1. Open Meeting And Welcome
2. Roll Call
3. Approval Of Agenda
4. Approval Of August 27, 2019 Minutes
   Documents:
   PC 08-27-19 DRAFT.PDF
5. Open To The Public
6. Public Hearings
   A. Case 19-017: Tom Hayes - Variances For Garage Addition At 4001 McMenemy Street
      Documents:
      ITEM 6A_CASE 19-017.PDF
7. New Business
   A. Housing Improvement Programs
      Documents:
      ITEM 7A_HOUSING IMPROVEMENT PROGRAMS.PDF
8. Old Business
9. Garceau Corner Task Force Update
10. Reports
   A. Council Liaison
   B. Planning Commissioners
   C. Staff
11. Next Regular Meeting: October 22, 2019
12. Adjourn Meeting
Chairperson Evan Cordes called the Regular Meeting of the Vadnais Heights Planning Commission to order at 7:00 p.m. on August 27, 2019.

ROLL CALL

Evan Cordes, Chairperson Present
Dave Anderson Present
Linda Bigelbach Present
Edward Caillier Present
Brian Carnes Present
Martin Jokinen Present
Joseph Stumph Absent
Curt Cooper, First Alternate Present
Jerry Moynagh, Second Alternate Present

Also present: Nolan Wall, Planning/Community Development Director; Jeff Melcho, Cable Producer.

APPROVAL OF AGENDA

Upon motion by Commissioner Anderson, seconded by Commissioner Jokinen, it was

“RESOLVED, to approve the August 27, 2019, Regular Meeting Agenda.”

Ayes – 7  Nays – 0

The motion carried.

APPROVAL OF MINUTES

Upon motion by Commissioner Jokinen, seconded by Commissioner Anderson, it was

“RESOLVED, to approve the minutes of the July 23, 2019, Regular Meeting as corrected with regards to Lines 420-425.”

Ayes – 6  Nays – 0  Abstain – 1 (Carnes)

The motion carried.

OPEN TO THE PUBLIC
Chairperson Cordes opened the floor to the public at 7:05 p.m. for questions and comments on items not on the agenda.

No one wished to address the Commission, Chairperson Cordes closed the meeting to the public at 7:05 p.m.

PUBLIC HEARINGS

A. Case 19-016: Karl Peterson – Conditional Use Permit for Accessory Building at 3815 Tessier Trail

Planning/Community Development Director Wall said the applicant is requesting a conditional use permit to construct an accessory building at 3815 Tessier Trail over 200 SF on the subject property. The applicant applied for, and received, building permit approvals for the proposed accessory building in July. Through the zoning review process, it was discovered that the structure was misclassified as a detached garage but does not qualify as such due to no driveway access and the items the applicant proposes to store inside the structure. As a result, a conditional use permit application was submitted for review, as required by the Code. The applicant is proposing to construct a 336 SF (14’ X 24’) accessory building in the rear yard of the subject property. According to Chapter 38, Article III, Division 2, Section 38-98(c)(5) and Chapter 38, Article IV, Section 38-605 of the City Code, the following standards apply to residential accessory buildings including economic and aesthetic impacts of surrounding properties, ingress and egress, building height and location, and other related matters.

Commissioner Anderson inquired why a conditional use permit is needed. Wall replied that in a R-1 district a conditional use permit is required by Code for accessory structures over 200 square feet. Wall noted that if it was a detached garage, one 1,200 square foot in size would be allowed as a permitted use. Perhaps the Commission should review this portion of Code.

Karl Peterson, 3815 Tessier Trail, shared comments that the accessory building was part of a larger plan for his growing family as they want to add a pool and have the accessory structure as additional family space. He commented on following the process and thanked the Commission for consideration of his proposal.

Chairperson Cordes opened the public hearing at 7:07 p.m.

Katie Philippi, 3823 Tessier Trail, commented about the dimensions of the proposed structure and said while she was pleased with the proposed building she is concerned about potential visual blockage because that area is elevated and said she would like it to look as nice as possible from the rear of the structure. She said while she was not opposed to the structure, she would like additional information.

Wall shared a site plan that depicted the location of the accessory structure.

Mr. Peterson said he was surprised that this was an issue for his neighbor and noted he could have just built a garage without needing to request a conditional use permit and
said he was withdrawing his conditional use permit request as he is frustrated with the process and would be moving from the City. He shared frustration with the process that began in April and has delayed so that he now cannot build this year and how he has now upset his neighbor. He said this has been a very difficult process and does not wish to work with the City or Commission on the project any longer and will instead construct a small shed and prepare to move.

Chairperson Cordes said it is the Commission’s job to review applications and while there may need to be some code updates, he encouraged Mr. Peterson to not leave the City over the process. He said staff will review the Code to see if there were other ways this could be addressed in the future but noted the Commission had no authority to go outside City Code at this time.

As no one else wished to address the Commission, Chairperson Cordes closed the public hearing at 7:18 p.m.

Wall said while the issues could be addressed between the neighbors, he suggested the Commission consider action anyway on the conditional use permit so that the process does not have to be delayed should the applicant wish to move forward after all. Wall also noted that a withdrawal must be in writing. He explained tabling the item would not preclude the Commission from acting on the item at the next meeting.

Upon motion by Commissioner Jokinen, seconded by Commissioner Anderson, it was

“RESOLVED, to table action on the Conditional Use Permit, Case 19-016, indefinitely for an accessory building at 3815 Tessier Trail.”

Ayes – 3 (Anderson, Bigelbach, Jokinen)  Nays – 4 (Caillier, Carnes, Cooper, Cordes)

The motion failed.

Upon motion by Commissioner Carnes, seconded by Commissioner Cooper, it was

“RESOLVED, to recommend approval of the Case 19-016, Conditional Use Permit and site plan requests based on the findings of fact that the proposed accessory building is compliant with the applicable City Code standards and does not negatively affect surrounding properties.”

Ayes – 6  Nays – 1 (Anderson)

The motion carried.

Commissioner Anderson questioned moving forward to approve a request when the applicant is no longer interested in pursuing the Conditional Use Permit and that he does not wish the approval to interfere with the neighbor’s ability to reach a compromise.
Wall said the application meets all conditions and if there is a change in the plan between now and the City Council meeting that reduces the size or other change, the Council could approve the revised plan.

B. Case 19-014: Gerald Urban – Building Relocation at 3781 Labore Road

Planning/Community Development Director Wall said the applicant is requesting to relocate a detached garage to 3871 Labore Road. The applicant owns the subject property and is requesting to relocate a 576 SF detached garage from the property formerly located at 4107 Centerville Road. The subject property contains an existing single-family dwelling and detached garage; the remainder of the property contains agricultural and outside storage uses, including several accessory buildings. The Code provision clearly states that farms already in existence are considered a permitted use, which gives them a different status than a legal non-conforming use. Therefore, the proposed accessory building is considered an accessory to a permitted use. Due to the subject property’s location and surrounding land uses, the addition of another accessory building to store materials currently stored outside does not constitute an unreasonable intensification or an industrial-type use that requires a conditional use permit, in staff’s opinion. Since the subject property is zoned industrial, the residential accessory building standards do not apply and have not applied in the past. If the residential accessory building setback standards were applicable, the proposed building location would be compliant.

Gerald Urban, 3781 Labore Road, shared history of the property and how it has been farmed since 1899. He said they sold a portion of his parents’ estate in June and were allowed to remove items from that property before demolition and felt the garage could be reused. He shared a photo of the current structure and said while the service door needs replacement the structure was built in 1995 and is in good condition.

Chairperson Cordes opened the public hearing at 7:38 p.m.

No one wished to address the Commission, Chairperson Cordes closed the public hearing at 7:38 p.m.

Commissioner Bigelbach said she supported the request but raised concerns about the structure being placed four feet from the greenhouse and if fireproofing requirements would be needed as the greenhouse is heated. Wall said if the conditional use permit was approved the relocation would still need a building permit and conditions would be vetted through that process, adding the applicant would need to submit for a poured slab and exact location.

Upon motion by Commissioner Cooper, seconded by Commissioner Carnes, it was “RESOLVED, to recommend approval of the building relocation request at 3781 Labore Road based on the following findings of fact with the following conditions:
1. The existing agricultural use on the subject property is permitted and the proposed accessory building continues to support that use without negative affecting surrounding properties.

2. The proposed accessory building will allow for items currently stored outside to be moved inside, improving operations and the appearance of the property.

Subject to the following condition that the property owner obtains a building permit prior to permanently locating the proposed accessory building, to be reviewed/approved administratively.

The motion carried.

C. Case 19-010: JACON, LLC – Interim Use Permit for Temporary Office Trailer at 3900 Labore Road

Planning/Community Development Director Wall said the applicant is requesting an interim use permit (IUP) and site plan approval to allow use of a temporary office trailer on the subject property. The applicant purchased the property in February 2019 and on April 25, staff sent the property owner a notice of correction concerning several issues on the site. Staff continues to work with the applicant to attain compliance. As noted in the applicant’s letter, the office trailer is intended to be utilized temporarily while construction plans for a permanent office addition to the existing building is explored. The criteria for reviewing IUPs and site plans overlap and intersect, so several of the applicable standards are reviewed in the site plan analysis section.

Wall said the applicant is requesting the IUP be granted for up to two (2) years due to the circumstances. In staff’s opinion, the only appropriate way to permit the temporary office trailer to remain on the subject property is if a formal application process for a permanent addition is being pursued and is ultimately approved. In that case, the office trailer would be considered a temporary permitted use as part of an approved construction project, to be removed after construction is completed.

Wall noted that staff recommends approval of the IUP and Site Plan and requests in this case, based on the following findings of fact:

1. The proposed temporary use is compliant with the applicable City Code standards for an interim use permit and is tied to a future application to complete an addition project.

2. The office trailer does not negatively affect surrounding properties

Subject to the following conditions:

1. The IUP shall terminate at the earliest of the following, unless an extension is granted:
   a.) Failure by the property owner, or agent thereof, to apply for the necessary zoning approvals to facilitate construction of an addition to the existing building by December 26, 2019.
   b) City Council approval and/or denial of the appropriate zoning permits for an addition to the existing building.
2. Under no circumstances shall the office trailer remain on the subject property longer than one (1) year from the effective date of the interim use permit approval, unless an extension is granted.

Chairperson Cordes clarified if the applicant does not apply for an extension by December 26, the trailer must be removed, and if they receive approval for a building addition the trailer is included in the construction process and then removed if the addition is not completed and noted that because of these reasons he does not believe Condition 2 was necessary. Wall said if the applicant would receive a site plan approval, we don’t the trailer sitting there for two years before they begin construction. If an approved project occurs the applicant has to move forward, adding an extension could be granted if necessary since it is an IUP.

Commissioner Anderson asked if Condition 2 is necessary because under Condition 1 unless an extension is granted. Does Condition 2 limit beyond the original contemplated year which is not more than two years. Wall said the reason for Condition 2 is that if the IUP expires it says that the structure cannot remain longer than one year after approved, adding we have no assurances at this time that the applicant will follow through with the project.

Chairperson Cordes confirmed that by February 26 the trailer use is either incorporated into a site plan or removed. Wall said that is correct.

Commissioner Carnes asked if the trailer could remain indefinitely. Wall said the development agreement could include a condition for the trailer but noted the applicant has indicated he does not wish to prolong the process any longer than necessary.

Jason Jacobsen, 3900 Labore Road, said he has lived in the City for 44 years and was pleased to be able to move his company here too. He said his firm provides 25 jobs and that he wants to give back to the community and complete this addition soon. He noted they had to wait to complete the wetland delineation process and survey which took time but that he is committed to beginning work soon on the project.

Chairperson Cordes confirmed the applicant had no concerns with the December 26, 2019 deadline.

Commissioner Jokinen confirmed the applicant leased the property.

Commissioner Bigelbach confirmed the applicant had no issues with the one-year requirement versus two years.

Chairperson Cordes opened the public hearing at 7:55 p.m.

No one wished to address the Commission, Chairperson Cordes closed the public hearing at 7:55 p.m.

Upon motion by Commissioner Cooper, seconded by Commissioner Jokinen, it was
“RESOLVED, to recommend approval of the Interim Use Permit request for a temporary office trailer at 3900 Labore Road based on the following findings of fact:

1. The proposed temporary use is compliant with the applicable City Code standards for an interim use permit and is tied to a future application to complete an addition project.
2. The office trailer does not negatively affect surrounding properties.

Subject to the following conditions:

1. The interim use permit shall terminate at the earliest of the following, unless an extension is granted:
   a. Failure by the property owner, or agent thereof, to apply for the necessary zoning approvals to facilitate construction of an addition to the existing building by December 26, 2019.
   b. City Council approval and/or denial of the appropriate zoning permits for an addition to the existing building.

2. Under no circumstances shall the office trailer remain on the subject property longer than one (1) year from the effective date of the interim use permit approval, unless an extension is granted.

The motion carried.

D. Case 19-015: The Luther Company, LLLP Interim Use Permit for Parking Lot Expansion at Undeveloped Parcel at Willow Lake Boulevard/International Drive

Planning/Community Development Director Wall said applicant is requesting an interim use permit and site plan approval for a parking lot expansion project to the existing Acura/Subaru dealership. The undeveloped subject property is located at the northeast corner of the Willow Lake Boulevard/International Drive intersection and was purchased by the applicant earlier this year. The applicant is now seeking to construct a parking lot expansion for additional vehicle storage for the adjacent Acura/Subaru dealerships to the east. In 2015, the applicant successfully re-guided and rezoned portions of the dealership properties to Highway Commercial and Planned Unit Development (PUD), respectively, to facilitate an expansion project. The subject property is guided and zoned Industrial and is inconsistent with the adjacent dealership properties that are guided Highway Commercial. Since the intent is to combine the expanded parking lot into the PUD by amendment, the subject property also needs to be re-guided and rezoned to be consistent. However, the DRAFT 2040 Comprehensive Plan has not been adopted yet and the 2030 Comprehensive Plan can no longer be amended, per Metropolitan Council policy.

The applicant received approval for a new Cadillac dealership to the east across Highway 61 in May 2019 and plans to start construction later this summer/early fall. In order to facilitate construction of the proposed parking lot expansion simultaneously with their other nearby project, the applicant is requesting an interim use permit (IUP) and site plan approval at this time. Once the 2040 Comprehensive Plan is adopted, the appropriate land use plan amendment and rezoning applications can be processed and the PUD can be amended to incorporate the proposed parking lot expansion, if the requests are approved.
in this case. Due to the status of the comprehensive planning process, staff feel that the proposed requests in this case warrant a creative solution to support a significant investment to expand an existing use in the community.

The proposed parking lot expansion will be a permanent use that is intended to be incorporated into the existing dealership and previously-approved PUD. Once the 2040 Comprehensive Plan is adopted, the appropriate zoning and land use designations through the PUD amendment process will replace the IUP. Therefore, the requests in this case fit within #1 and #3 above. The applicant is requesting that the IUP expire upon approval of the necessary land use amendment, rezoning, and PUD amendment requests by the City Council. Staff anticipates being able to facilitate those approvals by early 2020, but has included a condition that the appropriate applications are submitted within nine months following approval of the IUP.

According to the Landscape Plan, 32 trees are proposed around the site perimeter. The plan includes five spring snow crab apple trees, but those are not generally counted towards the required major/overstory tree count. As a result, only 27 qualifying trees are proposed to be planted. In addition, the Code requires not less than 25% of the proposed species to be either deciduous or coniferous. The proposed plans provide only 15% coniferous plantings. While the IUP process can allow for deviations from certain applicable code requirements, staff recommend the required landscaping standards for planting quantities and species percentages be met as part of the IUP, to be incorporated into a future PUD amendment. In addition, several trees planted on the existing dealership property as part of the previous PUD approval will be removed to facilitate construction of the expanded parking lot and may need to be replaced somewhere on the overall site. Staff has included a recommended condition of approval that requires a revised landscape plan be submitted for review/approval. In order to visually break up expanses of hard surface areas, allow safe and efficient traffic movement, and define rows of parking, the Code requires planting islands within parking lots.

Chairperson Cordes asked why snow crab apple trees do not count towards the landscaping requirement. Wall said they are an ornamental tree and not of the caliper of a major or overstory trees, adding staff is recommending the addition of only 4-5 trees.

Commissioner Caillier inquired about the notification process for surrounding property owners. Wall said subsequent requests would require the same notification process, adding a Comprehensive Plan amendment would require even more notification including Metropolitan Council approval as well.

Sean Murphy, Land Form Civil Engineering, said he was present to answer questions.

Commissioner Caillier asked the reason for the addition. Mr. Murphy responded the request was based on the current demand for Subarus for vehicle storage and inventory.

Chairperson Cordes opened the public hearing at 8:08 p.m.

No one wished to address the Commission, Chairperson Cordes closed the public hearing at 8:08 p.m.
Upon motion by Commissioner Caillier, seconded by Commissioner Anderson, it was

“RESOLVED, to recommend approval of the Conditional Use Permit and site plan requests based on the following findings of fact:

1. The proposed use is compliant with the applicable City Code standards for an interim use permit and does not negatively affect surrounding properties.

2. The interim use permit is necessary due to the inability to amend the 2030 Comprehensive Plan while the 2040 Comprehensive Plan update process is underway.

3. The interim use permit approval is tied to subsequent land use amendment, rezoning, and PUD amendment proceedings to properly incorporate the proposed parking lot expansion into the existing development.

Subject to the following conditions:

1. The interim use permit shall terminate upon City Council approval of the appropriate land use, zoning, and planned unit development amendments to incorporate the subject property and proposed use into the existing planned unit development.

2. The applicant, or agent thereof, shall submit the appropriate land use and zoning applications within nine months of the effective approval date of the interim use permit.

3. A development agreement amendment between the applicant, and all others with interests in the subject property, shall be entered into with the City, to be recorded at the applicant’s cost with the offices of the Ramsey County Recorder and/or Register of Titles, to be considered after approval of the subsequent PUD amendment process.

4. The applicant shall submit a revised landscape plan that demonstrates compliance with the applicable code standards for the required number of plantings and species percentages, to be reviewed/approved administratively.

5. A grading permit in compliance with all applicable code standards shall be submitted prior to commencement of any construction activities on the subject property, to be reviewed/approved administratively.

6. The off-street parking lot shall be constructed and operated in compliance with the applicable code standards, to be reviewed/approved administratively as part of the grading permit.

7. The location and design of any on-site security fencing shall be constructed in compliance with all applicable zoning and fire code standards, to be reviewed/approved administratively.

8. Compliance with the conditions included in the Fire Chief’s memorandum, dated 07/30/2019.

9. Compliance with the conditions included in the City Engineer/Public Works Director’s memorandum, dated 08/21/2019.

10. Compliance with Ramsey-Washington Metro Watershed District permit requirements and procedures, with evidence of approvals provided to the City prior to issuance of applicable permits.”
Commissioner Jokinen inquired about barbed wire on top of the fencing and if that requirement could be negotiated. Wall said barbed wire was currently on the interior fence lot line but the exterior fence along Willow Lake would be the same black chain link fence and shared a photo of the site outlining the west boundary line.

The motion carried.

E. Case 19-013: City of Vadnais Heights – Ordinance No. 734 – Subdivision Ordinance Amendments

Planning/Community Development Director Wall staff presented the draft subdivision Ordinance amendments for discussion at the July meeting, with the intent of conducting the public hearing and presented the proposed revisions to the Ordinance at the August meeting. He outlined the following revisions from the discussion at the July meeting that included added language to Section II to prohibit successive minor subdivisions without platting (lines 45-48); added a new section for administrative minor subdivisions (lines 50-57); reinforced the need for certificate of survey as part of a minor subdivision application, as included on the application form (line 60); added exemption language to public hearing notice for minor subdivisions (lines 62-63); and re-lettered and re-referenced certain sections (lines 59-86). He outlined changes in Section XV that removed “discretionary” language (line 625); clarified “park dedication” means either land dedication or cash in lieu of land (lines 631-632); and added “up to” language to percentages (lines 639-640). He noted the proposed amendments would go before the Parks Commission as well for review and then to City Council for consideration.

Chairperson Cordes opened the public hearing at 8:18 p.m.

No one wished to address the Commission, Chairperson Cordes closed the public hearing at 7:28 p.m.

Upon motion by Commissioner Bigelbach, seconded by Commissioner Cooper, it was

"RESOLVED, to recommend approval of Ordinance No. 734 amending Chapter 32 of the City Code, concerning Subdivisions."

Commissioner Jokinen confirmed that Municode would review the proposed amendment and correct any changes as necessary.

Chairperson Cordes commented that he did not believe park dedication should be discretionary and should be established by Code as parks were very important in the community.

The motion carried.

NEW BUSINESS

None.
OLD BUSINESS

None.

GARCEAU CORNER TASK FORCE UPDATE

Commissioner Bigelbach shared an update on the Garceau Corner Task Force that included discussions on greenspace, senior housing, and representatives from the City of St. Paul, developers for The Waters, and Ganyon Homes. She said they were still gathering facts and would complete a Strengths/Weaknesses/Opportunities/Threats analysis at their September meeting.

Commissioner Caillier asked about next steps for the Task Force. Planning/Community Development Director Wall said the focus now is on completing the Task Force review process and that subsequent meetings would focus on evaluating the pros/cons of the various redevelopment scenarios discussed and formulate a recommendation to the City Council.

REPORTS

A. Council Liaison

Councilmember Patricia Youker was not present at the meeting.

B. Planning Commissioners

Commissioner Anderson shared that this was his last Planning Commission meeting as he was selling his home and moving from the City. He said he enjoyed the opportunity to serve on the Commission and commented on the amazing changes over the past 10 years and thanked the Commissioners for the opportunity to serve.

Chairperson Cordes said it has been a pleasure serving with Commissioner Anderson and thanked him for his work.

Commissioner Moynagh invited the community to attend the Vadnais Heights Area Community Foundation barbeque on September 12 at Koehler’s Meadows Park, sharing their non-profit mission of education, human need and cultural activities.

Commissioner Bigelbach referred to three dead pine trees on County Road E by Gable Pines and next steps to replace. Planning/Community Development Director Wall said staff has been in contact with the property owner about replacement of these trees.

C. Staff

Planning/Community Development Director Wall thanked Commissioner Anderson for his service and said staff would work to replace his position on the Commission as well as the Rush Line committee.
NEXT MEETING

The next Planning Commission meeting will be held on September 24, 2019.

ADJOURN MEETING

Upon motion by Commissioner Anderson, seconded by Commissioner Cooper the meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Cathy Sorensen, TimeSaver Off Site Secretarial, Inc.
Memorandum:

TO: Chair Cordes and Planning Commission Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: September 24, 2019

SUBJECT: Planning Staff Report
Case 19-017: Setback Variances at 4001 McMenemy Street for Garage Addition

Description of the Request
The applicant is requesting variances from the applicable front and side yard setback standards in order to construct a 484 SF garage addition onto the front of an existing single-family dwelling in the Residence One (R-1) District.

Discussion
The City is using its quasi-judicial authority when considering action on zoning requests and has limited discretion; a determination regarding whether or not the request meets the applicable code standards is required.

Action Timeline
The application materials were received on August 27 and were considered complete on September 3 upon receipt of all the required materials. In accordance with Minn. Stat. Sec. 15.99, the required 60-day action deadline is November 2.

<table>
<thead>
<tr>
<th>Received</th>
<th>Complete</th>
<th>60-day Deadline</th>
<th>Extension</th>
<th>120-day Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/27/2019</td>
<td>09/03/2019</td>
<td>11/02/2019</td>
<td>N/A</td>
<td>12/25/2019</td>
</tr>
</tbody>
</table>

Development Summary
Site Size: 13,521 SF (0.31 Acres)
Existing Zoning District: Residence One (R-1)
Existing Land Use: Low Density Residential
Adjacent Existing Land Uses: North/South/East: Low Density Residential West: Park
Future Land Use: Low Density Residential
Adjacent Future Land Uses: North/South/East: Low Density Residential West: Park
Wetlands: None present on the subject property

Background
The subject property contains an existing single-family residential dwelling with an attached garage constructed in 1980 (see attached photo). Staff and the applicant have been in discussions for the past several months regarding the proposed addition and determined that a survey of the subject property was
necessary to determine the accurate existing conditions. Upon review of the survey and plans for the proposed addition, staff determined the proposed addition was not compliant with the R-1 District’s applicable front and side yard setback standards and the necessary variances were required to facilitate approval of the proposed project.

**Analysis**
The request in this case includes the following analysis:

**Comprehensive Plan**
The subject property is guided as Low Density Residential in the 2030 and DRAFT 2040 Comprehensive Plans. It is immediately adjacent to other single-family residential uses and city-owned open space. The proposed addition to the existing dwelling is consistent with the continued use of the subject property in compliance with the Comprehensive Plan.

**Variances**
Front and side yard setback standards for structures are intended to promote a uniform frontage along the street and allow adequate space within the right-of-way and along property boundary lines for utilities, drainage, and future improvements.

*Front Yard Setback*

The subject property fronts McMenemy Street, which is a County Road and is designated as a B-Minor Collector. As a result, the applicable R-1 District front yard setback standard is 45 feet. The proposed garage addition will extend 22’ to the east towards the street from the existing condition, which yields a 40’ setback and requires a 5’ variance.

The City Code includes the following additional front yard setback standards:

Chapter 38, Article III, Division 2, Section 38-101(3):

*Front Street Setback.* When more than 25% of the frontage on the side of a street between intersections is occupied by structures having setbacks from street right-of-ways of greater or lesser amounts than hereinafter required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established average setback different from that required hereinafter and there are existing buildings on one side only, the front setback of said new building need be no greater than that of the next adjoining existing building. In case the building is to be built where there is such an established average setback and there are existing buildings on both sides of the said new building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.

Chapter 38, Article IV, Section 38-608(3):

*Front Setbacks:* Where adjoining structures existing at the time of adoption of this Code have a different setback from that required, the front setback of a new structure shall conform to the prevailing setback in the immediate vicinity. The City Council shall determine the necessary front yard setback in such cases. However, in no case shall a building be required to set back more than 60 feet.
The provisions above are not entirely applicable in this case, as the subject property borders a corner lot to the south that fronts a different street. Therefore, its setback from McMenemy Street is based on the applicable side yard standard, rather than the front yard standard, and that circumstance is not anticipated in the above provisions. In addition, in order to interpret the above standards with certainty, as-built surveys of all dwellings along the west side of McMenemy Street from Woodridge Drive to County Road F would be necessary to determine the applicable front yard setback in this case. Since an interpretation of compliance without requiring the variances included in this request would allow the proposed addition to be approved with simply a building permit, staff felt the nature/size of the project and interpretation questions necessitated a public process and action by the City Council.

According to the attached survey, building permit records, and Ramsey County GIS, the existing structures on the west side of McMenemy Street between Woodridge Drive and County Road F have the following assumed front yard setbacks (see attached map):

<table>
<thead>
<tr>
<th>Address</th>
<th>Setback from McMenemy Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>341 Woodridge Drive</td>
<td>30.3 feet (^1)</td>
</tr>
<tr>
<td>4001 McMenemy Street</td>
<td>61.8 feet (existing) (^2)</td>
</tr>
<tr>
<td></td>
<td>40 feet (proposed)</td>
</tr>
<tr>
<td>4005 McMenemy Street</td>
<td>+/- 35 feet (^4)</td>
</tr>
<tr>
<td>4011 McMenemy Street</td>
<td>41.6 feet (^1)</td>
</tr>
<tr>
<td>4019 McMenemy Street</td>
<td>44 feet (^1)</td>
</tr>
<tr>
<td>4025 McMenemy Street</td>
<td>44 feet (^1)</td>
</tr>
<tr>
<td>4031 McMenemy Street</td>
<td>+/- 43 feet (^3)</td>
</tr>
<tr>
<td>4039 McMenemy Street</td>
<td>35 feet (^1)</td>
</tr>
<tr>
<td>310 County Road F</td>
<td>+/- 238 feet (^3)</td>
</tr>
</tbody>
</table>

\(^1\) Based on approved survey on-file  
\(^2\) Based on attached survey  
\(^3\) Based on Ramsey County GIS (measured from aerial image)

The attached map is intended for illustrative purposes only; it should be noted that the setback dimensions are approximate and/or approved based on readily available information and are not to be used in place of an as-built survey. As shown, the existing setbacks are inconsistent and only the existing dwelling on the subject property is compliant with the R-1 District’s applicable 45’ front yard setback standard.

In order to verify the applicability and compliance with the additional front yard setback provisions in this case, the applicant would have to hire a professional surveyor to field-verify the existing setbacks for the other dwellings on the block. This requirement is burdensome and costly to applicants and is difficult to administer equitably and consistently based on the current language. Compliance with the applicable setback standards becomes especially problematic in established neighborhoods with a mix of housing stock age at varying front yard setbacks that may need improvements, including additions, to keep existing residents in the home or attract new residents.

**Side Yard Setback**

According to the attached survey, the existing attached garage is located 9.8’ from the southern property boundary line, as measured from the foundation wall. The R-1 District’s applicable side yard setback standard is 10’ and is measured from the roof overhang, not the foundation wall, per the City Code. According to the applicant, the roof overhang on the existing garage measures approximately 1’, which makes the existing setback actually 8.8’.
No variances were approved for construction of the dwelling/attached garage, so it is assumed that the as-built survey depicting the existing condition represents an error made during construction or a different setback interpretation upon review of the original building permit. However, since the applicant is proposing to extend the proposed addition along the existing foundation wall with the same size roof overhang, staff determined an additional variance was required in this case to ensure the proposed addition is approved appropriately.

Variance Thresholds

The applicant is requesting variances from the following applicable R-1 District setback standards:

<table>
<thead>
<tr>
<th>Setback</th>
<th>Applicable Standard</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>Arterial Street</td>
<td>45 feet</td>
<td>40 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td>Measured from roof projection</td>
<td>10 feet</td>
<td>8.8 feet</td>
<td>1.2 feet</td>
</tr>
</tbody>
</table>

When considering the proposed variance requests in this case, the City is required to find that:

1. The requests are in harmony with the general purposes and intent of the ordinance and comprehensive plan and the applicant proposes to use the property in a reasonable manner.

The intent of the applicable front yard setback standard is to maintain a uniform frontage, which is already inconsistent along this section of McMenemy Street, and construction of the proposed addition actually brings the existing dwelling closer in-line with the majority of the other dwellings. In addition, the proposed addition would be constructed along the same encroachment area into the required side yard setback area, but outside of the drainage and utility easement. The proposed addition to the existing dwelling is compliant with the Comprehensive Plan and is a reasonable use of the subject property.

2. The applicant establishes there are practical difficulties with complying with the ordinance due to circumstances that are unique to the property, which are not created by the applicant or based on economic considerations.

The applicant purchased the subject property in its existing condition and the block contains existing dwellings at varying setbacks from the McMenemy Street right-of-way. The City’s records do not indicate that any setback variances were granted for the existing dwellings along this block of McMenemy Street. In addition, the street has been classified as an arterial street since at least the 2000 Comprehensive Plan and several of the existing dwellings appear to have been subject to the required 45’ front yard setback standard.

The subject property’s southern property boundary line is irregular and not perpendicular to the front or rear lot lines for the full length of the lot. Therefore, a similar-sized garage addition into the rear yard is not possible without a more obtrusive variance request than the proposed addition onto the front of the garage in this case. A slightly shorter addition to the front of the existing garage is certainly possible, but the reduced size would likely not allow two automobiles to be parked front-to-back and leave adequate space for storage and access. The existing dwelling was constructed within the required 10’ side yard setback area and the applicant is proposing to continue with the same setback for the proposed addition. Requiring the applicant to comply with the required setback for the proposed addition is impractical.

In staff’s opinion, the existing condition of the subject property and the existing front yard setbacks on the block present unique circumstances that create practical difficulties for the proposed addition to comply with the applicable setback standards.
3. **The requests will not alter the essential character of the locality.**

In general, the City should support reinvestment in the existing housing stock that does not detract from the character of the surrounding neighborhood. The neighborhood contains a mix of dwellings constructed at varying front yard setbacks. The proposed front yard setback of the addition is 40’ and is still further from McMenemy Street than both immediately-adjacent dwellings. Staff does not believe that the proposed addition to the existing dwelling on the subject property will alter the essential character of the neighborhood.

**Staff Comments**

Due to the nature of the nature of the request, further staff review beyond the Development Review Committee was not necessary.

**Public Hearing Notice**

According to Chapter 38, Article II, Sections 38-37(c) of the City Code, a public hearing notice must be published and mailed to property owners within 350 feet of the subject property at least seven (10) days prior to the Planning Commission meeting. The required notice was published in the September 4 edition of the Vadnais Heights Press and mailed to surrounding property owners on September 13.

**Recommended Commission Action**

Staff recommends approval of the variance requests, based on the following findings of fact:

1. The proposed garage addition to the existing single-family residential dwelling is a reasonable use of the subject property and compliant with the Comprehensive Plan.
2. The block in-question has existing dwellings with inconsistent front yard setbacks and the proposed addition to the existing dwelling on the subject property will be set-back further than the immediately-adjacent dwellings from McMenemy Street.
3. Construction of the proposed addition consistent with the existing encroachment into the required side yard setback area is reasonable.
4. The existing condition of the subject property and the existing front yard setbacks on the block present unique circumstances that create practical difficulties for the proposed addition to comply with the applicable setback standards.
5. The proposed garage addition will not alter the essential character of the neighborhood.

Subject to the following conditions:

1. The applicant shall submit a Building Permit for review and approval by the Engineering and Community Development Departments, prior to commencement of any construction activities on the subject property.
2. The applicant shall commence construction activities within one (1) year from the date the variances are granted by the City Council, and the approval granted shall be null and voided unless an extension is granted by the City Council in compliance with the applicable City Code requirements and procedures.

**Action Requested**

Following the public hearing, the Planning Commission may consider the following actions:

1. Recommend *approval* of the proposed Variances, based on the findings of fact, with conditions.

OR
2. Recommend *denial* of the proposed Variances, based on the findings of fact determined by the Planning Commission.

OR

3. *Table* the requests and advise staff to extend the application review period an additional 60 days, in compliance with Minn. Stat. Sec. 15.99.

Attachments:
- Aerial map
- Setback map
- Site photo
- Application, including supporting materials
- Public Hearing Notice
Planning Case 19-017: 4001 McMenemy Street
We are requesting a variance due to the fact that unbeknownst to us our house at 4001 McMenemy St was built too close to the south property line by approximately 3 inches.

We are the original owners and we assumed we were in compliance as the permit to build was issued in 1980.

We are asking for a variance to extend our garage forward toward the street by 22 feet in line with the existing garage.

We are not able to extend behind the existing garage due to the unique property line. Please refer to the survey we have provided and original drawings of the property on file with the city.

The garage extension will not alter the essential character of the locality. The proposed garage addition will blend with the existing structure and not look out of place.

An issue has also been raised about the front set back. The garage addition will be set back further than the houses to the north and south of us, which were built much later than ours.

Thank you for your consideration.

Tom and Diane Hayes
VARIANCE APPLICATION
The City of Vadnais Heights
800 East County Road E • Vadnais Heights, MN 55127
Phone: 651.204.6015 • Fax: 651.204.6100
www.cityvadnaishights.com

Applicant: Tom Hayes

Address: 4001 McMenemy

City: Vadnais Heights State: MN Zip: 55127

Phone: 651-484-2393 Cell: 651-921-5624 E-mail: thivley67@gmail.com

Fee Owner: SAME

Address: 

City: 

State: 

Zip: 

Phone: 

Cell: 

E-mail: 

Property Address: 4001 McMenemy

Legal Description of Property (attach separate sheet if necessary): Lot 2 Block 3

Woodridge Add N 2

Zoning: 

Land Use Designation: 

Present Use of Property: Home

Description of Variance Request: Set back for Garage Addition

City Code Section: 

Applicant’s Signature

Date

Property Owner’s Signature (if different from applicant) 

Date

Page 1 of 6

Updated 8/26/2019
CERTIFICATE OF SURVEY

--for-- TOM HAYES
--of-- 4001 MEMENEMY STREET
VDNAIS HEIGHTS, MN

Lot 2, Block 3, WOOD RIDGE ADDITION NO. 2, Ramsey County, Minnesota.

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

FIELD SURVEY WAS COMPLETED BY E.G. RUD AND SONS, INC. ON 08/14/19.

- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 30-30-22-11-0057.
- Minnesota License No. 41575

Dated 5th day of September, 2019.
PROPOSED GARAGE ADDITION

LOTZ, BLOCK 3
WOOD RIDGE ADD., NO. 2

100.0'

25.47'

93.31'

22'

38'

142.71'

80.0'

ASPHALT DRIVE

GARAGE FLOOR ELEVATIONS
1/2 Plywood
Ice & water, 15 lb Felt
30 yr Shingle, Ridge Vent

Engineered Truss

2x4 Vents
1/2 OSB Sheathing
Tyvek, Masonite siding to match existing.

4" Concrete slab
8" Rebecca 36" d

WATER PROOFING

8" Cmu
Core filled w/ 4" Rebecca 36" d

8" x 24" Footing
w/ 2x4 Rebecca

South Wall Section

NO SCALE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vadnais Heights Planning Commission will meet and conduct a public hearing on **Tuesday, September 24, 2019** at 7:00 p.m. at City Hall, 800 East County Road E, to consider a Variance application submitted by Thomas Hayes, to construct a garage addition.

The legal description of the property is as follows:

LOT 2, BLOCK 3, WOOD RIDGE ADDITION NO. 2, Ramsey County, Vadnais Heights, Minnesota.

This parcel is located at 4001 McMenemy Street.

Anyone wishing to be heard in regards to this matter will be given an opportunity at this time. The application materials are available for public review at City Hall during normal business hours. Questions or comments should be directed to Nolan Wall, Planning/Community Development Director, at 651-204-6027 or nolan.wall@cityvadnaishights.com.

FOR THE PLANNING COMMISSION OF THE
CITY OF VADNAIS HEIGHTS

[Signature]
Kevin P. Watson
City Administrator

Dated: September 4, 2019

[Mailmark: Mailed 9-13-19]
Memorandum:

TO: Chair Cordes and Planning Commission Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: September 24, 2019

SUBJECT: Housing Improvement Programs

Recommended Commission Action
Review the attached presentation for discussion at the meeting.

Background
As a follow-up to the Commission’s 2019 Work Plan, attached is a presentation on potential housing improvement programs for discussion.

Attachment(s): Presentation
2014 STRATEGIC PLAN

GOAL: Rehabilitation of single-family homes throughout the community
- Review and update the housing strategies/policies within the Comprehensive Plan
- Review and inventory city-wide housing conditions
- Research options for assisting with housing rehabilitation

OUTCOME(S):
- Explored forming Residential Improvement Program Task Force in 2015
- City Council chose not implement the Task Force or any programs
WORK PLANS

2019-2020 CITY COUNCIL WORK PLAN

- Maintain or increase housing values through a Housing Preservation Plan
  - Consider subsidizing home improvements
  - Analyze existing programs by other agencies
  - Consider proactive code enforcement
  - Analyze existing property maintenance violations

2019 PLANNING COMMISSION WORK PLAN

- Study Housing Initiatives
  - Current policies & programs
  - Surrounding cities’, county, and state policies & programs
  - Recommend additional policies & programs
GOAL: Continue to provide a range of housing choices in terms of style, size, location, tenure and cost

- Promote a balanced housing supply with housing available for people at all income levels
- Promote a variety of housing types for people in all stages of the life-cycle
- Build a community of well-maintained housing and neighborhoods, including ownership and rental housing
- Create housing that respects the natural environment of the community while striving to accommodate the need for a variety of housing types and costs
- Advocate for a high proportion of upper-cost, owner-occupied housing units on the remaining undeveloped or redeveloped low/medium density residential sites
- Partner with residents and organizations to provide housing assistance and cost-burden relieving opportunities
- Work with regional governmental agencies to ensure efficient and cohesive design
GOAL: Protect residential property values by encouraging reinvestment

- Consider initiating local programs including rehabilitation loans or grants for owner-occupied housing in targeted neighborhoods
- Partner with Ramsey County and other housing agencies to promote existing housing rehabilitation assistance and first-time homebuyer programs
- Consider implementing a proactive residential property maintenance inspection and enforcement program
WHY MAINTAINED AND UPDATED HOUSING STOCK MATTERS

- Keeps the City competitive with the draw of new homes in growing suburbs and the urban core renewal

- Increased home values
  - Most improvement projects also have a high return on investment at time of sale
  - Support quality schools

- Increased residential tax base
  - Residential uses comprise approximately 70% of the city’s tax base
  - Protecting property values is imperative to maintain a high level of service

- Promotes life-cycle housing
  - Provides for housing at various income levels
  - Attracts home-buyers at various stages of life

- Encourages additional investment in neighborhoods
  - “domino-effect”
City was largely developed between 1970 and 1990

Of the 5,621 housing units, 4,636 have been built post 1970 (82.5%)

Highest quantity constructed between 1980-1989
- Homes will be approx. 40-50 years old by 2040
- Exterior improvements necessary w/in next 20 years (windows, siding, roof, etc.)
HOUSING VALUES

Owner-Occupied Housing Estimated Market Value, 2016

- $243,500 or Less
- $243,501 to $350,000
- $350,001 to $450,000
- Over $450,000

Source: Metropolitan Council

Note: Estimated Market Value includes only homes leased units with a building on the parcel.
MEDIAN OWNER-OCCUPIED HOUSING VALUES (2017)

Source: American FactFinder – U.S. Census Bureau
EXISTING RESIDENTIAL IMPROVEMENT PROGRAMS

- Minnesota Housing Finance Agency
  - Fix-up Loan Program
  - Rehabilitation Loan/Emergency and Accessibility Loan Program

- Center for Energy and Environment
  - Energy Conservation Deferred Loan Program
  - Since 2014 for VH residents:
    - 2 loans closed
    - 125 home energy audits

- Ramsey County
  - Residential Rehabilitation Deferred Loan Program

MOST PROGRAMS SUBJECT TO INCOME LIMITS
COMMUNITY PROGRAMS

- City of North Saint Paul
  - Home Improvement Loan Program
  - Emergency Loan Program

- City of Shoreview
  - Home Improvement Loan Program
  - Purchase/Rehab Combination Loan Program
  - Manufactured Home Improvement Program

- City of Woodbury
  - Neighborhood Reinvestment Fund

- City of Coon Rapids
  - Front Door Program
  - Home for Generations II
  - Home Improvement Loans
  - Remodeling Advisor Visits

- Other Programs:
  - Rebates, grants, or low interest loans
  - Building permit reductions
  - Architectural and design assistance
  - City demonstration projects
CODE ENFORCEMENT

- Current City policy for residential properties is primarily “reactive”
  - Staff responds on a complaint basis
  - Can be an unequitable process, as certain violations may be ignored without a complaint

- Violations that cannot be remedied in a timely manner may be issued a citation
  - Legal process is time-consuming, costly, and has limited positive results

- City of Roseville Neighborhood Enhancement Program
  - Staff inspects 3,000 properties/year to identify and inform residents of code violations
  - City is split into several sections that are inspected on a rotation cycle
  - Staff works with residents to remedy violations
  - Attempt to encourage routine maintenance before a problem becomes more severe and costly to fix
POTENTIAL FUNDING SOURCES

- Residential Improvement Programs
  - Levy authority via the City’s Economic Development Authority (EDA)
  - Pooled Tax Increment Financing (TIF) Funds

- Proactive Code Enforcement
  - Additional staff and resources may be necessary
NEXT STEPS

- Study existing programs provided by other organizations
- Increase promotion and education opportunities
- Identify and analyze potential funding sources for additional programs
- Review and amend existing property maintenance regulations
- Discuss additional code enforcement efforts
- Develop a Housing Preservation Policy Plan to implement