

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: February 28, 2012
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 24, 2012

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: February 6th and February 21st, 2012

4. NEW BUSINESS

A. VARIANCE

File No: 2441-12-04

Applicant: James & Lorie Costello

Location: 255 Cottage Place

B. PUD – CONCEPT STAGE

File No. 2442-12-05

Applicant: Lakeview Terrace LLC/Tycon Companies

Location: 3588 Owasso Street

C. PUBLIC HEARING –

TEXT AMENDMENT-CHAPTER 209 – ENVIRONMENTAL STANDARDS

File No: 2439-12-02

Applicant: City of Shoreview

Location: City Wide

5. MISCELLANEOUS

A. City Council Assignments for March 5th and March 19th, 2012

Commission Members McCool and Thompson

B. ULI – Navigating the New Normal Workshop – 6:30 pm, March 12, 2012 – City Council Chambers

C. Planning Commission workshop after the regular meeting.

6. ADJOURNMENT

TO: Planning Commission

FROM: Rob Warwick, Senior Planner

DATE: February 22, 2012

SUBJECT: File No. 2441-12-04; Variance: James and Lorie Costello, 255 Cottage Place

INTRODUCTION

James and Lorie Costello have submitted a variance application to permit construction of an addition on the west side of their house at 255 Cottage Place. The proposed 68 square foot addition will be 5 feet from the side lot line, less than the required 10-foot side setback. The addition will expand the main floor living area for closet and laundry space associated with an interior remodel that will provide a main floor bedroom.

The application was complete February 14, 2012.

BACKGROUND AND PROJECT DESCRIPTION

The property is a small, irregularly shaped parcel. At the front lot line, the lot is about 65.5 feet wide. The lot tapers to the rear lot line, where it abuts a public alley with a width of 24 feet. Lot depth is 130 feet and the area is about 5,560 square feet. The house is perpendicular to the east side lot line.

The existing 1 ½ story house and tuck-under garage was constructed in 1978. In 1992, a 200 square foot addition was constructed along the west side of the living area, above the garage. That addition was approved by the City with a 5-foot side setback. In 2003, the front deck was replaced after approval of a front setback variance. In 2011 a deck was approved by the City and is being constructed in the rear yard, setback 5-feet from the west side lot line.

The addition now proposed is located north and west of existing living area addition built in 1992, and will square off the northwest corner of the house. The addition is 10 feet deep and the width is 8.5 feet narrowing to 5 feet. The addition is 5 feet from the side lot line along its entire 10-foot length.

Please see the attached plans.

DEVELOPMENT ORDINANCE REQUIREMENTS

The property is located in the R-1, Detached Residential District. Minimum structure setbacks for a dwelling are 30 feet from a public street, which applies to both Cottage Place and the public alley on the north. A minimum 10 foot setback for living area is required from an interior side lot line. A 5-foot minimum side yard is required for decks, accessory structures, and driveways.

The property is a sub-standard lot, since the area is less than the minimum 10,000 square feet and the width is less than the 75 feet required for a standard lot. Since the proposed addition is smaller than 150

square feet, the residential design review (sub-standard lot) is subject to administrative review, as discussed below, contingent upon the Planning Commission action on the requested variance.

The City has adopted design standards that apply to improvements on lots that do not meet the minimum dimensional standards for lots in the R-1 District. Based on the administrative review, the application complies, except for the side setback.

Standard	Allowed	Proposed
Lot Coverage	1,668 square feet (30%)	1,650 square feet (29.7%)
Building Height	28 feet (Current Code) Approx. 30 feet (existing)	No change
Foundation Area	1,600 square feet	1124 square feet
Setbacks Front and Rear (Street and Alley) Side	30 feet 10 feet living/5 feet accessory	More than 30 feet 5 feet*
Architectural Mass	Compatible with existing neighborhood	1 ½ -story home (no change) – neighborhood contains a variety of house styles including single story, split levels and two stories

*Variance required for side setback

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

The applicant states that the addition will be used for a main floor laundry and closet. The applicants are remodeling the house to create a bedroom on the main floor. This location will eliminate the need to use steps. They identify that the neighborhood includes many irregular lots with houses nearer lot lines than now required. The irregular shape of their lot makes the variance necessary.

The statement is attached.

STAFF REVIEW

Staff has reviewed the application in terms of the Comprehensive Plan and Development Code, as discussed below.

Staff finds that the continued use and proposed improvement of the detached single-family home in the R-1 District is consistent with the policies of the City's Comprehensive Plan, including the Land Use and Housing Chapters. The Land Use Chapter identifies the property as planned for future low density residential use (0-4 units/acre), and this will not be affected by the proposed addition. Among other policies included in the Housing Chapter, flexibility in standards to allow remodeling and improvements is encouraged.

Staff comments on the variance criteria are as follows:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The proposed 68 square foot addition to the living area is part of a project to remodel the main floor of the existing house. The project is to make the main floor more useable, with a master bedroom. The addition will be developed with a closet and laundry. Staff believes the proposal represents a reasonable use of the property.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Staff agrees that the practical difficulty stems from the pie shaped lot and the location of the existing house. The existing living area is located 5-feet from the side lot line, and this will be extended for the addition. The addition is located in an undeveloped corner of the existing house footprint, and squares off the house.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. There is currently living area on this property that is setback 5-feet from the same side lot line. Furthermore, houses in the neighborhood include many styles and designs and many of these structures do not conform to the current setback requirements of City Code. By approving the variance, the essential character of the neighborhood should not be affected.

The existing house has gutters along each side, and the applicant will install gutter along the addition. There is currently one downspout that directs runoff towards the west neighboring property. Staff recommends a condition of approval regarding gutters, downspouts and runoff management, and the applicant has agreed to this.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applications and this hearing. Two written comments have been submitted. One comment objects to the request due to runoff and erosion concerns. The second supports the request.

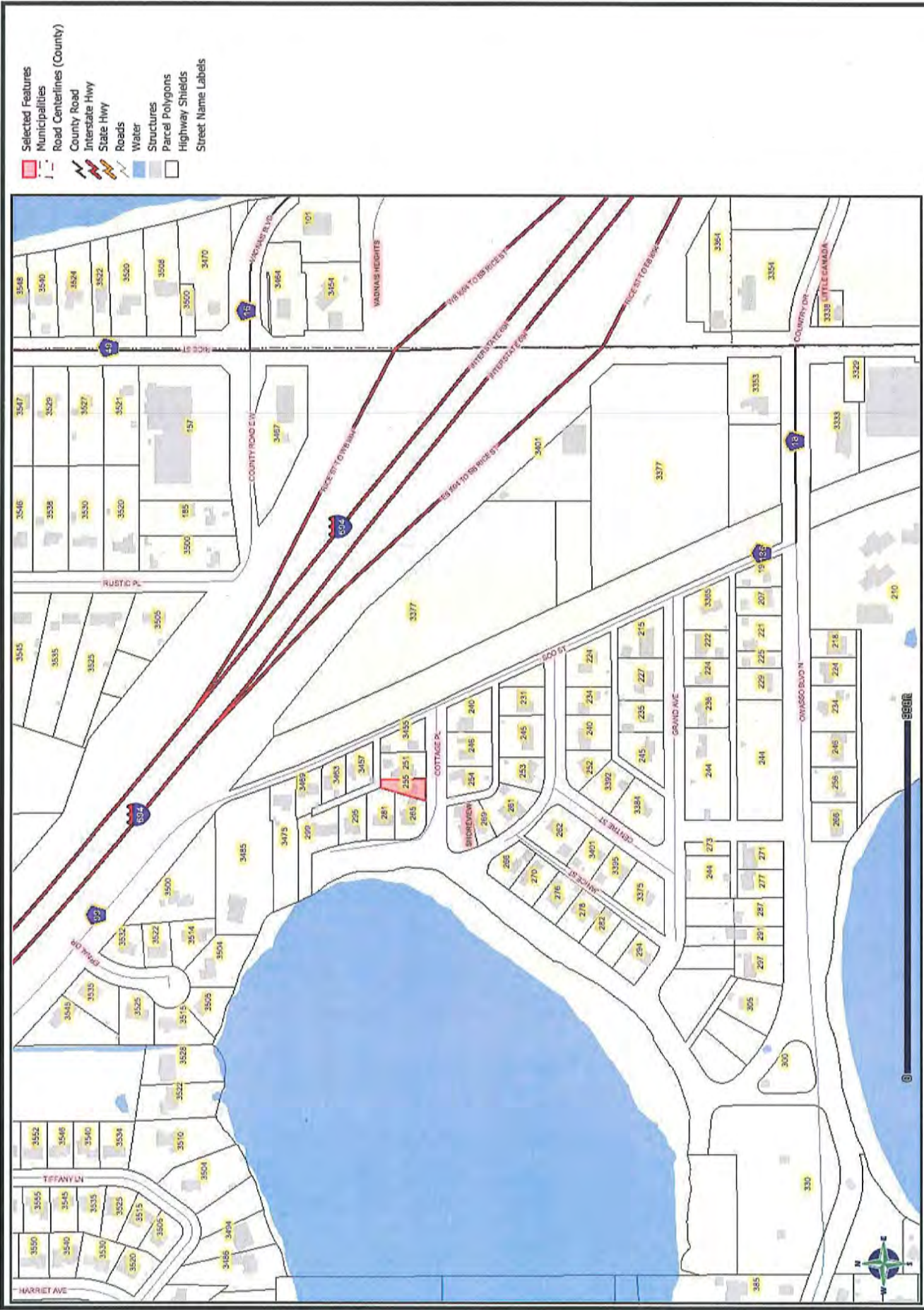
STAFF RECOMMENDATION

Staff believes the requested variance to reduce the side setback complies with the policies of the Comprehensive Plan, meets the spirit and intent of the Development Regulations, and so recommends adoption of Resolution 12-14, approving the variance request, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Gutters shall be installed and maintained on the west side of the house. The downspouts shall direct stormwater to the driveway and street.
4. This approval is subject to a 5-day appeal period.

Attachments

- 1) Location Map
- 2) Submitted Statements and Plans
- 3) Aerial and Site Photos
- 4) Request for Comment
- 5) Resolution No. 12-14
- 6) Motion



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (January 31, 2012), The Lawrence Group (January 31, 2012 for County parcel and property records data; January 2012 for commercial and residential data; April 2009 for color aerial imagery;

December 23, 2011

Department of Community Development
City of Shoreview
4600 North Victoria Street
Shoreview, MN 55126

STANDARD VARIANCE—SIDE LOT LINE SETBACK

Hello,

My name is Lorie Costello, and I have lived in my home at 255 Cottage Place for 33 years, since I was 26 years old. When I was 26, I thought nothing of running up the 28 steps to the bedrooms on the top floor. Things have changed. I have an injured left foot and a bad right knee. I have arthritis and a few other things that make it near impossible to make the 28 steps.

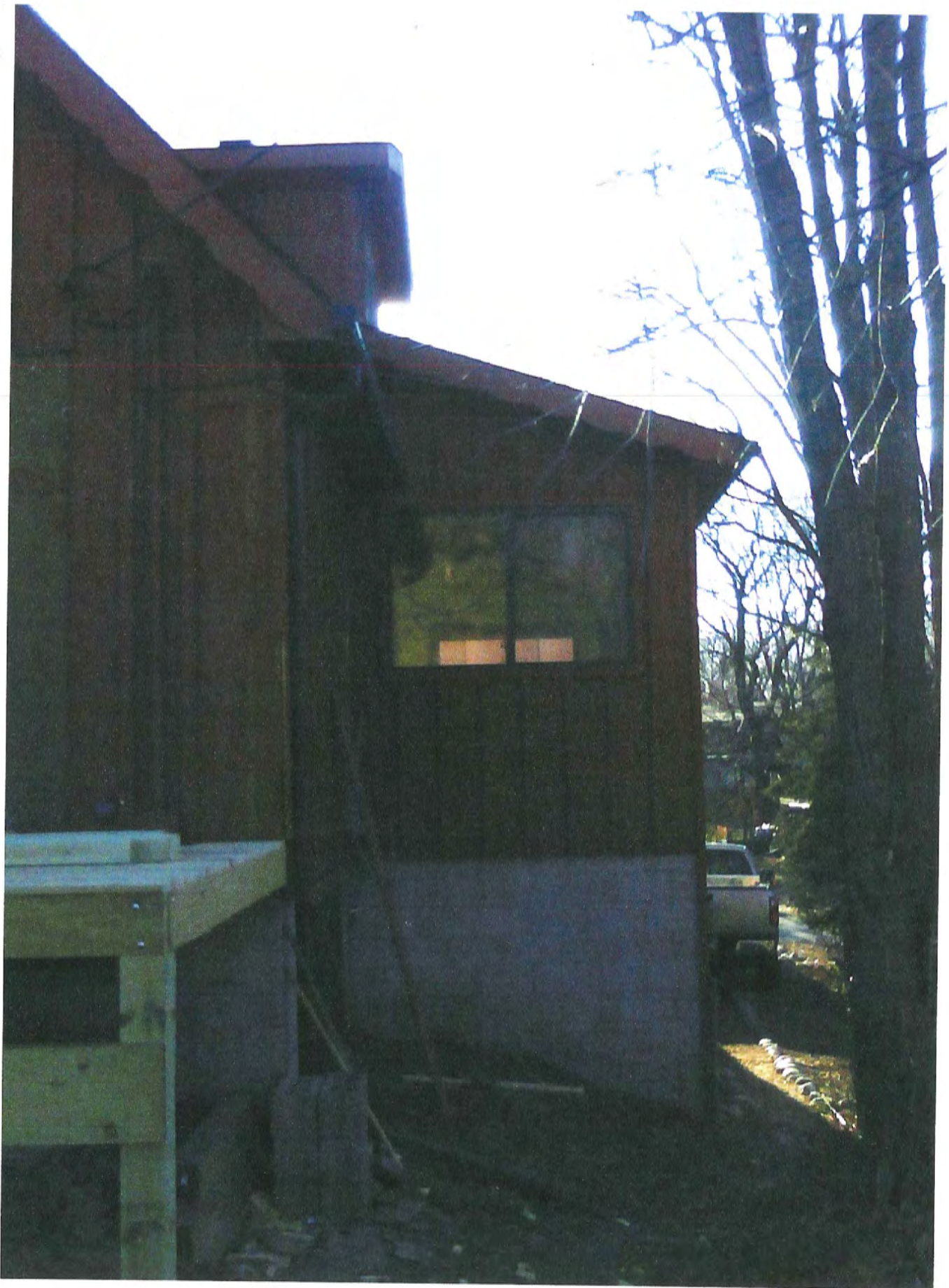
My husband is proposing some changes to our home so that we can avoid the steps to up to the bedroom and down to the laundry room. We want to move our bedroom down to the middle main floor, but first we have a couple of problems to solve. There is only one small closet for both of us, and it is the only closet on this middle floor. The biggest problem, however, is that our laundry area is still down 14 steps in the basement. There is no way I can carry the laundry up these steps.

We would like to stay in our home. We are asking for a small variance so that my husband can build a laundry room and closet off our middle floor bedroom. You will see from the plans that this has very little impact on the lot next door. The proposed closet/laundry is in the back of the house on the side, and behind our neighbor's garage. There will be no change in character to the neighborhood—this newly constructed laundry room/closet cannot even be seen from the street. We have an odd neighborhood—all of the houses were built decades ago and none are likely in compliance with setback requirements. Most of the lots are irregular in size and shape—kind of like a crazy quilt. Had our lot been a standard shape lot, this variance would not be necessary, but our lot is irregular in shape like everyone else, so this variance is necessary.

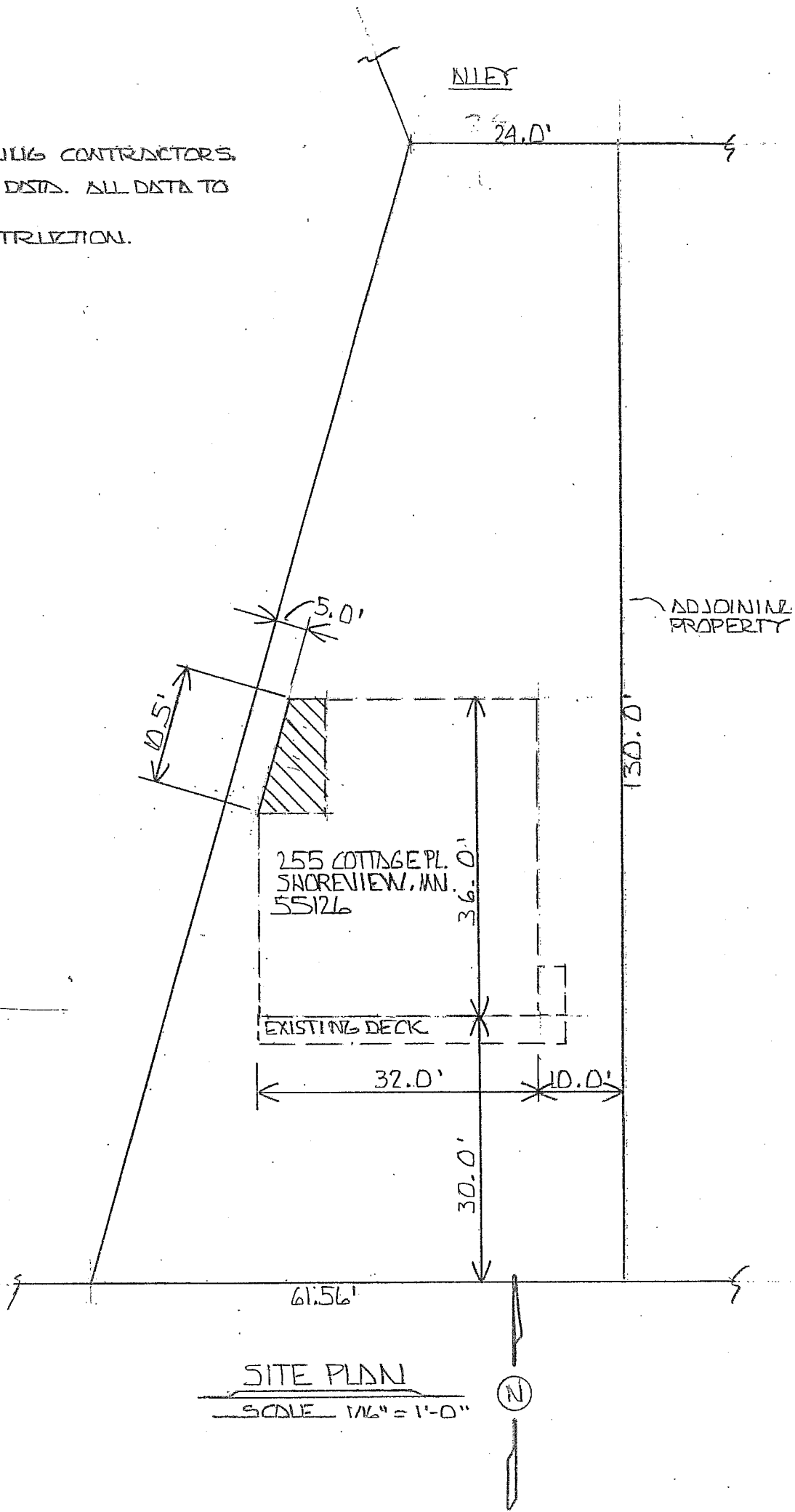
We really need you to approve this. We cannot sell our home in this terrible housing market, and I cannot continue to climb the steps. And I don't want to move away from my neighborhood—I like it here. Granting this variance for this small, simple, change will allow us to live here comfortably.

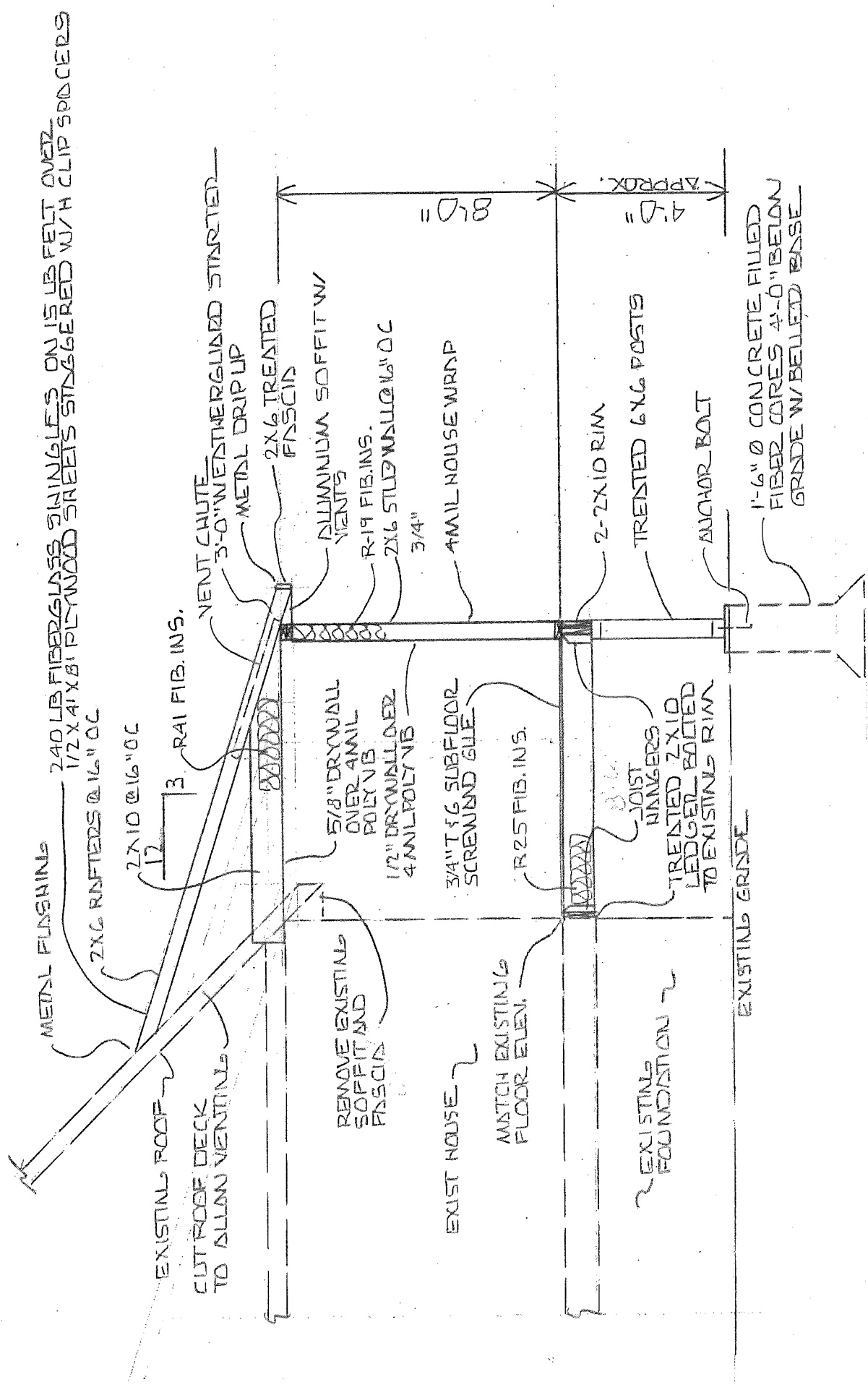
Thank you,

Lorie and Jim Costello



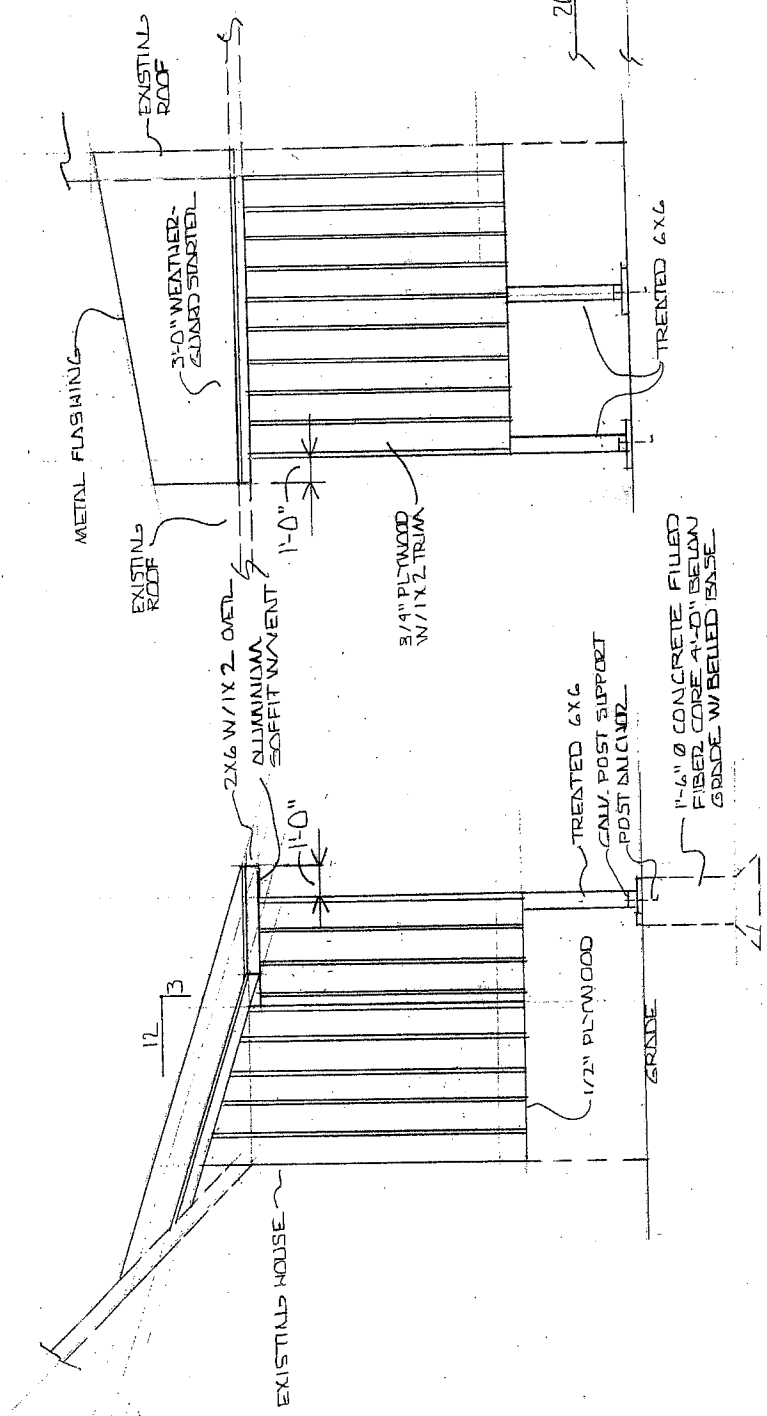
IS TO BE PROVIDED BY INSTALLING CONTRACTORS.
MANUFACTURERS CATALOGED DATA. ALL DATA TO
S TO FACILITE EASE OF CONSTRUCTION.





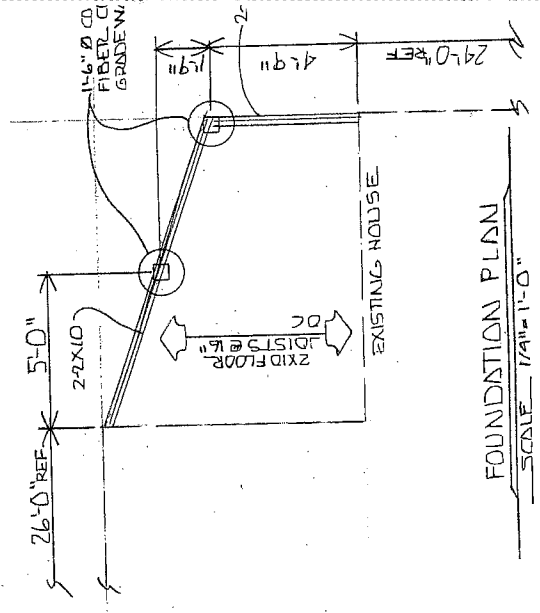
TYPICAL SECTION

SCALE 1/4" = 1'-0"

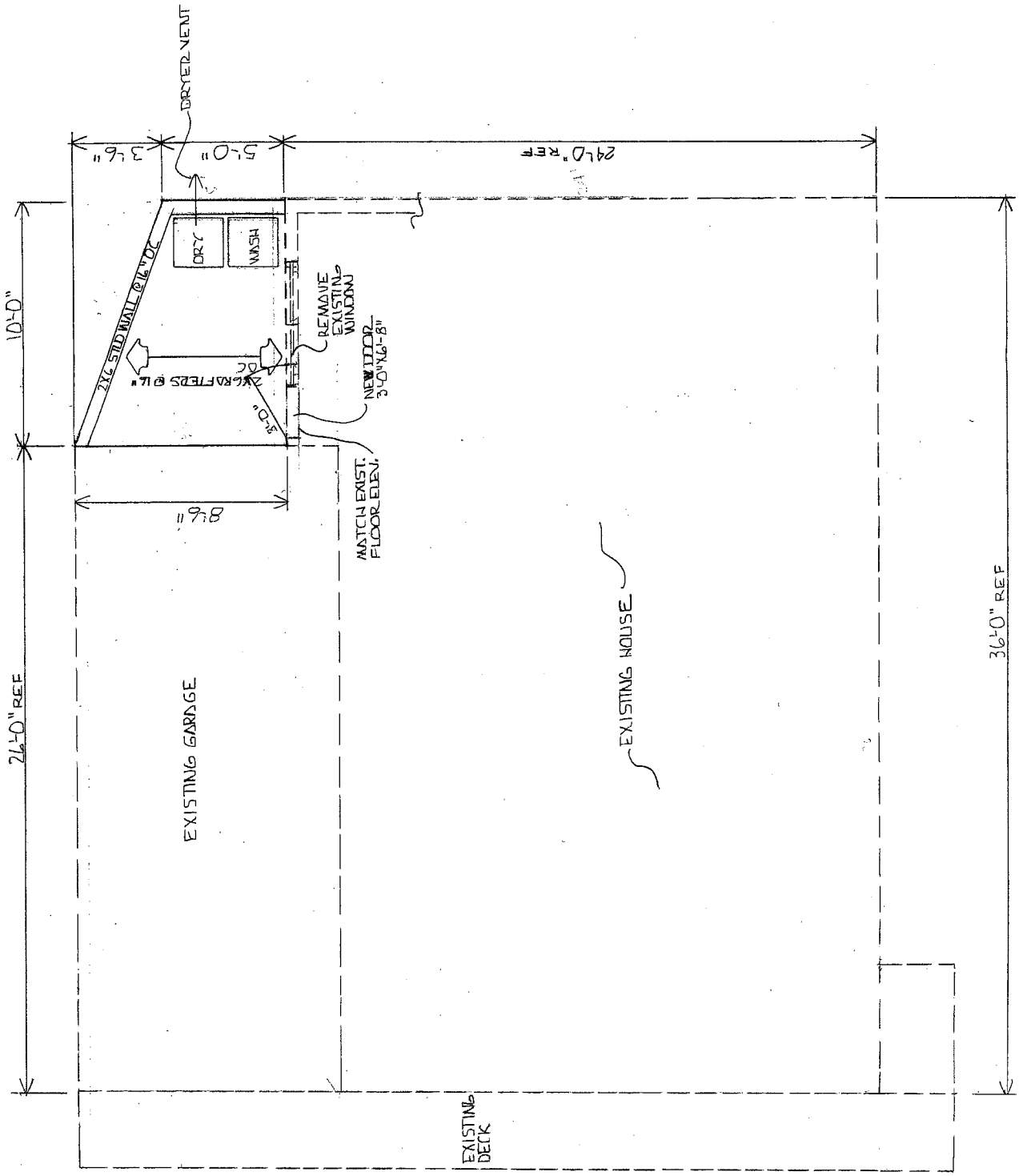


NORTH ELEVATION
SCALE 1/4" = 1'-0"

EAST ELEVATION
SCALE 1/4" = 1'-0"



FOUNDATION PLAN
SCALE 1/4" = 1'-0"



255 Cottage Place



- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Water
- Structures
- Parcel Polygons
- 2008 Color Aerials
- Highway Shields
- Street Name Labels

255 Cottage Place

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City Council:
Sandy Martin, Mayor
Blake Huffman
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

February 14, 2012

REQUEST FOR COMMENT

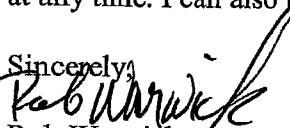
Dear Shoreview Property Owner:

Please be advised that on **Tuesday, February 28, 2012 at 7:00 p.m.**, the Shoreview Planning Commission will review a Variance request from James and Lorie Costello at **255 Cottage Place**. The applicants are requesting a variance to reduce the required setback from the west side property line to allow construction of a 68 square foot addition to the existing house. The addition is proposed with a 5-foot side setback, less than the 10 feet required by City Code. The addition extends an existing living area that is setback just 5 feet from the side lot line. Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Your comments should be submitted by **Wednesday, February 22nd** to be included in the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission at the meeting. You are also welcome to attend the meeting, which will be held at 7:00 p.m. in the City Council Chambers at City Hall, 4600 N. Victoria Street.

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.

Sincerely,


Rob Warwick
Senior Planner

Comments:

02/22/12

We are not in favor of the requested variance. We already have soil erosion issues from run off/drainage from their house since their house is set up higher on a hill. Also, we have a chain link fence, which I was told was in place before their house was built, from our fence to their house it measures 4'2" where the addition would start. Since their property narrows in the back how could it be 5' away?
I noticed on one drawing of the addition the length states 10' long where as another states 10.5".

Thank you for considering our concerns as to not approve the variance.

Sue & Mike Nicol 265 Cottage Place

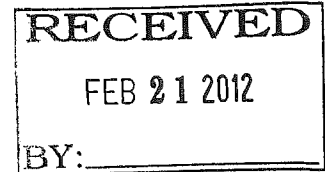
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February 14, 2012

REQUEST FOR COMMENT



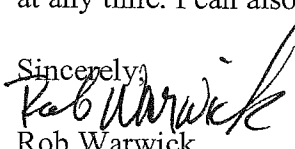
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If you would like more information or have any questions, please call me at 651-490-4681 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at rwarwick@shoreviewmn.gov.

Sincerely,


Rob Warwick
Senior Planner

Comments:

I am in total agreement with the proposal. The addition will add value to the house and the neighborhood.

Name: Ron Dixon
Address: 254 Cottage Place

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD FEBRUARY 28, 2012**

* * * * *

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

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 12-14 APPROVING A VARIANCE TO REDUCE THE SIDE
SETBACK**

WHEREAS, James and Lorie Costello submitted a variance application for the following described property:

West 4 feet of Lot 13 and all of Lot 12, Block 1, OWASSO,
Ramsey County, Minnesota
(commonly known as 255 Cottage Place)

WHEREAS, the Development Regulations establish a setback of 10 feet from the side property line for living area; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 5 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on February 28, 2012 the Shoreview Planning Commission made the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. **Reasonable Manner.** The proposed expansion of the living area of this small residence makes it more livable with a closet and laundry area for a main floor bedroom. This is common in detached single-family residences and so a reasonable use of the property.
3. **Unique Circumstances.** The pie-shaped lot and location of the existing house create unique circumstances. The living area of the house is currently setback 5-feet from the side lot line, and the proposed addition will not encroach nearer than the existing house.
4. **Character of the Neighborhood.** There is currently living area on this property that is setback 5-feet from the same side lot line. Furthermore, houses in the neighborhood include many styles and designs, and many of these structures do not conform to the current setback requirements of City Code. By approving the variance, the essential character of the neighborhood should not be affected.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 255 Cottage Place, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Gutters shall be installed and maintained on the west side of the house. The downspouts shall direct stormwater to the driveway and street.
4. This approval is subject to a 5-day appeal period.

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

And the following voted against the same:

Adopted this 28th day of February, 2012

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Rob Warwick, Senior Planner

ACCEPTANCE OF CONDITIONS:

Lorie Costello, 255 Cottage Place

James Costello, 255 Cottage Place

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 28th day of February, 2012 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting Resolution 12-14.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 28th day of February, 2012.

Terry C. Schwerm
City Manager

SEAL

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution 12-14 approving the variance request submitted by James and Lorie Costello for 255 Cottage Place to reduce the side setback to 5-feet for a 68 square foot addition, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Gutters shall be installed and maintained on the west side of the house. The downspouts shall direct stormwater to the driveway and street.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. **Reasonable Manner.** The proposed expansion of the living area of this small residence makes it more livable with a closet and laundry area for a main floor bedroom. This is common in detached single-family residences and so a reasonable use of the property.
3. **Unique Circumstances.** The pie-shaped lot and location of the existing house create unique circumstances. The living area of the house is currently setback 5-feet from the side lot line, and the proposed addition will not encroach nearer than the existing house.
4. **Character of the Neighborhood.** There is currently living area on this property that is setback 5-feet from the same side lot line. Furthermore, houses in the neighborhood include many styles and designs, and many of these structures do not conform to the current setback requirements of City Code. By approving the variance, the essential character of the neighborhood should not be affected.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
February 28, 2012

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: February 22, 2012
SUBJECT: Case File 2442-12-05, Planned Unit Development – Concept Stage, Lakeview Terrace/Tycon Companies – 3588 Owasso Street (Midland Terrace)

Introduction

Lakeview Terrace/Tycon Companies submitted a Planned Unit Development – Concept Stage application for the redevelopment of Midland Plaza, 3588 Owasso Street. Midland Plaza is located on the northeast corner of Victoria Street and Owasso Street. The applicants are proposing to demolish this 13,000 square foot center and redevelop the property with a high-density apartment building. This proposal does include a public road improvement project to relocate a portion of Owasso Street and construct other road improvements to the Owasso Street/Victoria Street/County Road E intersection.

While the planned unit development will apply to that portion of the Midland Plaza site proposed for redevelopment, the proposal has been reviewed both independently and within the context of the adjoining apartment complex. This building and the existing Midland Terrace complex will be managed by Tycon Companies.

Project Background

In 2008, the City of Shoreview was selected to participate in the Urban Land Institute's/Regional Council of Mayors (ULI/RCM) Opportunity City Pilot Program. This program was a collaborative effort between ULI/RCM and selected communities and resulted in the identification of housing practices and implementation strategies that support the community's housing goals. A housing audit was completed in addition to a site analysis for the redevelopment of the Midland Plaza.

For the site analysis, the ULI Minnesota Technical Assistance Panel (TAP) process was used to evaluate land use options for the City's largest apartment complex, Midland Terrace. The TAP consisted of an interdisciplinary panel of ULI Minnesota experts in the real estate, planning and development fields who explored the project and its potential for renovation and/or redevelopment. Recommendations and site considerations for the property owner and policy leaders were identified to help the project move forward. In accordance with these recommendations, the City and property owner, Tycon Companies, have worked towards the redevelopment of the obsolete retail center with a higher-end new apartment building, diversifying the rental housing opportunities in Midland Terrace and expanding lifecycle rental housing opportunities in the community.

Metropolitan Council – Livable Communities Demonstration Account Grant

To off-set public improvement and redevelopment costs, the City sought and received a \$655,000 grant through the Metropolitan Council's Livable Communities Demonstration Account Grant program. The Livable Communities Demonstration Account (LCDA) funds development and redevelopment projects that achieve connected development patterns linking housing, jobs and services, and maximize the development potential of existing infrastructure and regional facilities. Funding through this project will assist with local costs associated with the Owasso Street realignment, demolition of the old retail center, public utility improvements and site preparation for a proposed high-end apartment building.

Project Summary

Midland Terrace is a 420-unit apartment complex constructed in 1969/1970 and includes a 13,000 square foot retail center that is currently occupied by just one tenant who is due to vacate at the end of February. The overall condition of the center is dilapidated with some of the leasable space unoccupiable. The redevelopment plan includes demolishing the retail center, a detached garage for a nearby apartment building, realigning part of Owasso Street, and creating a waterfront redevelopment parcel on which a high-density apartment building would be constructed. This higher-end general occupancy apartment product currently is not available in the affordable Midland Terrace complex or other Shoreview rental apartment complexes.

The proposed apartment building is designed as an “L” shaped 6-story building with 120 apartment units containing a mix of 1, 2 and 3 bedroom units. The exterior of the building will be finished with masonry and has a flat roof with a metal standing seam mansard giving the appearance of a hip or gable roof. The height is approximately 80 feet.

Parking will be provided in a below grade parking structure that exceeds the footprint of the apartment building and a surface parking lot. Access will be provided off Owasso Street. Modifications will be made to the parking lot of the adjacent apartment building at 3585 Owasso Street to accommodate the proposed development.

The final site plan design has not been completed since it is based on the right-of-way needs for Owasso Street and Victoria Street. The following flexibility from the City's development standards is expected for the proposal:

1. Building Setbacks from Owasso Street and Victoria Street and the interior side lot line for both the above grade and below grade structures
2. Parking lot setbacks from Owasso Street and Victoria Street
3. Parking lot design regarding landscape islands
4. Building height

Owasso Street Realignment

For redevelopment to occur, the relocation of Owasso Street north, adjacent to the rail tracks is needed. The adjacent road system is unique (dictated by a railroad line and natural features) and

includes: Owasso Street, a local collector street, Victoria Street and County Road E, both Ramsey County roadways. Again, a part of Owasso Street will need to be vacated and relocated along the northern part of the development site, adjacent to the railroad line. This new segment of the roadway will then be aligned with the west leg of County Road E. Public sewer and water utilities in Owasso Street will be abandoned and relocated in the new section of Owasso Street. In addition, sidewalk replacement and new public trails are planned to improve access to the adjacent land uses.

The road construction project is being managed by the City of Shoreview. In November 2011, the City Council authorized the execution of a professional services agreement with SEH, Inc. for engineering and construction management services related to this City project. In addition, a cost sharing agreement was approved and has been executed between the City of Shoreview and the owners of Midland Terrace relating to the final roadway design services.

Planned Unit Development

The past actions demonstrate the City's commitment to the redevelopment of this property with a high-density apartment complex; however, formal development approvals are still required for the project to proceed. Development of this site will be reviewed via the Planned Unit Development process. Planned Unit Development (PUD) process is used to encourage or provide flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives related to the Development Code and the City's land use and housing goals.

The property owner/developer, Lakeview Terrace LLC/Tycon Companies, submitted a Concept Stage PUD application which is being presented to the Commission for review. The PUD Concept Stage application is designed to address the appropriateness of a development proposal from the perspective of general land use compatibility and provides the applicant with an opportunity to submit a general plan showing the basic intent and nature of the development. This process incorporates public review; thereby allowing the applicant to receive comments regarding the proposed development from the City and nearby property owners. It also provides a forum in which more specific development issues and potential concerns for further information and additional analysis during the subsequent Planned Unit Development - Development Stage application review. No formal action is taken on the concept stage application by the City Council or Planning Commission, but the process allows for early public review and comment. While it is expected that the high-density use of the redevelopment site will not change, this process does provide the opportunity for input regarding the site and building design.

Staff Review

The conceptual plans have been reviewed by staff in accordance with the PUD review criteria, Shoreview's land use and housing goals (Comprehensive Plan) and general land use compatibility. In addition, the key issues associated with this plan are also addressed.

Planned Unit Development Review Criteria

The proposed development needs to satisfy certain objectives in order to be approved through the PUD process. In staff's opinion, the proposed development satisfies the following objectives:

1. Complies with the Comprehensive Plan
2. Uses architectural enhancements in the building design that exceed the City's design standards – full masonry brick exterior, varying building façade/planes, “L” shaped design
3. Enhancement of public infrastructure – improves traffic flow and safety through the realignment of Owasso Street with the south leg of County Road E, streetscaping, sidewalk and trail connections
4. Use of innovative materials and techniques to manage storm water run-off and enhance water quality – rain gardens, infiltration basins
5. Green building techniques will be incorporated into the overall building design – white roof, low maintenance brick exterior
6. Expands housing choice in the community by providing a higher-end general occupancy apartment units which are not currently available
7. Eliminates a blighted structure
8. Development via the PUD process is desirable to insure compatibility with adjoining land uses
9. The plan incorporates techniques to preserve, enhance and protect the wetland/pond area

Comprehensive Plan Consistency

The Comprehensive Plan designates the majority of this property as C, Commercial and a small portion of the property as RH, High Density Residential. The proposal does require an amendment to the Comprehensive Plan changing the C designation to RH. In the RH designation, the density range permitted is 8 – 20 units per acre. The remaining portion of the Midland Terrace complex is designated as RH.

Adjoining planned land uses include: West and Northwest - I, Institutional and P, Park, North - RR, Railroad, BPK, Business Park and I, Institutional, East - LT-I, Industrial, South - RL, Low density residential.

Chapter 4, Land Use and Chapter 7, Housing of the Comprehensive Plan include goals that address redevelopment and housing. The redevelopment of the obsolete retail center with a high density apartment complex supports the goals and policies of the Plan. The proposed project will redevelop an under-utilized property and expand housing options within the community, specifically relating to rental occupancy.

Shoreview's Housing Action Plan also identifies this project as a key housing effort to meet our housing goals.

General Land Use Compatibility

The planned land use of adjoining property as identified above is consistent with how the adjacent land area is zoned and currently used. To the west and northwest is St. Odilia Church/School, Island Lake Elementary School, the Lake Johanna Fire Station and Island Lake County Park, all zoned R1, Detached Residential. These uses are allowed in the R1 zoning district. North of County Road E is the Deluxe Business Campus and other business park uses which are zoned PUD and BPK, Business Park. East of Midland Terrace the land is developed with light industrial uses and zoned I, Industrial. Detached single family uses are developed to the south of the wetland/pond and zoned R1, Detached Residential.

In staff’s opinion, the proposed use of the property as high density residential is compatible with the adjoining land uses will not have an adverse impact on the adjoining land uses. The main concerns regarding the development impact relate to the low density single-family residential uses located to the southwest and south of the wetland/ponding area. This wetland/ponding area provides sufficient separation between the uses with the closest single-family residential structure being approximately 580 feet from the development site. Staff does, however, recognize that the proposed development will have a visual impact due to the proposed height of the structure. This will be addressed later on in the report.

Land Use and Development Issues

Lakeview Terrace/Tycon have submitted the conceptual site development plans for review and comment by the Planning Commission, City Council and public. While it is difficult to determine the extent of flexibility that will be needed from the development code standards, code flexibility is essential for this project to move forward. The project has been reviewed in accordance with the R-3 Multiple Dwelling Residential District which will be the underlying zoning district for the PUD. Staff’s review of the submitted plans has identified the following issues for discussion:

Building Placement

The placement of the structure is influenced by the wetland/pond, parking needs and the right-of-way needed for Owasso Street and Victoria Street. Although the parking garage is below grade, it is considered a structure and is subject to the City’s setback standards. The following table identifies the required and proposed structure setbacks. The Planning Commission should note, however, that the setbacks identified here are approximate and may change as final plans for the road improvements are developed.

	Code Requirement	Code Requirement – with Increased Height	Apartment Building Setback	Below Grade Parking Structure Setback
Front – Owasso St.	30’	75’	25’	0’
Side – Victoria St.	40’	85’	25’	10’
Side - Interior	30’	75’	40’	30’

The conceptual site plan identifies a setback of 50' from the wetland/pond. While the Development Code does not establish a structure setback from a wetland or pond, a buffer with a minimum width of 16.5' is required. Due to constraints being placed on the redevelopment site by the required road improvements, it is expected that the structure will be placed closer to the wetland/pond than shown in the concept plans.

Building Height

The proposed apartment building is designed as a 6-story building, approximately 80' in height, providing 120 dwelling units including 1, 2 and 3 bedroom units. In the R-3 district, the maximum building height permitted is 35 feet. This height, however, can be exceeded provided: 1) It does not exceed the firefighting capabilities of the Fire Department and 2) An additional 1-foot of setback is provided for every additional foot in height over 35'.

Lake Johanna Fire Department has reviewed the proposed concept and indicated that the proposed height is not of concern because the Department has trained staff and the equipment needed to respond to a fire in a taller building. The building is also required to have a fire suppression system.

As identified above, flexibility for the structure will be needed from the minimum building setbacks required. The primary issue related to a structure of this height pertains to the visual impact, specifically on those single-family residential uses south and southwest of the development site. Attached are photos depicting the visibility of the site from the nearby land uses.

While the structure will be visible from these properties, the distance of the development site and wetland/pond separation between the low density and high density residential uses mitigates these impacts. The visual impact is also mitigated through the architectural design which utilizes high-quality exterior (brick) finish materials, and incorporates varying wall planes and architectural elements along the south building wall. Vegetation along the shoreline, if retained, may also soften the appearance of the structure.

Density

In the RH land use designation, a density of 8 to 20 units per acre is permitted. Density is calculated by using the gross site area of the property.

The property will need to be platted with the redevelopment. The proposed plat consists of right-of-way for Owasso Street, and two parcels. The parcel on which the apartment building is proposed to be constructed has a lot area of 6.28 acres with 2.4 acres above the waterline of the wetland/pond area. The density of the development is calculated using the gross site area and will be 19.1 units per acre, complying with the maximum 20 units permitted per the Comprehensive Plan.

The density of the proposed development was also reviewed as part of the entire Midland Terrace apartment complex. The existing complex has a density of 15.7 units per acre using the

gross site area. This density increases to 16.9 units per acre when the proposed apartment building is integrated into the complex.

As proposed, the density is consistent with the RH land use designation and the R-3 zoning district.

Parking

Access to the apartment complex is proposed off of Owasso Street. Off-street parking is planned in a surface parking lot as well as a below grade parking structure. Approximately 91 parking stalls will be located in the surface parking lot and about 146 stalls will be in the below grade parking structure for a total of 237 stalls. This is less than the minimum 2.5 stalls per unit as required in the R-3 zoning district (300 stalls).

The Development Code does provide some flexibility with respect to parking standards. The number of parking stalls constructed may be reduced to a number less than the minimum provided parking management techniques are used. These may include shared parking or proof of parking. Since the proposed building will be managed by the same entity that manages the adjoining Midland Terrace complex, parking can be shared when needed.

The minimum setback of a parking area from a street right-of-way is 20' to provide area for landscaping and screening and 5' from an interior side lot line. Due to the right-of-way needs for Owasso Street and Victoria Street, it is expected that the proposed surface parking area will encroach upon the required setback from the road rights-of-ways. The Staff has been working with the developer to ensure that some green space remains between the parking area and right-of-way for streetscaping.

In addition, the re-alignment of Owasso Street does require an existing detached garage which serves the apartment building immediately to the east be demolished. In place of this garage, the surface parking area for this apartment building will be expanded.

Traffic

The traffic generated by the proposed complex is anticipated to be slighter higher than traffic previously generated by the Midland Plaza shopping center. In staff's opinion, traffic generated by the development should have minimal impact on the nearby residential neighborhood to the south. While the Midland Plaza development was designed as a neighborhood shopping center that resulted in some trips through the adjoining neighborhoods, the distribution of traffic from the proposed apartment building is not expected to move through these neighborhoods. Residents within this building are expected to use Victoria Street and County Road E as traffic routes to get to destinations outside of the neighborhood.

Stormwater Management

While these plans have not yet been finalized, improvements will be made to the public stormwater management system and a stormwater management plan will be created for the

private site development. Regarding the public stormwater management system, there are two stormwater inlets into the wetland/pond with direct discharge. To address water quality issues, the City will be looking at options to manage the discharge entering the wetland/ponding area adjacent to the development site. In addition, it is anticipated the direct discharge near the west side of the wetland/pond will be eliminated by the installation of a treatment structure in the near future.

Stormwater management for the private development is expected to occur through the use of buffer strips along the wetland/ponding area, infiltration basins and rain gardens. These techniques may be coordinated with those stormwater management improvements needed for the re-aligned roadway. The impervious surface coverage of the site, using the gross site area is approximately 21% less than the 65% permitted. This increases to about 56% when the area for the wetland/pond is deducted from the gross site area.

Public Comment

Property owners near the development site were notified of the request. Due to the potential impacts of the project, the notification radius was expanded beyond the minimum 350 feet required. In addition, a development notification sign was placed on the property.

The City has received comments from property owners potentially affected by the proposed development. While some residents support the road re-alignment, most residents have concerns regarding the proposed development relating to: density, structure height/visual impact, use, neighborhood compatibility and impact on the wetland/pond water quality. These comments are attached. Comments from Lake Johanna Fire Department are also attached.

Recommendation

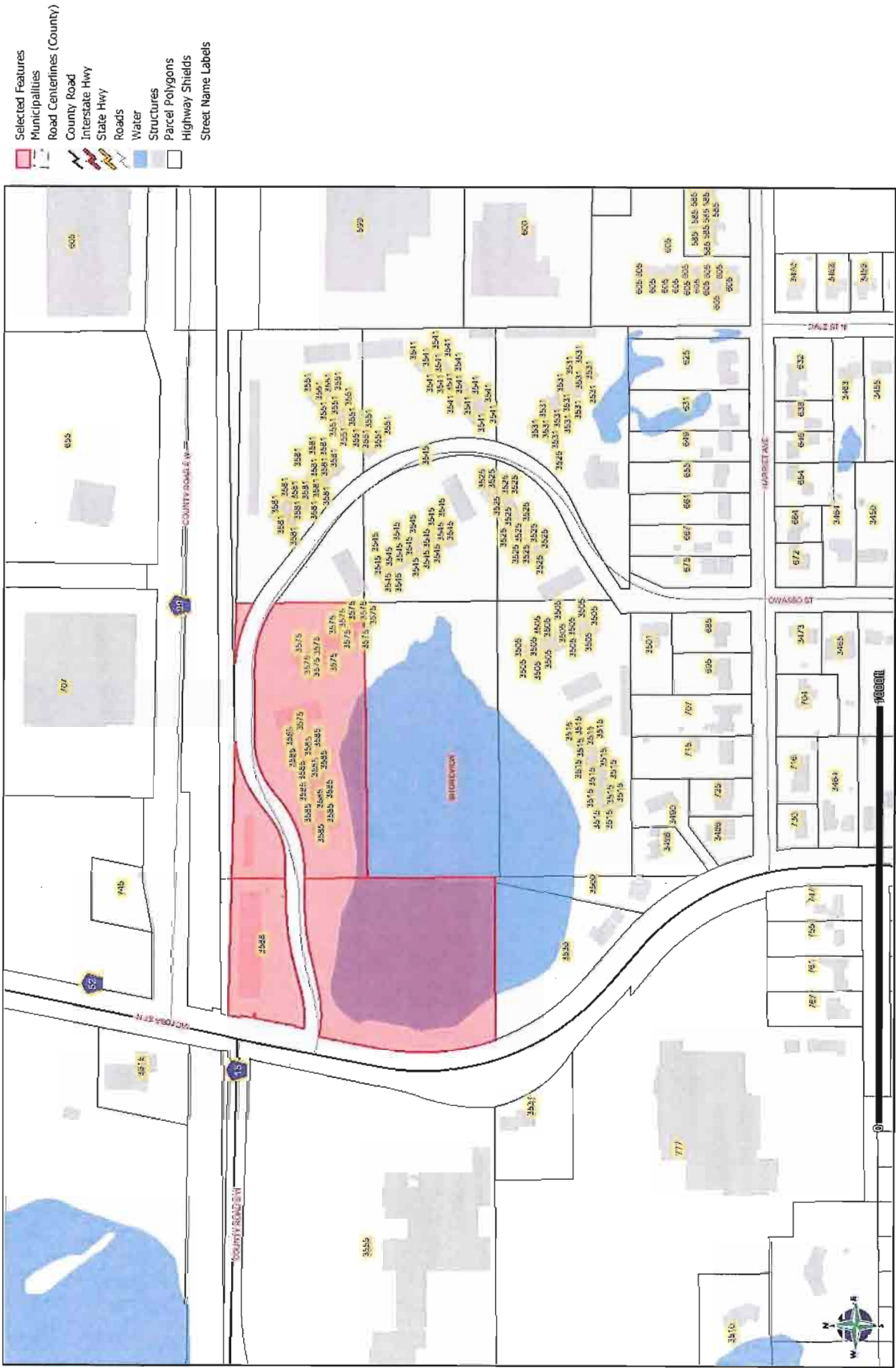
The Concept Stage PUD application for the redevelopment of Midland Plaza with a high-density apartment building is being presented to the Commission for review. As previously stated, the City is committed to the redevelopment of this site with a high-density apartment complex. At this time, the Planning Commission is being asked to review the concept plans and identify any issues or concerns regarding the site and building design that may require further attention as the developer prepares plans for the subsequent Development Stage PUD application. Comments from the public should also be taken during the hearing. No formal action is taken on this application by the Planning Commission.

Attachments

1. Location Map
2. Aerial
3. Zoning Map
4. Planned Land Use Map
5. Applicant's Statement and Submitted Plans
6. Photographs
7. Memo from Rick Current, Fire Marshall, LJFD
8. Public Comment

Midland Terrace Plaza Redevelopment
















Lakeview Terrace/Tycon Companies

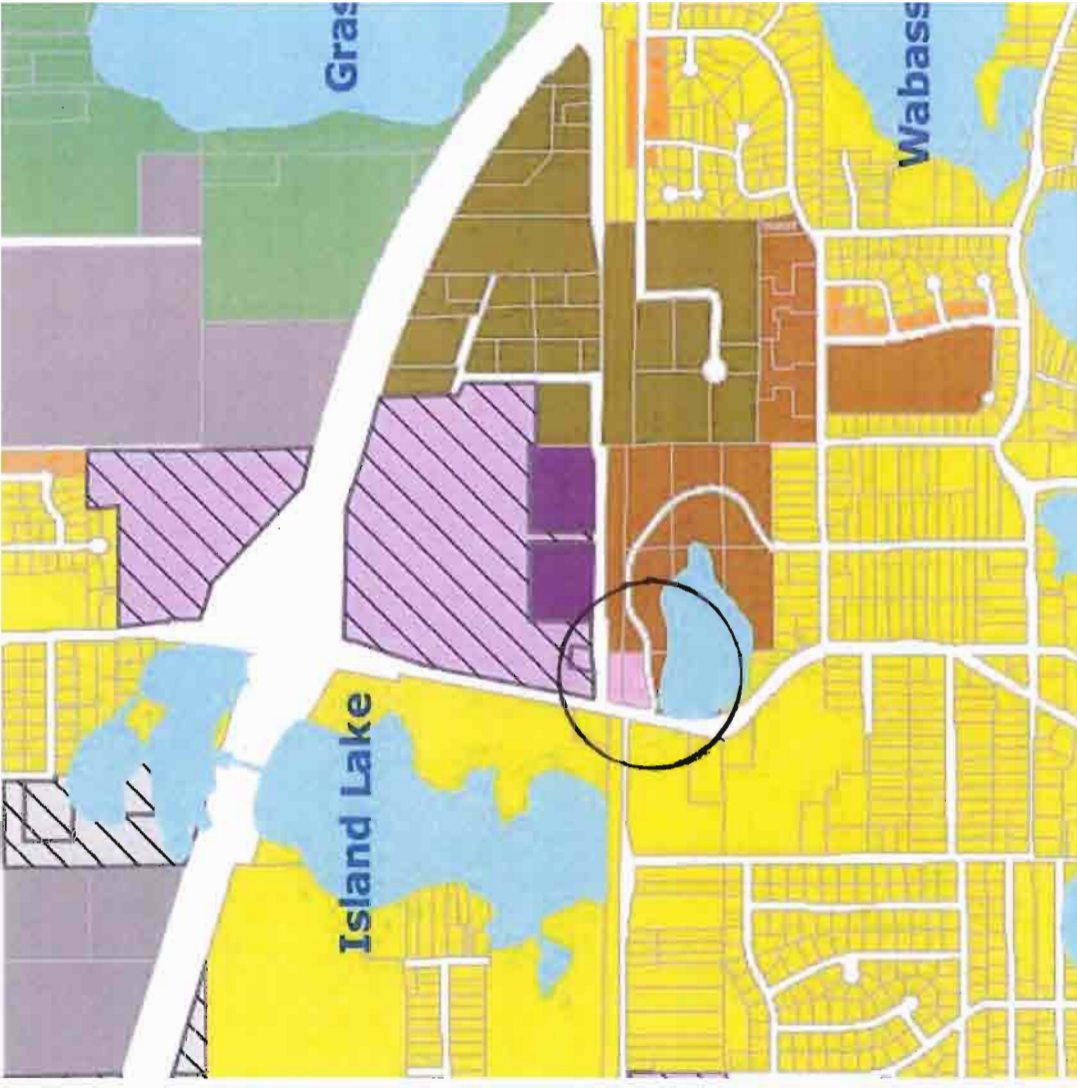


DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

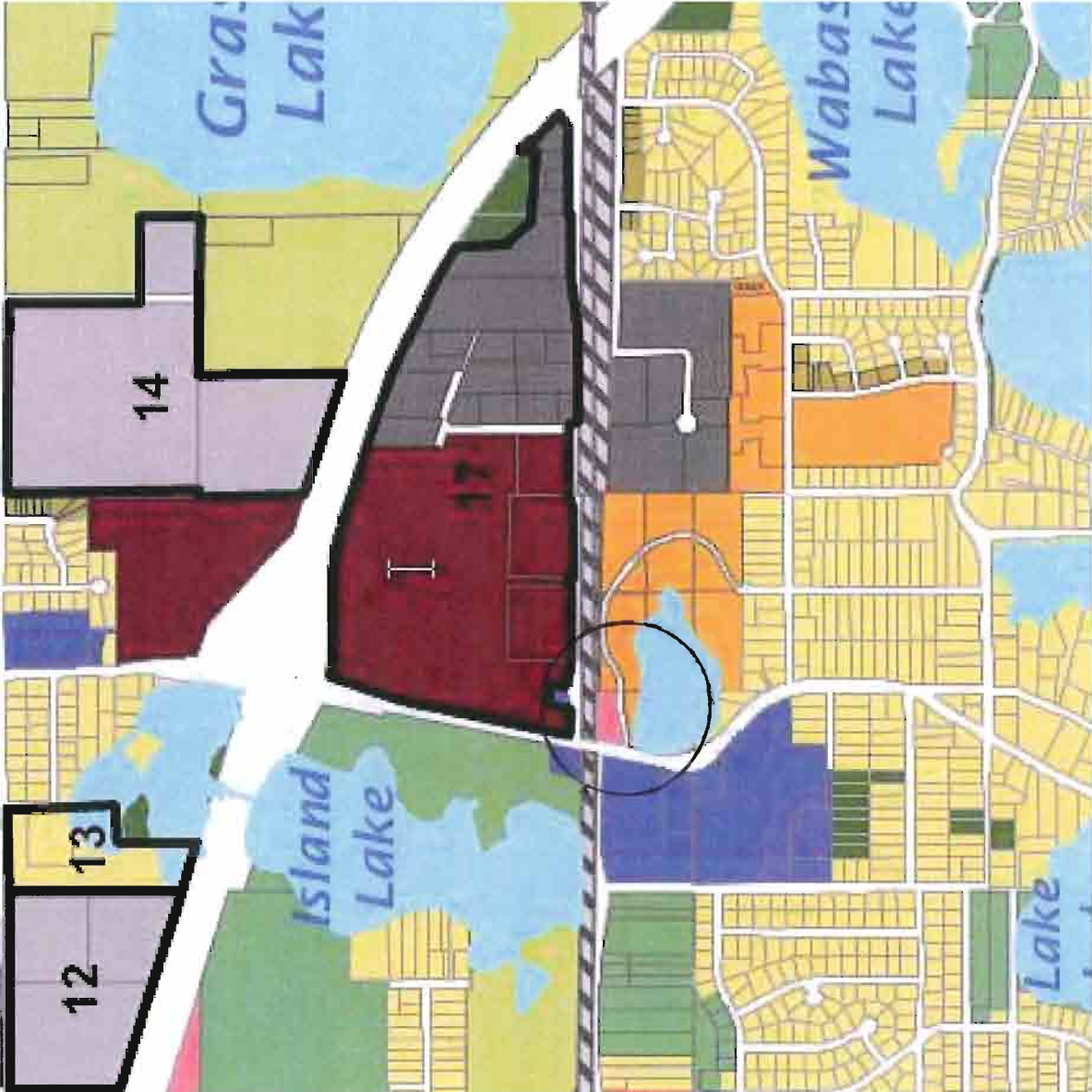
SOURCES: Ramsey County (January 31, 2012), The Lawrence Group (January 31, 2012) for commercial and residential data; April 2009 for color aerial imagery;

Zoning Classifications

-  RE - Residential Estate
-  R1- Detached Residential
-  R2 - Attached Residential
-  R3 - Multi-Dwelling Residential
-  R4 - Mobile Home Residential
-  C1 - Retail Service
-  C2 - General Commercial
-  OFC - Office
-  I - Industrial
-  T - Tower
-  OS - Open Space
-  PUD - Planned Urban Development
-  UND - Urban Under Developed
-  BPK - Business Park
-  Water



**Excerpt from the
City of Shoreview Zoning
Map**



Legend	
	PDA Boundaries
Planned Land Use	
	Residential (up to 4 units/acre)
	Residential (4 - 8 units/acre)
	Residential (8 - 20 units/acre)
	High Density Senior Residential
	Office
	Commercial
	Mixed Use
	Business Park
	Tower
	Light Industrial
	Institutional
	Park
	Recreational Open Space
	Natural
	Railroad
	Open Water

**Excerpt from the
City of Shoreview 2008
Comprehensive Plan:
Map 4-3, Planned Land Use**



Tycon Companies

City of Shoreview PUD Concept Plan Submission – Midland Terrace

February 9, 2012

The Tycon Companies (“Tycon”), the owner of Midland Terrace, a 30 acre apartment development proposes to build a new luxury apartment building located East of Victoria Street North and South of the Railroad and County Road E.

This building will set a new level of quality for the area and will establish a move-up product within the Midland Terrace community. The building, as shown, has six levels above grade and one level of below grade parking that extends beyond the footprint of the upper building, and includes the following:

- 120 large apartment homes
- 146 enclosed stalls below grade (1.21 per unit)
- 91 surface stalls (.76 per unit)
- 237 total parking stalls (1.97 per unit)

Building features and upscale amenities include:

- Two story entry with architectural stair
- Club room
- Exercise room
- Superior post-tension concrete construction
- Large screened in porches
- In unit washer and driers
- High ceilings – 9’ clear
- Condominium quality interior finishes: ceramic tile flooring and bath surrounds in bathroom, custom cabinets, flooring will be carpeting throughout, finished ceilings
- High quality, low maintenance exterior – 100% masonry
- Aluminum or fiberglass windows
- Flat roof with metal standing seam metal mansard roofs
- Sustainable design practices will be followed

The size and mix of unit types has been established to meet the needs of the upscale renter. The unit sizes are approximately 20% larger than comparable new construction and the unit mix is weighted towards larger units.

- 44% 1 Bedroom units (average unit size of 950 SF)
- 44% 2 Bedroom units (average unit size of 1,200 SF)
- 12% 3 Bedroom units (average unit size of 1,400 SF)

Street Re-alignment

Tycon is working closely with Ramsey County and the City of Shoreview to realign Owasso Street and improve the County Road E/Owasso Street/Victoria Street intersection. The goal is to create a safer road system, create an opportunity to redevelop the area where the road currently exists and create an approximate 50’ setback at Lake Shoreview.

Tycon Companies

City of Shoreview PUD Concept Plan Submission – Midland Terrace

Page 2

Compatibility of the proposal uses with adjoining uses

The proposed apartment building will be constructed west of an existing apartment building and the use of the area will be changed from retail to residential which will be more consistent with the adjacent residential use.

The amount or type of variation proposed from Cities development code.

Primarily the variation is related to height (80' proposed versus 35' permitted). The proposed density is appropriate for the site given the surrounding context and the proposed revisions to the roadway serving the site. In order to achieve the quality of the project being proposed, the applicant is required to develop the site vertically.

A PUD will allow for needed housing while preserving open space and enhancing storm water treatment through sustainable measures such as rain gardens.

The criteria required for Development Stage approval can be met.

The project is consistent with the Shoreview Comprehensive Guide Plan for higher density housing. It also incorporates many of the recommendations of the Urban Land Institute Technical Advisory Panel report for the redevelopment of this site. It will exceed the City's architectural design criteria as well as incorporate sustainable design practices. The project is in response to the City's interest in encouraging life cycle housing needs. The development will greatly enhance the beauty of the environment by replacing a failed strip retail center with a high quality residential development.

Benefit derived from the PUD which could not be achieved if development code is followed.

Tycon has been working closely with the City for years to achieve this shared vision of a new model of upper bracket rental housing in Shoreview. It will have a significant positive effect on the area and will establish a high standard for following development.

It supports almost all of the goals of the City's Housing Action Plan including:

- Maintains and enhances the quality of residential neighborhoods.
- Proactively encourages housing and property maintenance ensuring stable neighborhoods and property values.
- Provides adequate municipal services and infrastructure in our residential neighborhoods.
- Promote available resources that provide assistance to residents with property and home improvements.
- Creates and maintains a well-balanced community that provides life-cycle and affordable housing with a diverse mix of housing types and values.
- Responds to demographic changes by providing housing for a variety of age and income groups.
- Encourages residential infill and redevelopment

The proposed building is the result of the work described in the Housing Action Plan Attachment B: Midland Terrace Plaza Redevelopment.

Tycon Companies

City of Shoreview PUD Concept Plan Submission – Midland Terrace

Page 3

This high quality, brick building cannot be built without the flexibility to build it taller and more densely than would otherwise be possible. At six stories it will benefit from the economies of scale from sharing the amenities and common expenses such as the roof and grounds across more units.

The proposed improvements not only address a housing need but will also improve the County Road E/Victoria Street/Owasso Street intersection.

This project is part of a longer term vision for the Midland Terrace development. This vision is to maintain long-term viability of the aging apartment complex, respond to changing market conditions by expanding the range of housing choice and implementing site and structure improvements as needed. Other improvements being explored include upgrading existing apartment units and buildings, evaluating garage and parking needs and improving stormwater management. It is the owner's desire that this complex remain an asset to Shoreview.

Requested public utilities or streets modifications

Reconstruction of a portion of Owasso Street and related infrastructure is required in order for the project to go forward. Tycon has been coordinating with the City on this issue and will continue to do so.

Applicants' intentions regarding selling or leasing, PUD under one owner and one management

The property has been under the same ownership for 30 years or so and is planned to remain under the same ownership for the foreseeable future. It will be managed by Tycon Companies.

Project Team

Owner

Tycon Companies

Max Segler

(612) 379-7000

max@tyconco.com

Civil Engineer

Daniel Tilsen

G-Cubed Inc.

651-283-7546

djtilsen@gmail.com

Architecture Firm

UrbanWorks Architecture LLC

Noah Bly

612-455-3102

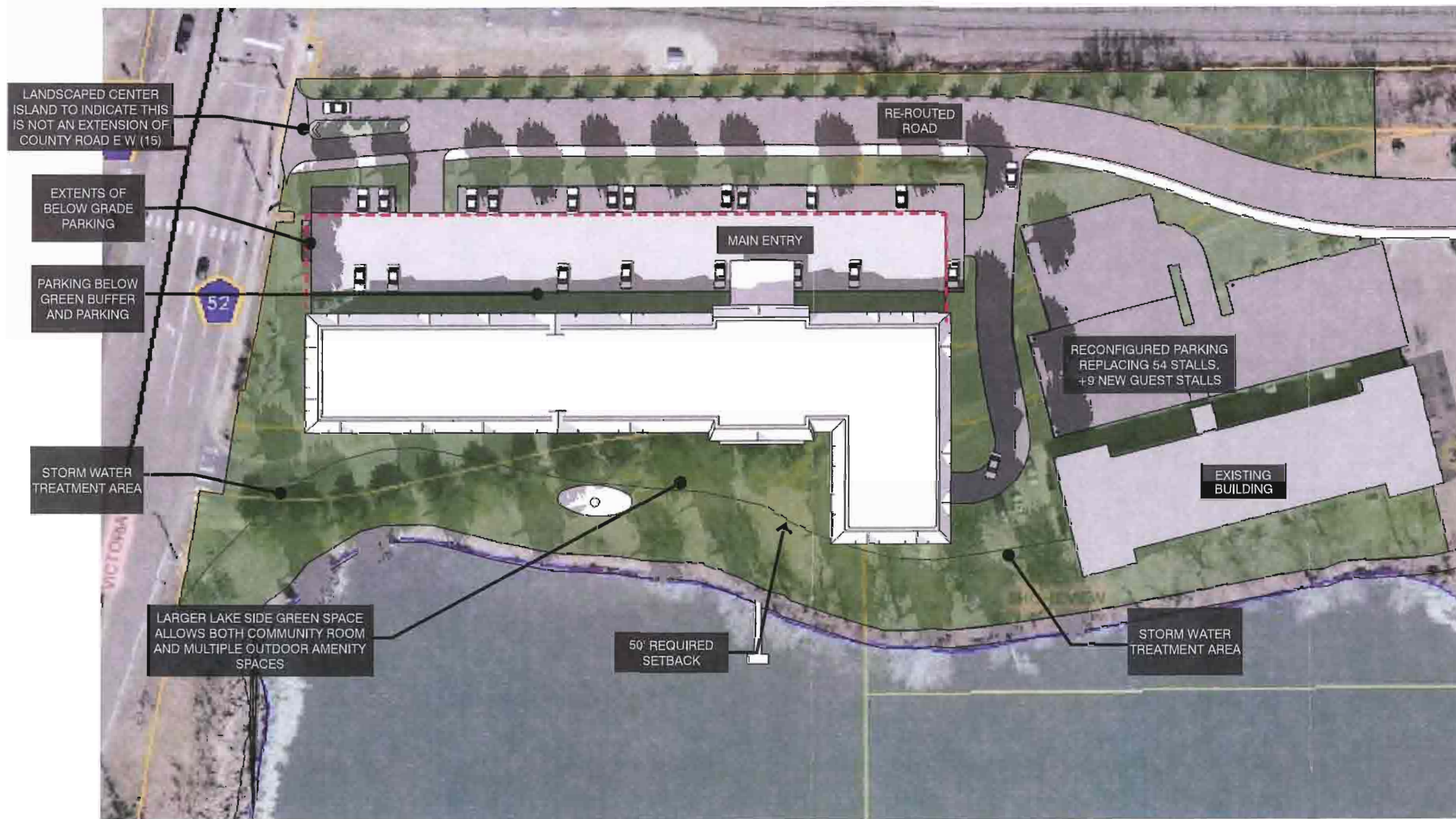
nbly@urban-works.com



Midland Terrace - P.U.D. Concept

SHOREVIEW, MN | 02.06.2012 | 11-0047

EXISTING SITE CONDITIONS AND LOCATION



Midland Terrace - P.U.D. Concept

SHOREVIEW, MN | 02.06.2012 | 11-0047





View Looking South East



View Looking North



Midland Plaza as viewed from Victoria Street



View of development site from the south on Victoria Street



View of the existing Midland Terrace Apartment Complex from the single family residential neighborhood south of the wetland/pond



View of the redevelopment site from the single family residential neighborhood south of the wetland/pond



View of the some of the single family residential homes from the Midland Terrace property



View of the development site from a single family residential property on Victoria Street



LAKE JOHANNA FIRE DEPARTMENT

5545 LEXINGTON AVENUE NORTH • SHOREVIEW, MN 55126
OFFICE (651) 481-7024 • FAX (651) 486-8826

February 17, 2012

Department of Community Development
Attn: Kathleen Nordine, City Planner
4600 N Victoria Street
Shoreview, MN 55126

Site and Building Plan Review
Midland Terrace Plaza Redevelopment
Shoreview, MN 55126

File No. 244-12-05

- Verify location of F.D.C.
 - Should be on address side of building.
- Fire Hydrant must be within 150' of F.D.C.
- Verify fire hydrant locations on site.
- Fire Department lock box is required. Location and number to be determined.
- Verify that parking lot above underground parking garage will support weight multiple fire apparatus vehicles.
- Road to underground parking must be maintained allow for fire apparatus access.

Sincerely,

Rick Current
Fire Marshal
Lake Johanna Fire Department



Kathleen Nordine <knordine@shoreviewmn.gov>

**NOT NEEDED IN THIS
NEIGHBORHOOD!!!!!!!!!!!!!!!!!!!!!!**

1 message

E67Caminolan@comcast.net <E67Caminolan@comcast.net>**Wed, Feb 22, 2012 at 4:56 PM**

To: knordine@shoreviewmn.gov

Cc: knordine@shoreviewmn.gov

Dear Shoreview City Council, I'm responding to a letter i got in the mail a couple of days ago. There seems to be a proposal of putting in a six story apt. complex in the s.. corner of a newly realigned county rd. D. We have lived around the corner from this proposed complex for over 20yrs. and strongly oppose this. It does not fit into the neighborhood let alone the small site on which they want to put this massive building. There is an elementary school right across the street from where they want to put it. I don;t think theres another building this size in the city of Shoreview. Is there going to be a meeting where the people of the neighborhood are going to be able to voice our say on something we're going to have to live with or is this another project that's getting passed without our say? please give us a say in this matter. Again this building is not wanted in the neighborhood.

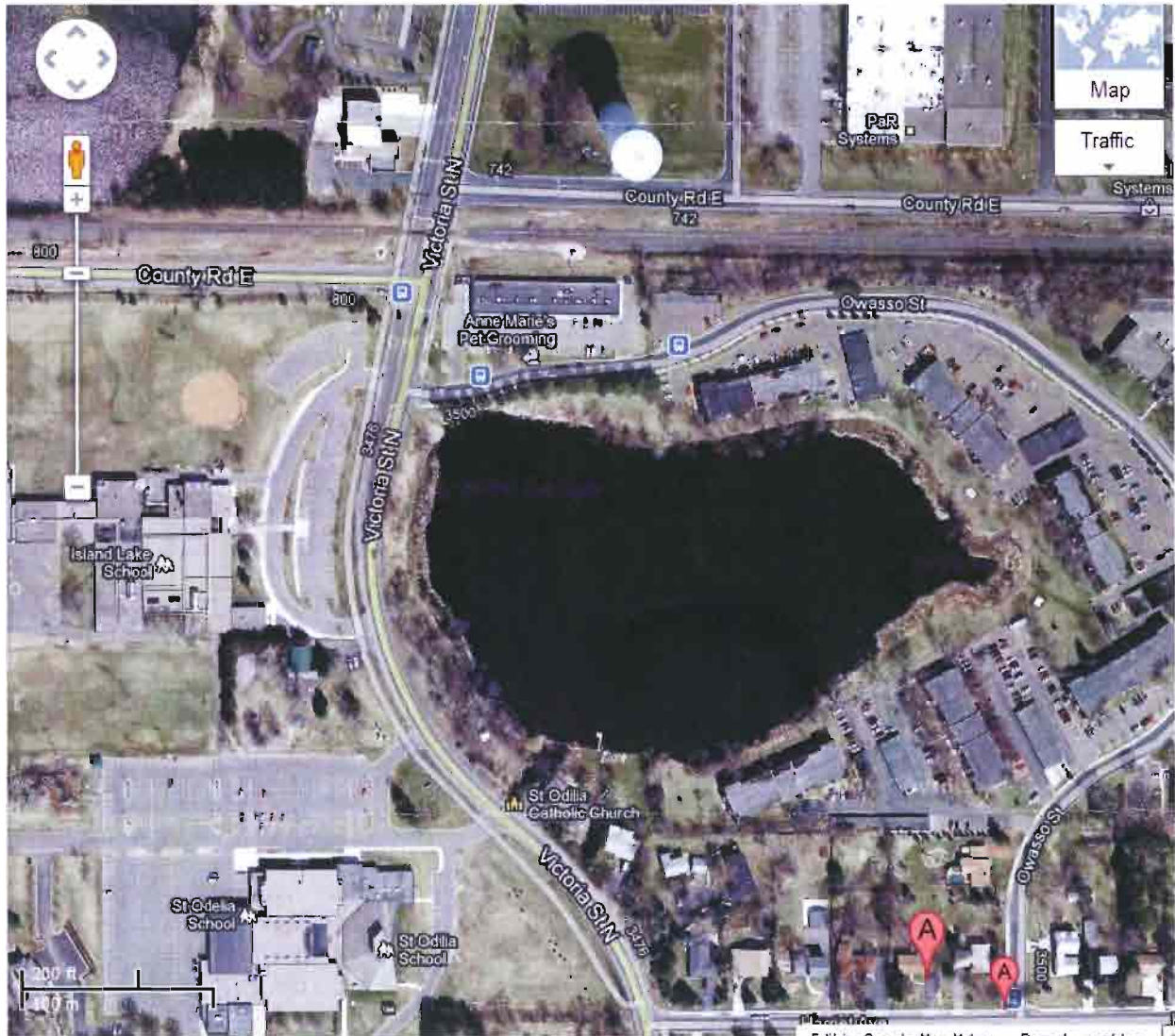
sincerely, Lanny Farrell and Family

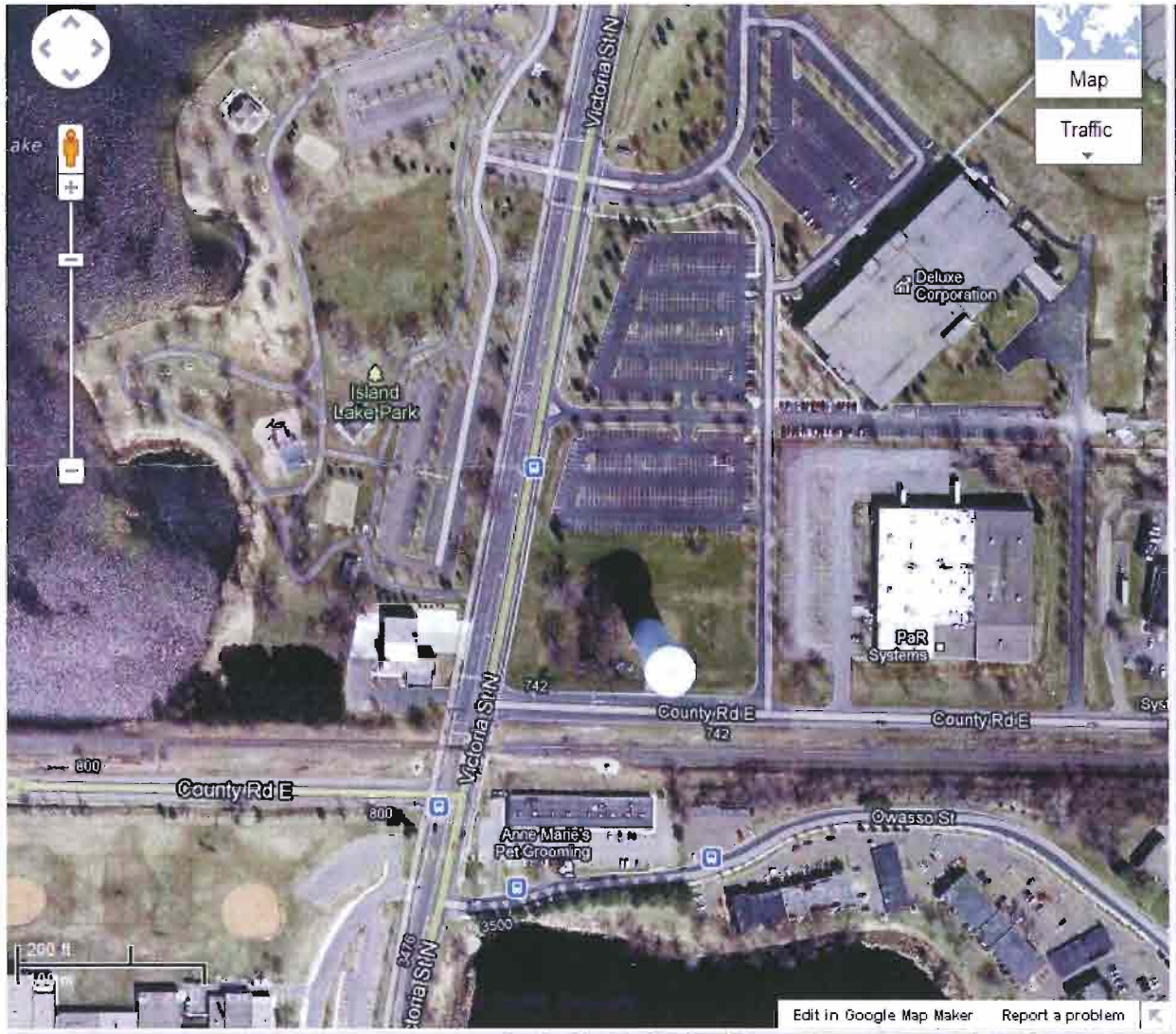
Midland Terrace Plaza Redevelopment
Planned Unit Development-Concept Stage
Lakeview Terrace LLC/Tycon Companies
File No. 2442-12-05

Comments:

Name: Gene and Mary Purcell
Address: 675 Harriet Ave

This proposed Planned Unit Development by Tycon Company for expanding the Midland Terrace Apartments by adding a 6 story, 120 unit apartment building does not fit in the with the character of the neighborhood. It is across the street from two schools and a church. It is next to residential houses and across the lake from other houses. It is one block from Island Lake Park and it will dominate the skyline. We live next to the South side of the Midland Terrace apartments and will be able to see it from our house. Right now we can see the Midland Terrace shopping center thru some spruce trees, but a six story building will be easy to see.





The Midland Terrace apartments are zoned R3, multiple dwelling residential district. According to the code section 205.084 the maximum building height is 35 feet. In a Planned Unit Development the height can be greater, but must be off set with larger setbacks.

Other apartment or senior citizens housing in Shoreview are only three stories or less. The Senior Living/ Cascades on Hodgson Road height had to be reduced because of complaints from neighboring North Oaks.

Approved Plan for Senior Living Cascades on Hodgson Road



© 2014 Woodbury

Summer House



The Shores



Scandia Shores



Even the hotel on 694 is only a four story building.



We cannot think of any commercial buildings that are over 3 stories tall. The commercial buildings just West of Victoria on County Road E had to keep their heights low to fit into the neighborhood.

Residential District R3 has a density of 8-12 units per acre. Do they get to count all of the existing units and land area to determine this? They should only be able to count the land around the new building. We do not think that the density of a 120 unit, six story apartment building is acceptable for the neighborhood and for Shoreview.

The Planned Unit Development is distinguished from the traditional subdivision and site plan approval processes of development in that development standards such as setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer and the municipality, except that land uses and densities shall be consistent with that permitted by the Land Use Plan.

Shoreview City Council:
Sandy Martin, Mayor
Blake Huffman
Terry Quigley
Ady Wickstrom
Ben Withhart
4600 Victoria Street North
Shoreview, Minnesota 55126

City of Shoreview
Phone: 651-490-4600
Email: www.shoreviewmn.gov

February 20, 2012

Dear Kathleen Nordine and Shoreview Council Members:

We are writing as long standing Shoreview citizens and are concerned with your plans to build the complex off Country Road E and Victoria.

As concerned citizens who have lived in the area for over 25 years, we wish to bring to your attention the following concerns against your building plans presented in your letter:

- 1) We strongly question the feasibility of adding more apartment buildings with SO MANY apartments VACANT in this Shoreview area. Check it out. The apartments across from our home at 632 Harriet are about 1/3 vacant, not to mention newer apartment complexes in the area which are far from being occupied.
- 2) Why build a complex which appears TOO LARGE in that available space? (The planners appear to be "out of touch with the space available," trying to fit such a large complex into that limited area.)
- 3) To one side of the planned facility are railroad tracks—Noise problems?
- 4) The other side is a lake which is filled with weeds in the summer- fall seasons and an embarrassment to the neighborhood. Someone needs to clean out the lake BEFORE constructing anything in front of it. (We notice on your diagram there is a storm water treatment area included. Have you plans also for cleaning out the lake?)
- 5) Suggestion? Why not put in that space a COMMUNITY GARDEN which would allow for community individual gardens which might be rented out to apartment residents in the neighborhood; or, how about a RAIN GARDEN and/or prairie grasses? Revenue not enough? Such a huge complex doesn't guarantee revenue either.

As a retired school teacher of 35 plus years and two Lutheran teacher-pastors who live at "The Sabbath Place," we feel your large construction suggestions are wasteful and poorly planned.

Sincerely,
Rev. Dr. Kay L. Jurgenson
(Email: freewaykaylj@gmail.com)



cc. neighbors/friends



Kathleen Nordine <knordine@shoreviewmn.gov>

Request for comment PUD. Midland Terrace Plaza

2 messages

Barron Hoff <bigfitz1110@yahoo.com>**Mon, Feb 20, 2012 at 10:33 AM**

Reply-To: Barron Hoff <bigfitz1110@yahoo.com>

To: "knordine@shoreviewmn.gov" <knordine@shoreviewmn.gov>

Kathleen Nordine

&nbsp; ;

February

20, 2012

City of Shoreview

4600 Victoria St. N.

Shoreview , MN. 55126

Dear Kathleen,

This letter is in response to you letter of February 14, 2012 regarding the PUD for the redevelopment of Midland terrace Plaza, 3588 Owasso Street.

Our families have lived in the area formerly known as Mounds view township (now Shoreview) for over 100 years. In that time, we have witnessed, and been involved with, many exciting changes to the Shoreview area. Some were beneficial to the community, others we unsuccessful.

As long time residence of Shoreview, we value the peace and quiet the community offers. The wonderful parks and open spaces go hand in hand with Shoreview's vision of a green community. We enjoy the small lake we live on. It offers us a piece of tranquility in a chaotic world.

The addition of the apartment complexes many years ago created a less than pristine environment aesthetically. The complexes have been directly responsible for the explosion in weed growth to the lake from phosphorous fertilizer runoff as well as contamination due to snow removal from the parking lots being pushed into the lake. Residence of these apartments have dumped invasive plants and aquatic species into the lake when moving from the complexes as well.

Over the years, we have listen to wild parties where empty beer bottles were thrown into the lake, loud music was played after hours and trespassers freely roamed our property. This is not the type of neighbor Shoreview and its residence need.

Allowing another complex to this area isn't in Shoreview residence's best interest.

The proposed redevelopment of Midland terrace Plaza from its original inception, was an unsuccessful use of land. And while re-alignment of Owasso St. will benefit the

Barron Hoff <bigfitz1110@yahoo.com>

Mon, Feb 20, 2012 at 10:34 AM

Reply-To: Barron Hoff <bigfitz1110@yahoo.com>

To: "knordine@shoreviewmn.gov" <knordine@shoreviewmn.gov>

Kathleen Nordine

;

February 20,

2012

[Quoted text hidden]



Kathleen Nordine <knordine@shoreviewmn.gov>

Midland Terrace Plaza

1 message

Greg Barilla <barillagm@msn.com>

Sat, Feb 18, 2012 at 1:31 PM

To: knordine@shoreviewmn.gov

Kathleen,

Just a couple of comments on the proposal:

1. I am in favor of the street reconstruction. I hope while doing this something could be done to accomodate the traffic issue with Island Lake School!
2. 120 units is that what the original plans were for? That could mean an additional 100 to potentially 200+ cars, is there parking for that many vehicles?
3. My major concern however is that this building will be "SIX" stories tall I dont recall that being part of the original plan, was it? That **would** make it the largest building in the area and I am afraid an "unwanted elephant" in my backyard.

Six stories in this area??? Really is there an alternative? Has the neighborhood response been similiar to mine?

Thanks for your time.

Greg Barilla
625 Harriet Avenue
Shoreview, MN 55126

TO: Planning Commission
FROM: Jessica Schaum, Environmental Officer
DATE: February 28th, 2012
SUBJECT: File No. 2439-12-2, City of Shoreview, Text Amendments – Environmental Standards

INTRODUCTION & BACKGROUND

In response to State and Federal regulations and the recent identification of Emerald Ash Borer (EAB), amendments to City Code have been prepared to address environmental standards for both water quality issues and shade tree management. The text also includes various provisions referencing these sections to other applicable portions of the City Code.

Water Quality

State and Federal regulations guide stormwater policies in a variety of City documents and permits, such as the National Pollutant Discharge Elimination System (NPDES) and the Storm Water Pollution Prevention Plan (SWPPP). The City's NPDES permit requires a Storm Water Management Program (SWMP) which contains six minimum control measures. Maintaining an illicit discharge detection and elimination measure is one of the six Best Management Practices identified in the Federal Clean Water Act. The purpose and intent is to regulate pollutants entering the City's Municipal Separate Storm Sewer System (MS4) or storm drainage system, to prohibit illicit connections and discharges, and to ensure enforcement and compliance.

Erosion control standards and other surface water best management practices are also contained in the SWPPP. To prevent excess erosion and sediment runoff from disturbed land areas, the proposed text establishes more effective requirements.

Shade Tree Management

To address the arrival of EAB and any future shade tree pests or diseases, current State Statutes from the Departments of Agriculture and Natural Resources are referenced. To mitigate disruption to the City's urban forest, inspection and diagnosis methods are consistent with field methodologies and infected wood is declared a nuisance. The timely abatement of diseased trees and firewood nuisances according to State agency guidelines prevent the spread of these pests.

Preliminary draft amendments were reviewed by the City Council at their January 23rd workshop, by the Planning Commission at a January 24th workshop, and the Environmental Quality Committee on January 30th. Comments provided at the workshops have been incorporated into the draft language presented here, and discussed below.

During the Planning Commission workshop, flexibility for establishing both seed and sod was considered. Regulating illicit discharge from any land use (not just commercial or industrial), the meaning of "property", and clarifying exemptions and duplicative text in the illicit discharge prohibition section were also discussed.

The Environmental Quality Committee discussed educational opportunities and campaigns for spreading EAB news, and supported another public meeting/open house.

The City Council discussed definitions of shade trees and made sure that all pests or diseases would be covered in the future. The Council also supported another public meeting and EAB awareness campaign. Concerning water quality, the Council supported establishing permanent vegetation by May 15th and fulfilling all permit requirements for illicit discharge.

The proposed text amendments are the subject of a Public Hearing at the February 28th meeting.

PROPOSED TEXT AMENDMENT

Amendments to the Development Code have been prepared for Section 202, Definitions; 209, Environmental Standards; Section 210, Nuisances; and Section 211, Property Maintenance. The following discusses the draft text. Please note that staff has included the complete code sections to provide the Commission with the context of the proposed Ordinance revisions.

Section 202 Definitions

Definitions relating to the illicit discharge will be incorporated into Section 202.

Section 209.040 Soils, Slopes, Grading, and Erosion and Sediment Control

Existing Code contains numerous references to the Minnesota Pollution Control Agency's Stormwater Manual for Best Management Practices pertaining to stormwater. Staff propose using the Metropolitan Council's Urban Small Site Best Management Practices (BMPs) Manual, which is consistent with the Rice Creek Watershed District. The Urban Small Site Manual includes detailed information on BMPs that are aimed at managing stormwater pollution in cold-climate settings, and is less cumbersome to use. All Code references are updated.

Second, current Development Code regulations allow 6 months to establish permanent vegetation. Proposed is a shorter 14 day period intended to prevent excess sediment from running off the disturbed land area into the City's stormwater system. The 14 day period is consistent with requirements for temporary stabilization when not being worked. Several nearby cities require established vegetation prior to releasing the Certificate of Occupancy.

The proposed regulations also contain a May 15th deadline for establishing permanent vegetation for development completed during the winter months. Member comment regarding seed versus sod establishment is discussed in Section 211.030(D) below.

Section 209.050 Vegetation and Woodlands

The proposed text is in response to the recent identification of Emerald Ash Borer's (EAB) in the City and to update references to current State Statutes. Future pests or diseases will also be covered by this proposed amendment as both the Minnesota Department of Agriculture and Department of Natural Resources definitions and mitigation statutes or rules are referenced. A shade tree is defined in Statute as a woody perennial grown primarily for aesthetic or environmental purposes, so the definition covers deciduous and coniferous trees, as well as shrubs. The proposed shade tree management regulations include EAB along with traditional forestry pests and diseases like Oak Wilt and Dutch elm disease.

Section 209.060 Storm Water Management

The City must adopt an illicit discharge ordinance to comply with the Minnesota Pollution Control Agency's National Pollutant Discharge Elimination System (NPDES) requirements. Adopting these regulations is consistent with the Implementation Plan of the City's Surface Water Management Plan. The proposed text fulfills the NPDES requirement and establishes violations for any person illicitly discharging into the City's stormwater (MS4) system.

Revisions were made to reflect member concerns ensuring that City actions were reasonable and necessary.

Section 210 Nuisance

Section 210 specifies City regulation of nuisances. References to shade tree pests and illicit discharge are proposed to strengthen the enforcement options.

Section 211.030(D) Grading and Drainage

For Planning Commission comments concerning the use of seed versus sod for permanent vegetation, staff suggests adding a reference to existing vegetation standards located in Section 211.030(D). This reference is consistent with the proposed text in Section 209.040(E) and allows flexibility for seeding or sodding to establish new vegetation.

RECOMMENDATION

The proposed water quality amendments are consistent with State and Federal regulations for the City's NPDES permit and Storm Water Pollution Prevention Plan. The shade tree management amendments update existing regulations to include all plant pests.

The Staff recommends the Commission hold the Public Hearing and take testimony on the proposed amendments. Staff believes the proposed text addresses the comments received during previous workshops. The Commission should review the proposed text and amend as necessary. Staff is recommending the Planning Commission forward a recommendation for adoption to the City Council.

Attachments

- 1) Proposed Text
- 2) Motion

Underlined text is proposed to be added,
Stricken text is proposed for deletion

DRAFT – February 28th PROPOSED ORDINANCE

Chapter 202 Definitions

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drain system or the MS4.

Illicit Connections. Either of the following:

- (i) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system or the MS4 including but not limited to sewage, process wastewater, wash water and any connections to the storm drain system or the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (ii) Any drain or conveyance connected from any land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Municipal Separate Storm Sewer System (MS4). The system of conveyances owned and operated by the City of Shoreview and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage. The MS4 includes sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, stormponds, infiltration chambers and basins, rain gardens, storm drains, and all other stormsewer system infrastructure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by Minnesota Pollution Control Agency that authorizes the discharge of pollutants to public waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater Discharge. Any discharge to the storm drain system or MS4 that is not composed entirely of stormwater.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Storm Drainage System. Facilities owned by public agencies/entities other than the City of Shoreview, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Management Plan. The best management practices and activities to be implemented by a property owner to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, the stormwater drainage system, the MS4, and/or receiving waters.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse. A ditch, stream, creek, swale, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.

Section 209.040 Soils, Slopes, Grading, and Erosion and Sediment Control

- 209.040(B)(6) ~~Minnesota Stormwater Manual~~ is the most current version of the Minnesota Stormwater Manual, prepared by the Minnesota Pollution Control Agency (MPCA). The Urban Small Sites Manual is the most current version of the manual, prepared for the Metropolitan Council by Barr Engineering Company.
- 209.040(C)(2) That the principles of ~~Better Site Design~~ and Best Management Practices (BMPs), as presented detailed in the Urban Small Sites Manual, ~~Minnesota Stormwater Manual~~, are incorporated into the development and reflected in the Development contract to insure all soil reclamation provisions are strictly monitored and enforced by the City.
- 209.040(C)(4) That all temporary and permanent erosion and sediment control BMPs utilizes on the development site meet the objectives of the Urban Small Sites Manual ~~Minnesota Stormwater Manual~~ and have been incorporated into the development contract, and that slope stabilization is specifically addressed within the review process.

209.040 (E) Soil Stabilization.

(2) Erosion and Sediment Control Plan. The developer shall prepare an Erosion and Sediment Control Plan, which shall define the temporary and permanent BMP's that will be implemented and maintained on the development site to protect surrounding property, and surface waters from the consequences of soil erosion resulting from grading and site development. The City Manager shall review the Erosion and Sediment Control Plan for compliance with the BMPs specified in the Urban Small Sites Manual. ~~Minnesota Stormwater Manual.~~

(3) New Vegetation. For all development where land disturbance activity occurs, ~~natural vegetation is disturbed~~, the permanent new landscaped vegetation must be established within ~~6 months~~ fourteen (14) days after work is completed from the date of certificate of occupancy issuance, or upon completion of approved project. If development is completed during winter (November 15th to April 15th, permanent vegetation shall be established by May 15st. ~~unless an~~ An extension may be is granted by the City Manager for weather-related delays. The City Council may grant an extension if the delay is for any other reason. Temporary soil stabilization techniques or temporary vegetation shall be established and maintained on the site per the approved plan until work to establish the permanent vegetation commences.

Chapter 209 Vegetation & Woodlands

209.050 Vegetation & Woodlands.

- (C) Shade Tree Management. ~~Tree Diseases~~
(1) Declaration of Policy and Intent.

- (a) Policy. The City Council has determined that the health of ~~elm and oak~~ shade trees within the City is threatened by fatal tree diseases and Plant Pests such commonly known as Dutch Elm and Oak Wilt diseases, the Emerald Ash Borer, and other invasive species or forest pests. It has further determined that the loss of ~~elm and oak~~ shade trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the City Council to control and prevent the spread of these diseases and other epidemic diseases or Plant Pests of shade trees, and this ordinance is enacted for that purpose.
- (b) Intent. It is the intent of the City Council to implement a local pest control program, a shade tree disease control program, and to cooperate with the Commissioners of the Department of Natural Resources and Agriculture in accordance with pursuant to Minn. Stat. §§ 18G, 89.001, 89.01 and 89.51-.64 as amended. ~~Minnesota Statutes Section 18.021 through 18.022 as amended, and a shade tree disease control program pursuant to Minnesota Statutes Section 18.023 and the regulations of the Commissioner of Agriculture. The programs are directed specifically at the control and elimination of the Dutch elm disease fungus, elm bark beetles and the oak wilt fungus, and are undertaken at the recommendation of the Commissioner of Agriculture for the State of Minnesota. The City Manager shall act as coordinator between the Commissioners of Agriculture and Natural Resources and the City Council in the conduct of these programs.~~
- (2) Inspection and Investigation.
- (a) ~~Annual Inspection.~~ The City Manager shall inspect all public and private yards ~~places~~ which might harbor Plant Pests, as defined in Minnesota Statutes Section 18G.02 Subd. 24, as hereafter amended, as ~~often as practicable~~ to determine whether a public nuisance exists thereon. He/she shall investigate all reported incidents of infection or infestation by the Dutch Elm fungus, elm bark beetles, Oak Wilt fungus, Emerald Ash Borer, or any other epidemic plant diseases or Plant Pests of shade trees.
- (b) Entry on Public and Private Yards Places. The City Manager may enter upon all public and private yards ~~places~~ at any reasonable time for the purpose of carrying out any of the duties assigned herein. The term "private yard" ~~place~~ means every place except the private home. means yard, as defined herein, and does not include the interior of any structure.
- (c) Diagnosis. The City Manager shall identify diseased trees in a manner consistent with Minnesota Department of Agriculture and Natural Resources guidelines, including but not limited to visual inspection,

branch removal, bark shaving, and any other acceptable diagnosis methods. Laboratory confirmation by the Minnesota Departments of Agriculture or other relevant state agency will be used when it is deemed necessary by the City Manager. The City Manager or his/her designee shall, upon finding conditions indicating Dutch Elm or Oak Wilt infestation, or other epidemic diseases of shade trees, immediately send appropriate specimens or samples to the Commissioner of Agriculture or to any qualified laboratory for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided herein, no action to remove infected trees or wood shall be taken until there has been a positive diagnosis.

(3) Shade Tree Nuisance Declared: All trees, firewood, or stumps with or without bark intact that are infected or infested by a shade tree disease or Plant Pest on public or private yards.

~~(3) Transporting Elm Wood Prohibited.~~ It is unlawful for any person to transport within the City any bark-bearing elm or oak wood without having obtained a permit from the City Manager or his/her designee. The City Manager or his/her designee shall grant such permits only when the purposes of this code will be served thereby.

(4) Transporting Diseased Wood. Loads must be properly secured so that twigs, branches and other debris are not lost while in route.

(a) The transportation of diseased trees and firewood as defined under this chapter shall be confined in accordance with the rules, regulations, or quarantine area(s) defined or identified by the Minnesota Department of Agriculture and Natural Resources.

(b) Disposal of all ash wood shall be carried out in accordance with the City's adopted Emerald Ash Borer Management Plan.

~~(5)~~(4) Interference Prohibited. No person shall prevent, delay or interfere with the City Manager while they are engaged in the performance of duties set forth in this chapter.

Section 209.060 Storm Water Management

209.060(A) ~~Private Stormwater Management~~ Illicit Discharge Detection and Elimination

(1) Purpose. The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm drainage system, as required by federal and state law. This Section establishes

regulations for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the MS4 permit issued to the City of Shoreview by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Section are:

(a) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

(b) To prohibit illicit connections and discharges to the MS4.

(c) To establish legal authority to carry out all inspection, and enforcement procedures necessary to ensure compliance with this Section.

(2) Compatibility with Other Regulations. This Section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(3) Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this Section are minimum standards; therefore this Section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(4) Discharge Prohibitions.

(a) Prohibition of illegal discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 or storm drainage system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

The following discharges are exempt from discharge prohibitions established by this Section:

- (i) Water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, individual residential car washing, and street wash water, provided such exempt discharges flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City.
- (ii) Discharge of swimming pools subject to Section 205.080(6)(f), crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may not be discharged directly to a gutter or storm sewer

- (iii) Discharges or flow from firefighting and other discharges specified by the City of Shoreview as being necessary to protect public health and safety.
- (iv) Discharges associated with dye testing, however dye testing requires a notification to the City prior to the test.
- (v) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Written approval of the City is required for any discharge to the storm drain system or MS4.

(b) Prohibition of illicit connections.

(i) The construction, use, maintenance or continued existence of illicit connections to the storm drain system or MS4 is prohibited.

(aa) This prohibition includes all illicit connections made prior to the adoption of this ordinance regardless of whether said connection was permissible under law or practices applicable or prevailing at the time of connection.

(bb) A person is in violation of Section 209.060 if the person connects a line conveying sewage to the storm drain system or the MS4, or allows such a connection to continue.

(ii) Existing illicit connections must be disconnected and redirected to an approved onsite wastewater management system or the sanitary sewer system, subject to permitting and approval by the City of Shoreview.

(iii) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon written notice from the City. Such notice shall specify a reasonable time period for locating to be completed. As-built locations shall be provided to the City.

(5) Right of Entry. The City shall be permitted to enter and inspect private systems that connect to the MS4 or storm drainage system as may be necessary to determine compliance with this Section.

(6) Violations. In addition to the penalties established pursuant to Section 101.040 of the Municipal Code, illicit discharge may result in other penalties, including:

(a) Emergency cease and desist orders. When the City finds that any person has violated, or continues to violate, any provision of this Section, or any order issued

hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the storm drain system, the MS4, or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to immediately cease and desist all such violations

(b) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this Section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents imminent and substantial danger.

(7) Remedies Not Exclusive. The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Section, including sampling and monitoring expenses.

209.060 (B) Private Stormwater Management.

Section 210 Nuisances

210.010(B) Nuisance:

(20) Shade Tree Nuisances.

(a) Any living or standing tree(s) infected to any degree with a shade tree disease or Plant Pest.

(b) Any logs, branches, stumps, or other parts of any dead or dying tree so infected unless such parts have been fully burned or treated under the direction of the City Manager.

(c) Any standing dead trees or limbs on public or private property which may threaten human health or property.

(21) Illicit discharges to the MS4 or storm drainage system.

(22) ~~(20)~~ Any other health or safety nuisance as declared by the City Council.

Section 211.030(D) Grading and Drainage

211.030(D) Vegetation shall be restored by sodding or seeding disturbed areas upon completion of grading or any yard maintenance resulting in the removal of vegetation in accordance with Section 209.040(E).

PROPOSED MOTION

MOVED BY COMMISSION MEMBER:

SECONDED BY COMMISSION MEMBER:

To recommend the City Council approve the text amendments to Sections 202, 209, 210, and 211 of the Municipal Code pertaining to water quality and shade tree management. The amendments are intended to insure that the Municipal Code reflects the State and Federal regulations for protecting water quality and shade tree diseases to include all plant pests.

The recommendation is based on the following findings:

1. The City's National Pollutant Discharge Elimination System (NPDES) requires an illicit discharge ordinance as one of the minimum permit requirements to protect and improve water quality.
2. The City's 2008 Comprehensive Plan and 2005 Surface Water Management Plan identify erosion and sediment control as an important facet of pollution prevention.
3. The shade tree management amendment updates existing Code to include both the Department of Agriculture and Department of Natural Resources statutes which regulate all plant pests or diseases.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – February 28, 2012