

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: SEPTEMBER 25, 2012
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

1. CALL TO ORDER

ROLL CALL

Approval of Agenda

2. APPROVAL OF MINUTES

August 28, 2012

September 11, 2012

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS

September 4, 2012 and September 17, 2012

4. OLD BUSINESS

A. SITE AND BUILDING PLAN REVIEW/VARIANCE

File No: 2453-12-16

Applicant: TSI Incorporated / Loucks Associated

Location: 500 Cardigan Road

**B. CONTINUATION OF PUBLIC HEARING- TEXT AMENDMENT –
VEHICLE SALES**

File No: 2454-12-17

Applicant: City of Shoreview

Location: City Wide

C. VARIANCE / MINOR SUBDIVISION-EXTENSION

File No. 2427-11-20

Applicant: Jereen Rasmussen

Location: 4877 Nottingham Place

5. NEW BUSINESS

**A. PUBLIC HEARING - PLANNED UNIT DEVELOPMENT-
DEVELOPMENT STAGE/REZONING / PRELIMINARY PLAT**

File No. 2458-12-21

Applicant: Clyde & Arlene Rehbein

Location: 5618 Heather Ridge Court

**B. PUBLIC HEARING - PLANNED UNIT DEVELOPMENT-
DEVELOPMENT STAGE/REZONING**

File No. 2459-12-22

Applicant: Joycelyn Company, LLC / House of Dreams

Location: 4001 Rice Street

C. PUBLIC HEARING - VARIANCE /CONDITIONAL USE PERMIT

File No. 2459-12-23

Applicant: Brad & Elena Oren / Imperial Homes, Inc.

Location: 5277 Hodgson Road

D. VARIANCE / MINOR SUBDIVISION

File No. 2461-12-24

Applicant: Silverthorn Properties, LLC

Location: 3595Rice Street

6. MISCELLANEOUS

- A.** City Council Assignments for *October 1st 2012 and October 15th 2012*
Commission Members Schumer and Wenner

7. ADJOURNMENT

**SHOREVIEW PLANNING COMMISSION MEETING
MINUTES
August 28, 2012**

CALL TO ORDER

Chair Solomonson called the meeting of the August 28, 2012 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Solomonson; Commissioners, Ferrington, McCool, Proud, Schumer, Thompson and Wenner.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the August 28, 2012 agenda as submitted.

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

The following corrections were made:

Page 1: Under Roll Call, it should be noted that Commissioners Schumer and Wenner arrived late.

Page 3: The vote total should be 5 Ayes and 1 Nay.

MOTION: by Commissioner McCool, seconded by Commissioner Schumer to approve the July 24, 2012 Planning Commission minutes as amended.

VOTE: Ayes - 5 Nays - 0 Abstain - 2 (Ferrington, Wenner)

REPORT ON COUNCIL ACTIONS

Presentation by City Planner Kathleen Nordine

The City Council approved all the applications associated with the Development Stage Review PUD for Lakeview Terrace. The applicant has 60 days to submit a final Plat and Final Stage PUD.

OLD BUSINESS

VARIANCE /MINOR SUBDIVISION – EXTENSION

File No: 2425-11-18

Applicant: Alysa B. DeLange and Jessica Jimenez

Location: 5790 and 5784 Fairview

Presentation by Senior Planner Rob Warwick

This application for a variance and minor subdivision was reviewed and approved by the Planning Commission and City Council in August and September of 2011, for these two adjacent properties. The variance reduces the minimum 5-foot side setback for the existing driveway. The subdivision adjusts the common lot line between the two properties. The Council approved the minor subdivision in September 2011. However, the mortgage holder has not agreed to the boundary adjustment, and so the subdivision cannot yet be recorded with Ramsey County. The applicants have requested an extension of the approvals for one year in order to resolve the issue. The subdivision remedies existing encroachments, and no site alterations are proposed. The resulting parcels comply with the R1 District standards. With the boundary adjustment, the existing houses comply with the side setback requirement of 10 feet.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to extend the variance approved for Alysa DeLange, 5790 Fairview Avenue reducing the required 5-foot side yard setback for an existing driveway to 1-foot from the new property line. Resolution 11-52 has been recorded at Ramsey County. Said extension is for a one-year period to August 28, 2013. Conditions attached to the variance approval shall remain in effect.

VOTE: Ayes - 7 Nays 0

NEW BUSINESS

SITE AND BUILDING PLAN REVIEW

File No: 2453-12-16

Applicant: TSI Incorporated / Loucks Associated

Location: 500 Cardigan Road

Presentation by City Planner Kathleen Nordine

The request is for approval of a proposed parking lot extension. This application is the first phase of an overall facility expansion for TSI. The TSI property is zoned I, Industrial. Surrounding land uses include R3 Multi-family residential to the south; R1 single-family residential to the east; railroad tracks to the north; and I, Industrial to the west. The minimum setback for parking is 20 feet from residential property. The expansion would provide 204 parking stalls for TSI. Access is from two curb cuts off Cardigan Road. An internal connection between the existing parking area and the new parking area will be provided. According to

Code, the minimum number of parking spaces required for TSI is 533; 551 stalls are proposed to meet the growing demand of the company. The proposed parking lot meets all minimum setback requirements. The City requires that 20% of the parking space have landscaped islands. That amount can be reduced to 10% with the use of Best Management Practices. TSI proposes 7% and believes that reducing parking by 16 spaces to achieve the 10% would compromise the parking needed by their growing company. An elongated center island is proposed as well as additional landscaping along the southern property line to provide screening for Shoreview Oaks Apartments.

The proposed storm water management system would be an underground infiltration basin to manage the rate and volume of runoff. Storm water from the basin would be discharged to an existing storm water City pipe at the southern end of the property. With the expanded parking, impervious surface will be at 78%, which is within the 80% minimum. The later building expansion could raise impervious surface to 84%, which will require a variance.

A number of residents expressed concern about storm water drainage. In the past, TSI enhanced the storm water pond, which, to Staff's knowledge resolved many issues.

The Environmental Quality Committee (EQC) has reviewed the plan and provided comment on storm water management, water quality and tree management.

Residents within 350 feet were notified of the proposal. Concerns expressed pertain to operation noise, lighting, alarms and snowplowing. The majority of concerns relate to storm water management and potential flooding of residential property. TSI held a neighborhood meeting on August 22nd.

Staff finds that the site plan for parking complies with City policies, zoning, storm water management and setback requirements. Staff does not believe there will be a negative impact and recommends the Planning Commission forward this proposal to the City Council for approval.

Commissioner Ferrington asked about space for the removal of snow. Ms. Nordine noted that TSI owns a vacant parcel across the street but deferred to the applicant for an answer. Commissioner Ferrington asked also if the roof runoff from the building expansion would be draining to the pond in the southeast corner. Ms. Nordine answered, yes, and that staff has determined that the pond has the capacity for that added drainage.

Commissioner McCool asked the reason the two applications are separate. The Commission is being asked to approve parking for a building plan that has not been reviewed, and that building plan may require a variance for impervious surface. Ms. Nordine explained that the reason is the construction schedule relating grading and parking.

Chair Solomonson asked if storm water drainage to the existing pond would be increased. Ms. Nordine explained that drainage to the pond will actually be reduced, as the runoff from the parking area will be channeled to the underground storm water basin. Chair Solomonson asked about the functioning of the pond and City pipe. Ms. Nordine stated that the pond has flooded in

large rain events. TSI made enhancements to the pond and to Staff's knowledge no problems occurred until 2011, when the rain event was so large that the system was inadequate.

Commissioner Proud asked if the existing storm water system is sufficient to accommodate this proposal. Ms. Nordine stated that the City Engineer and Public Works Director have reviewed and calculated the runoff and determined that the system is sufficient. Catch basins will channel the water to the underground basin where it is piped with existing infrastructure to a storm water pipe on the south side of the property.

Commissioner Ferrington asked if the drainage from the City pipe might flood the pond downstream and threaten surrounding residential property. Ms. Nordine stated that the City Engineer did review that portion of the system and determined that the system is sufficient.

Mr. Peter Coyle, Attorney for TSI, introduced Floyd Graebel, General Counsel; Paul Girard, Facilities Manager; and Chad Lockwood, Civil Engineer. He explained that the parking phase is ahead of the building expansion because of impending winter. TSI is mindful of the interconnectedness of drainage issues with the parking and building phases and will continue to work with staff to address drainage issues.

Commissioner Ferrington suggested that the use of pavers or a pervious surface for parking would eliminate exceeding the amount of impervious surface allowed. **Mr. Coyle** stated that it is TSI's preference to eliminate the need for a variance.

Chair Solomonson asked for an update of the neighborhood meeting that was held. **Mr. Paul Girard** stated that approximately a dozen neighbors attended the meeting. Parking, drainage and the building appearance were all discussed. Concerns expressed were about drainage, headlights, snow removal and lock key noise. Up to this time snow has been pushed to the location of the new proposed building expansion. It is anticipated that at first, some parking space can be used. As the company grows, it will have to be hauled off site.

Commissioner Thompson asked what was discussed with the neighbors regarding drainage. **Mr. Girard** stated that the underground catch basin was explained and how that would keep the southeast basin from overflowing.

Mr. Chad Lockwood, Lockwood Associates, Civil Engineer, stated that currently the soil is sandy clay, which limits the amount of runoff that can be accommodated. Drainage will flow to the southeast basin and then through a City storm water pipe. The release from the infiltration basin is gauged to the current volume rate.

Commissioner Proud asked the maximum water load that could drain from this site. Mr. Lockwood stated that a hydrologic analysis has been done. A 6-inch pipe for a 100 year event is the standard and will be used. Commissioner Proud stated that the standard dates back to the 1960s, and he does not believe it will work.

Commissioner Thompson asked for more information about the event in 2011 that flooded the area. Mr. Warwick stated that about 6 inches of rain fell in a 2-hour period. The system is built

to handle 6 inches of rain in a 24-hour period. Ms. Nordine added that the 2011 event issues were not specific to this site but caused problems throughout the City.

Commissioner Proud requested that a maintenance plan be in place when this matter is considered by the City Council. Mr. Lockwood stated that there will be a maintenance agreement with the City.

Commissioner McCool asked about hazardous materials draining into the system. Mr. Lockwood stated that the underground system has sumps to prevent polluting materials from moving through the system.

Chair Solomonson opened the discussion to public comment.

Ms. Joan Hendrickson, 3519 Cohansey Street, stated that her house was flooded last year. It was the third time it happened. Her concern is that the expanded parking lot will mean more water draining toward their property. There were ruts in her yard. Even after new sod last year, the yard is rutted. Every time it rains because water backs up through the drains. Water comes on three sides of her house. She also gets water from the top of the hill. She does not believe this proposal will address her situation.

Ms. Mary Fensky, 3515 Cohansey Street, stated that the northwest corner of her property touches the southeast corner of the TSI property. She also has flooding concerns. There is a pipe that runs to the holding pond that is being ignored. At present, the holding pond is clogged with so much debris that it is hard to see water. The pipe cannot handle a big storm, and the roof runoff is directed to this holding pond. One event had 5 feet of water running between her property and the Hendricksons. There was a geyser of water shooting out a manhole at least 10 feet in the air on Cohansy. The pond was not expanded until she and her husband threatened a lawsuit. The expansion is not enough because it flooded again in 2011. The problem is not solved and even with an underground basin, the same pipe that has overflowed in the past is not being addressed. An independent engineer is needed to look at these issues. The 100-year benchmark has happened three times since she has lived in her house. Storms have intensified over the last 10 years. Allowing a variance will ignore the minimal standards still being used that date from the 1960s. She showed Commissioners a photograph of the pond that has debris and 4 trees growing in it. She would suggest that further review of this plan be done to find out what data the information presented is relying on. She suggested an escrow account for TSI for potential flooding of homes. She suggested another holding pond on the other side of the property that would drain through a different pipe in a different direction.

Mr. Paul Girard, TSI, stated that water from the apartments flows across TSI property. TSI and the City of Shoreview spent money to improve the holding pond on the southeast corner of the property. The plan for the infiltration chamber will slow the rate of water flow. The chamber will be made with porous material. The parking lot will be graded for runoff to flow to the infiltration chamber. Steps have been taken to reduce water flow. The pond is designed with vegetation to slow the water flow.

Commissioner McCool asked where the reduction of rate and volume is being measured, as the problems seem to come from the pipe capacity, not the pond. Mr. Lockwood stated that flows are being reduced at all discharge points in all directions. The rate is decreased but not the volume, which is being increased.

Commissioner McCool noted the EQC suggestion to oversize the infiltration chamber. Mr. Lockwood stated that the system would have to increase 40% if all drainage were to go through the infiltration system.

Commissioner Proud asked if an outlet to the north was considered. Mr. Lockwood answered; that he wooded area north would severely limit drainage to the north.

Commissioner Ferrington stated that she wants the project to move forward, but more creative solutions are needed. She suggested that temporary parking might be provided on the vacant parcel owned by TSI.

Commissioner Proud agreed and added that he does not want to see this project hurt the neighbors. He asked if the parking lot approval could be deferred to the time the building expansion is proposed because more studies need to be done. He feels pressured to approve but is not confident in the calculations. Mr. Girard explained that the staging is based on weather. With the excavation needed for the infiltration system, the contractor has given a work time frame of mid-September to mid-November. He added that there is not enough parking currently. Parking is occurring in drive aisles. With winter and snow removal, the parking spaces will be needed. In order for the grading to be correct for drainage, 36 parking spaces will be lost immediately upon the beginning of construction.

Ms. Fensky stated that there is not enough specificity. The existing rate benchmark is not good enough. It is faulty and needs to be examined. She understands the need for TSI to expand, but she is also concerned about property values and residents' ongoing fear of flooding. Neighbors want independent assurance from engineers that the storm water management is going to work.

Commissioner Wenner stated that he does not have enough information to vote on this proposal. TSI is a great corporate citizen, but individual property owners are experiencing water, which is coming from somewhere and must be addressed.

Chair Solomonson stated that the professional engineers are dependent on the standard practices. He asked what liability there would be to the City or TSI, if flooding occurs. City Attorney Filla stated that there is a potential problem if the system cannot be served by the City's sewer system. Ms. Nordine stated that the Public Works Director and City Engineer looked at the City's storm water pipe on the south side and determined that it is sufficient for this project and that there will be a reduction in rate.

Commissioner McCool stated that he is sympathetic to the neighbors' problems, but it is not fair to ask the applicant to second guess beyond the standards that have been met as per the Code. His main concern is that money will be wasted on the proposed parking lot without approval of

the requested building expansion that will exceed the City's maximum of 80% impervious surface.

Commissioner Proud agreed that the parking lot should be considered at the same time as the building expansion. In the face of the failure of the system three times, a higher standard is needed. The fact that the proposed system is adequate to the current standard is not suitable because it is 51-year-old data. He is not certain that is the standard that should be used. Staff needs to confirm that the standards are sufficient and that the system will handle the capacity of water. He would like to see the matter tabled this matter until the next regularly scheduled Planning Commission meeting, so that the building and parking lot can be reviewed at the same meeting. If the matter is denied, the Planning Commission would not have another opportunity to review further solutions.

Commissioner Ferrington stated that she does not like the staged plan because the next stage will add water to a system that already has problems. Approving the parking area and then a variance to increase the impervious area is not comfortable scenario, if the water issues have not been adequately addressed. The standard being applied does not address the entire surface area. The problem is not just from TSI but from the hill. She would like to see the whole problem addressed.

Commissioner Schumer stated that both applications should be considered together. But he stated that he is not an engineer. The City engineers have done their due diligence in this matter, but it is a dilemma. He is confident staff will continue to work on all the issues.

Commissioner Thompson asked if the City Engineer had the testimony of neighbors and whether that would change their determination. Ms. Nordine stated that the Public Works Director and City Engineer have met with the neighbors and have first-hand knowledge of the issues raised. In looking at the plan, the proposed drainage system meets City standards and will accommodate the project. She does not believe all the problems presented are from the TSI property.

Ms. Fensky stated that the City Engineer needs to be present to testify and be questioned directly by the Commission and neighbors.

Mr. Coyle stated that there will be another chance to revisit these issues in the next application. He requested that the project move forward with a vote. He assured the Commission that TSI will continue to work to resolve the issues presented.

Chair Solomonson stated that the infiltration basin will make the system work better. He depends on the engineer's analysis. The infiltration basin is pervious surface, and the building application may drop to 80% or less. He stated that he supports staff's analysis.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool, to recommend the City Council approve the Site and Building Plan request submitted for TSI, Incorporated, 500 Cardigan Road for the first phase of a two-phased project. Approval is granted for the expansion of the parking lot and associated improvements. Said approval is subject to the following:

1. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. Items identified in the attached memo from the Assistant City Engineer shall be satisfied prior to the issuance of a building permit for the parking lot expansion.
3. Revisions to the tree preservation and landscape plans shall be made in accordance with the attached memo from the Environmental Officer prior to the issuance of a building permit for this project.
4. Lighting on site shall comply with Section 204.030, Glare, of the Development Code. Details of the proposed pole, pole height and light fixture shall be submitted to the staff prior to the issuance of a building permit. .
5. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.
6. The Building Official is authorized to issue a building permit for the project.

Discussion:

Commissioner Proud asked if Commissioners Schumer and McCool would lay aside this motion in order for him to move to table this matter. Commissioners Schumer and McCool withdrew the motion.

MOTION: by Commissioner Proud to table this matter to the next regularly scheduled Planning Commission meeting.

The motion died for lack of a second.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to recommend the City Council approve the Site and Building Plan request submitted for TSI, Incorporated, 500 Cardigan Road for the first phase of a two-phased project. Approval is granted for the expansion of the parking lot and associated improvements. Said approval is subject to the following:

1. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. Items identified in the attached memo from the Assistant City Engineer shall be satisfied prior to the issuance of a building permit for the parking lot expansion.
3. Revisions to the tree preservation and landscape plans shall be made in accordance with the attached memo from the Environmental Officer prior to the issuance of a building permit for this project.
4. Lighting on site shall comply with Section 204.030, Glare, of the Development Code. Details of the proposed pole, pole height and light fixture shall be submitted to the staff prior to the issuance of a building permit. .
5. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.

6. The Building Official is authorized to issue a building permit for the project.

ROLL CALL: Ayes: 3 (McCool, Schumer, Solomonson)
Nays: 4 (Ferrington, Proud, Thompson, Wenner)

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to deny the motion based on the testimony of the community.

ROLL CALL: Ayes: 4 (Ferrington, Proud, Thompson, Wenner)
Nays: 3 (McCool, Schumer, Solomonson)

Chair Solomonson called a five-minute break and then reconvened the meeting.

FINDING OF CONFORMANCE TO GENERAL PLANS OF CITY FOR PROPOSED TIF DISTRICT NO. 9-TSI, INCORPORATED EXPANSION PROJECT

Presentation by City Planner Kathleen Nordine

State law requires the Planning Commission to find creation of a tax increment finance district in compliance with the City's Comprehensive Plan. The proposed TIF District will support eligible costs associated with the building addition and parking lot expansion. This project qualifies as a 9-year Economic Development TIF District. The use conforms with industrial land use and the zoning designation. The plan supports the City's goal to retain and provide expansion opportunities for existing businesses. Such expansion will provide livable wage jobs, maintain the tax base to generate revenue and support the economic vitality of the City. The City Council and Economic Development Authority have given preliminary approval for the new TIF District.

Statutes require that the Planning Commission find that the new TIF District conforms to the City's Comprehensive Plan. Staff is recommending approval.

Commissioner McCool noted that TIF will be used for site improvements and storm water, but not for building improvements. Ms. Nordine stated that is correct. TIF is being used for storm water management, but it will only be marginal improvements. One of the requirements in the Comprehensive Plan is improvement of storm water management. He questioned the use of TIF for this plan. He noted the listed \$1,980,000 eligible costs. He asked what other items are included for TIF financing.

Mr. Coyle stated that the use of TIF financing can only be used for eligible items.

Mr. Girard explained that originally the company requested a 15-year TIF District that would have allowed renovation of the existing building. However, inspections have shown the building to be in too good a shape to qualify. The project only qualifies for a 9-year TIF District for site improvements, which allows for footings, site preparation, storm water management and the parking lot.

Commissioner Ferrington noted that \$300,000 was quoted for the infiltration system. She asked if the system could be expanded with added TIF dollars. Mr. Girard stated that TIF financing is part of the overall budget, and he cannot answer whether more TIF dollars can be used for the drainage system.

MOTION: by Commissioner Proud, seconded by Commissioner Wenner to adopt Resolution No. 12-74, finding that the modification to Development District No. 2 and Tax Increment Financing Plan for the proposed creation of Tax Increment Financing District No. 9 (an Economic Development District) for the expansion project by TSI, Incorporated conform to the general development and redevelopment plans of the City.

VOTE: Ayes - 6 Nays - 1 (McCool)

COMPREHENSIVE SIGN PLAN

File No: 2456-12-19
Applicant: TCF Bank
Location: 3836 Lexington Ave North

Presentation by Senior Planner Rob Warwick

The existing Sinclair site will be removed and rebuilt by TCF Bank. The proposed sign plan for the site includes: 1) three wall signs, 2) a pylon sign with an integrated message center, 3) two illuminated window signs will display “Open” and 4) traffic direction signs.

Wall signs will be on the north, east and west sides of the building. The wall signs are small, 3% to 4% of each wall elevation area. Code limits the number of wall signs to one, unless the property has frontage on more than one arterial street. The only arterial street is Lexington Avenue. On the northwest corner of the site, TCF has granted an easement for a gateway monument sign for the commercial area at Lexington and Red Fox Road. The TCF Bank pylon sign is proposed southwest of the bank building with a 20 feet height, and an area of 30 square feet that includes a 10-square foot messenger center sign. The messenger center will give time and temperature and other information. Nine traffic directional signs on the site relate to traffic flow. The Public Works Director has reviewed the plan and commented that directional signs be kept out of the road right-of-way because of future road improvements.

The following criteria for reviewing a sign plan should be considered: Location, materials, size, color and illumination. Staff recommends approval of the proposed plan since the plan is consistent with the City’s review criteria. Uniform colors and materials are used. The message center sign is reasonable for this property. In regard to the wall signs, staff finds there is practical difficulty because of the access restrictions to the site. The signs proposed conform to City sign standards.

Property owners within 350 feet were notified of the sign plan. No comments were received.

Commissioner Proud noted that the sign size for the illuminated “Open” and “Closed” sign is 10 inches by 5 feet and asked what else is included in the sign. Mr. Warwick stated that originally the words, “western union” were going to be used, but they have been dropped.

Mr. Mike Kraft, HGT. Architects, stated that the illuminated wall sign will only say, “Open.” It measures approximately 1 foot by 2 feet.

Chair Solomonson asked if there will be additional directional signs on the site. **Mr. Kraft** stated that there will be additional directional signs at the drive-through.

Chair Solomonson noted that although message center signs are not permitted in the City, staff has restricted use to 1 color, 10 seconds, and these signs will not be flashing.

Commissioner McCool asked the meaning of condition No. 2 in the motion, which requires that messages be limited to allow passing motorists to read the entire copy. Mr. Warwick explained that the message must be displayed in its entirety and that it be short enough to be read.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson, to recommend the City Council approve the Comprehensive Sign Plan submitted by TCF Bank for 3836 Lexington Avenue, subject to the following conditions:

- A. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
- B. The applicant shall obtain a sign permit prior to the installation of any signs on the property.
- C. The message center sign shall:
 - 1. Display text using a single color font, and letter height sufficient to be readable by passing motorists without distraction.
 - 2. Messages shall be limited to allow passing motorists to read the entire copy.
 - 3. No graphics shall be displayed on the message center.
 - 4. Messages shall be displayed for a minimum of 10 seconds, and shall change instantaneously.
 - 5. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
- D. Traffic Directional signs shall not be located in the public street right-of-way without the authorization of the appropriate jurisdictional agency.

This approval is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign. Each type of sign (Wall, Traffic Directional, etc.) uses uniform color and materials, and with colors generally based on the TCF logo.*
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property. The business needs visibility from each elevation facing an access point and that the proposed signs provide that needed visibility. Staff believes that lot access presents a practical difficulty that warrants additional business identification. The corner location at the intersection of Lexington (an arterial) and Red Fox Road (a local street) also contributes to the practical difficulty since Red Fox is the main road for this retail area, but is classified as a local road.*
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site. The wall signs proposed give a uniform appearance to each building elevation facing a vehicular access point. Message center signs are not uncommon at bank facilities. Use of the message center is reasonable and consistent with previous City decisions regarding message center signs.*
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance. The configuration of the access to the lot and building is unique for this property with two points of ingress that are right turn only, and only one point of egress. The three wall signs have a total area of approximately 64 sq. ft. with each wall sign comprising about 3% of the wall elevation area to which the signs are affixed, less than the 10% permitted by Code.*
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards. The sign plan proposes signs with design and sign areas that generally conform to the provisions of Code.*

VOTE: Ayes - 7 Nays - 0

VARIANCE/SITE AND BUILDING PLAN REVIEW

File No: **2457-12-20**
Applicant: **PaR/Mission Construction**
Location: **655 County Road E.**

Presentation by City Planner Kathleen Nordine

PaR Systems owns the properties at 707 and at 655 County Road E having purchased the parcel at 655 from the City in 2008. Between the two parcels is a private drive access to the Deluxe property to the north. Previous Development Agreements that were executed require PaR to obtain a PUD and develop a master plan for the properties when major improvements are proposed. PaR has indicated that there is an urgent need to expand. Therefore, proposed improvements are submitted through the Site and Building Plan review and variance processes. A condition of approval is that a PUD be proposed in the near future.

The proposal is to construct a new 45,760 square foot manufacturing warehouse and office building. The variance request is to reduce the required front setback for an expanded parking

area. Currently there is an 18,000 square foot office building and an off-street parking lot. A new access drive is proposed off County Road E. Storm water management improvements are included. The proposed use is consistent with the current zoning of BP, Business Park. The variance requested for the expanded parking area is a reduction of the front setback from 20 feet to 6.2 feet.

The exterior building materials are similar to the building at 707 County Road E. Staff has requested that brick be added to tie in with the existing office building. The building height of 66 feet exceeds the maximum 35 feet permitted. The City allows an exception if the height does not exceed firefighting capability, and if an additional 1 foot of setback is provided for every additional foot of height over 35 feet. The Lake Johanna Fire Department has indicated that the firefighting capability is not an issue. The proposed building complies with the setback requirements for the added height.

Code requires a minimum of 230 parking stalls. PaR has proposed 157 parking stalls. The applicant states that the parking proposed more than meets their demand. Proof of parking for 36 additional stalls is shown. Staff's concern is how parking would be provided for a new user should the site ever be vacated. The existing parking lot encroaches into the 20-foot setback. Because the County Road E right-of-way varies, the expanded parking will encroach into the front setback, and a variance is needed.

There are two wetlands on the property, which will require wetland delineations. The proposed access drive off County Road E on the east side of the property will encroach into the 16.5 foot buffer for the wetland.

A tree inventory and landscape plan was submitted but was incomplete. A revised plan was recently submitted, but staff has not had an opportunity to review it. One issue is the number of landmark trees on the property, which has been resolved. Staff is also looking for a plan for overall landscaping of the entire site. This information was recently provided, but staff has not had an opportunity to review it.

The eastern and northern portion of the property will be graded for the development. A storm water pond is proposed, but calculations have not yet been provided for review. Storm water would flow north to the proposed pond. Pond overflow would flow into the City's storm water system.

With regard to the variance, staff believes there is practical difficulty with the varying right-of-way width of County Road E. The existing setback of the western parking lot encroaches into the 20-foot front setback. Also, other nearby parking lots on County Road E do not meet the setback requirements.

The Environmental Quality Committee (EQC) reviewed the proposal but found it to be incomplete. No recommendation was made. The EQC did suggest integrating a sustainable green design on the site.

Property owners within 350 feet were notified of the proposal. No comments were received.

Although incomplete, this proposal was scheduled for this meeting because of PaR's urgent time schedule and to keep the application moving forward. PaR has requested that the plan be presented to the City Council at their September 17th meeting. The two options for the Planning Commission are: 1) table the application and hold a special meeting before September 17th; and 2) Recommend approval on condition of submittal of the required information listed in the motion sheet and approve the variance.

Commissioner Ferrington asked the impervious surface coverage. Ms. Nordine stated that she does not have an exact ratio but believes the proposal falls within the allowed 75%.

Commissioner McCool asked how a PUD can be implemented after the site is improved. Ms. Nordine stated that staff hopes to address parking and storm water issues between the two parcels with a PUD when further improvements are proposed. Commissioner McCool noted the concerns of Ramsey County about the proposed third access.

Mr. Garry Mannor, Mission Construction, stated that PaR's preference is to keep three access points. He plans to talk to the County directly and if necessary, one will be removed. A professional landscaping plan in addition to what has been submitted will be completed within the next two weeks. Truck traffic will be moved to the new building, which will allow for added parking if needed. The owners prefer not to build parking that is not needed but keep green space.

Commissioner McCool asked for further clarification on the number of parking spaces. Mr. Madden stated that the Code requires 230 for the property at 655 County Road E. All parking requirements have been met at the 707 site. The site at 655 has proof of parking for 190 spaces; 157 are proposed to be put in. PaR does not anticipate using 157.

Mr. Mannor added that the storm water plan is also being submitted this week. Work is being done fast in order to provide PaR with the building needed by January 31, 2013. If equipment can be in place and working on September 18, workers will be working overtime to complete the project by January 31st.

Commissioner Ferrington stated that there is a lot of missing information and asked how long it would take to present a complete application. Mr. Madden stated that the wetland delineation will take one to two weeks.

Commissioner Proud stated that he is willing to approve an incomplete proposal with conditions because PaR Systems is a company that can be trusted. He is confident PaR will provide all the information needed for the City Council's review.

Chair Solomonson agreed with Commissioner Proud.

Commissioner McCool stated he would like to have a special meeting in time for the proposal to go to the September 17th Council meeting, when more information will be available. That would not interrupt the fast track for the project.

Chair Solomonson called a five-minute recess for the technician to load a second DVD for continuation of the meeting, then reconvened the meeting.

Commissioner Ferrington stated that the application is too incomplete. It is the Commission's job to vet the application, even though the Council is capable of doing that. More information is needed before she can support it.

Commissioner Schumer stated that he is willing to approve the motion with listed conditions. PaR is an excellent company in the community and will provide all the information needed for the City Council meeting.

Commissioner Wenner stated that while there are some areas that can be done by staff administrative review, the items that are incomplete are ones that the Commission is specifically charged to review. He would like to have a special meeting to consider all the information on the proposal.

Commissioner Thompson agreed that there is not enough information for her to make a recommendation.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to table the variance and site and building plan applications, submitted by Mission Construction on behalf of PaR Systems, to a special Planning Commission meeting on September 11, 2012, at 7:00 p.m. Tabling the applications will allow the applicant the additional time needed to provide the following information:

1. A parking management plan shall be submitted to the City addressing: the existing and future parking needs for the property (655 County Road E), including but not limited to: the maximum number of employees working on site, hours of operation, employee shifts, the potential for shared parking with 707 County Road E, proof of parking.
2. Shared parking may be permitted provided information regarding the existing and future parking needs for the 707 building is provided to the City for review. A shared parking and maintenance agreement will be required between the two sites.
3. Submittal of a stormwater management plan, including stormwater calculations, that complies with the City's Surface Water Management Plan and stormwater regulations and policies.
4. Submittal of a wetland delineation by a qualified wetland specialist.
5. County review and approval for the proposed new entry drive onto County Road E.
6. Submittal of a tree preservation and replacement plan for the entire property identifying vegetation/trees to be removed and replaced in accordance with Section 209.050, Vegetation and Woodlands
7. Submittal of a landscape plan for the entire property showing existing landscaping and proposed plant materials including specific plant and tree species, sizes, number and locations. Said plan shall address the City's requirements for landscape islands.

8. Calculation of impervious surface coverage for the existing and proposed site conditions.
9. All other reasonable information requested by staff as staff continues to review the application.

VOTE: Ayes - 5 Nays - 2 (Proud, Schumer)

PUBLIC HEARING – TEXT AMENDMENT – VEHICLE SALES

File No: 2454-12-17
Applicant: City of Shoreview
Location: City Wide

Presentation by City Planner Kathleen Nordine

The City is seeking a Text Amendment to prohibit vehicle sales in commercial districts. In the Development Code for C2, General Commercial Districts, vehicle and equipment sales are permitted under a Conditional Use Permit. Actions needed are to add Section 203.035, Prohibited Uses, which would stipulate prohibition of sales of vehicles and equipment. Section 205.040 (B)(9) would be deleted, as it refers to uses not specified and is repetitive of existing language in Section 205.030. Section 205.043 (C) (2) that addresses vehicle and equipment sales would be deleted.

A phone call was received from Ed Schenk, owner of C & E Hardware, expressed concern about this amendment because he does rent out equipment, such as industrial cleaners and lawn mowers. He requested that equipment sales and rental be better defined. Staff is concerned about heavy equipment

Staff recommends approval for the text amendment to be forwarded to the City Council., or to table this request to add language that would better define vehicle/equipment sales and rental.

Ms. Nordine verified that proper notice was published for the public hearing.

Chair Solomonson opened the public hearing.

Commissioner McCool suggested that further consideration be given to giving more strength to what is required to obtain a Conditional Use Permit.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to continue the public hearing and table this matter until the next regularly scheduled Planning Commission meeting.

VOTE: Ayes - 7 Nays – 0

MISCELLANEOUS

City Council Meeting Assignments

Commissioners Thompson and McCool will respectively attend the September 4th, 2012 and September 17th, 2012 City Council meetings.

Workshop

The Planning Commission held a workshop meeting at 6:00 pm. immediately before this regular meeting.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the regular Planning Commission Meeting of August 28, 2012, at 11:10 p.m.

VOTE: Ayes - 7 Nays - 0

**SHOREVIEW PLANNING COMMISSION SPECIAL MEETING
MINUTES
September 11, 2012**

CALL TO ORDER

Vice Chair Proud called the special meeting of the September 11, 2012 Shoreview Planning Commission to order at 7:00 p.m.

ROLL CALL

The following members were present: Vice Chair Proud; Commissioners, Ferrington, McCool, and Wenner.

Chair Solomonson and Commissioners Schumer and Thompson were absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Ferrington, seconded by Commissioner Wenner to approve the September 11, 2012 agenda as submitted.

VOTE: Ayes - 4 Nays - 0

OLD BUSINESS

**SITE AND BUILDING PLAN REVIEW & VARIANCE
PaR SYSTEMS, 655 County Road E**

This matter was tabled at the Planning Commission's August 28th meeting in order that more information could be submitted.

The proposal consists of two requests: 1) construction of a new manufacturing warehouse and office building; and 2) a variance to reduce the required setback for a parking area from the front lot line. The new building will be 45,750 square feet for a manufacturing/warehouse and office building. The existing building will remain and existing parking will be expanded. There is an access drive owned by Deluxe between the two parcels. A new access of County Road E is requested for truck traffic. Deluxe supports the use of the private drive for employees.

The property is zoned Business Park (BP). The proposed use is consistent with this zoning district. The variance requested is to reduce the required 20 feet of front setback to 6.2 feet. The architecture design will be further addressed through the PUD. Staff is asking that the building designs be complimentary. The building height is 66 feet, an extension from the 35 feet permitted. The additional height may be allowed provided it does not impact firefighting capability. The Fire Department has indicated no issues with the project. County Road E varies in width, which creates the need for the variance.

The Code requires 232 parking stalls. The proposed plan is for 157 stalls with proof of parking shown to be 193 stalls. PaR notes that there will be shared parking facilities between the two parcels, 655 and 707. There are no parking islands. Based on discussions with the applicant, staff is recommending they be waived because of the site design. The two parking areas are separated by wetland area. Also, the parking lot is not wide but is long and framed by the building. Additional landscaping could be planted along the perimeter of the parking lot. Impervious surface is at 52%, which is significantly less than the allowed 75%. This also provides openness on the site.

Two wetlands are located on the property. The one located in the northwest corner will not be impacted. A second one is located in the southeast corner. Wetland delineations have been completed and verified by the City's consultant. A final report needs to be submitted. The driveway will encroach on the 16.5-foot buffer to the wetland but not the wetland itself.

Five landmark trees will be removed for development. A full tree inventory is requested for the City to determine replacement requirements.

The grading, drainage and storm water plans were reviewed by the City Engineer and do comply with the Appendix C of the City's Surface Water Management Plan. A storm water pond will be put in along the north property line to address run-off from the new parking areas and building. The pond will be designed to drain into City infrastructure when it overflows.

Staff believes practical difficulty exists to warrant the requested variance with the varying widths of County Road E.

Notice was sent to property owners within 350 feet. No comments were received. Ramsey County has indicated no concerns with the requested driveway, if another driveway is closed off. PaR has agreed to close the center driveway.

Commission Discussion

Commissioner Wenner asked if it is the intent of the City for this to be zoned PUD. Ms. Nordine answered, yes. That rezoning application will come to the Planning Commission, as well as the Development Stage Review. That is another opportunity to address issues of parking, design, and drainage, if needed.

Commissioner McCool asked if the parking area would be reconfigured with the middle driveway closed. Ms. Nordine stated that the area would be converted to parking stalls. Commissioner McCool stated that his concern with this proposal is parking if a new user were to move in. The number of stalls proposed is significantly less than the City standard, and he is thinking of the long-run future. Ms. Nordine stated that with a change of use, the new owner may have to submit plans to the City for review by the Planning Commission and City Council to address any parking needs.

Commissioner McCool asked if a certain number of stalls would be dedicated as shared parking for the two parcels. Ms. Nordine responded that would be difficult to enforce. Commissioner

McCool suggested a parking agreement is not necessary since the parking will work for PaR who owns both parcels.

Commissioner Ferrington asked about parking during construction.

Mr. Brian Behm, 881 Springwood Drive, Woodbury, Applicant, stated that the new building will not be filled quickly. There is plenty of parking on the 655 site during construction. The building is needed urgently for large robots that are being built. The shop number of employees is stable, but the number of engineers varies.

Commissioner Ferrington asked how snow removal would be handled. Mr. Garry Mannor, Mission Construction, indicated on the map the areas used for snow. Snow could be placed in the new retention pond if needed. If necessary, snow can be removed from the site, but that has not been necessary and is not anticipated.

Commissioner Ferrington asked for further clarification on the landscaping plan. Ms. Nordine explained that it has not been determined the number of trees that will be required to replace the five landmark trees being removed. Code would require up to 30 replacement trees. The City has discretion in the number of trees required based on the size and health of existing trees. She would anticipate them being planted around the parking area.

Commissioner Ferrington suggested that native plants be considered for the areas marked for seeding or sod to add more greenery.

Commissioner McCool stated that he supports the project and PaR. He noted that the City is expecting that within a year this site to be zoned PUD. That is the appropriate process for the deviations being discussed, and he would hope the rezoning application could be done soon.

MOTION: by Commissioner Ferrington, seconded by Commissioner McCool to adopt Resolution 12-77 approving a variance to reduce the required 20-foot front parking setback to 6.2 feet from the front property line and to recommend that the City Council approve the site and building plan request submitted by Mission Construction for PaR Systems. Approval is based on the four conditions for the variance and four findings of fact with the site and building requirements presented in the staff report.

VOTE: Ayes - 4 Nays – 0

Variance

1. Said approval is contingent upon City Council approval of the Site and Building Plan review.
2. The project must be completed in accordance with the plans submitted as part of the Variance application.
3. This approval will expire after one year if a building permit has not been issued for this project.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed parking lot will provide the off-street parking area needed for the business park use of the property. The proposed setback is reasonable due to the configuration of the County Road E right-of-way and current parking lot setback encroachments that exist on the property.
3. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances warrant the variance. The County Road E right-of-way varies in width and has a larger width adjacent to the eastern portion of the property. This circumstance warrants the variance.
4. *The variance, if granted, will not alter the essential character of the neighborhood.* The proposed 6.2' setback exceeds the setback of an existing parking lot on the property. The parking lot on the adjoin property to the east is closer to the County Road E road surface than the proposed parking lot. Adequate green space will remain between the proposed parking surface and the road surface for County Road E. The character of the neighbor will not be altered by granting the variance.

Site and Building Plan Review

1. A wetland delineation must be submitted for the City's review and approved prior to the September 17th City Council meeting.
2. Shared parking may be permitted between the 655 and 707 building to address the deviation from the City's minimum parking requirements. A shared parking and maintenance agreement shall be executed between the properties prior to the issuance of a building permit.
3. The applicant must obtain the necessary permits from Ramsey County for the proposed new entry drive onto County Road E.
4. Lighting on site shall comply with Section 204.030, Glare of the Development Code. The applicant shall provide details on the exterior light fixtures and pole heights with the building permit submittal
5. Prior to the issuance of a building permit, a site development agreement and erosion control agreement shall be executed, including the submittal of all required fees and escrows. Said development agreement shall address:
 - a. Shared parking between the 655 and 707 buildings, and
 - b. Change in use or occupancy which does not meet the City's exceptions to the minimum parking requirements
6. The submitted tree replacement plan shall be revised and submitted prior to the issuance of a building permit. Required replacement trees may be planted on the 655 County Road E property and the 707 County Road E property. The revised plan shall include the following information:
 - a. Site plan showing location of trees over 4" in size on the property

- b. Tree Inventory table containing the species of tree, tree diameter, landmark tree designation
 - c. Replacement calculations
 - d. Tree protection
7. The submitted landscape plan shall be revised to include additional landscaping around the perimeter of the existing and proposed parking lots.
 8. Comments identified by the Fire Marshal in his memo dated August 22, 2012 shall be addressed prior to the issuance of a building permit.
 9. Comments identified by the City Engineer in his memo shall be addressed prior to the issuance of a building permit.
 10. PaR Systems is required to submit a Planned Unit Development application prior to the proposed construction of the building addition as identified on the submitted plans or within one-year of this approval, whichever comes first.
 11. Said approval does not include the proposed addition as shown on the submitted plans.
 12. The Building Official is authorized to issue a building permit if approved by the City Council and the above conditions satisfied.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated business park land use in the Comprehensive Plan and BP, Business Park zoning district.
2. The development supports the City's business retention and expansion goals by supporting the continued growth of a company that:
 - *Provides livable wage jobs that allow residents to support local businesses and participate in community activities*
 - *Maintains tax base to generate revenues*
 - *Supports the economic vitality of the City*

ADJOURNMENT

MOTION: by Commissioner Wenner, seconded by Commissioner McCool to adjourn the regular Planning Commission Meeting of September 11, 2012, at 7:27 p.m.

VOTE: Ayes - 4 Nays - 0

TO: Planning Commission

FROM: Kathleen Nordine, City Planner

DATE: September 19, 2012

SUBJECT: File No. 2453-12-16; Site and Building Plan Review/Variance, TSI, Inc. 500 Cardigan Road

INTRODUCTION

The City received a Site and Building Plan Review and Variance applications for phased improvements at TSI, Incorporated, 500 Cardigan Road. The first phase included the parking lot expansion and associated improvements and was considered by the Planning Commission at their August 28th meeting. The Commission recommended denial of the proposed plans due to concerns raised regarding stormwater management.

This application submittal addresses the second phase of this project which consists of the building expansion. The proposed building expansion consists of a two-story 58,000 square foot addition on the south side of the building. The exterior is designed to match the existing building using precast wall panels, aluminum windows, and prefinished metal coping and flashing.

In response to concerns raised at the August 28th meeting regarding stormwater management, TSI deferred going forward to the City Council for the parking improvements in order to explore options and submit revised grading, drainage and stormwater plans for the Commission's consideration. The proposal requires a variance to exceed the maximum 80% impervious surface coverage permitted as 84% is proposed.

This application was complete as of September 10, 2012.

DEVELOPMENT CODE REQUIREMENTS

The property is located on Cardigan Road, south of County Road E and is zoned I, Industrial. The property is developed with TSI's research/development and scientific equipment manufacturing facility, which is a permitted use. TSI Inc. designs and manufactures precision instruments used to measure flow, particulate and other key parameters in the environment. Property to the west is also located in the Industrial zoning district. The property immediately to the south is zoned R3, Multi-Family Residential and is developed with the Lakeshore Oaks apartment complex. Property to the east is zoned R1, Detached Residential and is developed with single-family homes.

The Code Requirements for parking areas were reviewed at the August 28th meeting. For structures, the following minimum setbacks are required:

1. Front property line: 50'
2. Side lot line, abutting a street right-of-way: 30'
3. Rear property line: 20'
4. Property line adjacent to a residential use: 75'

The maximum building height permitted is 35', but may be exceeded provided there is an additional foot of setback for every additional foot in building height. In no case, can the height of the building exceed the firefighting capabilities of the Fire Department.

Impervious surface coverage cannot exceed 75%, however if best management practices are used then the lot coverage can be increased to 80%.

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

- 1. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
- 2. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
- 3. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

PROJECT DESCRIPTION

The second phase of the project includes the construction of two-story building addition with a foundation area of approximately 29,050 square feet. The gross floor area for the addition is approximately 58,000 square feet. The addition is located at the south end of the existing building and complies with the required setbacks, including those from the adjoining residential land uses to the east and south.

The addition is designed to complement the existing building utilizing the same or similar building materials. The height of the building is 30', less than the maximum 35' permitted. The exterior building materials proposed include precast concrete wall panels, stucco, glass and metal coping. The roof top equipment will be screened from view.

STAFF REVIEW

Staff reviewed the submitted plans in accordance with the previous approvals for this project as well as the zoning requirements and criteria for Site and Building Plan review. The following discusses the architectural design of the building and the revised grading, drainage and stormwater management plans.

Architectural Design

The addition is designed to complement the existing building utilizing the same or similar building materials. The height of the building is 30', less than the maximum 35' permitted. The exterior building materials proposed include precast concrete wall panels, stucco, glass and metal coping. The roof top equipment will be screened from view.

Grading, Drainage and Stormwater Management

The plans have been revised in response to concerns voiced by Planning Commission members and residents at the August 28th meeting. The developed portions of the TSI property drain to the southeast while the vacant portion of the site sheet flows to the north and south. The proposed parking lot area will be regraded and is designed to tie into the topographical elevations for the existing parking and loading dock areas. Catch basins are proposed within the parking lot area which will convey stormwater through pipes to an underground infiltration chamber, with a small portion draining towards Cardigan Road. This infiltration chamber will manage the rate and volume of the run-off prior to discharging the stormwater to an existing basin located at the southeast corner of the property. The key elements to the plan include the following:

1. The proposed site improvements and building expansion rooftop drain will channel runoff to an underground infiltration chamber for rate and volume control prior to discharging into an existing storm sewer pipe that is connected to the public storm sewer system south of the property. Peak discharge rates are reduced from current rates.
2. The plan reduces the drainage area and volume of run-off to the southeast retention basin. An existing curb cut will be closed and an earthen berm will be extended north, along the eastern property line to better contain runoff. This results in a reduction of runoff volume to the southeast basin and peak water levels will also be lowered.
3. The northwestern portion of the parking lot will be regarded to surface drain to Cardigan Road.

A maximum impervious surface coverage of 80% is permitted if best management practices are used. This phase of the project does comply with the City's standards. Impervious surface coverage for the entire project will increase to 84%, exceeding the maximum 80% permitted. TSI has asked for a 2% credit since the chamber functions similarly to other pervious materials. When pervious materials are used on development sites, such as pervious pavers, asphalt or concrete, the City has applied an impervious surface credit for these areas. Credit, however, has not been given for infiltration basins or underground infiltration chambers, therefore, a 4% variance is needed.

Variance

The applicant has submitted a statement regarding practical difficulty which is attached. TSI states that practical difficulty is present as the business needs to meet its growth objectives at this location while complying with the City's development standards. The proposed expansion of the industrial building is consistent with the Land Use Plan and a reasonable use of the property. Unique circumstances are caused by the confined land holding. Also, the character of neighborhood will not be affected by the proposed improvements as they are consistent with the other industrial uses on Cardigan Road.

Staff has reviewed the variance request in accordance with the criteria and concurs that practical difficulty is present.

1. *Reasonable Manner.* The variance to exceed the maximum impervious surface coverage by 4% is reasonable based on the TSI's business needs and growth objectives and use of an underground infiltration chamber. If the impervious surface coverage was reduced to the 80% maximum permitted, approximately 16,550 square feet of impervious surface (building and/or parking, sidewalks and other hardsurface areas) would need to be removed and result in a project

that does not meet the business operation or parking needs. The intent of the of the impervious surface coverage regulation is to manage stormwater runoff, provide areas for infiltration and green space for vegetation, reduce flooding potential and recharge groundwater.

While credit is not given for the use of underground infiltration chamber, it is designed for infiltration, ground water recharge and control the rate and volume of stormwater in heavy rain events. The proposed chamber has an area of approximately 9,975 square feet and will manage runoff from approximately 2.64 acres. Also, the plan does comply with the Appendix C of the Surface Water Management plan. Staff does believe the variance request is reasonable due to these factors.

2. *Unique Circumstances.* Unique circumstances are created by the constrained lot area and the need for the business to expand the structure and provided the parking required for the employees working on the site. Existing development to the west, east and south prohibit opportunities to increase the lot size and reduce impervious surface coverage. While TSI does own an additional parcel across Cardigan Road, this parcel is being reserved for future needs. The proposed business and parking expansion uses the property efficiently and will manage stormwater run-off as required.
3. *Character of Neighborhood.* The proposed improvements will not affect the character of the neighborhood. There are several other industrial uses along Cardigan Road. The proposed building addition is consistent with the architectural character of the existing building, has a height less than 35' and will not visually impact nearby residential properties. In addition, the proposed parking area is on the west side of the property, away from the single-family residential neighborhood and adjacent to the parking area for the apartment complex to the south.

PUBLIC COMMENT

Property owners within 350 feet of the property were notified of this phase of the application. Additional comments have not been received. Those comments received for the Phase 1 application are attached. Residents expressed concerns regarding the impacts (noise, lighting, alarm system, snowplowing, drainage) the proposed expansion will have on their property. Other comments submitted expressed more specific concern regarding the proposed drainage plan and potential flooding of their property as a result of the improvements. Additional comments were not received with the Phase 2 notice.

TSI did hold a neighborhood meeting on August 22, 2012 to discuss the proposed development plans and address concerns that nearby residents may have.

RECOMMENDATION

The proposed improvements have been reviewed by Staff in accordance with the past approvals for this site and the Development Code standards. The proposed building does comply with the City's Development Code standards. The building size and parking needs are the driving force behind the 4% variance being requested for impervious surface coverage. Compliance to the City's standard would jeopardize TSI's ability to meet their business needs and growth objectives. Practical difficulty is created when the impervious surface standards are applied. The proposed variance is reasonable since

the proposed storm water management plan complies with the Appendix C of the City's Surface Water Plan and revisions have been made that go beyond the guidelines to address drainage concerns. While credit is not given for the infiltration chamber, it does act like a pervious surface. The Staff is asking the Commission to adopt Resolution 12-85 approving the variance and recommend the City Council approve the Site and Building Review plans for TSI Incorporated, subject to the following conditions:

Variance

1. Said approval is contingent upon City Council approval of the Site and Building Plan review.
2. The project must be completed in accordance with the plans submitted as part of the Variance application.
3. This approval will expire after one year if a building permit has not been issued for this project.
4. This approval is subject to a 5-day appeal period.

Site and Building Plan Review

1. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. Items identified in the attached memo from the Assistant City Engineer shall be satisfied prior to the issuance of a building permit for the parking lot expansion.
3. Revisions to the tree preservation and landscape plans shall be made in accordance with the attached memo from the Environmental Officer prior to the issuance of a building permit for this project.
4. Lighting on site shall comply with Section 204.030, Glare, of the Development Code. Details of the proposed pole, pole height and light fixture shall be submitted to the staff prior to the issuance of a building permit. .
5. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.
6. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

Attachments

1. Resolution 12-85
2. Memo from Public Works Director
3. Memo from City Engineer
4. Memo from Environmental Officer
5. Location Map
6. Aerial Photo
7. Submitted Plans
8. Request for Comment

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**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD SEPTEMBER 25, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

**RESOLUTION NO. 12-85 FOR A VARIANCE TO INCREASE THE 80% MAXIMUM
IMPERVIOUS SURFACE COVERAGE TO 84%**

WHEREAS, TSI, Inc., submitted a variance application for the following described property:

Subj To Rds Esmts & Party Wall; The N 800 Ft Of E 445 Ft Of W 1420 Ft Lying S Of Rr R/w
Of Nw 1/4 Of Sec 36 Tn 30 Rn 23 & In Krois Industrial Park Ex W 174.25 Ft Lot 1 Blk 1 & In
Krois Industrial Park No.3 Lot 2 Blk 1

(Commonly known as 500 Cardigan Road)

WHEREAS, the Development Regulations state the maximum impervious surface coverage for properties located in the I, Industrial zone, is 75% and may be increased to 80% if best management practices are used; and

WHEREAS, the applicant has requested a variance to increase this requirement to 84%; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on September 25, 2012 the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed impervious surface coverage is reasonable based on the business needs and growth objectives for TSI and use of an underground infiltration chamber. The stormwater management plan has been designed to manage the run-off with the proposed 84% impervious surface coverage and complies with Appendix C of the Surface Water Management Plan.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances warrant the variance. The constrained lot area and the need for the business to expand the structure and provided the parking required for the employees working on the site. Existing development to the west, east and south prohibit opportunities to increase the lot size and reduce impervious surface coverage.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* The proposed improvements will not affect the character of the neighborhood. There are several other industrial uses along Cardigan Road. The proposed building addition is consistent with the architectural character of the existing building, has a height less than 35' and will not visually impact nearby residential properties. In addition, the proposed parking area is on the west side of the property, away from the single-family residential neighborhood and adjacent to the parking area for the apartment complex to the south.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 500 Cardigan Road, be approved, subject to the following conditions:

1. Said approval is contingent upon City Council approval of the Site and Building Plan review.
2. The project must be completed in accordance with the plans submitted as part of the Variance application.
3. This approval will expire after one year if a building permit has not been issued for this project.
4. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member and upon a vote being taken thereon, the following voted in favor thereof:

Resolution 12-85

Page 3 of 3

And the following voted against the same:

Adopted this 25th day of September, 2012

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Nordine, City Planner

SEAL

ACCEPTANCE OF CONDITIONS:

TSI, Incorporated

t:\2012pc\2453-12-16tsi/res12-85



Date: September 19, 2012

To: Kathleen Nordine, City Planner

From: Mark Maloney, Public Works Director
Tom Wesolowski, City Engineer

Subject: Revised Plan Set and Storm Water Management Plan Review – TSI Inc. Building and Parking Lot Expansion

The City of Shoreview Public Works Department has reviewed the revised Plan Set and Storm Water Management Plan dated September 19, 2012 and has the following comments:

1. Revised storm water management calculations to model existing and proposed drainage conditions were submitted. The calculations are signed by a licensed engineer from the State of Minnesota and meet the requirements of the City's Surface Water Management Plan (SWMP). The resulting plans and infrastructure designs appear to have been prepared in accordance with industry accepted standards for storm water management infrastructure.
2. The proposed on-site private storm water management system improvements include an underground storage and infiltration system, modifications to the existing retention basin located in the southeast corner of the site, and redirecting run-off from the site. The proposed storm water management plan meets and in some cases exceeds Appendix C- Development Guidelines of Shoreview's 2nd Generation Surface Water Management Plan (2005).
3. In light of comments received from the Planning Commission and suggestions from City staff the TSI storm water management plan has been revised to reduce the drainage area and volume of run-off that is directed to the existing retention basin located on the southeast corner of the site. As stated in the plan a curb cut that allows the basin to overflow to the south will be patched and an earthen berm will be extended north along the eastern property to create additional ponding area, which will reduce the peak water elevation in the pond during rain events. These revisions to the proposed on-site improvements seek to reduce the frequency or likelihood of the existing TSI storm water retention pond overtopping and/or directing water off site.
4. The TSI storm water management plan also shows the run-off rate to the City's storm sewer system located in the southeast corner of the site will be reduced.

5. TSI needs to provide a long term maintenance plan and maintenance agreement to the City for the storm water BMP's constructed on the site.
6. On drawing C8-1, Civil Details, the size of the rock for the rock entrance pad shall be 2 to 3-inch diameter.
7. Asphalt that is removed or damaged on Cardigan Road due to the installation of the driveways or concrete curb and gutter shall be replaced as per City standards.

If you have any questions or would like to discuss the comments please contact Tom Wesolowski at 651-490-4652.

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

TO: KATHLEEN NORDINE, CITY PLANNER

FROM: MARK J. MALONEY, PE, PUBLIC WORKS DIRECTOR *mjm*

DATE: AUGUST 23, 2012

SUBJ: TSI SITE AND GRADING PLAN – DRAINAGE COMMENTS

There is an extensive history of City review and approvals of activities on what is now known as the "TSI Property". My review of planning files 801-79-49 and 1477-93-46 indicate that the City has since 1979 (at least) required proper handling of storm water runoff generated by development activities on the TSI property. Those prior City approvals resulted in private, on-site storm water management and infrastructure. For quite some time TSI has utilized a private drainage pond located at the southeast corner of the property as the endpoint for their on-site storage and treatment of storm water; from there it discharges into the public storm sewer system that eventually discharges into a storm pond northeast of Lake Wabasso.

In 1997 and reportedly again in 2000, after heavy rainfalls the private TSI pond overflowed and caused private property damage on at least one adjacent residential property. This was determined to have been caused primarily by some combination of improper construction and/or maintenance of TSI's private pond. I am aware that TSI hired a private contractor at some point to remedy the situation. I reviewed the details of the work planned at that time and approved of their approach to bring their pond into compliance with the intent of the original design. None of this work involved the public portion of the downstream storm water conveyance system that the TSI site eventually overflows to.

With regard to observations regarding the July 2011 flooding, it is difficult to establish what part the TSI drainage system (incl. pond) may have played in damages to adjacent property. In mid-July, 2011, we had city-wide flooding resulting from a rainfall event that dropped 4.5 inches of rainfall in a ninety minute period, with a total 5.4 inches in a 24 hour period. The intensity of the early part of that storm was off-the-charts with regard to storm sewer design, and most of the private and public storm water management systems in the City were in failure mode. We received reports of private property flooding and damage throughout Shoreview.

My staff has reviewed the plans and drainage calculations submitted/dated August 3, 2012 and have found them to be acceptable per City standards - see City Engineer Memo dated August 13, 2012. The city's approval is dependent on the submittal of a long term maintenance plan and agreement for the private storm water infrastructure on TSI's site; I believe this to be adequate. As is typical for private, on-site drainage infrastructure, it's really up to TSI to build and maintain their facilities per the plans approved by City and to avoid impacts on adjacent properties.

Date: August 13, 2012
To: Kathleen Nordine, City Planner
From: Tom Wesolowski, City Engineer
Subject: Site and Building Plan Review

The City of Shoreview Engineering Department has reviewed the plans dated August 3, 2012 and has the following comments regarding the plans:

1. The developer has submitted storm water management calculations for existing and proposed drainage. The calculations are signed by a licensed engineer from the State of Minnesota and meet the requirements of the City's Surface Water Management Plan (SWMP).
2. The proposed storm water management system will infiltrate a portion of the run-off from the development and reduce the volume of flow to a level less than what currently leaves the site, which exceeds the requirements of the City's SWMP.
3. The property owner should provide a long term maintenance plan and maintenance agreement to the City for the storm water BMP's constructed on the site.
4. Asphalt that is removed or damaged on Cardigan Road due to the installation of the driveways or concrete curb and gutter shall be repaired as per City standards.

If you have any questions or would like to discuss the comments please contact Tom Wesolowski at 651-490-4652

Date: August 13, 2012
To: Kathleen Nordine, City Planner
From: Jessica Schaum, Environmental Officer
Subject: Site and Building Plan Review

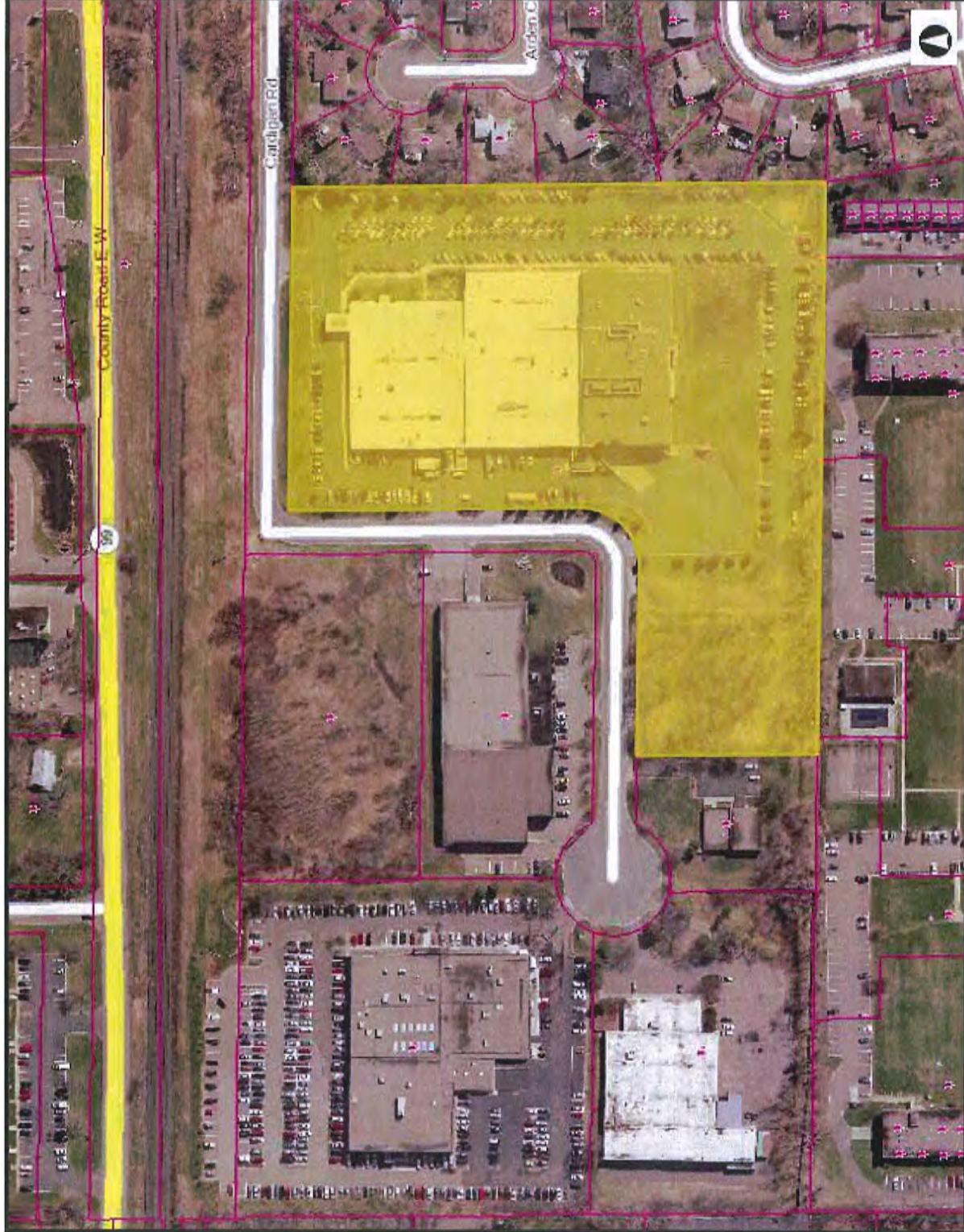
The City of Shoreview Engineering Department has reviewed the plans dated August 3, 2012 and has the following comments regarding the plans:

1. The submitted tree plan does not indicate quantities for deciduous species. The plan should show quantity, type, and location on the landscape plan. Diversity of species is encouraged.
2. Tree protection areas for existing trees are also not shown.
3. Due to the presence of Emerald Ash Borer in Shoreview and Ramsey County, the one ash tree being removed shall be chipped on site and not hauled outside of the State and Federal quarantine.

If you have any questions or would like to discuss the comments please contact Jessica Schaum at (651)490-4665.



TSI - 500 Cardigan Road



407.5 0 203.73 407.5 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

Notes

Site and Building Plan Review



August 27, 2012

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

Re: **TSI Incorporated**
Building and Parking Expansion – 500 Cardigan Road, Shoreview, MN
Part 2 – Site and Building Plan Review Application for Building.

On behalf of TSI Incorporated, along with Loucks Associates, HCM Architects has prepared the following Building Addition Submittal to accompany the site plan and parking expansion application/submittal which Loucks Associates has previously submitted on August 3, 2012. This second part of the submittal per the agreement with Shoreview to keep the process moving ahead.

TSI Incorporated wants to expand its operations at their present location in Shoreview in order to provide space for Engineering and Research & Development groups as well as needed additional assembly and production space. To accommodate these needs a two story addition is being proposed at south side of their existing facility. The addition will total approximately 58,000 gross square feet on the two levels. The second level will accommodate the engineering and research and development with the first level for the assembly and production operations.

The new addition will be constructed of the same materials and will match the building in colors, textures, heights and window fenestration. These materials include:

- Insulated architectural pre-cast wall panels with a raked finish and two color appearance.
- Thermally broken and insulated aluminum windows matching the color and spacing of the existing building.
- Prefinished metal coping and flashing
- Roof top screening matching existing.
- There will be a new employee entrance with vestibule and canopy made of aluminum storefront matching the windows. This entrance will be located on the west side of the addition away from the residential properties.

August 27, 2012

Please note, all of the site plan submission drawings have previously been submitted. Please do not hesitate to contact me with any questions regarding this submittal or if additional information is required.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'JERRY HAGEN'.

JERRY HAGEN, AIA

Enclosures:

Copy of Loucks Associates Letter (previously submitted)

Copy of Site and Building Plan Review Application (previously submitted)

Preliminary 1st and 2nd Floor Plans, dated August 27, 2012, 4-30x42", 1-11x17", 1-8.5x11"

Preliminary Roof Plan, dated August 27, 2012, 4-30x42", 1-11x17", 1-8.5x11"

Preliminary Elevations, dated August 27, 2012, 4-30x42", 1-11x17", 1-8.5x11"

Preliminary Color Elevations 1-11x17", 1-8.5x11"



HAGEN, CHRISTENSEN & MCILWAIN
ARCHITECTS

September 4th, 2012

Kathleen Nordine
Department of Community Development
City of Shoreview
4600 North Victoria Street
Shoreview, Minnesota 55126

Re: TSI Incorporated Building & Parking Lot Expansion Part 2 Variance Request.
Submitted on August 3, 2012 (Part 1) and August 27, 2012 (Part 2)

Dear Ms. Nordine:

HCM Architects is submitting this narrative for the requested variance requested below on behalf of TSI Incorporated. TSI Incorporated has applied for City of Shoreview approval to expand its current corporate facilities to meet current and future growth needs. TSI proposes a two-story 59,000 sf building addition and 204 additional parking stalls to support its growth needs. Both the building and parking area expansion will allow TSI to proceed with adding approximately 180 high-skill, high-wage employees to this longstanding, successful business location in the City.

While the proposed expansion is a permitted use in the Industrial (I) District, City staff have determined that TSI may need a variance from the City's maximum impervious surface coverage ratio of 80%; TSI's plans suggest that its maximum impervious surface coverage could be 82%. While TSI is hopeful that further review and refinement of its development application will eliminate the need for a variance, TSI is applying for it as a precautionary matter and to avoid potential delay if it is determined to be necessary.

As part of its construction plan, TSI intends to construct an underground infiltration system (under the proposed parking lot) in order to minimize the effects of the expansion on the environment. The underground system will collect all of the run-off from the new parking lot, as well as portions of the existing parking lot. The underground system is in lieu of an above-ground stormwater detention system. TSI's stormwater management plan meets or exceeds the design requirements of the City's Surface Water Management Plan. On this basis, TSI is requesting a 2% credit toward the 80% lot coverage standard. Nonetheless, TSI has an additional 2% impervious coverage area to be authorized through the enclosed variance (assuming further refinements do not eliminate the need for a variance).

Minnesota law and the City allow a variance from the lot coverage standard subject to satisfying several criteria.

3.b. Practical Difficulties. The application for a variance shall establish that there are practical difficulties in complying with the provisions of the Shoreview Development Regulations.

TSI has encountered a practical difficulty in trying to meet its objectives for growth at its current location while also complying with City regulations applicable to its building and parking area expansion. TSI projects that it needs the proposed building and parking areas for current and future growth at its current site in the City.

i. Reasonable Manner. TSI proposes to expand its existing industrial building to grow its employment in areas of research and development and manufacturing. The TSI use is permitted under the City's zoning regulations and satisfies the City's Comprehensive Land Use Plan. By itself the building expansion does not create a need for a variance; however, the current and projected parking demands for the site compel TSI to add 204 parking stalls to its current count of 347 stalls. TSI cannot meet all of its business objectives, including new employment opportunities, without the building area and parking expansion reflected in its application. The impervious surface percentage applied by the City through its Surface Water Management Plan is discretionary; some cities have a more restrictive standard, some have a less restrictive standard for commercial and industrial uses. The extent to which TSI's plan exceeds the City standard is minor and will have no impact on the neighborhood.

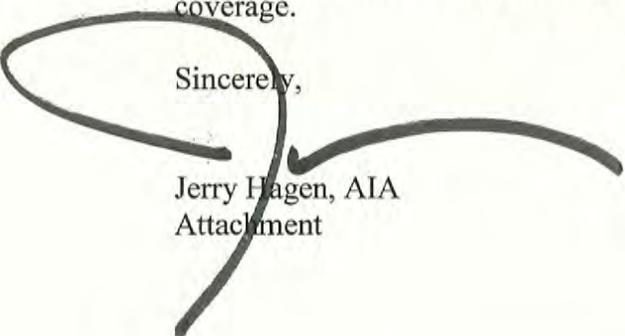
ii. Unique Circumstances. TSI is in a unique circumstance in that its positive business circumstance and willingness of its owner to further invest in the City compels it to seek the necessary building area and parking area expansion to support its growth objectives. Unfortunately, TSI's land holdings between Cardigan Road on the north and west, the apartment buildings on the south and single-family housing on the east will be fully utilized with this expansion.

iii. Character of Neighborhood. TSI's proposed expansion will not affect the character of the neighborhood. It is a longstanding industrial use in an area of the City guided and zoned for such purpose. Other than the surface coverage ratio, City staff has confirmed that TSI's application complies with all relevant standards. More specifically, City staff has confirmed that TSI is meeting its requirement to detain new surface water run-off relating to the expansion.

TSI looks forward to continuing and expanding its business partnership with the City of Shoreview. We appreciate the City's consideration of TSI's development application for building area and parking area expansion, together with the enclosed variance for surface area coverage.

Sincerely,

Jerry Hagen, AIA
Attachment





<mailto:knordine@shoreviewmn.gov>

TSI parking lot expansion

2 messages

Wendell and Faith Friest <wffriest@hotmail.com>

Wed, Aug 22, 2012 at 7:42 PM

To: knordine@shoreviewmn.gov

Dear Ms. Nordine,

Thank you for your letter concerning the proposed TSI parking lot expansion and other improvements.

Our major concern is that whatever they do to the parking lot, they take careful measures to insure that it does not cause flooding of our home and yard in heavy rains.

Wendell and Faith Friest
3525 Cohansey Street
Shoreview, MN 55126

Kathleen Nordine <knordine@shoreviewmn.gov>

Thu, Aug 23, 2012 at 8:55 AM

To: Wendell and Faith Friest <wffriest@hotmail.com>

I did receive your email and will pass this on to the Planning Commission. I will talk with our City Engineer regarding your concerns.

Thanks.

Kathleen

[Quoted text hidden]

--

Kathleen Nordine
City Planner
City of Shoreview
4600 N. Victoria Street
Shoreview, MN 55126

651-490-4682

knordine@shoreviewmn.gov

knordine@shoreviewmn.gov

Request for comment for meeting on Aug 28th

1 message

jh61201@comcast.net <jh61201@comcast.net>

Thu, Aug 23, 2012 at 1:18 AM

To: "." <knordine@shoreviewmn.gov>

My name is Joan Hendrickson and I live at 3519 Cohansey st. behind TSI. Over the yrs I have had problems with flooding that has occurred on my property that has flooded my yard and basement. My husband and I are greatly concerned what is going to happen when TSI revamps the parking lot and add onto there building. I was at there meeting on Wed to find out what the plan was along with several neighbor's. It sounds like to me there will be more water coming into the holding pond from all directions but part of it will be regulated into a underground holding system. In July of 2011 I was flooded once again after the holding pond was expanded and after that happened I talked to Mr Wesolowski two different times and told him what had happened. He informed me that we had alot of rain and it was unfortunate but it was not the city's problem but was TSI's problem. He also said that the drainage pipe that runs on the south side of my house backs up and water comes down my hill into my yard. There are 3 drains above my hill in the backyard that are outside of the holding pond that the water comes out of when it backs up. Shouldn't those drains be inside of the pond just wondering?? I also get water like a river along side of my garage on the north side. We have lived here 24 yrs and never have had a problem with water until that holding pond was put there and hooked into your city pipe. So what are we to do, our basement which was finished is ruined and the last flood put water into our new furnace. Are we just suppose to forget it even happened. I took pictures of the water of the last event which I have and showed the people at TSI and even though they sound concerned I know they are not going to admit that is there fault and the city also has done the same after talking to them in 2011. We would like the city and TSI to resolve this together to see what can be done. I suggested to have drain-tile maybe put all across the length of my back hill but I am not sure if that would even work because the flow of water is so great. We should not have to solve this ourselves. If and when we have another big rain in the future and there is more water coming down the hill it could do some heavy damage not only to my house but my next door neighbor's on either side of us. I want the planning commission to see this and also have this brought up at the meeting. I plan on being at the Aug 28th meeting. Thank-you Joan and Michael Hendrickson



TSI INCORPORATED

500 Cardigan Road, Shoreview, MN 55126 USA
tel 651 490 2811 + toll free 800 874 2811 + fax 651 490 3824 + web www.tsi.com

August 10, 2012

Dear

TSI Incorporated is in the process of expanding our building and parking area to accommodate our growing work force and business. We cordially invite you to an open house to view the plans, ask any questions, and take a tour of the facility if you choose.

Where: TSI Incorporated, 500 Cardigan Road - Front Lobby

When: Wednesday August 22nd, 2012

Time: 6:00 to 7:30pm

6:00pm – Information and Questions

6:45pm – Tour

Representatives from TSI and our architectural firm will be available for questions.

Please RSVP if you will be attending to: laurie.johnson@tsi.com or 651.490.2865 by Monday, August 20th.

If you are unable to attend and have questions or comments, please direct them to Paul Girard, TSI Facilities Manager, at 651.765.3747, or email: paul.girard@tsi.com

Sincerely,

Paul V. Girard
Facilities Manager
TSI Incorporated

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



Shoreview

City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

August 16, 2012

RECEIVED 8/18/12

REQUEST FOR COMMENT

SORRY,
INADEQUATE NOTICE
FOR MEETING
ATTENDANCE

Dear Property Owner:

The City received a Site and Building Plan Review application for phased improvements at TSI, Incorporated, 500 Cardigan Road. The application submittal addresses the first phase of this project which consists of a parking lot expansion and associated improvements. Plans for the second phase, a building expansion, will be submitted at a later date and considered by the Planning Commission at a subsequent meeting.

The existing parking and loading dock area will be modified and the parking lot will be expanded on the western portion of the property. Stormwater will be managed through an underground infiltration system for rate and volume control prior to discharging into an existing stormwater pond located in the southeast corner of the property. Please see the attached plans.

The first phase of this request is scheduled for review by the Planning Commission at their August 28, 2012 meeting. You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Your comments should be submitted by **Thursday, August 23rd** to be included in the Planning Commission agenda packet. Comments received after that date but before the meeting date will be distributed at the Planning Commission meeting. You are also welcome to attend the meeting. The meeting is held at 7:00 pm, City Hall, 4600 N. Victoria Street in the City Council Chambers.

If you would like more information or have any questions, please call me at 651-490-4682 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at knordine@shoreviewmn.gov.

Sincerely,

Kathleen Nordine
City Planner

Comments:

~~WE ARE CONCERNED WITH FURTHER POLLUTION~~ ^{OF OUR} ~~PROPERTY,~~
~~WE HAVE HAD ISSUES WITH NOISE FROM SNOW-BLOWING~~
~~AT INAPPROPRIATE HOURS, GENERAL LIGHT~~
~~POLLUTION, PERSISTANT SECURITY ALARMS (INCLUDING~~
~~SEVERAL ALARMS ON XMAS EVE) AND MOST RECENTLY A~~
~~DEFECTIVE SECURITY LIGHT FLASHING AT 1 MINUTE~~

t:\2012planningcasefile\2453-12-16\tsi500cardigan\neighborhoodsurvey

Name: DEB & JOHN FREDERICK

Address: 476 ARDEN CIRCLE

INTERVALS ALL NIGHT, WE HAVE CONCERNS ABOUT
WORSENING/PERSISTANCE OF THESE ISSUES AND
POTENTIAL FLOODING IF EXISTING DRAINAGE IS OVERLOADED

August 23, 2012

Ms. Kathleen Nordine
City Planner
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

Re: TSI, Incorporated – 500 Cardigan Road, Shoreview, Minnesota

Dear Ms. Nordine:

Reference is made to the Site and Building Plan Review application submitted by the above-referenced applicant ("TSI"). The undersigned are homeowners residing adjacent to TSI's property for over 10 years.

As many officials at the City of Shoreview undoubtedly know, there have been significant ongoing problems with stormwater discharge from TSI's property onto neighboring residential properties for at least 15 years. This has resulted in major damage to certain neighboring homes and, in at least one instance, led to expensive litigation for the Hendricksons, the City of Shoreview and TSI. Attached is a copy of an opinion issued by the Minnesota Court of Appeals dated April 29, 2003 captioned Michael Hendrickson, et. al. v. City of Shoreview and TSI, Inc. The Court of Appeals ruling is relevant for at least two reasons. First, it briefly describes the nature and severity of the ongoing stormwater drainage problem at TSI's facility. More importantly, it proves that, while TSI claims to 'be a good neighbor' and that 'it will do anything in its power to rectify any problems that the neighbors have,' it hid behind a legal procedural defense (in this case, TSI successfully asserted that the Hendrickson claim was barred by the statute of limitations) instead of stepping up to the table, admitting liability for the damage caused to the Hendrickson residence and resolving the problem.

In approximately 2008, TSI expanded the holding pond located in the southeast corner of TSI's property. TSI was told, in a meeting held at TSI's facility last night (August 22, 2012), that the Hendricksons continue to have problems (admittedly, slightly less severe than before the holding pond was expanded) after heavy rains. Various TSI employees were shown pictures of the damage directly attributable to TSI's continued inability and unwillingness to adequately handle the stormwater discharge from its property.

TSI is now proposing to expand its building and parking facilities. According to your August 16, 2012 letter, "[s]tormwater will be managed through an underground infiltration system for rate and volume control prior to discharging into an existing

stormwater pond located in the southeast corner of the property.” We do not dispute that this is what is intended by both TSI and the City of Shoreview. Given the history outlined above, however, TSI must be held accountable if the stormwater discharge plan outlined in your August 16, 2012 letter is insufficient and stormwater continues to flow into neighboring properties from time to time.

There are numerous risk mitigation steps that the Planning Commission and the City of Shoreview should impose. The undersigned propose that the City and TSI establish an escrow account with a neutral escrow agent in which TSI would place a sum established by the City in escrow to reimburse neighboring homeowners for any future damage caused by any stormwater discharge. We suggest that the escrow account hold at least \$30,000, which sum could be held in an interest bearing account. Under this proposal, TSI would be entitled to the interest on a monthly basis as long as there have not been any claims made against the escrowed funds. This escrow arrangement should remain in place for a minimum of 10 years and should continue for an additional period of time if any claims are made against the escrowed funds during the initial 10 year period. If TSI does not wish to tie up its cash for that length of time, additional options (such as an irrevocable letter of credit) could be considered.

We also suggest that TSI provide the City of Shoreview and neighboring property owners with a biannual written report outlining, at a minimum, the status of construction of both the building and parking lot expansion, any material design changes to the building and parking facility, any stormwater discharge problems or complaints voiced by neighbors, as well as any other problems or complaints expressed to TSI and/or the City by area homeowners. We welcome any further ideas that the Planning Commission has.

The ongoing stormwater drainage problems are not something that ‘may arise after a 100 year rainfall’ or that the neighboring property owners are ‘dreaming up.’ This is a real, ongoing problem that has existed for at least 15 years. For this reason, we ask that the Planning Commission and the City Council take an extremely close look at TSI’s proposed expansion and establish some or all of the controls outlined above, as well as others that the Planning Commission and the City Council deem appropriate.

Thank you for your attention to our concerns and to those continuously expressed by other adjacent property owners.

Scott and Mary Fenske
3515 Cohansey Street
Shoreview, Minnesota 55126
651-310-0684

Attachment

Michael Hendrickson, et al., Appellants, vs. City of Shoreview, Defendant, TSI, Inc., Respondent.

Michael Hendrickson, et al., Appellants, vs. City of Shoreview, Defendant, TSI, Inc., Respondent. C3-02-1734, Court of Appeals Unpublished, April 29, 2003.

This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3 (2002).

**STATE OF MINNESOTA
IN COURT OF APPEALS
C3-02-1734**

Michael Hendrickson, et al.,
Appellants,

vs.

City of Shoreview,
Defendant,

TSI, Inc.,
Respondent.

Filed April 29, 2003

Affirmed

Gordon W. Shumaker, Judge

Ramsey County District Court
File No. C00111817

Jonathan D. Miller, Boynton Law Offices, P.A., 12201 Champlin Drive, Champlin, MN 55316 (for appellants)

John E. Hennen, League of Minnesota Cities, 145 University Avenue West, St. Paul, MN 55103 (for defendant City of Shoreview)

Dale M. Wagner, Bassford, Lockhart, Truesdell & Briggs, P.A., 33 South Sixth Street, Suite 3550, Minneapolis, MN 55402 (for respondent TSI, Inc.)

Considered and decided by Shumaker, Presiding Judge, Randall, Judge, and Wright, Judge.

UNPUBLISHED OPINION

GORDON W. SHUMAKER, Judge

Applying the two-year statute of limitations in Minn. Stat. § 541.051, subd. 1(a) (2002), the district court granted summary judgment dismissing claims against a commercial-property owner whose holding pond caused water to overflow and damage appellants' property, and against the city that issued a building permit for the construction of the pond. Contending that the two-year statute does not apply to their trespass claim, appellants challenge the summary judgment. Because appellants failed to raise the issue of the applicability of a six-year statute of limitations in the district court and because the district court correctly applied the two-year statute, we affirm.

FACTS

After obtaining a building permit from the City of Shoreview, respondent TSI, Inc. expanded its commercial parking lot and built a holding pond to collect excess runoff water from the lot.

Extremely heavy rain on June 28, 1997, caused TSI's holding pond to overflow. The water overflowed onto abutting residential property owned by appellants Michael and Joan Hendrickson, flooded their basement, and caused property damage. The pond overflowed a second time during a heavy rainstorm on September 2, 2000, and again flooded the Hendricksons' basement and damaged property.

On April 30, 2001, the Hendricksons sued TSI and the City of Shoreview for damages resulting from the two flooding incidents. As to both defendants, the Hendricksons alleged that TSI's "stormwater drainage system, including the holding pond" did not prevent the water overflow and that the Hendricksons' losses were "due to the inadequacy of Defendant TSI's stormwater drainage system, including the inadequacy of the holding pond."

In Count One of their complaint, the Hendricksons alleged that TSI committed a trespass on their property because of the water overflow; in Count Two that TSI was negligent in failing to prevent the overflow because of "the design of its parking lot and the design of its holding pond"; and in Count Three that the city was negligent in issuing a building permit to TSI "notwithstanding the fact that defendant TSI's stormwater drainage system was inadequate" to prevent the overflow onto the Hendricksons' land.

Both TSI and the city pleaded affirmatively that the Hendricksons' claims were barred by the statute of limitations, and both moved for summary judgment on that ground. The city also urged other grounds for summary judgment.

In its moving papers, TSI asserted that the two-year statute of limitations in Minn. Stat. § 541.051, subd. 1(a) (2002), barred both the trespass and negligent-design claims

and moved to "dismiss plaintiffs' claims in their entirety." The city in its motion relied on the same statute in urging the dismissal of the negligence claim against it.

In response to the summary judgment motions, the Hendricksons argued that the drainage to their property resulted from "the inadequacy of * * * TSI's stormwater drainage system, including the inadequacy of the holding pond on * * * TSI's property." They argued that, because the damage was intermittent, the two-year statute, if applicable, did not begin to run upon the first discovery of the water damage and that there existed a fact issue as to whether TSI fraudulently concealed the cause of the damage. Although they had not pleaded a claim of negligent maintenance of the pond against TSI, they argued that in any event the two-year statute of limitations would not apply to such a claim.

On July 26, 2002, the district court granted the summary judgment motions, ruling that the negligent-design claim against TSI is barred by the two-year statute of limitations; that there was no evidence to create a genuine issue of material fact as to negligent maintenance; and that the negligence claim against the city is directly related to the design of the pond.

The Hendricksons appealed and for the first time raised the issue of whether the two-year statute of limitations on which the district court based its decision applies to trespass claims. They argue that the six-year statute of limitations in Minn. Stat. § 541.05 (2002) controls that claim and that the district court erred in dismissing the trespass cause of action.

DECISION

On appeal from a summary judgment, this court's review is limited to determining "(1) whether there are any genuine issues of material fact and (2) whether the trial court erred in its application of the law." *Patton v. Yarrington*, 472 N.W.2d 157, 159 (Minn. App. 1991) (quotation omitted), review denied (Minn. Aug. 29, 1991).

The Hendricksons do not now argue that any issues of material fact exist for trial but rather that the district court erred as a matter of law by dismissing their trespass claim, a claim they contend "does not arise out of a defective and unsafe condition of an improvement to real property." They concede that they never raised in the district court the applicability of the six-year statute to their trespass claim, but they contend they failed to do so because TSI did not address the trespass claim in its motion for summary judgment. This contention is unfounded. In its Memorandum of Law in Support of Summary Judgment, TSI discussed legal authorities relating to the negligent maintenance of property and stated in a footnote:

Significantly, plaintiffs have not alleged claims of negligent maintenance against TSI in this case, only claims of trespass and negligent design, to which the two year statute of limitations contained in Minn. Stat. § 541.051 applies.

Thus, at the summary judgment stage, the Hendricksons had clear and express notice that TSI was moving for the dismissal of the "claims in their entirety" and that TSI was arguing that the trespass claim was also barred by the two-year statute of limitations. It is the rule that an appellate court will not consider an issue not raised and ruled upon in the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). In *Thiele*, the supreme court held it was error for the court of appeals to consider the applicability of a

statute of limitations when that issue had not been raised in the district court. *Id.* In *Minnesota Mutual Fire & Casualty Co. v. Retrum*, 456 N.W.2d 719, 722 (Minn. App. 1990), we not only held that a new theory cannot be raised for the first time on appeal but also that the two-year statute of limitations in Minn. Stat. § 541.051 can apply to trespass claims.

Thus, the sole issue properly before us is whether the district court erred in ruling that the Hendricksons' negligent-design claim is barred by the statute of limitations. When the district court grants summary judgment based on the application of a statute to undisputed facts, the result is a legal conclusion, which this court reviews *de novo*. *Lefto v. Hogsbreath Enters., Inc.*, 581 N.W.2d 855, 856 (Minn. 1998).

Minn. Stat. § 541.051, subd. 1(a), provides:

Except where fraud is involved, no action by any person in contract, tort, or otherwise to recover damages for any injury to property, real or personal * * * arising out of the defective and unsafe condition of an improvement to real property * * * shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of the improvement to real property or against the owner of the real property more than two years after discovery of the injury.

Minn. Stat. § 541.051, subd. 1(a) (2002) (emphasis added).

There is no dispute that the parking lot and the holding pond were improvements to real property or that it allegedly was the defective design of the improvements that created an unsafe condition in that it jeopardized and in fact damaged property on

adjoining land. There is no dispute that the Hendricksons first discovered the water damage on June 28, 1997, and learned on or about that date that the damage resulted from the failure of TSI's drainage system and holding pond adequately to contain water runoff and overflow.

An improvement to real property is defective if it is incomplete or faulty. *Fiveland v. Bollig & Sons, Inc.*, 436 N.W.2d 478, 480 (Minn. App. 1989), review denied (Minn. Apr. 24, 1989). Allegedly, the design of TSI's drainage system and pond was faulty and that faulty design allowed water to escape onto the Hendricksons' property and cause damage.

The Hendricksons have failed to raise any genuine issue of material fact that would make the two-year statute of limitations inapplicable, that would delay its commencement beyond the damage discovery date, or that would toll its running. The district court did not err in granting summary judgment and dismissing all claims.

Affirmed.

September 20, 2012

Ms. Kathleen Nordine
City Planner
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

Re: First and Second Phase - TSI, Incorporated - 500 Cardigan Road, Shoreview, MN

Dear Ms. Nordine:

Reference is made to the First and Second Phases of the Site and Building Plan Review application submitted by the above-referenced applicant ("TSI"). The undersigned are homeowners residing adjacent to TSI's property for over 12 years.

Our August 23, 2012 letter, the exhibit thereto and comments made by all parties during the Planning Commission's August 28, 2012 meeting are incorporated herein by reference and made a part of the record. As you know, Phase One of TSI's application was rejected by the Planning Commission following the Commission's thorough analysis of the continuing storm water problems at TSI's property, problems that have persisted for over 10 years.

Your September 12, 2012 letter states that "TSI is currently exploring options to address some of [the ongoing storm water problems] and will address storm water management at the September 25th meeting." The undersigned object to this procedure since TSI, along with their paid consultants, will likely arrive at the September 25, 2012 Planning Commission meeting with "new options" that will be presented without prior review by concerned Shoreview residents. Due process requires that the Shoreview residents impacted by TSI's application receive advance notice of any "new options" in order to protect their property rights, particularly since the storm water issues involve sophisticated analysis by experts in the relevant areas.

As part of Phase Two, TSI proposes the expansion of the south side of its existing building. As stated at the August 28th meeting, the roof run off from this expansion and the existing building will drain into the holding pond on the southeast corner of the property. As landowners adjacent to the southeast corner of the TSI property, we remain very concerned about the reoccurring flooding caused by the holding pond and the inadequate pipe capacity in the sewer pipe that runs along the southern side of TSI's property and between 3515 and 3519 Cohansey Street where it then connects to Cohansey Street.

Both the City and TSI have actual knowledge that the current sewer pipe is unable to handle the amount of storm water runoff from the existing parking lot and building on TSI's property. The granting of a variance to exceed the current maximum 80% impervious surface coverage to 84% would make an already inadequate storm water management system even worse. Approval of this variance would create additional flooding across the properties located to the east and southeast of TSI and open both TSI and the City of Shoreview to liability for recklessly disregarding a known flooding threat to neighboring properties. As current property owners who have previously been damaged by TSI's failure to manage its storm water, a cause

Ms. Kathleen Nordine
City Planner
City of Shoreview
September 20, 2012
Page 2

of action for punitive damages against both the City of Shoreview and TSI exists if this variance is granted and a future trespass occurs on our property. See, e.g., Jensen v. Walsh, 623 N.W.2d 247 (Minn. 2001) (plaintiffs allowed to seek punitive damages in an action for intentional damage to property where the only damage is to property). We reserve all other rights and remedies available under law and equity.

As addressed during the August 28, 2012 Planning Commission meeting, the current benchmarks being used by the City are inadequate for the increased rainfall amounts that have occurred in single rain storms over the last decade. For TSI to ask for a variance from the 80% impervious surface coverage (a number based upon old rainfall data) to an even higher 84% is unconscionable.

Although TSI stated during the August 28, 2012 Planning Commission meeting that it would route some of the storm water to a new infiltration system, it failed to note to the Planning Commission that the storm water from the infiltration system would still route to the same sewer pipe located on the southern edge of the TSI property. The southern sewer pipe is already beyond its storm water capacity for large rainstorms as evidenced by the 10 foot high geyser that sprayed up the manhole cover on Cohansey Street where the southern sewer pipe meets the sewer line on Cohansey Street during one such rainfall.

This serious problem merits much more investigation by TSI and the City than the evening of guesswork, "possibilities" and lack of specificity brought by TSI's engineer at the August 28, 2012 Planning Commission meeting. The engineer's statements were not made under oath and contained no factual basis in the record for support. The City must demand a clear plan, complete with appropriate benchmarks that account for the possibility of a "100-year flood" occurring repeatedly, as has happened at least three times since 1997.

In addition, TSI and the City need to completely review the inadequacy of the sewer system capacity on the southern side of the property and determine a way to move more water away from that pipe, rather than toward it. This may require relocation of the proposed parking lot to the north side of the TSI property or along the north side of Cardigan Road where TSI owns additional property. Other options must be explored, and then presented with appropriate due process to the neighboring properties, before any next steps are taken on this expansion and/or the variance requests.

As a city official working for all of the residents of Shoreview, we thank you for your attention to our concerns and to those continuously expressed by other adjacent property owners.

Scott and Mary Fenske
3515 Cohansey Street
Shoreview, Minnesota 55126
651-310-0684



LAKE JOHANNA FIRE DEPARTMENT

5545 LEXINGTON AVENUE NORTH • SHOREVIEW, MN 55126
OFFICE (651) 481-7024 • FAX (651) 486-8826

August 10, 2012

Department of Community Development
Attn: Kathleen Nordine, City Planner
4600 N Victoria Street
Shoreview, MN 55126

Site and Building Plan Review
TSI
500 Cardigan Road
Shoreview, MN 55126

File No. 2453-12-16

- No further comments on the plan review.
- Will have comments once sprinkler plans are received.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Current".

Rick Current
Fire Marshal
Lake Johanna Fire Department

MOTION
TO APPROVE SITE AND BUILDING PLAN REVIEW
TSI, INCORPORATED – 500 CARDIGAN ROAD

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution 12-85 approving the requested variance to increase the maximum impervious surface from 80% to 84% and to recommend the City Council approve the Site and Building Plan request submitted by Mission Construction on behalf of PaR Systems. Said approval is subject to the following:

Variance

1. Said approval is contingent upon City Council approval of the Site and Building Plan review.
2. The project must be completed in accordance with the plans submitted as part of the Variance application.
3. This approval will expire after one year if a building permit has not been issued for this project.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed impervious surface coverage is reasonable based on the business needs and growth objectives for TSI and use of an underground infiltration chamber. The stormwater management plan has been designed to manage the run-off with the proposed 84% impervious surface coverage and complies with Appendix C of the Surface Water Management Plan.
3. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances warrant the variance. The constrained lot area and the need for the business to expand the structure and provided the parking required for the employees working on the site. Existing development to the west, east and south prohibit opportunities to increase the lot size and reduce impervious surface coverage.
4. *The variance, if granted, will not alter the essential character of the neighborhood.* The proposed improvements will not affect the character of the neighborhood. There are several other industrial uses along Cardigan Road. The proposed building addition is consistent with the architectural character of the existing building, has a height less than 35' and will not visually impact nearby residential properties. In addition, the proposed parking area is on the west side of the property, away from the single-family residential neighborhood and adjacent to the parking area for the apartment complex to the south.

Site and Building Plan Reviews

1. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. Items identified in the attached memo from the Assistant City Engineer shall be satisfied prior to the issuance of a building permit for the parking lot expansion.
3. Revisions to the tree preservation and landscape plans shall be made in accordance with the attached memo from the Environmental Officer prior to the issuance of a building permit for this project.
4. Lighting on site shall comply with Section 204.030, Glare, of the Development Code. Details of the proposed pole, pole height and light fixture shall be submitted to the staff prior to the issuance of a building permit.
5. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.
6. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Industrial land use in the Comprehensive Plan and I, Industrial zoning district.
2. The development supports the City's business retention and expansion goals by supporting the continued growth of a company that:
 - *Provides livable wage jobs that allow residents to support local businesses and participate in community activities*
 - *Maintains tax base to generate revenues*
 - *Supports the economic vitality of the City*

VOTE:

AYES:

NAYS:



Kathleen Nordine <knordine@shoreviewmn.gov>

meeting comments for Sept 25th

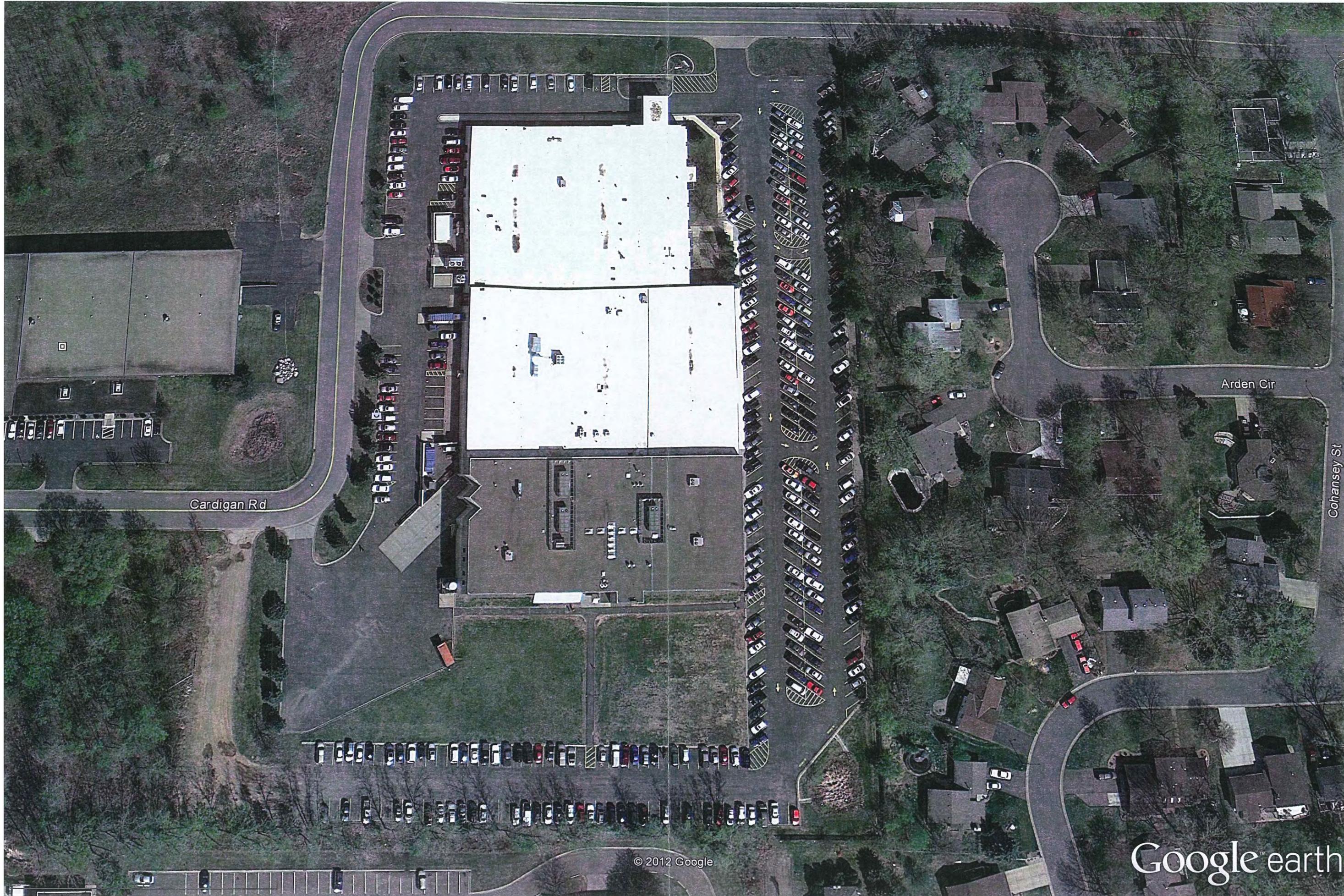
jh61201@comcast.net <jh61201@comcast.net>
To: knordine@shoreviewmn.gov

Thu, Sep 20, 2012 at 6:02 PM

Ms. Nordine,

We have endured enough stress and damage to our home and also water intruding on our neighbor's property the Fenske's and also the Freist's. It is obvious that too much water is coming towards our houses from TSI and the city pipe on the south side of our house cannot hold this tremendous amount of water. We also along with our 2 children saw the geyser of water coming out of the manhole in the middle of the street that also the Fenske's saw. Maybe the city engineer needs to explain at the next meeting how and why this happens? Like I stated before we never, never had water in our basement before this holding pond was put in behind our house. Hopefully this variance will not be okayed by the city planning commission and this project isn't pushed through so quickly. I might remind everyone that is involved that since that pond was redone that our statute of limitations are not up from our last flood in 2011. There has been no concern in the past for our damages to our yards and thousands of dollars to our basement at the Hendrickson's. I thank the people on the planning commission that had certain concerns and voted against this project at the last meeting. I just ask, put yourself in all of our places

and what would you do? I remember this happening in So. St Paul many yrs ago that run-off water from the hill above flooded 2 houses repeatedly. Those poor families would have to clean up and live there until the next time it happened and each time the situation got worse. I know because I lived in So. St Paul for a few yrs and would drive down that street every day to go to work. The last time I saw those houses they had water half-way up which were 2 story houses. They had to demolish those houses and I heard that the city had to settle with them somehow. The property is now a park. How do we know for sure if this new holding pond is going to work as well as TSI says, after all did they not think that the original and redone design on the pond would do the trick. Was that not designed by a eng and inspected by the city? Michael and Joan Hendrickson



Cardigan Rd

Arden Cir

Cohansey St

© 2012 Google

Google earth

TSI Inc.

BUILDING EXPANSION

500 Cardigan Road
Shoreview, MN 55164

GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE FOR ALL WORK NECESSARY TO COMPLETE THE DEMOLITION, GENERAL CONSTRUCTION, VENTILATION, PLUMBING, AND ELECTRICAL CONSTRUCTION AS SHOWN ON THESE CONTRACT DOCUMENTS. ITEMS NOT EXPRESSLY SET FORTH BUT WHICH ARE REASONABLY IMPLIED OR NECESSARY FOR THE PROPER PERFORMANCE OF THIS WORK SHALL BE INCLUDED.
- FIRE SUPPRESSION TO BE DESIGN/BUILD THROUGH THE GENERAL CONTRACTOR.
- CONTRACTOR IS RESPONSIBLE TO VISIT THE SITE TO VERIFY EXISTING CONDITIONS, REVIEW THE DOCUMENTS AND IDENTIFY ANY DISCREPANCIES. ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT AT THE TIME OF THE BID.
- CONTRACTOR IS RESPONSIBLE FOR ALL PERMITS, & APPROVALS NECESSARY FOR COMPLETION OF THE WORK.
- CONTRACTOR SHALL COORDINATE WITH THE OWNER & ARCHITECT THE LIMITS OF CONSTRUCTION FOR THE BUILDING PRIOR TO BEGINNING THE WORK. AN AREA FOR STAGING OF BUILDING MATERIALS STORAGE, AND EQUIPMENT LOADING/ UNLOADING WILL BE COORDINATED WITH THE OWNER, TENANT & ARCHITECT. PARKING OF CONSTRUCTION VEHICLES & WORKERS WILL BE RESTRICTED TO DESIGNATED AREAS. VERIFY WITH OWNER.

DRAWING INDEX

GENERAL

a0.0 TITLE SHEET AND DRAWING INDEX

ARCHITECTURAL

- a2.1 FLOOR PLAN - LEVEL 1
- a2.2 FLOOR PLAN - LEVEL 2
- a2.3 ROOF PLAN
- a3.1 EXTERIOR ELEVATIONS
- a9.1 REFLECTED CEILING PLAN - LEVEL 1
- a9.2 REFLECTED CEILING PLAN - LEVEL 2

BUILDING CODE INFORMATION

Applicable Codes

Minnesota State Building Code - 2007 Edition
 International Building Code (IBC) - 2006 Edition
 Minnesota State Accessibility Rules (Chap. 1341) - 2007
 International Fire Code (IFC) - 2006 Edition
 Minnesota State Special Fire Protection Systems (Chap. 1306) - 2007
 Minnesota State Fire Code - 2007 Edition
 Minnesota Plumbing Code - 2007 Edition
 International Mechanical Code - 2006 Edition
 National Electrical Code - 2008 Edition
 Minnesota Energy Code

Project Description:

The project involves a two story expansion of the existing building (to the south) and the construction of an expanded parking lot with storm water management. The build-out will include:
 Lower Level - Production/Manufacturing space with some storage.
 Upper Level - Office and Labs for engineering.

Proposed Project Additional Square Footage

Lower Level: 29,000 GSF
 Upper Level: 29,000 GSF
 Total New: 58,000 GSF

Existing Building Square Footage

Lower Level: 100,520 GSF
 Upper Level: 67,870 GSF
 Total Existing: 168,390 GSF

Total GSF with Proposed Addition: 226,390 GSF

Occupancy Classifications (IBC Ch. 3)

The proposed building will have the following occupancy types:
 Occupancy Group B - Offices
 Occupancy Group F-1 - Factory Industrial, Moderate-hazard
 Occupancy Group S-1 - Storage and Shipping

Allowable Height and Building Area (IBC Table 503, Section 504.2 & Section 506.3, Construction Type II-B)

Occupancy Group B (Type II-B with automatic sprinkler system)
 69,000 SF allowable per floor, 5-stories maximum, 75 foot maximum height
 Occupancy Group F-1 (Type II-B with automatic sprinkler system)
 46,500 SF allowable per floor, 3-stories maximum, 75 foot maximum height
 Occupancy Group S-1 (Type II-B with automatic sprinkler system)
 52,500 SF allowable per floor, 4-stories maximum, 75 foot maximum height

Unlimited Area Buildings (IBC Section 507)

507.4 Two Story. The area of a two-story, Group B, F, M or S building shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1 and is surrounded and adjoined by public ways or yards not less than 60 feet in width. The building fits this description.

Occupancy Separation (IBC Ch.5)

No separation is required between Occupancy Groups B, F-1, and S-1 (IBC Table 508.3.3).

Building Construction Type Proposed (IBC Chapter 6): Type II-B

Construction Requirements (IBC Ch.6, Table 601)

Construction type	II-B
Partitions - permanent	0
Bearing walls	0
Structural frame	0
Floor construction	0
Roof construction	0

Common Path of Egress Travel (IBC 1014.3):

100 ft. in B, F and S occupancies that are fully sprinklered.

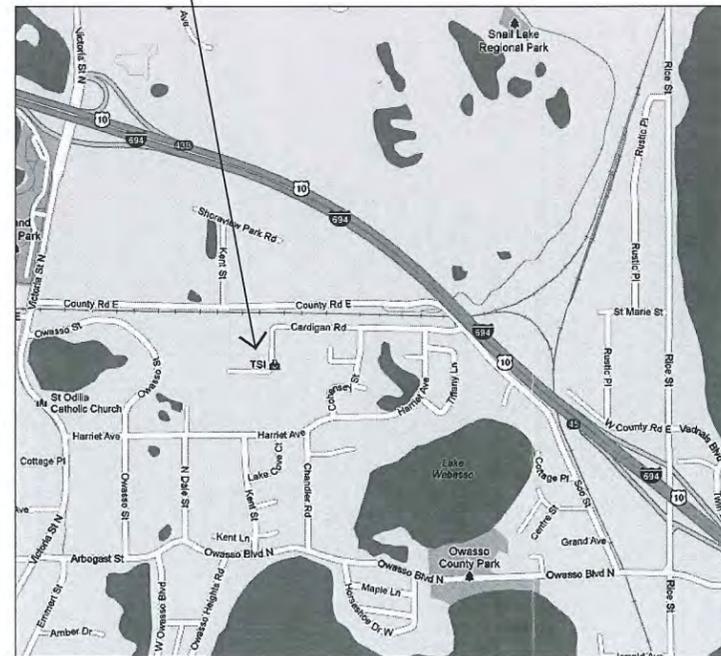
Exit Access Travel Distance (IBC Table 1016.1):

Office areas: 300 feet
 All other spaces: 250 feet

Corridor Fire Resistance (IBC Table 1017.1):

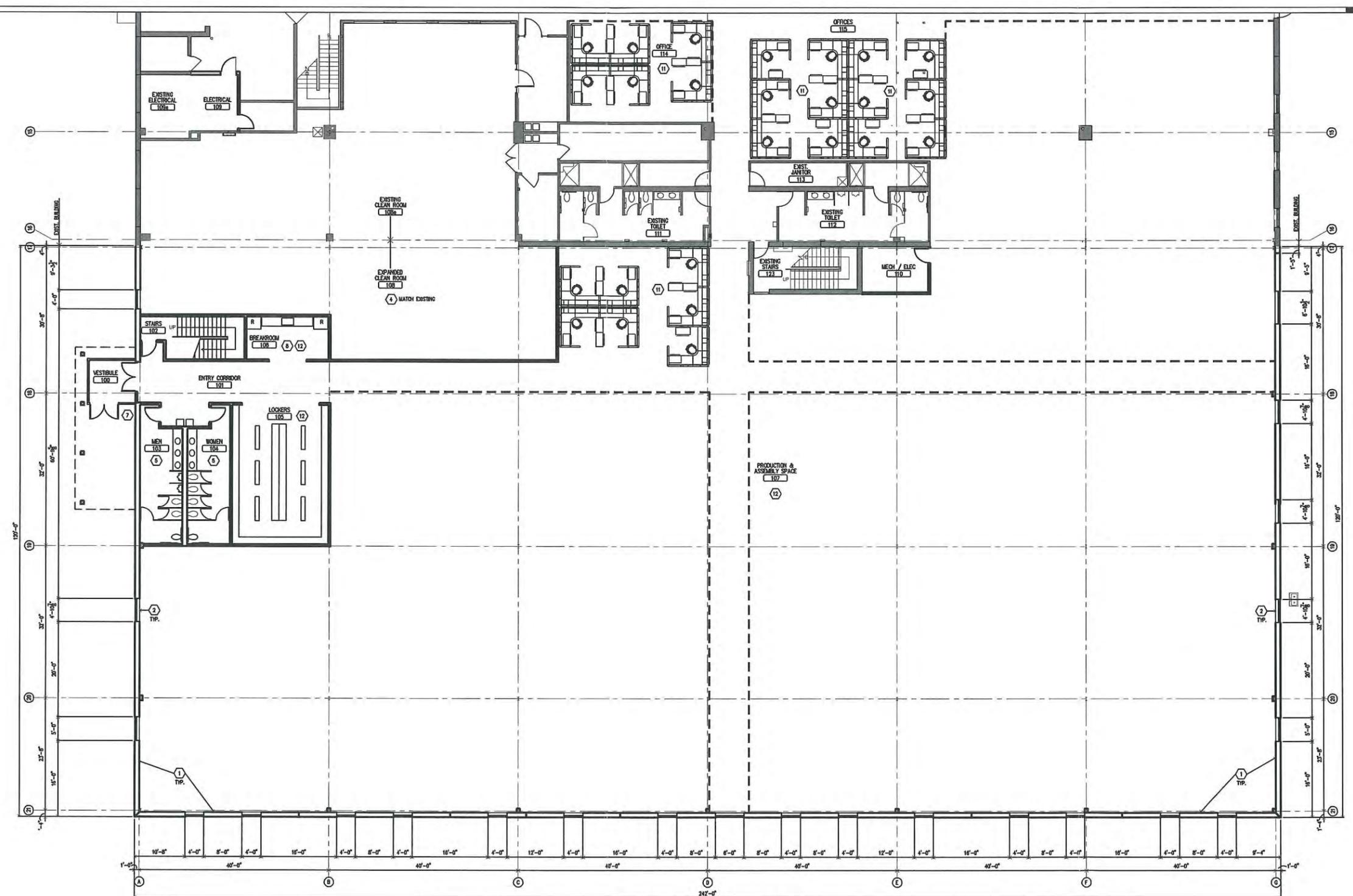
No fire resistance required due to automatic fire sprinkler system.

SITE LOCATION



PROJECT LOCATION MAP
NOT TO SCALE

Comm. No. 1260	Mechanical & Electrical Design Assistance	Civil Engineering	Structural Engineering	Owner TSI Incorporated - Shoreview, MN	I hereby certify that this drawing was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota. By: _____ Date: _____ Registration Number: xxx	Drawing No. a0.0	 HAGEN, CHRISTENSEN & MCILWAIN ARCHITECTS <small>401 CEAR AVENUE CO. MINNEAPOLIS MN 55401 TEL. 612.554.1822 FAX 612.554.1888</small>
DATE: 08/27/2012 BUILDING AND SITE SUBMITAL				Project Building Expansion		Title Sheet and Drawing Index	



1 FLOOR PLAN LEVEL 1
1/8" = 1'-0"

GENERAL NOTES

1. EXTEND ALL LAB, STAIR, TOILET, CLEANROOM & CONFERENCE ROOM WALLS TO STRUCTURE ABOVE & FILL WITH SOUND BATT INSULATION.
2. EXTEND ALL OTHER WALLS TO BOTTOM OF ACOUSTIC CEILING PANELS & FILL WITH SOUND BATT INSULATION.
3. PROVIDE CARPET TILE FLOORING UNLESS NOTED OTHERWISE.
4. ALL FINISHES TO MATCH EXISTING TO STANDARDS.
5. PROVIDE 4" HIGH RUBBER BASE THROUGHOUT.

FLOOR PLAN KEYNOTES

- | | | |
|--|---|---|
| <ol style="list-style-type: none"> 1. EXTERIOR WALLS SHALL BE 12" THICK INSULATED PRECAST CONCRETE WALL PANELS WITH EXTERIOR FINISH TO MATCH EXISTING. 2. WALL PANELS SHALL BE LEFT OUT AT WINDOWS. PROVIDE 2-STORY ALUMINUM FRAMING WITH INSULATED GLASS & SPANDREL GLASS FRAME SPANDREL PANEL WITH OVP, ED WALL & INSULATE. PROVIDE SOLID SURFACE WINDOW SILLS. 3. PROVIDE FINISHED 4'-0" x 4'-0" ALUMINUM FRAMED INSULATED WINDOW IN PRECAST CONCRETE WALL PANEL. 4. PROVIDE ELECTRO-STATIC DISCHARGE VINYL FLOORING IN ALL LABS. | <ol style="list-style-type: none"> 5. PROVIDE CERAMIC TILE FLOORING & WALLS - MATCH EXISTING. 6. PROVIDE MANUALLY OPERATED FOLDING PANEL WALL DIVIDERS - MATCH EXISTING. 7. PROVIDE CARD READERS AT ALL NEW BUILDING ENTRANCES. LAB DOORS & CONFERENCE ROOMS AS NOTED. 8. NEW MILLWORK BASE & WALL CABINETS. 9. TEMPERED GLASS/ALUMINUM FRAMED DIVIDER WALLS FULL HEIGHT FLOOR TO CEILING. PROVIDE SOLID FILM. | <ol style="list-style-type: none"> 10. ALUMINUM WINDOW FRAMING 42" HIGH. PROVIDE ROLLER SHADES AT ALL WINDOWS. 11. OPEN OFFICE WORKSTATIONS WITH POWER POLES. 12. PROVIDE VINYL COMPOSITION FLOOR TILES. 13. PROVIDE NEW DOOR & SEQUITE TO MATCH EXISTING TO STANDARDS. |
|--|---|---|

Comm. No.
1299

WJW/DAK
DESIGNED AND ONE SHOWN

Mechanical & Electrical
Design Assistance

Civil Engineering

Structural Engineering

Owner
T&I Incorporated - Shoreview, MN

Project
Building Expansion

Title
Floor Plan - Level 1

I hereby certify that this drawing was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

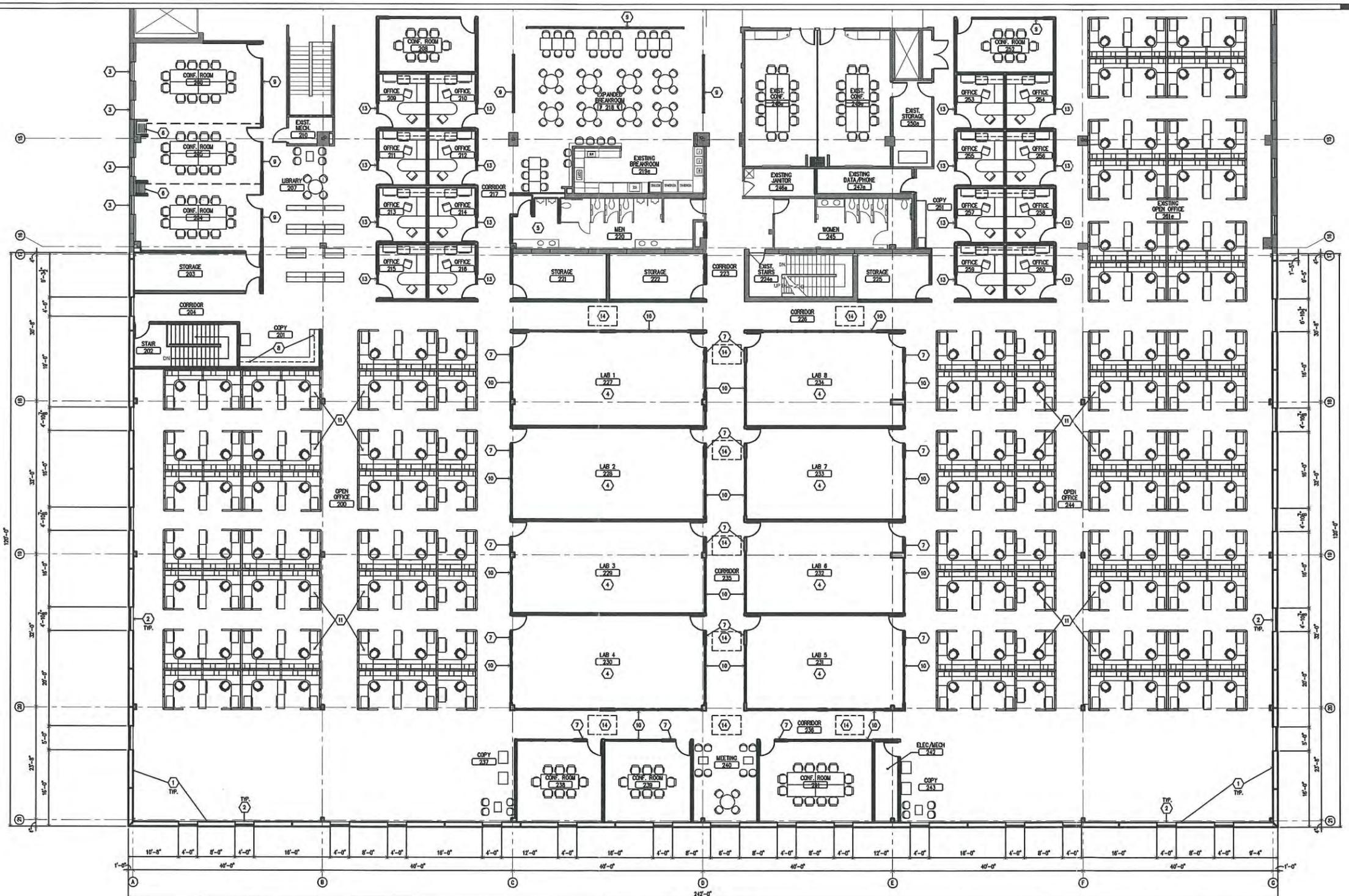
By: _____ Date: _____

Registration Number: 3002

Drawing No.
a2.1

HAGEN, CHRISTENSEN & MOILWAIN
ARCHITECTS

4710 GREAT AVENUE, ST. MINNEAPOLIS, MN 55412
TEL: 612.338.1000 FAX: 612.338.1008



1 FLOOR PLAN LEVEL 2
1/8" = 1'-0"

GENERAL NOTES

1. EXTEND ALL LAB, STAIR, TOILET, CLEANROOM & CONFERENCE ROOM WALLS TO STRUCTURE ABOVE & FILL WITH SOUND BATT INSULATION.
2. EXTEND ALL OTHER WALLS TO BOTTOM OF ACOUSTIC CEILING PANELS & FILL WITH SOUND BATT INSULATION.
3. PROVIDE CORRECT TILE FLOORING UNLESS NOTED OTHERWISE.
4. ALL FINISHES TO MATCH EXISTING T3 STANDARDS.
5. PROVIDE 4" HIGH RUBBER BASE THROUGHOUT.

FLOOR PLAN KEYNOTES

- | | | |
|---|---|--|
| 1. EXTERIOR WALLS SHALL BE 12" THICK INSULATED PRECAST CONCRETE WALL PANELS WITH EXTERIOR FINISH TO MATCH EXISTING. | 5. PROVIDE CERAMIC TILE FLOORING & WALLS - MATCH EXISTING. | 10. ALUMINUM WINDOW FRAMING 4" HIGH, PROVIDE ROLLER SHAKES AT ALL WINDOWS. |
| 2. WALL PANELS SHALL BE LEFT OUT AT WINDOWS. PROVIDE 2-STORY ALUMINUM FRAMING WITH INSULATED GLASS SPANDREL GLASS FRAME SPANDREL PANEL WITH TOP 10 WALL & INSULATE. PROVIDE SOLID SURFACE WINDOW SILLS. | 6. PROVIDE MANUALLY OPERATED FOLDING PANEL WALL DIVIDERS - MATCH EXISTING. | 11. OPEN OFFICE WORKSTATIONS WITH POWER POLES. |
| 3. PROVIDE PUNCHED 4'-0" x 4'-0" ALUMINUM FRAMED INSULATED WINDOW BY PRECAST CONCRETE WALL PANEL. | 7. PROVIDE CARD READERS AT ALL NEW BUILDING ENTRANCES. LAB DOORS & CONFERENCE ROOMS AS NOTED. | 12. PROVIDE VINYL COMPOSITION FLOOR TILES. |
| 4. PROVIDE ELECTRO-STATIC DISCHARGE VINYL FLOORING IN ALL LABS. | 8. NEW MILLWORK BASE & WALL CABINETS. | 13. PROVIDE NEW FLOOR & SLOUTE TO MATCH EXISTING T3 STANDARDS. |
| | 9. TAMPED GLASS/ALUMINUM FRAMED DIVIDER WALLS FULL HEIGHT FLOOR TO CEILING. PROVIDE 50% FILL. | 14. SLOUTS ABOVE. |

Comm. No.
1299
DATE: 04/20/2004
DESIGN AND SET COMPLETE

Mechanical & Electrical Design Assistance
Civil Engineering
Structural Engineering

Owner
T3I Incorporated - Shoreview, MN
Project
Building Expansion
Title
Floor Plan - Level 2

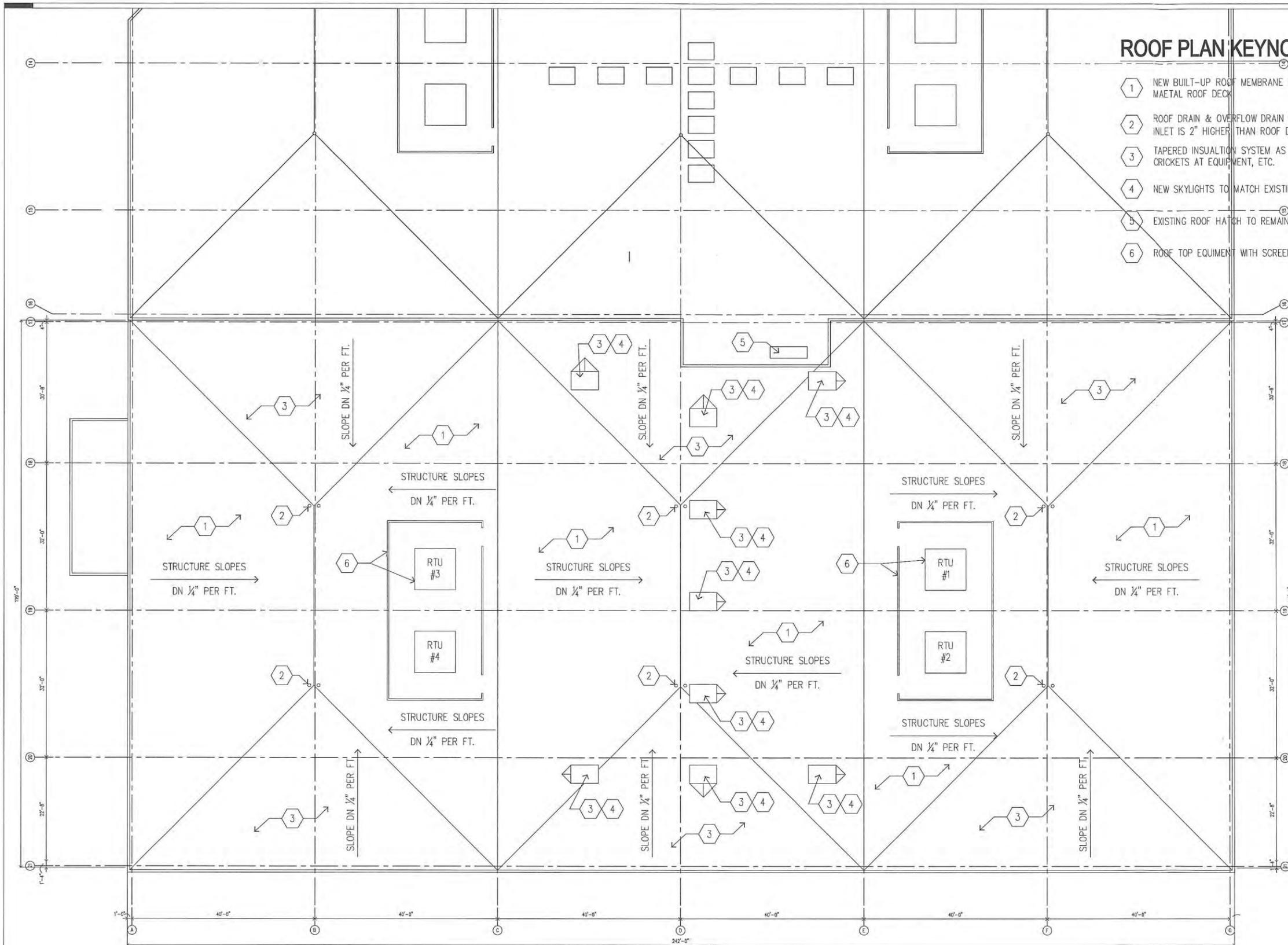
I hereby certify that this drawing was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.
By: _____ Date: _____
Registration Number: xxx

Drawing No.
a2.2

HAGEN, CHRISTENSEN & MCILWAIN ARCHITECTS
474 DEPT. AVENUE, ST. PAUL, MN 55102
TEL: 612.291.1337 FAX: 612.291.1347

ROOF PLAN KEYNOTES

- 1 NEW BUILT-UP ROOF MEMBRANE ON RIGID INSULATION ON METAL ROOF DECK
- 2 ROOF DRAIN & OVERFLOW DRAIN SYSTEMS. OVERFLOW DRAIN INLET IS 2" HIGHER THAN ROOF DRAIN USING COLLAR.
- 3 TAPERED INSULATION SYSTEM AS REQUIRED TO ROOF DRAINS & CRICKETS AT EQUIPMENT, ETC.
- 4 NEW SKYLIGHTS TO MATCH EXISTING
- 5 EXISTING ROOF HATCH TO REMAIN
- 6 ROOF TOP EQUIPMENT WITH SCREENING AS REQUIRED



1 ROOF PLAN
1/8" = 1'-0"



Comm. No. 1260
Date 05/23/2012
BUILDING AND SITE SUBMITTAL

Mechanical & Electrical Design Assistance
--

Civil Engineering

Structural Engineering

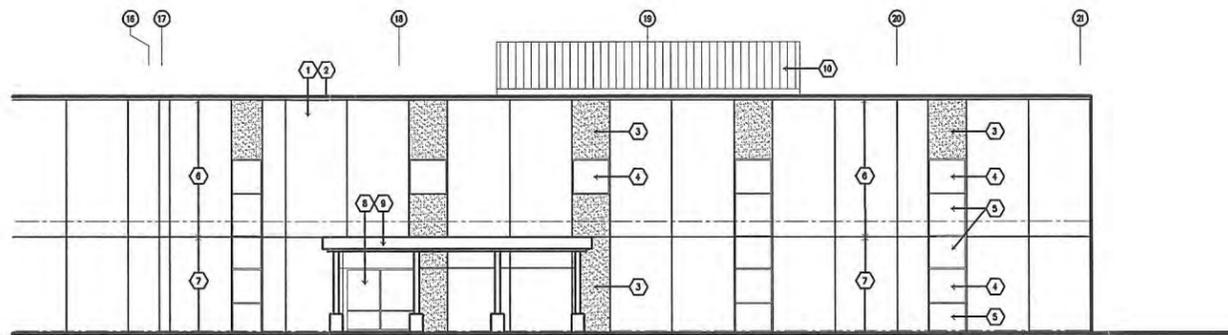
Owner TSI Incorporated - Shoreview, MN
Project Building Expansion
Title Roof Plan

I hereby certify that this drawing was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.	
By:	Date:
Registration Number: xxx	

Drawing No. a2.3

HAGEN, CHRISTENSEN & MCILWAIN
ARCHITECTS

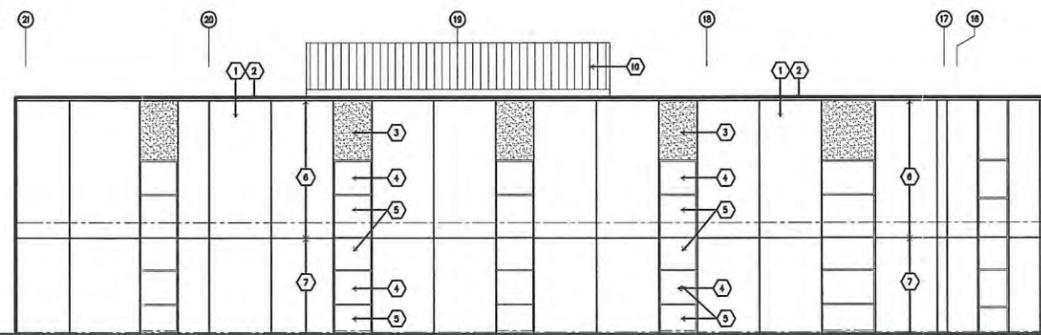
400 CAMP AVENUE SUITE 200 - SHOREVIEW, MN 55125
TEL: 952.934.1832 • FAX: 952.934.1288



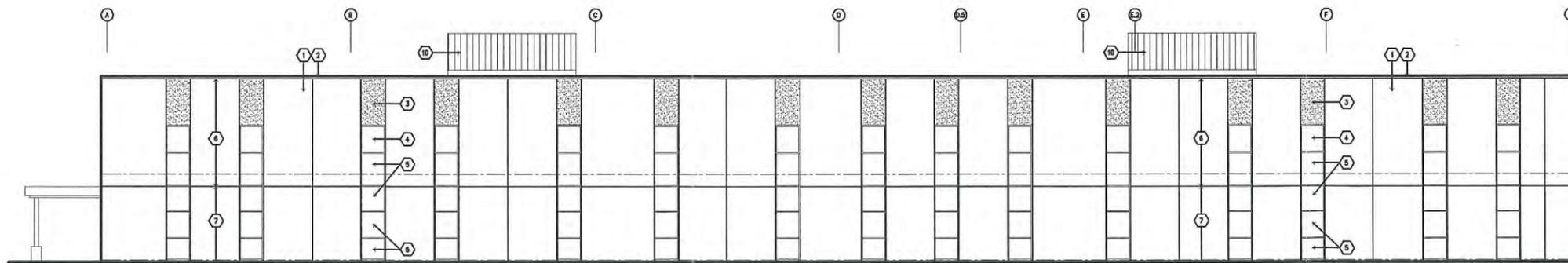
1 West Elevation
1/8" = 1'-0"

ELEVATION KEYNOTES

- 1 PRECAST CONCRETE WALL PANEL, 12" THICK INSULATED EXTERIOR FINISH TO MATCH EXISTING
- 2 PREFINISHED METAL COPING - MATCH EXISTING
- 3 STUCCO PANEL
- 4 INSULATED ALUMINUM WINDOW SYSTEM
- 5 SPANDREL PANEL IN ALUMINUM WINDOW SYSTEM
- 6 PAINT COLOR 1 ON PRECAST MATCHING EXISTING
- 7 PAINT COLOR 2 ON PRECAST MATCHING EXISTING
- 8 ALUMINUM VESTIBULE
- 9 PREFINISHED METAL ENTRANCE CANOPY
- 10 ROOFTOP SCREENING TO MATCH EXISTING SCREENING



2 East Elevation
1/8" = 1'-0"



3 South Elevation
1/8" = 1'-0"

Comm. No.
1288
HAGEN, CHRISTENSEN & MCLWAIN
ARCHITECTS

Mechanical & Electrical
Design Assistance

Civil Engineering

Structural Engineering

Owner
TSI Incorporated - Sherwin, MN
Project
Building Expansion
Title
Exterior Elevations

I hereby certify that this drawing was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.
By: _____
Title: _____
Registration Number: 3033

Drawing No.

a3.1


HAGEN, CHRISTENSEN & MCLWAIN
ARCHITECTS
450 GARDEN AVENUE, SUITE 100, MINNEAPOLIS, MN 55401
TEL: 612.338.1234 FAX: 612.338.1235



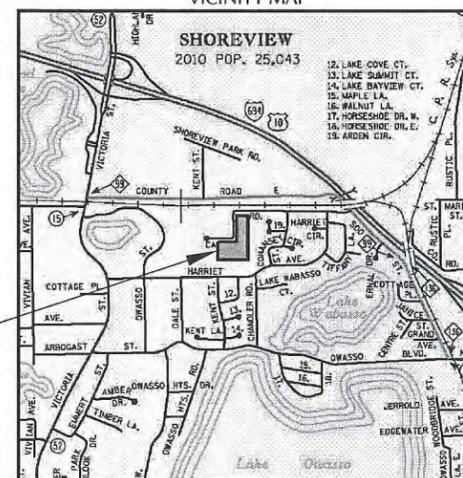
CALL BEFORE YOU DIG
Gopher State One Call
 TWIN CITY AREA: 651-454-0002
 TOLL FREE: 1-800-252-1166

TSI INCORPORATED BUILDING & PARKING EXPANSION

500 CARDIGAN ROAD
 SHOREVIEW, MINNESOTA

PRELIMINARY PLANS

VICINITY MAP



PROJECT LOCATION

CIVIL SHEET INDEX

SHEET	TITLE
C0-1	COVER SHEET
C1-2	SITE DEMOLITION PLAN
C2-1	SITE PLAN
C3-1	GRADING & EROSION CONTROL PLAN
C4-1	UTILITY PLAN
C8-1	CIVIL DETAILS
L1-1	LANDSCAPE PLAN
L2-1	TREE PRESERVATION PLAN
E-1	SITE LIGHTING PLAN

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

BENCHMARK
 FINISHED FLOOR LEVEL AT SOUTH
 ENTRANCE TO BUILDING
 (ELEV.=933.77 FT (INGVD 1929 DATUM))

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Loucks Associates Project No. 12191.00

Comm. No.
 XXXX

08/03/12 CITY SUBMITTAL
 08/22/12 CITY COMMENTS
 09/19/12 CITY COMMENTS

INTERIOR DESIGNER

STRUCTURAL

MECHANICAL AND ELECTRICAL

CIVIL ENGINEER



OWNER REPRESENTATIVE



Owner
TSI INCORPORATED
 Project
BUILDING & PARKING EXPANSION
 Title
COVER SHEET

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.
 Chad H. Luskwood, P.E.
 License No. 42916 Date

Drawing No.
C0-1



1100 CHAMBERLAIN ST. ST. PAUL, MN 55101
 TEL: 651.224.4400 FAX: 651.224.4400



CALL BEFORE YOU DIG
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

SITE NOTES

1. ALL PAVING, CONCRETE CURB, GUTTER AND SIDEWALK SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN ON THE CIVIL DETAIL SHEETS.
2. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION PER "GOPHER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
3. ALL CONCRETE CURB AND GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
4. ALL CURB DIMENSIONS SHOWN ARE TO THE OUTSIDE FACE OF CURB UNLESS OTHERWISE NOTED.
5. ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF WALL UNLESS OTHERWISE NOTED.
6. PROVIDE A 3 FOOT CURB TAPER AT ALL CURB TERMINI.

SITE DATA

CURRENT ZONING:	INDUSTRIAL DISTRICT (I)
PROPERTY AREA:	9.46 AC
EXISTING IMPERVIOUS AREA:	6.20 AC (66%)
PROPOSED IMPERVIOUS AREA (PHASE 1 (PARKING)):	7.35 AC (78%)
PROPOSED IMPERVIOUS AREA (PHASE 2 (BUILDING)):	7.94 AC (84%)
DISTURBED AREA:	3.21 AC
PARKING & DRIVEWAY SURFACE AREA:	2.03 AC
PARKING LANDSCAPING AREA:	0.15 AC (7%)

SITE DEVELOPMENT AND DESIGN STANDARDS
*PER CITY OF SHOREVIEW MUNICIPAL CODE

LOT COVERAGE:	75% MAXIMUM (MAY BE INCREASED TO 80%)
OPEN SPACE:	15% MINIMUM
BUILDING HEIGHT:	35 FT (MAY BE EXCEEDED IF ADDITIONAL FOOT OF SETBACK PROVIDED FOR EVERY ADDITIONAL FOOT OF HEIGHT)
BUILDING SETBACKS:	
FRONT	50 FT
REAR	20 FT
SIDE	10 FT (30 FT ON CORNER LOT)
PARKING SETBACKS:	
FRONT	20 FT
REAR	5 FT (20 FT ADJACENT TO RESIDENTIAL)
SIDE	5 FT

MINIMUM PARKING LAYOUT DIMENSIONS (90 DEGREE PATTERN):

PARKING SPACE WIDTH	= 9 FT
PARKING SPACE LENGTH	= 18 FT
AISE WIDTH	= 24 FT

PARKING SPACE REQUIREMENTS:

WAREHOUSE USE	1 SPACE PER 2,000 SF GFA
PRODUCTION USE	3 SPACES PER 1,000 SF GFA
OFFICE USE	5 SPACES PER 1,000 SF NFA

LANDSCAPING:

20% OF PARKING SURFACE SHALL BE DESIGNED WITH LANDSCAPING ISLANDS (ISLANDS TO BE 324 SF MINIMUM)

OFF-STREET PARKING CALCULATIONS

EXISTING WAREHOUSE:	27,516 SF	
PROPOSED WAREHOUSE:	0 SF	
TOTAL:	27,516 SF @ 1 STALL PER 2,000 SF	= 13.76 STALLS
EXISTING MANUFACTURING:	45,412 SF	
PROPOSED MANUFACTURING:	38,200 SF	
TOTAL:	83,612 SF @ 3 STALLS PER 1,000 SF	= 250.84 STALLS
EXISTING OFFICE:	40,564 SF	
PROPOSED OFFICE:	13,000 SF	
TOTAL:	53,564 SF @ 5 STALLS PER 1,000 SF	= 267.82 STALLS

TOTAL PARKING REQUIRED	= 533 STALLS
EXISTING PARKING	= 347 STALLS
PARKING REMOVED	= -32 STALLS
PROPOSED PARKING	= 236 STALLS
TOTAL PARKING PROVIDED	= 551 STALLS

ACCESSIBLE PARKING

EXISTING ACCESSIBLE PARKING:	9 STALLS
REMOVED ACCESSIBLE PARKING:	-2 STALLS
PROPOSED ACCESSIBLE PARKING:	5 STALLS
TOTAL	12 STALLS

REQUIRED ACCESSIBLE PARKING: 12 STALLS**

**REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES FOR 501 TO 1000 STALLS IS 2 PERCENT OF TOTAL: 1 VAN SPACE FOR EVERY SIX OR FRACTION OF SIX

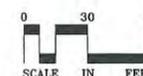
LEGEND

	CONCRETE PAVEMENT
	BITUMINOUS PAVEMENT
	CONSTRUCTION LIMIT



NORTH

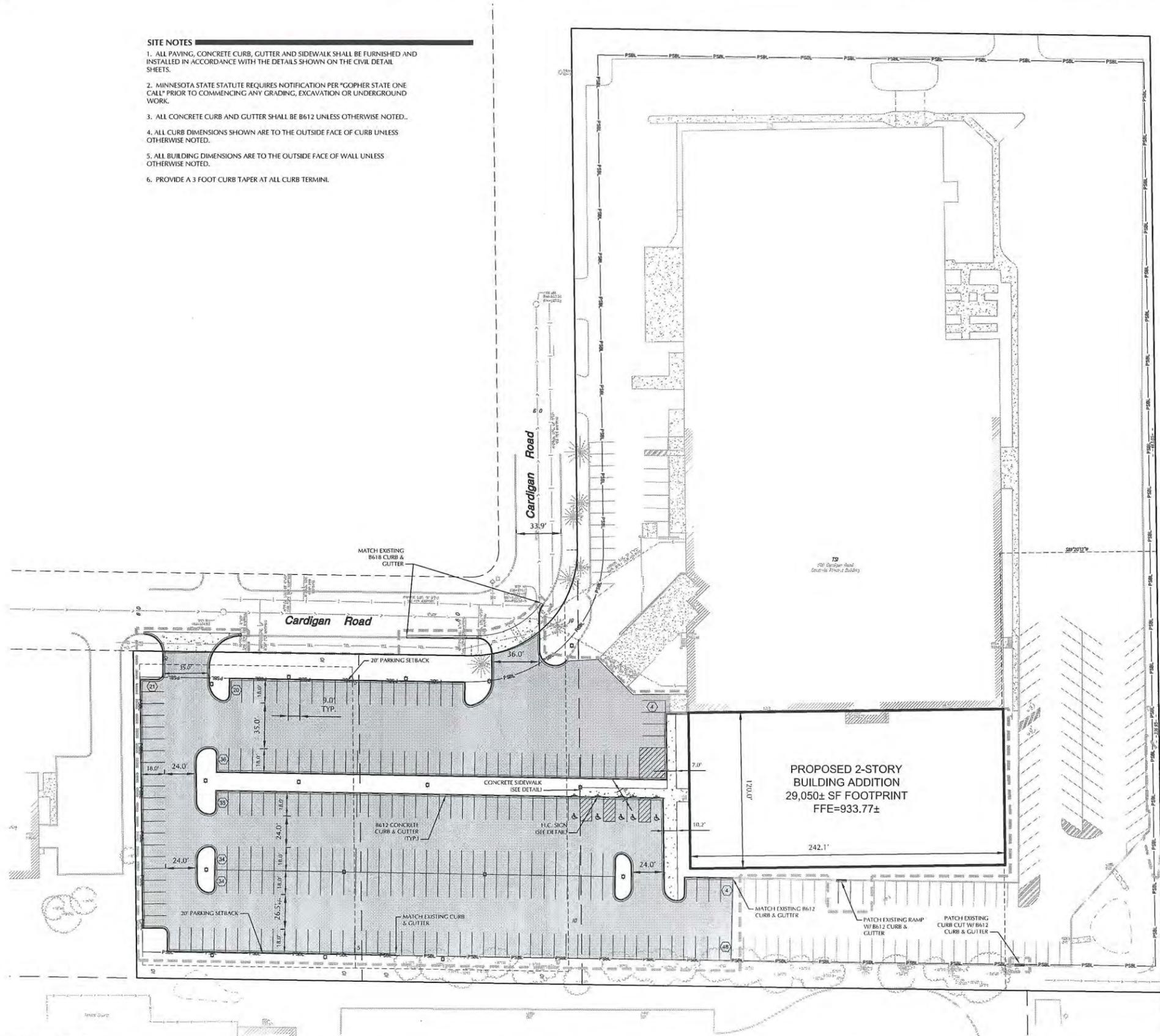
BENCHMARK
FINISHED FLOOR LEVEL AT SOUTH ENTRANCE TO BUILDING
ELEV.=933.77 FT (INGVD 1929 DATUM)



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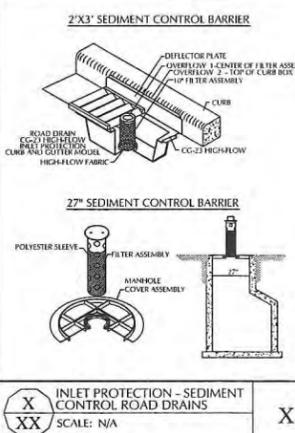
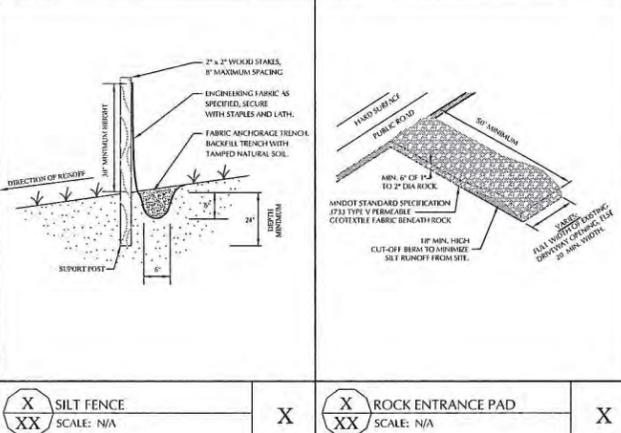
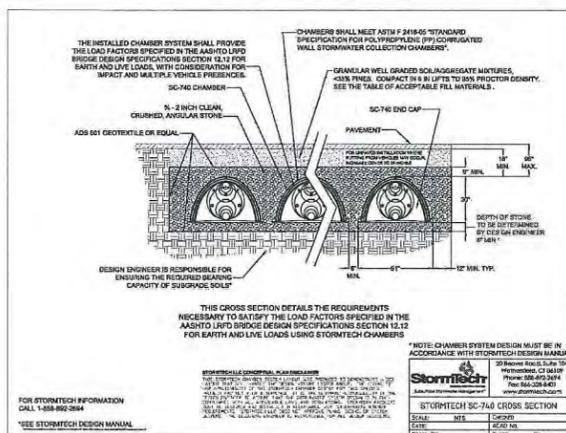
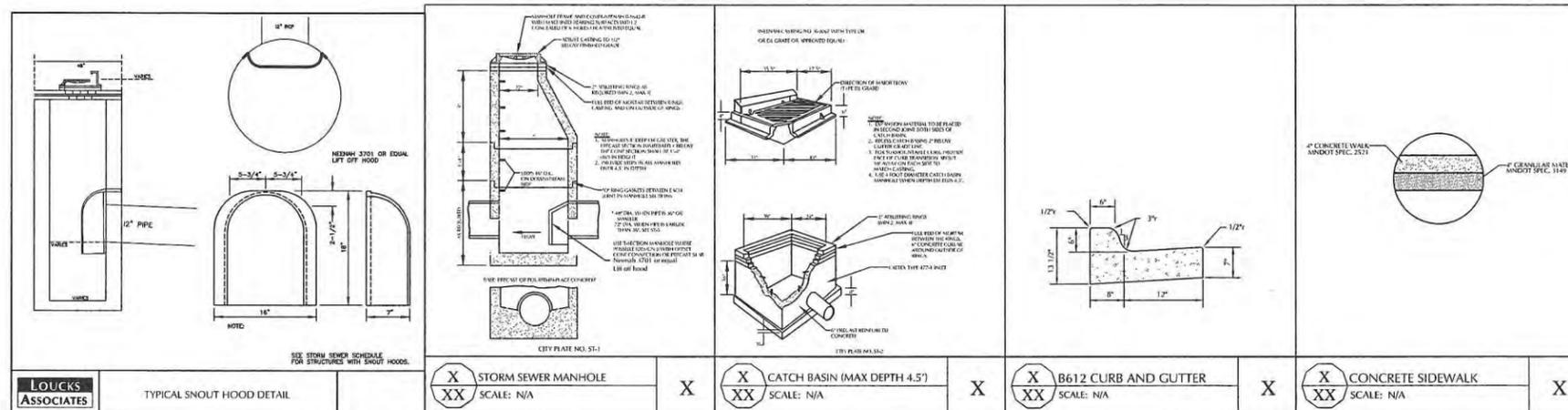


Loucks Associates Project No. 12191.00
Comm. No. XXXX
DATE: 08/03/12 CITY SUBMITTAL
08/22/12 CITY COMMENTS
09/19/12 CITY COMMENTS

INTERIOR DESIGNER	STRUCTURAL	MECHANICAL AND ELECTRICAL	CIVIL ENGINEER	OWNER REPRESENTATIVE	OWNER
					TSI INCORPORATED
					Project: BUILDING & PARKING EXPANSION
					Title: SITE PLAN

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.
Chad H. Erickson, P.E.
449Hr
License No. _____ Date: _____
Drawing No. C2-1

HAGEN, CHRISTENSTEN & MCILWAIN ARCHITECTS
400 DOW AVE. S. ST. PAUL, MN 55108
TEL: 651-454-1100 FAX: 651-454-1101
WWW.HCMARCHITECTS.COM



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 Comm. No. XXXX
 08/03/12 CITY SUBMITTAL
 08/22/12 CITY COMMENTS
 09/19/12 CITY COMMENTS

INTERIOR DESIGNER
 STRUCTURAL

MECHANICAL AND ELECTRICAL
 CIVIL ENGINEER

LOUCKS ASSOCIATES
 2810 Lakeside Lane, Suite 200
 Northampton, MA 01060
 Telephone: (413) 253-0000
 www.loucks.com

OWNER REPRESENTATIVE
CUSHMAN & WAKEFIELD NORTHWARD
TSI TRUST SCIENCE INNOVATION

OWNER
TSI INCORPORATED
 Project
BUILDING & PARKING EXPANSION
 Title
CIVIL DETAILS

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 Massachusetts.
 Chad H. Lockwood, P.E.
 License No. 44986 Date

Drawing No.
C8-1

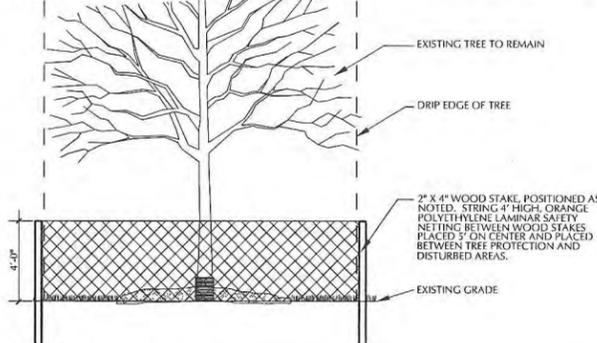
HAGEN, CHRISTENSEN & MCILWAIN
 ARCHITECTS

400 CHASE STREET, SUITE 100
 WILMINGTON, MASSACHUSETTS 01890-1002

TREE PRESERVATION DETAIL:

TREE PROTECTION NOTE:
 INSTALL SNOW FENCE AROUND EACH TREE TO BE PROTECTED PRIOR TO GRADING. FENCE SHALL BE PLACED AT THE DRIP EDGE OR CRITICAL ROOT ZONES OF THE TREES. FENCING SHALL BE NO CLOSER THAN 6" TO THE TRUNK OF ANY TREE TO BE PROTECTED. THE PERIMETERS FOR TREES BEING PROTECTED SHALL BE DESIGNATED AT ALL TIMES DURING CONSTRUCTION ACTIVITY AND SIGNAGE SHALL BE INSTALLED AT ALL TREE PROTECTION AREAS THAT INSTRUCTS WORKERS TO STAY OUT. CONTRACTOR SHALL AVOID ALL AREAS WITHIN TREE PROTECTION FENCE. SOIL SHOULD BE PROTECTED FROM EROSION AND CHANGES IN CHEMISTRY FROM CONCRETE OR TOXIC MATERIALS SUCH AS FUELS AND PAINTS.

THE CONTRACTOR SHALL HAVE "TREE PAINT" ON SITE AT ALL TIMES. IF AN OAK IS WOUNDED DURING CONSTRUCTION, THE CONTRACTOR MUST IMMEDIATELY APPLY PAINT TO THE WOUND IN ORDER TO PREVENT OAK WILT. ALL DAMAGE TO TREES TO BE PROTECTED SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND LANDSCAPE ARCHITECT.



1 TREE PROTECTION
 SCALE: 1/2" = 1'-0"
 (SEE PROJECT - L2-1)

TREE MITIGATION CALCULATIONS:

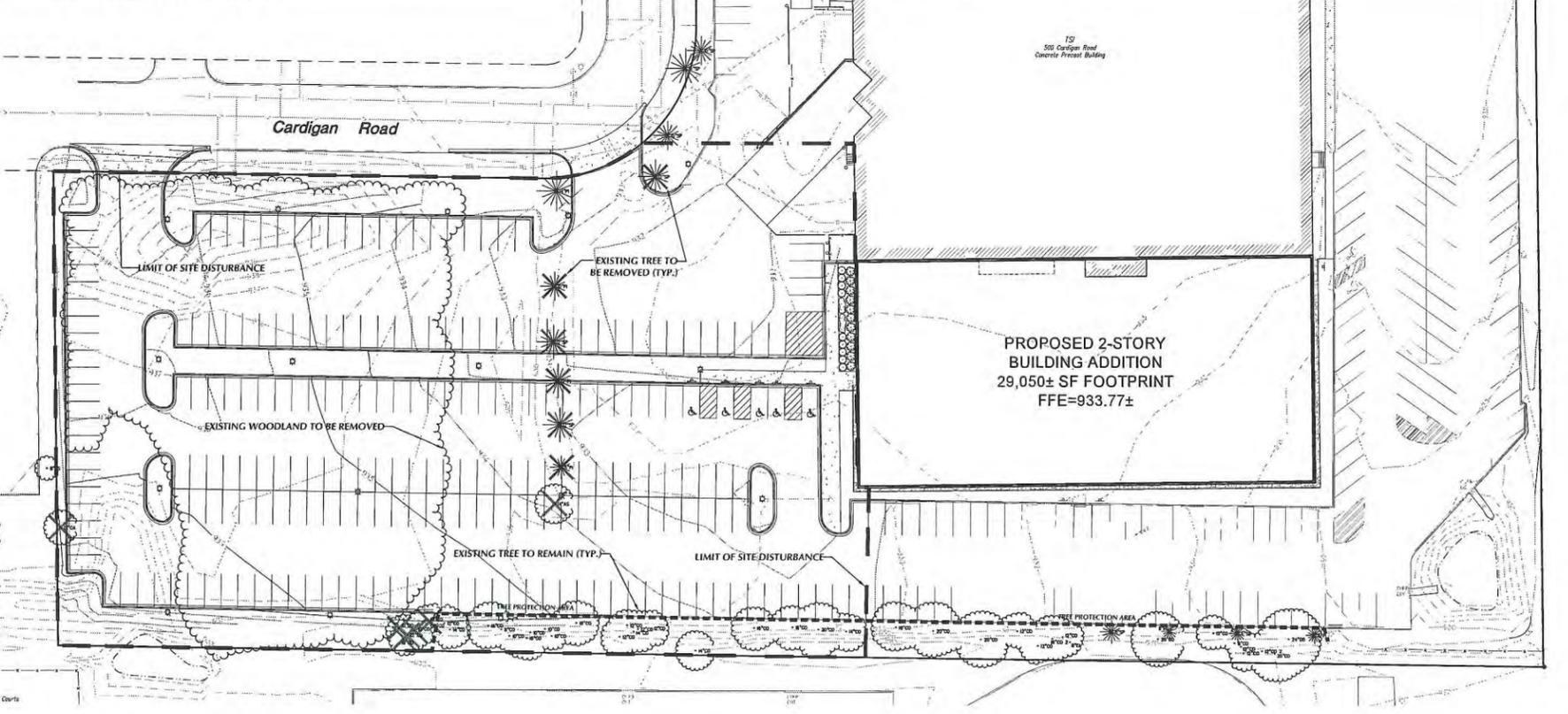
TREES THAT ARE TO BE REMOVED DURING DEVELOPMENT SHALL BE REPLACED ON A ONE-FOR-ONE BASIS UP TO A MAXIMUM OF 15 TREES PER ACRE. LANDMARK TREES SHALL BE REPLACED ON A SIX-TO-ONE BASIS.

- 75 TOTAL TREES ON SITE
- 54 TREES REMOVED
- 2.44 ACRES DISTURBED = 37 TREES REQUIRED
- 1 LANDMARK TREE REMOVED = 6 TREES REQUIRED
- 21 TREES PRESERVED
- 22 TREES REQUIRED FOR MITIGATION (SEE LANDSCAPE PLAN - L1-1)

TREE DISPOSAL REQUIREMENTS:

ALL ASH TREES THAT ARE REMOVED FROM THE SITE SHALL BE CHIPPED ON SITE AND SHALL NOT BE HAULED OUTSIDE OF THE STATE AND FEDERAL QUARANTINE AREA.

TREE PRESERVATION PLAN:



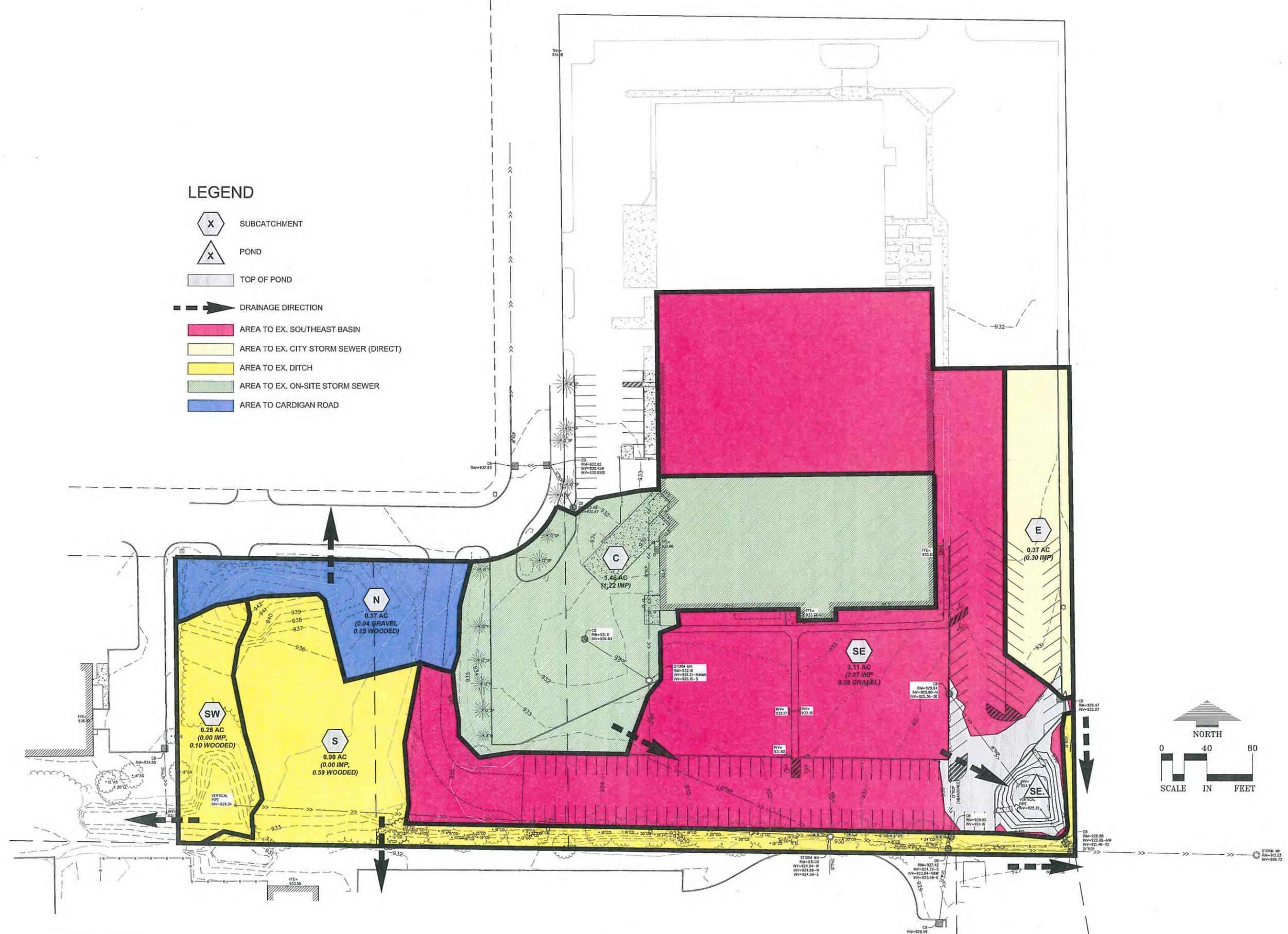
Tree Survey				
Tree Number	Species	Diameter (In.)	Class	Tree Saved
1	Spruce	12	Single	Removed
2	Pine	14	Single	Saved
3	Pine	10	Single	Removed
4	Spruce	12	Double	Removed
5	Pine	12	Single	Removed
6	Spruce	12	Single	Removed
7	Pine	8	Single	Removed
8	Ash	14	Single	Removed
9	Cottonwood	12	Single	Removed
10	Cottonwood	12	Single	Saved
11	Cottonwood	16	Single	Saved
12	Cottonwood	8	Double	Saved
13	Cottonwood	10	Single	Saved
14	Cottonwood	16	Single	Saved
15	Cottonwood	10	Single	Saved
16	Cottonwood	10	Single	Saved
17	Cottonwood	10	Single	Saved
18	Cottonwood	16	Single	Saved
19	Cottonwood	12	Single	Saved
20	Cottonwood	12	Single	Saved
21	Cottonwood	14	Single	Saved
22	Cottonwood	12	Single	Saved
23	Cottonwood	12	Single	Saved
24	Cottonwood	14	Single	Saved
25	Cottonwood	16	Single	Saved
26	Cottonwood	16	Double	Saved
27	Cottonwood	20	Single	Saved
28	Cottonwood	14	Triple	Saved
29	Cottonwood	14	Single	Removed
30	Maple	10	Single	Removed
31	Cottonwood	14	Single	Removed
32	Elm	8	Double	Removed
33	Elm	10	Single	Removed
34	Cottonwood	8	Single	Removed
35	Cottonwood	16	Single	Removed
36	Elm	14	Single	Removed
37	Elm	10	Double	Removed
38	Boxelder	12	Double	Removed
39	Boxelder	10	Single	Removed
40	Boxelder	14	Single	Removed
41	Elm	24	Single	Removed
42	Boxelder	10	Triple	Removed
43	Boxelder	8	Double	Removed
44	Boxelder	14	Single	Removed
45	Boxelder	10	Single	Removed
46	Boxelder	12	Single	Removed
47	Boxelder	10	Single	Removed
48	Boxelder	10	Single	Removed
49	Elm	10	Single	Removed
50	Cottonwood	12	Single	Removed
51	Boxelder	10	Single	Removed
52	Cottonwood	10	Single	Removed
53	Cottonwood	10	Single	Removed
54	Cottonwood	14	Single	Removed
55	Elm	8	Single	Removed
56	Cottonwood	10	Double	Removed
57	Cottonwood	14	Single	Removed
58	Cottonwood	10	Single	Removed
59	Elm	8	Single	Removed
60	Cottonwood	8	Single	Removed
61	Cottonwood	14	Double	Removed
62	Elm	8	Single	Removed
63	Cottonwood	12	Double	Removed
64	Elm	8	Single	Removed
65	Elm	10	Double	Removed
66	Cottonwood	8	Double	Removed
67	Cottonwood	16	Single	Removed
68	Cottonwood	10	Single	Removed
69	Elm	10	Single	Removed
70	Cottonwood	12	Double	Removed
71	Cottonwood	10	Single	Removed
72	Cottonwood	12	Single	Removed
73	Elm	8	Single	Removed
74	Oak	10	Single	Removed
75	Oak	10	Single	Removed

Plotted: 09/19/12 05:57 PM W:\2012\12\18\CADD\DATA\LANDSCAPE\Draw Sheet Files
 Loucks Associates Project No. 12191.00
 Comm. No. XXXX
 DATE: 05/03/12 CITY SUBMITTAL
 06/22/12 CITY COMMENTS
 09/19/12 CITY COMMENTS

INTERIOR DESIGNER STRUCTURAL MECHANICAL AND ELECTRICAL CIVIL ENGINEER OWNER REPRESENTATIVE Owner: TSI INCORPORATED Project: BUILDING & PARKING EXPANSION Title: TREE PRESERVATION PLAN	Loucks Associates Planning - Civil Engineering - Land Surveying Landscape Architecture - Environmental 7000 Humboldt Lane, Suite 300 Austin, Texas 78753-3038 Telephone: (512) 424-1000 www.LoucksAssociates.com	TSI TRUST SERVICES INTERNATIONAL	Drawing No. L2-1 HAGEN, CHRISTENSEN & MCILWAIN ARCHITECTS 4000 W. 4TH STREET, SUITE 100, MINNEAPOLIS, MN 55412 TEL: (612) 334-1110 FAX: (612) 334-1111
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LEGEND

-  SUBCATCHMENT
-  POND
-  TOP OF POND
-  DRAINAGE DIRECTION
-  AREA TO EX. SOUTHEAST BASIN
-  AREA TO EX. CITY STORM SEWER (DIRECT)
-  AREA TO EX. DITCH
-  AREA TO EX. ON-SITE STORM SEWER
-  AREA TO CARDIGAN ROAD



LEGEND

-  SUBCATCHMENT
-  POND
-  TOP OF POND
-  DRAINAGE DIRECTION
-  AREA TO EX. SOUTHEAST BASIN
-  AREA TO EX. CITY STORM SEWER (DIRECT)
-  AREA TO EX. DITCH
-  AREA TO EX. ON-SITE STORM SEWER
-  AREA TO PROPOSED UNDERGROUND INFILTRATION
-  AREA TO CARDIGAN ROAD



TO: Planning Commission

FROM: Kathleen Nordine, City Planner

DATE: September 21, 2012

SUBJECT: File No. 2454-12-17; Text Amendment – Vehicle Sales, City of Shoreview

INTRODUCTION

The Planning Commission considered a text amendment regarding vehicle and equipment sales and rentals in commercial districts. The proposed amendment added a new section identifying prohibited uses, which specified vehicle and equipment sales and rental as a prohibited use. This use would also be removed from the C-2, General Commercial District.

The Commission tabled the text amendment and continued the public hearing to the September 25th meeting due to questions raised regarding how vehicle and equipment sales and rental is defined and the impact on uses such as household equipment rental, vehicle rentals, moving vans and party rentals. Staff was asked to better define this type of use while permitting those sale and rental uses that are less intense and in keeping with the spirit and intent of the C-2 District.

PROPOSED TEXT AMENDMENT

The original intent of the text amendment was to prohibit vehicle and equipment sales and rentals that require large outdoor display or storage lots. Examples include new and used car dealers, recreational vehicle sales and rental, heavy equipment sales and rental, small structure display and storage yards, etc. The intent of the amendment was not to restrict the rental of household equipment or prohibit vehicle rentals. In response to the discussion, the Staff has gathered additional information and has revised the proposed text language.

The proposed changes include:

Section 202, Definitions.

Adding definitions for the following; construction/heavy equipment sales and rental, vehicle sales, and auto rental and service facility.

Section 205.035, Prohibited Uses.

Prohibiting Construction/Heavy Equipment Sales and Rental and Vehicle Sales.

Section 205.043, General Commercial District – Conditional Uses

Allowing vehicle rental and rental service facilities as a conditional use and establishing standards to regulate the use. Proposed standards include limiting the number of vehicles on site, and parking stalls required on-site location for storage, etc.

Please see the attached ordinance language.

Staff Recommendation

The staff is asking the Planning Commission to consider the changes and either recommend approval of the proposed amendment to the City Council or table to a future meeting for additional discussion. The draft text amendment is consistent with the direction received from both the Planning Commission and City Council regarding vehicle and equipment sales in our commercial areas.

Definitions added

202 Definitions

Auto Rental and Service Facility: Buildings and premises used to rent passenger vehicles including automobiles, light trucks and vans. Said premises may be used store, clean, refuel and perform incidental servicing to vehicles associated with the automobile rental facility. No servicing of vehicles is offered to the general public.

Construction/Heavy Equipment Sales and Rental: Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

Vehicle Sales: Any land or buildings engaged in the sale of: automobiles, light trucks, travel trailers, recreational vehicles, boats and motorcycles.

205 Development Districts

205.030 Permitted Uses. For those uses not specifically noted, the City Manager or his/her designee shall make a determination as to whether the proposed use is permitted. Where a question arises, the Planning Commission shall make a recommendation to the City Council, which shall make the final determination.

205.035 Prohibited Uses. The following uses are prohibited within the City:

Construction/Heavy Equipment Sales and Rental
Vehicle Sales

203.035
Section added
for Prohibited
Uses

205.040 Business Districts Overview. Within the City, business districts have been established to provide areas suitable for commercial, office and business park development. These business districts include the following districts:

- Limited Retail Service District (C1A)
- Retail Service District (C1)
- General Commercial District (C2)
- Office District (OFC)
- Business Park District (BPK)

(B) Permitted Uses. In addition to the permitted uses listed for each Commercial District, the following uses are also permitted.

~~(9) For those uses not specifically noted, the City Manger or his/her designee shall make a determination whether the proposed use should be listed as a permitted use within a particular zoning district. Compatibility with the purpose statement and permitted uses for the district and with the adjoining planned uses shall be considered when making this decision.~~

(9) Repetitive of
205.030 above,
therefore
stricken from

205.043 General Commercial District (C2)

(A) Purpose. In addition to the purposes defined in Section 205.040(A) (Business District Overview, Purpose), the General Commercial District is intended to be located at an intersection that includes an arterial roadway. It should not be located adjacent to an area planned for residential use. This district is intended to permit uses such as motor vehicle fuel, service, and sales, convenience retail, restaurant, and motel/hotel uses that will not cause unsafe traffic conditions and which cater to visitors to the area.

(B) Permitted Uses. In addition to the uses defined in Sections 205.040(B) (Overview) and 205.042(B) (Retail Service District), the following types of activities, as well as similar uses, are permitted:

dispensing propane/compressed natural gas
fuel stations
motels, hotels
restaurants
seasonal produce/Christmas tree sales
truck/car washes

(C) Conditional Uses.

(1) Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits). In addition, when the site abuts land planned for residential use as defined by the Shoreview Comprehensive Guide Plan, the City may:

- (a) prohibit access from a predominately residential street.
- (b) restrict the hours of operation for loading docks, drive-up facilities, self-service fuel sales, outdoor display/activity areas that are lighted and have an outdoor speaker system(s) and any use that could promote loitering, such as a tavern or commercial recreation use.
- (c) require greater than minimum setbacks for structures and driveways.
- (d) require opaque screening to eliminate headlight glare.
- (e) impose any other restriction it deems to be in the public interest. If the proposed conditional use is an adult establishment, outside storage and display and accessory structures are prohibited.

(2) automobile rental
and service facility
added with
performance standards

vehicle and equipment
sales and rental
stricken from text

(2) The following uses are permitted with a conditional use permit:

adult establishments
automobile rental and service facility:
automobile service station
auto body repair and painting
commercial recreation uses

uses with drive-up facilities or loading docks within 75 feet of property zoned for residential use
~~vehicle and equipment sales and rental~~
pawnbroker shops

(a) Auto Rental and Service Facility. Approval of a conditional use permit for an auto rental and service facility shall comply with the following standards:

- i. The use is permitted in single-tenant or multi-tenant commercial buildings.
- ii. No more than five (5) rental cars for pick-up or drop off in the short term may be parked and/or stored on the property.
- iii. The number of parking stalls provided this use shall be in addition to the City's minimum parking requirements for the property and shall be located to the rear or side of the building.
- iv. No servicing of vehicles shall be offered to the general public.

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code pertaining to vehicle and equipment sales and rental.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – September 25, 2012

PROPOSED MOTION (TABLE)

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To table the text amendment to Chapter 200 of the Municipal Code pertaining to vehicle and equipment sales and rental to address comments raised during the public hearing.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – September 25, 2012

TO: Planning Commission
FROM: Nicole Hill, Planning Intern
DATE: September 19, 2012
SUBJECT: File No. 2427-11-20, Extension Request for Variance, Jereen Rasmussen – 4877 Nottingham Place

INTRODUCTION

In October 2011, the City Council approved reviewed and approved the Minor Subdivision application for Jereen Rasmussen/Sara Sampson for the property at 4977 Nottingham Place.

An application was also submitted for a variance to reduce the minimum 125-foot lot depth to 108.44 feet for the proposed lot. The Planning Commission approved the variance, contingent upon the Council's approval of the minor subdivision, at the October 17th, 2011 meeting. A condition attached states that the variance will expire after one year if the minor subdivision has not been recorded. An extension is being requested for the variance approval because the minor subdivision has not yet been recorded.

BACKGROUND

Attached is a statement from First Fiduciary Corporation, the Conservator for Jereen Rasmussen, requesting the extension. The minor subdivision has not yet been recorded because due to financing issues and the closings were delayed, a new appraisal is being prepared by the bank. Because the mortgage on this property exceeds the sales price of the lot, they need to close on the house either before, or simultaneously with, the closing on the lot. The survey depicting the subdivision and the approved Resolution for the variance are also attached. The variance resolution has not been filed with Ramsey County.

STAFF RECOMMENDATION

Extending the variance for a one year period will not have any adverse impact on the adjoining properties and provide ample time for the new appraisal and the closing proceedings for the house and adjacent lot. There have been no changes to the R1 district standards that affect the variance or subdivision. Staff is recommending the Planning Commission approve the request to extend the variance approval for a one year period, to September 25, 2013. All other conditions as identified in the Resolution will remain in effect.

The Council will consider the extension request for the minor subdivision at their October 1st meeting.

Attachments

- 1) Location Map
- 2) Applicant's Statement
- 3) Approved Subdivision – Survey 1993
- 4) Approved Subdivision – Survey 2012
- 5) Surveyor Property Sketch – 2012
- 6) Res 11-68
- 7) Motion



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (July 2, 2012), The Lawrence Group, July 2, 2012 for County parcel and property records data; July 2012 for commercial and residential



Nicole Hill <nhill@shoreviewmn.gov>

Fwd: 4877 Nottingham Place

1 message

Robert Warwick <rwarwick@shoreviewmn.gov>
To: Nicole Hill <NHill@shoreviewmn.gov>

Wed, Sep 19, 2012 at 12:18 PM

----- Forwarded message -----

From: **George Borer** <gborer@borertomneylaw.com>
Date: Tue, Sep 18, 2012 at 1:52 PM
Subject: 4877 Nottingham Place
To: RWarwick@shoreviewmn.gov
Cc: Dan Lodahl <dlodahl@firstfidcorp.com>, chris@entitlemn.com

Dear Mr. Warwick,

We represent First Fiduciary Corporation, the Conservator for Jereen Rasmussen. Ms Rasmussen is the owner of 4877 Nottingham Place in Shoreview. As we have previously discussed, First Fiduciary has entered into purchase agreements for both the house at 4877 Nottingham, and also the adjacent lot for which the City has previously approved a lot split. Unfortunately the buyer for the house has had trouble with financing and the closings were delayed. Because the mortgage on this property exceeds the sales price of the lot, we need to close on the house sale either before, or simultaneous with, the closing on the lot. The house buyer now indicates he has approved financing, but since the process has taken so long, the bank has indicated it's appraisal is stale and a new one is now being prepared.

The purpose of this email is to respectfully request an extension of time for the City's approval of the lot split which approval expires shortly. Although Ms. Rasmussen resides in a care facility and is currently out of funds to pay for her care, the Conservator reserved the fees owed to the City in connection with approval of the lot split. If it would be beneficial with regard to our request, the Conservator could pay those fees now. The deeds (copies attached) have been prepared, but not signed by the Conservator pending final confirmation of the house buyer's ability to close.

Thank you for your consideration of this matter.

George Borer
Borer & Tomney, PLLC
Attorneys at Law
1570 Concordia Avenue, Suite 200
St. Paul, MN 55104
www.borertomneylaw.com
Direct (651) 294-2434
Office (651) 287-6021
Fax (651) 287-6024
email: gborer@borertomneylaw.com

The information contained in this email is confidential and privileged information intended only for the addressee named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by

9/19/12

Shoreview mn.gov Mail - Fwd: 4877 Nottingham Place

telephone or by email at the address listed above, then delete this message and destroy any copies. Thank you.

—

Rob Warwick
Senior Planner
City of Shoreview
4600 Victoria Street North
Shoreview, Minnesota 55126
rwarwick@shoreviewmn.gov
651 490-4681

3 attachments



Deed Easement.doc

32K



Deed House.doc

54K



Deed Lot.doc

56K

4904699 P.01

TO

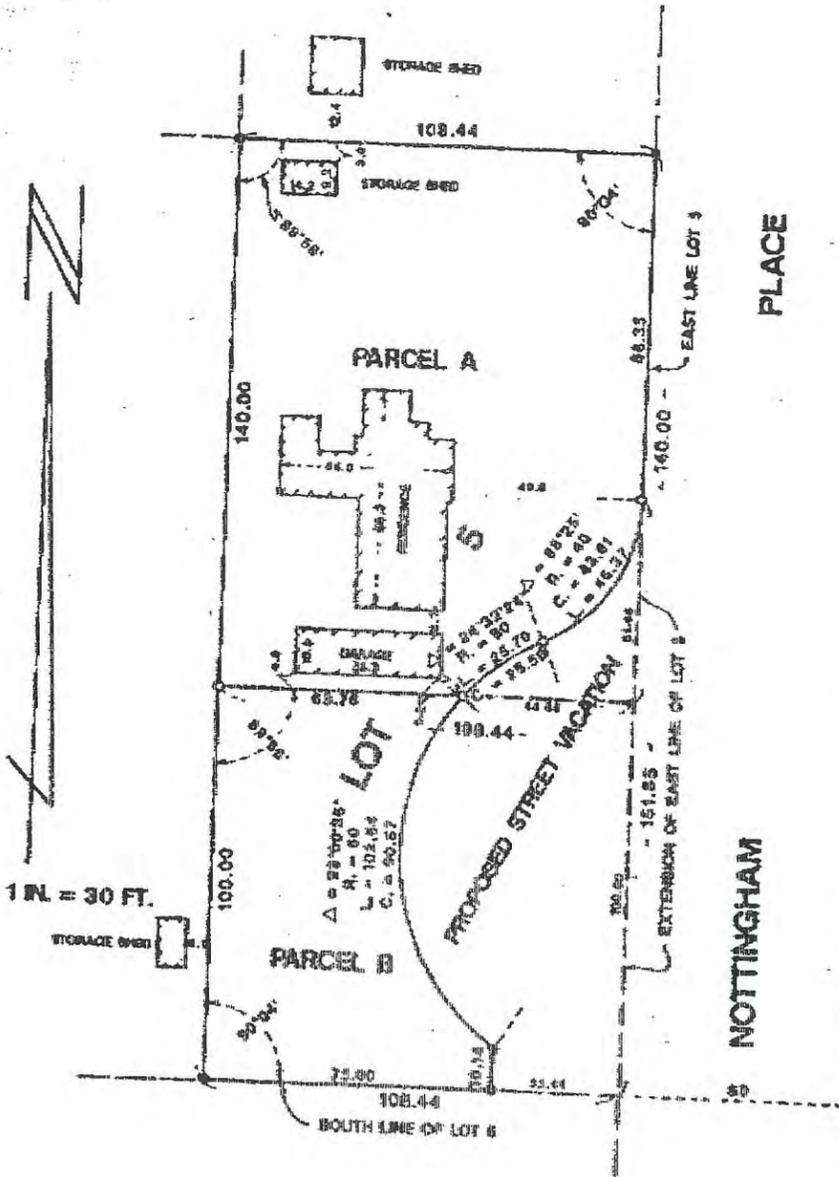
FROM COMSTOCK & DAVIS, INC.

OCT-20-1993 12:33

Post-It™ brand fax transmittal memo 7671 # of pages 1

To	RANDY JOHNSON	From	dj
Co.		Co.	Comstock & Davis
Dept.		Phone #	
Fax #		Fax #	

LOT SPLIT SURVEY FOR
JERI RASMUSSEN



AS NOW DESCRIBED

Lot 5, Block 2, Sherwood Forest

DESCRIPTION FOR PROPOSED STREET VACATION

That part of Nottingham Place, as dedicated by the recorded plat of Sherwood Forest, adjoining Lot 5, Block 2, said Sherwood Forest, which lies West of the southerly extension of the most easterly line of said Lot 5 and North of the the easterly extension of the South line of said Lot 5.

DESCRIPTIONS TO BE USED AFTER SPLIT AND VACATION ARE APPROVED

PARCEL A

That part of Lot 5, Block 2, Sherwood Forest and of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the southerly extension of the most easterly line of said Lot 5 and North of a line drawn 100.00 feet North of and parallel with the South line of said Lot 5.

PARCEL B

That part of Lot 5, Block 2, Sherwood Forest and of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the southerly extension of the most easterly line of said Lot 5 and South of a line drawn 100.00 feet North of and parallel with the South line of said Lot 5.

AREAS:

LOT 5:	20,978 SQ. FT. OR 0.481 ACRES
PROPOSED STREET VACATION:	0,930 SQ. FT. OR 0.022 ACRES
TOTAL:	20,028 SQ. FT. OR 0.457 ACRES
PARCEL A WITHOUT STREET VACATION:	14,398 SQ. FT. OR 0.330 ACRES
PARCEL A WITH STREET VACATION:	15,492 SQ. FT. OR 0.349 ACRES
PARCEL B WITHOUT STREET VACATION:	5,680 SQ. FT. OR 0.131 ACRES
PARCEL B WITH STREET VACATION:	10,844 SQ. FT. OR 0.249 ACRES

PROPOSED USE: AN ADDITIONAL RESIDENCE ON PARCEL B.

LAKE & LAND SURVEYING
1296 HUDSON ROAD
ST. PAUL, MN 55106 776-6211

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

James E. Danley
James E. Danley
Minn. R.L.S. No. 14887
on the 15th day of OCT 1993.

VALID ONLY WHEN STAMPED WITH IMPRESSION SEAL.

A DIVISION OF
COMSTOCK & DAVIS, INC.

1448 COUNTY ROAD J
MINNEAPOLIS,
MINNESOTA, 55432
PHONE: 818-784-9348

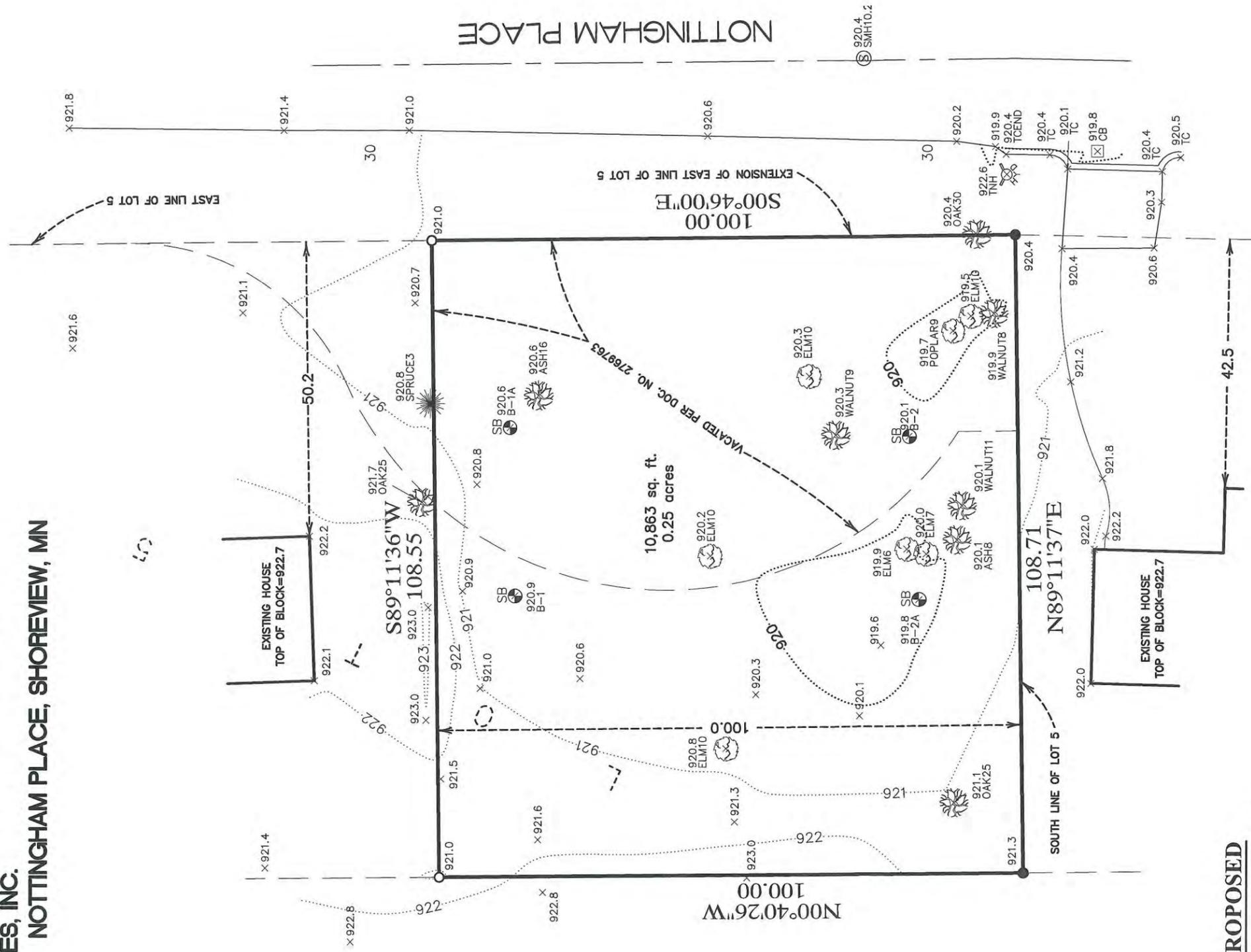
TOTAL P.01

CERTIFICATE OF SURVEY

FOR: TJB HOMES, INC.
ADDRESS: NOTTINGHAM PLACE, SHOREVIEW, MN



NORTH
0 20
(IN FEET)
1 inch = 20 ft.



PROPOSED LEGAL DESCRIPTION

That part of Lot 5, Block 2, Sherwood Forest and of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the Southerly extension of the most Easterly line of said Lot 5 and South of a line drawn 100.00 feet North of and parallel with the South line of said Lot 5.

This survey was prepared without the benefit of title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

NOTES

- FIELD SURVEY CONDUCTED ON AUGUST 3RD, 2012.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- BASIS FOR ELEVATION: NAVD 88 (VIA REAL TIME GPS MEASUREMENTS UTILIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK)
- PROPOSED LEGAL DESCRIPTION TAKEN FROM LOT SPLIT SURVEY PREPARED BY COMSTOCK AND DAVIS, INC. DATED OCTOBER 15TH, 1993.

- DENOTES IRON MONUMENT SET
- DENOTES IRON MONUMENT FOUND
- 🌳 DENOTES EXISTING TREE
- Ⓢ DENOTES SANITARY SEWER MANHOLE
- DENOTES CATCH BASIN
- ⑩ DENOTES PROPOSED ELEVATION
- x1011.2 DENOTES EXISTING ELEVATION
- ↖ DENOTES DIRECTION OF DRAINAGE
- ⊠ DENOTES METAL SPIKE
- x— DENOTES EXISTING FENCE
- s— DENOTES PROPOSED SILT/TREE PROTECTION FENCE AND GRADING LIMITS

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

Joshua P. Schneider

JOSHUA P. SCHNEIDER

Date: 8-6-12 Reg. No. 44655

C:\Land Projects 2008\12443bs-Shoreview\dwg\12443bs.dwg 8/6/2012 8:39:44 AM CDT

JOB#12443BS



ACRE LAND SURVEYING

Blaine, MN 55449

763-238-6278

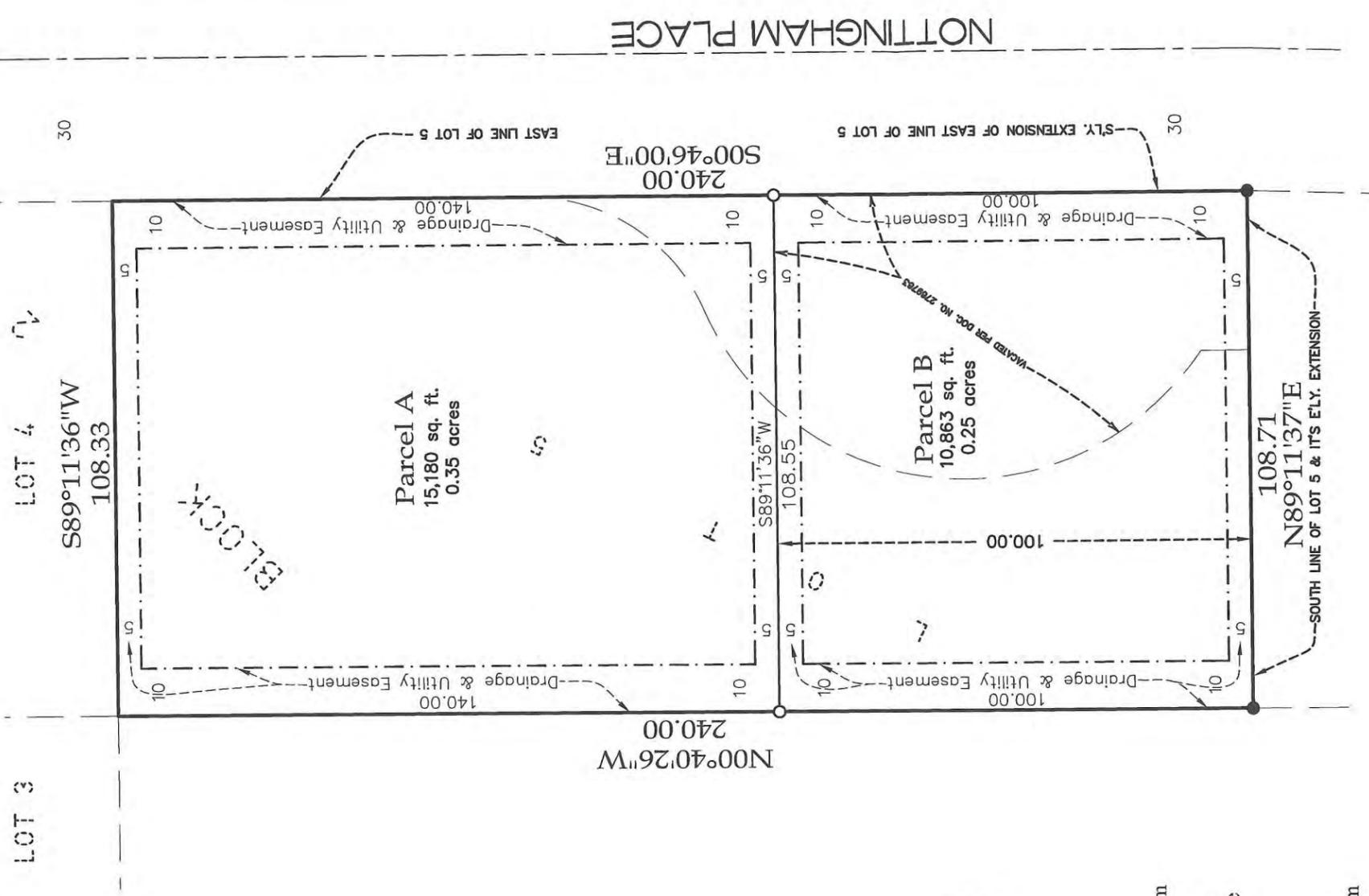
js.acrelandsurvey@gmail.com

10 11 12 13 14 15 16 17 18 19

SKETCH AND DESCRIPTIONS

FOR: GEORGE BORER,
BORER & TOMNEY, PLLC
ATTORNEYS AT LAW

ADDRESS: NOTTINGHAM PLACE, SHOREVIEW, MN



EXISTING DESCRIPTION

Lot 5, Block 2, Sherwood Forest and that part of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the Southerly extension of the most Easterly line of said Lot 5 and North of the Easterly extension of the South line of said Lot 5.

PROPOSED DESCRIPTIONS

PARCEL A

That part of Lot 5, Block 2, Sherwood Forest and of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the Southerly extension of the most Easterly line of said Lot 5 and North of a line drawn 100.00 feet North of and parallel with the South line of said Lot 5 and its Easterly extension.

PARCEL B

That part of Lot 5, Block 2, Sherwood Forest and of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the Southerly extension of the most Easterly line of said Lot 5 and South of a line drawn 100.00 feet North of and parallel with the South line of said Lot 5 and its Easterly extension.

DRAINAGE AND UTILITY EASEMENTS

An easement for drainage and utility purposes over, under and across the North 5.00 feet, over, under and across the South 5.00 feet, over, under and across the North 10.00 feet of the South 105.00 feet, over, under and across the East 10.00 feet and over, under and across the West 10.00 feet of the following described tract of land:

Lot 5, Block 2, Sherwood Forest and that part of Nottingham Place, vacated, adjoining said Lot 5 which lies West of the Southerly extension of the most Easterly line of said Lot 5 and North of the Easterly extension of the South line of said Lot 5.

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

Joshua P. Schneider

JOSHUA P. SCHNEIDER Date: 8-15-12 Reg. No. 44655

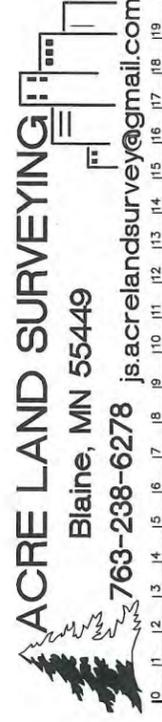
C:\Land Projects 2000\Borer-George\12443-BS\dwg\12443BS.dwg 8/15/2012 12:35pm

LEGEND

- DENOTES IRON MONUMENT SET
- DENOTES IRON MONUMENT FOUND

NOTES

- FIELD SURVEY CONDUCTED ON AUGUST 3RD, 2012.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- PROPOSED DESCRIPTIONS DERIVED FROM LOT SPLIT SURVEY PREPARED BY COMSTOCK AND DAVIS, INC. DATED OCTOBER 15TH, 1993.
- EXISTING DESCRIPTION SHOWN IS AS TAKEN FROM CERTIFICATE OF TITLE NO. 570787 AND FROM PROPOSED DESCRIPTION OF VACATED PORTION OF NOTTINGHAM PLACE.



JOB#12443BS

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD SEPTEMBER 27, 2011**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present: Chair Feldsien, Commissions Ferrington, Mons, Proud, Schumer, Solomonson, Wenner

And the following members were absent: None

Member Mons introduced the following resolution and moved its adoption.

**RESOLUTION NO. 11-68 FOR A VARIANCE TO REDUCE THE LOT DEPTH FOR A
NEW PARCEL**

WHEREAS, Jereen Rasmussen submitted a variance application for the following described property:

Lot 5, Block 2, SHERWOOD FOREST, Ramsey County, Minnesota, Vacated Street Accuring
(commonly known as 4877 Nottingham Place)

WHEREAS, the Development Regulations require a minimum 125-foot lot depth; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 108.44-feet; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on September 27, 2011 the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed subdivision of the 240 foot wide by 108.44 foot deep lot for a future detached single family dwelling is a reasonable use of this property.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances warrant the variance. The existing property was platted in 1948, and subject to a street vacation in 1993. The vacation increased the useable lot area that was not available for platting a lot in 1948. These conditions have not changed since the Shoreview Planning Commission adopted Resolution No. 93-106, approving this same variance in 1993.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* The resulting lot will have a 100-foot width, consistent with the pattern in the neighborhood, and so the character of the neighbor will not be altered by granting the variance.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 4877 Nottingham Place, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Minor Subdivision/Variance applications.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. Said approval was extended for an additional one year period on September 25, 2012.
4. This approval is subject to approval of the Minor Subdivision application by the City Council.
5. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member Proud and upon a vote being taken thereon, the following voted in favor thereof: All Present

And the following voted against the same: None

Adopted this 27th day of September, 2011

Larry Feldsien, Chair
Shoreview Planning Commission

ATTEST:

Rob Warwick, Senior Planner

SEAL

ACCEPTANCE OF CONDITIONS:

Jereen Rasmussen, 4877 Nottingham Place

**PROPOSED MOTION
TO EXTEND THE VARIANCE APPROVED FOR JEREEN RASMUSSEN
4877 NOTTINGHAM PLACE**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To extend the variance approved for Jereen Rasmussen, to reduce the minimum 125-foot lot depth to 108.44 feet for the proposed lot. The Resolution has been not been recorded at Ramsey County. Said extension is for a one-year period to September 25, 2013. Conditions attached to the variance approval shall remain in effect.

VOTE:

AYES:

NAYS:

TO: Planning Commission

FROM: Rob Warwick, Senior Planner
Kathleen Nordine, City Planner

DATE: August 21, 2012

SUBJECT: Case File 2458-12-21, Preliminary Plat, Rezoning and Planned Unit Development
– Development Stage, 5618 Heather Ridge Court,

Introduction

Clyde and Arlen Rehbein, 5618 Heather Ridge Court, submitted the following applications to divide their 11.7 acre property into 4 lots to be used for detached single-family residential homes. The existing house will remain and three new residential building sites will be created. Access to the proposed lots will be provided by two driveways that will each be shared by two homes. The building pads for the future homes are shown located in the upland area between 200 and 260 feet east of the front lot lines.

- 1) Preliminary Plat – to plat the property into 4 parcels for a single-family residential development
- 2) Rezoning – Rezoning the property from UND, Urban Underdeveloped to PUD, Planned Unit Development
- 3) PUD, Planned Unit Development, Development Stage – to develop the property with 4 single-family residential estate lots

Site Characteristics

The property is located at the end of Heather Ridge Court on the south end of the Heather Ridge zero-lot line residential development. A portion of the applicant's property was platted as part of the Heather Ridge Planned Unit Development and zoned PUD. The eastern portion of the property was acquired from the neighboring property at 5625 Turtle Lake Road after a subdivision approved by the City in 2006. The Rehbeins combined the two lots into one parcel pursuant to the City approval. This eastern portion of the property is zoned UND. Rezoning of the property is needed for the proposed development.

Again, the property is 11.7 acres in size and has about 163 feet of frontage along Heather Ridge Court. It has an odd configuration and adjoins the Willow Glenn and Heather Ridge zero lot line detached residential developments to the north, the former St. Paul Water Utility property to the east, Turtle Lake Road and single-family residential development to the south and east. Low wetland and ponding areas are scattered throughout the site. The upland areas are heavily vegetated with the dominant tree species being Oak and Birch.

The property is developed with a single-family residence that has an attached garage and a large detached garage/storage building. Access to the property is via a driveway located at the end of Heather Ridge Court.

Project Summary

The applicants are proposing to develop the property with 3 additional single-family residential lots. These lots will have access to Heather Ridge Court, however, shared driveways are planned to minimize impact on wetland areas. The lot sizes range from 1.54 acres to 6.46 acres. The lot widths also vary and are narrower at the street and then widen out towards the rear property line. Each parcel does contain wetland area, and some wetland impacts will result from the construction one new shared driveway. The buildable areas of the lot are located towards the center of the parcels in the upland areas. The existing home and detached accessory structure will remain on Lot 1.

Rezoning to a PUD is being requested to PUD because these parcels do not follow a typical residential subdivision pattern due to lot configuration and environmental constraints. Flexibility is needed for access via the shared driveways and building setbacks.

Development Code

The underlying zoning for the PUD will be the RE(60), Residential Estate District with a minimum lot area of 60,000 square feet. Lots in the RE(60) must have a minimum lot width of 100 feet and dwellings must have front yard setback between 30 to 40' from the front property line. Dwellings must also maintain a minimum 15-foot side yard setback and 30-foot rear yard setback. The minimum setback for accessory structures is 10 feet from a side property line and 10 feet from a rear property line. Lot coverage cannot exceed 15%.

Newly created lots must have frontage on a publically dedicated right-of-way and be serviced with City sewer and water. Drainage and utility easements are also required along the proposed lot lines and over any wetland, ponding areas, and wetland buffer areas.

Preliminary Plat

The property is currently described with both a platted and metes and bounds description. The proposed preliminary plat, The Estates of Heather Ridge, divides the property into 4 single-family residential estate lots. The following table summarizes the lot area, widths and depths of the proposed parcels as compared to the RE(60), Residential Estate Zoning District.

	Lot 1*	Lot 2	Lot 3	Lot4	RE(60)
Lot Area (acres)	6.46	1.8	1.54	1.93	1.38
Street Frontage	32.5 feet	43.5 feet	43.5 feet	43.5 feet	30 feet
Lot Width					
At Building Pad	310 feet	130 feet	125 feet	220 feet	100 feet
Lot Depth	675 feet	545 feet	511 feet	490 feet	NA

The existing structures on Lot 1, exceed the minimum structure setbacks for the RE(60) district.

The required drainage and utility easements will be dedicated along the property lines and over wetland and drainage areas. Private driveway easements, including a maintenance agreement will be required for the shared driveways.

Rezoning

The applicant is requesting the property be rezoned from UND, Urban Underdeveloped to PUD, Planned Unit Development. When reviewing a rezoning request, the following criteria need to be considered:

- 1) That the proposed rezoning is consistent with the policies of the Comprehensive Plan and with the general purpose and intent of the development regulations.
- 2) That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.
- 3) That the applicant is willing to enter into a development agreement as a condition of the rezoning approval.

In Staff's opinion, the proposal meets these criteria. The rezoning supports the Comprehensive Plan policies related land use and housing. The planned land use of this property is RL, Low-Density Residential Development and N, Natural. The property is, however, located in PDA #4 – Turtle Lake Road Neighborhood due to the development potential of the larger lots in this area. The proposed development plan is consistent with these policies because of the proposed low density residential land use, incorporation of the existing home into the development and minimal impact on the environmental features. While the PDA does strive for the coordinated and integrated redevelopment in this area, the applicant's property is somewhat isolated from other parcels in the PDA due to the wetland areas. For this reason, development of this property will not impact the potential to have a cohesive development for the remaining properties in the PDA.

The proposed development will not have a significant and adverse impact on the surrounding land uses which includes a mix of higher density and lower density residential uses. In addition, the wetland/ponding areas on the property provide a separation buffer between the proposed development and adjoining land uses.

The applicant is willing to enter into a development agreement for this project.

Planned Unit Development

Development of this site is being reviewed via the Planned Unit Development process. Planned Unit Development (PUD) process is used to encourage or provide flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives related to the Development Code and the City's land use and housing goals. At this stage, detailed

development plans are submitted to the City and reviewed in accordance with the adopted Code criteria. Approval requires 4/5th majority vote of the Council.

The next stage is the Final Stage in which the final plans are submitted and reviewed for compliance with the previous approvals, and obligations and conditions that were previously set forth by the City are executed in the form of development agreements to ensure the project will be constructed in the manner in which it was approved.

Development of this property via the PUD will permit a low-density residential development that preserves the natural features of the property and character of the neighborhood. Flexibility is required from the traditional structure setback standards. The PUD can also address the proposed shared driveways and utilities.

The key issues raised during this process are addressed below.

Building Placement

The Conceptual Grading, Drainage and Utility plan shows the location of the existing structures on Lot 1 and conceptual building pads on the remaining parcels. Both the setback of the existing home and the proposed structures exceed the maximum 40-foot setback permitted for the RE(60) zoning district. Structure setbacks on these properties are somewhat defined by the location of the wetland areas and the upland buildable areas. These setbacks range from approximately 210' to 260' and are much larger than the 25' setback of the nearby homes on Heather Ridge Court.

It is the applicant's intent that the development retains the natural character of the property. Imposing a larger setback standard from the front, side and rear property lines for this development will preserve the wetland features, minimize development impacts and retain the natural character of the property. The proposed homes will be buffered from the adjoining development by the wetland and wooded areas on the individual lots. The existing home at 5816 Heather Ridge Court serves as an example of the expected development in that the dwelling and accessory structures are not visible from the abutting public streets, and so enhance the natural character of the area.

Access

Access to the existing home is provided off a driveway located at the terminus of Heather Ridge Court. To minimize impacts on the existing wetland areas, shared driveways are being proposed. Lots 1 and 2 would share the existing driveway and Lots 3 and 4 would share a new driveway. Shared driveways connecting two or more uses on separate properties are permitted provide the property owners enter into and execute a joint parking and maintenance agreement.

Municipal Utilities

Municipal sanitary sewer and water services are located in Heather Ridge Court. The existing home on Lot 1 is currently connected to these services. Each of the new homes is required to

connect to these services, and a preliminary utility plan has been prepared that is consistent with City requirements.

Environmental Impacts

The property does contain wetland and ponding areas and is heavily wooded. The property is located in the Rice Creek Watershed District (RCWD) and subject to the District's permitting requirements. These wetlands have not yet been delineated nor verified by the Watershed District, therefore, impacts cannot yet be determined. The proposed shared driveway for Lots 3 and 4 crosses a wetland area and may be subject to the wetland replacement requirements as determined by the RCWD. Impacts to the wetland areas are minimized to the extent possible through the use of the shared driveways and placement of the building pads set farther back than permitted by the traditional zoning regulation.

A 16.5' buffer along the perimeter of the wetland areas will be required.

The applicant has submitted a tree inventory. The upland vegetation consists of oaks and poplar. The full extent of tree impacts cannot be determined until building permit applications are received to construct homes on the property. For each parcel within the subdivision, landmark trees will need to be replaced at a ratio of 3 to 1.

Grading, Drainage and Stormwater Management

As previously stated, the property is located in the Rice Creek Watershed District and submit to the review and permitting requirements of this District. The property is relatively flat with minimal grade change. Grading is anticipated in the areas for the driveway and building construction. Lowest floor elevations for the proposed homes will be established in accordance with the City's Surface Water Management Plan and any RCWD requirements. Prior to the issuance of a building permit for a new home, a grading plan will need to be submitted to staff for review and approval.

Public and Agency Comment

Property owners within 350' of the development site were notified of the request and public hearing. In addition, a development notification sign was placed on the property.

The City has received one written and one phone comment in response. Both comments identify no concerns with the proposed development.

The applicant also held a neighborhood meeting late this summer to review the proposed plans with nearby property owners.

Other agencies including the Watershed District, Department of Natural Resources and Corp of Engineers were notified of the proposed development because of the wetlands on the property, and no comments have been submitted by these agencies.

Recommendation

The submitted subdivision plans were reviewed in accordance with the City's Comprehensive Plan and Development Code. The staff believes the proposed development is consistent with Shoreview's land use and housing policies and meets the criteria for the Preliminary Plat, Rezoning and PUD. The proposed residential estate subdivision retains the natural features of the property and minimizes development impacts on the adjoining residential land uses. Development via the PUD provides the applicant with some flexibility as it pertains to building placement and supports the use of shared driveways and utilities – to minimize impacts on the wetland area. Staff is recommending the Planning Commission approve the development applications with the following conditions attached:

Rezoning

1. This approval rezones the property from UND, Urban Underdeveloped to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is RE (60), Residential Estate, with a minimum lot area of 60,000 square feet.
3. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

Preliminary Plat

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines and wetland areas. Drainage and utility easements along the roadway shall be 10' wide and along the side lot lines these easements shall be 5' wide and as required by the Public Works Director.
3. Private agreements shall be prepared for recording the regarding joint driveway, parking and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Development Stage

1. This approval permits the subdivision of the property into four single-family residential lots.
2. The underlying zoning for the PUD is RE (60), Residential Estate with a minimum lot area of 60,000 square feet.
3. Access to Lot 1 is prohibited from Turtle Lake Road. Access to the site shall be provided only via the shared driveways as indicated in the application submittal.
4. Tree Preservation and Replanting plan shall be submitted with each building permit application for Lots 2, 3 and 4. Replacement trees shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.
5. The applicant and future property owners shall maintain a 16.5' buffer along the perimeter of the all wetland areas. Signs marking this buffer area shall be installed to inform future owners that this area is to be protected and not disturbed.
6. Grading, Drainage and Erosion Control shall be submitted with each building permit application for Lots 2, 3 and 4.

7. The structure setbacks from the front property line for the planned unit development shall be a minimum of 200 feet and a maximum of 260 feet.
8. No detached accessory structures shall be permitted on Lots 2 and 3 south of the wetland area.
9. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
10. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060 (C)(6).

Attachments:

1. Location Map
2. Planned Land Use Map
3. Zoning Map
4. Submitted Statement and Plans
5. Agency Comments
6. Request for Comments
7. Motion

T:/2012pcf/2458-12-21heatherridgecourt/pcreport

5618 HEATHER RIDGE COURT

- Selected Features
- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Water
- Structures
- Parcel Polygons
- Highway Shields
- Street Name Labels



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (September 4, 2012), The Lawrence Group (September 4, 2012) for County parcel and property records data, September 2012 for commercial and residential data, April 2009 for color aerial

Zoning Classifications

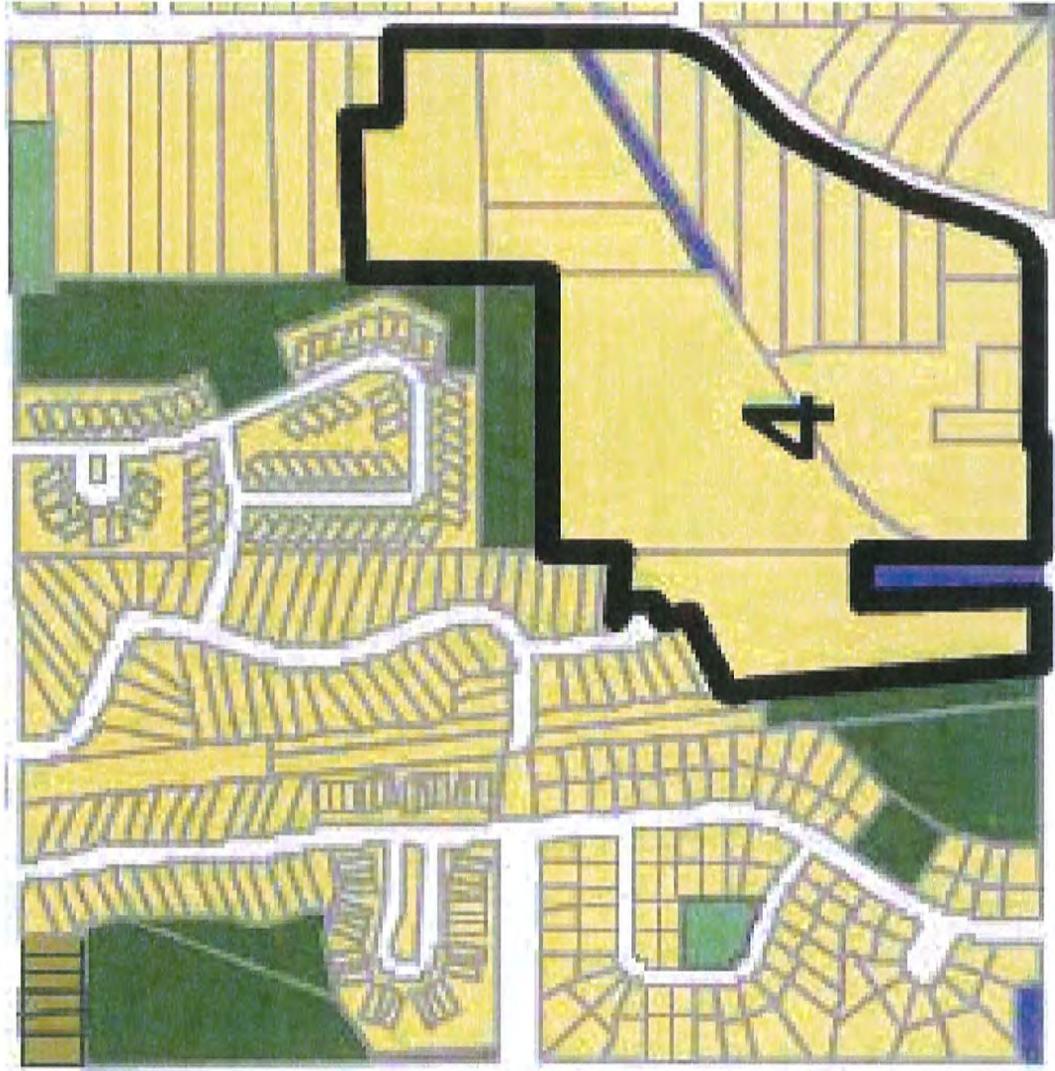
	RE - Residential Estate
	R1 - Detached Residential
	R2 - Attached Residential
	R3 - Multi-Dwelling Residential
	R4 - Mobile Home Residential
	C1 - Retail Service
	C2 - General Commercial
	OFC - Office
	I - Industrial
	T - Tower
	OS - Open Space
	PUD - Planned Urban Development
	UND - Urban Under Developed
	BPK - Business Park
	Water



Excerpt from Zoning Map

Legend

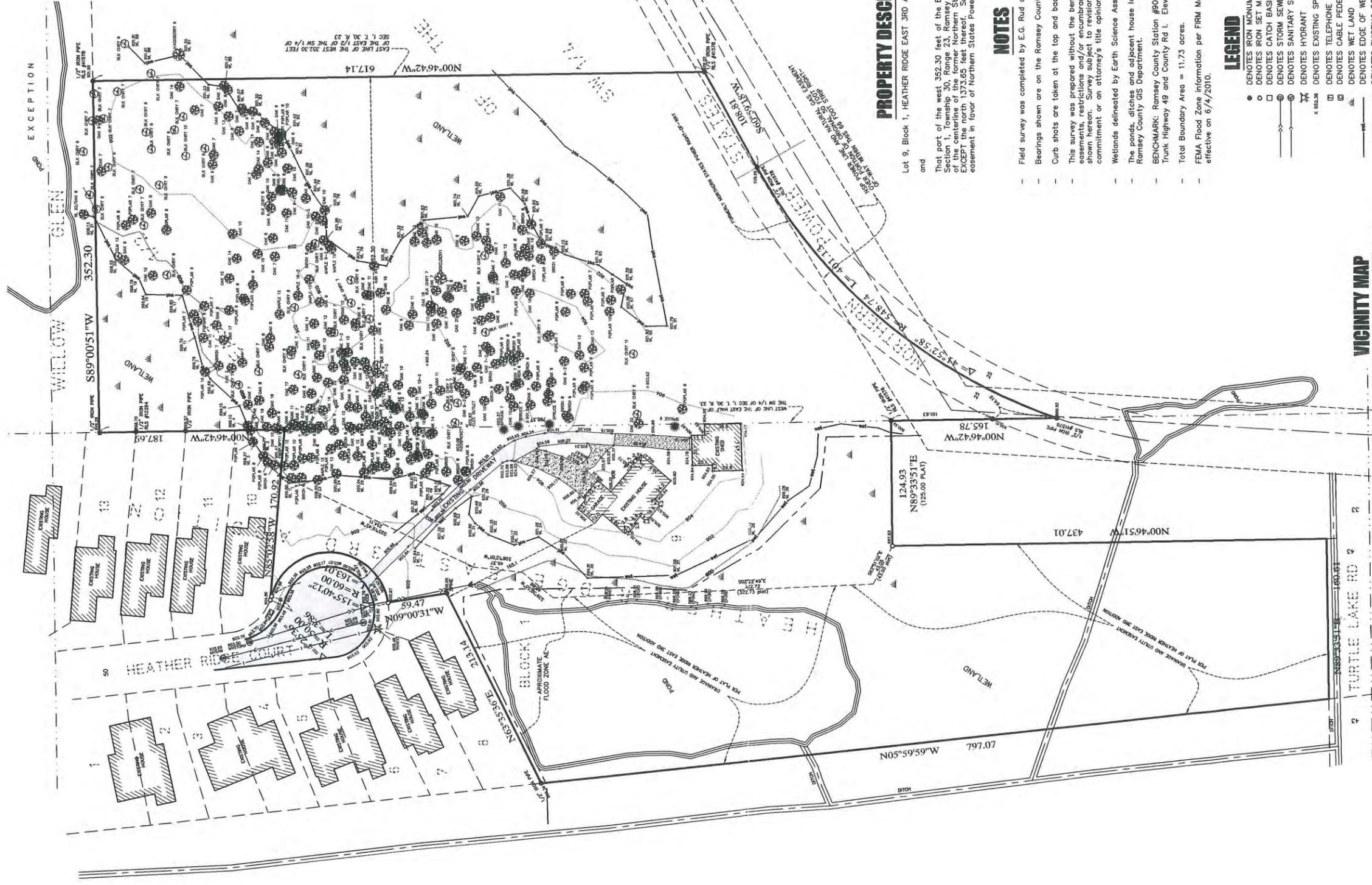
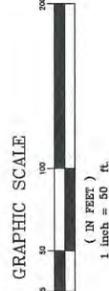
-  PDA Boundaries
- Planned Land Use**
-  Residential (up to 4 units/acre)
-  Residential (4 - 8 units/acre)
-  Residential (8 - 20 units/acre)
-  High Density Senior Residential
-  Office
-  Commercial
-  Mixed Use
-  Business Park
-  Tower
-  Light Industrial
-  Institutional
-  Park
-  Recreational Open Space
-  Natural
-  Railroad
-  Open Water



Excerpt from Planned Land Use Map

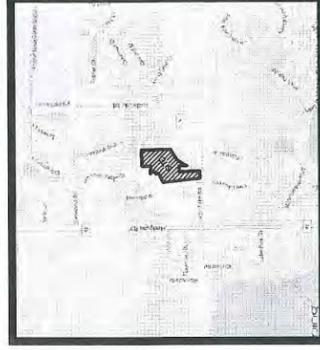
CERTIFICATE OF SURVEY/TREE INVENTORY

~for~ CLYDE AND ARLENE REHBEIN
 ~of~ PROPOSED "THE ESTATES OF HEATHER RIDGE"



VICINITY MAP

PART OF SEC. 1, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA
 (NO SCALE)

PROPERTY DESCRIPTION:

Lot 9, Block 1, HEATHER RIDGE EAST 3RD ADDITION, Ramsey County, Minnesota, and
 That part of the west 352.30 feet of the East Half of the Southwest Quarter of Section 1, Township 30, Range 23, Ramsey County, Minnesota, which lies northerly of the centerline of the former Northern States Power Company right-of-way, EXCEPT the north 137.658 feet therefrom, hereinafter referred to as the "Project", as shown on a plat of the Project and natural gas easement in favor of Northern States Power and its successors.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 8/7/12.
- Bearings shown are on the Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Surveyor accepts no responsibility or liability for any such commitment or an attorney's title opinion.
- Wetlands delineated by Earth Science Associates.
- The ponds, ditches and adjacent house locations were provided by the Ramsey County GIS Department.
- BENCHMARK: Ramsey County Station #9001 located in the NW quadrant of Trunk Highway 49 and County Rd 1. Elevation = 907.52 (NGVD 29)
- Total Boundary Area = 11.73 acres.
- FEMA Flood Zone information per FIRM Map Panel No. 27123C0030G, dated effective on 6/4/2010.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON SET MARKED RLS NO. 41578
- DENOTES CATCH BASIN
- ⊖ DENOTES STORM SEWER
- ⊕ DENOTES SANITARY SEWER
- ⊗ DENOTES HYDRANT
- x 692.38 DENOTES EXISTING SPOT ELEVATION
- ⊞ DENOTES TELEPHONE PEDESTAL
- ⊟ DENOTES CABLE PEDESTAL
- ⊠ DENOTES WET LAND
- ⊡ DENOTES EDGE OF WETLAND DELINEATION (BY OTHERS)
- ⊢ DENOTES EXISTING CONTOURS
- ⊣ DENOTES EXISTING TREE (SPECIES AND CALIPER)
- ⊤ DENOTES CONCRETE SURFACE
- ⊥ DENOTES BITUMINOUS SURFACE
- ⊦ DENOTES GRAVEL SURFACE

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

JASON E. RUD
 Date: 8/24/2012 License No. 41578

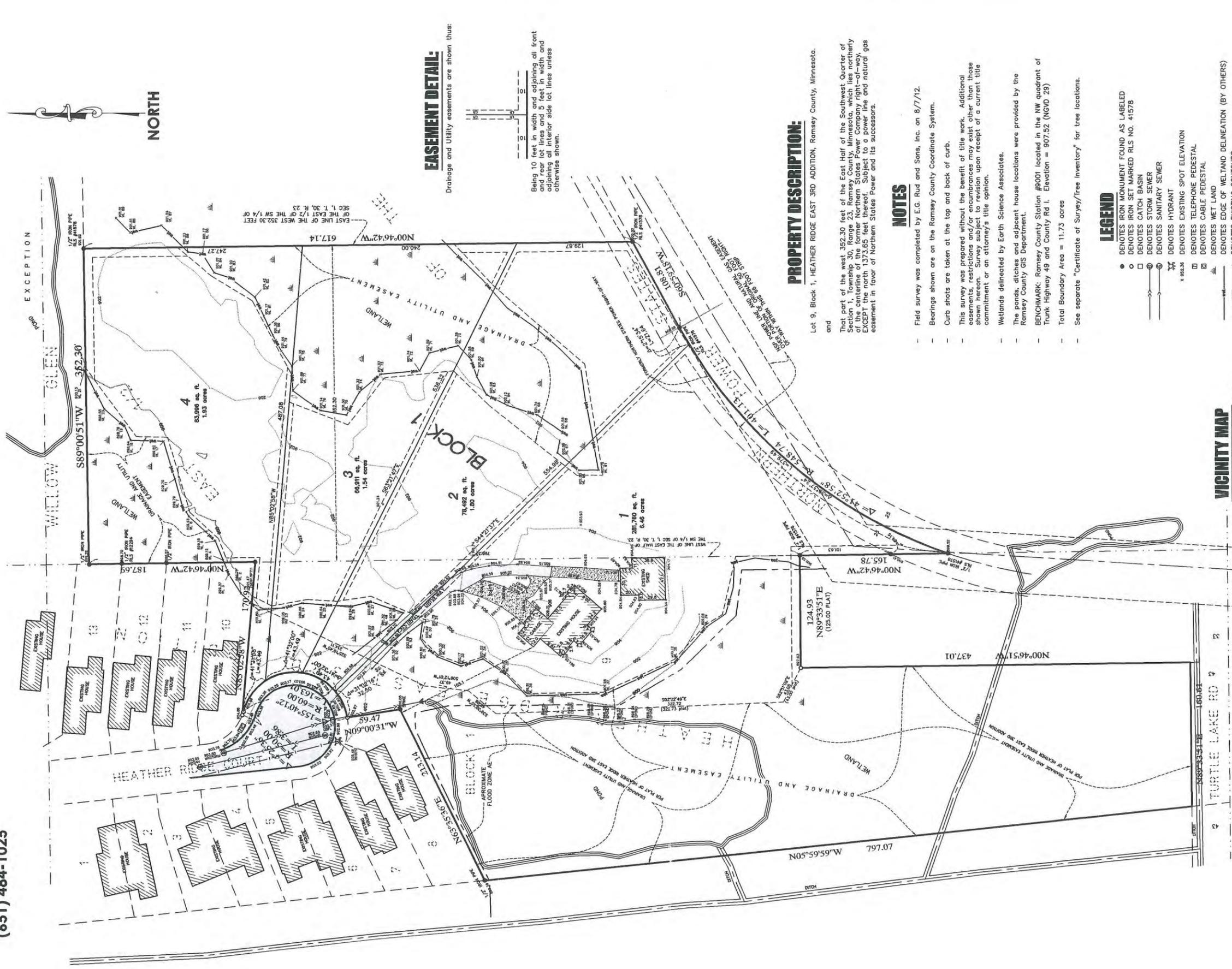
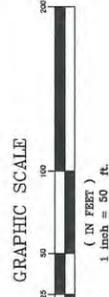
E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: BAB	CHECK BY: JER	DATE: 8/14/12
1	2	3
NO.	DATE	DESCRIPTION
BY		

PRELIMINARY PLAT

~for~ CLYDE AND ARLENE REHBEIN
5618 HEATHER RIDGE COURT
SHOREVIEW, MN 55126
(651) 484-1025

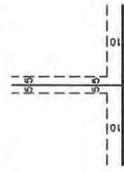
~of~ THE ESTATES OF HEATHER RIDGE



NORTH

EASEMENT DETAIL

Drainage and Utility easements are shown thus:



Being 10 feet in width and adjoining all front and rear lot lines and 5 feet in width and adjoining all interior side lot lines unless otherwise shown.

PROPERTY DESCRIPTION:

Lot 9, Block 1, HEATHER RIDGE EAST 3RD ADDITION, Ramsey County, Minnesota, and
That part of the west 352.30 feet of the East Half of the Southwest Quarter of Section 1, Township 30, Range 23, Ramsey County, Minnesota, which lies northerly of the centerline of the former Northern States Power Company right-of-way, EXCEPT the north 137.865 feet thereof. Subject to a power line and natural gas easement in favor of Northern States Power and its successors.

NOTES

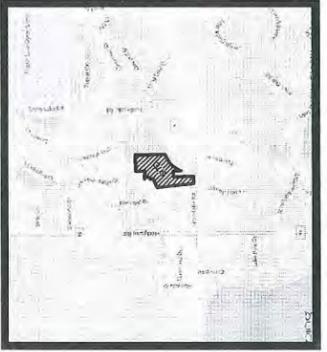
- Field survey was completed by E.G. Rud and Sons, Inc. on 8/7/12.
- Bearings shown are on the Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon upon receipt of a current title commitment or an attorney's title opinion.
- Wetlands delineated by Earth Science Associates.
- The ponds, ditches and adjacent house locations were provided by the Ramsey County GIS Department.
- BENCHMARK: Ramsey County Station #9001 located in the NW quadrant of Trunk Highway 49 and County Rd 1. Elevation = 907.52 (NGVD 29)
- Total Boundary Area = 11.73 acres
- See separate "Certificate of Survey/Tree Inventory" for tree locations.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON SET MARKED RLS NO. 41578
- DENOTES CATCH BASIN
- ⊕ DENOTES STORM SEWER
- ⊙ DENOTES SANITARY SEWER
- ⊗ DENOTES HYDRANT
- x DENOTES EXISTING SPOT ELEVATION
- DENOTES TELEPHONE PEDESTAL
- DENOTES CABLE PEDESTAL
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- ⊕ DENOTES EXISTING CONTOURS
- ⊕ DENOTES CONCRETE SURFACE
- ⊕ DENOTES BITUMINOUS SURFACE
- ⊕ DENOTES GRAVEL SURFACE

VICINITY MAP

PART OF SEC. 1, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

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

JASON E. RUD
Date: 8/24/2012 License No. 41578

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: BAR	CHECK BY: JER	DATE: 8/14/12
1	2	3
NO.	DATE	DESCRIPTION
BY		

CONSTRUCTION NOTES

THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO TYPE AND LOCATION OF UTILITIES AS NECESSARY TO AVOID DAMAGE TO THESE UTILITIES.

CONTACT GOPHER STATE ONE—CALL AT (651) 454-0002 FOR EXISTING UTILITY LOCATIONS.

THE CONTRACTOR SHALL FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING SANITARY SEWER, STORM SEWER, AND WATERMAIN AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF INSTALLATIONS.

INSTALLATIONS SHALL CONFORM TO THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) STANDARD UTILITY SPECIFICATIONS, 1999 EDITION, THE CITY'S STANDARD SPECIFICATIONS, AND THE CITY'S STANDARD DETAIL PLATES.

CONTRACTOR SHALL NOTIFY CITY PUBLIC WORKS DEPARTMENT A MINIMUM OF 24 HOURS PRIOR TO THE INTERRUPTION OF ANY SEWER OR WATER SERVICES TO EXISTING HOMES OR BUSINESSES.

MAINTAIN A MINIMUM OF 7.5 FEET OF COVER OVER ALL WATERMAIN PIPE.

TESTING OF SANITARY SEWER AND WATERMAIN IS REQUIRED AND SHALL BE COORDINATED WITH THE CITY'S ENGINEERING DEPARTMENT.

REMOVAL AND DISPOSAL OF EXISTING STREET MATERIALS AS REQUIRED FOR CONSTRUCTION IS CONSIDERED INCIDENTAL.

BACKFILLING OF CURB IS INCIDENTAL TO CURB INSTALLATION.

USE TRAFFIC CONTROL MEASURES IN ACCORDANCE WITH THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUCD) AS NECESSARY WHENEVER GRADING, UTILITY, OR PAVING OPERATION ENCOACH ONTO ADJACENT STREETS OR PUBLIC RIGHT-OF-WAY.

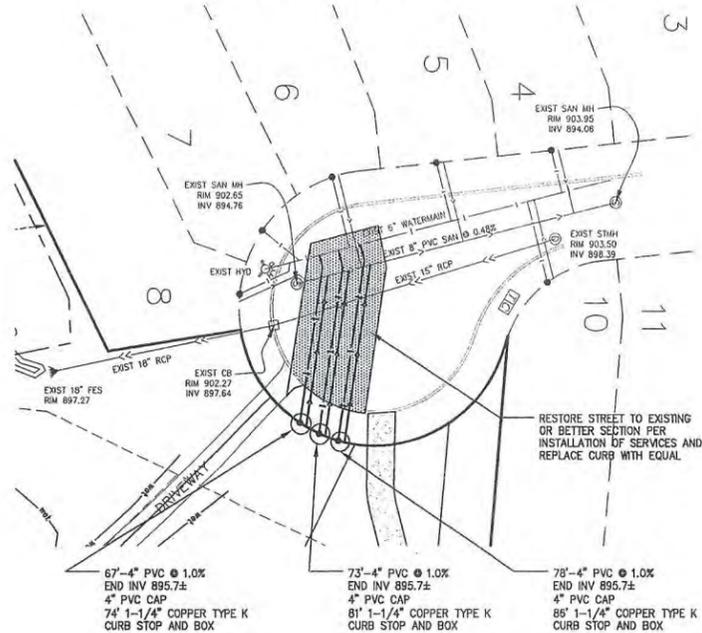
RESTORE DISTURBED STREET TO EXISTING OR BETTER SECTION.

SAW-CUT EXISTING BITUMINOUS AND CONCRETE CURB TO PROVIDE BUTT-JOINT.

LEGEND

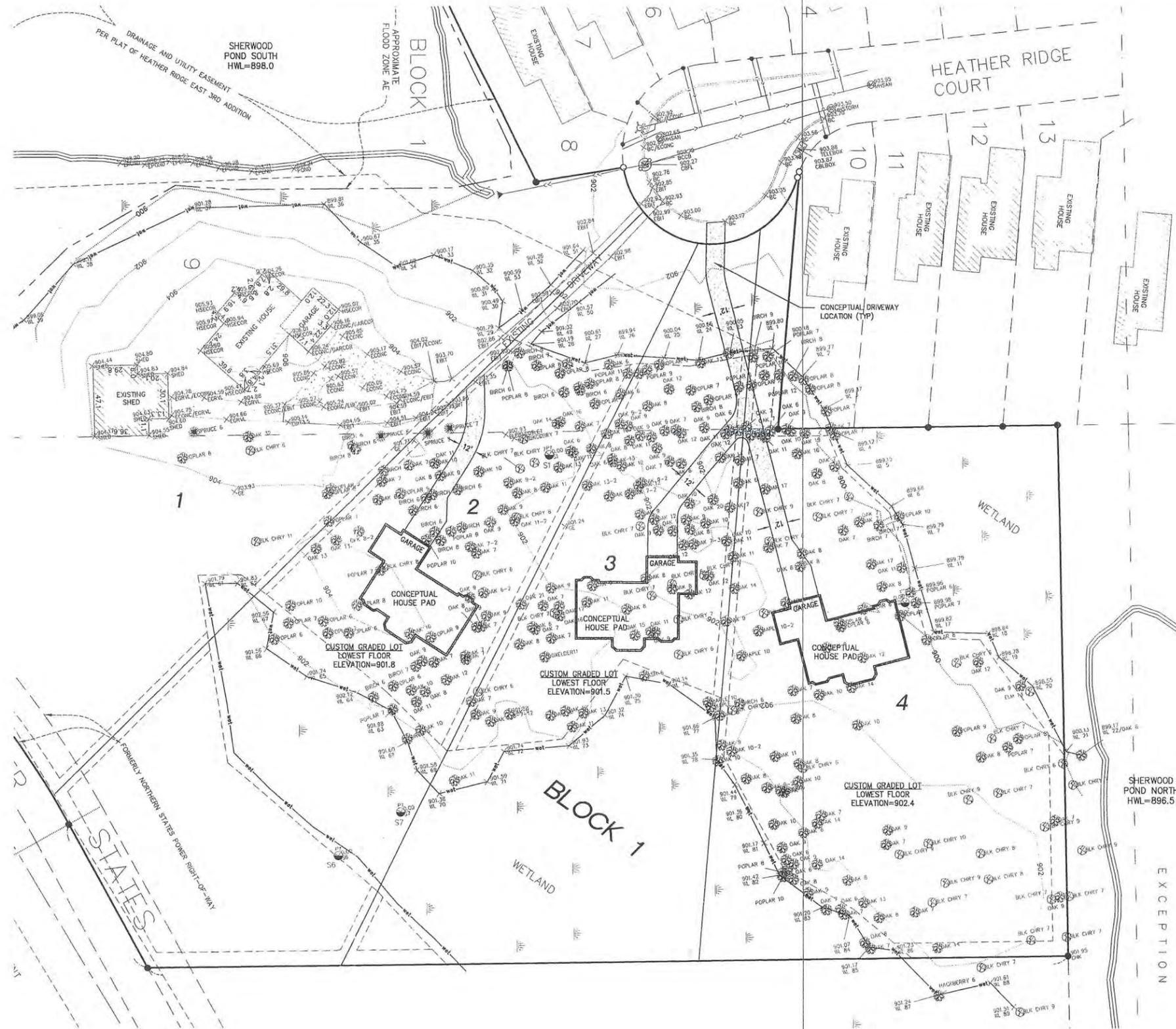
- EXISTING TELEPHONE PEDESTAL
- EXISTING CABLE PEDESTAL
- EXISTING STORM SEWER
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- ⊙ EXISTING STORM MANHOLE
- EXISTING CATCH BASIN
- ◀ EXISTING FLARED-END SECTION
- ⊕ EXISTING HYDRANT
- ⊙ EXISTING SANITARY SEWER MANHOLE
- 930 EXISTING CONTOUR
- 928 EXISTING CONTOUR
- × 820.99 EXISTING SPOT ELEVATION
- ⊕ EXISTING TREES
- wet EXISTING DELINEATED WETLAND (EARTH SCIENCE ASSOCIATES - AUGUST 2012)
- PROPOSED WATER SERVICE PIPE
- PROPOSED SANITARY SEWER SERVICE PIPE
- ⊕ PROPOSED INLET PROTECTION

UTILITY DETAIL



RESTORE STREET TO EXISTING OR BETTER SECTION PER INSTALLATION OF SERVICES AND REPLACE CURB WITH EQUAL

- 67'-4" PVC @ 1.0%
END INV 895.7±
4" PVC CAP
74' 1-1/4" COPPER TYPE K
CURB STOP AND BOX
- 73'-4" PVC @ 1.0%
END INV 895.7±
4" PVC CAP
81' 1-1/4" COPPER TYPE K
CURB STOP AND BOX
- 78'-4" PVC @ 1.0%
END INV 895.7±
4" PVC CAP
86' 1-1/4" COPPER TYPE K
CURB STOP AND BOX



EXCEPTION

CONCEPTUAL GRADING, DRAINAGE & UTILITY PLAN

DRAWN BY:	DESIGN BY:
A.G.	C.W.P.
CHKD BY:	PROJ. NO.
C.W.P.	11-1319
ORIGINAL DATE:	
AUGUST 27, 2012	

DATE	REVISION DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN 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.

Charles W. Plowe
 CHARLES W. PLOWE
 LIC. NO. 18227
 DATE: 8.27.2012

THE ESTATES OF HEATHER RIDGE SHOREVIEW, MN

CONCEPTUAL GRADING & DRAINAGE PLAN

PREPARED FOR:
CLYDE & ARLENE REHBEIN

PLowe ENGINEERING, INC.

6776 LAKE DRIVE
 SUITE 110
 LINO LAKES, MN 55014
 PHONE: (651) 361-8210
 FAX: (651) 361-8701



C1

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

September 13, 2012

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, September 25 at 7:00 p.m.**, the Shoreview Planning Commission will review applications for Rezoning, Preliminary Plat and Planned Unit Development - Development Stage for **5816 Heather Ridge Court**, submitted by **Clyde and Arlene Rehbein**. The owners propose to subdivide the 11.7 acre property into 4 lots to be used for detached residential homes. The existing house will remain and three new building sites will be created. The development plans show two driveways, each driveway will serve two homes. The building pads for the future homes are shown located in the upland area between 350 and 400 feet east of the front lot lines.

The following applications will be reviewed by the Planning Commission:

1. Preliminary Plat to divide the property into 4 parcels
2. Rezoning from UND, Urban Underdeveloped to PUD, Planned Unit Development
3. Planned Unit Development, Development Stage

Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Comments received by **Thursday, September 20th** will be distributed to the Planning Commission with the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting. The meeting is held in the City Council Chambers at Shoreview City Hall, 4600 North Victoria Street.

If you would like more information or have any questions, please call me at 651-490-4681 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at rwarwick@shoreviewmn.gov.

Sincerely,

Rob Warwick
Senior Planner

Comments:

We know the plan and have no problem with it.

T:/2012 pcf/2458-12-21rehbein 5816 heather ridge ct

Name:

Address:

Howard Henry Lemington
56th Heather Ridge Dr
Shoreview, MN 55126

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the following requests submitted by Clyde and Arlene Rehbein for the subdivision of their property at 5618 Heather Ridge Court into four single-family residential lots. Said recommendation for approval is subject to the following conditions

Rezoning

1. This approval rezones the property from UND, Urban Underdeveloped to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is RE (60), Residential Estate, with a minimum lot area of 60,000 square feet.
3. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

Preliminary Plat

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines and wetland areas. Drainage and utility easements along the roadway shall be 10' wide and along the side lot lines these easements shall be 5' wide and as required by the Public Works Director.
3. Private agreements shall be prepared for recording the regarding joint driveway, parking and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Development Stage

1. This approval permits the subdivision of the property into four single-family residential lots.
2. The underlying zoning for the PUD is RE (60), Residential Estate with a minimum lot area of 60,000 square feet.
3. Access to Lot 1 is prohibited from Turtle Lake Road. Access to the site shall be provided only via the shared driveways as indicated in the application submittal.
4. Tree Preservation and Replanting plan shall be submitted with each building permit application for Lots 2, 3 and 4. Replacement trees shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.
5. The applicant and future property owners shall maintain a 16.5' buffer along the perimeter of the all wetland areas. Signs marking this buffer area shall be installed to inform future owners that this area is to be protected and not disturbed.

6. Grading, Drainage and Erosion Control shall be submitted with each building permit application for Lots 2, 3 and 4.
7. The structure setbacks from the front property line for the planned unit development shall be a minimum of 200 feet and a maximum of 260 feet.
8. No detached accessory structures shall be permitted on Lots 2 and 3 south of the wetland area.
9. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
10. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060 (C)(6).

This approval is based on the following findings:

1. That the proposed development is consistent with the policies of the Comprehensive Plan and with the general purpose and intent of the development regulations.
2. That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.
3. That the applicant is willing to enter into a development agreement as a condition of the rezoning approval.
4. The proposed deviations permit development that retains the natural features of the property and minimizes development impacts on the adjoining residential land uses.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
September 25, 2012

TO: Planning Commission

FROM: Kathleen Nordine, City Planner

DATE: September 19, 2012

SUBJECT: File No. 2459-12-22, The Joycelyn Company, Ltd. – 4001 Rice Street

REQUEST

The Joycelyn Company, Ltd., 4001 Rice Street, is proposing to convert the existing office building on the property into a mixed-use structure with office and residential land uses. into a residential living unit. The primary use, based on intensity, will remain as office. The applicant has submitted the following applications for this proposal:

- 1) Rezoning: To change the zoning from OFC, Office to PUD, Planned Unit Development
- 2) Planned Unit Development – Development Stage: To establish a mixed use office and residential building on the property.

PROJECT DESCRIPTION

The property is triangular in shape with .75 acres, bounded by Hodgson Road on the west and Rice Street on the east. This location is adjacent to a church and commercial center, Gramsie Square. Residential condominiums, Shoreview Estates, are located across Hodgson Road and across Rice Street is a residential area located in the City of Vadnais Heights. The property has been developed with a 5,400 square foot office building. An off street parking area with 25 stalls is also on-site and has access to both Rice Street and Hodgson Road. The zoning designation is OFC, Office. The Comprehensive Plan also designates this property for office uses.

The applicant is proposing to convert approximately 3,000 square feet of office space on the first floor and second floor to a residential dwelling unit. This dwelling unit will have one bedroom, a bathroom and kitchen area. The second floor is a loft area. The interior will be remodeled by construction a wall separating the two uses, adding an interior entry door and converting an existing bathroom into a residence bathroom and lounge area into a kitchen. An existing exterior sliding patio door will be converted to an entry door. Parking for the unit will be provided in the existing parking lot.

The owner is planning on living in the dwelling and will be operating a business out of the remaining office space. In the future, the owner may rent out the unit and does not want to restrict the rental to a person working on the property.

Residential uses and mixed use office/residential buildings are not permitted in the Office Zoning District.

DEVELOPMENT CODE

The applications have been reviewed in accordance with the criteria for a rezoning and planned unit development. When considering a rezoning, the Planning Commission and City Council need to take into the account the following:

1. That the proposed rezoning is consistent with the policies of the Comprehensive Guide Plan and with the general purpose and intent of the development regulations.
2. That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.
3. That the applicant is willing to enter into a development agreement with the City as a condition of rezoning approval.

Criteria for the Planned Unit Development includes the following:

1. That the proposal complies with the Shoreview Comprehensive Guide Plan.
2. That in those cases where the plan does not comply with the minimum standards of this ordinance, the deviation is to permit a development that provides a benefit to the city.
3. In those instances where a site is to be redeveloped or where the site is adjoined by developed property, that development via a PUD is desirable to insure compatibility with the adjoining land use(s).
4. That there is no significant adverse impact of the proposed development on surrounding properties.
5. That the plan evidences a direction toward preservation, enhancement, and protection of natural features existing on the property or if the property does not contain natural features worthy of protection, the plan is designed to minimize land alteration and incorporates native plant materials into the landscaping theme.
6. That the plan does not occupy a designated Flood Plain area or areas consisting of soils with severe building limitations, or that the applicant has demonstrated that said plan will not cause significant alteration of existing topography or natural drainage.

STAFF REVIEW

Rezoning

The applicant is asking the property be rezoned from OFC, Office to PUD, Planned Unit Development to accommodate this mixture in uses. The planned land use of the property as identified in the *2008 Comprehensive Plan* designation is office. This designation is intended for property located adjacent to land planned for residential uses but may also be located in areas surrounded by nonresidential uses. Professional offices, daycare centers, medical and dental clinics and similar uses are intended for these locations. Corresponding zoning districts are OFC, Office, and PUD, Planned Unit Development.

While the office land use designation does not specifically permit the mixture of residential and office uses, it is staff's preference that this designation does not change. The primary use of the structure and property will remain as office, as office is a higher intensity use than residential; therefore, the existing designation is suitable and the proposal complies with the *Comprehensive Plan*.

The property is adjacent to institutional, low and high density residential and commercial land uses. Furthermore, it sits at the intersection of two primary roadways. The conversion of a portion of this office building to one residential dwelling unit will not significantly and adversely impact the planned land use of the surrounding properties.

A development agreement will be executed addressing the mixed use of this property.

Planned Unit Development – Development Stage

Again, the applicant is seeking approval of the PUD – Development Stage for the proposed mixed use office/residential building. Approximately 1,600 square feet on the residential unit is on the first floor and will include the bedroom, bathroom, kitchen and living space. The remaining 1,200 square is on the second floor and is designed as a loft area. This loft area will not be used as a bedroom. No exterior improvements, with the exception of an entry door are proposed which creates some challenges when reviewing it with the PUD criteria. The primary focus of Staff’s review is on the City’s land use, economic and housing policies.

As stated above, the adjoining land uses include commercial, low and high density residential and institutional. The addition of a residential dwelling unit in the building is compatible with the adjoining land uses and will not have a significant adverse impact on them.

Regarding parking, residential land uses have lesser parking requirements than office land uses per the City’s Development Code. Twenty-five parking stalls are provided on site. The proposed building use requires 14 stalls.

From Staff’s perspective, the proposed mixed residential and office use of this building, also known as a live/work unit, is the first that the City has considered. In terms of economic development, they are viewed as a sustainable economic development tool that uses land efficiently and takes into account changing work patterns, communications and information technology. The proposal supports the changing needs of the economic community, efficient use of the land and is consistent with community values.

Regarding housing, the proposal does provide a new housing option not available in the City. While the proposal is currently for a live/work unit, staff does not want to restrict occupancy to individuals working on the property as this could be difficult to enforce.

In Staff’s opinion, the proposal is consistent with the criteria for planned unit developments.

PUBLIC COMMENT

Property owners within 350’ were notified of the request. One telephone call was received and the property owner’s representative stated they have no concerns.

The Fire Marshall with Lake Johanna Fire Department did not identify any concerns with the proposal, provided the use/structure complies with the Building Code.

The Building Official has also reviewed the proposed plans and provided the applicant with some comments regarding bathroom space, kitchen facilities and egress requirements for bedrooms. A building permit is required prior to any remodeling work.

RECOMMENDATION

The submitted applications for the conversion of approximately 3,000 square feet of office space into a residential dwelling unit have been reviewed by Staff. The proposed mixed land use is compatible with the adjoining land uses and will not have a significant or adverse impact on the neighborhood. The PUD zoning district is appropriate for this site because of the proposed use as a live/work unit is innovative and reflects a changing housing and economic climate. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council with the following conditions attached.

Rezoning

1. This approval rezones the property from OFC, Office to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is OFC, Office.
3. Rezoning is not effective until approvals are received for the, PUD - Final Stage and development agreements executed.

Planned Unit Development – Development Stage

1. The PUD permits the mixed use of this property as Office and Residential. Uses within the building will consist of approximately 2,400 of office space and 3,000 for residential. The residential unit is limited to one-bedroom and shall have separate bath and kitchen facilities from the office use. The space shall not be used for sleeping/bedroom purposes.
2. Parking for the residential unit shall be identified on-site with signage. A minimum of two-stalls must be provided.
3. The structure and uses must comply with the Building Code. A Building Permit is required prior to commencing any remodeling work.
4. A rental license is required for the residential dwelling unit if it is occupied by a person other than the legal owner thereof, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.
5. The property owner shall enter a site development or use agreement with the City, clearly specifying the use of the property.

Attachments

1. Location Map
2. Aerial
3. Applicant's submitted statement and plans
4. Motion

T:/2012pcf/2459-12-22joycelyn/pcmemo



4001 Rice Street N



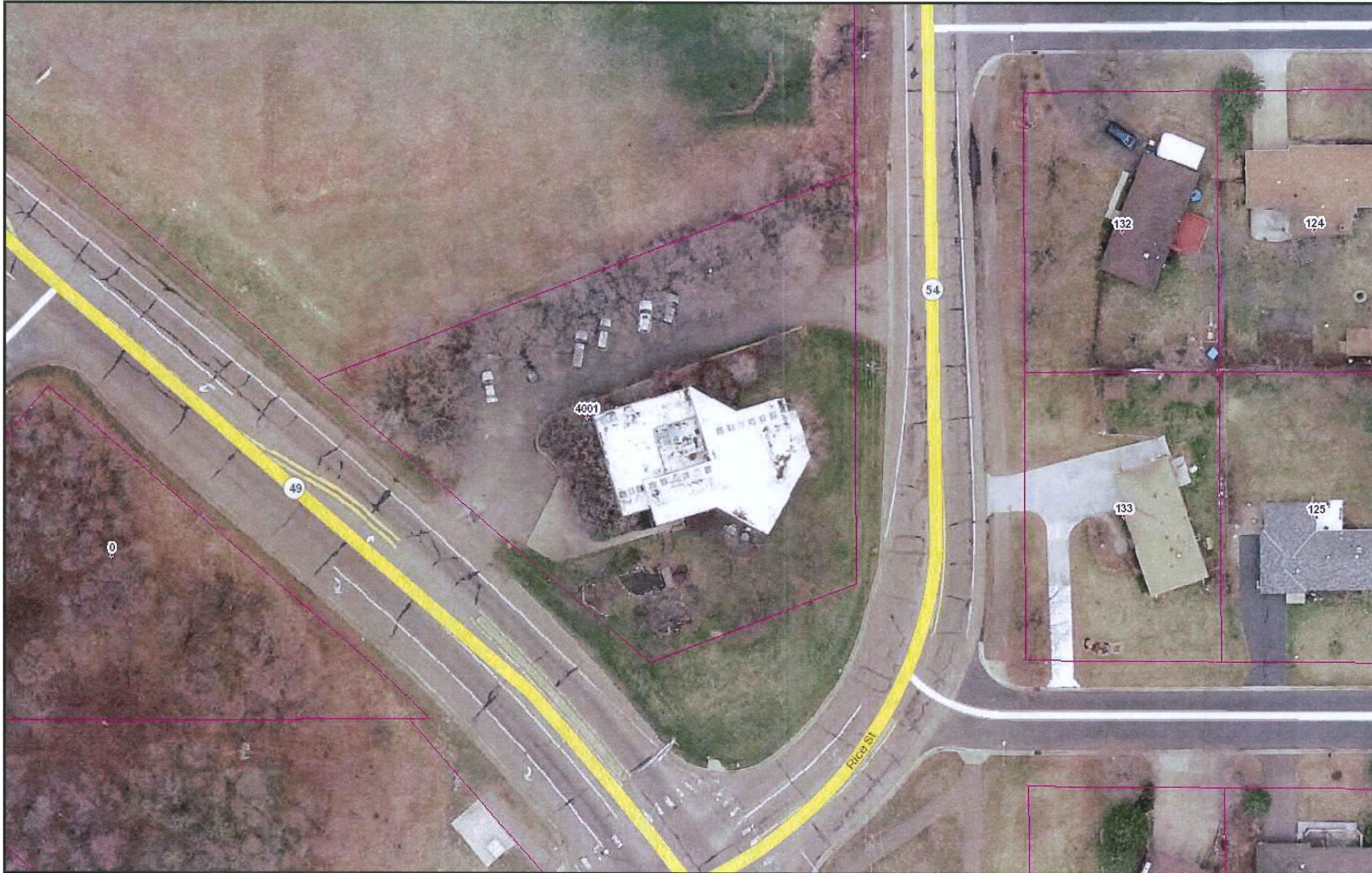
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

Notes

Rezoning, Planned Unit Development Request



- Legend**
- County Offices
 - City Halls
 - Schools
 - Hospitals
 - Fire Stations
 - Police Stations
 - Recreational Centers
 - Parcel Points
 - Parcels
 - GISRASTER.GISPUB.IMAGE_**
 - High : 255
 - Low : 0

90.1 0 45.07 90.1 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
 Enter Map Description



September 5, 2012

Dear City of Shoreview,

I would like to request a zoning change for the building I own at 4001 Rice Street. It is currently zone office and I would like to rezone it to allow for residential use in the eastern half of the building. The building is sided by homes and a church on three sides of the property. The building is already laid out much like a home, so the changes on the interior would be rather subtle.

I have included a floor plan of the building and the changes I would make to conform to the code for such a use.

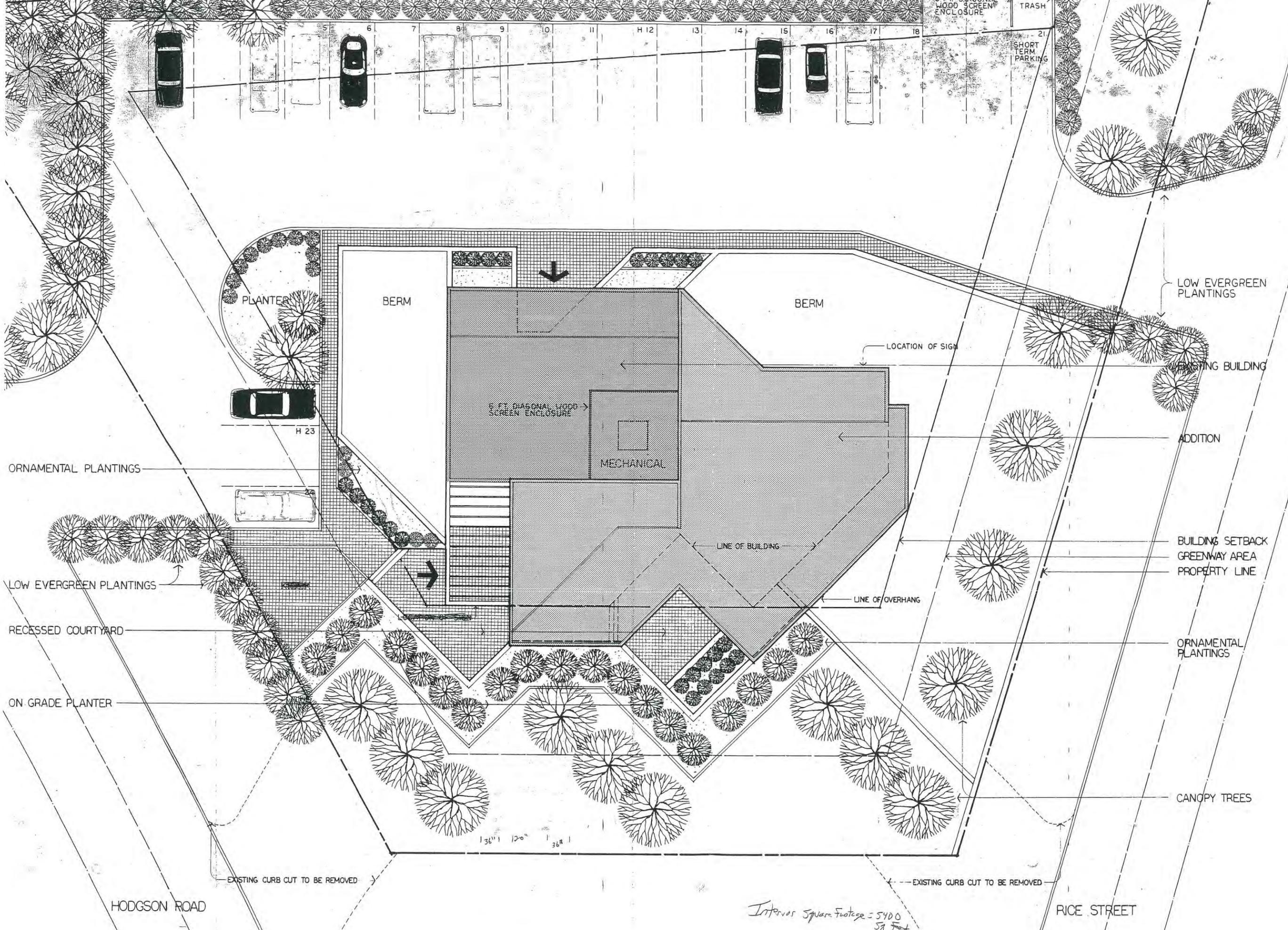
My son (Mark Schaffhausen) and I are going to operate a business in the other half that would be within the guidelines of the current allowable use.

The only change on the exterior of the building would be to replace the sliding door on the east side of the building with a similar door, but one that opens by swinging out. This is a code request by Steve Nelson to allow a proper exit.

Interior Changes would be:

- Add walls per plan on main level to create private living area.
- A couple of the walls would have a lockable door to allow entry and exit.
- For bathroom within living area, add small shower.

On the 2nd floor, build two walls where railings look down to area below to create privacy.

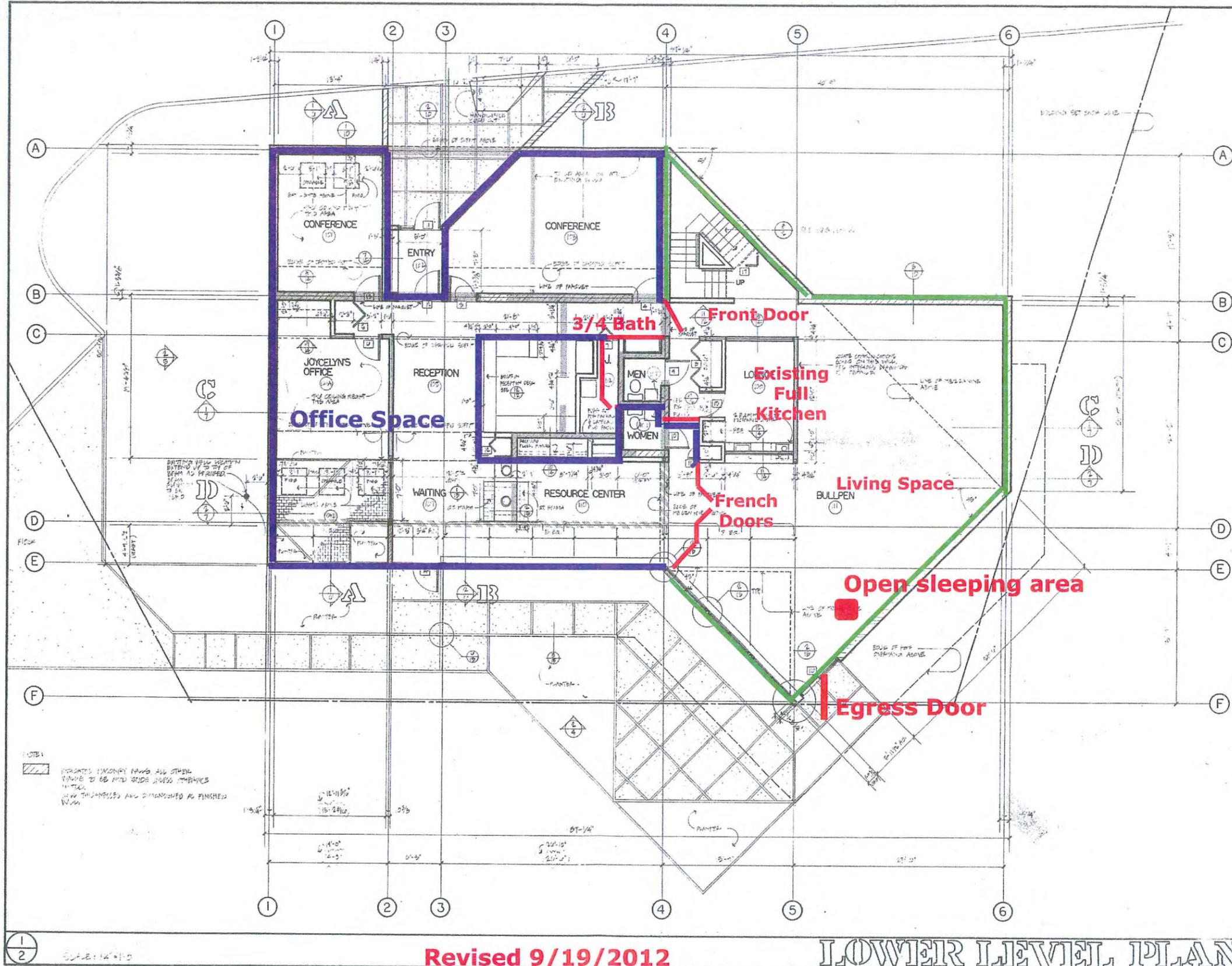


Interior Square Footage = 5400 Sq Feet

CENTURY 21 COUNTRY VILLAGE REALTORS

THE PEOPLE THAT MAKE THINGS HAPPEN

an office remodelling for century 21 country village realtors / 4001 rice street / shoreview minnesota / 55112



NOTE:
 Hatched indicates existing walls. All other walls to be new unless otherwise noted. New trim and doors to be finished with wood.

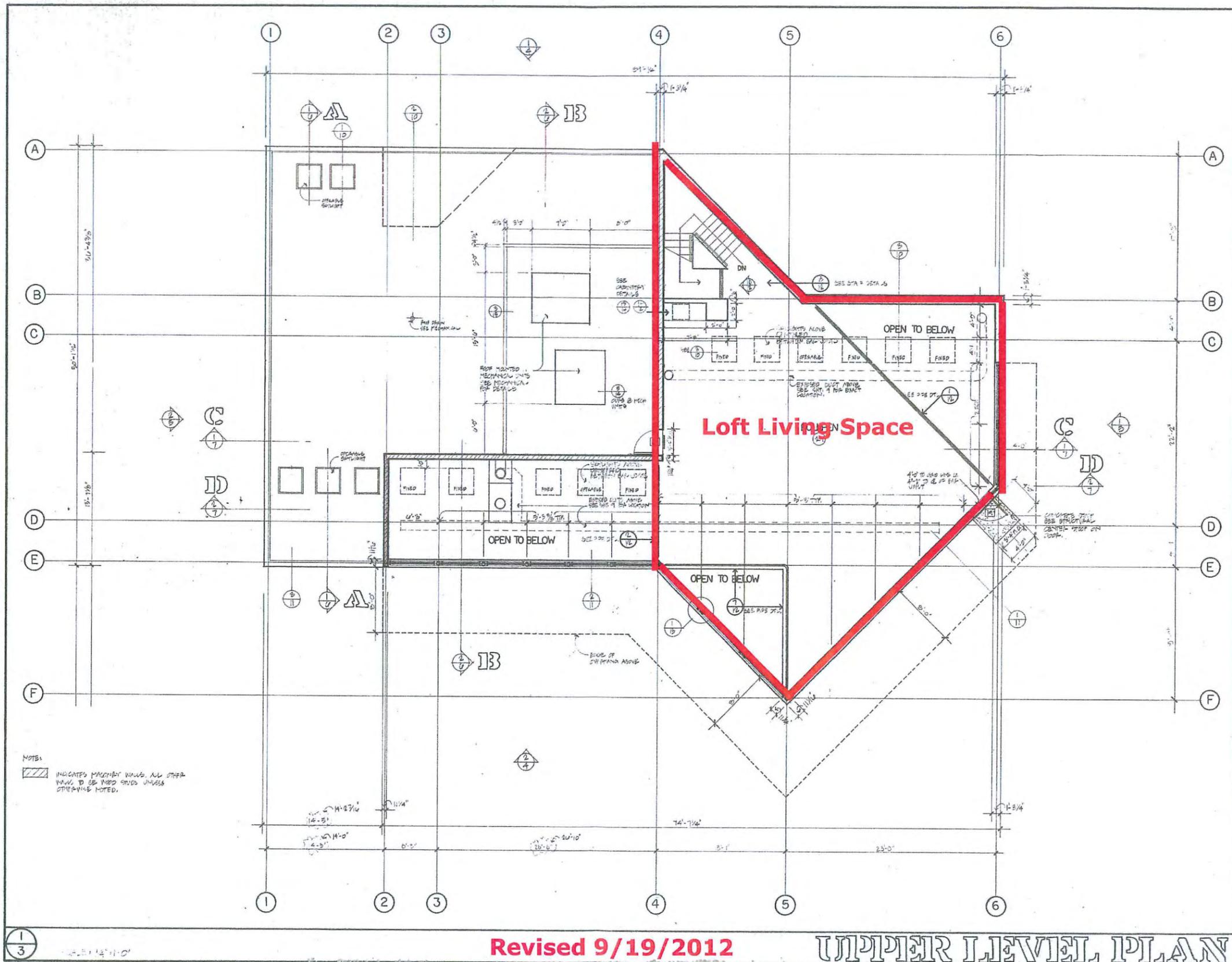
1/2 SCALE: 1/4" = 1'-0"

Revised 9/19/2012

LOWER LEVEL PLAN

CENTURY 21 COUNTRY VILLAGE REALTORS
 THE PEOPLE WHO MAKE THINGS HAPPEN
 ZUBOEL ARCHITECTS
 an office remodeling for century 21 country village realtors / 4001 rice street / shoreview, minnesota / 55112
 zuboel architects, inc. / incorporated / aia / ncarb / architecture / planning / interiors / construction / east 29th street / minneapolis, minnesota 55420 / 612 884 5311

2



Revised 9/19/2012

UPPER LEVEL PLAN

CENTURY 21 COUNTRY VILLAGE REALTORS
THE PEOPLE WHO MAKE THINGS HAPPEN
 an office remodelling for century 21 country village realtors / 4001 rice street / shoreview minnesota / 55112
 zuber architects incorporated / aia / ncaarb / architecture / planning / interiors / graphics / delaware / 200 west 79th street / minneapolis minnesota 55420 / 612 884 5311
zuber architects
3

House Of Dreams!

Offered At \$549,900.

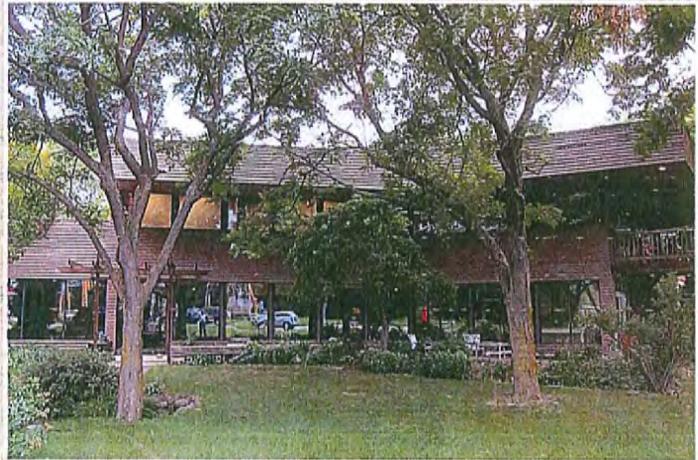
Great Visibility—Shoreview Location

Endless Opportunities

Over 5100 Square Ft. Commercial Space

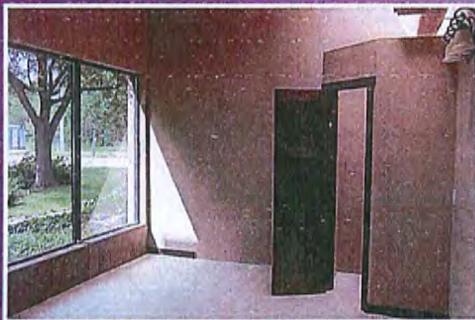


4001 Rice St.
Shoreview, MN 55126



Great opportunity to own the House Of Dreams building in Shoreview. Fantastic visibility at the Highway 49/Rice street split! This two story building offers fabulous office showroom space with endless possibilities. Features include 3800 finished square feet on the main floor and 1360 square feet in 2nd floor loft area. A deluxe conference room, reception area, wet bar and two restrooms provide an excellent starting point for your imagination. Also featured are the meticulously maintained grounds, including a beautiful water feature which offers excellent curb appeal. Situated on a 0.75 acre lot with 25 parking capacity, this property would be perfectly suited to salon, insurance agency, medical/dental or other office usage. Priced well below tax value and recent appraisal, this opportunity won't last long!





Property Features

Foundation Size	3803
Loft Size	1360
Total Sq Ft	5163
Year Built	1979
Lot Size	.75Acres
Parking	25 car capacity
Taxes-2012	\$22,332.
County	Ramsey
Financial Terms:	Conventional / CD Terms
Foundation:	Concrete
Frame:	Masonry and wood
Wall Height	8 to 20 ft interior height
Floor Structure	Concrete
Roof Structure	Flat Steel joist with Corrugated steel & insulation
Roof Cover	Rubber membrane
Doors & Windows	Aluminum & wood frame
HVAC-2 Units	2 Forced Air Furnaces with AC



MOTION
TO APPROVE REZONING AND PLANNED UNIT DEVELOPMENT –
DEVELOPMENT STAGE
THE JOYCELYN COMPANY, LTD – 4001 RICE STREET

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To approve the requests submitted by Joycelyn Company, LTD for the proposed mixed residential/office use of the property at 4001 Hodgson Road and recommend the City Council rezone the property from OFC, Office to PUD, Planned Unit Development and approve the development stage of the PUD. Said approval is subject to the following:

Rezoning

1. This approval rezones the property from OFC, Office to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is OFC, Office.
3. Rezoning is not effective until approvals are received for the, PUD - Final Stage and development agreements executed.

This approval is based on the following findings of fact:

1. That the proposed mixed residential/office use is consistent with the policies of the Comprehensive Guide Plan and with the general purpose and intent of the development regulations. Office will remain the primary use of the property.
2. The proposed mixed residential/office use will not significantly and adversely impact the planned use of the surrounding property.
3. That the applicant is willing to enter into a development agreement with the City as a condition of rezoning approval

Planned Unit Development – Development Stage

1. The PUD permits the mixed use of this property as Office and Residential. Uses within the building will consist of approximately 2,400 of office space and 3,000 for residential. The residential unit is limited to one-bedroom and shall have separate bath and kitchen facilities from the office use. The space shall not be used for sleeping/bedroom purposes.
2. Parking for the residential unit shall be identified on-site with signage. A minimum of two-stalls must be provided.
3. The structure and uses must comply with the Building Code. A Building Permit is required prior to commencing any remodeling work.
4. A rental license is required for the residential dwelling unit if it is occupied by a person other than the legal owner thereof, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.
5. The property owner shall enter a site development or use agreement with the City, clearly specifying the use of the property.

This approval is based on the following findings of fact:

1. The proposal supports the policies in the City's Comprehensive Plan relating to land use, housing and economic development.
2. The proposed mixed residential and office land use will not adversely impact the planned land use of the surrounding property.
3. The proposal supports the changing needs of the economic and housing community.

VOTE:

AYES:

NAYS:

t:/2012pcf/2459-12-22joycelyn/pcmotion

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: September 20, 2012

SUBJECT: File No. 2460-12-23, Variance and Conditional Use Permit – Oren, 5277 Hodgson Road

INTRODUCTION

Imperial Homes, on behalf of Bradley and Elena Oren, 5277 Hodgson Road, submitted variance and conditional use permit applications for a residential tear down/rebuild project on this 3.9 acre lake lot. The variance requests a 641 foot front setback for the new house and attached garage, a reduction from the 680-foot required front setback that is calculated based on the setbacks of the houses on the adjacent properties. The Conditional Use Permit is needed to exceed the maximum area permitted for both an attached accessory structure and the combined floor area permitted for all accessory structures on a single-family residential property. Two detached accessory structures (sheds located near the north side lot line) will be removed as part of this project and two detached structures, the existing detached garage (422.3 square feet) and the boathouse (176.1 square feet) will be retained.

PROJECT DESCRIPTION

The property is located on Hodgson Road, on the east shore of Turtle Lake. A bluff rises from the lakeshore up to the buildable area on this lot. To the east of Hodgson lies the City of North Oaks. This parcel has an area of 3.97 acres and a width of 200 feet along Hodgson Road. The property is currently developed with a 1 ½ story dwelling, and four detached accessory structures: a 268 square foot shed, a second shed of 253 square foot shed, a 422 square foot detached garage and a 176 square foot shed/boathouse at the toe of the bluff. The property is open with wooded areas on the bluff and around the lot perimeter.

The property owners propose to remove the existing house and two sheds and construct a two-story dwelling with a 1,292 square foot attached four-car garage. The proposed house is designed as two-stories with a full basement and has a living area footprint of about 2,399 square foot.

The proposed attached garage has the overhead doors oriented towards the southeast and is designed to with dormers on the second story, articulated roof forms, trimmed windows. The attached garage (27' x 47') will have an area of 1,292 square feet and the combined area of all accessory structures is 1,891 square feet. The two small storage sheds on the north property line will be removed, detached two-car garage and boathouse will remain.

DEVELOPMENT CODE

The proposed project is located in the RE-40, Residential Estate Zoning District, and the Shoreland District. The house and attached garage are required to be located a minimum of 30 feet from the top of the bluff, living area must be setback a minimum of 10 feet from side lot lines while accessory structures shall be a minimum of 5 feet from side lot lines. The front setback is based on the average setback of the houses on adjacent lots, and must fall within a range of the average plus or minus 10 feet.

Impervious surface coverage on properties in the RE(40) District are limited to 20% of the lot area. With the house, attached garage and driveway modifications, the proposed impervious surface coverage is 11.3%.

On standard lake lots, building height is measured to the mid-point of the roof, and the house has a height of approximately 33 feet, less than the 35 foot maximum permitted.

The house and attached garage proposed here comply with the setbacks required from the bluff and both side lot lines. The proposed 641.1 foot front setback is less than the 680.7 foot calculated minimum front setback.

Removal of landmark trees requires planting replacement trees. At least four landmark trees will be removed for this project. On lots exceeding 40,001 square feet, three replacements are required for each landmark tree removed. A surety will be required prior to issuance of a building permit to insure replacement trees are installed. Tree protection measures will be required for retained trees that may be impacted by construction activity.

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

- 1. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
- 2. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
- 3. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

Conditional Use Permit

In accordance with the City's Development Code, the maximum area permitted for attached accessory structures is 1,000 square feet or 80% of the dwelling unit foundation

area, whichever is the lesser area. Two detached accessory structures are permitted, the floor areas of which shall be a maximum of 288 square feet. The combined area of all attached and detached accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is the lesser area. The foundation area of the home is 2,399 square feet; therefore, the attached accessory structure is limited 1,000 square feet and the combined area of all accessory structures on this property cannot exceed 1,200 square feet. On lots larger than one acre, the maximum allowable square footage may be exceeded with a Conditional Use Permit, subject to the standards in Attachment A.

APPLICANT'S STATEMENT

Variance

The applicant has identified that the proposed house location complies with the 30-foot bluff setback requirement, and so the house is located nearer the front lot line and does not align with the adjacent houses on either the lake or street side. The lot is more than 800 feet deep and the 640 foot front setback that is proposed will minimize the view of the house from the street.

Conditional Use Permit

The applicant identifies that the owner plans to use the attached garage and two retained accessory structures for residential purposes only. Two of the existing detached structures are retained as permitted by Code. The scale of the house and accessory structures work well on this large lot.

STAFF REVIEW

Staff has reviewed the applications and is able to make the findings needed for both the variance and conditional use permit. The project complies with the standards of the Development Code, except for the proposed front setback.

Variance

Staff concurs with the applicant that compliance with the setback from the bluff requires the house location to move towards the street. Staff has also reviewed the locations of the houses on the adjacent lots, and notes that the house on the north was constructed in compliance with the 30-foot bluff setback, while the house to the south predates the Shoreland Regulations, and is not in compliance with the current regulations. As a result the average setback of these two existing houses increases the minimum required front setback for a new house on the subject property. Staff estimates this to increase the front setback by about 15 feet, and so by itself insufficient to eliminate the need for a variance for the proposed house. Staff also considered the layout of the proposed house, with the almost side-loaded garage. This design requires a lesser front setback, while increasing the side setbacks. Staff believes this better insulates the proposed house from the

adjacent properties and the lakeshore rather than an alternate front-loaded design. Since the visibility of the alignment of the house from Hodgson Road is so low, staff favors the increased side setback design over a smaller front setback in these unique circumstances.

Given these circumstances, staff believes the proposal will not alter the character of the neighborhood.

Conditional Use Permit

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. Staff believes the proposed attached garage represents a reasonable use of the property, in keeping with the spirit and intent of the Development Code, and that granting the conditional use permit will not negatively impact the neighborhood. The proposed 1,891 square foot total floor area of accessory structures (detached and attached) represents about 79% of the living area foundation and so is consistent with the 90% maximum permitted by Code.

Staff believes the design of the garage and integration into the main structure will not impact nearby property. The attached garage is setback 48 feet from the north side property line, well in excess of the 5-foot minimum requirement. While the garage exceeds the maximum area permitted, it is not a dominant feature of the home due to the proposed size and design of the structure. The garage design uses dormers, windows and other architectural design features to complement the house. The northern exterior garage wall has been designed with windows, a doorway, varying roofline and accents to visually break up the expanse of this wall.

These features minimize the impact the attached garage will have on nearby properties.

Staff believes retaining two of the existing accessory buildings is reasonable due to the size of the parcel and proposed house. The structures are not visible from Hodgson Road. Several large deciduous trees provide screening of the detached garage when viewed from the lake.

REQUEST FOR COMMENT

Property owners within 350 feet were notified of the applicant's request. One comment expresses no concerns with the project. A second comment notes concern due to the retained detached garage and the driveway serving that garage. The concern is based on adverse light and runoff pollution possible from these features. Please be aware that the site plan provided to nearby residents did not note the removal of the portion of existing drive near the detached garage.

RECOMMENDATION

Staff has reviewed the applications, and made affirmative findings for the variance request and found that the proposed Conditional Use Permit request meets the requirements of the Development Ordinance. Therefore, staff recommends the Planning

Commission adopt Resolution 12-86 approving the front setback reduction variance and to recommend the City Council approve the conditional use permit, subject to the following conditions:

Variance

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work commenced.
3. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD), and a building permit shall not be issued by the City prior to satisfaction of the RCWD requirements.
4. Impervious surface coverage shall not exceed 20%.
5. The front setback shall not be less than 641.1 feet.
6. Prior to issuance of a building permit, the applicant shall submit a revised survey showing existing trees and identifying the trees that will be removed and the trees that will be retained. For each Landmark Tree removed, three replacement trees shall be planted. Retained trees shall be protected with protective fencing and a wood chip berm.
7. This approval is subject to a 5-day appeal period.

Conditional Use Permit

1. The project must be completed in accordance with the plans submitted with the applications. The attached garage shall not exceed 1,293 square feet in size, and the total floor area of all accessory structures shall not exceed 1,891 square feet. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The two sheds along the north side lot line shall be removed prior to the issuance of a Certificate of Occupancy by the City.
3. The accessory structures on the property shall be used for personal use only and no commercial use/commercial related storage is permitted.

Attachments:

1. Attachment A, CUP Standards, Detached Accessory Structures
2. Location Map
3. Applicant's Statement and Submitted Plans
4. Comments received
5. Resolution 12-86
6. Motion Sheet

ATTACHMENT A

- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.
- (3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D)(5) of this ordinance.

Conditional Use Permit Criteria

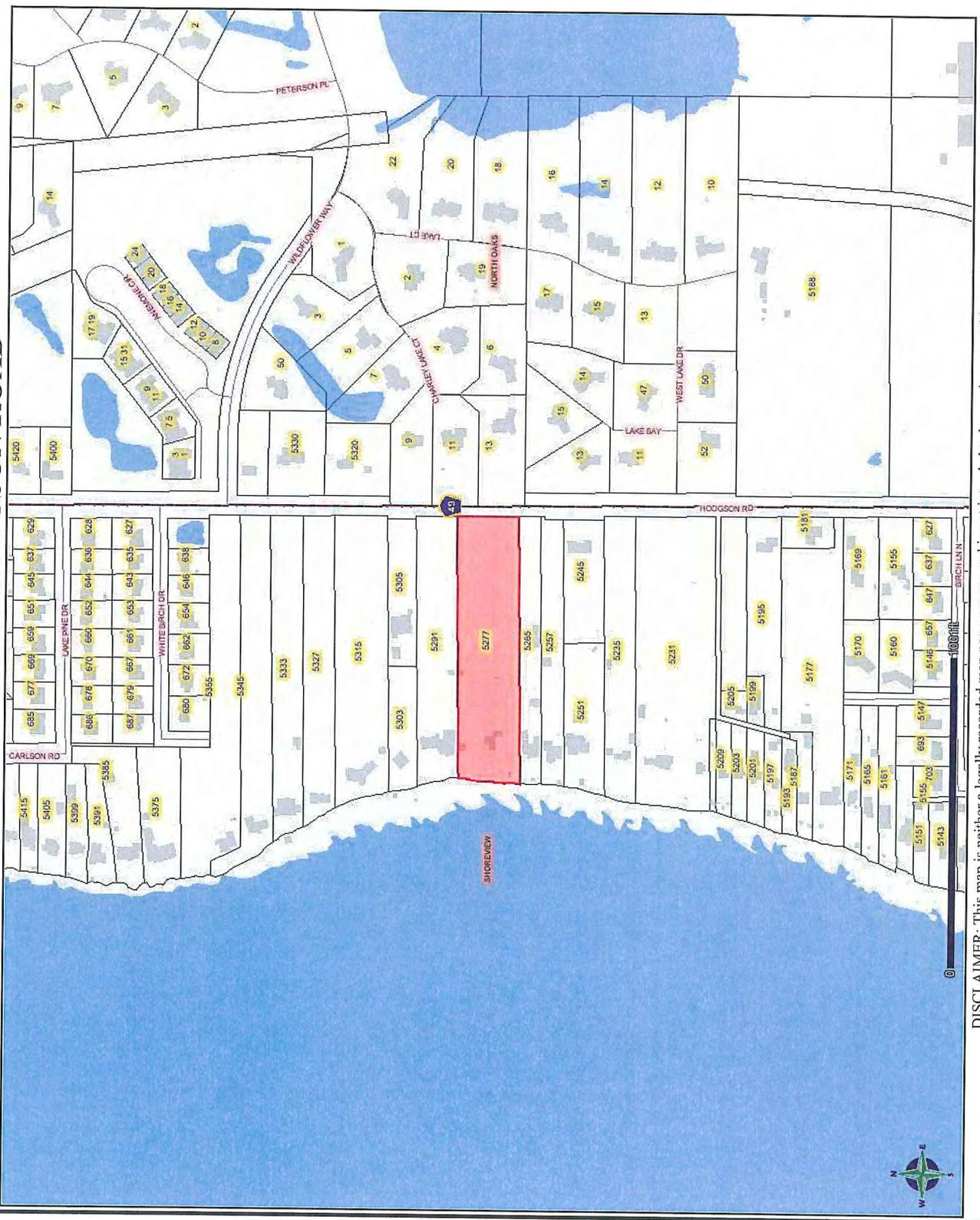
Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

5277 HODGSON ROAD

- Selected Features**
- Municipalities
 - Road Centerlines (County)
 - County Road
 - Interstate Hwy
 - State Hwy
 - Roads
 - Water
 - Structures
 - Parcel Polygons
 - Highway Shields
 - Street Name Labels



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (September 4, 2012), The Lawrence Group (September 4, 2012) for County parcel and property records data; September 2012 for commercial and residential data; April 2009 for color aerial



IMPERIAL HOMES, INC.
DESIGNERS & BUILDERS

1000 County Road E West, Suite 150 • Shoreview, MN 55126
Phone: 651.490.9792 Fax: 651.483.5642 Builder #20014230
Web: www.imperialhomesinc.com Email: info@imperialhomesinc.com

September 14, 2012

City of Shoreview

Conditional use permit for the intended use of the structure at 5277 Hodgson Road, Shoreview, MN

The plan use is for accessory residential purposes only, which is in harmony with the policies and development ordinance. This parcel, approximately 200' wide and 800' deep complies with all other performance standards.

The owner will remove two of the existing shed structures on the north property line to conform with the number of out buildings allowed per the ordinance.

Although the home and garage are good size, the lot is 172,740 sq. ft. or 3.97 acres; therefore the size and scale of the house and garage fit well on the lot, with set backs of 641 feet from Hodgson Road, and 33' and 48' from the side yards. The home and garage are designed to work together with dormers and windows in the garage to flow architecturally.

Thank you for your consideration.

Sincerely,

Richard H. Riemersma, Vice President
Imperial Homes, Inc.





September 14, 2012

City of Shoreview

Variance Request for 5277 Hodgson Road, Shoreview, MN

This variance we are requesting is to reduce the front yard setback to 641.1 ft.

The justification is this is within the purpose and intent of city code and policies of the city's comprehensive plan.

The property owner proposes to use the property in a reasonable manner that currently is not permitted by the Shoreview development regulations.

This is a unique case in that the owner is forced to hold his home farther from the lake due to the bluff line regulation. The owner respects this, which pushes the home closer to the road, not aligning with the neighbors. The neighbors on either side are set closer to the lake, therefore farther from Hodgson Road.

This will not alter the essential character of the neighborhood.

This is a large lot, 3.97 acres, 200' wide and over 800' deep. The size of the home and garage, although grand, are not out of character for this lot. We are still 641 feet from Hodgson Road and architecturally are keeping the garage to look like the home, including dormers and windows that face the street and existing neighbors.

Thank you for your consideration.

Sincerely,

Richard H. Riemersma, Vice President
Imperial Homes, Inc.



SKETCH PLAN of PROPOSED HOME

~for~ Imperial Homes

EXISTING LEGAL DESCRIPTION

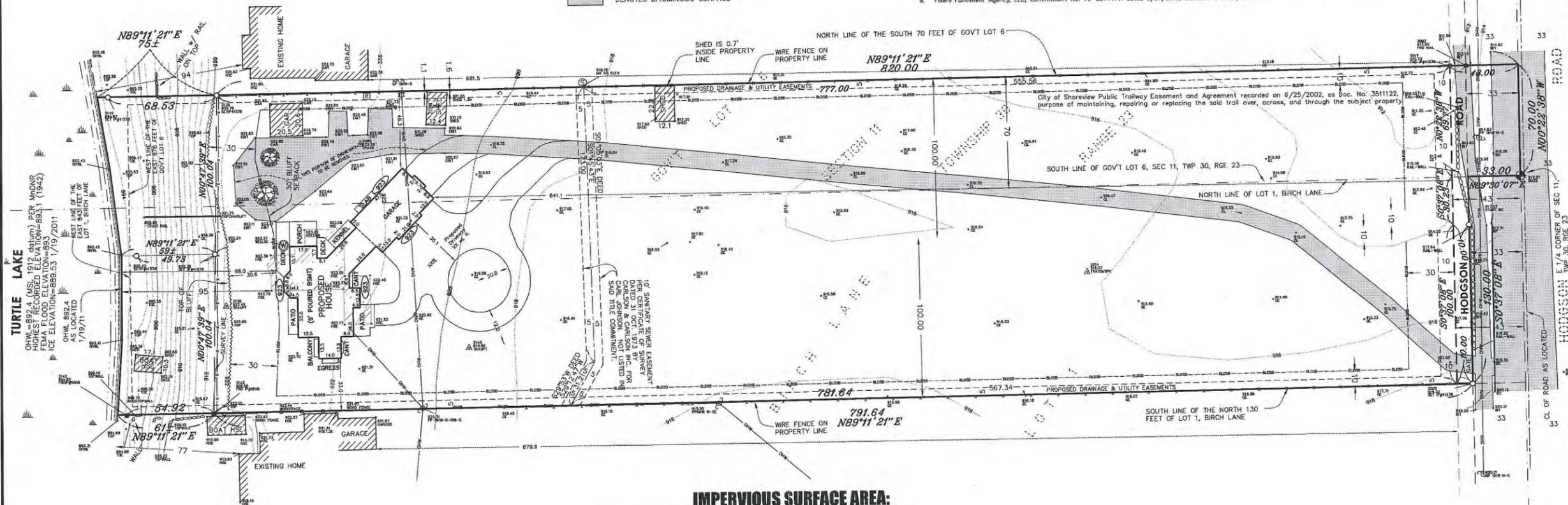
The North 130 feet of Lot 1, BIRCH LANE, Ramsey County, Minnesota, and the South 70 feet of Government Lot 6, Section 11, Township 30, Range 23, subject to easements and restrictions of record, if any.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON PIPE SET, MARKED RLS# 41578
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊚ DENOTES POWER POLE
- ⊛ DENOTES EXISTING SPOT ELEVATION
- ⊜ DENOTES LIGHT POLE
- ⊝ DENOTES ELECTRIC OUTLET
- ⊞ DENOTES WELL
- ⊟ DENOTES WET LAND/LAKE
- ⊠ DENOTES WIRE FENCE
- ⊡ DENOTES WOOD FENCE
- ⊢ DENOTES RETAINING WALL
- ⊣ DENOTES EXISTING 2' CONTOURS
- ⊤ DENOTES OVERHEAD WIRE
- ⊥ DENOTES PROPOSED BUILDING SETBACK LINE
- ⊦ DENOTES TOP OF BLUFF LINE
- ⊧ DENOTES PROPOSED EASEMENT LINES
- ⊨ DENOTES BITUMINOUS SURFACE

GENERAL NOTES

- Fee ownership is vested in Janice Evelyn Johnson, Trustees or their successors in trust, of the Janice Evelyn Johnson Trust and in Carl Arthur Johnson, Trustees or their successors in trust, of the Carl Arthur Johnson Trust Parcel ID Number: 11-30-23-41-0001.
- Address of the surveyed premises: 5277 Hodgson Road, Shoreview, MN. 55126
- Bearings shown hereon are based on Ramsey County Datum.
- Surveyed premises shown on this survey map is in Flood Zone AE (Base flood elevation determined) and X (area outside 2% annual chance flood), according to Flood Insurance Rate Map Community Panel No. 27123C0010G by the Federal Emergency Management Agency, effective date June 04, 2010.
- The City of Shoreview has indicated that the surveyed premises shown on this survey is currently zoned RE-40 (Residential Estate) under the applicable zoning regulations, and that the current setbacks are:
 Building: Front = 30 feet
 Side = 10 feet dwelling; 5 feet accessory structure
 Rear = 30 feet from bluff line
 Maximum Lot Coverage Impervious area = 20%
 For additional information contact the Planning and Zoning Department at the City of Shoreview at (651) 490-4600.
- Benchmark Ramsey County BM. Very faint red point mark on the right corner at the upstream end of the right abutment on outlet structure in the NW corner of Lake. Accessed through private property at 5424 Lexington Parkway. As per 5/8/02 survey, subtract 0.58' from MSL datum to equate to NGVD datum. This survey is on MSL 1912 datum. Elevation = 893.65 feet (MSL 1912).
- Utilities shown hereon are observed. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.
- The field survey of this site was completed on January 19th, 2011. Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Fisery Fulfillment Agency, LLC, Commitment No. 70-03444141 dated 6/21/2010, Schedule B Exemptions.



IMPERVIOUS SURFACE AREA:

Total lot area to Ordinary High Water Level (excluding right of way) = 168,422 S.F.

Proposed house (includes decks, kennel, cantilevers, balconies, porch, egress well and patios) = 5,248 S.F.

Proposed driveway = 13,141 S.F.

Existing detached garage = 421 S.F.

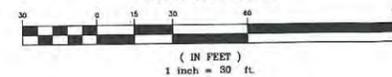
Existing bathhouse = 175 S.F.

Total impervious surface area upon project completion = 18,985 S.F. (11.3%)

PROPERTY NOTES

Boundary area of the surveyed premises: 172,740± sq. ft. (3.97± acres)

GRAPHIC SCALE



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

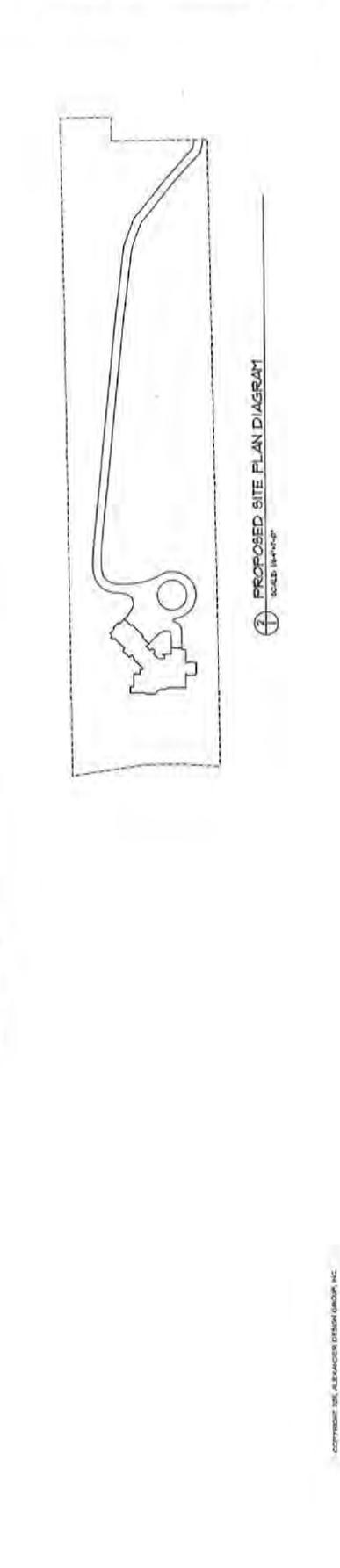
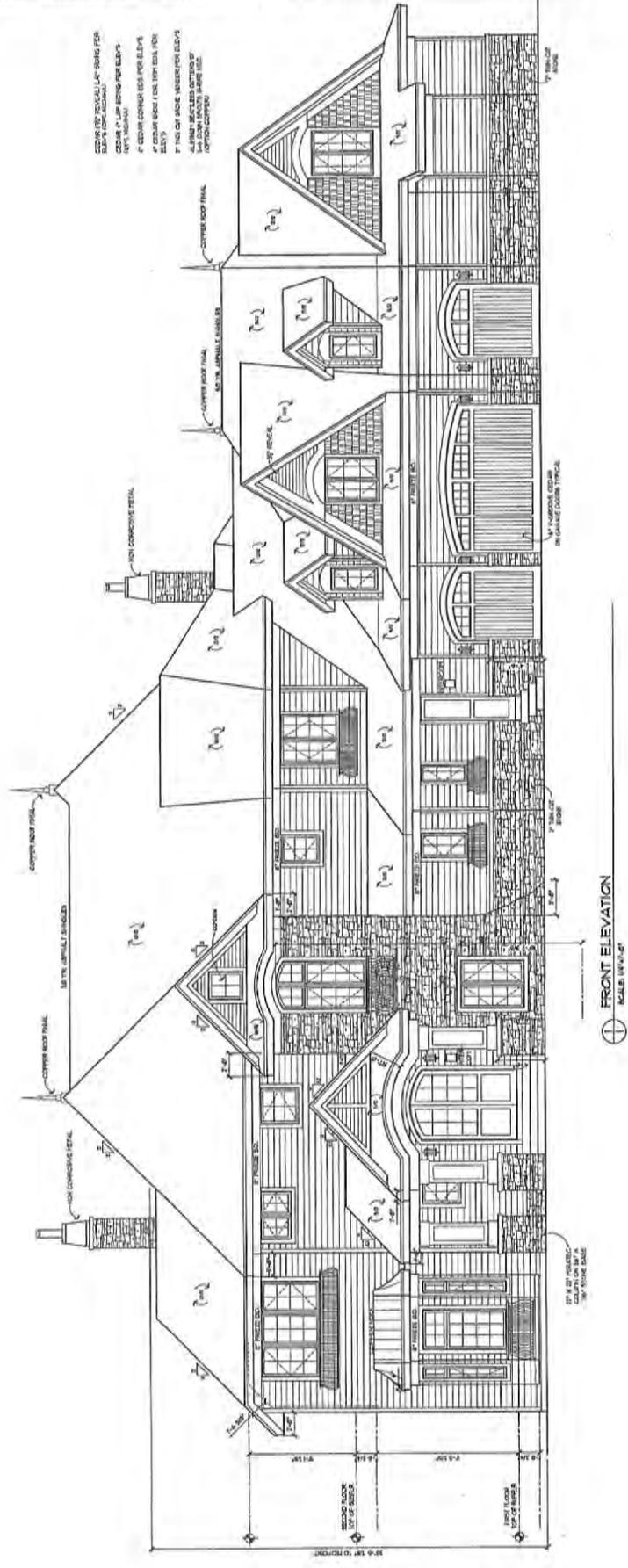
Daniel W. Obermiller
 DANIEL W. OBERMILLER
 Date: 9/20/12 License No. 25341

E. G. RUD & SONS, INC.
 EST. 1977 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

NO.	DATE	DESCRIPTION	BY
1	5/23/12	enlarge & move house	dwo
2	5/28/12	move house south 17'	dwo
3	5/31/12	add out hse street setbacks	dwo
3	9/20/12	add impervious surface calc.	bob

NORTH

12306HS

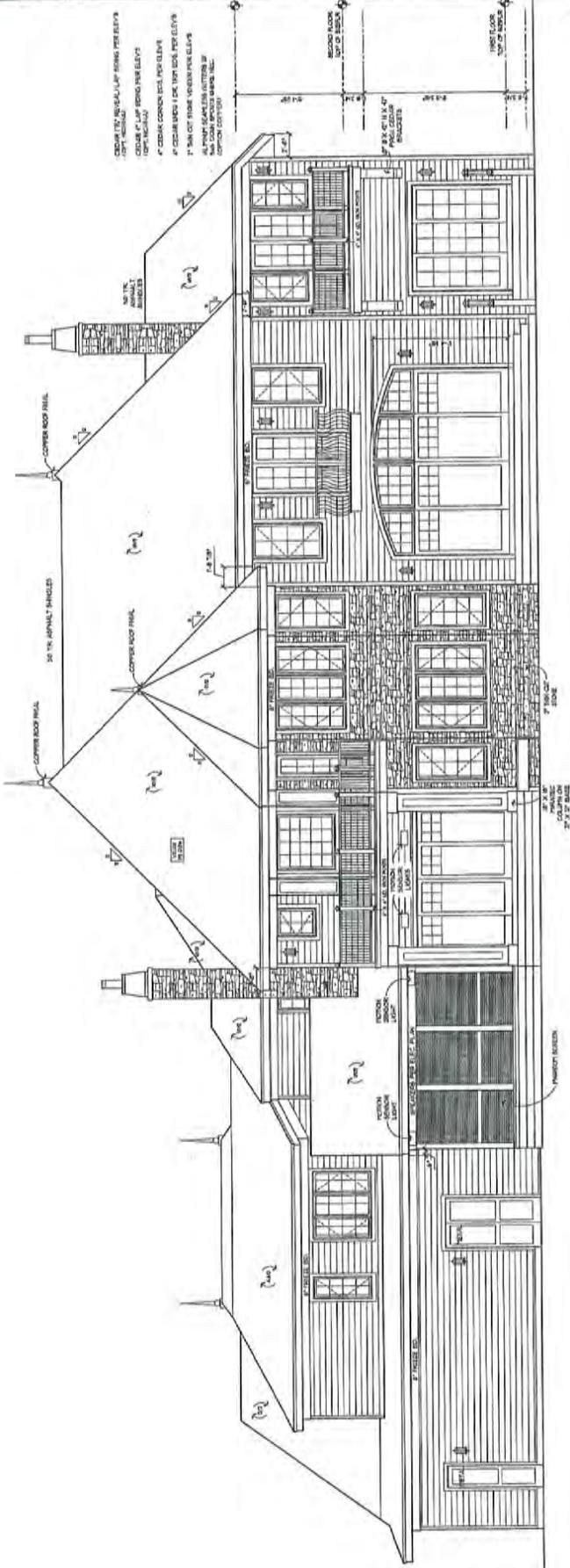


OREN RESIDENCE
 9577 HOPKINSON ROAD
 SHOREVIEW, MN

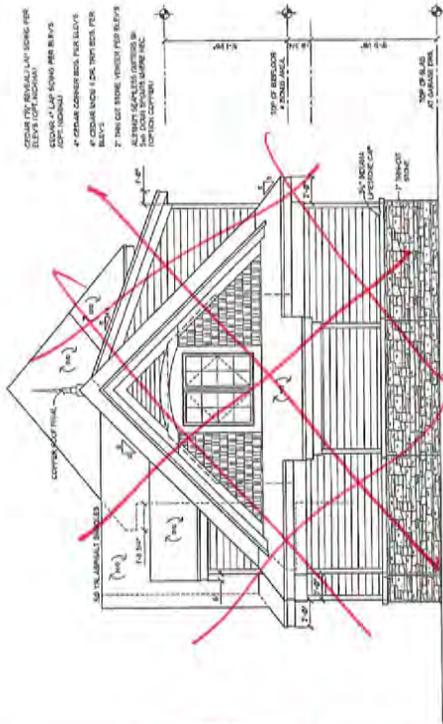
PERMIT SET

REAR ELEVATION

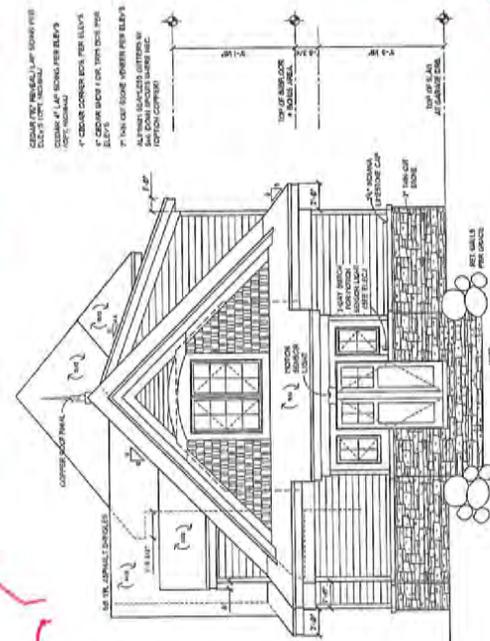
ISSUE DATE: 03 JUL 2016
 REVISIONS:
 22 CHG 1
 20 CHG 2
 19 CHG 3
 18 CHG 4
 17 CHG 5
 16 CHG 6
 15 CHG 7
 14 CHG 8
 13 CHG 9
 12 CHG 10
 11 CHG 11
 10 CHG 12
 9 CHG 13
 8 CHG 14
 7 CHG 15
 6 CHG 16
 5 CHG 17
 4 CHG 18
 3 CHG 19
 2 CHG 20
 1 CHG 21



REAR ELEVATION
 SCALE: 1/4"=1'-0"

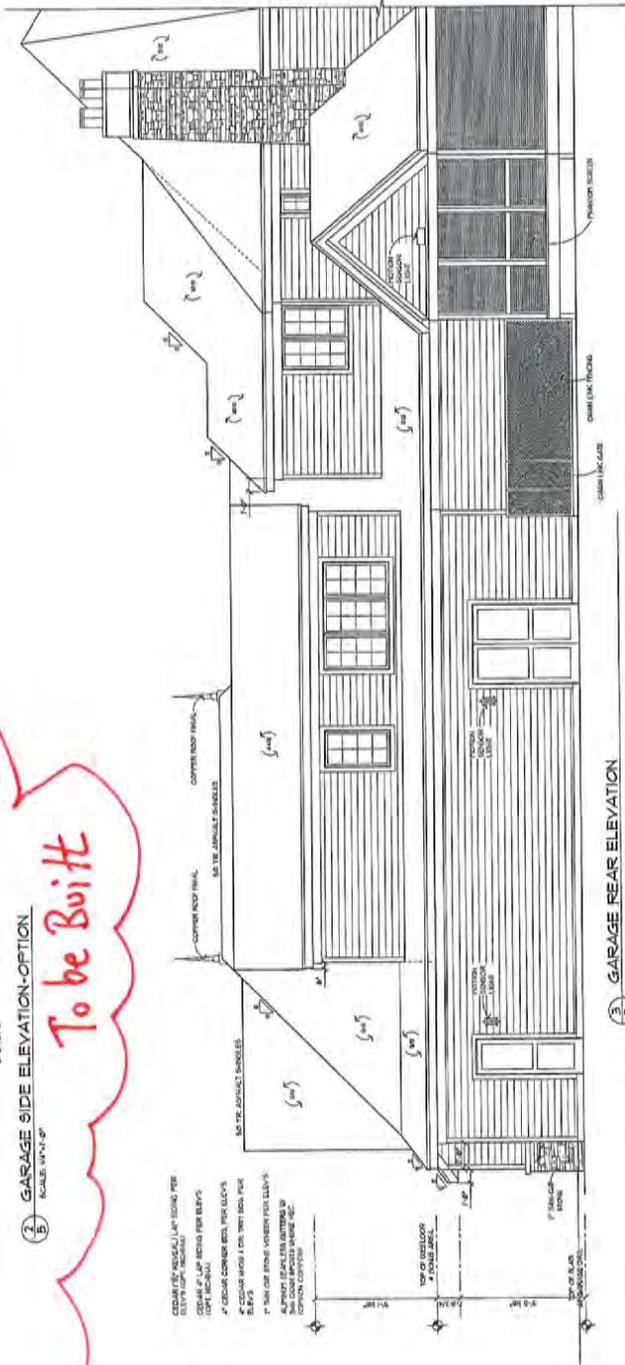


1 GARAGE SIDE ELEVATION
SCALE: 1/4" = 1'-0"



2 GARAGE SIDE ELEVATION-OPTION
SCALE: 1/4" = 1'-0"

To be Built



3 GARAGE REAR ELEVATION
SCALE: 1/4" = 1'-0"



Robert Warwick <rwarwick@shoreviewmn.gov>

Permit for 5722 Hodgson Road

2 messages

Suzanne Luke <sluke@umphysicians.umn.edu>

Wed, Sep 19, 2012 at 12:30 PM

To: rwarwick@shoreviewmn.gov

Hi Rob,

I think this will be a beautiful house. It certainly is big. As a neighbor I only have one concern. With all the variances and the extra large attached garage, I think the 422 sq ft garage should be eliminated or moved away from the lake frontage. That garage and current driveway is very close to the lake, and creates a lot of light pollution and possible run off into the lake. I think the garage and old turn around driveway should be removed or moved back away from the lake.

I did not see any doors on the lake side. Will they be terracing the hill down to the lake for a walkout?

When the house north of it was built, we lost power several times, which means we also do not have water, as we use a well. That forced us to seek outside meals and shelter/warmth. I hope they will be considerate when those things happen, or at least provide a contact for emergencies.

Thanks for your consideration,
Suzann Luke
5257 Hodgson Road

* CONFIDENTIALITY NOTICE *

DO NOT READ THIS EMAIL IF YOU ARE NOT THE INTENDED RECIPIENT.

The information in this email may contain confidential and/or privileged material. If you are not the intended recipient, your review, forwarding, copying, distribution, or any other use or disclosure of any information in this email is prohibited. If you received this email in error, please destroy and delete this message from any computer and contact us immediately by return email.

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

September 13, 2012

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, September 25 at 7:00 p.m.**, the Shoreview Planning Commission will review Variance and Conditional Use Permit applications for **5722 Hodgson Road**, submitted by **Imperial Homes, on behalf of Brad and Elena Oren**. The project consists of demolishing the existing house and two sheds (both located on the north side lot line), and constructing a new two-story house and 1,292 square foot attached garage on the property. The variance requests a reduced front setback of 641 feet, less than the 680.7 foot minimum required setback. The required setback is based on the front setbacks of the houses on the adjacent properties. The Conditional Use Permit is requested to allow the floor area of the attached garage to exceed the 1,000 square feet maximum and for the total floor area of all accessory buildings to exceed the 1,200 square foot maximum. The proposed 3-car attached garage will be 1292.5 sq. ft.. In addition two existing detached accessory structures that will be retained: a 176 sq. ft. boathouse, and a 422 sq. ft. detached garage. The total floor area of the three accessory structures is 1891 sq. ft., exceeding the maximum 1,200 square feet permitted. On lots larger than one acre, the floor area of accessory structures may be increased with approval of a Conditional Use Permit. Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Comments received by **Thursday, September 20th** will be distributed to the Planning Commission with the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting. The meeting is held in the City Council Chambers at Shoreview City Hall, 4600 North Victoria Street.

If you would like more information or have any questions, please call me at 651-490-4681 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at rwarwick@shoreviewmn.gov.

Sincerely,

Rob Warwick
Senior Planner

Comments:

THIS LOOKS LIKE A GREAT SOURCE
OF TAX REVENUE! GO FOR IT!

T:/2012 pcf/2460-12-23imperialoren 5277 hodgson

Name: DAVID S. FLEMING
Address: 9 CHARLEY LK CT
NORTH OAKS, MN 55127



Robert Warwick <rwarwick@shoreviewmn.gov>

Variance and Conditional Use Permit for 5722 Hodgson Road, Shoreview, MN

1 message

Harry Whately <whately@aol.com>
To: rwarwick@shoreviewmn.gov

Mon, Sep 17, 2012 at 9:45 AM

We have no problem with this variance and conditional use permit.

Harry and Linda Whately
13 Lake Bay
North Oaks, MN 55127

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD SEPTEMBER 25, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:
And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

RESOLUTION NO. 12-86 TO REDUCE THE FRONT SETBACK

WHEREAS, Imperial Homes Inc., on behalf of Bradley and Elena Oren, has submitted a variance application for the following described property:

The North 130 feet of Lot 1, BIRCH LANE, Ramsey County, Minnesota, and the South 70 feet of Government Lot 6, Section 11, Township 30, Range 23, subject to easements and restrictions of record, if any.

(This property is more commonly known as 5277 Hodgson Road)

WHEREAS, the Development Regulations establish a building setback range of 670.7 feet to 690.7 feet from the front property line based on the setbacks of the homes on the adjacent properties; and

WHEREAS, the applicant has requested a variance to this requirement to reduce the setback from the front property line to 641.1 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on September 25, 2012, the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Development Ordinance.* The proposed house and attached garage are in keeping with this large, deep lot riparian to Turtle Lake. The proposed house is located more than 600 feet from the front lot line, and more than 30 feet from all side lot lines and the top of the bluff.
2. *The plight of the property owner is due to circumstances unique to the property and was not created by the landowner.* The proposed house and attached garage are in keeping with this large, deep lot riparian to Turtle Lake. The proposed house is located more than 600 feet from the front lot line, and more than 30 feet from all side lot lines and the top of the bluff.
3. *The variance will not alter the essential character of the neighborhood.* The large setbacks and wooded nature of the lot minimize the effect the house will have on neighboring properties. Other houses nearby in the RE District are of a similar size and two-story design. The character of the neighborhood should not be altered.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for 5277 Hodgson Road be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work commenced.
3. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD), and a building permit shall not be issued by the City prior to satisfaction of the RCWD requirements.
4. Impervious surface coverage shall not exceed 20%.
5. The front setback shall not be less than 641.1 feet.
6. Prior to issuance of a building permit, the applicant shall submit a revised survey showing existing trees and identifying the trees that will be removed and the trees that will be retained. For each Landmark Tree removed, three replacement trees shall be planted. Retained trees shall be protected with protective fencing and a wood chip berm.

7. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 25th day of September 2012.

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

SEAL

Rob Warwick, Senior Planner

ACCEPTANCE OF CONDITIONS:

Bradley Oren, Property Owner

Elena Oren, Property Owner

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution 12-86, approving the variance request submitted by Imperial Homes to construct a new residence and attached garage with a front setback of 401.1 feet from the front lot line, and to recommend approval of the Conditional Use Permit to the City Council, subject to the following conditions:

Variance

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work commenced.
3. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD), and a building permit shall not be issued by the City prior to satisfaction of the RCWD requirements.
4. Impervious surface coverage shall not exceed 20%.
5. The front setback shall not be less than 641.1 feet.
6. Prior to issuance of a building permit, the applicant shall submit a revised survey showing existing trees and identifying the trees that will be removed and the trees that will be retained. For each Landmark Tree removed, three replacement trees shall be planted. Retained trees shall be protected with protective fencing and a wood chip berm.
7. This approval is subject to a 5-day appeal period.

Conditional Use Permit

1. The project must be completed in accordance with the plans submitted with the applications. The attached garage shall not exceed 1,293 square feet in size, and the total floor area of all accessory structures shall not exceed 1,891 square feet. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The two sheds along the north side lot line shall be removed prior to the issuance of a Certificate of Occupancy by the City.
3. The accessory structures on the property shall be used for personal use only and no commercial use/commercial related storage is permitted.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.

2. The proposal complies with the standards for a Conditional Use Permit for detached accessory structures on this lot larger than one acre.
3. **Reasonable Manner.** The proposed house and attached garage are in keeping with this large, deep lot riparian to Turtle Lake. The proposed house is located more than 600 feet from the front lot line, and more than 30 feet from all side lot lines and the top of the bluff.
4. **Unique Circumstances.** Due to lot depth, the proposed house is not visible from the abutting public road, and the alignment with the houses on adjacent properties relative to the front lot line is less important than compliance with the minimum setback from the bluff.
5. **Character of the Neighborhood.** The large setbacks and wooded nature of the lot minimize the effect the house will have on neighboring properties. Other houses nearby in the RE District are of a similar size and two-story design. The character of the neighborhood should not be altered.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – September 25, 2012

t:\pcf 2012\2460-12-23imperial oren 5277 hodgson rd\ pc motion

TO: Planning Commission
FROM: Nicole Hill, Planning Intern
DATE: September, 20 2012
SUBJECT: File No. 2461-12-24; Request for Minor Subdivision, Minimum Lot Depth Variance, Gary Valley – Silverthorn Properties, LLC – 3595 Rice Street

INTRODUCTION

Gary Valley, of Silverthorn Properties, LLC has submitted applications for a Minor Subdivision and Variance for the property at 3595 Rice Street. The property is located on the southwest corner of the intersection of Rice and St. Marie Street. It has a current lot area of 28,236 square feet, a lot width of 100 feet, and a lot depth of 282.5 feet.

The Minor Subdivision would divide the existing lot into two parcels. The existing home will remain on Parcel B. Parcel A will be developed in the future with a single-family home. Minor subdivision requests are reviewed by the City to ensure that the proposed parcels comply with the R1, Detached Residential District minimum lot requirements and the City's subdivision standards.

The Variance application requests a reduction to the City standard pertaining to lot depth. The existing lot is 100 feet wide, less than the 125-foot minimum requirement. The requested variance is to allow the creation of a new buildable lot with a 100-foot depth. Please see the attached plans.

This application was complete as of September 14, 2012.

BACKGROUND

The property is currently being used for single-family residential purposes. Site improvements include the existing home, a detached two-car garage, driveway, sidewalk and patio areas. The topography of the property is generally level. Adjacent land uses include single-family residential to the north, west and south and east.

Access to the property and garage is gained off an existing driveway off St. Marie Street. The garage is setback 17 feet from the street right of way, which is less than the 30 feet required.

The property was assessed for sewer in 1961 for 2 frontages and two services. The sewer line service to the second (vacant) frontage was extended during the 2001 street reconstruction to a distance of 35 feet from the main line, which is 2 feet past the 33 foot right of way.

The property is served by water main installed in 1979. The property has one water service which the current house is using.

MINOR SUBDIVISION

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer also must be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways.

The property is zoned R-1, Detached Residential. In this district, lot size standards require a minimum lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet. Minimum structure setbacks for a dwelling are 30 feet from a front and rear property line and 10 feet from an interior side lot line. A 5-foot minimum side yard is required for accessory buildings including detached garages. As the proposed lot would meet the definition of a Key Lot, there is a requirement of at least 15 feet more depth or width than the required minimum lot depth or width of the district which it is located.

STAFF REVIEW

The applicant is proposing to divide off the eastern portion of this property to create a buildable parcel. As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations, except for the Depth of Parcel A.

	Requirements	Parcel A – Key Lot (West)	Parcel B (East)
Area:	10,000 sf	11,891 sf	16,345 sf
Width: (Normal)	75 feet	-	100 feet
Key Lot:	90 feet	119 feet	-
Depth:	125 feet	100 feet*	163.15 feet

**125 feet is required, and a variance is requested.*

The existing dwelling on Parcel B exceeds the 30-foot minimum required rear setback from the proposed property line. The garage does not conform to the current 30-foot front setback, and so is a non-conforming structure. The non-conformity does not affect the minor subdivision request. The garage/shed are setback 10 feet from the proposed lot line and comply with the minimum setback required.

Municipal sanitary sewer already has a service to the proposed parcel frontage and water is available to the proposed parcel from the existing pipe located on in the boulevard behind the curb on the north side of the St. Marie Street. A water connection charge in lieu of an assessment is required to be paid to the City at the time of the property subdivision.

Tree impacts cannot be fully evaluated until the house layout is complete on Parcel A. Since the house will be built to suit, the analysis will occur with the building permit on the proposed parcel. Staff expects tree impacts will be limited since future house pad and garage is located in an area currently vacant of trees. Tree removal and protection will be addressed in the Development Agreement.

VARIANCE

VARIANCE CRITERIA

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

The applicant states that the existing 282.15-foot depth of the existing parcel does not allow for reasonable use of the property. The proposed 100-foot depth still allows a 30-foot front and rear setback for a building pad in keeping with the spirit and intent of the City Code. Please see the attached statement.

STAFF REVIEW

Staff concurs with the applicant that hardship exists. The proposed use of the property for a new lot for a future detached single-family homes is a reasonable use for this 100-foot wide by 282-foot deep property. Staff believes that this depth meets the spirit and intent of the Code, which was adopted to maintain separation between structures when new development altered the existing lot pattern. The proposed subdivision does not alter the existing lot configuration as the parcel now meets the definition of a Key Lot. The south rear lot line of the proposed lot abuts the side lot line on the adjacent parcel. The parcel immediately to the west, 176 St. Marie Street, has a similar development pattern in that it is a Key Lot that with the rear lot line abutting the side lot of the property to its south.

The existing lot is about .65 acres. The proposed subdivision generally retains existing grades and vegetation, minimizing site disturbance. Staff believes the proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern and relationship to adjacent properties.

The unique circumstance to the property is that it is a corner lot with 100 feet of frontage on Rice Street and 282 feet of frontage on Saint Marie Street. The rear of the proposed lot abuts 3583 Rice Street and that land is wooded with no structures. The owner of the proposed subdivision did meet with the owner of the 3583 Rice Street parcel to see if they would be willing to sell the 25 feet of land needed to meet the minimum depth requirement. While the owner of 3583 was willing to sell that portion, they are unable to because of the type of financing they have on the property. In staff's opinion, the property's large lot frontage is unique to the surrounding residential development pattern and contributes the need for a variance. The proposed depth of the property, though less than the minimum 125 feet required, is not out of character for the neighborhood.

Staff notes that the front and rear setbacks conform to the setbacks of the R1 development district, which are 30 feet. Using those setbacks the building pad for a future house would be about 40 feet deep and 99 feet wide. This pad size is ample for a future house.

The final consideration for staff is the 11,891 square foot area of Parcel A. The requested reduction in depth is offset by the lot area, in excess of the 11,250 square foot area for a Key Lot with the minimum required 90 by 125 foot dimensions.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicant's request. One resident expressed his strong support for the requests when we were conducting an onsite inspection as well as a written statement of no objection.

STAFF RECOMMENDATION

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with the adopted City standards. Staff believes that the variance request is reasonable, in keeping with the spirit and intent of the Development Code, and that hardship exists due to the existing configuration of the parcel. Staff recommends the Planning Commission adopt Resolution 12-87 approving the variance and to recommend approval of the minor subdivision to the City Council, subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.

3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Payment for City water availability to the new lot in the amount of \$3,241.56. Municipal water and sanitary sewer service shall be provided to Parcel A.
5. An escrow for the work in the City right of way would be required in the amount of \$3,000.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. Driveways and all other work within the Saint Marie Street right-of-way are subject to the permitting authority of the City of Shoreview.
8. A tree protection and replacement plan shall be submitted prior to issuance of a building permit for Parcel A. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
9. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
10. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.

Attachments

- 1) Location Map
- 2) Site Aerial Photo
- 3) Submitted Statement and Plans
- 4) Response to Request for Comment
- 5) Resolution 12-87
- 6) Motion



3595 Rice Street



NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels
- GISRASTER_GISPUB_IMAGE
- High: 255
- Low: 0

Notes

Location Map



3595 Rice Street



NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

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- GISRASTER:GISPUB.IMAGE,
 High: 255
 Low: 0

Notes

Minor subdivision, lot depth variance requested

WRITTEN STATEMENT IDENTIFYING REQUESTED
VARIANCE

Requesting from the City of Shoreview a
variance for 3595 Rice Street to
establish an additional lot that
does not meet minimum lot depth
conditions.

WRITTEN STATEMENT OF JUSTIFICATION

I am seeking a variance and asking the City of Shoreview for the flexibility to allow the use of this property in a manner basically consistent with the established regulations with minor variations.

The newly established lot would exceed the total square footage lot requirements and considerably exceed the lot width requirement, however, the lot depth would be 100 feet.

The land is high and dry and there are no wetlands on the property.

The lot would meet all setback requirements for a house consistent with homes in the neighborhood.

Currently, there is no beneficial use of the land — building of an additional home thus increasing the desirability of the property.

There exist unique circumstances to the property in that it is a corner lot with 100 feet of frontage on Rice Street and 282 feet of frontage on Saint Marie Street. The rear of the proposed lot abuts 3583 Rice Street and that land is wooded with no structures. (I did meet with the person living at 3583 Rice Street to see if he was willing to sell me 25 feet of his land in order to meet the 125 foot lot depth condition and he was willing to do that but he has a form of loan for senior homeowners that does not allow him to sell a portion of the property.)

Granting the variance will not alter
the essential character of the
neighborhood.

I appreciate your consideration.

MINOR SUBDIVISION

~for~ Gary Valley
 ~of~ 3595 Rice Street
 Shoreview, MN 55126

EXISTING LEGAL DESCRIPTION

Lot 1, Block 3, ROWE AND KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.

PROPOSED LEGAL DESCRIPTIONS

Parcel A

The west 119.00 of of Lot 1, Block 3, ROWE AND KNUDSON'S WOODED HOMESITES, Ramsey County, Minnesota.

Parcel B

That part of Lot 1, Block 3, ROWE AND KNUDSON'S WOODED HOMESITES, which lies easterly the west 119.00 feet of said Lot 1, Ramsey County, Minnesota.

VICINITY MAP

PART OF SEC. 36, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

NORTH

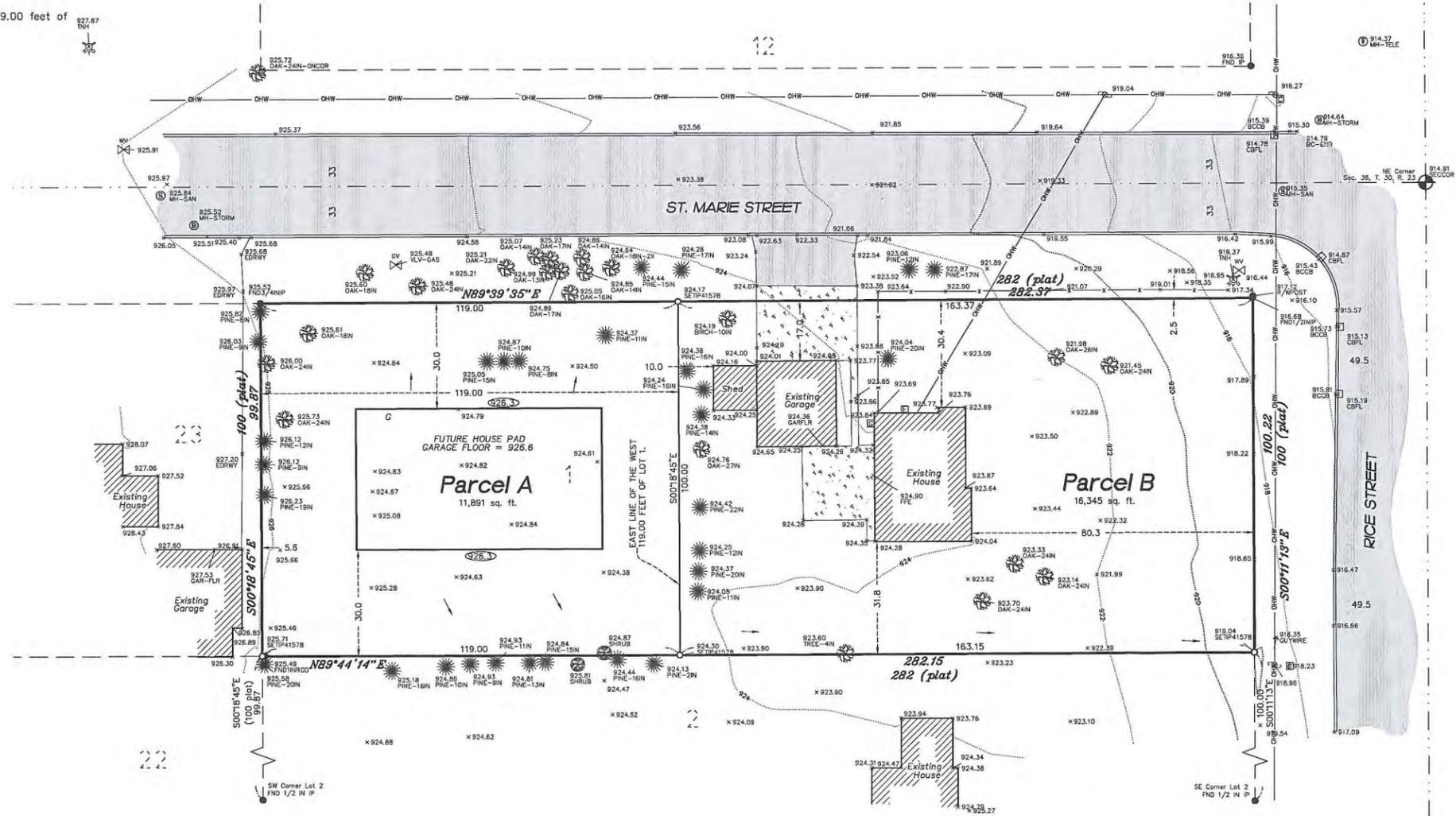
EXISTING ZONING/SETBACKS

(Parcel I.D. Number: 36-30-23-11-0001)

- R1 - Detached Residential
- Minimum Lot Width - 75 feet
- Minimum Lot Depth - 125 feet
- Minimum Lot Area - 10,000 sq. feet
- Front Setback (St. Marie Street) - 30 feet
- Front Setback (Rice Street) - 30 feet
- Side Setback - 10 feet (house)
- Side Setback - 5 feet (garage)
- Rear Setback - 30 feet

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES TELEPHONE MANHOLE
- ⊙ DENOTES HYDRANT
- ⊙ DENOTES GATE VALVE
- ⊙ DENOTES GAS METER
- ⊙ DENOTES POWER POLE
- x DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES CABLE PEDESTAL
- ⊕ DENOTES ELECTRICAL METER
- ⊕ DENOTES GUY WIRE
- ⊕ DENOTES CHAIN LINK FENCE
- ⊕ DENOTES EXISTING CONTOURS
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES TREE SPECIES/CALIPER
- DENOTES PROPOSED ELEVATION.
- ⊕ DENOTES DIRECTION OF DRAINAGE.



BENCHMARK

BENCHMARK: Ramsey County Benchmark #9085. 2 1/4" CAP at County Road E and Kent Street. (Sherriff Dept). ELEVATION = 958.279. (NAVD 88)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 09/12/12.
- Bearings shown are on an Ramsey County datum.
- Curb shots are taken at the top and back of curb.
- This survey was based upon a title commitment prepared by Stewart Title Guarantee Company File Number 0-9301-2333340, effective date July 19, 2012.

IMPERVIOUS SURFACE AREA:

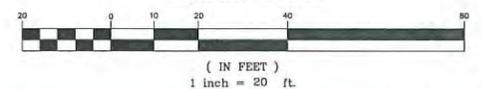
PARCEL B LOT AREA = 16,345 SQ. FT.
 EXISTING HOUSE = 977 SQ. FT.
 EXISTING GARAGE AND SHED = 694 SQ. FT.
 EXISTING DRIVE, PATIO, AND SIDEWALK = 967 SQ. FT.
 EXISTING IMPERVIOUS AREA = 2,638 SQ. FT.
 EXISTING IMPERVIOUS % = 16.1%

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

Jason E. Rud
 JASON E. RUD
 Date: 09/19/12 License No. 41578

DRAWN BY: MMD	JOB NO: 12480PP	DATE: 09/13/12
CHECK BY: JER	SCANNED	
1	09/19/12	Impervious calcs
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NO.	DATE	DESCRIPTION

GRAPHIC SCALE



E. G. RUD & SONS, INC.
 EST. 1977 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

Received on September 17, 2012

September 14, 2012

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, September 25 at 7:00 p.m.**, the Shoreview Planning Commission will review Minor Subdivision and Variance applications for **3595 Rice Street** submitted by **Gary Valley, Silverthorn Properties, LLC**. The applicant proposes to subdivide the property into two parcels. The existing house and detached garage will remain on the east lot, and the proposed west lot will be used for future construction of a new single family residence. A variance has been requested to reduce the required lot depth from the required 125-foot minimum to 100 feet. The proposed lots conform to other requirements of the Municipal Code. Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Comments received by **September 20th** will be distributed to the Planning Commission with the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting. The meeting is held in the City Council Chambers at Shoreview City Hall, 4600 North Victoria Street.

If you would like more information or have any questions, please call me at 651-490-4648 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at nhill@shoreviewmn.gov.

Sincerely,

Nicole Hill

Nicole Hill

Comments:

No objection —

Name: _____
Address: _____

Terance and Wendy Rossi
176 Ste. Marie Street
Shoreview MN 55126

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD SEPTEMBER 25, 2012**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

_____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 12-87 FOR A VARIANCE TO REDUCE THE LOT DEPTH FOR A
NEW PARCEL**

WHEREAS, Gary Valley submitted a variance application for the following described property:

Lot 1, Block 3, ROWE AND KNUDSON'S WOODED HOMESITES, Ramsey County,
Minnesota
(commonly known as 3595 Rice Street)

WHEREAS, the Development Regulations require a minimum 125-foot lot depth; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 100-feet; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on September 25, 2012 the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed subdivision of the 100 foot wide by 282 foot deep lot for a future detached single family dwelling is a reasonable use of this property.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The unique circumstance to the property is that it is a corner lot with 100 feet of frontage on Rice Street and 282 feet of frontage on Saint Marie Street. The property's large lot frontage is unique to the surrounding residential development pattern and contributes the need for a variance. The proposed depth of the property, though less than the minimum 125 feet required, is not out of character for the neighborhood.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* The proposed subdivision does not alter the existing lot configuration as the parcel now meets the definition of a Key Lot. The south rear lot line of the proposed lot abuts the side lot line on the adjacent parcel. The parcel immediately to the west, 176 St. Marie Street, has a similar development pattern in that it is a Key Lot that with the rear lot line abutting the side lot of the property to its south.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 3595 Rice Street, be approved, subject to the following conditions:

1. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
2. This approval is subject to approval of the Minor Subdivision application by the City Council.
3. This approval is subject to a 5-day appeal period.

Resolution 12-87

Page 3 of 3

The motion was duly seconded by _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 25th day of September, 2012

Larry Feldsien, Chair
Shoreview Planning Commission

ATTEST:

Rob Warwick, Senior Planner

SEAL

ACCEPTANCE OF CONDITIONS:

Gary Valley, 3595 Rice Street

**PROPOSED MOTION
TO APPROVE THE VARIANCE AND MINOR SUBDIVISION APPLICATIONS
FOR GARY VALLEY, SILVERTHORN PROPERTIES, LLC
3595 RICE STREET**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve the variance and minor subdivision applications for 3595 Rice Street dividing the property into two parcels, creating a new parcel for single family residential use. The lot depth variance is justifiable due to the proposed parcel keeping with the spirit and intent of the Development Code, and that hardship exists due to the existing configuration of the parcel. The proposal supports the City's housing goals regarding reinvestment and neighborhood preservation. Said approval is subject to the following conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. Payment for City water availability to the new lot in the amount of \$3,241.56. Municipal water and sanitary sewer service shall be provided to Parcel A.
5. An escrow for the work in the City right of way would be required in the amount of \$3,000.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. Driveways and all other work within the Saint Marie Street right-of-way are subject to the permitting authority of the City of Shoreview.
8. A tree protection and replacement plan shall be submitted prior to issuance of a building permit for Parcel A. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.

9. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
10. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings:

Variance

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The subdivision is a reasonable use of the property as both of the proposed lots comply with and exceed the minimum standards of the R-1, District, except for the depth of Parcel A. With a lot area over 11,000 square feet, a lot width of 119 feet and a lot depth of 100 feet, Parcel A does have adequate area for a single family residence. The front and rear setbacks conform to the setbacks of the R1 development district, which are 30 feet. Using those setbacks the building pad for a future house would be about 40 feet deep and 99 feet wide. This pad size is ample for a future house.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* The unique circumstance to the property is that it is a corner lot with 100 feet of frontage on Rice Street and 282 feet of frontage on Saint Marie Street. The property's large lot frontage is unique to the surrounding residential development pattern and contributes the need for a variance. The proposed depth of the property, though less than the minimum 125 feet required, is not out of character for the neighborhood.
3. *The variance will not alter the essential character of the neighborhood.* The proposed subdivision does not alter the existing lot configuration as the parcel now meets the definition of a Key Lot. The south rear lot line of the proposed lot abuts the side lot line on the adjacent parcel. The parcel immediately to the west, 176 St. Marie Street, has a similar development pattern in that it is a Key Lot that with the rear lot line abutting the side lot of the property to its south.

Minor Subdivision

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards for the R1 District.

VOTE:

AYES:

NAYS: