

NEW BUSINESS

PUBLIC HEARING - REZONING / PRELIMINARY PLAT / PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE

File No. **2475-13-02**
Applicant: **PAR System, Inc./Welsh Shoreview, LLC**
Location: **625, 655 & 707 County Road E West**

Presentation by City Planner Kathleen Nordine

Currently, the site consists of two parcels--707 County Road E, which consists of 4.82 acres and is developed with an office/manufacturing with off-street parking and storm water management. The second parcel is 625/655 County Road E, which consists of 5.32 acres with two buildings, off-street parking and storm water management.

The application is to rezone the property from Business Park (BPK) to Planned Unit Development (PUD); plat the property from two into three parcels, so that each building would be on a separate parcel: 625, 655 and 707 County Road E West. The property is in Policy Development Area (PDA) No. 17 of the Comprehensive Plan and in TRA (Targeted Redevelopment Area) No. 3. The proposal is consistent with the Comprehensive Plan designated for Business Park uses and adjoining land uses. There would be no adverse impact on adjoining land uses. Deviations are needed including the side setback for the new structure, which is 22 feet rather than the required 30 feet from the new side property line.

The site and building plan was approved with a condition attached requiring a PUD application for the entire site be submitted to the City within one year. At this time, the proposed addition onto the building is not being built, but PaR Systems is proceeding with the PUD application. Setback deviations are proposed with this PUD: 1) reduce the 20-foot required setback for a parking area from County Road E to 6.2 feet; 2) reduce the 5-foot setback for a parking area from a side lot line to 0 feet between Lots 1 and 2; 3) reduce the minimum 30-foot setback from a side lot line to 22.2 feet.

The number of parking stalls does not meet minimum City requirements. There is a shortage of 98 stalls. Proof of parking reduces the shortage to 62 stalls. This deviation was approved with the Site and Building Plan Review. No changes are being made. The Development Agreement includes language to the effect that should there ever be a change of use or occupancy, an amendment to the PUD will be required. PaR Systems has submitted a statement indicating that the parking shown does meet their needs.

Notices were sent to property owners within 350 feet. No comments were received. Staff is recommending the public hearing and a recommendation for approval.

Commissioner Ferrington asked if the parcels could be sold separately in the future. Ms. Nordine answered, yes. The Development Agreement, however, addresses shared parking and maintenance of the sites. Those issues would have to be addressed with a new property owner

Commissioner McCool asked if the Development Agreement specifically addresses these issues, or only in general language. Ms. Nordine explained that the language is general, but if there is a 5% change in use with the property, then a PUD amendment is automatically triggered.

City Planner Nordine stated that the proper notifications have been given for the public hearing.

Chair Solomonson opened the public hearing.

Mr. Paul Otto, Land Surveyer, Otto and Associates, stated that he represents the applicants. He clarified that the reason for three buildings and three parcels is to have different entities that can be financed separately. Access and parking easements address those issues.

MOTION: by Commissioner Proud, seconded by Commissioner McCool to close the public hearing.

VOTE: Ayes - 5 Nays - 0

Commissioner McCool stated that he would offer an amendment to the conditions listed to make sure a PUD amendment is triggered to address parking with a change in ownership of any of the parcels.

Commissioner Ferrington asked the number of employees on the site. **Mr. Chuck Schwab**, General Counsel for PaR Systems, 3362 Heritage Court, Stillwater, stated that at this time, there are 179 employees. At full development another dozen or so employees would be added.

MOTION: by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the rezoning, preliminary plat and planned unit development stage applications submitted by PaR Systems/Welsh for 625, 655 and 707 County Road E. Said approval is subject to the following:

Rezoning

1. This approval rezones the property from BPK, Business Park, to PUD, Planned Unit Development with an underlying zone of BPK, Business Park.
2. 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 stormwater ponding areas. Drainage and utility easements along the roadways 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 secured between the parcels in the subdivision regarding joint driveway, parking, stormwater, utility 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. Executed and recorded copies of the required agreements and association documents shall be submitted to the City prior to the issuance of a building permit.
5. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Development Stage

1. The permitted uses of the buildings on these properties is for manufacturing, warehouse and office uses as depicted on the submitted and approved site plans on file with the City for each parcel. Any change in use or occupancy of the building as determined by the City Planner will require an amendment to the Planned Unit Development.

[In condition No. 1, Commissioner McCool amended the second sentence to read, “Any change in use or occupancy, or substantial change in areas devoted to any permitted use, of the building.”]

2. Private agreements shall be secured between the parcels in the subdivision regarding joint driveway, parking, stormwater, utility 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.
3. At the time the proposed addition is constructed on the building at 625 County Road E, the applicant is encouraged to enhance the exterior appearance of the building at 655 County Road E.

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.
2. The proposed subdivision complies with the subdivision standards identified in the City's Development Code.
3. The proposed PUD for these properties is beneficial because it will formally recognize the use of these properties by a single user and the shared facilities and infrastructure that exist within this development.

Discussion:

Commissioner McCool stated that the reason for his amendment is for staff to have discretion, rather than a percentage, 5% or 10%. The term “substantial” is used elsewhere in the Code.

VOTE: Ayes - 6 Nays - 0

SITE AND BUILDING PLAN REVIEW

File No. 2474-13-01
Applicant: Ramsey County Parks & Recreation Department
Location: 5959 Lexington Ave (Rice Creek Trail and Off-Leash Dog Park)

Presentation by Senior Planner Rob Warwick

This application is for improvements to the Rice Creek North Regional Park trail. When complete, the trail will follow Rice Creek and connect Centerville to the Mississippi River in Fridley. The portion in Shoreview has two parking areas, a 10-acre off-leash dog park and approximately 3 miles of bituminous trail.

Improvements include a lower six-stall parking area (surfaced with porous asphalt) to serve the water trail and canoe landing. The upper parking area will have 30 stalls with circular drive that encloses a rain garden for infiltration of storm water. New internal trails will connect the parking area to a new restroom building. All internal trails will be of porous asphalt. Trails and restroom facilities will meet ADA accessibility standards.

The proposal is consistent with the City's Comprehensive Plan and complies with the City's Development Code. Surrounding uses include a mobile home park to the north that is guided for medium and high density land uses. On the west is a medium density residential and business park area. To the south is low density detached residential.

The park is in the Open Space District, where park facilities are permitted with findings. The property is also within the General Flood Plain District. The northeastern portion of the site is in Zone A, which is subject to 1% annual chance of flood, where there is a no established base flood elevation area. Along the south east is Zone AE, which is subject to 1% annual chance of flood, with an 887 foot base flood elevation. All development proposed falls outside Zone A and Zone AE with the exception of a small portion that will have a canoe landing. Since no fill is proposed in any flood hazard area, the project complies with the requirements of the GF District.

Several storm water management measures will be used: 1) a rain garden/infiltration area in the upper parking lot; and 2) porous asphalt in the lower parking area. Runoff will decrease and meet City requirements. A permit from the Rice Creek Watershed District is required.

Over 70 trees will be removed for the drive and upper parking area; only two trees are landmark trees. The replacement requirement is 6:1 for a total of 12 replacement trees. Landscaping includes oak savannah restoration on the north side of the upper parking area and native shrubs to help screen the parking area.

The restroom building will consist of concrete block and exterior finish of hardi-board with stone accents. A gable metal roof is planned and sola tubes used for interior light. No windows are included. Bike racks and an information kiosk will be near the building. The building design is consistent with City requirements.

In the early 1990s, Lexington Avenue was realigned to remove a sharp curve, but the old right-of-way was not vacated. These proposed improvements will be located in part of the old right-of-way. Staff recommends that the County address this issue.

The park is heavily used. Construction is planned over the summer for three months and the park will not be closed, but signs will be posted to notify users to park at the lot at 1901 County Road I, which is a 1.5 miles from the off-leash dog area. If on-street parking results or problems arise, the County has agreed to close the off-leash dog park at the request of the City.

Residents within 350 feet were notified of the proposal. No comments have been received. Ramsey County will hold a public meeting at Shoreview City Hall for public information.

Staff is recommending the application be forwarded to the City Council with a recommendation for approval.

Commissioner Wenner asked the how the County determines the number of parking stalls. Mr. Warwick stated that there were 25 stalls. The proposal increases that to 30 with a lower parking lot of six stalls for the water trail. His observation is that while the park is heavily used, he is not aware of overcrowding.

Commissioner Proud stated that there are other trails available to access the park and off-leash dog area. Closing the park if parking becomes a problem would be too harsh. He asked if there will be a prohibition of motorized watercraft. He expressed concern about a turf trail for the water trail as not being sustainable. Mr. Warwick responded that although the off-leash area is heavily used, there is no parking along Lexington for people to walk from there. It is a temporary situation. Staff will work to minimize problems. Acknowledging the poor soil of the water trail, he responded that staff will work with the County to be sure it is sustainable.

Commissioner Ferrington commended the improvements planned. It will maximize the beauty of the area. She especially appreciates green practices--the rain garden, porous asphalt. Her concern for the waterway is to be sure that people who park in that lower lot actually do use the waterway. Also, she would like to see space for two trailers. As an example, students from the University and other schools are sent out to canoe. A group of students would need space for a trailer for more than one canoe. She also asked if it would be possible to move the dog area temporarily to the other side of the park near the County Road I parking while construction occurs.

Commissioner Solomonson stated that he would like to be sure the trail by the pond that accesses the dog park remains open. He asked if there is a security issue for the secluded parking area. Mr. Warwick stated that in the last year there have been six incidents. He noted the light poles are planned that will allow cameras to be installed as funding permits.

Commissioner Solomonson noted the many small trees to be removed. Mr. Warwick responded that many are ash trees, and it would be proactive to remove them now before they are infested with emerald ash borer. The County is a good steward and maintains the land in good condition.

Commissioner Solomonson stated that there is a steep drop off from the parking lot and asked if that is of concern. Mr. Warwick stated that the new parking lot will give better access to the high land areas.

Commissioner Wenner suggested that if the old remains of a silo is on the old Shoreview farmstead, it would be nice to create an interpretive area of Shoreview history.

Mr. Scott Yonke, Planning and Development Director, Ramsey County Parks, responded to questions: The number of parking stalls is based on the use observed. The parking planned is adequate and has a high turnover. The existing lot may have 20 cars if it is crowded. What is planned will make parking easily available. Trailers do not come often. There is a trailer stall, but it is not used heavily. Also, the stalls are oversized for easy turning movements. Trails will be directed away from steep areas near the parking lot. The oak savannah to restore the area is conducive for walking.

No motorized watercraft will be allowed. Strictly kayaks and canoes will be permitted. Turf trails have been used for canoe launches because it is a surface that will not damage watercraft that is being pulled on the surface. Wood chips are not used because they are high maintenance. Some of the trail slope will be made less steep and easier to portage. Although the bike trail is alongside the canoe trail, he does not believe it will be used for canoes because it will be a much longer distance from the parking lot to use the bike trail.

The off-leash dog area cannot be moved, as specific design requirements are needed. In regard to safety, the parking area will be more open than now. Two parking lot lights will be put in with capability to plug in a full-scan camera. Safety has been discussed with the Ramsey County Sheriff's Department and those suggestions incorporated into the plan. The area is regularly patrolled. There is a motion sensor on the light pole.

Invasive shrubbery will be removed and a number of ash trees to restore the area to its native oak savannah, which is very conducive for walking. As for the old silo foundation and other old foundations on the site, they will not be removed. He agreed to look into interpretive signage.

Commissioner Proud asked that the County be sure there is authorization to prohibit motorized watercraft. He suggested a berm so that runoff from the trail not run into the creek and trail maintained. He commended this project. **Mr. Yonke** responded that motorized watercraft are prohibited on Rice Creek. There would be no way to get a boat trailer to the launch area.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to recommend that the City Council approve the Site and Building Plan application to redevelop the Rice Creek Trail North, Lexington Avenue Trailhead, 5959 Lexington Ave., subject to the following conditions:

1. This approval permits the redevelopment of the Lexington Avenue Trailhead in accordance with the submitted plans. The City Planner may approve minor changes to the submitted plans.

2. Final grading, drainage, erosion control and utility plans are subject to approval by the Public Works Director.
3. City permits are required for the new water and sewer taps, and associated service lines.
4. A surety for work on City infrastructure (water, sewer, and trail) is required in the amount of \$5,000.00.
5. Lighting on site shall comply with Section 206.030 of the Development Code.
6. City permits shall not be issued prior to Rice Creek Watershed District issuing a permit for the project.
7. All facilities of the park may remain open while the parking area is redeveloped, however in the event parking on City streets creates nuisance conditions, Ramsey County Parks will close the off-leash dog area until parking is again provided for park users at the Lexington Trailhead.
8. The Staff is authorized to issue grading and building permits for this project.

This approval is based on the following findings:

1. The proposed use is a permitted use in the OS, Open Space District and the GF, General Flood Plain District.
2. The use and proposed alterations are consistent with the Planned Land Use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and Chapter 10, Parks.
3. The storm water management plan is consistent with the City Surface Water Management Plan.
4. The redevelopment is consistent with the Architectural and Site Design criteria and other standards specified in the Municipal Code.

VOTE: Ayes - 6 Nays - 0

OLD BUSINESS

CONTINUATION OF 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 proposed amendment to the Development Code would prohibit vehicle/equipment sales that require large outdoor display sales or storage areas and rental in the C2, General Business District. This includes new or used cars, recreational vehicle sales and rental and small structure storage sheds. The proposed text has been revised to respond to the comments received at the public hearing.

Two options are being presented. Both use the term “open sales lot” as prohibited. New definitions that have been added to the Code are for the terms construction/heavy equipment

sales and rental; vehicle sales; and auto rental and service facility. Both options prohibit sales and rental of construction/heavy equipment. What would be permitted on open sales lots are Christmas trees, agricultural produce.

The difference between the two options is that Option 1 would permit auto rental and service facilities as a conditional use. Standards proposed would regulate such things as number of vehicles and parking location.

Option 2 would allow vehicle and equipment sales/rental, if the items are located within a fully enclosed building.

Staff recommends continuance of the public hearing and consideration of the two options.

Chair Solomonson opened the public hearing. There were no comments or questions.

MOTION: by Commissioner Ferrington, seconded by Commissioner Wenner to close the public hearing.

VOTE: Ayes - 6 Nays - 0
Commissioner Thompson asked if staff has a preferred option. Ms. Nordine stated that there are few C2 districts, and the question is what use do commissioners want to see at those locations.

Commissioner McCool stated that under Option 2, he would like to see vehicle and equipment sales as also a conditional use, even if enclosed. Ms. Nordine explained that it would be difficult to differentiate between vehicles and equipment and other types of retail sales. She suggested that if there is a service facility as part of sales, then a conditional use permit would be required.

Commissioner McCool noted that in Section 205.030 (9) the stricken language about compatibility should be left in to give the City Manager more leverage in making these decisions. He stated that he favors Option 2 noting some typographical changes: the second line of the auto and rental service definition should read, “. . .said premises should be used “to” store. . . ; the next line, “. . . incidental servicing vehicle “of” vehicles. . .”; under vehicle sales, it should read, . . . land or building used in the sale of. . . , omitting the word “for.”

Under Option 2, Commissioner McCool suggested the language be changed to state vehicle sales located within a building and equipment sales and rental.

Chair Solomonson asked if this means that anything rented has to be inside. Ms. Nordine stated that there is a section of the code that addresses and defines outside display area.

MOTION: by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the text amendment Option 2 to Chapter 200 of the Municipal Code pertaining to vehicle sales and rental with the following changes: 1) the stricken language about compatibility be moved to Section 205.030; 2) breaking out of vehicle and equipment sales into two separate entries; 3) the second line of the auto and rental service definition should read, “. . .said premises

should be used “to” store. . . “; 4) the next line, “. . . incidental servicing vehicles should say “of” vehicles. . .”; and 5) under vehicle sales, it should read, “. . . land or building used in the sale of. . .”, omitting the word “for.”

VOTE: Ayes - 6 Nays - 0

MISCELLANEOUS

City Council Meetings

Commissioners Solomonson and Wenner will attend the February 4th and February 19th City Council meetings respectively.

Workshop

The Planning Commission will hold a workshop meeting following the next Planning Commission meeting on February 26, 2013.

ADJOURNMENT

MOTION: by Commissioner Wenner, seconded by Commissioner McCool, to adjourn the regular Planning Commission Meeting of January 29, 2013 at 8:55 p.m.

VOTE: Ayes - 6 Nays - 0