

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: June 26, 2018  
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**  
*May 22, 2018*

**3. REPORT ON CITY COUNCIL ACTIONS**  
*Meeting Date: June 4, 2018, June 18, 2018  
Brief Description of Meeting process- Chair John Doan*

**4. NEW BUSINESS**

**A. VARIANCE**  
*FILE NO: 2693-18-13  
APPLICANT: Charles Hannema  
LOCATION: 710 County Road I W*

**B. MINOR SUBDIVISION\***  
*FILE NO: 2694-18-14  
APPLICANT: Kristine Zacher  
LOCATION: 806 Crystal Ave/807 Gramsie Road*

**5. MISCELLANEOUS**

- A.** City Council Meeting Assignments
- *July 16, 2018 - Commissioner Wolfe*
- B.** GTS - Planning Commissioner Training – *July 10<sup>th</sup> – 6:30-9:00 pm*

**6. ADJOURNMENT**

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

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
May 22, 2018**

**CALL TO ORDER**

Chair Doan called the May 22, 2018 Shoreview Planning Commission meeting to order at 7:02 p.m.

**ROLL CALL**

The following Commissioners were present: Chair Doan; Commissioners Anderson, Peterson, Riechers, Solomonson, and Yarusso.

Commissioner Wolfe was absent.

**APPROVAL OF AGENDA**

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Peterson to approve the May 22, 2018 Planning Commission meeting agenda as submitted.

**VOTE:**

**AYES:** Anderson, Peterson, Riechers, Solomonson, Yarusso,  
Wolfe, Doan  
**NAYS:** None  
**ABSENT:** Wolfe

**APPROVAL OF MINUTES**

**Minutes of April 24, 2018 Commission Meeting Minutes**

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Anderson to approve the April 24, 2018 Planning Commission meeting minutes as submitted.

**VOTE:**

**AYES:** Anderson, Peterson, Riechers, Solomonson, Yarusso,  
Doan  
**NAYS:** None  
**ABSENT:** Wolfe

## **REPORT ON CITY COUNCIL ACTIONS**

City Planner Castle reported that the City Council did approve the following:

- JPL Comprehensive Plan Amendment, Preliminary Plat and Planned Unit Development on Rice Creek Parkway, as recommended by the Planning Commission. Notice of the Environmental Assessment Worksheet will be published on May 28, 2018, for a 30-day comment period.

## **OLD BUSINESS**

### **PUBLIC HEARING - PRELIMINARY PLAT\***

**FILE NO:** 2689-18-09  
**APPLICANT:** Sean Keatts  
**LOCATION:** 4140 Hodgson

#### **Presentation by Associate Planner Aaron Sedey**

This matter is continued from the April 24th Planning Commission meeting. The proposal is to split the parcel into eight lots for single family residential use. This application was tabled in April because of concerns with storm water management and requested variances. The Plat has been revised, so that variances are no longer needed.

The property consists of 3.67 acres and is currently developed with two existing single family homes and accessory structures. The subject property and all neighboring properties are designated for low density residential and zoned R1.

Access will be via a new street, Floral Court, east off Hodgson Road which aligns with Floral Drive west of Hodgson. Hodgson is a Class A arterial road and under Ramsey County jurisdiction. The County has approved the new road access and is requiring 50 feet of right-of-way for Hodgson Road. The length of the new road, Floral Court, is approximately 306 feet and ends in a cul-de-sac. The lot design is consistent with City standards and complies with the minimum standards of the R1 District. Lot widths are 75 feet, depth at 125 feet and lot area at 10,000 square feet. Corner lots have a minimum width of 90 feet.

Density is at 2.18 units per acre, well within the limit of 0 to 4 units per acre for the R1 District. Lots 4 and 5 are key lots because their side lot lines abut the rear lot line of the adjoining parcels to the east. Key lots require a minimum lot width of 90 feet. A 20-foot side yard structure setback is imposed on key lots to minimize impacts to neighboring properties.

Storm water flows northward to a low point on the property. Both the City and Ramsey-Washington Watershed District need to approve a storm water management. An acceptable plan would either be an outlet from the infiltration basin to Hawes Avenue or a lift station that drains the water to the drainage ditches along Hodgson. Once the development is built, the City would assume ownership of the storm water infrastructure.

It is estimated that 40 landmark trees will be removed. Per City ordinance, this requires replacement at a ratio of 6 replacement trees for every landmark tree removed. If the required ratio of trees cannot be planted on-site, a financial contribution to the City's forestry fund is required. A Landscape Plan is required. Permits will be required for any improvements within the right-of-way.

Notice of the public hearing has been published in the City's legal newspaper, and notices were sent to property owners within 350 feet of the proposed development. Public comment continues to oppose the proposal because of the height of the new homes and storm water drainage.

Staff supports the proposal and finds that the proposed plat complies with City zoning and subdivision standards. Staff recommends the Planning Commission recommend approval of the Preliminary Plat to the City Council with the conditions listed in the staff report.

Commissioner Peterson asked if the City would maintain the turf surrounding the dry pond. Mr. Sedey stated that homeowners would maintain the grass, and the City would maintain infrastructure.

Commissioner Riechers asked if the issue raised by neighbors of drainage on Hawes Avenue is being addressed. Mr. Sedey responded that the memo from City Engineer Wesolowski states that the Hawes, Demar, Rustic areas are designed for a 10-year event. Since installation of the storm water system in 2010, there have been rain events in excess of 10-year events which have caused flooding on these streets, as well as other areas of the City. The basin in this project is designed for a 100-year event.

Commissioner Riechers asked the difference between an infiltration basin and a lift station. Mr. Sedey explained that an infiltration basin is a holding area. If a pipe outlet is put in, it will drain to a nearby street. If a lift station is used, it will be in the basin and pump water to Hodgson.

Commissioner Riechers asked if planting taller trees would be credited rather than a contribution to the Forestry fund. Ms. Castle explained that a landscaped buffers is not needed between R1 properties. The need for a Landscape Plan is because of the tree replacement ratio compliance. Credit will be given for planting that goes beyond what is required.

Commissioner Anderson asked the definition of a 100-year rain event. City Attorney Kelly answered that the DNR defines it as a 1% chance of a level of rain that is 6 to 7 inches.

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

Chair Doan opened the public hearing.

**Mr. Sean Keatts**, 1475 18th Ave. NW, New Brighton, Developer, stated that the plan now has no variances. The public comments raise concerns about loss of trees, the height of the new homes and the pond. His preference would be to remove no trees. His plan is to have a line of trees on the east and north side of the lot 5. Trees will be of various heights. He plans to build homes that fit the neighborhood and have curb and architectural appeal. If there were a 100-year event today, there would be water in the basements of homes on Hawes Avenue. He is not the problem but the solution because he is bringing in a plan that will drain water that is there now. If he put in an outlet, he would have to acquire easements to run the pipe to Hodgson Road. A lift station would be in the northeast corner of the dry basin and would drain water to Hodgson. There is a 48-hour draw down requirement to eliminate mosquito infestation. There will be no standing water or mosquitoes.

Commissioner Anderson asked if the lift station would connect to the storm sewer on Hodgson. **Mr. Keatts** answered that it will connect to the ditch system.

Commissioner Solomonson asked if there is an advantage of one drainage system over the other—outlet v. lift station. **Mr. Keatts** responded that the cost is about the same. Both are acceptable to the Watershed District.

Commissioner Yarusso noted that the lift station would be mechanical infrastructure that the City would have to maintain. The pipe to Hawes Avenue would be gravity fed and would work as long as it was not clogged.

Commissioner Riechers asked about resident concerns about the difference in value of the existing homes and the new ones. **Mr. Keatts** explained that his goal is to build houses that will fit and blend into the area as much as possible. A lot of research has been put into the process of deciding what design will fit.

Commissioner Anderson asked if a rambler style would fit. **Mr. Keatts** answered that the right ones would fit.

Chair Doan asked what property appeal there would be in the rear yards and what assurances could be provided to meet the goals that this development will fit into the

neighborhood. **Mr. Keatts** stated that there will be more windows or gables, architectural interest rather than walled structures. He emphasized that he is a man of his word and stands on his reputation. He referred to a development he completed in St. Paul with many similar issues. When construction was complete, not one person complained about how the development looked.

Commissioner Peterson stated that one issue of blending into the neighborhood is elevation. He asked if it is the developer's choice for the elevation to be parallel with Hodgson Road. **Mr. Keatts** answered that with the infiltration basin, it will not be necessary to bring in as much dirt as originally thought to build up the sites. Code requires the basement floor to be two feet above the water table.

### **Public Comment**

**Mr. Jeff Lundquist**, 244 Hawes Avenue, stated he did not have water problems until the new road was built. Neighbors have water in their garages. Each year there are two or three rain storms that put two feet of water in front of his driveway. Thousands of gallons of water used to be pumped from the south end of the old pond when it was deep. He would like to see the same system to remove water from Hawes. Pumping to Hawes for this project will cause flooding. The amount of construction equipment will be a danger to many children in the neighborhood as well as noise to contend with.

**Mr. Steve Carrigan**, 238 Hawes Avenue, stated that he is surprised about the endorsement for this project by the City, when there is so much concern. His concern is height. The example of the homes on Sherwood do not relate to this site. His house is at the lowest elevation. With 10 to 15 feet of fill to bring the elevation to road level and then a 35-foot house, it will be like looking at the Empire State Building. The view from the back walkout will be even taller. There is a project on Victoria where development is occurring below the road level. He would like to find a solution for water and for the heights of the new homes to be comparable to the other homes in the neighborhood. If he were to tear down his current house, put in 15 feet of fill and then build on top of that, that is what this development feels like. The current elevation on the project site is between 907 and 912. The plan is to raise it to 922. That is a lot of height plus the height of a two-story home. He suggested homeowners are not represented and perhaps should hire an attorney, as the process seems to be in favor of this development.

**Mr. Ryan Olson**, 4141 Rustic Place, expressed complete opposition to the proposal. There will be eight large homes of approximately 3500 square feet. Two stories are needed to provide that much space. With removal of 40 landmark trees, it is not possible to comply with the replacement ratio of planting 240 new trees. It would fit better with four larger parcels to preserve more trees and driveways off Hodgson similar to a project recently done on Rice Street. The larger homes on larger parcels would be proportional and would be a better project.

**Mr. Justin Lundquist**, 4180 Hodgson Road, stated that his house sits below Hodgson Road. He does not understand the need to raise the development site to above or even with Hodgson Road. If drainage goes to Hawes, his property will be flooded. If drainage goes to Hodgson, it goes to drainage ditches which will fill up, and he will have water in his garage. The two drainage plans approved by the Watershed District will not work.

**Ms. Jen Duden**, 230 Hawes Avenue, asked if residents could have a copy of City Engineer Wesolowski's report on drainage. She referred to an article that indicates current levels for 100-year events is outdated information. It is recommended to build to 500-year levels. The midwest is now receiving many more inches than in the past. She asked if the site is subject to DNR review. It is a natural area of almost 4 acres. The Watershed District has not managed water well on Gramsie Road, and she is worried that the drainage plan for this development will flood existing basements.

**Ms. Kathy Kerkup**, stated that she grew up on Demar Avenue. The flooding that occurs is not uncommon. She asked if the homeowners on Hawes and new homeowners will need flood insurance for their homes. The proposed heights are two stories with a possible three stories if there is a walkout. That will not fit the character of ramblers in the neighborhood. She agreed with reducing the number of homes to be built. The water drainage system is already overloaded when there is heavy rain. Adding drainage from these new homes will flood existing homes. Wildlife is appreciated. The proposed development will deter wildlife. She asked if the houses are five feet apart and would like to see the houses 15 to 20 feet apart.

Chair Doan explained that all members of the Planning Commission are Shoreview residents. The Planning Commission has certain authorities, such as approval of variances. Regarding a preliminary plat, the Planning Commission holds the public hearing for input and makes a recommendation to the City Council for final action. The City Council has many big matters to address throughout the City. The Planning Commission focuses only on development issues that do not meet code or a new development that needs vetting and overview, such as a preliminary plat and Planned Unit Development (PUD). This hearing is the opportunity for residents' voices to be heard. None of the Commissioners have discussed or decided this development previous to this meeting.

This matter was considered last month and many residents attended. The application was laid over for more information. This is another opportunity for residents to make their concerns and perspective known. He lives near Evergreen where there is a house on a hill that is 35 feet high and sits on 2 acres. It is understood that this property may develop at some time. He does understand what residents are saying.

It is important to understand that what the Planning Commission and City Council can do has limits. If a project is presented that fits within the zoning code and fits the character of the neighborhood, there is little the City can do to say only 2 lots can be developed rather than 8. It is a delicate balance.

**Ms. Kate Maier**, 4127 Rustic Place, stated that her voice is another one in opposition to 8 houses and would prefer to see 4 houses developed. There has been reassurance that when the streets were improved, there would be drainage for 10-year water events. Those events seem to be increasing and she is not convinced that this project will adequately address water.

**MOTION:** by Commissioner Peterson, seconded by Commissioner seconded by Commissioner Yarusso to close the public hearing at 8:13 p.m.

**VOTE:**

**AYES:** Anderson, Peterson, Riechers, Solomonson, Yarusso, Doan  
**NAYS:** None  
**ABSENT:** Wolfe

Chair Doan asked that specific questions from residents be addressed.

City Planner Castle stated the following:

- The DNR does not have jurisdiction over the property.
- The property is not located in a flood management zone, which means flood insurance would not be required.
- The memo from City Engineer Wesolowski was received earlier this day. The Commission's meeting packet is available online for residents to review.
- The grading plan has been reviewed by the City Engineer as well as the engineers at the Watershed District. She trusts the City Engineer to review a project on behalf of residents to insure that City standards are met. Public infrastructure that does not meet City standards will not be accepted.
- Hodgson Road elevation is 918 to 920. The cul-de-sac is at 922.5 at the center point, 2 to 4 feet above Hodgson Road. There are catch basins that will collect water and direct it to the infiltration basin. The infiltration basin is at 907 and rises to 916 at the east end.
- The developer can look at whether the cul-de-sac can be lowered and how that would impact the overall drainage system. The low point on the property is 908. The lowest point for floors on Lots 2, 3 and 4 will be at 916.
- She pointed out the Lundquist and Carrigan homes at an elevation of 916, which will be the elevation of the basement of the homes that are planned as



walkouts. The developer may reconsider the walkout design, but that will have to be considered with the overall drainage plan.

Mr. Lundquist tried to again speak to the homes on Hawes, which sit lower than those on Hodgson. City Attorney Kelly stated that the public hearing has been closed, and it is not appropriate for further public comment.

Commissioner Solomonson asked about the status of drainage on Hawes as so many residents raised continuing drainage issues. There are two drainage systems being proposed, one through a gravity fed pipe to Hawes and one through a lift station to Hodgson. Ms. Castle responded that Hawes was designed for a 10-year storm event. The infiltration basin is being designed for a 100 year event. In such an event, it would overflow the system to Hawes. A 10-year event will not cause the infiltration basin to overflow to Hawes.

Commissioner Solomonson stated that if more water is drained to Hawes, he believes it will cause a problem. Ms. Castle stated that the catch basin is at 915 and sits down from the properties on Hawes. The plan is designed so that back yards of the new homes will flow into the infiltration basin, similar to the existing water flow pattern.

Commissioner Solomonson asked about drainage to Hodgson, which would be to ditches which already accumulate water during heavy rains. Two plans acceptable to the Ramsey Washington Watershed District, but no specific plan is presented that has been approved. He suggested tabling until the Planning Commission can review an approved plan. Ms. Castle noted that the storm water management plan has to be submitted to and approved by the City and Watershed District prior to the City's approval of the Final Plat.

Commissioner Peterson asked if there is a capacity measurement for the ditch along Hodgson. Ms. Castle noted that no comments were received from Ramsey County regarding the storm water management plan. If an easement cannot be gained to pipe water to Hawes, a lift station would be the second option. That plan would have to be reviewed and approved by the City, County and Watershed District.

Chair Doan asked how the storm water plan for this project will improve drainage in this area. Ms. Castle stated that the drainage issues relate to the reconstruction of Hawes Avenue, not to the development of the subject site. The site development meets Watershed District standards and will not have a negative impact on adjoining properties regarding drainage.

Commissioner Yarusso asked if the design of the proposed infiltration basin will improve drainage compared to what currently occurs. Mr. Sedey explained that currently there is no infiltration basin. Whatever is put in will be an improvement to the area.

Commissioner Yarusso noted that the required distance between homes is not five feet. Ms. Castle added that in the R1 District a side yard setback of a minimum of 10 feet is required for living space. The side setback for a garage is a minimum of 5 feet. Key lots 4 and 5 have a minimum side setback of 20 feet.

The lots are not out of character with the other lots of the neighborhood. She agreed with Commissioner Peterson that overall, drainage will be improved. However, she shares the concern about a 100-year event, not because of this development, but because of the existing problems in the neighborhood. The water falling on the subject property is part of the problem because the water has nowhere to go. Part of the reason to raise the elevation is to prevent the new homes from having a water problem. She would like to see a plan that shows where the overflow will go and is concerned that it will add to the flooding already on Hawes. The situation could be helped if the water is directed to Hodgson.

Commissioner Solomonson stated that the density for the R1 Residential District is 0 to 4 units per acre. The proposed density of this development is 2.18 units per acre, which is well within Code. The minimum lot in Shoreview is 1/4 acre or 10,000 square feet. The proposed lots average 1/2 acre. There could be more density. Ms. Castle responded that the density for the neighborhood is 3.62 units per acre.

Commissioner Riechers asked for verification that the infiltration basin does address storm water runoff from all 8 homes, garages and driveways. Ms. Castle stated that the drainage plan takes all impervious areas into consideration.

Commissioner Peterson stated that there is little ground to refuse development of 8 homes. There may be some potential adjustment with the grading elevation less that would have limitations on the infiltration basin. That could work to make the appearance of the new homes more consistent with the neighborhood. The problem with the infiltration basin is the 1% chance each year of a rain that is 6 or 7 inches. The City Engineer's memo states that there is localized flooding now, and there would be additional flooding with a 100-year event. He agreed with Commissioner Solomonson to table this matter. He would like to see lower elevations for the new homes and a solution for the 100-year rain event.

Commissioner Riechers expressed her appreciation to the developer for his effort to fit the new homes into the neighborhood. She would like to see such a stipulation in a contract. Her concern is adding water to Hawes, and she would like to see a plan that addresses this issue.

Commissioner Anderson agreed that it is beyond the purview of the Planning Commission's authority to require a certain design home, if the homes meet City Code standards. His biggest concern is the water issues. He would like to see a more detailed

plan for the water. A 100-year holding basin has been presented. He would be interested to know if a 500-year event should be considered.

City Attorney cautioned that the application has to be reviewed under Section 204.030 of the Code. Paragraph H specifies storm water management. Paragraph 4 under H specifies that a pond must be designed to address a 100-year event. The Commission is limited to what is stipulated by Code. The options presented meet requirements of the City and Watershed District. What is being considered is a Preliminary Plat. Before a Final Plat can be approved, there must be a drainage plan approved by both the City and Watershed District. Because no variances are requested, it is difficult to impose added requirements. If the lots meet the requirements of subdivision standards, the City cannot impose additional conditions on the developer.

Commissioner Solomonson asked for clarification of the difference between a drainage plan meeting requirements and an approved drainage plan. City Attorney Kelly explained the proposed plan would meet requirements. Permitting is the next step with a Final Plat. The final plan must not only be approved but a permit issued before the Final Plat is approved by the City. If the Planning Commission were to require a final drainage plan approved by the City and Watershed District, it would be requiring something that is already required. It would be unusual to require a permit before the Preliminary Plat is approved. If permitted by the Watershed District, the plan would meet City requirements.

Commissioner Riechers cited Section 204 in the Code where it is stated that a subdivision shall not occur where there is flooding or poor drainage, unless the subdivider agrees to improve and make adequate street and lot drainage. City Attorney Kelly explained that the storm water requirements mean that there cannot be an increase of water or deteriorate the current conditions. The City Engineer makes that determination in conjunction with the Watershed District as to whether the plan meets requirements of the Code. If a technical analysis shows an increase of water to surrounding areas, the plan will not be approved.

Chair Doan read condition Nos. 2, 4, 5, 8, and 10 in the proposed motion that relate to drainage. He asked if there is justification to delay the application. City Attorney Kelly stated that one difficulty will be the time line, which has been extended once. Second is the question of what would satisfy the Commission beyond what is already contained in the conditions, Code, and Watershed District. There are no deviations from the Code and no conditions can be placed beyond what the Code requires. The conditions are justified and do meet Code. There is also the question of something occurring during the Final Plat process that could impact the drainage plan. If a drainage plan were already approved, it will have to be changed and approved by the City Manager or his designee, which would be the City Engineer or the Public Works Director. It is the Commission's decision as to whether the conditions in the motion are adequate.

Chair Doan asked if Hodgson Road is scheduled for reconstruction that would include curb and gutter and storm sewer. Ms. Castle stated the road is scheduled in 2020-2021. Chair Doan noted that if water were directed to Hodgson, it would be managed by a storm sewer system within 3 to 5 years. While he has concerns about drainage, the challenge is that the drainage issues already exist. The best technical assessments from the City Engineer and Watershed District show that water will be managed on the site. Water that is not managed on the site will be evacuated. It seems that although a lift station adds infrastructure maintenance, it will direct water to a location that is scheduled for improvement. He sees that as the preferred drainage method. This matter could be held over to another meeting, but the conditions in the motion are the ones typically included for a Preliminary Plat. Although there is a water issue on Hawes, he finds it difficult to delay the project, which would be beyond the already 120 day review period which could create there issues for the City.

Commissioner Solomonson stated that he wants the City Council to know there are big concerns for drainage on Hawes that should be addressed at the next level.

Commissioner Yarusso stated the key issue is whether the plan makes existing conditions worse. There is fear it would make it worse, but the actual plan will make it better. Even if the water were directed to Hawes, that is where the water is going now.

Commissioner Riechers suggested adding a condition to help with the issue of elevation. City Attorney Kelly explained that with a subdivision, all that is provided are the lot lines. There is nothing before the Commission regarding proposed buildings or building heights. Even then, if Code requirements are met, nothing can be done.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Yarusso to recommend the City Council approve preliminary plat submitted by Sean Keatts of Cara Builders LLC to subdivide and develop the property at 4140 Hodgson Road into eight lots for single-family detached homes. Said recommendation for approval is subject to the following conditions:

### **Preliminary Plat**

1. The approval permits the development of a detached residential subdivision providing 8 lots for single family residential development.
2. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to approval of any permits or the Final Plat. Concerns identified by the City Engineer shall be addressed with the Final Plat submittal.

3. Final utility plans are subject to review and approval by the Public Works Director.
4. The final street design is subject to review and approval of the Public Works Director.
5. A Development Agreement, Erosion Control Agreement shall be executed and related securities submitted prior to any work commencing on the site. A Grading Permit is required prior to commencing work on the site.
6. A Public Recreation Use Dedication fee shall be submitted as required by ordinance prior to release of the Final Plat.
7. The landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Trees on the property, which are to remain, shall be protected with construction fencing placed at the tree drip lines prior to grading and excavating. Said plan shall be submitted for review and approval by the City Planner prior to submittal of the final plat application.
8. The Final Plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the roadways shall be 10 feet wide and 5 feet wide along the side and rear lot lines. Other drainage and utility easements shall be provided over the proposed bio-filtration area, future public infrastructure and as required by the Public Works Director.
9. The developer shall secure a permit from the Ramsey Washington Metro Watershed District prior to commencing any grading on the property.
10. The developer shall gain an easement for the storm pond outlet, prior to the City submittal of the final plat application. Said easement shall be submitted to the City Attorney for review and approval.
11. Lot 1 shall have a 30 foot setback on the eastern lot line as it is a rear yard and the access for the lot shall be on the cul-de-sac.
12. Landscaping plan be submitted prior to issuance of any permits, that shows species, arrangement of plantings to scale and takes soil type and topography into account. Landscaping shall be installed along the eastern boundary and along the northern lot lines of Lots 2, 3, and 4. Said plan shall be submitted for review and approval by the Natural Resources Coordinator prior to submittal of the final plat application.

This approval is based on the following findings:

1. The proposed development plan supports the policies stated in the Comprehensive Plan related to land use and housing.

2. The proposed development plan carries out the recommendations as set forth in the Housing Action Plan.
3. The proposed development plan will not adversely impact the planned land use of the surrounding property.
4. The lots comply with the size standards in the Development Code.

**Discussion:**

Commissioner Solomonson stated he has confidence in staff that the drainage concerns will be addressed at the next level.

Commissioner Riechers stated she continues to be concerned about drainage to Hawes Avenue and the drainage ditches on Hodgson.

Commissioner Peterson stated there are serious problems regarding existing drainage issues. Although drainage will be reviewed and approved by technical experts at the next level, it will be beyond the purview of the Planning Commission. He is not sure he can support the motion.

Chair Doan expressed his appreciation to the neighborhood residents for their comments and for putting up with the Hawes drainage issues for a number of years. He encouraged them to continue to be engaged in the process for a resolution. He will support the motion as proposed.

**VOTE:**

**AYES: Doan, Yarusso, Anderson, Solomonson**

**NAYS: Peterson, Riechers**

**ABSENT: Wolfe**

**NEW BUSINESS**

**MINOR SUBDIVISION\* - STANDARD VARIANCES**

**FILE NO: 2691-18-11**  
**APPLICANT: Scott Deming**  
**LOCATION: 821 Tanglewood**

**Presentation by Associate Planner Aaron Sedey**

The property is located between Lexington and Hodgson. The properties at 821 and 831 Tanglewood are owned by the applicants. The application is for a boundary adjustment with a minor subdivision. Variances requested are for a less than minimum lot width at the Turtle Lake shoreline and to waive street frontage for the property at 821.

Both properties are developed with existing single family homes. They are zoned R1, Detached Residential. All neighboring properties are single family homes and designated for low density residential. Property to the west is zoned RE, Residential Estate and is in the previous PDA #5 and current PDA #4 under the 2040 Comprehensive Plan. The two subject properties are not in the PDA.

The change would be a boundary line for 821 that would extend to the street on Hodgson. This would mean adding 3.24 acres to 831 from 821. The minimum width at lake shore for a riparian lot is 100 feet with access to street frontage. Shoreland Mitigation is required.

The resulting parcels meet the required depth and area requirements per Code. Parcel A at 821 needs a variance for lot width at the shoreline from the required 100 feet to 81 feet. There is also a variance request for Parcel A to waive the street frontage. Parcel A will be served by the driveway easement that five other properties utilize. Access to the property is not changing.

The applicant states that the purpose of the application is for a boundary line adjustment to shift just over three acres from the parcel A at 821 to Parcel B at 831. Nothing will be changed on the lots with the subdivision and variances. The reason for this action is to plan for the future and not burden their children with the current boundaries.

Notices were mailed to property owners within 350 feet of the subject property. Two residents responded, one in support. One opposes the subdivision because of what it could lead to.

Staff finds that practical difficulty is present. Parcel A was created with the lot width of 81 feet and no change will occur. Unique circumstances are present due to the historical creation of the original lot and street access has always been with a private easement. The character of the neighborhood will not be altered, as no physical changes will occur. The home and garages will remain with no physical changes to the property.

Staff further finds that the application is in accordance with the standards of the Development Code and complies with the spirit and intent. Staff is recommending the Planning Commission approve the variances and recommend approval of the subdivision to the City Council with the conditions listed in the staff report.

Commissioner Solomonson asked about the concern for potential development as expressed by one resident. Mr. Sedey explained that with a certain size, reuse of the property has to be shown, although the property owner has no interest in further subdivision. Referring to condition No. 3 and asked if the updated easement should include the other properties that use it. City Attorney Kelly explained that the current

easement runs with the land. The updated easement only applies to 821 because 821 does not currently have an easement.

Commissioner Anderson asked if the existing parcel has access from Lakeview Drive. Mr. Sedey stated there is no improvement for that extension. Commissioner Anderson asked if 821 could be further developed. Mr. Sedey stated that subdivision could occur if a standard road were put in for access. The only thing changing here is the boundary line.

Commissioner Peterson asked why this property is not part of the PDA to the west. Mr. Sedey stated that the properties to the west were previously rezoned to RE20. Ms. Castle added that a portion of the large estate lots on Turtle Lake on the east were zoned RE. That was expanded to the south side and the west side in 1992. After 1992, there was a recommendation for RE rezoning. Property owners have entered into RE zoning and the PDA willingly.

**Mr. Chris Deming**, Applicant, stated that he is speaking for his parents who own the property. The application is a transfer of land from 821 to 831, both owned by his parents. They plan to continue to live at 821 on the lake. The property at 831 is rented. This action is taken in case something were to happen to them so the property could be easily sold.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Anderson to approve the variance request submitted by Scott and Jane Deming for their property at 821 Tanglewood Drive, waiving the public street frontage requirement and waiving the required width of a lake shore lot and also adopting Resolution No. 18-34 subject to the following conditions:

**Variance**

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5 day appeal period.

This motion is based on the following findings:

1. The applicant is proposing to use the property in a reasonable manner through a road easement. Access to the current homes on the properties is via Tanglewood Drive – through a private road easement – and that will not change with this subdivision. Additionally the lot was created with the current 81 feet at the water and no proposed changes are being propose and will continue to use the property in reasonable manner of a single family home.



2. Unique circumstances are present due to the historical and unique circumstances. Keeping access via a private road easement is reasonable due to the property's creation characteristics of frontage on Tanglewood Dr. Keeping access via a private road easement is reasonable due to the property's characteristics of frontage on a Tanglewood Drive. It is not reasonable to require frontage on a public street at this time due to the area's characteristic and potential for future development.
3. The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created and the minor subdivision and variances will just be noticeable on paper rather than affect the character of the neighborhood.

**VOTE:**

**AYES: Doan, Yarusso, Solomonson, Anderson, Peterson, Riechers**

**NAYS: None**

**ABSENT: Wolfe**

**MOTION:** by Commissioner Riechers, seconded by Commissioner Yarusso to recommend approval to the City Council of the Minor Subdivision request submitted by Scott and Jane Deming for their property at 821 Tanglewood Drive, subject to the following conditions:

**Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. A private driveway easement shall be updated to reflect the 821 Tanglewood having access, shall be conveyed before the City will endorse deeds for recording.
4. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
5. A Mitigation Affidavit is required for 821 Tanglewood Dr, this Affidavit shall be executed prior to the City's release of the deed for recording.
6. Approval of the Minor Subdivision is contingent upon the approval of a variance permitting waiving public street frontage requirement for 821 Tanglewood and waiving of the minimum 100 feet of shoreland for 821 Tanglewood.
7. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Discussion:

Commissioner Yarusso noted a typo at the end of condition No. 6. The word should be waiving, not waving.

**VOTE:**

**AYES:** Doan, Yarusso, Solomonson, Anderson, Peterson, Riechers  
**NAYS:** None  
**ABSENT:** Wolfe

**MISCELLANEOUS**

**City Council Meetings**

Commissioners Peterson and Yarusso will respectively attend the June 4, 2018 and June 18, 2018 City Council meetings.

**Pet Boarding/Kennels in the Industrial Zoning District**

**Presentation by City Planner Kathleen Castle**

The City has been approached by some businesses to open a pet boarding daycare facility in the community. Sites being considered are in the Industrial Zoning District, which does not permit this type of use. The intent of the Industrial Zoning District is for manufacture of products and goods and for research and development. These areas tend to be close to arterial roadways and rail lines for ease of shipment and delivery. They are also separate from residential areas.

There are three Industrial Zoning Districts in the City. One is on Highway 96, just to the west of the Commons. The second is off of Cardigan Road and County Road E. The third is off County Road E, adjacent to I-694. These are older industrial areas with smaller lots and limited expansion potential. The City has been hearing that these facilities are not attracting business uses because of the need for newer facilities with higher ceilings.

In the past, the Industrial Zoning District has been amended to allow public uses, such as the Lions Charter School. The District was also amended to allow gymnastic training centers. Clubs and lodges are allowed as a conditional use.

Current regulations define kennels in Section 202 as the keeping of 4 or more dogs or pets over six months of age for private or commercial purposes. Veterinary clinics are defined as places where animals receive medical care. There is no definition for pet

boarding or daycare. Pet grooming and pet shops are allowed in Commercial Districts (C2).

The types of facilities being requested have overnight boarding for dogs and cats and other animals. Daycare, pet grooming, sale of pet products and sometimes training classes are offered in the proposed facilities.

Commissioner Anderson asked if this could be allowed under a Conditional Use Permit. Ms. Castle agreed that could be an option.

Commissioner Yarusso stated that this would be consistent with other uses allowed under Conditional Use Permits. The Conditional Use Permit process allows the opportunity to address any traffic concerns or other issues.

Commissioner Peterson noted that one policy the City's Comprehensive Plan is to support combining smaller industrial parcels into larger parcels for industrial development. He asked if approving this smaller use would make creating larger parcels for industrial use a bigger challenge. Ms. Castle responded that this use would steer away from industrial use. Combining parcels involves multiple property owners. Staff is trying to find viable ways to use current industrial parcels. Pet boarding facilities are desirable and could be beneficial to the community.

Commissioner Solomonson stated that he is open to having staff looking into this issue to see it makes sense.

Commissioner Riechers stated this could be very beneficial for the City and would encourage looking into it further.

Commissioner Anderson asked if the Conditional Use Permit would cease when a pet boarding facility closes. Ms. Castle stated that a Conditional Use Permit goes with the land, but if the property is vacant for six months, it reverts to its prior use and the Conditional Use Permit is void.

Chair Doan agreed these facilities would be a nice amenity for the community. He would support this use in industrial zoning areas. There are areas in Minneapolis that have such facilities with little grass but have systems in place with turf and cleaning to make a nice facility.

## **ADJOURNMENT**

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Anderson to adjourn the meeting at 9:51 p.m.

**VOTE:**

**AYES: Anderson, Peterson, Reichers, Solomonson, Yarusso,  
Doan**  
**NAYS: None**  
**ABSENT: Wolfe**

**ATTEST:**

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Kathleen Castle  
City Planner

**DATE:** June 21, 2018  
**TO:** Planning Commission  
**FROM:** Aaron Sedey, Associate Planner  
**FILE NO:** 2693-18-13  
**SUBJECT:** Tabling Variance Request – 710 County Road I

Staff has received a request from Chuck Hannema to table his variance to exceed the maximum fence height allowed in the front yard. The applicant will be out of town. The applicant is requesting that this be heard at the July 24, 2018 Planning Commission Meeting.

Staff recommends the Planning Commission table the application to the July 24<sup>th</sup> Planning Commission meeting and extend the review period from 60 to 120 days.

**MOTION  
TABLING VARIANCE  
CHUCK HANNEMA  
710 COUNTY ROAD I W**

**MOVED BY COMMISSION MEMBER**\_\_\_\_\_

**SECONDED BY COMMISSION MEMBER**\_\_\_\_\_

To table the Variance requested for a six foot tall fence in the front yard, submitted by Chuck Hannema, 710 County Road I W. This item will be scheduled for the July 24, 2018 Planning Commission meeting. The review period is extended to 120 days.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
June, 26, 2018



Aaron Sedey <asedey@shoreviewmn.gov>

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## Variance application 2693-18-13

3 messages

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channema@comcast.net<channema@comcast.net>

Tue, Jun 12, 2018 at 3:31 PM

To: asedey@shoreviewmn.gov

Aaron:

I will be out of town on 6/26/18. Can my variance application be moved to the 7/24/18 meeting so that I may attend?

Thanks!

Chuck Hannema

Sent from XFINITY Connect App

**TO:** Planning Commission

**FROM:** Niki Hill, AICP, Economic Development and Planning Associate

**DATE:** June 21, 2018

**SUBJECT:** File No. 2694-18-14; Kristine Zacher, Minor Subdivision, 806 Crystal/  
807 Gramsie

### **INTRODUCTION**

Kristine Zacher has submitted a minor subdivision application to adjust the property boundary between her property located at 806 Crystal Ave and the neighboring property to the south at 807 Gramsie Road, also owned by Zacher. The boundary adjustment will shift the lot line 12 feet to the south. The boundary adjustment will transfer 1200 square feet from 807 Gramsie to 806 Crystal Avenue. No additional lots will be created, no trees will be removed, no buildings will be constructed, and no private driveways will be changed. Both of the properties are developed with detached single-family uses.

### **DEVELOPMENT ORDINANCE REQUIREMENTS**

Minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer and water must be provided to the resulting lots. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. The property is located in the R-1 Detached Residential District. In the R-1 district, properties must be at least 10,000 square feet in size and have a minimum width of 75'.

### **APPLICANTS' STATEMENTS**

The applicant states that the purpose of the subdivision request is to shift the lot line 12 feet to the south. This request will not create any new lots. The reasons for this request are outlined below:

The applicant states that the original property was a one acre parcel on Gramsie Road, which was owned by John and Waneta Zacher. This parcel was subdivided into two equal parts in 1994 in order for Waneta and John's daughter, Kristine Zacher, to build on the northern half of the property. Waneta passed away in the fall of 2017 and the property at 807 Gramsie Rd was left in trust to her five children. In order to bring the 2 parcels into compliance at the rear of both parcels, some of the gardens will have to be removed and/or relocated. Also, a shed on Kristine's property (806 Crystal Ave) is now 9 feet from the rear property line. Extending the property line 12 feet to the south will make it easier to bring both properties up to code with the least amount of garden to be removed and restoring of grass on the 807 parcel.



**STAFF REVIEW**

*Minor Subdivision*

The proposal to adjust the lot lines of 806 Crystal Ave and 807 Gramsie Road will increase the area of 806 Crystal Ave by 1,200 square feet. No new lots or further subdivision is being proposed as this time. The proposed lot line adjustment and resulting lots shown in the following table:

|                      | Depth    | Area           |
|----------------------|----------|----------------|
| 806 Crystal Ave      | 223 feet | 22,300 sq feet |
| 807 Gramsie Road     | 199 feet | 19,900 sq feet |
| City Requirement R-1 | 75 feet  | 10,000 sq. ft  |

The proposed subdivision complies with City requirements. No Public Recreation Use Dedication fee is required for this property boundary adjustment since no new homesites will be created as a result of this approval. New drainage and utility easements are required for the new lot boundaries. The existing setbacks of homes on each existing lot are not affected by the boundary adjustment.

There is a shed on the 806 Crystal Avenue property located 9’ from the rear lot line, which is less than the required 10’ required. No permit is on file for the shed. The setback of this shed will be brought into compliance with the code as a result of the subdivision. A condition is attached requiring a permit for this shed.

**PUBLIC COMMENT**

Property owners within 350 feet were notified of the applicant’s request. No comments have been received.

**STAFF RECOMMENDATION**

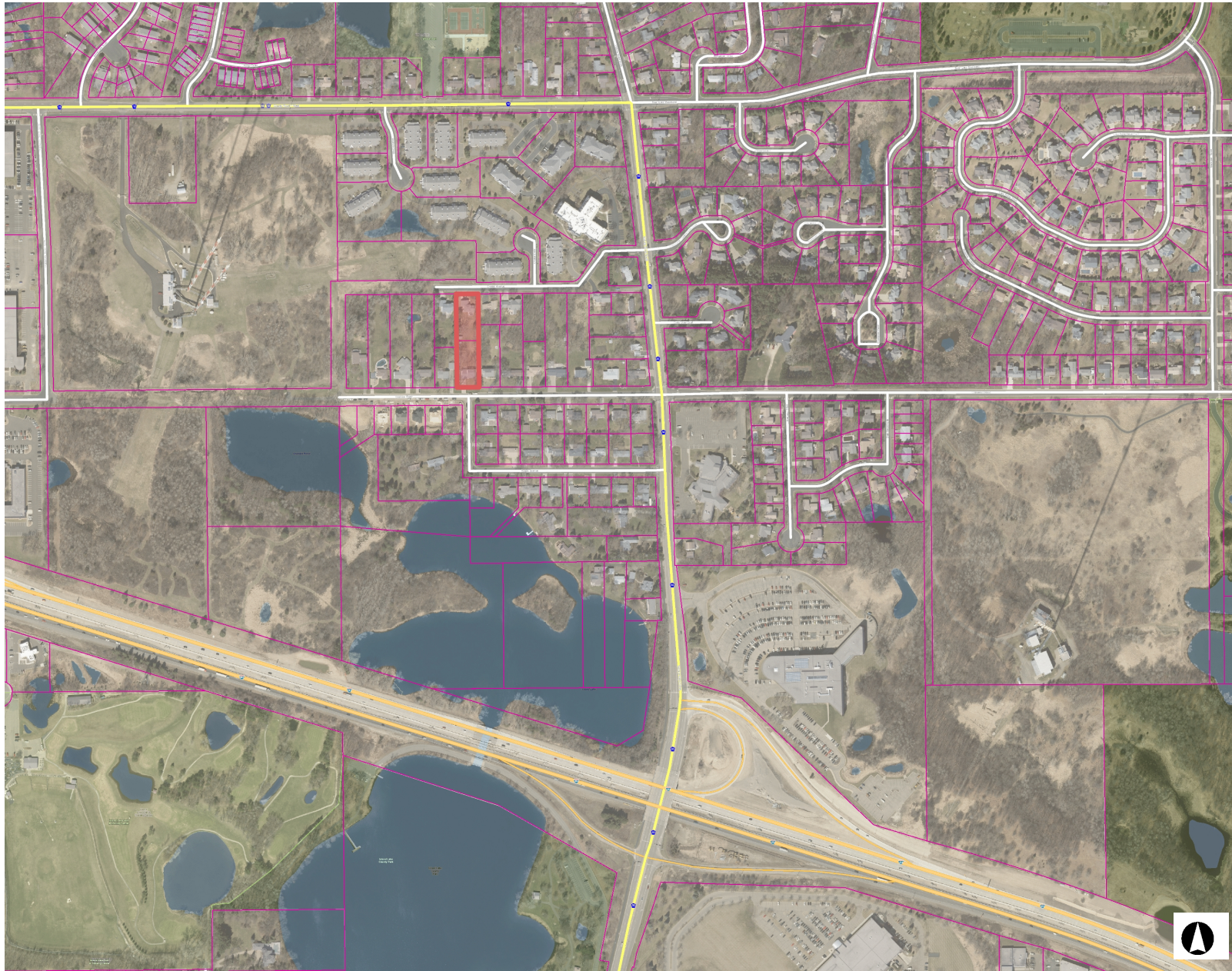
The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards. Staff recommends that the Planning Commission recommend approval of the minor subdivision to the City Council, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. A permit is required for the existing shed located at 806 Crystal Ave.
3. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.

4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.









Attachments

- 1) Location Map
- 2) Submitted Statement and Plans
- 3) Motion



### Legend



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

1,333.3                      0                      666.67                      1,333.3 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

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

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

### Notes

806 Crystal Ave / 807 Gramsie Road

To: City of Shoreview  
Department of Community Development

From: Kristine Zacher  
806 Crystal Ave.  
Shoreview, MN. 55126

Subject: Subdivision of Property, 807 Gramsie Rd./806 Crystal Ave. Shoreview, MN.

The original property was a one acer (42200 Sq. Ft.) parcel, 807 Gramsie Rd. which was owned by John and Waneta Zacher was subdivided into 2 equal parcels (21,100 Sq. Ft.) in 1994. John Zacher passed away in December of 1991 leaving the entire property to his wife, Waneta. In order to help with the property the homestead and taking care of Waneta, their daughter, Kristine Zacher elected to build on the northern half of the property hence the original subdivision. Over the years Kristine and her mother planted a couple large gardens together and shared them on both properties.

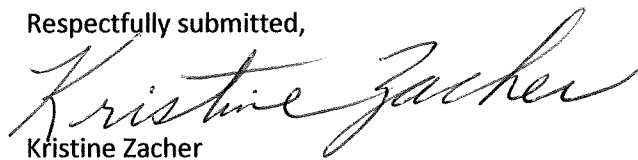
Waneta passed away in the fall of 2017 and property at 807 Gramsie Rd. was left in trust to her five children. Kristine and her sister Kathleen Zacher-Pate were assigned to administer the trust by Waneta. In order to bring the 2 parcels into compliance at the rear of both parcels some of the gardens will have to be removed and/or relocated. Also a shed on Kristine's property is now 9 ft. from the rear property line.

Kristine (and her siblings) are all in agreement that by extending her property line 12 ft. to the south will make it easier to bring both properties up to code and with the least amount of garden to be removed and restoring of grass (sod) on the 807 parcel.

Once again, both properties are owned by the family and that there is no money involved in this transaction.

Thank you!

Respectfully submitted,

  
Kristine Zacher

Proposed: 806 Crystal Ave.  
22,300 Sq. Ft. (100'X223')

807 Gramsie Rd.  
19,900 Sq. Ft. (100'X199')



# HY-LAND SURVEYING

LAND SURVEYORS

7845 Brooklyn Blvd. Brooklyn Park, Minnesota 55445

560-1984

INVOICE NO. 5045  
 F. B. NO. 145-24  
 SCALE 1" = 40'

- Denotes Iron Monument
- Denotes Wood Hub Set For Excavation Only

- x000.0 Denotes Existing Elevation
- Denotes Proposed Elevation
- ← Denotes Surface Drainage

- \_\_\_\_\_ Proposed Top of Block
- \_\_\_\_\_ Proposed Garage Floor
- \_\_\_\_\_ Proposed Lowest Floor
- \_\_\_\_\_ Type of Building -

## Surveyors Certificate

WANETA ZACHER



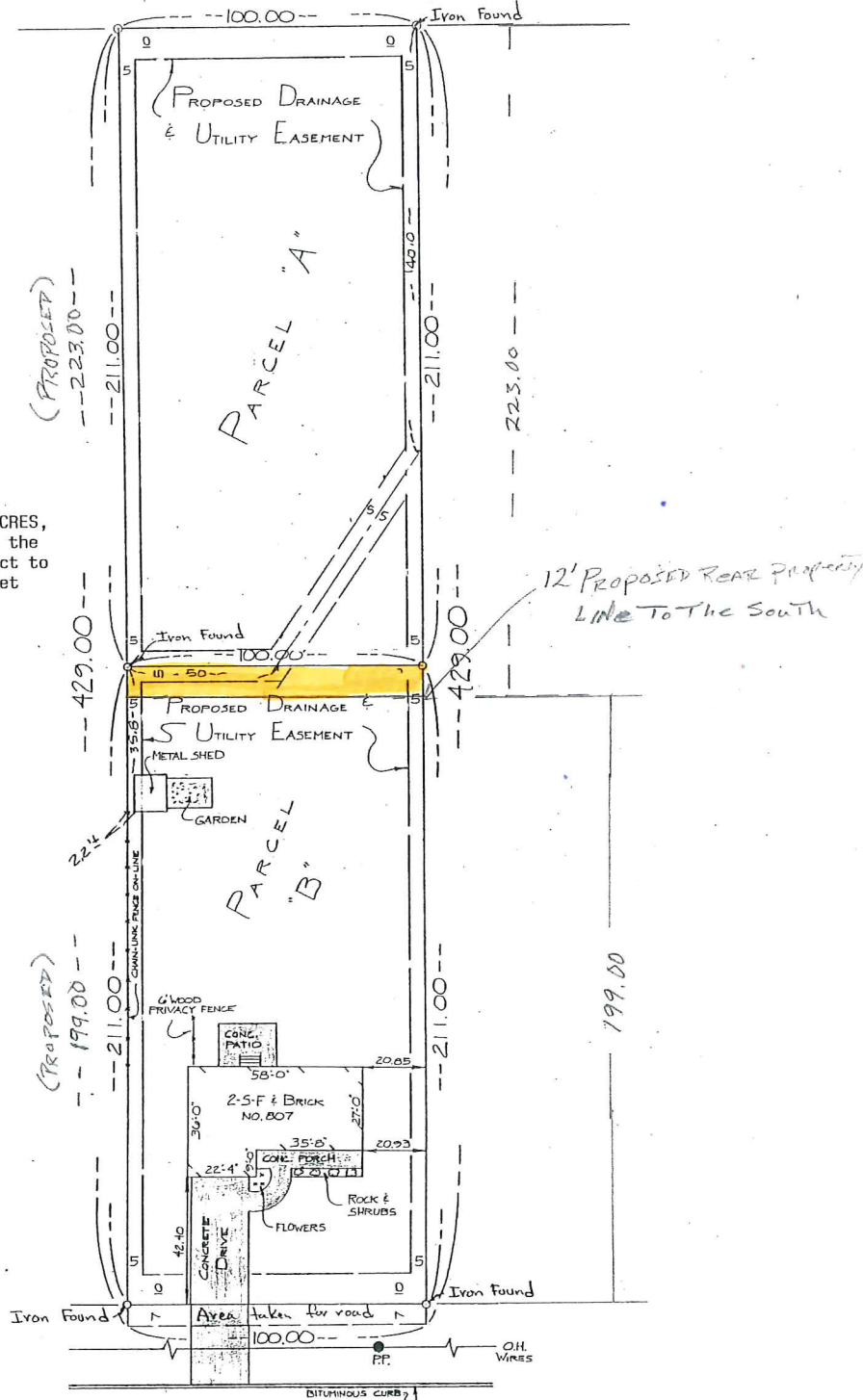
CRYSTAL AVENUE

PARCEL "A" (21,100 Square Feet)

The North 211.00 feet of Lot 6, VIVIAN JOHNSON'S GARDEN ACRES, RAMSEY COUNTY, MINNESOTA

PARCEL "B" (21,100 Square Feet)

Lot 6, VIVIAN JOHNSON'S GARDEN ACRES, RAMSEY COUNTY, MINNESOTA; except the North 211.00 feet thereof; subject to Gramsie Road over the South 7 feet thereof.



GRAMSIE ROAD

The only easements shown are from plats of record or information provided by client.

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

Surveyed by us this 19th day of SEPTEMBER 19 94

Signed Milton E. Hyland  
 Milton E. Hyland, Minn. Reg. No. 20262

Rev. Oct. 17, 1994

**MOTION TO RECOMMEND APPROVAL**

**MOVED BY COMMISSION MEMBER** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER** \_\_\_\_\_

To recommend approval to the City Council of the Minor Subdivision request submitted by Kristine Zacher for the properties of 806 Crystal Ave and 807 Gramsie Road, subject to the following conditions:

**Minor Subdivision**

1. The minor subdivision shall be in accordance with the plans submitted.
2. A permit is required for the existing shed located at 806 Crystal Ave.
3. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This motion is based on the following findings:

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards for the (R1) Detached Residential district.

**VOTE:**

**AYES:**

**NAYS:**

**ABSENT:**