



Board of Adjustments

Tuesday, July 23, 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 Minutes - June 25, 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: Parking Lot Setback, 16234 Jarvis St. NW - The Original Collins Brothers Auto, Truck & Towing

5.2 Variance: Parking Requirements, 16767 Gateway Road - Heritage Millwork

5.3 Variance: Building and Parking Setbacks, 414 Main St. NW - Ron Touchette, Rock Solid Companies

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, June 25, 2024**

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

Members Absent:

Staff Present: Community Development Director Zack Carlton 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 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Larson-Vito and seconded by Commissioner Johnson to approve the Board of Adjustments agenda for June 25, 2024. Motion Carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Rydberg and seconded by Commissioner Booth to approve the following consent items. Motion Carried 6-0.

4.1 Board of Adjustments - May 28, 2024

5. PUBLIC HEARINGS

5.1 Variance: Freestanding Sign Size (Height and Area), 18823 Freeport St. NW - Holiday Gas Station

Mr. Carlton presented the staff report. He stated staff is recommending the Board of Adjustments deny the sign size variance request as standards 1, 3, 4, and 5 have not been satisfied. If denied, this request will be heard by the City Council at the July 15, 2024, meeting.

Commissioner Mauren asked about the stipulation if a business was lower than the highway grade.

Mr. Carlton stated in this instance, the business is higher than the highway grade; therefore, sign height is capped at 40'. The applicant previously applied for a sign height request for an 80' sign.

Commissioner Johnson asked about the height of the Burger King and McDonald's signs.

Mr. Carlton stated both of those sign heights are approximately 50'.

Commissioner Mauren asked if this location was the only possible spot for the sign.

Mr. Carlton stated the north end near the curbing is possible, but there may be underground utilities.

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

Commissioner Johnson stated the Planning Commission spent a lot of time on reviewing the sign ordinance for this area and changed the ordinance to increase the sign height due to the changes in Highway 169. He felt the size of the sign was unreasonable and didn't align with the ordinance, proposing the height to match Burger King's sign height of 47'. He was not supportive of the sign area request, which he stated was more than double the ordinance.

Commissioner Booth agreed.

Commissioner Rydberg was comfortable capping the sign height at 50' but was not sure of the sign area.

Commissioner Booth asked what the ordinance requirements were for the sign area.

Mr. Carlton stated the sign area is limited to 150 square feet per face.

Moved by Commissioner Johnson and seconded by Commissioner Rydberg to approve a sign height variance of 50' above the adjacent grade of Highway 169 and deny the request for an increase in the sign area for Holiday Gas Station located at 18823 Freeport St. NW for the following reasons:

The following standards for approval of the height variance are satisfied:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of Highway Commercial and the proposal 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.**

The standards for denial of the sign area variance are not met for the following reasons:

- 1. The general purpose and intent of the ordinance is not met.**
- 2. Installing a sign that exceeds the commercial zoning district limits by 80% is not reasonable.**
- 3. The interchange at Highway 169 and School Street is not a unique circumstance to the property as a 150 square foot sign would still be visible.**

-
- 4. A sign that is 276 square feet would be the largest and tallest sign in the area and would alter the essential character of the area.**

Motion Carried 6-0.

- 6. MOTION TO ADJOURN REGULAR MEETING**
Moved by Commissioner Rydberg and seconded by Commissioner Booth to adjourn the Board of Adjustments meeting. Motion Carried 6-0.

The meeting adjourned at 6:49 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
July 23, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Variance: Parking Lot Setback, 16234 Jarvis St. NW -
The Original Collins Brothers Auto, Truck &
Towing

Reviewed by
Zack Carlton

Action Requested

Approve, by motion, the parking lot setback variance of 10-feet for the following reasons:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of industrial and the use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is otherwise 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. Conditional Use Permit (CU 24-12) shall be approved and recorded.
2. A 100% opaque fence shall be installed on the west property line the entire length of the outdoor storage area.
3. If the applicant wishes to construct the fence on the property line, written permission from the adjacent property owner to the west shall be obtained and provided to the city.

Background/Discussion

The 2.5-acre property is zoned I-3 (General Industrial), which requires parking lots and driveways to have a 10-foot setback from any property line. The applicant is requesting a variance for a zero-foot setback on the western property line to facilitate a back-to-back parking and storage design across both lots.

The parcel to the west had previously received approval for outdoor storage and has recently been acquired by a new owner. This owner plans to expand the outdoor storage, possibly with a similar variance request. The required 10-foot setback would leave a 20-foot wide space between outdoor storage areas, but approval of a variance may provide an opportunity to utilize otherwise vacant space.

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

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A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



described below. The variance is:

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

The purpose and intent of the parking setback is to provide buffer between properties to allow for things such as required landscaping and small utilities. It is not uncommon for non-residential lots to have shared access/parking across a lot line. The request is in harmony with the general purpose and intent.

2. Is consistent with the City of Elk River comprehensive plan.

The property is guided as Industrial where industrial businesses are expected to have driveways, parking, and outdoor storage. The proposal 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;

As it is not uncommon for non-residential lots to have share access/parking across a lot line the petitioner proposes to use the property in a reasonable manner. Staff have included conditions to include a 100% opaque fence along the property line. This will allow maximum usage of the property, while still providing a visual and physical barrier between uses.

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

4. 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 unique circumstance is that the subject property owner and the property owner to the west are actively working on their plans simultaneously. The proposals include outdoor storage on both lots and eliminating the setback between lots will provide two property owners with an opportunity to maximize their parcels.

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

If the variance is granted, it will not alter the essential character of the locale.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

1. Location Map
2. Site Plan



Project Location Map

Collins Brothers Towing

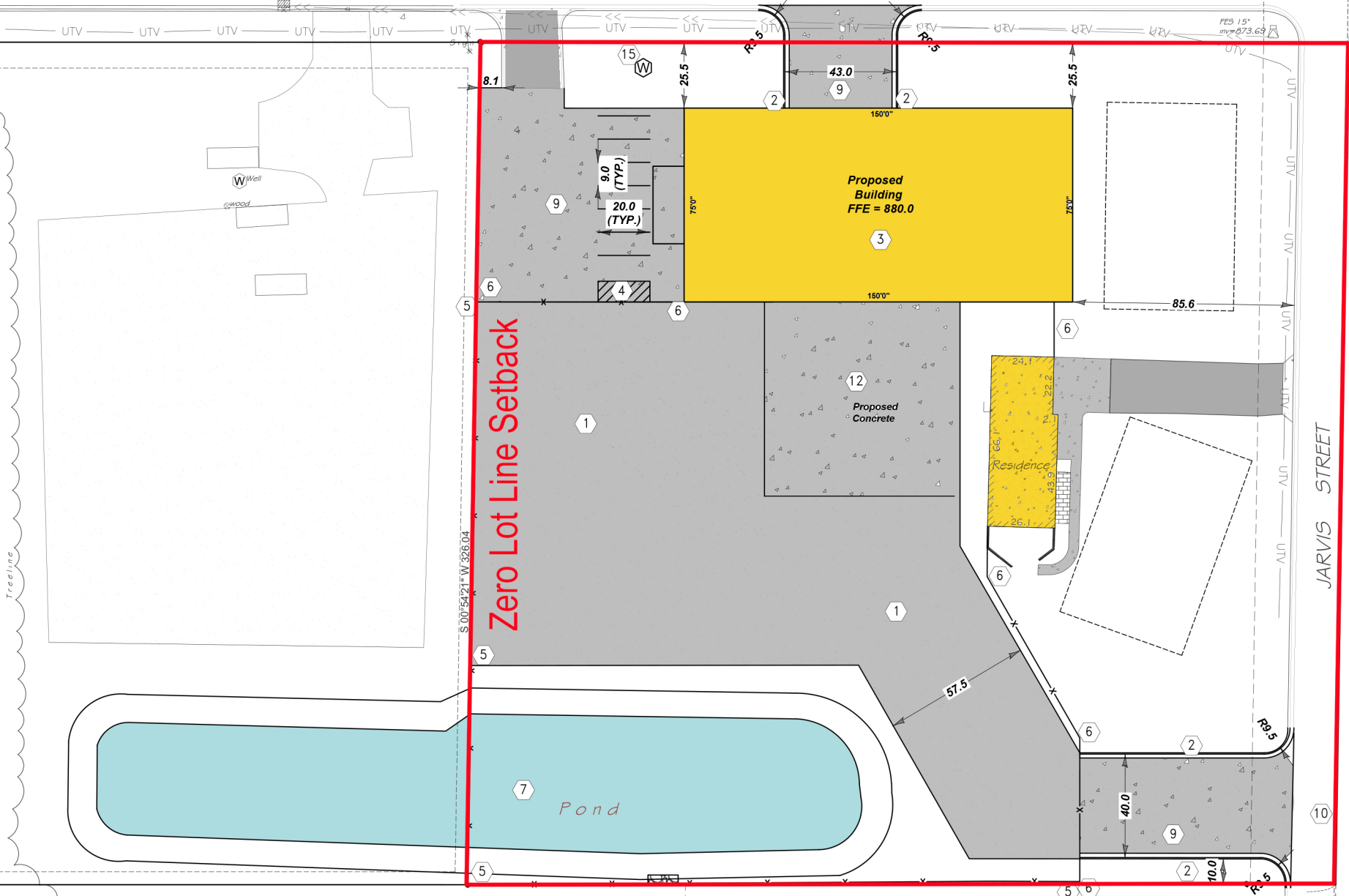
Conditional Use Permit
Variance

Case No: CU 24-12, V 24-10



Catch Basin
nm=875.02

Catch Basin
nm=875.09



Zero Lot Line Setback

JARVIS STREET



Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
July 23, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Parking Requirements, 16767 Gateway Road - Heritage Millwork

Reviewed by
Chris Leeseberg

Action Requested

Approve, by motion, the parking variance as the following standards are satisfied:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of Business Park 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 condition that the City Council must approve a proof of parking agreement.

Background/Discussion

The applicant is requesting a variance to reduce the number of required parking spaces for their new light manufacturing facility. The property is zoned BP (Business Park) and is approximately 14 acres in size. The proposed building is 113,000 square feet and includes office, manufacturing, and warehouse spaces.

City ordinances require 186 parking stalls for the facility, and the applicant proposes constructing 99 spaces (92 general spaces and 7 ADA). The site plan demonstrates the ability to meet the parking requirement and includes 87 proof of parking spaces.

The applicant states that based on current employment and anticipated visitors/guests, the full parking requirement is not necessary to support their operation. Their long-term plans include expansion opportunities, and additional parking will be constructed when those phases move forward.

Applicable Regulations

Variances 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. Appropriate staff responses are included when needed. The variance is:

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

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A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



The Civil Plan set shows that we meet the required 186 parking stalls with a combination of constructed parking stalls (99) and proof of parking spaces (87). Due to the standard operating procedures for this owner, they have determined that the 99 parking stalls that are shown exceed the needs of the business factoring in all employees, visitor and delivery traffic uses. Constructing only the 99 parking spaces allows the owner to preserve existing green space and provide extra landscaping features that would otherwise be taken up with unused impervious coverage.

The applicant proposes to construct what is required based on their current business practices. A light manufacturing facility does not experience large swings in customer or visitor parking, meaning that their parking needs are largely predictable. However, should this change, staff has included a condition requiring the applicant to enter into a proof of parking agreement with the city. This agreement will require the construction of additional stalls should parking become an issue in the future.

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 Civil Plan set also includes a future building site plan that shows the owner's future intentions with a building expansion in relation to the provided parking spaces. The proposed parking stalls and the proof of parking are shown to meet the needs of the expanded building without changing the layout and use of the originally proposed parking areas. The proof of parking spaces were laid out to show that future expansion or a change of ownership can activate these additional parking spaces if the need arises and still meets the City parking requirements for any related future use of this site.

The variance 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;

Allowing the proof of parking areas to remain green space reduces the amount of disturbed area for construction activity, it reduces the overall new impervious area of the proposed project and future building expansion project and reduces the contribution to the regional stormwater treatment areas built by the City for this site and its adjacent properties. This will contribute to reduced maintenance costs and scheduling for the stormwater treatment facilities as well as the owner's duties on-site.

As noted earlier, the parking needs of the site are relatively predictable and the applicant is confident that the proposed stalls will satisfy the needs of their operation. Should parking become an issue in the future, additional parking will be required as outlined in a proof of parking agreement.

The proposed variance is a reasonable use not permitted by 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; and

The owner has determined that the 99 parking stalls that are shown exceed the needs of the business factoring in all employees, visitor and delivery traffic uses. If they were to build out the entire 186 parking areas, this additional impervious area would largely go unused and create an unnecessary burden to the surrounding environment like increased heat island effect, increased stormwater runoff and sedimentation, and destruction/reduction of pollinator habitats.

The parking needs are unique and not a consequence of the petitioners' action.

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

If granted, the parking spaces will not be more than normal everyday options and will provide enough extra spaces for extra deliveries or visitors. The owner would also like to reduce their impact on the surrounding environment and reduce the overall construction and/or green space disturbance and impact the existing site a little as necessary.

The variance would not alter the essential character of the locality.

Financial Impact

None

Mission/Policy/Goal

Meet changing needs - agile.

Responsibly grow.

Support the growth and development of the community.

Attachments

1. Location Map
2. Applicant's Narrative
3. Site Plans



Project Location Map

Heritage Millwork

Variance

Case No: V 24-09



June 25, 2024

Zack Carlton
Community Development Director
City of Elk River
13065 Orono Parkway
Elk River, MN 55330

Dear Mr. Carlton,

Heritage Millwork is requesting a variance to the required number of parking stalls for the Warehouse/manufacturing use in the City Code. The requirement of one space for each 2,000 Sq Ft is greater than the one space for each two employees on the major shift. This results in a parking requirement of 186 stalls for the building. Heritage Millwork is proposing to meet this requirement through a combination of constructed stalls and future proof-of-parking stalls to be constructed as needed in the future. We are providing 2 plans, one is the proposed site plan showing constructed stalls and proof of parking for the current building, the second shows constructed and proof of parking for Heritage's proposed future expansion. Below is outlined how Heritage Millwork is proposing to meet each of the 5 factors of the variance request.

(b1) The variance is in harmony with the general purpose and intent of the ordinance.

Response: The Civil Plan set shows that we meet the required 186 parking stalls with a combination of constructed parking stalls (99) and proof of parking spaces (87). Due to the standard operating procedures for this owner, they have determined that the 99 parking stalls that are shown exceed the needs of the business factoring in all employees, visitor and delivery traffic uses. Constructing only the 99 parking spaces allows the owner to preserve existing green space and provide extra landscaping features that would otherwise be taken up with unused impervious coverage.

(b2) The variance is consistent with the City of Elk River comprehensive plan.

Response: The Civil Plan set also includes a future building site plan that shows the owner's future intentions with a building expansion in relation to the provided parking spaces. The proposed parking stalls and the proof of parking are shown to meet the needs of the expanded building without changing the layout and use of the originally proposed parking areas. The proof of parking spaces were laid out to show that future expansion or a change of ownership can activate these additional parking spaces if the need arises and still meets the City parking requirements for any related future use of this site.

(c1) The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

Response: Allowing the proof of parking areas to remain green space reduces the amount of disturbed area for construction activity, it reduces the overall new impervious area of the proposed project and future building expansion project and reduces the contribution to the regional stormwater treatment areas built by the City for this site and its adjacent properties. This will contribute to reduced maintenance costs and scheduling for the stormwater treatment facilities as well as the owner's duties on-site.

(c2) 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

Response: The owner has determined that the 99 parking stalls that are shown exceed the needs of the business factoring in all employees, visitor and delivery traffic uses. If they were to build out the entire 186 parking areas, this additional impervious area would largely go unused and create an unnecessary burden to the surrounding environment like increased heat island effect, increased stormwater runoff and sedimentation, and destruction/reduction of pollinator habitats.

(c3) The variance, if granted, will not alter the essential character of the locality.

Response: If granted, the parking spaces will not be more than normal everyday options and will provide enough extra spaces for extra deliveries or visitors. The owner would also like to reduce their impact on the surrounding environment and reduce the overall construction and/or green space disturbance and impact the existing site a little as necessary.

Should you have any questions or require additional information, please contact me at (952) 426-7400.

Sincerely,

MOHAGEN HANSEN

Architecture | Interiors

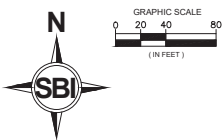


Neil Missling, AIA, NCARB

Associate

| NO. | DESCRIPTION | DATE |
|-----|-------------------|----------|
| 1 | ISSUED FOR PERMIT | 06/24/24 |
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PROJECT NUMBER: 240102
DRAWN BY: S.A.
CHECKED BY: S.A.
DATE: 06/20/2024
CONVERTED FROM: 3100 - SITE DWG



LEGEND

| | PROPOSED | EXISTING |
|--------------------------|----------|----------|
| PROPERTY LINE | --- | --- |
| LIMITS OF DISTURBANCE | --- | --- |
| BUILDING | --- | --- |
| CURB & GUTTER | --- | --- |
| SOIL BORINGS | + | + |
| FENCE | + | + |
| SIGN | + | + |
| LIGHT POLE | + | + |
| PARKING STALL COUNT | + | + |
| ADA PAVEMENT MARKING | + | + |
| STANDARD DUTY BITUMINOUS | --- | --- |
| HEAVY DUTY BITUMINOUS | --- | --- |
| CONCRETE SIDEWALK | --- | --- |
| CONCRETE PAVING | --- | --- |
| PATTERNED CONCRETE | --- | --- |

SITE DATA

| | |
|--|--------------------------|
| ZONING: BP, BUSINESS PARK | |
| PROPOSED LOT AREA | 612,311 SQ FT = 14.06 AC |
| EXISTING IMPERVIOUS AREA | 13,703 SQ FT = 0.31 AC |
| PROPOSED NEW IMPERVIOUS AREA (PHASE I) | 223,842 SQ FT = 5.20 AC |
| NET IMPERVIOUS CREATED (PHASE I) | 278,139 SQ FT = 6.39 AC |
| MAXIMUM HARDCOVER | 85% MAX. |
| TOTAL HARDCOVER AREA (PHASE I) | 48% |
| (IMPERVIOUS AREA/HA-8-AC) | |
| BUILDING FOOTPRINT AREA (PHASE I) | 113,000 SF |
| BUILDING HEIGHT PROPOSED: | SEE ARCH. PLANS |
| DISTURBED AREA: | 508,497 SQ FT = 11.70 AC |
| REQUIRED PARKING SPACES: | 186 SPACES |
| PROPOSED PARKING SPACES: | |
| 9' X 18' | 92 SPACES |
| PROOF OF PARKING | 87 SPACES |
| ADA | 7 SPACES |
| PROVIDED: | 186 SPACES |
| TRUCK LOADING SPACES: | |
| 14' X 7'5" LOADING DOCK SPACES | 16 SPACES |
| 14' X 7'5" TRUCK PARKING | 24 SPACES |
| PROOF OF TRUCK PARKING | 8 SPACES |
| PROVIDED: | 46 SPACES |
| BP SETBACK REQUIREMENTS: | |
| FRONT YARD SETBACK (WEST) | 30 FEET |
| SIDE YARD SETBACK (NORTH & SOUTH) | 25 FEET |
| REAR YARD SETBACK (EAST) | 20 FEET |

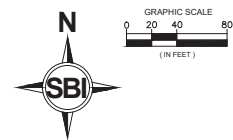
- KEYNOTES**
1. BITUMINOUS PAVEMENT - NORMAL DUTY (SEE DETAIL 1/C001)
 2. BITUMINOUS PAVEMENT - HEAVY DUTY (SEE DETAIL 1/C001)
 - 2.1. CONCRETE PAVEMENT - HEAVY DUTY (SEE DETAIL 2/C003)
 - 2.2. GRAVEL ACCESS PATH (SEE DETAIL 1/C001)
 3. BITUMINOUS PAVEMENT - MATCH IN KIND
 4. CONCRETE SIDEWALK (SEE DETAIL 3/C003)
 - 4.1. PATTERNED CONCRETE (SEE GEOMETRIC & PAVING NOTE 12.1 ON SHEET C001)
 5. CONCRETE STOOP (SEE ARCHITECTURAL PLANS)
 6. 6x6 CONCRETE CURB AND GUTTER (SEE DETAIL 200/C000)
 7. 28' SUSMOUNTABLE CONCRETE CURB AND GUTTER (SEE DETAIL 200/C000)
 8. FLUSH CONCRETE CURB (SEE DETAIL 3/C003)
 9. CONCRETE "V" GUTTER (SEE DETAIL 200/C000)
 10. TRANSITION FROM FLUSH CONCRETE CURB OR 4" CURB TO 6" CURB (SEE GRADING PLAN)
 11. CONCRETE CURB AND GUTTER - MATCH EXISTING
 12. ACCESSIBLE STALL STRIPPING (SEE DETAIL 3/C004)
 13. ACCESSIBLE RAMP (SEE DETAIL SHEET C001)
 14. 4" HIGH VISIBILITY SOLID WHITE PAINT (SEE "GENERAL NOTES & INFORMATION" SHEETS)
 15. RETAINING WALL
 16. LANDSCAPE AREA (SEE LANDSCAPE PLANS)
 17. CANOPY (SEE ARCHITECTURAL PLANS)
 18. TRANSFORMER (SEE ELECTRICAL PLANS FOR SIZE AND EXACT LOCATION)
 19. EQUIPMENT PADS (SEE ARCHITECTURAL & MEP PLANS FOR EQUIPMENT DESIGNATION & PLACEMENT)
 20. CONCRETE FIXED BOLLARD (SEE DETAIL 1/C004)

- NOTES**
1. CONTRACTOR SHALL REFER TO THE "GENERAL NOTES & INFORMATION" SHEETS PRIOR TO THE START OF CONSTRUCTION.
 2. REPLACE EXISTING AND PUBLIC BITUMINOUS PATH THAT IS HEAVED, CRACKED, DEGRADED, HOLDING WATER, AND/OR ASPHALT PATCHED TO THE NEAREST JOINT LINE.
 3. REPLACE EXISTING CONCRETE FEATURES (E.G., PAVEMENT, SIDEWALK, CURB AND GUTTER, ETC.) TO NEAREST JOINT LINE.

BENCHMARK(S) (BMs)

| BENCHMARK | ELEVATION | DATE |
|-----------|-------------------------|------|
| BM #1 | 896.70 FEET (NAVD 1988) | |
| BM #2 | 898.13 FEET (NAVD 1988) | |





LEGEND

| | PROPOSED | EXISTING |
|--------------------------|----------|----------|
| PROPERTY LINE | --- | --- |
| LIMITS OF DISTURBANCE | --- | --- |
| BUILDING | ▬▬▬ | ▬▬▬ |
| CURB & GUTTER | ▬▬▬ | ▬▬▬ |
| SOIL BORINGS | + | + |
| FENCE | —x—x— | + |
| SIGN | + | + |
| LIGHT POLE | ⊕ | ⊕ |
| PARKING STALL COUNT | ⊙ | ⊙ |
| ADA PAVEMENT MARKING | ♿ | |
| STANDARD DUTY BITUMINOUS | ▬▬▬ | ▬▬▬ |
| HEAVY DUTY BITUMINOUS | ▬▬▬ | ▬▬▬ |
| CONCRETE SIDEWALK | ▬▬▬ | ▬▬▬ |
| CONCRETE PAVING | ▬▬▬ | ▬▬▬ |

SITE DATA

ZONING: BP, BUSINESS PARK

| | |
|---|--------------------------|
| PROPOSED LOT AREA | 612,311 SQ FT = 14.06 AC |
| EXISTING IMPERVIOUS AREA | 12,793 SQ FT = 0.31 AC |
| PROPOSED NEW IMPERVIOUS AREA (PHASE II) | 325,508 SQ FT = 7.47 AC |
| NET IMPERVIOUS CREATED (PHASE II) | 311,805 SQ FT = 7.16 AC |
| MAXIMUM HARDCOVER | 85% MAX. |
| TOTAL HARDCOVER AREA (PHASE II) | 53% |
| (IMPERVIOUS AREA/14.06 AC) | |
| BUILDING FOOTPRINT AREA (PHASE II) | 153,000 SF |
| BUILDING HEIGHT PROPOSED: | SEE ARCH. PLANS |

BP SETBACK REQUIREMENTS:

| | |
|-----------------------------------|---------|
| FRONT YARD SETBACK (WEST) | 30 FEET |
| SIDE YARD SETBACK (NORTH & SOUTH) | 25 FEET |
| REAR YARD SETBACK (EAST) | 20 FEET |

NOTES

1. SEE "GENERAL NOTES & INFORMATION" SHEETS AND SHEET C300 FOR GENERAL SITE CONSTRUCTION NOTES.

BENCHMARK(S) (BMs)

BM# 1 TOP NUT HYDRANT ON THE WEST SIDE OF POLK STREET NW, 285 FEET SOUTHERLY OF THE NORTHWESTERLY PROPERTY CORNER OF SUBJECT PROPERTY. ELEVATION: 896.70 FEET (NAVD 1988)

BM# 2 TOP NUT HYDRANT ON THE WEST SIDE OF POLK STREET NW, 120 FEET SOUTHERLY OF THE SOUTHWESTERLY PROPERTY CORNER OF SUBJECT PROPERTY. ELEVATION: 898.13 FEET (NAVD 1988)



1000 Twelve Oaks Center Drive
Suite 200, Wayzata, MN 55391
T: 952-426-7400
F: 952-426-7440

MohagenHansen.com

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature
DATE: 06/21/2024 REG. NO. 54265



BUILDING PERMIT SET

HERITAGE MILLWORK

16767 GATEWAY ROAD
ELK RIVER, MN 55330

| NO. | DESCRIPTION | DATE |
|-----|-------------|----------|
| 01 | CDD BY | 04/24/24 |
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PROJECT NUMBER: 240102
DRAWN BY: S.A.
CHECKED BY: S.A.
DATE: 05/03/2024
CONVERTED/DIRECTOR: C300 - SITE.DWG

FUTURE CIVIL SITE PLAN

C302



Request for Action

To
Board of Adjustments

Item Number
5.3

Meeting Date
July 23, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Building and Parking Setbacks, 414 Main St.
NW - Ron Touchette, Rock Solid Companies

Reviewed by
Chris Leeseberg

Action Requested

Approve, by motion, the setback variances as the following standards are satisfied:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use of Mixed Use and the proposal 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 condition that the applicant dedicate a 10-foot drainage and utility easement along Main Street.

Background/Discussion

The applicant is requesting a variance to reduce the required front and side-yard setbacks in support of a proposed out-patient medical facility. The site is approximately 0.64 acres and located within the C2 (Office District). The current plan includes a 6,000 SF building and a 30-stall parking lot. The site abuts a commercial office space to the east (this site received a parking variance in the past – placing the parking lot within 1-foot of the property line), single-family homes to the north, and vacant/ developable property to the east.

City code requires a building front and side-yard setbacks of 15-feet, and a parking lot setback of 10-feet. The applicant proposes reducing the front and side-yard setbacks to 10-feet, and the parking setback to 1-foot for a parking bump-out on the east and 2.2-feet for the parking area on the west side.

The applicant states that the reduced setbacks will support development of small property by allowing them to fit the required improvements (structure, parking, stormwater, etc.) on the lot. Additionally, the reduced parking setback on the west side will help facilitate future development which will included shared access, parking, and drive aisles.

Finally, this site is within the parameters of the Downtown Small Area Plan. The design of Main Street and the uses along it are a key component of the plan. The vision includes an upgraded urban corridor with an inviting

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



streetscape to support and redevelop businesses in the area.

Applicable Regulations

Variances 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. Appropriate staff responses are included when needed. The variance is:

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

The ordinance intent is to foster the steady and opportunistic highest and best use of the area for a commercial corridor AND influenced by the desire to extend the urban landscape feel and usability of the area from downtown Elk River to the, about to be finished Highway 169 infrastructure. Maximizing and balancing the use, potential, and community service & support goal of attracting community centric users in the corridor.

The reduced setbacks support development of the site. The proposed 10-foot setback in the front yard provides adequate space for existing utilities to be moved underground, improving the visual appearance of the corridor. Dedication of an easement to support this work has been included in the recommendation of approval.

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.

City is currently in the process of establishing and defining an urban landscape identity and updated plan for the Main St. corridor. This variance aligns with the early high level perceived parameters and scope of the yet to be investigated and refined plan in the future.

Standalone commercial uses are permitted within the existing Mixed Use land use category.

The variance 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;

This will help maximize the redevelopment potential of the Main and Gates area consistent with the HRA's previously articulated vision for the area. The prior use as aged and deteriorated residential stock set back from the street and the remnants of same is not consistent with the main street corridor desire of the area.

The adjacent parcel has received a variance to support development on the smaller parcels located in this area of Elk River, and the request is consistent with similar uses in the area.

The proposed variance is a reasonable use not permitted by 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; and

The scope of the redevelopment area that the HRA was able to gather together with the current resources and acquisition opportunity is unique and challenging due to the desire to retain the surrounding uses and property owners in a meaningful, coexistent, and cooperative environment. The fostering and provision for redevelopment, while still retaining the characteristics and opportunities historically enjoyed by the areas neighboring ongoing concerns and property owners, is a critical as well as fiduciary responsibility for stakeholders involved.

The site boundaries are established and fitting a new use into an area that had historically been dedicated to

different uses sometimes requires variances to support redevelopment.

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

The main street "flavor and character" is enhanced by standardizing the corridor with a more urbanscape, people and property centric, as opposed to front facing parking lots suburban traditions, style. This will foster the actual usability of the extended downtown commercial corridor all the way to Highway 169.

The variance would not alter the essential character of the locality.

Financial Impact

None

Mission/Policy/Goal

Meet changing needs - agile.

Support the growth and development of the community.

Attachments

1. Location Map
2. Applicant's Narrative
3. Site Plan dated July 18, 2024



Project Location Map

Touchette
Variance

Case No: V 24-11



V 24-11 Narrative

Medical on Main is a prospective 6,000 initial phase I project for the "Main & Gates" redevelopment area. This phase will contain a medical type user, (currently existing in the community), and ensure that the user remains an integral part of the Elk River community. The variance request simply moves the building forward toward the street and anticipated future pedestrian amenities and the side yard setback property lines in order to maximize the urbanscape nature of the area into the future. Additionally, it aligns with what is anticipated for the future continuation of the redevelopment throughout the balance of the area as the steady measured process of redevelopment continues and works its way forward.

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

The ordinance intent is to foster the steady and opportunistic highest and best use of the area for a commercial corridor AND influenced by the desire to extend the urbanscape feel and usability of the area from downtown Elk River to the, about to be finished Highway 169 infrastructure. Maximizing and balancing the use, potential, and community service & support goal of attracting community centric users in the corridor.

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

City is currently in the process of establishing and defining an urbanscape identity and updated plan for the Main St. corridor. This variance aligns with the early high level perceived parameters and scope of the yet to be investigated and refined plan in the future.

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

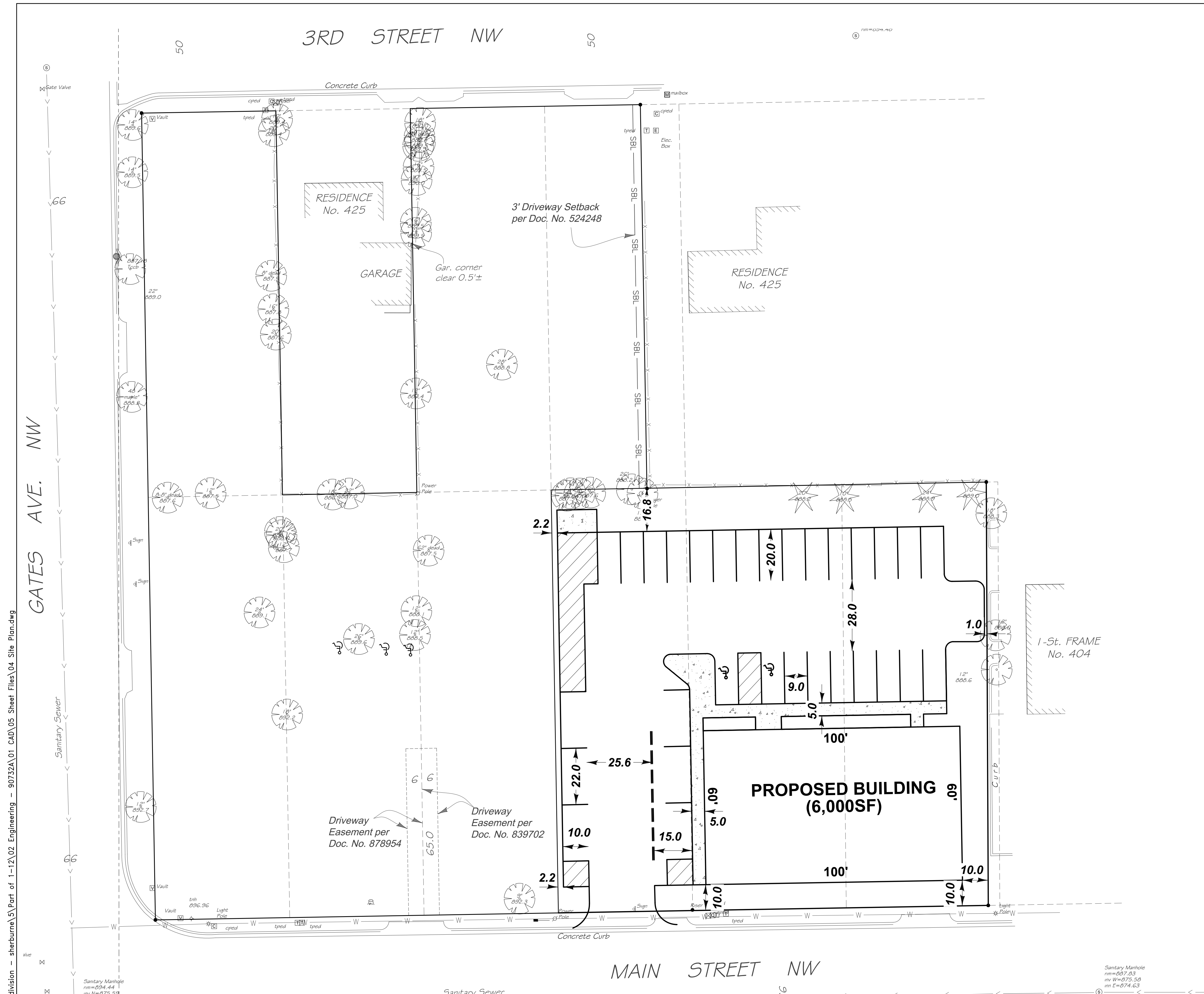
This will help maximize the redevelopment potential of the Main and Gates area consistent with the HRA's previously articulated vision for the area. The prior use as aged and deteriorated residential stock set back from the street and the remnants of same is not consistent with the main street corridor desire of the area.

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

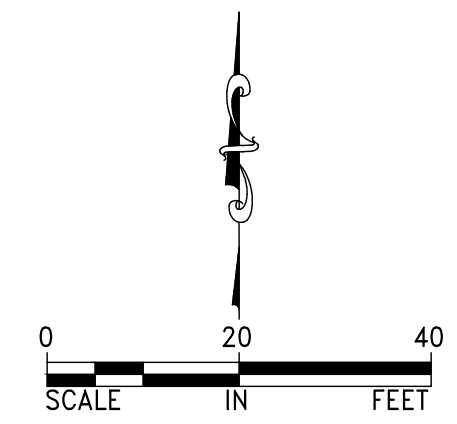
The scope of the redevelopment area that the HRA was able to gather together with the current resources and acquisition opportunity is unique and challenging due to the desire to retain the surrounding uses and property owners in a meaningful, coexistent, and cooperative environment. The fostering and provision for redevelopment, while still retaining the characteristics and opportunities historically enjoyed by the areas neighboring ongoing concerns and property owners, is a critical as well as fiduciary responsibility for stakeholders involved.

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

The main street "flavor and character" is enhanced by standardizing the corridor with a more urbanscape, people and property centric, as opposed to front facing parking lots suburban traditions, style. This will foster the actual usability of the extended downtown commercial corridor all the way to Highway 169.



PROPOSED SITE DATA:
 LOT AREA = 0.64 ACRES
 PROPOSED IMPERVIOUS AREA = 0.50 ACRES (78.3%)
 PROPOSED GREENSPACE AREA = 0.14 ACRES (21.7%)
 BUILDING COVERAGE = 6,000 SF (21.5%)
 PROPOSED PARKING STALLS = 30 (INCLUDES 2 HANDICAP)



DESIGNED BY:
JAP
 DRAWN BY:
ABL
 CHECKED BY:
GRP

| NO. | REVISIONS |
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| | |
| | |
| | |

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MEDICAL ON MAIN

6,000 SF BUILDING
 30 PARKING STALLS

CONCEPT PLAN

PROJECT: 90640
 SHEET NO.