

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

May 27, 2008

CALL TO ORDER

Chair Feldsien called the meeting of the May 27, 2008 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien, Commissioners Ferrington, Mons, Proud, Schumer, and Solomonson.

Commissioner Wenner was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to approve the May 27, 2008 agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded by Commissioner Proud to accept the April 29, 2008 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 5 Nays - 0 Abstain - 1 (Ferrington)

Commissioner Ferrington abstained as she was not present at the meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the City Council approved the following at the May 5th Council meeting:

1. House of Dreams Conditional Use Permit
2. Minor Subdivision for Brian and Michelle Baumgartner
3. Discussion of Southview senior residence site plan - concerns expressed about setbacks and screening.

SITE & BUILDING PLAN REVIEW

FILE NO. 2317-08-14
APPLICANT: AZURE PROPERTIES, INC.
LOCATION: 3999 RICE STREET

Presentation by Senior Planner Rob Warwick

The owners of Gramsie Square propose to update the exterior of the shopping center. Cornices will be added on the east and north facades. Fiber cement will replace the plywood panels on the south elevation. The sign band will be retained. The exterior will be refinished with EIFS on the north and east. The south will be refaced with fiber cement and painted to match the front. Existing signage, lighting, panels and glass will remain. This proposal complies with the Development Code requirements and the Comprehensive Plan.

Notices were sent to property owners within 350 feet. No comments were received. Staff believes the improvements will enhance the property and recommends the application be forwarded to the City Council for approval.

Commissioner Proud stated that there are two sign violations at this site. One is a flashing, scrolling sign and the second is a LED sign. Mr. Warwick stated that staff will work with the property owner on these issues.

MOTION: by Commissioner Solomonson, seconded by Commissioner Ferrington to recommend the City Council approve the Site and Building Plan Review application for 3999 Rice Street, subject to the following conditions:

1. This approval permits exterior modification of the existing building, in accordance with the plans dated May 2, 2008.
2. The south and west building elevations shall be painted with colors matching those used on the north and east elevations
3. The Building Official is authorized to issue a building permit for this project.

This recommendation is based on the following findings:

1. The proposed cornices and upgraded materials will improve the appearance of the retail center.
2. The proposal is in keeping with the goals of the Comprehensive Plan since the improvements to Gramsie Square will enhance the appearance of the property and promote the retail function for the community.

ROLL CALL: Ayes - 6 Nays - 0

SHOREVIEW PLANNING COMMISSION – MAY 27, 2008
PUBLIC HEARING - PLANNED UNIT DEVELOPMENT - DEVELOPMENT
STAGE/PRELIMINARY PLAT/REZONING/COMPREHENSIVE PLAN

3

FILE NO. 2320-08-17
APPLICANT: SOUTHVIEV SENIOR LIVING, LANCE LEMIEUX
LOCATION: 3374 OWASSO STREET

The City Attorney reported that she has reviewed the affidavits of notice for the public hearing and they are in order.

Presentation by City Planner Kathleen Nordine

Applications have been received for the following:

1. A Comprehensive Plan Amendment to change the designated land use from Low Density Residential (RL) and Medium Density Residential (RM) to Office (O) and High Density Senior Housing (HSR);
2. Rezone the property from Urban Underdeveloped (UND) to Planned Unit Development (PUD);
3. Preliminary Plat to divide the property into parcels for development;
4. PUD – Development Stage Review.

The site is located on Hodgson Road north of Village Center Drive. It consists of two properties currently developed with single family homes. The houses would be removed leaving four acres to be developed with mixed uses of office and senior residential. The residence will be owned and operated by Southview Senior Living and will have a total of 104 units. There will be 55 units for independent or catered living; 33 units for assisted living; and 16 units for memory care. Separately, a one-story office building of 5,893 square feet will be built.

The preliminary plat creates three parcels with the office on Lot 1, the senior residence on Lot 2 and Outlot A south of Lot 1 to establish a separate parcel to integrate the property at 4696 when and if the property is re-developed.

PUD zoning is designed to allow flexibility from Development Code standards. It is used when the development is of a high quality and addresses a community need. The senior residence will help the City to meet life-cycle housing goals. The proposed deviations are:

1. A street setback for the office building of 20 feet from Cumberland and 15 feet from Hodgson instead of the required 50 feet;
2. A 5-foot setback for office parking from the property at 4696 rather than the 20 feet required;
3. A 15-foot setback from the south property line rather than the 31 feet required;
4. A setback of 17.7 feet from the lot line of 4696 Hodgson rather than the 31 feet required;
5. A height of 36 feet for the senior residence rather than the 35 feet required.

Driveways off Hodgson Road will be closed and access will be through a private shared driveway off Cumberland Street. There will be 29 surface parking spaces, and 57 underground parking stalls. This amount of parking exceeds traffic study recommendations. In response to concerns about sufficient surface parking for the senior residence, the developer will execute an agreement with the office building for shared parking to handle any overflow.

Elevation of the senior residence basement level is at 924 with a finished floor at 934.67. The existing grade ranges between 928 and 930. The proposed elevation was calculated by the 100-year flood design storm elevation for the storm water pond north of the building. The 100-year event calculation for the pond is 922.98, and the lowest elevation for the building is at 1 foot above this water level.

The office is one story with an exterior design using architectural grade shingles, EIFS and a stone veneer, all in neutral colors. The exterior of the senior residence will be hardi-board siding, architectural grade shingles, brick veneer and stone.

The resident at 4696 Hodgson has expressed concern about the impact this development will have on her property. Fire Chief Tim Boehlke also has expressed concerns about the reduced setback from the south property line, which is closer to the Lake Johanna Fire Station. The Fire Department is concerned about the noise impact to senior residents. The developer has indicated that noise mitigation techniques will be used in the building design, such as double-paned windows, special sealants and insulation. Noise mitigation techniques will be submitted with the Final Stage Review of the PUD.

A traffic study conducted by Wenck concludes that the development will not cause significant changes in traffic volumes on Hodgson Road. The estimated daily trip generation is 360 with not more than four deliveries per day. The report also concludes that any “cut-through” traffic through Whispering Pines to access Hodgson would be negligible.

In order to mitigate the development viewed from the residential neighborhood to the east in North Oaks, the following will be done:

1. Setback from east property line increased from 49.4 feet to a range from 58 to 70 feet
2. Building height reduced from 41.7 feet to 36 feet
3. Decks have been eliminated
4. The 2 and 3-story split is shifted to the south;
5. Building footprint reduced from 39,646 square feet to 38,481 square feet
6. Combination of evergreen and deciduous trees to be planted along the east and north property lines.

Key issues discussed at the last meeting are:

- The location of the senior residence in relation to 4696 Hodgson and the Lake Johanna Fire Department. The developer has chosen a 17.7 foot setback from 4696 and a 15-foot setback from the Fire Department.

- Noise will be mitigated with building design. Specifics will be presented at the Final Stage Review.
- To shift the senior residence closer to 4696 would impact proposed grading and drainage plans and the proposed sidewalk.

A private sidewalk will connect to the public sidewalk along Hodgson Road but will go north along Cumberland and then come back west to Hodgson. The Commission would like to see a sidewalk on Hodgson that would extend to the Village Center at Hodgson and Highway 96. However, the sidewalk is beyond the scope of this project, as part of it would have to be in the City of North Oaks. The City Council will work with the City of North Oaks on this issue.

The first floor of the senior residence will be 8 feet higher than the residence at 4696. The change of elevation will be addressed with two retaining walls. Storm water will be channeled around 4696 to avoid any impact on that property. Trees on 4696 will be protected through construction. A six-foot privacy fence will be put up on the south and east sides of 4696 and a 4-foot fence on the north.

Plans were circulated for review. Fire Chief Boehlke expressed some concern about fire station noise impacting the senior residence. Mrs. Schneider is concerned about privacy and preserving the trees around her home.

Commissioner Mons expressed concern about how usable the sidewalk would be in icy conditions because it is located in the area of the drainage pattern. Further, he noted that the two drainage points that flow toward Hodgson Road are directly contiguous with the property at 4696, and he is concerned that there will be runoff onto Mrs. Schneider's property. Ms. Nordine responded that the applicant will address drainage issues in a new set of plans to be presented at the next stage of review.

Commissioner Solomonson asked about adequacy of surface parking spaces at the senior residence for visitor parking. Ms. Nordine answered that the residents and staff will have parking spaces in the underground garage. All of the surface parking spaces are for visitor parking.

Mr. Link Wilson, Architect of Record for the development, introduced Joel Cooper, Civil Engineer; Lance LeMieux, Owner; Pat Julik, Developer, and Greg Stohl, Owner of the office building. He showed a map of the trees on 4696 and stated they believe they can save them all. The grade differential between the senior residence and 4696 is 8 feet. The reason is for the garage to be kept out of the 100-year flood plain. With a generator and a pump, the building can be lowered approximately 4 to 4.5 feet. The finished floor elevation would then be approximately 931.

Commissioner Mons noted that the sidewalk from the senior residence directly west to Hodgson Road has been eliminated. He asked the width of the previously proposed sidewalk. **Mr. Wilson** answered 5 feet and stated that with 17.7 feet between the senior residence and the Schneider property, a 5-foot sidewalk would bring that distance down to 12.7 feet with slope,

green space and a small retaining wall at the edge of the property. **Mr. Cooper** estimated that the height of the retaining wall would not be more than 2 feet.

Commissioner Mons asked if, rather than using a sidewalk that goes north on Cumberland before being able to turn west to Hodgson to go south to the shopping center, it would be possible to integrate a trail through the office parking lot to get to Hodgson. **Mr. Wilson** also noted that it may be possible for a sidewalk from Hodgson could connect to the community patio. That would be an easy way to get to the shopping center. They will look into these other options.

Chair Feldsien asked if runoff water will drain directly to Hodgson Road. **Mr. Cooper** stated that it will go through an infiltration system first but eventually all runoff will drain to Hodgson Road.

Commissioner Proud asked the noise impact of the senior residence on 4696, both from residents and mechanical noise. **Mr. Wilson** stated he anticipates a quiet community. The community patio, where folks may gather outside, is on the south side and the building would block the patio from 4696. The mechanical equipment is planned to be contained inside.

Commissioner Proud asked for the calculations and specifications of the building wall designed to mitigate noise from the Fire Department. **Mr. Wilson** stated that information will be provided at the Final Stage Review.

Commissioner Ferrington asked if the lowered height means that a variance for the 36-foot height will not be needed. **Mr. Wilson** responded that is difficult to answer because the grade varies around the edge of the building.

Chair Feldsien called a break for Commissioners to read a multi-page letter from Mrs. Schneider, the owner of 4696 Hodgson Road commenting on the project. The letter was submitted immediately prior to the meeting.

Chair Feldsien reconvened the meeting and opened the public hearing.

Ms. Deborah Barr, Director of Operations for Brookdale Senior Living, stated that she represents Alterra Health Care Corporation. She spoke of Clarebridge of North Oaks, a memory care assisted living community. There is an adequate amount of memory care assisted living in the area. The facility in North Oaks can accommodate 52 residents. With a new facility, there may be potentially a surplus of memory care units causing competition. When the Clarebridge was built, there were a number of zoning requirements. Therefore, it is requested that the City impose the same zoning requirements on this property. **Ms. Barr** objected to the development proposal, requesting the Commission to take this information into consideration. She submitted a letter.

Commissioner Mons clarified to Ms. Barr that the City of Shoreview has entirely different zoning requirements from the City of North Oaks. He asked the ratio of population to the need for memory care units. Ms. Barr stated that she cannot give a ratio, but their facility is not fully

occupied. She has not found a consistently pressing need for memory care units.

Commissioner Mons noted that Presbyterian Homes opened another memory facility in North Oaks recently. Further, with the assisted and independent living units, the proposed facility would provide housing for a spouse of one who needs a memory care unit so they would not have to live totally separate.

Commissioner Ferrington asked the rate of occupancy of Ms. Barr's facility over the last two years. Ms. Barr answered 85% to 90% and 95% at times.

Mr. Joe Schneider asked if there is enough room for fire trucks to access the home at 4696 between the two properties. He is concerned that with a retaining wall and sidewalk, there will not be emergency access.

Ms. Heather Todd, Housing Administrator at Scandia Shores, stated that Twin City Christian Homes considered purchasing this property to provide the next level of care beyond what is provided at Scandia Shores. A feasibility study did not show the demand necessary to make the project fiscally solid, and consideration was withdrawn. Scandia Shores averages between 87% and 90% occupancy and has an annual turnover of 25% to 27%. This turnover is usually because of the need for more care, but not enough need to warrant more assisted living in the community. Scandia Shores has an obligation to the City to maintain moderate rental rates for 40% of their units. Currently 50% of units are occupied by moderate residents, and it is difficult to rent market rate units.

Commissioner Mons noted that Scandia Shores offers only independent living units, and in Shoreview there is no facility that offers memory care.

Mr. Stephen King, son-in-law of Mrs. Schneider at 4696, stated that the family would like to get information from their own arborist because the arborist report does not cover tree care information. It does not relate anything about the north side. Fences and trees must be maintained by the development property owner. He would like a landscape agreement. He has not heard any specifications about the fence or retaining wall. He also requested a covenant that the new facility be required to always remain residential.

Chair Feldsien reported receipt of a petition from residents to the east in North Oaks.

Commissioner Mons asked for a description of the fence. **Mr. Wilson** stated that a 6-foot fence is allowed, which will be built. It will be a maintenance-free fence with footings fully on the development property. There are two white spruce trees that will be kept at the front of the house between the parking on the north and the Schneider property. **Mr. Peter Jursik**, Architect, stated that the fence at the east end will be 6 feet. As it moves west along the north side, it will become 4 feet when it reaches the house on the Schneider property, as required by City Code.

Commissioner Schumer stated he would favor the sidewalk between the two properties. He asked the length of the senior building that extends adjacent to the Schneider property. **Mr.**

Wilson answered 82 feet, and then it extends another 30 feet beyond her house to the east.

Commissioner Ferrington expressed concern about runoff reaching the Schneider property with a sidewalk. **Mr. Carpenter** stated that the grade of the development site will match the grade at her property. He plans to run a shallow swale along the sidewalk, six inches deep and 3 feet wide. Runoff from the sidewalk will not reach the Schneider property.

Commissioner Ferrington asked if, with the concern of the closeness of the parking lot on the north side and concern for trees, whether any thought has been given to using permeable pavement to allow infiltration of moisture that would reach tree roots. **Mr. Jursik** answered that compaction is the biggest problem. The arborist has stated that the trees will be preserved with the plan he has recommended. **Mr. Wilson** added that a plan will be submitted to the City and will include maintenance to make sure it is not a burden to Mrs. Schneider.

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

ROLL CALL: Ayes - 6 Nays - 0

Commissioner Proud expressed two concerns. First is whether it is proper to engulf one property with a large development as is being done. Second, although it is not the developer's responsibility to build a sidewalk along Hodgson to Highway 96, because it would go through North Oaks, it is irresponsible to go forward with this project without a sidewalk.

Commissioner Schumer stated that the developer has shown willingness to put in the necessary sidewalk. A project should not be stopped because of North Oaks. Along the same line, the City cannot take into account North Oaks standards when reviewing a project in Shoreview.

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to recommend the City Council approve the applications submitted by Lance Lemieux/Southview Senior Living for a mixed-use senior residential and office development located at 4684 and 4710 Hodgson Road. These applications include the Comprehensive Guide Plan Amendment, Rezoning, Preliminary Plat, and Planned Unit Development – Development Stage. The following conditions are attached to this recommendation:

Comprehensive Guide Plan Amendment

1. The amendment changes the land use designation from RL/RM, Low and Medium Density Residential to O, Office for Lot 1 and Outlot A and HSR, High Density Residential for Lot 2 of the proposed plat.
2. Review and approval of the amendment by the Metropolitan Council
3. The amendment will not be effective until the City grants approval of the Final Plat and PUD – Final Stage requests.

Rezoning

1. This approval rezones the property from UND, Urban Underdeveloped, to PUD, Planned Unit Development.
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. Drainage and utility easements along the roadways shall be 10' wide and along the side lot lines these easements shall be 5 feet 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. The Developer shall create an Association for all property owners in this plat. The Association documents (articles of incorporation, bylaws, rules and regulations, replacement reserve study and covenants) shall be reviewed and approved by the City Attorney prior to recording and shall address the use/maintenance of all shared infrastructure including driveways, parking areas, stormwater infrastructure and other utilities.
5. 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 redevelopment of these parcels with a mixed-use senior residential and 5,893 square foot office building. The senior residential facility is designed to have a total of 104 units for independent or catered living (55 units), assisted living (33 units) and memory care (16 units).
2. Private agreements shall be secured between the parcels in the PUD 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 review of the Final Stage PUD plans and Final Plat.
3. Access to the proposed development is prohibited from Hodgson Road. Access to the site shall be provided via the private driveway as indicated in the approved plans.
4. The items identified in the memo from the Public Works Director must be addressed prior to the City's review of the Final Stage PUD plans and Final Plat.
5. The applicant shall submit a tree preservation plan with the Final Stage PUD and Final Plan applications that identify tree protection measures to be taken. Replacement trees

shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.

6. As identified on the approved plans, a privacy fence shall be installed along the boundary of the property at 4696 Hodgson Road.
7. The applicant shall submit a noise mitigation plan to the City with the Final Stage PUD and Final Plat submittal package. Mitigation shall include enhancements to the senior residential building and fencing along the common lot line with the Lake Johanna Fire Station property immediately south of the development site.
8. The applicant shall submit a luminaire plan and exterior lighting details with the Final Stage PUD and Final Plat submittal.
9. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to submittal to the City of applications for Final Plat and PUD – Final Stage. Final plans shall identify site construction limits and the treatment of work (i.e., driveways, parking areas, grading, etc.) at the periphery of these construction limits.
10. The proposed senior housing structure shall be of a 2 and 3 story design as depicted on the plans submitted with this application and stamped May 21, 2007. That portion of the building along the east property line shall include 2 stories at the northern end of the building, then step up to 3 stories as identified on the plans. The structure shall not exceed the heights as identified in this report and on the submitted plans.
11. The applicant shall create a Property Owners' Association for the project. The applicant or any subsequent property owner shall be a party to the Association required as part of this plat. The Property Owners' Association documents (articles of incorporation, bylaws, rules and regulations, replacement reserve study and covenants) shall be reviewed and approved by the City Attorney prior to recording and shall include the following:
 12. The Property Owners' Association shall maintain landscaping/screening and maintenance shall be consistent with the approved landscaping plan.
 13. Membership in the Property Owners' Association must be mandatory for each property owner and any successive buyer of all units. The dues for such membership must be established to adequately meet the expenses of maintenance and fulfillment of all responsibilities of the Association as set forth in this agreement.
14. 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. The Development Agreement shall address:
 - a. Construction management and nuisances that may occur during the construction process.
 - b. Removal of the two existing homes
 - c. Phasing of the development Outlot A
 - d. Landscape maintenance
15. 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).

The recommendation is based on the following findings:

VARIANCE/MINOR SUBDIVISION

FILE NO.: 2318-08-15
APPLICANT: PHILLIP & KAREN SAARI
LOCATION: 3374 OWASSO STREET

Presentation by Senior Planner Rob Warwick

This application is to divide the property at 3374 into two lots. The existing home will remain on the first parcel, Parcel A. There is also a small shed near the north lot line behind the house. The second parcel will be for a new residence. The applicants plan to build a new home for themselves on Parcel B. A variance is requested for the location of the new house to allow a rear setback of 18 feet rather than the required 30 feet. The front setback would be 54.55 feet, which is significantly more than the required 40 feet.

The property consists of 1.1 acres. A driveway provides access to both Owasso Street and Owasso Boulevard North. The proposed new house will share driveway access and a common sanitary sewer service. There will be private easements for these shared services. Both parcels meet minimum requirements of area, width and depth specified in the Development Code.

The applicants have requested the variance due to the topography of the property and placement of trees. If the setback complied with the maximum 40-foot requirement, the house would be placed at a lower point on the property. Placing the house on higher ground is to avoid potential water problems.

There is a wet area on the east portion of Parcel B for storm water runoff from the neighborhood, which drains under Owasso Boulevard North to Lake Emily. A drainage utility easement is shown for the pond area, outlet pipe and wetland buffer.

Staff agrees that hardship exists due to topography. A 40-foot setback would require more fill and loss of trees. Also, the added setback will better align the house with the existing house on Parcel A. The request for a reduced rear setback is related to the increased front setback. If the front setback were in compliance, there would be no need to request a variance for the rear setback.

Property owners within 350 feet were notified of the application. No comments have been received. Staff is recommending approval of the variance with a recommendation to the City Council to approve the minor subdivision with the conditions listed in the staff report.

Chair Feldsien asked if this lot would be affected by any future realignment of the street. Mr. Warwick stated that there are no plans for realignment. Owasso Boulevard was reconstructed a number of years ago and recently Owasso Heights. He does not anticipate any road reconfiguration.

Chair Feldsien opened the discussion to public comment. There was none.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to recommend to the City Council approval of the minor subdivision application submitted by Phillip and Karen Saari for 3374 Owasso Street, and to adopt Resolution 08-28, approving the variance requests for construction of a new house on proposed Parcel B. The approvals are 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 the deeds for recording. The fee will be 4% of the fair market value of Parcel B.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. Private easements are required for the proposed shared driveway and for private utilities serving the houses that are located on Parcels A and B. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be dedicated before the City will endorse deeds for recording.
4. Maintenance of the driveway and private utilities shall be addressed in the easement documents, subject to the approval of the City Attorney.
5. Municipal water and sanitary sewer service shall be provided to the new lot.
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. Tree removal requires replacement trees per Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Variance

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance 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 is subject to approval of the Minor Subdivision application by the City Council, creating a legal Parcel B on which to construct the house.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. Impervious surface coverage shall not exceed 40% of the total lot area as a result of this project.
5. An erosion control plan shall be submitted with the building permit application and implemented during construction.
6. The detached accessory structure located in the rear yard of Parcel B must be

- removed or relocated to a conforming location prior to issuance of a Certificate of Occupancy. A cash surety in the amount of \$500.00 will be deposited with the City prior to issuance of a building permit to insure compliance with this requirement.
7. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity or site work begins.

The recommendation for approval of the Minor Subdivision is based on the following findings of fact:

1. The proposed lots conform to the adopted City standards for new lots.
2. Municipal water and sanitary sewer service are available for each proposed parcel.
3. A drainage and utility easement is provided over the stormwater infrastructure, wetland area and wetland buffer located on proposed Parcel B.

The approval of the front and rear setback variance requests are based on the following findings of fact:

1. The site topography and vegetation create circumstances unique to the property.
2. Locating the proposed house with a setback of 54.55 feet from the front property line will reduce site grading, preserve trees and better align the house visually with the existing house at 3374 Owasso Street.
3. Reducing the rear setback to 18 feet will not adversely affect the neighborhood, since the north property line has functioned as a side lot line for about 60 years.

ROLL CALL: Ayes - 6 Nays – 0

MINOR SUBDIVISION

FILE NO.: 2316-08-13
APPLICANT: STEVE BORDEWICK
LOCATION: 5868 HAMLINE

Presentation by City Planner Kathleen Nordine

The application is a request to divide the property into two parcels, one for the existing house and shed that will remain, and one for a new house. The property is zoned R-1, Detached Residential. Both proposed parcels are in compliance with the requirements of the Development Code in regard to area, width and depth. The existing house also conforms to required setbacks. The shed, however, will become nonconforming from the east lot line because that lot line will change from a side lot line to a rear lot line. The setback of the shed is 8.7 feet. No impact is anticipated with this nonconformity.

The property currently has water from a well that, when subdivided, would be located just inside the property line of Parcel B. Although the applicant is not interested in connecting to City

water, municipal sanitary sewer and water will have to be extended to the new parcel from Hamline Avenue. Hamline is a county road and a permit will be required from Ramsey County for this work in the right-of-way. Retaining the well would mean a private easement over it to be dedicated to Parcel A.

Property owners within 350 feet were notified of the application. Two telephone calls were received. One resident asked about connection to City water and sewer. Staff is recommending the Planning Commission forward the application to the City Council for approval with the conditions listed in the staff report.

Commissioner Ferrington expressed some concern about the swimming pool adjacent to the applicant's property. Ms. Nordine stated that the pool is fenced, but the neighbor is concerned that if a two-story house is built, it will overlook his back yard.

Commissioner Mons stated that his concern is that the existing home is served by a private well. Even though there will be an easement for the well, he is concerned about any future action that compromises the well. Ms. Nordine stated that the Department of Health has specific setbacks from a well. In discussing this matter with the City Attorney, requiring connection to City water is not a requirement the City can place on the applicant. If the well fails, then City water connection is required.

Chair Feldsien opened the discussion to public comment.

Mr. Garret Lysiak, 5844 Hamline Avenue, stated that he has no objection. One question that staff answered is that City water will be brought under Hamline Avenue. This was a concern because he had to do the same thing when he finally was able to connect to City water. He was not allowed to connect from Lexington. Another concern is the elevation is high from Hamline and he asked how a driveway will be put in. When he put in a new garage, the City would not allow any elevation changes.

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to recommend the City Council approve the Minor Subdivision request for Steve Bordewick to divide the property at 5868 Hamline Avenue into two parcels, subject to the following conditions:

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 45 of the fair market value of Parcel B.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director.
4. Municipal water and sanitary sewer service shall be provided to the new lot.
5. The applicant is strongly encouraged to connect the existing house on Parcel A to the municipal water system. If the well is to remain as the water supply for the existing home, a private easement benefitting Parcel A is required over the well area on Parcel

Chair Feldsien opened the discussion to public comment. There were none.

Commissioner Mons stated that his major reservation is how the finished room will look and be compatible with the neighborhood. He is also uncomfortable with a two-year time frame to remove the driveway. **Mr. Wiste**, Applicant, stated that his father has been a carpenter for many years and will be doing the work. He would be willing to agree to one year for removal of the driveway.

MOTION: by Commissioner Mons, seconded by Commissioner Proud to adopt Resolution 08-27, approving the variance request submitted by Aric and Heide Wiste, 4943 Hanson Road, to convert the existing single car attached garage to living area with a side setback of 6 feet, subject to the following conditions with the amendment to condition No. 2, that the driveway to the converted garage would be removed within one year:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. The area converted for living space shall utilize the existing garage footprint and shall maintain a minimum setback of 6 feet from the north property line. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The existing driveway to the converted attached garage shall be removed within one year, thereby bringing the property into compliance with existing City regulations for driveways.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

ROLL CALL: Ayes - 6

Nays – 0

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

FILE NO.: 2314-08-11

APPLICANT: NARDINI FIRE

LOCATION: 405 COUNTY ROAD E

Presentation by Senior Planner Rob Warwick

DEW Corporation has submitted applications on behalf of Nardini Fire Equipment/Bear Properties, LLC. The proposal is construction of a 5,020 square foot building with improved storm water management, parking, and two new driveway accesses from County Road E. The property consists of two parcels with an office/warehouse building of 9,275 square feet and parking for 57 vehicles. In 2007, the City approved an application for the construction of a one-

story addition of 2,550 square feet. Approval included a variance to reduce the front setback from 50 feet to 20 feet. This project was not built. Surrounding land uses included industrial to the west, railroad to the south, residential south of the railroad, Grass Lake to the north across I-694.

The proposal is to rezone the property to Planned Unit Development (PUD) and a plat to create two parcels, one for each building. Proposed now is construction of a new one-story warehouse building with a front setback of 50 feet. The two new driveway accesses at each end will serve both buildings and provide for one-way traffic flow from west to east. These access points are subject to Ramsey County approval, as County Road E is under the jurisdiction of Ramsey County. Improved parking will result in 65 parking spaces, which exceeds the required 37 stalls. A future expansion of the new building represents a second phase, but there is no planned time frame for expansion. If the building is expanded, additional parking will be developed in front of the building, with the drive aisle setback 5.9 foot from the front lot line. The required setback is 20 feet. However, the wide boulevard on the north side of County Road E compensates for this reduction.

The preliminary plat incorporates the two existing parcels and divides them so that the existing building will be on Lot 1 and the new building on Lot 2. Both parcels exceed minimum required standards. Drainage and utility easements will be dedicated along property lines. Private easements are required for the shared driveways, utilities and parking.

The property is in an Industrial District. It is also located in the Shoreland Overlay District within 1,000 feet of Grass Lake. Therefore, impervious surface coverage is limited to 60% of lot area. The existing development is at 71% lot coverage and will remain. Lot 2 will be at approximately 47%.

The existing site was developed before on-site storm water management was required. Storm water currently drains north/northeast onto public land owned by Mn/DOT and the City. The proposed plans include storm water management infrastructure of inlets and pipes to channel water to a grit chamber and pond. A sediment basin will be built north of the building to capture storm water runoff from the parking areas. Also, erosion that has occurred will be repaired.

The east side of the Lot 2 will tie into existing developed grades on Lot 1. The north and west sides will have a retaining wall that gradually increases in height to 14 feet along the pond. Most trees and vegetation will be removed with grading, which means that 51 replacement trees are required. Trees along the north property line will break up the mass of the retaining wall. A trash enclosure will be built north of the existing building.

Notices were sent to residents within 350 feet of the property. No comments were received.

The City has a Business Retention and Expansion Plan to help retain and encourage growth of existing companies in the city. Retention of key companies is a focal point of the City's economic growth strategy. The City has worked with the company on this expansion. Staff is recommending approval with the conditions listed in the motion.

Commissioner Mons asked the advantage of using a PUD and if the proposal has been reviewed by the Environmental Quality Committee (EQC). Mr. Warwick answered that the EQC will review it the following evening. Their comments will be forwarded to the City Council. The PUD allows flexibility and connects the two properties. The buildings are not stand-alone businesses.

Commissioner Solomonson expressed concern about the east access at a turn with large vehicles exiting. Mr. Warwick stated that the driveway has been designed with a curve to increase the sight line at the intersection, and that the design results from comments by Ramsey County.

Commissioner Ferrington asked if there is any possibility to purchase adjacent property so as not to go over the impervious surface requirement. If Phase 1 is approved, then a variance will be requested with approval for Phase 2. It seems the Commission is setting itself up to have to approve the variance. She asked the best way to handle this. Mr. Warwick stated that there are no opportunities to purchase adjacent land. If there are reservations about a future variance, this is the opportunity to express those concerns to the applicant.

Commissioner Mons stated that the storm water management addresses 45% of the runoff from Lot 1. Why is the City not requiring 100%. He would like to hear what the EQC has to say. He requested that the benefit of the planned storm water management be well documented. Mr. Warwick explained that with the runoff for the existing development can continue in the historic drainage pattern. The runoff from the added impervious surface must be treated. The level of treatment that is proposed is significant and will directly help Grass Lake. Engineering staff is satisfied with the amount of runoff treatment.

Commissioner Proud asked if it would be possible to treat runoff with a grit chamber or permeable asphalt. Mr. Warwick stated that theoretically it is possible, but the cost may not be economic.

Commissioner Schumer asked who owns the property to the north. Mr. Warwick stated that the property is owned by the City. It is a wetland that treats runoff from Shoreview Park Road.

Chair Feldsien opened the public hearing.

Mr. Tom Nardini stated that many options have been studied—whether to leave Shoreview, find another location in Shoreview. The company prefers to stay in Shoreview. The site is land-locked. At one time his father owned the property to the north, but Shoreview bought it 35 years ago. The runoff treatment and infrastructure accommodates Phase 2 and is in compliance with the City's criteria, if the variance is granted. However, it is understood that there is no commitment to approve Phase 2.

Commissioner Ferrington stated that she continues to be concerned about Phase 2 with the need for a variance. However, she commended the developer for the storm water runoff treatment that is planned and expressed her hope that options would continue to be considered to reduce runoff,

as proposed by Commissioner Proud.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Mons, seconded by Commissioner Proud to recommend the City Council approve the Rezoning, Preliminary Plat, and Planned Unit Development – Development Stage applications for Nardini Fire Equipment, 405 County Road E, subject to the following conditions:

Preliminary Plat

1. A public use dedication fee shall be addressed in the Site Development Agreement.
2. The final plat shall include drainage and utility easements along the property lines. Drainage and utility easements along the public roadways shall be 10 feet wide and along the side lot lines these easements shall be 5 feet 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, storm water, 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. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Rezoning

1. This approval rezones the property from I, Industrial to PUD, Planned Unit Development.
2. Rezoning is not effective until approvals are received for the Final Plat, PUD – Final Stage and development agreements executed.

Development Stage – PUD

1. This approval permits the development of a 5,021 square foot warehouse building on Lot 2 and associated improvements throughout the PUD. The site shall be developed according to the plans submitted. Minor modifications may be made to the plans subject to approval by the City Planner. Significant changes to the plans will require an amendment to the PUD. The underlying zoning district of this PUD will be I, Industrial.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director. These plans shall include remediation of erosion that has occurred on the adjacent hillsides.
3. The proposed new driveway accesses and other work within the County Road E ROW are subject to the permitting requirements of Ramsey County. The County permit shall be obtained prior to issuance of any City permits for site development work.

4. The landscaping plan shall be consistent with the grading plan, and subject to the final approval of the City Planner.
5. A private storm water infrastructure maintenance agreement, establishing minimum maintenance requirements for the private infrastructure shall be executed prior to issuance of any City permits.
6. No exterior storage of materials is permitted with this approval.
7. Site Development and Erosion Control Agreements shall be prepared and executed prior to the issuance of any City permits. Language in the agreements shall include construction management.
8. 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).

The recommendation is based on the following findings:

1. The proposed redevelopment is consistent with the goals and policies of the Comprehensive Plan, and the Development Code criteria for Planned Unit Developments.
2. The redevelopment will not have a significant adverse impact on the surrounding property.
3. The redevelopment will enhance water quality and runoff control from the site.

ROLL CALL: Ayes - 6

Nays – 0

PUBLIC HEARING – TEXT AMENDMENT – CHAPTER 200
COMPREHENSIVE PLAN AMENDMENT

FILE NO.: **2321-08-18**

APPLICANT: **CITY OF SHOREVIEW**

LOCATION: **CITYWIDE**

Presentation by City Planner Kathleen Nordine

Section 203 relates to processing Comprehensive Plan amendments. This text amendment is a housekeeping issue in preparation for the update of the 2008 Comprehensive Plan. State law requires a public hearing for all Comprehensive Plan amendments. Current Code establishes an application process for review, but it was discovered that provision is not specific to hold a public hearing, although the City has routinely held public hearings for all Comprehensive Plan amendments. Minor language changes have been made, including a change that references the City’s Comprehensive Plan rather than Comprehensive Guide Plan. Also, in accordance with state law, Comprehensive Guide Plan will be changed to Comprehensive Plan.

Commissioner Mons suggested the word “or” be placed after “Planning Commission” instead of before in 203.053(A), to read “...City Council, Planning Commission or a resident of the City or property owner within the City.”

Commissioner Schumer suggested the “or” after “Planning Commission” be removed and a comma added, to read “...City Council, Planning Commission, a resident of the City or property owner within the City.”

Staff will consider this amended language.

Chair Feldsien opened the public hearing.

Mr. Louis Lang, 1384 Rambler Road, stated that the Comprehensive Plan is changing designation of this property from Light Industrial to natural space. There is water on his property and he cannot sell it. The taxes have gone up and the valuation has gone down. There was an opportunity to develop senior housing, but that did not happen. His attorney has advised him to express his interests and oppose any change to the Comprehensive Plan. He requested a transcript of this record.

Chair Feldsien stated that there will be further public meetings on the 2008 update of the Comprehensive Plan. There will also be a public hearing.

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

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to recommend the City Council adopt the text amendment to Section 203.053, Comprehensive Guide Plan Amendment incorporating a public review process consistent with State Law and housekeeping amendments to Section 203.051, Development Ordinance Text Amendment and 203.052, Zoning District Boundary Amendment.

ROLL CALL: Ayes - 6 Nays - 0

MISCELLANEOUS

City Council Assignments

Commissioners Proud and Schumer will respectively attend the June 2nd and June 16th City Council meetings.

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to adjourn the May 27, 2008 Planning Commission meeting at 11:07 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner