes and medians. No further improvements are planned to Highway 96. The characteristics of Highway 96 and placement of the home on this property are unique circumstances. Since the home at 600 Highway 96 is set back further, the addition will not be adjacent to the neighboring home. Landscaping will be used to provide separation and buffering. The topography of the property is also unique. It is

flat on the north adjacent to Highway 96, then slopes to Snail Lake. Placement of the garage at a further setback would mean additional grading.

The character of the neighborhood will not be changed because lots on the north side of Snail Lake vary in size and depth. The applicant's parcel and the adjacent property at 640 are smaller and have been developed with homes close to the highway. There is no change to the building footprint on the west side.

Two practices of shoreland mitigation are required. The applicants have chosen neutral earth tone colors for the home as one practice. A second practice is yet to be identified but must be stipulated prior to the issuance of a building permit.

Property owners within 150 feet were notified of the proposal. No comments have been received.

Ramsey County Public Works reviewed the proposal and had some concern about the 3.8-foot setback from the front lot line but did not object to the variance. The concern is that the porch may impact use of the driveway, but the porch abuts the driveway without extending into it. Also, the County may require a turn lane east of the property, but there is adequate right-of-way should a turn lane be needed.

Ramsey-Washington Metro Watershed District reviewed the plan and indicated a watershed permit is not required. Staff is recommending approval of the requested variances.

Commissioner Solomonson stated that the variance of 3.8 feet is still 50 feet from the roadway. He questioned whether the garage has footings for conversion to living space. Mr. Warwick responded that the garage is attached with footings.

Chair Doan asked if an egress window is required. Ms. Hill explained that unless the living space is converted into a bedroom, window egress would not be required.

Commissioner Peterson asked if the driveway will be usable with the porch abutting the edge. Is there space for usable driveway particularly in the winter?

**Ms. Val Kelly**, Applicant, stated the porch was added after the addition was designed. The driveway is a drive through to a parking area by the garage. Snow is stored in the side yard. More than a porch, she would prefer an extended eave attached to columns to provide shelter for visitors. The porch would be for looks. Ms. Hill stated that an extended roof structure instead of a porch would still need a variance.

Commissioner Ferrington asked if the steps from the house go down to the driveway. **Ms. Kelly** answered, yes. She added that along the horseshoe drive closest to the house are seven sturdy posts to prevent cars from skidding into the house. The porch would be behind the posts.

Commissioners expressed their appreciation for this nice remodeling of the home. The porch will add a nice feature. Improvements to aging properties are in line with City goals.

**MOTION:** by Commissioner Peterson, seconded by Commissioner Ferrington to adopt Resolution No. 16-76 approving the variance submitted by John and Valerie Kelly for their





## **PLANNED UNIT DEVELOPMENT-CONCEPT REVIEW**

**FILE NO.:** 2606-16-05  
**APPLICANT:** WOOLPERT, INC.  
**LOCATION:** 4188 LEXINGTON AVENUE (SHOREVIEW BUSINESS CAMPUS)

### **Presentation by Senior Planner Rob Warwick**

The property consists of 15 acres. The proposal would amend an existing PUD that was approved in 1987 for three single-story office buildings of 50,000 square feet each. One building was constructed on the south portion of the site. Mass grading was completed for the entire site, and storm water infrastructure was installed, but the other two buildings were not built.

In 1993, property owners applied to amend the PUD to expand uses to include light industrial, manufacturing, assembly, processing and warehousing. The request was not approved by the City.

In 1994, a concept PUD Amendment was approved to allow a 136,000 square foot office, warehouse and manufacturing on the north side of the property. The Concept PUD was approved with a reduced floor area of 110,000 square feet. No further approvals were requested, and the amendment expired. No further applications or amendments have been received. Therefore, the 1987 amendment is in effect for site condominium.

In the mid-1990s conservation easements were conveyed to the Minnesota Forestry Association. Public use was prohibited, and limited uses were given to forestry. These easements were extinguished in 2009. Permitted uses include office, light industrial and supporting commercial services.

Woolpert/Waterwalk are considering purchase of the northwest portion of the property to develop the site with two four-story buildings that would accommodate approximately 150 extended stay hotel/apartments, with parking and access drives. Landscaped islands and landscaping within and around the parking and drive areas are required. Shade trees at a rate of 1 per 10 parking stalls are required to screen from adjacent residential uses. The plan includes a pocket park in the vacant City right-of-way immediately north of the site.

Two four-story buildings are proposed on the site plan with 153 hotel rooms each. The height of the buildings is approximately 55 feet. Parking surrounds the buildings with 162 stalls. The existing driveway access would be used off Lexington Avenue. Ramsey County will require the 1984 traffic study to be updated.

Business Park standards for structure setbacks are:

- 75 feet from a street or residential use
- 30 feet from side and rear lot lines
- An additional foot of setback is required for each foot of height that exceeds 35 feet.
- Parking from a street or residential property is 20 feet with a landscaped buffer
- Parking from other lot lines is 5 feet.

This site is identified in the Comprehensive Plan as a Policy Development Area 11 (PDA), which calls for development of office or medium density residential uses. Surrounding land uses are to the

north is low density residential. To the south and east is medium density residential. Immediately south is high density residential.

The 1987 storm water drainage management plan that was installed will need revision to comply with current regulations. Impervious surface is limited to 70%, which can be increased to 75% with the use of Best Management Practices. Deviation to stormwater regulations is not allowed through the PUD process.

Parking is required at a rate of 1 stall per unit plus one stall per employee. The proposed 162 stalls appear to deviate from Code standards, which will be examined at the Development Stage Review.

Notices of the proposal were sent to property owners within 350 feet of the subject property. Approximately 50 comments were received. All expressed concerns about building height, noise, glare, crime, property values, storm water management, loss of privacy, and loss of undeveloped views.

Under the Concept PUD, the Commission is asked to take public testimony. No formal action is required. Commission comments need to identify issues for detailed review at the Development Stage Review.

Commissioner Ferrington asked if a site condominium is allowed on this site. Mr. Warwick explained that the City has no role in the site condominium. There is no City signature on the CIC plat that was done, and the City had nothing to do with drafting the declarations. He explained that a condominium is a method of ownership. The agreement is among the private owners who own the condominium sites. The PUD amendment is to gain approval for two 4-story buildings. The original PUD allowed three single-story buildings. He noted that usually a PUD is for a single site. This application is somewhat confusing because there are two privately owned vacant properties.

Commissioner Solomonson asked if the original PUD of three buildings can be pursued. Mr. Warwick stated that can be done with a Site and Building Review by the City. The prior approval in 1987 runs with the land. Commissioner Solomonson asked the definition of a pocket park. Mr. Warwick showed right-of-way that was dedicated with Weston Woods. The developer is proposing a pocket park for nearby residents on this parcel. The City no longer supports development of pocket parks. If recreation opportunities are needed, the developer needs to provide such facilities on his own property being developed.

Commissioner Solomonson noted that the proposed hotel buildings would not be permitted under the Comprehensive Plan. Mr. Warwick stated that there would have to be a Comprehensive Plan amendment. The developer refers to the buildings as corporate lodging for long-term stay for people attending training or waiting to move here. In City Code the only district that allows hotels is a C2 District. Staff does not believe on this site that a portion should be used as commercial and a portion used for office. The C2 district is not appropriate adjacent to residential.

Chair Doan asked the additional setback to the standard 75 feet that would be required for the building height proposed. Mr. Warwick stated that the minimum setback from Lexington Avenue and north lot line is 75 feet for a building less than 35 feet in height. If the building is 55 feet in height, the setback would increase to 95 feet. The parking setback is 20 feet. He added that the

topography of the site does not appear to have changed. Contours show elevations range from 1020 to 1000.

Chair Doan opened discussion to public comment.

**Mr. Bill Chaffee**, Vice President of Waterwalk, Wichita, Kansas, stated that what is proposed is a corporate living facility. The extended stay averages 77 days. Other occupants stay 4 or 5 months. People traveling for their company prefer corporate living facilities over residence inns. The average stay in a residence inn is 3 days. Their facilities have over 96% occupancy year-round. It is a gated community that is safe and secure. Average rent is approximately \$4,000 a month. There is no restaurant, bar, pool, or other amenities. Management is 24/7 onsite. He emphasized that he welcomes input from the neighbors and that they want to be a good neighbor and fit in.

**Mr. Chaffee** introduced **Mr. Tim Reber**, Senior Engineer, who is present to answer questions.

Commissioner Ferrington asked in what other cities Waterwalk has these types of facilities. **Mr. Chaffee** answered that only facility up and running is in Wichita, Kansas. Approval has been granted for Centennial, Colorado; Denver, Colorado; San Antonio, Texas; Dallas, Texas; two in Charlotte, North Carolina; Albany, New York. These communities have been targeted across the nation as having a need for their product. He anticipates 10 facilities by the end of 2017.

Commissioner Ferrington asked the proximity to the downtown areas in other cities. **Mr. Chaffee** stated that they do not seek downtown property because of the expense. Customers are in office parks, such as Land O'Lakes. It is a suburban concept for office parks.

Commissioner Ferrington stated that one major issue is the size being proposed. She asked if a one- or two-story building would work. **Mr. Chaffee** answered, no. The concept presented here is among the smallest. The number of units in other buildings range in the 170s.

Commissioner Solomonson asked if other facilities are near residential areas. **Mr. Chaffee** answered that the plan in Charlotte, North Carolina is next to residential use. When approval was granted, it was not only from the Planning Commission and Council but also from the neighbors.

Chair Doan asked the number of units proposed. **Mr. Chaffee** stated 153 units in the two buildings. Chair Doan asked for a summary of concerns from neighbors. **Mr. Chaffee** stated that there are concerns about the height of the building, drainage, retention, buffer, why no restaurant and bar, traffic, noise from Lexington, economic feasibility, any underground parking which is not possible, snow removal, landscaping buffer, retaining wall pressure, Weston Woods resident comments. He added that two full traffic studies are done--one for their facility and a full study for the area and how the development will impact the area. In comparison to offices, residents leave during a narrow window in the morning and return during a fairly set window of time in the evening. The number of cars is less than for a building full of office employees.

Commissioner McCool asked if it would be possible to have parking in front of the buildings and not adjacent to residential property. **Mr. Chaffee** answered that is under consideration, but he does not yet have approval from his company.

Commissioner McCool asked the status of an amendment to the CIC with the owners. **Mr. Steve Chirhart**, Tetonka Real Estate Advisors, stated that he represents the seller who has the property in a family trust. There are three condominium units. Approval must be obtained from all three as well as the family trust. There would be limited common elements, such as parking, gateway drive and storm water retention ponds. He noted this is one of the lowest density uses in parking and traffic. It will emit less light than an office building. It is a high end project that will be an amenity to attract and retain businesses in Shoreview. The reason Land 'O Lakes would not develop such an amenity is because it is a \$24 million project.

Commissioner Ferrington asked what is planned for the third parcel of this property. **Mr. Chirhart** responded that it is being actively marketed. He believes low density office, such as a medical office, would complement the corporate lodge development. Commissioner Ferrington asked the reason a one- or two-story building could not be spread out over the two parcels to address the concerns about building height. **Mr. Chaffee** stated that the reason is a cost factor. He would like to make such a plan work, but the cost would double.

**Mr. Jim Costello**, 1098 West Cliff Curve, the house closest to this development. The neighborhood is organized around this issue and would request that the City not allow an amendment for two four-story hotels. It is not a good fit. The height is the most important consideration because a tall building is proposed for one of the tallest sites in Shoreview. The site is not zoned for hotel use. His house is 15 feet lower than the proposed facility and he will be looking at a 70-foot building outside his door. Reasons why previous proposals were rejected are negative visual impact from one or two story buildings. There is a retaining wall. As it is compacted with more building will present problems. There are hotels on Lexington and executive hotels along I-35. This is an albatross to solve a problem that does not exist. Neighbors are looking for a single-story building, not a tall building.

**Ms. Marybeth Shima**, 1090 West Cliff Curve, stated that traffic will become heavier. Lexington Avenue is a County road. Business traffic is from 6:00 a.m. to 6:00 p.m. With this development, there will be nighttime traffic. Business neighbors, Land 'O Lakes and Boston Scientific are nearly imperceptible on the sight line of residents. This proposal will tower over residents. Lexington is a preferred route for emergency vehicles. Added traffic by those who do not know the area will jeopardize response by first responders and the police. A hotel will bring crime and security issues. Shoreview residents deserve better and more thoughtful decisions.

**Mr. John Bridgman**, 1074 West Cliff Curve, stated that residents are concerned about the amount of impervious surface that will be put on this site. From the sketches presented, he estimates over 80% lot coverage with impervious surface. Although one of the highest elevations in Shoreview, this area has had a history of problems with ground water and springs. At least eight homes and Allina have had to have foundation repairs because of cracked floors and heaving caused by springs. Two huge structures above homes will create a hydrologic pump on these springs and water that will cause problems. A detailed ground water study is needed. Drainage runs along the retaining wall into holding ponds. Heavy storms have caused water to back up to his neighbor's home. More water could cause water to enter homes. He suggested that there are 400 acres and an empty building in Arden Hills that would be more appropriate than trying to squeeze it into this neighborhood.

**Ms. Liz Gelbmann Tibbetts**, 1080 West Cliff Curve, stated that she has traveled in Wichita. The claim that the people who will use this facility is for long term is not correct. Bookings can be made on Ttravelocity as with any other hotel. Her question is why long-term planning guides the land use. Development around an area takes place in accordance with those guide plans, but then consideration is given to amending the guide plans.

**Mr. Ken Skok**, 4200 Oxford Street, asked Commissioners to go to Waterwalk's website to see their locations. Then go to Google Earth and zoom in on those locations. This is the only complex he can find that is close to residential housing. Also, they list monthly rates. It is similar to an apartment complex. His property is 10 feet lower than surrounding houses. His concern is what a 4-story building will look like from his house.

**Ms. Joanne Pastorius**, 4277 Weston Way, stated that she works at Allina. Allina is not in favor of this development. Allina rents their building. The clinic has grown.

**Mr. Richard Shulman**, 4221 Bristol Run, stated that he just went online and looked at the Planning Commission's mission statement, which is to assist with long-range planning in the community and foster high quality development. Weston Woods is a high quality development. This proposal will impact the quality of Weston Woods. He would prefer to see townhouses rather than what is proposed.

**Mr. Edward Neis**, 1097 West Cliff Curve, stated that the values of properties abutting the development will decrease significantly. Property owners should be compensated, or the development should move elsewhere.

Chair Doan closed the public comment period.

Commissioner Solomonson stated that it is not recommended to put C2 development adjacent to residential use. Another big concern about the height. The plans are too intense to be next to residential property.

Commissioner Ferrington stated that there may be a good market for this in the northern suburbs, but this may not be the right site. The height is too tall adjacent to residential. Shoreview is developed and some residents have lived a long time in the community. It is always difficult for infill development to occur. The issues of height, intensity and drainage have to be addressed for this proposal to move forward.

Commissioner Peterson stated that he recognizes the need for this type of product but does not believe this is the right location. This property is one of the highest locations in Ramsey County. The height of the buildings would intensify the impact. The use is not compatible with surrounding residential uses.

Commissioner McCool stated that he likes the product, and a developer willing to invest \$20 million shows there is a need. However, this site is challenging. The height would require extraordinary landscaping for mitigation. There may be ways to design the building with varied heights that lessens impact. He believes a two-story office building would create more traffic than what is proposed. He does not worry about compatibility of uses, but the height is a big issue. Also, there are ground water issues that need to be addressed. He would like to know crime

incidents on other sites that have been built. Security lights would have to be shielded to reduce impact on nearby properties.

Commissioner Wolfe stated that the site is unique, nature based. A development on the site needs to be balanced and high quality. If a restaurant were brought in, that is something that everyone wants.

Commissioner Thompson stated that the Planning Commission has recently struggled with height of buildings, but the other issue is it would be possible for a development that would have a worse impact. Applewood brought this same discussion. The developer came up with a design to vary the height of the building. This proposal is close to residential use and the height would be disturbing to neighbors. She would like to see other design options explored.

Chair Doan agreed with the statements of Commissioners. The biggest issue for him is height and its proximity to adjacent residents. The issues of water and traffic are technical problems that he believes professional technical people can address. He would not be comfortable moving forward with this proposal as presented. He asked for further explanation of what could be developed on the third parcel.

Mr. Chirhart responded that his company has been actively marketing the third parcel for two years, seeking some type of office use. The demand has not been there. There was interest by a daycare, a luxury apartment building. He appreciated the comments on Applewood which turned out to be a good development for its site, even though close to residents. The challenges were worked out. A senior building was built adjacent to North Oaks. With changes to the design, addition of berms and landscaping, the building does fit. He would hope residents would listen with an open mind.

Mr. Warwick noted an application was submitted for an office/warehouse building on the third parcel. However, that development proposal was withdrawn and will no longer move forward. A number of people identify the retaining wall on the property that runs along the north lot line. The wall was built before Weston Woods was developed and appears to be owned by the owner of the subject property. He has requested the current survey to include the location of the wall.

## **MISCELLANEOUS**

### **City Council Meetings**

Chair Doan and Commissioner Thompson are respectively scheduled to attend the City Council meetings of September 6, 2016 and September 19, 2016.

**ADJOURNMENT**

**MOTION:** by Commissioner Thompson, seconded by Commissioner Wolfe, to adjourn the meeting at 10:01 p.m.

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

ATTEST:

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Rob Warwick, Senior Planner