

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: MARCH 26, 2013  
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**

*January 29, 2013*

*February 26, 2013 – Workshop*

*Brief Description of Meeting Process – Steve Solomonson*

**3. REPORT ON CITY COUNCIL ACTIONS:**

*Meeting Date: March 4, 2013 and March 18, 2013*

**4. NEW BUSINESS**

**A. PUBLIC HEARING – CONDITIONAL USE PERMIT**

*FILE NO: 2476-13-03*

*APPLICANT: Jeffrey & Margaret Vest*

*LOCATION: 5385 Carlson Road*

**B. PUBLIC HEARING – PRELIMINARY PLAT /  
SITE & BUILDING PLAN REVIEW**

*FILE NO: 2477-13-04*

*APPLICANT: St Odilia Church*

*LOCATION: 3495 Victoria Street North*

**C. MINOR SUBDIVISION**

*FILE NO: 2480-13-07*

*APPLICANT: Joshua & Joanna Wing*

*LOCATION: 169 Bridge Street*

**D. COMPREHENSIVE SIGN PLAN**

*FILE NO: 2478-13-05*

*APPLICANT: Sign Maintenance Lighting*

*LOCATION: 5910 Lexington Ave – Willow Creek Center*

**E. COMPREHENSIVE SIGN PLAN**

*FILE NO: 2479-13-06*

*APPLICANT: Lawrence Sign*

*LOCATION: 3592 Lexington Ave.*

**F. PUBLIC HEARING - TEXT-AMENDMENT – RESIDENTIAL SETBACK REGULATIONS**

*FILE NO: 2433-11-26*

*APPLICANT: City of Shoreview*

*LOCATION: City Wide*

**5. MISCELLANEOUS**

*A. City Council Assignments for April 8<sup>th</sup>, 2013 and April 22, 2013 Commission Members  
Ferrington and Schumer*

**6. ADJOURNMENT**

**SHOREVIEW PLANNING COMMISSION  
MEETING  
January 29, 2013**

**CALL TO ORDER**

Chair Solomonson called the meeting of the January 29, 2013 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Chair Solomonson; Commissioners, Ferrington, McCool, Proud, and Thompson.

Commissioner Schumer was absent.  
Commissioner Wenner arrived late.

**APPROVAL OF AGENDA**

**MOTION:** by Commissioner Ferrington, seconded by Commissioner Proud to approve the January 29, 2013 agenda as submitted.

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

**APPROVAL OF MINUTES**

Page 6: Chair Solomonson stated that the 4th paragraph should state that he noted one digital billboard on I-694 with color graphics is visible from the TCF site on Lexington Avenue.

**MOTION:** by Commissioner Proud, seconded Commissioner McCool to approve the December 13, 2012 Planning Commission minutes as amended.

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

At this time in the meeting, Commissioner Wenner arrived.

**REPORT ON COUNCIL ACTION**

City Planner Nordine stated that the City Council extended the review period for a variance application from Michael Morse, 1648 Lois Drive. Mr. Morse appealed the Planning Commission's denial of his application, and the review period was extended to 120 days.

Also, the review period for the Conditional Use Permit application from Dennis Jarnot was extended.

## **NEW BUSINESS**

### **PUBLIC HEARING - REZONING / PRELIMINARY PLAT / PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE**

**File No.**                    **2475-13-02**  
**Applicant:**               **PAR System, Inc./Welsh Shoreview, LLC**  
**Location:**               **625, 655 & 707 County Road E West**

#### **Presentation by City Planner Kathleen Nordine**

Currently, the site consists of two parcels--707 County Road E, which consists of 4.82 acres and is developed with an office/manufacturing with off-street parking and storm water management. The second parcel is 625/655 County Road E, which consists of 5.32 acres with two buildings, off-street parking and storm water management.

The application is to rezone the property from Business Park (BPK) to Planned Unit Development (PUD); plat the property from two into three parcels, so that each building would be on a separate parcel: 625, 655 and 707 County Road E West. The property is in Policy Development Area (PDA) No. 17 of the Comprehensive Plan and in TRA (Targeted Redevelopment Area) No. 3. The proposal is consistent with the Comprehensive Plan designated for Business Park uses and adjoining land uses. There would be no adverse impact on adjoining land uses. Deviations are needed including the side setback for the new structure, which is 22 feet rather than the required 30 feet from the new side property line.

The site and building plan was approved with a condition attached requiring a PUD application for the entire site be submitted to the City within one year. At this time, the proposed addition onto the building is not being built, but PaR Systems is proceeding with the PUD application. Setback deviations are proposed with this PUD: 1) reduce the 20-foot required setback for a parking area from County Road E to 6.2 feet; 2) reduce the 5-foot setback for a parking area from a side lot line to 0 feet between Lots 1 and 2; 3) reduce the minimum 30-foot setback from a side lot line to 22.2 feet.

The number of parking stalls does not meet minimum City requirements. There is a shortage of 98 stalls. Proof of parking reduces the shortage to 62 stalls. This deviation was approved with the Site and Building Plan Review. No changes are being made. The Development Agreement includes language to the effect that should there ever be a change of use or occupancy, an amendment to the PUD will be required. PaR Systems has submitted a statement indicating that the parking shown does meet their needs.

Notices were sent to property owners within 350 feet. No comments were received. Staff is recommending the public hearing and a recommendation for approval.

Commissioner Ferrington asked if the parcels could be sold separately in the future. Ms. Nordine answered, yes. The Development Agreement, however, addresses shared parking and maintenance of the sites. Those issues would have to be addressed with a new property owner

Commissioner McCool asked if the Development Agreement specifically addresses these issues, or only in general language. Ms. Nordine explained that the language is general, but if there is a 5% change in use with the property, then a PUD amendment is automatically triggered.

City Planner Nordine stated that the proper notifications have been given for the public hearing.

Chair Solomonson opened the public hearing.

**Mr. Paul Otto**, Land Surveyer, Otto and Associates, stated that he represents the applicants. He clarified that the reason for three buildings and three parcels is to have different entities that can be financed separately. Access and parking easements address those issues.

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

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

Commissioner McCool stated that he would offer an amendment to the conditions listed to make sure a PUD amendment is triggered to address parking with a change in ownership of any of the parcels.

Commissioner Ferrington asked the number of employees on the site. **Mr. Chuck Schwab**, General Counsel for PaR Systems, 3362 Heritage Court, Stillwater, stated that at this time, there are 179 employees. At full development another dozen or so employees would be added.

**MOTION:** by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the rezoning, preliminary plat and planned unit development stage applications submitted by PaR Systems/Welsh for 625, 655 and 707 County Road E. Said approval is subject to the following:

### **Rezoning**

1. This approval rezones the property from BPK, Business Park, to PUD, Planned Unit Development with an underlying zone of BPK, Business Park.
2. Rezoning is not effective until approvals are received for the Final Plat, PUD - Final Stage and development agreements executed.

### **Preliminary Plat**

1. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
2. The final plat shall include drainage and utility easements along the property lines and stormwater ponding areas. Drainage and utility easements along the roadways shall be 10' wide and along the side lot lines these easements shall be 5' wide and as required by the Public Works Director.
3. Private agreements shall be secured between the parcels in the subdivision regarding joint driveway, parking, stormwater, utility and maintenance agreements. Said agreements shall

be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.

4. Executed and recorded copies of the required agreements and association documents shall be submitted to the City prior to the issuance of a building permit.
5. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

### **Planned Unit Development – Development Stage**

1. The permitted uses of the buildings on these properties is for manufacturing, warehouse and office uses as depicted on the submitted and approved site plans on file with the City for each parcel. Any change in use or occupancy of the building as determined by the City Planner will require an amendment to the Planned Unit Development.

[In condition No. 1, Commissioner McCool amended the second sentence to read, “Any change in use or occupancy, or substantial change in areas devoted to any permitted use, of the building.”]

2. Private agreements shall be secured between the parcels in the subdivision regarding joint driveway, parking, stormwater, utility and maintenance agreements. Said agreements shall be submitted to the City Attorney for review and approval prior to the City's release of the Final Plat.
3. At the time the proposed addition is constructed on the building at 625 County Road E, the applicant is encouraged to enhance the exterior appearance of the building at 655 County Road E.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated business park land use in the Comprehensive Plan.
2. The proposed subdivision complies with the subdivision standards identified in the City's Development Code.
3. The proposed PUD for these properties is beneficial because it will formally recognize the use of these properties by a single user and the shared facilities and infrastructure that exist within this development.

Discussion:

Commissioner McCool stated that the reason for his amendment is for staff to have discretion, rather than a percentage, 5% or 10%. The term “substantial” is used elsewhere in the Code.

**VOTE:**                      Ayes - 6                      Nays - 0

## SITE AND BUILDING PLAN REVIEW

File No. 2474-13-01  
Applicant: Ramsey County Parks & Recreation Department  
Location: 5959 Lexington Ave (Rice Creek Trail and Off-Leash Dog Park)

### **Presentation by Senior Planner Rob Warwick**

This application is for improvements to the Rice Creek North Regional Park trail. When complete, the trail will follow Rice Creek and connect Centerville to the Mississippi River in Fridley. The portion in Shoreview has two parking areas, a 10-acre off-leash dog park and approximately 3 miles of bituminous trail.

Improvements include a lower six-stall parking area (surfaced with porous asphalt) to serve the water trail and canoe landing. The upper parking area will have 30 stalls with circular drive that encloses a rain garden for infiltration of storm water. New internal trails will connect the parking area to a new restroom building. All internal trails will be of porous asphalt. Trails and restroom facilities will meet ADA accessibility standards.

The proposal is consistent with the City's Comprehensive Plan and complies with the City's Development Code. Surrounding uses include a mobile home park to the north that is guided for medium and high density land uses. On the west is a medium density residential and business park area. To the south is low density detached residential.

The park is in the Open Space District, where park facilities are permitted with findings. The property is also within the General Flood Plain District. The northeastern portion of the site is in Zone A, which is subject to 1% annual chance of flood, where there is a no established base flood elevation area. Along the south east is Zone AE, which is subject to 1% annual chance of flood, with an 887 foot base flood elevation. All development proposed falls outside Zone A and Zone AE with the exception of a small portion that will have a canoe landing. Since no fill is proposed in any flood hazard area, the project complies with the requirements of the GF District.

Several storm water management measures will be used: 1) a rain garden/infiltration area in the upper parking lot; and 2) porous asphalt in the lower parking area. Runoff will decrease and meet City requirements. A permit from the Rice Creek Watershed District is required.

Over 70 trees will be removed for the drive and upper parking area; only two trees are landmark trees. The replacement requirement is 6:1 for a total of 12 replacement trees. Landscaping includes oak savannah restoration on the north side of the upper parking area and native shrubs to help screen the parking area.

The restroom building will consist of concrete block and exterior finish of hardi-board with stone accents. A gable metal roof is planned and sola tubes used for interior light. No windows are included. Bike racks and an information kiosk will be near the building. The building design is consistent with City requirements.

In the early 1990s, Lexington Avenue was realigned to remove a sharp curve, but the old right-of-way was not vacated. These proposed improvements will be located in part of the old right-of-way. Staff recommends that the County address this issue.

The park is heavily used. Construction is planned over the summer for three months and the park will not be closed, but signs will be posted to notify users to park at the lot at 1901 County Road I, which is a 1.5 miles from the off-leash dog area. If on-street parking results or problems arise, the County has agreed to close the off-leash dog park at the request of the City.

Residents within 350 feet were notified of the proposal. No comments have been received. Ramsey County will hold a public meeting at Shoreview City Hall for public information.

Staff is recommending the application be forwarded to the City Council with a recommendation for approval.

Commissioner Wenner asked the how the County determines the number of parking stalls. Mr. Warwick stated that there were 25 stalls. The proposal increases that to 30 with a lower parking lot of six stalls for the water trail. His observation is that while the park is heavily used, he is not aware of overcrowding.

Commissioner Proud stated that there are other trails available to access the park and off-leash dog area. Closing the park if parking becomes a problem would be too harsh. He asked if there will be a prohibition of motorized watercraft. He expressed concern about a turf trail for the water trail as not being sustainable. Mr. Warwick responded that although the off-leash area is heavily used, there is no parking along Lexington for people to walk from there. It is a temporary situation. Staff will work to minimize problems. Acknowledging the poor soil of the water trail, he responded that staff will work with the County to be sure it is sustainable.

Commissioner Ferrington commended the improvements planned. It will maximize the beauty of the area. She especially appreciates green practices--the rain garden, porous asphalt. Her concern for the waterway is to be sure that people who park in that lower lot actually do use the waterway. Also, she would like to see space for two trailers. As an example, students from the University and other schools are sent out to canoe. A group of students would need space for a trailer for more than one canoe. She also asked if it would be possible to move the dog area temporarily to the other side of the park near the County Road I parking while construction occurs.

Commissioner Solomonson stated that he would like to be sure the trail by the pond that accesses the dog park remains open. He asked if there is a security issue for the secluded parking area. Mr. Warwick stated that in the last year there have been six incidents. He noted the light poles are planned that will allow cameras to be installed as funding permits.

Commissioner Solomonson noted the many small trees to be removed. Mr. Warwick responded that many are ash trees, and it would be proactive to remove them now before they are infested with emerald ash borer. The County is a good steward and maintains the land in good condition.



Commissioner Solomonson stated that there is a steep drop off from the parking lot and asked if that is of concern. Mr. Warwick stated that the new parking lot will give better access to the high land areas.

Commissioner Wenner suggested that if the old remains of a silo is on the old Shoreview farmstead, it would be nice to create an interpretive area of Shoreview history.

**Mr. Scott Yonke**, Planning and Development Director, Ramsey County Parks, responded to questions: The number of parking stalls is based on the use observed. The parking planned is adequate and has a high turnover. The existing lot may have 20 cars if it is crowded. What is planned will make parking easily available. Trailers do not come often. There is a trailer stall, but it is not used heavily. Also, the stalls are oversized for easy turning movements. Trails will be directed away from steep areas near the parking lot. The oak savannah to restore the area is conducive for walking.

No motorized watercraft will be allowed. Strictly kayaks and canoes will be permitted. Turf trails have been used for canoe launches because it is a surface that will not damage watercraft that is being pulled on the surface. Wood chips are not used because they are high maintenance. Some of the trail slope will be made less steep and easier to portage. Although the bike trail is alongside the canoe trail, he does not believe it will be used for canoes because it will be a much longer distance from the parking lot to use the bike trail.

The off-leash dog area cannot be moved, as specific design requirements are needed. In regard to safety, the parking area will be more open than now. Two parking lot lights will be put in with capability to plug in a full-scan camera. Safety has been discussed with the Ramsey County Sheriff's Department and those suggestions incorporated into the plan. The area is regularly patrolled. There is a motion sensor on the light pole.

Invasive shrubbery will be removed and a number of ash trees to restore the area to its native oak savannah, which is very conducive for walking. As for the old silo foundation and other old foundations on the site, they will not be removed. He agreed to look into interpretive signage.

Commissioner Proud asked that the County be sure there is authorization to prohibit motorized watercraft. He suggested a berm so that runoff from the trail not run into the creek and trail maintained. He commended this project. **Mr. Yonke** responded that motorized watercraft are prohibited on Rice Creek. There would be no way to get a boat trailer to the launch area.

**MOTION:** by Commissioner Proud, seconded by Commissioner Ferrington to recommend that the City Council approve the Site and Building Plan application to redevelop the Rice Creek Trail North, Lexington Avenue Trailhead, 5959 Lexington Ave., subject to the following conditions:

1. This approval permits the redevelopment of the Lexington Avenue Trailhead in accordance with the submitted plans. The City Planner may approve minor changes to the submitted plans.

2. Final grading, drainage, erosion control and utility plans are subject to approval by the Public Works Director.
3. City permits are required for the new water and sewer taps, and associated service lines.
4. A surety for work on City infrastructure (water, sewer, and trail) is required in the amount of \$5,000.00.
5. Lighting on site shall comply with Section 206.030 of the Development Code.
6. City permits shall not be issued prior to Rice Creek Watershed District issuing a permit for the project.
7. All facilities of the park may remain open while the parking area is redeveloped, however in the event parking on City streets creates nuisance conditions, Ramsey County Parks will close the off-leash dog area until parking is again provided for park users at the Lexington Trailhead.
8. The Staff is authorized to issue grading and building permits for this project.

This approval is based on the following findings:

1. The proposed use is a permitted use in the OS, Open Space District and the GF, General Flood Plain District.
2. The use and proposed alterations are consistent with the Planned Land Use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and Chapter 10, Parks.
3. The storm water management plan is consistent with the City Surface Water Management Plan.
4. The redevelopment is consistent with the Architectural and Site Design criteria and other standards specified in the Municipal Code.

**VOTE:**                      Ayes - 6                      Nays - 0

**OLD BUSINESS**

**CONTINUATION OF PUBLIC HEARING- TEXT AMENDMENT – VEHICLE SALES**

**File No:**                      **2454-12-17**  
**Applicant:**                **City of Shoreview**  
**Location:**                 **City Wide**

Presentation by City Planner Kathleen Nordine

The proposed amendment to the Development Code would prohibit vehicle/equipment sales that require large outdoor display sales or storage areas and rental in the C2, General Business District. This includes new or used cars, recreational vehicle sales and rental and small structure storage sheds. The proposed text has been revised to respond to the comments received at the public hearing.

Two options are being presented. Both use the term “open sales lot” as prohibited. New definitions that have been added to the Code are for the terms construction/heavy equipment

sales and rental; vehicle sales; and auto rental and service facility. Both options prohibit sales and rental of construction/heavy equipment. What would be permitted on open sales lots are Christmas trees, agricultural produce.

The difference between the two options is that Option 1 would permit auto rental and service facilities as a conditional use. Standards proposed would regulate such things as number of vehicles and parking location.

Option 2 would allow vehicle and equipment sales/rental, if the items are located within a fully enclosed building.

Staff recommends continuance of the public hearing and consideration of the two options.

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

**MOTION:** by Commissioner Ferrington, seconded by Commissioner Wenner to close the public hearing.

**VOTE:** Ayes - 6 Nays - 0  
Commissioner Thompson asked if staff has a preferred option. Ms. Nordine stated that there are few C2 districts, and the question is what use do commissioners want to see at those locations.

Commissioner McCool stated that under Option 2, he would like to see vehicle and equipment sales as also a conditional use, even if enclosed. Ms. Nordine explained that it would be difficult to differentiate between vehicles and equipment and other types of retail sales. She suggested that if there is a service facility as part of sales, then a conditional use permit would be required.

Commissioner McCool noted that in Section 205.030 (9) the stricken language about compatibility should be left in to give the City Manager more leverage in making these decisions. He stated that he favors Option 2 noting some typographical changes: the second line of the auto and rental service definition should read, “. . .said premises should be used “to” store. . . ; the next line, “. . . incidental servicing vehicle “of” vehicles. . .”; under vehicle sales, it should read, . . . land or building used in the sale of. . . , omitting the word “for.”

Under Option 2, Commissioner McCool suggested the language be changed to state vehicle sales located within a building and equipment sales and rental.

Chair Solomonson asked if this means that anything rented has to be inside. Ms. Nordine stated that there is a section of the code that addresses and defines outside display area.

**MOTION:** by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the text amendment Option 2 to Chapter 200 of the Municipal Code pertaining to vehicle sales and rental with the following changes: 1) the stricken language about compatibility be moved to Section 205.030; 2) breaking out of vehicle and equipment sales into two separate entries; 3) the second line of the auto and rental service definition should read, “. . .said premises

should be used “to” store. . . “; 4) the next line, “. . . incidental servicing vehicles should say “of” vehicles. . .”; and 5) under vehicle sales, it should read, “. . . land or building used in the sale of. . .”, omitting the word “for.”

**VOTE:**                      Ayes - 6                                      Nays - 0

#### MISCELLANEOUS

##### City Council Meetings

Commissioners Solomonson and Wenner will attend the February 4th and February 19th City Council meetings respectively.

##### Workshop

The Planning Commission will hold a workshop meeting following the next Planning Commission meeting on February 26, 2013.

#### **ADJOURNMENT**

**MOTION:**    by Commissioner Wenner, seconded by Commissioner McCool, to adjourn the regular Planning Commission Meeting of January 29, 2013 at 8:55 p.m.

**VOTE:**                                      Ayes - 6                                      Nays - 0

**PLANNING COMMISSION WORKSHOP  
FEBRUARY 26, 2013**

**CALL TO ORDER**

Chair Solomonson called the Shoreview Planning Commission workshop meeting to order at 7:00 p.m.

**ROLL CALL**

The following were present: Chair Solomonson; Commissioners Ferrington, McCool, Schumer, Thompson, Wenner.

Commissioner Proud was absent.

**DEVELOPMENT CODE AMENDMENTS - UPDATE**

**Sign Ordinance (Temporary Signs and Message Center Signs)**

City Planner Kathleen Nordine stated that an amendment is being proposed based on concerns and complaints about temporary signage in the community. Draft amendments have been prepared for review. The goal is to enact changes by May or June in time for the season when temporary signs are most in use.

The proposed amendment would provide more flexibility for use of temporary signs. The maximum area would be increased based on building size. The number that could be used would be increased from a maximum of two per year to four per year. The display time would increase from seven days to 14 days. There must be 14 days between the posting of temporary signs on a property. Illuminated signs would be permitted in windows. Sandwich boards and T-frame signs would not be permitted.

Message center signs would be allowed in commercial districts. Colors and graphics would be reviewed through a Comprehensive Sign Plan review. A Comprehensive Sign Plan would not be required if the proposed signs comply with City regulations. Minor deviations to the standards of the sign code would be reviewed and approved administratively. Feedback to the proposed amendments will also be sought by the Economic Development Commission and retailers/business community. Formal text amendments will be considered by the Planning Commission and City Council in May or June.

Chair Solomonson asked if the allowing temporary signs in a multi-tenant building are based on building size or number of tenants. Ms. Nordine answered number of tenants. The issue is to not have temporary signs posted all the time. A building with 12 tenants would mean that each tenant would be allowed one temporary sign per year counting the 14-day period with no signs in between the posting of a temporary sign.

Chair Solomonson stated that it would be a disadvantage to be a tenant in a large building. Ms. Nordine stated that the intent is to encourage use of reader boards or message center signs for tenants. Message centers and reader boards are preferred rather than use of temporary signs. If a message center or reader board sign is used, temporary signs are not allowed on the property.

Commissioner McCool stated that if there are six tenants in a building and only one can have a temporary sign at a time with 14 days in between the posting of another, it would be awkward for special events like Mother's Day or Valentine's Day or a weekend event.

Commissioner Ferrington asked if a temporary sign can be posted for less than 14 days, such as a one- or two-day special sale. Ms. Nordine answered, no. The intent is for a continuous 14 days, which makes the amendment more enforceable. Mr. Warwick added that a reader board (changeable copy) or message center can be used for short duration temporary messages.

Commissioner Thompson clarified that message centers would be owned by the landlord, and tenants would have to agree on how they are used.

Commissioner Wenner asked how these regulations would impact cottage industries, such as daycare, or tax service. Ms. Nordine stated there is a home occupation ordinance that addresses that signage. No special temporary signage is permitted, such as advertising daycare openings.

[Unable to hear Commissioner Thompson.]

Chair Solomonson asked if sandwich board or T-frame signs are considered temporary signs and if banner signs have been used in the City and how that size was determined. Ms. Nordine stated that they are, but are excluded from the permit requirements. Ms. Nordine stated that Target used a banner for the Grand Opening. Mr. Warwick stated that regardless of building size, banners can only be 32 square feet. The 64 square foot size was allowed for Target during renovation.

Commissioner Ferrington agreed that a business in a multi-tenant building is at a definite disadvantage. Who can put Grand Opening signs up when multiple businesses are opening at the same time, such as the new development on I-694? She questioned the rationale for 14 days between posting of temporary signs. Ms. Nordine stated that the intent is to prevent a proliferation of temporary signs. Mr. Warwick explained that the 14-day period is actually a reduction from the current regulation that requires 30 days between displays of temporary signs. The intent is to have the building facade uncluttered.

Commissioner McCool stated that he would like to see more flexibility to allow businesses in a multi-tenant building be able to have temporary signs at the same time. He suggested language that no more than 50% or 60% of tenants in a building would be allowed temporary signs at the same time. Encouraging message centers is good, but he is not sure that will be a good answer for the new businesses on Red Fox Road. He could envision other reasons for using banners than just Grand Openings. Message centers are good, but a landlord has to put them in.

Chair Solomonson stated that the question is whether it is fair that a business in a multi-tenant building is allowed only one event per year when a temporary sign may be posted. If two businesses opened at the same time, only one could have a banner for a Grand Opening.

Chair Solomonson asked the regulation for window signs. Ms. Nordine stated that it could be an illuminated “open” sign or paper sign. Illuminated signs can cover 5% of window/door area on a wall. Paper signs can cover up to 10% of window/door area.

The regulation for civic event signs is changed to not being posted prior to 14 days of the event day. A civic event would be a fundraiser, such as a book fair or the *Slice of Shoreview*. Chair Solomonson stated that he does not see a reason for the change. Ms. Nordine stated that it is a matter of reasonableness. Mr. Warwick added that 14 days is the same stipulation for a Grand Opening.

### **Sandwich Boards**

Sandwich boards are pedestrian oriented signs that do not need a permit. They are not permitted in the right-of-way and are to be located no more than 12 feet from the business entrance as long as there is 3 feet of no obstruction for pedestrian traffic and accessibility for people with disabilities.

Chair Solomonson stated that he would like to see the distance increased up to 20 feet, as 12 feet is tight. Ms. Nordine explained that the intent is to not have sandwich boards in the boulevard or parking lot or street. They are not intended to be seen from the street but should be kept on the sidewalk.

### **Message Centers**

Message centers would now be permitted for business use in addition to public and quasi-public uses. The standards would be the same. Only a single color can be used with text only and no graphics. Color and graphics would be a deviation that could be proposed through Comprehensive Sign Plan.

Chair Solomonson requested that proximity to residential be a consideration and whether there should be a setback requirement. Ms. Nordine stated that previous limitations were because quasi-public and public uses are often in residential areas.

Commissioner Ferrington expressed her concern that neighborhoods be protected from brightly lit signs.

Commissioner Wenner stated that a City goal is to limit light pollution. Ms. Nordine stated that the levels used are the same as billboards and must have dimmers. The brightness cannot be .3 foot candles above ambient light.

Commissioner McCool suggested that the lighted signs can only be on during operation hours.

## **Comprehensive Sign Review Process**

Ms. Nordine stated that in order to streamline the process for signage approval, it is proposed that signs that comply with the ordinance would not require a Comprehensive Sign Plan, even if there were two or more signs. Minor deviations of height or size could be taken care of administratively.

Commissioner Ferrington stated that she would prefer the language remain as it is, so that any deviations would be presented for approval through the Comprehensive Sign Plan process. That would allow the Commission the opportunity to consider any impact to residential areas.

It was the consensus of the Planning Commission to streamline the approval process and allow administrative approval if signs that are in compliance with the ordinance. Minor deviations may also be approved administratively.

## **Residential Districts - Structure Setbacks**

Mr. Warwick stated residential redevelopment infill in residential neighborhoods has been discussed by the Commission for some time.. What is being addressed here are Code regulations to allow more flexibility for property owners to make improvements to their property. Comments from previous discussions have been incorporated into this text. The changes would include:

- A minimum front yard setback of 25 feet
- Code continues to require averaging for setbacks when adjacent houses are located with more than a 40-foot setback
- Current code establishes a standard of a 50-foot street right-of-way, reduced from the 60 feet ROW used throughout the City before 1990. Where the right-of-way is still 60 feet the required structure setback is reduced to 20 feet from the front property line provided the structure is 35 feet back from the finished road surface. This is intended to maintain separation by recognizing the wider right-of-ways and boulevard that can be used in lieu of a front yard. The setback for corner lots has been increased from 30 feet to 35 feet from the improved street for any portion of yard abutting a street. In considering averaging and alignment, a 20-foot range is acceptable.
- On substandard lake lots if the existing side setback is more than 5 feet and less than 10 feet, that setback can be used for expansion of the house. Staff is suggesting this same provision be allowed for non-riparian properties.

Commissioner Ferrington stated that she supports flexibility that will allow people to reinvest in their homes and stay in their homes. What is presented is reasonable.

In response to Chair Solomonson's concern about accessory structures, Mr. Warwick stated that they are not allowed closer to the lot line than a principal structure. Chair Solomonson also expressed concern about heights of structures 5 feet from the lot line. He would like to see a maximum height stipulated that allows a reasonable but not excessive interior ceiling height for the addition.



A member of the public requested the floor in order to comment. Chair Solomonson advised those in attendance that the public is welcome to attend workshop sessions of the Planning Commission, but no public comment is taken at these workshops.

Chair Solomonson called a short break and then reconvened the meeting.

Commissioner McCool referred to page 4, and suggested the word “except” be deleted. On pages 6 and 7, he noted that it appears that averaging with plus or minus 10 feet could bring a setback to 15 feet. Earlier the stipulation of plus or minus 10 feet was only used if the setback averaged 15 feet more than what is required.

### **Building Height**

Ms. Nordine stated that recent developments, PaR Systems and Lakeview Terrace exceed height standards of 35 feet. Code provides for the height maximum to be exceeded with an additional foot of setback for every foot of height added to the maximum allowed, and that there is no difficulty for firefighting capabilities.

Ms. Nordine stated that in comparison, the City is more restrictive than other communities. The Building Official has stated that the Building Code addresses height in relation to the type of construction proposed. The Fire Chief states that height is not a concern because of interior sprinkling systems, and the Fire Department has equipment and training for firefighting in taller buildings.

The character of the community is second tier suburban with low density residential and open space. Growth will be through infill, which will mean higher density. The question is whether there is support to permit taller buildings in some areas of the City.

Commissioner Thompson stated that there are a lot of people in adjoining neighborhoods who are unhappy with the height of Lakeview Terrace. However, the City is quite restrictive and she would be open to loosening the regulation.

Commissioner Ferrington stated that she would not want to change the residential standard of 35 feet but would consider a change for commercial businesses depending on where they are located.

Commissioner Wenner stated that he would favor a change in requirements in commercial areas and on arterial roads. Height could be a buffer from high traffic.

Commissioner McCool agreed with earlier comments and would support a change for commercial areas. He noted the special overlay used for commercial areas used by Edina.

Chair Solomonson noted Minnetonka’s approach that requires a certain distance from residential areas. His concern is proximity to residential, but he would support more flexibility.

## **Surface Water Management**

Ms. Nordine stated that the portion of the Comprehensive Plan referring to Grass Lake Watershed Management Organization (GLWMO) needs to be amended to reflect the change to jurisdiction under Ramsey-Washington Metro Watershed District.

Public Works Director Mark Maloney will attend the May Planning Commission workshop to discuss surface water management standards and industry standards.

The meeting adjourned.

**TO:** Planning Commission  
**FROM:** Kathleen Nordine, City Planner  
**DATE:** March 19, 2013  
**SUBJECT:** File No. 2476-13-03, Conditional Use Permit – Vest, 5385 Carlson Road

### **INTRODUCTION**

Jeffrey and Margaret Vest, 5385 Carlson Road, submitted a conditional use permit application to expand a detached accessory structure on their property. On single-family residential parcels one acre or larger in size, accessory structures that exceed the maximum allowable square footage are permitted with a Conditional Use Permit. The intent of the conditional use permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan.

### **PROJECT DESCRIPTION**

The property is an “L” shaped parcel that has frontage on Carlson Road and Turtle Lake. The property is zoned R1, Detached Residential as are the adjacent properties. The property is also located in the Shoreland Management District of Turtle Lake as are the adjoining parcels that have frontage on Turtle Lake.

The property is 1.18 acres in size and has a width of 56’ along Carlson Road and 89’ along Turtle Lake. Again, the property is “L” shaped with the majority of the lot being perpendicular to Turtle Lake with a depth of 338’ along the southern boundary. The property is developed with a single family home that has a foundation area of 2,352 square feet with a 624 square foot attached garage. In 2003, a one and a half story detached accessory structure was constructed on the street side of the structure which has an area of 832 square feet with cold storage above the main floor. A Building Permit and a Detached Accessory Structure Permit were issued for this structure. On riparian lots, a Detached Accessory Structure permit is required for detached accessory structures located on the street side of the residence. Please see the attached plans.

### **DEVELOPMENT CODE**

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. On parcels 1 acre or larger in size, accessory structures may exceed the maximum allowable square footage permitted with a conditional use permit provided certain standards are met. The maximum area permitted for a detached accessory structure is and the total of all detached accessory structures is 288 square feet since there is an attached 2 plus car garage on the property. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

### ***Conditional Use Permit***

Attachment A summarizes the standards which must be met for the conditional use permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

### **APPLICANT'S STATEMENT**

The applicant states that the storage building will be used to store personal items such as lawn and garden equipment, gas and related items. This expansion will provide additional interior storage in the main portion of the garage for the storage of a trailer. The small addition is designed to blend in with the existing structure and will have an exterior finish that matches the garage. Vegetation between this structure and the adjoining property will provide screening. The conditions of the Development Code will be met and the proposed structure, including the use, is in harmony with the Comprehensive Plan policies.

### **STAFF REVIEW**

The proposal was reviewed in accordance with the standards identified in the Development Code. The proposed accessory structure complies with the location, height, design and setback requirements for a second detached accessory structure. Existing vegetation, size of the property and location of the storage shed minimize these visual impacts on adjoining properties. The following table summarizes the proposal in terms of the Development Code standards.

	Existing	Proposed	Development Code Standard
<b>Area</b>			
<b>Detached Garage</b>	832 sf	932 sf	*288 sf
<b>All Accessory Structures</b>	1,456 sf	1,556 sf (66% of dfa)	*1,200 sf or 90% of the dwelling unit foundation area (2,117 sf) – whichever is more restrictive
<b>Setback – side lot line</b>	11 ft	14 ft	10 ft
<b>Height</b>			
<b>Roof Peak</b>	22 ft	12 ft	18 ft
<b>Sidewall</b>		8 ft	10 ft
<b>Exterior Design</b>		Match existing	Compatible with the residence and be similar in appearance
<b>Screening</b>		Retain existing vegetation	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

\*Standard may be exceeded with a Conditional Use Permit

The proposed structure complies with the City’s standards regarding setbacks, height, exterior design and screening from adjoining properties.

In Staff’s opinion the proposed structure is also in harmony with general purpose of the Development Code and Comprehensive Plan policies. While the proposed area of the detached structure exceeds that which is permitted by right, the structure does meet the conditional use permit standards. The overall size of this structure when combined with all accessory structures is less than 90% of the dwelling unit foundation area. The dwelling unit will remain the primary feature and use of the property.

The applicant indicated that the shed will be used for the storage of personal items such as lawn and garden related equipment and fuel. This use is consistent with the residential use of the property and neighborhood.

**PUBLIC COMMENT**

Property owners within 350’ of the property were notified of the application. No comments have been received.

**RECOMMENDATION**

A Conditional use permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Code are satisfied. The criteria for a conditional use permit includes that the use is in harmony with the general purposes and intent of the

Development Code and Comprehensive Plan and that the structure/land use conforms with the Comprehensive Plan and are compatible with the existing neighborhood. In staff's opinion, these criteria are met. An accessory structure of this size is compatible with the neighborhood provided the conditional use permit standards are adhered to. The existing home will remain the primary feature and use of the property. Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit subject to the following:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the addition shall match the existing structure.
3. The existing vegetation along that portion of the side property line adjacent to the proposed structure must remain and be maintained.
4. A minimum setback of 10-feet is required from the adjoining side property line.
5. The applicant shall obtain a building permit for the structure.
6. The structure shall be used for storage purposes of household and lawn supplies, vehicles and equipment.
7. The structure shall not be used in any way for commercial purposes.

Attachments:

1. Location Map
2. Applicant's Statement and Submitted Plans
3. Comments received
4. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
5. Motion Sheet

# ATTACHMENT A

- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.
- (3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D)(5) of this ordinance.

## *Conditional Use Permit Criteria*

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.







# Vest - 5385 Carlson Road



178.7

0 89.37

178.7 Feet

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

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## Notes

Conditional Use Permit Application

## Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

# CERTIFICATE OF SURVEY

For: ART HAGE  
 5375 Carlson Road  
 St. Paul, MN 55126  
 484-6715

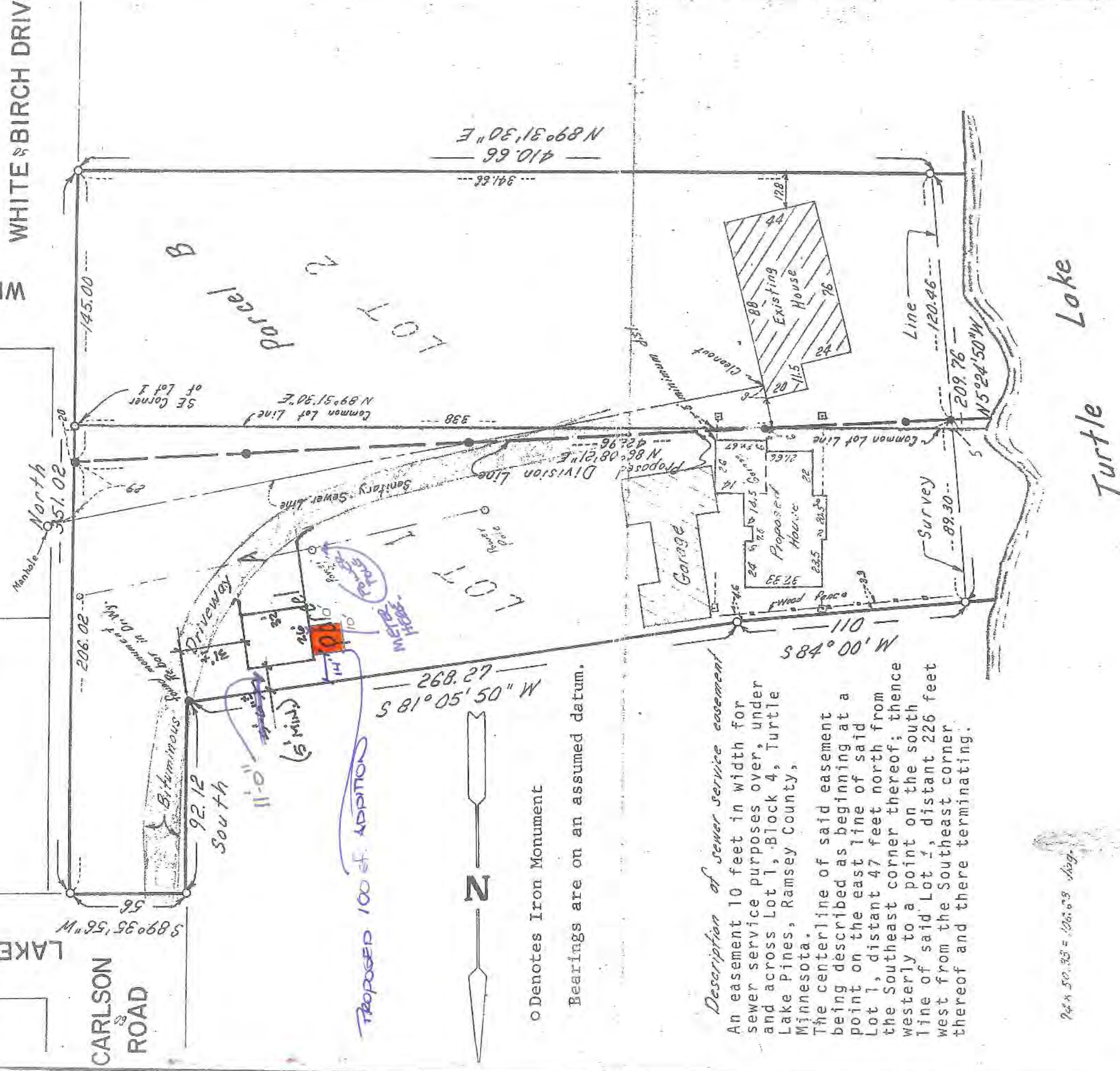
Jeff Vest  
 5999 Carlson Road  
 Shoreview 55126

WHITE BIRCH DRIVE

WHITE BIRCH DR.

LAKE PINE DRIVE

CARLSON ROAD



*Description of sewer service easement*  
 An easement 10 feet in width for sewer service purposes over, under and across Lot 1, Block 4, Turtle Lake Pines, Ramsey County, Minnesota.  
 The centerline of said easement being described as beginning at a point on the east line of said Lot 1, distant 47 feet north from the Southeast corner thereof; thence westerly to a point on the south line of said Lot 1, distant 226 feet west from the Southeast corner thereof and there terminating.

PARCEL A  
 That part of Lots 1 and 2, Block 4, Turtle Lake Pines, Ramsey County, Minnesota, according to the recorded plat thereof, lying North of a line and its westerly extension drawn from a point on the survey line in said lots, distant 5 feet South from the common lot line for said Lots 1 and 2; to a point on the East line of said Lot 1, distant 20 feet north from the Southeast corner of said Lot 1 and there terminating.

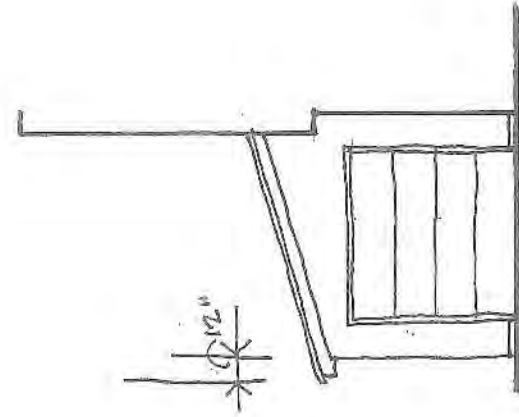
PARCEL B  
 That part of Lots 1 and 2, Block 4, Turtle Lake Pines, Ramsey County, Minnesota, according to the recorded plat thereof, lying South of a line and its westerly extension drawn from a point on the survey line in said lots, distant 5 feet South from the common lot line for said Lots 1 and 2; to a point on the East line of said Lot 1, distant 20 feet north from the Southeast corner of said Lot 1 and there terminating.

Scale: 1" = 50'  
 Book \_\_\_\_\_  
 Page Folder  
 Job No. 26043

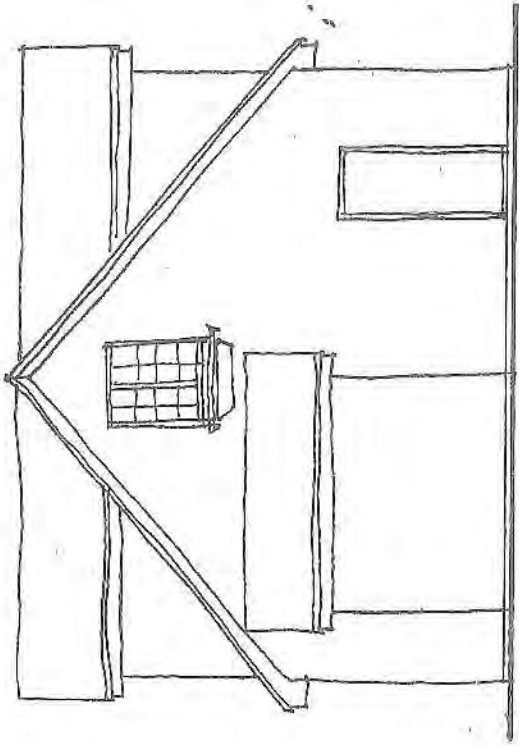
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
*Gregory J. Rud*  
 Date 2-9-86 Reg. No. 9808  
 Proposed House added 5-31-86  
 Garage & Fence added 3-17-86  
 Easement added 2-24-86

E.G. RUD & SONS, INC.  
 LAND SURVEYORS  
 9560 Lexington Avenue N.  
 New Brighton (Lexington), Mn.  
 55112  
 Tel. 786-5556

NEW STORAGE \*EXIST.

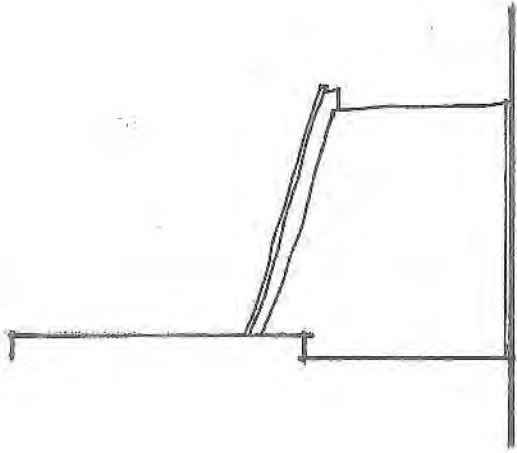


SOUTH ELEVATION



WEST ELEVATION

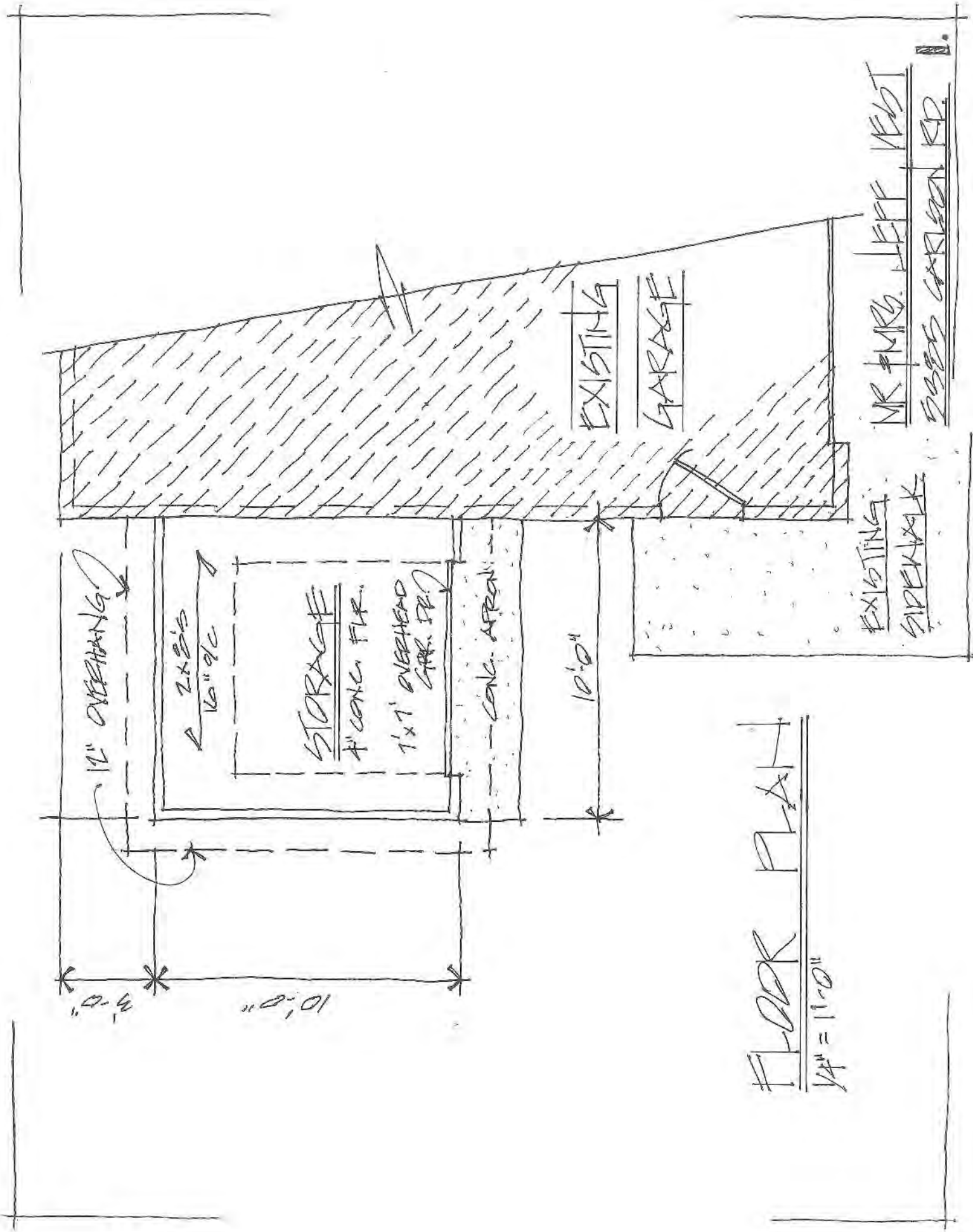
EXIST. \*NEW STORAGE



NORTH ELEVATION

MR & MRS. JEFF WEST.  
5385 CARLSON RD.

A.



FLOOR PLAN  
 1/4" = 11'-0"

MR. & MRS. JEFF WEST  
 5055 GARSON RD.

EXISTING  
 SIDEWALK

EXISTING  
 GARAGE

STORAGE  
 4" CONC. FLR.  
 7'x7' OVERHEAD  
 GAR. DR.

CONC. AREA

12" OVERHANG

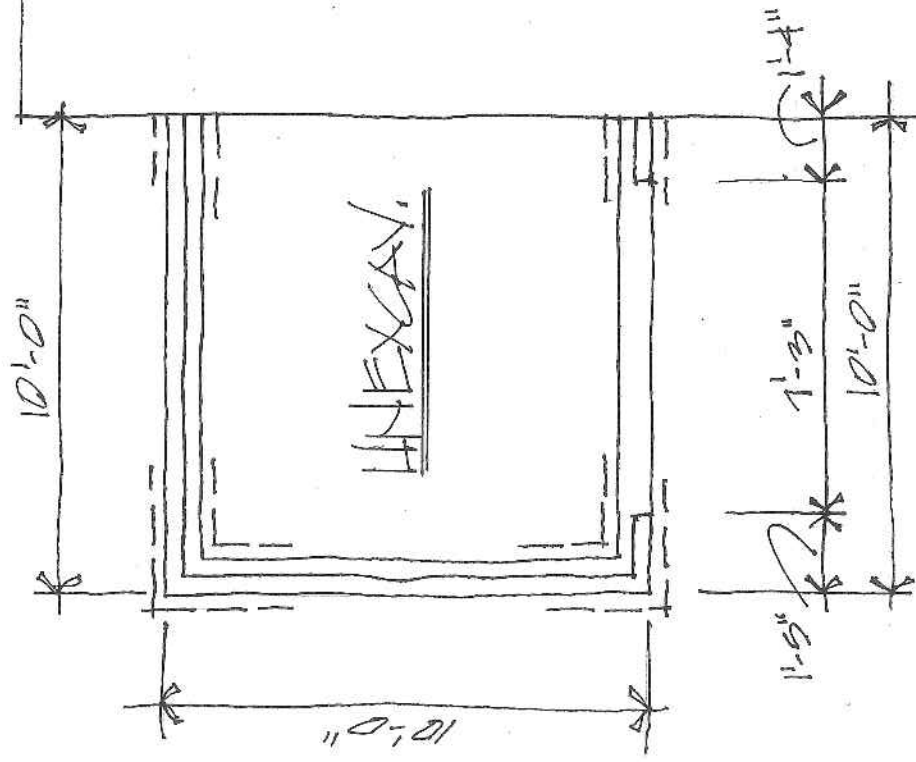
2x8's  
 16" o/c

9'-6"

10'-0"

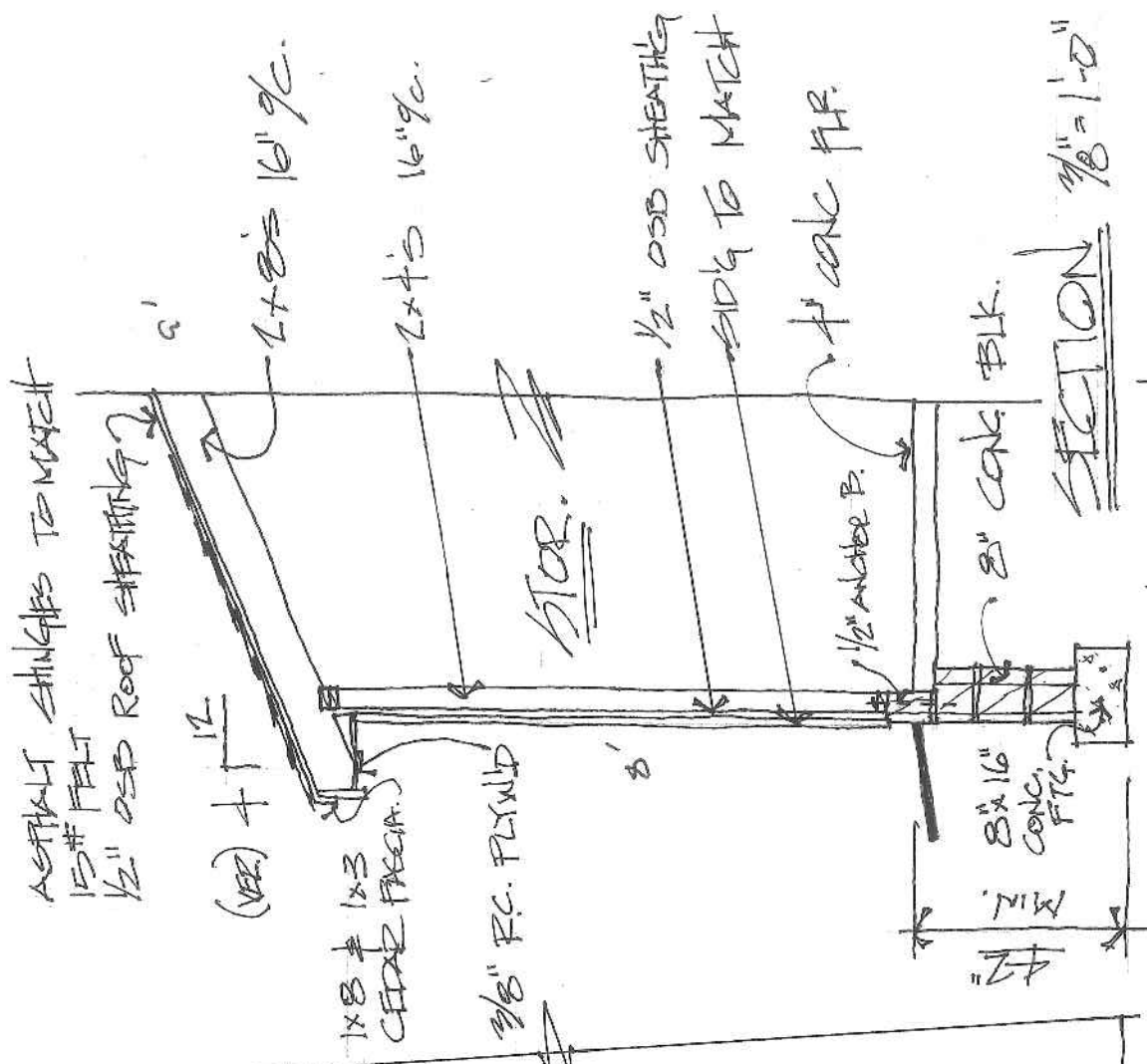
10'-0"

11'-0"



FOUNDATION PLAN

1/4" = 1'-0"



VR. #MRS. JEFF VEST

9385 CARLSON RD.

2.

## MOTION

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

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

To recommend the City Council approve the Conditional Use Permit submitted by Jeff and Margaret Vest, 5385 Carlson Road, to construct an addition onto an existing detached accessory structure on the property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the addition shall match the existing structure.
3. The existing vegetation along that portion of the side property line adjacent to the proposed structure must remain and be maintained.
4. A minimum setback of 10-feet is required from the adjoining side property line.
5. The applicant shall obtain a building permit for the structure.
6. The structure shall be used for storage purposes of household and lawn supplies, vehicles and equipment.
7. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for a residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
March 26, 2013

t:\2013pc\2476-13-035385 Carlson Road Vest\pmotion

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** March 22, 2013  
**SUBJECT:** File No. 2477-13-04, Preliminary Plat and Site and Building Plan Review, St. Odilia Catholic Church, 3495 Victoria Street N

### **INTRODUCTION**

The applicant, St. Odilia Catholic Community, 3495 Victoria Street N, is requesting preliminary plat and site and building plan review for the development of a prayer garden, columbarium and cemetery to be located on the west side of the campus, along Vivian Avenue, from the pond on the south to the north end of the property. This application was complete March 12, 2013.

### **BACKGROUND AND PROJECT DESCRIPTION**

The St. Odilia campus is located south of Island Lake Elementary School, west of Victoria Street, east of Vivian Avenue and north of Cottage Place. The campus has an area of 19.6 acres and access from both Vivian Avenue and Victoria Street. The site is principally used as a church and a private school, with additional facilities including two single family detached dwellings, an administration building and a hospice care facility, parking and drives, playgrounds, and soccer field.

The campus abuts detached single family residential areas on the south, west and east. To the north on Victoria Street there is a single-family residence that is not part of the campus, and another institutional use, Island Lake Elementary School.

The preliminary plat subdivides the property into five lots, with each lot occupied with one of the main uses of the Church: the Church and School on Lot 1; the administration building on Lot 4; the hospice care facility on Lot 2; the priests residence on Lot 3; and the proposed prayer garden and cemetery on Lot 5.

The proposed prayer garden, cemetery and columbarium will be located on the west (Vivian Ave.) side of the campus, and developed on about 2.15 acres. There is an existing access driveway from the parking area to Vivian Avenue that bisects the proposed cemetery area into north and south sections. This area slopes from the east down to Vivian Ave. South of the drive is an existing stormwater pond that will be integrated in the cemetery and garden area. North of the access drive, the cemetery and garden area will be developed on the slope that abuts Vivian Ave. The cemetery will be developed throughout the area with gardens and walks connecting the columbarium walls and other memorial features integrated into the site. The south section will be developed with 48 traditional grave sites and 1841 columbarium niches. The north section will have 258 traditional grave sites and 1088 columbarium niches. The traditional graves will be marked with stones, all flush at-grade. The columbarium will consist of pre-fabricated walls, examples of which are attached.

The development will be phased. The initial phase will include grading of the entire area planned for the cemetery/garden area, the landscaping and rain garden. The traditional graves

will all be laid out during the initial phase, and will include an initial columbarium with 96 niches that will be located in the south section. Later interment sites will be phased based on the use of the cemetery. The applicant expects the cemetery to meet community needs over about 100 years.

Please see the attached plans.

### **COMPREHENSIVE PLAN**

The *2008 Comprehensive Plan* designates this property for Institutional use. Uses within this category include public and private schools, fire and police stations, city hall, water towers and other public or quasi-public uses. Surrounding planned land uses include low-density residential, institutional, natural, and park.

### **DEVELOPMENT ORDINANCE REQUIREMENTS AND REVIEW**

#### **Site and Building Plan Review**

The property is zoned R-1, Detached Residential, a typical zoning for church and school properties. Public and quasi-public uses are allowed in this zoning district through the Site and Building Plan Review process provided the use will not conflict with or impede the planned use of adjoining property. Conditions may be attached to site and building plan approval by the City Council to ensure compatibility with adjacent land uses.

Staff believes that the proposed prayer garden and cemetery are compatible with the nearby residential and institutional uses, including the public and private schools. One comment expresses concern that the cemetery will be 'spooky' to younger children who will be near the location. The staff does understand this concern but feels that the applicant has well stated the rationale for this use in the community, an area that encourages tying together the past, present and future. The traditional graves and columbarium will be setback a minimum of 30 feet from the lot line and sidewalk along Vivian Avenue. The plans show the area will be landscaped with trees and a rain garden that will buffer the area developed with traditional graves from the street and sidewalk. The Commission may add conditions requiring added trees, shrubs, hedges and/or berms to increase the screening.

#### **Preliminary Plat**

The proposed preliminary plat divides the property into five parcels, with each parcel containing a structure, except for Lot 5 which will be used for the prayer garden and cemetery. The purpose of the plat is twofold. First, the proposed plat includes property that the Church acquired when the Crosier Fathers relocated their facilities to Arizona, and so the plat integrates these parcels into the campus. Second, State law requires platting for cemeteries, and this is accomplished with the creation of Lot 5. The required drainage and utility easements will be dedicated along the property lines and over drainage areas. Existing easements have previously been conveyed for shared driveway and access areas. The following table summarizes the lot characteristics.



	LOT WIDTH	LOT DEPTH	LOT AREA
<b>MIN. REQUIREMENT</b>	<b>75 FEET</b>	<b>125 FEET</b>	<b>10,000 SQ FT</b>
LOT 1	825 FEET	902 FEET	592,825 SQ FT
LOT 2	252 FEET	263.5 FEET	66,415 SQ FT
LOT 3	263.55 FEET	168.0 FEET	44,248 SQ FT
LOT 4	170 FEET	331.6 FEET	56,331 SQ FT
LOT 5	922.48 FEET	191.1 FEET	93,767 SQ FT

The proposed parcels comply with the Development Code requirements, except that Lot 2 lacks frontage on a public street as required. This lot has access to public streets over an internal private easement that was conveyed when the City vacated Cottage Place in 1993, thereby eliminating the public street frontage for this Lot 2, and other lots on the unimproved portion of this street, which was dedicated on the Minnesota Realty Homesites plat in 1946. This portion of the street was never constructed due to wetlands and poor soils. Since the lot for this use previously existed, it is staff's opinion that the nonconformity may be continued without requiring a variance from the Code requirement of frontage on a public street.

Staff has reviewed the plans in accordance with the *Comprehensive Plan* and the requirements of the Development Code. The proposed improvements are consistent with the policies of the *Comprehensive Plan* and the Development Regulations. The cemetery is intended to serve the larger community by providing an area for the interment of remains within a space of the prayer garden to provide a reflective environment.

The proposed location along Vivian has been designed to comply with the 30-foot front and 10-foot side setbacks required from a property line. The closest single family residential property is about 90 feet away from the cemetery area. In Staff's opinion, the prayer garden, cemetery and columbarium will not impact these residential uses. The traditional grave sites in the north section will be screened with a mix of conifer and deciduous trees as well as the rain garden. The use of at-grade markers at the grave sites will aid in minimizing the visual impact.

Funeral services are currently held at the Church, as identified in the applicant's statement, and so traffic patterns related to funerals will change but slightly with processions leaving the property less common than now. Services will be held and attendees will depart the property individually.

The plat includes property that is solely owned by the Church. Staff finds this a suitable method to meet the requirements of Statute in order to create the cemetery and create clean legal descriptions of the Church properties. Staff has included a condition of approval that requires rezoning to a PUD in the event the Church chooses to sell some or all of these lots in the future since access, stormwater management, and uses would no longer be managed by a single entity, and provide the City the safeguard needed to insure that shared improvements are properly managed by the new owners.

### **REQUEST FOR COMMENT**

Property owners within 350 feet were notified of the applicant's request. Two comments have been received. One comment supports the requests, and the second expresses concern about the proximity to Island Lake School. The comments are attached.

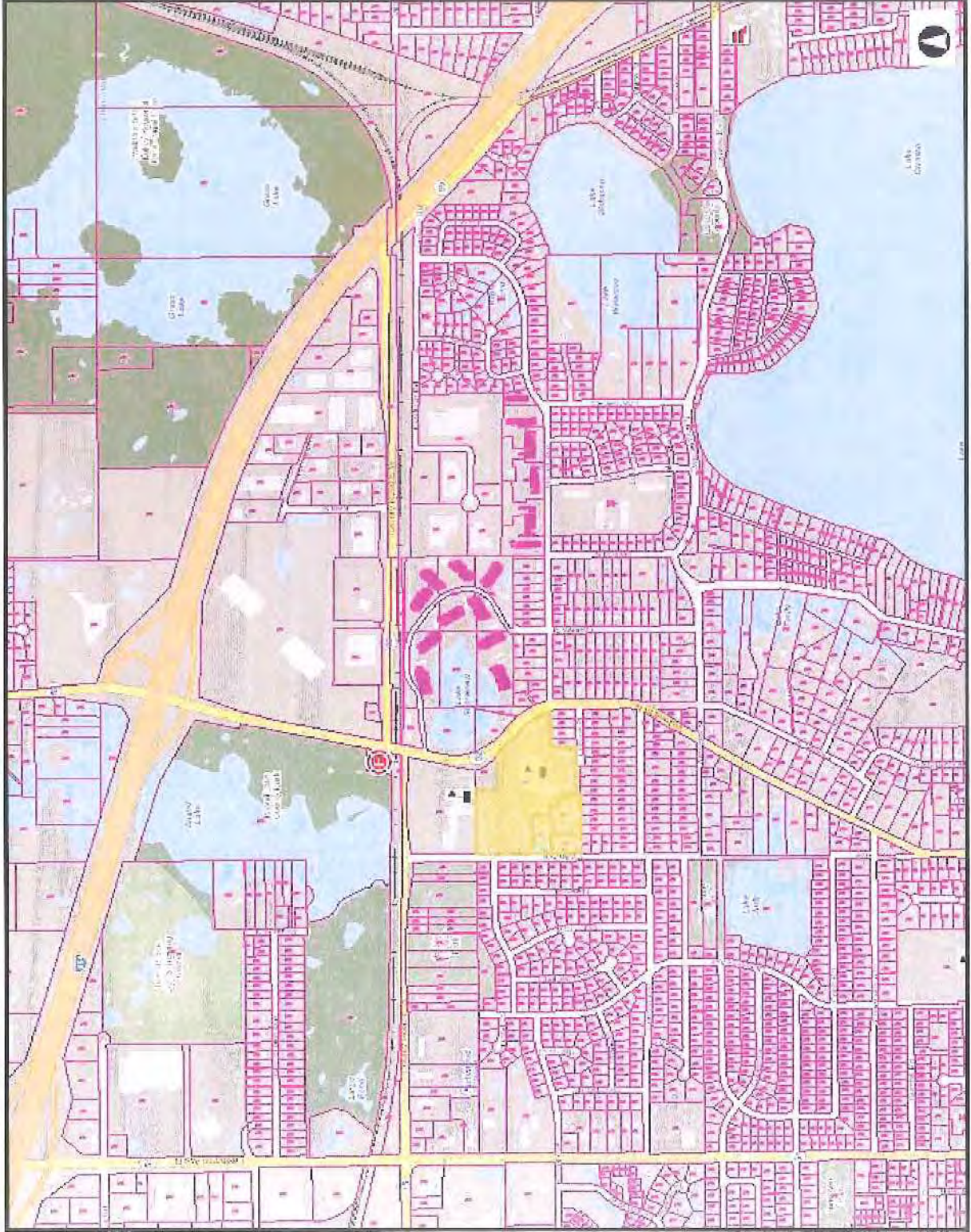
### **STAFF RECOMMENDATION**

The proposed plans conform to the requirements of the City's development regulations and the policies of the *Comprehensive Plan*. Therefore, staff recommends that the Planning Commission hold the public hearing and take testimony from all interested parties, and forward the applications to the City Council with a recommendation to approve the submitted preliminary plat, and the site and building plans, subject to the following conditions:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The approval will expire after one year if the final plat has not been approved by the City Council.
3. The cemetery and columbarium shall be developed in accordance with the approved Master Plan. Development phases shall be administratively approved provided the phase is in conformance with the Master Plan.
4. The cemetery and columbarium shall be developed, and operated in accordance with Minnesota Statutes.
5. No crematorium or mausoleum is proposed or permitted in this development.
6. The applicant shall obtain a grading permit prior to commencement of any work for the development of the prayer garden area.
7. St. Odilia's is required to submit a Planned Unit Development application prior to a future sale of any of Lots 1 – 5, Block 1, The Catholic Community of St. Odilia.
8. The Applicant shall enter into a Development Agreement with the City.

#### Attachments

- 1) Location Map
- 2) Aerial photo
- 3) Submitted Plans and Applicant's Statement
- 4) Comments
- 5) Proposed Motion



2,577.1

1,288.56

2,577.1 Feet

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

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**Legend**

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

**Notes**

Enter Map Description



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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

386.6 Feet

193.28

0

386.6

NAD\_1983\_HARN\_Aci\_MIN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

**Legend**

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

**Notes**

Enter Map Description



## SITE AND BUILDING PLAN REVIEW

### Saint Odilia's Prayer Garden/Cemetery

1. **Application Form:** Attached
2. **Ownership:** (See attached Certificate of Survey)
3. **Description:** The Catholic Community of Saint Odilia proposes to develop a prayer garden, including columbarium and cemetery, on its existing campus located at 3495 North Victoria Street in Shoreview.

The Prayer Garden/Cemetery will be developed on 2.15 acres of land on the west side of the Church property, near Vivian Avenue. The existing private drive from the Church to Vivian will remain and will divide the two (2) sections of the Prayer Garden. The Prayer Garden/Cemetery will provide space for 306 traditional in-ground burials and up to 2,929 above ground columbarium niches for cremation burials. The main features of the cemetery are connected with an accessible walk system. Extensive landscaping is planned throughout the site with an emphasis on sustainable, native plants.

a. Phasing

The Prayer Garden/Cemetery will be phased over a period of many years, as additional burial space is needed. The initial phase will include a columbarium with approximately 96 niches. The entire 306 traditional graves will be laid out and available as needed.

b. Graves and Monuments

The grave size is 4' x 10'. Graves will be marked with 4-1/2" round stainless steel disks with the row and grave numbers. Only flush granite monuments will be allowed. There will be no upright monuments.

c. Columbarium

One columbarium is proposed for the first phase of development. The master plan allows for many other columbaria locations, which will only be constructed in the future as needed. The initial installation will be either a York columbarium (see attached) containing 96 niches or an Eclipse columbarium (see attached) containing 312 niches.



d. Neighborhood Meeting

A neighborhood meeting was held on February 12, 2013 at Saint Odilia's Church at which the plans for the Prayer Garden/Cemetery were presented and discussed. There seemed to be general support for the project. No opposition was expressed.

e. Parish Meeting

A Parish Meeting at Saint Odilia's Church has been scheduled for February 26, 2013, at which time the plans for the Prayer Garden/Cemetery will be presented and discussed.

4. **Traffic:**

The current traffic for funerals will remain the same for the new Prayer Garden/Cemetery. Parking will be at the Church and the funeral procession will walk from the Church to the burial site. The occasional visitors to the cemetery will park at the Church and walk to the Cemetery. No traffic study is required.

5. **Plan Sheets:**

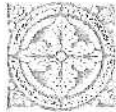
The following plan sheets are attached:

- a. Property Survey
- b. Master Plan
- c. Site Plan
- d. Landscape Plan
- e. Grading and Drainage Plan
- f. Environmentally Sensitive Areas

There are no environmentally sensitive areas on the site. The site survey shows the existing stormwater pond on the property.

The Plans have been reviewed by Paige Ahlborg, Permit Coordinator and the Ramsey-Washington Metro Watershed District, who determined that a watershed permit would not be required. The Church does intend to apply for participation in the BMP Incentive Program for the construction of the proposed rain gardens and native plantings.

- i. There are no impervious surface areas located within a designated shoreland area.



## Sanders Wacker Bergly – A Loucks Company

365 Kellogg Boulevard East | Saint Paul, Minnesota 55101-1411 | 651.221.0401

ii. Only minor grading is proposed. See quantity estimate attached.

g. Utility Plan

The site survey shows the location of existing utilities. No new utilities or changes are proposed.

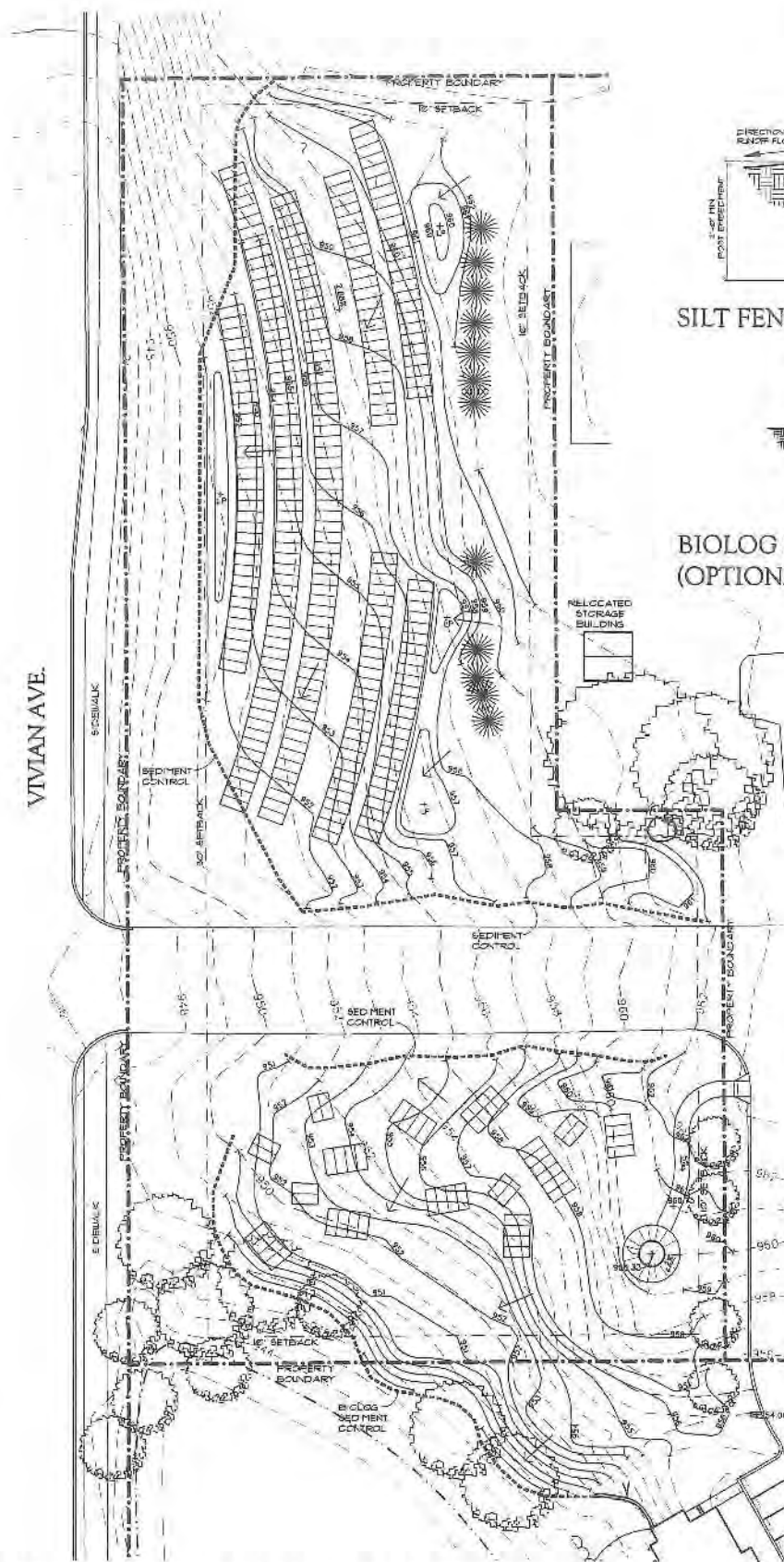
h. Sign Plan

No signage is proposed in the first phase of development. Future phases may include a stone column with a simple engraved identification sign.

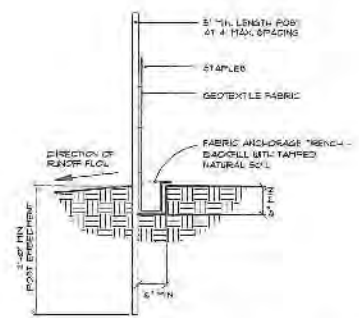
i. Site Lighting

No lighting is proposed.

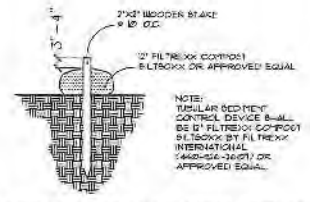
j. Erosion and Sediment Control Plan (see attached)



SILT FENCE SEDIMENT CONTROL



BIOLOG SEDIMENT CONTROL (OPTIONAL)



GRADING AND DRAINAGE PLAN EROSION AND SEDIMENT CONTROL PLAN PHASE ONE



February 2013



<b>COST ESTIMATE - LANDSCAPE</b>				
<b>St. Odilia Prayer Garden / Cemetery</b>				
<b>Prepared by:</b>		<b>Sanders Wacker Bergly, Inc.</b>		
<b>Date:</b>		<b>02/21/13</b>		
<b>ITEM</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>QTY.</b>	<b>TOTAL</b>
<b>LANDSCAPING</b>				
Overstory trees	ea	\$350.00	13	\$4,550.00
Ornamental trees	ea	\$250.00	10	\$2,500.00
Coniferous trees	ea	\$350.00	18	\$6,300.00
Engineered soil for rain gardens	cy	\$45.00	180	\$8,100.00
Native plugs	ea	\$2.50	3,900	\$9,750.00
			<b>SUBTOTAL</b>	<b>\$31,200.00</b>
			<b>SUBTOTAL</b>	<b>\$31,200.00</b>
			<b>15% contingency</b>	<b>\$4,680.00</b>
			<b>TOTAL</b>	<b>\$35,880.00</b>

## St Odilia Prayer Garden

Description	Quantity	Unit	Unit Cost	Cost
Mobilization	1	LS	\$ 1,500.00	\$ 1,500.00
Grading/NPDES/SWPP plans	1	LS	\$ 1,200.00	\$ 1,200.00
Silt fence (Biolog)	780	LF	\$ 5.00	\$ 3,900.00
Cut	1276	cy	\$ 2.50	\$ 3,190.00
Fill	1285	cy	\$ 3.00	\$ 3,855.00
Cut sidewalk for subgrade	370	cy	\$ 2.50	\$ 925.00
Fill sidewalk to subgrade	320	cy	\$ 3.00	\$ 960.00
4" sand cushion for sdwk (import)	220	cy	\$ 8.00	\$ 1,760.00
Place sand cushion	220	cy	\$ 4.00	\$ 880.00
4" recycled CL 5	330	tn	\$ 6.00	\$ 1,980.00
Place CL 5	330	tn	\$ 7.00	\$ 2,310.00
Furnish topsoil	480	cy	\$ 12.00	\$ 5,760.00
Place topsoil	480	cy	\$ 10.00	\$ 4,800.00
Seed	1.8	ac	\$ 1,500.00	\$ 2,700.00
<b>TOTAL</b>				\$ 35,720.00
Cintingency 15%				\$ 5,360.00
<b>TOTAL</b>				\$ 41,080.00
FOUNDATION PREP (each)	125	cy	\$ 10.00	\$ 1,250.00
Geo fabric	1600	sf	\$ 0.20	\$ 320.00
Concrete sidewalk (in lieu of CL 5)	1	sf	\$ 3.00	\$ 3.00
Colored/stamped sidewalk (in lieu of CL 5)	1	sf	\$ 6.00	\$ 6.00
Silt fence (in lieu of Biolog)	780	lf	\$ 2.00	\$ 1,560.00
Crushed limestone CL 5 ADD	330	tn	\$ 7.00	\$ 2,310.00

# YORK

Pre-assembled Columbarium  
96 Niches - 192 Urn Spaces  
5'-0" High x 7'-10" Diameter

Finished in polished granite

Single Niche Fronts  
One Front Covers One Niche

\*We offer this columbarium in our standard granite colors. D



Patented [www.eickhofcolumbaria.com](http://www.eickhofcolumbaria.com)

© 2013, Eickhof Columbaria, Inc.

Crookston, MN

(800) 253-0457



Delivered to your location anywhere in the continental United States. Available with an all polished capstone or with a polished top and rock face edge.

Each niche will accommodate two standard sized urns. This means a niche can be offered as a single or companion.

Additional columbarium options such as thicker capstone with inscriptions, benches, or statuary can be provided if requested.

Columbarium pricing and availability are subject to change at any time.

# ECLIPSE

Finished in polished granite with rock face finish on 5" thick capstone

All single niche fronts are fastened with Eickhof concealed locking hardware.

Pre-assembled Columbarium, delivered in two pieces, and set off with a crane

312 Companion Niches (624 Urn Spaces)



Cremation rates are growing.  
So are our Pre-Assembled Columbaria.  
Shouldn't you be too?

# EICKHOF

COLUMBARIA INC.

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Crookston, MN

(800) 253-0457



Delivered to your location anywhere in the continental United States.

Each niche will accommodate two standard sized urns. This means a niche can be offered as a single or companion.

Additional columbarium options such as benches, or statuary can be provided.

*\*The "Eclipse" columbarium can be completed in two phases. Phase 1, (156 niche - 1/2 circle) can be delivered to your location.*

# St. Odilia Prayer Garden

## *Frequently Asked Questions*

### *Why are we looking to establish a cemetery at St. Odilia?*

Many people have expressed regret over the years that St. Odilia has never had its own cemetery. We welcome our newest members into our Church "home" with joy at Baptism and we nourish our Community through the years in our "home" with the Word of God and the Sacraments. Wouldn't it be wonderful to complete that cycle of life and grace by having a place right here at "home" to hold our beloved dead until we are all gathered up into God's everlasting embrace at the resurrection? Having a sacred place like this on our own campus gives witness to a faithful community of all the disciples of Jesus, the deceased, the living and even future generations. Our Prayer Garden will be a place where we will love, cry, smile, remember and grow in faith as we reflect on the promise of Eternal Life.

### *What will be in our Prayer Garden at St. Odilia?*

St. Odilia is looking to develop the outdoor space on the west side of our campus overlooking the pond that is already there. The space developed will be on both sides of the road leading to our property from the west. The Prayer Garden will include a columbarium as well as space for in-ground burial of both bodies and cremains. The Garden will also include walkways made of pavers, benches, a

possible grotto area, trees, shrubs, flower beds, lighting, signage and a Memorial Pillar designed for those who will be buried elsewhere but wish to be remembered by the St. Odilia Community. All of these things will be designed to enhance the natural beauty of the Garden. For this reason all grave markers will be flush to the ground (flat) and there will be no fencing other than shrubbery and other landscaping.

The Prayer Garden will flow from the rest of our campus with limited barriers utilizing natural boundaries or berms lining the property that borders/faces other properties that are not a part of our campus. The pond area will also be enhanced making the whole Prayer Garden a place that invites visitors to reflect and pray.

### *What exactly IS a Columbarium?*

A Columbarium is a structure that can take many shapes. Most often it is a wall-like structure. Ashes are placed in niches or small compartments within the columbarium and are marked in the same way that a grave marker would be marked (name, date of birth and death). Columbaria will be added to the Prayer Garden in phases after the initial columbarium is installed. The initial columbarium will contain 96 niches. Each niche will hold the cremains of two people.

*What does the word Columbarium mean?*

Actually its meaning is beautiful. Columbarium is derived from the Latin word Columba or "Dovecote" or a nesting place for doves. The dove is the traditional symbol of God's presence and peace...what a beautiful name for the place that will cradle our earthly remains until the Great Day of Resurrection!

*Who will pay for this project?*

As with any cemetery our Prayer Garden and all that it contains will be paid for by those who choose to be interred within it. St. Odilia Parish is not "funding" this project. The space itself is already maintained by our staff (and volunteers) so there is no additional cost to the Parish. As with any cemetery there will be a cost to purchase the grave or niche as well as a cost to open and close the grave or niche at the time of interment.

*Will the close proximity of the School playground pose a problem?*

A Catholic School environment allows the children of our Community to experience the mystery of death and new life in the context of our Christian Faith. Because of timing funeral processions now often leave the church during the noon recess time for our students. Rather than being disconcerting for the children they grow in the awareness that our Catholic Funeral Rites are a celebration of an individual's life and the gift and promise of Eternal Life. People attending funerals here often comment that the muffled voices of children at play

are a comfort and a reassurance that the cycle of life continues on..."Life is changed, not ended" as our Mass of Christian Burial prays.

*Will interment in the Prayer Garden be limited to St. Odilia Parishioners?*

No. Since our founding in 1960 a main charism of this Community has been its hospitality and welcoming spirit of inclusion. Our Prayer Garden will continue this spirit of welcome and inclusion.



HARRIET AVE.

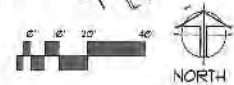
VIVIAN AVE.

LOT 5  
SECTION 2

DRIVE

LOT 5  
SECTION 1

SITE PLAN  
PHASE ONE

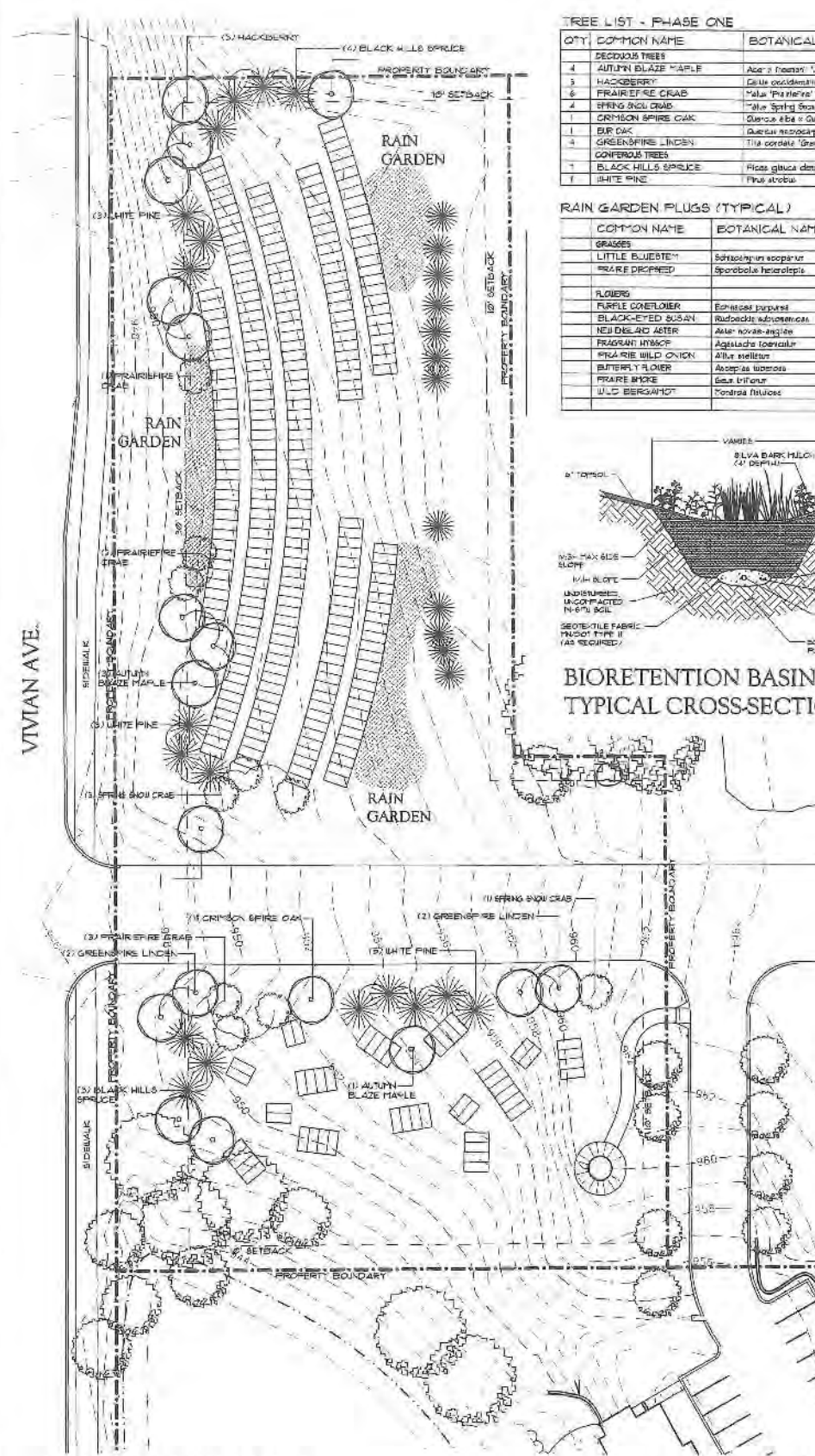


February 2013



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SAINT ODILIA PRAYER GARDEN / CEMETERY  
Shoreview, Minnesota

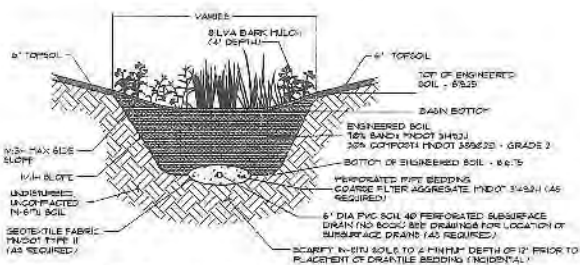


**TREE LIST - PHASE ONE**

QTY	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
<b>DECIDUOUS TREES</b>				
4	AUTUMN BLAZE MAPLE	<i>Acer's floridanum 'Jefferson'</i>	1-12" CAL. D.B.	
3	HACKBERRY	<i>Celtis occidentalis</i>	1-12" CAL. D.B.	
6	PRAIRIE FIRE CRAB	<i>Malva 'Prairie Fire'</i>	8" DB	
4	SPRING SNOW CRAB	<i>Malva 'Spring Snow'</i>	8" DB	
1	CRIMSON SPIRE OAK	<i>Quercus coccinea x Quercus robur</i>	1-12" CAL. D.B.	
1	BUR OAK	<i>Quercus macrocarpa</i>	1-12" CAL. D.B.	
1	GREENSPINE LINDEN	<i>Tilia cordata 'Greenspine'</i>	8" DB	
<b>CONIFEROUS TREES</b>				
1	BLACK HILLS SPRUCE	<i>Picea glauca densata</i>	8" DB	
1	WHITE PINE	<i>Pinus strobus</i>	8" DB	

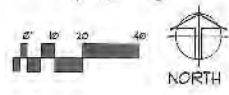
**RAIN GARDEN PLUGS (TYPICAL)**

COMMON NAME	BOTANICAL NAME	COMMENTS
<b>GRASSES</b>		
LITTLE BLUESTEM	<i>Schizachyris scoparium</i>	12" OC.
PRAIRIE DROPSEED	<i>Sporobolus heterolepis</i>	12" OC.
<b>FLOWERS</b>		
PURPLE CONEFLOWER	<i>Echinacea purpurea</i>	12" OC.
BLACK-EYED SUSAN	<i>Rudbeckia subtomentosa</i>	18" OC.
NEW ENGLAND ASTER	<i>Aster novae-angliae</i>	12" OC.
FRAGRANT HYSSOP	<i>Agastache foeniculum</i>	18" OC.
PRAIRIE WILD ONION	<i>Allium stellatum</i>	12" OC.
BUTTERFLY FLOWER	<i>Asclepias tuberosa</i>	18" OC.
PRAIRIE BLOOMER	<i>Scilla biflorus</i>	12" OC.
WILD BERGAMOT	<i>Tomilba missouri</i>	18" OC.



**BIORETENTION BASIN (RAIN GARDEN)  
TYPICAL CROSS-SECTION**

**LANDSCAPE PLAN  
PHASE ONE**



February 2013

# EXISTING CONDITIONS SURVEY

for THE CHURCH OF ST. ODILIA  
for THE CATHOLIC COMMUNITY OF ST. ODILIA

Per PLAT OF ST. ODILIA CAMPUS, THE DRAINAGE & UTILITY EASEMENTS ARE SHOWN THUS:



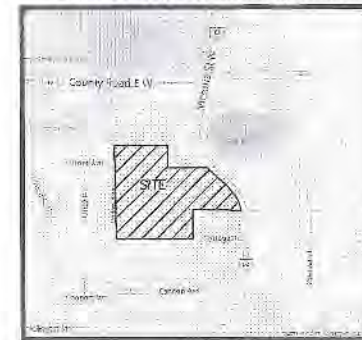
Being 10 feet in width and adjoining street lines and rear lot lines unless otherwise indicated on as shown on this survey.

## PROPERTY DESCRIPTION

Lot 2, Block 1, St. Odilia Campus and Lot 1, Block 1, St. Odilia Campus, together with that portion of Vivian Avenue vacated by Document No. 2578746 accruing thereto; and Lot 10, except the North 50 feet thereof, and Lots 11, 12, 13, 14 and 15, Block 1, Minnesota Realty Homesites, together with that portion of Cottage Place vacated by Document No. 2724990 accruing thereto, Ramsey County, Minnesota.

## VICINITY MAP

PART OF SEC. 35, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

I hereby certify that this survey, plan or report 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.

*James E. Napier*  
JAMES E. NAPIER

Date: 3-18-13 License No. 25343

## AREA COMPUTATIONS

TOTAL AREA SITE AREA: 19,80± ACRES  
5 PROPOSED LOTS  
DENSITY: 3.92± UNITS/ACRE

## ZONING AND SETBACKS

CURRENT ZONING IS R1 - DETACHED RESIDENTIAL

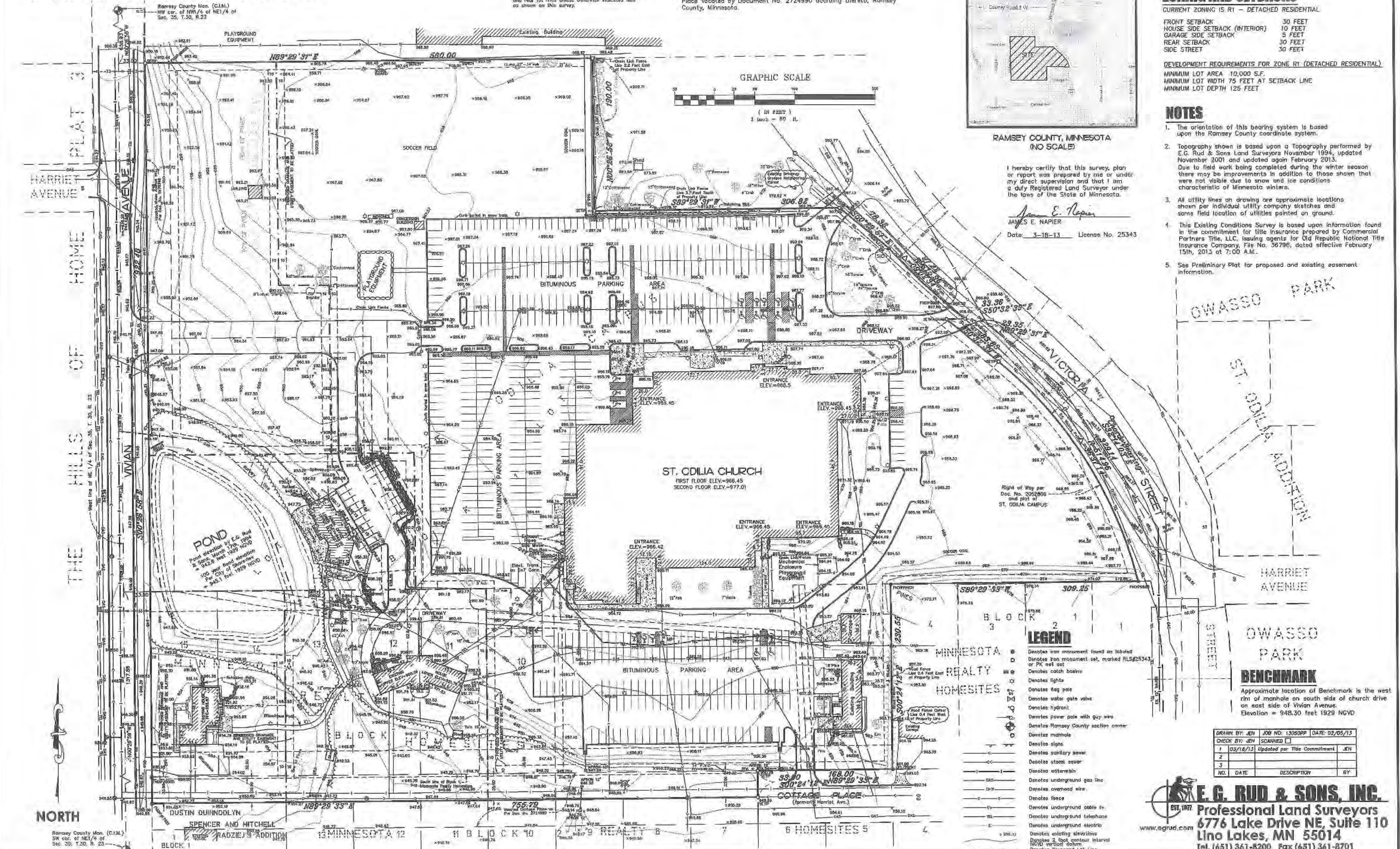
FRONT SETBACK 30 FEET  
HOUSE SIDE SETBACK (INTERIOR) 10 FEET  
GARAGE SIDE SETBACK 5 FEET  
REAR SETBACK 30 FEET  
SIDE STREET 30 FEET

## DEVELOPMENT REQUIREMENTS FOR ZONE R1 (DETACHED RESIDENTIAL)

MINIMUM LOT AREA 10,000 S.F.  
MINIMUM LOT WIDTH 75 FEET AT SETBACK LINE  
MINIMUM LOT DEPTH 125 FEET

## NOTES

- The orientation of this bearing system is based upon the Ramsey County coordinate system.
- Topography shown is based upon a Topography performed by E.G. Rud & Sons Land Surveyors November 1994, updated November 2001 and updated again February 2013. Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- All utility lines on drawing are approximate locations shown per individual utility company sketches and some field location of utilities pointed on ground.
- This Existing Conditions Survey is based upon information found in the commitment for title insurance prepared by Commercial Partners Title, LLC, issuing agents for Old Republic National Title Insurance Company, File No. 36796, dated effective February 15th, 2013 at 7:00 A.M.
- See Preliminary Plat for proposed and existing easement information.



## LEGEND

- Denotes iron monument found as labeled
- Denotes iron monument set, marked RLS25343, or PK not set
- Denotes catch basins
- Denotes lights
- ◇ Denotes flag pole
- ▽ Denotes water gate valve
- Denotes hydrant
- Denotes power pole with guy wire
- Denotes Ramsey County section corner
- Denotes manhole
- Denotes signs
- Denotes sanitary sewer
- Denotes storm sewer
- Denotes storm drain
- Denotes underground gas line
- Denotes overhead wire
- Denotes fence
- Denotes underground cable tv
- Denotes underground telephone
- Denotes underground electric
- Denotes existing elevations
- Denotes spot contour interval
- Denotes vertical datum
- Denotes Proposed Lot Line

DRAWN BY: JEN	JOB NO: 13050PP	DATE: 02/05/13	
CHECK BY: JEN	SCANNED		
1	02/18/13	Updated per Title Commitment - JEN	
2			
3			
NO.	DATE	DESCRIPTION	BY

**E. G. RUD & SONS, INC.**  
EST. 1977  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

# PRELIMINARY PLAT

for THE CHURCH OF ST. ODILIA  
of THE CATHOLIC COMMUNITY OF ST. ODILIA

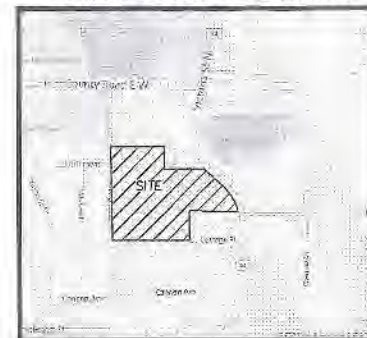
THE PLAT OF ST. ODILIA CAMPUS, THE DRAINAGE & UTILITY EASEMENTS ARE SHOWN THUS:  
Being 10 feet in width and adjoining street lines and rear lot lines unless otherwise indicated and as shown on this survey.

## PROPERTY DESCRIPTION

Lot 2, Block 1, St. Odilia Campus and Lot 1, Block 1, St. Odilia Campus, together with that portion of Vivian Avenue vacated by Document No. 2878746 occurring thereon and Lot 10, except the North 50 feet thereof, and Lots 11, 12, 13, 14 and 15, Block 1, Minnesota Realty Homesites, together with that portion of Cottage Place vacated by Document No. 2724990 occurring thereon, Ramsey County, Minnesota.

## VICINITY MAP

PART OF SEC. 35, TWP. 30, R. 23



RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

I hereby certify that this survey, plan or report 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.

*James E. Napier*  
JAMES E. NAPIER  
Date: 3-18-15 License No. 25343

## AREA COMPUTATIONS

TOTAL AREA SITE AREA: 19,600± ACRES  
5 PROPOSED LOTS  
DENSITY: 3.92± UNITS/ACRE

## ZONING AND SETBACKS

CURRENT ZONING IS R1 - DETACHED RESIDENTIAL

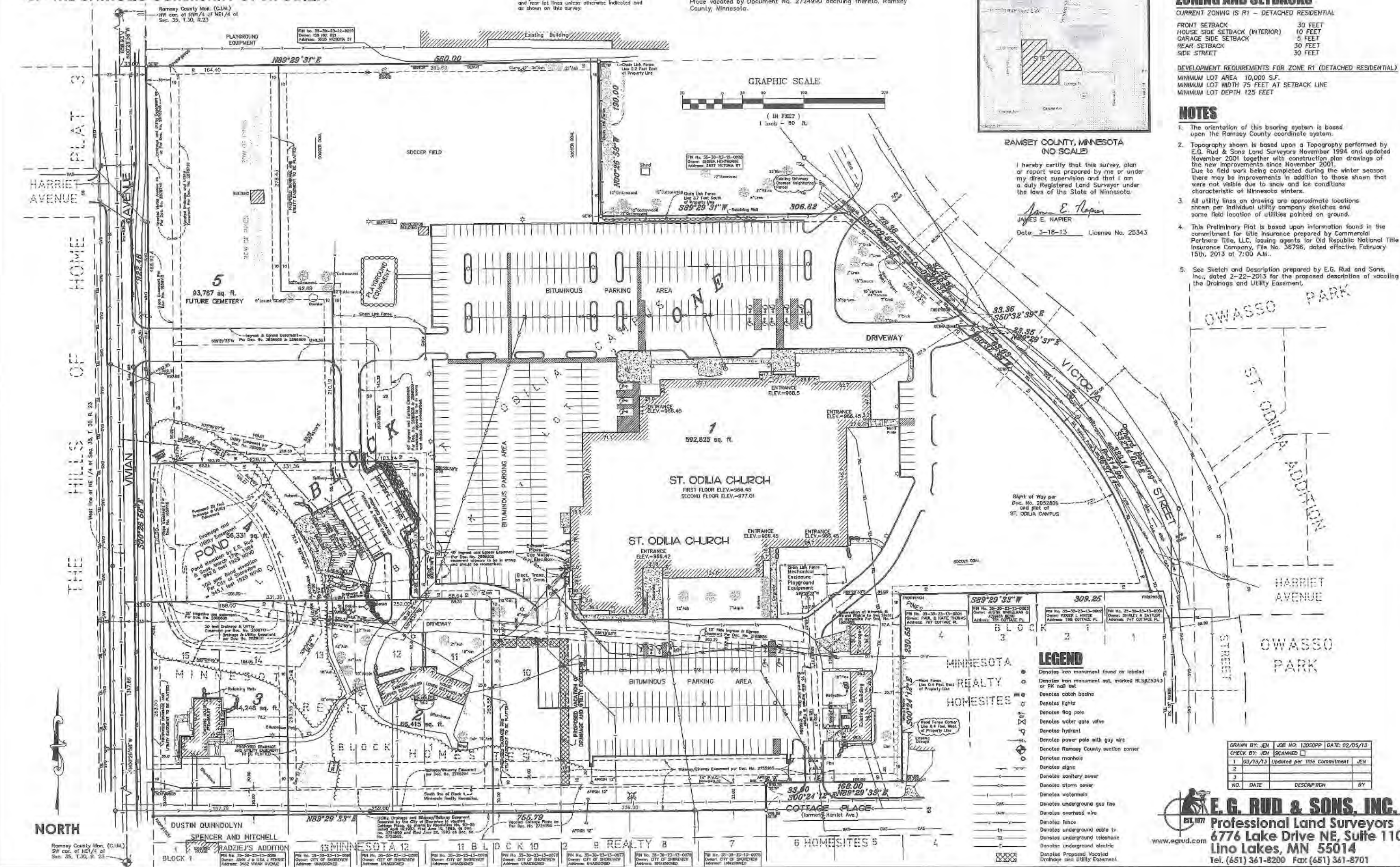
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HOUSE SIDE SETBACK (INTERIOR) 10 FEET  
GARAGE SIDE SETBACK 5 FEET  
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SIDE STREET 30 FEET

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MINIMUM LOT WIDTH 75 FEET AT SETBACK LINE  
MINIMUM LOT DEPTH 125 FEET

## NOTES

- The orientation of this bearing system is based upon the Ramsey County coordinate system.
- Topography shown is based upon a Topography performed by E.G. Rud & Sons Land Surveyors November 1994 and updated November 2001 together with construction plan drawings of the new improvements since November 2001. Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- All utility lines on drawing are approximate locations shown per individual utility company sketches and some field location of utilities painted on ground.
- This Preliminary Plat is based upon information found in the commitment for title insurance prepared by Commercial Partners Title, LLC, issuing agents for Old Republic National Title Insurance Company, File No. 36796, dated effective February 15th, 2013 at 7:00 A.M.
- See Sketch and Description prepared by E.G. Rud and Sons, Inc., dated 2-22-2013 for the proposed description of vacating the Drainage and Utility Easement.



### LEGEND

- Denotes iron monument found as labeled
- Denotes iron monument set, marked RLS25343 or PK nail set
- Denotes catch basins
- ⊙ Denotes lights
- ⊙ Denotes flag pole
- ⊙ Denotes water gate valve
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- ⊙ Denotes power pole with guy wire
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- ⊙ Denotes underground gas line
- ⊙ Denotes overhead wire
- ⊙ Denotes fence
- ⊙ Denotes underground cable tv
- ⊙ Denotes underground telephone
- ⊙ Denotes underground electric
- ⊙ Denotes Proposed Vacated Drainage and Utility Easement

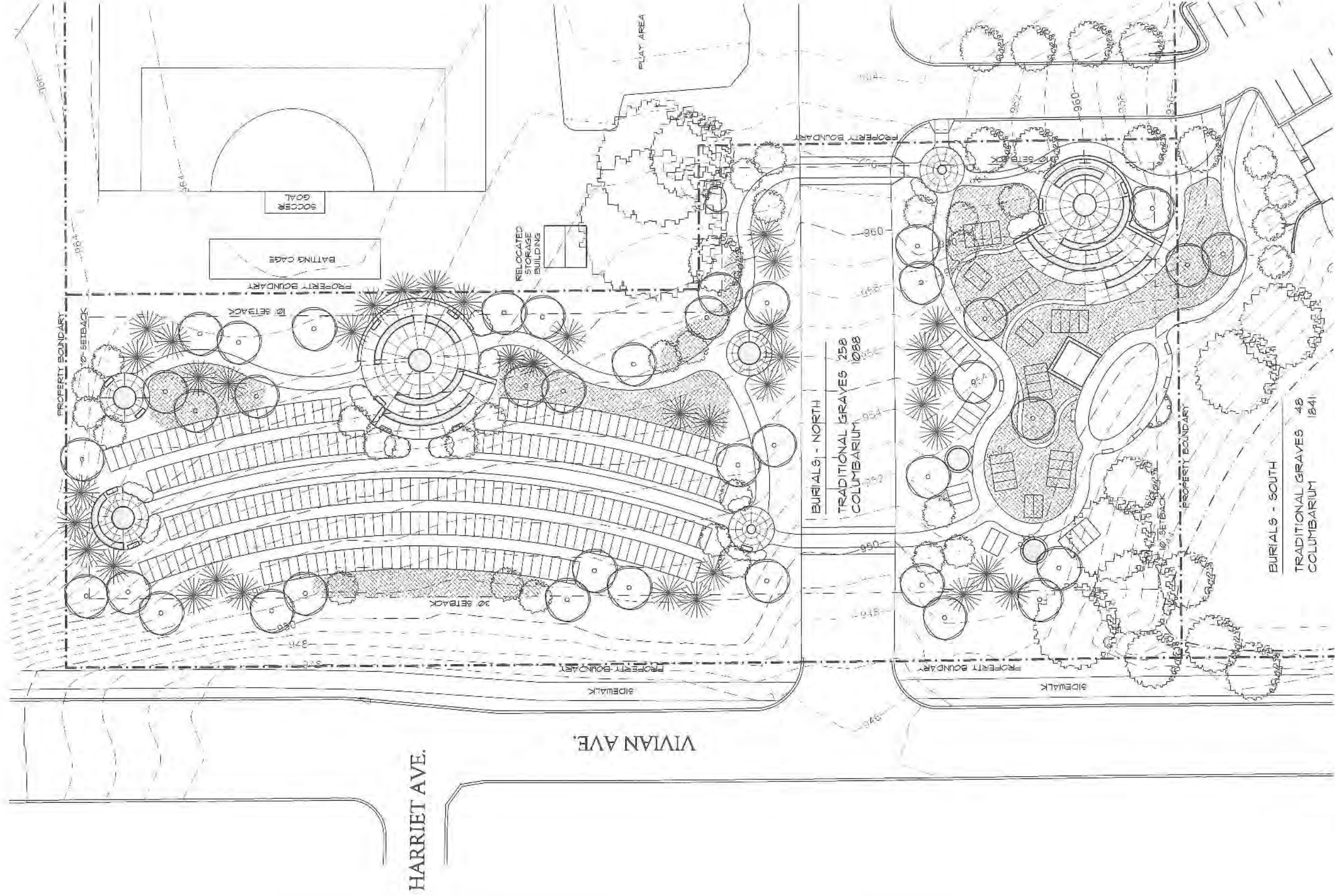
DRAWN BY: JEN	JOB NO: 13050PP	DATE: 02/05/13	
CHECK BY: JEN	SCANNED		
1	03/18/13	Updated per Title Commitment JEN	
2			
3			
NO.	DATE	DESCRIPTION	BY

**E.G. RUD & SONS, INC.**  
EST. 1877  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

NORTH

RAMSEY COUNTY MCH. (C.I.M.) SW cor. of NE 1/4 of Sec. 35, T.30, R. 23

1 BLOCK 1 RADZIEJ'S ADDITION  
2 BLOCK 2 MINNESOTA REALTY HOMESITES  
3 BLOCK 3 MINNESOTA REALTY HOMESITES  
4 BLOCK 4 MINNESOTA REALTY HOMESITES  
5 BLOCK 5 MINNESOTA REALTY HOMESITES  
6 BLOCK 6 MINNESOTA REALTY HOMESITES  
7 BLOCK 7 MINNESOTA REALTY HOMESITES  
8 BLOCK 8 MINNESOTA REALTY HOMESITES  
9 BLOCK 9 MINNESOTA REALTY HOMESITES  
10 BLOCK 10 MINNESOTA REALTY HOMESITES  
11 BLOCK 11 MINNESOTA REALTY HOMESITES  
12 BLOCK 12 MINNESOTA REALTY HOMESITES



**MASTER  
PLAN**

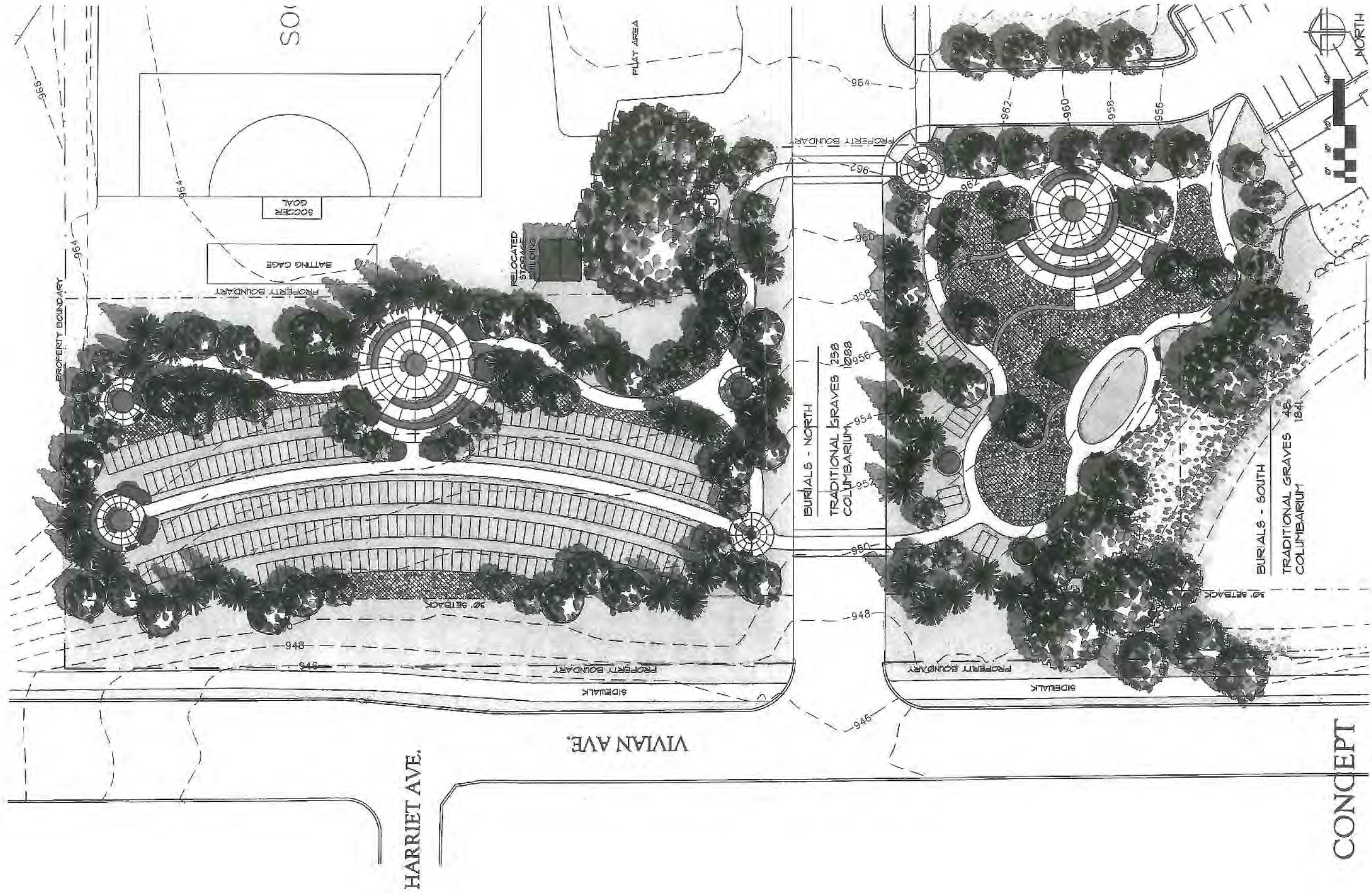


February 2013



Sanders Wacker Bergly Inc.  
Landscape Architects and Planners  
A Loucks Company

**SAINT ODILIA PRAYER GARDEN / CEMETERY**  
Shoreview, Minnesota

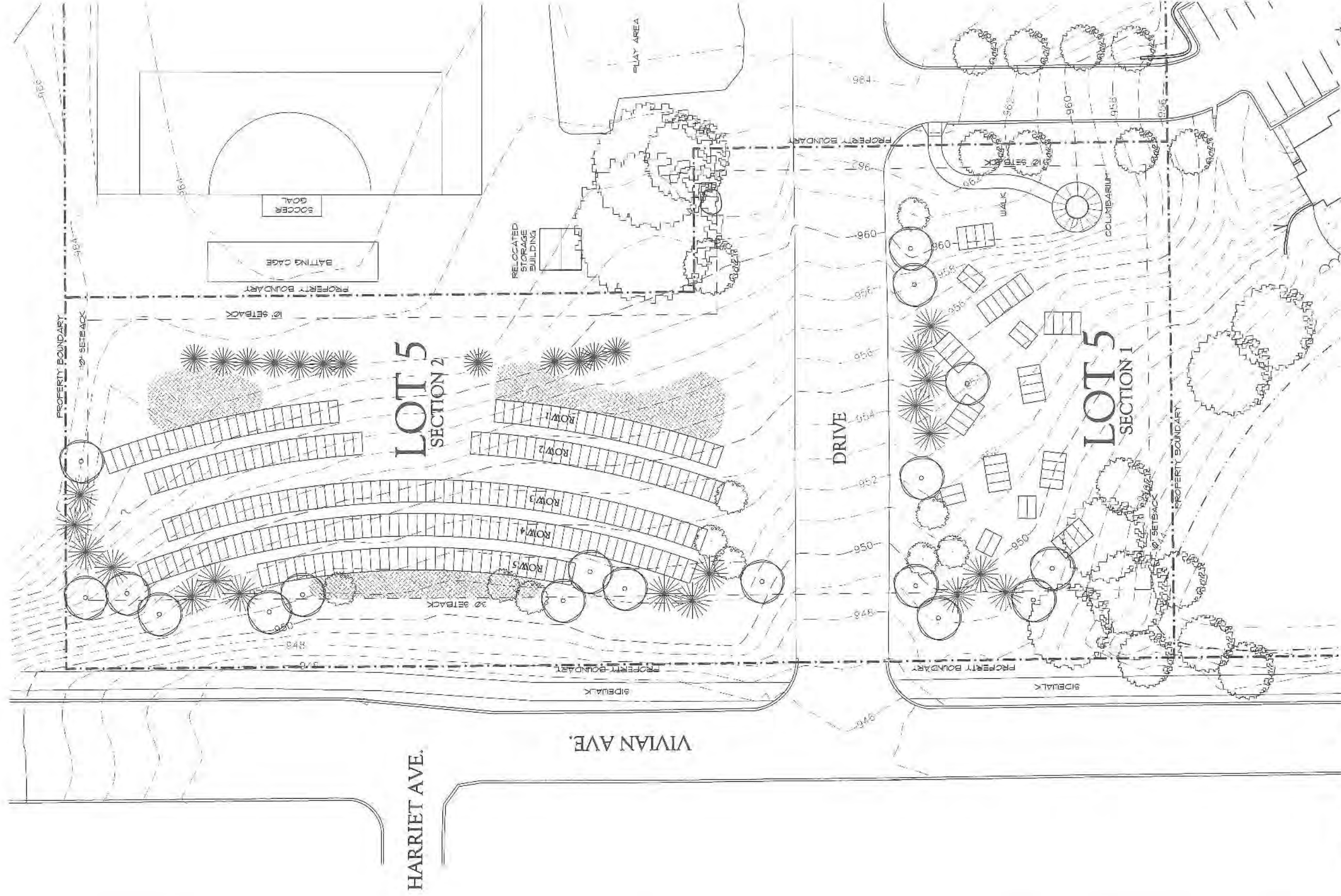


February 2013

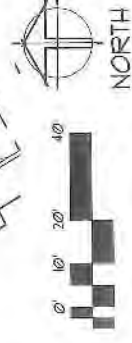


Sanders Wacker Bergly Inc.  
Landscape Architects and Planners  
A Loucks Company

**SAINT ODILIA PRAYER GARDEN / CEMETERY**  
Shoreview, Minnesota



**SITE PLAN  
PHASE ONE**

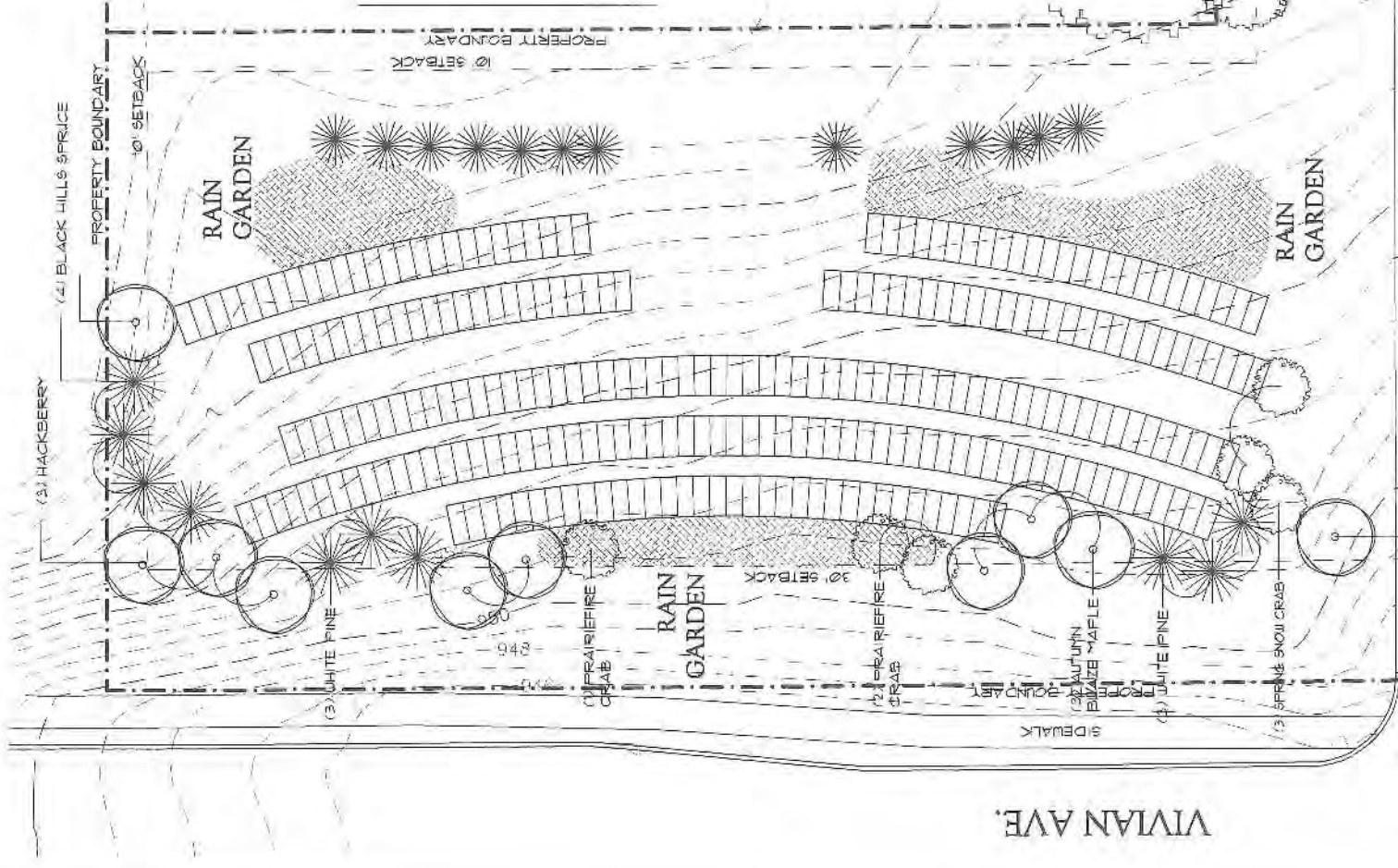


February 2013



Sanders Wacker Bergly Inc.  
Landscape Architects and Planners  
A Loucks Company

**SAINT ODILIA PRAYER GARDEN / CEMETERY**  
Shoreview, Minnesota

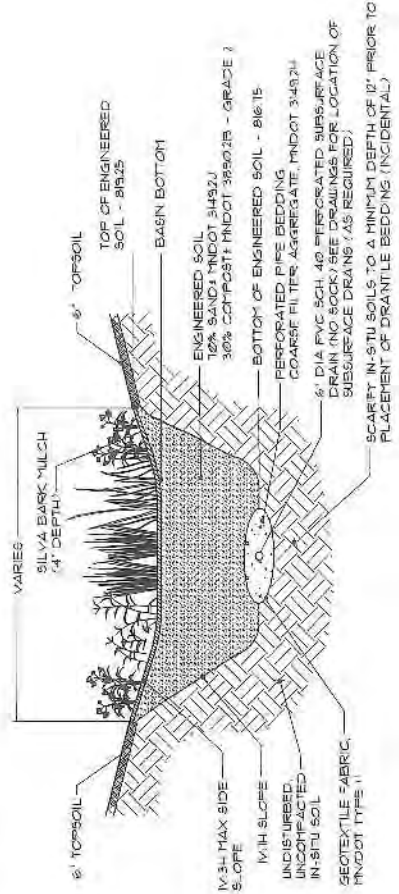


**TREE LIST - PHASE ONE**

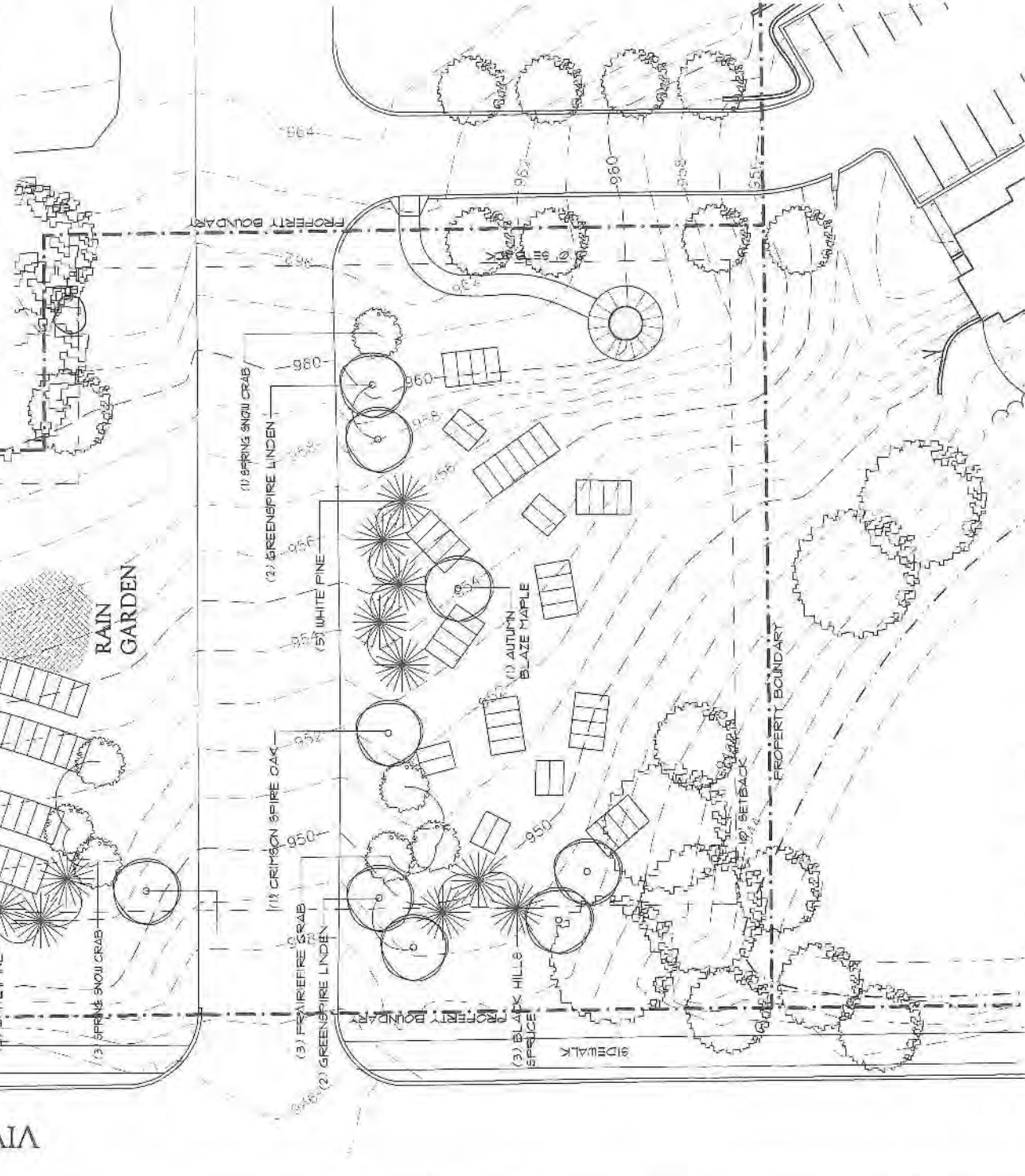
QTY	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
	DECIDUOUS TREES			
4	AUTUMN BLAZE MAPLE	<i>Acer x Freemanii 'Jeffersred'</i>	2-1/2" CAL BB	
3	HACKBERRY	<i>Celtis occidentalis</i>	2-1/2" CAL BB	
6	PRAIRIEFIRE CRAB	<i>Hales 'Rainfallre'</i>	8' BB	
4	SPRING SNOW CRAB	<i>Hales 'Spring Snow'</i>	8' BB	
1	CRIMSON SPIRE OAK	<i>Quercus alba x Quercus robur</i>	2-1/2" CAL BB	
1	BIR OAK	<i>Quercus macrocarpa</i>	2-1/2" CAL BB	
4	GREENSPIRE LINDEN	<i>Tilia cordata 'Greenpire'</i>	8' BB	
	CONIFEROUS TREES			
1	BLACK HILLS SPRUCE	<i>Picea glauca densata</i>	8' BE	
1	WHITE PINE	<i>Pinus strobus</i>	8' BE	

**RAIN GARDEN PLUGS (TYPICAL)**

COMMON NAME	BOTANICAL NAME	COMMENTS
GRASSES		
LITTLE BLUESTEM	<i>Schizachyrium scoparium</i>	2" OC
PRAIRIE DROPSEED	<i>Sporobolus heterolepis</i>	2" OC
FLOWERS		
PURPLE CONEFLOWER	<i>Echinacea purpurea</i>	12" OC
BLACK-EYED SUSAN	<i>Rudbeckia subtomentosa</i>	18" OC
NEW ENGLAND ASTER	<i>Aster novae-angliae</i>	12" OC
FRAGRANT HYSSOP	<i>Agastache foeniculum</i>	18" OC
PRAIRIE WILD ONION	<i>Allium stellatum</i>	12" OC
BUTTERFLY FLOWER	<i>Asclepias tuberosa</i>	18" OC
PRAIRIE SMOKE	<i>Grass triflorum</i>	12" OC
WILD BERGAMOT	<i>Monarda fistulosa</i>	18" OC



**BIORETENTION BASIN (RAIN GARDEN)  
TYPICAL CROSS-SECTION**



**LANDSCAPE PLAN  
PHASE ONE**



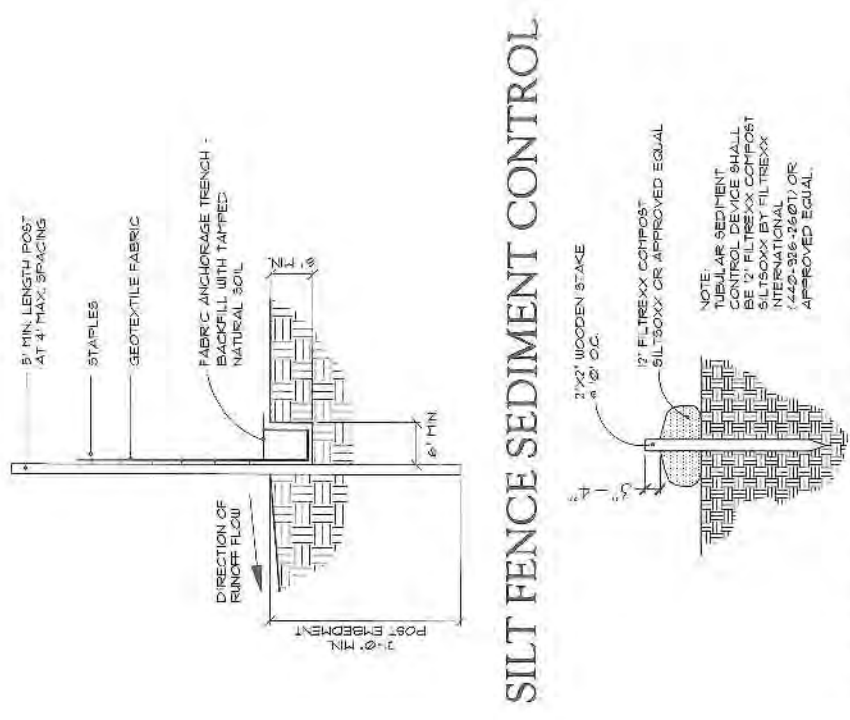
February 2013



Sanders Wacker Bergly Inc.  
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**SAINT ODILIA PRAYER GARDEN / CEMETERY**  
Shoreview, Minnesota

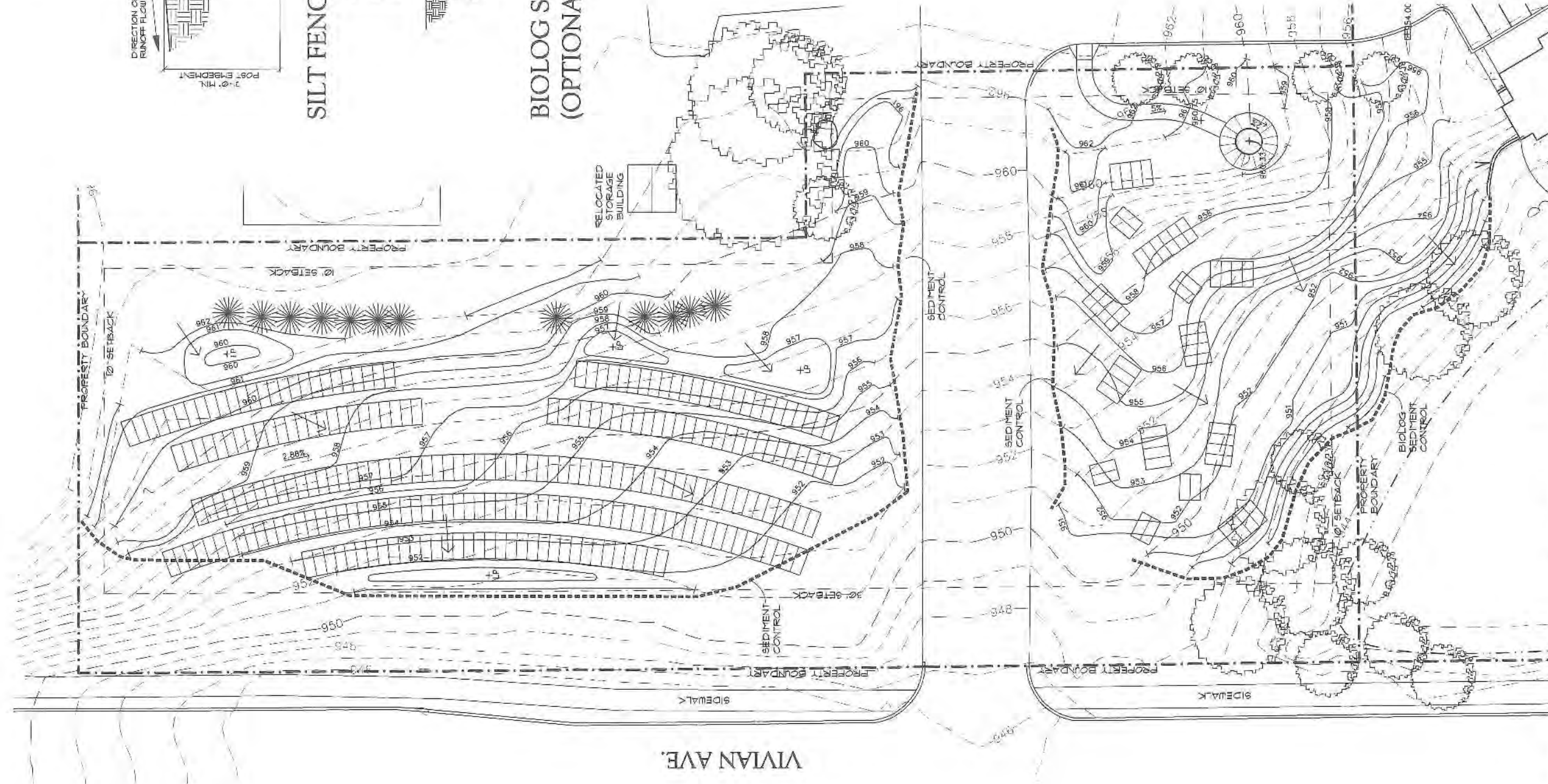




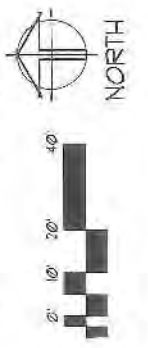
**SILT FENCE SEDIMENT CONTROL**

**BIOLOG SEDIMENT CONTROL (OPTIONAL)**

NOTE:  
TUBULAR SEDIMENT CONTROL DEVICE SHALL BE 12" FILTEREXX COMPOST OR EQUIVALENT. FILTEREXX INTERNATIONAL (442-326-2607) OR APPROVED EQUAL.



**GRADING AND DRAINAGE PLAN EROSION AND SEDIMENT CONTROL PLAN PHASE ONE**



February 2013



**Sanders Wacker Bergly Inc.**  
Landscape Architects and Planners  
A Loucks Company

**SAINT ODILIA PRAYER GARDEN / CEMETERY**  
Shoreview, Minnesota

Date: March 18, 2013  
To: Rob Warwick, Senior Planner  
From: Tom Wesolowski, City Engineer  
Subject: Preliminary Plat and Site Review Comments for Prayer Garden,  
Columbarium, and Cemetery, Church of St. Odilia, 3495 Victoria Street

The City of Shoreview Engineering Department has reviewed the preliminary plat and site plans dated February 5, 2013. Engineering staff has the following comments regarding the plans:

1. The project area is located within the Grass Lake Watershed, which is governed by the Ramsy-Washington Metro Watershed District (RWMWD). It has been determined that a RWMWD permit will not be required for this project.
2. Based on the proposed plans there will be an increase of impervious surface on the site. A stormwater management plan meeting the requirements described in the City's Surface Water Management Plan is required.

If you have any questions or would like to discuss the comments please contact Tom Wesolowski at 651-490-4652

City Council:  
Sandy Martin, Mayor  
Emy Johnson  
Terry Quigley  
Ady Wickstrom  
Ben Withhart



City of Shoreview  
4600 Victoria Street North  
Shoreview, MN 55126  
651-490-4600 phone  
651-490-4699 fax  
www.shoreviewmn.gov

March 14, 2013


REQUEST FOR COMMENT

Dear Property Owner:

The Church of St. Odilia has submitted applications for the property at 3495 Victoria St. N. The Church proposes to plat the entire Campus, creating one lot on the west side of the property that is proposed to be developed with a prayer garden, columbarium and cemetery. The area will be developed in phases starting with the pond area on the south and ending with the area west of the soccer field. There is no predetermined timeline for the phasing, which will be determined by the need for added space. Cemeteries are permitted in the R-1 Zoning District as a Public/Quasi-public use, subject to Site and Building Plan Review by the City. Please see the attached plans.

The Planning Commission will review the applications at their March 26, 2013 meeting which will be held at 7:00 pm in the City Council Chambers, City Hall, 4600 N. Victoria Street. You are welcome to attend. Also, you are encouraged to fill out the bottom portion of this form and return it to by Thursday, March 21<sup>st</sup> if you have any comments. Comments received after that date but before the meeting date will be distributed at the Planning Commission meeting.

If you would like more information or have any questions, please call me at 651-490-4681 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at [rwarwick@shoreviewmn.gov](mailto:rwarwick@shoreviewmn.gov).

Sincerely,  
  
Rob Warwick  
Senior Planner

Comments:

I would like to express my support for this project. After reviewing the master plan blueprint, I think this development would be a beautiful enhancement for our neighborhood. The layout and landscaping appear to be very respectful of neighboring properties. I believe that sacred spaces are very important for communities, especially when they are well designed, landscaped and cared for. Since prayer and meditation are very important to me, I would definitely use the prayer garden regularly. That the prayer garden would also be a burial place only enhances the appeal of this project for me. I find places of burial to be very meaningful spaces to remember lives well lived and contemplate on how to live well in the present.

Name: Joshua Koepp  
Address: 995 Glenhill Rd., Shoreview



Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

---

**Request for Comment for: Saint Odilia Prayer Garden / Cemetery**

---

Herbert Chiou <herbert.chiou@gmail.com>  
To: Rob Warwick <rwarwick@shoreviewmn.gov>

Wed, Mar 20, 2013 at 12:01 PM

Dear Rob,

I have heard about this proposed development through a website called "Nextdoor - Southern Shoreview / Arden Hills" as I am currently out of the country on vacation for a few weeks. I would like to provide some comment on this proposed development. From what I have read online, there is something that bothered me about the way the church is going about doing this.

Here is the link to the Saint Odilia's bulletin from 10th of March: <http://content.seekandfind.com/bulletins/02/0021/20130310B.pdf>

There is a section that says:

**ST. ODILIA PRAYER GARDEN UPDATE**

Will the Prayer Garden be a cemetery?

Yes, the Prayer Garden will be a cemetery as it will contain columbaria with niches for cremated remains as well as graves for traditional body burial. It will however be called the St. Odilia Prayer Garden, and NOT St. Odilia Cemetery for a variety of reasons. Because of the design itself and the fact that any grave markers will be flush to the ground (flat) it will have a feel of a garden rather than a traditional cemetery. We hope this sacred space will invite people to spend time in reflection and prayer as they enjoy the presence of God in a beautiful natural surrounding.

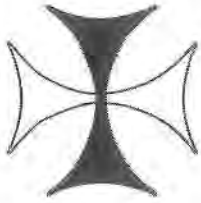
Why are they avoiding the use of the name Cemetery? I feel there might be a good chance that if the children who attends the Island Lake Elementary knows about a cemetery is next door, they might be spooked out about it. My daughter starts kindergarten there in September this year. She probably would avoid walking past the area on the way to school if the cemetery is there. I know at least a few adults who would also avoid the area.

By definition it will be a cemetery, even if it has a feel of a garden. Would more people be opposed to this development if it is called the St. Odilia Cemetery compared with their preferred name of St. Odilia Prayer Garden?

I don't know how wide spread the notice was given, but it was given to the property owners - was it sent out to parents/teachers of students of the school for their comments?

Thank you for your attention.

Regards,  
Herbert Chiou, Ph.D. MRACI C Chem.  
1037 Cottage Place,  
Shoreview, MN 55126



# Catholic Community of St. Odilia

3495 N. Victoria • Shoreview, MN 55126-3895

2/1/13 - Copies for file

IVED

FEB 05 2013

February 1, 2013

Dear Neighbors,

Several months ago I wrote to inform you of an exciting enhancement that is being proposed for our St. Odilia campus.

In that letter I told you the St. Odilia Community is looking to develop the outdoor space on the west side of our campus into a Prayer Garden that will overlook the pond that is there. This Prayer Garden would include a columbarium as well as space for in-ground burial. A columbarium is a wall where cremains are interred in small niches (vaults) designed for urns containing ashes. We envision this sacred space as a welcoming garden which will allow visitors to reflect on God's gift of nature and the promise of Eternal Life. It will be a place where we will inter our family and friends and come as individuals and as a community to pray and be still in the presence of God.

In addition to the columbarium, this Prayer Garden will also include graves for in ground burial of both bodies and cremains, walkways, benches, a possible grotto area, trees, shrubs, flower gardens, and a Memorial Pillar designed for those who will be buried elsewhere but wish to be remembered by the St. Odilia Community. All of these things will be designed to enhance the natural beauty of the Garden. For this reason all grave markers will be flush to the ground (flat) and there will be no fencing other than shrubbery and other landscaping.

This Prayer Garden will flow from the rest of our campus with limited barriers utilizing natural boundaries or berms lining the property that borders/faces other properties that are not a part of our campus. The pond area will also be enhanced making the whole Prayer Garden a place that invites visitors to reflect and pray. I am confident that this Prayer Garden will not only enhance our St. Odilia campus but our neighborhood as well.

**We now have a concept plan and a design developed with the help of a landscape architect. We are anxious to share this design with our neighbors! We would like to invite you to a Neighborhood Meeting on Tuesday February 12 at 6:30 p.m. in the School Library. If you are able to attend, please RSVP by Friday February 8 to [PrayerGarden@stodilia.org](mailto:PrayerGarden@stodilia.org). Or by calling the Parish Office at 651-484-6681.**

Sincerely,

Fr. Phillip Rask

Pastor

Catholic Community of St. Odilia

Church 651.484.6681 • School 651.484.3364 • Faith Formation 651.484.6681

[www.stodilia.org](http://www.stodilia.org)

## MOTION

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

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

To recommend the City Council approve the Preliminary Plat and Site and Building Plan review applications for St. Odilia, 3495 Victoria Street North, for development of a prayer garden, columbarium and cemetery, subject to the following conditions:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The approval will expire after one year if the final plat has not been approved by the City Council.
3. The cemetery and columbarium shall be developed in accordance with the approved Master Plan. Development phases shall be administratively approved provided the phase is in conformance with the Master Plan.
4. The cemetery and columbarium shall be developed, and operated in accordance with Minnesota Statutes.
5. No crematorium or mausoleum is proposed or permitted in this development.
6. The applicant shall obtain a grading permit prior to commencement of any work for the development of the prayer garden area.
7. St. Odilia's is required to submit a Planned Unit Development application prior to a future sale of any of Lots 1 – 5, Block 1, The Catholic Community of St. Odilia.
8. The Applicant shall enter into a Development Agreement with the City.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan.
2. The proposed improvements will not conflict with or impede the use of adjoining property.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
March 26, 2013

**TO:** Planning Commission  
**FROM:** Kathleen Nordine, City Planner  
**DATE:** March 19, 2013  
**SUBJECT:** File No. 2480-13-07; Josh and Joanna Wing, Minor Subdivision, 169 Bridge Street

### **INTRODUCTION**

Josh and Joanna Wing submitted a minor subdivision application to divide the property at 169 Bridge Street into two parcels. The property is located west of Rice Street on the north side of Bridge Street and is currently developed with a single-family residence and detached garage. This residence is vacant and was recently foreclosed on. These structures will be removed and new single-family residential homes would be constructed on each parcel.

This application was complete as of March 13, 2013.

### **BACKGROUND**

The property is currently developed with a single-family residential structure, detached garage, driveway and other ancillary site improvements. The topography of the property slopes from the west to the east. Adjacent land uses include single-family residential to the west and south and east. To the north is property owned by the City of Shoreview which has wetland and stormwater ponding areas.

The existing home is serviced with city sewer and water. Sewer and water connections were previously installed for a new parcel immediately east of the home, in anticipation of a future subdivision.

### **MINOR SUBDIVISION**

#### **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 also must be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways.

The property is zoned R1, Detached Residential, as are the adjacent properties. In this district, lot standards require a minimum lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet. Minimum structure setbacks for a dwelling are 30 feet from a front and rear property line and 10 feet from an interior side lot line. A 5-foot minimum side yard is required for accessory buildings including detached garages.

**STAFF REVIEW**

The applicant is proposing to demolish the existing site improvements and divide the property into two parcels for single-family residential development. As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations.

	<b>Requirements</b>	<b>Parcel A (West)</b>	<b>Parcel B (East)</b>
<b>Area:</b>	<b>10,000 sf</b>	16,830 sf	15,891 sf
<b>Width:</b>	<b>75 feet</b>	90 feet	85 feet
<b>Depth:</b>	<b>125 feet</b>	187 feet	187 feet

Each parcel has adequate buildable area for a new home when the minimum structure setbacks are applied.

Municipal sanitary sewer and water service is already available to both parcels. The standard drainage and utility easements along the property lines will be required.

Tree impacts will be evaluated further during the building permit review process. The submitted survey does identify some landmark trees on the property, one of which may be impacted by the construction of a new home on Parcel B. Tree removal, replacement and protection will be addressed in the Development Agreement.

**PUBLIC COMMENT**

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

**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. Removal of the existing vacant home and creation of two lots for single-family residential development supports the City’s land use and housing policies by creating an opportunity for new housing. Staff is



recommending the Planning Commission forward a recommendation of approval to the City Council, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of new homes on each parcel.
5. Driveways and all other work within the Bridge Street right-of-way are subject to the permitting authority of the City of Shoreview.
6. A tree protection plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
7. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.
8. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

#### Attachments

- 1) Location Map
- 2) Site Aerial Photo
- 3) Submitted Statement and Plans
- 4) Response to Request for Comment
- 5) Motion



# Wing - 169 Bridge Street



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

### Notes

Minor Subdivision

# Wing - 169 Bridge Street



## Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

## Notes

Minor Subdivision

179.1 0 89.55 179.1 Feet

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

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

# 169 Bridge Street Minor Subdivision Application

Applicant : Joshua and Joanna Wing  
Date: February 26, 2013

Revision 1.1

Applicant Contact Info:  
Joshua and Joanna Wing  
4271 Hodgson Rd  
Shoreview MN 55126  
612-669-8903  
joshwing@gmail.com

## Table on Contents:

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### Previous Page - Minor Subdivision Application

1. Evidence of legal interest
2. Application Statement/Proposed Use
3. Assessments Pending - None
4. Current Property Information
5. Photos
6. Map of Property
7. Neighbor Introduction Letter
8. Addresses of Neighbors within 350ft
9. Plan Drawings
10. House Design Concepts
11. Draft Development/Subdivision Agreements (NOT INCLUDED)

# 1. Evidence of legal interest:

ISSUED BY  
**ALL AMERICAN TITLE CO., INC.**  
AS AGENT FOR  
**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
COMMITMENT NUMBER 011340264

Reference Name:

**SCHEDULE A**

1. Commitment Date: December 4, 2012 at 08:00 AM
2. Policy (or Policies) to be issued:
  - (a) Owner's Policy ( ALTA Own. Policy (06/17/06) )  
Proposed Insured:  
Joshua J. Wing and Joanna L. Wing
  - (b) Loan Policy ( ALTA Loan Policy (06/17/06) )  
Proposed Insured:  
Citizens Bank Minnesota, Secretary of Housing and Urban  
Development, and/or its representative successors and  
assigns, as their interest may appear.
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:  
Federal National Mortgage Association  
*Note: Fee owner(s) took title 8-22-12, filed 8-29-12 as evidenced by Deed recorded as Document No. 4354141*
4. The land referred to in the Commitment is Abstract Property situated in the County of Ramsey, State of Minnesota and is described as follows

SEE EXHIBIT A ATTACHED HERETO

FOR REFERENCE PURPOSES ONLY:

The company has not verified, does not insure, and makes no representation that the information below is about the above insured property. According to insured's representation or vesting instrument(s), the street address and pin/tax ID # of the property have been represented to the company as follows:

Address: 169 Bridge Street, Shoreview, MN 55126  
PIN/Tax ID #: 24.30.23.11 0094

ALL AMERICAN TITLE CO., INC.

By: TM Kenzie  
ALL AMERICAN TITLE CO., INC.

ALTA Commitment  
Schedule A (6/17/06)

(011340264.PFD/011340264/22)

## 2. Applicant Statement/Proposed Use:

---

### About Applicants

- Joshua (Josh) and Joanna Wing
- Parents of 2 kids (daughter will attend Island lake in Fall 2013)
- Current residents, have lived in Shoreview for the past 8 years

### Intended Use of Property

We are seeking approval to subdivide the property commonly known as 169 Bridge Street (.75 Acres) into two single family residential lots (~.375 Acres each). We will retain one lot for our own to construct a new home and will market the other lot for sale. This subdivision will require the demolition and removal of the existing's structures prior to beginning construction of the new homes.

Sewer and water connections have previously been stubbed into for both lots.

### Benefits of Approval

- Removal of existing vacant and uninhabitable home and detached garage
- Improve the character of the neighborhood with new homes being constructed
- Increased property values of surrounding homes
- Subdivided lots will exceed city minimum lot requirements and be comparable to surrounding lots in neighborhood
- Increase tax base for the City of Shoreview

### 3. Assessment Statement:

---

There are currently no outstanding assessments due on the property located at 169 Bridge St. All outstanding assessments were resolved at time of purchase.



## 4. Current Property Information:

**Applicant/Owner:** Joshua and Joanna Wing

**Applicant Address:** 4271 Hodgson Rd, Shoreview MN

**Subject Property Address:** 169 Bridge Street, Shoreview MN 55126

**PID:** 24.30.23.11.0094

**Section/Township/Range:** 24-30-23

**Plat:** 24/30/23

**Legal Description:** W 175 Ft Of E 404.51 Ft Of The N 187 Ft Of S 210.35 Ft Of The N 1/2 Of S 1/2 Of Ne 1/4 Of Ne 1/4 (subj To Esmts) Of Sec 24 Tn 30 Rn 23

**Sewer/Water:** Property currently has two stubs for Water/Sewer

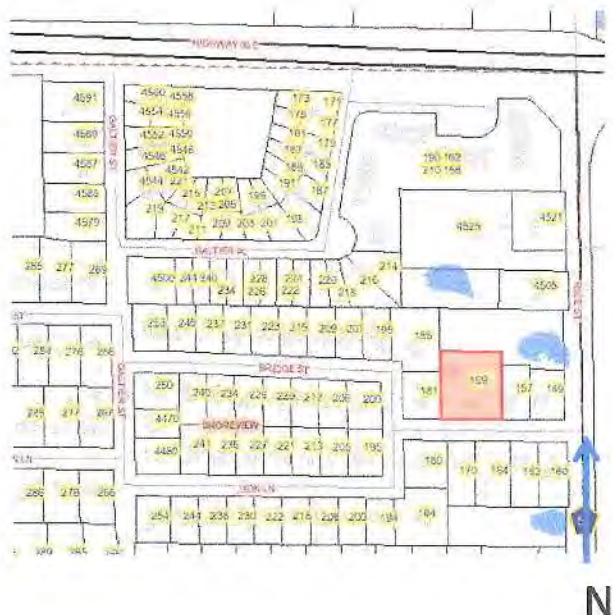
**Current Lot Dimensions:**

**Parcel Width:** 175.000 ft.

**Parcel Depth:** 187.000 ft.

**Parcel Area:** .75 Acres (32,670 Sq. Ft)

There are no outstanding Assessments for this property



## 5. Property Photos:

---



View of house from street. Note house does not face street.



Aerial view of property

## 5. Property Photos (con't):

---



Driveway leading to Detached Garage (to be removed)



Street view of house (to be removed). Note front of house does not face street.



Close up Existing Detached Garage (to be removed)



Monument tree in backyard, will not be removed

6. Map of Property:



## 7. Letter to Neighbors (within 350ft):

---

February 26, 2013

Dear Neighbor,

Our names are Josh and Joanna Wing and we just bought the property located in your neighborhood at 169 Bridge Street. We'd like to introduce ourselves and share with you our plans for this property. This letter outlines our preliminary plans as of February 2013.

We currently live in the city of Shoreview with our two children, Allison and Arthur, and our goldendoodle, Waldo. As residents of the city for the past 8 years, we love living in Shoreview and are excited to be moving into this neighborhood.

As many of you are likely aware, the current structures located at 169 Bridge Street are in considerable disrepair and do not fit with the style, quality or condition of other homes located in this neighborhood. We'd like to remove the existing structures and subdivide the lot into two single-family residential lots. We plan to keep one of the lots to build a new home for our family and sell the second lot sometime in the near future in order for another new home to be built next door. We believe this project has many benefits for this neighborhood, including:

- Removing a vacant and uninhabitable home (and an ugly garage!)
- Improving the character of the neighborhood
- Increasing tax base for the city of Shoreview
- Potentially increasing property values of surrounding homes due to nearby new construction

We are still working to finalize the design of our house but anticipate it to be a two-story home that fits within the character and style of the current neighborhood. The home will meet all of Shoreview's building requirements and we do not anticipate any need to apply for variances. We would like to begin work on the property this spring and hope to have this project completed by the end of 2013.

If you are supportive of this project or have concerns please feel free to reach out to Shoreview Assistant City Planner Kathleen Nordeen at 651-490-4682.

We're also happy to answer any questions you may have; you can call us at 612-669-8903 or email us at [joshwing@gmail.com](mailto:joshwing@gmail.com). We look forward to meeting you!

Sincerely,  
Josh and Joanna Wing

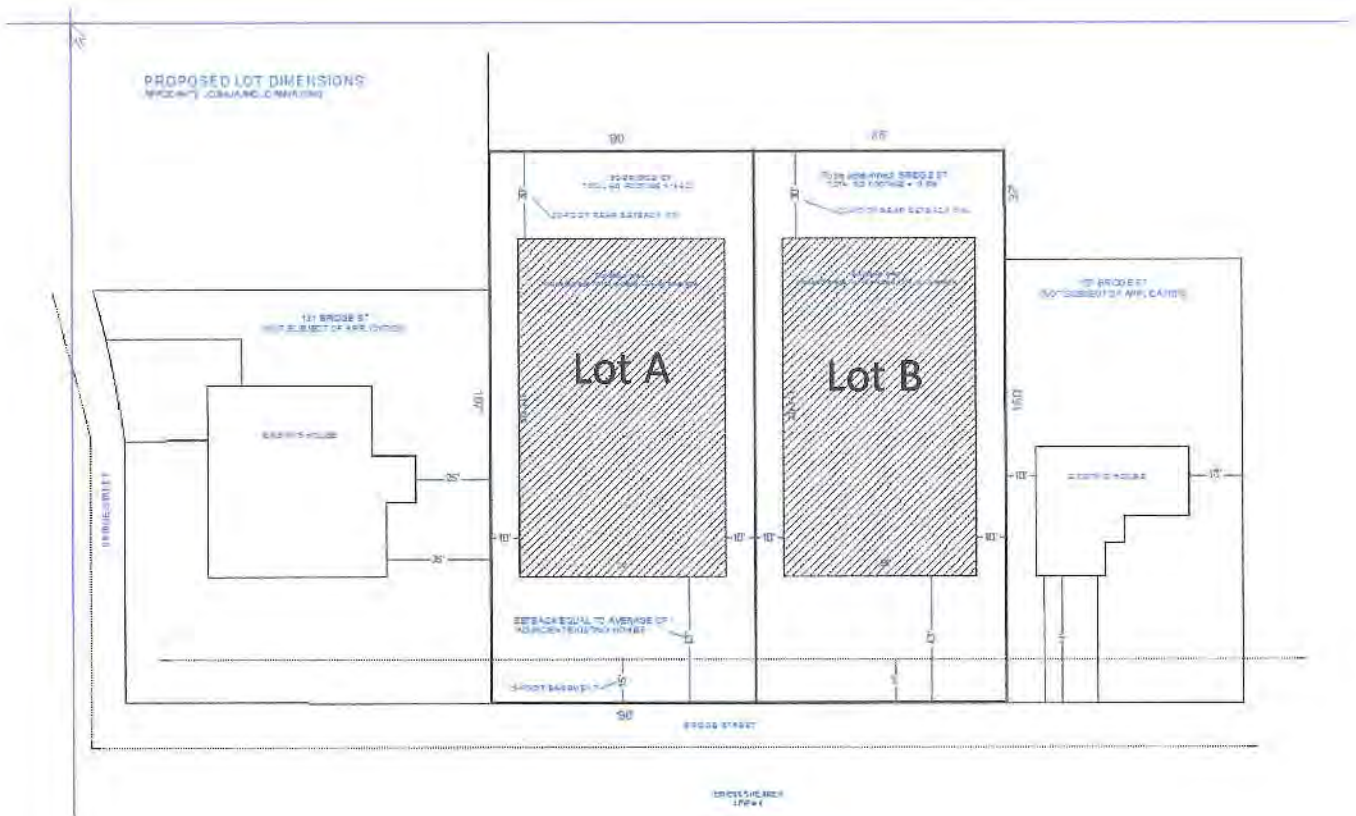
## 8. Addresses letter from Feb. 26<sup>th</sup> was mailed to:

---

First Name	Last Name	Address	City	State	Zip
David	Hentges	220 Bridge St.	Shoreview	MN	55126
John	Miller	223 Bridge St.	Shoreview	MN	55126
Susan	Lee	215 Bridge St.	Shoreview	MN	55126
Noel	Turner	209 Bridge St.	Shoreview	MN	55126
Barbara	Yarusso	201 Bridge St.	Shoreview	MN	55126
Richard	Martinek	195 Bridge St.	Shoreview	MN	55126
Neil	Meyer	185 Bridge St.	Shoreview	MN	55126
Brian	Westhoff	181 Bridge St.	Shoreview	MN	55126
John	Andreozzi	157 Bridge St.	Shoreview	MN	55126
Kelly	Cerny	149 Bridge St.	Shoreview	MN	55126
Christopher	Jones	160 Bridge St.	Shoreview	MN	55126
Peter	Berglund	162 Bridge St.	Shoreview	MN	55126
Robert	Goebel	164 Bridge St.	Shoreview	MN	55126
Curtis	Pederson	170 Bridge St.	Shoreview	MN	55126
David	Holm	180 Bridge St.	Shoreview	MN	55126
Ronald	Moss	184 Lion Ln	Shoreview	MN	55126
Howard	Krohn	194 Lion Ln.	Shoreview	MN	55126
John	Towle	200 Lion Ln.	Shoreview	MN	55126
Dale	Grossman	195 Lion Ln.	Shoreview	MN	55126
Kathleen	Madvig	205 Lion Ln.	Shoreview	MN	55126
Scott	Steil	213 Lion Ln.	Shoreview	MN	55126
Peter	Panos	220 Galtier Pl.	Shoreview	MN	55126
Beth	Sipe	218 Galtier Pl.	Shoreview	MN	55126
Rosemary	Swingle	216 Galtier Pl.	Shoreview	MN	55126
Charles	Holm	214 Galtier Pl.	Shoreview	MN	55126
Glenn	Grieder	140 Galtier Pl.	Shoreview	MN	55126
Albert	Porter	4525 Rice St.	Shoreview	MN	55126
James	Christiansen	4521 Rice St.	Shoreview	MN	55126
Robert	Pate	4505 Rice St.	Shoreview	MN	55126
Robert	Stewart	191 Jansa Dr.	Shoreview	MN	55126
Michael	Iverson	183 Jansa Dr.	Shoreview	MN	55126
Patrick	Dupaul	175 Jansa Dr.	Shoreview	MN	55126
Brian	Harms	165 Jansa Dr.	Shoreview	MN	55126
Courtney	Hedberg	4424 Jansa Dr.	Shoreview	MN	55126



## 9. Proposed Property Description (not to scale):



Lot A = 187 X 90 (16,830 Sq. Ft)

Lot B = 187 X 85 (15,895 Sq. Ft)

Total Gross Site Area = 32,725 (.75 Acres)



## 10. House Concepts under consideration:

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All images copyright ©2011 - 2013 The Nest  
<http://www.thenestvictorgardens.com/#/homes>

For questions/concerns: Please contact Josh Wing  
at [joshwing@gmail.com](mailto:joshwing@gmail.com) or 612-669-8903

# MINOR SUBDIVISION -for- Wing Family

P.I.D.#24-30-23-11-0094 Property Address: #169 Bridge Street, Shoreview, MN

### EXISTING LEGAL DESCRIPTION

That part of the North Half of the South Half of the Northeast Quarter of the Northeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota, described as follows:

Commencing at the southeast corner of said north half of the south half of the northeast quarter of the northeast quarter; thence north, assumed bearing, along the east line of said north half of the south half of the northeast quarter of the northeast quarter 23.35 feet; thence North 88 degrees 39 minutes 45 seconds West parallel to the south line of said northeast quarter of the northeast quarter 229.51 feet to the point of beginning; thence North 88 degrees 39 minutes 45 seconds West 175 feet; thence North 187 feet; thence South 88 degrees 39 minutes 45 seconds East 175.00 feet; thence South 187.00 feet to the point of beginning.

### PROPOSED PARCEL "A" LEGAL DESCRIPTION

That part of the North Half of the South Half of the Northeast Quarter of the Northeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota, described as follows:

Commencing at the southeast corner of said north half of the south half of the northeast quarter of the northeast quarter; thence north, assumed bearing, along the east line of said north half of the south half of the northeast quarter of the northeast quarter 23.35 feet; thence North 89 degrees 19 minutes 55 seconds West, parallel to the south line of said northeast quarter of the northeast quarter 314.51 feet to the point of beginning; thence continuing North 89 degrees 19 minutes 55 seconds West 90.00 feet; thence North 00 degrees 40 minutes 10 seconds West 187.00 feet; thence South 89 degrees 19 minutes 55 seconds East 90.00 feet; thence South 00 degrees 40 minutes 10 seconds East 187.00 feet to the point of beginning.

### PROPOSED PARCEL "B" LEGAL DESCRIPTION

That part of the North Half of the South Half of the Northeast Quarter of the Northeast Quarter of Section 24, Township 30, Range 23, Ramsey County, Minnesota, described as follows:

Commencing at the southeast corner of said north half of the south half of the northeast quarter of the northeast quarter; thence north, assumed bearing, along the east line of said north half of the south half of the northeast quarter of the northeast quarter 23.35 feet; thence North 89 degrees 19 minutes 55 seconds West, parallel to the south line of said northeast quarter of the northeast quarter 229.51 feet to the point of beginning; thence continuing North 89 degrees 19 minutes 55 seconds West 85.00 feet; thence North 00 degrees 40 minutes 10 seconds West 187.00 feet; thence South 89 degrees 19 minutes 55 seconds East 85.00 feet; thence South 00 degrees 40 minutes 10 seconds East 187.00 feet to the point of beginning.

### NOTES

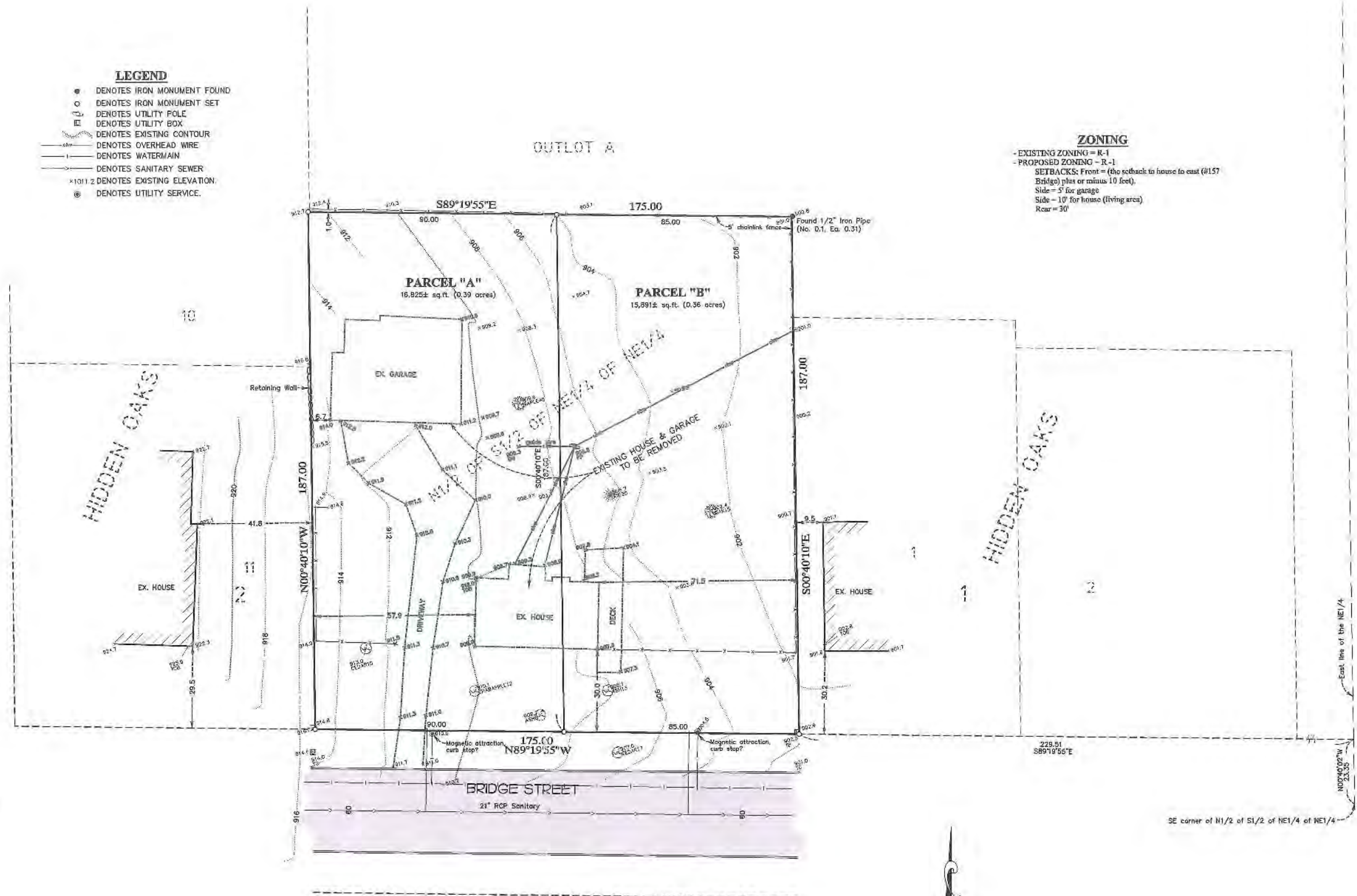
- 2 foot Contour Interval
- N.G.V.D. Vertical Datum
- Topography Collected in Field on 03/04/13.
- Bearing's shown are on assumed datum.
- This survey was completed 03/04/13, in the middle of the Minnesota snow/winter season. There may be improvements/features in addition to those shown hereon that were not located due to snow/ice cover.

### LEGEND

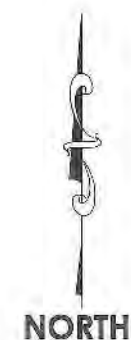
- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES UTILITY POLE
- DENOTES UTILITY BOX
- DENOTES EXISTING CONTOUR
- DENOTES OVERHEAD WIRE
- DENOTES WATERMAIN
- DENOTES SANITARY SEWER
- ⊗ DENOTES EXISTING ELEVATION.
- ⊕ DENOTES UTILITY SERVICE.

### ZONING

- EXISTING ZONING = R-1
- PROPOSED ZONING = R-1
- SETBACKS: Front = (the setback to house to east (#157 Bridge) plus or minus 10 feet).
- Side = 5' for garage
- Side = 10' for house (living area)
- Rear = 30'



( IN FEET )  
1 inch = 20 ft.



## MOTION

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

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

To recommend the City Council approve the Minor Subdivision submitted by Josh and Joanna Wing, 169 Bridge Street, to divide the property into two parcels for single-family residential development. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before a building permit is issued for a new home on the property. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of new homes on each parcel.
5. Driveways and all other work within the Bridge Street right-of-way are subject to the permitting authority of the City of Shoreview.
6. A tree protection plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
7. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.
8. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

### VOTE:

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
March 26, 2013

t:\2013pcf\2480-13-07 169 Bridge St Wing\pcmotion

**TO:** Planning Commission  
**FROM:** Kathleen Nordine, City Planner  
**DATE:** March 21, 2013  
**SUBJECT:** File No. 2478-13-05, Sign Maintenance, Lighting and Electrical, Inc./Willow Creek Center, Inc. – Amendment to Comprehensive Sign Plan

**INTRODUCTION**

On behalf of the Willow Creek Center, Inc., Sign Maintenance, Lighting and Electrical, Inc. submitted an application to amend the Center’s Comprehensive Sign Plan and replace the existing readerboard sign with an electronic message center sign. The intent of the message center sign is to advertise the products and services of the Cenex Convenience Store and other Willow Creek tenants. An amendment to the Comprehensive Sign Plan is required because message center signs are not permitted on properties that have a commercial use.

The application was complete March 15, 2013.

**BACKGROUND**

Willow Creek Center, 5910 Lexington Avenue North, is located on the southwest corner of Lexington Avenue and Hamline Avenue. The property is zoned C-1, Retail Service Commercial, and the existing use conforms to the zoning regulations and previous approvals. The retail center was originally approved in 1987 through a site and building plan review and a conditional use permit was granted for the fuel station. In 1996, the owner received approval of an amended conditional use permit which permitted the expansion of the gasoline pump service islands. The conditional use permit was amended again in 2009 to expand the fuel station’s operating hours and permit “pay at the pump” fuel sales (see Resolution 09-11). In addition, other approvals have been granted through the site and building plan review process which permitted the expansion of the parking lot and retail center.

Regarding signage, the owner, Terry Anderson received approval of a Comprehensive Sign Plan in 1998 to install a new monument sign for the Conoco gasoline station. This sign replaced a freestanding pylon sign that advertised the Center and contained a reader board. This internally lit sign was refaced in 2009 with the Cenex sign panel and included a gas price display sign and manual copy readerboard. The intent of the readerboard is to display messages regarding the tenants’ services, products and special events or sales.

**PROJECT DESCRIPTION**

The proposed electronic message center sign will replace the existing readerboard sign that is incorporated into the existing monument sign. This sign has a height of 11 feet

and an overall sign area of about 90 square feet. The readerboard is 40 square feet in size.

This proposal requires a Comprehensive Sign Plan because electronic message center signs are not permitted on commercial properties. The message center sign will have an area of 20 square feet and include a full color graphic display. Deviations from the City's sign standards can be allowed with a Comprehensive Sign Plan. Please see the attached plans.

### **DEVELOPMENT CODE REQUIREMENTS**

Signs are regulated in Section 208 of the Development Code. Commercial retail centers, such as the Willow Creek Center, may have a free-standing sign provided it complies with the Code criteria. For structures less than 20,000 square feet in area, a cabinet-style monument sign is permitted provided the height does not exceed 10' and the sign area does not exceed 50 square feet.

Message Center signs are only permitted on properties with public/quasi-public land uses. The use of this type of sign on a commercial property is considered a deviation from the standards, as such the Comprehensive Sign Plan is required. Message center signs in the C-1 District may not exceed 30 square feet of area. Additional code standards address duration of message display, color, text, and lighting/brightness. Also, the sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot. (See Attachment A).

As the Commission is aware, changes to the existing standards are currently being reviewed by the Commission, Economic Development Commission and City Council. The proposed changes would permit the use of these signs by commercial businesses and provide flexibility regarding the display duration of messages. Standards regarding color, text and orientation would remain the same or similar. Deviations would still require review through the Comprehensive Sign Plan process.

When a deviation to the regulations is proposed, the Comprehensive Sign Plan requires review by both the Planning Commission and City Council with the City Council taking final action. Approval of the plan needs to be based on the following findings:

1. The plan proposes signs consistent in color, size and materials throughout the site.
2. Approving the deviation is necessary to relieve a practical difficulty existing on the property.
3. The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.
4. Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.
5. The resulting sign plan is effective, functional, attractive and compatible with community standards.

## **STAFF REVIEW**

The proposed sign plan was reviewed in accordance with the City's sign standards and previous approvals. The existing signage for the Center includes wall signs for the tenants, freestanding monument sign, including the readerboard, and canopy signage for the gasoline station. The proposal has been reviewed in accordance with the standards for message center signs as well as those for the Comprehensive Sign Plan.

### **Message Center Standards**

The applicant has stated that the sign will comply with the standards identified in the Development Code related to audio/pyrotechnics, brightness and dimmer control. Flexibility is being sought from the standards pertaining to duration, color/limited text and orientation.

#### **Duration**

While the applicant has also stated that they will abide by the one-hour long duration requirement, the benefit of this type of sign is to change messages more often. This standard was recently reviewed by the Commission with the proposed text changes and there was some support to eliminate this provision provided the text is readable to motorists with minimal distraction. The applicant would prefer to be given the same flexibility to the duration standard as others have been permitted.

#### **Color/Limited Text**

The proposed sign will have a full color graphic display. While this type of sign has been discouraged in the past, recent discussions with the Planning Commission have indicated that they may be acceptable in certain circumstances. The sign will use color, graphics and text to display messages. These messages will be displayed in a manner so that they are legible and minimize distraction to motorists. Staff does not have any significant concerns regarding this provided the text duration is set so the message can be read and that there is no flashing, scrolling, fading, etc. of messages.

#### **Orientation**

Willow Creek Center is adjacent to single-family residential land uses on all sides. While the location of the sign is not changing, the message center sign will be visible from some of the adjoining residential uses. Staff does have concerns about the visual impact this may have on those residential uses, specifically during the night time hours.

When the conditional use permit for the fuel station was amended in 2009 to permit the expansion of the fuel pump islands, there was discussion about the potential impacts this could have on the nearby residential neighborhoods. As a result, hours of operation for the convenience store were established from 6:00 am to 11:00 pm, with 24 hour ad day pay at the pump service. When the store is closed, only 6 canopy lights can be used to illuminate the fuel islands.

To minimize the visual impact of this sign, Staff is recommending that the message center be turned off when the convenience store is closed. If this becomes a nuisance or if complaints are received, these restrictions can be revisited by the City.

### **Comprehensive Sign Plan Review**

The intent of the Comprehensive Sign Plan is to allow flexibility from the sign standards without formal approval of a variance provided it results in an attractive sign that is compatible with the premises and adjoining development. The following findings must be satisfied for the Plan to be approved.

1. *The plan proposes signs consistent in color, size and materials throughout the site.* The overall design of the sign will remain as is and not change with this proposal. The sign will remain a cabinet style sign with internally lit sign panels identifying Cenex. The gas price display sign will also remain the same. The exiting reader board will be removed and replaced with the message center sign. Modifications will be needed to the sign surround but the material and color will remain the same.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The Willow Creek Center is a multi-tenant shopping center that is approximately 14,500 square feet in size. The multi-tenant use of the property does result in a greater need than single occupancy properties for signage, specifically related to temporary sales or events. The replacement of the existing readerboard with the message center sign provides a more efficient and aesthetically pleasing way to display or advertise products, services and special events.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* Again, the design of the monument sign will not be changing as a result of this proposal. The replacement of the readerboard with an electronic message center sign is intended to visually improve the look of the monument sign and improve identification and advertising for tenants. The staff is recommending temporary signage (banners) be prohibited since the message center sign is a vehicle for these tenants to advertise special sales or events.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The applicant's request is not out of character with the type of signage typically found on commercial properties throughout the Twin Cities Metropolitan Area. Message Center signs have been approved in the past for use on other commercial sites as well as on public/quasi public properties. While the majority of these signs are limited in color and text, the use of the full color graphic display is becoming a more preferable method for the business community. These signs permit a business or center to advertise products in a different manner due to the color and graphics. The color and graphics must be managed so as not to distract drivers or negatively impact nearby residential uses.



Also, the retail center is located on Lexington Avenue which is classified as an arterial and carries a higher traffic volume. This, in addition to the fact that the center has multiple-tenants supports this type of signage on the property. Staff does not believe this approval will confer a special privilege on the applicant.

5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The proposed sign package is effective, functional and compatible with the commercial use. The intent of the sign is to provide a more efficient method of communicating products, specials or events for tenants within the center. As such, this may reduce some of the issues that have occurred in the past regarding the display of temporary signage on the property.

#### **REQUEST FOR COMMENT**

Property owners within 350 feet were notified of this request. To date, no comments have been received.

#### **RECOMMENDATION**

The Staff reviewed the proposal in accordance with the requirements for signage and a Comprehensive Sign Plan. The proposed deviation from the sign code permitting the message center sign is reasonable due to the commercial use of the property with a multi-tenant retail center that has frontage on Lexington Avenue, an arterial roadway. The proposed message center sign will improve opportunities for tenants to advertise and allow them to advertise products, services and special events more efficiently. Staff does remain concerned about the potential impact the visibility of this sign may have nearby residential properties and has addressed this in the proposed conditions. Staff is recommending the Comprehensive Sign Plan be approved subject to the following:

1. The signs 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 signs on the property.
3. The message center sign shall:
  - a. Display text shall be of a sufficient size so as to be readable by passing motorists without distraction.
  - b. Messages shall be displayed in their entirety to allow passing motorists to read the entire copy.
  - c. Messages shall not include telephone numbers, email addresses or internet urls.
  - d. Messages shall be displayed for a minimum of 8 seconds, and shall change instantaneously.
  - e. Messages be presented in a static display, and shall not scroll, flash, blink or fade.

- f. Advertisement is limited to the goods and services offered on-site. Text shall be the dominant feature of the sign.
  - g. The message center sign shall not be operated between the hours of 11:00 pm and 6:00 am. The City reserves the right to amend this condition if complaints are received regarding the visibility of this sign after sunset.
  - h. Said sign shall comply with the City's standards regarding brightness and dimmer control.
4. Temporary business signs, with the exception of window signs, sandwich board/T-frame signs placed adjacent to the building, and incidental displays in accordance with the Sign Code standards, shall not be displayed on the property.

Attachments

1. Attachment A
2. Resolution 09-11
3. Location Map
4. Aerial photographs
5. Submitted Plans and Written Statements
6. Proposed Motion

T:/2013pcf/2478-13-05 5910 Lexington Ave, Sign Maintenance/pcreport.docx

## ATTACHMENT A

- (8) **Message Center.** The changeable copy portion of the sign must be accompanied by the name of the building or facility. Said name shall be displayed in an individual-letter format in letters that dominate all other names and graphics on said sign. Message Center signs are permitted only when integrated into a freestanding sign on the site of an approved Public/Quasi-Public use, except as otherwise permitted for Gas Price Display signs.

(a) In Business and Industrial Districts, Message Center signs are permitted on the site of an approved Public/Quasi-Public use, provided the maximum area of the changeable copy shall not exceed 30-square-feet of area in a C2, General Commercial, C1, Retail Service District, OFC, Office District, or BPK, Business Park District, and not more than 20-square-feet of area in a C1A, Limited Retail Service District

(b) In Residential Districts, Message Center signs are permitted when displayed on the site of an approved public or quasi-public land use, provided the changeable copy sign does not exceed 20 square feet of area, unless it faces an arterial roadway, in which case up to 30 square feet of message center sign area may be permitted.

(c) Duration. In non-residential districts, any portion of the message must have a minimum duration of one hour and must be a static display. In residential districts any portion of the message must have a minimum duration of two hours and must be a static display. In all districts, no portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement.

(d) Color. In residential districts, all portions of the sign shall use an amber color.

(e) Limited Text. The text of the sign must be limited to allow passing motorists to read the entire copy with minimal distraction.

(f) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.

(g) Brightness. The sign must preset by the manufacturer not exceed a maximum illumination as measured from the sign's face at maximum brightness of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) for the time period between one half-hour before sunset and one half-hour after sunrise. Notwithstanding the manufacturer's preset, sign brightness shall comply with the requirements of Section 208.030(B).

(h) Dimmer control. The sign must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level, depending on ambient weather conditions and for the time period between one half-hour before sunset and one half-hour after sunrise.

(i) Orientation. In all districts the sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot.

**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF SHOREVIEW, MINNESOTA  
HELD FEBRUARY 17, 2009**

\* \* \* \* \*

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

The following members were present: Mayor Martin, Council Members Quigley, Wickstrom, Withhart

And the following members were absent: Council Member Huffman

Member Wickstrom introduced the following resolution and moved its adoption.

**RESOLUTION NO. 09-11  
CONDITIONAL USE PERMIT AMENDMENT**

**WHEREAS**, Willow Creek Inc. applied for a conditional use permit amendment to permit pay at the pump, after hours fuel sales at the Shoreview Quik Stop:

OUTLOT A, WILLOW CREEK TWO, SUBJECT TO ROAD,  
RAMSEY COUNTY, MINNESOTA.

*(This property is more commonly known as 5910 Lexington Avenue North, Shoreview,  
Minnesota.)*

**WHEREAS**, fuel stations with a capacity of 5-8 vehicles at a time are a conditional use in the C-1, Retail Service, Zoning District; and

**WHEREAS**, the City approved a Conditional Use Permit (CUP) for Willow Creek Center in 1987, and subsequently amended the CUP in 1996; and

**WHEREAS**, the applicant is requesting an amendment to allow after hours pay at the pump fueling at 5910 Lexington Avenue North which is within a C-1 Zoning District; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed use and found that Resolution 09-11

Page 2 of 3

the proposed use was consistent with the Comprehensive Guide Plan and that the proposed use, as conditioned, would not have a detrimental effect on the character and development of the neighborhood; and

**WHEREAS**, the City Council is authorized by state law and the City of Shoreview Development Code to make final decisions on conditional use permit requests.

**NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW CITY COUNCIL**, that the above-described conditional use permit be approved on the basis of the following findings of fact:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. After hours fueling will provide a convenient service to nearby residents and retain the competitive position of the existing business.
3. After hours fueling, as conditioned, will not create a nuisance to the existing neighborhood and land uses.
4. The proposed use complies with the requirements of the C-1 Retail Service Zoning District.

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW CITY COUNCIL** that a Conditional Use Permit Amendment to permit after hours pay at the pump fuel sales at the Shoreview Quik Stop, 5910 Lexington Avenue, is hereby approved, subject to the following conditions:

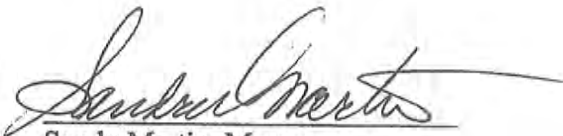
- 1) This approval amends the Conditional Use Permit for the property, as adopted by the City Council with Resolution 95-99 on March 18, 1996.
- 2) No exterior modifications to the existing commercial center and convenience store are approved with this amended Conditional Use Permit.
- 3) Any proposed permanent signage must comply with the Development Code and the approved comprehensive sign plan for the property. A sign permit shall be obtained before sign installation. Incidental signage required to comply with provisions of the Fire Code shall not exceed 2 square feet in area.
- 4) Hours of operation for the convenience store shall be limited to 6:00 a.m. to 11:00 p.m., except that pay at the pump fuel sales are permitted 24 hours daily provided such expanded hours shall not create a nuisance to the nearby neighborhood.
- 5) Between the hours of store closing and 6 a.m., only six (6) canopy lights shall be used to illuminate the fuel islands. Lights that are left on shall be shielded on the sides consistent with the existing shielding.

- 6) Unattended self-serve motor fuel-dispensing facilities shall conform to the requirements of the Fire Code, and subject to the approval of the Fire Marshall.
- 7) The amended CUP is subject to administrative compliance review 180-days after approval.


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

And the following voted against the same: None

Adopted this 17<sup>th</sup> day of February, 2009

  
Sandy Martin, Mayor  
Shoreview City Council

ATTEST:

  
Terry Schwerm, City Manager

SEAL







# Willow Creek Center - 5910 Lexington Avenue



178.7

0

89.37

178.7 Feet

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

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

## Notes

Comprehensive Sign Plan

March 8, 2013

City Of Shoreview  
4800 Victoria St North  
Shoreview, MN 55126  
RE: 2478-13-05

Kathleen Nordine,

This is in response to your email dated March 7<sup>th</sup> 2013 to address the unresolved issues you have requested. If you need any further information, please do not hesitate to let me know

- 1) The display area is 2'1" H x 9'4" W,
- 2) 8) This sign will be integrated into the existing cabinet. There will not be any square foot increase to the existing sign structure
  - A) The maximum copy area as listed above gives us a square footage of 19.44'
  - C) Duration. It is understood that all messages must be static for a period of one hour and may not flash, scroll, twirl, change color, fade in or out or in any manner to imitate movement.
  - E) Limited text. This will be observed to minimize distractions to motorists
  - F) This sign does not have any audio devices
  - G) Brightness. This sign has automatic brightness settings and falls within city standards
  - H) Dimming control. This sign does have an automatic dimming control
  - I) Orientation. This sign will be within the existing structure so should not be visible any more than the existing sign
- 3) This sign will have 2 faces

Kathleen, I hope this will take care of the issues you had expressed above. If you need anything else, feel free to call or email any time

Sincerely,

Steve Lawrence  
Owner  
Sign Maintenance Lighting & Electrical, Inc.  
612-290-8550 (cell) 763-559-3822 (office)  
[smlelectrical@comcast.net](mailto:smlelectrical@comcast.net)

c. Willow Creek Center, Inc.



**Hamilton**

P.O. Box 148

Rosemount MN, 55068

*With approval of this drawing, I hereby give Hamilton Permission to begin production of the signage illustrated in this drawing. I agree all specifications, spelling and colors listed in this drawing are correct and approved. any changes to this drawing after production has started will result in additional charges.*

Customer approval \_\_\_\_\_

Date \_\_\_\_\_

**Quik Stop**

5910 Lexington Ave  
Shoreview, MN 55126

651-786-5591

Terry Anderson

## MOTION

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

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

To recommend the City Council approve the Comprehensive Sign Plan submitted by Sign Maintenance, Lighting and Electrical, Inc. on behalf of Willow Creek Center, Inc., 5910 Lexington Avenue, subject to the following conditions:

1. The signs 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 signs on the property.
3. The message center sign shall:
  - a. Display text shall be of a sufficient size so as to be readable by passing motorists without distraction.
  - b. Messages shall be displayed in their entirety to allow passing motorists to read the entire copy.
  - c. Messages shall not include telephone numbers, email addresses or internet urls.
  - d. Messages shall be displayed for a minimum of 8 seconds, and shall change instantaneously.
  - e. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
  - f. Advertisement is limited to the goods and services offered on-site. Text shall be the dominant feather of the sign.
  - g. The message center sign shall not be operated between the hours of 11:00 pm and 6:00 am. The City reserves the right to amend this condition if complaints are received regarding the visibility of this sign after sunset.
  - h. Said sign shall comply with the City's standards regarding brightness and dimmer control.
4. Temporary business signs, with the exception of window signs, sandwich board/T-frame signs placed adjacent to the building, and incidental displays in accordance with the Sign Code standards, shall not be displayed on the property.

This approval is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign.* The overall design of the sign will remain as is and not change with this proposal. The existing readerboard will be removed and replaced with the message center sign. Modifications will be needed to the sign base but the material and color will remain the same.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The multi-tenant use of the property does result in a greater need than single occupancy properties for signage, specifically related to temporary sales or events. The replacement of the existing readerboard with the message center sign provides a more efficient and aesthetically pleasing way to display or advertise products, services and special events.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* Again, the design of the monument sign will not be changing as a result of this proposal. The replacement of the readerboard with an

electronic message center sign is intended to visually improve the look of the monument sign and improve identification and advertising for tenants.

4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The applicant's request is not out of character with the type of signage typically found on commercial properties throughout the Twin Cities Metropolitan Area. Message Center signs have been approved in the past for use on other commercial sites as well as on public/quasi public properties. The multi-tenant retail center is located on Lexington Avenue which is classified as an arterial and carries a higher traffic volume. This approval will not confer a special privilege on the applicant.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The proposed sign package is effective, functional and compatible with the commercial use. The intent of the sign is to provide a more efficient method of communicating products, specials or events for tenants within the center. As such, this may reduce some of the issues that have occurred in the past regarding the display of temporary signage on the property.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
March 26, 2013

t:\2013pcf\2478-13-055910 Lexington Sign Maintenance Willow Creek\pemotion



Kathleen Nordine &lt;knordine@shoreviewmn.gov&gt;

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**Willow Creek Center - request for comment**

1 message

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**geoff@heirloomcustom.com** <geoff@heirloomcustom.com>

Fri, Mar 22, 2013 at 8:41 AM

To: knordine@shoreviewmn.gov

Hi Kathleen-

In regards to the electronic message center sign at Willow Creek Center, we have concerns that a "full color graphic display" will be an added distraction to drivers approaching an intersection which already has problems. There have been quite a few accidents at that intersection due to drivers traveling eastbound on Lexington not realizing there is a stop sign, as well as a pedestrian being struck a few years ago.

The other concern we have is that the proposed display will be a general eyesore to the area. Although Lexington is a busy thoroughfare, it is also part of our neighborhood, and many people enjoy walking and biking on the recreation path adjacent to the Willow Creek Center. I have spoken with quite a few of my neighbors, and no one I have spoken with is in favor of this type of display in the neighborhood.

Thank you,

Geoffrey & Natalie Page  
1355 Rice Creek Trail  
Shoreview, MN 55126

(651) 338-4326

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** March 21, 2013  
**SUBJECT:** File No. 2479-13-06, Comprehensive Sign Plan, Lawrence Signs/Northern Tier Retail, 3592 Lexington Avenue

### **INTRODUCTION**

Lawrence Signs, on behalf of Northern Tier Retail, submitted a comprehensive sign plan to install signage on the property at 3592 Lexington Avenue to advertise the fuel station, car wash and convenience store.

### **PROJECT DESCRIPTION**

The property is located in the southeastern corner of the County Road E/Lexington Avenue intersection. The station has been operating under the Marathon name. Northern Tier Retail recently purchased the station and the name is being changed to Superamerica and new signs are proposed to reflect this change.

The building houses a convenience store and car wash, and has a canopy over the fuel islands. One Superamerica wall sign is proposed on the building and a second one on the fuel island canopy. The building and canopy were constructed (in 1991) oriented to the northwest, rather than perpendicular to either of the two arterial streets. While the sign proposed on the building wall is visible from both streets, the sign proposed on the canopy fascia will only be visible from County Road E.

### **Comprehensive Sign Plan**

The applicant is requesting a comprehensive sign plan to install signage on the property advertising the fuel station, car wash and convenience store. The signs included re-facing the existing freestanding sign on the property, without altering the copy and graphics area of existing sign. Since this re-facing complied with Code standards, a permit was administratively approved, and the free standing sign has been refaced. Information on this freestanding sign is included here so the sign package for the site is considered in its entirety.

The ordinance requires a comprehensive sign plan when multiple signs are installed on a site and in instances where deviations from the sign code are proposed.

One wall sign is permitted per principal structure unless the structure faces two or more arterial roadways, as is here the case. The length of the wall sign cannot exceed 20% of the length of the building elevation to which it is affixed. The wall sign area cannot exceed 10% of wall area to which it is affixed, with a minimum area of 20 square feet.

One freestanding sign is permitted per site unless the site abuts two or more arterial roadways. Structures less than 20,000 square feet may have a pylon sign provided it does not exceed 20' in height and have a copy/graphic area greater than 40 square feet. A readerboard may be attached provided it does not have a copy/graphic area greater than 40 square feet. Signs are permitted to be affixed to fuel island canopies, provided the copy and graphics area, together with other wall and incidental signs, does not exceed the area permitted for a single wall sign. Further, the canopy sign area cannot exceed 10% of the canopy fascia area.

The following signs are being proposed:

1. Free-standing pylon sign advertising Superamerica, car wash, convenience store, and a readerboard, and a gas price display:
  - Copy/Graphic Area: 41.8 square feet, including the 4.5 sq. ft. gas price display, and excluding the 15 sq. ft. changeable copy readerboard
  - Height: 18.8 feet
  - Advertises car wash, fuel and convenience store
  - Sign Ordinance Requirements
    - Maximum area: 40 square feet, plus 40 sq. ft. for readerboard.
    - Maximum Height: 20 feet
  - Deviation from Requirements: None
2. Wall Sign - NorthWest Building Elevation
  - Copy reads "Superamerica"
    - Copy Area: 59.6 square feet
    - Length: 22.7 feet
  - Graphics - 4 foot pinstripe band, approx. 244 lineal feet for all elevations of the building, incl. 36 lineal feet for the rooftop enclosure. 100% of the wall lengths. 976 square feet, roughly 33% of the wall elevation area of all building elevations..
  - Sign Ordinance Requirements
    - Maximum area: 10% (60 square feet) of wall elevation area
    - Maximum length: 20% (10 feet) of wall length
  - Deviation from requirements
    - The sign copy length is 45.4% of the building elevation.
    - The copy/graphics area is 100% of the length of the wall
    - The copy/graphics area is 33% of the area of the wall elevation
3. Canopy Signage
  - Graphics – Pinstriped Band: All elevations except the SSW
    - Approx. 215 lineal feet on canopy fascia (860 square feet)
  - Copy reads "Superamerica" on the NE canopy fascia
    - Area: 27.6 square feet
    - Length: 15.4 feet



- Sign Ordinance Requirements
  - Maximum area: 10% of canopy fascia (31.2 square feet)
- The area of canopy, wall and incidental signs cannot exceed 10% of wall elevation area
- The 27.6 square foot canopy sign copy area is 8.2% of the area of the NE elevation (528 square feet), while the copy/graphics area is 280 square feet, 53% of the NE wall elevation. The graphics area on that wall elevation is an additional 176 square feet, 33% of the wall elevation area.
- Deviation from requirements
  - The copy/graphics area is 100% of the length of the canopy
  - The copy/graphics area of the canopy copy/graphics area and the NE wall elevation graphics area totals 86% of the area of the NE wall elevation.

#### 4. Incidental Signage

Several incidental signs are proposed. The pumps will all display the Superamerica badge with an estimated area of 2.5 square feet each. This appears to be 8 signs with a total area of an estimated 20 square feet. Also, four signs are shown mounted on the posts adjacent to the pumps that list warnings for dispensing fuel and use the Superamerica logo. Each of these is 3 square feet for an additional area totaling 12 square feet.. Incidental signs count towards the total amount of permitted wall signage area. As noted above, the copy/graphics area proposed exceeds the maximum area for wall signs, even before these incidental signs are included.

When a deviation to the regulations is proposed, the Comprehensive Sign Plan requires review by both the Planning Commission and City Council with the City Council taking final action. Approval of the plan is based on the following findings:

1. The plan proposes signs consistent in color, size and materials throughout the site.
2. Approving the deviation is necessary to relieve a practical difficulty existing on the property.
3. The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.
4. Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.
5. The resulting sign plan is effective, functional, attractive and compatible with community standards.

### **STAFF REVIEW**

#### ***Free-Standing Sign***

A permit for this sign has been administratively reviewed and approved. This info is provided here in order to evaluate the sign package that is proposed for the site. The freestanding sign was constructed in 2006 for the Conoco brand, and subsequently refaced for the Marathon brand. It has now been refaced for Superamerica. The overall dimensions remain 4 by 15 feet. The sign includes a gas price display and a readerboard

that together are 19 sq. ft., less than the 40 sq. ft. permitted. The color and copy used on the freestanding sign are also used on the wall and canopy signs.

### ***Wall and Canopy Signs***

Two wall signs are permitted since the property has frontage on two arterial streets. The building sign and canopy sign are both wall signs as defined in Code. The proposed wall sign does not comply with dimensional requirements, since it exceeds 20% of the length of the wall to which it is attached. The Superamerica wall sign copy is 10% of the wall elevation area but about 45% of the length of the building wall, and so represents a requested deviation from the Code.

Deviations from the ordinance requirements are also requested for the signage on the canopy due to the area of the copy/graphics area. The staff has a mixed opinion on the striped band. Some consider the striping as is an architectural feature adding interest to the canopy design. The striping is also seen as visual clutter intended to attract attention to the building and the canopy, and so is a possible distraction. Illuminated bands are used on three fuel island canopies in Shoreview, the two BP stations and the Shell station, and most other fuel stations employ a striped fuel island canopy. The plan proposed here differs from these in the extensive use of the striping on the entire canopy and the building, even including the rooftop equipment enclosure.

The proposed incidental signage adds over 30 square feet to the area of wall signage that is proposed, and when added to the 59.6 square foot wall sign, the area proposed for copy alone represents 15% of the building wall elevation. Staff finds this excessive, especially when the graphics area is considered.

### **RECOMMENDATION**

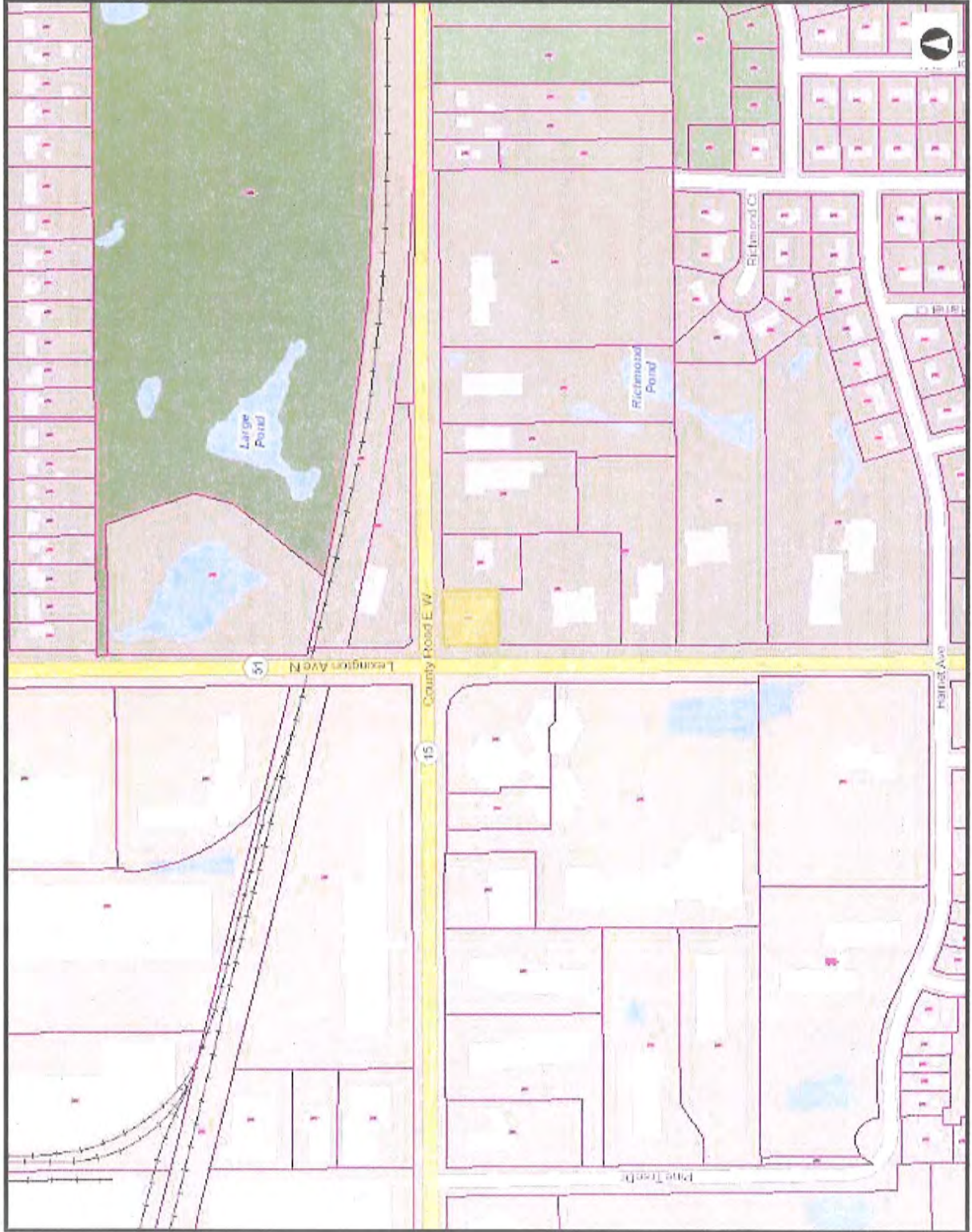
The staff is unable to make the findings required for approval of the proposed deviations due to the excessive signage that is proposed and so recommends the Planning Commission forward the application to the City Council with a recommendation to deny the applicant's request for a Comprehensive Sign Plan to allow signage at 3592 Lexington Avenue, based on the findings that are included on the proposed motion.

#### Attachments

- 1) Location Map
- 2) Submitted Plans
- 3) Proposed Motion



# Location Map 3592 Lexington Avenue



## Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels

## Notes

Enter Map Description










773.1 0 386.57 773.1 Feet

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

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



**Legend**

-  County Offices
-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcels

**Notes**

Enter Map Description

95.2 0 47.61 95.2 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**



CLIENT	3592 N LEXINGTON AVE SHOREVIEW, MN
LOCATION	
SALES	MIKE WACH
DESIGNER	RICH RETTERER
DRAWING	SA SHOREVIEW MN 4749
DATE	12.06.12
REVISION	

**X** CUSTOMER APPROVAL

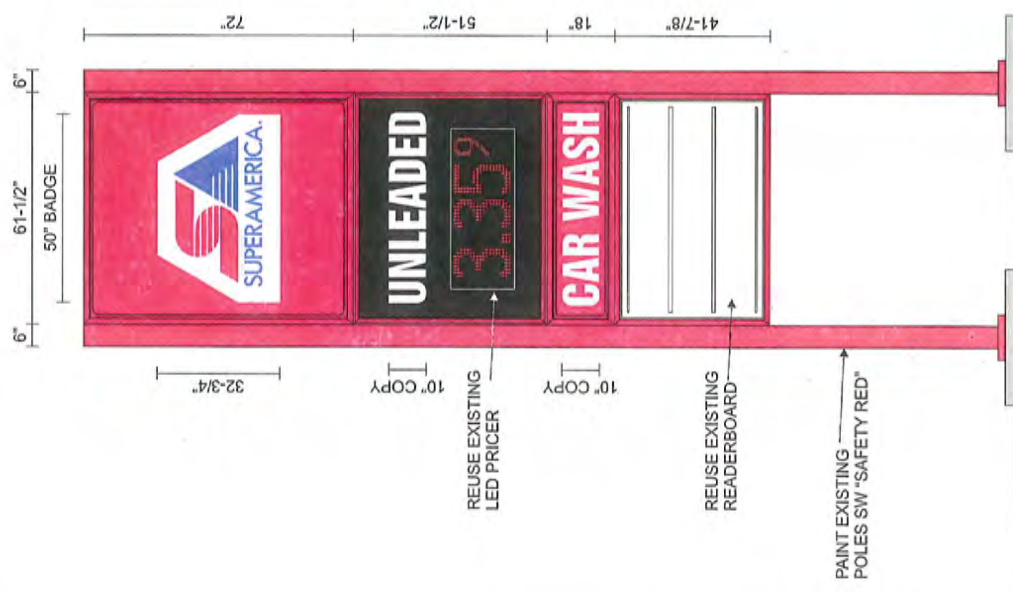
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PROPOSED



EXISTING



- (2) NEW 72" X 61.5" PAN FORMED SUPERAMERICA FACES
- (2) NEW 18" X 61.5" PAN FORMED CAR WASH FACES
- (2) NEW 51.5" X 61.5" FLAT UNLEADED PANELS WITH CLEAR PANEL OPENING FOR REUSING LED PRICERS.

TRANSLUCENT 3M "REGAL RED" (330-83)	TRANSLUCENT ORACAL BLUE (B500-006)
-------------------------------------	------------------------------------

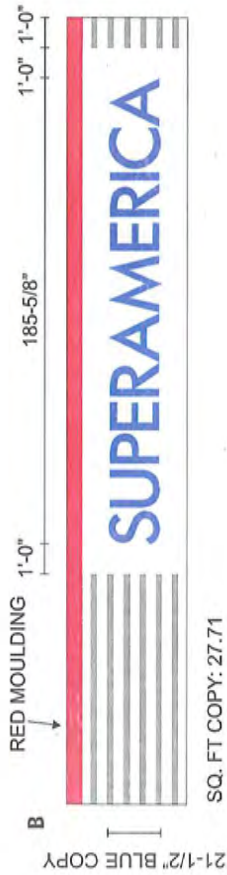
COLOR PALETTE

**PYLON RE-FACE** ALL DIMENSIONS BASED ON PROVIDED SURVEY  
**VERIFICATION REQUIRED BEFORE PRODUCTION**

CLIENT: 3592 N LEXINGTON AVE  
SHOREVIEW, MN  
LOCATION: MIKE WACH  
SALES: RICH BETTERER  
DESIGNER: S4 SHOREVIEW MN 4749  
DRAWING: 12.06.12  
DATE: 03.05.13 RB (ADDED STRIPES)  
REVISION:

 CUSTOMER APPROVAL

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**BLUE VINYL GRAPHIC APPLIED TO CANOPY AND BUILDING**



**TRANSLUCENT ORACAL BLUE (8500-006)**



CLIENT	4749
3592 N LEXINGTON AVE SHOREVIEW, MN	
LOCATION	
MIKE WACH SALES	
RICH RETTERER DESIGNER	
SA SHOREVIEW MN 4749	
DRAWING	
12.05.12 DATE	
REVISION	
CUSTOMER APPROVAL	

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**FUEL PANEL SIGN**

ALUMINUM PANEL SIGNS WILL BE PAINTED WHITE. FACES WILL BE DECORATED WITH BLUE & RED DIGITALLY PRINTED GRAPHICS

**QTY: 4**

ARTISTIC DEPICTION - NOT TO EXACT SCALE



10"
44"

**SELF SERVE**

**STOP ENGINE**

**NO SMOKING**

**WARNING- IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS**

**PERSONS UNDER 16 PROHIBITED FROM DISPENSING FLAMMABLE LIQUIDS**

**WARNING - FIRE HAZARD**  
WHEN FILLING PORTABLE CONTAINERS

1. Place the canister on the ground before filling.
2. Stop the nozzle against the open of the canister every time.



CLIENT	3592 N LEXINGTON AVE SHOREVIEW, MN
LOCATION	
SALES	MIKE WALCH
DESIGNER	RICH RETTERER
DRAWING	SA SHOREVIEW MN 4749
DATE	12.05.12
REVISION	

**X** CUSTOMER APPROVAL

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PAINT EXISTING CANOPY POLES LIGHT GRAY SW2128



NEW SA GRAPHICS

PAINT TOP OF BASE DARK GREY  
PMS 430C WITH SILICA SAND

EXISTING STAINLESS STEEL  
LEAVE AS IS

PAINT EXISTING BOLLARDS SW "SAFETY RED"



## MOTION

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

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

To recommend the City Council deny the Comprehensive Sign Plan submitted by Lawrence Sign on behalf of Northern Tier Retail for the property located at 3592 Lexington Avenue, subject to the following conditions:

1. The signs 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 signs on the property.

This denial is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign. The plan uses uniform colors and materials for the proposed signs and graphics.*
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property. The orientation of the building and canopy is not perpendicular to either arterial street. This practical difficulty does not warrant a sign length that is more than 40% of the building wall or the extensive copy and graphics areas that are proposed.*
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site. The use of the graphics on the building and canopy fascia may add interest to the building, however the extent of the proposed graphics dominates all of the building and canopy elevations, and becomes the focus of the structures.*
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance. Other fuel stations in the City use graphic bands on the canopy to identify the station's brand identity, but the extent of the graphics proposed here exceeds those commonly used at other locations and would normally be denied.*
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards. The proposed sign package uses copy and graphics that exceed the areas permitted for fuel stations, and so is not compatible with community standards.*

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
March 26, 2013

**TO:** Planning Commission

**FROM:** Kathleen Nordine, City Planner  
Rob Warwick, Senior Planner

**DATE:** March 20, 2013

**SUBJECT:** File No. 2433-11-26, City of Shoreview - Text Amendment, Setbacks in Residential Districts

## **INTRODUCTION**

The City Council and Planning Commission have previously discussed issues related to residential redevelopment and infill in established single-family residential neighborhoods. This discussion addressed the need for flexibility from certain residential zoning standards to enable property owners to improve their homes and reinvest in neighborhoods.

The Planning Commission addressed this matter at several workshops, most recently on February 23<sup>rd</sup>. The Commission supported the proposed revisions and directed staff to prepare text amendments which could then be presented to the Commission and public through the public hearing process. Minutes from the February 23<sup>rd</sup> meeting are included in the Commission's Planning Commission packet.

## **BACKGROUND**

The intent of the proposed text amendments is to relax certain structure setback standards for single-family residential homes located in the R1, Detached Residential zoning district. There are a few neighborhoods in the City that were constructed in the 1940's – 1950's that are characterized with smaller one, and one-and- half story homes. The majority of single-family residential construction occurred during the 1970's and 1980's where the neighborhoods are dominated by long-faced and short-faced split-level homes. The expansion of these homes can be difficult at times due their interior floor layout coupled with placement on the property right at the minimum front structure setback. Modifying setback requirements will provide additional options for homeowners who are looking at improving and/or updating their homes so as to meet current lifestyle needs.

In addition, the City Subdivision standards, specifically regarding road rights of way needs, required larger street rights-of-ways for local streets until the late 1980s. The actual pavement or road design width has not changed, therefore, in some of our older neighborhoods, there are larger boulevard areas which result in larger "front" yard areas (as measured from the structure to the curb line) when compared to newer developments.

The City also has neighborhoods that were developed with 25-foot front yard setbacks, smaller than the current 30-foot required. These neighborhoods include both older and newer subdivisions. One benefit that results from smaller structure setbacks from the front property line is shorter driveways and less impervious surface. The application of these shorter setbacks has not resulted in any negative impacts.

## **DEVELOPMENT CODE**

The proposed code revisions apply to single-family residential development in the R1, Detached Residential, R2, Attached Residential District, and RE, Residential Estate zoning districts, and in the Shoreland Overlay District. The following summarizes the existing regulations that are being proposed for revision:

### *Front yard structure setbacks, including side yards abutting a street*

- A minimum of 30-feet, but not more than 40-feet as measured from the property line, for all local and collector streets;
- Where the dwellings on adjacent properties exceed the minimum front setback by more than 10-feet, the structure setback is determined by average of the setbacks of the two adjacent dwellings, then adding and subtracting 10-feet to identify the required front yard setback range on the subject property; and
- A minimum of 40-feet from arterial roads.

The Development Code does allow certain structural elements or features to encroach into the required front and side yard. Examples of these improvements a 2-foot cantilevered area or bay window and 5- by 7-foot unenclosed stoops or covered landings. These encroachments would still be permitted with the proposed amendments, therefore, there may be some structure features that are set closer to the front or side property line than the main structure. A complete list of permitted encroachments is listed in the attached text.

## **PROPOSED TEXT AMENDMENTS**

1. Reduce the minimum front yard setback required for structures from 30 feet to 25 feet, as measured from the front property line.

The proposed 25-foot minimum front setback has been applied to many developments, including newer subdivisions (Snail Lake Landing and Whispering Pines). Several older developments also have a 25-foot or less front setback, including the Villas of North Point, Willow Creek, Willow Glen, Heather Ridge and Turtle Lake Hills.

Applying this flexibility throughout all residential neighborhoods should not have a negative effect on neighborhood character since the general alignment of dwellings along the street would be maintained. Exceptions to the setback with the 'plus or minus 10-feet' rule results in a general structure alignment that is retained with the proposed regulations. Reducing the front setback to a 25-foot minimum should still result in a general alignment, with dwellings aligned within the 20-foot front setback range that is now developed in the City. In many areas of the City dwellings have been developed with uniform front setbacks of 30-feet, and the 5-foot front setback reduction would therefore be in keeping alignment within the intent of the Code. This reduction would apply to

local and collector streets. No change is proposed for the 40-foot minimum setback that applies along arterial streets (see Map 5-2 Functional Road Classifications).

In response to comments by Commissioners, the text related to calculating an average setback

2. For parcels abutting a 60-foot right of way of a local road, reduce the required structure setback to a minimum of 20 feet from the front property line provided the structure is setback a minimum of 35 feet from the improved road surface.

Right-of-way widths of 60-feet were required for all local roads until the late-1980s. The boulevard area on these 60-foot ROW is typically 14-16 in depth, compared to the 9-foot boulevard for a street developed under the current 50-foot ROW standard. The areas developed with 60-foot ROWs include neighborhoods where the house style is dominated by split level and ramblers where flexibility is most important. A further front setback reduction would increase flexibility for homeowners, while achieving the same visual setback from the developed street curb as a 25-foot setback on a 50-foot wide ROW. This would position any alterations 10-feet in front of adjacent houses developed with the minimum 35-foot setback from the front lot line. This reduction would apply to only to local streets, and not to collector roads which have a different function and have a more fully developed ROW than local streets.

3. Allow a building addition or alteration to maintain an existing side yard structure setback which is less than the required 10-foot minimum structure setback, provided the alteration is setback a minimum of 5 feet and is a single story.

Until about 1970, City Code permitted a minimum 5-foot side setback for living area. As a result there are older dwellings that have a side yard setback less than the current 10-foot minimum. The proposed text mimics the provisions currently applicable only to substandard riparian lots, where an existing side setback of at least 5 feet can be maintained for a single story alteration or addition. In response to comments by the Commissioners, the text has been revised to limit the ceiling height for such expansions to 9-feet or less.

### **PLANNING COMMISSION REVIEW**

The Commission reviewed the proposed amendments at the February 26<sup>th</sup> workshop. The Commission was supportive of the changes to provide some flexibility for property owners who want to improve their homes and reinvest in the property and neighborhood. The discussion did address building height and impact on adjoining properties when a structure is closer to the side lot line.

Text Amendment - Residential Setbacks  
File No. 2433-11-26  
March 22, 2013

### **RECOMMENDATION**

The Staff is presenting text amendments that relax certain front and side yard setback standards for properties in the residential districts. The intent of these changes is to provide flexibility to property owners who want to or need to add onto and improve their homes but may not be able to do so due to the placement of the home on the property and floor layout. The proposed amendment addresses concerns previously raised by Commission members and is consistent with the direction received at the February 26<sup>th</sup> workshop. The Staff is asking the Commission to hold the public hearing, review the proposed text amendment and recommend approval to the Council.

T:/2011 pcf/2433-11-26 text amend – setbacks/03-20-2013 pc report.doc

**205.080 Residential Districts Overview.**

(A) Purpose. The Residential Districts are established to:

- (1) Ensure that development conforms to the capacity of the utilities provided in an optimal way.
- (2) Ensure adequate light, air, privacy, and open space for each dwelling unit.
- (3) Reserve appropriately located areas for residential development at reasonable population densities consistent with sound standards of public health and safety.
- (4) Provide for a diversity of housing opportunities within the City at varying densities, costs and environments.
- (5) Protect residential properties from excessive noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.
- (6) Provide residential development at the minimum standards of this ordinance but not to exceed the gross development densities designated in the Land Use Chapter of the Comprehensive Guide Plan.

(D) Required Conditions. In addition to the standards of Sections 203-206, the following specifications apply to Residential Districts:

(1) Setbacks.

- (a) Corner Lots. Buildings on corner lots shall be set back from both streets, a distance equal to the established or required front yard setback for the use on both streets.
- (b) Minor Arterial and Collector Streets. Along minor arterial streets as identified in the Comprehensive ~~Guide-Plan~~, residential structures shall maintain a 40-foot setback. Along collector streets as identified in the Comprehensive ~~Guide-Plan~~, residential structures shall maintain a 30-foot setback, except as otherwise permitted pursuant to Section 205.082 (D)(2)(b).
- (c) Shoreland. Lakeside setbacks in shoreland areas shall be regulated by the Shoreland Regulations in Section 209.080.
- (d) Major Subdivisions. The front yard setback for all residential structures in subdivisions platted after October 21, 2002 may be reduced to a minimum of 25 feet provided the minimum rear yard setback is increased to 35 feet. Application of the setback provisions shall be described in the Development Agreement. As of Dec. 27, 2011, this setback provision had been selected to

apply by the Developers to the following Major Subdivisions: Snail Lake Landing; Villas of Whispering Pines; and Whispering Pines.

- (e) Butt lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel.
- (f) Key lots created after the effective date of this ordinance, principal and accessory structures shall have a minimum setback of 20 feet from a side lot line when that side lot line abuts the rear lot line of an existing parcel, or a minimum 40 feet from a rear lot line when that rear lot line abuts the side lot line of an existing parcel.
- (g) Exceptions to Minimum Front Yard Setback Requirements. Front yard setbacks established in the following manner shall not be reduced unless a variance is approved.
- (i) New Construction. Where existing dwellings are located on lots which are immediately adjacent to a vacant lot and have established front yard setbacks that exceed the minimum front yard setback allowed in the zoning district by more than ~~fifteen (15)~~ fifteen (15)-feet, the front yard setback for a dwelling to be constructed on the vacant lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10-feet. If one of the immediately adjacent dwellings is located on a corner lot or on a lakeshore lot the setback of such dwelling shall not be utilized when computing the permissible front yard setback for the newly constructed dwelling, and, in such case, the front yard setback for the newly constructed dwelling shall be equal to the front yard setback for the remaining adjacent dwelling plus or minus ten (10) feet, but never less than a minimum of twenty-five (25) feet.
- (ii) Additions to Existing Structures.
  - (aa) On lots where two or more existing adjacent dwellings have front yard setbacks which exceed the minimum front yard setback allowed in the zoning district by ~~tenfifteen (15)~~ or more feet, the front yard setback for an addition to any of the dwellings shall not be more than ten (10) feet less than the average of the front yard setbacks for such existing adjacent dwellings.
  - (bb) On non-riparian lots, if one of the immediately adjacent dwellings is located on a corner lot or a lakeshore lot, the front yard setback of such dwelling shall not be utilized when computing the permissible front yard setback for the addition to an existing dwelling, and, in such case, the front yard setback for the addition

to an existing dwelling shall not be less than the front yard setback for the remaining adjacent dwelling, minus ten (10) feet.

- (f) Encroachments. The following shall be considered as permitted encroachments on setback requirements:
- (i) In any yard: eaves, gutters, awnings, chimneys, landings, sidewalks and fences.
  - (ii) In interior side and rear yards: decks, open terraces, balconies and unenclosed porches provided they are no closer than five feet to any property line.
  - (iii) In front yards and in side yards adjoining a right-of-way of property zoned for residential use, bay windows and cantilevered habitable area may encroach up to two feet into the required dwelling setback.
  - (iv) In side yards of corner lots zoned R-1 adjoining a public right-of-way, at-grade patios may encroach up to ~~five ten~~-feet into the required dwelling setback provided that the side yard does not abut a front yard on an adjacent property.

**205.081 Residential Estate District (RE)**

(3) Setbacks.

- (a) Front Yard. Dwellings and accessory structures shall have a front yard setback of at least ~~twenty-five (25) thirty (30)~~ feet but in no event more than forty (40) feet.
- (b) Rear Yard. Dwellings shall have a rear yard setback of at least 30 feet and accessory structures shall have a rear yard setback of at least 10 feet, regardless of lot area requirements.
- (c) Side Yard. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. Dwellings and accessory structures shall maintain minimum side yard setbacks as follows:

<u>District</u>	<u>Dwelling</u>	<u>Accessory Structures</u>
RE (20)	10	5
RE (40)	10	5
RE (60)	15	10
RE (80)	15	10



**205.082 Detached Residential District (R1)**

(D) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply:

- (1) Lot Size. A lot of not less than 10,000 square feet with a minimum width of 75 feet and a minimum depth of 125 feet.
- (2) Setback. Dwelling and accessory structures shall have a front yard setback of at least ~~thirty (30)~~ twenty-five (25) feet but in no event more than forty (40) feet. The side yard setback shall be a minimum of ten (10) feet except that ~~on corner lots, the side yard setback shall be a minimum of thirty (30) feet. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements.~~ The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.

Revised so that one story has a ceiling height less than 9 feet

- a. In those cases where an existing principal structure is set back less than 10 feet but at least 5 feet from the side property line, then the existing setback may be maintained provided the expansion, addition or reconstruction is no more than one story as defined, and with a floor to ceiling height of 9 feet or less. A minimum setback of 10 feet is required for any part of the structure that exceeds one story in height.
- b. In those cases where the subject property abuts a local street with a right-of-way width of sixty (60) feet or more, the front setback may be reduced to a minimum of twenty (20) feet, provided there is a minimum of thirty-five (35) feet from the proposed structure to the improved road surface or back of curb.

**205.083 Attached Residential District (R2)**

(C) Required Conditions. In addition to the conditions of Section 205.080(D) (Residential Overview), the following conditions apply for the Attached Residential District:

- (1) Lot size. Minimum zoned area of 5 acres unless being rezoned from Urban Underdeveloped; minimum lot size of 10,000 square feet per building plus 1,000 square feet per unit and a width of not less than 80 feet per building.
- (2) Setback. A front yard of ~~30~~ 25 feet, a side yard of 10 feet except that ~~corner lots shall have 30 feet and a rear yard of 30 feet. Side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements.~~ Zero lot line developments shall be permitted.

**209.080 Shoreland Management.**

(2) Substandard Riparian Lots.

- (a) No structures shall be expanded, constructed or reconstructed on a substandard lot of record unless design review approval is first obtained from the City in accordance with Section 203.034.
- (b) Reconstruction of a structure is defined to mean replacement of three or more of the structure's six structural components (roof, floor, and four walls). Determination as to the extent of structural component replacement shall be made by the Building Official.
- (c) Design Standards for Substandard Riparian Lots. Any structures expanded, constructed, or reconstructed on a substandard riparian lot shall comply with the following standards:

- (i) Impervious Surface Coverage. The impervious surface coverage of the parcel shall not exceed 25 percent. A maximum impervious surface coverage of 30 percent may be permitted if there are no structures (except for docks, stairways, lifts, landings, retaining walls, and fences) in the required setbacks from the Ordinary High Water level and/or bluff.

If the existing impervious surface coverage on a parcel exceeds the allowable impervious surface coverage, existing impervious surface coverage may remain but shall not be increased. Existing impervious surface coverage is the impervious surface coverage legally present on or before March 20, 2000 or approved thereafter by the City.

- (ii) Building Height. The maximum building height shall not exceed 35 feet as measured from the highest roof peak to the lowest point at finished grade.

- (iii) Foundation Area. The foundation area of all structures, including dwellings and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area of 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before March 20, 2000 or approved thereafter by the City.

- (iv) Building Setbacks.

Stricken text proposed for deletion

Underlined text proposed for adoption

- (aa) Minimum Setback from the Property Front Line: ~~Twenty-five (2530)~~ feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement by more than 10 feet, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus 10 feet. In those cases where there is only one existing adjacent structure which has a setback greater than ~~twenty-five (2530)~~ feet, then the setback for the new dwelling or addition shall be equal to the average of ~~twenty-five (2530)~~ feet and the setback of the existing adjacent structure, plus or minus 10 feet.

### **Section 207.050 Non-conformities**

(C) Nonconforming Lot Restrictions. The following requirements shall apply to all substandard non-riparian lots that do not satisfy the minimum dimension standards set forth in Development Ordinance. Substandard riparian lots shall comply with the requirements set forth in Section 209.080(L).

(D) Design Standards. Any structures constructed, reconstructed or expanded on a nonconforming lot shall comply with the following site and building design requirements:

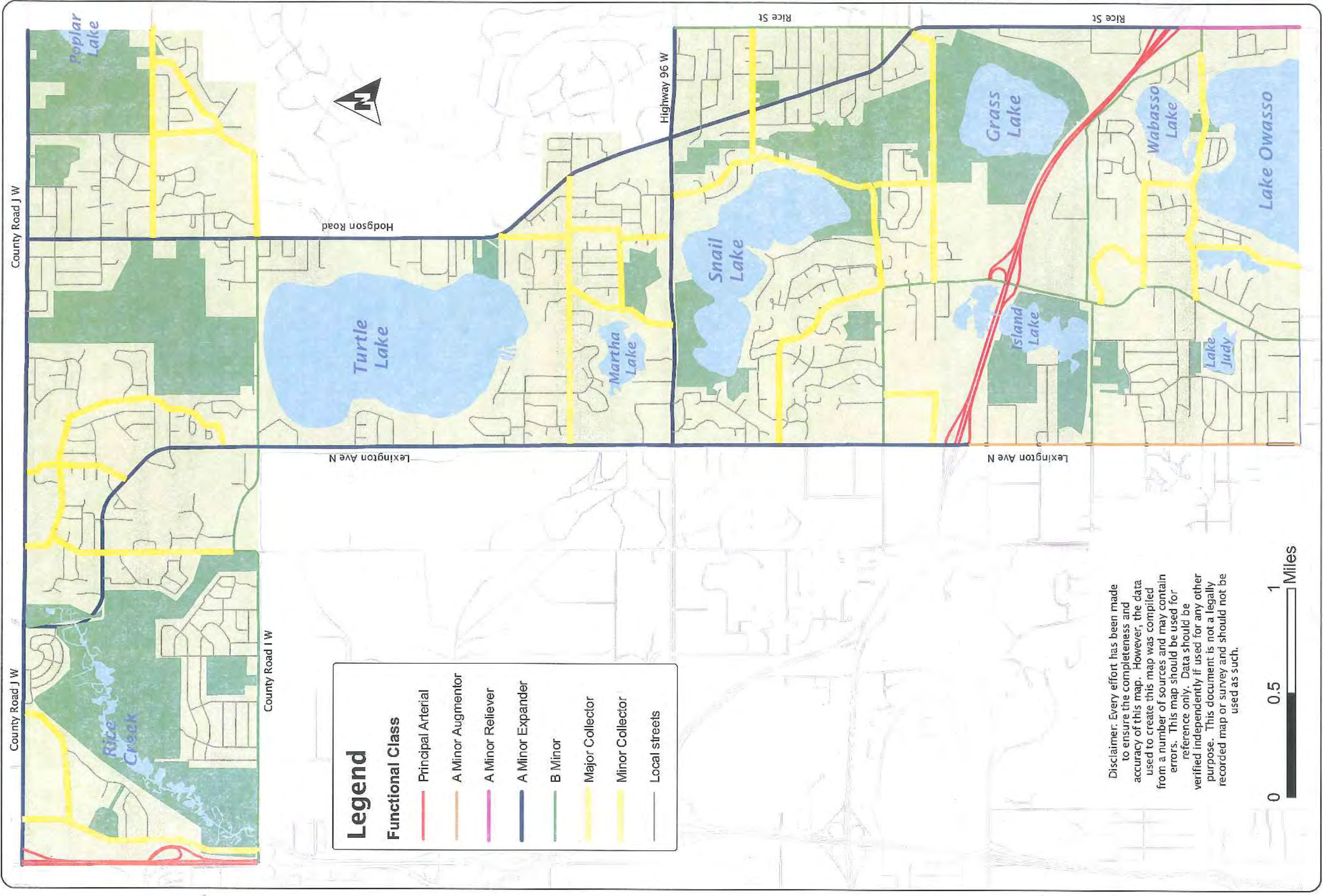
- (1) Impervious Surface Coverage. Lot coverage shall not exceed 30%.
- (2) Building Height. The height of the proposed dwelling shall not exceed 28 feet from roof peak to grade (as defined by the Uniform Building Code) on the street side of the dwelling, and the dwelling shall not exceed two stories as viewed from the street.
- (3) Foundation Area. The foundation area of all structures, including dwellings and attached accessory structures, cantilevered areas, detached accessory structures greater than 150 square feet, and covered porches, covered decks, and covered patios shall be limited to 18 percent of the lot area or 1,600 square feet, whichever is greater. If the existing foundation area exceeds the allowed foundation area, the foundation area percentage may be maintained but not increased. Existing foundation area is the foundation area legally present on the property on or before April 17, 2006 or approved thereafter by the City.
- (4) Minimum Setback from the Property Front Line: ~~Twenty-five (2530)~~ feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement by more than 15 feet, the setback of the new dwelling or any new addition shall be equal to the average setback of the two adjacent dwellings, plus or minus 10 feet. If one of the immediately adjacent dwellings is located on a lakeshore lot, the front yard setback of such dwelling

Stricken text proposed for deletion

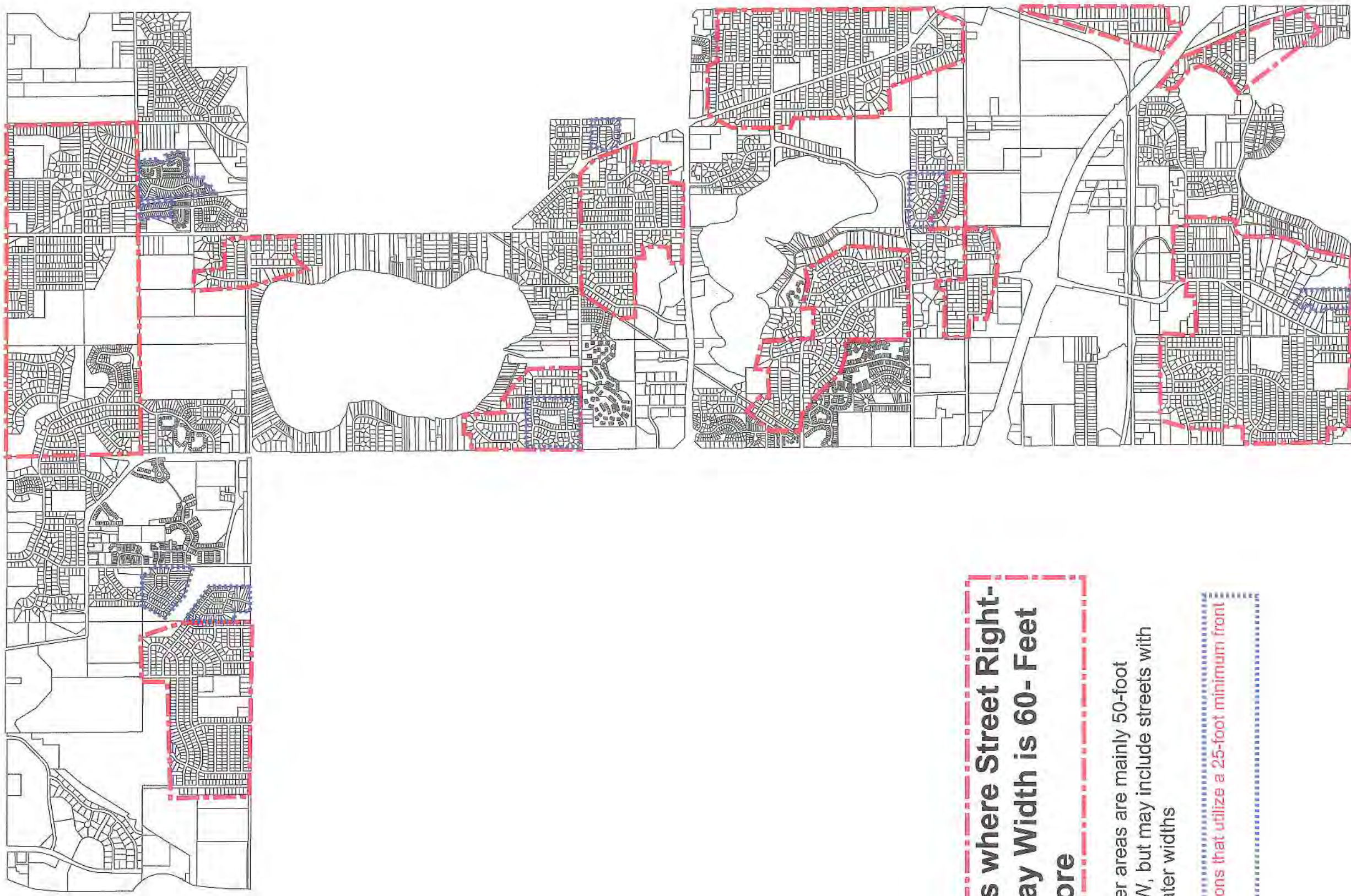
Underlined text proposed for adoption

shall not be utilized. In those cases where there is only one existing adjacent structure which has a setback greater than ~~twenty-five (2534)~~ feet, then the setback for the new dwelling or addition shall be equal to the average of ~~twenty-five (2534)~~ feet and the setback of the existing adjacent structure, plus or minus 10 feet, but never less than a minimum of twenty-five (25) feet.

- (5) Architectural Mass. The architectural design and mass of the structure is determined by the City to be compatible with the existing neighborhood character.
- (a) When determining compliance with the existing character of a neighborhood, the City Council may require revisions that include, but shall not be limited to the alteration of: dwelling style (2-story walkout, rambler, etc.); roof design; garage width, height, and depth; garage style (attached versus detached); location and amount of driveway/parking/ sidewalk area; and/or the location and design of doors, windows, decks and porches. The City may also restrict dock enclosures; prohibit accessory structures except for a garage; and require greater than standard setbacks.
- (E) Residential Design Review Conditions. The City may impose any or all of the following requirements as a condition of approval in order to construct or reconstruct a single family dwelling on a nonconforming lot of record:
- (1) If the nonconforming lot adjoins a lot in the same ownership that exceeds minimum dimension standards, the adjoining lot may be required to be subdivided, to the extent practical, to increase the size of the nonconforming lot in order to reduce the amount of the non-conformity.
- (2) Any other conditions that the City deems necessary in order to satisfy the intent of the Development Ordinance.



## 5.2 Functional road classifications



**Areas where Street Right-of-Way Width is 60- Feet or more**

Other areas are mainly 50-foot ROW, but may include streets with greater widths

Subdivisions that utilize a 25-foot minimum front setback

**PROPOSED MOTION**

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

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

To recommend the City Council approve the text amendment to Chapter 200 of the Municipal Code, pertaining to setbacks in Residential Districts. The amendments relax setback standards for dwellings and are intended to promote reinvestment in the City's housing stock.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting – March 26, 2013