

**SHOREVIEW PLANNING COMMISSION MEETING  
February 28, 2012**

**CALL TO ORDER**

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

**ROLL CALL**

Chair Solomonson welcomed new Commissioners Elizabeth Thompson and Brian McCool.

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

**APPROVAL OF AGENDA**

**MOTION:** by Commissioner Schumer, seconded by Commissioner Proud to approve the February 28, 2012 agenda as submitted.

**VOTE:**                               **Ayes - 7                                Nays - 0**

**APPROVAL OF MINUTES**

**MOTION:** by Commissioner Ferrington, seconded Commissioner Schumer to approve the January 24, 2012 Planning Commission minutes as submitted.

**VOTE:**                               **Ayes - 5            Nays - 0            Abstain - 2 (McCool, Thompson)**

Commissioners McCool and Thompson abstained, as they were not members of the Planning Commission at that meeting.

**REPORT ON COUNCIL ACTIONS**

City Planner Kathleen Nordine noted that the City Council did approve the text amendment regarding nonconformities, as recommended by the Planning Commission at the February 6, 2012 City Council meeting.

On March 21, 2012, at 7:00 p.m., the Environmental Quality Committee series continues with Dr. Larry Baker from the University of Minnesota speaking on "The Twin Cities Ecosystem Project." Discussion will focus on how local decisions impact the global environment.

## **NEW BUSINESS**

### **VARIANCE**

**FILE NO.:** 2441-12-04  
**APPLICANT:** JAMES & LORIE COSTELLO  
**LOCATION:** 255 COTTAGE PLACE

#### **Presentation by Senior Planner, Rob Warwick**

This application is for a side yard setback reduction from 10 feet to 5 feet for the purpose of constructing a 68-square foot addition on the west side of their 1.5 story home. The addition will accommodate increased closet area and laundry space with a new main floor bedroom to eliminate the need for the owner to use stairs. The existing living space of the house has a setback of 5 feet from the same lot line. The zoning is R1 Detached Residential. The lot is a substandard lot with a width of 61.5 feet and tapers to a width of 24 feet at the alley.

The house was built in 1978. An addition of 200 square feet was built above the garage in 1992 with a setback of 5 feet from the west side lot line. In 2003, the front deck was replaced with a variance to reduce the front setback. A rear deck is now being constructed that was permitted in 2011. The addition will be constructed on post footings. Existing gutters will be extended and the downspout redirected.

Neighborhood property owners were notified of the application. Two responses were received--one in support and one that expressed concern about runoff and erosion.

The applicant states that the irregular shape of the lot creates the need for this variance. Staff agrees and has determined that the proposal complies with all design standards with the exception of the side setback of 5 feet. The proposal is also consistent with the City's Comprehensive Plan, and staff recommends approval.

Commissioner Wenner asked the distance of the house on the abutting property from the applicant's house on the west side. This is the neighbor with concerns about runoff. Mr. Warwick answered approximately 22 feet from the lot line. He explained that there is a slope for runoff water to flow to Soo street. He believes that the runoff problem is not from this property.

Commissioner Proud asked if any information was submitted any architectural or engineering information regarding redirection of the gutters. Mr. Warwick stated that the downspout will be directed to the driveway in front and then flow to the street.

Commissioner Schumer noted that the neighbor claims the side setback is 4.2 feet, not 5 feet. He asked if a determination on this question has been made. Mr. Warwick stated that 5 feet is more accurate. The existing fence appears to encroach on the subject property to avoid trees.

Chair Solomonson opened the discussion to public comment.

**Mr. Jim Costello**, Applicant, stated that the fence is his and was constructed on his property. He further explained that the gutter will be run from the back of the house to the front.

Commissioner Ferrington stated that she supports the application, as it is consistent with the City's redevelopment policies and allows the owners to stay in their home.

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to adopt Resolution 12-14 approving the variance request submitted by James and Lorie Costello for 255 Cottage Place to reduce the side setback to 5-feet for a 68 square foot addition, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Gutters shall be installed and maintained on the west side of the house. The downspouts shall direct stormwater to the driveway and street.
4. This approval is subject to a 5-day appeal period.

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. **Reasonable Manner.** The proposed expansion of the living area of this small residence makes it more livable with a closet and laundry area for a main floor bedroom. This is common in detached single-family residences and so a reasonable use of the property.
3. **Unique Circumstances.** The pie-shaped lot and location of the existing house create unique circumstances. The living area of the house is currently setback 5 feet from the side lot line, and the proposed addition will not encroach nearer than the existing house.
4. **Character of the Neighborhood.** There is currently living area on this property that is setback 5-feet from the same side lot line. Furthermore, houses in the neighborhood include many styles and designs, and many of these structures do not conform to the current setback requirements of City Code. By approving the variance, the essential character of the neighborhood should not be affected.

**VOTE:                    AYES: 7                    NAYS: 0**

## **PUD – CONCEPT STAGE**

**File No.:** 2442-12-05  
**Applicant:** Lakeview Terrace LLC/Tycon Companies  
**Location:** 3588 Owasso Street

### **Presentation by City Planner Kathleen Nordine**

A Planned Unit Development Concept Stage application has been submitted by Tycon Companies for redevelopment of Midland Plaza. The project proposes a high density apartment complex of 120 units. The project includes a public road improvement with the realignment of Owasso Street and improvements to the intersection of Owasso Street, County Road E and Victoria Street.

Midland Plaza was owned and managed by the same owners as 400+ unit Midland Terrace. As part of a pilot program under the Urban Land Institute and Regional Council of Mayors, this site was identified as a redevelopment project to diversify rental opportunities in the City. In 2011, the Metropolitan Council awarded a grant to the City in the amount of \$655,000 to offset road improvement and redevelopment costs.

The redevelopment project would demolish Midland Plaza and a detached garage. Owasso Street would be realigned with the west leg of County Road E. A waterfront parcel would be developed with higher end apartment units. Included would be relocation of utilities, replacement of the sidewalk and a new trail. Engineering and construction management will be handled by SEH. The design for the final roadway is in process. The main building would consist of 120 one-, two- and three-bedroom units; a surface parking lot and underground parking garage. The exterior is shown as brick with a standing seam metal mansard roof. The applicant is seeking flexibility from building height regulations.

Staff found that the proposal satisfies criteria for a PUD relating to architectural and site design, sustainability and redevelopment. The property is currently zoned C, Commercial and RH, High Density Residential, which is 8 to 20 units per acre. The project supports the designated land use and City housing goals with redevelopment of an underutilized parcel, a high quality development proposal, and expands housing choices in Shoreview. It is also located near regional transportation system and employment being located just south of the I694 interchange. The City's Housing Action Plan identifies this site as a key redevelopment site in the City.

Land uses abutting this property include low density residential to the south, a school, church and park to the west, and railroad and business park to the north. The proposed use should not adversely impact surrounding land uses. The wetland pond on the site provides separation from the low density, single-family residential neighborhood to the south.

Placement of the building is determined by the wetland pond area, road right-of-way and parking. The applicants will seek flexibility for structure setbacks from Owasso and Victoria Streets and the interior side property line. Setbacks increase with increased height. The minimum front setback is 30 feet; with increased height, the setback should be 75 feet. The applicant is requesting 25 feet. The below grade parking structure is at the property line. Adjacent to Victoria, the setback requirement is 40 feet; with increased height, the setback would be 85 feet. Again, the applicant is requesting 25 feet. The interior side property line requirement is 30 feet; 75 feet with increased height. The request is a setback of 40 feet. These setbacks may fluctuate in succeeding stages.

The wetland pond area has a setback of 50 feet, which exceeds the City standard by 16.5 feet. The maximum height allowed is 35 feet. Additional height may be allowed if it does not exceed firefighting capabilities of the Lake Johanna Fire Department, and an additional foot of setback is provided for every foot height increases. One concern is the impact of the proposed height of 80 feet on the low density residential neighborhood to the south. However, staff believes that the separation distance of over 500 feet mitigates the impact. Exterior design and materials will also mitigate the wall of the building.

The density is 19 units per acre. Surface parking will have 91 stalls. Below grade parking will have 146 stalls, which is 1.97 stalls per unit and a total of 237 stalls. City Code requires 300 parking stalls, or 2.5 stalls per unit. The number of parking stalls may be reduced if shared or proof of parking is shown. An additional parking area will be built adjacent to the building where the detached garage is torn down.

Traffic is estimated to be slightly higher than Midland Plaza. However, distribution will be different with residents mostly using County Road E and Victoria. There will be no retail plaza which draws traffic from the neighborhoods.

The Fire Department has reviewed the proposal and has no concerns.

Commissioner Wenner asked what would be done to accommodate the the need for retail services, which will be closed. Ms. Nordine stated that there is one tenant in the current retail space and is more than 50% vacant. No commercial development is proposed. The City does not see this area as a vital commercial corner, as retail services have developed on Lexington.

Commissioner Proud recused himself from this discussion because his firm is a subcontractor with SEH. City Attorney Filla stated that there would be no conflict of interest for Commissioner Proud to participate in the discussion. Commissioner Proud stated that he would prefer not to participate.

Commissioner Ferrington clarified that the existing 420 units will not be demolished when the new units are built. Secondly, she noted that the site does not accommodate City Code setback regulations requiring an added one foot of setback for every

additional foot of height. The height must be within firefighting capabilities, and she asked if it would not be a fire hazard to be flexible with the setbacks. Ms. Nordine stated that the minimum setback from Owasso Street would be 30 feet. The intent is to minimize the height impact on neighboring properties. It is not a fire hazard.

Chair Solomonson asked the current setback of Midland Plaza. Ms. Nordine answered, approximately 35 feet. Chair Solomonson noted the request is for a 25-foot setback. He further asked how the height request of 80 feet compares to other structures in Shoreview. Ms. Nordine stated that the south water tower on County Road E is 160 to 165 feet. The Hilton Garden Inn is 59 feet to the peak. Country Inn Suites is 56 feet to the peak. PaR Systems is 49 feet. A new billboard recently installed is 75 feet.

Commissioner Solomonson expressed concern about the magnitude of the requested height variation in comparison to other structures in the 'City.

Commissioner McCool asked if right-of-way is calculated in the density calculation. Ms. Nordine stated that the right-of-way is not included in the density calculation. He further asked if additional turn lanes would impact the number of units proposed and if there has been discussion about moving the building further east to increase setbacks along Owasso and Victoria. Ms. Nordine stated that acreage of the site is consistent with the current density plans. There may be a slight change if increased right-of-way is needed for Victoria Street. Commissioner McCool asked if there has been discussion can be made for moving the building further east to meet setback requirements. Ms. Nordine stated that adequate space is needed for the parking area, but there may be room for some changes.

Commissioner Wenner asked if there would be any confusion for traffic trying to connect from the west leg of County Road E to the east leg and crossing through residential development. Ms. Nordine stated that design features are being considered to address that issue.

Commissioner Ferrington expressed concern about the expected increased traffic. Ms. Nordine stated that traffic calculation is based on Midland Plaza being fully occupied. Staff does not believe the impact will be significant, as Victoria and County Road E, are two arterial streets. The concern is how the traffic is distributed. She would not expect increased traffic on Owasso to Harriet. Commissioner Ferrington stated that her concern is how this increased traffic will impact traffic of the nearby school. Ms. Nordine stated that with the realignment will mitigate some of the traffic conflict with the school drop off and pickup times. It will be safer, but not all conflicts will be solved.

**Mr. Noah Bly**, Urban Works Architecture, 901 N. 3rd, Minneapolis, Project Architect, introduced Max Segler from Tycon; Al Menning and Dan Tilson from GQ who is the civil engineer. This will be an upscale housing product. The building is concrete frame and fully clad in brick. Work continues for the proposed building to fit the SEH road design. The units are 15% larger than what is currently being built. Features include a high efficiency mechanical system and low maintenance building. Parking outside is on top

of the underground parking and not included in the footprint. Parking is adequate at almost a 2 to 1 ratio for each unit. If more parking is needed, there are adjacent surface stalls. The owner does not want to build parking that will not be used. Between the building and parking is a green area to keep cars away from the building making ground floor units very attractive. The building will sit higher than the surrounding grade. Amenities include a club room, exercise room, oversize windows, stone counters. Storm water treatment will include rain gardens and a facility to catch water from paved areas. This will be a significant improvement for the lake. A dock and patio area will be near the lake. The height relates to quality. The project would not be economically viable without the height for the proposed density. Setback flexibility is requested to fit the building on the site. Setbacks are required to protect adjoining land uses. In this instance, the adjoining use is owned by the same owner.

Commissioner McCool asked how the proposed building will compare to other market rate products in the City and how it will be priced. Mr. Bly responded that this building is unusual with a concrete frame and full brick exterior. The unit sizes average 1100 square feet; other urban products average 900 square feet. To cover capital costs, rentals will be significantly higher. This is an upgrade rental product. There is a shift from home ownership to higher end rentals.

Commissioner McCool requested that information be provided as to the number of excess parking spaces are available on the adjoining property and that a parking agreement be executed. Mr. Bly stated that the applicant's preference is to receive approval of the project based on the PUD with parking requirements as an amendment.

Commissioner Ferrington asked the height of interior ceilings and whether there would be an opportunity there to lower the height. Mr. Bly answered that interior ceilings are 9 feet. The advantages of the architecture need to be considered with the height.

Commissioner Wenner asked if the owner owns the land under Lake Shoreview and if so, are there plans for an association to protect that lake? Mr. Bly responded that the site includes the lake. Improving water quality is important to the project, but specific measures are beyond the proposed project. Commissioner Wenner asked if the planned trails will be public. Mr. Bly stated that the trails will be for the enjoyment of the site residents; it will not be public.

Chair Solomonson opened the discussion to public comment.

**Mr. Jim Purcell**, 675 Harriet, stated he has no qualms with the apartment complex. They are good neighbors. He referred Commissioners to the written statement he and his wife submitted. The biggest problem is the height. The building was originally proposed as a five-story building. It was a surprise to find that it is being proposed as a six-story building. He referred to the Southview Senior Living building was required to reduce its height. It will be difficult to reject anything after this project that is higher than 35 feet. It seems that the goals of the City's Housing Action Plan take precedence over City Code. He and his wife have never complained about any development in the City.

They gave up an additional lot when Owasso Street was improved. This building does not fit in the neighborhood.

There were no further public comments or questions.

### **Final Comments of Commissioners Re: Concept Stage PUD**

Commissioner Ferrington stated that there is a lot to like--redevelopment for the City, grant award for the road realignment, high quality materials, water improvements. The problem for her is the height. While understanding the economy of scale, that is not considered in the City's decision. The building does not fit in the neighborhood being so close to the road. She does not have a problem with the flexibility requirements, except for height. Also, there is no talk of upgrading the existing units. It was her understanding that Midland Terrace would also be improved. She thanked the developers for the opportunity to provide input at the Concept Stage.

Commissioner Schumer stated that he would like to see the building further from the water to give residents more room in the back yard. His main concern is also the height. The setback flexibility is a result of the height. It looks to be a very nice development, but his concern is the height.

Commissioner McCool stated that this is an expensive product. The height is also a concern but not a project stopper for him. He encouraged further consideration of how height can be reduced or why it does not work to reduce the height.

Commissioner Wenner echoed others' comments. The question is what is the City getting for the PUD? It is apparent there will be a high quality building. The owner has been in the City a long time and came to the City early with this proposal. The quality details are far above the minimum. It fits into the larger City plan for life cycle housing and supports the project. However, he is concerned about the height and the fact that neighbors have brought the same concern to the Commission's attention.

Commissioner Thompson expressed her appreciation to review the project at the Concept Stage. It is a beautiful high quality building. She noted consideration of a first level retail services and stated that including that element may make this development more attractive to the neighborhood. She has some concern about traffic because of the two elementary schools on Victoria.

Chair Solomonson stated that although the height is daunting, the high density in the area, the nearby water tower, the proximity to the lake makes this site suitable for this proposal. He does not believe a big adverse impact from the height. It is his understanding that the owner has a plan to slowly replace buildings, and this is the beginning. This would be a nice gateway to the apartment complex. His only concern is proximity to Victoria Street and would like to see the setback closer to 35 feet, not 25 feet as proposed. Considering the zoning and location, he is comfortable with the proposal as presented.

City Planner Nordine noted that this item will go to the City Council on March 5, 2012. Anyone wishing to attend that meeting is welcome.

## **PUBLIC HEARING**

### **TEXT AMENDMENT - CHAPTER 209 - ENVIRONMENTAL STANDARDS**

**FILE NO.:** 2439-12-02  
**APPLICANT:** CITY OF SHOREVIEW  
**LOCATION:** CITY WIDE

#### **Presentation by Environmental Officer Jessica Scham**

The amendments address water quality and shade tree management issues in Sections 202, *Definitions*; 209, *Environmental Standards*; 210, *Nuisances*; 211, *Property Maintenance*; of the City Code. A draft text was previously reviewed by the Planning Commission, Environmental Quality Committee and City Council. Feedback from those meetings have been incorporated.

The regulations proposed would regulate illicit discharge pollutants to the storm drainage system by any user. The proposed amendments are consistent with City permit requirements and are required by federal and state law. The amendments also establish violations penalties in Section 101.040.

There will be a 14-day deadline to establish permanent vegetation after construction to prevent excess soil erosion. This is a change from six months. Construction done in the winter will have a deadline of May 15th. Extensions may be granted, if needed.

A shade tree is defined as any woody perennial. All disease or plant pests are defined by the Department of Agriculture and DNR. The proposed amendments update the City Code in response to the arrival of the Emerald Ash Borer. Inspection and diagnosis of trees to be done by tree inspectors consistent with current field methodologies. Outdated laboratory testing will be removed. Diseased wood will be removed according to the quarantine area and City Management Plan. Enforcement of nuisances is strengthened to include any living or dead standing tree(s), firewood, or stumps infected to any degree by a shade tree disease or plant pest.

These amendments qualify the City to apply for grant funding opportunities. The changes also prepare the City to be able to address the next pest that appears.

Notice of the public hearing was published February 15th. No comments have been received. Staff recommends that the amendments be forwarded to the City Council for approval.

Commissioner Proud asked if the definition includes fruit trees. He requested that the term “fecal coliform” be deleted and replaced with “feces,” as it would be clearer.

City Attorney Filla stated that the public notice has been published and is in correct legal form.

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

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

VOTE: Ayes - 7 Nays - 0

Commissioner McCool asked if there is a difference between an illegal discharge and an illicit discharge. They appear to be used interchangeably, as in Section 209.060 refers to illicit discharge, while in Section 202, the reference is illegal discharge. The references should be consistent. Ms. Nordine stated that there are two definitions.

Further, Commissioner McCool suggested that stating “any non storm water discharge” would be clearer than stating “direct or indirect non storm water discharge.” Ms. Scham stated that direct connections would be waste water piping connected to the storm drain. Indirect connections would include infiltration from cracked sanitary systems or spills collected in a drain.

Motion: by Commissioner Proud, seconded by Commissioner Schumer to recommend the City Council approve the text amendments to Sections 202, 209, 210, and 211 of the Municipal Code pertaining to water quality and shade tree management. The amendments are intended to insure that the Municipal Code reflects the State and Federal regulations for protecting water quality and shade tree diseases to include all plant pests.

The recommendation is based on the following findings:

1. The City’s National Pollutant Discharge Elimination System (NPDES) requires an illicit discharge ordinance as one of the minimum permit requirements to protect and improve water quality.
2. The City’s 2008 Comprehensive Plan and 2005 Surface Water Management Plan identify erosion and sediment control as an important facet of pollution prevention.
3. The shade tree management amendment updates existing Code to include both the Department of Agriculture and Department of Natural Resources statutes which regulate all plant pests or diseases.
4. This recommendation is based upon, as determined by staff, the updates and corrections discussed at this meeting with possible changes in text.

VOTE: Ayes - 7 Nays - 0

## **MISCELLANEOUS**

### **Council Meetings**

Commissioner McCool and Chair Solomonson will respectively attend the March 5th and 19th City Council meetings.

### **ULI Workshop**

Ms. Nordine stated that the workshop is being held by the Urban Land Institute on *Navigating the New Normal*, at 6:30 p.m., March 12, 2012, in the City Council Chambers. Planning Commission members are invited and urged to attend.

### **Planning Commission Workshop**

Chair Solomonson stated that the Planning Commission will adjourn into a workshop session after this regular meeting.

## **ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the regular Planning Commission Meeting of February 28, 2012, at 9:12 p.m. to convene a workshop meeting.

VOTE:                   Ayes - 7                   Nays - 0