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**REGULAR MEETING  
OF THE  
VADNAIS HEIGHTS PLANNING COMMISSION  
JUNE 26, 2018**

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**OPEN MEETING**

Chairperson Joseph Stumph called the Regular Meeting of the Vadnais Heights Planning Commission to order at 7:00 p.m. on June 26, 2018.

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**ROLL CALL**

Joseph Stumph, Chairperson	Present
Dave Anderson	Absent
Linda Bigelbach	Present
Edward Caillier	Present
Brian Carnes	Present
Evan Cordes	Present
Martin Jokinen	Present
Curt Cooper, First Alternate	Present
Jerry Moynagh, Second Alternate	Present

Also present: Nolan Wall, Planning/Community Development Director; Kevin Watson, City Administrator; Mark Graham, City Engineer; Jeff Melcoch, Cable Producer.

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**APPROVAL OF AGENDA**

Upon motion by Commissioner Carnes, seconded by Commissioner Cordes, it was

“RESOLVED, to approve the June 26, 2018, Regular Meeting Agenda.”

Ayes – 7                      Nays – 0

The motion carried.

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**APPROVAL OF MINUTES**

Commissioner Jokinen noted a change was needed to the motion on Line 39 as Commissioner Anderson was not present at the meeting.

Commissioner Caillier said a change was needed to Page 9, Line 429, as he did not believe he commented on investment in this property.

Upon motion by Commissioner Jokinen, seconded by Commissioner Caillier, it was

“RESOLVED, to approve the minutes of the May 22, 2018, Regular Meeting as corrected.”

46  
47  
48

49 Ayes – 7 Nays – 0

50

51 The motion carried.

52

53 **OPEN TO THE PUBLIC**

54

55 Chairperson Stumph opened the floor to the public at 7:02 p.m. for questions and  
56 comments on items not on the agenda.

57

58 No one wished to address the Commission. Chairperson Stumph closed the meeting to  
59 the public at 7:02 p.m.

60

61 **PUBLIC HEARINGS**

62

63 A. Case 18-009: Benzinger Homes. Planned Unit Development Amendment at 600-  
64 630 Liberty Way (Liberty Village)

65

66 Planning/Community Development Director Wall described this item and provided a  
67 presentation with background information. He stated that the applicant, on behalf of the  
68 developer/property owner, is requesting an amendment to an existing Planned Unit  
69 Development (PUD) to construct two-story, quad townhome units on up to 16 lots within  
70 the approved Liberty Village development. Chapter 18A.040 (8)(b) requires Planning  
71 Commission and City Council review for amendments to an approved PUD with changes  
72 in structural types. The development is currently under construction. The approved plans  
73 contain a 32-unit senior assisted living/memory care building and 42 townhome units on  
74 11.3 total acres in the northeast corner of the Edgerton Street/I-694 intersection. To date,  
75 the senior living building and one quad-unit townhome building have been constructed,  
76 with another quad-unit townhome building under construction. The applicant has  
77 acquired the remaining townhome lots in the development and is requesting a PUD  
78 amendment to construct two-story townhomes on the lots along the south side of Liberty  
79 Way to allow a greater variety of housing options for potential buyers.

80

81 Wall stated that staff recommend approval of the PUD Amendment as requested, based  
82 on the findings of fact, with conditions.

83

84 Commissioner Jokinen asked if the area by Outlot B on the south side of Liberty Way  
85 provided adequate space for fire department access. Wall said that this portion of the  
86 development has already been approved and platted and this action was only changing  
87 the structural type of the home which would result in no new concerns with emergency  
88 access.

89

90 Jeff Benzinger, Benzinger Homes, said the two-story units would allow 25 feet more  
91 backyard space and explained that single level homes were very deep. He said they  
92 wanted to offer a different product with more diversity and that it would also provide  
93 green space. Mr. Benzinger explained the project started with a different builder with not  
94 much success and that they currently have three non-contingent purchase agreements  
95 without any preselling or marketing.

96 Commissioner Cordes inquired about home prices. Mr. Benzinger said prices will range  
97 from \$279,900 to \$329,000 and will include 1,880 square feet with high quality finishes  
98 such as custom cabinets, ceramic tile, and granite.

99  
100 Chairperson Stumph opened the public hearing at 7:10 p.m. and reviewed the City’s  
101 adopted guidelines on the Planning Commission holding a public hearing.

102  
103 A member of the audience confirmed that the meeting was guided by Roberts Rules of  
104 Order.

105  
106 No one else wished to address the Commission, Chairperson Stumph closed the public  
107 hearing at 7:11 p.m.

108  
109 Upon motion by Commissioner Caillier, seconded by Commissioner Cordes, it was  
110

111 “RESOLVED, to recommend approval of the Planned Unit Development  
112 amendment request, as presented by staff, based on the following findings of fact:

- 113 1. The proposed two-story units within the development will likely appeal to a  
114 broader spectrum of homebuyers.
- 115 2. The proposed units will be constructed within the platted lot lines and will  
116 have an increased rear yard setback from the one-story units.
- 117 3. The proposed units abut the I-694 noise-wall and the additional height will not  
118 have any impact on surrounding properties.
- 119 4. The proposed units provide for additional light and air-flow, especially for the  
120 middle units in the quad-style design.

121  
122 Subject to the following conditions:

- 123  
124 1. A Development Agreement Amendment between the applicant, and all others  
125 with interests in the subject property, shall be entered into with the City, to be  
126 filed at the applicant’s cost with the offices of the Ramsey County Recorder  
127 and/or Register of Titles, prior to issuance of a Building Permit.
- 128 2. Building Permit(s) shall be submitted for administrative review/approval,  
129 prior to commencement of any construction activities on the subject  
130 properties.
- 131 3. Privacy fencing shall be installed within a portion of the rear yard patio area  
132 between each unit of the proposed building(s).
- 133 4. Fence Permit(s) shall be submitted for administrative review/approval, prior to  
134 installation of any fencing on the subject properties.

135  
136 Ayes – 7 Nays – 0

137  
138 The motion carried.

139  
140 B. Case 18-007: Tyr Development, LLC. Rezoning, Planned Unit Development, Site  
141 Plan, and Preliminary Plat at 4107/4085 Centerville Road (Aster Meadows)

142

143 Planning/Community Development Director Wall described this item and provided a  
144 presentation with background information. He stated the applicant, with consent of the  
145 property owner, is requesting the following approvals to construct a multi-family  
146 residential development on the subject property:

- 147 1. Rezoning from Residence Three (R-3) to Planned Unit Development District  
148 (PUD)
- 149 2. Planned Unit Development for a multi-family residential development.
- 150 3. Site Plan/Detailed Development Plan review for a multi-family residential  
151 development.
- 152 4. Preliminary Plat.

153

154 Wall spoke about the increased flexibility being requested and the current density of R-3.  
155 He said the site offers good transportation access, is close to amenities, and is consistent  
156 with recent development in surrounding communities. He stated the project allows  
157 adequate open space, is adjacent to Ramsey County roads, and close to retail services and  
158 has a connection to an off-street trail system. Wall spoke about the major transportation  
159 infrastructure in place and the park-and-ride near City Hall and discussed setbacks and  
160 building height, landscape buffering, and shared proposed elevations and renderings. He  
161 explained the materials being proposed and colors and how the height would be mitigated  
162 by factors such as the wetland remaining undeveloped, the architectural design that has  
163 visual contrast, and the dark and earthy tone materials which will also reduce the  
164 appearance of the building mass. He noted that the Fire Department has no concerns with  
165 the height of the building.

166

167 Wall reviewed the proposed parking and what the City Code provides. The contractor is  
168 proposing 286 parking stalls with 186 below and 130 above and spoke about access and  
169 pedestrian connections. Ramsey County has provided preliminary approval of the  
170 proposed access drives. Wall reviewed the plans for landscaping, lighting, and security  
171 cameras.

172

173 City Engineer Mark Graham reviewed water, sewer, storm sewer and traffic impacts of  
174 the proposed site. He shared a watermain map and confirmed there is sufficient water  
175 capacity to serve this development. He spoke about the sanitary sewer map and noted the  
176 underground parking on the south sanitary sewer would connect by County Road F and  
177 provide enough capacity. Graham shared the storm sewer map and noted that the project  
178 abuts a large wetland and discussed how the applicant would have to construct storm  
179 water ponding for release into the wetland area. Graham noted that he and VLAWMO  
180 have reviewed and approved the proposed water and sewer plans as submitted.

181

182 Graham shared traffic considerations and existing traffic counts on Centerville Road and  
183 County Road F which are both County roads and said the roads were built to allow  
184 capacity for future development. He shared traffic considerations generated by this  
185 development of 6-7 vehicle trips per day and with 156 units an additional 1,037 car trips  
186 per day. Graham talked about peak hours of traffic. To mitigate the increase in traffic,  
187 with no access to County Road F, the traffic will be on Centerville Road. Turn lanes and  
188 three-way stops are in place and the roads can handle the increased traffic and he said that  
189 he believes the development can be served positively by the road network that is in place.

190

191 Wall summarized the flexibility of what is being requested and the rationale behind the  
192 request including the density, lot area, natural and proposed buffers to mitigate impacts,  
193 landscaping for screening, tot lot, community gardens, preserved wetland amenity,  
194 mitigation for building height elements, colors, deciduous two-inch diameter trees, and a  
195 monument sign. He stated that staff recommend approval of the Rezoning, Planned Unit  
196 Development, Site Plan, and Preliminary Plat at 4107/4085 Centerville Road (Aster  
197 Meadows) as requested, based on the findings of fact, with conditions.

198

199 Commissioner Cordes commented on current traffic conditions and the new office  
200 building on County Road E with grocery and senior housing already creating traffic  
201 impacts and shared thoughts regarding the lack of response from Ramsey County to the  
202 City's concerns. Graham said he believes Ramsey County treats the City very well and  
203 said that City staff have no issues getting in touch with County staff.

204

205 Commissioner Carnes asked about the size of the trees that are being saved and whether  
206 they will camouflage the building west looking east and asked about a proposed berm on  
207 the north end of the property. Wall said a berm was not discussed but agreed it would  
208 help and said it could be included as a condition to increase screening in that area.

209

210 Commissioner Bigelbach asked about current zoning uses and what can be built on that  
211 land today if nothing is changed. Wall said a number of buildings could be built under the  
212 current R-3 standards with a Conditional Use Permit (CUP) and site plan review and  
213 would a building 36 feet in height or three-stories.

214

215 Commissioner Bigelbach asked if the current farming activity would remain. Wall said  
216 farming would continue on one parcel but noted that that parcel it not part of the  
217 development site.

218

219 Commissioner Cordes inquired about the turnaround for Fire Department and other  
220 accesses by the building and asked why it is not connected in one long access. Wall said  
221 the reason was due to function of site planning and the significant grade and slopes,  
222 adding that Fire believed they could access the site with the current equipment in the  
223 event of a fire.

224

225 Commissioner Caillier asked if the access onto County Road F was restricted to  
226 emergency use only. Wall said that had not been determined yet, but noted access could  
227 include a gate and that it would be included in the development agreement in consultation  
228 with the developer.

229

230 Graham noted that the wetlands designated today could never be developed due to  
231 economics or regulations.

232

233 Peter Stalland, Project Developer, and Dan Tilsen, Project Civil Engineer, shared  
234 comments about the project, stating this would be the nicest and most expensive  
235 apartment building he has ever built. He referred to the custom design for this site and  
236 noted that there will be no additional development on the site. He explained that the  
237 design for five stories was due to the topography and economics. Stalland said he was not  
238 requesting any subsidies from the City or the lender and noted that the rents would be

239 approximately \$1,000-\$2,200 per month. He stated he would own and manage the project  
240 and shared his commitment to quality, adding that there is a need for a high end  
241 apartment building in the City.

242

243 Commissioner Caillier asked about the purpose for the detached garages. Stalland said  
244 they are intended to provide extra enclosed parking for a second car for each unit and is  
245 an added amenity for the residents.

246

247 Commissioner Carnes asked if the developer was willing to add a berm on the north end  
248 of the property. Tilsen responded that they have agreed to include a 3-5-foot berm at the  
249 neighbors' request and that it cannot disrupt drainage and that they are open to  
250 negotiations on the size.

251

252 Commissioner Carnes said the garages do not seem to fit the project, especially with the  
253 public storage available nearby, adding he did not want to see them rented to non-  
254 residents. Stalland said he would never allow the garages to be leased to people other  
255 than building residents.

256

257 Commissioner Moynagh asked about outside parking restrictions as it pertains to  
258 operable cars, trailers and boats. Wall said they would be subject to the same  
259 requirements that other residential developments are subject to. Stalland confirmed he  
260 would not allow the storage of boats or trailers on the site, or activities such as car repair.

261

262 Chairperson Stumph opened the public hearing at 8:23 p.m.

263

264 Tom Truhler, 4157 Centerville Road, shared concerns about saving only five of the  
265 current 60-70 large trees. He shared his concerns about impacts from the project, how the  
266 building will not blend into the community, traffic concerns, and that the fencing and the  
267 building are out of character for the area.

268

269 William Mulry, 4087 Thornhill Lane, said what was being proposed is not good, does not  
270 fit the community, and he suggested reducing the building by three floors which would  
271 remove the need for outside garages. He shared his concerns about additional traffic on  
272 Centerville Road and his hope that the City make radical changes to what is being  
273 proposed.

274

275 Dave Kerkow, 4003 Alpine Avenue, expressed concerns, on behalf of the Pine Meadow  
276 Townhome Association, about increased traffic on County Road F and Centerville Road  
277 He said that the developer mentioned market priced apartments, \$1,200 to \$2,200 but  
278 what happens if they don't fill up at that rate, will they go with Section 8 housing or  
279 income type housing and then what kind of problems do you get with transient tentants.  
280 He shared concerns regarding decreased property values near a high density type  
281 building. He also shared the Association's concerns about security when there is a  
282 transient population. Kerkow stated that most people move to Vadnais Heights because  
283 it's a clean, quiet, residential neighborhood and when high density is introduced it results  
284 in a negative impact. He commented on the relationship of the proposed dwellings to  
285 nearby homes and asked the Council base its decision on the neighborhood's concerns  
286 and not on increased revenue to the City.

287

288 David Weyer, 1012 County Road F East, shared concerns regarding traffic increases and  
289 how people take Horizon Street instead of going straight on Centerville Road and use his  
290 driveway to turnaround. He said this project will ultimately cause an increase in traffic in  
291 the area and on County Road F.

292

293 Elaine Bartolain, 4191 Thornhill Lane, shared concerns about the need for additional  
294 schools and how families who do not have enough for a down payment on a home would  
295 move here, resulting in more children. She said the tot lot would not provide enough  
296 activities for the children and said the School District needed to be prepared for the influx  
297 of students and a possible need to do a referendum.

298

299 Bill Ouellette, 4075 Alpine Avenue, shared concerns about the building being too large,  
300 and on the compromises on parking, trees, and the need for smaller setbacks. He said the  
301 project would result in increased children being present with not enough activities for  
302 them, more garbage trucks and traffic, and noted the property was zoned R-3 for a reason  
303 and how this project is too far from the current zoning code. He said the plan does not fit  
304 the City's Comprehensive Plan which outlines above-average housing for owner-  
305 occupied residences on remaining undeveloped sites, and added that this project would  
306 affect property values.

307

308 Jim Werner, 1001 Horizon Street, said the project is too big for the neighborhood and  
309 explained how residents have to wait to make a left turn on Centerville Road now and  
310 cannot get out off of Horizon Street to make a right turn and how this project would only  
311 add to that traffic.

312

313 Don Holmes, 4155 Thornhill Lane, said this building does not meet the City Code for  
314 many reasons including size of the building, size of the parking spaces and amount of  
315 trees. Why have a deviation from the Comprehensive Plan. He hopes the Commission  
316 does not recommend to proceed to the Council.

317

318 Dean Gulden, 972 Horizon Street, commented on how the project would change the  
319 character of the neighborhood. He said they moved here based on the quietness and feel  
320 of the neighborhood and had checked the zoning to confirm that no changes would occur.  
321 This project will change the nature of the community.

322

323 Feryle Borgeson, 4140 Thornhill Lane, thanked the City for the way it developed the  
324 commercial property on County Road E and said that he feels that this project belongs  
325 there too. He said that the proposed building is too tall and the garages are out of place.

326

327 Jean Gulden, 972 Horizon Street, said they purchased their property based on the current  
328 zoning laws and shared his concern about one developer profiting at the expense of other  
329 property owners and strongly urged denial of the project.

330

331 Gerry Urban, 3780 LaBore Road, shared his support of the project, stating his grandfather  
332 purchased this land on the corner and explained while they liked the property as it was,  
333 the City is changing and we need to look towards the future. Urban said he would like to

334 see the trees remain along Centerville Road but there are only two good Oak Trees on the  
335 property. Two-thirds of the building would be screened with trees.

336

337 Roger Scherping, 4063 Alpine Avenue, said his family was drawn to the City because of  
338 the quiet nature of the neighborhood and the undeveloped area. He did some research at  
339 the time he purchased his property and at that time there were no apartment buildings  
340 existing west of 35E and 694. He said that this project will be out of character for the  
341 single-family homes in the area and that the City has rejected a similar project at the  
342 former Garceau Hardware site.

343

344 Nancy Banken, 4151 Centerville Road, shared many concerns with regard to foot traffic  
345 on the trail and the potential for 300 more people with foot traffic including pets and their  
346 clean-up and control of the clean-up. She wondered if all the units aren't rented with  
347 some of them be opened up for Section 8 rentals. She asked about a potential loss of a  
348 tree on her property.

349

350 Ron Pierson, 4015 Alpine Avenue, commented about how the neighborhood has changed  
351 with past projects and felt the same would happen again, including lack of traffic  
352 enforcement.

353

354 Cheryl Rivard, 850 East County Road F, shared traffic concerns with the park nearby and  
355 concerns about light pollution and impacts of water runoff and water quality. She asked if  
356 the holding pond being proposed is large enough and will there be a need for sump  
357 pumps in the underground parking garage.

358

359 Gary Eddy, 4144 Thornhill Lane, shared their attraction to the neighborhood was due to  
360 the open space behind them and the change an apartment complex would have. He urged  
361 the Commission not to approve this project.

362

363 Dave DeJarlais, 4223 Centerville Road, shared concerns regarding traffic impacts, size of  
364 the building and signage. He said he did not want the project to go forward. He said the  
365 traffic would be a detriment to Centerville Road and County Road F and shared concerns  
366 about wetland and wildlife impacts and noted he did not want to see a three-way stop  
367 become a signal or round-a-bout.

368

369 Karen Rooze, 535 Westfield Lane, asked if the building would allow pets and asked if a  
370 dog park would be included. She commented on the building size and stated her  
371 opposition to the project.

372

373 Carl Johnson, 4150 Thornhill Lane, said he purchased his home in 2010 and invested a  
374 lot of money in his home and said he did not want to see a project built outside of City  
375 Code.

376

377 Don Grennenger, 948 E. County Road F, said that he agrees with the concerns of others  
378 and said too many compromises would be made. He commented on parking, lack of  
379 trees, and water concerns.

380



381 Bonnie Kuehnow, 4101 Thornhill Lane, noted this will be a commercial property that  
382 will eventually be sold and asked when that happens how the City would hold the  
383 property to the rules and regulations set with the developer.

384  
385 Rebecca Modert, 4068 Stockdale Drive, said she loves how the City has grown and she  
386 thinks the project would remove the open feel the City has and feels that the project will  
387 be out of place.

388  
389 Randy Bjorn, 4138 Thornhill Lane, inquired if an environmental impact study had been  
390 completed.

391  
392 Mary Jo Barr, 4076 Alpine Avenue, commented on the current wildlife that would be  
393 impacted with this project, and added that traffic is a concern.

394  
395 Chairperson Stumph encouraged anyone else who wished to comment to send emails or  
396 letters.

397  
398 DanTilsen, project engineer representing the applicant, responded to some of the  
399 questions raised during the public testimony regarding wetland delineations and how the  
400 project would not affect any of the wetlands. He also noted the building would have  
401 extensive security including cameras.

402  
403 Commissioner Cordes inquired about the proposed pet run and dog area. Tilsen referred  
404 to the potential for follow-up.

405  
406 No one else wished to address the Commission, Chairperson Stumph closed the public  
407 hearing at 9:40 p.m.

408  
409 Commissioner Moynagh said that the current property owner, Gerry Urban, was the City  
410 Administrator for 35 years and shared how Mr. Urban helped increase the City's tax base  
411 and was one of the best stewards for the City. He explained how Mr. Urban volunteers  
412 through many avenues such as the Lions, VHEDC, and Vadnais Heights Foundation and  
413 that his family has owned the property since 1934.

414  
415 Commissioner Moynagh said that he has lived in the neighborhood for 26 years and lives  
416 very close to the project site. He noted that he has spoken with the property owner, drove  
417 through the neighborhood, and has looked at similar apartments in other communities. He  
418 said that the developer has made a large commitment to put something forth that is  
419 positive for our community. He said that there is no question that what is being proposed  
420 is large, but the developer is not asking for dollars from the City and the land is zoned  
421 high density. Moynagh said that he believes that this project will significantly increase  
422 the City's tax base and that it will increase the areas property values not decrease them.  
423 He noted that this developer has done similar projects in the past that leads him to believe  
424 it will be a successful project. Moynagh said that there is probably no other 16 acre track  
425 in the City that is better suited for a five-story unit. Only way to cash flow a project such  
426 as this is to put plenty of units in it. He said that the City could be looking at 3-story  
427 building which would cost less per square foot than what is being put forth right now. He  
428 said that the City wants it to be a successful project. He also said that there is some

429 concern about traffic but that in his experience, Ramsey County has a pretty good track  
 430 record in making changes if there are traffic issues.

431  
 432 Moynagh said that he would welcome kids to the area and that he hopes there are a ton of  
 433 them. We need more kids in Vadnais Heights. That would be a fantastic problem to have.  
 434 He also said that he is in favor of the project from a positive standpoint and is concerned  
 435 that if it doesn't go through, the City may see a 3-level Section 8 project.

436  
 437 Commissioner Caillier said he is not against Section 8 housing, everyone needs a place to  
 438 rent. He said that he site is zoned R-3 High Density and that we should follow the zoning  
 439 ordinance as closely as possible. He said while reasonable exceptions could be done,  
 440 change is difficult and that he has concerns with the extent of the exceptions being  
 441 proposed.

442  
 443 Commissioner Carnes said he likes the project but also has concerns with the number of  
 444 exceptions the builder is asking for. He said he did not mind the parking ratio of 1.86  
 445 stalls per unit. He said the setbacks are not bad and said that it is this Commission's role  
 446 to send this project to the City Council for a decision. Commissioner Carnes said we need  
 447 to mitigate the exceptions but noted the site was already zoned for apartments and the  
 448 costs need to be mitigated and if we can mitigate the exceptions this could be a good  
 449 project, adding we need to increase the tax base to improve the City as a whole.

450  
 451 Commissioner Cordes inquired about a need potentially for more schools. City  
 452 Administrator Kevin Watson said he meets regularly with the School Districts about any  
 453 potential development and that this project has been mentioned.

454  
 455 Chairperson Stumph commented about the overall project and liabilities such as wetlands  
 456 being retained but that no one wants to live against the barrier wall and that he that this  
 457 seems like a good spot for a high density project.

458  
 459 Commissioner Cooper said these units are needed in Vadnais Heights and noted there is  
 460 not much land left in the City to develop and while it may not be the perfect project, it  
 461 will work. He acknowledged he does struggle with the garages and the building height.

462  
 463 Upon motion by Commissioner Bigelbach, seconded by Commissioner Caillier, it was

464  
 465 "RESOLVED, to recommend denial of Ordinance 728 for Rezoning, Planned  
 466 Unit Development, Site Plan, and Preliminary Plat requests, as presented by staff,  
 467 based on the following findings of fact:

- 468  
 469 1. The project is not appropriate as five stories.  
 470 2. While there is a need for high density housing there is also a need for single-  
 471 family and townhomes.  
 472 3. The site should remain zoned R-3 and get closer to the R-3 zoning restrictions  
 473 already in place."  
 474

475 Commissioner Cordes said he has walked the site and believed the possibility of  
476 townhomes on this site is unrealistic and said that we should not postpone development  
477 indefinitely in the hope of something better.

478  
479 Commissioner Moynagh clarified that as an alternate member he cannot vote but urged  
480 moving it forward for the Council to consider it. He also agreed that it should be  
481 apartments and that we should try to accept that and try to get the best project possible.

482  
483 Commissioner Caillier agreed that any future proposal would likely also be an apartment  
484 complex, it is currently zoned R-3.

485  
486 Chairperson Stumph asked if the Commission takes a vote to deny this project will it still  
487 go to the Council. Wall explained regardless of a recommendation for or against the  
488 project, it moves forward to the Council with or without a recommendation in place. The  
489 only action that would keep it at the Commission level would be to table it. He said that  
490 eventually, to meet its statutory responsibility, the Commission will have to push forward  
491 a decision. He said the Commission can add some extensions, but he recommends that  
492 the Commission either be for or against and that their recommendation should also  
493 include rationale or additional conditions for the applicant to consider before any Council  
494 action.

495  
496 Ayes – 2 (Bigelbach, Caillier) Nays – 5 (Stumph, Carnes, Cooper, Cordes,  
497 Jokinen)

498  
499 The motion failed.

500  
501 Upon motion by Commissioner Cordes, seconded by Commissioner Jokinen, it was

502  
503 “RESOLVED, to recommend approval of Ordinance 728 for Rezoning, Planned  
504 Unit Development, Site Plan, and Preliminary Plat requests, as presented by staff,  
505 based on the following findings of fact:

- 506  
507 1. The proposed use is allowed within the underlying Residence Three District  
508 and is consistent with the goals/policies and future land use designation of the  
509 current Comprehensive Plan.
- 510 2. The proposed development assists in meeting the City’s forecasted  
511 population/ household projections, will help support local businesses, and  
512 increase the tax base.
- 513 3. The proposed development provides for a housing option that currently does  
514 not exist in the community and supports current market trends.
- 515 4. The proposed development is consistent with the purpose and intent of the  
516 Planned Unit Development District by encouraging zoning flexibility that  
517 enhances the project without negatively affecting surrounding land uses,  
518 natural resources, or the public.
- 519 5. The flexibility being requested as part of the Planned Unit Development  
520 process is justified and allows for reasonable development of the subject  
521 property.

522

523 Subject to the following conditions as amended:  
524

- 525 1. A Development Agreement between the applicant, and all others with  
526 interests in the subject property, shall be entered into with the City, to be  
527 recorded at the applicant’s cost with the offices of the Ramsey County  
528 Recorder and/or Register of Titles, prior to issuance of a Building Permit.
- 529 2. Building and Demolition Permits shall be submitted for administrative  
530 review/approval, prior to commencement of any construction activities on the  
531 subject property.
- 532 3. Construction shall be completed and ready for occupancy according to the  
533 approved plans and specifications within one (1) year following issuance of  
534 the Building Permit, unless within that time an extension is granted by the  
535 City Council.
- 536 4. A Fire Certificate of Occupancy shall be obtained annually from the Fire  
537 Department by the responsible party, in compliance with Chapter 43 of the  
538 City Code.
- 539 5. Driveway and Right-of-Way Permits shall be submitted for review/approval  
540 by the Ramsey County Public Works Department, to be provided to the City  
541 as part of the Building Permit.
- 542 6. A Sign Permit shall be submitted for administrative review/approval, prior to  
543 any sign(s) being installed on the subject property.
- 544 7. The applicable park dedication fee, in lieu of land, shall be paid prior to the  
545 issuance of any permits for commencement of construction activities on the  
546 subject property.
- 547 8. Ordinance 728, rezoning Lot 1, Block 1 of the proposed Preliminary Plat from  
548 R-3 to PUD, shall become effective upon filing of the Final Plat.
- 549 9. In the event that construction of the proposed development has not  
550 commenced within twelve (12) months from effective date of Ordinance 728,  
551 the City Council shall consider commencement of proceedings to rezone the  
552 subject property back to the original classification, in compliance with the  
553 applicable procedures and with notice to the property owner/applicant.
- 554 10. Underground parking stalls narrower than 8’-8” shall be marked/signed for  
555 use by compact cars only and assigned accordingly to residents.
- 556 11. An appropriate amount of visitor parking stalls shall be marked/signed in the  
557 surface parking lot in the front of the building.
- 558 12. The proposed nature trail connection on the subject property to the existing  
559 off-street trail to Bridgewood Park shall be a wood-chip surface and located to  
560 cause minimal disturbance or removal of existing vegetation, to be reviewed  
561 and approved by the City Engineer and VLAWMO.
- 562 13. The proposed emergency vehicle entrance onto County Road F shall be  
563 constructed to standards specified by the Engineering and Fire Departments,  
564 to be maintained and kept clear at all times by the property owner/manager  
565 and included as part of the Development Agreement.
- 566 14. Existing noise from Interstate 35E is assessed and reasonable mitigation  
567 measures shall be included as part of the proposed building’s construction, as  
568 referenced in the MnDOT letter, dated May 11, 2018.
- 569 15. Ground-mounted mechanical units and building utility areas shall be  
570 adequately screened by plant material and/or fencing and shall not obstruct

- 571 fire department connections or hydrants, to be administratively  
572 reviewed/approved as part of the Building Permit.
- 573 16. Existing vegetation proposed to be preserved shall be done so in compliance  
574 with the applicable requirements of Chapter 20.020(2)(5)(h) of the City Code.
- 575 17. An outdoor recreation/activity space(s) shall be provided on the subject  
576 property that meets the needs of children of all ages, including playground  
577 equipment.
- 578 18. A fenced off-leash dog area is considered within the proposed development.
- 579 19. Trash/recycling containers housed within the building's underground parking  
580 garage are only permitted to be stored outside on a temporary basis to be  
581 emptied.
- 582 20. Trash/recycling containers shall be provided around the exterior of the  
583 development for use by residents and visitors.
- 584 21. Drainage and Utility Easements of ten feet on the front yard and five feet on  
585 each side yard of Parcel B (as noted on the proposed Preliminary Plat) shall be  
586 dedicated to the City, to be filed at the applicant's cost with the offices of the  
587 Ramsey County Recorder and/or Register of Titles, prior to issuance of a  
588 Building Permit.
- 589 22. A Final Plat shall be submitted for staff review and City Council approval  
590 within two (2) years from the date of approval of the Preliminary Plat, to be  
591 recorded at the applicant's cost with the offices of the Ramsey County  
592 Recorder and/or Register of Titles, prior to the issuance of any permits for  
593 commencement of construction activities on the subject property.
- 594 23. Compliance with the conditions included in the MnDOT letter, dated May 11,  
595 2018.
- 596 24. Compliance with the conditions included in the City Engineer/Public Service  
597 Director's memorandum, dated May 25, 2018.
- 598 25. Compliance with the conditions included in the Fire Chief's memorandum,  
599 dated May 30, 2018.
- 600 26. Compliance with the conditions included in the VLAWMO memorandum,  
601 dated June 6, 2018.

602  
603 Including the following additional conditions:

- 604 27. Exclude addition of detached garages.
- 605 28. Require additional landscaping in former detached garage area.
- 606 28. Require fenced-in dog run on site.
- 607 29. Require addition of 156 trees as outlined by City Code.
- 608 30. Direct applicant to work with the City and Ramsey County to address traffic  
609 concerns and identify ways to mitigate impacts.
- 610

611 Commissioner Wall said that any recommendation that the Commission is simply a  
612 recommendation that the Council can decide point-by-point.

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614 Commissioner Carnes suggested adding a walking path not a dog park. Commissioner  
615 Cooper suggested another amendment that additional parking be included instead of  
616 additional landscaping to ensure adequate parking is available onsite.

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618 Upon motion by Commissioner Carnes, seconded by Commissioner Cooper, it was

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“RESOLVED, to recommend an amendment to the previous motion approving Ordinance 728 for Rezoning, Planned Unit Development, Site Plan, and Preliminary Plat requests, to remove the proposed walking path in the rear of the site.”

Ayes – 3 (Carnes, Cordes, Cooper) Nays – 4 (Stumph, Bigelbach, Caillier, Jokinen)

The amendment failed.

Upon motion by Commissioner Cooper, seconded by Commissioner Carnes, it was

“RESOLVED, to recommend an amendment to approval of Ordinance 728 for Rezoning, Planned Unit Development, Site Plan, and Preliminary Plat requests, to include more parking in place of the detached garages instead of the additional landscaping.”

Ayes – 3 (Carnes, Cordes, Cooper) Nays – 4 (Stumph, Bigelbach, Caillier, Jokinen)

The amendment failed.

Vote on the main motion

Ayes – 3 (Carnes, Cordes, Cooper) Nays – 4 (Stumph, Bigelbach, Caillier, Jokinen)

The motion failed.

Discussion was held on the need for an affirmative motion to go forward to the Council.

Upon motion by Commissioner Carnes, seconded by Commissioner Jokinen, it was

“RESOLVED, to recommend approval of Ordinance 728 for Rezoning, Planned Unit Development, Site Plan, and Preliminary Plat requests, as presented by staff, based on the outlined findings of fact and 26 conditions.”

Ayes – 4 (Stumph, Carnes, Cooper, Jokinen) Nays – 3 (Bigelbach, Cordes, Caillier)

The motion carried.

Mr. Wall stated this item would be before the City Council at the meeting on July 17 and there will be a similar public hearing.

**NEW BUSINESS**

None.

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668 **OLD BUSINESS**

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670 **REPORTS**

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672 A. Council Liaison

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674 Council Liaison Urban was not present.

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676 B. Planning Commissioners

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678 None.

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680 C. Planning and Engineering Staff

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682 Mr. Wall recapped that the City Council approved the recent Conditional Use Permit  
683 request for minor improvements at the Walmart site with largely the same conditions as  
684 proposed by the Planning Commission meeting. He noted that the Comprehensive Plan  
685 was heard before the City Council hearing and the Council authorized staff to distribute  
686 the Plan to affected jurisdictions and said while they have six months to provide comment  
687 staff do not anticipate the process taking that long.

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689 **NEXT MEETING**

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691 The next Planning Commission meeting will be held on July 24, 2018.

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693 **ADJOURN MEETING**

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695 Upon motion by Commissioner Cordes, seconded by Commissioner Caillier the meeting  
696 was adjourned at 10:23 p.m.