

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: MARCH 22, 2016
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

1. CALL TO ORDER

**ROLL CALL
APPROVAL OF AGENDA**

2. APPROVAL OF MINUTES

*February 23, 2016
Brief Description of Meeting Process – Chair John Doan*

3. REPORT ON CITY COUNCIL ACTIONS:

Meeting Date: March 7th 2016 and March 21st 2016

4. NEW BUSINESS

A. SITE & BUILDING PLAN REVIEW*

*FILE NO: 2607-16-06
APPLICANT: Fourteen Foods-Dairy Queen
LOCATION: 4615 Hodgson Road*

B. VARIANCE

*FILE NO: 2608-16-07
APPLICANT: Karin Hamerston
LOCATION: 771 Larson Lane*

**C. RESOLUTION FINDING TAX INCREMENT FINANCING PLAN FOR
PROPOSED DISTRICT NO. 10 CONFORMS WITH THE CITY'S
COMPREHENSIVE PLAN (ELEVAGE DEVELOPMENT GROUP PROJECT)***

*APPLICANT: Elevage Development Group, LLC/Elevage Shoreview Holdings, LLC
LOCATION: 3500 Rustic Place, 185 County Road E, 157 County Road E, and 3521 Rice*

5. MISCELLANEOUS

- A. City Council Assignments for April 4th, 2016 and April 18th, 2016 Commission Members
Wolfe and Peterson*
- B. Discussion Item: Bee Keeping Ordinance*

6. ADJOURNMENT

** These agenda items require City Council action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward a recommendation to the City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at the City Council, please contact the Community Development Department at 651-490-4682 or 651-490-4680 or check the City's website at www.shoreviewmn.gov.*

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle reported that the City Council did approve the Comprehensive Plan Amendment, rezoning, preliminary plat and Planned Unit Development (PUD) - Development Stage for Kowalski Companies, Inc. to redevelop the former Rainbow site at the corner of Highways 49 and 96. The Development Agreement will address truck idling that was discussed by the Planning Commission.

OLD BUSINESS

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

FILE NO.: 2602-16-01
APPLICANT: ELEVAGE DEVELOPMENT GROUP, LLC/ELEVAGE SHOREVIEW HOLDINGS, LLC
LOCATION: 3500 RUSTIC PLACE, 185 COUNTY ROAD E, 157 COUNTY ROAD E, AND 3521 RICE STREET.

Presentation by City Planner Kathleen Castle

At the last Planning Commission meeting a public hearing was held and closed. After discussion and review by the Planning Commission, the matter was tabled. The review period for the application was extended from 60 to 120 days. Elevage Development Group was asked to further address parking, building height, visual impact and development intensity and density.

The property consists of approximately 4.2 acres with frontage on Rice Street, Rustic Place and County Road E. There are 3 existing single-family homes and a commercial shopping center. Adjacent land uses are low density residential to the north, commercial to the south and west, and the City of Vadnais Heights immediately to the east.

The proposal is a mixed use building with 134 market rate apartments and 6,800 square feet of commercial space. Both surface and underground parking is provided. Also, 14 townhouses in two buildings will be built west of the mixed use building. Access to the site will be off County Road E and Rustic Place.

The applicant is proposing the following changes:

- Parking for the mixed use building has been increased from 235 stalls to 274 stalls.
- An emergency vehicle lane is provided to address concerns of the Fire Department.
- Additional landscaping is proposed along the north lot line to mitigate impact to the single family homes to the north.
- The townhouse structures have been reduced in size, which increases the setback from the north property line.
- An access driveway is shown off Rustic Place to respond to concerns of access by the Fire Department.

- The grade elevation of the garage floor has been reduced by one foot to address concerns regarding the grade elevation of this development compared to the grade elevation of the single-family homes to the north.

The 274 off-street parking stalls for the mixed use building on Lot 2 include 79 surface parking stalls and 195 underground stalls. There are 233 parking stalls allocated to the residential apartments, and 41 stalls for commercial development. Proof of parking for 8 additional stalls is provided on the north end of the property. The City's Development Code requires 373 stalls, but deviation can occur under the PUD with parking management strategies in place. The site is on a transit line. There is shared parking between the residential and commercial uses. This plan shows 1.7 stalls per unit rather than the required 2.5 stalls per unit. The developer has demonstrated that the ratio of 1.7 is sufficient based on industry trends, the unit mix and the demographic market. Parking was broken down by the number of bedrooms in a unit rather than 2.5 stalls per unit. The one-bedroom units have 1.2 parking stalls; the two-bedroom and three-bedroom units have 2 stalls per unit. Staff surveyed other communities (White Bear Lake, New Brighton, Arden Hills and Eden Prairie) regarding parking ratio requirements and found that Shoreview's requirement of 2.5 stalls is at the high end.

The building is five stories with a height of 55 feet. Code allows this deviation if it does not exceed firefighting capabilities. The Fire Department has indicated no concerns. An additional foot of setback is required for each additional foot of height over 35 feet. The range of other apartment building heights in the City is 42 feet at Lexington Shores to 78.5 feet at Lakeview Terrace.

The setback is in compliance from the north lot line with 78.2 feet, when 50 feet is required. Deviations requested include setbacks from Rice Street and from the townhouses on Lot 1. Deviations include a 32-foot setback from County Road E, when 50 feet are required; 41 feet from the front property line at Rice Street, when 60 feet are required; and 14 feet from the rear property line, when 50 feet are required. A reduction of setbacks along roadways does not impact the adjacent land uses. The orientation and placement of the building towards the intersection will enhance this gateway into Shoreview.

Townhome setbacks are as follows:

- The required setback from County Road E is 30 feet; 33.4 feet is proposed.
- The required setback from Rustic Place is 30 feet; 25.4 feet is proposed. This is the deviation requested.
- The required setback from the east property line is 10 feet; 33 feet is proposed.
- The rear property line which is adjacent to the residential properties to the north has a setback of 73.5 feet.

Staff believes that the reduction of setbacks is mitigated by the increased setback of the townhomes from the north property line and the landscape buffer.

Visual impact is mitigated with the placement of the mixed use structure in the southeast corner of the property. It has a flat roof design. Also, green space and landscaping buffer the northern property line, which is adjacent to existing single-family homes.

A shadow-cast study was done and shows that in late December, shadow will transcend the northern property line but will not cast a shadow on the adjoining home for the majority of daylight hours. There is also a landscaped buffer proposed. The City regulations do not protect properties from shadow cast when development occurs.

In regard to intensity, the land capacity will accommodate the physical improvements, and municipal infrastructure is available to the site. Residential and commercial uses are integrated throughout the site. The traffic study concluded that the proposal will not impact the local/regional transportation system. The problems that exist are due to the need for the Rice Street/I-694 interchange to be reconstructed with a new bridge. Ramsey County agrees with this conclusion. The proposed lot coverage is 61.8%, which is less than the 70% permitted. Intensity of development has been addressed with the mixed use building placement in the southeast corner, compliance with required setbacks from the north property line, underground parking and provision of green/open space.

Allowed density is up to 45 units per acre; the proposal is 33.6 units per acre. Although the site is adjacent to low density residential to the north, it is also adjacent to the interstate arterial roadway and commercial land uses to the south and east. The development pattern in the city generally has higher density land uses adjacent to low density and located on the edge of neighborhoods on arterial roadways. Compared to other high density developments in the City, this proposal would be the highest with 33.6 units per acre. Density in other developments ranges from 13 to 30 units per acre.

The proposal includes a Comprehensive Plan Amendment to change the property to a Mixed Use site. The site is in PDA #18, Rice Street Crossings with a land use designation of C, Commercial and O, Office. This includes office, service, restaurants and retail uses. A Plan Amendment to change the land use designation to Mixed Use, MU.

The City's Highway Corridor Transition Study does look at this site as potential for Mixed Use development rather than office and retail. The Shoreview Housing Action Plan identifies the need for additional rental housing opportunities through redevelopment.

The existing shopping center is zoned C2, General Commercial at 157 County Road E. The properties at 185 County Road E, 3521 Rice Street and 3500 Rustic Place are zoned R1, Detached Residential. The rezoning application seeks to change the district to a PUD, Planned Unit Development.

The public hearing was held and closed at the Planning Commission's January meeting. Notice was again mailed to the Rustic Place neighborhood and Vadnais Heights for this meeting. There are continued concerns regarding land use compatibility, density, public safety, traffic, visual impact, market for this type of product, architectural design and scale, and environmental impacts.

Staff finds that this proposed redevelopment is consistent with the City's planning studies and will provide needed housing opportunities. The mix of uses will provide a transition between the arterial road network, commercial uses and the single-family residential neighborhood to the north. The site design mitigates impacts through building placement, green/open space and landscaping. Staff is recommending the Planning Commission forward a recommendation for approval to the City Council for the March 7, 2016 Council meeting.

Commissioner Ferrington noted that the market study information on occupancy rates for surrounding apartment buildings was not included with the Planning Commission materials for this application. Ms. Castle explained that information was not included because that information should not influence the Planning Commission decision, which should be based on the criteria in the City's Comprehensive Plan and Development Code.

Commissioner Solomonson asked if there is any issue with emergency vehicle access to the site. Ms. Castle stated that there is a 21-foot clearance. The Fire Marshal has expressed no concerns.

Commissioner Solomonson asked where parking would occur if the parking on-site were full.

Commissioner McCool asked the location of the proof of parking stalls and how they would be accessed. Ms. Castle showed the location in the northeast corner of the site with access off Rice Street.

Chair Doan asked for the updated information of the traffic study. Ms. Castle explained that the original study did not include the data for the build scenario. The applicant was notified. The results turned out to be the same as what was reported previously, that there is no significant impact from traffic generated from this development.

Chair Doan opened the meeting to public comment.

Ms. Marcia Figus, 3538 Rustic Place, stated that she is 200 feet from the proposed development. Her house will have a shadow cast as a result of this development. She stated that she speaks on behalf of the residents on Rice Street, Rustic Place, St. Marie and neighbors to the north, south and Vadenais Heights. It is requested that the height of the apartment building be lowered and that the density be reduced. Previous such requests have been made by the City Council once and by the Planning Commission twice. It is requested that there be no balconies on the north and west facing sides. Privacy is a big issue. In view of the incorrect data used in the traffic study, it is a concern that other data may be incorrect and is being used to make this decision. From the beginning, there has been heavy opposition to this development. In the Mayor's State of the City Address, a commitment to certain core values was stated--to build and maintain quality residential neighborhoods. Residents to the north of this site have a quality neighborhood but are lacking confidence in City government.

Mr. Mark Kaspazak, 3628 Rustic Place, referred to Commissioner Ferrington's question regarding the comparables used in the rental housing study. The comparables used were two-, three- and four-story buildings that are 90% full. Boatworks Commons is at 75% occupancy and

Lakeview Terrace (six stories) is at 55% occupancy. This goes against what has been said about needing this housing opportunity in Shoreview. Lakeview Terrace is not full. The density was described as 33.6 units per acre but with the parking stalls, it would be 55 units per acre.

Mr. Pat Foley, 295 Cottage Place, stated that the market data was dismissed. The Comprehensive Plan calls for housing opportunities for young families. There is plenty in Shoreview and more is not needed. He asked where children will play. The site is 200 to 300 yards from a railroad. The railroad yard will be an attractive nuisance for those children. It is also necessary to go walk next to a sharp bend in the railroad bed to get to Grass Lake Park. He believes that sharp bend is vulnerable for a possible derailment.

Mr. Keith Johnson, 3695 Rustic Place, stated that the traffic study performed three simulations. The first was of existing traffic to duplicate the conditions existing today. The study failed to do that because the line of traffic going south in the morning rush hour is described as a length of 236 feet or less. St. Marie Street is over 1000 feet north of the Rice Street/I-694 interchange. It is his experience that traffic backs up well beyond St. Marie in the morning. If there is inclement weather, traffic will back up to the railroad bridge north of I-694. It is difficult to accept that the simulations for the future are valid because the first simulation for existing traffic is inaccurate.

Ms. Kate O'Neal, 3530 Rustic Place, stated that she is working on setting up a meeting with County Commissioners McGuire and Huffman to discuss the traffic study issue. Looking at the Rice Street/County Road E intersection, there is the Elevation proposal for the northwest corner in Shoreview; a future development is planned on the north east corner in Vadnais Heights; and there is a senior building on the southeast corner in Little Canada. There are three buildings of unknown height in three cities on three corners of the same intersection on one road. It is important for the traffic study to address the impacts to the area from all of these developments in the same area.

Mr. Jonathan Weinhagen, Vice President - St. Paul Area Chamber of Commerce, 401 Robert Street, St. Paul, MN. He stated that he also serves on the Economic Development Commission in Shoreview. The Chamber supports this development. The next generation of employment will be based on talent. Shoreview's ability to attract talent to this market will drive the City's ability to attract employers. One of the top three things heard from the business community for the next generation of talent is housing. The next generation of workers are renters by choice. High amenity housing are critical to attract employers. There are 20,000 jobs between I-35W and I-35E. He has shared this development with a number of Human Resource departments in companies in the area. There is great interest in seeing an amenity rich housing opportunity for employees, employees that they compete for with center cities. A letter has been provided that speaks to the Comprehensive Plan. The housing portion of the Comprehensive Plan is a critical in the City's ability to create an economic engine for the community. He strongly urged the Commission to support this project and move it forward.

Mr. David Guard, 3646 Rustic Place, referred to a newspaper article dated February 9, 2016, that applauds the natural amenities so carefully developed in Shoreview. The City cannot allow development to ruin the natural resources. The height of buildings cannot be allowed to rise

above tree canopy and destroy habitat. If the economics of people take over the natural resources, the command of what Shoreview is about will be lost.

Mr. Mike Mergens, Applicant, introduced the Traffic Engineer, Steve Manhart. He stated that work errors were made on the traffic study which have been corrected. The project does not result in any unacceptable operations. The level of service does drop from level C if the project is not built to level D when the project is built. As was noted by the City and members of Ramsey County Public Works, the conflict is between Rice Street and Vadnais Boulevard traffic. The traffic issues are a result of the interchange. When the interchange is reconstructed, it will provide relief.

Mr. Mergens introduced Aaron Roseth and Lucas Mansistine, ESG Architects, to explain the shadow cast impact. **Mr. Roseth** stated that in response to concerns for parking, 10 additional parking stalls have been added for town house visitors since the last meeting. An additional three surface parking stalls were added to the Mixed Use building and eight proof of parking stalls. The underground parking has an additional 31 parking stalls. In looking at trends for this type of market in second tier communities, parking ratios are 1.2 to 1.5 stalls per unit. The goal is one stall per bed. Including the proof of parking, this development is now at 1.8 stalls per unit and 1.3 stalls per bed. Excluding proof of parking, the ratio is 1.74 stalls per unit and 1.26 stalls per bed. These ratios exceed the national and area averages. One of the goals of the City is to increase population. The maximum density permitted by the City or this development is 45 units per acre. This development proposal is 33.6 units per acre.

Mr. Roseth stated that the concern about building height has been addressed by placing the building in the right location of the southeast corner. The density along County Road E and Rice Street is well buffered with coniferous trees. In 1956, I-694 was authorized. From that time it has been clear that development would occur. There is a reason for this amount of density which is to provide housing for the employment opportunities in the area. A four-story U-shape building was considered, but it became bulky on the site that the impact of shadow casting was more significant. The concern regarding the setback of the town houses from Rustic Place has been addressed by increasing the setback to 41.8 feet. The elevation of the town homes was lowered by one foot, which lessens any impact of headlights to the north. The town homes were pulled south by changing their width. Originally, they were 26 feet wide; the width has been reduced to 23 feet. The average rents will range between \$1100 and \$2400 per month. People who live here rent by choice and will respect and take care of their homes.

Mr. Mansistine explained that the main impact of shadow cast to homes to the north is that the majority of the year there is no impact. At the end of December and beginning of January, the shadows will cross the property line for a few hours. The worst shadow impact is for two hours in the morning. **Mr. Roseth** noted that the shadow study does not take into account the trees for screening.

Commission Questions to the Developer

Commissioner Solomonson noted that with 79 surface stalls, 41 are allocated for commercial use and 38 for residential guest use. His concern is how parking will work with commercial entities

that are not integrated. Ms. Castle explained that the ratio of 1.7 stalls is per residential unit. Commissioner Solomonson stated that the only place guests can park would be in those 38 surface stalls. **Mr. Roseth** responded that the property will be managed. Through the management, guests will have to check in and obtain a parking pass. Visitors will also be able to use underground parking stalls. **Mr. Mergens** added that the site will not be posted for commercial or residential parking only.

Commissioner Solomonson emphasized his concern that there is no provision for overflow parking. Without knowing what type of commercial will be on the site, he would prefer to see 2 stalls per unit. This would mean adding 35 stalls and eliminating 17 units to achieve a ratio of 2 stalls per unit. If 17 units were removed, the north side could be tiered to lessen the building height impact to the residential homes to the north.

Commissioner McCool asked the method of allocation for underground parking stalls to units. **Mr. Mergens** stated that stalls will be allocated as 1.25 for one-bedroom units and 2 stalls for two- and three-bedroom units. People who live in the building will have parking underground.

Commissioner McCool asked where the light standards will be placed and whether they will impact the residential properties to the north. **Mr. Roseth** explained that the lights will be kept as low as possible. The intent is for using low light bollards that are part of the City's trail system. The fixtures on the surface lot will be shielded in a way to follow standards of the City. It is also important that the lights provide safety for the residents in the building.

Commissioner McCool asked how close any light standard will be to the residential properties to the north. **Mr. Roseth** stated that lights will be shielded so as not to cast any light behind the pole. That is a standard of the City that will be followed. The photometric analysis shows the light levels. The perimeter of the site shows a light level of 0 foot candles.

Commissioner McCool asked the size of the coniferous trees that will be planted on the north side. **Mr. Mergens** stated that they will be at least two inches in diameter. There are from 36 to 38 trees that will be added to provide additional screening in response to the comments of the last meeting.

Commissioner McCool asked if the balconies facing north toward the residential homes can be moved to face west and eliminate any impact from the higher floors where balconies may be above the tree canopy and loom over the neighborhood. **Mr. Roseth** agreed that moving the balconies can be considered. He noted the massive setback from the building to the property line on that side.

Commissioner McCool asked where families and children go to find recreation. There is the pool, but there a lot of concrete around it. There is not a good sidewalk system for biking and walking. **Mr. Roseth** noted that the apartments in Shoreview do not have the amenities that this project offers. The pool area will be a very social area. There will be barbecue areas, picnic areas, benches, batchi ball courts. There will be a network of sidewalks established. The green space will be park like.

Commissioner McCool asked the location of the nearest park. **Mr. Mergens** answered that it would be on Vadnais Boulevard. He believes there is a trail along that road.

Commissioner Ferrington stated that parking is a concern because this development is landlocked. The reason the Planning Commission agreed to 1.7 parking stalls per unit at Lakeview Terrace is because there is shared parking with the adjacent apartment area that is scheduled to be redeveloped. She commended the work done to provide amenities with this development, but there is no flexibility for parking. She does not believe that Shoreview is well known for access to public transportation that would eliminate the need for two cars in a household. **Mr. Mergens** stated that he believes the parking works is because it is anticipated that the commercial use is likely to be office with little or no parking needs after work hours. There will be shared parking within the site. This allows more than 2 parking stalls per unit. **Mr. Roseth** added that the town homes and apartments will be one homeowners association. There are 10 additional parking stalls added to the townhomes, which brings their ratio to 4.7 stalls per unit. The eight stalls that are proof of parking can easily be added if necessary. All totaled and looking at national trends, parking on this site is adequate.

Chair Doan asked the consequence if there is a shortage of parking with the additional eight spaces built. Would cars have to park on Rustic Place? Ms. Castle stated if there is deficiency in parking, the overflow would occur on Rustic Place. It is approximately 400 feet from the intersection of Rustic Place and County Road E to the building entrance. Chair Doan asked how much parking would be available on Rustic Place and what options would be available to the City to mitigate that problem. **Mr. Roseth** stated that there would be space for 10 parallel parking stalls on Rustic Place in front of the townhomes. **Mr. Mergens** stated that parking is critical. If the retail services are under parked, they will struggle. Other option will be shared cars, car-to-go and zip cars. If there is enough density and the owner is willing to commit to a guaranteed minimum, cars will be available on-site. It is important for tenants to survive, and these options are a potential component of providing adequate parking.

Commissioner Solomonson asked if 9 units were removed on the north side, could the building be tiered? **Mr. Mergens** stated that would remove the most sought after units. The bank will be concerned with debt service ratios and loan to value ratios. The project has to work economically. The project would be difficult to finance if 9 units were removed. **Mr. Roseth** added that although the developer's preference is to maintain as much a park like setting as possible, green space can be taken away for more parking.

Chair Doan asked if there would be a way to tier the building to the north and adding lost units on the southern side. **Mr. Roseth** stated that because of code requirements for stairwell exits, a third stairwell would have to be added for that type of design. It is possible, but he is not sure if it is economically feasible for the development team because rentable square footage would be used to add a stairwell.

Chair Doan noted that the dog park and playground have been removed from the current plan. He asked at what cost those elements were removed. **Mr. Roseth** stated those elements continue to be part of the conversation. He noted that a dog park is one of the most sought after amenities. It is hoped that a small dog park and playground can be incorporated with the trail design.

Chair Doan noted the lack of affordable housing in Shoreview and asked how the decision was made to develop luxury units and whether affordable units could be considered. **Mr. Mergens** stated that a driving factor is comments from the neighborhood and identifying this area as a gateway to the community. It is fortunate that all four properties were secured to design a special development that is above and beyond. That creates a construction cost. Then income is needed to meet those costs. In this case, the cost does not allow for an affordable housing component.

Commissioner McCool noted an area along the trail where there is a 90-degree turn in the northeast corner. He asked if the trail could diagonally cross that corner and create more green space for perhaps a small ball field. **Mr. Roseth** stated that there has been an effort to preserve mature trees that are in that area, but that idea is a possibility and could open up more green space. He noted that the additional proof of parking is in that area. Parking is the most important component for the developer. It has to be done right.. He noted that more green space could be made into as much as 15 more parking spaces if needed.

Commissioner Ferrington asked if the area along Rustic Place directly adjacent to the townhomes could be bumped out to create overflow parking. Ms. Castle responded that the developer proposed that feature, but after review, the Public Works Director was not supportive. There are concerns about how such a bump out would interfere with existing infrastructure along Rustic Place.

Commission Discussion

Commissioner Solomonson stated that he continues to prefer fewer units but is more comfortable with the additional parking now provided and shown for the future if needed. He would support the project as presented. The traffic study shows no impact. The density is allowed by code. The height of the building will fit in this area with this property as a transition from I-694. He is concerned about the type of commercial business that will be located on the site and any overflow traffic. It would be better if the City had plans for the new bridge on Rice Street over I-694 and consideration of a new pedestrian bridge. That would provide pedestrian access to the Lake Owasso area which would go around the railroad and not be on Rice Street. It is his hope that pedestrian bridge continue to be considered with the Rice Street bridge plans.

Commissioner Ferrington stated that the concerns expressed by the Commission at the last meeting were about parking, building height, density and overall site design. She is reasonably satisfied that there is potential for sufficient parking should it be necessary to take away green space. The design has many amenities that are not present in other Shoreview developments. She is concerned about height, but this is a transitional property. There was the same concern with Lakeview Terrace, but now that building is completed and is not unsightly. It is her hope the same will happen with this building. She also would prefer fewer units, but Mixed Use development is the right use for this property in Shoreview.

Commissioner McCool stated that the Comprehensive Plan Amendment and rezoning are not issues for him. Parking is a product of project size. He applauded the developer for the additional parking presented and options for the future. Both retail and residential tenants will sign leases. There may be short-term instances when parking is an issue. However, if parking is insufficient, there will not be tenants. The other issue is whether too much is being crammed unto the site, but that is the developer's call. It is the developer who must target the market and sell the space. The height is not an issue because this is a gateway property. It will not dramatically change the neighborhood and is a good introduction to the community. The consequence of whether the project is too big will be the kind of people who live there and not the project itself. He expressed his support for the project.

Commissioner Wolfe stated that it is important to maintain the values of Shoreview. He has spent time driving the area. He stated that newly married, this is the type of place he would want to live. With three young children, it might be more difficult. A privacy fence has been discussed on the north side but has not been decided. A key issue is safety that Ramsey County will address. He sees this as a benefit for the Mounds View School District. A possible coffee shop or bistro as part of the commercial development will be a huge benefit to multi-generational residents and will bring others in. This is a good plan, but the biggest concern is the neighborhood.

Chair Doan stated that he is sympathetic to the neighbors to the north and is concerned about the time of shadow impact, although not regulated by the City. Generally, he believes this is the type of development he wants to see in the City. The level of amenities and overall aesthetic is positive. Only a handful of places could accommodate such a development in Shoreview. This is one of the locations because of the highway network. With soundproof windows, the proximity of the railroad will not be a detraction. The question is how to make the best of what is presented and how to do good to the neighbors that will be impacted. He expressed his support for the amenities presented and his hope that the developer will be a good partner to the City through the process. The Planning Commission only makes a recommendation. Change is very difficult. The neighborhood is very tightly knit. He appreciates the activism and concerns brought by the neighborhood and would hope that there be an openness to new residents to the community.

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to recommend the City Council approve the following requests submitted by Elevage Development Group, LLC/Elevage Shoreview Holdings, LLC (EDG) to redevelop the following properties: 157 County Road E, 185 County Road E, 3521 Rice Street and 3500 Rustic Place with a mixed use residential and commercial development.

Comprehensive Plan Amendment

1. The amendment changes the land use designation from C, Commercial/O, Office and RL, Low Density Residential to MU, Mixed Use.
2. Review and approval of the amendment by the Metropolitan Council.
3. The amendment will not be effective until the City grants approval of the Final Plat and PUD - Final Stage requests and the development agreements are executed.

Rezoning

1. This approval rezones the property from C2, General Commercial and R1, Detached Residential to PUD, Planned Unit Development.
2. The underlying zoning district for this PUD is: Lot 2 – R2, Attached Residential, Lot 3- R3, Multi-Dwelling Residential for the apartment units and C1, Retail Service for the commercial
3. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

Preliminary Plat

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines. Drainage and utility easements along the roadways shall be 10' wide and along the side lot lines these easements shall be 5' wide. Other easements shall be dedicated as required by the Public Works Director.
3. Private agreements shall be secured between the parcels in the subdivision regarding the maintenance of shared facilities. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
4. Comments received from the State of Minnesota and Ramsey County shall be addressed in the Final Plat submittal.
5. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development – Development Stage

1. This approval permits the redevelopment of 157 County Road E, 185 County Road E, 3521 Rice Street and 3500 Rustic Place with a mixed use development consisting of a 5-story building that has 134 market rate apartment units and 6,800 square feet of commercial space on the first floor. Fourteen townhomes are also planned.
2. Access to the site shall be provided via the driveways off County Road E and Rustic Place as indicated in the approved plans. Access from Rustic Place may be modified provided the requirements of the Fire Department are met.
3. The items identified in the City Engineer's memo dated January 20th shall be addressed in the Final PUD submittal.
4. The items identified by the Fire Marshall in his letter dated January 11th shall be addressed in the Final PUD submittal.
5. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director is required, prior to submittal to the City of applications for Final Plat and PUD – Final Stage. Final plans shall identify site construction limits and the treatment of work (i.e. driveways, parking areas, grading, etc.) at the periphery of these construction limits.
6. The developer shall secure a permit from the Ramsey Washington Metro Watershed District prior to commencing any grading on the property.
7. The proposed apartment housing structure shall be of a 5-story design as depicted on the plans submitted with this application. Said building shall include the architectural

enhancements and high-quality building materials as identified. The structure shall not exceed the 55-foot height as identified in this report and on the submitted plans.

8. A financial contribution to the City's Forestry fund is required since the number of required tree replacements cannot be accommodated on the development site.
9. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project. The Development Agreement shall address:
 - a. Construction management and nuisances that may occur during the construction process, including parking for contractors. No parking is permitted on Rustic Place, County Road E and Rice Street.
 - b. Best Management Practices for Water Quality improvement
 - c. Landscape maintenance
 - d. Maintenance of stormwater management facilities
10. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060 (C)(6).

This approval is based on the following findings:

1. The proposed redevelopment plan supports the policies stated in the Comprehensive Plan related to land use, housing and redevelopment.
2. The proposed redevelopment plan carries out the recommendations as set forth in the Housing Action Plan
3. The proposed redevelopment plan will not have a significant adverse impact the planned land use of the surrounding property.
4. The proposed deviations permit this site to be redeveloped with a use that expands life-cycle and affordable housing, including housing choice in the city.

Discussion:

Commissioner Solomonson asked for an explanation of the next steps in the process. Ms. Castle explained that after Planning Commission action, the proposal will be presented at the March 7, 2016 City Council meeting. If approved, the developer will have 60 days to submit the Final Stage PUD and Final Plat for approval by the City Council. There is no public notice for the Final Stage PUD or Final Plat.

Commissioner Ferrington asked if the public would have an opportunity to speak at the City Council meeting. Ms. Castle responded that the City Council will review the application similar to this meeting and take public comment.

Commissioner McCool requested the developer to continue to look at the trail design issues discussed and possibility for moving balconies and looking to minimize impacts to the neighbors to the north.

Chair Doan thanked Commissioner Solomonson for his guidance through this process. This has been one of the most heated items for the Planning Commission in the last several months.

VOTE: Ayes - 5 Nays - 0

Chair Doan called a break and then reconvened the meeting.

NEW BUSINESS

PUBLIC HEARING - TEXT AMENDMENT - ACCESSORY STRUCTURES

FILE NO.: 2605-16-04
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

The City Attorney stated that proper notice was given for this public hearing.

Presentation by Economic Development and Planning Associate Niki Hill

A text amendment relating to accessory structures is proposed to Section 205 of the City Code, *Development Districts*. The purpose of the amendment is to provide more flexibility to residential property owners for accessory structure size based on property size. Area and setbacks are based on a tiered system to make sure the accessory structure remains subordinate to the principal structure on the property and does not have an adverse impact to adjoining properties.

Current Code for properties under one acre allow a maximum size of 150 square feet, but can increase in size up to 288 square feet with a Conditional Use Permit. There is a cap on accessory structures. They are not allowed to exceed 90% of the dwelling unit foundation area or 1200 square feet, whichever is less.

Properties that are greater than one acre, a Conditional Use Permit is required for accessory structures to exceed what is defined for parcels less than one acre. There is no cap to the maximum area.

- The proposed changes define four tiers:
- Properties under 1/2 acre
 - Properties from 1/2 acre to under 1 acre
 - Properties from 1 acre to under 2 acres
 - Properties of 2 acres and above

The changes proposed would increase the maximum permitted sizes to 200 square feet and increase permitted sizes with a Conditional Use Permit for properties that are 1/2 acre or larger. There would be a cap for the total amount of accessory structure square footage in all tiers. The proposed changes would minimally impact the majority of properties.

Regulations for properties less than 1/2 acre:

The changes allow a detached accessory structure when there is no attached accessory or an attached accessory structure that is less than 2-car size would be up to 200 square feet or up to 288 square feet with a Conditional Use Permit. Nothing over 288 square feet would be allowed.

Changes for properties of 1/2 acre to under 1 acre:

- A detached accessory structure, where there is no attached accessory structure or less than a 2-car attached accessory structure, could be 1000 square feet or 80% of the dwelling unit foundation area, whichever is the more restrictive.
- When there is a 2-car attached garage, a detached accessory structure can be up to 288 square feet outright. Up to 440 square feet could be allowed with a Conditional Use Permit.

Changes for properties of 1 acre to less than 2 acres:

- When there is less than a 2-car attached accessory structure, a detached accessory can be built up to 1000 square feet or 80% of the dwelling unit, whichever is more restrictive.
- If there is a 2-car attached accessory structure, a detached accessory structure of up to 440 square feet. A larger accessory structure is possible with a Conditional Use Permit. However, the total accessory structure area cannot exceed 1500 square feet or 100% of the dwelling unit foundation area.

Changes for properties of 2 acres or more:

- A detached accessory structure, where there is no attached accessory structure or less than a 2-car attached accessory structure, could be 1000 square feet or 80% of the dwelling unit foundation area, whichever is more restrictive.
- If there is a 2-car attached accessory structure, a detached accessory structure of up to 440 square feet. A Conditional Use Permit is required for larger than 440 square feet. The cap for the combined attached and detached accessory structure square footage is 125% of the dwelling unit foundation area.

Notice of this public hearing was published in the City’s legal newspaper. No comments have been received from the public.

Staff recommends the proposed changes because they provide greater flexibility and better clarify the requirements. Also, a cap of total allowable accessory structure square footage is defined for all property sizes.

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

MOTION: by Commissioner McCool, seconded by Commissioner Solomonson to close the public hearing at 9:46 p.m.

VOTE: Ayes - 5 Nays - 0

Commissioner Solomonson suggested that the the bigger lots that are allowed larger accessory structures also be required to have larger setbacks. Ms. Hill noted a provision that will be

included that indicates greater setbacks may be required to mitigate impacts to adjoining properties. He would recommend a 15-foot side and rear setback for properties of 1 acre or more.

Commissioner Ferrington stated that she would not strictly define greater setbacks because there are long narrow lake lots that often come before the Commission. She stated she appreciates this presentation which is easy to follow and should decrease the number of variances.

Commissioner McCool agreed with Commissioner Ferrington and stated that he likes the idea of potentially increasing the setback based on site conditions. He would like the ordinance to include, "Setbacks may be increased to mitigate impacts to adjoining properties." Regardless of size, people will want an accessory structure closer to a property line, not in the middle of the property and it is hard to define the appropriate setback. Also, he would add the language, "whichever is more restrictive" to each table entry for properties of under 1/2 acre; properties of 1/2 acre to under 1 acre; and properties of 1 acre to under 2 acres. What is presented is an improvement.

MOTION: by Commissioner Ferrington, seconded by Commissioner McCool to recommend the City Council approve the amendment to Section 205.082, Development Code pertaining to accessory structures in the R1 Detached Residential District with the modifications indicated in the Commission's discussion.

Discussion:

Chair Doan clarified that the language, "whichever is more restrictive," would be added to Section 205-40 and 205-41. Further, language will be added to the text indicating that greater setbacks may be required to mitigate impacts to adjoining properties.

MISCELLANEOUS

City Council Meetings

Commissioners Solomonson and Ferrington will respectively attend the March 7, 2016 and March 21, 2016 City Council meetings.

Workshop

The Planning Commission was scheduled to meet in a workshop session immediately after the regular meeting on March 22, 2016. Upon learning that five applications are scheduled for the March meeting, there was discussion about possibly holding two short meetings.

Chair Doan stated that if the meeting can finish by 10:30 p.m. or 11:00 p.m., he would prefer one meeting. Otherwise, two meetings should be scheduled. He will leave it to staff to inform the Commission. At this time the workshop will be postponed to before or after the April meeting.

Chair Doan again thanked Commissioner Solomonson for his leadership and all Commissioners for their efforts.

ADJOURNMENT

MOTION: by Commissioner Solomonson, seconded by Commissioner Ferrington to adjourn the meeting at 10:07 p.m.

VOTE: Ayes - 5 Nays - 0

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission

FROM: Niki Hill, Economic Development and Planning Associate

DATE: March 17, 2016

SUBJECT: 2607-16-06, Site and Building Plan Review: Fourteen Foods – Dairy Queen, 4615 Hodgson Road

INTRODUCTION

The City received a Site and Building Plan Review application from Fourteen Foods, Inc on behalf of Frauenshuh Hospitality Group LLC for the Dairy Queen site at 4615 Hodgson Road. The applicant is proposing to update the existing Dairy Queen building, including a new exterior façade. Please see the attached plans.

DEVELOPMENT CODE REQUIREMENTS

The property is zoned PUD – Planning Unit Development, with an underlying C-2, General Business which allows the restaurant as a permitted use. This is part of the 4 four parcel PUD Development that was created in 1995 with the Rainbow Foods property. The Site and Building Plan review process enables the City to publically review the plans and determine the impacts on the planned land use of adjoining properties. The City Council has the authority to approve the proposed use upon the finding that it will not impede or otherwise conflict with the planned use of adjoining property (Section 205.044 (B)).

PROJECT DESCRIPTION

The property is located south of Village Center Drive on Hodgson Road and has an area of 0.8 acres and a width of 174 feet along Hodgson Road. The proposal includes updating the façade of the existing building removing the red shake roofing and straightening up the parapet. The roof top units will be better screened than with the existing roof. The straightened walls will be covered with a maintenance free material with a black band on the front portion of the building with lighting illuminating the upper front half of the building. This 2,388 square foot building will also have updated exterior building materials.

Currently there is a combination of brick and vinyl siding. The applicant is proposing to paint the brick and replace the vinyl siding with EIFS which will be the same color as the brick. The colors will be earth tones with darker brown on the bottom as a wainscot and the main body of the building will be a lighter beige color. The existing wall signage will be replaced by sign package of two new signs that are smaller in total area than the existing.

Landscaping will remain essentially the same but will be freshened up. A fence will be added around the patio area. Lastly, the applicant is going to update the current lighting inside and outside the facility to LED lighting. This also includes the updating parking lot lights to match

the updating lighting that will be part of the Kowalski's Market update to the former Rainbow Foods property.

STAFF REVIEW

The proposed improvements were reviewed in accordance with the Comprehensive Plan policies and zoning standards. Surrounding land uses include office, for a school, to the north and commercial to the south and west. East of the property, in the City of North Oaks, are institutional and commercial uses.

The commercial use of the property is consistent with the 2008 Comprehensive Plan's Land Use Plan which guides this property for PUD uses. This area – including the additional parcels in the PUD - along with the southeast corner of the intersection of Highway 96 and Highway 49, is part of Policy Development Area #10. The plan states that the City will encourage redevelopment or improvements to the highway frontage properties, with shared access, improved circulation, and more attractive signage and landscaping.

The proposed improvements for the building/site are in line with the Policy Development Area and will not have an impact on adjoining properties or impede/conflict with the planned land uses in the area.

Architectural Design

Section 206.050 (B), addresses Architectural Design. The enhancements to the exterior of the building are consistent with these standards. These will not only improve the building's appearance but also compliment the planned improvements on the adjoining Kowalski's Market property.

PUBLIC/AGENCY COMMENT

Property owners within 350-feet were notified of the request. One comment was received in support of the improvements.

RECOMMENDATION

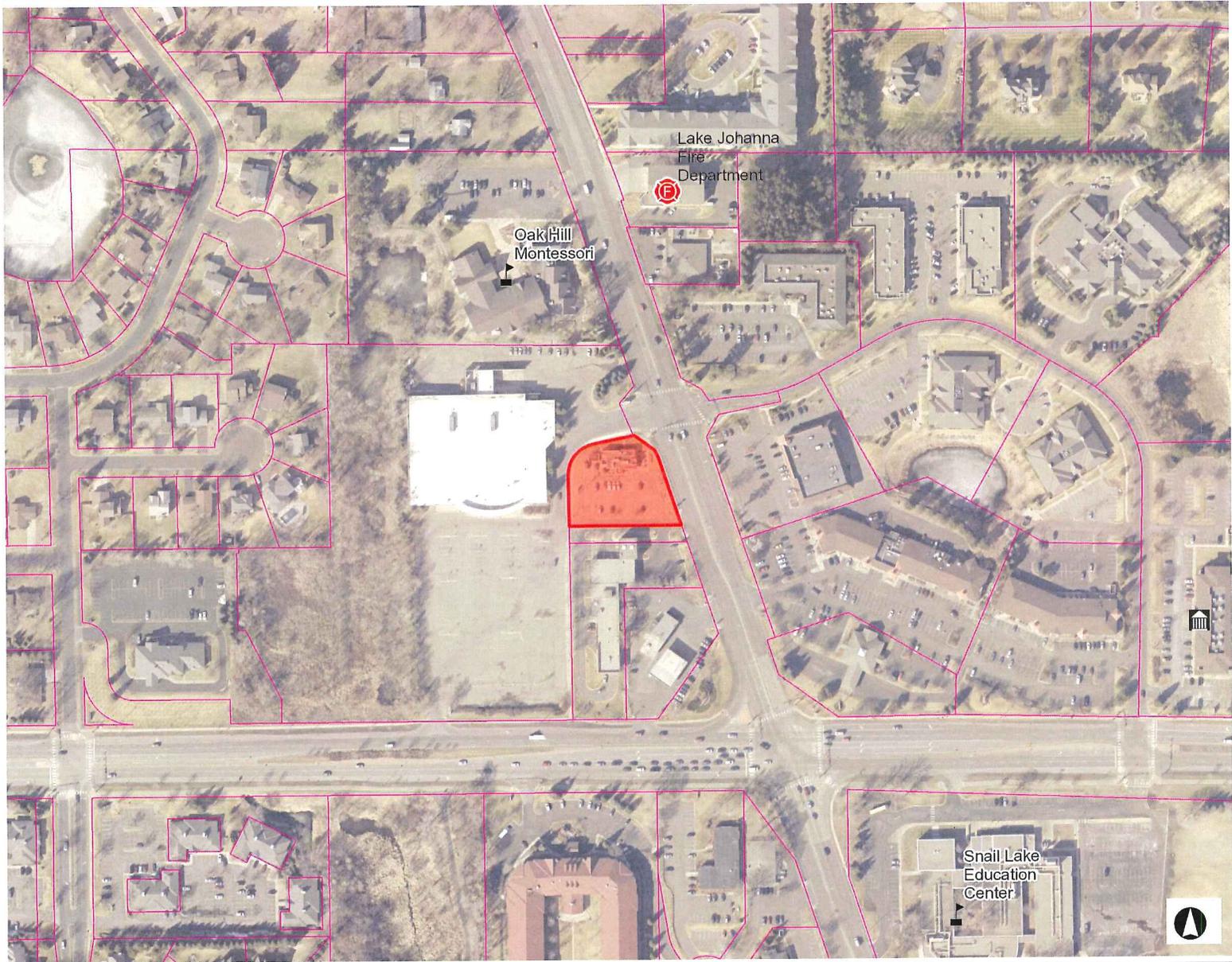
The plans have been reviewed in accordance with the Comprehensive Plan and Development Code. The proposed use is consistent with the Comprehensive Plan's designated land use for this property. In addition, the proposed improvements will not impede or conflict with the planned land use of the adjoining properties. The staff is recommending the Commission recommend approval to the City Council subject to the following conditions:

1. The property shall be developed in accordance with the plans submitted.
2. Final lighting plan shall be approved by staff prior to the replacement of the existing.
3. A landscaping plan shall be submitted showing proposed changes/enhancements.

Attachments

- 1) Aerial Location Map
- 2) Applicant's Statement
- 3) Submitted Plans
- 4) Public Comment
- 5) Motion

T:\2016 Planning Cases Files\2607-16-06 4615 Hodgson Rd-Fourteen Foods(DQ)\preport.docx



Legend



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



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



Nicole Hill <nhill@shoreviewmn.gov>

DQ info

Paul Schmidt <pschmidt@fourteenfoods.com>
To: "nhill@shoreviewmn.gov" <nhill@shoreviewmn.gov>

Tue, Mar 15, 2016 at 12:19 PM

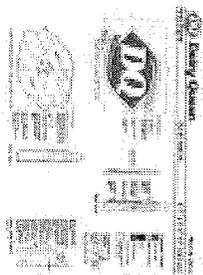
Nikki, Attached is the survey, Signage cut sheets for the new signage that will go on the chimney of the store and print of how the store will look when completed. The current sign on the building is 46.4 sq. feet. The 2 new signs would be 19.6 & 17.53 or 37.13 sq. feet total. I also attached a large file which is a project manual showing the existing look, new look, color and material specifications. We will be removing the red shake roofing and straightening up the parapet giving the building a more modern look. When straightening the parapet, we will be able to hide the roof top units better giving a more pleasing appearance to the store from the roads.

The straightened walls will be covered with a maintenance free material and a black band on the front portion of the building with lighting illuminating the upper front half of the building. There will also be a canopy over the drive thru window. The building currently has a combination of brick and vinyl siding. We will be painting the brick and replacing the vinyl siding with Effis which will be the same color as the brick. The colors will be earth tones with a darker brown(Algonquin Trail) on the bottom as a wainscot and the main body of the building will be a lighter beige color (Sandy brown). We will also be painting the dumpster area which is brick now and upgrading the dumpster gates and fenced in area behind the store with a maintenance free material to match the building colors appropriately. Landscaping will remain basically the same but will be freshened up to look appropriate. We will also be adding a fence around the patio area in front of the store for safety and curb appeal. Lastly, we currently have lights mounted on the building lighting the parking area and they are not overly appealing. We would like to match the new lighting that will be installed at the new Kowalski's next door if possible, making everything more uniform in the area.

Please let me know if you need any more info.

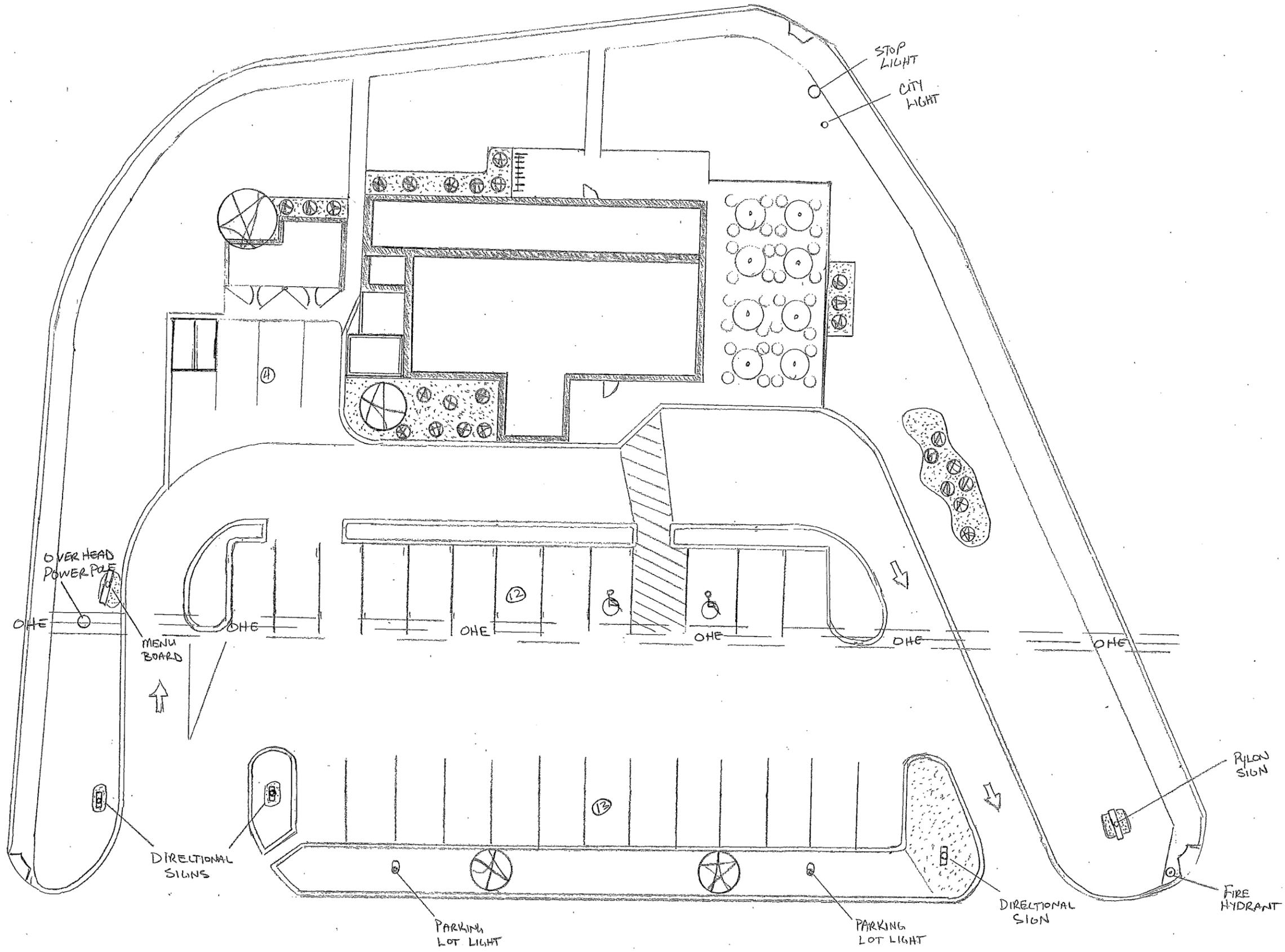
Thanks

5 attachments



Signage 001.jpg
251K

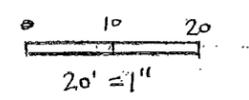
Signage 2 001.jpg
226K



Fourteen
 F 0 0 d's
 7101 W. 78th St
 BLOOMINGTON MN 55431

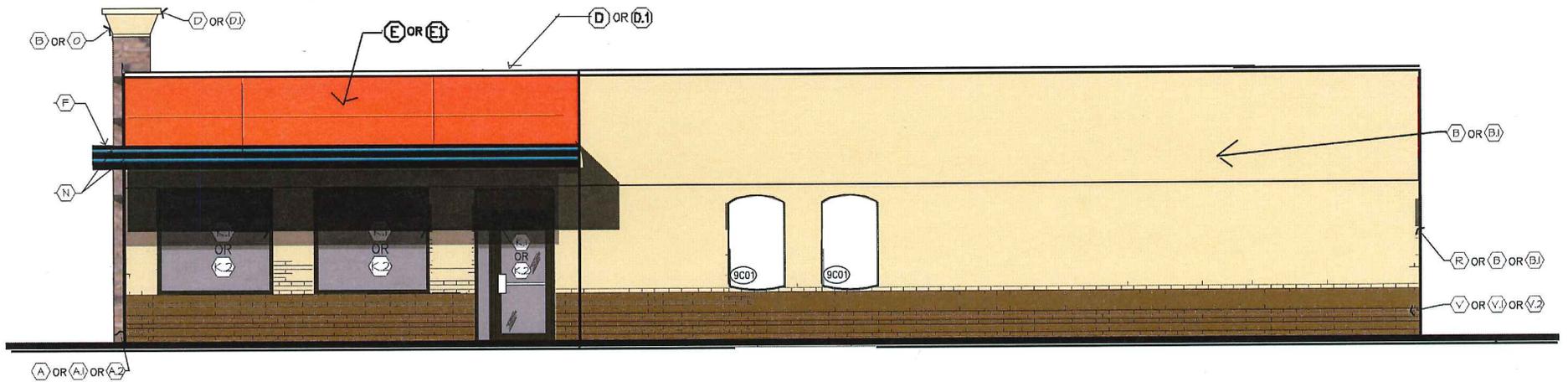
Daivy Queen
 4615 Hodgson Rd
 STOREVIEW MN 55126

SITE PLAN

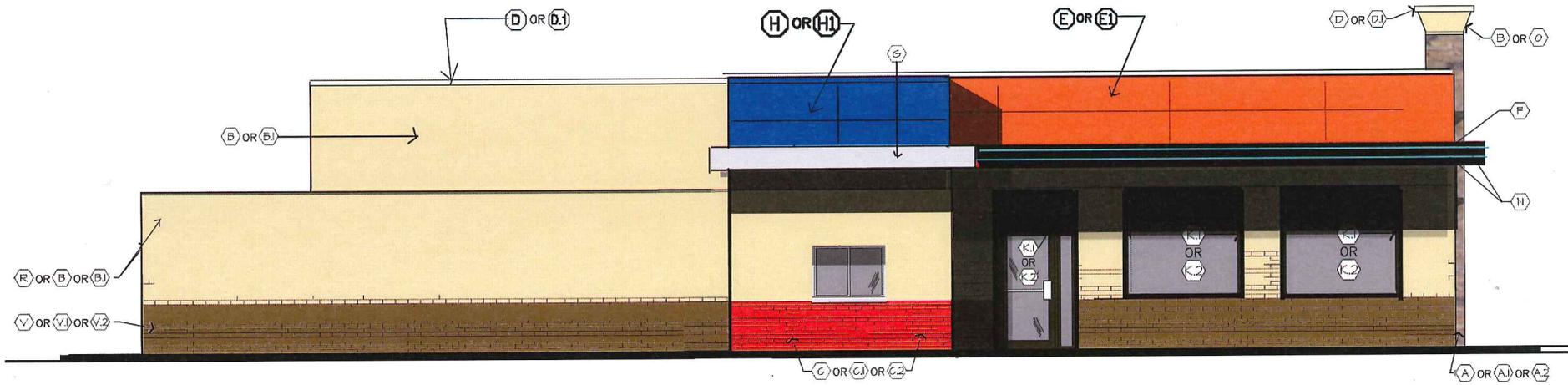




FRONT ELEVATION



RIGHT (ENTRY) SIDE ELEVATION



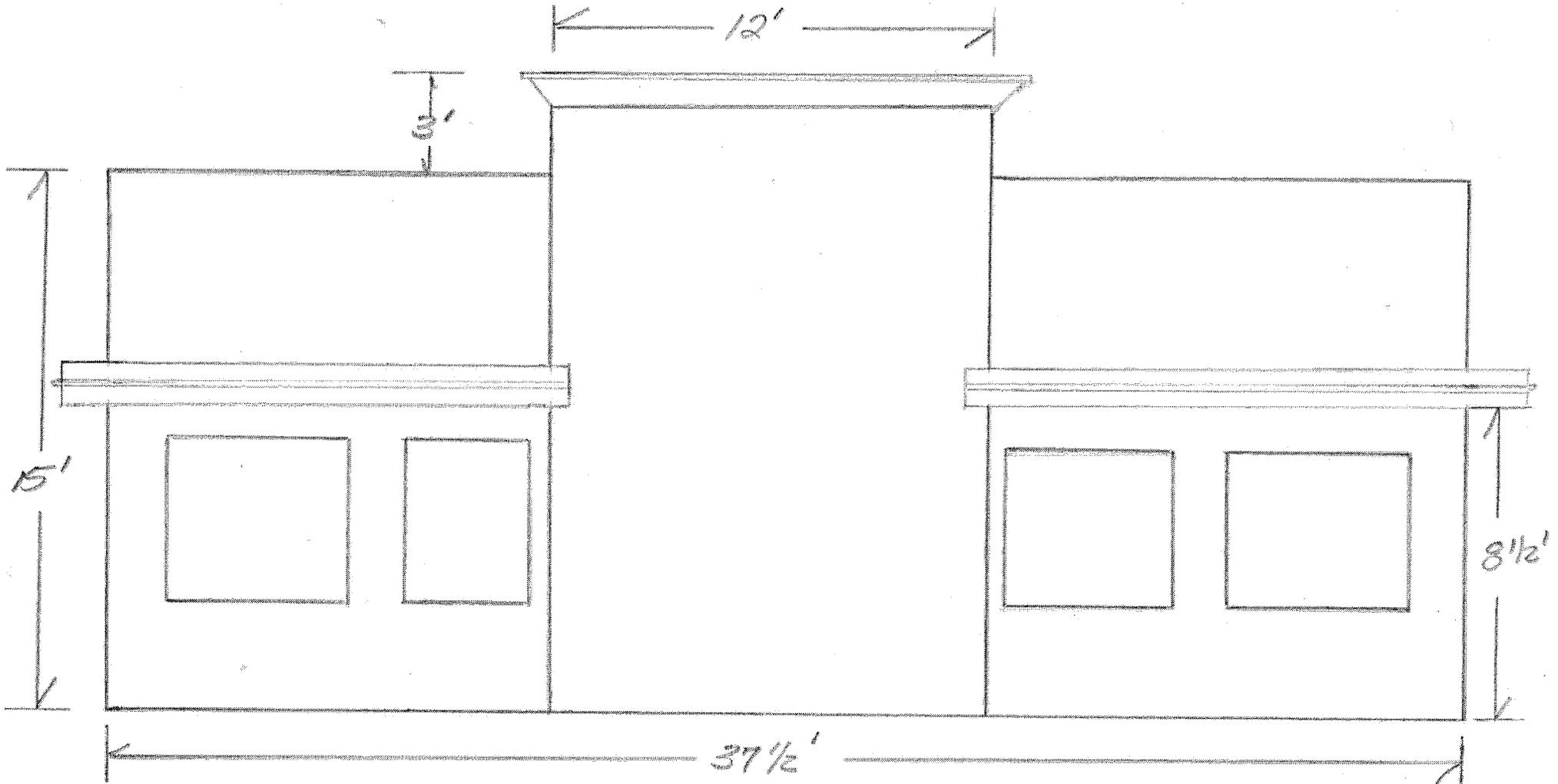
EXTERIOR ELEVATION KEYNOTES: (GRILL & CHILL)

- A** STONE:
MFR: OWENS CORNING
STYLE: COUNTRY LEDGE STONE - WET STACK
COLOR: CHARDONNAY 2006
SUPPLIER: OWENS CORNING
GROUT: GREY
- A1** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- A2** DES:
MFR: STO CORPORATION
COLOR: NORTHWOODS BROWN 1000
PRODUCT: AURA EXTERIOR PAINT LOW LUSTRE #634
PRIMER: FIRST COAT AURA EXTERIOR PAINT LOW LUSTRE #634
- B** DES:
MFR: STO CORPORATION
COLOR: NA11-0034 (BENJAMIN MOORE SANDY BROWN)
FINISH: 306 STD MEDIUM SAND
VENDOR: STO CORPORATION
- B1** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- B2** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- C** CERAMIC TILE:
MFR: MARAZZI
SERIES: 1 COLORI
COLOR: CRAYONS RED LUSTRE
SIZE: 12"x12"
GROUT: "LATIURET"
GROUT COLOR: ALMOND 85
SUPPLIER: HJC
- C1** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- C2** DES:
MFR: STO CORPORATION
COLOR: NA10-0024 (BENJAMIN MOORE SAFETY RED)
FINISH: 306 STD MEDIUM SAND
VENDOR: STO CORPORATION
NOTE: PROVIDE HIGH IMPACT EIFS FROM GRADE TO 3'-0" A.F.F.
- C3** PAINT:
MFR: BENJAMIN MOORE
COLOR: SAFETY RED 21
PRODUCT: AURA EXTERIOR LOW LUSTRE #634
PRIMER: FIRST COAT AURA EXTERIOR PAINT LOW LUSTRE #634
- D** COPING & SCUPPERS:
MFR: UNA-CLAD
MATERIAL: 24 GA. STEEL
COLOR: ALMOND
FINISH: KYNAR 500
- D1** PAINT:
MFR: BENJAMIN MOORE
COLOR: TEMPORAL SPIRIT 965
PRODUCT: AURA EXTERIOR PAINT SATIN #631
PRIMER: AURA EXTERIOR PAINT SATIN #631
- E** METAL PANEL:
MFR: ALPOLIC
COLOR: DQ BLUE
VENDOR: NU LOOK EXTERIORS
- E1** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- E2** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- E3** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- E4** COPING:
MFR: UNA-CLAD
STYLE: 032 ALUMINUM
COLOR: DQ BLUE
FINISH: KYNAR 500
- F** METAL EYEBROW:
MFR: UNA-CLAD
STYLE: 040 ALUMINUM
COLOR: MATTE BLACK
FINISH: KYNAR 500
VENDOR: NU LOOK EXTERIORS
- G** METAL CANOPY:
MFR: UNA-CLAD
STYLE: 040 ALUMINUM
COLOR: CLEAR ANODIZED SATIN
VENDOR: NU LOOK EXTERIORS
- H** METAL PANEL:
MFR: ALPOLIC
MATERIAL: 304
COLOR: DQ BLUE
VENDOR: NU LOOK EXTERIORS
- H1** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- H2** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- I** PAINT:
MFR: BENJAMIN MOORE
COLOR: SAFETY BLACK #62
PRODUCT: DTM ACRYLIC HIGH GLOSS P28
PRIMER: FIRST COAT DTM ACRYLIC HIGH GLOSS P28
NOTE: PREP. & PRIME SURFACE AS REQUIRED TO ASSURE GOOD PAINT ADHESION
- I1** PAINT:
MFR: BENJAMIN MOORE
COLOR: EVENING BLUE 2066-20
FINISH: SEMI-GLOSS
PRODUCT: AURA EXTERIOR PAINT SATIN #631
PRIMER: AURA EXTERIOR PAINT SATIN #631
- I2** PAINTED STOREFRONT FRAME:
MFR: BENJAMIN MOORE
COLOR: BITTERSWEET CHOCOLATE 2114-10
PRODUCT: AURA EXTERIOR PAINT SATIN #631
PRIMER: AURA EXTERIOR PAINT SATIN #631
- I3** STOREFRONT:
MFR: YKK AP AMERICA INC.
STYLE: 2'x4 1/2"
FINISH: CLEAR SATIN ANODIZED ALUMINUM
GLAZING: CLEAR, 1" INSULATED, LOW E
- J** FABRIC AWNING:
MFR: COOL PLANET AWNING
MATERIAL: SUNBRELLA
COLOR: JOCKEY RED
FRAME: 1"x1" ALUMINUM (WELD ALL JOINTS, GRIND SMOOTH)
FINISH: ANODIZED CLEAR SATIN
VENDOR: COOL PLANET AWNING OR HJC
- K** STOREFRONT:
MFR: YKK AP AMERICA INC.
STYLE: 2'x4 1/2"
FINISH: CLEAR SATIN ANODIZED ALUMINUM
GLAZING: CLEAR, 1" INSULATED, LOW E
- K1** STOREFRONT:
MFR: YKK AP AMERICA INC.
STYLE: 2'x4 1/2"
FINISH: DARK BRONZE SATIN ANODIZED ALUMINUM
GLAZING: CLEAR, 1" INSULATED, LOW E
- L** WINDOW SILL FLASHING:
MFR: YKK AP AMERICA INC.
FINISH: ANODIZED CLEAR SATIN
SIZE: 2" AS REQ'D BY LOCATION
- L1** WINDOW SILL FLASHING:
MFR: YKK AP AMERICA INC.
FINISH: ANODIZED CLEAR SATIN
SIZE: 2" AS REQ'D BY LOCATION
- M** DRIVE-THRU WINDOW:
MFR: GUMSERV
MATERIAL: ALUMINUM
FINISH: ANODIZED CLEAR SATIN
VENDOR: N. WASSERSTROM & SONS
- N** STRIP LIGHTING:
MFR: MORGAN HOPE
STYLE: LED-Flex WITH BLACK TRACK
MODEL: LED-MH-120V-EB (BLUE LED)
VENDOR: HJC
NOTE: MUST BE INSTALLED PER MANUFACTURERS REQUIREMENTS
- O** CORNICHE:
MFR: PYPON LTD.
MODEL: MLD 512-16
NOTE: PAINT TO MATCH BUILDING COLOR
- P** NOT USED
- Q** SOLID COLOR STAIN:
MFR: BENJAMIN MOORE
COLOR: SANDY BROWN 1046
PRODUCT: ARBORCOAT WATERBORNE SOLID COLOR STAIN #40
PRIMER: SELF PRIMING ON MOST SURFACES (SEE TECH. DATA SHEET FOR DETAILS)
- R** PAINT:
MFR: BENJAMIN MOORE
COLOR: SANDY BROWN 1046
PRODUCT: AURA EXTERIOR PAINT LOW LUSTRE #634
PRIMER: FIRST COAT AURA EXTERIOR PAINT SATIN #634
- S** CORNER GUARD:
MATERIAL: STAINLESS STEEL
SIZE: 2"x2" LENGTH AS REQUIRED
- S1** TRANSITION IRON:
SIZE: 1 1/2" x 1/2" x 1/2" HAT CHANNEL
FINISH: CLEAR SATIN ANODIZED ALUMINUM
- T** PAINT:
MFR: BENJAMIN MOORE
COLOR: SANDY BROWN 1046
PRODUCT: AURA EXTERIOR PAINT LOW LUSTRE #634
PRIMER: FIRST COAT AURA EXTERIOR PAINT LOW LUSTRE #634
- U** NOT USED
- V** DES:
MFR: STO CORPORATION
COLOR: BM-1055 (BENJAMIN MOORE ALGONQUIN TRAIL)
FINISH: 306 STD MEDIUM SAND
VENDOR: STO CORPORATION
NOTE: PROVIDE HIGH IMPACT EIFS FROM GRADE TO 3'-0" A.F.F.
- V1** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- V2** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- W** PAINT EXIST. DIRECTIONAL SIGNS:
MFR: ALUMINUM P22-78
PRODUCT: SUPER SPEC HP URETHANE ALKYD GLOSS ENAMEL P22
PRIMER: SUPER SPEC HP UNIVERSAL METAL PRIMER
- X** WALKER COOLER/FREEZER:
MFR: NORLAK
COLOR: PREFINISHED FROM MANUFACTURER TO MATCH BUILDING
VENDOR: WASSERSTROM
NOTE: SEE EQUIPMENT SCHEDULE FOR DETAILS
- Y** BREAK METAL CLOSURE:
MFR: UNA-CLAD
FINISH: CLEAR SATIN ANODIZED ALUMINUM
VENDOR: NU LOOK EXTERIORS
- Y1** PAINTED FIBER-CEMENT BOARD:
MFR: BENJAMIN MOORE
COLOR: METALLIC SILVER 2132.60
PRODUCT: AURA EXTERIOR PAINT SATIN #631
PRIMER: FIRST COAT AURA EXTERIOR PAINT SATIN #631
- Y2** PAINTED FIBER-CEMENT BOARD:
FIBER-CEMENT VERTICAL PANEL SIDING:
FINISH: SMOOTH
NOTE: PROVIDE METAL CHANNEL COMPONENTS
MFR: BENJAMIN MOORE
- Z** PAINT:
MFR: BENJAMIN MOORE
COLOR: P28 SAFETY RED
PRODUCT: SUPER SPEC HP DTM HIGH GLOSS ACRYLIC ENAMEL P22
PRIMER: STIX ACRYLIC BONDING PRIMER #A05

SHOREVIEW, MN - DQ

Building Frontage = 598.5 Sq. feet

$\frac{1}{4}'' = 1'$



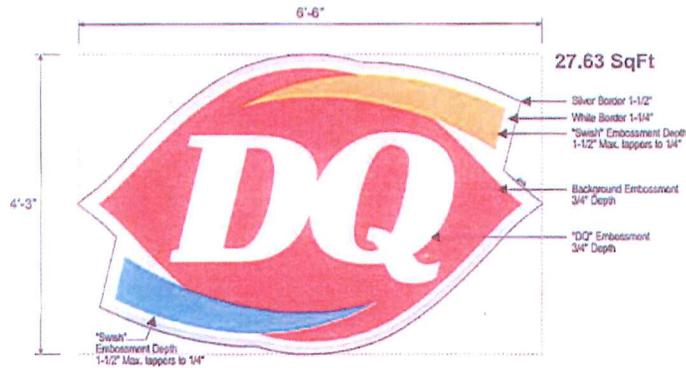


Wall Signs

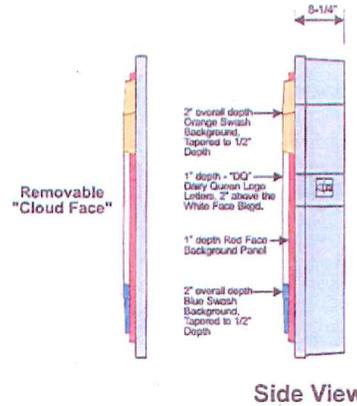
DQ-SF-MBL28

4'-3" x 6'-6" S/F DQ® Logo

March 2011



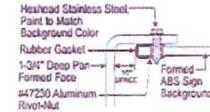
Front View - Scale 1/2" = 1'-0"



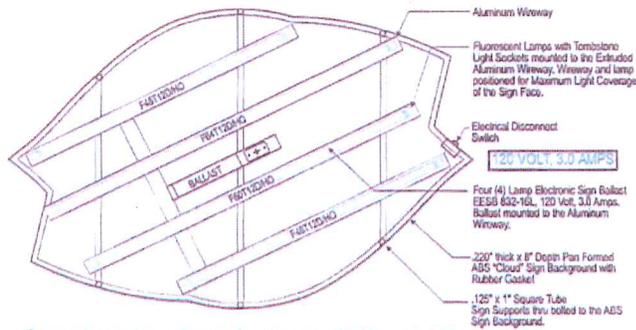
Side View

Program Colors

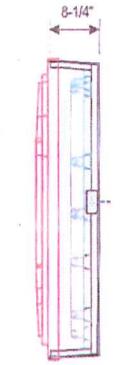
- PMS 185 Red
- PMS 1375 Orange
- Black
- PMS 300 Blue
- Translucent White
- Brushed Aluminum Polyurethane



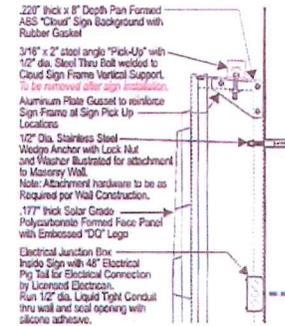
Face Mounting Detail
NOT TO SCALE



Construction Detail - Scale 1/2" = 1'-0"



Side View



Side View Detail
Scale 3/4" = 1'-0"



March 2011

Wall Signs

2'-1" x 8'-5" S/F Bowtie Grill & Chill®

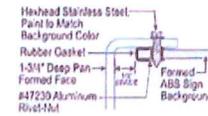
DQ-SF-GC18

17.53 SqFt

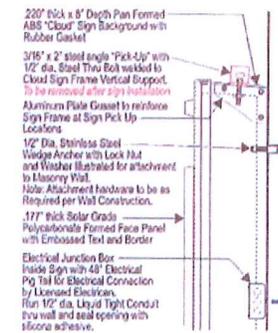
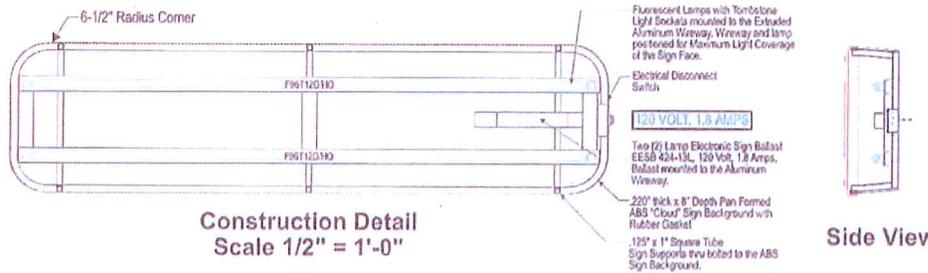


Program Colors

- PMS 185 Red
- PMS 1375 Orange
- Black
- PMS 300 Blue
- Translucent White
- Brushed Aluminum Polyurethane



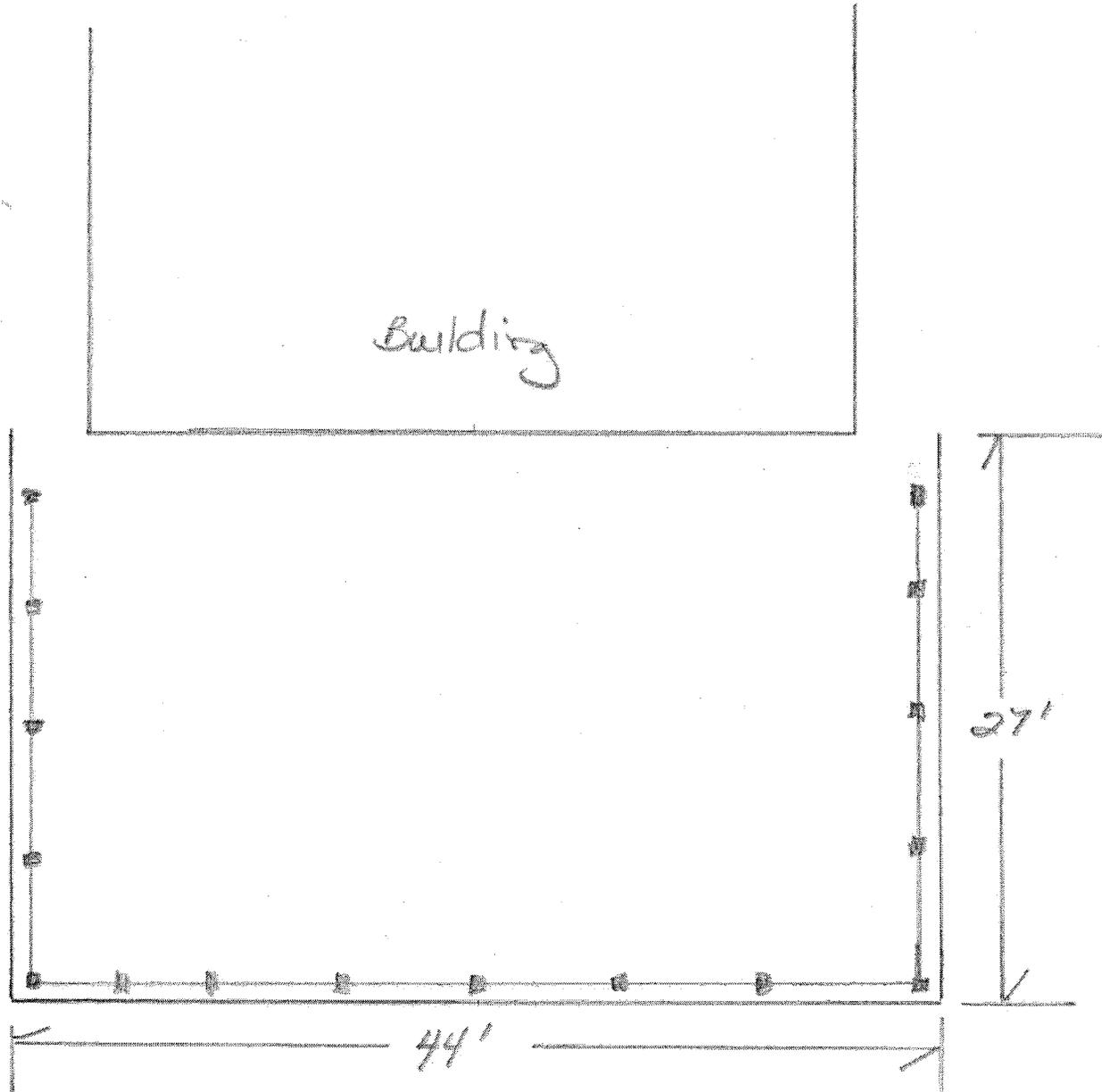
Face Mounting Detail
NOT TO SCALE



Side View Detail
Scale 3/4" = 1'-0"

Patio layout - DQ

$\frac{1}{8}'' = 1'$





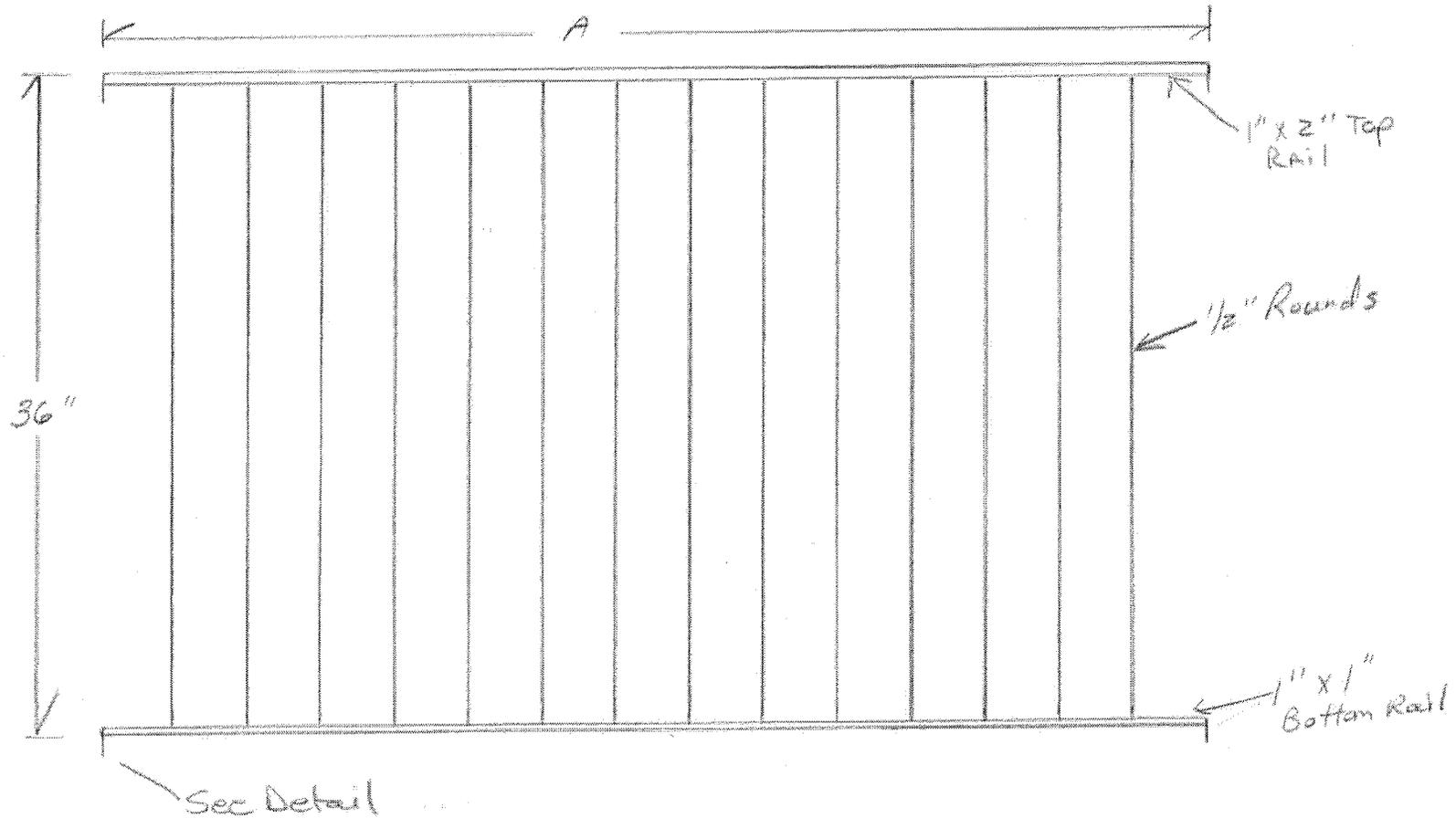
Patio Example



Fence Example

Fourteen Posts - Paul C 383-1361

Qty	"A"
30	55"
35	62"





Nicole Hill <nhill@shoreviewmn.gov>

DQ request for comment

Heidi Gesell <hgesell@bankcherokee.com>
To: "nhill@shoreviewmn.gov" <nhill@shoreviewmn.gov>

Tue, Mar 15, 2016 at 5:06 PM

Good afternoon Niki. We received a copy of the request for comment related to the proposed update of the existing exterior of the Dairy Queen. Although our property is not in Shoreview (we are located across the street from the Dairy Queen location) I want to offer my support for this request. I think it is a positive sign when a business owner wants to invest in their business through the updating of the facility. This plan appears to be a positive change—good for the business and good for Shoreview. I hope the City will support this request.

Thank you.

Heidi

Heidi R. Gesell

President & CEO

p: 651.290.6972 f: 651.290.6968

hgesell@bankcherokee.com

607 South Smith Avenue

Saint Paul, Minnesota 55107

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**PROPOSED MOTION
TO APPROVE SITE AND BUILDING PLAN REVIEW
FOURTEEN FOODS / FRAUENSHUH HOSPITALITY GROUP
4615 HODGSON ROAD**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Site and Building Plan review application submitted by Fourteen Foods on behalf of Fraunshuh Hospitality Group, 4615 Hodgson Road. Said approval is subject to the following:

1. The property shall be developed in accordance with the plans submitted.
2. Final lighting plan shall be approved by staff prior to the replacement of the existing.
3. A landscaping plan shall be submitted showing proposed changes/enhancements.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated C2 – General Business land use in the Comprehensive Plan.
2. The proposed development complies with the standards of the City’s Development Code.
3. The proposed improvements will not conflict with or impede the planned use of adjoining property.

VOTE:

AYES:

NAYS:

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: March 17, 2016
SUBJECT: Variance and Residential Design Review, Karin Hamerston, 771 Larson Lane, File No. 2608-16-07

INTRODUCTION AND BACKGROUND

Karen Hamerston has submitted applications necessary to remodel and enlarge the existing house located at 771 Larson Lane. The existing 1 ½-story house is small, with two main floor bedrooms. The upper story has been used in the past for a children's bedroom, but now is used for storage only due to a low ceiling height.

The applicant proposes to expand the second floor, raising the roof with side walls to increase the headroom, which would allow future use as living area. The main floor remodel is intended to create a uniform floor level throughout the house and increase the livability for the applicant as she ages. The project also includes two foundation expansions an addition on the back of the detached garage and a front porch on the house.

The proposed improvements require a variance to increase the foundation area by 273 sq. ft., from the existing 2,328 sq. ft. (18.5%) to 2,414 sq. ft. (20.8%), exceeding the maximum existing foundation area (Section 209.080(L)(2)(c)(iii)) that is permitted on substandard lots.

Residential design review is also required, because the property does not conform to the minimum lot requirements for a riparian lot, and so is subject to certain design standards that have been adopted by the City.

PROJECT DESCRIPTION

The subject property is a riparian lot located at the end of the public portion of Larson Lane. The lot has an area of 12,519 sq. ft. and has a lot width of 75-feet. The property is developed with a 1½-story house which has a foundation area of 1,500 square foot. There is a 621 square foot two-car detached garage, and a 207 sq. ft. boathouse near the lakeshore. The house was originally constructed in 1928 and subsequently there have been several additions. The lot slopes down towards the lakeshore, dropping a total of about 25-feet from the street to the lake.

The project includes constructing a second floor that will have an area of about 625 sq. ft., designed with 5-foot side walls and a sloped ceiling that has enough height to be used as habitable space. There are two foundation expansions proposed:

- An 11.3- by 11.3-foot (128 sq. ft.) addition to the rear of the existing detached garage. The addition will increase the floor area to the maximum 750 sq. ft. permitted for a detached garage; and
- An unenclosed front porch, extending the width of the existing house. The porch has a 5.5-foot depth and an area of 145 sq. ft.

Be aware that the applicant prepared her plans and application based on a survey prepared in 1968, while waiting for an updated survey to be completed. Upon receipt of that new survey, changes were made to comply with City Code. These changes reduced the size of both the garage and porch expansions. The garage addition is smaller in order that the resulting floor area complies with the 750 sq ft maximum accessory structure floor area allowed, while the depth of the porch was reduced to 5.5 feet in order to maintain the required 25-foot front setback.

Due to the timing, there has not been time to revise all of the plans, and Commissioners may find discrepancies between the different plan sheets and the information reported here. Please rely on this report for the dimensions of the two proposed additions, while the drawings accurately depict the proposed interior remodeling improvements.

DEVELOPMENT CODE

Residential Design Review

The property is located in the R-1 Detached Residential District, and the Shoreland Overlay District of Turtle Lake. The lot has dimensions of 75 feet by about 150 feet, and is a substandard riparian lot since the lot area is less than 15,000 sq. ft. and width is less than the 100-foot required for a standard riparian lot (Section 209.080(D)).

The Development Ordinance requires residential construction on substandard riparian lots to comply with certain design standards. The standards are summarized in the table below.

STANDARD	ALLOWED	PROPOSED
Lot Coverage	Existing: 3,759 sq. ft. (30%)	No Change **
Building Height	35 feet	31.25 feet
Foundation Area	Existing 2,328 sq. ft. (18.5%)	2,601 square feet (20.8%)*
Setbacks:		
OHW (North)	52.76-72.76 feet	66.75 feet (No change)
Front (South)	25 feet	25 feet
Side (East)	5 feet (unenclosed porch)	13.7 feet (porch)
(West)	5 feet for garage	6 feet (garage)
Architectural Mass	Natural colors	Brown and tan

***Variance required **Concrete walk and patio areas will be reduced**

The existing lot coverage exceeds the 25% maximum impervious permitted. The Development Code limits impervious surface coverage area to a maximum of 25% of lot area if there is a water oriented structure, 30% of lot area if there is no water oriented structure, or to the existing impervious area, whichever is greater (Section 209.080(L)(2)(c)(1)). Existing impervious (walk and patio area) will be removed so that there will not be an increase to impervious surface coverage resulting from the proposed additions.

The proposal requires an increase in the foundation area from the existing 2,328 square feet to 2,601 square feet. The Development Code limits foundation area to a maximum of 18% of lot area, 1,600 square feet, or the existing foundation area, whichever is greater. A variance is requested to permit the proposed increase.

The Residential Design Review application can be approved only with approval of the requested variance to allow increased foundation area. As shown in the table above, the project complies with the other design standards.

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. Practical difficulty is defined and reviewed using these criteria:

- 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.*

Applicant's Statement of Justification

The applicant states that practical difficulty is due to her recent inheritance of the property. The proposed garage addition will allow storage of personal vehicles and yard equipment. The porch will aid the interior remodeling planned, which includes creating a main floor with a single finished floor level. The additions are intended to modernize the dwelling, improve accessibility, and provide life-cycle housing on one-level. See the attached statement.

Staff Review

The proposal to improve the dwelling is consistent with the Land Use and Housing Chapters of the Comprehensive Plan., and represents a reasonable use of the property, a residential use in the R-1 District.

Staff believes that practical difficulty is present for the variances requested. The applicant is proposing to use the property in a reasonable manner, unique circumstances stem from the age of the house, and subsequent additions that resulted in fragmented living areas with varying floor levels. The applicant notes that the porch will aid raising the floor inside the front door, establishing a consistent finished main floor level to improve accessibility as she ages. Finally staff believes that the proposed improvements will not adversely affect the character of the neighborhood, instead the porch addition will improve the aesthetic appeal of the residence and aid defining the character of the neighborhood.

Reasonable Manner

The proposal to expand the porch space and garage storage area is reasonable due to characteristics of the lot and structure. The overall area of the home, including the second floor, is modest and the dwelling is not overbearing on this parcel. The front covered porch distinguishes the entry for the home, will enhance the appearance of the home and provide design improvements to the south building elevation. The porch will also provide shelter and seating area for the applicants and their guests when using the main entry to the house, and provides a gathering area facing neighboring residences. Further reducing the depth of the porch would affect functionality and the overall appearance. Staff believes the proposal represents reasonable use of the property.

Unique Circumstances

For Staff, practical difficulty for the foundation area stems from historic development of the house, from a seasonal cabin built in 1928 to a year-round residence. While the lot is a substandard riparian lot (less than 15,000 sq. ft. of upland area), the house and detached garage are not overbearing when viewed from the street, adjoining properties, or the lakeshore. With the proposed expansion of the second floor the height is also modest at 31.25 feet, measured peak to grade on the lake side of the house.

The existing foundation area is 18.5% of the lot area. While the foundation area will be increased to 20.8%, this increase is modest (273 sq. ft.). In Staff's opinion, the applicant has minimized the need for a variance by working within the existing foundation area to the extent possible while resolving design issues with the home, including a front entryway.

Neighborhood Character

If approved, it is Staff's opinion that the variance will not negatively impact the character of the neighborhood. While there are several newer two-story houses to the east, most of the area is characterized by older homes with no predominant style present. As such, staff believes approval of the requested variances will not have an adverse affect on the neighborhood. The refreshed exterior appearance will blend in with existing newer houses, while the style and size will not stand out from the older residences.

Existing lot coverage is 30% of lot area, exceeding the 25% that is permitted when there is a water-oriented structure. Existing coverage can be retained but with no expansion. The applicant has identified that walks and patio areas can be removed to offset the 273 sq. ft. of the proposed additions, and so resulting in no increase to the impervious coverage area. The applicant is preparing a plan to demonstrate there will be no increase to impervious surface coverage. A condition of approval addresses plan submittal and administrative approval.

MITIGATION

Mitigation practices are required when land-use approvals are granted for riparian property. Two mitigation practices are necessary. The applicant will install an infiltration/rain garden in the SE portion of the lot, between the house and the street, and employ architectural mass. Staff supports the use of infiltration, which is especially appropriate on this site characterized by sandy soils. A rain garden will aid in minimizing runoff to the lake and to offset the impervious areas on the property. An affidavit is required.

REQUEST FOR COMMENT

Property owners within 150 feet were notified of the applicant's request. No comments have been submitted in response.

Staff also notified staff at the Rice Creek Watershed District (RCWD) and the Department of Natural Resources (DNR) of the applications. Both commented on the steep slope present in the lakeside yard, and the importance of erosion control. RCWD staff identify that a District permit will not be required, but that erosion control and re-vegetation of the disturbed areas need to be addressed during the project. DNR staff discussed mitigation and recommended infiltration practices are appropriate for the site.

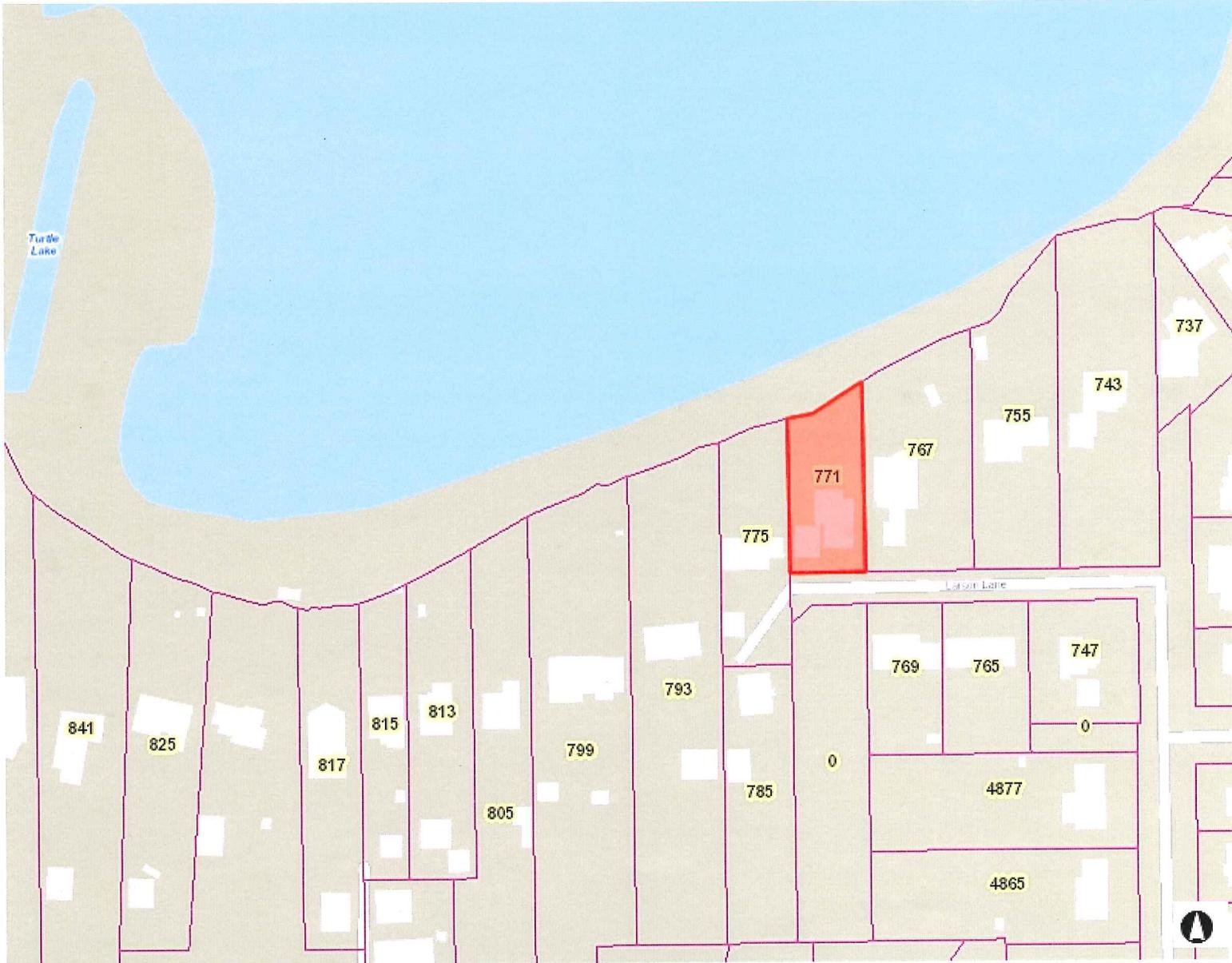
RECOMMENDATION

Staff believes that proposed improvements represent a reasonable use for this lake lot, and that practical difficulty stems from the historic development of the existing house. Provided the Commissioners are also able to make affirmative findings for the variance criteria, staff recommends the Planning Commission adopt Resolution No. 16-24, approving the requested variance, and the Residential Design Review application, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The front porch shall be located a minimum of 25 feet from the front property line.
4. The garage addition shall result in a garage floor area less than 750 sq. ft.
5. Impervious surface lot coverage shall not exceed the existing area, which is 3,759 sq. ft. (30% of lot area). Prior to issuance of any permits, the applicant shall submit a removal plan showing existing impervious areas that will be removed. The plan is subject to review and approval by the City Planner.
6. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
7. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
8. This approval is subject to a 5-day appeal period.

Attachments:

- 1) Location Map
- 2) Applicant's Statement and Submitted Plans
- 3) Response to Request for Comment
- 4) Resolution No. 16-24
- 5) Motion



Legend



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



Notes

Enter Map Description

300.0 0 150.00 300.0 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



Legend



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

Notes

Enter Map Description

200.0 0 100.00 200.0 Feet

Variance request

771 Larson Lane

Karin Hamerston

I am requesting a variance on the percentage of a lot that can be covered by foundation. The lot size is 12,198 square feet, and the existing foundation area covered is 2122 (1306 house, 616 garage, 200 shed). This leaves 74 square feet available. I am hoping to get approval to add a front porch across the front of the house, ideally 6 feet deep, totaling 157.8 square feet. I am also requesting a bump out on the back of the garage to accommodate a tandem stall on half of the garage, which would total 144 square feet. The total of those two requests 301.8 square feet, minus the 74 available, equals a request for an additional 227.8 square feet of foundation area.

Front porch:

Per the survey, the front porch would put the setback from the road at 25 feet. The setback of the garage at 775 Larson Lane is 8.93 feet, and the setback of the house at 785 Larson Lane is at 7.29 feet. Because of those adjacent minimal setbacks, I don't think that the six foot porch would look odd in the neighborhood. I think it would enhance the appearance. The porch is important because we are raising the floor just inside the front door to be level with the rest of the main floor, and the porch would enable that plan.

Garage:

Because there is little space to expand the garage, I am requesting to make a bump out in the back to accommodate for storage of lawn and snow care and vehicles.

The reason I am requesting the variance for this property and not simply choosing another property to move into is because I grew up in this home, and because my son and I lived a block away from my dad and cared for him for the past 9 years, my son has lifelong memories in the home as well. My dad passed away rather unexpectedly last November, so my son and I are moving into the home.

If I missed anything, please call me and I will provide further information as quickly as possible.

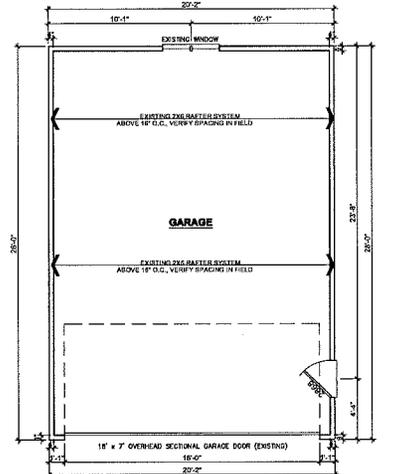
Thank you for your consideration.


Karin Hamerston

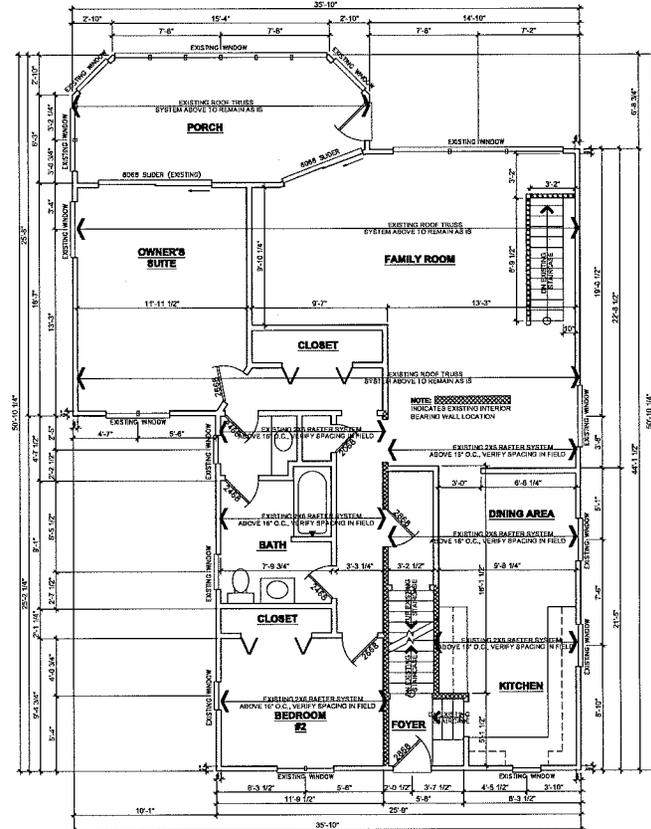
651-208-9494

GENERAL FRAMING NOTES:

1. ALL NON-BEARING FRAMING IS TO BE 24" O.C. UNLESS OTHERWISE NOTED.
2. ALL WALLS TO HAVE A DOUBLE TOP PLATE UNLESS OTHERWISE NOTED.
3. ALL EXTERIOR WALLS ARE TO BE 2X6 WOOD STUDS WITH 7/16" OSB SHEATHING, UNLESS NOTED OTHERWISE.
4. ALL INTERIOR WALLS ARE TO BE 2X4 WOOD STUDS UNLESS NOTED OTHERWISE.
5. ALL COLUMN SIZES ARE TO BE CONTINUED THROUGH FLOOR TRUSS SPACES WHEN SPANNING MORE THAN 1 FLOOR.
6. ALL WOOD MATERIALS ARE TO BE PROTECTED PER CODE & MANUF. SPECIFICATIONS WHILE BEING STORED ON SITE.



2 EXISTING GARAGE PLAN
1/4" = 1'-0"
566 TOTAL SQ. FT.
SCALE: 1/4" = 1'-0"



1 EXISTING FIRST FLOOR PLAN
1/4" = 1'-0"
1461 TOTAL SQ. FT.
SCALE: 1/4" = 1'-0"



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ISSUING TITLE: HAMMERSTON HOME REMODEL
LOCATION: 771 LARSON LANE
COMMUNITY: SHOREVIEW, MN

DATE DRAWN: 12-29-15
DRAWN BY: LD
RELEASE DATE: 3-11-16
REVISION: DATE

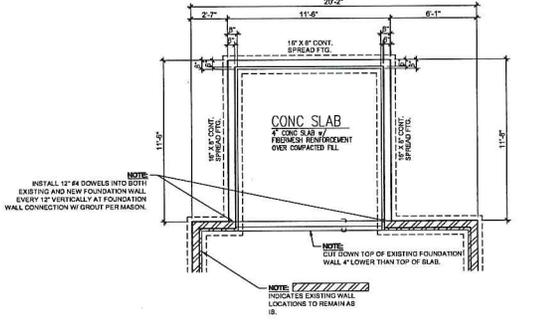
A4
EXISTING 1ST FLR

GENERAL FRAMING NOTES:

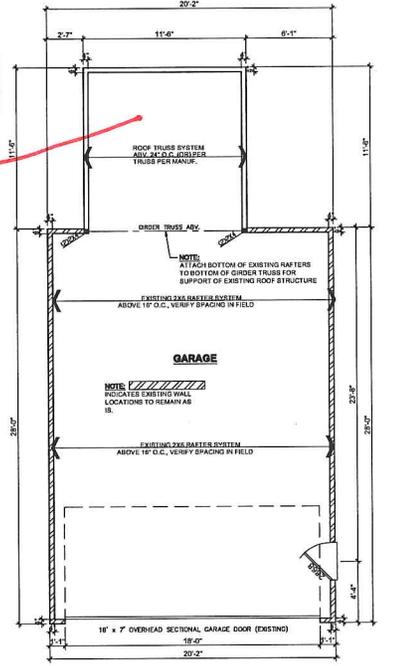
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11.3' by 11.3'

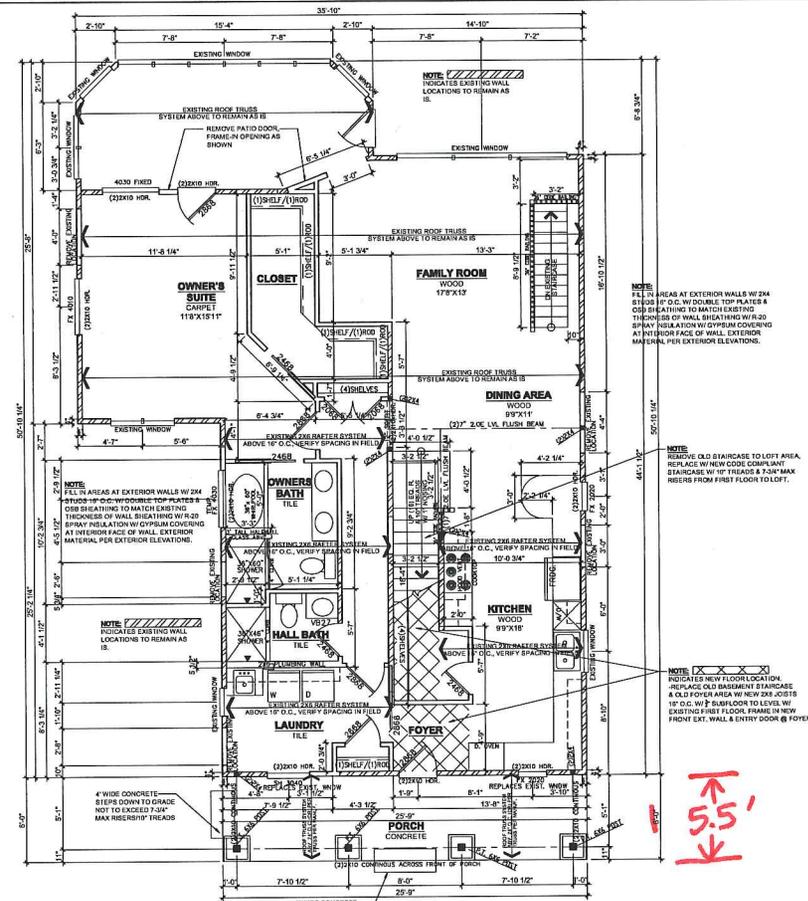
749 sq. ft. Total floor area



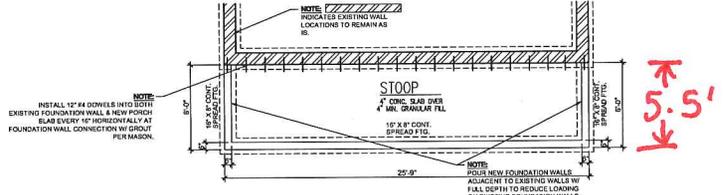
3 GARAGE ADDITION FOUNDATION PLAN
1/4" = 1'-0"



2 GARAGE ADDITION FLOOR PLAN
1/4" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"



4 NEW FRONT PORCH ADD. FOOTING
1/4" = 1'-0"

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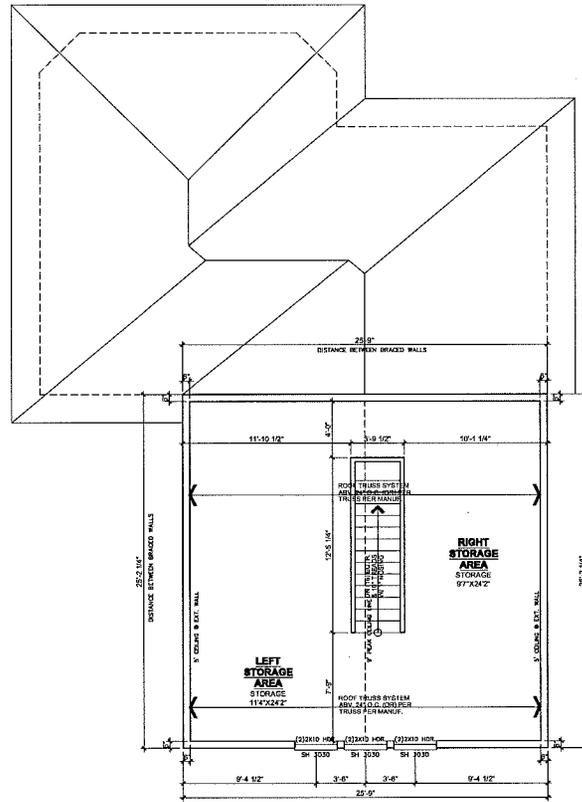
DRAWING TITLE: HAMMERSTON HOME REMODEL
LOCATION: 771 LARSON LANE
COMMUNITY: SHOREVIEW, MN

DATE DRAWN: 12-29-15
DRAWN BY: LD
RELEASE DATE: 3-11-16
REVISION: DATE

A5
PROPOSED

GENERAL FRAMING NOTES:

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2. ALL WALLS TO HAVE A DOUBLE TOP PLATE UNLESS OTHERWISE NOTED.
3. ALL EXTERIOR WALLS ARE TO BE 2X6 WOOD STUDS WITH 7/16" OSB SHEATHING, UNLESS NOTED OTHERWISE.
4. ALL INTERIOR WALLS ARE TO BE 2X4 WOOD STUDS UNLESS NOTED OTHERWISE.
5. ALL COLUMN SIZES ARE TO BE CONTINUED THROUGH FLOOR TRUSS SPACES WHEN SPANNING MORE THAN 1 FLOOR.
6. ALL WOOD MATERIALS ARE TO BE PROTECTED PER CODE & MANUF. SPECIFICATIONS WHILE BEING STORED ON SITE.



1 PROPOSED SECOND FLOOR PLAN
1/4" = 1'-0" 648 TOTAL S.Q. FT. SCALE: 1/4" = 1'-0"

- BRACED WALL NOTES:**
1. ALL WALLS DESIGNED PER METHOD C2-WSP OF THE 2015 IBC CODE.
 2. ALL EXTERIOR WALLS ARE TO BE CONTINUOUSLY SHEATHED WITH A MINIMUM 5/8" THICK WOOD PANEL.
 3. CONNECTION OF WOOD PANEL TO STUDS SHALL BE MIN. 80 COMMON NAILS, 6" O.C. AT EDGES & 12" O.C. AT FIELD OR WOOD PANEL ALTERNATE FASTENER: MIN. 15 GAGE STAPLE, 1-3/4" LONG, 4" O.C. AT EDGE & 8" O.C. AT FIELD.
 4. STRUCTURAL PANELS (BRACED WALLS) SHALL BE LOCATED AT EACH END & AT LEAST EVERY 20' BETWEEN PANELS.
 5. EXTERIOR BRACED WALL LINES SHALL HAVE A BRACED WALL PANEL AT EACH END OF THE BRACED WALL LINE, EXCEPT FOR:
 - BRACED WALL PANELS ARE PERMITTED TO BEGIN NO MORE THAN 10' FROM EACH END OF THE BRACED WALL LINE PROVIDED THAT A 24" PANEL MATCHING TABLE 1802.10.7 IS APPLIED.
 - THE END OF EACH BRACED WALL PANEL CLOSEST TO THE CORNER SHALL HAVE A TIE-DOWN DEVICE FASTENED TO THE STUD AT THE EDGE OF THE BRACED WALL PANEL CLOSEST TO THE CORNER AND TO THE FOUNDATION OR FRAMING BELOW. THE TIE-DOWN DEVICE SHALL BE CAPABLE OF PROVIDING AN UPLIFT ALLOWABLE DESIGN VALUE OF AT LEAST 1800 LBS. THE TIE-DOWN DEVICE SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

- STRUCTURAL NOTES:**
1. ALL HEADERS TO BE SUPPORTED BY A MINIMUM OF (2) TRIMMERS, UNLESS NOTED OTHERWISE.
 2. ALL HEADERS TO HAVE AT LEAST (2) KING STUDS (UNLESS NOTED).
 3. ALL STUD CALLOUTS @ SIDES OF WINDOWS/DOORS ARE TRIMMERS, MINIMUM (2) KING STUDS @ 840 LOCATIONS.
 4. BLOCKING @ ROOF & FLOOR PLAN PER TRUSS MANUFACTURER.
 5. POINT LOADS TO BE CARRIED THROUGH FLOOR AREAS AND DOWN TO FOUNDATION FOR SUPPORT.
 6. ALL HANGERS & CONNECTORS PER TRUSS MANUFACTURER, SUPPLIERS & CONTRACTOR.
 7. ALL EXTERIOR SHEATHING TO BE 5" (OR 7" OSB SHEATHING & NAILED PER CODE.
 8. ROOF DECKING TO BE 5" (OR 7" OSB DECKING W/ CLIPS, NAILED PER CODE TO ROOF FRAMING.
 9. FLOOR DECKING TO BE 7" PLYWOOD DECKING, NAILED OR SCREWED TO FLOOR SYSTEM PER CODE W/ ADHESIVE PER SPEC.

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DRAWING TITLE	HAMMERSTON HOME REMODEL
LOCATION	771 LARSON LANE
COMMITTEE	SHOREVIEW, MN

DATE DRAWN:	LD	12-29-15
DRAWN BY:	LD	
RELEASE DATE:		3-11-16
REVISION		DATE

A6

2ND FLOOR

KEMPER & ASSOCIATES INC.

PROFESSIONAL LAND SURVEYORS

721 OLD HIGHWAY B N.W.
NEW BRIGHTON, MINNESOTA 55112
651-631-0351
FAX 651-631-8805
Email: kemp@kpa.com
www.kempersurvey.com

THE HAMERSTON RESIDENCE

771 LARSON LANE

CITY OF SHOREVIEW, RAMSEY COUNTY, MINNESOTA

1 INCH EQUALS 10 FEET

BASIS FOR BEARINGS:
RAMSEY COUNTY
COORDINATE SYSTEM
NAD83 (1983 ADJ.)
AS PER REAL-TIME GPS
MEASUREMENTS UTILIZING
MINNESOTA DEPARTMENT
OF TRANSPORTATION
REAL-TIME GPS NETWORK

BASIS FOR ELEVATIONS:
MINNESOTA DEPARTMENT
OF TRANSPORTATION
STATION "6244"
AT TRUNK HIGHWAY 88
AND PLEASANT LAKE RD.
ELEV. 852.357 (DAV980)
CONTOUR INTERVAL=1 FOOT

SECTION 14, T30N, R23W



VICINITY MAP
(NO SCALE)



771 LARSON LANE (FRONT)
SHOREVIEW, MINNESOTA



771 LARSON LANE (REAR)
SHOREVIEW, MINNESOTA

EXISTING IMPERVIOUS SUMMARY

FOOTPRINT OF RESIDENCE= 1,358 SQ. FT.
FOOTPRINT OF GARAGE= 621 SQ. FT.
FOOTPRINT OF BOATHOUSE= 207 SQ. FT.
AREA OF REAR CONC. PATIO= 350 SQ. FT.
AREA OF CONC. WALKS & DRIVE= 1,147 SQ. FT.
AREA OF REAR PAVED STEPS= 40 SQ. FT.
AREA OF WOOD PLATFORM= 36 SQ. FT.
TOTAL IMPERVIOUS AREA= 3,759 SQ. FT.
(30.0% OF LOT AREA)
LOT AREA TO ORDINARY HIGH WATER LINE
= 12,519 SQ. FT.

NOTE: SUNPORCH FALLS WITHIN THE FOOTPRINT
OF THE CONCRETE PATIO BENEATH, AS SUCH,
THE SUNPORCH AREA IS NOT INCLUDED ABOVE.

PROPOSED IMPERVIOUS SUMMARY

FOOTPRINT OF RESIDENCE= 1,358 SQ. FT.
FOOTPRINT OF GARAGE= 621 SQ. FT.
FOOTPRINT OF BOATHOUSE= 207 SQ. FT.
AREA OF REAR CONC. PATIO= 350 SQ. FT.
AREA OF CONC. WALKS & DRIVE= 1,147 SQ. FT.
AREA OF REAR PAVED STEPS= 40 SQ. FT.
AREA OF WOOD PLATFORM= 36 SQ. FT.
PROPOSED GARAGE ADDITION= 144 SQ. FT.
PROPOSED FRONT PORCH= 156 SQ. FT.
TOTAL IMPERVIOUS AREA= 4,061 SQ. FT.
(32.4% OF LOT AREA)
LOT AREA TO ORDINARY HIGH WATER LINE
= 12,519 SQ. FT.

NOTE: SUNPORCH FALLS WITHIN THE FOOTPRINT
OF THE CONCRETE PATIO BENEATH, AS SUCH,
THE SUNPORCH AREA IS NOT INCLUDED ABOVE.

ZONING REQUIREMENTS

ZONED R-1: DETACHED RESIDENTIAL (R-1)
AND SHORELAND MANAGEMENT (SM) DISTRICT
(TURTLE LAKE, DNR# 62-21, GEN. DEVELOPMENT)

MINIMUM LOT AREA: 10,000 SQ. FT. (R-1)
MINIMUM LOT AREA: 15,000 SQ. FT. (SM)

MINIMUM LOT WIDTH: 75 FEET (R-1)
MINIMUM LOT WIDTH: 100 FEET (SM)

MINIMUM LOT DEPTH: 125 FEET

MAXIMUM BUILDING HEIGHT: 35 FEET

MAXIMUM LOT COVERAGE: 40% (R-1)

IMPERVIOUS SURFACE COVERAGE: 25% (SM)

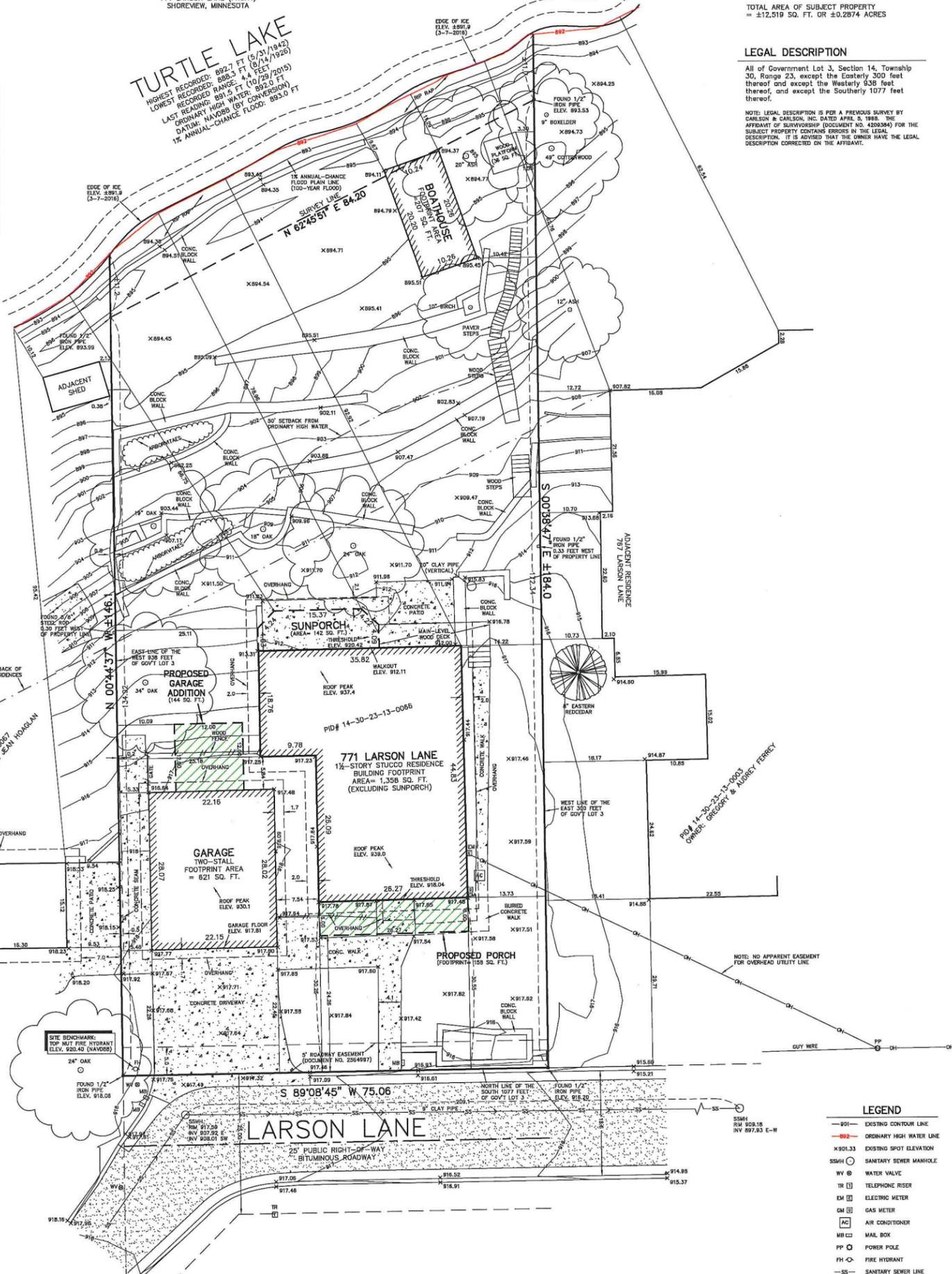
BUILDING SETBACKS:
FRONT: 25 FEET (MIN) (R-1)
40 FEET (MAX) (R-1)
SIDE: 10 FEET (MIN) (R-1)

ORD. HIGH WATER: 50 FEET, OR THE
AVERAGE OF THE LAKESIDE SETBACK
MINUS 10 FEET, TO A MINIMUM LAKE
SIDE SETBACK OF 50 FEET (SM)

BLUFF: 30 FEET (SM)

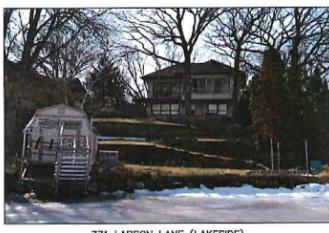
(AS PER CITY OF SHOREVIEW ZONING CODE)

OWNER, ARCHITECT AND BUILDER TO VERIFY
ALL ZONING INFORMATION PRIOR TO DESIGN,
DEMOLITION OR CONSTRUCTION. THE ZONING
AND SETBACKS SHOWN ARE THE BEST
AVAILABLE DATA AT THE TIME OF SURVEY.



CERTIFICATE OF SURVEY

18038 (18038.DWG) D.B. DAN COREY



771 LARSON LANE (LAKESIDE)
SHOREVIEW, MINNESOTA

FLOOD ZONE NOTE

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" & "AE"
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT
AGENCY FLOOD INSURANCE RATE MAP NO. 27123C0010C
EFFECTIVE DATE OF JUNE 4, 2010.
ZONE "AE" LIES WITHIN THE 1% ANNUAL-CHANCE FLOOD
PLAIN AND ZONE "X" LIES OUTSIDE THE 0.2% ANNUAL-
CHANCE FLOOD PLAN.

PREPARED FOR:
KARIN HAMERSTON
771 LARSON LANE
SHOREVIEW, MN 55126
651-206-9494



CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY, PLAN,
OR REPORT WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT
I AM A QUALIFIED PROFESSIONAL LAND
SURVEYOR UNDER THE LAWS OF THE STATE
OF MINNESOTA.

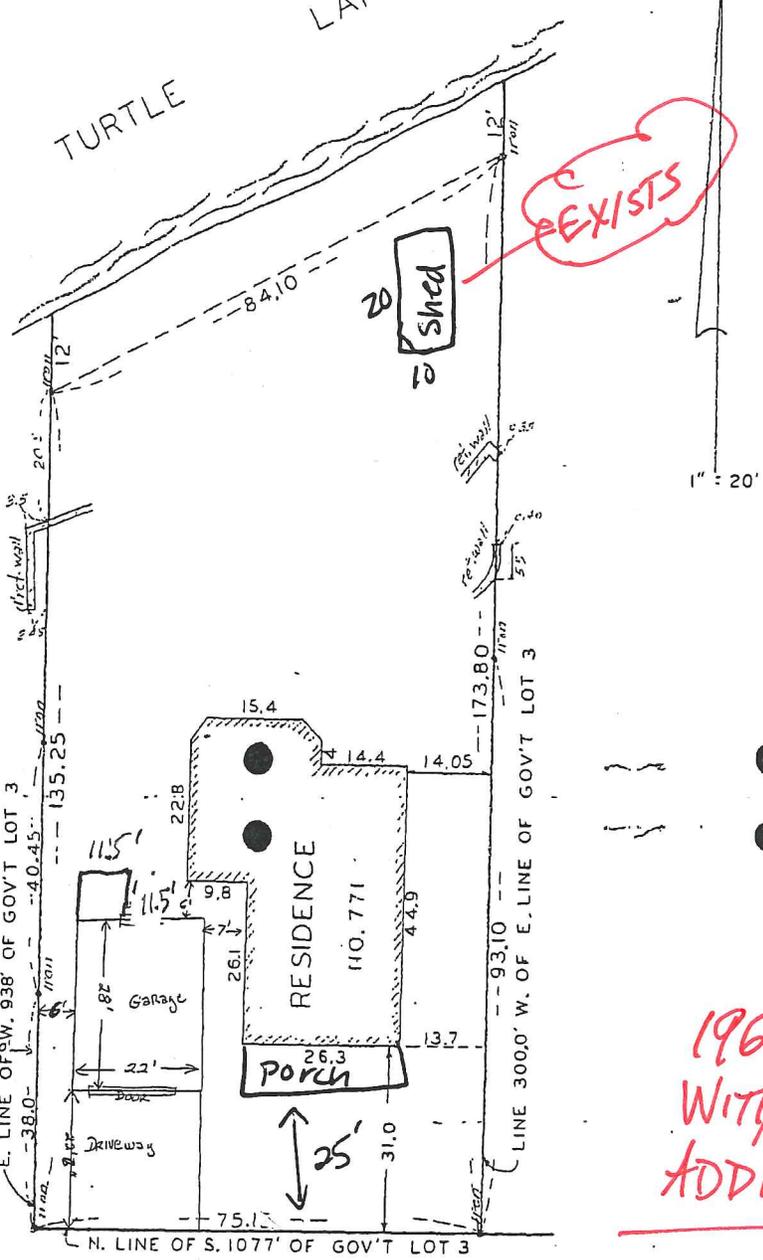
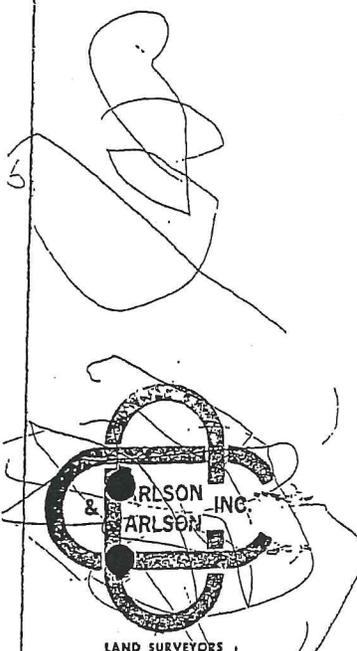
Mark D. Kemper
MARK D. KEMPER, PLS 18407

DATED THIS 15TH DAY OF MARCH, 2018

KEMPER & ASSOCIATES, INC. (S)

Survey for;
Marlo Hamerston

TURTLE LAKE



1968 SURVEY
WITH PROPOSED
ADDITIONS (2016)

Larson Lake

Legal description;

All of Government Lot 3, Section 14, Township 30, Range 23, except the Easterly 300 feet thereof and except the Westerly 938 feet thereof, and except the Southerly 1077 feet thereof.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land. As surveyed by us this 5th day of April, 1968.

Marlowe Hamerston
771 Larson Rd
Phone 484-4665

William A. Larson
Minn. Reg. No. 5648

Home after 3:30 PM



Robert Warwick <rwarwick@shoreviewmn.gov>

Variance, 771 Larson Lane, Shoreview

Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>

Wed, Mar 16, 2016 at 8:05 PM

To: Robert Warwick <rwarwick@shoreviewmn.gov>

Cc: Kyle Axtell <KAxtell@ricecreek.org>, Nicholas Tomczik <ntomczik@ricecreek.org>

Robert –

There is additional information that should be submitted with this application and drawing – please provide this information for review purposes:

- Location of the OHW on the lot
- Distance of the water-oriented accessory structure from the OHW and determination of whether it is located within the Shore Impact Zone (SIZ)
- Calculation of percent impervious for the lot, which includes structures, driveway, walkways, and retaining walls (should not exceed 25%)

Since a variance is required to increase the foundation area over 18%, the DNR recommends that the City require a shoreland mitigation plan (as per page 209-34 of the City ordinance – shoreland management) and include a condition on the variance requiring shoreland mitigation. This could be mitigation practices suggested within the City ordinance or the City could require that an infiltration basin (raingarden) be constructed on the south end of the lot at the top of the slope to capture runoff from impervious surfaces on the lot and reduce runoff toward the lake.

No water-oriented accessory structure other than a lawful boathouse or off-season storage of ice fishing house is permitted within the Shore Impact Zone (SIZ). The SIZ for Turtle Lake is 25 feet (1/2 of structure setback from OHW). If it is closer, the Planning Commission must determine that a practical difficulty exists and the setback requirement waived. It can't be less than 10 feet from the OHW in that case (page 209-28 of City ordinance – shoreland). DNR recommends that the water-oriented accessory structure be placed outside of the SIZ.

Since there is a water-oriented accessory structure within the OHW setback, the percent impervious should not exceed 25% on a substandard riparian lot or if >25%, it should not be increased (page 209-33 of City ordinance – shoreland management). DNR recommends that the percent impervious should not exceed 25%.

It looks to me (from looking at 2 foot LIDAR contours) that the garage addition will be located adjacent to a

steep slope, if not on a steep slope. Please determine if this area for the addition is on a steep slope and provide this information to me. If this is the case, the City ordinance should be followed (page 109-29). Steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs. As Kyle discussed below, erosion control for any construction at this location is very important.

Please provide the additional information I've requested. Thank you for the opportunity to comment on this variance application –

Jen

Jenifer Sorensen, PE, PhD

East Metro Area Hydrologist

MN DNR – Division of Ecological and Water Resources

1200 Warner Rd; St Paul, MN 55106

(651) 259-5754

jenifer.sorensen@state.mn.us

From: Kyle Axtell [mailto:KAxtell@ricecreek.org]

Sent: Tuesday, March 15, 2016 11:52 AM

To: Robert Warwick; Sorensen, Jenifer (DNR); Nicholas Tomczik

Subject: RE: Variance, 771 Larson Lane, Shoreview

[Quoted text hidden]



Robert Warwick <rwarwick@shoreviewmn.gov>

Variance, 771 Larson Lane, Shoreview

Kyle Axtell <KAxtell@ricecreek.org>

Tue, Mar 15, 2016 at 11:52 AM

To: Robert Warwick <rwarwick@shoreviewmn.gov>, "Sorensen, Jenifer (DNR)" <jenifer.sorensen@state.mn.us>, Nicholas Tomczik <ntomczik@ricecreek.org>

Robert,

This project as proposed does not require a permit from the RCWD. In general, the District has very little concern about the proposed additions and would only add that proper erosion and sediment controls should be installed around the small garage addition during construction and that proper permanent vegetation should be required post-construction to stabilize the disturbed soils. The garage expansion appears to be located at the top of a steep slope down to Turtle Lake and extra care should be taken in this location to avoid any discharge of sediment to the lake.

Kyle Axtell

Water Resource Specialist / Project Manager

Rice Creek Watershed District

4325 Pheasant Ridge Dr. NE #611

Blaine, MN 55449-4539

P: (763) 398-3072

F: (763) 398-3088

E: kaxtell@ricecreek.org



Please consider following the RCWD on Facebook

From: Robert Warwick [mailto:rwarwick@shoreviewmn.gov]**Sent:** Friday, March 11, 2016 3:50 PM**To:** Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>; Nicholas Tomczik



Robert Warwick <rwarwick@shoreviewmn.gov>

Application - 771 Larson Lane

Tom Wesolowski <twesolowski@shoreviewmn.gov>
To: "WARWICK, ROBERT" <rwarwick@shoreviewmn.gov>

Wed, Mar 16, 2016 at 10:52 AM

Rob,

Do not have any comments on the application.

Thank you, Tom

Tom Wesolowski, P.E. | City Engineer

City of Shoreview

4600 Victoria St. N.

Shoreview, MN 55126

twesolowski@shoreviewmn.gov

Direct Tel: 651-490-4652

Fax: 651-490-4696

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD MARCH 22, 2016**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 16-24 FOR A VARIANCE TO INCREASE THE FOUNDATION
AREA**

WHEREAS, Karin Hamerston submitted a variance application for the following described property:

All of Government Lot 3, Section 14, Township 30, Range 23, except the Easterly 300 feet thereof, and except the Westerly 938 feet thereof, and except the Southerly 1077 feet thereof, RAMSEY COUNTY, MINNESOTA

(This property is more commonly known as 771 Larson Lane)

WHEREAS, the Development Regulations establish that on substandard riparian lots the maximum permitted foundation area shall be the the greater of the existing founrdation area or 18% of lot area; and

WHEREAS, the applicant proposes adding a front porch onto the house and a storage area to the garage that represent an increase to the existing foundation area; and

WHEREAS, the applicant has requested a variance to increase foundation area from the existing area by 273 square feet to 2601 square feet; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on March 22, 2016 the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

The proposed additions of storage and porch areas are typical features on residential properties in the R-1 District, and represent a reasonable use of the property.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Practical difficulty for the variance stems from the historic development of the property. A cabin was first constructed in 1928, with several additions subsequently constructed. The additions resulted in living area that is inefficiently designed, especially the varying floor levels that exist on the main floor of the house. The proposed porch and storage are part of a larger project to improve the liveability of the home for the applicant as she ages. Accessibility will be an important feature and the porch addition aids in remodeling the main floor to have a single finished floor elevation..

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The increased foundation area will improve the aesthetics of the home when viewed from the street and will not alter the character of the existing neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 771 Larson Lane, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The front porch shall be located a minimum of 25 feet from the front property line.
4. The garage addition shall result in a garage floor area less than 750 sq. ft.
5. Impervious surface lot coverage shall not exceed the existing area, which is 3,759 sq. ft. (30% of lot area). Prior to issuance of any permits, the applicant shall submit a removal plan showing existing impervious areas that will be removed. The plan is subject to review and approval by the City Planner.
6. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.

7. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
8. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 22nd day of March, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Karin Hamerston, a single person
771 Larson Lane

STATE OF MINNESOTA)

COUNTY OF RAMSEY)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 22nd day of March, 2016 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting Resolution 16-XX.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 22nd day of March, 2016.

Terry C. Schwerm
City Manager

SEAL

**PROPOSED MOTION
TO APPROVE**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 16-24, approving the variance request to increase the allowed foundation area from 2,252 sq. ft. to 2,601 sq. ft. and the residential design review application submitted by Karin Hamerston for the property located at 771 Larson Lane. This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The front porch shall be located a minimum of 25 feet from the front property line.
4. The garage addition shall result in a garage floor area less than 750 sq. ft.
5. Impervious surface lot coverage shall not exceed the existing area, which is 3,759 sq. ft. (30% of lot area). Prior to issuance of any permits, the applicant shall submit a removal plan showing existing impervious areas that will be removed. The plan is subject to review and approval by the City Planner.
6. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
7. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
8. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Housing and Land Use Chapters of the Comprehensive Plan.
2. The proposed additions to the detached single-family residence and the detached accessory structure represent a reasonable use of the property which is located in the R-1 Detached Residential District and Shoreland Overlay District..
3. Unique circumstances stem from the age of the existing house, constructed in 1928 as a seasonal cabin, which has had several subsequent additions. The resulting residence has an inefficient design and lacks a uniform finished floor level. The improvements will provide an accessible dwelling for the applicant as she ages.
4. The improvements will enhance the exterior, blending in with nearby newer residences while the style and size will not stand out among the older residences in the area, so the variance should not affect the essential character of the neighborhood.

VOTE: AYES: NAYES:

Regular Planning Commission Meeting
March 22, 2016

t:\2016pcf\2608-16-07 771 laron hamerston/PC motion

Memorandum

To: Planning Commission Members

From: Tom Simonson
Assistant City Manager and Community Development Director

Date: March 16, 2016

Re: Resolution No. 16-18 Finding of Conformity with Comprehensive Plan –
TIF Plan for Proposed Tax Increment District No. 10 (Elevage Redevelopment Project)

Introduction

A formal review has been initiated by the City in consideration of the application request for establishing a Tax Increment Financing (TIF) Redevelopment District for a proposed mixed-use redevelopment project by the Elevage Development Group. The Planned Unit Development (PUD) plan was granted Development Stage approval by the City Council this past week, after being recommended by the Planning Commission.

A public hearing in consideration of the tax increment financing for this project has been scheduled for the April 18th meeting of the City Council. The Planning Commission is requested to determine whether the redevelopment plan for the Elevage Development Group Project conforms to the general plans for the development and redevelopment of the City as described in the *Comprehensive Plan* for the City. A resolution has been prepared for Planning Commission consideration.

Project Overview

The redevelopment project proposed by the Elevage Development Group is to build a 5-story mixed-use building with 6,800 square feet of ground floor retail and 134 units of market rate apartments. Additionally, the project will also include 14 rental townhome units on the western edge of the site.

The preliminary approved project consists of 4 parcels; one commercial and three residential, all located northwest of the Rice Street and I-694 Interchange at County Road E. The proposal is to tear down and redevelop the old retail center and 3 single-family properties, and the developer is seeking tax increment financing to assist with the extraordinary costs associated with the redevelopment.

Subsequent to preliminary approvals granted by the City, the developer reached an agreement to also purchase the residential property at 3527 Rice Street. This additional property is expected to be incorporated into the final development plans to provide additional buffering of the project from adjacent single-family properties, and will be included within the proposed TIF District boundaries.



Discussion

The project includes 4 properties that have been identified and qualified as blighted by a City-hired inspection firm and is eligible for establishing a TIF Redevelopment District which can be for a maximum



duration of 25 years. The current taxable market value of the 4 parcels is \$1,507,100, and Ramsey County's estimate for the market value of the new development is \$29,685,000.

The City's long-established approach has been to support redevelopment and private reinvestment by providing tax increment through a "pay-as-you-go" method to assist with the feasibility of a project that meets our economic development, housing, and redevelopment goals. Of the 9 tax increment districts that City has enacted in our history, 5 have been established for the maximum life of 25 years for the purpose of assisting with redevelopment and/or housing. Three of these districts were created to support redevelopment for housing including Scandia Shores (affordable and market rate senior housing), The Shores (mixed-use redevelopment including market rate senior housing and townhomes), and most recently Lakeview Terrace (redevelopment for market rate apartments).

Conformance to Comprehensive Plan

The tax increment financing request is currently being considered by the Economic Development Authority, which will make a recommendation to the City Council on the creation of a TIF District and level of financing the City is willing to provide the developer in support of the redevelopment project. Pursuant to State law, the City has notified both Ramsey County

and the Mounds View School District of the proposal and distributed a copy of the draft TIF Plan for the proposed establishment of TIF District No. 10 (a Redevelopment District).

As part of the TIF process, the Planning Commission is required to review the TIF Plan for conformance with the *Comprehensive Plan*. Minnesota Statutes, Section 469.175, subdivision 3 states "Before or at time of approval of the tax increment financing plan, the municipality shall make the following findings, and shall set forth in writing the reasons and supporting facts for each determination...that the tax increment financing plan conforms to the general plans conform to the general plan for development or redevelopment of the municipality as a whole."

While the Planning Commission has already reviewed the development applications, TIF statutes require the Commission to approve a separate resolution finding the redevelopment plans conform to the *Comprehensive Plan*, and general development and redevelopment plans of the City. It is staff's opinion that the proposed TIF Plan and project is consistent with and is in conformance with many of the City's adopted policies and objectives of the *Comprehensive Plan*, including:

- The recent City Council action to approve the development plans, as supported by the Planning Commission, found that the proposed development is consistent with Shoreview's land use and housing policies and meets the criteria for the *Comprehensive Plan* Land Use amendment, Rezoning, and PUD-Planned Unit Development. The City approved changes to the land use designation from C-Commercial/O-Office and RL-Low Density Residential to MU-Mixed Use. The approval also rezoned the properties from C2-General Commercial and R1-Detached Residential to PUD-Planned Unit Development. This mixed-use residential and commercial development will serve as a transitional land use between the arterial transportation network, commercial land uses and the adjacent single-family residences. This mixed use product will also support community needs by diversifying the rental housing options available in the community and providing additional commercial development.
- The project area was also included in the recently completed Highway Corridors Transition Study, which identified the properties as a redevelopment opportunity and recommended a mixed-use development. The study recommendations will be incorporated into the update of the City's *Comprehensive Plan* required to be completed and submitted to the Metropolitan Council by 2018.
- The project is also consistent with the goals and policies stated in the City's adopted Housing Action Plan that takes into consideration recent housing studies, the 2008 *Comprehensive Plan* and changing community needs. The Housing Action Plan summarizes

the current housing efforts and identifies gaps in the community's housing needs that should be addressed in the future.

The *Comprehensive Plan* also establishes housing policies and recommended actions for the City to implement, including the following housing goals, many which are consistent with the proposed redevelopment project:

Housing Maintenance and Neighborhood Reinvestment

- To maintain and enhance the quality of residential neighborhoods.
- To proactively encourage housing and property maintenance ensuring stable neighborhoods and property values.
- To provide adequate municipal services and infrastructure in our residential neighborhoods.
- To promote available resources that provide assistance to residents with property and home improvements.

Life-Cycle and Affordable Housing

- To create and maintain a well-balanced community that provides life-cycle and affordable housing with a diverse mix of housing types and values.
- To respond to demographic changes by providing housing for a variety of age and income groups.

Residential Infill and Redevelopment

- To encourage residential infill and redevelopment that supports the City's housing goals and maintains residential character.

Recommendation

Included for your review is the draft TIF Plan for the proposed establishment of TIF District No. 10, as well as a resolution for consideration and adoption.

Staff believes the mixed-used project proposed by the Elevage Development Group is consistent with the general development, redevelopment and housing plans and objectives established by the City in the *Comprehensive Plan* and related policies, and meets the City's criteria for tax increment support in that it will redevelop blighted and/or obsolete properties at key gateway corner and provides new housing and retail services for the community. Therefore, it is recommended that the Planning Commission adopt the proposed Resolution No. 16-18, finding that the redevelopment plans conform to the general plans and policies for development and redevelopment in the City's *Comprehensive Plan*. The City Council will make the determination on the approval of the tax increment financing request and corresponding TIF Plan at their April 18, 2016 regular meeting.

**PLANNING COMMISSION
CITY OF SHOREVIEW, MINNESOTA**

RESOLUTION NO. 16-18

RESOLUTION OF THE PLANNING COMMISSION FINDING THAT THE MODIFICATION OF MUNICIPAL DEVELOPMENT DISTRICT NO. 2 AND THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 10 CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY.

WHEREAS, the City Council for the City of Shoreview, Minnesota, (the "City") has proposed a modification to Municipal Development District No. 2 and the adoption of a Tax Increment Financing Plan for Tax Increment Financing District No. 10 (collectively, the "Plans") and has submitted the Plans to the Shoreview Planning Commission (the "Commission") pursuant to *Minnesota Statutes, Section 469.175, Subdivision 3*, and

WHEREAS, the Planning Commission has reviewed the Plans to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Plans conform with the general plans for the development and redevelopment of the City as a whole.

Adopted this 22nd day of March, 2016.

Chair

ATTEST:

DRAFT No. 2

**Development Program
for Municipal Development District No. 2**

and the

**Tax Increment Financing Plan
for the establishment of**

**Tax Increment Financing District No. 10
Elevage Development Group
(a redevelopment district)**

within

Municipal Development District No. 2



City of Shoreview
Ramsey County
State of Minnesota

Draft: March 18, 2016

Public Hearing: April 18, 2016

Adopted: April 18, 2016

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Section 1 - Development Program for Municipal Development District No. 2

Foreword

The following text represents a Modification to the Development Program for Municipal Development District No. 2. This modification represents a continuation of the goals and objectives set forth in the Development Program for Municipal Development District No. 2. Generally, the substantive changes include the establishment of Tax Increment Financing District No. 10. (As Modified April 18, 2016)

Tax Increment District No. 10 will provide assistance to Elevage Development Group (EDG) to redevelop five parcels. The Property resides immediately north of 1-694 on Rice Street and includes a commercial lot on the northwest corner of Rice Street and County Road E and two residential properties to the immediate west and two residential properties to the north along Rice Street. EDG plans to coordinate and construct a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space. Project is expected to generate private investment exceeding \$30 million.

Tax Increment will be used to assist with site acquisition, demolition, site preparation, internal and adjacent right-of-way and road and pedestrian improvements, on-site parking and underground parking, storm water management systems and other TIF eligible activities.

Definitions

The terms defined below shall, for purposes of the Development Program, have the meanings herein specified, unless the context otherwise specifically required:

"City" means the City of Shoreview, a municipal corporation and political subdivision of the State of Minnesota.

"Comprehensive Plan" means the documents which contain the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City.

"Council" means the City Council of the City of Shoreview, also referred to as the governing body. (See "Governing Body" below).

"County" means the County of Ramsey, Minnesota.

"County Board" means the Board of Commissioners for Ramsey County.

"Development District Act" means the statutory provisions of Minnesota Statutes, Sections 469.124 to 469.134 as amended and supplemented.

"Development District" means Municipal Development District No. 2 in the City, which was created and established pursuant to and in accordance with the Development District Act, and is geographically described in Section 1, Subsection 10 of the Development Program.

"Development Program" means this Development Program for Municipal Development District No. 2, initially adopted by the Council on February 14, 1984, and as it shall be modified. As defined in Minnesota Statutes, Section 469.125, Subdivision 5, a development program is a statement of objectives of the City for improvement of a development district which contains a complete statement as to the public facilities to be constructed within the district, the open space to be created, the environmental controls to be applied, the proposed reuse of private property and the proposed operations of the district after the capital improvements within the district have been completed.

"Governing Body" means the duly elected Council.

"Municipal Industrial Development Act" means the statutory provisions of Minnesota Statutes, Sections 469.9 2 to 469.165, as amended.

"Municipality" means any city, however organized as defined in Minnesota Statutes, Section 469.125, Subdivision 2.

"Project Area" means the Development District as geographically described in Subsection 1, Subsection 10 of the Development Program.

"State" means the State of Minnesota.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds issued and to be issued by the City to finance the public costs associated with Municipal Development District No. 2, as stated in the Development Program and in the Tax Increment Financing Plans for the Tax Increment Financing Districts within Municipal Development District No. 2. The term "Tax Increment Bonds" shall also include any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" means any tax increment financing district presently established or to be established in the future in Municipal Development District No. 2.

"Tax Increment Financing Act" means the statutory provisions of Minnesota Statutes, Sections 469.174 to 469.1799, inclusive, as amended.

SUBSECTION 1.1.

STATEMENT AND FINDING OF PUBLIC PURPOSE

The City Council (the "Council") of the City of Shoreview (the "City") determines that there is a need for development and redevelopment within the corporate limits of the City in the Development District to provide employment opportunities, to improve the tax base, maintain and renovate housing stock and to improve the general economy of the State. It is found that the area within the Development District is potentially more useful and valuable than is being realized under existing development, is less productive than is possible under this program and, therefore, is not contributing to the tax base to its full potential.

Therefore, the City has determined to exercise its authority to develop a modified program for improving Development District No. 2 of the City to provide impetus for private development, to maintain and increase employment, maintain and renovate housing stock, to utilize existing potential and to provide other facilities as are outlined in the Development Program adopted by the City.

The Council finds that the welfare of the City as well as the State of Minnesota requires active promotion, attraction, encouragement and development of economically sound industry, commerce and housing activities to carry out its stated public purpose objectives.

SUBSECTION 1.2.

STATUTORY AUTHORITY

The Council determines that it is desirable and in the public interest to modify, develop and administer a Development Program for Development District No. 2 (the "Development District") in the City to implement its Development District Plan, pursuant to the provisions of Sections 469.124 to 469.134, as amended, of Minnesota Statutes (the "Development District Act").

Funding of the necessary activities and improvements in the Development District shall be accomplished through tax increment financing in accordance with Minnesota Statutes, Sections 469.174 through 469.179, inclusive (the "Tax Increment Act") and through the use of industrial revenue bonds pursuant to the provisions of Chapter 469.92 to 469.165, as amended, of Minnesota Statutes (the "Municipal Industrial Development Act").

The City has designated the corporate limits (Modification No.4, 4/19/2010) of the City as Development District No. 2 as authorized by Minnesota Statutes, Section 469.126 of the Development District Act. Within the Development District, the City plans to undertake tax increment financing pursuant to Minnesota Statutes, Section 469.174, Subd. 10, 10(A), 11 and 12 of the Tax Increment Financing Act.

SUBSECTION 1.3.

STATEMENT OF OBJECTIVES

The Council determines that the modification of the Development District will provide the City with the ability to achieve certain public purpose goals not otherwise obtainable in the foreseeable future without City intervention in the normal development process. The public purpose goals include: restore and improve the tax base and tax revenue generating capacity of the Development District; increase employment opportunities; realize comprehensive planning goals; remove blighted conditions; revitalize the property within the Development District to create an attractive, comfortable, convenient, and efficient area for industrial, residential, commercial, governmental, convention, and related uses.

The City and Council seek to achieve the following Development District program objectives:

1. Promote and secure the prompt development of certain property in the Development District, which property is not now in productive use or in its highest and best use, in a manner consistent with the City's Comprehensive Plan and with a minimum adverse impact on the environment, and thereby promote and secure the development of other land in the City.
2. Promote and secure additional employment opportunities within the Development District and the City for residents of the City and the surrounding area, thereby improving living standards, reducing unemployment and the loss of skilled and unskilled labor and other human resources in the City.
3. Secure the increase of commercial property subject to taxation by the City, Independent School Districts, Ramsey County, and other taxing jurisdictions in order to better enable such entities to pay for governmental services and programs required to be provided by them.

4. Provide for the financing and construction of public improvements in and adjacent to the Development District, necessary for the orderly and beneficial development of the Development District and adjacent areas of the City.
5. Promote the concentration of commercial, office, and other appropriate development in the Development District so as to maintain the area in a manner compatible with its accessibility and prominence in the City.
6. Encourage local business expansion, improvement, and development, whenever possible.
7. Create a desirable and unique character within the Development District through quality land use alternatives and design quality in new and redeveloped buildings.
8. Encourage and provide maximum opportunity for private redevelopment of existing areas and structures which are compatible with the Development Program.
9. Specific objectives include:
 - a. Acquire land or space which is vacant, unused, underused or inappropriately used for new or expanding uses as well as supportive parking.
 - b. Encourage the renovation and expansion of existing businesses.
 - c. Acquire property containing structurally substandard buildings and remove structurally substandard buildings for which rehabilitation is not feasible.
 - d. Provide park improvements to compliment private development.
 - e. Eliminate blighting influences which impede potential development.
 - f. Acquisition of property to support park improvements and proposed development.
 - g. Provide opportunities for market rate and affordable housing development.
 - h. Fund and operate loan programs for housing improvement activities.

(Modification No.4, 4/19/2010)

SUBSECTION 1.4.

ESTIMATED PUBLIC COSTS AND SUPPORTIVE DATA

The estimated costs of the public improvements to be made within the Development District and financed by tax increments will be derived from the tax increment financing districts within Development District No. 2. (See Appendix "D" of Tax Increment Plan)

SUBSECTION 1.5.

ENVIRONMENTAL CONTROLS

The proposed development activities in the Development District do not present significant environmental concerns. All municipal actions, public improvements and private development shall be carried out in a manner consistent with existing environmental standards.

SUBSECTION 1.6.

PROPOSED REUSE OF PROPERTY

The public improvements needed to bring about the redevelopment of property may include acquisition of buildings, demolition and removal, site improvements, and general improvements. The estimated public improvement costs will be summarized in each of the applicable tax increment financing plans.

The Development Program does contemplate the acquisition of private property at such time as a private developer presents an economically feasible program for the reuse of that property. Proposals, in order to be considered, must be within the framework of the above cited goals and objectives, and must clearly demonstrate feasibility as a public program. Prior to formal consideration of the acquisition of any property, the City Council will require a binding contract, performance bond, and/or other evidence or guarantees that a supporting tax increment or other funds will be available to repay the public cost associated with the proposed acquisition. It shall be the intent of the City to negotiate the acquisition of property whenever necessary. Appropriate restrictions regarding the reuse and redevelopment of property shall be incorporated into any land sale contract or development agreement to which the City is a part.

SUBSECTION 1.7.

ADMINISTRATION AND MAINTENANCE OF DEVELOPMENT DISTRICT

Maintenance and operation of the public improvements will be the responsibility of the Manager of the City who shall serve as Administrator of the Development District. Each year the Administrator will submit to the Council the maintenance and operation budget for the following year.

The Administrator will administer the Development District pursuant to the provisions of Minnesota Statutes, Section 469.131 of the Development District Act; provided, however, that such powers may only be exercised at the direction of the Council. No action taken by the Administrator pursuant to the above mentioned powers shall be effective without authorization by the Council.

SUBSECTION 1.8.

REHABILITATION

Owners of properties within the Development District will be encouraged to rehabilitate their properties to conform with the applicable state and local codes and ordinances, as well as any design standards. Owners of properties who purchase property or receive assistance within the Development District from the City may be required to rehabilitate their properties as a condition of sale of land. The City will provide such rehabilitation assistance as may be available from federal, state or local sources.

SUBSECTION 1.9.

RELOCATION

The City accepts its responsibility for providing for relocation pursuant to Minnesota Statutes, Section 469.133 of the Development District Act, if applicable.

SUBSECTION 1.10.

BOUNDARY OF DEVELOPMENT DISTRICT

(Modification No. 4, 4/19/2010)

MDD #1 (Removed 5/9 /95)

MDD#2 (Modification No.4, 4/19/2010)

The boundary of MDD #2 will include **all** of the following **Sections**:

Sections 2, 3, 4, 11, 14, 23, 24, 25, 26, 35, 36

The boundary of MDD#2 will include **partial** of the following **Sections**:

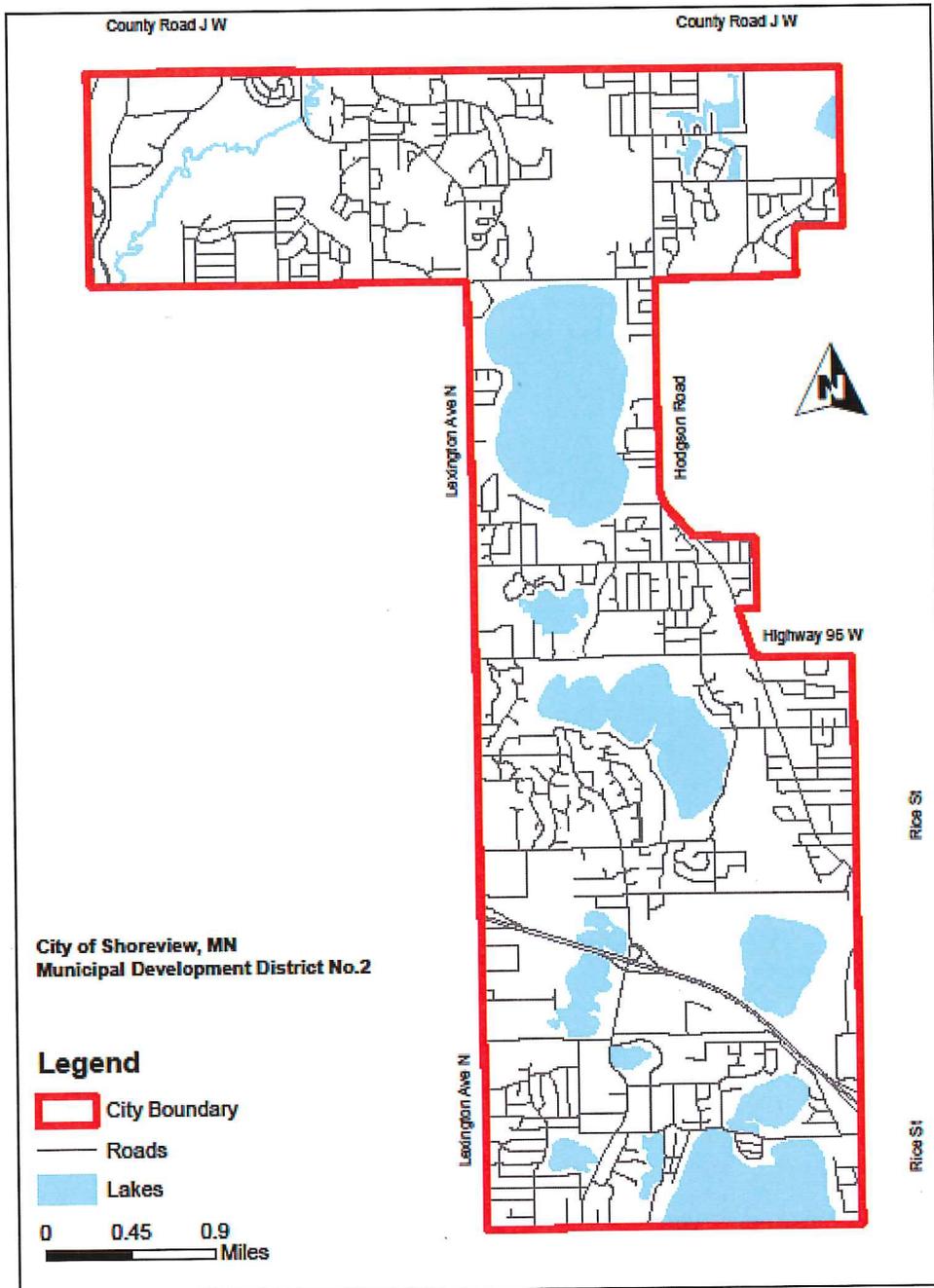
Section 1: Includes the portion containing the corporate limits of the City of Shoreview and excluding the portion of the Section residing in the corporate limits of the City of North Oaks.

Section 13: Includes the portion containing the corporate limits of the City of Shoreview and excluding the portion of the Section residing in the corporate limits of the City of North Oaks.

(AS MODIFIED April 18, 2016)

The boundaries of Municipal Development District No. 2 are not being changed as part of the modification to Municipal Development District No. 2

SEE MAP ON FOLLOWING PAGE



Section 2 - Tax Increment Financing Plan
for Tax Increment Financing District No. 10

Subsection 2-1. Foreword

The City of Shoreview (the "City"), staff and consultants have prepared the following information to expedite the establishment of Tax Increment Financing District No. 10 (the "District"), a redevelopment tax increment financing district, located in Municipal Development District No. 2.

Subsection 2-2. Statutory Authority

Within the City, there exist areas where public involvement is necessary to cause development or redevelopment to occur. To this end, the City has certain statutory powers pursuant to *Minnesota Statutes ("M.S."), Sections 469.124 to 469.134*, inclusive, as amended, and *M.S., Sections 469.174 to 469.1799*, inclusive, as amended (the "Tax Increment Financing Act" or "TIF Act"), to assist in financing public costs related to this project.

This plan constitutes the Tax Increment Financing Plan (the "TIF Plan") for the District. Other relevant information is contained in the Modification to the Development Program for Municipal Development District No. 2.

Subsection 2-3. Statement of Objectives

The District currently consists of five parcels of land, adjacent and internal rights-of-way and the external road system immediately serving the development site. The District is being created to assist the developer with site acquisition, demolition, site preparation, parking facilities, internal and external road and pedestrian improvements, storm water management and other TIF eligible improvements to allow for the construction of a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space. Please see Appendix A for further District information. The City has not entered into an agreement at the time of preparation of this TIF Plan, but development is likely to begin by June 1, 2016. This TIF Plan is expected to achieve many of the objectives outlined in the Development Program for Municipal Development District No. 2.

The activities, contemplated in the Modification to the Development Program and the TIF Plan, do not preclude the undertaking of other qualified development or redevelopment activities. These activities are anticipated to occur over the life of Municipal Development District No. 2 and the District.

Subsection 2-4. Development Program Overview

1. Property to be Acquired - Selected property located within the District may be acquired by the City and is further described in this TIF Plan.
2. Relocation - Relocation services, to the extent required by law, are available pursuant to *M.S., Chapter 117* and other relevant state and federal laws.
3. Upon approval of a developer's plan relating to the project and completion of the necessary legal requirements, the City may sell to a developer selected properties that it may acquire within the District or may lease land or facilities to a developer.

4. The City may perform or provide for some or all necessary acquisition, construction, relocation, demolition, and required utilities and public street work within the District.
5. The City proposes private infrastructure within the District. The proposed reuse of private property within the District will be for a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space. There will be continued operation of Municipal Development District No. 2 after the capital improvements within Development District No. 2 have been completed.

Subsection 2-5. Description of Property in the District and Property To Be Acquired

The District encompasses all property, adjacent and internal rights-of-way, and the external road system immediately serving the development site identified by the parcel listed in Appendix C of this TIF Plan. Please also see the map in Appendix B for further information on the location of the District.

The City may acquire any parcel within the District including interior and adjacent street rights of way. Any properties identified for acquisition will be acquired by the City only in order to accomplish one or more of the following: storm sewer improvements; provide land for needed public streets, utilities and facilities; carry out land acquisition, site improvements, clearance and/or development to accomplish the uses and objectives set forth in this plan. The City may acquire property by gift, dedication, condemnation or direct purchase from willing sellers in order to achieve the objectives of this TIF Plan. Such acquisitions will be undertaken only when there is assurance of funding to finance the acquisition and related costs.

Subsection 2-6. Classification of the District

The City, in determining the need to create a tax increment financing district in accordance with *M.S., Sections 469.174 to 469.1799*, as amended, inclusive, finds that the District, to be established, is a redevelopment district pursuant to *M.S., Section 469.174, Subd. 10* as defined below:

"Redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that one or more of the following conditions, reasonably distributed throughout the district, exists:

(1) parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;

(2) the property consists of vacant, unused, underused, inappropriately used, or infrequently used rail yards, rail storage facilities, or excessive or vacated railroad rights-of-way;

(3) tank facilities, or property whose immediately previous use was for tank facilities, as defined in section 115C.02, subdivision 15, if the tank facilities:

(i) have or had a capacity of more than 1,000,000 gallons;

(ii) are located adjacent to rail facilities; and

(iii) have been removed or are unused, underused, inappropriately used, or infrequently used; or

(4) a qualifying disaster area, as defined in subdivision 10b.

(b) For purposes of this subdivision, "structurally substandard" shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance.

(c) A building is not structurally substandard if it is in compliance with the building code applicable to new buildings or could be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the site. The municipality may find that a building is not disqualified as structurally substandard under the preceding sentence on the basis of reasonably available evidence, such as the size, type, and age of the building, the average cost of plumbing, electrical, or structural repairs, or other similar reliable evidence. The municipality may not make such a determination without an interior inspection of the property, but need not have an independent, expert appraisal prepared of the cost of repair and rehabilitation of the building. An interior inspection of the property is not required, if the municipality finds that (1) the municipality or authority is unable to gain access to the property after using its best efforts to obtain permission from the party that owns or controls the property; and (2) the evidence otherwise supports a reasonable conclusion that the building is structurally substandard. Items of evidence that support such a conclusion include recent fire or police inspections, on-site property tax appraisals or housing inspections, exterior evidence of deterioration, or other similar reliable evidence. Written documentation of the findings and reasons why an interior inspection was not conducted must be made and retained under section 469.175, subdivision 3, clause (1). Failure of a building to be disqualified under the provisions of this paragraph is a necessary, but not a sufficient, condition to determining that the building is substandard.

(d) A parcel is deemed to be occupied by a structurally substandard building for purposes of the finding under paragraph (a) or by the improvements described in paragraph (e) if all of the following conditions are met:

(1) the parcel was occupied by a substandard building or met the requirements of paragraph (e), as the case may be, within three years of the filing of the request for certification of the parcel as part of the district with the county auditor;

(2) the substandard building or the improvements described in paragraph (e) were demolished or removed by the authority or the demolition or removal was financed by the authority or was done by a developer under a development agreement with the authority;

(3) the authority found by resolution before the demolition or removal that the parcel was occupied by a structurally substandard building or met the requirements of paragraph (e) and that after demolition and clearance the authority intended to include the parcel within a district; and

(4) upon filing the request for certification of the tax capacity of the parcel as part of a district, the authority notifies the county auditor that the original tax capacity of the parcel must be adjusted as provided by section 469.177, subdivision 1, paragraph (f).

(e) For purposes of this subdivision, a parcel is not occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures unless 15 percent of the area of the parcel contains buildings, streets, utilities, paved or gravel parking lots, or other similar structures.

(f) For districts consisting of two or more noncontiguous areas, each area must qualify as a redevelopment district under paragraph (a) to be included in the district, and the entire area of the district must satisfy paragraph (a).

In meeting the statutory criteria the City relies on the following facts and findings:

- The District will be a redevelopment district consisting of portions of 5 parcels and interior and exterior roadways serving the redevelopment site (new plat to be filed with Ramsey County) (See Appendix A and B for details).
- An inventory shows that parcels consisting of 70% of the area in the District are occupied by building, streets, utilities or other improvements.
- An inspection of the buildings located within the District finds that more than 50 percent of the buildings are structurally substandard as defined in the TIF Act. (See Appendix F).

Subsection 2-7. Duration and First Year of Tax Increment of the District

Pursuant to *M.S., Section 469.175, Subd. 1, and M.S., Section 469.176, Subd. 1*, the duration of the District must be indicated within the TIF Plan. Pursuant to *M.S., Section 469.176, Subd. 1b.*, the duration of the District will be 25 years after receipt of the first increment by the City. The date of receipt by the City of the first tax increment is expected to be 2019. Thus, it is estimated that the District, including any modifications of the TIF Plan for subsequent phases or other changes, would terminate after 2044, or when the TIF Plan is satisfied. The City reserves the right to decertify the District prior to the legally required date.

Subsection 2-8. Original Tax Capacity, Tax Rate and Estimated Captured Net Tax Capacity Value/Increment and Notification of Prior Planned Improvements

Pursuant to *M.S., Section 469.174, Subd. 7 and M.S., Section 469.177, Subd. 1*, the Original Net Tax Capacity (ONTC) as certified for the District will be based on the market values placed on the property by the assessor in 2015 for taxes payable 2016.

Pursuant to *M.S., Section 469.177, Subds. 1 and 2*, the County Auditor shall certify in each year (beginning in the payment year 2019) the amount by which the original value has increased or decreased as a result of:

1. Change in tax exempt status of property;
2. Reduction or enlargement of the geographic boundaries of the district;
3. Change due to adjustments, negotiated or court-ordered abatements;
4. Change in the use of the property and classification;
5. Change in state law governing class rates; or
6. Change in previously issued building permits.

In any year in which the current Net Tax Capacity (NTC) value of the District declines below the ONTC, no value will be captured and no tax increment will be payable to the City.

The original local tax rate for the District will be the local tax rate for taxes payable 2016, assuming request for certification is made before June 30, 2016. The ONTC and the Original Local Tax Rate for the District appear in the table below.

Pursuant to *M.S., Section 469.174 Subd. , and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within Municipal Development District No. 2, upon completion of the projects within the District, will annually approximate tax increment revenues as shown in the table below. The City requests 100 percent of the available increase in tax capacity for repayment of its obligations and current expenditures, beginning in the tax year payable 2019. The Project Tax Capacity (PTC) listed is an estimate of values when the projects within the District are completed.

Project Estimated Tax Capacity upon Completion (PTC)	\$381,420
Original Estimated Net Tax Capacity (ONTC)	\$21,328
Estimated Captured Tax Capacity (CTC)	\$360,093
Fiscal Disparities Rate	38.7515
Fiscal Disparities Reduction	Outside Election
Original Local Tax Rate	129.1430% Pay 2016
Estimated Annual Tax Increment (CTC x Local Tax Rate)	\$465,034
Percent Retained by the City	100%

Pursuant to *M.S., Section 469.177, Subd. 4*, the City shall, after a due and diligent search, accompany its request for certification to the County Auditor or its notice of the District enlargement pursuant to *M.S., Section 469.175, Subd. 4*, with a listing of all properties within the District or area of enlargement for which building permits have been issued during the eighteen (18) months immediately preceding approval of the TIF Plan by the municipality pursuant to *M.S., Section 469.175, Subd. 3*. The County Auditor shall increase the original net tax capacity of the District by the net tax capacity of improvements for which a building permit was issued.

The City has reviewed the area to be included in the District and has determined that no building permits have been issued during the 18 months immediately preceding approval of the TIF Plan by the City

Subsection 2-9. Sources of Revenue/Bonds to be Issued

The costs outlined in the Uses of Funds will be financed primarily through annual collection of tax increments. The City reserves the right to incur bonded indebtedness or other indebtedness as a result of the TIF Plan. As presently proposed, the project within the District will be financed by a pay-as-you-go note. Any refunding amounts will be deemed a budgeted cost without a formal TIF plan Modification. This provision does not obligate the City to incur debt. The City will issue bonds or incur other debt only upon the determination that such action is in the best interest of the City. The City will issue bonds or incur other debt only upon determination that such action is in the best interest of the City.

The total estimated tax increment revenues for the District are expected to be approximately as shown in the table below:

SOURCES OF FUNDS	TOTAL
Tax Increment	\$ 11,815,684
TOTAL	

The City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of \$ 10,634,115. Such bonds may be in the form of pay-as-you-go notes, revenue bonds or notes, general obligation bonds, or inter fund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of approval.

Subsection 2-10. Uses of Funds

Currently under consideration for the District is a proposal to facilitate the construct of a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space. The City has determined that it will be necessary to provide assistance to the project(s) for certain District costs, as described. The City has studied the feasibility of the development or redevelopment of property in and around the District. To facilitate the establishment and development or redevelopment of the District, this TIF Plan authorizes the use of tax increment financing to pay for the cost of certain eligible expenses. The estimate of public costs and uses of funds associated with the District is outlined in the following table.

<u>USES OF TAX INCREMENT FUNDS</u>	<u>TOTAL</u>
Site Improvements/Storm Water	\$ 750,000
Parking Facilities	\$1,000,000
Demolition and blight removal	\$ 500,000
Site Acquisition	\$ 200,000
Trail, lighting, landscape	\$ 250,000
Grading and site improvements	\$ 250,000
Right-of-way, road and pedestrian improvements	\$ 1,661,798
<u>City Pooling (25% include admin)</u>	<u>\$ 2,374,721</u>
PROJECT COST TOTAL	\$ 6,986,519
Interest	\$ 4,829,165
PROJECT AND INTEREST COSTS TOTAL	\$ 11,815,684

The total project cost, including financing costs (interest) listed in the table on the previous page does not exceed the total projected tax increments for the District as shown in Appendix D.

Estimated capital and administrative costs listed above are subject to change among categories by modification of the TIF Plan without hearings and notices as required for approval of the initial TIF Plan, so long as the total capital and administrative costs combined do not exceed the total listed on the previous page.

Further, the City may spend up to 25 percent of the tax increments from the District for activities located outside the boundaries of the District but within the boundaries of the Project (including administrative costs, which are considered to be spend outside the District), subject to all other terms and conditions of this TIF Plan.

Subsection 2-11. Fiscal Disparities Election

For communities affected by the fiscal disparity provisions of Minnesota Statutes, Chapter 473F and Chapter 276A, the original net tax capacity of the TIF District shall be determined before the application of fiscal disparity. In subsequent years, the current net tax capacity shall either (a) be determined before the application of fiscal disparity or (b) exclude the product of any fiscal disparity increase in the TIF District (since the original net tax capacity was certified) times the appropriate fiscal disparity ratio. The method the City elects shall remain the same for the life of the TIF District, except that a single change may be made at any time from method (a) to method (b) above. ***The City elects for the fiscal disparities election to come from outside the district.***

Subsection 2-12. Business Subsidies

Pursuant to M.S., *Section 116J.993, Subd. 3*, the following forms of financial assistance are not considered a business subsidy:

- (1) A business subsidy of less than \$150,000;
- (2) Assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;
- (3) Public improvements to buildings or lands owned by the state or local government that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;
- (4) Redevelopment property polluted by contaminants as defined in *M.S., Section 116J.552, Subd. 3*;
- (5) Assistance provided for the sole purpose of renovating old or decaying building stock or bringing it up to code and assistance provided for designated historic preservation districts, provided that the assistance is equal to or less than 50% of the total cost;
- (6) Assistance to provide job readiness and training services if the sole purpose of the assistance is to provide those services;
- (7) Assistance for housing;
- (8) Assistance for pollution control or abatement, including assistance for a tax increment financing hazardous substance sub-district as defined under *M.S., Section 469.174, Subd. 23*;
- (9) Assistance for energy conservation;
- (10) Tax reductions resulting from conformity with federal tax law;
- (11) Workers' compensation and unemployment compensation;
- (12) Benefits derived from regulation;
- (13) Indirect benefits derived from assistance to educational institutions;
- (14) Funds from bonds allocated under chapter 474A, bonds issued to refund outstanding bonds, and bonds issued for the benefit of an organization described in section 501 (c) (3) of the Internal Revenue Code of 1986, as amended through December 31, 1999;
- (15) Assistance for a collaboration between a Minnesota higher education institution and a business;
- (16) Assistance for a tax increment financing soils condition district as defined under *M.S., Section 469.174, Subd. 19*;
- (17) Redevelopment when the recipient's investment in the purchase of the site and in site preparation is 70 percent or more of the assessor's current year's estimated market value;
- (18) General changes in tax increment financing law and other general tax law changes of a principally technical nature.
- (19) Federal assistance until the assistance has been repaid to, and reinvested by, the state or local government agency;
- (20) Funds from dock and wharf bonds issued by a seaway port authority;
- (21) Business loans and loan guarantees of \$150,000 or less; and

(22) Federal loan funds provided through the United States Department of Commerce, Economic Development Administration.

The City will comply with M.S., Sections 116J.993 to 116J.995 to the extent the tax increment assistance under this TIF Plan does not qualify for exemption for activities listed above and on the previous page.

Subsection 2-13. County Road Costs

Pursuant to M.S., Section 469.175, Subd. 1a, the county board may require the City to pay for all or part of the cost of county road improvements if the proposed development to be assisted by tax increment will, in the judgment of the county, substantially increase the use of county roads requiring construction of road improvements or other road costs and if the road improvements are not scheduled within the next five years under a capital improvement plan or within five years under another county plan.

If the county elects to use increments to improve county roads, it must notify the City within forty-five days of receipt of this TIF Plan. In the opinion of the City and consultants, the proposed development outlined in this TIF Plan will have little or no impact upon county roads, therefore the TIF Plan was not forwarded to the county 45 days prior to the public hearing. The City is aware that the county could claim that tax increment should be used for county roads, even after the public hearing.

Subsection 2-14. Estimated Impact on Other Taxing Jurisdictions

The estimated impact on other taxing jurisdictions assumes that the redevelopment contemplated by the TIF Plan would occur without the creation of the District. However, the City has determined that such development or redevelopment would not occur "but for" tax increment financing and that, therefore, the fiscal impact on other taxing jurisdictions is \$0. The estimated fiscal impact of the District would be as follows if the "but for" test was not met:

IMPACT ON TAX BASE

	<u>Pay 2016 Total Net Tax Capacity</u>	<u>Estimated Captured Tax Capacity (CTC) Upon Completion</u>	<u>Percent of CTC to Entity Total</u>
Ramsey County	514,724,770	360,093	0.000699%
City of Shoreview	31,046,001	360,093	0.011598%
Mounds View ISD No.621	99,856,555	360,093	0.003606%

IMPACT ON TAX RATES

	<u>Pay 2016 Extension Rates</u>	<u>Percent of Total</u>	<u>CTC</u>	<u>Potential Taxes</u>
Ramsey County	.58562	45.34%	360,093	163,266
City of Shoreview	.34945	27.06%	360,093	97,441
Moundsvie ISD No.621	.26304	20.37%	360,093	73,350
Other (HRA, EDA, et.al)	.09332	7.23%	360,093	26,034
Total	1.29143	100%		\$360,091

The estimates listed display the captured tax capacity when all construction is completed. The tax rate used for calculations is the proposed Pay 2016 rate. The total net capacity for the entities listed is based on proposed Pay 2016 figures. As of drafting of this TIF plan (January 2016) actual values were not available.

Pursuant to *M.S. Section 469.175 Subd. 2(b)*:

- (1) Estimate of total tax increment. It is estimated that the total amount of tax increment that will be generated over the life of the District is \$11,815,684
- (2) Probable impact of the District on city provided services and ability to issue debt. An impact of the District on police protection is not expected. The City does not expect that the proposed development, in and of itself, will necessitate new capital investment in vehicles or require that the City expand its police force.

The probable impact of the District on fire protection is not expected to be significant. Typically new buildings generate few calls, if any, and are of superior construction and include fire protection equipment.

The impact of the District on public infrastructure is expected to be minimal. The development is not expected to significantly impact traffic movements in the area. The current infrastructure for sanitary sewer, storm sewer and water will be able to handle the additional volume generated from the proposed development. Based on the development plans, there are no additional costs associated with street maintenance, sweeping, plowing, lighting and sidewalks. The development in the District is expected to contribute an estimated XXXXX in sanitary sewer (SAC) and water (WAC) connection fees. This does not include water meter fees or fees charged by the Metropolitan Council.

The probable impact of any District general obligation tax increment bonds on the ability to issue debt for general fund purposes is expected to be minimal. There may be some general obligation debt issued in relation to this project, however, the amount will be such that there will be no impact on the City's ability to issue future debt or on the City's debt limit.

- (3) Estimated amount of tax increment attributable to school district levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is \$1,833,750;
- (4) Estimated amount of tax increment attributable to county levies. It is estimated that the amount of tax increments over the life of the District that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same, is \$4,081,650;
- (5) Additional information requested by the county or school district. The City is not aware of any standard questions in a county or school district written policy regarding tax increment districts and impact on county or school district services. The county or school district must request additional information pursuant to *M.S. Section 469.175 Subd. 2(b)* within 15 days after receipt of the TIF Plan.

No requests for additional information from the county or school district regarding the proposed development for the District have been received.

Subsection 2-15. Supporting Documentation

Pursuant to *M.S. Section 469.175, Subd. 1 (a), clause 7* the TIF Plan must contain identification and description of studies and analyses used to make the determination set forth in *M.S. Section 469.175, Subd. 3, clause (b)(2)* and the findings are required in the resolution approving the District. Following is a list of reports and studies on file at the City that support the City's findings:

- **Planning Commission reports/workshops:** 7/28/2015; 1/26/2016 (tabled); 2/23/2016; 3/22/2016
- **EDA Staff Reports:** 1/8/2016; 3/14/2016
- **City Council Reports:** 8/17/2015; 3/7/2016
- **2008 Comprehensive Plan - Chapter 6 - Targeted Redevelopment Areas**
- **Highway Corridors Transition Study 2015**
- **Elevege Development Group TIF Application**

Subsection 2-16. Definition of Tax Increment Revenues

Pursuant to *M.S., Section 469.174, Subd. 25*, tax increment revenues derived from a tax increment financing district include all of the following potential revenue sources:

1. Taxes paid by the captured net tax capacity, but excluding any excess taxes, as computed under M.S., Section 469.177;
2. The proceeds from the sale or lease of property, tangible or intangible, to the extent the property was purchased by the Authority with tax increments;
3. Principal and interest received on loans or other advances made by the Authority with tax increments;
4. Interest or other investment earnings on or from tax increments;
5. Repayments or return of tax increments made to the Authority under agreements for districts for which the request for certification was made after August 1, 1993; and
6. The market value homestead credit paid to the Authority under M.S., Section 273.1384.

Subsection 2-17. Modifications to the District

In accordance with *M.S., Section 469.175, Subd. 4*, any:

1. Reduction or enlargement of the geographic area of the District, if the reduction does not meet the requirements of *M.S., Section 469.175, Subd. 4(e)*;
2. Increase in amount of bonded indebtedness to be incurred;
3. A determination to capitalize interest on debt if that determination was not a part of the original TIF Plan;
4. Increase in the portion of the captured net tax capacity to be retained by the City;
5. Increase in the estimate of the cost of the District, including administrative expenses, that will be paid or financed with tax increment from the District; or
6. Designation of additional property to be acquired by the City, shall be approved upon the notice and after the discussion, public hearing and findings required for approval of the original TIF Plan.

Pursuant to *M.S., Section 469.175 Subd. 4(f)*, the geographic area of the District may be reduced following the date of certification of the original net tax capacity by the county auditor, but shall not be enlarged after five years following the date of certification of the original net tax capacity by the county auditor. If an economic development district is enlarged, the reasons and supporting facts for the determination that the addition to the District meets the criteria of *M.S., Section 469.174, Subd. 12*, must be documented in writing and retained. The requirements of this paragraph do not apply if (1) the only modification is elimination of parcel(s) from the District and (2) (A) the

current net tax capacity of the parcel(s) eliminated from the District equals or exceeds the net tax capacity of those parcel(s) in the District's original net tax capacity or (B) the City agrees that, notwithstanding *M.S., Section 469.177, Subd. 1*, the original net tax capacity will be reduced by no more than the current net tax capacity of the parcel(s) eliminated from the District.

The City must notify the County Auditor of any modification to the District. Modifications to the District in the form of a budget modification or an expansion of the boundaries will be recorded in the TIF Plan.

Subsection 2-18. Administrative Expenses

In accordance with *M.S., Section 469.174, Subd. 14*, administrative expenses means all expenditures of the City, other than:

1. Amounts paid for the purchase of land;
2. Amounts paid to contractors or others providing materials and services, including architectural and engineering services, directly connected with the physical development of the real property in the District;
3. Relocation benefits paid to or services provided for persons residing or businesses located in the District; or
4. Amounts used to pay principal or interest on, fund a reserve for, or sell at a discount bonds issued pursuant to *M.S., Section 469.178*; or
5. Amounts used to pay other financial obligations to the extent those obligations were used to finance costs described in clauses (1) to (3).

For districts for which the request for certification were made before August 1, 1979, or after June 30, 1982, and before August 1, 2001, administrative expenses also include amounts paid for services provided by bond counsel, fiscal consultants, and planning or economic development consultants. Pursuant to *M.S., Section 469.176, Subd. 3*, tax increment may be used to pay any authorized and documented administrative expenses for the District up to but not to exceed 10 percent of the total estimated tax increment expenditures authorized by the TIF Plan or the total tax increments, as defined by *M.S., Section 469.174, Subd. 25, clause (1)*, from the District, whichever is less.

For districts for which certification was requested after July 31, 2001, no tax increment may be used to pay any administrative expenses for District costs which exceed ten percent of total estimated tax increment expenditures authorized by the TIF Plan or the total tax increments, as defined in *M.S., Section 469.174, Subd. 25, clause (1)*, from the District, whichever is less.

Pursuant to *M.S., Section 469.176, Subd. 4h*, tax increments may be used to pay for the County's actual administrative expenses incurred in connection with the District and are not subject to the percentage limits of *M.S., Section 469.176, Subd. 3*. The county may require payment of those expenses by February 15 of the year following the year the expenses were incurred.

Pursuant to *M.S., Section 469.177, Subd. 11*, the County Treasurer shall deduct an amount (currently .36 percent) of any increment distributed to the City and the County Treasurer shall pay the amount deducted to the State Treasurer for deposit in the state general fund to be appropriated to the State Auditor for the cost of financial reporting of tax increment financing information and the cost of examining and auditing authorities' use of tax increment financing. This amount may be adjusted annually by the Commissioner of Revenue.

Subsection 2-19. Limitation of Increment

The tax increment pledged to the payment of bonds and interest thereon may be discharged and the District may be terminated if sufficient funds have been irrevocably deposited in the debt service fund or other escrow account held in trust for all outstanding bonds to provide for the payment of the bonds at maturity or redemption date.

Pursuant to *M.S., Section 469.176, Subd. 6:*

if, after four years from the date of certification of the original net tax capacity of the tax increment financing district pursuant to M.S., Section 469.177, no demolition, rehabilitation or renovation of property or other site preparation, including qualified improvement of a street adjacent to a parcel but not installation of utility service including sewer or water systems, has been commenced on a parcel located within a tax increment financing district by the authority or by the owner of the parcel in accordance with the tax increment financing plan, no additional tax increment may be taken from that parcel and the original net tax capacity of that parcel shall be excluded from the original net tax capacity of the tax increment financing district. If the authority or the owner of the parcel subsequently commences demolition, rehabilitation or renovation or other site preparation on that parcel including qualified improvement of a street adjacent to that parcel, in accordance with the tax increment financing plan, the authority shall certify to the county auditor that the activity has commenced and the county auditor shall certify the net tax capacity thereof as most recently certified by the commissioner of revenue and add it to the original net tax capacity of the tax increment financing district. The county auditor must enforce the provisions of this subdivision. The authority must submit to the county auditor evidence that the required activity has taken place for each parcel in the district. The evidence for a parcel must be submitted by February 1 of the fifth year following the year in which the parcel was certified as included in the district. For purposes of this subdivision, qualified improvements of a street are limited to (1) construction or opening of a new street, (2) relocation of a street, and (3) substantial reconstruction or rebuilding of an existing street.

The City or a property owner must improve parcels within the District by approximately July 2017 and report such actions to the County Auditor.

Subsection 2-20. Use of Tax Increment

The City hereby determines that it will use 100 percent of the captured net tax capacity of taxable property located in the District for the following purposes:

1. To pay the principal of and interest on bonds issued to finance a project;
2. To finance, or otherwise pay the capital and administration costs of Municipal Development District No. 2 pursuant to *M.S., Sections 469.124 to 469.134;*
3. To pay for project costs as identified in the budget set forth in the TIF Plan;
4. To finance, or otherwise pay for other purposes as provided in *M.S., Section 469.176, Subd. 4;*
5. To pay principal and interest on any loans, advances or other payments made to or on behalf of the City or for the benefit of Municipal Development District No. 2 by a developer;
6. To finance or otherwise pay premiums and other costs for insurance or other security guaranteeing the payment when due of principal of and interest on bonds pursuant to the TIF Plan or pursuant to *M.S., Chapter 462C. M.S., Sections 469.152 through 469.165, and/or M.S., Sections 469.178;* and

7. To accumulate or maintain a reserve securing the payment when due of the principal and interest on the tax increment bonds or bonds issued pursuant to *M.S., Chapter 462C, M.S., Sections 469.152 through 469.165, and/or M.S., Sections 469.178.*

These revenues shall not be used to circumvent any levy limitations applicable to the City nor for other purposes prohibited by *M.S., Section 469.176, Subd. 4.*

Tax increments generated in the District will be paid by Ramsey County to the City for the Tax Increment Fund of said District. The City will pay to the developer(s) annually an amount not to exceed an amount as specified in a developer's agreement to reimburse the costs of land acquisition, public improvements, demolition and relocation, site preparation, and administration. Remaining increment funds will be used for City administration and pooling option (up to 25 percent) and the costs of public improvement activities outside the District.

Subsection 2-21. Excess Increments

Excess increments, as defined in *M.S., Section 469.176, Subd. 2,* shall be used only to do one or more of the following:

1. Prepay any outstanding bonds;
2. Discharge the pledge of tax increment for any outstanding bonds;
3. Pay into an escrow account dedicated to the payment of any outstanding bonds; or
4. Return the excess to the County Auditor for redistribution to the respective taxing jurisdictions in proportion to their local tax rates. The City must spend or return the excess increments under paragraph (c) within nine months after the end of the year. In addition, the City may, subject to the limitations set forth herein, choose to modify the TIF Plan in order to finance additional public costs in Municipal Development District No. 2 or the District.

Subsection 2-22. Requirements for Agreements with the Developer

The City will review any proposal for private development to determine its conformance with the Development Program and with applicable municipal ordinances and codes. To facilitate this effort, the following documents may be requested for review and approval: site plan, construction, mechanical, and electrical system drawings, landscaping plan, grading and storm drainage plan, signage system plan, and any other drawings or narrative deemed necessary by the City to demonstrate the conformance of the development with City plans and ordinances. The City may also use the Agreements to address other issues related to the development.

Pursuant to *M.S., Section 469.176, Subd. 5,* no more than 25 percent, by acreage, of the property to be acquired in the District as set forth in the TIF Plan shall at any time be owned by the City as a result of acquisition with the proceeds of bonds issued pursuant to *M.S., Section 469.178* to which tax increments from property acquired is pledged, unless prior to acquisition in excess of 25 percent of the acreage, the City concluded an agreement for the development of the property acquired and which provides recourse for the City should the development not be completed.

Subsection 2-23. Assessment Agreements

Pursuant to *M.S., Section 469.177, Subd. 8,* the City may enter into a written assessment agreement in recordable form with the developer of property within the District which establishes a minimum market value of the land and completed improvements for the duration of the District. The assessment agreement shall be presented to the

County Assessor who shall review the plans and specifications for the improvements to be constructed, review the market value previously assigned to the land upon which the improvements are to be constructed and, so long as the minimum market value contained in the assessment agreement appears, in the judgment of the assessor, to be a reasonable estimate, the County Assessor shall also certify the minimum market value agreement.

Subsection 2-24. Administration of the District

Administration of the District will be handled by the City Manager.

Subsection 2-25. Annual Disclosure Requirements

Pursuant to *M.S., Section 469.175, Subds. 5, 6, and 6b* the City must undertake financial reporting for all tax increment financing districts to the Office of the State Auditor, County Board and County Auditor on or before August 1 of each year. *M.S., Section 469.175, Subd. 5* also provides that an annual statement shall be published in a newspaper of general circulation in the City on or before August 15 .

If the City fails to make a disclosure or submit a report containing the information required by *M.S., Section 469.175 Subd. 5 and Subd. 6*, the OSA will direct the County Auditor to withhold the distribution of tax increment from the District.

Subsection 2-26. Reasonable Expectations

As required by the TIF Act, in establishing the District, the determination has been made that the anticipated development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the TIF Plan. In making said determination, reliance has been placed upon written representation made by the developer to such effects and upon City staff awareness of the feasibility of developing the project site(s) within the District. A comparative analysis of estimated market values both with and without establishment of the District and the use of tax increments has been performed as described above. Such analysis is included with the cash flow in Appendix D, and indicates that the increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the District and the use of tax increments.

Subsection 2-27. Other Limitations on the Use of Tax Increment

1. General Limitations. All revenue derived from tax increment shall be used in accordance with the TIF Plan. The revenues shall be used to finance, or otherwise pay the capital and administration costs of Municipal Development District No. 2 pursuant to *M.S., Sections 469.124 to 469.134*. Tax increments may not be used to circumvent existing levy limit law. No tax increment may be used for the acquisition, construction, renovation, operation, or maintenance of a building to be used primarily and regularly for conducting the business of a municipality, county, school district, or any other local unit of government or the state or federal government. This provision does not prohibit the use of revenues derived from tax increments for the construction or renovation of a parking structure.
2. Pooling Limitations. At least 75 percent of tax increments from the District must be expended on activities in the District or to pay bonds, to the extent that the proceeds of the bonds were used to finance activities

within said district or to pay, or secure payment of, debt service on credit enhanced bonds. Not more than 25 percent of said tax increments may be expended, through a development fund or otherwise, on activities outside of the District except to pay, or secure payment of, debt service on credit enhanced bonds. For purposes of applying this restriction, all administrative expenses must be treated as if they were solely for activities outside of the District.

3. Five Year Limitation on Commitment of Tax Increments. Tax increments derived from the District shall be deemed to have satisfied the 80 percent test set forth in paragraph (2) above only if the five year rule set forth in *M.S., Section 469.1763, Subd. 3*, has been satisfied; and beginning with the sixth year following certification of the District, 80 percent of said tax increments that remain after expenditures permitted under said five year rule must be used only to pay previously committed expenditures or credit enhanced bonds as more fully set forth in *M.S., Section 469.1763, Subd. 5*.

Subsection 2-27. Summary

The City of Shoreview is establishing the District will provide assistance to Elevage Development Group (EDG) to redevelop five parcels. The Property resides immediately north of 1-694 on Rice Street and includes a commercial lot on the northwest corner of Rice Street and County Road E and two residential properties to the immediate west and two residential properties to the north along Rice Street. EDG plans to coordinate and construct a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space. Project is expected to generate private investment exceeding \$30 million.

The TIF Plan for the District was prepared by Kirstin Barsness, Development Consultant, 29770 Broadway Street Lindstrom, telephone 651-408-1032. Reviewed by Robert Deike, attorney, Bradley & Deike, 4018 West 65th Street Suite 100, Edina, Minnesota 55435, telephone 952-926-5337.

Appendix A

Project Description

The proposed Tax Increment District No. 10 (the "District") will provide assistance to Elevage Development Group (EDG) to redevelop five parcels. The Property resides immediately north of 1-694 on Rice Street and includes a commercial lot on the northwest corner of Rice Street and County Road E and two residential properties to the immediate west and two residential properties to the north along Rice Street. EDG plans to coordinate and construct a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space. Project is expected to generate private investment exceeding \$30 million.

The City will provide tax increment assistance on as a pay -as-you-go basis.

(Excerpt for Project Application)

THE PROJECT'S HOLISTIC AND INTEGRATED DESIGN, CREATES A BENCHMARK FOR FUTURE DEVELOPMENT

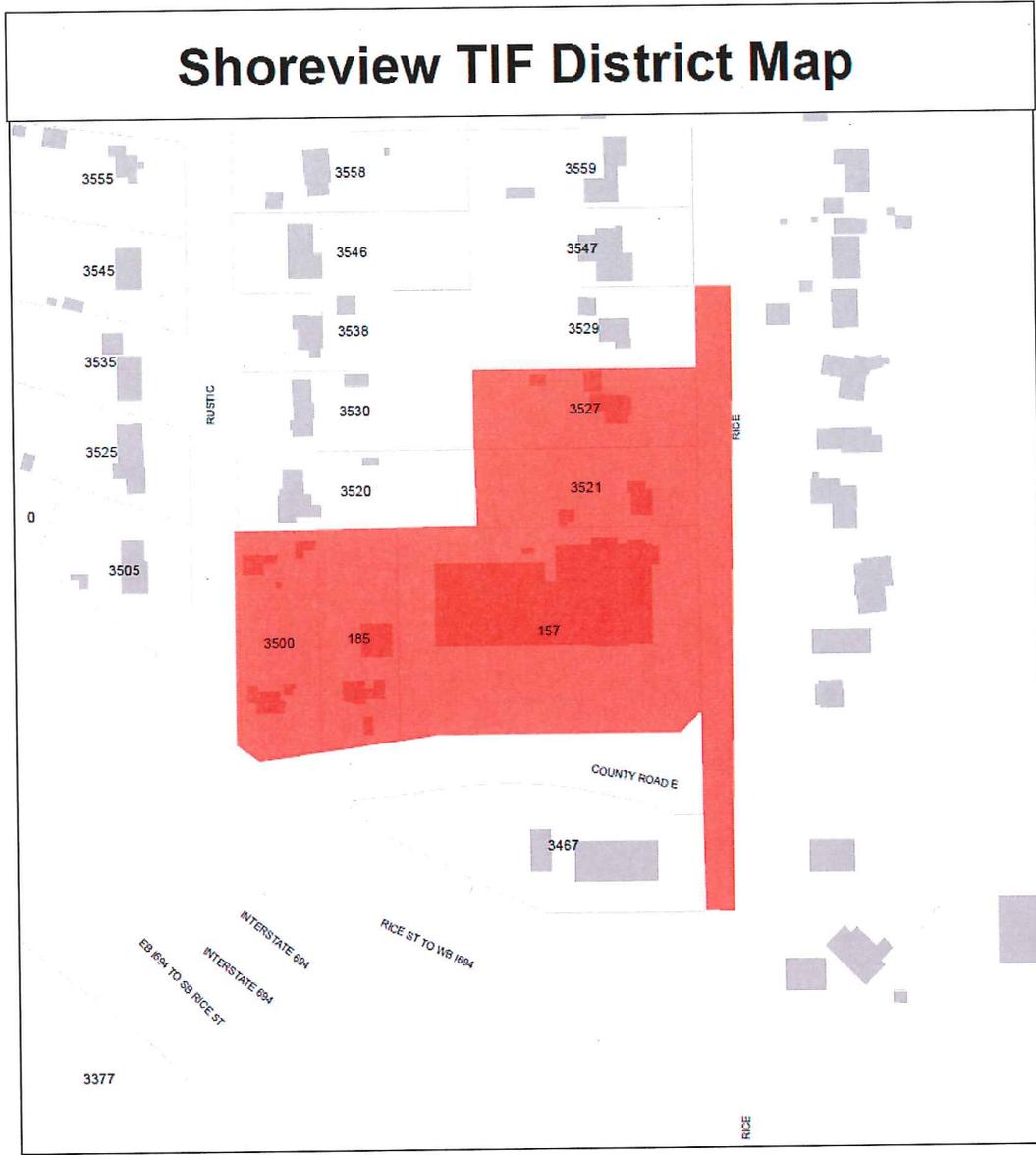
The Project has been designed to ensure a sense of community, to meet the needs of City as a whole, and to mitigate any impacts to existing homes. The apartment building is set back from the northern property line more than 75 feet. To the west, ESG has created a transition from high-density apartments to the existing single-family homes with 14 market-rate rental townhomes. Like the apartments, the townhomes are designed to attract "renters by choice." The townhomes will be built with all the exterior and interior amenities that renters-by- choice demand. The entire Property will be linked by a trail system and provide considerable outdoor amenities such as a large dog run, a pool area, outdoor game areas, and significant open space.

The Project will also contain modern sustainability features. It will have underground cisterns to hold and gradually release all rainwater captured on the Property. The green spaces will be developed using fescue grass rather than sod, which will dramatically reduce water needs. The design will offer a pedestrian- and transit-oriented community that allows residents to live, work, and play without the dependence on daily automobile usage. The development team is committed to the sustainable design principles reflected in the Comp Plan. Our sustainable design mission is to promote livable communities through the use of energy efficient systems, green building practice, reduced dependency on automobiles, creative density, high-quality pedestrian and bicycle options, and preservation of natural resources. This mixed-use project will feature a series of green elements including green construction and demolition practices, green material specifications, thermal high-efficiency windows, and exterior envelope systems, and participation in the Xcel Energy Design Assistance Program.

A key feature of the Project is the link between the residential density and the retail component. As designed, the "right" retail is critical to maximize the success of the apartments and the residential density is key to ensuring the retail tenants will become vibrant and successful members of the community. In the concept design, we called for stand-alone retail that would be outward focused and designed to pull customers into the Property.

Appendix B

Map of Tax Increment District No. 10 Elevage Development Group



TIF District 10



City of Shoreview Community Development Department
March 4, 2016

Appendix C

Description of Property to be Included in the District

The District encompasses the following portions of property and adjacent rights-of-way and abutting roadways identified by the parcel listed below.

PARCEL NUMBERS	PERCENT IN TO BE IN DISTRICT	OWNER
36.30.23.11.0038	100%	Elevage Shoreview Holdings, LLC
36.30.23.11.0035	100%	Elevage Shoreview Holdings, LLC
36.30.23.11.0011	100%	Elevage Shoreview Holdings, LLC
36.30.23.11.0009	100%	Elevage Shoreview Holdings, LLC
36.30.23.11.0008	100%	Thomas & Karen Johnson

Appendix D

Assumptions and Rates	
District Type	Redevelopment
Inflation Rate - Every _ Years	0.00%
Interest Rate:	4.50%
Note Issued Date (Present Value Date):	01-Aug-16
Local Tax Rate - Frozen	129.1430%
Fiscal Disparities Election (A - outside or B inside)	A
Year District was certified	Pay 2016
Assumes First Tax Increment For District	2018
Years of Tax Increment	26
Assumes Last Year of Tax Increment	2043
Fiscal Disparities Ratio	38.7515%
Fiscal Disparities Metro Wide Tax Rate	150.26%
Local Tax Rate - Current	129.1430%
State Wide Property Tax Rate (Used for total taxes)	49.00%
Market Value Tax Rate (used for total taxes)	0.22212%
Commercial Industrial Class Rate(preferred)	1.5%-2.0%
First 150,000	1.50%
Over 150,000	2.00%
Commerical Industrial Class Rate (C	2.00%
Rental Class Rate	1.25%
Residential Class Ra - Under \$500,000	1.00%
Over \$500,000	1.25%

Base Value Information (original tax capacity)									
PID	Land Market Value	Building Market Value	Percentage of value used for District	Total Original Market Value*	Tax Year Original Market Value	Property Tax Class Rate	Original Tax Capacity	Tax rate After Conversion	After Conversion Orig. Tax Cap.
36.30.23.11.0038	971,400	128,600	100%	1,100,000	2016	Commercial	22,000	Rental	13,750
36.30.23.11.0035	114,600	38,100	100%	152,700	2016	Res Hstd	1,527	Rental	1,909
36.30.23.11.0011	94,100	16,000	100%	110,100	2016	Res Hstd	1,101	Rental	1,376
36.30.23.11.0008	106,700	92,400	100%	199,100	2016	Res Hstd	1,991	Rental	2,489
36.30.23.11.0009	106,700	37,600	100%	144,300	2016	Res Non-Hstd	1,804	Rental	1,804
				1,706,200			28,423		21,328

PROJECT INFORMATION							
Use	Total Sq. Ft./Units	Est. Market Value Per Unit*	Total Estimated Market Value	Property Tax Class Rate	Project Tax Capacity	Percent Completed 2018	First Year Full Taxes Payable
Apartments	134	184,903	24,777,000	Rental	309,713	100%	2019
Retail Commerical	6800	203	1,381,000	Com/Ind	27,620	100%	2019
Townhomes	14	251,929	3,527,000	Rental	44,088	100%	2019
TOTAL			29,685,000		381,420		

Note:
1. Market values are based upon estimates from Ramsey County Assessor's Office Feb 2016

TAX CALCULATIONS						
Use	Total Tax Capacity	Local Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes
Apartments	309,713	399,972		0	0	399,972
Retail Commerical	27,620	35,669		13,534	3,067	52,271
Townhomes	44,088	56,936	Outside Election	0	0	56,936
TOTAL	381,420	492,577		13,534	3,067	509,178

Note:
1. Taxes and tax increment will vary significantly from year to year depending upon value, rates, state laws and other factors.
2. Development Program is located in School District #621
3. Fiscal Disparities Election is being taken from outside the TIF District

TAX INCREMENT CASH FLOW											
Project Tax Capacity	Original Tax Capacity	Captured Tax Capacity	Annual Gross Tax Increment	Semi-Annual Gross Tax Increment	State Auditor 0.36%	City at 25.00%	Semi-Annual Net Tax Increment	Semi-Annual Present Value	PERIOD ENDING Yrs.	Tax Year	Payment Date
											8/1/2016
											2/1/2017
											8/1/2017
											2/1/2018
											8/1/2018
											2/1/2019
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	169,936	0.5	2019	8/1/2019
				232,517	837	57,920	173,760	336,134	1.0	2019	2/1/2020
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	498,673	1.5	2020	8/1/2020
				232,517	837	57,920	173,760	657,637	2.0	2020	2/1/2021
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	813,102	2.5	2021	8/1/2021
				232,517	837	57,920	173,760	965,146	3.0	2021	2/1/2022
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	1,113,845	3.5	2022	8/1/2022
				232,517	837	57,920	173,760	1,259,271	4.0	2022	2/1/2023
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	1,401,498	4.5	2023	8/1/2023
				232,517	837	57,920	173,760	1,540,594	5.0	2023	2/1/2024
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	1,676,630	5.5	2024	8/1/2024
				232,517	837	57,920	173,760	1,809,672	6.0	2024	2/1/2025
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	1,939,787	6.5	2025	8/1/2025
				232,517	837	57,920	173,760	2,067,039	7.0	2025	2/1/2026
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	2,191,491	7.5	2026	8/1/2026
				232,517	837	57,920	173,760	2,313,203	8.0	2026	2/1/2027
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	2,432,238	8.5	2027	8/1/2027
				232,517	837	57,920	173,760	2,548,654	9.0	2027	2/1/2028
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	2,662,507	9.5	2028	8/1/2028
				232,517	837	57,920	173,760	2,773,855	10.0	2028	2/1/2029
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	2,882,754	10.5	2029	8/1/2029
				232,517	837	57,920	173,760	2,989,255	11.0	2029	2/1/2030
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	3,093,414	11.5	2030	8/1/2030
				232,517	837	57,920	173,760	3,195,280	12.0	2030	2/1/2031
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	3,294,905	12.5	2031	8/1/2031
				232,517	837	57,920	173,760	3,392,337	13.0	2031	2/1/2032
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	3,487,626	13.5	2032	8/1/2032
				232,517	837	57,920	173,760	3,580,817	14.0	2032	2/1/2033
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	3,671,958	14.5	2033	8/1/2033
				232,517	837	57,920	173,760	3,761,094	15.0	2033	2/1/2034
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	3,848,268	15.5	2034	8/1/2034
				232,517	837	57,920	173,760	3,933,523	16.0	2034	2/1/2035
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,016,903	16.5	2035	8/1/2035
				232,517	837	57,920	173,760	4,098,448	17.0	2035	2/1/2036
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,178,199	17.5	2036	8/1/2036
				232,517	837	57,920	173,760	4,256,194	18.0	2036	2/1/2037
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,332,474	18.5	2037	8/1/2037
				232,517	837	57,920	173,760	4,407,075	19.0	2037	2/1/2038
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,480,034	19.5	2038	8/1/2038
				232,517	837	57,920	173,760	4,551,388	20.0	2038	2/1/2039
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,621,171	20.5	2039	8/1/2039
				232,517	837	57,920	173,760	4,689,420	21.0	2039	2/1/2040
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,756,166	21.5	2040	8/1/2040
				232,517	837	57,920	173,760	4,821,443	22.0	2040	2/1/2041
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	4,885,285	22.5	2041	8/1/2041
				232,517	837	57,920	173,760	4,947,721	23.0	2041	2/1/2042
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	5,008,783	23.5	2042	8/1/2042
				232,517	837	57,920	173,760	5,068,502	24.0	2042	2/1/2043
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	5,126,907	24.5	2043	8/1/2043
				232,517	837	57,920	173,760	5,184,026	25.0	2043	2/1/2044
381,420	21,328	360,093	465,034	232,517	837	57,920	173,760	5,239,889	25.5	2044	8/1/2044
Totals				11,858,374	42,690	2,953,921	8,861,763				
Present Value Date 8-1-16				7,011,761	25,242	1,746,630	5,239,889				

NOTES:

1. Assumes development begins construction in 2016, fully assessed in 2018 and first increment is paid in 2019.
2. Amount of increment will vary depending upon market value, tax rates, class rates, construction schedule and inflation on Market Value.

Appendix E

Findings Including But/For Qualifications

The reasons and facts supporting the findings for the adoption of the Tax Increment Financing Plan for Tax Increment Financing District No. 10 as required pursuant to *M.S., Section 469.175, Subd. 3* are as follows:

1. *Finding that the Tax Increment Financing District No. 10 is a redevelopment district as defined in M.S., Section 469.174, Subd. 10. Tax Increment Financing District No. 10 is a contiguous geographic area within the City's Municipal Development District No. 2, delineated in the TIF Plan, for the purpose of financing redevelopment in the City through the use of tax increment. The District is in the public interest because it will assist the developer with site preparation, parking facilities, remediation and demolition, trail and landscape improvements, storm water management and other TIF eligible improvements.*

The TIF will provide assistance to Elevage Development Group (EDG) to redevelop five parcels that are located north of 1-694 on Rice Street. EDG plans to coordinate and construct a mixed-use project comprised of 14 market-rate rental townhomes, 134 units of market-rate apartments, approximately 6,800 square feet of resident-focused retail, high-end amenities, and significant open space.

Additionally, it will increase construction employment in the state, and preserve and enhance the tax base of the state.

2. *Finding that the proposed development, in the opinion of the City Council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of Tax Increment Financing District No. 10 permitted by the TIF Plan.*

The proposed development, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future: It is the City's finding that the site configuration, limited geographic area, and blighted conditions create a redevelopment site that is only successful through remediation, vertical density, underground parking facilities, and the incorporation of the underground storm water management system. These elements add additional expense to the project that it would not encounter is building on an undeveloped site.

The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan: The City supported this finding on the grounds that the cost of remediation, the need to install an underground storm water management system in order to accommodate a higher density development parking (the majority is underground due to site size limitations) add to the total development costs if solely paid by the developer. The City reasonably determines that no other development of similar scope is anticipated on this site without substantially similar assistance being provided to the development given the site configuration, remediation needs, limited buildable area and parking considerations.

Therefore, the City concludes as follows:

- a. The City's estimate of the amount by which the market value of the entire District will increase without the use of tax increment financing is \$0.
- b. If the proposed development occurs, the total increase in market value will be \$ 27,978,800 (see Appendix D and E of the TIF Plan)
- c. The present value of tax increments from the District for the maximum duration of the district permitted by the TIF Plan is estimated to be \$ 6,986,519 (see Appendix D of the TIF Plan).
- d. Even if some development other than the proposed development were to occur, the Council finds that no alternative would occur that would produce a market value increase greater than \$20,469,350 (the amount in clause b less the amount in clause c) without tax increment assistance.

But-For Analysis	
Current Market Value	1,706,200
New Market Value - Estimate	29,685,000
Difference	27,978,800
Present Value of Tax Increment	6,986,519
Difference	20,992,281
Value Likely to Occur without TIF is less than	\$ 20,992,281

3. *Finding that the TIF Plan for Tax Increment Financing District No. 10 conforms to the general plan for the development or redevelopment of the municipality as a whole.*

The Planning Commission reviewed the TIF Plan and found that the TIF Plan conforms to the general development plan of the City.

4. *Finding that the Tax Increment Financing Plan for Tax Increment Financing District No. 10 will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development of Municipal Development District No. 2 by private enterprise.*

The project to be assisted by the District will result in increased employment in the City and the State of Minnesota by the use of construction employment and sustainable employment in the retail component, increased tax base of the State, remediate four blighted properties within the City, and add a high quality development to the City.

Appendix E
TIF Blight Qualification Report

Proposed Motion

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution No. 16-18, finding that the modification to Development District No. 2 and Tax Increment Financing Plan for the proposed creation of Tax Increment Financing District No. 10 (a Redevelopment District) for the mixed-use redevelopment project by the Elevage Development Group, conforms to the general development and redevelopment plans of the City, as described in the *Comprehensive Plan* and other related policies.

VOTE:

AYES: _____

NAYS: _____

Planning Commission Meeting
March 22, 2016

TO: Planning Commission and Environmental Quality Committee
FROM: Kathleen Castle, City Planner
DATE: March 18, 2016
SUBJECT: Text Amendment – Beekeeping

Introduction

The City Staff has been asked to develop regulations permitting beekeeping in residential zoning districts. The City has received a number of inquiries from residents who are interested in producing honey and/or addressing the decline in the bee population by establishing back-yard bee hives. In recent years, several other suburban communities have revised local ordinances to permit beekeeping in residential areas.

Development Code

In the R1, Detached Residential District, the keeping of non-domestic animals is permitted on property containing two or more acres. Bees are defined as a non-domestic animal. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if the Council determines that it is in the best interest of the public's health, safety and general welfare. The ordinance does provide an exemption for chickens provided a license is obtained.

Ordinance Considerations

The Staff reviewed the ordinances adopted by other communities and information from the Minnesota Hobby Beekeeper's Association (MHBA) and the University of Minnesota Extension Office. A copy of the model ordinance from the MHBA is attached. Attachment A also compares regulations adopted by other metropolitan area communities.

The following summarizes key considerations for an ordinance regulation beekeeping.

License Requirement

The City requires a license for dogs, cats, chickens and wild animals. The Staff is proposing that a bi-annual license be required for beekeeping in order to track the location of beekeeping activity in the community and monitor for compliance. This is consistent with the licensing required for the keeping of chickens.

The Conditional Use Permit requirement for properties over 2 acres would remain if for some reason the Council was concerned about the general welfare.

Beekeeping Regulations

The following topics should be addressed and incorporated into any future ordinance allowing the keeping of bees within the City.

Definitions. Definitions are needed to define terms used within the proposed ordinance, including but not limited to colony, hive, apiary and beekeeper.

Zoning. While there has been interest in beekeeping on single-family residential properties, this type of use could occur on non-residential properties. The raising of bees can be viable on non-residential properties and are suitable on flat-roofed structures. In some instances, communities require bee-keeping occur only when the owner is occupying the property or has consented to beekeeping on the property.

Location of Apiary/Setback Requirements. The apiary (hive and honey comb) should be kept from public view and located in the rear or side yards. Apiaries should also maintain a minimum setback from a property line and adjoining residential dwelling unit.

Colony Density. Colony density refers to the number of hives permitted. The number of permitted hives is generally related to lot size, however, some ordinances have a maximum limit regardless of lot size.

Neighbor Notification. A number of communities require notification of nearby neighbors as part of the registration, permitting or licensing process. In some cases, notification is a courtesy while other communities require consent. For some permits, the City is required to notify nearby property owners after the permit is issued. This intent is to inform nearby property owners that the proposed activity or use has been reviewed by the City and complies with the Code requirements. When consent of nearby property owners is required, in Staff's opinion, the review becomes less objective because it is no longer based on the performance standards cited in the Code.

Other. Other standards found in ordinances relate to education/training requirements, sale of honey/home occupation, need for a water source, inspections and compliance/enforcement.

Recommendation

The Staff has been asked to prepare an ordinance permitting beekeeping in the City. Information regarding beekeeping and ordinance considerations is being presented to the Planning Commission and Environmental Quality Committee for review and discussion.

Attachments

- 1) Attachment A – Ordinance Comparison
- 2) MHBA Model Ordinance

MODEL BEEKEEPING ORDINANCE

prepared by the
Minnesota Hobby Beekeepers Association

This model ordinance is not intended to be adopted without legal review by counsel representing the jurisdiction considering it. Like any proposed ordinance, it must be reconciled with existing ordinances and may be revised to fit community standards and needs. Our purpose in advancing the model ordinance is to offer a document with the apicultural framework we believe will enable hobbyist and sideliner beekeepers to safely and successfully pursue this pleasurable and economically, culturally and agriculturally critical activity in urban and suburban areas.

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, and to Minnesota in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Minnesota is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed;

NOW THEREFORE, be it ordained and enacted by _____:

Section 1. Preamble Adopted.

That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

Section 2. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

- 2.1 "Apiary" means the assembly of one or more colonies of bees at a single location.
- 2.2 "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- 2.3 "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

- 2.4 “Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- 2.5 “Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.
- 2.6 “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.
- 2.7 “Lot” means a contiguous parcel of land under common ownership.
- 2.8 “Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- 2.9 “Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Section 3. Purpose of Ordinance.

- 3.1 The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.
- 3.2 Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper’s efforts to abate any proven nuisance.
- 3.3 Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper’s compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

Section 4. Standards of Practice.

- 4.1 Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- 4.2 Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.
- 4.3 Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- 4.4 For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a

hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.

- 4.5 Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

Section 5 Colony Density.

- 5.1 Except as otherwise provided in this ordinance, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the apiary lot line (1) is undeveloped, or (2) is zoned agricultural, industrial or is outside of the City limits, or (3) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.
- 5.2 No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size or configuration of the apiary lot:

a. One half acre or smaller lot	2 colonies
b. Larger than 1/2 acre but smaller than 3/4 acre lot	4 colonies
c. Larger than 3/4 acre lot but smaller than 1 acre lot	6 colonies
d. One acre but smaller than 5 acres	8 colonies
e. Larger than 5 acres	no restriction
- 5.3 Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection.
- 5.4 If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

Section 6. Inspection.

A designated City official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

Section 7. Presumed Colony/Hive Value.

For the purpose of enforcing City ordinances against destruction of property, each colony/hive shall be presumed to have a value of \$275.

Section 8. Compliance.

- 8.1 Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, [the designated City official] shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, [the designated City official] shall cause a written notice of hearing to be issued to the beekeeper, which notice shall set forth:
- a. The date, the time and the place that the hearing will be held, which date shall be not less than 30 days' from the date of the notice;
 - b. The violation alleged;
 - c. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses and request a court reporter, and
 - d. That if [the designated City official] finds that they have been kept in violation of this ordinance, and if the violation is not remediated within the time allowed, the bees may be ordered removed and/or destroyed.

Notices shall be given by certified US Mail return receipt requested or personal delivery. However, if the beekeeper cannot be located, then notice may be given by publication in a legal newspaper for the county in which the apiary property is located, at least seven days before the hearing.

- 8.2 The hearing shall be conducted by [the designated City official]. The burden shall be on the City to demonstrate by a preponderance of evidence that the colony or colonies have been kept in violation of this ordinance. If [the designated City official] finds a violation, then he/she may order that the bees be removed from the City or such other action as may address the violation, and that the apiary lot be disqualified for permitting under this ordinance for a period of 2 years from the date of the order, the apiary lot ownership changes, in which case the prohibition shall terminate. If the order has not been complied with within 20 days of the order, the City may remove or destroy the bees and charge the beekeeper with the cost thereof. Upon destruction of bees by the City, all equipment shall be returned by the City to the beekeeper, with expenses of

transportation to be paid by the beekeeper. The City's destruction of the bees shall be by a method that will not damage or contaminate the equipment, include wax foundation.

- 8.3 The decision of the hearing officer may be appealed by the beekeeper as provided in the City's rules and procedures. If no provision for appeal exists, then the beekeeper may file a notice of appeal with the City secretary within 15 days of the date the order is placed in US Mail to the beekeeper, or 10 days if the decision is announced at the hearing by [the designated City official]. An appeal shall not stay [the designated City official]'s decision, and the beekeeper shall be required to comply with such order pending the outcome of the appeal.
- 8.4 No hearing and no order shall be required for the destruction of honey bees not residing in a hive structure that is intended for beekeeping.

Section 9. Savings Clause.

In the event any part of this ordinance or its application to any person or property is held to be unenforceable for any reason, the unenforceability thereof will not affect the enforceability and application of the remainder of this ordinance, which will remain in full force and effect.

Section 10. Effective Date.

This ordinance shall become effective on _____, 20_____.

ATTACHMENT A
(March 18, 2016)

Community	License/Permit required	Fee	Zoning	Location	Setback Requirements	Colony Density	Neighborhood Notification
Model Ordinance					Flyway barrier required if within 25' of lot line	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction No limit if undeveloped land within 200-foot radius of hive	
Minneapolis	Annual Permit	\$100 Initial \$50 Renewal	Residential and non-residential		Flyway barrier required if within 25' of lot line Exception for rooftop hives	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction No limit if undeveloped land within 200-foot radius of hive	Yes – Written consent 80% of property owners within 100 feet of property and signatures of 100% of occupants adjoining the property Exception for rooftop hives
Bloomington			Residential Non-residential*	Not permitted in front yard	100' – residential lot line 150' – adjoining dwelling unit on neighboring lot		
Stillwater	Permit		Single-family residential properties with one exception for two-family properties		Flyway barrier required if within 25' of lot line	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction	Yes – within 150-foot property lines – 10 day comment period
Edina	Annual Registration	\$20	Residential	Not permitted in front yard	10' – lot line 20' – adjacent dwelling unit 20' – public sidewalk	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction If undeveloped land within 200-foot radius of hive: 12	Yes – within 200 feet
Eden Prairie	Annual Registration	None		Not permitted in front yard – less than 10 acres	10' - lot line 10' - dwelling unit Flyway barrier required if within 25' of lot line	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction No limit if undeveloped land within 200-foot radius of hive	Yes – within 200 feet – 30 day comment period
Mounds View	License – Public Hearing – City Council		Single-Family	Rear yard only – hives must face towards lot interior	10' – lot line and dwelling on subject property 25' – trail or walkway	4	
White Bear Lake	License – 5 years	\$30	Single-Family Two-Family	Not permitted in the front yard	10' – lot line 25' – dwelling unit on adjoining lot Flyway barrier required if within 20' of lot line	4	Written consent from property owners within 100 feet

*Bloomington's ordinance has different standard for non-residential properties