

2015. A Notice of Intent was also mailed to Comcast and CenturyLink. An application received from CenturyLink has led to this public hearing.

Upon closing the public hearing, staff recommends authorization to pursue negotiations with CenturyLink to operate and maintain a cable system in the City.

Councilmember Wickstrom noted that the statute requires publication for two consecutive weeks in a newspaper of general circulation and asked if publishing the notice had to be in the City's legal newspaper.

City Attorney Kelly responded that designation of a legal newspaper indicates the newspaper in which the City will publish all legal notices. The City's legal newspaper does meet the requirements of this statute. Although legal newspaper is not specifically stipulated, his recommendation would always be to publish notices in the City's legal newspaper.

Councilmember Wickstrom noted that this is an example of why the City needs to be sure that its designated legal newspaper is published weekly. She further explained that the League of Minnesota Cities is working to change the legal notice procedure to allow public notices on city websites because there are fewer and fewer newspapers available.

Mayor Martin opened the public hearing at 7:13 p.m.

City Attorney Kelly stated that he reviewed the affidavit of publication and proper notice has been given.

Mr. Patrick Haggerty, Representative from CenturyLink, stated that he would be pleased to answer any questions.

There were no comments or questions from the public.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 7:15 p.m.

VOTE: Ayes - 5 Nays - 1

Councilmember Wickstrom asked what the seven-day waiting period applied to. City Manager Schwerm responded that the seven-day period is for approval of the franchise. This public hearing is to authorize staff to begin negotiations, which he anticipates will take 45 to 90 days.

Mayor Martin asked how big an area CenturyLink would cover in Shoreview. **Mr. Haggerty** explained that CenturyLink is in negotiations with approximately 70 communities in the Twin Cities area. There are 25 approved franchises; 19 are in service. CenturyLink will commit to an initial buildout and based on that success continue expansion.

Councilmember Wickstrom noted that there will be a significant number of residents who have 20 megabyte capability, not 25 megabytes for PRISM TV. She asked what it will take to get 25

megabytes, or is CenturyLink going to wait for gigabyte service. **Mr. Haggerty** stated that providing fiber to the home will bring PRISM TV to residents with 25 megabytes or more. That method will continue to expand. It will take intensive construction to reach homes with less than 25 megabytes. CenturyLink is requesting the opportunity to come into the marketplace and reinvest in those areas.

Councilmember Wickstrom asked if below 25 megabytes is fiber to the node. **Mr. Haggerty** explained that below 25 megabytes would not be fiber to the node. Fiber to the node is another way to deliver PRISM and that technology can handle as high as 100 megabytes on the CenturyLink system.

Councilmember Quigley stated that speed is hindered by lack of fiber. He would like to know how much fiber is in Shoreview and what service level can be expected. **Mr. Haggerty** responded that information is confidential and proprietary. CenturyLink will meet with staff and show maps of where service will be provided. By the end of this quarter, CenturyLink anticipates hiring 200 new technicians to support this system in the Twin Cities area.

Mayor Martin stated that the presence of competition in the market will make service better.

Councilmember Wickstrom asked if residents would be notified when upgraded services are available on the website. **Mr. Haggerty** stated that residents will have the opportunity to subscribe online to find out about upgraded services.

MOTION: by Councilmember Johnson, seconded by Councilmember Springhorn to authorize staff to pursue negotiating a franchise with CenturyLink to operate and maintain a cable system in the City of Shoreview.

Councilmember Johnson stated that this issue of Cable service has been discussed many times. She agreed that added competition in Shoreview will be a benefit to residents.

ROLL CALL: Ayes: Johnson, Quigley, Springhorn, Wickstrom, Martin
Nays: None

GENERAL BUSINESS

PRELIMINARY PLAT/COMPREHENSIVE SIGN PLAN/AMENDED PUD - KOWALSKI COMPANIES, INC./SIDAL REALTY, 441 HIGHWAY 96

Presentation by Asst. City Manager/Community Development Director Tom Simonson

The site is the former Rainbow Foods site located at the corner of Highways 96 and 49 and consists of 10.64 acres. Currently, there is a 68,000 square foot retail building with off-street parking, storm water ponding, landscaping and fencing. Adjacent land uses include the Oak Hill Montessori School to the north, a funeral home and single family homes to the west, a senior residence to the south and commercial use to the east. The Preliminary Plat divides the property into two lots. The second outlot of 1.5 acres will be used for further retail development.

Kowalski's proposes to repurpose the current building and establish a 25,000 square foot Kowalski's Market that will include a wine shop, coffee shop, deli with seating area and a culinary kitchen and cookware store. The remainder of the building will be used for company operations including a bakery; kitchen and catering; and warehouse and distribution operations.

The exterior of the building will be enhanced with a new entryway and the addition of brick, stone and glass. The parking lot will be resurfaced and re-striped. The proposed use requires 223 parking stalls; 212 will be provided. Based on other Kowalski locations, this will be sufficient parking. It does not include additional parking that will be available on Lot 2, when that development occurs. Existing parking lot light fixtures will be replaced with LED down light fixtures. The lighting plan will be submitted with the Final PUD.

Delivery hours specified with the original PUD are being modified to allow limited truck activity for bakery shipments at 1:00 a.m. and 4:00 a.m., except on Sunday. No truck idling will be allowed during nighttime deliveries. The nearest residence is 330 feet across the wetland pond, and staff does not foresee a problem.

Improved access to the property includes a new free left turn lane from eastbound Highway 96. Ramsey County has approved the new access, and the City will construct the improvements.

The majority of plant materials for landscaping will be replaced. The loading dock area will be screened from Hodgson Road. The fence along the west property line will be replaced with a durable, attractive metal fence.

Proposed signage includes two freestanding signs, one on Highway 96 and one on Highway 49. These freestanding signs may also be used to identify future users on Lot 2. The sign area of 132 square feet exceeds City standards by 32 square feet but can be accommodated through the PUD process. Four wall signs are proposed along the south and east sides of the building for the wine shop, bakery and kitchen store.

No issues or concerns were identified by the Lake Johanna Fire Department. Rice Creek Watershed District notes that a permit may be required with the development of Lot 2 if over 10,000 square feet of area is disturbed.

Legal notice of the public hearing held by the Planning Commission was published in the City's legal newspaper. Property owners within 350 feet were notified of the proposal. There was no public testimony. One phone call was received from a resident to the west requesting that the new lighting not impact the neighborhood. Kowalski's has changed the lighting plans to a downward light fixture to reduce the foot candles at the property lines.

The Planning Commission discussion focused on parking, subdivision into two lots and truck delivery hours. On a 6 to 0 vote, the Planning Commission recommends approval by the City Council. Staff recommends approval of the Preliminary Plat, Amended PUD Development Stage, and Comprehensive Sign Plan, subject to the conditions listed in the staff report.

Mr. Mike Oase from Kowalski's was present to answer any questions.

Councilmember Wickstrom asked if added screening from the loading docks for the nearest residence would be possible, if there is a problem after operations begin. **Mr. Oase** stated that would be considered. The loading docks face east and won't be changed. It is important to be respectful of neighbors.

Councilmember Springhorn asked the operating hours of the store. **Mr. Oase** answered, 6:00 a.m. to 11:00 p.m.

Councilmember Johnson stated that there is enormous excitement in the community with the arrival of Kowalski's.

Planning Commissioner Brian McCool stated that two main issues were discussed. The first is parking, especially with Lot 2. The second is the truck loading docks. Both issues have been addressed by Kowalski's.

Mr. Tom Hentges, 490 Mackubin Circle, thanked the Council and Kowalski's for listening to the lighting issue brought forward.

Mayor Martin expressed the City's appreciation to Kowalski's who has shown cooperation on many levels to address issues raised by the City.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Johnson to approve the Preliminary Plat, Amended PUD - Development Stage, and Comprehensive Sign Plan, applications submitted by Sidal Realty and Kowalski Companies, Inc. for the property at 441 Highway 96. Said approval is subject to the following conditions:

Preliminary Plat

1. The applicant shall execute an agreement between the Lots 1 and 2 addressing the shared infrastructure including access, parking, signage, utilities and maintenance. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
2. Executed and recorded copies of the required agreements shall be submitted to the City prior to the issuance of a building permit on Lot 2.
3. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Amendment

1. This PUD amendment replaces the previous PUD approval from 1995.
2. Development Agreement shall be executed and shall include applicable provisions from the previous PUD approvals referenced in Condition No. 1 above as well as any requirements associated with this PUD amendment.
3. Future development of Lot 2 shall require Site and Building Plan Review.

4. Kowalski's agrees to work with the City on refining the landscape plan that addresses better screening for the loading dock area on the northeast side of the property. Said plan shall be submitted with the Final PUD application.
5. The Development Agreement will amend the conditions regarding truck deliveries to correspond to the proposed uses, which conditions shall prohibit vehicle idling during nighttime delivery.
6. Prior to submittal of a Final PUD application, Kowalski's shall verify the number of parking stalls provided on the property including the parking located north of the building. These stalls shall be identified on a site plan.
7. The City prefers that the freestanding signs be shared with the future use of Lot 2.

Comprehensive Sign Plan

1. The signs on the property shall comply with the plans submitted for the Comprehensive Sign Plan application.
2. Signage shall be maintained in accordance with the City's Sign Code.
3. The applicant shall obtain a sign permit prior to the installation of the new signs on the property.

ROLL CALL: Ayes: Quigley, Springhorn, Wickstrom, Johnson, Martin
 Nays: None

Mayor Martin commended Mr. Simonson and City staff for the many hours of work done to bring this proposal to fruition.

Councilmember Quigley asked the name of the construction company that will do the construction work. **Mr. Oase** introduced **Mr. Jim Schultz**, EFH Companies, the construction company who will be doing the construction on this project. EFH built both the Excelsior and Eagan stores, and Kowalski's is pleased to be working with the company again.

ADJOURNMENT

MOTION: by Councilmember Springhorn, seconded by Councilmember Wickstrom to adjourn the meeting at 7:45 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 16th DAY OF FEBRUARY 2016.

Terry Schwerm
 City Manager