

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
July 28, 2015**

**CALL TO ORDER**

Chair Solomonson called the July 28, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioners Peterson and Thompson were absent.

**APPROVAL OF AGENDA**

Chair Solomonson noted the number of people present to speak to the last item on the agenda. Once the development team arrives, he proposed moving that item for earlier consideration.

MOTION: by Commissioner Schumer, seconded by Commissioner Doan to approve the July 28, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 5 Nays - 0

**APPROVAL OF MINUTES**

**June 23, 2015 Regular Meeting**

MOTION: by Commissioner Ferrington, seconded by Commissioner McCool to approve the June 23, 2015 Planning Commission meeting minutes as presented.

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

**REPORT ON CITY COUNCIL ACTIONS**

**Presentation by City Planner Kathleen Castle**

The following items were approved by the City Council as recommended by the Planning Commission:

- Conditional Use Permit - Marlowe & Karin Hamerston, 771 Larson Lane
- Minor Subdivision - Darwin DeRosier, 899/893 Tanglewood Drive
- Minor Subdivision - Brian and Rene Maleski, 5825 Buffalo Lane

MOTION: by Commissioner Schumer, seconded by Commissioner Doan to move item 4E on the agenda to be the first item of consideration.

VOTE: Ayes - 5 Nays - 0

**PLANNED UNIT DEVELOPMENT-CONCEPT REVIEW**

**FILE NO: 2584-15-27**  
**APPLICANT: ELEVAGE DEVELOPMENT GROUP, LLC**  
**LOCATION: 155-173 WEST COUNTY ROAD E, 185 WEST COUNTY ROAD E, 3500 RUSTIC PLACE AND 3521 RICE STREET**

**Presentation by City Planner Kathleen Castle**

This application proposes redevelopment of the subject properties located at I-694 and Rice Street. A Concept Plan with mixed use residential and commercial is being presented. The properties combined would consist of approximately 4.14 acres with frontage on Rice Street, Rustic Place and County Road E. Currently, the property has three single-family homes, zoned R1, Detached Residential; and a retail center of 34,887 square feet, zoned C2, Commercial. Surrounding land uses include low density residential to the north and west, commercial to the east and south, and the City of Vadnais Heights to the east. The property zoned Commercial allows restaurants, gas stations, banks, liquor stores, hardware stores and general retail. These uses could be proposed with only a Site and Building Plan Review. A proposal that complies with City standards would mean granting approval of the Site and Building Plan Review.

The mixed use development proposed consists of a 100-unit high density market rate apartment building on the western portion of the site. The apartment building would be L-shaped with the north/south leg consisting of 5 stories and the east/west leg consisting of 4 stories. The building would be of a sustainable design with parking provided in a surface lot as well as below grade. Commercial uses are planned on the east portion of the site. This includes a retail building of 1,858 square feet and a restaurant of 6,576 square feet.

The applicant is requesting Planned Unit Development (PUD) zoning to allow some flexibility from the Development Code. The building height maximum is 35 feet, which may be exceeded under a PUD with increased structure setbacks. The minimum setback is 30 feet from all property lines. Building setbacks for commercial buildings is a minimum of 50 feet when located adjacent to a residential land use. A parking lot adjacent to a residential land use is required to have a 20-foot setback.

The residential density is proposed at approximately 41 units per acre, less than the allowed 45 units per acre with the Mixed Use land designation. Design strategies will be used minimize impacts to the low-density residential neighborhood to the north. Access is proposed off Rice Street and County Road E. Both Ramsey County and Mn/DOT require a traffic impact study for review at the Development Stage Review.

Surface parking includes 162 stalls. There will be underground parking for the apartment building. Additional information is needed to determine whether the proposed parking is in compliance. A minimum of 2.5 stalls per unit is required for apartment buildings. A minimum 20-foot setback is required from the street and residential lot lines.

The Concept Stage is the first of a three-stage process in a PUD. The purpose is to determine the appropriateness of the development and land use compatibility. Public input is taken to identify concerns to address at the Development Stage PUD review.

This property is located in the Policy Development Area (PDA) No. 18 of the City's Comprehensive Plan. The commercial site is designated for commercial and office uses. The low density residential zoning for lots immediately to the north is to remain in place until a redevelopment application is received. A Comprehensive Plan Amendment will be needed to change the residential and commercial land use to Mixed Use. This site is also identified as a Targeted Redevelopment Area (TRA) No. 2. TRAs focus on underutilized business and commercial properties in the City.

The Highway Corridors Transition Study recently completed discusses expanding uses to include high density residential and mixed use for areas north of I-694. The 2015/2016 Work Plan of the Economic Development Authority (EDA) focuses on options for redevelopment and continued efforts to address infrastructure for the I-694/Rice Street interchange. Mixed use with high density residential may be compatible with the adjacent low density residential use if design strategies, such as setbacks, height and buffers, minimize impacts to nearby residential properties.

Staff finds that the location of proposed uses makes sense for the site characteristics, proximity to the transportation corridor and adjacent low-density residential neighborhood. The Lake Johanna Fire Department has no concerns regarding the apartment building height. The main concern is visual impact to the single-family residential to the north.

Notices were sent to property owners within 350 feet of the site. Comments oppose the proposal for the following reasons: land use compatibility, density, public safety, traffic, visual impact, architectural design and scale; and environmental impacts. The developer held a neighborhood meeting. Unfortunately, only one resident attended.

**Michael Mergens**, Elevage Development Group, 4470 W. 78th Street Circle, Bloomington, MN, stated that site is a premium corner, and his firm is committed to a premium development for this gateway development to Shoreview. They are working hard to meet goals of the City with what they have learned from experts and develop a project that will fit in with the neighborhood. The east/west leg of the apartment is shown on the north property line because it was thought it would provide a nice break from parking and retail. However, it would be just as easy to locate it on the south boundary and push the parking closer to the adjacent neighborhood. The restaurant is planned to be high end. It will not be a chain or a bar. It is his belief that the building is less of an impact than parking, but the building can be pushed further south. A berm will be added along the north property line with trees to increase privacy for adjacent residents. This site is in need of redevelopment. With the anticipated new interchange and bridge, this is a

good site for mixed use. This was also the conclusion of the City's Highway Corridor Transition Study. Rather than focusing on one commercial property, his firm wanted to build something better with the combination of multiple properties. In considering design alternatives, plans are to make the apartment building special. The fifth floor will be floor-to-ceiling glass with premium units for corporate use that are fully furnished. Just the infrastructure for floor-to-ceiling glass will be \$1.8 million. There is an atrium and a sustainable green roof. Rain storage capture will be stored underground.

Regarding traffic flow, he plans to work with Ramsey County. There are currently two access points from Rice Street. One is being eliminated. It is his belief that a right-in/right-out access could work.

Commissioner McCool asked when notices were sent for the neighborhood meeting and if the PDA includes the residential properties. Ms. Castle stated she believes notices were mailed approximately six days before the meeting took place. It was held in the neighborhood shopping center. The PDA is only for the commercially zoned site. Commissioner McCool asked if the restaurant is still viable, if Ramsey County does not allow access off Rice Street. Further, he asked the setback from the property line to the north. Mr. Mergens responded that a more complete traffic study will be needed to make the internal flow work. The restaurant is destination oriented, not a convenience. That means customers will use the access available to reach this restaurant. His preference would be an in-and-out access with two-way traffic. He estimated a 30- to 40-foot setback. Commissioner McCool asked if there will be apartments both sides. Mr. Mergens answered, yes.

Commissioner Doan asked if there are planned improvements to the interchange at I-694 and Rice Street. Ms. Castle explained that the traffic impact study will be completed by the developer and submitted to Mn/DOT, Ramsey County and the City for review. There will be improvements to the interchange and to the bridge. The interchange has been scheduled, but the bridge has not yet been designed or scheduled. Commissioner Doan noted a letter from Ramsey County stating that the existing access off Rice Street must be closed. Access can only be off County Road E. Ms. Castle stated that the developer is aware of the County comments. The developer will be working with the County to find out options.

Commissioner Doan asked for more background information on Elevage. Mr. Mergens stated that he is a Land Use Attorney. He has worked with prestigious land use attorneys, such as Bob Hoffman who developed the Mall of America. He has two partners who have experience in retail development. Elevage owns a development in Blaine that has a strip center and plans to develop an outlet.

Chair Solomonson asked how the density for the apartment building is calculated, as that portion of the proposal is 2.4 acres and there was discussion about shared parking. Ms. Castle responded that the gross site area is used to calculate density and this site area was estimated. The surface parking will be designed for the uses to share that parking, whether apartments, restaurant or retail. Chair Solomonson asked the distance to the adjacent north residential property. Ms. Castle answered, 30 to 40 feet.

Commissioner Ferrington asked the size of buildable area with the setback requirements. Ms. Castle stated that as there is no proposed building height, the setbacks are not known.

Commissioner McCool asked the height and setback of the berm. **Mr. Mergens** estimated the setback to be 30 to 40 feet. Commissioner McCool asked

Commissioner Ferrington asked how the new Rice Street bridge will impact the project. **Mr. Mergens** stated that the new bridge will ease traffic, but he does not want to hold up redevelopment because this is a premium corner.

Chair Solomonson stated that the building is contoured on the south end and the entrance to the garage is shown to the north. He asked how that would impact the entrance to the garage. **Mr. Mergens** responded that it depends on what can be worked out with Ramsey County. At this time, he believes the best development would be three stand-alone buildings. If there is interest in more retail, that could be achieved. If the development changes to a strip center, then it would not be possible bring in a restaurant.

Chair Solomonson opened the discussion to public comment.

**Ms. Marcia Figs**, 3538 Rustic Place, stated the notice for the neighborhood meeting arrived two days before the meeting. The notice was unsigned, and she did not attend. This area is a triangular island surrounded by Vadnais Lake, Grass Lake and I-694. There have been many issues in this neighborhood. Introducing 100 adults, teens and children into this small neighborhood will mean that children will have no outlet but the yards, streets and railroad space. Security would be compromised by the sheer number of people. The property owners at 3520 Rustic Place will not see the sun from October to March, but the renters will have a direct view of all space. It is a reasonable expectation to be safe in one's home and yard. This invasion would take away her security in her home. The sheer number of new residents would make her vulnerable. Residents in the apartment building would be able to see her living which would be very uncomfortable to the point of mental anguish. Many in the neighborhood are seniors who have established equity. Planning policy is to not change the character of neighborhoods. She gave examples of decisions where added screening and landscaping were required to preserve the character of a neighborhood. The proposed development does not fit a neighborhood bordered by Vadnais Lake, Grass Lake and I-694. Trees do not grow on the north side of a 5-story building. The development is all asphalt and structure. Traffic will be significantly impacted with an apartment building, restaurant and drive-through coffee building. Congestion already exists at the intersection of Rice Street and County Road E. This is not the right concept plan for this site.

**Ms. Kristi Tomas**, 3584 Rustic Place, stated that neighbors are not against development but want to be sure it is a development that does not kill the neighborhood. This is an encapsulated neighborhood where residents know each other. There are no sidewalks leading in or out of the neighborhood and no access to a park. Residents use the streets for walking, children playing, biking, gathering. The community cares about its homes and residents. There are two group homes and two developmentally challenged children in the neighborhood. People have been hit by cars turning onto Rustic Place because the pedestrian traffic is not visible. Children in a

proposed apartment building will only have the parking lot, street or railroad property as choices for outdoor play. This development would kill the community and all that has been done by the residents to make it safe.

**Mr. Mark Kapszak**, 3628 Rustic Place, stated that he is a police officer. Currently, there are approximately 50 houses on Rustic Place and St. Marie. At an average of two cars per household, there are 100 cars. At 2.5 parking stalls per apartment unit, that would be an additional 250 cars to the neighborhood. That increase is dangerous for children. Because of the congestion, cars cut through the neighborhood during rush hour. Residents have had to step out into the middle of the street to slow cars down. Adding 250 cars will only add to the danger. The parked cars in an open parking lot along I-694 will become an open invitation for criminals. The neighborhood is dark at night and would be a prime target for criminals who don't find what they want in the parking lot. This development will drain resources of Shoreview. An apartment building on Lexington, Shoreview Hills, had 278 emergency calls in one year. Midland Terrace had 181 emergency calls in one year. In all of Shoreview, there were 8,883 emergency calls. Those two apartment buildings account for 5% of emergency calls in one year. In his neighborhood, there is one call in an entire year. Neighbors can look out at a car passing and know who it is. The increased calls to the Sheriff's Department will be a drain on resources. The buffer berm with trees will not work. Trees will not grow because on the north there will be no sun. If the trees do grow, they will be good hiding for criminals coming into the neighborhood.

**Mr. Curt Levitt**, 3636 Rustic Place, referred to an article in the *Star Tribune*, July 21, 2015, by Jeremy Olson. A copy of the article was distributed to each Commissioner. The article talks about Minnesota being rated at the top nationally for children's well being. The article specifically reports the danger to children who do not have safe access to a park, schools, healthy food and health care. Mr. Levitt expressed his thoughts regarding the article. There may be deaths as a result of this new apartment building. The apartment would not have safe access to the Owasso Beach or Owasso Beach Park, where children will surely go. The route to Owasso Park will be one of the busiest streets in the County with the entrances and exits of County Road E, Vadnais Boulevard, a gas station, liquor store, Taco Bell. There is also a gas station on the east side of Rice Street with the on and off ramps to I-694 East and West, Caribou Coffee and a bar. Any teen from the apartment building on a bike going to the park will contend with all this traffic. They will have to finally cross the Soo Line Railroad. These types of conditions lead to deaths of children on bikes.

**Mr. Nathan Anderson**, 3565 Rustic Place, stated that he is a licensed building and remodeling contractor, specializing in historical restoration and problematic insurance claims. This proposal violates height, density, essential characteristic, reasonable use, privacy, public safety and setbacks. His calculations do not find anything imaginable below 75 people per acre. If there were to be maximum usage of space, there could be as many as 150 or 175 people in this proposal. The proposal is misleading with setbacks. The bottom corner key states one inch equals 20 feet. There is approximately one-half inch between the apartment building and the west property line, which may be 10 to 15 feet. That is not close to the 30 or 40 feet stated. Add one foot for each inch of added height and the proposal will not fit the site. It would be shortsighted to label the opposition heard at this meeting as a "Not In My Back Yard" issue. It

is about adherence to written regulations development laws and planning that the City has in great detail. It is about the Planning Commission and City Council not allowing this proposed illegal non-compliant plan to move forward. This proposal is initiated inquiry with private attorneys and multiple legal resources. This proposal's level of non-compliance is so overt that approval will create suspicion of official misconduct. If necessary, the neighborhood is prepared to file a complaint. Interrogatories and depositions of Commissioners and Councilmembers will seek to find out if anyone was unduly influenced to approve this proposal. Anyone who is an unwitting participant in the undermining of due process should withdraw from this decision to avoid any semblance of bias or cast a nay vote. Evidence to work around the codes and ordinance shall be met with extreme scrutiny and consequences. Having reviewed City Code, the only appropriate decision is to deny this proposal. The only recommendation should be to study the impact of a PUD on the neighborhood and provide accurate, unbiased data to further deliberate and draft an amendment to the Comprehensive Guide Plan. On behalf of the people of Shoreview and the Cardigan neighborhood, Vadnais Heights and citizens of Shoreview, a moratorium is requested on all noncompliant proposals until a study is conducted by an independent third party of acceptance by the City and its residents. This study should be conducted in a variety of modalities to include a person to person, door to door canvass of the neighborhood, which include an overview of acceptable density. Additionally, this study should include architectural design requirements that address a comfortable transition to the existing neighborhood. All development documentation and study needs to address and adhere to the City of Shoreview's laws, ordinance and Comprehensive Guide Plan. This is not an opposition to development but that development occur with the proper legal consideration that this PUD lacks. Misguided or misinformed approval of this development will bring an uproar of neighborhood response. The neighborhood is prepared to hold the Planning Commission, City Council and any regulatory committee accountable to the laws set forth. Please do not allow your decisions to tarnish, blemish or compromise the high standards that our officials and residents have instilled in our community.

**Ms. Wendy Olson**, 2094 Cedar Avenue, White Bear Lake, stated that she has been a customer of Pet Junction of many years. It is a training center pets for people all over the state. There are clubs that use the venue. Her concern is that a new building would be difficult for this business to afford and remain. It may put them out of business. That would be a big loss for the area and this community.

**Ms. Hilary Fox**, 181 St. Marie Street, stated that she echoes the comments of her neighbors. Further, she encouraged a thorough cross examination of Mr. Mergens' assertions. The building proposed sounds expensive. She asked the City to look into the type of professional being asserted is not someone who will want to be in a building that will overlook the interstate. The building will either end up empty, or low occupancy, or college students. She asked that the developer be held to the assertions being made.

**Mr. Pat Foley**, 295 Cottage Place, stated that his concern is traffic. Right now it is approximately one-half hour to reach his home. That is compounded with the train. He is not happy about this proposal. There is a high end restaurant in Little Canada and a Lindy's Steak House nearby. He is not convinced of the need for a high end restaurant. He noted that the

shopping center at this location took a hit with the development on Lexington with Target and Trader Joe's. An apartment building is not the solution.

**Ms. Kay Sorgatz**, 3800 Rustic Place, stated that she is very concerned about traffic because their property is on the curve. Her driveway is blind. She and her husband have been almost hit many times. A petition was raised to dead end the street, but there was not enough room for turn-around plows. Signage for right turn only means nothing. She is also concerned about crime. It is a comfort to know who drives past her house. She does not want to see the small town atmosphere of Rustic Place changed.

**Mr. Anhil Toro**, Rustic Place, stated that he is new to the neighborhood. He has seen this type of development before. People have no attachment or respect for the neighborhoods which get broken down. It cannot be controlled once it happens. He urged the Commission to stop it before it happens.

### **Commission Comments**

Commissioner Ferrington expressed her appreciation for the overwhelming participation of this neighborhood. Some redevelopment of this area is necessary and will happen. The plan presented is problematic. She cannot imagine this much development in such a small area. A modified version may work, but 100 apartments is too many. The restaurant is appealing, but it would take too many variances for it to be built in that location.

Commissioner McCool expressed his appreciation for all the comments. He agreed that this site will be redeveloped. There has been a lot of study already completed with the Comprehensive Plan, the Corridor Study, which indicate redevelopment will happen. He also has concerns about this development. He encouraged that development team to do a traffic study as soon as possible. He would like to see a comparison of trip numbers in a residential and commercial alternative. He anticipates that commercial development will generate more trips than 200 apartment residents. The density and height feels too much. The building is too large a transition. He is intrigued with reversing the L so that one leg is along I-694. However, he had not considered the safety issues that could present. If that change is made, he would want to see lighting and crime prevention measures. He also likes the idea of a restaurant but is not sure if this is the right location. The heights presented are too close to the property to the north. No nearby recreation for children is troubling. While the parcel is limited, he would like to see some effort to provide a tot lot or some recreation to make it feel like it will fit in the community. It is important to understand that this site will be redeveloped and it will be done as responsibly as possible.

Commissioner Schumer stated he is impressed by the unity of the neighborhood. He did not appreciate the one speaker who was threatening if this development is approved. This is a concept design. Something is going to happen on that site. The City wants to hear ideas from the residents. The size of what is presented is too big. The developer is answering the desire of Shoreview for a new restaurant.

Chair Solomonson thanked everyone for coming. He stated that he agrees with the previous Commissioners' comments. This development does meet a need of the City. It would replace a blighted mall. It is very commercial to the south. But what is presented is too dense, too tall, too close to residential, and it adversely impacts the character of the neighborhood. He agreed that there is a problem without access to parks, which means new residents would spill into the existing neighborhood. He noted Midland Terrace apartments, a six-story building, which replaced a strip mall, but is 1000 feet from residential properties. A restaurant could go in with the current zoning. His biggest objection is the high density.

Commissioner Doan thanked everyone who listened to staff, the developer and neighbors. He understands the desire to keep the good parts. The question is what is the best this could be in the future and how can it compliment the neighborhood? Something needs to happen on this site. The question is whether this development is the best option for the City. There needs to be more vetted as to what could work on this site. There is definite concern with regard to height. There is a lot of asphalt. He would like to see more open space, more green space that is accessible at ground level for those not living in the building. There is a concern about the setback. If the L shape was flipped and inverted, there would be a lot more distance from the neighborhood. What the developer has characterized is what he believes Shoreview to be. He urged the developer to consider owner occupied units.

Chair Solomonson explained that no action is taken on a Concept Plan. This proposal will be considered at the August 17, 2015 City Council meeting.

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

## **VARIANCE**

**FILE NO: 2581-15-24**  
**APPLICANT: LUBOMIR & HANA KOUDELKA**  
**LOCATION: 874 WESTVIEW DRIVE**

### **Presentation by Economic Development and Planning Associate Niki Hill**

The property is located at the south end of Westview Drive. The rear property line abuts Wilson Park. The trapezoid-shaped property has an area of approximately 16, 117 square feet. This application is to construct a four-season porch addition of 15 feet by 10 feet, which would extend into the rear setback. Currently, the closest point of the house is at the 30-foot rear setback. The new porch addition would reduce the rear setback by 10 feet to 20 feet. Therefore, a variance request is submitted.

The applicant states that the existing four-season porch serves as the only dining room in the home. With 10 people in the family, it is inadequate to accommodate everyone. Extending the dining room east or west are not options without major structural design to the house. To the west is the kitchen and all major utilities to the home; to the east is the living room and fireplace chimney. Widening the dining room east or west would also be cost prohibitive because of pitch of the roof and placement of the second story windows. The south or rear property line borders a

wetland, drainage ditch and City park. An extension to the south would not mean proximity to any other residence, usable space or any other building.

Staff believes that the criteria for a variance are met and that practical difficulty is present. The applicant is proposing use of the property in a reasonable manner. The addition will improve the livability of the home. The proposed four-season porch will enhance the appearance of the home and increase livable area. There are unique circumstances with the configuration of the property at the end of a cul-de-sac, which reduces the lot depth to less than the required 125 feet. As the property is adjacent to Wilson Park, no residential properties will be impacted by the reduced setback. Other properties on the cul-de-sac are angled in a manner so there would be no visible view of the proposed addition. The proposal is the most realistic option for the dining room expansion without major structural changes to the home.

Notices were sent to property owners within 150 feet. Three written comments were received in support of the project. Staff is recommending approval with the conditions listed in the staff report.

Chair Solomonson stated that he supports the variance. He asked if the deck would also be extended and whether screening is needed to the west because of the loss of a tree. Ms. Hill responded that a deck extension is planned. The deck can be extended up to 10 feet with no variance.

Commissioner McCool asked how close the deck would be to the property line when extended. Ms. Hill explained that the deck was not considered as part of the application because it can be extended up to 10 feet per Code. Commissioner McCool stated he is not sure of unique circumstances but understands the addition cannot go east or west and appreciates the fact that there will be minimal visibility of the addition. He would support the variance.

Commissioner Doan asked if the tree stump would also be removed. **Mr. Koudelka**, Applicant, stated that the tree stump is 5 feet from the extension. The stump may be used for a statue. He stated that there are no trees to the west.

Commissioner Ferrington agreed with the staff analysis and stated her support for the variance.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Ferrington to adopt Resolution 15-63 approving the requested variance submitted by Lubomir and Hana Koudelka, 874 Westview Dr, to reduce the required 30-foot structure setback from a rear property line to 20.0' for a four-season room addition. Said approval is subject to the following:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. The four season porch addition shall match the style and design of the current home.
3. This approval will expire after one year if a building permit has not been issued and construction commenced.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. Practical difficulty is present as stated in Resolution 15-63

**VOTE:**                      **Ayes - 5**                      **Nays - 0**

**MINOR SUBDIVISION**

**FILE NO:**                      **2583-15-26**  
**APPLICANT:**                **TOLLBERG HOMES**  
**LOCATION:**                    **5845 BUFFALO LANE**

**Presentation by Economic Development and Planning Associate Niki Hill**

This application is to subdivide the subject property into two parcels. The north Parcel A would be the vacant parcel and would be developed with a single-family home. Parcel B is the south parcel and is developed with the existing home, attached garage, detached garage and gravel driveway. The property consists of 0.95 acres with a lot width of 189 feet. The lot depth averages 200 feet. Both lots meet the minimum lot standards.

The Comprehensive Plan guides this property for Low Density Residential. A subdivision requires frontage on a public street, municipal sanitary sewer and water, drainage and utility easements. Both parcels are in compliance. Parcel A would be considered a key lot because the north property line abuts the rear property line of the property at 5899 Lexington Avenue.

Notices were sent to property owners within 350 feet. No comments were received. The Fire Marshal has no comments. The City Engineer recommends a 55-foot drainage and utility easement on the west portion of Parcel B that will encompass the wetland buffer and keep current drainage flowing to the wetland. In 2011, when Buffalo Lane was resurfaced, utilities were installed for a future home with a subdivision. A fee in lieu of assessment would be due for Parcel A upon the construction of a home on Parcel A.

Staff finds that the minor subdivision complies with the Development Cod and Comprehensive Plan. It is recommended the application be forwarded to the City Council for approval.

**MOTION:**     by Commissioner Schumer, seconded by Commissioner Ferrington to recommend the City Council approve the minor subdivision submitted by Nathan Jones, Tollberg Homes for the property at 5845 Buffalo Lane. The subdivision divides the property into two parcels, creating a vacant parcel (Parcel A) for single-family residential development. Said approval is subject to the following:

1. The minor subdivision shall be in accordance with the plans submitted.

2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The existing detached garage and concrete drive on Parcel A shall be removed prior to the City endorsing the Deed for Parcel A.
5. Municipal water and sanitary sewer service shall be provided to resulting Parcel A.
6. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel A.
7. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan, including the Land Use.
2. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
3. The parcels comply with the minimum standards of the R1, Detached Residential District.

**VOTE:                      Ayes - 5                      Nays - 0**

**PUBLIC HEARING- COMPREHENSIVE PLAN AMENDMENT, REZONING, PRELIMINARY PLAT, PLANNED UNIT DEVELOPMENT-DEVELOPMENT STAGE\***

**FILE NO:                      2585-15-28**  
**APPLICANT:                      SHOREVIEW SENIOR LIVING**  
**LOCATION:                      4710 CUMBERLAND STREET**

**Presentation by Senior Planner Rob Warwick**

The City approved a PUD for this property in 2008 to allow a 105-unit Senior Residence that provides living options for independent living, assisted living and a memory care unit. With this PUD, a 6,000 sq. ft. office building was also approved. The Senior Residence and office building share a driveway access off Cumberland Street. At the time of approval, the residential property at 4696 Hodgson Road was not included in the plans.

Since completion of the senior residence, Southview has purchased the entire 4.5 acre site, which includes the site for the office building and the residence at 4696 Hodgson Road. The applicant is now proposing to construct a 34-unit senior apartment building on the enlarged site. The new building would match the exterior and architectural design of the senior residence. Parking would be available at the lowest level, and there would be a small surface parking lot. The two buildings would be connected with a skyway to allow sharing of services and facilities. The apartment building would be approximately 240 feet by 60 feet. The length of the building would run along Hodgson Road.

The application requests a Comprehensive Plan Amendment to change the planned land use from Office (O) and Medium Density Residential to High Density Senior Residential (HSR). Rezoning would maintain the PUD and zoning for R-3, Multi-Dwelling Residential. A Preliminary Plat is submitted to re-plat the property into a single parcel.

This property is in Policy Development Area #9 (PDA), as identified in the Comprehensive Plan in 2004. PDA #9 is guided in the Comprehensive Plan for High Density Senior Residential development. The Comprehensive Plan Amendment requested would rezone the 2 office sites and the 4696 Hodgson residence to High Density Senior Residential. Expanding the senior residential use is compatible with existing and planned land uses. It will provide a transition between the higher density to the south and lower density residential to the north. The traffic generated will be less than the previously approved office site. The Comprehensive Plan identifies a density range of 20 to 45 units per acre with HSR land use. The existing development has 32 units per acre. The proposal would be 30.8 units per acre.

Staff finds that the proposal meets the criteria for rezoning and complies with the Comprehensive Plan. Senior residential uses are less intensive and will not adversely impact surrounding low density residential uses. As an arterial road, Hodgson can accommodate the traffic generated. Senior uses generate low volume traffic and generally at off-peak hours. The developer will enter into an agreement with the City.

The Preliminary Plat would combine the four existing lots into one parcel. Staff finds the plat in compliance, except that easements are shown only over the existing storm water management basins and must be shown for the basins for the proposed new building. Staff finds that the project will benefit the City with expanded housing opportunity. The proposal supports the City's housing goals. The storm water management system with infiltration basins will reduce runoff.

PUD zoning allows flexibility from Code requirements. Deviations requested include a building height of 40.25. The Code allows 35 feet. The added height accommodates 9-foot ceilings on each floor. Also, a steeper roof pitch is planned to allow for gables over the decks. In order to allow added building height, the City requires increased setbacks--one foot for each added foot of height above 35 feet. This means that the setback from Cumberland Street would be 35.25 feet; the applicant proposes 30 feet. The setback required from Hodgson Road would be 45.25 feet; the applicant proposes 40 feet. The setbacks proposed comply with the minimum

requirements for a 35-foot height. The proposed three stories will be similar in height to SummerHouse and Applewood Point.

Parking is provided with 1.5 stalls per unit, which is less than the 2.5 stalls required under R3 zoning. The parking proposed is expected to meet resident demand. Underground parking will include 34 stalls. A surface lot will add another 17 parking stalls. The City has allowed flexibility with senior parking in other projects because of the low demand. Parking ratios from other senior sites range from 1 to 1.7 stalls per unit.

Storm water management is within the Ramsey Washington Metro Watershed District, and the project must comply with their guidelines. The City Engineer notes that the infiltration system proposed will reduce the rate of runoff and complies with City requirements.

The site has seven landmark trees that will be removed. Replacement requirements are three replacements for each landmark tree taken down. The landscape plan shows 30 replacement trees.

Property owners within 350 feet were notified of the proposal. Six comments were received. The main concern is the size of the building. Staff is recommending the public hearing and that the application be forwarded to the City Council for approval.

Commissioner McCool asked the overall site parking ratio with the two buildings and how the units with 1.0 to 1.7 parking stalls compare with other senior facilities. His concern is the distance residents might need to walk to get to their cars and if a valet service is used, where the cars will be parked. Mr. Warwick stated that the applicant has indicated that approximately 15 spaces are not used with the existing building and can be used if needed with this project. The ratio does compare to SummerHouse, Scandia Shores, Applewood Point and other senior facilities.

Commissioner McCool asked if there has been discussion to move the building further east to comply with setbacks and whether the eaves would encroach. Mr. Warwick explained that to move the building further east does not work well with existing development. The eaves will encroach into the setbacks, which is allowable under Code.

Commissioner Ferrington noted that one concern from residents is that originally the site was planned for a one-story office building. There is concern about glutting the market with senior housing. Mr. Warwick stated that the existing facility is full. The developer sees opportunity for independent living that will be close to further senior services. Increasing housing opportunities for seniors also increases housing opportunities for the community as a whole.

Chair Solomonson stated that one of his biggest concerns is the proximity of the building to the access drive in terms safety and sight lines. He asked how much taller the existing will be to the proposed building.

City Attorney Kevin Beck stated that proper notice has been given for the public hearing.

Chair Solomonson opened the public hearing.

**Mr. Link Wilson**, Kaas Wilson Architects, stated that this is the sixth building he has worked on for Southview Senior Living. The architecture of the existing building will be duplicated for the new building. There is a slight slope from the existing building to the new site. There is plenty of distance to meet accessibility. The new building is 110 feet from the nearest residence on Hodgson. To push it further east would mean loss of parking spaces. In response to the question about valet parking that is meant for major holidays, parking can be accommodated on neighboring retail sites that will be closed. All lighting will be LED and dark sky compliant. As for the market, the developer has a waiting list that will fill the proposed building the day it can be occupied.

**Mr. William Corty**, 4716 Cumberland Street, stated that he purchased his home in 2009, when a one-story office building was planned. The existing senior building is more intrusive than he imagined. There are all kinds of delivery trucks, including semi-trucks, that deliver at all times in addition to the employees who arrive both early and late. The visitor parking is inadequate. The overflow cars down the entrance driveway and no more than 50 feet from his deck. Last winter his house was broken into. His home is a tempting target. The Ramsey County Assessor agrees that his property is negatively impacted by the proximity of his home to the entrance to the senior complex. His estimated market value was reduced by \$49,600. The proposed new building will further impact his property value. The size and height of the building is out of place adjacent to residential properties. The purpose of a PUD is for compatibility with surrounding land uses. The original one-story office building with a residential appearance would fit in well and provide a transition from the senior high rise to the south to the residential on the north. An office building would mean no weekend traffic with the possibility of providing overflow parking for surrounding properties. If approved, the development will have significant adverse impacts to the surrounding properties.

**Mr. Greg Mikre**, 4707 Hodgson Road, asked if there will be room for outdoor areas--seating, walking, patios and outside enjoyment. Seniors want to be outside and many are pushed in wheelchairs.

**Mr. Jim Erdman**, 4735 Cumberland, stated that Hodgson is becoming extremely congested in traffic. To exit from Cumberland is becoming increasingly difficult and consideration needs to be given to that intersection. Eventually there will be more traffic on Tanglewood. At holidays, there is not adequate parking. This building will add to all of these issues. A valet service does not make sense. Traffic and pedestrian safety need to be looked at with this project.

**Mr. Steve Bergeson**, 4232 Cumberland, stated that he supports the proposal. He asked the developer to consider reducing the height of the building closest to residents on Cumberland. The empty lot has been plowed for parking. Parking needs to be addressed whether through valet service or another solution.

**Ms. Becky Wahlund**, 4744 Cumberland, agreed with Mr. Bergeson regarding the height of the building. Her concerns are the curve of the road and the parking. The curve blocks sight for

cars entering and exiting Cumberland. There have been many close accidents. There will be an accident with increased traffic.

**Mr. Andy Rheineck**, 4723 Cumberland, stated that it is reasonable to expect accommodation on the height of this building that was given to North Oaks residents with the existing building. He would like to see substantial size trees planted for visual screening.

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to close the public hearing at 10:46 p.m.

VOTE: Ayes - 5 Nays - 0

Chair Solomonson stated that he cannot support the project as presented. He expressed concerns about the proximity of the northeast corner of the building to the roadway. He would like to see the building pushed back further from the 6.5 feet shown. He also is concerned about the height and the setback from Hodgson Road.

Commissioner McCool stated that he likes the proposal but would have preferred to see a Concept Stage for feedback and review. Office use would be an odd fit with what is on this site. The problems and concerns raised by neighbors would be the same with office and perhaps to a greater extent. His concern is with the design. The size and height in proximity to Hodgson and the driveway. It is reasonable to consider stepping the height down on the side adjacent to the neighbors to the north. Also, there will be more parking problems with this new building. Valet parking is interesting but it requires agreements with adjacent properties. He would like to see the application held over to the next meeting in order to see some revisions.

Commissioner Ferrington echoed the comments of Chair Solomonson and Commissioner McCool. She, too, would like to see outdoor areas created for sitting--benches and patios. She would agree with tabling this decision to see some revisions.

Commissioner Schumer stated that he, too, would have preferred to see a Concept Stage. He would like to see the building stepped down in height. He supports the proposal but is not ready to fully support it at this meeting.

**Mr. Wilson** stated that the developer would like to begin construction this fall. He would prefer the Commission take action to deny so that it can move to the City Council. Between this meeting and the Council meeting, revisions will be made.

Commissioner McCool stated that he favors continuing this application rather than sending a design to the City Council with no feedback from the Planning Commission.

MOTION: by Commissioner Doan, seconded by Commissioner Ferrington to table action on this application to the next Planning Commission meeting.

Discussion:

Mr. Warwick suggested the motion include an extended review period from 60 to 120 days.



Commissioner McCool asked if the conversion to 4693 is a long-term solution for office space.

City Attorney Kevin Beck stated that he has reviewed the affidavits of publication and the public hearing is in order.

Chair Solomonson opened the public hearing.

**Mr. Peter Hilger**, Ryler LLC, Architect, stated that key to expansion strategy is the acquisition of residential property as it becomes available. The school has now purchased the property needed for projected expansion. The reason for the Comprehensive Plan Amendment and rezoning is to have the same land use designations for all the properties owned by the school. At present, the most efficient expansion is to convert 4693 to Office. There is a major trunk sewer that runs through the property. Oak Hill is requesting a continuing discussion for the 4693 property to be used as Office, if the school staff is brought back to the main building.

**Mr. Clint Spieler**, stated that he owns the property at 4701 Hodgson Road. His concern is having an Institutional neighbor. The access to the school is on his property line. He would like consideration for privacy of his property. His other concern is elevated noise.

**Mr. Greg Mikre**, 4707 Hodgson Road, stated that his property abuts the 4693 property. His concerns are noise abatement, visual abatement, security issues and the parking lot size. Noise will only increase in years to come. It is a particular issue for him because he works the evening shift and sleeps during part of the day. He suggested offering to soundproof neighbors' homes. Visual abatement should include a fence with appropriate landscaped design. As enrollment increases, he is concerned about security.

**Ms. Kathy Anderson**, Head of Montessori School, stated that the school enrollment is just under 200. Current growth is at the toddler level. There is no increase in children on the playground. There are staggered lunch hours from 11:30 to 12:30, when children are outside. Then from 3:30 p.m. to 5:00 p.m. there are outdoor activities. Only one of the six staff to be located at 4693 is a full-time employee. Traffic issues are not anticipated. The entrance and exit on Hodgson will be changed when parking is expanded.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to close the public hearing at 11:32 p.m.

VOTE: Ayes - 5 Nays - 0

Chair Solomonson clarified that if rezoned to Office, the house at 4693 could not be rented out as a residence. Ms. Castle answered that is correct. She further stated that there would be concern about renting to another Office use and the intensity of that use. This can be worked out through the Rezoning Agreement.

Commissioner McCool noted one condition in the motion is office use exclusively for the school. He would like to retain that condition.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool

VOTE: Ayes - 5 Nays - 0

Discussion:

**Mr. Hilger** asked if each should be separate motions. City Attorney Kevin Beck stated that the actions can be in one motion.

Commissioner Doan clarified that the three properties will be designated INST, Institutional for land use and zoned O, Office.

VOTE: Ayes - 5 Nays - 0

**MISCELLANEOUS**

Commissioner Ferrington and Chair Solomonson will respectively attend the City Council Meetings for *August 3<sup>rd</sup>, 2015 and August 17<sup>th</sup>, 2015.*

A Planning Commission Workshop is planned for August 25, 2015, at 6:00 p.m.

**ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to adjourn the meeting at 11:45 p.m.

VOTE: Ayes - 5 Nays - 0

ATTEST:

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Kathleen Castle  
City Planner