

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: APRIL 28, 2015
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA ST.

- 1. CALL TO ORDER**
ROLL CALL
APPROVAL OF AGENDA
- 2. APPROVAL OF MINUTES**
March 24th, 2015
Brief Description of Meeting Process – Chair Steve Solomonson
- 3. REPORT ON CITY COUNCIL ACTIONS:**
Meeting Date: April 6th, 2015 and April 20th, 2015
- 4. NEW BUSINESS**
 - A. PUBLIC HEARING – VARIANCE / MAJOR SUBDIVISION**
FILE NO: 2568-15-11
APPLICANT: Donald F. Zibell
LOCATION: 3422 Chandler Road
 - B. COMPREHENSIVE SIGN PLAN**
FILE: 2566-15-09
APPLICANT: M T Holdings
LOCATION: 1025 Tomlyn Avenue
 - C. PUBLIC HEARING – TEXT AMENDMENT-SECTION 212**
FILE NO: 2569-15-12
APPLICANT: City of Shoreview
LOCATION: City Wide
 - D. APPEAL OF ADMINISTRATIVE DECISION**
FILE NO: 2567-15-10
APPLICANT: Todd Sharkey – Sharkey Land Development
LOCATION: 4965 Hanson Road
- 5. MISCELLANEOUS:**
 - A. City Council Assignments for May 4th, 2015 and May 18th, 2015 Commission Members
Thompson and McCool*
 - B. Planning Commission Workshop – May 26th – Before the regular meeting.*
- 6. ADJOURNMENT**

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
March 24, 2015**

CALL TO ORDER

Chair Solomonson called the March 24, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Solomonson; Commissioners Ferrington, McCool, Peterson, and Schumer.

Commissioner Thompson was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the March 24, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 5 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Ferrington, seconded by Commissioner Peterson to approve the February 24, 2015 Planning Commission meeting minutes, as presented.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Schumer)

Commissioner Schumer abstained, as he did not attend the February 24th meeting.

Chair Solomonson noted Commissioner Doan's arrival at 7:03 p.m.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle reported that the City Council approved the following as recommended by the Planning Commission:

- Conditional Use Permit for Michael Weber at 4136 Reiland Lane
- Minor Subdivision for James Medin at 4135 Rice Street

NEW BUSINESS

PUBLIC HEARING - MAJOR SUBDIVISION - PRELIMINARY PLAT

FILE NO.: 2565-15-08
APPLICANT: ZAWADSKI HOMES, INC.

LOCATION: 244-273 GRAND AVENUE/244 OWASSO BOULEVARD NORTH

Presentation by Senior Planner Rob Warwick

In 2013, Zawadski Homes submitted a Concept Planned Unit Development (PUD) for this property. The City Council expressed concerns about use of private roads/driveways for access to lots with frontage on unimproved Grand Avenue. All proposed lots will have public road frontage. The City's Capital Improvement Program (CIP) shows implementation in 2016 of some improvements scheduled for 2019. The 2016 improvements include Grand Avenue to Janice Alley with a connection to Centre Street. This would address the City's concerns about access from private roads and provide improved public street access to the proposed lots and neighborhood. The trail connection that was included in the Concept PUD has been eliminated. The City's street improvement project includes a trail connection for this neighborhood to the County Park trail system.

The property consists of 2.75 acres and four current tax parcels. There is an existing single-family home at 244 Grand Avenue. The proposed plan of 3.65 units per acre is consistent with the Comprehensive Plan designation of Low Density Residential. It is also compatible with adjacent land uses designated as Low Density Residential. The subdivided parcels will comply with R1 district standards. The proposed subdivision would be for 10 lots to develop detached single-family homes. The proposal is subject to a Purchase Agreement with the owner, Carol Osterbauer. The plat also requests a vacation from right-of-way that will be decided by the City Council.

Drainage and utility easements are shown at the side and rear lot lines as required. There are a number of storm water ponds within the development area. Proposed changes to the existing grade will use gravity to drain water to existing storm water ponds. Staff has concerns that rear yard lot locations for the ponds are not conducive for access to the ponds for maintenance because of homeowner use of the property. Staff is recommending the use of infiltration basins to address drainage needs. The proposal is subject to a permit from the Ramsey Washington Metro Watershed District.

The vacation of right-of-way raises the concern that while the right-of-way requested is not improved, there are current residents who use the right-of-way for access to rear yards and garages.

The property is wooded with approximately 50 landmark trees on the site. It is anticipated that approximately half will be removed for grading and home development. Tree replacement will be required as stipulated in City Code.

Property owners within 350 feet were sent notices of the proposal. Three comments were received indicating concerns that the development will change the neighborhood character with traffic, removal of vegetation, and impact on wildlife. The vacation request and use of alleyways will impact access for current residents. The Lake Johanna Fire Department has stated that if temporary access roads are used, they must be maintained until Grand Avenue is improved. Also, access must be maintained for the two hydrants on Grand Avenue.

Commissioner McCool stated that the lots would be in compliance without vacation and asked the reason for vacation. Mr. Warwick explained that this is the only place in the City where alleys are platted. When the road improvements are done for the area, excess right-of-way would not be necessary for the City to retain, and vacation could occur. This application accelerates vacation that would eventually occur.

Commissioner Ferrington asked the difference between using drainage ponds and infiltration methods. Mr. Warwick explained that the soil in the development area is sandy and very conducive to installation of perforated pipes that can collect water and allow water absorption underground. Commissioner Ferrington clarified that the developer would put in such pipes and the City would then maintain them. She expressed concern about North Owasso Boulevard because it is steep and questioned whether an infiltration system would work in that location.

Commissioner Doan asked if there are any plans to connect Grand Avenue to Owasso Boulevard and the current plan for a trail. Mr. Warwick answered that there are no plans to connect Grand Avenue and North Owasso Boulevard. Now that the trail connection to the County Park is part of the City street improvement plan, it is not included in this development.

City Attorney Kelly stated that proper notice was given for the public hearing.

Chair Solomonson opened the public hearing, stating that questions will be heard and answered at the end of public comments.

Ms. Lila Santana, 207 North Owasso Boulevard, asked if alley access to her property will be impacted by the requested vacation.

Mr. Frederick Gelbman, stated that he is representing Lois Gelbman at 294 Janice. His concern is that the topography is steep and that careful erosion controls are needed to prevent direct discharge of sediment into the Lake Wabasso.

Mr. Robert Hirsch, 266 North Owasso Boulevard, expressed concern that there are four lots facing North Owasso because of access issues. North Owasso is a very busy street, especially with railroad traffic. The neighborhood is quite eclectic and consideration needs to be given to the size of lots, type of housing and beauty of the neighborhood. Also attention is needed for water runoff and water pressure. He invited the developer to have a meeting at his house with neighbors, to discuss issues, but that has not happened.

Mr. Simon Ferriere, 222 Grand Avenue, agreed with Mr. Hirsch's comments. He stated that there are young children in the neighborhood. If Grand Avenue is changed to a through street, he is concerned about traffic and safety for the children.

Mr. Lee Bryngelson, 277 North Owasso Boulevard, stated that his major concern is how the vacation will impact access to his property. He has solely maintained the alley off Centre Street. If he were to lose 10 feet of the alley, he will not be able to back out of his garage or maneuver cars and boats. Also, there will be no place to push snow. Whatever drainage system is used, he wants to be sure his basement is not impacted, as his sump pump runs continuously during spring and heavy rain events.

Mr. Chris Nolan, 291 North Owasso Boulevard, expressed concerns about extending Grand Avenue beyond his property because of increased road traffic. He would prefer that Grand only extend to the new proposed lot but not all the way to Janice. Mr. Warwick noted that the Fire Department has recommended that both Janice and Grand Avenue have more than one connection for emergency access.

Mr. Steve Zawadski, Developer, stated that the style and quality of homes planned will be an asset to the neighborhood. The project engineer is working on an infiltration system to eliminate at least some of the ponds. He cannot present an infiltration system plan until he knows that it will work properly. He stated that the vacation of right-of-way previously identified behind 277 and 271 North Owasso Boulevard will not be requested.

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

VOTE: Ayes - 6 Nays - 0

Mr. Warwick stated that the City does not maintain any of the alleys shown in the plat but does not prevent public use of them for access. He does not see that traffic would increase with vacation. It should reduce use. He explained to Ms. Santana that vacation will not affect her use of that portion of the alleyway that she uses to access her home from the east.

Mr. Warwick stated that there should not be a problem with water pressure since this area is low topographically. Dirty water should improve with more users in the area and water being pushed more often through the pipes. He noted the Fire Marshall's comment that before installing any temporary roads for access, a plan must be submitted to the City for review and approval. Erosion control will be a part of the final plat review and construction plans.

Commissioner Ferrington clarified that the property owners at 277 and 271 would still have continued use of the alley if vacation were not extended to their properties.

Mr. Bryngelson stated that he agrees with the developer to not request vacation of the alley behind his home. He suggested that the developer develop a plan that would provide access to the proposed lots off Grand Avenue. Then there would not be any issues with alleys.

Commissioner Doan asked if there would be future requests for vacation on Centre Street. Mr. Zawadski stated that Centre Street is 60 feet wide. A vacation of 30 feet would be requested. The property owner at 277 would have continued access over the west half (30-feet) of the street.

Commissioner Doan asked if the cost of the extension of Grand Avenue will be assessed back to homeowners. Mr. Warwick explained that the Development Agreement will include apportionment of costs for the developer and how those costs will be paid to the City. There will be assessments to homeowners under the City policy for assessments.

Commissioner Peterson asked if the City needs access easements to the infiltration system for maintenance. Mr. Warwick stated that the City will need access to all infiltration and drainage systems. Vacation can be allowed as long as there are drainage system access easements.

Chair Solomonson asked the replacement rate for landmark trees. Mr. Warwick stated that requirements are based on lot area. If mass grading were done, tree replacement would be a 3:1 ratio. Grading on lots under 20,000 square feet requires tree replacement on a 1:1 basis. Planting can be done on the subject property or on other public land as identified by the City.

Commissioner Ferrington stated that the language of the motion is not strong enough to adequately address drainage. There are many areas that have steep topography and there is close proximity to a nice lake that needs to be preserved.

Commissioner Peterson noted that the proposed motion only mentions temporary driveways as being reviewed by the Department of Public Works on a lot by lot basis and will contact the Fire Marshal relating to access for emergency vehicles. He suggested adding the condition as stated by the City Engineer.

City Planner Castle noted that the 12 conditions in the staff report are the conditions that should be in the motion.

Commissioner McCool stated that he can support the preliminary plat and understands that the Public Works Director has final approval for drainage issues. Condition No. 1 should reference the fact that the lot boundaries for Lot Nos. 1 and 2 should be adjusted to reflect that no vacation will be requested.

Commissioner Doan suggested adding language that would insure that access to 277 from Centre Street would not be prohibited or impacted with the vacation and once the grading and drainage plans are approved by the Public Works Director.

Commissioner McCool asked if the entryway to 277 would be modified, if needed, to make the driveway accessible. Mr. Zawadski stated that he believes the City will want to maintain access with an improved surface, which would help driveway access.

Chair Solomonson noted that all lots meet City standards and he supports staff's recommendation.

MOTION: by Commissioner McCool, seconded by Commissioner Schumer to recommend the City Council approve the Preliminary Plat application submitted by Zawadski Homes to subdivide and develop the property at 244 Grand Ave. and the adjacent vacant property into 10 lots for single-family detached homes. Said recommendation for approval is subject to the following 12 conditions as listed on page 6 of the staff report, with two modifications: (1 at the end of condition No. 1, state that the boundaries for Lot Nos. 1 and 2 on the final plat shall be revised to reflect that there will be no vacation of the alley abutting such lots; and 2) condition No. 12 shall also state that the developer shall work with City staff to develop plans for improvements, as needed, to the remaining portion of Centre Street to provide adequate access for City purposes and the purposes of the neighbors. The motion is based on the four findings of fact listed in the motion sheet:

1. The approval permits the development of a detached single-family residential subdivision providing 10 parcels for single family residential development. Revisions shall be made to proposed Lots 1 and 2 that do not show any accrued alley right-of-way.
2. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to approval of the Final Plat. Issues identified in the memo dated March 18, 2015 by the City Engineer shall be addressed with the Final Plat submittal.
3. Final utility plans are subject to review and approval by the Public Works Director. Utilities shall be located underground as required by Code.
4. A Development Agreement, Erosion Control Agreement shall be executed and related securities submitted prior to any work commencing on the site. A Grading Permit is required prior to commencing work on the site.
5. The development of this subdivision shall comply with the comments of the LJFD dated March 19, 2015. A fire hydrant shall be installed to serve Lots 1-4 prior to submittal of a building permit application for those lots.
6. A Public Recreation Use Dedication fee shall be submitted as required by City Code prior to release of the Final Plat.
7. A landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Trees on the property, which are to remain, shall be protected with construction fencing placed at the tree driplines prior to grading and excavating. Said plan shall be submitted for review and approval by the City Planner prior to submittal of the Final Plat application.
8. The Final Plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the roadways shall be 10 feet wide and 5 feet wide along the side and rear lot lines. Other drainage and utility easements shall be provided over the proposed stormwater management areas, infiltration basins and as required by the Public Works Director.
9. The developer shall secure a permit from the Ramsey Washington Metro Watershed District prior to commencing any grading on the property.
10. The Developer shall submit a schedule for construction that reflects the comments of the LJFD and the 2016 planned street improvements by the City.
11. If construction on Lots 1 thru 4 is proposed prior to the completion of the City street improvements, the Developer shall submit access plans for those Lots that comply with the requirements of the Uniform Fire Code.
12. The Developer shall submit a petition for Vacation of the public right-of-way with the Final Plat application. The Vacation request shall not include the alley right-of-way north of 271 and 277 North Owasso Blvd. Centre Street shall retain sufficient width to provide the City access for stormwater infrastructure maintenance and to provide access to existing residents who now rely on the right-of-way.

Findings of Fact:

1. The proposed development plan supports the policies stated in the Comprehensive Plan related to land use and housing.
2. The proposed development plan carries out the recommendations as set forth in the Housing Action Plan
3. The proposed development plan will not adversely impact the planned land use of the surrounding property.

Notices were sent to property owners within 350 feet. No comments were received. The Fire Department requires a sprinkling system and an alarm notification device in the school. Staff believes the improvements are consistent with the Development Code and Comprehensive Plan. Staff is recommending approval.

Commissioner McCool asked if a variance was granted in 2002 for the parking setback of less than the required 20 feet. Ms. Castle answered that only a notation was made in the file. There was no variance. The school district owns the property to the north, and it is anticipated there will be further expansion in which case a variance would not be needed. Therefore, a variance is not proposed with this review.

Chair Solomonson asked the reason for the parking island and if there would be additional requirements for lighting. Ms. Castle stated that the parking island will add vegetation and shade. The now required 20-foot setback plus the island would reduce the total number of parking stalls by two. No additional lighting will be needed.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to recommend the City Council approve the Site and Building Plan review application submitted by Rylaur, LLC on behalf of Oak Hill Montessori School, 4665 Hodgson Road, for a building addition and parking lot expansion. Said approval is subject to the following:

1. This approval permits the expansion of the Oak Hill Montessori School and parking lot in accordance with the plans submitted as part of this application dated March 16, 2015. The plans are subject to revisions as specified in the conditions.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. 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 Site Development Agreement shall address the setback of the parking area from the northern property line and needed screening in the event this property is sold to another party for single- residential use.
4. A landscape plan shall be submitted that identifies screening of the parking lot from the front property line adjacent to Hodgson Road.
5. The proposed parking area shall be revised increasing the setback from Hodgson Road to 20-feet and incorporation one parking lot island into the design.
6. Stormwater drainage calculations will be required for future site improvements that increase the impervious surface coverage on this site.
7. A fence permit is required to reconstruct and relocate the existing fencing enclosing the play area.
8. The applicant shall address the comments submitted by the Fire Marshall with the building permit submittal.
9. The applicant shall address the comments from the City Engineer prior to the issuance of a building permit.
10. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Institutional land use in the Comprehensive Plan.
2. The proposed development complies with the standards (as conditioned) of the City's Development Code.
3. The proposed improvements will not conflict with or impede the planned use of adjoining property.

VOTE: Ayes - 6 Nays - 0

VARINCE - SITE AND BUILDING PLAN REVIEW - WATER TREATMENT PLANT

FILE NO: 2563-15-06
APPLICANT: CITY OF SHOREVIEW
LOCATION: 881 HIGHWAY 96 WEST

Presentation by City Planner Kathleen Castle

The City is seeking Site and Building Plan review for the proposed water treatment plant at 881 Highway 96. The purpose of the water treatment plant is to address increasing levels of iron and manganese in the municipal water supply and to comply with Environmental Protection Agency drinking water standards. The variance requested is to exceed by 2 feet the maximum building height allowed of 35 feet and allow a building height of 37 feet.

The property is zoned R1, Detached Residential and is in the Lake Martha Shoreland District where stricter standards apply. Quasi public uses are allowed in R1 districts through the Site and Building Plan Review process. Surrounding land uses include senior living facility to the north; county recreational open space to the south; industrial to the west and the City campus and library to the east. The property is in PDA No. 7 for the Shoreview Commons and also in PDA No. 6 to the west for a potential Town Center.

The public use of the property is consistent with the land use plan. The proposed use will not conflict with planned land uses in the area. The treatment plan is a public purpose to provide a safe water source for the City. The access drive will be off Victoria and will be repaved. A small parking area north of the building is planned with four parking stalls. Fencing in the area will be replaced.

The grading, drainage and storm water management will require a permit from Rice Creek Watershed District. The northern portion of the property will not be disturbed. Runoff from the parking and driveway areas will flow into an existing biofiltration basin. Also, drainage swales are proposed to the east and south to direct runoff to the drainage basin. Impervious surface coverage on the site is being reduced from 48.6% to 45.7%. The standard for the R1 District is 40%, but there is a provision in the Development Code that allows impervious surface coverage to be maintained or reduced with redevelopment. There are nine trees to be removed mainly for storm water management. They will be replaced at the required 1:1 ratio on the south side of the property.

The building height proposed is 37 feet from the grade to the midpoint of the roof, which is 2 feet above the 35 feet allowed. The height is 40 feet measured at the peak. Therefore, a variance is requested. Staff believes practical difficulty is present. Application of a residential standard to a non-residential use creates difficulty. The building height does comply with commercial, office and industrial zoning district standards. The height is driven by the equipment needed for the plant design. This is a reasonable location for the water treatment plant to connect to the water infrastructure. A gabled roof is proposed that is consistent with the design of other buildings in the Commons area. The senior living building, Summerhouse, immediately to the north, is 40 feet in height to the midpoint and 50 feet to the peak. Setbacks exceed requirements. The building will not be visually intrusive to adjacent properties or Highway 96.

Notices were sent to property owners within 350 feet. No comments were received. The Fire Department requires a sprinklered system in the building and that it meet other Fire Code requirements.

Staff finds that the use is consistent with the Comprehensive Plan and Development Code. The proposal is in compliance with all requirements except height. Practical difficulty exists with this non-residential use. The increased height will not negatively impact adjacent land uses. Staff recommends approval of the variance and a recommendation to the City Council for approval of the site and building plan review.

Commissioner Peterson asked how the impervious surface will be reduced. It appears the surface is now pervious dirt. Ms. Castle explained that the soil on the site is heavily compacted and considered impervious. She referred Commissioners to a map that shows impervious surface after construction resulting in an impervious surface reduction.

Chair Solomonson asked a series of questions regarding: 1) whether the water treatment plant will treat all six wells; 2) whether there will be odor, noise or waste product issues; 3) if an aeration system will be used; 4) if residual minerals will be flushed out immediately and not settle; 5) security; and 6) repurposing plans for the building if the City converted its water supply to the St. Paul Water Utility.

Ms. Castle explained that all except one well are in close proximity to the treatment plant, and there will be a pipe a connection to the sixth well. The water pumped into the treatment plant is treated for chlorine, flouride, iron and manganese and then pumped to the two water towers. There will be no odor. There is a generator, but that will be enclosed. Waste sludge will be cleaned regularly from the plant and discharged into the sanitary sewage system.

City Engineer Wesolowski responded that the design of a gravity filtration plant determined the height. The water will be aerated first and then chlorine added. Water is then filtered through sand and into the City water system. There are two underground backwash tanks to allow waste to settle. Approximately 90% of the backwash water can be reused. Then the sediment is cleaned out. Currently, the lines are flushed twice a year. Once the system is in place it will take a couple years when the lines will be continually flushed. The water will get better and better as minerals are flushed out regularly. Security will be similar to City Hall with a key card system. There will also be an alarm system that goes to staff smart phones. Any movement in the building can be determined. If the City were to go to the St. Paul Water Utility system, current discussions recognize that there could be drought conditions when municipal systems would be

used. There might also be blending of water from the City and St. Paul. The plant could be upgraded for untreated water to be brought in and treated.

Chair Solomonson opened the discussion to public comment.

Mr. David Thomas, 890 Highway 96, asked if the chlorine is being relocated or being added. Also, he asked for clarification of the fence removal. He put in the fence to close off access from any direction except Highway 96. Ms. Castle stated some fencing will be removed but will be replaced with a 6-foot tall chain link fence in the north portion and a 6-foot landscape fence on the southern portion. Mr. Wesolowski added that there will be no access from any direction but Highway 96. There is a storage room at the booster station for chlorine cylinders. It will be moved to the water treatment plant and stored there. There are automatic shut-off valves and sensors to detect any leak. If there is a leak, all venting will be shut down and an alarm will alert the City and Fire Department.

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to adopt Resolution 15-18 approving a variance to exceed the permitted 35-foot building height in the R1, Detached Residential Zoning District to 37 feet for the proposed water treatment plant. To recommend the City Council approve the Site and Building Plan review application for this project, subject to the following:

Variance

1. This approval will expire after one year if a building permit has not been issued for the project.
2. The approval is subject to a 5-day appeal period.

Site and Building Plan Review

1. The property shall be developed in accordance with the plans submitted as part of this application. Minor changes to the plan may be allowed provided approval is received from the City Planner. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD), and a copy of the RCWD permit shall be submitted to the City prior to issuance of a building permit for the project.
3. Erosion and Sediment Control BMPs shall be installed prior to any site disturbance, and maintained during construction in accordance with City regulations.
4. The items identified in the email from the Fire Marshal must be addressed with the Building Permit submittal.
5. The applicant shall address the comments from the City Engineer prior to the issuance of a building permit.
6. No site access from Highway 96 is permitted.
7. All work within the Highway 96 right-of-way is subject to the permitting authority of Ramsey County.
8. Tree removal requires replacement trees per City Code A tree replacement and landscape plan shall be submitted and approved by the City Planner prior to issuance of a building permit.

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: April 24, 2015
SUBJECT: Preliminary Plat (Major Subdivision) and Variance, 3422 Chandler Road,
Donald Zibell, File No. 2568-15-11

INTRODUCTION

Donald Zibell submitted a Preliminary Plat (Major Subdivision) application to subdivide and develop the property at 3422 Chandler Road into 8 lots for single-family detached homes. A public road is proposed to serve the new lots.

There is an existing single family home that will be retained on Lot 5, a lake lot. A second lake lot is proposed, and a variance to reduce the street frontage from 100-feet to 72-feet has also been submitted. Stormwater runoff is proposed to be managed with a bio-filtration basin.

SITE CHARACTERISTICS

The property has an upland area of 3.6 acres and is located on the west side of Lake Wabasso. The property is currently developed with a single-family home with an attached garage, swimming pool, and accessory structures. Access to the property is from Chandler Road. Vegetation on the site consists of open areas with grasses and open woods. The property is riparian to Lake Wabasso, with over 300-feet of shoreline.

Surrounding property is developed with detached single family dwellings. The area was principally developed in the 1970s.

PROJECT BACKGROUND AND DESCRIPTION

In 2014, the City approved a minor subdivision that adjusted the north property line of this property to the current configuration. The lot line adjustment allowed for the development of Lot 4 with a lot width of 100-feet measured at the shoreline. This subdivision approval requires removal of the tennis court and a detached accessory structure during 2015.

The applicant proposes to develop the property with 8 single-family residential lots. Six of the proposed lots are non-riparian lots and two are riparian lots. The existing house and improvements will be retained on Lot 5, a riparian lot. Lot 4 is also a riparian lot. A public street that terminates in a cul-de-sac will be constructed to provide access. Stormwater will be managed through a bio-filtration basin. The tennis court and several detached accessory structures will be removed later this year. The applicant proposes to

retain the existing detached garage on proposed Lot 7, and removal of the garage will be addressed in the Development Agreement.

STAFF REVIEW

PRELIMINARY PLAT

The preliminary plat was reviewed in accordance with the City's standards for subdivisions (Section 204) and the R1 (Section 205.080) and Shoreland (Section 209.080) zoning districts. The following outlines some of the key features of the proposed subdivision.

Street Network/Traffic. Currently, access to the property is from Chandler Road. The proposed public street is located in the same area as the existing driveway and will have a length of about 325-feet. The street design is consistent with City design standards (Section 204.030 and 040). Chandler Road and North Owasso Boulevard (just to the south) are collector streets which convey traffic to the arterial road system.

Lot Layout. The proposed parcels comply with the minimum lot standards of the R1 zoning district. The non-riparian lots are required to have a minimum width of 75-feet, a minimum depth of 125-feet, and a minimum area of 10,000 square feet (Section 205.082 D.1.f).

Late in the review process, staff identified that three of the proposed parcels (Lots 6, 7, and 8) are Key Lots. A Key Lot is any lot, the rear of which abuts the side lot line of an adjoining lot, or any lot, the side lot line of which abuts the rear lot line. These types of parcels are discouraged, however, when they are adjacent to an existing parcel, additional setback restrictions are imposed to minimize the development impacts on the existing property (Section 204.030 C.9). These lots do not have the additional width or depth required (Section 205.080 D.1.f). However, building pads shown for these parcels comply with the Key Lot 40-foot structure setback requirement from the rear property line, except for Lot 6 where the pad is shown 36 feet from the rear lot line. Staff expects that this pad can be adjusted since it is shown with a 30-foot front setback, rather than the 25-foot minimum front setback in the R-1 District. Since the Key Lot configuration was identified recently, the applicant has not had the opportunity to fully consider options, but staff expects a future variance request to reduce the depth for these three lots.

Lots 4 and 5 are riparian to Lake Wabasso, a General Development lake, and subject to lot standards specified for the Shoreland District (Section 209.080 D.1). Lake lots are required to have a minimum width of 100-feet measured in three locations: at the Ordinary High Water (OHW) of the lake, at the building setback from the OHW, and at the front lot line. The minimum area for a lake lot is 15,000 square feet.

The building pads are shown with minimum dimensions of about 35- by 45-feet for the house with an added 20- by 22-foot garage area. Staff expects that larger garages will be constructed but there appears ample area on the lots for the future improvements.

Lot 4 has 72 feet of street frontage, less than the 100-foot required, and a variance has been requested to reduce the frontage. The lot width exceeds 100-feet over its length. The proposed lake lots conform to the other dimensional standards. Staff is concerned about the house pad shown on Lot 4. The pad complies with the required setback from the street, but exceeds the 106 foot maximum OHW setback, which is based on the OHW setback of the houses on the adjacent riparian lots. The existing drainage and utility easements and the proposed filtration basin on the Lot prevent locating a house in compliance with the OHW setback. The existing easements reflect City requirements for the original plat, and no longer serve a public purpose with the proposed subdivision. The applicant can choose to redesign the filtration basin and request vacation of the existing easements to allow a future house location that complies with the OHW setback requirement.

Staff also notes that the existing drive turn around on Lot 5 is shown with a setback less than 5-feet as required from a side lot line (Section 206.020 A.2.a). The applicant needs to address this matter.

Stormwater Management. The existing drainage pattern generally flows to the lake and off site to the south. The proposed stormwater management plan has been designed to comply with Shoreview and Ramsey Washington Metro Watershed standards for stormwater quality, quantity, best management and erosion control practices. The plan is designed with a bio-filtration basin on Lot 4 capturing the majority of runoff from the site to comply with the water quality standards prior to discharge to Lake Wabasso. The filtration basin will be inundated after storm events, but is intended to dry between storms. Run-off from the backyard areas south of the cul-de-sac will follow the historic drainage way to the south.

The proposed storm water plan does comply with the City's standards, however, there are concerns due to the amount of infrastructure that will be located on Lot 4. See the comments from the City Engineer.

Density. The Comprehensive Plan designates this property as Low-Density Residential (RL), where a development density of zero to four units per acre is allowed. The proposed 2.22 units per acre density complies with the Comprehensive Plan and is consistent with the density established in this area.

Tree Preservation and Landscaping. The property contains both open and wooded areas. Tree removal and replacement plans are required prior to approval of the final grading plan. Replacement trees are required at a rate of 6 replacement trees for each

landmark tree removed (Section 209.050 B.2.C.i.bb). Tree removal is not proposed with the Shore Impact Zone.

VARIANCE

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Development Code and in harmony with the policies of the Comprehensive Plan. Practical difficulty is defined (Section 203.070 C.2) as:

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

Affirmative findings for all of the review criteria are required in order to approve a variance.

The applicant states that the variance meets the intent of the Ordinance since it has a width of 100-feet at the OHW and building setback from the OHW, as well as an area of 29,800 square feet. He also notes that the proposed 72-foot frontage is much wider than the cul-de-sac frontage required for a non-riparian lot.

Staff point out that City Code regulations for riparian lots do not include a provision allowing a reduced frontage for riparian lots located on a cul-de-sac in a manner similar to the regulation for non-riparian lots, where a minimum front lot line of 30-feet is required and so accommodates development on cul-de-sac streets. Staff agrees with the applicant that the large lot area and the consistent width of 100-feet meet the spirit and intent of the Code.

PUBLIC/AGENCY COMMENT

Notice of the Public Hearing was published in the City's legal newspaper, and mailed to property owners within 350 feet of the property boundary. Four comments have been received, and are attached. The comments express concerns that include reduced green area in the neighborhood, environmental impact on nearby lakes and wildlife, increased traffic on Chandler Road, and construction noise.

Rick Current, Lake Johanna Fire Marshall, reviewed the plans and did not identify any concerns.

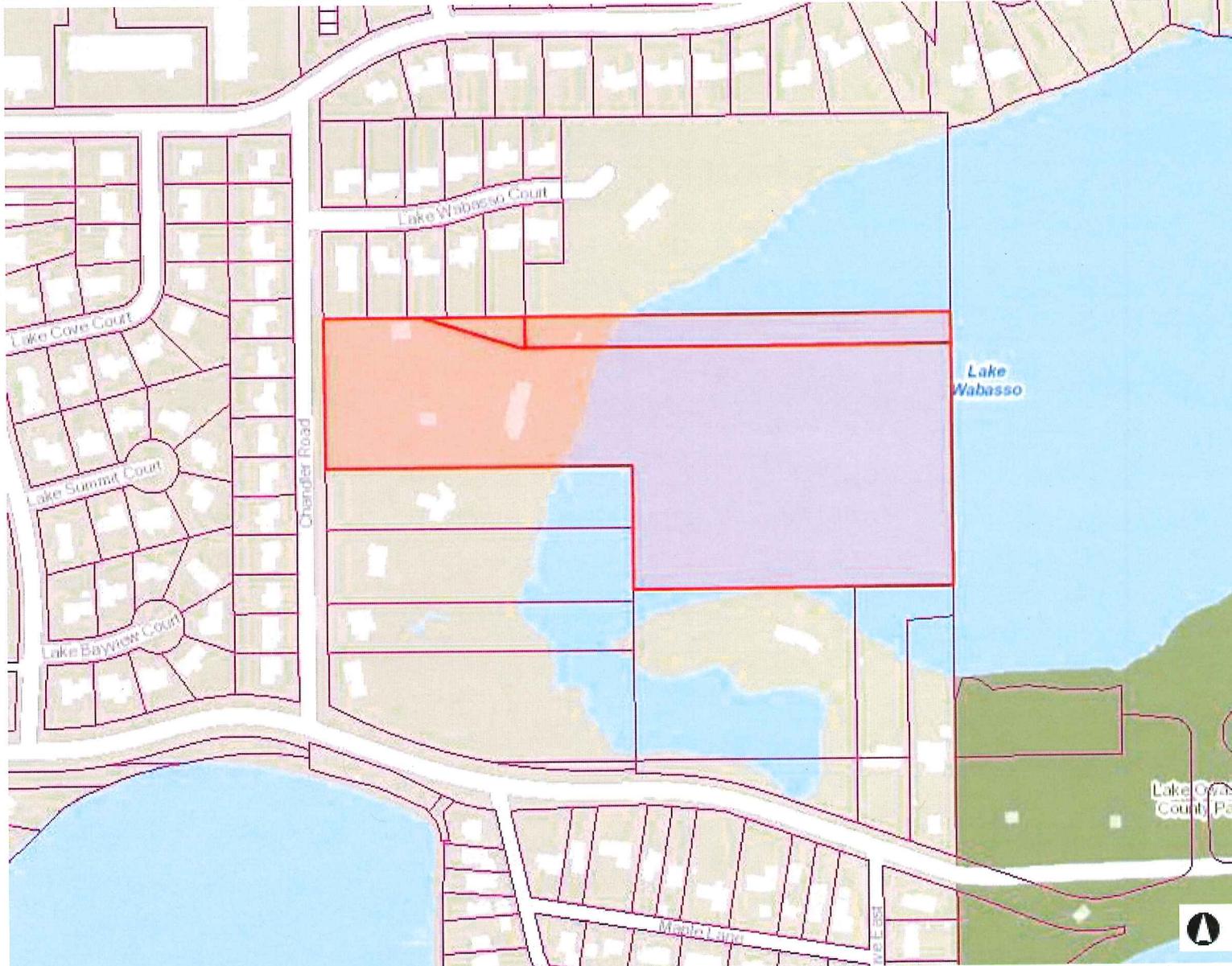
Staff of the Ramsey Washington Metro Watershed District (RWMWD) identified that the project is subject to the permitting requirements of the District, and that erosion control will be important due to proximity to Lake Wabasso.

RECOMMENDATION

Staff has reviewed the proposal in accordance with the preliminary plat requirements. The preliminary plat generally complies with the City's R1, Detached Residential zoning district and subdivision standards, but issues with the Key Lots and building pad on Lot 4 convince Staff to recommend the Commission hold and then continue the Public Hearing, and table the applications to provide the applicant opportunity to revise the plans to comply and to apply for a variance for lot depth for the three proposed key lots.

Attachments:

1. Submitted plans and applicant's statements
2. Location map
3. Aerial photo
4. Comments
 - a. Tom Wesolowski, City Engineer
 - b. Rick Current, Fire Marshal – LJFD
 - c. Paige Ahlborg, RWM Watershed District
 - d. Resident comments
5. Motion to table



Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries
-  Airports

Notes

Enter Map Description

600.0 0 300.00 600.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

2. Requested Variance

In connection with the proposed subdivision of his property at 3422 Chandler Road, applicant is unable to meet all of the Code requirements for one of the eight lots. The lake lot (on Lake Wabasso) will have 100 feet of width on the lake and at the building set-back line, but not at the street or Cul-de-sac frontage. However, it will have 72 feet on the Cul-de-sac which should be more than adequate, especially since it has wider frontage than the Code requirements for a non-lake lot. Also, the lake lot is extra large with approximately 29,820 square feet.

5. Summary of Proposed Major Subdivision

Applicant is proposing to develop his 4 acre tract into 8 single family lots, including 2 corner lots, 4 interior lots, 1 lake lot and 1 outlot containing his homestead.

All of the lots meet minimum size requirements and have access to a Cul-de-sac. One variance would be needed--the lake lot has less than 100 feet of street frontage on the Cul de sac

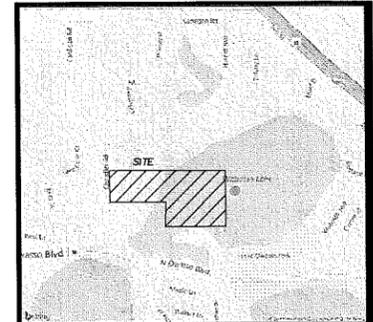
A stable that straddles two interior lots would be torn down and a tennis court would be removed within one year: A three car garage on one lot would be retained until the lot is sold: There are several large old trees that will be retained to the extent possible Fill will be needed on both sides of the road

Applicant will be his own general contractor A surveyor and professional engineer have been engaged

EXISTING CONDITIONS SURVEY - TREE INVENTORY

~of~ ZIBELL ADDITION
 ~for~ DONALD ZIBELL
 3422 CHANDLER ROAD
 SHOREVIEW, MN 55126

VICINITY MAP
 PART OF SEC. 36, TWP. 30, RNG. 33

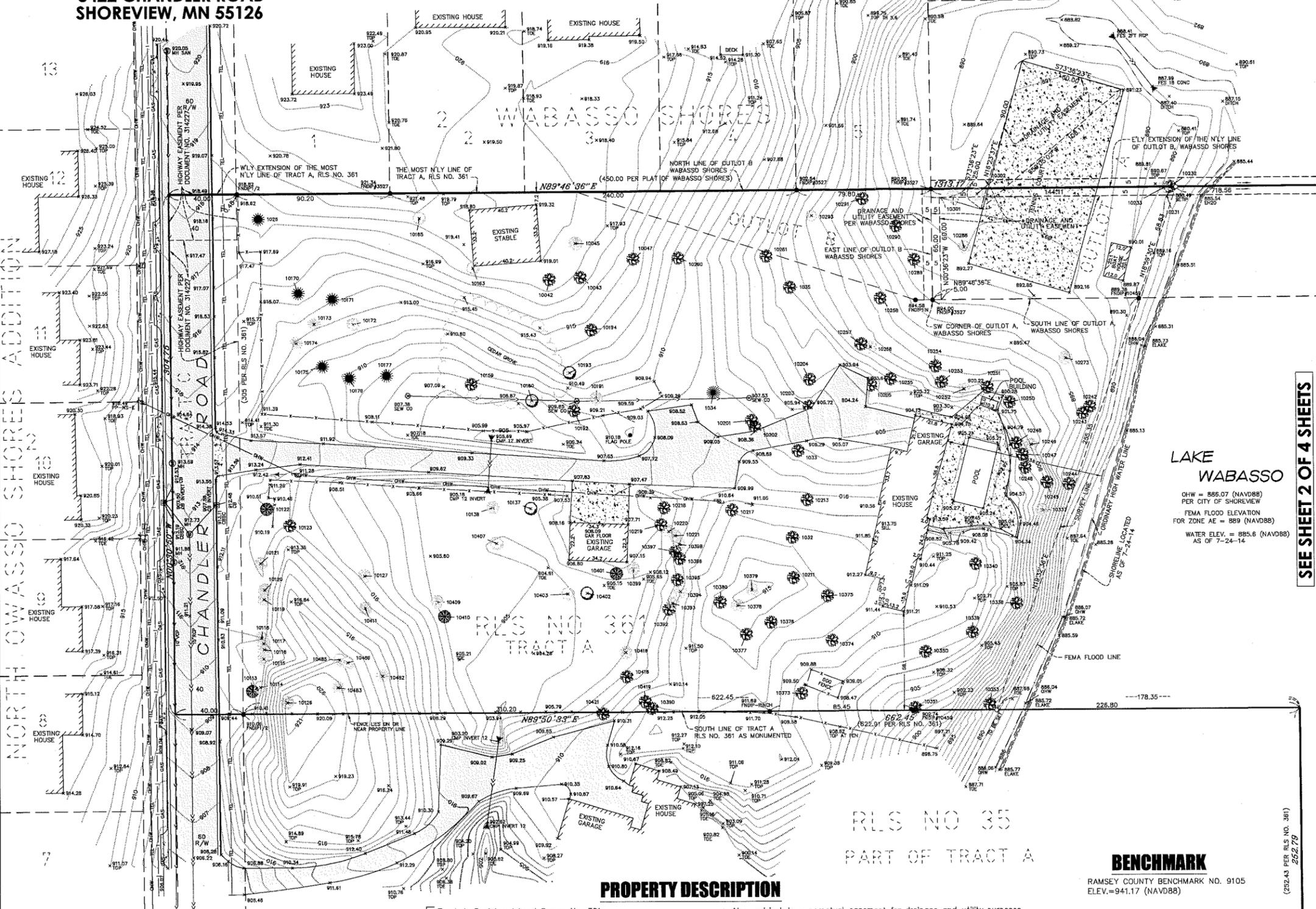
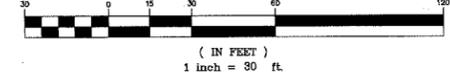


RAMSEY COUNTY, MINNESOTA
 (NO SCALE)



NORTH

GRAPHIC SCALE



SEE SHEET 2 OF 4 SHEETS

TREE LEGEND

- DENOTES OAK TREE
- DENOTES LANDMARK OAK TREE
- DENOTES ELM TREE
- DENOTES BOX ELDER TREE
- DENOTES ASH TREE
- DENOTES LAND MARK ASH TREE
- DENOTES BASSWOOD TREE
- DENOTES BIRCH
- DENOTES COTTONWOOD TREE
- DENOTES LAND MARK COTTONWOOD TREE
- DENOTES PINE TREE
- DENOTES LANDMARK PINE TREE
- DENOTES SPRUCE TREE
- DENOTES LANDMARK SPRUCE TREE

LEGEND

- DENOTES IRON MONUMENT SET, MARKED RLS# 41578 FROM EARLIER SURVEY
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES RAMSEY COUNTY MONUMENT
- DENOTES CATCH BASIN
- DENOTES STORM SEWER MANHOLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES HYDRANT
- DENOTES POWER POLE
- DENOTES EXISTING SPOT ELEVATION
- DENOTES TELEPHONE PEDESTAL
- DENOTES FENCE
- DENOTES EXISTING 1 FOOT CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES UNDERGROUND GAS LINE
- DENOTES UNDERGROUND TELEPHONE LINE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE

NOTES

- Fee ownership is vested in Donald F. Zibell and Luella L. Zibell.
- Parcel ID Numbers: 36-30-23-24-0002 and 36-30-23-24-0021.
- Address of the surveyed premises: 3422 Chandler Road, Shoreview, MN 55126.
- Field survey was completed by E.G. Rud and Sons, Inc. on 07/24/14.
- Bearings shown are on Ramsey County Coordinate System.
- Curbshots are taken at the top and back of curb.
- This survey was prepared based upon Registered Property Abstract File Nos. 510000 and 510001, by Land Title, Inc. dated July 21st, 2014.
- Ingress and Egress easement per Document No. 614419 falls outside of the surveyed premises.
- Topography is a compilation of field work done by E.G. Rud and Sons, Inc. and survey done by Cornstock and Davis, Inc. dated 8-18-2005.
- Contours are shown at 1 foot interval, but were shot at 2 foot interval accuracy.
- FEMA Flood Elevation is according to Flood Insurance Rate Map Community Panel No. 270384 0036 G by the Federal Emergency Management Agency, effective date, June 04, 2010.
- See Sheet 2 of 4 sheets for Tree Identification Table.

AREAS

Total Area including Right of Way = 12.97 acres
 Total upland area excluding Right of Way
 and the ordinary highwater line = 3.61 acres

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

James E. Napier
 JAMES E. NAPIER
 Date: 3/23/15 License No. 25343

E.G. RUD & SONS, INC.
 EST. 1877 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701
 www.egrud.com

PER CERTIFICATE OF TITLE NO. 296200 Tract A, Registered Land Survey No. 361 That part of Tract C, Registered Land Survey No. 361, lying Southerly of the Westerly extension of the most northerly line of Tract A, Registered Land Survey No. 361.

and

PER CERTIFICATE OF TITLE NO. 331974 Outlot B, WABASSO SHORES.

and

- That part of Outlot A, WABASSO SHORES, which lies southerly of the easterly extension of the northerly line of Outlot B, WABASSO SHORES.
- All in Ramsey County, Minnesota.

- Subject to a perpetual easement for drainage and utility purposes, over, under and across the North 5 feet of the aforementioned described property.

* Also, subject to a perpetual easement for drainage and utility purposes, over, under and across part of the aforementioned described property, said easement described as follows:

Commencing at the southwest corner of said Outlot A; thence on an assumed bearing of North 89 degrees 46 minutes 36 seconds East, along the south line of said Outlot A, a distance of 5.00 feet; thence North 00 degrees 36 minutes 23 seconds West, parallel with the most westerly line of said Outlot A, a distance of 60.00 feet; thence South 73 degrees 36 minutes 23 seconds East a distance of 25.00 feet to the point of beginning of the easement to be described; thence North 16 degrees 23 minutes 37 seconds East a distance of 90.00 feet; thence South 73 degrees 36 minutes 23 seconds East a distance of 60.00 feet; thence South 50 degrees 05 minutes 02 seconds West a distance of 108.17 feet to the point of beginning.

* Parcel description and easements taken from the Minor Subdivision prepared by E.G. Rud & Sons, Inc., dated 12-18-14. No documentation has been provided to determine if the descriptions have been recorded.

RLS NO 361
 TRACT D

202.43 PER RLS NO. 361 252.79 500'± 22' 48" E

PRELIMINARY PLAT

~of~ ZIBELL ADDITION
~for~ DONALD ZIBELL
3422 CHANDLER ROAD
SHOREVIEW, MN 55126

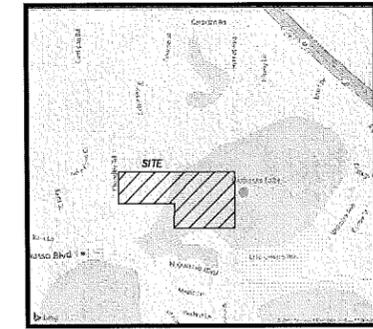
EASEMENT DETAIL

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES AND 10 FEET IN WIDTH AND ADJOINING STREET LINES AND REAR LOT LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

VICINITY MAP

PART OF SEC. 36, TWP. 30, RNG. 33



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

NORTH
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft
LEGEND

- DENOTES IRON MONUMENT SET, MARKED RLS# 41578 FROM EARLIER SURVEY
- DENOTES IRON MONUMENT FOUND AS LABELED
- ⊙ DENOTES RAMSEY COUNTY MONUMENT
- DENOTES CATCH BASIN
- ⊕ DENOTES STORM SEWER MANHOLE
- ⊗ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES HYDRANT
- ⊕ DENOTES POWER POLE
- ⊙ DENOTES TELEPHONE PEDESTAL
- DENOTES FENCE
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES UNDERGROUND GAS LINE
- DENOTES UNDERGROUND TELEPHONE LINE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE

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- Curb shots are taken at the top and back of curb.
- This survey was prepared based upon Registered Property Abstract File Nos. 510000 and 510001, by Land Title, Inc. dated July 21st, 2014.
- Ingress and Egress easement per Document No. 614419 falls outside of the surveyed premises.
- Topography is a compilation of field work done by E.G. Rud and Sons, Inc. and survey done by Comstock and Davis, Inc. dated 8-18-2005.
- Contours are shown at 1 foot interval, but were shot at 2 foot interval accuracy.
- FEMA Flood Elevation is according to Flood Insurance Rate Map Community Panel No. 270384 0036 G by the Federal Emergency Management Agency, effective date, June 04, 2010.
- Proposed impervious surface is 41,100 S.F. Per Plowe Engineering, Inc. on 3-20-15.
- Variance required for the lot frontage on Lot 4.

AREAS AND DENSITY

Total Area including Right of Way = 12.97 acres
Total upland area excluding Right of Way and the ordinary highwater line = 3.61 acres
Proposed Lots = 8
Net Density = 2.22 ± Units/Acre

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

James E. Napier
JAMES E. NAPIER

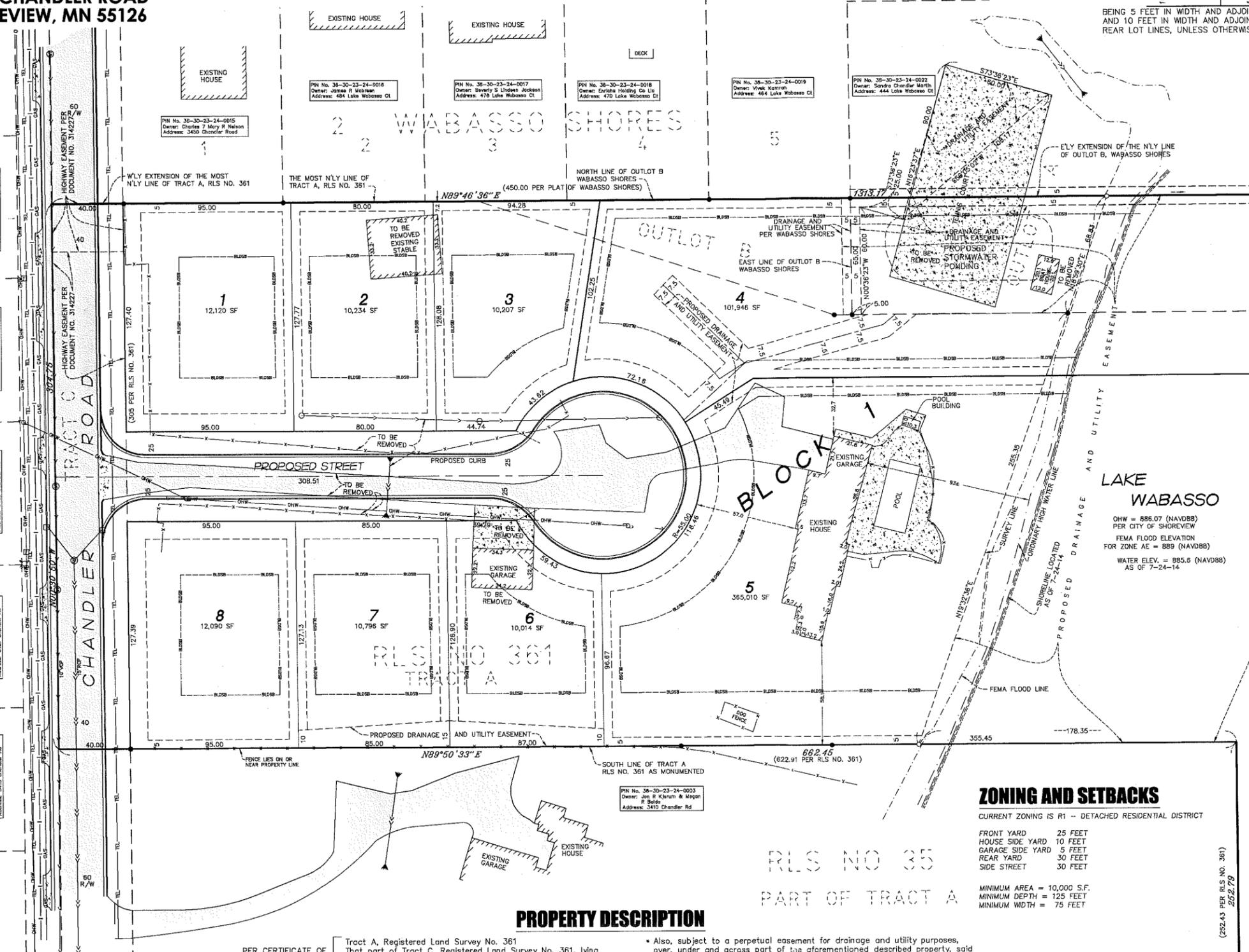
Date: 3/23/15 License No. 25343

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

SHEET 3 of 4 SHEETS

NORTH OWASSO SHORES ADDITION

SEE SHEET 4 OF 4 SHEETS



PER CERTIFICATE OF TITLE NO. 296200

Tract A, Registered Land Survey No. 361
That part of Tract C, Registered Land Survey No. 361, lying southerly of the westerly extension of the most northerly line of Tract A, Registered Land Survey No. 361.

PER CERTIFICATE OF TITLE NO. 331974

Outlot B, WABASSO SHORES.

That part of Outlot A, WABASSO SHORES, which lies southerly of the easterly extension of the northerly line of Outlot B, WABASSO SHORES.

All in Ramsey County, Minnesota.

Subject to a perpetual easement for drainage and utility purposes, over, under and across the North 5 feet of the aforementioned described property.

Also, subject to a perpetual easement for drainage and utility purposes, over, under and across part of the aforementioned described property, said easement described as follows:

Commencing at the southwest corner of said Outlot A; thence on an assumed bearing of North 89 degrees 46 minutes 36 seconds East, along the south line of said Outlot A, a distance of 5.00 feet; thence North 00 degrees 36 minutes 23 seconds West, parallel with the most westerly line of said Outlot A, a distance of 60.00 feet; thence South 73 degrees 36 minutes 23 seconds East a distance of 25.00 feet to the point of beginning of the easement to be described; thence North 16 degrees 23 minutes 37 seconds East a distance of 90.00 feet; thence South 73 degrees 36 minutes 23 seconds East a distance of 60.00 feet; thence South 50 degrees 05 minutes 02 seconds West a distance of 108.17 feet to the point of beginning.

Parcel description and easements taken from the Minor Subdivision prepared by E.G. Rud & Sons, Inc., dated 12-18-14. No documentation has been provided to determine if the descriptions have been recorded.

ZONING AND SETBACKS

CURRENT ZONING IS R1 - DETACHED RESIDENTIAL DISTRICT

FRONT YARD 25 FEET
HOUSE SIDE YARD 10 FEET
GARAGE SIDE YARD 5 FEET
REAR YARD 30 FEET
SIDE STREET 30 FEET

MINIMUM AREA = 10,000 S.F.
MINIMUM DEPTH = 125 FEET
MINIMUM WIDTH = 75 FEET

PROPERTY DESCRIPTION

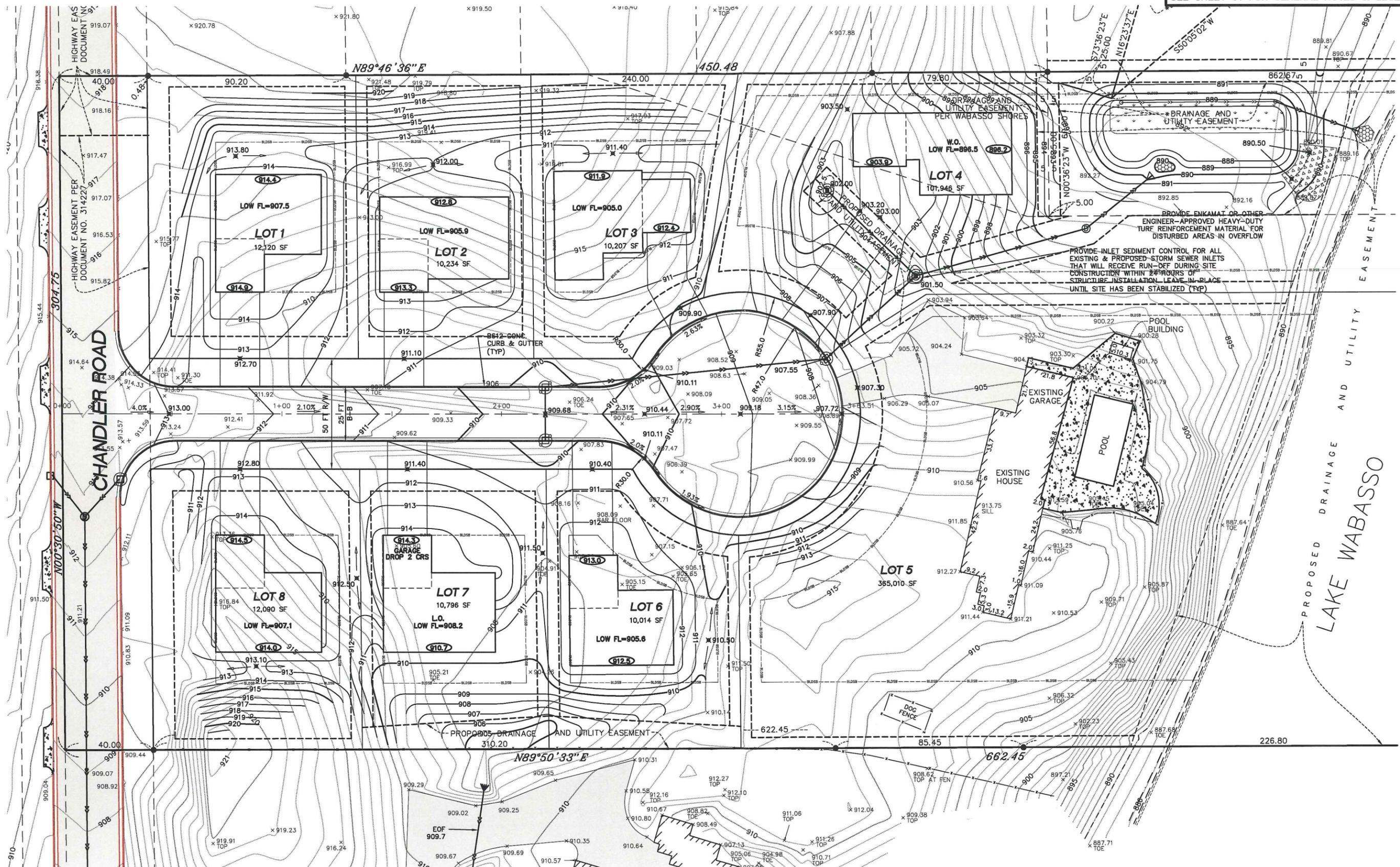
RLS NO 35
PART OF TRACT A

RLS NO 361
TRACT D

BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9105
ELEV.=941.17 (NAVD88)

E.G. RUD & SONS, INC.
EST. 1877 Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



CURB & BITUMINOUS NOTES

- REMOVAL AND DISPOSAL OF EXISTING STREET MATERIALS AS REQUIRED FOR CONSTRUCTION IS CONSIDERED INCIDENTAL.
- SAW-CUT EXISTING BITUMINOUS AND CONCRETE CURB TO PROVIDE BUTT-JOINT.
- RESTORE DISTURBED STREET TO EXISTING OR BETTER SECTION.
- BACKFILLING OF CURB IS INCIDENTAL TO CURB INSTALLATION.
- FOUR INCHES OF CLASS 5 UNDER CURB IS INCIDENTAL TO CURB INSTALLATION.
- CURB ENDS SHALL TERMINATE IN A THREE-FOOT BEAVER TAIL.



Know what's below.
Call before you dig.

**GRADING, DRAINAGE & EROSION CONTROL PLAN
ZIBELL SUBDIVISION**

DATE	REVISION DESCRIPTION

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

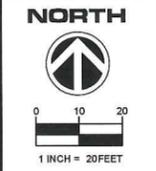
Charles W. Plowe
CHARLES W. PLOWE
LIC. NO. 18227
DATE: 03.23.2015

ZIBELL SUBDIVISION
SHOREVIEW, MINNESOTA
GRADING, DRAINAGE & EROSION CONTROL PLAN

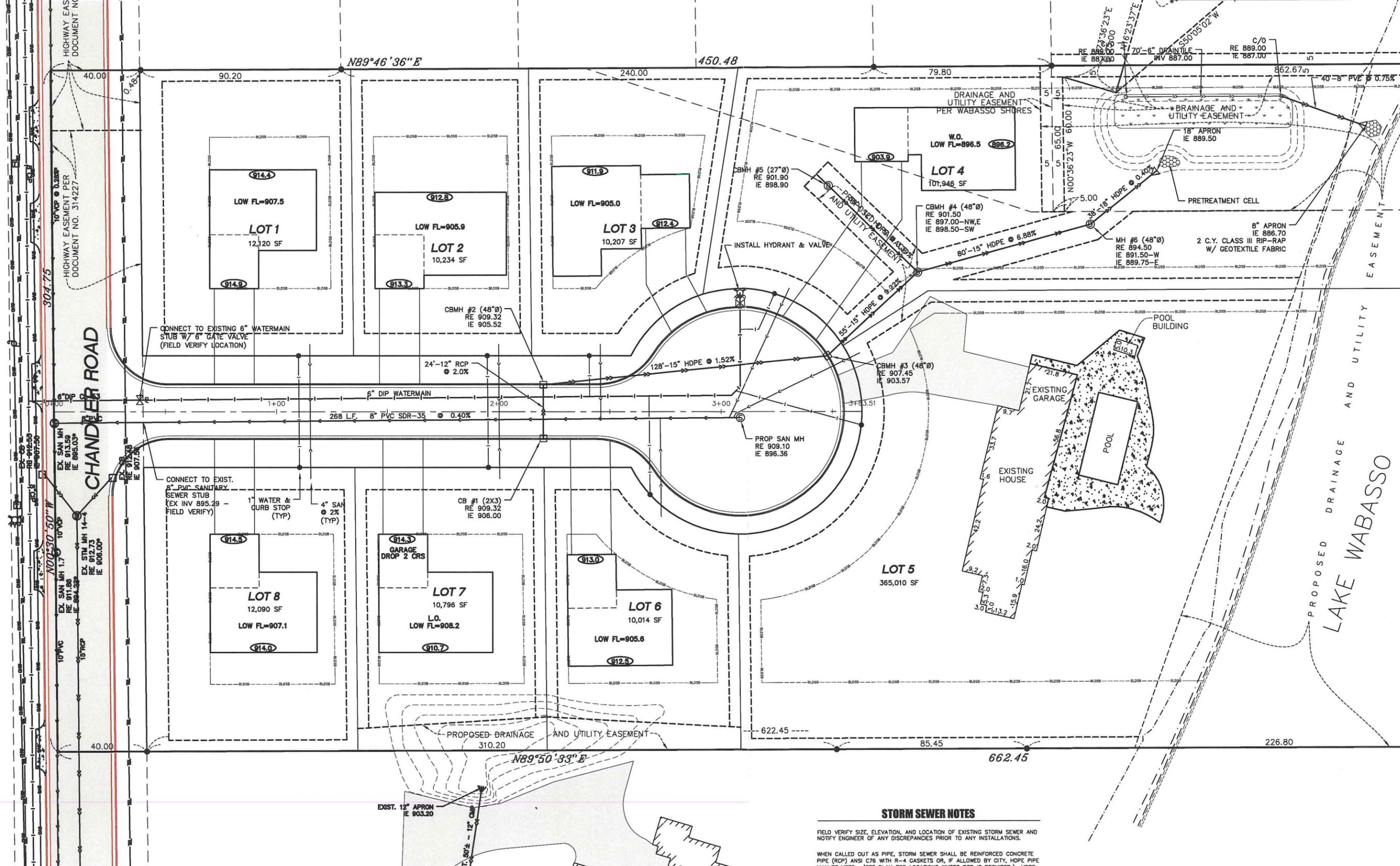
PREPARED FOR:
DON ZIBELL



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



C2



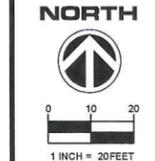
REVISION DESCRIPTION table with columns for DATE and REVISION DESCRIPTION.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
DATE: 03.23.2015 LIC. NO. 16227

ZIBELL SUBDIVISION
SHOREVIEW, MINNESOTA
UTILITY PLAN

PREPARED FOR:
DON ZIBELL

SITE PLANNING & ENGINEERING
PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
SUITE 110
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701



C3

* EXISTING SANITARY SEWER INVERT ELEVATIONS FROM AS-BUILT PLANS. NOT FIELD VERIFIED.

SANITARY SEWER NOTES

EXISTING SANITARY SEWER LOCATION, SIZE, AND ELEVATION SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
PROPOSED SANITARY SEWER SHALL BE PVC SDR 35.

WATER MAIN NOTES

EXISTING WATER MAIN LOCATION AND SIZE SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
PROVIDE PIPE INSULATION WHERE SEWER (SANITARY OR STORM) CROSSES WITHIN 18" OF WATER MAIN.
PROPOSED WATER MAIN SHALL BE 6" DIP CLASS 52 AND 1" COPPER TYPE K.
MECHANICAL JOINTS SHALL BE USED FOR WATER MAIN PIPES 4" IN DIAMETER AND LARGER. RUBBER GASKETS SHALL CONFORM TO AWWA C111 (ANSI A21.11).
MAINTAIN MINIMUM 7.5-FT COVER TO TOP OF ALL WATER MAIN PIPE.

STORM SEWER NOTES

FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING STORM SEWER AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
WHEN CALLED OUT AS PIPE, STORM SEWER SHALL BE REINFORCED CONCRETE PIPE (RCP) ANSI C76 WITH R-4 GASKETS OR, IF ALLOWED BY CITY, HDPE PIPE MAY BE USED. (SEE PLAN FOR LOCATIONS WHERE RCP IS REQUIRED.) HDPE PIPE SHALL MEET THE REQUIREMENTS OF AASHTO M2294, TYPE S WITH WATERTIGHT CONNECTIONS. USE SAND/GRANULAR MATERIAL FOR BACKFILLING AND COMPACTION OF HDPE/PVC PIPE IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM 2321.
STORM SEWER LENGTHS INCLUDE THE LAYING LENGTH OF THE FLARED-END SECTION. LAYING LENGTH OF APRON TO BE DEDUCTED FROM PAYMENT LENGTH OF PIPE.
ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MINNESOTA RULES, PART 4715.2820.
STORM SEWER PIPES TO BE JOINED TO THE CATCH BASIN MANHOLES W/ APPROVED RESILIENT RUBBER JOINTS TO MAKE THEM GASTIGHT OR WATERTIGHT. CEMENT MORTAR JOINTS ARE PERMITTED ONLY FOR REPAIRS AND CONNECTIONS OF EXISTING LINES CONSTRUCTED WITH SUCH JOINTS.



Know what's below.
Call before you dig.

**UTILITY PLAN
ZIBELL SUBDIVISION**

Date: April 20, 2015
To: Rob Warwick, Senior Planner
From: Tom Wesolowski, City Engineer
Subject: Donald Zibell - Preliminary Plat for Proposed Subdivison
3422 Chandler Road

The City of Shoreview Engineering staff has reviewed the preliminary plat, preliminary drainage and grading plan dated April 14, 2015, and site drainage narrative and calculations dated April 14, 2015 for the proposed subdivision and has the following comments:

1. The proposed project is located within the jurisdiction of the Ramsey-Washington Metro Watershed District (RWMWD). The entire development will disturb more than 1-acre and a permit from the RWMWD will be required. The City requires that all information that is submitted to Ramsey-Washington, as it relates to the proposed development, also be sent to the City of Shoreview.
2. Street
 - a. The proposed street width of 24-feet from face to face to curb and the diameter of the cul-de-sac is acceptable. The width and diameter is consistent with similar neighborhoods in the City.
 - b. The concrete curb and gutter detail on Page C4 needs to be revised. The detail shows B612 curb and the City standard is B618.
 - c. The typical section for the roadway on Page C4 needs to be revised. The City standard for the base course of asphalt is SPNWB230C and the wear course is SPWEA230C.
 - d. The City requires joints to be cut into the wear course of asphalt and sealed. The specifications of the saw and seal will be supplied to the engineer working with the developer.
3. Cleanouts are required to be installed at the property line on all sanitary sewer service lines.
4. Grading and Drainage
 - a. The proposed grading and drainage plan meets the requirements of the City's Surface Water Management Plan. The proposed rate of runoff from the site will be less than the existing for the 2, 10, and 100-year rain events.
 - i. The majority of the runoff from the development will be collected at catch basin inlets and directed by underground pipes to a biofiltration pond located on the NE corner of the development. The pond will treat the runoff before it is discharged into Lake Wabasso.
 - ii. Drainage from the rear yards of Lots 6, 7, and 8 will be directed to an existing culvert located south of Lot 7. The proposed rate and volume of runoff from the area will be reduced by 50% or more for the 2, 10, and 100-year rain events.

- b. Staff would recommend the Developer reconsider the location of the catch basin on the west side of Lot 4. It has been the experience of the Public Works Department that residents do not like public infrastructure located on their property for aesthetic and maintenance reasons. The location will also make it harder to maintain the inlet. Public Works staff is requesting a 10-foot drainage and utility easement be provided from the street to the inlet, to allow City vehicles to access the inlet from the street and not across the driveway of Lot 4.
 - c. Staff would also recommend the developer reconsider the layout of Lot 4. The location of the catch basin inlets, underground piping, and treatment pond will create an encumbrance on Lot 4 and as stated above residents tend not to like public infrastructure located close to their property.
5. The preliminary grading and drainage plan will be presented to the Environmental Quality Committee for comment at their April 27th meeting.



Robert Warwick <rwarwick@shoreviewmn.gov>

2568-15-11

Rick Current <rcurrent@ljfd.org>

Fri, Apr 17, 2015 at 8:34 AM

Reply-To: rcurrent@ljfd.org

To: Robert Warwick <rwarwick@shoreviewmn.gov>

Rob,

No comments on this project. Everything looks good.

Thanks,

Rick Current

Fire Marshal

Lake Johanna Fire Department

651-481-7024



Robert Warwick <rwarwick@shoreviewmn.gov>

3422 Chandler Road, Preliminary plat and variance, City of Shoreview

Paige Ahlborg <paige.ahlborg@rwmwd.org>
To: Robert Warwick <rwarwick@shoreviewmn.gov>
Cc: "Sorensen, Jenifer (DNR)" <jenifer.sorensen@state.mn.us>

Mon, Apr 6, 2015 at 3:33 PM

Hi Rob,

I have not yet seen a preliminary submittal for this project. They will be required to obtain a District grading permit and comply with requirements for Erosion and Sediment Control Stormwater Management, Flood Control, and Wetland Management (this shouldn't be a big issue, they'll just need to ensure they aren't impacting Lake Wabasso in anyway.) Plowe Engineering is familiar with our permit process and that we have new rules in place which are available on our website.

Paige Ahlborg
Watershed Project Manager
Ramsey-Washington Metro Watershed District
2665 Noel Drive
Little Canada, MN 55117
Office: (651)792-7964

Follow the District on Twitter & Like Us on Facebook.

From: Robert Warwick [mailto:rwarwick@shoreviewmn.gov]
Sent: Friday, April 03, 2015 2:34 PM
To: Paige Ahlborg
Cc: Sorensen, Jenifer (DNR)
Subject: Re: 3422 Chandler Road, Preliminary plat and variance, City of Shoreview

[Quoted text hidden]



Comments:

Safety

- The addition of seven new residential lots will increase automobile traffic on Chandler Road which is already a short street with a lot of traffic from nearby apartments on Harriet Avenue. With many small children and families on the block and no sidewalks, pedestrian safety is a concern – especially given the high volume of foot traffic on Chandler Road to Lake Owasso.
- The subdivision's new street directly faces a driveway which may pose a potential traffic or pedestrian hazard.

Loss of Natural and Wildlife Habitat

- Clearing Mr. Zibell's grass and wooded land lot of approximately 10 acres will destroy the natural habitat of wildlife including red fox, great horned owls, and other birds.
- As new residents adjacent to Mr. Zibell's property and most directly affected by the proposed subdivision, we are especially concerned about the loss of privacy that will ensue if all of the trees on his property are cleared. We would like to know what Mr. Zibell's plans are for a new privacy fence and landscaping along the property line.

Noise Pollution

- Should plans for this subdivision proceed, the noise from construction activities and heavy machinery will be unduly disruptive for residents who have invested their resources and chosen to live in this Shoreview neighborhood because of its quiet and peaceful setting. If construction commences, we respectfully request that the hours of construction activities be amended from the City's current code requirements to the following:
 - April 1 – October 31:
 - 7:00am – 6:00pm on any weekday
 - No work on holidays
 - No work on weekends
 - November 1 – March 31:
 - 7:00am – 7:00pm on any weekday
 - 8:00am – 5:00pm on weekends
 - No work on holidays

Name: Megen Balda and Jon Kjarum
Address: 3410 Chandler Road,
Shoreview, MN 55126

t:/2015pcf/2568-15-11/3422 chandler/neighborhood survey

Comments:

Has anybody considered
the wild life and what will
happen to them, Part of
attraction for living here.

The natural habitat of
trees, bushes, etc, will be
disturbed.

too much increased traffic
Have too much now!

RECEIVED
APR 23 2015
BY: _____

Name: _____
Address: 3393 Chandler Rd,

QUESTIONS/COMMENTS FOR SHOREVIEW PLANNING COMMISSION

RE: CHANDLER ROAD DEVELOPMENT

1. Explain the requested variance. Doesn't "riparian" relate to adjoining body of water? Where is the 72 foot distance referred to in the letter? There would be a concern if the lot is too close to the water.
2. What is the expected increase in traffic once the new development is complete? Currently, some vehicles are speeding on Chandler Road. Can something like speed bumps be implemented?
3. What are minimal lot sizes by code?
4. What is the process for construction (order of what will be done)? How much disruption to Chandler Road will there be during the process?
5. What is the expected timeframe to get the land ready for building homes?
6. What types of homes are expected to be built (style, size, and price)?
7. Will there be an increase in taxes due to the additional utilities and new road?
8. Trees will be removed. Will there be replacements made at appropriate locations? What type of buffer areas will there be?
9. Has there been an environmental impact study done?

Aron & Ellen Rolnitzky
3405 Chandler Road
651-483-0873



4/22/15

We are very concerned about the proposed development submitted by Donald Zibell at 3422 Chandler Road in Shoreview for a number of reasons.

Firstly, the 8 houses proposed nearly doubles the number of houses on our street. One of the main reasons we moved to this specific street from St. Paul three years ago was the amazing, quiet neighborhood and well established trees and homes. Knowing that half of that neighborhood and green space would be razed for new development would've certainly impacted our decision to move and raise our family here.

Secondly, the impact that this development will have on the environment concerns us. A lot of wildlife is sustained in this neighborhood and we're concerned- again- that the number of homes proposed for development will negatively impact both Wabasso and Owasso lakes (regardless of the lack of direct lake access, surely both of these lakes will feel the pressure of additional homes in the neighborhood) as well as the other wildlife sustained by the wooded area.

Another concern is the increase of traffic on Chandler road. This is already a busy road, specifically in the summer, since it's a thoroughfare to the lake and provides access to Rice Street. The proposed new development would increase that traffic considerably. Will a much-needed sidewalk be installed on the street? What are the plans in place to help mitigate that traffic increase and insure safety on the street? Many children live on this street, including our 2 young children (both under age 6), and this is a huge concern.

My husband and I have discussed this development at length and have yet to find a reason to support it. This will surely negatively impact the quality of life on our street on multiple levels. Please take into consideration the quality of this established neighborhood as you're discussing this proposed development.

Thank you for your time.

Best Regards-
Stacey and Jose Mazuelas



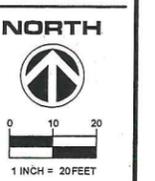
REVISION DESCRIPTION table with columns for DATE, REVISION DESCRIPTION, and a blank column for initials.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
CHARLES W. PLOWE
DATE: 03.23.2015 LIC. NO. 16227

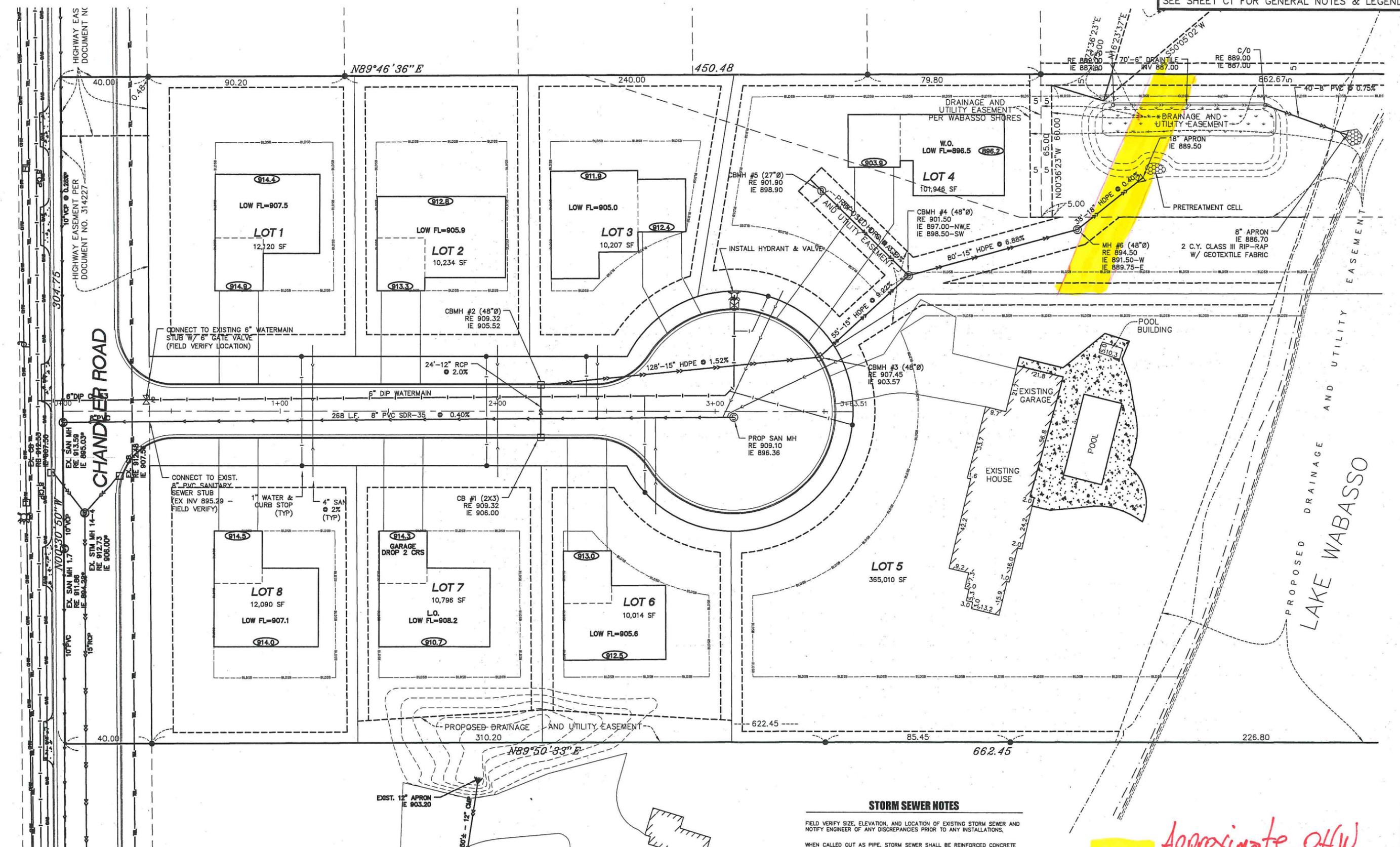
ZIBELL SUBDIVISION
SHOREVIEW, MINNESOTA
UTILITY PLAN

PREPARED FOR:
DON ZIBELL

811 logo
Know what's below.
Call before you dig.
SITE PLANNING & ENGINEERING
PLOWE
ENGINEERING, INC.
6776 LAKE DRIVE
SUITE 110
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701



C3



* EXISTING SANITARY SEWER INVERT ELEVATIONS FROM AS-BUILT PLANS. NOT FIELD VERIFIED.

SANITARY SEWER NOTES

EXISTING SANITARY SEWER LOCATION, SIZE, AND ELEVATION SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
PROPOSED SANITARY SEWER SHALL BE PVC SDR 35.

WATER MAIN NOTES

EXISTING WATER MAIN LOCATION AND SIZE SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
PROVIDE PIPE INSULATION WHERE SEWER (SANITARY OR STORM) CROSSES WITHIN 18" OF WATER MAIN.
PROPOSED WATER MAIN SHALL BE 6" DIP CLASS 52 AND 1" COPPER TYPE K.
MECHANICAL JOINTS SHALL BE USED FOR WATER MAIN PIPES 4" IN DIAMETER AND LARGER. RUBBER GASKETS SHALL CONFORM TO AWWA C111 (ANSI A21.11).
MAINTAIN MINIMUM 7.5-FT COVER TO TOP OF ALL WATER MAIN PIPE.

STORM SEWER NOTES

FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING STORM SEWER AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
WHEN CALLED OUT AS PIPE, STORM SEWER SHALL BE REINFORCED CONCRETE PIPE (RCP) ANSI C76 WITH R-4 GASKETS OR, IF ALLOWED BY CITY, HDPE PIPE MAY BE USED. (SEE PLAN FOR LOCATIONS WHERE RCP IS REQUIRED.) HDPE PIPE SHALL MEET THE REQUIREMENTS OF AASHTO M284, TYPE S WITH WATER-TIGHT CONNECTIONS. USE SAND/GRAVULAR MATERIAL FOR BACKFILLING AND COMPACTION OF HDPE/PVC PIPE IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM 2321.
STORM SEWER LENGTHS INCLUDE THE LAYING LENGTH OF THE FLARED-END SECTION. LAYING LENGTH OF APRON TO BE DEDUCTED FROM PAYMENT LENGTH OF PIPE.
ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MINNESOTA RULES, PART 4715.2820.
STORM SEWER PIPES TO BE JOINED TO THE CATCH BASIN MANHOLES W/ APPROVED RESILIENT RUBBER JOINTS TO MAKE THEM GASTIGHT OR WATER-TIGHT. CEMENT MORTAR JOINTS ARE PERMITTED ONLY FOR REPAIRS AND CONNECTIONS OF EXISTING LINES CONSTRUCTED WITH SUCH JOINTS.

Approximate offW Setback Range - Lot 4 (86.5-106.5 feet from offW.)

**UTILITY PLAN
ZIBELL SUBDIVISION**

**PROPOSED MOTION
TO TABLE**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To table the Variance and Preliminary Plat applications submitted by Donald Zibell to subdivide and develop the property at 3422 Chandler Road into 8 lots for single-family detached homes to provide the applicant opportunity to revise the plans to reflect the proposed Key Lots and to address the OHW setback for proposed Lot 4.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
April 28, 2015

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: April 23, 2015
SUBJECT: File No. 2566-15-09, Comprehensive Sign Plan – MT Holdings, 1025 Tomlyn Avenue

Introduction

MT Holdings submitted a Comprehensive Sign Plan application to install wall signs on their property at 1025 Tomlyn Avenue. The proposed signs include 4 wall signs, 35 square feet each, placed above the entry doorways on the front of the building. These signs will identify the business tenants and assist visitors in finding the businesses within the building.

Project Description

The property is located on Tomlyn Avenue, east of Lexington Avenue and North of Highway 96 and has a lot area of approximately 2 acres and a width of 300' along Tomlyn Avenue. The site is developed with a 24,792 square foot multi-tenant office/warehouse building. The front building elevation has four entryways that provide access to the tenant bays. The tenants are currently identified on a wall sign located in the center of the front building wall. This sign would be removed and replaced with the proposed individual tenant signs located above each entryway. There is no free-standing sign on the property.

Development Code

Signs are regulated in Section 208 of the Development Code. A maximum of one wall sign is permitted unless the structure faces two or more arterial roads (208.040 (18)(a) and (h)). The maximum area permitted is limited to 10% of the building wall area (208.040 (18) (c)) and the maximum length is limited to 20% of the wall length (208.040 (18)(b)).

A Comprehensive Sign Plan is required for multi-tenant buildings that specifies the number, types, location, materials and color of signs proposed (208.060). An approved plan may deviate from the design and dimensional requirements of the Code without approval of a variance, provided it results in attractive signage and is compatible with adjoining development. Five elements are considered with the review include location, materials, size, color and illumination. For multi-tenant buildings, the plan shall identify the allocation of wall space among tenants.

When a deviation is proposed the plan may be approved based on the finding that certain criteria are met (203.040 (C)(2)). These criteria include the following:

- i. The plan proposes signs consistent in color, size and materials throughout the site.
- ii. Approving the deviation is necessary to relieve a practical difficulty existing on the property.
- iii. The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.
- iv. Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.
- v. The resulting sign plan is effective, functional, attractive and compatible with community standards.

Staff Review

Wall Signs

Four wall signs are proposed to identify each of the tenants in the building. Each sign is a cabinet-style wall sign that will have interior illumination. The following table summarizes the proposed signage and the Sign Code requirements.

Building Elevation	Sign Area	Sign Length
South (Front)	<i>435.6 square feet permitted</i> 35 square feet – Individual Sign 140 square feet – Total Signage	<i>39.6 feet permitted</i> 12 feet – Individual Sign 48 feet – Total Signage

The proposed plan includes signage that is consistent in size and materials and results in a unified sign package that is aesthetically appealing. The colors used in the sign face on each of the signs will vary and is dependent on the tenant’s brand or logo. In staff’s opinion, the deviation to permit more than one wall sign is necessary since this is a multi-tenant building and is designed with four business entrances. It is reasonable for each business to have an identification sign above the entry to their tenant space. Permitting more than one wall sign for a multi-tenant structure is common and not considered a special privilege for the applicant. In addition, the plan is compatible with the community standards.

Public Comment

Property owners within 350’ were notified of the proposed sign plan. No comments have been received.

Recommendation

The proposed sign plan has been reviewed in accordance with the Sign Code and criteria for a Comprehensive Sign Plan. In Staff’s opinion, the proposed signage complies with the criteria. The installation of four wall signs for this multi-tenant building is reasonable and will not confer a special privilege for the applicant. The limitation of one wall sign for a multi-tenant building also creates practical difficulty for tenant identification. The proposed signage is also consistent in material and design. Staff is recommending the Commission recommend approval of the Sign Plan to the City Council, subject to the following conditions:

Comprehensive Sign Plan

1. The signs on the property shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and approval by the City Council.
2. The existing wall sign shall be removed.
3. Signage shall be maintained in accordance with the City's Sign Code.
4. The applicant shall obtain a sign permit prior to the installation of the new signs on the property.

Attachment

1. Aerial/Location Map
2. Sign Plan
3. Proposed Motion



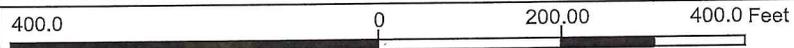
Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries
-  Lakes - Neighboring Counties
-  Airports

Notes

Comprehensive Sign Plan





Print Date: 04/14/2015
Image Date: 03/25/2012
Level: Neighborhood

1025 Tomlyn Ave., Shoreview

**120" by 42" by 8" deep light box rendered above each entrance awning
140 sq. ft. of new signage (35 sq. ft. each box)**



PROPOSED MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Comprehensive Sign Plan submitted by MT Holdings for the property at 1025 Tomlyn Avenue. Said approval is subject to the following:

Comprehensive Sign Plan

1. The signs on the property shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and approval by the City Council.
2. The existing wall sign shall be removed.
3. Signage shall be maintained in accordance with the City's Sign Code.
4. The applicant shall obtain a sign permit prior to the installation of the new signs on the property.

This approval is based on the following findings of fact:

1. The plan proposes wall signs that consistent in size and materials throughout the site.
2. Approving the deviation to is necessary to relieve a practical difficulty existing on the property. Practical difficulty is present since this is a multi-tenant building and it is reasonable for each tenant to have an identification sign above their business entrance.
3. The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.
4. Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance. Other multi-tenant structures in the City have multiple wall signs to identify tenants within the buildings.
5. The resulting sign plan is effective, functional, attractive and compatible with community standards.

VOTE:

AYES:

NAYS:

**Regular Planning Commission Meeting
April 28, 2015**

TO: Planning Commission

FROM: Niki Hill, Economic Development and Planning Associate

DATE: April 23, 2015

RE: File No. 2569-15-12, City of Shoreview - Text Amendment, Section 212 – Building and Fire Code

Introduction

The City is proposing to amend Section 212.020 Building Permits of Section 212 Building and Fire Code. There were updates to the Minnesota Building Code earlier in 2015 and staff would like to amend the City Code to better address these changes. The intent of the proposed text amendment is to update any and all parts in Section 212 to reflect recent changes to the building code requirements.

Proposed Text Amendment

These changes update section 212.020(E) Other Improvements of our Building and Fire Code to match the Minnesota Building Code section 1300.0120, Subsection 4: Work Exempt from Permit. (A) Building, subsections (1) and (7), updating the 120 square foot floor area minimum to 200 square feet, and adds a section to address that a building permit is not required for decks and platforms not more than 30 inches about adjacent grade that are not attached to a structure with frost footings and is not part of an accessible route. The Building Code was revised and exempts building permits for sheds less than 200 square feet in size and decks/platforms less than 30” in height that are not attached to a structure with frost footings.

These structures are regulated by the Development Code, therefore, the City requires a building permit be obtained before construction. The text amendment recognizes the permitting exemption in the State Building Code.

Public Comment

Notice of the public hearing was published in the City’s legal newspaper April 15, 2015. No comments have been submitted in response to the published notice.

Recommendation

The proposed text changes update the Shoreview City Code to match those requirements set forth by the Minnesota Building Code with the most recent 2015 update. Staff is recommending the Commission forward a recommendation of approval to the City Council.

Attachments:

1. Draft Text
2. Motion

completed in accordance with City-approved construction plans within one (1) year after the date the City issued the building permit.

(3) In all cases, the compliance deadline shall be upheld unless a written extension is submitted and approved by the Building Official. An extension may only be granted in the event that a natural disaster or a calamitous event occurs which unavoidably delays the completion of the building project. The decision of the Building Official may be appealed to the Planning Commission, who acts as the Board of Adjustments and Appeals.

(D) Planning Commission and Council Review. Building permits for multiple family, commercial or industrial structures may not be issued until site and building plans have been reviewed by the City's Planning Commission and Council.

(E) Other Improvements. A building permit shall be required for the structures exempt from Minnesota State Building Code requirements but regulated within this Development Ordinance including but not limited to, decks and platforms less than 30 inches in height above adjacent grade and not attached to a structure with frost footings; driveways; fences; patios; sheds less than 120-200 square feet in size; sidewalks and swimming pools.

(F) Building Permit Fees. Building permit fees for general construction; driveways and sidewalks; structures and buildings; moving of a building or dwelling into, out of, or from one location to another within the City; wrecking or demolishing of a building; and fences shall be as prescribed from time to time by City Council resolution on file with the City Manager.

(G) Plan Review Fee. When the Building Inspector determines that the review of plans and specifications for a particular construction or structure is necessary, a plan review fee shall be paid to the City in addition to any other building permit fee; provided that, plan review fees shall not be charged for the construction of single and double family residential dwellings unless the estimated value of such construction exceeds \$15,000. Plan review fees shall be as prescribed, from time to time, by City Council resolution on file with the City Manager.

212.030 Fire Code

(A) Adoption of Codes and Standards. The Minnesota State Fire Code as adopted by the Minnesota Commissioner of Public Safety pursuant to Minnesota Statute 299F.011 and as defined by Minnesota Rules Section 7510.3290 through 7510.3480 shall be applicable within the City of Shoreview subject to the following modifications:

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the amendment to Section 212.020, Building and Fire Code to address the changes adopted in the Minnesota State Building Code.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – April 28, 2015

Memorandum

To: Planning Commission
From: Tom Simonson
Assistant City Manager and Community Development Director
Date: April 24, 2015
Re: Appeal of Administrative Decision
Todd Sharkey – Sharkey Land Development
File No. 2567-15-10

Introduction

The City received an Appeal of Decisions application from Todd Sharkey, Sharkey Land Development, appealing an administrative decision regarding a Minor Subdivision application submitted for property at 4965 Hanson Road (please refer to the location map). The Minor Subdivision application was submitted by the applicant on March 23, 2015, was reviewed by the City staff, and determined to be incomplete because certain filing requirements were not met. The applicant is appealing the administrative decision that the Minor Subdivision application was incomplete. The Appeal of Decisions Application was submitted on April 10, 2015, and deemed complete on April 15, 2015.

Included for the Planning Commission is a full and complete copy of the appeal application and supporting documents submitted by the applicant.

Appeal Process

Pursuant to Ordinance 203.020(F), appeals of administrative decisions are heard by the Board of Appeals and Adjustments. In accordance with Ordinance 304.070 (C)(1), the Planning Commission serves as the Board of Adjustments and Appeals. Acting as the Board, the Commission hears and makes decisions regarding appeals to administrative decisions 203.010 (F).

City staff that reviewed the Minor Subdivision application is considered the City Manager's "designee" for 204.010 purposes. The determination that the Minor Subdivision application was incomplete is an "administrative decision." Copies of the letters sent to the applicant regarding the appeal process are included with this report for background purposes.

Appeal of Administrative Decision

The Minor Subdivision application that was submitted by the applicant proposes to divide the existing parcel at 4965 Hanson Road into two parcels (the application is included with this

report). Staff determined that a Variance application must be submitted along with the Minor Subdivision application in order for the matter to be considered by the City since the proposed new parcel would not have frontage on a public road, as required by Municipal Code. Access to the property is gained from a private driveway easement.

As part of the appeal, the applicant contends that the private driveway easement is a public road, and therefore, a variance is not necessary as the proposed new lot would meet the public road frontage requirement.

In a letter dated April 1, 2015, City staff informed the applicant that the application had been reviewed and was found to be incomplete, since the following items were not submitted:

- 1) Application form is incomplete. Pursuant to Ramsey County Property Tax Records, the property is also owned by John Sharkey. As such, John Sharkey's signature is required on the application form.
- 2) Evidence of your legal or equitable interest in the property.
- 3) The Certificate of Survey submitted is not acceptable for the following reasons:
 - a. A reduced copy of the Survey was submitted and is not to scale. A legible Survey drawn to scale must be submitted.
 - b. The Survey has been altered and includes hand written statements that obscure information on the Survey. An unaltered copy of the Survey is required. You may include the information that is currently hand written on the Survey in a written statement.
- 4) As documented on the Survey, Parcel A does not have frontage on a public road as required by Municipal Code Section 204.030 (C)(2), therefore a variance is required. The Filing Requirements document provided with the application states that among the items that must be submitted includes: *"a completed application(s) for all other approvals necessary for the proposed development (e.g. rezoning, variance, comprehensive guide plan amendment)."*

Furthermore, the applicant was informed in the same April 1st letter that if the items outlined above were submitted by April 8th, the request would be tentatively scheduled for review at the Planning Commission meeting on April 28th. This was subject to submission of both Minor Subdivision and Variance applications for review and the City staff deemed both applications complete.

Staff Comments

Of the four items noted above that were part of the determination that the Minor Subdivision application was incomplete, the first three are administrative and/or procedural matters that

could be remedied by the applicant. Staff believes the primary issue of the appeal relates to the City's position that the proposed new parcel would front and access from a private driveway easement, thus requiring a variance approval along with a minor subdivision. Below is a discussion of each of the items that factored into the City staff's determination that the Minor Subdivision was incomplete, as submitted by the applicant (please refer to the Minor Subdivision application included with this report):

Property Owner Signatures. According to the Ramsey County property records, the property at 4965 Hanson Road is owned by John T. Sharkey and Linda R. Sharkey. The Minor Subdivision application that was submitted to the City was signed by Todd C. Sharkey and Linda R. Sharkey. This item can be simply remedied by having John T. Sharkey also sign the application.

Legal/Equitable Property Interest. The filing requirements of the Minor Subdivision application states that "evidence of a legal or equitable interest by the applicant in the property" must be submitted. As the applicant name on the Minor Subdivision application submitted is Sharkey Land Development, there needs to be clarification and evidences of the legal or equitable interest in the subject property. The applicant has submitted as part of the Appeal of Decisions application a document from the Registrar of Titles that adds Todd C. Sharkey to the property title at 4965 Hanson Road. While this document may demonstrate a legal or equitable interest in the property, subject to the review by the City Attorney, it was submitted on April 10, 2015 and after the City had already notified the applicant that the Minor Subdivision was considered incomplete.

Certificate of Survey. The Certificate of Survey submitted with the Minor Subdivision application was a reduced copy that included handwritten notations by the applicant. The survey copy included a hand written statement "Extension of Oak Ridge Ave.", obscuring the official certified and signed survey which appears to state "30' Roadway Easement". In a letter to the applicant on April 7, 2015, City staff stated that the City was not requiring a new land survey be prepared and that if the dimensions of the proposed lot have not changed since the 2005 survey, a clean copy of the Certificate of Survey could be submitted but must be in a document size that is to scale and not altered with hand written notations that cover up official information on the survey.

Private vs. Public Drive. The matter of the private versus public access to serve the proposed new lot if a minor subdivision were approved for the property at 4965 Hanson Road has been a key issue of discussion dating back for a number of decades. Dating back to the late 1970s, the City in reviewing subdivision and development proposal in the subject area has consistently taken the legal position that the properties west of Oak Ridge Avenue are served by a 30 foot private easement and drive.

The applicant believes that the driveway is a public roadway, and therefore, a variance is not necessary for the minor subdivision request, as the proposed new lot would meet the public road frontage requirement.

Included for the Planning Commission is a letter dated April 23, 2015, from the City Attorney that provides a legal position that the driveway that would serve the new lot is a private easement driveway, thereby requiring a variance from the Municipal Code as the proposed parcel would not have public road frontage. Also included is a letter from the former City Attorney dated September 12, 2005, which confirmed that the Sharkeys have the legal right to use the 30 foot easement.

Public Comments

A public notice was mailed to property owners within 350 feet of the 4965 Hanson Road property informing them of the appeal of the administrative decision and that the matter would be heard by the Planning Commission at the meeting on April 28, 2015. It was noted in the letter to property owners that the hearing would be in consideration of the applicant's appeal of the administrative decision, and that the Planning Commission will not be considering the Minor Subdivision proposal.

Several written comments have been submitted to the City, and are included with this report.

Recommendation

Staff believes that the administrative decision to deem the Minor Subdivision application submitted by the applicant as incomplete is justified and should be upheld by the Planning Commission. Therefore, staff recommends that the Planning Commission, serving as the Board of Appeals and Adjustments, should deny the appeal by the applicant for the reasons stated within this report, and supported by the legal opinion from the City Attorney concluding that the driveway that would serve the proposed new parcel is a private easement thereby requiring a Variance application be submitted along with the Minor Subdivision application as part of any proposal to subdivide the property at 4965 Hanson Road.

Proposed Motion

MOVED COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

The Planning Commission, serving as the Board of Appeals and Adjustments, hereby denies the appeal of an administrative decision by the applicant Todd Sharkey, Sharkey Land Development, regarding a Minor Subdivision application submitted for property at 4965 Hanson Road. The denial of this appeal supports the City staff determination that the Minor Subdivision application was incomplete for the reasons cited and information that was not submitted by the applicant, as outlined below:

- 1) Application form was incomplete. Pursuant to Ramsey County Property Tax Records, the property is also owned by John Sharkey. As such, John Sharkey's signature is required on the application form.
- 2) Evidence of a legal or equitable interest by the applicant in the property.
- 3) The Certificate of Survey submitted was not acceptable for the following reasons:
 - a. A reduced copy of the Survey was submitted and is not to scale. A legible Survey drawn to scale must be submitted.
 - b. The Survey has been altered and includes hand written statements that obscure information on the Survey. An unaltered copy of the Survey is required.
- 4) As documented on the submitted Certificate of Survey, Parcel A does not have frontage on a public road as required by Municipal Code Section 204.030 (C)(2), therefore a variance is required. The Filing Requirements document provided with the application states that among the items that must be submitted include: *"a completed application(s) for all other approvals necessary for the proposed development (e.g. rezoning, variance, comprehensive guide plan amendment)."*
- 5) This decision is supported by the legal opinion from the City Attorney that the driveway which would serve the proposed new parcel is a private easement thereby requiring a Variance application be submitted along with the Minor Subdivision application as part of any proposal to subdivide the property at 4965 Hanson Road.

VOTE: AYES _____ NAYS _____

Planning Commission Meeting
April 28, 2015

Kelly & Lemmons, P.A.

A T T O R N E Y S A T L A W

• Joseph A. Kelly

jkelly@kellyandlemmons.com

April 23, 2015

City of Shoreview
Board of Appeals and Adjustments
4600 Victoria St. N.
Shoreview, MN 55126

**Re: Appeal of Administrative Decision
 Todd Sharkey – Sharkey Land Development
 Legal Opinion on Public v. Private Right-of-Way abutting the Sharkey Property**

In reviewing the appeal of the City's determination that Mr. Sharkey's subdivision application was incomplete, I reviewed the previous filings by the applicant and Mr. John Sharkey, the deed to the subject property, the Ramsey County recorded documents, and the Plat. This opinion will focus solely on whether the north 30 (thirty) feet is a public right of way or a private roadway/driveway. Pursuant to Shoreview City Code 204.030(C)(2), "All lots shall front on a publicly dedicated right-of-way."

On March 23, 2015, Sharkey Land Development¹ submitted an application for a minor subdivision of the property located at 4965 Hanson Road. Mr. Sharkey did not apply for a variance claiming the subject property fronted a public roadway. Mr. Todd C. Sharkey submitted documents alleging that there is a public roadway known as "Extension of Oakridge" located northwest of Hanson Road. In support of this position, Mr. Sharkey submitted a June 26, 1978 Deed from Floyd and Holly Bedbury to John and Linda Sharkey, a July 24, 1978 opinion letter from Jerry Filla to Dr. Charles Bregel, two copies of Plats, and a 2005 Survey with handwritten notes on top of the survey.

The survey submitted by Mr. Sharkey had handwritten notes over the area alleged to be a public

¹ It should be noted that as of April 22, 2015, there is no business named "Sharkey Land Development" registered to do business with the Minnesota Secretary of State making any representation of said assumed name in violation of Minn. Stat. §333.02.

road. Mr. Sharkey, in his appeal, admitted to adding the notations. Mr. Sharkey did not prepare the survey and, upon information and belief, is not a licensed surveyor. In reviewing the submission from March 23, 2015 and Mr. Sharkey's previous application from 2005, the area in question is legally described as follows:

Also a roadway or driveway easement over a strip of land 30 ft. in width, lying adjacent to and on the N'y side of afore described track of land, said 30 ft. being measured at right angles to the N'y lines of said tract and said strip running from said E. line of Gov't lot 1 to a line running parallel to and distant 290 ft. W. of said E. line.

A review of the plat and public records, I determined that Oakridge Avenue (formerly known as Margaret Street) currently does, and historically has always, end at the intersection with Hanson Road on the eastern boundary of the Sharkey parcel. The area in question is 30 feet in width, immediately abuts and runs along the northern and northeastern boundary of the Sharkey property. It is a private easement by and between John and Linda Sharkey and (originally the Bedburys, now Merkle, Firkuses, and Iwaszkos) the northern abutting landowners of the Sharkeys. The easement is private and is not dedicated to the public. Subsequent to the original easement, additional private easements have been granted/entered into benefiting the Jarnots, Katariks, Mezzengas, and Nashes.

This opinion is consistent with all of the information submitted by Mr. Sharkey and the position of the City, the effected landowners, and the Sharkeys previous positions. Mr. Sharkey alleges that in 1993, Jerold Anderson applied for a minor subdivision and was granted the request based upon "special permission" for access/cartway. In support of Mr. Sharkey's position, he submitted a portion of the relevant resolution. A review of the complete resolution shows that Mr. Anderson was applying for a subdivision and a variance². The variance specifically notes that the access for the Anderson property, which is the same strip of land in question here, is a private driveway easement. The resolution specifically addressed the lack of support for constructing a public street on this strip of land. The strip of land has not been dedicated to the public.

Mr. Sharkey cites a number of cases that are all inapplicable to the current matter. *In re Lafayette Dev. Corp.*, 567 N.W.2d 743 (Minn. App. 1997) deals with whether a street is open to the public or not. In *Lafayette*, the area in question was actually a dedicated public right of way. The City of South Saint Paul's argument was that that right of way had not been open to the public yet and it could, therefore, not be considered a public right of way. Further, the road in *Lafayette* was actually platted as a road. In the present Sharkey appeal, the strip of land in question is not dedicated to the public nor is it platted as a public roadway. It exists as a private easement among the abutting property owners.

² The variance was due to the fact that the new parcel did not front a public right-of-way

In *Trebnick v. Gordon*, 106 N.W.2d 622 (Minn. 1960), the Minnesota Supreme Court addressed whether the “rules of the road” applied in a personal injury case where it is alleged that the roads where the accident occurred were private. In *Trebnick* and *Anderson v. Bireland*, 38 N.W.2d 215 (Minn. 1949), the court addressed whether Minn. Stat. §160.05 had been satisfied in dedicating a road to the public by public use. Minn. Stat. §160.05 states “[w]hen any road or portion of a road has been used and kept in repair and worked for at least six years continuously as a public highway by a road authority...” In the present appeal, the strip of land in question has not been “used and kept in repair and worked...as a public highway by a *road authority*.” A road authority in Shoreview is the City Council and Public Works Department. The City of Shoreview has never used, repaired, or worked the strip of land as a public highway, and has always treated this area as a private easement between the landowners.

In *Quist v. Fuller*, 220 N.W.2d 296 (Minn. 1974), the Court addressed whether an easement by prescription was created due to use of the road. In the present case, the only people alleged to use the strip of land have express easements authorizing the use. Therefore, there is no possibility of an easement by prescription in this matter.

In sum, 30 foot strip of land, along with the improved surface, abutting the Sharkey property along the northern boundary is a private easement. If the City were to create a public road in this area, the City must commence condemnation proceedings and compensate the owners of the land in question. In the alternative, the City could attempt to have the owners deed or dedicate the land to the public. However, at this point, neither of those options have taken place and the owners have expressly requested that the easement remain private. The City Attorney’s legal opinion is that the land in question is a private easement. The legal opinion is that any finding of the road in question being a public road would require the City to compensate the affected owners of said land. Therefore, pursuant to Shoreview City Code 204.030(C)(2), the proposed new parcel does not front a publicly dedicated right of way and a variance is required.

Kindest regards,

KELLY & LEMMONS, P.A.

Joseph A. Kelly

Warren E. Peterson
Jerome P. Filla
Daniel Witt Fram
Glenn A. Bergman
John Michael Miller
Michael T. Oberle
Steven H. Bruns*
Paul W. Fahning*
Cameron S. McLelland
Andrew P. Muller



Suite 300
50 Fifth St. E.
St. Paul, MN 55101-1197
(651) 291-8955
(651) 228-1753 facsimile
www.pfb-pa.com

Direct Dial #(651) 290-6907

September 12, 2005

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

RE: Sharkey Minor Subdivision
Our File No.: 10770.05-5

Dear Kathleen:

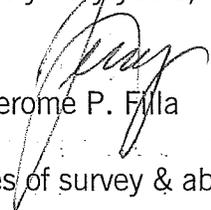
The City's subdivision standards require lots to front on publically dedicated rights-of-way (SV Code 204.030.C.2). However, the City Code also allows the City Council to waive all or some of the provisions of the Planning Code in connection with requests for minor subdivisions (SV Code 204.010.F.). The Sharkeys' have requested a minor subdivision approval.

I have reviewed the Sharkey title insurance commitment. It indicates that the Sharkeys' own their homestead parcel and have a right to use a 30 strip of land for roadway or driveway purposes. The south line of the 30 foot strip of land is the north line of the Sharkey property. If the City were to waive the public frontage requirement, the Sharkeys would have a means of accessing the back half of their property over this private easement.

It is possible that the surrounding property owners may commence litigation against Mr. and Mrs. Sharkey if the City approves the minor subdivision and waiver. If that occurs, that would be a private matter between the Sharkeys and their neighbors.

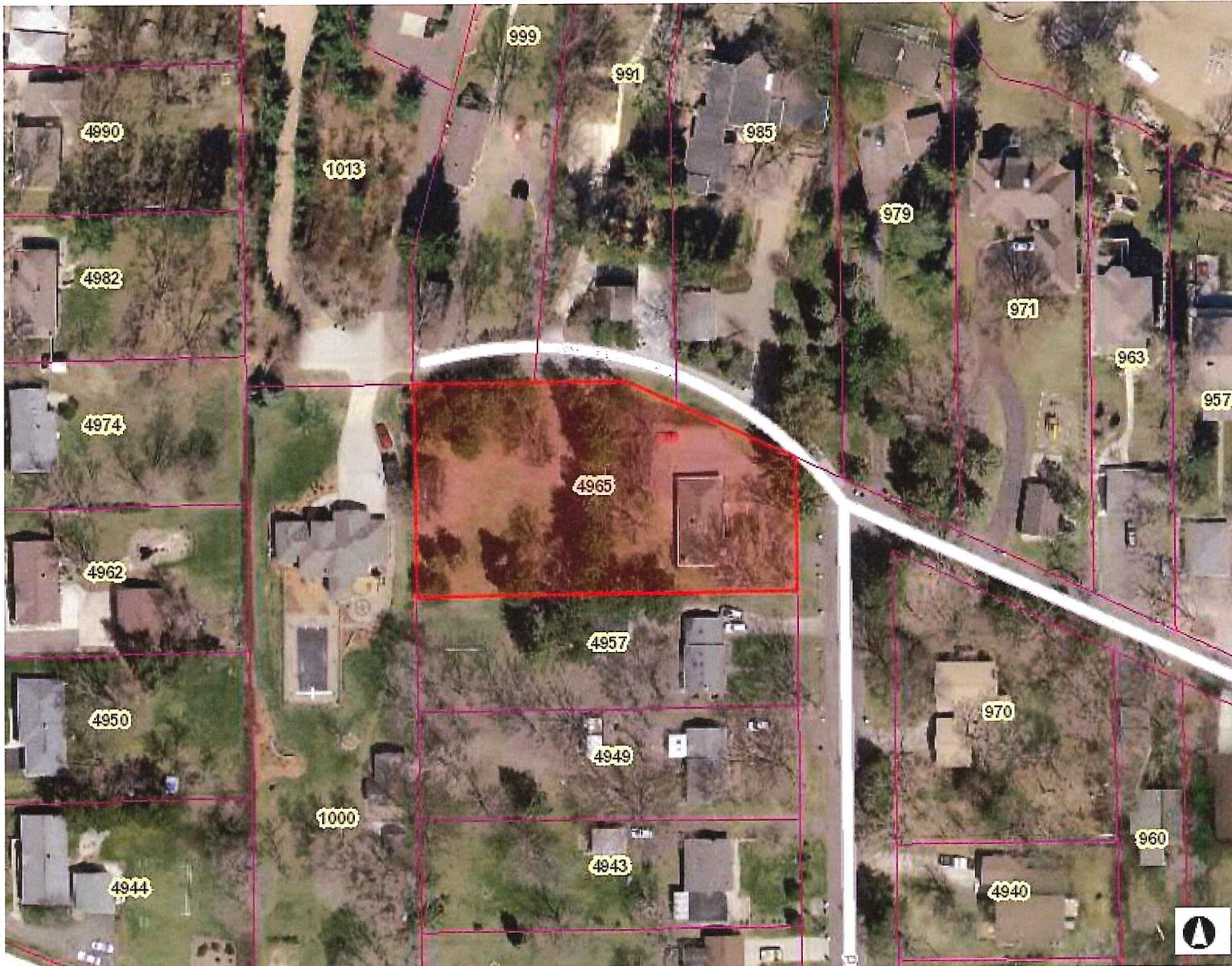
If you have any questions, please contact me.

Very truly yours,


Jerome P. Filla

JPF:jtc
cc: Thomas Newcome, III, Esq. (w/copies of survey & abstract)
Mr. and Mrs. Sharkey

F:\users\Janice\Daily Dictation (09-05).wpd



Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  2 Recreational Centers
-  Parcel Points
-  Parcel Boundaries
-  Lakes - Neighboring Counties
-  Airports



200.0 0 100.00 200.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

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

Notes

Enter Map Description

APPEAL OF DECISIONS

CASH RECEIPT

Return to:

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
(651) 490-4680

CITY OF SHOREVIEW
4600 VICTORIA STREET NORTH
SHOREVIEW, MINNESOTA 55126

651-490-4600

04-10-15 16:00
1-116736

Check Number: 0000247048

Description of Appeal:

Please see attached Document Containing 20
Documents

Site Identification:

Address: 4965 Hanson Road

Property Identification: 14.30.23.22.0004

Legal Description: please see attached Documents

Applicant:

Name: Todd Sharkey / Sharkey Land Development

Address: 1003 5th Street Stillwater, MN 55082
City State Zip Code

Telephone Number: _____ (daytime) _____ (home)

Fax Number: _____ E-Mail: Todd-Sharkey@hotmail.com

Property Owner (if different from applicant):

Name: John T., Linda R. and Todd C. Sharkey

Address: 4965 Hanson Rd. Shoreview MN 55126
1003 5th Street Stillwater MN 55082
City State Zip Code

Signatures:

Applicant: Todd C. Sharkey Date: 4/10/2015

Date Received by City: 4-10-15 By Whom: TJS

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.
2. Filing fee of \$100.00 (make checks payable to the City of Shoreview). **The filing fee is non-refundable.**
3. A currently certified Abstract of Title or an Owner's Duplicate Certificate of Title and copies of all unrecorded documents necessary to establish a legal or equitable interest by the applicant in the property involved. (IF REQUIRED BY STAFF)
4. A statement describing the request submitted to staff, why you believe the City staff or Planning Commission erred in its decision, and why the permit should or should not be issued
5. **One** 8 1/2"x11" and one 11" by 17" half-scale reproducible print shall be submitted for each required sketch, drawing, or plan. **Four** 20"x30" copies of each plan sheet for staff review. (IF REQUIRED BY STAFF)

REVIEW PROCEDURE

1. Upon receipt of a completed appeal application, the City Planner will circulate the proposal to all interested agencies and City staff, schedule a hearing for the next available Planning Commission (Board of Adjustments and Appeals) or City Council meeting and then prepare a written recommendation. The City Planner may also survey the adjoining property owners for their comments. The Planning Commission shall act as the Board of Appeals during the review of the appeal.
2. Decisions of the Planning Commission (Board of Appeals and Adjustments) are final unless the applicant or aggrieved party appeals to the City Council. Appeals must be made in writing and be submitted to the City Manager within five business days of the Board's decision. The City Council may grant the appeal upon approval by a majority vote of its membership.

NOTES

1. An application cannot be accepted until each of the filing requirements listed above has been satisfied.
2. The purpose of requiring the data referenced in the filing requirements is to permit the City to thoroughly evaluate your proposal relative to City ordinances and policies. Refusal to provide the requested information may jeopardize the scheduling of your request for Planning Commission (Board of Appeals and Adjustments) review. Information submitted with this application will be made available to anyone who may request it.
3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit an application. In so doing, you may address items that might be of later concern.
4. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforce any conditions(s) of any resulting approval or permit

Sharkey Land Development

Todd Sharkey,
Applicant of Record
1003 5th Street North
Stillwater, MN. 55082

John & Linda Sharkey
4965 Hanson Road
Shoreview, MN. 55126

Property Identification:
14.30.23.22.0004

APPLICANT'S APPEAL TO AN ADMINISTRATIVE DECISION TO THE CITY OF SHOREVIEW'S BOARD OF APPEALS ANADJUSTMENTS

Terry Schwerm
City Manager, Responsible Authority
City of Shoreview
4600 Victoria Street North
Shoreview, Minnesota. 55126

City of Shoreview
Department of Community Development
Planning Commission &
Board of Appeals and Adjustments

INTRODUCTION

That on March 23, 2015, the above-named applicant of record, served upon the City of Shoreview, City Manager, Terry Schwerm, a complete application for Minor Subdivision for the above-named parcel of property, that conforms to the City of Shoreview's Comprehensive Guide Plan and exceeds Minor Subdivision Standards, according to the City of Shoreview's Development Code and/or City Code.

That on April 1st, 2015, Shoreview City Manager and/or his agent wrote a letter to the above-named Applicant of Record stating the application is “incomplete” for the following reasons:

- 1) Application form is incomplete. Pursuant to Ramsey County Property Tax Records, the property is also owned by John Sharkey. As such, John Sharkey’s signature is required on the application form.
- 2) Evidence of your, (Todd Sharkey, Applicant of Record) legal or equitable interest in the property is required.
- 3) The Certificate of Survey submitted is missing because it is not acceptable for the following reasons:
 - a) A reduced copy of the survey was submitted and is not to scale. A legible Survey drawn to scale must be submitted.
 - b) The Survey has been altered and includes hand written statements that obscure information on the Survey. An unaltered copy of the Survey is required. You may include the information that is currently hand written on the Survey in a written statement.
- 4) As documented on the Survey, parcel A, does not have frontage on a public road as required by Municipal Code Section 204.030 (C2), therefore a variance is required. The Filing Requirements document provided with the application states that among the items that must be submitted includes: “a complete application(s) for all other approvals necessary for the proposed development, (e.g. rezoning, variance, comprehensive guide plan amendment)”. Therefore, the required variance application is missing. Enclosed you will find a Variance application

form that must be completed”, (As quoted), (Applicant of Record’s Check returned). *Note: Application fees are neither non-refundable nor returnable.*

APPLICANT OF RECORD’S APPEAL

The above-named Applicant of Record, Todd Sharkey, appeals the Shoreview City Manager and/or his agent’s Administrative Decision, finding that the above-named applicant’s application for Minor Subdivision is incomplete, and cannot be scheduled for an upcoming Shoreview Planning Commission for the following reasons:

- 1) As stated above by the City Manager and/or his agent in Item number 1:
“Application form is incomplete. Pursuant to Ramsey County Property Tax Records, the property is also owned by John Sharkey. As such, John Sharkey’s signature is required on the application form”

Applicant’s response to item number 1: The property owners, John & Linda Sharkey applied for a similar Minor Subdivision in 1978 that was granted. The Application submitted by John Sharkey in 1978 was only signed by John Sharkey and not by Linda Sharkey. Therefore, the City Manager and/or his agent’s argument that the current application for Minor Subdivision is incomplete, because one of the property owner did not sign the application is with out merit, because in 1978, the application was not deemed “incomplete” with just one signature. Also, in the above-named Applicant of Record’s 2005, Linda Sharkey’s signature was also not on the application form. Again, this was not an issue; therefore, it is not reasonable for the

Shoreview City Manager and/or his agent to determine that the application for Minor Subdivision is “incomplete” because only one property owner signed the application.

2) As stated above by the City Manager and/or his agent in Item number 2: Evidence of your, (Todd Sharkey, Applicant of Record) legal or equitable interest in the property is required.

Applicant’s response to item number 2: In 2005, the above-named Applicant of Record, Todd Sharkey, submitted all documents requested by City Planner, Kathleen Nordine/Castle for Minor Subdivision of the above-named parcel of property. It was City Planner Kathleen Nordine/Castle’s failure to acquire “proof of equitable interest” from the above-named Applicant of Record. However, City Planner Nordine/Castle, sent a letter to the above-named Applicant of Record, stating that the above-named Applicant of Record’s Application was in fact “complete”. Therefore, the City Manager and/or his agent’s determination that the above-named Applicant of Record’s application for Minor Subdivision is “incomplete” are without merit. If the City Manager and/or his agent further pursue this issue, it will be prima facie evidence that the City of Shoreview considered and ruled on an “incomplete application” for Minor Subdivision to an administrative agency, thereby, rendering the 2005 decision by the City of Shoreview, invalid and void.

3) As stated above by the City Manager and/or his agent in Item number 3: The Certificate of Survey submitted is missing because it is not acceptable for the following reasons:

- a) A reduced copy of the survey was submitted and is not to scale. A legible Survey drawn to scale must be submitted.
- b) The Survey has been altered and includes hand written statements that obscure information on the Survey. An unaltered copy of the Survey is required. You may include the information that is currently hand written on the Survey in a written statement.

Applicant's response to item number 3(a): The argument that the Survey that was submitted to the City Manager and/or his agent is without merit. The Survey that was submitted is a true and correct Survey that was submitted to the City in 2005 and was accepted by City Planner Kathleen Nordine/Castle. Although a Survey could be "reduced" it still maintains "scale". Again, the City of Shoreview maintains in their files Surveys of the above-named parcel from the years 1960, 1978 and 2005. All of the Surveys listed have been accepted by the City of Shoreview.

Applicant's response to item number 3(b): The Survey that was submitted to the City Manager and/or his agent did in fact have a hand written note. The note said: "Extension of Oakridge". The notation clarifies the fact that the roadway north of the above-named parcel is in fact a public extension of Oakridge Avenue as platted in Oakridge Avenue. The mentioned roadway used to be called Margaret Street but was

changed to an “extension of Oakridge Avenue” as stated in the Legal Description for the above-named parcel. In 2012, during a City Council meeting, a property owner requested to change the name of his street, City Attorney Filla stated, “The City can only change the names of the streets the City owns”- City Council Meeting Minutes, November 19th,2012.

4) As documented on the Survey, parcel A, does not have frontage on a public road as required by Municipal Code Section 204.030 (C2), therefore a variance is required. The Filing Requirements document provided with the application states that among the items that must be submitted includes: “a complete application(s) for all other approvals necessary for the proposed development, (e.g. rezoning, variance, comprehensive guide plan amendment)”. Therefore, the required variance application is missing. Enclosed you will find a Variance application form that must be completed.

Applicant’s response to item number 4: The roadway and/or street crossing the above-named parcel and abutting to the north are in fact a public road. In a legal sense a strip of ground appropriated for public travel between different places. It is sometimes used synonymously with highway, (Tousley v. Heffelfinger, 182 Minn. 447, 234 N.W. 673 (1931); Northwestern Tel. Exch Co. v. Minneapolis, 81 Minn. 83 N.W. 527 (1901). To layout a road means to designate its width as well as other dimensions, (In re Establishment of Hwy 213 Minn. 314, 6 N.W. 2d 626 (1942). Where the partially improved end of a street was used by two adjacent landowners

and their tenants and invitees, the end of the street was already open to public use and the trial court properly granted writ of mandamus to compel the city to acknowledge that the partially improved end of the street was open as a public roadway, (In Layfayette Dev. Corp., 567 N.W. 2d 743 (Minn Ct. App. 1997). Where it was undisputed that a road served ten homes in the area, these homes received garbage disposal service provided, (City of Shoreview provides garbage collection and also collects fees for such service) by village/city, and guests of the occupants must have used the road since it was the only means of access, the trial court did not err in determining that the road was a public road as a matter of law, (Trebnick v. Gorden, 259 Minn. 164, 106 N.W. 2d 622 (1960). It should also be noted that the City of Shoreview utilizes and maintains a water main under the subject roadway. The City Charges utility fees for water, natural gas, electricity and communication lines those are all present in the subject roadway. When the road way was dedicated by plat in 1947, the intention of the owner to set apart a strip of land for use of the public as a roadway is the foundation of every common-law dedication, (Anderson v. Birleland, 229 Minn. 77, 38 N.W. 2d 215 (1949). Where there is /was open, continuous use, visible and unmolested use of the land in question as a public road for more that fifteen years, the public acquired an easement by prescription and the public's right could not be divested without public consent, or operation of law, (Quist v. Fuller, 300 Minn. 365, 220 N.W. 2d 296 (1974)). In 1993, Jerold Anderson applied for a Minor subdivision of his property that resulted in the parcel known as 1000 Oakridge. This parcel was granted "Special Permission" for access/cartway. Establishment of a cartway is an exercise of eminent domain, (Silver v. Ridgeway, 733 N. W. 2d 165

(Minn. Ct. App. 2007)). If the subject roadway was in fact a “Private Road” as contended by the City, the City would have no authority to exercise the power of eminent domain. The property owner would need to purchase the rights from the affected land owners. Land taken for a public cartway is taken for a public purpose, (Power v. Town Bd, 175 Minn. 395, 221 N.W. 527 (1928)). The above-named Applicant of Record contacted the City Manager and/or his agent and City Attorney Patrick J. Kelly and requested they meet at the subject property and discuss items such as water mains running under the roadway, power poles that demonstrate intention of a public road, telephone communication lines, cable TV, natural gas lines and more. The Applicant of Record also requested that they provide proof that the subject roadway was in fact “private”, however, when the meeting was held, the City Manager and/or his agent and City Attorney Patrick Kelly could not provide any proof that the subject roadway was in fact a private drive.

CONCLUSION

The City Manager and or his agent’s “opinion” that the above-named Applicant of Record’s, Application for Minor Subdivision of the above-named parcel of land, is without merit and should be denied in the name of justice for the reasons stated above.

TABLE OF EXHIBITS

Exhibit A: Certificate of title

Exhibit B: Certificate of Survey

Exhibit C: City Attorney letter Dated July 24th, 1978

Exhibit D: Application for Consideration of Planning Request

Exhibit E: City of Shoreview Planning Commission Meeting Agenda

Exhibit F: Legal description

Exhibit G: Section Map

Exhibit H: Section Map

Exhibit I: City of Shoreview, Resolution 93-19

Exhibit J: Drawing of "Turn-around-T" Dedicated to the City of Shoreview.

Exhibit K: Section Map indicating "Turn-around-T" Dedicated to the Public.

Exhibit L: Letter from Kathleen Nordine /Castle stating 2005 Application "Complete".

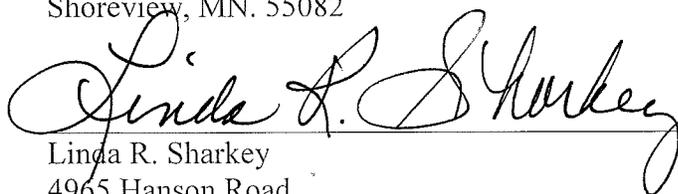
Exhibit M: Applicant's Proof of Equitable Interest

 4/10/2015

Todd C. Sharkey / Sharkey Land Development
Applicant of Record
1003 5th Street North
Stillwater, MN. 55082

 4/10/2015

John T. Sharkey
4965 Hanson Road
Shoreview, MN. 55082

 4/10/2015

Linda R. Sharkey
4965 Hanson Road
Shoreview MN. 55126

01271949

1206431

JULY 1949 PAGE 419

This Indenture, Made this 27th day of July 1949 between Henry Hansen, unmarried; Louis Hansen and Ethel Hansen, his wife, of the county of Ramsey, State of Minnesota and George Hansen and Ruth Hansen, his wife,

of the County of Carver and State of Minnesota parties of the first part, and Eda Hanson

of the County of Carver and State of Minnesota part 7 of the second part,

Witnesseth, That the said part 1es of the first part, in consideration of the sum of One and no/100 to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said part 7 of the second part, her heirs and assigns, Forever, all the tract or parcels of land lying and being in the County of Ramsey and State of Minnesota, described as follows, to-wit:

X That part of the East 290 ft. of Govt. Lot 1, Section 14, T.30 N., R.23 W. lying North of a line running parallel to and distant 450 ft. North of the South line of said Govt. Lot 1, and lying South of lines described as follows:- Beginning at the intersection of the East line of said Govt. Lot 1 with a Northwesterly projection of the North line of Margaret St. as platted in Oak Ridge, in said Section 14; thence running Northwesterly on said projection to a point distant 600 ft. North of said South line of Govt. Lot 1; thence West parallel to said South line to a point distant 290 ft. West of said East line; subject to public rights in Hansen Road.

Also a roadway or driveway easement over a strip of land 30 ft. in width, lying adjacent to and on the Northerly side of afore described tract of land, said 30 ft. being measured at right angles to the Northerly lines of said tract, and said strip running from said East line of Govt. Lot 1 to a line running parallel to and distant 290 ft. West of said East line.

TAXES PAID AND TRANSFER ENTERED AUG 1 - 1949 EUGENE A. MONICK, Auditor Ramsey County, MINN. By [Signature]

[Handwritten signature]

To Have and to Hold the Same, Together with all the hereditaments and appurtenances thereto belong or in anywise appertaining, to the said part 7 of the second part, her heirs and assigns, Forever. And the said Henry Hansen, unmarried; Louis Hansen and Ethel Hansen, his wife; and George Hansen and Ruth Hansen, his wife, part 1es of the first part, for their heirs, executors and administrators, do covenant with the said part 7 of the second part, her heirs and assigns, that they are seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances.

And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said part 7 of the second part, her heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any; heretofore mentioned, the said part 1es of the first part will Warrant and Defend.

In Testimony Whereof, The said part 1es of the first part have hereunto set their hand the day and year first above written.

In Presence of Jean E. Haay, J.F. Kolbuski, [Signature] Witness as to George and Ruth

Henry Hansen, Louis Hansen, Ethel Hansen, George Hansen, Ruth Hansen

EXHIBIT: A Page: 1 of 1 Pages

CERTIFICATE OF SURVEY

MILNER W. CARLEY & ASSOCIATES
 CONSULTING CIVIL ENGINEERS — LAND SURVEYORS

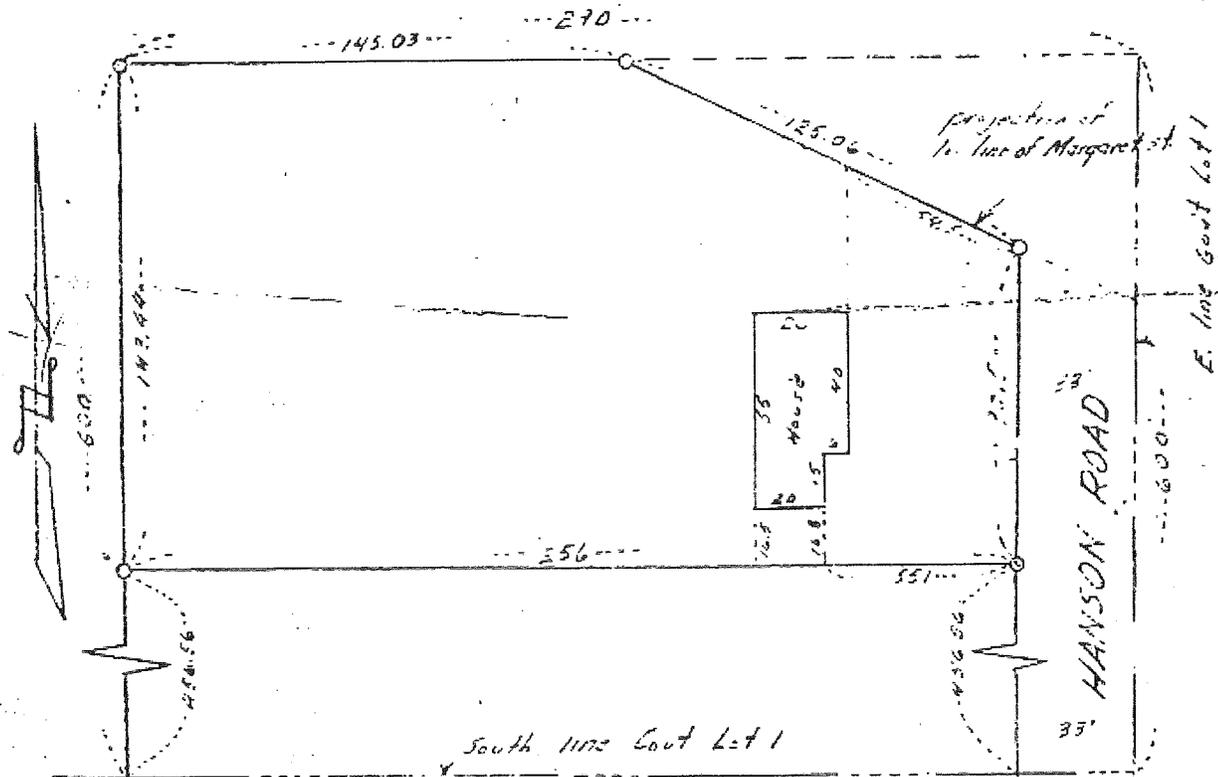
500 W. HWY. 96
 ST. PAUL 12, MINN.

IV 4-3321
 SCALE 1" = 50'

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

Donald O. Carley

Date Nov. 21, 1960 Reg. No. 137



That part of the East 290 feet of Government Lot 1, Section 14, Township 30 North, Range 23 West, lying North of a line running parallel to and distant 456.56 feet North of the South line of said Government Lot 1, and lying South of lines described as follows:—Beginning at the intersection of the East line of said Government Lot 1 with the Northwesterly projection of the North line of Margaret St. as platted in Oak Ridge, in said Section 14; thence running Northwesterly on said projection to a point distant 600 feet North of said South line of Government Lot 1; thence West parallel to said South line to a point distant 290 feet West of said East line; subject to public rights in Hanson Road. Also a roadway or driveway easement over a strip of land 30 feet in width, lying adjacent to and on the Northerly side of afore described tract of land, said 30 feet being measured at right angles to the Northerly lines of said tract, and said strip running from said East line of Government Lot 1 to a line running parallel to and distant 290 feet West of said East line.

7-323

61-380

45 193-23

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072478

ATTORNEYS AT LAW
FILLA, WINGERD & WHISNANT

PROFESSIONAL ASSOCIATION
2212 AMERICAN NATIONAL BANK BUILDING
ST. PAUL MINNESOTA 55101
TEL (612) 298-0881

JEROME P. FILLA
HAROLD R. WINGERD
JOHN R. WHISNANT

OF COUNSEL
PAUL G. DONLIN

July 24, 1978

Dr. Charles E. Bregel
985 Oakridge Avenue
Shoreview, MN 55112

Re: Road Easement
985 Oakridge Avenue
Our File No. 26,505

Dear Dr. Bregel:

I have reviewed the Abstract of Title to the above-referenced property which was last certified on the 6th day of June, 1975, at 8:00 a.m. by the St. Paul Title and Guarantec Company. The Abstract consists of Entries 1 through 84 inclusive, and a photocopy of that Abstract is enclosed.

At one point in time, most of the property located west of the centerline of Hanson Road and north of Robinhood Place was owned by Henry Bucher. Upon his death, a portion of this property was deeded to his daughter, Caroline Hansen, and upon her death, the property was given to her children, Henry Hansen, Louis Hansen, and Edna Hansen. (See Abstract Entries 17 and 22.)

When the Hansen children acquired their mother's interest in the property, they granted a 15-foot easement to Stuart Cohen. The easement extended westerly from Hanson Road across some property located south of your property. The easement was to provide access from Hanson Road to the Cohen property. This easement was eventually re-conveyed by Stuart Cohen to the Hansen children and no longer exists. (See Abstract Entries 25 and 51.)

I have enclosed a portion of a section map for the area surrounding your lot. On the section map, your lot appears as a blue shaded area. This lot was created in 1947 when the Hansen children conveyed this parcel to Mr. and Mrs. Bauer. However, when the Hansen children conveyed this parcel, they reserved an easement over the south 30 feet of the land. This 30-foot easement allowed them access to property which they owned located west of your land. The 30-foot easement is shown as a green shaded area on the enclosed section map. (See Abstract Entry No. 44.)

EXHIBIT: C
Page: 1 of 3 Pages

Dr. Charles E. Bregel
Page 2
July 24, 1978

After your parcel was created, the Hansen children conveyed a larger parcel to the west of your property to Stuart Cohen. This parcel is shown as a red checked area on the enclosed section map. Along with the conveyance of this parcel, the Hansen children gave Mr. Cohen the right to use the 30-foot easement across the southern parcel of your land, as well as, a 30-foot easement in between your land and the Cohen property. (See Abstract Entry No. 52.)

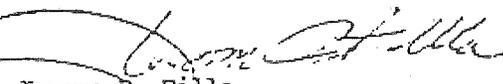
The Hansen children then conveyed the McEvoy property which is shown as a red shaded area on the attached section map. The conveyance was made subject to the rights of Mr. Cohen over the south 30 feet of the McEvoy property, and the conveyance was made together with the right to use the south 30 feet of your property. (See Abstract Entry No. 53.)

* { Three of the Hansen then conveyed their interest and what was to become the Bedbury property to the fourth Hansen child. This area is shaded in orange on the attached section map. This is perhaps the most significant conveyance as far as the easement is concerned. The conveyance indicates that along with the title to the real estate, the Hansen children conveyed an interest in the 30-foot easement which is located on the southerly portion of your property, the McEvoy property and the property to the west of the McEvoy property. (See Abstract Entry No. 54.)

* { Based upon my review of the Abstract, I can conclude that the 30-foot easement is located entirely on your property, the McEvoy property and the property to the west of the McEvoy property. No part of the 30-foot easement is on the Bedbury property. However, the people who originally acquired the Bedbury property and their successors in interest have a right to use the 30-foot easement. The right to utilize the easement does not necessarily carry with it an obligation to maintain the easement. Although you could not obstruct the access, you would have no obligation to maintain the easement for the benefit of the abutting property owners.

* { If the present owner of the Bedbury property wishes to construct more than one residential dwelling on the property, he would have to obtain approval of a minor subdivision from the City of Shoreview. If you have any questions, please contact me.

Very truly yours,


Jerome P. Filla

JPF/lla
enclosures

EXHIBIT: C
Page: 2 of 3 Pages

092678

RECEIPT # 44345
DATE 9-26-78

CASE NO. _____

VILLAGE OF SHOREVIEW
APPLICATION FOR CONSIDERATION
OF
PLANNING REQUEST

STREET LOCATION OF PROPERTY: 4965 HANSON RD.

LEGAL DESCRIPTION OF PROPERTY: SEE ATTACHED SURVEY

OWNER: JOHN T. & LINDA R. SHARKEY 483-0906
NAME ADDRESS PHONE #

APPLICANT: JOHN T. & LINDA R. SHARKEY 483-0906
NAME ADDRESS PHONE #

- TYPE OF REQUEST:
- | | | |
|-------------------------------------|----------------------|-----------------------|
| <input type="checkbox"/> | REZONING | (SECTION 216.010-020) |
| <input type="checkbox"/> | ZONING VARIANCE | (SECTION 216.040) |
| <input type="checkbox"/> | PLATTING VARIANCE | (SECTION 310.010) |
| <input type="checkbox"/> | BUILDING CODE | (SECTION 405.210) |
| <input type="checkbox"/> | SPECIAL USE PERMIT | (SECTION 216.030) |
| <input type="checkbox"/> | TOWNHOUSES | (SECTION 214.220) |
| <input type="checkbox"/> | SUBDIVISION APPROVAL | (SECTION _____) |
| <input checked="" type="checkbox"/> | MINOR SUBDIVISION | (SECTION _____) |
| <input type="checkbox"/> | OTHER | (SECTION _____) |

DESCRIPTION & REASON: INTENT FOR MINOR SUB-DIVISION
IS FOR PURPOSE OF HOUSE CONSTRUCTION ON WEST
HALF AND SALE OF EAST HALF AND EXISTING HOUSE.

ATTACH SKETCH OF PROPOSAL SHOWING:

- | | |
|-----------------------|-----------------------------|
| 1. INDICATE NORTH. ✓ | 6. LOCATION OF BUILDINGS. ✓ |
| 2. LOCATION ON LOT. ✓ | 7. DISTANCES. ✓ |
| 3. STREET NAMES. ✓ | 8. OTHER INFORMATION |
| 4. DIMENSIONS. ✓ | |
| 5. SETBACKS. ✓ | |

APPLICANT: [Signature]
DATE: 9/25/78

EXHIBIT: D
Page: 1 of 1 Pages

50 of 5 51

10091979 ~~100979~~
1 of 2

CITY OF SHOREVIEW
Planning Commission
Regular Meeting
Tuesday, October 9, 1979
7:30 P.M.

1. Call to Order
2. Roll Call
3. Approval of Minutes - September 25, 1979
4. PUBLIC HEARING - Preliminary Plat
Outlots A & B - Georgetown Acres
File No. 797-79-45
5. SITE AND BUILDING PLAN REVIEW & VARIANCE - Double Home
Hovald
Lot 1, Block 1, Lakeshore Oaks Addition
File No. 798-79-46
6. PUBLIC HEARING - Rezoning from R-2 to B-2
Evenson Property
File No. 713-78-54
7. SITE AND BUILDING PLAN REVIEW - Building #2 on Parcel A
Evenson Cards Property
File No. 713-78-54
8. SKETCH PLAN REVIEW - Meadowlands Townhomes
South of Evenson property on Lexington Avenue
File No. 744-78-85
9. SKETCH PLAN REVIEW - Shoreview Knolls Townhomes
Planned Unit Development
File No. 794-79-42
10. MINOR SUBDIVISION - K. Dahlstrom
Lots 6 & 7, Block 1
Chapman's Lake Owasso Addition
File No. 796-79-44
11. MINOR SUBDIVISION - J. Sharkey
4965 Hanson Road
File No. 729-78-70
12. VARIANCE - D. Berglund
3266 W. Owasso Boulevard
File No. 795-79-43
13. Staff Report
14. Adjournment

EXHIBIT: <u> E </u>
Page: <u> 1 </u> of <u> 1 </u> Pages

That part of the East 290 feet of Government Lot 1, Section 14, Township 30 North of Range 23 West lying North of a line running parallel to and distant 450 feet North of the South line of said Government Lot 1 and lying South of lines described as follows: Beginning at the intersection of the East line of said Government Lot 1 with a Northwesterly projection of the North line of Margaret Street as platted in Oak Ridge in said Section 14; thence running Northwesterly on said projection to a point distant 600 feet North of said South line of Government Lot 1; thence West parallel to said South line to a point distant 290 feet West of said East line; subject to public rights in Hansen Road. Also a roadway or driveway easement over a strip of land 30 feet in width lying adjacent to and on the Northerly side of aforescribed tract of land, said 30 feet being measured at right angles to the northerly lines of said tract, and said strip running from said East line of Government Lot 1 to a line running parallel to and distant 290 feet West of said East line. Ramsey County, Minn.

EXHIBIT: E F
Page: 1 of 1 Pages

01201993

3 of 11

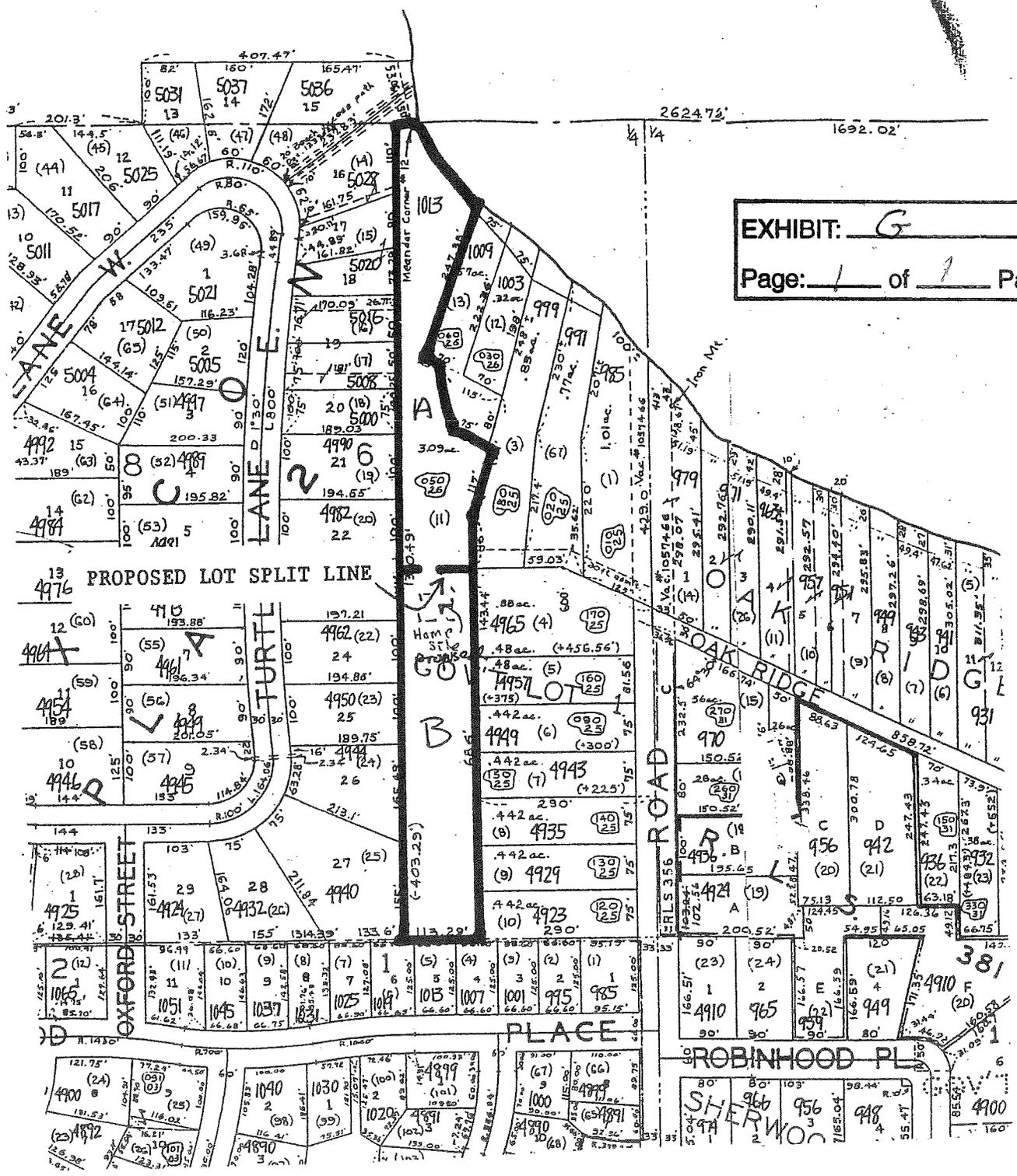


EXHIBIT: G
 Page: 1 of 1 Pages

PROPERTY LINE MAP

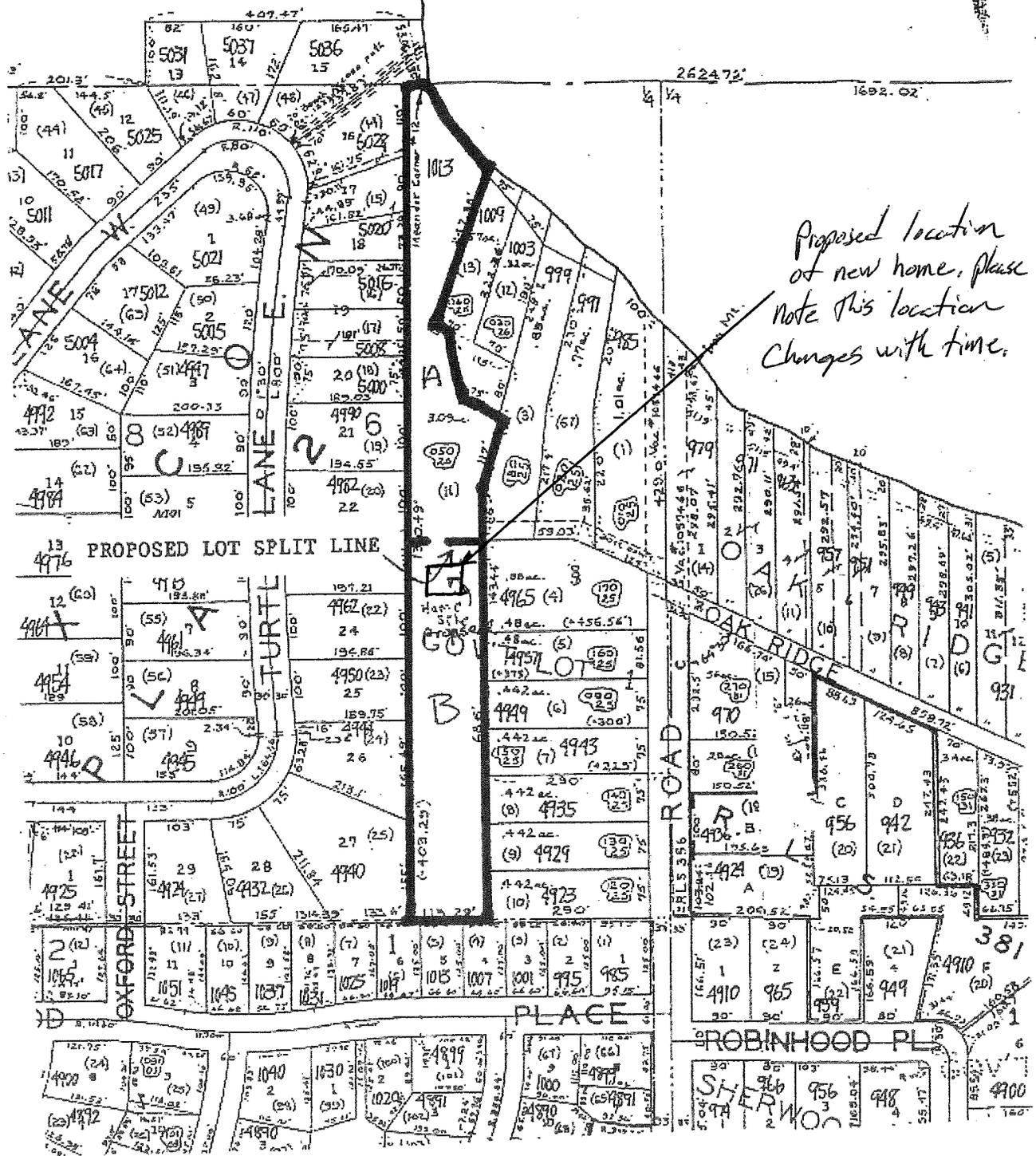
18

Attachment



EXHIBIT: H

Page: 1 of 1 Pages



Special Permittion (with arrow pointing to item c)

- c. Private driveway access is permitted by City Code when a private easement is recorded. *No Easement Run with the property*
- d. Timely emergency vehicle access can be guaranteed through compliance with Uniform Fire Code standards.



- 2. The resultant construction would not detract from the essential character of the area because not less than 130 feet of separation would exist between the proposed dwelling and the nearest existing dwellings,

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

and the following voted against same: none.

WHEREUPON, said resolution was declared duly passed and adopted this 23rd day of February, 1993.

ATTEST:

Randall Johnson

 Randall Johnson, AICP
 City Planner

William Johnson

 William Johnson, Chairman
 Planning Commission

SEAL



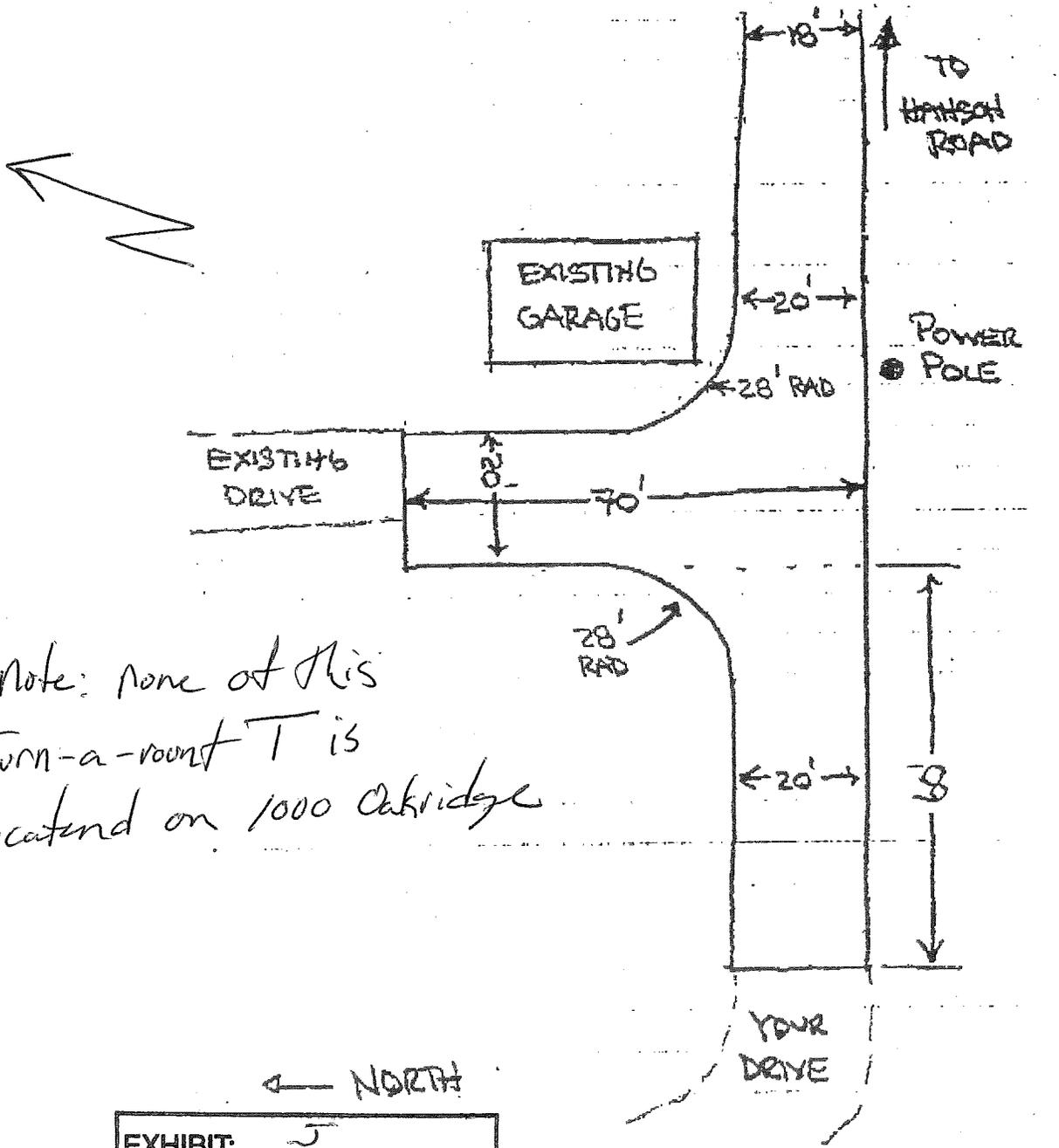
EXHIBIT: <u> I </u>
Page: <u> 1 </u> of <u> 1 </u> Pages

2
2d

05181993

MAY 18 '93 14:38 CITY OF SHOREVIEW

P.2/2



Note: None of this
Turn-a-round T is
located on 1000 Oakridge

← NORTH

EXHIBIT:	5
Page:	1 of 1 Pages

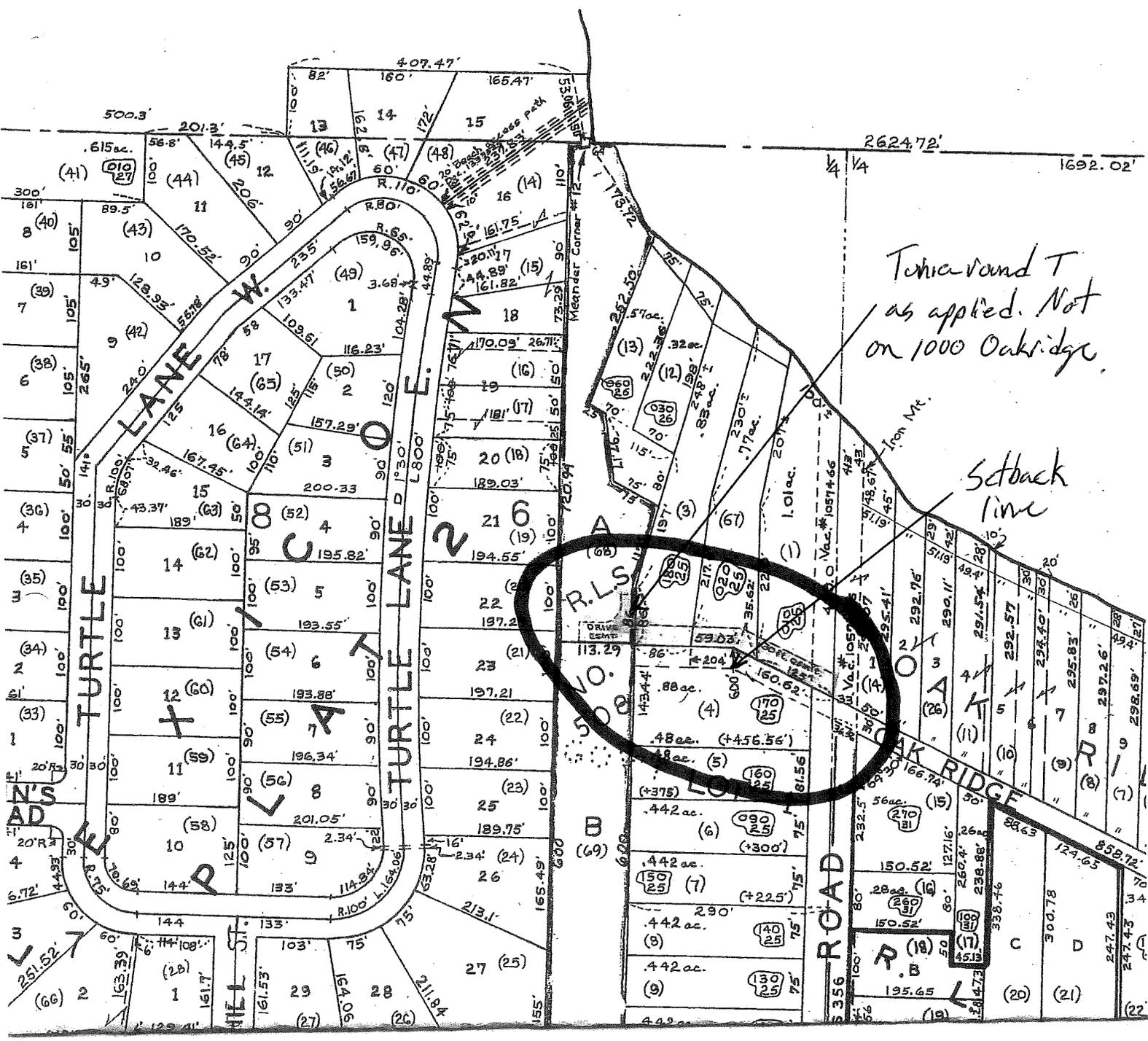


EXHIBIT: K
 Page: 1 of 1 Pages

EXHIBIT: M
Page: 1 of 3 Pages

Document No. PENDING
STATE OF MINNESOTA
COUNTY OF RAMSEY
Office of The Registrar of Titles
This is the recording information of the document recorded in this office on the 10th day of April A.D. 2015 at 2:12 o'clock P M.

Duplicate Recording Data

(Top 3 inches reserved for recording data)

QUIT CLAIM DEED Minnesota Uniform Conveyancing Blanks
Individual(s) to Joint Tenants Form 10.3.3 (2013)

eCRV number: _____

DEED TAX DUE: \$ 1.70

DATE: April 10, 2015
(month/day/year)

FOR VALUABLE CONSIDERATION, John T. Sharkey and Linda R. Sharkey - Married
(insert name and marital status of each Grantor)

("Grantor"),

hereby conveys and quitclaims to _____
(insert name of each Grantee)
John T. Sharkey, Linda R. Sharkey, & Todd C. Sharkey ("Grantee"), as joint tenants, real property in See Attached Dec. County, Minnesota, legally described as follows:

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

- Check applicable box:
- The Seller certifies that the Seller does not know of any wells on the described real property.
 - A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____)
 - I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

(signature)
Linda R. Sharkey
(signature)

143023220004

1-3 23

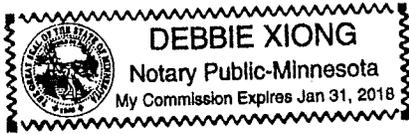
L

State of Minnesota, County of Ramsey

This instrument was acknowledged before me on 4/10/15, by _____

John T. Sharkey and Linda R. Sharkey, married to
each other
(insert name and marital status of each Grantor)

(Stamp)



Debbie Xiong
(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Todd C. Sharkey
1003 5th Street N.
Stillwater, MN. 55082

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

John T. Sharkey
4965 HANSON RD
SHOREVIEW, MN
55126

LINDA R. SHARKEY
4965 HANSON RD
SHOREVIEW, MN
55126

EXHIBIT: M
Page: 2 of 3 Pages

That part of the E. 290 ft. of Govt. Lot 1, Sec. 14, T. 30 N., R. 23 W. lying N. of a line running parallel to and distant 456.56 ft. N. of the S. Line of said Govt. Lot 1 and lying S. of lines described as follows: Beginning at the intersection of the E. line of said Govt. Lot 1 with a NW'ly projection of the N. line of Margaret St. as platted in Oak Ridge, in said Sec. 14; thence running NW'ly on said projection to a point distant 600 ft. N. of said S. line of Govt. Lot 1; thence W. parallel to said S. line to a point distant 290 ft. W. of said E. line; subject to public rights in Hanson Road.

Also a roadway or driveway easement over a strip of land 30 ft. in width, lying adjacent to and on the N'ly side of afore described tract of land, said 30 ft. being measured at right angles to the N'ly lines of said tract, and said strip running from said E. line of Gov't Lot 1 to a line running parallel to and distant 290 ft. W. of said E. line.

EXHIBIT:
Page: 3 of 3 Pages

3/23/15

SHARKEY LAND DEVELOPMENT

Todd C. Sharkey
1003 5th Street North
Stillwater, Minnesota. 55082
Todd_Sharkey@Hotmail.com

City Manager, Terry Schwerm
City of Shoreview, A Municipal Corporation.
4600 Victoria Street North
Shoreview, Minnesota. 55126

March 23rd, 2015

RE: 4965 Hanson Road Minor Subdivision

Dear City Manager Schwerm,

Please find attached and enclosed, application for Minor Subdivision for the property located at: 4965 Hanson Road in the City of Shoreview.

The proposed Minor Subdivision conforms to the City of Shoreview's Municipal Guid Plan in all respects.

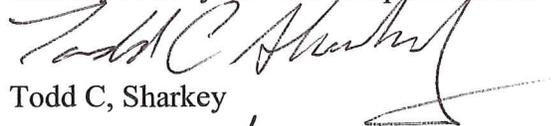
The proposed Minor Subdivision meets and/or exceeds all City of Shoreview, City Code.

The purpose and intent of the Minor Subdivision is to utilize the land for which it was originally intend. The Minor subdivision will allow the "Highest Use" of the land that is most beneficial to the City of Shoreview and to develop a single-family home that will increase the City's tax base.

The City of Shoreview is most likely going to state that the proposed new lot does not front a public street. If the City of Shoreview states that a variance is necessary, the above-named applicant requires a signed affidavit, sworn under penalty of perjury, along with any and all supporting documents proving that the roadway known as an "Extension of Oakridge" West of Hanson Road is in fact a ~~Public~~ ^{Private} Street. If the City of Shoreview cannot provide proof and still states that a Variance is necessary, the above-named applicant will commence litigation against the City of Shoreview to prove, that the above-named street is in fact public.

As of the date of this letter and application, you, as the City Manager have fifteen days in which to state that the attached application is complete or, incomplete, stating the reasons for being incomplete.

Thank you for your time and professional consideration,


Todd C, Sharkey

w/attachments

MINOR SUBDIVISION APPLICATION

Return to:

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
(651) 490-4680

Existing Zoning: R-1, Residential Detached
Number of Lots Proposed: One Lot

Site Identification:

Address: 4965 Hanson Rd

Property Identification Number: 14.30.23.22.0004

Legal Description: with Esmt over 30ft strip N of And Adj and subj to Hanson RD Part of N 143 44/100 Ft of 5600 Ft of E 290 ft of Grant Lot 1 S of Extended My Ln of Morganst St. As platted in Oakridge All in Sec 14 T4N 30 R23

Applicant: Sharkey Land Development
Name: Sharkey Land Development

Address: 1003 5th Street N. Stillwater MN 55082
City State Zip Code

Telephone Number: only E-mail (daytime) (home)

Fax Number: only E-mail E-Mail: Todd_Sharkey@hotmail.com

Property Owner (if different from applicant):

Name: John, Linda + Todd Sharkey

Address: 4965 Hanson Rd. Shoreview MN 55126
City State Zip Code

Signatures:

Applicant: Todd C Sharkey Date: 3/23/2015

Property Owner: Todd C Sharkey Date: 3/23/2015

Linda R Sharkey

Date Received by City: _____ By Whom: _____

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.
2. Evidence of a legal or equitable interest by the applicant in the property to be subdivided.
3. A statement describing the intended use of the property.
4. A scaled Certificate of Survey of the property to be subdivided which shall include:
 - a. For the existing parcel,
 - i. The gross site area, property dimensions, and all minimum required building setback lines
 - ii. The location and dimensions of any existing development (structures, sidewalks, driveways, etc.), lot coverage, landmark trees, and easements
 - b. The proposed subdivision lot line and proposed parcels
 - c. For the proposed parcels;
 - i. The site area, property dimensions and all minimum required building setback lines
 - ii. The location and dimensions of any existing development (structures, sidewalks, driveways, etc.), lot coverage, landmark trees and easements
5. **One** folded and collated copy of the plan sheets drawn to scale. An 11"x17" print may be acceptable provided it is to scale and legible. **Four large prints (24" x 36")** drawn to scale copies of each plan sheet may also be required. **One 8½"x11"** reproducible print for each required sketch, drawing, or plan
6. A completed application(s) for all other approvals necessary for the proposed development (e.g. rezoning, variance, comprehensive guide amendment).
7. Where the resulting subdivided parcels would be greater than 24,000 square feet or greater than 150 feet wide at the building setback line, a plan shall be submitted to show how the lots could be re-subdivided in the future.
8. Statement of Outstanding Assessments. Payment in full may be required as a condition of approval.
9. Filing fee of \$250.00. (Make checks payable to the City of Shoreview). **The filing fee is non-refundable.**
10. Additional information may be required as determined by Staff.

REVIEW PROCEDURE

1. Upon receipt of a completed application and all associated applications, the City Manager will process the application in accordance with the following.
 - A. Planning Commission/City Council Review. Applications that require review by the Planning Commission and City Council shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for hearing of the application. The application shall be heard and acted on by the Planning Commission and City Council in accordance with Minnesota Statute 15.99.
 - i. Planning Commission. The Planning Commission shall hold a hearing, preceded by mailed notice as required by Section 203, in consideration of granting the request. The Planning Commission shall review the application in accordance with the requirements of the Development Ordinance. Upon review of the application, the Planning Commission will recommend to the City Council approval and conditions thereof or denial and the reasons thereof, or shall table the application for further consideration.
 - ii. City Council. Upon receipt of the report from the Planning Commission, the City Council shall consider the application. The City Council shall, taking into consideration the advice and recommendations of the Planning Commission, table, grant or deny the application in accordance with the requirements of the Development Ordinance.
 - B. Notice and Hearing Procedure.
 - i. Mailed Notice. Notice of the purpose, time and place of a public hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property which will be the subject matter of the public hearing. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.
 - ii. Failure to Give Notice. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

REVIEW PROCEDURE continued

- C. Issuance and Conditions. If approved, the Council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the Development Ordinance and the Comprehensive Plan. If denied, the City Council shall provide the reasons thereof.
- D. Decision. The City Council has the authority to table, grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership, unless otherwise stated in this ordinance.
2. If approved by the City Council, it is the applicant's responsibility to satisfy any conditions of approval within one year of the date of approval or approval is void. A standard condition of approval is the payment of a Public Use Dedication Fee. The amount of this fee is determined by the City on the basis of the unimproved land value of recent developments or determined by appraisal.
 3. Once the conditions are satisfied, the applicant may submit the deed(s) to the City Planner for approval of the legal description(s).
 4. Following the City Planner's approval of the legal description(s), the deed(s) may be recorded by the applicant with Ramsey County. The division is not complete or official until this filing occurs.

NOTES

1. An application can not be accepted until each of the filing requirements listed above has been satisfied.
2. The purpose of requiring the data referenced in the filing requirements is to permit the City to thoroughly evaluate your proposal relative to City ordinances and policies. Refusal to provide the requested information may jeopardize approval of your request. Information submitted with this application will be made available to anyone who may request it.
3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit this application. In so doing, you may reduce the time required by the city to act on your proposal.
4. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforce any conditions(s) of any resulting approval or permit.

06261978

2026406

DEC 12 10 27 AM '78

Warranty Deed, Individual to John Taylor

Form No. 5-M

Revised 1978 Co. St. Paul, Minn. Minnesota Deeds - Cooperator (1978)

This Indenture, Made this 26th day of June 1978 between Floyd C. Bedbury, a single person and Holly P. Bedbury, a single person

of the County of Ramsey and State of Minnesota parties of the first part, and John T. Sharkey and Linda R. Sharkey, husband and wife of the County of Ramsey and State of Minnesota parties of the second part.

WITNESSETH; That the said parties of the first part, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration DOLLARS, to in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said parties of the second part as joint tenants and not as tenants in common, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, Forever, all the tract or parcel of land lying and being in the County of Ramsey and State of Minnesota, described as follows, to-wit:

That part of the E. 290 ft. of Govt. Lot 1, Sec. 14, T. 30 N., R. 23 W. lying N. of a line running parallel to and distant 456.56 ft. N. of the S. line of said Govt. Lot 1 and lying S. of lines described as follows: Beginning at the intersection of the E. line of said Govt. Lot 1 with a NW'ly projection of the N. line of Margaret St. as platted in Oak Ridge, in said Sec. 14; thence running NW'ly, on said projection to a point distant 600 ft. N. of said S. line of Govt. Lot 1; thence W. parallel to said S. line to a point distant 290 ft. W. of said E. line; subject to public rights in Hanson Road.

Also a roadway or driveway easement over a strip of land 30 ft. in width, lying adjacent to and on the N'ly side of afore described tract of land, said 30 ft. being measured at right angles to the N'ly lines of said tract, and said strip running from said E. line of Gov't Lot 1 to a line running parallel to and distant 290 ft. W. of said E. line.

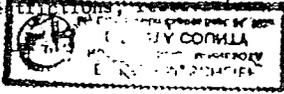
NO DELINQUENT TAXES AND TRANSFER ENTERED JULG - 1978 LOU MCKENNA, DIRECTOR

CERT. OF REAL ESTATE VALUE FILE NO. BY H. Lynch 7/6/78

State Deed Tax hereon \$3.50 155.70

TO HAVE AND TO HOLD THE SAME. Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said parties of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, Forever, the said parties of the second part taking as joint tenants and not as tenants in common.

And the said Floyd C. Bedbury, a single person and Holly P. Bedbury, a single person of the first part, (or themselves or their heirs, executors and administrators do covenant with the said parties of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, that they are well seized in fee of the lands and premises aforesaid and have a good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances, and also subject to restrictions, easements and easements of record, if any.



And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said parties of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any, aforesaid mentioned, the said parties of the first part will Warrant and Defend.

IN TESTIMONY WHEREOF, The said parties of the first part have hereunto set their hand on the day and year first above written.

In Presence of Floyd C. Bedbury Holly P. Bedbury

EXHIBIT: A Page: 1 of 1 Pages

ATTORNEYS AT LAW

FILLA, WINGERD & WHISNANT

PROFESSIONAL ASSOCIATION
2212 AMERICAN NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101
TEL. (612) 298-0881

OF COUNSEL
PAUL G. DONLIN

JEROME P. FILLA
HAROLD R. WINGERD
JOHN R. WHISNANT

July 24, 1978

Dr. Charles E. Bregel
985 Oakridge Avenue
Shoreview, MN 55112

Re: Road Easement
985 Oakridge Avenue
Our File No. 26,505

Dear Dr. Bregel:

I have reviewed the Abstract of Title to the above-referenced property which was last certified on the 6th day of June, 1975, at 8:00 a.m. by the St. Paul Title and Guarantee Company. The Abstract consists of Entries 1 through 84 inclusive, and a photocopy of that Abstract is enclosed.

At one point in time, most of the property located west of the centerline of Hanson Road and north of Robinhood Place was owned by Henry Bucher. Upon his death, a portion of this property was decreed to his daughter, Caroline Hansen, and upon her death, the property was given to her children, Henry Hansen, Louis Hansen, and Edna Hansen. (See Abstract Entries 17 and 22.)

When the Hansen children acquired their mother's interest in the property, they granted a 15-foot easement to Stuart Cohen. The easement extended westerly from Hanson Road across some property located south of your property. The easement was to provide access from Hanson Road to the Cohen property. This easement was eventually re-conveyed by Stuart Cohen to the Hansen children and no longer exists. (See Abstract Entries 25 and 51.)

I have enclosed a portion of a section map for the area surrounding your lot. On the section map, your lot appears as a blue shaded area. This lot was created in 1947 when the Hansen children conveyed this parcel to Mr. and Mrs. Bauer. However, when the Hansen children conveyed this parcel, they reserved an easement over the south 30 feet of the land. This 30-foot easement allowed them access to property which they owned located west of your land. The 30-foot easement is shown as a green shaded area on the enclosed section map. (See Abstract Entry No. 44.)

EXHIBIT: B

Page: 1 of 3 Pages

Dr. Charles E. Bregel

Page 2

July 24, 1978

After your parcel was created, the Hansen children conveyed a larger parcel to the west of your property to Stuart Cohen. This parcel is shown as a red checked area on the enclosed section map. Along with the conveyance of this parcel, the Hansen children gave Mr. Cohen the right to use the 30-foot easement across the southern parcel of your land, as well as, a 30-foot easement in between your land and the Cohen property. (See Abstract Entry No. 52.)

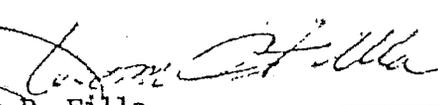
The Hansen children then conveyed the McEvoy property which is shown as a red shaded area on the attached section map. The conveyance was made subject to the rights of Mr. Cohen over the south 30 feet of the McEvoy property, and the conveyance was made together with the right to use the south 30 feet of your property. (See Abstract Entry No. 53.)

Three of the Hansen then conveyed their interest and what was to become the Bedbury property to the fourth Hansen child. This area is shaded in orange on the attached section map. This is perhaps the most significant conveyance as far as the easement is concerned. The conveyance indicates that along with the title to the real estate, the Hansen children conveyed an interest in the 30-foot easement which is located on the southerly portion of your property, the McEvoy property and the property to the west of the McEvoy property. (See Abstract Entry No. 54.)

Based upon my review of the Abstract, I can conclude that the 30-foot easement is located entirely on your property, the McEvoy property and the property to the west of the McEvoy property. No part of the 30-foot easement is on the Bedbury property. However, the people who originally acquired the Bedbury property and their successors in interest have a right to use the 30-foot easement. The right to utilize the easement does not necessarily carry with it an obligation to maintain the easement. Although you could not obstruct the access, you would have no obligation to maintain the easement for the benefit of the abutting property owners.

If the present owner of the Bedbury property wishes to construct more than one residential dwelling on the property, he would have to obtain approval of a minor subdivision from the City of Shoreview. If you have any questions, please contact me.

Very truly yours,


Jerome P. Filla

JPF/lla
enclosures

EXHIBIT: <u>B</u>
Page: <u>2</u> of <u>3</u> Pages

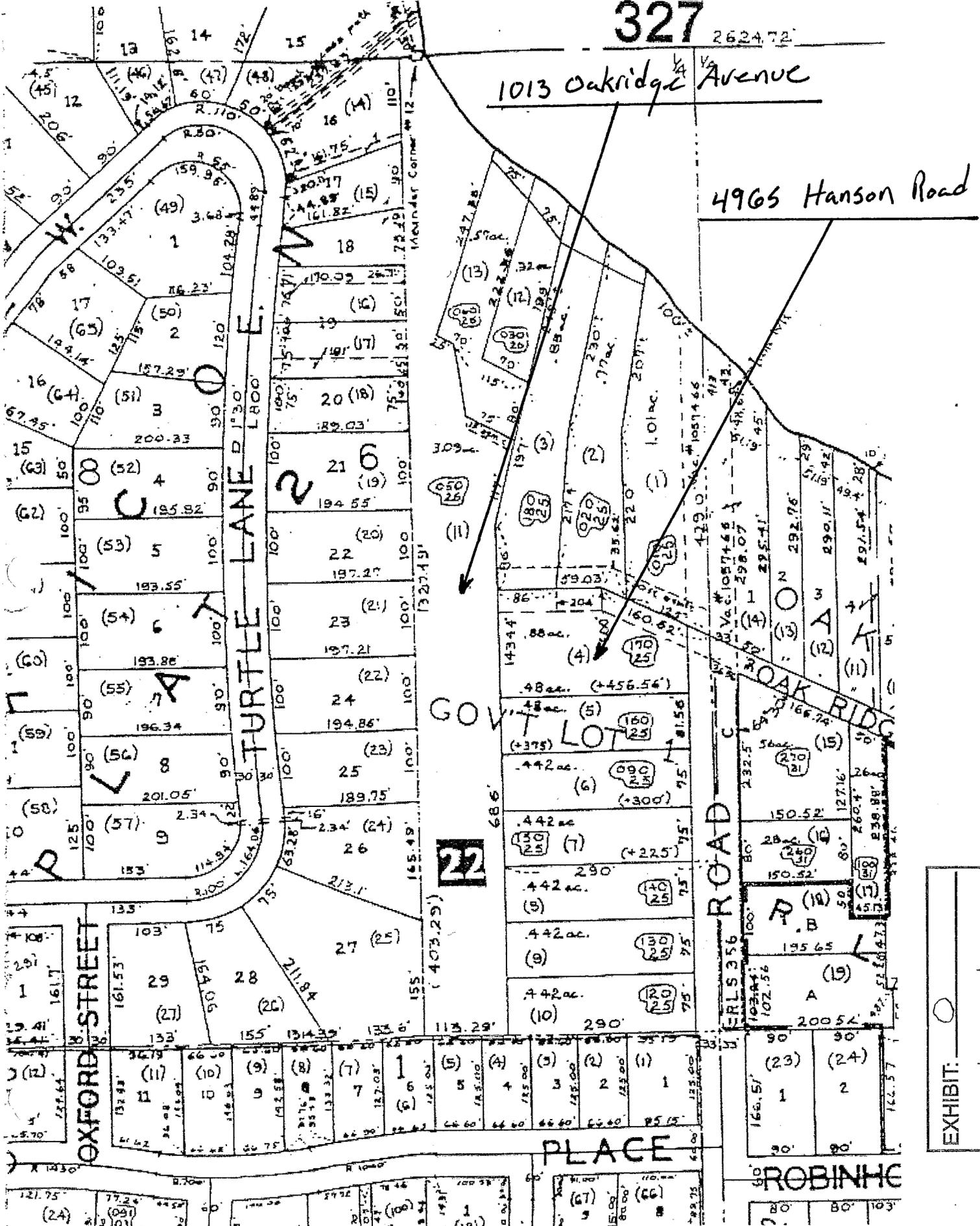
WEST QUARTER (1/4) SECTION 14

327

2624.72'

1013 Oakridge Avenue

4965 Hanson Road



Home at 1000 Oakridge Avenue
 Setback - 89.2 feet, City Code 30 ft. Min - 40 ft. Max (with Variance)

No variance applied
 for, nor was one granted

**CERTIFICATE OF SURVEY FOR:
 JOHN SHARKEY**

EXHIBIT: W-1
 Page: 1 of 1 Pages

Parcel A
 The west 118.00 feet of the east 290.00 feet of the north 143.44 feet of the south 600.00 feet of Government Lot 1, Section 14, Township 30 North, Range 23 West, Ramsey County, Minnesota.

Also a roadway or driveway easement over a strip of land 30 feet in width, lying adjacent to and on the northerly side of afore described tract of land, said 30 feet being measured at right angles to the northerly lines of said tract, and said strip running from said east line of Government Lot 1 to a line running parallel to and distant 290 feet west of said east line.

Subject to an easement for drainage and utility purposes over, under and across the north 10 feet, the east 5 feet, the south 10 feet and the west 5 feet thereof.

Parcel B
 That part of the east 172.00 feet of the north 143.44 feet of the south 600.00 feet of Government Lot 1, Section 14, Township 30 North, Range 23 West, Ramsey County, Minnesota lying southwesterly of the following described line:

Beginning at the intersection of said east line of Government Lot 1 with the northwesterly projection of the north line of Margaret Street (now Oak Ridge Avenue) in said Section 14; thence running northwesterly, on said projection, to a point distant 600.00 feet north from the south line of said government Lot 1 and there terminating.

Also a roadway or driveway easement over a strip of land 30 feet in width, lying adjacent to and on the northerly side of afore described tract of land, said 30 feet being measured at right angles to the northerly lines of said tract, and said strip running from said east line of Government Lot 1 to a line running parallel to and distant 290 feet west of said east line.

Subject to Hanson Road and subject to an easement for drainage and utility purposes over, under and across the north 10 feet, the northwesterly 10 feet, the west 10 feet of the east 43 feet, the south 10 feet and the west 5 feet thereof.

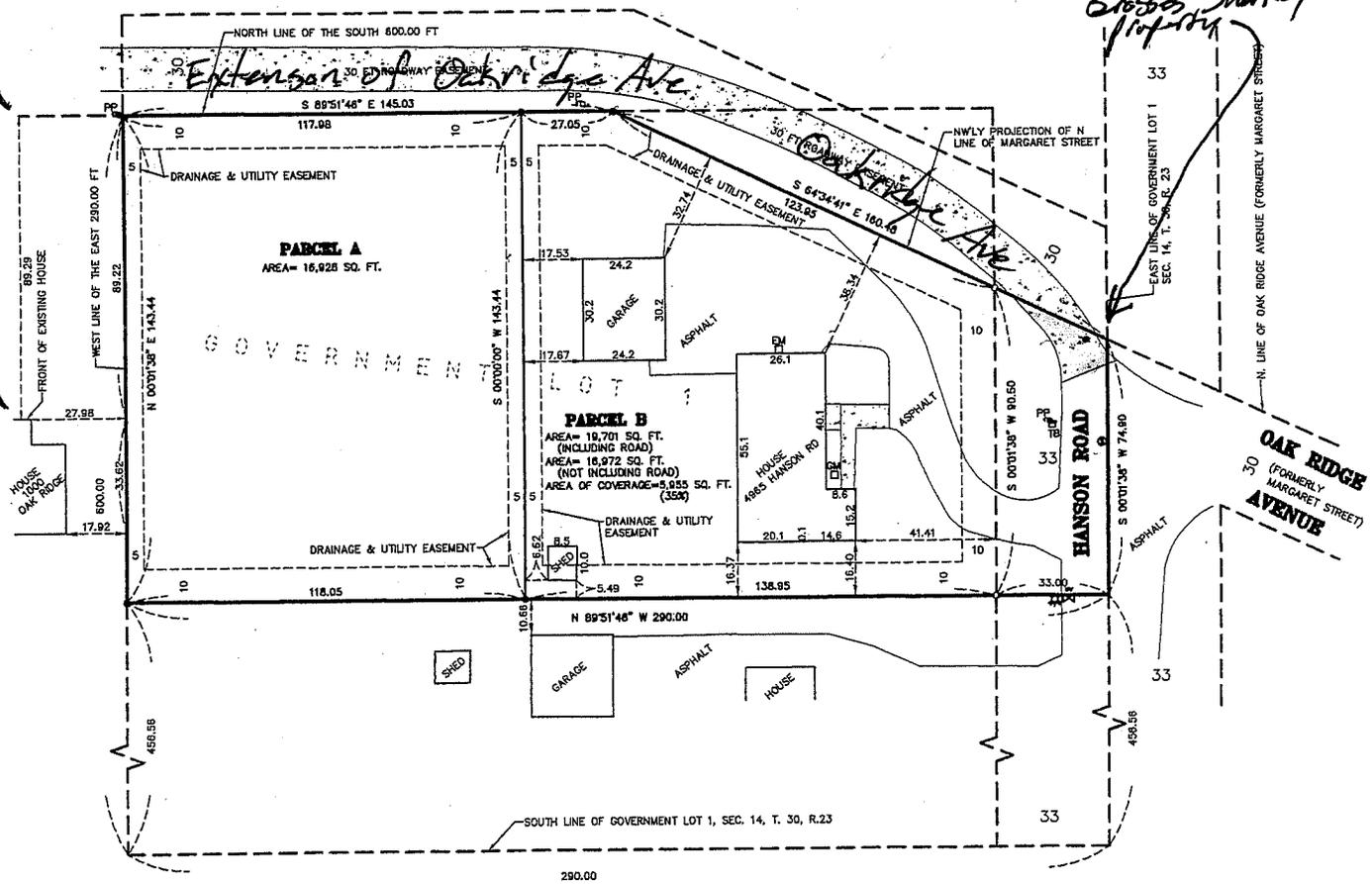
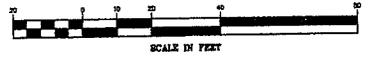
The following is the "Proposed driveway easement" as shown on a Certificate of Survey for Stuart Cohen dated June 8, 1988, surveyed by Harold A. Wilke, PLS No. 2215, replacing vacated easement across the Sharkey land and placing it north of and adjacent to the Sharkey property, described as follows: (Rights to easement unknown)

A strip of land 30 feet in width, measured at right angles, running from the east line of said Government Lot 1 to a line running parallel with and distant 290 feet west from said east line. The southerly line of said 30-foot strip is described as follows:

Beginning at the intersection of said east line of Government Lot 1 with the northwesterly projection of the north line of Margaret Street (now Oak Ridge Avenue) in said Section 14; thence running northwesterly, on said projection, to a point distant 600.00 feet north from the south line of said Government Lot 1; thence west, parallel with said south line, to a point distant 290.00 feet west from said east line thereof.

FOR THE PURPOSES OF THIS SURVEY THE WEST LINE OF THE EAST 290.00 FEET OF GOVERNMENT LOT 1 IS AT AN ASSUMED BEARING OF NORTH 00 DEGREES 01 MINUTES 38 SECONDS EAST.

SCALE: 1 INCH = 20 FEET



Crosses Sharkey property

OAK RIDGE AVENUE
 (FORMERLY MARGARET STREET)

HANSON ROAD

GOVERNMENT LOT 1

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊙ DENOTES MANHOLE
- ⊕ DENOTES ELECTRIC METER
- ⊖ DENOTES HYDRANT
- ⊗ DENOTES WATERVALVE
- ⊘ DENOTES ELECTRIC HAND HOLE

- LEGEND**
- ⊕ DENOTES POWER POLE
 - ⊖ DENOTES LIGHT POLE
 - ⊙ DENOTES TELEPHONE BOX
 - ⊕ DENOTES NAIL SET
 - ⊖ DENOTES CATCH BASIN
 - ⊗ DENOTES GAS METER
 - ⊘ DENOTES WATER BOX

- DENOTES CONCRETE
- S— DENOTES SANITARY SEWER
- ST— DENOTES STORM SEWER
- W— DENOTES WATER MAIN
- E— DENOTES ELECTRICITY
- G— DENOTES GAS
- x 953.24 DENOTES SPOT ELEVATION

REVISIONS	
DATE	DESCRIPTION
7/21/05	ADDED AREAS AND DIMENSIONS

WWW.CARLEY-TORGERSEN.COM
 (651) 484-3301

70 W COUNTY ROAD "C" SUITE 703
 LITTLE CANADA, MN. 55117
 FAX: (651) 765-9729

QUALITY SERVICE SINCE 1948

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

David E. Torgersen
 David E. Torgersen, P.L.S.
 Minn. Reg. No. 17551 Date 7-24-05

Job No. 05-049 File No. 20-280

City Council:
Sandy Martin, *Mayor*
Emy Johnson
Terry Quigley
Cory Springhorn
Ady Wickstrom



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

April 1, 2015

Mr. Todd C. Sharkey
Sharkey Land Development
1003 5th Street North
Stillwater, MN 55082

Re: Minor Subdivision Application – 4965 Hanson Road

Dear Mr. Sharkey:

On March 23, 2015, the City received a Minor Subdivision application to divide the property at 4965 Hanson Road into two parcels. The application has been reviewed and found to be ***incomplete*** since the following items were not submitted and are missing:

- 1) Application form is incomplete. Pursuant to Ramsey County Property Tax Records, the property is also owned by John Sharkey. As such, John Sharkey's signature is required on the application form.
- 2) Evidence of your legal or equitable interest in the property is required.
- 3) The Certificate of Survey submitted is missing because it is not acceptable for the following reasons:
 - a. A reduced copy of the Survey was submitted and is not to scale. A legible Survey drawn to scale must be submitted.
 - b. The Survey has been altered and includes hand written statements that obscure information on the Survey. An unaltered copy of the Survey is required. You may include the information that is currently hand written on the Survey in a written statement.
- 4) As documented on the Survey, Parcel A, does not have frontage on a public road as required by Municipal Code Section 204.030 (C2), therefore a variance is required. The Filing Requirements document provided with the application states that among the items that must be submitted includes: *"a completed application(s) for all other approvals necessary for the proposed development (e.g. rezoning, variance,*

comprehensive guide plan amendment)." Therefore, the required variance application is missing. Enclosed you will find a Variance application form that must be completed.

If these items outlined above are submitted by April 8th, and the application is determined to be complete, the request will be tentatively scheduled for review at the April 28th meeting of the Planning Commission. Please note that for the application to be considered complete, the required Variance application must also be submitted and deemed to be complete by the City Staff.

Enclosed you will find the check you had submitted for the Minor Subdivision application fee. Since the application has been found to be incomplete, the check is being returned to you. A new check for all the application fees must be submitted with the items identified above.

If you have any questions regarding this matter, please contact me at 651-490-4612 or via email at tsimonson@shoreviewmn.gov.

Sincerely,



Tom Simonson
Assistant City Manager
and Community Development Director

Enclosures: Returned Check #000244580
Variance Application

Copy: Linda Sharkey, 4965 Hanson Road

City Council:
Sandy Martin, *Mayor*
Emy Johnson
Terry Quigley
Cory Springhorn
Ady Wickstrom



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

April 7, 2015

Mr. Todd C. Sharkey
Sharkey Land Development
1003 5th Street North
Stillwater, MN 55082

Dear Mr. Sharkey:

In follow-up to your email stating that you wish to appeal the City's determination that your application for a minor subdivision of property was incomplete (letter dated April 1, 2015), I am enclosing an Appeal of Decisions application, which was previously sent to you via email on March 12, 2015. Based on your acknowledgement of receiving the notice of incompleteness as of April 3rd, the deadline for submittal of the appeal application must be done within 5 business days, which is April 10, 2015.

I have confirmed with the City Attorney that the appeal of the administrative decision is to the Board of Appeals and Adjustments, which is the Planning Commission. This is pursuant to Minn. Stat. 462.354, and Shoreview City Ordinances 204.010 (C)(1) and 304.070 (C)(1). City Staff that reviewed the application is considered the City Manager's "designee" for 204.010 purposes. Further, the determination that the application is incomplete is an "administrative decision." Pursuant to Ordinance 203.020(F), appeals of administrative decisions are reviewed by the Board of Appeals and Adjustments.

As far as the fees for the appeal, pursuant to Minn. Stat. 462.353 subs 4 and 4a, the City may charge fees per a fee schedule adopted by ordinance. The City properly adopted the fee schedule found in Exhibit B to the City Code. Therefore, a \$100 filing fee must be submitted along with the Appeal of Decisions application.

Also, I would like to clarify that the City is not requiring you to undertake a new land survey of your property as part of the minor subdivision request. If the dimensions of the proposed lot have not changed, you can submit the previous survey of the property showing the minor subdivision. However, it must be in a document size that is to scale and not altered with hand written notations that cover up official information on the survey.

Finally, I am once again enclosing the check you submitted with your Minor Subdivision application that you gave back to the City last night at the City Council meeting.

If you have any questions regarding this matter, please contact me at 651-490-4612 or via email at tsimonson@shoreviewmn.gov.

Sincerely,

Tom Simonson
Assistant City Manager
and Community Development Director

Enclosures: Returned Check #000244580
Appeal of Decisions Application
Ordinance No. 810, Administrative Fee Schedule

Copy: Linda Sharkey, 4965 Hanson Road

City Council:
Sandy Martin, *Mayor*
Emy Johnson
Terry Quigley
Cory Springhorn
Ady Wickstrom



City of Shoreview
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Shoreview MN 55126
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April 15, 2015

Mr. Todd C. Sharkey
Sharkey Land Development
1003 5th Street North
Stillwater, MN 55082

Re: Appeal of Administrative Decision

Dear Mr. Sharkey:

On April 10, 2015, the City received your Appeal Application and deemed it **complete**. The application appeals the administrative decision that the Minor Subdivision application you submitted for the property at 4965 Hanson Road is incomplete.

As stated to you in a previous letter, the appeal of the administrative decision is to the Board of Appeals and Adjustments, which is the Planning Commission. This is pursuant to Minn. Stat. 462.354, and Shoreview City Ordinances 204.010 (C)(1) and 304.070 (C)(1). City Staff that reviewed the Minor Subdivision application is considered the City Manager's "designee" for 204.010 purposes. The determination that the Minor Subdivision application as incomplete is an "administrative decision." Pursuant to Ordinance 203.020(F), appeals of administrative decisions are reviewed by the Board of Appeals and Adjustments (Planning Commission).

This letter is to inform you that the **Appeal is scheduled for consideration at the April 28, 2015 meeting of the Planning Commission.** The meeting starts at 7:00 pm and is held in the City Council Chambers at Shoreview City Hall, 4600 N. Victoria Street. A meeting agenda and staff report will be mailed to you prior to the meeting. Please note that a mailed public notice of the appeal hearing will be distributed to property owners within 350 feet of the 4965 Hanson Road property.

If you have any questions regarding this matter, please contact me at 651-490-4612 or via email at tsimonson@shoreviewmn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Simonson", with a long horizontal flourish extending to the right.

Tom Simonson
Assistant City Manager
and Community Development Director

Copy: John and Linda Sharkey, 4965 Hanson Road

Comments:

Turtle Lake is one of the cleanest lakes in Ramsey County. I have been concerned to keep it that way for 29 years. Another house in the Turtle Lake watershed will add more impermeable surface to the lake's watershed and potentially more polluted run-off into the lake. I oppose granting a variance that would permit new construction unless the variance contains a condition permitting no additional run-off from the property and natural filtering of what does run-off (i.e. a rain garden or other acceptable technique).

Name: Gregory S. Cross
Address: 4940 Hanson Road



Tom Simonson <tsimonson@shoreviewmn.gov>

updated comments for : Request for comment for 4965 Hanson Rd

Denise Firkus <Denise.Firkus@crew2.com>

Mon, Apr 20, 2015 at 2:29 PM

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

Cc: Doug Firkus <Doug.Firkus@crew2.com>

In your request for comment letter, you indicate that part of the appeal is that the private drive is public road. To clarify:

- 1.) The property owners on this private drive personally paid for the construction of the concrete drive.
 - 2.) The property owners all chipped in to have the private drive resealed and cleaned in 2014.
 - 3.) it is the responsibility of the neighbors to plow and make the private drive passable in the winter.
 - 4.) the mail is delivered at the base of the private drive....the federal government does not deliver mail due to the private drive.
 - 5.) the utility work on Hanson and Oakridge was done in 2014... But was precluded from the private drive?
- Thank you for opportunity to comment.

CREW₂

Denise Firkus | Owner & EVP Sales/Marketing

Office: [612-276-1681](tel:612-276-1681)

Mobile: [651-248-9425](tel:651-248-9425)

Fax: [612-276-1781](tel:612-276-1781)

Email: denise.firkus@crew2.com

2650 Minnehaha Avenue Minneapolis Minnesota 55406

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Perhaps the city needs to revisit "SPECIAL PERMISSION". This worked perfectly for the farms at 1000 Oakridge (extension of Oakridge Ave). Not only were they able to build a large house on the "extension of Oakridge" WITH NO VARIANCE, but they also were given permission to set their house nearly 90 feet back from the front property line again WITH NO VARIANCE.

The city duped their own City Code by coming up with "Special Permission" instead of demanding Variances. & now the city refuses to talk about this illegal situation.

"Special Permission" it seems means "Special Treatment" for one person, but not for all. What?

Linda Shorkey
4965 Hanson Rd.
Shoreview, MN

Rec'd
4-20-15
MS



Tom Simonson <tsimonson@shoreviewmn.gov>

Todd Sharkey subdivision request

1 message

drhill <david@davidhill.org>

Wed, Apr 22, 2015 at 9:01 AM

To: tsimonson@shoreviewmn.gov

Dear Tom Simonson / Planning Commission,

My name is David Hill. My wife and I own the property immediately West of the Sharkey's. Our address is 4957 Hanson Rd, and our lot stretches from Hanson (in front) to Jarrot's lot (1000) behind the Sharkey lot.

I guess I am surprised that this request is even being considered.

With all of the hostility, wasted money, threats, intimidation and ignorance woven through the saga of Todd's desire to build on his parents' lot, why in the world would you dignify this misleading request with your time?

Alas, that is a question I am not instructed to address. I have to work the evening of April 28th, so I will write my response to your request for comment by email, and my points are as follows;

1) Todd Sharkey seems to think that calling himself Sharkey Land Development ipso facto makes him a licensed developer. This is another misrepresentation in a long history of his. In the same sense - he seems to think that calling a private drive a public road makes it so. Anyone paying even the remotest attention to the history here knows this is a private drive, funded privately, maintained privately and is private in common knowledge to everyone except Todd.

2) Although we have been around this tree many times in the past, I will re-iterate. Todd does not want a minor subdivision simply granting access to the lot from Oak Ridge...he will need more variances later to build the house he wants to build, which has already been discussed ad-nauseum.

3) If Todd were by some bizarre reason granted his access and built without any further variance - he would only be able to make a domino like style house...themed perhaps like a mini "Wall of China" based on the current zoning requirements...so many feet from my lot, as high as the Jarrots and so many feet from Oak Ridge / Jarrots garage, and that is what you have. I have shown a presentation regarding this and can do so again if need be.

4) Perhaps most importantly for me personally is the issue of water run off. Any build up on that lot space will create water run off and adversely impact my foundation. I have shown a presentation to this effect and am willing to do so again should it be necessary.

In closing I would like to ask this be resolved with an eye cast on the history of this request. So much time and money has been wasted.

So much discontent has come from someone that isn't even living in this neighborhood.

For the love of all things good can we please call this sham request what it is, call the private easement driveway what it in fact is; private...

and inform Todd Sharkey he needs to take his development projects elsewhere once and for all.

Thank you for this opportunity to comment,

Kind Regards,
David

Comments:

Kurt + Amy Merkle are still in favor of the split of the Sharkey's Property. Our neighborhood has homes that face the lake, with the exception of 1000 Oakridge. Not one family's view would look at a new house. The only time anyone would look at the house is when they drove past it. Even 4957 would not be affected, their view is blocked by their detached garage.

During the 18 years we have lived on Oakridge we have seen many changes & existing homes torn down + rebuilt.

Traffic on the drive changes as family's children start driving, then decreases as the children move out. One additional family will not change traffic patterns. - it would actually be beneficial to "slow" down drivers.

Name: Kurt + Amy Merkle
Address: 985 Oakridge Ave

Comments:

Developing is good for the public,
reduces the cost of goods and City
services.

I support the sub-division.

Name: MARGARET HIGGINS

Address: 951 OAKRIDGE AV.