



Board of Adjustments

Tuesday, May 28, 2024

6:30 PM

Elk River City Hall

Regular Meeting Agenda

- Regular meeting in Council Chambers
-

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 Board of Adjustments - April 23, 2024

5. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

5.1 Variance: Wetland Setback, PID 75-00513-0320 - Laura Elkington

5.2 Variance: Required Apartment Parking, PID 75-00011-1204 - Duffy Development

5.3 Variances: Driveway Setback & Number of Trees, 17994 Zane Street NW- Les Schwab Tire Center

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, April 23, 2024**

Members Present: Chair Perry Beise, Commissioner Tony Mauren, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth

Members Absent: Commissioner Jill Larson-Vito

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant/Recording Secretary Jennifer Green

1. CALL MEETING TO ORDER
Pursuant to due call and notice thereof, the meeting was called to order at 06:30 PM by Chair Beise.
2. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was recited.
3. CONSIDER AGENDA
Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the April 23, 2024, Board of Adjustments Agenda. Motion carried 5-0.
4. CONSIDER MINUTES
Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the Consent Agenda items listed below. Motion carried 5-0.
 - 4.1 Board of Adjustments Minutes March 26, 2024
5. PUBLIC HEARINGS

5.1 Variance Request: Ivan Foxcroft - 20055 Polk Street NW

Mr. Leeseberg presented the staff report.

Commissioner Johnson asked what garage dimensions the applicant was allowed without requiring a variance.

Mr. Leeseberg indicated the largest addition the applicant could construct was 25' x 20'.

Chair Beise opened the public hearing.

Ivan Foxcroft, 20055 Polk Street NW (applicant), explained the reasons behind his request, noting he

had a family and liked to work on vintage motorcycles. He stated he wanted to stay in the home and liked the neighborhood, noting the addition would be constructed to be visually appealing in the neighborhood. He stated his current garage depth didn't support parking a pickup truck unless parked at an angle. He appreciated the board's review of his request.

Commissioner Mauren asked the applicant and Mr. Foxcroft confirmed the motorcycle repair was just a hobby, not a business.

Commissioner Rydberg asked Mr. Foxcroft if he could reduce the garage to a 25' x 20' addition, noting concerns with setting a precedence in the neighborhood.

Mr. Foxcroft stated the depth of the garage was the issue and would like to park other vehicle's in the garage, thinking about the future family drivers, and wanted to maximize the space.

There being no one else to speak, Chair Beise closed the public hearing.

Commissioner Booth stated he would not support the request.

Commissioner Mauren agreed and stated his same concerns as Commissioner Rydberg in setting a precedence in the neighborhood. He also felt concerned about current supportive neighbors moving out of the neighborhood and a new neighbor considering purchasing a house with a garage of this size.

Commissioner Rydberg stated he was also considering the size of the encroachment into the setbacks.

Commissioner Johnson felt the allowed addition would have three garage doors across the front of the house and alter the character of the locale more than the proposed garage design. He appreciated the design of this proposed garage as he felt along with the neighbors being in support of the design.

Commissioner Mauren asked about a future use of the garage.

Mr. Leeseberg stated the commission considers approval of a setback number and not a future use of the space.

Moved by Commissioner Johnson and seconded by Commissioner Mauren to approve the front and side yard setback variance request by Ivan Foxcroft as outlined in the staff report. The motion failed 2-3 with Chair Beise and Commissioners Rydberg and Booth opposing.

Moved by Commissioner Rydberg and seconded by Commissioner Booth to deny the front and side yard setback variance by Ivan Foxcroft. The motion carried 3-2 with Commissioner Johnson and Commissioner Mauren opposing.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Rydberg and seconded by Commissioner Booth to adjourn the Board of Adjustments meeting. Motion carried 5-0.

The meeting adjourned at 06:51 p.m.

Minutes prepared by Jennifer Green.

Perry Beise, Chair

Tina Allard, City Clerk

DRAFT



Request for Action

To
Board of Adjustments

Item Number
5.1

Meeting Date
May 28, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Wetland Setback, PID 75-00513-0320 -
Laura Elkington

Reviewed by:
Zack Carlton

Action Requested

Approve, by motion, a variance reducing the driveway setback from the edge of a delineated wetland as:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of residential and the use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction.
5. The variance will not alter the essential character of the locality.

and;
with the following conditions:

1. Documentation that primary and secondary septic areas can be supported shall be provided prior to the variance being recorded.
2. Construction shall meet all other standards of the ordinance (vegetation maintenance, grading, etc.).

Background/Discussion

The applicant, Laura Elkington, has requested a reduced wetland setback to accommodate a driveway that will support access to the buildable portion of her parcel. The parcel has a significant amount of wetland, limiting the buildable area, and has remained undeveloped since being platted in 1985.

The parcel is approximately 4.56 acres and about 1/2 -3/4 acres of buildable area are located near the middle of the parcel. The proposed driveway will create minimal disturbance within the setback area. As there is only about 1/2 -3/4 acres of buildable area, staff recommends including a condition requiring documentation that primary and secondary septic areas can be supported on the site.

Environmental

Per the MN Wetland Conservation District Notice of Decision dated May 7, 2024, the proposed wetland impacts for the proposed driveway alignment are approved. This approval is only valid for 5 years unless an extension is requested within 30 days of expiration. No additional wetland impacts will be approved without

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going through the MN Wetland Conservation Act permitting process.

Applicable Regulation

Variances may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below.

The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and

The intent of the wetland setback and buffer ordinance is to limit runoff pollution within wetlands and stormwater basins. The proposed driveway will have minimal impact on the setback area and much of the runoff will have the opportunity to run through a vegetated area prior to entering the wetland.

With the recommended conditions, the variance is in harmony with the general purpose and intent of the ordinance.

2. Is consistent with the City of Elk River Comprehensive Plan.

The Comprehensive Plan guides the property for single-family uses and encourages responsible development as it relates to environmental features. The request will not alter the use of the parcel, nor will it have a significant effect on the adjacent wetland. The variance request is consistent with the Comprehensive Plan.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

The driveway impact is a reasonable use of the property not otherwise permitted by the ordinance.

4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction; and

The property was platted in 1985 and our wetland setback and buffer ordinances were adopted in 2006. The original layout of the subdivision did not account for the wetlands in the same way that would be required of a subdivision today. The proposed use of the property is consistent with the original intent and the request itself is not a consequence of the petitioner's own action or inaction.

5. The variance, if granted, will not alter the essential character of the locality.

Development of an undeveloped residential lot could alter the essential character of the locality, but the proposal is consistent with nearby parcels and is consistent with the intent of city plans and codes. The variance will not alter the essential character of a locality designated as single-family residential.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community

Attachments

1. Location Map
2. Applicant's Narrative
3. Driveway Survey
4. Staff Exhibit



Project Location Map

Elkington

Variance

Case No: V 24-05



I am applying for a variance for the existing driveway to extend through a portion of the wetlands which has been approved through the Wetlands Application Process via Nikki McDermond-Spies, Hakanson Anderson and with the assistance of Rebecca Haug. This document states the driveway falls within the wetland requirements. This driveway is needed so potential buyers will be allowed to access property and build a home as it is the only area appropriate to do this project without impacting the wetlands.

A variance may be granted by the board only if it finds that:

The variance is in harmony with the general purpose and intent of the ordinance

Yes, the variance would fall within the general purpose and intent of the ordinance.

The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff in needed)

Yes, the variance would be consistent with the City of Elk River.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance

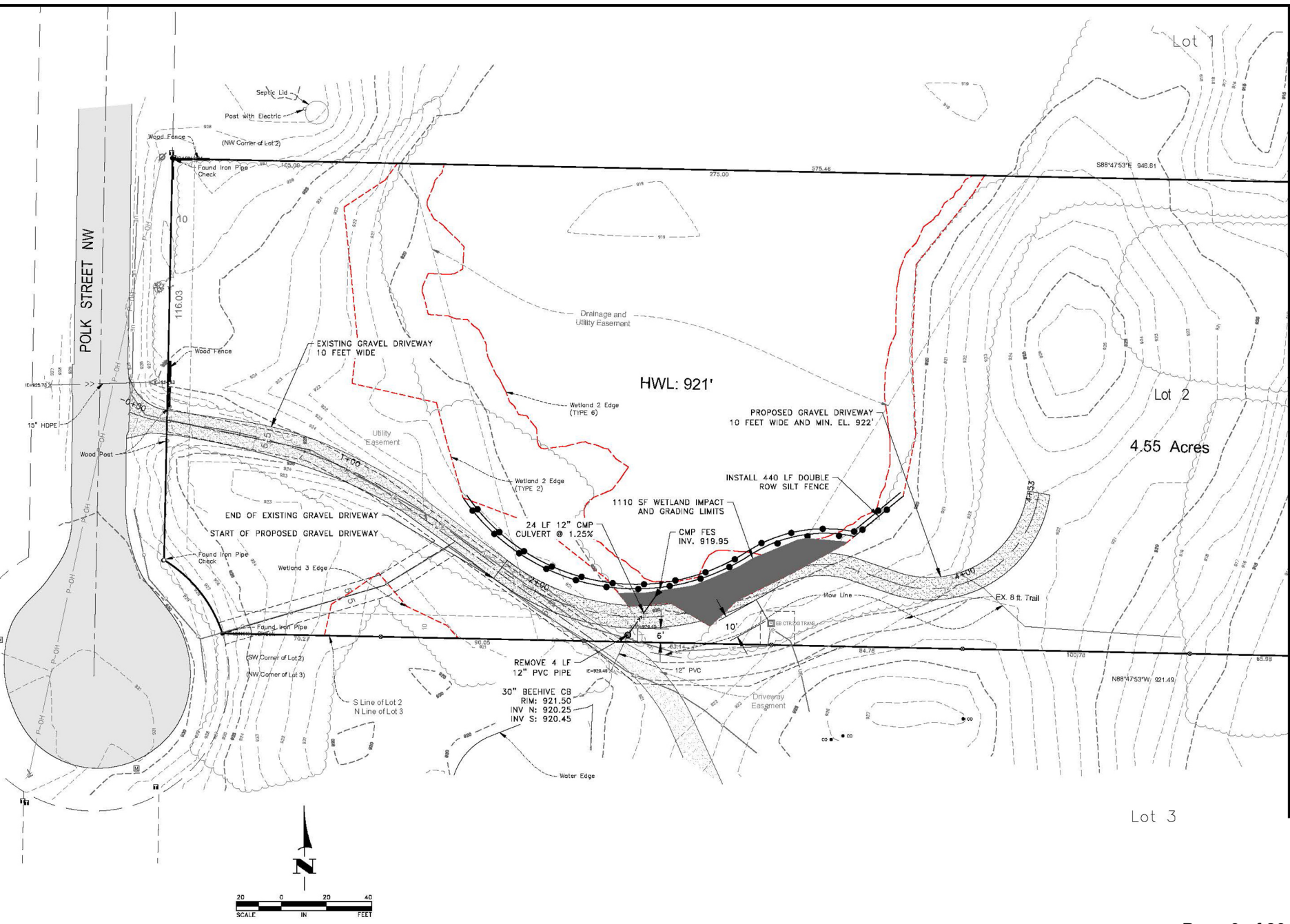
Yes, the petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and

The plight of this request is due to the impact of the extended driveway impacting a portion of wetlands that but was approved and fell within guidelines and requirements of the Wetland Impact report and documents. (Attached)

The variance, if granted, will not alter the essential character of the locality

No, This variance should not alter the essential character of the locality.



Lot 1

Lot 2

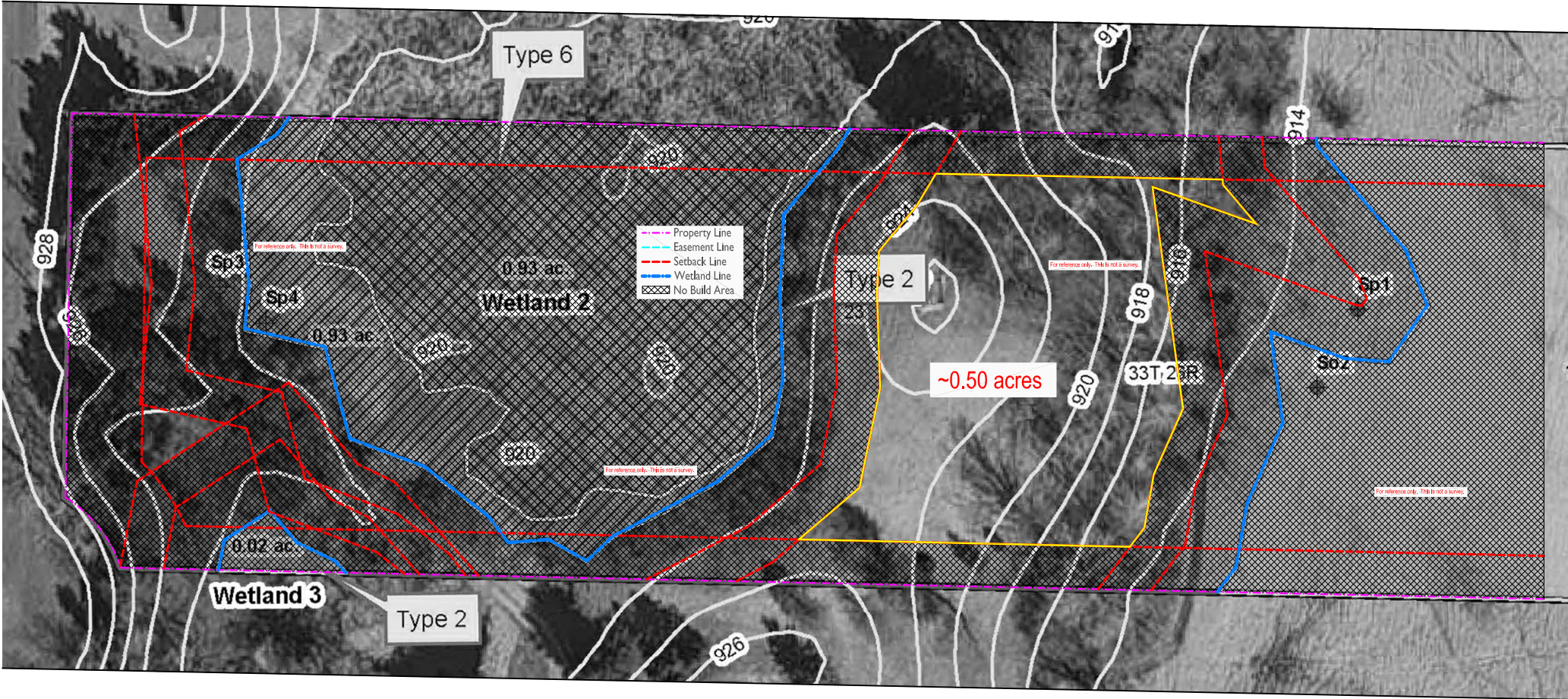
4.55 Acres

Lot 3

POLK STREET NW

15" HDPE







Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
May 28, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Required Apartment Parking, PID 75-00011-1204 - Duffy Development

Reviewed by:
Chris Leeseberg

Action Requested

Approve, by motion, a variance approving a reduction in the number of required parking stalls, a reduction to either 1.5:1 or 2:1:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of residential and the use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction.
5. The variance will not alter the essential character of the locality.

and;

with the following conditions:

1. The approval of the variance does not constitute final approval of the layout, building plans, or proposed use. The applicant must submit additional applications for all required land use, zoning, and building permit requirements.
2. Final site plans must include turning radii for fire trucks, garbage trucks, and delivery vehicles.
3. The city must approve a proof of parking agreement and it must be signed and recorded by the developer prior to issuance of a building permit.

Background/Discussion

The applicant, Duffy Development, has requested a parking variance to support their proposed 60-unit affordable senior housing project. The project is located on a vacant site adjacent to a previous project developed by the applicant, Coachman Ridge, and the parking lot for the Northstar commuter rail service.

The requested parking variance reduces the number of covered parking stalls from required 60 (one per dwelling unit) down to 40, and the total parking requirement from 150 (2.5 stalls per dwelling unit) down to 90. The submitted site plan includes proof of parking that would construct a total of 120 stalls or 2 stalls per

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dwelling unit. Senior housing generally includes smaller units and fewer 2-to-3-bedroom units. The smaller apartment units also result in a smaller building footprint, which does not allow enough space for below ground parking.

In addition to the typical justifications stated for a parking variance, the applicant has also noted that an approved variance will improve the competitiveness of their funding application to Minnesota Housing. A parking variance would reduce the cost of the development and allows the developer to claim points in the funding applications as “other contributions” from the city.

Consideration of the variance by the Board of Adjustments does not impact the required land use and zoning requirements that this project will also require. The applicant is seeking the variance ahead of those applications in an effort to receive financial support from the state and to support additional financial investment.

Applicable Regulation

Variations may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below. The applicant’s responses are noted in italics, while staff’s analysis follows.

The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and *Duffy Development owns and manages over 20 properties and more than 1000 units in the Minneapolis metro area, including 2 in Elk River (Coachman Ridge and the Depot). Most of our portfolio is geared towards family and offers a 2:1 parking ratio. We believe that the demographics of our existing portfolio has a greater need for parking than a senior development would. Because the 2:1 parking ratio at our other properties has been successful, we feel a 1.5:1 parking ratio would be more than sufficient to meet the parking needs of senior residents and their guests.*

The city has generally supported a reduction to the parking requirements for apartment projects from the ordinance requirement of 2.5:1 down to 2:1. The approvals have also required the developer to include covered parking at a 1:1 ratio, as is required under the city code. The applicant proposes a total of 40 covered stalls for the 60-unit building, and 50 surface stalls. The plan also includes 33 proof of parking stalls.

The current request provides parking at a ration of 1.5 stalls per residential unit and is 20 stalls short of the ordinance requirement for covered stalls. The board should consider the request but could require the developer to construct the proof of parking to establish a parking ratio of 2:1. The two scenarios require a variance, but 2:1 has been typical for these types of projects. The proposed use as a senior facility with just over half of the units shown as one-bedroom or studios typically would not require the same parking demand as a typical apartment project.

With the recommended conditions of approval, staff believes the request could be in harmony with the general purpose and intent of the ordinance.

2. Is consistent with the City of Elk River Comprehensive Plan.

The Comprehensive Plan identifies a need for more affordable senior housing. Granting this variance will make it more likely that we are able to obtain the necessary financing for building this development.

In addition to the goals for additional, and affordable, senior housing, the Comprehensive Plan guides the site for multifamily residential uses.

The requests will not alter the base use of the parcel as an apartment (multifamily) use and is consistent with the Comprehensive Plan.

Variations may be granted when the petitioner establishes that there are practical difficulties in complying with

the zoning ordinance. Practical difficulties means that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

This property will be used for developing an affordable senior housing project.

The proposed use as an affordable senior housing project is reasonable, and it is also reasonable to assume the parking demands for such a use will be less than what the ordinance currently requires.

4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction; and

The funding we are attempting to obtain is driven by a very competitive application process from Minnesota Housing. The scoring of that application is driven by several categories. One such category is "Other Contributions", which aims to find ways to reduce the cost of the development and allows the agency to use their resources more efficiently. The approval of this variance would both reduce the cost of the project and make it more viable, but would also make the funding application more competitive.

The funding plight is unique, and is not a result of the petitioners' own action or inaction. Regarding the parking numbers, the building design does not support a full 1:1 covered parking ratio, and the topography of the site does make a larger surface lot challenging.

5. The variance, if granted, will not alter the essential character of the locality.

Based on our experience, we do not think granting this variance would create parking issues in this neighborhood.

Many of the surrounding parcels have been developed as apartments and have been approved for parking reduction. The parking variance would not alter the essential character of the locality.

Financial Impact

None

Mission/Policy/Goal

Responsibly grow.

Support the growth and development of the community.

Meet changing needs - agile.

Attachments

1. Location Map
2. Applicant's Narrative
3. Site Layout and Parking Exhibit



Project Location Map

Duffy Development Variance

Case No: V 24-06



V 24-06 Narrative

The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed) and should explain your request in detail and how the five criteria are met in order to be granted a variance.

I am writing to provide a comprehensive explanation regarding our request for a parking variance for the proposed 60-unit affordable senior project. As we prepare to submit our application for funding from Minnesota Housing this summer, it is essential to articulate the necessity of this variance and how it directly contributes to the feasibility and competitiveness of our project.

Our project aims to address the critical need for affordable housing options for seniors in our community. However, complying with the existing code, which requires 2.5 stalls per unit and 1 covered stall per unit, presents significant challenges that could potentially jeopardize the viability of the development.

The primary reason for requesting the parking variance is rooted in the limitations imposed by the current code. Requiring 1 covered stall per unit would necessitate an underground garage larger than the building footprint, significantly increasing construction costs and rendering the project financially unfeasible. We are proposing 44 covered stalls and 76 surface stalls for a total of 120 parking spaces for the 60 units.

By requesting a variance to reduce the parking ratio to 2 stalls per unit and provide 44 covered stalls in total, we aim to strike a balance between compliance and practicality. This adjustment not only aligns with the needs of our target demographic but also ensures that the project remains economically viable.

Furthermore, obtaining approval for the parking variance would enhance the competitiveness of our funding application to Minnesota Housing. Granting a parking variance that would reduce the cost of the development would allow us to claim points in the applications "Other Contributions" category.

It is crucial to emphasize that the proposed parking variance does not compromise safety, accessibility, or the overall functionality of the development. We remain committed to adhering to all relevant regulations and standards while also prioritizing the needs of our future residents.

In conclusion, the approval of the parking variance is essential for advancing our mission of providing affordable housing for seniors. It directly contributes to the financial feasibility and competitiveness of our project, ultimately enabling us to better serve our community.

Thank you for considering our request. We are available to provide any additional information or clarification you may require and look forward to the opportunity to collaborate on this important initiative.

A variance may be granted by the board only if it finds that:

The variance is in harmony with the general purpose and intent of the ordinance

Duffy Development owns and manages over 20 properties and more than 1000 units in the Minneapolis metro area including 2 in Elk River (Coachman Ridge and the Depot). Most of our portfolio is geared towards family and offers a 2:1 parking ratio. We believe that the demographics of our existing portfolio has a greater need for parking than a senior development would. Because the 2:1 parking ratio at our other properties has been successful, we feel a 2:1 parking ratio would be more than sufficient to meet the parking needs for senior residents and their guests.

The variance is consistent with the City of Elk River Comprehensive Plan (discuss with city staff in needed)

The Comprehensive Plan identifies a need for more affordable senior housing. Granting this variance will make it more likely that we are able to obtain the necessary financing for building this development.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance

This property will be used for developing an affordable senior housing project.

The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and

The funding we are attempting to obtain is driven by a very competitive application process from Minnesota Housing. The scoring of that application is driven by several categories. One such category is "Other Contributions" which aims to find ways to reduce the cost of the development and allows the agency to use their resources more efficiently. The approval of this variance would both reduce the cost of the project and make it more viable, but would also make the funding application more competitive.

The variance, if granted, will not alter the essential character of the locality

Based on our experience, we do not think granting this variance would create parking issues in this neighborhood.



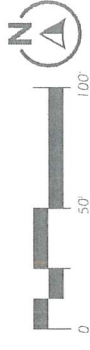
GROSS AREA - TOTAL	
Level	Area
Level 4	17,386 ft ²
Level 3	17,386 ft ²
Level 2	17,386 ft ²
Level 1	17,629 ft ²
Level -1	17,643 ft ²
Grand total	87,430 ft ²

PARKING		
Level	Type	Count
Level -1	Garage	37
Level -1	Garage ADA	3
Level 1	Surface Lot	48
Level 1	Surface Lot ADA	2
		90

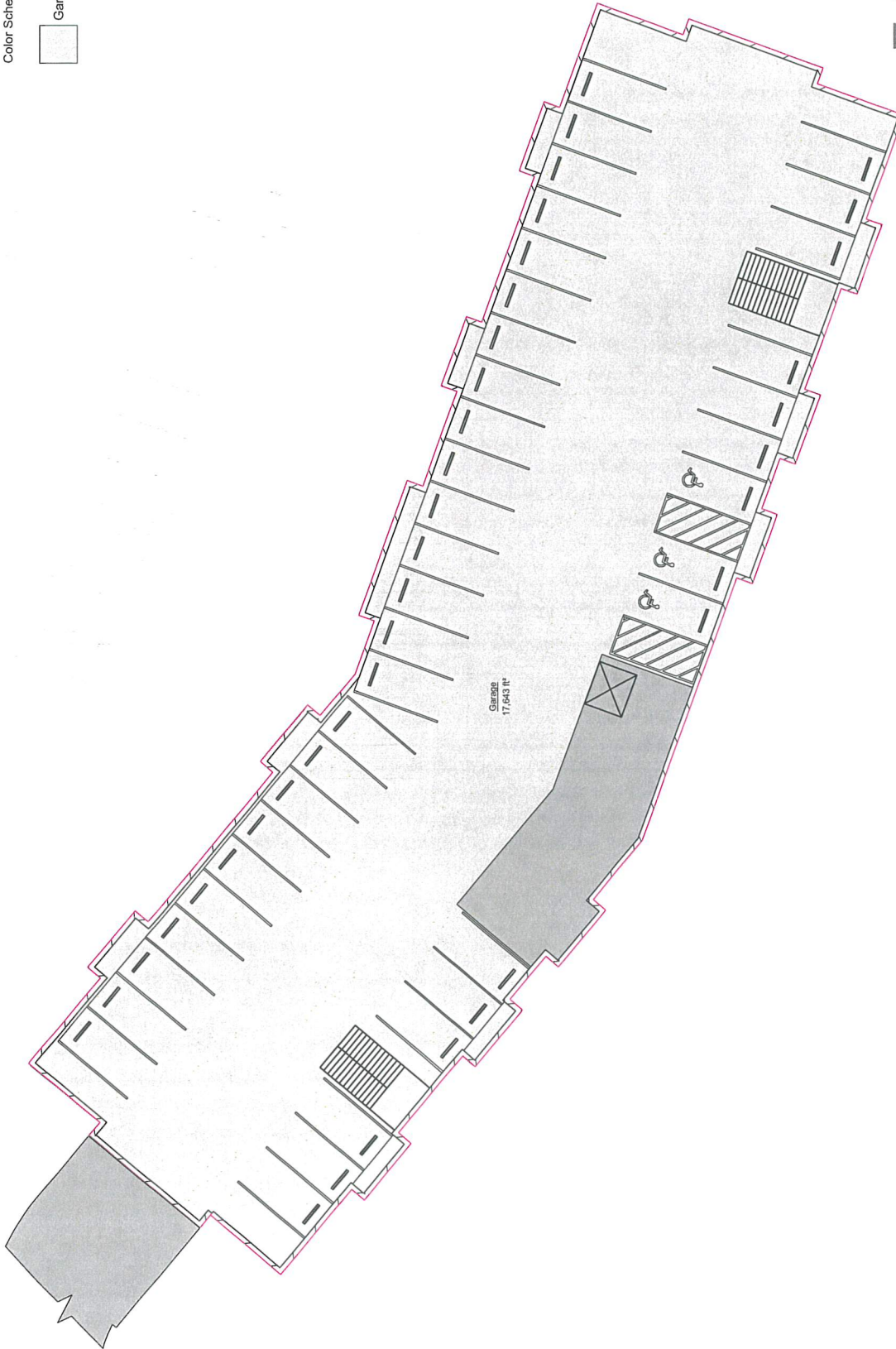
Level	Type	Count
Level 1	POP	33

UNIT MIX - GROSS AREA					
Name	Count	Main Floor	Unit Gross	Total Area	%
			Area		

0 BR (Studio)	12	600 ft ²	7,200 ft ²	7,200 ft ²	20%
1 BR	12			7,200 ft ²	20%
Unit 1-0	15	811 ft ²	12,158 ft ²	12,158 ft ²	25%
Unit 1-1	6	865 ft ²	5,187 ft ²	5,187 ft ²	10%
Unit 1-2	3	913 ft ²	2,739 ft ²	2,739 ft ²	5%
2BR	24			20,084 ft ²	40%
Unit 2-0	8	1,126 ft ²	9,004 ft ²	9,004 ft ²	13%
Unit 2-1	16	1,221 ft ²	19,538 ft ²	19,538 ft ²	27%
Grand total	60			28,542 ft ²	40%
				55,826 ft ²	100%



Color Scheme Legend



FLOOR PLAN - LEVEL -1

Twin Lakes Senior

kaas wilson architects

01/15/12



Request for Action

To
Board of Adjustments

Item Number
5.3

Meeting Date
May 28, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variances: Driveway Setback & Number of Trees,
17994 Zane Street NW- Les Schwab Tire Center

Reviewed by:
Zack Carlton

Action Requested
Staff is seeking two motions, one for each variance request.

Approve, by motion, a variance approving a reduced driveway setback as:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of residential and the use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner’s own action or inaction.
5. The variance will not alter the essential character of the locality.

and;

Approve, by motion, a variance approving reduced landscaping requirements as:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of residential and the use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner’s own action or inaction.
5. The variance will not alter the essential character of the locality.

Background/Discussion

The applicant is requesting two variances, one for the driveway setback and a second to reduce landscaping requirements (number of trees). The ordinance requires that driveways be setback 10 feet from the side property lines. The applicant is proposing a setback of 0.5 feet (6”) from the side property line. .

The only access to the property comes from an approximately 40-foot-wide frontage along Zane Street. The proposed driveway width ensures that emergency vehicles and delivery tractor trailers can access the

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property off Zane Street efficiently and safely within the property boundaries.

The landscaping requirements in the ordinance require 32 trees to be planted on the subject site. Due to a large easement, the applicant is proposing 14 trees. The 75-foot-wide transmission line easement located along the entire west side of the property, significantly limits the ability to plant trees in this location. Elk River Municipal Utilities also requires an easement along the east property line for long-term maintenance of public utilities. With the remaining available property, only 14 trees can be planted.

Applicable Regulations

Variances may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below.

The variance is:

- I. *Is in harmony with the general purpose and intent of the ordinance, and*

Driveway - The purpose and intent of the driveway setbacks is to provide adequate room for landscaping, stormwater, and snow storage. The adjacent parcel is currently being utilized for a billboard and should not be affected by the reduced setback.

Landscaping – The purpose and intent of the number of trees requirement is to establish/reestablish tree counts for sustainable urban development, helping with air quality, shade and cooling, and visual appeal.

- I. *Is consistent with the City of Elk River Comprehensive Plan.*

The property is guided for Highway Business uses. The highway business category primarily consists of a mix of auto-oriented retail and service businesses, restaurants, and community and regional-scale shopping centers. Highway business uses are located along Highway 169 and Highway 10 and have high visibility from these corridors. The use is consistent with the Comprehensive Plan.

Both variances are consistent with the Comprehensive Plan.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties mean that:

- I. *The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;*

Driveway - The driveway setback encroachment is a reasonable use of the property as it should not affect the neighboring property and provides efficient and safe access within the property boundaries.

Landscaping – The applicant is proposing the maximum number of trees the site can support, which is reasonable.

- I. *The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction; and*

The plights (limited frontage and easements) for both the driveway and landscaping are not a consequence of the petitioner's own action or inaction. The city approved the plat with these restraints.

- I. *The variance, if granted, will not alter the essential character of the locality.*

Driveway - The driveway setback variance will not alter the essential character of the locality. Several other properties in the development have shared access, creating zero setbacks.

Landscaping – While the total number of required trees will be less, this will not be distinguishable in the area.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

1. Location Map
2. Narrative
3. Driveway Exhibit
4. Landscape Exhibit



Project Location Map

Les Schwab Retail Tire Center

Conditional Use Permit Variance

Case No: CU 24-06, V 24-04





April 29, 2024

Chris Leeseberg, Senior Planner
City of Elk River
13065 Orono Parkway
Elk River, MN 55330

Re: Variance Request
Les Schwab Tire Center located at 17994 Zane Street SW, Elk River, MN 55330

Dear Mr. Leeseberg,

We are pleased to submit a variance request and administrative relief for a new Les Schwab Tire Center proposed at 1799 Zane Street SW in Elk River. The project scope includes construction of a new building and the associated site improvements required with new commercial development. The following information is collected and presented for review as responses to the five variance criteria listed in code.

PROJECT DESCRIPTION

The overall project consists of the construction of a 10,599 SF retail and service center building. The building is a linear prototype store and includes a retail showroom, pull through service canopy for large vehicles & trucks, 7-service bays, tire warehouse, and mezzanine storage. The building construction consists of concrete slab on grade, Precast exterior walls, steel roof framing with metal decking, and single-ply roofing. The height of the canopy is proposed to be 23 ft and will complement the 30 ft building height. The entire project is proposed to be constructed in a single phase.

The property is located off Zane Street, adjacent to the Tractor Supply retail store, a Home Depot and other retail and restaurant establishments. The property is located within the Urban Service boundary, zoned Highway Commercial (C3) and is guided by the Highway Business land use category and the Highway 10/169 Commercial Economic Development Character Area as defined in the 2021 City of Elk River Comprehensive Plan Update.

VARIANCES REQUESTED

1. Section 30-895 Driveway Setback 10 feet from property line
2. Section 30-934(a) Minimum Landscape requirements The number of trees on the lot, tract, or parcel shall not be less than three plus the perimeter of the described area as measured in feet divided by 40.

VARIANCE #1 SECTION 30-895 DRIVEWAY SETBACK 10 FEET FROM PROPERTY LINE

The proposed site design relies on a 35.84 ft driveway design, within a platted 38.8 foot frontage width, that is located 0.5 ft to back of curb from the property line on the north side of the driveway to allow for emergency vehicle and delivery vehicle access. There is no parallel parcel line on the south side of the driveway.

Approval Criteria: The variance is in harmony with the general purpose and intent of the ordinance.

The purpose of the driveway setback is to provide a safe and reliable property access without impacting neighboring properties and to provide area for utility placement and adequate snow storage. The proposed driveway location and driveway width ensures that emergency vehicles and delivery tractor trailers (WB-67) can access the property off Zane Street efficiently and safely within the property boundaries. Vehicles turning in and out of the proposed driveway have adequate space to access the driveway using industry turning radii standards. Further, the proposed property access location does not impact the existing property access to the north or prohibit efficient utility installation or adequate snow storage on the adjacent property. Utilities will be provided to the subject property in a manner compliant with design standards and snow storage will be accommodated entirely on site.

Approval Criteria: The variance is consistent with the City of Elk River comprehensive plan.

The approval of the driveway setback variance and the proposed driveway width will facilitate site conditions necessary for Les Schwab Tire Center to conduct normal business operations in an area of town planned for commercial activity. The property is located within the Urban Service boundary, zoned Highway Commercial (C3) and is guided by the Highway Business land use category and the Highway 10/169 Commercial Economic Development Character Area as defined in the 2021 City of Elk River Comprehensive Plan Update. Policies and recommendations for the Commercial Character areas are intended to strengthen and leverage unique economic opportunities in Elk River and support job creation and the enhanced delivery of goods and services in the city. The proposed location is an ideal site for the new Les Schwab Tire Center, with an approved variance and administrative relief, Les Schwab will join other national retailers, to provide service and shopping opportunities for community members.

Approval Criteria: Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Practical difficulties means that:

- (1) The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

The variance request for the driveway (35.84 ft wide) setback will facilitate the commercial use of the property. Commercial uses are permitted within the Highway Commercial district.

- (2) The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and

The project site has atypical parcel access to the existing roadway than typically seen in commercial centers. The parcel is located within a subdivision reviewed and approved by the City but with just under 38 ft of frontage along Zane Street, options for site design and access are limited. In fact, straight compliance with the 10ft driveway setback requirement is impossible and would also prevent the construction of a driveway designed to meet city standards or that provides an access necessary for commercial business.

- (3) The variance, if granted, will not alter the essential character of the locality.

An approved driveway setback variance and proposed driveway width will not alter the character of the locality. If approved, the variance will facilitate construction and development of an underutilized commercial parcel within City limits with a reputable retail and auto service business. Since opening the first store in Bend, Oregon, the Les Schwab Tire Center sets the standard for consistently exceptional customer service. Today, the business has grown to over 7,000+ employees and is a trusted name in the west. Les Schwab has established itself as a successful business and job producer across the west. The Elk River location is one of many proposed locations in Minnesota that Les Schwab is planning to build. The Elk River location will provide new opportunities for employment in Elk River and offer customers convenient automotive services and a new option for retail.

VARIANCE #2 SECTION 30-934(A) MINIMUM LANDSCAPE REQUIREMENTS THE NUMBER OF TREES ON THE LOT, TRACT, OR PARCEL SHALL NOT BE LESS THAN THREE PLUS THE PERIMETER OF THE DESCRIBED AREA AS MEASURED IN FEET DIVIDED BY 40.

The proposed site design relies on a landscape design that includes 9 trees instead of the required 32 due to the presence of a 75 foot Transmission Power Easement and a 10 foot Drainage and Utility Easement running along the south and west property lines.

Total Property Line Perimeter = 1,290 LF. (Code is 1 Tree per 40 LF) = 32 trees required

Total Property Line within Transmission Power Easement = 560 LF

Total Property Line withing Drainage & Utility Easement = 474 LF

Total Property Line outside of Easement = 256 LF = 6 trees + 3 trees (per code) = 9 trees

Approval Criteria: The variance is in harmony with the general purpose and intent of the ordinance.

A minimum tree requirement is typically established to promote aesthetically pleasing development, reduce impervious surfaces whenever possible, and encourage thoughtful landscape design. The subject property is encumbered with two utility easements which prohibit tree planting from occurring on 44% of the site. While

a reduction in trees is needed, the proposed project includes a professionally designed landscape plan created to align with the look and feel of parcels already developed in the area and otherwise comply with city requirements. The proposed landscape design is aesthetically pleasing using a variety of trees & shrubs and aligns with drainage design best practices.

Approval Criteria: The variance is consistent with the City of Elk River comprehensive plan.

The approval of a variance from a tree minimum will facilitate site conditions necessary for Les Schwab Tire Center to conduct normal business operations in an area of town planned for commercial activity. The property is located within the Urban Service boundary, zoned Highway Commercial (C3) and is guided by the Highway Business land use category and the Highway 10/169 Commercial Economic Development Character Area as defined in the 2021 City of Elk River Comprehensive Plan Update. Policies and recommendations for the Commercial Character areas are intended to strengthen and leverage unique economic opportunities in Elk River and support job creation and the enhanced delivery of goods and services in the city. The proposed location is an ideal site for the new Les Schwab Tire Center, with an approved variance Les Schwab will join other national retailers already in the area, to provide service and shopping opportunities for community members

Approval Criteria: Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Practical difficulties means that:

- (1) *The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;*

The variance request to reduce the total number of trees will facilitate the commercial use of the property. Commercial uses are permitted within the Highway Commercial district.

- (2) *The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and*

The subject property is unique in that it is encumbered 75 foot Transmission Power Easement and a 10 foot Drainage and Utility Easement. The easements effectively prohibit trees from being planted in 44% of the site. The Transmission Easement was in place at the time of the subdivision and the Utility and Drainage Easement is required in order to meet design standards and combined create a circumstance not typical to a commercial lot.

- (3) *The variance, if granted, will not alter the essential character of the locality.*

A variance from the minimum tree requirement will not alter the character of the locality. If approved, the variance will facilitate construction and development of an underutilized commercial parcel within City limits. Since opening the first store in Bend, Oregon, the Les

Schwab Tire Center sets the standard for consistently exceptional customer service. Today, the business has grown to over 7,000+ employees and is a trusted name in the west. With stores already in many Minnesota communities, Les Schwab has established itself as a successful business and job producer. The Elk River location will provide new opportunities for employment in Elk River and offer customers convenient automotive services and a new option for retail tires in a commercial part of town.

Thank you for considering our variance requests. Should you have any questions, please do not hesitate to contact me at 406.722.9129 or Ron Isackson at 406.922.7107.

Sincerely,

Nicole Olmstead

Nicole Olmstead, AICP
Planner

30.52



2.00



10' Setback Line



R10.00

35.84

R10.00

48.84

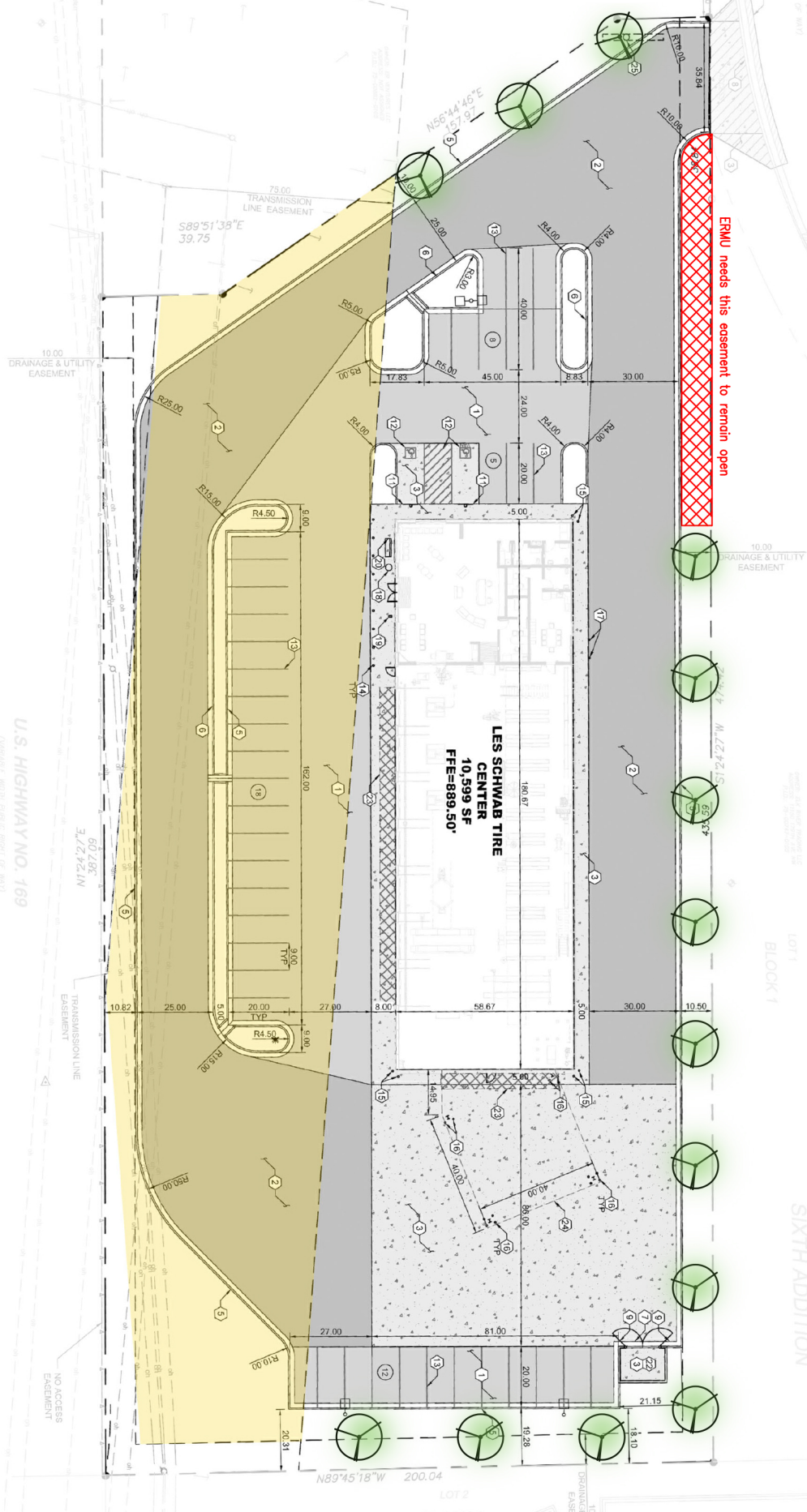
ACCESS



ELK RIVER CROSSING

SIXTH ADDITION

ERNU needs this easement to remain open



1 SITE PLAN

SCALE: 1" = 20'