

Presentation by City Planner Kathleen Castle

The application is for a Comprehensive Sign Plan Amendment at Gramsie Square to add advertisement for a new tenant, Minnoco Fuel Station, to the existing free-standing sign. The proposed sign will use the same pole as the existing sign.

The approved Comprehensive Sign Plan for this site includes:

- Wall signs for the shopping center
- Pylon Sign:
 - Maximum height of 25 feet
 - Maximum sign area of 80 square feet
 - Price display area of 6 square feet
 - Advertisement of Gramsie Square with address
 - Tenant panels that are uniform in color and lettering

The pylon sign exceeds Code standards for height and area, but complies with the current approved Comprehensive Sign Plan. No deviations are proposed. The maximum additional area for the gas price display is 6 square feet.

The name and address of the center will remain dominant. The proposed color change and fonts are reasonable for this multi-tenant building and are consistent with the wall signs. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Ferrington referred to page 3 and noted the expectation of a second amendment. She asked for further explanation. Ms. Castle explained that there is a sign on the canopy that was not approved which will require a Comprehensive Sign Plan Amendment. That change was not included with this application because there are two different sign companies working on the signage, and it is important to the tenant that gas prices be posted as soon as possible.

Commissioner Ferrington asked the number of gas prices that will be posted. Ms. Castle stated that although more fuel types are offered than what the sign will show, two gas prices will be posted.

Chair Solomonson asked if the City prefers monument signs over pylon signs and whether a monument sign was discussed. Ms. Castle answered that both types of signs are permitted. A monument sign was not discussed.

Mr. Matt Duffy stated that he represents the applicant, Tom Schuette. He stated that the main request is for different colors and fonts.

Commissioner Solomonson asked the hours of operation of the gas station and the hours when the sign is lit. **Mr. Duffy** answered that the gas prices will be displayed 24 hours a day. When it is dark, there is a light that will come on to illuminate the tenant signs.

Commissioner McCool asked if the colors will be what is shown in the plan. **Mr. Duffy** stated that he put the colors in to show what it might look like. The tenants will choose the colors. He is unaware of any limitations the owner would put on tenants regarding sign colors. He believes each tenant will be able to choose. Commissioner McCool requested a condition that would link the sign colors with the building signage.

Chair Doan opened the discussion to public comment.

Mr. Tom Fishlove, 845 Gramsie Road, asked the strength of the illumination at night and the distance the light will be broadcast, whether it will impact any neighboring residents. **Mr. Duffy** stated he does not have exact numbers, but the LED lighting has dimming capabilities. The sign will comply with City limitations.

Commissioner Ferrington asked if there is a time restriction on the current illuminated sign. Ms. Castle stated that the City does not have time restrictions in the Code.

Commissioner Peterson stated that he, too, has a concern that the sign be dimmed consistent with other signs recently approved. Ms. Castle responded that restrictions have been placed on reader board message signs but not pylon signs. She asked if the gas station is open 24 hours and whether a time limit on the sign would have an impact. **Mr. Duffy** stated that his company has had to comply with reader board message sign restrictions, but has never had a request for lighting in and interior cabinet to be shut off. Ms. Castle clarified that the City has no restrictions for this type of sign but noted that there are residents across Rice Street in Vadnais Heights.

Commissioner Solomonson agreed with Commissioner McCool regarding color. He would like to see one color unless if there is a logo.

Commissioner Ferrington responded that colors and fonts are important for business identification. If this is a quality center, the landlord will not allow signage that does not fit with the development.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to recommend the City Council approve the Comprehensive Sign Plan Amendment of Tyme Properties, subject to the two conditions listed and the addition of condition No. 3:

1. The sign shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation of any sign on the property.
3. The colors and fonts used within the individual tenant panels on the pylon sign must be consistent with the colors and fonts used in such tenants' building signs.

Findings of Fact:

1. The Comprehensive Sign Plan is consistent with prior City approvals for the project.

The drainage pattern flows to a wetland area and to Gramsie Pond to the southwest. The storm water management plan complies with Shoreview and Rice Creek Watershed standards for water quality, quantity, best management and erosion control practices. An infiltration basin in the undeveloped Gramsie Road right-of-way will be used to treat storm water. Staff prefers the location of the infiltration basin in the right-of-way west of the Gramsie Road terminus because Gramsie Road right-of-way is not being developed for the foreseeable future. The location west of the terminus will allow better maintenance by the City. The storm water plan complies with City standards.

Proposed grading of the site shows that one of 17 landmark trees will be removed. Tree removal, tree protection and replacements plans are required with the final grading plan. Replacement trees are required at a rate of 3 replacement trees for each landmark tree removed.

The ghost plat shows Outlot A for future development, but it is not binding and does not mean that the neighboring properties are in agreement with the plan. There are concerns about future development of Outlot A due to limited access because of wetland areas. Staff's recommendation is that the applicant study the feasibility of access from the north or west. Staff also recommends consideration of preservation of this property due to limited access.

Staff finds that the proposal is reasonable. The subdivision complies with R1 zoning regulations in lot size and width requirements. Staff agrees that the 80-foot right-of-way is larger than a City street. Approval of the variance will not alter the character of the neighborhood.

Notices were mailed to property owners within 350 feet of the subject property. Eight comments were received expressing concerns about reduced lot width, impact on wetland and wildlife, increased traffic on Gramsie Road. The increased traffic and noise will alter the character of the neighborhood.

The DNR has expressed concern about the development of the ghost plat with a road crossing wetland where Gramsie Pond flows into Island Lake. Such a road would be almost entirely within the 50 feet OHW setback for Island Lake and adjacent to the shoreline of Island Lake. Wetland Conservation Act regulations would have to be followed. There is also concern about removing trees in the shoreland district. Rice Creek Watershed District (RCWD) is currently considering the application.

Staff from Ramsey County Parks are not interested in creating a park on Outlot A because it would be landlocked with few options for recreational activity or access. If the tower property were to become available, there would be access and there may be interest in putting in a park.

Staff finds that the proposed preliminary plat complies with the R1 Detached Residential zoning and subdivision standards. Rezoning is consistent with criteria for rezoning. Approval of the variance is recommended, and staff recommends the application be forwarded to the City Council with a recommendation for approval subject to the listed conditions.

Commissioner Solomonson suggested the proposed homes could be pushed further toward the front lot line to increase the back yard. He asked what access is possible to Outlot A so as not to create a landlocked parcel. Ms. Hill responded that there is access to Outlot A from the west and possibly from the north. City standards allow a front setback range of 25 to 40 feet.

Commissioner McCool asked if there has been any discussion of vacating 10 feet of right-of-way to achieve another 10 feet of lot depth. Ms. Hill answered that no formal request has been submitted.

Commissioner Peterson asked for clarification of the grading on Lot 7. Ms. Hill explained that although there is steep topography, Lot 7 is not in a bluff impact zone. City Code allows grading in the area. Ms. Castle added that a bluff impact zone refers to the grade and height of the slope. Commissioner Peterson noted the building pad is two feet from the buffer zone and asked how construction could occur without encroachment into the buffer zone. Ms. Hill explained that the building pad is where building can occur on the site but is not necessarily the footprint of the home. It is the responsibility of the developer to work within buffer zone regulations.

Chair Doan asked the definition of a ghost plat. He also asked about the soil on Lot 7 and whether the steep grade allows for a buildable lot. Ms. Hill explained that when a large parcel is being developed, the City requires demonstration of probable development patterns in the future from the developer. That is the purpose of the ghost plat, but it is not binding. Lot 7 is outside the 16.5-foot buffer to Gramsie Pond and is buildable.

Commissioner Ferrington asked if the boundaries of the seven lots could be extended 10 feet into the ghost plat so the lots would comply with key lot requirements. Ms. Hill stated that the property shown on the ghost plat is owned by a different party.

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

Chair Doan opened the public hearing.

Mr. Peter Kinaeble, Golden Valley Land Company, introduced his co-worker, Matt Pavek. Both are registered civil engineers and have been doing infill development projects for the last 10 years. They are working with Hanson Builders for construction of the new homes. He stated that the homes will be placed at 25 feet from the front lot line. If the variance is not approved, consideration would be given to applying for the 10-foot right-of-way vacation. It has been confirmed with the DNR that Lot 7 is not a riparian lot. It abuts the Gramsie Pond wetland, not Island Lake. There are no bluff impacts. The definition of a bluff meets a certain slope and reaches a height of 25 feet. The height of the slope on Lot 7 is 19 to 20 feet. There has been a soil engineer testing soils and has confirmed that all the lots are buildable and will meet City standards. The houses across Gramsie Road to the north are close to the 25-foot setback except for the one furthest west which has a deeper setback. It is expected that the outlot to the south will eventually be developed which is the reason for the ghost plat.

Mr. Dean Hanson, owner of Hanson Builders, stated he has been in business since 1979. His company is rated 6th in the State of Minnesota. The houses will be green friendly using the following:

- Water saving faucets and toilets
- Maximize natural lighting with windows
- Use local products when possible for a smaller carbon footprint
- Use sustainable materials, such as renewable wood products, stone, natural granites
- Highly energy efficient with high R-Value insulation, high efficiency HVAC systems, energy star windows, energy efficient appliances, heat recovery ventilator, low energy lighting, programmable thermostats

Each house is a custom home, move-up home. The houses are 52 to 54 feet wide. The price range might be \$500,000 to \$800,000.

Commissioner Ferrington asked the type of house that would be built on Lot 7 given the yard restrictions. **Mr. Hanson** stated that the yard would be small, and the back area abutting the wetland would be natural. The attraction will be the view of the pond.

Commissioner McCool asked how the lot width of 75 feet compares to what Mr. Hanson has built in other communities. **Mr. Hanson** responded that he is finding that lots are becoming smaller. He noted a popular development, Copper Creek in Plymouth, has lots that are 52 feet wide.

Chair Doan asked if the property south of Lots 6 and 7 to the peninsula is owned by Hanson Builders. **Mr. Kinable** answered that property is approximately 10 acres and is under purchase agreement to be owned by Golden Valley Land Co. The intention is to retain ownership of Outlot A for possible future development. He added that Lots 6 and 7 are platted at an angle because Gramsie Pond and Island Lake are not considered meandered water and the lot line is platted under water, not the shoreline.

Mr. Tom Fishlove, 845 Gramsie, stated that his biggest concern is the lot widths and setbacks for the houses. They will be much closer to Gramsie Road than the houses across the road that have lot widths of 100 feet. He would like to see each lot at 100 feet in width with a setback further than what is being shown due to the housing density of the neighborhood. That will change the character of the neighborhood. He asked if the additional electrical service will mean taking poles down and putting in underground wire. He noted that TJB Homes is marketing Gramsie Woods. He asked the relationship between TJB, and Hanson Builders. At the open house for residents, the prices were estimated between \$450,000 and \$550,000. He asked for clarification from what was stated earlier.

Mr. Joe Lux, 770 Gramsie, expressed concern about the ghost plan noting that at this time it is not possible to access Outlot A without crossing wetland. The City's Comprehensive Plan specifically states that access cannot cross protected wetland. The ghost plat should be modified to meet standards in the City's Comprehensive Plan. Also, current zoning of the outlot is as a natural area. The four homes on the point are non-conforming for the land use. Without a Comprehensive Plan Amendment, this plan cannot be approved.

Ms. Mary O’Neil, 815 Gramsie Road, noted a letter from Jennifer Sorenson from the DNR. She has been trying to reach Erica Hoglund at the DNR to request an Environmental Assessment Worksheet because of the wildlife that lives in this area. There are endangered bats that live along I-694. Bigger homes than exist in the area are being proposed on smaller lots. In the past, there has been discussion about connecting Gramsie Road to Lexington. She asked if this is again being considered. The neighborhood had previously asked for a sound barrier and were told that the trees provide a natural sound barrier. Trees will be removed with this development and she would like to know how this will be addressed. A final question is the square footage of the finished homes.

Ms. Heidi Tan, daughter of Mr. Tan at 808 Randy, stated that the ghost plat is not part of the development application. They are appalled to see the layout with a street cutting through their property. No agreement has been reached on what is shown in the ghost plat. She does not understand the justification for a variance. Rather than 7 homes, 6 homes could be built that are in compliance. The need for 7 lots has not been proven. Although Hanson builds beautiful homes, they do not reflect the styles that exist in the neighborhood. They are overly sized for the lot size. The homes need to be designed with sensitivity to the style that exists in the neighborhood.

Mr. Mike Tunnel, 800 Gramsie, stated that character of the neighborhood is subjective. He does not agree with crossing the wetland. Character is a certain type of house, certain size house, certain size of lot. The variance is only requested because Outlot A is not being developed. Should development occur, the lots will no longer be key lots and the variance not necessary. If the development of Outlot A is unlikely, he does not understand why a variance would be granted.

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

VOTE:

Ayes - 6

Nays - 0

Commissioner Ferrington asked for clarification of the ownership of the property. Ms. Hill explained that the entire property is owned by the Reiling family and the two lots will be subdivided into 8 parcels--the development of 7 lots, Parcel A and Outlot A, Parcel B, which includes the peninsula into the lake.

Commissioner Peterson quoted from the Surface Water Management Plan that, “wetland buffers may be required by the City to meet the intent of the Surface Water Management Plan, a 16.5 foot buffer is the minimum necessary to protect surface water from adverse developmental impacts. Deviation from this requirement may be approved during the applicable land use approval, including but not limited to Site and Building Plan Review, Subdivision and Planned Unit Development (PUD).” He asked if this application is an opportunity for the City to require an increase to the wetland buffer. Ms. Castle agreed that this process could allow requiring additional buffer.

Commissioner Solomonson stated that one of the reasons given to justify the variance for the key lots is the potential development that would eliminate the key lots. He is not sure that can be assumed. He would like to see the lot widths increased.

Commissioner Ferrington stated that reducing the development to six lots would allow for the added 15 feet of width needed, 90 feet. This would address one of the concerns of neighbors that the lots come closer to approximating the size of other lots in the area. By developing 6 lots with 90-foot widths, there would be no need for a variance.

Commissioner McCool stated that the proposed lots meet Code for width. What is driving the issue of the key lots is depth. There is extra depth with the added 20 feet of right-of-way of Gramsie Road. The setback of 40 feet can be achieved. Increasing lot width to better match the neighborhood is not answering the key lot issue of depth. The width of Gramsie Road right-of-way is a unique circumstance to this application. The ghost plat has no meaning because at this time the developer is choosing to not develop that parcel. If the variance is not granted, the developer could apply for vacation of the right-of-way.

Chair Doan responded to questions from residents. **Mr. Knaeble** stated that TJB Homes was asked to help with marketing studies. That work has been completed and TJB Homes is no longer working on the project. He agreed that at the neighborhood meeting he stated the starting prices would be \$450,000 to \$550,000. The upper range is not known. It is recognized that at this time it would be difficult to develop the property shown on the ghost plat, but it was required as part of the application. Xcel Energy will be installing electrical service. The electrical design cannot be completed until the project is approved. It is not known whether the lines will be buried. He noted that if a 10-foot vacation were requested, the homes would actually be 10 feet closer to the street. It was felt that the variance request would be more appropriate than moving the homes closer to the street.

Mr. Hanson, builder, stated that the main floor footprint will range from 1400 to 1600 square feet. The homes will be two stories. The second story is a little larger as it extends over the garage.

Chair Doan asked the Planning Commission's jurisdiction regarding an EAW or sound barrier from I-694. Ms. Castle responded that the City's jurisdiction is specifically to land use of the subject site. The EAW process is under the jurisdiction of the Minnesota Pollution Control Agency (MPCA). This project of 15 acres with 7 new single-family homes does not meet the threshold to require an EAW. The sound barrier is an issue for the Department of Transportation. There are spaces in the community designated as urban, natural or park. Those areas are intended to preserve wildlife corridors. This property is held in private. It is not within the City's Comprehensive Plan or the County plan to make this property into a park. Although there are impacts, staff looks at what has been designated as appropriate zoning in the Comprehensive Plan, which is R1, Detached Residential.

Chair Doan asked the City's position regarding connecting Gramsie Road to Lexington through the tower site. Ms. Castle stated that an extension of Gramsie Road is not in the City's

Comprehensive Plan. When the tower property is eventually developed is when the issue of extending Gramsie will be considered.

Commissioner Solomonson stated that as he reads Section 205.80(D)(1)(f) in the Code, the added setback required to key lots applies to the depth. Ms. Hill referred to subdivision Section 204 which states that 15 feet more depth or width shall be required for key lots. Commissioner Solomonson asked for clarification as to which is required.

City Attorney Beck stated that the 40-foot rear setback is required when the key lot abuts a side lot line. The regulation Ms. Hill refers to is a matter of amount of width or depth. In this case, depth is the issue.

Commissioner Peterson stated that Gramsie Pond is a sensitive area with the water flowing back and forth between it and Island Lake when water is high as it is now. A 16.5-foot buffer does not adequately address the runoff from the 20-foot hill on Lot 7. He would recommend using the state standards of a 25-foot buffer. That would mean developing six lots, not seven. There is inconsistency between the DNR concern about the steep slope and the recommendation that more information be obtained from RCWD.

Commissioner Ferrington agreed with a 25-foot buffer because the vegetation on Lot 7 will be bulldozed and no longer offer Gramsie Pond protection from the hill. Ms. Hill responded by referencing page 4 of the RCWD application which acknowledges the boundary of the existing buffer to the wetland and states that there is no impact of this development to the wetland. Specifically RCWD states that, "A WCA notice of application was given on 7-20-2016, review file 16-028R, and the boundary was noticed and approved on 8-16-2016. There is no proposed impact to the wetland." RCWD is the local government unit governing this wetland. The DNR agrees with the RCWD requirement.

Commissioner McCool asked if impact to the wetland means actual encroachment into the wetland for construction or runoff from the development site. Ms. Castle responded that clarification can be obtained from RCWD.

Chair Doan asked for an explanation of Best Management Practices (BMPs) in regard to runoff. **Mr. Matt Pavik**, stated that he is the engineer who has worked on the runoff issues with RCWD. The wetland buffer will be whatever is recommended by RCWD. The BMP is a way to capture and treat storm water running off from a developed area prior to its discharge downstream. On this project a 16.5 buffer is proposed. It is his experience that is plenty of width for water treatment. Designs are being finalized with RCWD and he is confident everything will be approved to RCWD standards. The DNR has reviewed the plans and approves the 16.5 foot buffer. RCWD is in the process of review. No comments have been made about the buffer, but whatever is recommended will be done.

Commissioner Peterson asked how the water is prevented from draining downhill. **Mr. Pavik** explained that the 16.5-foot buffer is proposed in place of flow through a grassy area or rain garden. The off-site system treats runoff from existing homes and is oversized. There is an

infiltration area that will be added before runoff drains into the pond. This infiltration system is being added to make sure runoff from the development is addressed.

Commissioner Solomonson stated that he would like to table this matter in order to obtain more information from RCWD regarding Lots 6 and 7 because of the conflicting statements from the DNR and RCWD. He would prefer to see six lots developed rather than seven.

Commissioner McCool stated that he is prepared to vote in favor of this application at this meeting. The developer has to get a permit from RCWD before proceeding. It is not up to the Planning Commission to engineer water runoff. He trusts RCWD to address the issue.

Chair Doan referred to Section 209.065 of the Code that refers to the minimum requirement of the City's Surface Water Management Plan that requires a 16.5 foot buffer to address impact from development. He asked if deviation means a reduction as well as an increased buffer. City Attorney Beck stated that typically deviation means a reduction, but he does not know the intent of the Code as he was not with the City when this portion was adopted. Deviation can mean change which would mean either an increase or decrease.

Ms. Hill added that staff did consult with the City Engineer on this issue who stated that a 16.5-foot buffer would be consistent with similarly classified water bodies. No additional buffer was recommended.

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to table this matter for an extended review period of 180 days for additional information from RCWD as to whether an increased buffer is recommended.

Discussion:

Commissioner Ferrington stated that she would like more information. This is a good plan, but there are issues with the number of houses and the topography.

Commissioner Peterson supported the motion because the regulation is a minimum of 16.5 feet. An increased buffer would allow better flow of water to the intended source for treatment. Additional technical information is needed to make this decision.

Commissioner McCool opposed the motion because he does not believe it is usual for the Planning Commission to design a buffer system.

Chair Doan stated that the plan complies with City Code. While he understands the concerns, it is difficult as a Planning Commissioner to have codes in place and then arbitrarily reduce the number of lots. He is not sure vacating 10 feet of right-of-way to achieve compliance would mitigate impacts. It may push houses closer to the street and have more negative impacts for neighbors. Tabling will allow the process to resolve the issues discussed. He is in favor of the motion.

Commissioner McCool offered an amendment to the motion, seconded by Commissioner Peterson to extend the review period an additional 60 days. Commissioners Solomonson and Wolfe accepted the amendment.

VOTE ON THE AMENDMENT

Ayes - 6

Nays - 0

VOTE ON THE MOTION AS AMENDED

Ayes - 5

Nays - 1 (McCool)

Chair Doan called a break at 9:55 p.m. and reconvened the meeting at 10:00 p.m.

PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, REZONING, PRELIMINARY PLAT, PUD-DEVELOPMENT STAGE

FILE NO.: 2630-16-30
APPLICANT: ELEVAGE DEVELOPMENT GROUP LLC
LOCATION: 3527 RICE STREET

Presentation by City Planner Kathleen Castle

On April 18, 2016, the City Council approved a 5-story mixed use building with 134 apartments and 6,800 square feet of commercial space and 14 townhome units on this property. A total of 274 off-street parking stalls were provided.

The applicant seeks to incorporate the property at 3527 Rice Street (recently acquired) into the approved development. The parking plan is modified to increase surface parking and reduce the amount of underground parking originally proposed. Access shown off Rice Street would not be a full access drive but would be for emergency vehicles only. Access is off County Road E.

The preliminary plat would combine 3527 Rice Street as Lot 2 of the mixed use building site. The plat is consistent with the City's subdivision standards.

The Comprehensive Plan Amendment includes a change of land use for the property from low density residential to mixed use. Adjacent land uses are low density residential, commercial, mixed use and office/commercial. The mixed use designation is appropriate because of the proximity of this property to the approved development. PUD zoning is consistent with the approved zoning for the mixed use development. Using the property at 3527 for additional surface parking will not have an adverse impact on adjacent land owners. The parking setbacks exceed the City's minimum 20 feet from residential property. The setback at the north lot line is 24 feet; the setback at the west lot line is 34 feet.

When the plan was approved, a deviation in parking was allowed to reduce the required parking. The revised parking plan increases the number of surface stalls and reduces the number of

underground stalls. The underground parking complies with City standards for 134 stalls. The added surface parking will better address parking for commercial businesses and resident visitors.

A portion of storm water will drain toward Rice Street. Catch basins will be installed in the parking lot to direct storm water into the City's storm water infrastructure. A Ramsey Washington Metro Watershed District permit is required. Impervious surface coverage is limited to 70%. The proposal is 61.8%.

A legal notice was published for this public hearing and notices were sent to Rustic Place neighborhood residents and the City of Vadnais Heights. Comments received focused on questioning the need for additional parking, the impact to single-family homes, landscaping and screening, snow storage and not allowing on-street parking on Rustic Place. MN/DOT commented on the plat and permit requirements. The Lake Johanna Fire Department commented on the need for emergency vehicle access off Rice Street. Ramsey County requires that the Rice Street access is only for emergency vehicles and not a full access drive.

Staff believes the additional parking addresses parking concerns previously expressed for the mixed use development. The proposal is consistent with policies and criteria for the Comprehensive Plan Amendment, rezoning and PUD. Staff recommends that the Commission send a recommendation to the City Council for approval with the conditions listed in the staff report.

Commissioner Solomonson asked if underground parking is being reduced whether the original space planned for underground parking is going to be repurposed. Ms. Castle referred this question to the developer. Commissioner Solomonson asked how the emergency access off Rice Street would function. Ms. Castle responded that the design will look like a trail but would allow emergency access. Knockdown bollards will be in place to discourage vehicles.

Commissioner McCool asked if fencing is included. Ms. Castle stated that the fencing along the boundary with Rustic Place would be extended.

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

Chair Doan opened the public hearing.

Mr. Michael Mergens, Elevage Development Group (EDG), stated that the former owners of this property, the Johnsons, were especially concerned about the impacts of the mixed use development to their property. Elevage then sought to purchase the Johnson property and seeks to incorporate it into the mixed use development. Building underground is very expensive. Every parking stall is \$25,000. Adding surface parking will save on construction costs and provide surface parking for customers and visitors. Surface parking is less impact to neighbors than new buildings. The property would be incorporated into the Development Agreement with the same terms and conditions as approved previously.

Ms. Marsha Figus, 3538 Rustic Place, stated she is speaking on behalf of neighbors. The neighbors would like the property at 3527 to remain residential. The plan presented was approved with enough parking. Neighbors would like to see this property remain as green space. Neighbors are pleased. The home at 3520 Rustic Place has to have a new retaining wall, and once that work is completed, residents would like the 6-foot perimeter fence installed immediately. The earlier plan showed snow to be stored on the north side of the town homes. Drainage from that could encroach on 3520. Water percolation into the soil is going to become impermeable with townshomes and asphalt. That goes into the drainage pond on Rustic Place. When Ramsey County widened County Road E and Rice Street, it was required to increase the surface area of the drainage pond. Does the increase of impermeable surface of 60,000 square feet from this development mean that the pond will be enlarged again? It is a concern as to where drainage will flow. A tree management plan was requested. When trees are cut on Rice Street, she wants to be sure they are handled properly so oak wilt does not spread. Minnesota Statute 16B.328 addresses light pollution. Light trespass is defined as light being where it is not needed or wanted. Light diffuses in spite of cones placed on the towers. The light towers need to be lowered, or there will be issues with light. She asked if the townhomes are only 713 square feet, even though they are two stories.

Ms. Susan O'Neil, 3530 Rustic Place, stated that she wants to be sure that loss of underground parking now does not mean that in the future there will be attempts to redevelop the property at 3527. There are concerns about lighting. She has concerns about how the retaining wall will be rebuilt. The Johnson property that was sold was her sister, and it was not sold at a premium price. It was at a competitive price. There is a rumor that Cory Burstad's uncle was on the Planning Commission. It is a rumor that is icky, if true. The neighborhood is anxious for the development and she thanked the Commission for its hard work. She corrected the rumor. Mr. Dave Kroona was on the Economic Development Commission, not the Planning Commission.

Ms. Jane Calvin, 3565 Rustic Place, stated that in regard to the apartments, they are not premium and upscale. She requested acknowledgement of the current blighted properties of Elevage. She called into question the experience, professionalism and integrity of this developer.

Ms. Anna Shaberg, 3775 Rustic Place, stated that the house on 3527 is beautiful with a beautiful yard and beautiful view. It will be lost for a gain of six parking stalls to save the developer money. The Planning Commission stated that the parking provided was adequate when the project was approved. The home should be sold to someone else.

Mr. Nathan Anderson, 3565 Rustic Place, asked the ability of the City to continue to convert properties to mixed use. It is his understanding that for the City to convert residential property to mixed use, there must be a benefit received. The original reason given was that the two properties were blighted. That was largely due to the fact that they are located in a targeted PUD area. By design, the properties were allowed to fall into disrepair for this development to come in with 100 units, which was said to be too many. Yet it was approved with 154 units. He does not believe the property at 3527 can be incorporated into mixed use without seeing a benefit returned to the City. Residents would like to see green space. He requested the Planning Commission to ask the developer to do something professionally. In Mr. Mergens' presentation

he repeated five times the amount of money to be saved with the expectation that this will be approved.

MOTION: by Commissioner Solomonson, seconded by Commissioner McCool to close the public hearing at 10:45 p.m.

VOTE:

Ayes - 6

Nays - 0

Commissioner Solomonson stated that he is concerned about reducing underground parking stalls to put them on the surface. One issue previously raised about the project is lack of green space. The trail now cuts through a parking lot rather than going around the perimeter. He does not see a parking lot as a good transition to residential use. The mixed use building was pushed to the south to keep it away from residents. Now there is a parking lot as far north as possible. There needs to be a 50- to 60-foot setback and 26 parking stalls eliminated. The trail should go around the perimeter. The underground stalls were at 195 and now reduced to 143. He would like to see them increased to about 171. The surface parking should be 109, not 137 proposed. The City is losing underground parking, losing green space and losing the trail.

Commissioner Ferrington agreed that green space was discussed over and over. She was disappointed to find out that the added property did not add green space. If underground parking is lost now, it will never be added in the future. The loss of 52 parking stalls at \$25,000 a stall is \$1.3 million. That is a lot of money, but it does not equal what the community is giving up. To be able to pave an area in the future if parking is needed is better than giving up underground parking now.

Commissioner McCool asked if the emergency access has to be as far north as it is, and would it be possible to move some of the parking by moving the access further south and create more green space to the north. **Mr. Mergens** stated that part of the reason for the emergency access is to meet the turn radius requirement. As for green space, the development is well below the limit for impervious surface coverage. Commissioner McCool stated that he prefers surface parking because it can be used by residents or customers while underground parking is only for residents. He does not want to see parking pushed onto neighborhood streets. In the first plan he was concerned about the setback to the Johnson property. The new setback to the closest house with this plan is much further. He agreed that the City would not want to give up underground spaces and then in the future have a request for redevelopment with a new building. The PUD does not allow the developer to put up another building without coming to the City for approval.

Commissioner Peterson stated that this proposal is not imaginative and does not provide any significant benefit to the City. Green space is not increased and lighting is closer to the property line. The only benefit is the increased distance to the nearest home.

Commissioner Wolfe stated that he liked the plan that was approved because it worked for everyone. More tar for surface parking will not look good in the future. Underground parking should remain at its current level because this is an investment in the future.

Commissioner Solomonson agreed with Commissioner Wolfe and added that he believes that better buffering and transition to the residential neighborhood can be done with this added property.

Chair Doan called a break for the tape to be changed. The meeting was immediately reconvened at 11:02 p.m.

Chair Doan asked if there is a lighting plan. Ms. Castle stated that a lighting plan is required with the final PUD submittal. The plan will show the foot candle patterns and information on the light fixtures. Lighting must be shielded, directed downward and cannot exceed .4 foot candles at a residential property line.

Mr. Mergens responded to the question of building a fence immediately. He stated that terms of construction are stipulated in the Development Agreement. There is a construction fence during construction. The privacy fence would be done at the end of the project. He requested a straight up vote and would not agree to table this matter.

Chair Doan also stated that there is not imagination and creativity with the addition of this lot. Additional surface parking as a buffer is not what he would have wanted to see. He would prefer to table the matter to see how more green space can be accommodated and have more information on lighting.

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to deny the requests submitted by Elevage Development Group, LLC/Elevage Shoreview Holdings, LLC (EDG) to redevelop the 3527 Rice Street and incorporate the parcel into the approved mixed use development on the adjacent properties at 157 County Road E, 185 County Road E, 3521 Rice Street and 3500 Rustic Place.

Discussion:

Commissioner McCool stated that his preference would be to table.

Commissioner Peterson asked if findings of fact are needed. Ms. Castle stated that findings are helpful to the City Council. Commissioner Peterson suggested the following:

1. The proposed redevelopment plan will not have a significant improvement in the planned land use of the property.
2. The amended parking plan reduces underground parking and increases surface parking for the mixed use development.

Commissioner Solomonson suggested the motion to deny without findings and Commissioners provide discussion on the reasons for denial.

Chair Doan expressed his preference to table the application to see an improved plan. If denied, the plan goes to the City Council as is. He will vote against denial.

