

CRYSTAL PLANNING COMMISSION AGENDA

Monday, December 9, 2013 at 7:00 p.m.

Council Chambers, Crystal City Hall

Commissioners, please call 763.531.1142 or email john.sutter@crystalmn.gov if unable to attend

* *Items for which supporting materials are included in the meeting packet*

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at _____ p.m. with the following members present:

<input type="checkbox"/> Commissioner (Ward 1) Sears [Vice Chair]	<input type="checkbox"/> Commissioner (Ward 2) Kolb	<input type="checkbox"/> Commissioner (Ward 4) Richter
<input type="checkbox"/> Commissioner (Ward 1) Heigel	<input type="checkbox"/> Commissioner (Ward 3) VonRueden [Chair]	<input type="checkbox"/> Commissioner (Ward 4) Johnson
<input type="checkbox"/> Commissioner (Ward 2) Erickson	<input type="checkbox"/> Commissioner (Ward 3) Buck [Secretary]	<input type="checkbox"/> Commissioner (At-Large) Strand

B. APPROVAL OF MINUTES *

Moved by _____ and seconded by _____ to approve the minutes of the November 12, 2013 regular meeting with the following exceptions:

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2013-15 for a Conditional Use Permit and setback variance for Christina's Child Care Center at 5510 West Broadway including an outdoor play area along Sherburne Avenue *

Staff presented the following:

The following were heard:

Planning Commission discussion:

Moved by _____ and seconded by _____ to
(recommend approval) (recommend denial) (continue consideration) of
Application 2013-15 for a Conditional Use Permit and setback variance for
Christina's Child Care Center at 5510 West Broadway including an outdoor play
area along Sherburne Avenue.

Motion carried.

2. Consider Application 2013-16 for setback variances to allow expansion of an existing house and detached garage at 4952 Quail Avenue North *

Staff presented the following:

The following were heard:

Planning Commission discussion:

Part A (house): Moved by _____ and seconded by _____ to (recommend approval) (recommend denial) (continue consideration) of Application 2013-16, in part, for a setback variance to allow expansion of an existing house at 4952 Quail Avenue North.

Motion carried.

Part B (garage): Moved by _____ and seconded by _____ to (recommend approval) (recommend denial) (continue consideration) of Application 2013-16, in part, for setback variances to allow expansion of an existing detached garage at 4952 Quail Avenue North.

Motion carried.

D. GENERAL INFORMATION

1. Letter sent to Metropolitan Council regarding the 2040 forecast *
2. City Council action on previous Planning Commission items:
 - Adopted an ordinance rezoning Crystal Gallery Mall to C-2 Planned Development for a new building, de-malling and parking lot improvements
 - Approved a CUP for an 8' tall fence at 7200 56th Avenue North
 - Adopted an ordinance allowing multicolor electronic signs
3. Staff preview of likely agenda items for Monday, January 13 meeting (annual organizational meeting)

E. OPEN FORUM

F. ADJOURNMENT

Moved by _____ and seconded by _____ to adjourn.

Motion carried.

The meeting adjourned at _____ p.m.

CRYSTAL PLANNING COMMISSION MINUTES

Tuesday, November 12, 2013 at 7:00 p.m.

Council Chambers, Crystal City Hall

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7:00 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Vice Chair]	X Commissioner (Ward 2) Kolb	X Commissioner (Ward 4) Richter
X Commissioner (Ward 1) Heigel	X Commissioner (Ward 3) VonRueden [Chair]	X Commissioner (Ward 4) Johnson
X Commissioner (Ward 2) Erickson (7:02 p.m.)	X Commissioner (Ward 3) Buck [Secretary]	X Commissioner (At- Large) Strand

Also attending were staff members John Sutter and Gail Van Krevelen and Council Liaison Casey Peak.

B. APPROVAL OF MINUTES

Moved by Commissioner Sears and seconded by Commissioner Buck to approve the minutes of the October 14, 2013 regular meeting with no exceptions.

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2013-13 for a Conditional Use Permit to allow an 8 foot fence at 7200 56th Avenue North (MD Liquors)*

Staff presented the following:

Mr. Sutter stated that the subject property is zoned C-1, Neighborhood Commercial. The property owner wants to install a fence along most of the west and north lot lines. The fence will start 30' back from the lot lines along the streets, provide better screening, and the light levels will not exceed the ordinance at the lot line. Mr. Sutter also said that requiring the nice side of the fence to face out should be part of the approval process, as it is the standard practice in fence construction.

The following were heard:

Gary Yanish, 17400 12th Ave N, Plymouth, MN 55447, spoke before the commission. He and his son own the properties located at 5600 & 5608 Nevada Ave N. He questioned whether the property owner was going to use the metal posts currently on the site and whether the fence would be one-sided or two-sided. Mr. Sutter stated that he was surprised the posts weren't down yet and that can be added as a condition. Mr. Yanish asked if the owner was aware that the city would require the good side of the fence to be towards the neighbors. Mr. Sutter said that the owner had been sent the staff reports and had not indicated a problem with it. Mr Yanish also asked when the fence was going to be built. Mr. Sutter stated that it would go to the council for approval on Tuesday, November 19, and presumably he would start it the next day if he wishes to.

Planning Commission discussion:

Commissioner Kolb asked why there would be a 30' setback required from the lot lines along streets. Mr. Sutter responded that it's for both safety and aesthetic reasons. It's so there isn't a structure sticking out by houses, it would look like a wall and be out of place. Also, it would block visibility from neighboring properties and cause security and safety concerns.

Moved by Commissioner Buck and seconded by Commissioner Kolb to recommend approval of Application 2013-13 for a Conditional Use Permit to allow an 8 foot fence at 7200 56th Avenue North (MD Liquors) subject to the findings of fact and with the following conditions: the old fence posts must be removed or covered and the good side of the new fence faces the neighbors.

Motion carried.

2. Consider Application 2013-14 to amend City Code Section 405 to allow multicolor electronic signs

Staff presented the following:

Mr. Sutter said that this change was requested by the same property owner as the fence, but it's not specific to the subject property, it's a change to the code for the entire city. Currently Crystal does not allow electronic signs of more than one color. Mr. Sutter also mentioned that the stated purpose was to avoid putting paper banners in the window, but even if the sign is approved, this would not prevent the property owner from also using paper banners inside the building.

Staff looked at what adjacent cities to Crystal allowed. Other cities do allow multicolor signs; Crystal is unique in not allowing them however there are other areas where Crystal is less restrictive.

Staff is recommending allowing electronic signs but requiring the duration be a minimum of 2 minute image length so it's not a distraction to motorists.

LED signs are much brighter to grab attention, and there are valid traffic safety reasons to treat them differently than the single color signs. There are currently no brightness limits because the single color signs are not that bright. LED's can be programmed to be like a giant TV, and staff would recommend these signs have the same maximum light level standard for electronic signs as parking lot lights in terms of limiting it any residential property line and the center line of any adjacent street. Mr. Sutter recommended prohibiting animation, the same as the surrounding cities, for traffic safety reasons.

The following were heard:

Nobody was heard.

Planning Commission discussion:

Commissioner Heigel said he noticed no setbacks were required. Mr. Sutter stated that the normal setbacks on height will apply and no part of sign can be within 10' of any lot line or more than 25' high. Commissioner Heigel also stated he likes New Hope's code requiring 30' from residential buildings and we have none. We have residential properties bordering on 2 sides where it is proposed to be located on the property and he wondered if it may cause interference to residents.

Mr. Sutter stated the sign is limited by light levels at the lot line. He also said that this was not included because in most cases any residential use, because of the setbacks for that building, is going to be well more than 30' anyway. He doesn't think there would be any real harm to put setbacks in, but he thought it wouldn't come up very often.

Commissioner Heigel questioned why it needs to be 50 square feet. He brought up an example of signage by Hwy 100 and Normandale Blvd and that it creates a safety hazard because drivers are watching the sign.

Mr. Sutter stated that the 50 square feet is small enough, it's a maximum size and can't be bigger than that. We no longer allow off-premises signs. The billboards currently in Crystal are grandfathered in. In some cities, the concern is with the billboards. He said that would not happen with multicolor signs, the 50 square feet requirement keeps it at scale. The current code for single color signs is also 50 square feet. He also said the signs are usually located out closer to the road.

Commissioner Kolb commented that one of the things that drive him crazy is unnecessary regulation. He questioned if the decision to prohibit animation was being based on a study and said things spread from city to city, and it's not necessarily based on fact. Mr. Sutter replied that there is no study he could cite,

but that it's common sense, you can program these new signs as giant TV's, and that any type of moving image is a bad idea.

Commissioner Strand said she's not sure if it's a study, but one of the news channels had a segment on billboards and what a distraction they were.

Commissioner Sears stated that the light on those signs are very different, it's very piercing. It's a different kind of intensity, and he feels there should be more of a comparison between types of lights for signs, and he would push for no more than 50 square feet and images with a longer duration.

Commissioner Kolb said he feels the opposite on duration and would like less regulation instead of more.

Mr. Sutter said the light levels in terms of intensity would have the same limit as parking lot lights and where these are different is in the changing message. He also mentioned that when this was first looked at, there was some staff discussion that if it was adjacent to residential properties, maybe it should be a conditional use, but that adds additional fees, delays and requires a public hearing. It might be a good idea to have a conditional use permit process so the neighbors who will be affected have a chance to provide input, but these rules were set up so they would not have to go through this process and no matter where the sign is located, the light level and image changing could be tolerable.

Mr. Sutter also stated that none of the other cities require special approval except for certain instances in Brooklyn Center. He also said if the commissioners have more questions or are not comfortable making this decision without more information to not feel they have to act tonight.

Commissioner VonRueden questioned how to judge the brightness of the sign and whether there are any around that meets these standards to look at. Mr. Sutter said that across the road is a dental office with a bright LED sign that has a fair amount of animation. He said the commissioners would be able to see what it looks like in terms of brightness and animation, and that the signs are very common in a number of suburbs in the commercial areas.

Commissioner Sears questioned the size of the sign at the dental office. Mr. Sutter said he wasn't sure about the size of the sign, but that what he noticed is the brightness, it's a very different type of sign from what has been allowed in Crystal. He also said if commissioners wished to check out signs in other suburbs, Brooklyn Park is an obvious choice.

Commissioner VonRueden commented that New Hope is the only suburb with brightness the same as ours. Mr. Sutter said that if the commissioners would like, he can check the specs with New Hope.

Commissioner Heigel asked whether any other businesses had expressed interest in these signs. Mr. Sutter said it usually comes up once or twice a year.

Commissioner Erickson said that looking at the number of commercial properties, she wondered how many businesses that may put up these types of signs butt up to residential properties. Mr. Sutter said that's going to come up at the edges of neighborhoods, and mentioned Herzing University has one and Thriftway had one previously, although those were single color.

Commissioner Erickson also said wondered how much illumination went into the surrounding properties. Mr. Sutter said that if someone buys a house near a commercial property there has to be some expectation of impact. On the other hand, changing the ordinance to allow this new technology which is much brighter, also has to be part of the consideration.

Commissioner Kolb stated that in any case, the amount of light with the new signage is equal to the amount allowed for parking lot lighting today so there really is no impact. He also mentioned that the new signage is aesthetically pleasing.

Commissioner VonRueden commented that parking lot lights are directed down, not pointed at residents.

Mr. Sutter said that these signs are usually angled down the street.

Commissioner Sears said that parking lot lights are 8" square and this would be a 50' sign so there's a difference it's more intense. Mr. Sutter said that is correct but that a commercial parking lot would likely have multiple lights. Commissioner Sears said that they would be spread out and they're absorbed, this is a high intensity square area of light. It's a 50 foot square lightbulb.

Commissioner Richter asked how tall the signs can be. Mr. Sutter said 25' for freestanding signs measured from the center line of the adjacent street and stated that typically the logo is up higher with the reader in the middle.

Commissioner Johnson asked if they were limited to one electronic sign per property. After some discussion it was determined that they were limited to one per property.

Commissioner Heigel stated that he wants to have a CUP process and adopting code to accommodate the things brought up tonight like lighting intensity and height. He said that he feels these things need to be included.

Commissioner VonRueden said that this is nothing more than what is already allowed; this is just an option for color.

Commissioner Erickson asked if we knew where the 7200 56th property owner plans to put the sign. Mr. Sutter said no, they have not submitted a permit application for that but there is a 10' setback from any lot.

Commissioner Strand commented that the property owner can put the sign up right now, he's just asking for color.

Commissioner Erickson said she's not necessarily opposed to it but there could be a lot of unique situations and doesn't feel comfortable with a blanket approval.

Commissioner Kolb questioned what the permit process was and thought it would take care of some basic concerns. Mr. Sutter said it needs to meet the requirements of the ordinance, if so, staff must issue the permit regardless of neighborhood comment.

Commissioner Kolb said that since staff reviewed prior to presenting it to the commission, he's assuming there is no risk based on current process. Mr. Sutter said his first thought was it should be a conditional use but no surrounding cities require that and they also have commercial and residential areas that are adjacent. He added that Crystal is unique in that it's overwhelmingly single family, owner occupied residential properties and there is a case that could be made that there's more potential for problems, and it isn't that it would be a bad idea to require a CUP if there are residential properties nearby, it's just that no other cities required that. Mr. Sutter said he felt this would be a starting point for discussion for the commissioners.

Commissioner Richter said that he never noticed the dental office sign and he doesn't know that he sees a big run on multicolor signs. He felt that if they would had wanted a sign they would have one already, and he doesn't have a problem amending the code.

Commissioner Strand stated that we have no limitation on brightness and this would be adding some limitations with the color and she has no problem with it either.

Commissioner Sears said that these signs are sending an image through the airwaves. In old road signs, the light shines on the sign, with these, the sign is a light shining out of a sign, that's the difference.

Mr. Sutter said that New Hope does have light limitation at one foot from the sign face, no more than 500 lumens per square meter. He said he can go further afield and look at other suburbs to see if they have other limitations. There's no harm to put more time into it if the commission wants more information.

Commissioner Sears said that the property owner who requested the fence, the building light intensity is just as bright at 10' as our ordinance says not to be the light intensity to exceed at street center line. He said to look at the intensity of one of the lights and see how bright it is.

Moved by Commissioner Kolb and seconded by Commissioner Buck to recommend approval of Application 2013-14 to amend City Code Section 405 to allow multicolor electronic signs. Voting nay: Sears, Heigel and Erickson and voting aye: Kolb, VonRueden, Buck, Richter, Johnson and Strand.

Motion carried 6 – 3.

D. OLD BUSINESS

1. Update on Metropolitan Council's preliminary 2040 forecasts

Mr. Sutter said that the workshop was good, he felt the tech was told what to do from higher-ups, but agreed with the questions raised by Crystal and other cities. Crystal was not the only city who felt the numbers in the forecast were ridiculous.

The city will be sending a letter to the Metropolitan Council and he felt that it might be a good idea for the Planning Commission chair to sign it also.

Commissioner VonRueden stated he had no problem signing the letter. He also said that this was a long way off; there is a lot of time for things to change. Mr. Sutter said that their forecasts are aspirations.

Commissioner Richter questioned if they ever explained how they came about these numbers. Mr. Sutter said not in general, he had questioned how the supply side of the model already accounts for something already there, and they said it doesn't.

E. GENERAL INFORMATION

1. Staff preview of likely agenda items for Monday, December 9 meeting

Mr. Sutter said there could possibly be a variance request to add on to an existing house. He also said there was nothing on the Gaulke property yet.

F. OPEN FORUM

None were heard.

G. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Erickson to adjourn.

Motion carried.

The meeting adjourned at 8:10 p.m.

MEMORANDUM

DATE: December 4, 2013

TO: Planning Commission (December 9, 2013 meeting)

FROM: John Sutter, City Planner/Assistant Community Development Director 

SUBJECT: Public Hearing: Application 2013-15 for a Conditional Use Permit and setback variance for Christina's Child Care Center at 5510 West Broadway including an outdoor play area along Sherburne Avenue

A. BACKGROUND

The subject property contains 7.74 acres and is occupied by the Crystal Gallery Mall built in 1984. It is zoned C-2 Planned Development.

The applicant proposes a 6,309 sq. ft. child care center within the existing building and a 1,500 sq. ft. fenced outdoor play area. The play area would be located 7 feet from the lot line along Sherburne Avenue instead of the minimum 30 foot setback. A Conditional Use Permit (CUP) and setback variance are required.

Notice of the public hearing was published in the Sun Post on November 28, 2013 and mailed to all property owners within 350 feet of the property. On December 9, 2013 the Planning Commission will hold the public hearing and consider making a recommendation for the City Council to consider at its December 17, 2013 meeting.

The following Exhibits are attached:

- A. Owner's narrative
- B. Aerial photo, spring 2012 (wide view and zoomed in)
- C. Site photos
- D. Site plan (wide view and zoomed in)
- E. Floor plan
- F. Fence information

B. STAFF COMMENTS

1. Conditional Use Permit

Approval is recommended based on the following findings of fact:

- a) The city council finds that there is adequate off-street parking to accommodate the use.

The proposed use would be part of a shopping center that provides adequate parking for a mixture of C-2 uses including child care. City Code requires the shopping center to have at least 371 stalls; it currently has 394 stalls, and after the upcoming parking lot improvements by 2015 it will have 399 stalls. The child care center will have direct access to the parking lot on the south side of the mall. As a practical matter, in addition to the off-street parking, some parents may choose to park on Sherburne Avenue for pick up and drop off, but the road is striped for parking in any case. If traffic or safety problems do occur, the city has the right to restrict parking on Sherburne Avenue under the same authority as it may regulate parking on any public street.

- b) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

The property has adequate access and the adjacent roads have adequate capacity. It is bounded by two county roads (West Broadway and 56th/Bass Lake Road), an MSA street (Sherburne) and a local street built to MSA standards (55th). Traffic volumes range from a high of 16,400 AADT on 56th/BLR to a low of 1,850 on 55th, and all are within the design capacity for their respective roadway type. The primary access to the parking lot for the child care center would be from West Broadway and 55th. The abutting streets all have sidewalks, and the city's sidewalk and trail network extends in nearly all directions from the property.

- c) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met:

- 515.05 Subd. 3a): In addition to specific standards or criteria included in the applicable district regulations, the following criteria shall be applied in determining whether to approve a conditional use permit request:
 - The consistency of the proposed use with the Comprehensive Plan.

The proposed use would be located in Crystal's largest commercial area and is a type of use commonly found in commercial areas.

- The characteristics of the subject property as they relate to the proposed use.

The proposed use would be in a part of the mall designed not for retail but for office or institutional use, and the outdoor play area would be located on the quietest side of the building except for occasional deliveries to other mall tenants.

- The impact of the proposed use on the surrounding area.

The proposed use would not negatively impact the surrounding area provided that the following conditions are met:

- **Due to child care centers having an above-average need for short term parking for drop off and pick up, the property owner will work with the applicant and other affected tenants to designate or otherwise preserve adequate spaces in the parking lot for this purpose at peak times.**
- **The proposed fence for the outdoor play area is required to separate the semi-public realm along the east side of the mall and the public sidewalk from the private space of the outdoor play area.**
- **The fence shall be maintained in good repair, and promptly repaired after any damage or deterioration, in accordance with any code compliance orders issued by the city.**

The city council may impose transferability limitations, renewal requirements, hours of operation limitations or other operational restrictions as a condition of approval of any conditional use permit if determined by the council to be necessary to address anticipated impacts of the proposed use.

This CUP is non-transferable unless the City Manager determines that the new user will operate in the same manner as the initial user (Christina's Child Care Center).

- Section 520 (Site & Building Plan Review)

Not applicable.

2. Setback Variance

The requested variance meets all three criteria:

- a) The proposed play area would be located in a lawn area facing a public sidewalk, street and park. Therefore the owner proposes to**

use the property in a reasonable manner not permitted by an official control; and

- b) The property is surrounded by public streets, with no private rear or side yard, and there is no better location to install the play area, which is allowed in this zoning district. Therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- c) The play area is located where the city's largest commercial area transitions to a park and two apartment buildings. Therefore the variance, if granted, will not alter the essential character of the locality.**

C. RECOMMENDED ACTION

Approve Application 2013-15 for Crystal Gallery Mall subject to the findings of fact in bold type in Section B of this report which includes conditions of approval.

Planning Commission action is requested. The City Council would consider the Planning Commission's recommendation at its meeting on December 17, 2013.



CHRISTINA'S CHILD CARE CENTER, Inc.

“Where Growth and Learning Become One.”

Overview of Christina's Child Care Operation in the Crystal Gallery Mall

Executive Summary

Christina's Child Care Center aims at preparing its students to excel as young leaders of tomorrow by combining an exclusive collegiate-based curriculum tailored specifically for children with enhanced first class child care services.

Each day, Christina's Child Care provides a balanced approach to learning, giving parents the peace of mind that their child will have fun as he/she develops socially, emotionally, physically, and intellectually. We give each child the tools to become confident and self-aware. In a caring and stimulating atmosphere, our passionate and engaging teachers give the children endless opportunities to grow, learn, and imagine—whether building a spaceship to blast off to Mars or inviting a new friend to share a story during group time.

While academics play a role in development, we believe there are many other opportunities for enhancing the whole child. We recognize that curriculum is more than what it appears in manuals or a series of activities. We believe curriculum is everything that happens in the classroom, from interactions and meals to singing and playing. We never miss an opportunity to educate.

Christiana's Child Care Center teaches children life skills that go beyond reading, writing, and math.

- Playing with toys helps develop motor skills and teaches lessons about sharing with friends.
- Singing songs while washing hands instills an interest in the arts while forging social bonds and educating children about the need for good hygiene.

Company Summary

Christina's Child Care Center – a Minnesota registered Corporation and licensed child care center will be located in Crystal, Minnesota. The Center will employ six fundamentals that will serve as the driving force for the services offered:

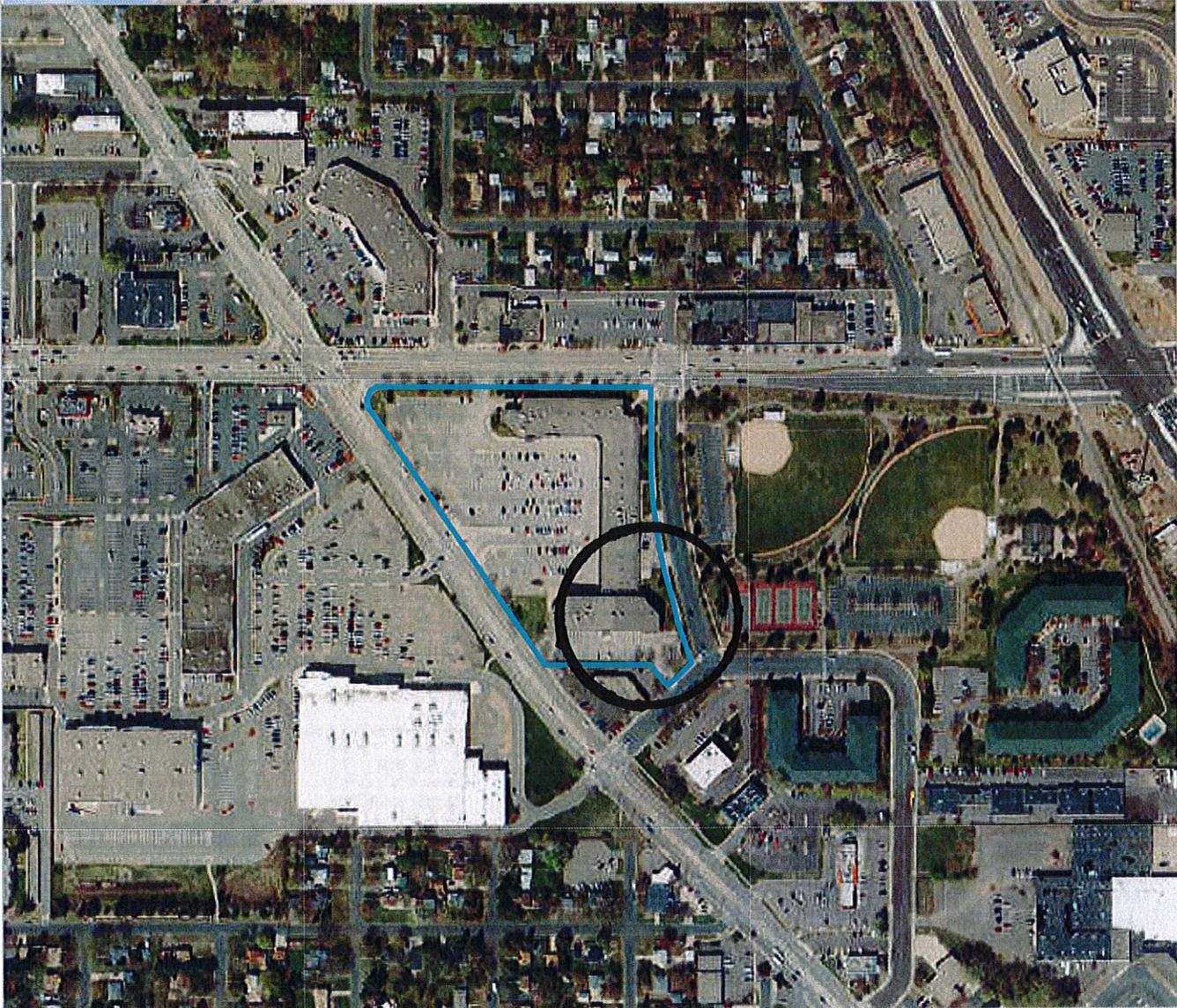
- Premier Early Childhood Education and Child Care Giving Services
- An Activity Based, Children Structured Collegiate Curriculum
- Advanced Technology and Developmental Program.
- Trademarked General and "Continuing" Education
- Mentoring and Tutoring Learning Services
- Before, and After-School Program.

Company Brief History

Christina's Child Care Center was founded by its vision bearers Ophelia V. and Stephen Barron Zeogar in Brooklyn Park, Minnesota in 2006. The couple has been a resident of the State of Minnesota since 1996. Started as a licensed Family Child care in the home of its founders, this operation became a licensed child care center on May 16, 2011. We offer eco-friendly child care centers with a focus upon customer service to the parents and children served by our program. This is the key to our success and we give God the glory.

Community Advancement and Involvement

Because of the quality services and our dedication to the health, safety and welfare of children, we are getting many calls for enrollment. The Crystal Center will afford us the opportunity to expand and meet the needs of parents. This newly renovated 6,237 square feet facility in the Crystal Gallery Mall will be developed to meet strict CCC design standards, under the direct supervision of Hennepin County and the State of Minnesota child care licensing. This new facility will increase our volume from 39 kids to 100 plus kids. It will create enough rooms for more infants, toddlers, preschools, and school-age and after school kids in our program. This will enable our center to fully serve needed parents within the city of Crystal and other surrounding cities.



Parcel ID: 05-118-21-44-0046

A-T-B: Both

Map Scale: 1" ≈ 400 ft.

Print Date: 11/18/2013



Owner Name: Crystal Gallery Developers

Market Total: \$4,600,000

Parcel Address: 5502 West Broadway
Crystal, MN 55428

Tax Total: \$200,040.72
(Payable: 2013)

Property Type: Commercial-Preferred

Sale Price:

Home-stead: Non-Homestead

Sale Date:

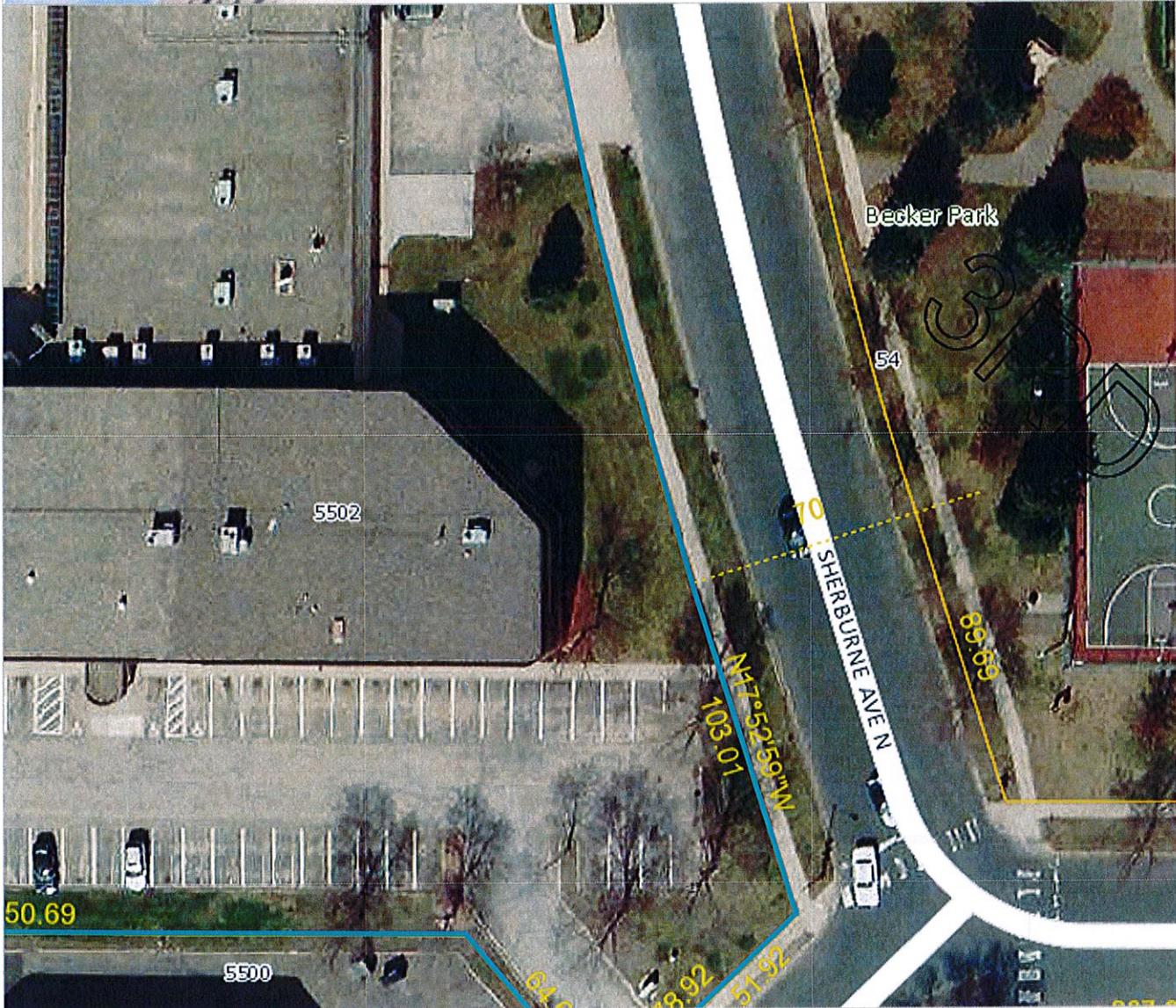
Parcel Area: 7.74 acres
337,362 sq ft

Sale Code:

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Owner Name: Crystal Gallery Developers

Parcel Address: 5502 West Broadway
Crystal, MN 55428

Property Type: Commercial-Preferred

Home-stead: Non-Homestead

Parcel Area: 7.74 acres
337,362 sq ft

A-T-B: Both

Market Total: \$4,600,000

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(Payable: 2013)

Sale Price:

Sale Date:

Sale Code:

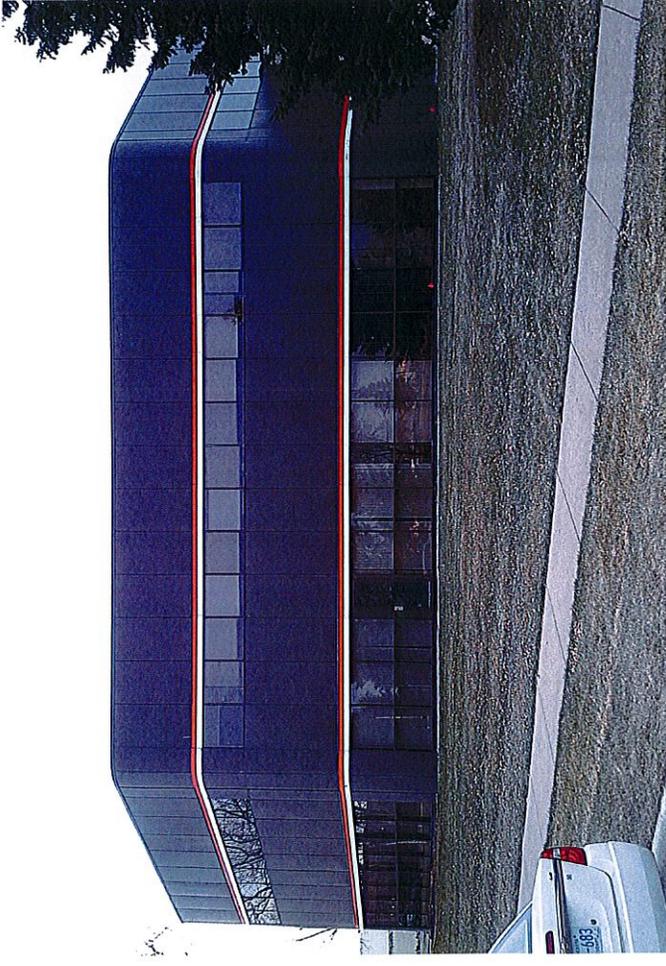
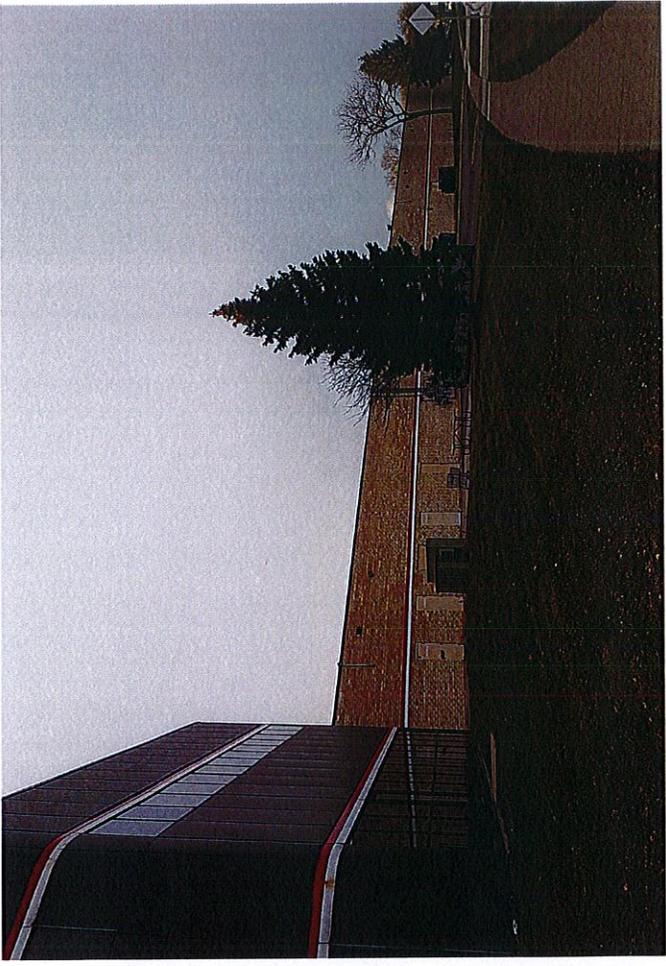
Map Scale: 1" ≈ 50 ft.
Print Date: 11/18/2013



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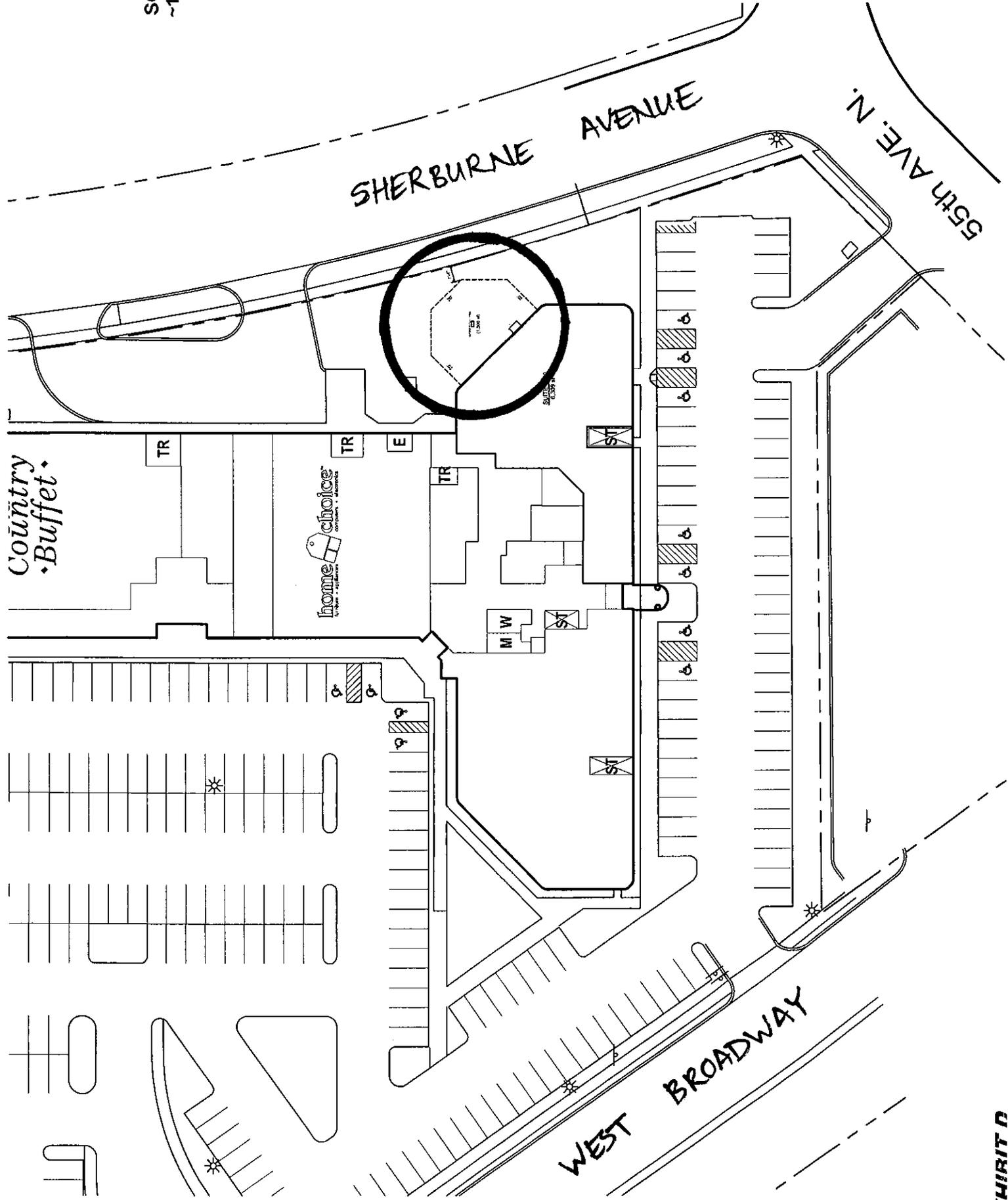
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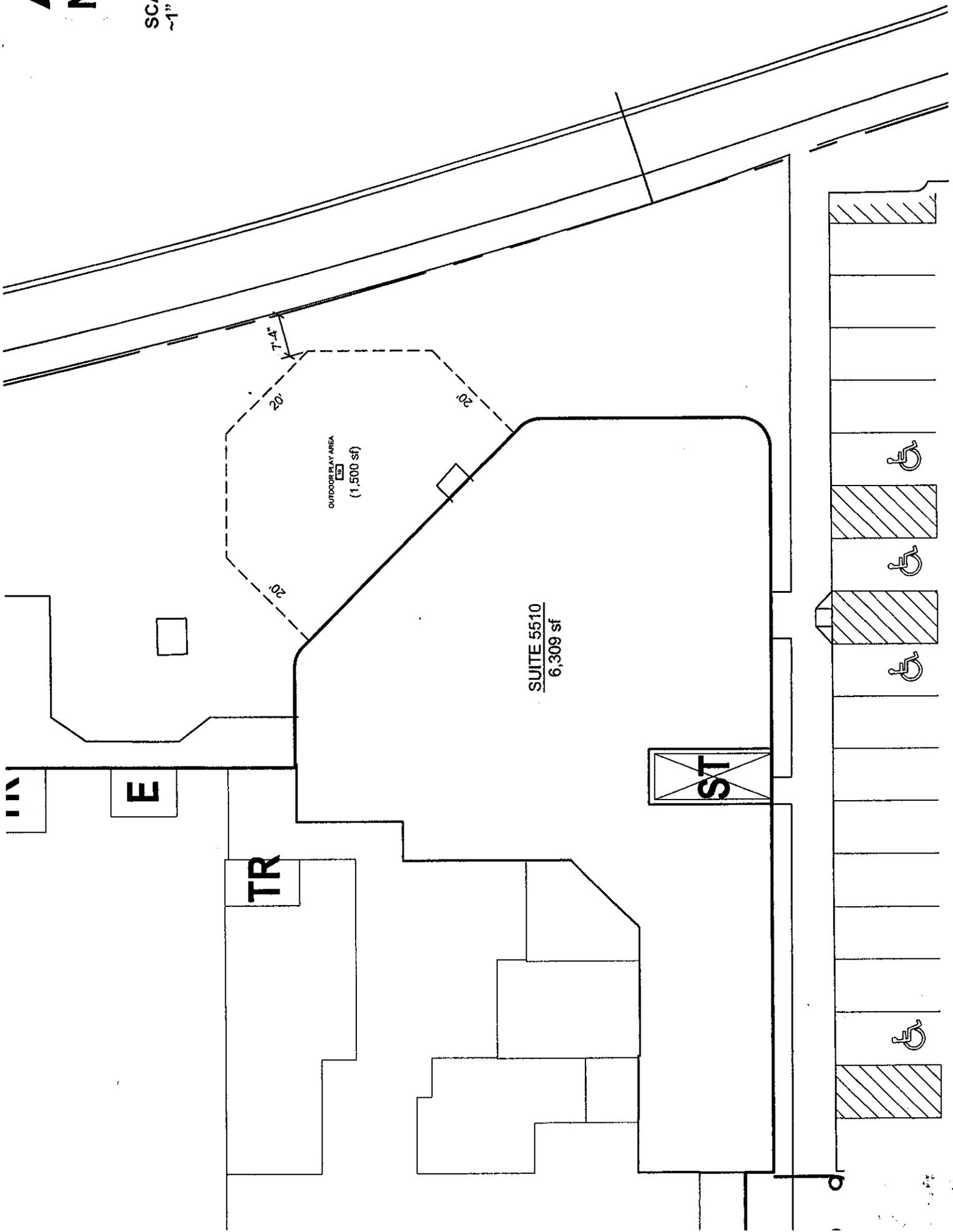


SCALE
~1" : 60'





SCALE
~1" : 20'





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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 Architect under the law of the state of Minnesota.

Signature: _____ Name: Jeffrey P. Agnes AIA
 Date: _____ Reg. No.: 19452

OWNER
 MID-AMERICA
 REAL ESTATE - MINNESOTA LLC
 5353 WAYZATA BOULEVARD
 SUITE 650
 MINNEAPOLIS, MN 55416
 (952) 563-6600

PROJECT
CHRISTINA'S
 CHILD CARE CENTER, INC.
 CRYSTAL GALLERY MALL
 5510 WEST BROADWAY
 CRYSTAL, MN 55428

SHEET TITLE
PRELIMINARY FLOOR PLAN
PRELIMINARY DEMOLITION
FLOOR PLAN

PROJECT NO.
 108.07

SCALE
 AS SHOWN

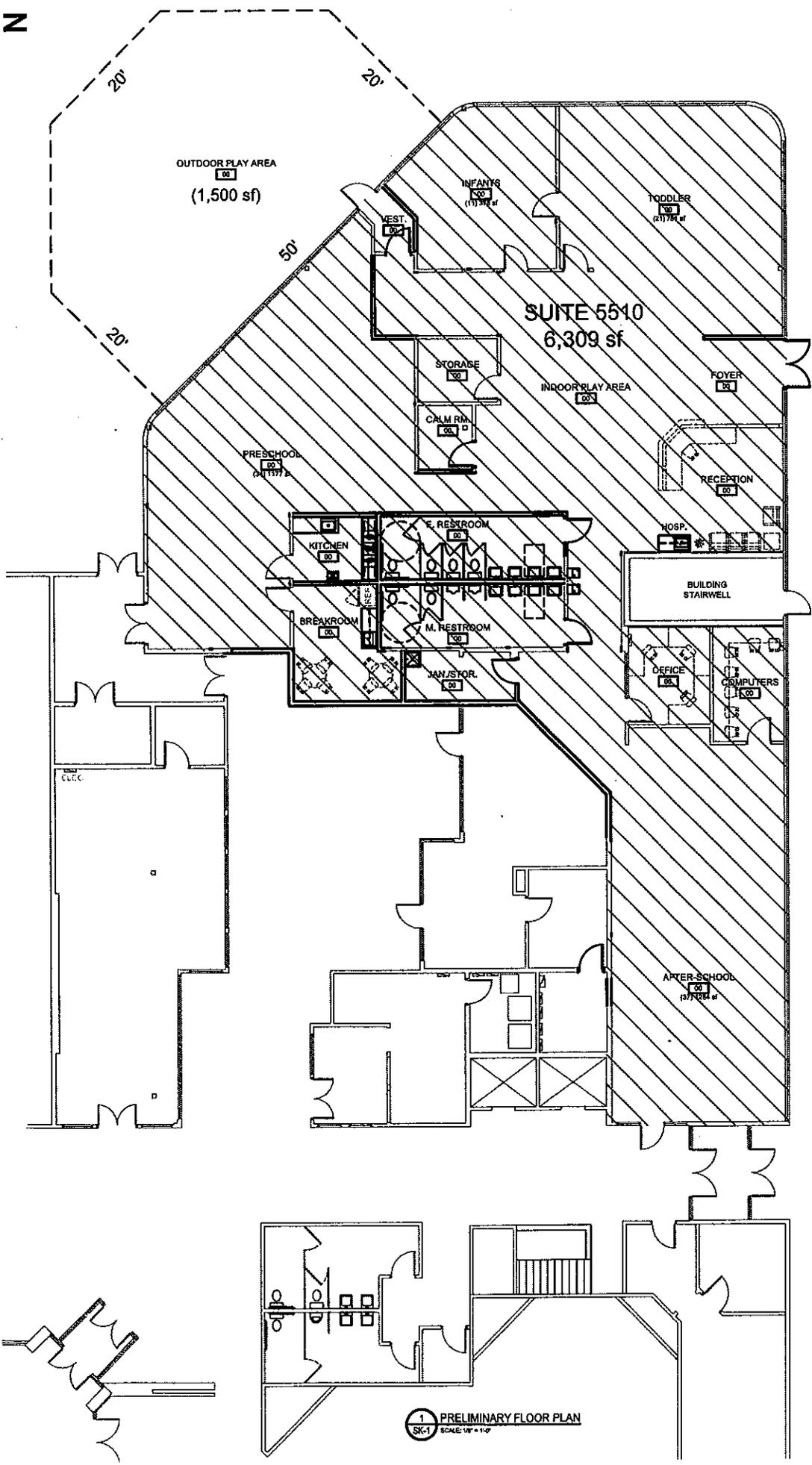
DATE
 10/30/12
 11/01/12
 11/11/13

REVISION DATE
 -

PRELIMINARY
NOT FOR CONSTRUCTION

SHEET NO.

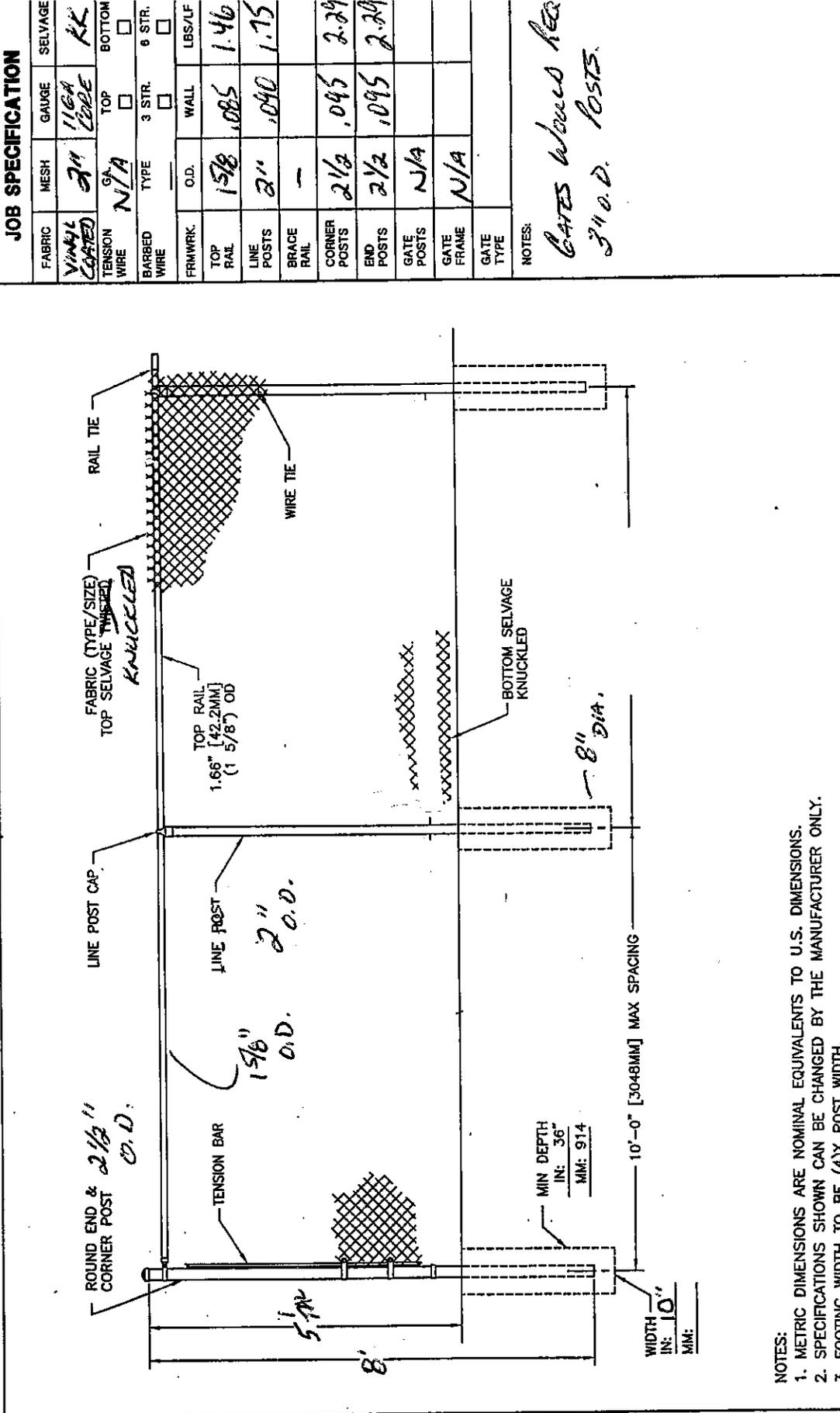
SK-1



1 SK-1 PRELIMINARY FLOOR PLAN
 SCALE: 1/8" = 1'-0"

EXHIBIT E

10076 Black Vinyl Chain Link



JOB SPECIFICATION					
FABRIC	MESH	GUAGE	SELVAGE		
VINYL COATED	2" GA	11GA	KK	TOP	BOTTOM
TENSION WIRE	N/A			<input type="checkbox"/>	<input type="checkbox"/>
BARBED WIRE	TYPE	3 STR.	6 STR.		
FRMWRK.	O.D.	WALL	LBS/LF		
TOP RAIL	1 5/8	.085	1.46		
LINE POSTS	2"	.090	1.75		
BRACE RAIL	-				
CORNER POSTS	2 1/2	.095	2.29		
END POSTS	2 1/2	.095	2.29		
GATE POSTS	N/A				
GATE FRAME	N/A				
GATE TYPE					

NOTES:
GATES WOULD BE 3" O.D. POSTS.

- NOTES:
1. METRIC DIMENSIONS ARE NOMINAL EQUIVALENTS TO U.S. DIMENSIONS.
 2. SPECIFICATIONS SHOWN CAN BE CHANGED BY THE MANUFACTURER ONLY.
 3. FOOTING WIDTH TO BE (4)X POST WIDTH.

SUBMITTED BY: <i>JEFF</i>	SUBMITTED TO: <i>PAID AMERICA</i>		CONTRACTOR
	<i>REAL ESTATE</i>		ARCHITECT
TYPICAL FENCE ELEVATION TOP RAIL / NO BRACE RAIL		ENGINEER	
JOB/PROJECT <i>DRY CARE - CRYSTAL MOUNTAIN</i>			
STANDARD DETAIL		MERCHANTS METAL The Fence Experts For 75 Years	
COMPILED BY: <i>JB</i>		DWG. NO.	SDM-134
DATE <i>11/18</i>		SHT	OF

MEMORANDUM

DATE: December 4, 2013

TO: Planning Commission (December 9, 2013 meeting)

FROM: John Sutter, City Planner/Assistant Community Development Director 

SUBJECT: Public Hearing: Application 2013-16 for setback variances to allow expansion of an existing house and detached garage at 4952 Quail Avenue North

A. BACKGROUND

The subject property contains 7,528 sq. ft. (0.17 acres) and is occupied by a single family house and one-car detached garage. There are no permits on file for either building, but based on aerial photos they appear to have been built between 1937 and 1940. The city began requiring building permits in 1939 and adopted its first zoning ordinance in 1946.

The property owner, Mike and Pam Brady, recently purchased the property and are preparing to build an addition on the east (front) of the house. They also have medium-term plans to either expand the existing garage or replace it with a new, larger garage.

- The house is set back 3½ feet from the north side lot line. It is lawfully nonconforming (“grandfathered in”) with respect to the 5 foot side setback requirement for principal buildings in effect since 1946. Because the house is nonconforming, it cannot be expanded unless a variance is granted to reduce the north side setback requirement to 3 feet.
- The garage is set back approximately one foot from the north side lot line and west (rear) lot line along Quail Avenue. Without a survey we do not know the garage’s exact location to a fraction of a foot, but it appears that the roof overhang on the Quail side is within 6 inches of the lot line. The garage is lawfully nonconforming (“grandfathered in”) with respect to the 3 foot setback requirement for accessory buildings in effect since 1946. Because it is nonconforming, it cannot be expanded unless a variance is granted to eliminate the setback requirement.

The property owner is applying for both variances. Notice of the public hearing was published in the Sun Post on November 28, 2013 and mailed to all property owners within 350 feet of the property. On December 9, 2013 the Planning Commission will hold the public hearing and consider making a recommendation for the City Council to consider at its December 17, 2013 meeting.

The following Exhibits are attached:

- A. Owner's narrative
- B. Aerial photo, spring 2012 (wide view and zoomed in)
- C. Site sketch
- D. Site photos

B. STAFF COMMENTS

State statute and city code require that all three of the following criteria must be met for a variance to be granted:

- The property owner proposes to use the property in a reasonable manner not permitted by an official control; and
- the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- the variance, if granted, will not alter the essential character of the locality.

None of the other seven houses on the east side of Quail fronting on Twin Lake Blvd appear to have a side setback encroachment.

However three of the other seven have detached garages that appear to be located less than three feet from the lot line along Quail:

- 4916 Quail: One-car garage built between 1940 and 1947, and no subsequent permits for expansion, so it has the same legal status as the subject property.
- 4948 Quail: Two-car garage built between 1940 and 1947, and no subsequent permits for expansion, so it has the same legal status as the subject property.
- 4958 Quail: Two-car garage built after variance granted by City Council on July 17, 1984. The submitted application and survey showed the garage being set back 1 foot from the lot line along Quail and the roof overhang appears to be right on the lot line. The application and Council approval minutes do not discuss any findings for a variance from the 3 foot setback requirement which was in effect at the time.

1. House Setback Variance

The requested variance meets all three criteria in the statute:

- a) **The setback encroachment is limited to only a small (~10 sq. ft.) bump-out; the rest of the house meets all setback requirements. The size and shape of the encroachment is similar to what the ordinance already allows in the front and rear setbacks. The north wall of the bump-out is 9 feet from the adjacent house, close to the typical minimum of 10 feet, and most of the north wall is 11 feet from the adjacent house. The proposed addition to the house would fully comply with setback requirements. Therefore the proposed use of the property (expansion of the house) is reasonable, provided that the reduced setback only applies to the existing encroachment so that any future expansion of the house must comply with the standard setbacks; and**

- b) The house was built prior to city setback requirements which came into effect in 1946. Therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- c) The proposed variance would recognize the existing house's form and extent as conforming. Therefore the variance, if granted, will not alter the essential character of the locality, provided that the reduced setback of 3 feet only applies to the existing, minor encroachment so that the remainder of the existing house must continue to comply with the standard 5 foot minimum side setback.**

Approval is recommended based on these findings of fact.

2. Garage Setback Variance

The requested variance does not meet all three criteria in the statute; it meets b) but does not meet a) and c):

- a. The setback encroachments apply to the full length of its walls along both adjacent lot lines. The degree of encroachment is severe, with the existing setback being approximately 1 foot to the wall and, along Quail, 6 inches to the roof overhang, instead of the standard minimum setback of 3 feet for accessory buildings. The quality of encroachment is severe due to the close proximity of Quail Avenue due to the roadway curb being less than 4 feet from the garage. Allowing the expansion of the existing garage would make these severely nonconforming setbacks more permanent. The owner has a reasonable alternative: Demolish the existing one-car garage and build a larger garage in compliance with the setbacks. Therefore the proposed use of the property (expansion of the nonconforming existing garage) is not reasonable; and**
- b. The garage was built prior to city setback requirements which came into effect in 1946. Therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- c. The proposed variance would reduce the 3 foot setback, required by the city since 1946, to 1 foot on the north side and 0 feet on the west (Quail) side. Over time, nonconforming accessory buildings such as this garage are typically demolished and replaced with conforming accessory buildings. Therefore allowing expansion of the existing detached garage would alter the essential character of the locality.**

Denial is recommended based on these findings of fact. If the Commission instead desires to approve the variance, then it would need to articulate alternate findings of fact for criteria a) and c), or direct staff to prepare alternate findings for consideration at a subsequent meeting.

C. RECOMMENDED ACTION

1. Approve Application 2013-16 in part, to grant a variance allowing expansion of the existing house, subject to the findings of fact in bold type in Section B-1 of this report which includes conditions of approval.
2. Deny Application 2013-16 in part, to uphold the ordinance's prohibition on expansion of the existing detached garage, subject to the findings of fact in bold type in Section B-2 of this report.

Planning Commission action is requested, preferably in separate motions for each part of the application. The City Council would consider the Planning Commission's recommendation at its meeting on December 17, 2013.

Request for Clearance for Building Permit - 4952 Quail Avenue North

November 18, 2013

Dear Crystal Staff, Planning Commissioners, and Council Members,

My wife, Pamela, and I purchased a home at 4952 Quail Avenue North. We love the home and plan to move from our home in Plymouth as soon as possible. There is a fair amount of work to be done on the home; restorative and the addition of a sunroom and bathroom on the main floor. Your inspection official can testify as to the condition of the home and yard prior to our purchase.

When we went to make application for building permit, we were told we needed to determine if the property is within the setbacks. We have to say although the City officials were polite, the \$500 Fee for something that has been there for more years than this Grandfather has been alive, seems onerous.

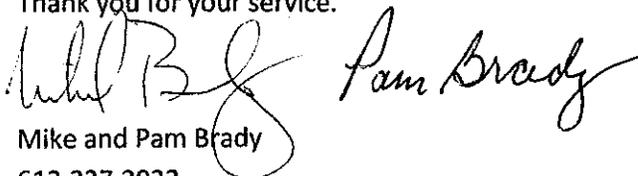
As you can see by the pictures attached, we have already cleaned up the overgrown weeds and brush. The site plan shows the house within all setbacks except for one small bump out in the kitchen. As also shown, the foundation for this bump out is the original construction. The garage is within inches of the back yard westerly lot line and within a foot of the northerly side lot line so is not within setback limits. The addition on the south of the house is over 7' from the southerly lot line and within your setback.

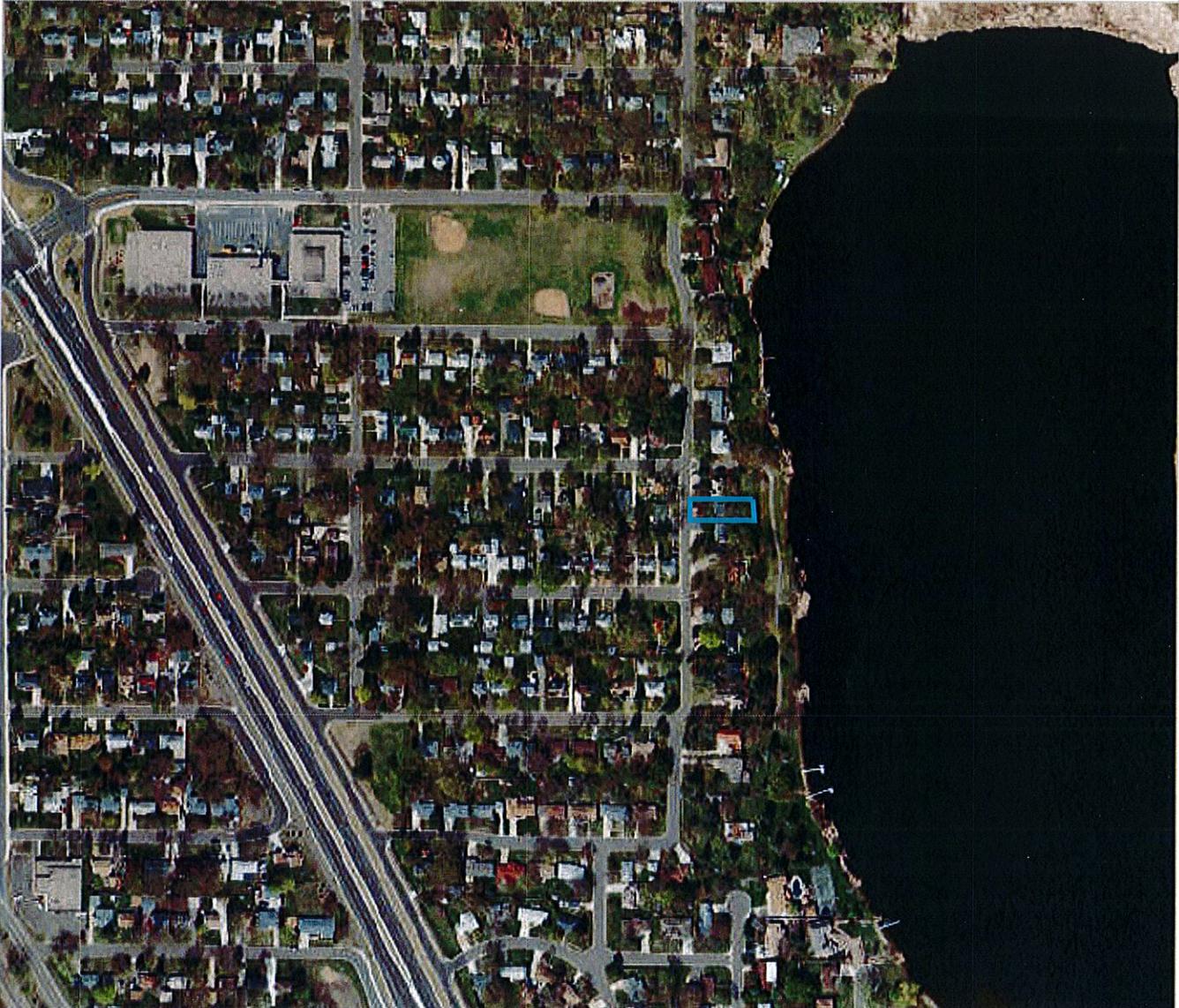
We are applying for a variance for the garage and the north side bump out so we can add a sunroom to the east side of the home, (front yard), which of course will be within all setbacks and codes. This is an improvement to the home, its value and the neighborhood.

We have a limited budget for work for the home and this \$500 fee lowers the amount of work we can do. This procedure seems nonsensical as these structures have been here 60+ years, cause no one issue, and are obvious for all to see before purchase. Most every home from this era is in some set back "violation". In our opinion and unless we are missing something, a blanket variance for original structures, if not a danger or nuisance, should be granted in Crystal. It cost us \$500, metal detector time and rental, an extra month that pushes construction into the heart of winter and additional challenges moving from our current home. Not much of a welcome to our new City and home. Some people may also have to have an extra \$700 + for a survey if they couldn't find their corner stakes. We request a refund of our \$500 application fee.

That request said, you will find us a strong and positive addition to your City, taking care of and enhancing the beauty of our home and lot as well as helping our neighbors and other worthy causes in Crystal.

Thank you for your service.


Mike and Pam Brady
612.327.2932



Parcel ID: 09-118-21-14-0031

Owner Name: ~~Tracy A Feltmann~~

Parcel Address: 4952 Quail Ave N
Crystal, MN 55429

Property Type: Residential Lake Shore

Home-stead: Homestead

Parcel Area: 0.17 acres
7,528 sq ft

A-T-B: Torrens

Market Total: \$190,000

Tax Total: \$4,135.22
(Payable: 2013)

Sale Price: ~~\$315,000~~

Sale Date: ~~06/2004~~

Sale Code: ~~Warranty Deed~~

Map Scale: 1" ≈ 400 ft.
Print Date: 11/18/2013



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Parcel ID: 09-118-21-14-0031
 Owner Name: ~~Tracy A. Feltmann~~
 Parcel Address: 4952 Quail Ave N, Crystal, MN 55429
 Property Type: Residential Lake Shore
 Home-stead: Homestead
 Parcel Area: 0.17 acres, 7,528 sq ft

A-T-B: Torrens
 Market Total: \$190,000
 Tax Total: \$4,135.22 (Payable: 2013)
 Sale Price: ~~\$315,000~~
 Sale Date: ~~06/2004~~
 Sale Code: ~~Warranty Deed~~

Map Scale: 1" ≈ 50 ft.
 Print Date: 11/18/2013



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

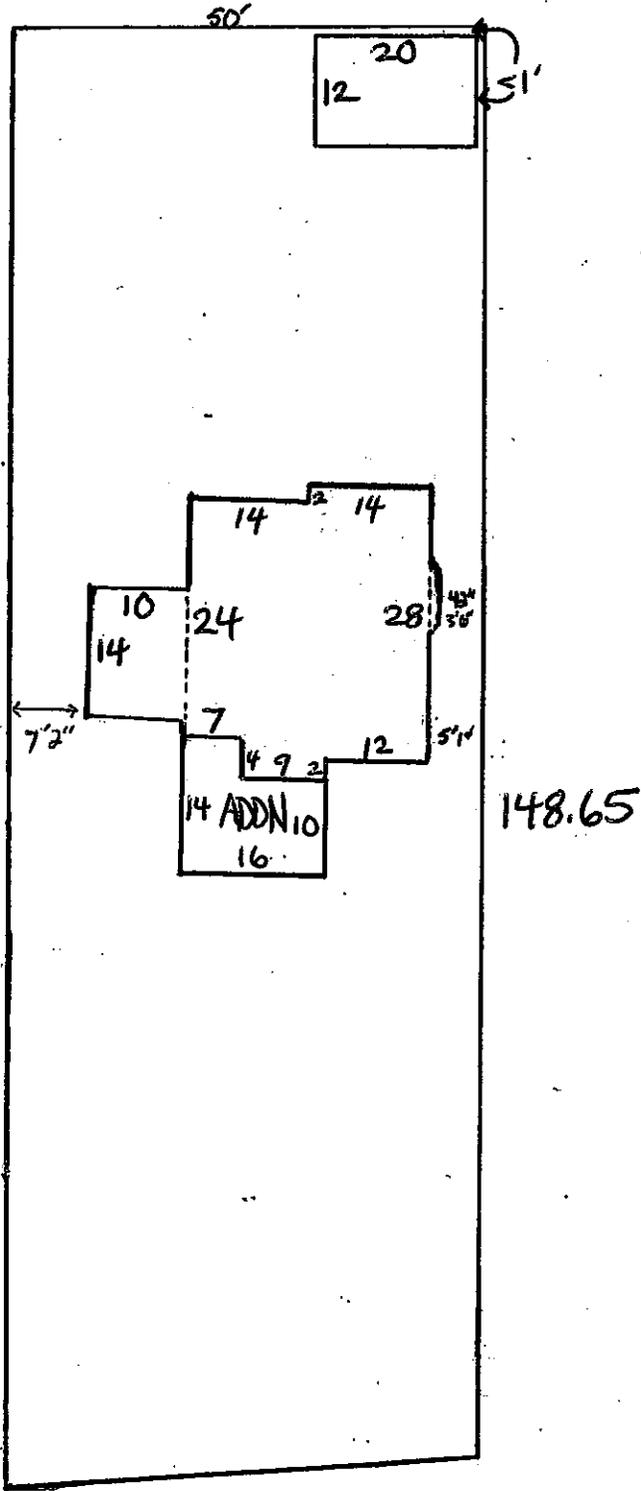
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QUAIL AVE

4952 Quail Ave



SCALE
~1" : 20'

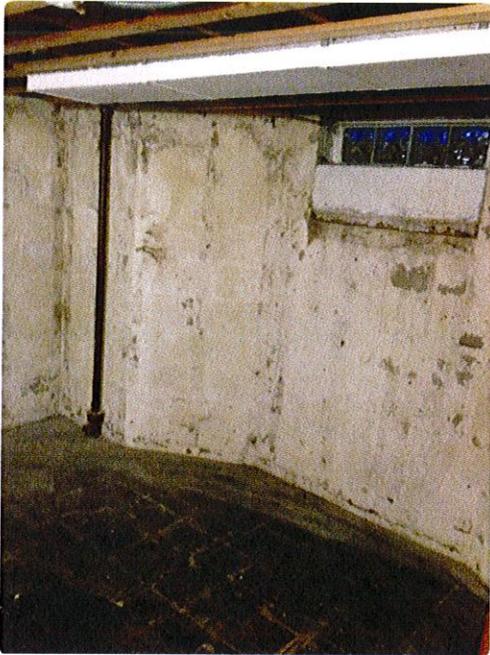


152.28

148.65

TWIN LAKE BLVD

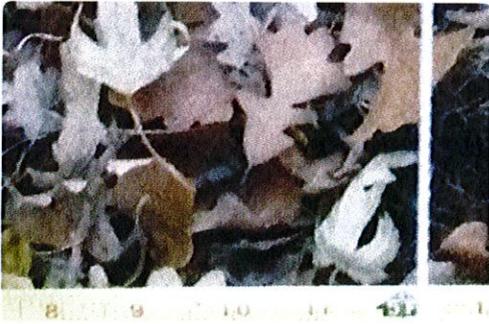
EXHIBIT C



North side basement.
Foundation follows bump out.
Original construction.



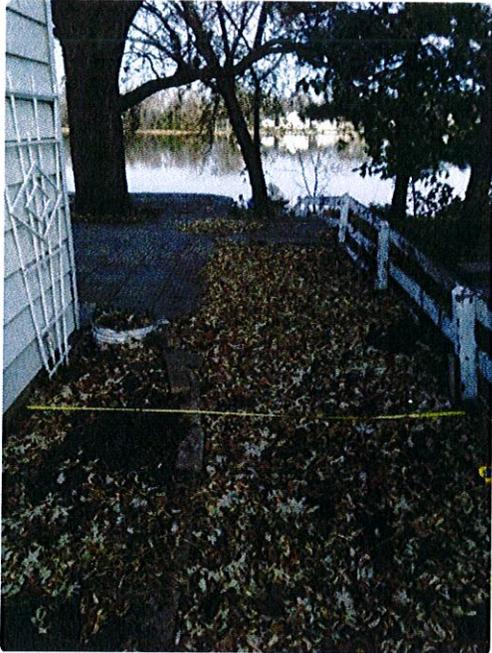
North side. Distance between
houses 9' 5". Bump out is 42"
from lot line.



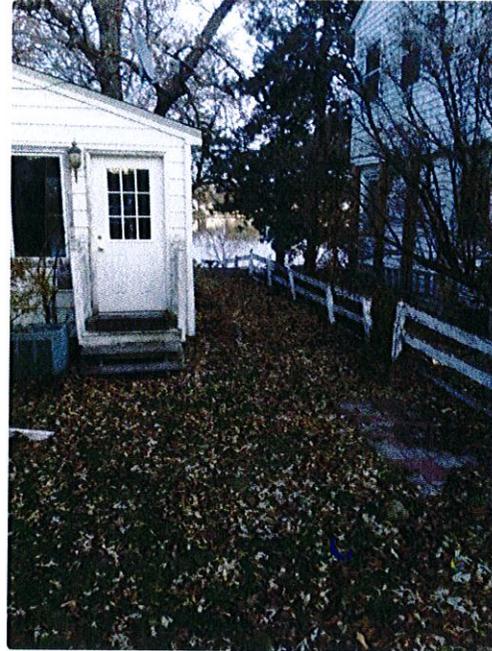
Main foundation a little over 5'
from lot line. North side.



North side.



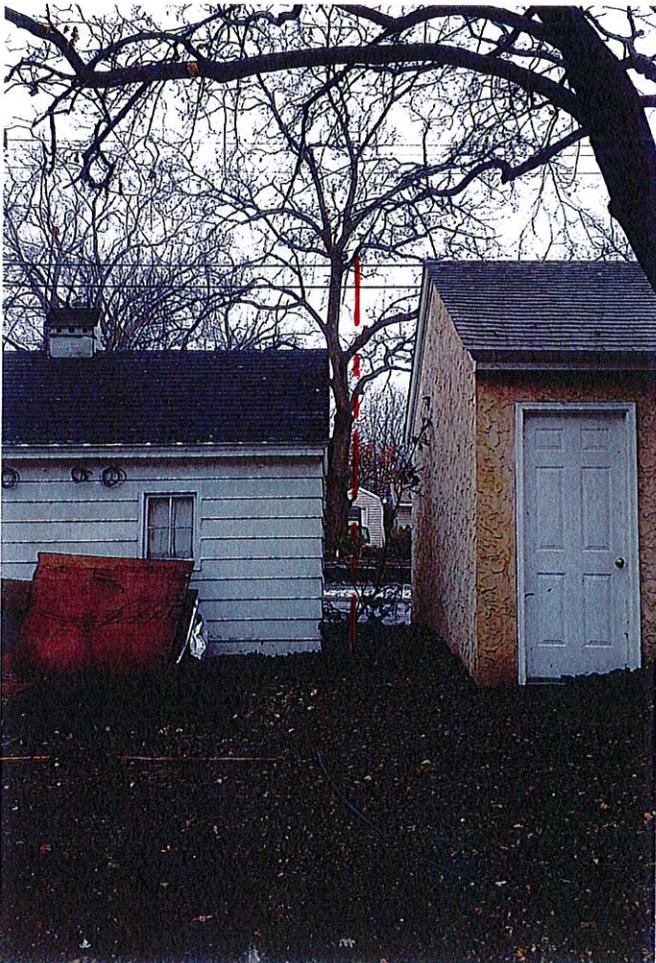
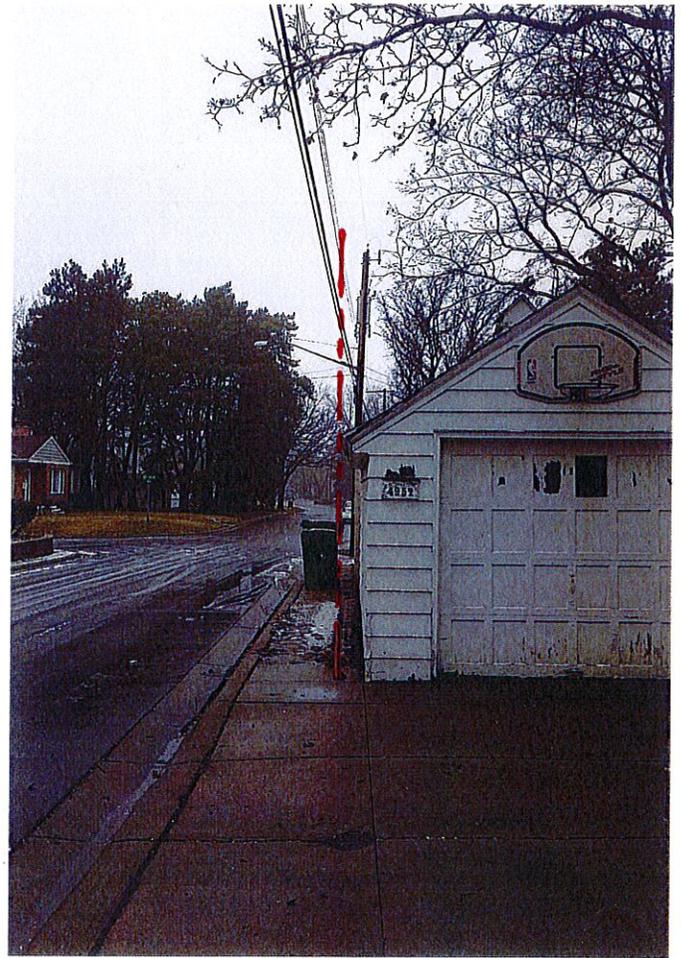
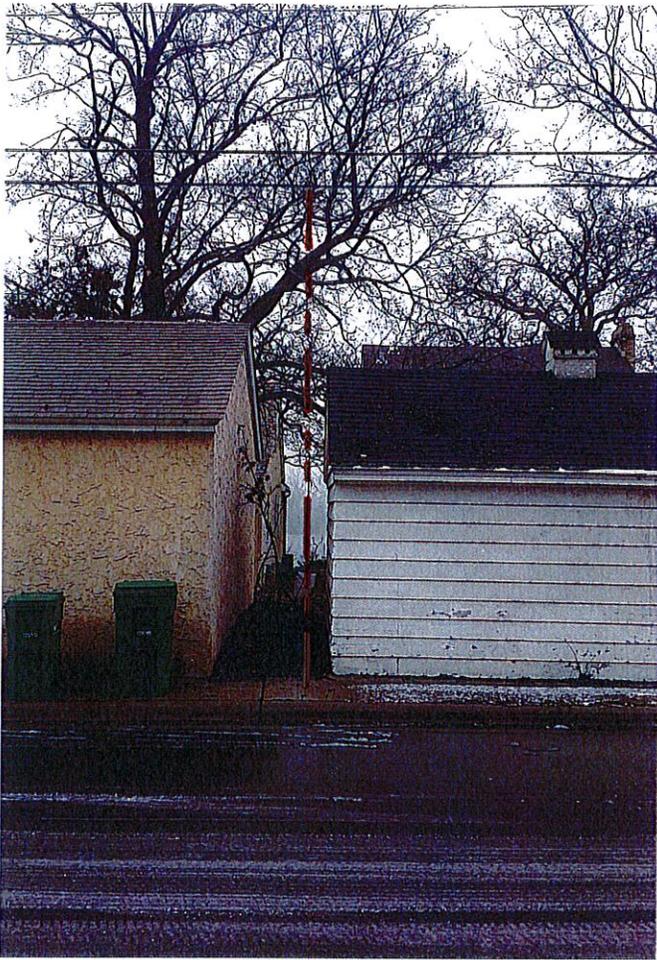
South side of house over 7'
from lot line.



South side addition within
current code.



South side. Hard to read, but
about 86" from Lot Line.



— — — — —
= approximate
lot lines
adjacent
to garage



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

November 15, 2013

Michael Larson, Sector Representative
Metropolitan Council
390 Robert Street North
St Paul MN 55101-1805

Subject: Preliminary 2040 Forecasts

Dear Michael:

Thank you for meeting with city staff on October 10 to discuss the city's concerns about the preliminary 2040 forecast, particularly the household forecast which would have the most impact on the city's next Comprehensive Plan Update due in 2018. The Crystal Planning Commission discussed the 2040 forecast on October 14, city staff attended the Metropolitan Council workshop on October 30, and the City Council discussed it on November 5.

The city of Crystal has a number of thoughts and concerns to offer regarding the preliminary 2040 forecast:

1. Based on the staff discussion at the October 30 workshop, it appears as though the model compares potential rent to construction costs to determine development feasibility but does not account for the cost of relocating existing uses, political/community opposition and (most importantly) the willingness of current owners to sell. These barriers to redevelopment of sites with existing uses are very real, and must be incorporated into the forecast model for it to be a true forecast and not merely a goal or aspiration.
2. The employment forecast for Crystal, with an increase of 2,171 jobs or 55%, is the largest percentage increase among developed suburbs. But 3,217 additional households are also forecast by the same model. New residential development would have to displace other, existing uses, and many of those would presumably be places of employment.
3. The 2040 forecast for Crystal households shows an increase from 9,183 to 12,400, meaning 3,217 additional units, or an average of 107 additional units per year from 2010-2040. For comparison, during the eight year period from Jan. 1, 2000 to Dec. 31, 2007, when development activity was relatively strong, Crystal had a net gain of 179 units, or an average of 22 per year. This means the 2040 forecast assumes a pace of development five times faster than actually occurred during the most recent development boom.

4. To put it another way:
- Based on actual and upcoming development activity, Crystal anticipates no net gain in housing units from 2010-2014.
 - The Cavanagh, an affordable senior rental building on a former school site, will come online in 2015 with 130 out of the 3,217 additional units forecast by 2040.
 - That leaves 3,087 more units to be added in 2016-2040, or 123 units per year. That would be almost a Cavanagh per year, every year, from 2016-2040. This pace of growth in a developed community would not be realistic or practical.

In summary, the city of Crystal is of the opinion that the preliminary 2040 forecast methodology is seriously flawed, particularly on the land supply side of the model as it applies to developed communities. Therefore:

- The city requests that the System Statements and other policy documents to be used to review our next Comprehensive Plan Update indicate a planned increase in households of no more than 660 during the 2010-2040 period. This is the upper end of what is reasonable and plausible in Crystal. It would also be consistent with the previous forecast for an increase of 611 units for 2000-2030 which was used in our most recent Comprehensive Plan Update.
- The city intends to accommodate the increase in households through a combination of preemptive land use guidance, where appropriate, and redevelopment of additional sites having existing uses, to be determined as such opportunities arise over time. This is consistent with our most recent Comprehensive Plan Update, and it is an approach that has successfully accommodated the development of The Cavanagh in a location unforeseeable as a redevelopment site just a few years earlier.

Thank you for your consideration of the city of Crystal's comments.

Sincerely,



Jim Adams
Mayor



Richard VonRueden
Chair, Planning Commission



Anne Norris
City Manager

Cc: Todd Graham, Metropolitan Council Research – Demographics & Population
Dennis Farmer, Metropolitan Council Research – Employment & Economy
Libby Starling, Manager, Metropolitan Council Research
James Brimeyer, District 6 Representative, Metropolitan Council
Susan Haigh, Chair, Metropolitan Council